LAWS
OF THE
STATE OF ILLINOIS
NINETY FIFTH
GENERAL ASSEMBLY

2007

PUBLIC ACT 95-001
THRU
PUBLIC ACT 95-713
The Session Laws of Illinois are compiled, printed and distributed annually by the Secretary of State pursuant to Sections 10(f) and 10(g) of an Act entitled, "General Assembly Operation Act", effective September 6, 1990. (25 Illinois Compiled Statutes, 10/10(f) and 10/10(g))

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

JESSE WHITE
Secretary of State

(08 ID 01 5001-350-06/08)

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

1970 CONSTITUTION, ARTICLE IV

"§ 10. Effective Date of Laws

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

5 ILLINOIS COMPILED STATUTES CHAPTER 75

75/1. Effective Date of Laws

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

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

75/2. Special Effective Dates

"§2 A bill passed after June 30 of a calendar year shall become effective on July 1 of the next calendar year unless the General Assembly by a vote of three-fifths of the members elected to each house provides for an earlier effective date in the terms of the bill or unless the General Assembly provides for a later effective date in the terms of the bill; provided that if the effective date provided in the terms of the bill is prior to the date the bill becomes a law then the date the bill becomes a law shall be the effective date."
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#### 2007 SESSION
##### MARCH 30, 2007 THROUGH APRIL 7, 2008

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VIP: Approved with appropriation items vetoed.
IR: Approved with appropriation items reduced.
AV: Amendatory veto (returned to G.A. with recommendations for change).
P: General Assembly action pending.
O: Governor’s action overridden by General Assembly.
CERT: AV accepted by the G.A. and certified by the Governor.
NPA: NO positive action by the G.A.
*: Generally effective this date, some sections other dates.
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VIP - Approved with appropriation items vetoed.
IR - Approved with appropriation items reduced.
AV - Amendatory veto (returned to G.A. with recommendations for change).
P - General Assembly action pending.
O - Governor’s action overridden by General Assembly.
CERT - AV accepted by the G.A. and certified by the Governor.
NPA - No positive action by the G.A.
* - Generally effective this date, some sections other dates.
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PUBLIC ACT 95-0001
(Senate Bill No. 0611)

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

Section 5. The Illinois Health Facilities Planning Act is amended by changing Section 19.6 as follows:

(20 ILCS 3960/19.6)

Sec. 19.6. Repeal. This Act is repealed on May 31 April 1, 2007.
(Source: P.A. 93-41, eff. 6-27-03; 93-889, eff. 8-9-04; 94-983, eff. 6-30-06.)

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


PUBLIC ACT 95-0002
(House Bill No. 1711)

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

Section 5. The Illinois Horse Meat Act is amended by adding Section 1.5 as follows:

(225 ILCS 635/1.5 new)

Sec. 1.5. Slaughter for human consumption unlawful.

(a) Notwithstanding any other provision of law, it is unlawful for any person to slaughter a horse if that person knows or should know that any of the horse meat will be used for human consumption.

(b) Notwithstanding any other provision of law, it is unlawful for any person to possess, to import into or export from this State, or to sell,

New matter indicated by italics - deletions by strikeout
buy, give away, hold, or accept any horse meat if that person knows or should know that the horse meat will be used for human consumption.

(c) Any person who knowingly violates any of the provisions of this Section is guilty of a Class C misdemeanor.

(d) This Section shall not apply to:

(1) Any commonly accepted noncommercial, recreational, or sporting activity.

(2) Any existing laws which relate to horse taxes or zoning.

(3) The processing of food producing animals other than those of the equine genus.

(225 ILCS 635/14 rep.) (from Ch. 56 1/2, par. 253)

Section 7. The Illinois Horse Meat Act is amended by repealing Section 14.

Section 10. The Animals Intended for Food Act is amended by changing Section 2.1 as follows:

(410 ILCS 605/2.1) (from Ch. 8, par. 107.1)

Sec. 2.1. When in the interest of the general public and in the opinion of the Department of Agriculture it is deemed advisable, the Department has authority to quarantine or restrict any and all animals intended for human consumption that contain poisonous or deleterious substances which may render meat or meat products or poultry or poultry products from such animals or poultry injurious to health; except in case the quantity of such substances in such animals does not ordinarily render meat or meat products or poultry or poultry products from such animals injurious to health.

The Department or its duly authorized agent shall investigate or cause to be investigated all cases where it has reason to believe that animals intended for human consumption are contaminated with any poisonous or deleterious substance which may render them unfit for human consumption.

The Department or its duly designated agent in performing the duties vested in it under this Act is empowered to enter any premises, barns, stables, sheds, or other places for the purposes of administering this Act.

New matter indicated by italics - deletions by strikeout
The Department may allow the sale or transfer of animals under quarantine or restriction subject to reasonable rules and regulations as may be prescribed.

For the purposes of this Act, the term "Animal" means cattle, calves, sheep, swine, horses, mules or other equidae; goats, poultry and any other animal which can be or may be used in and for meat or poultry or their products for human consumption.

(Source: P.A. 77-2117.)

Section 15. The Illinois Equine Infectious Anemia Control Act is amended by changing Section 4 as follows:

(510 ILCS 65/4) (from Ch. 8, par. 954)

Sec. 4. Tests of equidae entering the State. All equidae more than 12 months of age entering the State for any reason other than for immediate slaughter shall be accompanied by a Certificate of Veterinary Inspection issued by an accredited veterinarian of the state of origin within 30 days prior to entry and shall be negative to an official test for EIA within one year prior to entry. Equidae entering the State for immediate slaughter shall be accompanied by a consignment direct to slaughter at an approved equine slaughtering establishment.

(Source: P.A. 86-223.)

Section 20. The Humane Care for Animals Act is amended by changing Sections 5 and 7.5 as follows:

(510 ILCS 70/5) (from Ch. 8, par. 705)

Sec. 5. Lame or disabled horses. No person shall sell, offer to sell, lead, ride, transport, or drive on any public way any equidae which, because of debility, disease, lameness or any other cause, could not be worked in this State without violating this Act, unless the equidae is being sold, transported, or housed with the intent that it will be moved in an expeditious and humane manner to an approved slaughtering establishment. Such equidae may be conveyed to a proper place for medical or surgical treatment or for humane keeping or euthanasia, or for slaughter in an approved slaughtering establishment.

New matter indicated by italics - deletions by strikeout
A person convicted of violating this Section or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.
(Source: P.A. 92-650, eff. 7-11-02.)
(510 ILCS 70/7.5)
Sec. 7.5. Downed animals.
(a) For the purpose of this Section a downed animal is one incapable of walking without assistance.
(b) No downed animal shall be sent to a stockyard, auction, or other facility where its impaired mobility may result in suffering. An injured animal other than those of the equine genus may be sent directly to a slaughter facility.
(c) A downed animal sent to a stockyard, auction, or other facility in violation of this Section shall be humanely euthanized, the disposition of such animal shall be the responsibility of the owner, and the owner shall be liable for any expense incurred.
If an animal becomes downed in transit it shall be the responsibility of the carrier.
(d) A downed animal shall not be transported unless individually segregated.
(e) A person convicted of violating this Section or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class B misdemeanor. A second or subsequent violation is a Class 4 felony, with every day that a violation continues constituting a separate offense.
(Source: P.A. 92-650, eff. 7-11-02.)
Section 25. The Humane Slaughter of Livestock Act is amended by changing Section 2 as follows:
(510 ILCS 75/2) (from Ch. 8, par. 229.52)
Sec. 2. As used in this Act:
(1) "Director" means the Director of the Department of Agriculture of the State of Illinois.
(2) "Person" means any individual, partnership, corporation, or association doing business in this State, in whole or in part.

New matter indicated by italics - deletions by strikeout
(3) "Slaughterer" means any person regularly engaged in the commercial slaughtering of livestock.

(4) "Livestock" means cattle, calves, sheep, swine, horses, mules, goats, and any other animal which can or may be used in and for the preparation of meat or meat products for consumption by human beings or animals. "Livestock", however, does not include horses, mules, or other equidae to be used in and for the preparation of meat or meat products for consumption by human beings, which is prohibited under Section 1.5 of the Illinois Horse Meat Act.

(5) "Packer" means any person engaged in the business of slaughtering or manufacturing or otherwise preparing meat or meat products for sale, either by such person or others; or of manufacturing or preparing livestock products for sale by such person or others.

(6) "Humane method" means either (a) a method whereby the animal is rendered insensible to pain by gunshot or by mechanical, electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast or cut; or (b) a method in accordance with ritual requirements of the Jewish faith or any other religious faith whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

(Source: Laws 1967, p. 2023.)

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

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

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Statutes amended in order of appearance

225 ILCS 635/1.5 new
225 ILCS 635/14 rep. from Ch. 56 1/2, par. 253
410 ILCS 605/2.1 from Ch. 8, par. 107.1
510 ILCS 65/4 from Ch. 8, par. 954
510 ILCS 70/5 from Ch. 8, par. 705
510 ILCS 70/7.5

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0002

510 ILCS 75/2 from Ch. 8, par. 229.52
Approved May 24 2007.
Effective May 24, 2007.

PUBLIC ACT 95-0003
(House Bill No. 1798)

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

Section 5. The Wrongful Death Act is amended by changing
Section 2 as follows:

(740 ILCS 180/2) (from Ch. 70, par. 2)
Sec. 2. Every such action shall be brought by and in the names of
the personal representatives of such deceased person, and, except as
otherwise hereinafter provided, the amount recovered in every such
action shall be for the exclusive benefit of the surviving spouse and next of kin of
such deceased person. In and in every such action the jury may give such
damages as they shall deem a fair and just compensation with reference to
the pecuniary injuries resulting from such death, including damages for
grief, sorrow, and mental suffering, to the surviving spouse and next of
kin of such deceased person.

In every such action, the jury shall determine the amount of
damages to be recovered without regard to and with no special instruction
as to the dollar limits on recovery imposed by this Section. In no event
shall the judgment entered upon such verdict exceed $20,000 where such
death occurred prior to July 14, 1955, and not exceeding $25,000 where
such death occurred on or after July 14, 1955 and prior to July 8, 1957,
and not exceeding $30,000 where such death occurs on or after July 8,
1957 and prior to the effective date of this amendatory Act of 1967, and
without limitation where such death occurs on or after the effective date of
this amendatory Act of 1967.

New matter indicated by italics - deletions by strikeout
The amount recovered in any such action shall be distributed by the court in which the cause is heard or, in the case of an agreed settlement, by the circuit court, to each of the surviving spouse and next of kin of such deceased person in the proportion, as determined by the court, that the percentage of dependency of each such person upon the deceased person bears to the sum of the percentages of dependency of all such persons upon the deceased person.

Where the deceased person left no surviving spouse or next of kin entitled to recovery, the damages shall, subject to the following limitations inure, to the exclusive benefit of the following persons, or any one or more of them:

(a) to the person or persons furnishing hospitalization or hospital services in connection with the last illness or injury of the deceased person, not exceeding $450;

(b) to the person or persons furnishing medical or surgical services in connection with such last illness or injury, not exceeding $450;

(c) to the personal representatives, as such, for the costs and expenses of administering the estate and prosecuting or compromising the action, including a reasonable attorney's fee. In any such case the measure of damages to be recovered shall be the total of the reasonable value of such hospitalization or hospital service, medical and surgical services, funeral expenses, and such costs and expenses of administration, including attorney fees, not exceeding the foregoing limitations for each class of such expenses and not exceeding $900 plus a reasonable attorney's fee.

Every such action shall be commenced within 2 years after the death of such person but an action against a defendant arising from a crime committed by the defendant in whose name an escrow account was established under the "Criminal Victims' Escrow Account Act" shall be commenced within 2 years after the establishment of such account. For the purposes of this Section 2, next of kin includes an adopting parent and an adopted child, and they shall be treated as a natural parent and a natural child, respectively. However, if a person entitled to recover benefits under this Act, is, at the time the cause of action accrued, within the age of 18
years, he or she may cause such action to be brought within 2 years after attainment of the age of 18.

In any such action to recover damages, it shall not be a defense that the death was caused in whole or in part by the contributory negligence of one or more of the beneficiaries on behalf of whom the action is brought, but the amount of damages given shall be reduced in the following manner.

The trier of fact shall first determine the decedent's contributory fault in accordance with Sections 2-1116 and 2-1107.1 of the Code of Civil Procedure. Recovery of damages shall be barred or diminished accordingly. The trier of fact shall then determine the contributory fault, if any, of each beneficiary on behalf of whom the action was brought:

(1) Where the trier of fact finds that the contributory fault of a beneficiary on whose behalf the action is brought is not more than 50% of the proximate cause of the wrongful death of the decedent, then the damages allowed to that beneficiary shall be diminished in proportion to the contributory fault attributed to that beneficiary. The amount of the reduction shall not be payable by any defendant.

(2) Where the trier of fact finds that the contributory fault of a beneficiary on whose behalf the action is brought is more than 50% of the proximate cause of the wrongful death of the decedent, then the beneficiary shall be barred from recovering damages and the amount of damages which would have been payable to that beneficiary, but for the beneficiary's contributory fault, shall not inure to the benefit of the remaining beneficiaries and shall not be payable by any defendant.

The trial judge shall conduct a hearing to determine the degree of dependency of each beneficiary upon the decedent. The trial judge shall calculate the amount of damages to be awarded each beneficiary, taking into account any reduction arising from either the decedent's or the beneficiary's contributory fault.

This amendatory Act of the 91st General Assembly applies to all actions pending on or filed after the effective date of this amendatory Act.
This amendatory Act of the 95th General Assembly applies to causes of actions accruing on or after its effective date.

(Source: P.A. 91-380, eff. 7-30-99.)

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


PUBLIC ACT 95-0004
(Senate Bill No. 0423)

AN ACT concerning education.

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

Section 5. The School Code is amended by changing Section 5-1 as follows:

(105 ILCS 5/5-1) (from Ch. 122, par. 5-1)

Sec. 5-1. County school units.

(a) The territory in each county, exclusive of any school district governed by any special act which requires the district to appoint its own school treasurer, shall constitute a county school unit. County school units of less than 2,000,000 inhabitants shall be known as Class I county school units and the office of township trustees, where existing on July 1, 1962, in such units shall be abolished on that date and all books and records of such former township trustees shall be forthwith thereafter transferred to the county board of school trustees. County school units of 2,000,000 or more inhabitants shall be known as Class II county school units and shall retain the office of township trustees unless otherwise provided in subsection (b) or (c).

(b) Notwithstanding subsections (a) and (c), the school board of any elementary school district having a fall, 1989 aggregate enrollment of at least 2,500 but less than 6,500 pupils and having boundaries that are coterminous with the boundaries of a high school district, and the school

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board of any high school district having a fall, 1989 aggregate enrollment of at least 2,500 but less than 6,500 pupils and having boundaries that are coterminous with the boundaries of an elementary school district, may, whenever the territory of such school district forms a part of a Class II county school unit, by proper resolution withdraw such school district from the jurisdiction and authority of the trustees of schools of the township in which such school district is located and from the jurisdiction and authority of the township treasurer in such Class II county school unit; provided that the school board of any such school district shall, upon the adoption and passage of such resolution, thereupon elect or appoint its own school treasurer as provided in Section 8-1. Upon the adoption and passage of such resolution and the election or appointment by the school board of its own school treasurer: (1) the trustees of schools in such township shall no longer have or exercise any powers and duties with respect to the school district governed by such school board or with respect to the school business, operations or assets of such school district; and (2) all books and records of the township trustees relating to the school business and affairs of such school district shall be transferred and delivered to the school board of such school district. Upon the effective date of this amendatory Act of 1993, the legal title to, and all right, title and interest formerly held by the township trustees in any school buildings and school sites used and occupied by the school board of such school district for school purposes, that legal title, right, title and interest thereafter having been transferred to and vested in the regional board of school trustees under P.A. 87-473 until the abolition of that regional board of school trustees by P.A. 87-969, shall be deemed transferred by operation of law to and shall vest in the school board of that school district.

Notwithstanding subsections (a) and (c), the school boards of Oak Park & River Forest District 200, Oak Park Elementary School District 97, and River Forest School District 90 may, by proper resolution, withdraw from the jurisdiction and authority of the trustees of schools of Proviso and Cicero Townships and the township treasurer, provided that the school board shall, upon the adoption and passage of the resolution, elect or

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appoint its own school treasurer as provided in Section 8-1 of this Code. Upon the adoption and passage of the resolution and the election or appointment by the school board of its own school treasurer: (1) the trustees of schools in the township or townships shall no longer have or exercise any powers or duties with respect to the school district or with respect to the school business, operations, or assets of the school district; (2) all books and records of the trustees of schools and all moneys, securities, loanable funds, and other assets relating to the school business and affairs of the school district shall be transferred and delivered to the school board; and (3) all legal title to and all right, title, and interest formerly held by the trustees of schools in any common school lands, school buildings, or school sites used and occupied by the school board and all rights of property and causes of action pertaining to or constituting a part of the common school lands, buildings, or sites shall be deemed transferred by operation of law to and shall vest in the school board.

*Notwithstanding subsections (a) and (c), the respective school boards of Berwyn North School District 98, Berwyn South School District 100, Cicero School District 99, and J.S. Morton High School District 201 may, by proper resolution, withdraw from the jurisdiction and authority of the trustees of schools of Cicero Township and the township treasurer, provided that the school board shall, upon the adoption and passage of the resolution, elect or appoint its own school treasurer as provided in Section 8-1 of this Code. Upon the adoption and passage of the resolution and the election or appointment by the school board of its own school treasurer: (1) the trustees of schools in the township shall no longer have or exercise any powers or duties with respect to the school district or with respect to the school business, operations, or assets of the school district; (2) all books and records of the trustees of schools and all moneys, securities, loanable funds, and other assets relating to the school business and affairs of the school district shall be transferred and delivered to the school board; and (3) all legal title to and all right, title, and interest formerly held by the trustees of schools in any common school lands, school buildings, or school sites used and occupied by the school board and all rights of property and causes of action pertaining to or*

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constituting a part of the common school lands, buildings, or sites shall be deemed transferred by operation of law to and shall vest in the school board.

(c) Notwithstanding the provisions of subsection (a), the offices of township treasurer and trustee of schools of any township located in a Class II county school unit shall be abolished as provided in this subsection if all of the following conditions are met:

(1) During the same 30 day period, each school board of each elementary and unit school district that is subject to the jurisdiction and authority of the township treasurer and trustees of schools of the township in which those offices are sought to be abolished gives written notice by certified mail, return receipt requested to the township treasurer and trustees of schools of that township of the date of a meeting of the school board, to be held not more than 90 nor less than 60 days after the date when the notice is given, at which meeting the school board is to consider and vote upon the question of whether there shall be submitted to the electors of the school district a proposition to abolish the offices of township treasurer and trustee of schools of that township. None of the notices given under this paragraph to the township treasurer and trustees of schools of a township shall be deemed sufficient or in compliance with the requirements of this paragraph unless all of those notices are given within the same 30 day period.

(2) Each school board of each elementary and unit school district that is subject to the jurisdiction and authority of the township treasurer and trustees of schools of the township in which those offices are sought to be abolished, by the affirmative vote of at least 5 members of the school board at a school board meeting of which notice is given as required by paragraph (1) of this subsection, adopts a resolution requiring the secretary of the school board to certify to the proper election authorities for submission to the electors of the school district at the next consolidated election in accordance with the general election law a proposition to abolish

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the offices of township treasurer and trustee of schools of that
township. None of the resolutions adopted under this paragraph by
any elementary or unit school districts that are subject to the
jurisdiction and authority of the township treasurer and trustees of
schools of the township in which those offices are sought to be
abolished shall be deemed in compliance with the requirements of
this paragraph or sufficient to authorize submission of the
proposition to abolish those offices to a referendum of the electors
in any such school district unless all of the school boards of all of
the elementary and unit school districts that are subject to the
jurisdiction and authority of the township treasurer and trustees of
schools of that township adopt such a resolution in accordance
with the provisions of this paragraph.

(3) The school boards of all of the elementary and unit
school districts that are subject to the jurisdiction and authority of
the township treasurer and trustees of schools of the township in
which those offices are sought to be abolished submit a proposition
to abolish the offices of township treasurer and trustee of schools
of that township to the electors of their respective school districts
at the same consolidated election in accordance with the general
election law, the ballot in each such district to be in substantially
the following form:

___________________________________________________________

        OFFICIAL BALLOT
        Shall the offices of township
        treasurer and trustee of
        schools of Township ....
        Range .... be abolished?

___________________________________________________________

(4) At the consolidated election at which the proposition to
abolish the offices of township treasurer and trustee of schools of a
township is submitted to the electors of each elementary and unit
school district that is subject to the jurisdiction and authority of the

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township treasurer and trustee of schools of that township, a majority of the electors voting on the proposition in each such elementary and unit school district votes in favor of the proposition as submitted to them.

If in each elementary and unit school district that is subject to the jurisdiction and authority of the township treasurer and trustees of schools of the township in which those offices are sought to be abolished a majority of the electors in each such district voting at the consolidated election on the proposition to abolish the offices of township treasurer and trustee of schools of that township votes in favor of the proposition as submitted to them, the proposition shall be deemed to have passed; but if in any such elementary or unit school district a majority of the electors voting on that proposition in that district fails to vote in favor of the proposition as submitted to them, then notwithstanding the vote of the electors in any other such elementary or unit school district on that proposition the proposition shall not be deemed to have passed in any of those elementary or unit school districts, and the offices of township treasurer and trustee of schools of the township in which those offices were sought to be abolished shall not be abolished, unless in each of those elementary and unit school districts remaining subject to the jurisdiction and authority of the township treasurer and trustees of schools of that township proceedings are again initiated to abolish those offices and all of the proceedings and conditions prescribed in paragraphs (1) through (4) of this subsection are repeated and met in each of those elementary and unit school districts.

Notwithstanding the foregoing provisions of this Section or any other provision of the School Code, the offices of township treasurer and trustee of schools of a township that has a population of less than 200,000 and that contains a unit school district and is located in a Class II county school unit shall also be abolished as provided in this subsection if all of the conditions set forth in paragraphs (1), (2), and (3) of this subsection are met and if the following additional condition is met:

The electors in all of the school districts subject to the jurisdiction and authority of the township treasurer and trustees of

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schools of the township in which those offices are sought to be abolished shall vote at the consolidated election on the proposition to abolish the offices of township treasurer and trustee of schools of that township. If a majority of the electors in all of the school districts combined voting on the proposition vote in favor of the proposition, then the proposition shall be deemed to have passed; but if a majority of the electors voting on the proposition in all of the school district fails to vote in favor of the proposition as submitted to them, then the proposition shall not be deemed to have passed and the offices of township treasurer and trustee of schools of the township in which those offices were sought to be abolished shall not be abolished, unless and until the proceedings detailed in paragraphs (1) through (3) of this subsection and the conditions set forth in this paragraph are met.

If the proposition to abolish the offices of township treasurer and trustee of schools of a township is deemed to have passed at the consolidated election as provided in this subsection, those offices shall be deemed abolished by operation of law effective on January 1 of the calendar year immediately following the calendar year in which that consolidated election is held, provided that if after the election, the trustees of schools by resolution elect to abolish the offices of township treasurer and trustee of schools effective on July 1 immediately following the election, then the offices shall be abolished on July 1 immediately following the election. On the date that the offices of township treasurer and trustee of schools of a township are deemed abolished by operation of law, the school board of each elementary and unit school district and the school board of each high school district that is subject to the jurisdiction and authority of the township treasurer and trustees of schools of that township at the time those offices are abolished: (i) shall appoint its own school treasurer as provided in Section 8-1; and (ii) unless the term of the contract of a township treasurer expires on the date that the office of township treasurer is abolished, shall pay to the former township treasurer its proportionate share of any aggregate compensation that, were the office of township treasurer not abolished at that time, would have been payable.
to the former township treasurer after that date over the remainder of the term of the contract of the former township treasurer that began prior to but ends after that date. In addition, on the date that the offices of township treasurer and trustee of schools of a township are deemed abolished as provided in this subsection, the school board of each elementary school, high school and unit school district that until that date is subject to the jurisdiction and authority of the township treasurer and trustees of schools of that township shall be deemed by operation of law to have agreed and assumed to pay and, when determined, shall pay to the Illinois Municipal Retirement Fund a proportionate share of the unfunded liability existing in that Fund at the time these offices are abolished in that calendar year for all annuities or other benefits then or thereafter to become payable from that Fund with respect to all periods of service performed prior to that date as a participating employee in that Fund by persons serving during those periods of service as a trustee of schools, township treasurer or regular employee in the office of the township treasurer of that township. That unfunded liability shall be actuarially determined by the board of trustees of the Illinois Municipal Retirement Fund, and the board of trustees shall thereupon notify each school board required to pay a proportionate share of that unfunded liability of the aggregate amount of the unfunded liability so determined. The amount so paid to the Illinois Municipal Retirement Fund by each of those school districts shall be credited to the account of the township in that Fund. For each elementary school, high school and unit school district under the jurisdiction and authority of a township treasurer and trustees of schools of a township in which those offices are abolished as provided in this subsection, each such district's proportionate share of the aggregate compensation payable to the former township treasurer as provided in this paragraph and each such district's proportionate share of the aggregate amount of the unfunded liability payable to the Illinois Municipal Retirement Fund as provided in this paragraph shall be computed in accordance with the ratio that the number of pupils in average daily attendance in each such district as reported in schedules prepared under Section 24-19 for the school year last ending prior to the date on which the offices of township treasurer and trustee of
schools of that township are abolished bears to the aggregate number of pupils in average daily attendance in all of those districts as so reported for that school year.

Upon abolition of the offices of township treasurer and trustee of schools of a township as provided in this subsection: (i) the regional board of school trustees, in its corporate capacity, shall be deemed the successor in interest to the former trustees of schools of that township with respect to the common school lands and township loanable funds of the township; (ii) all right, title and interest existing or vested in the former trustees of schools of that township in the common school lands and township loanable funds of the township, and all records, moneys, securities and other assets, rights of property and causes of action pertaining to or constituting a part of those common school lands or township loanable funds, shall be transferred to and deemed vested by operation of law in the regional board of school trustees, which shall hold legal title to, manage and operate all common school lands and township loanable funds of the township, receive the rents, issues and profits therefrom, and have and exercise with respect thereto the same powers and duties as are provided by this Code to be exercised by regional boards of school trustees when acting as township land commissioners in counties having at least 220,000 but fewer than 2,000,000 inhabitants; (iii) the regional board of school trustees shall select to serve as its treasurer with respect to the common school lands and township loanable funds of the township a person from time to time also serving as the appointed school treasurer of any school district that was subject to the jurisdiction and authority of the township treasurer and trustees of schools of that township at the time those offices were abolished, and the person selected to also serve as treasurer of the regional board of school trustees shall have his compensation for services in that capacity fixed by the regional board of school trustees, to be paid from the township loanable funds, and shall make to the regional board of school trustees the reports required to be made by treasurers of township land commissioners, give bond as required by treasurers of township land commissioners, and perform the duties and exercise the powers of treasurers of township land commissioners; (iv) the regional board of

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school trustees shall designate in the manner provided by Section 8-7, insofar as applicable, a depositary for its treasurer, and the proceeds of all rents, issues and profits from the common school lands and township loanable funds of that township shall be deposited and held in the account maintained for those purposes with that depositary and shall be expended and distributed therefrom as provided in Section 15-24 and other applicable provisions of this Code; and (v) whenever there is vested in the trustees of schools of a township at the time that office is abolished under this subsection the legal title to any school buildings or school sites used or occupied for school purposes by any elementary school, high school or unit school district subject to the jurisdiction and authority of those trustees of school at the time that office is abolished, the legal title to those school buildings and school sites shall be deemed transferred by operation of law to and invested in the school board of that school district, in its corporate capacity Section 7-28, the same to be held, sold, exchanged, leased or otherwise transferred in accordance with applicable provisions of this Code.

Notwithstanding Section 2-3.25g of this Code, a waiver of a mandate established under this Section may not be requested.

(Source: P.A. 94-1078, eff. 1-9-07.)

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


PUBLIC ACT 95-0005
(Senate Bill No. 0244)

AN ACT concerning State government.
WHEREAS, The 94th General Assembly funded a study by the Lewin Group, "An Evaluation of Illinois' 'Certificate of Need' Program", which recommended that "... the Illinois legislature move forward to continue the 'Certificate-of-Need' program with an abundance of

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caution...". Given the potential for harm to specific critical elements of the health care system, non-traditional arguments for maintaining "Certificate-of-Need" laws deserve consideration, until the evidence on the impact that specialty providers and ambulatory surgery centers may have on safety-net providers and services can be better quantified. In response to the Lewin analysis and additional concerns regarding health planning in Illinois, the 95th General Assembly enacted Senate Bill 611 (Public Act 95-0001) that extended the "sunset" date of the Illinois Health Facilities Planning Act from April 1, 2007 to May 31, 2007 so that interested parties could agree on a strategy to further extend the "sunset" date, and develop a more comprehensive reform agenda; therefore

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

Section 5. The Illinois Health Facilities Planning Act is amended by changing Section 19.6 and by adding Sections 12.5 and 15.5 as follows:

(20 ILCS 3960/12.5 new)

Sec. 12.5. Update existing bed inventory and associated bed need projections. While the Task Force on Health Planning Reform will make long-term recommendations related to the method and formula for calculating the bed inventory and associated bed need projections, there is a current need for the bed inventory to be updated prior to the issuance of the recommendations of the Task Force. Therefore, the State Agency shall immediately update the existing bed inventory and associated bed need projections required by Sections 12 and 12.3 of this Act, using the most recently published historical utilization data, 10-year population projections, and an appropriate migration factor for the medical-surgical and pediatric category of service which shall be no less than 50%. The State Agency shall provide written documentation providing the methodology and rationale used to determine the appropriate migration factor.

(20 ILCS 3960/15.5 new)

Sec. 15.5. Task Force on Health Planning Reform.

(a) The Task Force on Health Planning Reform is created.

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(b) The Task Force shall consist of 19 voting members, as follows: 6 persons, who are not currently employed by a State agency, appointed by the Director of Public Health, 3 of whom shall be persons with knowledge and experience in the delivery of health care services, including at least one person representing organized health service workers, 2 of whom shall be persons with professional experience in the administration or management of health care facilities, and one of whom shall be a person with experience in health planning; 2 members of the Illinois Senate appointed by the President of the Senate, one of whom shall be a co-chair to the Task Force; 2 members of the Illinois Senate appointed by the Senate Minority Leader; 2 members of the Illinois House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be a co-chair to the Task Force; 2 members of the Illinois House of Representatives appointed by the House Minority Leader; the Attorney General, or his or her designee; and 4 members of the general public, representing health care consumers, appointed by the Attorney General of Illinois.

The following persons, or their designees, shall serve, ex officio, as nonvoting members of the Task Force: the Director of Public Health, the Secretary of the Illinois Health Facilities Planning Board, the Director of Healthcare and Family Services, the Secretary of Human Services, and the Director of the Governor's Office of Management and Budget.

Members shall serve without compensation, but may be reimbursed for their expenses in relation to duties on the Task Force.

A vote of 12 members appointed to the Task Force is required with respect to the adoption of recommendations to the Governor and General Assembly and the final report required by this Section.

(c) The Task Force shall gather information and make recommendations relating to at least the following topics in relation to the Illinois Health Facilities Planning Act:

1. The impact of health planning on the provision of essential and accessible health care services; prevention of unnecessary duplication of facilities and services; improvement in the efficiency of the health care system; maintenance of an

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environment in the health care system that supports quality care; the most economic use of available resources; and the effect of repealing this Act.

(2) Reform of the Illinois Health Facilities Planning Board to enable it to undertake a more active role in health planning to provide guidance in the development of services to meet the health care needs of Illinois, including identifying and recommending initiatives to meet special needs.

(3) Reforms to ensure that health planning under the Illinois Health Facilities Planning Act is coordinated with other health planning laws and activities of the State.

(4) Reforms that will enable the Illinois Health Facilities Planning Board to focus most of its project review efforts on "Certificate-of-Need" applications involving new facilities, discontinuation of services, major expansions, and volume-sensitive services, and to expedite review of other projects to the maximum extent possible.

(5) Reforms that will enable the Illinois Health Facilities Planning Board to determine how criteria, standards, and procedures for evaluating project applications involving specialty providers, ambulatory surgical facilities, and other alternative health care models should be amended to give special attention to the impact of those projects on traditional community hospitals to assure the availability and access to essential quality medical care in those communities.

(6) Implementation of policies and procedures necessary for the Illinois Health Facilities Planning Board to give special consideration to the impact of the projects it reviews on access to "safety net" services.

(7) Changes in policies and procedures to make the Illinois health facilities planning process predictable, transparent, and as efficient as possible; requiring the State Agency (the Illinois Department of Public Health) and the Illinois Health Facilities Planning Board to provide timely and appropriate explanations of

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its decisions and establish more effective procedures to enable public review and comment on facts set forth in State Agency staff analyses of project applications prior to the issuance of final decisions on each project.

(8) Reforms to ensure that patient access to new and modernized services will not be delayed during a transition period under any proposed system reform; and that the transition should minimize disruption of the process for current applicants.

(9) Identification of the resources necessary to support the work of the Agency and the Board.

(d) The Task Force shall recommend reforms regarding the following:

(1) The size and membership of current Illinois Health Facilities Planning Board. Review and make recommendations on the reorganization of the structure and function of the Illinois Health Facilities Planning Board and the State Agency responsible for health planning (the Illinois Department of Public Health), giving consideration to various options for reassigning the primary responsibility for the review, approval, and denial of project applications between the Board and the State Agency, so that the "Certificate-of-Need" process is administered in the most effective, efficient, and consistent manner possible in accordance with the objectives referenced in subsection (c) of this Section.

(2) Changes in policies and procedures that will charge the Illinois Health Facilities Planning Board with developing a long-range health facilities plan (10 years) to be updated at least every 2 years, so that it is a rolling 10-year plan based upon data no older than 2 years. The plan should incorporate an inventory of the State's health facilities infrastructure including both facilities and services regulated under this Act, as well as facilities and services that are not currently regulated under this Act, as determined by the Board. The planning criteria and standards should be adjusted to take into consideration services that are regulated under the Act, but are also offered by non-regulated providers. The Illinois
Department of Public Health bed inventory should be updated each year using the most recent utilization data for both hospitals and long-term care facilities including 2003, 2004, 2005 and subsequent-year inpatient discharges and days. This revised bed supply should be used as the bed supply input for all Planning Area bed-need calculations. Ten-year population projection data should be incorporated into the plan. Plan updates may include redrawing planning area boundaries to reflect population changes. The Task Force shall consider whether the inventory formula should use migration factors for the medical/surgical, pediatrics, obstetrics, and other categories of service, and if so, what those migration factors should be. The Board should hold public hearings on the plan and its updates. There should be a mechanism for the public to request that the plan be updated more frequently to address emerging population and demographic trends. In developing the plan, the Board should consider health plans and other related publications that have been developed both in Illinois and nationally. In developing the plan, the need to ensure access to care, especially for "safety net" services, including rural and medically underserved communities, should be included.

(3) Changes in regulations that establish separate criteria, standards, and procedures when necessary to adjust for structural, functional, and operational differences between long-term care facilities and acute care facilities and that allow routine changes of ownership, facility sales, and closure requests to be processed on a timely basis. Consider rules to allow flexibility for facilities to modernize, expand, or convert to alternative uses that are in accord with health planning standards.

(4) Changes in policies and procedures so that the Illinois Health Facilities Planning Board updates the standards and criteria on a regular basis and proposes new standards to keep pace with the evolving health care delivery system. Proton Therapy and Treatment is an example of a new, cutting-edge procedure that may require the Board to immediately develop criteria, standards,

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and procedures for that type of facility. Temporary advisory committees may be appointed to assist in the development of revisions to the Board’s standards and criteria, including experts with professional competence in the subject matter of the proposed standards or criteria that are to be developed.

(5) Changes in policies and procedures to expedite project approval, particularly for less complex projects, including standards for determining whether a project is in “substantial compliance” with the Board’s review standards. The review standards must include a requirement for applicants to include a “Safety Net” Impact Statement. This Statement shall describe the project’s impact on safety net services in the community. The State Agency Report shall include an assessment of the Statement.

(6) Changes to enforcement processes and compliance standards to ensure they are fair and consistent with the severity of the violation.

(7) Revisions in policies and procedures to prevent conflicts of interest by members of the Illinois Health Facilities Planning Board and State Agency staff, including increasing the penalties for violations.

(8) Other changes determined necessary to improve the administration of this Act.

(e) The State Agency, at the direction of the Task Force, may hire any necessary staff or consultants, enter into contracts, and make any expenditures necessary for carrying out the duties of the Task Force, all out of moneys appropriated for that purpose. Staff support services shall be provided to the Task Force by the State Agency from such appropriations.

(f) The Task Force may establish any advisory committee to ensure maximum public participation in the Task Force’s planning, organization, and implementation review process. If established, advisory committees shall (i) advise and assist the Task Force in its duties and (ii) help the Task Force to identify issues of public concern.
(g) The Task Force shall submit findings and recommendations to the Governor and the General Assembly by March 1, 2008, including any necessary implementing legislation, and recommendations for changes to policies, rules, or procedures that are not incorporated in the implementing legislation.

(h) The Task Force is abolished on August 1, 2008.

(20 ILCS 3960/19.6)

Section scheduled to be repealed on May 31, 2007

Sec. 19.6. Repeal. This Act is repealed on August 31, 2008 May 31, 2007.

(Source: P.A. 94-983, eff. 6-30-06; 95-1, eff. 3-30-07.)

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


PUBLIC ACT 95-0006
(House Bill No. 0426)

AN ACT concerning elections.

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

Section 5. The Election Code is amended by changing Sections 1A-8, 2A-1.1, 7-8, 8-4, and 9-10 as follows:

(10 ILCS 5/1A-8) (from Ch. 46, par. 1A-8)

Sec. 1A-8. The State Board of Elections shall exercise the following powers and perform the following duties in addition to any powers or duties otherwise provided for by law:

(1) Assume all duties and responsibilities of the State Electoral Board and the Secretary of State as heretofore provided in this Act;

(2) Disseminate information to and consult with election authorities concerning the conduct of elections and registration in

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accordance with the laws of this State and the laws of the United States;

(3) Furnish to each election authority prior to each primary and general election and any other election it deems necessary, a manual of uniform instructions consistent with the provisions of this Act which shall be used by election authorities in the preparation of the official manual of instruction to be used by the judges of election in any such election. In preparing such manual, the State Board shall consult with representatives of the election authorities throughout the State. The State Board may provide separate portions of the uniform instructions applicable to different election jurisdictions which administer elections under different options provided by law. The State Board may by regulation require particular portions of the uniform instructions to be included in any official manual of instructions published by election authorities. Any manual of instructions published by any election authority shall be identical with the manual of uniform instructions issued by the Board, but may be adapted by the election authority to accommodate special or unusual local election problems, provided that all manuals published by election authorities must be consistent with the provisions of this Act in all respects and must receive the approval of the State Board of Elections prior to publication; provided further that if the State Board does not approve or disapprove of a proposed manual within 60 days of its submission, the manual shall be deemed approved.

(4) Prescribe and require the use of such uniform forms, notices, and other supplies not inconsistent with the provisions of this Act as it shall deem advisable which shall be used by election authorities in the conduct of elections and registrations;

(5) Prepare and certify the form of ballot for any proposed amendment to the Constitution of the State of Illinois, or any referendum to be submitted to the electors throughout the State or, when required to do so by law, to the voters of any area or unit of local government of the State;

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(6) Require such statistical reports regarding the conduct of elections and registration from election authorities as may be deemed necessary;

(7) Review and inspect procedures and records relating to conduct of elections and registration as may be deemed necessary, and to report violations of election laws to the appropriate State's Attorney;

(8) Recommend to the General Assembly legislation to improve the administration of elections and registration;

(9) Adopt, amend or rescind rules and regulations in the performance of its duties provided that all such rules and regulations must be consistent with the provisions of this Article 1A or issued pursuant to authority otherwise provided by law;

(10) Determine the validity and sufficiency of petitions filed under Article XIV, Section 3, of the Constitution of the State of Illinois of 1970;

(11) Maintain in its principal office a research library that includes, but is not limited to, abstracts of votes by precinct for general primary elections and general elections, current precinct maps and current precinct poll lists from all election jurisdictions within the State. The research library shall be open to the public during regular business hours. Such abstracts, maps and lists shall be preserved as permanent records and shall be available for examination and copying at a reasonable cost;

(12) Supervise the administration of the registration and election laws throughout the State;

(13) Obtain from the Department of Central Management Services, under Section 405-250 of the Department of Central Management Services Law (20 ILCS 405/405-250), such use of electronic data processing equipment as may be required to perform the duties of the State Board of Elections and to provide election-related information to candidates, public and party officials, interested civic organizations and the general public in a timely and efficient manner; and

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(14) To take such action as may be necessary or required to give effect to directions of the national committee or State central committee of an established political party under Sections 7-8, 7-11 and 7-14.1 or such other provisions as may be applicable pertaining to the selection of delegates and alternate delegates to an established political party's national nominating conventions or, notwithstanding any candidate certification schedule contained within the Election Code, the certification of the Presidential and Vice Presidential candidate selected by the established political party's national nominating convention in 2004.

The Board may by regulation delegate any of its duties or functions under this Article, except that final determinations and orders under this Article shall be issued only by the Board.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of "An Act to revise the law in relation to the General Assembly", approved February 25, 1874, as amended, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(Source: P.A. 93-686, eff. 7-8-04.)

(10 ILCS 5/2A-1.1) (from Ch. 46, par. 2A-1.1)

Sec. 2A-1.1. All Elections - Consolidated Schedule. (a) In even-numbered years, the general election shall be held on the first Tuesday after the first Monday of November; and an election to be known as the general primary election shall be held on the first Tuesday in March; and an election to be known as the consolidated primary election shall be held on the last Tuesday in February.

(b) In odd-numbered years, an election to be known as the consolidated election shall be held on the first Tuesday in April except as provided in Section 2A-1.1a of this Act; and an election to be known as the consolidated primary election shall be held on the last Tuesday in February.

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Sec. 7-8. The State central committee shall be composed of one or two members from each congressional district in the State and shall be elected as follows:

State Central Committee

(a) Within 30 days after the effective date of this amendatory Act of 1983 the State central committee of each political party shall certify to the State Board of Elections which of the following alternatives it wishes to apply to the State central committee of that party.

Alternative A. At the primary held on the third Tuesday in March 1970; and at the general primary election held every 4 years thereafter, each primary elector may vote for one candidate of his party for member of the State central committee for the congressional district in which he resides. The candidate receiving the highest number of votes shall be declared elected State central committeeman from the district. A political party may, in lieu of the foregoing, by a majority vote of delegates at any State convention of such party, determine to thereafter elect the State central committeemen in the manner following:

At the county convention held by such political party State central committeemen shall be elected in the same manner as provided in this Article for the election of officers of the county central committee, and such election shall follow the election of officers of the county central committee. Each elected ward, township or precinct committeeman shall cast as his vote one vote for each ballot voted in his ward, township, part of a township or precinct in the last preceding primary election of his political party. In the case of a county lying partially within one congressional district and partially within another congressional district, each ward, township or precinct committeeman shall vote only with respect to the congressional district in which his ward, township, part of a township or precinct is located. In the case of a congressional district which encompasses more than one county, each ward, township or precinct committeeman residing within the congressional district shall cast as his vote one vote for each ballot voted in his ward, township, part of a

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township or precinct in the last preceding primary election of his political party for one candidate of his party for member of the State central committee for the congressional district in which he resides and the Chairman of the county central committee shall report the results of the election to the State Board of Elections. The State Board of Elections shall certify the candidate receiving the highest number of votes elected State central committeeman for that congressional district.

The State central committee shall adopt rules to provide for and govern the procedures to be followed in the election of members of the State central committee.

After the effective date of this amendatory Act of the 91st General Assembly, whenever a vacancy occurs in the office of Chairman of a State central committee, or at the end of the term of office of Chairman, the State central committee of each political party that has selected Alternative A shall elect a Chairman who shall not be required to be a member of the State Central Committee. The Chairman shall be a registered voter in this State and of the same political party as the State central committee.

Alternative B. Each congressional committee shall, within 30 days after the adoption of this alternative, appoint a person of the sex opposite that of the incumbent member for that congressional district to serve as an additional member of the State central committee until his or her successor is elected at the general primary election in 1986. Each congressional committee shall make this appointment by voting on the basis set forth in paragraph (e) of this Section. In each congressional district at the general primary election held in 1986 and every 4 years thereafter, the male candidate receiving the highest number of votes of the party's male candidates for State central committeeman, and the female candidate receiving the highest number of votes of the party's female candidates for State central committeewoman, shall be declared elected State central committeeman and State central committeewoman from the district. At the general primary election held in 1986 and every 4 years thereafter, if all a party's candidates for State central committeemen or State central committeewomen from a congressional district are of the same sex, the candidate receiving the highest number of votes shall be declared elected a
State central committeeman or State central committeewoman from the district, and, because of a failure to elect one male and one female to the committee, a vacancy shall be declared to exist in the office of the second member of the State central committee from the district. This vacancy shall be filled by appointment by the congressional committee of the political party, and the person appointed to fill the vacancy shall be a resident of the congressional district and of the sex opposite that of the committeeman or committeewoman elected at the general primary election. Each congressional committee shall make this appointment by voting on the basis set forth in paragraph (e) of this Section.

The Chairman of a State central committee composed as provided in this Alternative B must be selected from the committee's members.

Except as provided for in Alternative A with respect to the selection of the Chairman of the State central committee, under both of the foregoing alternatives, the State central committee of each political party shall be composed of members elected or appointed from the several congressional districts of the State, and of no other person or persons whomsoever. The members of the State central committee shall, within 41 days after each quadrennial election of the full committee, meet in the city of Springfield and organize by electing a chairman, and may at such time elect such officers from among their own number (or otherwise), as they may deem necessary or expedient. The outgoing chairman of the State central committee of the party shall, 10 days before the meeting, notify each member of the State central committee elected at the primary of the time and place of such meeting. In the organization and proceedings of the State central committee, each State central committeeman and State central committeewoman shall have one vote for each ballot voted in his or her congressional district by the primary electors of his or her party at the primary election immediately preceding the meeting of the State central committee. Whenever a vacancy occurs in the State central committee of any political party, the vacancy shall be filled by appointment of the chairmen of the county central committees of the political party of the counties located within the congressional district in which the vacancy occurs and, if applicable, the ward and township

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committeemen of the political party in counties of 2,000,000 or more inhabitants located within the congressional district. If the congressional district in which the vacancy occurs lies wholly within a county of 2,000,000 or more inhabitants, the ward and township committeemen of the political party in that congressional district shall vote to fill the vacancy. In voting to fill the vacancy, each chairman of a county central committee and each ward and township committeeman in counties of 2,000,000 or more inhabitants shall have one vote for each ballot voted in each precinct of the congressional district in which the vacancy exists of his or her county, township, or ward cast by the primary electors of his or her party at the primary election immediately preceding the meeting to fill the vacancy in the State central committee. The person appointed to fill the vacancy shall be a resident of the congressional district in which the vacancy occurs, shall be a qualified voter, and, in a committee composed as provided in Alternative B, shall be of the same sex as his or her predecessor. A political party may, by a majority vote of the delegates of any State convention of such party, determine to return to the election of State central committeeman and State central committeewoman by the vote of primary electors. Any action taken by a political party at a State convention in accordance with this Section shall be reported to the State Board of Elections by the chairman and secretary of such convention within 10 days after such action.

Ward, Township and Precinct Committeemen

(b) At the primary held on the third Tuesday in March, 1972, and at the general primary election every 4 years thereafter, each primary elector in cities having a population of 200,000 or over may vote for one candidate of his party in his ward for ward committeeman. Each candidate for ward committeeman must be a resident of and in the ward where he seeks to be elected ward committeeman. The one having the highest number of votes shall be such ward committeeman of such party for such ward. At the primary election held on the third Tuesday in March, 1970, and at the general primary election every 4 years thereafter, each primary elector in counties containing a population of 2,000,000 or more, outside of cities containing a population of 200,000 or more, may vote for one

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candidate of his party for township committeeman. Each candidate for township committeeman must be a resident of and in the township or part of a township (which lies outside of a city having a population of 200,000 or more, in counties containing a population of 2,000,000 or more), and in which township or part of a township he seeks to be elected township committeeman. The one having the highest number of votes shall be such township committeeman of such party for such township or part of a township. At the primary held on the third Tuesday in March, 1970 and at the general primary election every 2 years thereafter, each primary elector, except in counties having a population of 2,000,000 or over, may vote for one candidate of his party in his precinct for precinct committeeman. Each candidate for precinct committeeman must be a bona fide resident of the precinct where he seeks to be elected precinct committeeman. The one having the highest number of votes shall be such precinct committeeman of such party for such precinct. The official returns of the primary shall show the name of the committeeman of each political party.

Terms of Committeemen. All precinct committeemen elected under the provisions of this Article shall continue as such committeemen until the date of the primary to be held in the second year after their election. Except as otherwise provided in this Section for certain State central committeemen who have 2 year terms, all State central committeemen, township committeemen and ward committeemen shall continue as such committeemen until the date of primary to be held in the fourth year after their election. However, a vacancy exists in the office of precinct committeeman when a precinct committeeman ceases to reside in the precinct in which he was elected and such precinct committeeman shall thereafter neither have nor exercise any rights, powers or duties as committeeman in that precinct, even if a successor has not been elected or appointed.

(c) The Multi-Township Central Committee shall consist of the precinct committeemen of such party, in the multi-township assessing district formed pursuant to Section 2-10 of the Property Tax Code and shall be organized for the purposes set forth in Section 45-25 of the Township Code. In the organization and proceedings of the Multi-
Township Central Committee each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected.

County Central Committee

(d) The county central committee of each political party in each county shall consist of the various township committeemen, precinct committeemen and ward committeemen, if any, of such party in the county. In the organization and proceedings of the county central committee, each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected; each township committeeman shall have one vote for each ballot voted in his township or part of a township as the case may be by the primary electors of his party at the primary election for the nomination of candidates for election to the General Assembly immediately preceding the meeting of the county central committee; and in the organization and proceedings of the county central committee, each ward committeeman shall have one vote for each ballot voted in his ward by the primary electors of his party at the primary election for the nomination of candidates for election to the General Assembly immediately preceding the meeting of the county central committee.

Cook County Board of Review Election District Committee

(d-1) Each board of review election district committee of each political party in Cook County shall consist of the various township committeemen and ward committeemen, if any, of that party in the portions of the county composing the board of review election district. In the organization and proceedings of each of the 3 election district committees, each township committeeman shall have one vote for each ballot voted in his or her township or part of a township, as the case may be, by the primary electors of his or her party at the primary election immediately preceding the meeting of the board of review election district committee; and in the organization and proceedings of each of the 3 election district committees, each ward committeeman shall have one vote for each ballot voted in his or her ward or part of that ward, as the case may be, by the primary electors of his or her party at the primary election.

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immediately preceding the meeting of the board of review election district committee.

Congressional Committee

(e) The congressional committee of each party in each congressional district shall be composed of the chairmen of the county central committees of the counties composing the congressional district, except that in congressional districts wholly within the territorial limits of one county, or partly within 2 or more counties, but not coterminous with the county lines of all of such counties, the precinct committeemen, township committeemen and ward committeemen, if any, of the party representing the precincts within the limits of the congressional district, shall compose the congressional committee. A State central committeeman in each district shall be a member and the chairman or, when a district has 2 State central committeemen, a co-chairman of the congressional committee, but shall not have the right to vote except in case of a tie.

In the organization and proceedings of congressional committees composed of precinct committeemen or township committeemen or ward committeemen, or any combination thereof, each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee, and each ward committeeman shall have one vote for each ballot voted in his ward located in such congressional district by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee; and in the organization and proceedings of congressional committees composed of the chairmen of the county central committees of the counties within such district, each chairman of such county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee.

Judicial District Committee

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(f) The judicial district committee of each political party in each judicial district shall be composed of the chairman of the county central committees of the counties composing the judicial district.

In the organization and proceedings of judicial district committees composed of the chairmen of the county central committees of the counties within such district, each chairman of such county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the judicial district committee.

Circuit Court Committee

(g) The circuit court committee of each political party in each judicial circuit outside Cook County shall be composed of the chairmen of the county central committees of the counties composing the judicial circuit.

In the organization and proceedings of circuit court committees, each chairman of a county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the circuit court committee.

Judicial Subcircuit Committee

(g-1) The judicial subcircuit committee of each political party in each judicial subcircuit in a judicial circuit divided into subcircuits shall be composed of (i) the ward and township committeemen of the townships and wards composing the judicial subcircuit in Cook County and (ii) the precinct committeemen of the precincts composing the judicial subcircuit in any county other than Cook County.

In the organization and proceedings of each judicial subcircuit committee, each township committeeman shall have one vote for each ballot voted in his township or part of a township, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee; each precinct committeeman shall have one vote for each ballot voted in his precinct or part of a precinct, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election.
election immediately preceding the meeting of the judicial subcircuit committee; and each ward committeeman shall have one vote for each ballot voted in his ward or part of a ward, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee.

Municipal Central Committee

(h) The municipal central committee of each political party shall be composed of the precinct, township or ward committeemen, as the case may be, of such party representing the precincts or wards, embraced in such city, incorporated town or village. The voting strength of each precinct, township or ward committeeman on the municipal central committee shall be the same as his voting strength on the county central committee.

For political parties, other than a statewide political party, established only within a municipality or township, the municipal or township managing committee shall be composed of the party officers of the local established party. The party officers of a local established party shall be as follows: the chairman and secretary of the caucus for those municipalities and townships authorized by statute to nominate candidates by caucus shall serve as party officers for the purpose of filling vacancies in nomination under Section 7-61; for municipalities and townships authorized by statute or ordinance to nominate candidates by petition and primary election, the party officers shall be the party's candidates who are nominated at the primary. If no party primary was held because of the provisions of Section 7-5, vacancies in nomination shall be filled by the party's remaining candidates who shall serve as the party's officers.

Powers

(i) Each committee and its officers shall have the powers usually exercised by such committees and by the officers thereof, not inconsistent with the provisions of this Article. The several committees herein provided for shall not have power to delegate any of their powers, or functions to any other person, officer or committee, but this shall not be construed to
prevent a committee from appointing from its own membership proper and necessary subcommittees.

(j) The State central committee of a political party which elects it members by Alternative B under paragraph (a) of this Section shall adopt a plan to give effect to the delegate selection rules of the national political party and file a copy of such plan with the State Board of Elections when approved by a national political party.

(k) For the purpose of the designation of a proxy by a Congressional Committee to vote in place of an absent State central committeeman or committeewoman at meetings of the State central committee of a political party which elects its members by Alternative B under paragraph (a) of this Section, the proxy shall be appointed by the vote of the ward and township committeemen, if any, of the wards and townships which lie entirely or partially within the Congressional District from which the absent State central committeeman or committeewoman was elected and the vote of the chairmen of the county central committees of those counties which lie entirely or partially within that Congressional District and in which there are no ward or township committeemen. When voting for such proxy the county chairman, ward committeeman or township committeeman, as the case may be shall have one vote for each ballot voted in his county, ward or township, or portion thereof within the Congressional District, by the primary electors of his party at the primary at which he was elected. However, the absent State central committeeman or committeewoman may designate a proxy when permitted by the rules of a political party which elects its members by Alternative B under paragraph (a) of this Section.

Notwithstanding any law to the contrary, a person is ineligible to hold the position of committeeperson in any committee established pursuant to this Section if he or she is statutorily ineligible to vote in a general election because of conviction of a felony. When a committeeperson is convicted of a felony, the position occupied by that committeeperson shall automatically become vacant.

(Source: P.A. 93-541, eff. 8-18-03; 93-574, eff. 8-21-03; 93-847, eff. 7-30-04; 94-645, eff. 8-22-05.)

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(10 ILCS 5/8-4) (from Ch. 46, par. 8-4)
Sec. 8-4. The primary shall be held on the third Tuesday in March of each even numbered year for the nomination of candidates for legislative offices shall be made at the general primary election.
(Source: P.A. 82-750.)

(10 ILCS 5/9-10) (from Ch. 46, par. 9-10)
Sec. 9-10. Financial reports.
(a) The treasurer of every state political committee and the treasurer of every local political committee shall file with the Board, and the treasurer of every local political committee shall file with the county clerk, reports of campaign contributions, and semi-annual reports of campaign contributions and expenditures on forms to be prescribed or approved by the Board. The treasurer of every political committee that acts as both a state political committee and a local political committee shall file a copy of each report with the State Board of Elections and the county clerk. Entities subject to Section 9-7.5 shall file reports required by that Section at times provided in this Section and are subject to the penalties provided in this Section.

(b) This subsection does not apply with respect to general primary elections. Reports of campaign contributions shall be filed no later than the 15th day next preceding each election including a primary election in connection with which the political committee has accepted or is accepting contributions or has made or is making expenditures. Such reports shall be complete as of the 30th day next preceding each election including a primary election. The Board shall assess a civil penalty not to exceed $5,000 for a violation of this subsection, except that for State officers and candidates and political committees formed for statewide office, the civil penalty may not exceed $10,000. The fine, however, shall not exceed $500 for a first filing violation for filing less than 10 days after the deadline. There shall be no fine if the report is mailed and postmarked at least 72 hours prior to the filing deadline. For the purpose of this subsection, "statewide office" and "State officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer. However, a continuing political committee that does not make

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expenditures in excess of $500 on behalf of or in opposition to any candidate or public question on the ballot at an election shall not be required to file the reports heretofore prescribed in this subsection (b) and subsection (b-5) but may file in lieu thereof a Statement of Nonparticipation in the Election with the Board or the Board and the county clerk; except that if the political committee, by the terms of its statement of organization filed in accordance with this Article, is organized to support or oppose a candidate or public question on the ballot at the next election or primary, that committee must file reports required by this subsection (b) and by subsection (b-5).

(b-5) Notwithstanding the provisions of subsection (b) and Section 1.25 of the Statute on Statutes, any contribution of more than $500 received (i) with respect to elections other than the general primary election, in the interim between the last date of the period covered by the last report filed under subsection (b) prior to the election and the date of the election or (ii) with respect to general primary elections, in the period beginning January 1 of the year of the general primary election and prior to the date of the general primary election shall be filed with and must actually be received by the State Board of Elections within 2 business days after receipt of such contribution. A continuing political committee that does not support or oppose a candidate or public question on the ballot at a general primary election and does not make expenditures in excess of $500 on behalf of or in opposition to any candidate or public question on the ballot at the general primary election shall not be required to file the report prescribed in this subsection unless the committee makes an expenditure in excess of $500 on behalf of or in opposition to any candidate or public question on the ballot at the general primary election. The committee shall timely file the report required under this subsection beginning with the date the expenditure that triggered participation was made. The State Board shall allow filings of reports of contributions of more than $500 under this subsection (b-5) by political committees that are not required to file electronically to be made by facsimile transmission. For the purpose of this subsection, a contribution is considered received on the date the public official, candidate, or political committee (or equivalent

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person in the case of a reporting entity other than a political committee) actually receives it or, in the case of goods or services, 2 business days after the date the public official, candidate, committee, or other reporting entity receives the certification required under subsection (b) of Section 9-6. Failure to report each contribution is a separate violation of this subsection. In the final disposition of any matter by the Board on or after the effective date of this amendatory Act of the 93rd General Assembly, the Board may impose fines for violations of this subsection not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported. When considering the amount of the fine to be imposed, the Board shall consider, but is not limited to, the following factors:

(1) whether in the Board's opinion the violation was committed inadvertently, negligently, knowingly, or intentionally;

(2) the number of days the contribution was reported late;

and

(3) past violations of Sections 9-3 and 9-10 of this Article by the committee.

(c) In addition to such reports the treasurer of every political committee shall file semi-annual reports of campaign contributions and expenditures no later than July 20th, covering the period from January 1st through June 30th immediately preceding, and no later than January 20th, covering the period from July 1st through December 31st of the preceding calendar year. Reports of contributions and expenditures must be filed to cover the prescribed time periods even though no contributions or expenditures may have been received or made during the period. The Board shall assess a civil penalty not to exceed $5,000 for a violation of this subsection, except that for State officers and candidates and political committees formed for statewide office, the civil penalty may not exceed $10,000. The fine, however, shall not exceed $500 for a first filing violation for filing less than 10 days after the deadline. There shall be no fine if the report is mailed and postmarked at least 72 hours prior to the filing deadline. For the purpose of this subsection, "statewide office" and

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"State officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

(c-5) A political committee that acts as either (i) a State and local political committee or (ii) a local political committee and that files reports electronically under Section 9-28 is not required to file copies of the reports with the appropriate county clerk if the county clerk has a system that permits access to, and duplication of, reports that are filed with the State Board of Elections. A State and local political committee or a local political committee shall file with the county clerk a copy of its statement of organization pursuant to Section 9-3.

(d) A copy of each report or statement filed under this Article shall be preserved by the person filing it for a period of two years from the date of filing.

(Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03; 94-645, eff. 8-22-05.)

Section 10. The General Assembly Compensation Act is amended by changing Section 4 as follows:

(25 ILCS 115/4) (from Ch. 63, par. 15.1)

Sec. 4. Office allowance. Beginning July 1, 2001, each member of the House of Representatives is authorized to approve the expenditure of not more than $61,000 per year and each member of the Senate is authorized to approve the expenditure of not more than $73,000 per year to pay for "personal services", "contractual services", "commodities", "printing", "travel", "operation of automotive equipment", "telecommunications services", as defined in the State Finance Act, and the compensation of one or more legislative assistants authorized pursuant to this Section, in connection with his or her legislative duties and not in connection with any political campaign. On July 1, 2002 and on July 1 of each year thereafter, the amount authorized per year under this Section for each member of the Senate and each member of the House of Representatives shall be increased by a percentage increase equivalent to the lesser of (i) the increase in the designated cost of living index or (ii) 5%. The designated cost of living index is the index known as the "Employment Cost Index, Wages and Salaries, By Occupation and
Industry Groups: State and Local Government Workers: Public Administration" as published by the Bureau of Labor Statistics of the U.S. Department of Labor for the calendar year immediately preceding the year of the respective July 1st increase date. The increase shall be added to the then current amount, and the adjusted amount so determined shall be the annual amount beginning July 1 of the increase year until July 1 of the next year. No increase under this provision shall be less than zero.

A member may purchase office equipment if the member certifies to the Secretary of the Senate or the Clerk of the House, as applicable, that the purchase price, whether paid in lump sum or installments, amounts to less than would be charged for renting or leasing the equipment over its anticipated useful life. All such equipment must be purchased through the Secretary of the Senate or the Clerk of the House, as applicable, for proper identification and verification of purchase.

Each member of the General Assembly is authorized to employ one or more legislative assistants, who shall be solely under the direction and control of that member, for the purpose of assisting the member in the performance of his or her official duties. A legislative assistant may be employed pursuant to this Section as a full-time employee, part-time employee, or contractual employee, at the discretion of the member. If employed as a State employee, a legislative assistant shall receive employment benefits on the same terms and conditions that apply to other employees of the General Assembly. Each member shall adopt and implement personnel policies for legislative assistants under his or her direction and control relating to work time requirements, documentation for reimbursement for travel on official State business, compensation, and the earning and accrual of State benefits for those legislative assistants who may be eligible to receive those benefits. The policies shall also require legislative assistants to periodically submit time sheets documenting, in quarter-hour increments, the time spent each day on official State business. The policies shall require the time sheets to be submitted on paper, electronically, or both and to be maintained in either paper or electronic format by the applicable fiscal office for a period of at least 2 years. Contractual employees may satisfy the time sheets

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requirement by complying with the terms of their contract, which shall provide for a means of compliance with this requirement. A member may satisfy the requirements of this paragraph by adopting and implementing the personnel policies promulgated by that member's legislative leader under the State Officials and Employees Ethics Act with respect to that member's legislative assistants.

As used in this Section the term "personal services" shall include contributions of the State under the Federal Insurance Contribution Act and under Article 14 of the Illinois Pension Code. As used in this Section the term "contractual services" shall not include improvements to real property unless those improvements are the obligation of the lessee under the lease agreement. Beginning July 1, 1989, as used in the Section, the term "travel" shall be limited to travel in connection with a member's legislative duties and not in connection with any political campaign. Beginning on the effective date of this amendatory Act of the 93rd General Assembly, as used in this Section, the term "printing" includes, but is not limited to, newsletters, brochures, certificates, congratulatory mailings, greeting or welcome messages, anniversary or birthday cards, and congratulations for prominent achievement cards. As used in this Section, the term "printing" includes fees for non-substantive resolutions charged by the Clerk of the House of Representatives under subsection (c-5) of Section 1 of the Legislative Materials Act. No newsletter or brochure that is paid for, in whole or in part, with funds provided under this Section may be printed or mailed during a period beginning December 15 of the year preceding a general primary election and ending the day after the general primary election and during a period beginning September 1 of the year of a general election and ending the day after the general election, except that such a newsletter or brochure may be mailed during those times if it is mailed to a constituent in response to that constituent's inquiry concerning the needs of that constituent or questions raised by that constituent. Nothing in this Section shall be construed to authorize expenditures for lodging and meals while a member is in attendance at sessions of the General Assembly.

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Any utility bill for service provided to a member's district office for a period including portions of 2 consecutive fiscal years may be paid from funds appropriated for such expenditure in either fiscal year.

If a vacancy occurs in the office of Senator or Representative in the General Assembly, any office equipment in the possession of the vacating member shall transfer to the member's successor; if the successor does not want such equipment, it shall be transferred to the Secretary of the Senate or Clerk of the House of Representatives, as the case may be, and if not wanted by other members of the General Assembly then to the Department of Central Management Services for treatment as surplus property under the State Property Control Act. Each member, on or before June 30th of each year, shall conduct an inventory of all equipment purchased pursuant to this Act. Such inventory shall be filed with the Secretary of the Senate or the Clerk of the House, as the case may be. Whenever a vacancy occurs, the Secretary of the Senate or the Clerk of the House, as the case may be, shall conduct an inventory of equipment purchased.

In the event that a member leaves office during his or her term, any unexpended or unobligated portion of the allowance granted under this Section shall lapse. The vacating member's successor shall be granted an allowance in an amount, rounded to the nearest dollar, computed by dividing the annual allowance by 365 and multiplying the quotient by the number of days remaining in the fiscal year.

From any appropriation for the purposes of this Section for a fiscal year which overlaps 2 General Assemblies, no more than 1/2 of the annual allowance per member may be spent or encumbered by any member of either the outgoing or incoming General Assembly, except that any member of the incoming General Assembly who was a member of the outgoing General Assembly may encumber or spend any portion of his annual allowance within the fiscal year.

The appropriation for the annual allowances permitted by this Section shall be included in an appropriation to the President of the Senate and to the Speaker of the House of Representatives for their respective members. The President of the Senate and the Speaker of the House shall voucher for payment individual members' expenditures from their annual office allowances to the State Comptroller, subject to the authority of the Comptroller under Section 9 of the State Comptroller Act.
(Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

Section 15. The Legislative Commission Reorganization Act of 1984 is amended by changing Section 9-2.5 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 9-2.5. Newsletters and brochures. The Legislative Printing Unit may not print for any member of the General Assembly any newsletters or brochures during the period beginning December 15 of the year preceding of a general primary election and ending the day after the general primary election and during a period beginning September 1 of the year of a general election and ending the day after the general election. A member of the General Assembly may not mail, during a period beginning December 15 of the year preceding of a general primary election and ending the day after the general primary election and during a period beginning September 1 of the year of a general election and ending the day after the general election, any newsletters or brochures that were printed, at any time, by the Legislative Printing Unit, except that such a newsletter or brochure may be mailed during those times if it is mailed to a constituent in response to that constituent's inquiry concerning the needs of that constituent or questions raised by that constituent.

(Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

Section 20. The School Code is amended by changing Section 33-1 as follows:

(105 ILCS 5/33-1) (from Ch. 122, par. 33-1)

Sec. 33-1. Board of Education - Election - Terms. In all school districts, including special charter districts having a population of 100,000 and not more than 500,000, which adopt this Article, as hereinafter provided, there shall be maintained a system of free schools in charge of a board of education, which shall be a body politic and corporate by the name of "Board of Education of the City of...". The board shall consist of 7 members elected by the voters of the district. Except as provided in Section 33-1b of this Act, the regular election for members of the board shall be held at the consolidated election on the first Tuesday of April in odd numbered years and at the general primary election on the third Tuesday of March in even numbered years. The law governing the registration of voters for the primary election shall apply to the regular election. At the first regular election 7 persons shall be elected as members of the board. The person who receives the greatest number of votes shall be elected for a term of 5 years. The 2 persons who receive the second and third greatest number of votes shall be elected for a term of 4 years. The person who receives the fourth greatest number of votes shall be elected for a term of 3 years. The 2 persons who receive the fifth and sixth greatest
number of votes shall be elected for a term of 2 years. The person who receives the seventh greatest number of votes shall be elected for a term of 1 year. Thereafter, at each regular election for members of the board, the successors of the members whose terms expire in the year of election shall be elected for a term of 5 years. All terms shall commence on July 1 next succeeding the elections. Any vacancy occurring in the membership of the board shall be filled by appointment until the next regular election for members of the board.

In any school district which has adopted this Article, a proposition for the election of board members by school board district rather than at large may be submitted to the voters of the district at the regular school election of any year in the manner provided in Section 9-22. If the proposition is approved by a majority of those voting on the propositions, the board shall divide the school district into 7 school board districts as provided in Section 9-22. At the regular school election in the year following the adoption of such proposition, one member shall be elected from each school board district, and the 7 members so elected shall, by lot, determine one to serve for one year, 2 for 2 years, one for 3 years, 2 for 4 years, and one for 5 years. Thereafter their respective successors shall be elected for terms of 5 years. The terms of all incumbent members expire July 1 of the year following the adoption of such a proposition.

Any school district which has adopted this Article may, by referendum in accordance with Section 33-1a, adopt the method of electing members of the board of education provided in that Section.

Reapportionment of the voting districts provided for in this Article or created pursuant to a court order, shall be completed pursuant to Section 33-1c.

A board of education may appoint a student to the board to serve in an advisory capacity. The student member shall serve for a term as determined by the board. The board may not grant the student member any voting privileges, but shall consider the student member as an advisor. The student member may not participate in or attend any executive session of the board.

(Source: P.A. 94-231, eff. 7-14-05.)

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

Approved June 20, 2007.
Effective June 20, 2007.
AN ACT concerning health.

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

Section 5. The AIDS Confidentiality Act is amended by changing Sections 2, 3, 4, 5, 6, 7, 8, 11, 13, 15, and 16 and by adding Section 9.5 as follows:

(410 ILCS 305/2) (from Ch. 111 1/2, par. 7302)
Sec. 2. The General Assembly finds that:

(1) The use of tests designed to reveal a condition indicative of Human Immunodeficiency Virus (HIV) infection can be a valuable tool in protecting the public health.

(2) Despite existing laws, regulations and professional standards which require or promote the informed, voluntary and confidential use of tests designed to reveal HIV infection, many members of the public are deterred from seeking such testing because they misunderstand the nature of the test or fear that test results will be disclosed without their consent.

(3) The public health will be served by facilitating informed, voluntary and confidential use of tests designed to reveal HIV infection.

(4) The public health will also be served by expanding the availability of informed, voluntary, and confidential HIV testing and making HIV testing a routine part of general medical care, as recommended by the United States Centers for Disease Control and Prevention.

(Source: P.A. 85-677; 85-679.)

(410 ILCS 305/3) (from Ch. 111 1/2, par. 7303)
Sec. 3. When used in this Act:

(a) "Department" means the Illinois Department of Public Health.
(b) "AIDS" means acquired immunodeficiency syndrome.
(c) "HIV" means the Human Immunodeficiency Virus or any other identified causative agent of AIDS.

New matter indicated by italics - deletions by strikeout
(d) "Informed consent" means an agreement in writing executed by the subject of a test or the subject's legally authorized representative without undue inducement or any element of force, fraud, deceit, duress or other form of constraint or coercion, which entails at least the following pre-test information:

1. A fair explanation of the test, including its purpose, potential uses, limitations and the meaning of its results; and

2. A fair explanation of the procedures to be followed, including the voluntary nature of the test, the right to withdraw consent to the testing process at any time, the right to anonymity to the extent provided by law with respect to participation in the test and disclosure of test results, and the right to confidential treatment of information identifying the subject of the test and the results of the test, to the extent provided by law.

Pre-test information may be provided in writing, verbally, or by video, electronic, or other means. The subject must be offered an opportunity to ask questions about the HIV test and decline testing. Nothing in this Act shall prohibit a health care provider from combining a form used to obtain informed consent for HIV testing with forms used to obtain written consent for general medical care or any other medical test or procedure provided that the forms make it clear that the subject may consent to general medical care, tests, or medical procedures without being required to consent to HIV testing and clearly explain how the subject may opt-out of HIV testing.

(e) "Health facility" means a hospital, nursing home, blood bank, blood center, sperm bank, or other health care institution, including any "health facility" as that term is defined in the Illinois Finance Authority Act.

(f) "Health care provider" means any health care professional, nurse, paramedic, psychologist or other person providing medical, nursing, psychological, or other health care services of any kind.

(f-5) "Health care professional" means (i) a licensed physician, (ii) a physician assistant to whom the physician assistant's supervising physician has delegated the provision of AIDS and HIV-related health services, (iii) an advanced practice registered nurse who has a written
collaborative agreement with a collaborating physician which authorizes the provision of AIDS and HIV-related health services, (iv) a licensed dentist, (v) a licensed podiatrist, or (vi) an individual certified to provide HIV testing and counseling by a state or local public health department.

(g) "Test" or "HIV test" means a test to determine the presence of the antibody or antigen to HIV, or of HIV infection.

(h) "Person" includes any natural person, partnership, association, joint venture, trust, governmental entity, public or private corporation, health facility or other legal entity.

(410 ILCS 305/4) (from Ch. 111 1/2, par. 7304)

Sec. 4. No person may order an HIV test without first receiving the documented written informed consent of the subject of the test or the subject's legally authorized representative. A health care facility or provider may offer opt-out HIV testing where the subject or the subject's legally authorized representative is informed that the subject will be tested for HIV unless he or she refuses. The health care facility or provider must document the provision of informed consent, including pre-test information, and whether the subject or the subject's legally authorized representative declined the offer of HIV testing.

(410 ILCS 305/5) (from Ch. 111 1/2, par. 7305)

Sec. 5. No health care professional may order an HIV test without making available to the person tested pre-test information about the meaning of the test results, the availability of additional or confirmatory testing, if appropriate, and the availability of referrals for further information or counseling.

(410 ILCS 305/6) (from Ch. 111 1/2, par. 7306)

Sec. 6. Any individual seeking an HIV test shall have the right to anonymous testing, unless identification of the test subject is otherwise required. Anonymous testing shall be performed after pre-test information is provided and informed consent is obtained, using a coded system that does not link individual identity with the request or result. A health care

New matter indicated by italics - deletions by strikeout
facility or health care provider that does not provide anonymous testing shall refer an individual requesting an anonymous test to a site where it is available. A subject of a test who wishes to remain anonymous shall have the right to do so, and to provide written informed consent by using a coded system that does not link individual identity with the request or result, except when written informed consent is not required by law. The Department may, if it deems necessary, promulgate regulations exempting blood banks, as defined in the Illinois Blood Bank Act, from the requirements of this Section.

(Source: P.A. 85-1248; 85-1399; 85-1440.)

(410 ILCS 305/7) (from Ch. 111 1/2, par. 7307)

Sec. 7. (a) Notwithstanding the provisions of Sections 4, 5 and 6 of this Act, written informed consent is not required for a health care provider or health facility to perform a test when the health care provider or health facility procures, processes, distributes or uses a human body part donated for a purpose specified under the Illinois Anatomical Gift Act, or semen provided prior to the effective date of this Act for the purpose of artificial insemination, and such a test is necessary to assure medical acceptability of such gift or semen for the purposes intended.

(b) Informed written informed consent is not required for a health care provider or health facility to perform a test when a health care provider or employee of a health facility, or a firefighter or an EMT-A, EMT-I or EMT-P, is involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his medical judgment. Should such test prove to be positive, the patient and the health care provider, health facility employee, firefighter, EMT-A, EMT-I, or EMT-P shall be provided appropriate counseling consistent with this Act.

(c) Informed written informed consent is not required for a health care provider or health facility to perform a test when a law enforcement officer is involved in the line of duty in a direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his medical judgment.

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judgment. Should such test prove to be positive, the patient shall be provided appropriate counseling consistent with this Act. For purposes of this subsection (c), "law enforcement officer" means any person employed by the State, a county or a municipality as a policeman, peace officer, auxiliary policeman, correctional officer or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life.

(Source: P.A. 93-794, eff. 7-22-04.)

(410 ILCS 305/8) (from Ch. 111 1/2, par. 7308)

Sec. 8. Notwithstanding the provisions of Sections 4 and 5 of this Act, written informed consent; and pre-test information and counseling are not required for the performance of an HIV test: (a) for the purpose of research, if the testing is performed in such a way that the identity of the test subject is not known and may not be retrieved by the researcher, and in such a way that the test subject is not informed of the results of the testing, or (b) when in the judgment of the physician, such testing is medically indicated to provide appropriate diagnosis and treatment to the subject of the test, provided that the subject of the test has otherwise provided his or her consent to such physician for medical treatment.

(Source: P.A. 85-1399.)

(410 ILCS 305/9.5 new)

Sec. 9.5. Delivery of test results.

(a) The Department shall develop rules regarding the delivery of HIV test results to patients.

(b) The subject of the test or the subject's legally authorized representative shall be notified by personal contact whenever possible of the confirmed positive result of an HIV test. When the subject or the subject's legally authorized representative is notified of a confirmed positive test result, the health care provider or professional shall provide the subject or the subject's legally authorized representative with a referral to counseling in connection with the confirmed positive test result and a referral to an appropriate medical facility for the treatment and management of HIV.

New matter indicated by italics - deletions by strikeout
(c) A health care provider shall not be in violation of this Section when an attempt to contact the test subject or the subject's legally authorized representative at the address or telephone number provided by the test subject or the test subject's legally authorized representative does not result in contact and notification or where an attempt to deliver results by personal contact has not been successful.

(410 ILCS 305/11) (from Ch. 111 1/2, par. 7311)

Sec. 11. Notwithstanding the provisions of Section 4 of this Act, written informed consent is not required for the performance of an HIV test upon a person who is specifically required by law to be so tested.

(Source: P.A. 85-677; 85-679.)

(410 ILCS 305/13) (from Ch. 111 1/2, par. 7313)

Sec. 13. Any person aggrieved by a violation of this Act or of a regulation promulgated hereunder shall have a right of action in the circuit court and may recover for each violation:

(1) Against any person who negligently violates a provision of this Act or the regulations promulgated hereunder, liquidated damages of $2,000 or actual damages, whichever is greater.

(2) Against any person who intentionally or recklessly violates a provision of this Act or the regulations promulgated hereunder, liquidated damages of $10,000 or actual damages, whichever is greater.

(3) Reasonable attorney fees.

(4) Such other relief, including an injunction, as the court may deem appropriate.

(Source: P.A. 85-677; 85-679.)

(410 ILCS 305/15) (from Ch. 111 1/2, par. 7315)

Sec. 15. Nothing in this Act shall be construed to impose civil liability or criminal sanction for disclosure of a test result in accordance with any reporting requirement of the Department for a diagnosed case of HIV infection, AIDS or a related condition.

Nothing in this Act shall be construed to impose civil liability or criminal sanction for performing a test without written informed consent pursuant to the provisions of subsection (b) or (c) of Section 7 of this Act.

(Source: P.A. 86-887.)

New matter indicated by italics - deletions by strikeout
Sec. 16. The Department shall promulgate rules and regulations concerning implementation and enforcement of this Act. The rules and regulations promulgated by the Department pursuant to this Act may include procedures for taking appropriate action with regard to health care facilities or health care providers which violate this Act or the regulations promulgated hereunder. The provisions of The Illinois Administrative Procedure Act shall apply to all administrative rules and procedures of the Department pursuant to this Act, except that in case of conflict between The Illinois Administrative Procedure Act and this Act, the provisions of this Act shall control. The Department shall conduct training, technical assistance, and outreach activities, as needed, to implement routine HIV testing in healthcare medical settings.

(Source: P.A. 85-677; 85-679.)

Passed in the General Assembly June 1, 2007.

Approved June 27, 2007.

Effective June 1, 2008.

PUBLIC ACT 95-0008
(Senate Bill No. 1395)

AN ACT concerning revenue.

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

Section 5. The Illinois Income Tax Act is amended by changing Section 704 and by adding Section 704A as follows:

Sec. 704. Employer's Return and Payment of Tax Withheld.

(a) In general, every employer who deducts and withholds or is required to deduct and withhold tax under this Act prior to January 1, 2008, shall make such payments and returns as hereinafter provided in this Section.

(b) Quarter Monthly Payments: Returns. Every employer who deducts and withholds or is required to deduct and withhold tax under this Act prior to January 1, 2008, shall make such payments and returns as hereinafter provided in this Section. New matter indicated by italics - deletions by strikeout
Act shall, on or before the third banking day following the close of a quarter monthly period, pay to the Department or to a depositary designated by the Department, pursuant to regulations prescribed by the Department, the taxes so required to be deducted and withheld, whenever the aggregate amount withheld by such employer (together with amounts previously withheld and not paid to the Department) exceeds $1,000. For purposes of this Section, Saturdays, Sundays, legal holidays and local bank holidays are not banking days. A quarter monthly period, for purposes of this subsection, ends on the 7th, 15th, 22nd and last day of each calendar month. Every such employer shall for each calendar quarter, on or before the last day of the first month following the close of such quarter, and for the calendar year, on or before January 31 of the succeeding calendar year, make a return with respect to such taxes in such form and manner as the Department may by regulations prescribe, and pay to the Department or to a depositary designated by the Department all withheld taxes not previously paid to the Department.

(c) Monthly Payments: Returns. Every employer required to deduct and withhold tax under this Act shall, on or before the 15th day of the second and third months of each calendar quarter, and on or before the last day of the month following the last month of each such quarter, pay to the Department or to a depositary designated by the Department, pursuant to regulations prescribed by the Department, the taxes so required to be deducted and withheld, whenever the aggregate amount withheld by such employer (together with amounts previously withheld and not paid to the Department) exceeds $500 but does not exceed $1,000. Every such employer shall for each calendar quarter, on or before the last day of the first month following the close of such quarter, and for the calendar year, on or before January 31 of the succeeding calendar year, make a return with respect to such taxes in such form and manner as the Department may by regulations prescribe, and pay to the Department or to a depositary designated by the Department all withheld taxes not previously paid to the Department.

(d) Annual Payments: Returns. Where the amount of compensation paid by an employer is not sufficient to require the withholding of tax from
the compensation of any of its employees (or where the aggregate amount withheld is less than $500), the Department may by regulation permit such employer to file only an annual return and to pay the taxes required to be deducted and withheld at the time of filing such annual return.

(e) Annual Return. The Department may, as it deems appropriate, prescribe by regulation for the filing of annual returns in lieu of quarterly returns described in subsections (b) and (c).

(e-5) Annual Return and Payment. On and after January 1, 1998, notwithstanding subsections (b) through (d) of this Section, every employer who deducts and withholds or is required to deduct and withhold tax from a person engaged in domestic service employment, as that term is defined in Section 3510 of the Internal Revenue Code, may comply with the requirements of this Section by filing an annual return and paying the taxes required to be deducted and withheld on or before the 15th day of the fourth month following the close of the employer's taxable year. The annual return may be submitted with the employer's individual income tax return.

(f) Magnetic Media Filing. Forms W-2 that, pursuant to the Internal Revenue Code and regulations promulgated thereunder, are required to be submitted to the Internal Revenue Service on magnetic media, must also be submitted to the Department on magnetic media for Illinois purposes, if required by the Department.

(Source: P.A. 90-374, eff. 8-14-97; 90-562, eff. 12-16-97.)

(35 ILCS 5/704A new)

Sec. 704A. Employer's return and payment of tax withheld.

(a) In general, every employer who deducts and withholds or is required to deduct and withhold tax under this Act on or after January 1, 2008 shall make those payments and returns as provided in this Section.

(b) Returns. Every employer shall, in the form and manner required by the Department, make returns with respect to taxes withheld or required to be withheld under this Article 7 beginning on or after January 1, 2008, on or before the last day of the first month following the close of that quarter.

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(c) Payments. With respect to amounts withheld or required to be withheld on or after January 1, 2008:

(1) Semi-weekly payments. For each calendar year, each employer who withheld or was required to withhold more than $12,000 during the one-year period ending on June 30 of the immediately preceding calendar year, payment must be made:

(A) on or before each Friday of the calendar year, for taxes withheld or required to be withheld on the immediately preceding Saturday, Sunday, Monday, or Tuesday;

(B) on or before each Wednesday of the calendar year, for taxes withheld or required to be withheld on the immediately preceding Wednesday, Thursday, or Friday.

(2) Semi-weekly payments. Any employer who withholds or is required to withhold more than $12,000 in any quarter of a calendar year is required to make payments on the dates set forth under item (1) of this subsection (c) for each remaining quarter of that calendar year and for the subsequent calendar year.

(3) Monthly payments. Each employer, other than an employer described in items (1) or (2) of this subsection, shall pay to the Department, on or before the 15th day of each month the taxes withheld or required to be withheld during the immediately preceding month.

(4) Payments with returns. Each employer shall pay to the Department, on or before the due date for each return required to be filed under this Section, any tax withheld or required to be withheld during the period for which the return is due and not previously paid to the Department.

(d) Regulatory authority. The Department may, by rule:

(1) If the aggregate amounts required to be withheld under this Article 7 do not exceed $1,000 for the calendar year, permit employers, in lieu of the requirements of subsections (b) and (c), to file annual returns due on or before January 31 of the following year for taxes withheld or required to be withheld during that
calendar year and to pay the taxes required to be shown on each such return no later than the due date for such return.

(2) Provide that any payment required to be made under subsection (c)(1) or (c)(2) is deemed to be timely to the extent paid by electronic funds transfer on or before the due date for deposit of federal income taxes withheld from, or federal employment taxes due with respect to, the wages from which the Illinois taxes were withheld.

(3) Designate one or more depositories to which payment of taxes required to be withheld under this Article 7 must be paid by some or all employers.

(4) Increase the threshold dollar amounts at which employers are required to make semi-weekly payments under subsection (c)(1) or (c)(2).

(e) Annual return and payment. Every employer who deducts and withholds or is required to deduct and withhold tax from a person engaged in domestic service employment, as that term is defined in Section 3510 of the Internal Revenue Code, may comply with the requirements of this Section with respect to such employees by filing an annual return and paying the taxes required to be deducted and withheld on or before the 15th day of the fourth month following the close of the employer's taxable year. The Department may allow the employer's return to be submitted with the employer's individual income tax return or to be submitted with a return due from the employer under Section 1400.2 of the Unemployment Insurance Act.

(f) Magnetic media and electronic filing. Any W-2 Form that, under the Internal Revenue Code and regulations promulgated thereunder, is required to be submitted to the Internal Revenue Service on magnetic media or electronically must also be submitted to the Department on magnetic media or electronically for Illinois purposes, if required by the Department.

Section 10. The Illinois Municipal Code is amended by changing Section 8-11-1.1 as follows:

(65 ILCS 5/8-11-1.1) (from Ch. 24, par. 8-11-1.1)

New matter indicated by italics - deletions by strikeout
Sec. 8-11-1.1. Non-home rule municipalities; imposition of taxes.

(a) The corporate authorities of a non-home rule municipality may, upon approval of the electors of the municipality pursuant to subsection (b) of this Section, impose by ordinance or resolution the tax authorized in Sections 8-11-1.3, 8-11-1.4 and 8-11-1.5 of this Act.

(b) The corporate authorities of the municipality may by ordinance or resolution call for the submission to the electors of the municipality the question of whether the municipality shall impose such tax. Such question shall be certified by the municipal clerk to the election authority in accordance with Section 28-5 of the Election Code and shall be in a form in accordance with Section 16-7 of the Election Code.

If a majority of the electors in the municipality voting upon the question vote in the affirmative, such tax shall be imposed.

An ordinance or resolution imposing the tax of not more than 1% hereunder or discontinuing the same shall be adopted and a certified copy thereof, together with a certification that the ordinance or resolution received referendum approval in the case of the imposition of such tax, filed with the Department of Revenue, on or before the first day of June, whereupon the Department shall proceed to administer and enforce the additional tax or to discontinue the tax, as the case may be, as of the first day of September next following such adoption and filing. Beginning January 1, 1992, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following such adoption and filing. Beginning October 1, 2002, an ordinance or resolution imposing or discontinuing the tax under this Section or effecting a change in the rate of tax must either (i) be adopted and a certified copy of the ordinance or resolution filed with

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the Department on or before the first day of April, whereupon the Department shall proceed to administer and enforce this Section as of the first day of July next following the adoption and filing; or (ii) be adopted and a certified copy of the ordinance or resolution filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following the adoption and filing.

Notwithstanding any provision in this Section to the contrary, if, in a non-home rule municipality with more than 150,000 but fewer than 200,000 inhabitants, as determined by the last preceding federal decennial census, an ordinance or resolution under this Section imposes or discontinues a tax or changes the tax rate as of July 1, 2007, then that ordinance or resolution, together with a certification that the ordinance or resolution received referendum approval in the case of the imposition of the tax, must be adopted and a certified copy of that ordinance or resolution must be filed with the Department on or before May 15, 2007, whereupon the Department shall proceed to administer and enforce this Section as of July 1, 2007.

A non-home rule municipality may file a certified copy of an ordinance or resolution, with a certification that the ordinance or resolution received referendum approval in the case of the imposition of the tax, with the Department of Revenue, as required under this Section, only after October 2, 2000.

The tax authorized by this Section may not be more than 1% and may be imposed only in 1/4% increments.
(Source: P.A. 94-679, eff. 1-1-06.)

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

Sent to the Governor May 11, 2007.
Vetoed by the Governor June 22, 2007.
General Assembly Overrides Total Veto June 29, 2007.
Effective June 29, 2007.

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

ARTICLE 5.
Section 5-1. Short title. This Article may be cited as the Broadband Access on Passenger Rail Law.

Section 5-5. Definitions. As used in this Article:
"Department" means the Department of Transportation.
"Passenger rail systems" includes all passenger rail systems maintained by the National Passenger Railroad Corporation in Illinois and those passenger rail systems under the jurisdiction of the Commuter Rail Board as established in Section 3B.08 of the Regional Transportation Authority Act.

Section 5-10. Broadband Access on Passenger Rail Plan. The Department shall deliver to the Governor and General Assembly a plan for ensuring high speed data transmission services on all passenger rail systems in Illinois at fair and reasonable prices no later than December 31, 2007. The plan shall include recommendations for acquiring necessary rights of way, installation of necessary infrastructure, operation of high speed data transmission services, and funding sources.

ARTICLE 10.
Section 10-90. The Public Utilities Act is amended by changing Sections 13-505.4, 13-701, and 13-1200 as follows:

(220 ILCS 5/13-505.4) (from Ch. 111 2/3, par. 13-505.4) (Section scheduled to be repealed on July 1, 2007)

Sec. 13-505.4. Provision of noncompetitive services.
(a) A telecommunications carrier that offers or provides a noncompetitive service, service element, feature, or functionality on a separate, stand-alone basis to any customer shall provide that service, service element, feature, or functionality pursuant to tariff to all persons,
including all telecommunications carriers and competitors, in accordance with the provisions of this Article.

(b) A telecommunications carrier that offers or provides a noncompetitive service, service element, feature, or functionality to any customer as part of an offering of competitive services pursuant to tariff or contract shall publicly disclose the offering or provisioning of the noncompetitive service, service element, feature, or functionality by filing with the Commission information that generally describes the offering or provisioning and that shows the rates, terms, and conditions of the noncompetitive service, service element, feature, or functionality. The information shall be filed with the Commission concurrently with the filing of the tariff or not more than 10 days following the customer's acceptance of the offering in a contract.

(c) A telecommunications carrier that is not subject to regulation under an alternative regulation plan pursuant to Section 13-506.1 of this Act may reduce the rate or charge for a noncompetitive service, service element, feature, or functionality offered to customers on a separate, stand-alone basis or as part of a bundled service offering by filing with the Commission a tariff that shows the reduced rate or charge and all applicable terms and conditions of the noncompetitive service, service element, feature, or functionality or bundled offering. The reduction of rates or charges shall be permitted upon the filing of the proposed rate, charge, classification, tariff, or bundled offering. The total price of a bundled offering shall not attribute any portion of the charge to services subject to the jurisdiction of the Commission and shall not be binding on the Commission in any proceeding under Article IX of this Act to set the revenue requirement or to set just and reasonable rates for services subject to the jurisdiction of the Commission. Prices for bundles shall not be subject to Section 13-505.1 of this Act. For purposes of this subsection (c), a bundle is a group of services offered together for a fixed price where at least one of the services is an interLATA service as that term is defined in 47 U.S.C. 153(21), a cable service or a video service, a community antenna television service, a satellite broadcast service, a public mobile service as defined in Section 13-214 of this Act, or an advanced

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telecommunications service as "advanced telecommunications services" is defined in Section 13-517 of this Act.
(Source: P.A. 87-856.)

(220 ILCS 5/13-701) (from Ch. 111 2/3, par. 13-701)
(Section scheduled to be repealed on July 1, 2007)
Sec. 13-701. (a) Notwithstanding any other provision of this Act to the contrary, the Commission has no power to supervise or control any telephone cooperative as respects assessment schedules or local service rates made or charged by such a cooperative on a nondiscriminatory basis. In addition, the Commission has no power to inquire into, or require the submission of, the terms, conditions or agreements by or under which telephone cooperatives are financed. A telephone cooperative shall file with the Commission either a copy of the annual financial report required by the Rural Electrification Administration, or the annual financial report required of other public utilities.

Sections 13-712 and 13-713 of this Act do not apply to telephone cooperatives.
(Source: P.A. 84-1063.)
(220 ILCS 5/13-1200)
(Section scheduled to be repealed on July 1, 2007)
Sec. 13-1200. Repealer. This Article is repealed July 1, 2009.
(Source: P.A. 94-76, eff. 6-24-05.)

ARTICLE 15.

Section 15-5. The Public Utilities Act is amended by adding the heading of Article XXI and Sections 21-100, 21-101, 21-101.1, 21-201, 21-301, 21-401, 21-601, 21-701, 21-801, 21-901, 21-1001, 21-1101, 21-1201, 21-1301, 21-1401, 21-1501, and 21-1601 as follows:
(220 ILCS 5/Art. XXI heading new)

ARTICLE XXI. CABLE AND VIDEO COMPETITION
(220 ILCS 5/21-100 new)
Sec. 21-100. Short title. This Article may be cited as the Cable and Video Competition Law of 2007.
(220 ILCS 5/21-101 new)

New matter indicated by italics - deletions by strikeout
Sec. 21-101. Findings. With respect to cable and video competition, the General Assembly finds that:

(a) The economy in the State of Illinois will be enhanced by investment in new communications, cable services and video services infrastructure, including broadband facilities, fiber optic, and Internet protocol technologies.

(b) Cable services and video services bring important daily benefits to Illinois consumers by providing news, education, and entertainment.

(c) Competitive cable service and video service providers are capable of providing new video programming services and competition to Illinois consumers and of decreasing the prices for video programming services paid by Illinois consumers.

(d) Although there has been some competitive entry into the facilities-based video programming market since current franchising requirements in this State were enacted, further entry by facilities-based providers could benefit consumers, provided cable and video services are equitably available to all Illinois consumers at reasonable prices.

(e) The provision of competitive cable services and video services is a matter of statewide concern that extends beyond the boundaries of individual local units of government. Notwithstanding the foregoing, public rights-of-way are limited resources over which the municipality has a custodial duty to ensure that they are used, repaired and maintained in a manner that best serves the public interest.

(f) The State authorization process and uniform standards and procedures in this Article are intended to enable rapid and widespread entry by competitive providers which will bring to Illinois consumers the benefits of video competition including providing consumers with more choice, lower prices, higher speed and more advanced Internet access, more diverse and varied news, public information, education, and entertainment programming, and will bring to this State and its local units of government the benefits of new infrastructure investment, job growth, and innovation in broadband and Internet protocol technologies and deployment.

New matter indicated by italics - deletions by strikeout
(g) Providing an incumbent cable or video service provider with the option to secure a State-issued authorization through the termination of existing cable franchises between incumbent cable and video service providers and any local franchising authority, is part of the new regulatory framework established by this Article. This Article is intended to best ensure equal treatment and parity among providers and technologies.

(220 ILCS 5/21-101.1 new)
Sec. 21-101.1. Applicability. The provisions of this amendatory Act of the 95th Illinois General Assembly shall apply only to a holder of a cable service or video service authorization issued by the Commission pursuant to this Article XXI of the Public Utilities Act, and shall not apply to any person or entity that provides cable television services under a cable television franchise issued by any municipality or county pursuant to Section 11-42-11 of the Illinois Municipal Code (65 ILCS 5/11-42-11) or Section 5-1095 of the Counties Code (55 ILCS 5/5-1095), unless specifically provided for herein. A local unit of government that has an existing agreement for the provision of video services with a company or entity that uses its telecommunications facilities to provide video service as of May 30, 2007 may continue to operate under that agreement or may, at its discretion, terminate the existing agreement and require the video provider to obtain a State-issued authorization under this Article.

(220 ILCS 5/21-201 new)
Sec. 21-201. Definitions. As used in this Article:
(a) "Access" means that the cable or video provider is capable of providing cable services or video services at the household address using any technology, other than direct-to-home satellite service, which provides two-way broadband Internet capability and video programming, content, and functionality, regardless of whether any customer has ordered service or whether the owner or landlord or other responsible person has granted access to the household. If more than one technology is used, the technologies shall provide similar two-way broadband Internet accessibility and similar video programming.

New matter indicated by italics - deletions by strikeout
(b) "Basic cable or video service" means any cable or video service offering or tier which includes the retransmission of local television broadcast signals.

(c) "Broadband service" means a high speed service connection to the public Internet capable of supporting, in at least one direction, a speed in excess of 200 kilobits per second (kbps) to the network demarcation point at the subscriber's premises.

(d) "Cable operator" means that term as defined in 47 U.S.C. 522(5).

(e) "Cable service" means that term as defined in 47 U.S.C. 522(6).

(f) "Cable system" means that term as defined in 47 U.S.C. 522(7).

(g) "Commission" means the Illinois Commerce Commission.

(h) "Competitive cable service or video service provider" means a person or entity that is providing or seeks to provide cable service or video service in an area where there is at least one incumbent cable operator.

(i) "Designated Market Area" means a designated market area, as determined by Nielsen Media Research and published in the 1999-2000 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates or any successor publication. For any designated market area that crosses State lines, only households in the portion of the designated market area that is located within the holder's telecommunications service area in the State where access to video service will be offered shall be considered.

(j) "Footprint" means the geographic area designated by the cable service or video service provider as the geographic area in which it will offer cable services or video services during the period of its State-issued authorization. Each footprint shall be identified in terms of either (i) exchanges, as that term is defined in Section 13-206 of the Public Utilities Act; (ii) a collection of United States Census Bureau Block numbers (13 digit); (iii) if the area is smaller than the areas identified in either (i) or (ii), by geographic information system digital boundaries meeting or exceeding national map accuracy standards; or (iv) local units of government.

New matter indicated by italics - deletions by strikeout
(k) "Holder" means a person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to Section 21-401 of this Article.

(l) "Household" means a house, an apartment, a mobile home, a group of rooms, or a single room that is intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from the outside of the building or through a common hall. This definition is consistent with the United States Census Bureau, as that definition may be amended thereafter.

(m) "Incumbent cable operator" means a person or entity that provided cable services or video services in a particular area under a franchise agreement with a local unit of government pursuant to Section 11-42-11 of the Illinois Municipal Code (65 ILCS 5/11-42-11) or Section 5-1095 of the Counties Code (55 ILCS 5/5-1095) on January 1, 2007.

(n) "Local franchising authority" means the local unit of government that has or requires a franchise with a cable operator, a provider of cable services or a provider of video services to construct or operate a cable or video system or to offer cable services or video services under Section 11-42-11 of the Illinois Municipal Code (65 ILCS 5/11-42-11) or Section 5-1095 of the Counties Code (55 ILCS 5/5-1095).

(o) "Local unit of government" means a city, village, incorporated town, or a county.

(p) "Low-income household" means those residential households located within the holder's existing telephone service area where the average annual household income is less than $35,000 based on the United States Census Bureau estimates adjusted annually to reflect rates of change and distribution.

(q) "Public rights-of-way" means the areas on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easements dedicated for compatible uses.

(r) "Service" means the provision of "cable service" or "video service" to subscribers and the interaction of subscribers with the person
or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to Section 21-401 of this Article.

(s) "Service provider fee" means the amount paid under Section 21-801 of this Article by the holder to a municipality, or in the case of an unincorporated service area to a county, for service areas within its territorial jurisdiction, but under no circumstances shall the service provider fee be paid to more than one local unit of government for the same portion of the holder's service area.

(t) "Telecommunications service area" means the area designated by the Commission as the area in which a telecommunications company was obligated to provide non-competitive local telephone service as of February 8, 1996 as incorporated into Section 13-202.5 of Article XIII of the Public Utilities Act.

(u) "Video programming" means that term as defined in 47 U.S.C. 522(20).

(v) "Video service" means video programming and subscriber interaction, if any, that is required for the selection or use of such video programming services, and which is provided through wireline facilities located at least in part in the public rights-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. 332(d) or any video programming provided solely as part of, and via, service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

(220 ILCS 5/21-301 new)
Sec. 21-301. Eligibility.

(a) A person or entity seeking to provide cable service or video service in this State after the effective date of this amendatory Act of the 95th General Assembly shall either (1) obtain a State-issued authorization pursuant to Section 401 of the Cable and Video Competition Act (220 ILCS 5/21-401); (2) obtain authorization pursuant to Section 11-42-11 of the Illinois Municipal Code (65 ILCS 5/11-42-11); or (3) obtain
authorization pursuant to Section 5-1095 of the Counties Code (55 ILCS 5/5-1095).

(b) An incumbent cable operator shall be eligible to apply for a State-issued authorization as provided in subsection (c). Upon expiration of its current franchise agreement, an incumbent cable operator may obtain State authorization from the Commission pursuant to this Article or may pursue a franchise renewal with the appropriate local franchise authority under State and federal law. An incumbent cable operator and any successor-in-interest that receives a State-issued authorization shall be obligated to provide access to cable services or video services within any local unit of government at the same levels required by the local franchising authorities for the local unit of government on the effective date of this amendatory Act of the 95th General Assembly.

(c)(1) An incumbent cable operator may elect to terminate its agreement with the local franchising authority and obtain a State-issued authorization by providing written notice to the Commission and the affected local franchising authority and any entity authorized by that franchising authority to manage public, education, and government access at least 180 days prior to its filing an application for a State-issued authorization. The existing agreement shall be terminated on the date that the Commission issues the State-issued authorization.

(2) An incumbent cable operator that elects to terminate an existing agreement with a local franchising authority under this Section is responsible for remitting to the affected local franchising authority and any entity designated by that local franchising authority to manage public, education, and government access before the 46th day after the date the agreement is terminated any accrued but unpaid fees due under the terminated agreement. If that incumbent cable operator has credit remaining from prepaid franchise fees, such amount of the remaining credit may be deducted from any future fees the incumbent cable operator must pay to the local franchising authority pursuant to Section 21-801(b) of this Article.

(3) An incumbent cable operator that elects to terminate an existing agreement with a local franchising authority under this Section
shall pay the affected local franchising authority and any entity designated by that franchising authority to manage public, education, and government access, at the time that they would have been due, all monetary payments for public, education, or government access that would have been due during the remaining term of the agreement had it not been terminated as provided in this paragraph. All payments made by an incumbent cable operator pursuant to the previous sentence of this paragraph may be credited against the fees that that operator owes under Section 21-801(d)(1) of this Article.

(d) For purposes of this Article, the Commission shall be the franchising authority for cable service or video service providers that apply for and obtain a State-issued authorization under this Article with regard to the footprint covered by such authorization. Notwithstanding any other provision of this Article, holders using telecommunications facilities to provide cable service or video service are not obligated to provide that service outside the holder's telecommunications service area.

(e) Any person or entity that applies for and obtains a State-issued authorization under this Article shall not be subject to Section 11-42-11 of the Illinois Municipal Code (65 ILCS 5/11-42-11) or Section 5-1095 of the Counties Code (55 ILCS 5/5-1095), except as provided in this Article. Except as provided under this Article, neither the Commission nor any local unit of government may require a person or entity that has applied for and obtained a State-issued authorization to obtain a separate franchise or pay any franchise fee on cable service or video service.

(220 ILCS 5/21-401 new)
Sec. 21-401. Applications.

(a) (1) A person or entity seeking to provide cable service or video service pursuant to this Article shall not use the public rights-of-way for the installation or construction of facilities for the provision of cable service or video service or offer cable service or video service until it has obtained a State-issued authorization to offer or provide cable or video service under Section 401 of this Article, except as provided for in subsection (a)(2). All cable or video providers offering or providing service in this State shall have authorization pursuant to either (i) the

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(2) Nothing in this Section shall prohibit a local unit of government from granting a permit to a person or entity for the use of the public rights-of-way to install or construct facilities to provide cable service or video service, at its sole discretion. No unit of local government shall be liable for denial or delay of a permit prior to the issuance of a State-issued authorization.

(b) The application to the Commission for State-issued authorization shall contain a completed affidavit submitted by the applicant and signed by an officer or general partner of the applicant affirming all of the following:

(1) That the applicant has filed or will timely file with the Federal Communications Commission all forms required by that agency in advance of offering cable service or video service in this State;

(2) That the applicant agrees to comply with all applicable federal and State statutes and regulations;

(3) That the applicant agrees to comply with all applicable local unit of government regulations;

(4) An exact description of the cable service or video service area where the cable service or video service will be offered during the term of the State-issued authorization. The service area shall be identified in terms of either (i) exchanges, as that term is defined in Section 13-206 of the Public Utilities Act; (ii) a collection of United States Census Bureau Block numbers (13 digit); (iii) if the area is smaller than the areas identified in either (i) or (ii), by geographic information system digital boundaries meeting or exceeding national map accuracy standards; or (iv) local unit of government. The description shall include the number of low-income households within the service area or footprint. If an applicant is a an incumbent cable operator, the incumbent cable operator and any successor-in-interest shall be obligated to
provide access to cable services or video services within any local units of government at the same levels required by the local franchising authorities for the local unit of government on the effective date of this amendatory Act of the 95th General Assembly and its application shall provide a description of an area no smaller than the service areas contained in its franchise(s) within the jurisdiction of the local unit of government in which it seeks to offer cable or video service;

(5) The location and telephone number of the applicant's principal place of business within this State and the names of the applicant's principal executive officers who are responsible for communications concerning the application and the services to be offered pursuant to the application, the applicant's legal name and any name or names under which the applicant does or will provide cable services or video services in this State;

(6) A certification that the applicant has concurrently delivered a copy of the application to all local units of government that include all or any part of the service area identified in subsection (b)(4) within such local unit of government's jurisdictional boundaries;

(7) The expected date that cable service or video service will be initially offered in the area identified in subsection (b)(4). In the event that a holder does not offer cable services or video services within three months after the expected date, it shall amend its application and update the expected date service will be offered and explain the delay in offering cable services or video services;

(8) The application shall include adequate assurance that the applicant possesses the financial, managerial, legal, and technical qualifications necessary to construct and operate the proposed system, and to promptly repair any damage to the public right-of-way caused by the applicant, and to pay the cost of removal of its facilities. To accomplish these requirements, the applicant may, at the time the applicant seeks to use the public rights-of-way in that jurisdiction, be required by the State of
Illinois and/or later be required by the local unit of government to post a bond, produce a certificate of insurance, or otherwise demonstrate its financial responsibility; and

(9) The application shall include the applicant's general standards related to customer service required by 220 ILCS 5/70-501, which shall include, but not be limited to, installation, disconnection, service and repair obligations; appointment hours, employee ID requirements; customer service telephone numbers and hours; procedures for billing, charges, deposits, refunds, and credits; procedures for termination of service; notice of deletion of programming service, changes related to transmission of programming or changes or increases in rates; use and availability of parental control or lock-out devices; complaint procedures and procedures for bill dispute resolution, and a description of the rights and remedies available to consumers if the holder does not materially meet their customer service standards; and special services for customers with visual, hearing or mobility disabilities.

(c)(1) The applicant may designate information that it submits in its application or subsequent reports as confidential or proprietary, provided that the applicant states the reasons the confidential designation is necessary. The Commission shall provide adequate protection for such information pursuant to Section 5/4-404 of the Public Utilities Act. If the Commission, a local unit of government, or any other party seeks public disclosure of information designated as confidential, the Commission shall consider the confidential designation in a proceeding under the Administrative Procedures Act, and the burden of proof to demonstrate that the designated information is confidential shall be upon the applicant. Designated information shall remain confidential pending the Commission's determination of whether the information is entitled to confidential treatment. Information designated as confidential shall be provided to local units of government for purposes of assessing compliance with this Article as permitted under a Protective Order issued by the Commission pursuant to the Commission's rules and to the Attorney
General pursuant to Section 6.5 of the Attorney General Act, 15 ILCS 205/6.5. Information designated as confidential under this Section or determined to be confidential upon Commission review shall only be disclosed pursuant to a valid and enforceable subpoena or court order or as required by the Freedom of Information Act. Nothing herein shall delay the application approval timeframes set forth in this Article.

(2) Information regarding the location of video services that have been or are being offered to the public and aggregate information included in the reports required by this Article shall not be designated or treated as confidential.

(d)(1) The Commission shall post all applications it receives under this Article on its web site within five (5) business days.

(2) The Commission shall notify an applicant for a cable service or video service authorization whether the applicant’s application and affidavit are complete on or before the 15th business day after the applicant submits the application. If the application and affidavit are not complete, the Commission shall state in its notice all of the reasons the application or affidavit are incomplete, and the applicant shall resubmit a complete application. The Commission shall have 30 days after submission by the applicant of a complete application and affidavit to issue the service authorization. If the Commission does not notify the applicant regarding the completeness of the application and affidavit or issue the service authorization within the time periods required under this subsection, the application and affidavit shall be considered complete and the service authorization issued upon the expiration of the 30th day.

(e) The authorization issued by the Commission will expire on the date listed in Section 21-1601 and shall contain or include all of the following:

(1) A grant of authority to provide cable service or video service in the service area footprint as requested in the application, subject to the laws of the State and the ordinances, rules and regulations of the local units of government.

(2) A grant of authority to use, occupy, and construct facilities in the public rights-of-way for the delivery of cable

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service or video service in the service area footprint, subject to the laws, ordinances, rules or regulations of this State and local units of governments.

(3) A statement that the grant of authority is subject to lawful operation of the cable service or video service by the applicant, its affiliated entities or its successors-in-interest.

(4) The Commission shall notify a local unit of government within three (3) business days of the grant of any authorization within a service area footprint if that authorization includes any part of the local unit of government's jurisdictional boundaries.

(f) The authorization issued pursuant to Section 401 of this Article by the Commission may be transferred to any successor-in-interest to the applicant to which it is initially granted without further Commission action if the successor-in-interest (i) submits an application and the information required by Section 21-401(b) for the successor-in-interest and (ii) is not in violation of this Article or of any federal, State, or local law, ordinance, rule or regulation. A successor-in-interest shall file its application and notice of transfer with the Commission and the relevant local units of government no less than fifteen (15) business days prior to the completion of the transfer. The Commission is not required or authorized to act upon the notice of transfer; however, the transfer is not effective until the Commission approves the successor-in-interest's application. A local unit of government or the Attorney General may seek to bar a transfer of ownership by filing suit in a court of competent jurisdiction predicated on the existence of a material and continuing breach of this Article by the holder, a pattern of noncompliance with customer service standards by the potential successor-in-interest, or the insolvency of the potential successor-in-interest. If a transfer is made when there are violations of this Article or of any federal, State, or local law, ordinance, rule or regulation, the successor-in-interest shall be subject to three times the penalties provided for in this Article.

(g) The authorization issued pursuant to Section 21-401 of this Article by the Commission may be terminated, or its cable service or video service area footprint may be modified, by the cable service provider or

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video service provider by submitting notice to the Commission and to the relevant local unit of government containing a description of the change on the same terms as the initial description pursuant to Section 21-401(b)(4). The Commission is not required or authorized to act upon that notice. It shall be a violation of this Article for a holder to discriminate against potential residential subscribers because of the race or income of the residents in the local area in which the group resides by terminating or modifying its cable service or video service area footprint. It shall be a violation of this Article for a holder to terminate or modify its cable service or video service area footprint if it leaves an area with no cable service or video service from any provider.

(h) The Commission’s authority to administer this Article is limited to the powers and duties explicitly provided under this Article. Its authority under this Article does not include or limit the powers and duties that the Commission has under the other Articles of the Public Utilities Act, the Illinois Administrative Procedure Act (5 ILCS 100/) or any other law or regulation to conduct proceedings other than as provided in subsection (c) above, or to promulgate rules or regulations. The Commission shall not have the authority to limit or expand the obligations and requirements provided in this Section, or to regulate or control a person or entity to the extent that person or entity is providing cable service or video service except as provided in this Article.

(220 ILCS 5/21-601 new)

Sec. 21-601. Public, education, and government access. For the purposes of this Section, "programming" means content produced or provided by any person, group, governmental agency, or noncommercial public or private agency or organization.

(a) Not later than 90 days after a request by the local unit of government or its designee that has received notice under Section 21-801(a) of this Article, the holder shall (i) designate the same amount of capacity on its network to provide for public, education, and government access use, as the incumbent cable operator is required to designate under its franchise terms in effect with a local unit of government on January 1, 2007; and (ii) retransmit to its subscribers the same number of public,
education, and government access channels as the incumbent cable operator was retransmitting to subscribers on January 1, 2007.

(b) If the local unit of government produces or maintains the public education or government programming in a manner or form that is compatible with the holder’s network, it shall transmit such programming to the holder in that form provided that form will permit the holder to satisfy the requirements of Section 21-601(c). If the local unit of government does not produce or maintain such programming in that manner or form, then the holder shall be responsible for any changes in the form of the transmission necessary to make public, education, and government programming compatible with the technology or protocol used by the holder to deliver services. The holder shall receive programming from the local unit of government (or the local unit of government’s public, education, and government programming providers) and transmit that public, education, and government programming directly to the holder’s subscribers within the local unit of government’s jurisdiction at no cost to the local unit of government or the public, education, and government programming providers. If the holder is required to change the form of the transmission, the local unit of government or its designee shall provide reasonable access to the holder to allow the holder to transmit the public, education, and government programming in an economical manner subject to the requirements of Section 21-601(c).

(c) The holder shall provide to subscribers public, education and government access channel capacity at equivalent visual and audio quality and equivalent functionality, from the viewing perspective of the subscriber, to that of commercial channels carried on the holder's basic cable or video service offerings or tiers without the need for any equipment other than the equipment necessary to receive the holder's basic cable or video service offerings or tiers.

(d) The holder and an incumbent cable operator shall negotiate in good faith to interconnect their networks, if needed, for the purpose of providing public, education, and government programming. Interconnection may be accomplished by direct cable, microwave link,

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satellite, or other reasonable method of connection. The holder and the incumbent cable operator shall provide interconnection of the public, education, and government channels on reasonable terms and conditions and may not withhold the interconnection. If a holder and an incumbent cable operator cannot reach a mutually acceptable interconnection agreement, the local unit of government may require the incumbent cable operator to allow the holder to interconnect its network with the incumbent cable operator's network at a technically feasible point on their networks. If no technically feasible point for interconnection is available, the holder and an incumbent cable operator shall each make an interconnection available to the public, education, and government channel originators at their local origination points and shall provide the facilities necessary for the interconnection. The cost of any interconnection shall be borne by the holder unless otherwise agreed to by the parties. The interconnection required by this subsection shall be completed within the 90-day deadline set forth in subsection (a).

(e) The public, education, and government channels shall be for the exclusive use of the local unit of government or its designee to provide public, education, and government programming. The public, education, and government channels shall be used only for noncommercial purposes. However, advertising, underwriting, or sponsorship recognition may be carried on the channels for the purpose of funding public, education, and government access related activities.

(f) Public, education and government channels shall all be carried on the holder's basic cable or video service offerings or tiers. To the extent feasible, the public, education and government channels shall not be separated numerically from other channels carried on the holder's basic cable or video service offerings or tiers, and the channel numbers for the public, education and government channels shall be the same channel numbers used by the incumbent cable operator unless prohibited by federal law. After the initial designation of public, education and government channel numbers, the channel numbers shall not be changed without the agreement of the local unit of government or the entity to which the local unit of government has assigned responsibility for

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managing public, education and government access channels unless the change is required by federal law. Each channel shall be capable of carrying a National Television System Committee (NTSC) television signal.

(g) The holder shall provide a listing of public, education and government channels on channel cards and menus provided to subscribers in a manner equivalent to other channels if the holder uses such cards and menus. Further, the holder shall provide a listing of public, education, and government programming on its electronic program guide if such a guide is utilized by the holder. It is the public, education and government entity's responsibility to provide the holder or its designated agent, as determined by the holder, with program schedules and information in a timely manner.

(h) If less than three public, education, and government channels are provided within the local unit of government as of January 1, 2007, a local unit of government whose jurisdiction lies within the authorized service area of the holder may initially request the holder to designate sufficient capacity for up to three public, education, and government channels. A local unit of government or its designee that seeks to add additional capacity shall give the holder a written notification specifying the number of additional channels to be used, specifying the number of channels in actual use, and verifying that the additional channels requested will be put into actual use.

(i) The holder shall, within 90 days of a request by the local unit of government or its designated public, education, or government access entity, provide sufficient capacity for an additional channel for public, education, and government access when the programming on a given access channel exceeds 40 hours per week as measured on a quarterly basis. The additional channel shall not be used for any purpose other than for carrying additional public, education, or government access programming.

(j) The public, education, and government access programmer is solely responsible for the content that it provides over designated public, education, or government channels. A holder shall not exercise any

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editorial control over any programming on any channel designed for public, education, or government use or on any other channel required by law or a binding agreement with the local unit of government.

(k) A holder shall not be subject to any civil or criminal liability for any program carried on any channel designated for public, education, or government use.

(l) A court of competent jurisdiction shall have exclusive jurisdiction to enforce any requirement under this Section or resolve any dispute regarding the requirements set forth in this Section, and no provider of cable service or video service may be barred from providing service or be required to terminate service as a result of that dispute or enforcement action.

(220 ILCS 5/21-701 new)

Sec. 21-701. Emergency alert system. The holder shall comply with all applicable requirements of the Federal Communications Commission involving the distribution and notification of federal, State, and local emergency messages over the emergency alert system applicable to cable operators. The holder will provide a requesting local unit of government with sufficient information regarding how to submit, via telephone or web listing, a local emergency alert for distribution over its cable or video network. To the extent that a local unit of government requires incumbent cable operators to provide emergency alert system messages or services in excess of the requirements of this Section, the holder shall comply with any such additional requirements within the jurisdiction of the local franchising authority. The holder may provide a local emergency alert to an area larger than the boundaries of the local unit of government issuing the emergency alert.

(220 ILCS 5/21-801 new)

Sec. 21-801. Applicable fees payable to the local unit of government.

(a) Prior to offering cable service or video service in a local unit of government's jurisdiction, a holder shall notify the local unit of government. The notice shall be given to the local unit of government at

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least 10 days before the holder begins to offer cable service or video service within the boundaries of that local unit of government.

(b) In any local unit of government in which a holder offers cable service or video service on a commercial basis, the holder shall be liable for and pay the service provider fee to the local unit of government. The local unit of government shall adopt an ordinance imposing such a fee. The holder's liability for the fee shall commence on the first day of the calendar month that is at least 30 days after the holder receives such ordinance. The ordinance shall be sent by mail, postage prepaid, to the address listed on the holder's application provided to the local unit of government pursuant to Section 21-401(b)(6). The fee authorized by this Section shall be 5% of gross revenues or the same as the fee paid to the local unit of government by any incumbent cable operator providing cable service. The payment of the service provider fee shall be due on a quarterly basis, 45 days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Except as provided in this Article, the local unit of government may not demand any additional fees or charges from the holder and may not demand the use of any other calculation method other than allowed under this Article.

(c) For purposes of this Article, "gross revenues" means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the holder for the operation of a cable or video system to provide cable service or video service within the holder's cable service or video service area within the local unit of government's jurisdiction.

(1) Gross revenues shall include the following:

(i) Recurring charges for cable service or video service.

(ii) Event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges.

(iii) Rental of set top boxes and other cable service or video service equipment.

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(iv) Service charges related to the provision of cable service or video service, including but not limited to activation, installation, and repair charges.

(v) Administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination charges.

(vi) Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.

(vii) A pro rata portion of all revenue derived by the holder or its affiliates pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from the operation of the holder's network to provide cable service or video service within the local unit of government's jurisdiction. The allocation shall be based on the number of subscribers in the local unit of government divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement.

(viii) Compensation received by the holder that is derived from the operation of the holder's network to provide cable service or video service with respect to commissions that are received by the holder as compensation for promotion or exhibition of any products or services on the holder's network, such as a "home shopping" or similar channel, subject to subsection (b)(ix).

(ix) In the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the holder's revenue attributable to the other services, capabilities, or applications shall be included in gross revenue unless the holder can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.

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(x) The service provider fee permitted by Section 21-801(b) of this Article.

(2) Gross revenues do not include any of the following:

(i) Revenues not actually received, even if billed, such as bad debt, subject to Section 21-801(c)(1)(vi).

(ii) Refunds, discounts, or other price adjustments that reduce the amount of gross revenues received by the holder of the State-issued authorization to the extent the refund, rebate, credit, or discount is attributable to cable service or video service.

(iii) Regardless of whether the services are bundled, packaged, or functionally integrated with cable service or video service, any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunications services, information services, or the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing or any other revenues attributable by the holder to noncable service or nonvideo service in accordance with the holder's books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders.

(iv) The sale of cable services or video services for resale in which the purchaser is required to collect the service provider fee from the purchaser's subscribers to the extent the purchaser certifies in writing that it will resell the service within the local unit of government's jurisdiction and pay the fee permitted by Section 21-801(b) with respect to the service.

(v) Any tax or fee of general applicability imposed upon the subscribers or the transaction by a city, State, federal, or any other governmental entity and collected by the holder of the State-issued authorization and required to
be remitted to the taxing entity, including sales and use taxes.

(vi) Security deposits collected from subscribers.

(vii) Amounts paid by subscribers to "home shopping" or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.

(3) Revenue of an affiliate of a holder shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the holder has the effect of evading the payment of the fee permitted by Section 21-801(b) of this Article which would otherwise be paid by the cable service or video service.

(d)(1) The holder shall pay to the local unit of government or the entity designated by that local unit of government to manage public, education and government access, upon request as support for public, education, and government access, a fee equal to no less than (i) 1% of gross revenues; or (ii) if greater, the percentage of gross revenues that incumbent cable operators pay to the local unit of government or its designee for public, education, and government access support in the local unit of government's jurisdiction. For purposes of subparagraph (d)(1)(ii) above, the percentage of gross revenues that all incumbent cable operators pay shall be equal to the annual sum of the payments that incumbent cable operators in the service area are obligated to pay by franchises and agreements or by contracts with the local government designee for public, education and government access in effect on January 1, 2007, including the total of any lump sum payments required to be made over the term of each franchise or agreement divided by the number of years of the applicable term, divided by the annual sum of such incumbent cable operator(s)'s gross revenues during the immediately prior calendar year. The sum of payments includes any payments that an incumbent cable operator is required to pay pursuant to Section 21-301(c)(3) of this Article.

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(2) A local unit of government may require all holders of a State-issued authorization and all cable operators franchised by that local unit of government on the effective date hereof in the franchise area to provide to the local unit of government, or to the entity designated by that local unit of government to manage public, education and government access, information sufficient to calculate the public, education and government access equivalent fee and any credits under subsection (d)(1).

(3) The fee shall be due on a quarterly basis and paid 45 days after the close of the calendar quarter. Each payment shall include a statement explaining the basis for the calculation of the fee. If mailed, the fee is considered paid on the date it is postmarked. The liability of the holder for payment of the fee under this subsection shall commence on the same date as the payment of the service provider fee pursuant to subsection (b) of this Section.

(e) The holder may identify and collect the amount of the service provider fee as a separate line item on the regular bill of each subscriber.

(f) The holder may identify and collect the amount of the public, education, and government programming support fee as a separate line item on the regular bill of each subscriber.

(g) All determinations and computations under this Section shall be made pursuant to the definition of gross revenues set forth in this Section, and shall be made pursuant to generally accepted accounting principles.

(h) Nothing contained in this Article shall be construed to exempt a holder from any tax that is or may later be imposed by the local unit of government, including any tax that is or may later be required to be paid by or through the holder with respect to cable service or video service. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the local unit of government's simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the local unit of government's 911 or E911 fees, taxes or charges.

(220 ILCS 5/21-901 new)

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Sec. 21-901. Audits.
(a) Upon receiving notice under Section 21-401(e)(4) that a holder has received State-issued authorization under this Article, a local unit of government shall notify the holder of the requirements it imposes on other cable service or video service providers in its jurisdiction to submit to an audit of its books and records. The holder shall comply with the same requirements the local unit of government imposes on other cable service or video service providers in its jurisdiction to audit the holder’s books and records and to recompute any amounts determined to be payable under the requirements of the local unit of government. If all local franchises between the local unit of government and a cable operator terminate, the audit requirements shall be those adopted by the local government pursuant to the Local Government Taxpayers' Bill of Rights, 50 ILCS 45. No acceptance of amounts remitted should be construed as an accord that the amounts are correct.
(b) Any additional amount due after an audit shall be paid within 30 days after the local unit of government’s submission of an invoice for the sum.

(220 ILCS 5/21-1001 new)
Sec. 21-1001. Local unit of government authority.
(a) The holder of a State-issued authorization shall comply with all the applicable construction and technical standards and right-of-way occupancy standards set forth in a local unit of government’s code of ordinances relating to the use of public rights-of-way, pole attachments, permit obligations, indemnification, performance bonds, penalties or liquidated damages. The applicable requirements for a holder that is using its existing telecommunications network or constructing a telecommunications network shall be the same requirements that the local unit of government imposes on telecommunications providers in its jurisdiction. The applicable requirements for a holder that is using or constructing a cable system shall be the same requirements the local unit of government imposes on other cable operators in its jurisdiction.
(b) A local unit of government shall allow the holder to install, construct, operate, maintain, and remove a cable service, video service, or
telecommunications network within a public right-of-way and shall provide the holder with open, comparable, nondiscriminatory, and competitively neutral access to the public right-of-way on the same terms applicable to other cable service or video service providers or cable operators in its jurisdiction. Notwithstanding any other provisions of law, if a local unit of government is permitted by law to require the holder of a State authorization to seek a permit to install, construct, operate, maintain or remove its cable service, video service, or telecommunications network within a public right-of-way, those permits shall be deemed granted within 45 days after being submitted, if not otherwise acted upon by the local unit of government, provided the holder complies with the requirements applicable to the holder in its jurisdiction.

(c) A local unit of government may impose reasonable terms, but it may not discriminate against the holder with respect to any of the following:

(1) The authorization or placement of a cable service, video service, or telecommunications network or equipment in public rights-of-way.

(2) Access to a building.

(3) A local unit of government utility pole attachment.

(d) If a local unit of government imposes a permit fee on incumbent cable operators, it may impose a permit fee on the holder only to the extent it imposes such a fee on incumbent cable operators. In all other cases, these fees may not exceed the actual, direct costs incurred by the local unit of government for issuing the relevant permit. In no event may a fee under this Section be levied if the holder already has paid a permit fee of any kind in connection with the same activity that would otherwise be covered by the permit fee under this Section provided no additional equipment, work, function or other burden is added to the existing activity for which the permit was issued.

(e) Nothing in this Article shall affect the rights that any holder has under Section 4 of the Telephone Line Right of Way Act (220 ILCS 65/4).

(f) In addition to the other requirements in this Section, if the holder installs, upgrades, constructs, operates, maintains, and removes

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facilities or equipment within a public right-of-way to provide cable service or video service, it shall comply with the following:

(1) The holder must locate its equipment in the right-of-way as to cause only minimum interference with the use of streets, alleys and other public ways and places, and to cause only minimum impact upon, and interference with the rights and reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways. No fixtures shall be placed in any public ways in such a manner to interfere with the usual travel on such public ways. Nor shall such fixtures or equipment limit the visibility of vehicular and/or pedestrian traffic.

(2) The holder shall comply with a local unit of government's reasonable requests to place equipment on public property where possible, and promptly comply with local unit of government direction with respect to the location and screening of equipment and facilities. In constructing or upgrading its cable or video network in the right-of-way, the holder shall use the smallest suitable equipment enclosures and power pedestals and cabinets then in use by the holder for the application.

(3) The holder's construction practices shall be in accordance with all applicable sections of the Occupational Safety and Health Act of 1970, as amended, as well as all applicable State laws, including the Illinois Administrative Code, and local codes where applicable, as adopted by the local unit of government. All installation of electronic equipment shall be of a permanent nature, durable and, where applicable, installed in accordance with the provisions of the National Electrical Safety Code of the National Bureau of Standards and National Electrical Code of the National Board of Fire Underwriters.

(4) The holder shall not interfere with the local unit of government's performance of public works. Nothing in the State-issued authorization shall be in preference or hindrance to the right of the local unit of government to perform or carry on any public works or public improvements of any kind. The holder

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expressly agrees that it shall, at its own expense, protect, support, temporarily disconnect, relocate in the same street or other public place, or remove from such street or other public place, any of the network, system, facilities or equipment when required to do so by the local unit of government, because of necessary public health, safety and welfare improvements. In the event a holder and other users, including incumbent cable operators or utilities, of a public right-of-way are required to relocate and compensation is paid to the users of such public right-of-way, such parties shall be treated equally with respect to such compensation.

(5) The holder shall comply with all local units of government inspection requirements. The making of post-construction, subsequent and/or periodic inspections or the failure to do so shall not operate to relieve the holder of any responsibility, obligation or liability.

(6) The holder shall maintain insurance or provide evidence of self insurance as required by an applicable ordinance of the local unit of government.

(7) The holder shall reimburse all reasonable make-ready expenses, including aerial and underground installation expenses requested by the holder to the local unit of government within thirty (30) days of billing to the holder provided that such charges shall be at the same rates as charges to others for the same or similar services.

(8) The holder shall indemnify and hold harmless the local unit of government and all boards, officers, employees and representatives thereof from all claims, demands, causes of action, liability, judgments, costs and expenses or losses for injury or death to persons or damage to property owned by, and Worker's Compensation claims against any parties indemnified herein, arising out of, caused by, or as a result of the holder's construction, lines, cable, erection, maintenance, use or presence of, or removal of any poles, wires, conduit, appurtenances thereto, or equipment or attachments thereto. The holder, however, shall
not indemnify the local unit of government for any liabilities, damages, cost and expense resulting from the willful misconduct or negligence of the local unit of government, its officers, employees and agents. The obligations imposed pursuant to this Section by a local unit of government shall be competitively neutral.

(9) The holder, upon request, shall provide the local unit of government with information describing the location of the cable service or video service facilities and equipment located in the unit of local government’s rights-of-way pursuant to its State-issued authorization. If designated by the holder as confidential, such information provided pursuant to this subsection shall be exempt from inspection and copying under the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq., pursuant to the exemption provided for under 5 ILCS 140/7(1)(mm) and any other present or future exemptions applicable to such information and shall not be disclosed by the unit of local government to any third party without the written consent of the holder.

(220 ILCS 5/21-1101 new)

Sec. 21-1101. Requirements to provide video services.

(a) The holder of a State-issued authorization shall not deny access to cable service or video service to any potential residential subscribers because of the race or income of the residents in the local area in which the potential subscribers reside.

(b) If the holder is using telecommunications facilities to provide cable or video service and has 1,000,000 or less telecommunications access lines in this State, but more than 300,000 telecommunications access lines in this State, the holder shall:

(1) Provide access to its cable or video service to a number of households equal to at least 25% of its telecommunications access lines in this State within 3 years after the date a holder receives a State-issued authorization from the Commission and to a number not less than 35% of these households within 5 years after the date a holder receives a State-issued authorization from the Commission; provided, however, that the holder of a State-
issued authorization is not required to meet the 35% requirement in this subsection until 2 years after at least 15% of the households with access to the holder's video service subscribe to the service for 6 consecutive months. The holder's obligation to provide such access in the State shall be distributed, as the holder determines, within three different designated market areas.

(2) Within 3 years after the date a holder receives a State-issued authorization from the Commission at least 30% of the total households with access to the holder's cable or video service shall be low-income.

Within each designated market area identified in subsection (b)(1), the holder's obligation to offer service to low-income households shall be measured by each exchange, as that term is defined in Section 13-206 of the Public Utilities Act, in which the holder chooses to provide cable or video service. The holder is under no obligation to serve or provide access to an entire exchange; however, in addition to the statewide obligation to provide low-income access provided by this Section, in each exchange in which the holder chooses to provide cable or video service, the holder shall provide access to a percentage of low-income households that is at least equal to the percentage of the total low-income households within that exchange.

(3) The number of telecommunication access lines in this Section shall be based on the number of access lines that exist as of the effective date of this amendatory Act of the 95th General Assembly.

(c) If the holder of a State-issued authorization is using telecommunications facilities to provide cable or video service and has more than 1,000,000 telecommunications access lines in this State, the holder shall:

(1)(A) Provide access to its cable or video service to a number of households equal to at least 35% of the households in the holder's telecommunications service area in the State within 3 years after the date a holder receives a State-issued authorization from the Commission and to

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a number not less than 50% of these households within 5 years after the date a holder receives a State-issued authorization from the Commission; provided, however, that the holder of a State-issued authorization is not required to meet the 50% requirement in this subsection until 2 years after at least 15% of the households with access to the holder's video service subscribe to the service for 6 consecutive months.

The holder's obligation to provide such access in the State shall be distributed, as the holder determines, within three designated market areas, one in each of the northeastern, central and southwestern portions of the holder's telecommunications service area in the State. The designated market area for the northeastern portion shall consist of two separate and distinct reporting areas: i) a city with more than 1,000,000 inhabitants, and ii) all other local units of government on a combined basis within such designated market area in which it offers video service.

(B) If any state, in which a holder subject to this subsection (c) or one of its affiliates provides or seeks to provide cable or video service, adopts a law permitting state-issued authorization or statewide franchises to provide cable or video service that requires a cable or video provider to offer service to more than 35% of the households in the cable or video provider's service area in that state within 3 years, holders subject to this subsection (c) shall provide service in this State to the same percentage of households within 3 years of adoption of such law in that state.

Furthermore, if any state, in which a holder subject to this subsection (c) or one of its affiliates provides or seeks to provide cable or video service, adopts a law requiring a holder of a state-issued authorization or statewide franchises to offer cable or video service to more than 35% of its households if less than 15% of the households with access to the holder's video service subscribe to the service for 6 consecutive months, then as a precondition to further build-out, holders subject to this subsection (c) shall be subject to the same percentage of service subscription in meeting its obligation to provide service to 50% of the households in this State.
(2) Within 3 years after the date a holder receives a State-issued authorization from the Commission at least 30% of the total households with access to the holder's cable or video service shall be low-income.

Within each designated market area listed in subsection (c)(1), the holder's obligation to offer service to low-income households shall be measured by each exchange, as that term is defined in Section 13-206 of the Public Utilities Act in which the holder chooses to provide cable or video service. The holder is under no obligation to serve or provide access to an entire exchange; however, in addition to the statewide obligation to provide low-income access provided by this Section, in each exchange in which the holder chooses to provide cable or video service, the holder shall provide access to a percentage of low-income households that is at least equal to the percentage of the total low-income households within that exchange.

(d)(1) All other holders shall only provide access to one or more exchanges, as that term is defined in Section 13-206 of the Public Utilities Act, or to local units of government and shall provide access to their cable or video service to a number of households equal to 35% of the households in the exchange or local unit of government within 3 years after the date a holder receives a State-issued authorization from the Commission and to a number not less than 50% of these households within 5 years after the date a holder receives a State-issued authorization from the Commission, provided, however, that if the holder is an incumbent cable operator or any successor-in-interest company, it shall be obligated to provide access to cable or video services within the jurisdiction of a local unit of government at the same levels required by the local franchising authorities for that local unit of government on the effective date of this amendatory Act of the 95th General Assembly.

(2) Within 3 years after the date a holder receives a State-issued authorization from the Commission, at least 30% of the total households with access to the holder's cable or video service shall be low-income.

Within each designated exchange, as that term is defined in Section 13-206 of the Public Utilities Act, or local unit of government listed in subsection (d)(1), the holder's obligation to offer service to low-income households shall be measured by each exchange, as that term is defined in Section 13-206 of the Public Utilities Act in which the holder chooses to provide cable or video service. The holder is under no obligation to serve or provide access to an entire exchange; however, in addition to the statewide obligation to provide low-income access provided by this Section, in each exchange in which the holder chooses to provide cable or video service, the holder shall provide access to a percentage of low-income households that is at least equal to the percentage of the total low-income households within that exchange.
households shall be measured by each exchange or local unit of government in which the holder chooses to provide cable or video service. Except as provided in subsection (d)(1), the holder is under no obligation to serve or provide access to an entire exchange or local unit of government; however, in addition to the statewide obligation to provide low-income access provided by this Section, in each exchange or local unit of government in which the holder chooses to provide cable or video service, the holder shall provide access to a percentage of low-income households that is at least equal to the percentage of the total low-income households within that exchange or local unit of government.

(e) A holder subject to Section 21-1101(c) shall provide wireline broadband service, defined as wireline service capable of supporting, in at least one direction, a speed in excess of 200 kilobits per second (kbps), to the network demarcation point at the subscriber's premises, to a number of households equal to 90% of the households in the holder's telecommunications service area by December 31, 2008, or shall pay within 30 days of December 31, 2008 a sum of $15,000,000 to the Digital Divide Elimination Infrastructure Fund established pursuant to Section 13-301.3 of Article XIII of this Act, or any successor fund established by the General Assembly. In that event the holder is required to make a payment pursuant to this subsection, the holder shall have no further accounting for this payment, which shall be used in any part of the State for the purposes established in the Digital Divide Elimination Infrastructure Fund or for broadband deployment.

(f) The holder of a State-issued authorization may satisfy the requirements of subsections (b), (c) and (d) of this Section through the use of any technology, which shall not include direct-to-home satellite service, that offers service, functionality, and content, which is demonstrably similar to that provided through the holder's video service system.

(g) In any investigation into or complaint alleging that the holder of a State-issued authorization has failed to meet the requirements of this Section, the following factors may be considered in justification or mitigation or as justification for an extension of time to meet the requirements of subsections (b), (c) and (d) of this Section:

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(1) The inability to obtain access to public and private rights-of-way under reasonable terms and conditions.

(2) Barriers to competition arising from existing exclusive service arrangements in developments or buildings.

(3) The inability to access developments or buildings using reasonable technical solutions under commercially reasonable terms and conditions.

(4) Natural disasters.

(5) Other factors beyond the control of the holder.

(h) If the holder relies on the factors identified in subsection (g) in response to an investigation or complaint, the holder shall demonstrate:

(1) what substantial effort the holder of a State-issued authorization has taken to meet the requirements of subsections (a), (b) or (c) of this Section;

(2) which portions of subsection (g) of this Section apply; and

(3) the number of days it has been delayed or the requirements it cannot perform as a consequence of subsection (g) of this Section.

(i) The factors in subsection (g) may be considered by the Attorney General or by a court of competent jurisdiction in determining whether the holder is in violation of this Article.

(j) Every holder of a State-issued authorization, no later than April 1, 2009, and annually no later than April 1 thereafter, shall report to the Commission for each of the service areas as described in subsections (b), (c) and (d) of this Section in which it provides access to its video service in the State, the following information:

(1) Cable Service and Video Service Information:

(A) The number of households in the holder’s telecommunications service area within each designated market area as described in subsections (b) and (c) of this Section or exchange or local unit of government as described in subsection (d) of this Section in which it offers video service.

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(B) The number of households in the holder's telecommunications service area within each designated market area as described in subsections (b) and (c) of this Section or exchange or local unit of government as described in subsection (d) of this Section that are offered access to video service by the holder.

(C) The number of households in the holder's telecommunications service area in the State.

(D) The number of households in the holder's telecommunications service area in the State that are offered access to video service by the holder.

(2) Low-Income Household Information:

(A) The number of low-income households in the holder's telecommunications service area within each designated market area as described in subsections (b) and (c) of this Section, as further identified in terms of exchanges, or exchange or local unit of government as described in subsection (d) of this Section, in which it offers video service.

(B) The number of low-income households in the holder's telecommunications service area within each designated market area as described in subsections (b) and (c) of this Section, as further identified in terms of exchanges, or exchange or local unit of government as described in subsection (d) of this Section in the State, that are offered access to video service by the holder.

(C) The number of low-income households in the holder's telecommunications service area in the State.

(D) The number of low-income households in the holder's telecommunications service area in the State that are offered access to video service by the holder.

(k) The Commission, within 30 days of receiving the first report from holders under this Section, and annually no later than July 1 thereafter, shall submit to the General Assembly a report that includes,
based on year-end data, the information submitted by holders pursuant to subsections (j)(1) and (j)(2) of this Section. The Commission shall make this report available to any member of the public or any local unit of government upon request. All information submitted to the Commission and designated by holders as confidential and proprietary shall be subject to the disclosure provisions in Section 21-401(c). No individually identifiable customer information shall be subject to public disclosure.

(220 ILCS 5/21-1201 new)

Sec. 21-1201. Multiple-unit dwellings-Interference with Holder Prohibited.

(a) Neither the owner of any multiple-unit residential dwelling nor an agent or representative shall unreasonably interfere with the right of any tenant or lawful resident thereof to receive cable service or video service installation or maintenance from a holder of a State-issued authorization; provided, however, the owner, agent or representative may require just and reasonable compensation from the holder for its access to and use of such property to provide installation, operation, maintenance, or removal of such cable service or video service.

(b) Neither the owner of any multiple-unit residential dwelling nor an agent or representative shall ask, demand or receive any additional payment, service or gratuity in any form from any tenant or lawful resident thereof as a condition for permitting or cooperating with the installation of a cable service or video service to the dwelling unit occupied by a tenant or resident requesting such service.

(c) Neither the owner of any multiple-unit residential dwelling nor an agent or representative shall penalize, charge or surcharge a tenant or resident, or forfeit or threaten to forfeit any right of such tenant or resident, or discriminate in any way against such tenant or resident who requests or receives cable service or video service from a holder.

(d) Nothing in this Section shall prohibit the owner of any multiple-unit residential dwelling nor an agent or representative from requiring that a holder's facilities conform to reasonable conditions necessary to protect safety, functioning, appearance, and value of premises or the convenience and safety of persons or property.
(e) The owner of any multiple-unit residential dwelling or an agent or representative may require a holder to agree to indemnify the owner, or his agents or representatives, for damages or from liability for damages caused by the installation, operation, maintenance or removal of cable service or video service facilities.

(220 ILCS 5/21-1301 new)

Sec. 21-1301. Enforcement, Penalties.
(a) The Attorney General is responsible for administering and ensuring holders' compliance with this Article, provided that nothing in this Article shall deprive local units of government of the right to enforce applicable rights and obligations.
(b) The Attorney General may conduct an investigation regarding possible violations by holders of this Article including, without limitation, the issuance of subpoenas to:

(1) require the holder to file a statement or report or to answer interrogatories in writing as to all information relevant to the alleged violations;
(2) examine, under oath, any person who possesses knowledge or information related to the alleged violations; and
(3) examine any record, book, document, account, or paper related to the alleged violation.
(c) If the Attorney General determines that there is a reason to believe that a holder has violated or is about to violate this Article, the Attorney General may bring an action in a court of competent jurisdiction in the name of the People of the State against the holder to obtain temporary, preliminary, or permanent injunctive relief and civil penalties for any act, policy, or practice by the holder that violates this Article.
(d) If a court orders a holder to make payments to the Attorney General and the payments are to be used for the operations of the Office of the Attorney General or if a holder agrees to make payments to the Attorney General for the operations of the Office of the Attorney General as part of an Assurance of Voluntary Compliance, then the moneys paid under any of the conditions described in this subsection shall be deposited into the Attorney General Court Ordered and Voluntary Compliance

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Payment Projects Fund. Moneys in the Fund shall be used, subject to appropriation, for the performance of any function pertaining to the exercise of the duties to the Attorney General including, but not limited to, enforcement of any law of this State and conducting public education programs; however, any moneys in the Fund that are required by the court to be used for a particular purpose shall be used for that purpose.

(e) In an action against a holder brought pursuant to this Article, the Attorney General may seek the assessment of one or more of the following civil monetary penalties in any action filed under this Article where the holder violates this Article and does not remedy the violation within 30 days of notice by the Attorney General:

1. Any holder that violates or fails to comply with any of the provisions of this Article or of its State-issued authorization shall be subject to a civil penalty of up to $30,000 for each and every offense, or .00825% of the holder's gross revenues, as defined in Section 21-801, whichever is greater. Every violation of the provisions of this Article by a holder is a separate and distinct offense, provided, however, that if the same act or omission violates more than one provision of this Article, only one penalty or cumulative penalty may be imposed for such act or omission. In case of a continuing violation, each day's continuance thereof shall be a separate and distinct offense, provided, however, that the cumulative penalty for any continuing violation shall not exceed $500,000 per year, and provided further that these limits shall not apply where the violation was intentional and either (i) created substantial risk to the safety of the cable service or video service provider's employees or customers or the public or (ii) was intended to cause economic benefits to accrue to the violator.

2. The holder's State-issued authorization may be suspended or revoked if the holder fails to comply with the provisions of this Article after a reasonable time to achieve compliance has passed.

3. If the holder is in violation of Section 21-1101, in addition to any other remedies provided by law, a fine not to exceed
3% of the holder's total monthly gross revenue as that term is defined in this Article, shall be imposed for each month from the date of violation until the date that compliance is achieved.

(4) Nothing in this Section shall limit or affect the powers of the Attorney General to enforce the provisions of the Cable and Video Customer Protection Law, 220 ILCS 5/70-501 new, or the Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505.

(220 ILCS 5/21-1401 new)
Sec. 21-1401. Home rule.
(a) The provisions of this Article are a limitation of home rule powers under subsection (i) of Section 6 of Article VII of the Illinois Constitution.
(b) Nothing in this Article shall be construed to limit or deny a home rule unit's power to tax as set forth in Section 6 of Article VII of the Illinois Constitution.

(220 ILCS 5/21-1501 new)
Sec. 21-1501. Except as otherwise provided in this Article, this Article shall be enforced only by a court of competent jurisdiction.

(220 ILCS 5/21-1601 new)
Sec. 21-1601. Repealer. This Article is repealed October 1, 2013.

Section 15-7. The Illinois Administrative Procedure Act is amended by changing Section 1-5 as follows:

(5 ILCS 100/1-5) (from Ch. 127, par. 1001-5)
Sec. 1-5. Applicability.
(a) This Act applies to every agency as defined in this Act. Beginning January 1, 1978, in case of conflict between the provisions of this Act and the Act creating or conferring power on an agency, this Act shall control. If, however, an agency (or its predecessor in the case of an agency that has been consolidated or reorganized) has existing procedures on July 1, 1977, specifically for contested cases or licensing, those existing provisions control, except that this exception respecting contested cases and licensing does not apply if the Act creating or conferring power on the agency adopts by express reference the provisions of this Act. Where the

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Act creating or conferring power on an agency establishes administrative procedures not covered by this Act, those procedures shall remain in effect.

(b) The provisions of this Act do not apply to (i) preliminary hearings, investigations, or practices where no final determinations affecting State funding are made by the State Board of Education, (ii) legal opinions issued under Section 2-3.7 of the School Code, (iii) as to State colleges and universities, their disciplinary and grievance proceedings, academic irregularity and capricious grading proceedings, and admission standards and procedures, and (iv) the class specifications for positions and individual position descriptions prepared and maintained under the Personnel Code. Those class specifications shall, however, be made reasonably available to the public for inspection and copying. The provisions of this Act do not apply to hearings under Section 20 of the Uniform Disposition of Unclaimed Property Act.

(c) Section 5-35 of this Act relating to procedures for rulemaking does not apply to the following:

(1) Rules adopted by the Pollution Control Board that, in accordance with Section 7.2 of the Environmental Protection Act, are identical in substance to federal regulations or amendments to those regulations implementing the following: Sections 3001, 3002, 3003, 3004, 3005, and 9003 of the Solid Waste Disposal Act; Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; Sections 307(b), 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal Water Pollution Control Act; and Sections 1412(b), 1414(c), 1417(a), 1421, and 1445(a) of the Safe Drinking Water Act.

(2) Rules adopted by the Pollution Control Board that establish or amend standards for the emission of hydrocarbons and carbon monoxide from gasoline powered motor vehicles subject to inspection under Section 13A-105 of the Vehicle Emissions Inspection Law and rules adopted under Section 13B-20 of the Vehicle Emissions Inspection Law of 1995.
(3) Procedural rules adopted by the Pollution Control Board governing requests for exceptions under Section 14.2 of the Environmental Protection Act.

(4) The Pollution Control Board's grant, pursuant to an adjudicatory determination, of an adjusted standard for persons who can justify an adjustment consistent with subsection (a) of Section 27 of the Environmental Protection Act.

(5) Rules adopted by the Pollution Control Board that are identical in substance to the regulations adopted by the Office of the State Fire Marshal under clause (ii) of paragraph (b) of subsection (3) of Section 2 of the Gasoline Storage Act.

(d) Pay rates established under Section 8a of the Personnel Code shall be amended or repealed pursuant to the process set forth in Section 5-50 within 30 days after it becomes necessary to do so due to a conflict between the rates and the terms of a collective bargaining agreement covering the compensation of an employee subject to that Code.

(e) Section 10-45 of this Act shall not apply to any hearing, proceeding, or investigation conducted under Section 13-515 of the Public Utilities Act.

(f) Article 10 of this Act does not apply to any hearing, proceeding, or investigation conducted by the State Council for the State of Illinois created under Section 3-3-11.05 of the Unified Code of Corrections or by the Interstate Commission for Adult Offender Supervision created under the Interstate Compact for Adult Offender Supervision.

(g) This Act is subject to the provisions of Article XXI of the Public Utilities Act. To the extent that any provision of this Act conflicts with the provisions of that Article XXI, the provisions of that Article XXI control.

(Source: P.A. 92-571, eff. 6-26-02; revised 7-25-02.)

Section 15-10. The Attorney General Act is amended by changing Section 6.5 as follows:

(15 ILCS 205/6.5)

Sec. 6.5. Consumer Utilities Unit.

(a) The General Assembly finds that the health, welfare, and prosperity of all Illinois citizens, and the public's interest in adequate, safe,
reliable, cost-effective electric, natural gas, water, *cable, video,* and telecommunications services, requires effective public representation by the Attorney General to protect the rights and interests of the public in the provision of all elements of electric, natural gas, water, *cable, video,* and telecommunications service both during and after the transition to a competitive market, and that to ensure that the benefits of competition in the provision of electric, natural gas, water, *cable, video,* and telecommunications services to all consumers are attained, there shall be created within the Office of the Attorney General a Consumer Utilities Unit.

(b) As used in this Section: "Electric services" means services sold by an electric service provider. "Electric service provider" shall mean anyone who sells, contracts to sell, or markets electric power, generation, distribution, transmission, or services (including metering and billing) in connection therewith. Electric service providers shall include any electric utility and any alternative retail electric supplier as defined in Section 16-102 of the Public Utilities Act.

(b-5) As used in this Section: "Telecommunications services" means services sold by a telecommunications carrier, as provided for in Section 13-203 of the Public Utilities Act. "Telecommunications carrier" means anyone who sells, contracts to sell, or markets telecommunications services, whether noncompetitive or competitive, including access services, interconnection services, or any services in connection therewith. Telecommunications carriers include any carrier as defined in Section 13-202 of the Public Utilities Act.

(b-10) As used in this Section: "natural gas services" means natural gas services sold by a "gas utility" or by an "alternative gas supplier", as those terms are defined in Section 19-105 of the Public Utilities Act.

(b-15) As used in this Section: "water services" means services sold by any corporation, company, limited liability company, association, joint stock company or association, firm, partnership, or individual, its lessees, trustees, or receivers appointed by any court and that owns, controls, operates, or manages within this State, directly or indirectly, for public use, any plant, equipment, or property used or to be used for or in connection

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with (i) the production, storage, transmission, sale, delivery, or furnishing of water or (ii) the treatment, storage, transmission, disposal, sale of services, delivery, or furnishing of sewage or sewage services.

(b-20) As used in this Section: "cable service and video service" means services sold by anyone who sells, contracts to sell or markets cable services or video services pursuant to a State-issued authorization under the Cable and Video Competition Law of 2007.

(c) There is created within the Office of the Attorney General a Consumer Utilities Unit, consisting of Assistant Attorneys General appointed by the Attorney General, who, together with such other staff as is deemed necessary by the Attorney General, shall have the power and duty on behalf of the people of the State to intervene in, initiate, enforce, and defend all legal proceedings on matters relating to the provision, marketing, and sale of electric, natural gas, water, and telecommunications service whenever the Attorney General determines that such action is necessary to promote or protect the rights and interests of all Illinois citizens, classes of customers, and users of electric, natural gas, water, and telecommunications services.

(d) In addition to the investigative and enforcement powers available to the Attorney General, including without limitation those under the Consumer Fraud and Deceptive Business Practices Act, the Illinois Antitrust Act, and any other law of this State, the Attorney General shall be a party as a matter of right to all proceedings, investigations, and related matters involving the provision of electric, natural gas, water, and telecommunications services before the Illinois Commerce Commission, the courts, and other public bodies. Upon request, the Office of the Attorney General shall have access to and the use of all files, records, data, and documents in the possession or control of the Commission. The Office of the Attorney General may use information obtained under this Section, including information that is designated as and that qualifies for confidential treatment, which information the Attorney General's office shall maintain as confidential, to be used for law enforcement purposes only, which information may be shared with other law enforcement officials. Nothing in this Section is intended to take away or limit any of the

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powers the Attorney General has pursuant to common law or other statutory law.
(Source: P.A. 94-291, eff. 7-21-05.)

Section 15-15. The Counties Code is amended by changing Section 5-1095 and by adding Section 5-1096.5 as follows:

Sec. 5-1095. Community antenna television systems; satellite transmitted television programming.

(a) The County Board may license, tax or franchise the business of operating a community antenna television system or systems within the County and outside of a municipality, as defined in Section 1-1-2 of the Illinois Municipal Code.

When an area is annexed to a municipality, the annexing municipality shall thereby become the franchising authority with respect to that portion of any community antenna television system that, immediately before annexation, had provided cable television services within the annexed area under a franchise granted by the county, and the owner of that community antenna television system shall thereby be authorized to provide cable television services within the annexed area under the terms and provisions of the existing franchise. In that instance, the franchise shall remain in effect until, by its terms, it expires, except that any franchise fees payable under the franchise shall be payable only to the county for a period of 5 years or until, by its terms, the franchise expires, whichever occurs first. After the 5 year period, any franchise fees payable under the franchise shall be paid to the annexing municipality. In any instance in which a duly franchised community antenna television system is providing cable television services within the annexing municipality at the time of annexation, the annexing municipality may permit that franchisee to extend its community antenna television system to the annexed area under terms and conditions that are no more burdensome nor less favorable to that franchisee than those imposed under any community antenna television franchise applicable to the annexed area at the time of annexation. The authorization to extend cable television service to the annexed area and any community antenna television system authorized to provide cable television

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services within the annexed area at the time of annexation shall not be subject to the provisions of subsection (e) of this Section.

(b) "Community antenna television system" as used in this Section, means any facility which is constructed in whole or in part in, on, under or over any highway or other public place and which is operated to perform for hire the service of receiving and amplifying the signals broadcast by one or more television stations and redistributing such signals by wire, cable or other means to members of the public who subscribe to such service except that such term does not include (i) any system which serves fewer than 50 subscribers or (ii) any system which serves only the residents of one or more apartment dwellings under common ownership, control or management, and commercial establishments located on the premises of such dwellings.

(c) The authority hereby granted does not include the authority to license or franchise telephone companies subject to the jurisdiction of the Illinois Commerce Commission or the Federal Communications Commission in connection with furnishing circuits, wires, cables or other facilities to the operator of a community antenna television system.

(c-1) Each franchise entered into by a county and a community antenna television system shall include the customer service and privacy standards and protections contained in the Cable and Video Customers Protection Law. A franchise may not contain different penalties, consumer service and privacy standards and protections. Each franchise entered into by a county and a community antenna television system before the effective date of this amendatory Act of the 95th General Assembly shall be amended by this Section to incorporate the penalty provisions, customer service and privacy standards and protections contained in the Cable and Video Customers Protection Law.

The County Board may, in the course of franchising such community antenna television system, grant to such franchisee the authority and the right and permission to use all public streets, rights of way, alleys, ways for public service facilities, parks, playgrounds, school grounds, or other public grounds, in which such county may have an interest, for the

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construction, installation, operation, maintenance, alteration, addition, extension or improvement of a community antenna television system.

Any charge imposed by a community antenna television system franchised pursuant to this Section for the raising or removal of cables or lines to permit passage on, to or from a street shall not exceed the reasonable costs of work reasonably necessary to safely permit such passage. Pursuant to subsections (h) and (i) of Section 6 of Article VII of the Constitution of the State of Illinois, the General Assembly declares the regulation of charges which may be imposed by community antenna television systems for the raising or removal of cables or lines to permit passage on, to or from streets is a power or function to be exercised exclusively by the State and not to be exercised or performed concurrently with the State by any unit of local government, including any home rule unit.

The County Board may, upon written request by the franchisee of a community antenna television system, exercise its right of eminent domain solely for the purpose of granting an easement right no greater than 8 feet in width, extending no greater than 8 feet from any lot line for the purpose of extending cable across any parcel of property in the manner provided for by the law of eminent domain, provided, however, such franchisee deposits with the county sufficient security to pay all costs incurred by the county in the exercise of its right of eminent domain.

Except as specifically provided otherwise in this Section, this Section is not a limitation on any home rule county.

(d) The General Assembly finds and declares that satellite-transmitted television programming should be available to those who desire to subscribe to such programming and that decoding devices should be obtainable at reasonable prices by those who are unable to obtain satellite-transmitted television programming through duly franchised community antenna television systems.

In any instance in which a person is unable to obtain satellite-transmitted television programming through a duly franchised community antenna television system either because the municipality and county in which such person resides has not granted a franchise to operate and

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maintain a community antenna television system, or because the duly franchised community antenna television system operator does not make cable television services available to such person, any programming company that delivers satellite-transmitted television programming in scrambled or encrypted form shall ensure that devices for decryption of such programming are made available to such person, through the local community antenna television operator or directly, for purchase or lease at prices reasonably related to the cost of manufacture and distribution of such devices.

(e) The General Assembly finds and declares that, in order to ensure that community antenna television services are provided in an orderly, competitive and economically sound manner, the best interests of the public will be served by the establishment of certain minimum standards and procedures for the granting of additional cable television franchises.

Subject to the provisions of this subsection, the authority granted under subsection (a) hereof shall include the authority to license, franchise and tax more than one cable operator to provide community antenna television services within the territorial limits of a single franchising authority. For purposes of this subsection (e), the term:

(i) "Existing cable television franchise" means a community antenna television franchise granted by a county which is in use at the time such county receives an application or request by another cable operator for a franchise to provide cable antenna television services within all or any portion of the territorial area which is or may be served under the existing cable television franchise.

(ii) "Additional cable television franchise" means a franchise pursuant to which community antenna television services may be provided within the territorial areas, or any portion thereof, which may be served under an existing cable television franchise.

(iii) "Franchising Authority" is defined as that term is defined under Section 602(9) of the Cable Communications Policy Act of 1984, Public Law 98-549.
(iv) "Cable operator" is defined as that term is defined under Section 602(4) of the Cable Communications Policy Act of 1984, Public Law 98-549.

Before granting an additional cable television franchise, the franchising authority shall:

(1) Give written notice to the owner or operator of any other community antenna television system franchised to serve all or any portion of the territorial area to be served by such additional cable television franchise, identifying the applicant for such additional franchise and specifying the date, time and place at which the franchising authority shall conduct public hearings to consider and determine whether such additional cable television franchise should be granted.

(2) Conduct a public hearing to determine the public need for such additional cable television franchise, the capacity of public rights-of-way to accommodate such additional community antenna television services, the potential disruption to existing users of public rights-of-way to be used by such additional franchise applicant to complete construction and to provide cable television services within the proposed franchise area, the long term economic impact of such additional cable television system within the community, and such other factors as the franchising authority shall deem appropriate.

(3) Determine, based upon the foregoing factors, whether it is in the best interest of the county to grant such additional cable television franchise.

(4) If the franchising authority shall determine that it is in the best interest of the county to do so, it may grant the additional cable television franchise. Except as provided in paragraph (5) of this subsection (e), no such additional cable television franchise shall be granted under terms or conditions more favorable or less burdensome to the applicant than those required under the existing cable television franchise, including but not limited to terms and conditions pertaining to the territorial extent of the franchise,
system design, technical performance standards, construction schedules, performance bonds, standards for construction and installation of cable television facilities, service to subscribers, public educational and governmental access channels and programming, production assistance, liability and indemnification, and franchise fees.

(5) Unless the existing cable television franchise provides that any additional cable television franchise shall be subject to the same terms or substantially equivalent terms and conditions as those of the existing cable television franchise, the franchising authority may grant an additional cable television franchise under different terms and conditions than those of the existing franchise, in which event the franchising authority shall enter into good faith negotiations with the existing franchisee and shall, within 120 days after the effective date of the additional cable television franchise, modify the existing cable television franchise in a manner and to the extent necessary to ensure that neither the existing cable television franchise nor the additional cable television franchise, each considered in its entirety, provides a competitive advantage over the other, provided that prior to modifying the existing cable television franchise, the franchising authority shall have conducted a public hearing to consider the proposed modification. No modification in the terms and conditions of the existing cable television franchise shall oblige the existing cable television franchisee (1) to make any additional payment to the franchising authority, including the payment of any additional franchise fee, (2) to engage in any additional construction of the existing cable television system or, (3) to modify the specifications or design of the existing cable television system; and the inclusion of the factors identified in items (2) and (3) shall not be considered in determining whether either franchise considered in its entirety, has a competitive advantage over the other except to the extent that the additional franchisee provides additional video or data services or the equipment or facilities necessary to generate and or carry such service. No

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modification in the terms and conditions of the existing cable television franchise shall be made if the existing cable television franchisee elects to continue to operate under all terms and conditions of the existing franchise.

If within the 120 day period the franchising authority and the existing cable television franchisee are unable to reach agreement on modifications to the existing cable television franchise, then the franchising authority shall modify the existing cable television franchise, effective 45 days thereafter, in a manner, and only to the extent, that the terms and conditions of the existing cable television franchise shall no longer impose any duty or obligation on the existing franchisee which is not also imposed under the additional cable television franchise; however, if by the modification the existing cable television franchisee is relieved of duties or obligations not imposed under the additional cable television franchise, then within the same 45 days and following a public hearing concerning modification of the additional cable television franchise within that 45 day period, the franchising authority shall modify the additional cable television franchise to the extent necessary to insure that neither the existing cable television franchise nor the additional cable television franchise, each considered in its entirety, shall have a competitive advantage over the other.

No county shall be subject to suit for damages based upon the county's determination to grant or its refusal to grant an additional cable television franchise, provided that a public hearing as herein provided has been held and the franchising authority has determined that it is in the best interest of the county to grant or refuse to grant such additional franchise, as the case may be.

It is declared to be the law of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution, that the establishment of minimum standards and procedures for the granting of additional cable television franchises as provided in this subsection (e) is an

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exclusive State power and function that may not be exercised concurrently by a home rule unit.

(Source: P.A. 90-14, eff. 7-1-97; 90-285, eff. 7-31-97.)

(55 ILCS 5/5-1096.5 new)

Sec. 5-1096.5. Cable and video competition.

(a) A person or entity seeking to provide cable service or video service in this State after the effective date of this amendatory Act of the 95th General Assembly shall either (1) obtain a State-issued authorization pursuant to Section 401 of the Cable and Video Competition Law of 2007 (220 ILCS 5/21-401); (2) obtain authorization pursuant to Section 11-42-11 of the Illinois Municipal Code (65 ILCS 5/11-42-11); or (3) obtain authorization pursuant to Section 5-1095 of the Counties Code (55 ILCS 5/5-1095).

(b) A person or entity seeking to provide cable service or video service in this State after the effective date of this amendatory Act of the 95th General Assembly shall not use the public rights-of-way for the installation or construction of facilities for the provision of cable service or video service or offer cable service or video service until it has (i) obtained a State-issued authorization to offer or provide cable or video service under Section 401 of the Cable and Video Competition Law of 2007; (ii) obtained authorization under Section 11-42-11 of the Illinois Municipal Code; (iii) or obtained authorization under Section 5-1095 of the Counties Code. Nothing in this Section shall prohibit a local unit of government from granting a permit to a person or entity for the use of the public rights-of-way to install or construct facilities to provide cable service or video service, at its sole discretion. No unit of local government shall be liable for denial or delay of a permit prior to the issuance of a State-issued authorization.

(c) For the purposes of Section 5-1095(e), a State-issued authorization under Article XXI of the Public Utilities Act shall be considered substantially equivalent in terms and conditions as an existing cable provider.

(d) Nothing in Article XXI of the Public Utilities Act shall constitute a basis for modification of an existing cable franchise or an injunction.
against or for the recovery of damages from a municipality pursuant to Section 5-1095(e) because of an application for or the issuance of a State-issued authorization under that Article XXI.

Section 15-20. The Illinois Municipal Code is amended by changing Section 11-42-11 and by adding Section 11-42-11.2 as follows:

(65 ILCS 5/11-42-11) (from Ch. 24, par. 11-42-11)

Sec. 11-42-11. Community antenna television systems; satellite transmitted television programming.

(a) The corporate authorities of each municipality may license, franchise and tax the business of operating a community antenna television system as hereinafter defined. In municipalities with less than 2,000,000 inhabitants, the corporate authorities may, under the limited circumstances set forth in this Section, own (or lease as lessee) and operate a community antenna television system; provided that a municipality may not acquire, construct, own, or operate a community antenna television system for the use or benefit of private consumers or users, and may not charge a fee for that consumption or use, unless the proposition to acquire, construct, own, or operate a cable antenna television system has been submitted to and approved by the electors of the municipality in accordance with subsection (f). Before acquiring, constructing, or commencing operation of a community antenna television system, the municipality shall comply with the following:

(1) Give written notice to the owner or operator of any other community antenna television system franchised to serve all or any portion of the territorial area to be served by the municipality's community antenna television system, specifying the date, time, and place at which the municipality shall conduct public hearings to consider and determine whether the municipality should acquire, construct, or commence operation of a community antenna television system. The public hearings shall be conducted at least 14 days after this notice is given.

(2) Publish a notice of the hearing in 2 or more newspapers published in the county, city, village, incorporated town, or town, as the case may be. If there is no such newspaper, then notice shall be

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published in any 2 or more newspapers published in the county and having a general circulation throughout the community. The public hearings shall be conducted at least 14 days after this notice is given.

(3) Conduct a public hearing to determine the means by which construction, maintenance, and operation of the system will be financed, including whether the use of tax revenues or other fees will be required.

(b) The words "community antenna television system" shall mean any facility which is constructed in whole or in part in, on, under or over any highway or other public place and which is operated to perform for hire the service of receiving and amplifying the signals broadcast by one or more television stations and redistributing such signals by wire, cable or other means to members of the public who subscribe to such service; except that such definition shall not include (i) any system which serves fewer than fifty subscribers, or (ii) any system which serves only the residents of one or more apartment dwellings under common ownership, control or management, and commercial establishments located on the premises of such dwellings.

(c) The authority hereby granted does not include authority to license, franchise or tax telephone companies subject to jurisdiction of the Illinois Commerce Commission or the Federal Communications Commission in connection with the furnishing of circuits, wires, cables, and other facilities to the operator of a community antenna television system.

(c-1) Each franchise entered into by a municipality and a community antenna television system shall include the customer service and privacy standards and protections contained in the Cable and Video Customers Protection Law. A franchise may not contain different penalties, consumer service and privacy standards and protections. Each franchise entered into by a municipality and a community antenna television system before the effective date of this amendatory Act of the 95th General Assembly shall be amended by this Section to incorporate the penalty provisions, customer service and privacy standards and protections contained in the Cable and Video Customers Protection Law.
The corporate authorities of each municipality may, in the course of franchising such community antenna television system, grant to such franchisee the authority and the right and permission to use all public streets, rights of way, alleys, ways for public service facilities, parks, playgrounds, school grounds, or other public grounds, in which such municipality may have an interest, for the construction, installation, operation, maintenance, alteration, addition, extension or improvement of a community antenna television system.

Any charge imposed by a community antenna television system franchised pursuant to this Section for the raising or removal of cables or lines to permit passage on, to or from a street shall not exceed the reasonable costs of work reasonably necessary to safely permit such passage. Pursuant to subsections (h) and (i) of Section 6 of Article VII of the Constitution of the State of Illinois, the General Assembly declares the regulation of charges which may be imposed by community antenna television systems for the raising or removal of cables or lines to permit passage on, to or from streets is a power or function to be exercised exclusively by the State and not to be exercised or performed concurrently with the State by any unit of local government, including any home rule unit.

The municipality may, upon written request by the franchisee of a community antenna television system, exercise its right of eminent domain solely for the purpose of granting an easement right no greater than 8 feet in width, extending no greater than 8 feet from any lot line for the purpose of extending cable across any parcel of property in the manner provided by the law of eminent domain, provided, however, such franchisee deposits with the municipality sufficient security to pay all costs incurred by the municipality in the exercise of its right of eminent domain.

(d) The General Assembly finds and declares that satellite-transmitted television programming should be available to those who desire to subscribe to such programming and that decoding devices should be obtainable at reasonable prices by those who are unable to obtain satellite-transmitted television programming through duly franchised community antenna television systems.

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In any instance in which a person is unable to obtain satellite-transmitted television programming through a duly franchised community antenna television system either because the municipality and county in which such person resides has not granted a franchise to operate and maintain a community antenna television system, or because the duly franchised community antenna television system operator does not make cable television services available to such person, any programming company that delivers satellite-transmitted television programming in scrambled or encrypted form shall ensure that devices for description of such programming are made available to such person, through the local community antenna television operator or directly, for purchase or lease at prices reasonably related to the cost of manufacture and distribution of such devices.

(e) The General Assembly finds and declares that, in order to ensure that community antenna television services are provided in an orderly, competitive and economically sound manner, the best interests of the public will be served by the establishment of certain minimum standards and procedures for the granting of additional cable television franchises.

Subject to the provisions of this subsection, the authority granted under subsection (a) hereof shall include the authority to license, franchise and tax more than one cable operator to provide community antenna television services within the corporate limits of a single franchising authority. For purposes of this subsection (e), the term:

(i) "Existing cable television franchise" means a community antenna television franchise granted by a municipality which is in use at the time such municipality receives an application or request by another cable operator for a franchise to provide cable antenna television services within all or any portion of the territorial area which is or may be served under the existing cable television franchise.

(ii) "Additional cable television franchise" means a franchise pursuant to which community antenna television services may be provided within the territorial areas, or any portion thereof, which may be served under an existing cable television franchise.

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(iii) "Franchising Authority" is defined as that term is defined under Section 602(9) of the Cable Communications Policy Act of 1984, Public Law 98-549, but does not include any municipality with a population of 1,000,000 or more.

(iv) "Cable operator" is defined as that term is defined under Section 602(4) of the Cable Communications Policy Act of 1984, Public Law 98-549.

Before granting an additional cable television franchise, the franchising authority shall:

(1) Give written notice to the owner or operator of any other community antenna television system franchised to serve all or any portion of the territorial area to be served by such additional cable television franchise, identifying the applicant for such additional franchise and specifying the date, time and place at which the franchising authority shall conduct public hearings to consider and determine whether such additional cable television franchise should be granted.

(2) Conduct a public hearing to determine the public need for such additional cable television franchise, the capacity of public rights-of-way to accommodate such additional community antenna television services, the potential disruption to existing users of public rights-of-way to be used by such additional franchise applicant to complete construction and to provide cable television services within the proposed franchise area, the long term economic impact of such additional cable television system within the community, and such other factors as the franchising authority shall deem appropriate.

(3) Determine, based upon the foregoing factors, whether it is in the best interest of the municipality to grant such additional cable television franchise.

(4) If the franchising authority shall determine that it is in the best interest of the municipality to do so, it may grant the additional cable television franchise. Except as provided in paragraph (5) of this subsection (e), no such additional cable television franchise shall be granted.

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television franchise shall be granted under terms or conditions more favorable or less burdensome to the applicant than those required under the existing cable television franchise, including but not limited to terms and conditions pertaining to the territorial extent of the franchise, system design, technical performance standards, construction schedules, performance bonds, standards for construction and installation of cable television facilities, service to subscribers, public educational and governmental access channels and programming, production assistance, liability and indemnification, and franchise fees.

(5) Unless the existing cable television franchise provides that any additional cable television franchise shall be subject to the same terms or substantially equivalent terms and conditions as those of the existing cable television franchise, the franchising authority may grant an additional cable television franchise under different terms and conditions than those of the existing franchise, in which event the franchising authority shall enter into good faith negotiations with the existing franchisee and shall, within 120 days after the effective date of the additional cable television franchise, modify the existing cable television franchise in a manner and to the extent necessary to ensure that neither the existing cable television franchise nor the additional cable television franchise, each considered in its entirety, provides a competitive advantage over the other, provided that prior to modifying the existing cable television franchise, the franchising authority shall have conducted a public hearing to consider the proposed modification. No modification in the terms and conditions of the existing cable television franchise shall oblige the existing cable television franchisee (1) to make any additional payment to the franchising authority, including the payment of any additional franchise fee, (2) to engage in any additional construction of the existing cable television system or, (3) to modify the specifications or design of the existing cable television system; and the inclusion of the factors identified in items (2) and (3) shall not be considered in determining whether either
franchise considered in its entirety, has a competitive advantage over the other except to the extent that the additional franchisee provides additional video or data services or the equipment or facilities necessary to generate and or carry such service. No modification in the terms and conditions of the existing cable television franchise shall be made if the existing cable television franchisee elects to continue to operate under all terms and conditions of the existing franchise.

If within the 120 day period the franchising authority and the existing cable television franchisee are unable to reach agreement on modifications to the existing cable television franchise, then the franchising authority shall modify the existing cable television franchise, effective 45 days thereafter, in a manner, and only to the extent, that the terms and conditions of the existing cable television franchise shall no longer impose any duty or obligation on the existing franchisee which is not also imposed under the additional cable television franchise; however, if by the modification the existing cable television franchisee is relieved of duties or obligations not imposed under the additional cable television franchise, then within the same 45 days and following a public hearing concerning modification of the additional cable television franchise within that 45 day period, the franchising authority shall modify the additional cable television franchise to the extent necessary to insure that neither the existing cable television franchise nor the additional cable television franchise, each considered in its entirety, shall have a competitive advantage over the other.

No municipality shall be subject to suit for damages based upon the municipality's determination to grant or its refusal to grant an additional cable television franchise, provided that a public hearing as herein provided has been held and the franchising authority has determined that it is in the best interest of the municipality to grant or refuse to grant such additional franchise, as the case may be.

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It is declared to be the law of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution, that the establishment of minimum standards and procedures for the granting of additional cable television franchises by municipalities with a population less than 1,000,000 as provided in this subsection (e) is an exclusive State power and function that may not be exercised concurrently by a home rule unit.

(f) No municipality may acquire, construct, own, or operate a community antenna television system unless the corporate authorities adopt an ordinance. The ordinance must set forth the action proposed; describe the plant, equipment, and property to be acquired or constructed; and specifically describe the manner in which the construction, acquisition, and operation of the system will be financed.

The ordinance may not take effect until the question of acquiring, construction, owning, or operating a community antenna television system has been submitted to the electors of the municipality at a regular election and approved by a majority of the electors voting on the question. The corporate authorities must certify the question to the proper election authority, which must submit the question at an election in accordance with the Election Code.

The question must be submitted in substantially the following form

Shall the ordinance authorizing the municipality to (insert action authorized by ordinance) take effect?

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

If a majority of electors voting on the question vote in the affirmative, the ordinance shall take effect.

Not more than 30 or less than 15 days before the date of the referendum, the municipal clerk must publish the ordinance at least once in one or more newspapers published in the municipality or, if no newspaper is published in the municipality, in one or more newspapers of general circulation within the municipality.

(Source: P.A. 90-285, eff. 7-31-97; 91-648, eff. 1-1-00.)

(65 ILCS 5/11-42-11.2 new)

Sec. 11-42-11.2. Cable and video competition.

New matter indicated by italics - deletions by strikeout
(a) A person or entity seeking to provide cable service or video service in this State after the effective date of this amendatory Act of the 95th General Assembly shall either (1) obtain a State-issued authorization pursuant to Section 401 of the Cable and Video Competition Law of 2007; (2) obtain authorization pursuant to Section 11-42-11 of the Illinois Municipal Code; or (3) obtain authorization pursuant to Section 5-1095 of the Counties Code. All providers offering or providing cable or video service in this State shall have authorization pursuant to either (i) the Cable and Video Competition Law of 2007; (ii) Section 11-42-11 of the Illinois Municipal Code; (iii) Section 5-1095 of the Counties Code.

(b) A person or entity seeking to provide cable service or video service in this State after the effective date of this amendatory Act of the 95th General Assembly shall not use the public rights-of-way for the installation or construction of facilities for the provision of cable service or video service or offer cable service or video service until it has (i) obtained a State-issued authorization to offer or provide cable or video service under Section 401 of the Cable and Video Competition Law of 2007; (ii) obtained authorization under Section 11-42-11 of the Illinois Municipal Code; (iii) obtained authorization under Section 5-1095 of the Counties Code. Nothing in this Section shall prohibit a local unit of government from granting a permit to a person or entity for the use of the public rights-of-way to install or construct facilities to provide cable service or video service, at its sole discretion. No unit of local government shall be liable for denial or delay of a permit prior to the issuance of a State-issued authorization.

(c) For the purposes of Section 11-42-11(e), a State-issued authorization under Article XXI of the Public Utilities Act shall be considered substantially equivalent in terms and conditions as an existing cable provider.

(d) Nothing in Article XXI of the Public Utilities Act shall constitute a basis for modification of an existing cable franchise or an injunction against or for the recovery of damages from a municipality pursuant to Section 11-42-11 because of an application for or the issuance of a State-issued authorization under that Article XXI.

New matter indicated by italics - deletions by strikeout
Section 15-25. The Public Utilities Act is amended by adding the heading of Article 70 and Sections 13-507.1, 70-501, 70-502, and 70-503 as follows:

(220 ILCS 5/13-507.1 new)
Sec. 13-507.1. In any proceeding permitting, approving, investigating, or establishing rates, charges, classifications, or tariffs for telecommunications services classified as noncompetitive offered or provided by an incumbent local exchange carrier as that term is defined in Section 13-202.1 of the Public Utilities Act, the Commission shall not allow any subsidy of Internet services, cable services, or video services by the rates or charges for local exchange telecommunications services, including local services classified as noncompetitive.

(220 ILCS 5/Art. 70 heading new)
ARTICLE 70. CABLE AND VIDEO CUSTOMER PROTECTION LAW
(220 ILCS 5/70-501 new)
Sec. 70-501. Customer service and privacy protection. All cable or video providers in this State shall comply with the following customer service requirements and privacy protections. The provisions of this Act shall not apply to an incumbent cable operator prior to January 1, 2008. For purposes of this paragraph, an incumbent cable operator means a person or entity that provided cable services in a particular area under a franchise agreement with a local unit of government pursuant to Section 11-42-11 of the Illinois Municipal Code or Section 5-1095 of the Counties Code on January 1, 2007. A master antenna television, satellite master antenna television, direct broadcast satellite, multipoint distribution service, and other provider of video programming shall only be subject to the provisions of this Article to the extent permitted by federal law. The following definitions apply to the terms used in this Article:

"Basic cable or video service" means any service offering or tier which includes the retransmission of local television broadcast signals.

"Cable or video provider" means any person or entity providing cable service or video service pursuant to authorization under (i) the Cable and Video Competition Law of 2007; (ii) Section 11-42-11 of the Illinois Municipal Code; (iii) Section 5-1095 of the Counties Code; or (iv) a master
antenna television, satellite master antenna television, direct broadcast satellite, multipoint distribution services, and other providers of video programming, whatever their technology. A cable or video provider shall not include a landlord providing only broadcast video programming to a single-family home or other residential dwelling consisting of four units or less.

"Franchise" has the same meaning as found in 47 U.S.C. 522(9).

"Local unit of government" means a city, village, incorporated town, or a county.

"Normal business hours" means those hours during which most similar businesses in the geographic area of the local unit of government are open to serve customers. In all cases, "normal business hours" must include some evening hours at least one night per week or some weekend hours.

"Normal operating conditions" means those service conditions that are within the control of cable or video providers. Those conditions that are not within the control of cable or video providers include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions that are ordinarily within the control of cable or video providers include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable service or video service network.

"Service interruption" means the loss of picture or sound on one or more cable service or video service on one or more cable or video channels.

"Service line drop" means the point of connection between a premises and the cable or video network that enables the premises to receive cable service or video service.

(a) General customer service standards:

(1) Cable or video providers shall establish general standards related to customer service, which shall include, but not be limited to, installation, disconnection, service and repair obligations; appointment hours, and employee ID

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requirements; customer service telephone numbers and hours; procedures for billing, charges, deposits, refunds, and credits; procedures for termination of service; notice of deletion of programming service, changes related to transmission of programming; changes or increases in rates; the use and availability of parental control or lock-out devices; the use and availability of A/B switch if applicable; complaint procedures and procedures for bill dispute resolution; a description of the rights and remedies available to consumers if the cable or video provider does not materially meet their customer service standards; and special services for customers with visual, hearing or mobility disabilities.

(2) Cable or video providers’ rates for each level of service, rules, regulations and policies related to its cable service or video service described in subsection (a)(1) must be made available to the public and displayed clearly and conspicuously on the cable or video provider’s site on the Internet. If a promotional price or a price for a specified period of time is offered, the cable or video provider shall display the price at the end of the promotional period or specified period of time clearly and conspicuously with the display of the promotional price or price for a specified period of time. The cable or video provider shall provide this information upon request.

(3) Cable or video providers shall provide notice concerning their general customer service standards to all customers. This notice shall be offered when service is first activated and annually thereafter. The information in the notice shall include all of the information specified in subsection (a)(1), as well as the following: a listing of services offered by the cable or video providers, which shall clearly describe programming for all services and all levels of service; the rates for all services and levels of service;

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telephone number(s) through which customers may subscribe to, change, or terminate service, request customer service or seek general or billing information; instructions on the use of the cable or video services; and, a description of rights and remedies that the cable or video providers shall make available to their customers if they do not materially meet the general customer service standards described in this Act.

(b) General customer service obligations:

(1) Cable or video providers shall render reasonably efficient service, promptly make repairs, and interrupt service only as necessary and for good cause, during periods of minimum use of the system and for no more than 24 hours.

(2) All service representatives or any other person who contacts customers or potential customers on behalf of the cable or video provider shall have a visible identification card with their name and photograph and shall orally identify themselves upon first contact with the customer. Customer service representatives shall orally identify themselves to callers immediately following the greeting during each telephone contact with the public.

(3) The cable or video providers shall: (i) maintain a customer service facility within the boundaries of a local unit of government staffed by customer service representatives that have the capacity to accept payment, adjust bills, respond to repair, installation, reconnection, disconnection, or other service calls; distribute or receive converter boxes, remote control units, digital stereo units or other equipment related to the provision of cable or video service; or (ii) provide customers with bill payment facilities through retail, financial, or other commercial institutions located within the boundaries of a local unit of government; or (iii) provide an address, toll-free telephone number or
electronic address to accept bill payments and correspondence, and provide secure collection boxes for the receipt of bill payments and the return of equipment, provided that if a cable or video provider provides secure collection boxes, it shall provide a printed receipt when items are deposited; or (iv) provide an address, toll-free telephone number or electronic address to accept bill payments and correspondence, and provide a method for customers to return equipment to the cable or video provider at no cost to the customer.

(4) In each contact with a customer, the service representatives or any other person who contacts customers or potential customers on behalf of the cable or video provider, shall state the estimated cost of the service, repair, or installation orally prior to delivery of the service or before any work is performed, and shall provide the customer with an oral statement of the total charges before terminating the telephone call or other contact in which a service is ordered, whether in-person or over the Internet, and shall provide a written statement of the total charges before leaving the location at which the work was performed. In the event that the cost of service is a promotional price or is for a limited period of time, the cost of service at the end of the promotion or limited period of time shall be disclosed.

(5) Cable or video providers shall provide customers a minimum of 30 days’ written notice before increasing rates or eliminating transmission of programming and shall submit the notice to the local unit of government in advance of distribution to customers, provided that the cable or video provider is not in violation of this provision if the elimination of transmission of programming was outside the control of the provider, in which case the provider shall use reasonable efforts to provide as much notice as possible and
any rate decrease related to the elimination of transmission of programming shall be applied to the date of the change.

(6) Cable or video providers shall provide clear visual and audio reception that meets or exceeds applicable Federal Communications Commission technical standards. If a customer experiences poor video or audio reception due to the equipment of the cable or video provider, the cable or video provider shall promptly repair the problem at its own expense.

(c) Bills, payment and termination:

(1) Cable or video providers shall render monthly bills that are clear, accurate and understandable.

(2) Every residential customer who pays bills directly to the cable or video provider shall have at least 28 days from the date of the bill to pay the listed charges.

(3) Customer payments shall be posted promptly. When the payment is sent by United States Mail, payment is considered paid on the date it is postmarked.

(4) Cable or video providers may not terminate residential service for nonpayment of a bill unless the cable or video provider furnishes notice of the delinquency and impending termination at least 21 days prior to the proposed termination. Notice of proposed termination shall be mailed, postage prepaid, to the customer to whom service is billed. Notice of proposed termination shall not be mailed until the 29th day after the date of the bill for services. Notice of delinquency and impending termination may be part of a billing statement only if the notice is presented in a different color than the bill and is designed to be conspicuous. The cable or video providers may not assess a late fee prior to the 29th day after the date of the bill for service.

(5) Every notice of impending termination shall include all of the following: name and address of customer;

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amount of delinquency; date on which payment is required to avoid termination; and the telephone number of the cable or video provider's service representative to make payment arrangements and to provide additional information about the charges for failure to return equipment and for reconnection, if any. No customer may be charged a fee for termination or disconnection of service, irrespective of whether the customer initiated termination or disconnection or the cable or video provider initiated termination or disconnection.

(6) Service may only be terminated on days when the customer is able to reach a service representative of the cable or video providers, either in person or by telephone.

(7) Any service terminated by a cable or video provider without good cause shall be restored without any reconnection fee, charge or penalty; good cause for termination includes, but is not limited to, failure to pay a bill by the date specified in the notice of impending termination, payment by check for which there are insufficient funds, theft of service, abuse of equipment or personnel or other similar subscriber actions.

(8) Cable or video providers shall cease charging a customer for any or all services within 1 business day after it receives a request to immediately terminate service or on the day requested by the customer if such a date is at least 5 days from the date requested by the customer. Nothing in this subsection shall prohibit the provider from billing for charges that the customer incurs prior to the date of termination. Cable or video providers shall issue a credit, a refund, or return a deposit within 10 business days after the close of the customer’s billing cycle following the request for termination or the return of equipment, if any, whichever is later.
(9) The customers or subscribers of a cable or video provider shall be allowed to disconnect their service at any time within the first 60 days after subscribing to or upgrading the service. Within this 60-day period, cable or video providers shall not charge or impose any fees or penalties on the customer for disconnecting service, including, but not limited to, any installation charge, the imposition of an early termination charge, except the cable or video provider may impose a charge or fee to offset any rebates or credits received by the customer, and may impose monthly service or maintenance charges, including pay-per-view and premium services charges, during such 60-day period.

(10) Cable and video providers shall guarantee customer satisfaction for new or upgraded service and the customer shall receive a pro-rata credit in an amount equal to the pro-rata charge for the remaining days of service being disconnected or replaced upon the customer's request if the customer is dissatisfied with the service and requests to discontinue the service within the first 60 days after subscribing to the upgraded service.

(d) Response to customer inquiries:

(1) Cable or video providers will maintain a toll-free telephone access line that will be available to customers 24 hours a day, seven days a week, to accept calls regarding installation, termination, service, and complaints. Trained, knowledgeable, qualified service representatives of the cable or video providers will be available to respond to customer telephone inquiries during normal business hours. Customer service representatives shall be able to provide credit, waive fees, schedule appointments and change billing cycles. Any difficulties that cannot be resolved by the customer service representatives shall be referred to a supervisor who shall make best efforts to resolve the issue.
immediately. If the supervisor does not resolve the issue to the customer's satisfaction, the customer shall be informed of the cable or video provider's complaint procedures and procedures for billing dispute resolution and given a description of the rights and remedies available to customers to enforce the terms of this Article, including the customer's rights to have the complaint reviewed by the local unit of government, to request mediation, and to review in a court of competent jurisdiction.

(2) After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received by telephone or e-mail after normal business hours shall be responded to by a trained service representative on the next business day. The cable or video provider shall respond to a written billing inquiry within 10 days of receipt of the inquiry.

(3) Cable or video providers shall provide customers seeking non-standard installations with a total installation cost estimate and an estimated date of completion. The actual charge to the customer shall not exceed 10% of the estimated cost without the written consent of the customer.

(4) If the cable or video provider receives notice that an unsafe condition exists with respect to its equipment, it shall investigate such condition immediately, and shall take such measures as are necessary to remove or eliminate the unsafe condition. The cable or video provider shall inform the local unit of government promptly, but no later than 2 hours after it receives notification of an unsafe condition that it has not remedied.

(5) Under normal operating conditions, telephone answer time by the cable or video provider's customer representative, including wait time, shall not exceed 30 seconds when the connection is made. If the call needs to be
transferred, transfer time shall not exceed 30 seconds. These standards shall be met no less than 90% of the time under normal operating conditions, measured on a quarterly basis.

(6) Under normal operating conditions, the cable or video provider’s customers will receive a busy signal less than 3% of the time.

(e) Installations, Outages and Service Calls. Under normal operating conditions, each of the following standards related to installations, outages and service calls will be met no less than 95% of the time measured on a quarterly basis:

(1) Standard installations will be performed within 7 business days after an order has been placed. "Standard" installations are those that are located up to 125 feet from the existing distribution system;

(2) Excluding conditions beyond the control of the cable or video providers, the cable or video providers will begin working on "service interruptions" promptly and in no event later than 24 hours after the interruption is reported by the customer or otherwise becomes known to the cable or video providers. Cable or video providers must begin actions to correct other service problems the next business day after notification of the service problem and correct the problem within 48 hours after the interruption is reported by the customer 95% of the time, measured on a quarterly basis;

(3) The "appointment window" alternatives for installations, service calls, and other installation activities will be either a specific time or, at a maximum, a four hour time block during evening, weekend and normal business hours. The cable or video provider may schedule service calls and other installation activities outside of these hours for the express convenience of the customer; and

(4) Cable or video providers may not cancel an appointment with a customer after 5:00 p.m. on the business

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day prior to the scheduled appointment. If the cable or video provider's representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer, even if the rescheduled appointment is not within normal business hours.

(f) Public benefit obligation:

(1) All cable or video providers offering service pursuant to the Cable and Video Competition Law of 2007, the Illinois Municipal Code, or the Counties Code, shall provide a free service line drop and free basic service to all current and future public buildings within their footprint, including, but not limited to, all local unit of government buildings, public libraries, and public primary and secondary schools, whether owned or leased by that local unit of government ("eligible buildings"). Such service shall be used in a manner consistent with the government purpose for the eligible building and shall not be resold.

(2) This obligation only applies to those cable or video service providers whose cable service or video service systems pass eligible buildings and its cable or video service is generally available to residential subscribers in the same local unit of government in which the eligible building is located. The burden of providing such service at each eligible building shall be shared by all cable and video providers whose systems pass the eligible buildings in an equitable and competitively neutral manner, and nothing herein shall require duplicative installations by more than one cable or video provider at each eligible building. Cable or video providers operating in a local unit of government shall meet as necessary and determine who will provide service to eligible buildings under this subsection. If the cable or video providers are unable to reach agreement,
they shall meet with the local unit of government which shall
determine which cable or video providers will serve each
eligible building. The local unit of government shall bear
the costs of any inside wiring or video equipment costs not
ordinarily provided as part of the cable or video provider's
basic offering.

(g) After the cable or video providers have offered service
for one (1) year, the cable or video providers shall make an annual
report to the Commission, the local unit of government and to the
Attorney General that it is meeting the standards specified in this
Article, identifying the number of complaints it received over the
prior year in the State, and specifying the number of complaints
related to each of the following: (1) billing, charges, refunds,
credits; (2) installation or termination of service; (3) quality of
service and repair; (4) programming; and (5) miscellaneous
complaints that do not fall within these categories. Thereafter, the
cable or video providers shall also provide, upon request by the
local unit of government where service is offered and to the
Attorney General, an annual public report that includes
performance data described in subsections (d)(5), (d)(6), (e)(1) and
(e)(2) of this Section for cable services or video services. The
performance data shall be disaggregated for each requesting local
unit of government or local exchange, as that term is defined in
Section 13-206 of the Public Utilities Act, in which the cable or
video providers have customers.

(h) To the extent consistent with federal law, cable or video
providers shall offer the lowest-cost basic cable or video service as
a stand-alone service to residential customers at reasonable rates.
Cable or video providers shall not require the subscription to any
service other than the lowest-cost basic service or to any
telecommunications or information service, as a condition of access
to cable or video service, including programming offered on a per
channel or per program basis. Cable or video providers shall not
discriminate between subscribers to the lowest-cost basic service,
subscribers to other cable services or video services, and other subscribers with regard to the rates charged for cable or video programming offered on a per channel or per program basis.

(i) To the extent consistent with federal law, cable or video providers shall ensure that charges for changes in the subscriber's selection of services or equipment shall be based on the cost of such change and shall not exceed nominal amounts when the system's configuration permits changes in service tier selection to be effected solely by coded entry on a computer terminal or by other similarly simple method.

(j) To the extent consistent with federal law, cable or video providers shall have a rate structure for the provision of cable or video service that is uniform throughout the area within the boundaries of the local unit of government. This subsection is not intended to prohibit bulk discounts to multiple dwelling units or to prohibit reasonable discounts to senior citizens or other economically disadvantaged groups.

(k) To the extent consistent with federal law, cable or video providers shall not charge a subscriber for any service or equipment that the subscriber has not affirmatively requested by name. For purposes of this subsection, a subscriber's failure to refuse a cable or video provider's proposal to provide service or equipment shall not be deemed to be an affirmative request for such service or equipment.

(l) No contract or service offering cable services or video services or any bundle including such services shall be for a term longer than one year. Any contract or service offering with a term of service that contains an early termination fee shall limit the early termination fee to not more than the amount of the discount reflected in the price for cable services or video services for the period during which the consumer benefited from the discount.

(m) Cable or video providers shall not discriminate in the provision of services for the hearing and visually impaired, and shall comply with the accessibility requirements of 47 U.S.C. 613.

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Cable or video providers shall deliver and pick-up, or provide customers with pre-paid shipping and packaging for the return of, converters and other necessary equipment at the home of customers with disabilities. Cable or video providers shall provide free use of a converter or remote control unit to mobility impaired customers.

(n)(1) To the extent consistent with federal law, cable or video providers shall comply with the provisions of 47 U.S.C. 532(h) and (j). The cable or video providers shall not exercise any editorial control over any video programming provided pursuant to this Section, or in any other way consider the content of such programming, except that a cable or video provider may refuse to transmit any leased access program or portion of a leased access program which contains obscenity, indecency, or nudity and may consider such content to the minimum extent necessary to establish a reasonable price for the commercial use of designated channel capacity by an unaffiliated person. This subsection shall permit cable or video providers to enforce prospectively a written and published policy of prohibiting programming that the cable or video provider reasonably believes describes or depicts sexual or excretory activities or organs in a patently offensive manner as measured by contemporary community standards.

(2) Upon customer request, the cable or video provider shall, without charge, fully scramble or otherwise fully block the audio and video programming of each channel carrying such programming so that a person who is not a subscriber does not receive the channel or programming.

(3) In providing sexually explicit adult programming or other programming that is indecent on any channel of its service primarily dedicated to sexually oriented programming, the cable or video provider shall fully scramble or otherwise fully block the video and audio portion of such channel so that one not a subscriber to such channel or programming does not receive it.

New matter indicated by italics - deletions by strikeout
(4) Scramble means to rearrange the content of the signal of the programming so that the programming cannot be viewed or heard in an understandable manner.

(o) Cable or video providers will maintain a listing, specific to the level of street address, of the areas where its cable or video services are available. Customers who inquire about purchasing cable or video service shall be informed about whether the cable or video provider's cable or video services are currently available to them at their specific location.

(p) Privacy protections. Cable or video providers shall not disclose the name, address, telephone number or other personally identifying information of a cable service or video service customer to be used in mailing lists or to be used for other commercial purposes not reasonably related to the conduct of its business unless the cable or video provider has provided to the customer a notice, separately or included in any other customer service notice, that clearly and conspicuously describes the customer's ability to prohibit the disclosure. Cable or video providers shall provide an address and telephone number for a customer to use without toll charge to prevent disclosure of the customer's name and address in mailing lists or for other commercial purposes not reasonably related to the conduct of its business to other businesses or affiliates of the cable or video provider. Cable or video providers shall comply with the consumer privacy requirements of the Communications Consumer Privacy Act, the Restricted Call Registry Act, and 47 U.S.C. 551 that are in effect as of the effective date of this amendatory Act of the 95th General Assembly, and as amended thereafter.

(q) Cable or video providers shall implement an informal process for handling inquiries from local units of government and customers concerning billing issues, service issues, privacy concerns and other consumer complaints. In the event an issue is not resolved through this informal process, a local unit of government or the customer may request nonbinding mediation with
the cable or video provider, with each party to bear its own costs of such mediation. Selection of the mediator will be by mutual agreement, and preference will be given to mediation services that do not charge the consumer for their services. In the event the informal process does not produce a satisfactory result to the customer or the local unit of government, enforcement may be pursued as provided in subsection (r)(4).

(r) The Attorney General and the local unit of government may enforce all of the customer service and privacy protection standards of this Section with respect to complaints received from residents within the local unit of government’s jurisdiction, but it may not adopt or seek to enforce any additional or different customer service or performance standards under any other authority or provision of law.

(1) The local unit of government may, by ordinance, provide a schedule of penalties for any material breach of this Section by cable or video providers in addition to the penalties provided herein. No monetary penalties shall be assessed for a material breach if it is out of the reasonable control of the cable or video providers or its affiliate. Monetary penalties adopted in an ordinance pursuant to this Section shall apply on a competitively neutral basis to all providers of cable service or video service within the local unit of government’s jurisdiction and in no event shall the penalties imposed under this subsection exceed $750 for each day of the material breach, and shall not exceed $25,000 for each occurrence of a material breach per customer.

(2) For purposes of this Section, "material breach" means any substantial failure of a cable or video service provider to comply with service quality and other standards specified in any provision of this Act. The Attorney General or the local unit of government shall give the cable or video provider written notice of any alleged material breaches of

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this Act and allow such provider at least 30 days from receipt of the notice to remedy the specified material breach.

(3) A material breach, for the purposes of assessing penalties, shall be deemed to have occurred for each day that a material breach has not been remedied by the cable service or video service provider after the expiration of the period specified in subsection (r)(2) in each local unit of government’s jurisdiction, irrespective of the number of customers affected.

(4) Any customer, the Attorney General, or local unit of government may pursue alleged violations of this Act by the cable or video provider in a court of competent jurisdiction. A cable or video provider may seek judicial review of a decision of a local unit of government imposing penalties in a court of competent jurisdiction. No local unit of government shall be subject to suit for damages or other relief based upon its action in connection with its enforcement or review of any of the terms, conditions, and rights contained in this Act except a court may require the return of any penalty it finds was not properly assessed or imposed.

(s) Cable or video providers shall credit customers for violations in the amounts stated herein. The credits shall be applied on the statement issued to the customer for the next monthly billing cycle following the violation or following the discovery of the violation. Cable or video providers are responsible for providing the credits described herein and the customer is under no obligation to request the credit. If the customer is no longer taking service from the cable or video provider, the credit amount will be refunded to the customer by check within 30 days of the termination of service. A local unit of government may, by ordinance, adopt a schedule of credits payable directly to customers for breach of the customer service standards and obligations contained in this Article, provided the schedule of customer credits applies on a
competitively neutral basis to all providers of cable service or video service in the local unit of government's jurisdiction and the credits are not greater than the credits provided in this Section.

(1) Failure to provide notice of customer service standards upon initiation of service: $25.00.

(2) Failure to install service within 7 days: Waiver of 50% of the installation fee or the monthly fee for the lowest-cost basic service, whichever is greater. Failure to install service within 14 days: Waiver of 100% of the installation fee or the monthly fee for the lowest-cost basic service, whichever is greater.

(3) Failure to remedy service interruptions or poor video or audio service quality within 48 hours: Pro-rata credit of total regular monthly charges equal to the number of days of the service interruption.

(4) Failure to keep an appointment or to notify the customer prior to the close of business on the business day prior to the scheduled appointment: $25.00.

(5) Violation of privacy protections: $150.00.

(6) Failure to comply with scrambling requirements: $50.00 per month.

(7) Violation of customer service and billing standards in subsections (c) and (d): $25.00 per occurrence.

(8) Violation of the bundling rules in Section (h): $25.00 per month.

(t) The enforcement powers granted to the Attorney General in Article XXI of the Public Utilities Act shall apply to this Act, except that the Attorney General may not seek penalties for violation of this Act other than in the amounts specified herein. Nothing in this Section shall limit or affect the powers of the Attorney General to enforce the provisions of Article 21 of the Public Utilities Act or the Consumer Fraud and Deceptive Business Practices Act.

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(u) This Act applies to all cable and video providers in the State, including but not limited to those operating under a local franchise as that term is used in 47 U.S.C. 522(9), those operating under authorization pursuant to Section 11-42-11 of the Municipal Code, those operating under authorization pursuant to Section 5-1095 of the Counties Code, and those operating under a State-issued authorization pursuant to Article XXI of the Public Utilities Act.

(220 ILCS 5/70-502 new)
Sec. 70-502. The provisions of this Article are a limitation of home rule powers under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(220 ILCS 5/70-503 new)
Sec. 70-503. The provisions of this Article are severable under Section 1.31 of the Statute on Statutes.

Section 15-30. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)
Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

ARTICLE 99.
Section 99-999. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0010
(Senate Bill No. 1379)

AN ACT concerning children.

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

Section 2. The Children and Family Services Act is amended by changing Section 5 as follows:

 Sec. 5. Direct child welfare services; Department of Children and Family Services. To provide direct child welfare services when not available through other public or private child care or program facilities.

(a) For purposes of this Section:

(1) "Children" means persons found within the State who are under the age of 18 years. The term also includes persons under age 19 who:

(A) were committed to the Department pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987, as amended, prior to the age of 18 and who continue under the jurisdiction of the court; or

(B) were accepted for care, service and training by the Department prior to the age of 18 and whose best interest in the discretion of the Department would be served by continuing that care, service and training because of severe emotional disturbances, physical disability, social adjustment or any combination thereof, or because of the need to complete an educational or vocational training program.

(2) "Homeless youth" means persons found within the State who are under the age of 19, are not in a safe and stable living situation and cannot be reunited with their families.

(3) "Child welfare services" means public social services which are directed toward the accomplishment of the following purposes:

(A) protecting and promoting the health, safety and welfare of children, including homeless, dependent or neglected children;

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(B) remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation or delinquency of children;

(C) preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing the breakup of the family where the prevention of child removal is desirable and possible when the child can be cared for at home without endangering the child's health and safety;

(D) restoring to their families children who have been removed, by the provision of services to the child and the families when the child can be cared for at home without endangering the child's health and safety;

(E) placing children in suitable adoptive homes, in cases where restoration to the biological family is not safe, possible or appropriate;

(F) assuring safe and adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. At the time of placement, the Department shall consider concurrent planning, as described in subsection (l-1) of this Section so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child;

(G) (blank);

(H) (blank); and

(I) placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, in a licensed shelter facility, or
secure child care facility. The Department is not required to place or maintain children:
   (i) who are in a foster home, or
   (ii) who are persons with a developmental disability, as defined in the Mental Health and Developmental Disabilities Code, or
   (iii) who are female children who are pregnant, pregnant and parenting or parenting, or
   (iv) who are siblings, in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age.

(b) Nothing in this Section shall be construed to authorize the expenditure of public funds for the purpose of performing abortions.

(c) The Department shall establish and maintain tax-supported child welfare services and extend and seek to improve voluntary services throughout the State, to the end that services and care shall be available on an equal basis throughout the State to children requiring such services.

(d) The Director may authorize advance disbursements for any new program initiative to any agency contracting with the Department. As a prerequisite for an advance disbursement, the contractor must post a surety bond in the amount of the advance disbursement and have a purchase of service contract approved by the Department. The Department may pay up to 2 months operational expenses in advance. The amount of the advance disbursement shall be prorated over the life of the contract or the remaining months of the fiscal year, whichever is less, and the installment amount shall then be deducted from future bills. Advance disbursement authorizations for new initiatives shall not be made to any agency after that agency has operated during 2 consecutive fiscal years. The requirements of this Section concerning advance disbursements shall not apply with respect to the following: payments to local public agencies for child day care services as authorized by Section 5a of this Act; and youth service programs receiving grant funds under Section 17a-4.

(e) (Blank).

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(f) (Blank).

(g) The Department shall establish rules and regulations concerning its operation of programs designed to meet the goals of child safety and protection, family preservation, family reunification, and adoption, including but not limited to:

(1) adoption;
(2) foster care;
(3) family counseling;
(4) protective services;
(5) (blank);
(6) homemaker service;
(7) return of runaway children;
(8) (blank);
(9) placement under Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile Court Act of 1987 in accordance with the federal Adoption Assistance and Child Welfare Act of 1980; and
(10) interstate services.

Rules and regulations established by the Department shall include provisions for training Department staff and the staff of Department grantees, through contracts with other agencies or resources, in alcohol and drug abuse screening techniques approved by the Department of Human Services, as a successor to the Department of Alcoholism and Substance Abuse, for the purpose of identifying children and adults who should be referred to an alcohol and drug abuse treatment program for professional evaluation.

(h) If the Department finds that there is no appropriate program or facility within or available to the Department for a ward and that no licensed private facility has an adequate and appropriate program or none agrees to accept the ward, the Department shall create an appropriate individualized, program-oriented plan for such ward. The plan may be developed within the Department or through purchase of services by the Department to the extent that it is within its statutory authority to do.
(i) Service programs shall be available throughout the State and shall include but not be limited to the following services:

1. case management;
2. homemakers;
3. counseling;
4. parent education;
5. day care; and
6. emergency assistance and advocacy.

In addition, the following services may be made available to assess and meet the needs of children and families:

1. comprehensive family-based services;
2. assessments;
3. respite care; and
4. in-home health services.

The Department shall provide transportation for any of the services it makes available to children or families or for which it refers children or families.

(j) The Department may provide categories of financial assistance and education assistance grants, and shall establish rules and regulations concerning the assistance and grants, to persons who adopt physically or mentally handicapped, older and other hard-to-place children who (i) immediately prior to their adoption were legal wards of the Department or (ii) were determined eligible for financial assistance with respect to a prior adoption and who become available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died. The Department may, subject to federal financial participation in the cost, continue to provide financial assistance and education assistance grants for a child who was determined eligible for financial assistance under this subsection (j) in the interim period beginning when the child's adoptive parents died and ending with the finalization of the new adoption of the child by another adoptive parent or parents. The Department may also provide categories of financial assistance and education assistance grants, and shall establish rules and regulations for the assistance and grants, to

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persons appointed guardian of the person under Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile Court Act of 1987 for children who were wards of the Department for 12 months immediately prior to the appointment of the guardian.

The amount of assistance may vary, depending upon the needs of the child and the adoptive parents, as set forth in the annual assistance agreement. Special purpose grants are allowed where the child requires special service but such costs may not exceed the amounts which similar services would cost the Department if it were to provide or secure them as guardian of the child.

Any financial assistance provided under this subsection is inalienable by assignment, sale, execution, attachment, garnishment, or any other remedy for recovery or collection of a judgment or debt.

(j-5) The Department shall not deny or delay the placement of a child for adoption if an approved family is available either outside of the Department region handling the case, or outside of the State of Illinois.

(k) The Department shall accept for care and training any child who has been adjudicated neglected or abused, or dependent committed to it pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987.

(I) Before July 1, 2000, the Department may provide, and beginning July 1, 2000, the Department shall offer family preservation services, as defined in Section 8.2 of the Abused and Neglected Child Reporting Act, to help families, including adoptive and extended families. Family preservation services shall be offered (i) to prevent the placement of children in substitute care when the children can be cared for at home or in the custody of the person responsible for the children's welfare, (ii) to reunite children with their families, or (iii) to maintain an adoptive placement. Family preservation services shall only be offered when doing so will not endanger the children's health or safety. With respect to children who are in substitute care pursuant to the Juvenile Court Act of 1987, family preservation services shall not be offered if a goal other than those of subdivisions (A), (B), or (B-1) of subsection (2) of Section 2-28 of that Act has been set. Nothing in this paragraph shall be construed to

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create a private right of action or claim on the part of any individual or child welfare agency.

The Department shall notify the child and his family of the Department's responsibility to offer and provide family preservation services as identified in the service plan. The child and his family shall be eligible for services as soon as the report is determined to be "indicated". The Department may offer services to any child or family with respect to whom a report of suspected child abuse or neglect has been filed, prior to concluding its investigation under Section 7.12 of the Abused and Neglected Child Reporting Act. However, the child's or family's willingness to accept services shall not be considered in the investigation. The Department may also provide services to any child or family who is the subject of any report of suspected child abuse or neglect or may refer such child or family to services available from other agencies in the community, even if the report is determined to be unfounded, if the conditions in the child's or family's home are reasonably likely to subject the child or family to future reports of suspected child abuse or neglect. Acceptance of such services shall be voluntary.

The Department may, at its discretion except for those children also adjudicated neglected or dependent, accept for care and training any child who has been adjudicated addicted, as a truant minor in need of supervision or as a minor requiring authoritative intervention, under the Juvenile Court Act or the Juvenile Court Act of 1987, but no such child shall be committed to the Department by any court without the approval of the Department. A minor charged with a criminal offense under the Criminal Code of 1961 or adjudicated delinquent shall not be placed in the custody of or committed to the Department by any court, except a minor less than 13 years of age committed to the Department under Section 5-710 of the Juvenile Court Act of 1987.

(l-1) The legislature recognizes that the best interests of the child require that the child be placed in the most permanent living arrangement as soon as is practically possible. To achieve this goal, the legislature directs the Department of Children and Family Services to conduct concurrent planning so that permanency may occur at the earliest
opportunity. Permanent living arrangements may include prevention of placement of a child outside the home of the family when the child can be cared for at home without endangering the child's health or safety; reunification with the family, when safe and appropriate, if temporary placement is necessary; or movement of the child toward the most permanent living arrangement and permanent legal status.

When determining reasonable efforts to be made with respect to a child, as described in this subsection, and in making such reasonable efforts, the child's health and safety shall be the paramount concern.

When a child is placed in foster care, the Department shall ensure and document that reasonable efforts were made to prevent or eliminate the need to remove the child from the child's home. The Department must make reasonable efforts to reunify the family when temporary placement of the child occurs unless otherwise required, pursuant to the Juvenile Court Act of 1987. At any time after the dispositional hearing where the Department believes that further reunification services would be ineffective, it may request a finding from the court that reasonable efforts are no longer appropriate. The Department is not required to provide further reunification services after such a finding.

A decision to place a child in substitute care shall be made with considerations of the child's health, safety, and best interests. At the time of placement, consideration should also be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child.

The Department shall adopt rules addressing concurrent planning for reunification and permanency. The Department shall consider the following factors when determining appropriateness of concurrent planning:

1. the likelihood of prompt reunification;
2. the past history of the family;
3. the barriers to reunification being addressed by the family;
4. the level of cooperation of the family;

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(5) the foster parents' willingness to work with the family to reunite;

(6) the willingness and ability of the foster family to provide an adoptive home or long-term placement;

(7) the age of the child;

(8) placement of siblings.

(m) The Department may assume temporary custody of any child if:

(1) it has received a written consent to such temporary custody signed by the parents of the child or by the parent having custody of the child if the parents are not living together or by the guardian or custodian of the child if the child is not in the custody of either parent, or

(2) the child is found in the State and neither a parent, guardian nor custodian of the child can be located. If the child is found in his or her residence without a parent, guardian, custodian or responsible caretaker, the Department may, instead of removing the child and assuming temporary custody, place an authorized representative of the Department in that residence until such time as a parent, guardian or custodian enters the home and expresses a willingness and apparent ability to ensure the child's health and safety and resume permanent charge of the child, or until a relative enters the home and is willing and able to ensure the child's health and safety and assume charge of the child until a parent, guardian or custodian enters the home and expresses such willingness and ability to ensure the child's safety and resume permanent charge. After a caretaker has remained in the home for a period not to exceed 12 hours, the Department must follow those procedures outlined in Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile Court Act of 1987.

The Department shall have the authority, responsibilities and duties that a legal custodian of the child would have pursuant to subsection (9) of Section 1-3 of the Juvenile Court Act of 1987. Whenever a child is taken into temporary custody pursuant to an investigation under the Abused and

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Neglected Child Reporting Act, or pursuant to a referral and acceptance under the Juvenile Court Act of 1987 of a minor in limited custody, the Department, during the period of temporary custody and before the child is brought before a judicial officer as required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile Court Act of 1987, shall have the authority, responsibilities and duties that a legal custodian of the child would have under subsection (9) of Section 1-3 of the Juvenile Court Act of 1987.

The Department shall ensure that any child taken into custody is scheduled for an appointment for a medical examination.

A parent, guardian or custodian of a child in the temporary custody of the Department who would have custody of the child if he were not in the temporary custody of the Department may deliver to the Department a signed request that the Department surrender the temporary custody of the child. The Department may retain temporary custody of the child for 10 days after the receipt of the request, during which period the Department may cause to be filed a petition pursuant to the Juvenile Court Act of 1987. If a petition is so filed, the Department shall retain temporary custody of the child until the court orders otherwise. If a petition is not filed within the 10 day period, the child shall be surrendered to the custody of the requesting parent, guardian or custodian not later than the expiration of the 10 day period, at which time the authority and duties of the Department with respect to the temporary custody of the child shall terminate.

(m-1) The Department may place children under 18 years of age in a secure child care facility licensed by the Department that cares for children who are in need of secure living arrangements for their health, safety, and well-being after a determination is made by the facility director and the Director or the Director's designate prior to admission to the facility subject to Section 2-27.1 of the Juvenile Court Act of 1987. This subsection (m-1) does not apply to a child who is subject to placement in a correctional facility operated pursuant to Section 3-15-2 of the Unified Code of Corrections, unless the child is a ward who was placed under the care of the Department before being subject to placement in a correctional facility.
facility and a court of competent jurisdiction has ordered placement of the child in a secure care facility.

(n) The Department may place children under 18 years of age in licensed child care facilities when in the opinion of the Department, appropriate services aimed at family preservation have been unsuccessful and cannot ensure the child's health and safety or are unavailable and such placement would be for their best interest. Payment for board, clothing, care, training and supervision of any child placed in a licensed child care facility may be made by the Department, by the parents or guardians of the estates of those children, or by both the Department and the parents or guardians, except that no payments shall be made by the Department for any child placed in a licensed child care facility for board, clothing, care, training and supervision of such a child that exceed the average per capita cost of maintaining and of caring for a child in institutions for dependent or neglected children operated by the Department. However, such restriction on payments does not apply in cases where children require specialized care and treatment for problems of severe emotional disturbance, physical disability, social adjustment, or any combination thereof and suitable facilities for the placement of such children are not available at payment rates within the limitations set forth in this Section. All reimbursements for services delivered shall be absolutely inalienable by assignment, sale, attachment, garnishment or otherwise.

(o) The Department shall establish an administrative review and appeal process for children and families who request or receive child welfare services from the Department. Children who are wards of the Department and are placed by private child welfare agencies, and foster families with whom those children are placed, shall be afforded the same procedural and appeal rights as children and families in the case of placement by the Department, including the right to an initial review of a private agency decision by that agency. The Department shall insure that any private child welfare agency, which accepts wards of the Department for placement, affords those rights to children and foster families. The Department shall accept for administrative review and an appeal hearing a complaint made by (i) a child or foster family concerning a decision
following an initial review by a private child welfare agency or (ii) a prospective adoptive parent who alleges a violation of subsection (j-5) of this Section. An appeal of a decision concerning a change in the placement of a child shall be conducted in an expedited manner.

(p) There is hereby created the Department of Children and Family Services Emergency Assistance Fund from which the Department may provide special financial assistance to families which are in economic crisis when such assistance is not available through other public or private sources and the assistance is deemed necessary to prevent dissolution of the family unit or to reunite families which have been separated due to child abuse and neglect. The Department shall establish administrative rules specifying the criteria for determining eligibility for and the amount and nature of assistance to be provided. The Department may also enter into written agreements with private and public social service agencies to provide emergency financial services to families referred by the Department. Special financial assistance payments shall be available to a family no more than once during each fiscal year and the total payments to a family may not exceed $500 during a fiscal year.

(q) The Department may receive and use, in their entirety, for the benefit of children any gift, donation or bequest of money or other property which is received on behalf of such children, or any financial benefits to which such children are or may become entitled while under the jurisdiction or care of the Department.

The Department shall set up and administer no-cost, interest-bearing accounts in appropriate financial institutions for children for whom the Department is legally responsible and who have been determined eligible for Veterans' Benefits, Social Security benefits, assistance allotments from the armed forces, court ordered payments, parental voluntary payments, Supplemental Security Income, Railroad Retirement payments, Black Lung benefits, or other miscellaneous payments. Interest earned by each account shall be credited to the account, unless disbursed in accordance with this subsection.

In disbursing funds from children's accounts, the Department shall:

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(1) Establish standards in accordance with State and federal laws for disbursing money from children's accounts. In all circumstances, the Department's "Guardianship Administrator" or his or her designee must approve disbursements from children's accounts. The Department shall be responsible for keeping complete records of all disbursements for each account for any purpose.

(2) Calculate on a monthly basis the amounts paid from State funds for the child's board and care, medical care not covered under Medicaid, and social services; and utilize funds from the child's account, as covered by regulation, to reimburse those costs. Monthly, disbursements from all children's accounts, up to 1/12 of $13,000,000, shall be deposited by the Department into the General Revenue Fund and the balance over 1/12 of $13,000,000 into the DCFS Children's Services Fund.

(3) Maintain any balance remaining after reimbursing for the child's costs of care, as specified in item (2). The balance shall accumulate in accordance with relevant State and federal laws and shall be disbursed to the child or his or her guardian, or to the issuing agency.

(r) The Department shall promulgate regulations encouraging all adoption agencies to voluntarily forward to the Department or its agent names and addresses of all persons who have applied for and have been approved for adoption of a hard-to-place or handicapped child and the names of such children who have not been placed for adoption. A list of such names and addresses shall be maintained by the Department or its agent, and coded lists which maintain the confidentiality of the person seeking to adopt the child and of the child shall be made available, without charge, to every adoption agency in the State to assist the agencies in placing such children for adoption. The Department may delegate to an agent its duty to maintain and make available such lists. The Department shall ensure that such agent maintains the confidentiality of the person seeking to adopt the child and of the child.

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(s) The Department of Children and Family Services may establish and implement a program to reimburse Department and private child welfare agency foster parents licensed by the Department of Children and Family Services for damages sustained by the foster parents as a result of the malicious or negligent acts of foster children, as well as providing third party coverage for such foster parents with regard to actions of foster children to other individuals. Such coverage will be secondary to the foster parent liability insurance policy, if applicable. The program shall be funded through appropriations from the General Revenue Fund, specifically designated for such purposes.

(t) The Department shall perform home studies and investigations and shall exercise supervision over visitation as ordered by a court pursuant to the Illinois Marriage and Dissolution of Marriage Act or the Adoption Act only if:

1. an order entered by an Illinois court specifically directs the Department to perform such services; and
2. the court has ordered one or both of the parties to the proceeding to reimburse the Department for its reasonable costs for providing such services in accordance with Department rules, or has determined that neither party is financially able to pay.

The Department shall provide written notification to the court of the specific arrangements for supervised visitation and projected monthly costs within 60 days of the court order. The Department shall send to the court information related to the costs incurred except in cases where the court has determined the parties are financially unable to pay. The court may order additional periodic reports as appropriate.

(u) In addition to other information that must be provided, whenever the Department places a child with a prospective adoptive parent or parents or in a licensed foster home, group home, child care institution, or in a relative home, the Department shall provide to the prospective adoptive parent or parents or other caretaker:

1. available detailed information concerning the child's educational and health history, copies of immunization records (including insurance and medical card information), a history of

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the child's previous placements, if any, and reasons for placement
changes excluding any information that identifies or reveals the
location of any previous caretaker;

(2) a copy of the child's portion of the client service plan,
including any visitation arrangement, and all amendments or
revisions to it as related to the child; and

(3) information containing details of the child's
individualized educational plan when the child is receiving special
education services.

The caretaker shall be informed of any known social or behavioral
information (including, but not limited to, criminal background, fire
setting, perpetuation of sexual abuse, destructive behavior, and substance
abuse) necessary to care for and safeguard the children to be placed or
currently in the home. The Department may prepare a written summary of
the information required by this paragraph, which may be provided to the
foster or prospective adoptive parent in advance of a placement. The foster
or prospective adoptive parent may review the supporting documents in
the child's file in the presence of casework staff. In the case of an
emergency placement, casework staff shall at least provide known
information verbally, if necessary, and must subsequently provide the
information in writing as required by this subsection.

The information described in this subsection shall be provided in
writing. In the case of emergency placements when time does not allow
prior review, preparation, and collection of written information, the
Department shall provide such information as it becomes available. Within
10 business days after placement, the Department shall obtain from the
prospective adoptive parent or parents or other caretaker a signed
verification of receipt of the information provided. Within 10 business
days after placement, the Department shall provide to the child's guardian
ad litem a copy of the information provided to the prospective adoptive
parent or parents or other caretaker. The information provided to the
prospective adoptive parent or parents or other caretaker shall be reviewed
and approved regarding accuracy at the supervisory level.

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(u-5) Effective July 1, 1995, only foster care placements licensed as foster family homes pursuant to the Child Care Act of 1969 shall be eligible to receive foster care payments from the Department. Relative caregivers who, as of July 1, 1995, were approved pursuant to approved relative placement rules previously promulgated by the Department at 89 Ill. Adm. Code 335 and had submitted an application for licensure as a foster family home may continue to receive foster care payments only until the Department determines that they may be licensed as a foster family home or that their application for licensure is denied or until September 30, 1995, whichever occurs first.

(v) The Department shall access criminal history record information as defined in the Illinois Uniform Conviction Information Act and information maintained in the adjudicatory and dispositional record system as defined in Section 2605-355 of the Department of State Police Law (20 ILCS 2605/2605-355) if the Department determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and Family Services Act. The Department shall provide for interactive computerized communication and processing equipment that permits direct on-line communication with the Department of State Police's central criminal history data repository. The Department shall comply with all certification requirements and provide certified operators who have been trained by personnel from the Department of State Police. In addition, one Office of the Inspector General investigator shall have training in the use of the criminal history information access system and have access to the terminal. The Department of Children and Family Services and its employees shall abide by rules and regulations established by the Department of State Police relating to the access and dissemination of this information.

(v-1) Prior to final approval for placement of a child, the Department shall conduct a criminal records background check of the prospective foster or adoptive parent, including fingerprint-based checks of national crime information databases. Final approval for placement shall not be granted if the record check reveals a felony conviction for

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child abuse or neglect, for spousal abuse, for a crime against children, or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery, or if there is a felony conviction for physical assault, battery, or a drug-related offense committed within the past 5 years.

(v-2) Prior to final approval for placement of a child, the Department shall check its child abuse and neglect registry for information concerning prospective foster and adoptive parents, and any adult living in the home. If any prospective foster or adoptive parent or other adult living in the home has resided in another state in the preceding 5 years, the Department shall request a check of that other state's child abuse and neglect registry.

(w) Within 120 days of August 20, 1995 (the effective date of Public Act 89-392), the Department shall prepare and submit to the Governor and the General Assembly, a written plan for the development of in-state licensed secure child care facilities that care for children who are in need of secure living arrangements for their health, safety, and well-being. For purposes of this subsection, secure care facility shall mean a facility that is designed and operated to ensure that all entrances and exits from the facility, a building or a distinct part of the building, are under the exclusive control of the staff of the facility, whether or not the child has the freedom of movement within the perimeter of the facility, building, or distinct part of the building. The plan shall include descriptions of the types of facilities that are needed in Illinois; the cost of developing these secure care facilities; the estimated number of placements; the potential cost savings resulting from the movement of children currently out-of-state who are projected to be returned to Illinois; the necessary geographic distribution of these facilities in Illinois; and a proposed timetable for development of such facilities.

(Source: P.A. 94-215, eff. 1-1-06; 94-1010, eff. 10-1-06.)

Section 5. The Abused and Neglected Child Reporting Act is amended by changing Section 4 as follows:

(325 ILCS 5/4) (from Ch. 23, par. 2054)

New matter indicated by italics - deletions by strikeout
Sec. 4. Persons required to report; privileged communications; transmitting false report. Any physician, resident, intern, hospital, hospital administrator and personnel engaged in examination, care and treatment of persons, surgeon, dentist, dentist hygienist, osteopath, chiropractor, podiatrist, physician assistant, substance abuse treatment personnel, funeral home director or employee, coroner, medical examiner, emergency medical technician, acupuncturist, crisis line or hotline personnel, school personnel (including administrators and both certified and non-certified school employees), educational advocate assigned to a child pursuant to the School Code, truant officers, social worker, social services administrator, domestic violence program personnel, registered nurse, licensed practical nurse, genetic counselor, respiratory care practitioner, advanced practice nurse, home health aide, director or staff assistant of a nursery school or a child day care center, recreational program or facility personnel, law enforcement officer, licensed professional counselor, licensed clinical professional counselor, registered psychologist and assistants working under the direct supervision of a psychologist, psychiatrist, or field personnel of the Department of Healthcare and Family Services, Juvenile Justice, Public Health, Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities, Rehabilitation Services, or Public Aid), Corrections, Human Rights, or Children and Family Services, supervisor and administrator of general assistance under the Illinois Public Aid Code, probation officer, or any other foster parent, homemaker or child care worker having reasonable cause to believe a child known to them in their professional or official capacity may be an abused child or a neglected child shall immediately report or cause a report to be made to the Department.

Any member of the clergy having reasonable cause to believe that a child known to that member of the clergy in his or her professional capacity may be an abused child as defined in item (c) of the definition of "abused child" in Section 3 of this Act shall immediately report or cause a report to be made to the Department.

If an allegation is raised to a school board member during the course of an open or closed school board meeting that a child who is
enrolled in the school district of which he or she is a board member is an abused child as defined in Section 3 of this Act, the member shall direct or cause the school board to direct the superintendent of the school district or other equivalent school administrator to comply with the requirements of this Act concerning the reporting of child abuse. For purposes of this paragraph, a school board member is granted the authority in his or her individual capacity to direct the superintendent of the school district or other equivalent school administrator to comply with the requirements of this Act concerning the reporting of child abuse.

Whenever such person is required to report under this Act in his capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, or as a member of the clergy, he shall make report immediately to the Department in accordance with the provisions of this Act and may also notify the person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent that such report has been made. Under no circumstances shall any person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent to whom such notification has been made, exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department.

The privileged quality of communication between any professional person required to report and his patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by this Act.

A member of the clergy may claim the privilege under Section 8-803 of the Code of Civil Procedure.

In addition to the above persons required to report suspected cases of abused or neglected children, any other person may make a report if such person has reasonable cause to believe a child may be an abused child or a neglected child.

Any person who enters into employment on and after July 1, 1986 and is mandated by virtue of that employment to report under this Act,

New matter indicated by italics - deletions by strikeout
shall sign a statement on a form prescribed by the Department, to the
effect that the employee has knowledge and understanding of the reporting
requirements of this Act. The statement shall be signed prior to
commencement of the employment. The signed statement shall be retained
by the employer. The cost of printing, distribution, and filing of the
statement shall be borne by the employer.

The Department shall provide copies of this Act, upon request, to
all employers employing persons who shall be required under the
provisions of this Section to report under this Act.

Any person who knowingly transmits a false report to the
Department commits the offense of disorderly conduct under subsection
(a)(7) of Section 26-1 of the "Criminal Code of 1961". Any person who
violates this provision a second or subsequent time shall be guilty of a
Class 3 felony.

Any person who knowingly and willfully violates any provision of
this Section other than a second or subsequent violation of transmitting a
false report as described in the preceding paragraph, is guilty of a Class A
misdemeanor for a first violation and a Class 4 felony for a second or
subsequent violation; except that if the person acted as part of a plan or
scheme having as its object the prevention of discovery of an abused or
neglected child by lawful authorities for the purpose of protecting or
insulating any person or entity from arrest or prosecution, the person is
guilty of a Class 4 felony for a first offense and a Class 3 felony for a
second or subsequent offense (regardless of whether the second or
subsequent offense involves any of the same facts or persons as the first or
other prior offense).

A child whose parent, guardian or custodian in good faith selects
and depends upon spiritual means through prayer alone for the treatment
or cure of disease or remedial care may be considered neglected or abused,
but not for the sole reason that his parent, guardian or custodian accepts
and practices such beliefs.

A child shall not be considered neglected or abused solely because
the child is not attending school in accordance with the requirements of
Article 26 of the School Code, as amended.

New matter indicated by italics - deletions by strikeout
Section 10. The Juvenile Court Act of 1987 is amended by changing Section 2-28 as follows:

Sec. 2-28. Court review.

(1) The court may require any legal custodian or guardian of the person appointed under this Act to report periodically to the court or may cite him into court and require him or his agency, to make a full and accurate report of his or its doings in behalf of the minor. The custodian or guardian, within 10 days after such citation, shall make the report, either in writing verified by affidavit or orally under oath in open court, or otherwise as the court directs. Upon the hearing of the report the court may remove the custodian or guardian and appoint another in his stead or restore the minor to the custody of his parents or former guardian or custodian. However, custody of the minor shall not be restored to any parent, guardian or legal custodian in any case in which the minor is found to be neglected or abused under Section 2-3 or dependent under Section 2-4 of this Act, unless the minor can be cared for at home without endangering the minor's health or safety and it is in the best interests of the minor, and if such neglect, abuse, or dependency is found by the court under paragraph (1) of Section 2-21 of this Act to have come about due to the acts or omissions of both of such parent, guardian or legal custodian, until such time as an investigation is made as provided in paragraph (5) and a hearing is held on the issue of the fitness of such parent, guardian or legal custodian to care for the minor and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor.

(2) The first permanency hearing shall be conducted by the judge. Subsequent permanency hearings may be heard by a judge or by hearing officers appointed or approved by the court in the manner set forth in Section 2-28.1 of this Act. The initial hearing shall be held (a) within 12 months from the date temporary custody was taken, (b) if the parental rights of both parents have been terminated in accordance with the procedure described in subsection (5) of Section 2-21, within 30 days of
the order for termination of parental rights and appointment of a guardian with power to consent to adoption, or (c) in accordance with subsection (2) of Section 2-13.1. Subsequent permanency hearings shall be held every 6 months or more frequently if necessary in the court's determination following the initial permanency hearing, in accordance with the standards set forth in this Section, until the court determines that the plan and goal have been achieved. Once the plan and goal have been achieved, if the minor remains in substitute care, the case shall be reviewed at least every 6 months thereafter, subject to the provisions of this Section, unless the minor is placed in the guardianship of a suitable relative or other person and the court determines that further monitoring by the court does not further the health, safety or best interest of the child and that this is a stable permanent placement. The permanency hearings must occur within the time frames set forth in this subsection and may not be delayed in anticipation of a report from any source or due to the agency's failure to timely file its written report (this written report means the one required under the next paragraph and does not mean the service plan also referred to in that paragraph).

The public agency that is the custodian or guardian of the minor, or another agency responsible for the minor's care, shall ensure that all parties to the permanency hearings are provided a copy of the most recent service plan prepared within the prior 6 months at least 14 days in advance of the hearing. If not contained in the plan, the agency shall also include a report setting forth (i) any special physical, psychological, educational, medical, emotional, or other needs of the minor or his or her family that are relevant to a permanency or placement determination and (ii) for any minor age 16 or over, a written description of the programs and services that will enable the minor to prepare for independent living. The agency's written report must detail what progress or lack of progress the parent has made in correcting the conditions requiring the child to be in care; whether the child can be returned home without jeopardizing the child's health, safety, and welfare, and if not, what permanency goal is recommended to be in the best interests of the child, and why the other permanency goals are not appropriate. The caseworker must appear and testify at the permanency

New matter indicated by italics - deletions by strikeout
hearing. If a permanency hearing has not previously been scheduled by the court, the moving party shall move for the setting of a permanency hearing and the entry of an order within the time frames set forth in this subsection.

At the permanency hearing, the court shall determine the future status of the child. The court shall set one of the following permanency goals:

(A) The minor will be returned home by a specific date within 5 months.

(B) The minor will be in short-term care with a continued goal to return home within a period not to exceed one year, where the progress of the parent or parents is substantial giving particular consideration to the age and individual needs of the minor.

(B-1) The minor will be in short-term care with a continued goal to return home pending a status hearing. When the court finds that a parent has not made reasonable efforts or reasonable progress to date, the court shall identify what actions the parent and the Department must take in order to justify a finding of reasonable efforts or reasonable progress and shall set a status hearing to be held not earlier than 9 months from the date of adjudication nor later than 11 months from the date of adjudication during which the parent's progress will again be reviewed.

(C) The minor will be in substitute care pending court determination on termination of parental rights.

(D) Adoption, provided that parental rights have been terminated or relinquished.

(E) The guardianship of the minor will be transferred to an individual or couple on a permanent basis provided that goals (A) through (D) have been ruled out.

(F) The minor over age 15 will be in substitute care pending independence.

(G) The minor will be in substitute care because he or she cannot be provided for in a home environment due to developmental disabilities or mental illness or because he or she is
a danger to self or others, provided that goals (A) through (D) have been ruled out.

In selecting any permanency goal, the court shall indicate in writing the reasons the goal was selected and why the preceding goals were ruled out. Where the court has selected a permanency goal other than (A), (B), or (B-1), the Department of Children and Family Services shall not provide further reunification services, but shall provide services consistent with the goal selected.

The court shall set a permanency goal that is in the best interest of the child. *In determining that goal, the court shall consult with the minor in an age-appropriate manner regarding the proposed permanency or transition plan for the minor. The court's determination shall include the following factors:*

(1) Age of the child.

(2) Options available for permanence, *including both out-of-State and in-State placement options.*

(3) Current placement of the child and the intent of the family regarding adoption.

(4) Emotional, physical, and mental status or condition of the child.

(5) Types of services previously offered and whether or not the services were successful and, if not successful, the reasons the services failed.

(6) Availability of services currently needed and whether the services exist.

(7) Status of siblings of the minor.

The court shall consider (i) the permanency goal contained in the service plan, (ii) the appropriateness of the services contained in the plan and whether those services have been provided, (iii) whether reasonable efforts have been made by all the parties to the service plan to achieve the goal, and (iv) whether the plan and goal have been achieved. All evidence relevant to determining these questions, including oral and written reports, may be admitted and may be relied on to the extent of their probative value.

New matter indicated by italics - deletions by strikeout
If the goal has been achieved, the court shall enter orders that are
necessary to conform the minor's legal custody and status to those
findings.

If, after receiving evidence, the court determines that the services
contained in the plan are not reasonably calculated to facilitate
achievement of the permanency goal, the court shall put in writing the
factual basis supporting the determination and enter specific findings
based on the evidence. The court also shall enter an order for the
Department to develop and implement a new service plan or to implement
changes to the current service plan consistent with the court's findings. The
new service plan shall be filed with the court and served on all parties
within 45 days of the date of the order. The court shall continue the matter
until the new service plan is filed. Unless otherwise specifically authorized
by law, the court is not empowered under this subsection (2) or under
subsection (3) to order specific placements, specific services, or specific
service providers to be included in the plan.

A guardian or custodian appointed by the court pursuant to this Act
shall file updated case plans with the court every 6 months.

Rights of wards of the court under this Act are enforceable against
any public agency by complaints for relief by mandamus filed in any
proceedings brought under this Act.

(3) Following the permanency hearing, the court shall enter a
written order that includes the determinations required under subsection
(2) of this Section and sets forth the following:

(a) The future status of the minor, including the
permanency goal, and any order necessary to conform the minor's
legal custody and status to such determination; or

(b) If the permanency goal of the minor cannot be achieved
immediately, the specific reasons for continuing the minor in the
care of the Department of Children and Family Services or other
agency for short term placement, and the following determinations:

   (i) (Blank).
   (ii) Whether the services required by the court and
       by any service plan prepared within the prior 6 months have

New matter indicated by italics - deletions by strikeout
been provided and (A) if so, whether the services were reasonably calculated to facilitate the achievement of the permanency goal or (B) if not provided, why the services were not provided.

(iii) Whether the minor's placement is necessary, and appropriate to the plan and goal, recognizing the right of minors to the least restrictive (most family-like) setting available and in close proximity to the parents' home consistent with the health, safety, best interest and special needs of the minor and, if the minor is placed out-of-State, whether the out-of-State placement continues to be appropriate and consistent with the health, safety, and best interest of the minor.

(iv) (Blank).

(v) (Blank).

Any order entered pursuant to this subsection (3) shall be immediately appealable as a matter of right under Supreme Court Rule 304(b)(1).

(4) The minor or any person interested in the minor may apply to the court for a change in custody of the minor and the appointment of a new custodian or guardian of the person or for the restoration of the minor to the custody of his parents or former guardian or custodian.

When return home is not selected as the permanency goal:

(a) The Department, the minor, or the current foster parent or relative caregiver seeking private guardianship may file a motion for private guardianship of the minor. Appointment of a guardian under this Section requires approval of the court.

(b) The State's Attorney may file a motion to terminate parental rights of any parent who has failed to make reasonable efforts to correct the conditions which led to the removal of the child or reasonable progress toward the return of the child, as defined in subdivision (D)(m) of Section 1 of the Adoption Act or for whom any other unfitness ground for terminating parental

New matter indicated by italics - deletions by strikeout
rights as defined in subdivision (D) of Section 1 of the Adoption Act exists.

Custody of the minor shall not be restored to any parent, guardian or legal custodian in any case in which the minor is found to be neglected or abused under Section 2-3 or dependent under Section 2-4 of this Act, unless the minor can be cared for at home without endangering his or her health or safety and it is in the best interest of the minor, and if such neglect, abuse, or dependency is found by the court under paragraph (1) of Section 2-21 of this Act to have come about due to the acts or omissions or both of such parent, guardian or legal custodian, until such time as an investigation is made as provided in paragraph (5) and a hearing is held on the issue of the health, safety and best interest of the minor and the fitness of such parent, guardian or legal custodian to care for the minor and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor. In the event that the minor has attained 18 years of age and the guardian or custodian petitions the court for an order terminating his guardianship or custody, guardianship or custody shall terminate automatically 30 days after the receipt of the petition unless the court orders otherwise. No legal custodian or guardian of the person may be removed without his consent until given notice and an opportunity to be heard by the court.

When the court orders a child restored to the custody of the parent or parents, the court shall order the parent or parents to cooperate with the Department of Children and Family Services and comply with the terms of an after-care plan, or risk the loss of custody of the child and possible termination of their parental rights. The court may also enter an order of protective supervision in accordance with Section 2-24.

(5) Whenever a parent, guardian, or legal custodian files a motion for restoration of custody of the minor, and the minor was adjudicated neglected, abused, or dependent as a result of physical abuse, the court shall cause to be made an investigation as to whether the movant has ever been charged with or convicted of any criminal offense which would indicate the likelihood of any further physical abuse to the minor. Evidence of such criminal convictions shall be taken into account in

New matter indicated by italics - deletions by strikeout
determining whether the minor can be cared for at home without endangering his or her health or safety and fitness of the parent, guardian, or legal custodian.

(a) Any agency of this State or any subdivision thereof shall co-operate with the agent of the court in providing any information sought in the investigation.

(b) The information derived from the investigation and any conclusions or recommendations derived from the information shall be provided to the parent, guardian, or legal custodian seeking restoration of custody prior to the hearing on fitness and the movant shall have an opportunity at the hearing to refute the information or contest its significance.

(c) All information obtained from any investigation shall be confidential as provided in Section 5-150 of this Act.

(Source: P.A. 91-357, eff. 7-29-99; 92-320, eff. 1-1-02.)

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


PUBLIC ACT 95-0011
(House Bill No. 3920)

AN ACT making appropriations.

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

ARTICLE 5

Section 5. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2007:

FISCAL SUPPORT SERVICES

From the General Revenue Fund:

New matter indicated by italics - deletions by strikeout
For Personal Services 3,325,200
For Employee Retirement Contributions
  Paid by Employer 90,900
  For Retirement Contributions 118,900
  For Social Security Contributions 168,700
  For Contractual Services 2,425,000
For Contractual Services 2,425,000
For Travel 313,700
For Commodities 59,100
For Printing 85,200
For Equipment 70,900
For Telecommunications 468,600
For Refunds 5,000
For Operation of Auto Equipment 20,000
Total $7,151,200

From the Drivers Education Fund:
  For Personal Services 48,200
  For Employee Retirement Contributions
    Paid by Employer 2,500
  For Retirement Contributions 500
  For Social Security Contributions 1,700
  For Group Insurance 17,500
Total $70,400

From the SBE Federal Department of Agriculture Fund:
  For Personal Services 3,133,400
  For Employee Retirement Contributions
    Paid by Employer 115,000
    For Retirement Contributions 269,100
    For Social Security Contributions 144,700
    For Group Insurance 714,100
  For Contractual Services 2,180,500
  For Travel 300,000
  For Commodities 75,000
  For Printing 75,000
  For Equipment 75,000

New matter indicated by italics - deletions by strikeout
For Telecommunications............................ 50,000
Total $7,131,800

From the SBE Federal Agency Services Fund:
For Contractual Services.......................... 12,000
For Travel........................................ 30,000
For Commodities.................................. 9,000
For Printing..................................... 2,000
For Equipment..................................... 11,000
For Telecommunications............................. 9,000
Total $73,000

From the SBE Federal Department of Education Fund:
For Personal Services.......................... 1,081,000
For Employee Retirement Contributions
  Paid by Employer................................. 32,000
  For Retirement Contributions..................... 102,600
  For Social Security Contributions............... 77,400
  For Group Insurance............................. 257,400
For Contractual Services....................... 3,125,500
For Travel..................................... 1,350,000
For Commodities.................................. 305,000
For Printing..................................... 341,000
For Equipment.................................... 380,000
For Telecommunications......................... 400,000
Total $7,451,900

GENERAL OFFICE

From the General Revenue Fund:
For Personal Services.......................... 2,268,100
For Employee Retirement Contributions
  Paid by Employer................................. 81,400
  For Retirement Contributions..................... 109,800
  For Social Security Contributions............... 103,700
  For Contractual Services....................... 815,000
Total $3,378,000

From the SBE Federal Department of Agriculture Fund:

New matter indicated by italics - deletions by strikeout
For Contractual Services......................... 30,000
Total $30,000

From the SBE Federal Department of Education Fund:
For Personal Services......................... 385,100
For Employee Retirement Contributions
   Paid by Employer................................. 15,300
For Retirement Contributions...................... 29,200
For Social Security Contributions.................. 8,700
For Group Insurance............................... 87,000
For Contractual Services......................... 225,000
Total $750,300

HUMAN RESOURCES
From the General Revenue Fund:
For Personal Services......................... 559,900
For Employee Retirement Contributions
   Paid by Employer.................................. 27,700
For Retirement Contributions....................... 37,700
For Social Security Contributions................. 38,800
For Contractual Services.......................... 50,000
Total $714,100

From the SBE Federal Department of Agriculture Fund:
For Contractual Services......................... 10,500
Total $10,500

From the SBE Federal Department of Education Fund:
For Contractual Services......................... 70,000
Total $70,000

INTERNAL AUDIT
From the General Revenue Fund:
For Personal Services......................... 117,200
For Employee Retirement Contributions
   Paid by Employer................................. 6,300
For Retirement Contributions...................... 7,400
For Social Security Contributions.................. 10,000
For Contractual Services......................... 3,000

New matter indicated by italics - deletions by strikeout
SCHOOL SUPPORT SERVICES FOR ALL SCHOOLS

From the General Revenue Fund:

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>4,191,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>170,700</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>146,600</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>216,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,838,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$6,563,500</strong></td>
</tr>
</tbody>
</table>

From the Teacher Certificate Fee Revolving Fund:

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>81,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>3,500</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>500</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>1,200</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>14,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$101,000</strong></td>
</tr>
</tbody>
</table>

From the SBE Federal Department of Agriculture Fund:

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>162,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>6,500</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>12,400</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>2,400</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>61,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>279,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$524,500</strong></td>
</tr>
</tbody>
</table>

From the SBE Federal Department of Education Fund:

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>2,174,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>90,000</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>183,400</td>
</tr>
<tr>
<td>For Social Security Contributions</td>
<td>104,400</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>464,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,716,200</strong></td>
</tr>
</tbody>
</table>

**Total** $143,900

New matter indicated by italics - deletions by strikeout
For Contractual Services...................... 2,483,900
Total $5,500,100

From the School Infrastructure Fund:
For Personal Services......................... 81,300
For Employee Retirement Contributions
  Paid by Employer.............................. 3,200
For Retirement Contributions.................. 500
For Social Security Contributions.............. 2,500
For Group Insurance............................ 17,500
Total $105,000

SPECIAL EDUCATION SERVICES

From the SBE Federal Department of Education Fund:
For Personal Services......................... 3,887,300
For Employee Retirement Contributions
  Paid by Employer.............................. 143,300
For Retirement Contributions.................. 308,800
For Social Security Contributions.............. 200,000
For Group Insurance............................ 826,500
For Contractual Services...................... 1,850,000
Total $7,215,900

TEACHING AND LEARNING SERVICES FOR ALL CHILDREN

From the General Revenue Fund:
For Personal Services......................... $3,650,000
For Employee Retirement Contributions
  Paid by Employer.............................. 150,400
For Retirement Contributions.................. 133,900
For Social Security Contributions.............. 168,400
For Contractual Services...................... 726,200
Total $4,828,900

From the Teacher Certificate Fee Revolving Fund:
For Personal Services......................... 699,800
For Employee Retirement Contributions
  Paid by Employer.............................. 20,200
For Retirement Contributions.................. 37,200

New matter indicated by italics - deletions by strikeout
For Social Security Contributions.................. 51,700
For Group Insurance.............................. 174,000
Total $982,900
From the SBE Federal Agency Services Fund:
For Personal Services.......................... 186,100
For Employee Retirement Contributions
  Paid by Employer.............................. 7,300
For Retirement Contributions.................. 13,900
For Social Security Contributions............. 15,000
For Group Insurance............................ 43,500
For Contractual Services...................... 203,000
Total $468,800
From the SBE Federal Department of Education Fund:
For Personal Services........................ 5,684,100
For Employee Retirement Contributions
  Paid by Employer............................ 204,700
For Retirement Contributions............... 488,800
For Social Security Contributions.......... 237,600
For Group Insurance.......................... 1,174,500
For Contractual Services................... 5,880,400
Total $13,670,100

Section 10. The following amounts or so much thereof as may be necessary, which shall be used by the Illinois State Board of Education exclusively for the foregoing purposes and not, under any circumstances, for personal services expenditures or other operational or administrative costs, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2007:
From the General Revenue Fund:
For Blind/Dyslexic Persons................... 518,800
For Charter Schools......................... 3,421,500
For Disabled Student Services/Materials...... 0
For Disabled Student Transportation
  Reimbursement.................................. 0
For Disabled Student Tuition,

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Tuition</td>
<td>0</td>
</tr>
<tr>
<td>For District Consolidation Costs/ Supplemental Payments to School Districts, 18-8.2, 18-18.3, 18-8.5, 18-8.05(l) of the School Code</td>
<td>7,850,000</td>
</tr>
<tr>
<td>For Extraordinary Special Education, 14-7.02 of the School Code</td>
<td>0</td>
</tr>
<tr>
<td>For the Illinois Governmental Internship Program</td>
<td>129,900</td>
</tr>
<tr>
<td>For Grants for School Transportation</td>
<td>1,200,000</td>
</tr>
<tr>
<td>For Healthy Kids/Healthy Minds/ Expanded Vision</td>
<td>3,000,000</td>
</tr>
<tr>
<td>For Jobs for Illinois Grads</td>
<td>4,000,000</td>
</tr>
<tr>
<td>For the Metro East Consortium for Child Advocacy</td>
<td>217,100</td>
</tr>
<tr>
<td>For Parental Guardian Programs/ Transportation Reimbursement</td>
<td>14,454,700</td>
</tr>
<tr>
<td>For the Philip J. Rock Center and School</td>
<td>3,220,500</td>
</tr>
<tr>
<td>For Reimbursement for the Free Breakfast/Lunch Program</td>
<td>21,000,000</td>
</tr>
<tr>
<td>For the School Breakfast Incentive Program</td>
<td>723,500</td>
</tr>
<tr>
<td>For South Cook Intermediate Service Center</td>
<td>300,000</td>
</tr>
<tr>
<td>For Standards, Assessments and Accountability</td>
<td>3,342,700</td>
</tr>
<tr>
<td>For Summer School Payments, 18-4.3 of the School Code</td>
<td>0</td>
</tr>
<tr>
<td>For Tax-Equivalent Grants, 18-4.4 of the School Code</td>
<td>222,600</td>
</tr>
<tr>
<td>For Textbook Loans, 18-17 of the School Code</td>
<td>29,126,500</td>
</tr>
<tr>
<td>For Transitional Assistance</td>
<td>0</td>
</tr>
<tr>
<td>For Transition of Minority Students</td>
<td>578,800</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0011

For Transportation-Regular/Vocational
Common School Transportation
Reimbursement, 29-5 of the School Code.............. 0

For Visually Impaired/Educational
Materials Coordinating Unit, 14-11.01
of the School Code...................................... 2,121,000

For Regular Education Reimbursement
Per 18-3 of the School Code.......................... 0

For Special Education Reimbursement
Per 14-7.03 of the School Code.................... 0

For all costs associated with Alternative
Education/Regional Safe Schools..................... 18,535,500

For Truant Alternative and Optional
Education Program...................................... 18,078,100

For costs associated with Teach for America..... 450,000

For grants to Local Education Agencies
to conduct Agriculture Education
Programs.................................................. 2,881,200

Total $135,372,400

From the Education Assistance Fund:
For Career and Technical Education.............. 38,562,100
For the Early Childhood Block Grant......... 318,254,500
For General State Aid................................. 0
For General State Aid – Hold Harmless............. 0
For the Reading Improvement Block
Grant..................................................... 76,139,800

For the School Safety and Educational
Improvement Block Grant............................. 74,841,000
For the Summer Bridges Program............... 22,238,100
For National Board Certified Teachers,
including past due in previous years......... 9,605,000
For the Teacher of the Year Program............ 135,000
For Technology for Success........................ 6,169,700

Total $545,945,200

New matter indicated by italics - deletions by strikeout
From the Common School Fund:
- For General State Aid............................ 0
- For Advanced Placement Classes.............. 1,500,000
- For Arts and Foreign Language Education,
  Pursuant to Section 105 ILCS 5/2-3.65a ...... 4,000,000
- For Grow Your Own Teachers.................... 3,000,000
- For Regional Superintendents’ and
  Assistants’ Compensation....................... 8,150,000
Total ................................................................ $16,650,000

From the General Revenue Fund:
- For Regional Superintendent’s Services........ 6,470,000

From the School District Emergency

Financial Assistance Fund:
- For Emergency Financial Assistance, 1B-8
  of the School Code............................... 1,000,000

From the Drivers Education Fund:
- For Drivers Education............................. 17,929,600

From the Charter Schools Revolving Loan Fund:
- For Charter Schools Loans....................... 20,000

From the School Technology Revolving Loan Fund:
- For School Technology Loans, 2-3.117a
  of the School Code............................... 5,000,000

From the Temporary Relocation Expenses

Revolving Grant Fund:
- For Temporary Relocation Expenses, 2-3.77
  of the School Code............................... 1,400,000

From the State Board of Education Federal
Agency Services Fund:
- For Learn and Serve America.................... 2,500,000

From the State Board of Education Federal
Agency Services Fund:
- For Refugee Services............................ 2,000,000

From the State Board of Education Federal
Department of Agriculture Fund:

New matter indicated by italics - deletions by strikeout
**For Child Nutrition**.......................... 475,000,000

**From the State Board of Education**

**Federal Department of Education Fund:**

**For Title I**.......................... 642,000,000

**For Title I, Reading First**............. 50,000,000

**For Title II, Teacher/Principal Training**.. 134,830,000

**For Title III, English Language**
   Acquisition.......................... 40,000,000

**For Title IV, 21st Century/Community**
   Service Programs...................... 45,000,000

**For Title IV, Safe and Drug Free Schools**... 20,000,000

**For Title V, Innovation Programs**........ 10,000,000

**For Title VI, Rural and Low Income Students**... 1,500,000

**For Title X, McKinney Homeless Assistance**... 3,250,000

**For Enhancing Education through Technology**... 30,000,000

**For Individuals with Disabilities Act, Deaf/Blind**... 380,000

**For Individuals with Disabilities Act, IDEA**...... 550,000,000

**For Individuals with Disabilities Act, Improvement Program**... 2,500,000

**For Individuals with Disabilities Act, Model Outreach Program Grants**... 400,000

**For Individuals with Disabilities Act, Pre-School**... 25,000,000

**For Grants for Vocational Education – Basic**... 50,000,000

**For Grants for Vocational Education – Technical Preparation**... 5,000,000

**For Charter Schools**..................... 2,500,000

**For Transition to Teaching**............. 1,000,000

**For Advanced Placement Fee**............. 2,000,000

*New matter indicated by italics - deletions by strikeout*
For Math/Science Partnerships................. 9,000,000
For Special Federal Congressional Projects..... 5,000,000
Total $1,629,360,000

Section 15. The following amounts, or so much thereof as may be necessary, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2007:

From the General Revenue Fund:
For Parental Participation Pilot Project........ 100,000
For Autism Training and Technical Assistance.......................... 100,000
For the Principal Mentoring Program............. 800,000
For the Children’s Mental Health Partnership.......................... 3,000,000
For Building with Books........................... 500,000
For the Class Size Reduction Pilot Project.... 10,000,000
For the Teacher Mentoring Pilot Project........ 2,000,000
For Regional Superintendent Initiatives........ 500,000
Total $17,000,000

Section 20. The amount of $29,126,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 2, Section 10 of Public Act 94-0798, is reappropriated from the General Revenue Fund to the Illinois State Board of Education for Textbook Loans pursuant to Section 18-17 of the School Code.

Section 25. The amount of $525,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for all costs associated with the Community Residential Services Authority.

Section 30. The amount of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for costs associated with the Illinois Economic Education program.

Section 40. The amount of $5,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Illinois State Board of Education for all costs associated with Security for Schools.

Section 45. The amount of $1,399,000, or so much thereof as may be necessary, is appropriated from the Teacher Certificate Fee Revolving Fund to the Illinois State Board of Education for Teacher Certificates Processing.

Section 50. The amount of $1,008,900, or so much thereof as may be necessary, is appropriated from the Teacher Certificate Institute Fund to the Illinois State Board of Education.

Section 55. The amount of $15,500,000, or so much of that amount as may be necessary, is appropriated from the State Board of Education Special Purpose Trust Fund to the State Board of Education for expenditures by the Board in accordance with grants, gifts or donations that the Board has received or may receive from any source, public or private, in support of projects that are within the lawful powers of the Board.

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

Section 62. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for all costs associated with implementation of the State Board of Education Strategic Plan.

Section 65. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2007:

From the General Revenue Fund:

For Bilingual Education (over 500,000 population), 34-18.2 of the School Code...... 36,896,600
For Bilingual Education (under 500,000 population), 10-22.38a of the School Code.... 29,655,400
For Statewide Bilingual Student

New matter indicated by italics - deletions by strikeout
Assessments................................... 4,500,000
Total                           $71,052,000

Section 70. The amount of $12,382,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for Student Assessments.

Section 75. The amount of $21,780,300, or so much thereof as may be necessary, is appropriated from the State Board of Education Federal Department of Education Fund to the Illinois State Board of Education for Student Assessments.

Section 78. The amount of $863,000, or so much thereof as may be necessary and remains unexpended at the close of business on August 31, 2006, for appropriations heretofore made for such purpose in Article 82.1, Section 10 of Public Act 94-0015, is reappropriated from the Common School Fund to the Illinois State Board of Education for Arts Education.

Section 80. The amount of $65,044,700, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Public School Teachers’ Pension and Retirement Fund of Chicago for the state’s contribution for the fiscal year beginning July 1, 2007.

Section 85. The amount of $10,218,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Public School Teachers’ Pension and Retirement Fund of Chicago for the state’s contribution for retirement contributions under Section 17-127 of the Pension Code for the fiscal year beginning July 1, 2007.

Section 90. The amount of $68,596,000, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Teachers’ Retirement System of the State of Illinois for transfer into the Teachers’ Health Insurance Security Fund as the state’s contribution for teachers’ health insurance.

ARTICLE 10

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

Payable from the Common School Fund........ 1,039,195,000

New matter indicated by italics - deletions by strikeout
Section 10. The following named amount, or so much thereof as may be necessary, respectively, is appropriated from the Education Assistance Fund to the Teachers' Retirement System for the objects and purposes hereinafter named:
For additional costs due to the establishment of minimum retirement allowances pursuant to Sections 16-136.2 and 16-136.3 of the "Illinois Pension Code", as amended .................... 2,100,000

ARTICLE 15
Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Illinois Educational Labor Relations Board for the objects and purposes hereinafter named:

OPERATIONS
For Personal Services ......................... 1,015,800
For Employee Retirement Contributions
   Paid by Employer .............................. 0
For State Contributions to State
   Employees' Retirement System ............. 117,100
For State Contributions to
   Social Security ............................... 77,300
For Contractual Services ..................... 156,000
For Travel ......................................... 15,000
For Commodities ................................ 4,500
For Printing ....................................... 4,000
For Equipment ................................... 1,000
For Electronic Data Processing ............... 16,000
For Telecommunications Services ............. 23,000
For Operation of Automotive Equipment .... 2,500
Total ............................................. $1,432,200

ARTICLE 20
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter

New matter indicated by italics - deletions by strikeout
named, are appropriated from the General Revenue Fund to the Board of Higher Education to meet ordinary and contingent expenses for the fiscal year ending June 30, 2008:

For Personal Services.......................... 2,100,100
For State Contributions to Social Security, for Medicare........................ 28,000
For Contractual Services........................ 568,500
For Travel........................................ 54,400
For Commodities.................................. 11,800
For Printing...................................... 10,900
For Equipment..................................... 16,500
For Telecommunications............................. 41,900
For Operation of Automotive Equipment.............. 3,200
Total                                                                                         $2,835,300

Section 10. The following named amount, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants authorized by the Higher Education Cooperation Act:
Quad-Cities Graduate Study Center................ 220,000

Section 15. The following named amount, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants authorized by the Higher Education Cooperation Act:
Access and Diversity............................ 4,787,300

Section 20. The sum of $2,852,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for a grant to the Board of Trustees of the University Center of Lake County for the ordinary and contingent expenses of the Center.

Section 25. The sum of $9,500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as incentive grants to Illinois higher education institutions in the competition for external grants and contracts.

New matter indicated by italics - deletions by strikeout
Section 30. The sum of $17,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants authorized by the Health Services Education Grants Act.

Section 35. The sum of $2,750,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for distribution of medical education scholarships authorized by an Act to provide grants for family practice residency programs and medical student scholarships through the Illinois Department of Public Health.

Section 40. The sum of $5,500,000, or so much thereof as may be necessary, is appropriated from the BHE Federal Grants Fund to the Board of Higher Education to be expended under the terms and conditions associated with the federal contracts and grants moneys received.

Section 45. The sum of $2,800,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for the administration and distribution of grants authorized by the Diversifying Higher Education Faculty in Illinois Program.

Section 50. The sum of $2,100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants for Cooperative Work Study Programs to institutions of higher education.

Section 55. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for competitive grants for nursing schools to increase the number of graduating nurses.

Section 60. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for nurse educator fellowships to supplement nurse faculty salaries.

Section 70. The sum of $147,700, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of

New matter indicated by italics - deletions by strikeout
Higher Education for costs and expenses related to or in support of a higher education shared services center.

Section 75. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Illinois Mathematics and Science Academy to meet ordinary and contingent expenses for the fiscal year ending June 30, 2008:

For Personal Services.......................... 10,974,200
For State Contributions to Social Security, for Medicare...................... 179,800
For Contractual Services......................... 4,210,500
For Travel....................................... 117,900
For Commodities.................................. 296,700
For Equipment.................................... 819,900
For Telecommunications......................... 356,300
For Operation of Automotive Equipment.............. 30,600
For Electronic Data Processing................... 217,000
Total $17,202,900

Section 80. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Illinois Mathematics and Science Academy Income Fund to the Illinois Mathematics and Science Academy to meet ordinary and contingent expenses for the fiscal year ending June 30, 2008:

For Personal Services......................... 1,598,000
For State Contributions to Social Security, for Medicare...................... 27,400
For Contractual Services......................... 981,100
For Travel....................................... 126,700
For Commodities.................................. 143,200
For Equipment.................................... 65,000
For Telecommunications......................... 80,000
For Operation of Automotive Equipment.......... 1,000
For Refunds....................................... 27,600

Total $17,202,900

New matter indicated by italics - deletions by strikeout
Section 85. The sum of $450,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Mathematics and Science Academy for the Excellence 2000 Program in Mathematics and Science.

ARTICLE 25

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Illinois Community College Board for ordinary and contingent expenses:

For Personal Services.......................... 1,066,100
For State Contributions to Social Security, for Medicare........................... 12,700
For Contractual Services......................... 345,300
For Travel........................................ 56,600
For Commodities.................................... 7,500
For Printing....................................... 9,800
For Equipment...................................... 2,000
For Electronic Data Processing................... 435,800
For Telecommunications.......................... 33,900
For Operation of Automotive Equipment.............. 4,000
East St. Louis Operations....................... 1,500
Total                                                                                         $1,975,200

Section 10. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Community College Board Contracts and Grants Fund to the Illinois Community College Board to be expended under the terms and conditions associated with the moneys being received.

Section 15. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the ICCB Adult Education Fund to the Illinois Community College Board for operational expenses associated with administration of adult education and literacy activities.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General

New matter indicated by italics - deletions by strikeout
Revenue Fund to the Illinois Community College Board for distribution to qualifying public community colleges for the purposes specified:

- Base Operating Grants: $197,818,000
- Small College Grants: $840,000
- Equalization Grants: $77,383,700
- Retirees Health Insurance Grants: $626,600
- Workforce Development Grants: $3,311,300
- Student Success Grants: $3,000,000
- P-16 Initiative Grants: $2,779,000

Total: $285,758,600

Section 25. The sum of $1,589,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for grants to operate an educational facility in the former community college district #541 in East St. Louis.

Section 30. The sum of $539,000, or so much thereof as may be necessary, is appropriated from the AFDC Opportunities Fund to the Illinois Community College Board for grants to colleges for workforce training and technology and operating costs of the Board for those purposes.

Section 35. The following named amounts, or so much of those amounts as may be necessary, for the objects and purposes named, are appropriated to the Illinois Community College Board for adult education and literacy activities:

- From the General Revenue Fund:
  - For payment of costs associated with education and educational-related services to local eligible providers for adult education and literacy: $16,026,200
  - For payment of costs associated with education and educational-related services to local eligible providers for performance-based awards: $10,701,600
  - For operational expenses of and

New matter indicated by italics - deletions by strikeout
for payment of costs associated with education and educational-related services to recipients of Public Assistance, and, if any funds remain, for costs associated with education and educational-related services to local eligible providers for adult education and literacy.............. 8,080,500

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

Total, this Section........................................... $59,808,300

Section 40. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Community College Board for all costs associated with career and technical education activities:
From the General Revenue Fund.................. 12,149,900
From the Career and Technical Education Fund.... 23,607,100
Total, this Section........................................... $35,757,000

Section 45. The sum of $291,500, or so much thereof as may be necessary, is appropriated from the ICCB Federal Trust Fund to the Illinois Community College Board for ordinary and contingency expenses of the Board.

Section 50. The sum of $15,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for the City Colleges of Chicago for educational-related expenses.

New matter indicated by italics - deletions by strikeout
Section 60. The sum of $120,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for awarding scholarships to qualifying graduates of the Lincoln's Challenge Program.

Section 75. The sum of $807,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to Illinois Community College Board for costs associated with administering GED tests.

Section 80. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the ISBE GED Testing Fund to the Illinois Community College Board for costs associated with administering GED tests.

Section 85. The sum of $550,000, or so much thereof as may be necessary, is appropriated from ICCB Instruction Development and Enhancement Applications Revolving Fund to the Illinois Community College Board for costs associated with maintaining and updating instructional technology.

Section 90. The sum of $174,700, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for costs and expenses related to or in support of a higher education shared services center.

Section 95. The sum of $108,500, or so much thereof as may be necessary, is appropriated from the ICCB Federal Trust Fund to the Illinois Community College Board for costs and expenses related to or in support of a higher education shared services center.

Section 105. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for the Lincoln Land Community College medical training program at the Hillsboro campus.

Section 120. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for a grant to the Black United Fund of Illinois to provide assistance to minority students in completing their baccalaureate degrees.

New matter indicated by italics - deletions by strikeout
Section 140. The sum of $120,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for adult education grants to community colleges.

ARTICLE 30

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

For Administration
For Personal Services......................... 16,935,700
For State Contributions to State
   Employees Retirement System............... 1,951,900
For State Contributions to
   Social Security............................. 1,295,700
For State Contributions for
   Employees Group Insurance................. 4,755,100
For Contractual Services..................... 12,471,800
For Travel....................................... 208,300
For Commodities............................... 265,200
For Printing..................................... 724,200
For Equipment................................... 535,000
For Telecommunications....................... 1,894,900
For Operation of Auto Equipment............. 37,900
Total $41,075,700

Section 6. The sum of $34,400,000, or so much thereof as may be necessary, is appropriated from the Student Loan Operating Fund to the Illinois Student Assistance Commission for payment of the Monetary Award Program Plus grant awards to students eligible to receive such awards, as provided by law.

Section 7. The sum of $26,840,000, or so much thereof as may be necessary, is appropriated from the Student Loan Operating Fund to the Illinois Student Assistance Commission for payment of the Monetary
Award Program grant awards to students eligible to receive such awards, as provided by law.

Section 10. The sum of $354,259,800, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the General Revenue Fund for payment of Monetary Award Program grants to students eligible to receive such awards, as provided by law.

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for the following purposes:

Grants and Scholarships
For payment of matching grants to Illinois institutions to supplement scholarship programs, as provided by law....................... 950,000
For the payment of scholarships to students who are children of policemen or firemen killed in the line of duty, or who are dependents of correctional officers killed or permanently disabled in the line of duty, as provided by law.......................... 470,000
For payment of Illinois National Guard and Naval Militia Scholarships at State-controlled universities and public community colleges in Illinois to students eligible to receive such awards, as provided by law.......................... 4,480,000
For payment of military Veterans' scholarships at State-controlled universities and at public community colleges for students eligible, as provided by law....................... 19,250,000
For payment of Minority Teacher Scholarships..... 3,100,000
For payment of Illinois Scholars Scholarships.... 3,160,000
For payment of Illinois Incentive for Access
Section 20. The following named amount, or so much thereof as
may be necessary, is appropriated from the Illinois National Guard and
Naval Militia Grant Fund to the Illinois Student Assistance Commission
for the following purpose:

Grants and Scholarships
For payment of Illinois National Guard and
Naval Militia Scholarships
at State-controlled universities
and public community colleges in
Illinois to students eligible to
receive such awards, as provided by law......... 20,000

Section 25. The sum of $500,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Illinois
Student Assistance Commission for the Loan Repayment for Teachers
Program.

Section 30. The sum of $500,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Illinois
Student Assistance Commission for scholarships and living expenses
grants to increase the number of forensic science students who are
pursuing a program to become qualified to perform DNA testing at Illinois
State Police forensic science facilities.

Section 35. The sum of $1,350,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Illinois
Student Assistance Commission for scholarships and living expenses
grants for nursing education students who are pursuing their Master’s
degree to become nurse faculty.

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

New matter indicated by italics - deletions by strikeout
Grants and Scholarships
For payment of Illinois Future Teacher Corps Scholarships, as provided by law........ 4,100,000

Section 45. The following named amount, or so much thereof as may be necessary, is appropriated from the Contracts and Grants Fund to the Illinois Student Assistance Commission for the following purpose:
To support outreach, research, and training activities.............................. 70,000

Section 50. The following named amount, or so much thereof as may be necessary, is appropriated from the Optometric Licensing and Disciplinary Board Fund to the Illinois Student Assistance Commission for the following purpose:
Grants and Scholarships
For payment of scholarships for the Optometric Education Scholarship Program, as provided by law............. 50,000

Section 55. The sum of $190,000,000, or so much thereof as may be necessary, is appropriated from the Federal Student Loan Fund to the Illinois Student Assistance Commission for distribution when necessary as a result of the following: for guarantees of loans that are uncollectible, for collection payments to the Student Loan Operating Fund as required under agreements with the United States Secretary of Education, for payment to the Student Loan Operating Fund for Default Aversion Fees, for transfers to the U.S. Treasury, or for other distributions as necessary and provided for under the Federal Higher Education Act.

Section 60. The sum of $21,334,400, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Student Loan Operating Fund for distribution as necessary for the following: for payment of collection agency fees associated with collection activities for Federal Family Education Loans, for Default Aversion Fee reversals, and for distributions as necessary and provided for under the Federal Higher Education Act.

Section 65. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission

New matter indicated by italics - deletions by strikeout
from the Student Loan Operating Fund for costs associated with Federal Loan System Development and Maintenance.

Section 66. The following named amount, or so much thereof as may be necessary, is appropriated from the Student Loan Operating Fund to the Illinois Student Assistance Commission for the following purposes:
For payments to the Federal Student Loan Fund for payment of the federal default fee on behalf of students, or for any other lawful purpose authorized by the Federal Higher Education Act, as amended.......................... 15,000,000

Section 70. The sum of $300,000, or so much of that amount as may be necessary, is appropriated from the Accounts Receivable Fund to the Illinois Student Assistance Commission for costs associated with the collection of delinquent scholarship awards pursuant to the Illinois State Collection Act of 1986.

Section 75. The following named amount, or so much thereof as may be necessary, is appropriated from the Federal Student Assistance Scholarship Fund to the Illinois Student Assistance Commission for the following purpose:
For payment of Robert C. Byrd Honors Scholarships........................... 1,800,000

Section 80. The sum of $70,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the University Grant Fund for payment of grants for the Higher Education License Plate Program, as provided by law.

Section 85. The following named amount, or so much thereof as may be necessary, is appropriated from the Federal Student Assistance Scholarship Fund to the Illinois Student Assistance Commission for the following purpose:
For transferring repayment funds collected under the Paul Douglas Teacher Scholarship Program to the U.S. Treasury................. 400,000
Section 90. The following named amount, or so much thereof as may be necessary, is appropriated from the Illinois Future Teacher Corps Scholarship Fund to the Illinois Student Assistance Commission for the following purpose:
For payment of scholarships for the Illinois Future Teacher Corps Scholarship Program as provided by law........... 57,000
For payment for grants to the Golden Apple Foundation for Excellence in Teaching........... 3,000

Section 95. The following named amount, or so much thereof as may be necessary, is appropriated from the Federal Student Incentive Trust Fund for the Federal Leveraging Educational Assistance and the Supplemental Leveraging Educational Assistance Programs to the Illinois Student Assistance Commission for the following purpose:
Grants
For payment of Monetary Award Program grants to full-time and part-time students eligible to receive such grants, as provided by law.... 3,700,000

Section 100. The sum of $2,128,100, or so much thereof as may be necessary, is appropriated from the Student Loan Operating Fund to the Illinois Student Assistance Commission for costs and expenses related to or in support of a higher education shared services center.

ARTICLE 35

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the State Universities Civil Service System to meet its ordinary and contingent expenses for the fiscal year ending June 30, 2008:
For Personal Services............................ 932,400
For Social Security............................... 11,500
For Contractual Services......................... 248,300
For Travel........................................ 12,000
For Commodities.................................... 9,000
For Printing....................................... 4,000

New matter indicated by italics - deletions by strikeout
For Equipment..................................... 25,500
For Telecommunications Services..............  25,700
For Operation of Automotive Equipment.........  2,800
Total                                                                 $1,271,200

ARTICLE 40

Section 5. The sum of $4,740,200, or so much thereof as may be necessary, is appropriated to the Community College Health Insurance Security Fund for the State's contribution, as required by law.

Section 10. The sum of $186,998,705, minus the amount transferred to the State Universities Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the State Universities Retirement System of Illinois pursuant to the provisions of Section 8.12 of "AN ACT in relation to State finance", approved June 10, 1919, as amended.

Section 15. The following amounts, or so much thereof as may be necessary, respectively, are appropriated to the Board of Trustees of the State Universities Retirement System for the State's contribution, as provided by law:

Payable from the Education Assistance Fund..... 153,321,295

ARTICLE 45

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Chicago State University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2008:

Payable from the General Revenue Fund:

For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2007-2008........  34,727,500

For State Contributions to Social

New matter indicated by italics - deletions by strikeout
Security, for Medicare......................... 385,900
For Group Insurance......................... 1,024,000
For Contractual Services....................... 1,992,700
For Travel........................................ 11,000
For Commodities................................. 11,000
For Equipment.................................... 168,100
For Telecommunications Services............... 304,400
For Operation of Automotive Equipment........ 1,000
For Awards and Grants............................ 104,400
Total                                                                                       $38,730,000

Section 20. The sum of $450,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees at Chicago State University for costs associated with the Financial Assistance Outreach Center.

Section 30. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Chicago State University for operation and maintenance costs for the Convocation Center.

ARTICLE 50

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Eastern Illinois University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2008:

Payable from the General Revenue Fund:
For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2007-2008........ 46,182,800
For Contractual Services....................... 1,000,000
For Commodities................................. 300,000
For Equipment.................................... 500,000

New matter indicated by italics - deletions by strikeout
For Telecommunications Services................. 300,000

Total $48,282,800

Section 10. The sum of $2,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of Eastern Illinois University for scholarship grant awards, in accordance with Public Act 91-0083.

ARTICLE 55

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Governors State University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2008:

Payable from the General Revenue Fund:
For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2007-2008........ 21,872,900
For State Contributions to Social Security, for Medicare.......................... 94,900
For Contractual Services....................... 3,050,000
For Commodities.................................. 150,000
For Equipment.................................... 400,000
For Telecommunications Services................. 100,000
For Awards and Grants............................ 100,000
For Permanent Improvements........................ 100,000
Total $25,867,800

ARTICLE 60

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Illinois State University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2008:

New matter indicated by italics - deletions by strikeout
Payable from the General Revenue Fund:
For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2007-2008........ 72,657,500
For Group Insurance............................ 3,078,300
For Contractual Services....................... 2,721,700
For Commodities............................... 300,000
For Equipment................................. 2,000,000
For Telecommunications Services.............. 200,000
For Permanent Improvements................... 500,000
Total                                      $81,457,500

Section 10. The amount of $70,000, or so much thereof as may be necessary, is appropriated from the State College and University Fund to the Board of Trustees of Illinois State University for scholarship grant awards from the sale of collegiate license plates.

ARTICLE 65

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Northeastern Illinois University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2008:
Payable from the General Revenue Fund:
For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2007-2008........ 36,816,000
For State Contributions to Social Security, for Medicare......................... 437,700
For Group Insurance............................ 1,072,600

New matter indicated by italics - deletions by strikeout
For Contractual Services................. 1,030,000
For Equipment.............................. 300,000
Total $39,656,300

ARTICLE 70

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Northern Illinois University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2008:

Payable from the General Revenue Fund:
For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2007-2008........ 88,228,000
For State Contributions to Social Security, for Medicare......................... 883,500
For Group Insurance............................ 2,337,300
For Contractual Services....................... 6,523,000
For Travel....................................... 159,500
For Commodities................................ 1,484,800
For Equipment................................. 1,145,800
For Telecommunications Services............... 797,300
For Operation of Automotive Equipment............ 138,500
For Awards and Grants............................ 185,700
For Permanent Improvements..................... 1,343,700
Total $103,227,100

Section 10. The sum of $700,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to Board of Trustees of Northern Illinois University for the Complete Help and Assistance Necessary for a College Education (C.H.A.N.C.E.) program.

Section 15. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Funds
Fund to the Board of Trustees of Northern Illinois University for scholarship grant awards, in accordance with Public Act 91-0083.

ARTICLE 75

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Southern Illinois University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2008:

Payable from the General Revenue Fund:
For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2007-2008........ 195,064,900
For State Contributions to Social Security, for Medicare.................... 2,343,400
For Group Insurance................................. 3,662,100
For Contractual Services......................... 12,345,000
For Travel........................................ 53,600
For Commodities................................ 1,486,000
For Equipment.................................. 2,458,700
For Telecommunications Services............ 1,774,900
For Operation of Automotive Equipment....... 633,100
For Awards and Grants.............................. 355,500
Total $220,177,200

Section 10. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for the Special Services (TRIO) program for improvement of matriculation, retention, and completion rates of minority students at the Edwardsville and Carbondale campuses.

Section 15. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of

New matter indicated by italics - deletions by strikeout
Trustees of Southern Illinois University for the Vince Demuzio Governmental Internship Program.

Section 20. The sum of $1,200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for the School of Medicine Lab.

ARTICLE 80

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of the University of Illinois to meet ordinary and contingent expenses for the fiscal year ending June 30, 2008:

Payable from the General Revenue Fund:

For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2007-2008........... 608,160,000

For State Contributions to Social Security, for Medicare........................................ 9,737,100

For Group Insurance.................................. 24,893,200

For Contractual Services............................. 39,794,600

For Travel........................................ 249,700

For Commodities...................................... 2,518,600

For Equipment........................................ 511,000

For Telecommunications Services.................... 5,016,800

For Operation of Automotive Equipment........... 967,000

For Permanent Improvements......................... 750,000

For Distributive Purposes as follows:

For Awards and Grants.............................. 6,057,500

For Claims under Workers’ Compensation and Occupational Disease Acts, other Statutes, and tort claims............... 3,270,000

For Hospital and Medical Services

New matter indicated by italics - deletions by strikeout
and Appliances............................. 5,300,000
Total $707,225,500

Section 10. The sum of $2,076,600, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Board of Trustees of the University of Illinois for the purpose of maintaining the Illinois Fire Service Institute, paying the Institute's expenses, and providing the facilities and structures incident thereto, including payment to the University for personal services and related costs incurred.

Section 15. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of the University of Illinois for scholarship grant awards, in accordance with Public Act 91-0083.

Section 20. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the University of Illinois for the Complete Help and Assistance Necessary for a College Education (C.H.A.N.C.E) program at the Office of School Relations at the Chicago Campus.

ARTICLE 85

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Western Illinois University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2008:

Payable from the General Revenue Fund:
For Personal Services, including payment
to the university for personal services
costs incurred during the fiscal year
and salaries accrued but unpaid to academic
personnel for personal services rendered
during the academic year 2007-2008........ 49,426,100
For State Contributions to Social
Security, for Medicare....................... 446,200
For Group Insurance......................... 1,744,800
For Contractual Services.................... 3,346,300

New matter indicated by italics - deletions by strikeout
For Commodities................................. 800,000
For Equipment.................................... 1,000,000
For Telecommunications Services.............. 450,000
Total.............................................. $57,213,400

Section 10. The amount of $10,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of Western Illinois University for scholarship grant awards from the sale of collegiate license plates.

ARTICLE 90

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

To the President of the Senate................... 4,900,750
To the Speaker of the House of Representatives............................................ 8,190,300
Total.............................................. $13,091,050

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

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

For the ordinary and incidental expenses of legislative leadership and legislative staff assistants:
President.......................................... 5,290,200
Minority Leader.................................... 5,290,200

New matter indicated by italics - deletions by strikeout
For the ordinary and incidental expenses of committees, the general staff and operations, per diem employees, special and standing committees of the Senate and expenses incurred in transcribing and printing of Senate debate ........................ 4,036,000

For the ordinary and incidental expenses of the Senate, also including the purchasing on contract as required by law of printing, binding, printing paper, stationery and office supplies .......................................................... 214,200

For allowances for the particular and additional services appertaining to or entailed by the respective officers of the Senate named in and in accordance with the following schedule:

President ........................................ 83,500
Minority Leader ................................. 83,500

For travel, including expenses to Springfield of members on official legislative business during weeks when the General Assembly is not in session ........................................ 57,700

Total $15,055,300

Section 20. The sum of $2,100,850, or so much thereof as may be necessary, is appropriated for the use of the Senate standing committees for expert witnesses, technical services, consulting assistance and other research assistance associated with special studies and long range research projects which may be requested by the standing committees.

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

Section 30. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named,

New matter indicated by italics - deletions by strikeout
are appropriated to meet the ordinary, incidental and contingent expenses
of the House Majority and Minority Leadership Staff and Office operations:

For the Speaker............................. 4,751,550
For the Minority Leader..................... 4,751,550
Total $9,503,100

Section 35. The following named sums, or so much thereof as may
be necessary, are appropriated to meet the ordinary, incidental and
contingent expenses of the House Majority and Minority Leadership Staff
and the general staff:

For the Speaker............................. 357,700
For the Minority Leader..................... 162,200
Total $519,900

Section 40. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
relating to the operation of the House of Representatives, are appropriated
to meet its ordinary and contingent expenses:

For the ordinary and incidental expenses of
The general staff, operations, and special
And standing committees of the House,
for per diem employees and for
expenses incurred in transcribing and
printing of House debates..................... 5,346,100

For the ordinary and incidental expenses of the
House, also including the purchasing on
contract as required by law of printing,
binding, printing paper, stationery and
office supplies, no part of which shall be
expended for expenses of purchasing,
handling or distributing such supplies and
against which no indebtedness shall be
incurred without the written approval of the
Speaker of the House of Representatives........ 95,000

Pursuant to the Legislative Commission

New matter indicated by italics - deletions by strikeout
Reorganization Act of 1984, to the Speaker of the House for Standing House Committees................................. 2,382,200
Total ........................................................................... $8,823,300

Section 45. The following named sum, or so much thereof as may be necessary, for the objects and purposes hereinafter named, relating to House membership, is appropriated to meet the ordinary and contingent expenses of the House:
For travel, including expenses to Springfield of members on official legislative business during weeks when the General Assembly is not in session............ 30,400

Section 50. The following named sums, or so much thereof as may be necessary and remains unexpended from an appropriation heretofore made for such purposes in Article 19 of Public Act 94-0798 as amended by this Act, are appropriated for expenses in connection with the planning and preparation of redistricting of legislative and representative districts as required by Article IV, Section 3 of the Illinois Constitution of 1970:
For the Speaker.................................................. 441,600
For the Minority Leader................................. 0
Total ........................................................................... $441,600

Section 55. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Assembly Operations Revolving Fund to the Office of the Speaker, to meet the ordinary and contingent expenses of the House.

Section 60. The amount of $341,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the General Assembly to meet ordinary and contingent expenses. Any use of funds appropriated under this Section must be approved jointly by the Clerk of the House of Representatives and the Secretary of the Senate.

Section 65. As used in Sections 30 and 35 hereof, except where the approval of the Speaker of the House of Representatives is expressly required for the expenditure of or the incurring of indebtedness against an appropriation for certain purchases on contract, "Speaker" means the leader

New matter indicated by italics - deletions by strikeout
of the party having the largest number of members of the House of Representatives as of January 12, 2007, and "Minority Leader" means the leader of the party having the second largest number of members of the House of Representatives as of January 12, 2007.

Section 70. The sum of $328,900, or so much thereof as may be necessary, is appropriated to the Legislative Ethics Commission to meet the ordinary and contingent expenses of the Commission and the Office of the Legislative Inspector General.

ARTICLE 95

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

For Personal Services......................... 814,108
For Employee Retirement Contributions
   Paid by Employer.......................... 32,242
For State Contributions to State Employees'
   Retirement System......................... 109,093
For State Contribution to Social
   Security................................... 61,662
For Contractual Services...................... 120,100
For Travel.................................. 7,100
For Commodities................................ 2,800
For Printing.................................. 4,800
For Equipment................................ 900
For Electronic Data Processing.............. 2,500
For Telecommunications Services............ 8,800
For additional costs associated with
   the assumption of duties of the
   Pension Laws Commission............... 199,038
Total ...................................... $1,363,143

Section 7. The amount of $5,000, or so much thereof as may be necessary, is appropriated to the Commission on Governmental Forecasting

New matter indicated by italics - deletions by strikeout
and Accountability for ordinary expenses and operations of the
Compensation Review Board.

Section 10. The following named amounts, or so much of those
amounts as may be necessary, respectively, are appropriated for the objects
and purposes hereinafter named to meet the ordinary and contingent
expenses of the Legislative Information System:

For Personal Services............................                                         2,289,000
For Employee Retirement Contributions
    Paid by Employer..................................                                             91,600
For State Contribution to State Employees’
    Retirement System.................................                                          263,800
For State Contribution to Social
    Security.................................................. 175,100
For Contractual Services.............................                                             403,100
For Travel..................................................                                        8,000
For Commodities........................................                                             5,200
For Printing...............................................                                             3,000
For Equipment.............................................                                             3,200
For Electronic Data Processing......................                                         1,396,000
For Purchase, Maintenance, and Rental
    of General Assembly Electronic Data Processing
    Equipment, and any other operational
    purposes of the General Assembly.................                                 759,200
For Telecommunications Services.....................                                         116,000
Total                                                                                         $5,513,200

Section 15. The following amount, or so much of that amount as
may be necessary, is appropriated to the Legislative Information System:

For Purchase, Maintenance, and Rental
    of Electronic Data Processing
    Equipment and Software relating to the
development and implementation of legislative
    systems, and for consulting, technical,
    and design services related thereto...............     0

New matter indicated by italics - deletions by strikeout
Section 20. The following amount, or so much of that amount as may be necessary, is appropriated from the General Assembly Computer Equipment Revolving Fund to the Legislative Information System:
For Purchase, Maintenance, and Rental of General Assembly Electronic Data Processing Equipment and for other operational purposes of the General Assembly.............. 1,600,000

Section 25. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Audit Commission:
For Personal Services............................... 181,000
For Employee Retirement Contributions
   Paid by Employer.................................... 7,250
For State Contributions to State Employees' Retirement System................................. 20,900
For State Contribution to Social Security......................................................... 13,850
For Contractual Services................................. 20,700
For Travel.................................................. 6,000
For Commodities........................................ 500
For Printing.................................................. 2,500
For Equipment........................................... 1,000
For Electronic Data Processing............................... 2,500
For Telecommunications Services......................... 1,600
Total                                                                                   $257,800

Section 30. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Printing Unit:
For Personal Services.............................. 1,317,100
For Employee Retirement Contributions
   Paid by Employer...................................... 53,700
For State Contributions to State Employees'

New matter indicated by italics - deletions by strikeout
Section 35. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Legislative Research Unit:

For Personal Services.................................................. $1,232,500
For Employee Retirement Contributions
  Paid by Employer.................................................. $49,300
For State Contribution to State Employees' Retirement System.............. $142,100
For State Contribution to Social Security........................................ $94,300
For Contractual Services.............................................. $626,500
For Travel.......................................................... $19,600
For Commodities.......................................................... $15,800
For Printing.......................................................... $26,900
For Equipment.......................................................... $90,000
For Telecommunications Services........................................... $30,000
For Council of State Governments Conference.................................. $100,000
For Model Illinois Government activities.............................. $10,000
For New Member Conference............................................. $30,000
Total ............................................................................... $2,467,700

Section 40. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the Illinois Legislative Research Unit for the following purposes:

New matter indicated by italics - deletions by strikeout
For payment of expenses of the Legislative Staff Intern program, including stipends, tuition, and administration for 20 persons: 564,500

For payment of expenses of the Zeke Giorgi Memorial Intern Program, including stipends, tuition, and administration for 4 persons: 110,000

Total: $674,500

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

For Personal Services: 1,772,400
For Employee Retirement Contributions
  Paid by Employer: 70,900

For State Contributions to State Employees' Retirement System: 204,300
For State Contribution to Social Security: 135,600

For Contractual Services: 141,900
For Travel: 7,000
For Commodities: 10,000
For Printing: 170,000
For Equipment: 210,000
For Telecommunications Services: 12,000

Total: $2,734,100

Section 50. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Office of the Architect of the Capitol:

For Personal Services: 457,500
For Employee Retirement Contributions
  Paid by Employer: 14,000

New matter indicated by italics - deletions by strikeout
For State Contributions to State Employees' Retirement System................................. 73,300
For State Contribution to Social Security.......................................... 28,800
For Contractual Services............................................... 966,500
For Travel......................................................... 7,600
For Commodities............................................... 4,000
For Printing...................................................... 2,000
For Equipment.................................................... 6,300
For Electronic Data Processing...................... 11,700
For Telecommunications Services.................. 9,500
Total.................................................................. $1,581,200

Section 55. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Joint Committee on Administrative Rules:
For Personal Services.............................. 830,000
For Employee Retirement Contributions Paid by Employer................................. 35,000
For State Contributions to State Employees' Retirement System................................. 95,000
For State Contribution to Social Security....................................................... 63,000
For Contractual Services............................................. 62,000
For Travel............................................................. 22,000
For Commodities.......................................................... 12,300
For Equipment............................................................ 27,000
For Telecommunications Services.................. 11,000
Total.................................................................. $1,157,300

Section 60. The sum of $113,700, or so much thereof as may be necessary, is appropriated for the ordinary and contingent expenses of the Senate Operations Commission including the planning costs, construction costs, moving expenses and all other costs associated with the construction and reconstruction of Senate offices in the Capitol Complex area.

New matter indicated by italics - deletions by strikeout
ARTICLE 100

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

For Personal Services:
- For Regular Positions......................... 4,500,000
- Employee Contribution to Retirement System by Employer................................. 0
- For State Contribution to State Employees’ Retirement System................... 518,600
- For State Contribution to Social Security......................................................... 344,300
- For Contractual Services......................... 764,200
- For Travel.................................................... 80,000
- For Commodities.................................................. 22,000
- For Printing.................................................. 25,000
- For Equipment............................................... 65,000
- For Electronic Data Processing............. 90,000
- For Telecommunications....................... 75,000
- For Operation of Auto Equipment........... 6,000

Total                                                                 $6,490,100

Section 10. The sum of $18,109,995, or so much of that amount as may be necessary, is appropriated to the Auditor General from the Audit Expense Fund for audits, studies, and investigations.

ARTICLE 105

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated for the ordinary and contingent expenses of the Office of the Governor:

EXECUTIVE OFFICE

Payable from the General Revenue Fund:
- For Personal Services......................... 5,082,900
- For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout
Paid by Employer...................................... 0
For State Contributions to State Employees' Retirement System............... 585,400
For State Contributions to Social Security................................. 376,000
For Contractual Services........................................... 680,600
For Travel........................................... 140,000
For Commodities................................... 75,000
For Printing...................................... 50,000
For Equipment........................................ 5,000
For Electronic Data Processing................................. 160,000
For Telecommunications Services............................... 455,000
For Repairs and Maintenance............................... 32,000
For Expenses Related to Ethnic Celebrations, Special Receptions, and Other Events.............. 70,000
Total $7,711,900

Section 10. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Governor's Grant Fund to the Office of the Governor to be expended in accordance with the terms and conditions upon which such funds were received and in the exercise of the powers or performance of the duties of the Office of the Governor.

ARTICLE 110

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Office of the Lieutenant Governor:

GENERAL OFFICE

For Personal Services........................... 950,000
For Employee Retirement Contributions Paid by Employer...................................... 0
For State Contributions to State Employees' Retirement System............... 109,500
For State Contributions to Social Security................................. 72,700

New matter indicated by italics - deletions by strikeout
For Contractual Services......................... 409,000
For Travel........................................ 70,500
For Commodities................................ 25,000
For Printing...................................... 13,000
For Equipment................................... 4,400
For Electronic Data Processing.................... 15,000
For Telecommunications Services............... 68,000
For Operational and Grant Expenses of the
Rural Affairs Council........................... 364,000
For Ordinary and Contingent Expenses of
The Illinois River Coordination Council........ 190,000
Total                                                                                           $2,291,100

Section 10. The sum of $100,000, or so much thereof as may be
necessary, is appropriated from the Agricultural Premium Fund to the
Office of Lieutenant Governor for all costs associated with the Rural
Affairs Council including any grants or administration expenses.

Section 15. The sum of $50,000, or so much thereof as may be
necessary, is appropriated from the Lieutenant Governor's Grant Fund to
the Office of Lieutenant Governor to be expended in accordance with the
terms and conditions upon which such funds were received and in the
exercise of the powers or performance of the duties of the Office of the
Lieutenant Governor.

ARTICLE 115

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

GENERAL OFFICE

For Personal Services......................... 31,988,000
For State Contribution to State
   Employees' Retirement System............... 3,686,600
For State Contribution to Social Security..... 2,447,100
For Employees' Retirement Contributions
   Paid by Employer............................... 320,700

New matter indicated by italics - deletions by strikeout
For Contractual Services.......................... 2,650,000
For Travel........................................ 350,000
For Commodities................................ 125,000
For Printing...................................... 120,000
For Equipment................................. 375,000
For Electronic Data Processing................. 1,450,000
For Telecommunications....................... 690,000
For Operation of Auto Equipment.............. 120,000
For Operational Expenses, Office
of the Inspector General...................... 300,000
Total............................................ $44,622,400

Section 10. The sum of $1,175,000, or so much thereof as is available for use by the Attorney General, is appropriated to the Attorney General from the Illinois Gaming Law Enforcement Fund for State law enforcement purposes.

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

ENVIRONMENTAL ENFORCEMENT-
ASBESTOS LITIGATION DIVISION

For Personal Services........................... 1,217,500
For State Contribution to State
  Employees' Retirement System............... 140,300
For State Contribution to Social Security.... 93,100
For Employees' Retirement Contributions
  Paid by the Employer....................... 12,200
For Group Insurance......................... 319,000
For Contractual Services..................... 430,000
For Travel.................................... 45,000
For Operational Expenses.................... 60,000
Total......................................... $2,317,100

Section 20. The amount of $3,500,000, or so much thereof as may be necessary, is appropriated from the Attorney General Court Ordered and
Voluntary Compliance Payment Projects Fund to the Office of the Attorney General for use, subject to pertinent court order or agreement, in the performance of any function pertaining to the exercise of the duties of the Attorney General, including State law enforcement and public education.

Section 25. The amount of $1,300,000, or so much thereof as may be necessary, is appropriated from the Illinois Charity Bureau Fund to the Office of the Attorney General to enforce the provisions of the Solicitation for Charity Act and to gather and disseminate information about charitable trustees and organizations to the public.

Section 30. The amount of $1,500,000, or so much thereof as may be necessary, is appropriated from the Attorney General Whistleblower Reward and Protection Fund to the Office of the Attorney General for State law enforcement purposes.

Section 35. The amount of $900,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the Attorney General for financial support under the Capital Crimes Litigation Act.

Section 40. The amount of $870,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Attorney General for the funding of a unit responsible for oversight, enforcement, and implementation of the Master Settlement Agreement entered in the case of People of the State of Illinois v. Philip Morris, et al. (Circuit Court of Cook County, No. 96L13146), for enforcement of the Tobacco Product Manufacturers' Escrow Act, and for handling remaining tobacco-related litigation.

Section 45. The amount of $3,500,000, or so much thereof as may be necessary, is appropriated from the Attorney General's State Projects and Court Ordered Distribution Fund to the Attorney General for payment of interagency agreements, for court-ordered distributions to third parties, and, subject to pertinent court order, for performance of any function pertaining to the exercise of the duties of the Attorney General, including State law enforcement and public education.

Section 50. The amount of $5,000, or so much thereof as may be necessary, is appropriated from the Attorney General's Grant Fund to the
Office of the Attorney General to be expended in accordance with the terms and conditions upon which those funds were received.

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated to the Attorney General to meet the ordinary and contingent expenses of the Attorney General:

OPERATIONS

Payable from the Violent Crime Victims Assistance Fund:
For Personal Services............................                                           787,500
For State Contribution to State Employees' Retirement System......................... 90,800
For State Contribution to Social Security........ 60,300
For Employees' Retirement Contributions
  Paid by the Employer.............................                                           7,900
For Group Insurance.................................                                            246,500
For Operational Expenses,
  Crime Victims Services Division.................                                           110,000
For Operational Expenses,
  Automated Victim Notification System...........                             800,000
For Awards and Grants under the Violent
  Crime Victims Assistance Act..................                                   7,800,000
Total                                                                                          $9,903,000

Section 60. The amount of $280,000, or so much thereof as may be necessary, is appropriated from the Child Support Administrative Fund to the Office of the Attorney General for child support enforcement purposes.

Section 65. The amount of $2,000,000, or so much thereof as may be necessary, is appropriated from the Attorney General Federal Grant Fund to the Office of the Attorney General for funding for federal grants.

Section 70. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the Sex Offender Management Board Fund to the Sex Offender Management Board for the purposes authorized by the Sex Offender Management Board Act including, but not limited to, sex offender evaluation, treatment, and monitoring programs and grants.
Funding received from private sources is to be expended in accordance with the terms and conditions placed upon the funding.

Section 75. The amount of $50,000, or so much thereof as may be necessary, is appropriated from the Statewide Grand Jury Prosecution Fund to the Office of the Attorney General for expenses incurred in criminal prosecutions arising under the Statewide Grand Jury Act.

Section 80. The sum of $3,500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the Attorney General for costs related to the Illinois Equal Justice Act.

Section 85. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the Attorney General for capital improvements including, but not limited to, construction, reconstruction, improvement, repair, and installation of capital facilities, cost of planning, supplies, materials, equipment, services, and all other expenses required for its Springfield office at 500 S. Second Street.

ARTICLE 120

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

EXECUTIVE GROUP

For Personal Services:
For Regular Positions:
  Payable from General Revenue
  Fund ........................................ 4,980,800
  Payable from Securities Audit
  and Enforcement Fund......................... 0
For Extra Help:
  Payable from General Revenue
  Fund ........................................ 39,100
For Employee Contribution to State Employees' Retirement System:

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund .......... 1,686,200
Payable from Road Fund ..................... 2,273,300
Payable from Securities Audit
and Enforcement Fund ...................... 0
Payable from Vehicle
Inspection Fund.............................. 0
For State Contribution to State
Employees' Retirement System:
Payable from General Revenue
Fund........................................... 577,200
Payable from Securities Audit
and Enforcement Fund....................... 0
For State Contribution to
Social Security:
Payable from General Revenue
Fund........................................... 364,900
Payable from Securities Audit
and Enforcement Fund........................ 0
For Group Insurance:
Payable from Securities Audit
and Enforcement Fund....................... 0
For Contractual Services:
Payable from General Revenue
Fund........................................... 535,500
For Travel Expenses:
Payable from General Revenue
Fund........................................... 68,500
For Commodities:
Payable from General Revenue
Fund........................................... 27,300
For Printing:
Payable from General Revenue
Fund........................................... 11,900
For Equipment:

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0011

Payable from General Revenue Fund.................................................. 9,400

For Telecommunications:
Payable from General Revenue Fund.................................................. 143,200

GENERAL ADMINISTRATIVE GROUP

For Personal Services:
For Regular Positions:
Payable from General Revenue Fund.................................................. 47,957,300
Payable from Road Fund................................................................. 0
Payable from Lobbyist Registration Fund.......................................... 270,700
Payable from Registered Limited Liability Partnership Fund.................. 76,300
Payable from Securities Audit and Enforcement Fund.......................... 4,453,700
Payable from Department of Business Services Special Operations Fund... 1,873,300

For Extra Help:
Payable from General Revenue Fund.................................................. 1,045,400
Payable from Road Fund................................................................. 0
Payable from Securities Audit and Enforcement Fund.......................... 13,800
Payable from Department of Business Services Special Operations Fund... 132,200

For Employee Contribution to State Employees’ Retirement System:
Payable from Lobbyist Registration Fund................................. 6,800
Payable from Registered Limited Liability Partnership Fund............... 1,900
Payable from Securities Audit and Enforcement Fund.......................... 112,500

New matter indicated by italics - deletions by strikeout
Payable from Department of Business Services Special Operations Fund

For State Contribution to

State Employees' Retirement System:
Payable from General Revenue Fund
Payable from Road Fund
Payable from Lobbyist Registration Fund
Payable from Registered Limited Liability Partnership Fund
Payable from Securities Audit and Enforcement Fund
Payable from Department of Business Services Special Operations Fund

For State Contribution to

Social Security:
Payable from General Revenue Fund
Payable from Road Fund
Payable from Lobbyist Registration Fund
Payable from Registered Limited Liability Partnership Fund
Payable from Securities Audit and Enforcement Fund
Payable from Department of Business Services Special Operations Fund

For Group Insurance:
Payable from Lobbyist Registration Fund
Payable from Registered Limited Liability Partnership Fund
Payable from Securities Audit and Enforcement Fund

New matter indicated by italics - deletions by strikeout
Public Act 95-0011

Payable from Department of Business Services Special Operations Fund .................. 544,000

For Contractual Services:
Payable from General Revenue Fund ........................................ 11,765,300
Payable from Road Fund ......................... 900,000
Payable from Motor Fuel Tax Fund .............. 1,000,000
Payable from Lobbyist Registration Fund ..................................... 79,500
Payable from Registered Limited Liability Partnership Fund .................. 600
Payable from Securities Audit and Enforcement Fund ......................... 1,305,500
Payable from Department of Business Services Special Operations Fund .......... 625,700

For Travel Expenses:
Payable from General Revenue Fund ........................................ 284,700
Payable from Road Fund .................................................. 0
Payable from Lobbyist Registration Fund ................................ 3,800
Payable from Securities Audit and Enforcement Fund ......................... 44,500
Payable from Department of Business Services Special Operations Fund .......... 8,000

For Commodities:
Payable from General Revenue Fund ...................................... 1,016,300
Payable from Road Fund .................................................. 0
Payable from Lobbyist Registration Fund ................................ 2,000
Payable from Registered Limited Liability Partnership Fund .................. 900
Payable from Securities Audit

New matter indicated by italics - deletions by strikeout
and Enforcement Fund.............................. 22,300
Payable from Department of Business Services
Special Operations Fund............................ 44,600

For Printing:
Payable from General Revenue
Fund........................................... 680,500
Payable from Road Fund......................... 0
Payable from Lobbyist Registration
Fund............................................. 2,000
Payable from Securities Audit
and Enforcement Fund............................ 16,000
Payable from Department of Business Services
Special Operations Fund............................ 40,000

For Equipment:
Payable from General Revenue
Fund........................................... 250,000
Payable from Road Fund............................ 0
Payable from Lobbyist Registration
Fund............................................. 3,500
Payable from Registered Limited
Liability Partnership Fund....................... 0
Payable from Securities Audit
and Enforcement Fund............................ 153,000
Payable from Department of Business Services
Special Operations Fund............................ 50,000

For Electronic Data Processing:
Payable from General Revenue Fund............... 0
Payable from Road Fund............................ 0
Payable from the Secretary of State
Special Services Fund............................. 9,000,000

For Telecommunications:
Payable from General Revenue Fund............. 445,200
Payable from Road Fund............................ 0
Payable from Lobbyist Registration Fund........ 4,000

New matter indicated by italics - deletions by strikeout
Payable from Registered Limited Liability Partnership Fund......................... 600
Payable from Securities Audit and Enforcement Fund............................. 113,200
Payable from Department of Business Services Special Operations Fund........... 96,200
For Operation of Automotive Equipment:
Payable from General Revenue Fund........................................... 429,500
Payable from Securities Audit and Enforcement Fund............................. 100,000
Payable from Department of Business Services Special Operations Fund........... 75,000
For Refunds:
Payable from General Revenue Fund............................................ 14,000
Payable from Road Fund................................................... 2,274,200

MOTOR VEHICLE GROUP

For Personal Services:
For Regular Positions:
Payable from General Revenue Fund......... 12,326,900
Payable from Road Fund................................. 84,205,500
Payable from the Secretary of State Special License Plate Fund............... 580,600
Payable from Motor Vehicle Review Board Fund................................ 267,200
Payable from Vehicle Inspection Fund......... 1,323,200
For Extra Help:
Payable from General Revenue Fund......... 118,800
Payable from Road Fund................................. 6,018,800
Payable from Vehicle Inspection Fund......... 39,400
For Employees Contribution to State Employees' Retirement System:
Payable from the Secretary of State

New matter indicated by italics - deletions by strikeout
Special License Plate Fund...................... 14,500
Payable from Motor Vehicle Review Board Fund..... 6,700
Payable from Vehicle Inspection Fund............ 34,100

For State Contribution to
State Employees' Retirement System:
Payable from General Revenue Fund............ 1,431,200
Payable from Road Fund......................... 10,375,800
Payable from the Secretary of State
Special License Plate Fund................... 66,800
Payable from Motor Vehicle Review Board Fund.... 30,700
Payable from Vehicle Inspection Fund.......... 156,700

For State Contribution to Social Security:
Payable from General Revenue Fund............ 924,800
Payable from Road Fund......................... 6,405,700
Payable from the Secretary of State
Special License Plate Fund................... 43,300
Payable from Motor Vehicle Review
Board Fund................................. 20,400
Payable from Vehicle Inspection Fund.......... 111,400

For Group Insurance:
Payable from the Secretary of State
Special License Plate Fund............... 216,200
Payable From Motor Vehicle Review
Board Fund............................... 112,300
Payable from Vehicle Inspection Fund........ 454,500

For Contractual Services:
Payable from General Revenue Fund............ 2,840,900
Payable from Road Fund........................ 10,836,200
Payable from CDLIS/AAMVAnet
Trust Fund................................. 620,000
Payable from the Secretary of State
Special License Plate Fund................... 700,000
Payable from Motor Vehicle Review
Board Fund............................... 93,600

New matter indicated by italics - deletions by strikeout
Payable from Vehicle Inspection Fund........... 703,200
For Travel Expenses:
Payable from General Revenue Fund............. 37,800
Payable from Road Fund......................... 414,500
Payable from the Secretary of State
Special License Plate Fund...................... 6,000
Payable from Motor Vehicle Review
Board Fund...................................... 4,000
Payable from Vehicle Inspection Fund............ 100
For Commodities:
Payable from General Revenue Fund............. 72,300
Payable from Road Fund.......................... 1,103,000
Payable from the Secretary of State
Special License Plate Fund...................... 2,500,000
Payable from Motor Vehicle
Review Board Fund................................ 800
Payable from Vehicle Inspection Fund............ 26,200
For Printing:
Payable from General Revenue Fund............. 676,400
Payable from Road Fund.......................... 1,326,600
Payable from the Secretary of State
Special License Plate Fund...................... 2,080,900
Payable from Motor Vehicle Review
Board Fund...................................... 0
Payable from Vehicle Inspection Fund............ 43,000
For Equipment:
Payable from General Revenue Fund............. 75,000
Payable from Road Fund.......................... 400,000
Payable from CDLIS/AAMVAnet Trust Fund....... 443,800
Payable from the Secretary of State
Special License Plate Fund...................... 100,000
Payable from Motor Vehicle Review
Board Fund...................................... 0
Payable from Vehicle Inspection Fund............ 1,500

New matter indicated by italics - deletions by strikeout
For Telecommunications:
- Payable from General Revenue Fund: $99,300
- Payable from Road Fund: $1,631,100
- Payable from the Secretary of State Special License Plate Fund: $300,000
- Payable from Motor Vehicle Review Board Fund: $2,000
- Payable from Vehicle Inspection Fund: $3,800

For Operation of Automotive Equipment:
- Payable from General Revenue Fund: $20,000
- Payable from Road Fund: $524,000

Section 10. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State for any operations, alterations, rehabilitation, and nonrecurring repairs and maintenance of the interior and exterior of the various buildings and facilities under the jurisdiction of the Office of the Secretary of State, including sidewalks, terraces, and grounds and all labor, materials, and other costs incidental to the above work:
- From General Revenue Fund: $450,000

Section 15. The sum of $1,000,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Office of the Secretary of State for new construction and alterations, and maintenance of the interiors and exteriors of the following facilities under the jurisdiction of the Secretary of State: Chicago West Facility, 5301 N. Lexington Ave., Chicago, Illinois 60644; Roger McAuliffe Facility, 5401 N. Elston Ave., Chicago, Illinois 60630; Charles Chew Jr. Facility, 9901 S. King Drive, Chicago, Illinois 60628; and Capitol Complex buildings located in Springfield Illinois.

Section 25. The amount of $40,000, or so much thereof as may be necessary, is appropriated from the State Parking Facility Maintenance Fund to the Secretary of State for the maintenance of parking facilities owned or operated by the Secretary of State.
Section 30. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for the following purposes:
For annual equalization grants, per capita and area grants to library systems, and per capita grants to public libraries, under Section 8 of the Illinois Library System Act. This amount is in addition to any amount otherwise appropriated to the Office of the Secretary of State:

- From General Revenue Fund: $16,668,400
- From Live and Learn Fund: $16,004,200

Section 35. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for library services for the blind and physically handicapped:

- From General Revenue Fund: $2,427,200
- From Live and Learn Fund: $300,000
- From Accessible Electronic Information Service Fund: $40,000

Section 40. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for the following purposes:
For annual per capita grants to all school districts of the State for the establishment and operation of qualified school libraries or the additional support of existing qualified school libraries under Section 8.4 of the Illinois Library System Act. This amount is in addition to any amount otherwise appropriated to the Office of the Secretary of State:

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

Section 45. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State for grants to library systems for library computers and new technologies to promote and improve interlibrary cooperation and resource sharing programs among Illinois libraries:

- From Live and Learn Fund: $274,000
- From Secretary of State Special Services Fund: $226,000
Section 50. The following amounts, or so much of these amounts as may be necessary, are appropriated to the Office of the Secretary of State for annual library technology grants and for direct purchase of equipment and services that support library development and technology advancement in libraries statewide:

- From General Revenue Fund: 644,900
- From Live and Learn Fund: 700,000
- From Secretary of State Special Services Fund: 1,600,000

Total: $2,944,900

Section 55. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Live and Learn Fund for the purpose of making grants to libraries for construction and renovation as provided in Section 8 of the Illinois Library System Act. This amount is in addition to any amount otherwise appropriated to the Office of the Secretary of State:

- From Live and Learn Fund: 620,800

Section 60. The sum of $100,000, or so much of this amount as may be necessary from appropriations heretofore made for such purposes in Section 60 of Article 25 of Public Act 94-0798, is reappropriated from the Capital Development Fund to the Office of the Secretary of State for a grant to the Chicago Public Library for planning a new library for Grand Crossing.

Section 65. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for the following purposes: For library services under the Federal Library Services and Technology Act, P.L. 104-208, as amended; and the National Foundation on the Arts and Humanities Act of 1965, P.L. 89-209. These amounts are in addition to any amounts otherwise appropriated to the Office of the Secretary of State:

- From Federal Library Services Fund: 7,454,500

Section 70. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for support and expansion of the Literacy Programs

New matter indicated by italics - deletions by strikeout
administered by education agencies, libraries, volunteers, or community
based organizations or a coalition of any of the above:

From General Revenue Fund........................ 4,650,000
From Live and Learn Fund............................ 500,000
From Federal Library Services Fund:
From LSTA Title IA..................................... 1,000,000
From Secretary of State Special Services Fund 1,300,000

Section 75. The following amount, or so much of this amount as
may be necessary, is appropriated to the Office of the Secretary of State for
tuition and fees for Illinois Archival Depository System Interns:
From General Revenue Fund........................... 45,000

Section 80. The sum of $250,000, or so much of this amount as may
be necessary, is appropriated from the General Revenue Fund to the Office
of the Secretary of State for the Penny Severns Summer Family Literacy
Grants.

Section 85. In addition to any other amounts appropriated for such
purposes, the sum of $1,700,000, or so much of this amount as may be
necessary, is appropriated from the General Revenue Fund to the Office
of Secretary of State for a grant to the Chicago Public Library.

Section 90. The sum of $325,000, or so much of this amount as may
be necessary, is appropriated from the General Revenue Fund to the Office
of the Secretary of State for all expenditures and grants to libraries for the
Project Next Generation Program.

Section 95. The following amount, or so much of this amount as
may be necessary, is appropriated to the Office of the Secretary of State
from the Live and Learn Fund for the purpose of promotion of organ and
tissue donations:
From Live and Learn Fund.............................. 1,750,000

Section 100. The sum of $50,000, or so much of this amount as may
be necessary, is appropriated from the Secretary of State Special License
Plate Fund to the Office of the Secretary of State for grants to benefit
Illinois Veterans Home libraries.

Section 105. The amount of $50,000, or so much of this amount as
may be necessary, is appropriated to the Office of the Secretary of State

New matter indicated by italics - deletions by strikeout
from the Master Mason Fund to provide grants to the Illinois Masonic Foundation for the Prevention of Drug and Alcohol Abuse Among Children, Inc., a not-for-profit corporation, for the purpose of providing Model Student Assistance Programs in public and private schools in Illinois.

Section 110. The amount of $10,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Illinois Pan Hellenic Trust Fund to provide grants for charitable purposes sponsored by African-American fraternities and sororities.

Section 115. The amount of $15,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Park District Youth Program Fund to provide grants for the Illinois Association of Park Districts: After School Programming.

Section 120. The amount of $30,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Illinois Route 66 Heritage Project Fund to provide grants for the development of tourism, education, preservation and promotion of Route 66.

Section 125. The sum of $75,000, or so much of this amount as may be necessary, is appropriated from the Police Memorial Committee Fund to the Office of the Secretary of State for grants to the Police Memorial Committee for maintaining a memorial statue, holding an annual memorial commemoration, and giving scholarships to children to police officers killed in the line of duty.

Section 130. The sum of $110,000, or so much of this amount as may be necessary, is appropriated from the Mammogram Fund to the Office of the Secretary of State for grants to the Susan G. Komen Foundation for breast cancer research, education, screening, and treatment.

Section 135. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for such purposes in Section 3-646 of the Illinois Vehicle Code (625 ILCS 5), for grants to the Regional Organ Bank of Illinois and to Mid-America Transplant Services for the purpose of promotion of organ and tissue donation awareness. These amounts are in addition to any amounts otherwise appropriated to the Office of the Secretary of State:

New matter indicated by italics - deletions by strikeout
Section 140. The amount of $500, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Chicago and Northeast Illinois District Council of Carpenters Fund to provide grants for charitable purposes.

Section 145. The amount of $30,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the U.S. Marine Corps Scholarship Fund to provide grants for scholarships for Higher Education.

Section 155. The amount of $546,000, or so much of this amount as may be necessary, is appropriated from the SOS Federal Projects Fund to the Office of the Secretary of State for the payment of any operational expenses relating to the cost incident to augmenting the Illinois Commercial Motor Vehicle safety program by assuring and verifying the identity of drivers prior to licensure, including CDL operators; for improved security for Drivers Licenses and Personal Identification Cards; and any other related program deemed appropriate by the Office of the Secretary of State.

Section 160. The amount of $333,500, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Securities Investors Education Fund for any expenses used to promote public awareness of the dangers of securities fraud.

Section 165. The amount of $50,000, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Secretary of State Evidence Fund for the purchase of evidence, for the employment of persons to obtain evidence, and for the payment for any goods or services related to obtaining evidence.

Section 170. The amount of $225,000, or so much thereof as may be necessary, is appropriated from the Alternate Fuels Fund to the Office of Secretary of State for the cost of administering the Alternate Fuels Act.

Section 175. The amount of $14,149,800, or so much of this amount as may be necessary, is appropriated from the Secretary of State Special Services Fund to the Office of the Secretary of State for office automation and technology.

New matter indicated by italics - deletions by strikeout
Section 180. The amount of $13,875,000, or so much of this amount as may be necessary, is appropriated from the Motor Vehicle License Plate Fund to the Office of the Secretary of State for the cost incident to providing new or replacement plates for motor vehicles.

Section 185. The sum of $2,090,000, or so much of this amount as may be necessary, is appropriated from the Secretary of State DUI Administration Fund to the Office of Secretary of State for operation of the Department of Administrative Hearings of the Office of Secretary of State and for no other purpose.

Section 190. The amount of $50,000, or so much thereof as may be necessary, is appropriated from the Secretary of State Police DUI Fund to the Secretary of State for the payments of goods and services that will assist in the prevention of alcohol-related criminal violence throughout the State.

Section 195. The amount of $70,000 is appropriated from the Secretary of State Police Services Fund to the Secretary of State for purposes as indicated by the grantor or contractor or, in the case of money bequeathed or granted for no specific purpose, for any purpose as deemed appropriate by the Director of Police, Secretary of State in administering the responsibilities of the Secretary of State Department of Police.

Section 200. The amount of $700,000, or so much of this amount as may be necessary, is appropriated from the Office of the Secretary of State Grant Fund to the Office of the Secretary of State to be expended in accordance with the terms and conditions upon which such funds were received.

Section 205. The amount of $12,000, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the State Library Fund to increase the collection of books, records, and holdings; to hold public forums; to purchase equipment and resource materials for the State Library; and for the upkeep, repair, and maintenance of the State Library building and grounds.

Section 210. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State for any operations, alterations, rehabilitation, new construction, and maintenance of the interior and exterior of the various buildings and

New matter indicated by italics - deletions by strikeout
facilities under the jurisdiction of the Secretary of State to enhance security measures in the Capitol Complex:

From the General Revenue Fund..................                      3,500,000

Section 215. In addition to any other amounts appropriated for such purposes, the sum of $10,000, or so much of this amount as may be necessary, is appropriated from the Live and Learn Fund to the Office of Secretary of State for a grant to the Chicago Public Library, South Shore Branch.

Section 220. In addition to any other amounts appropriated for such purposes, the sum of $10,000, or so much of this amount as may be necessary, is appropriated from the Live and Learn Fund to the Office of Secretary of State for a grant to the Chicago Public Library, Black Stone Branch.

Section 225. In addition to any other amounts appropriated for such purposes, the sum of $50,000, or so much of this amount as may be necessary, is appropriated from the Live and Learn Fund to the Office of Secretary of State for a grant to the Chicago Public Library, Brainerd Branch.

ARTICLE 125

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

For Personal Services:

For General Revenue Fund..................                      4,750,300
From State Pensions Fund..................                      2,565,300

For Employee Retirement Contribution (pickup):

From General Revenue Fund..................                      190,000
From State Pensions Fund..................                      102,700

For State Contributions to State Employees' Retirement System:

From General Revenue Fund..................                      547,500
From State Pensions Fund..................                      295,700

New matter indicated by italics - deletions by strikeout
For State Contribution to Social Security:
  From General Revenue Fund.......................... 353,400
  From State Pensions Fund.......................... 194,100
For Group Insurance:
  From State Pensions Fund.......................... 855,500
For Contractual Services:
  From General Revenue Fund.......................... 1,016,300
  From State Pensions Fund.......................... 3,035,600
For Travel:
  From General Revenue Fund.......................... 121,100
  From State Pensions Fund.......................... 110,000
For Commodities:
  From General Revenue Fund.......................... 47,600
  From State Pensions Fund.......................... 35,400
For Printing:
  From General Revenue Fund.......................... 25,900
  From State Pensions Fund.......................... 18,900
For Equipment:
  From General Revenue Fund.......................... 56,200
  From State Pensions Fund.......................... 18,900
For Electronic Data Processing:
  From General Revenue Fund.......................... 948,000
  From State Pensions Fund.......................... 1,019,100
For Telecommunications Services:
  From General Revenue Fund.......................... 160,100
  From State Pensions Fund.......................... 63,100
For Operation of Automotive Equipment:
  From General Revenue Fund.......................... 7,600
  From State Pensions Fund.......................... 2,700
Total, This Section                                   $16,541,000

Section 2. The amount of $8,100,000, or so much of that amount as
may be necessary, is appropriated to the State Treasurer from the Bank
Services Trust Fund for the purpose of making payments to financial
institutions for banking services pursuant to the State Treasurer's Bank Services Trust Fund Act.

Section 3. The amount of $9,000,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the General Revenue Fund for the purpose of making refunds of overpayments of estate tax and accrued interest on those overpayments, if any, and payment of certain statutory costs of assessment.

Section 4. The amount of $6,000,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the General Revenue Fund for the purpose of making refunds of accrued interest on protested tax cases.

Section 5. The amount of $27,000,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the Transfer Tax Collection Distributive Fund for the purpose of making payments to counties pursuant to Section 13b of the Illinois Estate and Generation-Skipping Transfer Tax Act.

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

Section 7. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated to the State Treasurer for the payment of interest on and retirement of State bonded indebtedness:

For payment of principal and interest on any and all bonds issued pursuant to the Anti-Pollution Bond Act, the Transportation Bond Act, the Capital Development Bond Act of 1972, the School Construction Bond Act, the Illinois Coal and Energy Development Bond Act, and the General Obligation Bond Act:

From the General Obligation Bond Retirement and Interest Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal</td>
<td>637,770,394</td>
</tr>
<tr>
<td>Interest</td>
<td>1,105,927,736</td>
</tr>
<tr>
<td>Total</td>
<td>1,743,698,130</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Section 8. The amount of $450,900, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for the State Treasurer's costs to administer the Capital Litigation Trust Fund in accordance with the Capital Crimes Litigation Act.

Section 9. The amount of $2,691,200, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for a block grant to the Cook County Treasurer for the separate account for payment of expenses of the Cook County State's Attorney in capital cases in Cook County in accordance with the Capital Crimes Litigation Act.

Section 10. The amount of $1,625,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for a block grant to the Cook County Treasurer for the separate account for payment of expenses of the Cook County Public Defender in capital cases in Cook County in accordance with the Capital Crimes Litigation Act.

Section 11. The amount of $1,200,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for a block grant to the Cook County Treasurer for the separate account for payment of compensation and expenses of court appointed defense counsel, other than the Cook County Public Defender, in capital cases in Cook County in accordance with the Capital Crimes Litigation Act.

Section 12. The following named amount of $3,000,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for the separate account held by the State Treasurer for payment of compensation and expenses of court appointed counsel other than Public Defenders incurred in the defense of capital cases in counties other than Cook County in accordance with the Capital Crimes Litigation Act.

Section 13. The following named amount of $500,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for the separate account held by the State Treasurer for payment of expenses of Public Defenders incurred in the
defense of capital cases in counties other than Cook County in accordance with the Capital Crimes Litigation Act.

Section 14. The following named amount of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the State Treasurer for expenses related to an Inspector General position.

Section 15. The following named amount of $5,000,000, or so much thereof as may be necessary, is appropriated from the Hospital Basic Services Preservation Fund to the State Treasurer to collateralize loans from financial institutions for capital projects as stated in the Hospital Basic Services Preservation Act.

ARTICLE 130

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

 Administration

<table>
<thead>
<tr>
<th>For Personal Services</th>
<th>4,154,600</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by the Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contribution to State Employees' Retirement System</td>
<td>478,900</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>317,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,602,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>45,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>122,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>35,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>12,800</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>241,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>8,900</td>
</tr>
<tr>
<td>Total</td>
<td>$7,018,500</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
### Statewide Fiscal Operations

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>5,196,700</td>
</tr>
<tr>
<td><strong>For Employee Retirement Contributions</strong></td>
<td></td>
</tr>
<tr>
<td>Paid by the Employer</td>
<td>0</td>
</tr>
<tr>
<td><strong>For State Contribution to State</strong></td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>598,900</td>
</tr>
<tr>
<td><strong>For State Contribution to Social Security</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>397,500</td>
</tr>
<tr>
<td><strong>For Contractual Services</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>189,400</td>
</tr>
<tr>
<td><strong>For Travel</strong></td>
<td>4,300</td>
</tr>
<tr>
<td><strong>For Commodities</strong></td>
<td>0</td>
</tr>
<tr>
<td><strong>For Printing</strong></td>
<td>0</td>
</tr>
<tr>
<td><strong>For Equipment</strong></td>
<td>0</td>
</tr>
<tr>
<td><strong>For Electronic Data Processing</strong></td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$6,386,800</td>
</tr>
</tbody>
</table>

### Electronic Data Processing

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>4,346,800</td>
</tr>
<tr>
<td><strong>For Employee Retirement Contributions</strong></td>
<td></td>
</tr>
<tr>
<td>Paid by the Employer</td>
<td>0</td>
</tr>
<tr>
<td><strong>For State Contribution to State</strong></td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>500,900</td>
</tr>
<tr>
<td><strong>For State Contribution to Social Security</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>332,500</td>
</tr>
<tr>
<td><strong>For Contractual Services</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1,015,700</td>
</tr>
<tr>
<td><strong>For Travel</strong></td>
<td>8,000</td>
</tr>
<tr>
<td><strong>For Commodities</strong></td>
<td>119,000</td>
</tr>
<tr>
<td><strong>For Printing</strong></td>
<td>338,300</td>
</tr>
<tr>
<td><strong>For Equipment</strong></td>
<td>0</td>
</tr>
<tr>
<td><strong>For Telecommunications</strong></td>
<td>0</td>
</tr>
<tr>
<td><strong>For Electronic Data Processing</strong></td>
<td>1,649,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$8,310,400</td>
</tr>
</tbody>
</table>

### Special Audits

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,834,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions
  Paid by the Employer................................... 0
For State Contribution to State
  Employees’ Retirement System...................... 211,400
For State Contribution to Social Security.................. 140,400
For Contractual Services.......................... 75,400
For Travel........................................ 70,500
For Commodities........................................ 0
For Printing............................................. 0
For Equipment........................................... 0
For Electronic Data Processing......................... 0
For Expenses of Local Government
  Officials Training................................. 12,500
For Contractual Services for auditing and assisting local governments............ 25,000
Total $2,369,200

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

  Section 10. The sum of $1,200,000, or so much thereof as may be necessary, is appropriated to the State Comptroller from the Comptroller's Administrative Fund for the discharge of duties of the office.

  Section 15. The amount of $50,300, or so much thereof as may be necessary, is appropriated to the State Comptroller from the State Lottery Fund for expenses in connection with the State Lottery.

  Section 20. The amount of $200,000, or so much thereof as may be necessary, is appropriated to the State Comptroller to meet the ordinary and contingent expenses for the Office of Inspector General.

  Section 25. The amount of $100,000, or so much thereof as may be necessary, is appropriated to the State Comptroller for expenses and the administration of Section 15-125 of the Pension Code.

ARTICLE 135

  Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the State Comptroller to
pay the elected State officers of the Executive Branch of the State Government, at various rates prescribed by law:

For the Governor.................................. 150,700
For the Lieutenant Governor....................... 115,300
For the Secretary of State.......................... 133,000
For the Attorney General.......................... 133,000
For the Comptroller................................ 115,300
For the State Treasurer............................ 115,300

Total                                                                                             $762,600

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the State Comptroller to pay certain appointed officers of the Executive Branch of the State Government, at the various rates prescribed by law:

From General Revenue Fund
   Department on Aging
      For the Director.............................. 102,200

   Department of Agriculture
      For the Director.............................. 117,800
      For the Assistant Director.................. 100,000

   Department of Central Management Services
      For the Director.............................. 125,800
      For 2 Assistant Directors.................... 213,900

   Department of Children and Family Services
      For the Director.............................. 128,100

   Department of Corrections
      For the Director.............................. 128,100
      For the Assistant Director.................. 112,900

   Department of Commerce and Economic Opportunities
      For the Director.............................. 125,800
      For the Assistant Director.................. 107,000

   Environmental Protection Agency
      For the Director.............................. 117,800

   Department of Financial and Professional Regulation
      For the Secretary............................. 125,800

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0011

For the Director................................... 102,200
For the Director................................... 117,800
For the Director................................... 109,700

Department of Human Services
For the Secretary................................. 128,100
For 2 Assistant Secretaries..................... 225,700

Department of Juvenile Justice
For the Director................................. 112,900

Department of Labor
For the Director................................... 109,700
For the Assistant Director....................... 100,000
For the Chief Factory Inspector.................. 44,400
For the Superintendent of Safety Inspection
and Education.............................. 48,800

Department of State Police
For the Director................................... 117,200
For the Assistant Director....................... 100,000

Department of Military Affairs
For the Adjutant General........................ 102,200
For two Chief Assistants to the
Adjutant General............................. 174,100

Department of Natural Resources
For the Director................................... 117,800
For the Assistant Director....................... 100,000
For six Mine Officers............................ 79,800
For four Miners' Examining Officers............. 43,900

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

Department of Healthcare and Family Services
For the Director................................. 125,800

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Agency</th>
<th>Position</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Public Health</td>
<td>For the Assistant Director</td>
<td>107,000</td>
</tr>
<tr>
<td></td>
<td>For the Director</td>
<td>128,100</td>
</tr>
<tr>
<td>Department of Revenue</td>
<td>For the Assistant Director</td>
<td>112,900</td>
</tr>
<tr>
<td></td>
<td>For the Director</td>
<td>125,800</td>
</tr>
<tr>
<td>Property Tax Appeal Board</td>
<td>For the Chairman</td>
<td>55,000</td>
</tr>
<tr>
<td></td>
<td>For four members</td>
<td>177,300</td>
</tr>
<tr>
<td>Department of Veterans' Affairs</td>
<td>For the Assistant Director</td>
<td>87,100</td>
</tr>
<tr>
<td></td>
<td>For the Director</td>
<td>102,200</td>
</tr>
<tr>
<td>Civil Service Commission</td>
<td>For the Chairman</td>
<td>26,900</td>
</tr>
<tr>
<td></td>
<td>For four members</td>
<td>82,400</td>
</tr>
<tr>
<td>Commerce Commission</td>
<td>For the Chairman</td>
<td>113,900</td>
</tr>
<tr>
<td></td>
<td>For four members</td>
<td>397,700</td>
</tr>
<tr>
<td>Court of Claims</td>
<td>For the Chief Judge</td>
<td>55,200</td>
</tr>
<tr>
<td></td>
<td>For the six Judges</td>
<td>305,400</td>
</tr>
<tr>
<td>State Board of Elections</td>
<td>For the Chairman</td>
<td>49,700</td>
</tr>
<tr>
<td></td>
<td>For the Vice-Chairman</td>
<td>40,800</td>
</tr>
<tr>
<td></td>
<td>For six members</td>
<td>191,500</td>
</tr>
<tr>
<td>Illinois Emergency Management Agency</td>
<td>For the Assistant Director</td>
<td>102,200</td>
</tr>
<tr>
<td></td>
<td>For the Director</td>
<td>102,200</td>
</tr>
<tr>
<td>Department of Human Rights</td>
<td>For the Assistant Director</td>
<td>102,200</td>
</tr>
<tr>
<td></td>
<td>For the Director</td>
<td>102,200</td>
</tr>
<tr>
<td>Human Rights Commission</td>
<td>For the Chairman</td>
<td>44,400</td>
</tr>
<tr>
<td></td>
<td>For twelve members</td>
<td>478,700</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Illinois Workers’ Compensation Commission
For the Chairman............................... 106,400
For nine members............................... 916,200

Liquor Control Commission
For the Chairman............................... 33,100
For six members............................... 173,600
For the Secretary............................... 32,000
For the Chairman and one member as
designated by law, $200 per diem
for work on a license appeal
commission....................................... 55,000

Executive Ethics Commission
For nine members............................... 287,300

Pollution Control Board
For the Chairman............................... 102,900
For four members............................... 397,700

Prisoner Review Board
For the Chairman............................... 81,500
For fourteen members of the
Prisoner Review Board......................... 1,021,300

Secretary of State Merit Commission
For the Chairman............................... 14,700
For four members............................... 43,900

Educational Labor Relations Board
For the Chairman............................... 88,700
For four members............................... 319,200

Department of State Police
For five members of the State Police
Merit Board, $202 per diem,
whichever is applicable in accordance
with law, for a maximum of 100
days each......................................... 101,000

Department of Transportation
For the Secretary............................... 128,100
For the Assistant Secretary......................... 112,900
    Office of Small Business Utility Advocate
For the small business utility advocate............. ___0
... Total, General Revenue Fund .................... $11,243,900
    Office of the State Fire Marshal
For the State Fire Marshal:
  From Fire Prevention Fund......................... 102,200
Illinois Racing Board
For eleven members of the Illinois Racing Board, $300 per diem to a maximum 10,640 as prescribed by law:
  From the Horse Racing Fund........................ 117,100
    Department of Employment Security
Payable from Title III Social Security and Employment Service Fund:
  For the Director................................... 125,800
  For five members of the Board of Review............. 75,000
  Total ............................................... $200,800
    Department of Financial and Professional Regulation
Payable from Bank and Trust Company Fund:
  For the Director................................... 120,400
Subtotals:
  General Revenue................................. 11,243,900
  Fire Prevention.................................. 102,200
  Horse Racing..................................... 117,100
  Bank and Trust Company Fund...................... 120,400
  Title III Social Security and Employment Service Fund........ 200,800
  Total ............................................... $11,784,400

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

New matter indicated by italics - deletions by strikeout
Office of Auditor General

For the Auditor General........................... 112,600
For two Deputy Auditor Generals.................... 209,300
Total $321,900

Officers and Members of General Assembly

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

For additional amounts, as prescribed
by law, for party leaders in both
chambers as follows:
For the Speaker of the House,
the President of the Senate and
Minority Leaders of both Chambers................. 93,600
For the Majority Leader of the House............ 19,800
For the eleven assistant majority and
minority leaders in the Senate..................... 193,000
For the twelve assistant majority
and minority leaders in the House............... 184,200
For the majority and minority
caucus chairmen in the Senate.................. 35,100
For the majority and minority
conference chairmen in the House............... 30,700
For the two Deputy Majority and the two
Deputy Minority leaders in the House............ 67,300
For chairmen and minority spokesmen of
standing committees in the Senate
except the Rules Committee, the Committee
on Committees and the Committee on
the Assignment of Bills......................... 315,800
For chairmen and minority
spokesmen of standing and select

New matter indicated by italics - deletions by strikeout
committees in the House.............................................. 666,600
   Total                                           $1,606,100
For per diem allowances for the
members of the Senate, as
provided by law.......................................................... 324,000
For per diem allowances for the
members of the House, as
provided by law............................................................ 709,000
For mileage for all members of the
General Assembly, as provided
by law................................................................. 405,000
   Total                                           $1,438,000

Section 20. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to the State Comptroller in connection with the
payment of salaries for officers of the Executive and Legislative Branches
of State Government:
For State Contribution to State Employees' Retirement System:
   From General Revenue Fund......................... 1,332,500
   From Horse Racing Fund.............................. 13,500
   From Fire Prevention Fund.......................... 11,800
   From Bank and Trust Company Fund............... 13,900
   From Title III Social Security
       and Employment Service Fund................. 23,200
   Savings and Residential Finance
       Regulatory Fund........................................... 0
   Real Estate License
       Administration Fund............................... 0
   Total                                           $1,394,900
For State Contribution to Social Security:
   From General Revenue Fund.......................... 953,500
   From Horse Racing Fund............................... 9,000
   From Fire Prevention Fund........................... 7,400

New matter indicated by italics - deletions by strikeout
Section 25. The amount of $440,000, or so much thereof as may be necessary, is appropriated to the State Comptroller for contingencies in the event that any amounts appropriated in Sections 5 through 20 of this Article are insufficient and other expenses associated with the administration of Sections 5 through 20.

ARTICLE 140

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

For Personal Services:
   Official Court Reporting................. 36,217,900

For State Contributions to the State
   Employees’ Retirement System............ 4,246,900

For Employee Retirement Contributions
   Paid by Employer........................ 1,393,500

For State Contributions to Social
   Security............................... 2,819,000

New matter indicated by italics - deletions by strikeout
For Travel:
  For Official Court Reporting ......................... 167,900
For Contractual Services:
  For Transcript Fees for Official Court Reporting .... 4,046,700
  For Other Operational Expenses ...................... 8,000

Section 2. The amount of $750,000, or so much thereof as may be necessary, is appropriated to the State Comptroller for ordinary and contingent expenses associated with the payment to official court reporters pursuant to law.

ARTICLE 145

Section 5. The following amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the State Board of Elections for its ordinary and contingent expenses as follows:

| The Board |
|-----------------|----------|
| For Contractual Services ..................... | 19,000   |
| For Travel .................. | 19,100   |
| For Equipment ................... | 500      |
| **Total** | **$38,600** |

| Administration |
|-----------------|----------|
| For Personal Services .................. | 562,300  |
| For Employee Retirement Contributions  |
|   Paid By Employer .................. | 22,600   |
| For State Contributions to State Employees' Retirement System .................. | 43,800   |
| For State Contributions to Social Security .................. | 43,100   |
| For Contractual Services .................. | 385,500  |
| For Travel .................. | 18,500   |
| For Commodities .................. | 16,400   |
| For Printing .................. | 10,600   |
| For Equipment .................. | 2,000    |
| For Telecommunications .................. | 112,400  |
| For Operation of Automotive Equipment .......... | 3,000    |

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Elections</strong></td>
<td>$1,422,300</td>
</tr>
<tr>
<td>For Personal Services</td>
<td>1,422,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid By Employer</td>
<td>57,000</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>- Employees' Retirement System</td>
<td>110,800</td>
</tr>
<tr>
<td>- State Contributions to Social Security</td>
<td>108,900</td>
</tr>
<tr>
<td>- Contractual Services</td>
<td>24,400</td>
</tr>
<tr>
<td>- Travel</td>
<td>43,600</td>
</tr>
<tr>
<td>- Printing</td>
<td>28,900</td>
</tr>
<tr>
<td>- Equipment</td>
<td>5,200</td>
</tr>
<tr>
<td>For Purchase of Election Codes</td>
<td>15,000</td>
</tr>
<tr>
<td>For HAVA Maintenance of Effort Contribution-State</td>
<td>550,000</td>
</tr>
<tr>
<td>For Reimbursement to Counties for Increased Compensation to Judges</td>
<td>1,450,000</td>
</tr>
<tr>
<td>and other Election Officials, as provided in Public Acts 81-850,</td>
<td></td>
</tr>
<tr>
<td>81-1149, and 90-672</td>
<td></td>
</tr>
<tr>
<td>For Payment of Lump Sum Awards to County Clerks, County Recorders,</td>
<td>812,500</td>
</tr>
<tr>
<td>and Chief Election Clerks as Compensation for Additional Duties</td>
<td></td>
</tr>
<tr>
<td>required of such officials by consolidation of elections law, as</td>
<td></td>
</tr>
<tr>
<td>provided in Public Acts 82-691 and 90-713</td>
<td></td>
</tr>
<tr>
<td>For Payment to Election Authorities for expenses in supplying voter</td>
<td>20,250</td>
</tr>
<tr>
<td>registration tapes to the State Board of Elections pursuant to Public Act 85-958</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$4,648,850</td>
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<tr>
<td>For Personal Services</td>
<td>249,500</td>
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<td>For Employee Retirement Contributions</td>
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New matter indicated by italics - deletions by strikeout
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<thead>
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<th>Category</th>
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<tr>
<td>Paid By Employer</td>
<td>10,000</td>
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<tr>
<td>For State Contributions to State</td>
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<tr>
<td>Employees' Retirement System</td>
<td>19,300</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>19,200</td>
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<td>For Contractual Services</td>
<td>140,200</td>
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<td>For Travel</td>
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<td>For Equipment</td>
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**Campaign Disclosure**

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<tr>
<td>For Personal Services</td>
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<td>For Employee Retirement Contributions</td>
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<td>27,700</td>
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<td>Employees' Retirement System</td>
<td>54,000</td>
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<td>For Social Security</td>
<td>53,100</td>
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<td>For Contractual Services</td>
<td>11,100</td>
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<td>For Travel</td>
<td>11,300</td>
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<td>For Printing</td>
<td>17,400</td>
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<tr>
<td>For Equipment</td>
<td>9,100</td>
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<td><strong>Total</strong></td>
<td><strong>$876,100</strong></td>
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**Information Technology**

<table>
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<tr>
<td>For Personal Services</td>
<td>411,900</td>
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<td>For Employee Retirement Contributions</td>
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<tr>
<td>Paid By Employer</td>
<td>16,500</td>
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<td>For State Contributions to State Employees' Retirement System</td>
<td>32,100</td>
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<td>For Social Security</td>
<td>31,500</td>
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<td>For Contractual Services</td>
<td>353,800</td>
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<td>For Travel</td>
<td>11,600</td>
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<td>For Commodities</td>
<td>17,100</td>
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<td>For Printing</td>
<td>700</td>
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<tr>
<td>For Equipment</td>
<td>103,500</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Section 10. The following amounts, or so much thereof as may be necessary, are reappropriated from the Help Illinois Vote Fund to the State Board of Elections for Implementation of the Help America Vote Act of 2002:

For distribution to Local Election Authorities under Section 251 of the Help America Vote Act: $42,250,000

For the implementation of the Statewide Voter Registration System as required by Section 1A-25 of the Illinois Election Code, including maintenance of the IDEA/VISTA program: $6,600,000

For distribution to Local Election Authorities for replacement of punch-card voting systems under Section 102 of the Help America Vote Act: $4,250,000

For administrative costs and discretionary grants to Local Election Authorities under Section 101 of the Help America Vote Act: $4,700,000

Total: $57,800,000

Section 15. The amount of $150,000, or as much of that amount as may be necessary, is appropriated to the State Board of Elections from the Voters’ Guide Fund for the operations of that Fund.

ARTICLE 150

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

For Personal Services:
  Judges’ Salaries: $147,859,600

For Travel:
  Judicial Officers: $1,208,900

New matter indicated by italics - deletions by strikeout
For State Contributions
to Social Security ....................... 2,143,900
Total, this Section .................. $151,212,400

Section 10. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Supreme Court:
For Personal Services ................... 7,135,900
For State Contributions
to State Employees' Retirement ............ 822,400
For State Contributions
to Social Security ....................... 545,900
For Contractual Services .................. 1,624,500
For Travel .................................. 15,500
For Commodities .......................... 42,600
For Printing .............................. 227,100
For Equipment ............................. 935,700
For Electronic Data Processing ............. 100,900
For Telecommunications .................... 124,900
For Operation of Automotive Equipment .... 8,000
For Permanent Improvements .............. 34,000
Total, this Section .................. $11,617,400

Section 15. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Supreme Court to meet the ordinary and contingent expenses of the Judges of the Appellate Courts, and the Clerks of the Appellate Courts, and the Appellate Judges Research Projects:
Administration of the First Appellate District
For Personal Services ................... 7,179,100
For State Contributions
to State Employees' Retirement ............ 827,400
For State Contributions
to Social Security ....................... 549,200
For Contractual Services .................. 854,800

New matter indicated by italics - deletions by strikeout
<table>
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<th>Item</th>
<th>Cost</th>
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<td>For Travel</td>
<td>1,800</td>
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<td>For Commodities</td>
<td>34,500</td>
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<td>For Printing</td>
<td>35,300</td>
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<td>For Equipment</td>
<td>150,900</td>
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<td>For Telecommunications</td>
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<td><strong>Total</strong></td>
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Administration of the Second Appellate District

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>2,917,100</td>
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<tr>
<td>For State Contributions</td>
<td></td>
</tr>
<tr>
<td>to State Employees' Retirement</td>
<td>336,200</td>
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<tr>
<td>For State Contributions</td>
<td></td>
</tr>
<tr>
<td>to Social Security</td>
<td>223,200</td>
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<tr>
<td>For Contractual Services</td>
<td>1,014,900</td>
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<td>For Travel</td>
<td>2,300</td>
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<tr>
<td>For Commodities</td>
<td>19,700</td>
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<tr>
<td>For Printing</td>
<td>5,800</td>
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<tr>
<td>For Equipment</td>
<td>203,700</td>
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<tr>
<td>For Operation of Automotive Equipment</td>
<td>1,200</td>
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<tr>
<td>For Telecommunications</td>
<td>82,900</td>
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<td><strong>Total</strong></td>
<td><strong>4,807,000</strong></td>
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Administration of the Third Appellate District

<table>
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<tr>
<th>Item</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>2,209,600</td>
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<tr>
<td>For State Contributions</td>
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<tr>
<td>to State Employees' Retirement</td>
<td>254,700</td>
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<td>For State contributions</td>
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<tr>
<td>to Social Security</td>
<td>169,000</td>
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<tr>
<td>For Contractual Services</td>
<td>725,500</td>
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<tr>
<td>For Travel</td>
<td>1,100</td>
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<td>For Commodities</td>
<td>20,700</td>
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<td>For Printing</td>
<td>7,500</td>
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<tr>
<td>For Equipment</td>
<td>243,800</td>
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<td>For Telecommunications</td>
<td>66,700</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>3,698,600</strong></td>
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New matter indicated by italics - deletions by strikeout
Administration of the Fourth Appellate District
For Personal Services........................... 2,259,700
For State Contributions
to State Employees' Retirement............... 260,400
For State Contributions
to Social Security.............................. 172,900
For Contractual Services........................... 666,400
For Travel......................................... 4,100
For Commodities.................................. 19,900
For Printing....................................... 5,900
For Equipment.................................... 72,700
For Telecommunications........................ 66,200
Total                                                                                      $3,528,200

Administration of the Fifth Appellate District
For Personal Services........................... 2,254,400
For State Contributions to
State Employees' Retirement...................... 259,800
For State Contributions to
Social Security.................................. 172,500
For Contractual Services........................... 632,500
For Travel......................................... 4,100
For Commodities.................................. 9,300
For Printing....................................... 13,400
For Equipment.................................... 199,000
For Telecommunications........................ 62,200
For Operation of Automotive Equipment.............. 1,300
Total                                                                                      $3,608,500

Section 20. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Supreme Court for ordinary and contingent expenses of the Circuit Court:
For Circuit Clerks' Additional Duties.............. 663,000
For Mandatory Arbitration......................... 678,500
For Sexually Violent Persons Commitment Act...... 324,500
For Probation Reimbursements...................... 60,052,500

New matter indicated by italics - deletions by strikeout
For Personal Services:
- Circuit Court Personnel $1,790,800

For State Contribution:
- to State Employees' Retirement $206,400
- to Social Security $137,000

For Travel:
- Circuit Court Personnel $160,200
- Contractual Services $683,700
- Equipment $106,300
- Electronic Data Processing $2,067,400

Total, this Section $66,870,300

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

For Personal Services $6,062,600
- Retirement - Paid by Employer $1,280,200

For State Contributions to:
- State Employees' Retirement $698,700
- Social Security $463,800
- Contractual Services $2,977,700
- Travel $197,500
- Commodities $67,200
- Printing $83,000
- Equipment $369,200
- Electronic Data Processing $3,067,700
- Telecommunications $218,900
- Operation of Automotive Equipment $17,400
- Probation Training $0
- Contractual Services: Judicial Conference and Supreme Court Committees $729,500

New matter indicated by italics - deletions by strikeout
For Judges' Out-of-State Educational Programs................................. 0
For Training of Circuit Court Officers and Personnel.............................. 0
Total, this Section $16,233,400

Section 30. The sum of $54,100, or so much thereof as may be necessary, is appropriated to the Supreme Court for the contingent expenses of the Illinois Courts Commission.

Section 35. The sum of $13,306,700, or so much thereof as may be necessary, is appropriated from the Mandatory Arbitration Fund to the Supreme Court for Mandatory Arbitration Programs.

Section 40. The sum of $121,500, or so much thereof as may be necessary, is appropriated from the Foreign Language Interpreter Fund to the Supreme Court for the Foreign Language Interpreter Program.

Section 45. The sum of $757,100, or so much thereof as may be necessary, is appropriated from the Lawyers' Assistance Program Fund to the Supreme Court for lawyers' assistance programs.

Section 50. The sum of $520,000, or so much thereof as may be necessary, is appropriated from the Reviewing Court Alternative Dispute Resolution Fund to the Supreme Court for alternative dispute resolution programs within the reviewing courts.

ARTICLE 155

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Court of Claims for its ordinary and contingent expenses:

CLAIMS ADJUDICATION
Payable from the General Revenue Fund:
For Personal Services......................... 973,300
For State Contribution to State Employees' Retirement System................. 112,100
For Employee Retirement Contributions Paid by Employer....................... 38,900
For State Contribution to Social Security........................................... 74,500

New matter indicated by italics - deletions by strikeout
For Contractual Services....................... 22,000
For Travel......................................... 21,000
For Commodities.............................. 12,000
For Printing................................. 12,000
For Equipment............................. 14,200
For Telecommunications Services......... 10,400
For Refunds................................. 500
For Reimbursement for Incidental Expenses Incurred by Judges.......... 35,300
Total ...................................... $1,326,200

Section 10. The amount of $300,000, or so much of that amount as may be necessary, is appropriated from the Court of Claims Administration and Grant Fund to the Court of Claims for administrative expenses under the Crime Victims Compensation Act.

Section 15. The amount of $500,000, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the Court of Claims for payment of awards solely as a result of the lapsing of an appropriation originally made from any funds held by the State Treasurer.

Section 20. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Court of Claims for payment of line of duty awards.

Section 25. The following named amounts, or so much of that amount as may be necessary, are appropriated to the Court of Claims for payment of claims as follows:
For claims under the Crime Victims Compensation Act:
Payable from General Revenue Fund............................... 24,000,000
For claims other than Crime Victims:
Payable from the General Revenue Fund.......................... 10,000,000
Payable from the Road Fund................................... 1,000,000
Payable from the DCFS Children's Services Fund................................. 1,500,000
Payable from the State Garage Revolving Fund................................. 50,000
Payable from the Traffic and Criminal Conviction Surcharge Fund........... 100,000
Payable from the Vocational Rehabilitation Fund............................... 125,000
Total $36,775,000

ARTICLE 160
Section 1. The following named amounts are appropriated from the General Revenue Fund to the Court of Claims to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
   No. 95-CC-2706, Malcolm Eaton Enterprises, INC. Contract, against the Department of Mental Health.................. $302,061.00
   No. 01-CC-0914, Linda Zimmerman-Wozniak. Contract, against the Department of Professional Regulation.......................... $18,328.65
   No. 01-CC-4776, Healthcare Technology Services Inc. Contract, against the Department of Public Aid............... $375,000.00
   No. 02-CC-0240, Alfreida Brock, as Second Successor Plenary Guardian of the person of Raymond O. Cole, a disabled person. Tort, against the Department of Human Services.......................... $50,000.00
   No. 03-CC-0312 Allstate Insurance a/s/o Patricia Battista. Damages, against the Department of State Police..................... $13,208.13
   No. 03-CC-0634 Cahokia Nursing and Rehabilitation Center, et.al. Against the Department of Public Aid........ $1,279,810.45
   No. 03-CC-4051, Xelletly Williams, as independent administrator of the Estate of James Williams, Jr. deceased. Tort, against the Department of Human Services............................... $90,000.00
   No. 03-CC-4059, Garden View Nursing & Rehabilitation Center, et al. Against the Department of Public

New matter indicated by italics - deletions by strikeout
Aid ............................................ $65,115.23
    No. 03-CC-4224 John D. Henson. Personal Injury, against Illinois State University................................. $90,000.00
    No. 03-CC-4366 Alden North Shore Rehab & HCC. Interest, against the Department of Public Aid................... $185,606.51
    No. 03-CC-4853 Randy T. Peppers. Tort, against the Department of Corrections...................................... $45,000.00
    No. 04-CC-0140 North Adams Home, Inc. Interest, against the Department of Public Aid.......................... $65,432.29
    No. 04-CC-1145, Dennis and Valerie Graue. Reimbursement of supplemental Expenses, against the Department of Children and Family Services........................................ $10,336.29
    No. 04-CC-1212, Josephine Ochoa, as Guardian of the Estate of Ralph Ochoa. Personal Injury, against the Department of Human Services $90,000.00
    No. 04-CC-2856, Marcus Food Company. Contract, against the Department of Corrections........................... $32,630.50
    No. 06-CC-0020, Loyola University Medical Center. Debt, against the Department of Human Services............... $283,029.26
    No. 06-CC-2284, Loyola University Physicians Foundation. Debt, against the Department of Human Services...... $523,434.50
    No. 06-CC-3128, Jenner & Block LLP. Attorney Fees, against the Department of Natural Resources.................. $84,272.28
    No. 07-CC-1151, Governors State University. Debt, against the Department of Children and Family Services..... $206,302.08

Section 2. The following named amounts are appropriated to the Court of Claims from Road Fund 011, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

    No. 04-CC-4745, David Wegner. Personal Injury, against the Department of Transportation........................ $90,000.00
    No. 05-CC-1140, Shawn Depke. Property Damage, against the Department of Transportation........................ $7,510.00
    No. 06-CC-2422, Robert W. Hunt Co. Debt, against the Department of Transportation............................ $49,128.63

New matter indicated by italics - deletions by strikeout
No. 07-CC-0458, B & B Industries Inc. Debt, against the Department of Transportation $237,500.00

Section 3. The following named amounts are appropriated to the Court of Claims from State Fund 012, Motor Fuel Tax Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 $4,219.29

Section 4. The following named amounts are appropriated to the Court of Claims from Federal Fund 013, Alcoholism and Substance Abuse Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000 $78,918.00

Section 5. The following named amounts are appropriated to the Court of Claims from State Fund 018, Transportation Regulatory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 $923.67

Section 6. The following named amounts are appropriated to the Court of Claims from State Fund 022, General Professions Dedicated Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 $596.87

Section 7. The following named amounts are appropriated to the Court of Claims from State Fund 039, State Boating Act Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 $195.00

Section 8. The following named amounts are appropriated to the Court of Claims from State Fund 040, State Parks Fund, to pay claims in

New matter indicated by italics - deletions by strikeout
conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $11,889.00

Section 9. The following named amounts are appropriated to the Court of Claims from State Fund 041, Wildlife and Fish Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 07-CC-2527, John Deere Co. Debt, against the Department of Natural Resources............................... $61,879.76
For payments of awards for lapsed appropriation claims less than $50,000........................................... $17,659.93

Section 10. The following named amounts are appropriated to the Court of Claims from State Fund 045, Agricultural Premium Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...................................... $6,947.16

Section 11. The following named amounts are appropriated to the Court of Claims from Federal Fund 052, Title III Social Security and Employment Service Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...................................... $19,778.21

Section 12. The following named amounts are appropriated to the Court of Claims from State Fund 054, State Pensions Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...................................... $1,539.60

Section 13. The following named amounts are appropriated to the Court of Claims from State Fund 057, Illinois State Pharmacy Disciplinary

New matter indicated by italics - deletions by strikeout
Section 14. The following named amounts are appropriated to the Court of Claims from State Fund 059, Public Utility Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $103.50

Section 15. The following named amounts are appropriated to the Court of Claims from Federal Fund 063, Public Health Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 07-CC-0489, Aids Foundation of Chicago. Debt, against the Department of Public Health.................... $100,000.00

No. 07-CC-0940, Skokie Health Department. Debt, against the Department of Public Health..................... $79,302.25

For payments of awards for lapsed appropriation claims less than $50,000........................................ $180,738.15

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...................................... $42,187.81

Section 16. The following named amounts are appropriated to the Court of Claims from Federal Fund 065, U.S. Environmental Protection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........................................ $20,000.00

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...................................... $2,308.10

Section 17. The following named amounts are appropriated to the Court of Claims from State Fund 072, Underground Storage Tank Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $34.95

Section 18. The following named amounts are appropriated to the Court of Claims from State Fund 074, EPA Special State Projects Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $886.37

Section 19. The following named amounts are appropriated to the Court of Claims from State Fund 085, Illinois Gaming Law Enforcement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $2,350.13

Section 20. The following named amounts are appropriated to the Court of Claims from State Fund 091, Clean Air Act Permit Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $354.45

Section 21. The following named amounts are appropriated to the Court of Claims from State Fund 093, Illinois State Medical Disciplinary Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $8,392.69

Section 22. The following named amounts are appropriated to the Court of Claims from Federal Fund 117, State Appellate Defender Federal Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $675.00

Section 23. The following named amounts are appropriated to the Court of Claims from State Fund 129, State Gaming Fund, to pay claims in

New matter indicated by italics - deletions by strikeout
conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.......................... $8,400.00

Section 24. The following named amounts are appropriated to the Court of Claims from Federal Fund 131, Council on Developmental Disabilities Federal Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.......................... $151.80

Section 25. The following named amounts are appropriated to the Court of Claims from State Fund 151, Registered CPA Administrative and Disciplinary Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.......................... $795.00

Section 26. The following named amounts are appropriated to the Court of Claims from State Fund 152, State Crime Laboratory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 06-CC-2760, Reimburse State Fund 537, State Offender DNA Identification System Fund. Against the Department of State Police $10,855.00

Section 27. The following named amounts are appropriated to the Court of Claims from State Fund 175, Illinois School Asbestos Abatement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.......................... $535.00

Section 28. The following named amounts are appropriated to the Court of Claims from State Fund 215, Capital Development Board Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
Section 29. The following named amounts are appropriated to the Court of Claims from State Fund 218, Professional Indirect Cost Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357
$1,700.00

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357
$7,859.48

Section 30. The following named amounts are appropriated to the Court of Claims from State Fund 224, Asbestos Abatement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357
$23,834.98

Section 31. The following named amounts are appropriated to the Court of Claims from State Fund 238, Illinois Health Facilities Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357
$2,608.55

Section 32. The following named amounts are appropriated to the Court of Claims from the State Fund 244, Savings and Residential Finance Regulatory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357
$392.65

Section 33. The following named amounts are appropriated to the Court of Claims from the State Fund 256, Public Health Water Permit

New matter indicated by italics - deletions by strikeout
Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $153.00

Section 34. The following named amounts are appropriated to the Court of Claims from the State Fund 262, Mandatory Arbitration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $150.00

Section 35. The following named amounts are appropriated to the Court of Claims from the State Fund 270, Water Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $687.20

Section 36. The following named amounts are appropriated to the Court of Claims from the State Fund 272, LaSalle Veteran’s Home Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $374.05

Section 37. The following named amounts are appropriated to the Court of Claims from the State Fund 273, Anna Veteran’s Home Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $237.79

Section 38. The following named amounts are appropriated to the Court of Claims from the State Fund 276, Drunk and Drugged Driving Prevention Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $380.00

New matter indicated by italics - deletions by strikeout
Section 39. The following named amounts are appropriated to the Court of Claims from the State Fund 294, Used Tire Management Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.......................... $2,229.36

Section 40. The following named amounts are appropriated to the Court of Claims from State Fund 301, Working Capital Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........................................ $6,564.81

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.......................... $7,479.54

Section 41. The following named amounts are appropriated to the Court of Claims from State Fund 304, Statistical Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 06-CC-3189, Anchor Mechanical, Inc. Debt, against the Department of Central Management Services.................. $51,700.00

No. 07-CC-0711, IBM Corp. Debt, against the Department of Central Management Services.................. $151,035.52

No. 07-CC-0799, John A. Logan College. Debt, against the Department of Central Management Services.................. $57,113.00

No. 07-CC-2311, IBM Corp. Debt, against the Department of Central Management Services.................. $91,440.00

For payments of awards for lapsed appropriation claims less than $50,000........................................ $102,273.17

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.......................... $23,041.12

Section 42. The following named amounts are appropriated to the Court of Claims from the State Fund 310, Used Tire Management Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
Section 43. The following named amounts are appropriated to the Court of Claims from State Fund 312, Communications Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 06-CC-3271, Symphony Service Corporation. Debt, against the Department of Central Management Services................................................................. $270,650.00

No. 06-CC-3400, SBC. Debt, against the Department of Central Management Services................................................................. $568,801.81

No. 07-CC-2844, AT&T, Formerly SBC. Debt, against the Department of Central Management Services................................................................. $337,705.67

No. 07-CC-2853, AT&T. Debt, against the Department of Central Management Services................................................................. $174,437.90

No. 07-CC-2950, AT&T. Debt, against the Department of Central Management Services................................................................. $248,914.63

For payments of awards for lapsed appropriation claims less than $50,000................................................................. $76,137.23

Section 44. The following named amounts are appropriated to the Court of Claims from State Fund 314, Facilities Management Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000................................................................. $86,745.42

Section 45. The following named amounts are appropriated to the Court of Claims from State Fund 315, Efficiency Initiatives Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
No. 07-CC-0046, Accenture LLP. Debt, against the Department of Central Management Services................................. $65,397.73
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $791.67
Section 46. The following named amounts are appropriated to the Court of Claims from the State Fund 316, Illinois Prescription Drug Discount Program Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $13,834.44
Section 47. The following named amounts are appropriated to the Court of Claims from the State Fund 317, Professional Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357....................................... $66.00
Section 48. The following named amounts are appropriated to the Court of Claims from the State Fund 344, Care Provider Fund for Persons with a DD, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $10,366.58
Section 49. The following named amounts are appropriated to the Court of Claims from the State Fund 346, Long Term Care Provider Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...................................... $378.00
Section 50. The following named amounts are appropriated to the Court of Claims from the State Fund 362, Securities Audit and Enforcement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $5,753.76

New matter indicated by italics - deletions by strikeout
Section 51. The following named amounts are appropriated to the Court of Claims from the State Fund 363, Department of Business Services Special Operations Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $261.20

Section 52. The following named amounts are appropriated to the Court of Claims from the State Fund 376, State Police Motor Vehicle Theft Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...................................... $4,992.63

Section 53. The following named amounts are appropriated to the Court of Claims from the Federal Fund 396, Senior Health Insurance Program Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $360.82

Section 54. The following named amounts are appropriated to the Court of Claims from the State Fund 397, Trauma Center Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...................................... $3,624.80

Section 55. The following named amounts are appropriated to the Court of Claims from the Federal Fund 408, DHS Special Purpose Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.......................................... $5,402.11

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $7,793.35

Section 56. The following named amounts are appropriated to the Court of Claims from the Federal Fund 410, SBE Federal Department of

New matter indicated by italics - deletions by strikeout
Agriculture Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.............................................. $963.26

Section 57. The following named amounts are appropriated to the Court of Claims from the State Fund 421, Public Aid Recoveries Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.................................................. $1,364.75

Section 58. The following named amounts are appropriated to the Court of Claims from the State Fund 438, Illinois State Fair Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.............................................. $9,376.17

Section 59. The following named amounts are appropriated to the Court of Claims from the Federal Fund 447, GI Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.............................................. $381.36

Section 60. The following named amounts are appropriated to the Court of Claims from the State Fund 479, State Employee’s Retirement System Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.............................................. $44.86

Section 61. The following named amounts are appropriated to the Court of Claims from Federal Fund 488, Criminal Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.................................................. $39,190.00

New matter indicated by italics - deletions by strikeout
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $8,872.97

Section 62. The following named amounts are appropriated to the Court of Claims from the Federal Fund 495, Old Age Survivors Insurance Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $12,848.09

Section 63. The following named amounts are appropriated to the Court of Claims from Federal Fund 497, Federal Civil Preparedness Administrative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 07-CC-1388, University of Illinois. Debt, against the Emergency Management Agency............................... $58,098.16
No. 07-CC-1388, University of Illinois. Debt, against the Emergency Management Agency............................... $80,595.47

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $1,652.14

Section 64. The following named amounts are appropriated to the Court of Claims from the State Fund 502, Early Intervention Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $16,798.41

Section 65. The following named amounts are appropriated to the Court of Claims from the State Fund 523, Department of Corrections Reimbursement and Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $2,797.39

Section 66. The following named amounts are appropriated to the Court of Claims from Federal Fund 526, Emergency Management Preparedness Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $1,547.06

Section 67. The following named amounts are appropriated to the Court of Claims from the State Fund 534, Illinois Workers’ Compensation Commission Operations Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..................................... $12,308.06

Section 68. The following named amounts are appropriated to the Court of Claims from the State Fund 538, Illinois Historic Sites Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $1,820.13

Section 69. The following named amounts are appropriated to the Court of Claims from the State Fund 550, Supplemental Low Income Energy Assistance Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.......................................... $9,050.80

Section 70. The following named amounts are appropriated to the Court of Claims from the Federal Fund 561, SBE Federal Department of Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $11,427.45

Section 71. The following named amounts are appropriated to the Court of Claims from the Federal Fund 566, DCFS Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.......................................... $1,739.85

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $5,155.69

New matter indicated by italics - deletions by strikeout
Section 72. The following named amounts are appropriated to the Court of Claims from the State Fund 568, School Infrastructure Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........................................ $1,292.55

Section 73. The following named amounts are appropriated to the Court of Claims from the State Fund 576, Pesticide Control Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........................................ $27,882.99

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $24.01

Section 74. The following named amounts are appropriated to the Court of Claims from the Federal Fund 592, DHS Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $200.00

Section 75. The following named amounts are appropriated to the Court of Claims from State Fund 614, Capital Litigation Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $23,463.67

Section 76. The following named amounts are appropriated to the Court of Claims from State Fund 632, Horse Racing Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $742.73

Section 77. The following named amounts are appropriated to the Court of Claims from Federal Fund 664, Student Loan Operation Fund, to

New matter indicated by italics - deletions by strikeout
pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $61.95

Section 78. The following named amounts are appropriated to the Court of Claims from State Fund 668, College Savings Pool Administration Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $35.09

Section 79. The following named amounts are appropriated to the Court of Claims from the State Fund 671, State Lottery Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 07-CC-1388, Danielle Ashley Communications. Debt, against the Department of Revenue........................... $53,305.12

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $7,667.75

Section 80. The following named amounts are appropriated to the Court of Claims from the State Fund 731, Illinois Clean Water Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $247.78

Section 81. The following named amounts are appropriated to the Court of Claims from the State Fund 732, Secretary of State DUI Administration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $240.00

Section 82. The following named amounts are appropriated to the Court of Claims from the State Fund 733, Tobacco Settlement Recovery Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
For payments of awards for lapsed appropriation claims less than $50,000................................. $11,148.23

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.......................... $9,306.22

Section 83. The following named amounts are appropriated to the Court of Claims from the Federal Fund 737, Energy Administration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000................................. $17,488.53

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.......................... $2,953.02

Section 84. The following named amounts are appropriated to the Court of Claims from State Fund 757, Child Support Administrative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.......................... $38,516.85

Section 85. The following named amounts are appropriated to the Court of Claims from Federal Fund 762, Local Initiative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.......................... $2,691.67

Section 86. The following named amounts are appropriated to the Court of Claims from the State Fund 763, Tourism Promotion Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 07-CC-2538, J. Walter Thompson USA Inc. Debt, against the Emergency Management Agency................... $50,000.00

Section 87. The following named amounts are appropriated to the Court of Claims from Federal Fund 765, Federal Surface Mining Control and Reclamation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $943.46

Section 88. The following named amounts are appropriated to the Court of Claims from State Fund 768, Illinois Math and Science Academy Income Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $701.96

Section 89. The following named amounts are appropriated to the Court of Claims from the State Fund 776, Presidential Library and Museum Operating Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $6,784.11

Section 90. The following named amounts are appropriated to the Court of Claims from the State Fund 795, Bank & Trust Company Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $411.96

Section 91. The following named amounts are appropriated to the Court of Claims from the State Fund 796, Nuclear Safety Emergency Preparedness Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $11,877.97

Section 92. The following named amounts are appropriated to the Court of Claims from the State Fund 801, AG State Projects and Court Order Distribution Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $1,031.75

Section 93. The following named amounts are appropriated to the Court of Claims from the State Fund 808, Medical Special Purposes Trust

New matter indicated by italics - deletions by strikeout
Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357

Section 94. The following named amounts are appropriated to the Court of Claims from the State Fund 821, Dram Shop Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357

Section 95. The following named amounts are appropriated to the Court of Claims from the State Fund 823, Illinois State Dental Disciplinary Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357

Section 96. The following named amounts are appropriated to the Court of Claims from the Federal Fund 826, Agriculture Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357

Section 97. The following named amounts are appropriated to the Court of Claims from the State Fund 828, Hazardous Waste Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357

Section 98. The following named amounts are appropriated to the Court of Claims from the Federal Fund 855, National Flood Insurance Program Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357

New matter indicated by italics - deletions by strikeout
Section 99. The following named amounts are appropriated to the Court of Claims from the Federal Fund 870, Low Income Home Energy Assistance Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000......................................... $20,754.10

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................................. $24,701.96

Section 100. The following named amounts are appropriated to the Court of Claims from Federal Fund 873, Preventive Health and Health Services Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................................. $3,721.09

Section 101. The following named amounts are appropriated to the Court of Claims from the Federal Fund 876, Community Mental Health Services Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 07-CC-0168, Thresholds. Debt, against the Department of Human Services........................................ $52,152.53

Section 102. The following named amounts are appropriated to the Court of Claims from Federal Fund 883, Intra Agency Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................................. $1,675.00

Section 103. The following named amounts are appropriated to the Court of Claims from State Fund 888, Design Professional Administration and Investigation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................................. $1,140.44

Section 104. The following named amounts are appropriated to the Court of Claims from Federal Fund 894, DNR Federal Projects Fund, to

New matter indicated by italics - deletions by strikeout
pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.................................................. $5,250.00

Section 105. The following named amounts are appropriated to the Court of Claims from State Fund 896, Public Health Special State Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.................................................. $163.67

Section 106. The following named amounts are appropriated to the Court of Claims from State Fund 903, State Surplus Property Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.................................................. $9,762.28

Section 107. The following named amounts are appropriated to the Court of Claims from the Federal Fund 904, Illinois State Police Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.................................................. $37.70

Section 108. The following named amounts are appropriated to the Court of Claims from the State Fund 905, Illinois Forestry Development Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.................................................. $4,831.00

Section 109. The following named amounts are appropriated to the Court of Claims from the State Fund 906, State Police Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.................................................. $4,200.00

New matter indicated by italics - deletions by strikeout
Section 110. The following named amounts are appropriated to the Court of Claims from the State Fund 913, Federal Workforce Training Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.............................................. $996.77

Section 111. The following named amounts are appropriated to the Court of Claims from State Fund 920, Metabolic Screening and Treatment Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.......................................... $26,020.00

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.............................................. $4,261.24

Section 112. The following named amounts are appropriated to the Court of Claims from the State Fund 921, DHS Recoveries Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.......................................... $7,937.95

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.............................................. $486.19

Section 113. The following named amounts are appropriated to the Court of Claims from State Fund 940, Self Insured Employers Liability Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.............................................. $1,018.00

Section 114. The following named amounts are appropriated to the Court of Claims from the State Fund 944, Environmental Protection Permit & Inspection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.............................................. $600.00

New matter indicated by italics - deletions by strikeout
Section 115. The following named amounts are appropriated to the Court of Claims from the State Fund 951, Narcotics Profit Forfeiture Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $2,112.50

Section 116. The following named amounts are appropriated to the Court of Claims from the State Fund 957, Child Support Enforcement Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $49.00

Section 117. The following named amounts are appropriated to the Court of Claims from the State Fund 980, Manteno Veteran’s Home Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $364.95

Section 118. The following named amounts are appropriated to the Court of Claims from the State Fund 982, Illinois Beach Marina Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $25.17

Section 119. The following named amounts are appropriated to the Court of Claims from the State Fund 991, Abandoned Mined Lands Reclamation Council Federal Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $387.00

Section 120. The following named amounts are appropriated to the Court of Claims from the State Fund 997, Insurance Financial Regulation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $4,081.94

ARTICLE 165

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

FOR OPERATIONS

ADMINISTRATIVE SERVICES

Payable from General Revenue Fund:
For Personal Services...................... 1,273,400
For Employee Retirement Contributions
  Paid by Employer.......................... 0
For State Contributions to State
  Employees' Retirement System......... 146,800
For State Contributions to
  Social Security........................ 97,500
For Contractual Services................. 331,800
For Travel................................... 12,500
For Commodities......................... 22,300
For Printing.................................. 14,000
For Equipment............................. 18,300
For Telecommunications Services........ 42,500
For Operation of Auto Equipment........ 7,300
For Refunds.................................. 10,000
Total $1,976,400

Payable from Wholesome Meat Fund:
For Personal Services...................... 494,200
For Employee Retirement Contributions
  Paid by Employer.......................... 0
For State Contributions to State
  Employees' Retirement System......... 57,000
For State Contributions to
  Social Security.......................... 37,800

New matter indicated by italics - deletions by strikeout
For Group Insurance.............................. 150,000
For Contractual Services.......................... 50,000
For Travel........................................ 20,100
For Commodities................................. 1,100
For Printing..................................... 1,100
For Equipment.................................... 28,000
For Telecommunications Services.............. 20,000
For Operation of Auto Equipment............... 0
Total                                                                 $859,300

Payable from the Illinois Rural Rehabilitation Fund:
For Illinois’ part in administration of Titles I and II of the federal Bankhead-Jones Farm Tenant Act:
For Operations..................................... 5,000

Section 10. The sum of $12,800,000, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Department of Agriculture for deposit into the State Cooperative Extension Service Trust Fund.

Section 15. The sum of $1,693,300, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for deposit into the State Cooperative Extension Service Trust Fund.

Section 17. The sum of $5,055,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for deposit into the State Cooperative Extension Service Trust Fund for operational expenses and programs at the University of Illinois Cook County Cooperative Extension Service.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

COMPUTER SERVICES
Payable from General Revenue Fund:
For Personal Services............................ 275,000

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions
   Paid by Employer.................................  0
For State Contributions to State
   Employees' Retirement System.................  31,700
For State Contributions to
   Social Security....................................  21,100
For Contractual Services.........................  545,400
For Commodities.....................................  2,400
For Printing.........................................  100
For Equipment.......................................  70,300
For Telecommunications Services...............  20,400
   Total ....................................................  966,400

Payable from Agricultural Premium Fund:
   For Personal Services............................  248,400
   For Employee Retirement Contributions
      Paid by Employer.................................  0
   For State Contributions to State
      Employees' Retirement System...............  28,600
   For State Contributions to
      Social Security..................................  19,000
   For Contractual Services.......................  109,100
   For Equipment.....................................  29,000
   For Telecommunications Services............  5,000
   Total .................................................. 439,100

Section 25. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to meet the ordinary and contingent expenses of
the Department of Agriculture:

FOR OPERATIONS
AGRICULTURE REGULATION

Payable from General Revenue Fund:
   For Personal Services............................  2,559,900
   For Employee Retirement Contributions
      Paid by Employer.................................  0

New matter indicated by italics - deletions by strikeout
For State Contributions to State
   Employees' Retirement System.......................... 295,100
For State Contributions to
   Social Security.............................. 195,800
For Contractual Services.......................... 20,000
For Travel....................................... 294,100
For Commodities............................... 20,000
For Printing....................................... 2,600
For Equipment..................................... 12,100
For Telecommunications Services........... 16,000
For Operation of Auto Equipment............... 10,000
Total                                                                                      $3,425,600

Payable from the Agricultural
Federal Projects Fund:
   For Expenses of Various
      Federal Projects.............................. 350,000
Total                                                                                      $350,000

Section 26. The sum of $2,000,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Agriculture to fund the Grain Insurance Reserve Fund
pursuant to 240 ILCS 40/30-25, because obligations pursuant to 240 ILCS
40/25-20(h) have been met.

Section 27. No contract shall be entered into or obligation incurred
or any expenditure made from appropriations herein made in Section 26
until after the purpose and amount of such expenditure has been approved
in writing by the Governor.

Section 30. The sum of $500,000, or so much thereof as may be
necessary, is appropriated from the Fertilizer Control Fund to the
Department of Agriculture for Fertilizer Research.

Section 35. The sum of $1,100,000, or so much thereof as may be
necessary, is appropriated from the Feed Control Fund to the Department of
Agriculture for Feed Control.

Section 40. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,

New matter indicated by italics - deletions by strikeout
are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture:

MARKETING

Payable from General Revenue Fund:
For Personal Services............................ 431,300
For Employee Retirement Contributions
  Paid by Employer.................................. 0
For State Contributions to State
  Employees' Retirement System................... 49,700
For State Contributions to
  Social Security.................................... 33,000
For Contractual Services......................... 8,800
For Travel........................................... 5,700
For Commodities................................... 1,900
For Printing.......................................... 0
For Equipment....................................... 0
For Telecommunications Services............... 3,600
For Operation of Auto Equipment............... 2,800
Total $536,800

Payable from Agricultural
Premium Fund:
For Expenses Connected With the Promotion
  and Marketing of Illinois Agriculture
  and Agriculture Exports......................... 1,956,000
For Implementation of programs
  and activities to promote, develop
  and enhance the biotechnology
  industry in Illinois............................. 140,000
For expenses related to a contractual
  Viticulturist and a contractual
  Enologist........................................... 150,000

Payable from Agricultural Marketing
Services Fund:
For administering Illinois' part under Public

New matter indicated by italics - deletions by strikeout
Law No. 733, "An Act to provide for further research into basic laws and principles relating to agriculture and to improve and facilitate the marketing and distribution of agricultural products"........... 4,000

Payable from Agriculture Federal Projects Fund:

Section 45. The sum of $5,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for the Agriculture Assembly.

Section 50. The sum of $576,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for the Illinois AgriFIRST Program.

Section 53. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Illinois AgriFIRST Program Fund for AgriFIRST value added economic development grants.

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

ANIMAL INDUSTRIES

Payable from General Revenue Fund:

For Personal Services.......................... 2,868,300
For Employee Retirement Contributions
   Paid by Employer..................................... 0
For State Contributions to State Employees' Retirement System............... 330,600
For State Contributions to Social Security................................. 219,400
For Contractual Services.......................... 363,500
For Travel........................................ 28,800
For Commodities................................. 350,400
For Printing....................................... 9,600
For Equipment................................. 48,000

New matter indicated by italics - deletions by strikeout
For Telecommunications Services..................... 48,000
For Operation of Auto Equipment .................... 57,600
For Swine Disease Research ............................. 36,200
For Bovine Disease Research ............................ 17,200
Total $4,377,600

Payable from the Illinois Department of Agriculture Laboratory Services Revolving Fund:
For Expenses Authorized by the Animal Disease Laboratories Act............................. 800,000

Payable from the Agriculture Federal Projects Fund:
For Expenses of Various Federal Projects.......................... 1,500,000

Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

MEAT AND POULTRY INSPECTION

Payable from the General Revenue Fund:
For Personal Services................................. 2,612,500
For Employee Retirement Contributions
   Paid by Employer........................................ 0
For State Contributions to State Employees' Retirement System......................... 301,100
For State Contributions to Social Security.............................. 199,900
For Telecommunications Services........................ 9,600
For Operation of Auto Equipment ..................... 9,600
Total $3,132,700

Payable from Wholesome Meat Fund:
For Personal Services................................. 3,000,000
For Employee Retirement Contributions
   Paid by Employer........................................ 0

New matter indicated by italics - deletions by strikeout
For State Contributions to State
   Employees' Retirement System.................. 345,800
For State Contributions to
   Social Security............................... 229,500
For Group Insurance......................... 885,000
For Contractual Services....................... 90,000
For Travel.................................. 245,000
For Commodities............................. 20,000
For Printing................................ 3,000
For Equipment............................... 185,000
For Telecommunications Services............. 71,000
For Operation of Auto Equipment............. 131,000
Total .................................. $5,205,300

Payable from Agricultural Master Fund:
   For Expenses Relating to
      Inspection of Agricultural Products......... 470,000

Section 65. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**WEIGHTS AND MEASURES**

Payable from the General Revenue Fund:
   For Personal Services......................... 418,300
   For Employee Retirement Contributions
      Paid by Employer........................... 0
   For State Contributions to State
      Employees' Retirement System............... 48,200
   For State Contributions to
      Social Security........................... 32,000
   For Contractual Services.................... 1,900
   For Travel.................................. 2,000
   For Commodities............................ 1,000
   For Printing................................ 1,000
   For Equipment............................. 1,900
   For Telecommunications Services........... 3,800

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0011

For Operation of Auto Equipment................. 22,100
For Expenses of a Motor Fuel and
Petroleum Standards Program
pursuant to P.A. 86-0232......................... 23,700
Total $555,900

Payable from the Agriculture Federal
Projects Fund:
For Expenses of various
Federal Projects......................... 200,000
Total $200,000

Payable from the Weights and Measures Fund:
For Personal Services....................... 1,313,000
For Employee Retirement Contributions
  Paid by Employer.......................... 0
For State Contributions to State
  Employees' Retirement System.......... 151,300
For State Contributions to
  Social Security......................... 100,400
For Group Insurance......................... 364,000
For Contractual Services.................... 150,000
For Travel.................................. 95,000
For Commodities........................... 15,000
For Printing............................... 13,000
For Equipment............................. 300,000
For Telecommunications Services........... 20,000
For Operation of Auto Equipment........... 220,000
For Refunds............................... 10,000
Total $2,751,700

Payable from the Motor Fuel and Petroleum
Standards Fund:
For the regulation of motor fuel quality....... 25,000

Section 70. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Agriculture for:

New matter indicated by italics - deletions by strikeout
ENVIROMENTAL PROGRAMS

Payable from the General Revenue Fund:
For Personal Services............................ 594,600
For Employee Retirement Contributions
  Paid by Employer.................................. 0
For State Contributions to State
  Employees’ Retirement System................ 68,600
For State Contributions to Social Security.......................... 45,600
For Contractual Services......................... 1,600
For Travel........................................ 17,300
For Commodities................................ 800
For Printing...................................... 900
For Equipment................................... 800
For Telecommunications Services............... 9,600
For Operation of Automotive Equipment........ 4,600
For Administration of the Livestock
  Management Facilities Act.................... 280,000
For the Detection, Eradication, and
  Control of Exotic Pests, such as
  the Asian Long-Homed Beetle and
  Gypsy Moth...................................... 200,000
Total                                                                                      $1,224,400

Payable from Agriculture Pesticide Control Act Fund:
For Expenses of Pesticide Enforcement Program.... 800,000

Payable from Pesticide Control Fund:
For Administration and Enforcement
  of the Pesticide Act of 1979................. 2,750,000

Payable from the Agriculture Federal Projects Fund:
For expenses of Various Federal Projects....... 787,000

Payable from Livestock Management Facilities Fund:
For Administration of the Livestock
  Management Facilities Act..................... 30,000

Payable from the Used Tire Management Fund:

  New matter indicated by italics - deletions by strikeout
Section 75. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture for:

**LAND AND WATER RESOURCES**

Payable from the Agricultural Premium Fund:
- For Personal Services.......................... 790,900
- For Employee Retirement Contributions
  - Paid by Employer.............................. 0
- For State Contributions to State
  - Employees’ Retirement System............... 91,100
- For State Contributions to Social Security........................ 60,500
- For Contractual Services....................... 110,100
- For Travel...................................... 22,800
- For Commodities............................... 7,000
- For Printing................................... 7,900
- For Equipment................................. 39,900
- For Telecommunications Services.............. 20,500
- For Operation of Automotive Equipment........ 15,000
- For the Ordinary and Contingent
  - Expenses of the Natural Resources
  - Advisory Board.............................. 2,000
Total                                                                                      $1,167,700

Payable from the Agriculture Federal Projects Fund:
- For Expenses Relating to Various Federal Projects.............................. 815,000

Section 80. The sum of $4,600,000, or so much thereof as may be necessary, is appropriated to the Department of Agriculture from the Conservation 2000 Fund for the Conservation 2000 Program to implement agricultural resource enhancement programs for Illinois’ natural resources, including operational expenses, consisting of the following elements at the approximate costs set forth below:

New matter indicated by italics - deletions by strikeout
Conservation Practices
  Cost Sharing Program.......................... 2,300,000
Sustainable Agriculture Program............... 287,500
Soil and Water Conservation Grants......... 1,725,000
Streambank Restoration ....................... 287,500

Section 85. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture for:

SPRINGFIELD BUILDINGS AND GROUNDS

Payable from General Revenue Fund:
  For Personal Services.......................... 2,297,000
  For Employee Retirement Contributions
    Paid by Employer..................................... 0
  For State Contributions to State
    Employees' Retirement System.................. 264,800
  For State Contributions to Social Security........ 175,700
  For Contractual Services....................... 1,655,000
  For Payment to the City of Springfield
    for Fire Protection Services at the
    Illinois State Fairgrounds..................... 127,400
  For Commodities................................... 72,200
  For Equipment.................................... 109,400
  For Telecommunications Services............... 52,800
  For Operation of Auto Equipment............... 5,800
  For setup and operations of the 2006
    National High School Finals Rodeo, and
    preparation and setup of the 2007
    National High School Finals Rodeo............. 473,200
  Total                                                                 $5,233,300

Section 90. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the Illinois State Fair Fund to the Department of Agriculture to promote and conduct activities at the Illinois
State Fairgrounds at Springfield other than the Illinois State Fair, including administrative expenses. No expenditures from the appropriation shall be authorized until revenues from fairground uses sufficient to offset such expenditures have been collected and deposited into the Illinois State Fair Fund.

Section 95. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**DUQUOIN BUILDINGS AND GROUNDS**

Payable from General Revenue Fund:

For Personal Services .......................... 1,131,900
For Employee Retirement Contributions
  Paid by Employer .............................. 0
For State Contributions to State
  Employees' Retirement System ............... 130,500
For State Contributions to Social Security ........ 86,600
For Contractual Services .................. 673,600
For Travel .................................. 6,600
For Commodities .............................. 96,500
For Equipment ................................. 106,800
For Telecommunications Services ......... 43,200
For Operation of Auto Equipment .......... 21,200
Total $2,296,900

Section 100. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Department of Agriculture to conduct activities at the Illinois State Fairgrounds at DuQuoin other than the Illinois State Fair, including administrative expenses. No expenditures from the appropriation shall be authorized until revenues from fairgrounds uses sufficient to offset such expenditures have been collected and deposited into the Agricultural Premium Fund.

New matter indicated by italics - deletions by strikeout
Section 105. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**DUQUOIN STATE FAIR**

Payable from General Revenue Fund:
- For Personal Services: **317,900**
- For Employee Retirement Contributions
  - Paid by Employer: 0
- For State Contributions to State Employees' Retirement System: **36,700**
- For State Contributions to Social Security: **24,300**
- For Contractual Services: **392,200**
- For Travel: **5,400**
- For Commodities: **21,900**
- For Printing: **7,800**
- For Equipment: **6,200**
- For Telecommunications Services: **31,900**
- For Operation of Auto Equipment: **1,000**
- For Entertainment at the DuQuoin State Fair: **442,000**

Total: **$1,287,300**

Payable from the Agricultural Premium Fund:
- For Financial Assistance for the DuQuoin State Fair: **455,200**

Section 110. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Agriculture for:

**ILLINOIS STATE FAIR**

Payable from the Illinois State Fair Fund:
- For Operations of the Illinois State Fair Including Entertainment and the Percentage Portion of Entertainment Contracts: **4,000,000**

Total: **$4,000,000**

New matter indicated by italics - deletions by strikeout
Section 115. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

COUNTY FAIRS AND HORSE RACING

Payable from the Agricultural Premium Fund:
- For Personal Services: $50,000
- For Employee Retirement Contributions:
  - Paid by Employer: $0
- For State Contributions to State Employees' Retirement System: $5,800
- For State Contributions to Social Security: $6,000
- For Contractual Services: $35,900
- For Travel: $3,500
- For Commodities: $2,000
- For Printing: $3,500
- For Equipment: $11,300
- For Telecommunications Services: $4,900
- For Operation of Auto Equipment: $2,000

Total: $124,900

Payable from Illinois Standardbred Breeders Fund:
- For Personal Services: $49,000
- For Employee Retirement Contributions:
  - Paid by Employer: $0
- For State Contributions to State Employees' Retirement System: $5,600
- For State Contributions to Social Security: $7,800
- For Contractual Services: $57,200
- For Travel: $3,000
- For Commodities: $2,500
- For Printing: $3,000
- For Operation of Auto Equipment: $5,500

New matter indicated by italics - deletions by strikeout
Total $133,600
Payable from Illinois Thoroughbred Breeders Fund:
  For Personal Services............................ 224,500
  For Employee Retirement Contributions
    Paid by Employer..................................... 0
  For State Contributions to State
    Employees' Retirement System.................... 25,900
  For State Contributions to
    Social Security.................................... 25,200
  For Contractual Services......................... 120,600
  For Travel......................................... 4,000
  For Commodities.................................... 2,500
  For Printing....................................... 2,100
  For Equipment..................................... 28,400
  For Telecommunications Services............... 15,600
  For Operation of Auto Equipment............... 8,000
  Total $456,800

Section 120. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

  ADMINISTRATIVE SERVICES PROGRAMS

Payable from the Illinois Rural Rehabilitation Fund:
  For Illinois' part in administration
    of Titles I and II of the federal Bankhead-Jones Farm Tenant Act:
    For Programs, Loans and Grants.................... 20,000
Payable from the General Revenue Fund:
  For the Agricultural Leadership Foundation........ 30,000
  For distribution of institutional agricultural research grants to public universities authorized by the Food and Agriculture Research Act to include administrative costs

New matter indicated by italics - deletions by strikeout
incurred by the Department of Agriculture
pursuant to Section 15 of the Food and
Agriculture Research Act (Public
Act 89-182)............................... 4,500,000

Payable from the General Revenue Fund:
For a grant to the AgrAbility Program
pursuant to Public Act 94-0216............. 200,000
Total $4,750,000

Section 121. The following named amount, or so much thereof as
may be necessary, is appropriated to the Department of Agriculture for:

AGRICULTURE REGULATION

Payable from the General Revenue Fund:
For Anhydrous Ammonia Security Grants
pursuant to 20 ILCS 205/205-450........... 1,600,000

Section 125. The following named amount, or so much thereof as
may be necessary, is appropriated to the Department of Agriculture for:

ANIMAL INDUSTRIES PROGRAMS

Payable from General Revenue Fund:
For awards for destruction of livestock,
as provided by law........................... 4,500

Section 130. The following named amount, or so much thereof as
may be necessary, is appropriated to the Department of Agriculture for:

LAND AND WATER RESOURCES PROGRAMS

Payable from the General Revenue Fund:
For Soil Surveys in Mapping Illinois
Soil and operational expenses............... 360,000
For grants to Soil and Water Conservation
Districts for clerical and other personnel,
for education and promotional assistance,
and for expenses of Water Conservation
District Boards and administrative
Expenses.................................... 6,601,100
Total $6,961,100

New matter indicated by italics - deletions by strikeout
Section 135. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Agriculture for:

**ILLINOIS STATE FAIR PROGRAMS**

Payable from the General Revenue Fund:
- For Awards to Livestock Breeders and related expenses.......................... 154,100
- For Awards and Premiums at the Illinois State Fair and related expenses.................. 285,100
- For Awards and Premiums for Grand Circuit Horse Racing at the Illinois State Fairgrounds and related expenses.................. 132,500

**Total** 571,700

Payable from the Illinois State Fair Fund:
- For Awards to Livestock Breeders and related expenses............................ 63,800
- For Awards and Premiums at the Illinois State Fair and related expenses.................. 185,100
- For Awards and Premiums for Grand Circuit Horse Racing at the Illinois State Fairgrounds and related expenses.................. 54,900

**Total** 303,800

Section 140. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**DUQUOIN STATE FAIR PROGRAMS**

Payable from General Revenue Fund:
- For awards and premiums to the DuQuoin State Fair and related expenses........ 133,600
- For harness racing at the DuQuoin State Fair and related expenses........ 28,400

New matter indicated by italics - deletions by strikeout
Section 145. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Agriculture for:

**COUNTY FAIRS AND HORSE RACING PROGRAMS**

Payable from the Illinois Racing Quarterhorse Breeders Fund:
For promotion of the Illinois horse racing and breeding industry.................... 71,200

Payable from the Illinois Standardbred Breeders Fund:
For grants and other purposes.................. 1,473,200

Payable from the Illinois Thoroughbred Breeders Fund:
For grants and other purposes.................. 2,007,900
Total $3,552,300

Payable from the Agricultural Premium Fund:
For distribution to encourage and aid county fairs and other agricultural societies. This distribution shall be prorated and approved by the Department of Agriculture.............................. 2,146,100
For premiums to agricultural extension or 4-H clubs to be distributed at a uniform rate........................ 762,000
For premiums to vocational agriculture fairs.......................... 179,500
For rehabilitation of county fairgrounds...... 2,732,000
For grants and other purposes for county fair and state fair horse racing............... 413,000
Total $6,232,600

Payable from the General Revenue Fund:
For distribution to county fairs for premiums and rehabilitation as set forth in the Agriculture Fair Act.............. 639,400

New matter indicated by italics - deletions by strikeout
Total $639,400

Payable from Fair and Exposition Fund:
For distribution to County Fairs and
  Fair and Exposition Authorities .......... $1,357,400
  Total $1,357,400

Section 150. The amount of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for grants, contracts, and administrative expenses associated with the development of the Illinois Grape and Wine Industry, including prior year costs.

ARTICLE 170

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Illinois Arts Council:

Payable from the General Revenue Fund:
  For Personal Services...................... $1,272,200
  For Employee Retirement Contributions
    Paid by Employer.......................... $0
  For State Contributions to State
    Employees' Retirement Contributions..... $144,600
  For State Contributions to
    Social Security.......................... $95,800
  For Contractual Services................... $244,700
  For Travel.................................... $27,000
  For Commodities............................ $9,000
  For Printing.................................. $70,500
  For Equipment................................ $7,000
  For Electronic Data Processing............. $20,200
  For Telecommunications Services.......... $23,000
  For Travel and Meeting Expenses of
    Arts Council and Panel Members......... $35,000
  Total $1,949,000

New matter indicated by italics - deletions by strikeout
Section 10. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Illinois Arts Council to enhance the cultural environment in Illinois:

Payable from General Revenue Fund:

For Grants and Financial Assistance for Arts Organizations......................... 6,545,000
For Grants and Financial Assistance for Special Constituencies..................... 2,401,200
For Grants and Financial Assistance for International Grant Awards............... 1,121,000
For Grants and Financial Assistance for Arts Education............................... 1,553,400
Total                                                                             $11,620,600

Payable from Illinois Arts Council Federal Grant Fund:
For Grants and Programs to Enhance the Cultural Environment.......................... 775,000

Section 15. The sum of $992,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Arts Council for the purpose of funding administrative and grant expenses associated with humanities programs and related activities.

Section 20. The amount of $377,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Arts Council for grants to certain public radio and television stations for operating costs.

Section 25. The amount of $4,860,600, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Illinois Arts Council for grants to certain public radio and television stations and related administrative expenses, pursuant to the Public Radio and Television Grant Act.

ARTICLE 175

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter

New matter indicated by italics - deletions by strikeout
named are appropriated to the Department of Central Management Services:

**BUREAU OF ADMINISTRATIVE OPERATIONS**

**PAYABLE FROM GENERAL REVENUE FUND**

For Personal Services.......................... 1,985,300
For Employee Retirement Contributions
   Paid by Employer............................... 0
For State Contributions to State
   Employees' Retirement System............... 228,900
For State Contributions to Social Security........ 152,100
For Contractual Services....................... 378,000
For Travel.......................................... 60,700
For Commodities................................ 12,000
For Printing....................................... 19,500
For Equipment................................... 5,000
For Electronic Data Processing............... 241,200
For Telecommunications Services.............. 48,700
For Operation of Auto Equipment............. 5,700
For Refunds....................................... 1,700
Total............................................. $3,138,800

**PAYABLE FROM STATE GARAGE REVOLVING FUND**

For Personal Services.......................... 118,300
For Employee Retirement Contributions
   Paid by Employer............................... 0
For State Contributions to State
   Employees' Retirement System............... 13,600
For State Contribution to Social Security....... 9,000
For Group Insurance................................ 29,000
For Contractual Services....................... 15,400
For Travel........................................ 0
For Commodities................................ 3,800
For Printing..................................... 1,700

New matter indicated by italics - deletions by strikeout
For Equipment................................. 2,800
For Electronic Data Processing............... 1,026,800
For Telecommunications Services............... 1,900
Total $1,222,300

PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND

For Personal Services......................... 438,900
For Employee Retirement Contributions
    Paid by Employer............................... 0
For State Contribution to State
    Employees' Retirement Fund.................... 50,600
For State Contributions to Social Security..................... 33,600
For Group Insurance............................ 79,800
For Contractual Services........................ 15,900
For Travel........................................ 900
For Commodities.................................. 3,000
For Printing...................................... 3,000
For Equipment.................................... 2,900
For Electronic Data Processing.................. 5,800
For Telecommunications Services.............. 4,600
Total $639,000

PAYABLE FROM PAPER AND PRINTING REVOLVING FUND

For Personal Services.......................... 0
For Employee Retirement Contributions
    Paid by Employer............................... 0
For State Contributions to State
    Employees' Retirement System.................. 0
For State Contribution to Social Security.................. 0
For Group Insurance............................ 0
For Contractual Services........................ 0
For Commodities.................................. 0
For Printing...................................... 0
For Equipment.................................... 0

New matter indicated by italics - deletions by strikeout
For Electronic Data Processing ......................... 0
For Telecommunications Services ......................... 0
Total $0

PAYABLE FROM COMMUNICATIONS REVOLVING FUND
For Personal Services .................................. 318,800
For Employee Retirement Contributions
  Paid by Employer ..................................... 0
For State Contributions to State
  Employees' Retirement System ....................... 36,700
For State Contribution to
  Social Security ..................................... 24,400
For Group Insurance .................................. 87,000
For Contractual Services ............................. 34,000
For Travel ............................................. 0
For Commodities ...................................... 4,000
For Printing ........................................... 6,200
For Equipment ........................................ 3,900
For Electronic Data Processing ....................... 3,283,500
For Telecommunications Services ..................... 2,400
Total $3,800,900

PAYABLE FROM PROFESSIONAL SERVICES FUND
For Personal Services ............................... 6,130,000
For Employee Retirement Contributions
  Paid by Employer ..................................... 0
For State Contributions to State
  Employees' Retirement System ..................... 706,500
For State Contributions to Social
  Security ............................................. 469,000
For Group Insurance ................................. 1,601,500
For Contractual Services ........................... 1,853,700
For Travel .......................................... 205,000
For Commodities ................................... 26,600
For Printing ....................................... 38,300
For Equipment ...................................... 75,500

New matter indicated by italics - deletions by strikeout
Section 7. In addition to any other amounts appropriated, the following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Central Management Services for costs and expenses associated with or in support of a General and Regulatory Shared Services Center:

Payable from the General Revenue Fund........... 2,401,800
Payable from the Health Insurance Reserve Fund.... 479,700
Payable from State Garage Revolving Fund............ 637,600
Payable from Statistical Services Revolving Fund.............................. 3,212,300
Payable from Communications Revolving Fund...... 1,589,500
Payable from Professional Services Fund............ 101,300
Payable from State Surplus Property Revolving Fund........................................... 76,000
Payable from Facilities Management Revolving Fund........................................... 1,025,200

Total                                                                                          $9,523,400

Section 10. In addition to any other amounts heretofore appropriated for such purpose, $6,500,000, or so much thereof as may be necessary, is appropriated from the Efficiency Initiatives Revolving Fund to the Department of Central Management Services for expenses authorized under Sections 6p-5 and 8.16c of the State Finance Act, including related operating and administrative costs.

Section 12. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the CMS State Projects Fund to the Department of Central Management Services for purposes authorized under Section 405-25 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois and associated operating and administrative costs.
Section 15. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Central Management Services:

**ILLINOIS INFORMATION SERVICES**  
**PAYABLE FROM GENERAL REVENUE FUND**  
<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>609,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>70,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>46,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>41,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>7,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>5,200</td>
</tr>
<tr>
<td>For Printing</td>
<td>100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>36,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>36,200</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>4,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$856,900</strong></td>
</tr>
</tbody>
</table>

**PAYABLE FROM COMMUNICATIONS REVOLVING FUND**  
<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>5,699,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>723,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>472,800</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>1,357,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,122,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>55,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>93,800</td>
</tr>
<tr>
<td>For Printing</td>
<td>94,900</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
New matter indicated by italics - deletions by strikeout

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Central Management Services:

**BUREAU OF STRATEGIC SOURCING AND PROCUREMENT**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Object Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,658,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>191,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>127,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>81,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>30,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>22,400</td>
</tr>
<tr>
<td>For Printing</td>
<td>10,700</td>
</tr>
<tr>
<td>For Equipment</td>
<td>4,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>33,300</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,158,800</strong></td>
</tr>
</tbody>
</table>

**PAYABLE FROM STATE GARAGE REVOLVING FUND**

<table>
<thead>
<tr>
<th>Object Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>8,522,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>982,200</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For State Contributions to Social Security................................. 652,000
For Group Insurance......................................................... 2,633,100
For Contractual Services.................................................. 1,130,700
For Travel........................................................................... 39,200
For Commodities................................................................. 116,700
For Printing........................................................................... 34,100
For Equipment....................................................................... 743,300
For Telecommunications Services........................................... 149,400
For Operation of Auto Equipment.......................................... 25,042,100
For Refunds........................................................................... 10,000
Total                                                                                                     $40,055,000

PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND
For Personal Services............................................................ 1,114,500
For Employee Retirement Contributions
Paid by Employer.................................................................. 0
For State Contributions to State Employees' Retirement System.... 128,500
For State Contributions to
Social Security................................................................. 85,300
For Group Insurance............................................................ 324,400
For Contractual Services...................................................... 519,700
For Travel............................................................................. 30,800
For Commodities................................................................. 13,100
For Printing............................................................................ 4,900
For Equipment...................................................................... 17,700
For Electronic Data Processing.............................................. 6,600
For Telecommunications Services......................................... 18,400
Total                                                                                                     $2,263,900

PAYABLE FROM PAPER AND PRINTING REVOLVING FUND
For Personal Services............................................................. 138,000
For Employee Retirement Contributions
Paid by Employer.................................................................. 0
For State Contributions to State

New matter indicated by italics - deletions by strikeout
Employees' Retirement System
For State Contributions to Social Security
For Group Insurance
For Contractual Services
For Travel
For Commodities
For Printing
For Equipment
For Electronic Data Processing
For Telecommunications Services
For Operation of Auto Equipment
For Warehouse Stock for all State Agencies and for printing and distribution of wall certificates
For Refunds

Total

PAYABLE FROM COMMUNICATIONS REVOLVING FUND
For Personal Services
For Employee Retirement Contributions Paid by Employer
For State Contributions to State Employees' Retirement System
For State Contributions to Social Security
For Group Insurance
For Contractual Services
For Travel
For Commodities
For Printing
For Equipment
For Electronic Data Processing
For Telecommunications Services

Total

New matter indicated by italics - deletions by strikeout
PAYABLE FROM HEALTH INSURANCE RESERVE FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>615,400</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>70,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>47,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>8,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>23,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>3,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>700</td>
</tr>
<tr>
<td>For Equipment</td>
<td>11,900</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>14,900</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>9,700</td>
</tr>
</tbody>
</table>

Total $805,300

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Central Management Services:

BUREAU OF BENEFITS

PAYABLE FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Group Insurance</td>
<td>32,349,200</td>
</tr>
<tr>
<td>For payment of claims under the Representation and Indemnification in Civil Lawsuits Act</td>
<td>1,347,400</td>
</tr>
<tr>
<td>For auto liability, adjusting and administration of claims, loss control and prevention services, and auto liability claims</td>
<td>1,600,200</td>
</tr>
</tbody>
</table>

Total $35,296,800

PAYABLE FROM GROUP INSURANCE PREMIUM FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For expenses of Cost Containment Program</td>
<td>288,000</td>
</tr>
<tr>
<td>For Life Insurance Coverage As Elected By Members Per The State Employees</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Group Insurance Act of 1971................. 85,919,400
PAYABLE FROM HEALTH INSURANCE RESERVE FUND
For Expenses of a Cost Containment Program...... 158,900
For provisions of Health Care Coverage
As Elected by Eligible Members Per
The State Employees Group Insurance Act
of 1971...................................... 13,752,000
PAYABLE FROM WORKERS' COMPENSATION REVOLVING FUND
For Personal Services......................... 1,731,600
For Employee Retirement Contributions
Paid by Employer............................. 0
For State Contributions to State
Employees’ Retirement System................. 199,600
For State Contributions to Social
Security...................................... 132,500
For Group Insurance.......................... 507,500
For Contractual Services....................... 90,100
For Travel..................................... 15,000
For Commodities.............................. 9,000
For Printing................................... 3,000
For Equipment................................ 2,000
For Electronic Data Processing................. 10,900
For Telecommunications Services............. 19,000
For Operation of Automotive Equipment....... 400
Total $2,720,600
For administrative costs of claims services
and payment of temporary total
disability claims of any state agency
or university employee....................... 650,000
For payment of Workers’ Compensation
Act claims and contractual services in
connection with said claims payments........ 108,200,000

Expenditures from appropriations for treatment and expense may be
made after the Department of Central Management Services has certified

New matter indicated by italics - deletions by strikeout
that the injured person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid to the injured person.

PAYABLE FROM STATE EMPLOYEES DEFERRED COMPENSATION FUND
For expenses related to the administration of the State Employees Deferred Compensation Plan.................. 1,698,300

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Central Management Services:

BUREAU OF PERSONNEL
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services................................. 4,122,300
For Employee Retirement Contributions
Paid by Employer........................................... 0
For State Contributions to State Employees' Retirement System.................. 475,200
For State Contributions to Social Security................................. 315,500
For Contractual Services............................... 179,900
For Travel.................................................. 42,300
For Commodities........................................ 26,600
For Printing................................................ 33,200
For Equipment............................................. 10,700
For Telecommunications Services...................... 50,800
For Operation of Auto Equipment........................ 1,000
For Awards to Employees and Expenses of Employees' Suggestion Award Board.......................... 8,200
For Wage Claims........................................... 809,500

New matter indicated by italics - deletions by strikeout
For Expenses of the Upward Mobility Program ... 4,250,000
For Veterans' Job Assistance Program........... 282,200
For Governor's and Vito Marzullo's
Internship programs......................... 695,000
For Nurses' Tuition........................... 70,000
Total ........................................ $11,372,400

Section 35. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated for the objects and
purposes hereinafter named to meet the ordinary and contingent expenses
of the Department of Central Management Services:

BUSINESS ENTERPRISE PROGRAM
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services........................... 285,500
For Employee Retirement Contributions
Paid by Employer................................... 0
For State Contributions to State
Employees' Retirement System................... 33,000
For State Contributions to Social
Security............................................ 21,900
For Contractual Services......................... 54,200
For Travel.......................................... 13,200
For Commodities.................................. 6,100
For Printing....................................... 8,500
For Equipment.................................... 800
For Telecommunications Services............... 7,400
For Operation of Auto Equipment.............. 2,300
Total ........................................ $432,900

PAYABLE FROM MINORITY AND FEMALE BUSINESS
ENTERPRISE FUND
For Expenses of the Business
Enterprise Program.............................. 50,000

Section 40. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated for the objects and

New matter indicated by italics - deletions by strikeout
purposes hereinafter named, to the Department of Central Management Services:

BUREAU OF PROPERTY MANAGEMENT
PAYABLE FROM GENERAL REVENUE FUND
For Contractual Services .................... 20,071,500
For Permanent Improvements ............... 100,000
Total ........................................ $20,171,500
PAYABLE FROM STATE SURPLUS PROPERTY REVOLVING FUND
For Personal Services ........................ 975,800
For Employment Retirement Contributions
Paid by Employer .............................. 0
For State Contributions to State
Employees' Retirement System .............. 112,500
For State Contributions to Social Security ................................. 74,700
For Group Insurance ......................... 275,300
For Contractual Services .................... 568,500
For Travel .................................... 39,400
For Commodities ................................ 10,100
For Printing .................................. 4,800
For Equipment ................................ 524,400
For Electronic Data Processing ............. 82,000
For Telecommunications Services .......... 25,000
For Operation of Auto Equipment .......... 127,700
For Expenses of a Recycling Program .... 148,800
For Refunds .................................. 5,000
Total ........................................ $2,974,000

Section 45. The following named amounts, or so much thereof as may be necessary, is appropriated from the Facilities Management Revolving Fund to the Department of Central Management Services for expenses related to the following.
PAYABLE FROM FACILITIES MANAGEMENT REVOLVING FUND
For Personal Services ........................ 21,423,000

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions
Paid by Employer...................................... 0
For State Contributions to State
  Employees’ Retirement System.................... 2,469,000
For State Contributions to Social Security.................... 1,638,900
For Group Insurance............................... 5,060,300
For Contractual Services.......................... 186,178,200
For Travel............................................ 286,500
For Commodities................................. 2,511,300
For Printing.......................................... 124,900
For Equipment...................................... 821,300
For Electronic Data Processing...................... 1,401,400
For Telecommunications Services.................... 1,210,600
For Operation of Automotive Equipment............ 808,600
For Lump Sum....................................... 33,123,200
For Lump Sum Operations.......................... 0
For Lump Sum except Personal Services............... 0
Awards and Grants................................... 0
Total 257,057,200

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to the Department of Central Management Services:

BUREAU OF COMMUNICATION AND COMPUTER SERVICES
PAYABLE FROM GENERAL REVENUE FUND
For Deposit into the Communications Revolving Fund for the purpose of Education Technology, including, but not necessarily limited to, operating and administrative costs........ 18,152,600
PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND
For Personal Services............................ 48,188,000
For Employee Retirement Contributions
Paid by Employer...................................... 0

New matter indicated by italics - deletions by strikeout
For State Contributions to State Employees' Retirement System................. 5,553,800
For State Contributions to Social Security.................................. 3,686,400
For Group Insurance............................... 10,274,600
For Contractual Services........................... 3,937,300
For Travel........................................ 376,400
For Commodities................................. 236,200
For Printing..................................... 203,100
For Equipment................................... 743,500
For Electronic Data Processing................. 72,382,900
For Telecommunications Services............... 4,304,100
For Operation of Auto Equipment................. 25,000
For Refunds.................................... 7,593,400
For expenses related to the study, Development and implementation of Technology Standards................................. 0

Total $157,504,700

PAYABLE FROM COMMUNICATIONS REVOLVING FUND
For Personal Services......................... 7,053,600
For Employee Retirement Contributions Paid by Employer.......................... 0
For State Contributions to State Employees' Retirement System............... 813,000
For State Contributions to Social Security.................................. 539,600
For Group Insurance............................... 1,751,600
For Contractual Services........................... 3,415,700
For Travel........................................ 130,300
For Commodities................................. 20,400
For Printing..................................... 55,100
For Equipment................................... 25,600
For Telecommunications Services............... 110,332,000
For Operation of Auto Equipment............... 15,000

New matter indicated by italics - deletions by strikeout
For Refunds................................. 4,000,000
For Education Technology............. 18,618,000
Total $146,769,900

Section 60. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Central Management Services for all costs associated with a pilot program to increase access to broadband services in rural areas.

ARTICLE 180

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the State Civil Service Commission:

For Personal Services...................... 232,600
For Employee Retirement Contributions
   Paid by Employer.............................. 0
For State Contributions to State
   Employees' Retirement System............ 26,800
For State Contributions to
   Social Security............................. 17,100
For Contractual Services.................. 55,400
For Travel.................................... 35,600
For Commodities............................ 3,900
For Printing................................... 1,200
For Equipment............................... 1,000
For Telecommunications Services........ 7,500
Total $381,100

ARTICLE 185

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

GENERAL ADMINISTRATION
OPERATIONS

Payable from the General Revenue Fund:
For Personal Services...................... 3,764,300

New matter indicated by italics - deletions by strikeout
For Extra Help........................................ 9,400
For State Contributions to State
  Employees' Retirement System................ 435,000
For State Contributions to
  Social Security.............................. 288,700
For Contractual Services..................... 3,419,800
For Travel....................................... 139,900
For Commodities.................................. 65,000
For Printing..................................... 41,200
For Equipment................................... 70,500
For Electronic Data Processing............... 536,400
For Telecommunications Services............. 150,700
For Operation of Automotive Equipment..... 45,200
Total                                       $8,966,100

Payable from the Tourism Promotion Fund:
  For Personal Services...................... 1,072,500
  For State Contributions to State
    Employees' Retirement System............ 123,700
  For State Contributions to
    Social Security.......................... 82,100
  For Group Insurance...................... 275,500
  For Contractual Services................ 1,246,600
  For Travel.................................. 14,100
  For Commodities................................ 16,200
  For Printing.................................. 30,000
  For Equipment................................ 72,900
  For Electronic Data Processing........... 194,300
  For Telecommunications Services........... 31,300
  For Operation of Automotive Equipment.... 11,000
  Total                                     $3,170,200

Payable from the Intra-Agency Services Fund:
  For Personal Services...................... 2,958,500
  For Extra Help................................ 79,500
  For State Contributions to State

New matter indicated by italics - deletions by strikeout
Employees' Retirement System .......... 350,200
For State Contributions to
Social Security ................. 232,500
For Group Insurance ............... 725,000
For Contractual Services .......... 3,227,500
For Travel ......................... 34,900
For Commodities ................. 18,400
For Printing ....................... 21,400
For Equipment ................... 150,000
For Electronic Data Processing .... 559,900
For Telecommunications Services . 60,300
For Operation of Automotive Equipment 20,000
For Refunds ....................... 500,000
Total ................................ $8,938,100

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF TOURISM
OPERATIONS

Payable from the Tourism Promotion Fund:
For Personal Services ............... 1,221,000
For State Contributions to State
Employees' Retirement System ....... 140,800
For State Contributions to
Social Security ..................... 93,500
For Group Insurance ............... 311,800
For Contractual Services .......... 520,700
For Travel ......................... 70,000
For Commodities ................. 14,300
For Printing ....................... 607,600
For Equipment ................... 19,300
For Telecommunications Services ...... 35,000
For administrative and grant expenses
associated with statewide tourism promotion

New matter indicated by italics - deletions by strikeout
and development, including prior year costs...  5,536,500
For Advertising and Promotion of Tourism Throughout Illinois Under Subsection (2)
of Section 4a of the Illinois Promotion Act..  12,578,700
For Advertising and Promotion of Illinois Tourism in International Markets............  2,740,500
For Illinois State Fair Ethnic Village Expenses...........................................  61,000
Total                                                                                     $23,950,700

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF TOURISM
GRANTS-IN-AID

Payable from General Revenue Fund:
For Grants, Contracts and Administrative Expenses Associated with the Development Of the Illinois Grape and Wine Industry, Including Prior Year Costs......................  150,000

Payable from the International Tourism Fund:
For grants to Convention and Tourism Bureaus—Chicago Convention and Tourism Bureau and Chicago Office of Tourism.........................  3,638,000
Balance of State..................................  2,976,500
Total                                                                                     $6,614,500

Payable from Local Tourism Fund:
For grants to Convention and Tourism Bureaus—Chicago Convention and Tourism Bureau........  2,217,100
Chicago Office of Tourism......................  1,883,900
Balance of State.................................  8,197,800
For grants, contracts, and administrative expenses associated with the Local Tourism and Convention Bureau Program pursuant to 20 ILCS 605/605-705

New matter indicated by italics - deletions by strikeout
Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

Payable from the Tourism Promotion Fund:

For the Tourism Matching Grant Program
Pursuant to 20 ILCS 665/8-1 for Counties under 1,000,000

For the Tourism Matching Grant Program
Pursuant to 20 ILCS 665/8-1 for Counties over 1,000,000

For the Tourism Attraction Development Grant Program Pursuant to 20 ILCS 665/8a

For Purposes Pursuant to the Illinois Promotion Act, 20 ILCS 665/4a-1 to Match Funds from Sources in the Private Sector

For Grants to Regional Tourism Development Organizations

The Department, with the consent in writing from the Governor, may reapportion not more than ten percent of the total appropriation of Tourism Promotion Fund, in Section 20 above, among the various purposes therein recommended.

Section 22. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated to the Department of Commerce and Economic Opportunity from the Tourism Promotion Fund for grants pursuant to Section 605-710 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois.

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

New matter indicated by italics - deletions by strikeout
GRANTS-IN-AID

Payable from the General Revenue Fund:
For grants pursuant to the Illinois Guaranteed Job Opportunity Act.................. 500,000
For grants to community non-profit agencies or organizations for the operation of a statewide network of outreach services for veterans, as provided for in the Veteran’s Employment Act................................. 669,400
Total                                                                                          $1,169,400

Payable from the Federal Workforce Training Fund:
For Grants, Contracts and Administrative Expenses Associated with the Workforce Investment Act and other workforce training programs, including refunds and prior year costs................................. 275,000,000

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF TECHNOLOGY AND INDUSTRIAL COMPETITIVENESS OPERATIONS

Payable from the General Revenue Fund:
For Personal Services............................... 705,800
For State Contributions to State
Employees' Retirement System........................ 81,500
For State Contributions to Social Security............................... 54,100
For Contractual Services............................ 55,000
For Travel........................................... 22,600
For Commodities.................................... 1,200
For Printing......................................... 800
For Equipment...................................... 4,800
For Telecommunications Services................... 15,600

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0011

For Operation of Automotive Equipment.............. 1,000
For transfer to the Digital Divide
Elimination Fund.................................... 3,000,000
Total $3,942,400

Payable from the Federal Industrial Services Fund:
For Personal Services............................ 836,800
For State Contributions to State
Employees' Retirement System...................... 96,500
For State Contributions to
Social Security.................................... 64,100
For Group Insurance............................... 217,500
For Contractual Services........................... 274,800
For Travel............................................ 67,900
For Commodities................................... 12,700
For Printing........................................ 20,000
For Equipment..................................... 237,000
For Telecommunications Services................... 30,000
For Operation of Automotive Equipment.............. 9,500
For Other Expenses of the Occupational
Safety and Health Administration Program....... 451,000
Total $2,317,800

Section 50. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Commerce and Economic Opportunity:

BUREAU OF TECHNOLOGY AND INDUSTRIAL
COMPETITIVENESS GRANTS-IN-AID

Payable from General Revenue Fund:
For the Job Training and Economic Development
Grant Program Act of 1997, as amended,
including grants, contracts, and administrative
expenses, including prior year costs............. 1,392,000
For Grants, Contracts and Administrative
Expenses of the Employer Training Investment
Program pursuant but not limited to 20 ILCS

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>605/605-800, and 20 ILCS 605/605-802, including Prior Year Costs</td>
<td>15,492,600</td>
</tr>
<tr>
<td>For Grants and Administrative Expenses Pursuant to the High Technology School-to-Work Act, Including Prior Year Costs</td>
<td>942,200</td>
</tr>
<tr>
<td>For Grants and Administrative Expenses for the Illinois Technology Enterprise Corporation Program, including prior year costs</td>
<td>435,800</td>
</tr>
<tr>
<td>For all costs relating to the Center for Safe Food for Small Business at the Illinois Institute of Technology</td>
<td>192,000</td>
</tr>
<tr>
<td>For a Grant to the University of Illinois For Illinois VENTURES</td>
<td>750,000</td>
</tr>
<tr>
<td>For grants, investments and contracts associated with the Illinois Coalition and other technology initiatives</td>
<td>750,000</td>
</tr>
<tr>
<td>For the Manufacturing Extension Program</td>
<td>2,000,000</td>
</tr>
<tr>
<td>For Grants, Contracts and Administrative Expenses for the Innovation Challenge Grant Program</td>
<td>1,000,000</td>
</tr>
<tr>
<td>For Grants, Investments, Contracts and Administrative Expenses associated with the Entrepreneur in Residence Program</td>
<td>1,000,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$23,954,600</strong></td>
</tr>
</tbody>
</table>

Payable from the Workforce, Technology, and Economic Development Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Grants, Contracts, and Administrative Expenses Pursuant to 20 ILCS 605/605-420, Including Prior Year Costs</td>
<td>6,000,000</td>
</tr>
</tbody>
</table>

Payable from the Digital Divide Elimination Fund:

For Grants, Contracts and Administrative

New matter indicated by italics - deletions by strikeout
Expenses Pursuant to 30 ILCS 780,
Including prior year costs.................... 5,500,000

BUREAU OF TECHNOLOGY AND INDUSTRIAL
COMPETITIVENESS REFUNDS

Section 65. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Federal Industrial Services Fund to the Department of Commerce and Economic Opportunity for refunds to the federal government and other refunds.

Section 70. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF REGIONAL ECONOMIC DEVELOPMENT OPERATIONS

Payable from General Revenue Fund:
For Personal Services......................... 2,156,900
For State Contributions to State
Employees' Retirement System............... 248,700
For State Contributions to Social Security................. 165,100
For Contractual Services....................... 216,800
For Travel...................................... 4,600
For Commodities............................... 2,400
For Printing.................................. 4,600
For Equipment................................. 110,000
For Telecommunications Services.............. 110,000
For Operation of Automotive Equipment....... 0
Total...................................... $3,006,400

Section 75. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF BUSINESS DEVELOPMENT OPERATIONS

Payable from General Revenue Fund:
For Personal Services......................... 2,430,800

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>280,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>186,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>668,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>64,800</td>
</tr>
<tr>
<td>For Commodities</td>
<td>7,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>5,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>59,900</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>1,800</td>
</tr>
<tr>
<td>For Advertising and Promotion</td>
<td>480,000</td>
</tr>
<tr>
<td>For Administrative and Related Expenses of the Illinois Women's Business Ownership Council</td>
<td>9,600</td>
</tr>
<tr>
<td>Total</td>
<td>$4,194,600</td>
</tr>
</tbody>
</table>

Payable from Economic Research and Information Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Purposes Set Forth in Section 605-20 of the Civil Administrative Code of Illinois (20 ILCS 605/605-20)</td>
<td>230,000</td>
</tr>
</tbody>
</table>

Payable from the Commerce and Community Assistance Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>611,500</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>70,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>46,800</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>152,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>236,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>76,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>14,800</td>
</tr>
<tr>
<td>For Printing</td>
<td>19,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>15,600</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Telecommunications Services...............  45,400
Total                                      $1,288,800

Payable from Illinois Capital Revolving Loan Fund:
For Administration and Related
Support Pursuant to Public
Act 84-0109, as amended......................  1,600,000

Section 80. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Commerce and Economic Opportunity:

BUREAU OF BUSINESS DEVELOPMENT
GRANTS-IN-AID

Payable from the General Revenue Fund:
For grants, contracts, and administrative
expenses associated with the Bureau of
Homeland Security Market Development,
including prior year costs......................  3,581,500
For Small Business Development Centers,
Including Prior Year Costs.....................  2,507,500
For the Purpose of Providing Grants
to Procurement Centers to
Expand Participation in the
Government Contracting Process and
to Increase the Opportunities for
Purchasing Outsourcing Among
Illinois Suppliers...............................  524,000
For grants, contracts, and administrative
expenses associated with
Entrepreneurship Centers,
including prior year costs.....................  5,000,000
For grants and administrative expenses
For NAFTA Opportunity Centers.............  202,100
Total                                     $11,815,100

Payable from the Small Business Environmental
Assistance Fund:

New matter indicated by italics - deletions by strikeout
For grants and administrative expenses of the Small Business Environmental Assistance Program.......... 350,000

Payable from the Urban Planning Assistance Fund:
For grants, contracts, administrative expenses and refunds associated with the U.S. Department of Defense Procurement Assistance Program,
Including prior year costs......................... 725,000

Payable from Commerce and Community Assistance Fund:
For Small Business Development Center
Including Prior Year Costs......................... 1,800,000

For Administration and Grant Expenses Relating to Small Business Development Management and Technical Assistance, Labor Management Programs for New and Expanding Businesses, and Economic and Technological Assistance to Illinois Communities and Units of Local Government, Including Prior Year Costs........................................ 4,000,000

Total $5,800,000

Payable from the Corporate Headquarters Relocation Assistance Fund:
For Grants Pursuant to the Corporate Headquarters Relocation Act, including prior year costs.......................... 1,500,000

Payable from the Illinois Capital Revolving Loan Fund:
For the Purpose of Grants, Loans, and Investments in Accordance with the Provisions of the Small Business Development Act............................. 12,500,000

Payable from the Illinois Equity Fund:
For the purpose of Grants, Loans, and Investments in Accordance with the

New matter indicated by italics - deletions by strikeout
Provisions of the Small Business Development Act........................................ 3,000,000
Payable from the Large Business Attraction Fund:
For the purpose of Grants, Loans, Investments, and Administrative Expenses in Accordance with Article 10 of the Build Illinois Act............... 3,200,000
Payable from the Public Infrastructure Construction Loan Revolving Fund:
For the Purpose of Grants, Loans, Investments, and Administrative Expenses in Accordance with Article 8 of the Build Illinois Act.......... 2,900,000

Section 85. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF BUSINESS DEVELOPMENT

REFUNDS
Payable from Commerce and Community Assistance Fund:
For Refunds to the Federal Government and other refunds............................... 50,000

Section 95. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Economic Opportunity:

OFFICE OF COAL DEVELOPMENT AND MARKETING

GRANTS-IN-AID
Payable from the Coal Technology Development Assistance Fund:
For Grants, Contracts and Administrative Expenses Under the Provisions of the Illinois Coal Technology Development Assistance Act, Including Prior Years Costs........................................ 23,856,100

New matter indicated by italics - deletions by strikeout
Section 100. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

ILLINOIS FILM OFFICE

Payable from Tourism Promotion Fund:
For Personal Services............................. 522,800
For State Contributions to State Employees' Retirement System.......................... 60,300
For State Contributions to Social Security ...... 40,000
For Group Insurance............................... 130,500
For Contractual Services.......................... 47,100
For Travel.......................................... 35,800
For Commodities................................... 13,000
For Printing....................................... 20,000
For Equipment...................................... 5,000
For Telecommunications Services............... 24,000
For Operation of Automotive Equipment......... 3,400
For Administrative and Grant Expenses Associated with Advertising and Promotion........ 133,200
Total $1,035,100

Section 105. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Economic Opportunity:

OFFICE OF TRADE AND INVESTMENT OPERATIONS

Payable from General Revenue Fund:
For Personal Services............................ 1,281,800
For State Contributions to State Employees' Retirement System.......................... 147,900
For State Contributions to Social Security....... 98,100
For Contractual Services.......................... 1,293,900
For Travel.......................................... 43,400
For Commodities................................... 7,600

New matter indicated by italics - deletions by strikeout
For Printing................................. 11,500
For Equipment............................... 5,800
For Telecommunications Services.......... 106,500
For all costs Associated with New
and Expanding International Markets
to Increase Export and Reverse
Investment Opportunities for Illinois
Business and Industries, Including
Prior Year Costs............................ 1,334,400
Total $4,330,900

Payable from the International and Promotional Fund:
For Grants, Contracts, Administrative
Expenses, and Refunds Pursuant to
20 ILCS 605/605-25, including
prior year costs............................ 717,000

Section 110. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Commerce and
Economic Opportunity:

BUREAU OF COMMUNITY DEVELOPMENT
OPERATIONS

Payable from the General Revenue Fund:
For Personal Services....................... 807,700
For State Contributions to State
Employees' Retirement System.............. 93,200
For State Contributions to
Social Security............................. 61,900
For Contractual Services................... 104,800
For Travel.................................. 19,400
For Commodities......................... 3,600
For Printing............................... 500
For Equipment............................... 2,500
For Telecommunications Services......... 18,200
For Operation of Automotive Equipment... 3,700
Total $1,115,500

New matter indicated by italics - deletions by strikeout
Payable from the Federal Moderate Rehabilitation Housing Fund:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>76,900</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td>8,900</td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>5,900</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>29,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>12,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>8,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,700</td>
</tr>
<tr>
<td>For Printing</td>
<td>300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>6,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>4,700</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$154,600</strong></td>
</tr>
</tbody>
</table>

Payable from the Community Services Block Grant Fund:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>422,100</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td>48,700</td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>32,300</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>101,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>58,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>43,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,800</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>22,500</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>11,500</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>1,300</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$744,900</strong></td>
</tr>
</tbody>
</table>

Payable from Community Development/Small Cities Block Grant Fund:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>546,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For State Contributions to State
Employees' Retirement System.................. 63,000
For State Contributions to
Social Security................................. 41,800
For Group Insurance......................... 174,000
For Contractual Services.................... 21,200
For Travel..................................... 47,900
For Commodities............................ 4,600
For Printing................................... 1,300
For Equipment............................... 13,500
For Telecommunications Services.......... 15,000
For Operation of Automotive Equipment..... 1,100
For Administrative and Grant Expenses
Relating to Training, Technical
Assistance, and Administration of
the Community Development Assistance
Programs...................................... 1,000,000
Total........................................ 1,929,400

Section 115. The following named amounts, or so much thereof as
may be necessary, respectively are appropriated to the Department of
Commerce and Economic Opportunity:

BUREAU OF COMMUNITY DEVELOPMENT
GRANTS-IN-AID

Payable from the General Revenue Fund:
For Grants, Contracts and Administrative
Expenses Associated with the Illinois
Tomorrow Program, Including Prior
Year Costs..................................... 468,000
For the Northeast DuPage Special
Recreation Association....................... 250,000
For Administrative and Grant Expenses
Relating to Research, Planning, Technical
Assistance, Technological Assistance and
Other Financial Assistance to Assist

New matter indicated by italics - deletions by strikeout
Businesses, Communities, Regions and Other Economic Development Purposes, including prior year costs................. 682,000

For Grants, Contracts and Administrative Expenses Associated with the African American Family Commission............. 250,000

For a grant to Chicago State University for the Chicagoland Regional College Program...................... 3,500,000

Total $5,150,000

Payable from the Agricultural Premium Fund:
For the Ordinary and Contingent Expenses of the Rural Affairs Institute at Western Illinois University............... 160,000

Payable from the Federal Moderate Rehabilitation Housing Fund:
For Housing Assistance Payments Including Reimbursement of Prior Year Costs................................. 1,450,000

Payable from the Community Services Block Grant Fund:
For Grants to Eligible Recipients as Defined in the Community Services Block Grant Act, including prior year costs .................... 50,000,000

Payable from the Community Development Small Cities Block Grant Fund:
For Grants to Local Units of Government or Other Eligible Recipients as Defined in the Community Development Act of 1974, as amended, for Illinois Cities with Populations Under 50,000, Including Reimbursements for Costs in Prior Years..... 110,000,000

New matter indicated by italics - deletions by strikeout
Section 125. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

COMMUNITY DEVELOPMENT

REFUNDS

For refunds to the Federal Government and other refunds:
Payable from Federal Moderate Rehabilitation Housing Fund..................... 250,000
Payable from Community Services Block Grant Fund......................... 170,000
Payable from Community Development/ Small Cities Block Grant Fund............... 300,000
Total $720,000

Section 130. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

ENERGY AND RECYCLING

GRANTS-IN-AID

Payable from the Solid Waste Management Fund:
For Grants, Contracts and Administrative Expenses Associated with Providing Financial Assistance for Recycling and Reuse in Accordance with Section 22.15 of the Environmental Protection Act, the Illinois Solid Waste Management Act and the Solid Waste Planning and Recycling Act, including prior year costs................. 9,607,200
Payable from the Used Tire Management Fund:
For Grants, Contracts and Administrative Expenses Associated with the Purposes as Provided for in Section 55.6 of the Environmental Protection Act, Including Prior Year Costs............................... 24,100
Payable from the Alternate Fuels Fund:

New matter indicated by italics - deletions by strikeout
For Administration and Grant Expenses
of the Ethanol Fuel Research Program,
Including Prior Year Costs.................... 500,000
Payable from the Renewable Energy Resources Trust Fund:
For Grants, Loans, Investments and
Administrative Expenses of the Renewable
Energy Resources Program, and the
Illinois Renewable Fuels Development
Program, Including Prior Year Costs........ 26,000,000
Payable from the Energy Efficiency Trust Fund:
For Grants and Administrative Expenses
Relating to Projects that Promote Energy
Efficiency, Including Prior Year Costs........ 3,600,000
Payable from the DCEO Energy Projects Fund:
For Expenses and Grants Connected with
Energy Programs, Including Prior Year
Costs........................................... 4,000,000
Payable from the Federal Energy Fund:
For Expenses and Grants Connected with
the State Energy Program, Including
Prior Year Costs............................. 3,000,000
Payable from the Petroleum Violation Fund:
For Expenses and Grants Connected with
Energy Programs, Including Prior Year
Costs........................................... 3,000,000

Section 135. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Commerce and Economic Opportunity:
Payable from the General Revenue Fund:
For all costs associated with the Central
Illinois Economic Development Authority...... 500,000
For a grant to the Coalition for
United Community Action......................... 400,000
Total........................................ 900,000

New matter indicated by italics - deletions by strikeout
Section 140. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Board of Trustees of Southern Illinois University for the purpose of providing facility operating and research funds for the National Corn-to-Ethanol Research Center at Southern Illinois University at Edwardsville.

Section 145. The sum of $3,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Board of Trustees of Southern Illinois University for construction, expansion, remodeling, equipment, and related costs of the National Corn-to-Ethanol Research Facility at Southern Illinois University at Edwardsville.

Section 150. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Board of Trustees of Western Illinois University for support of efforts provided through the Illinois Institute for Rural Affairs to promote the advancement of corn kernel to fuel alcohol and value added co-products.

ARTICLE 187

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Economic Opportunity in connection with the Illinois Global Partnership Act:

From General Revenue Fund.......................... 2,500,000
From Agricultural Premium Fund............... 1,006,200
From International Tourism Fund............. 2,500,000
Total                                       $6,006,200

ARTICLE 190

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses to the Illinois Commerce Commission:

CHAIRMAN AND COMMISSIONER'S OFFICE
Payable from Transportation Regulatory Fund:

New matter indicated by italics - deletions by strikeout
For Personal Services............................. 84,000
For Employee Retirement Contributions
  Paid by Employer................................... 0
For State Contributions to State
  Employees' Retirement System.................... 9,700
For State Contributions to
  Social Security................................. 6,400
For Group Insurance............................... 14,500
For Contractual Services......................... 400
For Travel........................................... 2,100
For Equipment...................................... 5,800
For Telecommunications.......................... 7,200
For Operation of Auto Equipment.................. 1,100
Total                                                                 $131,200
Payable from Public Utility Fund:
For Personal Services............................ 810,000
For Employee Retirement Contributions
  Paid by Employer................................... 0
For State Contributions to State
  Employees' Retirement System.................... 93,200
For State Contributions to
  Social Security................................. 62,000
For Group Insurance............................... 174,000
For Contractual Services......................... 22,700
For Travel........................................... 64,900
For Commodities................................. 2,100
For Equipment...................................... 2,300
For Telecommunications.......................... 20,000
For Operation of Auto Equipment.................. 800
Total                                                                 $1,252,000

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for ordinary and contingent expenses to the Illinois Commerce Commission, as follows:

PUBLIC UTILITIES

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0011

Payable from Public Utility Fund:

For Personal Services......................... 14,010,000
For Employee Retirement Contributions
   Paid by Employer............................. 0
For State Contributions to State
   Employees' Retirement System.............. 1,611,200
For State Contributions to
   Social Security........................... 1,071,800
For Group Insurance.......................... 3,045,000
For Contractual Services..................... 1,650,000
For Travel.................................... 240,000
For Commodities............................... 46,700
For Printing.................................. 35,500
For Equipment................................. 80,000
For Electronic Data Processing............... 841,800
For Telecommunications....................... 425,000
For Operation of Auto Equipment............. 40,000
For Refunds.................................. 17,000
Total                                       $23,114,000

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Commerce Commission:

TRANSPORTATION

Payable from Transportation Regulatory Fund:

For Personal Services......................... 4,772,500
For Employee Retirement Contributions
   Paid by Employer............................. 0
For State Contributions to State
   Employees' Retirement System.............. 550,000
For State Contributions to
   Social Security........................... 365,100
For Group Insurance......................... 1,000,500
For Contractual Services..................... 634,400
For Travel.................................... 177,100

New matter indicated by italics - deletions by strikeout
For Commodities................................. 20,000
For Printing..................................... 20,000
For Equipment................................. 109,400
For Electronic Data Processing.............. 376,200
For Telecommunications....................... 387,900
For Operation of Auto Equipment............ 115,200
For Refunds.................................... 25,000
Total ........................................ 8,553,300

Section 20. The sum of $7,000,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to the Illinois Commerce Commission for disbursing funds collected for the Single State Insurance Registration Program to be distributed to: (1) participating states, provided that no distributions exceed funds made available from registration collections; (2) for refunds for overpayments; and (3) for administrative expenses.

Section 22. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to the Illinois Commerce Commission for railroad crossing improvement initiatives.

Section 25. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the Digital Divide Elimination Infrastructure Fund to the Illinois Commerce Commission for grants and awards for the construction of high-speed data transmission facilities.

Section 30. The sum of $74,000, or so much thereof as may be necessary, is appropriated from the Underground Utility Facilities Damage Prevention Fund to the Illinois Commerce Commission for a grant to the Statewide One-call Notice System, as required in the Illinois Underground Utility Facilities Damage Prevention Act.

The sum of $1,000, or so much thereof as may be necessary, is appropriated from the Underground Utility Facilities Damage Prevention Fund to the Illinois Commerce Commission for refunds.

Section 35. The sum of $42,900,000, or so much thereof as may be necessary, is appropriated from the Wireless Service Emergency Fund to the Illinois Commerce Commission for grants to emergency telephone

New matter indicated by italics - deletions by strikeout
system boards, qualified government entities, or the Department of State
Police for the design, implementation, operation, maintenance, or upgrade
of wireless 9-1-1 or E9-1-1 emergency services and public safety answering
points and for reimbursement of the Communications Revolving Fund for
administrative costs incurred by the Illinois Commerce Commission related
to administering the program.

Section 40. The sum of $27,500,000, or so much thereof as may be
necessary, is appropriated from the Wireless Carrier Reimbursement Fund
to the Illinois Commerce Commission for reimbursement of wireless
carriers for costs incurred in complying with the applicable provisions of
Federal Communications Commission wireless enhanced 9-1-1 services
mandates and for reimbursement of the Communications Revolving Fund
for administrative costs incurred by the Illinois Commerce Commission
related to administering the program.

ARTICLE 195

Section 1. The sum of $22,523,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund for payment to
the Board of the Comprehensive Health Insurance Plan pursuant to
subsection (b) of Section 12 of the Comprehensive Health Insurance Plan
Act.

ARTICLE 200

Section 5. The sum of $7,000,000, or so much thereof as may be
necessary, is appropriated from the Drycleaner Environmental Response
Trust Fund to the Drycleaner Environmental Response Trust Fund Council
for use in accordance with the Drycleaner Environmental Response Trust
Fund Act.

ARTICLE 205

Section 5. The following named amounts, or so much thereof as
may be necessary, respectively, for the purposes hereinafter named, are
appropriated to meet the ordinary and contingent expenses of the
Department of Employment Security:

OFFICE OF THE DIRECTOR
Payable from Title III Social Security and
Employment Service Fund:

New matter indicated by italics - deletions by strikeout
For Personal Services......................... 6,740,700
For Employee Retirement Contributions
    Paid by Employer............................ 0
For State Contributions to State
    Employees' Retirement System............. 776,900
For State Contributions to
    Social Security......................... 515,700
For Group Insurance......................... 1,696,500
For Contractual Services.................... 501,200
For Travel.................................... 127,300
For Telecommunications Services............ 237,700
Total .................................... $10,596,000

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Employment Security:

FINANCE AND ADMINISTRATION BUREAU
Payable from Title III Social Security and Employment Service Fund:
For Personal Services....................... 21,040,300
For State Contributions to State
    Employees' Retirement System............ 2,424,900
For State Contributions to
    Social Security.......................... 1,609,600
For Group Insurance......................... 5,292,500
For Contractual Services................... 42,909,300
For Travel.................................... 153,300
For Commodities............................. 1,206,300
For Printing................................. 1,939,100
For Equipment............................... 4,022,400
For Telecommunications Services.......... 2,645,700
For Operation of Auto Equipment.......... 106,300
Payable from Title III Social Security
    and Employment Service Fund:

New matter indicated by italics - deletions by strikeout
For expenses related to America's Labor Market Information System................. 4,500,000
Total $87,849,700

Section 15. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Employment Security:

WORKFORCE DEVELOPMENT

Payable from Title III Social Security and Employment Service Fund:

- For Personal Services......................... 77,135,500
- For State Contributions to State Employees' Retirement System................. 8,889,900
- For State Contributions to Social Security..................................... 5,900,900
- For Group Insurance........................................ 23,678,500
- For Contractual Services........................................ 9,088,900
- For Travel................................................... 1,195,600
- For Telecommunications Services....................... 6,247,800
- For Permanent Improvements........................................ 85,000
- For Refunds.................................................. 300,000

- For the expenses related to the Development of Training Programs............. 100,000
- For the expenses related to Employment Security Automation..................... 5,000,000

- For expenses related to a Benefit Information System Redefinition.............. 15,000,000

Total $152,622,100

Payable from the Unemployment Compensation Special Administration Fund:

- For expenses related to Legal Assistance as required by law.................... 2,000,000
- For deposit into the Title III Social Security and Employment Service Fund.................. 10,000,000

New matter indicated by italics - deletions by strikeout
Paid Contributions, Penalties and
Interest........................................... 100,000
Total $12,100,000

Section 20. The amount of $1,500,000, or so much thereof as may
be necessary, is appropriated from the Title III Social Security and
Employment Services Fund to the Department of Employment Security, for
all costs, including administrative costs associated with providing
community partnerships for enhanced customer service.

Section 25. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Employment Security:

WORKFORCE DEVELOPMENT

Grants-In-Aid
Payable from Title III Social Security
and Employment Service Fund:
For Grants........................................... 500,000
For Tort Claims.................................... 715,000
Total $1,215,000

Section 30. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Employment
Security, for unemployment compensation benefits, other than benefits
provided for in Section 3, to Former State Employees as follows:

TRUST FUND UNIT
Grants-In-Aid
Payable from the Road Fund:
For benefits paid on the basis of wages
paid for insured work for the Department
of Transportation................................. 1,900,000
Payable from the Illinois Mathematics
and Science Academy Income Fund.............. 16,700
Payable from Title III Social Security
and Employment Service Fund................... 1,734,300
Payable from the General Revenue Fund.......... 15,298,300
Total $18,949,300

New matter indicated by italics - deletions by strikeout
ARTICLE 210

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Environmental Protection Agency:

**ADMINISTRATION**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>641,900</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>74,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>49,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>9,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>6,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>17,600</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>2,900</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>19,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>8,400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$829,100</strong></td>
</tr>
</tbody>
</table>

Section 6. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Environmental Protection Agency for a grant to the Addison Creek Restoration Commission for purposes related to floodplain management.

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

Payable from U.S. Environmental Protection Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>1,712,700</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>306,600</td>
</tr>
</tbody>
</table>

Payable from Underground Storage Tank Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>234,900</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>2,500</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Payable from Solid Waste Management Fund:
   For Contractual Services......................... 258,200
   For Electronic Data Processing.................... 96,100
Payable from Subtitle D Management Fund:
   For Contractual Services......................... 93,900
Payable from Clean Air Act Permit Fund:
   For Contractual Services......................... 1,281,800
   For Electronic Data Processing................... 676,000
Payable from Water Revolving Fund:
   For Contractual Services......................... 641,500
   For Electronic Data Processing................... 458,300
Payable from Community Water Supply Laboratory Fund:
   For Contractual Services......................... 153,600
Payable from Used Tire Management Fund:
   For Contractual Services......................... 123,900
   For Electronic Data Processing................... 109,000
Payable from Conservation 2000 Fund:
   For Contractual Services......................... 31,100
Payable from Hazardous Waste Fund:
   For Contractual Services......................... 495,600
Payable from Environmental Protection Permit and Inspection Fund:
   For Contractual Services......................... 436,100
   For Electronic Data Processing................... 257,100
Payable from Vehicle Inspection Fund:
   For Contractual Services......................... 522,700
   For Electronic Data Processing................... 122,400
Payable from the Clean Water Fund:
   For Contractual Services......................... 609,200
   For Electronic Data Processing................... 132,700
Total $8,755,900

New matter indicated by italics - deletions by strikeout
Section 15. The sum of $640,000, or so much thereof as may be necessary, is appropriated from the U.S. Environmental Protection Fund to the Environmental Protection Agency for pollution prevention activities.

Section 20. The sum of $200,000, or so much thereof as may be necessary, is appropriated to the Environmental Protection Agency from the EPA Special States Projects Trust Fund for the purpose of funding the planning, administration, and operation of environmental intern programs to be funded by advance contributions.

Section 25. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the U.S. Environmental Protection Fund to the Environmental Protection Agency for all costs associated with projects for the National Enforcement Information Exchange Network, enforcement, and compliance assurance assistance and related federal grant initiatives.

Section 30. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the U.S. Environmental Protection Fund to the Environmental Protection Agency for the purpose of administering the toxic and hazardous materials program and the regulatory innovation program.

Section 35. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the Industrial Hygiene Regulatory and Enforcement Fund to the Environmental Protection Agency for the purpose of administering the industrial hygiene licensing program.

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Environmental Protection Permit and Inspection Fund to the Environmental Protection Agency:  
For Personal Services.............................. 185,800  
For Employee Retirement Contributions  
   Paid by Employer....................................... 0  
For State Contributions to the State  
   Employee’s Retirement System....................... 21,400  
For State Contributions to  
   Social Security........................................ 14,200  

New matter indicated by italics - deletions by strikeout
Section 45. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Oil Spill Response Fund to the Environmental Protection Agency for use in accordance with Section 25c-1 of the Environmental Protection Act.

Section 50. The amount of $6,000,000, or so much thereof as may be necessary, is appropriated from the Environmental Protection Trust Fund to the Environmental Protection Agency for awards and grants as directed by the Environmental Protection Trust Fund Commission.

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency.

**AIR POLLUTION CONTROL**

Payable from U.S. Environmental Protection Fund:

- For Personal Services.......................... 3,004,600
- For Employee Retirement Contributions
  - Paid by Employer.............................. 0
- For State Contributions to State Employees' Retirement System.................. 346,300
- For Social Security.............................. 229,900
- For Group Insurance............................ 652,500
- For Contractual Services....................... 1,425,700
- For Travel....................................... 76,100
- For Commodities................................ 132,000
- For Printing..................................... 40,000
- For Equipment.................................. 500,000
- For Telecommunications Services.............. 215,000
- For Operation of Auto Equipment............. 60,000
- For Use by the City of Chicago............... 374,600
- For Expenses Related to the Development and Implementation

New matter indicated by italics - deletions by strikeout
of a Targeted Clean Air Information
and Education Program........................... 900,000
Total                                      $7,956,700

Payable from the Environmental Protection Permit and Inspection Fund for
Air Permit and Inspection Activities:
For Personal Services.......................... 2,791,500
For Other Expenses............................ 2,028,200
For Refunds...................................... 100,000
Total                                      $4,919,700

Payable from the Vehicle Inspection Fund:
For Personal Services.......................... 3,706,700
For Employee Retirement Contributions
Paid by Employer............................... 0
For State Contributions to State
Employees' Retirement System.................... 427,200
For State Contributions to
Social Security.................................. 283,600
For Group Insurance............................ 1,232,500
For Vehicle Inspections, including
prior year costs............................... 52,682,300
For Contractual Services....................... 1,658,900
For Travel...................................... 40,000
For Commodities................................ 15,000
For Printing.................................... 359,000
For Equipment.................................. 100,000
For Telecommunications......................... 125,000
For Operation of Auto Equipment.............. 30,000
Total                                      $60,660,200

Section 60. The following named amounts, or so much thereof as
may be necessary, is appropriated from the Clean Air Act Permit Fund to
the Environmental Protection Agency for the purpose of funding Clean Air
Act Title V activities in accordance with Clean Air Act Amendments of
1990:
For Personal Services and Other

New matter indicated by italics - deletions by strikeout
Expenses of the Program .......................... $16,174,000
For Refunds........................................... $150,000
Total.................................................. $16,324,000

Section 75. The named amounts, or so much thereof as may be necessary, is appropriated from the Alternate Fuels Fund to the Environmental Protection Agency for the purpose of administering the Alternate Fuels Rebate Program and the Ethanol Fuel Research Program:
   For Personal Services and Other
      Expenses........................................... $200,000
   For Grants and Rebates........................... $1,500,000
   Total............................................... $1,700,000

Section 80. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Alternate Compliance Market Account Fund to the Environmental Protection Agency for all costs associated with the emissions reduction market program.

Section 85. The amount of $1,500,000, or so much thereof as may be necessary, is appropriated from the Special State Projects Trust Fund to the Environmental Protection Agency for all costs associated with the Drive Green Illinois initiative and other clean air public awareness programs.

LABORATORY SERVICES

Section 90. The named amounts, or so much thereof as may be necessary, are appropriated from the Community Water Supply Laboratory Fund to the Environmental Protection Agency for the purpose of performing laboratory testing of samples from community water supplies and for administrative costs of the Agency and the Community Water Supply Testing Council.
   For Personal Services and Other
      Expenses of the Program......................... $3,003,100
   For Permanent Improvements...................... $7,600
   Total.............................................. $3,010,700

Section 95. The sum of $665,800, or so much thereof as may be necessary, is appropriated from the Environmental Laboratory Certification
Fund to the Environmental Protection Agency for the purpose of administering the environmental laboratories certification program.

Section 100. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the EPA Special State Projects Trust Fund to the Environmental Protection Agency for the purpose of performing laboratory analytical services for government entities.

Section 105. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

**LAND POLLUTION CONTROL**

Payable from U.S. Environmental Protection Fund:

- For Personal Services: 3,006,100
- For Employee Retirement Contributions Paid by Employer: 0
- For State Contributions to State Employees' Retirement System: 342,700
- For State Contributions to Social Security: 227,500
- For Group Insurance: 745,200
- For Contractual Services: 280,000
- For Travel: 40,000
- For Commodities: 25,000
- For Printing: 20,000
- For Equipment: 50,000
- For Telecommunications Services: 100,000
- For Operation of Auto Equipment: 35,000
- For Use by the Office of the Attorney General: 25,000
- For Underground Storage Tank Program: 2,338,300

Total: $7,234,800

Section 110. The following named sums, or so much thereof as may be necessary, including prior year costs, are appropriated to the Environmental Protection Agency, payable from the U. S. Environmental Protection Fund, for use of remedial, preventive or corrective action in

New matter indicated by italics - deletions by strikeout
accordance with the Federal Comprehensive Environmental Response Compensation and Liability Act of 1980 as amended:

For Personal Services .................... 2,099,400
For Employee Retirement Contributions
  Paid by Employer .......................... 0
For State Contributions to State
  Employees' Retirement System ........... 242,000
For State Contributions to
  Social Security ........................... 160,600
For Group Insurance ....................... 493,000
For Contractual Services .................. 185,000
For Travel ................................... 60,000
For Commodities ............................ 50,000
For Printing .................................. 10,000
For Equipment ............................... 130,000
For Telecommunications Services ......... 50,000
For Operation of Auto Equipment ........... 60,000
For Contractual Expenses Related to
  Remedial, Preventive or Corrective
  Actions in Accordance with the
  Federal Comprehensive and Liability
  Act of 1980, including Costs in
  Prior Years ................................. 9,500,000
Total .................................... $13,040,000

Section 115. The following named sums, or so much thereof as may be necessary, are appropriated to the Environmental Protection Agency for the purpose of funding the Underground Storage Tank Program.

Payable from the Underground Storage Tank Fund:

For Personal Services .................... 2,591,400
For Employee Retirement Contributions
  Paid by Employer .......................... 0
For State Contributions to State
  Employees' Retirement System ........... 298,700
For State Contributions to

New matter indicated by italics - deletions by strikeout
Section 120. The following named sums, or so much thereof as may be necessary, are appropriated to the Environmental Protection Agency for use in accordance with Section 22.2 of the Environmental Protection Act:

Payable from the Hazardous Waste Fund:

For Personal Services.......................... 4,009,200
For Employee Retirement Contributions
   Paid by Employer.................................. 0
For State Contributions to State
   Employees' Retirement System............... 462,100
For State Contributions to
   Social Security............................... 306,200
For Group Insurance........................... 1,044,000
For Contractual Services....................... 1,062,000
For Travel........................................ 55,500
For Commodities.................................. 38,000
For Printing....................................... 65,000
For Equipment.................................... 102,000
For Telecommunications Services.............. 55,000
For Operation of Auto Equipment.............. 42,000

For Reimbursements to Eligible Owners/
   Operators of Leaking Underground
   Storage Tanks, including claims
   submitted in prior years and for
   costs associated with site remediation....... 75,200,000

Total $79,406,100

New matter indicated by italics - deletions by strikeout
For Personal Services and Other Expenses Related to Removal or Remedial Actions and for Expenses Related to Reviewing the Performance of Response Actions Pursuant to Title XVII of the Environmental Protection Act ........................................ 0
For Contractual Services for Site Remediations, including costs in Prior Years ........................................ 19,000,000
Total ........................................................................ $26,241,000

Section 125. The following named sums, or so much thereof as may be necessary, are appropriated from the Environmental Protection Permit and Inspection Fund to the Environmental Protection Agency for land permit and inspection activities:
For Personal Services ........................................... 2,370,800
For Employee Retirement Contributions Paid by Employer ........................................... 0
For State Contributions to State Employees' Retirement System ............................... 273,200
For State Contributions to Social Security .............................................................. 181,400
For Group Insurance .................................................. 594,500
For Contractual Services ........................................... 210,000
For Travel ................................................................. 7,500
For Commodities .................................................... 13,000
For Printing ............................................................. 11,000
For Equipment ....................................................... 9,800
For Telecommunications Services ........................................... 18,000
For Operation of Auto Equipment ........................................... 5,500
Total ....................................................................... $3,694,700

Section 130. The following named sums, or so much thereof as may be necessary, are appropriated from the Solid Waste Management Fund to

New matter indicated by italics - deletions by strikeout
the Environmental Protection Agency for use in accordance with Section 22.15 of the Environmental Protection Act:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>4,440,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>511,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>339,700</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>1,104,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>200,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>25,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>15,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>34,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>35,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>68,600</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>32,600</td>
</tr>
<tr>
<td>For Refunds</td>
<td>5,000</td>
</tr>
<tr>
<td>For financial assistance to units of local government for operations under delegation agreements</td>
<td>1,750,000</td>
</tr>
<tr>
<td>For grants and contracts for removing waste, including costs for demolition, removal and disposal</td>
<td>3,000,000</td>
</tr>
<tr>
<td>Total</td>
<td>$11,561,800</td>
</tr>
</tbody>
</table>

Section 135. The following named sums, or so much therefore as may be necessary, are appropriated to the Environmental Protection Agency for conducting a household hazardous waste collection program, including costs from prior years:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from the Solid Waste Management Fund</td>
<td>3,058,000</td>
</tr>
<tr>
<td>Payable from the Special State Projects Trust Fund</td>
<td>450,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Section 140. The following named amounts, or so much thereof as may be necessary, are appropriated from the Used Tire Management Fund to the Environmental Protection Agency for purposes as provided for in Section 55.6 of the Environmental Protection Act.

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,727,000</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>199,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>132,100</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>435,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,947,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>45,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>40,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>7,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>125,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>30,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>25,000</td>
</tr>
<tr>
<td>Total</td>
<td>$5,712,400</td>
</tr>
</tbody>
</table>

Section 145. The following named amounts, or so much thereof as may be necessary, are appropriated from the Subtitle D Management Fund to the Environmental Protection Agency for the purpose of funding the Subtitle D permit program in accordance with Section 22.44 of the Environmental Protection Act:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,341,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>154,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>102,600</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>290,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>327,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Travel ........................................ 27,300
For Commodities ................................. 40,000
For Printing .................................... 53,000
For Equipment .................................. 100,000
For Telecommunications ......................... 70,000
For Operation of Auto Equipment .............. 20,000

Total $2,525,700

Section 150. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Landfill Closure and Post Closure Fund to the Environmental Protection Agency for the purpose of funding closure activities in accordance with Section 22.17 of the Environmental Protection Act.

Section 155. The sum of $95,000, or so much thereof as may be necessary, is appropriated from the Hazardous Waste Occupational Licensing Fund to the Environmental Protection Agency for expenses related to the licensing of Hazardous Waste Laborers and Crane and Hoisting Equipment Operators, as mandated by Public Act 85-1195.

Section 160. The following named amount, or so much thereof as may be necessary, is appropriated to the Environmental Protection Agency for use in accordance with the Brownfields Redevelopment program:
Payable from the Brownfields Redevelopment Fund:
For Personal Services and Other Expenses of the Program ......................... 1,063,000

Section 165. The sum of $8,500,000, or so much thereof as may be necessary, is appropriated from the Brownfields Redevelopment Fund to the Environmental Protection Agency for financial assistance for brownfields redevelopment in accordance with 58.3(5), 58.13 and 58.15 of the Environmental Protection Act, including costs in prior years.

Section 175. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

Payable from U.S. Environmental Protection Fund:

New matter indicated by italics - deletions by strikeout
For Personal Services......................... 6,503,000
For Employee Retirement Contributions
   Paid by Employer............................. 0
For State Contributions to State
   Employees' Retirement System............... 749,500
For State Contributions to
   Social Security................................ 497,500
For Group Insurance............................ 1,638,500
For Contractual Services...................... 2,242,600
For Travel...................................... 113,900
For Commodities............................... 30,500
For Printing.................................... 58,100
For Equipment.................................. 223,400
For Telecommunications Services.............. 106,400
For Operation of Auto Equipment............. 61,500
For Use by the Department of
   Public Health............................... 703,000
For non-point source pollution management
   and special water pollution studies
   including costs in prior years............... 10,950,000
For all costs associated with
   the Drinking Water Operator
   Certification Program, including
   costs in prior years.......................... 1,300,000
For Water Quality Planning,
   including costs in prior years.............. 350,000
For Use by the Department of
   Agriculture.................................. 100,000
Total                                     $25,627,900

Section 180. The following named sums, or so much thereof as may
be necessary, are appropriated from the Hazardous Waste Fund to the
Environmental Protection Agency for use in accordance with Section 22.2
of the Environmental Protection Act:
For Personal Services......................... 279,000

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions
  Paid by Employer...................................... 0
For State Contribution to State
  Employees' Retirement System..................... 32,200
For State Contribution to
  Social Security.................................. 21,300
  For Group Insurance............................. 72,500
  For Contractual Services......................... 29,000
  For Travel........................................ 6,000
  For Commodities.................................... 6,000
  For Equipment..................................... 27,000
  For Telecommunications.......................... 9,800
  For Operation of Automotive Equipment............. 2,000
  Total $484,800

Section 185. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

Payable from the Environmental Protection Permit and Inspection Fund:

For Personal Services......................... 1,411,000
For Employee Retirement Contributions
  Paid by Employer...................................... 0
For State Contribution to State
  Employees' Retirement System..................... 162,600
For State Contribution to
  Social Security.................................. 107,900
  For Group Insurance............................. 377,000
  For Contractual Services......................... 118,500
  For Travel........................................ 28,200
  For Commodities.................................... 38,400
  For Printing....................................... 6,000
  For Equipment..................................... 95,400
  For Telecommunications Services.................. 30,500
  For Operation of Automotive Equipment......... 22,800
  Total $484,800

New matter indicated by italics - deletions by strikeout
Section 190. The named amounts, or so much thereof as may be necessary, are appropriated from the Conservation 2000 Fund to the Environmental Protection Agency for the purpose of funding lake management activities:
For Personal Services and Other Expenses of the Program........................ 570,600
For Financial Assistance........................ 1,000,000
Total  $1,570,600

Section 195. The sum of $4,569,764, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made for such purpose in Article 44, Section 195 of Public Act 94-0798, is reappropriated from the Conservation 2000 Fund to the Environmental Protection Agency for financial assistance for lake management activities.

Section 205. The amount of $7,058,500, or so much thereof as may be necessary, is appropriated from the Clean Water Fund to the Environmental Protection Agency for all costs associated with clean water activities.

Section 210. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the Clean Water Fund to the Environmental Protection Agency for refunds.

Section 215. The following named amounts, or so much thereof as may be necessary, respectively, for the object and purposes hereinafter named, are appropriated to the Environmental Protection Agency:
Payable from the Water Revolving Fund:
For Administrative Costs of Water Pollution Control Revolving Loan Program......................... 2,123,900
For Program Support Costs of Water Pollution Control Program......................... 7,631,500
For Administrative Costs of the Drinking Water Revolving Loan Program......................... 1,206,100
For Program Support Costs of the Drinking

New matter indicated by italics - deletions by strikeout
Water Program................................. 2,081,800
For Wellhead Protection, capacity
development and technical assistance
to public water supplies....................... 402,000
Total $13,445,300

Section 220. The sum of $900,000, or so much thereof as may be
necessary, is appropriated from the Special State Projects Trust Fund to the
Environmental Protection Agency for all costs associated with
environmental studies and activities.

Section 225. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Environmental
Protection Agency for the objects and purposes hereinafter named, to meet
the ordinary and contingent expenses of the Pollution Control Board
Division:

POLLUTION CONTROL BOARD DIVISION
Payable from Pollution Control Board Fund:
For Contractual Services......................... 12,500
For Printing............................................. 0
For Telecommunications Services................. 4,000
For Refunds............................................ 1,000
Total $17,500
Payable from the Environmental Protection Permit
and Inspection Fund:
For Personal Services............................. 656,800
For Employee Retirement Contributions
Paid by Employer...................................... 0
For State Contributions to State Employees' 
Retirement System.................................. 75,700
For State Contributions to Social Security........ 50,200
For Group Insurance............................... 159,500
For Contractual Services............................ 9,900
For Travel............................................. 5,000
For Electronic Data Processing..................... 1,000
For Telecommunications Services............... 7,200

New matter indicated by italics - deletions by strikeout
Total $965,300
Payable from the Clean Air Act Permit Fund:
For Personal Services.............................. 699,700
For Employee Retirement Contributions
Paid by Employer......................................... 0
For State Contributions to State Employees' Retirement System.............................. 80,600
For State Contributions to Social Security........... 53,500
For Group Insurance........................................ 203,000
For Contractual Services............................... 10,000
Total $1,046,800

Section 230. The amount of $17,800, or so much thereof as may be necessary, is appropriated from the Used Tire Management Fund to the Environmental Protection Agency for the purposes as provided for in Section 55.6 of the Environmental Protection Act.

ARTICLE 215
Section 5. The sum of $370,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Executive Ethics Commission for its ordinary and contingent expenses.

ARTICLE 220
Section 5. The sum of $6,705,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of Executive Inspector General for its ordinary and contingent expenses.

ARTICLE 225
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Professions Dedicated Fund to the Department of Financial and Professional Regulation:

GENERAL PROFESSIONS
For Personal Services................................. 2,337,600
For Employee Retirement Contributions
Paid by Employer......................................... 0
For State Contributions to State Employees' Retirement System.............................. 269,400

New matter indicated by italics - deletions by strikeout
For State Contributions to
Social Security................................. 178,800
For Group Insurance............................ 710,500
For Contractual Services......................... 102,000
For Travel.......................................... 85,000
For Refunds....................................... 30,000
Total                                      $3,713,300

Section 10. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated from the Illinois State
Dental Disciplinary Fund to the Department of Financial and Professional
Regulation:

For Personal Services........................... 478,700
For Employee Retirement Contributions
  Paid by Employer.................................. 0
For State Contributions to State
  Employees' Retirement System.................. 55,200
For State Contributions to
Social Security................................. 36,600
For Group Insurance............................. 116,000
For Contractual Services......................... 60,500
For Travel......................................... 20,000
For Refunds...................................... 2,500
Total                                      $769,500

Section 12. The sum of $75,000, or so much thereof as may be
necessary, is appropriated from the Illinois State Dental Disciplinary Fund
to the Department of Financial and Professional Regulation for the
development, support or administration of a public health study.

Section 15. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated from the Illinois State
Medical Disciplinary Fund to the Department of Financial and Professional
Regulation:

For Personal Services......................... 2,840,400
For Employee Retirement Contributions
  Paid by Employer................................. 0

New matter indicated by italics - deletions by strikeout
For State Contributions to State
   Employees' Retirement System.................... 327,400
For State Contributions to
   Social Security................................. 217,300
   For Group Insurance................................. 710,500
   For Contractual Services................................. 231,000
   For Travel................................. 80,000
   For Refunds................................. 10,000
Total $4,416,600

Section 20. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated from the Optometric
Licensing and Disciplinary Committee Fund to the Department of Financial
and Professional Regulation:
   For Personal Services............................ 306,500
   For Employee Retirement Contributions
      Paid by Employer................................. 0
   For State Contributions to State
      Employees' Retirement System..................... 35,400
   For State Contributions to
      Social Security................................. 23,500
      For Group Insurance................................. 87,000
      For Contractual Services................................. 75,000
      For Travel................................. 12,000
      For Refunds................................. 2,500
Total $541,900

Section 25. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated from the Design
Professionals Administration and Investigation Fund to the Department of
Financial and Professional Regulation:
   For Personal Services............................ 374,900
   For Employee Retirement Contributions
      Paid by Employer................................. 0
   For State Contributions to State
      Employees’ Retirement System..................... 43,300

New matter indicated by italics - deletions by strikeout
For State Contributions to
Social Security............................. 28,700
For Group Insurance.......................... 116,000
For Contractual Services..................... 90,000
For Travel.................................... 60,000
For Refunds................................... 2,500
Total........................................... $715,400

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Pharmacy Disciplinary Fund to the Department of Financial and Professional Regulation:
For Personal Services......................... 623,700
For Employee Retirement Contributions
Paid by Employer............................. 0
For State Contributions to State
Employees' Retirement System................. 71,900
For State Contributions to
Social Security............................. 47,700
For Group Insurance.......................... 116,000
For Contractual Services..................... 116,000
For Travel.................................... 30,000
For Refunds................................... 12,000
Total........................................... $1,017,300

Section 32. The sum of $2,114,000, or so much thereof as may be necessary, is appropriated from the Illinois State Pharmacy Disciplinary Fund to the Department of Financial and Professional Regulation for grants authorized by the State Board of Pharmacy for the development, support or administration of pharmacy practice educational or training programs at institutions of higher education within the State of Illinois.

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Podiatric Disciplinary Fund to the Department of Financial and Professional Regulation:
For Contractual Services..................... 5,000

New matter indicated by italics - deletions by strikeout
For Travel......................................... 5,000
For Refunds........................................ 1,000
Total $11,000

Section 40. The sum of $473,600, or so much thereof as may be necessary, is appropriated from the Registered CPA Administration and Disciplinary Fund to the Department of Financial and Professional Regulation for the administration of the Registered CPA Program.

Section 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Nursing Dedicated and Professional Fund to the Department of Financial and Professional Regulation:

- For Personal Services............................ 868,700
- For Employee Retirement Contributions
  - Paid by Employer.................................. 0
- For State Contributions to State Employees' Retirement System.............. 100,100
- For State Contributions to Social Security................................. 66,500
- For Group Insurance.................................. 232,000
- For Contractual Services............................... 181,000
- For Travel........................................... 25,000
- For Refunds.......................................... 10,000
Total $1,483,300

Section 47. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Nursing Dedicated and Professional Fund to the Department of Financial and Professional Regulation for the establishment and operation of an Illinois Center for Nursing.

Section 50. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the Professional Regulation Evidence Fund to the Department of Financial and Professional Regulation for the purchase of equipment to conduct covert activities.

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Professions

New matter indicated by italics - deletions by strikeout
Indirect Cost Fund to the Department of Financial and Professional Regulation:
  For Personal Services.......................... 9,370,500
For Employee Retirement Contributions
  Paid by Employer..................................... 0
For State Contributions to State
  Employees' Retirement System............... 1,085,500
For State Contributions to
  Social Security................................. 712,100
  For Group Insurance.............................. 2,356,200
  For Contractual Services......................... 8,640,200
  For Travel........................................... 307,300
  For Commodities.................................. 260,800
  For Printing....................................... 347,200
  For Equipment..................................... 314,300
  For Electronic Data Processing............... 4,197,900
  For Telecommunications Services............. 1,316,900
  For Operation of Auto Equipment............... 243,300
Total $29,152,200

Section 57. The sum of $3,855,600, or so much thereof as may be
necessary, is appropriated from the Professions Indirect Cost Fund to the
Department of Financial and Professional Regulation for costs and
expenses related to or in support of a Regulatory G & A shared service
center.

Section 60. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated from the Financial
Institution Fund to the Department of Financial and Professional
Regulation:
For Personal Services......................... 2,378,200
For Employee Retirement Contributions
  Paid by Employer..................................... 0
For State Contributions to the State
  Employees' Retirement System............... 274,100
For State Contributions to

New matter indicated by italics - deletions by strikeout
Social Security................................. 182,000
For Group Insurance......................... 594,500
For Contractual Services...................... 141,700
For Travel...................................... 190,000
For Commodities................................ 0
For Printing..................................... 0
For Equipment.................................. 0
For Electronic Data Processing............... 0
For Telecommunications Services............ 0
For Operation of Auto Equipment............. 0
For Refunds.................................... 3,500
Total $3,764,000

Section 65. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Credit Union Fund to the Department of Financial and Professional Regulation:

CREDIT UNION
Payable from Credit Union Fund:
For Personal Services......................... 1,576,600
For Employee Retirement Contributions
  Paid by Employer................................ 0
For State Contributions to State
  Employees' Retirement System............... 181,800
For State Contributions to
  Social Security.............................. 120,700
For Group Insurance......................... 348,000
For Contractual Services...................... 92,500
For Travel..................................... 244,000
For Commodities................................ 0
For Printing..................................... 0
For Equipment.................................. 0
For Electronic Data Processing............... 0
For Telecommunications Services............ 0
For Operation of Auto Equipment............. 0
For Refunds.................................... 1,000

New matter indicated by italics - deletions by strikeout
Total $2,564,600

Section 70. In addition to the amounts heretofore appropriated, the following named amount, or so much thereof as may be necessary, is appropriated from the TOMA Consumer Protection Fund to the Department of Financial and Professional Regulation:

TOMA CONSUMER PROTECTION
For Refunds....................................... 20,000

Section 75. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Bank and Trust Company Fund to the Department of Financial and Professional Regulation:

DOMESTIC AND FOREIGN COMMERCIAL BANK REGULATION
For Personal Services......................... 8,806,300
For Employee Retirement Contributions
  Paid by Employer.................................. 0
For State Contribution to State
  Employees' Retirement System............... 1,015,000
For State Contributions to
  Social Security................................... 673,700
For Group Insurance............................. 1,740,000
For Contractual Services....................... 345,800
For Travel........................................ 762,700
For Commodities.................................. 0
For Printing....................................... 0
For Equipment..................................... 0
For Electronic Data Processing................... 0
For Telecommunications Services............... 0
For Operation of Auto Equipment................. 0
For Refunds..................................... 3,000
For Corporate Fiduciary Receivership........... 500,000
Total $13,846,500

Section 80. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter

New matter indicated by italics - deletions by strikeout
named, are appropriated from the Pawnbroker Regulation Fund to the
Department of Financial and Professional Regulation:

PAWNBROKER REGULATION

For Personal Services......................... 59,300
For Employee Retirement Contributions
  Paid by Employer............................... 0
For State Contributions to State
  Employees' Retirement System................. 6,900
For State Contributions to State
  Social Security............................ 4,600
For Group Insurance........................... 14,500
For Contractual Services...................... 4,000
For Travel...................................... 3,000
For Commodities............................... 0
For Printing.................................... 0
For Electronic Data Processing............... 0
For Telecommunications Services............ 0
Total $92,300

Section 85. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated from the Savings and
Residential Finance Regulatory Fund to the Department of Financial and
Professional Regulation:

MORTGAGE BANKING AND THRIFT REGULATION

For Personal Services....................... 2,482,400
For Personal Services:
  Per Diem.................................. 0
For Employee Retirement Contributions
  Paid by Employer............................ 0
For State Contributions to State
  Employees' Retirement System............ 286,100
For State Contributions to State
  Social Security......................... 190,000
For Group Insurance......................... 623,500
For Contractual Services.................... 180,100

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0011

For Travel................................. 150,500
For Commodities............................ 0
For Printing................................ 0
For Equipment............................... 0
For Electronic Data Processing.............. 0
For Telecommunications Services.............. 0
For Operation of Automotive Equipment....... 0
For Refunds................................ 5,000
Total $3,917,600

Section 90. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Real Estate License Administration Fund to the Department of Financial and Professional Regulation:

REAL ESTATE LICENSING AND ENFORCEMENT
For Personal Services......................... 2,019,700
For Personal Services:
Per Diem..................................... 0
For Employee Retirement Contributions
Paid by Employer.............................. 0
For State Contributions to State
Employees' Retirement System.............. 232,800
For State Contributions to
Social Security............................. 154,500
For Group Insurance.......................... 464,000
For Contractual Services...................... 216,600
For Travel.................................. 58,000
For Commodities........................... 0
For Printing.................................. 0
For Equipment............................... 0
For Electronic Data Processing.............. 0
For Telecommunications Services.............. 0
For Operation of Auto Equipment............. 0
For Refunds.................................. 8,000
Total $3,153,600

New matter indicated by italics - deletions by strikeout
Section 95. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Appraisal Administration Fund to the Department of Financial and Professional Regulation:

### APPRAISAL LICENSING

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>253,400</td>
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<tr>
<td>Per Diem</td>
<td>0</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees’ Retirement System</td>
<td>29,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>19,400</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>72,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>131,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>5,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td>For forwarding real estate appraisal fees to the federal government</td>
<td>30,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>3,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$544,300</strong></td>
</tr>
</tbody>
</table>

Section 100. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Auction Regulation Administration Fund to the Department of Financial and Professional Regulation:

### AUCTIONEER REGULATION

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>111,400</td>
</tr>
<tr>
<td>Per Diem</td>
<td>0</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions
Paid by Employer...................................... 0
For State Contributions to State
Employees' Retirement System....................... 12,900
For State Contributions to Social Security............... 8,600
For Group Insurance.................................. 29,000
For Contractual Services................................ 46,600
For Travel............................................. 7,000
For Commodities...................................... 0
For Printing............................................ 0
For Equipment......................................... 0
For Electronic Data Processing.......................... 0
For Telecommunications Services....................... 0
For Refunds........................................... 1,000
Total                                                                                           $216,500

Section 105. The sum of $70,000, or so much thereof as may be necessary, is appropriated from the Real Estate Research and Education Fund to the Department of Financial and Professional Regulation for research and education in accordance with Section 25-25 of the Real Estate License Act of 2000.

Section 110. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Home Inspector Administration Fund to the Department of Financial and Professional Regulation:

HOME INSPECTOR REGULATION
For Personal Services.................................. 62,300
For Personal Services:
Per Diem............................................. 0
For Employee Retirement Contributions Paid by Employer...................................... 0
For State Contributions to State
Employees' Retirement System....................... 7,200
For State Contributions to

New matter indicated by italics - deletions by strikeout
Section 115. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the Real Estate Audit Fund to the Department of Financial and Professional Regulation for operating expenses for Real Estate audits.

Section 120. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Insurance Producer Administration Fund to the Department of Financial and Professional Regulation:

**PRODUCER ADMINISTRATION**

For Personal Services......................... 5,083,400
For Employee Retirement Contributions
  Paid by Employer.................................. 0
For State Contributions to the State
  Employees' Retirement System.................. 585,900
For State Contributions to
  Social Security................................ 388,900
For Group Insurance........................... 1,450,000
For Contractual Services..................... 325,000
For Travel....................................... 125,900
For Commodities................................ 0
For Printing..................................... 0
For Equipment................................... 0
For Telecommunications Services............... 0
For Operation of Auto Equipment............... 0

Total $107,300
Section 125. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Insurance Financial Regulation Fund to the Department of Financial and Professional Regulation:

FINANCIAL REGULATION

For Personal Services.......................... 7,043,800
For Employee Retirement Contributions
  Paid by Employer................................. 0
For State Contributions to the State
  Employees' Retirement System................. 811,800
For State Contributions to
  Social Security.................................. 538,900
For Group Insurance.............................. 1,798,000
For Contractual Services......................... 325,000
For Travel......................................... 373,600
For Commodities.................................. 0
For Printing........................................ 0
For Equipment..................................... 0
For Telecommunications Services............... 0
For Operation of Auto Equipment................. 0
For Refunds....................................... 50,000
Total $10,941,100

Section 130. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Financial and Professional Regulation:

PENSION DIVISION

Payable from Public Pension Regulation Fund:
For Personal Services............................ 503,100
For Employee Retirement Contributions
  Paid by Employer................................. 0
For State Contributions to the State

New matter indicated by italics - deletions by strikeout
Employees' Retirement System................. 58,000
For State Contributions to
Social Security............................... 38,500
For Group Insurance......................... 130,500
For Contractual Services..................... 12,600
For Travel.................................... 48,500
For Printing................................. 0
For Equipment............................... 0
For Telecommunications Services............ 0
Total ......................................... $791,200

Section 135. The following named sum, or so much thereof as may be necessary, is appropriated to the Department of Financial and Professional Regulation for the administration of the Senior Health Insurance Program:
Payable from the Senior Health Insurance Program Fund....................... 800,000
Total ......................................... $800,000

Section 140. The sum of $950,000, or so much thereof as may be necessary, is appropriated from the Illinois Workers’ Compensation Commission Operations Fund to the Illinois Department of Financial and Professional Regulation for costs associated with the administration and operations of the Insurance Fraud Division of the Illinois Workers’ Compensation Commission’s anti-fraud program.

ARTICLE 230

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
EXECUTIVE OFFICE
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services......................... 1,263,600
For State Contributions to State
Employees' Retirement System.............. 145,700

New matter indicated by italics - deletions by strikeout
For State Contributions to Social Security ...... 96,400
For Contractual Services........................ 101,800
For Contractual Services............... 90,300
For Travel.................................. 12,900
For Commodities......................... 6,300
For Printing................................ 68,900
For Electronic Data Processing............... 39,800
For Telecommunications Services......... 21,700
For expenses related to or in support
of the Amistad Commission................. 150,000
For expenses related to or in support
of the Lincoln Bicentennial................ 500,000
Total ..................................... $2,497,400

PAYABLE FROM ILLINOIS HISTORIC SITES FUND
For Contractual Services............... 55,000
For Commodities...................... 1,000
For Printing............................. 16,300
For Equipment.......................... 1,000
Total ................................... $73,300

For historic preservation programs
administered by the Executive Office,
only to the extent that funds are received
through grants, and awards, or gifts.......... 90,000

Section 10. The sum of $187,500, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Historic
Preservation Agency for a grant to the McLean County Historical Society
for operations, maintenance, repairs, permanent improvements, special
events, and all other costs related to the operation of the Adlai Stevenson
Home in Bloomington, Illinois.

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

FOR OPERATIONS

New matter indicated by italics - deletions by strikeout
PRESERVATION SERVICES DIVISION
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services............................                                           546,800
For State Contributions to State
  Employees' Retirement System....................                                    63,100
For State Contributions to Social Security ......                                 41,200
For Contractual Services...........................                                           5,200
For Travel.........................................                                                    4,500
For Commodities....................................                                              2,300
For Telecommunications.............................                                         6,600
For the Main Street Program......................                                      188,300
Total                                                                                             $858,000

PAYABLE FROM ILLINOIS HISTORIC SITES FUND

For Personal Services............................                                           363,400
For State Contributions to State
  Employees' Retirement System....................                                    41,900
For State Contributions to Social Security ......                                 27,800
For Group Insurance..............................                                          101,500
For Contractual Services..........................                                          79,000
For Travel........................................                                                   26,000
For Commodities....................................                                              3,000
For Printing........................................                                                   1,000
For Equipment........................................                                                   2,000
For Electronic Data Processing.....................                                  5,000
For Telecommunications Services...............                                           18,000
For historic preservation programs
  made either independently or in cooperation with the Federal Government
  or any agency thereof, any municipal corporation, or political subdivision
  of the State, or with any public or private corporation, organization, or individual,
  or for refunds.......................................  662,800
Total                                                                                          $1,331,400

New matter indicated by italics - deletions by strikeout
Section 20. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for awards and grants for historic preservation programs made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual.

Section 25. The sum of $295,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 48, Sections 20 and 25 of Public Act 94-0798, is reappropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for awards and grants for historic preservation programs made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual.

Section 30. The sum of $23,800, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 48, Sections 20 and 25 of Public Act 94-0798, is reappropriated from the General Revenue Fund to the Historic Preservation Agency to make Illinois Heritage Grants for the purpose of planning, survey, rehabilitation, restoration, reconstruction, landscaping and acquisition of Illinois properties designated on the National Register of Historic Places or as a landmark based on a county or municipal ordinance or those located within certain historic districts deemed historically significant.

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
ADMINISTRATIVE SERVICES DIVISION
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services............................ 845,700

New matter indicated by italics - deletions by strikeout
For State Contributions to State
   Employees' Retirement System...............  97,500
For State Contributions to Social Security ......  64,700
For Contractual Services.......................  304,200
For Travel.....................................    900
For Commodities...............................  15,200
For Printing...................................   1,300
For Telecommunications Services................ 19,800
For Operation of Auto Equipment..............   12,000
Total                                                                 $1,361,300

Section 40. The sum of $300,000 or so much thereof as may be necessary is appropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for the ordinary and contingent expenses of the Administrative Services division for costs associated with but not limited to Union Station, the Old State Capitol and the Old Journal Register Building.

Section 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
HISTORIC SITES DIVISION
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services..........................  5,077,800
For State Contributions to State
   Employees' Retirement System...............  585,200
   For State Contributions to Social Security ......  388,500
   For Contractual Services.......................  916,400
   For Travel.....................................  13,600
   For Commodities...............................  146,300
   For Equipment..................................  46,600
   For Telecommunications Services..............  52,900
   For Operation of Auto Equipment..............  39,900
Total                                                                 $7,267,200

New matter indicated by italics - deletions by strikeout
PAYABLE FROM ILLINOIS HISTORIC SITES FUND
For Personal Services............................. 38,000
For State Contributions to State
  Employees' Retirement System.................. 4,400
For State Contributions to Social Security .... 3,000
For Group Insurance................................ 14,500
For Contractual Services......................... 180,000
For Travel........................................... 5,000
For Commodities................................... 35,000
For Equipment..................................... 25,000
For Telecommunications Services.............. 15,000
For Operation of Auto Equipment............... 10,000
For Historic Preservation Programs Administered
  by the Historic Sites Division, Only to the
  Extent that Funds are Received Through
  Grants, Awards, or Gifts...................... 350,000
For Permanent Improvements.................... 75,000
Total                                      $754,900

Section 50. The sum of $600,000, or so much thereof as may be
necessary, is appropriated from the Illinois Historic Sites Fund to the
Historic Preservation Agency for operations, maintenance, repairs,
permanent improvements, special events, and all other costs related to the
operation of Illinois Historic Sites and only to the extent which donations
are received at Illinois State Historic Sites.

Section 55. The sum of $196,300, or so much thereof as may be
necessary, is appropriated to the Historic Preservation Agency from the
General Revenue Fund for programs and purposes including repairing,
maintaining, reconstructing, rehabilitating, replacing, fixed assets,
construction and development, studies, all costs for supplies, materials,
labor, land acquisition and its related costs, services and other expenses at
historic sites.

Section 60. The sum of $236,900, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Historic

New matter indicated by italics - deletions by strikeout
Preservation Agency for the operational expenses of the Lewis and Clark Historic Site in Madison County.

Section 65. No contract shall be entered into or obligation incurred for repairs and maintenance and other capital improvements from appropriations made in Section 50 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Section 70. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
ABRAHAM LINCOLN PRESIDENTIAL LIBRARY AND MUSEUM DIVISION

PAYABLE FROM GENERAL REVENUE FUND
For Personal Services............................                                           947,200
For State Contributions to State
   Employees' Retirement System...............                                          109,200
For State Contributions to Social Security ......                                          72,500
For Contractual Services..........................                                          18,800
For Travel.........................................                                                    3,600
For Commodities...................................                                             12,100
For Printing.......................................                                                   1,200
For Equipment......................................                                             27,400
For Telecommunications Services.................                                          9,300
For On-Line Computer Library Center (OCLC).......                                      67,800
For Purchase and Care of Lincolniana..........                                 18,600
For Lincoln Legals...................................                                            135,200
Total                                                                                          $1,422,900

PAYABLE FROM THE ILLINOIS HISTORIC SITES FUND
For historic preservation programs
   administered by the Executive Office,
   only to the extent that funds are received
   through grants, and awards, or gifts ..........                                          135,000
For research projects associated with

New matter indicated by italics - deletions by strikeout
Abraham Lincoln.............................. 200,000
For microfilming Illinois newspapers
and manuscripts and performing
genealogical research...................... 225,000
Total                                    $560,000

PAYABLE FROM THE ABRAHAM LINCOLN PRESIDENTIAL
LIBRARY AND MUSEUM FUND
For the ordinary and contingent expenses
of the Abraham Lincoln Presidential
Library and Museum in Springfield........ 12,032,200

ARTICLE 235
Section 5. The following named amounts, or so much thereof as
may be necessary, are appropriated from the General Revenue Fund to the
Illinois Labor Relations Board for the objects and purposes hereinafter
named:

OPERATIONS
For Personal Services....................... 1,204,100
For Employee Retirement Contributions
Paid by Employer............................. 0
For State Contributions to State
Employees' Retirement System............. 138,900
For State Contributions to
Social Security............................ 92,200
For Contractual Services............... 274,700
For Travel.................................. 25,000
For Commodities.......................... 3,600
For Printing................................ 4,000
For Equipment............................. 22,000
For Electronic Data Processing............ 40,000
For Telecommunications Services........ 52,000
Total                                 $1,856,500

ARTICLE 240
Section 5. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter

New matter indicated by italics - deletions by strikeout
named, are appropriated from the General Revenue Fund for the ordinary and contingent expenses of the Governor’s Office of Management and Budget in the Executive Office of the Governor:

**GENERAL OFFICE**

For Personal Services........................................... 1,994,900
For Employee Retirement Contributions
   Paid by Employer.................................................. 0
For State Contributions to the State
   Employees' Retirement System.......................... 229,900
For State Contributions to
   Social Security.............................................. 152,600
For Contractual Services........................................ 180,000
For Travel.......................................................... 86,400
For Commodities.................................................... 5,000
For Printing.......................................................... 25,000
For Equipment........................................................ 6,000
For Electronic Data Processing............................. 60,000
For Telecommunications Services....................... 81,600

Total                                              $2,821,400

Section 10. The amount of $1,384,600, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Governor’s Office of Management and Budget for ordinary and contingent expenses associated with the sale and administration of General Obligation bonds.

Section 15. The amount of $425,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Governor’s Office of Management and Budget for ordinary and contingent expenses associated with the sale and administration of Build Illinois bonds.

Section 20. The amount of $306,943,500, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Retirement and Interest Fund to the Governor’s Office of Management and Budget for the purpose of making payments to the Trustee under the Master Indenture as defined by and pursuant to the Build Illinois Bond Act.

New matter indicated by italics - deletions by strikeout
Section 25. The amount of $113,400, or so much thereof as may be necessary, is appropriated from the School Infrastructure Fund to the Governor’s Office of Management and Budget for operational expenses related to the School Infrastructure Program.

Section 30. The sum of $14,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Civic Center Bond Retirement and Interest Fund to the Governor’s Office of Management and Budget for the principal and interest and premium, if any, on Limited Obligation Revenue bonds issued pursuant to the Metropolitan Civic Center Support Act.

Section 35. No contract shall be entered into or obligation incurred for any expenditures from the appropriations made in Sections 10, 15, and 20 until after the purposes and amounts have been approved in writing by the Governor.

ARTICLE 245

Section 5. The sum of $6,400,000, new appropriation, is appropriated, and the sum of $14,430,478, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 51, Section 5 of Public Act 94-0798 are reappropriated from the Conservation 2000 Fund to the Department of Natural Resources for the Conservation 2000 Program to implement ecosystem-based management for Illinois' natural resources.

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

GENERAL OFFICE

For Personal Services:
Payable from General Revenue Fund.............. 2,676,300
Payable from State Boating Act Fund.............. 138,500
Payable from Wildlife and Fish Fund.............. 419,000

For Employee Retirement Contributions
Paid by State:
Payable from General Revenue Fund.............. 0

New matter indicated by italics - deletions by strikeout
Payable from State Boating Act Fund.................. 0
Payable from Wildlife and Fish Fund.................. 0

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund.................... 308,400
Payable from State Boating Act Fund................... 15,900
Payable from Wildlife and Fish Fund................... 48,200

For State Contributions to Social Security:
Payable from General Revenue Fund.................... 204,800
Payable from State Boating Act Fund................... 10,600
Payable from Wildlife and Fish Fund................... 32,000

For Group Insurance:
Payable from State Boating Act Fund................... 43,100
Payable from Wildlife and Fish Fund................... 103,100

For Contractual Services:
Payable from General Revenue Fund.................... 1,457,600
Payable from State Boating Act Fund................... 15,000
Payable from Wildlife and Fish Fund................... 62,700

For Contractual Services for DNR Headquarters:
Payable from General Revenue Fund.................... 513,300
Payable from State Boating Act Fund................... 100,000
Payable from Wildlife and Fish Fund................... 237,400
Payable from Underground Resources Conservation Enforcement Fund.................. 16,900
Payable from Federal Surface Mining Control and Reclamation Fund.................... 40,800
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund......................... 53,700

For Travel:
Payable from General Revenue Fund.................... 57,600
Payable from Wildlife and Fish Fund................... 1,600

For Commodities:
Payable from General Revenue Fund.................... 22,000

New matter indicated by italics - deletions by strikeout
For Printing:
  Payable from General Revenue Fund................. 31,300
  Payable from State Boating Act Fund................. 38,400
  Payable from Wildlife and Fish Fund............... 71,600

For Equipment:
  Payable from General Revenue Fund................. 4,900
  Payable from Wildlife and Fish Fund............... 18,300

For Telecommunications Services:
  Payable from General Revenue Fund................. 386,200

For Telecommunications Services for DNR Headquarters:
  Payable from General Revenue Fund................. 185,750
  Payable from State Parks Fund...................... 22,300
  Payable from Wildlife and Fish Fund............... 96,200
  Payable from Aggregate Operations Regulatory Fund........................................ 16,000
  Payable from Federal Surface Mining Control and Reclamation Fund........................ 16,900
  Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund........................ 12,900

For Operation of Auto Equipment:
  Payable from General Revenue Fund................. 41,000
  Payable from Wildlife and Fish Fund............... 17,900

For deposit into the General Obligation Bond Retirement and Interest Fund for costs associated with the debt service payments of rolling stock and capital equipment:
  Payable from the General Revenue Fund............... 0

For furniture, fixtures, equipment, displays, telecommunications, cabling, network hardware, software, relays and switches and related expenses for new DNR Headquarters:
  Payable from the General Revenue Fund............. 373,000

New matter indicated by italics - deletions by strikeout
For all costs associated with the Illinois River Sediment Initiative:
Payable from the General Revenue Fund............ 250,000

For expenses of the Park and Conservation Program:
Payable from Park and Conservation Fund.................. 379,900

For expenses of the Bikeways Program:
Payable from Park and Conservation Fund.................. 0

For expenses of DNR Headquarters:
Payable from Park and Conservation Fund............ 22,400

Total $8,563,500

ILLINOIS RIVER INITIATIVES
Section 20. The sum of $250,000, new appropriation, is appropriated and the sum of $466,718, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 51, Section 20 of Public Act 94-0798, are reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long-term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United States Department of Agriculture.

Section 25. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

ARCHITECTURE, ENGINEERING AND GRANTS
For Personal Services:

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund................. 101,300
Payable from State Boating Act Fund................. 76,100
For Employee Retirement Contributions
Paid by State:
Payable from General Revenue Fund.................. 0
For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund............... 11,700
Payable from State Boating Act Fund............... 8,800
For State Contributions to Social Security:
Payable from General Revenue Fund............... 7,800
Payable from State Boating Act Fund............... 5,800
For Group Insurance:
Payable from State Boating Act Fund............... 16,800
For Contractual Services:
Payable from General Revenue Fund............... 20,800
For Travel:
Payable from General Revenue Fund............... 10,000
Payable from Wildlife and Fish Fund............... 3,200
For Commodities:
Payable from General Revenue Fund............... 4,700
For Printing:
Payable from General Revenue Fund............... 100
For Equipment:
Payable from Wildlife and Fish Fund............... 32,000
For Operation of Auto Equipment:
Payable from General Revenue Fund............... 7,000
For expenses of the Heavy Equipment Dredging Crew:
Payable from State Boating Act Fund............... 771,000
Payable from Wildlife and Fish Fund............... 202,900
For expenses of the OSLAD Program:
Payable from Open Space Lands Acquisition and Development Fund............... 889,800
For Ordinary and Contingent Expenses:

New matter indicated by italics - deletions by strikeout
Payable from Park and Conservation Fund.......................................... 2,378,800

For expenses of the Bikeways Program:
Payable from Park and Conservation Fund............................................ 115,500

Total $4,664,100

Section 30. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF REAL ESTATE AND ENVIRONMENTAL PLANNING

For Personal Services:
Payable from General Revenue Fund.............. 1,274,800
Payable from Wildlife and Fish Fund.............. 207,700

For Employee Retirement Contributions
Paid by State:
Payable from General Revenue Fund............... 0

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund.............. 146,900
Payable from Wildlife and Fish Fund.............. 23,900

For State Contributions to Social Security:
Payable from General Revenue Fund.............. 97,500
Payable from Wildlife and Fish Fund.............. 15,900

For Group Insurance:
Payable from Wildlife and Fish Fund.............. 40,500

For Contractual Services:
Payable from General Revenue Fund.............. 564,000

For Travel:
Payable from General Revenue Fund.............. 33,000

For Commodities:
Payable from Wildlife and Fish Fund.............. 8,100

For Printing:
Payable from General Revenue Fund.............. 2,000

New matter indicated by italics - deletions by strikeout
For Equipment:
  Payable from Wildlife and Fish Fund............... 26,100
For Electronic Data Processing:
  Payable from General Revenue Fund............... 7,500
For Telecommunications Services:
  Payable from General Revenue Fund............... 20,000
For Operation of Auto Equipment:
  Payable from General Revenue Fund............... 10,000
For expenses of the Consultation Program:
  Payable from Wildlife and Fish Fund............... 324,800
For expenses of Natural Areas Execution:
  Payable from the Natural Areas
    Acquisition Fund................................. 202,200
For expenses of the OSLAD Program:
  Payable from Open Space Lands Acquisition
    and Development Fund.............................. 330,600
For Natural Resources Trustee Program:
  Payable from Natural Resources
    Restoration Trust Fund........................... 1,400,000
For Ordinary and Contingent Expenses:
  Payable from Park and Conservation
    Fund................................................ 1,141,600
For expenses of the Bikeways Program:
  Payable from Park and Conservation
    Fund................................................ 332,800
Total $6,209,900

Section 35. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF BUSINESS SERVICES

For Personal Services:
  Payable from General Revenue Fund............... 1,006,900
  Payable from State Boating Act Fund............... 412,300

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<td>For State Contributions to Social Security:</td>
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<td>Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund</td>
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<td>For Contractual Services for Postage Expenses for DNR Headquarters:</td>
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<td>Payable from General Revenue Fund............</td>
<td>48,700</td>
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<td>Payable from Federal Surface Mining Control and Reclamation Fund........</td>
<td>12,500</td>
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<tr>
<td>Payable from Abandoned Mined Lands</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Reclamation Council Federal Trust Fund

For the purpose of remitting funds collected from the sale of Federal Duck Stamps to the U. S. Fish and Wildlife Service:

Payable from Wildlife and Fish Fund

For Travel:

Payable from General Revenue Fund

For Commodities:

Payable from General Revenue Fund

For Commodities for DNR Headquarters:

Payable from General Revenue Fund
Payable from State Boating Act Fund
Payable from Wildlife and Fish Fund
Payable from Aggregate Operations Regulatory Fund
Payable from Federal Surface Mining Control and Reclamation Fund
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund

For Printing:

Payable from General Revenue Fund
Payable from State Boating Act Fund
Payable from Wildlife and Fish Fund

For Equipment:

Payable from General Revenue Fund
Payable from Wildlife and Fish Fund

For Electronic Data Processing:

Payable from General Revenue Fund
Payable from State Boating Act Fund
Payable from Wildlife and Fish Fund
Payable from Natural Areas Acquisition Fund
Payable from Federal Surface Mining Control

New matter indicated by italics - deletions by strikeout
Section 40. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

**PUBLIC SERVICES**

For Personal Services:
- Payable from General Revenue Fund.......................... 480,800
- Payable from Wildlife and Fish Fund..................... 51,700

For Employee Retirement Contributions
- Paid by State:
  - Payable from General Revenue Fund......................... 0

New matter indicated by italics - deletions by strikeout
For State Contributions to State Employees' Retirement System:
   Payable from General Revenue Fund.................. 55,400
   Payable from Wildlife and Fish Fund................ 6,000
For State Contributions to Social Security:
   Payable from General Revenue Fund.................. 36,800
   Payable from Wildlife and Fish Fund................ 4,000
For Group Insurance:
   Payable from Wildlife and Fish Fund................ 9,600
For Contractual Services:
   Payable from General Revenue Fund.................. 40,000
   Payable from Wildlife and Fish Fund................ 17,000
For Travel:
   Payable from General Revenue Fund.................. 10,000
   Payable from Wildlife and Fish Fund................ 5,000
For Commodities:
   Payable from General Revenue Fund.................. 30,000
For Printing:
   Payable from General Revenue Fund.................. 10,000
   Payable from Wildlife and Fish Fund................ 10,000
   Payable from General Revenue Fund.................. 273,400
For expenses incurred in producing and distributing site brochures, public information literature and other printed materials from revenues received from the sale of advertising:
   Payable from State Boating Act Fund............... 25,000
   Payable from State Parks Fund...................... 50,000
   Payable from Wildlife and Fish Fund............... 50,000
For operation and maintenance of new sites and facilities, including Sparta:

New matter indicated by italics - deletions by strikeout
Payable from State Parks Fund....................  50,000
For the purpose of publishing and distributing a bulletin or magazine and for purchasing, marketing and distributing conservation related products for resale, and refunds for such purposes:
Payable from Wildlife and Fish Fund..............  600,000
For Educational Publications Services and Expenses, Contingent upon Revenues collected for same:
Payable from Wildlife and Fish Fund..............  25,000
For Ordinary and Contingent Expenses of Public Services:
Payable from Park and Conservation Fund.........  346,500
Total                   $2,186,200

Section 45. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

SPECIAL EVENTS

For Personal Services:
Payable from General Revenue Fund..............  83,900
Payable from State Boating Act Fund.............  38,400
Payable from Wildlife and Fish Fund.............  510,100

For Employee Retirement Contributions Paid by State:
Payable from General Revenue Fund...............  0
Payable from State Boating Act Fund...............  0
Payable from Wildlife and Fish Fund...............  0

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund...............  9,500
Payable from State Boating Act Fund...............  4,400

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0011

Payable from Wildlife and Fish Fund............... 58,800
For State Contributions to Social Security:
Payable from General Revenue Fund............... 6,500
Payable from State Boating Act Fund............... 2,900
Payable from Wildlife and Fish Fund............... 39,000
For Group Insurance:
Payable from State Boating Act Fund............... 10,400
Payable from Wildlife and Fish Fund............... 153,700
For Contractual Services:
Payable from General Revenue Fund............... 84,000
Payable from Wildlife and Fish Fund............... 95,000
For Travel:
Payable from General Revenue Fund............... 20,500
For Commodities:
Payable from General Revenue Fund............... 24,000
Payable from Wildlife and Fish Fund............... 24,000
For Operation of Auto Equipment:
Payable from General Revenue Fund............... 5,000
Payable from Wildlife and Fish Fund............... 5,000
For operation and maintenance of the
Sparta World Shooting Complex:
Payable from General Revenue Fund............... 1,436,300
For the coordination of public events and
promotions from activity fees, donations
and vendor revenue:
Payable from State Parks Fund............... 47,100
Payable from Wildlife and Fish Fund............... 47,100
For expenses associated with the
Sportsman Against Hunger Program:
Payable from the Wildlife & Fish Fund............... 100,000
For Ordinary and Contingent Expenses of
Special Events:
Payable from Park and Conservation Fund............... 340,400
Total $3,146,000

New matter indicated by italics - deletions by strikeout
Section 50. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

**OFFICE OF RESOURCE CONSERVATION**

For Personal Services:
- Payable from General Revenue Fund.............. 1,710,200
- Payable from Wildlife and Fish Fund........... 10,261,900
- Payable from Salmon Fund......................... 189,700
- Payable from Natural Areas Acquisition Fund.... 1,221,600

For Employee Retirement Contributions
- Paid by State:
  - Payable from General Revenue Fund............... 0
  - Payable from Wildlife and Fish Fund............... 0
  - Payable from Salmon Fund......................... 0
  - Payable from Natural Areas Acquisition Fund..... 0

For State Contributions to State Employees' Retirement System:
- Payable from General Revenue Fund.............. 197,200
- Payable from Wildlife and Fish Fund........... 1,182,800
- Payable from Salmon Fund.......................... 21,900
- Payable from Natural Areas Acquisition Fund..... 140,800

For State Contributions to Social Security:
- Payable from General Revenue Fund.............. 130,700
- Payable from Wildlife and Fish Fund........... 779,400
- Payable from Salmon Fund.......................... 14,500
- Payable from Natural Areas Acquisition Fund..... 93,400

For Group Insurance:
- Payable from Wildlife and Fish Fund........... 2,735,900
- Payable from Salmon Fund......................... 41,000
- Payable from Natural Areas Acquisition Fund..... 303,800

For Contractual Services:
- Payable from General Revenue Fund.............. 623,750
- Payable from Wildlife and Fish Fund........... 1,867,900

New matter indicated by italics - deletions by strikeout
Payable from Salmon Fund................................. 2,900
Payable from Natural Areas Acquisition Fund........ 64,300
Payable from Natural Heritage Fund..................... 59,200

For Travel:
Payable from General Revenue Fund.................... 31,200
Payable from Wildlife and Fish Fund................... 76,000
Payable from Natural Areas Acquisition Fund......... 32,200

For Commodities:
Payable from General Revenue Fund .................... 174,900
Payable from Wildlife and Fish Fund................... 1,253,600
Payable from Natural Areas Acquisition Fund......... 40,200
Payable from the Natural Heritage Fund .............. 16,000

For Printing:
Payable from General Revenue Fund .................... 17,700
Payable from Wildlife and Fish Fund................... 133,700
Payable from Natural Areas Acquisition Fund......... 11,600

For Equipment:
Payable from General Revenue Fund .................... 9,000
Payable from Wildlife and Fish Fund................... 279,700
Payable from Natural Areas Acquisition Fund......... 109,200
Payable from Illinois Forestry Development Fund ...... 108,600

For Telecommunications Services:
Payable from General Revenue Fund .................... 105,750
Payable from Wildlife and Fish Fund................... 251,800
Payable from Natural Areas Acquisition Fund......... 34,200

For Operation of Auto Equipment:
Payable from General Revenue Fund .................... 150,600
Payable from Wildlife and Fish Fund................... 432,000
Payable from Natural Areas Acquisition Fund......... 57,700

For the Purposes of the "Illinois Non-Game Wildlife Protection Act":
Payable from Illinois Wildlife Preservation Fund ....... 500,000

New matter indicated by italics - deletions by strikeout
For programs beneficial to advancing forests and forestry in this State as provided for in Section 7 of the "Illinois Forestry Development Act", as now or hereafter amended:

Payable from Illinois Forestry Development Fund.................................. 1,044,100

For Administration of the "Illinois Natural Areas Preservation Act":

Payable from Natural Areas Acquisition Fund.... 1,378,100

For payment of the expenses of the Illinois Forestry Development Council:

Payable from Illinois Forestry Development Fund.. 118,500

For an Urban Fishing Program in conjunction with the Chicago Park District to provide fishing and resource management at the park district lagoons:

Payable from Wildlife and Fish Fund.............. 243,400

For workshops, training and other activities to improve the administration of fish and wildlife federal aid programs from federal aid administrative grants received for such purposes:

Payable from Wildlife and Fish Fund.............. 11,400

For expenses of the Natural Areas Stewardship Program:

Payable from Natural Areas Acquisition Fund.... 1,053,300

For evaluating, planning, and implementation for the updating and modernization of the inventory and identification of natural areas in Illinois:

Payable from Natural Areas Acquisition Fund.... 2,000,000

For expenses of the Urban Forestry Program:

Payable from Illinois Forestry Development Fund

New matter indicated by italics - deletions by strikeout
Development Fund............................... 451,100
For expenses associated with the Inner
City Urban Revitalization program:
Payable from the Illinois Forestry
Development Fund............................... 240,900
Total                                                                                     $32,009,300

Section 53. The sum of $2,000,000, or so much thereof as may be
necessary and remains unexpended at the close of business on June 30,
2007, from an appropriation heretofore made in Article 51, Section 50,
page 382, lines 17-21, of Public Act 94-0798, as amended, is
reappropriated from the Natural Areas Acquisition Fund to the Department
of Natural Resources for evaluating, planning, and implementation for the
updating and modernization of the inventory and identification of natural
areas in Illinois.

Section 55. The sum of $1,507,138, or so much thereof as may be
necessary and remains unexpended at the close of business on June 30,
2007, from appropriations heretofore made in Article 51, Section 50, page
381, line 23, and Article 51, Section 55 of Public Act 94-0798, as amended,
is reappropriated from the Illinois Wildlife Preservation Fund to the
Department of Natural Resources for purposes associated with the “Illinois
Non-Game Wildlife Protection Act.”

Section 60. The sum of $532,580 or so much thereof as may be
necessary and remains unexpended at the close of business on June 30,
2007, from appropriations heretofore made in Article 51, Section 50, page
382, line 28, and Article 51, Section 60 of Public Act 94-0798, as amended,
is reappropriated from the Illinois Forestry Development Fund to the
Department of Natural Resources for the Inner City Urban Revitalization
Program.

Section 65. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the
Department of Natural Resources:

OFFICE OF LAW ENFORCEMENT
For Personal Services:

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund.............. 6,072,800
Payable from State Boating Act Fund.............. 2,063,700
Payable from State Parks Fund....................... 813,700
Payable from Wildlife and Fish Fund.............. 3,659,100

For Employee Retirement Contributions
Paid by State:
Payable from General Revenue Fund...................... 0
Payable from State Boating Act Fund.................... 0
Payable from State Parks Fund.......................... 0
Payable from Wildlife and Fish Fund.................... 0

For State Contributions to State
Employees' Retirement System:
Payable from General Revenue Fund.................. 700,000
Payable from State Boating Act Fund............... 237,800
Payable from State Parks Fund...................... 93,800
Payable from Wildlife and Fish Fund............... 421,800

For State Contributions to Social Security:
Payable from General Revenue Fund.................. 108,900
Payable from State Boating Act Fund............... 27,400
Payable from State Parks Fund...................... 13,500
Payable from Wildlife and Fish Fund............... 36,200

For Group Insurance:
Payable from State Boating Act Fund............... 433,300
Payable from State Parks Fund...................... 161,500
Payable from Wildlife and Fish Fund............... 782,100

For Contractual Services:
Payable from General Revenue Fund............. 136,900
Payable from State Boating Act Fund........... 76,100
Payable from Wildlife and Fish Fund........... 159,900

For Travel:
Payable from General Revenue Fund............. 71,100
Payable from Wildlife and Fish Fund........... 39,400

For Commodities:
Payable from General Revenue Fund............. 158,600

New matter indicated by italics - deletions by strikeout
Payable from State Boating Act Fund............. 14,400
Payable from Wildlife and Fish Fund............. 44,200
For Printing:
Payable from General Revenue Fund.............. 20,100
Payable from Wildlife and Fish Fund............. 5,800
For Equipment:
Payable from General Revenue Fund.............. 18,300
Payable from State Boating Act Fund............ 112,800
Payable from State Parks Fund.................... 122,200
Payable from Wildlife and Fish Fund............. 207,800
For Telecommunications Services:
Payable from General Revenue Fund............... 492,400
Payable from State Boating Act Fund............ 142,900
Payable from Wildlife and Fish Fund............. 197,000
For Operation of Auto Equipment:
Payable from General Revenue Fund............... 322,900
Payable from State Boating Act Fund............ 178,700
Payable from Wildlife and Fish Fund............. 181,300
For Snowmobile Programs:
Payable from State Boating Act Fund............ 32,900
For Payment of Timber Buyers bond forfeitures:
Payable from Illinois Forestry Development Fund:......................... 25,000
For use in enforcing laws regulating controlled substances and cannabis on Department of Natural Resources regulated lands and waterways to the extent funds are received by the Department:
Payable from the Drug Traffic Prevention Fund:.............................. 25,000
For use in alcohol related enforcement efforts and training to the extent funds are available to the Department:

New matter indicated by italics - deletions by strikeout
Payable from the General Revenue Fund...............  0
Payable from State Boating Fund...............  20,000
For Operations and Maintenance of Training Facility:
Payable from Wildlife and Fish Fund...............  50,000
Total                                                                  $18,481,300

Section 70. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the
Department of Natural Resources:

OFFICE OF LAND MANAGEMENT AND EDUCATION

For Personal Services:
Payable from General Revenue Fund...............  15,020,800
Payable from State Boating Act Fund...............  1,624,600
Payable from State Parks Fund....................  1,181,100
Payable from Wildlife and Fish Fund.............  5,794,600

For Employee Retirement Contributions
Paid by State:
Payable from General Revenue Fund...............  0
Payable from State Boating Act Fund...............  0
Payable from State Parks Fund....................  0
Payable from Wildlife and Fish Fund...............  0

For State Contributions to State
Employee's Retirement System:
Payable from General Revenue Fund...............  1,731,200
Payable from State Boating Act Fund...............  187,200
Payable from State Parks Fund....................  136,200
Payable from Wildlife and Fish Fund...............  667,800

For State Contributions to Social Security:
Payable from General Revenue Fund...............  1,149,200
Payable from State Boating Act Fund...............  124,400
Payable from State Parks Fund....................  90,400
Payable from Wildlife and Fish Fund...............  443,100

For Group Insurance:
Payable from State Boating Act Fund...............  529,200

New matter indicated by italics - deletions by strikeout
Payable from State Parks Fund................. 398,900
Payable from Wildlife and Fish Fund.......... 1,944,100

For Contractual Services:
  Payable from General Revenue Fund......... 1,586,950
  Payable from State Boating Act Fund.......  451,200
  Payable from State Parks Fund.............  2,616,500
  Payable from Wildlife and Fish Fund.......  693,700

For Travel:
  Payable from General Revenue Fund.........  4,200
  Payable from State Boating Act Fund.......  5900
  Payable from State Parks Fund.............  49,700
  Payable from Wildlife and Fish Fund.......  14,700

For Commodities:
  Payable from General Revenue Fund.........  512,800
  Payable from State Boating Act Fund.......  51,000
  Payable from State Parks Fund.............  443,400
  Payable from Wildlife and Fish Fund.......  537,700

For Printing:
  Payable from General Revenue Fund.........  14,600

For Equipment:
  Payable from General Revenue Fund.........  53,100
  Payable from State Parks Fund.............  711,800
  Payable from Wildlife and Fish Fund.......  287,300

For Telecommunications Services:
  Payable from General Revenue Fund.........  64,150
  Payable from State Parks Fund.............  282,500
  Payable from Wildlife and Fish Fund.......  32,500

For Operation of Auto Equipment:
  Payable from General Revenue Fund.........  323,900
  Payable from State Parks Fund.............  258,100
  Payable from Wildlife and Fish Fund.......  170,700

For Illinois-Michigan Canal:
  Payable from State Parks Fund.............  118,000

For Union County and Horseshoe Lake
Conservation Areas, Farming and Wildlife Operations:
Payable from Wildlife and Fish Fund.............. 466,100

For operations and maintenance from revenues derived from the sale of surplus crops and timber harvest:
Payable from the State Parks Fund.............. 1,000,000
Payable from the Wildlife and Fish Fund........ 1,050,000

For Snowmobile Programs:
Payable from State Boating Act Fund............. 46,900

For expenses related to Pyramid State Park contingent upon revenues generated at the site:
Payable from State Parks Fund..................... 40,000

For operating expenses of the North Point Marina at Winthrop Harbor:
Payable from the Illinois Beach Marina Fund.... 2,004,700

For expenses of the Park and Conservation program:
Payable from Park and Conservation Fund........ 4,494,400

For expenses of the Bikeways program:
Payable from Park and Conservation Fund........ 1,217,900

For Wildlife Prairie Park Operations and Improvements:
Payable from General Revenue Fund.............. 828,200
Payable from Wildlife Prairie Park Fund........ 100,000

For Operations and Maintenance, including costs associated with operating new sites and facilities:
Payable from State Parks Fund..................... 1,521,900

Total $53,077,300

Section 75. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

New matter indicated by italics - deletions by strikeout
OFFICE OF MINES AND MINERALS

For Personal Services:
Payable from General Revenue Fund.............. 2,464,000
Payable from Mines and Minerals Underground Injection Control Fund......................... 153,600
Payable from Plugging and Restoration Fund ...... 180,100
Payable from Underground Resources Conservation Enforcement Fund....................... 319,500
Payable from Federal Surface Mining Control and Reclamation Fund......................... 1,506,700
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund............. 1,664,800

For Employee Retirement Contributions
Paid by State:
Payable from General Revenue Fund.................. 0
Payable from Mines and Minerals Underground Injection Control Fund.......................... 0
Payable from Plugging and Restoration Fund ....... 0
Payable from Underground Resources Conservation Enforcement Fund....................... 0
Payable from Federal Surface Mining Control and Reclamation Fund.......................... 0
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund............. 0

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund............... 283,900
Payable from Mines and Minerals Underground Injection Control Fund......................... 17,700
Payable from Plugging and Restoration Fund ...... 20,800
Payable from Underground Resources Conservation Enforcement Fund....................... 36,800
Payable from Federal Surface Mining Control and Reclamation Fund......................... 173,600

New matter indicated by italics - deletions by strikeout
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<th>Fund</th>
<th>Amount</th>
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<td>Reclamation Council Federal Trust Fund</td>
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<td>For State Contributions to Social Security:</td>
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<tr>
<td>Payable from Federal Surface Mining Control and Reclamation Fund</td>
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<td>Payable from Abandoned Mined Lands</td>
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<tr>
<td>Reclamation Council Federal Trust Fund</td>
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<tr>
<td>For Group Insurance:</td>
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<td>Payable from Mines and Minerals Underground Injection Control Fund</td>
<td>52,100</td>
</tr>
<tr>
<td>Payable from Plugging and Restoration Fund</td>
<td>44,500</td>
</tr>
<tr>
<td>Payable from Underground Resources Conservation Enforcement Fund</td>
<td>123,800</td>
</tr>
<tr>
<td>Payable from Federal Surface Mining Control and Reclamation Fund</td>
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<td>Payable from Abandoned Mined Lands</td>
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<tr>
<td>Reclamation Council Federal Trust Fund</td>
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<td>For Contractual Services:</td>
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<td>Payable from General Revenue Fund</td>
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<td>Payable from Mines and Minerals Underground Injection Control Fund</td>
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<td>Payable from Plugging and Restoration Fund</td>
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<td>Payable from Federal Surface Mining Control and Reclamation Fund</td>
<td>468,200</td>
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<tr>
<td>Payable from Abandoned Mined Lands</td>
<td>220,700</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Travel:
Payable from General Revenue Fund................. 37,600
Payable from Mines and Minerals Underground Injection Control Fund....................... 5,000
Payable from Plugging and Restoration Fund .... 5,000
Payable from Underground Resources Conservation Enforcement Fund............... 6,000
Payable from Federal Surface Mining Control and Reclamation Fund....................... 31,400
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund........ 30,700

For Commodities:
Payable from General Revenue Fund................. 27,900
Payable from Mines and Minerals Underground Injection Control Fund....................... 0
Payable from Plugging and Restoration Fund .... 5,000
Payable from Underground Resources Conservation Enforcement Fund............... 9,600
Payable from Federal Surface Mining Control and Reclamation Fund....................... 12,400
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund........ 25,800

For Printing:
Payable from General Revenue Fund................. 5,200
Payable from Mines and Minerals Underground Injection Control Fund....................... 0
Payable from Plugging and Restoration Fund .... 500
Payable from Underground Resources Conservation Enforcement Fund............... 3,300
Payable from Federal Surface Mining Control and Reclamation Fund....................... 11,200
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund........ 1,000

For Equipment:

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund............... 80,900
Payable from Mines and Minerals Underground Injection Control Fund......................... 20,000
Payable from Plugging and Restoration Fund ...... 38,200
Payable from Underground Resources Conservation Enforcement Fund......................... 47,800
Payable from Federal Surface Mining Control and Reclamation Fund......................... 109,600
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund........... 118,800

For Electronic Data Processing:
Payable from General Revenue Fund............... 13,200
Payable from Mines and Minerals Underground Injection Control Fund................................. 0
Payable from Plugging and Restoration Fund ...... 8,000
Payable from Underground Resources Conservation Enforcement Fund......................... 31,000
Payable from Federal Surface Mining Control and Reclamation Fund................................. 119,800
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund........... 84,500

For Telecommunications Services:
Payable from General Revenue Fund............... 54,700
Payable from Mines and Minerals Underground Injection Control Fund................................. 0
Payable from Plugging and Restoration Fund ...... 18,200
Payable from Underground Resources Conservation Enforcement Fund......................... 15,600
Payable from Federal Surface Mining Control and Reclamation Fund................................. 32,000
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund........... 32,200

For Operation of Auto Equipment:
Payable from General Revenue Fund............... 56,000

New matter indicated by italics - deletions by strikeout
Payable from Mines and Minerals Underground Injection Control Fund.......................... 28,500
Payable from Plugging and Restoration Fund...... 43,200
Payable from Underground Resources
Conservation Enforcement Fund....................... 45,000
Payable from Federal Surface Mining Control
and Reclamation Fund................................. 50,300
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust Fund.......... 40,200
For the purpose of coordinating training
and education programs for miners and
laboratory analysis and testing of
coal samples and mine atmospheres:
Payable from the General Revenue Fund.......... 13,700
Payable from the Coal Mining Regulatory Fund.... 32,800
Payable from Federal Surface Mining
Control and Reclamation Fund....................... 308,300
For expenses associated with Aggregate
Mining Regulation:
Payable from Aggregate Operations
Regulatory Fund........................................ 261,900
For expenses associated with Explosive
Regulation:
Payable from Explosives Regulatory Fund........... 98,300
For expenses associated with Environmental
Mitigation Projects, Studies, Research,
and Administrative Support:
Payable from Abandoned Mined Lands
Reclamation Council Federal
Trust Fund.............................................. 400,000
For the purpose of reclaiming surface
mined lands, with respect to which a
bond has been forfeited:
Payable from Land Reclamation Fund............. 350,000

New matter indicated by italics - deletions by strikeout
For expenses associated with
Surface Coal Mining Regulation:
  Payable from Coal Mining Regulatory Fund........ 287,600
For the State of Illinois' share of
expenses of Interstate Oil Compact
Commission created under the authority
of "An Act ratifying and approving an
Interstate Compact to Conserve Oil and
Gas", approved July 10, 1935, as amended:
  Payable from General Revenue Fund................. 6,600
For State expenses in connection with
the Interstate Mining Compact:
  Payable from General Revenue Fund................. 19,300
For expenses associated with litigation of
Mining Regulatory actions:
  Payable from Federal Surface Mining
  Control and Reclamation Fund....................... 15,000
For Small Operators' Assistance Program:
  Payable from Federal Surface Mining
  Control and Reclamation Fund....................... 150,000
For Plugging & Restoration Projects:
  Payable from Plugging & Restoration Fund....... 1,000,000
For Interest Penalty Escrow:
  Payable from General Revenue Fund............... 500
  Payable from Underground Resources
  Conservation Enforcement Fund..................... 500
For the purpose of carrying out the
Illinois Petroleum Education and
Marketing Act:
  Payable from the Petroleum Resources
  Revolving Fund................................. 900,000
  Total......................................... $14,503,400

Section 80. The following named sums, or so much thereof as may
be necessary, for the objects and purposes hereinafter named, are

New matter indicated by italics - deletions by strikeout
appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF WATER RESOURCES

For Personal Services:
- Payable from General Revenue Fund................ 3,821,600
- Payable from State Boating Act Fund............... 283,300

For Employee Retirement Contributions
Paid by State:
- Payable from General Revenue Fund................ 0
- Payable from State Boating Act Fund............... 0

For State Contributions to State Employees' Retirement System:
- Payable from General Revenue Fund................ 440,500
- Payable from State Boating Act Fund............... 32,600

For State Contributions to Social Security:
- Payable from General Revenue Fund................ 292,400
- Payable from State Boating Act Fund............... 21,700

For Group Insurance:
- Payable from State Boating Act Fund............... 106,900

For Contractual Services:
- Payable from General Revenue Fund................ 229,600
- Payable from State Boating Act Fund............... 23,000

For Travel:
- Payable from General Revenue Fund................ 148,500
- Payable from State Boating Act Fund............... 6,500

For Commodities:
- Payable from General Revenue Fund................ 7,000
- Payable from State Boating Act Fund............... 14,200

For Printing:
- Payable from General Revenue Fund................ 4,600

For Equipment:
- Payable from General Revenue Fund................ 10,400
- Payable from State Boating Act Fund............... 30,900

For Telecommunications Services:

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund.............. 53,850
Payable from State Boating Act Fund.............. 7,800

For Operation of Auto Equipment:
Payable from General Revenue Fund............... 88,200
Payable from State Boating Act Fund............... 2,900

For payment of the Department’s share
of operation and maintenance of statewide
stream gauging network, water data
storage and retrieval system, in
cooperation with the U.S. Geological
Survey:
Payable from the Wildlife and Fish Fund......... 200,000

For execution of state assistance
programs to improve the administration
of the National Flood Insurance
Program (NFIP) and National Dam
Safety Program as approved by the
Federal Emergency Management Agency
(82 Stat. 572):
Payable from National Flood Insurance
Program Fund..................................... 400,000

For Repairs and Modifications to Facilities:
Payable from State Boating Act Fund.............. 53,900

Total ................................................... $6,280,400

Section 81. Pursuant to Executive Order 2006-01, the sum of
$650,000, or so much thereof as may be necessary, is appropriated from the
DNR Special Projects Fund to the Department of Natural Resources for the
Office of Water Resources to develop a comprehensive program for state
and regional water supply planning and management and develop a plan for
its implementation consistent with existing laws, regulations and property
rights, incorporation with local officials and regional planning committees.

Section 82. The sum of $400,000, or so much thereof as may be
necessary, is appropriated from the DNR Special Projects Fund to the
Department of Natural Resources to provide for grants to priority regions to

New matter indicated by italics - deletions by strikeout
recruit and assign responsibilities to Regional Water Supply Planning Committees formed to assist the State agencies in comparing population forecast with water supply needs, establishing a public participation process for plan formulation and developing management options for meeting long-term water supply needs including conservation strategies.

Section 83. The sum of $4,802,528 or so much thereof as may be necessary, is appropriated from the DNR Federal Projects Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for Floodplain Map Modernization as approved by the Federal Emergency Management Agency.

Section 85. The sum of $1,480,300, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the objects, uses, and purposes specified, including grants for such purposes and electronic data processing expenses, at the approximate costs set forth below:

Corps of Engineers Studies - To jointly plan local flood protection projects with the U.S. Army Corps of Engineers and to share planning expenses as required by Section 203 of the U.S. Water Resources Development Act of 1996 (P.L. 104-303)............................... 61,000

Federal Facilities - For payment of the State's share of operation and maintenance costs as local sponsor of the federal Aquatic Nuisance Barrier in the Chicago Sanitary and ship canal and the federal Rend Lake Reservoir and the federal projects on the Kaskaskia River................... 600,000

Lake Michigan Management - For studies carrying out the provisions of the Level of Lake Michigan Act, 615 ILCS 50

New matter indicated by italics - deletions by strikeout
and the Lake Michigan Shoreline Act, 615 ILCS 55

National Water Planning - For expenses to participate in national and regional water planning programs including membership in regional and national associations, commissions and compacts

River Basin Studies - For purchase of necessary mapping, surveying, test boring, field work, equipment, studies, legal fees, hearings, archaeological and environmental studies, data, engineering, technical services, appraisals and other related expenses to make water resources reconnaissance and feasibility studies of river basins, to identify drainage and flood problem areas, to determine viable alternatives for flood damage reduction and drainage improvement, and to prepare project plans and specifications

Design Investigations - For purchase of necessary mapping, equipment test boring, field work for Geotechnical investigations and other design and construction related studies

Rivers and Lakes Management - For purchase of necessary surveying, equipment, obtaining data, field work studies, publications, legal fees, hearings and other expenses in order to

New matter indicated by italics - deletions by strikeout
expedite the fulfillment of the provisions of the 1911 Act in relation to the "Regulation of Rivers, Lakes and Streams Act", 615 ILCS 5/4.9 et seq.............................. 20,500
State Facilities - For materials, equipment, supplies, services, field vehicles, and heavy construction equipment required to operate, maintain, repair, construct, modify or rehabilitate facilities controlled or constructed by the Office of Water Resources, and to assist local governments preserve the streams of the State............... 71,000
State Water Supply and Planning - For data collection, studies, equipment and related expenses for analysis and management of the water resources of the State, implementation of the State Water Plan, and management of state-owned water resources.................. 67,200
USGS Cooperative Program - For payment of the Department's share of operation and maintenance of statewide stream gauging network, water data storage and retrieval system, preparation of topography mapping, and water related studies; all in cooperation with the U.S. Geological Survey.......................... 360,800
Total

Total $1,480,300

New matter indicated by italics - deletions by strikeout
Section 90. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Natural Resources:

WASTE MANAGEMENT AND RESEARCH CENTER

For Personal Services:
Payable from General Revenue Fund............... 1,854,800

For State Contributions to Social Security:
Payable from General Revenue Fund............... 22,600

For Contractual Services:
Payable from General Revenue Fund............... 316,000

For Travel:
Payable from General Revenue Fund............... 16,500

For Commodities:
Payable from General Revenue Fund............... 88,000

For Printing:
Payable from General Revenue Fund............... 1,000

For Equipment:
Payable from General Revenue Fund............... 40,000

For Telecommunications Services:
Payable from General Revenue Fund............... 24,600

For Operation of Auto Equipment:
Payable from General Revenue Fund............... 25,000

For Ordinary and Contingent Expenses:
Payable from Toxic Pollution Prevention Fund......................... 89,700
Payable from Hazardous Waste Research Fund............................... 472,100

Total $2,950,300

STATE GEOLOGICAL SURVEY

For Personal Services:
Payable from General Revenue Fund............... 6,420,900

For State Contributions to Social Security:
Payable from General Revenue Fund............... 41,500

For Contractual Services:

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund.............. 262,400
For Travel:
  Payable from General Revenue Fund..............  51,300
For Commodities:
  Payable from General Revenue Fund..............  87,200
For Printing:
  Payable from General Revenue Fund..............  39,800
For Equipment:
  Payable from General Revenue Fund.............. 112,800
For Telecommunications Services:
  Payable from General Revenue Fund..............  67,750
For Operation of Auto Equipment:
  Payable from General Revenue Fund..............  55,000
Total............................................. $7,138,650

STATE NATURAL HISTORY SURVEY
For Personal Services:
  Payable from General Revenue Fund.............. 3,300,900
For State Contributions to Social Security:
  Payable from General Revenue Fund..............  32,300
For Contractual Services:
  Payable from General Revenue Fund.............. 233,100
For Travel:
  Payable from General Revenue Fund..............  17,000
For Commodities:
  Payable from General Revenue Fund..............  49,000
For Printing:
  Payable from General Revenue Fund..............   7,200
For Equipment:
  Payable from General Revenue Fund.............. 131,000
For Telecommunications Services:
  Payable from General Revenue Fund..............  65,350
For Operation of Auto Equipment:
  Payable from General Revenue Fund..............  30,100

New matter indicated by italics - deletions by strikeout
including the diseases they spread:
Payable from the Emergency Public Health Fund................................. 200,000
Payable from Used Tire Management Fund............. 200,000
Total

$4,265,950

STATE WATER SURVEY
For Personal Services:
Payable from General Revenue Fund............... 3,485,200
For State Contributions to Social Security:
Payable from General Revenue Fund............... 27,500
For Contractual Services:
Payable from General Revenue Fund............... 176,100
For Travel:
Payable from General Revenue Fund............... 9,900
For Commodities:
Payable from General Revenue Fund............... 27,400
For Printing:
Payable from General Revenue Fund............... 1,800
For Equipment:
Payable from General Revenue Fund............... 92,200
For Telecommunications Services:
Payable from General Revenue Fund............... 50,750
For Operation of Auto Equipment:
Payable from General Revenue Fund............... 27,300
Total

$3,898,150

STATE MUSEUMS
For Personal Services:
Payable from General Revenue Fund............... 3,503,500
For Employee Retirement Contributions
Paid by the State:
Payable from General Revenue Fund............... 0
For State Contributions to State Employees Retirement System:
Payable from General Revenue Fund............... 422,900

New matter indicated by italics - deletions by strikeout
For State Contributions to Social Security:
   Payable from General Revenue Fund.............. 265,500
For Contractual Services:
   Payable from General Revenue Fund.............. 632,700
For Travel:
   Payable from General Revenue Fund.............. 29,300
For Commodities:
   Payable from General Revenue Fund.............. 140,000
For Printing:
   Payable from General Revenue Fund.............. 71,200
For Equipment:
   Payable from General Revenue Fund.............. 55,000
For Telecommunications Services:
   Payable from General Revenue Fund.............. 91,350
For Operation of Auto Equipment:
   Payable from General Revenue Fund.............. 15,700
Total                                      $5,227,150

FOR REFUNDS
Section 95. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Natural Resources:
For Payment of Refunds:
   Payable from General Revenue Fund.............. 1,500
   Payable from State Boating Act Fund............ 30,000
   Payable from State Parks Fund.................. 50,000
   Payable from Wildlife and Fish Fund............ 1,150,000
   Payable from Plugging and Restoration Fund ..... 25,000
   Payable from Underground Resources
      Conservation Enforcement Fund................ 25,000
   Payable from Illinois Beach Marina Fund........ 25,000
Total                                      $1,306,500
Section 100. The following named sum, new appropriation, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, is appropriated to the Department of Natural Resources:

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund:
For Multiple Use Facilities and Programs for conservation purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, material labor, land acquisition, services, studies and all other expenses required to comply with the intent of this appropriation.................. 1,555,200

Section 105. The sum of $2,487,048, less $1,000,000 to be lapsed from the unexpended appropriation, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:
Payable from the General Revenue Fund:
(From Article 51, Section 100 of Public Act 94-0798, as amended and Article 51, Section 105 of Public Act 94-0798)
For Multiple use facilities and programs for conservation purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, material labor, land acquisition, services, studies and all other expenses required to comply with the intent of this appropriation.............................. 2,487,048

Section 110. The amount of $3,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Natural Resources for contributions of funds to park districts and other entities as provided by the "Illinois Horse Racing Act of 1975" and to public museums and aquariums located in park districts, as

New matter indicated by italics - deletions by strikeout
provided by "An Act concerning aquariums and museums in public parks" and the "Illinois Horse Racing Act of 1975" as now or hereafter amended.

Section 115. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Natural Resources for purposes including, but not limited to education, training, and recreation activities.

ARTICLE 250

Section 5. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Procurement Policy Board for its ordinary and contingent expenses.

ARTICLE 255

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

Payable from the General Revenue Fund:
- For Personal Services .................. $1,603,700
- For Employee Contributions Paid
  By Employer .......................... $0
- For State Contributions to State
  Employees' Retirement System ........ $184,850
- For State Contributions to Social Security .............. $121,550
- For Contractual Services .............. $47,000
- For Travel .......................... $33,600
- For Commodities ........................ $9,600
- For Printing ........................ $5,800
- For Equipment ........................ $4,600
- For Electronic Data Processing .......... $43,200
- For Telecommunication Services ....... $30,000
- For Operation of Auto Equipment ........ $14,000
- For Refunds .......................... $200
- For Costs Associated with the Appeal Process and the Reestablishment of a

New matter indicated by italics - deletions by strikeout
ARTICLE 260

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

**OPERATIONS**

**GOVERNMENT SERVICES**

For Personal Services:
- Payable from General Revenue Fund............ 3,286,500
- Payable from Motor Fuel Tax Fund............... 109,100
- Payable from Illinois Tax
  - Increment Fund................................ 199,200
- Payable from Personal Property Tax
  - Replacement Fund............................... 873,500

For State Contributions to State Employees' Retirement System:
- Payable from General Revenue Fund............ 378,000
- Payable from Motor Fuel Tax Fund............... 12,600
- Payable from Illinois Tax
  - Increment Fund................................ 22,900
- Payable from Personal Property Tax
  - Replacement Fund............................... 100,500

For State Contributions to Social Security:
- Payable from General Revenue Fund............ 246,200
- Payable from Motor Fuel Tax Fund............... 7,500
- Payable from Illinois Tax
  - Increment Fund................................ 14,900
- Payable from Personal Property Tax
  - Replacement Fund............................... 65,500

For Group Insurance:
- Payable from Motor Fuel Tax Fund............... 41,500
- Payable from Illinois Tax

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0011

Increment Fund................................. 59,200
Payable from Personal Property Tax
Replacement Fund............................ 261,000

For Contractual Services:
Payable from General Revenue Fund........... 232,000
Payable from Motor Fuel Tax Fund............... 50,300
Payable from Personal Property Tax
Replacement Fund............................ 10,000

For Travel:
Payable from General Revenue Fund............ 64,600
Payable from Motor Fuel Tax Fund............. 13,100
Payable from Personal Property Tax
Replacement Fund............................ 16,800

For Commodities:
Payable from General Revenue Fund........... 5,500
Payable from Motor Fuel Tax Fund............. 1,000
Payable from Personal Property Tax
Replacement Fund............................ 3,600

For Equipment:
Payable from General Revenue Fund............ 126,800
Payable from Motor Fuel Tax Fund............. 65,000
Payable from Personal Property Tax
Replacement Fund............................ 46,000

For Electronic Data Processing:
Payable from General Revenue Fund............ 1,000

For Administration of the
Illinois Affordable Housing Act:
Payable from Illinois Affordable
Housing Trust Fund.......................... 2,600,000

For Administration of the Rental
Housing Program:
Payable from the Rental Housing Support
Program Fund............................... 1,750,000
Total........................................... $10,663,800

New matter indicated by italics - deletions by strikeout
Section 6. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Revenue to conduct a study to determine the impact of P.A. 93-715.

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

OPERATIONS
TAX ENFORCEMENT

For Personal Services:
Payable from General Revenue Fund............ 45,354,000
Payable from Motor Fuel Tax Fund............. 7,590,600
Payable from Underground Storage Tank Fund.......................... 189,000
Payable from Illinois Gaming Law Enforcement Fund............................. 260,300
Payable from Home Rule Municipal Retailers Occupation Tax Fund............. 180,400
Payable from County Option Motor Fuel Tax Fund.......................... 120,600
Payable from Child Support Administrative Fund............................ 1,455,700
Payable from Personal Property Tax Replacement Fund.......................... 1,064,900

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund............. 5,216,100
Payable from Motor Fuel Tax Fund............... 872,900
Payable from Underground Storage Tank Fund.......................... 21,700
Payable from Illinois Gaming Law Enforcement Fund............................. 29,900
Payable from Home Rule Municipal

New matter indicated by italics - deletions by strikeout
Retailers Occupation Tax Fund........................................ 20,800
Payable from County Option Motor Fuel Tax Fund............................ 13,900
Payable from Child Support Administrative Fund............................... 167,400
Payable from Personal Property Tax Replacement Fund...................... 122,500
For State Contributions to Social Security:
Payable from General Revenue Fund.................................. 3,314,600
Payable from Motor Fuel Tax Fund..................................... 569,300
Payable from Underground Storage Tank Fund............................... 14,200
Payable from Illinois Gaming Law Enforcement Fund....................... 19,000
Payable from Home Rule Municipal Retailers Occupation Tax Fund.......... 13,500
Payable from County Option Motor Fuel Tax Fund............................ 9,000
Payable from Child Support Administrative Fund............................... 109,200
Payable from Personal Property Tax Replacement Fund........................ 79,900
For Group Insurance:
Payable from Motor Fuel Tax Fund..................................... 1,508,000
Payable from Underground Storage Tank Fund................................ 43,500
Payable from Illinois Gaming Law Enforcement Fund........................ 58,000
Payable from Home Rule Municipal Retailers Occupation Tax Fund.......... 43,500
Payable from County Option Motor Fuel Tax Fund............................ 29,000
Payable from Child Support Administrative Fund............................... 435,000

New matter indicated by italics - deletions by strikeout
Payable from Personal Property Tax Replacement Fund.......................... 319,000

For Contractual Services:
Payable from General Revenue Fund............. 1,227,500
Payable from Motor Fuel Tax Fund............... 71,900
Payable from Illinois Gaming Law Enforcement Fund...................... 4,300
Payable from Personnel Property Tax Replacement Fund.................. 100,000

For Travel:
Payable from General Revenue Fund............. 1,468,800
Payable from Motor Fuel Tax Fund............... 1,161,200
Payable from Underground Storage Tank Fund.......................... 15,200
Payable from Illinois Gaming Law Enforcement Fund...................... 25,200
Payable from Home Rule Municipal Retailers Occupation Tax Fund........ 25,800
Payable from County Option Motor Fuel Tax Fund........................ 15,300
Payable from Personal Property Tax Replacement Fund.................. 143,100

For Commodities:
Payable from General Revenue Fund............. 5,400
Payable from Motor Fuel Tax Fund............... 1,800
Payable from Underground Storage Tank Fund.......................... 800
Payable from Illinois Gaming Law Enforcement Fund...................... 2,900
Payable from Personal Property Tax Replacement Fund.................. 900

For Electronic Data Processing:
Payable from General Revenue Fund............. 2,700
Payable from Motor Fuel Tax Fund............... 3,400

New matter indicated by italics - deletions by strikeout
Payable from Illinois Gaming
   Law Enforcement Fund.......................... 4,100
Payable from Personal Property Tax
   Replacement Fund.............................. 1,000
For Administrative Costs of Joint State/Federal Motor Fuel
   Tax Enforcement Program:
   Payable from Motor Fuel Tax Fund............... 71,000
For Administration of the Dyed Diesel Fuel Roadside Enforcement Plan per PA 91-173, Including prior year costs:
   Payable from Tax Compliance and Administration Fund.................. 29,600
For Administrative Costs Associated with the Illinois Department of Revenue Federal Trust Fund:
   Payable from the Illinois Department of Revenue Federal Trust Fund.......... 250,000
For Administrative Costs Associated with Statewide Debt Collection:
   Payable from the Debt Collection Fund............ 10,000
Total $73,887,300

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

OPERATIONS

For Personal Services:
   Payable from General Revenue Fund.............. 31,573,200
   Payable from Motor Fuel Tax Fund............... 4,832,300
   Payable from Underground Storage Tank Fund............... 360,800

New matter indicated by italics - deletions by strikeout
Payable from Illinois Gaming
  Law Enforcement Fund....................... 355,700
Payable from County Option Motor
  Fuel Tax Fund.............................. 200,200
Payable from Tax Compliance and
  Administration Fund....................... 279,000
Payable from Personal Property Tax
  Replacement Fund.......................... 3,373,300
For Extra Help:
  Payable from General Revenue Fund........... 87,100
For State Contributions to State
Employees' Retirement System:
  Payable from General Revenue Fund......... 3,630,800
  Payable from Motor Fuel Tax Fund.......... 555,700
  Payable from Underground Storage Tank Fund ... 41,500
  Payable from Illinois Gaming
    Law Enforcement Fund...................... 40,900
  Payable from County Option Motor
    Fuel Tax Fund............................ 23,000
  Payable from Tax Compliance and
    Administration Fund...................... 32,100
  Payable from Personal Property Tax
    Replacement Fund......................... 387,900
For State Contributions to Social Security:
  Payable from General Revenue Fund......... 2,400,900
  Payable from Motor Fuel Tax Fund.......... 364,500
  Payable from Underground Storage Tank Fund ... 27,100
  Payable from Illinois Gaming
    Law Enforcement Fund...................... 26,700
  Payable from County Option Motor
    Fuel Tax Fund............................ 15,000
  Payable from Tax Compliance and
    Administration Fund...................... 21,100
  Payable from Personal Property Tax

New matter indicated by italics - deletions by strikeout
Replacement Fund.......................... 253,000

For Group Insurance:
  Payable from Motor Fuel Tax Fund............... 1,087,500
  Payable from Underground Storage Tank Fund............... 130,500
  Payable from Illinois Gaming Law Enforcement Fund............... 116,000
  Payable from County Option Motor Fuel Tax Fund............... 72,500
  Payable from Tax Compliance and Administration Fund............... 87,000
  Payable from Personal Property Tax Replacement Fund............... 1,145,500

For Contractual Services:
  Payable from General Revenue Fund............... 10,618,400
  Payable from Motor Fuel Tax Fund............... 1,459,200
  Payable from Underground Storage Tank Fund............... 6,800
  Payable from Illinois Gaming Law Enforcement Fund............... 176,400
  Payable from Home Rule Municipal Retailers Occupation Tax Fund............... 132,300
  Payable from County Option Motor Fuel Tax Fund.... 18,000
  Payable from Illinois Tax Increment Fund............... 265,200
  Payable from Child Support Administration Fund..... 6,800
  Payable from Personal Property Tax Replacement Fund............... 1,163,800

For Travel:
  Payable from General Revenue Fund............... 153,500
  Payable from Motor Fuel Tax Fund............... 11,900
  Payable from Personal Property Tax Replacement Fund............... 4,000

For Commodities:
  Payable from General Revenue Fund............... 472,200
  Payable from Motor Fuel Tax Fund............... 57,800

New matter indicated by italics - deletions by strikeout
Payable from Underground Storage Tank Fund ....... 1,300
Payable from County Option Motor Fuel Tax Fund.............................. 2,400
Payable from Personal Property Tax Replacement Fund.......................... 48,000

For Printing:
Payable from General Revenue Fund....................... 891,800
Payable from Motor Fuel Tax Fund...................... 150,900
Payable from Underground Storage Tank Fund..................... 1,500
Payable from Illinois Gaming Law Enforcement Fund..................... 1,500
Payable from Personal Property Tax Replacement Fund.................. 24,600

For Electronic Data Processing:
Payable from General Revenue Fund.................... 3,293,700
Payable from Motor Fuel Tax Fund...................... 1,145,000
Payable from Transportation Regulatory Fund........ 1,000
Payable from Illinois Gaming Law Enforcement Fund..................... 52,900
Payable from Tax Compliance and Administration Fund............... 105,000
Payable from Child Support Administrative Fund.... 1,400
Payable from Personal Property Tax Replacement Fund.................... 2,951,800

For Telecommunications Services:
Payable from General Revenue Fund.................... 2,363,200
Payable from Motor Fuel Tax Fund...................... 235,900
Payable from Underground Storage Tank Fund..................... 28,000
Payable from Illinois Gaming Law Enforcement Fund..................... 10,500
Payable from Home Rule Municipal Retailers Occupation Tax Fund........ 3,700

New matter indicated by italics - deletions by strikeout
Payable from County Option Motor Fuel Tax Fund................................. 12,500
Payable from Illinois Tax Increment Fund................................. 14,600
Payable from Tax Compliance and Administration Fund............... 5,700
Payable from Child Support Administrative Fund......................... 15,600
Payable from Personal Property Tax Replacement Fund............. 147,200

For Operation of Auto Equipment:
Payable from General Revenue Fund.......................... 37,400
Payable from Motor Fuel Tax Fund........................... 25,400
Payable from Illinois Gaming Law Enforcement Fund.............. 18,600
Payable from Personal Property Tax Replacement Fund........ 16,000

For Expenses Related to or in support of a government services shared services center:
Payable from the General Revenue Fund............... 6,084,000
Payable from the Motor Fuel Tax Fund................... 865,400
Payable from the Tax Compliance and Administration Fund........ 76,100

For Administration of the Illinois Petroleum Education and Marketing Act:
Payable from the Tax Compliance and Administration Fund........ 9,000

For Administration of the Dry Cleaners Environmental Response Trust Fund Act:
Payable from the Tax Compliance and Administration Fund......... 63,600

For Administration of the Simplified Telecommunications Act:
Payable from the Tax Compliance and

New matter indicated by italics - deletions by strikeout
Administration Fund
For administrative costs associated with the Municipality Sales Tax as directed in Public Act 93-1053:
Payable from the Tax Compliance and Administration Fund
Total

$86,358,100

GOVERNMENT SERVICES GRANTS

Section 20. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Revenue as follows:
Payable from General Revenue Fund:
For the State's Share of County Supervisors of Assessments' or County Assessors' salaries, as provided by law
For additional compensation for local assessors, as provided by Sections 2.3 and 2.6 of the "Revenue Act of 1939", as amended
For additional compensation for local assessors, as provided by Section 2.7 of the "Revenue Act of 1939", as amended
For additional compensation for county treasurers, pursuant to Public Act 84-1432, as amended
For the State’s Share of State’s Attorneys’ And Assistant State’s Attorneys’ salaries, Including prior years costs
For the annual stipend for Sheriffs as Provided in subsection (d) of Section 4-6300 and Section 4-8002 of the Counties Code
For the annual stipend to county

New matter indicated by italics - deletions by strikeout
Coroners pursuant to 55 ILCS 5/4-6002  
Including prior years costs.................. 663,000 
For the State’s Share of county  
Public Defenders’ salaries  
Pursuant to 55 ILCS 5/3-4007............. 3,700,000 
Total  
$21,813,700 
Payable from State and Local Sales Tax Reform Fund:  
For Allocation to Chicago for  
additional 1.25% Use Tax Pursuant  
to P.A. 86-0928................................. 46,386,400 
Payable from Local Government Distributive Fund:  
For Allocation to Local Governments of  
additional 1.25% Use Tax Pursuant to  
P.A. 86-0928................................. 123,489,700 
Payable from R.T.A. Occupation and Use  
Tax Replacement Fund:  
For Allocation to RTA for 10% of the  
1.25% Use Tax Pursuant to P.A. 86-0928...... 23,193,200 
Payable from Senior Citizens' Real Estate  
Deferred Tax Revolving Fund:  
For Payments to Counties as Required  
by the Senior Citizens Real  
Estate Tax Deferral Act.......................... 5,900,000 
Payable from Illinois Tax  
Increment Fund:  
For Distribution to Local Tax  
Increment Finance Districts.................. 21,076,600 

TAX ENFORCEMENT GRANTS  
Section 25. The following named sums, or so much thereof as may  
be necessary, are appropriated to the Department of Revenue for the  
purposes as follows:  
Payable from the Illinois Gaming Law  

New matter indicated by italics - deletions by strikeout
Enforcement Fund:
For a Grant for Allocation to Local Law Enforcement Agencies for joint state and local efforts in Administration of the Charitable Games, Pull Tabs and Jar Games Act.......................... 1,300,000

TAX OPERATIONS GRANTS
Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Revenue for:
Payable from the Motor Fuel Tax Fund:
For Reimbursement to International Fuel Tax Agreement Member States...................... 42,000,000

TAX OPERATIONS REFUNDS
For Refunds and Repayment to persons as provided by law:
Payable from Motor Fuel Tax Fund........... 16,016,200
For Refund of certain taxes in lieu of credit memoranda, where such refunds are authorized by law:
Payable from General Revenue Fund......... 6,576,500
For Refunds provided for in Section 13a.8 of the Motor Fuel Tax Act:
Payable from the Underground Storage Tank Fund...................... 12,000
For Refunds associated with the Simplified Municipal Telecommunications Act:
Payable from the Municipal Telecommunications Fund...................... 12,000

GOVERNMENT SERVICE GRANTS
Section 35. The sum of $62,400,000 is appropriated from the Illinois Affordable Housing Trust Fund to the Department of Revenue for Grants, (down payment assistance, rental subsidies, security deposit

New matter indicated by italics - deletions by strikeout
subsidies, technical assistance, outreach, building an organization's capacity to develop affordable housing projects and other related purposes), mortgages, loans, or for the purpose of securing bonds pursuant to the Illinois Affordable Housing Act, administered by the Illinois Housing Development Authority.

Section 36. The sum of $6,300,000, or so much thereof as may be necessary, is appropriated from the Illinois Affordable Housing Trust Fund to the Department of Revenue for grants to other state agencies for rental assistance, supportive living and adaptive housing.

Section 37. The sum of $25,000,000, or so much thereof as may be necessary, is appropriated from the Rental Housing Support Program Fund to the Department of Revenue to provide rental assistance pursuant to the Rental Housing Support Program, administered by the Illinois Housing Development Fund.

Section 40. The sum of $23,000,000, new appropriation, is appropriated and the sum of $9,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations and reappropriations heretofore made in Article 54, Section 40 of Public Act 94-0798 is reappropriated from the Federal HOME Investment Trust Fund to the Department of Revenue for the Illinois HOME Investment Partnerships Program administered by the Illinois Housing Development Authority.

ILLINOIS GAMING BOARD

Section 45. The sum of $122,000,000, or so much thereof as may be necessary, is appropriated from the State Gaming Fund to the Department of Revenue for distributions to local governments for admissions and wagering tax.

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Revenue for the ordinary and contingent expenses of the Illinois Gaming Board:

Payable from State Gaming Fund:
For Personal Services.............................. 6,060,300
For State Contributions to the

New matter indicated by italics - deletions by strikeout
State Employees' Retirement System.............. 696,900
For State Contributions to
Social Security........................................ 277,800
For Group Insurance................................. 1,291,000
For Contractual Services......................... 859,300
For Travel............................................... 61,000
For Commodities................................. 20,000
For Printing.......................................... 5,900
For Equipment....................................... 194,100
For Electronic Data Processing............... 54,000
For Telecommunications............................. 333,000
For Operation of Auto Equipment........... 50,500
For Expenses Related to the Illinois State Police........ 8,300,000
For Expenses Related to or in support of a government services shared services center.................... 490,700
Total $18,744,500

REFUNDS

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Revenue for:

ILLINOIS GAMING BOARD Payable from State Gaming Fund:
For Refunds.............................................. 50,000

LIQUOR CONTROL

Section 60. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Dram Shop Fund to the Department of Revenue:
For Personal Services.............................. 2,249,600
For State Contributions to State Employees' Retirement System......................... 258,700
For State Contributions to

New matter indicated by italics - deletions by strikeout
Section 63. The sum of $97,600, or so much thereof as may be necessary, is appropriated from the Dram Shop Fund to the Department of Revenue for expenses related to or in support of a government services shared services center.

Section 65. The amount of $281,700, or so much thereof as may be necessary, is appropriated from the Dram Shop Fund to the Department of Revenue to conduct a study to determine the extent of enforcement of laws relating to access by minors to tobacco products.

Section 70. The sum of $165,500 or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Department of Revenue for the purpose of operating the local government tobacco enforcement grant program.

Section 75. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Department of Revenue for grants to local governmental units to establish enforcement programs that will reduce youth access to tobacco products.

Section 80. The sum of $196,700, or so much thereof as may be necessary, respectively, are appropriated for the Retailer Education Program from the Dram Shop Fund to the Department of Revenue.

Section 85. The sum of $268,600, or so much thereof as may be necessary, is appropriated from the Dram Shop Fund to the Department of Revenue for expenses related to or in support of a government services shared services center.

Section 75. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Department of Revenue for grants to local governmental units to establish enforcement programs that will reduce youth access to tobacco products.
Revenue for the purpose of operating the Beverage Alcohol Sellers and Servers Education and Training (BASSET) Program.

LOTTERY

Section 90. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the State Lottery Fund to meet the ordinary and contingent expenses of the Department of Revenue for Lottery, including operating expenses related to Multi-State Lottery games pursuant to the Illinois Lottery Law:

OPERATIONS

Payable from State Lottery Fund:

For Personal Services.........................                                           7,868,100
For State Contributions for the State
  Employees' Retirement System...............                                   904,800
For State Contributions to
  Social Security........................................ 589,200
For Group Insurance.........................  2,239,000
For Contractual Services................... 30,088,300
For Travel.................................  107,400
For Commodities.............................  58,400
For Printing.................................  29,700
For Equipment.................................  260,500
For Electronic Data Processing......... 2,505,700
For Telecommunications Services........ 9,488,200
For Operation of Auto Equipment..........  425,000
For Expenses of Developing and
  Promoting Lottery Games....................  7,533,200
For Expenses of the Lottery Board...........  8,300
For Expenses Related to or in support
  of a government services shared services
  center...........................................  832,700
For Refunds.....................................  48,000
Total $62,986,500
Section 95. The sum of $315,050,000, or so much thereof as may be necessary, is appropriated from the State Lottery Fund to the Department of the Revenue for Lottery, for payment of prizes to holders of winning lottery tickets or shares, including prizes related to Multi-State Lottery games, and payment of promotional or incentive prizes associated with the sale of lottery tickets, pursuant to the provisions of the "Illinois Lottery Law".

RACING

Section 105. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Horse Racing Fund to the Department of Revenue for the ordinary and contingent expenses of the Illinois Racing Board:

OPERATIONS
GENERAL OFFICE

For Personal Services.........................                                           1,002,900
For State Contributions to State
  Employees' Retirement System...............                                   115,300
For State Contributions to
  Social Security..................................                                                75,100
For Group Insurance..............................                                          246,500
For Contractual Services.........................                                         285,200
For Travel........................................                                                   32,700
For Commodities....................................                                              7,500
For Printing......................................                                                  10,700
For Equipment.....................................                                               18,400
For Electronic Data Processing...............                                     140,100
For Telecommunications Services...............                                     91,600
For Operation of Auto Equipment...............                                     21,500
For Expenses related to the Laboratory
  Program.........................................                                          1,893,100
For Expenses related to the Regulation
  Of Racing Program..............................                                         3,962,200
For Expenses Related to or in support
  of a government services shared

New matter indicated by italics - deletions by strikeout
services center.................................. 62,100
For Refunds....................................... 300
Total .................................................. $7,965,200

ARTICLE 265

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the State Employees' Retirement System:

FOR OPERATIONS

FOR THE SOCIAL SECURITY ENABLING ACT

For Personal Services............................ 46,800
For Employee Retirement Contributions
Paid by Employer..................................... 0
For State Contributions to the State
Employees' Retirement System....................... 5,400
For State Contributions to Social Security........ 3,600
For Contractual Services.......................... 17,500
For Travel........................................... 1,200
For Commodities...................................... 200
For Printing........................................... 0
For Equipment.......................................... 0
For Electronic Data Processing...................... 0
For Telecommunications Services................... 400
Total .................................................. $75,100

CENTRAL OFFICE

For Employee Retirement Contributions
Paid by Employer for Prior Fiscal Year:
Payable from General Revenue Fund.............. 136,500

Section 10. The sum of $0, minus the amount transferred to the State Employees' Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the State Employees' Retirement System pursuant to the provisions of Section

Section 15. The sum of $46,872,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the Judges' Retirement System for the State's Contribution, as provided by law.

Section 20. The sum of $0, minus the amount transferred to the Judges' Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the Judges' Retirement System pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

Section 25. The sum of $6,809,800, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the General Assembly Retirement System for the State's Contribution, as provided by law.

Section 30. The sum of $0, minus the amount transferred to the General Assembly Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the General Assembly Retirement System, pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

ARTICLE 270

Section 5. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:

PROGRAM ADMINISTRATION

Payable from General Revenue Fund:
For Personal Services........................ 16,171,000
For State Contributions to State Employees' Retirement System............... 1,863,700
For State Contributions to Social Security........................ 1,237,100

New matter indicated by italics - deletions by strikeout
For Contractual Services.............. 18,313,900
For Travel................................. 320,600
For Commodities......................... 528,200
For Printing............................... 898,000
For Equipment............................. 592,100
For Telecommunications Services....... 1,266,000
For Operation of Auto Equipment....... 102,700
Total .......................................................... $41,293,300

OFFICE OF INSPECTOR GENERAL

Payable from General Revenue Fund:
For Personal Services..................... 11,001,900
For Employee Retirement Contributions
   Employees' Retirement System......... 1,268,000
For State Contributions to
   Social Security......................... 841,600
For Contractual Services................ 3,878,400
For Travel................................. 221,300
For Equipment............................. 811,400
Total .......................................................... $18,022,600

Payable from Public Aid Recoveries Trust Fund:
For Personal Services..................... 723,500
For State Contributions to State
   Employees' Retirement System........ 83,400
For State Contributions to
   Social Security......................... 55,400
For Group Insurance...................... 201,300
Total .......................................................... $1,063,600

Payable from Long Term Care Provider Fund:
For Administrative Expenses............. 169,100

ENERGY ASSISTANCE

Payable from Energy Administration Fund:
For Personal Services..................... 256,900
For State Contributions to State
   Employees' Retirement System......... 29,600

New matter indicated by italics - deletions by strikeout
For State Contributions to
Social Security................................. 19,700
For Group Insurance.............................. 63,600
For Contractual Services....................... 255,300
For Travel........................................ 40,100
For Commodities.................................. 2,000
For Equipment................................... 8,700
For Telecommunications Services............. 6,100
For Operation of Automotive Equipment..... 1,000
For Administrative and Grant Expenses
Relating to Training, Technical
Assistance, and Administration of the
Weatherization Programs...................... 250,000
Total $933,000

Payable from Low Income Home Energy
Assistance Block Grant Fund:
For Personal Services......................... 1,181,600
For State Contributions to State
Employees' Retirement System............... 136,200
For State Contributions to
Social Security................................. 90,400
For Group Insurance............................ 212,300
For Contractual Services..................... 1,478,600
For Travel...................................... 127,400
For Commodities............................... 8,100
For Printing.................................... 65,000
For Equipment................................. 145,000
For Telecommunications Services.......... 586,000
For Operation of Automotive Equipment..... 2,900
For Expenses Related to the
Development and Maintenance of
the LIHEAP System......................... 1,000,000
Total $5,033,500

CHILD SUPPORT ENFORCEMENT

New matter indicated by italics - deletions by strikeout
Payable from Child Support Administrative Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>52,861,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>69,800</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>6,092,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>4,043,900</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>15,355,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>64,422,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>529,100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>319,400</td>
</tr>
<tr>
<td>For Printing</td>
<td>162,800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>2,533,700</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>4,453,700</td>
</tr>
<tr>
<td>For Costs Related to the State Disbursement Unit</td>
<td>15,788,600</td>
</tr>
<tr>
<td>For Administrative Costs Related to Enhanced Collection Efforts</td>
<td></td>
</tr>
<tr>
<td>Paternity Adjudication Demonstration</td>
<td>13,058,700</td>
</tr>
<tr>
<td>For Child Support Enforcement Demonstration Projects</td>
<td>1,400,000</td>
</tr>
<tr>
<td>Total</td>
<td>$181,090,800</td>
</tr>
</tbody>
</table>

The amount of $31,008,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the General Revenue Fund for deposit into the Child Support Administrative Fund.

ATTORNEY GENERAL REPRESENTATION

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,486,200</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>25,300</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>171,300</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For State Contributions to
Social Security................................. 113,700
For Contractual Services......................... 386,300
For Travel........................................ 10,900
For Equipment..................................... 29,600
Total                                                                                          $2,223,300

PUBLIC AID RECOVERIES
Payable from Public Aid Recoveries Trust Fund:
For Personal Services......................... 6,890,400
For State Contributions to State
   Employees' Retirement System................. 794,100
For State Contributions to
   Social Security............................... 527,100
   For Group Insurance........................... 1,930,500
   For Contractual Services.................... 21,547,500
   For Travel.................................... 120,000
   For Commodities............................... 50,000
   For Printing.................................. 25,000
   For Equipment................................ 2,974,300
   For Telecommunications Services............ 320,000
Total                                                                                        $35,178,900

MEDICAL
Payable from General Revenue Fund:
For Personal Services.......................... 30,626,200
For State Contributions to State
   Employees' Retirement System............... 3,529,600
For State Contributions to
   Social Security.............................. 2,342,900
   For Contractual Services.................... 4,749,700
   For Travel................................... 284,300
   For Equipment................................. 58,300
   For Telecommunications Services......... 1,430,800
   For Purchase of Medical Management
   Services..................................... 9,612,400

New matter indicated by italics - deletions by strikeout
For Purchase of Services Relating to and costs associated with the development and implementation of an electronic Medicaid client eligibility verification system........................... 1,515,000

For Costs Associated with the Development, Implementation and Operation of a Medical Data Warehouse.................................................. 3,894,900

For Refunds of Premium Payments Received Pursuant to Section 25(a)(2) of the Children's Health Insurance Program Act, or under the provisions of the Health Benefits for Workers with Disabilities Program, or under the provisions of the Covering ALL KIDS Health Insurance Act ................................... 96,000

Total $58,140,100

Payable from Provider Inquiry Trust Fund:
For expenses associated with providing access and utilization of Department eligibility files................. 1,500,000

Section 10. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for Medical Assistance:
FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE, THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT, AND THE COVERING ALL KIDS HEALTH INSURANCE ACT

Payable from General Revenue Fund:
For Physicians............................... 735,288,400
For Dentists................................. 126,091,200
For Optometrists.............................. 14,770,800
For Podiatrists................................. 2,864,200

New matter indicated by italics - deletions by strikeout
For Chiropractors.............................. 1,721,200
For Hospital In-Patient, Disproportionate
Share and Ambulatory Care.................. 2,547,424,000
For federally defined Institutions for
Mental Diseases............................ 130,489,400
For Supportive Living Facilities .......... 58,674,000
For all other Skilled, Intermediate, and Other
Related Long Term Care Services......... 857,653,000
For Community Health Centers.......... 210,632,000
For Hospice Care........................... 57,023,100
For Independent Laboratories ........... 43,833,200
For Home Health Care, Therapy, and
Nursing Services........................... 45,570,700
For Appliances................................ 77,381,100
For Transportation.......................... 94,379,300
For Other Related Medical Services
and for development, implementation,
and operation of managed
Care and children's health
programs including operating
and administrative costs and
related distributive purposes.......... 164,830,600
For Medicare Part A Premiums .......... 27,094,800
For Medicare Part B Premiums .......... 248,751,500
For Medicare Part B Premiums for
Qualified Individuals under the
Federal Balanced Budget Act of 1997 .... 13,891,100
For Health Maintenance Organizations and
Managed Care Entities................. 253,319,500
For Division of Specialized Care
for Children......................... 80,518,600
Total.............................................. $5,792,201,700

In addition to any amounts heretofore appropriated, the following
named amounts, or so much thereof as may be necessary, are appropriated

New matter indicated by italics - deletions by strikeout
to the Department of Healthcare and Family Services for Medical Assistance under the Illinois Public Aid Code, the Children's Health Insurance Program Act, the Covering ALL KIDS Health Insurance Act, and the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act for Prescribed Drugs, including costs associated with the implementation and operation of the Illinois Cares Rx Program:

Payable from:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenue Fund</td>
<td>737,248,100</td>
</tr>
<tr>
<td>Drug Rebate Fund</td>
<td>766,000,000</td>
</tr>
<tr>
<td>Tobacco Settlement Recovery Fund</td>
<td>375,152,900</td>
</tr>
<tr>
<td>Medicaid Buy-In Program Revolving Fund</td>
<td>100,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,878,501,000</strong></td>
</tr>
</tbody>
</table>

The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:

**FOR MEDICAL ASSISTANCE**

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Grants for Medical Care for Persons Suffering from Chronic Renal Disease</td>
<td>1,006,100</td>
</tr>
<tr>
<td>For Grants for Medical Care for Persons Suffering from Hemophilia</td>
<td>7,001,700</td>
</tr>
<tr>
<td>For Grants for Medical Care for Sexual Assault Victims</td>
<td>1,600,000</td>
</tr>
<tr>
<td>For Grants to Altgeld Clinic</td>
<td>400,000</td>
</tr>
<tr>
<td>For Grants to the Rush Alzheimer’s Disease Center</td>
<td>500,000</td>
</tr>
<tr>
<td>For Grants to the Gilead Outreach and Referral Center</td>
<td>500,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$11,007,800</strong></td>
</tr>
</tbody>
</table>

The Department, with the consent in writing from the Governor, may reapportion not more than two percent of the total General Revenue Fund appropriations in Section 10 above among the various purposes therein enumerated.

New matter indicated by italics - deletions by strikeout
In addition to any amounts heretofore appropriated, the amount of $7,832,800, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the General Revenue Fund for expenses relating to the Children's Health Insurance Program Act, including payments under Section 25 (a)(1) of that Act, and related operating and administrative costs.

Section 15. In addition to any amounts heretofore appropriated, the amount of $40,000,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Family Care Fund for i) Medical Assistance payments on behalf of individuals eligible for Medical Assistance programs administered by the Department of Healthcare and Family Services, and ii) pursuant to an interagency agreement, medical services and other costs associated with children’s mental health programs administered by another agency of state government, including operating and administrative costs.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:
Payable from Tobacco Settlement Recovery Fund:
   For Deposit into the Medical Research and Development Fund......................... 6,400,000
   For Deposit into the Post-Tertiary Clinical Services Fund............................. 6,400,000
   For Deposit into the Independent Academic Medical Center Fund...................... 1,000,000
Total $13,800,000

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:
   FOR THE PURPOSES ENUMERATED IN THE EXCELLENCE IN ACADEMIC MEDICINE ACT
Payable from:
   Independent Academic Medical Center Fund................................. 2,000,000

New matter indicated by italics - deletions by strikeout
Medical Research and Development Fund....... 12,800,000
Post-Tertiary Clinical Services Fund....... 12,800,000
Total $27,600,000

Section 30. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for Medical Assistance and Administrative Expenditures:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE, THE CHILDREN’S HEALTH INSURANCE PROGRAM ACT, AND THE COVERING ALL KIDS HEALTH INSURANCE ACT

Payable from Care Provider Fund for Persons With A Developmental Disability:
For Administrative Expenditures.................. 94,200

Payable from Long Term Care Provider Fund:
For Skilled, Intermediate, and Other Related Long Term Care Services............... 795,328,300
For Administrative Expenditures............... 2,033,000
Total $797,361,300

Payable from Hospital Provider Fund:
For Hospitals.............................. 1,215,200,000
For Medical Assistance Providers............... 0
Total $1,215,200,000

Section 35. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for Medical Assistance and Administrative Expenditures:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE, THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT, AND THE COVERING ALL KIDS HEALTH INSURANCE ACT

Payable from County Provider Trust Fund:
For Distributive Hospitals............... 1,981,119,000
For Administrative Expenditures............... 500,000
Total $1,981,619,000

New matter indicated by italics - deletions by strikeout
Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:

For Refunds of Overpayments of Assessments or Inter-Governmental Transfers Made by Providers During the Period From July 1, 1991 through June 30, 2007:

Payable from:

- Care Provider Fund for Persons With A Developmental Disability........... 1,000,000
- Long Term Care Provider Fund................. 2,750,000
- County Provider Trust Fund.................. 1,000,000

Total $4,750,000

Section 45. The amount of $15,000,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Trauma Center Fund for adjustment payments to certain Level I and Level II trauma centers.

Section 50. The amount of $225,000,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the University of Illinois Hospital Services Fund to reimburse the University of Illinois Hospital for hospital services.

Section 55. The amount of $8,500,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Juvenile Rehabilitation Services Medicaid Matching Fund for grants to the Department of Juvenile Justice and counties for court-ordered juvenile behavioral health services under the Medicaid Rehabilitation Option and the Children's Health Insurance Program Act.

Section 60. The amount of $8,673,300, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Medical Special Purposes Trust Fund for medical demonstration projects and costs associated with the implementation of federal Health Insurance Portability and Accountability Act mandates.

Section 65. The amount of $140,000,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and

New matter indicated by italics - deletions by strikeout
Family Services from the Special Education Medicaid Matching Fund for grants to local education agencies for medical services eligible for federal reimbursement under Title XIX or Title XXI of the federal Social Security Act.

Section 70. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services:

ENERGY ASSISTANCE
GRANTS-IN-AID

Payable from Supplemental Low-Income Energy Assistance Fund:
For Grants and Administrative Expenses
Pursuant to Section 13 of the Energy Assistance Act of 1989, as Amended,
Including Prior Year Costs.......................... 97,900,000

Payable from Energy Administration Fund:
For Grants and Technical Assistance Services for Nonprofit Community Organizations Including Reimbursement
For Costs in Prior Years............................. 17,500,000

Payable from Low Income Home Energy Assistance Block Grant Fund:
For Grants to Eligible Recipients
Under the Low Income Home Energy Assistance Act of 1981, Including Reimbursement for Costs in Prior Years................................. 302,000,000

Payable from Good Samaritan Energy Trust Fund:
For Grants, Contracts and Administrative Expenses Pursuant to the Good Samaritan Energy Plan Act.................. 2,150,000

Section 75. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services:

New matter indicated by italics - deletions by strikeout
ENERGY ASSISTANCE
REFUNDS

For refunds to the Federal Government and other refunds:
Payable from Energy Administration
Fund........................................... 300,000
Payable from Low Income Home
Energy Assistance Block
Grant Fund..................................... 600,000
Total $900,000

Section 80. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:

EMPLOYEE HEALTH INSURANCE
FOR GROUP INSURANCE

Payable from:
General Revenue Fund......................... 1,065,037,500
Road Fund..................................... 130,520,200
Total $1,195,557,700

The amount of $1,785,234,100, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Health Insurance Reserve Fund for provisions of health care coverage as elected by eligible members per the State Employees Group Insurance Act of 1971.

Payable from Local Government Health Insurance Reserve Fund:
For Personal Services......................... 554,800
For State Contributions to State Employees’ Retirement System................. 63,900
For State Contributions to Social Security................................. 42,400
For Group Insurance............................ 147,200
For Contractual Services......................... 169,500
For Travel..................................... 19,000
For Commodities............................... 10,000

New matter indicated by italics - deletions by strikeout
For Printing................................. 140,000
For Equipment.............................. 17,700
For Electronic Data Processing............ 47,000
For Telecommunications Services.......... 18,400
For Operation of Automotive Equipment.... 6,500
Total $1,236,400

For the Local Governments’ Contribution
Under Program of Group Life, Dental, Hospital, and Surgical and Medical Insurance for Persons Serving Local Governments 98,831,800

Section 85. The amount of $350,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Illinois Prescription Drug Discount Program Fund for expenses related to the Illinois Prescription Drug Discount Program.

ARTICLE 275

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Human Services for income assistance and related distributive purposes, including such Federal funds as are made available by the Federal Government for the following purposes:

DISTRIBUTIVE ITEMS

GRANTS-IN-AID

Payable from General Revenue Fund:
For Aid to Aged, Blind or Disabled under Article III......................... 28,000,000
For Temporary Assistance for Needy Families under Article IV and other social services including Emergency Assistance for families with Dependent Children......................... 137,065,000
For Grants Associated with Child Care Services, Including Operating and
Administrative Costs........................     592,960,300
For Funeral and Burial Expenses under
Articles III, IV, and V, including
prior year costs..........................     10,167,500
For Refugees................................     1,575,700
For New Americans Initiative..............     3,000,000
For State Family and Children Assistance...     1,339,000
For State Transitional Assistance.........     11,500,000
For Immigrant Services pursuant
to 305 ILCS 5/12-4.34....................     5,300,000
For grants and for Administrative
Expenses associated with Refugee
Social Services............................     541,000
Total                                     $791,448,500

The Department, with the consent in writing from the Governor,
may reapportion not more than ten percent of the total appropriation of
General Revenue Funds in Section 5 above "For Income Assistance and
Related Distributive Purposes" among the various purposes therein
enumerated.

The Department, with the consent in writing from the Governor,
may reapportion not more than six percent of the appropriation "For
Temporary Assistance for Needy Families under Article IV" representing
savings attributable to not increasing grants due to the births of additional
children to the appropriation from the General Revenue Fund in Section
39.1 in this Article for Employability Development Services.

Section 20. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Human Services:

ATTORNEY GENERAL REPRESENTATION

Payable from General Revenue Fund:
For Personal Services........................     159,600
For Employee Retirement Contributions
Paid by Employer.............................     1,700
For Retirement Contributions..............     18,400

New matter indicated by italics - deletions by strikeout
For State Contributions to Social Security........ 12,200
For Contractual Services.............................. 4,100
Total.................................................................. $196,000

Section 30. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

TINLEY PARK MENTAL HEALTH CENTER

For costs associated with the operation of Tinley Park Mental Health Center or the Transition of Tinley Park Mental Health Center Services to alternative community or state-operated settings................. 19,387,500
Total.................................................................. $19,387,500

Section 35. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

ADMINISTRATIVE AND PROGRAM SUPPORT

Payable from General Revenue Fund:
For Personal Services........................................ 21,984,600
For Employee Retirement Contributions
  Paid by Employer................................................... 0
  For Retirement Contributions............................. 2,533,700
  For State Contributions to Social Security..... 1,680,100
  For Group Insurance............................................. 100
  For Contractual Services................................. 3,332,600
For Contractual Services:
  For Leased Property Management..................... 42,128,100
For Contractual Services:
  For Press Information Officers Management...... 823,300
For Contractual Services:
  For Graphic Design Management....................... 98,100
For Contractual Services:

New matter indicated by italics - deletions by strikeout
For On-line Legal Services Management......... 72,000
For Travel........................................ 304,100
For Commodities................................. 1,509,000
For Printing........................................ 983,200
For Equipment..................................... 216,000
For Telecommunications Services.............. 1,293,900
For Operation of Auto Equipment............... 230,100
For In-Service Training........................... 17,600
For Expenses Related to Training
  Department Staff......................... 150,700
For Health Insurance Portability
  and Accountability Act...................... 418,000
For Indirect Cost Principles/Interfund
  Transfer Payable to the Vocational
  Rehabilitation Fund......................... 3,329,300
Total................................................. $81,104,500
Payable from the DHS Recoveries Trust Fund:
  For Personal Services..................... 2,886,200
  For Employee Retirement Contributions
    Paid by Employer............................ 0
    For Retirement Contributions........... 332,600
    For State Contributions to Social Security.... 220,800
  For Group Insurance......................... 769,000
  For Contractual Services.................. 1,196,200
For Contractual Services:
  For Leased Property Management............ 396,200
  For Travel...................................... 50,000
  For Commodities.............................. 16,800
  For Printing................................... 7,600
  For Equipment................................ 2,900
  For Telecommunications Services............ 15,000
  Total........................................... $5,893,300
Payable from Vocational Rehabilitation Fund:
  For Personal Services...................... 4,975,400

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions
  Paid by Employer........................................ 0
For Retirement Contributions........................................... 573,400
For State Contributions to Social Security ...... 380,600
For Group Insurance........................................ 1,518,000
For Contractual Services........................................ 1,331,000
For Contractual Services:
  For Leased Property Management.................. 6,123,000
  For Travel.............................................. 136,000
  For Commodities.............................. 136,500
  For Printing................................. 37,000
  For Equipment.................................. 198,600
  For Telecommunications Services.............. 226,500
  For Operation of Auto Equipment............... 28,500
  For In-Service Training......................... 366,700
Total $16,031,200
Payable from Prevention/Treatment – Alcoholism
  and Substance Abuse Block Grant Fund:
  For Contractual Services:
  For Leased Property Management.......................... 219,500
Payable from Federal National Community
  Services Grant Fund:
  For Contractual Services:
  For Leased Property Management.......................... 31,300
Payable from Special Purposes Trust Fund:
  For Contractual Services:
  For Leased Property Management.......................... 506,600
Payable from Old Age Survivors’ Insurance Fund:
  For Contractual Services:
  For Leased Property Management.......................... 2,739,900
Payable from Early Intervention Services
  Revolving Fund:
  For Contractual Services:
  For Leased Property Management.......................... 66,500

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0011

Payable from USDA Women, Infants & Children Fund:
For Contractual Services:
For Leased Property Management..................                                354,500

Payable from Local Initiative Fund:
For Contractual Services:
For Leased Property Management..................                                102,300

Payable from Domestic Violence Shelter and Service Fund:
For Contractual Services:
For Leased Property Management...................                                 53,300

Payable from Community Mental Health Service
Block Grant Fund:
For Contractual Services:
For Leased Property Management...................                                 62,000

Payable from Juvenile Justice Trust Fund:
For Contractual Services:
For Leased Property Management...................                                 7,800

Payable from DMH/DD Private Resources Fund:
For Costs associated with the Health
and Human Services Reform Activities
funded by Private Donations from the
Annie E. Casey Foundation......................                                      150,000

ADMINISTRATIVE AND PROGRAM SUPPORT
GRANTS-IN-AID

Section 45. The following named sums, or so much thereof as may
be necessary, respectively, are appropriated to the Department of Human
Services for the purposes hereinafter named:

GRANTS-IN-AID

For Tort Claims:
Payable from General Revenue Fund..............                                    580,900
Payable from Vocational Rehabilitation Fund......                                    10,000
Total                                                                                      $590,900

For Reimbursement of Employees for
Work-Related Personal Property Damages:
Payable from General Revenue Fund..............                                    12,600

New matter indicated by italics - deletions by strikeout
For Grants Associated with Systems Change
   Including Operating and Administrative Costs
Payable from the DHS Federal Projects Fund...... 450,000

PERMANENT IMPROVEMENTS

Section 50. The following named sums, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Department of Human Services for repairs and maintenance, roof repairs and/or replacements and miscellaneous at the Department's various facilities and are to include capital improvements including construction, reconstruction, improvements, repairs and installation of capital facilities, cost of planning, supplies, materials, and all other expenses required for roof and other types of repairs and maintenance, capital improvements and demolition.

   No contract shall be entered into or obligations incurred for any expenditures from appropriations made in this Section of the Article until after the purposes and amounts have been approved in writing by the Governor.

For Repair, Maintenance and other Capital Improvements at various facilities........... 1,595,700
For Miscellaneous Permanent Improvements........... 250,700
Total $1,846,400

Section 55. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Human Services as follows:

REFUNDS
Payable from General Revenue Fund.................... 9,000
Payable from Vocational Rehabilitation Fund ........ 5,000
Payable from Youth Drug Abuse Prevention Fund...... 30,000
Payable from DHS Federal Projects Fund.............. 25,000
Payable from USDA Women, Infants and Children Fund. 200,000
Payable from Maternal and Child Health Services Block Grant Fund................ 5,000
Payable from Mental Health Fund...................... 100,000
Payable from the Early Intervention

New matter indicated by italics - deletions by strikeout
Services Revolving Fund....................... 300,000
Payable from Drug Treatment Fund................. 5,000
Total                                           $679,000

Section 60. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Human Services for ordinary and contingent expenses:

MANAGEMENT INFORMATION SERVICES

Payable from General Revenue Fund:
For Personal Services......................... 8,329,800
For Employee Retirement Contributions
   Paid by Employer...................................... 0
For Retirement Contributions..................... 960,000
For State Contributions to Social Security ...... 637,200
For Contractual Services....................... 9,832,600
For Contractual Services:
   For Information Technology Management........ 14,192,900
   For Travel........................................ 51,900
   For Equipment.................................... 800,000
   For Electronic Data Processing................. 2,450,400
   For Telecommunications Services............... 4,031,800
Total                                           $41,286,600

Payable from Vocational Rehabilitation Fund:
For Personal Services......................... 1,982,000
For Employee Retirement Contributions
   Paid by Employer...................................... 0
For Retirement Contributions..................... 228,400
For State Contributions to Social Security ...... 151,600
For Group Insurance.............................. 421,000
For Contractual Services....................... 1,805,000
For Contractual Services:
   For Information Technology Management........ 1,480,700
   For Travel........................................ 50,000
   For Commodities................................... 60,600

New matter indicated by italics - deletions by strikeout
For Printing................................. 65,800
For Equipment............................... 850,000
For Telecommunications Services.......... 1,950,000
For Operation of Auto Equipment............ 2,800
Total $9,047,900

Payable from USDA Women, Infants and Children Fund:
For Personal Services.......................... 262,300
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Retirement Contributions..................... 30,200
For State Contributions to Social Security .... 20,100
For Group Insurance................................ 44,000
For Contractual Services......................... 325,400
For Contractual Services:
For Information Technology Management........ 391,900
For Electronic Data Processing................... 150,000
Total $1,223,900

Payable from Maternal and Child Health Services
Block Grant Fund:
For Operational Expenses Associated with
Support of Maternal and Child Health Programs........................... 236,000

Payable from the Mental Health Fund:
For Services Provided Under Contract
to Maximize Cost Recovery......................... 650,400

Section 65. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund for the ordinary and contingent expenditures of the Department of Human Services:

JACK MABLEY DEVELOPMENT CENTER
For Personal Services.......................... 7,090,400
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Retirement Contributions..................... 810,400

New matter indicated by italics - deletions by strikeout
For State Contributions to
Social Security.............................. 542,500
For Contractual Services................. 1,250,600
For Travel..................................... 3,900
For Commodities............................ 405,900
For Printing................................... 4,500
For Equipment............................... 26,300
For Telecommunications Services......... 35,700
For Operation of Automotive Equipment... 28,000
Total $10,198,200

Section 70. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated from the General Revenue Fund to meet the ordinary and
contingent expenditures of the Department of Human Services:

ALTON MENTAL HEALTH CENTER
For Personal Services....................... 16,549,200
For Employee Retirement Contributions
Paid by Employer................................ 0
For Retirement Contributions............... 1,892,800
For State Contributions to Social
Security........................................ 1,266,100
For Contractual Services................... 1,768,100
For Travel..................................... 29,400
For Commodities............................ 387,100
For Printing................................... 12,000
For Equipment............................... 86,900
For Telecommunications Services......... 110,300
For Operation of Auto Equipment......... 65,000
For Expenses Related to Living Skills Program..... 3,300
For Costs Associated with Behavioral
Health Services - Alton Network.......... 5,003,700
Total $27,173,900

New matter indicated by italics - deletions by strikeout
Section 75. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

BUREAU OF DISABILITY DETERMINATION SERVICES

Payable from Old Age Survivors' Insurance Fund:
For Personal Services.............. 29,473,600
For Employee Retirement Contributions
  Paid by Employer................... 0
  For Retirement Contributions...... 3,396,800
For State Contributions to Social Security .... 2,254,700
For Group Insurance................ 7,997,000
For Contractual Services........... 11,601,800
For Travel............................ 198,000
For Commodities.................... 379,100
For Printing.......................... 165,000
For Equipment....................... 1,819,900
For Telecommunications Services..... 1,404,700
For Operation of Auto Equipment..... 100
Total $58,690,700

Section 80. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Human Services:

BUREAU OF DISABILITY DETERMINATION SERVICES

GRANTS-IN-AID

Payable from Old Age Survivors' Insurance:
For Services to Disabled Individuals........ 19,000,000
Payable from General Revenue Fund:
For SSI Advocacy Services.............. 2,314,700
Payable from the Special Purposes Trust Fund..... 606,000

Section 85. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

HOME SERVICES PROGRAM

Payable from General Revenue Fund:
For Personal Services.................. 4,658,300

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Retirement Contributions....................... 536,900
For State Contribution to Social Security........ 356,300
For Contractual Services................................ 4,800
For Travel.................................................. 117,000
For Commodities........................................... 1,800
For Printing.................................................. 3,400
For Equipment................................................ 900
For Telecommunications Services.................... 4,100
Total                                                                 $5,683,500

Section 90. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Human Services:

HOME SERVICES PROGRAM
GRANTS-IN-AID

Payable from General Revenue Fund:
For Purchase of Services of the Home Services Program, pursuant to 20 ILCS 2405/3, including operating and administrative costs........ 408,573,900

Payable from General Revenue Fund:
For a Pilot Project for Quality Home Support for the Division of Specialized Care for Children............... 1,000,000

Section 92. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

MENTAL HEALTH GRANTS AND PROGRAM SUPPORT

Payable from General Revenue Fund:
For Personal Services......................... 3,681,800
For Employee Retirement Contributions Paid by Employer...................................... 0
For Retirement Contributions.................... 424,400
For State Contribution to

New matter indicated by italics - deletions by strikeout
Social Security................................. 281,600
For Contractual Services....................... 450,000
For Travel........................................ 98,000
For Commodities............................... 13,000
For Equipment................................... 4,800
For Telecommunications Services............... 56,100
Total                                                                                          $5,009,700

Payable from the Community Mental Health Services
Block Grant Fund:
For Personal Services........................ 539,700
For Employee Retirement Contributions Paid by Employer........................................... 0
For Retirement Contributions.................. 62,200
For State Contributions to Social Security .... 41,300
For Group Insurance............................. 131,000
For Contractual Services....................... 119,400
For Travel........................................ 10,000
For Commodities............................... 5,000
For Equipment................................... 5,000
Total                                                                                             $913,600

Section 95. The following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for Grants-In-Aid and Purchased Care in its various regions pursuant to Sections 3 and 4 of the Community Services Act and the Community Mental Health Act:

MENTAL HEALTH GRANTS AND PROGRAM SUPPORT
GRANTS-IN-AID AND PURCHASED CARE

For Community Service Grant Programs for Persons with Mental Illness:
Payable from General Revenue Fund............ 220,416,200
Payable from Community Mental Health Services Block Grant Fund............... 13,025,400
Payable from the DHS Federal Projects Fund................................. 16,000,000

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund:
For Costs Associated with the Purchase and Disbursement of Psychotropic Medications for Mentally Ill Clients in the Community..... 3,000,000

Payable from General Revenue Fund:
For Psychiatric Services North Central Network. 9,607,300

Payable from the General Revenue Fund:
For Supportive MI Housing....................... 10,350,000

Payable from the Mental Health Transportation Fund:
For all costs associated with Mental Health Transportation......................... 1,200,000

Payable from Community Mental Health Medicaid Trust Fund:
For all costs and administrative expenses associated with Medicaid Services for Persons with Mental Illness, including prior year costs........ 95,689,900

Payable from General Revenue Fund:
For Emergency Psychiatric Services.............. 10,620,400

For Community Service Grant Programs for Children and Adolescents with Mental Illness:
Payable from General Revenue Fund............. 25,481,900

Payable from Community Mental Health Services Block Grant Fund......................... 4,341,800

For the Children’s Mental Health Partnership:
Payable from General Revenue Fund............. 2,000,000

Payable from General Revenue Fund:
For Purchase of Care for Children and Adolescents with Mental Illness approved through the Individual Care Grant Program.... 24,612,800

Payable from General Revenue Fund:
For Costs Associated with Children and Adolescent Mental Health Programs.............. 11,493,500

Payable from Community Mental Health

New matter indicated by italics - deletions by strikeout
Services Block Grant Fund:
For Teen Suicide Prevention Including Provisions Established in Public Act 85-0928 ................................................................. 206,400
Total $448,045,600

Section 98. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

DEVELOPMENTAL DISABILITIES GRANTS AND PROGRAM SUPPORT

Payable from General Revenue Fund:
For Personal Services.......................... 4,672,000
For Employee Retirement Contributions Paid by Employer...................................... 0
For Retirement Contributions..................... 538,500
For State Contribution to Social Security................................. 357,400
For Contractual Services......................... 216,600
For Travel........................................ 56,800
For Commodities................................... 10,400
For Equipment.................................... 357,700
For Telecommunications Services.............. 38,800
Total 6,248,200

Section 99. The following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for Grants-In-Aid and Purchased Care in its various regions pursuant to Sections 3 and 4 of the Community Services Act and the Community Mental Health Act:

DEVELOPMENTAL DISABILITIES GRANTS AND PROGRAM SUPPORT GRANTS-IN-AID AND PURCHASED CARE

For Community Based Services for Persons with Developmental Disabilities at the approximate cost set forth below:
Payable from the General Revenue Fund........ 570,358,300

New matter indicated by italics - deletions by strikeout
Payable from the Mental Health Fund.............. 9,965,600
         Total                                 $580,323,900
Payable from General Revenue Fund:
         For Developmental Disability Quality Assurance Waiver......................... 492,700
Payable from General Revenue Fund:
         For costs associated with the provision of Specialized Services to Persons with Developmental Disabilities................. 9,232,200
Payable from the General Revenue Fund:
         For Family Assistance Program, the Home Based Support Services Program, and for costs associated with services for individuals with Developmental Disabilities to enable them to reside in their homes, at the approximate costs set forth below.......................... 27,839,500
         For the Family Assistance Program.. 5,000,000
         For the Home Based Support Services Program............... 22,839,500
         Total                                          $37,564,400
Payable from the Illinois Affordable Housing Trust Fund:
         For costs associated with the Home Based Support Services Program and for costs associated with services for individuals with developmental disabilities to enable them to reside in their homes........................................ 1,300,000
Payable from the General Revenue Fund:
         For a grant to the Autism Program for an Autism Diagnosis Education Program For Young Children............................ 2,500,000
Payable from the Community Developmental

New matter indicated by italics - deletions by strikeout
Disabilities Services Medicaid Trust Fund...... 5,000,000
Payable from the General Revenue Fund:
For a grant to Lewis and Clark Community College......................... 220,000
Payable from the General Revenue Fund:
For a grant to the ARC of Illinois for the Life Span Project....................... 540,000
Payable from the General Revenue Fund:
For a grant for the Best Buddies Program....... 500,000

Section 100. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the following purposes:
Payable from the General Revenue Fund
For costs associated with Developmental Disability Community Transitions or State Operated Facilities......................... 2,450,000
For costs associated with young adults Transitioning from the Department of Children and Family Services to the Developmental Disability Service System................................. 6,512,800
For Intermediate Care Facilities for the Mentally Retarded and Alternative Community Programs including prior year costs................................. 356,856,200
Payable from the Care Provider Fund
For Persons with A Developmental Disability... 40,000,000
Total $405,819,000

Section 101. The sum of $30,000,000, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for the following purposes:
Payable from the Health and Human Services Medicaid Trust Fund:

New matter indicated by italics - deletions by strikeout
For the Home Based Support Services Program
for services to additional children............ 3,000,000
For the Home Based Support Services Program
for services to additional adults............ 9,000,000
For additional Community Integrated Living
Arrangement Placements for persons with
developmental disabilities.................... 6,000,000
For Community Based Mobile Crisis
Teams for persons with
developmental disabilities.................... 2,000,000
For diversion, transition, and
aftercare from institutional settings
for persons with a mental illness............ 7,000,000
For the Children’s Mental Health
Partnership.................................... 3,000,000

Section 105. The following named amount, or so much thereof as
may be necessary, is appropriated to the Department of Human Services for
Payments to Community Providers and Administrative Expenditures,
including such Federal funds as are made available by the Federal
Government for the following purpose:
Payable from the Autism Research Checkoff Fund:
For costs associated with autism research....... 100,000

Section 110. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenditures of the
Department of Human Services:

INSPECTOR GENERAL
Payable from General Revenue Fund:
For Personal Services........................... 3,459,900
For Employee Retirement Contributions
Paid by Employer................................ 0
For Retirement Contributions.................... 398,700
For State Contributions to Social Security..... 264,600
For Contractual Services........................ 99,900

New matter indicated by italics - deletions by strikeout
For Travel....................................... 134,100
For Commodities............................. 23,500
For Equipment.................................. 38,800
For Telecommunications Services............. 96,000
Total                                                                 $4,614,700

Section 115. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated for the objects and
purposes hereinafter named, to the Department of Human Services:

   ADDICTION PREVENTION

Payable from the Youth Alcoholism and Substance Abuse Prevention Fund:
For Deposit into the Fund which receives all payments under Section 5-3 of Act for Alcoholic Liquors............... 150,000

   ADDICTION PREVENTION

   GRANTS-IN-AID

Payable from General Revenue Fund:
For Addiction Prevention and Related Services. 6,118,600
For Methamphetamine Awareness................. 1,500,000
Payable from the Youth Alcoholism and Substance Abuse Fund....................... 1,050,000
Payable from Alcoholism and Substance Abuse Fund................................. 6,009,300
Payable from Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund...................... 16,000,000
Total                                                                 $30,677,900

Section 118. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated for the objects and
purposes hereinafter named, to the Department of Human Services:

   ADDICTION TREATMENT

Payable from General Revenue Fund:
For Personal Services......................... 863,800
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0011

Paid by Employer..................................... 0
For Retirement Contributions...................... 99,600
For State Contribution to Social Security........ 66,100
For Contractual Services.......................... 2,500
For Travel............................................ 3,800
For Equipment....................................... 1,400
For Telecommunications Services.................... 25,800
Total                                                                 1,063,000

Payable from the Prevention/Treatment – Alcoholism and Substance Abuse Block Grant Fund:
For Personal Services............................... 1,981,200
For Employee Retirement Contributions Paid by Employer................................. 0
For Retirement Contributions...................... 228,300
For State Contributions to Social Security..... 151,600
For Group Insurance................................ 377,000
For Contractual Services......................... 1,227,700
For Travel........................................... 200,000
For Commodities................................... 53,800
For Printing........................................... 35,000
For Equipment...................................... 14,300
For Electronic Data Processing..................... 300,000
For Telecommunications Services............... 117,800
For Operation of Auto Equipment.................. 20,000
For Expenses Associated with the Administration of the Alcohol and Substance Abuse Prevention and Treatment Programs......................... 215,000
Total                                                                 $4,921,700

Section 120. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

ADDICTION TREATMENT
GRANTS-IN-AID

Payable from the General Revenue Fund:

New matter indicated by italics - deletions by strikeout
For Costs Associated with Addiction Treatment Services for Special Populations... 9,057,400
For Costs Associated with Community Based Addiction Treatment to Medicaid Eligible and KidCare clients, Including Prior Year Costs............................................... 52,234,900
For Costs Associated with Community Based Addiction Treatment Services......... 86,599,700
For Addiction Treatment Services for DCFS clients................................. 12,038,900
For Grants and Administrative Expenses Related to the Welfare Reform Pilot Project........... 2,787,200
Total $162,718,100
Payable from Illinois State Gaming Fund
For Costs Associated with Treatment of Individuals who are Compulsive Gamblers........ 960,000
Total $960,000
For Addiction Treatment and Related Services:
Payable from Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund................................. 57,500,000
Payable from Drug Treatment Fund.................. 5,000,000
Payable from Youth Drug Abuse Prevention Fund................................. 530,000
Total $63,030,000
Payable from General Revenue Fund:
For Grants and Administrative Expenses Related to the Domestic Violence and Substance Abuse Demonstration Project...................... 641,800
Payable from Drunk and Drugged Driving Prevention Fund:
For Grants and Administrative Expenses Related to Addiction Treatment and Related Services... 3,082,900
Payable from Alcoholism and Substance

New matter indicated by italics - deletions by strikeout
Abuse Fund................................. 22,102,900

The Department, with the consent in writing from the Governor, may reapportion not more than two percent of the total appropriation of General Revenue Funds in Section 15 above "Addiction Treatment" among the purposes therein enumerated.

Section 130. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

CLYDE L. CHOATE MENTAL HEALTH AND DEVELOPMENTAL CENTER

For Personal Services......................... 27,151,400
For Employee Retirement Contributions
  Paid by Employer.............................. 0
  For Retirement Contributions................ 3,108,800
  For State Contributions to Social Security..... 2,077,100
  For Contractual Services..................... 1,898,400
  For Travel........................................ 23,900
  For Commodities................................ 1,226,400
  For Printing...................................... 13,400
  For Equipment................................... 87,400
  For Telecommunications Services.............. 148,300
  For Operation of Auto Equipment.............. 58,300
  For Expenses Related to Living Skills Program..... 37,400
  For Costs Associated with Behavioral Health Services - Choate Network............... 42,500

Total $35,873,300

Section 135. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from General Revenue Fund to the Department of Human Services:

For Lincoln Developmental Center
  Operational Expenses.......................... 990,900

New matter indicated by italics - deletions by strikeout
Section 140. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

**REHABILITATION SERVICES BUREAUS**

Payable from Illinois Veterans' Rehabilitation Fund:

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<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$1,387,600</td>
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<tr>
<td>For Employee Retirement Contributions</td>
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</tr>
<tr>
<td>Paid by Employer</td>
<td>$0</td>
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<tr>
<td>For Retirement Contributions</td>
<td>$159,900</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>$106,200</td>
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<tr>
<td>For Group Insurance</td>
<td>$319,000</td>
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<td>For Travel</td>
<td>$12,200</td>
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<td>For Commodities</td>
<td>$5,600</td>
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<td>For Equipment</td>
<td>$7,000</td>
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<td>For Telecommunications Services</td>
<td>$19,500</td>
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<td>Total</td>
<td>$2,017,000</td>
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</table>

Payable from Vocational Rehabilitation Fund:

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<tr>
<th>Description</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>For Personal Services</td>
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<tr>
<td>For Employee Retirement Contributions</td>
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<tr>
<td>Paid by Employer</td>
<td>$0</td>
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<tr>
<td>For Retirement Contributions</td>
<td>$3,618,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$2,454,500</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>$8,755,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$3,563,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>$306,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>$145,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>$629,900</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>$1,676,300</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>$5,700</td>
</tr>
<tr>
<td>For Administrative Expenses of the</td>
<td></td>
</tr>
<tr>
<td>Statewide Deaf Evaluation Center</td>
<td>$247,800</td>
</tr>
<tr>
<td>Total</td>
<td>$54,688,700</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Section 145. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

REHABILITATION SERVICES BUREAUS
GRANTS-IN-AID

For Case Services to Individuals:
Payable from General Revenue Fund.............. 9,513,300
Payable from Illinois Veterans' Rehabilitation Fund......................... 2,413,700
Payable from Vocational Rehabilitation Fund... 46,110,700

For Grants for Multiple Sclerosis:
Payable from the Multiple Sclerosis Fund........ 300,000

For Implementation of Title VI, Part C of the Vocational Rehabilitation Act of 1973 as Amended--Supported Employment:
Payable from General Revenue Fund.............. 2,131,700
Payable from Vocational Rehabilitation Fund.... 1,900,000

For Small Business Enterprise Program:
Payable from Vocational Rehabilitation Fund.... 3,527,300

For Grants to Independent Living Centers:
Payable from General Revenue Fund.............. 4,768,800
Payable from Vocational Rehabilitation Fund.... 2,000,000

For the Illinois Coalition for Citizens with Disabilities:
Payable from General Revenue Fund.............. 112,600
Payable from Vocational Rehabilitation Fund...... 77,200

For Lekotek Services for Children with Disabilities:
Payable from the General Revenue Fund............ 650,000

For Independent Living Older Blind Grant:
Payable from the Vocational Rehabilitation Fund......................... 245,500
Payable from General Revenue Fund............... 142,600

For Independent Living Older Blind Formula

New matter indicated by italics - deletions by strikeout
Section 150. The sum of $17,000,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made for such purposes in Article 83, Section 145 of Public Act 94-0798 is reappropriated from the Vocational Rehabilitation Fund to the Department of Human Services for Case Services to Individuals.

Section 155. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

CLIENT ASSISTANCE PROJECT
Payable from Vocational Rehabilitation Fund:
For Personal Services........................... 526,900
For Employee Retirement Contributions
   Paid by Employer........................................ 0
For Retirement Contributions...................... 60,700
For State Contributions to Social Security ....... 40,300
For Group Insurance.................................... 131,000
For Contractual Services............................. 28,500
For Travel................................................. 38,200
For Commodities....................................... 2,700
For Printing............................................... 400
For Equipment.......................................... 32,100
For Telecommunications Services................... 12,800
Total................................................................ 873,600

New matter indicated by italics - deletions by strikeout
Section 160. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Vocational Rehabilitation Fund to the Department of Human Services for a grant relating to a Client Assistance Project.

Section 162. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

**DIVISION OF REHABILITATION SERVICES PROGRAM AND ADMINISTRATIVE SUPPORT**

Payable from Vocational Rehabilitation Fund:
- For Personal Services............................ 635,900
- For Employee Retirement Contributions
  - Paid by Employer................................. 0
  - For Retirement Contributions.................. 73,300
  - For State Contributions to Social Security .... 48,600
  - For Group Insurance............................ 152,000
  - For Contractual Services....................... 61,000
  - For Travel...................................... 50,000
  - For Commodities................................ 300
  - For Telecommunications Services............... 16,900
  Total                                           $1,078,000

Payable from the Rehabilitation Services Elementary and Secondary Education Act Fund:
- For Federally Assisted Programs................ 1,350,000

Section 165. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

**CHICAGO-READ MENTAL HEALTH CENTER**
- For Personal Services............................ 21,734,700
- For Employee Retirement Contributions
  - Paid by Employer................................. 0
  - For Retirement Contributions.................. 2,498,500

New matter indicated by italics - deletions by strikeout
Section 170. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

**CENTRAL SUPPORT AND CLINICAL SERVICES**

Payable from General Revenue Fund:

- For Personal Services.................. 8,985,200
- For Employee Retirement Contributions Paid by Employer................................. 0
- For Retirement Contributions............ 1,035,500
- For State Contributions to Social Security ..... 687,400
- For Contractual Services................ 590,800
- For Travel................................ 74,800
- For Commodities........................ 20,435,100
- For Printing................................ 27,900
- For Equipment................................ 66,300
- For Telecommunications Services........... 21,600
- For Contractual Services:
  - For Private Hospitals for Recipients of State Facilities............. 925,900

New matter indicated by italics - deletions by strikeout
Total $32,850,500
Payable from the DHS Federal Projects Fund:
For Federally Assisted Programs................. 5,949,200
Payable from the Mental Health Fund:
For Costs Related to Provision of Support Services Provided to Departmental and Non-Departmental Organizations............... 4,770,200

Section 175. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Human Services:

SEXUALLY VIOLENT PERSONS PROGRAM
Payable from General Revenue Fund:
For Sexually Violent Persons Program....................... 25,886,400

Section 180. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund for the ordinary and contingent expenditures of the Department of Human Services:

H. DOUGLAS SINGER MENTAL HEALTH AND DEVELOPMENTAL CENTER
For Personal Services................................. 9,863,300
For Employee Retirement Contributions
   Paid by Employer........................................ 0
For Retirement Contributions...................... 1,130,400
For State Contributions to Social Security....... 754,600
For Contractual Services........................... 2,623,800
For Travel.................................................... 9,600
For Commodities................................. 339,000
For Printing............................................ 9,900
For Equipment......................................... 27,500
For Telecommunications Services.................... 78,400
For Operation of Auto Equipment............... 21,400
For Expenses Related to Living Skills Program...... 3,800

New matter indicated by italics - deletions by strikeout
For Costs Associated with Behavioral Health Services - Singer Network................. 39,300
Total                                                               $14,901,000

Section 185. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

ANN M. KILEY DEVELOPMENTAL CENTER
For Personal Services....................... 19,674,900
For Employee Retirement Contributions
   Paid by Employer............................... 0
   For Retirement Contributions.............. 2,253,700
For State Contributions to Social Security............................. 1,505,100
For Contractual Services.................... 2,075,400
For Travel...................................... 7,100
For Commodities............................... 914,800
For Printing................................... 14,400
For Equipment.................................. 35,300
For Telecommunications Services........... 107,400
For Operation of Auto Equipment............ 84,000
For Expenses Related to Living Skills Program..... 13,500
Total                                                             $26,685,600

Section 190. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

ILLINOIS SCHOOL FOR THE DEAF
Payable from General Revenue Fund:
For Personal Services......................... 12,480,700
For Student, Member or Inmate Compensation....... 13,400
For Employee Retirement Contributions
   Paid by Employer............................... 0
   For Retirement Contributions.............. 1,136,700
For State Contributions to Social Security....... 954,800
Section 195. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED

Payable from General Revenue Fund:

- For Personal Services
- For Student, Member or Inmate Compensation
- For Employee Retirement Contributions
  - Paid by Employer
  - For Retirement Contributions
- For State Contributions to Social Security
- For Contractual Services
- For Travel
- For Commodities
- For Printing
- For Equipment
- For Telecommunications Services
- For Operation of Auto Equipment

Total

Payable from Vocational Rehabilitation Fund:

- For Secondary Transitional Experience Program

Section 200. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named,

New matter indicated by italics - deletions by strikeout
are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

JOHN J. MADDEN MENTAL HEALTH CENTER

For Personal Services......................... 22,565,300
For Employee Retirement Contributions
   Paid by Employer........................................... 0
For Retirement Contributions................... 2,600,600
For State Contributions to Social
   Security........................................... 1,726,200
For Contractual Services....................... 2,543,500
For Travel........................................... 45,300
For Commodities..................................... 552,400
For Printing........................................... 19,100
For Equipment..................................... 67,700
For Telecommunications Services............... 262,800
For Operation of Auto Equipment............... 38,500
For Expenses Related to Living Skills Program..... 19,200
For Costs Associated with Behavioral Health
   Services - Madden Network......................... 147,400
Total                                                                                        $30,588,000

Section 205. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

WARREN G. MURRAY DEVELOPMENTAL CENTER

For Personal Services......................... 25,079,800
For Employee Retirement Contributions
   Paid by Employer........................................... 0
For Retirement Contributions................... 2,864,200
For State Contributions to Social Security..... 1,918,600
For Contractual Services....................... 1,818,500
For Travel........................................... 9,900
For Commodities..................................... 1,367,000
For Printing........................................... 9,700

New matter indicated by italics - deletions by strikeout
For Equipment.................................... 122,300
For Telecommunications Services.............. 47,800
For Operation of Auto Equipment............... 60,300
For Expenses Related to Living Skills Program..... 2,900
Total                                                                                        $33,301,000

Section 210. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated from the General Revenue Fund to meet the ordinary and
contingent expenditures of the Department of Human Services:

ELGIN MENTAL HEALTH CENTER
For Personal Services.......................... 46,570,900
For Employee Retirement Contributions
   Paid by Employer.................................. 0
For Retirement Contributions..................... 5,325,800
For State Contributions to Social Security..... 3,562,600
For Contractual Services......................... 5,169,800
For Travel........................................ 32,500
For Commodities................................... 1,174,800
For Printing....................................... 26,100
For Equipment.................................... 131,400
For Telecommunications Services.............. 285,000
For Operation of Auto Equipment............... 130,200
For Expenses Related to Living Skills Program..... 31,200
For Costs Associated with Behavioral Health
   Services - Elgin Network....................... 7,609,900
Total                                                                                        $70,050,200

Section 215. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Human Services:

COMMUNITY AND RESIDENTIAL SERVICES
   FOR THE BLIND AND VISUALLY IMPAIRED
Payable from General Revenue Fund:
For Personal Services......................... 1,404,600
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout
Section 220. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

CHESTER MENTAL HEALTH CENTER

For Personal Services........................ 27,986,900
For Employee Retirement Contributions
Paid by Employer............................... 0
For Retirement Contributions............... 3,169,300
For State Contributions to Social Security..... 2,141,000
For Contractual Services....................... 2,767,900
For Travel........................................ 69,500
For Commodities.................................. 609,700
For Printing....................................... 9,900
For Equipment.................................... 50,300
For Telecommunications Services.............. 94,200
For Operation of Auto Equipment............... 45,500
For Expenses Related to Living Skills Program..... 4,600
Total............................................. $36,948,800

Section 225. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

JACKSONVILLE DEVELOPMENTAL CENTER

New matter indicated by italics - deletions by strikeout
For Personal Services......................... 22,353,300
For Employee Retirement Contributions
  Paid by Employer............................... 0
For Retirement Contributions............... 2,569,500
For State Contributions to Social Security.... 1,710,000
For Contractual Services....................... 1,499,500
For Travel........................................ 14,600
For Commodities................................ 1,516,900
For Printing..................................... 12,400
For Equipment................................... 89,600
For Telecommunications Services.............. 70,500
For Operation of Auto Equipment.............. 68,700
For Expenses Related to Living Skills Program... 16,200
Total                                                                 $29,921,200

Section 230. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Human Services:

  ILLINOIS CENTER FOR REHABILITATION AND EDUCATION
Payable from General Revenue Fund:
  For Personal Services....................... 3,549,300
  For Student, Member or Inmate Compensation .... 2,000
  For Employee Retirement Contributions
    Paid by Employer................................. 0
  For Retirement Contributions.................. 383,000
  For State Contributions to Social Security..... 271,500
  For Contractual Services....................... 855,900
  For Travel........................................ 4,000
  For Commodities................................ 62,600
  For Printing..................................... 2,700
  For Equipment................................... 23,500
  For Telecommunications Services.............. 46,100
  For Operation of Auto Equipment.............. 18,400
Total                                                                 $5,279,000
Payable from Vocational Rehabilitation Fund:

  New matter indicated by italics - deletions by strikeout
Section 235. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

**ANDREW McFARLAND MENTAL HEALTH CENTER**
- For Personal Services: 13,038,600
- For Employee Retirement Contributions
  - Paid by Employer: 0
- For Retirement Contributions: 1,495,500
- For State Contributions to Social Security: 997,500
- For Contractual Services: 1,915,400
- For Travel: 9,500
- For Commodities: 346,400
- For Printing: 6,500
- For Equipment: 63,600
- For Telecommunications Services: 79,700
- For Operation of Auto Equipment: 30,600
- For Expenses Related to Living Skills Program: 11,400
- For Costs Associated with Behavioral Health Services - McFarland Network: 151,200

**Total**: $18,145,900

Section 250. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

**GOVERNOR SAMUEL H. SHAPIRO DEVELOPMENTAL CENTER**
- For Personal Services: 53,216,000
- For Employee Retirement Contributions
  - Paid by Employer: 0
- For Retirement Contributions: 5,991,100
- For State Contributions to Social Security: 4,071,100
- For Contractual Services: 5,302,100
- For Travel: 6,800

New matter indicated by italics - deletions by strikeout
For Commodities.............................. 3,000,200
For Printing..................................... 32,100
For Equipment................................. 173,100
For Telecommunications Services........... 109,500
For Operation of Auto Equipment............ 165,700
Total $72,067,700

Section 255. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services for the purposes hereinafter named:

HUMAN CAPITAL DEVELOPMENT

Payable from General Revenue Fund:
For Personal Services......................... 170,225,200
For Employee Retirement Contributions
Paid by Employer................................ 0
For Retirement Contributions............... 19,618,500
For State Contributions to Social Security... 13,022,200
For Contractual Services.................... 23,924,200
For Travel...................................... 787,600
For Commodities............................. 10,200
For Equipment................................. 1,028,500
For Telecommunications...................... 2,358,400
Total $230,974,800

Payable from the Special Purposes Trust Fund:
For Operation of Federal Employment Programs. 10,000,000

Section 260. The following named amounts, or so much thereof as may be necessary, respectively, for the objects hereinafter named, are appropriated to the Department of Human Services for Human Capital Development and related distributive purposes, including such Federal funds as are made available by the Federal government for the following purposes:

HUMAN CAPITAL DEVELOPMENT
GRANTS-IN-AID

Payable from General Revenue Fund:
For Employability Development Services

New matter indicated by italics - deletions by strikeout
Including Operating and Administrative Costs and Related Distributive Purposes ..... 14,143,500
For Emergency Food and Shelter Program,
Including Operation and Administrative Costs.. 8,899,900
For Emergency Food Program,
Including Operation and Administrative Costs.... 253,600
For Grants for Crisis Nurseries.................. 487,100
For Food Stamp Employment and Training
including Operating and Administrative Costs and Related Distributive Purposes ..... 10,642,200
For Grants Associated with the Great Start Program, including Operation and Administration Costs.................... 1,891,400
For Grants for Supportive Housing Services..... 3,490,300
For a grant to Children's Place for costs associated with specialized child care
for families affected by HIV/AIDS............... 752,700
Total $40,566,700

Payable from the Special Purposes Trust Fund:
For Federal/State Employment Programs and Related Services....................... 5,000,000
For Emergency Food Program
Transportation and Distribution,
including grants and operations................. 5,000,000
For the development and implementation
of the Federal Title XX Empowerment Zone and Enterprise Community initiatives.... 18,925,300
For Grants Associated with the Head Start State Collaboration, Including Operating and Administrative Costs............. 500,000
For Grants Associated with Child Care Services, Including Operation and administrative Costs............... 130,611,100
For Grants Associated with the Great

New matter indicated by italics - deletions by strikeout
START Program, Including Operation and Administrative Costs................. 5,200,000
For Grants Associated with Migrant Child Care Services, Including Operation and Administrative Costs................. 3,142,600
For Refugee Resettlement Purchase of Service, Including Operation and Administrative Costs. 10,494,800
Total $170,173,800

Payable from Local Initiative Fund:
For Purchase of Services under the Donated Funds Initiative Program, Including Operation and Administrative Costs........ 22,328,000

Payable from Assistance to the Homeless Fund:
For Costs Related to Providing Assistance to the Homeless Including Operating and Administrative Costs and Grants........ 300,000

Payable from Employment and Training Fund:
For grants associated with Employment and Training Programs, income assistance and other social services including operating and administrative costs........ 105,955,100

Payable from the Illinois Affordable Housing Trust Fund:
For costs related to the Homelessness Prevention Act, Including Operation and Administrative Costs........ 11,000,000

Section 265. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

JUVENILE JUSTICE PROGRAMS

Payable from General Revenue Fund:
For Personal Services......................... 229,000
For Employee Retirement Contributions
Paid by Employer........................................ 0
For Retirement Contributions..................... 26,400

New matter indicated by italics - deletions by strikeout
### Section 270

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

**JUVENILE JUSTICE PROGRAMS**

**GRANTS-IN-AID**

Payable from Juvenile Justice Trust Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Juvenile Justice Planning and Action Grants for Local Units of Government and Non-Profit Organizations including Prior Fiscal Years Costs</td>
<td>12,600,000</td>
</tr>
<tr>
<td>For Grants to State Agencies, including Prior Fiscal Years</td>
<td>370,000</td>
</tr>
<tr>
<td>Total</td>
<td>$12,970,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Section 275. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the objects and purposes hereinafter named:

COMMUNITY HEALTH

Payable from the General Revenue Fund:
For Personal Services.......................... 3,241,200
For Employee Retirement Contributions
   Paid by Employer.............................. 0
For Retirement Contributions.................. 373,500
For State Contributions to Social Security ...... 247,900
For Contractual Services........................ 125,300
For Travel........................................ 123,300
For Commodities................................. 19,200
For Equipment.................................... 32,500
For Telecommunications Services.............. 42,000
For Expenses for the Development and
   Implementation of Cornerstone................. 774,800
Total                                                                                          $4,979,400

Payable from the DHS Federal Projects Fund:
For Personal Services.......................... 604,800
For Employee Retirement Contributions
   Paid by Employer.............................. 0
For Retirement Contributions.................. 69,700
For State Contributions to Social Security ...... 46,300
For Group Insurance............................ 116,000
For Contractual Services........................ 1,405,200
For Travel........................................ 155,500
For Commodities................................. 36,000
For Printing...................................... 22,000
For Equipment.................................... 568,000
For Telecommunications Services.............. 246,800
For Expenses Related to Public Health Programs... 256,200
For Operational Expenses for Maternal
and Child Health Special Projects of

New matter indicated by italics - deletions by strikeout
Regional and National Significance ............... 226,300
Total ................................................. $3,752,800

Payable from the USDA Women, Infants and Children Fund:
For Operational Expenses of the Women, Infants and Children (WIC) Program,
Including Investigations ............................. 11,666,900
Total ...................................................... $11,666,900

Payable from the Maternal and Child Health Services Block Grant Fund:
For Operational Expenses of Maternal and Child Health Programs ......................... 4,223,300

Payable from the Preventive Health and Health Services Block Grant Fund:
For Expenses of Preventive Health and Health Services Programs ......................... 55,000

Payable from the DHS State Projects Fund:
For Operational Expenses for Public Health Programs .............................................. 368,000

Section 280. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the objects and purposes hereinafter named:

COMMUNITY HEALTH GRANTS-IN-AID

Payable from the General Revenue Fund:
For Grants to Provide Assistance to Sexual Assault Victims and for Sexual Assault Prevention Activities ......................... 5,632,000
For Grants for Programs to Reduce Infant Mortality and to Provide Case Management and Outreach Services ........... 44,265,200
For Grants for the Intensive Prenatal Performance Project ........................................ 5,000,000
For Grants and Administrative Expenses

New matter indicated by italics - deletions by strikeout
Related to the Healthy Families Program...... 9,977,300
For Costs Associated with the
Domestic Violence Shelters
and Services Program...................... 21,054,500
For Grants for After School Youth
Support Programs.......................... 19,114,800
For Costs Associated with
Teen Parent Services....................... 7,100,500
For Grants to Family Planning Programs
For Contraceptive Services............... 723,800
Payable from the Sexual Assault Services Fund:
For Grants Related to the
Sexual Assault Services Program......... 100,000
Total                                  $112,868,100
Payable from the Special Purposes Trust Fund:
For Costs Associated with Family
Violence Prevention Services............. 4,977,500
Payable from the DHS Federal Projects Fund:
For Grants for Public Health Programs.... 2,830,000
For Grants for Maternal and Child
Health Special Projects of Regional
and National Significance............... 1,300,000
For Grants for Family Planning
Programs Pursuant to Title X of
the Public Health Service Act......... 8,000,000
For Grants for the Federal Healthy
Start Program.............................. 4,000,000
Total                                  $21,107,500
Payable from the Special Purposes Trust Fund:
For Community Grants...................... 5,698,100
Payable from the Domestic Violence Abuser
Services Fund:
For Domestic Violence Abuser Services.... 100,000
Payable from the Federal National

New matter indicated by italics - deletions by strikeout
Community Services Grant Fund:
For Payment for Community Activities, Including Prior Years' Costs .......... 12,969,900

Payable from the USDA Women, Infants and Children Fund:
For Grants to Public and Private Agencies for Costs of Administering the USDA Women, Infants, and Children (WIC) Nutrition Program .......... 42,000,000
For Grants for the Federal Commodity Supplemental Food Program .......... 1,400,000
For Grants for Free Distribution of Food Supplies under the USDA Women, Infants, and Children (WIC) Nutrition Program .......... 197,000,000
For Grants for Administering USDA Women, Infants, and Children (WIC) Nutrition Program Food Centers .......... 24,000,000
For Grants for USDA Farmer's Market Nutrition Program .......... 1,500,000
Total $265,900,000

Payable from the Maternal and Child Health Services Block Grant Fund:
For Grants for Maternal and Child Health Programs, Including Programs Appropriated Elsewhere in this Section .......... 8,465,200
For Grants to the Chicago Department of Health for Maternal and Child Health Services .......... 5,000,000
For Grants to the Board of Trustees of the University of Illinois, Division of Specialized Care for Children .......... 7,800,000
For Grants for an Abstinence Education Program including operating and administrative costs .......... 2,500,000
Total $23,765,200

Payable from the Preventive Health and Health Services Block Grant Fund:
For Grants to Provide Assistance to Sexual

New matter indicated by italics - deletions by strikeout
Assault Victims and for Sexual Assault Prevention Activities.......................... 500,000
For Grants for Rape Prevention Education Programs, including operating and administrative costs.. 1,000,000
Total $1,500,000

Payable from the DHS State Projects Fund:
For Grants to Establish Health Care Systems for DCFS Wards......................... 2,361,400

Payable from Domestic Violence Shelter and Service Fund:
For Domestic Violence Shelters and Services Program................................. 952,200

Payable from Tobacco Settlement Recovery Fund:
For all costs associated with Children's Health Programs, including grants, contracts, equipment, vehicles and administrative expenses.............................. 2,500,000

Payable from Tobacco Settlement Recovery Fund:
For a Grant to the Coalition for Technical Assistance and Training .................. 250,000

Payable from the General Revenue Fund:
For a grant for the Cicero Memory Bridge Initiative .................. 448,000

Payable from the Diabetes Research Checkoff Fund:
For diabetes research..................................................... 100,000

Section 285. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

COMMUNITY YOUTH SERVICES
Payable from General Revenue Fund:
For Personal Services................................. 158,100
For Employee Retirement Contributions
Paid by Employer........................................ 0
For Retirement Contributions........................ 18,300

New matter indicated by italics - deletions by strikeout
For State Contributions to Social Security....... $12,100
Total $188,500

Section 290. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Human Services:

COMMUNITY YOUTH SERVICES
GRANTS-IN-AID

Payable from General Revenue Fund:
For Community Services......................... 6,993,600
For Youth Services Grants Associated with
Juvenile Justice Reform.......................... 3,771,500
For Comprehensive Community-Based
Service to Youth.............................. 13,017,200
For Unified Delinquency Intervention
Services........................................ 3,080,800
For Homeless Youth Services.................. 4,747,700
For Early Intervention.......................... 61,041,100
For Redeploy Illinois......................... 2,295,000
For Parents Too Soon Program............. 7,562,000
For Delinquency Prevention.................... 1,579,300
Total $104,088,200

Payable from the Special Purposes Trust Fund:
For Parents Too Soon Program,
including grants and operations............. 3,665,200

Payable from the Early Intervention
Services Revolving Fund:
For Grants Associated with the Early
Intervention Services Program,
including operating and administrative
costs in prior years .................. 134,914,300
Total $134,914,300

Section 300. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,

New matter indicated by italics - deletions by strikeout
are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

WILLIAM W. FOX DEVELOPMENTAL CENTER

For Personal Services.......................... 12,419,300
For Employee Retirement Contributions
  Paid by Employer.............................................. 0
For Retirement Contributions................... 1,402,300
For State Contributions to Social Security....... 950,100
For Contractual Services......................... 1,192,300
For Travel..................................................... 4,900
For Commodities........................................... 803,600
For Printing................................................... 8,400
For Equipment............................................... 33,100
For Telecommunications Services.................. 19,500
For Operation of Auto Equipment................... 28,200
For Expenses Related to Living Skills Program.... 1,000
Total                                                                                        $16,912,700

Section 305. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

ELISABETH LUDEMAN DEVELOPMENTAL CENTER

For Personal Services......................... 29,142,700
For Employee Retirement Contributions
  Paid by Employer.............................................. 0
For Retirement Contributions................... 3,344,500
For State Contributions to Social Security..... 2,229,400
For Contractual Services......................... 2,679,400
For Travel..................................................... 3,500
For Commodities........................................... 594,700
For Printing................................................... 9,000
For Equipment............................................... 96,900
For Telecommunications Services.................. 113,600
For Operation of Auto Equipment................... 51,500

New matter indicated by italics - deletions by strikeout
For Expenses Related to Living Skills Program..... 24,700
Total $38,289,900

Section 310. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

WILLIAM A. HOWE DEVELOPMENTAL CENTER
For Personal Services................. 39,880,200
For Employee Retirement Contributions
   Paid by Employer............................. 0
   For Retirement Contributions............ 4,568,000
   For State Contributions to Social Security..... 3,050,800
   For Contractual Services.................. 5,892,600
   For Travel.................................... 14,100
   For Commodities................................ 946,800
   For Printing.................................. 18,200
   For Equipment................................ 81,300
   For Telecommunications Services........... 130,200
   For Operation of Auto Equipment.......... 247,400
For Expenses Related to Living Skills Program..... 11,100
Total $54,840,700

ARTICLE 280

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Human Rights Commission for the objects and purposes hereinafter enumerated:

GENERAL OFFICE
Payable from General Revenue Fund:
For Personal Services..................... 1,044,300
For Employee Retirement Contributions
   Paid by Employer............................. 0
For State Contributions to State
   Employees' Retirement System............. 120,500
For State Contributions to
   Social Security............................... 79,900

New matter indicated by italics - deletions by strikeout
For Contractual Services........................................ 115,000
For Travel...................................................... 20,500
For Commodities.................................................. 6,300
For Printing.......................................................... 8,700
For Equipment..................................................... 13,600
For Electronic Data Processing................................. 9,900
For Telecommunications Services............................... 26,300
Total.................................................................... $1,445,000

Section 10. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the Special Projects Division Fund to the Human Rights Commission for costs associated with processing and adjudicating cases under Equal Employment Opportunity Commission and U.S. Department of Housing and Urban Development contracts.

ARTICLE 285

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

ADMINISTRATION

Payable from General Revenue Fund:
For Personal Services.......................................................... 520,200
For Employee Retirement Contributions
Paid by Employer................................................................. 0
For State Contributions to State
Employees' Retirement System............................................. 60,000
For State Contributions to
Social Security................................................................. 39,800
For Contractual Services.................................................... 140,000
For Travel................................................................. 16,500
For Commodities.......................................................... 15,700
For Printing................................................................. 4,700
For Equipment................................................................. 26,900
For Telecommunications Services................................. 22,000
For Operation of Auto Equipment................................. 3,000
Total.................................................................... $848,800

New matter indicated by italics - deletions by strikeout
Section 10. The sum of $153,800, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Rights for the purpose of funding expenses associated with the Commission on Discrimination and Hate Crimes.

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

**DIVISION OF CHARGE PROCESSING**

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>4,513,800</td>
</tr>
<tr>
<td>For Employee Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
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<tr>
<td>Employees' Retirement System</td>
<td>521,100</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>345,700</td>
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<td>For Contractual Services</td>
<td>39,400</td>
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<tr>
<td>For Travel</td>
<td>29,300</td>
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<tr>
<td>For Commodities</td>
<td>13,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>20,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>50,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$5,533,600</strong></td>
</tr>
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Payable from Special Projects Division Fund:

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<tr>
<th>Item</th>
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<tr>
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<td>1,585,600</td>
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<tr>
<td>For Employee Retirement Contributions</td>
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<td>Paid by Employer</td>
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<tr>
<td>For State Contributions to State</td>
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<tr>
<td>Employees' Retirement System</td>
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<td>For State Contributions to Social Security</td>
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<td>For Group Insurance</td>
<td>464,000</td>
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<tr>
<td>For Contractual Services</td>
<td>183,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>37,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Section 17. The amount of $1,520,300, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Rights for expenses relating to the investigation and processing of human rights cases.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

**COMPLIANCE**

Payable from General Revenue Fund:
- For Personal Services

<table>
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<tr>
<th>Object</th>
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<tr>
<td>For Employee Retirement Contributions</td>
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</tr>
<tr>
<td>Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>69,400</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>46,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>12,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>3,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$740,700</strong></td>
</tr>
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</table>

**ARTICLE 290**

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Department of Veterans' Affairs:

**CENTRAL OFFICE**

For Personal Services

<table>
<thead>
<tr>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,999,700</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For State Contributions to the State
Employees' Retirement System.................... 230,500
For State Contributions to Social
Security........................................ 153,000
For Contractual Services.......................... 463,300
For Travel........................................ 31,200
For Commodities................................. 7,800
For Printing....................................... 5,900
For Equipment..................................... 20,000
For Electronic Data Processing................... 962,100
For Telecommunications Services............... 40,900
For Operation of Auto Equipment................. 11,200
Total                                                                 $3,925,600

Section 10. The following named sums, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Department of Veterans' Affairs for the objects and purposes and in the amounts set forth as follows:

**GRANTS-IN-AID**
For Bonus Payments to War Veterans and Peacetime
Crisis Survivors..................................... 97,800
For Providing Educational Opportunities for Children of Certain Veterans, as provided by law............................... 163,700
For Cartage and Erection of Veterans' Headstones............................................. 615,800
For Cartage and Erection of Veterans' Headstones/Prior Years Claims...................... 34,200
Total                                                                 $911,500

Section 12. The following named sum or so much thereof as may be necessary, is appropriated from the Illinois Affordable Housing Trust Fund to the Department of Veterans' Affairs for the object and purpose and in the amount set forth as follows:
For Specially Adapted Housing for Veterans.................................................. 223,000
Section 15. The sum of $842,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Veterans' Affairs for the payment of scholarships to students who are dependents of Illinois resident military personnel declared to be prisoners of war, missing in action, killed or permanently disabled, as provided by law.

Section 20. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Illinois Military Family Relief Fund to the Department of Veterans’ Affairs for the payment of benefits authorized under the Survivor’s Compensation Act.

Section 25. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the Illinois Veterans’ Homes Fund to the Department of Veterans’ Affairs to enhance the operations of veterans’ homes in Illinois.

Section 30. The sum of $8,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Veterans’ Assistance Fund to the Department of Veterans’ Affairs for making grants, funding additional services, or conducting additional research projects relating to veterans’ post traumatic stress disorder; veterans’ homelessness; the health insurance cost of veterans; veterans’ disability benefits, including but not limited to, disability benefits provided by veterans service organizations and veterans assistance commissions or centers; and the long-term care of veterans.

Section 32. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Veterans’ Affairs in support of veterans programs and activities.

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for objects and purposes hereinafter named:

VETERANS’ FIELD SERVICES
Payable from the General Revenue Fund:
For Personal Services.......................... 3,565,600
For State Contributions to the State

New matter indicated by italics - deletions by strikeout
Employees' Retirement system................. 410,900
For State Contributions to Social
Security........................................ 272,700
For Contractual Services....................... 334,700
For Travel...................................... 99,900
For Commodities................................ 14,600
For Printing.................................... 8,900
For Equipment.................................. 58,500
For Electronic Data Processing............... 100
For Telecommunications Services............. 123,200
For Operation of Auto Equipment........... 28,800
Total $4,917,900

Section 40. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS' HOME AT ANNA

Payable from General Revenue Fund:
For Personal Services......................... 1,427,000
For State Contributions to the State
Employees' Retirement System............... 164,600
For State Contributions to
Social Security................................ 109,200
For Contractual Services..................... 100
For Commodities.............................. 100
For Electronic Data Processing............. 100
Total $1,701,100

Payable from Anna Veterans' Home Fund:
For Personal Services......................... 1,448,500
For State Contributions to the State
Employees' Retirement System............... 166,900
For State Contributions to
Social Security.............................. 110,900
For Contractual Services..................... 534,900
For Travel.................................... 4,000

New matter indicated by italics - deletions by strikeout
For Commodities.............................. 245,900  
For Printing................................... 2,000  
For Equipment................................ 39,000  
For Electronic Data Processing................. 3,000  
For Telecommunications Services.................. 15,300  
For Operation of Auto Equipment.................. 9,500  
For Refunds.................................... 13,000  
For Permanent Improvements....................... 100  
Total ........................................ $2,593,000

Section 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

**ILLINOIS VETERANS' HOME AT QUINCY**

Payable from General Revenue Fund:
- For Personal Services.......................... 12,856,600  
- For State Contributions to the State Employees' Retirement System....................... 1,481,700  
- For State Contributions to Social Security........................................... 977,400  
- For Contractual Services......................... 72,000  
- For Commodities.................................. 100  
- For Electronic Data Processing.................... 100  
Total ........................................ $15,387,900

Payable from Quincy Veterans' Home Fund:
- For Personal Services.......................... 11,037,500  
- For Member Compensation........................ 25,000  
- For State Contributions to the State Employees' Retirement System....................... 1,272,100  
- For State Contributions to Social Security........................................... 844,300  
- For Contractual Services......................... 2,335,900  
- For Travel........................................ 4,300  
- For Commodities.................................. 5,358,100  
- For Printing..................................... 23,700

New matter indicated by italics - deletions by strikeout
For Equipment: 112,400
For Electronic Data Processing: 25,000
For Telecommunications Services: 79,400
For Operation of Auto Equipment: 60,000
For Refunds: 42,200
For Permanent Improvements: 66,200
Total $21,286,100

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

**ILLINOIS VETERANS' HOME AT LASALLE**

Payable from General Revenue Fund:
For Personal Services: 3,654,800
For State Contributions to the State Employees' Retirement System: 421,200
For State Contributions to Social Security: 279,600
For Contractual Services: 100
For Commodities: 100
For Electronic Data Processing: 100
Total $4,355,900

Payable from LaSalle Veterans' Home Fund:
For Personal Services: 2,254,700
For State Contributions to the State Employees' Retirement System: 259,900
For State Contributions to Social Security: 172,500
For Contractual Services: 1,522,300
For Travel: 2,700
For Commodities: 639,500
For Printing: 9,200
For Equipment: 37,400
For Electronic Data Processing: 5,000
For Telecommunications: 23,700
For Operation of Auto Equipment: 11,500

New matter indicated by italics - deletions by strikeout
Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

**ILLINOIS VETERANS' HOME AT MANTENO**

Payable from General Revenue Fund:
- For Personal Services.......................... $8,238,400
- For State Contributions to the State Employees' Retirement System.............. $949,500
- For State Contributions to Social Security.......................... $622,900
- For Contractual Services........................... $5,000
- For Commodities...................................... $100
- For Electronic Data Processing..................... $100
 Total $9,816,000

Payable from Manteno Veterans' Home Fund:
- For Personal Services......................... $5,960,400
- For Member Compensation........................ $5,000
- For State Contributions to the State Employees' Retirement System.............. $686,900
- For State Contributions to Social Security.......................... $456,000
- For Contractual Services........................... $4,268,000
- For Travel............................................. $6,000
- For Commodities.................................... $1,419,400
- For Printing........................................... $19,500
- For Equipment........................................ $115,000
- For Electronic Data Processing.................... $20,000
- For Telecommunications Services............... $63,800
- For Operation of Auto Equipment............... $48,400
- For Refunds.......................................... $28,900

Total $4,964,200

New matter indicated by italics - deletions by strikeout
For Permanent Improvements......................... 66,300
Total $13,163,600

Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans’ Affairs for the objects and purposes hereinafter named:

STATE APPROVING AGENCY

Payable from GI Education Fund:
For Personal Services......................... 506,600
For State Contributions to the State
Employees’ Retirement System................. 58,400
For State Contributions to
Social Security.................................. 38,800
For Group Insurance......................... 124,500
For Contractual Services....................... 112,300
For Travel....................................... 101,200
For Commodities.................................. 57,800
For Printing...................................... 27,600
For Equipment................................... 93,900
For Electronic Data Processing............... 59,200
For Telecommunications Services.......... 31,600
For Operation of Auto Equipment........... 34,000
Total $1,245,900

Section 65. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Veterans’ Affairs Federal Projects Fund to the Department of Veterans’ Affairs for operating and administrative costs associated with the Troops to Teachers Program.

ARTICLE 295

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

CENTRAL ADMINISTRATION
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services......................... 7,029,900

New matter indicated by italics - deletions by strikeout
For Retirement Contributions Paid
  By Employer................................. 0
For Retirement Contributions.............. 810,300
For State Contributions to
  Social Security............................. 537,900
For Contractual Services.................. 2,475,000
For Travel.................................... 170,000
For Commodities............................. 8,000
For Printing.................................. 1,500
For Equipment............................... 10,000
For Telecommunications.................... 247,100
For Attorney General Representation
  on Child Welfare Litigation Issues........ 574,100
Total $11,863,800

PAYABLE FROM C&FS SPECIAL PURPOSES TRUST FUND
For Expenditures of Private Funds
  for Child Welfare Improvements........... 360,000
Total $360,000

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

  INSPECTOR GENERAL
  PAYABLE FROM GENERAL REVENUE FUND
For Personal Services...................... 1,159,400
For Retirement Contributions............. 133,600
For State Contributions to
  Social Security.......................... 88,800
For Contractual Services.................. 582,000
For Travel.................................. 12,000
For Commodities........................... 5,000
For Printing................................ 200
For Equipment.............................. 1,000
For Telecommunications
  Services.................................... 45,000

New matter indicated by italics - deletions by strikeout
Section 15. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

**ADMINISTRATIVE CASE REVIEW**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
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<td>For Retirement Contributions</td>
<td>596,400</td>
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<td>For State Contributions to</td>
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<tr>
<td>Social Security</td>
<td>395,900</td>
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<td>For Contractual Services</td>
<td>38,000</td>
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<tr>
<td>For Travel</td>
<td>110,000</td>
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<td>For Commodities</td>
<td>1,000</td>
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<td>For Printing</td>
<td>200</td>
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<td>For Equipment</td>
<td>3,000</td>
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<td>For Telecommunications Services</td>
<td>14,000</td>
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<td><strong>Total</strong></td>
<td><strong>$6,333,000</strong></td>
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</tbody>
</table>

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

**OFFICE OF QUALITY ASSURANCE**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>1,815,800</td>
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<td>For Retirement Contributions</td>
<td>209,300</td>
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<td>Social Security</td>
<td>139,000</td>
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<tr>
<td>For Contractual Services</td>
<td>285,000</td>
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<tr>
<td>For Travel</td>
<td>170,000</td>
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<td>For Commodities</td>
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<td>For Printing</td>
<td>3,400</td>
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<tr>
<td>For Equipment</td>
<td>3,000</td>
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<tr>
<td>For Telecommunications Services</td>
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<td><strong>Total</strong></td>
<td><strong>$2,027,000</strong></td>
</tr>
</tbody>
</table>
Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

**CHILD WELFARE**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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<tr>
<td>For Retirement Contributions</td>
<td>9,821,800</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>6,519,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,295,400</td>
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<tr>
<td>For Travel</td>
<td>4,080,000</td>
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<tr>
<td>For Commodities</td>
<td>305,000</td>
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<tr>
<td>For Printing</td>
<td>210,500</td>
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<td>For Equipment</td>
<td>42,000</td>
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<td>For Telecommunications Services</td>
<td>3,325,600</td>
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<td>For Targeted Case Management</td>
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<td><strong>Total</strong></td>
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**PAYABLE FROM C&FS FEDERAL PROJECTS FUND**

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<tbody>
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<td>For Federal Child Welfare Projects</td>
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<tr>
<td>For Independent Living Initiative</td>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$13,075,000</strong></td>
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Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

**CHILD PROTECTION**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
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<td>For Contractual Services</td>
<td>194,000</td>
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<td>For Travel</td>
<td>1,537,000</td>
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<td>For Commodities</td>
<td>5,000</td>
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</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Printing........................................  2,000
For Equipment.................................  22,500
For Telecommunications Services.............  497,000
For Child Death Review Teams................  120,000
Total.......................................... $71,873,000

PAYABLE FROM C&FS FEDERAL PROJECTS FUND
For Federal Child Protection Projects........  5,292,600
Total.......................................... $5,292,600

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

SUPPORT SERVICES
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services..........................  5,851,600
For Retirement Contributions..................  674,500
For State Contributions to
Social Security.................................  447,700
For Contractual Services......................  25,353,000
For Travel.......................................  116,000
For Commodities.................................  150,000
For Printing.....................................  280,000
For Equipment.................................  6,500
For Electronic Data Processing...............  7,585,000
For Telecommunications Services............  1,259,000
For Operation of Automotive Equipment......  70,000
For Refunds....................................  5,800
For Cook County Referral
Support System.................................  247,200
Total.......................................... $42,046,300

PAYABLE FROM DCFS CHILDREN'S SERVICES FUND
For all expenditures related to the collection and distribution of Title IV-E reimbursements for counties included in the Title IV-E Juvenile Justice Pilot

New matter indicated by italics - deletions by strikeout
Program to be implemented in one county in each of the DCFS regions of Cook, Northern, Central, and Southern in accordance with an intergovernmental agreement to be developed with each pilot county. 5,000,000

For Title IV-E Reimbursement
Enhancement. 4,439,600
For SSI Reimbursement. 1,763,700
For AFCARS/SACWIS Information
System. 21,219,200
Total. $32,422,500

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

CLINICAL SERVICES
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services. 2,520,500
For Retirement Contributions. 290,600
For State Contributions to Social Security. 192,900
For Contractual Services. 160,500
For Travel. 105,000
For Commodities. 2,000
For Printing. 400
For Equipment. 2,000
For Telecommunications Services. 61,000
Total. $3,334,900

OFFICE OF THE GUARDIAN
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services. 3,498,000
For Retirement Contributions. 403,200
For State Contributions to Social Security. 267,700
For Contractual Services. 436,500

New matter indicated by italics - deletions by strikeout
For Travel........................................                                                 50,000
For Commodities....................................                                            5,000
For Printing.........................................                                                   500
For Equipment......................................                                              2,000
For Telecommunications...........................                                     105,000
Total                                                                                         $4,767,900

PURCHASE OF SERVICE MONITORING
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services.........................                                        17,328,300
For Retirement Contributions...................                                   1,997,100
For State Contributions to
Social Security...................................... 1,325,700
For Contractual Services.......................                                       1,950,000
For Travel........................................                                                 50,000
For Commodities....................................                                            6,000
For Printing.......................................                                                  1,300
For Equipment......................................                                              6,000
For Telecommunications...........................                                     125,300
Total                                                                                       $22,789,700

Section 45. The following named amounts, or so much thereof as
may be necessary, respectively, for payments for care of children served by
the Department of Children and Family Services:

GRANTS-IN-AID
REGIONAL OFFICES
PAYABLE FROM GENERAL REVENUE FUND
For Foster Homes and Specialized
Foster Care and Prevention...............                          144,599,900
For Counseling and Auxiliary Services.............. 12,893,000
For Institution and Group Home Care and
Prevention.................................................. 96,208,700
For Services Associated with the Foster
Care Initiative........................................ 6,812,200
For Purchase of Adoption and
Guardianship Services.................................. 180,767,500

New matter indicated by italics - deletions by strikeout
For Health Care Network................. 4,198,500
For Cash Assistance and Housing
   Locator Service to Families in the
   Class Defined in the Norman Consent Order .... 1,432,000
For Youth in Transition Program............ 944,700
For MCO Technical Assistance and
   Program Development....................... 1,650,000
For Pre Admission/Post Discharge
   Psychiatric Screening..................... 8,671,800
For Assisting in the Development
   of Children's Advocacy Centers............ 2,069,500
For Psychological Assessments
   including Operations and
   Administrative Expenses.................... 3,200,000
Total $463,447,800

PAYABLE FROM DCFS CHILDREN'S SERVICES FUND
For Foster Homes and Specialized
   Foster Care and Prevention............... 166,752,100
For Cash Assistance and Housing Locator
   Services to Families in the
   Class Defined in the Norman
   Consent Order............................. 2,200,000
For Counseling and Auxiliary Services....... 14,043,400
For Institution and Group Home Care and
   Prevention.................................. 112,370,100
For Assisting in the development
   of Children's Advocacy Centers.......... 1,505,400
For Children's Personal and
   Physical Maintenance...................... 4,621,600
For Services Associated with the Foster
   Care Initiative............................ 2,266,000
For Purchase of Adoption and
   Guardianship Services..................... 108,510,500
For Family Preservation Services............ 20,450,600

New matter indicated by italics - deletions by strikeout
For Purchase of Children's Services............ 1,356,700
Federal Compliance/Program Improvement
  Plan Implementation.......................... 30,200,000
For Family Centered Services Initiative....... 17,525,500
Total $481,801,900

Section 50. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to the Department of Children and Family
Services:

  CENTRAL ADMINISTRATION
  PAYABLE FROM GENERAL REVENUE FUND
  For Department Scholarship Program............. 842,500
  Total $842,500

  Section 55. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Children and Family Services for:

  CHILD WELFARE
  PAYABLE FROM GENERAL REVENUE FUND
  For Reimbursing Counties.......................... 338,500
  Total $338,500

  Section 60. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Children and Family Services for:

  GRANTS-IN-AID
  SUPPORT SERVICES
  PAYABLE FROM GENERAL REVENUE FUND
  For Tort Claims.................................... 233,800
  Total $233,800

  CHILD PROTECTION
  Payable from the General Revenue Fund:
  For Protective/Family Maintenance
  Day Care........................................... 23,210,100
  Total $23,210,100
  Payable from the Child Abuse Prevention Fund:

  New matter indicated by italics - deletions by strikeout
For Child Abuse Prevention................. 600,000
Total $600,000

CLINICAL SERVICES
Payable from the DCFS Children’s Services Fund:
For Foster Care and Adoption Care Training... $16,800,000

ARTICLE 300
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:
DIVISION OF THE EXECUTIVE OFFICE
Payable from General Revenue Fund:
For Personal Services....................... 629,800
For Employee Retirement Contributions paid by Employer......................... 0
For State Contributions to State Employees' Retirement System............. 72,700
For State Contributions to Social Security .......... 48,300
For Contractual services..................... 50,000
For Travel.............................. 33,600
For Commodities........................... 500
Total $834,900

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:
DIVISION OF FINANCE AND ADMINISTRATION
Payable from General Revenue Fund:
For Personal Services....................... 1,071,400
For Employee Retirement Contributions
  Paid by Employer.............................. 0
For State Contributions to State Employees' Retirement System.......... 123,500
For State Contributions to Social Security ....... 81,900
For Contractual Services.................. 324,200
For Travel.............................. 10,000

New matter indicated by italics - deletions by strikeout
For Commodities................................. 21,900
For Electronic Data Processing............... 120,400
For Equipment.................................. 15,200
For Telecommunications....................... 69,800
For Operation of Auto Equipment............. 3,400
Total $1,841,700

Payable from Services for Older Americans Fund:
For Personal Services.......................... 384,900
For Employee Retirement Contributions
   Paid by Employer.............................. 0
For State Contributions to State
   Employees' Retirement System.............. 44,400
For State Contributions to Social Security .... 29,500
For Group Insurance........................... 120,000
For Contractual Services...................... 77,400
For Travel..................................... 10,000
For Commodities................................ 7,200
For Printing................................... 12,800
For Equipment................................. 1,100
For Telecommunications....................... 15,500
For Operations of Auto Equipment............ 2,400
Total $705,200

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF HOME AND COMMUNITY SERVICES

Payable from General Revenue Fund:
For Personal Services......................... 740,000
For Employee Retirement Contributions
   Paid by Employer............................ 0
For State Contributions to State
   Employees' Retirement System............. 85,100
For State Contributions to Social Security .... 56,500

New matter indicated by italics - deletions by strikeout
For Travel........................................ 20,000
For Commodities.................................. 500
Total $902,100

Payable from Services for Older Americans Fund:
For Personal Services......................... 1,127,100
For Employee Retirement Contributions
  Paid by Employer.............................. 0
For State Contributions to State
  Employees' Retirement System.............. 129,900
  For State Contributions to Social Security .... 85,900
  For Group Insurance.......................... 270,000
  For Contractual Services.................... 15,000
  For Travel.................................... 52,100
Total $1,680,000

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF PLANNING RESEARCH AND DEVELOPMENT

Payable from General Revenue Fund:
For Personal Services.......................... 265,600
For Employee Retirement Contributions
  Paid by Employer.............................. 0
For State Contributions to State
  Employees' Retirement System............... 30,800
  For State Contributions to Social Security .... 20,400
  For Travel.................................... 20,000
  For Commodities.............................. 500
Total $337,300

Payable from Services for Older Americans Fund:
For Personal Services.......................... 352,900
For Employee Retirement Contributions
  Paid by Employer.............................. 0

New matter indicated by italics - deletions by strikeout
For State Contributions to State
  Employees' Retirement System.......................... 40,700
  For State Contributions to Social Security ........ 27,000
  For Group Insurance................................. 105,000
  For Contractual Services......................... 15,000
  For Travel......................................... 10,000
  Total $550,600

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

  DIVISION OF COMMUNICATIONS AND OUTREACH

Payable from General Revenue Fund:
  For Personal Services.............................. 328,200
  For Employee Retirement Contributions
    Paid by Employer.................................. 0
  For State Contributions to State
    Employees' Retirement System..................... 37,900
    For State Contributions to Social Security ...... 25,200
    For Contractual Services......................... 60,000
    For Travel........................................ 24,700
    For Commodities.................................. 500
    For Printing.................................... 23,500
  Total $500,000

Payable from Services for Older Americans Fund:
  For Personal Services............................ 191,300
  For Employee Retirement Contributions
    Paid by Employer.................................. 0
  For State Contributions to State
    Employees' Retirement System.................... 22,100
    For State Contributions to Social Security ...... 14,800
    For Group Insurance............................. 75,000
    For Travel....................................... 10,000
  Total $313,200

  New matter indicated by italics - deletions by strikeout
Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DISTRIBUTIVE ITEMS
OPERATIONS

Payable from General Revenue Fund:
For Expenses of the Provisions of the Elder Abuse and Neglect Act............ 10,041,400
For Expenses of the Intergenerational Programs........................................ 60,900
For Expenses of the Illinois Department on Aging for Monitoring and Support Services........................................ 296,900
For Expenses of the Illinois Council on Aging........................................... 12,200
For Expenses of the Alzheimer’s Task Force And Conference.......................... 12,400
For Expenses of the Senior Employment Specialist Program.......................... 264,300
For Expenses of the Grandparents Raising Grandchildren Program.................. 336,500
For Expenses of the Senior Meal Program................................................. 34,500
For Expenses of the Alzheimer’s Initiative and Related Programs................... 104,700
For Administrative Expenses of the Red Tape Cutter Program.......................... 9,800
For Expenses for Senior Transportation.................................................... 200,000
For Expenses of the Senior Helpline.................................................... 1,468,400
Total $12,842,000

Payable from Services for Older Americans Fund:
For Expenses of Senior Meal Program............................................ 52,100
For Purchase of Training Services.................................................... 148,300
For Expenses of the Discretionary

New matter indicated by italics - deletions by strikeout
Government Projects............................ 6,405,000
Total $6,605,400

Payable from the Department on Aging's Special Projects Fund:
For Expenses of Private Partnership Projects........................................ 45,000

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DISTRIBUTIVE ITEMS
GRANTS-IN-AID

Payable from General Revenue Fund:
For Grants and for Administrative Expenses Associated with the purchase Of homemaker and other home-based services, including prior year costs........ 274,749,800
For grants for a Needs Assessment Study of the Elderly in the South Suburbs............................... 100,000
For Grants and for Administrative Expenses Associated with Alternative Senior Services, including prior year costs................. 6,800,000
For Grants and for Administrative Expenses Associated with Case Management, including prior year costs.............................. 40,477,800
For Grants and for Administrative Expenses Associated with Adult Day Care, including prior year costs......... 17,276,100
For Grants for distribution to the 13 Area Agencies on Aging for costs for home delivered meals and mobile food equipment .... 7,969,600

Grants for Community Based Services

New matter indicated by italics - deletions by strikeout
including information and referral services, transportation and delivered meals................................. 3,062,300
Grants for Community Based Services for equal distribution to each of the 13 Area Agencies on Aging....................... 1,955,000
For Grants for Retired Senior Volunteer Program............................... 782,000
For Planning and Service Grants to Area Agencies on Aging...................... 2,241,700
For Grants for the Foster Grandparent Program................................. 342,100
For Expenses to the Area Agencies on Aging for Long-Term Care Systems Development............................. 276,000
For Grants for Suburban Area Agency on Aging for the Red Tape Cutter Program.......................... 251,700
For Grants for Chicago Department on Aging for the Red Tape Cutter Program............... 603,600
For the Ombudsman Program.......................... 391,000
Total $357,278,700
Payable from the Tobacco Settlement Recovery Fund:
For Grants and Administrative Expenses of Senior Health Assistance Programs.......................... 1,100,000
Payable from Services for Older Americans Fund:
For Grants for Social Services............. 27,164,000
For Grants for Nutrition Services............. 24,475,800
For Grants for Employment Services........... 3,397,000
For Grants for USDA Adult Day Care............ 1,500,000
For Grants for the USDA Elderly Feeding Program........................... 6,500,000

New matter indicated by italics - deletions by strikeout
Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department on Aging for the ordinary and contingent expenses of the Senior Citizens Circuit Breaker and Pharmaceutical Assistance Program:

Payable from General Revenue Fund..................                           51,928,600
Payable from Tobacco Settlement Recovery Fund................................ 8,890,900

ARTICLE 305

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Illinois Council on Developmental Disabilities:
Payable from Council on Developmental Disabilities Federal Fund:
  For Personal Services...........................                                           681,500
  For State Contributions to the State Employees’ Retirement System............... 78,400
  For State Contributions to Social Security..................................                                               52,200
  For Group Insurance...................................                                           203,000
  For Contractual Services..............................                                  469,700
  For Travel........................................                                                 43,000
  For Commodities...................................                                           30,000
  For Printing......................................                                                 37,500
  For Equipment.....................................                                             15,000
  For Electronic Data Processing.........................                                        25,000
  For Telecommunications Services.....................                                         45,000
  Total                                                                                         $1,680,300

Section 10. The amount of $2,500,000, or so much thereof as may be necessary, is appropriated from the Council on Developmental Disabilities Federal Fund to the Illinois Council on Developmental Disabilities for awards and grants to community agencies and other State agencies.

New matter indicated by italics - deletions by strikeout
ARTICLE 310

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Deaf and Hard of Hearing Commission:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>395,200</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>45,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>30,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>85,100</td>
</tr>
<tr>
<td>For Travel</td>
<td>19,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>11,700</td>
</tr>
<tr>
<td>For Printing</td>
<td>5,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>10,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>21,400</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>6,900</td>
</tr>
<tr>
<td>For Expenses relative to the operation of the Commission</td>
<td>36,800</td>
</tr>
<tr>
<td>Total</td>
<td>$668,300</td>
</tr>
</tbody>
</table>

ARTICLE 315

Section 5. The following named sums, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Guardianship and Advocacy Commission for the purposes hereinafter named:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>6,679,300</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to the State Employees' Retirement System</td>
<td>769,800</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>510,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>258,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Travel....................................... 158,000  
For Commodities............................. 13,400  
For Printing.................................. 13,000  
For Equipment................................ 7,900  
For Electronic Data Processing............. 21,400  
For Telecommunications Services.......... 242,900  
For Operation of Auto Equipment.......... 7,300  
Total                                                                                         $8,681,000

Section 10. The sum of $187,700, or so much thereof as may be necessary, is appropriated from the Guardianship and Advocacy Fund to the Guardianship and Advocacy Commission for services pursuant to Section 5 of the Guardianship and Advocacy Act.

ARTICLE 320

Section 5. The sum of $184,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Medical District Commission for ordinary and contingent expenses.

ARTICLE 325

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

DIRECTOR'S OFFICE

Payable from the General Revenue Fund:
For Personal Services....................... 1,673,500  
For State Contributions to State Employees' Retirement System................. 192,900  
For State Contributions to Social Security ...... 125,500  
For Contractual Services..................... 108,400  
For Travel.................................. 62,600  
For Commodities............................ 4,500  
For Printing.................................. 1,500  
For Equipment................................ 400  
For Telecommunications Services........... 47,100  
For Operation of Auto Equipment......... 700  
Total                                                                                         $2,217,100

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0011

Payable from the Public Health Services Fund:
For Expenses Associated with Support of Federally Funded Public Health Programs...................... 300,000
For Operational Expenses to Support Refugee Health Care........................... 514,000
Total, Public Health Services Fund $814,000

Payable from the Public Health Special State Projects Fund:
For Expenses of Public Health Programs........... 750,000

Section 10. The sum of $4,200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for expenses targeted to decrease health disparities in communities of color for Breast and Cervical Cancer.

Section 15. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Public Health from the Public Health Services Fund for the objects and purposes hereinafter named:

DIRECTOR'S OFFICE
For Grants for the Development of Refugee Health Care.......................... 1,186,000

OFFICE OF FINANCE AND ADMINISTRATION
Payable from the General Revenue Fund:
For Personal Services......................... 5,347,200
For State Contributions to State Employees' Retirement System................. 616,300
For State Contributions to Social Security ...... 401,100
For Contractual Services...................... 4,421,700
For Travel..................................... 60,100
For Commodities............................... 93,800
For Printing.................................... 167,400

New matter indicated by italics - deletions by strikeout
For Equipment...................................... 5,200
For Telecommunications Services............... 289,700
For Operation of Auto Equipment.............. 32,900
For Expenses of the Public Health Information Network.............................. 67,800
For Expenses of the Adoption Registry and Medical Information Exchange............ 141,200
For Operational Expenses of Maintaining the Vital Records System....................... 199,500
For Operational Expenses of the Regional Data Base System................................... 29,200
Total                                                                                       $11,873,100

Payable from the Public Health Services Fund:
For Personal Services........................... 194,500
For State Contributions to State Employees' Retirement System....................... 22,400
For State Contributions to Social Security ......... 14,900
For Group Insurance............................... 41,000
For Contractual Services................................ 285,000
For Travel........................................ 20,000
For Commodities.................................... 6,000
For Printing....................................... 1,000
For Equipment.................................... 300,000
For Telecommunications Services............... 400,000
For Operational Expenses of Maintaining the Vital Records System....................... 400,000
Total                                                                                       $1,684,800

Payable from the Lead Poisoning Screening, Prevention and Abatement Fund:
For Operational Expenses for Maintaining Billings and Receivables for Lead Testing............................ 110,000

New matter indicated by italics - deletions by strikeout
Surcharge Fund:
For Expenses of Statewide Database
of Death Certificates and Distributions
of Funds to Governmental Units,
Pursuant to Public Act 91-0382................. 3,082,000
Payable from the Metabolic Screening
and Treatment Fund:
For Operational Expenses for Maintaining
Laboratory Billings and Receivables............ 80,000

Section 25. The following named amount, or so much thereof as
may be necessary, is appropriated to the Department of Public Health for
the objects and purposes hereinafter named:
OFFICE OF FINANCE AND ADMINISTRATION
Payable from the General Revenue Fund:
For Grants for Development of Local Health
Departments and the Public Health
Workforce, including Operational Expenses....... 127,700

Section 30. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Public Health for
the objects and purposes hereinafter named:
OFFICE OF FINANCE AND ADMINISTRATION
For Other Refunds, Payable from the General
Revenue Fund........................................ 38,400
For Refunds, Payable from the Public Health
Services Fund......................................... 75,000
For Refunds, Payable from the Maternal and
Child Health Services Block Grant Fund........... 5,000
For Refunds, Payable from the Preventive
Health and Health Services Block Grant
Fund................................................... 5,000
Total                                    $123,400

Section 35. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Public Health for
the objects and purposes hereinafter named:

New matter indicated by italics - deletions by strikeout
DIVISION OF INFORMATION TECHNOLOGY

Payable from the General Revenue Fund:
For Personal Services............................ 836,400
For State Contributions to State
   Employees' Retirement System.................... 96,300
For State Contributions to Social Security ....... 62,700
For Contractual Services.......................... 1,525,800
For Travel.......................................... 5,300
For Commodities.................................... 4,800
For Printing........................................ 16,000
For Electronic Data Processing................... 533,500
For Telecommunications Services............... 45,700
For Operational Expenses for Health
   Information Systems Targeted for
      Health Screening Programs.................... 130,100
For Expenses for Public Health
   Prevention Systems............................. 832,100
For Expenses Associated with the Childhood
   Immunization Program........................... 224,000
Total                                                                                         $4,312,700

Payable from the Public Health Services Fund:
For Expenses Associated
   with Support of Federally
      Funded Public Health Programs.............. 1,250,000

Payable from the Public Health Special
State Projects Fund:
For Expenses of EPSDT and other
   Public Health programs......................... 150,000

Section 40. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Public Health for
the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION

Payable from the General Revenue Fund:
For Personal Services............................ 966,200

New matter indicated by italics - deletions by strikeout
For State Contributions to State
   Employees' Retirement System.................  111,400
For State Contributions to Social Security ......  72,500
For Contractual Services......................  28,600
For Travel........................................  52,900
For Commodities..................................  2,200
For Printing......................................  2,500
For Equipment....................................  100
For Telecommunications Services...............  27,500
For Operation of Auto Equipment...............  400
For Operational Expenses of Legacy Public
   Health Programs..............................  335,700
For Deposit into the Lead Poisoning,
   Screening, Prevention, and
   Abatement Fund..............................  1,672,000
For Expenses of the Prostate Cancer
   Awareness and Screening Program...........  297,000
For Expenses related to services
   for Prostate Cancer Public
   Awareness Initiative......................  1,200,000
For Expenses Associated with Sudden
   Infant Death Syndrome (SIDS) Program......  250,000
For Expenses Associated with Programs
   Aimed at Improving Health and Wellness....  200,000
Total                                           $5,219,000

Payable from the General Revenue Fund:
For grants for the extension and provision
   of perinatal services for premature
   and high-risk infants and their mothers......  1,136,900

Payable from the Public Health Services Fund:
For Personal Services..........................  1,205,000
For State Contributions to State
   Employees' Retirement System...............  138,900
For State Contributions to Social Security ......  92,200

New matter indicated by italics - deletions by strikeout
For Group Insurance......................... 381,000
For Contractual Services....................... 650,000
For Travel..................................... 160,000
For Commodities.............................. 13,000
For Printing................................... 44,000
For Equipment.................................. 50,000
For Telecommunications Services............. 65,000
Total ........................................ $3,936,000

Payable from the Epilepsy Treatment and Education Grants-in-Aid Fund:
For Grants for Epilepsy Treatment and Education Programs.................... 100,000

Payable from the Blindness Prevention Fund:
For Grants to charitable or educational entities for the prevention of blindness and the providing of eye care............... 100,000

Payable from the Illinois Brain Tumor Research Fund:
For Grants to public and private entities for the purpose of research dedicated to the elimination of brain tumors.............. 100,000

Payable from the Sarcoidosis Research Fund:
For Grants for sarcoidosis research........... 100,000

Payable from the Vince Demuzio Memorial Colon Cancer Fund:
For Expenses to establish and maintain a public awareness campaign to target areas in Illinois with high colon cancer mortality rates.............................. 100,000

Payable from the Lead Poisoning Screening, Prevention and Abatement Fund:
For Expenses, Including Refunds, of the Lead Poisoning Screening and Prevention Program................................. 683,100

Payable from the Maternal and Child
Health Services Block Grant Fund:
For Operational Expenses of Maternal and Child Health Programs......................... 440,000
Payable from the Preventive Health and Health Services Block Grant Fund:
For Expenses of Preventive Health and Health Services Programs......................... 1,226,800
Payable from the Maternal and Child Health Block Grant Fund:
For Grants for the Extension and Provision of Perinatal Services for Premature and High-risk Infants and their Mothers........... 2,401,800
Payable from the Public Health Special State Projects Fund:
For Expenses for Public Health Programs.......... 750,000
Payable from the Metabolic Screening and Treatment Fund:
For Operational Expenses for Metabolic Screening Follow-up Services.................... 1,520,900
Payable from the Hearing Instrument Dispenser Examining and Disciplinary Fund:
For Expenses Pursuant to the Hearing Aid Consumer Protection Act....................... 104,500
Payable from Lou Gehrig’s Disease Research Fund:
For grants to the Les Turner ALS foundation for Research on Amyotrophic Lateral Sclerosis (ALS)........................................ 100,000
Payable from the Spinal Cord Injury Paralysis Cure Research Trust Fund:
For grants for spinal cord injury research........ 100,000

Section 45. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION

New matter indicated by italics - deletions by strikeout
Payable from the General Revenue Fund:
For Grants for Vision and Hearing Screening Programs.......................... 662,700
For Grants Associated with Donated Dental Services............................... 72,000
For a Grant to the Amyotrophic Lateral Sclerosis (ALS) Association Greater Chicago Chapter for Research into discovering the cause and Cure for Amyotrophic Lateral Sclerosis.............................. 1,000,000
For a grant to the Suburban Primary Health Care Council for health care services for low income, uninsured persons................................................. 3,000,000
For a grant to the Farm Resource Center........ 465,600
For grants to support Alzheimer’s treatment and support efforts..................... 1,000,000
For grants to the University of Chicago Transplant Section for Juvenile Diabetes research.................................................. 2,455,000
For a grant to the Illinois College of Optometry, Vision of Hope-Eye Institute................................................................. 50,000
Total $8,705,300

Payable from the Alzheimer's Disease Research Fund:
For Grants Pursuant to the Alzheimer's Disease Research Act.................. 200,000

Payable from the Public Health Services Fund:
For Grants for Public Health Programs, Including Operational Expenses........ 10,400,000

Payable from the Lead Poisoning Screening, Prevention and Abatement Fund:
For Grants for the Lead Poisoning Screening

New matter indicated by italics - deletions by strikeout
and Prevention Program................. 1,500,000
Payable from the Maternal and Child Health
Services Block Grant Fund:
For Grants for Maternal and Child Health
Programs.................................. 495,000
Payable from the Preventive Health and Health
Services Block Grant Fund:
For Grants for Prevention Programs
including operational expenses........... 1,000,000
Payable from the Metabolic Screening and
Treatment Fund:
For Grants for Metabolic Screening
Follow-up Services...................... 2,200,000
For Grants for Free Distribution of Medical
Preparations and Food Supplies......... 1,250,000
Total $3,450,000
Payable from the Tobacco Settlement Recovery Fund:
For Certified Local Health Department
Grants for Anti-Smoking Programs........ 5,000,000
For Grants and Administrative Expenses
for the Tobacco Use Prevention
Program, BASUAH Program, and Asthma
Prevention................................ 5,000,000
Total $10,000,000
Payable from the Prostate Cancer Research Fund:
For Grants to Public and Private Entities
In Illinois for Prostate Cancer Research... 200,000
Section 50. In addition to any amounts previously appropriated, the
sum of $1,000,000, or so much thereof as may be necessary, is
appropriated from the Tobacco Settlement Recovery Fund to the American
Lung Association for operations of the Quitline.
Section 55. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Public Health for
the objects and purposes hereinafter named:

New matter indicated by italics - deletions by strikeout
OFFICE OF HEALTH CARE REGULATION

Payable from the General Revenue Fund:
For Personal Services.................. 13,157,500
For State Contributions to State Employees' Retirement System.............. 1,516,500
For State Contributions to Social Security ...... 986,900
For Contractual Services.................. 212,600
For Travel.................................. 790,300
For Commodities.......................... 18,500
For Printing.................................. 6,200
For Equipment............................. 300
For Telecommunications Services............ 125,200
For Operation of Auto Equipment............. 1,600
For Expenses of the Assisted Living and Shared Housing Program................. 216,800
Total $17,032,400

Payable from the Public Health Services Fund:
For Personal Services.................. 6,825,000
For State Contributions to State Employees' Retirement System.............. 786,600
For State Contributions to Social Security ...... 522,100
For Group Insurance........................ 1,400,000
For Contractual Services.................. 800,000
For Travel.................................. 1,100,000
For Commodities.......................... 8,200
For Equipment............................. 450,000
For Telecommunications..................... 50,000
For Expenses of Monitoring in Long Term Care Facilities...................... 1,750,000
Total $13,691,900

Payable from Assisted Living and Shared Housing Regulatory Fund:
For operational expenses of the Assisted Living and Shared

New matter indicated by italics - deletions by strikeout
Housing Program, pursuant to
Public Act 91-0656......................... 225,000

Payable from the Long Term Care
Monitor/Receiver Fund:
For Expenses, Including Refunds,
Related to Appointment of Long Term Care
Monitors and Receivers..................... 800,000

Payable from the Regulatory Evaluation
and Basic Enforcement Fund:
For Expenses of the Alternative Health
Care Delivery Systems Program.............. 75,000

Payable from the Health Facility Plan
Review Fund:
For Expenses of Health Facility
Plan Review Program and Hospital
Network System, including refunds......... 2,000,000

Payable from the Hospice Fund:
For Grants for hospice services as
defined in the Hospice Program
Licensing Act............................... 25,000

Payable from Innovations in Long Term Care Quality
Demonstration Grants Fund:
For demonstration grants for nursing homes..... 1,000,000

Payable from the End Stage Renal Disease
Facility Licensing Fund:
For expenses of the End Stage Renal Disease
Facility Licensing Program.................... 385,000

Section 60. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Public Health for
the objects and purposes hereinafter named:

OFFICE OF HEALTH PROTECTION

Payable from the General Revenue Fund:
For Personal Services....................... 6,575,100
For State Contributions to State Employees'

New matter indicated by italics - deletions by strikeout
For State Contributions to Social Security ...... 493,200
For Contractual Services......................... 106,600
For Travel....................................... 204,000
For Commodities................................... 15,900
For Printing....................................... 9,200
For Equipment...................................... 100
For Telecommunications Services............... 80,600
For Operation of Auto Equipment............... 6,900
For Expenses Incurred for the Rapid
Investigation and Control of
Disease or Injury.................................. 526,200
For Expenses of Environmental Health
Surveillance and Prevention
Activities, Including Mercury
Hazards and West Nile Virus..................... 451,300
For Expenses for Expanded Lab Capacity
and Enhanced Statewide Communication
Capabilities Associated with
Homeland Security............................... 496,200
For expenses associated with implementing
an integrated pest management program......... 178,000
For Expenses associated with Pandemic
Flu Preparedness............................... 1,183,000
Total................................................................ $11,084,100

Payable from the Public Health Services Fund:
For Personal Services.............................. 3,747,000
For State Contributions to State
Employees' Retirement System.................... 431,800
For State Contributions to Social Security ...... 286,600
For Group Insurance.............................. 900,000
For Contractual Services......................... 3,152,800
For Travel........................................... 332,800
For Commodities................................. 330,000

New matter indicated by italics - deletions by strikeout
For Printing...................................... 70,800
For Equipment.................................... 875,000
For Telecommunications Services............... 286,800
For Operation of Auto Equipment................. 10,000
For Expenses of Implementing Federal Awards, Including Services Performed by Local Health Providers................. 4,925,700
For Expenses Related to the Summer Food Inspection Program........................................ 45,000
Total                                                                                       $15,394,300

Payable from the Food and Drug Safety Fund:
For Expenses of Administering the Food and Drug Safety Program, including Refunds............... 1,400,000
Payable from the Safe Bottled Water Fund:
For Expenses for the Safe Bottled Water Program............................................. 75,000
Payable from the Illinois School Asbestos Abatement Fund:
For Expenses, Including Refunds, of Administering and Executing the Asbestos Abatement Act and the Federal Asbestos Hazard Emergency Response Act of 1986 (AHERA).......................... 952,500
Payable from the Public Health Water Permit Fund:
For Expenses, Including Refunds, of Administering the Groundwater Protection Act.......................... 200,000
Payable from the Used Tire Management Fund:
For Expenses of Vector Control Programs, including Mosquito Abatement..................... 500,000

New matter indicated by italics - deletions by strikeout
Prevention and Abatement Fund:
For Expenses of the Lead Poisoning Screening, and Prevention Program, Including Refunds................. 1,600,000

Payable from the Tanning Facility Permit Fund:
For Expenses to Administer the Tanning Facility Permit Act, Including Refunds....................... 500,000

Payable from the Plumbing Licensure and Program Fund:
For Expenses to Administer and Enforce the Illinois Plumbing License Law, including Refunds.................. 1,331,400

Payable from the Pesticide Control Fund:
For Public Education, Research, and Enforcement of the Structural Pest Control Act............................ 200,000

Payable from the Facility Licensing Fund:
For Expenses, including Refunds, of Environmental Health Programs.......................... 659,900

Payable from the Public Health Special State Projects Fund:
For Expenses of Conducting EPSDT and other Health Protection Programs.............. 1,200,000

Payable from the Emergency Public Health Fund:
For expenses of mosquito abatement in an effort to curb the spread of West Nile Virus.............................. 3,413,600

Section 65. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROTECTION

New matter indicated by italics - deletions by strikeout
Payable from the General Revenue Fund:
For Grants for Immunizations and Outreach Activities.......................... 4,763,100
For Grants for Sexually Transmitted Disease Medical Services to Individuals............... 10,600
For Local Health Protection Grants to Certified Local Health Departments for Health Protection Programs including, But Not Limited To, Infectious Diseases, Food Sanitation, Potable Water and Private Sewage.......... 17,033,500
For grants to support sickle cell disease research, education and outreach as follows:
For a grant to the Comprehensive Sickle-Cell Clinic at the University of Illinois Medical Center at Chicago...................... 600,000
For a grant to the Have a Heart for Sickle Cell Anemia Foundation............... 400,000
Total $22,807,200

Payable from the Tobacco Settlement Recovery Fund:
For a Grant for the University of Illinois for Sickle Cell Research.................. 1,900,000

Payable from the Pet Population Control Fund:
For expenses associated with the Illinois Public Health and Safety Animal Population Control Act.................. 100,000

Section 70. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for expenses of programs related to Acquired Immunodeficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV):

OFFICE OF HEALTH PROTECTION: AIDS/HIV
Payable from the General Revenue Fund:
For Personal Services.................. 353,800

New matter indicated by italics - deletions by strikeout
For State Contributions to State Employees' Retirement System.................. 40,800
For State Contributions to Social Security ........ 26,600
For Contractual Services......................... 25,200
For Travel........................................ 12,400
For Expenses of an AIDS Hotline.................. 199,100
For Expenses of Minority AIDS/HIV Prevention and Outreach.................... 3,150,000
For Expenses of AIDS/HIV Education, Drugs, Services, Counseling, Testing, Referral and Partner Notification (CTRPN), and Patient and Worker Notification pursuant to Public Act 87-763.......................... 18,157,100
For expenses associated with HIV in Correctional facilities................... 2,000,000
Total $23,965,000

Payable from the African-American HIV/AIDS Response Fund:
For grants and other expenses for the prevention and treatment of HIV/AIDS and the creation of an HIV/AIDS service delivery system to reduce the disparity of HIV infection and AIDS cases between African-Americans and other population groups.......................... 3,000,000

Payable from the Public Health Services Fund:
For Expenses of Programs for Prevention of AIDS/HIV............................. 4,651,600
For Expenses for Surveillance Programs and Seroprevalence Studies of AIDS/HIV.......... 1,500,000
For Expenses Associated with the Ryan White Comprehensive AIDS Resource Emergency Act of

New matter indicated by italics - deletions by strikeout
Section 75. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

**SPRINGFIELD LABORATORY**

Payable from the General Revenue Fund:
- For Personal Services: $1,225,700
- For State Contributions to State Employees' Retirement System: $141,300
- For State Contributions to Social Security: $92,000

Total: $1,459,000

**CARBONDALE LABORATORY**

Payable from the General Revenue Fund:
- For Personal Services: $302,700
- For State Contributions to State Employees' Retirement System: $35,000
- For State Contributions to Social Security: $22,800

Total: $360,500

**CHICAGO LABORATORY**

Payable from the General Revenue Fund:
- For Personal Services: $1,697,100
- For State Contributions to State Employees' Retirement System: $195,600
- For State Contributions to Social Security: $127,400

Total: $2,020,100

**PUBLIC HEALTH LABORATORIES**

Payable from the General Revenue Fund:
- For Contractual Services: $968,700
- For Travel: $23,000
- For Commodities: $312,200
- For Printing: $17,600
- For Equipment: $3,300

New matter indicated by italics - deletions by strikeout
For Telecommunications Services................. 58,000
For Operation of Auto Equipment.................... 1,700
For Expenses of Increasing and
Maintaining Laboratory Capacity for
the Rapid Response to Outbreaks or
Incidence of Infectious Diseases
or Injury........................................ 112,300
For Operational Expenses to Provide
Clinical and Environmental Public
Health Laboratory Services...................... 3,749,400
Total, General Revenue Fund $5,246,200
Payable from the Public Health Services Fund:
For Personal Services.............................. 225,000
For State Contributions to State
Employees' Retirement System..................... 26,000
For State Contributions to Social Security ....... 17,500
For Group Insurance................................ 65,000
For Contractual Services......................... 185,000
For Travel........................................... 20,000
For Commodities................................. 324,900
For Printing...................................... 10,000
For Equipment................................... 115,000
For Telecommunications Services............... 7,000
Total, Public Health Services Fund $995,400
Payable from the Public Health Laboratory
Services Revolving Fund:
For Expenses, Including
Refunds, to Administer Public
Health Laboratory Programs and
Services.......................................... 2,000,000
Payable from the Lead Poisoning
Screening, Prevention and Abatement Fund:
For Expenses, Including
Refunds, of Lead Poisoning Screening,
Prevention and Abatement Program.............. 1,347,100
Payable from the Metabolic Screening and Treatment Fund:
For Expenses, Including
Refunds, of Testing and Screening for Metabolic Diseases............... 3,974,300

Section 80. The following named amounts, or as much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF WOMEN'S HEALTH

Payable from the General Revenue Fund:
For Personal Services.......................... 344,800
For State Contributions to State
Employees' Retirement System............... 39,700
For State Contributions to
Social Security............................... 25,900
For Contractual Services..................... 48,600
For Travel.................................... 23,500
For Commodities.............................. 3,300
For Printing.................................. 14,700
For Equipment................................. 700
For Telecommunications Services............. 11,400
For Operational Expenses of State-
wide Women's Healthline..................... 86,400
For Operational Expenses for Educational
Programs to Reduce Breast Cancer.......... 25,100
For Deposit into the Penny Severns
Breast and Cervical Cancer Research Fund.......................... 200,000
For Expenses for Breast and Cervical
Cancer Screenings and other
Related Activities........................... 4,250,000
For Expenses of the Women's Health
Promotion Programs......................... 902,700

New matter indicated by italics - deletions by strikeout
Total $5,976,800

Payable from the Public Health Services Fund:
For Personal Services.......................... 521,200
For State Contributions to State
    Employees' Retirement System............... 60,100
For State Contributions to
    Social Security............................. 40,000
For Group Insurance........................... 119,400
For Contractual Services........................ 500,000
For Travel....................................... 50,000
For Commodities............................... 53,200
For Printing...................................... 34,500
For Equipment................................... 50,000
For Telecommunications Services............... 10,000
For Expenses of Federally Funded Women's
    Health Program.............................. 2,600,000
Total $4,038,400

Payable from the Public Health Special
State Projects Fund:
For Expenses of Women's Health Programs...... 200,000

Section 85. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Public Health for
the objects and purposes hereinafter named:

OFFICE OF WOMEN'S HEALTH

Payable from the General Revenue Fund:
For Grants Pursuant to the Promotion
    of Women's Health........................... 1,127,900
For Grants Associated with Ovarian
    Cancer Research.............................. 100,000
Total $1,227,900

Payable from the Public Health Services Fund:
For Grants for Breast and Cervical
    Cancer Screenings in Fiscal Year 2008
    and all prior fiscal years................. 6,000,000
Payable from the Penny Severns Breast and Cervical Cancer Research Fund:
For Grants for Breast and Cervical Cancer Research.......................... 600,000

Payable from the Ticket for the Cure Fund:
For Grants and related expenses to public or private entities in Illinois for the purpose of funding research concerning breast cancer and for funding services for breast cancer victims.... 3,900,000

Section 90. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Public Health for the objects and purposes hereinafter named:

DIVISION OF PUBLIC HEALTH PREPAREDNESS

Payable from the General Revenue Fund:
For Personal Services.......................... 1,056,100
For State Contributions to State Employees’ Retirement System............... 121,800
For State Contributions to Social Security............................................. 79,200
For expenses associated with the Save a Life Program and other health related programs............................... 788,000
For operational expenses of three First Aid stations.............................. 88,400
For grants to Metro Chicago Hospital Council for the support of the Illinois Poison Control Center......................... 1,901,500
Total $4,035,000

Payable from the Public Health Services Fund:
For Expenses of Federally Funded Bioterrorism Preparedness Activities and other Public Health Emergency Preparedness................................. 55,000,000
Payable from the Trauma Center Fund:
For Expenses of Administering the Distribution of Payments to Trauma Centers.................. 6,000,000

Payable from the EMS Assistance Fund:
For Expenses of Administering the Distribution of Payments from the EMS Assistance Fund, Including Refunds........... 300,000

Payable from the Federal Civil Preparedness Administrative Fund:
For Costs Associated with Illinois Terrorism Task Force Approved Purchases for Homeland Security............. 2,100,000

Section 95. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF POLICY, PLANNING AND STATISTICS

Payable from the General Revenue Fund:
For Personal Services.......................... 1,752,400
For State Contributions to State Employees’ Retirement System...................... 202,000
For State Contributions to Social Security........................................ 131,500
For Contractual Services.......................... 25,400
For Travel........................................ 32,600
For Commodities................................. 2,600
For Printing......................................... 300
For Equipment...................................... 4,800
For Telecommunications Services.............. 29,600
For Expenses to establish program to provide scholarships to Allied Health Professionals....................... 91,100
For operating expenses of the Center for Rural Health.......................... 441,700

New matter indicated by italics - deletions by strikeout
For grants to public and private agencies for Residency Programs pursuant to the Family Practice Residency Act $776,000
For matching grants to Community Based Organizations for Comprehensive Primary Care $392,600
For grants to assist Community and Migrant Health Centers to expand service capacity and develop additional sites $392,600
For hospital grants to diversify services and convert to facilities that are less dependent on Acute Care Bed capacity $392,600
For expenses of the Adverse Pregnancy Outcomes Reporting Systems (APORS) Program $348,600
For expenses of State Cancer Registry, Including matching funds for National Cancer Institute grants $163,200
For grants for the Community Health Center Expansion Program $2,991,000
For expenses related to Public Act 94-0242 and the establishment of an adverse health care event reporting system $952,350
For expenses of Identified Offenders Assessment and other public health and Safety activities $167,000
For grants to units of local government, not-for-profit organizations, community organizations and educational facilities for all costs associated with operations expenses, infrastructure improvements, and for all costs associated with educational

New matter indicated by italics - deletions by strikeout
and training programs, programs to improve health access and disease prevention, and provision of health care and dental services.............................. 1,500,000
For grants to units of local government, not-for-profit organizations, community organizations and educational facilities for all costs associated with operations expenses, infrastructure improvements, and for all costs associated with educational and training programs, programs to improve health access, and provision of health care and dental services.............................. 1,500,000
For deposit into the Heartsaver AED Fund.......... 100,000
Total $12,389,950

Payable from Rural/Downstate Health Access Fund:
For expenses associated with the Rural/Downstate Health Access Program.................. 100,000
Payable from the Public Health Services Fund:
For expenses related to Epidemiological Health Outcomes Investigations and Database Development....................... 4,130,000
For expenses for Rural Health Center to expand the availability of Primary Health Care........................... 2,000,000
For operational expenses to develop a Health Care Provider Recruitment and Retention Program................................. 300,000
For grants to develop a Health Care Provider Recruitment and Retention Program...................... 450,000
For grants to develop a Health Professional Educational Loan Repayment Program............... 900,000
Total $7,880,000

New matter indicated by italics - deletions by strikeout
Payable from Community Health Center Care Fund:
For expenses for access to Primary Health Care Services Program per Family Practice Residency Act................................. 1,000,000

Payable from Illinois Health Facilities Planning Fund:
For expenses, including refunds, for Health Facilities Planning Board............... 1,734,500

Payable from Nursing Dedicated and Professional Fund:
For expenses of the Nursing Education Scholarship Law............................... 1,200,000

Payable from the Regulatory Evaluation and Basic Enforcement Fund:
For Expenses of the Alternative Health Care Delivery Systems Program.............. 75,000

Payable from the Tobacco Settlement Recovery Fund:
For grants for the Community Health Center Expansion Program...................... 3,000,000
For grants to units of local government, not-for-profit organizations, community organizations and educational facilities for all costs associated with operations expenses, infrastructure improvements, and for all costs associated with educational and training programs, programs to improve health access and disease prevention, and provision of health care and dental services........................................ 1,500,000
For grants to units of local government, not-for-profit organizations, community organizations and educational facilities for all costs associated with operations expenses, infrastructure improvements, and for all costs associated with educational and training programs, programs to improve

New matter indicated by italics - deletions by strikeout
health access, and provision of health care and dental services

Total

Payable from the Preventive Health and Health Services Block Grant Fund:
For expenses of Preventive Health and Health Services Needs Assessment

Payable from Public Health Special State Projects Fund:
For expenses associated with Health Outcomes Investigations and other public health programs

Payable from Illinois State Podiatric Disciplinary Fund:
For expenses of the Podiatric Scholarship And Residency Act

Payable from the Public Health Federal Projects Fund:
For expenses of Health Outcomes, Research, Policy and Surveillance

Payable from the Heartsaver AED Fund:
For expenses associated with the Heartsaver AED Program

Section 100. The sum of $972,553, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2006, from an appropriation heretofore made in Article 40, Section 95 of Public Act 94-0015, is reappropriated from the General Revenue Fund to the Department of Public Health for expenses associated with implementation of the Health Care Justice Act.

ARTICLE 330

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the following divisions of the Department of Corrections for the fiscal year ending June 30, 2008:

FOR OPERATIONS

New matter indicated by italics - deletions by strikeout
GENERAL OFFICE

For Personal Services......................... 11,137,100
For Employee Retirement Contributions
  Paid by Employer.................................. 0
For State Contributions to State
  Employees' Retirement System................ 1,203,000
For State Contributions to
  Social Security................................ 816,800
For Contractual Services.................... 6,557,500
For Travel...................................... 214,300
For Commodities.............................. 84,200
For Printing.................................... 6,000
For Equipment.................................. 32,300
For Electronic Data Processing............... 5,396,900
For Telecommunications Services............ 2,542,900
For Operation of Auto Equipment............ 2,300
For Tort Claims................................ 470,400
Total............................................ $28,463,700

STATEWIDE SERVICES AND GRANTS

Section 10. The sum of $63,460,000, or so much thereof as may be necessary, is appropriated from the Department of Corrections Reimbursement and Education Fund to meet the ordinary and contingent expenses of the Department of Corrections described below and having the estimated cost as follows:

For payment of expenses associated
  with School District Programs............ 15,000,000
For payment of expenses associated
  with federal programs, including,
  but not limited to, construction of
  additional beds, treatment programs,
  and juvenile supervision.................... 28,960,000
For payment of expenses associated
  with miscellaneous programs, including,
  but not limited to, medical costs,

New matter indicated by italics - deletions by strikeout
food expenditures, and various
construction costs......................... 19,500,000
Total $63,460,000

Payable From the General Revenue Fund:
For Sheriffs' Fees for Conveying Prisoners ...... 374,900
For the State's share of Assistant
State's Attorneys' salaries -
reimbursement to counties pursuant
to Chapter 53 of the Illinois
Revised Statutes......................... 418,200
For Repairs, Maintenance and Other
Capital Improvements..................... 1,087,300
Total $1,880,400

Section 15. The sum of $7,500,000, or so much thereof as may be
necessary, is appropriated to the Department of Corrections from the
General Revenue Fund for a grant to the President of the Cook County
Board of Commissioners for expenses associated with the operations of
the Cook County Juvenile Detention Center.

Section 20. The amount of $1,500,000, or so much thereof as may
be necessary, is appropriated from the General Revenue Fund to the
Department of Corrections for a grant to the Cook County Sheriff's Office
for the expenses of the Cook County Boot Camp.

Section 25. The amounts appropriated for repairs and maintenance,
and other capital improvements in Sections 5, 10, and 65 for repairs and
maintenance, roof repairs and/or replacements, and miscellaneous capital
improvements at the Department's various institutions are to include
construction, reconstruction, improvements, repairs and installation of
capital facilities, costs of planning, supplies, materials and all other
expenses required for roof and other types of repairs and maintenance,
capital improvements, and purchase of land.

No contract shall be entered into or obligation incurred for repairs
and maintenance and other capital improvements from appropriations
made in Sections 5, 10, and 65 of this Article until after the purposes and
amounts have been approved in writing by the Governor.

New matter indicated by italics - deletions by strikeout
Section 35. The amount of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the St. Clair County Detention Center for expenses associated with the Halfway Back Program.

Section 40. The amount of $250,000, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for chaplain services provided to inmates at correctional facilities.

Section 45. The amount of $5,454,700, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for expenses related to Statewide hospitalization services.

Section 55. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Corrections:

**ADULT EDUCATION**

For Personal Services.............................. 11,418,200
For Employee Retirement Contributions
  Paid by Employer........................................... 0
For Student, Member and Inmate
  Compensation...................................................... 24,000
For State Contributions to State Employees' Retirement System............... 1,455,400
For State Contributions to Teachers' Retirement System.......................... 4,500
For State Contributions to Social Security ...... 702,800
For Contractual Services......................... 4,541,700
For Travel................................. 40,800
For Commodities................................. 245,300
For Printing........................................ 39,100
For Equipment................................. 0
For Telecommunications Services................ 4,000
For Operation of Auto Equipment................. 10,700

New matter indicated by italics - deletions by strikeout
Total $17,486,500

FIELD SERVICES
For Personal Services $45,339,500
For Employee Retirement Contributions
  Paid by Employer $0
For Student, Member and Inmate
  Compensation $94,300
For State Contributions to State
  Employees' Retirement System $5,330,100
For State Contributions to Social Security $3,384,900
For Contractual Services $24,517,300
For Travel $305,300
For Travel and Allowance for Prisoners $72,000
For Commodities $479,700
For Printing $15,600
For Equipment $759,200
For Telecommunications Services $7,032,500
For Operation of Auto Equipment $2,135,600
Total $89,466,000

Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections from the General Revenue Fund for:

PUBLIC SAFETY SHARED SERVICES
For payments in relation to administrative shared services $7,372,900

BIG MUDDY RIVER CORRECTIONAL CENTER
For Personal Services $17,944,100
For Employee Retirement Contributions
  Paid by Employer $0
For Student, Member and Inmate
  Compensation $302,300
For State Contributions to State
  Employees' Retirement System $2,073,900

New matter indicated by italics - deletions by strikeout
For State Contributions to
Social Security................................. 1,363,200
For Contractual Services....................... 6,192,500
For Travel....................................... 18,300
For Travel and Allowances for Committed, Paroled and Discharged Prisoners........... 53,100
For Commodities................................ 1,944,200
For Printing.................................... 21,600
For Equipment................................... 42,800
For Telecommunications Services.............. 75,600
For Operation of Auto Equipment............... 105,300
Total.............................................. $30,136,900

CENTRALIA CORRECTIONAL CENTER
For Personal Services.......................... 20,123,200
For Employee Retirement Contributions Paid by Employer........................................ 0
For Student, Member and Inmate Compensation............................................. 286,300
For State Contributions to State Employees' Retirement System......................... 2,320,600
For State Contributions to Social Security...................................................... 1,530,800
For Contractual Services....................... 4,132,400
For Travel....................................... 13,800
For Travel and Allowances for Committed, Paroled and Discharged Prisoners.......... 33,700
For Commodities................................ 1,593,200
For Printing...................................... 19,800
For Equipment................................... 45,600
For Telecommunications Services.............. 79,400
For Operation of Auto Equipment............... 78,700
Total.............................................. $30,257,500

DANVILLE CORRECTIONAL CENTER
For Personal Services........................... 18,200,500

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions
Paid by Employer...................................... 0

For Student, Member and Inmate Compensation........................................ 326,900

For State Contributions to State Employees' Retirement System.................. 2,091,000
For State Contributions to Social Security............................................. 1,347,900
For Contractual Services........................................... 5,474,300
For Travel................................................. 10,300
For Travel and Allowances for Committed, Paroled and Discharged Prisoners........ 10,000
For Commodities........................................................................ 1,547,800
For Printing.............................................................................. 17,900
For Equipment............................................................................ 45,000
For Telecommunications Services................................... 75,500
For Operation of Auto Equipment............................................ 95,000
Total                                                                                       $29,242,100

DECATUR WOMEN'S CORRECTIONAL CENTER
For Personal Services................................. 12,384,000
For Employee Retirement Contributions Paid by Employer........................................ 0
For Student, Member and Inmate Compensation........................................... 90,600
For State Contributions to State Employees' Retirement System.................. 1,443,600
For State Contributions to Social Security............................................. 911,200
For Contractual Services........................................... 3,359,800
For Travel................................................. 5,600
For Travel and Allowances for Committed, Paroled and Discharged Prisoners........ 20,600
For Commodities........................................................................ 602,900

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**DIXON CORRECTIONAL CENTER**

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Social Security............................... 1,561,400
For Contractual Services....................... 7,533,700
For Travel........................................ 29,700
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners................. 17,300
For Commodities................................ 1,855,900
For Printing....................................... 24,500
For Equipment..................................... 58,300
For Telecommunications Services.................. 144,500
For Operation of Auto Equipment............... 189,900

Total                                                                                       $34,923,800

EAST MOLINE CORRECTIONAL CENTER
For Personal Services......................... 14,864,000
For Employee Retirement Contributions
Paid by Employer...................................... 0
For Student, Member and Inmate
Compensation........................................ 242,100
For State Contributions to State
Employees' Retirement System.................... 1,724,900
For State Contributions to
Social Security..................................... 1,103,700
For Contractual Services....................... 4,182,900
For Travel........................................ 13,900
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners........... 38,500
For Commodities...................................... 1,149,100
For Printing....................................... 9,600
For Equipment...................................... 36,800
For Telecommunications Services............... 71,300
For Operation of Auto Equipment............... 86,000

Total                                                                                       $23,522,800

SOUTHWESTERN ILLINOIS CORRECTIONAL CENTER
For Personal Services......................... 13,518,200
For Employee Retirement Contributions

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<td>For Equipment</td>
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**ILLINOIS RIVER CORRECTIONAL CENTER**

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<td>For Equipment</td>
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**HILL CORRECTIONAL CENTER**

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New matter indicated by italics - deletions by strikeout
and Discharged Prisoners....................... 37,500
For Commodities.............................. 2,159,300
For Printing.................................... 10,400
For Equipment................................. 32,400
For Telecommunications Services............. 37,600
For Operation of Auto Equipment............ 47,300
Total .............................................. $28,257,300

JACKSONVILLE CORRECTIONAL CENTER
For Personal Services........................ 25,298,800
For Employee Retirement Contributions
  Paid by Employer............................... 0
For Student, Member and Inmate
  Compensation.................................. 406,600
For State Contributions to State
  Employees' Retirement System............... 2,929,500
For State Contributions to
  Social Security................................ 1,870,300
For Contractual Services..................... 3,101,800
For Travel....................................... 4,800
For Travel and Allowance for Committed,
  Paroled and Discharged Prisoners........... 31,700
For Commodities.............................. 2,154,800
For Printing.................................... 17,800
For Equipment................................. 39,000
For Telecommunications Services............. 70,500
For Operation of Auto Equipment............ 136,000
Total .............................................. $36,061,600

LAWRENCE CORRECTIONAL CENTER
For Personal Services....................... 19,744,900
For Employee Retirement Contributions
  Paid by Employer............................... 0
For Student, Member and Inmate
  Compensation.................................. 254,800
For State Contributions to State

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**LOGAN CORRECTIONAL CENTER**

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<td>For Equipment</td>
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<td>For Travel</td>
<td>23,800</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>11,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,732,400</td>
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<td>For Printing</td>
<td>31,900</td>
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<tr>
<td>For Equipment</td>
<td>55,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>160,600</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>101,800</td>
</tr>
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<td>Total</td>
<td>$52,771,000</td>
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**ROBINSON CORRECTIONAL CENTER**

<table>
<thead>
<tr>
<th>Item</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
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<td>For Employee Retirement Contributions Paid by Employer</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
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<td>For State Contribution to Social Security</td>
<td>1,037,300</td>
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<td>For Contractual Services</td>
<td>3,743,300</td>
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<td>For Travel</td>
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<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>9,800</td>
</tr>
<tr>
<td>For Commodities</td>
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<td>For Printing</td>
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<td>For Equipment</td>
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<td>For Telecommunications Services</td>
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<td>For Operation of Auto Equipment</td>
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**SHAWNEE CORRECTIONAL CENTER**

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<tbody>
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New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions
  Paid by Employer...................................... 0
For Student, Member and
  Inmate Compensation............................... 368,700
For State Contributions to State
  Employees' Retirement System..................... 2,344,700
For State Contributions to
  Social Security.................................... 2,618,600
  Contractual Services............................. 5,416,200
  Travel................................................. 18,400
  Travel and Allowances for Committed, Paroled and Discharged Prisoners................................................. 94,400
  Commodities........................................ 2,310,400
  Printing................................................. 17,100
  Equipment............................................ 22,200
  Telecommunications Services........................ 80,300
  Operation of Auto Equipment..................... 93,200
Total                                                                                       $33,812,300

SHERIDAN CORRECTIONAL CENTER
For Personal Services.............................. 16,419,700
For Employee Retirement Contributions
  Paid by Employer...................................... 0
For Student, Member and Inmate
  Compensation.......................................... 173,300
For State Contributions to State
  Employees' Retirement System..................... 1,860,000
  Social Security...................................... 1,218,900
  Contractual Services.............................. 16,402,300
  Travel.................................................. 25,600
  Travel and Allowances for Committed, Paroled and Discharged Prisoners................................. 31,100
  Commodities........................................ 1,230,600
  Printing................................................. 15,400

New matter indicated by italics - deletions by strikeout
For Equipment..................................... 35,500
For Telecommunications Services............... 162,200
For Operation of Auto Equipment............... 98,600
Total........................................... $37,673,200

TAMMS CORRECTIONAL CENTER
For Personal Services......................... 18,101,700
For Employee Retirement Contributions
Paid by Employer................................ 0
For Student, Member and Inmate
Compensation.................................. 115,000
For State Contributions to State
Employees' Retirement System............... 2,094,500
For State Contributions to
Social Security............................... 1,354,800
For Contractual Services..................... 4,871,200
For Travel..................................... 31,900
For Travel and Allowance for Committed,
Paroled and Discharged Prisoners............... 800
For Commodities............................... 723,700
For Printing................................... 13,600
For Equipment................................. 41,200
For Telecommunications Services............. 117,500
For Operation of Auto Equipment............. 83,100
Total........................................... $27,549,000

STATEVILLE CORRECTIONAL CENTER
For Personal Services......................... 61,932,200
For Employee Retirement Contributions
Paid by Employer................................ 0
For Student, Member and Inmate
Compensation.................................. 218,000
For State Contributions to State
Employees' Retirement System............... 7,181,900
For State Contributions to
Social Security............................... 4,622,100

New matter indicated by italics - deletions by strikeout
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<td>For Travel</td>
<td>127,900</td>
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<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>28,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>4,808,300</td>
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<tr>
<td>For Printing</td>
<td>91,900</td>
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<tr>
<td>For Equipment</td>
<td>60,500</td>
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<tr>
<td>For Telecommunications Services</td>
<td>301,500</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>452,700</td>
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<td><strong>Total</strong></td>
<td><strong>$94,644,800</strong></td>
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**TAYLORVILLE CORRECTIONAL CENTER**

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<th>Service Description</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>13,300,400</td>
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<tr>
<td>For Employee Retirement Contributions</td>
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<tr>
<td>Paid by Employer</td>
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</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>229,200</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td>1,524,000</td>
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<tr>
<td>Employees' Retirement System</td>
<td>997,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>4,066,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>4,100</td>
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<tr>
<td>For Travel and Allowance for Committed, Paroled and Discharged Prisoners</td>
<td>20,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,244,400</td>
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<tr>
<td>For Printing</td>
<td>16,700</td>
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<tr>
<td>For Equipment</td>
<td>19,200</td>
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<tr>
<td>For Telecommunications Services</td>
<td>39,200</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>63,100</td>
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<td><strong>Total</strong></td>
<td><strong>$21,525,300</strong></td>
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**VANDALIA CORRECTIONAL CENTER**

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<td>Paid by Employer</td>
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New matter indicated by italics - deletions by strikeout
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<thead>
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<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>253,000</td>
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<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>2,484,300</td>
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<td>For State Contributions to Social Security</td>
<td>1,584,900</td>
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<tr>
<td>For Contractual Services</td>
<td>3,637,000</td>
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<tr>
<td>For Travel</td>
<td>8,000</td>
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<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>22,100</td>
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<td>For Commodities</td>
<td>1,740,100</td>
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<td>For Printing</td>
<td>17,700</td>
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<td>For Equipment</td>
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<td>For Telecommunications Services</td>
<td>85,200</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>120,300</td>
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<td><strong>Total</strong></td>
<td><strong>$31,559,200</strong></td>
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**THOMSON CORRECTIONAL CENTER**

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<tr>
<th>Description</th>
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<tbody>
<tr>
<td>For Personal Services</td>
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<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>39,200</td>
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<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>429,200</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>284,900</td>
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<td>For Contractual Services</td>
<td>1,734,300</td>
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<tr>
<td>For Travel</td>
<td>14,100</td>
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<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>7,100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>421,300</td>
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<tr>
<td>For Printing</td>
<td>9,200</td>
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<td>For Equipment</td>
<td>73,300</td>
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New matter indicated by italics - deletions by strikeout
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<tr>
<th>Service</th>
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</thead>
<tbody>
<tr>
<td>For Telecommunications Services</td>
<td>82,000</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>44,400</td>
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<td><strong>Total</strong></td>
<td><strong>$6,862,700</strong></td>
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**VIENNA CORRECTIONAL CENTER**

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<tr>
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<tr>
<td>Paid by Employer</td>
<td>0</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>234,000</td>
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<td>For State Contributions to State</td>
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<tr>
<td>Employees' Retirement System</td>
<td>2,275,600</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>1,496,000</td>
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<tr>
<td>For Contractual Services</td>
<td>3,104,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>5,300</td>
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<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>51,100</td>
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<tr>
<td>For Commodities</td>
<td>2,251,100</td>
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<tr>
<td>For Printing</td>
<td>16,100</td>
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<tr>
<td>For Equipment</td>
<td>35,200</td>
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<tr>
<td>For Telecommunications Services</td>
<td>64,600</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>76,900</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$29,447,200</strong></td>
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**WESTERN ILLINOIS CORRECTIONAL CENTER**

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<tr>
<th>Service</th>
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<tr>
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<tr>
<td>Paid by Employer</td>
<td>0</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>309,900</td>
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<tr>
<td>For State Contributions to State</td>
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<tr>
<td>Employees' Retirement System</td>
<td>2,372,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,511,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>5,292,500</td>
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</table>

New matter indicated by italics - deletions by strikeout
For Travel ........................................... 7,100
For Travel and Allowances for Committed, Paroled and Discharged Prisoners ........... 46,500
For Commodities ................................. 2,080,200
For Printing ....................................... 23,200
For Equipment ..................................... 14,000
For Telecommunications Services ............... 52,600
For Operation of Auto Equipment ............... 85,700
Total                                         $32,286,700

Section 65. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections from the Working Capital Revolving Fund:

ILLINOIS CORRECTIONAL INDUSTRIES
For Personal Services .......................... 9,593,500
For Employee Retirement Contributions
Paid by Employer .................................... 0
For the Student, Member and Inmate Compensation ........................................... 1,800,000
For State Contributions to State Employees' Retirement System ......................... 794,700
For State Contributions to Social Security .................................................. 733,900
For Group Insurance .............................. 2,208,000
For Contractual Services ........................ 2,286,200
For Travel ............................................. 70,000
For Commodities ................................... 21,481,100
For Printing ......................................... 11,000
For Equipment ...................................... 100,000
For Telecommunications Services ............... 80,000
For Operation of Auto Equipment ............... 842,300
For Repairs, Maintenance and Other Capital Improvements .............................. 147,000
For Refunds ........................................... 15,000
Total                                         $40,162,700

New matter indicated by italics - deletions by strikeout
Section 70. The amount of $6,250,000, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for a grant to Operation Ceasefire to be used in the following locations.

The City of Chicago:
- The neighborhood of Auburn/Gresham: 250,000
- The neighborhood of Logan Square: 250,000
- The neighborhood of East Garfield: 250,000
- The neighborhood of Grand Boulevard: 250,000
- The neighborhood of Rogers Park: 250,000
- The neighborhood of Roseland: 250,000
- The neighborhood of Humboldt Park: 250,000
- The neighborhood of Pilsen and Little Village: 250,000
- The neighborhood of Lawndale and Garfield: 250,000
- The neighborhood of Woodlawn: 250,000
- The neighborhood of Englewood: 250,000
- The neighborhood of Westlawn: 250,000
- The neighborhood of Chicago Lawn: 250,000
- The neighborhood of Brighton Park: 250,000
- The neighborhood of Albany Park: 250,000
- The neighborhood of Austin: 250,000
  Total: $3,750,000

The township of Waukegan: 250,000
The City of Decatur: 250,000
The City of North Chicago: 250,000
The City of Aurora: 250,000
The Cities of Cicero and Berwyn: 250,000
The City of Rockford: 250,000
The City of Bellwood: 250,000
The City of Maywood: 250,000
The City of East St. Louis: 250,000
  Total: $2,500,000

Section 80. The amount of $1,500,000, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the

New matter indicated by italics - deletions by strikeout
General Revenue Fund for expenses associated with the operation of the Franklin County Juvenile Detention Center, including a juvenile methamphetamine pilot program.

ARTICLE 335

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the following divisions of the Department of Juvenile Justice for the fiscal year ending June 30, 2008.

FOR OPERATIONS

GENERAL OFFICE

<table>
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<tr>
<th>Item</th>
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<tbody>
<tr>
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<td>For Employee Retirement Contributions Paid by Employer</td>
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<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>5,200</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>5,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>91,000</td>
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<tr>
<td>For Travel</td>
<td>0</td>
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<tr>
<td>For Commodities</td>
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<tr>
<td>For Printing</td>
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<tr>
<td>For Equipment</td>
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<tr>
<td>For Electronic Data Processing</td>
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<tr>
<td>For Telecommunications Services</td>
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</tr>
<tr>
<td>For Operation of Auto Equipment</td>
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<tr>
<td><strong>Total</strong></td>
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SCHOOL DISTRICT

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<td>For Student, Member and Inmate Compensation</td>
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New matter indicated by italics - deletions by strikeout
<table>
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<th>Item</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Employees' Retirement System</td>
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<tr>
<td>For State Contributions to Teachers' Retirement System</td>
<td>1,700</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>416,000</td>
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<td>For Contractual Services</td>
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<td>For Travel</td>
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<td>For Commodities</td>
<td>46,600</td>
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<tr>
<td>For Printing</td>
<td>7,900</td>
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<td>For Equipment</td>
<td>0</td>
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<tr>
<td>For Telecommunications Services</td>
<td>1,900</td>
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<td>For Operation of Auto Equipment</td>
<td>1,900</td>
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<tr>
<td>For Personal Services</td>
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<td>For Employee Retirement Contributions</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
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<td>For State Contributions to State</td>
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<tr>
<td>Employees' Retirement System</td>
<td>202,300</td>
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<td>For State Contributions to Social Security</td>
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<td>For Contractual Services</td>
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<td>For Travel</td>
<td>5,500</td>
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<td>For Travel and Allowance for Prisoners</td>
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<td>For Commodities</td>
<td>6,400</td>
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<td>For Printing</td>
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<td>For Equipment</td>
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<td>For Telecommunications Services</td>
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<td>For Operation of Auto Equipment</td>
<td>60,000</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$6,401,200</strong></td>
</tr>
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Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Juvenile Justice from the General Revenue Fund:

New matter indicated by italics - deletions by strikeout
ILLINOIS YOUTH CENTER - CHICAGO

For Personal Services.......................... 4,474,400
For Employee Retirement Contributions
   Paid by Employer.................................... 0
For Student, Member and Inmate
   Compensation...................................... 8,500
For State Contributions to State
   Employees' Retirement System..................... 528,400
For State Contributions to
   Social Security.................................. 336,200
For Contractual Services......................... 2,377,750
For Travel.............................................. 5,400
For Travel and Allowances for Committed,
   Paroled and Discharged Prisoners................. 300
For Commodities.................................... 204,200
For Printing.......................................... 2,900
For Equipment....................................... 15,000
For Telecommunications Services................... 30,600
For Operation of Auto Equipment.................. 26,900
Total                                                                 $8,010,550

ILLINOIS YOUTH CENTER - HARRISBURG

For Personal Services.......................... 13,562,100
For Employee Retirement Contributions
   Paid by Employer.................................... 0
For Student, Member and Inmate
   Compensation...................................... 56,700
For State Contributions to State
   Employees' Retirement System..................... 1,562,700
For State Contributions to
   Social Security.................................. 1,003,900
For Contractual Services......................... 2,231,550
For Travel.............................................. 9,600
For Travel and Allowances for Committed,
   Paroled and Discharged Prisoners................. 5,300

New matter indicated by italics - deletions by strikeout
For Commodities.................................. 614,200
For Printing....................................... 9,100
For Equipment..................................... 40,200
For Telecommunications Services............... 61,700
For Operation of Auto Equipment............... 57,400
Total $19,214,450

ILLINOIS YOUTH CENTER - JOLIET
For Personal Services......................... 10,686,300
For Employee Retirement Contributions
   Paid by Employer................................. 0
For Student, Member and Inmate
   Compensation................................. 44,800
For State Contributions to State
   Employees' Retirement System............... 1,276,000
For State Contributions to
   Social Security.............................. 795,800
For Contractual Services..................... 1,788,150
For Travel........................................ 3,000
For Travel and Allowances for Committed,
   Paroled and Discharged Prisoners............. 2,600
For Commodities............................... 385,700
For Printing.................................... 3,200
For Equipment................................. 30,700
For Telecommunications Services.............. 58,100
For Operation of Auto Equipment.............. 56,900
Total $15,131,250

ILLINOIS YOUTH CENTER - KEWANEE
For Personal Services......................... 9,505,700
For Employee Retirement Contributions
   Paid by Employer................................. 0
For Student, Member and Inmate
   Compensation................................. 10,200
For State Contributions to State
   Employees' Retirement System............... 1,105,700

New matter indicated by italics - deletions by strikeout
For State Contributions to
Social Security................................. 705,600
For Contractual Services....................... 4,150,850
For Travel......................................... 7,000
For Travel Allowances for Committed,
Paroled and Discharged Prisoners............... 400
For Commodities................................. 309,500
For Printing....................................... 6,800
For Equipment..................................... 12,500
For Telecommunications Services............... 88,600
For Operation of Auto Equipment.............. 47,800
Total                                             $15,950,650

ILLINOIS YOUTH CENTER - MURPHYSBORO
For Personal Services.......................... 6,475,200
For Employee Retirement Contributions
Paid by Employer.................................... 0
For Student, Member and Inmate
Compensation....................................... 15,200
For State Contributions to State
Employees' Retirement System................... 756,600
For State Contributions to
Social Security.................................... 483,000
For Contractual Services....................... 965,150
For Travel......................................... 6,900
For Travel Allowances for Committed,
Paroled and Discharged Prisoners............. 2,100
For Commodities.................................. 233,700
For Printing....................................... 4,900
For Equipment..................................... 15,000
For Telecommunications Services............... 38,400
For Operation of Auto Equipment.............. 26,700
Total                                             $9,022,850

ILLINOIS YOUTH CENTER - PERE MARQUETTE
For Personal Services......................... 2,352,700

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>13,800</td>
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<td>For State Contributions to State Employees' Retirement System</td>
<td>280,300</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>180,500</td>
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<tr>
<td>For Contractual Services</td>
<td>331,050</td>
</tr>
<tr>
<td>For Travel</td>
<td>1,400</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>1,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>150,800</td>
</tr>
<tr>
<td>For Printing</td>
<td>4,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>15,100</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>22,800</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>19,000</td>
</tr>
<tr>
<td>Total</td>
<td>$3,372,850</td>
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</table>

**ILLINOIS YOUTH CENTER - ST. CHARLES**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>15,406,700</td>
</tr>
<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>56,200</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>1,838,600</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>1,145,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,702,250</td>
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<tr>
<td>For Travel</td>
<td>25,600</td>
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<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>764,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>16,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Equipment..................................... 30,300
For Telecommunications Services............. 123,900
For Operation of Auto Equipment................ 182,200
Total $23,291,950

ILLINOIS YOUTH CENTER - WARRENVILLE
For Personal Services.......................... 5,337,350
For Employee Retirement Contributions
  Paid by Employer...................................... 0
For Student, Member and Inmate
  Compensation......................................... 19,500
For State Contributions to State
  Employees' Retirement System................... 623,000
For State Contributions to
  Social Security.................................... 398,500
For Contractual Services..................... 1,416,350
For Travel........................................... 5,100
For Travel and Allowances for Committed,
  Paroled and Discharged Prisoners............. 100
For Commodities................................... 172,300
For Printing......................................... 7,700
For Equipment..................................... 21,000
For Telecommunications Services............. 62,600
For Operation of Auto Equipment............. 42,300
Total $8,105,800

STATEWIDE SERVICES AND GRANTS
Section 30. The sum of $9,500,000, or so much thereof as may be necessary, is appropriated from the Department of Corrections Reimbursement and Education Fund to meet the ordinary and contingent expenses of the Department of Juvenile Justice described below and having the estimated cost as follows:
For payment of expenses associated
  with School District Programs............... 5,000,000
For payment of expenses associated
  with federal programs, including,
but not limited to, construction of additional beds, treatment programs, and juvenile supervision................. 2,000,000
For payment of expenses associated with miscellaneous programs, including, but not limited to, medical costs, food expenditures, and various construction costs....................... 2,500,000
Total $9,500,000
Payable from the General Revenue Fund:
For Repairs, Maintenance and Other Capital Improvements.......................... 236,000

Section 35. The sum of $489,800, or so much thereof as may be necessary, is appropriated to the Department of Juvenile Justice from the General Revenue Fund for costs and expenses associated with payment of statewide hospitalization.

Section 45. The amounts appropriated for repairs and maintenance, and other capital improvements in Section 30 for repairs and maintenance, roof repairs and/or replacements, and miscellaneous capital improvements at the Department's various institutions are to include construction, reconstruction, improvements, repairs and installation of capital facilities, costs of planning, supplies, materials and all other expenses required for roof and other types of repairs and maintenance, capital improvements, and purchase of land.

No contract shall be entered into or obligation incurred for repairs and maintenance and other capital improvements from appropriations made in Section 30 of this Article until after the purposes and amounts have been approved in writing by the Governor.

ARTICLE 340

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

FOR OPERATIONS - GENERAL OFFICE

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0011

Payable from General Revenue Fund:
For Personal Services........................................ 629,100
For Employee Retirement Contributions
   Paid by Employer........................................... 0
For State Contributions to State
   Employees' Retirement System............................ 72,500
For State Contributions to Social Security............... 48,200
For Contractual Services................................ 173,400
For Travel..................................................... 20,000
For Commodities.......................................... 6,000
For Printing.................................................. 5,000
For Equipment............................................... 0
For Electronic Data Processing........................... 50,000
For Telecommunications Services......................... 25,400
For Operation of Auto Equipment........................ 0
For Administration and operations of Displaced Homemaker Grant Program... 55,200
Total.................................................................. $1,084,800

Section 10. The following named amount of $621,300, or so much thereof as may be necessary, is appropriated to the Department of Labor for Displaced Homemaker Grants.

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

PUBLIC SAFETY

Payable from General Revenue Fund:
For Personal Services........................................ 813,100
For Employee Retirement Contributions
   Paid by Employer........................................... 0
For State Contributions to State
   Employees' Retirement System............................ 93,700
For State Contributions to

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

**FAIR LABOR STANDARDS**

Payable from General Revenue Fund:
- For Personal Services.......................... 2,508,300
- For Employee Retirement Contributions
  - Paid by Employer.......................... 0
- For State Contributions to State Employees' Retirement System............... 289,200
- For State Contributions to Social Security.................. 192,000
- For Contractual Services.................. 29,000
- For Travel.................................. 62,000
- For Commodities.......................... 6,000
- For Printing.................................. 11,000
- For Equipment.................................. 20,000
- For Telecommunications Services............. 46,900
  Total ........................................ $3,164,400

Payable from the Child Labor and Day and Temporary Labor Services Enforcement Fund:
- For Administration of the Child Labor Law and Day and Temporary Labor Services Act.................. 200,000

New matter indicated by italics - deletions by strikeout
Section 25. In addition to any other funds appropriated for that purpose, the sum of $159,000 is appropriated from the General Revenue Fund to the Department of Labor for all costs associated with conducting the study mandated by P.A. 87-405, regarding the employment progress of women and minorities.

ARTICLE 345
Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Military Affairs:

FOR OPERATIONS
OFFICE OF THE ADJUTANT GENERAL

Payable from General Revenue Fund:
For Personal Services............................  807,000
For State Contributions to State
  Employees' Retirement System...................  93,200
For State Contributions to
  Social Security................................  61,900
For Contractual Services.........................  14,400
For Travel......................................  23,000
For Commodities................................  19,800
For Printing....................................  2,800
For Equipment...................................  4,900
For Electronic Data Processing....................  13,500
For Telecommunications Services..................  37,400
For Operation of Auto Equipment.................  23,800
For State Officer's Candidate School.............  700
For Lincoln's Challenge.........................  3,116,700
For Lincoln’s Challenge Allowances...............  506,900
Total                                      $4,726,000

Payable from Federal Support Agreement Revolving Fund:
Lincoln's Challenge.............................  4,889,700
Lincoln's Challenge Allowances..................  1,200,000
Total                                      $6,089,700

New matter indicated by italics - deletions by strikeout
FACILITIES OPERATIONS

Payable from General Revenue Fund:
For Personal Services.......................... 5,146,000
For State Contributions to State
  Employees' Retirement System.................... 593,100
For State Contributions to
  Social Security................................. 393,800
For Contractual Services....................... 3,192,400
For Commodities................................... 57,700
For Equipment..................................... 24,800
Total                                                                                     $9,407,800

Payable from Federal Support Agreement Revolving Fund:
Army/Air Reimbursable Positions................ 8,836,300
Total                                                                                     $8,836,300

Section 10. The sum of $11,500,000, or so much thereof as may be necessary, is appropriated from the Federal Support Agreement Revolving Fund to the Department of Military Affairs Facilities Division for expenses related to Army National Guard Facilities operations and maintenance as provided for in the Cooperative Funding Agreements, including costs in prior years.

Section 15. The sum of $337,000, or so much thereof as may be necessary, is appropriated from the Federal Support Agreement Revolving Fund to the Department of Military Affairs Facilities Division for expenses related to the Bartonville and Kankakee armories for operations and maintenance according to the Joint-Use Agreement, including costs in prior years.

Section 20. The sum of $43,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Military Affairs Facilities Division for rehabilitation and minor construction at armories and camps.

Section 25. The sum of $7,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Military Affairs Office of the Adjutant General Division for expenses related to the care and preservation of historic artifacts.

New matter indicated by italics - deletions by strikeout
Section 30. The sum of $1,432,000, or so much thereof as may be necessary, is appropriated from the Military Affairs Trust Fund to the Department of Military Affairs Office of the Adjutant General Division to support youth and other programs, provided such amounts shall not exceed funds to be made available from public or private sources.

Section 35. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Military Family Relief Fund to the Department of Military Affairs Office of the Adjutant General Division for the issuance of grants to persons or families of persons who are members of the Illinois National Guard or Illinois residents who are members of the armed forces of the United States and who have been called to active duty as a result of the September 11, 2001 terrorist attacks, including costs in prior years.

Section 40. The sum of $567,500, or so much thereof as may be necessary, is appropriated from General Revenue Fund to the Department of Military Affairs Office of the Adjutant General Division for costs and expenses related to or in support of the public safety shared services center.

Section 45. The sum of $350,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Military Affairs, Office of the Adjutant General, for transfer into the Federal Support Agreement Revolving Fund.

Section 50. No contract shall be entered into or obligation incurred for any expenditures made from an appropriation herein made in Section 20 until after the purpose and amounts have been approved in writing by the Governor.

ARTICLE 350

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF ADMINISTRATION

Payable from General Revenue Fund:
For Personal Services..........................                                         5,137,700
For State Contributions to State

New matter indicated by italics - deletions by strikeout
Employees' Retirement System................. 592,200
For State Contributions to
  Social Security................................ 323,500
For Contractual Services....................... 3,352,400
For Travel........................................ 23,600
For Commodities................................ 532,100
For Printing...................................... 90,000
For Equipment................................... 34,700
For Telecommunications Services............... 112,400
For Operation of Auto Equipment............. 300,000
For Contractual Services:
  For Payment of Tort Claims................... 28,000
  For Refunds................................... 2,000
For Expenses regarding implementation
  of the Juvenile Justice Reform
  provisions..................................... 174,700
For costs and expenses related to
  or in support of a public safety
  shared services center....................... 2,140,200
For Repairs and Maintenance and
  Permanent Improvements..................... 30,000
Total                                      $12,873,500
Payable from the State Police Wireless
  Service Emergency Fund:
  For costs associated with the
    administration and fulfillment
    of its responsibilities under
    the Wireless Emergency Telephone
    Safety Act.................................. 1,800,000
Payable from the State Police Vehicle Fund:
  For purchase of vehicles and accessories.... 8,400,000
Payable from the State Police Vehicle
  Maintenance Fund:
  For Operation of Auto....................... 2,000,000

New matter indicated by italics - deletions by strikeout
Section 10. The sum of $3,500,000, or so much thereof as may be necessary, is appropriated from the State Asset Forfeiture Fund to the Department of State Police for payment of their expenditures as outlined in the Illinois Drug Asset Forfeiture Procedure Act, the Cannabis Control Act, the Controlled Substances Act, and the Environmental Safety Act.

Section 15. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the Federal Asset Forfeiture Fund to the Department of State Police for payment of their expenditures in accordance with the Federal Equitable Sharing Guidelines.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

INFORMATION SERVICES BUREAU

Payable from General Revenue Fund:
For Personal Services.......................... 4,999,900
For State Contributions to State
Employees' Retirement System.................... 576,300
For State Contributions to Social Security................................. 375,000
For Contractual Services......................... 778,800
For Travel........................................ 20,000
For Commodities................................... 34,000
For Printing...................................... 35,200
For Equipment...................................... 3,100
For Electronic Data Processing............... 2,497,100
For Telecommunications Services............... 439,000
Total $9,758,400

Payable from LEADS Maintenance Fund:
For Expenses Related to LEADS System.................. 3,500,000

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF OPERATIONS

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund:
For Personal Services......................... 79,949,500
  For State Contributions to State
    Employees' Retirement System.............. 9,214,200
For State Contributions to
  Social Security................................ 2,678,400
  For Contractual Services..................... 5,123,400
For Travel....................................... 483,900
For Commodities.................................. 613,800
For Printing...................................... 97,600
For Electronic Data Processing................. 7,600
For Telecommunications Services.............. 3,901,000
For Operation of Auto Equipment.............. 7,886,700
  Total $110,178,900

Payable from the Road Fund:
For Personal Services......................... 86,493,900
For State Contributions to State
  Employees' Retirement System............... 9,968,400
For State Contributions to
  Social Security................................ 847,700
  Total $97,310,000

Payable from the Traffic and Criminal Conviction Surcharge Fund:
For Personal Services......................... 3,237,200
  For State Contributions to State
    Employees' Retirement System.............. 373,100
For State Contributions to
  Social Security................................ 96,800
For Group Insurance............................. 612,000
For Contractual Services....................... 465,400
For Travel....................................... 38,300
For Commodities.................................. 174,600
For Printing...................................... 26,500

New matter indicated by italics - deletions by strikeout
For Telecommunications Services..................                                115,700
For Operation of Auto Equipment..................                                212,200
Total                                                                                         $5,351,800

Payable from the State Police Services Fund:
For Payment of Expenses:
Fingerprint Program........................................24,400,000
For Payment of Expenses:
Federal & IDOT Programs..........................                                        6,688,800
For Payment of Expenses:
Riverboat Gambling..........................                                        2,000,000
For Payment of Expenses:
Miscellaneous Programs...........................                                        3,800,000
Total                                                                                       $36,888,800

Payable from the Illinois State Police
Federal Projects Fund:
For Payment of Expenses..........................                                    17,400,000

Payable from the Sex Offender Registration Fund:
For expenses of the Sex Offender
Registration Program........................................ 20,000

Payable from the Motor Carrier Safety Inspection Fund:
For expenses associated with the
enforcement of Federal Motor Carrier
Safety Regulations and related
Illinois Motor Carrier
Safety Laws.................................................... 2,300,000

Section 30. The sum of $4,300,000, or so much thereof as may be
necessary, is appropriated from the Federal Civil Preparedness
Administrative Fund to the Department of State Police for Terrorism Task

Section 45. The following amounts, or so much thereof as may be
necessary for the objects and purposes hereinafter named, are appropriated
from the General Revenue Fund and the Drug Traffic Prevention Fund to
the Department of State Police, Division of Operations, pursuant to the
provisions of the "Intergovernmental Drug Laws Enforcement Act" for Grants to Metropolitan Enforcement Groups.

For Grants to Metropolitan Enforcement Groups:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Payable from General Revenue Fund</td>
<td>710,400</td>
</tr>
<tr>
<td>Payable from Drug Traffic Prevention Fund</td>
<td>150,000</td>
</tr>
</tbody>
</table>

Section 50. In the event of the receipt of funds from the Motor Vehicle Theft Prevention Council, through a grant from the Criminal Justice Information Authority, the amount of $1,200,000, or so much thereof as may be necessary, is appropriated from the State Police Motor Vehicle Theft Prevention Trust Fund to the Department of State Police for payment of expenses.

Section 55. The sum of $1,500,000 or so much thereof as may be necessary, is appropriated from the State Police Whistleblower Reward and Prevention Fund to the Department of State Police for payment of their expenditures for state law enforcement purposes in accordance with the State Whistleblower Protection Act.

Section 60. The following amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Department of State Police for the expenses of Fraud Investigations:

**DIVISION OF OPERATIONS**

**FINANCIAL FRAUD AND FORGERY UNIT**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>4,386,500</td>
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<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>505,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>77,300</td>
</tr>
<tr>
<td>Total</td>
<td>$4,969,500</td>
</tr>
</tbody>
</table>

Section 65. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Medicaid Fraud and Abuse Prevention Fund to the Department of State Police, Division of Operations - Financial Fraud and Forgery Unit for the detection, investigation or prosecution of recipient or vendor fraud.
Section 70. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

**DIVISION OF FORENSIC SERVICES AND IDENTIFICATION**

Payable from the General Revenue Fund:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>36,727,600</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>4,232,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>2,590,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>5,742,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>56,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,455,600</td>
</tr>
<tr>
<td>For Printing</td>
<td>67,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,250,700</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>507,500</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>97,800</td>
</tr>
<tr>
<td>For Administration of a Statewide Sexual Assault Evidence Collection Program</td>
<td>87,300</td>
</tr>
<tr>
<td>For Operational Expenses Related to the Combined DNA Index System</td>
<td>3,448,000</td>
</tr>
<tr>
<td>For local law enforcement agencies for costs associated with the expedition of DNA backlog reduction</td>
<td>100,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$56,363,500</td>
</tr>
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</table>

Payable from State Crime Laboratory Fund:

<table>
<thead>
<tr>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>750,000</td>
</tr>
</tbody>
</table>

Payable from State Police DUI Fund:

<table>
<thead>
<tr>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>750,000</td>
</tr>
</tbody>
</table>

Payable from State Offender DNA Identification System Fund:

<table>
<thead>
<tr>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,423,500</td>
</tr>
</tbody>
</table>

Section 75. The sum of $300,000, or so much thereof as may be necessary, is appropriated to the Department of State Police, Division of

New matter indicated by italics - deletions by strikeout
Forensic Services and Identification, from the Firearm Owner's Notification Fund for the administration and operation of the Firearm Owner's Identification Card Program.

Section 85. The following amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for Internal Investigation expenses as follows:

DIVISION OF INTERNAL INVESTIGATION

Payable from the General Revenue Fund:
- For Personal Services: 1,574,600
- For State Contributions to State Employees' Retirement System: 181,500
- For State Contributions to Social Security: 28,800
- For Contractual Services: 75,300
- For Travel: 5,000
- For Commodities: 12,600
- For Printing: 3,200
- For Equipment: 8,100
- For Telecommunications Services: 76,900
- For Operation of Auto Equipment: 183,000

Total: $2,149,000

ARTICLE 355

Section 5. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

CENTRAL OFFICES, ADMINISTRATION AND PLANNING OPERATIONS

- For Personal Services: 20,319,000
- For State Contributions to State Employees' Retirement System: 2,341,800
- For State Contributions to Social Security: 1,508,500
- For Contractual Services: 9,829,300
- For Travel: 679,400

New matter indicated by italics - deletions by strikeout
For Commodities................................. 329,800
For Printing...................................... 804,300
For Equipment.................................... 113,400
For Equipment:
  Purchase of Cars & Trucks...................... 112,000
  For Telecommunications Services............... 417,000
  For Operation of Automotive Equipment......... 270,700
Total                                                                 $36,725,200

LUMP SUMS

Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:
For Planning, Research and Development Purposes................................. 500,000
For costs associated with asbestos abatement................................. 300,000
For metropolitan planning and research purposes as provided by law, provided such amount shall not exceed funds to be made available from the federal government or local sources............. 42,000,000
For metropolitan planning and research purposes as provided by law........ 2,000,000
For federal reimbursement of planning activities as provided by the SAFETEA-LU...... 1,750,000
For the federal share of the IDOT ITS Program, provided expenditures do not exceed funds to be made available by the Federal Government............. 4,000,000
For the state share of the IDOT ITS Corridor Program.......................... 2,600,000
For the Department's share of costs with the Illinois Commerce Commission for monitoring railroad

New matter indicated by italics - deletions by strikeout
crossing safety................................. 288,000
Total $53,438,000

AWARDS AND GRANTS

Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For Tort Claims, including payment pursuant to P.A. 80-1078........................ 540,300
For representation and indemnification for the Department of Transportation, the Illinois State Police and the Secretary of State provided that the representation required resulted from the Road Fund portion of their normal operations................................. 250,000
For Transportation Enhancement, Congestion Mitigation, Air Quality, High Priority and Scenic By-way Projects not eligible for inclusion in the Highway Improvement Program Appropriation provided expenditures do not exceed funds made available by the federal government....................... 10,000,000
For a grant to the Illinois Environmental Protection Agency for vehicle inspections.............................. 14,200,000
For auto liability payments for the Department of Transportation, the Illinois State Police and the Secretary of State provided that the liability resulted from the Road Fund portion of their normal operations................................. 2,200,000
Total $27,190,300

New matter indicated by italics - deletions by strikeout
Section 20. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

BUREAU OF INFORMATION PROCESSING OPERATIONS

For Personal Services.......................... 5,259,800
For State Contributions to State
  Employees' Retirement System................. 606,200
  For State Contributions to Social Security ..... 397,200
  For Contractual Services..................... 10,421,000
  For Travel.................................... 59,800
  For Commodities................................... 25,400
  For Equipment...................................... 8,300
  For Electronic Data Processing............... 9,039,325
  For Telecommunications....................... 596,700
Total $26,413,725

Section 25. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

CENTRAL OFFICES, DIVISION OF HIGHWAYS OPERATIONS

For Personal Services......................... 25,962,400
For Extra Help.................................. 914,700
For State Contributions to State
  Employees' Retirement System................. 3,097,600
  For State Contributions to Social Security .... 1,999,600
  For Contractual Services....................... 5,505,600
  For Travel..................................... 461,700
  For Commodities.................................. 349,300
  For Equipment.................................... 265,500
  For Equipment:
    Purchase of Cars and Trucks............... 416,000
    For Telecommunications Services............ 2,149,800
    For Operation of Automotive Equipment....... 272,100

New matter indicated by italics - deletions by strikeout
LUMP SUMS

Section 30. The sum of $633,600 or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for repair of damages by motorists to state vehicles and equipment or replacement of state vehicles and equipment, provided such amount shall not exceed funds to be made available from collections from claims filed by the Department to recover the costs of such damages.

Section 35. The sum of $960,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for all costs associated with the State Radio Communications for the 21st Century (STARCOM).

Section 40. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Transportation Safety Highway Hire-back Fund to the Department of Transportation for agreements with the Illinois Department of State Police to provide patrol officers in highway construction work zones.

AWARDS AND GRANTS

Section 45. The sum of $2,517,800, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for reimbursement to participating counties in the County Engineers Compensation Program, providing those reimbursements do not exceed funds to be made available from their federal highway allocations retained by the Department.

Section 50. The following named sums, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for grants to local governments for the following purposes:

For reimbursement of eligible expenses arising from local Traffic Signal Maintenance Agreements created by Part 468 of the Illinois Department of Transportation Rules and Regulations

3,000,000

New matter indicated by italics - deletions by strikeout
State Maintenance Agreements................. 16,000,000
Total                                         $19,000,000

REFUNDS

Section 55. The following named amount, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:
For Refunds....................................... 26,900

Section 60. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to the Department of Transportation for the ordinary and contingent expenses of the Division of Traffic Safety:

TRAFFIC SAFETY
OPERATIONS

For Personal Services.......................... 5,624,800
For State Contributions to State
Employees' Retirement System................. 648,300
For State Contributions to Social Security .... 415,600
For Contractual Services....................... 1,400,700
For Travel........................................ 89,900
For Commodities................................. 142,200
For Printing..................................... 278,000
For Equipment................................... 2,700
For Equipment:
Purchase of Cars and Trucks.................... 0
For Telecommunications Services.............. 125,300
For Operation of Automotive Equipment........ 0
Total                                        $8,727,500

LUMP SUMS

Section 65. The sum of $7,250,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for improvements to traffic safety, provided such amount not exceed funds to be made available from the federal government pursuant to the primary seatbelt enforcement incentive grant.

REFUNDS

New matter indicated by italics - deletions by strikeout
Section 70. The following named amount, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For Refunds........................................... 8,800

Section 75. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Cycle Rider Safety Training Fund, as authorized by Public Act 82-0649, to the Department of Transportation for the administration of the Cycle Rider Safety Training Program by the Division of Traffic Safety:

**OPERATIONS**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>114,100</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>13,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>8,600</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>29,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>10,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>12,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>800</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>2,000</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$193,000</strong></td>
</tr>
</tbody>
</table>

**AWARDS AND GRANTS**

Section 80. The sum of $3,600,000, or so much thereof as may be necessary, is appropriated from the Cycle Rider Safety Training Fund, as authorized by Public Act 82-0649, to the Department of Transportation for reimbursement to State and local universities and colleges for Cycle Rider Safety Training Programs.

Section 85. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Traffic Control Signal Preemption Devices for Ambulances Fund to the Department of Transportation for grants to municipalities subject to provisions of Public Act 94-373 for the
purpose of equipping their ambulances with traffic control signal preemption devices.

Section 90. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DAY LABOR OPERATIONS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>4,398,400</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>506,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>336,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,102,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>210,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>122,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>201,900</td>
</tr>
<tr>
<td>For Equipment:</td>
<td></td>
</tr>
<tr>
<td>Purchase of Cars and Trucks</td>
<td>379,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>26,800</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>502,600</td>
</tr>
<tr>
<td>Total</td>
<td>$7,788,800</td>
</tr>
</tbody>
</table>

Section 95. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 1, SCHAUMBURG OFFICE OPERATIONS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>81,610,800</td>
</tr>
<tr>
<td>For Extra Help</td>
<td>9,125,800</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>10,457,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>6,852,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>15,978,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>175,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>6,377,300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>1,447,700</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Equipment:
Purchase of Cars and Trucks......................... 6,766,400
For Telecommunications Services..................... 1,542,500
For Operation of Automotive Equipment.............. 6,540,500
Total.................................................................. $146,874,600

Section 100. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 2, DIXON OFFICE
OPERATIONS

For Personal Services......................................... 25,157,600
For Extra Help.................................................. 2,074,900
For State Contributions to State
  Employees' Retirement System......................... 3,138,500
  For State Contributions to Social Security ......... 2,053,700
  For Contractual Services............................... 3,924,800
  For Travel.................................................... 212,700
  For Commodities.......................................... 2,568,900
  For Equipment............................................. 982,900
For Equipment:
  Purchase of Cars and Trucks......................... 2,698,600
  For Telecommunications Services..................... 347,800
  For Operation of Automotive Equipment............. 2,854,600
Total.................................................................. $46,015,000

Section 105. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 3, OTTAWA OFFICE
OPERATIONS

For Personal Services................................. 23,000,100
For Extra Help.............................................. 2,152,800
For State Contributions to State
  Employees' Retirement System....................... 2,898,900
  For State Contributions to Social Security ....... 1,894,300

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0011

For Contractual Services........................ 3,069,300  
For Travel........................................ 104,100  
For Commodities................................ 2,575,700  
For Equipment................................. 791,000  
For Equipment:  
Purchase of Cars and Trucks.................... 2,247,700  
For Telecommunications Services............... 285,900  
For Operation of Automotive Equipment........ 2,753,100  
Total ........................................... $41,772,900

Section 110. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 4, PEORIA OFFICE
OPERATIONS

For Personal Services............................ 23,351,500  
For Extra Help.................................... 2,469,100  
For State Contributions to State  
Employees' Retirement System.................... 2,975,800  
For State Contributions to Social Security .... 1,928,900  
For Contractual Services......................... 4,754,200  
For Travel........................................ 120,800  
For Commodities................................. 1,623,300  
For Equipment................................... 1,030,900  
For Equipment:  
Purchase of Cars and Trucks.................... 1,048,900  
For Telecommunications Services............... 256,700  
For Operation of Automotive Equipment........ 2,561,200  
Total ........................................... $42,121,300

Section 115. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 5, PARIS OFFICE
OPERATIONS

For Personal Services............................ 20,810,800

New matter indicated by italics - deletions by strikeout
For Extra Help................................. 2,026,000
For State Contributions to State
Employees' Retirement System............... 2,631,900
For State Contributions to Social Security .... 1,715,300
For Contractual Services....................... 2,845,100
For Travel....................................... 79,000
For Commodities............................... 1,758,800
For Equipment.................................. 1,056,000
For Equipment:
Purchase of Cars and Trucks..................... 2,980,600
For Telecommunications Services............... 184,300
For Operation of Automotive Equipment......... 2,436,900
Total $38,524,700

Section 120. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 6, SPRINGFIELD OFFICE OPERATIONS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services.............................</td>
<td>24,883,100</td>
</tr>
<tr>
<td>For Extra Help....................................</td>
<td>1,546,800</td>
</tr>
</tbody>
</table>
| For State Contributions to State
Employees' Retirement System.....................| 3,045,900  |
| For State Contributions to Social Security .... | 1,983,000  |
| For Contractual Services.........................| 3,834,500  |
| For Travel........................................| 116,500    |
| For Commodities..................................| 2,022,800  |
| For Equipment....................................| 812,900    |
| For Equipment:
Purchase of Cars and Trucks.....................| 1,868,000  |
| For Telecommunications Services...............   | 267,100    |
| For Operation of Automotive Equipment.........  | 3,107,700  |
| Total                                           | $43,488,300|

New matter indicated by italics - deletions by strikeout
Section 125. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 7, EFFINGHAM OFFICE
OPERATIONS

For Personal Services......................... 18,952,300
For Extra Help................................. 1,324,700
For State Contributions to State
  Employees' Retirement System.............. 2,336,900
For State Contributions to Social Security .... 1,518,900
For Contractual Services....................... 2,763,000
For Travel....................................... 143,400
For Commodities............................... 1,472,700
For Equipment................................. 1,007,400
For Equipment:
  Purchase of Cars and Trucks............... 1,375,400
  For Telecommunications Services........... 177,800
  For Operation of Automotive Equipment..... 2,404,500
Total ........................................... $33,477,000

Section 130. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 8, COLLINSVILLE OFFICE
OPERATIONS

For Personal Services......................... 33,044,500
For Extra Help................................. 2,104,200
For State Contributions to State
  Employees' Retirement System.............. 4,050,900
For State Contributions to Social Security .... 2,643,600
For Contractual Services....................... 6,549,000
For Travel....................................... 186,500
For Commodities............................... 1,930,400
For Equipment................................. 1,366,800
For Equipment:

New matter indicated by italics - deletions by strikeout
Section 135. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DISTRICT 9, CARBONDALE OFFICE**

**OPERATIONS**

- **For Personal Services**
  - Payable from the Road Fund: 18,261,400
- **For Extra Help**
  - 1,583,300
- **For State Contributions to State Employees' Retirement System**
  - 2,287,100
- **For State Contributions to Social Security**
  - 1,486,500
- **For Contractual Services**
  - 2,981,700
- **For Travel**
  - 64,200
- **For Commodities**
  - 1,226,200
- **For Equipment**
  - 944,300
- **For Equipment:**
  - **Purchase of Cars and Trucks**
    - 698,600
  - **For Telecommunications Services**
    - 135,000
  - **For Operation of Automotive Equipment**
    - 1,738,100
- **Total**
  - $31,406,400

Section 140. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated to the Department of Transportation for the ordinary and contingent expenses of Aeronautics Operations:

**AERONAUTICS DIVISION**

**OPERATIONS**

- **For Personal Services:**
  - Payable from the Road Fund: 4,590,000
- **For State Contributions to State Employees' Retirement System:**
  - Payable from the Road Fund: 529,000

New matter indicated by italics - deletions by strikeout
For State Contributions to Social Security:
  Payable from the Road Fund.......................... 348,500

For Contractual Services:
  Payable from the Road Fund.......................... 3,496,500
  Payable from Air Transportation Revolving Fund.................. 800,000

For Travel:
  Payable from the Road Fund.......................... 112,500

For Travel: Executive Air Transportation Expenses of the General Assembly:
  Payable from the General Revenue Fund.............. 130,000

For Travel: Executive Air Transportation Expenses of the Governor's Office:
  Payable from the General Revenue Fund.............. 130,000

For Commodities:
  Payable from Aeronautics Fund...................... 74,500
  Payable from the Road Fund.......................... 875,000

For Equipment:
  Payable from the General Revenue Fund................ 0
  Payable from the Road Fund.......................... 271,500

For Equipment: Purchase of Cars and Trucks:
  Payable from the Road Fund.......................... 271,900

For Telecommunications Services:
  Payable from the Road Fund.......................... 97,000

For Operation of Automotive Equipment:
  Payable from the Road Fund.......................... 25,500

**Total**  
$11,480,400

**REFUNDS**

Section 145. The following named amount, or so much thereof as may be necessary, is appropriated from the Aeronautics Fund to the Department of Transportation for the objects and purposes hereinafter named:

For Refunds............................................. 500

New matter indicated by italics - deletions by strikeout
Section 150. The following named amount, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for the objects and purposes hereinafter named:

For Refunds...................................... 35,000

AWARDS AND GRANTS

Section 155. The sum of $350,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for such purposes as are described in Sections 31 and 34 of the Illinois Aeronautics Act, as amended.

LUMP SUM

Section 160. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Tax Recovery Fund to the Department of Transportation for payments to the Will County Treasurer for payments of property taxes from rental fees.

Section 165. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Road Fund to the Department of Transportation for the ordinary and contingent expenses incident to Public Transportation and Railroads Operations:

PUBLIC AND INTERMODAL TRANSPORTATION DIVISION OPERATIONS

For Personal Services......................... 2,383,600
For State Contributions to State Employees' Retirement System............... 274,700
For State Contributions to Social Security................................. 176,900
For Contractual Services......................... 47,700
For Travel....................................... 34,900
For Commodities................................. 3,800
For Equipment................................... 18,200
For Equipment: Purchase of Cars and Trucks........... 0
For Telecommunications Services................... 37,800
For Operation of Automotive Equipment.......... 0

New matter indicated by italics - deletions by strikeout
LUMP SUMS

Section 170. The sum of $676,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for public transportation technical studies.

Section 175. The sum of $775,000, or so much thereof as may be necessary, is appropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for federal reimbursement of transit studies as provided by the SAFETEA-LU.

Section 180. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for administrative expenses incurred in connection with the purposes of Section 18 of the Federal Transit Act (Section 5311 of the USC), as amended, provided such amount shall not exceed funds available from the Federal government under that Act.

AWARDS AND GRANTS

Section 185. The sum of $342,800, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for making grants to eligible recipients of funding under Article II of the Downstate Public Transportation Act for the purpose of reimbursing the recipients which provide reduced fares for mass transportation services for students, handicapped persons and the elderly.

Section 190. The sum of $37,318,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for making grants to the Regional Transportation Authority for the purpose of reimbursing the Service Boards for providing reduced fares for mass transportation services for students, handicapped persons, and the elderly to be allocated proportionately among the Service Boards based upon actual costs incurred by each Service Board for such reduced fares.

Section 195. The sum of $186,900,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the

New matter indicated by italics - deletions by strikeout
Department of Transportation for the purpose stated in Section 4.09 of the "Regional Transportation Authority Act", as amended.

Section 200. The sum of $40,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for making a grant to the Regional Transportation Authority for Additional State Assistance to be used for its purposes as provided in the "Regional Transportation Authority Act", but in no event shall this amount exceed the amount provided for in Sections 4.09 (c) and 4.09 (d) with respect to Strategic Capital Improvement bonds issued by the Regional Transportation Authority pursuant to the Regional Transportation Authority Act as amended in 1989.

Section 205. The sum of $95,300,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for making a grant to the Regional Transportation Authority for Additional Financial Assistance to be used for its purposes as provided in the "Regional Transportation Authority Act", but in no event shall this amount exceed the amount provided for in Sections 4.09 (c-5) and 4.09 (d) with respect to Strategic Capital Improvement bonds issued by the Regional Transportation Authority pursuant to the Regional Transportation Authority Act as amended in 1999.

Section 210. The following named sums, or so much thereof as may be necessary, are appropriated from the Downstate Public Transportation Fund to the Department of Transportation for operating assistance grants to provide a portion of the eligible operating expenses for the following carriers for the purposes stated in Article II of Public Act 78-1109, as amended:

<table>
<thead>
<tr>
<th>Urbanized Areas</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Champaign-Urbana Mass Transit District.........</td>
<td>11,384,100</td>
</tr>
<tr>
<td>Greater Peoria Mass Transit District..........</td>
<td>8,788,100</td>
</tr>
<tr>
<td>Rock Island County Metropolitan</td>
<td></td>
</tr>
<tr>
<td>Mass Transit District..........................</td>
<td>7,178,115</td>
</tr>
<tr>
<td>Rockford Mass Transit District.................</td>
<td>6,241,700</td>
</tr>
<tr>
<td>Springfield Mass Transit District..............</td>
<td>6,069,900</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Section 215. The sum of $9,720,000, or so much thereof as may be necessary, is appropriated from the Metro East Public Transportation Fund to the Department of Transportation for operating assistance grants subject to the provisions of the "Downstate Public Transportation Act", as amended by the 81st General Assembly.

Section 220. The sum of $237,900, or so much thereof as may be necessary, is appropriated from the Downstate Public Transportation Fund to the Department of Transportation for audit adjustments in accordance with Section 15.1 of the "Downstate Public Transportation Act", approved August 9, 1974, as amended.

Section 225. The sum of $54,251,555, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for making a grant to the Regional Transportation Authority for the funding of the Americans with New matter indicated by italics - deletions by strikeout
Disabilities Act of 1990 (ADA) paratransit services and for other costs and services.

RAIL PASSENGER
AWARDS AND GRANTS

Section 230. The sum of $24,250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for funding the State's share of intercity rail passenger service and making necessary expenditures for services and other program improvements.

Section 235. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Intercity Passenger Rail Fund to the Department of Transportation for grants to Amtrak or its successor for the operation of intercity rail services in the state.

Section 240. The following named sums, or so much thereof as may be necessary, are appropriated from the Motor Fuel Tax Fund to the Department of Transportation for the ordinary and contingent expenses incident to the operations and functions of administering the provisions of the "Illinois Highway Code", relating to use of Motor Fuel Tax Funds by the counties, municipalities, road districts and townships:

MOTOR FUEL TAX ADMINISTRATION
OPERATIONS

For Personal Services.......................... 6,131,200
For State Contributions to State
  Employees' Retirement System............... 706,600
For State Contributions to Social Security ...... 456,800
For Group Insurance............................ 1,463,000
For Contractual Services....................... 43,300
For Travel........................................ 61,800
For Commodities................................. 7,000
For Printing...................................... 26,500
For Equipment..................................... 13,100
For Telecommunications Services................. 18,300
For Operation of Automotive Equipment......... 5,100
Total ........................................... $8,932,700

New matter indicated by italics - deletions by strikeout
AWARDS AND GRANTS

Section 245. The following named sums, or so much thereof as are available for distribution in accordance with Section 8 of the Motor Fuel Tax Law, are appropriated from the Motor Fuel Tax Fund to the Department of Transportation for the purposes stated:

DISTRIBUTIVE ITEMS

For apportioning, allotting, and paying as provided by law:

To Counties........................................ 232,600,000
To Municipalities............................. 326,300,000
To Counties for Distribution to Road Districts...................................................... 105,600,000
Total $664,500,000

Section 250. The following named sums, or so much thereof as may be necessary for the agencies hereinafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Commercial Motor Vehicle Safety Program under provisions of Title IV of the Surface Transportation Assistance Act of 1982, as amended by the SAFETEA-LU:

FOR THE DIVISION OF TRAFFIC SAFETY

For Personal Services.......................... 1,206,500
For State Contributions to State Employees' Retirement System.................. 139,000
For State Contributions to Social Security ......... 91,100
For Contractual Services......................... 2,109,700
For Travel.................................................. 40,300
For Commodities...................................... 10,000
For Printing............................................. 4,900
For Equipment.................................... 47,300
For Equipment: Purchase of Cars and Trucks.......... 0
For Telecommunications Services......................... 81,900
For Operation of Automotive Equipment........... 0
Total $3,730,700

FOR THE DEPARTMENT OF STATE POLICE

New matter indicated by italics - deletions by strikeout
Section 255. The following named sums, or so much thereof as may be necessary for the agencies hereinafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Illinois Highway Safety Program under provisions of the National Highway Safety Act of 1966, as amended:

FOR THE SECRETARY OF STATE

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td>0</td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>2,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>42,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>15,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>35,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>95,000</td>
</tr>
</tbody>
</table>

FOR THE DEPARTMENT OF STATE POLICE

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,361,900</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td>0</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Employees' Retirement System.................... 195,000
For State Contributions to Social Security ...... 19,000
For Contractual Services........................... 7,400
For Travel........................................ 12,100
For Commodities................................... 15,400
For Printing....................................... 1,000
For Equipment.................................... 138,500
For Operation of Auto Equipment................... 98,900
Total                                                                                         $1,849,200

FOR THE DIVISION OF TRAFFIC SAFETY
For Personal Services............................ 1,150,600
For State Contributions to State Employees' Retirement System................................. 132,600
For State Contributions to Social Security ...... 85,400
For Contractual Services........................... 1,904,000
For Travel........................................ 90,000
For Commodities.................................. 308,000
For Printing...................................... 180,000
For Equipment.................................... 10,000
For Telecommunications Services................... 0
Total                                                                                         $3,860,600

FOR LOCAL GOVERNMENTS
For local highway safety projects
by county and municipal governments,
state and private universities and other
private entities..................................... 4,843,800

Section 260. The following named sums, or so much thereof as may be necessary for the agencies hereafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Alcohol Traffic Safety Programs of Title XXIII of the Surface Transportation Assistance Act of 1982, as amended by the SAFETEA-LU:

FOR THE ILLINOIS LIQUOR CONTROL COMMISSION (410)
For Personal Services............................. 45,000
For the State Contribution to State

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employees’ Retirement System</td>
<td>3,200</td>
</tr>
<tr>
<td>For the State Contribution to Social Security</td>
<td>3,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>16,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>26,400</td>
</tr>
<tr>
<td>For Printing</td>
<td>5,000</td>
</tr>
<tr>
<td>For Telecommunication Services</td>
<td>1,300</td>
</tr>
<tr>
<td>Total</td>
<td>$100,000</td>
</tr>
</tbody>
</table>

FOR THE ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS (410)

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>25,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>25,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>5,000</td>
</tr>
<tr>
<td>Total</td>
<td>$55,400</td>
</tr>
</tbody>
</table>

FOR THE DIVISION OF TRAFFIC SAFETY (410)

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>2,280,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>10,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$2,290,000</td>
</tr>
</tbody>
</table>

FOR THE SECRETARY OF STATE (410)

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>40,000</td>
</tr>
<tr>
<td>For the State Contribution to State Employees' Retirement System</td>
<td>6,500</td>
</tr>
<tr>
<td>For the State Contribution to Social Security</td>
<td>600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>27,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>11,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>48,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>10,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>12,800</td>
</tr>
<tr>
<td>For Telecommunication Services</td>
<td>100</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$2,290,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Total $157,900

FOR THE DEPARTMENT OF STATE POLICE (410)
For Personal Services......................... 1,053,800
For the State Contribution to State
Employees' Retirement System............... 210,800
For the State Contribution to Social
Security........................................ 13,800
For Contractual Services..................... 5,500
For Travel..................................... 3,100
For Commodities............................. 21,400
For Equipment................................ 1,600
For Operation of Auto Equipment............. 90,000
Total $1,400,000

FOR THE ILLINOIS LAW ENFORCEMENT
STANDARDS TRAINING BOARD (410)
For Contractual Services...................... 140,000
For Printing.................................. 10,000
Total $150,000

FOR LOCAL GOVERNMENTS
For local highway safety projects
by county and municipal governments,
state and private universities and
other private entities.......................... 2,170,300

Section 265. The following named sums or so much thereof as may
be necessary for the agencies hereafter named, are appropriated from the
Road Fund to the Department of Transportation for implementation of the
Section 163 Impaired Driving Incentive Grant Program (.08 Alcohol) as
authorized by the SAFETEA-LU:

FOR THE DIVISION OF TRAFFIC SAFETY (.08)
For Contractual Services..................... 1,000,000
For Commodities.............................. 50,000
For Equipment............................... 200,000
For Telecommunications....................... 0
Total $1,250,000

New matter indicated by italics - deletions by strikeout
### FOR THE DEPARTMENT OF STATE POLICE (.08)

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,057,200</td>
</tr>
<tr>
<td>For the State Contribution to State Employees' Retirement System</td>
<td>251,500</td>
</tr>
<tr>
<td>For the State Contribution to Social Security</td>
<td>14,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>5,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>24,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>15,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>58,100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,430,200</strong></td>
</tr>
</tbody>
</table>

### FOR THE SECRETARY OF STATE (.08)

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>215,000</td>
</tr>
<tr>
<td>For the State Contribution to State Employees' Retirement System</td>
<td>34,700</td>
</tr>
<tr>
<td>For the State Contribution to Social Security</td>
<td>14,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>223,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>15,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>13,200</td>
</tr>
<tr>
<td>For Printing</td>
<td>7,700</td>
</tr>
<tr>
<td>For Equipment</td>
<td>35,900</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>40,600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$600,300</strong></td>
</tr>
</tbody>
</table>

### FOR THE DEPARTMENT OF PUBLIC HEALTH (.08)

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>190,000</td>
</tr>
</tbody>
</table>

### FOR LOCAL GOVERNMENTS (.08)

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For local highway safety projects by county and municipal governments, state and private universities and other private entities</td>
<td>1,663,500</td>
</tr>
</tbody>
</table>

Section 270. The sum of $300,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the...
Department of Transportation for the expenses of an emissions testing/inspection program for diesel powered vehicles in the counties of Cook, DuPage, Lake, Kane, Mc Henry, Will, Madison, St. Clair and Monroe and the townships of Aux Sable, Goose Lake and Oswego.

Section 275. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Federal Civil Preparedness Administrative Fund to the Illinois Department of Transportation for costs associated with Illinois Terrorism Task Force approved purchases for homeland security.

Section 285. No contract shall be entered into or obligation incurred or any expenditure made from an appropriation herein made in

Section 155 GRF Aeronautics
Section 185 GRF Reduced Fares Downstate
Section 190 GRF Reduced Fares RTA
Section 200 SCIP Debt Service I
Section 205 SCIP Debt Service II
Section 230 GRF Rail Passenger

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

ARTICLE 360
CENTRAL ADMINISTRATION AND PLANNING
LUMP SUMS

Section 5. The sum of $2,405,287, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made in the line item, "For Planning, Research and Development Purposes" for the Central Offices, Administration and Planning in Article 61, Section 10 and Article 61A, Section 5 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 10. The sum of $1,676,283, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation concerning hazardous material abatement (previously identified as asbestos abatement)

New matter indicated by italics - deletions by strikeout
heretofore made in Article 61, Section 10 and Article 61A, Section 10 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 15. The sum of $58,373,564, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made for metropolitan planning in Article 61, Section 10 and Article 61A, Section 15 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 20. The sum of $7,291,266, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made in Article 61, Section 10 and Article 61A, Section 20 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for metropolitan planning and research purposes.

Section 25. The sum of $1,861,153, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 61A, Section 30 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for Phase II of the ADVANCE demonstration project for the federal and private share as provided by law.

Section 30. The sum of $1,787,497, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 61A, Section 25 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for Phase II of the ADVANCE demonstration project for the state share as provided by law.

Section 35. The sum of $20,973,608, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made in Article 61, Section 10 and Article 61A, Section 35 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the federal share of the IDOT ITS program.

New matter indicated by italics - deletions by strikeout
Section 40. The sum of $18,261,287, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made in Article 61, Section 10 and Article 61A, Section 40 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the state share of the IDOT ITS program.

AWARDS AND GRANTS

Section 45. The sum of $64,664,244, or so much thereof as may be necessary, and remains unexpended, less $43,000,000 to be lapsed from the unexpended balance, at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made in Article 61, Section 15 and Article 61A, Section 45 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for Enhancement and Congestion Mitigation and Air Quality Projects.

CENTRAL OFFICE, DIVISION OF HIGHWAYS

LUMP SUM

Section 50. The sum of $1,216,652, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation concerning vehicle damages heretofore made in Article 61, Section 30 and Article 61A, Section 60 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 55. The sum of $960,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation heretofore made in Article 61, Section 35 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for costs associated with the State Radio Communications for the 21st Century (STARCOM) program.

Section 60. The sum of $2,022,668, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 61A, Section 65 of Public Act 94-0798, as amended by the Act, is reappropriated from the Federal Civil Preparedness Administrative Fund to the Illinois Department
of Transportation for costs associated with Illinois Terrorism Task Force approved purchases for homeland security.

AWARDS AND GRANTS

Section 65. The sum of $42,666,497, or so much thereof as may be necessary, and remains unexpended, less $6,000,000 to be lapsed from the unexpended balance, at the close of business on June 30, 2007, from the appropriations and reappropriation heretofore made for Local Traffic Signal Maintenance Agreements and City, County and other State Maintenance Agreements in Article 61, Section 50 and Article 61A, Section 70 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

DIVISION OF TRAFFIC SAFETY
LUMP SUMS

Section 70. The sum of $11,669,524, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made in Article 61, Section 65 and Article 61A, Section 73 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for improvements to traffic safety, provided such amount not exceed funds to be made available from the federal government pursuant to the primary seatbelt enforcement incentive grant.

DIVISION OF TRAFFIC SAFETY - CYCLE RIDER SAFETY
AWARDS AND GRANTS

Section 75. The sum of $4,253,686, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made, in Article 61, Section 80 and Article 61A, Section 75 of Public Act 94-0798, as amended, is reappropriated from the Cycle Rider Safety Training Fund to the Department of Transportation for the same purposes.

DIVISION OF AERONAUTICS
AWARDS AND GRANTS

Section 80. The sum of $2,063,204, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation concerning airport

New matter indicated by italics - deletions by strikeout
improvements heretofore made in Article 61, Section 155 and Article 61A, Section 80 of Public Act 94-0798, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 85. The sum of $1,900,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation heretofore made in Article 61, Section 280 of Public Act 94-0798, as amended, is reappropriated from the I-FLY Fund to the Department of Transportation for grants to the Quincy Regional Airport, the Decatur Airport, and the Williamson County Regional Airport, pursuant to the I-FLY Act.

HIGHWAY SAFETY PROGRAM – DIVISION OF TRAFFIC SAFETY AWARDS AND GRANTS

Section 90. The sum of $10,461,728, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation concerning Highway Safety Grants heretofore made in Article 61, Section 255 and Article 61A, Section 85 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for local highway safety projects by county and municipal governments, state and private universities and other private entities.

Section 95. The sum of $3,092,225, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation concerning Section 163 Impaired Driving Incentive Grants (.08 alcohol) heretofore made in Article 61, Section 265 and Article 61A, Section 90 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for local highway safety projects by county and municipal governments, state and private universities and other private entities.

Section 100. The sum of $5,622,293, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007 from the appropriation and reappropriation concerning Alcohol Traffic Safety Grants (410) heretofore made in Article 61, Section 260 and Article 61A, Section 95 of Public Act 94-0798, as amended, is
reappropriated from the Road Fund to the Department of Transportation for local highway safety projects by county and municipal governments, state and private universities and other private entities.

PUBLIC AND INTERMODAL TRANSPORTATION DIVISION
LUMP SUMS

Section 105. The sum of $1,013,952, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made for public transportation technical studies in Article 61, Section 170 and Article 61A, Section 100 of Public Act 94-0798, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 110. The sum of $356,686, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 61A, Section 103 of Public Act 94-0798, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the Intertownship Transportation Program for Northwest Suburban Cook County.

Section 115. The sum of $2,731,762, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made in Article 61, Section 175 and Article 61A, Section 105 of Public Act 94-0798, as amended, is reappropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for federal reimbursement of transit studies as provided by the SAFETEA-LU.

Section 120. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriations heretofore made in Article 61, Sections 25, 90, 95, 100, 105, 110, 115, 120, 125, 130 and 135 of Public Act 94-0798, as amended, are reappropriated from the Road Fund to the Department of Transportation for the same purposes as follows:
Central Offices, Division of Highways
For Purchase of Cars and Trucks................. 416,000

New matter indicated by italics - deletions by strikeout
Day Labor  
For Purchase of Cars and Trucks..................  379,400  
District 1, Schaumburg Office  
For Purchase of Cars and Trucks..................  6,674,072  
District 2, Dixon Office  
For Purchase of Cars and Trucks..................  2,601,976  
District 3, Ottawa Office  
For Purchase of Cars and Trucks..................  2,247,700  
District 4, Peoria Office  
For Purchase of Cars and Trucks..................  1,048,900  
District 5, Paris Office  
For Purchase of Cars and Trucks..................  2,811,313  
District 6, Springfield Office  
For Purchase of Cars and Trucks..................  1,868,000  
District 7, Effingham Office  
For Purchase of Cars and Trucks..................  1,375,400  
District 8, Collinsville Office  
For Purchase of Cars and Trucks..................  1,569,100  
District 9, Carbondale Office  
For Purchase of Cars and Trucks..................  638,064  
Total $21,629,925

Section 125. No contract shall be entered into or obligation incurred or any expenditure made from a reappropriation herein made in:
Section 80  GRF Aeronautics
of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

ARTICLE 365

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

For Personal Services............................  13,661,533  
For State Contribution to State Employees’

New matter indicated by italics - deletions by strikeout
Section 10. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated from the General Revenue Fund to the Office of the State Appellate Defender for the ordinary and contingent expenses of the Post Conviction Unit.

For Personal Services......................... 798,807
For State Contribution to State Employees’ Retirement System......................... 90,910
For Social Security............................ 60,344
For Contractual Services....................... 211,101
For Travel...................................... 25,000
For Commodities............................... 3,000
For Printing.................................... 3,000
For Equipment................................ 10,500
For Electronic Data Processing................. 26,170
For Telecommunications....................... 16,900

Total                                                                                         $1,245,732

Section 15. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated to the office of the State Appellate Defender for expenses related to federally assisted programs to work on systemic sentencing issues appeals cases to which the agency is appointed.

Payable from State Appellate Defender Federal Trust Fund.......................... 300,000

New matter indicated by italics - deletions by strikeout
Required State Match:
  Payable from General Revenue Fund.................. 80,000

Section 20. The sum of $2,782,600, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the Office of the State Appellate Defender for expenses incurred in providing assistance to trial attorneys under item (c)(5) of Section 10 of the State Appellate Defender Act.

Section 25. The sum of $250,200, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the State Appellate Defender for the ordinary and contingent expenses of the Expungement Program.

Section 30. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the State Appellate Defender to provide statewide training to Public Defenders under the Public Defender Training Program.

ARTICLE 370

Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the Office of the State's Attorneys Appellate Prosecutor for the objects and purposes hereinafter named to meet its ordinary and contingent expenses for the fiscal year ending June 30, 2008:
For Personal Services:
  Payable from General Revenue Fund for Collective Bargaining Unit....................... 2,481,800
  Payable from General Revenue Fund for Administrative Unit............................. 850,300
  Payable from State's Attorney Appellate Prosecutor's County Fund....................... 679,600
For State Contribution to the State Employees' Retirement System Pick Up:
  Payable from General Revenue Fund for Collective Bargaining Unit....................... 99,300
  Payable from General Revenue Fund for Administrative Unit............................. 34,100

New matter indicated by italics - deletions by strikeout
Payable from State's Attorneys Appellate Prosecutor's County Fund......................... 27,200

For State Contribution to the State Employees' Retirement System:
Payable from General Revenue Fund for Collective Bargaining Unit....................... 286,100
Payable from General Revenue Fund for Administrative Unit............................... 98,000
Payable from State's Attorneys Appellate Prosecutor's County Fund......................... 78,400

For State Contribution to Social Security:
Payable from General Revenue Fund for Collective Bargaining Unit....................... 189,900
Payable from General Revenue Fund for Administrative Unit............................... 65,100
Payable from State's Attorneys Appellate Prosecutor's County Fund......................... 52,000

For County Reimbursement to State for Group Insurance:
Payable from State's Attorneys Appellate Prosecutor's County Fund......................... 152,300

For Contractual Services:
Payable from General Revenue Fund......................... 354,100
Payable from State's Attorneys Appellate Prosecutor's County Fund......................... 614,700

For Contractual Services for Tax Objection Casework:
Payable from General Revenue Fund......................... 0
Payable from State's Attorneys Appellate Prosecutor's County Fund......................... 33,300

For Contractual Services for Rental of Real Property:
Payable from General Revenue Fund......................... 228,700
Payable from State's Attorneys Appellate Prosecutor's County Fund......................... 132,700

For Travel:
Payable from General Revenue Fund......................... 16,700
Payable from State's Attorneys Appellate

New matter indicated by italics - deletions by strikeout
Prosecutor's County Fund.......................... 9,100

For Commodities:
Payable from General Revenue Fund................. 14,900
Payable from State's Attorneys Appellate
Prosecutor's County Fund......................... 9,400

For Printing:
Payable from General Revenue Fund................. 4,900
Payable from State's Attorneys Appellate
Prosecutor's County Fund......................... 3,600

For Equipment:
Payable from General Revenue Fund................. 25,600
Payable from State's Attorneys Appellate
Prosecutor's County Fund......................... 30,900

For Electronic Data Processing:
Payable from General Revenue Fund................. 16,200
Payable from State's Attorneys Appellate
Prosecutor's County Fund......................... 31,400

For Telecommunications:
Payable from General Revenue Fund................. 20,900
Payable from State's Attorneys Appellate
Prosecutor's County Fund......................... 34,700

For Operation of Automotive Equipment:
Payable from General Revenue Fund................. 10,600
Payable from State's Attorneys Appellate
Prosecutor's County Fund......................... 8,300

For Law Intern Program:
Payable from General Revenue Fund................. 100
Payable from State's Attorneys Appellate
Prosecutor's County Fund......................... 27,400

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

For Legal Publications:

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund.................. 3,500
Payable from State's Attorneys Appellate Prosecutor's County Fund.................. 13,900
For expenses for assisting County State's Attorneys for services provided under the Illinois Public Labor Relations Act:
For Personal Services:
Payable from General Revenue Fund.................. 88,000
Payable from State's Attorneys Appellate Prosecutor's County Fund.................. 51,000
For State Contribution to the State Employees' Retirement System Pick Up:
Payable from General Revenue Fund.................. 3,600
Payable from State's Attorneys Appellate Prosecutor's County Fund.................. 2,100
For State Contribution to the State Employees' Retirement System:
Payable from General Revenue Fund.................. 10,200
Payable from State's Attorneys Appellate Prosecutor's County Fund.................. 5,900
For Contribution to Social Security:
Payable from General Revenue Fund.................. 6,800
Payable from State's Attorneys Appellate Prosecutor's County Fund.................. 3,900
For County Reimbursement to State for Group Insurance:
Payable from State's Attorneys Appellate Prosecutor's County Fund.................. 14,500
For Contractual Services:
Payable from General Revenue Fund.................. 6,300
Payable from State's Attorneys Appellate Prosecutor's County Fund.................. 251,300
For Travel:
Payable from General Revenue Fund.................. 1,200
Payable from State's Attorneys Appellate Prosecutor's County Fund.................. 1,200
For Commodities:

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0011

Payable from General Revenue Fund.............. 600
Payable from State's Attorneys Appellate
Prosecutor's County Fund......................... 800

For Equipment:
Payable from General Revenue Fund.............. 600
Payable from State's Attorneys Appellate
Prosecutor's County Fund......................... 1,200

For Operation of Automotive Equipment:
Payable from General Revenue Fund.............. 1,100
Payable from State's Attorneys Appellate
Prosecutor's County Fund......................... 1,100

For expenses pursuant to
Narcotics Profit Forfeiture Act:
Payable from Narcotics Profit Forfeiture Fund..... 0

For Expenses Pursuant to Drug Asset
Forfeiture Procedure Act:
Payable from Narcotics Profit
Forfeiture Fund................................. 1,350,000

For Expenses Pursuant to P.A. 84-1340,
which requires the Office of the State's
Attorneys Appellate Prosecutor to conduct
training programs for Illinois State's Attorneys,
Assistant State's Attorneys and Law Enforcement
Officers on techniques and methods of
eliminating or reducing the trauma of testifying
in criminal proceedings for children who serve
as witnesses in such proceedings;
and other authorized criminal justice
training programs:
Payable from General Revenue Fund.............. 80,000

For Expenses Related to federally assisted
Programs to assist local
State's Attorneys including violent crimes,
drug related cases and cases arising under

New matter indicated by italics - deletions by strikeout
the Narcotics Profit Forfeiture Act
on the request of the State's Attorney:
Payable from Special Federal Grant
Project Fund................................. 2,000,000
For Local Matching Purposes:
Payable from State's Attorneys Appellate
Prosecutor's County Fund............................... 0
For State Matching Purposes:
Payable from General Revenue Fund................. 138,500
For Expenses Pursuant to Grant Agreements
For Training Grant Programs:
Payable from Continuing Legal Education
Trust Fund........................................... 0
For Expenses Pursuant to the Capital
Crimes Litigation Act:
Payable from the Capital Litigation
Trust Fund........................................... 500,000
For Appropriation to the State Treasurer
for Expenses Incurred by State's Attorneys
other than Cook County:
Payable from the Capital Litigation
Trust Fund........................................... 1,000,000
For Appropriation to the State's Attorneys
Appellate Prosecutor for a grant to the
Cook County State's Attorney for expenses
incurred in filing appeals in Cook County...... 2,700,000
(Total, $15,109,700;
General Revenue Fund, $7,837,800;
Office of the State's Attorneys Appellate
Prosecutor's County Fund, $2,271,900;
Continuing Legal Education Trust Fund, $150,000;
Narcotics Profit Forfeiture Fund, $1,350,000;
Special Federal Grant Project Funds, $2,000,000;
Capital Litigation Trust Fund, $1,500,000)

New matter indicated by italics - deletions by strikeout
ARTICLE 375

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

**MANAGEMENT AND ADMINISTRATIVE SUPPORT**

Payable from General Revenue Fund:
- For Personal Services............................ 402,300
- For Employee Retirement Contributions
  Paid by Employer...................................... 0
- For State Contributions to State
  Employees' Retirement System.................... 46,500
- For State Contributions to
  Social Security..................................... 30,300
- For Contractual Services....................... 1,423,400
- For Travel......................................... 3,800
- For Commodities.................................... 1,300
- For Printing....................................... 6,600
- For Equipment...................................... 6,900
- For Electronic Data Processing.................... 2,800
- For Telecommunications............................ 11,200
- For Operation of Auto Equipment.................. 5,300
- For Training and Education....................... 206,300
- For costs and services related to ILEAS/MABAS administration............... 125,000
- For costs and expenses related to or in support of a public safety shared service center.......................... 381,800
- Total                                                                                         $2,653,500

Payable from Radiation Protection Fund:
- For Personal Services............................ 106,500
- For Employee Retirement Contributions
  Paid by Employer...................................... 0
- For State Contributions to State
  Employees' Retirement System.................... 12,200

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For State Contributions to Social Security</td>
<td>8,200</td>
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<tr>
<td>For Group Insurance</td>
<td>29,000</td>
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<tr>
<td>For Contractual Services</td>
<td>165,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>5,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>5,300</td>
</tr>
<tr>
<td>For Printing</td>
<td>4,900</td>
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<tr>
<td>For Electronic Data Processing</td>
<td>49,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>11,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>10,000</td>
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<tr>
<td>For costs and services related to or in support of a public safety</td>
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<tr>
<td>shared service center</td>
<td>156,700</td>
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<tr>
<td>Total</td>
<td>$563,600</td>
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Payable from Nuclear Safety Emergency Preparedness Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,445,800</td>
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<tr>
<td>For Employee Retirement Contributions Paid by Employer</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>166,700</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>110,600</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>362,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>545,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>11,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>5,800</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>21,300</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>154,900</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>63,900</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>28,200</td>
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<tr>
<td>For costs and services related to or in support of a public safety</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
shared service center........................... 912,700
Total $3,830,600

Payable from Nuclear Civil Protection Planning Fund:
For Federal Projects............................. 300,000

Payable from the Emergency Management Preparedness Fund:
For an Emergency Management Preparedness Program................. 5,459,200
For costs and services related to or in support of a public safety shared service center............... 215,800

Payable from Federal Civil Preparedness Administrative Fund:
For Training and Education........................ 1,000,000
For Terrorism Preparedness and Training costs in the current and prior years................. 148,200,000
For Terrorism Preparedness and Training costs in the current and prior years in the Chicago Urban Area.......................... 179,500,000

Payable from the September 11th Fund:
For grants, contracts, and administrative expenses pursuant to 625 ILCS 5/3-653, including prior year costs............... 100,000

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

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

Payable from General Revenue Fund:
  For disaster relief costs incurred in current and prior years..........................  500,000

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Emergency Management Agency for grants to local emergency organizations for objects and purposes hereinafter named:

Payable from the Federal Hardware Assistance Fund:
  For Communications and Warning Systems...........  500,000
  For Emergency Operating Centers..................  500,000

Payable from the Federal Civil Preparedness Administrative Fund:
  For Urban Search and Rescue....................... 2,000,000

Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

OPERATIONS

Payable from General Revenue Fund:
  For Personal Services..............................  992,200
  For Employee Retirement Contributions
    Paid by Employer..................................  0
  For State Contributions to State Employees' Retirement System.......................... 122,600
  For State Contributions to Social Security ......  81,400
  For Contractual Services..........................  72,300
  For Travel........................................  6,000
  For Commodities..................................  2,800
  For Printing.....................................  4,500
  For Equipment....................................  47,000

New matter indicated by italics - deletions by strikeout
For Electronic Data Processing.....................  5,500
For Telecommunications............................  164,000
For Operation of Auto Equipment...................  41,500
Total                                           $1,539,800

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services..............................  1,078,800
For Employee Retirement Contributions Paid by Employer......................................  0
For State Contributions to State Employees' Retirement System.........................  124,300
For State Contributions to Social Security ......  82,600
For Group Insurance................................  333,500
For Contractual Services...........................  143,600
For Travel..........................................  31,300
For Commodities...................................  24,000
For Printing.......................................  3,000
For Equipment.....................................  25,200
For Electronic Data Processing.....................  6,300
For Telecommunications.............................  231,600
For Operation of Auto Equipment...................  27,000
Total                                           $2,111,200

Payable from the Emergency Management Preparedness Fund:
For an Emergency Management Preparedness Program..........................  3,200,000

Payable from Federal Civil Preparedness Administrative Fund:
For Training and Education..........................  400,000

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter enumerated:

RADIATION SAFETY

Payable from Radiation Protection Fund:

New matter indicated by italics - deletions by strikeout
For Personal Services.......................... 2,805,800
For Employee Retirement Contributions
Paid by Employer...................................... 0
For State Contributions to State
Employees' Retirement System.................... 323,400
For State Contributions to
Social Security....................................... 214,600
For Group Insurance................................. 587,300
For Contractual Services............................ 219,100
For Travel....................................... 100,000
For Commodities................................. 13,200
For Printing...................................... 40,000
For Equipment................................. 46,400
For Electronic Data Processing..................... 9,500
For Telecommunications............................ 26,000
For Operation of Auto............................. 30,000
For Refunds...................................... 100,000
For reimbursing other governmental agencies for their assistance in responding to radiological emergencies........ 100,000
Total                                                                                         $4,615,300

Section 25. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the Indoor Radon Mitigation Fund to the Illinois Emergency Management Agency for expenses relating to the federally funded State Indoor Radon Abatement Program.

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter enumerated:

NUCLEAR FACILITY SAFETY

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services.......................... 3,954,400
For Employee Retirement Contributions
Paid by Employer...................................... 0

New matter indicated by italics - deletions by strikeout
For State Contributions to State
  Employees’ Retirement System .................... 455,700
For State Contributions to
  Social Security ..................................... 302,500
For Group Insurance ................................ 754,000
For Contractual Services ................................ 784,000
For Travel ............................................. 95,100
For Commodities .................................... 235,300
For Printing .......................................... 1,000
For Equipment ....................................... 433,900
For Electronic Data Processing ..................... 273,600
For Telecommunications Services ................... 597,400
For Operation of Auto ............................... 13,000
Total ...................................................... 7,899,900

Section 35. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

DISASTER ASSISTANCE AND PREPAREDNESS

Payable from General Revenue Fund:

  For Personal Services .............................. 399,700
  For Employee Retirement Contributions
    Paid by Employer ..................................... 0
  For State Contributions to State
    Employees’ Retirement System .................... 46,100
  For State Contributions to Social
    Security .............................................. 30,700
  For Contractual Services .......................... 3,000
  For Travel ............................................ 2,100
  For Commodities ................................... 1,000
  For Printing ......................................... 1,300
  For Telecommunications Services .................. 8,200
  For Operation of Automotive Equipment .......... 6,500
For State Share of Individual and Household
  Grant Program for Disaster Declarations

New matter indicated by italics - deletions by strikeout
in Current and Prior Years:..................... 491,700
Total $990,300

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services......................... 452,000
For Employee Retirement Contributions
Paid by Employer.............................. 0
For State Contributions to State
Employees’ Retirement System............... 54,000
For State Contributions to Social
Security......................................... 36,000
For Group Insurance.......................... 116,000
For Contractual Services...................... 86,200
For Travel...................................... 29,500
For Commodities.............................. 11,900
For Printing.................................... 3,000
For Equipment.................................. 20,800
For Electronic Data Processing.............. 4,300
For Telecommunications Services.......... 12,200
For Operation of Automotive Equipment.... 12,600
For compensation to local governments
for expenses attributable to implementation
and maintenance of plans and programs
authorized by the Nuclear Safety
Preparedness Act............................. 650,000
Total $1,488,500

Payable from the Federal Aid Disaster Fund:
For Federal Disaster Declarations:
In Current and Prior Years.................... 50,000,000
For State administration of the
Federal Disaster Relief Program............. 1,000,000
Disaster Relief - Hazard Mitigation
in Current and Prior Years................. 40,000,000
For State administration of the
Hazard Mitigation Program.................. 1,000,000

New matter indicated by italics - deletions by strikeout
SECTION 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter enumerated:

ENVIRONMENTAL SAFETY

Payable from Nuclear Safety Emergency Preparedness Fund:
- For Personal Services: $1,675,700
- For Employee Retirement Contributions
  - Paid by Employer: $0
- For State Contributions to State Employees' Retirement System: $200,000
- For State Contributions to Social Security: $132,800
- For Group Insurance: $362,500
- For Contractual Services: $423,400
- For Travel: $32,500
- For Commodities: $72,100
- For Printing: $2,000
- For Equipment: $146,200
- For Electronic Data Processing: $7,200
- For Telecommunications: $25,200

<table>
<thead>
<tr>
<th>Total</th>
<th>$92,000,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from the Emergency Planning and Training Fund:</td>
<td></td>
</tr>
<tr>
<td>For Activities as a Result of the Illinois Emergency Planning and Community Right To Know Act:</td>
<td>150,000</td>
</tr>
<tr>
<td>Payable from the Nuclear Civil Protection Planning Fund:</td>
<td></td>
</tr>
<tr>
<td>For Federal Projects:</td>
<td>500,000</td>
</tr>
<tr>
<td>For Mitigation Assistance:</td>
<td>3,000,000</td>
</tr>
<tr>
<td>Total</td>
<td>$3,650,000</td>
</tr>
<tr>
<td>Payable from the Federal Civil Preparedness Administrative Fund:</td>
<td></td>
</tr>
<tr>
<td>For Training and Education:</td>
<td>2,091,200</td>
</tr>
<tr>
<td>Payable from the Emergency Management Preparedness Fund:</td>
<td></td>
</tr>
<tr>
<td>For Emergency Management Preparedness:</td>
<td>4,500,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Operation of Auto............................. 13,000
Total $3,092,600
Payable from Low-Level Radioactive Waste Facility Development and Operation Fund:
For Refunds for Overpayments made by Low-Level Waste Generators............................. 5,000

Section 45. The sum of $1,166,900, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Illinois Emergency Management Agency for licensing facilities where radioactive uranium and thorium mill tailings are generated or located, and related costs for regulating the decontamination and decommissioning of such facilities and for identification, decontamination and environmental monitoring of unlicensed properties contaminated with such radioactive mill tailings.

Section 50. The sum of $561,000, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Illinois Emergency Management Agency for the purpose of funding costs related to environmental cleanup of the Ottawa Radiation Areas Superfund Project under cooperative agreements with the Federal Government.

Section 55. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Illinois Emergency Management Agency for recovery and remediation of radioactive materials and contaminated facilities or properties when such expenses cannot be paid by a responsible person or an available surety.

Section 60. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Nuclear Safety Emergency Preparedness Fund to the Illinois Emergency Management Agency for related training and travel expenses and to reimburse the Illinois State Police and the Illinois Commerce Commission for costs incurred for activities related to inspecting and escorting shipments of spent nuclear fuel, high-level radioactive waste, and transuranic waste in Illinois as provided under the rules of the Agency.

Section 65. The sum of $180,000, or so much thereof as may be necessary, is appropriated from the Sheffield Agreed Order Fund to the

New matter indicated by italics - deletions by strikeout
Illinois Emergency Management Agency for the care, maintenance, monitoring, testing, remediation and insurance of the low-level radioactive waste disposal site near Sheffield, Illinois.

Section 70. The sum of $686,600, or so much thereof as may be necessary, is appropriated from the Low-Level Radioactive Waste Facility Development and Operation Fund to the Illinois Emergency Management Agency for use in accordance with Section 14(a) of the Illinois Low-Level Radioactive Waste Management Act for costs related to establishing a low-level radioactive waste disposal facility.

ARTICLE 380

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Office of the State Fire Marshal, as follows:

**GENERAL OFFICE**

Payable from the Fire Prevention Fund:
- For Personal Services.......................... 7,610,134
- For Employee Retirement Contributions
  - Paid by Employer...................................... 0
- For State Contributions to the State
  - Employees' Retirement System.................. 877,513
  - For State Contributions to Social Security.... 533,118
  - For Group Insurance............................. 1,852,880
  - For Contractual Services....................... 882,144
  - For Travel........................................ 129,700
  - For Commodities................................... 91,000
  - For Printing...................................... 63,400
  - For Equipment.................................... 430,000
  - For Electronic Data Processing............... 1,242,984
  - For Telecommunications......................... 198,512
  - For Operation of Auto Equipment............. 309,000
  - For Refunds...................................... 4,000
  - Total                                                                                      $14,224,385

Payable from the Underground Storage Tank Fund:
- For Personal Services.......................... 1,613,000

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions
Paid by Employer........................................... 0
For State Contributions to the State
  Employees' Retirement System....................... 185,900
  For State Contributions to Social Security........ 113,000
  For Group Insurance.................................. 423,300
  For Contractual Services............................ 270,900
  For Travel............................................... 25,000
  For Commodities...................................... 8,000
  For Printing............................................ 6,000
  For Equipment......................................... 161,500
  For Electronic Data Processing..................... 115,000
  For Telecommunications............................. 47,000
  For Operation of Auto Equipment................... 60,000
  For Refunds........................................... 10,000
  For Expenses of Hearing Officers.................. 75,000
Total                                                                                         $3,113,600

Section 10. The sum of $627,815, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for costs and expenses related to or in support of a public safety shared services center.

Section 15. The sum of $700,000, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for administrative expenses of the Elevator Safety and Regulation Act.

Section 20. The sum of $185,000, or so much thereof as may be necessary, is appropriated from the Illinois Firefighters' Memorial Fund to the Office of the State Fire Marshal for expenses related to the maintenance of the Illinois Firefighters' Memorial, holding the annual Fallen Firefighter Ceremony, and other expenses as allowed under Public Act 91-0832.

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Office of the State Fire Marshal as follows:

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0011

Payable from the Fire Prevention Fund:
For Fire Prevention Training ......................... 69,000
For Expenses of Fire Prevention
Awareness Program ...................................... 80,000
For Expenses of Arson Education
and Seminars ............................................. 42,000
For expenses of new fire chiefs training .......... 44,000
For expenses of hearing officers .................... 25,000
Total                                                                                           $260,000

Payable from the Fire Prevention Fund:
For Expenses of Life Safety Code Program ........ 20,000
For Expenses of the Risk Watch/Remember
When program ........................................... 40,000

Payable from the Fire Prevention Division Fund:
For Expenses of the U.S. Resource
Conservation and Recovery Act
Underground Storage Program ......................... 257,700

Payable from the Emergency Response
Reimbursement Fund:
For Hazardous Material Emergency
Response Reimbursement ................................ 5,000

Section 30. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated for the ordinary and
contingent expenses of the Office of the State Fire Marshal, as follows:

GRANTS

Payable from the Fire Prevention Fund:
For Chicago Fire Department Training Program... 1,931,960
For payment to local governmental agencies
which participate in the State Training
Programs .................................................. 1,000,000
For Regional Training Grants ......................... 500,000
For payments in accordance with
Public Act 93-0169 ...................................... 25,000
Total                                                                                           $3,456,960

New matter indicated by italics - deletions by strikeout
Section 35. The sum of $1,000, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for grants available for the development of new fire districts.

Section 40. The sum of $550,000, or so much thereof as may be necessary, is appropriated from the Underground Storage Tank Fund to the Office of the State Fire Marshal for a grant to the City of Chicago for Administrative Costs incurred as a result of the State’s Underground Storage Program.

Section 45. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for grants available for the development of local government fire prevention.

Section 50. The sum of $125,000, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for grants available for costs and services related to ILEAS/MABAS administration.

Section 55. The sum of $714,200, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for grants available for the NITE project.

ARTICLE 385

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Capital Development Board:

GENERAL OFFICE

Payable from Capital Development Fund:
For Personal Services.......................... 4,564,200
For Employee Retirement Contributions
  Paid by Employer................................. 0
For State Contributions to State
  Employees' Retirement System................. 524,900
For State Contributions to
  Social Security............................... 349,200
For Group Insurance............................ 1,116,500

New matter indicated by italics - deletions by strikeout
For Contractual Services.......................... 267,000  
For Travel........................................ 32,200  
For Commodities.................................. 34,500  
For Equipment..................................... 10,000  
For Telecommunications Services............... 108,800  
For Operation of Auto Equipment............... 24,100  
For Operational Expenses......................... 412,400  
Total                                                                                   $7,443,800  

Payable from Capital Development Board Revolving Fund:  
For Personal Services....................... 2,856,100  
For Employee Retirement Contributions  
Paid by Employer.................................... 0  
For State Contributions to State  
Employees' Retirement System.................. 328,500  
For State Contributions to Social Security ... 218,500  
For Group Insurance............................ 783,000  
For Contractual Services...................... 298,100  
For Travel....................................... 210,600  
For Commodities............................... 11,400  
For Printing..................................... 17,200  
For Equipment.................................... 0  
For Electronic Data Processing............... 185,200  
For Telecommunications Services............. 119,500  
Total                                                                                   $5,028,100  

Payable from the School Infrastructure Fund:  
For operational purposes relating to  
the School Infrastructure Program............ 550,000  

ARTICLE 390  
Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes named, to meet the ordinary and contingent expenses of the Judicial Inquiry Board:  
For Personal Services......................... 306,386  
For State Contributions to State Employees'  

New matter indicated by italics - deletions by strikeout
Retirement System............................... 33,859
For Retirement - Pension pick-up.............. 11,752
For State Contributions to Social Security..... 22,475
For Contractual Services......................... 300,000
For Travel........................................ 25,000
For Commodities.................................. 1,500
For Printing....................................... 6,900
For Equipment..................................... 4,079
For EDP................................................ 0
For Telecommunications............................. 7,800
For Operations of Auto Equipment............... 3,000
Total ................................................ $722,751

ARTICLE 395
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Law Enforcement Training Standards Board:

OPERATIONS

Payable from the Traffic and Criminal Conviction Surcharge Fund:
For Personal Services............................ 1,229,100
For State Contributions to State Employees' Retirement System..................... 141,600
For State Contributions to Social Security.......................... 94,400
For Group Insurance............................ 358,100
For Contractual Services......................... 237,500
For Travel.......................................... 34,000
For Commodities................................. 10,000
For Printing....................................... 5,000
For Equipment.................................... 20,000
For Electronic Data Processing...................... 68,800
For Telecommunications Services............... 34,900
For Operation of Auto Equipment............... 22,000

New matter indicated by italics - deletions by strikeout
For payment of and/or services related to the administration of investigations pursuant to P.A. 93-0655........ 10,000
For costs and expenses related to or in support of a public safety shared services center........................................ 22,400
Total                                                                                         $2,287,800
Payable from the Police Training Board Services Fund:
For payment of and/or services related to law enforcement training in accordance with statutory provisions of the Law Enforcement Intern Training Act................................. 100,000
Payable from the Death Certificate Surcharge Fund:
For payment of and/or services related to death investigation in accordance with statutory provisions of the Vital Records Act......................... 400,000

Section 10. The following named amount, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, is appropriated to the Law Enforcement Training Standards Board as follows:

GRANTS-IN-AID
Payable from the Traffic and Criminal Conviction Surcharge Fund:
For payment of and/or reimbursement of training and training services in accordance with statutory provisions .... 11,260,000

ARTICLE 400

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to meet the ordinary and contingent expenses of the Prisoner Review Board for the fiscal year ending June 30, 2008:

PAYABLE FROM GENERAL REVENUE FUND

New matter indicated by italics - deletions by strikeout
For Personal Services............................ 813,000
For Employee Retirement Contributions
Paid by Employer.................................... 0
For State Contributions to State
   Employees' Retirement System............... 94,000
For State Contributions to
   Social Security................................. 62,200
For Contractual Services......................... 189,681
For Travel........................................ 86,700
For Commodities.................................. 11,477
For Printing...................................... 10,800
For Equipment.................................... 0
For Electronic Data Processing.................. 18,000
For Telecommunications Services.............. 20,200
Total                          $1,306,058

Section 10. The amount of $15,000, or so much thereof as may be
necessary, is appropriated to the Prisoner Review Board from the General
Revenue Fund for expenses relating to the victim notification units.

Section 15. The amount of $400,000, or so much thereof as may be
necessary, is appropriated from the Prisoner Review Board Vehicle and
Equipment Fund to the Prisoner Review Board for all costs associated
with the purchase and operation of vehicles and equipment.

ARTICLE 405

Section 5. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated from the General
Revenue Fund for the objects and purposes hereinafter named, to meet the
ordinary and contingent expenses of the State Police Merit Board:
For Personal Services......................... 356,600
For State Contributions to State
   Employees' Retirement System.............. 41,100
For State Contributions to
   Social Security............................... 27,300
For Contractual Services...................... 387,150
For Travel....................................... 7,000

New matter indicated by italics - deletions by strikeout
For Commodities.................................... 6,000
For Printing....................................... 6,000
For Equipment.......................................... 0
For Electronic Data Processing...................... 9,000
For Telecommunications Services.................. 14,000
For Operation of Automotive Equipment.......... 3,000
Total                                                                                            $857,150

ARTICLE 410

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Illinois Criminal Justice Information Authority:

OPERATIONS

Payable from General Revenue Fund:
For Personal Services.............................. 1,113,000
For State Contributions to State
Employees' Retirement System...................... 128,400
For State Contributions to
Social Security...................................... 85,300
For Contractual Services......................... 446,000
For Travel............................................. 11,600
For Commodities.................................... 12,400
For Printing.......................................... 16,000
For Equipment........................................ 5,900
For Electronic Data Processing................... 186,100
For Telecommunications Services............... 45,500
For Operation of Auto Equipment................ 15,000
Total                                                                                         $2,065,200

Payable from Criminal Justice Information Systems Trust Fund:
For Personal Services............................. 826,100
    For State Contributions to State
Employees' Retirement System..................... 95,200
For State Contributions to

New matter indicated by italics - deletions by strikeout
Section 10. The following named sums, or so much thereof as may be necessary, are appropriated from the Illinois Criminal Justice Information Authority for costs and expenses related to or in support of the public safety shared services center:

Payable from the General Revenue Fund.............. 170,700
Payable from the Motor Vehicle Theft Prevention Trust Fund......................... 79,900
Payable from the Criminal Justice Trust Fund....... 700,000
Payable from the Juvenile Accountability Incentive Block Grant Fund......................... 100,000
Total  $1,050,600

Section 15. The sum of $37,000,000, or so much thereof as may be necessary, is appropriated from the Criminal Justice Trust Fund to the Illinois Criminal Justice Information Authority for awards and grants to local units of government and non-profit organizations.

Section 20. The sum of $12,000,000, or so much thereof as may be necessary, is appropriated from the Criminal Justice Trust Fund to the Illinois Criminal Justice Information Authority for awards and grants to state agencies.

Section 25. The following named sums, or so much thereof as may be necessary, are appropriated to the Illinois Criminal Justice Information Authority for activities undertaken in support of federal assistance

New matter indicated by italics - deletions by strikeout
programs administered by units of state and local government and non-profit organizations:
Payable from the General Revenue Fund........... 810,000
Payable from the Criminal Justice
Trust Fund........................................ 5,800,000
Total $6,610,000

Section 30. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Criminal Justice Information Authority for awards and grants and other monies received from federal agencies, from other units of government, and from private/not-for-profit organizations for activities undertaken in support of investigating issues in criminal justice and for undertaking other criminal justice information projects:
Payable from the Criminal Justice
Trust Fund...................................... 1,700,000
Payable from the Criminal Justice
Information Projects Fund....................... 400,000
Total $2,100,000

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Illinois Criminal Justice Information Authority for awards, grants and operational support to implement the Motor Vehicle Theft Prevention Act:
Payable from the Motor Vehicle
Theft Prevention Trust Fund:
For Personal Services.......................... 154,800
For other Ordinary and Contingent Expenses ... 157,400
For Awards and Grants to federal
and state agencies, units of local
government, corporations, and
neighborhood, community and business
organizations to include operational
activities and programs undertaken
by the Authority in support of the

New matter indicated by italics - deletions by strikeout
Motor Vehicle Theft Prevention Act ............ 6,500,000
For Refunds ........................................ 50,000
Total ............................................. $6,862,200

Section 40. The sum of $40,000,000, or so much thereof as may be necessary, is appropriated from the Criminal Justice Trust Fund to the Illinois Criminal Justice Information Authority for awards and grants to state agencies and units of local government, to include operational activities and programs undertaken by the Authority, in support of Federal Crime Bill Initiatives.

Section 45. The sum of $12,440,000, or so much thereof as may be necessary, is appropriated from the Juvenile Accountability Incentive Block Grant Trust Fund to the Illinois Criminal Justice Information Authority for awards and grants to state agencies and units of local government, including operational expenses of the Authority in support of the Juvenile Accountability Incentive Block Grant program.

Section 50. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Criminal Justice Information Authority for costs and expenses related to a capital punishment reform study committee.

ARTICLE 415
Section 5. The amount of $240,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the East St. Louis Financial Advisory Authority for the operating expenses of the City of East St. Louis Financial Advisory Authority.

ARTICLE 420
Section 5. The sum of $0, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Finance Authority for the purpose of interest buy-back as authorized under the Illinois Farm Development Act.

ARTICLE 425
Section 5. The sum of $31,622,778, or so much thereof as may be necessary, is appropriated from the Metropolitan Fair and Exposition Authority Improvement Bond Fund to the Metropolitan Pier and Exposition Authority for debt service on the Authority's Dedicated State

New matter indicated by italics - deletions by strikeout
Tax Revenue Bonds, issued pursuant to the "Metropolitan Fair and Exposition Authority Act", as amended.

Section 10. The sum of $126,087,776, or so much thereof as may be necessary, is appropriated from the McCormick Place Expansion Project Fund to the Metropolitan Pier and Exposition Authority for debt service on the Authority's McCormick Place Expansion Project Bonds, issued pursuant to the "Metropolitan Pier and Exposition Authority Act", as amended.

ARTICLE 430

Section 5. The sum of $719,313, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Southwestern Illinois Development Authority for replenishment of a draw on the debt service reserve fund backing bonds issued on behalf of Spectrulate Consortium Inc.

Section 10. The sum of $415,655, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Southwestern Illinois Development Authority for replenishment of a draw on the debt service reserve fund backing bonds issued on behalf of Waste Recovery-Illinois.

Section 15. The sum of $1,026,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Southwestern Illinois Development Authority for replenishment of a draw on the debt service reserve fund backing bonds issued on behalf of Alton Center Business Park.

Section 20. The sum of $1,441,643, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Southwestern Illinois Development Authority for replenishment of a draw on the debt service reserve fund backing bonds issued on behalf of Laclede Steel-Illinois.

ARTICLE 435

Section 5. The sum of $40,782,000, or so much thereof as may be necessary, is appropriated from the Illinois Sports Facilities Fund to the Illinois Sports Facilities Authority for its corporate purposes.

ARTICLE 440

New matter indicated by italics - deletions by strikeout
Section 5. The sum of $307,200, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Upper Illinois River Valley Development Authority for replenishment of a draw on the Debt Service Reserve Fund backing bonds issued on behalf of Waste Recovery - Illinois.

ARTICLE 445

Section 5. The following amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes named, to meet the ordinary and contingent expenses of the Illinois Violence Prevention Authority:

Payable from the Violence Prevention Fund:
- For Personal Services............................ 501,600
- For State Contributions to State Employees' Retirement System............................. 57,700
- For State Contribution to Social Security.......................... 38,400
- For Group Insurance.............................. 116,000
- For Contractual Services......................... 43,000
- For Travel........................................ 20,000
- For Commodities.................................... 3,000
- For Printing...................................... 10,000
- For Equipment..................................... 1,000
- For Electronic Data Processing............... 2,000
- For Telecommunications Services............. 2,000

Total $794,700

Payable from the General Revenue Fund:
- For Contractual Services......................... 36,500

Total $36,500

Section 10. The sum of $1,200,000, or so much thereof as may be necessary, is appropriated from the Violence Prevention Fund to the Illinois Violence Prevention Authority for the purpose of awarding grants under the provisions of the Violence Prevention Act of 1995.

Section 15. The sum of $2,127,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois

New matter indicated by italics - deletions by strikeout
Violence Prevention Authority for the purpose of awarding grants under the provisions of the Violence Prevention Act of 1995.

Section 20. The amount of $849,600, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the Illinois Violence Prevention Authority for the Illinois Family Violence Coordinating Council Program.

ARTICLE 450

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Illinois Workers’ Compensation Commission Operations Fund to the Illinois Workers’ Compensation Commission:

GENERAL OFFICE

For Personal Services:
- Regular Positions: 4,567,000
- Arbitrators: 3,595,500
- Court Reporters: 1,422,000
For Employee Retirement Contributions
- Paid by Employer: 0
For State Contributions to State
- Employees' Retirement System: 526,600
- Arbitrators' Retirement System: 414,000
- Court Reporters' Retirement System: 164,000
For State Contributions to Social Security: 733,800
For Group Insurance: 2,686,000
For Contractual Services: 380,000
For Travel: 230,000
For Commodities: 45,500
For Printing: 35,000
For Equipment: 50,000
For Telecommunications Services: 110,000
Total: $14,959,400

ELECTRONIC DATA PROCESSING

New matter indicated by italics - deletions by strikeout
For Personal Services............................ 665,000
For State Contributions to State
  Employees' Retirement System............... 76,600
For State Contributions to
  Social Security............................. 50,800
For Contractual Services...................... 140,000
For Travel..................................... 2,500
For Commodities............................... 2,000
For Printing................................... 2,000
For Equipment................................. 12,000
For Telecommunications Services............... 60,000
Total                                                                 $1,010,900

Section 10. In addition to the amounts heretofore appropriated, the
following named amount, or so much thereof as may be necessary, is
appropriated from the Illinois Workers’ Compensation Commission
Operations Fund to the Illinois Workers’ Compensation Commission for
the project hereinafter enumerated:

PEORIA OFFICE
For rent, staffing and equipment to operate
  an office in Peoria......................... 114,000

Section 15. The amount of $115,000, or so much thereof as may be
necessary, is appropriated from the Illinois Workers’ Compensation
Commission Operations Fund to the Illinois Workers’ Compensation
Commission for printing and distribution of Workers' Compensation
handbooks containing information as to the rights and obligations of
employers.

Section 20. The amount of $244,200, or so much thereof as may be
necessary, is appropriated from the Illinois Workers’ Compensation
Commission Operations Fund to the Illinois Workers’ Compensation
Commission for the implementation and operation of an accident reporting
system.

Section 25. The sum of $118,000, or so much thereof as may be
necessary, is appropriated from the Illinois Workers’ Compensation
Commission Operations Fund to the Illinois Workers’ Compensation

New matter indicated by italics - deletions by strikeout
Commission for all costs associated with the establishment and operation of a satellite office in the Metro East area.

Section 30. The amount of $800,000, or so much thereof as may be necessary, is appropriated from the Illinois Workers’ Compensation Commission Operations Fund to Illinois Workers’ Compensation Commission for costs associated with the establishment, administration and operations of the Insurance Compliance Division of the workers’ compensation anti-fraud program administered by Illinois Workers’ Compensation Commission.

Section 35. The amount of $940,000, or so much thereof as may be necessary, is appropriated from the Illinois Workers’ Compensation Commission Operations Fund to Illinois Workers’ Compensation Commission for all costs associated with the establishment, administration and operation of a third Commission panel.

Section 40. The amount of $250,000, or so much thereof as may be necessary, is appropriated from the Illinois Workers’ Compensation Commission Operations Fund to Illinois Workers’ Compensation Commission for costs associated with the establishment of the Medical Fee Schedule and other provisions of the Workers’ Compensation Act

ARTICLE 455

OFFICE OF THE ARCHITECT OF THE CAPITOL

Section 5. The amount of $3,883, or so much of this amount as may be necessary and remains unexpended on June 30, 2007, from a reappropriation heretofore made for such purpose in Section 5 of Article 92 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Office of the Architect of the Capitol for plans, specifications, and continuation of work pursuant to the report and recommendations of the architectural, structural, and mechanical surveys of the State Capitol Building. This is for the continuation of the rehabilitation of the Capitol Building.

Section 10. The sum of $587,367, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purposes in Section 10 of Article 92 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Office of the Architect of the Capitol for plans, specifications, and continuation of work pursuant to the report and recommendations of the architectural, structural, and mechanical surveys of the State Capitol Building. This is for the continuation of the rehabilitation of the Capitol Building.

New matter indicated by italics - deletions by strikeout
Development Fund to the Office of the Architect of the Capitol for remodeling, planning, relocation, permanent equipment, and other related expenses, including architectural and engineering fees associated with construction, for the remodeling of office space and other support areas under the jurisdiction of the House of Representatives and the Senate.

Section 15. No contract shall be entered into or obligation incurred for any expenditures from appropriations in Section 5 and 10 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Total, Article 455 $591,250

ARTICLE 460
DEPARTMENT OF AGRICULTURE

Section 5. The following named amounts, or so much thereof as may be necessary are appropriated to the Department of Agriculture for repairs, maintenance, and capital improvements including construction, reconstruction, improvement, repair and installation of capital facilities, cost of planning, supplies, materials, equipment, services and all other expenses required to complete the work:
Payable from Agricultural Premium Fund:
For various projects at the State Fairgrounds.................................... 600,000
For various projects at the DuQuoin State Fairgrounds.................................... 225,000
Total $825,000

Section 15. The amount of $2,612,500, or so much thereof as may be necessary, is appropriated from the Conservation 2000 Projects Fund to the Department of Agriculture for the Conservation Practices Cost-Share program.

Total, Article 460 $3,437,500

ARTICLE 465
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Section 5. The sum of $9,824,959, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article

New matter indicated by italics - deletions by strikeout
94, Section 5 of Public Act 94-0798, is reappropriated from the Capital Development Fund to the Department of Central Management Services for Information Technology infrastructure expenses including but not limited to related hardware and equipment.

Section 10. No contract shall be entered into or obligation incurred for any expenditures from appropriations in Section 5 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Total, Article 465 $9,824,959

ARTICLE 470
DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

Section 5. The amount of $3,000,000, or so much thereof as may be necessary, is appropriated from the Port Development Revolving Loan Fund to the Department of Commerce and Economic Opportunity for grants and loans associated with the Port Development Revolving Loan Program pursuant to 30 ILCS 750/9-11.

Total, Article 470 $3,000,000

ARTICLE 475
DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

Section 10. The amount of $4,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 96, Section 10 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for a grant for planning, design, construction, and all other costs associated with a new Ford Technical Training Center.

Section 30. The sum of $3,360,199, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 96, Section 30 of Public Act 94-798, is reappropriated from the Coal Development Fund to the Department of Commerce and Economic Opportunity for Coal Development Programs.

Section 35. The sum of $50,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30,
2007, from a reappropriation heretofore made in Article 96, Section 35 of Public Act 94-798, is reappropriated from the Coal Development Fund to the Department of Commerce and Economic Opportunity for grants pursuant to 20 ILCS 605/605-332 – Coal Revival Program.

Section 70. The sum of $3,975,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 96, Section 70 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants associated with the Illinois Renewable Fuels Development Act.

Section 75. The sum of $13,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 96, Section 75 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Argonne National Laboratory for the Rare Isotope Accelerator for bondable infrastructure improvements. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 120. The amount of $5,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 95, Section 10 of Public Act 94-798, is reappropriated from the Coal Development Fund to the Department of Commerce and Economic Opportunity for the specific purposes of acquisition, development, construction, reconstruction, improvement, financing, architectural and technical planning and installation of capital facilities consisting of buildings, structures, durable equipment, and land for the purpose of capital development of coal resources within the State.

Section 125. The amount of $17,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 95, Section 15 of Public Act 94-798, is reappropriated from the Coal Development Fund to the Department of Commerce and Economic Opportunity for the
specific purposes of acquisition, development, construction, reconstruction, improvement, financing, architectural and technical planning and installation of capital facilities consisting of buildings, structures, durable equipment, and land for the purpose of capital development of coal resources within the State, including but not limited to a grant for a commercial scale project that produces electric power and hydrogen and demonstrates underground storage of up to 1 million metric tons annually of carbon dioxide.

Section 130. The amount of $10,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 95, Section 20 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for grants to local governments for the acquisition, financing, architectural planning, development, alteration, installation, and construction of capital facilities consisting of buildings, structures, durable equipment, and land as authorized by subsection (l) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 135. The amount of $7,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 95, Section 25 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Argonne National Laboratory for the Advanced Protein Crystallization Facility.

Section 140. The amount of $15,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 95, Section 30 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant for the Illinois Science and Technology Park.

Section 145. The amount of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 95, Section 35 of
Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Illinois Institute of Technology for the biomedical research complex.

Section 150. The amount of $3,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 95, Section 40 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Illinois Institute of Technology for the biomedical research complex.

Section 150. The amount of $3,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 95, Section 40 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Illinois Institute of Technology for the biomedical research complex.

Section 150. The amount of $3,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 95, Section 40 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Fermi National Accelerator Laboratory for the Illinois Accelerator Research Center.

Section 160. The amount of $20,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 95, Section 50 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants associated with the Illinois Accelerator Research Center.

Section 160. The amount of $20,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 95, Section 50 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants associated with the Illinois Accelerator Research Center.

Section 165. The amount of $15,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 95, Section 55 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants associated with the redevelopment of brownfield sites.

Section 170. No contract shall be entered into or obligation incurred or any expenditure made from any appropriation herein made in this Article, except Section 175, until after the purpose and amounts have been approved in writing by the Governor.

Total, Article 475 $168,335,199

ARTICLE 480
DEPARTMENT OF NATURAL RESOURCES
GRANTS AND REIMBURSEMENTS - GENERAL OFFICE
Section 10. The sum of $725,000, or so much thereof as may be necessary, is appropriated from the State Boating Act Fund to the Department of Natural Resources for the administration and payment of

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

Section 15. The sum of $120,000, or so much thereof as may be necessary, is appropriated from the State Boating Act Fund to the Department of Natural Resources for the purposes of the Snowmobile Registration and Safety Act and for the administration and payment of grants to local governmental units for the construction, land acquisition, lease, maintenance and improvement of snowmobile trails and access areas.

Section 20. To the extent federal funds including reimbursements are available for such purposes, the sum of $75,000, or so much thereof as may be necessary, is appropriated from the State Boating Act Fund to the Department of Natural Resources for all costs for construction and development of facilities for transient, non-trailerable recreational boats, including grants for such purposes and authorized under the Boating Infrastructure Grant Program.

Section 25. The sum of $150,000, new appropriation, is appropriated from the State Boating Act Fund to the Department of Natural Resources for a grant to the Chain O’Lakes – Fox River Waterway Management Agency for the Agency’s operational expenses.

Section 30. The following named sums, new appropriations, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Natural Resources:
Payable from State Boating Act Fund:
For multiple use facilities and programs for boating purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies and all other expenses required to comply with the intent of this appropriation.......................... 1,200,000

New matter indicated by italics - deletions by strikeout
Payable from State Parks Fund:
For multiple use facilities and programs
for park and trail purposes provided by
the Department of Natural Resources, including
construction and development, all costs
for supplies, materials, labor, land
acquisition, services, studies, and
all other expenses required to comply with
the intent of this appropriation............... 150,000

Section 35. The sum of $100,000, or so much thereof as may be
necessary, is appropriated from the Wildlife and Fish Fund to the
Department of Natural Resources for acquisition and development,
including grants, for the implementation of the North American Waterfowl
Management Plan within the Dominion of Canada or the United States
which specifically provides waterfowl for the Mississippi Flyway.

Section 40. To the extent federal funds including reimbursements
are available for such purposes, the sum of $100,000, or so much thereof
as may be necessary, is appropriated from the Wildlife and Fish Fund to
the Department of Natural Resources for construction and renovation of
waste reception facilities for recreational boaters, including grants for such
purposes authorized under the Clean Vessel Act.

Section 45. The sum of $2,000,000, or so much thereof as may be
necessary, is appropriated from the Wildlife and Fish Fund to the
Department of Natural Resources for wildlife conservation and restoration
plans and programs from federal and/or state funds provided for such
purposes.

Section 50. The following named sums, or so much thereof as may
be necessary, respectively, herein made either independently or in
cooperation with the Federal Government or any agency thereof, any
municipal corporation, or political subdivision of the State, or with any
public or private corporation, organization, or individual, are appropriated
to the Department of Natural Resources for refunds and the purposes
stated:
Payable from Forest Reserve Fund:

New matter indicated by italics - deletions by strikeout
For U.S. Forest Service Program..................                                  500,000

Section 55. The sum of $110,000, or so much thereof as may be
necessary, is appropriated from the Plugging and Restoration Fund to the
Department of Natural Resources, Office of Mines and Minerals for the
Landowner Grant Program authorized under the Oil and Gas Act, as
amended by Public Act 90-0260.

Section 60. The sum of $1,500,000, or so much thereof as may be
necessary, is appropriated to the Department of Natural Resources from
the Abandoned Mined Lands Set Aside Fund for grants and contracts to
conduct research, planning and construction to eliminate hazards created
by abandoned mines and any other expenses necessary for emergency
response.

Section 65. The sum of $110,000, or so much thereof as may be
necessary, is appropriated to the Department of Natural Resources from
the State Furbearer Fund for the conservation of fur bearing mammals in
accordance with the provisions of Section 5/1.32 of the "Wildlife Code",
as now or hereafter amended.

Section 70. The following named sums, new appropriations, or so
much thereof as may be necessary, respectively, for the objects and
purposes hereinafter named, are appropriated to the Department of Natural
Resources:
Payable from Natural Areas Acquisition Fund:
For the acquisition, preservation and
stewardship of natural areas, including habitats
for endangered and threatened species, high
quality natural communities, wetlands
and other areas with unique or unusual
natural heritage qualities..................                                        $9,500,000

Section 75. The sum of $24,000,000, or so much thereof as may be
necessary, is appropriated from the Open Space Lands Acquisition and
Development Fund to the Department of Natural Resources for expenses
connected with and to make grants to local governments and to distressed
communities as provided in the "Open Space Lands Acquisition and
Development Act".

New matter indicated by italics - deletions by strikeout
Section 80. The sum of $550,000, or so much thereof as may be necessary, is appropriated from the State Pheasant Fund to the Department of Natural Resources for the conservation of pheasants in accordance with the provisions of Section 5/1.31 of the "Wildlife Code", as now or hereafter amended.

FOR ILLINOIS HABITAT FUND PROGRAM

Section 85. The sum of $1,350,000, or so much thereof as may be necessary, is appropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of high quality habitat lands in accordance with the provisions of the "Habitat Endowment Act", as now or hereafter amended.

Section 90. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of a high quality fish and wildlife habitat and to promote the heritage of outdoor sports in Illinois from revenue derived from the sale of Sportsmen Series license plates.

Section 95. The sum of $700,000, or so much thereof as may be necessary, is appropriated to the Department of Natural Resources for expenditure by the Office of Water Resources from the Flood Control Land Lease Fund for disbursement of monies received pursuant to Act of Congress dated September 3, 1954 (68 Statutes 1266, same as appears in Section 701c-3, Title 33, United States Code Annotated), provided such disbursement shall be in compliance with 15 ILCS 515/1 Illinois Compiled Statutes.

Section 100. The following named sums, or so much thereof as may be necessary, respectively, herein made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, are appropriated to the Department of Natural Resources for refunds and the purposes stated:

Payable from Land and Water Recreation Fund:
For Outdoor Recreation Programs.................. $6,200,000

New matter indicated by italics - deletions by strikeout
Section 105. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the Off Highway Vehicle Trails Fund to the Department of Natural Resources for grants to units of local governments, not-for-profit organizations, and other groups to operate, maintain and acquire land for off-highway vehicle trails and parks as provided for in the Recreational Trails of Illinois Act, including administration, enforcement, planning and implementation of this Act.

Section 110. The following named sums, or so much thereof as may be necessary, respectively, herein made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, are appropriated to the Department of Natural Resources for refunds and the purposes stated:

Payable from Federal Title IV Fire Protection Assistance Fund:
For Rural Community Fire Protection Programs........................................ 325,000

Section 115. The sum of $80,000, or so much thereof as may be necessary, is appropriated from the Snowmobile Trail Establishment Fund to the Department of Natural Resources for the administration and payment of grants to nonprofit snowmobile clubs and organizations for construction, maintenance, and rehabilitation of snowmobile trails and areas for the use of snowmobiles.

Section 120. The sum of $625,000, or so much thereof as may be necessary, is appropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for the payment of grants to timber growers for implementation of acceptable forestry management practices as provided in the "Illinois Forestry Development Act" as now or hereafter amended.

Section 125. To the extent Federal Funds including reimbursements are made available for such purposes, the sum of $300,000, is appropriated from the Illinois Forestry Development Fund to
the Department of Natural Resources for Forest Stewardship Technical Assistance.

Section 130. The sum of $160,000, or so much thereof as may be necessary, is appropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the payment of grants for the implementation of the North American Waterfowl Management Plan within the Dominion of Canada or the United States which specifically provides waterfowl to the Mississippi Flyway as provided in the "Wildlife Code", as amended.

Section 135. The sum of $160,000, or so much thereof as may be necessary, is appropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the payment of grants for the development of waterfowl propagation areas within the Dominion of Canada or the United States which specifically provide waterfowl for the Mississippi Flyway as provided in the "Wildlife Code", as amended.

Section 140. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the purpose of attracting waterfowl and improving public migratory waterfowl areas within the State.

Section 145. The sum of $3,000,000, or so much thereof as may be necessary, is appropriated from the Park and Conservation Fund to the Department of Natural Resources for grants to units of local government for the acquisition and development of bike paths.

Section 150. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Park and Conservation Fund to the Department of Natural Resources for land acquisition, development and maintenance of bike paths and all other related expenses connected with the acquisition, development and maintenance of bike paths.

Section 155. The sum of $2,390,000, or so much thereof as may be necessary, is appropriated from the Park and Conservation Fund to the Department of Natural Resources for the development and maintenance, and other related expenses of recreational trails and trail-related projects authorized under the Intermodal Surface Transportation Efficiency Act of
1991, provided such amount shall not exceed funds to be made available for such purposes from state or federal sources.

Section 160. The following named sum, new appropriation, or so much thereof as may be necessary, for the object and purpose hereinafter named, is appropriated to the Department of Natural Resources:
Payable from the Park and Conservation Fund:
For multiple use facilities and programs for park and trail purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies, and all other expenses required to comply with the intent of this appropriation............ 1,000,000

Section 165. The following named sums, new appropriations, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Natural Resources:
Payable from the Adeline Jay Geo-Karis Illinois Beach Marina Fund:
For rehabilitation, reconstruction, repair, replacing, fixed assets, and improvement of facilities at North Point Marina at Winthrop Harbor................................. 375,000

Section 170. The sum of $6,000,000, or so much thereof as may be necessary, is appropriated to the Department of Natural Resources from the Abandoned Mined Lands Reclamation Council Federal Trust Fund for grants and contracts to conduct research, planning and construction to eliminate hazards created by abandoned mines, and any other expenses necessary for emergency response.
Total, Article 480 $65,405,000

ARTICLE 485
DEPARTMENT OF NATURAL RESOURCES

New matter indicated by italics - deletions by strikeout
Section 5. The sum of $3,563,301, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 10 and Article 98, Section 5, of Public Act 94-798, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for the administration and payment of grants to local governmental units for the construction, maintenance, and improvement of boat access areas.

Section 15. The sum of $464,912, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 15, and Article 98, Section 15, of Public Act 94-798, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for the purposes of the Snowmobile Registration and Safety Act and for the administration and payment of grants to local governmental units for the construction, land acquisition, lease, maintenance and improvement of snowmobile trails and access areas.

Section 30. To the extent federal funds including reimbursements are available for such purposes, the sum of $2,080,914, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 20 and Article 98, Section 30 of Public Act 94-798, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for all costs for construction and development of facilities for transient, non-trailerable recreational boats, including grants for such purposes and authorized under the Boating Infrastructure Grant Program.

Section 35. The following named sums, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:

Payable from State Boating Act Fund:
(From Article 97, Section 25, on page 684, line 25, and Article 98, Section 35,

New matter indicated by italics - deletions by strikeout
of Public Act 94-798, as amended)
For multiple use facilities and programs
for boating purposes provided by the
Department of Natural Resources including
construction and development, all costs
for supplies, materials, labor, land
acquisition, services, studies and all
other expenses required to comply with
the intent of this appropriation.............. $4,336,398

Section 45. The following named sums, or so much thereof as may
be necessary, respectively, and as remain unexpended at the close of
business on June 30, 2007, from appropriations heretofore made for such
purposes, are reappropriated to the Department of Natural Resources for
the objects and purposes set forth below:
Payable from the State Parks Fund:
(From Article 97, Section 25 on page 684,
lines 26-32 and page 685, lines 1-2,
and Article 98, Section 45)
For multiple use facilities and programs
for park and trail purposes provided
by the Department of Natural Resources, including
construction and development, all costs
for supplies, materials, labor, land
acquisition, services, studies, and
all other expenses required to comply with
the intent of this appropriation.............. $1,042,489
(From Article 97, Section 25 on page 685,
lines 3-10)
For multiple use facilities and
purposes provided by the
Department of Natural Resources, including
construction and development, all costs
for supplies, materials, labor, land
acquisition, services, studies, and

New matter indicated by italics - deletions by strikeout
Section 48. The sum of $8,327,755, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 98, Section 48 of Public Act 94-798, as amended, is reappropriated from the State Park Fund to the Department of Natural Resources, in coordination with the Capital Development Board, for the development of the World Shooting and Recreation Complex including all construction and debt service expenses required to comply with this appropriation. Provided further, to the extent that revenues are received for such purposes, said revenues must come from non-State sources.

Section 50. The sum of $8,651,843, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 40 and Article 98, Section 50, of Public Act 94-798, as amended, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for wildlife conservation and restoration plans and programs from federal and/or state funds provided for such purposes.

Section 60. To the extent federal funds including reimbursements are available for such purposes, the sum of $527,947, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 35, and Article 98, Section 60, of Public Act 94-798, as amended, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for construction and renovation of waste reception facilities for recreational boaters, including grants for such purposes authorized under the Clean Vessel Act.

Section 70. The sum of $735,997, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 98, Section 70 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Department of Natural Resources for planning, design and
construction of ecosystem rehabilitation, habitat restoration and associated
development in cooperation with the U.S. Army Corps of Engineers.

Section 75. The sum of $3,188,964, or so much thereof as may be
necessary and as remains unexpended at the close of business on June 30,
2007, from a reappropriation heretofore made in Article 98, Section 75 of
Public Act 94-798, is reappropriated from the Capital Development Fund
to the Department of Natural Resources for planning, design and
construction of ecosystem rehabilitation, habitat restoration and associated
development in cooperation with the U.S. Army Corps of Engineers.

Section 80. The sum of $19,096,319, or so much thereof as may be
necessary and remains unexpended at the close of business on June 30,
2007, from a reappropriation heretofore made in Article 98, Section 80, of
Public Act 94-798, as amended, is reappropriated from the Capital
Development Fund to the Department of Natural Resources to acquire,
protect and preserve open space and natural lands.

Section 85. The sum of $2,784,560, or so much thereof as may be
necessary and remains unexpended at the close of business on June 30,
2007, from a reappropriation heretofore made in Article 98, Section 85 of
Public Act 94-798, as amended, is reappropriated from the Capital
Development Fund to the Department of Natural Resources for the non-
federal cost share of a Conservation Reserve Enhancement Program to
establish long-term contracts and permanent conservation easements in the
Illinois River Basin; to fund cost-share assistance to landowners to
encourage approved conservation practices in environmentally sensitive
and highly erodible areas of the Illinois River Basin; and to fund the
monitoring of long term improvements of these conservation practices as
required in the Memorandum of Agreement between the State of Illinois
and the United States Department of Agriculture.

Section 90. The sum of $655,484, or so much thereof as may be
necessary and remains unexpended at the close of business on June 30,
2007, from a reappropriation heretofore made in Article 98, Section 90 of
Public Act 94-798, as amended, is reappropriated from the Capital
Development Fund to the Department of Natural Resources for the non-
federal cost share of a Conservation Reserve Enhancement Program to

New matter indicated by italics - deletions by strikeout
establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost-share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United State Department of Agriculture.

Section 95. The sum of $503,341, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 98, Section 95 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the acquisition of lands, buildings, and structures, including easements and other property interests, located in the 100-year floodplain in counties or portions of counties authorized to prepare stormwater management plans and for removing such buildings and structures and preparing the site for open space use.

Section 100. The sum of $10,249,777, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 98, Section 100 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for water development projects at the approximate cost set forth below:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Union - McHenry County - for flood control and drainage improvement of unnamed Kishwaukee River tributary</td>
<td>200,000</td>
</tr>
<tr>
<td>Flood Hazard Mitigation - For implementation of flood hazard mitigation plans, and acquisition of wetland and tree mitigation sites for state and local joint flood control projects in cooperation with federal agencies, state agencies, and units of local government</td>
<td></td>
</tr>
</tbody>
</table>
in various counties.............................. 3,300,000
Fox Chain of Lakes - Lake and McHenry Counties - For the state cost share in implementation of the comprehensive Dredging and Disposal Plan, including beneficial use of dredge material and island creation, for the Fox River and Chain of Lakes............................. 1,449,777
Fox River Dams - Kane County - For rehabilitation, modification, and reconstruction of Batavia and Yorkville Dams.............................. 2,600,000
Field Service Facility - Sangamon County - For site development and construction of a field survey service building and storage facility.............................. 200,000
East St. Louis & Vicinity Flood Control - Madison and St. Clair Counties - For partial payment of the non-federal cost requirement of an interior flood protection project and ecosystem restoration at East St. Louis and Vicinity area..................... 1,800,000
Prairie/Farmers Creeks - Cook County - For costs associated with the implementation of flood damage reduction measures along Prairie/Farmers Creeks and the Des Plaines River, including for partial payment of the non-federal cost requirements of the U.S. Army Corps of Engineers' Upper Des Plaines River Flood Control Project................................. 600,000
Small Drainage and Flood Control Projects - For implementation of small drainage and flood control improvements in accordance with plans

New matter indicated by italics - deletions by strikeout
developed in cooperation with local governments and school districts, not to exceed $100,000 at any single locality. 

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Addison Creek Watershed - Cook and DuPage Counties</td>
<td>214,727</td>
</tr>
<tr>
<td>Asian Carp Barrier – Cook County</td>
<td>10,000</td>
</tr>
<tr>
<td>Chicago Harbor Leakage Control - Cook County - For</td>
<td>990,416</td>
</tr>
<tr>
<td>implementation of a project to identify, measure, control,</td>
<td></td>
</tr>
<tr>
<td>and eliminate leakage flows through controlling structures</td>
<td></td>
</tr>
<tr>
<td>in cooperation with federal agencies and units of local</td>
<td></td>
</tr>
<tr>
<td>government</td>
<td></td>
</tr>
<tr>
<td>Crisenberry Dam - Jackson County: For complete</td>
<td>422,964</td>
</tr>
<tr>
<td>rehabilitation of the dam and spillway, including the</td>
<td></td>
</tr>
<tr>
<td>required geotechnical investigation, the preparation of</td>
<td></td>
</tr>
<tr>
<td>plans and specifications, and the construction of the</td>
<td></td>
</tr>
<tr>
<td>proposed rehabilitation</td>
<td></td>
</tr>
<tr>
<td>Crystal Creek - Cook County</td>
<td>2,864,324</td>
</tr>
<tr>
<td>East St. Louis and Vicinity Flood Control - Madison and</td>
<td></td>
</tr>
<tr>
<td>St. Clair Counties - For</td>
<td></td>
</tr>
</tbody>
</table>

Total: $10,249,777

FOR WATERWAY IMPROVEMENTS

Section 105. The sum of $17,673,687, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 98, Section 105 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the following projects at the approximate costs set forth below:
partial payment of the non-federal cost
requirements of an interior flood protection project and ecosystem restoration at
East St. Louis and Vicinity area................. 500,000
Flood Mitigation - Disaster
Declaration Areas.................................. 2,101,826
Fox Chain O'Lakes - Lake and McHenry Counties .............................................. 1,420,132
Fox River Dams - Kane, Kendall and McHenry Counties................................. 3,183,101
Granite City - Area Groundwater-Madison County................................. 300,000
Havana Facilities - Mason County.................... 125,212
Hickory Hills - Cook County........................ 158,410
Hickory/Spring Creeks Watershed - Cook and Will Counties......................... 265,816
Indian Creek - Kane County........................ 87,025
Kaskaskia River System - Randolph, Monroe and St. Clair Counties.............. 33,915
Kyte River - Rochelle, Ogle County.............. 1,450,863
Little Calumet Watershed - Cook County.............................. 14,154
Loves Park - Winnebago County..................... 266,589
Lower Des Plaines River Watershed - Cook and Lake Counties...................... 712,127
Metro-East Sanitary District - Madison and St. Clair Counties............... 60,578
North Branch Chicago River Watershed - Cook and Lake Counties................. 25,690
Prairie du Rocher - Randolph County:
For partial payment to implement the federal flood protection project for the Village of Prairie du Rocher in cooperation with local units of

New matter indicated by italics - deletions by strikeout
government........................................ 10,000  
Prairie/Farmers Creek - Cook County.......... 1,800,410  
Rock River Dams - Rock Island and  
Whiteside Counties.............................. 151,081  
Small Drainage and Flood Control  
Projects - Statewide (not to exceed  
$100,000 at any locality)....................... 366,017  
Union - McHenry County........................ 30,000  
Village of Justice - Cook County............... 100,000  
W. B. Stratton (McHenry) Lock  
and Dam - McHenry County......................  8,310  
Total                                         $17,673,687

Section 110. The sum of $81,279, or so much thereof as may be  
necessary and remains unexpended at the close of business on June 30,  
2007, from a reappropriation heretofore made in Article 98, Section 110 of  
Public Act 94-798, as amended, is reappropriated from the Capital  
Development Fund to the Department of Natural Resources for  
expenditure by the Office of Water Resources in cooperation with federal  
agencies, state agencies and units of local government in the  
implementation of flood hazard mitigation plans in counties that received  
a Presidential Disaster Declaration as a result of flooding in calendar years  
1993 and thereafter, in accordance with reports filed under Section 5 of the  
"Flood Control Act of 1945".

Section 115. The sum of $4,475,000, or so much thereof as may be  
necessary, and as remains unexpended at the close of business on June 30,  
2007, from appropriations heretofore made in Article 98, Section 115 of  
Public Act 94-798, as amended, is reappropriated from the Capital  
Development Fund to the Department of Natural Resources for grants to  
public museums for permanent improvements.

Section 120. The sum of $1,573,499, or so much thereof as may be  
necessary, and as remains unexpended at the close of business on June 30,  
2007, from a reappropriation heretofore made in Article 98, Section 120 of  
Public Act 94-798, as amended, is reappropriated from the Capital

New matter indicated by italics - deletions by strikeout
Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

Section 125. The amount of $30,115, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 98, Section 125 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

Section 130. The amount of $2,940,287, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 98, Section 130 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

Section 135. The sum of $206,806, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 60 and Article 98, Section 135, of Public Act 94-798, as amended, is reappropriated to the Department of Natural Resources from the State Furbearer Fund for the conservation of fur bearing mammals in accordance with the provisions of Section 5/1.32 of the "Wildlife Code", as now or hereafter amended.

Section 145. The following named sum, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made for such purposes, is reappropriated to the Department of Natural Resources for the objects and purposes set forth below:

Payable from Natural Areas Acquisition Fund:

(From Article 97, Section 65 and Article 98, Section 145 of Public Act 94-798, as amended)

For the acquisition, preservation and stewardship of natural areas, including habitats for endangered and

New matter indicated by italics - deletions by strikeout
threatened species, high quality natural communities, wetlands and other areas with unique or unusual natural heritage qualities............................ 6,492,787

Section 150. The sum of $90,486,480, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 70 and Article 98, Section 150, of Public Act 94-798, as amended, is reappropriated from the Open Space Lands Acquisition and Development Fund to the Department of Natural Resources for expenses connected with and to make grants to local governments as provided in the "Open Space Lands Acquisition and Development Act".

FOR STATE PHEASANT PROGRAM

Section 160. The sum of $969,734, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 75 and Article 98, Section 160, of Public Act 94-798, as amended, is reappropriated from the State Pheasant Fund to the Department of Natural Resources for the conservation of pheasants in accordance with the provisions of Section 5/1.31 of the "Wildlife Code", as now or hereafter amended.

Section 170. The sum of $2,930,880, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 80 and Article 98, Section 170, of Public Act 94-798, as amended, is reappropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of high quality habitat lands in accordance with the provisions of the "Habitat Endowment Act", as now or hereafter amended.

Section 180. The sum of $861,703, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 85, and Article 98, Section 180, of Public Act 94-798, as amended, is reappropriated from the Illinois Habitat Fund to the Department of Natural

New matter indicated by italics - deletions by strikeout
Resources for the preservation and maintenance of a high quality fish and wildlife habitat and to promote the heritage of outdoor sports in Illinois from revenue derived from the sale of Sportsmen Series license plates.

Section 190. The following named sum, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 95 and Article 98, Section 190, of Public Act 94-798, as amended, made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, is reappropriated to the Department of Natural Resources for refunds and the purposes stated:

Payable from Land and Water Recreation Fund:
For Outdoor Recreation Programs................. 24,941,878

Section 195. The sum of $2,372,178, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 100 and Article 98, Section 195, of Public Act 94-798, as amended, is reappropriated from the Off Highway Vehicle Trails Fund to the Department of Natural Resources for grants to units of local governments, not-for-profit organizations, and other groups to operate, maintain and acquire land for off-highway vehicle trails and parks as provided for in the Recreational Trails of Illinois Act, including administration, enforcement, planning and implementation of this Act.

Section 205. The sum of $1,863,576, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made for such purposes in Article 98, Section 205 of Public Act 94-798, as amended, is reappropriated from the Conservation 2000 Projects Fund to the Department of Natural Resources for the acquisition, planning and development of land and long-term easements, and cost-shared natural resource management practices for ecosystem-based management of Illinois' natural resources, including grants for such purposes.

New matter indicated by italics - deletions by strikeout
Section 210. The sum of $3,959,195, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made for such purposes in Article 98, Section 210 of Public Act 94-798, as amended, is reappropriated from the Conservation 2000 Projects Fund to the Department of Natural Resources for the acquisition, planning and development of land and long-term easements, and cost-shared natural resource management practices for ecosystem-based management of Illinois' natural resources, including grants for such purposes.

Section 215. The following named sum, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 110 and Article 98, Section 215 of Public Act 94-798, as amended, made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, is reappropriated to the Department of Natural Resources for refunds and the purposes stated:

Payable from Federal Title IV Fire Protection Assistance Fund:
For Rural Community Fire Protection Program......................... 695,298

Section 225. The sum of $175,510, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 115 and Article 98, Section 225, of Public Act 94-798, as amended, is reappropriated from the Snowmobile Trail Establishment Fund to the Department of Natural Resources for the administration and payment of grants to nonprofit snowmobile clubs and organizations for construction, maintenance, and rehabilitation of snowmobile trails and areas for the use of snowmobiles.

Section 235. The sum of $1,747,274, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 120 and
Article 98, Section 235, of Public Act 94-798, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for the payment of grants to timber growers for implementation of acceptable forestry management practices as provided in the "Illinois Forestry Development Act" as now or hereafter amended.

Section 245. To the extent Federal Funds including reimbursements are made available for such purposes, the sum of $483,220, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 125, and Article 98, Section 245, of Public Act 94-798, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for Forest Stewardship Technical Assistance.

Section 260. The sum of $2,644,762, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97 Section 140, and Article 98, Section 260, of Public Act 94-798, as amended, is reappropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the purpose of attracting waterfowl and improving public migratory waterfowl areas within the State.

FOR BIKEWAYS PROGRAMS

Section 275. The sum of $10,886 or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 98, Section 275 of Public Act 94-798, as amended, is reappropriated for land acquisition, development and grants, for the following bike paths at the approximate costs set forth below:

<table>
<thead>
<tr>
<th>Bike Path</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Great River Road/Vadalabene Bikeway through Grafton</td>
<td>5,300</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Super Trail between the Quad Cities and Savannah................................................. 0
Illinois Prairie Path in Cook County................................................................. 5,600

Section 280. The sum of $15,609,032, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 145, and Article 98, Section 280, of Public Act 94-798, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for grants to units of local government for the acquisition and development of bike paths.

Section 290. The sum of $56,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 98, Section 290 of Public Act 94-798, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for land acquisition, development, grants and all other related expenses connected with the acquisition and development of bike paths.

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

Section 300. The sum of $686,826, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 98, Section 300 of Public Act 94-798, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for multiple use facilities and programs for conservation purposes provided by the Department of Natural Resources, including repairing, maintaining, reconstructing, rehabilititating, replacing fixed assets, construction and development, marketing and promotions, all costs for supplies, materials, labor, land acquisition and its related costs, services, studies, and all other expenses required to comply with the intent of this appropriation.

Section 305. The sum of $5,379,873, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30,
Section 310. The sum of $1,507,940, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 98, Section 310 of Public Act 94-798, as amended, is reappropriated to the Department of Natural Resources from the Park and Conservation Fund for multiple use facilities and programs for conservation purposes provided by the Department of Natural Resources, including repairing, maintaining, reconstructing, rehabilitating, replacing fixed assets, construction and development, marketing and promotions, all costs for supplies, materials, labor, land acquisition and its related costs, services, studies, and all other expenses required to comply with the intent of this appropriation.

Section 320. The sum of $7,066,627, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 155, and Article 98, Section 320, of Public Act 94-798, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for the development and maintenance of recreational trails and trail-related projects authorized under the Intermodal Surface Transportation Efficiency Act of 1991, provided such amount shall not exceed funds to be made available for such purposes from state or federal sources.

Section 330. The sum of $435,837, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 98, Section 330 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects. The appropriated amount shall be in

New matter indicated by italics - deletions by strikeout
addition to any other appropriated amounts which can be expended for these purposes.

Section 335. The sum of $2,564,367, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 98, Section 335 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants to museums for permanent improvements.

Section 345. The sum of $7,348, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 98, Section 345 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 350. The sum of $54,104, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 98, Section 350 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 375. The amount of $189,520, or so much thereof as may be necessary and remains unexpended on June 30, 2007, from a reappropriation heretofore made for such purposes in Article 98, Section 375 of Public Act 94-798, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the completion of the following projects at the approximate costs set forth below:

Lower Des Plaines River at Tributaries Watershed -
   Cook and DuPage Counties - for
   construction of drainage, flood control,
recreation and related improvements and facilities in the Lower Des Plaines Watershed; and for necessary land acquisition, relocation, and related expenses, all in general conformance with the Lower Des Plaines River and Tributaries Watershed Work plan in cooperation with the U.S. Soil Conservation Service and local governments sponsoring this Federal Flood Control project........................................ 189,520

Section 380. The amount of $32,507, or so much thereof as may be necessary and remains unexpended on June 30, 2007, from appropriations heretofore made for such purposes in Article 98, Section 380 of Public Act 94-798, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the following projects at the approximate costs set forth below:

Indian Creek - Kane County - For implementation of the Indian Creek flood control project in Kane County in cooperation with the City of Aurora ........................................ 18,656

Midlothian Creek - Cook County - Improvement of Midlothian Creek channel to provide flood damage reduction for Fernway Subdivision in cooperation with the Villages of Orland Park and Tinley Park............................. 13,851

Total $32,507

Section 385. The following named sums, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:

Payable from the Illinois Beach Marina Fund:

(From Article 97, Section 160 and Article 98, Section 385,

New matter indicated by italics - deletions by strikeout
of Public Act 94-798, as amended)
For rehabilitation, reconstruction,
repair, replacing, fixed assets,
and improvement of facilities at
North Point Marina at Winthrop
Harbor........................................ 1,206,770

Section 395. The sum of $18,050,982, or so much thereof as may
be necessary and as remains unexpended at the close of business on June
30, 2007, from appropriations heretofore made in Article 97, Section 165,
and Article 98, Section 395, of Public Act 94-798, as amended, is
reappropriated to the Department of Natural Resources from the
Abandoned Mined Lands Reclamation Council Federal Trust Fund for
grants and contracts to conduct research, planning and construction to
eliminate hazards created by abandoned mines, and any other expenses
necessary for emergency response.

Section 405. The sum of $4,535,000, or so much thereof as may be
necessary and remains unexpended at the close of business on June 30,
2007, from a reappropriation heretofore made in Article 98, Section 405 of
Public Act 94-798, as amended, is reappropriated from the Capital
Development Fund to the Department of Natural Resources to acquire,
protect and preserve open space and natural lands.

Section 410. The sum of $14,947,431 or so much thereof as may
be necessary and remains unexpended at the close of business on June 30,
2007, from a reappropriation heretofore made in Article 97, Section 170 of
Public Act 94-798, as amended, is reappropriated from the Wildlife and
Fish Fund to the Department of Natural Resources for the acquisition,
engineering and rehabilitation of dedicated hunting and fishing lands in
conjunction with the Illinois Hunting Heritage Protection Act; however, no
more than $1,500,000 of the total appropriation may be used for
engineering and rehabilitation.

Section 415. The sum of $20,000,000, or so much thereof as may
be necessary and remains unexpended at the close of business on June 30,
2007, from an appropriation heretofore made for such purpose in Article
98, Section 415 of Public Act 94-798, is reappropriated from the Capital

New matter indicated by italics - deletions by strikeout
Development Fund to the Department of Natural Resources for water resource management projects as authorized by subsection (g) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 420. The sum of $15,253,790, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 98, Section 420 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Department of Natural Resources for grants to local governments for the acquisition, financing, architectural planning, development, alteration, installation, and construction of capital facilities consisting of buildings, structures, durable equipment, and land as authorized by subsection (l) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 425. The sum of $25,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 98, Section 425 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Department of Natural Resources for the Illinois Open Land Trust Program as defined by the Illinois Open Land Trust Act as authorized by subsection (m) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 430. No contract shall be entered into or obligation incurred or any expenditure made from a reappropriation herein made in Sections:
70 through 130,
190, 205, 210,
270 through 380,
405, 410, 415, 420 and 425
until after the purpose and amount of such expenditure has been approved in writing by the Governor.

Total, Article 485  $367,160,689

ARTICLE 490
DEPARTMENT OF MILITARY AFFAIRS

New matter indicated by italics - deletions by strikeout
Section 5. The sum of $238,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 99, Section 5 of Public Act 94-0798, is reappropriated from the Illinois National Guard Armory Construction Fund to the Department of Military Affairs for land acquisition and construction of parking facilities at armories.

Total, Article 490 $238,800

ARTICLE 495
DEPARTMENT OF STATE POLICE
Section 10. The sum of $13,990,231, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purposes in Article 100, Section 10 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Department of State Police for the cost associated with a statewide voice communication system.

Section 15. No contract shall be entered into or obligation incurred for any expenditures from appropriations in Section 10 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Total, Article 495 $13,990,231

ARTICLE 500
DEPARTMENT OF TRANSPORTATION
Section 5. The sum of $4,600,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for Permanent Improvements to Illinois Department of Transportation facilities, including but not limited to the purchase of land, construction, repair, alterations and improvements to maintenance and traffic facilities, district and central headquarters facilities, storage facilities, grounds, parking areas and facilities, fencing and underground drainage, including plans, specifications, utilities and fixed equipment installed and all costs and charges incident to the completion thereof at various locations.

New matter indicated by italics - deletions by strikeout
Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For costs associated with the identification and disposal of hazardous materials at storage facilities............. 1,158,600
For Maintenance, Traffic and Physical Research Purposes (A)......................... 28,129,100
For repair of damages by motorists to highway guardrails, fencing, lighting units, bridges, underpasses, signs, traffic signals, crash attenuators, landscaping, roadside shelters, rest areas, fringe parking facilities, sanitary facilities, maintenance facilities including salt storage buildings, vehicle weight enforcement facilities including scale houses, and other highway appurtenances, provided such amount shall not exceed funds to be made available from collections from claims filed by the Department to recover the costs of such damages............ 5,500,000
For Maintenance, Traffic and Physical Research Purposes (B)......................... 13,150,000
Total $47,937,700

Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For apportionment to counties for construction of township bridges 20 feet or more in length as provided in Section 6-901 through 6-906 of the "Illinois Highway Code"......................... 15,000,000

New matter indicated by italics - deletions by strikeout
For apportionment to needy Townships and Road Districts, as determined by the Department in consultation with the County Superintendents of Highways, Township Highway Commissioners, or Road District Highway Commissioners........................ 10,014,300
For apportionment to high-growth cities over 5,000 in population, as determined by the Department in consultation with the Illinois Municipal League................................. 4,000,000
For apportionment to counties under 1,000,000 in population, $8,000,000 of the total apportioned in equal amounts to each eligible county, and $13,800,000 apportioned to each eligible county in proportion to the amount of motor vehicle license fees received from the residents of eligible counties................................. 21,800,000
Total .................................................................................................................. 21,800,000

Section 20. The sum of $358,185,700, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance

New matter indicated by italics - deletions by strikeout
Section 20a. The sum of $550,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state and local roads and bridges, fringe parking facilities and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control and preservation of natural beauty, in accordance with applicable laws and regulations for the local portion of the Road Improvement Program as approximated below:

<table>
<thead>
<tr>
<th>District</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>District 1, Schaumburg</td>
<td>3,636,000</td>
</tr>
<tr>
<td>District 2, Dixon</td>
<td>2,460,000</td>
</tr>
<tr>
<td>District 3, Ottawa</td>
<td>3,350,000</td>
</tr>
<tr>
<td>District 4, Peoria</td>
<td>2,561,000</td>
</tr>
<tr>
<td>District 5, Paris</td>
<td>1,273,000</td>
</tr>
<tr>
<td>District 6, Springfield</td>
<td>1,677,000</td>
</tr>
<tr>
<td>District 7, Effingham</td>
<td>2,302,000</td>
</tr>
<tr>
<td>District 8, Collinsville</td>
<td>3,174,000</td>
</tr>
<tr>
<td>District 9, Carbondale</td>
<td>1,983,000</td>
</tr>
<tr>
<td>Statewide (including refunds)</td>
<td>191,940,700</td>
</tr>
<tr>
<td>Engineering</td>
<td>143,829,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Section 25. The sum of $916,000,000, or so much thereof as may be necessary, is appropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of State highways, arterial highways, roads, access areas, roadside shelters, rest areas fringe parking facilities and sanitary facilities and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations for the road improvement program as approximated below:

District 1, Schaumburg........ 378,701,000
District 2, Dixon............. 70,362,000
District 3, Ottawa............ 95,851,000
District 4, Peoria............. 73,285,000
District 5, Paris.............. 36,423,000
District 6, Springfield....... 48,001,000
District 7, Effingham........ 65,842,000
District 8, Collinsville..... 90,807,000
District 9, Carbondale....... 56,728,000
Statewide (including refunds)....... 0
Engineering.......................... 0

Section 30. The sum of $28,750,000, or so much thereof as may be necessary, is appropriated from the Grade Crossing Protection Fund to the Department of Transportation for the installation of grade crossing protection or grade separations at places where a public highway crosses a railroad at grade, as ordered by the Illinois Commerce Commission, as provided by law.

Section 35. The sum of $137,000,000 or so much thereof as may be necessary, is appropriated from the Federal/Local Airport Fund to the
Department of Transportation for funding the local or federal share of airport improvement projects, including reimbursements and/or refunds, undertaken pursuant to pertinent state or federal laws, provided such amounts shall not exceed funds available from federal and/or local sources.

Section 40. The sum of $25,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for grants, road construction and all other costs relating to the Chicago Region Environmental and Transportation Efficiency (CREATE) program, provided such amounts not exceed funds made available by the federal government for this program.

Section 50. The sum of $16,000,000, or so much thereof as may be necessary, is appropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for the federal share of capital, operating, consultant services, and technical assistance grants, as well as state administration and interagency agreements, provided such amounts shall not exceed funds to be made available from the Federal Government.

Section 55. The sum of $2,700,000, or so much thereof as may be necessary, is appropriated from the State Rail Freight Loan Repayment Fund for funding the State Rail Freight Loan Repayment Program created by Section 49.25g-1 of the Civil Administrative Code of Illinois.

Section 60. The sum of $1,045,000, or so much thereof as may be necessary, is appropriated from the Rail Freight Loan Repayment Fund to the Department of Transportation for the Rail Freight Service Assistance Program, created by Section 49.25a through 49.25g-1 of the Civil Administrative Code of Illinois.

Section 65. No contract shall be entered into or obligation incurred or any expenditure made from an appropriation herein made in this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

Total, Article 500 $2,138,032,700
ARTICLE 505
DEPARTMENT OF TRANSPORTATION
PERMANENT IMPROVEMENTS

Section 5. The sum of $27,082,400, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation concerning Permanent Improvements heretofore made in Article 101, Section 5 and Article 102, Section 5 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

CONSTRUCTION

Section 10. The sum of $21,465,072, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriations heretofore made in Article 102, Section 20 and Section 25 of Public Act 94-0798, as amended, for Engineering and Consultant Contracts only, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 15. The sum of $13,849,710, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 30 of Public Act 94-0798, as amended, for Engineering and Consultant Contracts only, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 20. The sum of $67,964,891, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 35 of Public Act 94-0798, as amended, for Engineering and Consultant Contracts only, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 25. The sum of $8,206,264, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation concerning hazardous materials made in Article 101, Section 10 and Article 102, Section 40 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

New matter indicated by italics - deletions by strikeout
Section 30. The sum of $31,027,324, or so much thereof as may be necessary, and remains unexpended, less $2,000,000 to be lapsed from the unexpended balance, at the close of business on June 30, 2007, from the appropriation and reappropriation made for Formal Contracts in the line item, “For Maintenance, Traffic and Physical Research Purposes (A)” for the Central Offices, Division of Highways, in Article 101, Section 10 and Article 102, Section 45 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 35. The sum of $8,946,943, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation concerning Highway Damage Claims heretofore made in Article 101, Section 10 and Article 102, Section 50 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 40. The sum of $24,456,199, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 55 of Public Act 94-0798, as amended, for Engineering and Consultant Contracts only, is reappropriated from the State Construction Fund to the Department of Transportation for the same purposes.

Section 45. The sum of $31,130,154, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 60 of Public Act 94-0798, as amended, for Engineering and Consultant Contracts only, is reappropriated from the State Construction Fund to the Department of Transportation for the same purposes.

HIGHWAY CONSTRUCTION AND LAND ACQUISITION AWARDS AND GRANTS

Section 50. The sum of $19,605,291, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made for township bridges in Article 101, Section 15 and Article 102, Section 65 of

New matter indicated by italics - deletions by strikeout
Public Act 94-0798, as amended, is reappropriated from the Road Fund to
the Department of Transportation for the same purposes.

CONSTRUCTION

Section 55. The sum of $80,732,469, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2007, from the reappropriation heretofore made in Article 102, Section 70
of Public Act 94-0798, as amended, is reappropriated from the Road Fund
to the Department of Transportation for the same purposes.

Section 60. The sum of $700,458, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2007, from the reappropriation heretofore made in Article 102, Section 75
of Public Act 94-0798, is reappropriated from the Road Fund to the
Department of Transportation for the same purposes.

Section 65. The sum of $63,218,108, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2007, from the reappropriation heretofore made in Article 102, Section 80
of Public Act 94-0798, as amended, is reappropriated from the Road Fund
to the Department of Transportation for the same purposes.

Section 70. The sum of $43,499,157, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2007, from the reappropriation heretofore made in Article 102, Section 85
of Public Act 94-0798, as amended, is reappropriated from the Road Fund
to the Department of Transportation for the same purposes.

Section 75. The sum of $97,017,919, or so much thereof as may be
necessary, and remains unexpended at the close of business on June 30,
2007, from the reappropriation heretofore made in Article 102, Section 90
of Public Act 94-0798, as amended, is reappropriated from the Road Fund
to the Department of Transportation for preliminary engineering and
construction engineering and contract costs of construction, including
reconstruction, extension and improvement of state highways, arterial
highways, roads, access areas, roadside shelters, rest areas, fringe parking
facilities and sanitary facilities, and such other purposes as provided by the
“Illinois Highway Code”; for purposes allowed or required by Title 23 of
the U.S. Code; for bikeways as provided by Public Act 78-850; for land

New matter indicated by italics - deletions by strikeout
acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations.

Section 80. The sum of $83,872,425, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 95 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations.

Section 85. The sum of $178,854,663, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriations heretofore made in Article 102, Section 100 and Section 115 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty;

New matter indicated by italics - deletions by strikeout
and for capital improvements which directly facilitate an effective vehicle weight enforcement program; such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations.

Section 90. The following named sums or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007 from the reappropriations heretofore made in Article 102, Section 105 of Public Act 94-0798, as amended, are reappropriated to the Department of Transportation from the Road Fund for the FY04 federal earmarks provided in Conference Report 108-401 which accompanies Public Law 108-199. Expenditures shall not exceed funds to be made available by the federal government.

BRIDGE DISCRETIONARY
North Avenue Bridge, Chicago................................. 3,768,518
National Corridor Planning & Development
City of Forsyth Frontage Road............................... 11,917

FERRY BOATS/TERMINAL FACILITIES
Canal Corridor Association-Port of LaSalle Project................................. 400,000

TRANSPORTATION & COMMUNITY & SYSTEM PRESERVATION
Homewood, Illinois railroad station/
platform acquisition and improvement................. 191,311
Village of Glencoe, Green Bay
Trail – North Branch Trail Connection.............. 127,454

SECTION 115 MEMBER INITIATIVES
168th and State Streets Intersection
Improvements.................................................. 200,000
Annie Glidden Road, DeKalb............................ 227,602
Convocation Center Roadway......................... 497,696
Grand Avenue Railroad relocation....................... 443,709
Great River Road in Mercer County.................... 31,679
Illinois Route 38 at Union Pacific
Railroad Grade Separation............................... 250,000
ITS – I-74 in Peoria....................................... 750,000

New matter indicated by italics - deletions by strikeout
Kaskaskia Regional Port District, access roads... 18,449
Long Meadow Parkway Fox River Bridge Crossing, Bolz Road... 2,820,000
Milwaukee Avenue Rehabilitation... 200,000
Rock Island County, Illinois Milan Beltway Construction... 500,000
Sauk Trail Reconstruction Improvements, Park Forest... 330,000
Sauk Village Industrial Park Access Road... 600,000
Sheridan Road, Evanston... 800,000
St. Charles, Illinois, Fox River Crossing at Red Gate Corridor... 1,098,092
US 51, Christian/Shelby Counties... 1,631,424
West Grand Avenue. (from North Western to N. California Ave.)... 800,000
Widen Route 47 from Kreutzer Road to Reed Road, Huntley... 1,000,000
Total $16,697,851

Section 95. The following named sums or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from the reappropriations heretofore made in Article 102, Section 110 of Public Act 94-0798, as amended, are reappropriated to the Department of Transportation from the Road Fund for the FY05 federal earmarks provided in Conference Report 108-792 which accompanies Public Law 108-447. Expenditures shall not exceed funds to be made available by the federal government.

BRIDGE DISCRETIONARY
North-South Wacker Drive Reconstruction in Chicago... 1,916,666

INTERSTATE MAINTENANCE DISCRETIONARY
I-55 South Barrier, Darien Illinois... 1,400,000

SECTION 117 MEMBER INITIATIVES
171st Street reconstruction, East Hazel Crest... 400,000
67th Street Pedestrian Underpass, Chicago

New matter indicated by italics - deletions by strikeout
Lakefront................................. 400,000
Camp Street upgrades, East Peoria.......... 2,000,000
Cermak and Kenton Avenues............... 1,000,000
Cicero Avenue lighting in University Park... 200,000
Des Plaines, Illinois alley, sidewalk
   improvements............................ 973,930
Fulton County Highway 6.................... 837,590
I-290 Cap, Oak Park........................ 1,000,000
KBS Railroad Hazard Elimination, Kankakee
   County.................................. 300,000
MacArthur Boulevard Extension, Springfield.. 500,000
McHenry County / Crystal Lake Road....... 1,000,000
Milwaukee Avenue, Grand to Gale, Chicago... 1,250,000
Route 178 relocation, Phase II Engineering... 876,685
Sheridan Road Improvements, Evanston....... 500,000
Sidewalks near Ford Heights................ 200,000
Street improvements and streetlights, Lynnwood.... 150,000
Street improvements, Bartonville............ 500,000
Street improvements, Village of Armington... 495,787
Streetlights and salt dome for Markham........ 300,000
U.S. 41/I-176 Interchange improvements
   Phase I study............................ 800,000
Winfield Pedestrian Tunnel.................. 1,000,000
Total.................................... $18,000,658

Section 100. The sum of $308,108,920, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriations heretofore made in Article 102, Section 120 of Public Act 94-0798, as amended, are reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of

New matter indicated by italics - deletions by strikeout
the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations.

Section 105. The sum of $60,094,283, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 120 of Public Act 94-0798, as amended, are reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations, including refunds.

Section 110. The sum of $915,939,493, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation heretofore made in Article 101, Section 20 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations, including refunds.

New matter indicated by italics - deletions by strikeout
acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations for the state portion of the Road Improvement Program, including refunds.

Section 115. The sum of $519,808,743, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation heretofore made in Article 101, Section 20a of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state and local roads and bridges, fringe parking facilities and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control and preservation of natural beauty, in accordance with applicable laws and regulations for the local portion of the Road Improvement Program, including refunds.

Section 120. The sum of $2,711,248, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made in Article 101, Section 30 and Article 102, Section 125 of Public Act 94-0798, is reappropriated from the Road Fund to the Department of Transportation for Pavement Preservation Programs.

Section 125. The sum of $304,509,149, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation heretofore made in Article 101, Section 25 of Public Act 94-0798, is reappropriated from the Road Fund to the Department of Transportation for High Priority Projects (HPP) and Transportation Improvement Projects (TI) pertaining to local governments as designated in Public Law 109-59, Title I, Subtitle G, Section 1702 and Subtitle I, Section 1934 of the federal reauthorization act entitled SAFETEA-LU; provided such amounts do not exceed funds made

New matter indicated by italics - deletions by strikeout
available by the federal government through Congressional designations, annual allocations, obligation limitations, or any other federal limitations. Specific project approximations appear in Article 101, Section 25 of Public Act 94-0798.

Section 125a. The sum of $76,235,151, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation heretofore made in Article 101, Section 25a of Public Act 94-0798, is reappropriated from the Road Fund to the Department of Transportation for the local match of all other non-federally reimbursed expenses associated with the High Priority Projects (HPP) and Transportation Improvement Projects (TI) specifically identified in Article 101, Section 25 of Public Act 94-0798, provided that such amounts do not exceed funds made available and paid into the Road Fund by local governments.

Section 130. The sum of $64,025, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 130 of Public Act 94-0798, as amended, is reappropriated from the Capital Development Fund to the Department of Transportation for use as matching funds for the Illinois Transportation Enhancement program for the Historic Preservation Agency.

Section 135. The sum of $35,687,484, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriations heretofore made in Article 102, Section 140, Section 145, Section 150, and Section 155 of Public Act 94-0798, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 140. The sum of $29,998,619, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 160 of Public Act 94-0798, as amended, are reappropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state.
highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations.

Section 145. The sum of $107,768,978, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriations heretofore made in Article 102, Section 165 and Section 170 of Public Act 94-0798, as amended, are reappropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations.

Section 150. The sum of $255,842,843, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriations heretofore made in Article 102, Section 175 of Public Act 94-0798, as amended, are reappropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state

New matter indicated by italics - deletions by strikeout
highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations.

Section 155. The sum of $235,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation herefore made in Article 101, Section 55 of Public Act 94-0798, as amended, are reappropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations.

BOND FUND CONSTRUCTION

Section 160. The sum of $49,832,246, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from the reappropriations herefore made in Article 102, Section 180, Section 185, and Section 190 of Public Act 94-0798, for statewide

New matter indicated by italics - deletions by strikeout
purposes, is reappropriated from the Transportation Bond Series A Fund to
the Department of Transportation for the same purposes.

Section 162. The sum of $100,000,000, or so much thereof as may
be necessary, and remains unexpended at the close of business on June 30,
2007, from the reappropriation heretofore made in Article 102, Section
195 of Public Act 94-0798, as amended, for statewide purposes, is
reappropriated from the Transportation Bond Series A Fund to the
Department of Transportation for the same purposes.

GRADE CROSSING PROTECTION

CONSTRUCTION

Section 165. The sum of $87,041,538, or so much thereof as may
be necessary, and remains unexpended at the close of business on June 30,
2007, from the appropriation and reappropriation heretofore made for
grade crossing protection or grade separation in Article 101, Section 35
and Article 102, Section 200 of Public Act 94-0798, as amended, is
reappropriated from the Grade Crossing Protection Fund to the
Department of Transportation for the same purpose.

DIVISION OF AERONAUTICS

AWARDS AND GRANTS

Section 170. The sum of $379,947,867, or so much thereof as may
be necessary, and remains unexpended at the close of business on June 30,
2007, from the appropriation and reappropriation heretofore made in
Article 101, Section 40 and Article 102, Section 205 of Public Act 94-
0798, as amended, is reappropriated from the Federal/Local Airport Fund
to the Department of Transportation for funding the local or federal share
of airport improvement projects, including reimbursements and/or refunds,
undertaken pursuant to pertinent state or federal laws, provided such
amounts shall not exceed funds available from federal and/or local
sources.

Section 175. The sum of $23,704,028, or so much thereof as may
be necessary, and remains unexpended at the close of business on June 30,
2007, from the reappropriation concerning airport improvements
heretofore made in Article 102, Section 210 of Public Act 94-0798, as

New matter indicated by italics - deletions by strikeout
amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 177. The sum of $2,200,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation concerning airport improvements heretofore made in Article 101, Section 70 of Public Act 94-0798, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

CONSTRUCTION

Section 180. The sum of $21,137,268, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 215 of Public Act 94-0798, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

DIVISION OF PUBLIC AND INTERMODAL TRANSPORTATION

AWARDS AND GRANTS

Section 185. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriations heretofore made in Article 102, Section 220 of Public Act 94-0798, as amended, are reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes as follows:

Pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended........ 72,125
For the counties of Cook, DuPage, Kane, Lake, McHenry and Will, pursuant to Section 4(b)(2) of the General Obligation Bond Act, as amended------------------------------- 1,064,961
For the counties of the State outside the counties of Cook, DuPage, Kane, Lake, McHenry and Will, pursuant to Section 4(b)(3) of the General Obligation Bond Act, as amended------------------------------- 1,500,000

New matter indicated by italics - deletions by strikeout
Section 190. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriations heretofore made in Article 102, Section 225 of Public Act 94-0798, as amended, are reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes as follows:

Pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended.......................... 73,531,186
For the counties of the State outside the counties of Cook, DuPage, Kane, McHenry, and Will, pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended.............. 4,377,984
For the Department of Transportation's Greenlight Program pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended........... 16,729,065
To extend the metrolink rail line to Mid-America Airport.................. 5,000,002
Total $99,638,237

Section 195. The sum of $108,586,626, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 230 of Public Act 94-0798, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for construction costs, making grants and providing project assistance to municipalities, special transportation districts, private non-profit carriers, mass transportation carriers and the Intercity rail program for the acquisition, construction, extension, reconstruction, and improvement of

New matter indicated by italics - deletions by strikeout
mass transportation facilities, including rapid transit, intercity rail, bus and other equipment used in connection therewith, as provided by law, pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended.

Section 200. The sum of $43,759,496, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made in Article 101, Section 50 and Article 102, Section 235 of Public Act 94-0798, as amended, is reappropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for the federal share of capital, operating, consultant services, and technical assistance grants, as well as state administration and interagency agreements, provided such amounts shall not exceed funds to be made available from the Federal Government.

CONSTRUCTION

Section 205. The sum of $55,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation heretofore made in Article 101, Section 65 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for grants, road construction and all other costs relating to the Chicago Region Environmental and Transportation Efficiency (CREATE) program, provided such amounts not exceed funds made available by the federal government for this program.

RAIL PASSENGER AND RAIL FREIGHT
AWARDS AND GRANTS

Section 210. The sum of $13,956,386, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made in Article 101, Section 45 and Article 102, Section 240 of Public Act 94-0798, as amended, is reappropriated from the State Rail Freight Loan Repayment Fund to the Department of Transportation for the same purposes.

Section 215. The sum of $17,840,405, or so much thereof as may be necessary, and remains unexpended, less $7,840,405 to be lapsed from the unexpended balance, at the close of business on June 30, 2007, from
the reappropriation heretofore made in Article 102, Section 245 of Public Act 94-0798, as amended, is reappropriated from the Federal High Speed Rail Trust Fund to the Department of Transportation for the federal share of the High Speed Rail Project.

Section 220. The sum of $31,442,302, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 250 of Public Act 94-0798, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 225. The sum of $4,066,055, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriations concerning the federal share of the Rail Freight Loan Repayment Program heretofore made in Article 101, Section 60 and Article 102, Section 255 of Public Act 94-0798, as amended, is reappropriated from the Rail Freight Loan Repayment Fund to the Department of Transportation for the same purposes.

Section 230. No contract shall be entered into or obligation incurred or any expenditure made from a reappropriation herein made in:

Section 5  Permanent Improvements
Section 130  CDB – Enhancement
Section 160  Series A - Road Program
Section 162  Series A - Road Program
Section 175  Series B - Aeronautics
Section 177  Series B - Aeronautics
Section 180  Series B - Land Acquisition 3rd Airport
Section 185  Series B - Transit
Section 190  Series B - Transit
Section 195  Series B - Transit
Section 210  State Rail Freight Loan Repayment
Section 215  FHSRTF High Speed Rail-Federal
Section 220  Series B - Rail
Section 225  Federal Rail Freight Loan Repayment

New matter indicated by italics - deletions by strikeout
of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

Total, Article 505 $4,717,574,041

ARTICLE 510
CAPITAL DEVELOPMENT BOARD
Section 5. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 5 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Agriculture for the projects hereinafter enumerated:

ILLINOIS STATE FAIRGROUNDS - DUQUOIN
(From Article 104, Section 5 of Public Act 94-798)
For completing the upgrade of the electrical distribution system, in addition to funds previously appropriated.......................... 100,759
For constructing a multi-purpose building........................................... 61,710

Total $309,763

Section 20. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 20 of Public Act 94-798, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

SPRINGFIELD - SUPREME COURT BUILDING
(From Article 104, Section 20 of Public Act 94-798)
For replacing the roofing system, in addition

New matter indicated by italics - deletions by strikeout
to funds previously appropriated.................. 8,895
For replacing the roof............................ 23,575
For renovating the HVAC system on the 3rd Floor................................. 140,000
For installing humidifier and water filtration systems.......................... 1,527,950

APPELLATE COURT SECOND DISTRICT - ELGIN
For miscellaneous improvements.......................... 60,520
Total $1,760,940

Section 30. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 30 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

SUPREME COURT BUILDING - SPRINGFIELD
(From Article 104, Section 30 of Public Act 94-798)
For renovating the Library and completing HVAC, in addition to funds previously appropriated.......................... 235,000

Section 35. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 35 of Public Act 94-798, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Office of the Architect of the Capitol for the projects hereinafter enumerated:

CAPITOL BUILDING - SPRINGFIELD
(From Article 104, Section 35 of Public Act 94-798)
For equipment, remodeling and all other costs related to the maintenance, renovation or restoration of areas located in the Capitol Building.......................... 1,275,971
For all costs related to asbestos and

New matter indicated by italics - deletions by strikeout
environmental abatement in the
Capitol Building............................... 3,446,496
Total $4,722,467

Section 40. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made in Article 104, Section 40, of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

CAPITOL BUILDING - SPRINGFIELD
(From Article 104, Section 40 of Public Act 94-798)
For planning and design, providing a study, historical analysis, asbestos abatement and all other costs associated with the upgrade of the HVAC system in the Capitol building............................... 304,891
For all costs related to the planning and design of life safety and fire protection system improvements, hazardous material abatement, historical restoration and construction in the Capitol Building........ 775,024
For upgrading the HVAC systems, in addition to funds previously appropriated.................................. 170,111

CAPITOL COMPLEX - SPRINGFIELD
For completing the stone restoration, in addition to funds previously appropriated........ 911,509
For demolition of 222 S. College, and landscaping of Capitol Complex in addition to funds previously appropriated........................................ 1,200,000
For demolition of 222 South College Building and landscaping of Capitol Complex................................. 1,393,718

New matter indicated by italics - deletions by strikeout
DRIVER'S FACILITY WEST - CHICAGO
For renovating the building........................                     767,789

MOTOR VEHICLE SERVICES FACILITY - SPRINGFIELD
For upgrading the fire alarm and
security systems.................................................          97,072

STATE POWER PLANT - SPRINGFIELD
For installing new water service and
repairing power plant systems..............................       45,262

WILLIAM G. STRATTON BUILDING - SPRINGFIELD
For the planning, design, reconstruction,
and construction to renovate or replace
the Stratton Office Building, in addition
to funds previously appropriated......................        11,582,631
          Total                                               $17,248,007

Section 45. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2007, from reappropriations heretofore made in Article 104, Section
45 of Public Act 94-798, are reappropriated from the Build Illinois Bond
Fund to the Capital Development Board for the Office of the Secretary of
State for the projects hereinafter enumerated:

CAPITOL COMPLEX – SPRINGFIELD
(From Article 104, Section 45 of Public Act 94-798)
For upgrading fire alarm systems in
two buildings.......................................................         17,992
          Total                                               $17,992

Section 50. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2007, from appropriations and reappropriations heretofore made for
such purposes in Article 103, Section 15, and Article 104, Section 50 of
Public Act 94-798, are reappropriated from the Capital Development Fund
to the Capital Development Board for the Department of Central
Management Services for the projects hereinafter enumerated:

STATEWIDE
(From Article 103, Section 15 of Public Act 94-798)

New matter indicated by italics - deletions by strikeout
For renovating state owned property................................. 2,000,000
(From Article 104, Section 50 of Public Act 94-798)
For upgrading the building security system at the James R. Thompson Center and the State of Illinois building in addition to funds previously appropriated.......................... 655,000
OFFICE AND LAB BUILDING, CHICAGO MEDICAL CENTER
(From Article 104, Section 50 of Public Act 94-798)
For planning and beginning the renovation of the facility................................. 1,382,780
DIXON STATE GARAGE - LEE COUNTY
For upgrading the lighting and replacing the roof................................. 198,674
JAMES R. THOMPSON CENTER - CHICAGO
For installing an emergency generator......................... 3,545,000
For rehabilitating exterior columns, in addition to funds previously appropriated...... 1,000,000
For upgrading mechanical systems, in addition to funds previously appropriated........ 649,828
MEDICAL CENTER (DCFS DISTRICT OFFICE) - CHICAGO
For replacing roof and upgrading mechanical and electrical systems.................... 321,956
ROCKFORD REGIONAL OFFICE BUILDING
For replacing Halon and upgrading the air conditioning................................. 296,518
ILLINOIS CENTER FOR REHABILITATION AND EDUCATION (WOOD) - CHICAGO
For upgrading fire and safety systems.......................... 105,135
SPRINGFIELD - RESEARCH AND COLLECTION CENTER
For expanding surplus warehouse................................. 415,972
SPRINGFIELD - COMPUTER FACILITY
For upgrading the computer room and the

New matter indicated by italics - deletions by strikeout
electrical system................................................. 300,981
Total .............................................................. $10,871,844

Section 60. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made in Article 104, Section 60, of Public Act 94-798, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION
(ROOSEVELT) – CHICAGO
(From Article 104, Section 60 of Public Act 94-798)
For upgrading the kitchen and plumbing............. 185,838

JAMES R. THOMPSON CENTER - CHICAGO
For rehabilitating exterior columns, in addition to funds previously appropriated....... 48,157
Total ........................................................................ $233,995

Section 65. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 65 Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

BABE WOODYARD STATE NATURAL AREA - VERMILION COUNTY
(From Article 104, Section 65 of Public Act 94-798)
For developing the site and associated land acquisition................................................. 244,751

BEAVER DAM STATE PARK - MACOUPIN COUNTY
For replacing the sewage system......................... 30,008

CARLYLE LAKE STATE PARKS
For road and site improvements at Carlyle Lake......................... 1,477,424
For infrastructure and site improvements at Carlyle Lake......................... 765,485

New matter indicated by italics - deletions by strikeout
EAGLE CREEK STATE PARK - SHELBY COUNTY
For constructing lake access boat docks at resort................................. 248,793

FERNE CLYFFE STATE PARK - JOHNSON COUNTY
For replacing the campground sewage treatment system......................... 367,254

FOX RIDGE STATE PARK - COLES COUNTY
For replacing spillway............................... 84,174

GOOSE LAKE PRAIRIE NATURAL AREA - GRUNDY COUNTY
For replacing floating boardwalk...................... 24,604

HENNEPIN CANAL PARKWAY STATE PARK AND ACCESS AREA
For rehabilitating/repairing railroad bridges, in addition to funds previously appropriated.......................... 853,786

HORSESHOE LAKE CONSERVATION AREA - ALEXANDER COUNTY
For dam rehabilitation and the State's share to implement the ecological restoration plan in cooperation with the U.S. Army Corps of Engineers, and land acquisition................................. 842,605

I & M Canal - CHANNAHON STATE PARK - WILL COUNTY
For improving DuPage River Spillway.................... 79,315

ILLINOIS BEACH STATE PARK - LAKE COUNTY
For replacing sanitary sewer line......................... 79,748
For replacing sanitary sewer lines..................... 362,372

RED HILLS STATE PARK - LAWRENCE COUNTY
For miscellaneous improvements.......................... 44,740

RESEARCH & COLLECTIONS CENTER - SPRINGFIELD
For renovating the interior............................... 57,365

ROCK CUT STATE PARK - WINNEBAGO COUNTY
For upgrading the sewage system......................... 1,616,785

SILOAM SPRINGS STATE PARK - ADAMS COUNTY
For rehabilitating office/service

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Project Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>WORLD SHOOTING COMPLEX – SPARTA</td>
<td>284,080</td>
</tr>
<tr>
<td>For construction of the World Shooting Complex in Sparta</td>
<td></td>
</tr>
<tr>
<td>SPRINGFIELD</td>
<td>166,763</td>
</tr>
<tr>
<td>For constructing an office building and interpretive center</td>
<td></td>
</tr>
<tr>
<td>WHITE PINES FOREST STATE PARK - OGLE COUNTY</td>
<td>15,982</td>
</tr>
<tr>
<td>For completing the replacement of the sewer system, in addition to funds previously appropriated</td>
<td></td>
</tr>
<tr>
<td>For planning and beginning sewer system replacement</td>
<td>44,503</td>
</tr>
<tr>
<td>WHITE PINES FOREST STATE PARK - OGLE COUNTY</td>
<td></td>
</tr>
<tr>
<td>For rehabilitating the sewage treatment plant</td>
<td>767,500</td>
</tr>
<tr>
<td>STATEWIDE</td>
<td></td>
</tr>
<tr>
<td>For replacing/repairing the roofing systems at the following locations at the approximate cost set forth below</td>
<td>245,000</td>
</tr>
<tr>
<td>Clinton Lake Recreational Area - DeWitt County</td>
<td>65,000</td>
</tr>
<tr>
<td>Ferne Clyffe State Park - Johnson County</td>
<td>20,000</td>
</tr>
<tr>
<td>Hennepin Canal Parkway State Park</td>
<td>26,000</td>
</tr>
<tr>
<td>Lake Le-Aqua-Na State Park - Stephenson County</td>
<td>39,000</td>
</tr>
<tr>
<td>Mermet Lake Conservation Area - Massac County</td>
<td>95,000</td>
</tr>
<tr>
<td>For replacing/repairing the roofing systems at the following locations at the approximate costs set forth below</td>
<td>176,041</td>
</tr>
<tr>
<td>Starved Rock State Park &amp;</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Lodge-LaSalle County.............. 60,000
Kaskaskia River Fish & Wildlife Area-Randolph County........... 25,000
Pyramid State Park-
Perry County......................... 4,109
Region V Office (Benton)
Franklin County.................... 86,932
For rehabilitating dams and bridges............. 476,803
For constructing, replacing and renovating lodges and concession buildings........................ 3,019,233
For replacing roofs at the following locations, at the approximate cost set forth below........ 134,931
Shabbona Lake State Park....................... 40,850
Hennepin Canal Parkway State Park................... 15,750
Randolph Fish & Wildlife Area.................. 32,271
Dixon Springs State Park....................... 46,060
For replacing and constructing vault toilets at the following locations, at the approximate cost set forth below........................................ 167,772
Hennepin Canal Parkway State Trail.............. 167,772
For rehabilitating dams at the following locations, at the approximate cost set forth below.................. 450,002
Rock Cut State Park....................... 450,002
For replacing roofs at the following locations, at the approximate cost set forth below.................. 206,925

New matter indicated by italics - deletions by strikeout
Southern IL Arts & Crafts Center.......................... 412
Frank Holten State Park.......................... 412
DNR Geological Survey-Champaign.......................... 413
Sangchris Lake State Park.......................... 5,291
Illini State Park.......................... 1,692
Shelbyville Fish & Wildlife Area.......................... 79,480
Trail of Tears State Forest.......................... 3,685
Sanganois Conservation Area.......................... 413
Rice Lake State Park.......................... 28,090
Hidden Spring State Park.......................... 53,740
Siloam Springs State Park.......................... 2,417
Mississippi Palisades State Park.......................... 30,880
For replacing vault toilets at the following locations, at the approximate cost set forth below.......................... 289,098
Anderson Lake Conservation Area - Fulton/Schuyler Counties.......................... 72,275
Giant City State Park - Jackson/Union Counties.......................... 72,274
Randolph County Conservation Area Silver Springs State Park - Kendall County.......................... 72,274
For constructing hazardous material storage buildings.......................... 9,935
For constructing vault toilets at the following locations at the approximate cost set forth below.......................... 137,897
Apple River Canyon State Park.......................... 19,699

New matter indicated by italics - deletions by strikeout
Des Plaines Conservation Area........ 19,700
Kankakee River State Park............. 19,700
Lake Le-Aqua-Na State Park........... 19,699
Marshall County Conservation Area.... 19,700
Morrison-Rockwood State Park......... 19,699
Rice Lake Conservation Area.......... 19,700

For planning, construction, reconstruction, land acquisition and related costs, utilities, site improvements, and all other expenses necessary for various capital improvements at parks, conservation areas, and other facilities under the jurisdiction of the Department of Natural Resources........ 1,269,996

Total $16,160,784

Section 75. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made in Article 104, Section 75 of Public Act 94-798, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Natural Resources for the project hereinafter enumerated:

GOOSE LAKE PRAIRIE NATURAL AREA - GRUNDY COUNTY
(From Article 104, Section 75 of Public Act 94-798)
For rehabilitating visitor's center exterior.......................................... 23,345

Total $23,345

Section 80. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from appropriations and reappropriations heretofore made for such purposes in Article 103, Section 20, and Article 104, Section 80 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:

CENTRALIA CORRECTIONAL CENTER
(From Article 104, Section 80 of Public Act 94-798)

New matter indicated by italics - deletions by strikeout
For replacing the cooling tower.................... 379,623

DIXON CORRECTIONAL CENTER

For planning the upgrade and expansion
of the medical care facility...................... 48,362

DWIGHT CORRECTIONAL CENTER

For renovating Housing Unit C8, in
addition to funds previously
appropriated..................................... 270,000

For renovating buildings, in addition
to funds previously appropriated.............. 274,847

For renovation of buildings...................... 30,261

EAST MOLINE CORRECTIONAL CENTER

For completing replacement of the
absorption chiller, in addition to
funds previously appropriated.................. 68,156

For upgrading the roofing system............... 675,879

For replacing windows, in addition to
funds previously appropriated................... 42,450

For replacing the chiller/absorber.............. 31,546

GRAHAM CORRECTIONAL CENTER

For upgrading the cooling tower............... 146,782

For upgrading the mechanical system.......... 35,990

For planning upgrade of building automation
system and fire alarm system.................... 34,620

HOPKINS PARK

For infrastructure improvements
in connection with the Hopkins Park
Correctional Center.............................. 6,299,444

ILLINOIS YOUTH CENTER - HARRISBURG

For constructing a multi-purpose medical,
vocational and confinement building......... 375,000

For utility upgrade, including gas
and sewer........................................... 5,169,684

ILLINOIS YOUTH CENTER - RUSHVILLE

New matter indicated by italics - deletions by strikeout
For planning, design, construction, equipment
and all other necessary costs to add
a cellhouse.................................... 2,652,599

ILLINOIS YOUTH CENTER - ST. CHARLES
For constructing an R & C building
and other improvements....................... 1,988,048

LAWRENCE COUNTY CORRECTIONAL CENTER - LAWRENCEVILLE
For constructing two cellhouses, in
addition to funds previously appropriated....... 158,637

LINCOLN CORRECTIONAL CENTER
For replacing doors and locks....................... 31,592

LOGAN CORRECTIONAL CENTER
For planning and beginning the upgrade
of the power plant............................... 515,960
For renovating the electrical
distribution system............................... 159,995
For constructing a medical building
and dietary building.............................. 2,077,170

MENARD CORRECTIONAL CENTER - CHESTER
For replacing the administration building,
in addition to funds previously
appropriated...................................... 12,259,441
For replacing the Administration
Building........................................... 879,196
For replacing toilets and waste lines
at E/W Cellhouse and upgrade
North Cellhouse plumbing......................... 364,351
For renovation or replacement of the
Old Hospital Building, in addition to
funds previously appropriated..................... 56,369
For planning and construction of the
Administration Building.......................... 733,828

PONTIAC CORRECTIONAL CENTER

New matter indicated by italics - deletions by strikeout
For replacing doors and frames ....................... 1,620,000
For replacing the roof on the Training
    Center and Industry .................................. 22,409
    SHAWNEE CORRECTIONAL CENTER
For replacing the emergency generator ............ 49,229
    STATEVILLE CORRECTIONAL CENTER - JOLIET
For replacing doors and locks ....................... 580,000
For replacing windows in B House ................... 126,480
For replacing power plant and
    utility distribution system ....................... 17,454
For upgrading electrical system and elevator
    and installing HVAC system ..................... 1,071,947
    VANDALIA CORRECTIONAL CENTER
For constructing a multi-purpose program
    building ............................................. 90,656
For converting Administration Building and
    planning construction of an Administration/
    Health Care Unit .................................... 308,406
    VIENNA CORRECTIONAL CENTER
For replacing the cooler and freezer ............. 1,408,055
For upgrading the power plant ..................... 4,208,871
For upgrading the HVAC system and replacing
    water lines in six housing units ................. 430,361
    STATEWIDE
    (From Article 103, Section 20 of Public Act 94-798)
For all costs associated with
    a timekeeping and payroll system .............. 10,000,000
    (From Article 104, Section 80 of Public Act 94-798)
For upgrading roofing systems at the
    following locations at the approximate
    costs set forth below ............................. 183,246
    Hardin County Work
      Camp .............................................. 8,808
    Illinois Youth Center

New matter indicated by italics - deletions by strikeout
Joliet............................................. 44,151
Pontiac Correctional
    Center....................................... 130,287
For replacing doors and locks
at the following locations at the
approximate costs set forth below............ 1,260,098
    Dixon Correctional Center........... 1,224,587
    Vienna Correctional Center........... 35,511
For upgrading showers at the following
locations at the approximate
cost set forth below............................ 545,110
    Hill Correctional
        Center................................. 545,110
For upgrading water towers at the following
locations at the approximate
cost set forth below............................ 1,651,849
    Dixon Correctional
        Center................................. 413,466
    Illinois Youth Center -
        St. Charles....................... 1,228,853
    Illinois Youth Center -
        Valley View.......................... 9,530
For planning, design, construction, equipment
and all other necessary costs for a
maximum security facility...................... 87,764,762
For planning a medium security facility
and land acquisition........................... 2,629,428
For replacing roofing systems at
the following locations at the
approximate cost set forth below............... 155,768
    Menard Correctional Center.......... 7,353
    Vienna Correctional Center......... 81,100
    Illinois Youth Center -
        Harrisburg......................... 4,138

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Location</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pontiac Correctional Center</td>
<td>10</td>
</tr>
<tr>
<td>Illinois Youth Center - Joliet</td>
<td>63,167</td>
</tr>
</tbody>
</table>

For replacing or upgrading security and monitoring systems at the following locations at the approximate cost set forth below:

- Vienna Correctional Center: $373,156
- Pontiac Correctional Center: $250,000
- Joliet Correctional Center: $94,450

For planning and replacing windows at the following locations at the approximate cost set forth below:

- Vienna Correctional Center: $2,226,942
- Sheridan Correctional Center: $1,780,000
- Illinois Youth Center - Valley View: $314,454
- Illinois Youth Center - Joliet: $8,310
- Dixon Correctional Center: $74,875
- Shawnee Correctional Center: $46,073

For replacing security fencing at the following locations at the approximate cost set forth below:

- Hill Correctional Center: $330,619
- Western IL Correctional Center: $3,547

New matter indicated by italics - deletions by strikeout
Joliet Correctional Center.............................. 49,119
Logan Correctional Center............................. 172,369
Dixon Correctional Center.............................. 8,752
Shawnee Correctional Center............................. 5,269
Graham Correctional Center............................. 24,369
Danville Correctional Center............................. 35,767

For planning, design, construction, equipment and all other necessary costs for a female multi-security level correctional center........................... 59,314,299

For replacing roofing systems at the following locations at the approximate cost set forth below............................. 189,284
Vienna Correctional Center......................... 150,261
Sheridan Correctional Center......................... 17,785
Western Illinois Correctional Center - Mt. Sterling......... 21,238

For upgrading fire and safety systems at the following locations at the approximate costs set forth below, in addition to funds previously appropriated........................ 2,037,256
Menard Correctional Center - Chester......................... 1,854,559
Sheridan Correctional Center......................... 110,620
Vienna Correctional Center......................... 72,077

Total $214,355,515

Section 85. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June
30, 2007, from reappropriations heretofore made for such purpose in Article 104, Section 85, of Public Act 94-798, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:

**BIG MUDDY CORRECTIONAL FACILITY**
(From Article 104, Section 85 of Public Act 94-798)
For replacing door locking controls
and intercom systems........................... 2,673,891

**STATEVILLE CORRECTIONAL CENTER**
For installing fire alarm systems.............. 1,600,000
Total                                      $4,273,891

Section 90. The sum of $407,375, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 104, Section 90 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Emergency Management Agency for costs associated with a new State Emergency Operations Center.

Section 95. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 95 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

**BISHOP HILL HISTORIC SITE - HENRY COUNTY**
(From Article 104, Section 95 of Public Act 94-798)
For restoring interior and exterior............. 50,877

**CAHOKIA MOUNDS HISTORIC SITE - COLLINSVILLE**
For replacement of Monk's Mounds stairs........ 275,954
For restoration of Monk's Mound............... 1,009,932
For purchasing private land within historic
site boundary.................................... 189,979

**DAVID DAVIS HOME**
To acquire a residence to be

New matter indicated by italics - deletions by strikeout
converted to a Visitors Center .................. 249,400

JARROT MANSION STATE HISTORICAL SITE
For restoring the mansion, site improvements
and land acquisition, in addition
to funds previously appropriated............. 1,455,857

LINCOLN'S TOMB/VIETNAM MEMORIAL - SPRINGFIELD
For rehabilitating site and providing
irrigation system ................................. 150,532

LINCOLN'S NEW SALEM HISTORIC SITE - MENARD COUNTY
For providing electrical at
campgrounds ..................................... 110,444

LINCOLN PRESIDENTIAL CENTER - SPRINGFIELD
For constructing library and museum complex, in
addition to funds previously appropriated..... 6,435,816
For constructing a Lincoln Presidential
Library ............................................. 151,941

OLD STATE CAPITOL - SPRINGFIELD
For repairing elevators ........................... 387,464

UNION STATION - SPRINGFIELD
For purchasing and rehabilitating .............. 497,533

STATEWIDE
For statewide ISTEA 21 Match .................. 627,570
For matching ISTEA federal grant funds ....... 143,310
Total ............................................ $11,736,609

Section 105. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2007, from reappropriations heretofore made in Article 104, Section
105, of Public Act 94-798, are reappropriated from the Build Illinois Bond
Fund to the Capital Development Board for the Historic Preservation
Agency for the projects hereinafter enumerated:

MT. PULASKI COURTHOUSE HISTORIC SITE - LOGAN COUNTY
(From Article 104, Section 105 of Public Act 94-798)
For rehabilitating interior & exterior ............ 24,118

BISHOP HILL HISTORIC SITE – HENRY COUNTY

New matter indicated by italics - deletions by strikeout
For restoring interior and exterior.................. 78,538

PULLMAN HISTORIC SITE
For all costs associated with the
stabilization and restoration of the
Pullman Historic Site.......................... 2,368,684
Total $2,471,340

Section 110. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2007, from reappropriations heretofore made for such purposes in
Article 104, Section 110 of Public Act 94-798, are reappropriated from the
Capital Development Fund to the Capital Development Board for the
Department of Human Services for the projects hereinafter enumerated:

ALTON MENTAL HEALTH CENTER - MADISON COUNTY
(From Article 104, Section 110 of Public Act 94-798)
For renovating the Forensic Complex and
constructing two building additions, in
addition to funds previously appropriated...... 3,900,000
For renovating the central dietary,
Phase II, in addition to funds previously
appropriated........................................ 679,378
For constructing two building additions
at the Forensic Complex......................... 6,809,618
For rehabilitation of the central dietary......... 180,124

CHESTER MENTAL HEALTH CENTER
For completing the replacement of
smoke and heat detectors, in addition
to funds previously appropriated............... 440,000
For upgrading HVAC systems.................... 451,883
For replacing smoke/heat detectors............. 65,032

CHICAGO-READ MENTAL HEALTH CENTER - CHICAGO
For rehabbing absorbers, controls
and valves........................................... 398,432

CHOATE MENTAL HEALTH AND DEVELOPMENTAL CENTER - ANNA

New matter indicated by italics - deletions by strikeout
For renovating Sycamore Hall......................

ELGIN MENTAL HEALTH CENTER - KANE COUNTY
For replacing power plant and engineering
building.................................
For renovating the central dietary
and kitchen..............................
For construction of roads, parking lots
and street lights..........................

FOX DEVELOPMENTAL CENTER - DWIGHT
For replacing and repairing interior doors,
flooring and walls, in addition to funds
previously appropriated..................
For planning and beginning replacement
of interior doors and flooring
and repairing walls in the Main and
Administration Buildings.................

HOWE DEVELOPMENTAL CENTER - TINLEY PARK
For completing upgrade of tunnels,
Phase II, in addition to funds previously
appropriated................................
For renovating residences, in addition to
funds previously appropriated............

ILLINOIS SCHOOL FOR THE DEAF - JACKSONVILLE
For renovating the High School Building
Phase II......................................
For renovating High School Building........

ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED -
JACKSONVILLE
For renovating auditorium, classroom
and administration buildings............
For renovating classrooms in Building 17....
For renovations to the powerhouse,
boilers and associated coal and ash
equipment.................................

New matter indicated by italics - deletions by strikeout
JACKSONVILLE DEVELOPMENTAL CENTER - MORGAN COUNTY
For planning and beginning the renovation of the power house............................... 434,122

KILEY DEVELOPMENTAL CENTER - WAUKEGAN
For converting the facility to natural gas, in addition to funds previously appropriated.......................... 114,552
For renovating homes, Phase II, in addition to funds previously appropriated................................. 77,343

LINCOLN DEVELOPMENTAL CENTER - LOGAN
For various capital improvements, including planning and construction of four ten-bed transitional or residential homes.............................. 1,700,521

LUDEMAN DEVELOPMENTAL CENTER - PARK FOREST
For upgrading the electrical panel............. 1,167,150
For repairing and replacing furnaces and duct work, in addition to funds previously appropriated.......................... 240,882
For renovating residential and neighborhood homes, in addition to funds previously appropriated.......................... 144,344
For replacing plumbing, HVAC and boiler systems.............................. 742,685
For renovation of residential buildings, in addition to funds previously appropriated.......................... 82,963

MABLEY DEVELOPMENTAL CENTER - DIXON
For replacing mechanicals and upgrading the fire alarm systems.......................... 231,479
For planning and beginning renovation of residential buildings.......................... 247,967

New matter indicated by italics - deletions by strikeout
MADDEN MENTAL HEALTH CENTER - HINES
For renovating pavilions and administration building for safety/security, in addition to funds previously appropriated.................. 681,098
For renovating dietary............................................. 836,600
For renovation of pavilions, in addition to funds previously appropriated................................. 108,142

MURRAY DEVELOPMENTAL CENTER - CENTRALIA
For completing the renovation of the boiler house, in addition to funds previously appropriated.................. 3,400,000

SHAPIRO DEVELOPMENTAL CENTER - KANKAKEE
For replacing the sewer system in south campus................................. 2,056,004
For planning and beginning renovation of dietary............................................. 203,263
For work necessary to remedy fire damper deficiencies................................. 284,114
For replacing water mains and valves, in addition to funds previously appropriated................................. 217,217

SINGER MENTAL HEALTH CENTER - ROCKFORD
For upgrading fire alarm systems................................. 603,742
For renovating dietary and stores................................. 93,631
For renovating mechanicals and residential areas................................. 691,943

TINLEY PARK MENTAL HEALTH CENTER – COOK COUNTY
For completing the upgrade of fire and life/safety issues in Oak Hall, in addition to funds previously appropriated................................. 600,000

STATEWIDE
For replacing roofing systems at

New matter indicated by italics - deletions by strikeout
the following locations, at the approximate costs set forth below..............

**Chicago-Read Mental Health Center - Cook County**............................ 253,694

**Fox Developmental Center - Dwight**................................. 14,000

**Kiley Developmental Center - Waukegan**................................. 91,049

For replacing and repairing roofing systems at the following locations, at the approximate cost set forth below..............

**Alton Mental Health Center - Madison**................................. 89,139

**Shapiro Developmental Center - Kankakee**............................. 104,883

**Ludeman Developmental Center - Park Forest**.......................... 17,134

**Madden Mental Health Center - Hines**................................. 690,364

**Murray Developmental Center - Centralia**............................... 103,309

**Kiley Developmental Center - Waukegan**............................... 91,579

For replacing and repairing roofing systems at the following locations, at the approximate cost set forth below..............

**Chicago-Read Mental Health Center**............................... 166,314

**Howe Developmental Center - Tinley Park**............................ 562,126

**Shapiro Developmental Center - Kankakee**............................. 39,730

**Illinois School for the**

New matter indicated by italics - deletions by strikeout
Deaf - Jacksonville................. 12,087
Kiley Developmental Center - Waukegan................. 2,581

For repairing or replacing roofs at the following locations, at the approximate cost set forth below............. 328,481
Illinois School for the Visually Impaired - Jacksonville................. 38,368
Jacksonville Developmental Center - Morgan County................. 60,000
Lincoln Developmental Center - Logan County................. 7,001
Murray Developmental Center - Centralia......................... 86,136
Shapiro Developmental Center - Kankakee......................... 136,976

For planning and beginning construction of a facility for sexually violent persons........................................ 135,896

For replacing and repairing roofing systems at the following locations at the approximate cost set forth below................. 249,756
Choate Developmental Center - Anna................................. 0
Chicago-Read Mental Health Center.... 3,763
Tinley Park Mental Health Center.... 12,974
Illinois School for the Visually Impaired - Jacksonville................. 19,414
Shapiro Developmental Center - Kankakee......................... 25,955
Kiley Developmental Center - Waukegan......................... 8,373
Ludeman Developmental Center -

New matter indicated by italics - deletions by strikeout
Park Forest....................... 179,277
For replacement of roofing systems at the
following locations at the approximate costs
set forth below:................................. 147,798
  Lincoln Development Center........ 36,950
  Murray Developmental Center........ 36,949
  Elgin Developmental Center......... 36,950
  Shapiro Developmental Center....... 36,949
Total $47,994,770

Section 115. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2007, from reappropriations heretofore made for such purposes in
Article 104, Section 115 of Public Act 94-798, are reappropriated from the
Capital Development Fund to the Capital Development Board for the
Department of Human Services for the projects hereinafter enumerated:

  ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED -
  JACKSONVILLE
(From Article 104, Section 115 of Public Act 94-798)
For renovations to the powerhouse,
  boilers and associated coal and ash
equipment........................................ 191,269
Total $191,269

Section 125. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2007, from reappropriations heretofore made for such purposes in
Article 104, Section 125 of Public Act 94-798, are reappropriated from the
Build Illinois Bond Fund to the Capital Development Board for the
Department of Human Services for the project hereinafter enumerated:

  ILLINOIS SCHOOL FOR THE DEAF – JACKSONVILLE
(From Article 104, Section 125 of Public Act 94-798)
For replacing dorm doors........................ 1,945,671

  JACKSONVILLE DEVELOPMENTAL CENTER – MORGAN
For upgrading the mechanicals in the
power plant, in addition to funds

New matter indicated by italics - deletions by strikeout
previously appropriated.......................... 1,000,000

SINGER MENTAL HEALTH CENTER
For repair and/or replacement of roofs........... 71,994

FOX DEVELOPMENTAL CENTER - DWIGHT
For renovating the water treatment plant........ 689,979
Total $3,707,644

Section 130. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriation and reappropriations heretofore made in Article 104, Section 130 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Medical District Commission for the projects hereinafter enumerated:

ILLINOIS MEDICAL DISTRICT COMMISSION - CHICAGO
(From Article 104, Section 130 of Public Act 94-798)
For upgrading utility and infrastructure,
in addition to funds previously appropriated.......................... 412,685
For upgrading core utilities....................... 146,794
For upgrading research center...................... 346,714
For constructing a Lab and Research Biotech Grad Facility......................... 94,638
Total $1,000,831

Section 140. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 140 of Public Act 94-798, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

BLOOMINGTON ARMORY - McLEAN COUNTY
(From Article 104, Section 140 of Public Act 94-798)
For rehabilitating the mechanical/electrical systems and renovating the interior........... 2,839,158

New matter indicated by italics - deletions by strikeout
CAIRO ARMORY
For replacing roof and renovating the interior and exterior....................... 136,886

CAMP LINCOLN - SPRINGFIELD
For construction of a military academy facility......................................... 466,295

ELGIN ARMORY - KANE COUNTY
For upgrading the interior and exterior........................... 820,653

MACOMB ARMORY - McDonough
For completing the mechanical/electrical systems upgrade, renovating the interior, and installing a kitchen, in addition to funds previously appropriated............... 2,565,000
For replacing the mechanical and electrical systems and installing a kitchen.......... 809,441

NORTH RIVERSIDE ARMORY
For rehabilitating the interior and exterior............................................ 240,667

NORTHWEST ARMORY - CHICAGO
For upgrading the electrical system............. 2,815,000
For replacing the mechanical systems............. 49,281
For renovation of interior and exterior, in addition to funds previously appropriated for such purposes.............. 173,481

SYCAMORE ARMORY
For replacing the electrical system, renovating the interior and installing air conditioning................................. 101,889

Total $11,017,751

Section 145. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made in Article 104, Section 145, of Public Act 94-798, are reappropriated from the Build Illinois Bond

New matter indicated by italics - deletions by strikeout
Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

   LAWRENCEVILLE ARMORY
(From Article 104, Section 145 of Public Act 94-798)
For rehabilitating the exterior and replacing roofing systems
                                           177,017
Total                                            $177,017

Section 150. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 150 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Revenue for the projects hereinafter enumerated:

   WILLARD ICE BUILDING - SPRINGFIELD
(From Article 104, Section 150 of Public Act 94-798)
For completing the upgrade of building management controls, in addition to funds previously appropriated
                                           400,000
For replacing the dock exhaust system
                                           552,248
For replacing and repairing concrete stairway and completing of parking deck, in addition to funds previously appropriated
                                           140,973
For upgrading building management controls
                                           3,495,466
For upgrading the plumbing system
                                           908,359
For upgrading parking lot/parking deck structural repair
                                           408,483
For renovating the interior and upgrading HVAC
                                           2,891,317
Total                                            $8,796,846

   Section 160. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June

New matter indicated by italics - deletions by strikeout
30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 160 of Public Act 94-798, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Revenue for the project hereinafter enumerated:

WILLARD ICE BUILDING – SPRINGFIELD
(From Article 104, Section 160 of Public Act 94-798)
For completing the upgrade of the
Plumbing System ........................................ 600,000
Total ...................................................... $600,000

Section 165. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 103, Section 10 and Article 104, Section 165 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of State Police for the projects hereinafter enumerated:

CHICAGO FORENSIC LABORATORY
(From Article 103, Section 10 of Public Act 94-798)
For planning and beginning the
construction of an addition
to the Chicago Forensic
Laboratory ................................. 1,400,000

DISTRICT 13 HEADQUARTERS - DuQUOIN
(From Article 104, Section 165 of Public Act 94-798)
For constructing a district 13
headquarters ........................................ 108,590

SPRINGFIELD ARMORY
For planning and design of the rehabilitation
and site improvements of the Springfield
Armory, in addition to funds previously
appropriated ........................................ 746,906

STATE POLICE TRAINING ACADEMY - SPRINGFIELD
(From Article 103, Section 10 of Public Act 94-798)
For planning and beginning the

New matter indicated by italics - deletions by strikeout
construction of an addition to the CODIS Laboratory........................................ 400,000

STATEWIDE

For replacing communications towers equipment and tower buildings............... 1,681,530
For replacing radio communication towers, equipment buildings and installing emergency power generators at the following locations at the approximate costs set forth below.................................................. 250,000

Harlem & Irving – Cook County........ 62,500
Savanna – Carroll County............ 62,500
Fairfield – Wayne County.......... 62,500
Niota – Hancock County......... 62,500

Total $4,587,026

Section 170. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from appropriations and reappropriations heretofore made for such purposes in Article 104, Section 170 of Public Act 94-798, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of State Police for the project hereinafter enumerated:

STATEWIDE
(From Article 104, Section 170 of Public Act 94-798)
For upgrading firing range facilities............. 326,181

Total $326,181

Section 175. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 175 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Veterans' Affairs for the projects hereinafter enumerated:

LASALLE VETERANS' HOME
(From Article 104, Section 175 of Public Act 94-798)

New matter indicated by italics - deletions by strikeout
For replacing the roofing system.................. 310,000  
MANTENO VETERANS' HOME - KANKAKEE COUNTY  
For replacing air conditioner chillers........... 1,149,002  
For replacing condensing units.................. 122,241  
For upgrading or constructing  
roads and parking lots......................... 28,785  
For planning and constructing  
additional storage and support areas.......... 73,248  
For upgrading storm sewer...................... 97,768  
QUINCY VETERANS' HOME - ADAMS COUNTY  
For constructing a bus and ambulance  
garage........................................ 849,073  
For improvements to various buildings  
and replacement of Fletcher Building  
to meet licensure standards................... 2,444,625  
Total .................................. $5,074,742  

Section 185. The following named amounts, or so much thereof as  
may be necessary and remain unexpended at the close of business on June  
30, 2007, from reappropriations heretofore made for such purposes in  
Article 104, Section 185 of Public Act 94-798, are reappropriated from the  
Build Illinois Bond Fund to the Capital Development Board for the  
Department of Veterans' Affairs for the project hereinafter enumerated:  
MANTENO VETERANS HOME  
(From Article 104, Section 185 of Public Act 94-798)  
For completing the upgrade of emergency  
generators............................... 600,000  
Total .................................. $600,000  

Section 190. The following named amounts, or so much thereof as  
may be necessary and remain unexpended at the close of business on June  
30, 2007, from appropriations and reappropriations heretofore made for  
such purposes in Article 103, Sections 15 and 25, and Article 104, Section  
190 of Public Act 94-798, are reappropriated from the Capital  
Development Fund to the Capital Development Board for the projects  
hereinafter enumerated:  

New matter indicated by italics - deletions by strikeout
EXECUTIVE MANSION - SPRINGFIELD

For expanding and renovating the Bio-Safety 3 Laboratory for the Department of Public Health........... 1,000,000

ATTORNEY GENERAL BUILDING - SPRINGFIELD

For building improvements......................... 33,006

STATEWIDE

For improving energy efficiency........................ 300,000

For the purposes of capital planning and condition assessment and analysis of State capital facilities, to be expended only upon the direction of the Director of the Bureau of the Budget....................... 3,389,055

For abating hazardous materials....................... 104,421

For retrofitting or upgrading mechanized refrigeration equipment (CFCs)....................... 650,000

For surveys and modifications to buildings to meet requirements of the federal Americans with Disabilities Act (ADA)........... 113,816

For surveys and modifications to buildings to meet requirements of the federal Americans with Disabilities Act (ADA)........... 260,805

For abating hazardous materials....................... 23,279

For retrofitting or upgrading mechanized refrigeration equipment (CFCs)....................... 4,000,000
For surveys and modifications to buildings to meet requirements of the federal
Americans with Disabilities Act................. 2,100,234
For abating hazardous materials.................... 294,608
For retrofitting or upgrading mechanized refrigeration equipment (CFCs)................. 2,876,007
For upgrading and remediating aboveground and underground storage tanks...... 1,737,052
For retrofitting or upgrading mechanized refrigeration equipment (CFCs)............... 782,922
For surveys and modifications to buildings to meet requirements of the federal Americans with Disabilities Act........ 122,017
For abatement of hazardous materials.............. 51,315
For upgrading/retrofitting mechanized refrigeration equipment (CFCs).................... 53,118
For survey for and abatement of asbestos-containing materials............................ 32,471
For upgrade/retrofit of mechanized refrigeration equipment (CFCs)....................... 28,580
For surveys and modifications to buildings to meet requirements of the federal Americans with Disabilities Act........ 1,090,595
For demolition of buildings.......................... 82,050
For retrofitting/upgrading mechanical refrigeration equipment........................... 30,551
For the planning, upgrade and replacement of potentially hazardous underground storage tanks.............. 24,492
Total $19,263,659

Section 195. The amount of $512,042, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 195 of Public Act 94-798, is reappropriated from the Asbestos Abatement

New matter indicated by italics - deletions by strikeout
Fund to the Capital Development Board for surveying and abating asbestos-containing materials statewide.

Section 200. The amount of $980,322, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 200 of Public Act 94-798, is reappropriated from the Asbestos Abatement Fund to the Capital Development Board for asbestos surveys and emergency abatement in relation to asbestos abatement in state governmental buildings or higher education residential and auxiliary enterprise buildings.

Section 210. The following named amount or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 104, Section 210 of Public Act 94-798, is reappropriated from the School Construction Fund to the Capital Development Board for the State Board of Education for the projects hereinafter enumerated:

STATEWIDE
(From Article 104, Section 210 of Public Act 94-798)
Grants for facility construction................ 27,280,210

Section 215. The sum of $12,583,856, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 215 of Public Act 94-798, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 220. The sum of $7,446,133, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 220 Public Act 94-798, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

New matter indicated by italics - deletions by strikeout
Section 225. The sum of $9,363,356, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 225 of Public Act 94-798, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 230. The sum of $363,958, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 230 of Public Act 94-798, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 240. The amount of $6,143,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 240 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for grants to units of local government and other eligible entities for all costs associated with land acquisition, construction and rehabilitation projects.

Section 245. The sum of $18,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 104, Section 245 of Public Act 94-798, is reappropriated from the School Construction Fund to the Capital Development Board for grants to school districts for school improvement projects authorized by the School Construction Law.

Section 247. The sum of $6,870,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 103, Section 35 of Public Act 94-798, is appropriated from the Capital Development Fund to the Capital Development Board for child care facilities, mental and public health facilities, and facilities for the care of

New matter indicated by italics - deletions by strikeout
disabled veterans and their spouses as authorized by subsection (d) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 250. The sum of $84,766,118, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 104, Section 250 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for correctional purposes at State prison and correctional centers as authorized by subsection (b) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 255. The sum of $27,373,564, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 104, Section 255 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for open spaces, recreational and conservation purposes and the protection of land and for deposits into the Conservation 2000 Projects Fund as authorized by subsection (c) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 260. The sum of $23,756,693, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 104, Section 260 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for child care facilities, mental and public health facilities, and facilities for the care of disabled veterans and their spouses as authorized by subsection (d) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 265. The sum of $170,087,561, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 104, Section 265 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for use by the State,

New matter indicated by italics - deletions by strikeout
its departments, authorities, public corporations, commissions and agencies as authorized by subsection (e) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 270. The sum of $475,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 104, Section 270 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for water resource management projects as authorized by subsection (g) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 275. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 275 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the projects hereinafter enumerated:

**CITY COLLEGES OF CHICAGO**
(From Article 104, Section 275 of Public Act 94-798)
For various bondable capital improvements........... 733,240
For remodeling for Workforce Preparation
Centers........................................ 3,575,930
For remodeling for a culinary arts
educational facility........................... 10,875,000

**CITY COLLEGES OF CHICAGO - MALCOLM X COLLEGE**
For remodeling the Allied Health
program facilities.............................. 4,304,223

**COLLEGE OF DUPAGE**
For upgrading the Instructional Center
heating, ventilating and air
conditioning systems........................... 90,937

**COLLEGE OF LAKE COUNTY**
For planning and beginning construction

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0011

of a technology building -
Phase 1........................................... 36,705

KANKAKEE COMMUNITY COLLEGE
For constructing a laboratory/classroom facility......................................... 257,578

LAKELAND COLLEGE
Student Services Building addition.............. 6,602,331

MCHENRY COUNTY COLLEGE
For constructing classrooms and a student services building and remodeling space, in addition to funds previously appropriated..................................... 473,076

MORAINE VALLEY COMMUNITY COLLEGE - PALOS HILLS
For constructing a classroom/administration building, providing site improvements and purchasing equipment, in addition to funds previously appropriated..................... 41,635

PRAIRIE STATE COLLEGE - CHICAGO HEIGHTS
For constructing an addition to the Adult Training/Outreach Center, in addition to funds previously appropriated.................. 1,005,113

SOUTH SUBURBAN COLLEGE
For improving flood retention...................... 437,000

TRITON COMMUNITY COLLEGE - RIVER GROVE
For rehabilitating the Liberal Arts Building........................................ 1,536,546
For rehabilitating the potable water distribution system................................ 70,146

STATEWIDE
For the Illinois Community College Board miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to

New matter indicated by italics - deletions by strikeout
complete the work at the various community Colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for this purpose........ 1,504,506

| STATEWIDE | For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes............... | 4,980,846 |
| STATEWIDE - CONSTRUCTION DEFECTS | For planning, construction and renovation to correct defectively designed or constructed community college facilities, provided that monies recovered based upon claims arising out of such defective design or construction shall be paid to the state as required by Section 105.12 of the Public Community College Act as reimbursement for monies expended pursuant to this appropriation............................... | 3,725,065 |

New matter indicated by italics - deletions by strikeout
Section 280. The amount of $414,264, or so much thereof as may be necessary, and remains unexpended on June 30, 2007, from a reappropriation heretofore made for such purposes in Article 104, Section 280 of Public Act 94-798, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for grants to community colleges repair, renovation, and miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, costs of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 285. The sum of $1,391,343, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 104, Section 285 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 290. The sum of $1,712,172, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purposes in Article 104, Section 290 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at
the various community colleges. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 295. The sum of $2,559,166, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purposes in Article 104, Section 295 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 300. The sum of $687,732, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purposes in Article 104, Section 300 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for grants to community colleges for miscellaneous capital improvements including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 305. The sum of $72,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 104, Section 305 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for miscellaneous capital improvements at various educational facilities statewide, in addition to funds previously appropriated.

Section 310. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June
30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 310 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

**ILLINOIS MATHEMATICS AND SCIENCE ACADEMY - AURORA**

(From Article 104, Section 310 of Public Act 94-798)

To plan and begin construction of a space for the delivery of teacher training and development and student enrichment programs.............................. 108,843

Section 315. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made in Article 104, Section 315 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

**STATEWIDE**

(From Article 104, Section 315 of Public Act 94-798)

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.............................. 18,559,284

Chicago State University............. 322,100
Eastern Illinois University........... 515,500
Governors State University......... 18,040
Illinois State University........... 984,871
Northeastern Illinois University.... 383,700
Northern Illinois University...... 1,159,000
Western Illinois University........ 361,092

New matter indicated by italics - deletions by strikeout
Southern Illinois University - Carbondale......................... 1,237,441
Southern Illinois University - Edwardsville....................... 763,100
University of Illinois - Chicago................................. 2,777,300
University of Illinois - Springfield............................. 229,100
University of Illinois - Urbana/Champaign...................... 4,131,963
Illinois Community College Board............................... 5,676,077

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities

This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes........................................ 16,394,865

Chicago State University.......................... 300,273
Eastern Illinois University.................... 515,500
Governors State University................... 73,277
Illinois State University...................... 651,449
Northeastern Illinois University.................. 383,700
Northern Illinois University................. 1,159,000
Western Illinois University.................. 41,562
Southern Illinois University - Carbondale.................. 43,777
Southern Illinois University - Edwardsville............... 14,515
University of Illinois -

New matter indicated by italics - deletions by strikeout
Chicago.........................  2,777,300
University of Illinois -
Springfield.....................  212,512
University of Illinois -
Urbana/Champaign..............  4,150,300
Illinois Community
College Board...................  6,071,700

For miscellaneous capital improvements
including construction, capital
facilities, cost of planning, supplies,
equipment, materials, services and
all other expenses required to complete
the work at the various universities
This appropriated amount shall be in
addition to any other appropriated amounts
which can be expended for these purposes....  4,755,524

Chicago State University.........  36,022
Eastern Illinois University.......  515,500
Illinois State University........  17,567
Northern Illinois University.....  753,633
Western Illinois University......  140,157
Southern Illinois University -
Carbondale.......................  139,735
University of Illinois -
Chicago.........................  2,061,465
University of Illinois -
Springfield......................  209,126
University of Illinois -
Urbana/Champaign...............  882,319

For miscellaneous capital improvements,
including construction, capital
facilities, cost of planning,
supplies, equipment, materials, services
and all other expenses required to

New matter indicated by italics - deletions by strikeout
complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

<table>
<thead>
<tr>
<th>University</th>
<th>Appropriated Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern Illinois University</td>
<td>2,891,414</td>
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<tr>
<td>Illinois State University</td>
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<td>Northern Illinois University</td>
<td>1,207,568</td>
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<td>Southern Illinois University - Carbondale</td>
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<td>University of Illinois - Chicago</td>
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<tr>
<td>University of Illinois - Urbana/Champaign</td>
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<td>Chicago State University</td>
<td>149,156</td>
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<td>Eastern Illinois University</td>
<td>477,768</td>
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<td>Northeastern Illinois University</td>
<td>32,560</td>
</tr>
<tr>
<td>Northern Illinois University</td>
<td>698,185</td>
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<tr>
<td>Western Illinois University</td>
<td>12,865</td>
</tr>
<tr>
<td>University of Illinois - Champaign/Urbana Campus</td>
<td>902,501</td>
</tr>
</tbody>
</table>

For miscellaneous capital improvements including construction, reconstruction remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

<table>
<thead>
<tr>
<th>University</th>
<th>Appropriated Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chicago State University</td>
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<td>Eastern Illinois University</td>
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<td>Northern Illinois University</td>
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<td>Western Illinois University</td>
<td>12,865</td>
</tr>
<tr>
<td>University of Illinois - Champaign/Urbana Campus</td>
<td>902,501</td>
</tr>
</tbody>
</table>

For miscellaneous capital improvements

New matter indicated by italics - deletions by strikeout
including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes........ 888,186
For Eastern Illinois University........... 261,412
For Northeastern Illinois University .... 3,449
For Northern Illinois University....... 60,517
For University of Illinois - Urbana-Champaign......................... 562,808
For miscellaneous capital improvements, including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes........ 264,759
For Northern Illinois University..... 151,292
For Southern Illinois University - Carbondale.............................. 22,188
For Southern Illinois University - Edwardsville......................... 11,240
For University of Illinois - Urbana-Champaign......................... 80,039
For miscellaneous capital improvements including construction, reconstruction,

New matter indicated by italics - deletions by strikeout
remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes........... 797,938

For Chicago State University......... 21,722
For Eastern Illinois University...... 150,380
For Governors State University....... 71,798
For Illinois State University........ 85,165
For Northeastern Illinois University . 36,177
For Northern Illinois University..... 207,446
For University of Illinois.......... 225,250

SOUTHERN ILLINOIS UNIVERSITY

For Southern Illinois University for miscellaneous capital improvements including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials services and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes............... 120,090

UNIVERSITY OF ILLINOIS

For the Board of Trustees of the University of Illinois for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital

New matter indicated by italics - deletions by strikeout
facilities, cost of planning, supplies, equipment, materials, services and all other expenses required for completing the work at the colleges and universities. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes....................... 89,723

For the Board of Higher Education for miscellaneous capital improvements, including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services, and all other expenses required to complete the work at the colleges and universities hereinafter enumerated. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes:
Northern Illinois University........................ 17,454

Total                                                                                       $46,616,644

Section 320. The sum of $133,306, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purposes in Article 104, Section 320 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for miscellaneous capital improvements, including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required for completing the work at the colleges and universities. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

New matter indicated by italics - deletions by strikeout
Section 325. The following named amounts, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 325 of Public Act 94-798, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

(From Article 104, Section 325 of Public Act 94-798)

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Chicago State University........................................ 143,813
Eastern Illinois University.................................... 257,800
Governors State University................................... 94,900
Illinois State University...................................... 510,700
Northeastern Illinois University............................... 191,800
Northern Illinois University.................................. 579,500
Western Illinois University.................................. 145,143
Southern Illinois University - Carbondale................. 560,973
Southern Illinois University - Edwardsville.............. 381,500
University of Illinois - Chicago............................ 1,388,600
University of Illinois - Springfield......................... 114,600
University of Illinois - Urbana/Champaign............... 2,075,100
Illinois Community College Board......................... 2,888,562
Total..................................................................... 9,332,991

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies,

New matter indicated by italics - deletions by strikeout
equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

<table>
<thead>
<tr>
<th>University</th>
<th>Amount</th>
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<td>Governors State University</td>
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<td>Illinois State University</td>
<td>510,700</td>
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<td>Northeastern Illinois University</td>
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<tr>
<td>Southern Illinois University - Carbondale</td>
<td>22,934</td>
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<td>Southern Illinois University - Edwardsville</td>
<td>156,094</td>
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<tr>
<td>University of Illinois - Chicago</td>
<td>1,388,600</td>
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<tr>
<td>University of Illinois - Springfield</td>
<td>114,600</td>
</tr>
<tr>
<td>University of Illinois - Urbana/Champaign</td>
<td>2,075,100</td>
</tr>
<tr>
<td>Illinois Community College Board</td>
<td>2,805,684</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$8,341,555</strong></td>
</tr>
</tbody>
</table>

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

<table>
<thead>
<tr>
<th>University</th>
<th>Amount</th>
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<tr>
<td>Chicago State University</td>
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<td>Eastern Illinois University</td>
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<td>Northern Illinois University</td>
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<tr>
<td>Western Illinois University</td>
<td>9,341</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Southern Illinois University - Carbondale........... 37,795
University of Illinois - Chicago............... 974,174
University of Illinois - Springfield......... 76,866
University of Illinois - Urbana/Champaign...... 1,563,514
Total                                       $3,515,932

For miscellaneous capital improvements
including construction, capital
facilities, cost of planning, supplies,
equipment, materials, services and
all other expenses required to complete
the work at the various universities.
This appropriated amount shall be in
addition to any other appropriated amounts
which can be expended for these purposes.
Eastern Illinois University.................... 21,618
Governors State University.................... 26,826
Illinois State University................... 121,697
Northeastern Illinois University........... 87,701
Northern Illinois University............... 448,480
University of Illinois - Chicago.............. 103,101
University of Illinois - Springfield....... 30,052
University of Illinois - Urbana/Champaign.... 268,540
Total                                       $1,108,015

For miscellaneous capital improvements
including construction, capital
facilities, cost of planning, supplies,
equipment, materials, services and
all other expenses required to complete
the work at the various universities.
This appropriated amount shall be in
addition to any other appropriated amounts
which can be expended for these purposes.
Chicago State University...................... 48,214
Eastern Illinois University.................... 134,474
Northeastern Illinois University ....................... 32,547
Northern Illinois University .......................... 340,000
University of Illinois- Champaign/Urbana ........... 65,946
Total                                            $621,181

Section 330. The sum of $1,598,774, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 330 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 335. The sum of $1,311,528, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 335 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 340. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made in Article 104, Section 340 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

CHICAGO STATE UNIVERSITY
(From Article 104, Section 340 of Public Act 94-798)
For replacing primary electrical feeder cable ...................... 341,332

New matter indicated by italics - deletions by strikeout
For roof replacement projects................. 1,445,540
For the construction of a conference center........................................... 4,860,186
For the construction of a day care facility........................................... 4,906,554
For the construction of a student financial outreach building.................. 4,805,809
For constructing a new library facility, site improvements, utilities, and purchasing equipment, in addition to funds previously appropriated................. 2,800,731
For technology improvements and deferred maintenance.......................... 1,186,381
For remodeling Building K, in addition to funds previously appropriated........ 8,534,846
For planning and beginning to remodel Building K and improving site........... 1,000,474
For a grant to Chicago State University for all costs associated with construction of a Convocation Center.............................. 512,431
For upgrading campus infrastructure, in addition to the funds previously appropriated................................. 573,846
For renovating buildings and upgrading mechanical systems....................... 61,412

EASTERN ILLINOIS UNIVERSITY
For upgrading the electrical distribution system................................. 2,327,480
For renovating and expanding the Fine Arts Center, in addition to funds previously appropriated................. 11,945,189
For planning and beginning to renovate and expand the Fine Arts Center - Phase 1, in addition to funds

New matter indicated by italics - deletions by strikeout
previously appropriated.......................... 1,001,351
For planning and beginning to renovate
and expand the Fine Arts Center.................... 39,400
For upgrading campus buildings for health,
safety and environmental improvements........... 386,432

GOVERNORS STATE UNIVERSITY
For constructing addition and
remodeling the teaching & learning
complex, in addition to funds
previously appropriated............................ 14,563,783

ILLINOIS STATE UNIVERSITY
For renovating Stevenson and Turner
Halls for life/safety............................... 21,139,192
For the upgrade and remodeling
of Schroeder Hall.................................. 2,459,395
For planning, site improvements, utilities,
construction, equipment and other costs
necessary for a new facility for the
College of Business................................ 20,480
For remodeling Julian and Moulton Halls........... 406,829

NORTHEASTERN ILLINOIS UNIVERSITY
For renovating Building "C" and
remodeling and expanding Building "E"
and Building "F".................................... 6,277,078
For planning and beginning to remodel
Buildings A, B and E............................. 3,487,633
For remodeling in the Science Building
to upgrade heating, ventilating and air
conditioning systems.............................. 2,021,400
For replacing fire alarm systems, lighting
and ceilings......................................... 196,611

NORTHERN ILLINOIS UNIVERSITY
For renovating the Founders Library
basement, in addition to funds previously

New matter indicated by italics - deletions by strikeout
appropriated..................................... 648,578
For planning a classroom building and
developing site in Hoffman Estates......... 1,314,500
For completing the construction of the
Engineering Building, in addition to
amounts previously appropriated for
such purpose...................................... 326,589
For renovating Altgeld Hall and
purchasing equipment......................... 249,268
For upgrading storm waterway controls in
addition to funds previously appropriated....... 218,606

SOUTHERN ILLINOIS UNIVERSITY
For planning, construction and equipment
for a cancer center......................... 9,863,784

SOUTHERN ILLINOIS UNIVERSITY - CARBONDALE
For renovating and constructing an
addition to the Morris Library, in
addition to funds previously
appropriated................................. 12,404,172

SIU SCHOOL OF MEDICINE - SPRINGFIELD
For constructing and for equipment for
an addition to the combined laboratory,
in addition to funds previously
appropriated................................. 68,104

UNIVERSITY OF ILLINOIS AT CHICAGO
Plan, construct, and equip the Chemical
Sciences Building............................ 57,600,000
For planning, construction and equipment
for a chemical sciences building.......... 3,549,048
To plan and begin construction of
a medical imaging research/clinical
facility........................................... 49,753
For remodeling the Clinical
Sciences Building............................ 854,132

New matter indicated by italics - deletions by strikeout
For the renovation of the court area and Lecture Center, in addition to funds previously appropriated.......................... 119,735

UNIVERSITY OF ILLINOIS AT CHAMPAIGN-URBANA
For planning, analysis and design of Lincoln Hall. Design cannot proceed beyond Program Analysis/Preliminary Design unless approved in writing by the Governor................................... 2,000,000

Expansion of Microelectronics Lab................ 2,025,772
For planning, construction and equipment for a biotechnology genomic facility........... 6,027,073
For planning, construction and equipment for a supercomputing application facility....... 295,061

UNIVERSITY CENTER OF LAKE COUNTY
For constructing a university center and purchasing equipment, in addition to funds previously appropriated.......................... 242,937
For land, planning, remodeling, construction and all costs necessary to construct a facility......................................... 542,946

WESTERN ILLINOIS UNIVERSITY - MACOMB
Plan and construct performing arts center....... 4,000,000
For improvements to Memorial Hall................................. 10,718,657
Total $210,420,510

Section 345. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 104, Section 345 of Public Act 94-798 is reappropriated from the Capital Development Fund to the Capital Development Board for Southern Illinois University School of Medicine, Springfield, for the project hereinafter enumerated:

SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF MEDICINE – SPRINGFIELD

New matter indicated by italics - deletions by strikeout
Section 360. The amount of $73,780, or so much thereof as may be necessary, and remains unexpended on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 104, Section 360 of Public Act 94-798, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the University of Illinois for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, costs of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 370. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 370 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for the project hereinafter enumerated:

EAST ST. LOUIS COLLEGE CENTER
(From Article 104, Section 370 of Public Act 94-798)
For construction of facilities, remodeling, site improvements, utilities and other costs necessary for adapting the former campus of Metropolitan Community College for a Community College Center and Southern Illinois University, in addition to funds previously appropriated.......................... 3,602,045

Section 375. The sum of $35,707,069, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 375

New matter indicated by italics - deletions by strikeout
of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 380. The sum of $30,625,470, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 380 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 385. The sum of $11,402,697, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 385 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 390. The sum of $3,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 390 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for planning, construction, and equipment for a Nanofabrication and

New matter indicated by italics - deletions by strikeout
Molecular Center. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 400. The sum of $26,915, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 104, Section 400 of Public Act 94-798, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for miscellaneous capital improvements to state facilities including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the facilities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 405. The sum of $111,982,989, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 104, Section 405 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the development and improvement of educational, scientific, technical and vocational programs and facilities and the expansion of health and human services, and for any other purposes authorized in subsection (c) of Section 4 of the Build Illinois Bond Act and for grants to State agencies for such purposes.

Section 410. The sum of $129,167,335, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 104, Section 410 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for educational purposes by State universities and colleges, the Illinois Community College Board created by the Public Community College Act and for grants to public community colleges as authorized by Sections 5-11 and 5-12 of the Public Community College Act as authorized by subsection (a) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.
No contract shall be entered into or obligation incurred for any expenditure made in this Article until after the purpose and amounts have been approved in writing by the Governor.

Total, Article 510 $1,440,268,009

ARTICLE 515
EASTERN ILLINOIS UNIVERSITY

Section 5. The sum of $5,298,718, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 105, Section 5 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Board of Trustees of Eastern Illinois University to purchase equipment for the renovation and expansion of the Fine Arts Center. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purpose and amounts have been approved in writing by the Governor.

Section 10. The sum of $95,405, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 105, Section 10 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Board of Trustees of Eastern Illinois University to purchase equipment for the renovation and expansion of Booth Library. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Total, Article 515 $5,394,123

ARTICLE 520
NORTHEASTERN ILLINOIS UNIVERSITY

Section 5. The sum of $2,071,805, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 106, Section 5 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Board of Trustees of Northeastern Illinois University to purchase equipment and remodel buildings A, B and E. This appropriation is in addition to any funds previously appropriated.

New matter indicated by italics - deletions by strikeout
Section 10. No contract shall be entered into or obligation incurred for any expenditures from appropriations in Section 5 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Total, Article 520 $2,071,805

ARTICLE 525

SOUTHERN ILLINOIS UNIVERSITY

Section 5. The sum of $3,805, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 108, Section 5 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Board of Trustees of Southern Illinois University at Carbondale to purchase equipment for Altgeld Hall and the Old Baptist Foundation Building. This appropriation is in addition to any funds previously appropriated.

Section 10. No contract shall be entered into or obligation incurred for any expenditures from appropriations in Section 5 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Total, Article 525 $3,805

ARTICLE 530

UNIVERSITY OF ILLINOIS

Section 5. The sum of $4,702,332, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 109, Section 5 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois for all costs associated with the space needs of the Department of Natural Resources, Illinois Natural History Survey Division and State Water Survey Division on the campus of the University of Illinois in Champaign, including construction, capital facilities, planning, relocation, renovation and rehabilitation, mechanical systems, materials, services and all other costs required to complete the work.

New matter indicated by italics - deletions by strikeout
Section 10. The sum of $385,026, or so much thereof as may be necessary and remains unexpended on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 109, Section 10 of Public Act 94-798, is reappropriated from the Capital Development Fund to the University of Illinois for digitalization infrastructure for WILL-TV (Urbana-Champaign).

Section 15. The sum of $108,796, or so much thereof as may be necessary and remains unexpended on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 109, Section 15 of Public Act 94-798, is reappropriated from the Capital Development Fund to the University of Illinois at Springfield for constructing a classroom and office building, in addition to funds previously appropriated.

Section 20. No contract shall be entered into or obligation incurred for any expenditures from appropriations in Sections 5, 10 and 15 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Total, Article 530 $5,196,154

ARTICLE 535
ILLINOIS COMMERCE COMMISSION

Section 5. The sum of $391,315, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 110, Section 5 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Illinois Commerce Commission for train whistle abatement in counties with over 3,000,000 in population, where a public highway crosses a railroad at grade.

Total, Article 535 $391,315

ARTICLE 540
ENVIRONMENTAL PROTECTION AGENCY

Section 5. The sum of $150,000,000, or so much thereof as may be necessary, is appropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government for sewer systems and wastewater treatment facilities pursuant
to rules defining the Water Pollution Control Revolving Loan program and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged loan program.

Section 10. The sum of $60,000,000, or so much thereof as may be necessary, is appropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government and privately owned community water supplies for drinking water infrastructure projects pursuant to the Safe Drinking Water Act, as amended, and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged program.

Section 30. The sum of $10,000,000, or so much thereof as may be necessary is appropriated from the Underground Storage Tank Fund to the Environmental Protection Agency for deposit into the Brownfields Redevelopment Fund for use pursuant to Sections 58.13 and 58.15 of the Environmental Protection Act.

Total, Article 540 $220,000,000

ARTICLE 545
ENVIRONMENTAL PROTECTION AGENCY

Section 5. The sum of $540,796,725, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 111, Section 5, and Article 112, Section 5 of Public Act 94-798, as amended, are reappropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government for sewer systems and wastewater treatment facilities pursuant to rules defining the Water Pollution Control Revolving Loan program and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged loan program.

Section 10. The sum of $210,011,080, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 111, Section 10,
and Article 112, Section 10 of Public Act 94-798, as amended, are reappropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government and privately owned community water supplies for drinking water infrastructure projects pursuant to the Safe Drinking Water Act, as amended, and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged loan program.

Section 15. The sum of $8,942,400, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 112, Section 15 of Public Act 94-798, as amended, is reappropriated from the Anti-Pollution Fund to the Environmental Protection Agency for deposit into the Water Revolving Fund.

Section 20. The sum of $1,827,595, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 112, Section 20 of Public Act 94-798, as amended, is reappropriated from the Anti-Pollution Fund to the Environmental Protection Agency for deposit into the Water Revolving Fund.

Section 25. The sum of $4,836,773, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 112, Section 25 of Public Act 94-798, as amended, is reappropriated from the Anti-Pollution Fund to the Environmental Protection Agency for grants to units of local government for wastewater facilities, pursuant to provisions of the "Anti-Pollution Bond Act."

Section 30. The amount of $55,429,959, or so much thereof as may be necessary and remains unexpended on June 30, 2007, from reappropriations heretofore made for such purposes in Article 112, Section 30 of Public Act 94-798, as amended, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for wastewater compliance grants to units of local government or sewer systems and wastewater treatment facilities pursuant to procedures and

New matter indicated by italics - deletions by strikeout
rules established under the Anti-Pollution Bond Act. These grants are limited to projects for which the local government provides at least 30% of the project cost. There is an approved project compliance plan, and there is an enforceable compliance schedule prior to the grant award. The grant award will be based on eligible project cost contained in the approved compliance plan.

Section 35. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 112, Section 35 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Brownfields Redevelopment Fund for use pursuant to Sections 58.13 and 58.15 of the Environmental Protection Act.

Section 40. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 112, Section 40 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Brownfields Redevelopment Fund for use pursuant to Sections 58.13 and 58.15 of the Environmental Protection Act.

Section 45. The sum of $10,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 112, Section 45 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Hazardous Waste Fund for use pursuant to Section 22.2 of the Environmental Protection Act.

Section 50. The sum of $748,945, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 112, Section 50 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for grants and contracts for public drinking water infrastructure, including design and construction, where

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private drinking water wells have been contaminated by a hazardous substance.

Section 55. The sum of $5,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 111, Section 20 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for financial assistance to municipalities with designated River Edge Redevelopment Zones for brownfields redevelopment in accordance with Section 58.13 of the Environmental Protection Act, including costs in prior years.

Section 60. The sum of $8,462,700, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 112, Section 55 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for the protection, preservation, restoration and conservation of environmental and natural resources, for deposits into the Water Revolving Fund, and for any other purposes authorized in subsection (d) of Section 4 of the Build Illinois Bond Act and for grants to State agencies for such purposes.

Section 65. The sum of $16,600,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 111, Section 15 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for the protection, preservation, restoration and conservation of environmental and natural resources, for deposits into the Water Revolving Fund, and for any other purposes authorized in subsection (d) of Section 4 of the Build Illinois Bond Act and for grants to State Agencies for such purposes.

Section 70. No contract shall be entered into or obligation incurred for any expenditure made in Sections 15 through 65 of this Article until after the purpose and amounts have been approved in writing by the Governor.

Total, Article 545 $866,656,177

ARTICLE 550

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HISTORIC PRESERVATION AGENCY

Section 5. The sum of $437,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 113, Section 5 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for costs associated with the acquisition or improvements of Sugar Loaf and/or Fox Mounds or other properties within the Cahokia Mounds National Historic Landmark Boundary.

Section 10. The sum of $460,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 113, Section 10 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for support facilities, acquisition or improvements for Sugar Loaf and/or Fox Mounds or other properties within the Cahokia Mounds National Historic Landmark Boundary.

Section 15. No contract shall be entered into or obligation incurred for any expenditures from appropriations in Sections 5 and 10 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Total, Article 550 $897,800

ARTICLE 555
ILLINOIS FINANCE AUTHORITY

Section 5. The sum of $500,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 114, Section 5 of Public Act 94-798, as amended, is reappropriated from the Fire Truck Revolving Loan Fund to the Illinois Finance Authority for the purpose of making loans to fire departments, fire protection districts, and township fire departments as successor in interest to the Illinois Rural Bond Bank, pursuant to Section 845-75 of Public Act 93-0205.

Section 10. The sum of $644,371, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30,
2007, from a reappropriation heretofore made in Article 115, Section 5 of Public Act 94-798, is reappropriated from the Fire Truck Revolving Loan Fund to the Illinois Finance Authority for loans to fire departments, fire protection districts, and township fire departments as successor in interest to the Illinois Rural Bond Bank, pursuant to Section 845-75 of Public Act 93-0205.

Total, Article 555 $1,144,371

ARTICLE 560

ILLINOIS COMMUNITY COLLEGE BOARD

Section 5. The sum of $1,606,823, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 118, Section 5 of Public Act 94-798, as amended, is reappropriated from the Build Illinois Bond Fund for the Illinois Community College Board for remodeling of facilities for compliance with the Americans with Disabilities Act. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 10. No contract shall be entered into or obligation incurred for any expenditures from appropriations in Section 5 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Total, Article 560 $1,606,823

ARTICLE 998

Section 99-10. Repeal. This Act is repealed on August 1, 2007.

ARTICLE 999

Section 99-99. Effective date. This Act takes effect on July 1, 2007.

Approved July 2, 2007.
Effective July 2, 2007.
AN ACT concerning public health.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the FY2008 Budget Implementation (Human Services) Act.

Section 5. Purpose. It is the purpose of this Act to implement the Governor's FY2008 budget recommendations concerning human services.

Section 10. The Illinois Administrative Procedure Act is amended by changing Section 5-45 as follows:

(a) "Emergency" means the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare.

(b) If any agency finds that an emergency exists that requires adoption of a rule upon fewer days than is required by Section 5-40 and states in writing its reasons for that finding, the agency may adopt an emergency rule without prior notice or hearing upon filing a notice of emergency rulemaking with the Secretary of State under Section 5-70. The notice shall include the text of the emergency rule and shall be published in the Illinois Register. Consent orders or other court orders adopting settlements negotiated by an agency may be adopted under this Section. Subject to applicable constitutional or statutory provisions, an emergency rule becomes effective immediately upon filing under Section 5-65 or at a stated date less than 10 days thereafter. The agency's finding and a statement of the specific reasons for the finding shall be filed with the rule. The agency shall take reasonable and appropriate measures to make emergency rules known to the persons who may be affected by them.

(c) An emergency rule may be effective for a period of not longer than 150 days, but the agency's authority to adopt an identical rule under Section 5-40 is not precluded. No emergency rule may be adopted more

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than once in any 24 month period, except that this limitation on the number of emergency rules that may be adopted in a 24 month period does not apply to (i) emergency rules that make additions to and deletions from the Drug Manual under Section 5-5.16 of the Illinois Public Aid Code or the generic drug formulary under Section 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii) emergency rules adopted by the Pollution Control Board before July 1, 1997 to implement portions of the Livestock Management Facilities Act, or (iii) emergency rules adopted by the Illinois Department of Public Health under subsections (a) through (i) of Section 2 of the Department of Public Health Act when necessary to protect the public's health. Two or more emergency rules having substantially the same purpose and effect shall be deemed to be a single rule for purposes of this Section.

(d) In order to provide for the expeditious and timely implementation of the State's fiscal year 1999 budget, emergency rules to implement any provision of Public Act 90-587 or 90-588 or any other budget initiative for fiscal year 1999 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (d). The adoption of emergency rules authorized by this subsection (d) shall be deemed to be necessary for the public interest, safety, and welfare.

(e) In order to provide for the expeditious and timely implementation of the State's fiscal year 2000 budget, emergency rules to implement any provision of this amendatory Act of the 91st General Assembly or any other budget initiative for fiscal year 2000 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (e). The adoption of emergency rules authorized by this subsection (e) shall be deemed to be necessary for the public interest, safety, and welfare.
(f) In order to provide for the expeditious and timely implementation of the State's fiscal year 2001 budget, emergency rules to implement any provision of this amendatory Act of the 91st General Assembly or any other budget initiative for fiscal year 2001 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (f). The adoption of emergency rules authorized by this subsection (f) shall be deemed to be necessary for the public interest, safety, and welfare.

(g) In order to provide for the expeditious and timely implementation of the State's fiscal year 2002 budget, emergency rules to implement any provision of this amendatory Act of the 92nd General Assembly or any other budget initiative for fiscal year 2002 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (g). The adoption of emergency rules authorized by this subsection (g) shall be deemed to be necessary for the public interest, safety, and welfare.

(h) In order to provide for the expeditious and timely implementation of the State's fiscal year 2003 budget, emergency rules to implement any provision of this amendatory Act of the 92nd General Assembly or any other budget initiative for fiscal year 2003 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (h). The adoption of emergency rules authorized by this subsection (h) shall be deemed to be necessary for the public interest, safety, and welfare.

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(i) In order to provide for the expeditious and timely implementation of the State's fiscal year 2004 budget, emergency rules to implement any provision of this amendatory Act of the 93rd General Assembly or any other budget initiative for fiscal year 2004 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (i). The adoption of emergency rules authorized by this subsection (i) shall be deemed to be necessary for the public interest, safety, and welfare.

(j) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2005 budget as provided under the Fiscal Year 2005 Budget Implementation (Human Services) Act, emergency rules to implement any provision of the Fiscal Year 2005 Budget Implementation (Human Services) Act may be adopted in accordance with this Section by the agency charged with administering that provision, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (j). The Department of Public Aid may also adopt rules under this subsection (j) necessary to administer the Illinois Public Aid Code and the Children's Health Insurance Program Act. The adoption of emergency rules authorized by this subsection (j) shall be deemed to be necessary for the public interest, safety, and welfare.

(k) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2006 budget, emergency rules to implement any provision of this amendatory Act of the 94th General Assembly or any other budget initiative for fiscal year 2006 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (k). The Department of Healthcare and Family Services may also adopt rules under this subsection (k) necessary to administer the

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Illinois Public Aid Code, the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, the Senior Citizens and Disabled Persons Prescription Drug Discount Program Act (now the Illinois Prescription Drug Discount Program Act), and the Children's Health Insurance Program Act. The adoption of emergency rules authorized by this subsection (k) shall be deemed to be necessary for the public interest, safety, and welfare.

(l) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2007 budget, the Department of Healthcare and Family Services may adopt emergency rules during fiscal year 2007, including rules effective July 1, 2007, in accordance with this subsection to the extent necessary to administer the Department's responsibilities with respect to amendments to the State plans and Illinois waivers approved by the federal Centers for Medicare and Medicaid Services necessitated by the requirements of Title XIX and Title XXI of the federal Social Security Act. The adoption of emergency rules authorized by this subsection (l) shall be deemed to be necessary for the public interest, safety, and welfare.

(m) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2008 budget, the Department of Healthcare and Family Services may adopt emergency rules during fiscal year 2008, including rules effective July 1, 2008, in accordance with this subsection to the extent necessary to administer the Department's responsibilities with respect to amendments to the State plans and Illinois waivers approved by the federal Centers for Medicare and Medicaid Services necessitated by the requirements of Title XIX and Title XXI of the federal Social Security Act. The adoption of emergency rules authorized by this subsection (m) shall be deemed to be necessary for the public interest, safety, and welfare.

(Source: P.A. 93-20, eff. 6-20-03; 93-829, eff. 7-28-04; 93-841, eff. 7-30-04; 94-48, eff. 7-1-05; 94-838, eff. 6-6-06; revised 10-19-06.)

Section 15. The Illinois Public Aid Code is amended by changing Section 5-5.4 as follows:

(305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

New matter indicated by italics - deletions by strikeout
Sec. 5-5.4. Standards of Payment - Department of Healthcare and Family Services. The Department of Healthcare and Family Services shall develop standards of payment of skilled nursing and intermediate care services in facilities providing such services under this Article which:

(1) Provide for the determination of a facility's payment for skilled nursing and intermediate care services on a prospective basis. The amount of the payment rate for all nursing facilities certified by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities, Long Term Care for Under Age 22 facilities, Skilled Nursing facilities, or Intermediate Care facilities under the medical assistance program shall be prospectively established annually on the basis of historical, financial, and statistical data reflecting actual costs from prior years, which shall be applied to the current rate year and updated for inflation, except that the capital cost element for newly constructed facilities shall be based upon projected budgets. The annually established payment rate shall take effect on July 1 in 1984 and subsequent years. No rate increase and no update for inflation shall be provided on or after July 1, 1994 and before July 1, 2007, unless specifically provided for in this Section. The changes made by Public Act 93-841 extending the duration of the prohibition against a rate increase or update for inflation are effective retroactive to July 1, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1998 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1998 shall include an increase of 3% plus $1.10 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care Facilities for the Developmentally Disabled or Long Term Care for Under Age 22 facilities, the rates taking effect on January 1, 2006 shall include an increase of 3%.

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For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% plus $3.00 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by $4.00 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, a new payment methodology must be implemented for the nursing component of the rate effective July 1, 2003. The Department of Public Aid (now Healthcare and Family Services) shall develop the new payment methodology using the Minimum Data Set (MDS) as the instrument to collect information concerning nursing home resident condition necessary to compute the rate. The Department shall develop the new payment methodology to meet the unique needs of Illinois nursing home residents while remaining subject to the appropriations provided by the General Assembly. A transition period from the payment methodology in effect on June 30, 2003 to the payment methodology in effect on July 1, 2003 shall be provided for a period not exceeding 3 years and 184 days after implementation of the new payment methodology as follows:

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(A) For a facility that would receive a lower nursing component rate per patient day under the new system than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be held at the level in effect on the date immediately preceding the date that the Department implements the new payment methodology until a higher nursing component rate of reimbursement is achieved by that facility.

(B) For a facility that would receive a higher nursing component rate per patient day under the payment methodology in effect on July 1, 2003 than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be adjusted.

(C) Notwithstanding paragraphs (A) and (B), the nursing component rate per patient day for the facility shall be adjusted subject to appropriations provided by the General Assembly.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on March 1, 2001 shall include a statewide increase of 7.85%, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on April 1, 2002 shall include a statewide increase of 2.0%, as defined by the Department. This increase terminates on July 1, 2002; beginning July 1, 2002 these rates are reduced to the level of the rates in effect on March 31, 2002, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on July 1, 2001 shall be computed using the most recent cost reports on file with the Department of Public Health.
Aid no later than April 1, 2000, updated for inflation to January 1, 2001. For rates effective July 1, 2001 only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the Illinois Department shall determine by rule the rates taking effect on July 1, 2002, which shall be 5.9% less than the rates in effect on June 30, 2002.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, if the payment methodologies required under Section 5A-12 and the waiver granted under 42 CFR 433.68 are approved by the United States Centers for Medicare and Medicaid Services, the rates taking effect on July 1, 2004 shall be 3.0% greater than the rates in effect on June 30, 2004. These rates shall take effect only upon approval and implementation of the payment methodologies required under Section 5A-12.

Notwithstanding any other provisions of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on January 1, 2005 shall be 3% more than the rates in effect on December 31, 2004.

Notwithstanding any other provisions of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as intermediate care facilities that are federally defined as Institutions for Mental Disease, a socio-development component rate equal to 6.6% of the facility's nursing component rate as of January 1, 2006 shall be established and paid effective July 1, 2006. The Illinois Department may by rule adjust these socio-development component rates, but in no case may such rates be diminished.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or as long-term care facilities for residents under 22
years of age, the rates taking effect on July 1, 2003 shall include a state-wide increase of 4%, as defined by the Department.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, effective January 1, 2005, facility rates shall be increased by the difference between (i) a facility's per diem property, liability, and malpractice insurance costs as reported in the cost report filed with the Department of Public Aid and used to establish rates effective July 1, 2001 and (ii) those same costs as reported in the facility's 2002 cost report. These costs shall be passed through to the facility without caps or limitations, except for adjustments required under normal auditing procedures.

Rates established effective each July 1 shall govern payment for services rendered throughout that fiscal year, except that rates established on July 1, 1996 shall be increased by 6.8% for services provided on or after January 1, 1997. Such rates will be based upon the rates calculated for the year beginning July 1, 1990, and for subsequent years thereafter until June 30, 2001 shall be based on the facility cost reports for the facility fiscal year ending at any point in time during the previous calendar year, updated to the midpoint of the rate year. The cost report shall be on file with the Department no later than April 1 of the current rate year. Should the cost report not be on file by April 1, the Department shall base the rate on the latest cost report filed by each skilled care facility and intermediate care facility, updated to the midpoint of the current rate year. In determining rates for services rendered on and after July 1, 1985, fixed time shall not be computed at less than zero. The Department shall not make any alterations of regulations which would reduce any component of the Medicaid rate to a level below what that component would have been utilizing in the rate effective on July 1, 1984.

(2) Shall take into account the actual costs incurred by facilities in providing services for recipients of skilled nursing and intermediate care services under the medical assistance program.

(3) Shall take into account the medical and psycho-social characteristics and needs of the patients.

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(4) Shall take into account the actual costs incurred by facilities in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the U.S. Department of Health and Human Services pursuant to Title XIX of the Social Security Act.

The Department of Healthcare and Family Services shall develop precise standards for payments to reimburse nursing facilities for any utilization of appropriate rehabilitative personnel for the provision of rehabilitative services which is authorized by federal regulations, including reimbursement for services provided by qualified therapists or qualified assistants, and which is in accordance with accepted professional practices. Reimbursement also may be made for utilization of other supportive personnel under appropriate supervision.

(Source: P.A. 93-20, eff. 6-20-03; 93-649, eff. 1-8-04; 93-659, eff. 2-3-04; 93-841, eff. 7-30-04; 93-1087, eff. 2-28-05; 94-48, eff. 7-1-05; 94-85, eff. 6-28-05; 94-697, eff. 11-21-05; 94-838, eff. 6-6-06; 94-964, eff. 6-28-06; revised 8-3-06.)

Section 20. The Hemophilia Care Act is amended by changing Section 1 and by adding Sections 1.5 and 2.5 as follows:

(410 ILCS 420/1) (from Ch. 111 1/2, par. 2901)

Sec. 1. Definitions. As used in this Act, unless the context clearly requires otherwise:

(1) "Department" means the Illinois Department of Healthcare and Family Services Public Aid.

(1.5) "Director" means the Director of Healthcare and Family Services and the Director of Insurance Public Aid.

(2) (Blank).

(3) "Hemophilia" means a bleeding tendency resulting from a genetically determined deficiency in the blood.

(4) (Blank). "Committee" means the Hemophilia Advisory Committee created under this Act.

(5) "Eligible person" means any resident of the State suffering from hemophilia.

(6) "Family" means:

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(a) In the case of a patient who is a dependent of another person or couple as defined by the Illinois Income Tax Act, all those persons for whom exemption is claimed in the State income tax return of the person or couple whose dependent the eligible person is, and

(b) In all other cases, all those persons for whom exemption is claimed in the State income tax return of the eligible person, or of the eligible person and his spouse.

(7) "Eligible cost of hemophilia services" means the cost of blood transfusions, blood derivatives, and for outpatient services, of physician charges, medical supplies, and appliances, used in the treatment of eligible persons for hemophilia, plus one half of the cost of hospital inpatient care, minus any amount of such cost which is eligible for payment or reimbursement by any hospital or medical insurance program, by any other government medical or financial assistance program, or by any charitable assistance program.

(8) "Gross income" means the base income for State income tax purposes of all members of the family.

(9) "Available family income" means the lesser of:

(a) Gross income minus the sum of (1) $5,500, and (2) $3,500 times the number of persons in the family, or

(b) One half of gross income.

(10) "Board" means the Hemophilia Advisory Review Board.

(Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised 12-15-05.)

Sec. 1.5. Findings. The General Assembly finds all of the following:

(1) Inherited hemophilia and other bleeding disorders are devastating health conditions that can cause serious financial, social, and emotional hardships for patients and their families. Hemophilia, which occurs predominantly in males, is a rare but well-known type of inherited bleeding disorder in which one of several proteins normally found in blood are either deficient or inactive, and causing pain, swelling, and permanent damage to

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joints and muscles. The disorder affects Americans of all racial and ethnic backgrounds. In about one-third of all cases, there is no known family history of the disorder. In these cases, the disease developed after a new or spontaneous gene mutation.

(2) Hemophilia is one of a spectrum of devastating chronic bleeding disorders impacting Americans. Von Willebrand Disease, another type of bleeding disorder, is caused by a deficiency on the von Willebrand protein. Persons with the disorder often bruise easily, have frequent nosebleeds, or bleed after tooth extraction, tonsillectomy, or other surgery. In some instances, women will have prolonged menstrual bleeding. The disorder occurs in about 1% to 2% of the U.S. population.

(3) Appropriate care and treatment are necessities for maintaining optimum health for persons afflicted with hemophilia and other bleeding disorders.

(4) While hemophilia and other bleeding disorders are incurable, advancements in drug therapies are allowing individuals greater latitude in managing their conditions, fostering independence, and minimizing chronic complications such as damage to the joints and muscles, blood-transmitted infectious diseases, and chronic liver diseases. At the same time, treatment for clotting disorders is saving more and more lives. The rarity of these disorders coupled with the delicate processes for producing factors, however, makes treating these disorders extremely costly. As a result, insurance coverage is a major concern for patients and their families.

(5) It is thus the intent of the General Assembly through implementation of this Act to establish an advisory board to provide expert advice to the State on health and insurance policies, plans, and public health programs that impact individuals with hemophilia and other bleeding disorders.

Sec. 2.5. Hemophilia Advisory Review Board.

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(a) The Director of Public Health in collaboration and in consultation with the Director of Insurance, shall establish an independent advisory board known as the Hemophilia Advisory Review Board. The Board shall review, may comment upon, and make recommendations to the Directors with regard to, but not limited to the following:

1. Proposed legislative or administrative changes to policies and programs that are integral to the health and wellness of individuals with hemophilia and other bleeding disorders.

2. Standards of care and treatment for persons living with hemophilia and other bleeding disorders. In examining standards of care, the Board shall protect open access to any and all treatments for hemophilia and other bleeding disorders, in accordance with federal guidelines and standards of care guidelines developed by the Medical and Scientific Advisory Council (MASAC) of National Hemophilia Foundation (NHF), an internationally recognized body whose guidelines set the standards of care for hemophilia and other bleeding disorders around the world.

3. The development of community-based initiatives to increase awareness of care and treatment for persons living with hemophilia and other bleeding disorders. The Department of Health may provide such services through cooperative agreements with Hemophilia Treatment Centers, medical facilities, schools, nonprofit organizations servicing the bleeding disorder community, or other appropriate means.

4. Facilitating linkages for persons with hemophilia and other bleeding disorders.

5. Protecting the rights of people living with hemophilia and other bleeding disorders to appropriate health insurance coverage be it under a private or State-sponsored health insurance provider.

(b) The Board shall consist of the Director of Healthcare and Family Services and the Director of Insurance or their designee, who shall serve as non-voting members, and 7 voting members appointed by the
Governor in consultation and in collaboration with the Directors. The voting members shall be selected from among the following member groups:

(1) one board-certified physician licensed, practicing and currently treating individuals with hemophilia or other bleeding disorders;
(2) one nurse licensed, practicing and currently treating individuals with hemophilia or other bleeding disorders;
(3) one social worker licensed, practicing and currently treating individuals with hemophilia or other bleeding disorders;
(4) one representative of a federally funded Hemophilia Treatment Center;
(5) one representative of an organization established under the Illinois Insurance Code for the purpose of providing health insurance;
(6) one representative of a voluntary health organization that currently services the hemophilia and other bleeding disorders community; and
(7) one patient or caregiver of a patient with hemophilia or other bleeding disorder.

The Board may also have up to 5 additional nonvoting members as determined appropriate by the Directors. Nonvoting members may be persons with or caregivers of a patient with hemophilia or a bleeding disorder other than hemophilia or persons experienced in the diagnosis, treatment, care, and support of individuals with hemophilia or other bleeding disorders.

No more than a majority of the voting members may be of the same political party. Members of the Board shall elect one of its members to act as chair for a term of 3 years. The chair shall retain all voting rights. If there is a vacancy on the Board, such position may be filled in the same manner as the original appointment. Members of the Board shall receive no compensation, but may be reimbursed for actual expenses incurred in the carrying out of their duties. The Board shall meet no less than 4 times
per year and follow all policies and procedures of the State of Illinois Open Meetings Law.

(c) No later than 6 months after the date of enactment of this amendatory Act, the Board shall submit to the Governor and the General Assembly a report with recommendations for maintaining access to care and obtaining appropriate health insurance coverage for individuals with hemophilia and other bleeding disorders. The report shall be subject to public review and comment prior to adoption. No later than 6 months after adoption by the Governor and Legislature and annually thereafter, the Director of Healthcare and Family Services shall issue a report, which shall be made available to the public, on the status of implementing the recommendations as proposed by the Board and on any state and national activities with regard to hemophilia and other bleeding disorders.

(410 ILCS 420/4 rep.)

Section 21. The Hemophilia Care Act is amended by repealing Section 4.

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

Approved July 2, 2007.
Effective July 2, 2007.

PUBLIC ACT 95-0013
(Senate Bill No. 0201)

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

Section 5. The Wildlife Code is amended by changing Sections 2.25, 2.38, and 3.5 as follows:

(520 ILCS 5/2.25) (from Ch. 61, par. 2.25)
Sec. 2.25. It shall be unlawful for any person to take deer except (i) with a shotgun, handgun, or muzzleloading rifle or (ii) as provided by administrative rule, with a bow and arrow, or crossbow device for

New matter indicated by italics - deletions by strikeout
handicapped persons as defined in Section 2.33, during the open season of not more than 14 days which will be set annually by the Director between the dates of November 1st and December 31st, both inclusive, or a special 2-day, youth-only season between the dates of September 1 and October 31. For the purposes of this Section, legal handguns include any centerfire handguns of .30 caliber or larger with a minimum barrel length of 4 inches. The only legal ammunition for a centerfire handgun is a cartridge of .30 caliber or larger with a capability of at least 500 foot pounds of energy at the muzzle. Full metal jacket bullets may not be used to harvest deer.

The Department shall make administrative rules concerning management restrictions applicable to the firearm and bow and arrow season.

It shall be unlawful for any person to take deer except with a bow and arrow, or crossbow device for handicapped persons (as defined in Section 2.33), during the open season for bow and arrow set annually by the Director between the dates of September 1st and January 31st, both inclusive.

It shall be unlawful for any person to take deer except with (i) a muzzleloading rifle, or (ii) bow and arrow, or crossbow device for handicapped persons as defined in Section 2.33, during the open season for muzzleloading rifles set annually by the Director.

The Director shall cause an administrative rule setting forth the prescribed rules and regulations, including bag and possession limits and those counties of the State where open seasons are established, to be published in accordance with Sections 1.3 and 1.13 of this Act.

The Department may establish separate harvest periods for the purpose of managing or eradicating disease that has been found in the deer herd. This season shall be restricted to gun or bow and arrow hunting only. The Department shall publicly announce, via statewide news release, the season dates and shooting hours, the counties and sites open to hunting, permit requirements, application dates, hunting rules, legal weapons, and reporting requirements.

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The Department is authorized to establish a separate harvest period at specific sites within the State for the purpose of harvesting surplus deer that cannot be taken during the regular season provided for the taking of deer. This season shall be restricted to gun or bow and arrow hunting only and shall be established during the period of September 1st to February 15th, both inclusive. The Department shall publish suitable prescribed rules and regulations established by administrative rule pertaining to management restrictions applicable to this special harvest program. The Department shall allow unused gun deer permits that are left over from a regular season for the taking of deer to be rolled over and used during any separate harvest period held within 6 months of the season for which those tags were issued at no additional cost to the permit holder subject to the management restrictions applicable to the special harvest program.

(Source: P.A. 93-37, eff. 6-25-03; 93-554, eff. 8-20-03; 94-919, eff. 6-26-06.)

(520 ILCS 5/2.38) (from Ch. 61, par. 2.38)
Sec. 2.38. No person shall at any time:

(1) falsify, alter or change in any manner, or loan or transfer to another, or provide deceptive or false information required for, any license, permit or tag issued under the provisions hereof; or

(2) falsify any record required by this Act; or

(3) counterfeit any form of license, permit or tag provided for by this Act;

(4) loan or transfer to another person any license, permit, or tag issued under this Act; or

(5) use in the field any license, permit, or tag issued to another person.

It is unlawful to possess any license, permit or tag issued under the provisions of this Act which was fraudulently obtained, or which the possessor knew, or should have known, was falsified, altered, changed in any manner or fraudulently obtained.

The Department shall suspend the privileges, under this Act, of any person found guilty of violating this Section for a period of not less than one year.

New matter indicated by italics - deletions by strikeout
Sec. 3.5. Penalties; probation.

(a) Any person who violates any of the provisions of Section 2.36a, including administrative rules, shall be guilty of a Class 3 felony, except as otherwise provided in subsection (b) of this Section and subsection (a) of Section 2.36a.

(b) Whenever any person who has not previously been convicted of, or placed on probation or court supervision for, any offense under Section 1.22, 2.36, or 2.36a or subsection (i) or (cc) of Section 2.33, the court may, without entering a judgment and with the person's consent, sentence the person to probation for a violation of Section 2.36a.

(1) When a person is placed on probation, the court shall enter an order specifying a period of probation of 24 months and shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of probation.

(2) The conditions of probation shall be that the person:

(A) Not violate any criminal statute of any jurisdiction.

(B) Perform no less than 30 hours of community service, provided community service is available in the jurisdiction and is funded and approved by the county board.

(3) The court may, in addition to other conditions:

(A) Require that the person make a report to and appear in person before or participate with the court or courts, person, or social service agency as directed by the court in the order of probation.

(B) Require that the person pay a fine and costs.

(C) Require that the person refrain from possessing a firearm or other dangerous weapon.

(D) Prohibit the person from associating with any person who is actively engaged in any of the activities

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regulated by the permits issued or privileges granted by the Department of Natural Resources.

(4) Upon violation of a term or condition of probation, the court may enter a judgment on its original finding of guilt and proceed as otherwise provided.

(5) Upon fulfillment of the terms and conditions of probation, the court shall discharge the person and dismiss the proceedings against the person.

(6) A disposition of probation is considered to be a conviction for the purposes of imposing the conditions of probation, for appeal, and for administrative revocation and suspension of licenses and privileges; however, discharge and dismissal under this Section is not a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime.

(7) Discharge and dismissal under this Section may occur only once with respect to any person.

(8) If a person is convicted of an offense under this Act within 5 years subsequent to a discharge and dismissal under this Section, the discharge and dismissal under this Section shall be admissible in the sentencing proceeding for that conviction as a factor in aggravation.

(9) The Circuit Clerk shall notify the Department of State Police of all persons convicted of or placed under probation for violations of Section 2.36a.

(c) Any person who violates any of the provisions of Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30, 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y), and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 - 3.16, 3.19 - 3.21 (except subsections (b), (c), (d), (e), (f), (f.5), (g), (h), and (i)), and 3.24 - 3.26, including administrative rules, shall be guilty of a Class B misdemeanor.

Any person who violates any of the provisions of Sections 1.22, 2.4, 2.36 and 2.38, including administrative rules, shall be guilty of a Class
A misdemeanor. Any second or subsequent violations of Sections 2.4 and 2.36 shall be a Class 4 felony.

Any person who violates any of the provisions of this Act, including administrative rules, during such period when his license, privileges, or permit is revoked or denied by virtue of Section 3.36, shall be guilty of a Class A misdemeanor.

Any person who violates subsection (g), (i), (o), (p), (y), or (cc) of Section 2.33 shall be guilty of a Class A misdemeanor and subject to a fine of no less than $500 and no more than $5,000 in addition to other statutory penalties. In addition, the Department shall suspend the privileges, under this Act, of any person found guilty of violating Section 2.33(cc) for a period of not less than one year.

Any person who violates any other of the provisions of this Act including administrative rules, unless otherwise stated, shall be guilty of a petty offense. Offenses committed by minors under the direct control or with the consent of a parent or guardian may subject the parent or guardian to the penalties prescribed in this Section.

In addition to any fines imposed pursuant to the provisions of this Section or as otherwise provided in this Act, any person found guilty of unlawfully taking or possessing any species protected by this Act, shall be assessed a civil penalty for such species in accordance with the values prescribed in Section 2.36a of this Act. This civil penalty shall be imposed by the Circuit Court for the county within which the offense was committed at the time of the conviction. All penalties provided for in this Section shall be remitted to the Department in accordance with the same provisions provided for in Section 1.18 of this Act.

(Source: P.A. 94-222, eff. 7-14-05.)


Effective January 1, 2008.

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

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

Section 5. The School Code is amended by changing Section 14-1.02 as follows:

(105 ILCS 5/14-1.02) (from Ch. 122, par. 14-1.02)

Sec. 14-1.02. Children with disabilities. "Children with disabilities" means children between the ages of 3 and 21 for whom it is determined, through definitions and procedures described in the Illinois Rules and Regulations to Govern the Organization and Administration of Special Education, that special education services are needed. An eligible student who requires continued public school educational experience to facilitate his or her successful transition and integration into adult life is eligible for such services through age 21, inclusive, which, for purposes of this Article, means the day before the student's 22nd birthday. An individualized education program must be written and agreed upon by appropriate school personnel and parents or their representatives for any child receiving special education.

(Source: P.A. 89-397, eff. 8-20-95.)

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

Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary

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building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

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(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized
as having expertise in environmental remediation has
determined a need for, the clean-up of hazardous waste,
hazardous substances, or underground storage tanks
required by State or federal law, provided that the
remediation costs constitute a material impediment to the
development or redevelopment of the redevelopment
project area.

(L) Lack of community planning. The proposed
redevelopment project area was developed prior to or
without the benefit or guidance of a community plan. This
means that the development occurred prior to the adoption
by the municipality of a comprehensive or other community
plan or that the plan was not followed at the time of the
area’s development. This factor must be documented by
evidence of adverse or incompatible land-use relationships,
inadequate street layout, improper subdivision, parcels of
inadequate shape and size to meet contemporary
development standards, or other evidence demonstrating an
absence of effective community planning.

(M) The total equalized assessed value of the
proposed redevelopment project area has declined for 3 of
the last 5 calendar years prior to the year in which the
redevelopment project area is designated or is increasing at
an annual rate that is less than the balance of the
municipality for 3 of the last 5 calendar years for which
information is available or is increasing at an annual rate
that is less than the Consumer Price Index for All Urban
Consumers published by the United States Department of
Labor or successor agency for 3 of the last 5 calendar years
prior to the year in which the redevelopment project area is
designated.

(2) If vacant, the sound growth of the redevelopment
project area is impaired by a combination of 2 or more of the
following factors, each of which is (i) present, with that presence

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documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of
the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused rail yards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

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(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

1. Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

2. Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

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(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

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(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision,

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parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance

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designates the redevelopment project area, and which area includes both
vacant land suitable for use as an industrial park and a blighted area or
conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at
any time during the 6 months before the municipality by ordinance
designates an industrial park conservation area, the unemployment rate
was over 6% and was also 100% or more of the national average
unemployment rate for that same time as published in the United States
Department of Labor Bureau of Labor Statistics publication entitled "The
Employment Situation" or its successor publication. For the purpose of
this subsection, if unemployment rate statistics for the municipality are not
available, the unemployment rate in the municipality shall be deemed to be
the same as the unemployment rate in the principal county in which the
municipality is located.

(f) "Municipality" shall mean a city, village, incorporated town, or
a township that is located in the unincorporated portion of a county with 3
million or more inhabitants, if the county adopted an ordinance that
approved the township's redevelopment plan.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid
under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax
Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation
Tax Act, and the Municipal Service Occupation Tax Act by retailers and
servicemen on transactions at places located in a State Sales Tax Boundary
during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of
taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service
Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers'
Occupation Tax Act, and the Municipal Service Occupation Tax Act by
retailers and servicemen on transactions at places located within the State
Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the
increase in the aggregate amount of taxes paid to a municipality from the
Local Government Tax Fund arising from sales by retailers and
servicemen within the redevelopment project area or State Sales Tax
Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax
amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax...
Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than
residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

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(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;

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(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;

(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;

(D) the sources of funds to pay costs;

(E) the nature and term of the obligations to be issued;

(F) the most recent equalized assessed valuation of the redevelopment project area;

(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;

(H) a commitment to fair employment practices and an affirmative action plan;

(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and

(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development

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through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates: shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981; shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area if the ordinance was adopted on May 20, 1985 by the Village of Wheeling; and shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

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(A) if the ordinance was adopted before January 15, 1981, or
(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or
(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or
(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or
(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or
(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or
(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or
(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or
(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or
(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or
(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or
(L) if the ordinance was adopted in September 1988 by Sauk Village, or

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(M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
(O) if the ordinance was adopted in March 1991 by the City of Centreville, or
(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or
(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or
(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or
(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or
(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or
(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or
(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or
(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or
(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or
(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or
(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or
(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or
(CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or

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(DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or
(EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or
(FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or
(GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or
(HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or
(II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or
(JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or
(KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or
(LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or
(MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or
(NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or
( OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or
(PP) if the ordinance was adopted on December 23, 1991 by the City of Sullivan, or
(QQ) if the ordinance was adopted on December 31, 1986 by the City of Oglesby, or
(RR) if the ordinance was adopted on July 28, 1987 by the City of Marion, or
(SS) if the ordinance was adopted on April 23, 1990 by the City of Marion, or
(TT) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect, or

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(UU) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull, or
(VV) if the ordinance was adopted on April 20, 1993 by the Village of Princeville, or:
(WW) if the ordinance was adopted on July 1, 1986 by the City of Granite City, or:
(XX) if the ordinance was adopted on February 2, 1989 by the Village of Lombard, or
(YY) if the ordinance was adopted on December 29, 1986 by the Village of Gardner, or
(ZZ) if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw, or:
(AAA) if the ordinance was adopted on November 17, 1986 by the Village of Franklin Park, or:
(BBB) if the ordinance was adopted on November 20, 1989 by the Village of South Holland, or:
(CCC) if the ordinance was adopted on July 14, 1992 by the Village of Riverdale.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be
adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

New matter indicated by italics - deletions by strikeout
(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i)
the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original

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(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a
redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

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(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

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(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students
enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than
$5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following
restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(7.7) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after January 1, 2005 (the effective date of Public Act 93-961), a public library district's increased costs attributable to assisted

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housing units located within the redevelopment project area for
which the developer or redeveloper receives financial assistance
through an agreement with the municipality or because the
municipality incurs the cost of necessary infrastructure
improvements within the boundaries of the assisted housing sites
necessary for the completion of that housing as authorized by this
Act shall be paid to the library district by the municipality from the
Special Tax Allocation Fund when the tax increment revenue is
received as a result of the assisted housing units. This paragraph
(7.7) applies only if (i) the library district is located in a county that
is subject to the Property Tax Extension Limitation Law or (ii) the
library district is not located in a county that is subject to the
Property Tax Extension Limitation Law but the district is
prohibited by any other law from increasing its tax levy rate
without a prior voter referendum.

The amount paid to a library district under this paragraph
(7.7) shall be calculated by multiplying (i) the net increase in the
number of persons eligible to obtain a library card in that district
who reside in housing units within the redevelopment project area
that have received financial assistance through an agreement with
the municipality or because the municipality incurs the cost of
necessary infrastructure improvements within the boundaries of the
housing sites necessary for the completion of that housing as
authorized by this Act since the designation of the redevelopment
project area by (ii) the per-patron cost of providing library services
so long as it does not exceed $120. The per-patron cost shall be the
Total Operating Expenditures Per Capita as stated in the most
recent Illinois Public Library Statistics produced by the Library
Research Center at the University of Illinois. The municipality may
deduct from the amount that it must pay to a library district under
this paragraph any amount that it has voluntarily paid to the library
district from the tax increment revenue. The amount paid to a
library district under this paragraph (7.7) shall be no more than 2%

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of the amount produced by the assisted housing units and deposited into the Special Tax Allocation Fund.

A library district is not eligible for any payment under this paragraph (7.7) unless the library district has experienced an increase in the number of patrons from the municipality that created the tax-increment-financing district since the designation of the redevelopment project area.

Any library district seeking payment under this paragraph (7.7) shall, after July 1 and before September 30 of each year, provide the municipality with convincing evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the library district. If the library district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. Library districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.7). By acceptance of such reimbursement, the library district shall forfeit any right to directly or indirectly set aside, modify, or contest in any manner whatsoever the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the
municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;
(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;
(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;
(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and
(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income

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households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted

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by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

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(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen,

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other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until

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September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording
during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff. 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 7-19-05; 94-268, eff. 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff. 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810, eff. 5-26-06; 94-903, eff. 6-22-06; 94-1091, eff. 1-26-07; 94-1092, eff. 1-26-07; revised 1-30-07.)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations,

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when so issued, shall be retired in the manner provided in the ordinance
authorizing the issuance of such obligations by the receipts of taxes levied
as specified in Section 11-74.4-9 against the taxable property included in
the area, by revenues as specified by Section 11-74.4-8a and other revenue
designated by the municipality. A municipality may in the ordinance
pledge all or any part of the funds in and to be deposited in the special tax
allocation fund created pursuant to Section 11-74.4-8 to the payment of the
redevelopment project costs and obligations. Any pledge of funds in the
special tax allocation fund shall provide for distribution to the taxing
districts and to the Illinois Department of Revenue of moneys not required,
pledged, earmarked, or otherwise designated for payment and securing of
the obligations and anticipated redevelopment project costs and such
excess funds shall be calculated annually and deemed to be "surplus"
funds. In the event a municipality only applies or pledges a portion of the
funds in the special tax allocation fund for the payment or securing of
anticipated redevelopment project costs or of obligations, any such funds
remaining in the special tax allocation fund after complying with the
requirements of the application or pledge, shall also be calculated annually
and deemed "surplus" funds. All surplus funds in the special tax allocation
fund shall be distributed annually within 180 days after the close of the
municipality's fiscal year by being paid by the municipal treasurer to the
County Collector, to the Department of Revenue and to the municipality in
direct proportion to the tax incremental revenue received as a result of an
increase in the equalized assessed value of property in the redevelopment
project area, tax incremental revenue received from the State and tax
incremental revenue received from the municipality, but not to exceed as
to each such source the total incremental revenue received from that
source. The County Collector shall thereafter make distribution to the
respective taxing districts in the same manner and proportion as the most
recent distribution by the county collector to the affected districts of real
property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality
may in addition to obligations secured by the special tax allocation fund
pledge for a period not greater than the term of the obligations towards

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payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

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If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.
A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area if the ordinance was adopted on May 20, 1985 by the Village of Wheeling, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were

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authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or (DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or (EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or (FF) if the ordinance was adopted on December 15, 1986 by

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the Village of Heyworth, or (GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or (HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or (II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or (JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or (KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or (LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or (MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or (NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or (OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or (PP) if the ordinance was adopted on December 23, 1991 by the City of Sullivan, or (QQ) if the ordinance was adopted on December 31, 1986 by the City of Oglesby, or (RR) if the ordinance was adopted on July 28, 1987 by the City of Marion, or (SS) if the ordinance was adopted on April 23, 1990 by the City of Marion, or (TT) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect, or (UU) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull, or (VV) if the ordinance was adopted on April 20, 1993 by the Village of Princeville, or (WW) if the ordinance was adopted on July 1, 1986 by the City of Granite City, or (XX) if the ordinance was adopted on February 2, 1989 by the Village of Lombard, or (YY) if the ordinance was adopted on December 29, 1986 by the Village of Gardner, or (ZZ) if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw, or (AAA) if the ordinance was adopted on November 17, 1986 by the Village of Franklin Park, or (BBB) if the ordinance was adopted on November 20, 1989 by the Village of South Holland, or (CCC) if the ordinance was adopted on July 14, 1992 by the Village of Riverdale and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later

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than the date on which the redevelopment project area is terminated or
December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule
powers or other legislative authority the proceeds of which are pledged to
pay for redevelopment project costs, the municipality may, if it has
followed the procedures in conformance with this division, retire said
obligations from funds in the special tax allocation fund in amounts and in
such manner as if such obligations had been issued pursuant to the
provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act
shall not be regarded as indebtedness of the municipality issuing such
obligations or any other taxing district for the purpose of any limitation
imposed by law.
(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-
04; 93-924, eff. 8-12-04; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-
985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff.
8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 7-19-
05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06; 94-704,
eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff. 5-19-06; 94-782, eff. 5-19-
06; 94-783, eff. 5-19-06; 94-810, eff. 5-26-06; 94-903, eff. 6-22-06; 94-
1091, eff. 1-26-07; 94-1092, eff. 1-26-07; revised 1-30-07.)
Section 99. Effective date. This Act takes effect upon becoming
law.


PUBLIC ACT 95-0016
(Senate Bill No. 0006)

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

New matter indicated by italics - deletions by strikeout
Section 5. The Illinois Public Aid Code is amended by adding Section 5-5.25 as follows:

(305 ILCS 5/5-5.25 new)

Sec. 5-5.25. Access to psychiatric mental health services. The General Assembly finds that providing access to psychiatric mental health services in a timely manner will improve the quality of life for persons suffering from mental illness and will contain health care costs by avoiding the need for more costly inpatient hospitalization. The Department of Healthcare and Family Services shall reimburse psychiatrists and federally qualified health centers as defined in Section 1905 (l)(2)(B) of the federal Social Security Act for mental health services provided by psychiatrists, as authorized by Illinois law, to recipients via telepsychiatry. The Department, by rule, shall establish (i) criteria for such services to be reimbursed, including appropriate facilities and equipment to be used at both sites and requirements for a physician or other licensed health care professional to be present at the site where the patient is located, and (ii) a method to reimburse providers for mental health services provided by telepsychiatry.

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

Approved July 18, 2007.

PUBLIC ACT 95-0017
(Senate Bill No. 0500)

AN ACT concerning public health.

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

Section 1. Short title. This Act may be cited as the Smoke Free Illinois Act.

Section 5. Findings. The General Assembly finds that tobacco smoke is a harmful and dangerous carcinogen to human beings and a
hazard to public health. Secondhand tobacco smoke causes at least 65,000 deaths each year from heart disease and lung cancer according to the National Cancer Institute. Secondhand tobacco smoke causes heart disease, stroke, cancer, sudden infant death syndrome, low-birth-weight in infants, asthma and exacerbation of asthma, bronchitis and pneumonia in children and adults. Secondhand tobacco smoke is the third leading cause of preventable death in the United States. Illinois workers exposed to secondhand tobacco smoke are at increased risk of premature death. An estimated 2,900 Illinois citizens die each year from exposure to secondhand tobacco smoke.

The General Assembly also finds that the United States Surgeon General's 2006 report has determined that there is no risk-free level of exposure to secondhand smoke; the scientific evidence that secondhand smoke causes serious diseases, including lung cancer, heart disease, and respiratory illnesses such as bronchitis and asthma, is massive and conclusive; separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate secondhand smoke exposure; smoke-free workplace policies are effective in reducing secondhand smoke exposure; and smoke-free workplace policies do not have an adverse economic impact on the hospitality industry.

The General Assembly also finds that the Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Air cleaners, which are capable only of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke. The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) bases its ventilation standards on totally smoke-free environments because it cannot determine a safe level of exposure to secondhand smoke, which contains cancer-causing chemicals, and ASHRAE acknowledges that technology does not exist that can remove chemicals that cause cancer from the air. A June 30, 2005 ASHRAE position document on secondhand smoke concludes that, at present, the only means of eliminating health risks associated with indoor exposure is to eliminate all smoking activity indoors.
Section 10. Definitions. In this Act:

"Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and that derives no more than 10% of its gross revenue from the sale of food consumed on the premises. "Bar" includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities, and cabarets.

"Department" means the Department of Public Health.

"Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profits or a person who volunteers his or her services for a non-profit entity.

"Employer" means a person, business, partnership, association, or corporation, including a municipal corporation, trust, or non-profit entity, that employs the services of one or more individual persons.

"Enclosed area" means all space between a floor and a ceiling that is enclosed or partially enclosed with (i) solid walls or windows, exclusive of doorways, or (ii) solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.

"Enclosed or partially enclosed sports arena" means any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller rink, ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise or participate in athletic competitions or recreational activities or to witness sports, cultural, recreational, or other events.

"Gaming equipment or supplies" means gaming equipment/supplies as defined in the Illinois Gaming Board Rules of the Illinois Administrative Code.

"Gaming facility" means an establishment utilized primarily for the purposes of gaming and where gaming equipment or supplies are operated for the purposes of accruing business revenue.

"Healthcare facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals, weight control clinics,
nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. "Healthcare facility" includes all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within healthcare facilities.

"Place of employment" means any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including, but not limited to entrances and exits to places of employment, including a minimum distance, as set forth in Section 70 of this Act, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult care, or other similar social service care on the premises, is not a "place of employment".

"Private club" means a not-for-profit association that (1) has been in active and continuous existence for at least 3 years prior to the effective date of this amendatory Act of the 95th General Assembly, whether incorporated or not, (2) is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, (3) is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and (4) only sells alcoholic beverages incidental to its operation. For purposes of this definition, "private club" means an organization that is managed by a board of directors, executive committee, or similar body chosen by the members at an annual meeting, has established bylaws, a constitution, or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. 501.

"Private residence" means the part of a structure used as a dwelling, including, without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin, or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed
and breakfast or other similar public accommodation, hospital, nursing home, or assisted living facility shall not be considered a private residence.

"Public place" means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the State of Illinois, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distance, as set forth in Section 70 of this Act, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A "public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. A "public place" includes, but is not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government owned vehicles and facilities, including buildings and vehicles owned, leased, or operated by the State or State subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, and no less than 75% of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodation that are rented to guests, but excludes private residences.

"Restaurant" means (i) an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that gives or offers for sale food to the public, guests, or employees, and (ii) a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. "Restaurant" includes a bar area within the restaurant.

"Retail tobacco store" means a retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, plants,
or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store" does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license.

"Smoke" or "smoking" means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment.

"State agency" has the meaning formerly ascribed to it in subsection (a) of Section 3 of the Illinois Purchasing Act (now repealed).

"State agency" has the meaning ascribed to it in Section 1 of Article VII of the Illinois Constitution of 1970.

Section 15. Smoking in public places, places of employment, and governmental vehicles prohibited. No person shall smoke in a public place or in any place of employment or within 15 feet of any entrance to a public place or place of employment. No person may smoke in any vehicle owned, leased, or operated by the State or a political subdivision of the State. Smoking is prohibited in indoor public places and workplaces unless specifically exempted by Section 35 of this Act.

Section 20. Posting of signs; removal of ashtrays.

(a) "No Smoking" signs or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in each public place and place of employment where smoking is prohibited by this Act by the owner, operator, manager, or other person in control of that place.

(b) Each public place and place of employment where smoking is prohibited by this Act shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

(c) All ashtrays shall be removed from any area where smoking is prohibited by this Act by the owner, operator, manager, or other person having control of the area.

Section 25. Smoking prohibited in student dormitories. Notwithstanding any other provision of this Act, smoking is prohibited in

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any portion of the living quarters, including, but not limited to, sleeping rooms, dining areas, restrooms, laundry areas, lobbies, and hallways, of a building used in whole or in part as a student dormitory that is owned and operated or otherwise utilized by a public or private institution of higher education.

Section 30. Designation of other nonsmoking areas. Notwithstanding any other provision of this Act, any employer, owner, occupant, lessee, operator, manager, or other person in control of any public place or place of employment may designate a non-enclosed area of a public place or place of employment, including outdoor areas, as an area where smoking is also prohibited provided that such employer, owner, lessee or occupant shall conspicuously post signs prohibiting smoking in the manner described in subsections (a) and (b) of Section 20 of this Act.

Section 35. Exemptions. Notwithstanding any other provision of this Act, smoking is allowed in the following areas:

(1) Private residences or dwelling places, except when used as a child care, adult day care, or healthcare facility or any other home-based business open to the public.

(2) Retail tobacco stores as defined in Section 10 of this Act in operation prior to the effective date of this amendatory Act of the 95th General Assembly. The retail tobacco store shall annually file with the Department by January 31st an affidavit stating the percentage of its gross income during the prior calendar year that was derived from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, or other smoking devices for smoking tobacco and related smoking accessories. Any retail tobacco store that begins operation after the effective date of this amendatory Act may only qualify for an exemption if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited.

(3) Private and semi-private rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed

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or to remain in a room where smoking is permitted and the smoke shall not infiltrate other areas of the nursing home.

(4) Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than 25% of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.

Section 40. Enforcement; complaints.

(a) The Department, State-certified local public health departments, and local law enforcement agencies shall enforce the provisions of this Act and may assess fines pursuant to Section 45 of this Act.

(b) Any person may register a complaint with the Department, a State-certified local public health department, or a local law enforcement agency for a violation of this Act. The Department shall establish a telephone number that a person may call to register a complaint under this subsection (b).

Section 45. Violations.

(a) A person, corporation, partnership, association or other entity who violates Section 15 of this Act shall be fined pursuant to this Section. Each day that a violation occurs is a separate violation.

(b) A person who smokes in an area where smoking is prohibited under Section 15 of this Act shall be fined in an amount that is not less than $100 and not more than $250. A person who owns, operates, or otherwise controls a public place or place of employment that violates Section 15 of this Act shall be fined (i) not less than $250 for the first violation, (ii) not less than $500 for the second violation within one year after the first violation, and (iii) not less than $2,500 for each additional violation within one year after the first violation.

(c) A fine imposed under this Section shall be allocated as follows:

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(1) one-half of the fine shall be distributed to the Department; and
(2) one-half of the fine shall be distributed to the enforcing agency.

Section 50. Injunctions. The Department, a State-certified local public health department, local law enforcement agency, or any individual personally affected by repeated violations may institute, in a circuit court, an action to enjoin violations of this Act.

Section 55. Discrimination prohibited. No individual may be discriminated against in any manner because of the exercise of any rights afforded by this Act.

Section 60. Severability. If any provision, clause or paragraph of this Act shall be held invalid by a court of competent jurisdiction, such validity shall not affect the other provisions of this Act.

Section 65. Home rule and other local regulation.
(a) Any home rule unit of local government, any non-home rule municipality, or any non-home rule county within the unincorporated territory of the county may regulate smoking in public places, but that regulation must be no less restrictive than this Act. This subsection (a) is a limitation on the concurrent exercise of home rule power under subsection (i) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any regulation authorized under subsection (a) or authorized under home rule powers, any home rule unit of local government, any non-home rule municipality, or any non-home rule county within the unincorporated territory of the county may regulate smoking in any enclosed indoor area used by the public or serving as a place of work if the area does not fall within the definition of a "public place" under this Act.

Section 70. Entrances, exits, windows, and ventilation intakes. Smoking is prohibited within a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited under this Act so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means.

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Section 75. Rules. The Department shall adopt rules necessary for the administration of this Act.

Section 80. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

(410 ILCS 80/Act rep.)

Section 90. The Illinois Clean Indoor Air Act is repealed.

Passed in the General Assembly May 1, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0018
(Senate Bill No. 1704)

AN ACT concerning alternative energy.

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

Section 1. Short title. This Act may be cited as the Clean Coal FutureGen for Illinois Act.

Section 5. Purpose. Recognizing that the FutureGen Project is a first-of-a-kind research project to permanently sequester underground carbon-dioxide emissions from a coal-fueled power plant, and that such a project would have benefits to the economy and environment of Illinois, the purpose of this Act is to provide the FutureGen Alliance with adequate liability protection and permitting certainty to facilitate the siting of the FutureGen Project in the State of Illinois.

Section 10. Legislative findings. The General Assembly finds and determines that:

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(1) human-induced greenhouse gas emissions have been identified as contributing to global warming, the effects of which pose a threat to public health and safety and the economy of the State of Illinois;

(2) in order to meet the energy needs of the State of Illinois, keep its economy strong and protect the environment while reducing its contribution to human-induced greenhouse gas emissions, the State of Illinois must be a leader in developing new low-carbon technologies;

(3) carbon capture and storage is a low-carbon technology that involves capturing the carbon dioxide from fossil fuel energy and hydrogen generating units and injecting it into secure geologic strata for permanent storage;

(4) the FutureGen Project is a public-private partnership between the Federal Department of Energy and the FutureGen Alliance that proposes to use this new technology as part of a plan to build and operate a near zero emission coal fueled power plant;

(5) the FutureGen Project will help ensure the long-term viability of Illinois Basin coal as a major energy source in the State of Illinois and throughout the nation and represents a significant step in the State of Illinois' efforts to become a self-sufficient, clean energy producer;

(6) the FutureGen Project provides an opportunity for the State of Illinois to partner with the Federal Department of Energy and the FutureGen Alliance in the development of these innovative clean-coal technologies;

(7) the FutureGen Project will make the State of Illinois a center for developing and refining clean coal technology, hydrogen production and carbon capture and storage, and will result in the development of new technologies designed to improve the efficiency of the energy industry that will be replicated world wide;

(8) the FutureGen Project is an important coal development and conversion project that will create jobs in the State of Illinois during the construction and operational phases, contribute to the overall economy of the State of Illinois and help reinvigorate the Illinois Basin coal industry; and

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(9) the FutureGen Project and the property necessary for the FutureGen Project serve a substantial public purpose as its coal gasification, electricity generation, hydrogen production, advanced emissions control and carbon capture and storage technologies will benefit the citizens of the State of Illinois.

Section 15. Definitions. For the purposes of this Act:

"Agency" means the Illinois Environmental Protection Agency.

"Carbon capture and storage" means the process of capturing CO₂ and other chemical constituents from coal combustion by-products for the purpose of injecting and storing the gas for permanent storage.

"Carbon dioxide" or "CO₂" means a colorless, odorless gas in the form of one carbon and 2 oxygen atoms that is the principal greenhouse gas.

"Department" means the Department of Commerce and Economic Opportunity.

"Director" means the Director of Commerce and Economic Opportunity.

"Federal Department" means the federal Department of Energy.

"FutureGen Alliance" is a 501(c)(3) non-profit consortium of coal and energy producers that, as of the effective date of this Act, includes American Electric Power, Anglo American plc, BHP Billiton, E.ON US, China Huaneng Group, CONSOL Energy, Foundation Coal, Kennecott Energy, Peabody Energy, PPL Corporation, Rio Tinto Energy American, Southern Company, and Xstrata Coal.

"FutureGen Project" means the public-private partnership between the Federal Department and the FutureGen Alliance that will construct and operate a coal-fueled power plant utilizing state-of-the-art clean-coal technology and carbon capture and storage. Two locations in Illinois, Tuscola and Mattoon, are under consideration for the FutureGen Project. These are the only locations eligible for benefits under this Act.

"Mount Simon Formation" means the deep sandstone reservoir into which the sequestered gas is to be injected at depths generally ranging between 5,500 and 8,500 feet below ground surface and that is bounded by the granitic basement below and the Eau Claire Shale above.

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"Operator" means the FutureGen Alliance and its member companies, including their parent companies, subsidiaries, affiliates, directors, officers, employees, and agents.

"Post-injection" means after the captured gas has been successfully injected into the wellhead at the point at which the gas is transferred into the wellbore for carbon sequestration and storage into the Mount Simon Formation.

"Pre-injection" means all activities and occurrences prior to successful delivery into the wellhead at the point at which the gas is transferred into the wellbore for carbon sequestration and storage into the Mount Simon Formation, including but not limited to, the operation of the FutureGen Project.

"Public liability" means any civil legal liability arising out of or resulting from the storage, escape, release, or migration of the post-injection sequestered gas that was injected during the operation of the FutureGen Project by the FutureGen Alliance. The term "public liability", however, does not include any legal liability arising out of or resulting from the construction, operation, or other pre-injection activity of the Operator.

"Public liability action" or "action" means a written demand, lawsuit, or claim from any third party received by the Operator seeking a remedy or alleging liability on behalf of Operator resulting from any public liability.

"Sequestered gas" means the CO2 and other chemical constituents from the FutureGen Project operations that are injected into the Mount Simon Formation.

Section 20. Title to sequestered gas. If the FutureGen Project locates at either the Tuscola or Mattoon site in the State of Illinois, then the FutureGen Alliance agrees that the Operator shall transfer and convey and the State of Illinois shall accept and receive, with no payment due from the State of Illinois, all rights, title, and interest in and to any liabilities associated with the sequestered gas, including any current or future environmental benefits, marketing claims, tradable credits, emissions allocations or offsets (voluntary or compliance based)

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associated therewith, upon such gas reaching the status of post-injection, which shall be verified by the Agency or other designated State of Illinois agency. The Operator shall retain all rights, title, and interest in and to and any liabilities associated with the pre-injection sequestered gas. The Illinois State Geological Survey of the Illinois Department of Natural Resources shall monitor, measure, and verify the permanent status of sequestered carbon dioxide and co-sequestered gases in which the State has acquired the right, title, and interest under this Section.

Section 23. Sequestered gas. The State of Illinois may not intentionally remove sequestered gas unless the removal is for the purpose of research and development.

Section 25. Insurance against qualified losses.

(a) The Department shall procure an insurance policy from a private insurance carrier or carriers, if and to the extent that such a policy is available, that insures the Operator against any qualified loss stemming from a public liability action. The policy must be procured in accordance with the provisions of the Procurement Code.

(b) Pursuant to Section 30 of this Act, the State shall indemnify the Operator against any qualified loss stemming from a public liability action to the extent that the qualified loss is not covered under an insurance policy under subsection (a) of this Section.

(c) The Department shall pay any insurance premium, deductible, or liability under subsections (a) or (b) from appropriations by the General Assembly for that purpose. It is the intent of this Act that, to the extent practical, any unexpended balance of the proceeds from the sale of emission reduction rights or tradable credits to which the State has title under Section 20 should be used for the purposes of this subsection (c).

(d) If the FutureGen Alliance locates the FutureGen Project at either the Mattoon or Tuscola site in the State of Illinois, then the Department shall be authorized to contract with the FutureGen Alliance, under terms not inconsistent with this Act, in order to define the rights and obligations of the FutureGen Alliance and the Department, including but not limited to, the insurance and indemnification obligations under Sections 25 and 30 of this Act.

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(e) If federal indemnification covers all or a portion of the obligations assumed by the State under Section 25 of this Act, such State obligations shall be reduced in proportion to the federal indemnification and be considered subordinated to any federal indemnification.

(g) For the purpose of this Section, "qualified loss" means a loss by the Operator stemming from a public liability action other than those losses arising out of or relating to:

1. the intentional or willful misconduct of the Operator in its operation of the FutureGen Project;
2. the failure of the Operator to comply with any applicable law, rule, regulation, or other requirement established by the Federal Department, Agency, or State of Illinois for the carbon capture and storage of the sequestered gas, including any limitations on the chemical composition of any sequestered gas; or
3. the pre-injection operation of the FutureGen Project.

Section 30. Indemnification. Notwithstanding any law to the contrary, the State of Illinois shall indemnify, hold harmless, defend, and release the Operator from and against any public liability action asserted against the Operator, subject to the following terms and conditions:

(a) The obligation of the State of Illinois to indemnify the Operator does not extend to any public liability arising out of or relating to:

1. the intentional or willful misconduct of the Operator in its operation of the FutureGen Project;
2. the failure of the Operator to comply with any applicable law, rule, regulation, or other requirement established by the Federal Department, Agency, or State of Illinois for the carbon capture and storage of the sequestered gas, including any limitations on the chemical composition of any sequestered gas;
3. the pre-injection operation of the FutureGen Project; or
4. a qualified loss to the extent that it is paid under an insurance policy under subsection (a) of Section 25 of this Act.

(b) The indemnification obligations of the State of Illinois assumed under Section 30 of this Act shall be reduced in proportion and

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be subordinated to any federal indemnification that covers all or a portion of the State's obligations.

Section 35. Representation. In furtherance of the State of Illinois' obligations set forth in subsection (b) of Section 25 and in Section 30 of this Act, the Attorney General has the following duties:

(a) In the event that any public liability action covered under Section 30 of this Act is commenced against the Operator, the Attorney General shall, upon timely and appropriate notice to the Attorney General by the Operator, appear on behalf of the Operator and defend the action. Any such notice must be in writing, must be mailed within 15 days after the date of receipt by the Operator of service of process, and must authorize the Attorney General to represent and defend the Operator in the action. The delivery of this notice to the Attorney General constitutes an agreement by the Operator to cooperate with the Attorney General in defense of the action and a consent that the Attorney General shall conduct the defense as the Attorney General deems advisable and in the best interests of the Operator and the State of Illinois, including settlement in the Attorney General's discretion. The Operator may appear in such action through private counsel to respond or object only to any aspect of a proposed settlement or proposed court order which would directly affect the day-to-day operations of the FutureGen Project. In any such action, the State of Illinois shall pay the court costs and litigation expenses of defending such action, to the extent approved by the Attorney General as reasonable, as they are incurred.

(b) In the event that the Attorney General determines either (i) that so appearing and defending the Operator involves an actual or potential conflict of interest or (ii) that the act or omission which gave rise to the claim was not within the scope of the indemnity as provided in Section 30 of this Act, the Attorney General shall decline in writing to appear or defend or shall promptly take appropriate action to withdraw as attorney for the Operator. Upon receipt of such declination or withdrawal by the Attorney General on the basis of an actual or potential conflict of interest, the Operator may employ its own attorney to appear and defend, in which event the State of Illinois shall pay the Operator's court costs, litigation

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expenses, and attorneys' fees, to the extent approved by the Attorney General as reasonable, as they are incurred.

(c) In any action asserted by the Operator or the State of Illinois to enforce the indemnification obligations of the State of Illinois as provided in Section 30 of the Act, the non-prevailing party is responsible for any reasonable court costs, litigation expenses, and attorneys fees incurred by the prevailing party.

(d) Court costs and litigation expenses and other costs of providing a defense, including attorneys' fees, paid or obligated under this Section, and the costs of indemnification, including the payment of any final judgment or final settlement under this Section, must be paid by warrant from appropriations to the Department pursuant to vouchers certified by the Attorney General.

(e) Nothing contained or implied in this Section shall operate, or be construed or applied, to deprive the State of Illinois, or the Operator, of any defense otherwise available.

(f) Any judgment subject to State of Illinois indemnification under this Section is not enforceable against the Operator, but shall be paid by the State of Illinois in the following manner: Upon receipt of a certified copy of the judgment, the Attorney General shall review it to determine if the judgment is (i) final, unreversed, and no longer subject to appeal and (ii) subject to indemnification under Section 30 of this Act. If the Attorney General determines that it is, then the Attorney General shall submit a voucher for the amount of the judgment and any interest thereon to the State of Illinois Comptroller and the amount must be paid by warrant from appropriation to the Department to the judgment creditor solely out of available appropriations.

Section 40. Permitting. The State of Illinois shall issue to the Operator all necessary and appropriate permits consistent with State and federal law and corresponding regulations. The State of Illinois must allow the Operator to combine applications when appropriate, and the State of Illinois must otherwise streamline the application process for timely permit issuance.
Section 43. Tax exemption. An operator is exempt from any tax imposed by the State of Illinois that is based upon the nameplate capacity of generating units.

Section 45. Incentives. The State of Illinois has offered certain incentives to the FutureGen Alliance to make the State of Illinois the most attractive location for the FutureGen Project.

Section 50. Jurisdiction. The Court of Claims has jurisdiction concerning any public liability action arising under this Act or arising from the operation of the FutureGen Project, except that a public liability action may be brought in the circuit court if the cause of action is one of personal injury or wrongful death and the injury or death was proximately caused by the storage, escape, release, or migration of the post-injection sequestered gas that was injected during the operation of the FutureGen Project by the FutureGen Alliance, and the circuit court is hereby granted jurisdiction over these matters. The jurisdiction over civil, administrative, or other legal processes is not, otherwise, affected by this Act.

Section 900. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by changing Section 605-332 as follows:

(20 ILCS 605/605-332)
Sec. 605-332. Financial assistance to energy generation facilities.
(a) As used in this Section:
"New electric generating facility" means a newly-constructed electric generation plant or a newly constructed generation capacity expansion at an existing facility, including the transmission lines and associated equipment that transfers electricity from points of supply to points of delivery, and for which foundation construction commenced not sooner than July 1, 2001, which is designed to provide baseload electric generation operating on a continuous basis throughout the year and:

   (1) has an aggregate rated generating capacity of at least 400 megawatts for all new units at one site, uses coal or gases derived from coal as its primary fuel source, and supports the creation of at least 150 new Illinois coal mining jobs; or

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(2) is funded through a federal Department of Energy grant before December 31, 2010 and supports the creation of Illinois coal-mining jobs; or

(3) uses coal gasification or integrated gasification-combined cycle units that generate electricity or chemicals, or both, and supports the creation of Illinois coal-mining jobs.

"New gasification facility" means a newly constructed coal gasification facility that generates chemical feedstocks or transportation fuels derived from coal (which may include, but are not limited to, methane, methanol, and nitrogen fertilizer), that supports the creation or retention of Illinois coal-mining jobs, and that qualifies for financial assistance from the Department before December 31, 2010. A new gasification facility does not include a pilot project located within Jefferson County or within a county adjacent to Jefferson County for synthetic natural gas from coal.

"New facility" means a new electric generating facility or a new gasification facility. A new facility does not include a pilot project located within Jefferson County or within a county adjacent to Jefferson County for synthetic natural gas from coal.

"Eligible business" means an entity that proposes to construct a new facility and that has applied to the Department to receive financial assistance pursuant to this Section. With respect to use and occupation taxes, wherever there is a reference to taxes, that reference means only those taxes paid on Illinois-mined coal used in a new facility.

"Department" means the Illinois Department of Commerce and Economic Opportunity.

(b) The Department is authorized to provide financial assistance to eligible businesses for new facilities from funds appropriated by the General Assembly as further provided in this Section.

An eligible business seeking qualification for financial assistance for a new facility, for purposes of this Section only, shall apply to the Department in the manner specified by the Department. Any projections provided by an eligible business as part of the application shall be
independently verified in a manner as set forth by the Department. An application shall include, but not be limited to:

(1) the projected or actual completion date of the new facility for which financial assistance is sought;

(2) copies of documentation deemed acceptable by the Department establishing either (i) the total State occupation and use taxes paid on Illinois-mined coal used at the new facility for a minimum of 4 preceding calendar quarters or (ii) the projected amount of State occupation and use taxes paid on Illinois-mined coal used at the new facility in 4 calendar year quarters after completion of the new facility. Bond proceeds subject to this Section shall not be allocated to an eligible business until the eligible business has demonstrated the revenue stream sufficient to service the debt on the bonds; and

(3) the actual or projected amount of capital investment by the eligible business in the new facility.

The Department shall determine the maximum amount of financial assistance for eligible businesses in accordance with this paragraph. The Department shall not provide financial assistance from general obligation bond funds to any eligible business unless it receives a written certification from the Director of the Bureau of the Budget (now Governor's Office of Management and Budget) that 80% of the State occupation and use tax receipts for a minimum of the preceding 4 calendar quarters for all eligible businesses or as included in projections on approved applications by eligible businesses equal or exceed 110% of the maximum annual debt service required with respect to general obligation bonds issued for that purpose. The Department may provide financial assistance not to exceed the amount of State general obligation debt calculated as above, the amount of actual or projected capital investment in the facility, or $100,000,000, whichever is less. Financial assistance received pursuant to this Section may be used for capital facilities consisting of buildings, structures, durable equipment, and land at the new facility. Subject to the provisions of the agreement covering the financial assistance, a portion of
the financial assistance may be required to be repaid to the State if certain conditions for the governmental purpose of the assistance were not met.

An eligible business shall file a monthly report with the Illinois Department of Revenue stating the amount of Illinois-mined coal purchased during the previous month for use in the new facility, the purchase price of that coal, the amount of State occupation and use taxes paid on that purchase to the seller of the Illinois-mined coal, and such other information as that Department may reasonably require. In sales of Illinois-mined coal between related parties, the purchase price of the coal must have been determined in an arms-length transaction. The report shall be filed with the Illinois Department of Revenue on or before the 20th day of each month on a form provided by that Department. However, no report need be filed by an eligible business in a month when it made no reportable purchases of coal in the previous month. The Illinois Department of Revenue shall provide a summary of such reports to the Governor's Office of Management and Budget.

Upon granting financial assistance to an eligible business, the Department shall certify the name of the eligible business to the Illinois Department of Revenue. Beginning with the receipt of the first report of State occupation and use taxes paid by an eligible business and continuing for a 25-year period, the Illinois Department of Revenue shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. (Source: P.A. 93-167, eff. 7-10-03; 93-1064, eff. 1-13-05; 94-65, eff. 6-21-05; 94-1030, eff. 7-14-06.)

Section 905. The Illinois Enterprise Zone Act is amended by changing Section 5.5 as follows:

(20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)
Sec. 5.5. High Impact Business.

(a) In order to respond to unique opportunities to assist in the encouragement, development, growth and expansion of the private sector through large scale investment and development projects, the Department is authorized to receive and approve applications for the designation of "High Impact Businesses" in Illinois subject to the following conditions:

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(1) such applications may be submitted at any time during the year;
(2) such business is not located, at the time of designation, in an enterprise zone designated pursuant to this Act;
(3) the business intends to do one or more of the following:
   (A) the business intends to make a minimum investment of $12,000,000 which will be placed in service in qualified property and intends to create 500 full-time equivalent jobs at a designated location in Illinois or intends to make a minimum investment of $30,000,000 which will be placed in service in qualified property and intends to retain 1,500 full-time jobs at a designated location in Illinois. The business must certify in writing that the investments would not be placed in service in qualified property and the job creation or job retention would not occur without the tax credits and exemptions set forth in subsection (b) of this Section. The terms "placed in service" and "qualified property" have the same meanings as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or
   (B) the business intends to establish a new electric generating facility at a designated location in Illinois. "New electric generating facility", for purposes of this Section, means a newly-constructed electric generation plant or a newly-constructed generation capacity expansion at an existing electric generation plant, including the transmission lines and associated equipment that transfers electricity from points of supply to points of delivery, and for which such new foundation construction commenced not sooner than July 1, 2001. Such facility shall be designed to provide baseload electric generation and shall operate on a continuous basis throughout the year; and (i) shall have an aggregate rated generating capacity of at least 1,000 megawatts for all new units at one site if it uses natural gas

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as its primary fuel and foundation construction of the facility is commenced on or before December 31, 2004, or shall have an aggregate rated generating capacity of at least 400 megawatts for all new units at one site if it uses coal or gases derived from coal as its primary fuel and shall support the creation of at least 150 new Illinois coal mining jobs, or (ii) shall be funded through a federal Department of Energy grant before December 31, 2010 and shall support the creation of Illinois coal-mining jobs, or (iii) shall use coal gasification or integrated gasification-combined cycle units that generate electricity or chemicals, or both, and shall support the creation of Illinois coal-mining jobs. The business must certify in writing that the investments necessary to establish a new electric generating facility would not be placed in service and the job creation in the case of a coal-fueled plant would not occur without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(B-5) the business intends to establish a new gasification facility at a designated location in Illinois. As used in this Section, "new gasification facility" means a newly constructed coal gasification facility that generates chemical feedstocks or transportation fuels derived from coal (which may include, but are not limited to, methane, methanol, and nitrogen fertilizer), that supports the creation or retention of Illinois coal-mining jobs, and that qualifies for financial assistance from the Department before December 31, 2010. A new gasification facility does not include a pilot project located within Jefferson County or within a county adjacent to Jefferson County for synthetic natural gas from coal; or
(C) the business intends to establish production operations at a new coal mine, re-establish production operations at a closed coal mine, or expand production at an existing coal mine at a designated location in Illinois not sooner than July 1, 2001; provided that the production operations result in the creation of 150 new Illinois coal mining jobs as described in subdivision (a)(3)(B) of this Section, and further provided that the coal extracted from such mine is utilized as the predominant source for a new electric generating facility. The business must certify in writing that the investments necessary to establish a new, expanded, or reopened coal mine would not be placed in service and the job creation would not occur without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(D) the business intends to construct new transmission facilities or upgrade existing transmission facilities at designated locations in Illinois, for which construction commenced not sooner than July 1, 2001. For the purposes of this Section, "transmission facilities" means transmission lines with a voltage rating of 115 kilovolts or above, including associated equipment, that transfer electricity from points of supply to points of delivery and that transmit a majority of the electricity generated by a new electric generating facility designated as a High Impact Business in accordance with this Section. The business must certify in writing that the investments necessary to construct new transmission facilities or upgrade existing transmission facilities would not be placed in service without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in

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service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; and
(4) no later than 90 days after an application is submitted, the Department shall notify the applicant of the Department's determination of the qualification of the proposed High Impact Business under this Section.

(b) Businesses designated as High Impact Businesses pursuant to subdivision (a)(3)(A) of this Section shall qualify for the credits and exemptions described in the following Acts: Section 9-222 and Section 9-222.1A of the Public Utilities Act, subsection (h) of Section 201 of the Illinois Income Tax Act, and Section 1d of the Retailers' Occupation Tax Act; provided that these credits and exemptions described in these Acts shall not be authorized until the minimum investments set forth in subdivision (a)(3)(A) of this Section have been placed in service in qualified properties and, in the case of the exemptions described in the Public Utilities Act and Section 1d of the Retailers' Occupation Tax Act, the minimum full-time equivalent jobs or full-time jobs set forth in subdivision (a)(3)(A) of this Section have been created or retained. Businesses designated as High Impact Businesses under this Section shall also qualify for the exemption described in Section 51 of the Retailers' Occupation Tax Act. The credit provided in subsection (h) of Section 201 of the Illinois Income Tax Act shall be applicable to investments in qualified property as set forth in subdivision (a)(3)(A) of this Section.

(b-5) Businesses designated as High Impact Businesses pursuant to subdivisions (a)(3)(B), (a)(3)(B-5), (a)(3)(C), and (a)(3)(D) of this Section shall qualify for the credits and exemptions described in the following Acts: Section 51 of the Retailers' Occupation Tax Act, Section 9-222 and Section 9-222.1A of the Public Utilities Act, and subsection (h) of Section 201 of the Illinois Income Tax Act; however, the credits and exemptions authorized under Section 9-222 and Section 9-222.1A of the Public Utilities Act, and subsection (h) of Section 201 of the Illinois Income Tax Act shall not be authorized until the new electric generating facility, the new gasification facility, the new transmission facility, or the new, expanded, or reopened coal mine is operational, except that a new electric

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generating facility whose primary fuel source is natural gas is eligible only for the exemption under Section 5l of the Retailers' Occupation Tax Act.

(c) High Impact Businesses located in federally designated foreign trade zones or sub-zones are also eligible for additional credits, exemptions and deductions as described in the following Acts: Section 9-221 and Section 9-222.1 of the Public Utilities Act; and subsection (g) of Section 201, and Section 203 of the Illinois Income Tax Act.

(d) Existing Illinois businesses which apply for designation as a High Impact Business must provide the Department with the prospective plan for which 1,500 full-time jobs would be eliminated in the event that the business is not designated.

(e) New proposed facilities which apply for designation as High Impact Business must provide the Department with proof of alternative non-Illinois sites which would receive the proposed investment and job creation in the event that the business is not designated as a High Impact Business.

(f) In the event that a business is designated a High Impact Business and it is later determined after reasonable notice and an opportunity for a hearing as provided under the Illinois Administrative Procedure Act, that the business would have placed in service in qualified property the investments and created or retained the requisite number of jobs without the benefits of the High Impact Business designation, the Department shall be required to immediately revoke the designation and notify the Director of the Department of Revenue who shall begin proceedings to recover all wrongfully exempted State taxes with interest. The business shall also be ineligible for all State funded Department programs for a period of 10 years.

(g) The Department shall revoke a High Impact Business designation if the participating business fails to comply with the terms and conditions of the designation.

(h) Prior to designating a business, the Department shall provide the members of the General Assembly and Commission on Government Forecasting and Accountability with a report setting forth the terms and
conditions of the designation and guarantees that have been received by the Department in relation to the proposed business being designated.
(Source: P.A. 93-1064, eff. 1-13-05; 93-1067, eff. 1-15-05; 94-65, eff. 6-21-05.)

Section 910. The Court of Claims Act is amended by adding Section 8.5 as follows:

(705 ILCS 505/8.5 new)

Sec. 8.5. Jurisdiction concerning the FutureGen Project. The Court of Claims has jurisdiction concerning any public liability action, as defined in the Clean Coal FutureGen for Illinois Act, arising under that Act or arising from the operation of the FutureGen Project, except that a public liability action may be brought in the circuit court if the cause of action is one of personal injury or wrongful death and the injury or death was proximately caused by the storage, escape, release, or migration of the post-injection sequestered gas that was injected during the operation of the FutureGen Project by the FutureGen Alliance, and the circuit court is granted jurisdiction over these matters.

Section 915. The State Lawsuit Immunity Act is amended by changing Section 1 as follows:

(745 ILCS 5/1) (from Ch. 127, par. 801)

Sec. 1. Except as provided in the Illinois Public Labor Relations Act, the Court of Claims Act, and the State Officials and Employees Ethics Act, or Section 1.5 of this Act, and, except as provided in and to the extent provided in the Clean Coal FutureGen for Illinois Act, the State of Illinois shall not be made a defendant or party in any court.
(Source: P.A. 93-414, eff. 1-1-04; 93-615, eff. 11-19-03; revised 12-19-03.)

Section 997. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 998. Repeal. This Act is repealed on December 31, 2010 unless the FutureGen Project has been located at either the Mattoon or Tuscola site in Illinois.

Section 999. Effective date. This Act takes effect upon becoming law.

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AN ACT concerning real property.

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

Section 5. Legislative declaration. The General Assembly declares that the State of Illinois has surplus real property situated in the vicinity of Weber Road and West Division Street in Will County which is a parcel containing 200 acres, more or less, that is located in Section 19, Township 36 North, Range 10 East of the Third Principal Meridian in the County of Will, State of Illinois, this parcel being more particularly described under Section 10 of this Act, which is under the control of the Department of Corrections.

Section 10. Property sale.

(a) The Director of Corrections, on behalf of the State of Illinois and the Department of Corrections, must convey by quit claim deed all right, title, and interest of the State of Illinois and the Department of Corrections in and to real property situated in the vicinity of Weber Road and West Division Street in Will County which is a parcel containing 200 acres, more or less, that is located in Section 19, Township 36 North, Range 10 East of the Third Principal Meridian in the County of Will, State of Illinois, this parcel being more particularly described in a legal description to be made by an Illinois professional land surveyor, the cost to be paid by the purchaser, described in Section 5 to the Director of Central Management Services for disposition pursuant to subsections (a), (d), and (e) of Section 7.1 of the State Property Control Act.

(b) Notwithstanding the provision in subsection (d) of Section 7.1 of the State Property Control Act that requires that moneys received for the sale of surplus property be deposited in the General Revenue Fund, all...
moneys received from the sale of the surplus real property under this Section shall be deposited into the Road Fund.

Section 15. Recording. The Director of Central Management Services shall obtain a certified copy of this Act within 60 days after this Act's effective date, and upon receipt of payment shall record the certified document in the recorder's office in the county in which the land is located.

Section 20. Interstate 55 Interchange project. Subject to appropriation, an amount of money in the Road Fund equal to the amount of money deposited into the Road Fund pursuant to Section 10 shall be used by the Department of Transportation to pay for the cost of the highway interchange project on Interstate Highway 55 at Weber Road in Will County.

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

Approved August 1, 2007.
Effective August 1, 2007.

PUBLIC ACT 95-0020
(House Bill No. 0033)

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

Section 5. The Rivers, Lakes, and Streams Act is amended by adding Section 23b as follows:

(615 ILCS 5/23b new)

Sec. 23b. Dams; signs and buoys.

(a) The Department of Natural Resources shall establish specifications for signs and devices that provide warnings of the presence of dams for persons using the public waters of the State. The Department shall establish such specifications pursuant to administrative rule.

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(b) For dams located in public waters and that are not subject to federal regulation regarding safety standards, the Department of Natural Resources shall examine each dam to determine hazards that may exist at each dam.

(c) The Department of Natural Resources shall, after conducting the examination required under subsection (b) of this Section, submit administrative rules setting forth appropriate safety devices to be required at each dam.

(d) The Department of Natural Resources shall be authorized to designate enforceable exclusion zones around dams pursuant to administrative rule. Violation of such exclusion zones shall constitute a Class A misdemeanor.

(e) Except for willful and wanton misconduct, neither the Department of Natural Resources nor employees or agents of the Department shall be liable for damages, injuries, or deaths occurring at dams located in public waters by reason of the Department's regulation thereof pursuant to this Section. Nothing in this Act shall relieve an owner or operator of a dam from the legal duties, obligations, and liabilities arising from ownership or operation.

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

Approved August 2, 2007.
Effective August 2, 2007.

PUBLIC ACT 95-0021
(House Bill No. 0137)

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

Section 5. The Legislative Materials Act is amended by changing Section 1 as follows:

(25 ILCS 105/1) (from Ch. 63, par. 801)

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Sec. 1. Fees.
(a) The Clerk of the House of Representatives may establish a schedule of reasonable fees to be charged for providing copies of daily and bound journals, committee documents, committee tape recordings, transcripts of committee proceedings, and committee notices, for providing copies of bills on a continuing or individual basis, and for providing tape recordings and transcripts of floor debates and other proceedings of the House.

(b) The Secretary of the Senate may establish a schedule of reasonable fees to be charged for providing copies of daily and bound journals, committee notices, for providing copies of bills on a continuing or individual basis, and for providing tape recordings and transcripts of floor debates and other proceedings of the Senate.

(c) The Clerk of the House of Representatives and the Secretary of the Senate may establish a schedule of reasonable fees to be charged for providing live audio of floor debates and other proceedings of the House of Representatives and the Senate. The Clerk and the Secretary shall have complete discretion over the distribution of live audio under this subsection (c), including discretion over the conditions under which live audio shall be distributed, except that live audio shall be distributed to the General Assembly and its staffs. Nothing in this subsection (c) shall be construed to create an obligation on the part of the Clerk or Secretary to provide live audio to any person or entity other than to the General Assembly and its staffs.

(c-5) The Clerk of the House of Representatives, to the extent authorized by the House Rules, may establish a schedule of reasonable fees to be charged to members for the preparation, filing, and reproduction of non-substantive resolutions.

(c-10) Through December 31, 2010, the Clerk of the House of Representatives may sell to a member of the House of Representatives one or more of the chairs that comprise member seating in the House chamber. The Clerk must charge the original cost of the chairs.

(c-15) Through December 31, 2010, the Secretary of the Senate may sell to a member of the Senate one or more of the chairs that
comprise member seating in the Senate chamber. The Secretary must charge the original cost of the chairs.

(d) Receipts from all fees and charges established under this Section shall be deposited by the Clerk and the Secretary into the General Assembly Operations Revolving Fund, a special fund in the State treasury. Amounts in the Fund may be appropriated for the operations of the offices of the Clerk of the House of Representatives and the Secretary of the Senate, including the replacement of items sold under subsections (c-10) and (c-15).

(Source: P.A. 92-11, eff. 6-11-01.)

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


PUBLIC ACT 95-0022
(House Bill No. 0182)

AN ACT concerning education.

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

Section 1. Short title. This Act may be cited as the Forensic Psychiatry Fellowship Training Act.

Section 5. Creation of program. The University of Illinois at Chicago and Southern Illinois University shall expand their focuses on enrolling, training, and graduating forensic mental health professionals by each creating a forensic psychiatry fellowship training program at their Colleges of Medicine.

Section 10. Powers and duties under program. Under the forensic psychiatry fellowship training program created under Section 5 of this Act, the University of Illinois at Chicago and Southern Illinois University shall each have all of the following powers and duties:

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(1) The university's undergraduate and graduate programs may increase their service and training commitments in order to provide mental health care to chronically mentally ill populations in this State.

(2) The university shall coordinate service, education, and research in mental health and may work with communities, State agencies, other colleges and universities, private foundations, health care providers, and other interested organizations on innovative strategies to respond to the challenges of providing greater physician presence in the field of forensic psychiatry. However, the majority of the clinical rotations of the fellows must be served in publicly supported programs in this State.

(3) The university may establish such clinical and educational centers and may cooperate with other universities and associations as may be necessary to carry out the intent of this Act according to the following priorities:

(A) a preference for programs that are designed to enroll, educate, and facilitate the graduation of mental health professionals trained in forensic psychiatry and other forensic mental health sub-specialities; and

(B) a preference for public sector programs that involve networking with other agencies, organizations, and institutions that have similar objectives.

Section 15. Program curriculum. The curriculum for the forensic psychiatry fellowship training program created under Section 5 of this Act shall be developed in accordance with criteria established by the Residency Review Committee of the Accreditation Council for Graduate Medical Education (ACGME).

Section 20. Funding. The implementation of this Act is subject to appropriation. In a given fiscal year, 75% of the total amount appropriated for the purposes of this Act must be designated for the University of Illinois at Chicago and 25% of the total amount appropriated for the purposes of this Act must be designated for Southern Illinois University. From the appropriation for the purposes of this Act, the University of
Illinois at Chicago and Southern Illinois University shall negotiate, with agencies providing supervision for forensic psychiatric fellows, the reimbursement of the marginal costs associated with that supervision, unless the University of Illinois at Chicago or Southern Illinois University is providing the supervision. Agencies providing supervision to more than one forensic psychiatric fellow may aggregate these marginal costs.

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

Passed in the General Assembly June 1, 2007.

PUBLIC ACT 95-0023
(House Bill No. 0376)

AN ACT concerning State government.

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

Section 5. The State Treasurer Act is amended by changing Section 16.5 as follows:

(15 ILCS 505/16.5)

Sec. 16.5. College Savings Pool. The State Treasurer may establish and administer a College Savings Pool to supplement and enhance the investment opportunities otherwise available to persons seeking to finance the costs of higher education. The State Treasurer, in administering the College Savings Pool, may receive moneys paid into the pool by a participant and may serve as the fiscal agent of that participant for the purpose of holding and investing those moneys.

"Participant", as used in this Section, means any person who makes investments in the pool. "Designated beneficiary", as used in this Section, means any person on whose behalf an account is established in the College Savings Pool by a participant. Both in-state and out-of-state persons may be participants and designated beneficiaries in the College Savings Pool.
New accounts in the College Savings Pool may be processed through participating financial institutions. "Participating financial institution", as used in this Section, means any financial institution insured by the Federal Deposit Insurance Corporation and lawfully doing business in the State of Illinois and any credit union approved by the State Treasurer and lawfully doing business in the State of Illinois that agrees to process new accounts in the College Savings Pool. Participating financial institutions may charge a processing fee to participants to open an account in the pool that shall not exceed $30 until the year 2001. Beginning in 2001 and every year thereafter, the maximum fee limit shall be adjusted by the Treasurer based on the Consumer Price Index for the North Central Region as published by the United States Department of Labor, Bureau of Labor Statistics for the immediately preceding calendar year. Every contribution received by a financial institution for investment in the College Savings Pool shall be transferred from the financial institution to a location selected by the State Treasurer within one business day following the day that the funds must be made available in accordance with federal law. All communications from the State Treasurer to participants shall reference the participating financial institution at which the account was processed.

The Treasurer may invest the moneys in the College Savings Pool in the same manner, in the same types of investments, and subject to the same limitations provided for the investment of moneys by the Illinois State Board of Investment. To enhance the safety and liquidity of the College Savings Pool, to ensure the diversification of the investment portfolio of the pool, and in an effort to keep investment dollars in the State of Illinois, the State Treasurer may make a percentage of each account available for investment in participating financial institutions doing business in the State. The State Treasurer shall deposit with the participating financial institution at which the account was processed the following percentage of each account at a prevailing rate offered by the institution, provided that the deposit is federally insured or fully collateralized and the institution accepts the deposit: 10% of the total amount of each account for which the current age of the beneficiary is less

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than 7 years of age, 20% of the total amount of each account for which the
beneficiary is at least 7 years of age and less than 12 years of age, and 50%
of the total amount of each account for which the current age of the
beneficiary is at least 12 years of age. The State Treasurer shall adjust each
account at least annually to ensure compliance with this Section. The
Treasurer shall develop, publish, and implement an investment policy
covering the investment of the moneys in the College Savings Pool. The
policy shall be published (i) at least once each year in at least one
newspaper of general circulation in both Springfield and Chicago and (ii)
each year as part of the audit of the College Savings Pool by the Auditor
General, which shall be distributed to all participants. The Treasurer shall
notify all participants in writing, and the Treasurer shall publish in a
newspaper of general circulation in both Chicago and Springfield, any
changes to the previously published investment policy at least 30 calendar
days before implementing the policy. Any investment policy adopted by
the Treasurer shall be reviewed and updated if necessary within 90 days
following the date that the State Treasurer takes office.

Participants shall be required to use moneys distributed from the
College Savings Pool for qualified expenses at eligible educational
institutions. "Qualified expenses", as used in this Section, means the
following: (i) tuition, fees, and the costs of books, supplies, and equipment
required for enrollment or attendance at an eligible educational institution
and (ii) certain room and board expenses incurred while attending an
eligible educational institution at least half-time. "Eligible educational
institutions", as used in this Section, means public and private colleges,
junior colleges, graduate schools, and certain vocational institutions that
are described in Section 481 of the Higher Education Act of 1965 (20
U.S.C. 1088) and that are eligible to participate in Department of
Education student aid programs. A student shall be considered to be
enrolled at least half-time if the student is enrolled for at least half the full-
time academic work load for the course of study the student is pursuing as
determined under the standards of the institution at which the student is
enrolled. Distributions made from the pool for qualified expenses shall be
made directly to the eligible educational institution, directly to a vendor, or

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in the form of a check payable to both the beneficiary and the institution or vendor. Any moneys that are distributed in any other manner or that are used for expenses other than qualified expenses at an eligible educational institution shall be subject to a penalty of 10% of the earnings unless the beneficiary dies, becomes disabled, or receives a scholarship that equals or exceeds the distribution. Penalties shall be withheld at the time the distribution is made.

The Treasurer shall limit the contributions that may be made on behalf of a designated beneficiary based on the limitations established by the Internal Revenue Service. An actuarial estimate of what is required to pay tuition, fees, and room and board for 5 undergraduate years at the highest cost eligible educational institution. The contributions made on behalf of a beneficiary who is also a beneficiary under the Illinois Prepaid Tuition Program shall be further restricted to ensure that the contributions in both programs combined do not exceed the limit established for the College Savings Pool. The Treasurer shall provide the Illinois Student Assistance Commission each year at a time designated by the Commission, an electronic report of all participant accounts in the Treasurer's College Savings Pool, listing total contributions and disbursements from each individual account during the previous calendar year. As soon thereafter as is possible following receipt of the Treasurer's report, the Illinois Student Assistance Commission shall, in turn, provide the Treasurer with an electronic report listing those College Savings Pool participants who also participate in the State's prepaid tuition program, administered by the Commission. The Commission shall be responsible for filing any combined tax reports regarding State qualified savings programs required by the United States Internal Revenue Service. The Treasurer shall work with the Illinois Student Assistance Commission to coordinate the marketing of the College Savings Pool and the Illinois Prepaid Tuition Program when considered beneficial by the Treasurer and the Director of the Illinois Student Assistance Commission. The Treasurer's office shall not publicize or otherwise market the College Savings Pool or accept any moneys into the College Savings Pool prior to March 1, 2000. The Treasurer shall provide a separate accounting for each
designated beneficiary to each participant, the Illinois Student Assistance Commission, and the participating financial institution at which the account was processed. No interest in the program may be pledged as security for a loan.

The assets of the College Savings Pool and its income and operation shall be exempt from all taxation by the State of Illinois and any of its subdivisions. The accrued earnings on investments in the Pool once disbursed on behalf of a designated beneficiary shall be similarly exempt from all taxation by the State of Illinois and its subdivisions, so long as they are used for qualified expenses. Contributions to a College Savings Pool account during the taxable year may be deducted from adjusted gross income as provided in Section 203 of the Illinois Income Tax Act. The provisions of this paragraph are exempt from Section 250 of the Illinois Income Tax Act.

The Treasurer shall adopt rules he or she considers necessary for the efficient administration of the College Savings Pool. The rules shall provide whatever additional parameters and restrictions are necessary to ensure that the College Savings Pool meets all of the requirements for a qualified state tuition program under Section 529 of the Internal Revenue Code (26 U.S.C. 529). The rules shall provide for the administration expenses of the pool to be paid from its earnings and for the investment earnings in excess of the expenses and all moneys collected as penalties to be credited or paid monthly to the several participants in the pool in a manner which equitably reflects the differing amounts of their respective investments in the pool and the differing periods of time for which those amounts were in the custody of the pool. Also, the rules shall require the maintenance of records that enable the Treasurer's office to produce a report for each account in the pool at least annually that documents the account balance and investment earnings. Notice of any proposed amendments to the rules and regulations shall be provided to all participants prior to adoption. Amendments to rules and regulations shall apply only to contributions made after the adoption of the amendment.

Upon creating the College Savings Pool, the State Treasurer shall give bond with 2 or more sufficient sureties, payable to and for the benefit

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of the participants in the College Savings Pool, in the penal sum of
$1,000,000, conditioned upon the faithful discharge of his or her duties in
relation to the College Savings Pool.
(Source: P.A. 92-16, eff. 6-28-01; 92-439, eff. 8-17-01; 92-626, eff. 7-11-
02; 93-812, eff. 1-1-05.)

Section 10. The Illinois Income Tax Act is amended by changing
Section 203 as follows:

(35 ILCS 5/203) (from Ch. 120, par. 2-203)
Sec. 203. Base income defined.
(a) Individuals.

(1) In general. In the case of an individual, base income
means an amount equal to the taxpayer's adjusted gross income for
the taxable year as modified by paragraph (2).

(2) Modifications. The adjusted gross income referred to in
paragraph (1) shall be modified by adding thereto the sum of the
following amounts:

(A) An amount equal to all amounts paid or accrued
to the taxpayer as interest or dividends during the taxable
year to the extent excluded from gross income in the
computation of adjusted gross income, except stock
dividends of qualified public utilities described in Section
305(e) of the Internal Revenue Code;

(B) An amount equal to the amount of tax imposed
by this Act to the extent deducted from gross income in the
computation of adjusted gross income for the taxable year;

(C) An amount equal to the amount received during
the taxable year as a recovery or refund of real property
taxes paid with respect to the taxpayer's principal residence
under the Revenue Act of 1939 and for which a deduction
was previously taken under subparagraph (L) of this
paragraph (2) prior to July 1, 1991, the retrospective
application date of Article 4 of Public Act 87-17. In the
case of multi-unit or multi-use structures and farm
dwellings, the taxes on the taxpayer's principal residence

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shall be that portion of the total taxes for the entire property which is attributable to such principal residence;

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of adjusted gross income;

(D-5) An amount, to the extent not included in adjusted gross income, equal to the amount of money withdrawn by the taxpayer in the taxable year from a medical care savings account and the interest earned on the account in the taxable year of a withdrawal pursuant to subsection (b) of Section 20 of the Medical Care Savings Account Act or subsection (b) of Section 20 of the Medical Care Savings Account Act of 2000;

(D-10) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the individual deducted in computing adjusted gross income and for which the individual claims a credit under subsection (l) of Section 201;

(D-15) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code;

(D-16) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (Z) with respect to that property.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax

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purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (Z), then an amount equal to that subtraction modification.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(D-17) For taxable years ending on or after December 31, 2004, an amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if

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the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards

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by which the Department will utilize its authority under Section 404 of this Act;

(D-18) For taxable years ending on or after December 31, 2004, an amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence does not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(a)(2)(D-17) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes (1) expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible

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property” includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets.

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

   (a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and

   (b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to
the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(D-20) For taxable years beginning on or after January 1, 2002 and ending on or before December 31, 2006, in the case of a distribution from a qualified tuition program under Section 529 of the Internal Revenue Code, other than (i) a distribution from a College Savings Pool created under Section 16.5 of the State Treasurer Act or (ii) a distribution from the Illinois Prepaid Tuition Trust Fund, an amount equal to the amount excluded from gross income under Section 529(c)(3)(B). For taxable years beginning on or after January 1, 2007, in the case of a distribution from a qualified tuition program under Section 529 of the Internal Revenue Code, other than (i) a distribution from a College Savings Pool created under Section 16.5 of the State Treasurer Act, (ii) a distribution from the Illinois Prepaid Tuition Trust Fund, or (iii) a distribution from a qualified tuition program under Section 529 of the Internal Revenue Code that (I) adopts and determines that its offering materials comply with the College Savings Plans Network's disclosure principles and (II) has made reasonable efforts to inform in-state residents of the existence of in-state qualified tuition programs by informing Illinois residents directly and, where applicable, to inform financial intermediaries distributing the program

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to inform in-state residents of the existence of in-state qualified tuition programs at least annually, an amount equal to the amount excluded from gross income under Section 529(c)(3)(B).

For the purposes of this subparagraph (D-20), a qualified tuition program has made reasonable efforts if it makes disclosures (which may use the term "in-state program" or "in-state plan" and need not specifically refer to Illinois or its qualified programs by name) (i) directly to prospective participants in its offering materials or makes a public disclosure, such as a website posting; and (ii) where applicable, to intermediaries selling the out-of-state program in the same manner that the out-of-state program distributes its offering materials;

(D-21) For taxable years beginning on or after January 1, 2007, in the case of transfer of moneys from a qualified tuition program under Section 529 of the Internal Revenue Code that is administered by the State to an out-of-state program, an amount equal to the amount of moneys previously deducted from base income under subsection (a)(2)(Y) of this Section.

and by deducting from the total so obtained the sum of the following amounts:

(E) For taxable years ending before December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being on active duty in the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 1971 or thereafter for annual training performed pursuant to Sections 502 and

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503, Title 32, United States Code as a member of the Illinois National Guard. For taxable years ending on or after December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being a member of any component of the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 2001 or thereafter by reason of being a member of the Illinois National Guard. The provisions of this amendatory Act of the 92nd General Assembly are exempt from the provisions of Section 250;

(F) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the Internal Revenue Code, or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(G) The valuation limitation amount;

(H) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(I) An amount equal to all amounts included in such total pursuant to the provisions of Section 111 of the Internal Revenue Code as a recovery of items previously deducted from adjusted gross income in the computation of taxable income;

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(J) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act or a River Edge Redevelopment Zone or zones created under the River Edge Redevelopment Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones or a River Edge Redevelopment Zone or zones. This subparagraph (J) is exempt from the provisions of Section 250;

(K) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (J) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (K);

(L) For taxable years ending after December 31, 1983, an amount equal to all social security benefits and railroad retirement benefits included in such total pursuant to Sections 72(r) and 86 of the Internal Revenue Code;

(M) With the exception of any amounts subtracted under subparagraph (N), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

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(N) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(O) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) An amount equal to any amounts included in such total, received by the taxpayer as an acceleration in the payment of life, endowment or annuity benefits in advance of the time they would otherwise be payable as an indemnity for a terminal illness;

(R) An amount equal to the amount of any federal or State bonus paid to veterans of the Persian Gulf War;

(S) An amount, to the extent included in adjusted gross income, equal to the amount of a contribution made in the taxable year on behalf of the taxpayer to a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 to the extent the contribution is accepted by the account administrator as provided in that Act;

(T) An amount, to the extent included in adjusted gross income, equal to the amount of interest earned in the taxable year on a medical care savings account established under the Medical Care Savings Account Act or the

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Medical Care Savings Account Act of 2000 on behalf of the taxpayer, other than interest added pursuant to item (D-5) of this paragraph (2);

(U) For one taxable year beginning on or after January 1, 1994, an amount equal to the total amount of tax imposed and paid under subsections (a) and (b) of Section 201 of this Act on grant amounts received by the taxpayer under the Nursing Home Grant Assistance Act during the taxpayer's taxable years 1992 and 1993;

(V) Beginning with tax years ending on or after December 31, 1995 and ending with tax years ending on or before December 31, 2004, an amount equal to the amount paid by a taxpayer who is a self-employed taxpayer, a partner of a partnership, or a shareholder in a Subchapter S corporation for health insurance or long-term care insurance for that taxpayer or that taxpayer's spouse or dependents, to the extent that the amount paid for that health insurance or long-term care insurance may be deducted under Section 213 of the Internal Revenue Code of 1986, has not been deducted on the federal income tax return of the taxpayer, and does not exceed the taxable income attributable to that taxpayer's income, self-employment income, or Subchapter S corporation income; except that no deduction shall be allowed under this item (V) if the taxpayer is eligible to participate in any health insurance or long-term care insurance plan of an employer of the taxpayer or the taxpayer's spouse. The amount of the health insurance and long-term care insurance subtracted under this item (V) shall be determined by multiplying total health insurance and long-term care insurance premiums paid by the taxpayer times a number that represents the fractional percentage of eligible medical expenses under Section 213 of the Internal Revenue Code of 1986 not actually deducted on the taxpayer's federal income tax return;

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(W) For taxable years beginning on or after January 1, 1998, all amounts included in the taxpayer's federal gross income in the taxable year from amounts converted from a regular IRA to a Roth IRA. This paragraph is exempt from the provisions of Section 250;

(X) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income.
income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250;

(Y) For taxable years beginning on or after January 1, 2002 and ending on or before December 31, 2004, moneys contributed in the taxable year to a College Savings Pool account under Section 16.5 of the State Treasurer Act, except that amounts excluded from gross income under Section 529(c)(3)(C)(i) of the Internal Revenue Code shall not be considered moneys contributed under this subparagraph (Y). For taxable years beginning on or after January 1, 2005, a maximum of $10,000 contributed in the taxable year to (i) a College Savings Pool account under Section 16.5 of the State Treasurer Act or (ii) the Illinois Prepaid Tuition Trust Fund, except that amounts excluded from gross income under Section 529(c)(3)(C)(i) of the Internal Revenue Code shall not be considered moneys contributed under this subparagraph (Y). This subparagraph (Y) is exempt from the provisions of Section 250;

(Z) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction;

(2) for taxable years ending on or before December 31, 2005, "x" equals "y" multiplied by 30

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and then divided by 70 (or "y" multiplied by 0.429); and

(3) for taxable years ending after December 31, 2005:

   (i) for property on which a bonus depreciation deduction of 30% of the adjusted basis was taken, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

   (ii) for property on which a bonus depreciation deduction of 50% of the adjusted basis was taken, "x" equals "y" multiplied by 1.0.

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This subparagraph (Z) is exempt from the provisions of Section 250;

(AA) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to that addition modification.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to that addition modification.

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The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

This subparagraph (AA) is exempt from the provisions of Section 250;

(BB) Any amount included in adjusted gross income, other than salary, received by a driver in a ridesharing arrangement using a motor vehicle;

(CC) The amount of (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of that addition modification, and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of that addition modification;

/DD) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(a)(2)(D-17) for interest paid, accrued, or incurred, directly or indirectly, to the same foreign person; and

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(EE) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(a)(2)(D-18) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person.

(b) Corporations.

(1) In general. In the case of a corporation, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest and all distributions received from regulated investment companies during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(C) In the case of a regulated investment company, an amount equal to the excess of (i) the net long-term capital gain for the taxable year, over (ii) the amount of the capital gain dividends designated as such in accordance with Section 852(b)(3)(C) of the Internal Revenue Code and any amount designated under Section 852(b)(3)(D) of the Internal Revenue Code, attributable to the taxable year

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(this amendatory Act of 1995 (Public Act 89-89) is declarative of existing law and is not a new enactment);

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such earlier taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently

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under the preceding provisions of this subparagraph (E) for each such taxable year;

(E-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the corporation deducted in computing adjusted gross income and for which the corporation claims a credit under subsection (l) of Section 201;

(E-10) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(E-11) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (T) with respect to that property.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (T), then an amount equal to that subtraction modification.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(E-12) For taxable years ending on or after December 31, 2004, an amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of

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the same unitary business group but for the fact the foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a

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contract or agreement that reflects an arm's-length interest rate and terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(E-13) For taxable years ending on or after December 31, 2004, an amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income.
of the unitary group for the same taxable year and received
by the taxpayer or by a member of the taxpayer's unitary
business group (including amounts included in gross
income pursuant to Sections 951 through 964 of the
Internal Revenue Code and amounts included in gross
income under Section 78 of the Internal Revenue Code)
with respect to the stock of the same person to whom the
intangible expenses and costs were directly or indirectly
paid, incurred, or accrued. The preceding sentence shall not
apply to the extent that the same dividends caused a
reduction to the addition modification required under
Section 203(b)(2)(E-12) of this Act. As used in this
subparagraph, the term "intangible expenses and costs"
includes (1) expenses, losses, and costs for, or related to,
the direct or indirect acquisition, use, maintenance or
management, ownership, sale, exchange, or any other
disposition of intangible property; (2) losses incurred,
directly or indirectly, from factoring transactions or
discounting transactions; (3) royalty, patent, technical, and
copyright fees; (4) licensing fees; and (5) other similar
expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications,
trade names, trademarks, service marks, copyrights, mask
works, trade secrets, and similar types of intangible assets.
This paragraph shall not apply to the following:
(i) any item of intangible expenses or costs
paid, accrued, or incurred, directly or indirectly,
from a transaction with a foreign person who is
subject in a foreign country or state, other than a
state which requires mandatory unitary reporting, to
a tax on or measured by net income with respect to
such item; or
(ii) any item of intangible expense or cost
paid, accrued, or incurred, directly or indirectly, if
the taxpayer can establish, based on a

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preponderance of the evidence, both of the following:

(a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and

(b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or

if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

and by deducting from the total so obtained the sum of the following amounts:

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

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(G) An amount equal to any amount included in such total under Section 78 of the Internal Revenue Code;

(H) In the case of a regulated investment company, an amount equal to the amount of exempt interest dividends as defined in subsection (b) (5) of Section 852 of the Internal Revenue Code, paid to shareholders for the taxable year;

(I) With the exception of any amounts subtracted under subparagraph (J), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(a)(2) and amounts disallowed as interest expense by Section 291(a)(3) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(a)(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(J) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization; (K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act or a River Edge Redevelopment Zone or zones created under the River Edge Redevelopment Zone Act and conducts substantially all of its operations in an Enterprise Zone or zones or a
River Edge Redevelopment Zone or zones. This subparagraph

(K) is exempt from the provisions of Section 250;

(L) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph 2 of this subsection shall not be eligible for the deduction provided under this subparagraph (L);

(M) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the Enterprise Zone Investment Credit or the River Edge Redevelopment Zone Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(f) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(f) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in the Enterprise Zone or the River Edge Redevelopment Zone. The subtraction modification available to taxpayer in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence. This subparagraph (M) is exempt from the provisions of Section 250;

(M-1) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this
Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the High Impact Business Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(h) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(h) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois. No taxpayer that is eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall be eligible for the deduction provided under this subparagraph (M-1). The subtraction modification available to taxpayers in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(N) Two times any contribution made during the taxable year to a designated zone organization to the extent that the contribution (i) qualifies as a charitable contribution under subsection (c) of Section 170 of the Internal Revenue Code and (ii) must, by its terms, be used for a project approved by the Department of Commerce and Economic Opportunity under Section 11 of the Illinois Enterprise Zone Act or under Section 10-10 of the Illinois River Edge Redevelopment Zone Act. This subparagraph (N) is exempt from the provisions of Section 250;

(O) An amount equal to: (i) 85% for taxable years ending on or before December 31, 1992, or, a percentage equal to the percentage allowable under Section 243(a)(1) of the Internal Revenue Code of 1986 for taxable years

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ending after December 31, 1992, of the amount by which dividends included in taxable income and received from a corporation that is not created or organized under the laws of the United States or any state or political subdivision thereof, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends; plus (ii) 100% of the amount by which dividends, included in taxable income and received, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, from any such corporation specified in clause (i) that would but for the provisions of Section 1504 (b) (3) of the Internal Revenue Code be treated as a member of the affiliated group which includes the dividend recipient, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends;

(P) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(Q) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(R) On and after July 20, 1999, in the case of an attorney-in-fact with respect to whom an interinsurer or a reciprocal insurer has made the election under Section 835 of the Internal Revenue Code, 26 U.S.C. 835, an amount equal to the excess, if any, of the amounts paid or incurred
by that interinsurer or reciprocal insurer in the taxable year to the attorney-in-fact over the deduction allowed to that interinsurer or reciprocal insurer with respect to the attorney-in-fact under Section 835(b) of the Internal Revenue Code for the taxable year; the provisions of this subparagraph are exempt from the provisions of Section 250;

(S) For taxable years ending on or after December 31, 1997, in the case of a Subchapter S corporation, an amount equal to all amounts of income allocable to a shareholder subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act, including amounts allocable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code. This subparagraph (S) is exempt from the provisions of Section 250;

(T) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction;

(2) for taxable years ending on or before December 31, 2005, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

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(3) for taxable years ending after December 31, 2005:

   (i) for property on which a bonus depreciation deduction of 30% of the adjusted basis was taken, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

   (ii) for property on which a bonus depreciation deduction of 50% of the adjusted basis was taken, "x" equals "y" multiplied by 1.0.

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This subparagraph (T) is exempt from the provisions of Section 250;

   (U) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to that addition modification.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.
This subparagraph (U) is exempt from the provisions of Section 250;

(V) The amount of: (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of such addition modification and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of such addition modification;

(W) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(b)(2)(E-12) for interest paid, accrued, or incurred, directly or indirectly, to the same foreign person; and

(X) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made

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for the same taxable year under Section 203(b)(2)(E-13) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person.

(3) Special rule. For purposes of paragraph (2) (A), "gross income" in the case of a life insurance company, for tax years ending on and after December 31, 1994, shall mean the gross investment income for the taxable year.

(c) Trusts and estates.

(1) In general. In the case of a trust or estate, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. Subject to the provisions of paragraph (3), the taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) In the case of (i) an estate, $600; (ii) a trust which, under its governing instrument, is required to distribute all of its income currently, $300; and (iii) any other trust, $100, but in each such case, only to the extent such amount was deducted in the computation of taxable income;

(C) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E)
of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(F) For taxable years ending on or after January 1, 1989, an amount equal to the tax deducted pursuant to Section 164 of the Internal Revenue Code if the trust or estate is claiming the same tax for purposes of the Illinois foreign tax credit under Section 601 of this Act;

(G) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income;

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(G-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the trust or estate deducted in computing adjusted gross income and for which the trust or estate claims a credit under subsection (l) of Section 201;

(G-10) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(G-11) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (R) with respect to that property.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (R), then an amount equal to that subtraction modification.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(G-12) For taxable years ending on or after December 31, 2004, an amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of the foreign person's total business.
activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid,
accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(G-13) For taxable years ending on or after December 31, 2004, an amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the

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Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence shall not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(c)(2)(G-12) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes: (1) expenses, losses, and costs for or related to the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets.

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

   (a) the foreign person during the same taxable year paid, accrued, or incurred,
the intangible expense or cost to a person that is not a related member, and

(b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

and by deducting from the total so obtained the sum of the following amounts:

(H) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the Internal Revenue Code or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which

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payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

   (I) The valuation limitation amount;
   (J) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;
   (K) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C), (D), (E), (F) and (G) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;
   (L) With the exception of any amounts subtracted under subparagraph (K), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2) and 265(a)(2) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;
   (M) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act or a River Edge Redevelopment Zone or zones created under the River

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Edge Redevelopment Zone Act and conducts substantially all of its operations in an Enterprise Zone or Zones or a River Edge Redevelopment Zone or zones. This subparagraph (M) is exempt from the provisions of Section 250;

(N) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(O) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (O);

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on

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the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250;

(R) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction;

(2) for taxable years ending on or before December 31, 2005, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

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(3) for taxable years ending after December 31, 2005

   (i) for property on which a bonus depreciation deduction of 30% of the adjusted basis was taken, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

   (ii) for property on which a bonus depreciation deduction of 50% of the adjusted basis was taken, "x" equals "y" multiplied by 1.0.

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This subparagraph (R) is exempt from the provisions of Section 250;

(S) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to that addition modification.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.
This subparagraph (S) is exempt from the provisions of Section 250;

(T) The amount of (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of such addition modification and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of such addition modification;

(U) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(c)(2)(G-12) for interest paid, accrued, or incurred, directly or indirectly, to the same foreign person; and

(V) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but

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not to exceed the addition modification required to be made for the same taxable year under Section 203(c)(2)(G-13) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person.

(3) Limitation. The amount of any modification otherwise required under this subsection shall, under regulations prescribed by the Department, be adjusted by any amounts included therein which were properly paid, credited, or required to be distributed, or permanently set aside for charitable purposes pursuant to Internal Revenue Code Section 642(c) during the taxable year.

(d) Partnerships.

(1) In general. In the case of a partnership, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income for the taxable year;

(C) The amount of deductions allowed to the partnership pursuant to Section 707 (c) of the Internal Revenue Code in calculating its taxable income;

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income;

(D-5) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction taken on the taxpayer's federal income tax return for the taxable year

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under subsection (k) of Section 168 of the Internal Revenue Code;

(D-6) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (O) with respect to that property.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (O), then an amount equal to that subtraction modification.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(D-7) For taxable years ending on or after December 31, 2004, an amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact the foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross

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income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if

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the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act; and

(D-8) For taxable years ending on or after December 31, 2004, an amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred or accrued. The preceding sentence shall not apply to the

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extent that the same dividends caused a reduction to the addition modification required under Section 203(d)(2)(D-7) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes (1) expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets;

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and

(b) the transaction giving rise to the intangible expense or cost between the
taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or

if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

and by deducting from the total so obtained the following amounts:

(E) The valuation limitation amount;

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C) and (D) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations

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from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(H) Any income of the partnership which constitutes personal service income as defined in Section 1348(b)(1) of the Internal Revenue Code (as in effect December 31, 1981) or a reasonable allowance for compensation paid or accrued for services rendered by partners to the partnership, whichever is greater;

(I) An amount equal to all amounts of income distributable to an entity subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act including amounts distributable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code;

(J) With the exception of any amounts subtracted under subparagraph (G), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, enacted by the 82nd General Assembly, or a River Edge Redevelopment Zone or zones created under the River Edge Redevelopment Zone Act and conducts substantially all of its operations in

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an Enterprise Zone or Zones or from a River Edge Redevelopment Zone or zones. This subparagraph (K) is exempt from the provisions of Section 250;

(L) An amount equal to any contribution made to a job training project established pursuant to the Real Property Tax Increment Allocation Redevelopment Act;

(M) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (M);

(N) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(O) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction;

(2) for taxable years ending on or before December 31, 2005, "x" equals "y" multiplied by 30
and then divided by 70 (or "y" multiplied by 0.429); and

(3) for taxable years ending after December 31, 2005:

(i) for property on which a bonus depreciation deduction of 30% of the adjusted basis was taken, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

(ii) for property on which a bonus depreciation deduction of 50% of the adjusted basis was taken, "x" equals "y" multiplied by 1.0.

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This subparagraph (O) is exempt from the provisions of Section 250;

(P) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to that addition modification.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to that addition modification.

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The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

This subparagraph (P) is exempt from the provisions of Section 250;

(Q) The amount of (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of such addition modification and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of such addition modification;

(R) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(d)(2)(D-7) for interest paid, accrued, or incurred, directly or indirectly, to the same foreign person; and

(S) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the

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taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(d)(2)(D-8) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person.

(e) Gross income; adjusted gross income; taxable income.

(1) In general. Subject to the provisions of paragraph (2) and subsection (b) (3), for purposes of this Section and Section 803(e), a taxpayer's gross income, adjusted gross income, or taxable income for the taxable year shall mean the amount of gross income, adjusted gross income or taxable income properly reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code. Taxable income may be less than zero. However, for taxable years ending on or after December 31, 1986, net operating loss carryforwards from taxable years ending prior to December 31, 1986, may not exceed the sum of federal taxable income for the taxable year before net operating loss deduction, plus the excess of addition modifications over subtraction modifications for the taxable year. For taxable years ending prior to December 31, 1986, taxable income may never be an amount in excess of the net operating loss for the taxable year as defined in subsections (c) and (d) of Section 172 of the Internal Revenue Code, provided that when taxable income of a corporation (other than a Subchapter S corporation), trust, or estate is less than zero and addition modifications, other than those provided by subparagraph (E) of paragraph (2) of subsection (b) for corporations or subparagraph (E) of paragraph (2) of subsection (c) for trusts and estates, exceed subtraction modifications, an addition modification must be made under those subparagraphs for any other taxable year to which the taxable income less than zero (net operating loss) is applied under Section 172 of the Internal Revenue Code or under subparagraph (E) of
paragraph (2) of this subsection (e) applied in conjunction with Section 172 of the Internal Revenue Code.

(2) Special rule. For purposes of paragraph (1) of this subsection, the taxable income properly reportable for federal income tax purposes shall mean:

(A) Certain life insurance companies. In the case of a life insurance company subject to the tax imposed by Section 801 of the Internal Revenue Code, life insurance company taxable income, plus the amount of distribution from pre-1984 policyholder surplus accounts as calculated under Section 815a of the Internal Revenue Code;

(B) Certain other insurance companies. In the case of mutual insurance companies subject to the tax imposed by Section 831 of the Internal Revenue Code, insurance company taxable income;

(C) Regulated investment companies. In the case of a regulated investment company subject to the tax imposed by Section 852 of the Internal Revenue Code, investment company taxable income;

(D) Real estate investment trusts. In the case of a real estate investment trust subject to the tax imposed by Section 857 of the Internal Revenue Code, real estate investment trust taxable income;

(E) Consolidated corporations. In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated income tax return for the taxable year for federal income tax purposes, taxable income determined as if such corporation had filed a separate return for federal income tax purposes for the taxable year and each preceding taxable year for which it was a member of an affiliated group. For purposes of this subparagraph, the taxpayer's separate taxable income shall be determined as if the election provided by Section 243(b)
(2) of the Internal Revenue Code had been in effect for all such years;

(F) Cooperatives. In the case of a cooperative corporation or association, the taxable income of such organization determined in accordance with the provisions of Section 1381 through 1388 of the Internal Revenue Code;

(G) Subchapter S corporations. In the case of: (i) a Subchapter S corporation for which there is in effect an election for the taxable year under Section 1362 of the Internal Revenue Code, the taxable income of such corporation determined in accordance with Section 1363(b) of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 1363(b)(1) of the Internal Revenue Code to be separately stated; and (ii) a Subchapter S corporation for which there is in effect a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982, the taxable income of such corporation determined in accordance with the federal Subchapter S rules as in effect on July 1, 1982; and

(H) Partnerships. In the case of a partnership, taxable income determined in accordance with Section 703 of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 703(a)(1) to be separately stated but which would be taken into account by an individual in calculating his taxable income.

(3) Recapture of business expenses on disposition of asset or business. Notwithstanding any other law to the contrary, if in prior years income from an asset or business has been classified as business income and in a later year is demonstrated to be non-business income, then all expenses, without limitation, deducted in
such later year and in the 2 immediately preceding taxable years related to that asset or business that generated the non-business income shall be added back and recaptured as business income in the year of the disposition of the asset or business. Such amount shall be apportioned to Illinois using the greater of the apportionment fraction computed for the business under Section 304 of this Act for the taxable year or the average of the apportionment fractions computed for the business under Section 304 of this Act for the taxable year and for the 2 immediately preceding taxable years.

(f) Valuation limitation amount.

(1) In general. The valuation limitation amount referred to in subsections (a) (2) (G), (c) (2) (I) and (d)(2) (E) is an amount equal to:

(A) The sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of gain reportable under the provisions of Section 1245 or 1250 of the Internal Revenue Code) for all property in respect of which such gain was reported for the taxable year; plus

(B) The lesser of (i) the sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of capital gain) for all property in respect of which such gain was reported for federal income tax purposes for the taxable year, or (ii) the net capital gain for the taxable year, reduced in either case by any amount of such gain included in the amount determined under subsection (a) (2) (F) or (c) (2) (H).

(2) Pre-August 1, 1969 appreciation amount.

(A) If the fair market value of property referred to in paragraph (1) was readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is the lesser of (i) the excess of such fair market value over the taxpayer's basis (for determining gain) for such property on that date (determined under the Internal
Revenue Code as in effect on that date), or (ii) the total gain realized and reportable for federal income tax purposes in respect of the sale, exchange or other disposition of such property.

(B) If the fair market value of property referred to in paragraph (1) was not readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is that amount which bears the same ratio to the total gain reported in respect of the property for federal income tax purposes for the taxable year, as the number of full calendar months in that part of the taxpayer's holding period for the property ending July 31, 1969 bears to the number of full calendar months in the taxpayer's entire holding period for the property.

(C) The Department shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.

(g) Double deductions. Unless specifically provided otherwise, nothing in this Section shall permit the same item to be deducted more than once.

(h) Legislative intention. Except as expressly provided by this Section there shall be no modifications or limitations on the amounts of income, gain, loss or deduction taken into account in determining gross income, adjusted gross income or taxable income for federal income tax purposes for the taxable year, or in the amount of such items entering into the computation of base income and net income under this Act for such taxable year, whether in respect of property values as of August 1, 1969 or otherwise.

(Source: P.A. 93-812, eff. 7-26-04; 93-840, eff. 7-30-04; 94-776, eff. 5-19-06; 94-789, eff. 5-19-06; 94-1021, eff. 7-12-06; 94-1074, eff. 12-26-06; revised 1-2-07.)

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


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AN ACT concerning criminal law.

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

Section 5. The Criminal Code of 1961 is amended by changing Section 2-13 as follows:

(720 ILCS 5/2-13) (from Ch. 38, par. 2-13)

Sec. 2-13. "Peace officer". "Peace officer" means (i) any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or (ii) any person who, by statute, is granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State.

For purposes of Sections concerning unlawful use of weapons, for the purposes of assisting an Illinois peace officer in an arrest, or when the commission of any offense a felony under Illinois law is directly observed by the person, and statutes involving the false personation of a peace officer, false personation of a peace officer while carrying a deadly weapon, and aggravated false personation of a peace officer, then officers, agents, or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered "peace officers" under this Code, including, but not limited to all criminal investigators of:

(1) The United States Department of Justice, The Federal Bureau of Investigation, The Drug Enforcement Agency and The Department of Immigration and Naturalization;

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(3) The United States Internal Revenue Service;

(4) The United States General Services Administration;

(5) The United States Postal Service; and

(6) all United States Marshals or Deputy United States Marshals whose duties involve the enforcement of federal criminal laws.

(Source: P.A. 94-730, eff. 4-17-06; 94-846, eff. 1-1-07; revised 8-3-06.)

Approved August 6, 2007.
Effective January 1, 2008.

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AN ACT concerning human rights.

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

Section 5. The Illinois Human Rights Act is amended by changing Section 2-102 as follows:

(775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

Sec. 2-102. Civil Rights Violations - Employment. It is a civil rights violation:

(A) Employers. For any employer to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment on the basis of unlawful discrimination or citizenship status.

(A-5) Language. For an employer to impose a restriction that has the effect of prohibiting a language from being spoken by an employee in communications that are unrelated to the employee's duties.

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For the purposes of this subdivision (A-5), "language" means a person's native tongue, such as Polish, Spanish, or Chinese. "Language" does not include such things as slang, jargon, profanity, or vulgarity.

(B) Employment Agency. For any employment agency to fail or refuse to classify properly, accept applications and register for employment referral, or apprentice referral, refer for employment, or refer for apprenticeship on the basis of unlawful discrimination or citizenship status or to accept from any person any job order, requisition or request for referral of applicants for employment or apprenticeship which makes or has the effect of making unlawful discrimination or discrimination on the basis of citizenship status a condition of referral.

(C) Labor Organization. For any labor organization to limit, segregate or classify its membership, or to limit employment opportunities, selection and training for apprenticeship in any trade or craft, or otherwise to take, or fail to take, any action which affects adversely any person's status as an employee or as an applicant for employment or as an apprentice, or as an applicant for apprenticeships, or wages, tenure, hours of employment or apprenticeship conditions on the basis of unlawful discrimination or citizenship status.

(D) Sexual Harassment. For any employer, employee, agent of any employer, employment agency or labor organization to engage in sexual harassment; provided, that an employer shall be responsible for sexual harassment of the employer's employees by nonemployees or nonmanagerial and nonsupervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures.

(E) Public Employers. For any public employer to refuse to permit a public employee under its jurisdiction who takes time off from work in order to practice his or her religious beliefs to engage in work, during hours other than such employee's regular working hours, consistent with the operational needs of the employer and in order to compensate for work time lost for such religious reasons. Any employee who elects such deferred work shall be compensated at the wage rate which he or she would have earned during the originally scheduled work period. The
employer may require that an employee who plans to take time off from work in order to practice his or her religious beliefs provide the employer with a notice of his or her intention to be absent from work not exceeding 5 days prior to the date of absence.

(F) Training and Apprenticeship Programs. For any employer, employment agency or labor organization to discriminate against a person on the basis of age in the selection, referral for or conduct of apprenticeship or training programs.

(G) Immigration-Related Practices. For an employer to request for purposes of satisfying the requirements of Section 1324a(b) of Title 8 of the United States Code, as now or hereafter amended, more or different documents than are required under such Section or to refuse to honor documents tendered that on their face reasonably appear to be genuine.

(H) Pregnancy; peace officers and fire fighters. For a public employer to refuse to temporarily transfer a pregnant female peace officer or pregnant female fire fighter to a less strenuous or hazardous position for the duration of her pregnancy if she so requests, with the advice of her physician, where that transfer can be reasonably accommodated. For the purposes of this subdivision (H), "peace officer" and "fire fighter" have the meanings ascribed to those terms in Section 3 of the Illinois Public Labor Relations Act.

It is not a civil rights violation for an employer to take any action that is required by Section 1324a of Title 8 of the United States Code, as now or hereafter amended.

(Source: P.A. 93-217, eff. 1-1-04.)

Approved August 6, 2007.
Effective January 1, 2008.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Employee Classification Act.

Section 3. Purpose. This Act is intended to address the practice of misclassifying employees as independent contractors.

Section 5. Definitions. As used in this Act:
"Construction" means any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediating, renovating, custom fabricating, maintenance, landscaping, improving, wrecking, painting, decorating, demolishing, and adding to or subtracting from any building, structure, highway, roadway, street, bridge, alley, sewer, ditch, sewage disposal plant, water works, parking facility, railroad, excavation or other structure, project, development, real property or improvement, or to do any part thereof, whether or not the performance of the work herein described involves the addition to, or fabrication into, any structure, project, development, real property or improvement herein described of any material or article of merchandise. Construction shall also include moving construction related materials on the job site to or from the job site.

"Contractor" means any sole proprietor, partnership, firm, corporation, limited liability company, association or other legal entity permitted by law to do business within the State of Illinois who engages in construction as defined in this Act.

"Contractor" includes a general contractor and a subcontractor.
"Department" means the Department of Labor.
"Director" means the Director of the Department of Labor.
"Employer" means any contractor that employs individuals deemed employees under Section 10 of this Act; however, "employer" does not include (i) the State of Illinois or its officers, agencies, or political subdivisions or (ii) the federal government.

"Entity" means any contractor for which an individual is performing services and is not classified as an employee under Section 10.
of this Act; however, "entity" does not include (i) the State of Illinois or its officers, agencies, or political subdivisions or (ii) the federal government.

"Interested party" means a person with an interest in compliance with this Act.

"Performing services" means the performance of any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediating, renovating, custom fabricating, maintenance, landscaping, improving, wrecking, painting, decorating, demolishing, and adding to or subtracting from any building, structure, highway, roadway, street, bridge, alley, sewer, ditch, sewage disposal plant, water works, parking facility, railroad, excavation or other structure, project, development, real property or improvement, or to do any part thereof, whether or not the performance of the work herein described involves the addition to, or fabrication into, any structure, project, development, real property or improvement herein described of any material or article of merchandise. Construction shall also include moving construction related materials on the job site to or from the job site.

Section 10. Applicability; status of individuals performing service.

(a) For the purposes of this Act, an individual performing services for a contractor is deemed to be an employee of the employer except as provided in subsections (b) and (c) of this Section.

(b) An individual performing services for a contractor is deemed to be an employee of the contractor unless it is shown that:

1. the individual has been and will continue to be free from control or direction over the performance of the service for the contractor, both under the individual's contract of service and in fact;

2. the service performed by the individual is outside the usual course of services performed by the contractor; and

3. the individual is engaged in an independently established trade, occupation, profession or business; or

4. the individual is deemed a legitimate sole proprietor or partnership under subsection (c) of this Section.

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(c) The sole proprietor or partnership performing services for a contractor as a subcontractor is deemed legitimate if it is shown that:

(1) the sole proprietor or partnership is performing the service free from the direction or control over the means and manner of providing the service, subject only to the right of the contractor for whom the service is provided to specify the desired result;

(2) the sole proprietor or partnership is not subject to cancellation or destruction upon severance of the relationship with the contractor;

(3) the sole proprietor or partnership has a substantial investment of capital in the sole proprietorship or partnership beyond ordinary tools and equipment and a personal vehicle;

(4) the sole proprietor or partnership owns the capital goods and gains the profits and bears the losses of the sole proprietorship or partnership;

(5) the sole proprietor or partnership makes its services available to the general public or the business community on a continuing basis;

(6) the sole proprietor or partnership includes services rendered on a Federal Income Tax Schedule as an independent business or profession;

(7) the sole proprietor or partnership performs services for the contractor under the sole proprietorship's or partnership's name;

(8) when the services being provided require a license or permit, the sole proprietor or partnership obtains and pays for the license or permit in the sole proprietorship's or partnership's name;

(9) the sole proprietor or partnership furnishes the tools and equipment necessary to provide the service;

(10) if necessary, the sole proprietor or partnership hires its own employees without contractor approval, pays the employees without reimbursement from the contractor and reports the employees' income to the Internal Revenue Service;

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(11) the contractor does not represent the sole proprietorship or partnership as an employee of the contractor to its customers; and

(12) the sole proprietor or partnership has the right to perform similar services for others on whatever basis and whenever it chooses.

(d) Where a sole proprietor or partnership performing services for a contractor as a subcontractor is deemed not legitimate under subsection (e) of this Section, the sole proprietorship or partnership shall be deemed an individual for purposes of this Act.

(e) Subcontractors or lower tiered contractors are subject to all provisions of this Act.

(f) A contractor shall not be liable under this Act for any subcontractor's failure to properly classify persons performing services as employees, nor shall a subcontractor be liable for any lower tiered subcontractor's failure to properly classify persons performing services as employees.

Section 15. Notice.

(a) The Department shall post a summary of the requirements of this Act in English, Spanish, and Polish on its official web site and on bulletin boards in each of its offices.

(b) An entity for whom one or more individuals perform services who are not classified as employees under Section 10 of this Act shall post and keep posted, in a conspicuous place on each job site where those individuals perform services and in each of its offices, a notice in English, Spanish, and Polish, prepared by the Department, summarizing the requirements of this Act. The Department shall furnish copies of summaries without charge to entities upon request.

Section 20. Failure to properly designate or classify individuals performing services as employees. It is a violation of this Act for an employer or entity not to designate an individual as an employee under Section 10 of this Act unless the employer or entity satisfies the provisions of Section 10 of this Act.

Section 25. Enforcement.

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(a) Any interested party may file a complaint with the Department against an entity or employer covered under this Act if there is a reasonable belief that the entity or employer is in violation of this Act. It shall be the duty of the Department to enforce the provisions of this Act. The Department shall have the power to conduct investigations in connection with the administration and enforcement of this Act and any investigator with the Department shall be authorized to visit and inspect, at all reasonable times, any places covered by this Act and shall be authorized to inspect, at all reasonable times, documents related to the determination of whether an individual is an employee under Section 10 of this Act. The Director of Labor or his or her representative may compel, by subpoena, the attendance and testimony of witnesses and the production of books, payrolls, records, papers, and other evidence in any investigation and may administer oaths to witnesses.

(b) Whenever the Department believes upon investigation that there has been a violation of any of the provisions of this Act or any rules or regulations promulgated under this Act, the Department may: (i) issue and cause to be served on any party an order to cease and desist from further violation of the Act, (ii) take affirmative or other action as deemed reasonable to eliminate the effect of the violation, (iii) collect the amount of any wages, salary, employment benefits, or other compensation denied or lost to the individual, and (iv) assess any civil penalty allowed by this Act. The civil penalties assessed by the Department as well as any other relief requested by the Department shall be recoverable in an action brought in the name of the people of the State of Illinois by the Attorney General.

Section 30. Attorney General; State's Attorneys. Criminal violations of this Act shall be prosecuted by the Attorney General or the appropriate State's Attorney. The Department shall refer matters to the Attorney General and the appropriate State's Attorney upon determining that a criminal violation may have occurred. In all other proceedings the Department shall be represented by the Attorney General's Office.

Section 35. Contempt. Whenever it appears that any employer or entity has violated a valid order of the Department issued under this Act,
the Director of Labor may commence an action and obtain from the court an order commanding the employer or entity to obey the order of the Department or be adjudged guilty of contempt of court and punished accordingly.

Section 40. Penalties. An employer or entity that violates any of the provisions of this Act or any rule adopted under this Act shall be subject to a civil penalty not to exceed $1,500 for each violation found in the first audit by the Department. Following a first audit, an employer or entity shall be subject to a civil penalty not to exceed $2,500 for each repeat violation found by the Department within a 5 year period. For purposes of this Section, each violation of this Act for each person and for each day the violation continues shall constitute a separate and distinct violation. In determining the amount of a penalty, the Director shall consider the appropriateness of the penalty to the employer or entity charged, upon the determination of the gravity of the violations. The amount of the penalty, when finally determined, may be recovered in a civil action filed in any circuit court by the Director of Labor, or a person aggrieved by a violation of this Act or any rule adopted under this Act. In any civil action brought by an interested party pursuant to this Section, the circuit court shall award the interested party 10% of the amount recovered. In such case, the remaining amount recovered shall be submitted to the Director of Labor. Any uncollected amount shall be subject to the provisions of the Illinois State Collection Act of 1986.

Section 42. Debarments. For any second or subsequent violation determined by the Department which is within 5 years of an earlier violation, the Department shall add the employer or entity's name to a list to be posted on the Department's official website. Upon such notice, the Department shall notify the violating employer or entity. No state contract shall be awarded to an employer or entity appearing on the list until 4 years have elapsed from the date of the last violation.

Section 45. Willful violations.

(a) Whoever willfully violates any of the provisions of this Act or any rule adopted under this Act or whoever obstructs the Director of Labor, or his or her representatives, or any other person authorized to

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inspect places of employment under this Act shall be liable for penalties up to double the statutory amount.

(b) Whoever willfully violates any of the provisions of this Act or any rule adopted under this Act shall be liable to the employee for punitive damages in an amount equal to the penalties assessed in subsection (a) of this Section.

(c) The penalty shall be imposed in cases in which an employer or entity's conduct is proven by a preponderance of the evidence to be willful. The penalty may be recovered in a civil action brought by the Director of Labor in any circuit court. In any such action, the Director of Labor shall be represented by the Attorney General. Any uncollected amount shall be subject to the provisions of the Illinois State Collection Act of 1986.

(d) An entity or employer that willfully violates any provision of this Act or any rule adopted under this Act commits a Class C misdemeanor. An entity or employer that commits a second or subsequent violation within a 5 year period commits a Class 4 felony.

Section 50. Employee Classification Fund. All moneys received by the Department as fees and civil penalties under this Act shall be deposited into the Employee Classification Fund and shall be used, subject to appropriation by the General Assembly, by the Department for administration, investigation, and other expenses incurred in carrying out its powers and duties under this Act. The Department shall hire as many investigators and other personnel as may be necessary to carry out the purposes of this Act. Any moneys in the Fund at the end of a fiscal year in excess of those moneys necessary for the Department to carry out its powers and duties under this Act shall be available to the Department for the next fiscal year for any of the Department's duties.

Section 55. Retaliation.

(a) It is a violation of this Act for an employer or entity, or any agent of an employer or entity, to retaliate through discharge or in any other manner against any person for exercising any rights granted under this Act. Such retaliation shall subject an employer or entity to civil penalties pursuant to this Act or a private cause of action, or both.
(b) It is a violation of this Act for an employer or entity to retaliate against a person for:

(1) making a complaint to an employer or entity, to a co-worker, to a community organization, before a public hearing, or to a State or federal agency that rights guaranteed under this Act have been violated;

(2) causing to be instituted any proceeding under or related to this Act; or

(3) testifying or preparing to testify in an investigation or proceeding under this Act.

Section 60. Private right of action.

(a) An interested party or person aggrieved by a violation of this Act or any rule adopted under this Act by an employer or entity may file suit in circuit court, in the county where the alleged offense occurred or where any person who is party to the action resides, without regard to exhaustion of any alternative administrative remedies provided in this Act. Actions may be brought by one or more persons for and on behalf of themselves and other persons similarly situated. A person whose rights have been violated under this Act by an employer or entity is entitled to collect:

(1) the amount of any wages, salary, employment benefits, or other compensation denied or lost to the person by reason of the violation, plus an equal amount in liquidated damages;

(2) compensatory damages and an amount up to $500 for each violation of this Act or any rule adopted under this Act;

(3) in the case of unlawful retaliation, all legal or equitable relief as may be appropriate; and

(4) attorney's fees and costs.

(b) The right of an interested party or aggrieved person to bring an action under this Section terminates upon the passing of 3 years from the final date of performing services to the employer or entity. This limitations period is tolled if an employer or entity has deterred a person's exercise of rights under this Act.

New matter indicated by italics - deletions by strikeout
Section 65. Rulemaking. The Department may adopt reasonable rules to implement and administer this Act. For purposes of this Act, the General Assembly finds that the adoption of rules to implement this Act is deemed an emergency and necessary for the public interest and welfare.

Section 70. No waivers.
(a) There shall be no waiver of any provision of this Act.
(b) It is a Class C misdemeanor for an employer to attempt to induce any individual to waive any provision of this Act.

Section 75. Cooperation. The Department of Labor, the Department of Employment Security, the Department of Revenue, and the Illinois Workers' Compensation Commission shall cooperate under this Act by sharing information concerning any suspected misclassification by an employer or entity of one or more of its employees as independent contractors. Upon determining that an employer or entity has misclassified employees as independent contractors in violation of this Act, the Department shall notify the Department of Employment Security, the Department of Revenue, the Office of the State Comptroller, and the Illinois Workers' Compensation Commission who shall be obliged to check such employer or entity's compliance with their laws, utilizing their own definitions, standards, and procedures.

Section 80. Effect of Final Order. Any finding made pursuant to this Act is for the purpose of enforcing this Act and may not be admissible or binding against a party in any other proceeding.

Section 900. The State Comptroller Act is amended by adding Section 9.06 as follows:

(15 ILCS 405/9.06 new)
Sec. 9.06. Misclassification of employees as independent contractors. The Department of Labor, the Department of Employment Security, the Department of Revenue, the Office of the State Comptroller, and the Illinois Workers' Compensation Commission shall cooperate under the Employee Classification Act by sharing information concerning any suspected misclassification by an employer or entity, as defined in the Employee Classification Act, or one or more employees as independent contractors.

New matter indicated by italics - deletions by strikeout
Section 901. The Department of Employment Security Law of the Civil Administrative Code of Illinois is amended by adding Section 1005-160 as follows:

(20 ILCS 1005/1005-160 new)

Sec. 1005-160. Misclassification of employees as independent contractors. The Department of Labor, the Department of Employment Security, the Department of Revenue, the Office of the State Comptroller, and the Illinois Workers' Compensation Commission shall cooperate under the Employee Classification Act by sharing information concerning any suspected misclassification by an employer or entity, as defined in the Employee Classification Act, of one or more employees as independent contractors.

Section 905. The Department of Labor Law of the Civil Administrative Code of Illinois is amended by adding Section 1505-125 as follows:

(20 ILCS 1505/1505-125 new)

Sec. 1505-125. Misclassification of employees as independent contractors. The Department of Labor, the Department of Employment Security, the Department of Revenue, the Office of the State Comptroller and the Illinois Workers' Compensation Commission shall cooperate under the Employee Classification Act by sharing information concerning any suspected misclassification by an employer or entity, as defined in the Employee Classification Act, of one or more employees as independent contractors.

Section 910. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by adding Section 2505-750 as follows:

(20 ILCS 2505/2505-750 new)

Sec. 2505-750. Misclassification of employees as independent contractors. The Department of Labor, the Department of Employment Security, the Department of Revenue, the Office of the State Comptroller, and the Illinois Workers' Compensation Commission shall cooperate under the Employee Classification Act by sharing information concerning any suspected misclassification by an employer or entity, as defined in the

New matter indicated by italics - deletions by strikeout
Employee Classification Act, of one or more employees as independent contractors.

Section 915. The State Finance Act is amended by adding Section 5.675 as follows:

(30 ILCS 105/5.675 new)

Sec. 5.675. The Employee Classification Fund.

Section 920. The Illinois Procurement Code is amended by changing Section 50-70 as follows:

(30 ILCS 500/50-70)

Sec. 50-70. Additional provisions. This Code is subject to applicable provisions of the following Acts:

(1) Article 33E of the Criminal Code of 1961;
(2) the Illinois Human Rights Act;
(3) the Discriminatory Club Act;
(4) the Illinois Governmental Ethics Act;
(5) the State Prompt Payment Act;
(6) the Public Officer Prohibited Activities Act; and
(7) the Drug Free Workplace Act; and
(8) the Employee Classification Act.

(Source: P.A. 90-572, eff. 2-6-98.)

Section 925. The Workers' Compensation Act is amended by adding Section 26.1 as follows:

(820 ILCS 305/26.1 new)

Sec. 26.1. Misclassification of employees as independent contractors. The Department of Labor, the Department of Employment Security, the Department of Revenue, the Office of the State Comptroller, and the Illinois Workers' Compensation Commission shall cooperate under the Employee Classification Act by sharing information concerning any suspected misclassification by an employer or entity, as defined in the Employee Classification Act, of one or more employees as independent contractors.

Section 990. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 999. Effective date. This Act takes effect January 1, 2008.
AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Sections 6-206.2 and 6-303 as follows:
(625 ILCS 5/6-206.2)
Sec. 6-206.2. Violations relating to an ignition interlock device.
(a) It is unlawful for any person whose driving privilege is restricted by being prohibited from operating a motor vehicle not equipped with an ignition interlock device to operate a motor vehicle not equipped with an ignition interlock device.
(a-5) It is unlawful for any person whose driving privilege is restricted by being prohibited from operating a motor vehicle not equipped with an ignition interlock device to request or solicit any other person to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing the person so restricted with an operable motor vehicle.

New matter indicated by italics - deletions by strikeout
(b) It is unlawful to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing an operable motor vehicle to a person whose driving privilege is restricted by being prohibited from operating a motor vehicle not equipped with an ignition interlock device.

(c) It is unlawful to tamper with, or circumvent the operation of, an ignition interlock device.

(d) Except as provided in subsection (c)(17) of Section 5-6-3.1 of the Unified Code of Corrections or by rule, no person shall knowingly rent, lease, or lend a motor vehicle to a person known to have his or her driving privilege restricted by being prohibited from operating a vehicle not equipped with an ignition interlock device, unless the vehicle is equipped with a functioning ignition interlock device. Any person whose driving privilege is so restricted shall notify any person intending to rent, lease, or loan a motor vehicle to the restricted person of the driving restriction imposed upon him or her.

(d-5) A person convicted of a violation of this Section is guilty of a Class A misdemeanor; subsection shall be punished by imprisonment for not more than 6 months or by a fine of not more than $5,000, or both.

(e) (Blank). If a person prohibited under paragraph (2) or paragraph (3) of subsection (c-4) of Section 11-501 from driving any vehicle not equipped with an ignition interlock device nevertheless is convicted of driving a vehicle that is not equipped with the device, that person is prohibited from driving any vehicle not equipped with an ignition interlock device for an additional period of time equal to the initial time period that the person was required to use an ignition interlock device.

(Source: P.A. 91-127, eff. 1-1-00; 92-418, eff. 8-17-01.)

(625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

Sec. 6-303. Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked.

(a) Any person who drives or is in actual physical control of a motor vehicle on any highway of this State at a time when such person's driver's license, permit or privilege to do so or the privilege to obtain a driver's license or permit is revoked or suspended as provided by this Code

New matter indicated by italics - deletions by strikeout
or the law of another state, except as may be specifically allowed by a judicial driving permit, family financial responsibility driving permit, probationary license to drive, or a restricted driving permit issued pursuant to this Code or under the law of another state, shall be guilty of a Class A misdemeanor.

(b) The Secretary of State upon receiving a report of the conviction of any violation indicating a person was operating a motor vehicle during the time when said person's driver's license, permit or privilege was suspended by the Secretary, by the appropriate authority of another state, or pursuant to Section 11-501.1; except as may be specifically allowed by a probationary license to drive, judicial driving permit or restricted driving permit issued pursuant to this Code or the law of another state; shall extend the suspension for the same period of time as the originally imposed suspension; however, if the period of suspension has then expired, the Secretary shall be authorized to suspend said person's driving privileges for the same period of time as the originally imposed suspension.

(b-3) When the Secretary of State receives a report of a conviction of any violation indicating a person was upon a charge which indicated that a vehicle was operated during the time when the person's driver's license, permit or privilege was revoked, except as may be allowed by a restricted driving permit issued pursuant to this Code or the law of another state, the Secretary shall not issue a driver's license to that person for an additional period of one year from the date of such conviction indicating such person was operating a vehicle during such period of revocation.

(b-5) When the Secretary of State receives a report of a conviction of any violation indicating a person was operating a motor vehicle that was not equipped with an ignition interlock device during a time when the person was prohibited from operating a motor vehicle not equipped with such a device, the Secretary shall not issue a driver's license to that person for an additional period of one year from the date of the conviction.

(c) Any person convicted of violating this Section shall serve a minimum term of imprisonment of 10 consecutive days or 30 days of
community service when the person's driving privilege was revoked or suspended as a result of:

(1) a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, any other drug or any combination thereof; or

(2) a violation of paragraph (b) of Section 11-401 of this Code or a similar provision of a local ordinance relating to the offense of leaving the scene of a motor vehicle accident involving personal injury or death; or

(3) a violation of Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide; or

(4) a statutory summary suspension under Section 11-501.1 of this Code.

Such sentence of imprisonment or community service shall not be subject to suspension in order to reduce such sentence.

(c-1) Except as provided in subsection (d), any person convicted of a second violation of this Section shall be ordered by the court to serve a minimum of 100 hours of community service.

(c-2) In addition to other penalties imposed under this Section, the court may impose on any person convicted a fourth time of violating this Section any of the following:

(1) Seizure of the license plates of the person's vehicle.

(2) Immobilization of the person's vehicle for a period of time to be determined by the court.

(d) Any person convicted of a second violation of this Section shall be guilty of a Class 4 felony and shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.
(d-1) Except as provided in subsection (d-2) and subsection (d-3), any person convicted of a third or subsequent violation of this Section shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court.

(d-2) Any person convicted of a third violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 30 days if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-3) Any person convicted of a fourth, fifth, sixth, seventh, eighth, or ninth violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 180 days if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-4) Any person convicted of a tenth, eleventh, twelfth, thirteenth, or fourteenth violation of this Section is guilty of a Class 3 felony, and is not eligible for probation or conditional discharge, if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-5) Any person convicted of a fifteenth or subsequent violation of this Section is guilty of a Class 2 felony, and is not eligible for probation or conditional discharge, if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.
state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(e) Any person in violation of this Section who is also in violation of Section 7-601 of this Code relating to mandatory insurance requirements, in addition to other penalties imposed under this Section, shall have his or her motor vehicle immediately impounded by the arresting law enforcement officer. The motor vehicle may be released to any licensed driver upon a showing of proof of insurance for the vehicle that was impounded and the notarized written consent for the release by the vehicle owner.

(f) For any prosecution under this Section, a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

(g) The motor vehicle used in a violation of this Section is subject to seizure and forfeiture as provided in Sections 36-1 and 36-2 of the Criminal Code of 1961 if the person's driving privilege was revoked or suspended as a result of a violation listed in paragraph (1), (2), or (3) of subsection (c) of this Section or as a result of a summary suspension as provided in paragraph (4) of subsection (c) of this Section.

(Source: P.A. 94-112, eff. 1-1-06.)

Approved August 7, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0028
(Senate Bill No. 0639)

AN ACT concerning transportation.

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

Section 5. The Illinois Vehicle Code is amended by changing Section 11-1507 and by adding Sections 1-120.7 and 1-162.3 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 1-120.7. Fire department vehicle. Any vehicle, bicycle, or electric personal assistive mobility device that is designated or authorized by proper local authorities for fire department use.

Sec. 1-162.3. Police vehicle. Any vehicle, bicycle, or electric personal assistive mobility device that is designated or authorized by proper local authorities for police use.

Sec. 11-1507. Lamps and other equipment on bicycles. (a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the Department which shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(b) A bicycle shall not be equipped with nor shall any person use upon a bicycle any siren. This subsection (b) does not apply to a bicycle that is a police vehicle or fire department vehicle.

(c) Every bicycle shall be equipped with a brake which will adequately control movement of and stop and hold such bicycle.

(d) No person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflex reflector conforming to specifications prescribed by the Department, on each pedal, visible from the front and rear of the bicycle during darkness from a distance of 200 feet.

(e) No person shall sell or offer for sale a new bicycle that is not equipped with side reflectors. Such reflectors shall be visible from each side of the bicycle from a distance of 500 feet and shall be essentially colorless or red to the rear of the center of the bicycle and essentially colorless or amber to the front of the center of the bicycle provided. The requirements of this paragraph may be met by reflective materials which shall be at least 3/16 of an inch wide on each side of each tire or rim to indicate as clearly as possible the continuous circular shape and size of the

New matter indicated by italics - deletions by strikeout
tires or rims of such bicycle and which reflective materials may be of the same color on both the front and rear tire or rim. Such reflectors shall conform to specifications prescribed by the Department.

(f) No person shall sell or offer for sale a new bicycle that is not equipped with an essentially colorless front-facing reflector.
(Source: P.A. 82-132.)

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

Approved August 7, 2007.
Effective August 7, 2007.

PUBLIC ACT 95-0029
(Senate Bill No. 1265)

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

Section 5. The Illinois Vehicle Code is amended by changing Section 3-413 as follows:

(625 ILCS 5/3-413) (from Ch. 95 1/2, par. 3-413)
Sec. 3-413. Display of registration plates, registration stickers and drive-away permits.

(a) Registration plates issued for a motor vehicle other than a motorcycle, trailer, semitrailer, truck-tractor, apportioned bus, or apportioned truck shall be attached thereto, one in the front and one in the rear. The registration plate issued for a motorcycle, trailer or semitrailer required to be registered hereunder and any apportionment plate issued to a bus under the provisions of this Code shall be attached to the rear thereof. The registration plate issued for a truck-tractor or an apportioned truck required to be registered hereunder shall be attached to the front thereof.

(b) Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent

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the plate from swinging and at a height of not less than 5 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained in a condition to be clearly legible, free from any materials that would obstruct the visibility of the plate, including, but not limited to, glass covers and tinted plastic covers. Clear plastic covers are permissible as long as they remain clear and do not obstruct the visibility of the plates. Registration stickers issued as evidence of renewed annual registration shall be attached to registration plates as required by the Secretary of State, and be clearly visible at all times.

(c) Every drive-away permit issued pursuant to this Code shall be firmly attached to the motor vehicle in the manner prescribed by the Secretary of State. If a drive-away permit is affixed to a motor vehicle in any other manner the permit shall be void and of no effect.

(d) The Illinois prorate decal issued to a foreign registered vehicle part of a fleet prorated or apportioned with Illinois, shall be displayed on a registration plate and displayed on the front of such vehicle in the same manner as an Illinois registration plate.

(e) The registration plate issued for a camper body mounted on a truck displaying registration plates shall be attached to the rear of the camper body.

(f) No person shall operate a vehicle, nor permit the operation of a vehicle, upon which is displayed an Illinois registration plate, plates or registration stickers after the termination of the registration period for which issued or after the expiration date set pursuant to Sections 3-414 and 3-414.1 of this Code.

(Source: P.A. 92-668, eff. 1-1-03; 92-680, eff. 7-16-02; revised 10-2-02.)

Approved August 7, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0030
(Senate Bill No. 0849)

AN ACT concerning education.

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

Section 5. The School Code is amended by changing Section 19-3 as follows:

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

Sec. 19-3. Boards of education. Any school district governed by a board of education and having a population of not more than 500,000 inhabitants, and not governed by a special Act may borrow money for the purpose of building, equipping, altering or repairing school buildings or purchasing or improving school sites, or acquiring and equipping playgrounds, recreation grounds, athletic fields, and other buildings or land used or useful for school purposes or for the purpose of purchasing a site, with or without a building or buildings thereon, or for the building of a house or houses on such site, or for the building of a house or houses on the school site of the school district, for residential purposes of the superintendent, principal, or teachers of the school district, and issue its negotiable coupon bonds therefor signed by the president and secretary of the board, in denominations of not less than $100 nor more than $5,000, payable at such place and at such time or times, not exceeding 20 years from date of issuance, as the board of education may prescribe, and bearing interest at a rate not to exceed the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract, payable annually, semianually or quarterly, but no such bonds shall be issued unless the proposition to issue them is submitted to the voters of the district at a referendum held at a regularly scheduled election after the board has certified the proposition to the proper election authorities in accordance with the general election law, a majority of all the votes cast on the proposition is in favor of the proposition, and notice of such bond referendum has been given either (i) in accordance with the second paragraph of Section 12-1 of the Election Code irrespective of whether such notice included any reference to the public question as it appeared on the ballot, or (ii) for an election held on or after November 1, 1998, in accordance with Section 12-5 of the Election Code, or (iii) by publication of a true and legible copy of the specimen ballot label

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containing the proposition in the form in which it appeared or will appear on the official ballot label on the day of the election at least 5 days before the day of the election in at least one newspaper published in and having a general circulation in the district, irrespective of any other requirements of Article 12 or Section 24A-18 of the Election Code, nor shall any residential site be acquired unless such proposition to acquire a site is submitted to the voters of the district at a referendum held at a regularly scheduled election after the board has certified the proposition to the proper election authorities in accordance with the general election law and a majority of all the votes cast on the proposition is in favor of the proposition. Nothing in this Act or in any other law shall be construed to require the notice of the bond referendum to be published over the name or title of the election authority or the listing of maturity dates of any bonds either in the notice of bond election or ballot used in the bond election. The provisions of this Section concerning notice of the bond referendum apply only to (i) consolidated primary elections held prior to January 1, 2002 and the consolidated election held on April 17, 2007 at which not less than 60% of the voters voting on the bond proposition voted in favor of the bond proposition, and (ii) other elections held before July 1, 1999; otherwise, notices required in connection with the submission of public questions shall be as set forth in Section 12-5 of the Election Code. Such proposition may be initiated by resolution of the school board.

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

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

(Source: P.A. 91-57, eff. 6-30-99; 92-6, eff. 6-7-01.)

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

Approved August 7, 2007.
Effective August 7, 2007.

PUBLIC ACT 95-0031
(House Bill No. 0892)

AN ACT concerning regulation.

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

Section 5. The Nursing Home Care Act is amended by changing Section 3-202 as follows:

(210 ILCS 45/3-202) (from Ch. 111 1/2, par. 4153-202)
Sec. 3-202. The Department shall prescribe minimum standards for facilities. These standards shall regulate:

(1) Location and construction of the facility, including plumbing, heating, lighting, ventilation, and other physical conditions which shall ensure the health, safety, and comfort of residents and their protection from fire hazard;

(2) Number and qualifications of all personnel, including management and nursing personnel, having responsibility for any part of the care given to residents; specifically, the Department shall establish staffing ratios for facilities which shall specify the number of staff hours per resident of care that are needed for professional nursing care for various types of facilities or areas within facilities;

(3) All sanitary conditions within the facility and its surroundings, including water supply, sewage disposal, food handling, and general hygiene, which shall ensure the health and comfort of residents;

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(4) Diet related to the needs of each resident based on good nutritional practice and on recommendations which may be made by the physicians attending the resident;

(5) Equipment essential to the health and welfare of the residents;

(6) A program of habilitation and rehabilitation for those residents who would benefit from such programs;

(7) A program for adequate maintenance of physical plant and equipment;

(8) Adequate accommodations, staff and services for the number and types of residents for whom the facility is licensed to care, including standards for temperature and relative humidity within comfort zones determined by the Department based upon a combination of air temperature, relative humidity and air movement. Such standards shall also require facility plans that provide for health and comfort of residents at medical risk as determined by the attending physician whenever the temperature and relative humidity are outside such comfort zones established by the Department. The standards must include a requirement that areas of a nursing home used by residents of the nursing home be air conditioned and heated by means of operable air-conditioning and heating equipment. The areas subject to this air-conditioning and heating requirement include, without limitation, bedrooms or common areas such as sitting rooms, activity rooms, living rooms, community rooms, and dining rooms. No later than July 1, 2008, the Department shall submit a report to the General Assembly concerning the impact of the changes made by this amendatory Act of the 95th General Assembly;

(9) Development of evacuation and other appropriate safety plans for use during weather, health, fire, physical plant, environmental and national defense emergencies; and

(10) Maintenance of minimum financial or other resources necessary to meet the standards established under this Section, and to operate and conduct the facility in accordance with this Act.
(Source: P.A. 83-1530.)

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

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

Section 5. The Criminal Code of 1961 is amended by changing Section 11-9.4 as follows:

(720 ILCS 5/11-9.4)

Sec. 11-9.4. Approaching, contacting, residing, or communicating with a child within certain places by child sex offenders prohibited.

(a) It is unlawful for a child sex offender to knowingly be present in any public park building or on real property comprising any public park when persons under the age of 18 are present in the building or on the grounds and to approach, contact, or communicate with a child under 18 years of age, unless the offender is a parent or guardian of a person under 18 years of age present in the building or on the grounds.

(b) It is unlawful for a child sex offender to knowingly loiter on a public way within 500 feet of a public park building or real property comprising any public park while persons under the age of 18 are present in the building or on the grounds and to approach, contact, or communicate with a child under 18 years of age, unless the offender is a parent or guardian of a person under 18 years of age present in the building or on the grounds.

(b-5) It is unlawful for a child sex offender to knowingly reside within 500 feet of a playground, child care institution, day care center, part day child care facility, or a facility providing programs or services exclusively directed toward persons under 18 years of age. Nothing in this subsection (b-5) prohibits a child sex offender from residing within 500 feet of a playground or a facility providing programs or services
exclusively directed toward persons under 18 years of age if the property is owned by the child sex offender and was purchased before the effective date of this amendatory Act of the 91st General Assembly. Nothing in this subsection (b-5) prohibits a child sex offender from residing within 500 feet of a child care institution, day care center, or part day child care facility if the property is owned by the child sex offender and was purchased before the effective date of this amendatory Act of the 94th General Assembly.

(b-6) It is unlawful for a child sex offender to knowingly reside within 500 feet of the victim of the sex offense. Nothing in this subsection (b-6) prohibits a child sex offender from residing within 500 feet of the victim if the property in which the child sex offender resides is owned by the child sex offender and was purchased before the effective date of this amendatory Act of the 92nd General Assembly.

This subsection (b-6) does not apply if the victim of the sex offense is 21 years of age or older.

(c) It is unlawful for a child sex offender to knowingly operate, manage, be employed by, volunteer at, be associated with, or knowingly be present at any: (i) facility providing programs or services exclusively directed towards persons under the age of 18; (ii) day care center; (iii) part day child care facility; (iv) child care institution, or (v) school providing before and after school programs for children under 18 years of age. This does not prohibit a child sex offender from owning the real property upon which the programs or services are offered or upon which the day care center, part day child care facility, child care institution, or school providing before and after school programs for children under 18 years of age is located, provided the child sex offender refrains from being present on the premises for the hours during which: (1) the programs or services are being offered or (2) the day care center, part day child care facility, child care institution, or school providing before and after school programs for children under 18 years of age is operated.

(c-5) It is unlawful for a child sex offender to knowingly operate, manage, be employed by, or be associated with any county fair when persons under the age of 18 are present.

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(d) Definitions. In this Section:

(1) "Child sex offender" means any person who:

(i) has been charged under Illinois law, or any substantially similar federal law or law of another state, with a sex offense set forth in paragraph (2) of this subsection (d) or the attempt to commit an included sex offense, and:

(A) is convicted of such offense or an attempt to commit such offense; or

(B) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or

(C) is found not guilty by reason of insanity pursuant to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or

(D) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

(E) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

(F) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged

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violation or attempted commission of such offense; or

(ii) is certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal law or the law of another state, when any conduct giving rise to such certification is committed or attempted against a person less than 18 years of age; or

(iii) is subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Section.

(2) Except as otherwise provided in paragraph (2.5), "sex offense" means:

(i) A violation of any of the following Sections of the Criminal Code of 1961: 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-9 (public indecency when committed in a school, on the real property comprising a school, on a conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or in a public park), 11-9.1 (sexual exploitation of a child), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 11-21 (harmful material), 12-14.1 (predatory criminal sexual assault of a child), 12-33 (ritualized abuse of a child), 11-20 (obscenity) (when that offense was committed in any school, on real

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property comprising any school, on any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or in a public park). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-15 (criminal sexual abuse), 12-16 (aggravated criminal sexual abuse).

An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:

10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint).

An attempt to commit any of these offenses.

(iv) A violation of any former law of this State substantially equivalent to any offense listed in clause (2)(i) of this subsection (d).

(2.5) For the purposes of subsection (b-5) only, a sex offense means:

(i) A violation of any of the following Sections of the Criminal Code of 1961:

10-5(b)(10) (child luring), 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1

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(child pornography), 12-14.1 (predatory criminal sexual assault of a child), or 12-33 (ritualized abuse of a child). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-16 (aggravated criminal sexual abuse), and subsection (a) of Section 12-15 (criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:

10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint).

An attempt to commit any of these offenses.

(iv) A violation of any former law of this State substantially equivalent to any offense listed in this paragraph (2.5) of this subsection.

(3) A conviction for an offense of federal law or the law of another state that is substantially equivalent to any offense listed in paragraph (2) of this subsection (d) shall constitute a conviction for the purpose of this Section. A finding or adjudication as a sexually dangerous person under any federal law or law of another state that is substantially equivalent to the Sexually Dangerous Persons Act shall constitute an adjudication for the purposes of this Section.

(4) "Public park" includes a park, forest preserve, or conservation area under the jurisdiction of the State or a unit of local government.

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(5) "Facility providing programs or services directed towards persons under the age of 18" means any facility providing programs or services exclusively directed towards persons under the age of 18.

(6) "Loiter" means:

(i) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around public park property.

(ii) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around public park property, for the purpose of committing or attempting to commit a sex offense.

(7) "Playground" means a piece of land owned or controlled by a unit of local government that is designated by the unit of local government for use solely or primarily for children's recreation.

(8) "Child care institution" has the meaning ascribed to it in Section 2.06 of the Child Care Act of 1969.

(9) "Day care center" has the meaning ascribed to it in Section 2.09 of the Child Care Act of 1969.

(10) "Part day child care facility" has the meaning ascribed to it in Section 2.10 of the Child Care Act of 1969.

(e) Sentence. A person who violates this Section is guilty of a Class 4 felony.

(Source: P.A. 94-925, eff. 6-26-06.)


Approved August 9, 2007.

Effective January 1, 2008.

PUBLIC ACT 95-0033

(House Bill No. 0006)

AN ACT concerning criminal law.

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

New matter indicated by italics - deletions by strikeout
Section 5. The Criminal Code of 1961 is amended by changing Section 12-7.3 as follows:

(720 ILCS 5/12-7.3) (from Ch. 38, par. 12-7.3)
Sec. 12-7.3. Stalking.
(a) A person commits stalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions follows another person or places the person under surveillance or any combination thereof and:

(1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or
(2) places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint; or
(3) places that person in reasonable apprehension that a family member will receive immediate or future bodily harm, sexual assault, confinement, or restraint.

(a-5) A person commits stalking when he or she has previously been convicted of stalking another person and knowingly and without lawful justification on one occasion:

(1) follows that same person or places that same person under surveillance; and
(2) transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint; and
(3) the threat is directed towards that person or a family member of that person.

(b) Sentence. Stalking is a Class 4 felony. A second or subsequent conviction for stalking is a Class 3 felony.

(b-5) The incarceration of a person in a penal institution who transmits a threat is not a bar to prosecution under this Section.

(c) Exemption. This Section does not apply to picketing occurring at the workplace that is otherwise lawful and arises out of a bona fide labor
dispute, or any exercise of the right of free speech or assembly that is otherwise lawful.

(d) For the purpose of this Section, a defendant "places a person under surveillance" by: (1) remaining present outside the person's school, place of employment, vehicle, other place occupied by the person, or residence other than the residence of the defendant; or (2) placing an electronic tracking device on the person or the person's property.

(e) For the purpose of this Section, "follows another person" means (i) to move in relative proximity to a person as that person moves from place to place or (ii) to remain in relative proximity to a person who is stationary or whose movements are confined to a small area. "Follows another person" does not include a following within the residence of the defendant.

(f) For the purposes of this Section and Section 12-7.4, "bona fide labor dispute" means any controversy concerning wages, salaries, hours, working conditions, or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the making or maintaining of collective bargaining agreements, and the terms to be included in those agreements.

(g) For the purposes of this Section, "transmits a threat" means a verbal or written threat or a threat implied by a pattern of conduct or a combination of verbal or written statements or conduct.

(h) For the purposes of this Section, "family member" means a parent, grandparent, brother, sister, or child, whether by whole blood, half-blood, or adoption and includes a step-grandparent, step-parent, step-brother, step-sister or step-child. "Family member" also means any other person who regularly resides in the household, or who, within the prior 6 months, regularly resided in the household.

(Source: P.A. 91-640, eff. 8-20-99; 92-827, eff. 8-22-02.)

Effective January 1, 2008.

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0034  
(House Bill No. 0167)

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

Section 5. The Illinois Vehicle Code is amended by changing and renumbering Section 3-806.4 as follows:

(625 ILCS 5/3-664) (was 625 ILCS 5/3-806.4)

Sec. 3-664 3-806.4. Gold Star license plates recipients. Upon Commencing with the 1991 registration year and through the 2006 registration year, upon proper application, the Secretary of State shall issue one pair of registration plates to any Illinois resident, who as the surviving widow or widower, or in the absence thereof, as the surviving parent, is awarded the Gold Star by the United States in recognition of spouses or children who served in the Armed Forces of the United States and lost their lives while in service whether in peacetime or war. Commencing with the 2007 registration year, upon proper application, the Secretary of State shall issue one pair of registration plates designated as Gold Star license plates to any Illinois resident, who is as the surviving widow, widower, or parent of a person, is awarded the gold star by the United States in recognition of spouses or children who served in the Armed Forces of the United States and lost his or her life while in service whether in peacetime or war. If the parent no longer survives, the Secretary of State shall issue the plates to a surviving sibling, of the person who served in the Armed Forces, who is an Illinois resident. No more than one set of plates shall be issued for each Gold Star awarded, and only one surviving widow or widower and each surviving parent, or in the absence of a surviving parent, only one surviving sibling shall be issued one a set of registration plates, except for those surviving parents who, as recipients of the Gold Star, have legally separated or divorced, in which case each surviving parent shall be allowed one set of registration plates. Registration plates issued under this Section shall be for first division vehicles and second division vehicles of 8,000 pounds or less. An

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the 2006 registration year, an applicant shall be charged a $15 fee for the original issuance in addition to the appropriate registration fee which shall be deposited into the Road Fund to help defray the administrative processing costs. Beginning with the 2007 registration year, an applicant shall be charged only the appropriate registration fee.

(Source: P.A. 93-140, eff. 1-1-04; 94-311, eff. 1-1-06; 94-343, eff. 1-1-06; revised 8-19-05.)

Effective January 1, 2008.

PUBLIC ACT 95-0035
(House Bill No. 0181)

AN ACT concerning criminal law.

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

Section 5. The Unified Code of Corrections is amended by changing Sections 5-6-4 and 5-7-2 as follows:

(730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

Sec. 5-6-4. Violation, Modification or Revocation of Probation, of Conditional Discharge or Supervision or of a sentence of county impact incarceration - Hearing.

(a) Except in cases where conditional discharge or supervision was imposed for a petty offense as defined in Section 5-1-17, when a petition is filed charging a violation of a condition, the court may:

(1) in the case of probation violations, order the issuance of a notice to the offender to be present by the County Probation Department or such other agency designated by the court to handle probation matters; and in the case of conditional discharge or supervision violations, such notice to the offender shall be issued by the Circuit Court Clerk; and in the case of a violation of a sentence of county impact incarceration, such notice shall be issued by the Sheriff;

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(2) order a summons to the offender to be present for hearing; or
(3) order a warrant for the offender's arrest where there is danger of his fleeing the jurisdiction or causing serious harm to others or when the offender fails to answer a summons or notice from the clerk of the court or Sheriff.

Personal service of the petition for violation of probation or the issuance of such warrant, summons or notice shall toll the period of probation, conditional discharge, supervision, or sentence of county impact incarceration until the final determination of the charge, and the term of probation, conditional discharge, supervision, or sentence of county impact incarceration shall not run until the hearing and disposition of the petition for violation.

(b) The court shall conduct a hearing of the alleged violation. The court shall admit the offender to bail pending the hearing unless the alleged violation is itself a criminal offense in which case the offender shall be admitted to bail on such terms as are provided in the Code of Criminal Procedure of 1963, as amended. In any case where an offender remains incarcerated only as a result of his alleged violation of the court's earlier order of probation, supervision, conditional discharge, or county impact incarceration such hearing shall be held within 14 days of the onset of said incarceration, unless the alleged violation is the commission of another offense by the offender during the period of probation, supervision or conditional discharge in which case such hearing shall be held within the time limits described in Section 103-5 of the Code of Criminal Procedure of 1963, as amended.

(c) The State has the burden of going forward with the evidence and proving the violation by the preponderance of the evidence. The evidence shall be presented in open court with the right of confrontation, cross-examination, and representation by counsel.

(d) Probation, conditional discharge, periodic imprisonment and supervision shall not be revoked for failure to comply with conditions of a sentence or supervision, which imposes financial obligations upon the offender unless such failure is due to his willful refusal to pay.

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(e) If the court finds that the offender has violated a condition at any time prior to the expiration or termination of the period, it may continue him on the existing sentence, with or without modifying or enlarging the conditions, or may impose any other sentence that was available under Section 5-5-3 of this Code or Section 11-501 of the Illinois Vehicle Code at the time of initial sentencing. If the court finds that the person has failed to successfully complete his or her sentence to a county impact incarceration program, the court may impose any other sentence that was available under Section 5-5-3 of this Code or Section 11-501 of the Illinois Vehicle Code at the time of initial sentencing, except for a sentence of probation or conditional discharge. If the court finds that the offender has violated paragraph (8.6) of subsection (a) of Section 5-6-3, the court shall revoke the probation of the offender. If the court finds that the offender has violated subsection (o) of Section 5-6-3.1, the court shall revoke the supervision of the offender.

(f) The conditions of probation, of conditional discharge, of supervision, or of a sentence of county impact incarceration may be modified by the court on motion of the supervising agency or on its own motion or at the request of the offender after notice and a hearing.

(g) A judgment revoking supervision, probation, conditional discharge, or a sentence of county impact incarceration is a final appealable order.

(h) Resentencing after revocation of probation, conditional discharge, supervision, or a sentence of county impact incarceration shall be under Article 4. The term "time served on probation, conditional discharge or supervision shall not be credited by the court against a sentence of imprisonment or periodic imprisonment unless the court orders otherwise. The amount of credit to be applied against a sentence of imprisonment or periodic imprisonment when the defendant served a term or partial term of periodic imprisonment shall be calculated upon the basis of the actual days spent in confinement rather than the duration of the term.

(i) Instead of filing a violation of probation, conditional discharge, supervision, or a sentence of county impact incarceration, an agent or
employee of the supervising agency with the concurrence of his or her supervisor may serve on the defendant a Notice of Intermediate Sanctions. The Notice shall contain the technical violation or violations involved, the date or dates of the violation or violations, and the intermediate sanctions to be imposed. Upon receipt of the Notice, the defendant shall immediately accept or reject the intermediate sanctions. If the sanctions are accepted, they shall be imposed immediately. If the intermediate sanctions are rejected or the defendant does not respond to the Notice, a violation of probation, conditional discharge, supervision, or a sentence of county impact incarceration shall be immediately filed with the court. The State's Attorney and the sentencing court shall be notified of the Notice of Sanctions. Upon successful completion of the intermediate sanctions, a court may not revoke probation, conditional discharge, supervision, or a sentence of county impact incarceration or impose additional sanctions for the same violation. A notice of intermediate sanctions may not be issued for any violation of probation, conditional discharge, supervision, or a sentence of county impact incarceration which could warrant an additional, separate felony charge. The intermediate sanctions shall include a term of home detention as provided in Article 8A of Chapter V of this Code for multiple or repeat violations of the terms and conditions of a sentence of probation, conditional discharge, or supervision.

(j) When an offender is re-sentenced after revocation of probation that was imposed in combination with a sentence of imprisonment for the same offense, the aggregate of the sentences may not exceed the maximum term authorized under Article 8 of this Chapter.

(Source: P.A. 93-800, eff. 1-1-05; 93-1014, eff. 1-1-05; 94-161, eff. 7-11-05.)

(730 ILCS 5/5-7-2) (from Ch. 38, par. 1005-7-2)
Sec. 5-7-2. Modification and Revocation. (a) A sentence of periodic imprisonment may be modified or revoked by the court if:
(1) the offender commits another offense; or
(2) the offender violates any of the conditions of the sentence; or
(3) the offender violates any rule or regulation of the institution, agency or Department to which he has been committed.

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(b) If the offender violates the order of periodic imprisonment, the Department of Corrections, the sheriff, or the superintendent of the house of corrections shall report such violation to the court.

(c) The court shall not modify or revoke a sentence of periodic imprisonment unless the offender has been given written notice and afforded a hearing under Section 5-6-4. If the offender is incarcerated as a result of his alleged violation of the court's prior order, such hearing shall be held within 14 days of the onset of said incarceration. Where a sentence of periodic imprisonment is revoked, the court may impose any other sentence that was available at the time of initial sentencing. That part of the term under paragraph (d) of Section 5-7-1 which has been served under the sentence of periodic imprisonment shall be credited against a sentence of imprisonment.

(Source: P.A. 80-1099.)

Effective January 1, 2008.

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

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-424 as follows:

(20 ILCS 2310/2310-424 new)
Sec. 2310-424. Men's Health Issues.

(a) The Department of Public Health shall designate a member of its staff to handle men's health issues not currently or adequately addressed by the Department.

(b) The staff person's duties shall include, but not be limited to, the following:

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(1) Assisting in the assessment of the health needs of men in the State.
(2) Recommending treatment methods and programs that are sensitive and reference materials to service providers, organizations, and other agencies.
(3) Promoting awareness of men's health concerns and encouraging, promoting, and aiding the establishment of men's services.
(4) Providing adequate and effective opportunities for men to express their views on Department policy development, program implementation, and interdepartmental coordination of men's services.

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


PUBLIC ACT 95-0037
(House Bill No. 0209)

AN ACT concerning public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Public Aid Code is amended by adding Section 5-26 as follows:
(305 ILCS 5/5-26 new)
(a) As used in this Section, "the federal Act" means the federal Family Opportunity Act, enacted as part of the Deficit Reduction Act of 2005.
(b) The Department of Human Services, in conjunction with the Department of Healthcare and Family Services, shall implement the

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Medical Assistance provisions of the federal Act as soon as possible after the effective date of this amendatory Act of the 95th General Assembly.

(c) As soon as possible after the effective date of this amendatory Act of the 95th General Assembly, the Department of Human Services, in conjunction with the Department of Healthcare and Family Services, shall take all necessary and appropriate steps to try to secure (i) any available federal funds for a demonstration project regarding home and community-based alternatives to psychiatric residential treatment facilities for children, as authorized by the federal Act, and (ii) the location in Illinois of a family-to-family health information center, as authorized by the federal Act.

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


PUBLIC ACT 95-0038
(House Bill No. 0215)

AN ACT concerning animals.

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

Section 5. The Livestock Management Facilities Act is amended by changing Section 13 as follows:

(510 ILCS 77/13)

Sec. 13. Livestock waste handling facilities other than earthen livestock waste lagoons; construction standards; certification; inspection; removal-from-service requirements.

(a) After the effective date of this amendatory Act of 1999, livestock waste handling facilities other than earthen livestock waste lagoons used for the storage of livestock waste shall be constructed in accordance with this Section.
(1) Livestock waste handling facilities constructed of concrete shall meet the strength and load factors set forth in the Midwest Plan Service's Concrete Manure Storage Handbook (MWPS-36) and future updates. In addition, those structures shall meet the following requirements:

   (A) Waterstops shall be incorporated into the design of the storage structure when consistent with the requirements of paragraph (1) of this subsection;

   (B) Storage structures that handle waste in a liquid form shall be designed to contain a volume of not less than the amount of waste generated during 150 days of facility operation at design capacity; the owner or operator of a livestock waste handling facility constructed with concrete with a design capacity of less than 300 animal units may demonstrate to the Department that a reduced storage volume, not less than 60 days, is feasible due to (i) the availability of land application areas that can receive manure at agronomic rates or (ii) another manure disposal method is proposed that will allow for the reduced manure storage design capacity; the Department shall evaluate the proposal and determine whether a reduced manure storage design capacity is appropriate for the site; and

   (C) Storage structures not covered or otherwise protected from precipitation shall, in addition to the waste storage volume requirements of subparagraph (B) of paragraph (1) of this subsection, include a 2-foot freeboard.

(2) A livestock waste handling facility in a prefabricated form shall meet the strength, load, and compatibility factors for its intended use. Those factors shall be verified by the manufacturer's specifications.

(3) Livestock waste handling facilities holding semi-solid livestock waste, including but not limited to picket dam structures, shall be constructed according to the requirements set forth in the Midwest Plan Service's Livestock Waste Facilities Handbook.
(MWPS-18) and future updates or similar standards used by the Natural Resources Conservation Service of the United States Department of Agriculture.

(4) Livestock waste handling facilities holding solid livestock waste shall be constructed according to the requirements set forth in the Midwest Plan Service's Livestock Waste Facilities Handbook (MWPS-18) and future updates or similar standards used by the Natural Resources Conservation Service of the United States Department of Agriculture. In addition, solid livestock waste stacking structures shall be sized to store not less than the amount of waste generated during 6 months of facility operation at design capacity. The owner or operator of a livestock waste handling facility holding solid livestock waste with a design capacity of less than 300 animal units may demonstrate to the Department that a reduced storage volume, not less than 2 months, is feasible due to (i) the availability of land application areas that can receive manure at agronomic rates or (ii) another manure disposal method is proposed that will allow for the reduced storage design capacity. The Department shall evaluate the proposal and determine whether a reduced manure storage design capacity is appropriate for the site.

(5) Holding ponds used for the temporary storage of livestock feedlot run-off shall be constructed according to the requirements set forth in the Midwest Plan Service's Livestock Waste Facilities Handbook (MWPS-18) and future updates or similar standards used by the Natural Resources Conservation Service of the United States Department of Agriculture.

(b) New livestock management facilities and livestock waste handling facilities constructed after the effective date of this amendatory Act of 1999 shall be subject to the additional construction requirements and siting prohibitions provided in this subsection (b).

(1) No new non-lagoon livestock management facility or livestock waste handling facility may be constructed within the floodway of a 100-year floodplain. A new livestock management
facility or livestock waste handling facility may be constructed within the portion of a 100-year floodplain that is within the flood fringe and outside the floodway provided that the facility is designed and constructed to be protected from flooding and meets the requirements set forth in the Rivers, Lakes, and Streams Act, Section 5-40001 of the Counties Code, and Executive Order Number 4 (1979). The delineation of floodplains, floodways, and flood fringes shall be in compliance with the National Flood Insurance Program. Protection from flooding shall be consistent with the National Flood Insurance Program and shall be designed so that stored livestock waste is not readily removed.

(2) A new non-lagoon livestock waste handling facility constructed in a karst area shall be designed to prevent seepage of the stored material into groundwater in accordance with ASAE 393.2 or future updates. Owners or operators of proposed facilities should consult with the local soil and water conservation district, the University of Illinois Cooperative Extension Service, or other local, county, or State resources relative to determining the possible presence or absence of such areas. Notwithstanding the other provisions of this paragraph (2), after the effective date of this amendatory Act of 1999, no non-lagoon livestock waste handling facility may be constructed within 400 feet of any natural depression in a karst area formed as a result of subsurface removal of soil or rock materials that has caused the formation of a collapse feature that exhibits internal drainage. For the purposes of this paragraph (2), the existence of such a natural depression in a karst area shall be indicated by the uppermost closed depression contour lines on a USGS 7 1/2 minute quadrangle topographic map or as determined by Department field investigation in a karst area.

(3) A new non-lagoon livestock waste handling facility constructed in an area where aquifer material is present within 5 feet of the bottom of the facility shall be designed to ensure the structural integrity of the containment structure and to prevent seepage of the stored material to groundwater. Footings and
underlying structure support shall be incorporated into the design standards of the storage structure in accordance with the requirements of Section 4.1 of the American Society of Agricultural Engineers (ASAE) EP 393.2 or future updates.

(c) A livestock waste handling facility owner may rely on guidance from the local soil and water conservation district, the Natural Resources Conservation Service of the United States Department of Agriculture, or the University of Illinois Cooperative Extension Service for soil type and associated information.

(d) The standards in subsections (a) and (b) shall serve as interim construction standards until such time as permanent rules promulgated pursuant to Section 55 of this Act become effective. In addition, the Department and the Board shall utilize the interim standards in subsections (a) and (b) as a basis for the development of such permanent rules.

(e) The owner or operator of a livestock management facility or livestock waste handling facility may, with the approval of the Department, elect to exceed the strength and load requirements as set forth in this Section.

(f) The owner or operator of a livestock management facility or livestock waste handling facility shall send, by certified mail or in person, to the Department a certification of compliance together with copies of verification documents upon completion of construction. In the case of structures constructed with the design standards used by the Natural Resources Conservation Service of the United States Department of Agriculture, copies of the design standards and a statement of verification signed by a representative of the United States Department of Agriculture shall accompany the owner's or operator's certification of compliance. The certification shall state that the structure meets or exceeds the requirements in subsection (a) of this Section. A $250 filing fee shall accompany the statement.

(g) The Department shall inspect the construction site prior to construction, during construction, and within 10 business days following receipt of the certification of compliance to determine compliance with the construction standards.
(h) The Department shall require modification when necessary to bring the construction into compliance with the standards set forth in this Section. The person making the inspection shall discuss with the owner, operator, or certified livestock manager an evaluation of the livestock waste handling facility construction and shall (i) provide on-site written recommendations to the owner, operator, or certified livestock manager of what modifications are necessary or (ii) inform the owner, operator, or certified livestock manager that the facility meets the standards set forth in this Section. On the day of the inspection, the person making the inspection shall give the owner, operator, or certified livestock manager a written report of findings based on the inspection together with an explanation of remedial measures necessary to enable the livestock waste handling facility to meet the standards set forth in this Section. The Department shall, within 5 business days of the date of inspection, send an official written notice to the owner or operator of the livestock waste handling facility by certified mail, return receipt requested, indicating that the facility meets the standards set forth in this Section or identifying the remedial measures necessary to enable the livestock waste handling facility to meet the standards set forth in this Section. The owner or operator shall, within 10 business days of receipt of an official written notice of deficiencies, contact the Department to develop the principles of an agreement of compliance. The owner or operator and the Department shall enter into an agreement of compliance setting forth the specific changes to be made to bring the construction into compliance with the standards required under this Section. If an agreement of compliance cannot be achieved, the Department shall issue a compliance order to the owner or operator outlining the specific changes to be made to bring the construction into compliance with the standards required under this Section. The owner or operator can request an administrative hearing to contest the provisions of the Department's compliance order.

(j) If any owner or operator operates in violation of an agreement of compliance, the Department shall seek an injunction in circuit court to prohibit the operation of the facility until construction and certification of

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the livestock waste handling facility are in compliance with the provisions of this Section.

(k) When any livestock management facility not using an earthen livestock waste lagoon is removed from service, the accumulated livestock waste remaining within the facility shall be removed and applied to land at rates consistent with a waste management plan for the facility. Removal of the waste shall occur within 12 months after the date livestock production at the facility ceases. In addition, the owner or operator shall make provisions to prevent the accumulation of precipitation within the livestock waste handling facility. Upon completion of the removal of manure, the owner or operator of the facility shall notify the Department that the facility is being removed from service and the remaining manure has been removed. The Department shall conduct an inspection of the livestock waste handling facility and inform the owner or operator in writing that the requirements imposed under this subsection (k) have been met or that additional actions are necessary. Commencement of operations at a facility that has livestock shelters left intact and that has completed the requirements imposed under this subsection (k) and that has been operated as a livestock management facility or livestock waste handling facility for 4 consecutive months at any time within the previous 10 years shall not be considered a new or expanded livestock management or waste handling facility. A new facility constructed after May 21, 1996 that has been removed from service for a period of 2 or more years shall not be placed back into service prior to an inspection of the livestock waste handling facility and receipt of written approval by the Department.

(Source: P.A. 91-110, eff. 7-13-99.)

Effective January 1, 2008.

PUBLIC ACT 95-0039
(House Bill No. 0223)

AN ACT concerning education.

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

Section 5. The Educational Partnership Act is amended by adding Section 5.5 as follows:

(110 ILCS 40/5.5 new)

Sec. 5.5. Tutorial services by pre-service teacher candidates. Public and private institutions of higher education that have approved teacher education programs may engage pre-service teacher candidates in the tutorial services provided for in this Act. Students furnishing tutorial services under this Section may receive compensation for such services while also receiving academic or clinical experience credit or both.

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


PUBLIC ACT 95-0040
(House Bill No. 0237)

AN ACT concerning libraries.

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

Section 5. The Library Records Confidentiality Act is amended by changing Section 1 as follows:

(75 ILCS 70/1) (from Ch. 81, par. 1201)

Sec. 1. (a) The registration and circulation records of a library are confidential information. Except pursuant to a court order, No person shall publish or make any information contained in such records available to the public unless:

(1) required to do so under a court order; or
(2) the information is requested by a sworn law enforcement officer who represents that it is impractical to secure a court order as a result of an emergency where the law

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enforcement officer has probable cause to believe that there is an imminent danger of physical harm. The information requested must be limited to identifying a suspect, witness, or victim of a crime. The information requested without a court order may not include the disclosure of registration or circulation records that would indicate materials borrowed, resources reviewed, or services used at the library. If requested to do so by the library, the requesting law enforcement officer must sign a form acknowledging the receipt of the information. A library providing the information may seek subsequent judicial review to assess compliance with this Section.

This subsection shall not alter any right to challenge the use or dissemination of patron information that is otherwise permitted by law.

(b) This Section does not prevent a library from publishing or making available to the public reasonable statistical reports regarding library registration and book circulation where those reports are presented so that no individual is identified therein.

(b-5) Nothing in this Section shall be construed as a privacy violation or a breach of confidentiality if a library provides information to a law enforcement officer under item (2) of subsection (a).

(c) For the purpose of this Section, (i) "library" means any public library or library of an educational, historical or eleemosynary institution, organization or society; (ii) "registration records" includes any information a library requires a person to provide in order for that person to become eligible to borrow books and other materials and (iii) "circulation records" includes all information identifying the individual borrowing particular books or materials.

(Source: P.A. 83-179.)


Effective January 1, 2008.

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

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

Section 5. The Criminal Code of 1961 is amended by changing
Section 17-1b as follows:

(720 ILCS 5/17-1b)
Sec. 17-1b. State's Attorney's bad check diversion program.
(a) In this Section:
"Offender" means a person charged with, or for whom probable
cause exists to charge the person with, deceptive practices.
"Pretrial diversion" means the decision of a prosecutor to refer an
offender to a diversion program on condition that the criminal charges
against the offender will be dismissed after a specified period of time, or
the case will not be charged, if the offender successfully completes the
program.
"Restitution" means all amounts payable to a victim of deceptive
practices under the bad check diversion program created under this
Section, including the amount of the check and any transaction fees
payable to a victim as set forth in subsection (g) but does not include
amounts recoverable under Section 3-806 of the Uniform Commercial
Code and Section 17-1a of this Code.

(b) A State's Attorney may create within his or her office a bad
check diversion program for offenders who agree to voluntarily participate
in the program instead of undergoing prosecution. The program may be
conducted by the State's Attorney or by a private entity under contract with
the State's Attorney. If the State's Attorney contracts with a private entity
to perform any services in operating the program, the entity shall operate
under the supervision, direction, and control of the State's Attorney. Any
private entity providing services under this Section is not a "collection
agency" as that term is defined under the Collection Agency Act.

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(c) If an offender is referred to the State's Attorney, the State's Attorney may determine whether the offender is appropriate for acceptance in the program. The State's Attorney may consider, but shall not be limited to consideration of, the following factors:
   (1) the amount of the check that was drawn or passed;
   (2) prior referrals of the offender to the program;
   (3) whether other charges of deceptive practices are pending against the offender;
   (4) the evidence presented to the State's Attorney regarding the facts and circumstances of the incident;
   (5) the offender's criminal history; and
   (6) the reason the check was dishonored by the financial institution.

(d) The bad check diversion program may require an offender to do one or more of the following:
   (i) pay for, at his or her own expense, and successfully complete an educational class held by the State's Attorney or a private entity under contract with the State's Attorney;
   (ii) make full restitution for the offense;
   (iii) pay a per-check administrative fee as set forth in this Section.

(e) If an offender is diverted to the program, the State's Attorney shall agree in writing not to prosecute the offender upon the offender's successful completion of the program conditions. The State's Attorney's agreement to divert the offender shall specify the offenses that will not be prosecuted by identifying the checks involved in the transactions.

(f) The State's Attorney, or private entity under contract with the State's Attorney, may collect a fee from an offender diverted to the State's Attorney's bad check diversion program. This fee may be deposited in a bank account maintained by the State's Attorney for the purpose of depositing fees and paying the expenses of the program or for use in the enforcement and prosecution of criminal laws. The State's Attorney may require that the fee be paid directly to a private entity that administers the program under a contract with the State's Attorney. The amount of the

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administrative fees collected by the State's Attorney under the program may not exceed $35 per check. The county board may, however, by ordinance, increase the fees allowed by this Section if the increase is justified by an acceptable cost study showing that the fees allowed by this Section are not sufficient to cover the cost of providing the service.

(g) (1) The private entity shall be required to maintain adequate general liability insurance of $1,000,000 per occurrence as well as adequate coverage for potential loss resulting from employee dishonesty. The State's Attorney may require a surety bond payable to the State's Attorney if in the State's Attorney's opinion it is determined that the private entity is not adequately insured or funded.

(2) (A) Each private entity that has a contract with the State's Attorney to conduct a bad check diversion program shall at all times maintain a separate bank account in which all moneys received from the offenders participating in the program shall be deposited, referred to as a "Trust Account", except that negotiable instruments received may be forwarded directly to a victim of the deceptive practice committed by the offender if that procedure is provided for by a writing executed by the victim. Moneys received shall be so deposited within 5 business days after posting to the private entity's books of account. There shall be sufficient funds in the trust account at all times to pay the victims the amount due them.

(B) The trust account shall be established in a bank, savings and loan association, or other recognized depository which is federally or State insured or otherwise secured as defined by rule. If the account is interest bearing, the private entity shall pay to the victim interest earned on funds on deposit after the 60th day.

(C) Each private entity shall keep on file the name of the bank, savings and loan association, or other recognized depository in which each trust account is

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maintained, the name of each trust account, and the names of the persons authorized to withdraw funds from each account. The private entity, within 30 days of the time of a change of depository or person authorized to make withdrawal, shall update its files to reflect that change. An examination and audit of a private entity's trust accounts may be made by the State's Attorney as the State's Attorney deems appropriate. A trust account financial report shall be submitted annually on forms acceptable to the State's Attorney.

(3) The State's Attorney may cancel a contract entered into with a private entity under this Section for any one or any combination of the following causes:

(A) Conviction of the private entity or the principals of the private entity of any crime under the laws of any U.S. jurisdiction which is a felony, a misdemeanor an essential element of which is dishonesty, or of any crime which directly relates to the practice of the profession.

(B) A determination that the private entity has engaged in conduct prohibited in item (4).

(4) The State's Attorney may determine whether the private entity has engaged in the following prohibited conduct:

(A) Using or threatening to use force or violence to cause physical harm to an offender, his or her family, or his or her property.

(B) Threatening the seizure, attachment, or sale of an offender's property where such action can only be taken pursuant to court order without disclosing that prior court proceedings are required.

(C) Disclosing or threatening to disclose information adversely affecting an offender's reputation for creditworthiness with knowledge the information is false.

(D) Initiating or threatening to initiate communication with an offender's employer unless there
has been a default of the payment of the obligation for at least 30 days and at least 5 days prior written notice, to the last known address of the offender, of the intention to communicate with the employer has been given to the employee, except as expressly permitted by law or court order.

(E) Communicating with the offender or any member of the offender's family at such a time of day or night and with such frequency as to constitute harassment of the offender or any member of the offender's family. For purposes of this clause (E) the following conduct shall constitute harassment:

   (i) Communicating with the offender or any member of his or her family at any unusual time or place or a time or place known or which should be known to be inconvenient to the offender. In the absence of knowledge of circumstances to the contrary, a private entity shall assume that the convenient time for communicating with a consumer is after 8 o'clock a.m. and before 9 o'clock p.m. local time at the offender's residence.

   (ii) The threat of publication or publication of a list of offenders who allegedly refuse to pay restitution, except by the State's Attorney.

   (iii) The threat of advertisement or advertisement for sale of any restitution to coerce payment of the restitution.

   (iv) Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

   (v) Using profane, obscene or abusive language in communicating with an offender, his or her family, or others.

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(vi) Disclosing or threatening to disclose information relating to an offender's case to any other person except the victim and appropriate law enforcement personnel.

(vii) Disclosing or threatening to disclose information concerning the alleged criminal act which the private entity knows to be reasonably disputed by the offender without disclosing the fact that the offender disputes the accusation.

(viii) Engaging in any conduct which the State's Attorney finds was intended to cause and did cause mental or physical illness to the offender or his or her family.

(ix) Attempting or threatening to enforce a right or remedy with knowledge or reason to know that the right or remedy does not exist.

(x) Except as authorized by the State's Attorney, using any form of communication which simulates legal or judicial process or which gives the appearance of being authorized, issued or approved by a governmental agency or official or by an attorney at law when it is not.

(xi) Using any badge, uniform, or other indicia of any governmental agency or official, except as authorized by law or by the State's Attorney.

(xii) Except as authorized by the State's Attorney, conducting business under any name or in any manner which suggests or implies that the private entity is bonded if such private entity is or is a branch of or is affiliated with any governmental agency or court if such private entity is not.

(xiii) Misrepresenting the amount of the restitution alleged to be owed.

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(xiv) Except as authorized by the State's Attorney, representing that an existing restitution amount may be increased by the addition of attorney's fees, investigation fees, or any other fees or charges when those fees or charges may not legally be added to the existing restitution.

(xv) Except as authorized by the State's Attorney, representing that the private entity is an attorney at law or an agent for an attorney if the entity is not.

(xvi) Collecting or attempting to collect any interest or other charge or fee in excess of the actual restitution or claim unless the interest or other charge or fee is expressly authorized by the State's Attorney, who shall determine what constitutes a reasonable collection fee.

(xvii) Communicating or threatening to communicate with an offender when the private entity is informed in writing by an attorney that the attorney represents the offender concerning the claim, unless authorized by the attorney. If the attorney fails to respond within a reasonable period of time, the private entity may communicate with the offender. The private entity may communicate with the offender when the attorney gives his consent.

(xviii) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(5) The State's Attorney shall audit the accounts of the bad check diversion program after notice in writing to the private entity.

(6) Any information obtained by a private entity that has a contract with the State's Attorney to conduct a bad check diversion
program is confidential information between the State's Attorney and the private entity and may not be sold or used for any other purpose but may be shared with other authorized law enforcement agencies as determined by the State's Attorney.

(h) The State's Attorney, or private entity under contract with the State's Attorney, shall recover, in addition to the face amount of the dishonored check or draft, a transaction fee to defray the costs and expenses incurred by a victim who received a dishonored check that was made or delivered by the offender. The face amount of the dishonored check or draft and the transaction fee shall be paid by the State's Attorney or private entity under contract with the State's Attorney to the victim as restitution for the offense. The amount of the transaction fee must not exceed: $25 if the face amount of the check or draft does not exceed $100; $30 if the face amount of the check or draft is greater than $100 but does not exceed $250; $35 if the face amount of the check or draft is greater than $250 but does not exceed $500; $40 if the face amount of the check or draft is greater than $500 but does not exceed $1,000; and $50 if the face amount of the check or draft is greater than $1,000.

(i) The offender, if aggrieved by an action of the private entity contracted to operate a bad check diversion program, may submit a grievance to the State's Attorney who may then resolve the grievance. The private entity must give notice to the offender that the grievance procedure is available. The grievance procedure shall be established by the State's Attorney.

(Source: P.A. 93-394, eff. 7-29-03.)

Effective January 1, 2008.

PUBLIC ACT 95-0042
(House Bill No. 0257)

AN ACT concerning human rights.

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

Section 5. The Illinois Human Rights Act is amended by changing Section 3-106 as follows:

(775 ILCS 5/3-106) (from Ch. 68, par. 3-106)
Sec. 3-106. Exemptions. Nothing contained in Section 3-102 shall prohibit:

(A) Private Sales of Single Family Homes.
   (1) Any sale of a single family home by its owner so long as the following criteria are met:
      (a) The owner does not own or have a beneficial interest in more than three single family homes at the time of the sale;
      (b) The owner or a member of his or her family was the last current resident of the home;
      (c) The home is sold without the use in any manner of the sales or rental facilities or services of any real estate broker or salesman, or of any employee or agent of any real estate broker or salesman;
      (d) The home is sold without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of paragraph (F) of Section 3-102.
   (2) This exemption does not apply to paragraph (F) of Section 3-102.

(B) Apartments. Rental of a housing accommodation in a building which contains housing accommodations for not more than five families living independently of each other, if the owner lessor or a member of his or her family resides in one of the housing accommodations.

(C) Private Rooms. Rental of a room or rooms in a private home by an owner if he or she or a member of his or her family resides therein or, while absent for a period of not more than twelve months, if he or she or a member of his or her family intends to return to reside therein.

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(D) Reasonable local, State, or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

(E) Religious Organizations. A religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of a dwelling which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.

(F) Sex. Restricting the rental of rooms in a housing accommodation to persons of one sex.

(G) Persons Convicted of Drug-Related Offenses. Conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in Section 102 of the federal Controlled Substances Act (21 U.S.C. 802).

(H) Persons engaged in the business of furnishing appraisals of real property from taking into consideration factors other than those based on unlawful discrimination or familial status in furnishing appraisals.

(H-1) The owner of an owner-occupied residential building with 4 or fewer units (including the unit in which the owner resides) from making decisions regarding whether to rent to a person based upon that person's sexual orientation.

(I) Housing for Older Persons. No provision in this Article regarding familial status shall apply with respect to housing for older persons.

(1) As used in this Section, "housing for older persons" means housing:

(a) provided under any State or Federal program that the Department determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or

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(b) intended for, and solely occupied by, persons 62 years of age or older; or
(c) intended and operated for occupancy by persons 55 years of age or older and:
   (i) at least 80% of the occupied units are occupied by at least one person who is 55 years of age or older;
   (ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subdivision (c); and
   (iii) the housing facility or community complies with rules adopted by the Department for verification of occupancy, which shall:
       (aa) provide for verification by reliable surveys and affidavits; and
       (bb) include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause (ii).

These surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.

(2) Housing shall not fail to meet the requirements for housing for older persons by reason of:
   (a) persons residing in such housing as of the effective date of this amendatory Act of 1989 who do not meet the age requirements of subsections (1)(b) or (c); provided, that new occupants of such housing meet the age requirements of subsections (1)(b) or (c) of this subsection; or
   (b) unoccupied units; provided, that such units are reserved for occupancy by persons who meet the age requirements of subsections (1)(b) or (c) of this subsection.
(3) (a) A person shall not be held personally liable for monetary damages for a violation of this Article if the person reasonably relied, in good faith, on the application of the exemption under this subsection (I) relating to housing for older persons.

(b) For the purposes of this item (3), a person may show good faith reliance on the application of the exemption only by showing that:

(i) the person has no actual knowledge that the facility or community is not, or will not be, eligible for the exemption; and

(ii) the facility or community has stated formally, in writing, that the facility or community complies with the requirements for the exemption.

(Source: P.A. 93-1078, eff. 1-1-06.)

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


PUBLIC ACT 95-0043
(House Bill No. 0258)

AN ACT concerning education.

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

Section 5. The Critical Health Problems and Comprehensive Health Education Act is amended by changing Section 3 as follows:

(105 ILCS 110/3) (from Ch. 122, par. 863)

Sec. 3. Comprehensive Health Education Program. The program established under this Act shall include, but not be limited to, the following major educational areas as a basis for curricula in all elementary and secondary schools in this State: human ecology and health, human
growth and development, the emotional, psychological, physiological, hygienic and social responsibilities of family life, including sexual abstinence until marriage, prevention and control of disease, including instruction in grades 6 through 12 on the prevention, transmission and spread of AIDS, public and environmental health, consumer health, safety education and disaster survival, mental health and illness, personal health habits, alcohol, drug use, and abuse including the medical and legal ramifications of alcohol, drug, and tobacco use, abuse during pregnancy, sexual abstinence until marriage, tobacco, nutrition, and dental health. The program shall also provide course material and instruction to advise pupils of the Abandoned Newborn Infant Protection Act. Notwithstanding the above educational areas, the following areas may also be included as a basis for curricula in all elementary and secondary schools in this State: basic first aid (including, but not limited to, cardiopulmonary resuscitation and the Heimlich maneuver), early prevention and detection of cancer, heart disease, diabetes, stroke, and the prevention of child abuse, neglect, and suicide.

The school board of each public elementary and secondary school in the State shall encourage all teachers and other school personnel to acquire, develop, and maintain the knowledge and skills necessary to properly administer life-saving techniques, including without limitation the Heimlich maneuver and rescue breathing. The training shall be in accordance with standards of the American Red Cross, the American Heart Association, or another nationally recognized certifying organization. A school board may use the services of non-governmental entities whose personnel have expertise in life-saving techniques to instruct teachers and other school personnel in these techniques. Each school board is encouraged to have in its employ, or on its volunteer staff, at least one person who is certified, by the American Red Cross or by another qualified certifying agency, as qualified to administer first aid and cardiopulmonary resuscitation. In addition, each school board is authorized to allocate appropriate portions of its institute or inservice days to conduct training programs for teachers and other school personnel who have expressed an interest in becoming qualified to administer emergency first aid or

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cardiopulmonary resuscitation. School boards are urged to encourage their teachers and other school personnel who coach school athletic programs and other extracurricular school activities to acquire, develop, and maintain the knowledge and skills necessary to properly administer first aid and cardiopulmonary resuscitation in accordance with standards and requirements established by the American Red Cross or another qualified certifying agency. Subject to appropriation, the State Board of Education shall establish and administer a matching grant program to pay for half of the cost that a school district incurs in training those teachers and other school personnel who express an interest in becoming qualified to administer cardiopulmonary resuscitation (which training must be in accordance with standards of the American Red Cross, the American Heart Association, or another nationally recognized certifying organization) or in learning how to use an automated external defibrillator. A school district that applies for a grant must demonstrate that it has funds to pay half of the cost of the training for which matching grant money is sought. The State Board of Education shall award the grants on a first-come, first-serve basis.

No pupil shall be required to take or participate in any class or course on AIDS or family life instruction if his parent or guardian submits written objection thereto, and refusal to take or participate in the course or program shall not be reason for suspension or expulsion of the pupil.

Curricula developed under programs established in accordance with this Act in the major educational area of alcohol and drug use and abuse shall include classroom instruction in grades 5 through 12. The instruction, which shall include matters relating to both the physical and legal effects and ramifications of drug and substance abuse, shall be integrated into existing curricula; and the State Board of Education shall develop and make available to all elementary and secondary schools in this State instructional materials and guidelines which will assist the schools in incorporating the instruction into their existing curricula. In addition, school districts may offer, as part of existing curricula during the school day or as part of an after school program, support services and instruction

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for pupils or pupils whose parent, parents, or guardians are chemically dependent.
(Source: P.A. 94-933, eff. 6-26-06.)
Effective January 1, 2008.

PUBLIC ACT 95-0044
(House Bill No. 0264)

AN ACT concerning government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Commemorative Dates Act is amended by adding Section 88 as follows:
(5 ILCS 490/88 new)
Sec. 88. Spinal Cord Injury Awareness Month. September of each year is designated as Spinal Cord Injury Awareness Month.
Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 95-0045
(House Bill No. 0270)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Section 25-1.1 as follows:
720 ILCS 5/25-1.1
Sec. 25-1.1. Unlawful contact with streetgang members.

New matter indicated by italics - deletions by strikeout
(a) A person commits the offense of unlawful contact with streetgang members when:

(1) He or she knowingly has direct or indirect contact with a streetgang member as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act after having been sentenced to probation, conditional discharge, or supervision for a criminal offense with a condition of such sentence being to refrain from direct or indirect contact with a streetgang member or members; or

(2) He or she knowingly has direct or indirect contact with a streetgang member as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act after having been released on bond for any criminal offense with a condition of such bond being to refrain from direct or indirect contact with a streetgang member or members; or

(3) He or she knowingly has direct or indirect contact with a streetgang member as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act after having been ordered by a judge in any non-criminal proceeding to refrain from direct or indirect contact with a streetgang member or members; or

(4) He or she knowingly has direct or indirect contact with a streetgang member as defined in Section 10 of the Streetgang Terrorism Omnibus Prevention Act after having been released from the Illinois Department of Corrections on a condition of parole or mandatory supervised release that he or she refrain from direct or indirect contact with a streetgang member or members.

(b) Unlawful contact with streetgang members is a Class A misdemeanor.

(c) This Section does not apply to a person when the only streetgang member or members he or she is with is a family or household member or members as defined in paragraph (3) of Section 112A-3 of the Code of Criminal Procedure of 1963 and the streetgang members are not engaged in any streetgang related activity.

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

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

Section 5. The Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997 is amended by adding Section 6-5.5 as follows:

(20 ILCS 687/6-5.5 new)

Sec. 6-5.5. Renewable energy grants.

(a) Subject to appropriation, the Department may establish and operate a renewable energy grant program to assist school districts in the installation, acquisition, construction, and improvement of renewable energy resources in the public schools, including without limitation solar energy (such as solar panels), geothermal energy, and wind energy.

(b) Application for a grant under this Section must be in the form and manner established by the Department. The grant shall cover 50% of the cost for which the grant is sought, up to a maximum grant of $1,000,000, if the applicant school district is able to demonstrate that it has funds to pay the other 50% of the cost. The school district may accept private funds for its portion of the cost.

(c) The Department may adopt any rules that are necessary to carry out its responsibilities under this Section.

Section 99. Effective date. This Act takes effect July 1, 2007.

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

Section 5. The Illinois Municipal Code is amended by changing Section 11-5-1.5 as follows:

Sec. 11-5-1.5. Adult entertainment facility. It is prohibited within a municipality to locate an adult entertainment facility within 1,000 feet of the property boundaries of any school, day care center, cemetery, public park, forest preserve, public housing, and place of religious worship.

For the purposes of this Section, "adult entertainment facility" means (i) a striptease club or pornographic movie theatre whose business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions or (ii) an adult bookstore or adult video store in which 25% or more of its stock-in-trade, books, magazines, and films for sale, exhibition, or viewing on-premises are sexually explicit material whose primary business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions.

(Source: P.A. 90-394, eff. 1-1-98; 90-634, eff. 7-24-98.)

Effective January 1, 2008.

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

Section 5. The Energy Assistance Act is amended by changing Section 13 as follows:

New matter indicated by italics - deletions by strikeout

(a) The Supplemental Low-Income Energy Assistance Fund is hereby created as a special fund in the State Treasury. The Supplemental Low-Income Energy Assistance Fund is authorized to receive moneys from voluntary donations from individuals, foundations, corporations, and other sources, moneys received pursuant to Section 17, and, by statutory deposit, the moneys collected pursuant to this Section. The Fund is also authorized to receive voluntary donations from individuals, foundations, corporations, and other sources, as well as contributions made in accordance with Section 507MM of the Illinois Income Tax Act. Subject to appropriation, the Department shall use moneys from the Supplemental Low-Income Energy Assistance Fund for payments to electric or gas public utilities, municipal electric or gas utilities, and electric cooperatives on behalf of their customers who are participants in the program authorized by Section 4 of this Act, for the provision of weatherization services and for administration of the Supplemental Low-Income Energy Assistance Fund. The yearly expenditures for weatherization may not exceed 10% of the amount collected during the year pursuant to this Section. The yearly administrative expenses of the Supplemental Low-Income Energy Assistance Fund may not exceed 10% of the amount collected during that year pursuant to this Section.

(b) Notwithstanding the provisions of Section 16-111 of the Public Utilities Act but subject to subsection (k) of this Section, each public utility, electric cooperative, as defined in Section 3.4 of the Electric Supplier Act, and municipal utility, as referenced in Section 3-105 of the Public Utilities Act, that is engaged in the delivery of electricity or the distribution of natural gas within the State of Illinois shall, effective January 1, 1998, assess each of its customer accounts a monthly Energy Assistance Charge for the Supplemental Low-Income Energy Assistance Fund. The delivering public utility, municipal electric or gas utility, or electric or gas cooperative for a self-assessing purchaser remains subject to
the collection of the fee imposed by this Section. The monthly charge shall be as follows:

(1) $0.40 per month on each account for residential electric service;
(2) $0.40 per month on each account for residential gas service;
(3) $4 per month on each account for non-residential electric service which had less than 10 megawatts of peak demand during the previous calendar year;
(4) $4 per month on each account for non-residential gas service which had distributed to it less than 4,000,000 therms of gas during the previous calendar year;
(5) $300 per month on each account for non-residential electric service which had 10 megawatts or greater of peak demand during the previous calendar year; and
(6) $300 per month on each account for non-residential gas service which had 4,000,000 or more therms of gas distributed to it during the previous calendar year.

(c) For purposes of this Section:
(1) "residential electric service" means electric utility service for household purposes delivered to a dwelling of 2 or fewer units which is billed under a residential rate, or electric utility service for household purposes delivered to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;
(2) "residential gas service" means gas utility service for household purposes distributed to a dwelling of 2 or fewer units which is billed under a residential rate, or gas utility service for household purposes distributed to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;
(3) "non-residential electric service" means electric utility service which is not residential electric service; and

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(4) "non-residential gas service" means gas utility service which is not residential gas service.

(d) At least 45 days prior to the date on which it must begin assessing Energy Assistance Charges, each public utility engaged in the delivery of electricity or the distribution of natural gas shall file with the Illinois Commerce Commission tariffs incorporating the Energy Assistance Charge in other charges stated in such tariffs.

(e) The Energy Assistance Charge assessed by electric and gas public utilities shall be considered a charge for public utility service.

(f) By the 20th day of the month following the month in which the charges imposed by the Section were collected, each public utility, municipal utility, and electric cooperative shall remit to the Department of Revenue all moneys received as payment of the Energy Assistance Charge on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require. If a customer makes a partial payment, a public utility, municipal utility, or electric cooperative may elect either: (i) to apply such partial payments first to amounts owed to the utility or cooperative for its services and then to payment for the Energy Assistance Charge or (ii) to apply such partial payments on a pro-rata basis between amounts owed to the utility or cooperative for its services and to payment for the Energy Assistance Charge.

(g) The Department of Revenue shall deposit into the Supplemental Low-Income Energy Assistance Fund all moneys remitted to it in accordance with subsection (f) of this Section.

(h) (Blank).

On or before December 31, 2002, the Department shall prepare a report for the General Assembly on the expenditure of funds appropriated from the Low-Income Energy Assistance Block Grant Fund for the program authorized under Section 4 of this Act.

(i) The Department of Revenue may establish such rules as it deems necessary to implement this Section.
(j) The Department of Healthcare and Family Services Economic Opportunity may establish such rules as it deems necessary to implement this Section.

(k) The charges imposed by this Section shall only apply to customers of municipal electric or gas utilities and electric or gas cooperatives if the municipal electric or gas utility or electric or gas cooperative makes an affirmative decision to impose the charge. If a municipal electric or gas utility or an electric cooperative makes an affirmative decision to impose the charge provided by this Section, the municipal electric or gas utility or electric cooperative shall inform the Department of Revenue in writing of such decision when it begins to impose the charge. If a municipal electric or gas utility or electric or gas cooperative does not assess this charge, the Department may not use funds from the Supplemental Low-Income Energy Assistance Fund to provide benefits to its customers under the program authorized by Section 4 of this Act.

In its use of federal funds under this Act, the Department may not cause a disproportionate share of those federal funds to benefit customers of systems which do not assess the charge provided by this Section.

This Section is repealed effective December 31, 2013 unless renewed by action of the General Assembly. The General Assembly shall consider the results of the evaluations described in Section 8 in its deliberations.

(Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06; 94-817, eff. 5-30-06; revised 8-3-06.)

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

AN ACT concerning safety.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Environmental Protection Act is amended by changing Section 55.8 as follows:
(415 ILCS 5/55.8) (from Ch. 111 1/2, par. 1055.8)
Sec. 55.8. Tire retailers.
(a) Beginning July 1, 1992, Any person selling new or used tires at retail or offering new or used tires for retail sale in this State shall:
   (1) beginning on June 20, 2003 (the effective date of Public Act 93-32), collect from retail customers a fee of $2 per new or used tire sold and delivered in this State, to be paid to the Department of Revenue and deposited into the Used Tire Management Fund, less a collection allowance of 10 cents per tire to be retained by the retail seller and a collection allowance of 10 cents per tire to be retained by the Department of Revenue and paid into the General Revenue Fund;
   (1.5) beginning on July 1, 2003, collect from retail customers an additional 50 cents per new or used tire sold and delivered in this State. The money collected from this fee shall be deposited into the Emergency Public Health Fund. This fee shall no longer be collected beginning on January 1, 2008.
   (2) accept for recycling used tires from customers, at the point of transfer, in a quantity equal to the number of new tires purchased; and
   (3) post in a conspicuous place a written notice at least 8.5 by 11 inches in size that includes the universal recycling symbol and the following statements: "DO NOT put used tires in the trash."; "Recycle your used tires."; and "State law requires us to accept used tires for recycling, in exchange for new tires purchased."

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(b) A person who accepts used tires for recycling under subsection (a) shall not allow the tires to accumulate for periods of more than 90 days.

(c) The requirements of subsection (a) of this Section do not apply to mail order sales nor shall the retail sale of a motor vehicle be considered to be the sale of tires at retail or offering of tires for retail sale. Instead of filing returns, retailers of tires may remit the tire user fee of $1.00 per tire to their suppliers of tires if the supplier of tires is a registered retailer of tires and agrees or otherwise arranges to collect and remit the tire fee to the Department of Revenue, notwithstanding the fact that the sale of the tire is a sale for resale and not a sale at retail. A tire supplier who enters into such an arrangement with a tire retailer shall be liable for the tax on all tires sold to the tire retailer and must (i) provide the tire retailer with a receipt that separately reflects the tire tax collected from the retailer on each transaction and (ii) accept used tires for recycling from the retailer's customers. The tire supplier shall be entitled to the collection allowance of 10 cents per tire.

The retailer of the tires must maintain in its books and records evidence that the appropriate fee was paid to the tire supplier and that the tire supplier has agreed to remit the fee to the Department of Revenue for each tire sold by the retailer. Otherwise, the tire retailer shall be directly liable for the fee on all tires sold at retail. Tire retailers paying the fee to their suppliers are not entitled to the collection allowance of 10 cents per tire.

(d) The requirements of subsection (a) of this Section shall apply exclusively to tires to be used for vehicles defined in Section 1-217 of the Illinois Vehicle Code, aircraft tires, special mobile equipment, and implements of husbandry.

(e) The requirements of paragraph (1) of subsection (a) do not apply to the sale of reprocessed tires. For purposes of this Section, "reprocessed tire" means a used tire that has been recapped, retreaded, or regrooved and that has not been placed on a vehicle wheel rim.

(Source: P.A. 93-32, eff. 6-20-03; 93-52, eff. 6-30-03; revised 10-13-03.)

Section 99. Effective date. This Act takes effect July 1, 2007.

New matter indicated by italics - deletions by strikeout

PUBLIC ACT 095-0050
(House Bill No. 0169)

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

Section 5. The Public Water District Act is amended by changing Section 11 as follows:

(70 ILCS 3705/11) (from Ch. 111 2/3, par. 198)

Sec. 11. The board of trustees of any such public water district has the supervision and control of all waterworks properties acquired or constructed by the district and has the power and the duty to maintain, operate, extend and improve the same. The board of trustees also has the power to sell and dispose of property, real and personal, that is no longer needed for its purposes. Except as otherwise provided in this Section all contracts involving the expenditure by the district of more than $20,000 for construction work or for the purchase of equipment as improvements, extensions or replacements shall be entered into only after notice inviting bids shall have been published in a newspaper published in the district, and if there is no such newspaper, in a newspaper published in the county and having general circulation in the district at least once not less than 10 days prior to the date of making any such contract. Any obligations incurred by the district of any kind or character whatsoever shall not in any event constitute and be deemed an indebtedness within the meaning of any of the provisions or limitations of the constitution or of any statute, but all such obligations are payable solely and only out of revenues derived from the operation of the waterworks properties of the district or from the proceeds of bonds issued, as hereinafter provided. No continuing contract for the purchase of materials or supplies (including a contract for a supply of water) or furnishing the district with energy or

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power for pumping or for the supply of water to any city, village or incorporated town, shall be entered into for a longer period than 40 years.

Contracts for a supply of water shall not be subject to such provisions for public bidding. No prior appropriation shall be required before entering into such a contract for a supply of water and no appropriation shall be required to authorize payments to be made under the terms of any such contract. Payment to be made under any such supply contract shall be an operation and maintenance expense of the waterworks system of the district. Any such contract made by a district for a supply of water may contain provisions whereby the district is obligated to pay for such supply of water without setoff or counterclaim and irrespective of whether such supply of water is ever furnished, made available or delivered to the district or whether any project for the supply of water contemplated by any such contract is completed, operable or operating and notwithstanding any suspension, interruption, interference, reduction or curtailment of the supply of water from such project. Any such contract may provide that if one or more of the other purchasers of water defaults in the payment of its obligations under such contract or a similar contract made with the supplier of the water, one or more of the remaining purchasers party to such contract or such similar contract shall be required to pay for all or a portion of the obligations of the defaulting purchasers.

In the event of an emergency affecting or threatening the public health or safety, in order to maintain the safety and adequacy of service to the district's customers, the general manager, with the consent of the board chairman or vice chairman, may enter into contracts for necessary construction work or for the purchase of supplies, materials, or equipment without public advertisement. The general manager shall make a full written report to the board of trustees detailing the nature of the emergency, the responsive action taken by the general manager, and the contracts made to resolve the emergency.

(Source: P.A. 84-708; 84-967.)

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


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

Section 5. The Illinois Vehicle Code is amended by changing Sections 5-801 and 15-111 as follows:

(625 ILCS 5/5-801) (from Ch. 95 1/2, par. 5-801)
Sec. 5-801. Penalties. Any person who violates any of the provisions of this Chapter, except a person who violates a provision for which a different criminal penalty is otherwise indicated, shall be guilty of a Class A misdemeanor. Any person who violates any provisions of Section 5-701 shall be guilty of a Class 3 felony.
(Source: P.A. 83-1473.)

(625 ILCS 5/15-111) (from Ch. 95 1/2, par. 15-111)
Sec. 15-111. Wheel and axle loads and gross weights.
(a) On non-designated highways, no vehicle or combination of vehicles equipped with pneumatic tires may be operated, unladen or with load, when the total weight transmitted to the road surface exceeds 18,000 pounds on a single axle or 32,000 pounds on a tandem axle with no axle within the tandem exceeding 18,000 pounds except:

(1) when a different limit is established and posted in accordance with Section 15-316 of this Code;

(2) vehicles for which the Department of Transportation and local authorities issue overweight permits under authority of Section 15-301 of this Code;

(3) tow trucks subject to the conditions provided in subsection (d) may not exceed 24,000 pounds on a single rear axle or 44,000 pounds on a tandem rear axle;

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(4) any single axle of a 2-axle truck weighing 36,000 pounds or less and not a part of a combination of vehicles, shall not exceed 20,000 pounds;

(5) any single axle of a 2-axle truck equipped with a personnel lift or digger derrick, weighing 36,000 pounds or less, owned and operated by a public utility, shall not exceed 20,000 pounds;

(6) any single axle of a 2-axle truck specially equipped with a front loading compactor used exclusively for garbage, refuse, or recycling may not exceed 20,000 pounds per axle, provided that the gross weight of the vehicle does not exceed 40,000 pounds;

(7) a truck, not in combination and specially equipped with a selfcompactor or an industrial roll-off hoist and roll-off container, used exclusively for garbage or refuse operations may, when laden, transmit upon the road surface the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle;

(8) a truck, not in combination and used exclusively for the collection of rendering materials, may, when laden, transmit upon the road surface the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle;

(9) tandem axles on a 3-axle truck registered as a Special Hauling Vehicle, manufactured prior to or in the model year of 2014 and first registered in Illinois prior to January 1, 2015, with a distance greater than 72 inches but not more than 96 inches between any series of 2 axles, is allowed a combined weight on the series not to exceed 36,000 pounds and neither axle of the series may exceed 18,000 pounds. Any vehicle of this type manufactured after the model year of 2014 or first registered in Illinois after December 31, 2014 may not exceed a combined weight of 32,000 pounds through the series of 2 axles and neither axle of the series may exceed 18,000 pounds;

(10) a 4-axle truck mixer registered as a Special Hauling Vehicle, used exclusively for the mixing and transportation of concrete in the plastic state and manufactured prior to or in the

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model year of 2014 and first registered in Illinois prior to January 1, 2015, is allowed the following maximum weights: 20,000 pounds on any single axle; 36,000 pounds on any series of 2 axles greater than 72 inches but not more than 96 inches; and 34,000 pounds on any series of 2 axles greater than 40 inches but not more than 72 inches;

(11) 4-axle vehicles or a 5 or more axle combination of vehicles: The weight transmitted upon the road surface through any series of 3 axles whose centers are more than 96 inches apart, measured between extreme axles in the series, may not exceed those allowed in the table contained in subsection (f) of this Section. No axle or tandem axle of the series may exceed the maximum weight permitted under this Section for a single or tandem axle.

No vehicle or combination of vehicles equipped with other than pneumatic tires may be operated, unladen or with load, upon the highways of this State when the gross weight on the road surface through any wheel exceeds 800 pounds per inch width of tire tread or when the gross weight on the road surface through any axle exceeds 16,000 pounds.

(b) On non-designated highways, the gross weight of vehicles and combination of vehicles including the weight of the vehicle or combination and its maximum load shall be subject to the foregoing limitations and further shall not exceed the following gross weights dependent upon the number of axles and distance between extreme axles of the vehicle or combination measured longitudinally to the nearest foot.

VEHICLES HAVING 2 AXLES ....................... 36,000 pounds

VEHICLES OR COMBINATIONS HAVING 3 AXLES

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<td>Minimum distance to nearest foot</td>
<td>Maximum Gross nearest foot Maximum Gross</td>
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## VEHICLES OR COMBINATIONS HAVING 4 AXLES

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A vehicle not in a combination having more than 4 axles may not exceed the weight in the table in this subsection (b) for 4 axles measured between the extreme axles of the vehicle.

## COMBINATIONS HAVING 5 OR MORE AXLES

<table>
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<th>Minimum distance to nearest foot between extreme axles (feet)</th>
<th>Maximum Gross Weight (pounds)</th>
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<td>42 feet or less</td>
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New matter indicated by italics - deletions by strikeout
VEHICLES OPERATING ON CRAWLER TYPE TRACKS ..... 40,000 pounds
TRUCKS EQUIPPED WITH SELFCOMPACTORS OR ROLL-OFF
HOISTS AND ROLL-OFF CONTAINERS FOR GARBAGE, REFUSE,
OR RECYCLING HAULS ONLY AND TRUCKS USED FOR THE
COLLECTION OF RENDERING MATERIALS
On Highway Not Part of National System of Interstate and Defense
Highways

with 2 axles 36,000 pounds
with 3 axles 54,000 pounds

TWO AXLE TRUCKS EQUIPPED WITH
A FRONT LOADING COMPACTOR USED EXCLUSIVELY
FOR THE COLLECTION OF GARBAGE, REFUSE, OR RECYCLING
with 2 axles 40,000 pounds

A 4-axle truck mixer registered as a Special Hauling Vehicle, used
exclusively for mixing and transportation of concrete in the plastic state,
manufactured before or in the model year of 2014, and first registered in
Illinois before January 1, 2015, is allowed a maximum gross weight listed
in the table of subsection (f) of this Section for 4 axles. This vehicle, while
loaded with concrete in the plastic state, is not subject to the series of 3
axles requirement provided for in subdivision (a)(11) of this Section, but
no axle or tandem axle of the series may exceed the maximum weight
 permitted under subdivision (a)(10) of this Section.

(b-1) As used in this Section, a "recycling haul" or "recycling
operation" means the hauling of segregated, non-hazardous, non-special,
homogeneous non-putrescible materials, such as paper, glass, cans, or
plastic, for subsequent use in the secondary materials market.

(c) Cities having a population of more than 50,000 may permit by
ordinance axle loads on 2 axle motor vehicles 33 1/2% above those
provided for herein, but the increase shall not become effective until the
city has officially notified the Department of the passage of the ordinance
and shall not apply to those vehicles when outside of the limits of the city,
nor shall the gross weight of any 2 axle motor vehicle operating over any street of the city exceed 40,000 pounds.

(d) Weight limitations shall not apply to vehicles (including loads) operated by a public utility when transporting equipment required for emergency repair of public utility facilities or properties or water wells.

A combination of vehicles, including a tow truck and a disabled vehicle or disabled combination of vehicles, that exceeds the weight restriction imposed by this Code, may be operated on a public highway in this State provided that neither the disabled vehicle nor any vehicle being towed nor the tow truck itself shall exceed the weight limitations permitted under this Chapter. During the towing operation, neither the tow truck nor the vehicle combination shall exceed 24,000 pounds on a single rear axle and 44,000 pounds on a tandem rear axle, provided the towing vehicle:

(1) is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and is equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes;

(2) is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions;

(3) is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles; and

(4) does not engage in a tow exceeding 20 miles from the initial point of wreck or disablement. Any additional movement of the vehicles may occur only upon issuance of authorization for that movement under the provisions of Sections 15-301 through 15-319 of this Code. The towing vehicle, however, may tow any disabled vehicle from the initial point of wreck or disablement to a point where repairs are actually to occur. This movement shall be valid only on State routes. The tower must abide by posted bridge weight limits.

Gross weight limits shall not apply to the combination of the tow truck and vehicles being towed. The tow truck license plate must cover the operating empty weight of the tow truck only. The weight of each vehicle

New matter indicated by italics - deletions by strikeout
being towed shall be covered by a valid license plate issued to the owner or operator of the vehicle being towed and displayed on that vehicle. If no valid plate issued to the owner or operator of that vehicle is displayed on that vehicle, or the plate displayed on that vehicle does not cover the weight of the vehicle, the weight of the vehicle shall be covered by the third tow truck plate issued to the owner or operator of the tow truck and temporarily affixed to the vehicle being towed. *If a roll-back carrier is registered and being used as a tow truck, however, the license plate or plates for the tow truck must cover the gross vehicle weight, including any load carried on the bed of the roll-back carrier.*

The Department may by rule or regulation prescribe additional requirements. However, nothing in this Code shall prohibit a tow truck under instructions of a police officer from legally clearing a disabled vehicle, that may be in violation of weight limitations of this Chapter, from the roadway to the berm or shoulder of the highway. If in the opinion of the police officer that location is unsafe, the officer is authorized to have the disabled vehicle towed to the nearest place of safety.

For the purpose of this subsection, gross vehicle weight rating, or GVWR, shall mean the value specified by the manufacturer as the loaded weight of the tow truck.

(e) No vehicle or combination of vehicles equipped with pneumatic tires shall be operated, unladen or with load, upon the highways of this State in violation of the provisions of any permit issued under the provisions of Sections 15-301 through 15-319 of this Chapter.

(f) On designated Class I, II, or III highways and the National System of Interstate and Defense Highways, no vehicle or combination of vehicles with pneumatic tires may be operated, unladen or with load, when the total weight on the road surface exceeds the following: 20,000 pounds on a single axle; 34,000 pounds on a tandem axle with no axle within the tandem exceeding 20,000 pounds; 80,000 pounds gross weight for vehicle combinations of 5 or more axles; or a total weight on a group of 2 or more consecutive axles in excess of that weight produced by the application of the following formula: \( W = 500 \times (LN \div (N-1)) + 12N + 36 \), where "W" equals overall total weight on any group of 2 or

New matter indicated by italics - deletions by strikeout
more consecutive axles to the nearest 500 pounds, "L" equals the distance measured to the nearest foot between extremes of any group of 2 or more consecutive axles, and "N" equals the number of axles in the group under consideration.

The above formula when expressed in tabular form results in allowable loads as follows:

Distance measured to the nearest foot between the extremes of any group of 2 or more consecutive axles

| Distance measured to the nearest foot between the extremes of any group of 2 or more consecutive axles | Maximum weight in pounds of any group of 2 or more consecutive axles |
|---|---|---|---|---|---|
| feet | 2 axles | 3 axles | 4 axles | 5 axles | 6 axles |
| 4 | 34,000 | | | | |
| 5 | 34,000 | | | | |
| 6 | 34,000 | | | | |
| 7 | 34,000 | | | | |
| 8 | 38,000* | 42,000 | | | |
| 9 | 39,000 | 42,500 | | | |
| 10 | 40,000 | 43,500 | | | |
| 11 | | 44,000 | | | |
| 12 | | 45,000 | 50,000 | | |
| 13 | | 45,500 | 50,500 | | |
| 14 | | 46,500 | 51,500 | | |
| 15 | | 47,000 | 52,000 | | |
| 16 | | 48,000 | 52,500 | 58,000 | |
| 17 | | 48,500 | 53,500 | 58,500 | |
| 18 | | 49,500 | 54,000 | 59,000 | |
| 19 | | 50,000 | 54,500 | 60,000 | |
| 20 | | 51,000 | 55,500 | 60,500 | 66,000 |
| 21 | | 51,500 | 56,000 | 61,000 | 66,500 |
| 22 | | 52,500 | 56,500 | 61,500 | 67,000 |
| 23 | | 53,000 | 57,500 | 62,500 | 68,000 |

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New matter indicated by italics - deletions by strikeout
If the distance between 2 axles is 96 inches or less, the 2 axles are tandem axles and the maximum total weight may not exceed 34,000 pounds, notwithstanding the higher limit resulting from the application of the formula.

Vehicles not in a combination having more than 4 axles may not exceed the weight in the table in this subsection (f) for 4 axles measured between the extreme axles of the vehicle.

Vehicles in a combination having more than 6 axles may not exceed the weight in the table in this subsection (f) for 6 axles measured between the extreme axles of the combination.

Local authorities, with respect to streets and highways under their jurisdiction, without additional fees, may also by ordinance or resolution allow the weight limitations of this subsection, provided the maximum gross weight on any one axle shall not exceed 20,000 pounds and the maximum total weight on any tandem axle shall not exceed 34,000 pounds, on designated highways when appropriate regulatory signs giving notice are erected upon the street or highway or portion of any street or highway affected by the ordinance or resolution.

The following are exceptions to the above formula:

1. Two consecutive sets of tandem axles may carry a total weight of 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

2. Vehicles for which a different limit is established and posted in accordance with Section 15-316 of this Code.

3. Vehicles for which the Department of Transportation and local authorities issue overweight permits under authority of Section 15-301 of this Code. These vehicles are not subject to the bridge formula.

4. Tow trucks subject to the conditions provided in subsection (d) may not exceed 24,000 pounds on a single rear axle or 44,000 pounds on a tandem rear axle.

5. A tandem axle on a 3-axle truck registered as a Special Hauling Vehicle, manufactured prior to or in the model year of
2014, and registered in Illinois prior to January 1, 2015, with a
distance between 2 axles in a series greater than 72 inches but not
more than 96 inches may not exceed a total weight of 36,000
pounds and neither axle of the series may exceed 18,000 pounds.

(6) A truck not in combination, equipped with a self
compactor or an industrial roll-off hoist and roll-off container, used
exclusively for garbage, refuse, or recycling operations, may, when
laden, transmit upon the road surface, except when on part of the
National System of Interstate and Defense Highways, the following
maximum weights: 22,000 pounds on a single axle; 40,000 pounds
on a tandem axle; 36,000 pounds gross weight on a 2-axle vehicle;
54,000 pounds gross weight on a 3-axle vehicle. This vehicle is not
subject to the bridge formula.

(7) Combinations of vehicles, registered as Special Hauling
Vehicles that include a semitrailer manufactured prior to or in the
model year of 2014, and registered in Illinois prior to January 1,
2015, having 5 axles with a distance of 42 feet or less between
extreme axles, may not exceed the following maximum weights:
18,000 pounds on a single axle; 32,000 pounds on a tandem axle;
and 72,000 pounds gross weight. This combination of vehicles is
not subject to the bridge formula. For all those combinations of
vehicles that include a semitrailer manufactured after the effective
date of this amendatory Act of the 92nd General Assembly, the
overall distance between the first and last axles of the 2 sets of
tandems must be 18 feet 6 inches or more. Any combination of
vehicles that has had its cargo container replaced in its entirety
after December 31, 2014 may not exceed the weights allowed by
the bridge formula.

(8) A 4-axle truck mixer registered as a Special Hauling
Vehicle, used exclusively for the mixing and transportation of
concrete in the plastic state, manufactured before or in the model
year of 2014, first registered in Illinois before January 1, 2015, and
not operated on a highway that is part of the National System of
Interstate Highways, is allowed the following maximum weights:

New matter indicated by italics - deletions by strikeout
20,000 pounds on any single axle; 36,000 pounds on a series of axles greater than 72 inches but not more than 96 inches; and 34,000 pounds on any series of 2 axles greater than 40 inches but not more than 72 inches. The gross weight of this vehicle may not exceed the weights allowed by the bridge formula for 4 axles. The bridge formula does not apply to any series of 3 axles while the vehicle is transporting concrete in the plastic state, but no axle or tandem axle of the series may exceed the maximum weight permitted under this subsection (f).

No vehicle or combination of vehicles equipped with other than pneumatic tires may be operated, unladen or with load, upon the highways of this State when the gross weight on the road surface through any wheel exceeds 800 pounds per inch width of tire tread or when the gross weight on the road surface through any axle exceeds 16,000 pounds.

(f-1) A vehicle and load not exceeding 73,280 pounds is allowed access as follows:

1. From any State designated highway onto any county, township, or municipal highway for a distance of 5 highway miles for the purpose of loading and unloading, provided:
   (A) The vehicle and load does not exceed 8 feet 6 inches in width and 65 feet overall length.
   (B) There is no sign prohibiting that access.
   (C) The route is not being used as a thoroughfare between State designated highways.

2. From any State designated highway onto any county or township highway for a distance of 5 highway miles, or any municipal highway for a distance of one highway mile for the purpose of food, fuel, repairs, and rest, provided:
   (A) The vehicle and load does not exceed 8 feet 6 inches in width and 65 feet overall length.
   (B) There is no sign prohibiting that access.
   (C) The route is not being used as a thoroughfare between State designated highways.

New matter indicated by italics - deletions by strikeout
(f-2) A vehicle and load greater than 73,280 pounds in weight but not exceeding 80,000 pounds is allowed access as follows:

(1) From a Class I highway onto any street or highway for a distance of one highway mile for the purpose of loading, unloading, food, fuel, repairs, and rest, provided there is no sign prohibiting that access.

(2) From a Class I, II, or III highway onto any State highway or any local designated highway for a distance of 5 highway miles for the purpose of loading, unloading, food, fuel, repairs, and rest.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this subsection.

(g) No person shall operate a vehicle or combination of vehicles over a bridge or other elevated structure constituting part of a highway with a gross weight that is greater than the maximum weight permitted by the Department, when the structure is sign posted as provided in this Section.

(h) The Department upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting part of a highway, and if it finds that the structure cannot with safety to itself withstand the weight of vehicles otherwise permissible under this Code the Department shall determine and declare the maximum weight of vehicles that the structures can withstand, and shall cause or permit suitable signs stating maximum weight to be erected and maintained before each end of the structure. No person shall operate a vehicle or combination of vehicles over any structure with a gross weight that is greater than the posted maximum weight.

(i) Upon the trial of any person charged with a violation of subsections (g) or (h) of this Section, proof of the determination of the maximum allowable weight by the Department and the existence of the signs, constitutes conclusive evidence of the maximum weight that can be maintained with safety to the bridge or structure.

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

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

Section 5. The Illinois Credit Union Act is amended by changing Section 20 as follows:

(205 ILCS 305/20) (from Ch. 17, par. 4421)
Sec. 20. Election or appointment of officials.

(1) The credit union shall be directed by a Board of Directors consisting of no less than 7 in number, to be elected at the annual meeting by and from the members. Directors shall hold office until the next annual meeting, unless their terms are staggered. Upon amendment of its bylaws, a credit union may divide the Directors into 2 or 3 classes with each class as nearly equal in number as possible. The term of office of the directors of the first class shall expire at the first annual meeting after their election, that of the second class shall expire at the second annual meeting after their election, and that of the third class, if any, shall expire at the third annual meeting after their election. At each annual meeting after the classification, the number of directors equal to the number of directors whose terms expire at the time of the meeting shall be elected to hold office until the second succeeding annual meeting if there are 2 classes or until the third succeeding annual meeting if there are 3 classes. A Director shall hold office for the term for which he or she is elected and until his or her successor is elected and qualified.

(1.5) Except as provided in subsection (1.10), in all elections for Directors, every member has the right to vote, in person or by proxy, the
number of shares owned by him, or in the case of a member other than a natural person, the member's one vote, for as many persons as there are Directors to be elected, or to cumulate such shares, and give one candidate as many votes as the number of Directors multiplied by the number of his shares equals, or to distribute them on the same principle among as many candidates as he may desire and the Directors shall not be elected in any other manner. Shares held in a joint account owned by more than one member may be voted by any one of the members, however, the number of cumulative votes cast may not exceed a total equal to the number of shares multiplied by the number of directors to be elected. A majority of the shares entitled to vote shall be represented either in person or by proxy for the election of Directors. Each Director shall wholly take and subscribe to an oath that he will diligently and honestly perform his duties in administering the affairs of the credit union, that while he may delegate to another the performance of those administrative duties he is not thereby relieved from his responsibility for their performance, that he will not knowingly violate or willingly permit to be violated any law applicable to the credit union, and that he is the owner of at least one share of the credit union.

(1.10) Upon amendment of a credit union's bylaws approved by the members, in all elections for Directors, every member who is a natural person shall have the right to cast one vote, regardless of the number of his or her shares, in person or by proxy, for as many persons as there are Directors to be elected.

(2) The Board of Directors shall appoint from among the members of the credit union, a Supervisory Committee of not less than 3 members at the organization meeting and within 30 days following each annual meeting of the members for such terms as the bylaws provide. Members of the Supervisory Committee may, but need not be, on the Board of Directors, but shall not be officers of the credit union, members of the Credit Committee, or the credit manager if no Credit Committee has been appointed.

(3) The Board of Directors may appoint, from among the members of the credit union, a Credit Committee consisting of an odd number, not
less than 3 for such terms as the bylaws provide. Members of the Credit Committee may, but need not be, Directors or officers of the credit union, but shall not be members of the Supervisory Committee.

(4) The Board of Directors may appoint from among the members of the credit union a Membership Committee of one or more persons. If appointed, the Committee shall act upon all applications for membership and submit a report of its actions to the Board of Directors at the next regular meeting for review. If no Membership Committee is appointed, credit union management shall act upon all applications for membership and submit a report of its actions to the Board of Directors at the next regular meeting for review.

(Source: P.A. 91-929, eff. 12-15-00; 92-608, eff. 7-1-02.)

Effective January 1, 2008.

PUBLIC ACT 95-0053
(House Bill No. 0357)

AN ACT concerning education.

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

Section 5. The School Code is amended by changing Section 17-2A as follows:

(105 ILCS 5/17-2A) (from Ch. 122, par. 17-2A)

Sec. 17-2A. Interfund Transfers. The school board of any district having a population of less than 500,000 inhabitants may, by proper resolution following a public hearing set by the school board or the president of the school board (that is preceded (i) by at least one published notice over the name of the clerk or secretary of the board, occurring at least 7 days and not more than 30 days prior to the hearing, in a newspaper of general circulation within the school district and (ii) by posted notice over the name of the clerk or secretary of the board, at least 48 hours before the hearing, at the principal office of the school board or at the

New matter indicated by italics - deletions by strikeout
building where the hearing is to be held if a principal office does not exist, with both notices setting forth the time, date, place, and subject matter of the hearing), transfer money from (1) the Educational Fund to the Operations and Maintenance Fund or the Transportation Fund, (2) the Operations and Maintenance Fund to the Educational Fund or the Transportation Fund, or (3) the Transportation Fund to the Educational Fund or the Operations and Maintenance Fund of said district, provided that, except during the period from July 1, 2003 through June 30, 2010, such transfer is made solely for the purpose of meeting one-time, non-recurring expenses. Except during the period from July 1, 2003 through June 30, 2010, any other permanent interfund transfers authorized by any provision or judicial interpretation of this Code for which the transferee fund is not precisely and specifically set forth in the provision of this Code authorizing such transfer shall be made to the fund of the school district most in need of the funds being transferred, as determined by resolution of the school board.

(Source: P.A. 93-393, eff. 7-28-03; 94-176, eff. 7-12-05.)

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

Passed in the General Assembly May 15, 2007

PUBLIC ACT 95-0054
(House Bill No. 0365)

AN ACT concerning conservation districts.

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

Section 5. The Conservation District Act is amended by changing Sections 5 and 6 and adding Section 18.1 as follows:

(70 ILCS 410/5) (from Ch. 96 1/2, par. 7105)
Sec. 5. Board of trustees.

New matter indicated by italics - deletions by strikeout
(a) The affairs of a conservation district shall be managed by a board consisting of 5 trustees, except as otherwise provided in this Section. If the boundaries of the district are coextensive with the boundaries of one county, the trustees shall be residents of that county. If the district embraces 2 counties, 3 trustees shall be residents of the county with the larger population and 2 trustees shall be residents of the other county. If the district embraces 3 counties, one trustee shall be a resident of the county with the smallest population and each of the other counties shall have 2 resident trustees. If the district embraces 4 counties, 2 trustees shall be residents of the county with the largest population and each of the other counties shall have one resident trustee. If the district embraces 5 counties, each county shall have one resident trustee.

(b) A district that is entirely within a county of under 750,000 inhabitants and contiguous to a county of more than 2,000,000 inhabitants and that is authorized by referendum as provided in subsection (d) of Section 15 to incur indebtedness over 0.575% but not to exceed 1.725% shall have a board consisting of 7 trustees, all of whom shall be residents of the county. The additional 2 trustees shall be appointed by the chairman of the county board, with the consent of the county board, and shall hold office for terms expiring on June 30 as follows: one trustee after 4 years and one trustee after 5 years from the date of the referendum. Successor trustees shall be appointed in the same manner no later than June 1 before the commencement of the term of the trustee.

(c) Trustees shall be qualified voters of the district who do not hold any other public office and are not officers of any political party. Trustees, if nominated by the county board chairman as hereinafter provided, shall be selected on the basis of their demonstrated interest in the purpose of conservation districts.

(d) If the trustees are appointed, the chairman of the county board for the county of which the trustee is a resident shall, with the consent of the county board of that county, appoint the first trustees who shall hold office for terms expiring on June 30 after one, 2, 3, 4, and 5 year periods respectively as determined and fixed by lot. Thereafter, successor appointed trustees shall be appointed for a term of 5 years in the same

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manner no later than June 1 prior to the commencement of term of the trustee. If the term of office of any appointed trustee expires before the first election of trustees under subsection (i) after referendum approval of elected trustees, the chairman of the county board who appointed that trustee under this subsection shall appoint a successor to serve until a successor is elected and has qualified.

(e) When a vacancy occurs in the office of trustee, whether by death, resignation, refusal to qualify, no longer being a qualified voter of the district, or for any other reason, the board of trustees shall declare that a vacancy exists. The vacancy shall be filled within 60 days. Each successor trustee shall serve for a term of 5 years. A vacancy occurring otherwise than by expiration of term, for appointed trustees, shall be filled for the unexpired term by appointment of a trustee by the county board chairman of the county of which the trustee shall be a resident, with the approval of the county board of that county. An appointed trustee who has served a full term of 5 years is ineligible to serve as a trustee for a period of one year following the expiration of his or her term. In the case of an elected trustee, appointment of an eligible person shall be by the president of the board of trustees with the advice and consent of the other trustees. The appointee shall serve the remainder of the unexpired term. If, however, more than 28 months remain in the term of the elected trustee and the vacancy occurs at least 182 days before the next general election, the appointment shall be until the next general election, at which time the vacant office of the elected trustee shall be filled by election for the remainder of the term.

If a vacancy occurs in the office of president of the board of trustees, the remaining trustees shall select one of their number to serve as president for the balance of the unexpired term of the president in whose office the vacancy occurred.

When any trustee during his or her term of office shall cease to be a bona fide resident of the district, or shall move from one township or congressional township in the district to another so that the township residency requirements of this Section are no longer met, then he is disqualified as a trustee and his office becomes vacant. If the district has

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decided to elect or appoint trustees from single member subdistricts under subsection (i), then when any trustee during his or her term of office shall cease to be a bona fide resident of the subdistrict he or she is disqualified as a trustee and the office becomes vacant.

(f) Trustees shall serve without compensation, but may be paid their actual and necessary expenses incurred in the performance of their official duties.

(g) An appointed trustee may be removed for cause by the county board chairman for the county of which the trustee is a resident, with the approval of the county board of that county, but every such removal shall be by a written order and which shall be filed with the county clerk.

(h) A conservation district with 5 trustees may determine by majority vote of the board to increase the size of the board to 7 trustees. With respect to a 7-member board, no more than 3 members may be residents of any township in a county under township organization or of any congressional township in a county not under township organization. In the case of a 7-member board representing a district that embraces 2 counties, 4 trustees shall be residents of the county with the larger population and 3 trustees shall be residents of the other county. If the district embraces 3 counties, 2 trustees shall be residents of each of the 2 counties with the smallest population and the largest county shall have 3 resident trustees. If the district embraces 4 counties, one trustee shall be a resident of the county with the smallest population and each of the other counties shall have 2 resident trustees. If the district embraces 5 counties, the 2 counties with the largest population shall each have 2 resident trustees and each of the other counties shall have one resident trustee. The pertinent appointing authorities shall appoint the additional 2 trustees to initial terms as equally staggered as possible from the terms of the trustees already appointed from that township or county so that 2 trustees representing the same area shall not be succeeded in the same year.

(i) Except as provided in subsection (b), a conservation district in a county adjacent to a county with more than 3,000,000 inhabitants may determine by referendum (i) to have an elected or appointed board of

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trustees, (ii) to have a board of trustees with 5 or 7 members, and (iii) to have trustees chosen at large or from single member subdistricts. If the boundaries of the district are coextensive with the boundaries of a single county, the county board may determine by ordinance to hold the referendum; or if the boundaries of the district are embraced by more than one county, the county boards of each county in the district, jointly, may determine by ordinance to hold the referendum; or a petition signed by not less than 5% of the electors of the entire district who voted in the last gubernatorial election may be submitted to the board of trustees requiring the district to hold the referendum.

The secretary of the board of trustees shall certify the proposition to the appropriate election authorities who shall submit the proposition at a consolidated or general election according to the Election Code. The Election Code shall apply to and govern the election. The proposition shall be in substantially the following form:

Shall the (insert name) Conservation District have an (insert "elected" or "appointed") board of trustees with (insert "5" or "7") trustees chosen (insert "at large" or "from single member subdistricts")?

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

If a majority of the votes cast on the proposition are in the affirmative, the trustees of the district shall thereafter be chosen as provided in this paragraph. At the next consolidated election, a district that has decided by referendum to have its trustees elected rather than appointed shall elect 5 or 7 trustees as provided in the ordinance or petition and in the proposition. The trustees shall be elected on a nonpartisan basis. The provisions of the general election law shall apply to and govern the nomination and election of the trustees.

(1) If the district has decided to elect or appoint at large trustees, then with respect to a 5-member board, the residency of members shall be the same as prescribed in subsection (a).

With respect to a 7-member board, no more than 3 members may be residents of any township in a county under township organization or of any congressional township in a

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county not under township organization. In the case of a 7-member board representing a district that embraces 2 counties, 4 trustees shall be residents of the county with the larger population and 3 trustees shall be residents of the other county. If the district embraces 3 counties, 2 trustees shall be residents of each of the 2 counties with the smaller populations and the county with the largest population shall have 3 resident trustees. If the district embraces 4 counties, one trustee shall be a resident of the county with the smallest population and each of the other counties shall have 2 resident trustees. If the district embraces 5 counties, the 2 counties with the largest populations shall each have 2 resident trustees and each of the other counties shall have one resident trustee.

(2) If the district has decided to elect or appoint trustees from single member subdistricts, then with respect to a 5-member board of a district embracing a single county, the county board shall apportion the district into 5 subdistricts. One trustee shall be a resident of and elected or appointed from each of the 5 subdistricts. In the case of a 5-member board of a district embracing more than one county, the members of each county board shall, jointly, apportion the district into 5 subdistricts. One trustee shall be a resident of and elected or appointed from each of the 5 subdistricts. The initial subdistricts shall be apportioned within 90 days after the referendum is approved, and the subdistricts shall be reapportioned after each decennial census.

With respect to a 7-member board of a district embracing a single county, the county board shall apportion the district into 7 subdistricts. One trustee shall be a resident of and elected or appointed from each of the 7 subdistricts. In the case of a 7-member board of a district embracing more than one county, the members of each county board shall, jointly, apportion the district into 7 subdistricts. One trustee shall be a resident of and elected or appointed from each of the 7 subdistricts. The initial subdistricts shall be apportioned within 90 days after the referendum is approved, and the subdistricts shall be reapportioned after each decennial census.

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approved, and the subdistricts shall be reapportioned after each decennial census.

(j) When a conservation district determines to elect or appoint trustees as provided in subsection (i), the terms of these trustees shall commence on the first Monday of December following the election. The terms of all trustees previously appointed or elected under this Section shall expire on the first Monday of December following the first election.

(1) If the district has decided to elect or appoint at-large trustees, then the initial elected board of trustees shall, no later than 45 days after taking office, divide themselves publicly by lot as equally as possible into 2 groups. Trustees or their successors from the larger group shall serve for terms of 4 years; the initial elected trustees from the second group shall serve for terms of 2 years, and their successors shall be elected for terms of 4 years.

(2) If the district has decided to elect or appoint trustees from single member subdistricts, then the members of the initial elected board of trustees and each subsequent board elected prior to the first decennial census following the initial apportionment shall be elected to a term of 2 years. In the year following the first decennial census occurring after the initial apportionment and in the year following each subsequent decennial census, the 5 or 7 subdistricts shall be reapportioned to reflect the results of the census. The board of trustees elected in the first election following a decennial census shall, no later than 45 days after taking office, divide themselves publicly by lot as equally as possible into 3 groups. Trustees or their successors from one group shall be elected to terms of 4 years, 4 years, and 2 years. Trustees or their successors from the second group shall be elected to terms of 4 years, 2 years, and 4 years. The trustee or successors from the third group shall be elected to terms of 2 years, 4 years, and 4 years.

(Source: P.A. 94-617, eff. 8-18-05.)

(70 ILCS 410/6) (from Ch. 96 1/2, par. 7106)
Sec. 6. Officers and employees. As soon as possible after the initial election or the initial appointments, as the case may be, the trustees shall organize by selecting from their members a president, secretary, treasurer, and such other officers as are deemed necessary, who shall hold office for 2 years in the case of an elected board, or the fiscal year in which elected in the case of an appointed board, and until their successors are selected and qualify. Three trustees shall constitute a quorum of the board for the transaction of business if the district has 5 trustees. If the district has 7 trustees, 4 trustees shall constitute a quorum of the board for the transaction of business. The board shall hold regular monthly meetings. Special meetings may be called by the president and shall be called on the request of a majority of members, as may be required.

The board shall provide for the proper and safe keeping of its permanent records and for the recording of the corporate action of the district. It shall keep a proper system of accounts showing a true and accurate record of its receipts and disbursements, and it shall cause an annual audit to be made of its books, records, and accounts.

The records of the district shall be subject to public inspection at all reasonable hours and under such regulations as the board may prescribe.

The district shall annually make a full and complete report to the county board of each county within the district and to the Department of Natural Resources of its transactions and operations for the preceding year. The report shall contain a full statement of its receipts, disbursements, and the program of work for the period covered, and may include recommendations as may be deemed advisable.

Executive or ministerial duties may be delegated to one or more trustees or to an authorized officer, employee, agent, attorney, or other representative of the district.

All officers and employees authorized to receive or retain the custody of money or to sign vouchers, checks, warrants, or evidences of indebtedness binding upon the district shall furnish surety bond for the faithful performance of their duties and the faithful accounting for all

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moneys that may come into their hands in an amount to be fixed and in a form to be approved by the board.

All contracts for supplies, material, or work involving an expenditure in excess of $20,000 shall be let to the lowest responsible bidder, after due advertisement, excepting work requiring personal confidence or necessary supplies under the control of monopolies, where competitive bidding is impossible. All contracts for supplies, material, or work shall be signed by the president of the board and by any other officer as the board in its discretion may designate.

(Source: P.A. 94-454, eff. 8-4-05.)

(70 ILCS 410/18.1 new)

Sec. 18.1. Organization as a forest preserve district. The voters of a conservation district that is entirely within one county may, by a single referendum proposition, dissolve the conservation district under Section 18 of this Act and incorporate as a forest preserve district under Section 1 the Downstate Forest Preserve District Act. The referendum may be placed on the ballot upon either of the following:

(1) An ordinance by the county board of the county in which the district lies requiring the referendum.

(2) The filing of a petition with the board of trustees signed by the electors of the district equal in number to 8% or more of the total number of votes cast for Governor district-wide in the most recent gubernatorial election asking that the question of whether the district shall be dissolved and organized as a forest preserve district.

The Secretary of the board of trustees of the county board or the board of trustees, as appropriate, shall certify the proposition to the appropriate election authorities who shall submit the proposition at a consolidated or general election according to the Election Code. The Election Code shall apply to and govern the election.

The proposition shall be in substantially the following form:

Shall (insert name) Conservation District be dissolved under the provisions of Section 18 of the Conservation District Act

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and be organized as a forest preserve district under the provisions of the Downstate Forest Preserve District Act?

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

If a majority of the votes cast on the proposition are in the affirmative, the conservation district shall be deemed to be dissolved under Section 18 of the Conservation District Act and the territory shall be incorporated as a forest preserve district under Section 1 of the Downstate Forest Preserve District Act. The resulting forest preserve district shall not be deemed to be the legal successor or assign of the dissolved conservation district.

Section 10. The Downstate Forest Preserve District Act is amended by changing Section 1 as follows:

(70 ILCS 805/1) (from Ch. 96 1/2, par. 6302)

Sec. 1. Whenever any area of contiguous territory lying wholly within one county contains one or more natural forests or parks thereof and one or more cities, towns or villages, such territory may be incorporated as a forest preserve district by a referendum passed under Section 18.1 of the Conservation District Act or in the following manner, to wit:

Any 500 legal voters residing within the limits of such proposed district may petition the circuit court of the county in which such proposed district lies, to order the question to be submitted to the legal voters of such proposed district whether or not it shall be organized as a forest preserve district under this act. Such petition shall be addressed to the circuit court of the county in which such proposed forest preserve district is situated and shall contain a definite description of the territory intended to be embraced in such district, and the name of such district. Upon the filing of such petition in the office of the clerk of the circuit court of the county in which such territory is situated, it shall be the duty of such circuit court to fix a day and hour for the public consideration thereof, which shall not be less than 15 days after the filing of such petition. Such circuit court shall cause a notice of the time and place of such public consideration to be published 3 successive days in some newspaper having a general circulation in the territory proposed to be placed in such district.

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The date of the last publication of such notice shall not be less than 5 days prior to the time set for such public hearing. At the time and place fixed for such public hearing the circuit court shall hear any person owning property in such proposed district who desires to be heard, and if the circuit judge finds that all of the provisions of this act have been complied with, the court shall enter an order fixing and defining the boundaries and the name of such proposed district in accordance with the prayer of the petition. In the event that any other petition or petitions for the organization of a forest preserve district or districts in the same county is filed under this act before the time fixed for the public hearing of the first petition, the circuit court shall postpone the public consideration of the first petition so that the hearing of all petitions shall be set for the same day and hour. In any county where there are 2 or more judges sitting at the time of filing such first petitions the clerk of the circuit court shall cause all petitions filed subsequent to the first petition to be assigned to the judge to whom the first petition is assigned so that all such petitions may be heard by the same judge.

Should 2 or more petitions be filed under this act and come on for hearing at the same time and it shall be found by the circuit court that any of the territory embraced in any one of the petitions is included in or contiguous with the territory embraced in any other petition or petitions, the circuit court may include all of the territory described in such petitions in one district and shall fix the name proposed in the petition first filed as the name for the district. After the entry of the order fixing and defining the boundaries and the name of such proposed district, it shall be the duty of the circuit court to order to be submitted to the legal voters of such proposed district at any election, the question of the organization of such proposed district. The clerk of the circuit court shall certify the order and the question to the proper election officials who shall submit the question to the voters of the proposed district in accordance with the general election law. Notice of the referendum shall contain a definite description of the territory intended to be embraced in such district, and the name of such district.

(Source: P.A. 83-1362.)
Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0055
(House Bill No. 0371)

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

Section 5. The Illinois Identification Card Act is amended by changing Section 12 as follows:

(15 ILCS 335/12) (from Ch. 124, par. 32)

Sec. 12. Fees concerning Standard Illinois Identification Cards. The fees required under this Act for standard Illinois Identification Cards must accompany any application provided for in this Act, and the Secretary shall collect such fees as follows:

a. Original card issued on or before
   December 31, 2004 ......................... $4
   Original card issued on or after
   January 1, 2005 ......................... $20

b. Renewal card issued on or before
   December 31, 2004 ......................... 4
   Renewal card issued on or after
   January 1, 2005 ......................... 20

c. Corrected card issued on or before
   December 31, 2004 ......................... 2
   Corrected card issued on or after
   January 1, 2005 ......................... 10

d. Duplicate card issued on or before
   December 31, 2004 ......................... 4
   Duplicate card issued on or after

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e. Certified copy with seal ..................  5
f. Search ......................................  2
g. Applicant 65 years of age or over .......... No Fee
h. Disabled applicant .......................... No Fee
i. Individual living in Veterans
   Home or Hospital ............................ No Fee
j. Original card issued on or after July 1, 2007
   under 18 years of age ..................... $10
k. Renewal card issued on or after July 1, 2007
   under 18 years of age ..................... $10
l. Corrected card issued on or after July 1, 2007
   under 18 years of age ..................... $5
m. Duplicate card issued on or after July 1, 2007
   under 18 years of age ..................... $10

All fees collected under this Act shall be paid into the Road Fund of the State treasury, except that the following amounts shall be paid into the General Revenue Fund: (i) 80% $16 of the $20 fee for an original, renewal, or duplicate Illinois Identification Card issued on or after January 1, 2005; and (ii) 80% $8 of the $10 fee for a corrected Illinois Identification Card issued on or after January 1, 2005.

Any disabled person making an application for a standard Illinois Identification Card for no fee must, along with the application, submit an affirmation by the applicant on a form to be provided by the Secretary of State, attesting that such person is a disabled person as defined in Section 4A of this Act.

An individual, who resides in a veterans home or veterans hospital operated by the state or federal government, who makes an application for an Illinois Identification Card to be issued at no fee, must submit, along with the application, an affirmation by the applicant on a form provided by the Secretary of State, that such person resides in a veterans home or veterans hospital operated by the state or federal government.

(Source: P.A. 93-840, eff. 7-30-04.)

Section 99. Effective date. This Act takes effect July 1, 2007.

PUBLIC ACT 95-0056
(House Bill No. 0407)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Section 605-45 as follows:
(20 ILCS 605/605-45 new)
Sec. 605-45. Economic development grants; policy considerations. When awarding grants for any economic development purpose, the Department must consider (i) reserving and targeting State business incentives to areas with high unemployment or low income and (ii) if the applicant seeking the grant is located in a metropolitan area, whether that metropolitan area meets location efficiency standards.
Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 95-0057
(House Bill No. 0421)

AN ACT concerning children.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Abused and Neglected Child Reporting Act is amended by changing Sections 7 and 7.3 as follows:

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Sec. 7. Time and manner of making reports. All reports of suspected child abuse or neglect made under this Act shall be made immediately by telephone to the central register established under Section 7.7 on the single, State-wide, toll-free telephone number established in Section 7.6, or in person or by telephone through the nearest Department office. The Department shall, in cooperation with school officials, distribute appropriate materials in school buildings listing the toll-free telephone number established in Section 7.6, including methods of making a report under this Act. The Department may, in cooperation with appropriate members of the clergy, distribute appropriate materials in churches, synagogues, temples, mosques, or other religious buildings listing the toll-free telephone number established in Section 7.6, including methods of making a report under this Act.

Wherever the Statewide number is posted, there shall also be posted the following notice:

"Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the Criminal Code of 1961. A first violation of this subsection is a Class A misdemeanor, punishable by a term of imprisonment for up to one year, or by a fine not to exceed $1,000, or by both such term and fine. A second or subsequent violation is a Class 4 felony."

The report required by this Act shall include, if known, the name and address of the child and his parents or other persons having his custody; the child's age; the nature of the child's condition including any evidence of previous injuries or disabilities; and any other information that the person filing the report believes might be helpful in establishing the cause of such abuse or neglect and the identity of the person believed to have caused such abuse or neglect. Reports made to the central register through the State-wide, toll-free telephone number shall be immediately transmitted by the Department to the appropriate Child Protective Service Unit. All such reports alleging the death of a child, serious injury to a child including, but not limited to, brain damage, skull fractures, subdural
hematomas, and internal injuries, torture of a child, malnutrition of a child, and sexual abuse to a child, including, but not limited to, sexual intercourse, sexual exploitation, sexual molestation, and sexually transmitted disease in a child age 12 and under, shall also be immediately transmitted by the Department to the appropriate local law enforcement agency. The Department shall within 24 hours orally notify local law enforcement personnel and the office of the State's Attorney of the involved county of the receipt of any report alleging the death of a child, serious injury to a child including, but not limited to, brain damage, skull fractures, subdural hematomas, and, internal injuries, torture of a child, malnutrition of a child, and sexual abuse to a child, including, but not limited to, sexual intercourse, sexual exploitation, sexual molestation, and sexually transmitted disease in a child age twelve and under. All oral reports made by the Department to local law enforcement personnel and the office of the State's Attorney of the involved county shall be confirmed in writing within 24 hours of the oral report. All reports by persons mandated to report under this Act shall be confirmed in writing to the appropriate Child Protective Service Unit, which may be on forms supplied by the Department, within 48 hours of any initial report.

Written confirmation reports from persons not required to report by this Act may be made to the appropriate Child Protective Service Unit. Written reports from persons required by this Act to report shall be admissible in evidence in any judicial proceeding relating to child abuse or neglect. Reports involving known or suspected child abuse or neglect in public or private residential agencies or institutions shall be made and received in the same manner as all other reports made under this Act.

(Source: P.A. 92-801, eff. 8-16-02.)

(325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

Sec. 7.3. (a) The Department shall be the sole agency responsible for receiving and investigating reports of child abuse or neglect made under this Act, except where investigations by other agencies may be required with respect to reports alleging the death of a child, serious injury to a child or sexual abuse to a child made pursuant to Sections 4.1 or 7 of this Act, and except that the Department may delegate the performance of
the investigation to the Department of State Police, a law enforcement agency and to those private social service agencies which have been designated for this purpose by the Department prior to July 1, 1980.

(b) Notwithstanding any other provision of this Act, the Department shall adopt rules expressly allowing law enforcement personnel to investigate reports of suspected child abuse or neglect concurrently with the Department, without regard to whether the Department determines a report to be "indicated" or "unfounded" or deems a report to be "undetermined".

(Source: P.A. 85-1440.)

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


PUBLIC ACT 95-0058
(House Bill No. 0425)

AN ACT concerning regulation.

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

Section 5. The Structural Pest Control Act is amended by changing Section 10.2 as follows:

(225 ILCS 235/10.2) (from Ch. 111 1/2, par. 2210.2)
(Section scheduled to be repealed on January 1, 2008)
Sec. 10.2. Integrated pest management guidelines; notification; training of designated persons; request for copies.

(a) The Department shall prepare guidelines for an integrated pest management program for structural pest control practices at school buildings and other school facilities and day care centers. Such guidelines shall be made available to schools, day care centers and the public upon request.

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(b) When economically feasible, each school and day care center is required to develop and implement an integrated pest management program that incorporates the guidelines developed by the Department. Each school and day care center must notify the Department, within one year after the effective date of this amendatory Act of the 95th General Assembly and every 5 years thereafter, on forms provided by the Department that the school or day care center has developed and is implementing an integrated pest management program. If adopting an integrated pest management program would not be economically feasible because it would result in an increase in the school's or day care center's pest control cost, the school district or day care center must provide written notification to the Department. The notification must include projected pest control costs for the term of the pest control program and projected costs for implementing integrated pest management for that same time period. The Department shall make this notification available to the general public upon request. In implementing an integrated pest management program, a school or day care center must assign an employee to assume responsibility for the oversight of pest management practices in that school or day care center and for recordkeeping requirements.

(b-1) If adopting an integrated pest management program is not economically feasible because such adoption would result in an increase in the pest control costs of the school or day care center, the school or day care center must provide, within one year after the effective date of this amendatory Act of the 95th General Assembly and every 5 years thereafter, written notification to the Department, on forms provided by the Department, that the development and implementation of an integrated pest management program is not economically feasible. The notification must include projected pest control costs for the term of the pest control program and projected costs for implementing an integrated pest management program for that same time period.

(b-2) Each school or day care center that provides written notification to the Department that the adoption of an integrated pest management program is not economically feasible pursuant to subsection...
(b-1) of this Section must have its designated person attend a training course on integrated pest management within one year after the effective date of this amendatory Act of the 95th General Assembly, and every 5 years thereafter until an integrated pest management program is developed and implemented in the school or day care center. The training course shall be approved by the Department in accordance with the minimum standards established by the Department under this Act.

(b-3) Each school and day care center shall ensure that all parents, guardians, and employees are notified at least once each school year that the notification requirements established by this Section have been met. The school and day care center shall keep copies of all notifications required by this Section and any written integrated pest management program plan developed in accordance with this Section and make these copies available for public inspection at the school or day care center.

(c) The Structural Pest Control Advisory Council shall assist the Department in developing the guidelines for integrated pest management programs. In developing the guidelines, the Council shall consult with individuals knowledgeable in the area of integrated pest management.

(d) The Department, with the assistance of the Cooperative Extension Service and other relevant agencies, may prepare a training program for school or day care center pest control specialists.

(e) The Department may request copies of a school's or day care center's integrated pest management program plan and notification required by this Act and offer assistance and training to schools and day care centers on integrated pest management programs.

(f) The requirements of this Section are subject to appropriation to the Department for the implementation of integrated pest management programs.

(Source: P.A. 93-381, eff. 7-1-04.)

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


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PUBLIC ACT 95-0059
(House Bill No. 1031)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Volunteer Emergency Worker Job Protection Act is
amended by changing Section 20 as follows:
(50 ILCS 748/20)
Sec. 20. Applicability. This Act does not apply to any employer
that is a municipality with a population of 7,500 or more.
(Source: P.A. 93-1027, eff. 8-25-04; 94-599, eff. 1-1-06.)
Effective January 1, 2008.

PUBLIC ACT 95-0060
(House Bill No. 1236)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing
Section 16G-15 as follows:
(720 ILCS 5/16G-15)
Sec. 16G-15. Identity theft.
(a) A person commits the offense of identity theft when he or she
knowingly:
(1) uses any personal identifying information or personal
identification document of another person to fraudulently obtain
credit, money, goods, services, or other property, or

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(2) uses any personal identification information or personal identification document of another with intent to commit any felony theft or other felony violation of State law not set forth in paragraph (1) of this subsection (a), or

(3) obtains, records, possesses, sells, transfers, purchases, or manufactures any personal identification information or personal identification document of another with intent to commit or to aid or abet another in committing any felony theft or other felony violation of State law, or

(4) uses, obtains, records, possesses, sells, transfers, purchases, or manufactures any personal identification information or personal identification document of another knowing that such personal identification information or personal identification documents were stolen or produced without lawful authority, or

(5) uses, transfers, or possesses document-making implements to produce false identification or false documents with knowledge that they will be used by the person or another to commit any felony theft or other felony violation of State law, or

(6) uses any personal identification information or personal identification document of another to portray himself or herself as that person, or otherwise, for the purpose of gaining access to any personal identification information or personal identification document of that person, without the prior express permission of that person, or

(7) uses any personal identification information or personal identification document of another for the purpose of gaining access to any record of the actions taken, communications made or received, or other activities or transactions of that person, without the prior express permission of that person.

(b) Knowledge shall be determined by an evaluation of all circumstances surrounding the use of the other person's identifying information or document.

(c) When a charge of identity theft of credit, money, goods, services, or other property exceeding a specified value is brought the value

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of the credit, money, goods, services, or other property is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(d) Sentence.

(1) A person convicted of identity theft in violation of paragraph (1) of subsection (a) shall be sentenced as follows:

   (A) Identity theft of credit, money, goods, services, or other property not exceeding $300 in value is a Class 4 felony. A person who has been previously convicted of identity theft of less than $300 who is convicted of a second or subsequent offense of identity theft of less than $300 is guilty of a Class 3 felony. A person who has been convicted of identity theft of less than $300 who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, home repair fraud, aggravated home repair fraud, or financial exploitation of an elderly or disabled person is guilty of a Class 3 felony. Identity theft of credit, money, goods, services, or other property not exceeding $300 in value when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is a Class 3 felony. A person who has been previously convicted of identity theft of less than $300 who is convicted of a second or subsequent offense of identity theft of less than $300 when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is guilty of a Class 2 felony. A person who has been convicted of identity theft of less than $300 when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National

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Guard serving in a foreign country who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, home repair fraud, aggravated home repair fraud, or financial exploitation of an elderly or disabled person is guilty of a Class 2 felony. When a person has any such prior conviction, the information or indictment charging that person shall state the prior conviction so as to give notice of the State's intention to treat the charge as a Class 3 felony. The fact of the prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during the trial.

(B) Identity theft of credit, money, goods, services, or other property exceeding $300 and not exceeding $2,000 in value is a Class 3 felony. Identity theft of credit, money, goods, services, or other property exceeding $300 and not exceeding $2,000 in value when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is a Class 2 felony.

(C) Identity theft of credit, money, goods, services, or other property exceeding $2,000 and not exceeding $10,000 in value is a Class 2 felony. Identity theft of credit, money, goods, services, or other property exceeding $2,000 and not exceeding $10,000 in value when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is a Class 1 felony.

(D) Identity theft of credit, money, goods, services, or other property exceeding $10,000 and not exceeding
$100,000 in value is a Class 1 felony. Identity theft of credit, money, goods, services, or other property exceeding $10,000 and not exceeding $100,000 in value when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is a Class X felony.

(E) Identity theft of credit, money, goods, services, or other property exceeding $100,000 in value is a Class X felony.

(2) A person convicted of any offense enumerated in paragraphs (2) through (7) of subsection (a) is guilty of a Class 3 felony. A person convicted of any offense enumerated in paragraphs (2) through (7) of subsection (a) when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is guilty of a Class 2 felony.

(3) A person convicted of any offense enumerated in paragraphs (2) through (5) of subsection (a) a second or subsequent time is guilty of a Class 2 felony. A person convicted of any offense enumerated in paragraphs (2) through (5) of subsection (a) a second or subsequent time when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is guilty of a Class 1 felony.

(4) A person who, within a 12 month period, is found in violation of any offense enumerated in paragraphs (2) through (7) of subsection (a) with respect to the identifiers of, or other information relating to, 3 or more separate individuals, at the same time or consecutively, is guilty of a Class 2 felony. A person who, within a 12 month period, is found in violation of any offense enumerated in paragraphs (2) through (7) of subsection (a) with respect to the identifiers of, or other information relating to, 3 or more separate individuals, at the same time or consecutively, when
the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is guilty of a Class 1 felony.

(5) A person convicted of identity theft in violation of paragraph (2) of subsection (a) who uses any personal identification information or personal identification document of another to purchase methamphetamine manufacturing material as defined in Section 10 of the Methamphetamine Control and Community Protection Act with the intent to unlawfully manufacture methamphetamine is guilty of a Class 2 felony for a first offense and a Class 1 felony for a second or subsequent offense. A person convicted of identity theft in violation of paragraph (2) of subsection (a) who uses any personal identification information or personal identification document of another to purchase methamphetamine manufacturing material as defined in Section 10 of the Methamphetamine Control and Community Protection Act with the intent to unlawfully manufacture methamphetamine when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is guilty of a Class 1 felony for a first offense and a Class X felony for a second or subsequent offense.

(Source: P.A. 93-401, eff. 7-31-03; 94-39, eff. 6-16-05; 94-827, eff. 1-1-07; 94-1008, eff. 7-5-06; revised 8-3-06.)
Effective January 1, 2008.

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

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

Section 5. The Illinois Municipal Code is amended by changing Section 3.1-10-5 as follows:

(65 ILCS 5/3.1-10-5)(from Ch. 24, par. 3.1-10-5)

Sec. 3.1-10-5. Qualifications; elective office.

(a) A person is not eligible for an elective municipal office unless that person is a qualified elector of the municipality and has resided in the municipality at least one year next preceding the election.

(b) A person is not eligible for an elective municipal office if that person is in arrears in the payment of a tax or other indebtedness due to the municipality or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony.

(c) A person is not eligible for the office of alderman of a ward unless that person has resided in the ward that the person seeks to represent, and a person is not eligible for the office of trustee of a district unless that person has resided in the municipality, at least one year next preceding the election or appointment, except as provided in subsection (c) of Section 3.1-20-25, subsection (b) of Section 3.1-25-75, Section 5-2-2, or Section 5-2-11.

(d) If a person (i) is a resident of a municipality immediately prior to the active duty military service of that person or that person's spouse, (ii) resides anywhere outside of the municipality during that active duty military service, and (iii) immediately upon completion of that active duty military service is again a resident of the municipality, then the time during which the person resides outside the municipality during the active duty military service is deemed to be time during which the person is a resident of the municipality for purposes of determining the residency requirement under subsection (a).

(Source: P.A. 93-847, eff. 7-30-04.)

New matter indicated by italics - deletions by strikeout
Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0062
(Senate Bill No. 0776)

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

Section 5. The Department of Human Services Act is amended by adding Section 10-32 as follows:

(20 ILCS 1305/10-32 new)


(a) The General Assembly finds and declares that African American men: (1) are disproportionately less likely to complete high school and to obtain a post-secondary education; (2) are more likely to be incarcerated or on parole; (3) are more likely to have lower lifetime economic earnings; (4) are more likely to have been a part of the child welfare population; (5) are more likely to have a shorter life expectancy; and (6) are more likely to have health problems, such as HIV/AIDS, drug dependency, heart disease, obesity, and diabetes. The General Assembly further finds and declares that the State of Illinois has a compelling interest in determining the causes of these problems and in developing appropriate remedies.

(b) The Task Force on the Condition of African American Men in Illinois is created within the Department of Human Services. Within 60 days after the effective date of this amendatory Act of the 95th General Assembly, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives shall each appoint 2 members to

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the Task Force. In addition, the Director or Secretary of each of the following, or his or her designee, are members: the Department of Human Services, the Department of Corrections, the Department of Commerce and Economic Opportunity, the Department of Children and Family Services, the Department of Human Rights, the Illinois State Board of Education, the Illinois Board of Higher Education, and the Illinois Community College Board. Members shall not receive compensation, but shall be reimbursed for their necessary expenses from appropriations made for that purpose. The Department of Human Services shall provide staff and other assistance to the Task Force.

(c) The purposes of the Task Force are as follows: to determine the causal factors for the condition of African American men; to inventory State programs and initiatives that serve to improve the condition of African American men; to identify gaps in services to African American men; and to develop strategies to reduce duplication of services and to maximize coordination between State agencies, providers, and educational institutions, including developing benchmarks to measure progress.

(d) The Task Force shall report its findings and recommendations to the Governor and the General Assembly by December 31, 2008.

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

Sec. 5. Purpose. The General Assembly finds and declares it is in the public interest to promote the use of wireless 9-1-1 and wireless enhanced 9-1-1 (E9-1-1) service in order to save lives and protect the property of the citizens of the State of Illinois.

Wireless carriers are required by the Federal Communications Commission (FCC) to provide E9-1-1 service in the form of automatic location identification and automatic number identification pursuant to policies set forth by the FCC.

Public safety agencies and wireless carriers are encouraged to work together to provide emergency access to wireless 9-1-1 and wireless E9-1-1 service. Public safety agencies and wireless carriers operating wireless 9-1-1 and wireless E9-1-1 systems require adequate funding to recover the costs of designing, purchasing, installing, testing, and operating enhanced facilities, systems, and services necessary to comply with the wireless E9-1-1 requirements mandated by the Federal Communications Commission and to maximize the availability of wireless E9-1-1 services throughout the State of Illinois.

The revenues generated by the wireless carrier surcharge enacted by this Act are required to fund the efforts of the wireless carriers, emergency telephone system boards, qualified governmental entities, and the Department of State Police to improve the public health, safety, and welfare and to serve a public purpose by providing emergency telephone assistance through wireless communications.

It is the intent of the General Assembly to:

(1) establish and implement a cohesive statewide emergency telephone number that will provide wireless telephone users with rapid direct access to public safety agencies by dialing the telephone number 9-1-1;

(2) encourage wireless carriers and public safety agencies to provide E9-1-1 services that will assist public safety agencies in determining the caller's approximate location and wireless telephone number;

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(3) grant authority to public safety agencies not already in possession of the authority to finance the cost of installing and operating wireless 9-1-1 systems and reimbursing wireless carriers for costs incurred to provide wireless E9-1-1 services; and

(4) provide for a reasonable fee on wireless telephone service subscribers to accomplish these purposes and provide for the enforcement and collection of such fees.

(Source: P.A. 91-660, eff. 12-22-99.)

(50 ILCS 751/10)

(Section scheduled to be repealed on April 1, 2008)

Sec. 10. Definitions. In this Act:

"Active prepaid wireless telephone" means a prepaid wireless telephone that has been used or activated by the customer during the month to complete a telephone call for which the customer's card or account was decremented.

"Emergency telephone system board" means a board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system within the scope of the duties and powers prescribed by the Emergency Telephone System Act.

"Master street address guide" means the computerized geographical database that consists of all street and address data within a 9-1-1 system.

"Mobile telephone number" or "MTN" shall mean the telephone number assigned to a wireless telephone at the time of initial activation.

"Prepaid wireless telephone service" means wireless telephone service which is activated by payment in advance of a finite dollar amount or for a finite set of minutes and which, unless an additional finite dollar amount or finite set of minutes is paid in advance, terminates either (i) upon use by a customer and delivery by the wireless carrier of an agreed-upon amount of service corresponding to the total dollar amount paid in advance, or within a certain period of time following initial purchase or activation.

"Public safety agency" means a functional division of a public agency that provides fire fighting, police, medical, or other emergency response services.
services. For the purpose of providing wireless service to users of 9-1-1 emergency services, as expressly provided for in this Act, the Department of State Police may be considered a public safety agency.

"Qualified governmental entity" means a unit of local government authorized to provide 9-1-1 services pursuant to the Emergency Telephone System Act where no emergency telephone system board exists.

"Remit period" means the billing period, one month in duration, for which a wireless carrier, other than a prepaid wireless carrier that provides zip code information based upon the addresses associated with its customers' points of purchase, customers' billing addresses, or locations associated with MTNs, as described in subsection (a) of Section 17, remits a surcharge and provides subscriber information by zip code to the Illinois Commerce Commission, in accordance with Section 17 of this Act.

"Statewide wireless emergency 9-1-1 system" means all areas of the State where an emergency telephone system board or, in the absence of an emergency telephone system board, a qualified governmental entity has not declared its intention for one or more of its public safety answering points to serve as a primary wireless 9-1-1 public safety answering point for its jurisdiction. The operator of the statewide wireless emergency 9-1-1 system shall be the Department of State Police.

"Sufficient positive balance" means a dollar amount greater than or equal to the monthly wireless 9-1-1 surcharge amount.

"Wireless carrier" means a provider of two-way cellular, broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial Mobile Radio Service (CMRS), Wireless Communications Service (WCS), or other Commercial Mobile Radio Service (CMRS), as defined by the Federal Communications Commission, offering radio communications that may provide fixed, mobile, radio location, or satellite communication services to individuals or businesses within its assigned spectrum block and geographical area or that offers real-time, two-way voice service that is interconnected with the public switched network, including a reseller of such service.
"Wireless enhanced 9-1-1" means the ability to relay the telephone number of the originator of a 9-1-1 call and location information from any mobile handset or text telephone device accessing the wireless system to the designated wireless public safety answering point as set forth in the order of the Federal Communications Commission, FCC Docket No. 94-102, adopted June 12, 1996, with an effective date of October 1, 1996, and any subsequent amendment thereto.

"Wireless public safety answering point" means the functional division of an emergency telephone system board, qualified governmental entity, or the Department of State Police accepting wireless 9-1-1 calls.

"Wireless subscriber" means an individual or entity to whom a wireless service account or number has been assigned by a wireless carrier.

"Wireless telephone service" includes prepaid wireless telephone service and means all "commercial mobile service", as that term is defined in 47 CFR 20.3, including all personal communications services, wireless radio telephone services, geographic area specialized and enhanced specialized mobile radio services, and incumbent wide area specialized mobile radio licensees that offer real time, two-way service that is interconnected with the public switched telephone network.

(Source: P.A. 93-507, eff. 1-1-04.)

(50 ILCS 751/17)

(Section scheduled to be repealed on April 1, 2008)

Sec. 17. Wireless carrier surcharge.

(a) Except as provided in Section 45, each wireless carrier shall impose a monthly wireless carrier surcharge per CMRS connection that either has a telephone number within an area code assigned to Illinois by the North American Numbering Plan Administrator or has a billing address in this State. In the case of prepaid wireless telephone service, this surcharge shall be remitted based upon the address associated with the point of purchase, the customer billing address, or the location associated with the MTN for each active prepaid wireless telephone that has a sufficient positive balance as of the last day of each month, if that information is available. No wireless carrier shall impose the surcharge authorized by this Section upon any subscriber who is subject to the
surcharge imposed by a unit of local government pursuant to Section 45. The wireless carrier that provides wireless service to the subscriber shall collect the surcharge set by the Wireless Enhanced 9-1-1 Board from the subscriber. For mobile telecommunications services provided on and after August 1, 2002, any surcharge imposed under this Act shall be imposed based upon the municipality or county that encompasses the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. The surcharge shall be stated as a separate item on the subscriber's monthly bill. The wireless carrier shall begin collecting the surcharge on bills issued within 90 days after the Wireless Enhanced 9-1-1 Board sets the monthly wireless surcharge. State and local taxes shall not apply to the wireless carrier surcharge.

(b) Except as provided in Section 45, a wireless carrier shall, within 45 days of collection, remit, either by check or by electronic funds transfer, to the State Treasurer the amount of the wireless carrier surcharge collected from each subscriber. Of the amounts remitted under this subsection, the State Treasurer shall deposit one-third into the Wireless Carrier Reimbursement Fund and two-thirds into the Wireless Service Emergency Fund.

(c) The first such remittance by wireless carriers shall include the number of customers by zip code, and the 9-digit zip code if currently being used or later implemented by the carrier, that shall be the means by which the Illinois Commerce Commission shall determine distributions from the Wireless Service Emergency Fund. This information shall be updated no less often than every year. Wireless carriers are not required to remit surcharge moneys that are billed to subscribers but not yet collected. Any carrier that fails to provide the zip code information required under this subsection (c) or any prepaid wireless carrier that fails to provide zip code information based upon the addresses associated with its customers' points of purchase, customers' billing addresses, or locations associated with MTNs, as described in subsection (a) of this Section, shall be subject to the penalty set forth in subsection (f) of this Section.

(d) Within 90 days after the effective date of this amendatory Act of the 94th General Assembly, each wireless carrier must implement a
mechanism for the collection of the surcharge imposed under subsection (a) of this Section from its subscribers. If a wireless carrier does not implement a mechanism for the collection of the surcharge from its subscribers in accordance with this subsection (d), then the carrier is required to remit the surcharge for all subscribers until the carrier is deemed to be in compliance with this subsection (d) by the Illinois Commerce Commission.

(e) If before midnight on the last day of the third calendar month after the closing date of the remit period a wireless carrier does not remit the surcharge or any portion thereof required under this Section, then the surcharge or portion thereof shall be deemed delinquent until paid in full, and the Illinois Commerce Commission may impose a penalty against the carrier in an amount equal to the greater of:

1. $25 for each month or portion of a month from the time an amount becomes delinquent until the amount is paid in full; or
2. an amount equal to the product of 1% and the sum of all delinquent amounts for each month or portion of a month that the delinquent amounts remain unpaid.

A penalty imposed in accordance with this subsection (e) for a portion of a month during which the carrier provides the number of subscribers by zip code as required under subsection (c) of this Section shall be prorated for each day of that month during which the carrier had not provided the number of subscribers by zip code as required under subsection (c) of this Section. Any penalty imposed under this subsection (e) is in addition to the amount of the delinquency and is in addition to any other penalty imposed under this Section.

(f) If, before midnight on the last day of the third calendar month after the closing date of the remit period, a wireless carrier does not provide the number of subscribers by zip code as required under subsection (c) of this Section, then the report is deemed delinquent and the Illinois Commerce Commission may impose a penalty against the carrier in an amount equal to the greater of:

1. $25 for each month or portion of a month that the report is delinquent; or

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(2) an amount equal to the product of \( \frac{1}{2} \varepsilon \) and the number of subscribers served by the wireless carrier.

A penalty imposed in accordance with this subsection (f) for a portion of a month during which the carrier pays the delinquent amount in full shall be prorated for each day of that month that the delinquent amount was paid in full. Any penalty imposed under this subsection (f) is in addition to any other penalty imposed under this Section.

(g) The Illinois Commerce Commission may enforce the collection of any delinquent amount and any penalty due and unpaid under this Section by legal action or in any other manner by which the collection of debts due the State of Illinois may be enforced under the laws of this State. The Executive Director of the Illinois Commerce Commission, or his or her designee, may excuse the payment of any penalty imposed under this Section if the Executive Director, or his or her designee, determines that the enforcement of this penalty is unjust.

(Source: P.A. 92-526, eff. 7-1-02; 93-507, eff. 1-1-04; 93-839, eff. 7-30-04.)

(50 ILCS 751/35)

Sec. 35. Wireless Carrier Reimbursement Fund; reimbursement.

(a) To recover costs from the Wireless Carrier Reimbursement Fund, the wireless carrier shall submit sworn invoices to the Illinois Commerce Commission. In no event may any invoice for payment be approved for (i) costs that are not related to compliance with the requirements established by the wireless enhanced 9-1-1 mandates of the Federal Communications Commission, (ii) costs with respect to any wireless enhanced 9-1-1 service that is not operable at the time the invoice is submitted, or (iii) costs in excess of the sum of (A) the carrier's balance, as determined under subsection (e) of this Section, plus (B) 100% of the surcharge of any wireless carrier exceeding 100% of the wireless emergency services charges remitted to the Wireless Carrier Reimbursement Fund by the wireless carrier under Section 17(b) since the last annual review of the balance in the Wireless Carrier Reimbursement Fund under subsection (e) of this Section, less reimbursements paid to the...
carrier out of the Wireless Carrier Reimbursement Fund since the last annual review of the balance under subsection (e) of this Section, unless the wireless carrier received prior approval for the expenditures from the Illinois Commerce Commission.

(b) If in any month the total amount of invoices submitted to the Illinois Commerce Commission and approved for payment exceeds the amount available in the Wireless Carrier Reimbursement Fund, wireless carriers that have invoices approved for payment shall receive a pro-rata share of the amount available in the Wireless Carrier Reimbursement Fund based on the relative amount of their approved invoices available that month, and the balance of the payments shall be carried into the following months until all of the approved payments are made.

(c) A wireless carrier may not receive payment from the Wireless Carrier Reimbursement Fund for its costs of providing wireless enhanced 9-1-1 services in an area when a unit of local government or emergency telephone system board provides wireless 9-1-1 services in that area and was imposing and collecting a wireless carrier surcharge prior to July 1, 1998.

(d) The Illinois Commerce Commission shall maintain detailed records of all receipts and disbursements and shall provide an annual accounting of all receipts and disbursements to the Auditor General.

(e) The Illinois Commerce Commission must annually review the balance in the Wireless Carrier Reimbursement Fund as of June 30 of each year and shall direct the Comptroller to transfer into the Wireless Services Emergency Fund for distribution in accordance with Section 25 of this Act any amount in excess of the amount of deposits into the Fund for the 24 months prior to June 30 less:

1. the amount of paid and payables received by June 30 for the 24 months prior to June 30 as determined eligible under subsection (a) of this Section;
2. the administrative costs associated with the Fund for the 24 months prior to June 30; and

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(3) the prorated portion of any other adjustments made to the Fund in the 24 months prior to June 30. After making the calculation required under this subsection (e), each carrier's available balance for purposes of reimbursements must be adjusted using the same calculation.

(f) The Illinois Commerce Commission shall adopt rules to govern the reimbursement process. (Source: P.A. 93-507, eff. 1-1-04; 93-839, eff. 7-30-04.)

(50 ILCS 751/70)

(Section scheduled to be repealed on April 1, 2008)

Sec. 70. Repealer. This Act is repealed on April 1, 2013.

(Source: P.A. 93-507, eff. 1-1-04.)

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


PUBLIC ACT 95-0064
(House Bill No. 0486)

AN ACT concerning education.

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

Section 5. The University of Illinois Act is amended by changing Section 9 as follows:

(110 ILCS 305/9) (from Ch. 144, par. 30)

Sec. 9. Scholarships for children of veterans. For each of the following periods of hostilities, each county shall be entitled, annually, to one honorary scholarship in the University, for the benefit of the children of persons who served in the armed forces of the United States: the Civil War, World War I, any time between September 16, 1940 and the termination of World War II, any time during the national emergency between June 25, 1950 and January 31, 1955, any time during the Viet

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Nam conflict between January 1, 1961 and May 7, 1975, and any time on or after August 2, 1990 and until Congress or the President orders that persons in service are no longer eligible for the Southwest Asia Service Medal, Operation Enduring Freedom, and Operation Iraqi Freedom. Preference shall be given to the children of persons who are deceased or disabled. Such scholarships shall be granted to such pupils as shall, upon public examination, conducted as the board of trustees of the University may determine, be decided to have attained the greatest proficiency in the branches of learning usually taught in the secondary schools, and who shall be of good moral character, and not less than 15 years of age. Such pupils, so selected, shall be entitled to receive, without charge for tuition, instruction in any or all departments of the University for a term of at least 4 consecutive years. Such pupils shall conform, in all respects, to the rules and regulations of the University, established for the government of the pupils in attendance.

(Source: P.A. 88-177; 89-324, eff. 8-13-95.)

Effective January 1, 2008.

PUBLIC ACT 95-0065
(House Bill No. 0499)

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

Section 5. The Illinois Local Library Act is amended by changing Section 4-3.3 as follows:

(75 ILCS 5/4-3.3) (from Ch. 81, par. 4-3.3)
Sec. 4-3.3. Nominations for the position of library trustee including the first board of library trustees shall be by petition, signed by at least 25 legal voters residing in the incorporated town or village (except a village under the commission form of government) or township and filed with the clerk of such incorporated town, village, or township within the

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time prescribed by the general election law. Such clerk shall certify the candidates for library trustees to the proper election authorities who shall conduct the election in accordance with the general election law. All candidates must be residents of the incorporated town, village or township involved. The ballots shall not designate any political party, platform or political principle.
(Source: P.A. 85-751.)

Effective January 1, 2008.

PUBLIC ACT 95-0066
(House Bill No. 0516)

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

Section 5. The Environmental Protection Act is amended by changing Section 13.6 as follows:

(415 ILCS 5/13.6)
Sec. 13.6. Release of radionuclides at nuclear power plants.
(a) The purpose of this Section is to require the detection and reporting of unpermitted releases of any radionuclides into groundwater, surface water, or soil at nuclear power plants, to the extent that federal law or regulation does not preempt such requirements.
(b) No owner or operator of a nuclear power plant shall violate any rule adopted under this Section.
(c) Within 24 hours after an unpermitted release of a radionuclide from a nuclear power plant, the owner or operator of the nuclear power plant where the release occurred shall report the release to the Agency and the Illinois Emergency Management Agency. For purposes of this Section, "unpermitted release of a radionuclide" means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing of a radionuclide.

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into groundwater, surface water, or soil that is not permitted under State or federal law or regulation.

(d) The Agency and the Illinois Emergency Management Agency shall inspect each nuclear power plant for compliance with the requirements of this Section and rules adopted pursuant to this Section no less than once each calendar quarter. Nothing in this Section shall limit the Agency's authority to make inspections under Section 4 or any other provision of this Act.

(e) No later than one year after the effective date of this amendatory Act of the 94th General Assembly, the Agency, in consultation with the Illinois Emergency Management Agency, shall propose rules to the Board prescribing standards for detecting and reporting unpermitted releases of radionuclides. No later than one year after receipt of the Agency's proposal, the Board shall adopt rules prescribing standards for detecting and reporting unpermitted releases of radionuclides. Rules adopted under this subsection may also include standards for self-inspection by the owner or operator of the nuclear power plant in lieu of the inspections required under subsection (d) of this Section.

(Source: P.A. 94-849, eff. 6-12-06.)

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


PUBLIC ACT 95-0067  
(House Bill No. 0553)

AN ACT concerning local government.

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

Section 5. The Park District Code is amended by changing Section 8-1 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 8-1. General corporate powers. Every park district shall, from the time of its organization, be a body corporate and politic by such name as set forth in the petition for its organization or such name as it may adopt under Section 8-8 hereof and shall have and exercise the following powers:

(a) To adopt a corporate seal and alter the same at pleasure; to sue and be sued; and to contract in furtherance of any of its corporate purposes.

(b) (1) To acquire by gift, legacy, grant or purchase, or by condemnation in the manner provided for the exercise of the power of eminent domain under the Eminent Domain Act, any and all real estate, or rights therein necessary for building, laying out, extending, adorning and maintaining any such parks, boulevards and driveways, or for effecting any of the powers or purposes granted under this Code as its board may deem proper, whether such lands be located within or without such district; but no park district, except as provided in paragraph (2) of this subsection, shall have any power of condemnation in the manner provided for the exercise of the power of eminent domain under the Eminent Domain Act or otherwise as to any real estate, lands, riparian rights or estate, or other property situated outside of such district, but shall only have power to acquire the same by gift, legacy, grant or purchase, and such district shall have the same control of and power over lands so acquired without the district as over parks, boulevards and driveways within such district.

(2) In addition to the powers granted in paragraph (1) of subsection (b), a park district located in more than one county, the majority of its territory located in a county over 450,000 in population and none of its territory located in a county over 1,000,000 in population, shall have condemnation power in the manner provided for the exercise of the power of eminent domain under the Eminent Domain Act or as otherwise granted by law as to any and all real estate situated up to one mile outside of such district which is not within the boundaries of another park district.

(c) To acquire by gift, legacy or purchase any personal property necessary for its corporate purposes provided that all contracts for

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supplies, materials or work involving an expenditure in excess of $20,000 shall be let to the lowest responsible bidder after due advertisement. No district shall be required to accept a bid that does not meet the district's established, considering conformity with requirements. Contracts which, by their nature, after due advertisement, excepting contracts which by their nature are not adapted to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part, contracts for the printing of finance committee reports and departmental reports, contracts for the printing or engraving of bonds, tax warrants and other evidences of indebtedness, contracts for utility services such as water, light, heat, telephone or telegraph, contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, or services, contracts for duplicating machines and supplies, contracts for goods or services procured from another governmental agency, purchases of equipment previously owned by some entity other than the district itself, and contracts for the purchase of magazines, books, periodicals, pamphlets and reports are not subject to competitive bidding. Contracts for emergency expenditures are also exempt from competitive bidding when the and excepting where funds are expended in an emergency and such emergency expenditure is approved by 3/4 of the members of the board.

All competitive bids for contracts involving an expenditure in excess of $20,000 must be sealed by the bidder and must be opened by a member or employee of the park board at a public bid opening at which the contents of the bids must be announced. Each bidder must receive at least 3 days notice of the time and place of the bid opening.

For purposes of this subsection, "due advertisement" includes, but is not limited to, at least one public notice at least 10 days before the bid date in a newspaper published in the district or, if no newspaper is published in the district, in a newspaper of general circulation in the area of the district.

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(d) To pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of the board and district and to establish by ordinance all needful rules and regulations for the government and protection of parks, boulevards and driveways and other property under its jurisdiction, and to effect the objects for which such districts are formed.

(e) To prescribe such fines and penalties for the violation of ordinances as it shall deem proper not exceeding $1,000 for any one offense, which fines and penalties may be recovered by an action in the name of such district in the circuit court for the county in which such violation occurred. The park district may also seek in the action, in addition to or instead of fines and penalties, an order that the offender be required to make restitution for damage resulting from violations, and the court shall grant such relief where appropriate. The procedure in such actions shall be the same as that provided by law for like actions for the violation of ordinances in cities organized under the general laws of this State, and offenders may be imprisoned for non-payment of fines and costs in the same manner as in such cities. All fines when collected shall be paid into the treasury of such district.

(f) To manage and control all officers and property of such districts and to provide for joint ownership with one or more cities, villages or incorporated towns of real and personal property used for park purposes by one or more park districts. In case of joint ownership, the terms of the agreement shall be fair, just and equitable to all parties and shall be set forth in a written agreement entered into by the corporate authorities of each participating district, city, village or incorporated town.

(g) To secure grants and loans, or either, from the United States Government, or any agency or agencies thereof, for financing the acquisition or purchase of any and all real estate, or rights therein, or for effecting any of the powers or purposes granted under this Code as its Board may deem proper.

(h) To establish fees for the use of facilities and recreational programs of the districts and to derive revenue from non-resident fees from their operations. Fees charged non-residents of such district need not
be the same as fees charged to residents of the district. Charging fees or
deriving revenue from the facilities and recreational programs shall not
affect the right to assert or utilize any defense or immunity, common law
or statutory, available to the districts or their employees.

(i) To make contracts for a term exceeding one year, but not to exceed 3 years, notwithstanding any provision of this Code to the contrary,
relating to: (1) the employment of a park director, superintendent,
administrator, engineer, health officer, land planner, finance director,
attorney, police chief, or other officer who requires technical training or
knowledge; (2) the employment of outside professional consultants such
as engineers, doctors, land planners, auditors, attorneys, or other
professional consultants who require technical training or knowledge; and
(3) the provision of data processing equipment and services. With respect
to any contract made under this subsection (i), the corporate authorities
shall include in the annual appropriation ordinance for each fiscal year an
appropriation of a sum of money sufficient to pay the amount which, by
the terms of the contract, is to become due and payable during that fiscal
year.

(j) To enter into licensing or management agreements with not-for-
profit corporations organized under the laws of this State to operate park
district facilities if the corporation covenants to use the facilities to provide
public park or recreational programs for youth.
(Source: P.A. 93-897, eff. 1-1-05; 94-1055, eff. 1-1-07.)

Effective January 1, 2008.
Section 5. The Illinois Act on the Aging is amended by adding Section 4.08 as follows:

(20 ILCS 105/4.08 new)

Sec. 4.08. Rural and small town meals program. Subject to appropriation, the Department may establish a program to ensure the availability of congregate or home-delivered meals in communities with populations of under 5,000 that are not located within the large urban counties of Cook, DuPage, Kane, Lake, or Will.

The Department may meet these requirements by entering into agreements with Area Agencies on Aging or Department designees, which shall in turn enter into grants or contractual agreements with such local entities as restaurants, cafes, churches, facilities licensed under the Nursing Home Care Act, the Assisted Living and Shared Housing Act, or the Hospital Licensing Act, facilities certified by the Department of Healthcare and Family Services, senior centers, or Older American Act designated nutrition service providers.

First consideration shall be given to entities that can cost effectively meet the needs of seniors in the community by preparing the food locally.

In no instance shall funds provided pursuant to this Section be used to replace funds allocated to a given area or program as of the effective date of this amendatory Act of the 95th General Assembly.

The Department shall establish guidelines and standards by administrative rule, which shall include submission of an expenditure plan by the recipient of the funds.

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

Passed in the General Assembly June 1, 2007.
AN ACT concerning criminal law.

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

Section 5. The Privacy of Child Victims of Criminal Sexual Offenses Act is amended by changing Section 3 as follows:

Sec. 3. Confidentiality of Law Enforcement and Court Records. Notwithstanding any other law to the contrary, inspection and copying of law enforcement records maintained by any law enforcement agency or circuit court records maintained by any circuit clerk relating to any investigation or proceeding pertaining to a criminal sexual offense, by any person, except a judge, state's attorney, assistant state's attorney, psychologist, psychiatrist, social worker, doctor, parent, parole agent, probation officer, defendant or defendant's attorney in any criminal proceeding or investigation related thereto, shall be restricted to exclude the identity of any child who is a victim of such criminal sexual offense or alleged criminal sexual offense. A court may for the child's protection and for good cause shown, prohibit any person or agency present in court from further disclosing the child's identity.

When a criminal sexual offense is committed or alleged to have been committed by a school district employee on the premises under the jurisdiction of a public school district or during an official school sponsored activity, a copy of the law enforcement records maintained by any law enforcement agency or circuit court records maintained by any circuit clerk relating to the investigation of the offense or alleged offense shall be made available for inspection and copying by the superintendent of schools of the district. The superintendent shall be restricted from specifically revealing the name of the victim without written consent of the victim or victim's parent or guardian.

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A court may prohibit such disclosure only after giving notice and a hearing to all affected parties. In determining whether to prohibit disclosure of the minor’s identity the court shall consider:

(a) the best interest of the child; and
(b) whether such nondisclosure would further a compelling State interest.

(Source: P.A. 87-553.)

Effective January 1, 2008.

PUBLIC ACT 95-0070
(House Bill No. 0586)

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

Section 5. The Property Tax Code is amended by changing Section 10-155 as follows:

(35 ILCS 200/10-155)

Sec. 10-155. Open space land; valuation. In all counties, in addition to valuation as otherwise permitted by law, land which is used for open space purposes and has been so used for the 3 years immediately preceding the year in which the assessment is made, upon application under Section 10-160, shall be valued on the basis of its fair cash value, estimated at the price it would bring at a fair, voluntary sale for use by the buyer for open space purposes.

Land is considered used for open space purposes if it is more than 10 acres in area and:

(a) is actually and exclusively used for maintaining or enhancing natural or scenic resources,
(b) protects air or streams or water supplies,
(c) promotes conservation of soil, wetlands, beaches, or marshes, including ground cover or planted perennial grasses, trees

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and shrubs and other natural perennial growth, and including any body of water, whether man-made or natural,

(d) conserves landscaped areas, such as public or private golf courses,

(e) enhances the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces, or

(f) preserves historic sites.

Land is not considered used for open space purposes if it is used primarily for residential purposes.

*If the land is improved with a water-retention dam that is operated primarily for commercial purposes, the water-retention dam is not considered to be used for open space purposes despite the fact that any resulting man-made lake may be considered to be used for open space purposes under this Section.*

(Source: P.A. 88-455; 89-137, eff. 1-1-96.)


Effective January 1, 2008.

PUBLIC ACT 95-0071

(House Bill No. 0634)

AN ACT concerning procurement.

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

Section 5. The Illinois Procurement Code is amended by adding Section 45-75 as follows:

(30 ILCS 500/45-75 new)

Sec. 45-75. Biobased products. When a State contract is to be awarded to the lowest responsible bidder, an otherwise qualified bidder who will fulfill the contract through the use of biobased products may be given preference over other bidders unable to do so, provided that the cost

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included in the bid of biobased products is not more than 5% greater than the cost of products that are not biobased.

For the purpose of this Section, a biobased product is defined as in the federal Biobased Products Preferred Procurement Program.

This Section does not apply to contracts for construction projects awarded by the Capital Development Board or the Department of Transportation.

Effective January 1, 2008.

PUBLIC ACT 95-0072
(House Bill No. 0639)

AN ACT concerning State government.

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

Section 5. The Personnel Code is amended by changing Section 8b.20 as follows:

(20 ILCS 415/8b.20) (from Ch. 127, par. 63b108b.20)

Sec. 8b.20. Veterans hospital visits. An employee who is also a veteran shall be permitted 4 ½ days per year to visit a veterans hospital or clinic for examination of a military service-connected disability. The 4 ½ days shall not be charged against any sick leave currently available to the employee.

(Source: P.A. 87-416.)

Effective January 1, 2008.

PUBLIC ACT 95-0073
(House Bill No. 0642)

AN ACT concerning State government.

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

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-342 as follows:

(20 ILCS 2310/2310-342)
Sec. 2310-342. Umbilical cord blood donations.
(a) Subject to appropriations for that purpose, the Department of Public Health shall, by January 1, 2008, prepare and distribute to health and maternal care providers written publications containing standardized, objective information about umbilical cord blood banking that is sufficient to allow a pregnant woman to make an informed decision about whether to participate in a public or private umbilical cord blood banking program, including that include the following information:

1. An explanation of the difference between public and private umbilical cord blood banking.

2. The options available to a mother, after the delivery of her newborn, relating to stem cells contained in the umbilical cord blood, including:
   (A) donating to a public bank;
   (B) storing in a family umbilical cord blood bank for use by immediate and extended family members;
   (C) storing, for family use, through a family or sibling donor banking program that provides free collection, processing, and storage when there is a medical need; and
   (D) discarding the umbilical cord blood.

3. The medical processes involved in the collection of umbilical cord blood.

4. The medical risks to a mother and her newborn child of umbilical cord blood collection.

5. The current and potential future medical uses and benefits of umbilical cord blood collection to a mother, her newborn child, and her biological family.

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(6) The current and potential future medical uses and benefits of umbilical cord blood collection to persons who are not biologically related to a mother or her newborn child.

(7) Medical or family history criteria that can impact a family's consideration of umbilical cord blood banking.

(8) Costs associated with public and private umbilical cord blood banking, including the family banking and sibling donor programs when there is a medical need.

(5) Any costs that may be incurred by a pregnant woman who chooses to make an umbilical cord blood donation.

(9) Options for ownership and future use of the donated material.

(10) The availability in Illinois of umbilical cord blood donations.

(b) The Department shall encourage health and maternal care providers providing healthcare services to a pregnant woman, when those healthcare services are directly related to her pregnancy, to provide the pregnant woman with the publication described under subsection (a) of this Section before her third trimester.

(c) In developing the publications required under subsection (a), the Department of Public Health shall consult with an organization of physicians licensed to practice medicine in all its branches and consumer groups. The Department shall update the publications every 2 years.

(Source: P.A. 94-832, eff. 6-5-06.)

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

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

Section 1. Short title. This Act may be cited as the Biomonitoring Feasibility Study Act.

Section 5. Findings and purposes.
(a) The General Assembly finds all of the following:

(1) An estimated 100,000 chemicals are on the U.S. Environmental Protection Agency's Toxic Substances Control Act inventory and thousands are in commerce today in the United States.

(2) These chemicals are regulated by the U.S. Environmental Protection Agency, in accordance with the Toxic Substances Control Act.

(3) With advancements in analytical chemistry, scientists can now detect minute quantities of chemicals in humans.

(4) Biomonitoring is one method for assessing human exposure to chemicals by measuring the chemicals or their breakdown products, known as metabolites, in human tissues or specimens, such as blood and urine. In studies conducted by the U.S. Centers for Disease Control and Prevention (CDC), biomonitoring data has helped to identify chemicals found in the environment and in human tissues, monitor changes in human exposure to those chemicals, and investigate the distribution of exposure among the general population. The CDC has developed standardized and validated analytical methods for measuring substances in humans. The CDC’s National Exposure Report provides statistically valid distribution measurements of chemicals in the U.S. population, including specific age, gender, and ethnic groups. CDC continues to develop new validated methods, and as they do so additional chemicals are being reported.

(b) The purpose of this Act is for the University of Illinois at Chicago (UIC), Great Lakes Center for Occupational and Environmental Safety and Health to conduct an Environmental Contaminant Biomonitoring Feasibility Study (Study) that proposes the best way to

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establish an Illinois Environmental Contaminant Biomonitoring Program (Program) that will do all of the following:

1. monitor the presence and concentration of designated chemicals in a representative sample of the population of this State;

2. produce biomonitoring studies that provide data for scientists, researchers, public health personnel, and community members to explore potential linkages between chemical exposure and health concerns; and

3. support Illinois public health by establishing trends in chemical exposures, validating modeling and survey methods, supporting epidemiological studies, identifying highly exposed communities, addressing the data gaps between chemical exposures and specific health outcomes, informing health responses to unanticipated emergency exposures, assessing the effectiveness of current regulations, and setting priorities for research.

Section 10. Definitions. In this Act:
"Agency" means the Illinois Environmental Protection Agency.
"Department" means the Illinois Department of Public Health.
"Panel" means the Scientific Guidance Panel.
"Program" means the Illinois Environmental Contaminant Biomonitoring Program.
"Study" means the Environmental Contaminant Biomonitoring Feasibility Study.

Section 15. Scientific Guidance Panel.
(a) In implementing the Study, the Department and the Agency shall establish a Scientific Guidance Panel. The Directors of the Department and the Agency shall appoint the members of the Panel. The Panel shall be composed of 11 members, whose expertise shall encompass the disciplines of public health, epidemiology, biostatistics, environmental medicine, risk analysis, exposure assessment, developmental biology, laboratory sciences, bioethics, maternal and child health with a specialty in breastfeeding, and toxicology. Members shall be appointed for 2-year

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terms. Members may be reappointed for additional terms without limitation. Members shall serve until their successors are appointed and have qualified for membership on the Panel. Vacancies shall be filled in the same manner as the original appointments, and any member so appointed shall serve during the remainder of the term for which the vacancy occurred. The Panel shall meet, at a minimum, 3 times per year. The Agency shall be responsible for staffing and administration of the Panel. Members of the Panel shall be reimbursed for travel and other necessary expenses incurred in the performance of their duties under this Act, but shall not receive a salary or compensation.

(b) The Panel shall provide guidance to UIC and make recommendations regarding the design and implementation of the Program. The Panel shall recommend:

(1) scientifically sound Program design, rationale, and procedures for selecting and collecting biological samples and for selecting the populations for biomonitoring, taking into account both ethical issues and issues pertaining to confidentiality of data;

(2) scientifically sound, peer-reviewed procedures for incorporating biomonitoring data into risk assessment guidance, policies and regulations;

(3) procedures to accurately and effectively interpret and communicate biomonitoring results within the context of potential risks to human health; and

(4) a procedure for selecting priority chemicals for inclusion in the Program using sound public health criteria, including all of the following criteria:

(A) The degree of potential exposure to the public or specific subgroups, including, but not limited to, certain occupations.

(B) The likelihood of a chemical being a carcinogen or toxicant based on peer-reviewed health data, its chemical structure, or the toxicology of chemically related compounds.

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(C) The availability and the limits of validated laboratory detection for the chemical, including the ability to reliably detect and quantify the chemical at levels low enough to be expected in the general population.

(c) The Panel may recommend additional designated chemicals not included in the National Report on Human Exposure to Environmental Chemicals for inclusion in the Program using all of the following criteria:

(1) Exposure or potential exposure to the public or specific subgroups.

(2) The known or suspected health effects resulting from some level of exposure based on scientifically valid studies.

(3) The need to assess the efficacy of public health actions to reduce exposure to a chemical causally associated with human health effects at environmentally relevant exposure levels.

(4) The availability of a scientifically valid method for accurately and reliably measuring the chemical in human specimens.

Section 20. Study report. Two years after the effective date of this Act, UIC shall release a draft report for public review and comment and for review by the Panel. The draft report shall contain the findings of the Study and shall include in the report recommended activities and estimated costs of establishing the Program. The period for public comment and review by the Panel shall last for 60 days. Within 90 days of the close of the public comment period, the draft report shall be revised, taking into consideration the comments received and the recommendations of the Panel. The final report shall be submitted to the Governor and General Assembly.

Effective January 1, 2008.
AN ACT concerning finance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Procurement Code is amended by changing Section 20-105 as follows:
(30 ILCS 500/20-105)
Sec. 20-105. State agency printing. All books, pamphlets, documents, and reports published through or by the State of Illinois or any State agency, board, or commission shall have printed thereon "Printed by authority of the State of Illinois", the date of each publication, the number of copies printed, and the printing order number. Each using agency shall be responsible for ascertaining the compliance of printing materials procured by or for it with this Section. No printing or reproduction contract shall be let and no printing or reproduction shall be accomplished when that wording does not appear on the material to be printed or reproduced. No publication may have written, stamped, or printed on it, or attached to it, "Compliments of ....... (naming a person)" or any words of similar import.
This Section does not apply to the printing by a public institution of higher education of material not paid for in any portion from funds appropriated by the General Assembly, printing that is performed by a university unit, or printing that is performed in conjunction with contracts referenced in subsection (b)(1) of Section 1-10.
(Source: P.A. 90-572, eff. date - See Sec. 99-5.)
Section 99. Effective date. This Act takes effect upon becoming law.

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AN ACT concerning aging.

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

Section 5. The Elder Abuse and Neglect Act is amended by changing Section 3 as follows:

Sec. 3. Responsibilities.

(a) The Department shall establish, design and manage a program of response and services for persons 60 years of age and older who have been, or are alleged to be, victims of abuse, neglect, financial exploitation, or self-neglect. The Department shall contract with or fund or, contract with and fund, regional administrative agencies, provider agencies, or both, for the provision of those functions, and, contingent on adequate funding, with attorneys or legal services provider agencies for the provision of legal assistance pursuant to this Act.

(b) Each regional administrative agency shall designate provider agencies within its planning and service area with prior approval by the Department on Aging, monitor the use of services, provide technical assistance to the provider agencies and be involved in program development activities.

(c) Provider agencies shall assist, to the extent possible, eligible adults who need agency services to allow them to continue to function independently. Such assistance shall include but not be limited to receiving reports of alleged or suspected abuse, neglect, financial exploitation, or self-neglect, conducting face-to-face assessments of such reported cases, determination of substantiated cases, referral of substantiated cases for necessary support services, referral of criminal conduct to law enforcement in accordance with Department guidelines, and provision of case work and follow-up services on substantiated cases. In the case of a report of alleged or suspected abuse or neglect that places an eligible adult at risk of injury or death, a provider agency shall

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respond to the report on an emergency basis in accordance with guidelines established by the Department by administrative rule and shall ensure that it is capable of responding to such a report 24 hours per day, 7 days per week. A provider agency may use an on-call system to respond to reports of alleged or suspected abuse or neglect after hours and on weekends.

(d) By January 1, 2008, the Department on Aging, in cooperation with an Elder Self-Neglect Steering Committee, shall by rule develop protocols, procedures, and policies for (i) responding to reports of possible self-neglect, (ii) protecting the autonomy, rights, privacy, and privileges of adults during investigations of possible self-neglect and consequential judicial proceedings regarding competency, (iii) collecting and sharing relevant information and data among the Department, provider agencies, regional administrative agencies, and relevant seniors, (iv) developing working agreements between provider agencies and law enforcement, where practicable, and (v) developing procedures for collecting data regarding incidents of self-neglect. The Elder Self-Neglect Steering Committee shall be comprised of one person selected by the Elder Abuse Advisory Committee of the Department on Aging; 3 persons selected, on the request of the Director of Aging, by State or regional organizations that advocate for the rights of seniors, at least one of whom shall be a legal assistance attorney who represents seniors in competency proceedings; 2 persons selected, on the request of the Director of Aging, by statewide organizations that represent social workers and other persons who provide direct intervention and care to housebound seniors who are likely to neglect themselves; an expert on geropsychiatry, appointed by the Secretary of Human Services; an expert on issues of physical health associated with seniors, appointed by the Director of Public Health; one representative of a law enforcement agency; one representative of the Chicago Department on Aging; and 3 other persons selected by the Director of Aging, including an expert from an institution of higher education who is familiar with the relevant areas of data collection and study.

(Source: P.A. 94-1064, eff. 1-1-07.)

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AN ACT concerning regulation.

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

Section 5. The Illinois Banking Act is amended by changing Section 35.2 as follows:

Sec. 35.2. Limitations on investments in and loans to affiliates.

(a) Restrictions on transactions with affiliates.

(1) A state bank and its subsidiaries may engage in a covered transaction with an affiliate, as expressly provided in this Section 35.2, only if:

(A) in the case of any one affiliate, the aggregate amount of covered transactions of the state bank and its subsidiaries will not exceed 10% of the unimpaired capital and unimpaired surplus of the state bank; and

(B) in the case of all affiliates, the aggregate amount of covered transactions of the state bank and its subsidiaries will not exceed 20% of the unimpaired capital and unimpaired surplus of the state bank.

(2) For the purpose of this Section, any transactions by a state bank with any person shall be deemed to be a transaction with an affiliate to the extent that the proceeds of the transaction are used for the benefit of, or transferred to, that affiliate.

(3) A state bank and its subsidiaries may not purchase a low-quality asset from an affiliate unless the bank or such subsidiary, pursuant to an independent credit evaluation,
committed itself to purchase such asset prior to the time such asset was acquired by the affiliate.

(4) Any covered transactions and any transactions exempt under subsection (d) between a state bank and an affiliate shall be on terms and conditions that are consistent with safe and sound banking practices.

(b) Definitions. For the purpose of this Section, the following rules and definitions apply:

(1) "Affiliate" with respect to a state bank means
   (A) any company that controls the state bank and any other company that is controlled by the company that controls the state bank;
   (B) a bank subsidiary of the state bank;
   (C) any company controlled directly or indirectly, by a trust or otherwise, by or for the benefit of shareholders who beneficially or otherwise control, directly or indirectly, by trust or otherwise, the state bank or any company that controls the state bank; or
   (i) controlled directly or indirectly, by a trust or otherwise, by or for the benefit of shareholders who beneficially or otherwise control, directly or indirectly, by trust or otherwise, the state bank or any company that controls the state bank; or
   (ii) a majority of the directors or trustees of which constitute a majority of the persons holding any such office with the state bank or any company that controls the state bank;
   (D) (i) any company, including a real estate investment trust, that is sponsored and advised on a contractual basis by the state bank or any subsidiary or affiliate of the state bank; or
   (ii) any investment company with respect to which a state bank or any affiliate thereof is an investment advisor. An investment advisor is defined as "any person (other than a bona fide officer, director, trustee, member of an advisory board, or employee of such company, as such) who pursuant to contract with such company regularly

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furnishes advice to such company, with respect to the desirability or investing in, purchasing, or selling securities or other property shall be purchased or sold by such company, and any other who pursuant to contract with a person as described above regularly performs substantially all of the duties undertaken by such person described above; but does not include a person whose advice is furnished solely through uniform publications to subscribers thereto or a person who furnishes only statistical and other factual information, advice regarding economic factors and trends, or advice as to occasional transactions in specific securities, but without generally furnishing advice or making recommendations regarding the purchase or sale of securities, or a company furnishing such services at cost to one or more investment companies, insurance companies or other financial institutions, or any person the character and amount of whose compensation for such services must be approved by a court.

(E) any company the Commissioner determines as having a relationship with the state bank or any subsidiary or affiliate of the state bank, such that covered transactions by the state bank or its subsidiary with the company may be affected by the relationship to the detriment of the state bank or its subsidiary.

(2) None of the following are considered to be an affiliate:

(A) any company, other than a bank, that is a subsidiary of a state bank, unless a determination is made under subparagraph (E) of paragraph (1) not to exclude such subsidiary company from the definition of affiliate;

(B) any company engaged solely in holding the premises of the state bank;

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(C) any company engaged solely in conducting a safe deposit business;
(D) any company engaged solely in holding obligations of the United States or its agencies or obligations fully guaranteed by the United States or its agencies as to principal and interest; and
(E) any company where control results from the exercise of rights arising out of a bona fide debt previously contracted, but only for the period of time specifically authorized under applicable State and federal law or regulations or, in the absence of such law or regulation, for a period of 2 years from the date of the exercise of such rights or the effective date of this Act, whichever date is later, subject, upon application, to authorization by the Commissioner for good cause shown of extensions of time for not more than one year at a time, with such extensions not to exceed an aggregate of 3 years.

(3) (A) A company or shareholder has control over another company if

(i) such company or shareholder, directly or indirectly, or acting through one or more other persons, owns, controls, or has power to vote 25% or more of any class of voting securities of the other company;
(ii) such company or shareholder controls in any manner the election of a majority of the directors or trustees of the other company; or
(iii) the Commissioner determines, after notice and opportunity for hearing, that such company or shareholder, directly or indirectly, exercises a controlling influence over the management or policies of the other company.

(B) Notwithstanding any other provisions of this Section, no company shall be deemed to own or control
another company by virtue of its ownership or control of
shares in a fiduciary capacity, except as provided in
subparagraph (C) of paragraph (1) or because of its
ownership or control of such shares in a business trust.
(4) "Subsidiary" with respect to a specified company means
a company that is controlled by such specified company.
(5) "Bank" means any bank now or hereafter organized
under the laws of any State or territory of the United States
including the District of Columbia, any national bank, and any trust
company.
(6) "Company" means a corporation, partnership, business
trust, association, or similar organization and, unless specifically
excluded, includes a "state bank" and a "bank".
(7) "Covered transaction" means, with respect to an affiliate
of a state bank,
(A) a loan or extension of credit to the affiliate;
(B) a purchase of or an investment in securities
issued by the affiliate;
(C) a purchase of assets, including assets subject to
an agreement to repurchase, from the affiliate, except such
purchases of real and personal property as may be
specifically exempted by the Commissioner;
(D) the acceptance of securities issued by the
affiliate as collateral security for a loan or extension of
credit to any person or company; or
(E) the issuance of a guarantee, acceptance, or letter
of credit, including an endorsement or standby letter of
credit, on behalf of an affiliate.
(8) "Aggregate amount of covered transactions" means the
amount of covered transactions about to be engaged in added to the
current amount of all outstanding covered transactions.
(9) "Securities" means stocks, bonds, debentures, notes or
other similar obligations.

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(10) "Low-quality asset" means an asset that falls into any one or more of the following categories:
(A) an asset classified as "substandard", "doubtful", or "loss" or treated as "other loans especially mentioned" in the most recent report of examination of an affiliate;
(B) an asset in a nonaccrual status;
(C) an asset on which principal or interest payments are more than 30 days past due; or
(D) an asset whose terms have been renegotiated or compromised due to the deteriorating financial condition of the obligor.

(c) Collateral for certain transactions with affiliates.
(1) Each loan or extension of credit to, or guarantee, acceptance or letter of credit issued on behalf of, an affiliate by a state bank or its subsidiary shall be secured at the time of the transaction by collateral having a market value equal to
(A) 100% of the amount of such loan or extension of credit, guarantee, acceptance, or letter of credit, if the collateral is composed of
   (i) obligations of the United States or its agencies;
   (ii) obligations fully guaranteed by the United States or its agencies as to principal and interest;
   (iii) notes, drafts, bills of exchange or bankers' acceptances that are eligible for rediscount or purchase by a Federal Reserve Bank; or
   (iv) a segregated, earmarked deposit account with the state bank;
(B) 110% of the amount of such loan or extension of credit, guarantee, acceptance or letter of credit if the collateral is composed of obligations of any state or political subdivision of any State;
(C) 120% of the amount of such loan or extension of credit, guarantee, acceptance, or letter of credit if the collateral is composed of other debt instruments, including receivables; and

(D) 130% of the amount of such loan or extension of credit, guarantee, acceptance or letter of credit if the collateral is composed of stock, leases, or other real or personal property.

(2) Any such collateral that is subsequently retired or amortized shall be replaced by additional eligible collateral where needed to keep the percentage of the collateral value relative to the amount of the outstanding loan or extension of credit, guarantee, acceptance, or letter of credit equal to the minimum percentage required at the inception of the transaction.

(3) A low-quality asset shall not be acceptable as collateral for a loan or extension of credit to, or guarantee, acceptance, or letter of credit issued on behalf of, an affiliate.

(4) The securities issued by an affiliate of the state bank shall not be acceptable as collateral for a loan or extension of credit to, or guarantee, acceptance or letter of credit issued on behalf of, that affiliate or any other affiliate of the state bank.

(5) The collateral requirements of this paragraph do not apply to an acceptance that is already fully secured either by attached documents or by other property having an ascertainable market value that is involved in the transaction.

(d) Exemptions. The provisions of this Section, except paragraph (4) of subsection (a), shall not be applicable to the following as to which there shall be no limitation:

(1) any transaction, subject to the prohibition contained in paragraph (3) of subsection (a), with a bank

(A) which controls 80% or more of the voting shares of the state bank;

(B) in which the state bank controls 80% or more of the voting shares; or

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(C) in which 80% or more of the voting shares are controlled by the company that controls 80% or more of the voting shares of the state bank;

(2) making deposits in an affiliated bank or affiliated foreign bank in the ordinary course of correspondent business, subject to any restrictions that the Commissioner may prescribe;

(3) giving immediate credit to an affiliate for uncollected items received in the ordinary course of business;

(4) making a loan or extension of credit to, or issuing a guarantee, acceptance, or letter of credit on behalf of, an affiliate that is fully secured by

   (A) obligations of the United States or its agencies;
   
   (B) obligations fully guaranteed by the United States or its agencies as to principal and interest; or
   
   (C) a segregated, earmarked deposit account with the state bank;

(5) purchasing securities issued by any company of the kinds described as follows:

   Shares of any company engaged or to be engaged solely in one or more of the following activities: holding or operating properties used wholly or substantially by any banking subsidiary of such bank holding company in the operations of such banking subsidiary or acquired for such future use; or conducting a safe deposit business; or furnishing services to or performing services for such bank holding company or its banking subsidiaries; or liquidating assets acquired from such bank holding company or its banking subsidiaries or acquired from any other source prior to May 9, 1956, or the date on which such company became a bank holding company, whichever is later;

(6) purchasing assets having a readily identifiable and publicly available market quotation and purchased at the market quotation or, subject to the prohibition contained in paragraph (3) of subsection (a), purchasing loans on a nonrecourse basis from affiliated banks; and

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(7) purchasing from an affiliate a loan or extension of credit that was originated by the state bank and sold to the affiliate subject to a repurchase agreement or with recourse.

(e) Notwithstanding the provisions of this Section, a state bank and its subsidiaries in compliance with the provisions of Regulation W [12 C.F.R. Part 223] promulgated by the Board of Governors of the Federal Reserve, as amended from time to time, shall be deemed to be in compliance with this Section.

This Section shall apply to any transaction entered into after January 1, 1984, except for transactions which are the subject of a binding written contract or commitment entered into on or before July 28, 1982, and except that any renewal of a participation in a loan outstanding on July 28, 1982, to a company that becomes an affiliate as a result of the enactment of this Act, or any participation in a loan to such an affiliate emanating from the renewal of a binding written contract or commitment outstanding on July 28, 1982, shall not be subject to the collateral requirements of this Act.

(Source: P.A. 88-546; 89-364, eff. 8-18-95.)

Section 10. The Banking Emergencies Act is amended by changing Section 2 as follows:

(205 ILCS 610/2) (from Ch. 17, par. 1002)

Sec. 2. Power of Commissioner.

(a) Whenever the Commissioner is notified by any officer of a bank or by any other means becomes aware that an emergency exists, or is impending, he may, by proclamation, authorize all banks in the State of Illinois to close any or all of their offices, or if only a bank or banks, or offices thereof, in a particular area or areas of the State of Illinois are affected by the emergency or impending emergency, the Commissioner may authorize only the affected bank, banks, or offices thereof, to close. The office or offices so closed may remain closed until the Commissioner declares, by further proclamation, that the emergency or impending emergency has ended. The Commissioner during an emergency or while an impending emergency exists, which affects, or may affect, a particular bank or banks, or a particular office or offices thereof, but not banks

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located in the area generally of the said county or municipality, may authorize the particular bank or banks, or office or offices so affected, to close. The office or offices so closed shall remain closed until the Commissioner is notified by a bank officer of the closed bank that the emergency has ended. The Commissioner shall notify, at such time, the officers of the bank that one or more offices, heretofore closed because of the emergency, should reopen and, in either event, for such further time thereafter as may reasonably be required to reopen.

(b) Whenever the Commissioner becomes aware that an emergency exists, or is impending, he or she may, by proclamation, authorize any bank organized under the laws of another state, or of the United States, to open and operate offices in this State, notwithstanding any other laws of this State to the contrary. Any office or offices opened in accordance with this subsection may remain open until the Commissioner declares, by further proclamation, that the emergency or impending emergency has ended. The Department of Financial and Professional Regulation shall adopt rules to implement this subsection (b).

(Source: P.A. 92-483, eff. 8-23-01.)

Section 15. The Financial Institutions Electronic Documents and Digital Signature Act is amended by changing Sections 5 and 10 as follows:

Sec. 5. Definitions. As used in this Act:

"Digital signature" means an encrypted electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature.

"Financial institution" means a bank, a savings and loan association, a savings bank, or a credit union or any subsidiary or affiliate of a bank, savings and loan association, savings bank, or credit union.

"Substitute check" means a paper reproduction of an original check, as defined in the Check Clearing for the 21st Century Act (12 U.S.C. 5001, et seq.), as amended from time to time, and the rules promulgated thereunder.

(Source: P.A. 94-458, eff. 8-4-05.)
(205 ILCS 705/10)
Sec. 10. Electronic documents; digital signatures; electronic notices.

(a) Electronic documents. If in the regular course of business, a financial institution possesses, records, or generates any document, representation, image, substitute check, reproduction, or combination thereof, of any agreement, transaction, act, occurrence, or event by any electronic or computer-generated process that accurately reproduces, comprises, or records the agreement, transaction, act, occurrence, or event, the recording, comprising, or reproduction shall have the same force and effect under the laws of this State as one comprised, recorded, or created on paper or other tangible form by writing, typing, printing, or similar means.

(b) Digital signatures. In any communication, acknowledgement, agreement, or contract between a financial institution and its customer, in which a signature is required or used, any party to the communication, acknowledgement, agreement, or contract may affix a signature by use of a digital signature, and the digital signature, when lawfully used by the person whose signature it purports to be, shall have the same force and effect as the use of a manual signature if it is unique to the person using it, is capable of verification, is under the sole control of the person using it, and is linked to data in such a manner that if the data are changed, the digital signature is invalidated. Nothing in this Section shall require any financial institution or customer to use or permit the use of a digital signature.

(c) Electronic notices.

(1) Consent to electronic records. If a statute, regulation, or other rule of law requires that information relating to a transaction or transactions in or affecting intrastate commerce in this State be provided or made available by a financial institution to a consumer in writing, the use of an electronic record to provide or make available that information satisfies the requirement that the information be in writing if:

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(A) the consumer has affirmatively consented to the use of an electronic record to provide or make available that information and has not withdrawn consent;

(B) the consumer, prior to consenting, is provided with a clear and conspicuous statement:
   (i) informing the consumer of:
      (I) any right or option of the consumer to have the record provided or made available on paper or in nonelectronic form, and
      (II) the right of the consumer to withdraw the consent to have the record provided or made available in an electronic form and of any conditions, consequences (which may include termination of the parties' relationship), or fees in the event of a withdrawal of consent;
   (ii) informing the consumer of whether the consent applies:
      (I) only to the particular transaction that gave rise to the obligation to provide the record, or
      (II) to identified categories of records that may be provided or made available during the course of the parties' relationship;
   (iii) describing the procedures the consumer must use to withdraw consent, as provided in clause (i), and to update information needed to contact the consumer electronically; and
   (iv) informing the consumer:
      (I) how, after the consent, the consumer may, upon request, obtain a paper copy of an electronic record, and
(II) whether any fee will be charged for a paper copy;

(C) the consumer:
   (i) prior to consenting, is provided with a statement of the hardware and software requirements for access to and retention of the electronic records; and
   (ii) consents electronically, or confirms his or her consent electronically, in a manner that reasonably demonstrates that the consumer can access information in the electronic form that will be used to provide the information that is the subject of the consent; and

(D) after the consent of a consumer in accordance with subparagraph (A), if a change in the hardware or software requirements needed to access or retain electronic records creates a material risk that the consumer will not be able to access or retain a subsequent electronic record that was the subject of the consent, the person providing the electronic record:
   (i) provides the consumer with a statement of:
      (I) the revised hardware and software requirements for access to and retention of the electronic records, and
      (II) the right to withdraw consent without the imposition of any fees for the withdrawal and without the imposition of any condition or consequence that was not disclosed under subparagraph (B)(i); and
   (ii) again complies with subparagraph (C).

(2) Other rights.

(A) Preservation of consumer protections. Nothing in this subsection (c) affects the content or timing of any
disclosure or other record required to be provided or made available to any consumer under any statute, regulation, or other rule of law.

(B) Verification or acknowledgment. If a law that was enacted prior to this amendatory Act of the 95th General Assembly expressly requires a record to be provided or made available by a specified method that requires verification or acknowledgment of receipt, the record may be provided or made available electronically only if the method used provides the required verification or acknowledgment of receipt.

(3) Effect of failure to obtain electronic consent or confirmation of consent. The legal effectiveness, validity, or enforceability of any contract executed by a consumer shall not be denied solely because of the failure to obtain electronic consent or confirmation of consent by that consumer in accordance with paragraph (1)(C)(ii).

(4) Prospective effect. Withdrawal of consent by a consumer shall not affect the legal effectiveness, validity, or enforceability of electronic records provided or made available to that consumer in accordance with paragraph (1) prior to implementation of the consumer's withdrawal of consent. A consumer's withdrawal of consent shall be effective within a reasonable period of time after receipt of the withdrawal by the provider of the record. Failure to comply with paragraph (1)(D) may, at the election of the consumer, be treated as a withdrawal of consent for purposes of this paragraph.

(5) Prior consent. This subsection does not apply to any records that are provided or made available to a consumer who has consented prior to the effective date of this amendatory Act of the 95th General Assembly to receive the records in electronic form as permitted by any statute, regulation, or other rule of law.

(6) Oral communications. An oral communication or a recording of an oral communication shall not qualify as an
(Source: P.A. 94-458, eff. 8-4-05.)

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


PUBLIC ACT 95-0078
(House Bill No. 0802)

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

Section 5. The Fire Protection District Act is amended by adding Section 10c as follows:
(70 ILCS 705/10c new)

Sec. 10c. Asset distribution; contracts. Upon termination of a contract between a fire protection district and a separate fire department entity or upon dissolution of the fire department entity, if the fire department entity has assumed control of assets that were paid for by the fire protection district and if the contract does not provide for the transfer of assets, those assets shall revert back to the fire protection district for use in providing fire protection services. Nothing in this Section impairs any existing contract or prevents a fire department or fire protection district from making other provisions for the distribution of assets in the terms of a future contract.

Effective January 1, 2008.
AN ACT concerning regulation.

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

Section 5. The Assisted Living and Shared Housing Act is amended by changing Section 35 as follows:

(210 ILCS 9/35)

Sec. 35. Issuance of license.

(a) Upon receipt and review of an application for a license and review of the applicant establishment, the Director may issue a license if he or she finds:

   (1) that the individual applicant, or the corporation, partnership, or other entity if the applicant is not an individual, is a person responsible and suitable to operate or to direct or participate in the operation of an establishment by virtue of financial capacity, appropriate business or professional experience, a record of lawful compliance with lawful orders of the Department and lack of revocation of a license issued under this Act or the Nursing Home Care Act during the previous 5 years;

   (2) that the establishment is under the supervision of a full-time director who is at least 21 years of age with ability, training, and education appropriate to meet the needs of the residents and to manage the operations of the establishment and who participates in ongoing training for these purposes;

   (3) that the establishment has staff sufficient in number with qualifications, adequate skills, education, and experience to meet the 24 hour scheduled and unscheduled needs of residents and who participate in ongoing training to serve the resident population;

   (4) that all employees who are subject to the Health Care Worker Background Check Act direct care staff meet the

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requirements of that the Health Care Worker Background Check Act;

(5) that the applicant is in substantial compliance with this Act and such other requirements for a license as the Department by rule may establish under this Act;

(6) that the applicant pays all required fees;

(7) that the applicant has provided to the Department an accurate disclosure document in accordance with the Alzheimer's Special Care Disclosure Act and in substantial compliance with Section 150 of this Act.

Any license issued by the Director shall state the physical location of the establishment, the date the license was issued, and the expiration date. All licenses shall be valid for one year, except as provided in Section 40. Each license shall be issued only for the premises and persons named in the application, and shall not be transferable or assignable.

(Source: P.A. 93-141, eff. 7-10-03.)

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


PUBLIC ACT 95-0080
(House Bill No. 0809)

AN ACT concerning regulation.

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

Section 2. The Illinois Act on the Aging is amended by changing Section 4.03 as follows:

(20 ILCS 105/4.03) (from Ch. 23, par. 6104.03)

Sec. 4.03. The Department on Aging, in cooperation with the Department of Human Services and any other appropriate State, local or federal agency, shall, without regard to income guidelines, establish a

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nursing home prescreening program to determine whether Alzheimer's Disease and related disorders victims, and persons who are deemed as blind or disabled as defined by the Social Security Act and who are in need of long term care, may be satisfactorily cared for in their homes through the use of home and community based services. **Responsibility for prescreening shall be vested with case coordination units.** Prescreening shall occur: (i) when hospital discharge planners have advised the case coordination unit of the imminent risk of nursing home placement of a patient who meets the above criteria and in advance of discharge of the patient; or (ii) when a case coordination unit has been advised of the imminent risk of nursing home placement of an individual in the community. The individual who is prescreened shall be informed of all appropriate options, including placement in a nursing home and the availability of in-home and community-based services and shall be advised of her or his right to refuse nursing home, in-home, community-based, or all services. Case coordination units under contract with the Department may charge a fee for the prescreening provided under this Section and the fee shall be no greater than the cost of such services to the case coordination unit.

(Source: P.A. 89-21, eff. 7-1-95; 89-507, eff. 7-1-97.)

Section 5. The Hospital Licensing Act is amended by changing Section 6.09 as follows:

(210 ILCS 85/6.09) (from Ch. 111 1/2, par. 147.09)

Sec. 6.09. (a) In order to facilitate the orderly transition of aged and disabled patients from hospitals to post-hospital care, whenever a patient who qualifies for the federal Medicare program is hospitalized, the patient shall be notified of discharge at least 24 hours prior to discharge from the hospital. With regard to pending discharges to a skilled nursing facility, **the hospital must notify the case coordination unit, as defined in 89 Ill. Adm. Code 240.260, at least 24 hours prior to discharge** or, if home health services are ordered, the hospital must inform its designated case coordination unit, as defined in 89 Ill. Adm. Code 240.260, of the pending discharge and must provide the patient with the case coordination unit's telephone number and other contact information.

New matter indicated by italics - deletions by strikeout
(b) Every hospital shall develop procedures for a physician with medical staff privileges at the hospital or any appropriate medical staff member to provide the discharge notice prescribed in subsection (a) of this Section. The procedures must include prohibitions against discharging or referring a patient to any of the following if unlicensed, uncertified, or unregistered: (i) a board and care facility, as defined in the Board and Care Home Registration Act; (ii) an assisted living and shared housing establishment, as defined in the Assisted Living and Shared Housing Act; (iii) a facility licensed under the Nursing Home Care Act; (iv) a supportive living facility, as defined in Section 5-5.01a of the Illinois Public Aid Code; or (v) a free-standing hospice facility licensed under the Hospice Program Licensing Act if licensure, certification, or registration is required. The Department of Public Health shall annually provide hospitals with a list of licensed, certified, or registered board and care facilities, assisted living and shared housing establishments, nursing homes, supportive living facilities, and hospice facilities. Reliance upon this list by a hospital shall satisfy compliance with this requirement. The procedure may also include a waiver for any case in which a discharge notice is not feasible due to a short length of stay in the hospital by the patient, or for any case in which the patient voluntarily desires to leave the hospital before the expiration of the 24 hour period.

(c) At least 24 hours prior to discharge from the hospital, the patient shall receive written information on the patient's right to appeal the discharge pursuant to the federal Medicare program, including the steps to follow to appeal the discharge and the appropriate telephone number to call in case the patient intends to appeal the discharge.

(Source: P.A. 94-335, eff. 7-26-05.)

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

AN ACT concerning regulation.

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

Section 5. The Public Utilities Act is amended by adding Sections 4-602 and 4-603 as follows:

(220 ILCS 5/4-602 new)

Sec. 4-602. Electric utility workforce study.
(a) The Commission shall conduct a comprehensive workforce analysis study of each electric utility to determine the adequacy of the total in-house staffing in each job classification or job title critical to maintaining quality reliability and restoring service in each electric utility's service territory. Each report shall contain a yearly detailed comparison beginning with 1995 and ending in 2006 of each electric utility's ratio of:

(1) in-house workers, commonly referred to as "linemen", to customers;
(2) customer service call-center employees to customers; and
(3) meter service or repair employees to customers.

The ratios shall be reported from each utility's named service area, district, division, outlying area, village, municipality, reporting point, or region. The analysis shall determine the total number of contractor employees for the same time frame and shall be conducted in the same manner as the in-house analysis.

(b) The Commission may hold public hearings while conducting the analysis to assist in the adequacy of the study. The Commission must hold public hearings on the study and present the results to the General Assembly no later than January 1, 2009.

(c) An electric utility shall bear the costs of issuing any reports required by this Section and it shall not be entitled to recovery of any costs incurred in complying with this Section.

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(220 ILCS 5/4-603 new)

Sec. 4-603. Adequate employment for in-house utility employees. The Commission shall develop benchmarks for employee staffing levels for each classification and employee training for each classification.

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


PUBLIC ACT 95-0082
(House Bill No. 0855)

AN ACT concerning criminal law.

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

Section 5. The Unified Code of Corrections is amended by changing Section 3-3-9 as follows:

(730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

Sec. 3-3-9. Violations; changes of conditions; preliminary hearing; revocation of parole or mandatory supervised release; revocation hearing.

(a) If prior to expiration or termination of the term of parole or mandatory supervised release, a person violates a condition set by the Prisoner Review Board or a condition of parole or mandatory supervised release under Section 3-3-7 of this Code to govern that term, the Board may:

(1) continue the existing term, with or without modifying or enlarging the conditions; or
(2) parole or release the person to a half-way house; or
(3) revoke the parole or mandatory supervised release and reconfine the person for a term computed in the following manner:

(i) (A) For those sentenced under the law in effect prior to this amendatory Act of 1977, the recommitment shall be for any portion of the imposed maximum term of

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imprisonment or confinement which had not been served at
the time of parole and the parole term, less the time elapsed
between the parole of the person and the commission of the
violation for which parole was revoked;

(B) Except as set forth in paragraph (C), for those
subject to mandatory supervised release under paragraph
(d) of Section 5-8-1 of this Code, the recommitment shall
be for the total mandatory supervised release term, less the
time elapsed between the release of the person and the
commission of the violation for which mandatory
supervised release is revoked. The Board may also order
that a prisoner serve up to one year of the sentence imposed
by the court which was not served due to the accumulation
of good conduct credit;

(C) For those subject to sex offender supervision
under clause (d)(4) of Section 5-8-1 of this Code, the
recommitment period for violations of clauses (a)(3)
through (b-1)(15) of Section 3-3-7 shall not exceed 2 years
from the date of recommitment.

(ii) the person shall be given credit against the term
of imprisonment or recommitment for time spent in
custody since he was paroled or released which has not
been credited against another sentence or period of
confinement;

(iii) persons committed under the Juvenile Court
Act or the Juvenile Court Act of 1987 shall be
recommitted until the age of 21;

(iv) this Section is subject to the release under
supervision and the reparole and rerelease provisions of
Section 3-3-10.

(b) The Board may revoke parole or mandatory supervised release
for violation of a condition for the duration of the term and for any further
period which is reasonably necessary for the adjudication of matters
arising before its expiration. The issuance of a warrant of arrest for an

New matter indicated by italics - deletions by strikeout
alleged violation of the conditions of parole or mandatory supervised release shall toll the running of the term until the final determination of the charge. When parole or mandatory supervised release is not revoked that period shall be credited to the term, unless a community-based sanction is imposed as an alternative to revocation and reincarceration, including a diversion established by the Illinois Department of Corrections Parole Services Unit prior to the holding of a preliminary parole revocation hearing. Parolees who are diverted to a community-based sanction shall serve the entire term of parole or mandatory supervised release, if otherwise appropriate.

(b-5) The Board shall revoke parole or mandatory supervised release for violation of the conditions prescribed in paragraph (7.6) of subsection (a) of Section 3-3-7.

(c) A person charged with violating a condition of parole or mandatory supervised release shall have a preliminary hearing before a hearing officer designated by the Board to determine if there is cause to hold the person for a revocation hearing. However, no preliminary hearing need be held when revocation is based upon new criminal charges and a court finds probable cause on the new criminal charges or when the revocation is based upon a new criminal conviction and a certified copy of that conviction is available.

(d) Parole or mandatory supervised release shall not be revoked without written notice to the offender setting forth the violation of parole or mandatory supervised release charged against him.

(e) A hearing on revocation shall be conducted before at least one member of the Prisoner Review Board. The Board may meet and order its actions in panels of 3 or more members. The action of a majority of the panel shall be the action of the Board. In consideration of persons committed to the Department of Juvenile Justice, the member hearing the matter and at least a majority of the panel shall be experienced in juvenile matters. A record of the hearing shall be made. At the hearing the offender shall be permitted to:

1. appear and answer the charge; and
2. bring witnesses on his behalf.

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(f) The Board shall either revoke parole or mandatory supervised release or order the person's term continued with or without modification or enlargement of the conditions.

(g) Parole or mandatory supervised release shall not be revoked for failure to make payments under the conditions of parole or release unless the Board determines that such failure is due to the offender's willful refusal to pay.

(Source: P.A. 94-161, eff. 7-11-05; 94-165, eff. 7-11-05; 94-696, eff. 6-1-06.)

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


PUBLIC ACT 95-0083
(House Bill No. 0857)

AN ACT concerning public employee benefits.

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

Section 5. The Illinois Pension Code is amended by changing Sections 15-113.6, 15-113.7, 15-141, 15-158.3, and 15-178 as follows:

(40 ILCS 5/15-113.6) (from Ch. 108 1/2, par. 15-113.6)

Sec. 15-113.6. Service for employment in public schools.

"Service for employment in public schools": Includes those periods not exceeding the lesser of 10 years or 2/3 of the service granted under other Sections of this Article dealing with service credit, during which a person who entered the system after September 1, 1974 was employed full time by a public common school, public college and public university, or by an agency or instrumentality of any of the foregoing, of any state, territory, dependency or possession of the United States of America, including the Philippine Islands, or a school operated by or under the auspices of any agency or department of any other state, if the person (1) cannot qualify for...

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a retirement pension or other benefit based upon employer contributions from another retirement system, exclusive of federal social security, based in whole or in part upon this employment, and (2) pays the lesser of (A) an amount equal to 8% of his or her annual basic compensation on the date of becoming a participating employee subsequent to this service multiplied by the number of years of such service, together with compound interest from the date participation begins to the date payment is received by the board at the rate of 6% per annum through August 31, 1982, and at the effective rates after that date, and (B) 50% of the actuarial value of the increase in the retirement annuity provided by this service, and (3) contributes for at least 5 years subsequent to this employment to one or more of the following systems: the State Universities Retirement System, the Teachers' Retirement System of the State of Illinois, and the Public School Teachers' Pension and Retirement Fund of Chicago.

The service granted under this Section shall not be considered in determining whether the person has the minimum of 8 years of service required to qualify for a retirement annuity at age 55 or the 5 years of service required to qualify for a retirement annuity at age 62, as provided in Section 15-135. The maximum allowable service of 10 years for this governmental employment shall be reduced by the service credit which is validated under paragraph (2) of subsection (b) (3) of Section 16-127 and paragraph 1 of Section 17-133.

(Source: P.A. 91-357, eff. 7-29-99.)

(40 ILCS 5/15-113.7) (from Ch. 108 1/2, par. 15-113.7)

Sec. 15-113.7. Service for other public employment. "Service for other public employment": Includes those periods not exceeding the lesser of 10 years or 2/3 of the service granted under other Sections of this Article dealing with service credit, during which a person was employed full time by the United States government, or by the government of a state, or by a political subdivision of a state, or by an agency or instrumentality of any of the foregoing, if the person (1) cannot qualify for a retirement pension or other benefit based upon employer contributions from another retirement system, exclusive of federal social security, based in whole or in part upon this employment, and (2) pays the lesser of (A) an amount

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equal to 8% of his or her annual basic compensation on the date of becoming a participating employee subsequent to this service multiplied by the number of years of such service, together with compound interest from the date participation begins to the date payment is received by the board at the rate of 6% per annum through August 31, 1982, and at the effective rates after that date, and (B) 50% of the actuarial value of the increase in the retirement annuity provided by this service, and (3) contributes for at least 5 years subsequent to this employment to one or more of the following systems: the State Universities Retirement System, the Teachers' Retirement System of the State of Illinois, and the Public School Teachers' Pension and Retirement Fund of Chicago. If a function of a governmental unit as defined by Section 20-107 is transferred by law, in whole or in part to an employer, and an employee transfers employment from this governmental unit to such employer within 6 months of the transfer of the function, the payment for service authorized under this Section shall not exceed the amount which would have been payable for this service to the retirement system covering the governmental unit from which the function was transferred.

The service granted under this Section shall not be considered in determining whether the person has the minimum of 8 years of service required to qualify for a retirement annuity at age 55 or the 5 years of service required to qualify for a retirement annuity at age 62, as provided in Section 15-135. The maximum allowable service of 10 years for this governmental employment shall be reduced by the service credit which is validated under paragraph (2) of subsection (b) (2) of Section 16-127 and paragraph one of Section 17-133.

Except as hereinafter provided, this Section shall not apply to persons who become participants in the system after September 1, 1974.

(Source: P.A. 90-65, eff. 7-7-97; 90-511, eff. 8-22-97.)

(40 ILCS 5/15-141) (from Ch. 108 1/2, par. 15-141)
Sec. 15-141. Death benefits - Death of participant.
(a) The beneficiary of a participant under the traditional benefit package is entitled to a death benefit equal to the sum of (1) the employee's accumulated normal and additional contributions on the date of

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death, (2) the employee's accumulated survivors insurance contributions on the date of death, if a survivors insurance benefit is not payable, (3) an amount equal to the employee's final rate of earnings, but not more than $5,000, if (i) the beneficiary, under rules of the board, was dependent upon the participant, (ii) the participant was a participating employee immediately prior to his or her death, and (iii) a survivors insurance benefit is not payable, and (4) $2,500 if (i) the beneficiary was not dependent upon the participant, (ii) the participant was a participating employee immediately prior to his or her death, and (iii) a survivors insurance benefit is not payable.

(b) If the participant has elected to participate in the portable benefit package and has completed the one-year waiting period required under subsection (e) of Section 15-134.5, the death benefit shall be equal to the employee's accumulated normal and additional contributions on the date of death plus, if the employee died with 1.5 or more years of service for employment as defined in Section 15-113.1, employer contributions in an amount equal to the sum of the accumulated normal and additional contributions; except that if a pre-retirement survivor annuity is payable under Section 15-136.4, the death benefit payable under this paragraph shall be reduced, but to not less than zero, by the actuarial value of the benefit payable to the surviving spouse. If the recipient of a pre-retirement survivor annuity dies before an amount equal to all accumulated normal and additional contributions as of the date of death have been paid out, the remaining difference shall be paid to the member's beneficiary. The primary beneficiary of the participant must be his or her spouse unless the spouse has consented to the designation of another beneficiary in the manner described in subsection (d) of Section 15-136.4.

(c) If payments are made under any State or federal workers' compensation or occupational diseases law because of the death of an employee, the portion of the death benefit payable from employer contributions shall be reduced by the total amount of the payments.

(Source: P.A. 90-448, eff. 8-16-97; 90-766, eff. 8-14-98; 91-877, eff. 7-6-00.)

(40 ILCS 5/15-158.3)

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Sec. 15-158.3. Reports on cost reduction; effect on retirement at any age with 30 years of service.

(a) On or before November 15, 2001 and on or before November 15th of each year thereafter, the Board shall have the System's actuary prepare a report showing, on a fiscal year by fiscal year basis, the actual rate of participation in the self-managed plan authorized by Section 15-158.2, (i) by employees of the System's covered higher educational institutions who were hired on or after the implementation date of the self-managed plan and (ii) by other System participants.

The actuary's report must also quantify the extent to which employee optional retirement plan participation has reduced the State's required contributions to the System, expressed both in dollars and as a percentage of covered payroll, in relation to what the State's contributions to the System would have been (1) if the self-managed plan had not been implemented, and (2) if 45% of employees of the System's covered higher educational institutions who were hired on or after the implementation date of the self-managed plan had elected to participate in the self-managed plan and 10% of other System participants had transferred to the self-managed plan following its implementation.

(b) On or before November 15th of 2001 and on or before November 15th of each year thereafter, the Illinois Board of Higher Education, in conjunction with the Bureau of the Budget (now Governor's Office of Management and Budget) shall prepare a report showing, on a fiscal year by fiscal year basis, the amount by which the costs associated with compensable sick leave have been reduced as a result of the termination of compensable sick leave accrual on and after January 1, 1998 by employees of higher education institutions who are participants in the System.

(c) On or before November 15 of 2001 and on or before November 15th of each year thereafter, the Department of Central Management Services shall prepare a report showing, on a fiscal year by fiscal year basis, the amount by which the State's cost for health insurance coverage under the State Employees Group Insurance Act of 1971 for retirees of the State's universities and their survivors has declined as a result of requiring
some of those retirees and survivors to contribute to the cost of their basic health insurance. These year-by-year reductions in cost must be quantified both in dollars and as a level percentage of payroll covered by the System.

(d) The reports required under subsections (a); (b); and (c) shall be disseminated to the Board, the Pension Laws Commission (until it ceases to exist), the Commission on Government Forecasting and Accountability, the Illinois Board of Higher Education, and the Governor.

(e) The reports required under subsections (a); (b); and (c) shall be taken into account by the Pension Laws Commission (or its successor, the Commission on Government Forecasting and Accountability) in making any recommendation to extend by legislation beyond December 31, 2002 the provision that allows a System participant to retire at any age with 30 or more years of service as authorized in Section 15-135. If that provision is extended beyond December 31, 2002, and if the most recent report under subsection (a) indicates that actual State contributions to the System for the period during which the self-managed plan has been in operation have exceeded the projected State contributions under the assumptions in clause (2) of subsection (a), then any extension of the provision beyond December 31, 2002 must require that the System's higher educational institutions and agencies cover any funding deficiency through an annual payment to the System out of appropriate resources of their own.

(Source: P.A. 93-632, eff. 2-1-04; 93-1067, eff. 1-15-05.)

(40 ILCS 5/15-178) (from Ch. 108 1/2, par. 15-178)

Sec. 15-178. Duties of the State Comptroller and payroll officers.
The State Comptroller and employer payroll officers, in drawing warrants and checks for items of salary on payroll vouchers certified by employers, shall draw such warrants and checks to participating employees for the amount of salary or wages specified for the period, and shall draw a warrant, or check, or electronic funds transfer to this system for the total of the contributions required under Section 15-157. All warrants and electronic funds transfers covering such contributions, and together with a deduction register pertaining to the payroll supplied by the employer, shall be transmitted immediately to the board.

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The Comptroller shall draw warrants or prepare direct deposit transmittals upon the State Treasurer payable from funds appropriated for the purposes specified in this Article upon the presentation of vouchers approved by the board.

(Source: P.A. 87-8.)

(40 ILCS 5/15-167.3 rep.)

Section 10. The Illinois Pension Code is amended by repealing Section 15-167.3.

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


PUBLIC ACT 95-0084
(House Bill No. 0895)

AN ACT concerning education.

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

Section 1. Short title. This Act may be cited as the Green Cleaning Schools Act.

Section 5. Legislative findings. Children are vulnerable to and may be severely affected by exposure to chemicals, hazardous waste, and other environmental hazards. The Federal Environmental Protection Agency estimates that human exposure to indoor air pollutants can be 2 to 5 times and up to 100 times higher than outdoor levels. Children, teachers, janitors, and other staff members spend a significant amount of time inside school buildings and are continuously exposed to chemicals from cleaners, waxes, deodorizers, and other maintenance products.

Section 10. Use of green cleaning supplies. By no later than 90 days after implementation of the guidelines and specifications established under Section 15 of this Act or thereafter when it is economically feasible, all elementary and secondary public schools and all elementary and

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secondary non-public schools with 50 or more students shall establish a
green cleaning policy and exclusively purchase and use environmentally-
sensitive cleaning products pursuant to the guidelines and specifications
established under Section 15 of this Act. However, a school may deplete
its existing cleaning and maintenance supply stocks and implement the
new requirements in the procurement cycle for the following school year.

For the purposes of this Section, adopting a green cleaning policy
is not economically feasible if such adoption would result in an increase in
the cleaning costs of the school. If adopting a green cleaning policy is not
economically feasible, the school must provide annual written notification
to the Illinois Green Government Coordinating Council (IGGCC), on a
form provided by the IGGCC, that the development and implementation of
a green cleaning policy is not economically feasible until such time that it
is economically feasible.

Section 15. Green cleaning supply guidelines and specifications.
The Illinois Green Government Coordinating Council (IGGCC) shall, in
consultation with the Department of Public Health, the State Board of
Education, regional offices of education, the Illinois Environmental
Protection Agency, and a panel of interested stakeholders, including
cleaning product industry representatives, non-governmental
organizations, and others, establish and amend on an annual basis
guidelines and specifications for environmentally-sensitive cleaning and
maintenance products for use in school facilities. The IGGCC shall
provide multiple avenues by which cleaning products may be determined
to be environmentally-sensitive under the guidelines. Guidelines and
specifications must be established after a review and evaluation of existing
research and must be completed no later than 180 days after the effective
date of this Act. Guidelines and specifications may include
implementation practices, including inspection. The completed guidelines
and specifications must be posted on the IGGCC’s Internet website.

Section 20. Dissemination to schools.
(a) Upon the completion of the guidelines and specifications under
Section 15 of this Act, the IGGCC shall provide each regional office of
education and each elementary or secondary non-public school with 50 or
more students in this State with the guidelines and specifications. Each regional office of education shall immediately disseminate the guidelines and specifications to every public school in the educational service region. Regional offices of education and the IGGCC shall provide on-going assistance to schools to carry out the requirements of this Act.

(b) In the event that the guidelines and specifications under Section 15 of this Act are updated by the IGGCC, the IGGCC shall provide the updates to each regional office of education for immediate dissemination to each public school. Additionally, the IGGCC shall post all updated materials on its Internet website.

Section 90. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by the Green Cleaning Schools Act.

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


PUBLIC ACT 95-0085
(House Bill No. 0900)

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

Section 5. The Unified Code of Corrections is amended by changing Section 5-5-3.2 as follows:

(730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)
Sec. 5-5-3.2. Factors in Aggravation.

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(a) The following factors shall be accorded weight in favor of imposing a term of imprisonment or may be considered by the court as reasons to impose a more severe sentence under Section 5-8-1:

(1) the defendant's conduct caused or threatened serious harm;

(2) the defendant received compensation for committing the offense;

(3) the defendant has a history of prior delinquency or criminal activity;

(4) the defendant, by the duties of his office or by his position, was obliged to prevent the particular offense committed or to bring the offenders committing it to justice;

(5) the defendant held public office at the time of the offense, and the offense related to the conduct of that office;

(6) the defendant utilized his professional reputation or position in the community to commit the offense, or to afford him an easier means of committing it;

(7) the sentence is necessary to deter others from committing the same crime;

(8) the defendant committed the offense against a person 60 years of age or older or such person's property;

(9) the defendant committed the offense against a person who is physically handicapped or such person's property;

(10) by reason of another individual's actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin, the defendant committed the offense against (i) the person or property of that individual; (ii) the person or property of a person who has an association with, is married to, or has a friendship with the other individual; or (iii) the person or property of a relative (by blood or marriage) of a person described in clause (i) or (ii). For the purposes of this Section, "sexual orientation" means heterosexuality, homosexuality, or bisexuality;
(11) the offense took place in a place of worship or on the grounds of a place of worship, immediately prior to, during or immediately following worship services. For purposes of this subparagraph, "place of worship" shall mean any church, synagogue or other building, structure or place used primarily for religious worship;

(12) the defendant was convicted of a felony committed while he was released on bail or his own recognizance pending trial for a prior felony and was convicted of such prior felony, or the defendant was convicted of a felony committed while he was serving a period of probation, conditional discharge, or mandatory supervised release under subsection (d) of Section 5-8-1 for a prior felony;

(13) the defendant committed or attempted to commit a felony while he was wearing a bulletproof vest. For the purposes of this paragraph (13), a bulletproof vest is any device which is designed for the purpose of protecting the wearer from bullets, shot or other lethal projectiles;

(14) the defendant held a position of trust or supervision such as, but not limited to, family member as defined in Section 12-12 of the Criminal Code of 1961, teacher, scout leader, baby sitter, or day care worker, in relation to a victim under 18 years of age, and the defendant committed an offense in violation of Section 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 against that victim;

(15) the defendant committed an offense related to the activities of an organized gang. For the purposes of this factor, "organized gang" has the meaning ascribed to it in Section 10 of the Streetgang Terrorism Omnibus Prevention Act;

(16) the defendant committed an offense in violation of one of the following Sections while in a school, regardless of the time of day or time of year; on any conveyance owned, leased, or contracted by a school to transport students to or from school or a

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school related activity; on the real property of a school; or on a public way within 1,000 feet of the real property comprising any school: Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2 of the Criminal Code of 1961;

(16.5) the defendant committed an offense in violation of one of the following Sections while in a day care center, regardless of the time of day or time of year; on the real property of a day care center, regardless of the time of day or time of year; or on a public way within 1,000 feet of the real property comprising any day care center, regardless of the time of day or time of year: Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2 of the Criminal Code of 1961;

(17) the defendant committed the offense by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 1961;

(18) the defendant committed the offense in a nursing home or on the real property comprising a nursing home. For the purposes of this paragraph (18), "nursing home" means a skilled nursing or intermediate long term care facility that is subject to license by the Illinois Department of Public Health under the Nursing Home Care Act;

(19) the defendant was a federally licensed firearm dealer and was previously convicted of a violation of subsection (a) of Section 3 of the Firearm Owners Identification Card Act and has now committed either a felony violation of the Firearm Owners Identification Card Act or an act of armed violence while armed with a firearm;

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(20) the defendant (i) committed the offense of reckless homicide under Section 9-3 of the Criminal Code of 1961 or the offense of driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof under Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code; or

(21) the defendant (i) committed the offense of reckless driving or aggravated reckless driving under Section 11-503 of the Illinois Vehicle Code and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code. For the purposes of this Section:

"School" is defined as a public or private elementary or secondary school, community college, college, or university.

"Day care center" means a public or private State certified and licensed day care center as defined in Section 2.09 of the Child Care Act of 1969 that displays a sign in plain view stating that the property is a day care center.

(b) The following factors may be considered by the court as reasons to impose an extended term sentence under Section 5-8-2 upon any offender:

(1) When a defendant is convicted of any felony, after having been previously convicted in Illinois or any other jurisdiction of the same or similar class felony or greater class felony, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or

(2) When a defendant is convicted of any felony and the court finds that the offense was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty; or

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(3) When a defendant is convicted of voluntary manslaughter, second degree murder, involuntary manslaughter or reckless homicide in which the defendant has been convicted of causing the death of more than one individual; or

(4) When a defendant is convicted of any felony committed against:

   (i) a person under 12 years of age at the time of the offense or such person's property;
   (ii) a person 60 years of age or older at the time of the offense or such person's property; or
   (iii) a person physically handicapped at the time of the offense or such person's property; or

(5) In the case of a defendant convicted of aggravated criminal sexual assault or criminal sexual assault, when the court finds that aggravated criminal sexual assault or criminal sexual assault was also committed on the same victim by one or more other individuals, and the defendant voluntarily participated in the crime with the knowledge of the participation of the others in the crime, and the commission of the crime was part of a single course of conduct during which there was no substantial change in the nature of the criminal objective; or

(6) When a defendant is convicted of any felony and the offense involved any of the following types of specific misconduct committed as part of a ceremony, rite, initiation, observance, performance, practice or activity of any actual or ostensible religious, fraternal, or social group:
   (i) the brutalizing or torturing of humans or animals;
   (ii) the theft of human corpses;
   (iii) the kidnapping of humans;
   (iv) the desecration of any cemetery, religious, fraternal, business, governmental, educational, or other building or property; or
   (v) ritualized abuse of a child; or

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(7) When a defendant is convicted of first degree murder, after having been previously convicted in Illinois of any offense listed under paragraph (c)(2) of Section 5-5-3, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or

(8) When a defendant is convicted of a felony other than conspiracy and the court finds that the felony was committed under an agreement with 2 or more other persons to commit that offense and the defendant, with respect to the other individuals, occupied a position of organizer, supervisor, financier, or any other position of management or leadership, and the court further finds that the felony committed was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's leadership in an organized gang; or

(9) When a defendant is convicted of a felony violation of Section 24-1 of the Criminal Code of 1961 and the court finds that the defendant is a member of an organized gang; or

(10) When a defendant committed the offense using a firearm with a laser sight attached to it. For purposes of this paragraph (10), "laser sight" has the meaning ascribed to it in Section 24.6-5 of the Criminal Code of 1961; or

(11) When a defendant who was at least 17 years of age at the time of the commission of the offense is convicted of a felony and has been previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a Class X or Class 1 felony when the conviction has occurred within 10 years after the previous adjudication, excluding time spent in custody; or

(12) When a defendant commits an offense involving the illegal manufacture of a controlled substance under Section 401 of the Illinois Controlled Substances Act, the illegal manufacture of methamphetamine under Section 25 of the Methamphetamine

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Control and Community Protection Act, or the illegal possession of explosives and an emergency response officer in the performance of his or her duties is killed or injured at the scene of the offense while responding to the emergency caused by the commission of the offense. In this paragraph (12), "emergency" means a situation in which a person's life, health, or safety is in jeopardy; and "emergency response officer" means a peace officer, community policing volunteer, fireman, emergency medical technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, other medical assistance or first aid personnel, or hospital emergency room personnel; or

(13) When a defendant commits any felony and the defendant used, possessed, exercised control over, or otherwise directed an animal to assault a law enforcement officer engaged in the execution of his or her official duties or in furtherance of the criminal activities of an organized gang in which the defendant is engaged.

(b-1) For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of aggravated criminal sexual assault or predatory criminal sexual assault of a child under subsection (a)(1) of Section 12-14.1 of the Criminal Code of 1961 where the victim was under 18 years of age at the time of the commission of the offense.

(d) The court may impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of unlawful use of weapons under Section 24-1 of the Criminal Code of 1961 for possessing a weapon that is not readily distinguishable as one of the weapons enumerated in Section 24-1 of the Criminal Code of 1961.

(e) The court may impose an extended term sentence under Section 5-8-2 upon an offender who has been convicted of first degree murder when the offender has previously been convicted of domestic battery or
aggravated domestic battery committed against the murdered individual or has previously been convicted of violation of an order of protection in which the murdered individual was the protected person.
(Source: P.A. 94-131, eff. 7-7-05; 94-375, eff. 1-1-06; 94-556, eff. 9-11-05; 94-819, eff. 5-31-06.)

Effective January 1, 2008.

PUBLIC ACT 95-0086
(House Bill No. 0938)

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

Section 5. The Illinois Insurance Code is amended by changing Sections 223 and 531.09 as follows:

(215 ILCS 5/223) (from Ch. 73, par. 835)
Sec. 223. Director to value policies - Legal standard of valuation.

(1) The Director shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurance company doing business in this State, except that in the case of an alien company, such valuation shall be limited to its United States business, and may certify the amount of any such reserves, specifying the mortality table or tables, rate or rates of interest, and methods (net level premium method or other) used in the calculation of such reserves. Other assumptions may be incorporated into the reserve calculation to the extent permitted by the National Association of Insurance Commissioners' Accounting Practices and Procedures Manual. In calculating such reserves, he may use group methods and approximate averages for fractions of a year or otherwise. In lieu of the valuation of the reserves herein required of any foreign or alien company, he may accept any valuation made, or caused to be made, by the insurance supervisory

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official of any state or other jurisdiction when such valuation complies with the minimum standard herein provided and if the official of such state or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation of the Director when such certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that state or jurisdiction.

Any such company which at any time has adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard herein provided may, with the approval of the Director, adopt any lower standard of valuation, but not lower than the minimum herein provided, however, that, for the purposes of this subsection, the holding of additional reserves previously determined by a qualified actuary to be necessary to render the opinion required by subsection (1a) shall not be deemed to be the adoption of a higher standard of valuation. In the valuation of policies the Director shall give no consideration to, nor make any deduction because of, the existence or the possession by the company of

(a) policy liens created by any agreement given or assented to by any assured subsequent to July 1, 1937, for which liens such assured has not received cash or other consideration equal in value to the amount of such liens, or

(b) policy liens created by any agreement entered into in violation of section 232 unless the agreement imposing or creating such liens has been approved by a Court in a proceeding under Article XIII, or in the case of a foreign or alien company has been approved by a court in a rehabilitation or liquidation proceeding or by the insurance official of its domiciliary state or country, in accordance with the laws thereof.

(1a) This subsection shall become operative at the end of the first full calendar year following the effective date of this amendatory Act of 1991.

(A) General.
(1) Every life insurance company doing business in this State shall annually submit the opinion of a qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the Director by regulation are computed appropriately, are based on assumptions that satisfy contractual provisions, are consistent with prior reported amounts and comply with applicable laws of this State. The Director by regulation shall define the specifics of this opinion and add any other items deemed to be necessary to its scope.

(2) The opinion shall be submitted with the annual statement reflecting the valuation of reserve liabilities for each year ending on or after December 31, 1992.

(3) The opinion shall apply to all business in force including individual and group health insurance plans, in form and substance acceptable to the Director as specified by regulation.

(4) The opinion shall be based on standards adopted from time to time by the Actuarial Standards Board and on additional standards as the Director may by regulation prescribe.

(5) In the case of an opinion required to be submitted by a foreign or alien company, the Director may accept the opinion filed by that company with the insurance supervisory official of another state if the Director determines that the opinion reasonably meets the requirements applicable to a company domiciled in this State.

(6) For the purpose of this Section, "qualified actuary" means a member in good standing of the American Academy of Actuaries who meets the requirements set forth in its regulations.

(7) Except in cases of fraud or willful misconduct, the qualified actuary shall not be liable for damages to any
person (other than the insurance company and the Director) for any act, error, omission, decision or conduct with respect to the actuary's opinion.

(8) Disciplinary action by the Director against the company or the qualified actuary shall be defined in regulations by the Director.

(9) A memorandum, in form and substance acceptable to the Director as specified by regulation, shall be prepared to support each actuarial opinion.

(10) If the insurance company fails to provide a supporting memorandum at the request of the Director within a period specified by regulation or the Director determines that the supporting memorandum provided by the insurance company fails to meet the standards prescribed by the regulations or is otherwise unacceptable to the Director, the Director may engage a qualified actuary at the expense of the company to review the opinion and the basis for the opinion and prepare the supporting memorandum as is required by the Director.

(11) Any memorandum in support of the opinion, and any other material provided by the company to the Director in connection therewith, shall be kept confidential by the Director and shall not be made public and shall not be subject to subpoena, other than for the purpose of defending an action seeking damages from any person by reason of any action required by this Section or by regulations promulgated hereunder; provided, however, that the memorandum or other material may otherwise be released by the Director (a) with the written consent of the company or (b) to the American Academy of Actuaries upon request stating that the memorandum or other material is required for the purpose of professional disciplinary proceedings and setting forth procedures satisfactory to the Director for preserving the confidentiality of the

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memorandum or other material. Once any portion of the confidential memorandum is cited by the company in its marketing or is cited before any governmental agency other than a state insurance department or is released by the company to the news media, all portions of the confidential memorandum shall be no longer confidential.

(B) Actuarial analysis of reserves and assets supporting those reserves.

(1) Every life insurance company, except as exempted by or under regulation, shall also annually include in the opinion required by paragraph (A)(1) of this subsection (1a), an opinion of the same qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the Director by regulation, when considered in light of the assets held by the company with respect to the reserves and related actuarial items including, but not limited to, the investment earnings on the assets and the considerations anticipated to be received and retained under the policies and contracts, make adequate provision for the company's obligations under the policies and contracts including, but not limited to, the benefits under and expenses associated with the policies and contracts.

(2) The Director may provide by regulation for a transition period for establishing any higher reserves which the qualified actuary may deem necessary in order to render the opinion required by this Section.

(2) This subsection shall apply to only those policies and contracts issued prior to the operative date of section 229.2 (the Standard Non-forfeiture Law).

(a) Except as otherwise in this Article provided, the legal minimum standard for valuation of contracts issued before January 1, 1908, shall be the Actuaries or Combined Experience Table of Mortality with interest at 4% per annum and for valuation of
contracts issued on or after that date shall be the American Experience Table of Mortality with either Craig's or Buttolph's Extension for ages under 10 and with interest at 3 1/2% per annum. The legal minimum standard for the valuation of group insurance policies under which premium rates are not guaranteed for a period in excess of 5 years shall be the American Men Ultimate Table of Mortality with interest at 3 1/2% per annum. Any life company may, at its option, value its insurance contracts issued on or after January 1, 1938, in accordance with their terms on the basis of the American Men Ultimate Table of Mortality with interest not higher than 3 1/2% per annum.

(b) Policies issued prior to January 1, 1908, may continue to be valued according to a method producing reserves not less than those produced by the full preliminary term method. Policies issued on and after January 1, 1908, may be valued according to a method producing reserves not less than those produced by the modified preliminary term method hereinafter described in paragraph (c). Policies issued on and after January 1, 1938, may be valued either according to a method producing reserves not less than those produced by such modified preliminary term method or by the select and ultimate method on the basis that the rate of mortality during the first 5 years after the issuance of such contracts respectively shall be calculated according to the following percentages of rates shown by the American Experience Table of Mortality:

(i) first insurance year 50% thereof;
(ii) second insurance year 65% thereof;
(iii) third insurance year 75% thereof;
(iv) fourth insurance year 85% thereof;
(v) fifth insurance year 95% thereof;

(c) If the premium charged for the first policy year under a limited payment life preliminary term policy providing for the payment of all premiums thereon in less than 20 years from the date of the policy or under an endowment preliminary term policy,

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exceeds that charged for the first policy year under 20 payment life preliminary term policies of the same company, the reserve thereon at the end of any year, including the first, shall not be less than the reserve on a 20 payment life preliminary term policy issued in the same year at the same age, together with an amount which shall be equivalent to the accumulation of a net level premium sufficient to provide for a pure endowment at the end of the premium payment period, equal to the difference between the value at the end of such period of such a 20 payment life preliminary term policy and the full net level premium reserve at such time of such a limited payment life or endowment policy. The premium payment period is the period during which premiums are concurrently payable under such 20 payment life preliminary term policy and such limited payment life or endowment policy.

(d) The legal minimum standard for the valuations of annuities issued on and after January 1, 1938, shall be the American Annuitant's Table with interest not higher than 3 3/4% per annum, and all annuities issued before that date shall be valued on a basis not lower than that used for the annual statement of the year 1937; but annuities deferred 10 or more years and written in connection with life insurance shall be valued on the same basis as that used in computing the consideration or premiums therefor, or upon any higher standard at the option of the company.

(e) The Director may vary the standards of interest and mortality as to contracts issued in countries other than the United States and may vary standards of mortality in particular cases of invalid lives and other extra hazards.

(f) The legal minimum standard for valuation of waiver of premium disability benefits or waiver of premium and income disability benefits issued on and after January 1, 1938, shall be the Class (3) Disability Table (1926) modified to conform to the contractual waiting period, with interest at not more than 3 1/2% per annum; but in no event shall the values be less than those produced by the basis used in computing premiums for such

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benefits. The legal minimum standard for the valuation of such benefits issued prior to January 1, 1938, shall be such as to place an adequate value, as determined by sound insurance practices, on the liabilities thereunder and shall be such that the value of the benefits under each and every policy shall in no case be less than the value placed upon the future premiums.

(g) The legal minimum standard for the valuation of industrial policies issued on or after January 1, 1938, shall be the American Experience Table of Mortality or the Standard Industrial Mortality Table or the Substandard Industrial Mortality Table with interest at 3 1/2% per annum by the net level premium method, or in accordance with their terms by the modified preliminary term method hereinabove described.

(h) Reserves for all such policies and contracts may be calculated, at the option of the company, according to any standards which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by this subsection.

(3) This subsection shall apply to only those policies and contracts issued on or after January 1, 1948 or such earlier operative date of Section 229.2 (the Standard Non-forfeiture Law) as shall have been elected by the insurance company issuing such policies or contracts.

(a) Except as otherwise provided in subsections (4), (6), and (7), the minimum standard for the valuation of all such policies and contracts shall be the Commissioners Reserve valuation method defined in paragraphs (b) and (f) of this subsection and in subsection 5, 3 1/2% interest for such policies issued prior to September 8, 1977, 5 1/2% interest for single premium life insurance policies and 4 1/2% interest for all other such policies issued on or after September 8, 1977, and the following tables:

(i) The Commissioners 1941 Standard Ordinary Mortality Table for all Ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies, for such policies
issued prior to the operative date of subsection (4a) of Section 229.2 (Standard Non-forfeiture Law); and the Commissioners 1958 Standard Ordinary Mortality Table for such policies issued on or after such operative date but prior to the operative date of subsection (4c) of Section 229.2 provided that for any category of such policies issued on female risks all modified net premiums and present values referred to in this Act may, prior to September 8, 1977, be calculated according to an age not more than 3 years younger than the actual age of the insured and, after September 8, 1977, calculated according to an age not more than 6 years younger than the actual age of the insured; and for such policies issued on or after the operative date of subsection (4c) of Section 229.2, (i) the Commissioners 1980 Standard Ordinary Mortality Table, or (ii) at the election of the company for any one or more specified plans of life insurance, the Commissioners 1980 Standard Ordinary Mortality Table with Ten-Year Select Mortality Factors, or (iii) any ordinary mortality table adopted after 1980 by the National Association of Insurance Commissioners and approved by regulations promulgated by the Director for use in determining the minimum standard of valuation for such policies.

(ii) For all Industrial Life Insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies--the 1941 Standard Industrial Mortality Table for such policies issued prior to the operative date of subsection 4 (b) of Section 229.2 (Standard Non-forfeiture Law); and for such policies issued on or after such operative date the Commissioners 1961 Standard Industrial Mortality Table or any industrial mortality table adopted after 1980 by the National Association of Insurance Commissioners and approved by regulations promulgated by the Director for use in
determining the minimum standard of valuation for such policies.

(iii) For Individual Annuity and Pure Endowment contracts, excluding any disability and accidental death benefits in such policies—the 1937 Standard Annuity Mortality Table—or, at the option of the company, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the Director.

(iv) For Group Annuity and Pure Endowment contracts, excluding any disability and accidental death benefits in such policies—the Group Annuity Mortality Table for 1951, any modification of such table approved by the Director, or, at the option of the company, any of the tables or modifications of tables specified for Individual Annuity and Pure Endowment contracts.

(v) For Total and Permanent Disability Benefits in or supplementary to Ordinary policies or contracts for policies or contracts issued on or after January 1, 1966, the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit, or any tables of disablement rates and termination rates adopted after 1980 by the National Association of Insurance Commissioners and approved by regulations promulgated by the Director for use in determining the minimum standard of valuation for such policies; for policies or contracts issued on or after January 1, 1961, and prior to January 1, 1966, either such tables or, at the option of the company, the Class (3) Disability Table (1926); and for policies issued prior to January 1, 1961, the Class (3) Disability Table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.

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(vi) For Accidental Death benefits in or supplementary to policies--for policies issued on or after January 1, 1966, the 1959 Accidental Death Benefits Table or any accidental death benefits table adopted after 1980 by the National Association of Insurance Commissioners and approved by regulations promulgated by the Director for use in determining the minimum standard of valuation for such policies; for policies issued on or after January 1, 1961, and prior to January 1, 1966, any of such tables or, at the option of the company, the Inter-Company Double Indemnity Mortality Table; and for policies issued prior to January 1, 1961, the Inter-Company Double Indemnity Mortality Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(vii) For Group Life Insurance, life insurance issued on the substandard basis and other special benefits--such tables as may be approved by the Director.

(b) Except as otherwise provided in paragraph (f) of subsection (3), subsection (5), and subsection (7) reserves according to the Commissioners reserve valuation method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of (A) over (B), as follows:

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(A) A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided, however, that such net level annual premium shall not exceed the net level annual premium on the 19 year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy.

(B) A net one year term premium for such benefits provided for in the first policy year.

For any life insurance policy issued on or after January 1, 1987, for which the contract premium in the first policy year exceeds that of the second year with no comparable additional benefit being provided in that first year, which policy provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than such excess premium, the reserve according to the Commissioners reserve valuation method as of any policy anniversary occurring on or before the assumed ending date, defined herein as the first policy anniversary on which the sum of any endowment benefit and any cash surrender value then available is greater than such excess premium, shall, except as otherwise provided in paragraph (f) of subsection (3), be the greater of the reserve as of such policy anniversary calculated as described in the preceding part of this paragraph (b) and the reserve as of such policy anniversary calculated as described in the preceding part of this paragraph (b) with (i) the value defined in subpart A of the preceding part of this paragraph (b) being reduced by 15% of the amount of such excess first year premium, (ii) all present values of benefits and premiums being determined without reference to premiums or benefits provided for by the policy after the assumed ending date, (iii) the policy being assumed to mature on such date as an endowment, and (iv) the cash surrender value
provided on such date being considered as an endowment benefit. In making the above comparison, the mortality and interest bases stated in paragraph (a) of subsection (3) and in subsection 6 shall be used.

Reserves according to the Commissioners reserve valuation method for (i) life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums, (ii) group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, as now or hereafter amended, (iii) disability and accidental death benefits in all policies and contracts, and (iv) all other benefits, except life insurance and endowment benefits in life insurance policies and benefits provided by all other annuity and pure endowment contracts, shall be calculated by a method consistent with the principles of this paragraph (b), except that any extra premiums charged because of impairments or special hazards shall be disregarded in the determination of modified net premiums.

(c) In no event shall a company's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits be less than the aggregate reserves calculated in accordance with the methods set forth in paragraphs (b), (f), and (g) of subsection (3) and in subsection (5) and the mortality table or tables and rate or rates of interest used in calculating non-forfeiture benefits for such policies.

(d) In no event shall the aggregate reserves for all policies, contracts, and benefits be less than the aggregate reserves determined by the qualified actuary to be necessary to render the opinion required by subsection (1a).

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(e) Reserves for any category of policies, contracts or benefits as established by the Director, may be calculated, at the option of the company, according to any standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used for policies and contracts, other than annuity and pure endowment contracts, shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for therein.

(f) If in any contract year the gross premium charged by any life insurance company on any policy or contract is less than the valuation net premium for the policy or contract calculated by the method used in calculating the reserve thereon but using the minimum valuation standards of mortality and rate of interest, the minimum reserve required for such policy or contract shall be the greater of either the reserve calculated according to the mortality table, rate of interest, and method actually used for such policy or contract, or the reserve calculated by the method actually used for such policy or contract but using the minimum standards of mortality and rate of interest and replacing the valuation net premium by the actual gross premium in each contract year for which the valuation net premium exceeds the actual gross premium. The minimum valuation standards of mortality and rate of interest referred to in this paragraph (f) are those standards stated in subsection (6) and paragraph (a) of subsection (3).

For any life insurance policy issued on or after January 1, 1987, for which the gross premium in the first policy year exceeds that of the second year with no comparable additional benefit provided in that first year, which policy provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than such excess premium, the foregoing provisions of this paragraph (f) shall be applied as if the method actually used in calculating the reserve for such policy were the method described in paragraph (b) of subsection (3), ignoring the

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second paragraph of said paragraph (b). The minimum reserve at each policy anniversary of such a policy shall be the greater of the minimum reserve calculated in accordance with paragraph (b) of subsection (3), including the second paragraph of said paragraph (b), and the minimum reserve calculated in accordance with this paragraph (f).

(g) In the case of any plan of life insurance which provides for future premium determination, the amounts of which are to be determined by the insurance company based on then estimates of future experience, or in the case of any plan of life insurance or annuity which is of such a nature that the minimum reserves cannot be determined by the methods described in paragraphs (b) and (f) of subsection (3) and subsection (5), the reserves which are held under any such plan shall:

(i) be appropriate in relation to the benefits and the pattern of premiums for that plan, and

(ii) be computed by a method which is consistent with the principles of this Standard Valuation Law, as determined by regulations promulgated by the Director.

(4) Except as provided in subsection (6), the minimum standard for the valuation of all individual annuity and pure endowment contracts issued on or after the operative date of this subsection, as defined herein, and for all annuities and pure endowments purchased on or after such operative date under group annuity and pure endowment contracts shall be the Commissioners Reserve valuation methods defined in paragraph (b) of subsection (3) and subsection (5) and the following tables and interest rates:

(a) For individual single premium immediate annuity contracts, excluding any disability and accidental death benefits in such contracts, the 1971 Individual Annuity Mortality Table, any individual annuity mortality table adopted after 1980 by the National Association of Insurance Commissioners and approved by regulations promulgated by the Director for use in determining the minimum standard of valuation for such contracts, or any
modification of those tables approved by the Director, and 7 1/2% interest.

(b) For individual and pure endowment contracts other than single premium annuity contracts, excluding any disability and accidental death benefits in such contracts, the 1971 Individual Annuity Mortality Table, any individual annuity mortality table adopted after 1980 by the National Association of Insurance Commissioners and approved by regulations promulgated by the Director for use in determining the minimum standard of valuation for such contracts, or any modification of those tables approved by the Director, and 5 1/2% interest for single premium deferred annuity and pure endowment contracts and 4 1/2% interest for all other such individual annuity and pure endowment contracts.

(c) For all annuities and pure endowments purchased under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, the 1971 Group Annuity Mortality Table, any group annuity mortality table adopted after 1980 by the National Association of Insurance Commissioners and approved by regulations promulgated by the Director for use in determining the minimum standard of valuation for such annuities and pure endowments, or any modification of those tables approved by the Director, and 7 1/2% interest.

After September 8, 1977, any company may file with the Director a written notice of its election to comply with the provisions of this subsection after a specified date before January 1, 1979, which shall be the operative date of this subsection for such company; provided, a company may elect a different operative date for individual annuity and pure endowment contracts from that elected for group annuity and pure endowment contracts. If a company makes no election, the operative date of this subsection for such company shall be January 1, 1979.

(5) This subsection shall apply to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation,
established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, as now or hereafter amended.

Reserves according to the Commissioners annuity reserve method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in such contracts, shall be the greatest of the respective excesses of the present values, at the date of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits, provided for by such contracts at the end of each respective contract year, over the present value, at the date of valuation, of any future valuation considerations derived from future gross considerations, required by the terms of such contract, that become payable prior to the end of such respective contract year. The future guaranteed benefits shall be determined by using the mortality table, if any, and the interest rate, or rates, specified in such contracts for determining guaranteed benefits. The valuation considerations are the portions of the respective gross considerations applied under the terms of such contracts to determine nonforfeiture values.

(6) (a) Applicability of this subsection. (i) The interest rates used in determining the minimum standard for the valuation of

(A) all life insurance policies issued in a particular calendar year, on or after the operative date of subsection (4c) of Section 229.2 (Standard Nonforfeiture Law),

(B) all individual annuity and pure endowment contracts issued in a particular calendar year ending on or after December 31, 1983,

(C) all annuities and pure endowments purchased in a particular calendar year ending on or after December 31, 1983, under group annuity and pure endowment contracts, and

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(D) the net increase in a particular calendar year ending after December 31, 1983, in amounts held under guaranteed interest contracts shall be the calendar year statutory valuation interest rates, as defined in this subsection.

(b) Calendar Year Statutory Valuation Interest Rates.

(i) The calendar year statutory valuation interest rates shall be determined according to the following formulae, rounding "I" to the nearest .25%.

(A) For life insurance,

\[ I = .03 + W (R1 - .03) + W/2 (R2 - .09) \]

(B) For single premium immediate annuities and annuity benefits involving life contingencies arising from other annuities with cash settlement options and from guaranteed interest contracts with cash settlement options,

\[ I = .03 + W (R - .03) \]

or with prior approval of the Director

\[ I = .03 + W (Rq - .03) \]

For the purposes of this subparagraph (i), "I" equals the calendar year statutory valuation interest rate, "R" is the reference interest rate defined in this subsection, "R1" is the lesser of R and .09, "R2" is the greater of R and .09, "Rq" is the quarterly reference interest rate defined in this subsection, and "W" is the weighting factor defined in this subsection.

(C) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on an issue year basis, except as stated in (B), the formula for life insurance stated in (A) applies to annuities and guaranteed interest contracts with guarantee durations in excess of 10 years, and the formula for single premium immediate annuities stated in (B) above applies to annuities and guaranteed interest contracts with guarantee durations of 10 years or less.

(D) For other annuities with no cash settlement options and for guaranteed interest contracts with no cash

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settlement options, the formula for single premium immediate annuities stated in (B) applies.

(E) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change in fund basis, the formula for single premium immediate annuities stated in (B) applies.

(ii) If the calendar year statutory valuation interest rate for any life insurance policy issued in any calendar year determined without reference to this subparagraph differs from the corresponding actual rate for similar policies issued in the immediately preceding calendar year by less than .5%, the calendar year statutory valuation interest rate for such life insurance policy shall be the corresponding actual rate for the immediately preceding calendar year. For purposes of applying this subparagraph, the calendar year statutory valuation interest rate for life insurance policies issued in a calendar year shall be determined for 1980, using the reference interest rate defined for 1979, and shall be determined for each subsequent calendar year regardless of when subsection (4c) of Section 229.2 (Standard Nonforfeiture Law) becomes operative.

(c) Weighting Factors.

(i) The weighting factors referred to in the formulae stated in paragraph (b) are given in the following tables.

(A) Weighting Factors for Life Insurance.

<table>
<thead>
<tr>
<th>Guarantee Duration (Years)</th>
<th>Weighting Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 or less</td>
<td>.50</td>
</tr>
<tr>
<td>More than 10, but not more than 20</td>
<td>.45</td>
</tr>
<tr>
<td>More than 20</td>
<td>.35</td>
</tr>
</tbody>
</table>

For life insurance, the guarantee duration is the maximum number of years the life insurance can remain in force on a basis guaranteed in the policy or under options to convert to plans of life insurance with premium rates or...

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nonforfeiture values or both which are guaranteed in the original policy.

(B) The weighting factor for single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options is .80.

(C) The weighting factors for other annuities and for guaranteed interest contracts, except as stated in (B) of this subparagraph (i), shall be as specified in tables (1), (2), and (3) of this subpart (C), according to the rules and definitions in (4), (5) and (6) of this subpart (C).

(1) For annuities and guaranteed interest contracts valued on an issue year basis.

<table>
<thead>
<tr>
<th>Guarantee Weighting Factor for Plan Type</th>
<th>A</th>
<th>B</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 or less</td>
<td>.80</td>
<td>.60</td>
<td>.50</td>
</tr>
<tr>
<td>More than 5, but not more than 10</td>
<td>.75</td>
<td>.60</td>
<td>.50</td>
</tr>
<tr>
<td>More than 10, but not more than 20</td>
<td>.65</td>
<td>.50</td>
<td>.45</td>
</tr>
<tr>
<td>More than 20</td>
<td>.45</td>
<td>.35</td>
<td>.35</td>
</tr>
</tbody>
</table>

(2) For annuities and guaranteed interest contracts valued on a change in fund basis, the factors shown in (1) for Plan Types A, B and C are increased by .15, .25 and .05, respectively.

(3) For annuities and guaranteed interest contracts valued on an issue year basis, other than those with no cash settlement options, which do not guarantee interest on considerations received more than one year after issue or purchase, and for annuities and guaranteed interest contracts valued on a change in fund basis which do not guarantee interest rates on considerations received more
than 12 months beyond the valuation date, the factors shown in (1), or derived in (2), for Plan Types A, B and C are increased by .05.

(4) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the guarantee duration is the number of years for which the contract guarantees interest rates in excess of the calendar year statutory valuation interest rate for life insurance policies with guarantee durations in excess of 20 years. For other annuities with no cash settlement options, and for guaranteed interest contracts with no cash settlement options, the guarantee duration is the number of years from the date of issue or date of purchase to the date annuity benefits are scheduled to commence.

(5) The plan types used in the above tables are defined as follows.

Plan Type A is a plan under which the policyholder may not withdraw funds, or may withdraw funds at any time but only (a) with an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company, (b) without such an adjustment but in installments over 5 years or more, or (c) as an immediate life annuity.

Plan Type B is a plan under which the policyholder may not withdraw funds before expiration of the interest rate guarantee, or may withdraw funds before such expiration but only (a) with an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company, or (b) without such adjustment but in installments over 5 years or more. At the end of the interest rate guarantee, funds may be withdrawn without such adjustment in a single sum or installments over less than 5 years.

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Plan Type C is a plan under which the policyholder may withdraw funds before expiration of the interest rate guarantee in a single sum or installments over less than 5 years either (a) without adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company, or (b) subject only to a fixed surrender charge stipulated in the contract as a percentage of the fund.

(6) A company may elect to value guaranteed interest contracts with cash settlement options and annuities with cash settlement options on either an issue year basis or on a change in fund basis. Guaranteed interest contracts with no cash settlement options and other annuities with no cash settlement options shall be valued on an issue year basis. As used in this Section, "issue year basis of valuation" refers to a valuation basis under which the interest rate used to determine the minimum valuation standard for the entire duration of the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of issue or year of purchase of the annuity or guaranteed interest contract. "Change in fund basis of valuation", as used in this Section, refers to a valuation basis under which the interest rate used to determine the minimum valuation standard applicable to each change in the fund held under the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of the change in the fund.

(d) Reference Interest Rate. (i) The reference interest rate referred to in paragraph (b) of this subsection is defined as follows.

(A) For all life insurance, the reference interest rate is the lesser of the average over a period of 36 months, and the average over a period of 12 months, with both periods ending on June 30, or with prior approval of the Director ending on December 31, of the calendar year next
preceding the year of issue, of Moody's Corporate Bond Yield Average - Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(B) For single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the reference interest rate is the average over a period of 12 months, ending on June 30, or with prior approval of the Director ending on December 31, of the calendar year of issue or year of purchase, of Moody's Corporate Bond Yield Average - Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(C) For annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year of issue basis, except those described in (B), with guarantee durations in excess of 10 years, the reference interest rate is the lesser of the average over a period of 36 months and the average over a period of 12 months, ending on June 30, or with prior approval of the Director ending on December 31, of the calendar year of issue or purchase, of Moody's Corporate Bond Yield Average-Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(D) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year of issue basis, except those described in (B), with guarantee durations of 10 years or less, the reference interest rate is the average over a period of 12 months, ending on June 30, or with prior approval of the Director ending on December 31, of the calendar year of issue or purchase, of Moody's Corporate Bond Yield Average-Monthly Average Corporates, as published by Moody's Investors Service, Inc.

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(E) For annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the reference interest rate is the average over a period of 12 months, ending on June 30, or with prior approval of the Director ending on December 31, of the calendar year of issue or purchase, of Moody's Corporate Bond Yield Average-Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(F) For annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change in fund basis, except those described in (B), the reference interest rate is the average over a period of 12 months, ending on June 30, or with prior approval of the Director ending on December 31, of the calendar year of the change in the fund, of Moody's Corporate Bond Yield Average-Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(G) For annuities valued by a formula based on Rq, the quarterly reference interest rate is, with the prior approval of the Director, the average within each of the 4 consecutive calendar year quarters ending on March 31, June 30, September 30 and December 31 of the calendar year of issue or year of purchase of Moody's Corporate Bond Yield Average-Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(e) Alternative Method for Determining Reference Interest Rates. In the event that the Moody's Corporate Bond Yield Average-Monthly Average Corporates is no longer published by Moody's Investors Services, Inc., or in the event that the National Association of Insurance Commissioners determines that Moody's Corporate Bond Yield Average-Monthly Average Corporates as published by Moody's Investors Service, Inc. is no longer appropriate for the determination of the reference interest rate, then an alternative method for determination of the reference interest

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rate, which is adopted by the National Association of Insurance Commissioners and approved by regulations promulgated by the Director, may be substituted.

(7) Minimum Standards for Health (Disability, Accident and Sickness) Plans. The Director shall promulgate a regulation containing the minimum standards applicable to the valuation of health (disability, sickness and accident) plans.

(Source: P.A. 91-357, eff. 7-29-99.)

(215 ILCS 5/531.09) (from Ch. 73, par. 1065.80-9)

Sec. 531.09. Assessments.

(1) For the purpose of providing the funds necessary to carry out the powers and duties of the Association, the board of directors shall assess the member insurers, separately for each account, at such times and for such amounts as the board finds necessary. Assessments shall be due not less than 30 days after written notice to the member insurers and shall accrue interest from the due date at such adjusted rate as is established under Section 6621 of Chapter 26 of the United States Code and such interest shall be compounded daily.

(2) There shall be 2 classes of assessments, as follows:

(a) Class A assessments shall be made for the purpose of meeting administrative costs and other general expenses and examinations conducted under the authority of the Director under subsection (5) of Section 531.12.

(b) Class B assessments shall be made to the extent necessary to carry out the powers and duties of the Association under Section 531.08 with regard to an impaired or insolvent domestic insurer or insolvent foreign or alien insurers.

(3) (a) The amount of any Class A assessment shall be determined by the Board at the discretion of the board of directors. Such assessments shall not exceed $200 per company in any one calendar year. The amount of any Class B assessment shall be allocated for assessment purposes among the accounts and subaccounts pursuant to an allocation formula which may be based on the premiums or reserves of the

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impaired or insolvent insurer or any other standard deemed by the board in its sole discretion as being fair and reasonable under the circumstances.

(b) Class B assessments against member insurers for each account and subaccount shall be in the proportion that the premiums received on business in this State by each assessed member insurer on policies or contracts covered by each account or subaccount for the three most recent calendar years for which information is available preceding the year in which the insurer became impaired or insolvent, as the case may be, bears to such premiums received on business in this State for such calendar years by all assessed member insurers.

(c) Assessments for funds to meet the requirements of the Association with respect to an impaired or insolvent insurer shall not be made until necessary to implement the purposes of this Article. Classification of assessments under subsection (2) and computations of assessments under this subsection shall be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible.

(4) The Association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations. The total of all assessments upon a member insurer for the life and annuity account and for each subaccount thereunder may not in any one calendar year exceed 2% and for the health account may not in any one calendar year exceed 2% of such insurer's average premiums received in this State on the policies and contracts covered by the account or subaccount during the three calendar years preceding the year in which the insurer became an impaired or insolvent insurer. If a one percent assessment for any subaccount of the life and annuity account in any one year does not provide an amount sufficient to carry out the responsibilities of the Association, then pursuant to subsection 3(b), the board shall access all subaccounts of the life and annuity account for the necessary additional amount, subject to the maximum stated in this subsection.

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(5) In the event an assessment against a member insurer is abated, or deferred, in whole or in part, because of the limitations set forth in subsection (4) of this Section the amount by which such assessment is abated or deferred, may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this Section. If the maximum assessment, together with the other assets of the Association in either account, does not provide in any one year in either account an amount sufficient to carry out the responsibilities of the Association, the necessary additional funds may be assessed as soon thereafter as permitted by this Article. The board may provide in the plan of operation a method of allocating funds among claims, whether relating to one or more impaired or insolvent insurers, when the maximum assessment will be insufficient to cover anticipated claims.

(6) The board may, by an equitable method as established in the plan of operation, refund to member insurers, in proportion to the contribution of each insurer to that account, the amount by which the assets of the account exceed the amount the board finds is necessary to carry out during the coming year the obligations of the Association with regard to that account, including assets accruing from net realized gains and income from investments. A reasonable amount may be retained in any account to provide funds for the continuing expenses of the Association and for future losses if refunds are impractical.

(7) An assessment is deemed to occur on the date upon which the board votes such assessment. The board may defer calling the payment of the assessment or may call for payment in one or more installments.

(8) It is proper for any member insurer, in determining its premium rates and policyowner dividends as to any kind of insurance within the scope of this Article, to consider the amount reasonably necessary to meet its assessment obligations under this Article.

(9) The Association must issue to each insurer paying a Class B assessment under this Article a certificate of contribution, in a form acceptable to the Director, for the amount of the assessment so paid. All outstanding certificates are of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown
by the insurer in its financial statement as an asset in such form and for such amount, if any, and period of time as the Director may approve, provided the insurer shall in any event at its option have the right to show a certificate of contribution as an admitted asset at percentages of the original face amount for calendar years as follows:

100% for the calendar year after the year of issuance;
80% for the second calendar year after the year of issuance;
60% for the third calendar year after the year of issuance;
40% for the fourth calendar year after the year of issuance;
20% for the fifth calendar year after the year of issuance.

(Source: P.A. 86-753.)

Effective January 1, 2008.

PUBLIC ACT 95-0087
(House Bill No. 0943)

AN ACT concerning public safety.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Mercury Fever Thermometer Prohibition Act is amended by changing Sections 1 and 10 and by adding Sections 27 and 35 as follows:

(410 ILCS 46/1)
Sec. 1. Short title. This Act may be cited as the Mercury-added Product Mercury Fever Thermometer Prohibition Act.
(Source: P.A. 93-165, eff. 1-1-04.)
(410 ILCS 46/10)
Sec. 10. Definitions. For the purposes of this Act, the words and terms defined in this Section shall have the meaning given, unless the context otherwise clearly requires.
"Agency" means the Illinois Environmental Protection Agency.

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"Mercury fever thermometer" means any device containing liquid mercury wherein the liquid mercury is used to measure the internal body temperature of a person.

"Mercury-added novelty" means a mercury-added product intended for personal or household enjoyment, including but not limited to: toys, figurines, adornments, games, cards, ornaments, yard statues and figurines, candles, jewelry, holiday decorations, and footwear and other items of apparel.

"Mercury-added product" means a product to which mercury is added intentionally during formulation of manufacture, or a product containing one or more components to which mercury is intentionally added during formulation or manufacture.

"Health care facility" means any hospital, nursing home, extended care facility, long-term facility, clinic or medical laboratory, State or private health or mental institution, clinic, physician's office, or health maintenance organization.

"Hospital" means any institution, place, building, or agency, public or private, whether organized for profit or not, devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of 2 or more unrelated persons admitted for overnight stay or longer in order to obtain medical, including obstetric, psychiatric, and nursing, care of illness, disease, injury, infirmity, or deformity.

"Person" means any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or non-profit organization, or any other legal entity.

(Source: P.A. 93-165, eff. 1-1-04.)

(410 ILCS 46/27 new)

Sec. 27. Sale and distribution of certain mercury-added products prohibited.

(a) On and after July 1, 2008, no person shall sell, offer to sell, or distribute the following mercury-added products in this State:

(1) barometers;

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(2) esophageal dilators, bougie tubes, or gastrointestinal tubes;
(3) flow meters;
(4) hydrometers;
(5) hygrometers;
(6) manometers;
(7) pyrometers;
(8) sphygmomanometers;
(9) thermometers; or
(10) psychrometers.

(b) This Section does not apply to the sale of a mercury-added product listed in paragraphs (1) through (10) of subsection (a) if use of the product is a federal requirement or if the only mercury-added component in the product is a button cell battery.

(c) This Section does not apply to the sale of a mercury-added product listed in paragraphs (1) through (10) of subsection (a) for which an exemption is obtained under this subsection (c). The manufacturer of the product may apply for an exemption for one or more uses of the product by filing a written petition with the Agency. The Agency may grant an exemption, with or without conditions, if the manufacturer demonstrates the following:

(1) a system exists for the proper collection, transportation, and processing of the product at the end of its useful life; and
(2) one of the following applies:
   (i) use of the product provides a net benefit to the environment, public health, or public safety when compared to available nonmercury alternatives; or
   (ii) technically feasible nonmercury alternatives are not available at comparable cost.

Prior to approving an exemption, the Agency may consult with other states to promote consistency in the regulation of the product for which the exemption is requested. The Agency may also publish notice of its receipt of petitions for exemptions on its website and consider public comments submitted in response to the petitions. Exemptions shall be

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granted for a term of 5 years and may be renewed for additional 5-year terms upon written application by the manufacturer if the manufacturer demonstrates that the criteria of this subsection (c) and the conditions of the product's original exemption approval continue to be met. All petitions for exemptions and exemption renewals shall be submitted on forms prescribed by the Agency.

(410 ILCS 46/35 new)

Sec. 35. The Agency may participate in the establishment and implementation of a regional, multistate clearinghouse to assist in carrying out the requirements of this Act.

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


PUBLIC ACT 95-0088
(House Bill No. 0950)

AN ACT concerning revenue.

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

Section 5. The Use Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

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(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Personal property purchased by a governmental body, by a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or by a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active exemption identification number issued by the Department.

(5) Until July 1, 2003, a passenger car that is a replacement vehicle to the extent that the purchase price of the car is subject to the Replacement Vehicle Tax.

(6) Until July 1, 2003 and beginning again on September 1, 2004, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special
order, certified by the purchaser to be used primarily for graphic arts production, and including machinery and equipment purchased for lease. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(7) Farm chemicals.

(8) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(9) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(10) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(11) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (11). Agricultural chemical tender tanks and dry boxes shall include units sold

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separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (11) is exempt from the provisions of Section 3-90.

(12) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(13) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages purchased at retail from a retailer, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(14) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment

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purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(15) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(16) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(17) Until July 1, 2003, distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(18) Manufacturing and assembling machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether that sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether that sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(19) Personal property delivered to a purchaser or purchaser's donee inside Illinois when the purchase order for that personal property was received by a florist located outside Illinois who has a florist located inside Illinois deliver the personal property.

(20) Semen used for artificial insemination of livestock for direct agricultural production.

(21) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America,
Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes. This item (21) is exempt from the provisions of Section 3-90, and the exemption provided for under this item (21) applies for all periods beginning May 30, 1995, but no claim for credit or refund is allowed on or after the effective date of this amendatory Act of the 95th General Assembly for such taxes paid during the period beginning May 30, 2000 and ending on the effective date of this amendatory Act of the 95th General Assembly.

(22) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(23) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not

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qualify for this exemption or used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(24) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(25) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(26) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-90.

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(27) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(28) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-90.

(29) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated
amusement and vending machines. This paragraph is exempt from the provisions of Section 3-90.

(30) Beginning January 1, 2001 and through June 30, 2011, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(31) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(32) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who
leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(33) On and after July 1, 2003 and through June 30, 2004, the use in this State of motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds and that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. Beginning on July 1, 2004 and through June 30, 2005, the use in this State of motor vehicles of the second division: (i) with a gross vehicle weight rating in excess of 8,000 pounds; (ii) that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code; and (iii) that are primarily used for commercial purposes. Through June 30, 2005, this exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act. For purposes of this paragraph, the term "used for commercial purposes" means the transportation of persons or property in furtherance of any commercial or industrial enterprise, whether for-hire or not.

New matter indicated by italics - deletions by strikeout
Section 10. The Service Use Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 110/3-5) (from Ch. 120, par. 439.33-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a non-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Until July 1, 2003 and beginning again on September 1, 2004, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order
or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(6) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and
agricultural chemicals. This item (7) is exempt from the provisions of Section 3-75.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers’ bills for the purchase and consumption of food and beverages acquired as an incident to the purchase of a service from a serviceman, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Proceeds from the sale of photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Semen used for artificial insemination of livestock for direct agricultural production.

New matter indicated by italics - deletions by strikeout
(14) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes. This item (14) is exempt from the provisions of Section 3-75, and the exemption provided for under this item (14) applies for all periods beginning May 30, 1995, but no claim for credit or refund is allowed on or after the effective date of this amendatory Act of the 95th General Assembly for such taxes paid during the period beginning May 30, 2000 and ending on the effective date of this amendatory Act of the 95th General Assembly.

(15) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(16) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption
identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(17) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(19) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting

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enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-75.

(20) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(21) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-75.

(22) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated
amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-75.

(23) Beginning August 23, 2001 and through June 30, 2011, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(24) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers’ Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

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(25) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

(Source: P.A. 93-24, eff. 6-20-03; 93-840, eff. 7-30-04; 94-1002, eff. 7-3-06.)

Section 15. The Service Occupation Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 115/3-5) (from Ch. 120, par. 439.103-5)

Sec. 3-5. Exemptions. The following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.
(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by any not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Until July 1, 2003 and beginning again on September 1, 2004, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and
including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-55.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly

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in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Beginning January 1, 1992 and through June 30, 2011, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(14) Semen used for artificial insemination of livestock for direct agricultural production.

(15) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United

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States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes. *This item (15) is exempt from the provisions of Section 3-55, and the exemption provided for under this item (15) applies for all periods beginning May 30, 1995, but no claim for credit or refund is allowed on or after the effective date of this amendatory Act of the 95th General Assembly for such taxes paid during the period beginning May 30, 2000 and ending on the effective date of this amendatory Act of the 95th General Assembly.*

(16) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(17) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(19) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm
water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(20) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-55.

(21) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(22) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to
the fundraising entity. This paragraph is exempt from the provisions of Section 3-55.

(23) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-55.

(24) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(25) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(26) Beginning on January 1, 2002 and through June 30, 2011, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or
incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (26). The permit issued under this paragraph (26) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 93-24, eff. 6-20-03; 93-840, eff. 7-30-04; 94-1002, eff. 7-3-06.)

Section 20. The Retailers' Occupation Tax Act is amended by changing Section 2-5 as follows:

(35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:

(1) Farm chemicals.

(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and dry boxes shall include units sold

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separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 2-70.

(3) Until July 1, 2003, distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) Until July 1, 2003 and beginning again September 1, 2004, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(5) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less

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than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Until July 1, 2003, proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution,
or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Tangible personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(12-5) On and after July 1, 2003 and through June 30, 2004, motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. Beginning on July 1, 2004 and through June 30, 2005, the use in this State of motor vehicles of the second division: (i) with a gross vehicle weight rating in excess of 8,000 pounds; (ii) that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code; and (iii) that are primarily used for commercial purposes. Through June 30, 2005, this exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act. For purposes of this paragraph, "used for commercial purposes" means the transportation of persons or property in furtherance of any commercial or industrial enterprise whether for-hire or not.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a
telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

(17) Tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(19) Until July 1 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and

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flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(21) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(22) Fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) Except as provided in item (25-5) of this Section, a motor vehicle sold in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a drive-away permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the

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motor vehicle upon returning to his or her home state. The issuance of the drive-away permit or having the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will not be titled in this State.

(25-5) The exemption under item (25) does not apply if the state in which the motor vehicle will be titled does not allow a reciprocal exemption for a motor vehicle sold and delivered in that state to an Illinois resident but titled in Illinois. The tax collected under this Act on the sale of a motor vehicle in this State to a resident of another state that does not allow a reciprocal exemption shall be imposed at a rate equal to the state's rate of tax on taxable property in the state in which the purchaser is a resident, except that the tax shall not exceed the tax that would otherwise be imposed under this Act. At the time of the sale, the purchaser shall execute a statement, signed under penalty of perjury, of his or her intent to title the vehicle in the state in which the purchaser is a resident within 30 days after the sale and of the fact of the payment to the State of Illinois of tax in an amount equivalent to the state's rate of tax on taxable property in his or her state of residence and shall submit the statement to the appropriate tax collection agency in his or her state of residence. In addition, the retailer must retain a signed copy of the statement in his or her records. Nothing in this item shall be construed to require the removal of the vehicle from this state following the filing of an intent to title the vehicle in the purchaser's state of residence if the purchaser titles the vehicle in his or her state of residence within 30 days after the date of sale. The tax collected under this Act in accordance with this item (25-5) shall be proportionately distributed as if the tax were collected at the 6.25% general rate imposed under this Act.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes. This item (27) is exempt from the
provisions of Section 2-70, and the exemption provided for under this item (27) applies for all periods beginning May 30, 1995, but no claim for credit or refund is allowed on or after the effective date of this amendatory Act of the 95th General Assembly for such taxes paid during the period beginning May 30, 2000 and ending on the effective date of this amendatory Act of the 95th General Assembly.

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering
Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 2-70.

(33) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 2-70.
(35) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 2-70.

(35-5) Beginning August 23, 2001 and through June 30, 2011, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(36) Beginning August 2, 2001, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(37) Beginning August 2, 2001, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(38) Beginning on January 1, 2002 and through June 30, 2011, tangible personal property purchased from an Illinois retailer by a taxpayer
engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (38). The permit issued under this paragraph (38) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 93-23, eff. 6-20-03; 93-24, eff. 6-20-03; 93-840, eff. 7-30-04; 93-1033, eff. 9-3-04; 93-1068, eff. 1-15-05; 94-1002, eff. 7-3-06.)

Effective January 1, 2008.

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

Section 5. The Illinois Act on the Aging is amended by adding Section 4.14 as follows:

(20 ILCS 105/4.14 new)

Sec. 4.14. Rural Senior Citizen Program.

New matter indicated by italics - deletions by strikeout
(a) The General Assembly finds that it is in the best interest of the citizens of Illinois to identify and address the special challenges and needs faced by older rural residents. The General Assembly further finds that rural areas are often under-served and unserved to the detriment of older residents and their families, which may require the allocation of additional resources.

(b) The Department shall identify the special needs and problems of older rural residents and evaluate the adequacy and accessibility of existing programs and information for older rural residents. The scope of the Department's work shall encompass both Older American Act services, Community Care services, and all other services targeted in whole or in part at residents 60 years of age and older, regardless of the setting in which the service is provided.

(c) The Older Rural Adults Task Force is established to gather information and make recommendations in collaboration with the Department on Aging and the Older Adult Services Committee. The Task Force shall be comprised of 12 voting members and 7 non-voting members. The President and Minority Leader of the Illinois Senate and the Speaker and Minority Leader of the Illinois House of Representatives shall each appoint 2 members of the General Assembly and one citizen member to the Task Force. Citizen members may seek reimbursement for actual travel expenses. Representatives of the Department on Aging and the Departments of Healthcare and Family Services, Human Services, Public Health, and Commerce and Economic Opportunity, the Rural Affairs Council, and the Illinois Housing Development Authority shall serve as non-voting members. The Department on Aging shall provide staff support to the Task Force.

Co-chairs shall be selected by the Task Force at its first meeting. Both shall be appointed voting members of the Task Force. One co-chair shall be a member of the General Assembly and one shall be a citizen member. A simple majority of those appointed shall constitute a quorum. The Task Force may hold regional hearings and fact finding meetings and shall submit a report to the General Assembly no later than January 1, 2009. The Task Force is dissolved upon submission of the report.

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


PUBLIC ACT 95-0090
(House Bill No. 0983)

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

Section 5. The Property Tax Code is amended by changing Section 18-185 as follows:

(35 ILCS 200/18-185)
Sec. 18-185. Short title; definitions. This Division 5 may be cited as the Property Tax Extension Limitation Law. As used in this Division 5:
"Consumer Price Index" means the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor.
"Extension limitation" means (a) the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year or (b) the rate of increase approved by voters under Section 18-205.
"Affected county" means a county of 3,000,000 or more inhabitants or a county contiguous to a county of 3,000,000 or more inhabitants.
"Taxing district" has the same meaning provided in Section 1-150, except as otherwise provided in this Section. For the 1991 through 1994 levy years only, "taxing district" includes only each non-home rule taxing district having the majority of its 1990 equalized assessed value within any county or counties contiguous to a county with 3,000,000 or more inhabitants. Beginning with the 1995 levy year, "taxing district" includes only each non-home rule taxing district subject to this Law before the 1995 levy year and each non-home rule taxing district not subject to this

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Law before the 1995 levy year having the majority of its 1994 equalized assessed value in an affected county or counties. Beginning with the levy year in which this Law becomes applicable to a taxing district as provided in Section 18-213, "taxing district" also includes those taxing districts made subject to this Law as provided in Section 18-213.

"Aggregate extension" for taxing districts to which this Law applied before the 1995 levy year means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before October 1, 1991; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before October 1, 1991; (d) made for any taxing district to pay interest or principal on bonds issued after October 1, 1991 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before October 1, 1991 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before October 1, 1991, to pay for the building project; (g) made for payments due under installment contracts entered into before October 1, 1991; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), (e), and (h) of this definition for non-referendum obligations, except obligations

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initially issued pursuant to referendum; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made by a school district that participates in the Special Education District of Lake County, created by special education joint agreement under Section 10-22.31 of the School Code, for payment of the school district's share of the amounts required to be contributed by the Special Education District of Lake County to the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code; the amount of any extension under this item (k) shall be certified by the school district to the county clerk; (l) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (m) made for temporary relocation loan repayment purposes pursuant to Sections 2-3.77 and 17-2.2d of the School Code; (n) made for payment of principal and interest on any bonds issued under the authority of Section 17-2.2d of the School Code; and (o) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Aggregate extension" for the taxing districts to which this Law did not apply before the 1995 levy year (except taxing districts subject to this Law in accordance with Section 18-213) means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before March 1, 1995; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before March 1, 1995; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after March 1, 1995 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before March 1, 1995 for payment of which a property tax levy or the full

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faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before March 1, 1995 to pay for the building project; (g) made for payments due under installment contracts entered into before March 1, 1995; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (h-4) made for stormwater management purposes by the Metropolitan Water Reclamation District of Greater Chicago under Section 12 of the Metropolitan Water Reclamation District Act; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum and bonds described in subsection (h) of this definition; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made for payments of principal and interest on bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium or museum projects; (l) made for payments of principal and interest on bonds authorized by Public Act 87-1191 or 93-601 and (i) issued pursuant to Section 21.2 of the Cook County Forest Preserve District Act, (ii) issued under Section 42 of the Cook County Forest Preserve District Act for zoological park projects, or (iii) issued under Section 44.1 of the Cook County Forest Preserve District Act for botanical gardens projects; (m) made pursuant to Section 34-53.5 of the School Code, whether levied annually or not; (n) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (o) made by the Chicago Park District for recreational programs for the handicapped under subsection (c) of Section

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7.06 of the Chicago Park District Act; (p) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code; and (q) made by Ford Heights School District 169 under Section 17-9.02 of the School Code.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with Section 18-213, except for those taxing districts subject to paragraph (2) of subsection (e) of Section 18-213, means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the date on which the referendum making this Law applicable to the taxing district is held if the bonds were approved by referendum after the date on which the referendum making this Law applicable to the taxing district is held; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the date on which the referendum making this Law applicable to the taxing district is held for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the date on which the referendum making this Law applicable to the taxing district is held to pay for the building project; (g) made for payments due under
installment contracts entered into before the date on which the referendum 
making this Law applicable to the taxing district is held; (h) made for 
payments of principal and interest on limited bonds, as defined in Section 
3 of the Local Government Debt Reform Act, in an amount not to exceed 
the debt service extension base less the amount in items (b), (c), and (e) of 
this definition for non-referendum obligations, except obligations initially 
issued pursuant to referendum; (i) made for payments of principal and 
interest on bonds issued under Section 15 of the Local Government Debt 
Reform Act; (j) made for a qualified airport authority to pay interest or 
principal on general obligation bonds issued for the purpose of paying 
obligations due under, or financing airport facilities required to be 
acquired, constructed, installed or equipped pursuant to, contracts entered 
into before March 1, 1996 (but not including any amendments to such a 
contract taking effect on or after that date); (k) made to fund expenses of 
providing joint recreational programs for the handicapped under Section 5-
8 of the Park District Code or Section 11-95-14 of the Illinois Municipal 
Code; and (l) made for contributions to a firefighter's pension fund created 
under Article 4 of the Illinois Pension Code, to the extent of the amount 
certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Aggregate extension" for all taxing districts to which this Law 
applies in accordance with paragraph (2) of subsection (e) of Section 18-
213 means the annual corporate extension for the taxing district and those 
special purpose extensions that are made annually for the taxing district, 
excluding special purpose extensions: (a) made for the taxing district to 
pay interest or principal on general obligation bonds that were approved by 
referendum; (b) made for any taxing district to pay interest or principal on 
general obligation bonds issued before the effective date of this 
amendatory Act of 1997; (c) made for any taxing district to pay interest or 
principal on bonds issued to refund or continue to refund those bonds 
issued before the effective date of this amendatory Act of 1997; (d) made 
for any taxing district to pay interest or principal on bonds issued to refund 
or continue to refund bonds issued after the effective date of this 
amendatory Act of 1997 if the bonds were approved by referendum after 
the effective date of this amendatory Act of 1997; (e) made for any taxing 

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district to pay interest or principal on revenue bonds issued before the effective date of this amendatory Act of 1997 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the effective date of this amendatory Act of 1997 to pay for the building project; (g) made for payments due under installment contracts entered into before the effective date of this amendatory Act of 1997; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); (k) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; and (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Debt service extension base" means an amount equal to that portion of the extension for a taxing district for the 1994 levy year, or for those taxing districts subject to this Law in accordance with Section 18-213, except for those subject to paragraph (2) of subsection (e) of Section 18-213, for the levy year in which the referendum making this Law

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applicable to the taxing district is held, or for those taxing districts subject to this Law in accordance with paragraph (2) of subsection (e) of Section 18-213 for the 1996 levy year, constituting an extension for payment of principal and interest on bonds issued by the taxing district without referendum, but not including excluded non-referendum bonds. For park districts (i) that were first subject to this Law in 1991 or 1995 and (ii) whose extension for the 1994 levy year for the payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds) was less than 51% of the amount for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds), "debt service extension base" means an amount equal to that portion of the extension for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds). The debt service extension base may be established or increased as provided under Section 18-212. "Excluded non-referendum bonds" means (i) bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium and museum projects; (ii) bonds issued under Section 15 of the Local Government Debt Reform Act; or (iii) refunding obligations issued to refund or to continue to refund obligations initially issued pursuant to referendum.

"Special purpose extensions" include, but are not limited to, extensions for levies made on an annual basis for unemployment and workers' compensation, self-insurance, contributions to pension plans, and extensions made pursuant to Section 6-601 of the Illinois Highway Code for a road district's permanent road fund whether levied annually or not. The extension for a special service area is not included in the aggregate extension.

"Aggregate extension base" means the taxing district's last preceding aggregate extension as adjusted under Sections 18-215 through 18-230.

"Levy year" has the same meaning as "year" under Section 1-155.

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"New property" means (i) the assessed value, after final board of review or board of appeals action, of new improvements or additions to existing improvements on any parcel of real property that increase the assessed value of that real property during the levy year multiplied by the equalization factor issued by the Department under Section 17-30, (ii) the assessed value, after final board of review or board of appeals action, of real property not exempt from real estate taxation, which real property was exempt from real estate taxation for any portion of the immediately preceding levy year, multiplied by the equalization factor issued by the Department under Section 17-30, including the assessed value, upon final stabilization of occupancy after new construction is complete, of any real property located within the boundaries of an otherwise or previously exempt military reservation that is intended for residential use and owned by or leased to a private corporation or other entity, and (iii) in counties that classify in accordance with Section 4 of Article IX of the Illinois Constitution, an incentive property's additional assessed value resulting from a scheduled increase in the level of assessment as applied to the first year final board of review market value. In addition, the county clerk in a county containing a population of 3,000,000 or more shall include in the 1997 recovered tax increment value for any school district, any recovered tax increment value that was applicable to the 1995 tax year calculations.

"Qualified airport authority" means an airport authority organized under the Airport Authorities Act and located in a county bordering on the State of Wisconsin and having a population in excess of 200,000 and not greater than 500,000.

"Recovered tax increment value" means, except as otherwise provided in this paragraph, the amount of the current year's equalized assessed value, in the first year after a municipality terminates the designation of an area as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, previously established under the Economic Development Project Area Tax Increment Act of 1995, or previously established under the Economic Development Area

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Tax Increment Allocation Act, of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. For the taxes which are extended for the 1997 levy year, the recovered tax increment value for a non-home rule taxing district that first became subject to this Law for the 1995 levy year because a majority of its 1994 equalized assessed value was in an affected county or counties shall be increased if a municipality terminated the designation of an area in 1993 as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, by an amount equal to the 1994 equalized assessed value of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. In the first year after a municipality removes a taxable lot, block, tract, or parcel of real property from a redevelopment project area established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, the Industrial Jobs Recovery Law in the Illinois Municipal Code, or the Economic Development Area Tax Increment Allocation Act, "recovered tax increment value" means the amount of the current year's equalized assessed value of each taxable lot, block, tract, or parcel of real property removed from the redevelopment project area over and above the initial equalized assessed value of that real property before removal from the redevelopment project area.

Except as otherwise provided in this Section, "limiting rate" means a fraction the numerator of which is the last preceding aggregate extension base times an amount equal to one plus the extension limitation defined in this Section and the denominator of which is the current year's equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year. For those taxing districts that reduced their aggregate extension for the last preceding levy year, the highest aggregate extension in any of the last 3 preceding levy years shall

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be used for the purpose of computing the limiting rate. The denominator shall not include new property or the recovered tax increment value. If a new rate, a rate decrease, or a limiting rate increase has been approved at an election held after March 21, 2006, then (i) the otherwise applicable limiting rate shall be increased by the amount of the new rate or shall be reduced by the amount of the rate decrease, as the case may be, or (ii) in the case of a limiting rate increase, the limiting rate shall be equal to the rate set forth in the proposition approved by the voters for each of the years specified in the proposition, after which the limiting rate of the taxing district shall be calculated as otherwise provided.

(Source: P.A. 93-601, eff. 1-1-04; 93-606, eff. 11-18-03; 93-612, eff. 11-18-03; 93-689, eff. 7-1-04; 93-690, eff. 7-1-04; 93-1049, eff. 11-17-04; 94-974, eff. 6-30-06; 94-976, eff. 6-30-06; 94-1078, eff. 1-9-07; revised 1-11-07.)

Effective January 1, 2008.

PUBLIC ACT 95-0091
(House Bill No. 0984)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
(20 ILCS 505/34.8 rep.)
Section 5. The Children and Family Services Act is amended by repealing Section 34.8.

Effective January 1, 2008.
PUBLIC ACT 95-0092  
(House Bill No. 1004)

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

Section 5. The Illinois Insurance Code is amended by changing Sections 803.1 and 805.1 as follows:

(215 ILCS 5/803.1)
Sec. 803.1. Establishment of Fund.
(a) There is established a fund to be known as the "Illinois Mine Subsidence Insurance Fund". The Fund shall operate pursuant to this Article. The Fund is authorized to transact business, provide services, enter into contracts and sue or be sued in its own name.
(b) The Fund shall provide reinsurance for mine subsidence losses to all insurers writing mine subsidence insurance pursuant to this Article.
(c) The monies in the Fund shall be derived from premiums for mine subsidence insurance collected on behalf of the Fund pursuant to this Article, from investment income and from receipt of Federal or State funds. No insurer shall have any liability to the Fund or to any creditor of the Fund, except as may be set forth in this Article, in the Articles of Governance which may be adopted by the Fund, in a reinsurance agreement executed pursuant to Section 810.1, in the Plan of Operation established by the Fund, or in the rules and procedures adopted by the Fund as authorized by the reinsurance agreement.
(d) The Fund shall establish its the rates, rating schedules, deductibles and retentions, minimum premiums, and classifications, and the maximum amount of reinsurance available per residence, commercial building, and living unit for mine subsidence insurance which the Fund shall file with the Director. The Director shall have 30 days from the date of receipt to approve or disapprove a rate filing. If no action is taken by the Director within 30 days, the rate is deemed to be approved. The Director may, in writing, extend the period for an additional 30 days if the Director determines that additional time is needed.

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(e) The Fund shall establish its rates, rating schedules, deductibles and retentions, minimum premiums, classifications, and the maximum amount of reinsurance available per residence, commercial building, and living unit and classification in such a manner as to satisfy all reasonably foreseeable claims and expenses the Fund is likely to incur. The Fund shall give due consideration to loss experience and relevant trends, premium and other income and reasonable reserves established for contingencies in establishing the mine subsidence rates.

(f) The Fund shall compile and publish an annual operating report.

(g) The Fund shall develop at least 2 consumer information publications to aid the public in understanding mine subsidence and mine subsidence insurance and shall establish a schedule for the distribution of the publications pursuant to the reinsurance agreement. Topics that shall be addressed shall include but are not limited to:

1. Descriptive information about mine subsidence, and what benefits mine subsidence insurance provides to the property owner.

2. Information that will be useful to a policyholder who has filed a mine subsidence claim, such as information that explains the claim investigation process and claim handling procedures.

(h) The Fund shall be empowered to conduct research programs in an effort to improve the administration of the mine subsidence insurance program and help reduce and mitigate mine subsidence losses consistent with the public interest.

(i) The Fund may enter into reinsurance agreements with any intergovernmental cooperative that provides joint self-insurance for mine subsidence losses of its members. These reinsurance agreements shall be substantially similar to reinsurance agreements described in Section 810.1.

(Source: P.A. 90-499, eff. 8-19-97; 91-357, eff. 7-29-99.)

(215 ILCS 5/805.1)

Sec. 805.1. Mine Subsidence Coverage.

(a) Beginning January 1, 1994, every policy issued or renewed insuring a residence on a direct basis shall include, at a separately stated

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Beginning January 1, 1994, every policy issued or renewed insuring a commercial building on a direct basis shall include, at a separately stated premium, commercial coverage unless waived in writing by the insured.

Beginning January 1, 1994, every policy issued or renewed insuring a living unit on a direct basis shall include, at a separately stated premium, living unit coverage unless waived in writing by the insured.

(b) If the insured has previously waived mine subsidence coverage in writing, the insurer or agent need not offer mine subsidence coverage in any renewal or supplementary policy in connection with a policy previously issued to such insured by the same insurer, unless the insured subsequently makes a written request for mine subsidence coverage.

(c) The premium charged for residential, commercial or living unit coverage shall be the premium level set by the Fund. The loss covered shall be the loss in excess of the deductible or retention established by the Fund and contained in a mine subsidence endorsement to the policy. For all policies issued or renewed on or after January 1, 2008, the reinsured loss per residence, per commercial building, and per living unit shall be the amounts established by the Fund and approved by the Director. For all policies issued or renewed on or after January 1, 1994, the reinsured loss shall not exceed $350,000 per residence, $350,000 per commercial building or $15,000 per living unit. For all policies issued or renewed on or after January 1, 1996, the amount of reinsurance available from the Fund shall not be less than $200,000 per residence, $200,000 per commercial building, or $15,000 per living unit. The Fund may, from time to time, adjust the amount of reinsurance available as long as the minimum set by this Section is met.

(d) The residential coverage provided pursuant to this Article may also cover the additional living expenses reasonably and necessarily incurred by the owner of a residence who has been temporarily displaced as the direct result of damage to the residence caused by mine subsidence if the underlying policy also covers this type of loss, provided however, that the loss covered under living unit coverage shall be limited to losses to improvements and betterments, and reimbursement of additional living

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expenses and assessments made against the insured on account of mine subsidence loss.

(e) The total amount of the loss reimbursable to an insurer shall be limited to the amount of insurance reinsured by the Fund in force at the time when the damage first becomes reasonably observable. All damage caused by a single mine subsidence event or several subsidence events which are continuous shall constitute one occurrence.

(f) No insurer shall be required to offer mine subsidence coverage in excess of the reinsured limits.

(Source: P.A. 88-379; 89-206, eff. 7-21-95.)


Effective January 1, 2008.

AN ACT concerning animals.

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

Section 5. The Illinois Bovine Brucellosis Eradication Act is amended by changing Sections 1.5 and 5 and by adding Section 1.16 as follows:

(510 ILCS 30/1.5) (from Ch. 8, par. 134.5)

Sec. 1.5. The term "infected animal" or "reactor" means an animal which has given positive reaction to an official test for the detection of brucellosis and has been so classified after review by the designated brucellosis epidemiologist, or other State and federally approved designee, or if Brucella microorganisms have been found in the body or in the body discharges.

(Source: P.A. 76-972.)

(510 ILCS 30/1.16 new)

Sec. 1.16. Designated brucellosis epidemiologist. The term "designated brucellosis epidemiologist" means an epidemiologist who has
demonstrated the knowledge and ability to perform the functions required by the U.S. Department of Agriculture and who has been selected as a designated brucellosis epidemiologist by the State Animal Health Official and the U.S. Department of Agriculture.

(510 ILCS 30/5) (from Ch. 8, par. 138)

Sec. 5. When one or more animals in a herd have been classified as reactors to an official test, the entire herd, except steers, spayed heifers and calves under 6 months of age, shall be quarantined immediately and the owner so notified. An accredited veterinarian or a veterinarian in the employ of the Animal and Plant Health Inspection Service of the United States Department of Agriculture, or any successor agency, shall permanently hot iron brand each animal classified as a reactor, within 15 days after classification of such animal as a reactor, on the left hip with the letter "B", such letter to be not less than 2 nor more than 3 inches in height, and shall place a special identification tag in the left ear of such reactor. The veterinarian applying an official test for brucellosis shall immediately notify the Department of each such reactor on forms furnished by the Department, giving the number of the tag placed in the left ear and the number of any tag in the right ear. Reactors shall be shipped for slaughter within 30 days of test date, except that the Department may, upon request, grant an extension of not more than 30 days. Suspect animals which have a history of having aborted and are from a herd containing reactors may be designated as reactors by the veterinarian obtaining the blood samples, when approved by the Department. Suspect animals in herds under quarantine due to brucellosis infection may be designated as reactors by the Department if deemed advisable in the interest of brucellosis eradication. No person shall remove any reactor identification tag.

All animals classified as suspects to an official test shall be positively identified and their movement restricted to the premises where found until they are retested and found negative, or identified as reactors.

Animals with a positive result to an official test at livestock markets may be slaughtered or returned to the herd of origin only by permit and must remain under quarantine for further evaluation.

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AN ACT concerning transportation.

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

Section 5. The State Finance Act is amended by adding Section 5.675 as follows:

(30 ILCS 105/5.675 new)

Sec. 5.675. The Agriculture in the Classroom Fund.

Section 10. The Illinois Vehicle Code is amended by adding Section 3-664 as follows:

(625 ILCS 5/3-664 new)

Sec. 3-664. Agriculture in the Classroom plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Agriculture in the Classroom license plates.

The special plates issued under this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds.

Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this

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fee, $25 shall be deposited into the Agriculture in the Classroom Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be deposited into the Agriculture in the Classroom Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Agriculture in the Classroom Fund is created as a special fund in the State treasury. All moneys in the Agriculture in the Classroom Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, to the Illinois Agricultural Association Foundation, a charitable organization that meets the requirements of Title 26, Section 501(c)(3) of the United States Code, to be used as grants to support Agriculture in the Classroom programming for public and private schools within Illinois.

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


PUBLIC ACT 95-0095
(House Bill No. 1076)

AN ACT concerning criminal law.

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

Section 5. The Criminal Code of 1961 is amended by changing Sections 11-15.1, 11-17.1, and 11-19.1 as follows:

(720 ILCS 5/11-15.1) (from Ch. 38, par. 11-15.1)
Sec. 11-15.1. Soliciting for a Juvenile Prostitute.

(a) Any person who violates any of the provisions of Section 11-15(a) of this Act commits soliciting for a juvenile prostitute where the

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prostitute for whom such person is soliciting is under 17+6 years of age or is a severely or profoundly mentally retarded person.

(b) It is an affirmative defense to a charge of soliciting for a juvenile prostitute that the accused reasonably believed the person was of the age of 17+6 years or over or was not a severely or profoundly mentally retarded person at the time of the act giving rise to the charge.

(c) Sentence.
Soliciting for a juvenile prostitute is a Class 1 felony.
(Source: P.A. 92-434, eff. 1-1-02.)

(720 ILCS 5/11-17.1) (from Ch. 38, par. 11-17.1)
Sec. 11-17.1. Keeping a Place of Juvenile Prostitution.
(a) Any person who knowingly violates any of the provisions of Section 11-17 of this Act commits keeping a place of juvenile prostitution when any prostitute in the place of prostitution is under 17+6 years of age.

(b) It is an affirmative defense to a charge of keeping a place of juvenile prostitution that the accused reasonably believed the person was of the age of 17+6 years or over at the time of the act giving rise to the charge.

(c) Sentence. Keeping a place of juvenile prostitution is a Class 1 felony. A person convicted of a second or subsequent violation of this Section is guilty of a Class X felony.

(d) Forfeiture. Any person convicted under this Section is subject to the forfeiture provisions of Section 11-20.1A of this Act.
(Source: P.A. 91-357, eff. 7-29-99.)

(720 ILCS 5/11-19.1) (from Ch. 38, par. 11-19.1)
Sec. 11-19.1. Juvenile Pimping and aggravated juvenile pimping.
(a) A person commits the offense of juvenile pimping if the person knowingly receives any form of consideration derived from the practice of prostitution, in whole or in part, and

(1) the prostitute was under the age of 17+6 at the time the act of prostitution occurred; or

(2) the prostitute was a severely or profoundly mentally retarded person at the time the act of prostitution occurred.

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(b) A person commits the offense of aggravated juvenile pimping if the person knowingly receives any form of consideration derived from the practice of prostitution, in whole or in part, and the prostitute was under the age of 13 at the time the act of prostitution occurred.

(c) It is an affirmative defense to a charge of juvenile pimping that the accused reasonably believed the person was of the age of 17 years or over or was not a severely or profoundly mentally retarded person at the time of the act giving rise to the charge.

(d) Sentence.

A person who commits a violation of subsection (a) is guilty of a Class 1 felony. A person who commits a violation of subsection (b) is guilty of a Class X felony.

(Source: P.A. 92-434, eff. 1-1-02; 93-696, eff. 1-1-05.)


Effective January 1, 2008.

PUBLIC ACT 95-0096
(House Bill No. 1239)

AN ACT concerning public health.

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

Section 5. The Community Health Center Expansion Act is amended by changing Section 5 as follows:

(410 ILCS 66/5)

Sec. 5. Definitions. In this Act:

"Community health center site" means a new physical site where a community health center will provide primary health care services either to a medically underserved population or area or to the uninsured population of this State.

"Community provider" means a Federally Qualified Health Center (FQHC) or FQHC Look-Alike (Community Health Center or health center), designated as such by the Secretary of the United States

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Department of Health and Human Services, that operates at least one federally designated primary health care delivery site in the State of Illinois.

"Department" means the Illinois Department of Public Health.
"Medically underserved area" means an urban or rural area designated by the Secretary of the United States Department of Health and Human Services as an area with a shortage of personal health services.
"Medically underserved population" means (i) the population of an urban or rural area designated by the Secretary of the United States Department of Health and Human Services as an area with a shortage of personal health services or (ii) a population group designated by the Secretary as having a shortage of those services.

"Primary health care services" means the following:
(1) Basic health services consisting of the following:
   (A) Health services related to family medicine, internal medicine, pediatrics, obstetrics, or gynecology that are furnished by physicians and, if appropriate, physician assistants, nurse practitioners, and nurse midwives.
   (B) Diagnostic laboratory and radiologic services.
   (C) Preventive health services, including the following:
      (i) Prenatal and perinatal services.
      (ii) Screenings for breast, ovarian, and cervical cancer
      (iii) Well-child services.
      (iv) Immunizations against vaccine-preventable diseases.
      (v) Screenings for elevated blood lead levels, communicable diseases, and cholesterol.
      (vi) Pediatric eye, ear, and dental screenings to determine the need for vision and hearing correction and dental care.
      (vii) Voluntary family planning services.
      (viii) Preventive dental services.
(D) Emergency medical services.

(E) Pharmaceutical services as appropriate for particular health centers.

(2) Referrals to providers of medical services and other health-related services (including substance abuse and mental health services).

(3) Patient case management services (including counseling, referral, and follow-up services) and other services designed to assist health center patients in establishing eligibility for and gaining access to federal, State, and local programs that provide or financially support the provision of medical, social, educational, or other related services.

(4) Services that enable individuals to use the services of the health center (including outreach and transportation services and, if a substantial number of the individuals in the population are of limited English-speaking ability, the services of appropriate personnel fluent in the language spoken by a predominant number of those individuals).

(5) Education of patients and the general population served by the health center regarding the availability and proper use of health services.

(6) Additional health services consisting of services that are appropriate to meet the health needs of the population served by the health center involved and that may include the following:

(A) Environmental health services, including the following:

(i) Detection and alleviation of unhealthful conditions associated with water supply.
(ii) Sewage treatment.
(iii) Solid waste disposal.
(iv) Detection and alleviation of rodent and parasite infestation.
(v) Field sanitation.
(vi) Housing.

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(vii) Other environmental factors related to health.

(B) Special occupation-related health services for migratory and seasonal agricultural workers, including the following:

(i) Screening for and control of infectious diseases, including parasitic diseases.

(ii) Injury prevention programs, which may include prevention of exposure to unsafe levels of agricultural chemicals, including pesticides.

"Uninsured population" means persons who do not own private health care insurance, are not part of a group insurance plan, and are not eligible for any State or federal government-sponsored health care program.

(Source: P.A. 92-88, eff. 7-18-01.)


Effective January 1, 2008.

PUBLIC ACT 95-0097

(House Bill No. 1241)

AN ACT concerning finance.

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

Section 5. The Build Illinois Act is amended by changing Section 9-4.3 as follows:

(30 ILCS 750/9-4.3) (from Ch. 127, par. 2709-4.3)
Sec. 9-4.3. Minority, female and disability loans.

(a) In the making of loans for minority, female or disability small businesses, as defined below, the Department is authorized to employ different criteria in lieu of the general provisions of subsections (b), (d), (e), (f), (h), and (i) of Section 9-4.

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Minority, female or disability small businesses, for the purpose of this Section, shall be defined as small businesses that are, in the Department's judgment, at least 51% owned and managed by one or more persons who are minority, female or disabled.

(b) Loans made pursuant to this Section:

(1) Shall not exceed $100,000 or 50% of the business project costs unless the Director of the Department determines that a waiver of these limits is required to meet the purposes of this Act.

(2) Shall only be made if, in the Department's judgment, the number of jobs to be created or retained is reasonable in relation to the loan funds requested.

(3) Shall be protected by security. Financial assistance may be secured by first, second or subordinate mortgage positions on real or personal property, by royalty payments, by personal notes or guarantees, or by any other security satisfactory to the Department to secure repayment. Security valuation requirements, as determined by the Department, for the purposes of this Section, may be less than required for similar loans not covered by this Section, provided the applicants demonstrate adequate business experience, entrepreneurial training or combination thereof, as determined by the Department.

(4) Shall be in such principal amount and form and contain such terms and provisions with respect to security, insurance, reporting, delinquency charges, default remedies, and other matters as the Department shall determine appropriate to protect the public interest and consistent with the purposes of this Section. The terms and provisions may be less than required for similar loans not covered by this Section.

(Source: P.A. 87-1177; 88-422.)

Effective January 1, 2008.
AN ACT concerning regulation.

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

Section 5. The Illinois Credit Union Act is amended by changing
Sections 8, 22, 30, 46, 51, and 70 as follows:

(205 ILCS 305/8) (from Ch. 17, par. 4409)

Sec. 8. Director's powers and duties. Credit unions are regulated by
the Department. The Director, in executing the powers and discharging the
duties vested by law in the Department has the following powers and
duties:

(1) To exercise the rights, powers and duties set forth in
this Act or any related Act.

(2) To prescribe rules and regulations for the administration
of this Act. The provisions of the Illinois Administrative Procedure
Act are hereby expressly adopted and incorporated herein as
though a part of this Act, and shall apply to all administrative rules
and procedures of the Department under this Act.

(3) To direct and supervise all the administrative and
technical activities of the Department including the employment of
a Credit Union Supervisor who shall have knowledge in the theory
and practice of, or experience in, the operations or supervision of
financial institutions, preferably credit unions, and such other
persons as are necessary to carry out his functions. The Director
shall ensure that all examiners appointed or assigned to examine
the affairs of State-chartered credit unions possess the necessary
training and continuing education to effectively execute their jobs.

(4) To issue cease and desist orders when in the opinion of
the Director, a credit union is engaged or has engaged, or the
Director has reasonable cause to believe the credit union is about to
engage, in an unsafe or unsound practice, or is violating or has
violated or the Director has reasonable cause to believe is about to

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violate a law, rule or regulation or any condition imposed in writing by the Department.

(5) To suspend from office and to prohibit from further participation in any manner in the conduct of the affairs of his credit union any director, officer or committee member who has committed any violation of a law, rule, regulation or of a cease and desist order or who has engaged or participated in any unsafe or unsound practice in connection with the credit union or who has committed or engaged in any act, omission, or practice which constitutes a breach of his fiduciary duty as such director, officer or committee member, when the Director has determined that such action or actions have resulted or will result in substantial financial loss or other damage that seriously prejudices the interests of the members.

(6) Except for the fees established in this Act, to prescribe, by rule and regulation, fees and penalties for preparing, approving, and filing reports and other documents; furnishing transcripts; holding hearings; investigating applications for permission to organize, merge, or convert; failure to maintain accurate books and records to enable the Department to conduct an examination; and taking supervisory actions.

(7) To destroy, in his discretion, any or all books and records of any credit union in his possession or under his control after the expiration of three years from the date of cancellation of the charter of such credit unions.

(8) To make investigations and to conduct research and studies and to publish some of the problems of persons in obtaining credit at reasonable rates of interest and of the methods and benefits of cooperative saving and lending for such persons.

(9) To authorize, foster or establish experimental, developmental, demonstration or pilot projects by public or private organizations including credit unions which:

  (a) promote more effective operation of credit unions so as to provide members an opportunity to use and
control their own money to improve their economic and social conditions; or
(b) are in the best interests of credit unions, their members and the people of the State of Illinois.
(10) To cooperate in studies, training or other administrative activities with, but not limited to, the NCUA, other state credit union regulatory agencies and industry trade associations in order to promote more effective and efficient supervision of Illinois chartered credit unions.
(Source: P.A. 91-357, eff. 7-29-99; 92-608, eff. 7-1-02.)
(205 ILCS 305/22) (from Ch. 17, par. 4423)
Sec. 22. Vacancies.
(a) The Board of Directors shall, by appointment from among the credit union members, fill any vacancies occurring on the Board for the remainder of the Director's unexpired term or until a successor is elected and qualified following completion of the term filled by the Board. The Board shall, by appointment from among the credit union members, fill vacancies in the Membership Committee, Credit Committee, or credit manager if no Credit Committee has been appointed, and Supervisory Committees.
(b) An office may be declared vacant by the Board when a Director or a Committee member dies, resigns from the Board or Committee, is removed from the Board or Committee, is no longer a member of the credit union, is the owner of less than one share of the credit union, or fails to attend three consecutive regular meetings of the Board without good cause.
(Source: P.A. 91-929, eff. 12-15-00.)
(205 ILCS 305/30) (from Ch. 17, par. 4431)
Sec. 30. Duties of directors.
(a) It shall be the duty of the directors to:
(1) Review actions on applications for membership. A record of the Membership Committee's approval or denial of membership or management's approval or denial of membership if no Membership Committee has been appointed shall be available.

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to the Board of Directors for inspection. A person denied membership by the Membership Committee or credit union management may appeal the denial to the Board;

(2) Provide adequate fidelity bond coverage for officers, employees, directors and committee members, and for losses caused by persons outside of the credit union, subject to rules and regulations promulgated by the Director;

(3) Determine from time to time the interest rates, not in excess of that allowed under this Act, which shall be charged on loans to members and to authorize interest refunds, if any, to members from income earned and received in proportion to the interest paid by them on such classes of loans and under such conditions as the Board prescribes. The Directors may establish different interest rates to be charged on different classes of loans;

(4) Within any limitations set forth in the credit union's bylaws, fix the maximum amount which may be loaned with and without security to a member;

(5) Declare dividends on various classes of shares in the manner and form as provided in the bylaws;

(6) Limit the number of shares which may be owned by a member; such limitations to apply alike to all members;

(7) Have charge of the investment of funds, except that the Board of Directors may designate an Investment Committee or any qualified individual or entity to have charge of making investments under policies established by the Board of Directors;

(8) Authorize the employment of or contracting with such persons or organizations as may be necessary to carry on the operations of the credit union, provided that prior approval is received from the Department before delegating substantially all managerial duties and responsibilities to a credit union organization, and fix the compensation, if any, of the officers and provide for compensation for other employees within policies established by the Board of Directors;

(9) Authorize the conveyance of property;

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(10) Borrow or lend money consistent with the provisions of this Act;

(11) Designate a depository or depositories for the funds of the credit union and supervise the investment of funds;

(12) Suspend or remove, or both, any or all officers or any or all members of the Membership, Credit, or other committees whenever, in the judgment of the Board of Directors, the best interests of the credit union will be served thereby; provided that members of the Supervisory Committee may not be suspended or removed except for failure to perform their duties; and provided that removal of any officer shall be without prejudice to the contract rights, if any, of the person so removed;

(13) Appoint any special committees deemed necessary; and

(14) Perform such other duties as the members may direct, and perform or authorize any action not inconsistent with this Act and not specifically reserved by the bylaws to the members.

(b) The Board of Directors may delegate to the chief management official, according to guidelines established by the Board that may include the authority to further delegate one or more duties, all of the following duties:

(1) determining the interest rates on loans;

(2) determining the dividend rates on share accounts; and

(3) hiring employees other than the chief management official and fixing their compensation.

(Source: P.A. 92-608, eff. 7-1-02; 93-916, eff. 8-12-04.)

(205 ILCS 305/46) (from Ch. 17, par. 4447)
Sec. 46. Loans and interest rate.

(1) A credit union may make loans to its members for such purpose and upon such security and terms, including rates of interest, as the Credit Committee, credit manager, or loan officer approves. Notwithstanding the provisions of any other law in connection with extensions of credit, a credit union may elect to contract for and receive interest and fees and other charges for extensions of credit subject only to the provisions of this

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Act and rules promulgated under this Act, except that extensions of credit secured by residential real estate shall be subject to the laws applicable thereto. The rates of interest to be charged on loans to members shall be set by the Board of Directors of each individual credit union *in accordance with Section 30 of this Act* and such rates may be less than, but may not exceed, the maximum rate set forth in this Section. A borrower may repay his loan prior to maturity, in whole or in part, without penalty. The credit contract may provide for the payment by the member and receipt by the credit union of all costs and disbursements, including reasonable attorney’s fees and collection agency charges, incurred by the credit union to collect or enforce the debt in the event of a delinquency by the member, or in the event of a breach of any obligation of the member under the credit contract. A contingency or hourly arrangement established under an agreement entered into by a credit union with an attorney or collection agency to collect a loan of a member in default shall be presumed prima facie reasonable.

(2) Credit unions may make loans based upon the security of any interest or equity in real estate, subject to rules and regulations promulgated by the Director. In any contract or loan which is secured by a mortgage, deed of trust, or conveyance in the nature of a mortgage, on residential real estate, the interest which is computed, calculated, charged, or collected pursuant to such contract or loan, or pursuant to any regulation or rule promulgated pursuant to this Act, may not be computed, calculated, charged or collected for any period of time occurring after the date on which the total indebtedness, with the exception of late payment penalties, is paid in full.

For purposes of this subsection (2) of this Section 46, a prepayment shall mean the payment of the total indebtedness, with the exception of late payment penalties if incurred or charged, on any date before the date specified in the contract or loan agreement on which the total indebtedness shall be paid in full, or before the date on which all payments, if timely made, shall have been made. In the event of a prepayment of the indebtedness which is made on a date after the date on which interest on the indebtedness was last computed, calculated, charged, or collected but

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before the next date on which interest on the indebtedness was to be calculated, computed, charged, or collected, the lender may calculate, charge and collect interest on the indebtedness for the period which elapsed between the date on which the prepayment is made and the date on which interest on the indebtedness was last computed, calculated, charged or collected at a rate equal to $\frac{1}{360}$ of the annual rate for each day which so elapsed, which rate shall be applied to the indebtedness outstanding as of the date of prepayment. The lender shall refund to the borrower any interest charged or collected which exceeds that which the lender may charge or collect pursuant to the preceding sentence. The provisions of this amendatory Act of 1985 shall apply only to contracts or loans entered into on or after the effective date of this amendatory Act.

(3) Notwithstanding any other provision of this Act, a credit union authorized under this Act to make loans secured by an interest or equity in real estate may engage in making "reverse mortgage" loans to persons for the purpose of making home improvements or repairs, paying insurance premiums or paying real estate taxes on the homestead properties of such persons. If made, such loans shall be made on such terms and conditions as the credit union shall determine and as shall be consistent with the provisions of this Section and such rules and regulations as the Director shall promulgate hereunder. For purposes of this Section, a "reverse mortgage" loan shall be a loan extended on the basis of existing equity in homestead property and secured by a mortgage on such property. Such loans shall be repaid upon the sale of the property or upon the death of the owner or, if the property is in joint tenancy, upon the death of the last surviving joint tenant who had such an interest in the property at the time the loan was initiated, provided, however, that the credit union and its member may by mutual agreement, establish other repayment terms. A credit union, in making a "reverse mortgage" loan, may add deferred interest to principal or otherwise provide for the charging of interest or premiums on such deferred interest. "Homestead" property, for purposes of this Section, means the domicile and contiguous real estate owned and occupied by the mortgagor. The Director shall promulgate rules and regulations under this Section; provided that such rules and regulations

New matter indicated by italics - deletions by strikeout
need not be promulgated jointly with any other administrative agency of this State.

(4) Notwithstanding any other provisions of this Act, a credit union authorized under this Act to make loans secured by an interest or equity in real property may engage in making revolving credit loans secured by mortgages or deeds of trust on such real property or by security assignments of beneficial interests in land trusts.

For purposes of this Section, "revolving credit" has the meaning defined in Section 4.1 of the Interest Act.

Any mortgage or deed of trust given to secure a revolving credit loan may, and when so expressed therein shall, secure not only the existing indebtedness but also such future advances, whether such advances are obligatory or to be made at the option of the lender, or otherwise, as are made within twenty years from the date thereof, to the same extent as if such future advances were made on the date of the execution of such mortgage or deed of trust, although there may be no advance made at the time of execution of such mortgage or other instrument, and although there may be no indebtedness outstanding at the time any advance is made. The lien of such mortgage or deed of trust, as to third persons without actual notice thereof, shall be valid as to all such indebtedness and future advances form the time said mortgage or deed of trust is filed for record in the office of the Recorder of Deeds or the Registrar of Titles of the county where the real property described therein is located. The total amount of indebtedness that may be so secured may increase or decrease from time to time, but the total unpaid balance so secured at any one time shall not exceed a maximum principal amount which must be specified in such mortgage or deed of trust, plus interest thereon, and any disbursements made for the payment of taxes, special assessments, or insurance on said real property, with interest on such disbursements.

Any such mortgage or deed of trust shall be valid and have priority over all subsequent liens and encumbrances, including statutory liens, except taxes and assessments levied on said real property.
(5) Compliance with federal or Illinois preemptive laws or regulations governing loans made by a credit union chartered under this Act shall constitute compliance with this Act.

(Source: P.A. 93-640, eff. 12-31-03.)

(205 ILCS 305/51) (from Ch. 17, par. 4452)

Sec. 51. Other Loan Programs.

(1) Subject to such rules and regulations as the Director may promulgate, a credit union may participate in loans to credit union members jointly with other credit unions, corporations, or financial institutions. An originating credit union may originate loans only to its own members. A participating credit union that is not the originating lender may participate in loans made to its own members or to members of another participating credit union. "Originating lender" means the participating credit union with which the member contracts. A master participation agreement must be properly executed, and the agreement must include provisions for identifying, either through documents incorporated by reference or directly in the agreement, the participation loan or loans prior to their sale.

(2) Any credit union with assets of $500,000 or more may loan to its members under the State Scholarships Law or other scholarship programs which are subject to a federal or state law providing 100% repayment guarantee.

(3) A credit union may purchase the conditional sales contracts, notes and similar instruments which evidence an indebtedness of its members. In the management of its assets, liabilities, and liquidity, a credit union may purchase the conditional sales contracts, notes, and other similar instruments that evidence the consumer indebtedness of the members of another credit union. "Consumer indebtedness" means indebtedness incurred for personal, family, or household purposes.

(4) With approval of the Board of Directors, a credit union may make loans, either on its own or jointly with other credit unions, corporations or financial institutions, to credit union organizations; provided, that the aggregate amount of all such loans outstanding shall not at any time exceed the greater of 3% of the paid-in and unimpaired capital
and surplus of the credit union or the amount authorized for federal credit unions.
(Source: P.A. 92-293, eff. 8-9-01; 93-640, eff. 12-31-03.)

(205 ILCS 305/70) (from Ch. 17, par. 4471)
Sec. 70. Use of name, sentence.
(a) No individual, firm, association, or body politic and corporate, including, without limitation, any corporation, limited liability company, general partnership, limited partnership, or joint venture that is not an authorized user may use any name or title which contains the words "credit union" or any abbreviation thereof, and such use is a Class A Misdemeanor. For purposes of this Section, "authorized user" means a corporation organized under this Act, the credit union act of another state, or the Federal Credit Union Act, any association of such a corporation, and subsidiaries and affiliates of such an association.

(b) If the Director of the Division of Financial Institutions of the Department of Financial and Professional Regulation finds that an individual or entity that is not an authorized user has transacted or intends to transact business in this State in a manner that has a substantial likelihood of misleading the public by: (i) implying that the business is a credit union or (ii) using or intending to use the words "credit union", or any abbreviation thereof, in connection with its business, then the Director of the Division of Financial Institutions may direct the individual or entity to cease and desist from transacting its business or using the words "credit union", or any abbreviation thereof. If the individual or entity persists in transacting its business or using the words "credit union", or any abbreviation thereof, then the Director of the Division of Financial Institutions may impose a civil penalty of up to $10,000 for each violation. Each day that the individual or entity continues transacting business or using the words "credit union", or any abbreviation thereof, in connection with its business shall constitute a separate violation of these provisions.

(c) Except as otherwise expressly permitted by law or with the written consent of the credit union, no person or group of persons other than an authorized user may use the name of or a name similar to the name of an existing credit union when marketing or soliciting business
from members or prospective members if the name or similar name is used in a manner that would cause a reasonable person to believe that the marketing material or solicitation originated from or is endorsed by the existing credit union or that the existing credit union is in any other way responsible for the marketing material or solicitation. The following remedies shall apply:

(1) Any person who violates subsection (c) of this Section commits a business offense and shall be fined in an amount not to exceed $5,000.

(2) In addition to any other available remedies, any existing credit union may report an alleged violation of any provision of this Section to the Director of the Division of Financial Institutions. If the Director finds that any person or group of persons is in violation of any provision of this Section, then the Director may direct that person or group of persons to cease and desist from that violation. If the Director issues a cease and desist order against any person or group of persons for violation of subsection (c), then the order must require that person or group of persons to cease and desist from using the offending marketing material or solicitation in Illinois.

(3) If a person or group of persons against whom the Director issued the cease and desist order persists in the violation, then the Director may impose a civil penalty of up to $10,000 for each violation. Each day that a person or group of persons is in violation of this Section constitutes a separate violation of this Section and each instance in which marketing material or a solicitation is sent in violation of this subsection (c) constitutes a separate violation of this Section.

(d) The Director of the Division of Financial Institutions may adopt rules to administer the provisions of this Section.

(Source: P.A. 94-150, eff. 7-8-05.)

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


New matter indicated by italics - deletions by strikeout

PUBLIC ACT 95-0099
(House Bill No. 1313)

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

Section 5. The Southern Illinois University Management Act is amended by changing Section 6.6 as follows:

(110 ILCS 520/6.6)
Sec. 6.6. The Illinois Ethanol Research Advisory Board.
(a) There is established the Illinois Ethanol Research Advisory Board (the "Advisory Board").
(b) The Advisory Board shall be composed of 13 members including: the President of Southern Illinois University who shall be Chairman; the Director of Commerce and Economic Opportunity; the Director of Agriculture; the President of the Illinois Corn Growers Association; the President of the National Corn Growers Association; the President of the Renewable Fuels Association; the Dean of the College of Agricultural, Consumer, and Environmental Science, University of Illinois at Champaign-Urbana; and 6 at-large members appointed by the Governor representing the ethanol industry, growers, suppliers, and universities.
(c) The 6 at-large members shall serve a term of 4 years. The Advisory Board shall meet at least annually or at the call of the Chairman. At any time a majority of the Advisory Board may petition the Chairman for a meeting of the Board. Seven members of the Advisory Board shall constitute a quorum.
(d) The Advisory Board shall:
   (1) Review the annual operating plans and budget of the National Corn-to-Ethanol Research Pilot Plant.

New matter indicated by italics - deletions by strikeout
(2) Advise on research and development priorities and projects to be carried out at the Corn-to-Ethanol Research Pilot Plant.

(3) Advise on policies and procedures regarding the management and operation of the ethanol research pilot plant. This may include contracts, project selection, and personnel issues.

(4) Develop bylaws.

(5) Submit a final report to the Governor and General Assembly outlining the progress and accomplishments made during the year along with a financial report for the year.

(6) Establish and operate, subject to specific appropriation for the purpose of providing facility operating funds, the National Corn-to-Ethanol Research Center at Southern Illinois University at Edwardsville as a State Biorefining Center of Excellence with the following purposes and goals:

(A) To utilize interdisciplinary, interinstitutional, and industrial collaborations to conduct research.

(B) To provide training and services to the ethanol fuel industry to make projects and training to advance the biofuels industry in the State more affordable for the institutional and industrial bodies, including, but not limited to, Illinois farmer-owned ethanol cooperatives.

(C) To coordinate near-term industry research needs and laboratory services by identifying needs and pursuing federal and other funding sources.

(D) To develop and provide hands-on training to prepare students for the biofuels workforce and train workforce reentrants.

(E) To serve as an independent, third-party source for review, testing, validation standardization, and definition in areas of industry need.

(F) To provide seminars, tours, and informational sessions advocating renewable energy.

New matter indicated by italics - deletions by strikeout
(G) To provide consultation services and information for those interested in renewable energy.

(H) To develop demonstration projects by pursuing federal and other funding sources.

(e) The Advisory Board established by this Section is a continuation, as changed by the Section, of the Board established under Section 8a of the Energy Conservation and Coal Act and repealed by this amendatory Act of the 92nd General Assembly.

(Source: P.A. 94-793, eff. 5-19-06.)


Effective January 1, 2008.

PUBLIC ACT 95-0100
(House Bill No. 1348)

AN ACT concerning education.

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

Section 5. The Public Community College Act is amended by changing Section 3-7 as follows:

(110 ILCS 805/3-7) (from Ch. 122, par. 103-7)

Sec. 3-7. (a) The election of the members of the board of trustees shall be nonpartisan and shall be held at the time and in the manner provided in the general election law.

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

(c) A board of trustees of a community college district which is contiguous or has been contiguous to an experimental community college

New matter indicated by italics - deletions by strikeout
district as authorized and defined by Article IV of this Act may, on its own motion, or shall, upon the petition of the lesser of 1/10 or 2,000 of the voters registered in the district, order submitted to the voters of the district at the next general election the proposition for the election of board members by trustee district rather than at large, and such proposition shall thereupon be certified by the secretary of the board to the proper election authority in accordance with the general election law for submission.

If the proposition is approved by a majority of those voting on the proposition, the State Board of Elections, in 1991, shall reapportion the trustee districts to reflect the results of the last decennial census, and shall divide the community college district into 7 trustee districts, each of which shall be compact, contiguous and substantially equal in population to each other district. In 2001, and in the year following each decennial census thereafter, the board of trustees of community college District #522 shall reapportion the trustee districts to reflect the results of the census, and shall divide the community college district into 7 trustee districts, each of which shall be compact, contiguous, and substantially equal in population to each other district. The division of the community college district into trustee districts shall be completed and formally approved by a majority of the members of the board of trustees of community college District #522 in 2001 and in the year following each decennial census. At the same meeting of the board of trustees, the board shall, publicly by lot, divide the trustee districts as equally as possible into 2 groups. Beginning in 2003 and every 10 years thereafter, trustees or their successors from one group shall be elected for successive terms of 4 years and 6 years; and members or their successors from the second group shall be elected for successive terms of 6 years and 4 years. One member shall be elected from each such trustee district. Each member elected in 2001 shall be elected at the 2001 consolidated election from the trustee districts established in 1991. The term of each member elected in 2001 shall end on the date that the trustees elected in 2003 are officially determined by a canvass conducted pursuant to the Election Code.

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(d) In Community College District No. 526, the election of board members shall be by trustee district rather than at large beginning with the consolidated election in 2005.

For the 2005, 2007, and 2009 consolidated elections, the community college district is divided into 7 trustee districts as follows:

TRUSTEE DISTRICT 1
Sangamon County (pt)
Capital CCD (pt)
  Tract 0001.00
  Tract 0002.01 (pt)
    BG 1 (pt)
      Block 1010
      Block 1011
      Block 1013
      Block 1014
      Block 1015
      Block 1016
      Block 1017
      Block 1018
    BG 2 (pt)
      Block 2002
      Block 2003
      Block 2004
      Block 2005
      Block 2008
      Block 2013
      Block 2014
      Block 2015
      Block 2016
      Block 2017
      Block 2018
      Block 2019
      Block 2020
      Block 2021

New matter indicated by italics - deletions by strikeout
BG 3 (pt)
  Block 3000
  Block 3001
  Block 3008
  Block 3009
Tract 0002.02
Tract 0003.00
Tract 0004.00
Tract 0005.01
Tract 0005.03
Tract 0005.04
Tract 0006.00 (pt)
  BG 1
  BG 2 (pt)
    Block 2000
    Block 2001
    Block 2002
    Block 2003
    Block 2004
    Block 2005
    Block 2006
    Block 2008
    Block 2011
    Block 2012
    Block 2015
    Block 2017
    Block 2018
    Block 2020
    Block 2021
    Block 2022
    Block 2023
    Block 2024
    Block 2025
    Block 2027

New matter indicated by italics - deletions by strikeout
New matter indicated by italics - deletions by strikeout
Block 2006
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Block 2016
Block 2017
Block 2018
Block 2019
Block 2020
Block 2021

Tract 0008.00 (pt)
  BG 1 (pt)
    Block 1000
    Block 1001
    Block 1002
    Block 1003
    Block 1004
    Block 1005
    Block 1006
    Block 1007
    Block 1008
    Block 1009
    Block 1010
    Block 1011
    Block 1012
    Block 1013
    Block 1014
    Block 1015

New matter indicated by italics - deletions by strikeout
Block 1016
Block 1017
Block 1018
Block 1019
Block 1020
Block 1021
Block 1023
Block 1024
Block 1025
Block 1026
Block 1027
Block 1028

BG 2 (pt)
  Block 2000
  Block 2001
  Block 2002
  Block 2003
  Block 2004
  Block 2005
  Block 2006
  Block 2010
  Block 2011
  Block 2012

BG 3 (pt)
  Block 3003

Tract 0009.00
Tract 0010.01 (pt)
  BG 2 (pt)
    Block 2000
    Block 2002
    Block 2016
    Block 2017
    Block 2018

Tract 0010.02 (pt)

New matter indicated by italics - deletions by strikeout
BG 1 (pt)
   Block 1016
BG 2
BG 3
BG 4 (pt)
   Block 4000
BG 5 (pt)
   Block 5000
BG 6 (pt)
   Block 6000
   Block 6001
   Block 6002
   Block 6003
   Block 6005
Tract 0011.00 (pt)
BG 1 (pt)
   Block 1000
   Block 1001
   Block 1002
   Block 1003
   Block 1004
   Block 1005
   Block 1006
   Block 1007
   Block 1008
   Block 1009
   Block 1010
   Block 1011
BG 3 (pt)
   Block 3000
   Block 3001
   Block 3002
   Block 3003
   Block 3004

New matter indicated by italics - deletions by strikeout
Block 3005
Block 3006
Block 3007
Block 3009
Block 3010
Block 3011
Block 3012
Block 3013

Tract 0012.00 (pt)
  BG 1 (pt)
    Block 1000
    Block 1001
    Block 1002
    Block 1003
    Block 1004
    Block 1005
    Block 1006
    Block 1007
    Block 1008
    Block 1009

  BG 2 (pt)
    Block 2000
    Block 2001
    Block 2002
    Block 2003
    Block 2004
    Block 2005
    Block 2006
    Block 2007
    Block 2009

Tract 0013.00
Tract 0014.00
Tract 0016.00 (pt)
  BG 1 (pt)

New matter indicated by italics - deletions by strikeout
Block 1001
Block 1002
Tract 0018.00 (pt)
  BG 1 (pt)
  Block 1000
  Block 1001
  Block 1002
  Block 1003
  Block 1004
  Block 1005
  Block 1006
  Block 1007
  Block 1008
  Block 1009
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  Block 1011
  Block 1012
  Block 1013
  Block 1014
  Block 1015
  Block 1016
  Block 1017
  Block 1018
  Block 1019
  Block 1020
  Block 1030
  Block 1031
Tract 0019.00 (pt)
  BG 1 (pt)
  Block 1000
  BG 2 (pt)
  Block 2000
  Block 2001
  Block 2002

New matter indicated by italics - deletions by strikeout
Block 2003
Block 2004
Block 2005
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Block 2007
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Block 2010
Block 2011
Block 2012
Block 2013
Block 2014
Block 2015
Block 2016
Tract 0037.00
Tract 0038.01 (pt)
  BG 1 (pt)
Clear Lake CCD (pt)
  Tract 0001.00 (pt)
    BG 1 (pt)
      Block 1018
Tract 0005.01
Tract 0038.01 (pt)
  BG 1 (pt)
    Block 1003
    Block 1010
    Block 1011
    Block 1012
    Block 1015
    Block 1016
    Block 1018
    Block 1019
    Block 1022
    Block 1023
    Block 1026

New matter indicated by italics - deletions by strikeout
Block 1027
Block 1032
Block 1033
Block 1034
Block 1035

BG 2 (pt)
   Block 2000
   Block 2001
   Block 2002
   Block 2999

Springfield CCD (pt)
   Tract 0001.00 (pt)
      BG 1
      BG 2
      BG 3
      BG 4 (pt)
         Block 4000
         Block 4001
         Block 4002
         Block 4005
         Block 4006
         Block 4010
         Block 4012
         Block 4018
         Block 4021
         Block 4022
         Block 4024
         Block 4025
         Block 4032
         Block 4040
         Block 4041
         Block 4044
         Block 4047
         Block 4049

New matter indicated by italics - deletions by strikeout
Block 4051
Block 4052
Block 4053
Block 4055
Block 4995
Block 4996
Block 4997
Block 4999

Tract 0002.01 (pt)
  BG 1 (pt)
    Block 1012
    Block 1019
    Block 1020
  BG 2 (pt)
    Block 2000
    Block 2001
  BG 3 (pt)
    Block 3002

Tract 0002.02
Tract 0003.00
Tract 0004.00
Tract 0005.01
Tract 0005.04
Tract 0006.00 (pt)
  BG 1
  BG 2
  BG 3
  BG 4
  BG 5 (pt)
    Block 5000
    Block 5002
    Block 5003
    Block 5005
    Block 5008

New matter indicated by italics - deletions by strikeout
Block 5009
Block 5010
Block 5011
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Block 5017
Block 5019
Block 5020
Block 5021
Tract 0007.00
Tract 0016.00 (pt)
  BG 1 (pt)
    Block 1000
Tract 0037.00 (pt)
  BG 1 (pt)
    Block 1023
    Block 1025
    Block 1991
    Block 1996
    Block 1997
    Block 1998
    Block 1999
  BG 2
  BG 3
  BG 4
TRUSTEE DISTRICT 2
Sangamon County (pt)
  Ball CCD (pt)
    Tract 0031.00 (pt)
      BG 3 (pt)
        Block 3056
        Block 3058
        Block 3064

New matter indicated by italics - deletions by strikeout
Block 4062
BG 5
Tract 0032.01 (pt)
BG 2 (pt)
Block 2025
Tract 0032.03 (pt)
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Block 2009
Block 2010
BG 4 (pt)
Block 4006
Block 4008
Capital CCD (pt)
Tract 0006.00 (pt)
BG 2 (pt)
Block 2031
Block 2033
Block 2034
BG 4 (pt)
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Block 4015
BG 5 (pt)
Block 5026
Block 5032
Block 5036
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Block 5039
Block 5041
Block 5043
Block 5044
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Tract 0007.00 (pt)

New matter indicated by italics - deletions by strikeout
BG 1 (pt)
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BG 2 (pt)
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Tract 0008.00 (pt)
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  BG 2 (pt)
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    Block 2026
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    Block 2028
  BG 3 (pt)
    Block 3000
    Block 3001
    Block 3002
Tract 0015.00
Tract 0016.00 (pt)
  BG 1 (pt)

New matter indicated by italics - deletions by strikeout
Block 1003
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Block 1023
BG 2
BG 3
BG 4
Tract 0017.00
Tract 0023.00
Tract 0024.00
Tract 0025.00
Tract 0026.00 (pt)
  BG 1
  BG 2
  BG 3
  BG 4 (pt)
    Block 4000
    Block 4003
Tract 0027.00 (pt)
  BG 1
  BG 2
  BG 3 (pt)

New matter indicated by italics - deletions by strikeout
Block 3000
Block 3019
Block 3020
Block 3040
Block 3042
Block 3043
Block 3044
Block 3045
BG 4 (pt)
  Block 4016
  Block 4017
  Block 4018
  Block 4019
  Block 4020
  Block 4023
  Block 4024
  Block 4025
  Block 4028
  Block 4029
Tract 0030.00 (pt)
  BG 1
  BG 2
  BG 3
  BG 4 (pt)
    Block 4001
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    Block 4007
    Block 4008
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    Block 4011
    Block 4012

New matter indicated by italics - deletions by strikeout
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Block 4042
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Block 4048
Block 4049
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Tract 0031.00 (pt)
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  BG 3
  BG 4
  BG 5 (pt)
    Block 5002
    Block 5003
    Block 5005

New matter indicated by italics - deletions by strikeout
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Block 5054
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Block 5998
Block 5999

Tract 0032.01 (pt)
  BG 2

Tract 0032.03 (pt)
  BG 2 (pt)
  Block 2000
  Block 2001
  Block 2012

New matter indicated by italics - deletions by strikeout
BG 4
Tract 0038.01 (pt)
BG 2
Tract 0039.01
Tract 0039.02
Clear Lake CCD (pt)
Tract 0006.00
Tract 0038.01 (pt)
BG 1 (pt)
  Block 1031
  Block 1993
  Block 1994
  Block 1999

BG 2 (pt)
  Block 2003
  Block 2004
  Block 2005
  Block 2006
  Block 2007
  Block 2008
  Block 2009
  Block 2010
  Block 2011
  Block 2012
  Block 2013
  Block 2014
  Block 2015
  Block 2016
  Block 2017
  Block 2018
  Block 2019
  Block 2020
  Block 2021
  Block 2022

New matter indicated by italics - deletions by strikeout
Block 2023
Block 2024
Block 2030
Block 2031
Block 2032
Block 2033
Block 2034
Block 2991
Block 2992
Block 2993
Block 2994
Block 2995
Block 2996
Block 2997
Block 2998

BG 3
Tract 0038.02
Tract 0039.02
Rochester CCD (pt)
Tract 0031.00 (pt)
BG 1
BG 3 (pt)
  Block 3006
  Block 3011
  Block 3015
  Block 3019
  Block 3023
  Block 3025
  Block 3028
  Block 3034
  Block 3035
  Block 3036
  Block 3043
  Block 3047

New matter indicated by italics - deletions by strikeout
Block 3048
Tract 0039.01 (pt)
  BG 1 (pt)
    Block 1000
    Block 1009
    Block 1010
    Block 1011
    Block 1012
    Block 1014
    Block 1016
    Block 1017
    Block 1995
    Block 1996
    Block 1997
    Block 1998
    Block 1999
  BG 2
  BG 4 (pt)
    Block 4006
    Block 4007
    Block 4008
    Block 4009
    Block 4010
    Block 4011
    Block 4012
    Block 4013
    Block 4014
    Block 4015
    Block 4016
    Block 4017
Tract 0039.02 (pt)
  BG 1
  BG 2 (pt)
    Block 2003

New matter indicated by italics - deletions by strikeout
Block 2004
Block 2005
Block 2006
Block 2007
Block 2008
Block 2009
Block 2010
Block 2011
Block 2012
Block 2013
Block 2014
Block 2015
Block 2016
Block 2017
Block 2018
Block 2019
Block 2020
Block 2021
Block 2022
Block 2023
Block 2024
Block 2025
Block 2026
Block 2027
Block 2028
Block 2029
Block 2030
Block 2031
Block 2032
Block 2033
BG 3
Tract 0040.00
Springfield CCD (pt)
Tract 0006.00 (pt)

New matter indicated by italics - deletions by strikeout
BG 5 (pt)
  Block 5022
  Block 5023
  Block 5024
  Block 5025
  Block 5027
  Block 5028
  Block 5029
  Block 5030
  Block 5031
  Block 5033
  Block 5034
  Block 5035
  Block 5040
  Block 5042

BG 6
  Tract 0016.00 (pt)

BG 1 (pt)
  Block 1014
  Block 1015
  Block 1017
  Block 1018
  Block 1019

BG 2
BG 3
  Tract 0024.00
  Tract 0039.02

Woodside CCD (pt)
  Tract 0006.00
  Tract 0016.00
  Tract 0024.00
  Tract 0025.00
  Tract 0026.00
  Tract 0027.00 (pt)

New matter indicated by italics - deletions by strikeout
BG 1
BG 2
BG 3 (pt)
   Block 3001
   Block 3002
   Block 3003
   Block 3004
   Block 3005
   Block 3006
   Block 3009
   Block 3010
   Block 3011
   Block 3012
   Block 3013
   Block 3014
   Block 3015
   Block 3016
   Block 3017
   Block 3018
   Block 3021
   Block 3022
   Block 3023
   Block 3024
   Block 3025
   Block 3026
   Block 3027
   Block 3028
   Block 3029
   Block 3030
   Block 3034
   Block 3035
   Block 3037
   Block 3041
   Block 3046

New matter indicated by italics - deletions by strikeout
BG 4
Tract 0030.00 (pt)
BG 1
BG 2
BG 3
BG 4 (pt)
  Block 4000
  Block 4003
  Block 4004
  Block 4019
  Block 4021
  Block 4026
  Block 4028
  Block 4029
  Block 4033
  Block 4034
  Block 4035
  Block 4036
  Block 4037
  Block 4038
  Block 4039
  Block 4040
  Block 4041
  Block 4043
  Block 4045
  Block 4046
  Block 4054
  Block 4055

Tract 0031.00 (pt)
BG 1
BG 2
BG 3
BG 4
BG 5 (pt)

New matter indicated by italics - deletions by strikeout
Block 5000
Block 5001
Block 5004
Block 5006
Block 5011
Block 5017
Block 5018
Block 5021
Block 5023
Block 5024
Block 5027
Block 5028
Block 5029
Block 5030

Tract 0032.01 (pt)
  BG 2
Tract 0039.02

TRUSTEE DISTRICT 3
Sangamon County (pt)
  Ball CCD (pt)
  Tract 0032.01 (pt)
    BG 1
    BG 2 (pt)
      Block 2002
      Block 2017
      Block 2018
      Block 2019
      Block 2020
      Block 2021
      Block 2023
      Block 2024
      Block 2027
      Block 2028
      Block 2029
      Block 2030

New matter indicated by italics - deletions by strikeout
Block 2031
Block 2032
Block 2033
Block 2034
Block 2037
Block 2038
Block 2041
Block 2042
Block 2045

Tract 0032.03 (pt)
  BG 1 (pt)
    Block 1000
    Block 1001
    Block 1002
    Block 1003
    Block 1004
    Block 1005
    Block 1006
    Block 1007
    Block 1008
    Block 1009
    Block 1010
    Block 1011
    Block 1038
    Block 1052

BG 2 (pt)
  Block 2002
  Block 2004
  Block 2005
  Block 2006
  Block 2007
  Block 2008
  Block 2011
  Block 2013

New matter indicated by italics - deletions by strikeout
Block 2014
Block 2015
Block 2016
Block 2017
Block 2018
Block 2019
Block 2020
Block 2021
Block 2022

Capital CCD (pt)
Tract 0010.02 (pt)
BG 4 (pt)
Block 4001
Block 4002
Block 4003
Block 4004
Block 4005
Block 4006
Block 4007
Block 4008
Block 4009

BG 5 (pt)
Block 5001
Block 5002
Block 5003
Block 5004
Block 5005
Block 5006
Block 5007
Block 5008
Block 5009
Block 5010
Block 5011
Block 5012

New matter indicated by italics - deletions by strikeout
Block 5013
BG 6 (pt)
  Block 6004
  Block 6006
  Block 6007

Tract 0011.00 (pt)
BG 1 (pt)
  Block 1012
  Block 1013
  Block 1014
  Block 1015
  Block 1016

BG 2
BG 3 (pt)
  Block 3008
  Block 3014
  Block 3015

Tract 0012.00 (pt)
BG 1 (pt)
  Block 1010
  Block 1011
  Block 1012
  Block 1013
  Block 1014

BG 2 (pt)
  Block 2008

BG 3
BG 4

Tract 0018.00 (pt)
BG 1 (pt)
  Block 1021
  Block 1022
  Block 1023
  Block 1024

New matter indicated by italics - deletions by strikeout
BG 2
Tract 0019.00 (pt)
BG 1 (pt)

Block 1001
Block 1002
Block 1003
Block 1004
Block 1005
Block 1006
Block 1007
Block 1008

New matter indicated by italics - deletions by strikeout
Block 1009
Block 1010
Block 1011
Block 1012
Block 1013
Block 1014
Block 1015
Block 1016
Block 1017

BG 2 (pt)
Block 2009
Block 2017
Block 2018
Block 2019
Block 2020
Block 2021
Block 2022
Block 2023
Block 2024
Block 2025
Block 2026
Block 2027
Block 2028
Block 2029
Block 2030
Block 2031
Block 2032
Block 2033
Block 2034
Block 2035
Block 2036

BG 3
Tract 0020.00
Tract 0021.00

New matter indicated by italics - deletions by strikeout
Tract 0022.00
Tract 0026.00 (pt)
  BG 4 (pt)
    Block 4001
    Block 4002
    Block 4004
    Block 4005
    Block 4006
    Block 4007
    Block 4008
    Block 4009
    Block 4010
    Block 4011
    Block 4012
    Block 4013
    Block 4014

Tract 0027.00 (pt)
  BG 3 (pt)
    Block 3007
    Block 3008
    Block 3031
    Block 3032
    Block 3033
    Block 3036
    BG 4 (pt)
      Block 4000
      Block 4001
      Block 4002
      Block 4003

Tract 0028.01
Tract 0028.02
Tract 0029.00
Tract 0030.00 (pt)
  BG 4 (pt)

New matter indicated by italics - deletions by strikeout
Block 4058
Block 4059
Tract 0031.00 (pt)
  BG 5 (pt)
    Block 5041
    Block 5043
    Block 5052
Tract 0032.01 (pt)
  BG 1
Tract 0032.03 (pt)
  BG 2 (pt)
    Block 2003
Tract 0036.03 (pt)
  BG 2 (pt)
    Block 2000
    Block 2001
    Block 2002
    Block 2003
    Block 2042
    Block 2051
Tract 0036.04 (pt)
  BG 1 (pt)
    Block 1000
    Block 1001
    Block 1013
    Block 1018
    Block 1023
    Block 1024
    Block 1025
    Block 1026
    Block 1027
  BG 2 (pt)
    Block 2000
    Block 2001

New matter indicated by italics - deletions by strikeout
Block 2002
Block 2003
Block 2004
Block 2005
Block 2006
Block 2007
Block 2008
Block 2009
Block 2010
Block 2011
Block 2012
Block 2013
Block 2014
Block 2015
Block 2018
Block 2030

Chatham CCD (pt)
Tract 0032.01
Tract 0032.02 (pt)
BG 1 (pt)
Block 1000
Block 1001
Block 1002
Block 1003
Block 1004
Block 1005
Block 1006
Block 1009
Block 1010
Block 1011
Block 1012
Block 1013
Block 1014
Block 1015

New matter indicated by italics - deletions by strikeout
Block 1016
BG 2
BG 3 (pt)
Block 3000
Block 3001
Block 3031
Block 3033
Block 3034
Block 3035
Block 3036
Block 3037
Block 3038
Tract 0032.03 (pt)
BG 1 (pt)
Block 1012
Block 1013
Block 1014
Block 1015
Block 1016
Block 1017
Block 1018
Block 1019
Block 1020
Block 1021
Block 1022
Block 1023
Block 1024
Block 1025
Block 1026
Block 1027
Block 1028
Block 1029
Block 1030
Block 1031

New matter indicated by italics - deletions by strikeout
Curran CCD (pt)
  Tract 0020.00
  Tract 0029.00
  Tract 0036.04 (pt)
    BG 1 (pt)
      Block 1002
      Block 1003
      Block 1009
      Block 1010
      Block 1011
      Block 1012
      Block 1014
      Block 1022
    BG 2 (pt)
      Block 2029

Woodside CCD (pt)
  Tract 0018.00
  Tract 0020.00
  Tract 0021.00
  Tract 0027.00 (pt)
    BG 3 (pt)
      Block 3038
      Block 3039

  Tract 0028.01
  Tract 0028.02

New matter indicated by italics - deletions by strikeout
Tract 0029.00
Tract 0030.00 (pt)
  BG 4 (pt)
    Block 4057
    Block 4060
    Block 4061
Tract 0031.00 (pt)
  BG 5 (pt)
    Block 5040
    Block 5042
    Block 5044
    Block 5045
    Block 5046
    Block 5047
    Block 5048
    Block 5049
    Block 5050
    Block 5051
Tract 0032.01 (pt)
  BG 1 (pt)
    Block 1000
    Block 1001
    Block 1005
    Block 1015
Tract 0036.03
TRUSTEE DISTRICT 4
Christian County (pt)
  Bear Creek CCD
  Buckhart CCD (pt)
    Tract 9581.00 (pt)
      BG 2 (pt)
        Block 2066
        Block 2067
        Block 2068

New matter indicated by italics - deletions by strikeout
Block 2069
Block 2070
Block 2071
Block 2072
Block 2078
Block 2079
Block 2080
Block 2081
Block 2082
Block 2083
Block 2084
Block 2085
Block 2086
Block 2096
Block 2097
Block 2098
Block 2099
Block 2100
Block 2101
Block 2102
Block 2103
Block 2108
Block 2109
Block 2110
Block 2111
Block 2112
Block 2113

BG 3
Tract 9582.00
Greenwood CCD (pt)
Tract 9590.00 (pt)
BG 4 (pt)
Block 4044
Block 4045

New matter indicated by italics - deletions by strikeout
New matter indicated by italics - deletions by strikeout
Public Act 95-0100

Block 4149
Block 4150
Block 4151
Block 4152
Block 4153
Block 4154
Block 4155
Block 4156
Block 4157
Block 4158
Block 4159

Johnson CCD
King CCD
Locust CCD (pt)
  Tract 9587.00 (pt)
    BG 3 (pt)
      Block 3002
      Block 3003
      Block 3004
      Block 3007
      Block 3008
      Block 3009
      Block 3010
      Block 3016
      Block 3017
      Block 3029
      Block 3030
      Block 3031
      Block 3032
      Block 3033
      Block 3034
      Block 3035
      Block 3042
      Block 3043

New matter indicated by italics - deletions by strikeout
Block 3044
Block 3045
Block 3046
Block 3047
Block 3048
Block 3049
Block 3050
Block 3051
Block 3052
Block 3053
Block 3054
Block 3055
Block 3056
Block 3057
Block 3058
Block 3059
Block 3068
Block 3069
Block 3070
Block 3071
Block 3072
Block 3073
Block 3074
Block 3075
Block 3076
Block 3077
Block 3078
Block 3079
Block 3080
Block 3081
Block 3082
Block 3083
Block 3084
Block 3085
Block 3086

New matter indicated by italics - deletions by strikeout
NEW MATTER INDICATED BY ITALICS - DELETIONS BY STRIKEOUT
Block 3121
Block 3122
Block 3130
Block 3131
Block 3133
Block 3134
Block 3154
Block 3155
Block 3995
Block 3997
Block 3999

Tract 9590.00
May CCD (pt)
Tract 9586.00 (pt)
BG 2 (pt)
  Block 2125
  Block 2126
  Block 2127
  Block 2130
  Block 2167
  Block 2168
  Block 2169
  Block 2170
  Block 2180
  Block 2181
  Block 2182
  Block 2183

BG 3 (pt)
  Block 3051
  Block 3053
  Block 3054
  Block 3055
  Block 3056
  Block 3057

New matter indicated by italics - deletions by strikeout
Block 3058
Block 3059
Block 3060
Block 3061
Block 3066
Block 3067
Block 3071
Block 3075
Block 3076
Block 3077
Block 3078
Block 3079
Block 3080
Block 3081
Block 3082
Block 3083
Block 3084
Block 3085
Block 3091
Block 3092
Block 3093

Tract 9587.00
Tract 9590.00
Mosquito CCD (pt)
Tract 9581.00 (pt)
BG 1 (pt)
  Block 1004
  Block 1005
  Block 1006
  Block 1010
  Block 1011
  Block 1012
  Block 1013
  Block 1014

New matter indicated by italics - deletions by strikeout
Mount Auburn CCD
Ricks CCD
Rosamond CCD (pt)
  Tract 9587.00 (pt)
    BG 3 (pt)
      Block 3156
      Block 3157

South Fork CCD
Stonington CCD (pt)
  Tract 9586.00 (pt)
    BG 2 (pt)
      Block 2017

Taylorville CCD
De Witt County (pt)
  Tunbridge CCD (pt)
    Tract 9716.00 (pt)
      BG 3 (pt)
        Block 3172
      BG 4 (pt)
        Block 4057
        Block 4058
        Block 4059
        Block 4060
        Block 4061

Logan County (pt)
Aetna CCD (pt)
  Tract 9536.00 (pt)
    BG 1 (pt)
      Block 1020
      Block 1021

New matter indicated by italics - deletions by strikeout
Block 1022
Block 1023
Block 1024
Block 1026
Block 1028
Block 1040
Block 1041
Block 1042
Block 1043
Block 1044
Block 1045
Block 1047
Block 1048
Block 1049
Block 1050
Block 1051
Block 1052
Block 1060
Block 1061
Block 1062
Block 1063
Block 1064
Block 1065
Block 1066
Block 1067
Block 1068
Block 1069
Block 1070
Block 1071
Block 1072
Block 1073
Block 1074
Block 1075
Block 1076
Block 1077
Block 1078
Block 1079
Block 1080
Block 1081

New matter indicated by italics - deletions by strikeout
Block 1082
Block 1083
Block 1084
Block 1085
Block 1086
Block 1087
Block 1088
Block 1089
Block 1090
Block 1091
Block 1092

BG 4
Broadwell CCD (pt)
Tract 9535.00 (pt)
BG 1 (pt)
Block 1094
Block 1096
Block 1097
Block 1098
Block 1099
Block 1100
Block 1103
Block 1104
Block 1105
Block 1156

Chester CCD (pt)
Tract 9535.00 (pt)
BG 1 (pt)
Block 1115
Block 1116
Block 1117
Block 1120
Block 1121
Block 1127

New matter indicated by italics - deletions by strikeout
Tract 9536.00 (pt)
  BG 1 (pt)
    Block 1064
    Block 1065
    Block 1097
    Block 1098
    Block 1099

Corwin CCD (pt)
Tract 9535.00 (pt)
  BG 2 (pt)
    Block 2005
    Block 2006
    Block 2010
    Block 2015
    Block 2016
    Block 2017
    Block 2018
    Block 2019
    Block 2020
    Block 2021
    Block 2022
    Block 2023
    Block 2024
    Block 2025
    Block 2026
    Block 2027
    Block 2028
    Block 2029
    Block 2030
    Block 2031
    Block 2032
    Block 2033
    Block 2034
    Block 2035

New matter indicated by italics - deletions by strikeout
New matter indicated by italics - deletions by strikeout
Block 2071
Block 2072
Block 2073
Block 2074
Block 2075
Block 2076
Block 2077
Block 2078
Block 2079
Block 2080
Block 2085
Block 2126
Block 2127
Block 2128
Block 2129
Block 2130
Block 2131
Block 2132
Block 2133
Block 2134
Block 2135
Block 2136
Block 2137
Block 2138
Block 2139
Block 2140
Block 2141
Block 2142

Elkhart CCD
Hurlbut CCD
Laenna CCD (pt)
Tract 9536.00 (pt)
   BG 1
   BG 4 (pt)

New matter indicated by italics - deletions by strikeout
Block 4000
Block 4001
Block 4002
Block 4005
Block 4006
Block 4007
Block 4008
Block 4009
Block 4010
Block 4011
Block 4012
Block 4013
Block 4014
Block 4015
Block 4019
Block 4020
Block 4021
Block 4023
Block 4024
Block 4025
Block 4061
Block 4062
Block 4063
Block 4064
Block 4073
Block 4074

Lake Fork CCD (pt)
Tract 9536.00 (pt)
BG 4 (pt)

Block 4072
Block 4075
Block 4076
Block 4088
Block 4089

New matter indicated by italics - deletions by strikeout
| Block 4090 |
| Block 4091 |
| Block 4095 |
| Block 4096 |

**Mount Pulaski CCD**

- Prairie Creek CCD (pt)
- Tract 9530.00 (pt)
  - BG 2 (pt)
    - Block 2039
    - Block 2041
    - Block 2042
    - Block 2045
    - Block 2046
    - Block 2047
    - Block 2048
    - Block 2049
    - Block 2050
    - Block 2052
    - Block 2054
    - Block 2055

**Sheridan CCD (pt)**

- Tract 9530.00 (pt)
  - BG 2 (pt)
    - Block 2056
    - Block 2057
    - Block 2058
    - Block 2059
    - Block 2060
    - Block 2062
    - Block 2063
    - Block 2065
    - Block 2066
    - Block 2067
    - Block 2068

New matter indicated by italics - deletions by strikeout
Block 2103
Block 2104
Block 2106
Block 2107
Block 2108
Block 2109
Block 2111
Block 2112
Block 2113
Block 2114
Block 2115
Block 2116
Block 2117
Block 2118
Block 2119
Block 2120
Block 2121
Block 2122

Tract 9535.00 (pt)
BG 2 (pt)
  Block 2007
  Block 2011
  Block 2012
  Block 2013
  Block 2014

Macon County (pt)
  Austin CCD (pt)
    Tract 0028.00 (pt)
      BG 1 (pt)
        Block 1009
        Block 1010

Sangamon County (pt)
  Auburn CCD (pt)
    Tract 0033.00 (pt)

New matter indicated by italics - deletions by strikeout
BG 4
BG 5 (pt)
   Block 5038
   Block 5039
Tract 0034.00 (pt)
   BG 1
   BG 2
   BG 3
   BG 4 (pt)
      Block 4004
      Block 4005
      Block 4006
      Block 4007
      Block 4008
      Block 4009
      Block 4011
      Block 4012
      Block 4013
      Block 4014
      Block 4015
      Block 4016
      Block 4017
      Block 4018
      Block 4019
      Block 4020
      Block 4021
      Block 4022
      Block 4023
      Block 4027
BG 5 (pt)
   Block 5000
   Block 5001
   Block 5002
   Block 5003

New matter indicated by italics - deletions by strikeout
Block 5004
Block 5005
Block 5006
Block 5007
Block 5008
Block 5009
Block 5010
Block 5011
Block 5012
Block 5013
Block 5014
Block 5015
Block 5019
Block 5036

Ball CCD (pt)
  Tract 0031.00 (pt)
    BG 3 (pt)
      Block 3055
      Block 3062
      Block 3087
      Block 3164
    BG 4 (pt)
      Block 4037
      Block 4063
      Block 4066
      Block 4067
      Block 4068
  Tract 0032.03 (pt)
    BG 1 (pt)
      Block 1039
      Block 1046
      Block 1051
    BG 2 (pt)
      Block 2023

New matter indicated by italics - deletions by strikeout
Block 2024
Block 2025
Block 2026
BG 3
BG 4 (pt)
  Block 4000
  Block 4009
  Block 4010
  Block 4011
  Block 4012
  Block 4013
  Block 4016
  Block 4018
  Block 4019
  Block 4020
  Block 4022
  Block 4023
  Block 4024
  Block 4025
  Block 4026
  Block 4027
  Block 4028
  Block 4029
  Block 4030
  Block 4031
  Block 4032
  Block 4033
  Block 4034
  Block 4035
  Block 4036
  Block 4037
  Block 4038
  Block 4039
  Block 4040

New matter indicated by italics - deletions by strikeout
Block 4041
Block 4042
Block 4043
Block 4044
Block 4045
Block 4046
Block 4047
Block 4048
Block 4049
Block 4995
Block 4996
Block 4997

Tract 0033.00
Buffalo Hart CCD
Cooper CCD
Cotton Hill CCD
Divenon CCD
Illiopolis CCD (pt)

Tract 0040.00 (pt)
BG 2 (pt)
Block 2000
Block 2003
Block 2004
Block 2005
Block 2006
Block 2011
Block 2016
Block 2101

Lanesville CCD (pt)
Tract 0040.00 (pt)
BG 2 (pt)
Block 2007
Block 2008
Block 2009

New matter indicated by italics - deletions by strikeout
Block 2010
Block 2102
Block 2104

BG 3 (pt)
Block 3003
Block 3004
Block 3034
Block 3035
Block 3091
Block 3092
Block 3093
Block 3094

BG 5 (pt)
Block 5003
Block 5004
Block 5005
Block 5006
Block 5008
Block 5009
Block 5010
Block 5011
Block 5012
Block 5013
Block 5018
Block 5019
Block 5020
Block 5027
Block 5028
Block 5029
Block 5030
Block 5031
Block 5032
Block 5076
Block 5077

New matter indicated by italics - deletions by strikeout
Block 5080
Block 5081
Block 5083
Block 5084

Mechanicsburg CCD

Pawnee CCD

Rochester CCD (pt)
  Tract 0031.00 (pt)
    BG 3 (pt)
      Block 3033
  Tract 0039.01 (pt)
    BG 1 (pt)
      Block 1020
      Block 1021
      Block 1022
    BG 3
    BG 4 (pt)
      Block 4005
      Block 4018
      Block 4019
      Block 4020
      Block 4021
      Block 4022
      Block 4023
      Block 4024
      Block 4025
      Block 4026
      Block 4036
      Block 4996
      Block 4999
  Tract 0039.02 (pt)
    BG 2 (pt)
      Block 2035

Williams CCD (pt)

New matter indicated by italics - deletions by strikeout
Tract 0037.00 (pt)
  BG 3 (pt)
    Block 3000
  BG 5
  BG 6 (pt)
    Block 6000
    Block 6001
    Block 6002
    Block 6003
    Block 6004
    Block 6023
    Block 6024
    Block 6025
    Block 6026
    Block 6027
    Block 6028
    Block 6029
    Block 6030
    Block 6031
    Block 6032
    Block 6033
    Block 6034
    Block 6039
    Block 6040
    Block 6041
    Block 6042
    Block 6043
    Block 6044
    Block 6045
    Block 6046
    Block 6047
    Block 6048
    Block 6049
    Block 6050

New matter indicated by italics - deletions by strikeout
Block 6052
Block 6053
Block 6054
Block 6055
Block 6056
Block 6057
Block 6058
Tract 0040.00 (pt)
  BG 3 (pt)
    Block 3017
    Block 3018
    Block 3022
    Block 3023

TRUSTEE DISTRICT 5
Cass County (pt)
  Ashland CCD
  Bluff Springs CCD (pt)
    Tract 9602.00
    Tract 9603.00 (pt)
      BG 1 (pt)
        Block 1006
        Block 1007
        Block 1008
        Block 1009
        Block 1025
        Block 1026
        Block 1027
        Block 1028
        Block 1031
        Block 1032
        Block 1033
        Block 1034
        Block 1035
        Block 1036

New matter indicated by italics - deletions by strikeout
Block 1037
Block 1038
Block 1044
Block 1045
Block 1046
Block 1047
Block 1048
Block 1049
Block 1050
Block 1051
Block 1055
Block 1056
Block 1059
Block 1060
Block 1061
Block 1062
Block 1063
Block 1064
Block 1065
Block 1066
Block 1067
Block 1068
Block 1069
Block 1070
Block 1071
Block 1086
Block 1087
Block 1088
Block 1089
Block 1090
Block 1093
Block 1094
Block 1095
Block 1990

New matter indicated by italics - deletions by strikeout
Block 1991
Block 1992
Block 1993
Block 1995
Block 1996
BG 2 (pt)
Block 2042
Block 2043
Block 2044
Block 2045
Chandlerville CCD (pt)
Tract 9601.00 (pt)
BG 1 (pt)
Block 1002
Block 1003
Block 1004
Block 1005
Block 1006
Block 1007
Block 1008
Block 1009
Block 1010
Block 1011
Block 1012
Block 1013
Block 1014
Block 1017
Block 1018
Block 1019
Block 1020
Block 1021
Block 1022
Block 1023
Block 1028

New matter indicated by italics - deletions by strikeout
Block 1029
Block 1030
Block 1031
Block 1032
Block 1033
Block 1034
Block 1035
Block 1036
Block 1037
Block 1038
Block 1039
Block 1040
Block 1041
Block 1042
Block 1043
Block 1044
Block 1045
Block 1046
Block 1047
Block 1048
Block 1049
Block 1050
Block 1051
Block 1052
Block 1053
Block 1054
Block 1055
Block 1056
Block 1057
Block 1058
Block 1059
Block 1060
Block 1061
Block 1062

New matter indicated by italics - deletions by strikeout
Block 1063
Block 1064
Block 1065
Block 1066
Block 1067
Block 1068
Block 1069
Block 1070
Block 1071
Block 1075
Block 1076
Block 1077
Block 1078
Block 1079
Block 1080
Block 1081
Block 1082
Block 1083
Block 1084
Block 1085
Block 1086
Block 1111
Block 1113
Block 1114
Block 1115
Block 1116
Block 1117
Block 1118
Block 1119
Block 1120
Block 1121
Block 1122
Block 1123
Block 1984

New matter indicated by italics - deletions by strikeout
Block 1985
Block 1986
Block 1987
Block 1988
Block 1989
Block 1990
Block 1991
Block 1992
Block 1993
Block 1994
Block 1995
Block 1996
Block 1997
Block 1998

BG 2
Newmansville CCD
Panther Creek CCD
Philadelphia CCD
Sangamon Valley CCD (pt)
  Tract 9601.00
  Tract 9602.00
  Tract 9603.00 (pt)
BG 1 (pt)
  Block 1000
  Block 1001
  Block 1002
  Block 1003
  Block 1004
  Block 1005
  Block 1010
  Block 1011
  Block 1012
  Block 1013
  Block 1014

New matter indicated by italics - deletions by strikeout
Block 1015
Block 1016
Block 1017
Block 1018
Block 1019
Block 1020
Block 1021
Block 1022
Block 1023
Block 1024
Block 1072
Block 1073
Block 1074
Block 1075
Block 1076
Block 1077
Block 1078
Block 1079
Block 1080
Block 1081
Block 1082
Block 1083
Block 1084
Block 1085
Block 1091
Block 1997
Block 1999

Virginia CCD
Mason County (pt)
Allens Grove CCD (pt)
Tract 9567.00 (pt)
BG 1 (pt)
Block 1077
Block 1078

New matter indicated by italics - deletions by strikeout
Block 1079
Block 1095
Block 1096
Block 1097
Block 1098
Block 1099
Block 1100
Block 1101
Block 1102
Block 1103
Block 1104
Block 1105
Block 1109
Block 1110

Bath CCD (pt)
  Tract 9566.00 (pt)
    BG 3 (pt)
      Block 3122
      Block 3125
      Block 3126
      Block 3145
      Block 3149
      Block 3975
      Block 3976
      Block 3978
      Block 3980

Crane Creek CCD
Forest City CCD (pt)
  Tract 9563.00 (pt)
    BG 3 (pt)
      Block 3186
      Block 3187

  Tract 9564.00 (pt)
    BG 1 (pt)

New matter indicated by italics - deletions by strikeout
Block 1085
Block 1086
Block 1091
Block 1092
Block 1095
Block 1135

Havana CCD (pt)
  Tract 9564.00 (pt)
    BG 3 (pt)
      Block 3043
      Block 3068
      Block 3069
      Block 3070
      Block 3072
      Block 3073
      Block 3074

Kilbourne CCD (pt)
  Tract 9566.00 (pt)
    BG 1 (pt)
      Block 1000
      Block 1001
      Block 1002
      Block 1003
      Block 1099
      Block 1100
      Block 1101
      Block 1102
      Block 1105
    BG 3 (pt)
      Block 3001
      Block 3002
      Block 3131
      Block 3132
      Block 3139

New matter indicated by italics - deletions by strikeout
Block 3140
Block 3990
Block 3992
Block 3998
Block 3999

Tract 9567.00
Lynchburg CCD (pt)
Tract 9566.00 (pt)
BG 2 (pt)
Block 2080
Block 2148
Block 2153
Block 2986
Block 2989

Mason City CCD (pt)
Tract 9567.00 (pt)
BG 2 (pt)
Block 2000
Block 2001
Block 2003
Block 2004
Block 2005
Block 2006
Block 2007
Block 2008
Block 2009
Block 2010
Block 2011
Block 2012
Block 2013
Block 2014
Block 2015
Block 2016
Block 2082

New matter indicated by italics - deletions by strikeout
New matter indicated by italics - deletions by strikeout
New matter indicated by italics - deletions by strikeout
Block 2992
Block 2993
Block 2994
Block 2995
Block 2996
Block 2997
Block 2998
Block 2999

Tract 9568.00
Pennsylvania CCD (pt)
Tract 9567.00 (pt)
BG 2 (pt)
Block 2017
Block 2018
Block 2019
Block 2020
Block 2021
Block 2022
Block 2026
Block 2027
Block 2028
Block 2029
Block 2030
Block 2031
Block 2032
Block 2034
Block 2035
Block 2036
Block 2037
Block 2038
Block 2039
Block 2040
Block 2041
Block 2042

New matter indicated by italics - deletions by strikeout
Block 2043
Block 2044
Block 2045
Block 2046
Block 2047
Block 2048
Block 2049
Block 2050
Block 2051
Block 2052
Block 2053

Quiver CCD (pt)
    Tract 9564.00 (pt)
        BG 1 (pt)
            Block 1076
            Block 1079
            Block 1096
            Block 1097
            Block 1098
            Block 1099
            Block 1110
            Block 1117
            Block 1118
            Block 1119
            Block 1120
            Block 1121
            Block 1122
            Block 1123
            Block 1124
            Block 1125
            Block 1126
            Block 1127
            Block 1128
            Block 1129

New matter indicated by italics - deletions by strikeout
Block 1130
Block 1131
Block 1132
Block 1133
Block 1134
BG 3 (pt)
Block 3000
Block 3031
Salt Creek CCD
Sherman CCD
Menard County
Sangamon County (pt)
Capital CCD (pt)
Tract 0002.01 (pt)
BG 1 (pt)
Block 1002
Block 1003
Block 1004
Block 1005
Block 1006
Block 1007
Block 1008
Block 1009
BG 2 (pt)
Block 2010
Block 2012
BG 3 (pt)
Block 3003
Block 3004
Block 3007
Tract 0010.01 (pt)
BG 1
BG 2 (pt)
Block 2001

New matter indicated by italics - deletions by strikeout
Block 2003
Block 2004
Block 2005
Block 2007
Block 2008
Block 2009
Block 2010
Block 2011
Block 2012
Block 2013
Block 2014
Block 2015

Tract 0010.02 (pt)
  BG 1 (pt)
    Block 1000
    Block 1001
    Block 1002
    Block 1003
    Block 1004
    Block 1005
    Block 1006
    Block 1007
    Block 1009
    Block 1010
    Block 1013
    Block 1014
    Block 1015
    Block 1999

Tract 0036.02
Tract 0036.03 (pt)
  BG 1
  BG 2 (pt)
    Block 2004
    Block 2005

New matter indicated by italics - deletions by strikeout
Block 2006
Block 2007
Block 2008
Block 2010
Block 2011
Block 2012
Block 2016
Block 2017
Block 2019
Block 2022
Block 2023
Block 2029
Block 2030
Block 2033
Block 2034
Block 2035
Block 2036
Block 2037
Block 2043
Block 2045
Block 2047
Block 2048
Block 2049
Block 2053
Block 2054
Block 2055
Block 2056
Block 2059
Block 2060
Block 2061
Block 2074
Block 2075
Block 2076

Tract 0036.04 (pt)

New matter indicated by italics - deletions by strikeout
BG 1 (pt)
   Block 1004
   Block 1005
   Block 1007
   Block 1008
   Block 1015
   Block 1016
   Block 1017
   Block 1019
   Block 1020
   Block 1021
   Block 1029

BG 2 (pt)
   Block 2016
   Block 2017
   Block 2019
   Block 2020
   Block 2021
   Block 2027

Cartwright CCD

Chatham CCD (pt)
   Tract 0032.02 (pt)
   BG 1 (pt)
      Block 1007
      Block 1008
   BG 3 (pt)
      Block 3002
      Block 3003
      Block 3004
      Block 3005
      Block 3006
      Block 3007
      Block 3012
      Block 3013

New matter indicated by italics - deletions by strikeout
Block 3015
Block 3016
Block 3017
Block 3018
Block 3019
Block 3020
Block 3021
Block 3022
Block 3023
Block 3024
Block 3025
Block 3026
Block 3027
Block 3028
Block 3029
Block 3030
Block 3032
Block 3039
Block 3040
Block 3041
Block 3042
Block 3043
Block 3044
Block 3045
Block 3046
Block 3047
Block 3048
Block 3049
Block 3050
Block 3051
Block 3052
Block 3053
Block 3054
Block 3055

New matter indicated by italics - deletions by strikeout
Block 3056
Block 3057
Block 3058
Tract 0032.03 (pt)
  BG 1 (pt)
    Block 1043
    Block 1044
    Block 1045
    Block 1047
    Block 1048
    Block 1049
    Block 1050
  BG 3
  Tract 0033.00
  Tract 0034.00
  Tract 0036.03
Clear Lake CCD (pt)
  Tract 0001.00 (pt)
    BG 1 (pt)
      Block 1000
  Tract 0037.00
  Tract 0038.01 (pt)
    BG 1 (pt)
      Block 1000
      Block 1013
      Block 1992
      Block 1995
      Block 1997
Curran CCD (pt)
  Tract 0032.02
  Tract 0036.01
  Tract 0036.03
  Tract 0036.04 (pt)
    BG 1 (pt)

New matter indicated by italics - deletions by strikeout
Block 1006
Block 1028

BG 2 (pt)
Block 2022
Block 2023
Block 2024
Block 2025
Block 2026
Block 2028

Fancy Creek CCD
Gardner CCD
Island Grove CCD
Maxwell CCD
New Berlin CCD
Springfield CCD (pt)
Tract 0001.00 (pt)
BG 4 (pt)
Block 4056
Block 4057
Block 4059
Block 4994

Tract 0002.01 (pt)
BG 1 (pt)
Block 1000
Block 1001

BG 2 (pt)
Block 2006
Block 2007
Block 2009
Block 2011

BG 3 (pt)
Block 3005
Block 3006

Tract 0010.01

New matter indicated by italics - deletions by strikeout
Tract 0036.01
Tract 0036.02
Tract 0037.00 (pt)
BG 1 (pt)
  Block 1020
  Block 1021
  Block 1022
  Block 1992
  Block 1994
  Block 1995

Williams CCD (pt)
Tract 0037.00 (pt)
BG 3 (pt)
  Block 3001
  Block 3002
  Block 3003
  Block 3004
  Block 3005
  Block 3006
  Block 3007
  Block 3008
  Block 3009
  Block 3010
  Block 3011
  Block 3012
  Block 3013
  Block 3014
  Block 3015
  Block 3016
  Block 3017
  Block 3035
  Block 3036
  Block 3037
  Block 3038

New matter indicated by italics - deletions by strikeout
Block 3039
Block 3040
Block 3041
Block 3042
Block 3043
Block 3044
Block 3045
Block 3046
Block 3047
Block 3048
Block 3049
Block 3050
Block 3051
Block 3052
Block 3053
Block 3054
Block 3055
Block 3056
Block 3057

BG 4
BG 6 (pt)
Block 6051

Tract 0038.01
Tract 0038.02
Tract 0040.00 (pt)

BG 3 (pt)
Block 3024
Block 3104
Block 3105
Block 3106
Block 3107
Block 3108
Block 3109

Woodside CCD (pt)

New matter indicated by italics - deletions by strikeout
Tract 0032.01 (pt)
   BG 1 (pt)
      Block 1007

TRUSTEE DISTRICT 6
Cass County (pt)
   Arenzville CCD
   Beardstown CCD
   Bluff Springs CCD (pt)
   Tract 9603.00 (pt)
      BG 1 (pt)
         Block 1987
         Block 1989
      BG 2 (pt)
         Block 2000
         Block 2038
         Block 2039
         Block 2040
         Block 2041
         Block 2046
         Block 2047
         Block 2064
         Block 2065
         Block 2069
         Block 2070
         Block 2192
         Block 2193
         Block 2194

Hagener CCD (pt)
   Tract 9602.00
   Tract 9603.00 (pt)
      BG 2 (pt)
         Block 2059
         Block 2060
         Block 2061

New matter indicated by italics - deletions by strikeout
Block 2062
Block 2080
Block 2081
Block 2082
Block 2111
Block 2112
Block 2113
Block 2119
Block 2120
Block 2121
Block 2122
Block 2123
Block 2124
Block 2125
Block 2126
Block 2127
Block 2128
Block 2129
Block 2130
Block 2131
Block 2132
Block 2133
Block 2134
Block 2135
Block 2136
Block 2137
Block 2138
Block 2153
Block 2154
Block 2155
Block 2156
Block 2157
Block 2158
Block 2159

New matter indicated by italics - deletions by strikeout
Block 2160
Block 2161
Block 2162
Block 2163
Block 2164
Block 2167
Block 2168
Block 2169
Block 2170
Block 2172
Block 2175
Block 2176
Block 2177
Block 2178
Block 2195
Block 2196
Block 2197
Block 2198
Block 2199
Block 2204
Block 2205
Block 2211
Block 2213
Block 2214
Block 2221
Block 2222
Block 2223
Block 2224

Morgan County (pt)
  Alexander CCD
  Arcadia CCD
  Chapin CCD (pt)
  Tract 9514.00 (pt)
  BG 1

New matter indicated by italics - deletions by strikeout
BG 4 (pt)
  Block 4000
  Block 4001
  Block 4002
  Block 4003
  Block 4004
  Block 4012
  Block 4013
  Block 4014
  Block 4015
  Block 4019
  Block 4020
  Block 4021
  Block 4022
  Block 4023
  Block 4024
  Block 4025
  Block 4026
  Block 4027
  Block 4028
  Block 4029
  Block 4030
  Block 4031
  Block 4032
  Block 4033
  Block 4034
  Block 4035
  Block 4036
  Block 4037
  Block 4038
  Block 4039
  Block 4040
  Block 4041
  Block 4042

New matter indicated by italics - deletions by strikeout
Block 4043
Block 4044
Block 4045
Block 4046
Block 4047
Block 4048
Block 4049
Block 4050
Block 4051
Block 4052
Block 4053
Block 4054
Block 4055
Block 4056
Block 4057
Block 4058
Block 4060
Block 4064
Block 4065
Block 4066
Block 4067
Block 4068

Concord CCD
Franklin CCD
Jacksonville No. 1 CCD
Jacksonville No. 2 CCD
Jacksonville No. 3 CCD
Jacksonville No. 4 CCD
Jacksonville No. 5 CCD
Jacksonville No. 6 CCD
Jacksonville No. 7 CCD
Jacksonville No. 8 CCD
Jacksonville No. 9 CCD
Jacksonville No. 10 CCD

New matter indicated by italics - deletions by strikeout
Jacksonville No. 11 CCD
Jacksonville No. 12 CCD
Jacksonville No. 13 CCD
Jacksonville No. 14 CCD
Jacksonville No. 15 CCD
Jacksonville No. 16 CCD
Jacksonville No. 17 CCD
Jacksonville No. 18 CCD
Jacksonville No. 19 CCD
Jacksonville No. 22 CCD
Jacksonville No. 23 CCD
Jacksonville No. 24 CCD
Jacksonville No. 25 CCD
Jacksonville No. 26 CCD
Jacksonville No. 27 CCD
Jacksonville No. 28 CCD
Literberry CCD
Lynnville CCD
Markham CCD
Meredosia No. 1 CCD (pt)
  Tract 9514.00 (pt)
    BG 1 (pt)
      Block 1009
      Block 1015
      Block 1016
      Block 1054
      Block 1055
      Block 1056
      Block 1057
      Block 1058
      Block 1072
Meredosia No. 2 CCD (pt)
  Tract 9514.00 (pt)
    BG 1 (pt)

New matter indicated by italics - deletions by strikeout
Block 1073
Murrayville No. 1 CCD (pt)
Tract 9522.00 (pt)
BG 1
BG 3 (pt)
  Block 3000
  Block 3001
  Block 3002
  Block 3003
  Block 3017
  Block 3018
  Block 3019
  Block 3020
  Block 3021
  Block 3022
  Block 3023
  Block 3024
  Block 3025
  Block 3026
  Block 3027
  Block 3028
  Block 3039
  Block 3040
  Block 3041
  Block 3042
  Block 3043
  Block 3044
  Block 3045
  Block 3046
  Block 3051
  Block 3052
  Block 3053
  Block 3056
  Block 3075

New matter indicated by italics - deletions by strikeout
Block 3076
Block 3095
Block 3096
Block 3097
Block 3098
Block 3099
Block 3101
Block 3104
Block 3105
Block 3107
Block 3108

Murrayville No. 2 CCD
Nortonville CCD (pt)
Tract 9522.00 (pt)
BG 1 (pt)
Block 1158
Block 1159
Block 1160
Block 1161
Block 1166
Block 1168
Block 1169
Block 1170
Block 1171
Block 1172
Block 1173
Block 1174
Block 1175
Block 1176
Block 1178
Block 1179
Block 1180
Block 1181
Block 1182

New matter indicated by italics - deletions by strikeout
Block 1183
Block 1184
Block 1185
Block 1186
Block 1187
Block 1188
Block 1189
Block 1190
Block 1191
Block 1192
Block 1193
Block 1194
Block 1195
Block 1196
Block 1197
Block 1200
Block 1201
Block 1202
Block 1203
Block 1204
Block 1205
Block 1206
Block 1207
Block 1208
Block 1209
Block 1210
Block 1211
Block 1212
Block 1213
Block 1214

BG 3
Tract 9523.00
Pisgah CCD
Prentice CCD

New matter indicated by italics - deletions by strikeout
Waverly No. 1 CCD  
Waverly No. 2 CCD  
Waverly No. 3 CCD  
Woodson CCD  
Schuyler County (pt)  
Frederick CCD (pt)  
Tract 9703.00 (pt)  
BG 1 (pt)  
Block 1997  

Scott County (pt)  
Alsey CCD  
Bloomfield CCD (pt)  
Tract 9706.00 (pt)  
BG 2 (pt)  
Block 2103  
Block 2135  
Block 2136  
Block 2141  
Block 2158  
Block 2159  
Block 2160  
Block 2161  
Block 2163  
Block 2164  
Block 2165  
Block 2166  
Block 2167  
Block 2168  
Block 2184  
Block 2185  
Block 2186  
Block 2187  
Block 2188  
Block 2189

New matter indicated by italics - deletions by strikeout
Block 2190
Block 2191
Block 2192
Block 2193
Block 2197
Block 2198
Block 2199
Block 2200
Block 2201
Block 2202
Block 2203
Block 2204
Block 2205
Block 2995

Tract 9707.00
Exeter-Bluffs CCD (pt)
Tract 9706.00 (pt)
BG 2 (pt)
Block 2099
Block 2100

Glasgow CCD
Manchester CCD
Merritt CCD (pt)
Tract 9706.00 (pt)
BG 1 (pt)
Block 1000
Block 1001
Block 1002
Block 1003
Block 1004
Block 1005
Block 1096
Block 1097
Block 1099

New matter indicated by italics - deletions by strikeout
Block 1100
Block 1101
Block 1102
Block 1103
Block 1104
Block 1105
Block 1106
Block 1107
Block 1108
Block 1109
Block 1110

Winchester No. 1 CCD
Winchester No. 2 CCD
Winchester No. 3 CCD

TRUSTEE DISTRICT 7
Bond County (pt)
Lagrange CCD (pt)
Tract 9512.00 (pt)
BG 1 (pt)
Block 1014
Block 1018
Block 1022
Block 1023
Block 1024
Block 1025
Block 1026
Block 1027
Block 1028
Block 1029
Block 1030
Block 1132

Tract 9514.00 (pt)
BG 1 (pt)
Block 1107

New matter indicated by italics - deletions by strikeout
Shoal Creek CCD (pt)
Tract 9514.00 (pt)
BG 1 (pt)
   Block 1000
   Block 1001
   Block 1002
   Block 1003
   Block 1004
   Block 1005
   Block 1006
   Block 1007
   Block 1008
   Block 1009
   Block 1010
   Block 1022
   Block 1023
   Block 1024
   Block 1025
   Block 1026
   Block 1027
   Block 1028
   Block 1029
   Block 1030
   Block 1031
   Block 1032
   Block 1033
   Block 1097
   Block 1098
   Block 1099
   Block 1100
   Block 1101
   Block 1102
   Block 1105
   Block 1106

New matter indicated by italics - deletions by strikeout
Fayette County (pt)
  Hurricane CCD (pt)
    Tract 9507.00 (pt)
      BG 2 (pt)
        Block 2011
        Block 2012

Macoupin County (pt)
  Barr CCD (pt)
    Tract 9562.00 (pt)
      BG 4 (pt)
        Block 4021
        Block 4022
        Block 4023
        Block 4034
        Block 4035
        Block 4036
        Block 4037
        Block 4038
        Block 4039
        Block 4040
        Block 4041
        Block 4042
        Block 4043
        Block 4044
        Block 4045
        Block 4046
        Block 4047
        Block 4048
        Block 4049
        Block 4050
        Block 4051
        Block 4052
        Block 4053

New matter indicated by italics - deletions by strikeout
Block 4118
Block 4132
Block 4133
Block 4134
Block 4135

Bird CCD (pt)
Tract 9565.00 (pt)
BG 1 (pt)
Block 1005
Block 1006
Block 1007
Block 1008
Block 1009
Block 1044
Block 1045
Block 1046
Block 1047
Block 1048

Cahokia CCD (pt)
Tract 9570.00 (pt)
BG 1 (pt)
Block 1000
Block 1013
Block 1014
Block 1029
Block 1032
Block 1033
Block 1034
Block 1035
Block 1036
Block 1037
Block 1038
Block 1039
Block 1040

New matter indicated by italics - deletions by strikeout
New matter indicated by italics - deletions by strikeout
Tract 9571.00 (pt)
  BG 1 (pt)
    Block 1001
    Block 1002
    Block 1003
    Block 1004
    Block 1005
    Block 1006
    Block 1007
    Block 1008
    Block 1009
    Block 1010
    Block 1011
    Block 1012
    Block 1013
    Block 1014
    Block 1015
    Block 1016
    Block 1017
    Block 1018
    Block 1019
    Block 1020
    Block 1021
    Block 1022
    Block 1023
    Block 1027
    Block 1039
    Block 1040
    Block 1997
    Block 1999

  Girard CCD
  Honey Point CCD (pt)
    Tract 9563.00 (pt)
      BG 3 (pt)

New matter indicated by italics - deletions by strikeout
Block 3053
BG 4 (pt)
    Block 4000
    Block 4001
    Block 4072
    Block 4073
    Block 4091
    Block 4092
    Block 4095
    Block 4096
    Block 4120
    Block 4121

Mount Olive CCD (pt)
Tract 9570.00 (pt)
BG 4 (pt)
    Block 4046
    Block 4047
    Block 4048
    Block 4049
    Block 4050
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    Block 4055
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    Block 4058
BG 5 (pt)
    Block 5000
    Block 5001
    Block 5002
    Block 5003
    Block 5004

New matter indicated by italics - deletions by strikeout
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Block 5030
Block 5031
Block 5999

Tract 9571.00
Nilwood CCD (pt)
Tract 9561.00
Tract 9563.00 (pt)
BG 1 (pt)
Block 1000
Block 1001
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New matter indicated by italics - deletions by strikeout
New matter indicated by italics - deletions by strikeout
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New matter indicated by italics - deletions by strikeout
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Block 1098
Block 1146
Block 1147
Block 1148
Block 1149

BG 2
North Otter CCD
North Palmyra CCD
Scottville CCD
Shaws Point CCD (pt)
Tract 9563.00 (pt)
BG 3 (pt)
Block 3003

South Otter CCD (pt)
Tract 9561.00
Tract 9562.00 (pt)
BG 1 (pt)
Block 1063
Block 1064
Tract 9563.00 (pt)
BG 1 (pt)
Block 1061
BG 2 (pt)

New matter indicated by italics - deletions by strikeout
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Block 2003
Block 2004
Block 2005
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Block 2008
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Block 2011
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Block 2018
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Block 2062

New matter indicated by italics - deletions by strikeout
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Block 2064
Block 2067
Block 2995
Block 2996
Block 2997
Block 2998
Block 2999

South Palmyra CCD (pt)
Tract 9562.00 (pt)
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  BG 2
  BG 3
  BG 4 (pt)
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    Block 4002
    Block 4003
    Block 4004
    Block 4005
    Block 4010
    Block 4011
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    Block 4068
    Block 4069
    Block 4070
    Block 4071

New matter indicated by italics - deletions by strikeout
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Block 4099
Block 4103
Block 4140
Block 4142
Block 4998
Block 4999

Staunton CCD (pt)
Tract 9571.00 (pt)
BG 2 (pt)

Block 2052
Block 2053

New matter indicated by italics - deletions by strikeout
Virden CCD
Western Mound CCD (pt)
Tract 9565.00 (pt)
BG 1 (pt)

Block 1010
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Block 1082
Block 1092
Block 1093
Block 1999

Montgomery County (pt)

New matter indicated by italics - deletions by strikeout
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New matter indicated by italics - deletions by strikeout
New matter indicated by italics - deletions by strikeout
Block 1164
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Block 1999

Bois D'Arc CCD
Butler Grove CCD
East Fork CCD
Fillmore CCD (pt)
Tract 9580.00 (pt)
BG 1 (pt)
Block 1003
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New matter indicated by italics - deletions by strikeout
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New matter indicated by italics - deletions by strikeout
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Block 1130
Block 1131

New matter indicated by italics - deletions by strikeout
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Block 1135
BG 3
Grisham CCD (pt)
Tract 9576.00
Tract 9580.00 (pt)
BG 5 (pt)
  Block 5001
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New matter indicated by italics - deletions by strikeout
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Harvel CCD
Hillsboro CCD
Irving CCD

New matter indicated by italics - deletions by strikeout
Nokomis CCD
North Litchfield CCD
Pitman CCD
Raymond CCD
Rountree CCD
South Fillmore CCD (pt)
  Tract 9580.00 (pt)
    BG 1 (pt)
      Block 1120
      Block 1121
      Block 1122
      Block 1141
      Block 1143
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      Block 1149
      Block 1150
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      Block 1176
      Block 1177
      Block 1179

    BG 2
    South Litchfield CCD
    Walshville CCD (pt)

New matter indicated by italics - deletions by strikeout
Tract 9576.00 (pt)
BG 3 (pt)
  Block 3130
  Block 3131
  Block 3133
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New matter indicated by italics - deletions by strikeout
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New matter indicated by italics - deletions by strikeout
Block 3259
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Block 3264
Block 3266
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Block 3269

Witt CCD
Zanesville CCD (pt)
  Tract 9575.00 (pt)
    BG 1
    BG 3 (pt)
      Block 3058
      Block 3059
      Block 3060
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New matter indicated by italics - deletions by strikeout
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Block 3126
Block 3999

BG 4
Tract 9576.00
Sangamon County (pt)
Auburn CCD (pt)
Tract 0033.00 (pt)
BG 5 (pt)
Block 5040
Tract 0034.00 (pt)
BG 4 (pt)
Block 4024
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New matter indicated by italics - deletions by strikeout
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New matter indicated by italics - deletions by strikeout
Block 4071
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BG 5 (pt)
Block 5016
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New matter indicated by italics - deletions by strikeout
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Loami CCD
Talkington CCD

All counties, townships, census tracts, block groups, and blocks, annexations, and natural boundaries are those that appear on maps published by the United States Bureau of the Census for the 2000 census and maps produced by the Department of Revenue. The term "tract" means census tract. Trustee districts created by this subsection (d) for the purpose of electing board members shall not be altered by operation of any other statute, ordinance, or resolution. Any part of the community college district that has not been described as included in one of the trustee districts described in this subsection (d) is included within the trustee district that (i) is contiguous to the part and (ii) contains the least population of all trustee districts contiguous to the part according to the 2000 decennial census of Illinois. If any part of the community college district is described in this subsection (d) as being in more than one trustee district, the part is included within the trustee district that (i) is one of the trustee districts in which that part is listed in this subsection (d), (ii) is contiguous to that part, and (iii) contains the least population according to the 2000 decennial census of Illinois. If any part of the community college district (i) is described in this subsection (d) as being in one trustee district and (ii) is entirely surrounded by another trustee district, then the part shall be incorporated into the trustee district that surrounds the part. If any part of the community college district (i) is described in this subsection (d) as being in one trustee district and (ii) is not contiguous to another part of that trustee district, then the part is included within the contiguous trustee district that contains the least population according to the 2000 decennial census.
census of Illinois. The Speaker of the House, the Minority Leader of the House, the President of the Senate, and the Minority Leader of the Senate shall by joint letter of transmittal present to the Secretary of State for deposit into the State Archives an official set of United States Bureau of the Census maps and descriptions used for conducting the 2000 census, and those maps shall serve as the official record of all counties, townships, census tracts, block groups, and blocks referred to in this subsection (d). The State Board of Elections shall prepare and make available to the public a metes and bounds description of the trustee districts created under this subsection (d). The State Board of Elections shall adjust census tract boundaries, municipal and township annexations, and natural boundaries to make compact and contiguous districts.

For each at-large seat on the board that is to be filled by election in 2005 or 2007, the seat shall be filled by a trustee elected from a trustee district. The State Board shall determine which trustee district seat is to replace which at-large seat by lot. The term of each trustee elected at the 2005 or 2007 consolidated election shall end on the date that the trustees elected in 2009 are officially determined by a canvass conducted pursuant to the Election Code. For the 2009 consolidated election, one trustee shall be elected from each trustee district to serve a 4-year term.

At least one year prior to the 2013 consolidated election, the board shall meet to, publicly by lot, divide the trustee districts as equally as possible into 3 groups. Beginning with the 2013 consolidated election and the consolidated election every 10 years thereafter, trustees or their successors from the first group shall be elected for successive terms of 2 years, 4 years, and 4 years; trustees or their successors from the second group shall be elected for successive terms of 4 years, 2 years, and 4 years; and trustees or their successors from the third group shall be elected for successive terms of 4 years, 4 years, and 2 years.

(e) Each member must on the date of his election be a citizen of the United States, of the age of 18 years or over, and a resident of the State and the territory which on the date of the election is included in the community college district for at least one year immediately preceding his election. In Community College District No. 526, each member elected at

New matter indicated by italics - deletions by strikeout
the consolidated election in 2005 or thereafter must also be a resident of
the trustee district he or she represents for at least one year immediately
preceding his or her election, except that in the first consolidated election
for each trustee district following reapportionment by the General
Assembly, a candidate for the board may be elected from any trustee
district that contains a part of the trustee district in which he or she resided
at the time of the reapportionment and may be reelected if a resident of the
new trustee district he or she represents for one year prior to reelection. In
the event a person who is a member of a common school board is elected
or appointed to a board of trustees of a community college district, that
person shall be permitted to serve the remainder of his or her term of
office as a member of the common school board. Upon the expiration of
the common school board term, that person shall not be eligible for
election or appointment to a common school board during the term of
office with the community college district board of trustees.

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

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

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

(Source: P.A. 92-1, eff. 3-30-01; 93-582, eff. 1-1-04.)

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

Sec. 17. Historic area preference.

(a) The State of Illinois shall give preference to locating its facilities, whenever operationally appropriate and economically feasible, in historic properties and buildings located within government recognized historic districts or central business districts designated as such by a local or regional planning agency.

When making a determination that a project is operationally appropriate and economically feasible, the following shall also be taken into consideration:

1. Need for geographic diversity to service a clientele population.
2. Promoting regional and local economic development.
3. Availability of space in historic buildings, districts, and central business districts.
4. Cost of available space.
5. Proximity of public transportation and affordable housing.
6. Public safety.

(b) The following State facilities are exempted from the requirements of this Section:

1. Correctional facilities.
2. Facilities owned or used by any public university or college.
3. State parks, nature areas, and similar facilities.
4. State highways and roads and supporting facilities.
5. New buildings that support the function or operation of an existing facility or campus.

This Section shall not apply to any facilities occupied by the State of Illinois prior to the effective date of this amendatory Act of the 95th General Assembly or to any project for which a lease or construction contract is in effect as of the effective date of this amendatory Act of the 95th General Assembly.
Section 10. The Illinois Procurement Code is amended by adding Section 45-75 as follows:

(30 ILCS 500/45-75 new)

Sec. 45-75. Historic area preference. State agencies with responsibilities for leasing, acquiring, or maintaining State facilities shall take all reasonable steps to minimize any regulations, policies, and procedures that impede the goals of Section 17 of the Capital Development Board Act.

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


PUBLIC ACT 95-0102
(House Bill No. 1363)

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

Section 5. The School Code is amended by adding Section 2-3.142 as follows:

(105 ILCS 5/2-3.142 new)

Sec. 2-3.142. Grants to Illinois School Psychology Internship Consortium. Subject to appropriations for this purpose, the State Board of Education shall provide grants to the Illinois School Psychology Internship Consortium for aid in providing training programs and facilitating interns to improve the educational and mental health services of children in this State.

Effective January 1, 2008.

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

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

Section 5. The Counties Code is amended by changing Section 5-1101 as follows:

(55 ILCS 5/5-1101) (from Ch. 34, par. 5-1101)

Sec. 5-1101. Additional fees to finance court system. A county board may enact by ordinance or resolution the following fees:

(a) A $5 fee to be paid by the defendant on a judgment of guilty or a grant of supervision for violation of the Illinois Vehicle Code other than Section 11-501 or violations of similar provisions contained in county or municipal ordinances committed in the county, and up to a $30 fee to be paid by the defendant on a judgment of guilty or a grant of supervision for violation of Section 11-501 of the Illinois Vehicle Code or a violation of a similar provision contained in county or municipal ordinances committed in the county.

(b) In the case of a county having a population of 1,000,000 or less, a $5 fee to be collected in all civil cases by the clerk of the circuit court.

(c) A fee to be paid by the defendant on a judgment of guilty or a grant of supervision under Section 5-9-1 of the Unified Code of Corrections, as follows:

(1) for a felony, $50;
(2) for a class A misdemeanor, $25;
(3) for a class B or class C misdemeanor, $15;
(4) for a petty offense, $10;
(5) for a business offense, $10.

(d) A $100 fee for the second and subsequent violations of Section 11-501 of the Illinois Vehicle Code or violations of similar provisions contained in county or municipal ordinances committed in the county. The proceeds of this fee shall be placed in the county general fund and used to
finance education programs related to driving under the influence of alcohol or drugs.

(d-5) A $10 fee to be paid by the defendant on a judgment of guilty or a grant of supervision under Section 5-9-1 of the Unified Code of Corrections to be placed in the county general fund and used to finance the county mental health court, the county drug court, or both.

(e) In each county in which a teen court, peer court, peer jury, youth court, or other youth diversion program has been created, a county may adopt a mandatory fee of up to $5 to be assessed as provided in this subsection. Assessments collected by the clerk of the circuit court pursuant to this subsection must be deposited into an account specifically for the operation and administration of a teen court, peer court, peer jury, youth court, or other youth diversion program. The clerk of the circuit court shall collect the fees established in this subsection and must remit the fees to the teen court, peer court, peer jury, youth court, or other youth diversion program monthly, less 5%, which is to be retained as fee income to the office of the clerk of the circuit court. The fees are to be paid as follows:

(1) a fee of up to $5 paid by the defendant on a judgment of guilty or grant of supervision for violation of the Illinois Vehicle Code or violations of similar provisions contained in county or municipal ordinances committed in the county;

(2) a fee of up to $5 paid by the defendant on a judgment of guilty or grant of supervision under Section 5-9-1 of the Unified Code of Corrections for a felony; for a Class A, Class B, or Class C misdemeanor; for a petty offense; and for a business offense.

(f) In each county in which a drug court has been created, the county may adopt a mandatory fee of up to $5 to be assessed as provided in this subsection. Assessments collected by the clerk of the circuit court pursuant to this subsection must be deposited into an account specifically for the operation and administration of the drug court. The clerk of the circuit court shall collect the fees established in this subsection and must remit the fees to the drug court, less 5%, which is to be retained as fee income to the office of the clerk of the circuit court. The fees are to be paid as follows:

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(1) a fee of up to $5 paid by the defendant on a judgment of
guilty or grant of supervision for a violation of the Illinois Vehicle
Code or a violation of a similar provision contained in a county or
municipal ordinance committed in the county; or

(2) a fee of up to $5 paid by the defendant on a judgment of
guilty or a grant of supervision under Section 5-9-1 of the Unified
Code of Corrections for a felony; for a Class A, Class B, or Class C
misdemeanor; for a petty offense; and for a business offense.
The clerk of the circuit court shall deposit the 5% retained under
this subsection into the Circuit Court Clerk Operation and Administrative
Fund to be used to defray the costs of collection and disbursement of the
drug court fee.

(f-5) In each county in which a Children's Advocacy Center
provides services, the county board may adopt a mandatory fee of between
$5 and $30 to be paid by the defendant on a judgment of guilty or a grant
of supervision under Section 5-9-1 of the Unified Code of Corrections for
a felony; for a Class A, Class B, or Class C misdemeanor; for a petty
offense; and for a business offense. Assessments shall be collected by the
clerk of the circuit court and must be deposited into an account
specifically for the operation and administration of the Children's
Advocacy Center. The clerk of the circuit court shall collect the fees as
provided in this subsection, and must remit the fees to the Children's
Advocacy Center.

(g) The proceeds of all fees enacted under this Section must, except
as provided in subsections (d), (d-5), (e), and (f), be placed in the county
general fund and used to finance the court system in the county, unless the
fee is subject to disbursement by the circuit clerk as provided under
Section 27.5 of the Clerks of Courts Act.
(Source: P.A. 93-892, eff. 1-1-05; 93-992, eff. 1-1-05; 94-862, eff. 6-16-
06; 94-980, eff. 6-30-06; revised 8-3-06.)
Effective January 1, 2008.
AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Government Buildings Energy Cost Reduction Act of 1991 is amended by adding Section 25 as follows:

(20 ILCS 3953/25 new)

Sec. 25. Fluorescent lighting in State buildings. In order to reduce energy consumption, all buildings owned or leased by the State that are 1,000 square feet in size or larger shall, where practicable, use Energy Star labeled light bulbs as defined by the Energy Star Program of the United States Environmental Protection Agency.

Prior to implementing the use of Energy Star Light Bulbs, any building to which this Section applies may deplete the supply of non-Energy Star Light Bulbs it possesses on the effective date of this amendatory Act of the 95th General Assembly. Additionally, as most light bulbs contain mercury, all buildings to which this Section applies shall ensure the proper disposal of used light bulbs at a certified hazardous waste recycling facility.

Historic buildings that are listed on the Illinois Register of Historic Places, established pursuant to Section 6 of the Illinois Historic Preservation Act, are exempt from the requirements of this Section.

Effective January 1, 2008.
Section 5. The Illinois Vehicle Code is amended by changing Section 11-1414 as follows:

(625 ILCS 5/11-1414) (from Ch. 95 1/2, par. 11-1414)

Sec. 11-1414. Approaching, overtaking, and passing school bus.

(a) The driver of a vehicle shall stop such vehicle before meeting or overtaking, from either direction, any school bus stopped at any location for the purpose of receiving or discharging pupils. Such stop is required before reaching the school bus when there is in operation on the school bus the visual signals as specified in Sections 12-803 and 12-805 of this Code. The driver of the vehicle shall not proceed until the school bus resumes motion or the driver of the vehicle is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

(b) The stop signal arm required by Section 12-803 of this Code shall be extended after the school bus has come to a complete stop for the purpose of loading or discharging pupils and shall be closed before the school bus is placed in motion again. The stop signal arm shall not be extended at any other time.

(c) The alternately flashing red signal lamps of an 8-lamp flashing signal system required by Section 12-805 of this Code shall be actuated after the school bus has come to a complete stop for the purpose of loading or discharging pupils and shall be turned off before the school bus is placed in motion again. The red signal lamps shall not be actuated at any other time except as provided in paragraph (d) of this Section.

(d) The alternately flashing amber signal lamps of an 8-lamp flashing signal system required by Section 12-805 of this Code shall be actuated continuously during not less than the last 100 feet traveled by the school bus before stopping for the purpose of loading or discharging pupils within an urban area and during not less than the last 200 feet traveled by the school bus outside an urban area. The amber signal lamps shall remain actuated until the school bus is stopped. The amber signal lamps shall not be actuated at any other time.

(d-5) The alternately flashing head lamps permitted by Section 12-805 of this Code may be operated while the alternately flashing red or amber signal lamps required by that Section are actuated.

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(e) The driver of a vehicle upon a highway having 4 or more lanes which permits at least 2 lanes of traffic to travel in opposite directions need not stop such vehicle upon meeting a school bus which is stopped in the opposing roadway; and need not stop such vehicle when driving upon a controlled access highway when passing a school bus traveling in either direction that is stopped in a loading zone adjacent to the surfaced or improved part of the controlled access highway where pedestrians are not permitted to cross.

(f) Beginning with the effective date of this amendatory Act of 1985, the Secretary of State shall suspend for a period of 3 months the driving privileges of any person convicted of a violation of subsection (a) of this Section or a similar provision of a local ordinance; the Secretary shall suspend for a period of one year the driving privileges of any person convicted of a second or subsequent violation of subsection (a) of this Section or a similar provision of a local ordinance if the second or subsequent violation occurs within 5 years of a prior conviction for the same offense. In addition to the suspensions authorized by this Section, any person convicted of violating this Section or a similar provision of a local ordinance shall be subject to a mandatory fine of $150 or, upon a second or subsequent violation, $500. The Secretary may also grant, for the duration of any suspension issued under this subsection, a restricted driving permit granting the privilege of driving a motor vehicle between the driver's residence and place of employment or within other proper limits that the Secretary of State shall find necessary to avoid any undue hardship. A restricted driving permit issued hereunder shall be subject to cancellation, revocation and suspension by the Secretary of State in like manner and for like cause as a driver's license may be cancelled, revoked or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension or cancellation of the restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. Any conviction for a violation of this subsection shall be included as an offense for the

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purposes of determining suspension action under any other provision of this Code, provided however, that the penalties provided under this subsection shall be imposed unless those penalties imposed under other applicable provisions are greater.

The owner of any vehicle alleged to have violated paragraph (a) of this Section shall, upon appropriate demand by the State's Attorney or other designated person authorized prosecutor acting in response to a signed complaint, provide a written statement or deposition identifying the operator of the vehicle if such operator was not the owner at the time of the alleged violation. Failure to supply such information shall result in the suspension of the vehicle registration of the vehicle for a period of 3 months be construed to be the same as a violation of paragraph (a) and shall be subject to the same penalties herein provided. In the event the owner has assigned control for the use of the vehicle to another, the person to whom control was assigned shall comply with the provisions of this paragraph and be subject to the same penalties as herein provided.

(Source: P.A. 93-180, eff. 7-11-03; 93-181, eff. 1-1-04; revised 8-12-03.)


Effective January 1, 2008.

PUBLIC ACT 95-0106

(House Bill No. 1535)

AN ACT concerning autism.

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

Section 5. The Mental Health and Developmental Disabilities Administrative Act is amended by adding Section 57.6 as follows:

(20 ILCS 1705/57.6 new)

Sec. 57.6. Adult autism; funding for services. Subject to appropriations, the Department, or independent contractual consultants engaged by the Department, shall research possible funding streams for the development and implementation of services for adults with autism

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spectrum disorders without mental retardation. Independent consultants
must have expertise in Medicaid services and alternative federal and State
funding mechanisms. The research may include, but need not be limited to,
research of a Medicaid state plan amendment, a Section 1915(c) home and
community based waiver, a Section 1115 research and demonstration
waiver, vocational rehabilitation funding, mental health block grants, and
other appropriate funding sources. The Department shall report the
results of the research and its recommendations to the Governor and the
General Assembly by April 1, 2008.

Effective January 1, 2008.

PUBLIC ACT 95-0107
(House Bill No. 1553)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Boat Registration and Safety Act is amended by
adding Section 5-22 as follows:
(625 ILCS 45/5-22 new)
Sec. 5-22. Operation of watercraft upon the approach of an
authorized emergency watercraft.
(a) As used in this Section, "authorized emergency watercraft"
includes any watercraft operated by the Illinois Department of Natural
Resources Police, the Illinois Department of State Police, a county sheriff,
a local law enforcement agency, a fire department, a provider of
emergency medical services, or the United States Coast Guard, equipped
with alternately flashing red, red and white, red and blue, or red in
combination with white or blue lights, while engaged in official duties.
Any authorized emergency watercraft must be clearly emblazoned with
markings identifying it as a watercraft operated by the qualifying agency.

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(b) Upon the immediate approach of an authorized emergency watercraft making use of rotating or flashing visual signals and lawfully making use of a visual signal, the operator of every other watercraft shall yield the right-of-way and shall immediately reduce the speed of the watercraft, so as not to create a wake, and shall yield way to the emergency watercraft, moving to the right to permit the safe passage of the emergency watercraft, and shall stop and remain in that position until the authorized emergency watercraft has passed, unless otherwise directed by a police officer.

(c) Upon approaching a stationary authorized emergency watercraft, when the authorized emergency watercraft is giving a signal by displaying rotating or alternately flashing red, red and white, red and blue, or red in combination with white or blue lights, a person operating an approaching watercraft shall proceed with due caution at no-wake speed and yield the right-of-way by moving safely away from that authorized emergency watercraft, proceeding with due caution at a no-wake speed with due regard to safety and water conditions, maintaining no-wake speed until sufficiently away from the emergency watercraft so as not to create a wake that would otherwise rock or otherwise disturb the authorized emergency watercraft.

(d) This Section shall not operate to relieve the operator of an authorized emergency watercraft from the duty to operate that watercraft with due regard for the safety of all persons using the waterway.

(e) A person who violates this Section commits a business offense punishable by a fine of not less than $100 or more than $10,000. It is a factor in aggravation if the person committed the offense while in violation of Section 5-16 of this Act.

(f) If a violation of this Section results in damage to the property of another person, in addition to any other penalty imposed, the person's watercraft operating privileges shall be suspended for a fixed period of not less than 90 days and not more than one year.

(g) If a violation of this Section results in injury to another person, in addition to any other penalty imposed, the person's watercraft...
operating privileges shall be suspended for a fixed period of not less than 180 days and not more than 2 years.

(h) If a violation of subsection (c) of this Section results in great bodily harm or permanent disability or disfigurement to, or the death of, another person, in addition to any other penalty imposed, the person’s watercraft operating privileges shall be suspended for 2 years.

(i) The Department of Natural Resources shall, upon receiving a record of a judgment entered against a person under this Section:

   (1) suspend the person’s watercraft operating privileges for the mandatory period; or
   
   (2) extend the period of an existing suspension by the appropriate mandatory period.

Effective January 1, 2008.

PUBLIC ACT 95-0108
(House Bill No. 1638)

AN ACT concerning the environment.

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

Section 1. Short title. This Act may be cited as the Illinois Prescribed Burning Act.

Section 5. Legislative findings; purpose.

(a) Prescribed burning is a land management tool that benefits the safety of the public, the environment, and the economy of the State. Therefore, the General Assembly finds that:

   (1) Most of the State's natural communities require periodic fire for maintenance of their ecological health. Prescribed burning is essential to the perpetuation, restoration, and management of many plant and animal communities. Significant loss of the State's biological diversity will occur if fire is excluded from these fire-dependent communities.

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(2) Public agencies and non-governmental organizations in the State have spent millions of dollars to purchase hundreds of thousands of acres of land for parks, wildlife areas, State forests, nature preserves and other outdoor recreational purposes. The use of prescribed burning for management of these public and private lands is essential to maintain the specific resource values for which these areas were acquired.

(3) Forests, grasslands, and wetlands in the State constitute significant economic, biological, and aesthetic resources of statewide importance. Prescribed burning prepares sites for planting, removes undesirable competing vegetation, accelerates nutrient cycling, controls certain pathogens and noxious weeds, and promotes oak regeneration. In these communities, prescribed burning improves and maintains the quality and quantity of wildlife habitats.

(4) Prescribed burning reduces naturally occurring vegetative fuels. Reducing the fuel load reduces the risk and severity of wildfires, thereby reducing the threat of loss of life and property.

(5) Federal and State agencies promote and subsidize fire dependent vegetative communities and recommend prescribed burning as an essential management practice for many funded programs.

(6) Proper training in the purposes, use, and application of prescribed burning is necessary to ensure maximum benefits and protection for the public.

(7) Prescribed burning in the hands of trained, skilled, and experienced people is safe and often the most cost effective management technique to accomplish many ecosystem restoration objectives and ecological goals.

(8) A public education program is necessary to make citizens and visitors aware of the public safety, natural resource, and economic benefits of prescribed burning and its use as a land management tool.

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(9) As development and urbanization increase in the State, pressures from liability issues, and nuisance complaints will inhibit the use of prescribed burning.

(b) It is the purpose of this Act to authorize and to promote the continued use of prescribed burning for ecological, forest, wetland, wildlife management, and grassland management purposes.

Section 10. Definitions. As used in this Act:

(a) "Prescribed burning" means the planned application of fire to naturally occurring vegetative fuels under specified environmental conditions and following appropriate precautionary measures, which causes the fire to be confined to a predetermined area and accomplish the planned land management objectives.

(b) "Certified prescribed burn manager" means an individual who successfully completes an approved training program and receives proper certification.

(c) "Prescription" means a written plan for conducting a prescribed burn.

(d) "Department" means the Illinois Department of Natural Resources.

Section 15. Requirements; liability.

(a) Before conducting a prescribed burn under this Act, a person shall:

1. obtain the written consent of the landowner;
2. have a written prescription approved by a certified prescribed burn manager;
3. have at least one certified prescribed burn manager present on site with a copy of the prescription while the burn is being conducted;
4. notify the local fire department, county dispatcher, 911 dispatcher, or other designated emergency dispatcher on the day of the prescribed burn; and
5. make a reasonable attempt to notify all adjoining property owners and occupants of the date and time of the prescribed burn.

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(b) The property owner and any person conducting a prescribed burn under this Act shall be liable for any actual damage or injury caused by the fire or resulting smoke upon proof of negligence.

(c) Any prescribed burning conducted under this Act:

(1) is declared to be in the public interest;

(2) does not constitute a public or private nuisance when conducted in compliance with Section 9 of the Environmental Protection Act and all other State statutes and rules applicable to prescribed burning; and

(3) is a property right of the property owner if naturally occurring vegetative fuels are used.

Section 20. Rules. The Department, in consultation with the Office of the State Fire Marshall, shall promulgate rules to implement this Act, including but not limited to, rules governing prescribed burn manager certification and revocation and rules governing prescribed burn prescriptions.

Section 25. Exemption. Nothing in this Act shall be construed as:

(1) requiring certification as a prescribed burn manager to conduct prescribed burning on one's own property or on the lands of another with the landowner's permission; Section 15(b) shall not apply to prescribed burns conducted under the exemption in this item (1);

(2) affecting any obligations or liability under the Environmental Protection Act or any rules adopted thereunder, or under any federal laws or rules that apply to prescribed burning; or

(3) superseding any local burning law.

Section 30. Fees. The Department may charge and collect fees from persons applying for safety training and certification as a certified prescribed burn manager.

Section 35. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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


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PUBLIC ACT 95-0109
(House Bill No. 1643)

AN ACT concerning public health.

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

Section 5. The Suicide Prevention, Education, and Treatment Act is amended by changing Sections 10, 13, 15, 20, 25, and 30 as follows:

(410 ILCS 53/10)
Sec. 10. Definitions. For the purpose of this Act, unless the context otherwise requires:
"Alliance" means the Illinois Suicide Prevention Alliance.
"Committee" means the Illinois Suicide Prevention Strategic Planning Committee.
"Department" means the Department of Public Health.
"Plan" means the Illinois Suicide Prevention Strategic Plan set forth in Section 15.
(Source: P.A. 93-907, eff. 8-11-04.)

(410 ILCS 53/13)
Sec. 13. Duration; report. All projects set forth in this Act must be at least 3 years in duration, and the Department and related contracts as well as the Illinois Suicide Prevention Alliance Strategic Planning Committee must report annually to the Governor and General Assembly on the effectiveness of these activities and programs.
(Source: P.A. 93-907, eff. 8-11-04.)

(410 ILCS 53/15)
Sec. 15. Suicide Prevention Alliance Strategic Planning Committee.
(a) The Alliance Committee is created as the official grassroots creator, planner, monitor, and advocate for the Illinois Suicide Prevention Strategic Plan. No later than one year after the effective date of this Act, the Alliance Committee shall review, finalize, and submit to the Governor

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and the General Assembly the Illinois Suicide Prevention Strategic Plan and appropriate processes and outcome objectives for 10 overriding recommendations and a timeline for reaching these objectives.

(b) The **Alliance Committee** shall use the United States Surgeon General's National Suicide Prevention Strategy as a model for the Plan. The **Alliance Committee** shall review the statutorily prescribed missions of major State mental health, health, aging, and school mental health programs and recommend, as necessary and appropriate, statutory changes to include suicide prevention in the missions and procedures of those programs. The **Alliance Committee** shall prepare a report of that review, including its recommendations, and shall submit the report to the Governor and the General Assembly by December 31, 2004.

(c) The Director of Public Health shall appoint the members of the **Alliance Committee**. The membership of the **Alliance Committee** shall include, without limitation, representatives of statewide organizations and other agencies that focus on the prevention of suicide and the improvement of mental health treatment or that provide suicide prevention or survivor support services. Other disciplines that shall be considered for membership on the **Alliance Committee** include law enforcement, first responders, faith-based community leaders, universities, and survivors of suicide (families and friends who have lost persons to suicide) as well as consumers of services of these agencies and organizations.

(d) The **Alliance Committee** shall meet at least 4 times a year, and more as deemed necessary, in various sites statewide in order to foster as much participation as possible. The **Alliance Committee**, a steering committee, and core members of the full committee shall monitor and guide the definition and direction of the goals of the full **Alliance Committee**, shall review and approve productions of the plan, and shall meet before the full **Alliance Committee** meetings.

(Source: P.A. 93-907, eff. 8-11-04.)

(410 ILCS 53/20)

Sec. 20. General awareness and screening program.

(a) The Department shall provide technical assistance for the work of the **Alliance Committee** and the production of the Plan and shall
distribute general information and screening tools for suicide prevention to the general public through local public health departments throughout the State. These materials shall be distributed to agencies, schools, hospitals, churches, places of employment, and all related professional caregivers to educate all citizens about warning signs and interventions that all persons can do to stop the suicidal cycle.

(b) This program shall include, without limitation, all of the following:

(1) Educational programs about warning signs and how to help suicidal individuals.
(2) Educational presentations about suicide risk and how to help at-risk people in special populations and with bilingual support to special cultures.
(3) The designation of an annual suicide awareness week or month to include a public awareness campaign on suicide.
(5) An Illinois Suicide Prevention Speaker's Bureau.
(6) A program to educate the media regarding the guidelines developed by the American Association for Suicidology for coverage of suicides and to encourage media cooperation in adopting these guidelines in reporting suicides.
(7) Increased training opportunities for volunteers, professionals, and other caregivers to develop specific skills for assessing suicide risk and intervening to prevent suicide.

(Source: P.A. 93-907, eff. 8-11-04.)

(410 ILCS 53/25)
Sec. 25. Additional duties of the Alliance Committee. The Alliance Committee shall:

(1) Act as an advisor and lead consultant on the design, implementation, and evaluation of all programs outlined in this Act.

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(2) Establish interagency policy and procedures among appropriate agencies for the collaboration and coordination needed to implement the programs outlined in this Act.

(3) Design, review, select, and monitor proposals for the implementation of these activities in agencies throughout the State. (Source: P.A. 93-907, eff. 8-11-04.)

(410 ILCS 53/30)
Sec. 30. Suicide prevention pilot programs.
(a) The Department shall establish, when funds are appropriated, up to 5 pilot programs that provide training and direct service programs relating to youth, elderly, special populations, high-risk populations, and professional caregivers. The purpose of these pilot programs is to demonstrate and evaluate the effectiveness of the projects set forth in this Act in the communities in which they are offered. The pilot programs shall be operational for at least 2 years of the 3-year requirement set forth in Section 13.

(b) The Director of Public Health is encouraged to ensure that the pilot programs include the following prevention strategies:
   (1) school gatekeeper and faculty training;
   (2) community gatekeeper training;
   (3) general community suicide prevention education;
   (4) health providers and physician training and consultation about high-risk cases;
   (5) depression, anxiety, and suicide screening programs;
   (6) peer support youth and older adult programs;
   (7) the enhancement of 24-hour crisis centers, hotlines, and person-to-person calling trees;
   (8) means restriction advocacy and collaboration; and
   (9) intervening and supporting after a suicide.
(c) The funds appropriated for purposes of this Section shall be allocated by the Department on a competitive, grant-submission basis, which shall include consideration of different rates of risk of suicide based on age, ethnicity, gender, prevalence of mental health disorders, different
rates of suicide based on geographic areas in Illinois, and the services and curriculum offered to fit these needs by the applying agency.

(d) The Department and Alliance Committee shall prepare a report as to the effectiveness of the demonstration projects established pursuant to this Section and submit that report no later than 6 months after the projects are completed to the Governor and General Assembly.

(Source: P.A. 93-907, eff. 8-11-04.)

Effective January 1, 2008.

PUBLIC ACT 95-0110
(House Bill No. 1651)

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

Section 5. The School Code is amended by changing Section 10-22.22b as follows:

(105 ILCS 5/10-22.22b) (from Ch. 122, par. 10-22.22b)

Sec. 10-22.22b. (a) The provisions of this subsection shall not apply to the deactivation of a high school facility under subsection (c). Where in its judgment the interests of the district and of the students therein will be best served, to deactivate any high school facility or elementary school facility in the district and send the students of such high school in grades 9 through 12 or such elementary school in grades kindergarten through 8, as applicable, to schools in other districts. Such action may be taken only with the approval of the voters in the district and the approval, by proper resolution, of the school board of the receiving district. The board of the district contemplating deactivation shall, by proper resolution, cause the proposition to deactivate the school facility to be submitted to the voters of the district at a regularly scheduled election. Notice shall be published at least 10 days prior to the date of the election at least once in one or more newspapers published in the district or, if no

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newspaper is published in the district, in one or more newspapers with a
general circulation within the district. The notice shall be substantially in
the following form:

NOTICE OF REFERENDUM TO
DEACTIVATE THE ... SCHOOL FACILITY
IN SCHOOL DISTRICT NO. .......

Notice is hereby given that on (insert date), a referendum will be
held in ....... County (Counties) for the purpose of voting for or against the
proposition to deactivate the ..... School facility in School District No. ......
and to send pupils in ...... School to School District(s) No. .......
The polls will be open at .... o'clock ... m., and close at .... o'clock ... m. of the same day.

A........... B............

Dated (insert date).

Regional Superintendent of Schools

The proposition shall be in substantially the following form:

-----------------------------------------------

Shall the Board
of Education of School
District No. ...., ..... County, Illinois, be
authorized to deactivate the .... School facility
and to send pupils in ....... School to School
District(s) No. .....?

-----------------------------------------------

If the majority of those voting upon the proposition in the district
contemplating deactivation vote in favor of the proposition, the board of
that district, upon approval of the board of the receiving district, shall
execute a contract with the receiving district providing for the
reassignment of students to the receiving district. If the deactivating
district seeks to send its students to more than one district, it shall execute
a contract with each receiving district. The length of the contract shall be

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for 2 school years, but the districts may renew the contract for additional one year or 2 year periods. Contract renewals shall be executed by January 1 of the year in which the existing contract expires. If the majority of those voting upon the proposition do not vote in favor of the proposition, the school facility may not be deactivated.

The sending district shall pay to the receiving district an amount agreed upon by the 2 districts.

When the deactivation of school facilities becomes effective pursuant to this Section, the provisions of Section 24-12 relative to the contractual continued service status of teachers having contractual continued service whose positions are transferred from one board to the control of a different board shall apply, and the positions at the school facilities being deactivated held by teachers, as that term is defined in Section 24-11, having contractual continued service with the school district at the time of the deactivation shall be transferred to the control of the board or boards who shall be receiving the district's students on the following basis:

1. positions of such teachers in contractual continued service that were full time positions shall be transferred to the control of whichever of such boards such teachers shall request with the teachers making such requests proceeding in the order of those with the greatest length of continuing service with the board to those with the shortest length of continuing service with the board, provided that the number selecting one board over another board or other boards shall not exceed that proportion of the school students going to such board or boards; and

2. positions of such teachers in contractual continued service that were full time positions and as to which there is no selection left under subparagraph 1 hereof shall be transferred to the appropriate board.

The contractual continued service status of any teacher thereby transferred to another district is not lost and the receiving board is subject to the School Code with respect to such transferred teacher in the same manner as if such teacher was the district's employee during the time such
teacher was actually employed by the board of the deactivating district from which the position was transferred.

(b) The provisions of this subsection shall not apply to the reactivation of a high school facility which is deactivated under subsection (c). The sending district may, with the approval of the voters in the district, reactivate the school facility which was deactivated. The board of the district seeking to reactivate the school facility shall, by proper resolution, cause the proposition to reactivate to be submitted to the voters of the district at a regularly scheduled election. Notice shall be published at least 10 days prior to the date of the election at least once in one or more newspapers published in the district or, if no newspaper is published in the district, in one or more newspapers with a general circulation within the district. The notice shall be substantially in the following form:

NOTICE OF REFERENDUM TO
REACTIVATE THE ...... SCHOOL FACILITY
IN SCHOOL DISTRICT NO. ......

Notice is hereby given that on (insert date), a referendum will be held in ...... County (Counties) for the purpose of voting for or against the proposition to reactivate the ..... School facility in School District No. ...... and to discontinue sending pupils of School District No. ...... to School District(s) No. ......

The polls will be opened at ... o'clock .. m., and closed at ... o'clock .. m. of the same day.

A............... B............

Dated (insert date).
Regional Superintendent of Schools
The proposition shall be in substantially the following form:

Shall the Board of Education of School District No. ......,
 ...... County, Illinois,
be authorized to reactivate the .... School

YES

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facility and to discontinue sending
customers of School District No. .... 

NO
to School District(s) No. ......?

(c) The school board of any unit school district which experienced
a strike by a majority of its certified employees that endured for over 6
months during the regular school term of the 1986-1987 school year, and
which during the ensuing 1987-1988 school year had an enrollment in
grades 9 through 12 of less than 125 students may, when in its judgment
the interests of the district and of the students therein will be best served
thereby, deactivate the high school facilities within the district for the
regular term of the 1988-1989 school year and, for that school year only,
send the students of such high school in grades 9 through 12 to schools in
adjoining or adjacent districts. Such action may only be taken: (a) by
proper resolution of the school board deactivating its high school facilities
and the approval, by proper resolution, of the school board of the receiving
district or districts, and (b) pursuant to a contract between the sending and
each receiving district, which contract or contracts: (i) shall provide for the
reassignment of all students of the deactivated high school in grades 9
through 12 to the receiving district or districts; (ii) shall apply only to the
regular school term of the 1988-1989 school year; (iii) shall not be subject
to renewal or extension; and (iv) shall require the sending district to pay to
the receiving district the cost of educating each student who is reassigned
to the receiving district, such costs to be an amount agreed upon by the
sending and receiving district but not less than the per capita cost of
maintaining the high school in the receiving district during the 1987-1988
school year. Any high school facility deactivated pursuant to this
subsection for the regular school term of the 1988-1989 school year shall
be reactivated by operation of law as of the end of the regular term of the
1988-1989 school year. The status as a unit school district of a district
which deactivates its high school facilities pursuant to this subsection shall
not be affected by reason of such deactivation of its high school facilities
and such district shall continue to be deemed in law a school district
maintaining grades kindergarten through 12 for all purposes relating to the

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levy, extension, collection and payment of the taxes of the district under Article 17 for the 1988-1989 school year.

(d) Whenever a school facility is reactivated pursuant to the provisions of this Section, then all teachers in contractual continued service who were honorably dismissed or transferred as part of the deactivation process, in addition to other rights they may have under the School Code, shall be recalled or transferred back to the original district.

(Source: P.A. 94-213, eff. 7-14-05.)

Effective January 1, 2008.

PUBLIC ACT 95-0111

(AN ACT concerning forest preserve districts.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Downstate Forest Preserve District Act is amended by changing Section 5e as follows:
(70 ILCS 805/5e) (from Ch. 96 1/2, par. 6308e)
Sec. 5e. Property owned by a forest preserve district and property in which a forest preserve district is the grantee of a conservation easement or the grantee of a conservation right as defined in Section 1(a) of the Real Property Conservation Rights Act shall not be subject to eminent domain or condemnation proceedings, except as otherwise provided in Section 15 of the O'Hare Modernization Act.
(Source: P.A. 93-450, eff. 8-6-03.)

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


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

Section 5. The Developmental Disability and Mental Disability Services Act is amended by changing Section 3-5 as follows:

(405 ILCS 80/3-5) (from Ch. 91 1/2, par. 1803-5)

Sec. 3-5. The Department shall create application forms which shall be used to determine the eligibility of families for the Program. The forms shall require at least the following items of information which constitute the eligibility criteria for participation in the Program:

(a) A statement that the family resides in the State of Illinois.
(b) A statement that the family member is 17 years of age or younger.
(c) A statement that the family member resides, or is expected to reside, with his or her parent or legal guardian, or that the family member resides in an out-of-home placement with the expectation of residing with the parent or legal guardian within 2 months of the date of the application.
(d) Verification that the family member has one of the following conditions: severe autism, severe mental illness, severe or profound mental retardation, or severe and multiple impairments. Verification of the family member's condition shall be:

(1) by the family member's local school district for family members enrolled with a local school district; or
(2) by an entity designated by the Department.
(e) Verification that the taxable income for the family for the year immediately preceding the date of the application did not exceed an amount to be established by rule of the Department, unless it can be verified that the taxable income for the family for the year in which the application is made will be less than such amount. The maximum taxable family income set by rule of the Department may not be less than $65,000 beginning January 1, 2008.

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

Section 5. The State Universities Civil Service Act is amended by changing Section 36o as follows:

Sec. 36o. Demotion, removal, and discharge. After the completion of his or her probationary period, no employee shall be demoted, removed or discharged except for just cause, upon written charges, and after an opportunity to be heard in his or her own defense if he or she makes a written request for a hearing to the Merit Board within 15 days after the serving of the written charges upon him or her. Upon the filing of such a request for a hearing, the Merit Board shall grant such hearing to be held within 45 days from the date of the service of the demotion, removal or discharge notice by a hearing board or hearing officer appointed by the Merit Board. The members of the hearing board or the hearing officer shall be selected from among the members of a panel established by the Merit Board after consultation with the Advisory Committee provided in Section 36c. The hearing board or hearing officer shall make and render findings of facts on the charges and transmit to the Merit Board a transcript of the evidence along with the hearing board's or hearing officer's findings of fact. The findings of the hearing board or hearing officer when approved by the Merit Board shall be certified to the employer. If cause for demotion, removal or discharge is found, the
employee shall be immediately separated from the service. If cause is not found, the employee shall forthwith be reassigned to perform the duties of a position in his or her classification without loss of compensation. In the course of the hearing, the Director of the Merit Board shall have power to administer oaths and to secure by subpoena the attendance and testimony of witnesses and the production of books and papers relevant to the inquiry.

The provisions of the Administrative Review Law and all amendments and modification thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Merit Board hereby created. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. (Source: P.A. 82-783.)

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


AN ACT concerning local government.

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

Section 5. The Water Commission Act of 1985 is amended by changing Section 2 as follows:

Sec. 2. The General Assembly hereby finds and declares that it is necessary and in the public interest to help assure a sufficient and economic supply of a source of water within those county wide areas of this State where, because of a growth in population and proximity to large urban centers, the health, safety and welfare of the residents is threatened

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by an ever increasing shortage of a continuing, available and adequate source and supply of water on an economically reasonable basis; however, it is not the intent of the General Assembly to interfere with the power of municipalities to provide for the retail distribution of water to their residents or the customers of their water systems. Therefore, in order to provide for a sufficient and economic supply of water to such areas, it is hereby declared to be the law of this State that:

(a) With respect to any water commission constituted pursuant to Division 135 of the Illinois Municipal Code or established by operation of law under Public Act 83-1123, as amended, which water commission includes municipalities which in the aggregate have within their corporate limits more than 50% of the population of a county (hereinafter referred to as a "home county"), and such county is contiguous to a county which has a population in excess of 1,000,000 inhabitants, the provisions of this Act shall apply. With respect to any such water commission (hereinafter referred to as a "county water commission"):

(i) the terms of all commissioners of such commission holding office at the time a water commission becomes a county water commission shall terminate 30 days after such time and new commissioners shall be appointed as the governing board of the county water commission as hereinafter provided in subsection (c); and

(ii) the county water commission shall continue to be a body corporate and politic, and shall bear the name of the home county but shall be independent from and not a part of the county government and shall itself be a political subdivision and a unit of local government, and upon appointment of the new commissioners as the governing board of such water commission as provided in subsection (c), such water commission shall remain responsible for the full payment of, and shall by operation of law be deemed to have assumed and shall pay when due all debts and obligations of the commission as the same is constituted and as such debts and obligations existed on the date such water commission becomes a county water commission and such

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additional debts and obligations as are incurred by such commission after such date and prior to the appointment of the new commissioners as the governing board of such commission, and further shall continue to have and exercise all powers and functions and duties of a water commission created pursuant to Division 135 of the Illinois Municipal Code, as now or hereafter amended, and the county water commission may rely on that Division, as modified and supplemented by the provisions of this Act, as lawful authority under which it may act.

(b) Any county water commission shall have as its territory within its corporate limits, subject to taxation for its purposes, and subject to the powers and limitations as conferred by this Act, (i) all of the territory of the home county except that territory located within the corporate limits of excluded units as hereinafter defined and (ii) also all of the territory located outside the home county and included within the corporate limits of an included unit as hereinafter defined. As used in this Act, "excluded unit" means a unit of local government having a waterworks system and having within its corporate limits territory within the home county and which either, at the time any commission becomes a county water commission, receives, or has contracted at such time for the receipt of, more than 25% of the water distributed by such unit's water system from a source outside of the home county, or a unit of local government that seeks a change in status as provided in this Section. As used in this Section, "included unit" means any unit of local government having a waterworks system and having within its corporate limits territory within the home county, which unit of local government is not an excluded unit. No other water commission shall be constituted under Division 135 of the Illinois Municipal Code in any home county after the effective date of this Act to provide water from any source located outside the home county. A unit of local government may switch its status from being an included unit to an excluded unit provided that (i) it has constructed a water treatment plant prior to December 31, 2006 to comply with United States Environmental Protection Agency regulations regarding radium; (ii) it notifies the commission in writing of its desire to become an excluded unit;

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and (iii) it no longer demands future service from the commission and shall not be reinstated as an included unit. In the event a unit of local government switches status, the water commission shall, from any legally available sources, transfer the sums collected from that unit of local government for the period of time beginning January 1, 2006 to the date that this tax is no longer assessed within the affected excluded unit. The transfer of funds authorized herein shall be made within 90 days of the effective date of this amendatory Act of the 95th General Assembly. Except as authorized by a county water commission, no home county or included unit shall enter into any new or renew or extend any existing contract, agreement or other arrangement for the acquisition or sale of water from any source located outside a home county; provided, however, that any included unit may contract for a supply of water in case of a temporary emergency from any other unit of local government or any entity. In the event that any included unit elects to serve retail customers outside its corporate boundaries and to establish rates and charges for such water in excess of those charged within its corporate boundaries, such rates and charges shall have a reasonable relationship to the actual cost of providing and delivering the water; this provision is declarative of existing law. It is declared to be the law of this State pursuant to paragraphs (g) and (h) of Section 6 of Article VII of the Illinois Constitution that in any home county, the provisions of this Act and Division 135 of the Illinois Municipal Code, as modified and supplemented by this Act and this amendatory Act of the 93rd General Assembly, constitute a limitation upon the power of any such county and upon all units of local government (except excluded units) within such county, including home rule units, limiting to such county, units of local government and home rule units the power to acquire, supply or distribute water or to establish any water commission for such purposes involving water from any source located outside the home county in a manner other than as provided or permitted by this Act and Division 135, as modified and supplemented by this Act, and further constitute an exercise of exclusive State power with respect to the acquisition, supply and distribution of water from any source located outside the home county by any such county and by units of local
government.

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government (except excluded units), including home rule units, within such county and with respect to the establishment for such purposes of any water commission therein, which power may not be exercised concurrently by any unit of local government or home rule unit. Upon the request of any included unit, a county water commission shall provide such included unit Lake Michigan water in an amount up to the then current Department of Transportation allocation of Lake Michigan water for such included unit.

With respect to a water commission to which the provisions of subsection (a) apply, all uninhabited territory that is owned and solely occupied by such a commission and is located not within its home county but within a non-home rule municipality adjacent to its home county shall, notwithstanding any other provision of law, be disconnected from that municipality by operation of this Act on the effective date of this amendatory Act of 1991, and shall thereafter no longer be within the territory of the municipality for any purpose; except that for the purposes of any statute that requires contiguity of territory, the territory of the water commission shall be disregarded and the municipality shall not be deemed to be noncontiguous by virtue of the disconnection of the water commission territory.

(c) The governing body of any water commission to which the provisions of subsection (a) apply shall be a board of commissioners, each to be appointed within 30 days after the water commission becomes a county water commission to a term commencing on such date, as follows:

(i) one commissioner, who shall serve as chairman, who shall be a resident of the home county, to be appointed by the chairman of the county board of such county with the advice and consent of the county board, provided that following the expiration of the term or vacancy of the current chairman serving on the effective date of this amendatory Act of the 93rd General Assembly, any subsequent appointment as chairman shall also be subject to the advice and consent of the county water commission;

(ii) one commissioner from each county board district within the home county, to be appointed by the chairman of the

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county board of the home county with the advice and consent of the county board; and

(iii) one commissioner from each county board district within the home county, to be appointed by the majority vote of the mayors of those included units which are municipalities and which have the greatest percentage of their respective populations residing within such county board district of the home county.

The mayors of the respective county board districts shall meet for the purpose of making said respective appointments at a time and place designated by that mayor in each county board district of the included unit with the largest population voting for a commissioner upon not less than 10 days' written notice to each other mayor entitled to vote.

The commissioners so appointed shall serve for a term of 6 years, or until their successors have been appointed and have qualified in the same manner as the original appointments, except that at the first meeting of such commissioners, (A) the commissioners first appointed pursuant to paragraph (ii) of this subsection shall determine publicly by lot 1/3 of their number to serve for terms of 2 years, 1/3 of their number to serve for terms of 4 years and 1/3 of their number to serve for terms of 6 years, any odd number of commissioners so determined by dividing into thirds to serve 6 year terms, and (B) the commissioners first appointed pursuant to paragraph (iii) of this subsection shall determine publicly by lot 1/3 of their number to serve for terms of 2 years, 1/3 of their number to serve for terms of 4 years and 1/3 of their number to serve for terms of 6 years, any odd number of commissioners so determined by dividing into thirds to serve 6 year terms. The commissioner first appointed pursuant to paragraph (i) of this subsection, who shall serve as chairman, shall serve for a term of 6 years. Any commissioner may be a member of the governing board or an officer or employee of such county or any unit of local government within such county. A commissioner is eligible for reappointment upon the expiration of his term. A vacancy in the office of a commissioner shall be filled for the balance of the unexpired term by appointment and qualification as to residency in the same manner as the original appointment was made. Each commissioner shall receive the same

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compensation which shall not be more than $600 per year, except that no such commissioner who is a member of the governing board or an officer or employee of such county or any unit of local government within such county may receive any compensation for serving as a commissioner. Each commissioner may be removed by the appointing authority for any cause for which any other county or municipal officer may be removed. The county water commission shall determine its own rules of proceeding. A quorum shall be a majority of the commissioners then in office. All ordinances or resolutions shall be passed by not less than a majority of a quorum. No commissioner or employee of the commission, no member of the county board or other official elected within such county, no mayor or president or other member of the corporate authorities of any unit of local government within such county, and no employee of such county or any such unit of local government, shall be interested directly or indirectly in any contract or job of work or materials, or the profits thereof, or services to be performed for or by the commission. A violation of any of the foregoing provisions of this subsection is a Class C misdemeanor. A conviction is cause for the removal of a person from his office or employment.

(d) Except as provided in subsection (g), subject to the referendum provided for in subsection (e), a county water commission may borrow money for corporate purposes on the credit of the commission, and issue general obligation bonds therefor, in such amounts and form and on such conditions as it shall prescribe, but shall not become indebted in any manner or for any purpose in an amount including existing indebtedness in the aggregate to exceed 5.75% of the aggregate value of the taxable property within the territorial boundaries of the county water commission, as equalized and assessed by the Department of Revenue and as most recently available at the time of the issue of said bonds. Before or at the time of incurring any indebtedness, except as provided in subsection (g), the commission shall provide for the collection of a direct annual tax, which shall be unlimited as to rate or amount, sufficient to pay the interest on such debt as it falls due and also to pay and discharge the principal thereof at maturity, which shall be within 40 years after the date of issue.

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thereof. Such tax shall be levied upon and collected from all of the taxable property within the territory of the county water commission. Dissolution of the county water commission for any reason shall not relieve the taxable property within such territory of the county water commission from liability for such tax. The clerk of the commission shall file a certified copy of the resolution or ordinance by which such bonds are authorized to be issued and such tax is levied with the County Clerk of each county in which any of the territory of the county water commission is located and such filing shall constitute, without the doing of any other act, full and complete authority for each such County Clerk to extend such tax for collection upon all the taxable property within the territory of the county water commission subject to such tax in each and every year required sufficient to pay the principal of and interest on such bonds, as aforesaid, without limit as to rate or amount, and shall be in addition to and in excess of all other taxes authorized to be levied by the commission or any included unit. The general obligation bonds shall be issued pursuant to an ordinance or resolution and may be issued in one or more series, and shall bear such date or dates, mature at such time or times and in any event not more than 40 years from the date thereof, be sold at such price at private or public sale as determined by a county water commission, bear interest at such rate or rates such that the net effective interest rate received upon the sale of such bonds does not exceed the maximum rate determined under Section 2 of the Bond Authorization Act, which rates may be fixed or variable, be in such denominations, be in such form, either coupon or registered, carry such conversion, registration, and exchange privileges, be executed in such manner, be payable in such medium of payment at such place or places within or without the State of Illinois, be subject to such terms of redemption, and contain or be subject to such other terms as the ordinance or resolution may provide, and shall not be restricted by the provisions of any other terms of obligations of public agencies or private persons.

(e) No issue of general obligation bonds by a county water commission (except bonds to refund an existing bonded indebtedness) shall be authorized unless the commission certifies the proposition of

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issuing such bonds to the proper election officials, who shall submit the proposition to the voters at an election in accordance with the general election law, and the proposition has been approved by a majority of those voting on the proposition.

The proposition shall be in the form provided in Section 5 or shall be substantially in the following form:

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Shall general obligation bonds for the purpose of (state purpose), in the sum of $....(insert amount), be issued by the .......... (insert corporate name of the county water commission)?
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(f) In order to carry out and perform its powers and functions and duties under the provisions of this Act and Division 135 of the Illinois Municipal Code, as modified and supplemented by this Act, the governing body of any county water commission may by ordinance levy annually upon all taxable property within its territory a tax at a rate not to exceed .005% of the value of such property, as equalized or assessed by the Department of Revenue for the year in which the levy is made. In addition, any county water commission may by ordinance levy upon all taxable property within its territory, for one year only, an additional tax for such purposes at a rate not to exceed .20% of the value of such property, as equalized or assessed by the Department of Revenue for that year; provided, however, that such tax may not be levied more than once in any county water commission.

(g) Any county water commission shall have the power to borrow money, subject to the indebtedness limitation provided in subsection (d), from the home county or included units, in such amounts and in such terms as agreed by the governing bodies of the commission and the home county or included units.
(h) No county water commission constituted pursuant to the Act shall engage in the retail sale or distribution of water to residents or customers of any municipality.

(i) Nothing in the Section requires any municipality to contract with a county water commission for a supply of water.

(j) The State of Illinois recognizes that any such contract for the supply of water executed by a unit of local government and a county water commission may contain terms and conditions intended by the parties thereto to be absolute conditions thereof. The State of Illinois also recognizes that persons may loan funds to a county water commission (including, without limitation, the purchase of revenue or general obligation bonds of such commission) in reliance upon the terms and conditions of any such contract for the supply of water. Therefore, the State of Illinois pledges and agrees to those parties and persons which make loans of funds to a county water commission that it will not impair or limit the power or ability of a county water commission or a unit of local government fully to carry out the financial obligations and obligation to furnish water pursuant to the terms of any contract for the supply of water entered into by such county water commission or unit of local government for the term of such contracts or loans. All other terms and conditions of such contracts and intergovernmental agreements shall be binding to the extent that they are not inconsistent with this amendatory Act of the 93rd General Assembly.

(Source: P.A. 93-226, eff. 7-22-03.)

Effective January 1, 2008.

PUBLIC ACT 95-0115
(Senate Bill No. 0376)

AN ACT concerning safety.

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

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Section 1. Short title. This Act may be cited as the Regulation of Phosphorus in Detergents Act.
Section 5. Prohibition; definition; exceptions.
   (a) On and after July 1, 2010, no person may use, sell, manufacture, or distribute for sale any cleaning agent containing more than 0.5% phosphorus by weight, expressed as elemental phosphorus, in Illinois, except as otherwise provided in this Section.
   (b) As used in this Section, "cleaning agent" means a laundry detergent, dishwashing compound, cleanser, household cleaner, metal cleaner or polish, degreasing compound, commercial cleaner, industrial cleaner, or other substance that is used or intended to be used for cleaning purposes.
   (c) This Section does not apply to cleaning agents that are used:
      (1) In agricultural, biofuel, or dairy production, including bottling equipment.
      (2) To clean commercial food, brewery, or beverage processing equipment and containers, and in commercial automatic dishwashing machines, flatware presoak products, or commercial dishwashing rinse additive products.
      (3) In hospitals, clinics, nursing homes, other health care facilities, or veterinary hospitals or clinics, or for use as commercial bathroom cleaners.
      (4) In any medical, biological, chemical, engineering, or other such laboratory, including those associated with any academic or research institution.
      (5) In commercial laundries that provide cleaning services for a hospital, health care facility, or veterinary hospital.
      (6) As water softeners, anti-scale agents, or corrosion inhibitors, if that use is in a closed system such as a boiler, air conditioner, cooling tower, or hot water heater.
      (7) As industrial or institutional sanitizers, metal brighteners, or metal cleaning or metal conditioning, including products containing phosphoric acid or trisodium phosphate.
   (d) This Section does not apply to cleaning agents that:

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(1) contain phosphorus in an amount not exceeding 0.5%, expressed as elemental phosphorus by weight;
(2) are manufactured, stored, sold, or distributed for use solely outside the State; or
(3) are regulated by federal law, including the Food, Drug, and Cosmetic Act and the Federal Insecticide, Fungicide, and Rodenticide Act.

(e) The Illinois Pollution Control Board may authorize the use of additional cleaning agents that contain phosphorus of an amount exceeding 0.5% by weight upon finding that there is no adequate substitute for that cleaning agent or that compliance with this Section would otherwise be unreasonable or create a significant hardship on the user. The Illinois Pollution Control Board shall promulgate rules for the administration and enforcement of the provisions of this Section.

(f) The regulation of phosphorus in detergents is an exclusive power and function of the State. A home rule unit may not regulate phosphorus in detergents. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

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

Sec. 3-8. Following each election and canvass, the new board shall hold its organizational meeting on or before the 28th day after the election, except that in 1999, 2001, and 2003 (except District #522) the board shall organize within 14 days after the first Tuesday after the first Monday of November in each of those 3 years. In 2003 in District #522, the new board shall hold its organizational meeting on or before the 14th day after the consolidated election. If the election is the initial election ordered by the regional superintendent, the organizational meeting shall be convened by the regional superintendent, who shall preside over the meeting until the election for chairman, vice chairman and secretary of board is completed. At all other organizational meetings, the chairman of the board, or, in his or her absence, the president of the community college or acting chief executive officer of the college shall convene the new board, and conduct the election for chairman, vice chairman and secretary. The board shall then proceed with its organization under the newly elected board officers, and shall fix a time and place for its regular meetings. It shall then enter upon the discharge of its duties. Public notice of the schedule of regular meetings for the next calendar year, as set at the organizational meeting, must be given at the beginning of that calendar year.

The terms of board office shall be 2 years, except that the board by resolution may establish a policy for the terms of office to be one year, and provide for the election of officers for the remaining one year period. Terms of members are subject to Section 2A-54 of the Election Code.

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

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

(Source: P.A. 92-1, eff. 3-30-01; 93-847, eff. 7-30-04.)

Section 99. Effective date. This Act takes effect July 1, 2007.

New matter indicated by italics - deletions by strikeout

PUBLIC ACT 95-0117
(Senate Bill No. 0402)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Public Community College Act is amended by changing Section 3-9 as follows:

(110 ILCS 805/3-9) (from Ch. 122, par. 103-9)
Sec. 3-9. A majority of full voting membership of the Board shall constitute a quorum. For all meetings of the Board, a quorum of members must be physically present at the location of the meeting. When a vote is taken upon any measure before the Board, a quorum being present, a majority of the members voting on the measure shall determine the outcome thereof. No action of such board shall be invalidated by reason of any vacancies on such board, or by reason of any failure to select any nonvoting student members.
(Source: P.A. 78-822.)

Section 99. Effective date. This Act takes effect July 1, 2007.

PUBLIC ACT 95-0118
(Senate Bill No. 0498)

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

New matter indicated by italics - deletions by strikeout
Section 5. The Illinois Hunting Heritage Protection Act is amended by changing Section 15 as follows:

(520 ILCS 30/15)

Sec. 15. Recreational hunting.
(a) Subject to valid existing rights, Department-managed lands shall be open to access and use for recreational hunting except as limited by the Department for reasons of public safety, fish or wildlife management, or homeland security or as otherwise limited by law.
(b) The Department shall exercise its authority, consistent with subsection (a), in a manner to support, promote, and enhance recreational hunting opportunities, to the extent authorized by State law. The Department is not required to give preference to hunting over other uses of Department-managed lands or over land or water management priorities established by Department regulations or State law.
(c) Department land management decisions and actions may not, to the greatest practical extent, result in any net loss of habitat land acreage available for hunting opportunities on Department-managed lands that exists on the effective date of this Act.
(d) By October 1 of each year, the Director shall submit to the General Assembly a written report describing:
(1) the acreage administered by the Department that has been closed during the previous year to recreational hunting and the reasons for the closures; and
(2) the acreage administered by the Department that, in order to comply with subsection (c), was opened to recreational hunting to compensate for those acreage closed under paragraph (1).

(Source: P.A. 93-837, eff. 1-1-05.)

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


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

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

Section 5. The Township Code is amended by changing Section 85-13 as follows:

(60 ILCS 1/85-13)
Sec. 85-13. Township services, generally.

(a) The township board may either expend funds directly or may enter into any cooperative agreement or contract with any other governmental entity, not-for-profit corporation, non-profit community service association, or any for-profit business entity as provided in subsection (b) with respect to the expenditure of township funds, or funds made available to the township under the federal State and Local Fiscal Assistance Act of 1972, to provide any of the following services to the residents of the township:

(1) Ordinary and necessary maintenance and operating expenses for the following:

   (A) Public safety (including law enforcement, fire protection, and building code enforcement).

   (B) Environmental protection (including sewage disposal, sanitation, and pollution abatement).

   (C) Public transportation (including transit systems, paratransit systems, and streets and roads).

   (D) Health.

   (E) Recreation.

   (F) Libraries.

   (G) Social services for the poor and aged.

(2) Ordinary and necessary capital expenditures authorized by law.

(3) Development and retention of business, industrial, manufacturing, and tourist facilities within the township.

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(b) To be eligible to receive funds from the township under this Section, a private not-for-profit corporation or community service association shall have been in existence at least one year before receiving the funds. The township board may, however, for the purpose of providing day care services, contract with day care facilities licensed under the Child Care Act of 1969, regardless of whether the facilities are organized on a for-profit or not-for-profit basis.

(c) Township governments that directly expend or contract for day care shall use the standard of need established by the Department of Children and Family Services in determining recipients of subsidized day care and shall use the rate schedule used by the Department of Children and Family Services for the purchase of subsidized day care.

(d) Township governments that directly expend or contract for senior citizen services may contract with for-profit (or not-for-profit) and non-sectarian organizations as provided in Sections 220-15 and 220-35.

(e) Those township supervisors or other elected township officials who are also members of a county board shall not vote on questions before the township board or the county board that relate to agreements or contracts between the township and the county under this Section or agreements or contracts between the township and the county that are otherwise authorized by law.

(f) The township board may enter into direct agreements with for-profit corporations or other business entities to carry out recycling programs in unincorporated areas of the township.

The township board may by ordinance administer a recycling program or adopt rules and regulations relating to recycling programs in unincorporated areas of the township that it from time to time deems necessary and may provide penalties for violations of those rules and regulations.

(g) For purposes of alleviating high unemployment, economically depressed conditions, and lack of moderately priced housing, the trustees of a township that includes all or a portion of a city that is a "financially distressed city" under the Financially Distressed City Law may contract with one or more not-for-profit or for-profit organizations to construct and

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operate within the boundaries of the township a factory designed to manufacture housing or housing components. The contract may provide for the private organization or organizations to manage some or all operations of the factory and may provide for (i) payment of employee compensation and taxes; (ii) discharge of other legal responsibilities; (iii) sale of products; (iv) disposition of the factory, equipment, and other property; and (v) any other matters the township trustees consider reasonable.

(Source: P.A. 86-475; 86-580; 86-1028; 86-1194; 87-708; 87-810; 87-895; 87-999; 88-62.)

Section 10. The Illinois Highway Code is amended by adding Section 6-132 as follows:

(605 ILCS 5/6-132 new)

Sec. 6-132. Recycling. A road district may organize, administer, or participate in one or more recycling programs.

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


PUBLIC ACT 95-0119

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

Section 5. The Health Care Worker Background Check Act is amended by changing Sections 15, 20, 25, 40, 45, 50, 55, and 60 and by adding Section 33 as follows:

(225 ILCS 46/15)

Sec. 15. Definitions. In this Act, the following definitions apply:

New matter indicated by italics - deletions by strikeout
"Applicant" means an individual seeking employment with a health care employer who has received a bona fide conditional offer of employment.

"Conditional offer of employment" means a bona fide offer of employment by a health care employer to an applicant, which is contingent upon the receipt of a report from the Department of Public Health State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses enumerated in Section 25.

"Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, toileting, or other personal needs, including home services as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act. The entity responsible for inspecting and licensing, certifying, or registering the health care employer may, by administrative rule, prescribe guidelines for interpreting this definition with regard to the health care employers that it licenses.

"Disqualifying offenses" means those offenses set forth in Section 25 of this Act.

"Employee" means any individual hired, employed, or retained to which this Act applies.

"Fingerprint-based criminal history records check" means a livescan fingerprint-based criminal history records check submitted as a fee applicant inquiry in the form and manner prescribed by the Department of State Police.

"Health care employer" means:

(1) the owner or licensee of any of the following:
   (i) a community living facility, as defined in the Community Living Facilities Act;
   (ii) a life care facility, as defined in the Life Care Facilities Act;
   (iii) a long-term care facility, as defined in the Nursing Home Care Act;
   (iv) a home health agency, home services agency, or home nursing agency as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act;

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(v) a comprehensive hospice care program or volunteer hospice program, as defined in the Hospice Program Licensing Act;

(vi) a hospital, as defined in the Hospital Licensing Act;

(vii) (blank); a community residential alternative, as defined in the Community Residential Alternatives Licensing Act;

(viii) a nurse agency, as defined in the Nurse Agency Licensing Act;

(ix) a respite care provider, as defined in the Respite Program Act;

(ix-a) an establishment licensed under the Assisted Living and Shared Housing Act;

(x) a supportive living program, as defined in the Illinois Public Aid Code;

(xi) early childhood intervention programs as described in 59 Ill. Adm. Code 121;

(xii) the University of Illinois Hospital, Chicago;

(xiii) programs funded by the Department on Aging through the Community Care Program;

(xiv) programs certified to participate in the Supportive Living Program authorized pursuant to Section 5-5.01a of the Illinois Public Aid Code;

(xv) programs listed by the Emergency Medical Services (EMS) Systems Act as Freestanding Emergency Centers;

(xvi) locations licensed under the Alternative Health Care Delivery Act;

(2) a day training program certified by the Department of Human Services;

(3) a community integrated living arrangement operated by a community mental health and developmental service agency, as

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defined in the Community-Integrated Living Arrangements Licensing and Certification Act; or

(4) the State Long Term Care Ombudsman Program, including any regional long term care ombudsman programs under Section 4.04 of the Illinois Act on the Aging, only for the purpose of securing background checks.

"Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee his or her social security number, demographics, a disclosure statement, and an authorization for the Department of Public Health or its designee to request a fingerprint-based criminal history records check; transmitting this information electronically to the Department of Public Health; conducting Internet searches on certain web sites, including without limitation the Illinois Sex Offender Registry, the Department of Corrections' Sex Offender Search Engine, the Department of Corrections' Inmate Search Engine, the Department of Corrections Wanted Fugitives Search Engine, the National Sex Offender Public Registry, and the website of the Health and Human Services Office of Inspector General to determine if the applicant has been adjudicated a sex offender, has been a prison inmate, or has committed Medicare or Medicaid fraud, or conducting similar searches as defined by rule; and having the student, applicant, or employee’s fingerprints collected and transmitted electronically to the Department of State Police. The educational entity or health care employer or its designee shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization.

"Livescan vendor" means an entity whose equipment has been certified by the Department of State Police to collect an individual’s demographics and inkless fingerprints and, in a manner prescribed by the Department of State Police and the Department of Public Health, electronically transmit the fingerprints and required data to the Department of State Police and a daily file of required data to the Department of Public Health. The Department of Public Health shall negotiate a contract with one or more vendors that effectively demonstrate that the vendor has 2 or more years of experience transmitting
fingerprints electronically to the Department of State Police and that the vendor can successfully transmit the required data in a manner prescribed by the Department of Public Health. Vendor authorization may be further defined by administrative rule.

"Long-term care facility" means a facility licensed by the State or certified under federal law as a long-term care facility, including without limitation facilities licensed under the Nursing Home Care Act, a supportive living facility, an assisted living establishment, or a shared housing establishment or registered as a board and care home.

(Source: P.A. 93-878, eff. 1-1-05; 94-379, eff. 1-1-06; 94-570, eff. 8-12-05; 94-665, eff. 1-1-06; revised 8-29-05.)

(225 ILCS 46/20)
Sec. 20. Exceptions. (1) This Act shall not apply to:

(1) (a) an individual who is licensed by the Department of Financial and Professional Regulation or the Department of Public Health under another law of this State;

(2) (b) an individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or

(3) (c) a student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is (i) employed by a health care employer in a position with duties involving direct care for clients, patients, or residents or (ii) employed by a long-term care facility in a position that involves or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents.

(2) A UCIA criminal history records check need not be redone by the University of Illinois Hospital, Chicago (U of I) or a program funded by the Department on Aging through the Community Care Program (CCP) if the U of I or the CCP: (i) has done a UCIA check on the individual; (ii) has continuously employed the individual since the UCIA criminal records check was done; and (iii) has taken actions with respect to this Act within...
12 months after the effective date of this amendatory Act of the 91st General Assembly.

(Source: P.A. 91-598, eff. 1-1-00.)

(225 ILCS 46/25)

Sec. 25. Persons ineligible to be hired by health care employers and long-term care facilities.

(a) In the discretion of the Director of Public Health, as soon after January 1, 1996, January 1, 1997, January 1, 2006, or October 1, 2007 or the effective date of this amendatory Act of the 94th General Assembly, as applicable, and as is reasonably practical, no health care employer shall knowingly hire, employ, or retain any individual in a position with duties involving direct care for clients, patients, or residents, and no long-term care facility shall knowingly hire, employ, or retain any individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents, who has been convicted of committing or attempting to commit one or more of the offenses defined in Sections 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, 9-3.3, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-7, 11-6, 11-9.1, 11-9.5, 11-19.2, 11-20.1, 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32, 12-33, 16-1, 16-1.3, 16A-3, 17-3, 18-1, 18-2, 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, or 33A-2 of the Criminal Code of 1961; those provided in Section 4 of the Wrongs to Children Act; those provided in Section 53 of the Criminal Jurisprudence Act; those defined in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control Act; those defined in the Methamphetamine Control and Community Protection Act; or those defined in Sections 401, 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances Act, unless the applicant or employee obtains a waiver pursuant to Section 40.

(a-1) In the discretion of the Director of Public Health, as soon after January 1, 2004 or October 1, 2007, as applicable, and as is reasonably practical, no health care employer shall knowingly hire any individual in a position with duties involving direct care for clients,
patients, or residents, and no long-term care facility shall knowingly hire any individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents, who has (i) been convicted of committing or attempting to commit one or more of the offenses defined in Section 12-3.3, 12-4.2-5, 16-2, 16G-15, 16G-20, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3 of the Criminal Code of 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card and Debit Card Act; or Section 5.1 of the Wrongs to Children Act; or (ii) violated Section 10-5 of the Nursing and Advanced Practice Nursing Act, unless the applicant or employee obtains a waiver pursuant to Section 40 of this Act.

A UCIA criminal history record check need not be redone for health care employees who have been continuously employed by a health care employer since January 1, 2004, but nothing in this Section prohibits a health care employer from initiating a criminal history check for these employees.

A health care employer is not required to retain an individual in a position with duties involving direct care for clients, patients, or residents, and no long-term care facility is required to retain an individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents, who has been convicted of committing or attempting to commit one or more of the offenses enumerated in this subsection.

(b) A health care employer shall not hire, employ, or retain any individual in a position with duties involving direct care of clients, patients, or residents, and no long-term care facility shall knowingly hire, employ, or retain any individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents, if the health care employer becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsection (a) or (a-1), as verified by court records, records from a state agency, or an FBI criminal history record check, unless the applicant or employee obtains a waiver.

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pursuant to Section 40 of this Act. This shall not be construed to mean that a health care employer has an obligation to conduct a criminal history records check in other states in which an employee has resided.

(Source: P.A. 93-224, eff. 7-18-03; 94-556, eff. 9-11-05; 94-665, eff. 1-1-06; 94-1053, eff. 7-24-06.)

(225 ILCS 46/33 new)

Sec. 33. Fingerprint-based criminal history records check.

(a) A fingerprint-based criminal history records check is not required for health care employees who have been continuously employed by a health care employer since October 1, 2007, have met the requirements for criminal history background checks prior to October 1, 2007, and have no disqualifying convictions or requested and received a waiver of those disqualifying convictions. These employees shall be retained on the Health Care Worker Registry as long as they remain active. Nothing in this subsection (a) shall be construed to prohibit a health care employer from initiating a criminal history records check for these employees. Should these employees seek a new position with a different health care employer, then a fingerprint-based criminal history records check shall be required.

(b) On October 1, 2007 or as soon thereafter as is reasonably practical, in the discretion of the Director of Public Health, and thereafter, any student, applicant, or employee who desires to be included on the Department of Public Health's Health Care Worker Registry must authorize the Department of Public Health or its designee to request a fingerprint-based criminal history records check to determine if the individual has a conviction for a disqualifying offense. This authorization shall allow the Department of Public Health to request and receive information and assistance from any State or local governmental agency. Each individual shall submit his or her fingerprints to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information prescribed by the Department of State Police. The fingerprints submitted under this Section shall be checked against the fingerprint records now and hereafter filed in the Department of State Police criminal history records database.
record databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall not exceed the actual cost of the records check. The livescan vendor may act as the designee for individuals, educational entities, or health care employers in the collection of Department of State Police fees and deposit those fees into the State Police Services Fund. The Department of State Police shall provide information concerning any criminal convictions, now or hereafter filed, against the individual.

(c) On October 1, 2007 or as soon thereafter as is reasonably practical, in the discretion of the Director of Public Health, and thereafter, an educational entity, other than a secondary school, conducting a nurse aide training program must initiate a fingerprint-based criminal history records check requested by the Department of Public Health prior to entry of an individual into the training program.

(d) On October 1, 2007 or as soon thereafter as is reasonably practical, in the discretion of the Director of Public Health, and thereafter, a health care employer who makes a conditional offer of employment to an applicant for a position as an employee must initiate a fingerprint-based criminal history record check, requested by the Department of Public Health, on the applicant, if such a background check has not been previously conducted.

(e) When initiating a background check requested by the Department of Public Health, an educational entity or health care employer shall electronically submit to the Department of Public Health the student's, applicant's, or employee's social security number, demographics, disclosure, and authorization information in a format prescribed by the Department of Public Health within 2 working days after the authorization is secured. The student, applicant, or employee must have his or her fingerprints collected electronically and transmitted to the Department of State Police within 10 working days. The educational entity or health care employer must transmit all necessary information and fees to the livescan vendor and Department of State Police within 10 working days after receipt of the authorization. This information and the

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results of the criminal history record checks shall be maintained by the Department of Public Health's Health Care Worker Registry.

(f) A direct care employer may initiate a fingerprint-based background check requested by the Department of Public Health for any of its employees, but may not use this process to initiate background checks for residents. The results of any fingerprint-based background check that is initiated with the Department as the requestor shall be entered in the Health Care Worker Registry.

(g) As long as the employee has had a fingerprint-based criminal history record check requested by the Department of Public Health and stays active on the Health Care Worker Registry, no further criminal history record checks shall be deemed necessary, as the Department of State Police shall notify the Department of Public Health of any additional convictions associated with the fingerprints previously submitted. Health care employers are required to check the Health Care Worker Registry before hiring an employee to determine that the individual has had a fingerprint-based record check requested by the Department of Public Health and has no disqualifying convictions or has been granted a waiver pursuant to Section 40 of this Act. If the individual has not had such a background check or is not active on the Health Care Worker Registry, then the health care employer must initiate a fingerprint-based record check requested by the Department of Public Health. If an individual is inactive on the Health Care Worker Registry, that individual is prohibited from being hired to work as a certified nurse aide if, since the individual’s most recent completion of a competency test, there has been a period of 24 consecutive months during which the individual has not provided nursing or nursing-related services for pay. If the individual can provide proof of having retained his or her certification by not having a 24 consecutive month break in service for pay, he or she may be hired as a certified nurse aide and that employment information shall be entered into the Health Care Worker Registry.

(h) On October 1, 2007 or as soon thereafter as is reasonably practical, in the discretion of the Director of Public Health, and thereafter, if the Department of State Police notifies the Department of
Public Health that an employee has a new conviction of a disqualifying offense, based upon the fingerprints that were previously submitted, then (i) the Health Care Worker Registry shall notify the employee's last known employer of the offense, (ii) a record of the employee's disqualifying offense shall be entered on the Health Care Worker Registry, and (iii) the individual shall no longer be eligible to work as an employee unless he or she obtains a waiver pursuant to Section 40 of this Act.

(i) On October 1, 2007, or as soon thereafter, in the discretion of the Director of Public Health, as is reasonably practical, and thereafter, each direct care employer or its designee must provide an employment verification for each employee no less than annually. The direct care employer or its designee must log into the Health Care Worker Registry through a secure login. The health care employer or its designee must indicate employment and termination dates within 30 days after hiring or terminating an employee, as well as the employment category and type. Failure to comply with this subsection (i) constitutes a licensing violation. For health care employers that are not licensed or certified, a fine of up to $500 may be imposed for failure to maintain these records. This information shall be used by the Department of Public Health to notify the last known employer of any disqualifying offenses that are reported by the Department of State Police.

(j) The Department of Public Health shall notify each health care employer or long-term care facility inquiring as to the information on the Health Care Worker Registry if the applicant or employee listed on the registry has a disqualifying offense and is therefore ineligible to work or has a waiver pursuant to Section 40 of this Act.

(k) The student, applicant, or employee must be notified of each of the following whenever a fingerprint-based criminal history records check is required:

(1) That the educational entity, health care employer, or long-term care facility shall initiate a fingerprint-based criminal history record check requested by the Department of Public Health of the student, applicant, or employee pursuant to this Act.

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(2) That the student, applicant, or employee has a right to obtain a copy of the criminal records report that indicates a conviction for a disqualifying offense and challenge the accuracy and completeness of the report through an established Department of State Police procedure of Access and Review.

(3) That the applicant, if hired conditionally, may be terminated if the criminal records report indicates that the applicant has a record of a conviction of any of the criminal offenses enumerated in Section 25, unless the applicant obtains a waiver pursuant to Section 40 of this Act.

(4) That the applicant, if not hired conditionally, shall not be hired if the criminal records report indicates that the applicant has a record of a conviction of any of the criminal offenses enumerated in Section 25, unless the applicant obtains a waiver pursuant to Section 40 of this Act.

(5) That the employee shall be terminated if the criminal records report indicates that the employee has a record of a conviction of any of the criminal offenses enumerated in Section 25.

(6) If, after the employee has originally been determined not to have disqualifying offenses, the employer is notified that the employee has a new conviction(s) of any of the criminal offenses enumerated in Section 25, then the employee shall be terminated.

1. A health care employer or long-term care facility may conditionally employ an applicant for up to 3 months pending the results of a fingerprint-based criminal history record check requested by the Department of Public Health.

2. The Department of Public Health or an entity responsible for inspecting, licensing, certifying, or registering the health care employer or long-term care facility shall be immune from liability for notices given based on the results of a fingerprint-based criminal history record check.

(225 ILCS 46/40)
Sec. 40. Waiver.

New matter indicated by italics - deletions by strikeout
(a) Any student, applicant, or employee listed on the Health Care Worker Registry may request a waiver of the prohibition against employment by submitting the following information to the entity responsible for inspecting, licensing, certifying, or registering the health care employer within 5 working days after the receipt of the criminal records report:

(1) completing a waiver application on a form prescribed by the Department of Public Health; information necessary to initiate a fingerprint-based UClA criminal records check in a form and manner prescribed by the Department of State Police; and

(2) providing a written explanation of each conviction to include (i) what happened, (ii) how many years have passed since the offense, (iii) the individuals involved, (iv) the age of the applicant at the time of the offense, and (v) any other circumstances surrounding the offense; and

(3) providing official documentation showing that all fines have been paid, if applicable, and the date probation or parole was satisfactorily completed, if applicable. The fee for a fingerprint-based UClA criminal records check, which shall not exceed the actual cost of the record check.

(a-5) The entity responsible for inspecting, licensing, certifying, or registering the health care employer may accept the results of the fingerprint-based UClA criminal records check instead of the items required by paragraphs (1) and (2) of subsection (a).

(b) The applicant may, but is not required to, submit employment and character references and any other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents, patients, or clients. The entity responsible for inspecting, licensing, certifying, or registering the health care employer may grant a waiver based upon any mitigating circumstances, which may include, but need not be limited to:

(1) The age of the individual at which the crime was committed;

New matter indicated by italics - deletions by strikeout
(2) The circumstances surrounding the crime;
(3) The length of time since the conviction;
(4) The applicant or employee's criminal history since the conviction;
(5) The applicant or employee's work history;
(6) The applicant or employee's current employment references;
(7) The applicant or employee's character references;
(8) Nurse aide registry records; and
(9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents, patients, or clients.

(c) The Department of Public Health entity responsible for inspecting, licensing, certifying, or registering a health care employer must inform the health care employer must inform health care employers if a waiver is being sought by entering a record on the Health Care Worker Registry that a waiver is pending and must act upon the waiver request within 30 days of receipt of all necessary information, as defined by rule. Except in cases where a rehabilitation waiver is granted, a letter shall be sent to the applicant notifying the applicant that he or she has received an automatic waiver.

(d) An individual shall not be employed from the time that the employer receives a notification from the Department of Public Health based upon the results of a fingerprint-based criminal history records non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with Section 35.

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(e) The entity responsible for inspecting, licensing, certifying, or registering the health care employer and the Department of Public Health shall be immune from liability for any waivers granted under this Section.

(f) A health care employer is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver under this Section.

(Source: P.A. 94-665, eff. 1-1-06.)

(225 ILCS 46/45)

Sec. 45. Application fees. Except as otherwise provided in this Act, the student, applicant, or employee, other than a nurse aide, may be required to pay all related application and fingerprinting fees including, but not limited to, the amounts established by the UCIA to conduct UCIA criminal history record checks and the amounts established by the Department of State Police to process fingerprint-based UCIA criminal history records checks. If a health care employer certified to participate in the Medicaid program pays the fees, the fees shall be a direct pass-through on the cost report submitted by the employer to the Medicaid agency.

(Source: P.A. 89-197, eff. 7-21-95.)

(225 ILCS 46/50)

Sec. 50. Health care employer files. The health care employer shall retain on file for a period of 5 years records of criminal records requests for all employees. The health care employer shall retain a copy of the disclosure and authorization forms, a copy of the livescan request form, all notifications resulting from the results of the UCIA fingerprint-based criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the agency responsible for inspecting, licensing, or certifying the health care employer. A fine of up to $500 may be imposed by the appropriate agency for failure to maintain these records. The Department of Public Health must keep an electronic record of criminal history background checks for an individual for as long as the individual remains active on the Health Care Worker Registry.

(Source: P.A. 89-197, eff. 7-21-95; 89-674, eff. 8-14-96.)

(225 ILCS 46/55)

New matter indicated by italics - deletions by strikeout
Sec. 55. Immunity from liability. A health care employer shall not be liable for the failure to hire or to retain an applicant or employee who has been convicted of committing or attempting to commit one or more of the offenses enumerated in subsection (a) of Section 25 of this Act. However, if an employee a health care worker is suspended from employment based on the results of a criminal background check conducted under this Act and the results prompting the suspension are subsequently found to be inaccurate, the employee health care worker is entitled to recover backpay from his or her health care employer for the suspension period provided that the employer is the cause of the inaccuracy. The Department of Public Health is not liable for any hiring decisions, suspensions, or terminations.

No health care employer shall be chargeable for any benefit charges that result from the payment of unemployment benefits to any claimant when the claimant's separation from that employer occurred because the claimant's criminal background included an offense enumerated in subsection (a) of Section 25, or the claimant's separation from that health care employer occurred as a result of the claimant violating a policy that the employer was required to maintain pursuant to the Drug Free Workplace Act.

(Source: P.A. 90-441, eff. 1-1-98; 91-598, eff. 1-1-00.)

(225 ILCS 46/60)
Sec. 60. Offense.
(a) Any person whose profession is job counseling who knowingly counsels any person who has been convicted of committing or attempting to commit any of the offenses enumerated in subsection (a) of Section 25 to apply for a position with duties involving direct contact with a client, patient, or resident of a health care employer or a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents of a long-term care facility shall be guilty of a Class A misdemeanor unless a waiver is granted pursuant to Section 40 of this Act.

(b) Subsection (a) does not apply to an individual performing official duties in connection with the administration of the State
employment service described in Section 1705 of the Unemployment Insurance Act.
(Source: P.A. 91-598, eff. 1-1-00.)
(225 ILCS 46/25.1 rep.)
(225 ILCS 46/30 rep.)
(225 ILCS 46/35 rep.)

Section 10. The Health Care Worker Background Check Act is amended by repealing Sections 25.1, 30, and 35.

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


PUBLIC ACT 95-0121
(House Bill No. 0496)

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

Section 5. The Environmental Protection Act is amended by changing Section 3.160 as follows:
(415 ILCS 5/3.160) (was 415 ILCS 5/3.78 and 3.78a)
Sec. 3.160. Construction or demolition debris.
(a) "General construction or demolition debris" means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed or other asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components

New matter indicated by italics - deletions by strikeout
containing no hazardous substances; and piping or metals incidental to any of those materials.

General construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any general construction or demolition debris or other waste.

To the extent allowed by federal law, uncontaminated concrete with protruding rebar shall be considered clean construction or demolition debris and shall not be considered "waste" if it is separated or processed and returned to the economic mainstream in the form of raw materials or products within 4 years of its generation, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i) in subsection (b) of this Section within 30 days of its generation.

(b) "Clean construction or demolition debris" means uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed or other asphalt pavement, or soil generated from construction or demolition activities.

Clean construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any clean construction or demolition debris or other waste.

To the extent allowed by federal law, clean construction or demolition debris shall not be considered "waste" if it is (i) used as fill material outside of a setback zone if the fill is placed no higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area, and if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if covered by a road or structure, or (ii) separated or processed and returned to the economic mainstream in the form of raw materials or products, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i) within 30 days of its generation, or (iii) solely broken concrete without protruding metal bars used for erosion control, or

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(iv) generated from the construction or demolition of a building, road, or other structure and used to construct, on the site where the construction or demolition has taken place, a manmade functional structure not to exceed 20 feet above the highest point of elevation of the property immediately adjacent to the new manmade functional structure as that elevation existed prior to the creation of that new structure, provided that the structure shall be covered with sufficient soil materials to sustain vegetation or by a road or structure, and further provided that no such structure shall be constructed within a home rule municipality with a population over 500,000 without the consent of the municipality.

For purposes of this subsection (b), reclaimed or other asphalt pavement shall not be considered speculatively accumulated if: (i) it is not commingled with any other clean construction or demolition debris or any waste; (ii) it is returned to the economic mainstream in the form of raw materials or products within 4 years after its generation; (iii) at least 25% of the total amount present at a site during a calendar year is transported off of the site during the next calendar year; and (iv) if used as a fill material, it is used in accordance with item (i) of the second paragraph of this subsection (b).

(Source: P.A. 93-179, eff. 7-11-03; 94-272, eff. 7-19-05.)

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

Section 1. Short title. This Act may be cited as the Southwest Suburban Railroad Redevelopment Authority Act.

Section 5. Legislative declaration. The General Assembly declares that the welfare, health, prosperity, and moral and general well-being of the people of the State are, in large measure, dependent upon the sound and orderly development of municipal areas. The Southwest Suburban area, by reason of the location therein of vital roadways and their use for vehicular travel in access to the entire southwest metropolitan Chicago area, as well as commercial and industrial growth patterns and accessibility to manufacturing and freight-related facilities, has become and will increasingly be the hub of transportation from all parts of the region and throughout the southwest metropolitan area. Motor vehicle traffic, pedestrian travel, and the safety of both motorists and pedestrians are substantially aggravated by the location of railroad grade crossings. Additionally, certain development opportunities may exist in the project area that would stabilize and enhance the tax base of existing communities, maintain and revitalize existing commerce and industry, and promote comprehensive planning within and between communities. The presence of the railroad grade crossings are detrimental to the orderly expansion of industry and commerce and to progress of the region. To alleviate this situation it is necessary to relocate the railroad tracks, to separate the grades at crossing, to acquire property for relocation or submergence of the railroad or highways, to create an agency to facilitate and accomplish that relocation, and to direct infrastructure and development improvements in the Southwest Suburban area.

Section 10. Creation; duration. There is created a body politic and corporate, a unit of local government, named the Southwest Suburban Railroad Redevelopment Authority, embracing the townships of Bloom, Thornton, Calumet, Bremen, Orland, Worth, Rich, and Palos. The Authority shall continue in existence until the accomplishment of its objective, the relocation of railroad tracks and roadways and the grade separation of railroads from the right-of-way and at-grade crossing closures within the Southwest Suburban area, or until the Authority

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officially resolves that it is impossible or economically unfeasible to fulfill that objective.

Section 15. Acquisition of property. The Authority has the power to acquire by gift, purchase, or legacy the fee simple title to real property located within the boundaries of the Authority, including temporary and permanent easements, as well as reversionary interests in the streets, alleys, and other public places and personal property, required for its purposes, and title thereto shall be taken in the corporate name of the Authority. All land and appurtenances thereto, acquired or owned by the Authority, are to be deemed acquired or owned for a public use or public purpose. The Authority may not acquire property by eminent domain.

Section 20. Sale or exchange of property. The Authority has the power to sell, transfer, exchange, vacate, or assign property acquired for the purposes of this Act as it deems appropriate.

Section 25. Acceptance of grants, loans, and appropriations. The Authority has the power to apply for and accept grants, loans, advances, and appropriations from the federal government and from the State of Illinois or any agency or instrumentality thereof to be used for the purposes of the Authority, and to enter into any agreement in relation to the grants, loans, advances, and appropriations. The Authority may also accept from the State, any State agency, department, or commission, any county or other political subdivision, any municipal corporation, any railroad, any school authority, or jointly therefrom, grants of funds or services for any of the purposes of this Act. The Authority shall be treated as a rail carrier subject to the Illinois Commerce Commission's jurisdiction and eligible to receive money from the Grade Crossing Protection Fund or any fund of the State or other source available for purposes of promoting safety and separation of at-grade railroad crossings or highway improvements.

Section 30. Taxing powers. The Authority may not levy real property taxes for any purpose whatsoever.

Section 35. Board; compensation and expenses. The Authority shall be governed by a 5-member board consisting of members appointed by the Governor with the advice and consent of the Senate. Two members of the Board must reside within the territory of the Authority. Two
members must be former public officials who served within the townships of Bloom, Thornton, Calumet, Bremen, Orland, Worth, Rich, or Palos. One member must have previous employment and management experience with a major railroad company that has significant ties to the Authority. Each member shall take and subscribe the constitutional oath of office and file it with the Secretary of State. The members of the board shall serve without compensation, but may be reimbursed for actual expenses incurred by them in the performance of duties prescribed by the Authority. However, any member of the board who serves as secretary or treasurer may receive compensation for services as that officer.

Section 40. Organization; chair and temporary secretary. As soon as possible after the effective date of this Act, the board shall organize for the transaction of business, select a Chair and a temporary Secretary from its own number, and adopt bylaws to govern its proceedings. The initial Chair and successors shall be elected by the board from time to time from among members. The board may act through its members by entering into an agreement that a member act on the board's behalf, in which instance the act or performance directed shall be deemed to be exclusively of, for, and by the board and not the individual act of the member or its represented person.

Section 45. Meetings; quorum and resolutions. Regular meetings of the board shall be held at least quarterly, the time and place of those meetings to be fixed by the board. Special meetings may be called by the Chair or by a majority of the members of the board by giving notice thereof in writing, stating the time, place, and purpose of the meeting. The notice shall be served by special delivery letter deposited in the mail at least 48 hours before the meeting. A majority of the members of the board shall constitute a quorum for the transaction of business. All action of the board shall be by resolution and, except as otherwise provided in this Act, the affirmative vote of at least a majority shall be necessary for the adoption of any resolution. The Chair shall be entitled to vote on any and all matters coming before the board.

Section 50. Secretary and Treasurer; oaths; bond of Treasurer. The board may appoint a Secretary and a Treasurer, who need not be members

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of the board, to hold office at the pleasure of the board, and fix their duties and compensation. Before entering upon the duties of their respective offices, they shall take and subscribe to the constitutional oath of office, and the Treasurer shall execute a bond with corporate sureties to be approved by the board. The bond shall be payable to the Authority in whatever penal sum may be directed by the board conditioned upon the faithful performance of the duties of the office and the payment of all money received by the Treasurer according to law and the orders of the board. The board may, at any time, require a new bond for the Treasurer in any penal sum that may then be determined by the board.

Section 55. Deposit and withdrawal of funds; signatures. All funds deposited by the Treasurer in any bank or savings and loan association shall be placed in the name of the Authority and shall be withdrawn or paid out only by check or draft upon the bank or savings and loan association, signed by the Treasurer and countersigned by the Chair of the board. Subject to prior approval of the designations by a majority of the board, the Chair may designate any other member or any officer of the Authority to affix the signature of the Treasurer to any Authority check or draft for payment of salaries or wages and for payment of any other obligation of not more than $2,500.

No bank or savings and loan association shall receive public funds as permitted by this Section unless it has complied with the requirements established under Section 6 of the Public Funds Investment Act.

Section 60. Delivery of check after executing officer ceases to hold office. If any officer whose signature appears upon any check or draft issued pursuant to this Act ceases to hold office before the delivery of the check or draft to the payee, the officer's signature nevertheless shall be valid and sufficient for all purposes with the same effect as if the officer had remained in office until delivery of the check or draft.

Section 65. Rules. The board may adopt all rules proper or necessary and to carry into effect the powers granted to it. The rules shall be consistent with the guidelines, objectives, and project scope as set out by the Illinois Commerce Commission.
Section 70. Fiscal year. The Authority shall designate its fiscal year.

Section 75. Reports and financial statements. Within 60 days after the end of its fiscal year, the board shall cause to be prepared by a certified public accountant a complete and detailed report and financial statement of the operations and assets and liabilities as they relate to the projects undertaken by the Authority. A reasonably sufficient number of copies of the report shall be prepared for distribution to persons interested, upon request, and a copy of the report shall be filed with the Illinois Commerce Commission and with the county clerk of Cook County.

Section 80. Construction. Nothing in this Act shall be construed to confer upon the Authority the right, power, or duty to order or enforce the abandonment of any present property of the railroads or the use in substitution therefor of any property acquired for the railroads in the absence of a contract duly executed by the railroads and the Authority setting forth the terms and conditions upon which relocation of the right-of-way and physical facilities of the railroads is to be accomplished. No such contract shall be or become enforceable until the provisions of the contract have been approved or authorized by the Illinois Commerce Commission.

Section 85. Existing contracts, obligations, and liabilities. No contract, obligation, or liability whatever of the railroads to pay any money into the State treasury, nor any lien of the State upon or right to tax property of the railroads, shall be released, suspended, modified, altered, remitted, or in any manner diminished or impaired by the contract with the Authority, and any such charter provisions applicable to the property on which the railroads are now located shall be deemed in full force and effect with respect to any property on which the railroads are relocated in substitution therefor pursuant to the provisions of this Act or any such contract with the Authority pursuant thereto. Notwithstanding, upon order of the Illinois Commerce Commission, the Authority shall succeed to and assume the performance and actions of the represented persons under the terms of the order and amending orders previously entered relative to

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projects undertaken by the Authority and consistent with the objectives of the Authority.

Section 90. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 999. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0123
(House Bill No. 0615)

AN ACT concerning courts.

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

Section 5. The Juvenile Court Act of 1987 is amended by changing Sections 1-7 and 1-8 as follows:

(705 ILCS 405/1-7) (from Ch. 37, par. 801-7)
Sec. 1-7. Confidentiality of law enforcement records.
(A) Inspection and copying of law enforcement records maintained by law enforcement agencies that relate to a minor who has been arrested or taken into custody before his or her 17th birthday shall be restricted to the following:

(1) Any local, State or federal law enforcement officers of any jurisdiction or agency when necessary for the discharge of their official duties during the investigation or prosecution of a crime or relating to a minor who has been adjudicated delinquent and there has been a previous finding that the act which constitutes the previous offense was committed in furtherance of criminal activities by a criminal street gang. For purposes of this Section, "criminal street gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

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(2) Prosecutors, probation officers, social workers, or other individuals assigned by the court to conduct a pre-adjudication or pre-disposition investigation, and individuals responsible for supervising or providing temporary or permanent care and custody for minors pursuant to the order of the juvenile court, when essential to performing their responsibilities.

(3) Prosecutors and probation officers:
   (a) in the course of a trial when institution of criminal proceedings has been permitted or required under Section 5-805; or
   (b) when institution of criminal proceedings has been permitted or required under Section 5-805 and such minor is the subject of a proceeding to determine the amount of bail; or
   (c) when criminal proceedings have been permitted or required under Section 5-805 and such minor is the subject of a pre-trial investigation, pre-sentence investigation, fitness hearing, or proceedings on an application for probation.

(4) Adult and Juvenile Prisoner Review Board.

(5) Authorized military personnel.

(6) Persons engaged in bona fide research, with the permission of the Presiding Judge of the Juvenile Court and the chief executive of the respective law enforcement agency; provided that publication of such research results in no disclosure of a minor's identity and protects the confidentiality of the minor's record.

(7) Department of Children and Family Services child protection investigators acting in their official capacity.

(8) The appropriate school official. Inspection and copying shall be limited to law enforcement records transmitted to the appropriate school official by a local law enforcement agency under a reciprocal reporting system established and maintained between the school district and the local law enforcement agency.

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under Section 10-20.14 of the School Code concerning a minor enrolled in a school within the school district who has been arrested or taken into custody for any of the following offenses:

(i) unlawful use of weapons under Section 24-1 of the Criminal Code of 1961;
(ii) a violation of the Illinois Controlled Substances Act;
(iii) a violation of the Cannabis Control Act;
(iv) a forcible felony as defined in Section 2-8 of the Criminal Code of 1961; or
(v) a violation of the Methamphetamine Control and Community Protection Act.

(9) Mental health professionals on behalf of the Illinois Department of Corrections or the Department of Human Services or prosecutors who are evaluating, prosecuting, or investigating a potential or actual petition brought under the Sexually Violent Persons Commitment Act relating to a person who is the subject of juvenile law enforcement records or the respondent to a petition brought under the Sexually Violent Persons Commitment Act who is the subject of the juvenile law enforcement records sought. Any records and any information obtained from those records under this paragraph (9) may be used only in sexually violent persons commitment proceedings.

(B) (1) Except as provided in paragraph (2), no law enforcement officer or other person or agency may knowingly transmit to the Department of Corrections, Adult Division or the Department of State Police or to the Federal Bureau of Investigation any fingerprint or photograph relating to a minor who has been arrested or taken into custody before his or her 17th birthday, unless the court in proceedings under this Act authorizes the transmission or enters an order under Section 5-805 permitting or requiring the institution of criminal proceedings.

(2) Law enforcement officers or other persons or agencies shall transmit to the Department of State Police copies of

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fingerprints and descriptions of all minors who have been arrested or taken into custody before their 17th birthday for the offense of unlawful use of weapons under Article 24 of the Criminal Code of 1961, a Class X or Class 1 felony, a forcible felony as defined in Section 2-8 of the Criminal Code of 1961, or a Class 2 or greater felony under the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or Chapter 4 of the Illinois Vehicle Code, pursuant to Section 5 of the Criminal Identification Act. Information reported to the Department pursuant to this Section may be maintained with records that the Department files pursuant to Section 2.1 of the Criminal Identification Act. Nothing in this Act prohibits a law enforcement agency from fingerprinting a minor taken into custody or arrested before his or her 17th birthday for an offense other than those listed in this paragraph (2).

(C) The records of law enforcement officers concerning all minors under 17 years of age must be maintained separate from the records of arrests and may not be open to public inspection or their contents disclosed to the public except by order of the court _presiding over matters pursuant to this Act_ or when the institution of criminal proceedings has been permitted or required under Section 5-805 or such a person has been convicted of a crime and is the subject of pre-sentence investigation or proceedings on an application for probation or when provided by law. _For purposes of obtaining documents pursuant to this Section, a civil subpoena is not an order of the court._

(1) In cases where the law enforcement records concern a pending juvenile court case, the party seeking to inspect the records shall provide actual notice to the attorney or guardian ad litem of the minor whose records are sought.

(2) In cases where the records concern a juvenile court case that is no longer pending, the party seeking to inspect the records shall provide actual notice to the minor or the minor’s parent or legal guardian, and the matter shall be referred to the chief judge presiding over matters pursuant to this Act.

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(3) In determining whether the records should be available for inspection, the court shall consider the minor's interest in confidentiality and rehabilitation over the moving party's interest in obtaining the information. Any records obtained in violation of this subsection (C) shall not be admissible in any criminal or civil proceeding, or operate to disqualify a minor from subsequently holding public office or securing employment, or operate as a forfeiture of any public benefit, right, privilege, or right to receive any license granted by public authority.

(D) Nothing contained in subsection (C) of this Section shall prohibit the inspection or disclosure to victims and witnesses of photographs contained in the records of law enforcement agencies when the inspection and disclosure is conducted in the presence of a law enforcement officer for the purpose of the identification or apprehension of any person subject to the provisions of this Act or for the investigation or prosecution of any crime.

(E) Law enforcement officers may not disclose the identity of any minor in releasing information to the general public as to the arrest, investigation or disposition of any case involving a minor.

(F) Nothing contained in this Section shall prohibit law enforcement agencies from communicating with each other by letter, memorandum, teletype or intelligence alert bulletin or other means the identity or other relevant information pertaining to a person under 17 years of age if there are reasonable grounds to believe that the person poses a real and present danger to the safety of the public or law enforcement officers. The information provided under this subsection (F) shall remain confidential and shall not be publicly disclosed, except as otherwise allowed by law.

(G) Nothing in this Section shall prohibit the right of a Civil Service Commission or appointing authority of any state, county or municipality examining the character and fitness of an applicant for employment with a law enforcement agency, correctional institution, or fire department from obtaining and examining the records of any law

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enforcement agency relating to any record of the applicant having been arrested or taken into custody before the applicant's 17th birthday.

(Source: P.A. 94-556, eff. 9-11-05.)

(705 ILCS 405/1-8) (from Ch. 37, par. 801-8)
Sec. 1-8. Confidentiality and accessibility of juvenile court records. (A) Inspection and copying of juvenile court records relating to a minor who is the subject of a proceeding under this Act shall be restricted to the following:

(1) The minor who is the subject of record, his parents, guardian and counsel.

(2) Law enforcement officers and law enforcement agencies when such information is essential to executing an arrest or search warrant or other compulsory process, or to conducting an ongoing investigation or relating to a minor who has been adjudicated delinquent and there has been a previous finding that the act which constitutes the previous offense was committed in furtherance of criminal activities by a criminal street gang.

Before July 1, 1994, for the purposes of this Section, "criminal street gang" means any ongoing organization, association, or group of 3 or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts and that has a common name or common identifying sign, symbol or specific color apparel displayed, and whose members individually or collectively engage in or have engaged in a pattern of criminal activity.

Beginning July 1, 1994, for purposes of this Section, "criminal street gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(3) Judges, hearing officers, prosecutors, probation officers, social workers or other individuals assigned by the court to conduct a pre-adjudication or predisposition investigation, and individuals responsible for supervising or providing temporary or permanent care and custody for minors pursuant to the order of the juvenile court when essential to performing their responsibilities.

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(4) Judges, prosecutors and probation officers:
   (a) in the course of a trial when institution of criminal proceedings has been permitted or required under Section 5-805; or
   (b) when criminal proceedings have been permitted or required under Section 5-805 and a minor is the subject of a proceeding to determine the amount of bail; or
   (c) when criminal proceedings have been permitted or required under Section 5-805 and a minor is the subject of a pre-trial investigation, pre-sentence investigation or fitness hearing, or proceedings on an application for probation; or
   (d) when a minor becomes 17 years of age or older, and is the subject of criminal proceedings, including a hearing to determine the amount of bail, a pre-trial investigation, a pre-sentence investigation, a fitness hearing, or proceedings on an application for probation.

(5) Adult and Juvenile Prisoner Review Boards.

(6) Authorized military personnel.

(7) Victims, their subrogees and legal representatives; however, such persons shall have access only to the name and address of the minor and information pertaining to the disposition or alternative adjustment plan of the juvenile court.

(8) Persons engaged in bona fide research, with the permission of the presiding judge of the juvenile court and the chief executive of the agency that prepared the particular records; provided that publication of such research results in no disclosure of a minor's identity and protects the confidentiality of the record.

(9) The Secretary of State to whom the Clerk of the Court shall report the disposition of all cases, as required in Section 6-204 of the Illinois Vehicle Code. However, information reported relative to these offenses shall be privileged and available only to the Secretary of State, courts, and police officers.

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(10) The administrator of a bonafide substance abuse student assistance program with the permission of the presiding judge of the juvenile court.

(11) Mental health professionals on behalf of the Illinois Department of Corrections or the Department of Human Services or prosecutors who are evaluating, prosecuting, or investigating a potential or actual petition brought under the Sexually Persons Commitment Act relating to a person who is the subject of juvenile court records or the respondent to a petition brought under the Sexually Violent Persons Commitment Act, who is the subject of juvenile court records sought. Any records and any information obtained from those records under this paragraph (11) may be used only in sexually violent persons commitment proceedings.

(B) A minor who is the victim in a juvenile proceeding shall be provided the same confidentiality regarding disclosure of identity as the minor who is the subject of record.

(C) Except as otherwise provided in this subsection (C), juvenile court records shall not be made available to the general public but may be inspected by representatives of agencies, associations and news media or other properly interested persons by general or special order of the court presiding over matters pursuant to this Act. The State's Attorney, the minor, his parents, guardian and counsel shall at all times have the right to examine court files and records.

(0.1) In cases where the records concern a pending juvenile court case, the party seeking to inspect the juvenile court records shall provide actual notice to the attorney or guardian ad litem of the minor whose records are sought.

(0.2) In cases where the records concern a juvenile court case that is no longer pending, the party seeking to inspect the juvenile court records shall provide actual notice to the minor or the minor's parent or legal guardian, and the matter shall be referred to the chief judge presiding over matters pursuant to this Act.

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(0.3) In determining whether the records should be available for inspection, the court shall consider the minor's interest in confidentiality and rehabilitation over the moving party's interest in obtaining the information. The State's Attorney, the minor, and the minor's parents, guardian, and counsel shall at all times have the right to examine court files and records. For purposes of obtaining documents pursuant to this Section, a civil subpoena is not an order of the court.

(0.4) Any records obtained in violation of this subsection (C) shall not be admissible in any criminal or civil proceeding, or operate to disqualify a minor from subsequently holding public office, or operate as a forfeiture of any public benefit, right, privilege, or right to receive any license granted by public authority.

(1) The court shall allow the general public to have access to the name, address, and offense of a minor who is adjudicated a delinquent minor under this Act under either of the following circumstances:

(A) The adjudication of delinquency was based upon the minor's commission of first degree murder, attempt to commit first degree murder, aggravated criminal sexual assault, or criminal sexual assault; or

(B) The court has made a finding that the minor was at least 13 years of age at the time the act was committed and the adjudication of delinquency was based upon the minor's commission of: (i) an act in furtherance of the commission of a felony as a member of or on behalf of a criminal street gang, (ii) an act involving the use of a firearm in the commission of a felony, (iii) an act that would be a Class X felony offense under or the minor's second or subsequent Class 2 or greater felony offense under the Cannabis Control Act if committed by an adult, (iv) an act that would be a second or subsequent offense under Section 402 of the Illinois Controlled Substances Act.

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if committed by an adult, (v) an act that would be an offense under Section 401 of the Illinois Controlled Substances Act if committed by an adult, (vi) an act that would be a second or subsequent offense under Section 60 of the Methamphetamine Control and Community Protection Act, or (vii) an act that would be an offense under another Section of the Methamphetamine Control and Community Protection Act.

(2) The court shall allow the general public to have access to the name, address, and offense of a minor who is at least 13 years of age at the time the offense is committed and who is convicted, in criminal proceedings permitted or required under Section 5-4, under either of the following circumstances:

(A) The minor has been convicted of first degree murder, attempt to commit first degree murder, aggravated criminal sexual assault, or criminal sexual assault,

(B) The court has made a finding that the minor was at least 13 years of age at the time the offense was committed and the conviction was based upon the minor's commission of: (i) an offense in furtherance of the commission of a felony as a member of or on behalf of a criminal street gang, (ii) an offense involving the use of a firearm in the commission of a felony, (iii) a Class X felony offense under or a second or subsequent Class 2 or greater felony offense under the Cannabis Control Act, (iv) a second or subsequent offense under Section 402 of the Illinois Controlled Substances Act, (v) an offense under Section 401 of the Illinois Controlled Substances Act, (vi) an act that would be a second or subsequent offense under Section 60 of the Methamphetamine Control and Community Protection Act, or (vii) an act that would be an offense under another Section of the Methamphetamine Control and Community Protection Act.

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(D) Pending or following any adjudication of delinquency for any offense defined in Sections 12-13 through 12-16 of the Criminal Code of 1961, the victim of any such offense shall receive the rights set out in Sections 4 and 6 of the Bill of Rights for Victims and Witnesses of Violent Crime Act; and the juvenile who is the subject of the adjudication, notwithstanding any other provision of this Act, shall be treated as an adult for the purpose of affording such rights to the victim.

(E) Nothing in this Section shall affect the right of a Civil Service Commission or appointing authority of any state, county or municipality examining the character and fitness of an applicant for employment with a law enforcement agency, correctional institution, or fire department to ascertain whether that applicant was ever adjudicated to be a delinquent minor and, if so, to examine the records of disposition or evidence which were made in proceedings under this Act.

(F) Following any adjudication of delinquency for a crime which would be a felony if committed by an adult, or following any adjudication of delinquency for a violation of Section 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961, the State's Attorney shall ascertain whether the minor respondent is enrolled in school and, if so, shall provide a copy of the dispositional order to the principal or chief administrative officer of the school. Access to such juvenile records shall be limited to the principal or chief administrative officer of the school and any guidance counselor designated by him.

(G) Nothing contained in this Act prevents the sharing or disclosure of information or records relating or pertaining to juveniles subject to the provisions of the Serious Habitual Offender Comprehensive Action Program when that information is used to assist in the early identification and treatment of habitual juvenile offenders.

(H) When a Court hearing a proceeding under Article II of this Act becomes aware that an earlier proceeding under Article II had been heard in a different county, that Court shall request, and the Court in which the earlier proceedings were initiated shall transmit, an authenticated copy of the Court record, including all documents, petitions, and orders filed

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therein and the minute orders, transcript of proceedings, and docket entries of the Court.

(I) The Clerk of the Circuit Court shall report to the Department of State Police, in the form and manner required by the Department of State Police, the final disposition of each minor who has been arrested or taken into custody before his or her 17th birthday for those offenses required to be reported under Section 5 of the Criminal Identification Act. Information reported to the Department under this Section may be maintained with records that the Department files under Section 2.1 of the Criminal Identification Act.
(Source: P.A. 94-556, eff. 9-11-05.)

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


PUBLIC ACT 95-0124
(House Bill No. 0623)

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

Section 5. The Illinois Credit Union Act is amended by changing Section 59 as follows:

(205 ILCS 305/59) (from Ch. 17, par. 4460)

Sec. 59. Investment of Funds.

(a) Funds not used in loans to members may be invested, pursuant to subsection (7) of Section 30 of this Act, and subject to Departmental rules and regulations:

(1) In securities, obligations or other instruments of or issued by or fully guaranteed as to principal and interest by the United States of America or any agency thereof or in any trust or trusts established for investing directly or collectively in the same;

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(2) In obligations of any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the several territories organized by Congress, or any political subdivision thereof; however, a credit union may not invest more than 10% of its unimpaired capital and surplus in the obligations of one issuer, exclusive of general obligations of the issuer, and investments in municipal securities must be limited to securities rated in one of the 4 highest rating categories by a nationally recognized statistical rating organization;

(3) In certificates of deposit or passbook type accounts issued by a state or national bank, mutual savings bank or savings and loan association; provided that such institutions have their accounts insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation; but provided, further, that a credit union's investment in an account in any one institution may exceed the insured limit on accounts;

(4) In shares, classes of shares or share certificates of other credit unions, including, but not limited to corporate credit unions; provided that such credit unions have their members' accounts insured by the NCUA or other approved insurers, and that if the members' accounts are so insured, a credit union's investment may exceed the insured limit on accounts;

(5) In shares of a cooperative society organized under the laws of this State or the laws of the United States in the total amount not exceeding 10% of the unimpaired capital and surplus of the credit union; provided that such investment shall first be approved by the Department;

(6) In obligations of the State of Israel, or obligations fully guaranteed by the State of Israel as to payment of principal and interest;

(7) In shares, stocks or obligations of other financial institutions in the total amount not exceeding 5% of the unimpaired capital and surplus of the credit union;

(8) In federal funds and bankers' acceptances;

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(9) In shares or stocks of Credit Union Service Organizations in the total amount not exceeding the greater of 3% of the unimpaired capital and surplus of the credit union or the amount authorized for federal credit unions.

(b) As used in this Section, "political subdivision" includes, but is not limited to, counties, townships, cities, villages, incorporated towns, school districts, educational service regions, special road districts, public water supply districts, fire protection districts, drainage districts, levee districts, sewer districts, housing authorities, park districts, and any agency, corporation, or instrumentality of a state or its political subdivisions, whether now or hereafter created and whether herein specifically mentioned or not.

(c) A credit union investing to fund an employee benefit plan obligation is not subject to the investment limitations of this Act and this Section and may purchase an investment that would otherwise be impermissible if the investment is directly related to the credit union's obligation under the employee benefit plan and the credit union holds the investment only for so long as it has an actual or potential obligation under the employee benefit plan.

(Source: P.A. 92-293, eff. 8-9-01; 93-640, eff. 12-31-03.)

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


PUBLIC ACT 95-0125
(House Bill No. 0679)

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

Section 5. The Metropolitan Water Reclamation District Act is amended by changing Sections 5.2 and 9.6a as follows:

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Sec. 5.2. Where used in this law, "budget year" shall mean the fiscal year for which a budget is made. "Current year" shall mean the fiscal year in progress, i.e., the fiscal year next preceding the budget year. "Preceding year" shall mean the fiscal year preceding the current year.

The "Clerk" shall mean that officer so designated as provided in Section 4.

"Fund" shall mean a sum of money or other resources set aside for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations. A fund shall be a distinct financial or fiscal entity.

"Accountant" shall mean a public accountant or certified public accountant licensed under the laws of this State.

"Expenditure" shall mean the amount of obligations incurred either paid or to be paid from the appropriations for the budget year for all purposes, including current expenses, retirement of debt, and capital outlays.

"Disbursement" shall mean the actual payment in cash for any purpose.

"Receipt" shall mean cash actually received and shall include appropriable cash on hand at the beginning of any specified year.

"Estimated receipt" shall mean cash estimated to be received within the budget year and shall include the cash surplus estimated to be appropriable at the beginning of the budget year.

"Cash basis" shall mean that system of accounting wherein revenues are accounted for when received in cash and expenditures are accounted for when paid.

"Accrual basis" shall mean that system of accounting wherein revenues are accounted for when earned or due, even though not collected, and expenditures are accounted for as soon as liabilities are incurred, whether paid or not.

"Function" (activity) of expenditure shall mean the particular purpose or group of services aimed at accomplishing a certain end for which an expenditure is made.

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"Line Item" or item shall mean a particular type of expenditure within a class or related group of such expenditures, i.e., testing service, hospital service, towel and laundry service, within the class titled "Impersonal Services."

"Object" of expenditure shall mean specific articles, or classes of things for which an expenditure is made, i.e., personal services, impersonal services, materials and supplies, machinery and equipment, fixed charges and any such other classes of articles or things as may be desirable.

"Character" of expenditure shall refer to the relationship of total expenditures to current, prior, and future fiscal periods, i.e., whether the expenditure is a current expense, provision for the retirement of debt, or a capital outlay.

"Organization units" shall be the administrative units of the district, i.e., departments, major sewage treatment plants, and such other operating units or groups of operating units as may be deemed desirable by the authorities of the Sanitary District.

The "committee on finance" shall be any committee so appointed and so designated by the board of commissioners for the purpose of considering financial matters affecting the district.

"Sinking Fund Requirements" shall mean the amounts that will be needed to pay interest on and principal of bonds.

"Construction Fund" shall mean the amounts to be used for paying the costs incurred for construction purposes.

"Construction Purposes" shall mean the replacement, remodeling, completion, alteration, construction, and enlargement, including alterations, enlargements and replacements which will add appreciably to the value, utility, or the useful life of sewage treatment works or flood control facilities or water quality improvement projects, and additions therefor, pumping stations, tunnels, conduits and intercepting sewers connecting therewith, and outlet sewers together with the equipment and appurtenances necessary thereto, and for the acquisition of the sites and rights of way necessary thereto, and for engineering expenses for designing and supervising the construction of the works above described.

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and for removal of the rock ledge in the bed of the Des Plaines River (Illinois Waterway) through the City of Joliet.

Prior to the commencing of work involved in the removal of the rock ledge in the bed of the Des Plaines River formal approval shall be obtained for the design and plans for accomplishing this work from the Corps of Engineers, U. S. Army, and the State of Illinois Department of Natural Resources.

The Metropolitan Sanitary District of Greater Chicago, its agents, successors or assigns shall save the State of Illinois harmless from any and all claims of whatever nature which may arise as a result of or in consequence of any work which may be performed by the District.

The rights, powers, and authorities granted in this Act shall be subject to the provisions of Section 18 of the Rivers, Lakes, and Streams Act.

It is the intent and purpose of this Act to provide a legal basis which will authorize and require all Sanitary Districts organized under the provisions hereof to make and execute the budgets of their Corporate Funds and Construction Funds in such manner that the budgets may be planned and balanced with receipts on an actual cash basis and expenditures on an accrual basis, and all definitions, terms, provisions and procedures set forth in this Act shall be thus construed as applied to corporate funds and construction funds.

(Source: P.A. 89-445, eff. 2-7-96.)

(70 ILCS 2605/9.6a) (from Ch. 42, par. 328.6a)

Sec. 9.6a. The corporate authorities of a sanitary district, in order to provide funds required for the replacing, remodeling, completing, altering, constructing and enlarging of sewage treatment works, water quality improvement projects, or flood control facilities, and additions therefor, pumping stations, tunnels, conduits, intercepting sewers and outlet sewers, together with the equipment, including air pollution equipment, and appurtenances thereto, to acquire property, real, personal or mixed, necessary for said purposes, for costs and expenses for the acquisition of the sites and rights-of-way necessary thereto, and for engineering expenses for designing and supervising the construction of such works, may issue

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on or before December 31, 2016, in addition to all other obligations heretofore or herein authorized, bonds, notes or other evidences of indebtedness for such purposes in an aggregate amount at any one time outstanding not to exceed 3.35% of the equalized assessed valuation of all taxable property within the sanitary district, to be ascertained by the last assessment for State and local taxes previous to the issuance of any such obligations. Such obligations shall be issued without submitting the question of such issuance to the legal voters of such sanitary district for approval.

The corporate authorities may sell such obligations at private or public sale and enter into any contract or agreement necessary, appropriate or incidental to the exercise of the powers granted by this Act, including, without limitation, contracts or agreements for the sale and purchase of such obligations and the payment of costs and expenses incident thereto. The corporate authorities may pay such costs and expenses, in whole or in part, from the corporate fund.

Such obligations shall be issued from time to time only in amounts as may be required for such purposes but the amount of such obligations issued during any one budget year shall not exceed $150,000,000 plus the amount of any obligations authorized by this Act to be issued during the 3 budget years next preceding the year of issuance but which were not issued, provided, however, that this limitation shall not be applicable to the issuance of obligations to refund bonds, notes or other evidences of indebtedness, nor to obligations issued to provide for the repayment of money received from the Water Pollution Control Revolving Fund for the construction or repair of wastewater treatment works. Each ordinance authorizing the issuance of the obligations shall state the general purpose or purposes for which they are to be issued, and the corporate authorities may at any time thereafter pass supplemental appropriations ordinances appropriating the proceeds from the sale of such obligations for such purposes.

The corporate authorities may issue bonds, notes or other evidences of indebtedness in an amount necessary to provide funds to
refund outstanding obligations issued pursuant to this Section, including
interest accrued or to accrue thereon.
(Source: P.A. 92-726, eff. 7-25-02; 93-279, eff. 7-22-03.)

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


PUBLIC ACT 95-0126
(House Bill No. 0724)

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

Section 5. The Private Business and Vocational Schools Act is
amended by changing Section 1.1 as follows:

(105 ILCS 425/1.1) (from Ch. 144, par. 136.1)
Sec. 1.1. Exemptions and annual filing.
(a) For purposes of this Act, the following shall not be considered
to be a private business and vocational school:
(1) Any eleemosynary institution.
(2) Any religious institution.
(3) Any public educational institution exempt from
property taxation under the laws of this State.
(4) Any in-service course of instruction and subject offered
by an employer provided no tuition is charged and such instruction
is offered only to employees of such employer.
(5) Any educational institution (A) which (i) on the
effective date of this amendatory Act of 1984 or which on January
2, 2001 enrolls a majority of its students in degree programs and
has maintained an accredited status with the Commission on
Institutions of Higher Education of the North Central Association
of Colleges and Schools or (ii) on or after the effective date of this

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amendatory Act of the 93rd General Assembly enrolls students in one or more bachelor-level programs, enrolls a majority of its students in degree programs, and is accredited by a national accrediting agency that is recognized by the U.S. Department of Education and (B) which is regulated by the Illinois Board of Higher Education under the Private College Act or the Academic Degree Act, or which is exempt from such regulation under either of the foregoing Acts solely for the reason that such educational institution was in operation on the effective date of either such Act.

(6) Any institution and the franchisees of such institution which offer exclusively a course of instruction in income tax theory or return preparation at a total contract price of no more than $400, provided that the total annual enrollment of such institution for all such courses of instruction exceeds 500 students, and further provided that the total contract price for all instruction offered to a student in any one calendar year does not exceed $400. For each calendar year after 1990, the total contract price shall be adjusted, rounded off to the nearest dollar, by the same percentage as the increase or decrease in the general price level as measured by the consumer price index for all urban consumers for the United States, or its successor index, as defined and officially reported by the United States Department of Labor, or its successor agency. The change in the index shall be that as first published by the Department of Labor for the calendar year immediately preceding the year in which the total contract price is calculated.

(b) An institution exempted under subsection (a) of this Section must file with the Superintendent an annual financial report to demonstrate continued compliance by the institution with the requirements on which the exemption is based.

(Source: P.A. 92-62, eff. 1-1-02; 93-919, eff. 8-12-04.)

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


New matter indicated by italics - deletions by strikeout
Public Act 95-0126


Public Act 95-0127

(House Bill No. 0736)

An Act concerning regulation.

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

Section 5. The Public Utilities Act is amended by changing Section 2-107 as follows:

Sec. 2-107. The office of the Commission shall be in Springfield, but the Commission may, with the approval of the Governor, establish and maintain branch offices at places other than the seat of government. Such office shall be open for business between the hours of 8:30 a.m. and 5:00 p.m. throughout the year, and one or more responsible persons to be designated by the executive director shall be on duty at all times in immediate charge thereof.

The Commission shall hold stated meetings at least once a month and may hold such special meetings as it may deem necessary at any place within the State. At each regular and special meeting that is open to the public, members of the public shall be afforded time, subject to reasonable constraints, to make comments to or to ask questions of the Commission.

The Commission shall provide a web site and a toll-free telephone number to accept comments from Illinois residents regarding any matter under the auspices of the Commission or before the Commission. The Commission staff shall report, in a manner established by the Commission that is consistent with the Commission's rules regarding ex parte communications, to the full Commission comments and suggestions received through both venues before all relevant votes of the Commission.

The Commission may, for the authentication of its records, process and proceedings, adopt, keep and use a common seal, of which seal judicial notice shall be taken in all courts of this State; and any process, notice, order or other paper which the Commission may be authorized by

New matter indicated by italics - deletions by strikeout
law to issue shall be deemed sufficient if signed and certified by the Chairman of the Commission or his or her designee, either by hand or by facsimile, and with such seal attached; and all acts, orders, proceedings, rules, entries, minutes, schedules and records of the Commission, and all reports and documents filed with the Commission, may be proved in any court of this State by a copy thereof, certified to by the Chairman of the Commission, with the seal of the Commission attached.

Notwithstanding any other provision of this Section, the Commission's established procedures for accepting testimony from Illinois residents on matters pending before the Commission shall be consistent with the Commission's rules regarding ex parte communications and due process.

(Source: P.A. 84-617.)

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

school districts; a community college district, State college or university, or any State agency whose major function is providing educational services; any authority including a department, division, bureau, board, commission, or other agency of these entities; and any person acting within the scope of his or her authority express or implied on behalf of those entities in dealing with its employees except that "employer" does not include any governmental entity.

"Employee" means any individual who is employed on a full-time, part-time, or contractual basis by an employer.

(Source: P.A. 93-544, eff. 1-1-04.)

(740 ILCS 174/15)

Sec. 15. Retaliation for certain disclosures prohibited.

(a) An employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation.

(b) An employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation.

(Source: P.A. 93-544, eff. 1-1-04.)

(740 ILCS 174/40 new)

Sec. 40. Home Rule Limitation. It is the public policy of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution that the provisions of this Act are the exclusive exercise by the State of powers and functions which might otherwise be exercised by other home rule units. Such powers and functions may not be exercised concurrently, either directly or indirectly by any unit of local government, including any home rule unit except as otherwise authorized by this Act.

Section 10. The Whistleblower Reward and Protection Act is amended by changing Sections 2 and 3 as follows:

(740 ILCS 175/2) (from Ch. 127, par. 4102)

Sec. 2. Definitions. As used in this Act:

New matter indicated by italics - deletions by strikeout
(a) "State" means the State of Illinois; any agency of State government; the system of State colleges and universities, any school district, community college district, county, municipality, municipal corporation, unit of local government, and any combination of the above under an intergovernmental agreement that includes provisions for a governing body of the agency created by the agreement, and any of the following entities which may elect to adopt the provisions of this Act by ordinance or resolution, a copy of which shall be filed with the Attorney General within 30 days of its adoption: the system of State colleges and universities, any school district, any public community college district, any municipality, municipal corporations, units of local government, and any combination of the above under an intergovernmental agreement that includes provisions for a governing body of the agency created by the agreement:

(b) "Guard" means the Illinois National Guard.

(c) "Investigation" means any inquiry conducted by any investigator for the purpose of ascertaining whether any person is or has been engaged in any violation of this Act.

(d) "Investigator" means a person who is charged by the Department of State Police with the duty of conducting any investigation under this Act, or any officer or employee of the State acting under the direction and supervision of the Department of State Police, through the Division of Operations or the Division of Internal Investigation, in the course of an investigation.

(e) "Documentary material" includes the original or any copy of any book, record, report, memorandum, paper, communication, tabulation, chart, or other document, or data compilations stored in or accessible through computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret such data compilations, and any product of discovery.

(f) "Custodian" means the custodian, or any deputy custodian, designated by the Attorney General under subsection (i)(1) of Section 6.

(g) "Product of discovery" includes:

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(1) the original or duplicate of any deposition, interrogatory, document, thing, result of the inspection of land or other property, examination, or admission, which is obtained by any method of discovery in any judicial or administrative proceeding of an adversarial nature;

(2) any digest, analysis, selection, compilation, or derivation of any item listed in paragraph (1); and

(3) any index or other manner of access to any item listed in paragraph (1).

(Source: P.A. 91-760, eff. 1-1-01.)

(740 ILCS 175/3) (from Ch. 127, par. 4103)

Sec. 3. False claims.

(a) Liability for certain acts. Any person who:

(1) knowingly presents, or causes to be presented, to an officer or employee of the State or a member of the Guard a false or fraudulent claim for payment or approval;

(2) knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the State;

(3) conspires to defraud the State by getting a false or fraudulent claim allowed or paid;

(4) has possession, custody, or control of property or money used, or to be used, by the State and, intending to defraud the State or willfully to conceal the property, delivers, or causes to be delivered, less property than the amount for which the person receives a certificate or receipt;

(5) authorized to make or deliver a document certifying receipt of property used, or to be used, by the State and, intending to defraud the State, makes or delivers the receipt without completely knowing that the information on the receipt is true;

(6) knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the State, or a member of the Guard, who lawfully may not sell or pledge the property; or

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(7) knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the State; 

(8) knowingly takes adverse employment action against an employee for disclosing information to a government or law enforcement agency, if the employee has reasonable cause to believe that the information discloses a violation of State or federal law, rule, or regulation; or 

(9) knowingly retaliates against an employee who has disclosed information in a court, an administrative hearing, before a legislative commission or committee, or in another proceeding and discloses information, if the employee has reasonable cause to believe that the information discloses a violation of State or federal law, rule, or regulation,

is liable to the State for a civil penalty of not less than $5,500 and not more than $11,000, plus 3 times the amount of damages which the State sustains because of the act of that person. A person violating this subsection (a) shall also be liable to the State for the costs of a civil action brought to recover any such penalty or damages.

(b) Knowing and knowingly defined. As used in this Section, the terms "knowing" and "knowingly" mean that a person, with respect to information:

(1) has actual knowledge of the information;

(2) acts in deliberate ignorance of the truth or falsity of the information; or

(3) acts in reckless disregard of the truth or falsity of the information, and no proof of specific intent to defraud is required.

(c) Claim defined. As used in this Section, "claim" includes any request or demand, whether under a contract or otherwise, for money or property which is made to a contractor, grantee, or other recipient if the State provides any portion of the money or property which is requested or demanded, or if the State will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded. A claim also includes a request or demand for money damages.

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or injunctive relief on behalf of an employee who has suffered an adverse employment action taken in violation of paragraphs (8) or (9) of subsection (a).

(d) Exclusion. This Section does not apply to claims, records, or statements made under the Illinois Income Tax Act.

(Source: P.A. 94-1059, eff. 7-31-06.)


Effective January 1, 2008.

PUBLIC ACT 95-0129

(House Bill No. 0759)

AN ACT concerning property.

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

Section 1. Short title. This Act may be cited as the Condominium Advisory Council Act.

Section 5. Definitions. In this Act:

"Condominium" refers to property described in the Condominium Property Act.

"Council" means the Condominium Advisory Council.

Section 10. Condominium Advisory Council.

(a) Subject to appropriation, the Condominium Advisory Council is created within the Department of Revenue. Subject to appropriation, the Department of Revenue shall provide administrative and financial support to the Council. The Council shall be composed of 7 members appointed as follows:

(1) Four members of the General Assembly, one each appointed by the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

(2) Three members of the public who have knowledge or ownership interests in condominiums appointed by the Governor.

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(b) The Governor shall designate one of the members of the Council as chairperson. The Council may choose such other officers as it deems appropriate. The Council shall meet at the call of the chairperson.

(c) The members of the Council shall receive no compensation for their services as members of the Council but may be reimbursed for actual expenses incurred in the performance of their duties on the Council from appropriations made to them for such purpose.

(d) A majority of the members of the Council shall constitute a quorum to do business and a majority vote of the members of the Council shall be necessary for a decision of the Council.

Section 15. Council duties. The Council shall:

(1) identify issues facing condominium owners, condominium associations, and other persons who have financial interests in condominiums;

(2) study the Condominium Property Act and related Acts that affect condominium ownership and suggest legislation to the General Assembly to amend those Acts; and

(3) report its findings and recommendations to the Governor and General Assembly by January 31, 2008.

Section 20. Dissolution of Council. The Council shall be dissolved 30 days after it reports its findings and recommendations to the Governor and General Assembly.

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


PUBLIC ACT 95-0130
(House Bill No. 0894)

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

New matter indicated by italics - deletions by strikeout
Section 5. The Public Utilities Act is amended by changing Section 16-115 as follows:

(220 ILCS 5/16-115)

Sec. 16-115. Certification of alternative retail electric suppliers.

(a) Any alternative retail electric supplier must obtain a certificate of service authority from the Commission in accordance with this Section before serving any retail customer or other user located in this State. An alternative retail electric supplier may request, and the Commission may grant, a certificate of service authority for the entire State or for a specified geographic area of the State.

(b) An alternative retail electric supplier seeking a certificate of service authority shall file with the Commission a verified application containing information showing that the applicant meets the requirements of this Section. The alternative retail electric supplier shall publish notice of its application in the official State newspaper within 10 days following the date of its filing. No later than 45 days after the application is properly filed with the Commission, and such notice is published, the Commission shall issue its order granting or denying the application.

(c) An application for a certificate of service authority shall identify the area or areas in which the applicant intends to offer service and the types of services it intends to offer. Applicants that seek to serve residential or small commercial retail customers within a geographic area that is smaller than an electric utility's service area shall submit evidence demonstrating that the designation of this smaller area does not violate Section 16-115A. An applicant that seeks to serve residential or small commercial retail customers may state in its application for certification any limitations that will be imposed on the number of customers or maximum load to be served.

(d) The Commission shall grant the application for a certificate of service authority if it makes the findings set forth in this subsection based on the verified application and such other information as the applicant may submit:

(1) That the applicant possesses sufficient technical, financial and managerial resources and abilities to provide the...
service for which it seeks a certificate of service authority. In determining the level of technical, financial and managerial resources and abilities which the applicant must demonstrate, the Commission shall consider (i) the characteristics, including the size and financial sophistication, of the customers that the applicant seeks to serve, and (ii) whether the applicant seeks to provide electric power and energy using property, plant and equipment which it owns, controls or operates;

(2) That the applicant will comply with all applicable federal, State, regional and industry rules, policies, practices and procedures for the use, operation, and maintenance of the safety, integrity and reliability of the interconnected electric transmission system;

(3) That the applicant will only provide service to retail customers in an electric utility's service area that are eligible to take delivery services under this Act;

(4) That the applicant will comply with such informational or reporting requirements as the Commission may by rule establish and provide the information required by Section 16-112. Any data related to contracts for the purchase and sale of electric power and energy shall be made available for review by the Staff of the Commission on a confidential and proprietary basis and only to the extent and for the purposes which the Commission determines are reasonably necessary in order to carry out the purposes of this Act;

(5) (Blank) That if the applicant, its corporate affiliates or the applicant's principal source of electricity (to the extent such source is known at the time of the application) owns or controls facilities, for public use, for the transmission or distribution of electricity to end-users within a defined geographic area to which electric power and energy can be physically and economically delivered by the electric utility or utilities in whose service area or areas the proposed service will be offered, the applicant, its corporate affiliates or principal source of electricity, as the case may be, provides delivery services to the electric utility or utilities

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in whose service area or areas the proposed service will be offered that are reasonably comparable to those offered by the electric utility, and provided further, that the applicant agrees to certify annually to the Commission that it is continuing to provide such delivery services and that it has not knowingly assisted any person or entity to avoid the requirements of this Section. For purposes of this subparagraph, "principal source of electricity" shall mean a single source that supplies at least 65% of the applicant's electric power and energy, and the purchase of transmission and distribution services pursuant to a filed tariff under the jurisdiction of the Federal Energy Regulatory Commission or a state public utility commission shall not constitute control of access to the provider's transmission and distribution facilities;

(6) With respect to an applicant that seeks to serve residential or small commercial retail customers, that the area to be served by the applicant and any limitations it proposes on the number of customers or maximum amount of load to be served meet the provisions of Section 16-115A, provided, that the Commission can extend the time for considering such a certificate request by up to 90 days, and can schedule hearings on such a request;

(7) That the applicant meets the requirements of subsection (a) of Section 16-128; and

(8) That the applicant will comply with all other applicable laws and regulations.

(e) A retail customer that owns a cogeneration or self-generation facility and that seeks certification only to provide electric power and energy from such facility to retail customers at separate locations which customers are both (i) owned by, or a subsidiary or other corporate affiliate of, such applicant and (ii) eligible for delivery services, shall be granted a certificate of service authority upon filing an application and notifying the Commission that it has entered into an agreement with the relevant electric utilities pursuant to Section 16-118. Provided, however, that if the retail customer owning such cogeneration or self-generation facility would not
be charged a transition charge due to the exemption provided under subsection (f) of Section 16-108 prior to the certification, and the retail customers at separate locations are taking delivery services in conjunction with purchasing power and energy from the facility, the retail customer on whose premises the facility is located shall not thereafter be required to pay transition charges on the power and energy that such retail customer takes from the facility.

(f) The Commission shall have the authority to promulgate rules and regulations to carry out the provisions of this Section. On or before May 1, 1999, the Commission shall adopt a rule or rules applicable to the certification of those alternative retail electric suppliers that seek to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more which shall provide for (i) expedited and streamlined procedures for certification of such alternative retail electric suppliers and (ii) specific criteria which, if met by any such alternative retail electric supplier, shall constitute the demonstration of technical, financial and managerial resources and abilities to provide service required by subsection (d) (1) of this Section, such as a requirement to post a bond or letter of credit, from a responsible surety or financial institution, of sufficient size for the nature and scope of the services to be provided; demonstration of adequate insurance for the scope and nature of the services to be provided; and experience in providing similar services in other jurisdictions.

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


Effective January 1, 2008.
Section 5. The Environmental Protection Act is amended by changing Section 3.330 as follows:

(415 ILCS 5/3.330) (was 415 ILCS 5/3.32)
Sec. 3.330. Pollution control facility.
(a) "Pollution control facility" is any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act.

The following are not pollution control facilities:

1. (Blank);
2. Waste disposal sites regulated under 40 CFR, Part 761.42;
3. Sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person;
4. Sites or facilities at which the State is performing removal or remedial action pursuant to Section 22.2 or 55.3;
5. Abandoned quarries used solely for the disposal of concrete, earth materials, gravel, or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due to the construction and installation of underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by a public utility;
6. Sites or facilities used by any person to specifically conduct a landscape composting operation;
7. Regional facilities as defined in the Central Midwest Interstate Low-Level Radioactive Waste Compact;

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(8) the portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (r)(2) or (r)(3) of Section 21;

(9) the portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV;

(10) the portion of a site or facility used for treatment of petroleum contaminated materials by application onto or incorporation into the soil surface and any portion of that site or facility used for storage of petroleum contaminated materials before treatment. Only those categories of petroleum listed in Section 57.9(a)(3) are exempt under this subdivision (10);

(11) the portion of a site or facility where used oil is collected or stored prior to shipment to a recycling or energy recovery facility, provided that the used oil is generated by households or commercial establishments, and the site or facility is a recycling center or a business where oil or gasoline is sold at retail;

(11.5) processing sites or facilities that receive only on-specification used oil, as defined in 35 Ill. Admin. Code 739, originating from used oil collectors for processing that is managed under 35 Ill. Admin. Code 739 to produce products for sale to off-site petroleum facilities, if these processing sites or facilities are: (i) located within a home rule unit of local government with a population of at least 30,000 according to the 2000 federal census, that home rule unit of local government has been designated as an Urban Round II Empowerment Zone by the United States Department of Housing and Urban Development, and that home rule unit of local government has enacted an ordinance approving the location of the site or facility and provided funding for the site or facility; and (ii) in compliance with all applicable zoning requirements;

(12) the portion of a site or facility utilizing coal combustion waste for stabilization and treatment of only waste generated on that site or facility when used in connection with

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response actions pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the federal Resource Conservation and Recovery Act of 1976, or the Illinois Environmental Protection Act or as authorized by the Agency;

(13) the portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population over 700,000 as of January 1, 2000, and operated and located in accordance with Section 22.38 of this Act;

(14) the portion of a site or facility, located within a unit of local government that has enacted local zoning requirements, used to accept, separate, and process uncontaminated broken concrete, with or without protruding metal bars, provided that the uncontaminated broken concrete and metal bars are not speculatively accumulated, are at the site or facility no longer than one year after their acceptance, and are returned to the economic mainstream in the form of raw materials or products; and

(15) the portion of a site or facility located in a county with a population over 3,000,000 that has obtained local siting approval under Section 39.2 of this Act for a municipal waste incinerator on or before July 1, 2005 and that is used for a non-hazardous waste transfer station; and

(16) the portion of a site or facility located in a county with a population greater than 3,000,000 that has obtained local siting approval, under Section 39.2 of this Act, for a municipal waste incinerator on or before July 1, 2005 and that is used for wood combustion facilities for energy recovery that accept and burn only wood material, as included in a fuel specification approved by the Agency.

(b) A new pollution control facility is:

(1) a pollution control facility initially permitted for development or construction after July 1, 1981; or

(2) the area of expansion beyond the boundary of a currently permitted pollution control facility; or

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(3) a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste.

(Source: P.A. 93-998, eff. 8-23-04; 94-94, eff. 7-1-05; 94-249, eff. 7-19-05; 94-824, eff. 6-2-06; revised 8-3-06.)

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


PUBLIC ACT 95-0132
(House Bill No. 0987)

AN ACT concerning local government.

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

Section 1. Short title. This Act may be cited as the Wabash and Ohio Rivers Coordinating Council Act.

Section 5. Legislative Purpose. The restoration and conservation of the Wabash and Ohio Rivers and their tributaries is in the economic and ecological interest of the citizens of this State. It is further in the public interest to establish, implement, and monitor water management projects run by local, State, federal and not for profit entities.

Section 10. Wabash and Ohio Rivers Coordinating Council.

(a) There is established the Wabash and Ohio Rivers Coordinating Council (Council), consisting of 13 voting members. One member shall be the Lieutenant Governor who shall serve as a voting member and as chairperson of the Council. The Directors of the following agencies and departments, or their designees, shall serve as ex-officio voting members: the Department of Agriculture, the Department of Commerce and Economic Opportunity, the Illinois Environmental Protection Agency, the Department of Natural Resources, and the Department of Transportation. In addition, the Council shall include one member, appointed by the
Governor, representing soil and water conservation districts located in the proximity of the Wabash and Ohio Rivers and its tributaries, and 6 members, appointed by the Governor, representing local communities and not-for-profit organizations working to protect the Wabash and Ohio Rivers and their tributaries, businesses, agriculture, recreation, conservation, and the environment.

(b) The Governor may appoint, as non-voting members, individuals representing the interests of the states that border the Wabash and Ohio Rivers and individuals representing federal agencies.

(c) The voting members of the Council who are appointed by the Governor shall serve 2-year terms, except that of the initial appointments, 3 members shall be appointed to serve 2-year terms and 4 members to serve one-year terms.

(d) The Council shall meet at least quarterly.

(e) The Office of the Lieutenant Governor shall be responsible for the operations of the Council, including, without limitation, funding and oversight of the Council's activities. Members of the Council shall serve without compensation, but may be reimbursed for necessary travel expenses.

(f) This Section is subject to the provisions of Section 405-500 of the Department of Central Management Services Law.

Section 15. Duties of the Council. The Council shall do the following:

(1) periodically review activities and programs administered by State and federal agencies that directly impact the Wabash and Ohio Rivers and their tributaries;

(2) work with local communities and organizations to encourage partnerships that enhance awareness and capabilities to address watershed and water resource concerns and to encourage strategies that protect, restore, and expand critical habitats and soil conservation and water quality practices;

(3) work with State and federal agencies to optimize the expenditure of funds affecting the Wabash and Ohio Rivers and their tributaries;

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(4) advise and make recommendations to the Governor and State agencies on ways to better coordinate the expenditure of appropriated funds affecting the Wabash and Ohio Rivers and their tributaries;

(5) encourage local communities to develop water management plans to address stormwater, erosion, flooding, sedimentation, and pollution problems and encourage projects for the natural conveyance and storage of floodwaters, the enhancement of wildlife habitat and outdoor recreation opportunities, the recovery, management, and conservation of the Wabash and Ohio Rivers and their tributaries, the preservation of farmland, prairies, and forests, and the use of measurable economic development efforts that are compatible with the ecological health of the State; and

(6) help identify possible sources of additional funding for Wabash and Ohio Rivers water management projects.

Section 20. Agency duties. State agencies represented on the Council shall provide to the Council, on request, information concerning agency programs, data, and activities that impact the restoration and preservation of the Wabash and Ohio Rivers and their tributaries.


Effective January 1, 2008.

PUBLIC ACT 95-0133

(House Bill No. 1066)

AN ACT concerning regulation.

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

Section 5. The Hospice Program Licensing Act is amended by adding Section 15 as follows:

(210 ILCS 60/15 new)

Sec. 15. Hospice and Palliative Care Advisory Board.

New matter indicated by italics - deletions by strikeout
(a) The Director shall appoint a Hospice and Palliative Care Advisory Board ("the Board") to consult with the Department as provided in this Section. The membership of the Board shall be as follows:

(1) The Director, ex officio, who shall be a nonvoting member and shall serve as chairman of the Board.

(2) One representative of each of the following State agencies, each of whom shall be a nonvoting member: the Department of Healthcare and Family Services, the Department of Human Services, and the Department on Aging.

(3) One member who is a physician licensed to practice medicine in all its branches, selected from the recommendations of a statewide professional society representing physicians licensed to practice medicine in all its branches in all specialties.

(4) One member who is a registered nurse, selected from the recommendations of professional nursing associations.

(5) Four members selected from the recommendations of organizations whose primary membership consists of hospice programs.

(6) Two members who represent the general public and who have no responsibility for management or formation of policy of a hospice program and no financial interest in a hospice program.

(7) One member selected from the recommendations of consumer organizations that engage in advocacy or legal representation on behalf of hospice patients and their immediate families.

(b) Of the initial appointees, 4 shall serve for terms of 2 years, 4 shall serve for terms of 3 years, and 5 shall serve for terms of 4 years, as determined by lot at the first meeting of the Board. Each successor member shall be appointed for a term of 4 years. A member appointed to fill a vacancy before the expiration of the term for which his or her predecessor was appointed shall be appointed to serve for the remainder of that term.

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(c) The Board shall meet as frequently as the chairman deems necessary, but not less than 4 times each year. Upon the request of 4 or more Board members, the chairman shall call a meeting of the Board. A Board member may designate a replacement to serve at a Board meeting in place of the member by submitting a letter stating that designation to the chairman before or at the Board meeting. The replacement member must represent the same general interests as the member being replaced, as described in paragraphs (1) through (7) of subsection (a).

(d) Board members are entitled to reimbursement for their actual expenses incurred in performing their duties.

(e) The Board shall advise the Department on all aspects of the Department's responsibilities under this Act, including the format and content of any rules adopted by the Department on or after the effective date of this amendatory Act of the 95th General Assembly. Any such rule or amendment to a rule proposed on or after the effective date of this amendatory Act of the 95th General Assembly, except an emergency rule adopted pursuant to Section 5-45 of the Illinois Administrative Procedure Act, that is adopted without obtaining the advice of the Board is null and void. If the Department fails to follow the advice of the Board with respect to a proposed rule or amendment to a rule, the Department shall, before adopting the rule or amendment to a rule, transmit a written explanation of the reason for its action to the Board. During its review of rules, the Board shall analyze the economic and regulatory impact of those rules. If the Board, having been asked for its advice with respect to a proposed rule or amendment to a rule, fails to advise the Department within 90 days, the proposed rule or amendment shall be considered to have been acted upon by the Board.

Effective January 1, 2008.
AN ACT concerning criminal law.

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

Section 5. The Unified Code of Corrections is amended by changing Section 3-6-3 as follows:

(730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

Sec. 3-6-3. Rules and Regulations for Early Release.

(a) (1) The Department of Corrections shall prescribe rules and regulations for the early release on account of good conduct of persons committed to the Department which shall be subject to review by the Prisoner Review Board.

(2) The rules and regulations on early release shall provide, with respect to offenses listed in clause (i), (ii), or (iii) of this paragraph (2) committed on or after June 19, 1998 or with respect to the offense listed in clause (iv) of this paragraph (2) committed on or after June 23, 2005 (the effective date of Public Act 94-71) or with respect to the offense of being an armed habitual criminal committed on or after August 2, 2005 (the effective date of Public Act 94-398) or with respect to the offenses listed in clause (v) of this paragraph (2) committed on or after the effective date of this amendatory Act of the 95th General Assembly, the following:

(i) that a prisoner who is serving a term of imprisonment for first degree murder or for the offense of terrorism shall receive no good conduct credit and shall serve the entire sentence imposed by the court;

(ii) that a prisoner serving a sentence for attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm,
heinous battery, being an armed habitual criminal, aggravated battery of a senior citizen, or aggravated battery of a child shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment;

(iii) that a prisoner serving a sentence for home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has made and entered a finding, pursuant to subsection (c-1) of Section 5-4-1 of this Code, that the conduct leading to conviction for the enumerated offense resulted in great bodily harm to a victim, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment; and

(iv) that a prisoner serving a sentence for aggravated discharge of a firearm, whether or not the conduct leading to conviction for the offense resulted in great bodily harm to the victim, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment; and:

(v) that a person serving a sentence for gunrunning, narcotics racketeering, controlled substance trafficking, methamphetamine trafficking, drug-induced homicide, aggravated methamphetamine-related child endangerment, money laundering pursuant to clause (c) (4) or (5) of Section 29B-1 of the Criminal Code of 1961, or a Class X felony conviction for delivery of a controlled substance, possession of a controlled substance with intent to manufacture or deliver, calculated criminal drug conspiracy, criminal drug conspiracy, street gang criminal drug conspiracy, participation in methamphetamine manufacturing, aggravated participation in methamphetamine manufacturing, delivery of
methamphetamine, possession with intent to deliver methamphetamine, aggravated delivery of methamphetamine, aggravated possession with intent to deliver methamphetamine, methamphetamine conspiracy when the substance containing the controlled substance or methamphetamine is 100 grams or more shall receive no more than 7.5 days good conduct credit for each month of his or her sentence of imprisonment.

(2.1) For all offenses, other than those enumerated in subdivision (a)(2)(i), (ii), or (iii) committed on or after June 19, 1998 or subdivision (a)(2)(iv) committed on or after June 23, 2005 (the effective date of Public Act 94-71) or subdivision (a)(2)(v) committed on or after the effective date of this amendatory Act of the 95th General Assembly, and other than the offense of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, the rules and regulations shall provide that a prisoner who is serving a term of imprisonment shall receive one day of good conduct credit for each day of his or her sentence of imprisonment or recommitment under Section 3-3-9. Each day of good conduct credit shall reduce by one day the prisoner's period of imprisonment or recommitment under Section 3-3-9.

(2.2) A prisoner serving a term of natural life imprisonment or a prisoner who has been sentenced to death shall receive no good conduct credit.

(2.3) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or

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drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.4) The rules and regulations on early release shall provide with respect to the offenses of aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm or aggravated discharge of a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm, committed on or after July 15, 1999 (the effective date of Public Act 91-121), that a prisoner serving a sentence for any of these offenses shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.5) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for aggravated arson committed on or after July 27, 2001 (the effective date of Public Act 92-176) shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(3) The rules and regulations shall also provide that the Director may award up to 180 days additional good conduct credit for meritorious service in specific instances as the Director deems proper; except that no more than 90 days of good conduct credit for meritorious service shall be awarded to any prisoner who is serving a sentence for conviction of first degree murder, reckless homicide while under the influence of alcohol or any other drug, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, aggravated kidnapping, kidnapping, predatory criminal sexual assault of a child, aggravated criminal sexual assault,

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criminal sexual assault, deviate sexual assault, aggravated criminal
sexual abuse, aggravated indecent liberties with a child, indecent
liberties with a child, child pornography, heinous battery,
aggravated battery of a spouse, aggravated battery of a spouse with
a firearm, stalking, aggravated stalking, aggravated battery of a
child, endangering the life or health of a child, or cruelty to a child;
or narcotic racketeering. Notwithstanding the foregoing, good
conduct credit for meritorious service shall not be awarded on a
sentence of imprisonment imposed for conviction of: (i) one of the
offenses enumerated in subdivision (a)(2)(i), (ii), or (iii) when the
offense is committed on or after June 19, 1998 or subdivision
(a)(2)(iv) when the offense is committed on or after June 23, 2005
(the effective date of Public Act 94-71) or subdivision (a)(2)(v)
when the offense is committed on or after the effective date of this
amendatory Act of the 95th General Assembly, (ii) reckless
homicide as defined in subsection (e) of Section 9-3 of the
Criminal Code of 1961 when the offense is committed on or after
January 1, 1999, or aggravated driving under the influence of
alcohol, other drug or drugs, or intoxicating compound or
compounds, or any combination thereof as defined in subparagraph
(F) of paragraph (1) of subsection (d) of Section 11-501 of the
Illinois Vehicle Code, (iii) one of the offenses enumerated in
subdivision (a)(2.4) when the offense is committed on or after July
15, 1999 (the effective date of Public Act 91-121), or (iv)
aggravated arson when the offense is committed on or after July
27, 2001 (the effective date of Public Act 92-176).

(4) The rules and regulations shall also provide that the
good conduct credit accumulated and retained under paragraph
(2.1) of subsection (a) of this Section by any inmate during specific
periods of time in which such inmate is engaged full-time in
substance abuse programs, correctional industry assignments, or
educational programs provided by the Department under this
paragraph (4) and satisfactorily completes the assigned program as
determined by the standards of the Department, shall be multiplied

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by a factor of 1.25 for program participation before August 11, 1993 and 1.50 for program participation on or after that date. However, no inmate shall be eligible for the additional good conduct credit under this paragraph (4) or (4.1) of this subsection (a) while assigned to a boot camp or electronic detention, or if convicted of an offense enumerated in subdivision (a)(2)(i), (ii), or (iii) of this Section that is committed on or after June 19, 1998 or subdivision (a)(2)(iv) of this Section that is committed on or after June 23, 2005 (the effective date of Public Act 94-71) or subdivision (a)(2)(v) of this Section that is committed on or after the effective date of this amendatory Act of the 95th General Assembly, or if convicted of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense is committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, or if convicted of an offense enumerated in paragraph (a)(2.4) of this Section that is committed on or after July 15, 1999 (the effective date of Public Act 91-121), or first degree murder, a Class X felony, criminal sexual assault, felony criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery with a firearm, or any predecessor or successor offenses with the same or substantially the same elements, or any inchoate offenses relating to the foregoing offenses. No inmate shall be eligible for the additional good conduct credit under this paragraph (4) who (i) has previously received increased good conduct credit under this paragraph (4) and has subsequently been convicted of a felony, or (ii) has previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility.

Educational, vocational, substance abuse and correctional industry programs under which good conduct credit may be increased under this paragraph (4) and paragraph (4.1) of this

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subsection (a) shall be evaluated by the Department on the basis of documented standards. The Department shall report the results of these evaluations to the Governor and the General Assembly by September 30th of each year. The reports shall include data relating to the recidivism rate among program participants.

Availability of these programs shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. Eligible inmates who are denied immediate admission shall be placed on a waiting list under criteria established by the Department. The inability of any inmate to become engaged in any such programs by reason of insufficient program resources or for any other reason established under the rules and regulations of the Department shall not be deemed a cause of action under which the Department or any employee or agent of the Department shall be liable for damages to the inmate.

(4.1) The rules and regulations shall also provide that an additional 60 days of good conduct credit shall be awarded to any prisoner who passes the high school level Test of General Educational Development (GED) while the prisoner is incarcerated. The good conduct credit awarded under this paragraph (4.1) shall be in addition to, and shall not affect, the award of good conduct under any other paragraph of this Section, but shall also be pursuant to the guidelines and restrictions set forth in paragraph (4) of subsection (a) of this Section. The good conduct credit provided for in this paragraph shall be available only to those prisoners who have not previously earned a high school diploma or a GED. If, after an award of the GED good conduct credit has been made and the Department determines that the prisoner was not eligible, then the award shall be revoked.

(4.5) The rules and regulations on early release shall also provide that when the court's sentencing order recommends a prisoner for substance abuse treatment and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354), the prisoner shall receive no good conduct credit.
credit awarded under clause (3) of this subsection (a) unless he or she participates in and completes a substance abuse treatment program. The Director may waive the requirement to participate in or complete a substance abuse treatment program and award the good conduct credit in specific instances if the prisoner is not a good candidate for a substance abuse treatment program for medical, programming, or operational reasons. Availability of substance abuse treatment shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. If treatment is not available and the requirement to participate and complete the treatment has not been waived by the Director, the prisoner shall be placed on a waiting list under criteria established by the Department. The Director may allow a prisoner placed on a waiting list to participate in and complete a substance abuse education class or attend substance abuse self-help meetings in lieu of a substance abuse treatment program. A prisoner on a waiting list who is not placed in a substance abuse program prior to release may be eligible for a waiver and receive good conduct credit under clause (3) of this subsection (a) at the discretion of the Director.

(5) Whenever the Department is to release any inmate earlier than it otherwise would because of a grant of good conduct credit for meritorious service given at any time during the term, the Department shall give reasonable advance notice of the impending release to the State's Attorney of the county where the prosecution of the inmate took place.

(b) Whenever a person is or has been committed under several convictions, with separate sentences, the sentences shall be construed under Section 5-8-4 in granting and forfeiting of good time.

(c) The Department shall prescribe rules and regulations for revoking good conduct credit, or suspending or reducing the rate of accumulation of good conduct credit for specific rule violations, during imprisonment. These rules and regulations shall provide that no inmate
may be penalized more than one year of good conduct credit for any one infraction.

When the Department seeks to revoke, suspend or reduce the rate of accumulation of any good conduct credits for an alleged infraction of its rules, it shall bring charges therefor against the prisoner sought to be so deprived of good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(4) of Section 3-3-2 of this Code, if the amount of credit at issue exceeds 30 days or when during any 12 month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In those cases, the Department of Corrections may revoke up to 30 days of good conduct credit. The Board may subsequently approve the revocation of additional good conduct credit, if the Department seeks to revoke good conduct credit in excess of 30 days. However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of good conduct credit within any calendar year for any prisoner or to increase any penalty beyond the length requested by the Department.

The Director of the Department of Corrections, in appropriate cases, may restore up to 30 days good conduct credits which have been revoked, suspended or reduced. Any restoration of good conduct credits in excess of 30 days shall be subject to review by the Prisoner Review Board. However, the Board may not restore good conduct credit in excess of the amount requested by the Director.

Nothing contained in this Section shall prohibit the Prisoner Review Board from ordering, pursuant to Section 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the sentence imposed by the court that was not served due to the accumulation of good conduct credit.

(d) If a lawsuit is filed by a prisoner in an Illinois or federal court against the State, the Department of Corrections, or the Prisoner Review Board, or against any of their officers or employees, and the court makes a specific finding that a pleading, motion, or other paper filed by the prisoner is frivolous, the Department of Corrections shall conduct a hearing to revoke up to 180 days of good conduct credit by bringing
charges against the prisoner sought to be deprived of the good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(8) of Section 3-3-2 of this Code. If the prisoner has not accumulated 180 days of good conduct credit at the time of the finding, then the Prisoner Review Board may revoke all good conduct credit accumulated by the prisoner.

For purposes of this subsection (d):
(1) "Frivolous" means that a pleading, motion, or other filing which purports to be a legal document filed by a prisoner in his or her lawsuit meets any or all of the following criteria:
   (A) it lacks an arguable basis either in law or in fact;
   (B) it is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;
   (C) the claims, defenses, and other legal contentions therein are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
   (D) the allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; or
   (E) the denials of factual contentions are not warranted on the evidence, or if specifically so identified, are not reasonably based on a lack of information or belief.

(2) "Lawsuit" means a petition for post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963, a motion pursuant to Section 116-3 of the Code of Criminal Procedure of 1963, a habeas corpus action under Article X of the Code of Civil Procedure or under federal law (28 U.S.C. 2254), a petition for claim under the Court of Claims Act or an action under the federal Civil Rights Act (42 U.S.C. 1983).

(e) Nothing in Public Act 90-592 or 90-593 affects the validity of Public Act 89-404.
PUBLIC ACT 95-0134

(Source: P.A. 93-213, eff. 7-18-03; 93-354, eff. 9-1-03; 94-71, eff. 6-23-05; 94-128, eff. 7-7-05; 94-156, eff. 7-8-05; 94-398, eff. 8-2-05; 94-491, eff. 8-8-05; 94-744, eff. 5-8-06.)

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


PUBLIC ACT 95-0135
(House Bill No. 1637)

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

Section 5. The Property Tax Code is amended by changing Section 10-30 as follows:

(35 ILCS 200/10-30)
Sec. 10-30. Subdivisions; counties of less than 3,000,000.
(a) In counties with less than 3,000,000 inhabitants, the platting and subdivision of property into separate lots and the development of the subdivided property with streets, sidewalks, curbs, gutters, sewer, water and utility lines shall not increase the assessed valuation of all or any part of the property, if:

(1) The property is platted and subdivided in accordance with the Plat Act;
(2) The platting occurs after January 1, 1978;
(3) At the time of platting the property is in excess of 5 acres; and
(4) At the time of platting the property is vacant or used as a farm as defined in Section 1-60.

(b) Except as provided in subsection (c) of this Section, the assessed valuation of property so platted and subdivided shall be determined each year based on the estimated price the property would

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bring at a fair voluntary sale for use by the buyer for the same purposes for which the property was used when last assessed prior to its platting.

(c) Upon completion of a habitable structure on any lot of subdivided property, or upon the use of any lot, either alone or in conjunction with any contiguous property, for any business, commercial or residential purpose, or upon the initial sale of any platted lot, including a platted lot which is vacant: (i) the provisions of subsection (b) of this Section shall no longer apply in determining the assessed valuation of the lot, (ii) each lot shall be assessed without regard to any provision of this Section, and (iii) the assessed valuation of the remaining property, when next determined, shall be reduced proportionately to reflect the exclusion of the property that no longer qualifies for valuation under this Section.

Holding or offering a platted lot for initial sale shall not constitute a use of the lot for business, commercial or residential purposes unless a habitable structure is situated on the lot or unless the lot is otherwise used for a business, commercial or residential purpose.

(Source: P.A. 83-837; 88-455.)

Effective January 1, 2008.

PUBLIC ACT 95-0136
(House Bill No. 1719)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Counties Code is amended by changing Sections 3-8013 and 3-8014 as follows:
(55 ILCS 5/3-8013) (from Ch. 34, par. 3-8013)
Sec. 3-8013. Disciplinary measures. Disciplinary measures for actions violating either the rules and regulations of the Commission or the internal procedures of the sheriff's office may be taken by the sheriff. Such disciplinary measures may include suspension of any certified person for

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reasonable periods, not exceeding a cumulative 30 days in any 12-month period. However, on and after June 1, 2007, in any sheriff’s office with a collective bargaining agreement covering the employment of department personnel, such disciplinary measures and the method of review of those measures shall be subject to mandatory bargaining, including, but not limited to, the use of impartial arbitration as an alternative or supplemental form of due process.

(Source: P.A. 86-962.)

(55 ILCS 5/3-8014) (from Ch. 34, par. 3-8014)

Sec. 3-8014. Removal, demotion or suspension. Except as is otherwise provided in this Division, no certified person shall be removed, demoted or suspended except for cause, upon written charges filed with the Merit Commission by the sheriff. Upon the filing of such a petition, the sheriff may suspend the certified person pending the decision of the Commission on the charges. After the charges have been heard, the Commission may direct that the person receive his pay for any part or all of this suspension period, if any.

The charges shall be heard by the Commission upon not less than 14 days' certified notice. At such hearing, the accused certified person shall be afforded full opportunity to be represented by counsel, to be heard in his own defense and to produce proof in his defense. Both the Commission and the sheriff may be represented by counsel. The State's Attorney of the applicable county may advise either the Commission or the sheriff. The other party may engage private counsel to advise it.

The Commission shall have the power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers in support of the charges and for the defense. Each member of the Commission shall have the power to administer oaths.

If the charges against an accused person are established by the preponderance of evidence, the Commission shall make a finding of guilty and order either removal, demotion, loss of seniority, suspension for a period of not more than 180 days, or such other disciplinary punishment as may be prescribed by the rules and regulations of the Commission which, in the opinion of the members thereof, the offense justifies. If the charges

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against an accused person are not established by the preponderance of
evidence, the Commission shall make a finding of not guilty and shall
order that the person be reinstated and be paid his compensation for the
suspension period, if any, while awaiting the hearing. The sheriff shall
take such action as may be ordered by the Commission. However, on and
after June 1, 2007, in any sheriff's office with a collective bargaining
agreement covering the employment of department personnel, such
disciplinary measures and the method of review of those measures shall be
subject to mandatory bargaining, including, but not limited to, the use of
impartial arbitration as an alternative or supplemental form of due
process and any of the procedures laid out in this Section.

The provisions of the Administrative Review Law, and all
amendments and modifications thereof, and the rules adopted pursuant
thereto, shall apply to and govern all proceedings for the judicial review of
any order of the Commission rendered pursuant to this Section. The
plaintiff shall pay the reasonable cost of preparing and certifying the
record for judicial review. However, if the plaintiff prevails in the judicial
review proceeding, the court shall award to the plaintiff a sum equal to the
costs paid by the plaintiff to have the record for judicial review prepared
and certified.
(Source: P.A. 86-962.)
Effective January 1, 2008.

PUBLIC ACT 95-0137
(House Bill No. 1743)

AN ACT concerning employment.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Illinois Human Rights Act is amended by changing
Section 2-102 as follows:
(775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

New matter indicated by italics - deletions by strikeout
Sec. 2-102. Civil Rights Violations - Employment. It is a civil rights violation:

(A) Employers. For any employer to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment on the basis of unlawful discrimination or citizenship status.

(A-5) Language. For an employer to impose a restriction that has the effect of prohibiting a language from being spoken by an employee in communications that are unrelated to the employee's duties.

For the purposes of this subdivision (A-5), "language" means a person's native tongue, such as Polish, Spanish, or Chinese. "Language" does not include such things as slang, jargon, profanity, or vulgarity.

(B) Employment Agency. For any employment agency to fail or refuse to classify properly, accept applications and register for employment referral or apprenticeship referral, refer for employment, or refer for apprenticeship on the basis of unlawful discrimination or citizenship status or to accept from any person any job order, requisition or request for referral of applicants for employment or apprenticeship which makes or has the effect of making unlawful discrimination or discrimination on the basis of citizenship status a condition of referral.

(C) Labor Organization. For any labor organization to limit, segregate or classify its membership, or to limit employment opportunities, selection and training for apprenticeship in any trade or craft, or otherwise to take, or fail to take, any action which affects adversely any person's status as an employee or as an applicant for employment or as an apprentice, or as an applicant for apprenticeships, or wages, tenure, hours of employment or apprenticeship conditions on the basis of unlawful discrimination or citizenship status.

(D) Sexual Harassment. For any employer, employee, agent of any employer, employment agency or labor organization to engage in sexual harassment; provided, that an employer shall be responsible for sexual harassment of the employer's employees by nonemployees or nonmanagerial and nonsupervisory employees only if the employer

New matter indicated by italics - deletions by strikeout
becomes aware of the conduct and fails to take reasonable corrective measures.

(E) Public Employers. For any public employer to refuse to permit a public employee under its jurisdiction who takes time off from work in order to practice his or her religious beliefs to engage in work, during hours other than such employee's regular working hours, consistent with the operational needs of the employer and in order to compensate for work time lost for such religious reasons. Any employee who elects such deferred work shall be compensated at the wage rate which he or she would have earned during the originally scheduled work period. The employer may require that an employee who plans to take time off from work in order to practice his or her religious beliefs provide the employer with a notice of his or her intention to be absent from work not exceeding 5 days prior to the date of absence.

(F) Training and Apprenticeship Programs. For any employer, employment agency or labor organization to discriminate against a person on the basis of age in the selection, referral for or conduct of apprenticeship or training programs.

(G) Immigration-Related Practices.

(1) For an employer to request for purposes of satisfying the requirements of Section 1324a(b) of Title 8 of the United States Code, as now or hereafter amended, more or different documents than are required under such Section or to refuse to honor documents tendered that on their face reasonably appear to be genuine; or:

(2) For an employer participating in the Basic Pilot Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot Programs for Employment Eligibility Confirmation (enacted by PL 104-208, div. C title IV, subtitle A) to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment without following the procedures under the Basic Pilot Program.
It is not a civil rights violation for an employer to take any action that is required by Section 1324a of Title 8 of the United States Code, as now or hereafter amended.
(Source: P.A. 93-217, eff. 1-1-04.)

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

Effective January 1, 2008.

PUBLIC ACT 95-0138
(House Bill No. 1744)

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

Section 5. The Right to Privacy in the Workplace Act is amended by adding Section 12 as follows:

(a) Employers are prohibited from enrolling in any Employment Eligibility Verification System, including the Basic Pilot program, as authorized by 8 U.S.C. 1324a, Notes, Pilot Programs for Employment Eligibility Confirmation (enacted by PL 104-208, div. C, title IV, subtitle A), until the Social Security Administration (SSA) and Department of Homeland Security (DHS) databases are able to make a determination on 99% of the tentative nonconfirmation notices issued to employers within 3 days, unless otherwise required by federal law.

(b) Subject to subsection (a) of this Section, an employer who enrolls in the Basic Pilot program is prohibited from the Employment Eligibility Verification Systems, to confirm the employment authorization of new hires unless the employer attests, under penalty of perjury, on a form prescribed by the Department of Labor:

New matter indicated by italics - deletions by strikeout
(1) that the employer has received the Basic Pilot training materials from DHS, and that personnel who will administer the program have completed the Basic Pilot Computer Based Tutorial (CBT); and

(2) that the employer has posted the notice from DHS indicating that the employer is enrolled in the Basic Pilot program, the anti-discrimination notice issued by the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC), Civil Rights Division, U.S. Department of Justice, and the anti-discrimination notice issued by the Illinois Department of Human Rights (IDHR).

(c) Responsibilities of employer using Employment Eligibility Verification Systems.

(1) The employer shall display the notices supplied by DHS, OSC, and IDHR in a prominent place that is clearly visible to prospective employees.

(2) The employer shall require that all employer representatives performing employment verification queries complete the CBT. The employer shall attest, under penalty of perjury, on a form prescribed by the Department of Labor, that the employer representatives completed the CBT.

(3) The employer shall become familiar with and comply with the Basic Pilot Manual.

(4) The employer shall notify all prospective employees at the time of application that such employment verification system may be used for immigration enforcement purposes.

(5) The employer shall provide all employees who receive a tentative nonconfirmation with a referral letter and contact information for what agency the employee must contact to resolve the discrepancy.

(6) The employer shall comply with the Illinois Human Rights Act and any applicable federal anti-discrimination laws.

(7) The employer shall use the information it receives from SSA or DHS only to confirm the employment eligibility of newly-

New matter indicated by italics - deletions by strikeout
hired employees after completion of the Form I-9. The employer shall safeguard this information, and means of access to it (such as passwords and other privacy protections), to ensure that it is not used for any other purpose and as necessary to protect its confidentiality, including ensuring that it is not disseminated to any person other than employees of the employer who need it to perform the employer's responsibilities.

(d) Preemption. No unit of local government, including a home rule unit, may require any employer to use an Employment Eligibility Verification System, including under the following circumstances:

(1) as a condition of receiving a government contract;
(2) as a condition of receiving a business license; or
(3) as penalty for violating licensing or other similar laws.

This subsection (d) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

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

Effective January 1, 2008.

PUBLIC ACT 95-0139
(House Bill No. 1780)

AN ACT concerning State government.

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

Section 5. The State Finance Act is amended by changing Sections 5.411, 5.412, and 6z-32 as follows:

(30 ILCS 105/5.411)

Sec. 5.411. The Partners for Conservation 2000 Fund.

(Source: P.A. 89-49, eff. 6-29-95; 89-626, eff. 8-9-96.)

(30 ILCS 105/5.412)

New matter indicated by italics - deletions by strikeout
Sec. 5.412. The *Partners for Conservation 2000* Projects Fund.
(Source: P.A. 89-49, eff. 6-29-95; 89-626, eff. 8-9-96.)
(30 ILCS 105/6z-32)

Sec. 6z-32. *Partners for Planning and Conservation 2000*.

(a) The *Partners for Conservation 2000* Fund (formerly known as the *Conservation 2000* Fund) and the *Partners for Conservation 2000* Projects Fund (formerly known as the *Conservation 2000 Projects Fund*) are created as special funds in the State Treasury. These funds shall be used to establish a comprehensive program to protect Illinois' natural resources through cooperative partnerships between State government and public and private landowners. Moneys in these Funds may be used, subject to appropriation, by the Department of Natural Resources, Environmental Protection Agency, and the Departments of Agriculture, Natural Resources, and Transportation for purposes relating to natural resource protection, planning, recreation, tourism, and compatible agricultural and economic development activities. Without limiting these general purposes, moneys in these Funds may be used, subject to appropriation, for the following specific purposes:

1. To foster sustainable agriculture practices and control soil erosion and sedimentation, including grants to Soil and Water Conservation Districts for conservation practice cost-share grants and for personnel, educational, and administrative expenses.

2. To establish and protect a system of ecosystems in public and private ownership through conservation easements, incentives to public and private landowners, natural resource restoration and preservation, water quality protection and improvement, land use and watershed planning, including technical assistance and grants, and land acquisition provided these mechanisms are all voluntary on the part of the landowner and do not involve the use of eminent domain.

3. To develop a systematic and long-term program to effectively measure and monitor natural resources and ecological

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conditions through investments in technology and involvement of scientific experts.

(4) To initiate strategies to enhance, use, and maintain Illinois' inland lakes through education, technical assistance, research, and financial incentives.

(5) To partner with private landowners and with units of State, federal, and local government and with not-for-profit organizations in order to integrate State and federal programs with Illinois' natural resource protection and restoration efforts and to meet requirements to obtain federal and other funds for conservation or protection of natural resources. To conduct an extensive review of existing Illinois water laws.

(b) The State Comptroller and State Treasurer shall automatically transfer on the last day of each month, beginning on September 30, 1995 and ending on June 30, 2009, from the General Revenue Fund to the Partners for Conservation 2000 Fund, an amount equal to 1/10 of the amount set forth below in fiscal year 1996 and an amount equal to 1/12 of the amount set forth below in each of the other specified fiscal years:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1996</td>
<td>$3,500,000</td>
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<tr>
<td>1997</td>
<td>$9,000,000</td>
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<tr>
<td>1998</td>
<td>$10,000,000</td>
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<tr>
<td>1999</td>
<td>$11,000,000</td>
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<tr>
<td>2000</td>
<td>$12,500,000</td>
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<tr>
<td>2001 through 2004</td>
<td>$14,000,000</td>
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<tr>
<td>2005</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>2006</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>2007</td>
<td>$0</td>
</tr>
<tr>
<td>2008 through 2009</td>
<td>$14,000,000</td>
</tr>
</tbody>
</table>

(c) Notwithstanding any other provision of law to the contrary and in addition to any other transfers that may be provided for by law, on the last day of each month beginning on July 31, 2006 and ending on June 30, 2007, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer $1,000,000 from the Open
Space Lands Acquisition and Development Fund to the Conservation 2000 Fund.

(d) There shall be deposited into the Partners for Conservation 2000 Projects Fund such bond proceeds and other moneys as may, from time to time, be provided by law.

(Source: P.A. 93-839, eff. 7-30-04; 94-91, eff. 7-1-05; 94-839, eff. 6-6-06.)

Effective January 1, 2008.

PUBLIC ACT 95-0140
(House Bill No. 1832)

AN ACT concerning State government.

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

Section 5. The Historic Preservation Agency Act is amended by changing Section 16 as follows:

(20 ILCS 3405/16) (from Ch. 127, par. 2716)

Sec. 16. The Historic Sites and Preservation Division of the Agency shall have the following additional powers:

(a) To hire agents and employees necessary to carry out the duties and purposes of the Historic Sites and Preservation Division of the Agency.

(b) To take all measures necessary to erect, maintain, preserve, restore, and conserve all State Historic Sites and State Memorials, except when supervision and maintenance is otherwise provided by law. This authorization includes the power, with the consent of the Board, to enter into contracts, acquire and dispose of real and personal property, and enter into leases of real and personal property. The Agency has the power to acquire, for purposes authorized by law, any real property in fee simple subject to a life estate in the seller in not more than 3 acres of the real

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property acquired, subject to the restrictions that the life estate shall be used for residential purposes only and that it shall be non-transferable.

(c) To provide recreational facilities including camp sites, lodges and cabins, trails, picnic areas and related recreational facilities at all sites under the jurisdiction of the Agency.

(d) To lay out, construct and maintain all needful roads, parking areas, paths or trails, bridges, camp or lodge sites, picnic areas, lodges and cabins, and any other structures and improvements necessary and appropriate in any State historic site or easement thereto; and to provide water supplies, heat and light, and sanitary facilities for the public and living quarters for the custodians and keepers of State historic sites.

(e) To grant licenses and rights-of-way within the areas controlled by the Historic Sites and Preservation Division of the Agency for the construction, operation and maintenance upon, under or across the property, of facilities for water, sewage, telephone, telegraph, electric, gas, or other public service, subject to the terms and conditions as may be determined by the Agency.

(f) To authorize the officers, employees and agents of the Historic Sites and Preservation Division of the Agency, for the purposes of investigation and to exercise the rights, powers, and duties vested and that may be vested in it, to enter and cross all lands and waters in this State, doing no damage to private property.

(g) To transfer jurisdiction of or exchange any realty under the control of the Historic Sites and Preservation Division of the Agency to any other Department of the State Government, or to any agency of the Federal Government, or to acquire or accept Federal lands, when any transfer, exchange, acquisition or acceptance is advantageous to the State and is approved in writing by the Governor.

(h) To erect, supervise, and maintain all public monuments and memorials erected by the State, except when the supervision and maintenance of public monuments and memorials is otherwise provided by law.

(i) To accept, hold, maintain, and administer, as trustee, property given in trust for educational or historic purposes for the benefit of the public.
People of the State of Illinois and to dispose, with the consent of the Board, of any property under the terms of the instrument creating the trust.

(j) To lease concessions on any property under the jurisdiction of the Agency for a period not exceeding 25 years and to lease a concession complex at Lincoln's New Salem State Historic Site for which a cash incentive has been authorized under Section 5.1 of the Historic Preservation Agency Act for a period not to exceed 40 years. All leases, for whatever period, shall be made subject to the written approval of the Governor. All concession leases extending for a period in excess of 10 years, will contain provisions for the Agency to participate, on a percentage basis, in the revenues generated by any concession operation.

The Agency is authorized to allow for provisions for a reserve account and a leasehold account within Agency concession lease agreements for the purpose of setting aside revenues for the maintenance, rehabilitation, repair, improvement, and replacement of the concession facility, structure, and equipment of the Agency that are part of the leased premises.

The lessee shall be required to pay into the reserve account a percentage of gross receipts, as set forth in the lease, to be set aside and expended in a manner acceptable to the Agency by the concession lessee for the purpose of ensuring that an appropriate amount of the lessee's moneys are provided by the lessee to satisfy the lessee's incurred responsibilities for the operation of the concession facility under the terms and conditions of the concession lease.

The lessee account shall allow for the amortization of certain authorized expenses that are incurred by the concession lessee but that are not an obligation of the lessee under the terms and conditions of the lease agreement. The Agency may allow a reduction of up to 50% of the monthly rent due for the purpose of enabling the recoupment of the lessee's authorized expenditures during the term of the lease.

(k) To sell surplus agricultural products grown on land owned by or under the jurisdiction of the Historic Sites and Preservation Division of the Agency, when the products cannot be used by the Agency.

New matter indicated by italics - deletions by strikeout
(l) To enforce the laws of the State and the rules and regulations of
the Agency in or on any lands owned, leased, or managed by the Historic
Sites and Preservation Division of the Agency.

(m) To cooperate with private organizations and agencies of the
State of Illinois by providing areas and the use of staff personnel where
feasible for the sale of publications on the historic and cultural heritage of
the State and craft items made by Illinois craftsmen. These sales shall not
conflict with existing concession agreements. The Historic Sites and
Preservation Division of the Agency is authorized to negotiate with the
organizations and agencies for a portion of the monies received from sales
to be returned to the Historic Sites and Preservation Division of the
Agency's Historic Sites Fund for the furtherance of interpretive and
restoration programs.

(n) To establish local bank or savings and loan association
accounts, upon the written authorization of the Director, to temporarily
hold income received at any of its properties. The local accounts
established under this Section shall be in the name of the Historic
Preservation Agency and shall be subject to regular audits. The balance in
a local bank or savings and loan association account shall be forwarded to
the Agency for deposit with the State Treasurer on Monday of each week
if the amount to be deposited in a fund exceeds $500.

No bank or savings and loan association shall receive public funds
as permitted by this Section, unless it has complied with the requirements
established under Section 6 of the Public Funds Investment Act.

(o) To accept, with the consent of the Board, offers of gifts,
gratuities, or grants from the federal government, its agencies, or offices,
or from any person, firm, or corporation.

(p) To make reasonable rules and regulations as may be necessary
to discharge the duties of the Agency.

(q) With appropriate cultural organizations, to further and advance
the goals of the Agency.

(r) To make grants for the purposes of planning, survey,
rehabilitation, restoration, reconstruction, landscaping, and acquisition of
Illinois properties (i) designated individually in the National Register of

New matter indicated by italics - deletions by strikeout
Historic Places, (ii) designated as a landmark under a county or municipal landmark ordinance, or (iii) located within a National Register of Historic Places historic district or a locally designated historic district when the Director determines that the property is of historic significance whenever an appropriation is made therefor by the General Assembly or whenever gifts or grants are received for that purpose and to promulgate regulations as may be necessary or desirable to carry out the purposes of the grants.

Grantees may, as prescribed by rule, be required to provide matching funds for each grant. Grants made under this subsection shall be known as Illinois Heritage Grants.

Every owner of a historic property, or the owner's agent, is eligible to apply for a grant under this subsection.

(s) To establish and implement a pilot program for charging admission to State historic sites. Fees may be charged for special events, admissions, and parking or any combination; fees may be charged at all sites or selected sites. All fees shall be deposited into the Illinois Historic Sites Fund. The Historic Sites and Preservation Division of the Agency shall have the discretion to set and adjust reasonable fees at the various sites, taking into consideration various factors including but not limited to: cost of services furnished to each visitor, impact of fees on attendance and tourism and the costs expended collecting the fees. The Agency shall keep careful records of the income and expenses resulting from the imposition of fees, shall keep records as to the attendance at each historic site, and shall report to the Governor and General Assembly by January 31 after the close of each year. The report shall include information on costs, expenses, attendance, comments by visitors, and any other information the Agency may believe pertinent, including:

(1) Recommendations as to whether fees should be continued at each State historic site.

(2) How the fees should be structured and imposed.

(3) Estimates of revenues and expenses associated with each site.

(t) To provide for overnight tent and trailer campsites and to provide suitable housing facilities for student and juvenile overnight
camping groups. The Historic Sites and Preservation Division of the Agency shall charge rates similar to those charged by the Department of Conservation for the same or similar facilities and services.

(u) To engage in marketing activities designed to promote the sites and programs administered by the Agency. In undertaking these activities, the Agency may take all necessary steps with respect to products and services, including but not limited to retail sales, wholesale sales, direct marketing, mail order sales, telephone sales, advertising and promotion, purchase of product and materials inventory, design, printing and manufacturing of new products, reproductions, and adaptations, copyright and trademark licensing and royalty agreements, and payment of applicable taxes. In addition, the Agency shall have the authority to sell advertising in its publications and printed materials. All income from marketing activities shall be deposited into the Illinois Historic Sites Fund.

(Source: P.A. 91-202, eff. 1-1-00; 92-600, eff. 7-1-02.)

Effective January 1, 2008.

PUBLIC ACT 95-0141
(House Bill No. 1872)

AN ACT concerning education.

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

Section 3. The School Code is amended by changing Section 9-10 as follows:

(105 ILCS 5/9-10) (from Ch. 122, par. 9-10)

Sec. 9-10. Candidates for office - Nominating petitions. Candidates for the office of school director shall be nominated by petition signed by at least 25 voters or 5% of the voters, whichever is less, residing within the district and filed with the secretary of the board of school directors or with a person designated by the board to receive nominating petitions.

New matter indicated by italics - deletions by strikeout
Nominations for members of boards of education, including non-
high school boards of education shall be made by a petition signed by at
least 50 voters or 10% of the voters, whichever is less, residing within the
district and shall be filed with the secretary of the board of education or
with a person designated by the board to receive nominating petitions. In
addition to the requirements of the general election law, the form of such
petitions shall be substantially as follows:

NOMINATING PETITIONS
(LEAVE OUT THE INAPPLICABLE PART.)

To the secretary of the board of education (or board of directors) of
district number .... in .... County:

We the undersigned, being (.... or more) (or 10% or more) (or 5%
or more) of the voters residing within said district, hereby petition that ....
who resides at .... in the (city or village) of .... in Township .... (or who
resides outside any city, village or incorporated town and in Township ....)
in said district shall be a candidate for the office of .... of the board of
education (or board of directors) (full term) (vacancy) to be voted for at
the election to be held on (insert date).

Name: .................. Address: ...................

In the designation of the name of a candidate on a petition for
nomination, the candidate's given name or names, initial or initials, a
nickname by which the candidate is commonly known, or a combination
thereof may be used in addition to the candidate's surname. If a candidate
has changed his or her name, whether by a statutory or common law
procedure in Illinois or any other jurisdiction, within 3 years before the
last day for filing the petition, then (i) the candidate's name on the petition
must be followed by "formerly known as (list all prior names during the 3-
year period) until name changed on (list date of each such name change)"
and (ii) the petition must be accompanied by the candidate's affidavit
stating the candidate's previous names during the period specified in
clause (i) and the date or dates each of those names was changed; failure
to meet these requirements shall be grounds for denying certification of
the candidate's name for the ballot, but these requirements do not apply to
name changes resulting from adoption to assume an adoptive parent's or

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parents' surname, marriage to assume a spouse's surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname. No other designation, such as a political slogan, as defined by Section 7-17 of the Election Code, title or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname.

Nomination papers filed under this Section are not valid unless the candidate named therein files with the secretary of the board of education or a person designated by the board to receive nominating petitions a receipt from the county clerk showing that the candidate has filed a statement of economic interests as required by the Illinois Governmental Ethics Act. Such receipt shall be so filed either previously during the calendar year in which his nomination papers were filed or within the period for the filing of nomination papers in accordance with the general election law.

All petitions for the nomination of members of a board of education shall be filed with the secretary of the board or a person designated by the board to receive nominating petitions within the time provided for by the general election law. The secretary shall receive and file only those petitions which include a statement of candidacy, the required number of voter signatures, the notarized signature of the petition circulator and a receipt from the County Clerk showing that the candidate has filed a statement of economic interest on or before the last day to file as required by the Illinois Governmental Ethics Act. The secretary may have petition forms available for issuance to potential candidates, and may give notice of the petition filing period by publication in a newspaper of general circulation within the school district not less than 10 days prior to the first day of filing. Said secretary shall make certification to the proper election authorities in accordance with the general election law. If the secretary is an incumbent school board member seeking re-election, a disinterested person must be a witness to the filing of his petition.

The secretary of the board of education shall notify the candidates for whom a petition for nomination is filed or the appropriate committee of the obligations under the Campaign Financing Act as provided in the
general election law. Such notice shall be given on a form prescribed by the State Board of Elections and in accordance with the requirements of the general election law. The secretary shall within 7 days of filing or on the last day for filing, whichever is earlier, acknowledge to the petitioner in writing his acceptance of the petition.

A candidate for membership on the board of education or for office as a school director, who has petitioned for nomination to fill a full term and to fill a vacant term to be voted upon at the same election, must withdraw his or her petition for nomination from either the full term or the vacant term by written declaration.

In all newly organized districts the petition for the nomination of candidates for members of the board of education at the first election shall be addressed to and filed with the regional superintendent of schools in the manner herein specified for the petitions for members of a board of education. For such election the regional superintendent shall fulfill all duties otherwise assigned to the secretary of the board of education.

(50 ILCS 135/12)

Section 5. The Local Governmental Employees Political Rights Act is amended by changing Section 12 as follows:

(50 ILCS 135/12)

AN ACT concerning government.

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

Section 5. The Local Governmental Employees Political Rights Act is amended by changing Section 12 as follows:
Sec. 12. Elective and appointed office. 
(a) A member of any fire department or fire protection district may:
(1) be a candidate for elective public office and serve in that public office if elected;
(2) be appointed to any public office and serve in that public office if appointed; and
(3) as long as the member is not in uniform and not on duty, solicit votes and campaign funds and challenge voters for the public office for which the member is a candidate.
(b) A firefighter who is elected to the Illinois General Assembly shall, upon written application to the employer, be granted a leave of absence without compensation during his or her term of office.
(Source: P.A. 94-316, eff. 7-25-05.)

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


PUBLIC ACT 95-0143
(House Bill No. 2858)

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

Section 5. The Criminal Code of 1961 is amended by changing Section 11-6 as follows:
(720 ILCS 5/11-6) (from Ch. 38, par. 11-6)
Sec. 11-6. Indecent solicitation of a child.
(a) A person of the age of 17 years and upwards commits the offense of indecent solicitation of a child if the person, with the intent that the offense of aggravated criminal sexual assault, criminal sexual assault, predatory criminal sexual assault of a child, or aggravated criminal sexual abuse be committed, knowingly solicits a child or one whom he or she

New matter indicated by italics - deletions by strikeout
believes to be a child to perform an act of sexual penetration or sexual
conduct as defined in Section 12-12 of this Code.

(a-5) A person of the age of 17 years and upwards commits the
offense of indecent solicitation of a child if the person knowingly discusses
an act of sexual conduct or sexual penetration with a child or with one
whom he or she believes to be a child by means of the Internet with the
intent that the offense of aggravated criminal sexual assault, predatory
criminal sexual assault of a child, or aggravated criminal sexual abuse be
committed.

(a-6) It is not a defense to subsection (a-5) that the person did not
solicit the child to perform sexual conduct or sexual penetration with the
person.

(b) Definitions. As used in this Section:
"Solicit" means to command, authorize, urge, incite,
request, or advise another to perform an act by any means
including, but not limited to, in person, over the phone, in writing,
by computer, or by advertisement of any kind.
"Child" means a person under 17 years of age.
"Internet" means an interactive computer service or system
or an information service, system, or access software provider that
provides or enables computer access by multiple users to a
computer server, and includes, but is not limited to, an information
service, system, or access software provider that provides access to
a network system commonly known as the Internet, or any
comparable system or service and also includes, but is not limited
to, a World Wide Web page, newsgroup, message board, mailing
list, or chat area on any interactive computer service or system or
other online service.
"Sexual penetration" or "sexual conduct" are defined in
Section 12-12 of this Code.

(c) Sentence. Indecent solicitation of a child under subsection (a)
is:

New matter indicated by italics - deletions by strikeout
(1) a Class 1 felony when the act, if done, would be predatory criminal sexual assault of a child or aggravated criminal sexual assault;
(2) a Class 2 felony when the act, if done, would be criminal sexual assault;
(3) a Class 3 felony when the act, if done, would be aggravated criminal sexual abuse.

Indecent solicitation of a child under subsection (a-5) is a Class 4 felony.

(Source: P.A. 91-226, eff. 7-22-99.)

Effective January 1, 2008.

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

ARTICLE 1

Section 1. The following appropriations in this Article 1 are in addition to all other amounts previously appropriated to the Court of Claims for fiscal year 2007 for the stated purposes and from the stated funds. The following appropriations are for fiscal year 2007.

Section 5. The sum of $7,723,532.86, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Court of Claims for payment of line of duty awards.

Section 7. In addition to any amounts previously appropriated for such purposes, the amount of $5,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Court of Claims to pay claims under the Crime Victims Compensation Act.

Section 8. In addition to any amounts previously appropriated for such purposes, the amount of $2,000,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Court of Claims to pay claims other than Crime Victims.

Section 10. The following named amounts are appropriated from the General Revenue Fund to the Court of Claims to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 86-CC-3010, Louisa King, Administrator of the Estate of Christopher King, Jr. Personal Injury, against the Department of Mental Health  
$100,000.00

No. 97-CC-0462, Bianca Angela Principi. Tort, against the Department of Human Services  
$35,000.00

No. 98-CC-4809, Larry Reichert. Tort, against the University of Illinois  
$100,000.00

No. 99-CC-1445, Cynthia Kurelic, Administrator, of the Estate of George Kurelic, Jr. deceased. Tort, against the Illinois State Police  
$150,000.00

No. 00-CC-3374, Maryann Makkay. Tort, against the University of Illinois  
$51,708.45

No. 01-CC-0056, Joseph Linskey. Contract, against the Secretary of State  
$23,543.62

No. 03-CC-2437, Maurice Johnson. Personal Injury, against the Department of Corrections  
$8,500.00

No. 03-CC-5023, Mitch Hester, individually and as Next Friend of A.H., a minor. Tort, against the Department of Children and Family Services  
$5,000.00

No. 04-CC-0056, Antonio Cassanova. Personal Injury, against the Illinois State Police  
$50,335.00

No. 05-CC-0199, Dawn Marie McClure. Personal Injury and Property Damage, against Illinois State University  
$6,000.00

No. 05-CC-2399, John F. Heckinger, Jr. Contract, against the Attorney General  
$37,164.74

No. 06-CC-1906, Wexford Health Sources, Inc. Debt, against the Department of Corrections  
$153,528.81

New matter indicated by italics - deletions by strikeout
No. 06-CC-1907, Wexford Health Sources, Inc. Debt, against the Department of Corrections............... $115,104.70

No. 06-CC-3029, Miner, Barnhill & Galland, P.C.; Mexican-American Legal Defense and Education Fund; and Robins, Kaplan, Miller & Ciresi. Attorney Fees and Costs, or so much thereof as may be necessary, against the State Board of Elections.................... $700,000.00

No. 06-CC-0020, Loyola University Medical Center. Debt, against the Department of Human Services.................. $283,029.26

No. 06-CC-0020, Loyola University Physicians Foundation. Debt, against the Department of Human Services............... $523,434.50

No. 07-CC-1151, Governors State University. Debt, against the Department of Children and Family Services...... $206,302.08

No. 03-CC-4051, Xellethlyn Williams, as independent administrator of the Estate of James Williams, Jr. deceased. Tort, against the Department of Human Services.......................... $90,000.00

No. 04-CC-1145, Dennis and Valerie Graue. Reimbursement of supplemental expenses, against the Department of Children and Family Services........................................ $10,336.29

Section 15. The following named amounts are appropriated to the Court of Claims from the Road Fund 011, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 01-CC-2555, Jeffrey F. Bryan. Tort, against the Department of Transportation........................................ $34,565.66

No. 02-CC-2824, Katherine Pillow-Collins. Personal Injury, against the Department of Transportation............... $80,000.00

No. 04-CC-0719, Edith Gavin. Tort, against the Department of Transportation........................................ $5,500.00

No. 05-CC-0240, Allstate Insurance A/S/O Pagan et al. Subrogation, against the Department of Transportation........................................... $5,505.47

Section 20. The following named amounts are appropriated to the Court of Claims from Federal Fund 052, Title III Social Security and

New matter indicated by italics - deletions by strikeout
Employment Service Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000 ................................................ $17,624.17

Section 25. The following named amounts are appropriated to the Court of Claims from State Fund 288, Community Water Supply Laboratory Fund to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 06-CC-2927, Board of Trustees of SIU. Debt, against the Environmental Protection Agency .................. $76,579.30

Section 30. The following named amounts are appropriated to the Court of Claims from State Fund 301, Working Capital Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000 ................................................ $24,000.00

Section 35. The following named amounts are appropriated to the Court of Claims from State Fund 312, Communications Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 06-CC-3271, Symphony Service Corporation. Debt, against the Department of Central Management Services .................. $270,650.00

No. 06-CC-3400, SBC. Debt, against the Department of Central Management Services ...... $568,801.81

For payments of awards for lapsed appropriation claims less than $50,000 ................................................ $21,731.84

Section 40. The following named amounts are appropriated to the Court of Claims from State Fund 314, Facilities Management Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000 ................................................ $58,572.19

New matter indicated by italics - deletions by strikeout
Section 45. The following named amounts are appropriated to the Court of Claims from State Fund 344, Care Provider Fund for Persons With Developmental Disability, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.................................... $14,808.44

Section 50. The following named amounts are appropriated to the Court of Claims from Federal Fund 488, Criminal Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 06-CC-3289, Department of Corrections. Debt, against the Criminal Justice Information Authority............... $84,401.01

Section 55. The following named amounts are appropriated to the Court of Claims from Federal Fund 497, Civil Preparedness Administrative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 06-CC-3461, University of Illinois. Debt, against the Emergency Management Agency......................... $144,401.84

Section 60. The following named amounts are appropriated to the Court of Claims from State Fund 614, Capital Litigation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.................................... $40,826.37

Section 65. The following named amounts are appropriated to the Court of Claims from State Fund 733, Tobacco Settlement Recovery Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.................................... $13,331.63

Section 70. The following named amounts are appropriated to the Court of Claims from State Fund 849, Real Estate Research and Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
For payments of awards for lapsed appropriation claims less than $50,000.................................... $17,000.00

Section 75. The following named amounts are appropriated to the Court of Claims from State Fund 870, Low Income Home Energy Assistance Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 06-CC-0589, Community & Economic Development Association of Cook County. Debt, against the Department of Healthcare and Family Services $305,475.00

For payments of awards for lapsed appropriation claims less than $50,000.................................... $15,000.00

Section 80. The following named amounts are appropriated to the Court of Claims from Federal Fund 876, Community Mental Health Services Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 06-CC-0489, Aids Foundation of Chicago. Debt, against the Department of Public Health $100,000.00

For payments of awards for lapsed Appropriation claims less than $50,000........ $26,689.29

Section 85. The following named amounts are appropriated to the Court of Claims from Federal Fund 063, Public Health Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 07-CC-0489, Aids Foundation of Chicago. Debt, against the Department of Public Health $100,000.00

For payments of awards for lapsed Appropriation claims less than $50,000........ $26,689.29

Section 90. The following named amounts are appropriated to the Court of Claims from State Fund 304, Statistical Services Revolving Fund to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 06-CC-3189, Anchor Mechanical, Inc. Debt, against the Department of Central Management Services $51,700.00

Section 95. The following named amounts are appropriated to the Court of Claims from Federal Fund 876, Community Mental Health Services Block Fund to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
No. 07-CC-0168, Thresholds. Debt, against the Department of Human Services........................................ $52,152.53

Section 100. The following named amounts are appropriated to the Court of Claims from State Fund 920, Metabolic Screening and Treatment Fund to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation

Claims less than $50,000........................ $26,020.00

ARTICLE 2

Section 10. “AN ACT making appropriations,” Public Act 94-798, approved May 22, 2006, is amended by changing Sections 5 and 10 and by adding new Section 22 of Article 2, as follows:

(P.A. 94-798, Art. 2, Sec. 5)

Sec. 5. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2006:

FISCAL SUPPORT SERVICES

From the General Revenue Fund:

For Personal Services......................... 3,325,200
For Employee Retirement Contributions
  Paid by Employer.............................. 90,900
For Retirement Contributions............... 118,900
For Social Security Contributions.......... 168,700
For Contractual Services..................... 2,425,000
For Travel..................................... 313,700
For Commodities............................... 59,100
For Printing................................... 85,200
For Equipment................................ 70,900
For Telecommunications....................... 468,600
For Operation of Auto Equipment............ 20,000
Total $7,146,200

From the Drivers Education Fund:

For Personal Services........................ 48,200

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions
- Paid by Employer: 2,500
- For Retirement Contributions: 500
- For Social Security Contributions: 1,700
- For Group Insurance: 17,500
- For Refunds: $5,000
  Total: $75,400

From the SBE Federal Department of Agriculture Fund:
- For Personal Services: 3,433,400
  For Employee Retirement Contributions
  - Paid by Employer: 215,000
  - For Retirement Contributions: 369,100
  - For Social Security Contributions: 244,700
  - For Group Insurance: 714,100
  Total: 3,133,400
- For Contractual Services: 2,180,500
- For Travel: 300,000
- For Commodities: 75,000
- For Printing: 75,000
- For Equipment: 75,000
- For Telecommunications: 50,000
  Total: $7,731,800

From the SBE Federal Agency Services Fund:
- For Contractual Services: 12,000
- For Travel: 30,000
- For Commodities: 9,000
- For Printing: 2,000
- For Equipment: 11,000
- For Telecommunications: 9,000
  Total: $73,000

From the SBE Federal Department of Education Fund:
- For Personal Services: 1,081,000
- For Employee Retirement Contributions
  - Paid by Employer: 32,000
  - For Retirement Contributions: 102,600

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0144

For Social Security Contributions.................. 77,400
For Group Insurance................................. 257,400
For Contractual Services......................... 3,125,500
For Travel............................................. 1,350,000
For Commodities.................................... 305,000
For Printing.......................................... 341,000
For Equipment....................................... 380,000
For Telecommunications............................ 400,000
Total                                        $7,451,900

GENERAL OFFICE

From the General Revenue Fund:
For Personal Services............................. 2,268,100
For Employee Retirement Contributions
  Paid by Employer................................. 81,400
For Social Security Contributions............. 109,800
For Contractual Services...................... 815,000
Total                                        3,378,000

From the SBE Federal Department of Agriculture Fund:
For Contractual Services........................ 30,000
Total                                        $30,000

From the SBE Federal Department of Education Fund:
For Personal Services........................... 385,100
For Social Security Contributions.......... 225,000
Total                                        $750,300

HUMAN RESOURCES

From the General Revenue Fund:
For Personal Services........................... 559,900
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout
Paid by Employer......................... 27,700
For Retirement Contributions............... 37,700
For Social Security Contributions.......... 38,800
For Contractual Services.................. 50,000
Total ....................................... $714,100
From the SBE Federal Department of Agriculture Fund:
For Contractual Services.................. 10,500
Total ....................................... $10,500
From the SBE Federal Department of Education Fund:
For Contractual Services.................. 70,000
Total ....................................... $70,000

INTERNAL AUDIT
From the General Revenue Fund:
For Personal Services...................... 117,200
For Employee Retirement Contributions
Paid by Employer............................ 6,300
For Retirement Contributions................ 7,400
For Social Security Contributions........... 10,000
For Contractual Services.................. 3,000
Total ....................................... $143,900

SCHOOL SUPPORT SERVICES FOR ALL SCHOOLS
From the General Revenue Fund:
For Personal Services...................... 4,191,900
For Employee Retirement Contributions
Paid by Employer............................ 170,700
For Retirement Contributions............... 146,600
For Social Security Contributions.......... 216,300
For Contractual Services.................. 1,838,000
Total ....................................... $6,563,500
From the Teacher Certificate Fee Revolving Fund:
For Personal Services...................... 81,300
For Employee Retirement Contributions
Paid by Employer............................ 3,500
For Retirement Contributions............... 500

New matter indicated by italics - deletions by strikeout
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<tr>
<th>Fund</th>
<th>Description</th>
<th>Amount</th>
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<td>SBE Federal Department of Agriculture Fund</td>
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<td>For Employee Retirement Contributions</td>
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<td></td>
<td>For Retirement Contributions</td>
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<td>For Social Security Contributions</td>
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<td>For Group Insurance</td>
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<td>For Contractual Services</td>
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<td>SBE Federal Department of Education Fund</td>
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<td>For Employee Retirement Contributions</td>
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<td>For Retirement Contributions</td>
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<td>For Social Security Contributions</td>
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<td>For Group Insurance</td>
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<td>For Contractual Services</td>
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<td>School Infrastructure Fund</td>
<td>For Personal Services</td>
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<td>For Employee Retirement Contributions</td>
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<td>For Retirement Contributions</td>
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<td></td>
<td>For Social Security Contributions</td>
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<td></td>
<td>For Group Insurance</td>
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<td></td>
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<td>SPECIAL EDUCATION SERVICES</td>
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<td>From the SBE Federal Department of Education Fund</td>
<td>For Personal Services</td>
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<td></td>
<td>For Employee Retirement Contributions</td>
<td>143,300</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Retirement Contributions..................... 308,800
For Social Security Contributions................ 200,000
For Group Insurance.............................. 826,500
For Contractual Services....................... 1,850,000
Total $7,215,900

TEACHING AND LEARNING SERVICES FOR ALL CHILDREN

From the General Revenue Fund:
  For Personal Services......................... $3,650,000
  For Employee Retirement Contributions
    Paid by Employer.............................. 150,400
    For Retirement Contributions................ 133,900
    For Social Security Contributions.......... 168,400
    For Contractual Services................... 726,200
  Total $4,828,900

From the Teacher Certificate Fee Revolving Fund:
  For Personal Services.......................... 699,800
  For Employee Retirement Contributions
    Paid by Employer.............................. 20,200
    For Retirement Contributions.............. 37,200
    For Social Security Contributions.......... 51,700
    For Group Insurance.......................... 174,000
  Total $982,900

From the SBE Federal Agency Services Fund:
  For Personal Services.......................... 186,100
  For Employee Retirement Contributions
    Paid by Employer.............................. 7,300
    For Retirement Contributions.............. 13,900
    For Social Security Contributions.......... 15,000
    For Group Insurance.......................... 43,500
    For Contractual Services................... 203,000
  Total $468,800

From the SBE Federal Department of Education Fund:
  For Personal Services.......................... 5,684,100
  For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout
Paid by Employer.............................. 204,700
For Retirement Contributions............... 488,800
For Social Security Contributions............ 237,600
For Group Insurance......................... 1,174,500
For Contractual Services..................... 5,880,400
Total $13,670,100

(P.A. 94-798, Art. 2, Sec. 10)

Sec. 10. The following amounts or so much thereof as may be necessary, which shall be used by the Illinois State Board of Education exclusively for the foregoing purposes and not, under any circumstances, for personal services expenditures or other operational or administrative costs, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2006:
From the General Revenue Fund:
For Mentoring, After School and Student Support Programs........ 24,128,400 25,823,400
For Blind/Dyslexic Persons........................ 518,800
For Charter Schools............................ 3,421,500
For costs associated with the Chicago Aerospace Education Initiative................. 920,000
For Disabled Student Services/Materials...... 368,500,000
For Disabled Student Transportation Reimbursement........................ 326,607,800
For Disabled Student Tuition, Private Tuition............................. 109,080,000
For District Consolidation Costs/Supplemental Payments to School Districts, 18-8.2, 18-18.3, 18-8.5, 18-8.05(l) of the School Code......................... 7,850,000
For Extraordinary Special Education, 14-7.02 of the School Code.............. 268,892,600
For the Illinois Governmental Internship Program............................. 129,900
For Grants to Non-Profits and Community

New matter indicated by italics - deletions by strikeout
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<th>Organization/Program</th>
<th>Amount</th>
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<td>Organizations</td>
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<tr>
<td>For Grants for School Transportation</td>
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<td>For Healthy Kids/Healthy Minds/Expanded Vision</td>
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<td>For Jobs for Illinois Grads</td>
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<td>For the Metro East Consortium for Child Advocacy</td>
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<td>For Parental Guardian Programs/Transportation Reimbursement</td>
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<td>For the Philip J. Rock Center and School</td>
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<td>For Reimbursement for the Free Breakfast/Lunch Program</td>
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<td>For the School Breakfast Incentive Program</td>
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<td>For South Cook Intermediate Service Center</td>
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<td>For Standards, Assessments and Accountability</td>
<td>3,342,700</td>
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<td>For Summer School Payments, 18-4.3 of the School Code</td>
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<td>For Tax-Equivalent Grants, 18-4.4 of the School Code</td>
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<td>For Textbook Loans, 18-17 of the School Code</td>
<td>29,126,500</td>
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<td>For Transitional Assistance</td>
<td>11,800,000</td>
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<td>For Transition of Minority Students</td>
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<td>For Transportation-Regular/Vocational Common School Transportation Reimbursement, 29-5 of the School Code</td>
<td>286,118,000</td>
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<td>For Visually Impaired/Educational Materials Coordinating Unit, 14-11.01 of the School Code</td>
<td>2,121,000</td>
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<td>For Regular Education Reimbursement Per 18-3 of the School Code</td>
<td>13,130,000</td>
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New matter indicated by italics - deletions by strikeout
For Special Education Reimbursement
   Per 14-7.03 of the School Code........... 79,400,000
For all costs associated with Alternative
   Education/Regional Safe Schools.............. 18,535,500
For Truant Alternative and Optional
   Education Program........................... 18,078,100
For costs associated with Teach for America...... 450,000
For grants to Local Education Agencies
   to conduct Agriculture Education
   Programs........................................ 2,881,200
Total $1,635,903,200

From the Education Assistance Fund:
   For Career and Technical Education............ 38,562,100
   For the Early Childhood Block Grant........... 318,254,500
   For General State Aid........................ 833,560,000
   For General State Aid – Hold Harmless........... 20,211,500
   For the Reading Improvement Block
   Grant........................................... 76,139,800
   For the School Safety and Educational
   Improvement Block Grant......................... 74,841,000
   For the Summer Bridges Program..................... 22,238,100
   For Teacher Education, including prior year
   costs........................................... 9,605,000
   For the Illinois Teaching
   Excellence Program............................ 135,000
   For Technology for Success...................... 6,169,700
Total $1,399,716,700

From the Common School Fund:
   For General State Aid.......................... 3,312,558,200
   For Advanced Placement Classes.................. 1,500,000
   For Arts and Foreign Language Education,
   Pursuant to Section 105 ILCS 5/2-3.65a ....... 4,000,000
   For Grow Your Own Teachers...................... 3,000,000
For Regional Superintendents’ and

New matter indicated by italics - deletions by strikeout
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<th>Source of Funds</th>
<th>Amount</th>
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<td>Total</td>
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<td>From the General Revenue Fund:</td>
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<td>For Regional Superintendent’s Services</td>
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</tr>
<tr>
<td>From the School District Emergency</td>
<td></td>
</tr>
<tr>
<td>Financial Assistance Fund:</td>
<td></td>
</tr>
<tr>
<td>For Emergency Financial Assistance, 1B-8</td>
<td>1,000,000</td>
</tr>
<tr>
<td>of the School Code</td>
<td></td>
</tr>
<tr>
<td>From the Drivers Education Fund:</td>
<td></td>
</tr>
<tr>
<td>For Drivers Education</td>
<td>17,929,600</td>
</tr>
<tr>
<td>From the Charter Schools Revolving Loan Fund:</td>
<td></td>
</tr>
<tr>
<td>For Charter Schools Loans</td>
<td>20,000</td>
</tr>
<tr>
<td>From the School Technology Revolving Loan Fund:</td>
<td></td>
</tr>
<tr>
<td>For School Technology Loans, 2-3.117a</td>
<td>5,000,000</td>
</tr>
<tr>
<td>of the School Code</td>
<td></td>
</tr>
<tr>
<td>From the Temporary Relocation Expenses</td>
<td></td>
</tr>
<tr>
<td>Revolving Grant Fund:</td>
<td></td>
</tr>
<tr>
<td>For Temporary Relocation Expenses, 2-3.77</td>
<td>1,400,000</td>
</tr>
<tr>
<td>of the School Code</td>
<td></td>
</tr>
<tr>
<td>From the State Board of Education Federal Agency Services Fund:</td>
<td></td>
</tr>
<tr>
<td>For Learn and Serve America</td>
<td>2,500,000</td>
</tr>
<tr>
<td>From the State Board of Education Federal Agency Services Fund:</td>
<td></td>
</tr>
<tr>
<td>For Refugee Services</td>
<td>2,000,000</td>
</tr>
<tr>
<td>From the State Board of Education Federal Department of Agriculture Fund:</td>
<td></td>
</tr>
<tr>
<td>For Child Nutrition</td>
<td>475,000,000</td>
</tr>
<tr>
<td>From the State Board of Education Federal Department of Education Fund:</td>
<td></td>
</tr>
<tr>
<td>For Title I</td>
<td>642,000,000</td>
</tr>
<tr>
<td>For Title I, Reading First</td>
<td>50,000,000</td>
</tr>
<tr>
<td>For Title II, Teacher/Principal Training</td>
<td>134,830,000</td>
</tr>
<tr>
<td>For Title III, English Language</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Acquisitions</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acquisition</td>
<td>40,000,000</td>
</tr>
<tr>
<td>For Title IV, 21st Century/Community Service Programs</td>
<td>45,000,000</td>
</tr>
<tr>
<td>For Title IV, Safe and Drug Free Schools</td>
<td>20,000,000</td>
</tr>
<tr>
<td>For Title V, Innovation Programs</td>
<td>10,000,000</td>
</tr>
<tr>
<td>For Title VI, Rural and Low Income Students</td>
<td>1,500,000</td>
</tr>
<tr>
<td>For Title X, McKinney Homeless Assistance</td>
<td>3,250,000</td>
</tr>
<tr>
<td>For Enhancing Education through Technology</td>
<td>30,000,000</td>
</tr>
<tr>
<td>For Individuals with Disabilities Act, Deaf/Blind</td>
<td>380,000</td>
</tr>
<tr>
<td>For Individuals with Disabilities Act, IDEA</td>
<td>550,000,000</td>
</tr>
<tr>
<td>For Individuals with Disabilities Act, Improvement Program</td>
<td>2,500,000</td>
</tr>
<tr>
<td>For Individuals with Disabilities Act, Model Outreach Program Grants</td>
<td>400,000</td>
</tr>
<tr>
<td>For Individuals with Disabilities Act, Pre-School</td>
<td>25,000,000</td>
</tr>
<tr>
<td>For Grants for Vocational Education – Basic</td>
<td>50,000,000</td>
</tr>
<tr>
<td>For Grants for Vocational Education – Technical Preparation</td>
<td>5,000,000</td>
</tr>
<tr>
<td>For Charter Schools</td>
<td>2,500,000</td>
</tr>
<tr>
<td>For Transition to Teaching</td>
<td>1,000,000</td>
</tr>
<tr>
<td>For Advanced Placement Fee</td>
<td>2,000,000</td>
</tr>
<tr>
<td>For Math/Science Partnerships</td>
<td>9,000,000</td>
</tr>
<tr>
<td>For Special Federal Congressional Projects</td>
<td>5,000,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,629,360,000</strong></td>
</tr>
</tbody>
</table>

(P.A. 94-798, Art. 2, Sec. 22, new)

Sec. 22. The amount of $863,000, or so much thereof as may be necessary and remains unexpended at the close of business on August 31, 2006, for appropriations heretofore made for such purpose in Article 82.1,

New matter indicated by italics - deletions by strikeout
Section 10 of Public Act 94-0015, is reappropriated from the Common School Fund to the Illinois State Board of Education for Arts Education.

Section 15. “AN ACT making appropriations,” Public Act 94-798, approved May 22, 2006, is amended by changing Section 120 of Article 6, as follows:

(P.A. 94-798, Art. 6, Sec. 120)
Sec. 120. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for a grant to the Black United Fund of Illinois to provide assistance to minority students in completing their baccalaureate degrees

for grants to community colleges for coordinators, recruiters, and related expenses.

Section 20. “AN ACT making appropriations,” Public Act 94-798, approved May 22, 2006, is amended by adding new Section 20 of Article 26, as follows:

(P.A. 94-798, Art. 26, Sec. 20, new)
Sec. 20. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the State Treasurer for costs associated with transitional expenses.

Section 21. “AN ACT making appropriations,” Public Act 94-798, approved May 22, 2006, is amended by changing Sections 5, 10, 15, 20, and 25 of Article 28, as follows:

(P.A. 94-798, Art. 28, Sec. 5)
Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the State Comptroller to pay the elected State officers of the Executive Branch of the State Government, at various rates prescribed by law:

For the Governor.......................... 158,000 150,700
For the Lieutenant Governor.......... 120,800 115,300
For the Secretary of State............. 139,400 133,000
For the Attorney General.............. 139,400 133,000
For the Comptroller.................. 120,800 115,300
For the State Treasurer............... 120,800 115,300
Total $799,200 $762,600

New matter indicated by italics - deletions by strikeout
Sec. 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the State Comptroller to pay certain appointed officers of the Executive Branch of the State Government, at the various rates prescribed by law:

From General Revenue Fund

Department on Aging
For the Director.................. 105,000 102,200

Department of Agriculture
For the Director.................. 121,000 117,800
For the Assistant Director....... 102,700 100,000

Department of Central Management Services
For the Director.................. 129,200 125,800
For 2 Assistant Directors........ 219,700 213,900

Department of Children and Family Services
For the Director.................. 134,000 128,100

Department of Corrections
For the Director.................. 134,000 128,100
For the Assistant Director....... 116,000 112,900

Department of Commerce and Economic Opportunity
For the Director.................. 129,200 125,800
For the Assistant Director....... 109,900 107,000

Environmental Protection Agency
For the Director.................. 121,000 117,800

Department of Financial and Professional Regulation
For the Secretary.................. 125,800
For the Director.................. 105,000 102,200
For the Director.................. 121,000 117,800
For the Director.................. 112,700 109,700

Department of Human Services
For the Secretary.................. 134,000 128,100
For 2 Assistant Secretaries....... 231,800 225,700

Department of Juvenile Justice
For the Director.................. 112,900

New matter indicated by italics - deletions by strikeout
### Department of Labor

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary 1</th>
<th>Salary 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the Director</td>
<td>112,700</td>
<td>109,700</td>
</tr>
<tr>
<td>For the Assistant Director</td>
<td>102,700</td>
<td>100,000</td>
</tr>
<tr>
<td>For the Chief Factory Inspector</td>
<td>46,500</td>
<td>44,400</td>
</tr>
<tr>
<td>For the Superintendent of Safety Inspection</td>
<td>51,200</td>
<td>48,800</td>
</tr>
</tbody>
</table>

### Department of State Police

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary 1</th>
<th>Salary 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the Director</td>
<td>120,300</td>
<td>117,200</td>
</tr>
<tr>
<td>For the Assistant Director</td>
<td>102,700</td>
<td>100,000</td>
</tr>
</tbody>
</table>

### Department of Military Affairs

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary 1</th>
<th>Salary 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>For two Chief Assistants to the Adjutant General</td>
<td>178,800</td>
<td>174,100</td>
</tr>
</tbody>
</table>

### Department of Natural Resources

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary 1</th>
<th>Salary 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the Director</td>
<td>121,000</td>
<td>117,800</td>
</tr>
<tr>
<td>For the Assistant Director</td>
<td>102,700</td>
<td>100,000</td>
</tr>
<tr>
<td>For six Mine Officers</td>
<td>83,700</td>
<td>79,800</td>
</tr>
<tr>
<td>For four Miners' Examining Officers</td>
<td>46,000</td>
<td>43,900</td>
</tr>
</tbody>
</table>

### Illinois Labor Relations Board

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary 1</th>
<th>Salary 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the Chairman</td>
<td>93,000</td>
<td>88,700</td>
</tr>
<tr>
<td>For four State Labor Relations Board members</td>
<td>334,500</td>
<td>319,200</td>
</tr>
<tr>
<td>For two Local Labor Relations Board members</td>
<td>167,300</td>
<td>159,600</td>
</tr>
</tbody>
</table>

### Department of Healthcare and Family Services

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary 1</th>
<th>Salary 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the Director</td>
<td>129,200</td>
<td>125,800</td>
</tr>
<tr>
<td>For the Assistant Director</td>
<td>109,900</td>
<td>107,000</td>
</tr>
</tbody>
</table>

### Department of Public Health

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary 1</th>
<th>Salary 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the Director</td>
<td>134,000</td>
<td>128,100</td>
</tr>
<tr>
<td>For the Assistant Director</td>
<td>116,000</td>
<td>112,900</td>
</tr>
</tbody>
</table>

### Department of Revenue

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary 1</th>
<th>Salary 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the Director</td>
<td>129,200</td>
<td>125,800</td>
</tr>
<tr>
<td>For the Assistant Director</td>
<td>109,900</td>
<td>107,000</td>
</tr>
</tbody>
</table>

### Property Tax Appeal Board

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Department</th>
<th>Chairman</th>
<th>Four Members</th>
<th>Assistant Director</th>
<th>Director</th>
<th>Assistant Director</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Veterans' Affairs</td>
<td></td>
<td></td>
<td></td>
<td>57,700</td>
<td>55,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>185,800</td>
<td>177,300</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>105,000</td>
<td>102,200</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>89,500</td>
<td>87,100</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>105,000</td>
<td>102,200</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>89,500</td>
<td>87,100</td>
</tr>
<tr>
<td>Civil Service Commission</td>
<td></td>
<td></td>
<td></td>
<td>27,700</td>
<td>26,900</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>88,400</td>
<td>82,400</td>
</tr>
<tr>
<td>Commerce Commission</td>
<td></td>
<td></td>
<td></td>
<td>119,400</td>
<td>113,900</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>416,800</td>
<td>397,700</td>
</tr>
<tr>
<td>Court of Claims</td>
<td></td>
<td></td>
<td></td>
<td>57,900</td>
<td>55,200</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>320,100</td>
<td>305,400</td>
</tr>
<tr>
<td>State Board of Elections</td>
<td></td>
<td></td>
<td></td>
<td>52,100</td>
<td>49,700</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>42,800</td>
<td>40,800</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>200,700</td>
<td>191,500</td>
</tr>
<tr>
<td>Illinois Emergency Management Agency</td>
<td></td>
<td></td>
<td></td>
<td>105,000</td>
<td>102,200</td>
</tr>
<tr>
<td>Department of Human Rights</td>
<td></td>
<td></td>
<td></td>
<td>105,000</td>
<td>102,200</td>
</tr>
<tr>
<td>Human Rights Commission</td>
<td></td>
<td></td>
<td></td>
<td>46,500</td>
<td>44,400</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>501,700</td>
<td>478,700</td>
</tr>
<tr>
<td>Illinois Workers’ Compensation Commission</td>
<td></td>
<td></td>
<td></td>
<td>111,500</td>
<td>106,400</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>960,100</td>
<td>916,200</td>
</tr>
<tr>
<td>Liquor Control Commission</td>
<td></td>
<td></td>
<td></td>
<td>34,700</td>
<td>33,100</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>181,900</td>
<td>173,600</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>33,500</td>
<td>32,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>33,500</td>
<td>32,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>33,500</td>
<td>32,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
designated by law, $200 per diem for work on a license appeal commission.

Executive Ethics Commission
For nine members.......................... 301,100 287,300

Pollution Control Board
For the Chairman....................... 107,800 102,900
For four members....................... 416,800 397,700

Prisoner Review Board
For the Chairman....................... 85,400 81,500
For fourteen members of the Prisoner Review Board........... 1,070,300 1,021,300

Secretary of State Merit Commission
For the Chairman....................... 15,400 14,700
For four members....................... 46,000 42,900

Educational Labor Relations Board
For the Chairman....................... 93,000 88,700
For four members....................... 334,500 319,200

Department of State Police
For five members of the State Police Merit Board, $212 $202 per diem, whichever is applicable in accordance with law, for a maximum of 100 days each......................... 105,800 101,000

Department of Transportation
For the Secretary....................... 134,000 128,100
For the Assistant Secretary........... 116,000 112,900

Office of Small Business Utility Advocate
For the small business utility advocate............ 0

Total, General Revenue Fund $11,691,600 $11,243,900

Office of the State Fire Marshal
For the State Fire Marshal:
From Fire Prevention Fund............. 105,000 102,200

Illinois Racing Board

New matter indicated by italics - deletions by strikeout
For eleven members of the Illinois Racing Board, $300 per diem to a maximum $11,155 as prescribed by law:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
<th>New Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>From the Horse Racing Fund</td>
<td>122,700</td>
<td>117,100</td>
</tr>
<tr>
<td>Department of Employment Security Payable from Title III Social Security and Employment Service Fund:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For the Director</td>
<td>129,200</td>
<td>125,800</td>
</tr>
<tr>
<td>For five members of the Board of Review</td>
<td>75,000</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$204,200</td>
<td>$200,800</td>
</tr>
<tr>
<td>Department of Financial and Professional Regulation Payable from Bank and Trust Company Fund:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For the Director</td>
<td>123,600</td>
<td>120,400</td>
</tr>
<tr>
<td>Subtotals:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Revenue</td>
<td>11,691,600</td>
<td>11,243,900</td>
</tr>
<tr>
<td>Fire Prevention</td>
<td>105,000</td>
<td>102,200</td>
</tr>
<tr>
<td>Horse Racing</td>
<td>122,700</td>
<td>117,100</td>
</tr>
<tr>
<td>Bank and Trust Company Fund</td>
<td>123,600</td>
<td>120,400</td>
</tr>
<tr>
<td>Title III Social Security and Employment Service Fund</td>
<td>204,200</td>
<td>200,800</td>
</tr>
<tr>
<td>Total</td>
<td>$12,247,100</td>
<td>$11,784,400</td>
</tr>
</tbody>
</table>

(P.A. 94-798, Art. 28, Sec. 15)

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

**Office of Auditor General**

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
<th>New Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the Auditor General</td>
<td>118,000</td>
<td>112,600</td>
</tr>
<tr>
<td>For two Deputy Auditor Generals</td>
<td>219,300</td>
<td>209,300</td>
</tr>
<tr>
<td>Total</td>
<td>$337,300</td>
<td>$321,900</td>
</tr>
</tbody>
</table>

**Officers and Members of General Assembly**

For salaries of the 118 members of the House of Representatives at a base

New matter indicated by italics - deletions by strikeout
salary of $57,619 for members of the 94th General Assembly and $63,143 for members of the 95th General Assembly that includes the cost of living adjustments recommended by the Compensation Review Board’s 2006 Report.

For salaries of the 59 members of the Senate at a base salary of $57,619 for members of the 94th General Assembly and $63,143 for members of the 95th General Assembly that includes the cost of living adjustments recommended by the Compensation Review Board’s 2006 Report.

Total

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

For the Speaker of the House, the President of the Senate and Minority Leaders of both Chambers........ 98,000 93,600
For the Majority Leader of the House........ 20,800 19,800
For the eleven assistant majority and minority leaders in the Senate........... 202,300 193,000
For the twelve assistant majority and minority leaders in the House........... 193,100 184,200
For the majority and minority caucus chairman in the Senate............ 36,800 35,100
For the majority and minority conference chairman in the House........... 32,200 30,700
For the two Deputy Majority and the two Deputy Minority leaders in the House...... 70,500 67,300
For chairmen and minority spokesmen of standing committees in the Senate

New matter indicated by italics - deletions by strikeout
except the Rules Committee, the Committee on Committees and the Committee on the Assignment of Bills................. 398,200 315,800
For chairmen and minority spokesmen of standing and select committees in the House............... 852,400 666,600
Total $1,904,300 $1,606,100
For per diem allowances for the members of the Senate, as provided by law................................. 324,000
For per diem allowances for the members of the House, as provided by law................................. 709,000
For mileage for all members of the General Assembly, as provided by law................................. 405,000
Total $1,438,000

(P.A. 94-798, Art. 28, Sec. 20)

Sec. 20. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the State Comptroller in connection with the payment of salaries for officers of the Executive and Legislative Branches of State Government:

For State Contribution to State Employees' Retirement System:

<table>
<thead>
<tr>
<th>Source Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>From General Revenue Fund</td>
<td>1,385,600</td>
</tr>
<tr>
<td>From Horse Racing Fund</td>
<td>14,200</td>
</tr>
<tr>
<td>From Fire Prevention Fund</td>
<td>12,200</td>
</tr>
<tr>
<td>From Bank and Trust Company Fund</td>
<td>14,300</td>
</tr>
<tr>
<td>From Title III Social Security and Employment Service Fund</td>
<td>23,600</td>
</tr>
</tbody>
</table>

Savings and Residential Finance Regulatory Fund................................. 0
Real Estate License

New matter indicated by italics - deletions by strikeout
Administration Fund............................... 0
Total                                          $1,449,900 $1,394,900

For State Contribution to Social Security:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Original</th>
<th>Revised</th>
</tr>
</thead>
<tbody>
<tr>
<td>From General Revenue Fund...........</td>
<td>1,017,300</td>
<td>953,500</td>
</tr>
<tr>
<td>From Horse Racing Fund...............</td>
<td>9,500</td>
<td>9,000</td>
</tr>
<tr>
<td>From Fire Prevention Fund............</td>
<td>7,500</td>
<td>7,400</td>
</tr>
<tr>
<td>From Bank and Trust Company Fund.....</td>
<td>7,700</td>
<td>7,600</td>
</tr>
<tr>
<td>From Title III Social Security and Employment Service Fund</td>
<td>13,500</td>
<td></td>
</tr>
<tr>
<td>From Savings and Residential Finance Regulatory Fund</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>From Real Estate License Administration Fund</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

Total                                          $1,055,500 $991,000

For Group Insurance:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>From Fire Prevention Fund...........</td>
<td>14,500</td>
</tr>
<tr>
<td>From Bank and Trust Company Fund.....</td>
<td>14,500</td>
</tr>
<tr>
<td>From Title III Social Security and Employment Service Fund</td>
<td>87,000</td>
</tr>
<tr>
<td>Savings and Residential Finance Regulatory Fund</td>
<td>0</td>
</tr>
<tr>
<td>Real Estate License Administration Fund</td>
<td>0</td>
</tr>
</tbody>
</table>

Total                                          $116,000

(P.A. 94-798, Art. 28, Sec. 25)

Sec. 25. The amount of $486,600 $440,000, or so much thereof as may be necessary, is appropriated to the State Comptroller for contingencies in the event that any amounts appropriated in Sections 5 through 20 of this Article are insufficient and other expenses associated with the administration of Sections 5 through 20.

Section 23. “AN ACT making appropriations,” Public Act 94-798, approved May 22, 2006, is amended by changing Section 5 of Article 30, as follows:

(P.A. 94-798, Art. 30, Sec. 5)
Sec. 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Economic Opportunity in connection with the Illinois Global Partnership Act:

From General Revenue Fund .................. 2,500,000
From Agricultural Premium Fund ............ 1,006,200
From International Tourism Fund ............. 2,500,000
Total                                   $6,006,200

Section 24. “AN ACT making appropriations,” Public Act 94-798, approved May 22, 2006, is amended by changing Section 5 of Article 32, as follows:

(P.A. 94-798, Art. 32, Sec. 5)

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

For Personal Services:
Judges' Salaries .................. $149,003,200 $147,859,600

For Travel:
Judicial Officers ................. 1,208,900

For State Contributions
to Social Security ............. 2,160,500 2,143,900
Total, this Section $152,372,600 $151,212,400

Section 25. “AN ACT making appropriations,” Public Act 94-798, approved May 22, 2006, is amended by changing Section 25 of Article 37, as follows:

(P.A. 94-798, Art. 37, Sec. 25)

Sec. 25. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Central Management Services:

BUREAU OF BENEFITS
PAYABLE FROM GENERAL REVENUE FUND

For Group Insurance ................. 32,349,200

New matter indicated by italics - deletions by strikeout
Representation and Indemnification in Civil Lawsuits Act .......................... 1,347,400
For auto liability, adjusting and administration of claims, loss control and prevention services, and auto liability claims .......... 1,600,200
Total $35,296,800

PAYABLE FROM GROUP INSURANCE PREMIUM FUND
For expenses of Cost Containment Program....... 288,000
For Life Insurance Coverage As Elected By Members Per The State Employees Group Insurance Act of 1971 .................. 85,919,400

PAYABLE FROM HEALTH INSURANCE RESERVE FUND
For Expenses of a Cost Containment Program...... 158,900
For provisions of Health Care Coverage As Elected by Eligible Members Per The State Employees Group Insurance Act of 1971 ................................. 13,752,000

PAYABLE FROM WORKERS' COMPENSATION REVOLVING FUND
For Personal Services............................................. 1,731,600
For Employee Retirement Contributions Paid by Employer......................................................... 0
For State Contributions to State Employees’ Retirement System................................. 199,600
For State Contributions to Social Security................................. 132,500
For Group Insurance................................. 507,500
For Contractual Services................................. 90,100
For Travel........................................ 15,000
For Commodities.................................... 9,000
For Printing....................................... 3,000
For Equipment...................................... 2,000
For Electronic Data Processing.............................. 10,900
For Telecommunications Services.............................. 19,000

New matter indicated by italics - deletions by strikeout
For Operation of Automotive Equipment.............. 400
Total $2,720,600
For administrative costs of claims services and payment of temporary total disability claims of any state agency or university employee............... 650,000
For payment of Workers’ Compensation Act claims and contractual services in connection with said claims payments........ 119,598,100
connection with said claims payments........ 108,200,000

**PAYABLE FROM THE GENERAL REVENUE FUND**

For deposit into the Workers’ Compensation Revolving Fund for payment of Workers’ Compensation Act claims and contractual services in connection with said claims payments...................................... 11,398,100

Expenditures from appropriations for treatment and expense may be made after the Department of Central Management Services has certified that the injured person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid to the injured person.

**PAYABLE FROM STATE EMPLOYEES DEFERRED COMPENSATION FUND**

For expenses related to the administration of the State Employees Deferred Compensation Plan............................. 1,698,300

Section 30. “AN ACT making appropriations,” Public Act 94-798, approved May 22, 2006, is amended by changing Section 5 of Article 38, as follows:

(P.A. 94-798, Art. 38, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named,

New matter indicated by italics - deletions by strikeout
are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the State Civil Service Commission:

- For Personal Services ........................................... 232,600
- For Employee Retirement Contributions
  - Paid by Employer ........................................... 0
- For State Contributions to State Employees' Retirement System ......... 26,800
- For State Contributions to Social Security ........................................ 17,100
- For Contractual Services .......... 77,400
- For Travel ........................................ 35,600
- For Commodities ........................................ 3,900
- For Printing ........................................ 1,200
- For Equipment ........................................ 1,000
- For Telecommunications Services ............................... 7,500
- Total ........................................ $403,100 $381,100

Section 33. “AN ACT making appropriations,” Public Act 94-798, approved May 22, 2006, is amended by changing Section 135 of Article 39, as follows:

(P.A. 94-798, Art. 39, Sec. 135)

Sec. 135. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

Payable from the General Revenue Fund:

For all costs associated with the Southern Illinois Economic Development Authority .......... 500,000
For all costs associated with the Central Illinois Economic Development Authority ....... 500,000
For all costs associated with Lifelong Learning Accounts ........................................ 400,000
For a grant associated with Illinois Manufacturers’ Association ................. 2,000,000

New matter indicated by italics - deletions by strikeout
Assistance....................................... 200,000
For a grant associated with the Anticipatory Design Science Center.......... 100,000
For all costs associated with the Mid-America Medical District............... 250,000
For a grant to the Coalition for United Community Action..................... 400,000
For grants, contracts and administrative expenses associated with the expanding employment opportunities for minorities and targeted populations in construction trades........................................ 6,250,000
For grants to local governments for infrastructure improvements and economic development purposes......................... 9,100,000
For grants to units of local government, for profit organizations, not-for-profit organizations, community organizations and educational facilities for all costs associated with operational expenses and infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, equipment, vehicles, other capital and related expenses, and for all costs associated with economic development programs, educational and training programs, social service programs, and public health and safety programs......... 3,634,000
For grants to units of local government, for profit organizations, not-for-profit organizations, community organizations and educational facilities for all costs associated with operational

New matter indicated by italics - deletions by strikeout
expenses and infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, equipment, vehicles, other capital and related expenses, and for all costs associated with economic development programs, educational and training programs, social service programs, and public health and safety programs............ 7,437,800
Total $30,271,800

(Source: P.A. 94-798, eff. 7-1-06.)

Section 35. “AN ACT making appropriations,” Public Act 94-798, approved May 22, 2006, is amended by adding new Section 45 of Article 40, as follows:

(P.A. 94-798, Art. 40, Sec. 45, new)

Section 45. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the Public Utility Fund to the Illinois Commerce Commission for costs associated with the implementation of House Bill 4977 of the 94th General Assembly, which establishes the Office of Retail Market Development. This Section is operative only if House Bill 4977 of the 94th General Assembly becomes law.

Section 37. “AN ACT making appropriations,” Public Act 94-798, approved May 22, 2006, is amended by changing Section 5 of Article 48, as follows:

(P.A. 94-798, Art. 48, Sec. 5)

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

FOR OPERATIONS
EXECUTIVE OFFICE
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services.......................... 1,263,600
For State Contributions to State

New matter indicated by italics - deletions by strikeout
For the State's Share of County Supervisors of Assessments' or County Assessors' salaries,

New matter indicated by italics - deletions by strikeout
as provided by law.............................. 2,550,000
For additional compensation for local assessors, as provided by Sections 2.3 and 2.6 of the "Revenue Act of 1939", as amended........................................... 500,000
For additional compensation for local assessors, as provided by Section 2.7 of the "Revenue Act of 1939", as amended.............................. 702,000
For additional compensation for county treasurers, pursuant to Public Act 84-1432, as amended.............................. 663,000
For the State’s Share of State’s Attorneys’ And Assistant State’s Attorneys’ salaries, Including prior years costs...................... 12,372,700
For the annual stipend for Sheriffs as Provided in subsection (d) of Section 4-6300 and Section 4-8002 of the Counties Code.............................. 663,000
For the annual stipend to county Coroners pursuant to 55 ILCS 5/4-6002 Including prior years costs.............................. 663,000
For the State’s Share of county Public Defenders’ salaries Pursuant to 55 ILCS 5/3-4007........ 5,400,000 3,700,000
Total $23,513,700 $21,813,700
Payable from State and Local Sales Tax Reform Fund:
For Allocation to Chicago for additional 1.25% Use Tax Pursuant to P.A. 86-0928.............................. 46,386,400
Payable from Local Government Distributive Fund:
For Allocation to Local Governments of

New matter indicated by italics - deletions by strikeout
additional 1.25% Use Tax Pursuant to P.A. 86-0928
Payable from R.T.A. Occupation and Use Tax Replacement Fund:
For Allocation to RTA for 10% of the 1.25% Use Tax Pursuant to P.A. 86-0928
Payable from Senior Citizens' Real Estate Deferred Tax Revolving Fund:
For Payments to Counties as Required by the Senior Citizens Real Estate Tax Deferral Act
Payable from Illinois Tax Increment Fund:
For Distribution to Local Tax Increment Finance Districts

Section 45. “AN ACT making appropriations,” Public Act 94-798, approved May 22, 2006, is amended by changing Sections 10, 70, and 80 by adding new Section 105 of Article 56, as follows:

Sec. 10. The sum of $63,460,000, or so much thereof as may be necessary, is appropriated from the Department of Corrections Reimbursement and Education Fund to meet the ordinary and contingent expenses of the Department of Corrections described below and having the estimated cost as follows:
For payment of expenses associated with School District Programs
For payment of expenses associated with federal programs, including, but not limited to, construction of additional beds, treatment programs, and juvenile supervision
For payment of expenses associated with miscellaneous programs, including, but not limited to, medical costs,

New matter indicated by italics - deletions by strikeout
food expenditures, and various construction costs. 19,500,000
Total  $63,460,000

Payable From the General Revenue Fund:
For Sheriffs' Fees for Conveying Prisoners........ 374,900
For the State's share of Assistant State's Attorneys' salaries - reimbursement to counties pursuant to Chapter 53 of the Illinois Revised Statutes................. 418,200
For Repairs, Maintenance and Other Capital Improvements........ 1,087,300 1,323,300
Total $1,880,400 $2,116,400

(P.A. 94-798, Art. 56, Sec. 70)
Sec. 70. The amount of $6,250,000, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for a grant to Operation Ceasefire to be used in the following locations.
The City of Chicago:
The neighborhood of Auburn/Gresham.............. 250,000
The neighborhood of Logan Square............... 250,000
The neighborhood of East Garfield................. 250,000
The neighborhood of Grand Boulevard............... 250,000
The neighborhood of Rogers Park.................. 250,000
The neighborhood of Roseland..................... 250,000
The neighborhood of Humboldt Park............... 250,000
The neighborhood of Pilsen and Little Village.... 250,000
The neighborhood of Lawndale and Garfield........ 250,000
The neighborhood of Woodlawn..................... 250,000
The neighborhood of Englewood.................... 250,000
The neighborhood of Westlawn..................... 250,000
The neighborhood of Chicago Lawn............... 250,000
The neighborhood of Brighton Park............... 250,000
The neighborhood of Albany Park.................. 250,000

New matter indicated by italics - deletions by strikeout
The neighborhood of Foss Park................. 250,000
The neighborhood of Austin.................. 250,000
Total................................................. 250,000

The township of Waukegan..................... 250,000
The City of Decatur............................ 250,000
The City of North Chicago Zion.............. 250,000
The City of Aurora............................. 250,000
The Cities of Cicero and Berwyn............. 250,000
The City of Rockford........................... 250,000
The City of Bellwood............................ 250,000
The City of Maywood............................ 250,000
The City of East St. Louis................... 250,000
Total................................................. 250,000

Total................................................. 4,000,000

(P.A. 94-798, Art. 56, Sec. 80)

Sec. 80. The amount of $1,500,000, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for expenses associated with the operation of the Franklin County Juvenile Detention Center, including a juvenile methamphetamine pilot program at the Franklin County Juvenile Detention Center.

(P.A. 94-798, Art. 56, Sec. 105 new)

Sec. 105. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Corrections for a grant to the Cook County Sheriff’s Office for programs administered through the Department of Women’s Justice Services, including but not limited to, mental health and drug rehabilitation issues.

Section 50. “AN ACT making appropriations,” Public Act 94-798, approved May 22, 2006, is amended by changing Section 30 of and adding new Section 45 to Article 57, as follows:

(P.A. 94-798, Art. 57, Sec. 30)

Sec. 30. The sum of $9,500,000, or so much thereof as may be necessary, is appropriated from the Department of Corrections Reimbursement and Education Fund to meet the ordinary and contingent

New matter indicated by italics - deletions by strikeout
expenses of the Department of Juvenile Justice described below and having the estimated cost as follows:
For payment of expenses associated with School District Programs................. 5,000,000
For payment of expenses associated with federal programs, including, but not limited to, construction of additional beds, treatment programs, and juvenile supervision............... 2,000,000
For payment of expenses associated with miscellaneous programs, including, but not limited to, medical costs, food expenditures, and various construction costs......................... 2,500,000
Total $9,500,000

Payable from the General Revenue Fund:
For Repairs, Maintenance and Other Capital Improvements......................... 236,000

(P.A. 94-798, Art. 57, Sec. 45, new)
Sec. 45. The amounts appropriated for repairs and maintenance, and other capital improvements in Section 30 for repairs and maintenance, roof repairs and/or replacements, and miscellaneous capital improvements at the Department's various institutions are to include construction, reconstruction, improvements, repairs and installation of capital facilities, costs of planning, supplies, materials and all other expenses required for roof and other types of repairs and maintenance, capital improvements, and purchase of land.

No contract shall be entered into or obligation incurred for repairs and maintenance and other capital improvements from appropriations made in Section 30 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Section 55. “AN ACT making appropriations,” Public Act 94-798, approved May 22, 2006, is amended by changing Section 5 of Article 59, as follows:

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

FOR OPERATIONS

OFFICE OF THE ADJUTANT GENERAL

Payable from General Revenue Fund:
For Personal Services......................... 807,000
For State Contributions to State Employees' Retirement System.............. 93,200
For State Contributions to Social Security.......................... 61,900
For Contractual Services.......................... 14,400
For Travel........................................ 23,000
For Commodities.................................. 19,800
For Printing........................................ 2,800
For Equipment...................................... 4,900
For Electronic Data Processing.................. 13,500
For Telecommunications Services................. 37,400
For Operation of Auto Equipment............... 23,800
For State Officer's Candidate School.......... 700
For Lincoln's Challenge........................... 3,116,700
For Lincoln’s Challenge Allowances............. 506,900
Total                                      $4,726,000

Payable from Federal Support Agreement Revolving Fund:
Lincoln's Challenge............................. 4,889,700
Lincoln's Challenge Allowances................. 1,200,000
Total                                      $6,089,700

FACILITIES OPERATIONS

Payable from General Revenue Fund:
For Personal Services............................ 5,146,000
For State Contributions to State Employees' Retirement System.............. 593,100

New matter indicated by italics - deletions by strikeout
For State Contributions to
Social Security................................. 393,800
For Contractual Services............ 3,192,400
For Commodities............................. 102,700
For Equipment..................................... 24,800
Total $9,452,800 $8,207,800

Payable from Federal Support Agreement Revolving Fund:
Army/Air Reimbursable Positions................ 8,836,300
Total $8,836,300

Section 57. “AN ACT making appropriations,” Public Act 94-798, approved May 22, 2006, is amended by changing Section 5 of Article 60, as follows:

(P.A. 94-798, Art. 60, Sec. 5)
Sec 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF ADMINISTRATION

Payable from General Revenue Fund:
For Personal Services......................... 5,137,700
For State Contributions to State
Employees' Retirement System................. 592,200
For State Contributions to
Social Security................................. 323,500
For Contractual Services...................... 3,352,400
For Travel........................................ 23,600
For Commodities.............................. 532,100
For Printing..................................... 90,000
For Equipment................................... 34,700
For Telecommunications Services............. 112,400
For Operation of Auto Equipment............. 300,000
For Contractual Services:
For Payment of Tort Claims.................... 28,000
For Refunds..................................... 2,000
For Expenses regarding implementation

New matter indicated by italics - deletions by strikeout
of the Juvenile Justice Reform provisions................................. 174,700
For costs and expenses related to
or in support of a public safety
shared services center......................... 2,140,200
For grants to State’s Attorneys
for expenses incurred in the
videotaping of interrogations
pursuant to Public Act 93-517............... 3,100,000
For Repairs and Maintenance and
Permanent Improvements......................... 30,000
Total $12,873,500
Payable from the State Police Wireless
Service Emergency Fund:
For costs associated with the
administration and fulfillment
of its responsibilities under
the Wireless Emergency Telephone
Safety Act................................. 1,800,000
Payable from the State Police Vehicle Fund:
For purchase of vehicles and accessories...... 8,400,000
Payable from the State Police Vehicle
Maintenance Fund:
For Operation of Auto.......................... 2,000,000
(Source: P.A. 94-798, eff. 7-1-06.)

Section 60. “AN ACT making appropriations,” Public Act 94-798, approved May 22, 2006, is amended by changing Section 280 of Article 61, as follows:

(P.A. 94-798, Art. 61, Sec. 280)
Sec. 280. The sum of $1,900,000 $1,650,000, or so much thereof as may be necessary, is appropriated from the I-FLY Fund to the Department of Transportation for grants to the Quincy Regional Airport, the Decatur Airport, and the Williamson County Regional Airport, pursuant to the I-FLY Act.

New matter indicated by italics - deletions by strikeout
Section 65. “AN ACT making appropriations,” Public Act 94-798, approved May 22, 2006, is amended by changing Section 30 of Article 82 and adding new Section 90, as follows:

(P.A. 94-798, Art. 82, Sec. 30)

Sec. 30. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for Medical Assistance and Administrative Expenditures:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE, THE CHILDREN’S HEALTH INSURANCE PROGRAM ACT, AND THE COVERING ALL KIDS HEALTH INSURANCE ACT

Payable from Care Provider Fund for Persons
With A Developmental Disability:
For Administrative Expenditures..................                                    94,200

Payable from Long Term Care Provider Fund:
For Skilled, Intermediate, and Other Related
Long Term Care Services.............................. 795,328,300
For Administrative Expenditures................... 2,033,000
Total                                      $797,361,300

Payable from Hospital Provider Fund:
For Hospitals............................... 2,430,400,000 1,215,200,000
For Medical Assistance Providers.................. 0
Total                                      $2,430,400,000 $1,215,200,000

(P.A. 94-798, Art. 82, Sec. 90 new)

Section 90. The sum of $765,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Healthcare and Family Services for costs associated with a 3% cost of doing business adjustment for at least the following line items in the fiscal year 2007 State budget effective January 1, 2007:

Medicaid therapies for 0-3 year olds.

Section 67. “AN ACT making appropriations,” Public Act 94-798, approved May 22, 2006, is amended by changing Sections 101 and adding new Section 315 of Article 83 as follows:

(P.A. 94-798, Art. 83, Sec. 101)

New matter indicated by italics - deletions by strikeout
Section 101. The sum of $32,800,000, or so much thereof as may be necessary, is appropriated from the Health and Human Services Medicaid Trust Fund to the Department of Human Services for grants and administrative expenses for services for persons with a mental illness or developmental disability.

Prior to January 1, 2007, no contract shall be entered into or obligations incurred for any expenditure from appropriation made in this Section of the Article: The sum of $15,000,000, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for the following purposes:

Payable from the Health and Human Services
Medicaid Trust Fund:
For the Home Based Support Services Program
  for services to additional children.......... 1,500,000
For the Home Based Support Services Program
  for services to additional adults............ 4,500,000
For additional Community Integrated Living
  Arrangement Placements for persons with
  developmental disabilities................... 3,000,000
For Community Based Mobile Crisis
  Teams for persons with
  developmental disabilities.................... 1,000,000
For diversion, transition, and
  aftercare from institutional settings
  for persons with a mental illness............ 3,500,000
For the Children’s Mental Health
  Partnership.................................. 1,500,000

(P.A. 94-798, Article 83, Sec. 315 new)

Section 315. The sum of $3,377,800, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for costs associated with a 3% cost of doing business adjustment for at least the following line items in the fiscal year 2007 State budget effective January 1, 2007:

New matter indicated by italics - deletions by strikeout
Early intervention therapy services and service coordination;
Family case management;
Domestic violence;
Rape victims/prevention;
Intensive Prenatal Performance Project;
School-based health centers;
Lekotek; and
Centers for Independent Living.

Section 70. “AN ACT making appropriations,” Public Act 94-798, approved May 22, 2006, is amended by changing Section 95 and adding new Section 120 to Article 84, as follows:

(P.A. 94-798, Art. 84, Sec. 95)

Sec. 95. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF POLICY, PLANNING AND STATISTICS
Payable from the General Revenue Fund:
For Personal Services......................... 1,752,400
For State Contributions to State Employees’ Retirement System............... 202,000
For State Contributions to Social Security................................. 131,500
For Contractual Services......................... 25,400
For Travel........................................ 32,600
For Commodities................................. 2,600
For Printing....................................... 300
For Equipment.................................... 4,800
For Telecommunications Services............. 29,600
For Expenses to establish program to provide scholarships to Allied Health Professionals......................... 91,100
For operating expenses of the Center for Rural Health........................ 441,700

New matter indicated by italics - deletions by strikeout
For grants to public and private agencies
for Residency Programs pursuant to the
Family Practice Residency Act................. 776,000

For matching grants to Community Based
Organizations for Comprehensive
Primary Care........................................ 392,600

For grants to assist Community and
Migrant Health Centers to expand service
capacity and develop additional sites........... 392,600

For hospital grants to diversify
services and convert to facilities
that are less dependent on Acute
Care Bed capacity............................... 392,600

For expenses of the Adverse Pregnancy
Outcomes Reporting Systems (APORS)
Program............................................. 348,600

For expenses of State Cancer Registry,
Including matching funds for National
Cancer Institute grants........................... 163,200

For grants for the Community Health Center
Expansion Program.............................. 2,991,000

For expenses related to Public Act
94-0242 and the establishment of an
adverse health care event reporting
system.............................................. 952,350

For grants to units of local government,
not-for-profit organizations, community
organizations and educational facilities
for all costs associated with operations
expenses, infrastructure improvements,
and for all costs associated with educational
and training programs, programs to improve
health access and disease prevention, and
 provision of health care and dental

New matter indicated by italics - deletions by strikeout
New matter indicated by italics - deletions by strikeout

services........................................ 1,500,000

For grants to units of local government, not-for-profit organizations, community organizations and educational facilities for all costs associated with operations expenses, infrastructure improvements, and for all costs associated with educational and training programs, programs to improve health access, and provision of health care and dental services............................. 1,500,000

For deposit into the Heartsaver AED Fund........ 100,000

Total.................................................. $12,222,950

Payable from Rural/Downstate Health Access Fund:

For expenses associated with the Rural/ Downstate Health Access Program.................. 100,000

Payable from the Public Health Services Fund:

For expenses related to Epidemiological Health Outcomes Investigations and Database Development.......................... 4,130,000

For expenses for Rural Health Center to expand the availability of Primary Health Care........................................ 2,000,000

For operational expenses to develop a Health Care Provider Recruitment and Retention Program................................. 300,000

For grants to develop a Health Care Provider Recruitment and Retention Program................................. 450,000

For grants to develop a Health Professional Educational Loan Repayment Program............... 900,000

Total.................................................. $7,880,000

Payable from Community Health Center Care Fund:

For expenses for access to Primary Health Care Services Program per Family Practice

New matter indicated by italics - deletions by strikeout
Residency Act................................. 1,000,000
Payable from Illinois Health Facilities Planning Fund:
For expenses, including refunds, for
Health Facilities Planning Board............... 1,734,500
Payable from Nursing Dedicated and Professional Fund:
For expenses of the Nursing Education
Scholarship Law............................... 1,200,000
Payable from the Regulatory Evaluation and Basic
Enforcement Fund:
For Expenses of the Alternative Health Care
Delivery Systems Program......................... 75,000
Payable from the Tobacco Settlement Recovery Fund:
For grants for the Community Health Center
Expansion Program.............................. 3,000,000
For grants to units of local government,
not-for-profit organizations, community
organizations and educational facilities
for all costs associated with operations
expenses, infrastructure improvements,
and for all costs associated with educational
and training programs, programs to improve
health access and disease prevention, and
provision of health care and dental
services........................................... 1,500,000
For grants to units of local government,
not-for-profit organizations, community
organizations and educational facilities
for all costs associated with operations
expenses, infrastructure improvements,
and for all costs associated with educational
and training programs, programs to improve
health access, and provision of health care
and dental services............................. 1,500,000
Total $6,000,000

New matter indicated by italics - deletions by strikeout
Payable from the Preventive Health and Health Services Block Grant Fund:
For expenses of Preventive Health and Health Services Needs Assessment................. 1,406,700

Payable from Public Health Special State Projects Fund:
For expenses associated with Health Outcomes Investigations and other public health programs.................. 500,000

Payable from Illinois State Podiatric Disciplinary Fund:
For expenses of the Podiatric Scholarship And Residency Act.............................. 100,000

Payable from the Public Health Federal Projects Fund:
For expenses of Health Outcomes, Research, Policy and Surveillance....................... 612,000

Payable from the Heartsaver AED Fund:
For expenses associated with the Heartsaver AED Program............................ 125,000

(P.A. 94-798, Art. 84, Sec. 120, new)

Section 120. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to HRDI for the purposes of AIDS Prevention.

Section 75. “AN ACT making appropriations,” Public Act 94-798, approved May 22, 2006, is amended by changing Section 15 of and adding new Section 17 to Article 89, as follows:

(P.A. 94-798, Art. 89, Sec. 15)

Sec. 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

DIVISION OF CHARGE PROCESSING

Payable from General Revenue Fund:
For Personal Services.................... 4,313,800
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout
Paid by Employer........................................ 0
For State Contributions to State
  Employees' Retirement System............... 497,600 474,100
For State Contributions to
  Social Security............................ 330,200 314,700
For Contractual Services....................... 39,400
For Travel......................................... 29,300
For Commodities................................. 13,000
For Printing...................................... 1,300
For Equipment.................................... 20,000
For Telecommunications Services............... 50,000
Total ............................................ $5,294,600 $5,055,600

Payable from Special Projects Division Fund:
For Personal Services......................... 1,585,600
For Employee Retirement Contributions
  Paid by Employer............................... 0
For State Contributions to State
  Employees' Retirement System............... 182,700
For State Contributions to
  Social Security................................ 121,300
For Group Insurance............................ 464,000
For Contractual Services....................... 183,000
For Travel........................................ 37,000
For Commodities............................... 6,800
For Printing...................................... 9,300
For Equipment................................. 9,600
For Telecommunications Services............. 7,000
Total ............................................ $2,606,300

(P.A. 94-798, Art. 89, Sec. 17, new)

**Section 17.** The amount of $700,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Rights for expenses relating to the investigation and processing of human rights cases.

New matter indicated by italics - deletions by strikeout
Section 80. “AN ACT making appropriations,” Public Act 94-798, approved May 22, 2006, is amended by adding new Section 71 to Article 101, as follows:

(P.A. 94-798, Art. 101, Sec. 71, new)
Section 71. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for engineering and construction costs of the extension of Oak Street between Hazelwood and Gerty Drives on the University of Illinois at Urbana-Champaign campus in Champaign County.

Section 85. “AN ACT making appropriations,” Public Act 94-798, approved May 22, 2006, is amended by adding new Section 237 to Article 104, as follows:

(P.A. 94-798, Art. 104, Sec. 237, new)
Section 237. The sum of $150,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law.

Section 999. This Act takes effect immediately upon becoming law.


PUBLIC ACT 95-0145
(House Bill No. 1300)

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

Section 1. Short title. This Act may be cited as the Illinois Food, Farms, and Jobs Act.
Section 5. Legislative findings.
Illinois should be the Midwest leader in local and organic food and fiber production.

New matter indicated by italics - deletions by strikeout
One thousand five hundred miles is the average travel distance for food items now consumed in this State, and agricultural products sold directly for human consumption comprise less than 0.2% of Illinois farm sales.

Ninety-five percent of organic food sold in this State is grown and processed outside of the State, resulting in food dollars being exported.
Illinois ranks fifth in the nation in loss of farmland.
The market for locally grown foods and for organic food is expanding rapidly.
Consumers would benefit from additional local food outlets that make fresh and affordable Illinois grown foods more accessible in both rural and urban communities.
Communities are experiencing significant problems of obesity and nutrition, including lack of daily access to fresh fruits and vegetables.
Low-income communities that are currently "food deserts" lacking sufficient markets selling fresh fruits and vegetables would benefit from local food distribution systems.
The State's urban communities are showing renewed interest in growing food in urban areas.
Rural communities would be revitalized by increasing the number of families in the State that live on small properties and by providing fresh high-value local food.
Farmers who wish to transition from conventional agriculture to local and organic food would benefit from training and support to diversify their farming operations.
Food consumers, farmers, and entrepreneurs would benefit from an expanded infrastructure for processing, storing, and distributing locally grown foods.
The capture of existing food dollars within the State would help to revitalize the State's treasury by creating a broad range of new in-state jobs and business opportunities within both rural and urban communities.
For the purposes of this Act and for the retention of the greatest benefit from every food dollar spent in this State, support for local food

New matter indicated by italics - deletions by strikeout
means capturing in Illinois the greatest portion of food production, processing, storing, and distribution possible.

Section 10. Illinois Local and Organic Food and Farm Task Force. The Illinois Local and Organic Food and Farm Task Force ("the Task Force") shall be appointed by the Governor within 60 days after the effective date of this Act. The Task Force shall be convened by the Department of Agriculture and shall include the following Illinois-based members:

(a) one representative each from the Departments of Agriculture, Commerce and Economic Opportunity, and Human Services;
(b) four organic farmers, representing different dairy, meat, vegetable, and grains sectors;
(c) four specialty crop producers, representing different flower, fruit, viticulture, aquaculture, fiber, vegetable, and ornamental sectors;
(d) two organic processors;
(e) one organic distributor and one non-organic distributor;
(f) three representatives of not-for-profit educational organizations;
(g) one organic certifier;
(h) one consumer representative;
(i) two representatives of farm organizations;
(j) one university agricultural specialist;
(k) one philanthropic organization representative;
(l) one food retailer representative;
(m) two municipal representatives from different communities in the State;
(n) four representatives from community-based organizations focusing on food access, to include at least 3 minority members; and
(o) one chef specializing in the preparation of locally grown organic foods.

All members of the Task Force shall be appointed for a 2-year term.

Section 15. Illinois Local and Organic Food and Farm Plan. The Task Force shall develop a plan containing policy and funding recommendations for expanding and supporting a State local and organic

New matter indicated by italics - deletions by strikeout
food system and for assessing and overcoming obstacles to an increase in locally grown food and local organic food production. The Task Force shall prepare and submit its plan in a report to the General Assembly by September 30, 2008, for consideration of its recommendations in the 96th General Assembly. The Plan, among other matters, shall:

(a) identify land preservation and acquisition opportunities for local and organic agriculture in rural, suburban, and urban areas;

(b) identify farmer training and development, as necessary, by expanding training programs such as Farm Beginnings, incubator projects such as Prairie Crossing Farm, urban agriculture training programs, farmer-to-farmer learning opportunities, or other programs;

(c) identify financial incentives, technical support, and training necessary to help Illinois farmers to transition to local, organic, and specialty crop production by minimizing their financial losses during the 3-year transition period required under USDA standards and to help with recordkeeping requirements;

(d) identify strategies and funding needs to make fresh and affordable Illinois-grown foods more accessible, both in rural and urban communities, with an emphasis on creating new food outlets in communities that need them;

(e) identify the financial and technical support necessary to build connections between landowners, farmers, buyers, and consumers;

(f) identify the financial and technical support necessary to build a local food infrastructure of processing, storage, and distribution;

(g) identify the financial and technical support necessary to develop new food and agriculture-related businesses for local food and organic food production and distribution, such as on-farm processing, micro-markets, incubator kitchens, and marketing and communications businesses;

(h) identify the financial and technical support necessary to expand the development of farmers markets, roadside markets, and local grocery stores in unserved and underserved areas, as well as the creation of year-round public markets in Chicago and other large communities;

New matter indicated by italics - deletions by strikeout
(i) research, identify, and coordinate best practices and opportunities for the development of local food and organic food production;

(j) identify opportunities to educate the public and producers about the benefits of local foods systems and about the development opportunities provided through this Act; and

(k) identify legal impediments to local food and organic food production, and develop recommendations for a remedy.

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

Approved August 14, 2007.
Effective August 14, 2007.

PUBLIC ACT 95-0146
(House Bill No. 1790)

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

Section 5. The Illinois Certified Shorthand Reporters Act of 1984 is amended by changing Section 6 as follows:

(225 ILCS 415/6) (from Ch. 111, par. 6206)
(Section scheduled to be repealed on January 1, 2014)
Sec. 6. Upon receipt of a written request from the Chief Judge of the reporter's circuit Supreme Court, the Department shall, upon payment of the required fee, issue to any reporter who has been appointed in counties of less than 1,000,000 in population, and examined under the Court Reporters Act, except those who have achieved an "A" proficiency rating, a restricted certificate by which such official court reporter may then lawfully engage in reporting only court proceedings to which he may be assigned by the Chief Judge of his circuit.

The Department may refuse to issue or may suspend the certificate of any person who fails to file a return, or to pay the tax, penalty or interest

New matter indicated by italics - deletions by strikeout
shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.
(Source: P.A. 84-1395.)

Section 10. The Mental Health and Developmental Disabilities Code is amended by changing Section 3-818 as follows:

(405 ILCS 5/3-818) (from Ch. 91 1/2, par. 3-818)
Sec. 3-818. Fees; costs.
(a) Fees for jury service, witnesses, and service and execution of process are the same as for similar services in civil proceedings.
(b) Except as provided under subsection (c) of this Section, the court may assess costs of the proceedings against the parties. If the respondent is not a resident of the county in which the hearing is held and the party against whom the court would otherwise assess costs has insufficient funds to pay the costs, the court may enter an order upon the State to pay the cost of the proceedings, from funds appropriated by the General Assembly for that purpose.
(c) If the respondent is a party against whom the court would otherwise assess costs and that respondent is determined by the court to have insufficient funds to pay the cost of transcripts for the purpose of appeal, the court shall enter an order upon the State to pay the cost of one original and one copy of a transcript of proceedings established under this Code. Payment of transcript costs authorized under this subsection (c) shall be paid from funds appropriated by the General Assembly to the Comptroller to the Administrative Office of the Illinois Courts.
(Source: P.A. 90-765, eff. 8-14-98.)

Approved August 14, 2007.
Effective January 1, 2008.
AN ACT concerning fish.

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


(515 ILCS 5/1-116 new)

Sec. 1-116. Roe. "Roe" means the eggs of fish that are whole and intact within the egg sac, whether within the body cavity of the fish or removed. "Roe" does not include eggs removed from the egg sac.

(515 ILCS 5/1-117 new)

Sec. 1-117. Roe-bearing species. "Roe-bearing species" means sturgeon, paddlefish, bowfin, and any other fish listed as such by the Department in an administrative rule.

(515 ILCS 5/5-25) (from Ch. 56, par. 5-25)

Sec. 5-25. Value of protected species; violations

(a) Any person who, for profit or commercial purposes, knowingly captures or kills, possesses, offers for sale, sells, offers to barter, barters, offers to purchase, purchases, delivers for shipment, ships, exports, imports, causes to be shipped, exported, or imported, delivers for transportation, transports or causes to be transported, carries or causes to be carried, or receives for shipment, transportation, carriage, or export any aquatic life, in part or in whole of any of the species protected by this Code, contrary to the provisions of the Code, and that aquatic life, in whole or in part, is valued at or in excess of a total of $300, as per species value specified in subsection (c) of this Section, commits a Class 3 felony.

A person is guilty of a Class 4 felony if convicted under this Section for more than one violation within a 90-day period if the aquatic life involved in each violation are not valued at or in excess of $300 but the total value of the aquatic life involved with the multiple violations is at

New matter indicated by italics - deletions by strikeout
or in excess of $300. The prosecution for a Class 4 felony for these multiple violations must be alleged in a single charge or indictment and brought in a single prosecution.

Any person who violates this subsection (a) when the total value of species is less than $300 commits a Class A misdemeanor except as otherwise provided.

(b) Possession of aquatic life, in whole or in part, captured or killed in violation of this Code, valued at or in excess of $600, as per species value specified in subsection (c) of this Section, shall be considered prima facie evidence of possession for profit or commercial purposes.

(c) For purposes of this Section, the fair market value or replacement cost, whichever is greater, must be used to determine the value of the species protected by this Code, but in no case shall the minimum value of all aquatic life and their hybrids protected by this Code, whether dressed or not dressed, be less than the following is as follows:

(1) For each muskellunge, northern pike, walleye, striped bass, sauger, largemouth bass, smallmouth bass, spotted bass, trout (all species), salmon (all species other than chinook caught from August 1 through December 31), and sturgeon (other than pallid or lake sturgeon) of a weight, dressed or not dressed, of one pound or more, $4 for each pound or fraction of a pound. For each individual fish with a dressed or not dressed weight of less than one pound, $4. For parts of fish processed past the dressed state, $8 per pound.

(2) For each warmouth, rock bass, white bass, yellow bass, sunfish (all species except largemouth, smallmouth, and spotted bass), bluegill, crappie, bullheads, pickerels, yellow perch, and catfish (all species), and mussels of a weight, dressed or not dressed, of one pound or more, $4 for each pound or fraction of a pound of aquatic life fish. For each individual aquatic life fish with a dressed or not dressed weight of less than one pound, $4. For aquatic life parts of fish processed past the dressed state, $8 per pound.

(3) For processed turtle parts, $6 for each pound or fraction of a pound. For each non-processed turtle, $8 per turtle.
(4) For frogs, toads, salamanders, lizards, and snakes, $8 per animal in whole or in part.

(5) For goldeye, mooneye, carp, carpsuckers (all species), suckers (all species), redhorse (all species), buffalo (all species), freshwater drum, skipjack, shad (all species), alewife, smelt, gar, bowfin, mussels, chinook salmon caught from August 1 through December 31, and all other aquatic life protected by this Code, not listed in paragraphs (1), (2), (3), or (4) of subsection (c) of this Section, $1 per pound, in part or in whole.

(6) For each species listed on the federal or State endangered and threatened species list, and for lake and pallid sturgeon, $150 per animal in whole or in part.

(Source: P.A. 89-66, eff. 1-1-96.)

(515 ILCS 5/15-46 new)

Sec. 15-46. Taking of roe-bearing species by commercial device.

(a) All commercial fishermen shall procure a commercial roe harvest permit in addition to their commercial fishing license before taking roe-bearing species with commercial fishing devices from the waters of the State legally open to commercial fishing. Any person found guilty of a violation of this subsection (a) is subject to the penalties provided in Section 20-91 of this Code.

(b) Any incidental catch of aquatic life not authorized for taking with commercial devices must be returned immediately without harm to the water. Any person found guilty of a violation of this subsection (b) is guilty of a Class B misdemeanor.

(515 ILCS 5/15-75) (from Ch. 56, par. 15-75)

Sec. 15-75. Record of catch; inspection of record. Commercial fishermen, musselors, and commercial roe harvesters shall keep an accurate record of their catch. This record, showing the species and number of pounds of fish, or mussels, or roe taken, type of commercial devices used, and location from which taken, shall be open for inspection by the employees of the Department at all times. This information shall be submitted to the Department on forms furnished for that purpose by the Department and at intervals prescribed by the Department. Failure to
submit **required** reports, *as required*, shall be grounds for license suspension or revocation.

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

(515 ILCS 5/15-85) (from Ch. 56, par. 15-85)
Sec. 15-85. Dragging nets. It shall be unlawful to pull, drag, haul, or draw to, towards, or near the shore of any body of water, or to or against a backstop, a net device of any kind except a seine. *Nothing in this Section, however, shall prohibit the use of a trammel or gill net attached to a single boat while the net is being placed, set, or adjusted.*

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

(515 ILCS 5/15-130) (from Ch. 56, par. 15-130)
Sec. 15-130. Gill or trammel net. It shall be unlawful to use a gill or trammel net except in the Mississippi River, in the Ohio River, and in the Illinois River from its mouth up to the Illinois River bridge, Highway Route 89, including adjacent backwaters but not above the mouth of any stream, ditch, or tributary connected to these backwaters. No trammel net used under this Section shall have meshes less than 2 inches bar measurement and no gill net used under this Section shall have meshes less than 4 inches bar measurement. No gill or trammel net shall be less than 100 feet in length.

All gill or trammel nets that are set in any body of water shall be under the immediate supervision of the operator, who may be the licensee or his or her employee, except (i) from May 1 to September 30, (ii) when the nets are set under the ice, or (iii) from sunset to sunrise, or (iv) *as specified by administrative rule*. Immediate supervision shall be defined as the operator being on the waters where the nets are set to be readily available to identify the nets to law enforcement officers empowered to enforce this Code. It shall be unlawful for any employee on any one day to lift or attend nets of more than one licensee.

All gill or trammel nets set under the ice shall be at a distance of not less than 100 yards from any natural opening in the ice.

The Department may modify provisions of this Section as provided in Section 1-135.

(Source: P.A. 90-435, eff. 1-1-98.)

New matter indicated by italics - deletions by strikeout
Sec. 15-135. License in possession.

(a) It is unlawful, for the purposes of operation of fishing or musseling devices, (i) for licensed commercial fishermen or musselors to required to maintain all necessary licenses in accordance with Section 20-65, and it shall be unlawful for any licensee to loan licenses to any other individual, or (ii) for any person to possess the license of another for operation of fishing or musseling devices.

(b) It shall be unlawful to disturb in any manner the licensed devices of another person without consent of that person.

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

Sec. 20-35. Offenses.

(a) Except as prescribed in Section 5-25 and unless otherwise provided in this Code, any person who is found guilty of violating any of the provisions of this Code, including administrative rules, is guilty of a petty offense.

Any person who violates any of the provisions of Section 15-45 or 15-60, including administrative rules related to those Sections, is guilty of a Class C misdemeanor.

Any person who violates any of the provisions of Section 1-200, 1-205, 1-20, 1-100(b), 15-80, or 20-125(d) of this Code, including administrative rules relating to those Sections, is guilty of a Class A misdemeanor.
of his or her license, permit, or privileges under Section 20-105 is guilty of a Class A misdemeanor.

Any person who violates Section 5-25 of this Code, including administrative rules, is guilty of a Class 3 felony except as otherwise provided in subsection (a) of Section 5-25.

(b)(1) It is unlawful for any person to take or attempt to take aquatic life from any aquatic life farm except with the consent of the owner of the aquatic life farm. Any person possessing fishing tackle on the premises of an aquatic life farm is presumed to be fishing. The presumption may be rebutted by clear and convincing evidence. All fishing tackle, apparatus, and vehicles used in the violation of this subsection (b) shall be confiscated by the arresting officer. Except as otherwise provided in this subsection, the seizure and confiscation procedures set forth in Section 1-215 of this Code shall apply. If the confiscated property is determined by the circuit court to have been used in the violation of this subsection (b), the confiscated property shall be sold at public auction by the county sheriff of the county where the violation occurred. The proceeds of the sale shall be deposited in the county general fund; provided that the auction may be stayed by an appropriate court order.

(2) A violation of paragraph (1) of this subsection (b) is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

(c)(1) It is unlawful for any person to trespass or fish on an aquatic life farm located on a strip mine lake or other body of water used for aquatic life farming operations, or within a 200 foot buffer zone surrounding cages or netpens that are clearly delineated by buoys of a posted aquatic life farm, by swimming, scuba diving, or snorkeling in, around, or under the aquatic life farm or by operating a watercraft over, around, or in the aquatic life farm without the consent of the owner of the aquatic life farm.

(2) A violation of paragraph (1) of this subsection (c) is a Class B misdemeanor for a first offense and a Class A misdemeanor for a second or subsequent offense. All fishing tackle, apparatus, and watercraft used in

New matter indicated by italics - deletions by strikeout
a second or subsequent violation of this subsection (c) shall be confiscated by the arresting officer. Except as otherwise provided in this subsection, the seizure and confiscation procedures set forth in Section 1-215 of this Code shall apply. If the confiscated property is determined by the circuit court to have been used in a violation of this subsection (c), the confiscated property shall be sold at public auction by the county sheriff of the county where the violation occurred. The proceeds of the sale shall be deposited in the county general fund; provided that the auction may be stayed by an appropriate court order.

(d) Offenses committed by minors under the direct control or with the consent of a parent or guardian may subject the parent or guardian to the penalties prescribed in this Section or as otherwise provided in this Code.

(e) In addition to any fines imposed under this Section, or as otherwise provided in this Code, any person found guilty of unlawfully taking or possessing any aquatic life protected by this Code shall be assessed a civil penalty for that aquatic life in accordance with the values prescribed in Section 5-25 of this Code. This civil penalty shall be imposed at the time of the conviction by the Circuit Court for the county where the offense was committed. Except as otherwise provided for in subsections (b) and (c) of this Section, all penalties provided for in this Section shall be remitted to the Department in accordance with the provisions of Section 1-180 of this Code.

(Source: P.A. 94-222, eff. 7-14-05; 94-592, eff. 1-1-06; revised 8-19-05.)

(515 ILCS 5/20-70) (from Ch. 56, par. 20-70)

Sec. 20-70. Non-resident and resident aquatic life dealers. Non-resident aquatic life dealers shall maintain records of all fish and other aquatic life bought, sold, or shipped in Illinois. These records shall include the name of the seller and the species and poundage of the fish or aquatic life involved. The records shall be kept for a minimum of one year from the date of the transaction and shall be made immediately available to authorized employees of the Department upon request.

(a) Non-resident aquatic life dealers. Any person not a resident of Illinois who sells or ships to other wholesalers, retailers, or consumers any

New matter indicated by italics - deletions by strikeout
of the aquatic life protected by this Code, whether from waters within or
without the State is a non-resident aquatic life dealer within the meaning
of this Code.

All licenses issued to non-resident aquatic life dealers are valid
only in the location described and designated in the application for the
license. Wholesalers may deliver their products by truck or common
carrier of any type but must possess a separate license for each truck from
which aquatic life are being sold if business is solicited from the trucks.

Application for a non-resident aquatic life dealer's license shall be
made to and upon forms furnished by the Department and shall be in the
form as the Department may prescribe. The annual fee for a non-resident
aquatic life dealer's license shall be $100. All non-resident aquatic life
dealer licenses shall expire on January 31 of each year.

Non-residents purchasing aquatic life in Illinois for sale solely
outside the State are exempt from possessing an aquatic life dealer's
license if purchases are made from a licensed resident wholesale or retail
aquatic life dealer.

(b) Resident aquatic life dealer's licenses. Any person conducting a
fish market or buying, selling, or shipping any aquatic life (except
minnows) protected by this Code, whether from waters within or without
the State, shall first procure a license from the Department to do so,
including any commercial fisherman selling live fish for stocking only.
Any commercial fisherman selling fish legally caught or taken by
themselves to a resident licensed wholesale aquatic life dealer, however, is
exempt from the provisions of this Section.

(1) Wholesale aquatic life dealer's license. Any resident of
this State who, within the State of Illinois, conducts a wholesale
fish market or who sells or ships to any other wholesaler, retailer,
or other commercial institution aquatic life protected by this Code,
whether from waters within or without the State, is a resident
wholesale aquatic life dealer in the meaning of this Code.

This provision, however, does not apply to minnows or
saltwater species commonly used as seafood that will not survive
in freshwater, such as lobsters, clams, mussels, and oysters.

New matter indicated by italics - deletions by strikeout
All licenses issued to resident wholesale aquatic life dealers are valid only in the location described and designated in the application for license. Wholesale aquatic life dealers may deliver their products by truck or other common carrier but must possess a separate license for each truck from which aquatic life is being sold if business is solicited from the truck. Applications for resident wholesale aquatic life dealer's licenses shall be made to and upon forms furnished by the Department, which shall be in the form as the Department may prescribe. The annual license fee for each wholesale aquatic life dealer's license is $50. All wholesale aquatic life dealer's licenses shall expire on January 31 of each year.

(2) Retail aquatic life dealer's license. Any resident of the State of Illinois who, within the State of Illinois, conducts a retail fish market where he or she sells or offers for sale any aquatic life protected by this Code, whether from waters from within or without the State, is a retail aquatic life dealer in the meaning of this Code.

This provision, however, does not apply to minnows or saltwater species commonly used as seafood that will not survive in freshwater, such as lobsters, clams, mussels, and oysters.

All licenses issued to resident aquatic life dealers are valid only in the location described and designated in the application for the license. Retailers may deliver their products by truck or other common carrier but must possess a separate license for each truck from which aquatic life is being sold if business is solicited from the truck.

Applications for resident retail aquatic life dealer's licenses shall be made to and upon forms furnished by the Department, which shall be in the form the Department may prescribe. The annual license for each resident retail aquatic life dealer's license is $10. All these licenses shall expire on January 31 of each year.

(3) Separate licenses. A license shall be procured for each separate fish market or place of business operated by any wholesale or retail aquatic life dealer, whether a resident or non-resident, and

New matter indicated by italics - deletions by strikeout
for each vehicle from which aquatic life is sold. All licenses shall be conspicuously displayed at all times.

(c) The Department may adopt administrative rules pertaining to non-resident and resident aquatic life dealers. Any person who violates any provision of this Section 20-70, or related administrative rule, is guilty of a Class B misdemeanor.

(Source: P.A. 94-592, eff. 1-1-06.)

(515 ILCS 5/20-91 new)
Sec. 20-91. Commercial roe harvest permit.

(a) Any commercial fisherman who engages in taking roe-bearing species with commercial fishing devices from legally open waters of the State must annually procure a commercial roe harvest permit from the Department. All individuals assisting a licensed commercial roe harvester in taking roe bearing fishes must also have a commercial roe harvest permit unless these individuals are under the direct supervision of and aboard the same watercraft as the licensed commercial roe harvester. The annual fee for a commercial roe harvest permit is $250 for State residents and $3,500 for non-residents. All commercial roe harvest permits shall expire on May 31 of each year.

(b) It is unlawful for a commercial roe harvest permittee to possess roe more than 5 days after the conclusion of the harvest season without a commercial roe dealer permit.

(c) Violation of this Section is a Class A misdemeanor with a minimum mandatory fine of $500.

(515 ILCS 5/20-92 new)
Sec. 20-92. Commercial roe dealer permit.

(a) Any resident wholesale aquatic life dealer who buys, sells, or ships roe from roe-bearing species, whether from the waters within or without the State, must annually procure a commercial roe dealer permit from the Department in addition to an aquatic life dealers permit. The annual fee for a commercial roe dealer permit is $500 for resident wholesale aquatic life dealers and $1,500 for non-resident aquatic life dealers. All commercial roe dealer permits shall expire on May 31 of each year.

New matter indicated by italics - deletions by strikeout
(b) Legally licensed commercial roe dealer permit holders may designate up to 2 employees on their commercial roe dealer permit. Employees designated on a commercial roe dealer permit must retain a copy of this permit in their possession while transporting roe bearing fishes either whole or in part.

(c) A violation of this Section is a Class A misdemeanor with a minimum mandatory fine of $500.

(515 ILCS 5/20-125) (from Ch. 56, par. 20-125)
Sec. 20-125. Records; reports; receipts.
(a) Any person engaged in the buying, selling, or shipping of aquatic life in the State, under Sections 20-70, 20-75, 20-80, 20-91, and 20-92 of this Act, shall maintain the following minimum records:
(1) the name and address of the buyer;
(2) the name and address of the seller;
(3) the date of the transaction;
(4) the species and quantity to the nearest half pound, if applicable, or number of whole species bought, sold, or shipped; and
(5) the license or permit number of the buyer and seller, if applicable.

Reports must be submitted to the Department on forms furnished for that purpose by the Department and at intervals prescribed by the Department by administrative rule. Failure to submit reports as required is grounds for license suspension or revocation.

(b) All aquatic life dealers, including but not limited to minnow dealers, fish dealers, commercial roe dealers, mussel dealers, and breeders, shall, upon purchasing or receiving any aquatic life protected by this Code, issue a numbered receipt to the commercial fisherman, musselor, dealer, breeder, or other person from whom the aquatic life was purchased, setting forth the number of pounds and kinds of aquatic life, the date of purchase, the price paid per pound for each species, the name and address of the commercial fisherman, musselor, dealer, breeder, or other person from whom the aquatic life was purchased, and the appropriate license number of the commercial fisherman, musselor, dealer, breeder, or
other person from whom the aquatic life was purchased if applicable, and the origin of the aquatic life.

The original receipt shall be retained by the aquatic life dealer for a minimum of 2 years from the date of purchase listed on the receipt. A duplicate receipt shall be given to the commercial fisherman, musselor, dealer, breeder, or other person from whom the aquatic life was purchased at the time of purchase.

(c) All receipts, reports, and records required by the Department in subsections (a) and (b) shall be available for inspection by any authorized employee of the Department or any other peace officer upon request. Failure to comply with the provisions of this subsection (c) Section shall bar the licensee from obtaining a permit or license for aquatic life purchasing for the following year. Any person who violates any of the provisions of this subsection (c) Section shall be guilty of a Class B misdemeanor.

(d) It is unlawful to falsify any information or record or to provide fraudulent information or records to the Department. Violation of this subsection (d) is a Class A misdemeanor.

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

(515 ILCS 5/15-150 rep.)

Section 10. The Fish and Aquatic Life Code is amended by repealing Section 15-150.

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

INDEX

Statutes amended in order of appearance

515 ILCS 5/1-116 new
515 ILCS 5/1-117 new
515 ILCS 5/5-25 from Ch. 56, par. 5-25
515 ILCS 5/15-46 new
515 ILCS 5/15-75 from Ch. 56, par. 15-75
515 ILCS 5/15-85 from Ch. 56, par. 15-85
515 ILCS 5/15-130 from Ch. 56, par. 15-130
515 ILCS 5/15-135 from Ch. 56, par. 15-135

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

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

Section 5. The School Code is amended by changing Sections 10-22.22b, 10-23.5, and 11E-110 as follows:

(105 ILCS 5/10-22.22b) (from Ch. 122, par. 10-22.22b)
Sec. 10-22.22b. (a) The provisions of this subsection shall not apply to the deactivation of a high school facility under subsection (c). Where in its judgment the interests of the district and of the students therein will be best served, to deactivate any high school facility or elementary school facility in the district and send the students of such high school in grades 9 through 12 or such elementary school in grades kindergarten through 8, as applicable, to schools in other districts. Such action may be taken only with the approval of the voters in the district and the approval, by proper resolution, of the school board of the receiving district. The board of the district contemplating deactivation shall, by proper resolution, cause the proposition to deactivate the school facility to be submitted to the voters of the district at a regularly scheduled election. Notice shall be published at least 10 days prior to the date of the election at least once in one or more newspapers published in the district or, if no newspaper is published in the district, in one or more newspapers with a
general circulation within the district. The notice shall be substantially in the following form:

NOTICE OF REFERENDUM TO
DEACTIVATE THE ... SCHOOL FACILITY
IN SCHOOL DISTRICT NO. ........

Notice is hereby given that on (insert date), a referendum will be held in ...... County (Counties) for the purpose of voting for or against the proposition to deactivate the ...... School facility in School District No. ...... and to send pupils in ...... School to School District(s) No. .......

The polls will be open at .... o'clock ... m., and close at .... o'clock ... m. of the same day.

A.......... B............

Dated (insert date).
Regional Superintendent of Schools
The proposition shall be in substantially the following form:

-------------------------------------------------------------
Shall the Board of Education of School District No. ...., ..... County, Illinois, be authorized to deactivate the .... School facility and to send pupils in ...... School to School District(s) No. ......?

-------------------------------------------------------------

If the majority of those voting upon the proposition in the district contemplating deactivation vote in favor of the proposition, the board of that district, upon approval of the board of the receiving district, shall execute a contract with the receiving district providing for the reassignment of students to the receiving district. If the deactivating district seeks to send its students to more than one district, it shall execute a contract with each receiving district. The length of the contract shall be for 2 school years, but the districts may renew the contract for additional

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one year or 2 year periods. Contract renewals shall be executed by January 1 of the year in which the existing contract expires. If the majority of those voting upon the proposition do not vote in favor of the proposition, the school facility may not be deactivated.

The sending district shall pay to the receiving district an amount agreed upon by the 2 districts.

When the deactivation of school facilities becomes effective pursuant to this Section, the provisions of Section 24-12 relative to the contractual continued service status of teachers having contractual continued service whose positions are transferred from one board to the control of a different board shall apply, and the positions at the school facilities being deactivated held by teachers, as that term is defined in Section 24-11, having contractual continued service with the school district at the time of the deactivation shall be transferred to the control of the board or boards who shall be receiving the district's students on the following basis:

(1) positions of such teachers in contractual continued service that were full time positions shall be transferred to the control of whichever of such boards such teachers shall request with the teachers making such requests proceeding in the order of those with the greatest length of continuing service with the board to those with the shortest length of continuing service with the board, provided that the number selecting one board over another board or other boards shall not exceed that proportion of the school students going to such board or boards; and

(2) positions of such teachers in contractual continued service that were full time positions and as to which there is no selection left under subparagraph 1 hereof shall be transferred to the appropriate board.

The contractual continued service status of any teacher thereby transferred to another district is not lost and the receiving board is subject to the School Code with respect to such transferred teacher in the same manner as if such teacher was the district's employee during the time such
teacher was actually employed by the board of the deactivating district from which the position was transferred.

When the deactivation of school facilities becomes effective pursuant to this Section, the provisions of subsection (b) of Section 10-23.5 of this Code relative to the transfer of educational support personnel employees shall apply, and the positions at the school facilities being deactivated that are held by educational support personnel employees at the time of the deactivation shall be transferred to the control of the board or boards that will be receiving the district's students on the following basis:

(A) positions of such educational support personnel employees that were full-time positions shall be transferred to the control of whichever of the boards the employees request, with the educational support personnel employees making these requests proceeding in the order of those with the greatest length of continuing service with the board to those with the shortest length of continuing service with the board, provided that the number selecting one board over another board or other boards must not exceed that proportion of students going to such board or boards; and

(B) positions of such educational support personnel employees that were full-time positions and as to which there is no selection left under subdivision (A) shall be transferred to the appropriate board.

The length of continuing service of any educational support personnel employee thereby transferred to another district is not lost and the receiving board is subject to this Code with respect to that transferred educational support personnel employee in the same manner as if the educational support personnel employee was the district's employee during the time the educational support personnel employee was actually employed by the board of the deactivating district from which the position was transferred.

(b) The provisions of this subsection shall not apply to the reactivation of a high school facility which is deactivated under subsection

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(c). The sending district may, with the approval of the voters in the district, reactivate the school facility which was deactivated. The board of the district seeking to reactivate the school facility shall, by proper resolution, cause the proposition to reactivate to be submitted to the voters of the district at a regularly scheduled election. Notice shall be published at least 10 days prior to the date of the election at least once in one or more newspapers published in the district or, if no newspaper is published in the district, in one or more newspapers with a general circulation within the district. The notice shall be substantially in the following form:

NOTICE OF REFERENDUM TO REACTIVATE THE ...... SCHOOL FACILITY IN SCHOOL DISTRICT NO. ......

Notice is hereby given that on (insert date), a referendum will be held in ...... County (Counties) for the purpose of voting for or against the proposition to reactivate the ..... School facility in School District No. ..... and to discontinue sending pupils of School District No. ...... to School District(s) No. ......

The polls will be opened at ... o'clock .... m., and closed at ... o'clock .... m. of the same day.

A............ B............

Dated (insert date).
Regional Superintendent of Schools
The proposition shall be in substantially the following form:

-------------------------------------------------------------
Shall the Board of Education of School District No. ......, ...... County, Illinois, be authorized to/reactivate the .... School facility and to discontinue sending pupils of School District No. ......? NO
-------------------------------------------------------------

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(c) The school board of any unit school district which experienced a strike by a majority of its certified employees that endured for over 6 months during the regular school term of the 1986-1987 school year, and which during the ensuing 1987-1988 school year had an enrollment in grades 9 through 12 of less than 125 students may, when in its judgment the interests of the district and of the students therein will be best served thereby, deactivate the high school facilities within the district for the regular term of the 1988-1989 school year and, for that school year only, send the students of such high school in grades 9 through 12 to schools in adjoining or adjacent districts. Such action may only be taken: (a) by proper resolution of the school board deactivating its high school facilities and the approval, by proper resolution, of the school board of the receiving district or districts, and (b) pursuant to a contract between the sending and each receiving district, which contract or contracts: (i) shall provide for the reassignment of all students of the deactivated high school in grades 9 through 12 to the receiving district or districts; (ii) shall apply only to the regular school term of the 1988-1989 school year; (iii) shall not be subject to renewal or extension; and (iv) shall require the sending district to pay to the receiving district the cost of educating each student who is reassigned to the receiving district, such costs to be an amount agreed upon by the sending and receiving district but not less than the per capita cost of maintaining the high school in the receiving district during the 1987-1988 school year. Any high school facility deactivated pursuant to this subsection for the regular school term of the 1988-1989 school year shall be reactivated by operation of law as of the end of the regular term of the 1988-1989 school year. The status as a unit school district of a district which deactivates its high school facilities pursuant to this subsection shall not be affected by reason of such deactivation of its high school facilities and such district shall continue to be deemed in law a school district maintaining grades kindergarten through 12 for all purposes relating to the levy, extension, collection and payment of the taxes of the district under Article 17 for the 1988-1989 school year.

(d) Whenever a school facility is reactivated pursuant to the provisions of this Section, then all teachers in contractual continued

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service who were honorably dismissed or transferred as part of the deactivation process, in addition to other rights they may have under the School Code, shall be recalled or transferred back to the original district. (Source: P.A. 94-213, eff. 7-14-05.)

(105 ILCS 5/10-23.5) (from Ch. 122, par. 10-23.5)
Sec. 10-23.5. Educational support personnel employees. (a) To employ such educational support personnel employees as it deems advisable and to define their employment duties; provided that residency within any school district shall not be considered in determining the employment or the compensation of any such employee, or whether to retain, promote, assign or transfer such employee. If an educational support personnel employee is removed or dismissed as a result of a decision of the school board (i) to decrease the number of educational support personnel employees employed by the board or (ii) to discontinue some particular type of educational support service, written notice shall be mailed to the employee and also given the employee either by certified mail, return receipt requested or personal delivery with receipt at least 30 days before the employee is removed or dismissed, together with a statement of honorable dismissal and the reason therefor. The employee with the shorter length of continuing service with the district, within the respective category of position, shall be dismissed first unless an alternative method of determining the sequence of dismissal is established in a collective bargaining agreement or contract between the board and any exclusive bargaining agent and except that this provision shall not impair the operation of any affirmative action program in the district, regardless of whether it exists by operation of law or is conducted on a voluntary basis by the board. If the board has any vacancies for the following school term or within one calendar year from the beginning of the following school term, the positions thereby becoming available within a specific category of position shall be tendered to the employees so removed or dismissed from that category of position, so far as they are qualified to hold such positions. Each board shall, in consultation with any exclusive employee representative or bargaining agent, each year establish a list, categorized by positions, showing the length of continuing service of each

New matter indicated by italics - deletions by strikeout
full time educational support personnel employee who is qualified to hold any such positions, unless an alternative method of determining a sequence of dismissal is established as provided for in this Section, in which case a list shall be made in accordance with the alternative method. Copies of the list shall be distributed to the exclusive employee representative or bargaining agent on or before February 1 of each year. Where an educational support personnel employee is dismissed by the board as a result of a decrease in the number of employees or the discontinuance of the employee's job, the employee shall be paid all earned compensation on or before the third business day following his or her last day of employment.

The provisions of this amendatory Act of 1986 relating to residency within any school district shall not apply to cities having a population exceeding 500,000 inhabitants.

(b) In the case of a new school district or districts formed in accordance with Article 11E of this Code, a school district or districts that annex all of the territory of one or more entire other school districts in accordance with Article 7 of this Code, or a school district receiving students from a deactivated school facility in accordance with Section 10-22.22b of this Code, the employment of educational support personnel in the new, annexing, or receiving school district immediately following the reorganization shall be governed by this subsection (b). Lists of the educational support personnel employed in the individual districts for the school year immediately prior to the effective date of the new district or districts, annexation, or deactivation shall be combined for the districts forming the new district or districts, for the annexed and annexing districts, or for the deactivating and receiving districts, as the case may be. The combined list shall be categorized by positions, showing the length of continuing service of each full-time educational support personnel employee who is qualified to hold any such position. If there are more full-time educational support personnel employees on the combined list than there are available positions in the new, annexing, or receiving school district, then the employing school board shall first remove or dismiss those educational support personnel employees with the shorter length of employment.

New matter indicated by italics - deletions by strikeout
continuing service within the respective category of position, following the procedures outlined in subsection (a) of this Section. The employment and position of each educational support personnel employee on the combined list not so removed or dismissed shall be transferred to the new, annexing, or receiving school board, and the new, annexing, or receiving school board is subject to this Code with respect to any educational support personnel employee so transferred as if the educational support personnel employee had been the new, annexing, or receiving board's employee during the time the educational support personnel employee was actually employed by the school board of the district from which the employment and position were transferred.

The changes made by this amendatory Act of the 95th General Assembly shall not apply to the formation of a new district or districts in accordance with Article 11E of this Code, the annexation of one or more entire districts in accordance with Article 7 of this Code, or the deactivation of a school facility in accordance with Section 10-22.22b of this Code effective on or before July 1, 2007.

(Source: P.A. 89-618, eff. 8-9-96; 90-548, eff. 1-1-98.)

(105 ILCS 5/11E-110)

Sec. 11E-110. Teachers in contractual continued service; educational support personnel employees.

(a) When a school district conversion or multi-unit conversion becomes effective for purposes of administration and attendance, as determined pursuant to Section 11E-70 of this Code, the provisions of Section 24-12 of this Code relative to the contractual continued service status of teachers having contractual continued service whose positions are transferred from one school board to the control of a new or different school board shall apply, and the positions held by teachers, as that term is defined in Section 24-11 of this Code, having contractual continued service with the unit district at the time of its dissolution shall be transferred on the following basis:

(1) positions of teachers in contractual continued service that, during the 5 school years immediately preceding the effective date of the change, as determined under Section 11E-70 of this Code.
Code, were full-time positions in which all of the time required of
the position was spent in one or more of grades 9 through 12 shall
be transferred to the control of the school board of the new high
school district or combined high school - unit district, as the case
may be;

(2) positions of teachers in contractual continued service
that, during the 5 school years immediately preceding the effective
date of the change, as determined under Section 11E-70 of this
Code, were full-time positions in which all of the time required of
the position was spent in one or more of grades kindergarten
through 8 shall be transferred to the control of the school board of
the newly created successor elementary district; and

(3) positions of teachers in contractual continued service
that were full-time positions not required to be transferred to the
control of the school board of the new high school district or
combined high school - unit district, as the case may be, or the
school board of the newly created successor elementary district
under the provisions of subdivision (1) or (2) of this subsection (a)
shall be transferred to the control of whichever of the boards the
teacher shall request.

(4) With respect to each position to be transferred under the
provisions of this subsection (a), the amount of time required of each
position to be spent in one or more of grades kindergarten through 8 and 9
through 12 shall be determined with reference to the applicable records of
the unit district being dissolved pursuant to stipulation of the school board
of the unit district prior to the effective date of its dissolution or thereafter
of the school board of the newly created districts and with the approval in
either case of the regional superintendent of schools of the educational
service region in which the territory described in the petition filed under
this Article or the greater percentage of equalized assessed evaluation of
the territory is situated; however, if no such stipulation can be agreed
upon, the regional superintendent of schools, after hearing any additional
relevant and material evidence that any school board desires to submit,
shall make the determination.

New matter indicated by italics - deletions by strikeout
(a-5) When a school district conversion or multi-unit conversion becomes effective for purposes of administration and attendance, as determined pursuant to Section 11E-70 of this Code, the provisions of subsection (b) of Section 10-23.5 of this Code relative to the transfer of educational support personnel employees shall apply, and the positions held by educational support personnel employees shall be transferred on the following basis:

(1) positions of educational support personnel employees that, during the 5 school years immediately preceding the effective date of the change, as determined under Section 11E-70 of this Code, were full-time positions in which all of the time required of the position was spent in one or more of grades 9 through 12 shall be transferred to the control of the school board of the new high school district or combined high school - unit district, as the case may be;

(2) positions of educational support personnel employees that, during the 5 school years immediately preceding the effective date of the change, as determined under Section 11E-70 of this Code, were full-time positions in which all of the time required of the position was spent in one or more of grades kindergarten through 8 shall be transferred to the control of the school board of the newly created successor elementary district; and

(3) positions of educational support personnel employees that were full-time positions not required to be transferred to the control of the school board of the new high school district or combined high school - unit district, as the case may be, or the school board of the newly created successor elementary district under subdivision (1) or (2) of this subsection (a-5) shall be transferred to the control of whichever of the boards the educational support personnel employee requests.

With respect to each position to be transferred under this subsection (a-5), the amount of time required of each position to be spent in one or more of grades kindergarten through 8 and 9 through 12 shall be determined with reference to the applicable records of the unit district.
being dissolved pursuant to stipulation of the school board of the unit
district prior to the effective date of its dissolution or thereafter of the
school board of the newly created districts and with the approval in either
case of the regional superintendent of schools of the educational service
region in which the territory described in the petition filed under this
Article or the greater percentage of equalized assessed evaluation of the
territory is situated; however, if no such stipulation can be agreed upon,
the regional superintendent of schools, after hearing any additional
relevant and material evidence that any school board desires to submit,
shall make the determination.

(b) When the creation of a unit district or a combined school
district becomes effective for purposes of administration and attendance,
as determined pursuant to Section 11E-70 of this Code, the positions of
teachers in contractual continued service in the districts involved in the
creation of the new district are transferred to the newly created district
pursuant to the provisions of Section 24-12 of this Code relative to
teachers having contractual continued service status whose positions are
transferred from one board to the control of a different board, and those
provisions of Section 24-12 shall apply to these transferred teachers. The
contractual continued service status of any teacher thereby transferred to
the newly created district is not lost and the new school board is subject to
this Code with respect to the transferred teacher in the same manner as if
the teacher was that district's employee and had been its employee during
the time the teacher was actually employed by the school board of the
district from which the position was transferred.

(c) When the creation of a unit district or a combined school
district becomes effective for purposes of administration and attendance,
as determined pursuant to Section 11E-70 of this Code, the positions of
educational support personnel employees in the districts involved in the
creation of the new district shall be transferred to the newly created
district pursuant to subsection (b) of Section 10-23.5 of this Code. The
length of continuing service of any educational support personnel
employee thereby transferred to the newly created district is not lost and
the new school board is subject to this Code with respect to the

New matter indicated by italics - deletions by strikeout
transferred educational support personnel employee in the same manner as if the educational support personnel employee had been that district's employee during the time the educational support personnel employee was actually employed by the school board of the district from which the position was transferred.

(Source: P.A. 94-1019, eff. 7-10-06; revised 8-23-06.)

Section 90. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

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

Approved August 14, 2007.
Effective August 14, 2007.

PUBLIC ACT 95-0149
(House Bill No. 1864)

AN ACT concerning transportation.

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

Section 5. The Illinois Vehicle Code is amended by changing Section 11-501 as follows:

(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)
(Text of Section from P.A. 93-1093 and 94-963)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

New matter indicated by italics - deletions by strikeout
(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;
(2) under the influence of alcohol;
(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;
(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;
(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or
(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).
(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service.

New matter indicated by italics - deletions by strikeout
service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).
(c-3) (Blank).
(c-4) (Blank).
(c-5)(1) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subdivision (c-5)(1) is not subject to suspension, nor is the person eligible for a reduced sentence.

New matter indicated by italics - deletions by strikeout
(2) Except as provided in subdivisions (c-5)(3) and (c-5)(4) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subdivision (c-5)(2) is not subject to suspension, nor is the person eligible for a reduced sentence.

(3) Except as provided in subdivision (c-5)(4), any person convicted of violating subdivision (c-5)(2) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subdivision (c-5)(3) is not subject to suspension, nor is the person eligible for a reduced sentence.

(4) Any person convicted of violating subdivision (c-5)(2) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subdivision (c-5)(4) is not subject to suspension, nor is the person eligible for a reduced sentence.

(5) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an

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additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subdivision (c-5)(5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(6) Any person convicted of violating subdivision (c-5)(5) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subdivision (c-5)(6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(7) Any person convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-6)(1) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

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(2) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(3) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(4) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of

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alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that

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resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the
Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided in subsection (m) of this Section under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating
subsection (a) or a similar provision of a local ordinance, the fine shall be
$1,000. In the event that more than one agency is responsible for the arrest,
the amount payable to law enforcement agencies shall be shared equally.
Any moneys received by a law enforcement agency under this subsection
(j) shall be used for enforcement and prevention of driving while under the
influence of alcohol, other drug or drugs, intoxicating compound or
compounds or any combination thereof, as defined by this Section,
including but not limited to the purchase of law enforcement equipment
and commodities that will assist in the prevention of alcohol related
criminal violence throughout the State; police officer training and
education in areas related to alcohol related crime, including but not
limited to DUI training; and police officer salaries, including but not
limited to salaries for hire back funding for safety checkpoints, saturation
patrols, and liquor store sting operations. Equipment and commodities
shall include, but are not limited to, in-car video cameras, radar and laser
speed detection devices, and alcohol breath testers. Any moneys received
by the Department of State Police under this subsection (j) shall be
deposited into the State Police DUI Fund and shall be used for
enforcement and prevention of driving while under the influence of
alcohol, other drug or drugs, intoxicating compound or compounds or any
combination thereof, as defined by this Section, including but not
limited to the purchase of law enforcement equipment and commodities that will
assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(k) The Secretary of State Police DUI Fund is created as a special
fund in the State treasury. All moneys received by the Secretary of State
Police under subsection (j) of this Section shall be deposited into the
 Secretary of State Police DUI Fund and, subject to appropriation, shall be
used for enforcement and prevention of driving while under the influence of
alcohol, other drug or drugs, intoxicating compound or compounds or any
combination thereof, as defined by this Section, including but not

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limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

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Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

1. the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;
2. under the influence of alcohol;
3. under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;
4. under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;
5. under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or
6. there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

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(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving
privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).
(c-3) (Blank).
(c-4) (Blank).

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(c-5) Except as provided in subsection (c-5.1), a person 21 years of age or older who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to 6 months of imprisonment, an additional mandatory minimum fine of $1,000, and 25 days of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-5.1) A person 21 years of age or older who is convicted of violating subsection (a) of this Section a first time and who in committing that violation was involved in a motor vehicle accident that resulted in bodily harm to the child under the age of 16 being transported by the person, if the violation was the proximate cause of the injury, is guilty of a Class 4 felony and is subject to one year of imprisonment, a mandatory fine of $2,500, and 25 days of community service in a program benefiting children. The imprisonment or assignment to community service under this subsection (c-5.1) shall not be subject to suspension, nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-6) Except as provided in subsections (c-7) and (c-7.1), a person 21 years of age or older who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to 6 months of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7) Except as provided in subsection (c-7.1), any person 21 years of age or older convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and, in addition to any other penalty imposed, is subject to one year of imprisonment, 25 days of mandatory community service in a program benefiting children, and a
mandatory fine of $2,500. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7.1) A person 21 years of age or older who is convicted of violating subsection (a) of this Section a second time within 10 years and who in committing that violation was involved in a motor vehicle accident that resulted in bodily harm to the child under the age of 16 being transported, if the violation was the proximate cause of the injury, is guilty of a Class 4 felony and is subject to 18 months of imprisonment, a mandatory fine of $5,000, and 25 days of community service in a program benefiting children. The imprisonment or assignment to community service under this subsection (c-7.1) shall not be subject to suspension, nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-8) (Blank).

(c-9) Any person 21 years of age or older convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and is subject to 18 months of imprisonment, a mandatory fine of $2,500, and 25 days of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person 21 years of age or older convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 3 felony and, in addition to any other penalty imposed, is subject to 3 years of imprisonment, 25 days of community service in a program benefiting children, and a mandatory fine of $25,000. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-11) Any person 21 years of age or older convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a

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person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $25,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(c-15) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath,
or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed

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zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a
condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State’s Attorney’s office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided in subsection (m) of this Section under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of

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a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol

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related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a
motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; 94-110, eff. 1-1-06; 94-963, eff. 6-28-06.)

(Text of Section from P.A. 94-113, 94-609, and 94-963)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful

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use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

New matter indicated by italics - deletions by strikeout
(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony.

(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic

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imprisonment, or 720 hours of community service, as may be
determined by the court. This mandatory term of imprisonment or
assignment of community service shall not be suspended or
reduced by the court.

(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs
during a period in which his or her driving privileges are revoked
or suspended where the revocation or suspension was for a
violation of subsection (a), Section 11-501.1, paragraph (b) of
Section 11-401, or for reckless homicide as defined in Section 9-3
of the Criminal Code of 1961, is guilty of a Class 2 felony and is
not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).

(c-3) (Blank).

(c-4) (Blank).

(c-5) A person who violates subsection (a), if the person was
transporting a person under the age of 16 at the time of the violation, is
subject to an additional mandatory minimum fine of $1,000, an additional
mandatory minimum 140 hours of community service, which shall include
40 hours of community service in a program benefiting children, and an
additional 2 days of imprisonment. The imprisonment or assignment of
community service under this subsection (c-5) is not subject to suspension,
nor is the person eligible for a reduced sentence.

(c-6) Except as provided in subsections (c-7) and (c-8) a person
who violates subsection (a) a second time, if at the time of the second
violation the person was transporting a person under the age of 16, is
subject to an additional 10 days of imprisonment, an additional mandatory
minimum fine of $1,000, and an additional mandatory minimum 140
hours of community service, which shall include 40 hours of community
service in a program benefiting children. The imprisonment or assignment
of community service under this subsection (c-6) is not subject to
suspension, nor is the person eligible for a reduced sentence.

(c-7) Except as provided in subsection (c-8), any person convicted
of violating subsection (c-6) or a similar provision within 10 years of a

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previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-8) Any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service

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under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-11) Any person convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a

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mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(c-15) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an
element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, unless the court determines that extraordinary circumstances exist and require probation, shall be sentenced to:

(A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or

(B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more
persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided in subsection (m) of this Section under Section 5-5-3 of the Unified Code of Corrections.

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(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used for

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enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence.

New matter indicated by italics - deletions by strikeout
Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Text of Section from P.A. 94-114 and 94-963)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;  
(2) under the influence of alcohol;  
(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

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(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

New matter indicated by italics - deletions by strikeout
(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony.

(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term

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of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or fifth time, if the fourth or fifth violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).
(c-3) (Blank).
(c-4) (Blank).

(c-5) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-6) Except as provided in subsections (c-7) and (c-8) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is
subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7) Except as provided in subsection (c-8), any person convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-8) Any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.
(c-10) Any person convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-11) Any person convicted a fourth or fifth time for violating subsection (a) or a similar provision, if at the time of the fourth or fifth violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.
(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(c-15) Any person convicted of a fourth or fifth violation of subsection (a) or a similar provision, if at the time of the fourth or fifth violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(c-16) Any person convicted of a sixth or subsequent violation of subsection (a) is guilty of a Class X felony.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;
(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;
(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or

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disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or
drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall

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be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided in subsection (m) of this Section under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and
education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the

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education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; 94-114, eff. 1-1-06; 94-963, eff. 6-28-06.)

(Text of Section from P.A. 94-116 and 94-963)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

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(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).
(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third violation committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant is guilty of a Class 2 felony, and in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time is guilty of a Class 2 felony.

(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a

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mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth time is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(4) A person who violates subsection (a) a fifth or subsequent time is guilty of a Class 1 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).
(c-3) (Blank).
(c-4) (Blank).

(c-5) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

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(c-6) Except as provided in subsections (c-7) and (c-8) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7) Except as provided in subsection (c-8), any person convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-8) Any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 2 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The

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imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 2 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-11) Any person convicted a fourth time for violating subsection (a) or a similar provision, if at the time of the fourth violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in

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addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(c-15) Any person convicted of a fourth violation of subsection (a) or a similar provision, if at the time of the fourth violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or

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disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2) and in paragraphs (3) and (4) of subsection (c-1), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Except
as provided in paragraph (4) of subsection (c-1), aggravated driving under the influence of alcohol, other drug, or drugs, intoxicating compounds or compounds, or any combination thereof as defined in subparagraph (A) of paragraph (1) of this subsection (d) is a Class 2 felony. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compounds or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of
court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided in subsection (m) of this Section under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used for enforcement and prevention of driving while under the

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influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer

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salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; 94-116, eff. 1-1-06; 94-963, eff. 6-28-06.)

(Text of Section from P.A. 94-329 and 94-963)
Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.

New matter indicated by italics - deletions by strikeout
(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or

New matter indicated by italics - deletions by strikeout
suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and is guilty of a Class 3 felony.

(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

New matter indicated by italics - deletions by strikeout
(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and is guilty of a Class 2 felony, and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).
(c-3) (Blank).
(c-4) (Blank).
(c-5) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-6) Except as provided in subsections (c-7) and (c-8) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7) Except as provided in subsection (c-8), any person convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in

New matter indicated by italics - deletions by strikeout
addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-8) Any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.
(c-11) Any person convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

New matter indicated by italics - deletions by strikeout
(c-15) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been

New matter indicated by italics - deletions by strikeout
convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death;

(G) the person committed the violation while he or she did not possess a driver's license or permit or a restricted driving permit or a judicial driving permit; or

(H) the person committed the violation while he or she knew or should have known that the vehicle he or she was driving was not covered by a liability insurance policy.

(2) Except as provided in this paragraph (2) and in paragraphs (2), (2.1), and (3) of subsection (c-1), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the
defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.
(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided in subsection (m) of this Section under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not
limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor
compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; 94-329, eff. 1-1-06; 94-963, eff. 6-28-06.)

Section 10. The Snowmobile Registration and Safety Act is amended by changing Section 5-7 as follows:

(625 ILCS 40/5-7)

Sec. 5-7. Operating a snowmobile while under the influence of alcohol or other drug or drugs, intoxicating compound or compounds, or a combination of them; criminal penalties; suspension of operating privileges.

(a) A person may not operate or be in actual physical control of a snowmobile within this State while:

New matter indicated by italics - deletions by strikeout
1. The alcohol concentration in that person's blood or breath is a concentration at which driving a motor vehicle is prohibited under subdivision (1) of subsection (a) of Section 11-501 of the Illinois Vehicle Code;

2. The person is under the influence of alcohol;

3. The person is under the influence of any other drug or combination of drugs to a degree that renders that person incapable of safely operating a snowmobile;

3.1. The person is under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of safely operating a snowmobile;

4. The person is under the combined influence of alcohol and any other drug or drugs or intoxicating compound or compounds to a degree that renders that person incapable of safely operating a snowmobile; or

5. There is any amount of a drug, substance, or compound in that person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, controlled substance listed in the Illinois Controlled Substances Act, or intoxicating compound listed in the use of Intoxicating Compounds Act.

(b) The fact that a person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, any intoxicating compound or compounds, or any combination of them does not constitute a defense against a charge of violating this Section.

(c) Every person convicted of violating this Section or a similar provision of a local ordinance is guilty of a Class A misdemeanor, except as otherwise provided in this Section.

(c-1) As used in this Section, "first time offender" means any person who has not had a previous conviction or been assigned supervision for violating this Section or a similar provision of a local ordinance, or any person who has not had a suspension imposed under subsection (e) of Section 5-7.1.
(c-2) For purposes of this Section, the following are equivalent to a conviction:

1. A forfeiture of bail or collateral deposited to secure a defendant's appearance in court when forfeiture has not been vacated; or
2. The failure of a defendant to appear for trial.

(d) Every person convicted of violating this Section is guilty of a Class 4 felony if:
1. The person has a previous conviction under this Section;
2. The offense results in personal injury where a person other than the operator suffers great bodily harm or permanent disability or disfigurement, when the violation was a proximate cause of the injuries. A person guilty of a Class 4 felony under this paragraph 2, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years; or
3. The offense occurred during a period in which the person's privileges to operate a snowmobile are revoked or suspended, and the revocation or suspension was for a violation of this Section or was imposed under Section 5-7.1.

(e) Every person convicted of violating this Section is guilty of a Class 2 felony if the offense results in the death of a person. A person guilty of a Class 2 felony under this subsection (e), if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(e-1) Every person convicted of violating this Section or a similar provision of a local ordinance who had a child under the age of 16 on board the snowmobile at the time of offense shall be subject to a mandatory minimum fine of $500 and shall be subject to a mandatory minimum of 5 days of community service in a program benefiting children. The assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the assignment.

(e-2) Every person found guilty of violating this Section, whose operation of a snowmobile while in violation of this Section proximately
caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided in subsection (m) of Section 11-501 of the Illinois Vehicle Code under Section 5-5-3 of the Unified Code of Corrections.

(e-3) In addition to any other penalties and liabilities, a person who is found guilty of violating this Section, including any person placed on court supervision, shall be fined $100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. In the event that more than one agency is responsible for the arrest, the $100 shall be shared equally. Any moneys received by a law enforcement agency under this subsection (e-3) shall be used to purchase law enforcement equipment or to provide law enforcement training that will assist in the prevention of alcohol related criminal violence throughout the State. Law enforcement equipment shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers.

(f) In addition to any criminal penalties imposed, the Department of Natural Resources shall suspend the snowmobile operation privileges of a person convicted or found guilty of a misdemeanor under this Section for a period of one year, except that first-time offenders are exempt from this mandatory one year suspension.

(g) In addition to any criminal penalties imposed, the Department of Natural Resources shall suspend for a period of 5 years the snowmobile operation privileges of any person convicted or found guilty of a felony under this Section.

(Source: P.A. 93-156, eff. 1-1-04; 94-214, eff. 1-1-06.)

Section 15. The Boat Registration and Safety Act is amended by changing Section 5-16 as follows:

(625 ILCS 45/5-16)

Sec. 5-16. Operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof.

(A) 1. A person shall not operate or be in actual physical control of any watercraft within this State while:

New matter indicated by italics - deletions by strikeout
(a) The alcohol concentration in such person's blood or breath is a concentration at which driving a motor vehicle is prohibited under subdivision (1) of subsection (a) of Section 11-501 of the Illinois Vehicle Code;

(b) Under the influence of alcohol;

(c) Under the influence of any other drug or combination of drugs to a degree which renders such person incapable of safely operating any watercraft;

(c-1) Under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of safely operating any watercraft;

(d) Under the combined influence of alcohol and any other drug or drugs to a degree which renders such person incapable of safely operating a watercraft; or

(e) There is any amount of a drug, substance, or compound in the person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

2. The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, any intoxicating compound or compounds, or any combination of them, shall not constitute a defense against any charge of violating this Section.

3. Every person convicted of violating this Section shall be guilty of a Class A misdemeanor, except as otherwise provided in this Section.

4. Every person convicted of violating this Section shall be guilty of a Class 4 felony if:

   (a) He has a previous conviction under this Section;

New matter indicated by italics - deletions by strikeout
(b) The offense results in personal injury where a person other than the operator suffers great bodily harm or permanent disability or disfigurement, when the violation was a proximate cause of the injuries. A person guilty of a Class 4 felony under this subparagraph (b), if sentenced to a term of imprisonment, shall be sentenced to a term of not less than one year nor more than 12 years; or

(c) The offense occurred during a period in which his or her privileges to operate a watercraft are revoked or suspended, and the revocation or suspension was for a violation of this Section or was imposed under subsection (B).

5. Every person convicted of violating this Section shall be guilty of a Class 2 felony if the offense results in the death of a person. A person guilty of a Class 2 felony under this paragraph 5, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

5.1. A person convicted of violating this Section or a similar provision of a local ordinance who had a child under the age of 16 aboard the watercraft at the time of offense is subject to a mandatory minimum fine of $500 and to a mandatory minimum of 5 days of community service in a program benefiting children. The assignment under this paragraph 5.1 is not subject to suspension and the person is not eligible for probation in order to reduce the assignment.

5.2. A person found guilty of violating this Section, if his or her operation of a watercraft while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, is liable for the expense of an emergency response as provided in subsection (m) of Section 11-501 of the Illinois Vehicle Code under Section 5-5-3 of the Unified Code of Corrections.

5.3. In addition to any other penalties and liabilities, a person who is found guilty of violating this Section, including any
person placed on court supervision, shall be fined $100, payable to
the circuit clerk, who shall distribute the money to the law
enforcement agency that made the arrest. In the event that more
than one agency is responsible for the arrest, the $100 shall be
shared equally. Any moneys received by a law enforcement agency
under this paragraph 5.3 shall be used to purchase law enforcement
equipment or to provide law enforcement training that will assist in
the prevention of alcohol related criminal violence throughout the
State. Law enforcement equipment shall include, but is not limited
to, in-car video cameras, radar and laser speed detection devices,
and alcohol breath testers.

6. (a) In addition to any criminal penalties imposed, the
Department of Natural Resources shall suspend the
watercraft operation privileges of any person convicted or
found guilty of a misdemeanor under this Section, a similar
provision of a local ordinance, or Title 46 of the U.S. Code
of Federal Regulations for a period of one year, except that
a first time offender is exempt from this mandatory one
year suspension.

As used in this subdivision (A)6(a), "first time
offender" means any person who has not had a previous
conviction or been assigned supervision for violating this
Section, a similar provision of a local ordinance or, Title 46
of the U.S. Code of Federal Regulations, or any person who
has not had a suspension imposed under subdivision (B)3.1
of Section 5-16.

(b) In addition to any criminal penalties imposed,
the Department of Natural Resources shall suspend the
watercraft operation privileges of any person convicted of a
felony under this Section, a similar provision of a local
ordinance, or Title 46 of the U.S. Code of Federal
Regulations for a period of 3 years.

(B) 1. Any person who operates or is in actual physical control of
any watercraft upon the waters of this State shall be deemed to

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have given consent to a chemical test or tests of blood, breath or urine for the purpose of determining the content of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof in the person's blood if arrested for any offense of subsection (A) above. The chemical test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the tests shall be administered. A urine test may be administered even after a blood or breath test or both has been administered.

1.1. For the purposes of this Section, an Illinois Law Enforcement officer of this State who is investigating the person for any offense defined in Section 5-16 may travel into an adjoining state, where the person has been transported for medical care to complete an investigation, and may request that the person submit to the test or tests set forth in this Section. The requirements of this Section that the person be arrested are inapplicable, but the officer shall issue the person a uniform citation for an offense as defined in Section 5-16 or a similar provision of a local ordinance prior to requesting that the person submit to the test or tests. The issuance of the uniform citation shall not constitute an arrest, but shall be for the purpose of notifying the person that he or she is subject to the provisions of this Section and of the officer's belief in the existence of probable cause to arrest. Upon returning to this State, the officer shall file the uniform citation with the circuit clerk of the county where the offense was committed and shall seek the issuance of an arrest warrant or a summons for the person.

1.2. Notwithstanding any ability to refuse under this Act to submit to these tests or any ability to revoke the implied consent to these tests, if a law enforcement officer has probable cause to believe that a watercraft operated by or under actual physical control of a person under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination of them has caused the death of or personal injury to another, that
person shall submit, upon the request of a law enforcement officer, to a chemical test or tests of his or her blood, breath, or urine for the purpose of determining the alcohol content or the presence of any other drug, intoxicating compound, or combination of them. For the purposes of this Section, a personal injury includes severe bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene for immediate professional attention in either a doctor's office or a medical facility.

2. Any person who is dead, unconscious or who is otherwise in a condition rendering such person incapable of refusal, shall be deemed not to have withdrawn the consent provided above, and the test may be administered.

3. A person requested to submit to a chemical test as provided above shall be verbally advised by the law enforcement officer requesting the test that a refusal to submit to the test will result in suspension of such person's privilege to operate a watercraft for a minimum of 2 years. Following this warning, if a person under arrest refuses upon the request of a law enforcement officer to submit to a test designated by the officer, no test shall be given, but the law enforcement officer shall file with the clerk of the circuit court for the county in which the arrest was made, and with the Department of Natural Resources, a sworn statement naming the person refusing to take and complete the chemical test or tests requested under the provisions of this Section. Such sworn statement shall identify the arrested person, such person's current residence address and shall specify that a refusal by such person to take the chemical test or tests was made. Such sworn statement shall include a statement that the arresting officer had reasonable cause to believe the person was operating or was in actual physical control of the watercraft within this State while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof and that such chemical test or tests were made as an incident to and following the lawful arrest

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for an offense as defined in this Section or a similar provision of a
local ordinance, and that the person after being arrested for an
offense arising out of acts alleged to have been committed while so
operating a watercraft refused to submit to and complete a
chemical test or tests as requested by the law enforcement officer.

3.1. The law enforcement officer submitting the sworn
statement as provided in paragraph 3 of this subsection (B) shall
serve immediate written notice upon the person refusing the
chemical test or tests that the person's privilege to operate a
watercraft within this State will be suspended for a period of 2
years unless, within 28 days from the date of the notice, the person
requests in writing a hearing on the suspension.

If the person desires a hearing, such person shall file a
complaint in the circuit court for and in the county in which such
person was arrested for such hearing. Such hearing shall proceed in
the court in the same manner as other civil proceedings, shall cover
only the issues of whether the person was placed under arrest for
an offense as defined in this Section or a similar provision of a
local ordinance as evidenced by the issuance of a uniform citation;
whether the arresting officer had reasonable grounds to believe that
such person was operating a watercraft while under the influence
of alcohol, other drug or drugs, intoxicating compound or
compounds, or combination thereof; and whether such person
refused to submit and complete the chemical test or tests upon the
request of the law enforcement officer. Whether the person was
informed that such person's privilege to operate a watercraft would
be suspended if such person refused to submit to the chemical test
or tests shall not be an issue.

If the person fails to request in writing a hearing within 28
days from the date of notice, or if a hearing is held and the court
finds against the person on the issues before the court, the clerk
shall immediately notify the Department of Natural Resources, and
the Department shall suspend the watercraft operation privileges of
the person for at least 2 years.

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3.2. If the person submits to a test that discloses an alcohol concentration of 0.08 or more, or any amount of a drug, substance or intoxicating compound in the person's breath, blood, or urine resulting from the unlawful use of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, the law enforcement officer shall immediately submit a sworn report to the circuit clerk of venue and the Department of Natural Resources, certifying that the test or tests were requested under paragraph 1 of this subsection (B) and the person submitted to testing that disclosed an alcohol concentration of 0.08 or more.

In cases where the blood alcohol concentration of 0.08 or greater or any amount of drug, substance or compound resulting from the unlawful use of cannabis, a controlled substance or an intoxicating compound is established by a subsequent analysis of blood or urine collected at the time of arrest, the arresting officer or arresting agency shall immediately submit a sworn report to the circuit clerk of venue and the Department of Natural Resources upon receipt of the test results.

4. A person must submit to each chemical test offered by the law enforcement officer in order to comply with the implied consent provisions of this Section.

5. The provisions of Section 11-501.2 of the Illinois Vehicle Code, as amended, concerning the certification and use of chemical tests apply to the use of such tests under this Section.

(C) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while operating a watercraft while under the influence of alcohol, the concentration of alcohol in the person's blood or breath at the time alleged as shown by analysis of a person's blood, urine, breath, or other bodily substance shall give rise to the presumptions specified in subdivisions 1, 2, and 3 of subsection (b) of Section 11-501.2 of the Illinois Vehicle Code. The foregoing provisions of this subsection (C) shall not be construed as

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limiting the introduction of any other relevant evidence bearing upon the question whether the person was under the influence of alcohol.

(D) If a person under arrest refuses to submit to a chemical test under the provisions of this Section, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination of them was operating a watercraft.

(E) The owner of any watercraft or any person given supervisory authority over a watercraft, may not knowingly permit a watercraft to be operated by any person under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof.

(F) Whenever any person is convicted or found guilty of a violation of this Section, including any person placed on court supervision, the court shall notify the Office of Law Enforcement of the Department of Natural Resources, to provide the Department with the records essential for the performance of the Department's duties to monitor and enforce any order of suspension or revocation concerning the privilege to operate a watercraft.

(G) No person who has been arrested and charged for violating paragraph 1 of subsection (A) of this Section shall operate any watercraft within this State for a period of 24 hours after such arrest.

(Source: P.A. 93-156, eff. 1-1-04; 94-214, eff. 1-1-06.)

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

Approved August 14, 2007.
Effective August 14, 2007.

PUBLIC ACT 95-0150
(House Bill No. 1875)

AN ACT concerning transportation.

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

Section 5. The Illinois Vehicle Code is amended by changing Section 11-1426.1 as follows:

(625 ILCS 5/11-1426.1)

Sec. 11-1426.1. Operation of neighborhood electric vehicles on streets, roads, and highways.

(a) As used in this Section, "neighborhood electric vehicle" means a self-propelled, electronically powered four-wheeled motor vehicle which is capable of attaining in one mile a speed of more than 20 miles per hour, but not more than 25 miles per hour, and which conforms to federal regulations under Title 49 C.F.R. Part 571.500.

(b) Except as otherwise provided in this Section, it is unlawful for any person to drive or operate a neighborhood electric vehicle upon any street, highway, or roadway in this State. If the operation of a neighborhood electric vehicle is authorized under subsection (d), the neighborhood electric vehicle may be operated only on streets where the posted speed limit is 35 miles per hour or less. This subsection (b) does not prohibit a neighborhood electric vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(b-5) A person may not operate a neighborhood electric vehicle upon any street, highway, or roadway in this State unless he or she has a valid Illinois driver's license issued in his or her name by the Secretary of State.

(c) Except as otherwise provided in subsection (c-5), no person operating a neighborhood electric vehicle shall make a direct crossing upon or across any highway under the jurisdiction of the State, tollroad, interstate highway, or controlled access highway in this State.

(c-5) A person may make a direct crossing at an intersection controlled by a traffic light or 4-way stop sign upon or across a highway under the jurisdiction of the State if the speed limit on the highway is 35 miles per hour or less at the place of crossing.

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(d) A municipality, township, county, or other unit of local government may authorize, by ordinance or resolution, the operation of neighborhood electric vehicles on roadways under its jurisdiction if the unit of local government determines that the public safety will not be jeopardized. The Department may authorize the operation of neighborhood electric vehicles on the roadways under its jurisdiction if the Department determines that the public safety will not be jeopardized.

Before permitting the operation of neighborhood electric vehicles on its roadways, a municipality, township, county, other unit of local government, or the Department must consider the volume, speed, and character of traffic on the roadway and determine whether neighborhood electric vehicles may safely travel on or cross the roadway. Upon determining that neighborhood electric vehicles may safely operate on a roadway and the adoption of an ordinance or resolution by a municipality, township, county, or other unit of local government, or authorization by the Department, appropriate signs shall be posted.

If a roadway is under the jurisdiction of more than one unit of government, neighborhood electric vehicles may not be operated on the roadway unless each unit of government agrees and takes action as provided in this subsection.

(e) No neighborhood electric vehicle may be operated on a roadway unless, at a minimum, it has the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in Section 12-709 of this Code) on the rear of the neighborhood electric vehicle, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, and turn signals. When operated on a roadway, a neighborhood electric vehicle shall have its headlight and tail lamps lighted as required by Section 12-201 of this Code.

(f) A person who drives or is in actual physical control of a neighborhood electric vehicle on a roadway while under the influence is subject to Sections 11-500 through 11-502 of this Code.

(Source: P.A. 94-298, eff. 1-1-06.)

New matter indicated by italics - deletions by strikeout
Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 14, 2007.
Effective August 14, 2007.

PUBLIC ACT 95-0151
(House Bill No. 1877)

AN ACT concerning schools.

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

Section 5. The School Code is amended by changing Section 24-6 as follows:

(105 ILCS 5/24-6) (from Ch. 122, par. 24-6)

Sec. 24-6. Sick leave. The school boards of all school districts, including special charter districts, but not including school districts in municipalities of 500,000 or more, shall grant their full-time teachers, and also shall grant such of their other employees as are eligible to participate in the Illinois Municipal Retirement Fund under the "600-Hour Standard" established, or under such other eligibility participation standard as may from time to time be established, by rules and regulations now or hereafter promulgated by the Board of that Fund under Section 7-198 of the Illinois Pension Code, as now or hereafter amended, sick leave provisions not less in amount than 10 days at full pay in each school year. If any such teacher or employee does not use the full amount of annual leave thus allowed, the unused amount shall be allowed to accumulate to a minimum available leave of 180 days at full pay, including the leave of the current year. Sick leave shall be interpreted to mean personal illness, quarantine at home, or serious illness or death in the immediate family or household, or birth, adoption, or placement for adoption. The school board may require a certificate from a physician licensed in Illinois to practice medicine and surgery in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the

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advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, or if the treatment is by prayer or spiritual means, that of a spiritual adviser or practitioner of such person's faith, as a basis for pay during leave after an absence of 3 days for personal illness, or as it may deem necessary in other cases. If the school board does require a certificate as a basis for pay during leave of less than 3 days, the school board shall pay, from school funds, the expenses incurred by the teachers or other employees in obtaining the certificate.

If, by reason of any change in the boundaries of school districts, or by reason of the creation of a new school district, the employment of a teacher is transferred to a new or different board, the accumulated sick leave of such teacher is not thereby lost, but is transferred to such new or different district.

For purposes of this Section, "immediate family" shall include parents, spouse, brothers, sisters, children, grandparents, grandchildren, parents-in-law, brothers-in-law, sisters-in-law, and legal guardians.
(Source: P.A. 94-350, eff. 7-28-05.)

Section 90. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

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

Approved August 14, 2007.
Effective August 14, 2007.

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

Section 5. The School Code is amended by changing Section 18-12 as follows:

(105 ILCS 5/18-12) (from Ch. 122, par. 18-12)

Sec. 18-12. Dates for filing State aid claims. The school board of each school district shall require teachers, principals, or superintendents to furnish from records kept by them such data as it needs in preparing and certifying to the regional superintendent its school district report of claims provided in Sections 18-8.05 through 18-10 as required by the State Superintendent of Education. The district claim shall be based on the latest available equalized assessed valuation and tax rates, as provided in Section 18-8.05 and shall use the average daily attendance as determined by the method outlined in Section 18-8.05 and shall be certified and filed with the regional superintendent by June 21 for districts with an official school calendar end date before June 15 or within 2 weeks following the official school calendar end date for districts with a school year end date of June 15 or later. The regional superintendent shall certify and file with the State Superintendent of Education district State aid claims by July 1 for districts with an official school calendar end date before June 15 or no later than July 15 for districts with an official school calendar end date of June 15 or later. Failure to so file by these deadlines constitutes a forfeiture of the right to receive payment by the State until such claim is filed and vouchered for payment. The regional superintendent of schools shall certify the county report of claims by July 15; and the State Superintendent of Education shall voucher for payment those claims to the State Comptroller as provided in Section 18-11.

Except as otherwise provided in this Section, if any school district fails to provide the minimum school term specified in Section 10-19, the State aid claim for that year shall be reduced by the State Superintendent

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of Education in an amount equivalent to .56818% for each day less than
the number of days required by this Code.

If the State Superintendent of Education determines that the failure
to provide the minimum school term was occasioned by an act or acts of
God, or was occasioned by conditions beyond the control of the school
district which posed a hazardous threat to the health and safety of pupils,
the State aid claim need not be reduced.

If the State Superintendent of Education determines that the failure
to provide the minimum school term was due to a school being closed on
or after September 11, 2001 for more than one-half day of attendance due
to a bioterrorism or terrorism threat that was investigated by a law
enforcement agency, the State aid claim shall not be reduced.

If, during any school day, (i) a school district has provided at least
one clock hour of instruction but must close the schools due to adverse
weather conditions or due to a condition beyond the control of the school
district that poses a hazardous threat to the health and safety of pupils prior
to providing the minimum hours of instruction required for a full day of
attendance, or (ii) the school district must delay the start of the school day
due to adverse weather conditions and this delay prevents the district from
providing the minimum hours of instruction required for a full day of
attendance, or (iii) a school district has provided at least one clock hour of
instruction but must dismiss students from one or more recognized school
buildings due to a condition beyond the control of the school district, the
partial day of attendance may be counted as a full day of attendance. The
partial day of attendance and the reasons therefor shall be certified in
writing within a month of the closing or delayed start by the local school
district superintendent to the Regional Superintendent of Schools for
forwarding to the State Superintendent of Education for approval.

If a school building is ordered to be closed by the school board, in
consultation with a local emergency response agency, due to a condition
that poses a hazardous threat to the health and safety of pupils, then the
school district shall have a grace period of 4 days in which the general
State aid claim shall not be reduced so that alternative housing of the
pupils may be located.

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No exception to the requirement of providing a minimum school term may be approved by the State Superintendent of Education pursuant to this Section unless a school district has first used all emergency days provided for in its regular calendar.

If the State Superintendent of Education declares that an energy shortage exists during any part of the school year for the State or a designated portion of the State, a district may operate the school attendance centers within the district 4 days of the week during the time of the shortage by extending each existing school day by one clock hour of school work, and the State aid claim shall not be reduced, nor shall the employees of that district suffer any reduction in salary or benefits as a result thereof. A district may operate all attendance centers on this revised schedule, or may apply the schedule to selected attendance centers, taking into consideration such factors as pupil transportation schedules and patterns and sources of energy for individual attendance centers.

No State aid claim may be filed for any district unless the district superintendent executes and files with the State Superintendent of Education, in the method prescribed by the Superintendent, certification that the district has complied with the requirements of Section 10-22.5 in regard to the nonsegregation of pupils on account of color, creed, race, sex or nationality.

No State aid claim may be filed for any district unless the district superintendent executes and files with the State Superintendent of Education, in the method prescribed by the Superintendent, a sworn statement that to the best of his or her knowledge or belief the employing or assigning personnel have complied with Section 24-4 in all respects.

Electronically submitted State aid claims shall be submitted by duly authorized district or regional individuals over a secure network that is password protected. The electronic submission of a State aid claim must be accompanied with an affirmation that all of the provisions of Sections 18-8.05 through 18-10, 10-22.5, and 24-4 of this Code are met in all respects.

(Source: P.A. 92-661, eff. 7-16-02; 93-54, eff. 7-1-03.)

Section 99. Effective date. This Act takes effect July 1, 2007.
AN ACT concerning education.

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

Section 5. The School Code is amended by adding Section 2-3.80a as follows:

(105 ILCS 5/2-3.80a new)
Sec. 2-3.80a. Agriculture science teacher education.
(a) Subject to appropriation, the State Board of Education shall develop an agricultural science teacher education training continuum beginning at the secondary level and shall provide incentive funding grants to the agriculture science teacher education programs located at Illinois State University, Southern Illinois University, the University of Illinois, and Western Illinois University. Public community colleges in this State that provide an articulated agriculture science teacher education course of study are also eligible for funding.

(b) The funds provided by the State Board of Education under subsection (a) of this Section may be used to support the following activities:

(1) Teacher education candidate recruitment and retention incentives.
(2) Having Master teachers and practitioners assist with the preparation, coordination, and supervision of student teachers.
(3) Establishing and delivering professional development experiences for new teachers during their first 5 years of teaching.
(4) Professional development for university agriculture education teacher education staff.


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

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

Section 5. The Illinois Vehicle Code is amended by adding Section 16-104d as follows:

(625 ILCS 5/16-104d new)

Sec. 16-104d. Additional fee; serious traffic violation. Any person who is convicted of or pleads guilty to a serious traffic violation, as defined in Section 1-187.001 of this Code, shall pay an additional fee of $20. Of that fee, $7.50 shall be deposited into the Fire Prevention Fund in the State treasury, $7.50 shall be deposited into the Fire Truck Revolving Loan Fund in the State treasury, and $5 shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court.

This Section becomes inoperative 7 years after the effective date of this amendatory Act of the 95th General Assembly.

Section 10. The Clerks of Courts Act is amended by changing Section 27.5 as follows:

(705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

Sec. 27.5. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk that equals an amount less than $55, except restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 11-501 of the Illinois Vehicle Code, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or

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any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, and except as provided in subsection (b) shall be disbursed within 60 days after receipt by the circuit clerk as follows: 47% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 12% shall be disbursed to the State Treasurer; and 41% shall be disbursed to the county's general corporate fund. Of the 12% disbursed to the State Treasurer, 1/6 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 1/2 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall be deposited into the Drivers Education Fund. For fiscal years 1992 and 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial

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and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) The following amounts must be remitted to the State Treasurer for deposit into the Illinois Animal Abuse Fund:

(1) 50% of the amounts collected for felony offenses under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961;

(2) 20% of the amounts collected for Class A and Class B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961; and

(3) 50% of the amounts collected for Class C misdemeanors under Sections 4.01 and 7.1 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961.

(c) Any person who receives a disposition of court supervision for a violation of the Illinois Vehicle Code shall, in addition to any other fines, fees, and court costs, pay an additional fee of $20, to be disbursed as provided in Section 16-104c of the Illinois Vehicle Code. In addition to the fee of $20, the person shall also pay a fee of $5, if not waived by the court. If this $5 fee is collected, $4.50 of the fee shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court and 50 cents of the fee shall be deposited into the Prisoner Review Board Vehicle and Equipment Fund in the State treasury.

(d) Any person convicted of or pleading guilty to a serious traffic violation, as defined in Section 1-187.001 of the Illinois Vehicle Code, shall pay an additional fee of $20, to be disbursed as provided in Section 16-104d of that Code.

This subsection (d) becomes inoperative 7 years after the effective date of this amendatory Act of the 95th General Assembly.

(Source: P.A. 93-800, eff. 1-1-05; 94-1009, eff. 1-1-07.)

Section 15. The Unified Code of Corrections is amended by changing Section 5-6-1 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 5-6-1. Sentences of Probation and of Conditional Discharge and Disposition of Supervision. The General Assembly finds that in order to protect the public, the criminal justice system must compel compliance with the conditions of probation by responding to violations with swift, certain and fair punishments and intermediate sanctions. The Chief Judge of each circuit shall adopt a system of structured, intermediate sanctions for violations of the terms and conditions of a sentence of probation, conditional discharge or disposition of supervision.

(a) Except where specifically prohibited by other provisions of this Code, the court shall impose a sentence of probation or conditional discharge upon an offender unless, having regard to the nature and circumstance of the offense, and to the history, character and condition of the offender, the court is of the opinion that:

1. his imprisonment or periodic imprisonment is necessary for the protection of the public; or
2. probation or conditional discharge would deprecate the seriousness of the offender's conduct and would be inconsistent with the ends of justice; or
3. a combination of imprisonment with concurrent or consecutive probation when an offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act is necessary for the protection of the public and for the rehabilitation of the offender.

The court shall impose as a condition of a sentence of probation, conditional discharge, or supervision, that the probation agency may invoke any sanction from the list of intermediate sanctions adopted by the chief judge of the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-6-4 of this Act.

(b) The court may impose a sentence of conditional discharge for an offense if the court is of the opinion that neither a sentence of imprisonment nor of periodic imprisonment nor of probation supervision is appropriate.

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(b-1) Subsections (a) and (b) of this Section do not apply to a defendant charged with a misdemeanor or felony under the Illinois Vehicle Code or reckless homicide under Section 9-3 of the Criminal Code of 1961 if the defendant within the past 12 months has been convicted of or pleaded guilty to a misdemeanor or felony under the Illinois Vehicle Code or reckless homicide under Section 9-3 of the Criminal Code of 1961.

(c) The court may, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, defer further proceedings and the imposition of a sentence, and enter an order for supervision of the defendant, if the defendant is not charged with: (i) a Class A misdemeanor, as defined by the following provisions of the Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1; paragraph (1) through (5), (8), (10), and (11) of subsection (a) of Section 24-1; (ii) a Class A misdemeanor violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals Act; or (iii) felony. If the defendant is not barred from receiving an order for supervision as provided in this subsection, the court may enter an order for supervision after considering the circumstances of the offense, and the history, character and condition of the offender, if the court is of the opinion that:

(1) the offender is not likely to commit further crimes;
(2) the defendant and the public would be best served if the defendant were not to receive a criminal record; and
(3) in the best interests of justice an order of supervision is more appropriate than a sentence otherwise permitted under this Code.

(d) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance when the defendant has previously been:

(1) convicted for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or

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(2) assigned supervision for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or

(3) pleaded guilty to or stipulated to the facts supporting a charge or a finding of guilty to a violation of Section 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state, and the plea or stipulation was the result of a plea agreement.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(e) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 16A-3 of the Criminal Code of 1961 if said defendant has within the last 5 years been:

(1) convicted for a violation of Section 16A-3 of the Criminal Code of 1961; or

(2) assigned supervision for a violation of Section 16A-3 of the Criminal Code of 1961.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(f) The provisions of paragraph (c) shall not apply to a defendant charged with violating Sections 15-111, 15-112, 15-301, paragraph (b) of Section 6-104, Section 11-605, or Section 11-1414 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(g) Except as otherwise provided in paragraph (i) of this Section, the provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has within the last 5 years been:

(1) convicted for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance; or

(2) assigned supervision for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance.

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The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(h) The provisions of paragraph (c) shall not apply to a defendant under the age of 21 years charged with violating a serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code:

1) unless the defendant, upon payment of the fines, penalties, and costs provided by law, agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference of Chief Circuit Judges. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered. The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases when a defendant enters a guilty plea under this provision; or

2) if the defendant has previously been sentenced under the provisions of paragraph (c) on or after January 1, 1998 for any serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code.

(i) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has been assigned supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(j) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance when the revocation or suspension was for a violation of Section 11-501 or a similar provision of a local ordinance, a violation of Section 11-501.1 or paragraph (b) of Section 11-401 of the Illinois Vehicle Code, or a violation of Section 9-3 of the Criminal Code of 1961 if the defendant has within the last 10 years been:

1) convicted for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance; or

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(2) assigned supervision for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(k) The provisions of paragraph (c) shall not apply to a defendant charged with violating any provision of the Illinois Vehicle Code or a similar provision of a local ordinance that governs the movement of vehicles if, within the 12 months preceding the date of the defendant's arrest, the defendant has been assigned court supervision on 2 occasions for a violation that governs the movement of vehicles under the Illinois Vehicle Code or a similar provision of a local ordinance.

(l) A defendant charged with violating any provision of the Illinois Vehicle Code who, after a court appearance in the same matter, receives a disposition of supervision under subsection (c) shall pay an additional fee of $20, to be collected as provided in Sections 27.5 and 27.6 of the Clerks of Courts Act. In addition to the $20 fee, the person shall also pay a fee of $5, which, if not waived by the court, shall be collected as provided in Sections 27.5 and 27.6 of the Clerks of Courts Act. The $20 fee shall be disbursed as provided in Section 16-104c of the Illinois Vehicle Code. If the $5 fee is collected, $4.50 of the fee shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court and 50 cents of the fee shall be deposited into the Prisoner Review Board Vehicle and Equipment Fund in the State treasury.

(m) Any person convicted of or pleading guilty to a serious traffic violation, as defined in Section 1-187.001 of the Illinois Vehicle Code, shall pay an additional fee of $20, to be disbursed as provided in Section 16-104d of that Code.

This subsection (m) becomes inoperative 7 years after the effective date of this amendatory Act of the 95th General Assembly.

(Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05; 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06; 94-1009, eff. 1-1-07.)

Section 99. Effective date. This Act takes effect 60 days after becoming law.

Approved August 14, 2007.

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

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

Section 5. The Childhood Hunger Relief Act is amended by changing Section 20 as follows:

(105 ILCS 126/20)

Sec. 20. Summer food service program.

(a) The State Board of Education shall promulgate a State plan for summer food service programs, in accordance with 42 U.S.C. Sec. 1761 and any other applicable federal laws and regulations, by February 1, 2008 January 15, 2006.

(b) On or before February 15, 2008, a school district must promulgate a plan to have a summer breakfast or lunch (or both) food service program for each school (i) in which at least 50% of the students are eligible for free or reduced-price school meals and (ii) that has a summer school program. The plan must be implemented during the summer of 2008. Each summer food service program must operate for the duration of the school's summer school program. If the school district has one or more elementary schools that qualify, the summer food service program must be operated in a manner that ensures all eligible students receive services. If a school in which at least 50% of the students are eligible for free or reduced-price school meals is not open during the summer months, the school shall provide information regarding the number of children in the school who are eligible for free or reduced-price school meals upon request by a not-for-profit entity. By the summer of 2006 and then each summer thereafter, it is strongly encouraged that the board of education of each school district in this State in which at least 50% of the students are eligible for free or reduced-price school meals operate a summer food service program or identify a non-profit or private

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agency to sponsor a summer food service program within the school district's boundaries.

(c) Summer food service programs established under this Section shall may be supported by federal funds and commodities and other available State and local resources.

(d) A school district shall be allowed to opt out of the summer food service program requirement of this Section if it is determined that, due to circumstances specific to that school district, the expense reimbursement would not fully cover the costs of implementing and operating a summer food service program. The school district shall petition its regional superintendent of schools by January 15 to request to be exempt from the summer food service program requirement. The petition shall include all legitimate costs associated with implementing and operating a summer food service program, the estimated reimbursement from State and federal sources, and any unique circumstances the school district can verify that exist that would cause the implementation and operation of such a program to be cost prohibitive.

The regional superintendent of schools shall review the petition. He or she shall convene a public hearing to hear testimony from the school district and interested community members. The regional superintendent shall, by March 1, inform the school district of his or her decision, along with the reasons why the exemption was granted or denied, in writing. If the regional superintendent grants an exemption to the school district, then the school district is relieved from the requirement to establish and implement a summer food service program.

If the regional superintendent of schools does not grant an exemption to the school district, then the school district shall implement and operate a summer food service program in accordance with this Section the summer following the current school year. However, the school district or a resident of the school district may appeal the decision of the regional superintendent to the State Superintendent of Education. No later than April 1 of each year, the State Superintendent shall hear appeals on the decisions of regional superintendents of schools. The State Superintendent shall make a final decision at the conclusion of the hearing.

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on the school district's request for an exemption from the summer food service program requirement. If the State Superintendent grants an exemption to the school district, then the school district is relieved from the requirement to implement and operate a summer food service program. If the State Superintendent does not grant an exemption to the school district, the school district shall implement and operate a summer food service program in accordance with this Section the summer following the current school year.

(Source: P.A. 93-1086, eff. 2-15-05.)

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

Approved August 14, 2007.
Effective August 14, 2007.

PUBLIC ACT 95-0156
(House Bill No. 2023)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Historic Preservation Agency Act is amended by adding Section 8 as follows:
(20 ILCS 3405/8 new)
Sec. 8. Business plans. The Agency shall create an individual business plan for each historic site related to Abraham Lincoln that is listed in Section 6 of this Act. Each business plan must address ways to enhance tourism at the historic site and the historic aspect of each site. The Agency may seek assistance from the Department of Commerce and Economic Opportunity when creating the business plans. The Agency shall complete the business plans no later than January 1, 2008.

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


New matter indicated by italics - deletions by strikeout
AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Sections 3-609 and 3-806.3 as follows:
(625 ILCS 5/3-609) (from Ch. 95 1/2, par. 3-609)
Sec. 3-609. Disabled Veterans' Plates. Any disabled veteran who has been or declared eligible for funds for the purchase of a motor vehicle of the first division or for a motor vehicle of the second division weighing not more than 8,000 pounds by the United States Federal Government because of his disability, may make application for the registration of one such vehicle, to the Secretary of State without the payment of any registration fee. Registration shall be for a multi-year period effective in 1980 and may be issued staggered registration.

Any disabled veteran of World War I, of World War II, of the National Emergency between June 25, 1950 and January 31, 1955 or of the period beginning February 1, 1955 and ending on the day before the first day thereafter in which individuals (other than individuals liable for induction by reason of prior deferment) are no longer liable for induction for training and service into the armed forces under the Military Selective Service Act of 1967, or of any armed conflict involving the armed forces of the United States, who has a service-connected disability of such a nature that it would, if it had been incurred in World War II, have entitled him to be awarded an automobile by the United States Federal Government, or who is receiving compensation from the Veterans Administration for total service-connected disability, may make application to the Secretary of State for the registration of one motor

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vehicle of the first division without accompanying such application with the payment of any fee.

Renewal of such registration must be accompanied with documentation for eligibility of registration without fee unless the applicant has a permanent qualifying disability, and such registration plates may not be issued to any person not eligible therefor.

The Illinois Veterans Commission may assist in providing the documentation of disability.

Commencing with the 2009 registration year, any person eligible to receive license plates under this Section who has been approved for benefits under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, or who has claimed and received a grant under that Act, shall pay a fee of $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, for motor vehicles registered at 8,000 pounds or less under Section 3-815(a), or for recreational vehicles registered at 8,000 pounds or less under Section 3-815(b), for a second set of plates under this Section.

(Source: P.A. 86-444; 87-895.)

(625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)

Sec. 3-806.3. Senior Citizens. Commencing with the 2004 registration year and extending through the 2005 registration year, the registration fee paid by any vehicle owner who has claimed and received a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, or 3-651, motor vehicles registered at 8,000 pounds or less under Section 3-815(a), and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible.

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Commencing with the 2006 registration year and through the 2008 registration year, the registration fee paid by any vehicle owner who has been approved for benefits under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, or 3-651, motor vehicles registered at 8,000 pounds or less under Section 3-815(a), and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible.

Commencing with the 2006 registration year and through the 2008 registration year, the registration fee paid by any vehicle owner who has claimed and received a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-607, 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, or 3-651, or 3-806.4, motor vehicles registered at 8,000 pounds or less under Section 3-815(a), and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible.

Commencing with the 2009 registration year, the registration fee paid by any vehicle owner who has been approved for benefits under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under
Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-609, 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, or 3-651, motor vehicles registered at 8,000 pounds or less under Section 3-815(a), and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible.

Commencing with the 2009 registration year, the registration fee paid by any vehicle owner who has claimed and received a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-607, 3-609, 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, or 3-651, or 3-806.4, motor vehicles registered at 8,000 pounds or less under Section 3-815(a), and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible.

No more than one reduced registration fee under this Section shall be allowed during any 12 month period based on the primary eligibility of any individual, whether such reduced registration fee is allowed to the individual or to the spouse, widow or widower of such individual. This Section does not apply to the fee paid in addition to the registration fee for motor vehicles displaying vanity or special license plates.

(Source: P.A. 92-651, eff. 7-11-02; 92-699, eff. 1-1-03; 93-846, eff. 7-30-04; 93-849, eff. 1-1-05; 93-937, eff. 1-1-05; revised 1-17-05.)

Approved August 14, 2007.
Effective January 1, 2008.

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

Section 5. The Southern Illinois University Management Act is amended by changing Section 8 as follows:

(110 ILCS 520/8) (from Ch. 144, par. 658)

Sec. 8. Powers and Duties of the Board. The Board shall have power and it shall be its duty:

1. To make rules, regulations and by-laws, not inconsistent with law, for the government and management of Southern Illinois University and its branches;

2. To employ, and, for good cause, to remove a president of Southern Illinois University, and all necessary deans, professors, associate professors, assistant professors, instructors, and other educational and administrative assistants, and all other necessary employees, and contract with them upon matters relating to tenure, salaries and retirement benefits in accordance with the State Universities Civil Service Act; the Board shall, upon the written request of an employee of Southern Illinois University, withhold from the compensation of that employee any dues, payments or contributions payable by such employee to any labor organization as defined in the Illinois Educational Labor Relations Act. Under such arrangement, an amount shall be withheld from each regular payroll period which is equal to the pro rata share of the annual dues plus any payments or contributions, and the Board shall transmit such withholdings to the specified labor organization within 10 working days from the time of the withholding. Whenever the Board establishes a search committee to fill the position of president of Southern Illinois University, there shall be minority representation, including women, on that search committee;

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3. To prescribe the course of study to be followed, and textbooks and apparatus to be used at Southern Illinois University;

4. To issue upon the recommendation of the faculty, diplomas to such persons as have satisfactorily completed the required studies of Southern Illinois University, and confer such professional and literary degrees as are usually conferred by other institutions of like character for similar or equivalent courses of study, or such as the Board may deem appropriate;

5. To examine into the conditions, management, and administration of Southern Illinois University, to provide the requisite buildings, apparatus, equipment and auxiliary enterprises, and to fix and collect matriculation fees; tuition fees; fees for student activities; fees for student facilities such as student union buildings or field houses or stadium or other recreational facilities; student welfare fees; laboratory fees and similar fees for supplies and material;

6. To succeed to and to administer all trusts, trust property, and gifts now or hereafter belonging or pertaining to Southern Illinois University;

7. To accept endowments of professorships or departments in the University from any person who may proffer them and, at regular meetings, to prescribe rules and regulations in relation to endowments and declare on what general principles they may be accepted;

8. To enter into contracts with the Federal government for providing courses of instruction and other services at Southern Illinois University for persons serving in or with the military or naval forces of the United States, and to provide such courses of instruction and other services;

9. To provide for the receipt and expenditures of Federal funds, paid to the Southern Illinois University by the Federal government for instruction and other services for persons serving in or with the military or naval forces of the United States and to provide for audits of such funds;

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10. To appoint, subject to the applicable civil service law, persons to be members of the Southern Illinois University Police Department. Members of the Police Department shall be conservators of the peace and as such have all powers possessed by policemen in cities, and sheriffs, including the power to make arrests on view or warrants of violations of state statutes, university rules and regulations and city or county ordinances, except that they may exercise such powers only within counties wherein the university and any of its branches or properties are located when such is required for the protection of university properties and interests, and its students and personnel, and otherwise, within such counties, when requested by appropriate State or local law enforcement officials. However, such officers shall have no power to serve and execute civil processes.

The Board must authorize to each member of the Southern Illinois University Police Department and to any other employee of Southern Illinois University exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by Southern Illinois University and (ii) contains a unique identifying number. No other badge shall be authorized by Southern Illinois University.

(10.5) To conduct health care programs in furtherance of its teaching, research, and public service functions, which shall include without limitation patient and ancillary facilities, institutes, clinics, or offices owned, leased, or purchased through an equity interest by the Board or its appointed designee to carry out such activities in the course of or in support of the Board’s academic, clinical, and public service responsibilities.

11. To administer a plan or plans established by the clinical faculty of the School of Medicine for the billing, collection and disbursement of charges made by individual faculty members for professional services performed by them in the course of or in support of the faculty’s academic responsibilities, provided that such plan has been first approved by Board action. All such

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collections shall be deposited into a special fund or funds administered by the Board from which disbursements may be made according to the provisions of said plan. The reasonable costs incurred, by the University, administering the billing, collection and disbursement provisions of a plan shall have first priority for payment before distribution or disbursement for any other purpose. *Audited financial statements of the plan or plans must be provided* Charges established pursuant to this plan must be itemized in any billing and any amounts collected which are not used to off-set the cost of operating or maintaining the activity which generated the funds collected, must be accounted for separately. This accounting must clearly show the use and application made of the funds and the Board shall report such accountings for the previous fiscal year to the Legislative Audit Commission annually by December 31 of each fiscal year.

The Board of Trustees may own, operate, or govern, by or through the School of Medicine, a managed care community network established under subsection (b) of Section 5-11 of the Illinois Public Aid Code.

12. The Board of Trustees may, directly or in cooperation with other institutions of higher education, acquire by purchase or lease or otherwise, and construct, enlarge, improve, equip, complete, operate, control and manage medical research and high technology parks, together with the necessary lands, buildings, facilities, equipment, and personal property therefor, to encourage and facilitate (a) the location and development of business and industry in the State of Illinois, and (b) the increased application and development of technology and (c) the improvement and development of the State's economy. The Board of Trustees may lease to nonprofit corporations all or any part of the land, buildings, facilities, equipment or other property included in a medical research and high technology park upon such terms and conditions as the Board of Trustees may deem advisable and enter into any contract or agreement with such nonprofit corporations as

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may be necessary or suitable for the construction, financing, operation and maintenance and management of any such park; and may lease to any person, firm, partnership or corporation, either public or private, any part or all of the land, building, facilities, equipment or other property of such park for such purposes and upon such rentals, terms and conditions as the Board of Trustees may deem advisable; and may finance all or part of the cost of any such park, including the purchase, lease, construction, reconstruction, improvement, remodeling, addition to, and extension and maintenance of all or part of such high technology park, and all equipment and furnishings, by legislative appropriations, government grants, contracts, private gifts, loans, receipts from the operation of such high technology park, rentals and similar receipts; and may make its other facilities and services available to tenants or other occupants of any such park at rates which are reasonable and appropriate.

The powers of the Board as herein designated are subject to the Board of Higher Education Act.

(Source: P.A. 91-883, eff. 1-1-01; 92-370, eff. 8-15-01.)

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

Approved August 14, 2007.
Effective August 14, 2007.

AN ACT concerning health.

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

Section 5. The Communicable Disease Prevention Act is amended by changing Section 1 and by adding Section 1.5 as follows:

(410 ILCS 315/1) (from Ch. 111 1/2, par. 22.11)

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Sec. 1. Certain communicable diseases such as measles, poliomyelitis, invasive pneumococcal disease, and tetanus, may and do result in serious physical and mental disability including mental retardation, permanent paralysis, encephalitis, convulsions, pneumonia, and not infrequently, death.

Most of these diseases attack young children, and if they have not been immunized, may spread to other susceptible children and possibly, adults, thus, posing serious threats to the health of the community. Effective, safe and widely used vaccines and immunization procedures have been developed and are available to prevent these diseases and to limit their spread. Even though such immunization procedures are available, many children fail to receive this protection either through parental oversight, lack of concern, knowledge or interest, or lack of available facilities or funds. The existence of susceptible children in the community constitutes a health hazard to the individual and to the public at large by serving as a focus for the spread of these communicable diseases.

It is declared to be the public policy of this State that all children shall be protected, as soon after birth as medically indicated, by the appropriate vaccines and immunizing procedures to prevent communicable diseases which are or which may in the future become preventable by immunization.

(Source: P.A. 78-255; 78-303; 78-1297.)

(410 ILCS 315/1.5 new)

Sec. 1.5. Pneumococcal conjugate vaccine. Notwithstanding Section 2 of this Act, within 30 days of the effective date of this amendatory Act of the 95th General Assembly, the Department shall promulgate rules and regulations, and shall submit those rules and regulations in accordance with the rulemaking first notice requirements under Section 5-40 of the Illinois Administrative Procedure Act, requiring the age-appropriate series of pneumococcal conjugate vaccine, as recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, to a child younger than 2 years of age who is enrolled or enrolling in a licensed child care facility,

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as that term is defined in the Child Care Act of 1969. The Department shall also establish protocols for children younger than 2 years of age to catch up on missed doses. A child care facility must be able to furnish proof of compliance with this Section for all children at the facility, beginning January 1, 2008.

The provisions of this Section shall not apply if:

(1) the parent or guardian of the child objects thereto on the grounds that the administration of immunizing agents conflicts with his or her religious tenets or practices; or

(2) a physician employed by the parent or guardian to provide care and treatment to the child states that the physical condition of the child is such that the administration of the required immunizing agent would be detrimental to the health of the child.

Section 99. Effective date. This Act takes effect July 1, 2007.
Approved August 14, 2007.
Effective August 14, 2007.

PUBLIC ACT 95-0160
(House Bill No. 2734)

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

Section 1. Short title. This Act may be cited as the Drug School Act.

Section 5. Findings; purpose. The General Assembly finds as follows:

(1) One of the many objectives of the Illinois criminal justice system is individual rehabilitation.
(2) The incarceration of nonviolent drug offenders with families breaks the family unit.

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(3) The recidivism rate of nonviolent drug offenders in Illinois is 53%.
(4) Nonviolent drug offenders are in need of alternatives to incarceration such as counseling and treatment.
(5) Drug addiction is recognized as a health issue around the country.
(6) The Cook County State's Attorney drug school program has a success rate of over 85%.
(7) The State of Illinois spends $22,607 on one adult incarceration.
(8) The State of Illinois will save more than $17,000,000 if treatment programs are offered in lieu of incarceration.

The purpose of this Act is to establish, subject to appropriation, a drug school program for nonviolent drug offenders statewide modeled after the Cook County State's Attorney drug school program.

Section 10. Definition. As used in this Act, "drug school" means a drug intervention and education program established and administered by the State's Attorney's Office of a particular county as an alternative to traditional prosecution. A drug school shall include, but not be limited to, the following core components:

(1) No less than 10 and no more than 20 hours of drug education delivered by an organization licensed, certified or otherwise authorized by the Illinois Department of Human Services, Division of Alcoholism and Substance Abuse to provide treatment, intervention, education or other such services. This education is to be delivered at least once per week at a class of no less than one hour and no greater than 4 hours, and with a class size no larger than 40 individuals.

(2) Curriculum designed to present the harmful effects of drug use on the individual, family and community, including the relationship between drug use and criminal behavior, as well as instruction regarding the application procedure for the sealing and expungement of records of arrest and any other record of the

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proceedings of the case for which the individual was mandated to attend the drug school.

(3) Education regarding the practical consequences of conviction and continued justice involvement. Such consequences of drug use will include the negative physiological, psychological, societal, familial, and legal areas. Additionally, the practical limitations imposed by a drug conviction on one's vocational, educational, financial, and residential options will be addressed.

(4) A process for monitoring and reporting attendance such that the State's Attorney in the county where the drug school is being operated is informed of class attendance no more than 48 hours after each class.

(5) A process for capturing data on drug school participants, including but not limited to total individuals served, demographics of those individuals, rates of attendance, and frequency of future justice involvement for drug school participants and other data as may be required by the Division of Alcoholism and Substance Abuse.

Section 15. Authorization.

(a) Each State's Attorney may establish a drug school operated under the terms of this Act. The purpose of the drug school shall be to provide an alternative to prosecution by identifying drug-involved individuals for the purpose of intervening with their drug use before their criminal involvement becomes severe. The State's Attorney shall identify criteria to be used in determining eligibility for the drug school. Only those participants who successfully complete the requirements of the drug school, as certified by the State's Attorney, are eligible to apply for the sealing and expungement of records of arrest and any other record of the proceedings of the case for which the individual was mandated to attend the drug school.

(b) A State's Attorney seeking to establish a drug school may apply to the Division of Alcoholism and Substance Abuse of the Illinois Department of Human Services ("DASA") for funding to establish and operate a drug school within his or her respective county. Nothing in this
subsection shall prevent State's Attorneys from establishing drug schools within their counties without funding from DASA.

(c) Nothing in this Act shall prevent 2 or more State's Attorneys from applying jointly for funding as provided in subsection (b) for the purpose of establishing a drug school that serves multiple counties.

(d) Drug schools established through funding from DASA shall operate according to the guidelines established thereby and the provisions of this Act.

Section 20. Eligibility.
(a) The State's Attorney, alone, in each county where a drug school is established shall have the authority to determine which individuals, who would otherwise be prosecuted under the relevant provisions of Illinois law, may be eligible to participate in the drug school in lieu of prosecution.

(b) A defendant may be admitted into drug school only upon the agreement of the prosecutor and the defendant.

(a) The State's Attorney, alone, in each county where a drug school is established shall determine who is eligible to participate in the drug school in lieu of prosecution. Considerations in making such a determination shall include the crime committed, the circumstances of the crime or of the individual under consideration, and whether or not the State's Attorney believes that the individual would benefit from participation in the drug school.

(b) The judge shall inform the defendant that if the defendant fails to meet the conditions of drug school, eligibility to participate in the program may be revoked and the defendant may be prosecuted under the criminal laws of this State and sentenced as provided in the Unified Code of Corrections for the crime charged.

(c) The defendant shall execute a written agreement as to his or her participation in the drug school program and shall agree to all of the terms and conditions of the program, including but not limited to the possibility of prosecution for the crime charged for failing to abide or comply with the terms of the drug school program or for any arrest incurred subsequent to entry into the drug school program.

New matter indicated by italics - deletions by strikeout
Section 30. Successful completion. If an individual is certified by the State's Attorney that he or she has successfully completed the terms of the drug school, the State's Attorney shall waive prosecution for the immediate offense and discharge the case.

Section 35. Violations. Upon a violation of any of the terms of the drug school, the State's Attorney may proceed with prosecution as otherwise authorized under law.

Section 40. Appropriations to DASA.
(a) Moneys shall be appropriated to DASA to enable DASA (i) to contract with Cook County, and (ii) counties other than Cook County to reimburse for services delivered in those counties under the county Drug School program.
(b) DASA shall establish rules and procedures for reimbursements paid to the Cook County Treasurer which are not subject to county appropriation and are not intended to supplant monies currently expended by Cook County to operate its drug school program. Cook County is required to maintain its efforts with regard to its drug school program.
(c) Expenditure of moneys under this Section is subject to audit by the Auditor General.
(d) In addition to reporting required by DASA, State's Attorneys receiving monies under this Section shall each report separately to the General Assembly by January 1, 2008 and each and every following January 1 for as long as the services are in existence, detailing the need for continued services and contain any suggestions for changes to this Act.

Approved August 14, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0161
(House Bill No. 2782)

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

New matter indicated by italics - deletions by strikeout
Section 5. The Public Library District Act of 1991 is amended by changing Sections 15-10 and 15-15 as follows:

(75 ILCS 16/15-10)

Sec. 15-10. Uninhabited private property within municipality.

(a) Territory within the boundaries of a municipality that has no voters residing in it and that consists in whole or in part of private property may be annexed to the district as provided in this Section.

(b) A written petition describing the territory and signed by the owners of record of all land within the territory may be filed with the Board of Trustees of the library district. The petition, made under oath, shall request annexation and state that no voters reside within the territory. The trustees shall then, by ordinance, annex the described territory. No referendum need be held.

(c) The board of trustees of the library district may adopt an ordinance indicating the district's intention to annex the territory. Prior to adopting this ordinance, the board of trustees of the library district shall send notice of the proposed ordinance to the president of the board of trustees of each public library located within one mile of the territory to be annexed. The library district may, in addition, provide notice of a proposed annexation ordinance on a website maintained by the library district. At any meeting of the board of trustees in which an annexation order under this Section is considered, the board shall provide a reasonable opportunity for any interested person to make public comments on the proposed annexation ordinance. The ordinance shall contain a description of the territory and a statement that no voters reside in the territory. Within 15 days of the passage of the annexation ordinance, the library district shall send notice of the adoption of the ordinance and a copy of the map showing the boundaries of the territory to be annexed to the president of the board of trustees of each public library located within one mile of the territory to be annexed. Upon a 60 day written notice of the ordinance to each of the owners of record of the territory to be annexed and a written receipt of the notice from each such owner, the trustees shall by ordinance annex the described territory. No referendum need be held.

New matter indicated by italics - deletions by strikeout
(d) If an objection to the inclusion in the proposed annexation is filed by an owner of record or a written receipt of notice is not returned by an owner of record in the 60 day period, the property of that owner of record will be excluded from the annexation.

(e) In no case, however, may territory not contiguous to the district or to territory being annexed to the district be annexed.

(Source: P.A. 87-1277.)

(75 ILCS 16/15-15)

Sec. 15-15. Territory included within municipality or school district.

(a) A district may, by ordinance, annex territory if that territory is:

(1) located within the boundaries of a municipality or school district that is included, entirely or partially, within the district;

(2) contiguous to the district; and

(3) without local, tax-supported public library service.

An ordinance under this subsection must describe the territory to be annexed. Prior to adopting the ordinance, the board of trustees of the library district shall send notice of the proposed ordinance to the president of the board of trustees of each public library located within one mile of the territory to be annexed. The library district may, in addition, provide notice of a proposed annexation ordinance on a website maintained by the library district. At any meeting of the board of trustees in which an annexation ordinance under this Section is considered, the board shall provide a reasonable opportunity for any interested person to make public comments on the proposed annexation ordinance.

(b) Within 15 days of the passage of the annexation ordinance, the library district shall send notice of the adoption of the ordinance, a copy of the map showing the boundaries of the territory to be annexed, and a copy of the text of the publication notice required in this Section to the president of the board of trustees of each public library with territory within one mile of the territory to be annexed. Within 15 days after the adoption of the ordinance it shall be published as provided in Section 1-30. The board may vacate an annexation ordinance before its publication.
(c) The publication or posting of the ordinance shall include a notice of (i) the specific number of voters required to sign a petition requesting that the question of the adoption of the ordinance be submitted to the voters of the district or the territory to be annexed or both, (ii) the time in which the petition must be filed, and (iii) the date of the prospective referendum. The district secretary shall provide a petition form to any individual requesting one.

(d) If no petition is filed with the library district within 30 days after publication or posting of the ordinance, the annexation shall take effect. If, however, within the 30 day period, a petition is filed with the Board of Trustees of the library district, signed by voters of the district or the territory to be annexed, or both, equal in number to 10% or more of the total number of registered voters in the district, the territory to be annexed or both, asking that the question of the annexation of the territory be submitted to the voters of the territory, the board of trustees may vacate the annexation ordinance or certify the question to the proper election authority, who shall submit the question at the next regular election. Notice of this election shall be given and the election shall be conducted in accordance with the Election Code. The proposition shall be submitted to the voters in substantially the following form:

Shall (description of territory) be annexed to (name of public library district), (location), Illinois?

(e) If a majority of votes cast upon the proposition in the district, and also a majority of votes cast upon the proposition in the territory to be annexed, are in favor of the proposition, the Board of Trustees of the library district may conclude the annexation of the territory.

(f) If, before the effective date of this amendatory Act of the 94th General Assembly, a district has annexed territory under this Section and that annexation complies with the requirements set forth in this Section, as changed by this amendatory Act of the 94th General Assembly, then, for all purposes, that annexation is hereby validated, ratified, and declared to be in full force and effect from: (i) 30 days after publication or posting of the ordinance if no petition was filed with the library district under
subsection (d); or (ii) if a petition was filed, on the date that the district concluded the annexation of the territory under subsection (e).
(Source: P.A. 94-899, eff. 6-22-06.)
Approved August 14, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0162
(House Bill No. 2783)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by adding Section 3-664 as follows:
(625 ILCS 5/3-664 new)
Sec. 3-664. Korean Service license plates.
(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue special registration plates designated as Korean Service license plates to residents of Illinois who, on or after July 27, 1954, participated in the United States Armed Forces in Korea. The special plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined by Section 1-169 of this Code. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.
(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility...
requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $15 fee for original issuance in addition to the applicable registration fee. Of this additional fee, $13 shall be deposited into the Secretary of State Special License Plate Fund and $2 shall be deposited into the Korean War Memorial Construction Fund a special fund in the State treasury.

(d) An individual who has been issued Korean Service license plates for a vehicle and who has been approved for benefits under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act shall pay the original issuance and the regular annual fee for the registration of the vehicle as provided in Section 3-806.3 of this Code in addition to the fees specified in subsection (c) of this Section.

Approved August 14, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0163
(House Bill No. 2786)

AN ACT concerning insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Insurance Code is amended by changing Section 236 as follows:
(215 ILCS 5/236) (from Ch. 73, par. 848)
Sec. 236. Discrimination prohibited.
(a) No life company doing business in this State shall make or permit any distinction or discrimination in favor of individuals among insured persons of the same class and equal expectation of life in the issuance of its policies, in the amount of payment of premiums or rates charged for policies of insurance, in the amount of any dividends or other

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benefits payable thereon, or in any other of the terms and conditions of the contracts it makes.

(b) No life company shall make or permit any distinction or discrimination against individuals with handicaps or disabilities in the amount of payment of premiums or rates charged for policies of life insurance, in the amount of any dividends or death benefits payable thereon, or in any other terms and conditions of the contract it makes unless the rate differential is based on sound actuarial principles and a reasonable system of classification and is related to actual or reasonably anticipated experience directly associated with the handicap or disability.

(c) No life company shall refuse to insure, or refuse to continue to insure, or limit the amount or extent or kind of coverage available to an individual, or charge an individual a different rate for the same coverage solely because of blindness or partial blindness. With respect to all other conditions, including the underlying cause of the blindness or partial blindness, persons who are blind or partially blind shall be subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as are sighted persons. Refusal to insure includes denial by an insurer of disability insurance coverage on the grounds that the policy defines "disability" as being presumed in the event that the insured loses his or her eyesight. However, an insurer may exclude from coverage disabilities consisting solely of blindness or partial blindness when such condition existed at the time the policy was issued.

(d) No life company shall refuse to insure or to continue to insure an individual solely because of the individual's status as a member of the United States Air Force, Army, Coast Guard, Marines, or Navy or solely because of the individual's status as a member of the National Guard or Armed Forces Reserve.

(e) An insurer or producer authorized to issue policies of insurance in this State may not make a distinction or otherwise discriminate between persons, reject an applicant, cancel a policy, or demand or require a higher rate of premium for reasons based solely upon an applicant's or insured's past lawful travel experiences or future lawful travel plans. This subsection (e) does not prohibit an insurer or producer
from excluding or limiting coverage under a policy or refusing to offer the policy based upon past lawful travel or future lawful travel plans or from charging a different rate for that coverage when that action is based upon sound actuarial principles or is related to actual or reasonably expected experience and is not based solely on the destination's inclusion on the United States Department of State's travel warning list. No life company may refuse to insure, refuse to continue to insure, limit the amount or extent or kind of coverage available to an individual, or charge an individual a different rate for the same coverage solely for reasons associated with an applicant's or insured's past lawful travel experiences.

(Source: P.A. 93-850, eff. 7-30-04.)

 Approved August 14, 2007.
 Effective January 1, 2008.

PUBLIC ACT 95-0164
(House Bill No. 2918)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:
(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)
Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.
(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

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On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental

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codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory
facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption

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by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets,
alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

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(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused rail yards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

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(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning,

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subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of

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buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

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(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be

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the same as the unemployment rate in the principal county in which the
municipality is located.

(f) "Municipality" shall mean a city, village, incorporated town, or
a township that is located in the unincorporated portion of a county with 3
million or more inhabitants, if the county adopted an ordinance that
approved the township's redevelopment plan.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid
under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax
Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation
Tax Act, and the Municipal Service Occupation Tax Act by retailers and
servicemen on transactions at places located in a State Sales Tax Boundary
during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of
taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service
Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers'
Occupation Tax Act, and the Municipal Service Occupation Tax Act by
retailers and servicemen on transactions at places located within the State
Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the
increase in the aggregate amount of taxes paid to a municipality from the
Local Government Tax Fund arising from sales by retailers and
servicemen within the redevelopment project area or State Sales Tax
Boundary, as the case may be, for as long as the redevelopment project
area or State Sales Tax Boundary, as the case may be, exist over and above
the aggregate amount of taxes as certified by the Illinois Department of
Revenue and paid under the Municipal Retailers' Occupation Tax Act and
the Municipal Service Occupation Tax Act by retailers and servicemen, on
transactions at places of business located in the redevelopment project area
or State Sales Tax Boundary, as the case may be, during the base year
which shall be the calendar year immediately prior to the year in which the
municipality adopted tax increment allocation financing. For purposes of
computing the aggregate amount of such taxes for base years occurring
prior to 1985, the Department of Revenue shall determine the Initial Sales
Tax Amounts for such taxes and deduct therefrom an amount equal to 4%
of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment
annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the

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redevelopment project is completed or terminated. If, however, a
municipality that issued bonds in connection with a redevelopment project
in a redevelopment project area within the State Sales Tax Boundary prior
to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality
that entered into contracts in connection with a redevelopment project in a
redevelopment project area before June 1, 1988 completes the contracts
prior to June 30, 2007, then so long as the redevelopment project is not
completed or is not terminated, the Net State Sales Tax Increment shall be
calculated, beginning on the date on which the bonds are retired or the
contracts are completed, as follows: By multiplying the Net State Sales
Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State
Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State
Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State
Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008
and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall
not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal
to the aggregate increase in State electric and gas tax charges imposed on
owners and tenants, other than residential customers, of properties located
within the redevelopment project area under Section 9-222 of the Public
Utilities Act, over and above the aggregate of such charges as certified by
the Department of Revenue and paid by owners and tenants, other than
residential customers, of properties within the redevelopment project area
during the base year, which shall be the calendar year immediately prior to
the year of the adoption of the ordinance authorizing tax increment
allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the
following: (a) 80% of the first $100,000 of State Utility Tax Increment
annually generated by a redevelopment project area; (b) 60% of the
amount in excess of $100,000 but not exceeding $500,000 of the State
Utility Tax Increment annually generated by a redevelopment project area;
and (c) 40% of all amounts in excess of $500,000 of State Utility Tax
Increment annually generated by a redevelopment project area. For the
State Fiscal Year 1999, and every year thereafter until the year 2007, for

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any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

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(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;

(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;

(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;

(D) the sources of funds to pay costs;

(E) the nature and term of the obligations to be issued;

(F) the most recent equalized assessed valuation of the redevelopment project area;

(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;

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(H) a commitment to fair employment practices and an affirmative action plan;

(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and

(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

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(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981; shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area if the ordinance was adopted on May 20, 1985 by the Village of Wheeling; and shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or

(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or

(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or

(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or

(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or

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(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or

(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or

(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or

(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or

(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or

(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or

(L) if the ordinance was adopted in September 1988 by Sauk Village, or

(M) if the ordinance was adopted in October 1993 by Sauk Village, or

(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or

(O) if the ordinance was adopted in March 1991 by the City of Centreville, or

(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or

(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or

(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or

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(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or
(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or
(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or
(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or
(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or
(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or
(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or
(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or
(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or
(CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or
(DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or
(EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or
(FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or
(GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or
(HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or

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(II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or
(JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or
(KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or
(LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or
(MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or
(NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or
(OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or
(PP) if the ordinance was adopted on December 23, 1991 by the City of Sullivan, or
(QQ) if the ordinance was adopted on November 30, 1986 by the City of Oglesby, or
(RR) if the ordinance was adopted on July 28, 1987 by the City of Marion, or
(SS) if the ordinance was adopted on April 23, 1990 by the City of Marion, or
(TT) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect, or
(UU) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull, or
(VV) if the ordinance was adopted on April 20, 1993 by the Village of Princeville, or:
(WW) if the ordinance was adopted on July 1, 1986 by the City of Granite City, or:
(XX) if the ordinance was adopted on February 2, 1989 by the Village of Lombard, or
YY) if the ordinance was adopted on December 29, 1986 by the Village of Gardner, or

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(ZZ) (VV) if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw, or:

(AAA) (VV) if the ordinance was adopted on November 17, 1986 by the Village of Franklin Park, or:

(BBB) (VV) if the ordinance was adopted on November 20, 1989 by the Village of South Holland, or:

(CCC) if the ordinance was adopted on December 29, 1986 by the City of Galesburg, or

(DDD) if the ordinance was adopted on April 1, 1985 by the City of Galesburg.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8

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million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.
(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.
(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment

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revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

1. Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1,
1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and

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leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

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(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in

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general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since

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the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

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(iii) the amount reimbursed may not affect
amounts otherwise obligated by the terms of any
bonds, notes, or other funding instruments, or the
terms of any redevelopment agreement.

Any school district seeking payment under this paragraph
(7.5) shall, after July 1 and before September 30 of each
year, provide the municipality with reasonable evidence to
support its claim for reimbursement before the municipality
shall be required to approve or make the payment to the
school district. If the school district fails to provide the
information during this period in any year, it shall forfeit
any claim to reimbursement for that year. School districts
may adopt a resolution waiving the right to all or a portion
of the reimbursement otherwise required by this paragraph
(7.5). By acceptance of this reimbursement the school
district waives the right to directly or indirectly set aside,
modify, or contest in any manner the establishment of the
redevelopment project area or projects;

(7.7) For redevelopment project areas designated (or
redevelopment project areas amended to add or increase the
number of tax-increment-financing assisted housing units) on or
after January 1, 2005 (the effective date of Public Act 93-961), a
public library district's increased costs attributable to assisted
housing units located within the redevelopment project area for
which the developer or redeveloper receives financial assistance
through an agreement with the municipality or because the
municipality incurs the cost of necessary infrastructure
improvements within the boundaries of the assisted housing sites
necessary for the completion of that housing as authorized by this
Act shall be paid to the library district by the municipality from the
Special Tax Allocation Fund when the tax increment revenue is
received as a result of the assisted housing units. This paragraph
(7.7) applies only if (i) the library district is located in a county that
is subject to the Property Tax Extension Limitation Law or (ii) the

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library district is not located in a county that is subject to the Property Tax Extension Limitation Law but the district is prohibited by any other law from increasing its tax levy rate without a prior voter referendum.

The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by (ii) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a library district under this paragraph (7.7) shall be no more than 2% of the amount produced by the assisted housing units and deposited into the Special Tax Allocation Fund.

A library district is not eligible for any payment under this paragraph (7.7) unless the library district has experienced an increase in the number of patrons from the municipality that created the tax-increment-financing district since the designation of the redevelopment project area.

Any library district seeking payment under this paragraph (7.7) shall, after July 1 and before September 30 of each year, provide the municipality with convincing evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the library district. If the library district is not located in a county that is subject to the Property Tax Extension Limitation Law but the district is prohibited by any other law from increasing its tax levy rate without a prior voter referendum.
district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. Library districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.7). By acceptance of such reimbursement, the library district shall forfeit any right to directly or indirectly set aside, modify, or contest in any manner whatsoever the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

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(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;
B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;
C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;
D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act.

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The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants.
The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original

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ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less
3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts.
intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.
(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff. 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 7-19-05; 94-268, eff. 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff. 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810, eff. 5-26-06; 94-903, eff. 6-22-06; 94-1091, eff. 1-26-07; 94-1092, eff. 1-26-07; revised 1-30-07.)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the

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funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide.

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Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon

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the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of

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Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area if the ordinance was adopted on May 20, 1985 by the Village of Wheeling, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East

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St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by
the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990
by the City of Clinton, or (S) if the ordinance was adopted on September
6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on
December 22, 1986 by the City of Tuscola, or (U) if the ordinance was
adopted on December 23, 1986 by the City of Sparta, or (V) if the
ordinance was adopted on December 23, 1986 by the City of Beardstown,
or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985,
or December 30, 1986 by the City of Belleville, or (X) if the ordinance
was adopted on December 29, 1986 by the City of Collinsville, or (Y) if
the ordinance was adopted on September 14, 1994 by the City of Alton, or
(Z) if the ordinance was adopted on November 11, 1996 by the City of
Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by
the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991
or June 3, 1992 by the City of Markham, or (CC) if the ordinance was
adopted on November 11, 1986 by the City of Pekin, or (DD) if the
ordinance was adopted on December 15, 1981 by the City of Champaign,
or (EE) if the ordinance was adopted on October 20, 1986 by the City of
Elmhurst, or (MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or (NN) if the ordinance was
adopted on September 21, 1998 by the City of Waukegan, or (OO) if the
ordinance was adopted on December 31, 1986 by the City of Sullivan, or
(PP) if the ordinance was adopted on December 23, 1991 by the City of
Sullivan, or (QQ) if the ordinance was adopted on December 31, 1986 by
the City of Oglesby, or (RR) if the ordinance was adopted on July 28, 1987
by the City of Marion, or (SS) if the ordinance was adopted on April 23,
1990 by the City of Marion, or (TT) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect, or (UU) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull, or (VV) if the ordinance was adopted on April 20, 1993 by the Village of Princeville, or (WW) (VV) if the ordinance was adopted on July 1, 1986 by the City of Granite City, or (XX) (RR) if the ordinance was adopted on February 2, 1989 by the Village of Lombard, or (YY) (VV) if the ordinance was adopted on December 29, 1986 by the Village of Gardner, or (ZZ) (VV) if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw, or (AAA) (VV) if the ordinance was adopted on November 17, 1986 by the Village of Franklin Park, or (BBB) (VV) if the ordinance was adopted on November 20, 1989 by the Village of South Holland, or (CCC) if the ordinance was adopted on December 29, 1986 by the City of Galesburg, or (DDD) if the ordinance was adopted on April 1, 1985 by the City of Galesburg and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-
AN ACT concerning local government.

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

Section 5. The Illinois Municipal Code is amended by changing Section 10-2.1-6 as follows:

(65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

Sec. 10-2.1-6. Examination of applicants; disqualifications.

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

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

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made a condition of promotion, except for the rank or position of Fire or Police Chief.

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

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

(e) Applicants who are 20 years of age and who have successfully completed 2 years of law enforcement studies at an accredited college or university may be considered for appointment to active duty with the police department. An applicant described in this subsection (e) who is appointed to active duty shall not have power of arrest, nor shall the applicant be permitted to carry firearms, until he or she reaches 21 years of age.

(f) Applicants who are 18 years of age and who have successfully completed 2 years of study in fire techniques, amounting to a total of 4

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high school credits, within the cadet program of a municipality may be considered for appointment to active duty with the fire department of any municipality.

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

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

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

(j) No person shall be appointed to the police or fire department unless he or she is a person of good character and not an habitual drunkard, gambler, or a person who has been convicted of a felony or a crime involving moral turpitude. No person, however, shall be disqualified from appointment to the fire department because of his or her record of misdemeanor convictions except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections (1), (6) and (8) of Section 24-1 of the Criminal Code of 1961 or arrest for any cause without conviction on that cause. Any such
person who is in the department may be removed on charges brought and after a trial as provided in this Division 2.1.
(Source: P.A. 94-29, eff. 6-14-05; 94-984, eff. 6-30-06.)
Approved August 14, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0166
(House Bill No. 3131)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Liquor Control Act of 1934 is amended by changing Sections 4-4 and 6-20 as follows:

Sec. 4-4. Each local liquor control commissioner shall also have the following powers, functions and duties with respect to licenses, other than licenses to manufacturers, importing distributors, distributors, foreign importers, non-resident dealers, non-beverage users, brokers, railroads, airplanes and boats.

1. To grant and or suspend for not more than thirty days or revoke for cause all local licenses issued to persons for premises within his jurisdiction;

2. To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Act or any rules or regulations adopted by him or by the State Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith;

3. To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act of 1986 or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated

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this Act by selling or offering for sale at retail alcoholic liquors without a retailer's license;

4. To receive complaint from any citizen within his jurisdiction that any of the provisions of this Act, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided;

5. To receive local license fees and pay the same forthwith to the city, village, town or county treasurer as the case may be.

Each local liquor commissioner also has the duty to notify the Secretary of State of any convictions or dispositions of court supervision for a violation of Section 6-20 of this Act or a similar provision of a local ordinance.

In counties and municipalities, the local liquor control commissioners shall also have the power to levy fines in accordance with Section 7-5 of this Act.

(Source: P.A. 91-357, eff. 7-29-99; 92-804, eff. 1-1-03.)

(235 ILCS 5/6-20) (from Ch. 43, par. 134a)

Sec. 6-20. Transfer, possession, and consumption of alcoholic liquor; restrictions.

(a) Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase, or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession.

(b) If a licensee or his or her agents or employees believes or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the non-age of the prospective recipient, he or she shall, before making such sale or delivery demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his or her official duties.

(c) No person shall transfer, alter, or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information.
(d) No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this Section.

(e) The consumption of alcoholic liquor by any person under 21 years of age is forbidden.

(f) Whoever violates any provisions of this Section shall be guilty of a Class A misdemeanor.

(g) The possession and dispensing, or consumption by a person under 21 years of age of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a person under 21 years of age under the direct supervision and approval of the parents or parent or those persons standing in loco parentis of such person under 21 years of age in the privacy of a home, is not prohibited by this Act.

(Source: P.A. 90-432, eff. 1-1-98.)

Section 10. The Illinois Vehicle Code is amended by changing Section 6-206 as follows:

(625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;

2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in

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the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

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

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

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

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

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

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

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

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

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license to drive, or a restricted driving permit issued under this Code;

12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

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

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

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

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

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

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

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

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

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

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code
of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;
23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;
24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;
25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;
26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;
27. Has violated Section 6-16 of the Liquor Control Act of 1934;
28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act, in which case the person's driving privileges shall be suspended for one year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act shall be suspended for 5 years. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the
presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

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

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

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

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

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

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34. Has committed a violation of Section 11-1301.5 of this Code;
35. Has committed a violation of Section 11-1301.6 of this Code;
36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;
37. Has committed a violation of subsection (c) of Section 11-907 of this Code;
38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance;
39. Has committed a second or subsequent violation of Section 11-1201 of this Code;
40. Has committed a violation of subsection (a-1) of Section 11-908 of this Code;
41. Has committed a second or subsequent violation of Section 11-605.1 of this Code within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days; or
42. Has committed a violation of subsection (a-1) of Section 11-1301.3 of this Code; or:
43. Has received a disposition of court supervision for a violation of subsection (a), (d), or (e) of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance, in which case the suspension shall be for a period of 3 months.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.
(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

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

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

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Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to possess a CDL for the purpose of operating a commercial motor vehicle.

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

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

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

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

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conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(c-3) In the case of a suspension under paragraph 43 of subsection (a), reports received by the Secretary of State under this Section shall, except during the actual time the suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities, driver licensing administrator of any other state, or the Secretary of State. However, beginning January 1, 2008, if the person is a CDL holder, the suspension shall also be made available to the driver licensing administrator of any other state, the U.S. Department of Transportation, and the affected driver or motor carrier or prospective motor carrier upon request.

(c-4) In the case of a suspension under paragraph 43 of subsection (a), the Secretary of State shall notify the person by mail that his or her driving privileges and driver's license will be suspended one month after the date of the mailing of the notice.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 18 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

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

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

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(f) In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been suspended or revoked under any provisions of this Code.

(Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04; 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff. 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)

Section 99. Effective date. This Act takes effect January 1, 2008.
Approved August 14, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0167

(House Bill No. 3132)

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

Section 5. The Illinois Vehicle Code is amended by changing Sections 3-604, 3-609, 11-209, 11-1301.1, 11-1301.2, 11-1301.3, 11-1301.5, and 11-1301.6 and by adding Section 3-609.01 as follows:

Sec. 3-604. Expiration of special plates. Every special plate issued, except those issued for dealers, manufacturers and transporters under Section 3-602 and persons with disabilities under Sections 3-609, 3-609.01, 3-616, or deaf or hard of hearing under Section 3-616 of this Code, may be issued for a 2 year period beginning January 1st of each odd-numbered year and ending December 31st of the subsequent even-numbered year. The special plates issued to a person with disabilities or a person who is deaf or hard of hearing shall expire according to the multi-year procedure as established by Section 3-414 of this Code.

Special plates issued to members of the General Assembly under Section 3-606 shall expire at midnight on the 31st day of January in odd-numbered years.

New matter indicated by italics - deletions by strikeout
Sec. 3-609. Disabled Veterans' Plates. Any disabled veteran whose degree of disability has been declared to be 100% by the United States Department of Veterans Affairs and who has been or declared eligible for funds for the purchase of a motor vehicle of the first division or for a motor vehicle of the second division weighing not more than 8,000 pounds by the United States Federal Government because of his disability, may make application for the registration of one such vehicle, to the Secretary of State without the payment of any registration fee. Registration shall be for a multi-year period effective in 1980 and may be issued staggered registration.

Any disabled veteran of World War I, of World War II, of the National Emergency between June 25, 1950 and January 31, 1955 or of the period beginning February 1, 1955 and ending on the day before the first day thereafter in which individuals (other than individuals liable for induction by reason of prior deferment) are no longer liable for induction for training and service into the armed forces under the Military Selective Service Act of 1967, or of any armed conflict involving the armed forces of the United States, who has a service-connected disability of such a nature that it would, if it had been incurred in World War II, have entitled him to be awarded an automobile by the United States Federal Government, or who is receiving compensation from the Veterans Administration for total service-connected disability, may make application to the Secretary of State for the registration of one motor vehicle of the first division without accompanying such application with the payment of any fee.

Renewal of such registration must be accompanied with documentation for eligibility of registration without fee unless the applicant has a permanent qualifying disability, and such registration plates may not be issued to any person not eligible therefor.

The Illinois Veterans Commission may assist in providing the documentation of disability.

(Source: P.A. 86-444; 87-895.)

New matter indicated by italics - deletions by strikeout
(625 ILCS 5/3-609.01 new)
Sec. 3-609.01. Handicapped Veterans' plates.

(a) Any disabled veteran whose degree of disability has been declared to be less than 100% by the United States Department of Veterans Affairs and who has been or declared eligible for funds for the purchase of a motor vehicle of the first division or for a motor vehicle of the second division weighing not more than 8,000 pounds by the United States Federal Government because of his or her disability, may make application for the registration of one of those vehicles, to the Secretary of State without the payment of any registration fee. Registration shall be for a multi-year period and may be issued staggered registration.

(b) Any disabled veteran of World War I, of World War II, of the National Emergency between June 25, 1950 and January 31, 1955 or of the period beginning February 1, 1955 and ending on the day before the first day thereafter in which individuals (other than individuals liable for induction by reason of prior deferment) are no longer liable for induction for training and service into the armed forces under the Military Selective Service Act of 1967, or of any armed conflict involving the armed forces of the United States, who has a service-connected disability of such a nature that it would, if it had been incurred in World War II, have entitled him to be awarded an automobile by the United States Federal Government, or who is receiving compensation from the Veterans Administration for total service-connected disability, may make application to the Secretary of State for the registration of one motor vehicle of the first division without accompanying his or her application with the payment of any fee.

(c) Renewal of this registration must be accompanied with documentation for eligibility of registration without fee unless the applicant has a permanent qualifying disability, and these registration plates may not be issued to any person not eligible to receive them.

(d) The Illinois Veterans Commission may assist in providing the documentation of disability.

(625 ILCS 5/11-209) (from Ch. 95 1/2, par. 11-209)
Sec. 11-209. Powers of municipalities and counties - Contract with school boards, hospitals, churches, condominium complex unit owners'
associations, and commercial and industrial facility, shopping center, and apartment complex owners for regulation of traffic.

(a) The corporate authorities of any municipality or the county board of any county, and a school board, hospital, church, condominium complex unit owners' association, or owner of any commercial and industrial facility, shopping center, or apartment complex which controls a parking area located within the limits of the municipality, or outside the limits of the municipality and within the boundaries of the county, may, by contract, empower the municipality or county to regulate the parking of automobiles and the traffic at such parking area. Such contract shall empower the municipality or county to accomplish all or any part of the following:

1. The erection of stop signs, flashing signals, person with disabilities parking area signs or yield signs at specified locations in a parking area and the adoption of appropriate regulations thereto pertaining, or the designation of any intersection in the parking area as a stop intersection or as a yield intersection and the ordering of like signs or signals at one or more entrances to such intersection, subject to the provisions of this Chapter.

2. The prohibition or regulation of the turning of vehicles or specified types of vehicles at intersections or other designated locations in the parking area.

3. The regulation of a crossing of any roadway in the parking area by pedestrians.

4. The designation of any separate roadway in the parking area for one-way traffic.

5. The establishment and regulation of loading zones.

6. The prohibition, regulation, restriction or limitation of the stopping, standing or parking of vehicles in specified areas of the parking area.

7. The designation of safety zones in the parking area and fire lanes.

8. Providing for the removal and storage of vehicles parked or abandoned in the parking area during snowstorms, floods, fires,

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or other public emergencies, or found unattended in the parking area, (a) where they constitute an obstruction to traffic, or (b) where stopping, standing or parking is prohibited, and for the payment of reasonable charges for such removal and storage by the owner or operator of any such vehicle.

9. Providing that the cost of planning, installation, maintenance and enforcement of parking and traffic regulations pursuant to any contract entered into under the authority of this paragraph (a) of this Section be borne by the municipality or county, or by the school board, hospital, church, property owner, apartment complex owner, or condominium complex unit owners' association, or that a percentage of the cost be shared by the parties to the contract.

10. Causing the installation of parking meters on the parking area and establishing whether the expense of installing said parking meters and maintenance thereof shall be that of the municipality or county, or that of the school board, hospital, church, condominium complex unit owners' association, shopping center or apartment complex owner. All moneys obtained from such parking meters as may be installed on any parking area shall belong to the municipality or county.

11. Causing the installation of parking signs in accordance with Section 11-301 in areas of the parking lots covered by this Section and where desired by the person contracting with the appropriate authority listed in paragraph (a) of this Section, indicating that such parking spaces are reserved for persons with disabilities.

12. Contracting for such additional reasonable rules and regulations with respect to traffic and parking in a parking area as local conditions may require for the safety and convenience of the public or of the users of the parking area.

(b) No contract entered into pursuant to this Section shall exceed a period of 20 years. No lessee of a shopping center or apartment complex
shall enter into such a contract for a longer period of time than the length of his lease.

(c) Any contract entered into pursuant to this Section shall be recorded in the office of the recorder in the county in which the parking area is located, and no regulation made pursuant to the contract shall be effective or enforceable until 3 days after the contract is so recorded.

(d) At such time as parking and traffic regulations have been established at any parking area pursuant to the contract as provided for in this Section, then it shall be a petty offense for any person to do any act forbidden or to fail to perform any act required by such parking or traffic regulation. If the violation is the parking in a parking space reserved for persons with disabilities under paragraph (11) of this Section, by a person without special registration plates issued to a person with disabilities, as defined by Section 1-159.1, pursuant to Section 3-616 of this Code, or to a disabled veteran pursuant to Section 3-609 or 3-609.01 of this Code, the local police of the contracting corporate municipal authorities shall issue a parking ticket to such parking violator and issue a fine in accordance with Section 11-1301.3.

(e) The term "shopping center", as used in this Section, means premises having one or more stores or business establishments in connection with which there is provided on privately-owned property near or contiguous thereto an area, or areas, of land used by the public as the means of access to and egress from the stores and business establishments on such premises and for the parking of motor vehicles of customers and patrons of such stores and business establishments on such premises.

(f) The term "parking area", as used in this Section, means an area, or areas, of land near or contiguous to a school, church, or hospital building, shopping center, apartment complex, or condominium complex, but not the public highways or alleys, and used by the public as the means of access to and egress from such buildings and the stores and business establishments at a shopping center and for the parking of motor vehicles.

(g) The terms "owner", "property owner", "shopping center owner", and "apartment complex owner", as used in this Section, mean the actual legal owner of the shopping center parking area or apartment complex, the

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trust officer of a banking institution having the right to manage and control such property, or a person having the legal right, through lease or otherwise, to manage or control the property.

(g-5) The term "condominium complex unit owners' association", as used in this Section, means a "unit owners' association" as defined in Section 2 of the Condominium Property Act.

(h) The term "fire lane", as used in this Section, means travel lanes for the fire fighting equipment upon which there shall be no standing or parking of any motor vehicle at any time so that fire fighting equipment can move freely thereon.

(i) The term "apartment complex", as used in this Section, means premises having one or more apartments in connection with which there is provided on privately-owned property near or contiguous thereto an area, or areas, of land used by occupants of such apartments or their guests as a means of access to and egress from such apartments or for the parking of motor vehicles of such occupants or their guests.

(j) The term "condominium complex", as used in this Section, means the units, common elements, and limited common elements that are located on the parcels, as those terms are defined in Section 2 of the Condominium Property Act.

(k) The term "commercial and industrial facility", as used in this Section, means a premises containing one or more commercial and industrial facility establishments in connection with which there is provided on privately-owned property near or contiguous to the premises an area or areas of land used by the public as the means of access to and egress from the commercial and industrial facility establishment on the premises and for the parking of motor vehicles of customers, patrons, and employees of the commercial and industrial facility establishment on the premises.

(l) The provisions of this Section shall not be deemed to prevent local authorities from enforcing, on private property, local ordinances imposing fines, in accordance with Section 11-1301.3, as penalties for use of any parking place reserved for persons with disabilities, as defined by Section 1-159.1, or disabled veterans by any person using a motor vehicle

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not bearing registration plates specified in Section 11-1301.1 or a special decal or device as defined in Section 11-1301.2 as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran.

This amendatory Act of 1972 is not a prohibition upon the contractual and associational powers granted by Article VII, Section 10 of the Illinois Constitution.

(Source: P.A. 89-551, eff. 1-1-97; 90-106, eff. 1-1-98; 90-145, eff. 1-1-98; 90-481, eff. 8-17-97; 90-655, eff. 7-30-98.)

(625 ILCS 5/11-1301.1) (from Ch. 95 1/2, par. 11-1301.1)

Sec. 11-1301.1. Persons with disabilities - Parking privileges - Exemptions. A motor vehicle bearing registration plates issued to a person with disabilities, as defined by Section 1-159.1, pursuant to Section 3-616 or to a disabled veteran pursuant to Section 3-609 or 3-609.01 or a special decal or device issued pursuant to Section 3-616 or pursuant to Section 11-1301.2 of this Code or a motor vehicle registered in another jurisdiction, state, district, territory or foreign country upon which is displayed a registration plate, special decal or device issued by the other jurisdiction designating the vehicle is operated by or for a person with disabilities shall be exempt from the payment of parking meter fees and exempt from any statute or ordinance imposing time limitations on parking, except limitations of one-half hour or less, on any street or highway zone, or any parking lot or parking place which are owned, leased or owned and leased by a municipality or a municipal parking utility; and shall be recognized by state and local authorities as a valid license plate or parking device and shall receive the same parking privileges as residents of this State; but, such vehicle shall be subject to the laws which prohibit parking in "no stopping" and "no standing" zones in front of or near fire hydrants, driveways, public building entrances and exits, bus stops and loading areas, and is prohibited from parking where the motor vehicle constitutes a traffic hazard, whereby such motor vehicle shall be moved at the instruction and request of a law enforcement officer to a location designated by the officer. Any motor vehicle bearing registration plates or a special decal or device specified in this Section or in Section 3-616 of this Code or such parking device as specifically authorized in Section 11-

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1301.2 as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran may park, in addition to any other lawful place, in any parking place specifically reserved for such vehicles by the posting of an official sign as provided under Section 11-301. Parking privileges granted by this Section are strictly limited to the person to whom the special registration plates, special decal or device were issued and to qualified operators acting under his express direction while the person with disabilities is present. A person to whom privileges were granted shall, at the request of a police officer or any other person invested by law with authority to direct, control, or regulate traffic, present an identification card with a picture as verification that the person is the person to whom the special registration plates, special decal or device was issued.

Such parking privileges granted by this Section are also extended to motor vehicles of not-for-profit organizations used for the transportation of persons with disabilities when such motor vehicles display the decal or device issued pursuant to Section 11-1301.2 of this Code.

No person shall use any area for the parking of any motor vehicle pursuant to Section 11-1303 of this Code or where an official sign controlling such area expressly prohibits parking at any time or during certain hours.

(Source: P.A. 90-106, eff. 1-1-98.)

(625 ILCS 5/11-1301.2) (from Ch. 95 1/2, par. 11-1301.2)
Sec. 11-1301.2. Special decals for a person with disabilities parking.

(a) The Secretary of State shall provide for, by administrative rules, the design, size, color, and placement of a person with disabilities motorist decal or device and shall provide for, by administrative rules, the content and form of an application for a person with disabilities motorist decal or device, which shall be used by local authorities in the issuance thereof to a person with temporary disabilities, provided that the decal or device is valid for no more than 90 days, subject to renewal for like periods based upon continued disability, and further provided that the decal or device clearly sets forth the date that the decal or device expires. The application

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shall include the requirement of an Illinois Identification Card number or a State of Illinois driver's license number. This decal or device shall be the property of such person with disabilities and may be used by that person to designate and identify a vehicle not owned or displaying a registration plate as provided in Sections 3-609, 3-609.01, and 3-616 of this Act to designate when the vehicle is being used to transport said person or persons with disabilities, and thus is entitled to enjoy all the privileges that would be afforded a person with disabilities licensed vehicle. Person with disabilities decals or devices issued and displayed pursuant to this Section shall be recognized and honored by all local authorities regardless of which local authority issued such decal or device.

The decal or device shall be issued only upon a showing by adequate documentation that the person for whose benefit the decal or device is to be used has a temporary disability as defined in Section 1-159.1 of this Code.

(b) The local governing authorities shall be responsible for the provision of such decal or device, its issuance and designated placement within the vehicle. The cost of such decal or device shall be at the discretion of such local governing authority.

(c) The Secretary of State may, pursuant to Section 3-616(c), issue a person with disabilities parking decal or device to a person with disabilities as defined by Section 1-159.1. Any person with disabilities parking decal or device issued by the Secretary of State shall be registered to that person with disabilities in the form to be prescribed by the Secretary of State. The person with disabilities parking decal or device shall not display that person's address. One additional decal or device may be issued to an applicant upon his or her written request and with the approval of the Secretary of State. The written request must include a justification of the need for the additional decal or device.

(d) Replacement decals or devices may be issued for lost, stolen, or destroyed decals upon application and payment of a $10 fee. The replacement fee may be waived for individuals that have claimed and received a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act.

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Sec. 1. 1-1301.3. Unauthorized use of parking places reserved for persons with disabilities.

(a) It shall be prohibited to park any motor vehicle which is not properly displaying registration plates or decals issued to a person with disabilities, as defined by Section 1-159.1, pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a disabled veteran pursuant to Section 3-609 or 3-609.01 of this Act, as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran, in any parking place, including any private or public offstreet parking facility, specifically reserved, by the posting of an official sign as designated under Section 11-301, for motor vehicles displaying such registration plates. It shall be prohibited to park any motor vehicle in a designated access aisle adjacent to any parking place specifically reserved for persons with disabilities, by the posting of an official sign as designated under Section 11-301, for motor vehicles displaying such registration plates. When using the parking privileges for persons with disabilities, the parking decal or device must be displayed properly in the vehicle where it is clearly visible to law enforcement personnel, either hanging from the rearview mirror or placed on the dashboard of the vehicle in clear view. Any motor vehicle properly displaying a disability license plate or a parking decal or device containing the International symbol of access issued to persons with disabilities by any local authority, state, district, territory or foreign country shall be recognized by State and local authorities as a valid license plate or device and receive the same parking privileges as residents of this State.

(a-1) An individual with a vehicle displaying disability license plates or a parking decal or device issued to a qualified person with a disability under Sections 3-616, 11-1301.1, or 11-1301.2 or to a disabled veteran under Section 3-609 or 3-609.01 is in violation of this Section if (i) the person using the disability license plate or parking decal or device is not the authorized holder of the disability license plate or parking decal or device or is not transporting the authorized holder of the disability license plate or parking decal or device to or from the parking location and (ii) the
person uses the disability license plate or parking decal or device to
exercise any privileges granted through the disability license plate or
parking decals or devices under this Code.

(b) Any person or local authority owning or operating any public or
private offstreet parking facility may, after notifying the police or sheriff's
department, remove or cause to be removed to the nearest garage or other
place of safety any vehicle parked within a stall or space reserved for use
by a person with disabilities which does not display person with
disabilities registration plates or a special decal or device as required under
this Section.

(c) Any person found guilty of violating the provisions of
subsection (a) shall be fined $250 in addition to any costs or charges
connected with the removal or storage of any motor vehicle authorized
under this Section; but municipalities by ordinance may impose a fine up
to $350 and shall display signs indicating the fine imposed. If the amount
of the fine is subsequently changed, the municipality shall change the sign
to indicate the current amount of the fine. It shall not be a defense to a
charge under this Section that either the sign posted pursuant to this
Section or the intended accessible parking place does not comply with the
technical requirements of Section 11-301, Department regulations, or local
ordinance if a reasonable person would be made aware by the sign or
notice on or near the parking place that the place is reserved for a person
with disabilities.

(c-1) Any person found guilty of violating the provisions of
subsection (a-1) shall be fined $500. The circuit clerk shall distribute $250
of the $500 fine imposed on any person who is found guilty of or pleads
guilty to violating this Section, including any person placed on court
supervision for violating this Section, to the law enforcement agency that
issued the citation or made the arrest. If more than one law enforcement
agency is responsible for issuing the citation or making the arrest, the $250
shall be shared equally.

(d) Local authorities shall impose fines as established in
subsections (c) and (c-1) for violations of this Section.
(e) As used in this Section, "authorized holder" means an individual issued a disability license plate under Section 3-616 of this Code, an individual issued a parking decal or device under Section 11-1301.2 of this Code, or an individual issued a disabled veteran's license plate under Section 3-609 or 3-609.01 of this Code.

(f) Any person who commits a violation of subsection (a-1) may have his or her driving privileges suspended or revoked by the Secretary of State for a period of time determined by the Secretary of State. The Secretary of State may also suspend or revoke the disability license plates or parking decal or device for a period of time determined by the Secretary of State.

(Source: P.A. 94-619, eff. 1-1-06; 94-930, eff. 6-26-06.)

(625 ILCS 5/11-1301.5)

Sec. 11-1301.5. Fictitious or unlawfully altered disability license plate or parking decal or device.

(a) As used in this Section:

"Fictitious disability license plate or parking decal or device" means any issued disability license plate or parking decal or device, or any license plate issued to a disabled veteran under Section 3-609 or 3-609.01 of this Code, that has been issued by the Secretary of State or an authorized unit of local government that was issued based upon false information contained on the required application.

"False information" means any incorrect or inaccurate information concerning the name, date of birth, social security number, driver's license number, physician certification, or any other information required on the Persons with Disabilities Certification for Plate or Parking Placard, on the Application for Replacement Disability Parking Placard, or on the application for license plates issued to disabled veterans under Section 3-609 or 3-609.01 of this Code, that falsifies the content of the application.

"Unlawfully altered disability license plate or parking permit or device" means any disability license plate or parking permit or device, or any license plate issued to a disabled veteran under Section 3-609 or 3-609.01 of this Code, issued by the Secretary of State or an authorized unit of local government that has been physically altered or changed in such

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manner that false information appears on the license plate or parking decal or device.

"Authorized holder" means an individual issued a disability license plate under Section 3-616 of this Code or an individual issued a parking decal or device under Section 11-1301.2 of this Code, or an individual issued a disabled veteran's license plate under Section 3-609 or 3-609.01 of this Code.

(b) It is a violation of this Section for any person:

(1) to knowingly possess any fictitious or unlawfully altered disability license plate or parking decal or device;

(2) to knowingly issue or assist in the issuance of, by the Secretary of State or unit of local government, any fictitious disability license plate or parking decal or device;

(3) to knowingly alter any disability license plate or parking decal or device;

(4) to knowingly manufacture, possess, transfer, or provide any documentation used in the application process whether real or fictitious, for the purpose of obtaining a fictitious disability license plate or parking decal or device;

(5) to knowingly provide any false information to the Secretary of State or a unit of local government in order to obtain a disability license plate or parking decal or device; or

(6) to knowingly transfer a disability license plate or parking decal or device for the purpose of exercising the privileges granted to an authorized holder of a disability license plate or parking decal or device under this Code in the absence of the authorized holder.

(c) Sentence.

(1) Any person convicted of a violation of paragraph (1), (2), (3), (4), or (5) of subsection (b) of this Section shall be guilty of a Class A misdemeanor and fined not less than $500 for a first offense and shall be guilty of a Class 4 felony and fined not less than $1,000 for a second or subsequent offense. Any person convicted of a violation of subdivision (b)(6) of this Section is

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guilty of a Class A misdemeanor and shall be fined not less than $500 for a first offense and not less than $1,000 for a second or subsequent offense. The circuit clerk shall distribute one-half of any fine imposed on any person who is found guilty of or pleads guilty to violating this Section, including any person placed on court supervision for violating this Section, to the law enforcement agency that issued the citation or made the arrest. If more than one law enforcement agency is responsible for issuing the citation or making the arrest, one-half of the fine imposed shall be shared equally.

(2) Any person who commits a violation of this Section may have his or her driving privileges suspended or revoked by the Secretary of State for a period of time determined by the Secretary of State. The Secretary of State may suspend or revoke the parking decal or device or the disability license plate of any person who commits a violation of this Section.

(3) Any police officer may seize the parking decal or device from any person who commits a violation of this Section. Any police officer may seize the disability license plate upon authorization from the Secretary of State. Any police officer may request that the Secretary of State revoke the parking decal or device or the disability license plate of any person who commits a violation of this Section.

(Source: P.A. 94-619, eff. 1-1-06.)

(625 ILCS 5/11-1301.6)
Sec. 11-1301.6. Fraudulent disability license plate or parking decal or device.
(a) As used in this Section:
"Fraudulent disability license plate or parking decal or device" means any disability license plate or parking decal or device that purports to be an official disability license plate or parking decal or device and that has not been issued by the Secretary of State or an authorized unit of local government.

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"Disability license plate or parking decal or device-making implement" means any implement specially designed or primarily used in the manufacture, assembly, or authentication of a disability license plate or parking decal or device, or a license plate issued to a disabled veteran under Section 3-609 or 3-609.01 of this Code, issued by the Secretary of State or a unit of local government.

(b) It is a violation of this Section for any person:

(1) to knowingly possess any fraudulent disability license plate or parking decal;

(2) to knowingly possess without authority any disability license plate or parking decal or device-making implement;

(3) to knowingly duplicate, manufacture, sell, or transfer any fraudulent or stolen disability license plate or parking decal or device;

(4) to knowingly assist in the duplication, manufacturing, selling, or transferring of any fraudulent, stolen, or reported lost or damaged disability license plate or parking decal or device; or

(5) to advertise or distribute a fraudulent disability license plate or parking decal or device.

(c) Sentence.

(1) Any person convicted of a violation of this Section shall be guilty of a Class A misdemeanor and fined not less than $1,000 for a first offense and shall be guilty of a Class 4 felony and fined not less than $2,000 for a second or subsequent offense. The circuit clerk shall distribute half of any fine imposed on any person who is found guilty of or pleads guilty to violating this Section, including any person placed on court supervision for violating this Section, to the law enforcement agency that issued the citation or made the arrest. If more than one law enforcement agency is responsible for issuing the citation or making the arrest, one-half of the fine imposed shall be shared equally.

(2) Any person who commits a violation of this Section may have his or her driving privileges suspended or revoked by the
Secretary of State for a period of time determined by the Secretary of State.

(3) Any police officer may seize the parking decal or device from any person who commits a violation of this Section. Any police officer may seize the disability license plate upon authorization from the Secretary of State. Any police officer may request that the Secretary of State revoke the parking decal or device or the disability license plate of any person who commits a violation of this Section.

(Source: P.A. 94-619, eff. 1-1-06.)

Section 10. The Motor Fuel Sales Act is amended by changing Section 2 as follows:

(815 ILCS 365/2) (from Ch. 121 1/2, par. 1502)

Sec. 2. Any attendant on duty at a service station described in Section 1 shall, upon request, dispense motor fuel for the driver of a car which is parked at a self-service island and displays: (a) registration plates issued to a physically disabled person pursuant to Section 3-616 of the Illinois Vehicle Code; or (b) registration plates issued to a disabled veteran pursuant to Section 3-609 or 3-609.01 of such Code; or (c) a special decal or device issued pursuant to Section 11-1301.2 of such Code; and shall only charge such driver prices as offered to the general public for motor fuel dispensed at the self-service island. However, such attendant shall not be required to perform other services which are offered at the full-service island.

(Source: P.A. 84-877.)

Approved August 14, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0168
(House Bill No. 3327)

AN ACT concerning education.

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

Section 5. The School Code is amended by changing Section 27-17
as follows:

(105 ILCS 5/27-17) (from Ch. 122, par. 27-17)
Sec. 27-17. Safety education. School boards of public schools and
all boards in charge of educational institutions supported wholly or
partially by the State may provide instruction in safety education in all
grades and include such instruction in the courses of study regularly taught
therein.

In this section "safety education" means and includes instruction in
the following:

1. automobile safety, including traffic regulations, and highway
   safety, and the consequences of alcohol consumption and the operation of
   a motor vehicle;
2. safety in the home;
3. safety in connection with recreational activities;
4. safety in and around school buildings;
5. safety in connection with vocational work or training; and
6. cardio-pulmonary resuscitation for pupils enrolled in grades 9
   through 11.

Such boards may make suitable provisions in the schools and
institutions under their jurisdiction for instruction in safety education for
not less than 16 hours during each school year.

The curriculum in all State universities shall contain an elective
course of instruction in safety education for teachers, comprising at least
48 fifty-minute periods or the equivalent thereof.
(Source: P.A. 80-1283.)

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

Approved August 14, 2007.
Effective August 14, 2007.

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AN ACT concerning offenders.

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

Section 5. The Sex Offender Registration Act is amended by changing Section 7 as follows:

(730 ILCS 150/7) (from Ch. 38, par. 227)

Sec. 7. Duration of registration. A person who has been adjudicated to be sexually dangerous and is later released or found to be no longer sexually dangerous and discharged, shall register for the period of his or her natural life. A sexually violent person or sexual predator shall register for the period of his or her natural life after conviction or adjudication if not confined to a penal institution, hospital, or other institution or facility, and if confined, for the period of his or her natural life after parole, discharge, or release from any such facility. A person who becomes subject to registration under this Article who has previously been subject to registration under this Article or under the Child Murderer and Violent Offender Against Youth Registration Act or similar registration requirements of other jurisdictions shall register for the period of his or her natural life if not confined to a penal institution, hospital, or other institution or facility, and if confined, for the period of his or her natural life after parole, discharge, or release from any such facility. Any other person who is required to register under this Article shall be required to register for a period of 10 years after conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility, and if confined, for a period of 10 years after parole, discharge or release from any such facility. A sex offender who is allowed to leave a county, State, or federal facility for the purposes of work release, education, or overnight visitations shall be required to register within 5 days of beginning such a program. Liability for registration terminates at the expiration of 10 years from the date of conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility.

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and if confined, at the expiration of 10 years from the date of parole, discharge or release from any such facility, providing such person does not, during that period, again become liable to register under the provisions of this Article. Reconfinement due to a violation of parole or other circumstances that relates to the original conviction or adjudication shall extend the period of registration to 10 years after final parole, discharge, or release. The Director of State Police, consistent with administrative rules, shall extend for 10 years the registration period of any sex offender, as defined in Section 2 of this Act, who fails to comply with the provisions of this Article. The registration period for any sex offender who fails to comply with any provision of the Act shall extend the period of registration by 10 years beginning from the first date of registration after the violation. If the registration period is extended, the Department of State Police shall send a registered letter to the law enforcement agency where the sex offender resides within 3 days after the extension of the registration period. The sex offender shall report to that law enforcement agency and sign for that letter. One copy of that letter shall be kept on file with the law enforcement agency of the jurisdiction where the sex offender resides and one copy shall be returned to the Department of State Police.

(Source: P.A. 93-979, eff. 8-20-04; 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; revised 8-19-05.)

Section 10. The Child Murderer and Violent Offender Against Youth Registration Act is amended by changing Section 40 as follows:

(730 ILCS 154/40)

Sec. 40. Duration of registration. A person who becomes subject to registration under this Article who has previously been subject to registration under this Article or under the Sex Offender Registration Act or similar registration requirements of other jurisdictions shall register for the period of his or her natural life if not confined to a penal institution, hospital, or other institution or facility, and if confined, for the period of his or her natural life after parole, discharge, or release from any such facility. Any other person who is required to register under this Act shall be required to register for a period of 10 years after conviction or adjudication if not confined to a penal institution, hospital or any other facility.
institution or facility, and if confined, for a period of 10 years after parole, discharge or release from any such facility. A violent offender against youth who is allowed to leave a county, State, or federal facility for the purposes of work release, education, or overnight visitations shall be required to register within 5 days of beginning such a program. Liability for registration terminates at the expiration of 10 years from the date of conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility and if confined, at the expiration of 10 years from the date of parole, discharge or release from any such facility, providing such person does not, during that period, again become liable to register under the provisions of this Act. Reconfinement due to a violation of parole or other circumstances that relates to the original conviction or adjudication shall extend the period of registration to 10 years after final parole, discharge, or release. The Director of State Police, consistent with administrative rules, shall extend for 10 years the registration period of any violent offender against youth who fails to comply with the provisions of this Act. The registration period for any violent offender against youth who fails to comply with any provision of the Act shall extend the period of registration by 10 years beginning from the first date of registration after the violation. If the registration period is extended, the Department of State Police shall send a registered letter to the law enforcement agency where the violent offender against youth resides within 3 days after the extension of the registration period. The violent offender against youth shall report to that law enforcement agency and sign for that letter. One copy of that letter shall be kept on file with the law enforcement agency of the jurisdiction where the violent offender against youth resides and one copy shall be returned to the Department of State Police. (Source: P.A. 94-945, eff. 6-27-06.)

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

Approved August 14, 2007.
Effective August 14, 2007.
AN ACT concerning State government.

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

Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Sections 605-980 and 605-981 as follows:

(20 ILCS 605/605-980 new)
Sec. 605-980. Smart cities grant program. Subject to appropriation, the Department may establish and administer a program to make grants to municipalities for urban preservation and redevelopment as well as green technology. The Department shall work in cooperation with local municipalities in order to provide funds to meet the municipalities' identified public infrastructure and urban improvement needs. The grant program shall be permissive and subject to appropriation by the General Assembly.

"Identified public infrastructure and urban improvement needs" include plans adopted by the municipality that have the following elements: an assessment of all public facilities and services, including, but not limited to, roads and other transportation facilities, sewers, schools, parks and open space, and fire and police services. Any municipality that is approved for grant moneys under this Section must develop a 5-year plan for the replacement and expansion of existing public facilities or the construction of any new facilities that are required to meet expected growth and economic development. The plan shall be reviewed by the Department. The plan must include a projection of when and where those facilities will be required and an assessment of the anticipated costs for replacement, expansion, or construction of public facilities.

Municipalities receiving grant moneys under this Section are encouraged to use local small businesses within the municipality whenever possible.

(20 ILCS 605/605-981 new)

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Sec. 605-981. Green cities grant program. Subject to appropriation, the Department may establish and administer a program to make grants to municipalities whose buildings conform with nationally recognized and accepted green building guidelines, standards, or systems. Grants may be used for new construction, existing buildings, commercial interiors, core and shell development, homes, schools, or neighborhood development. The grant program shall be permissive and subject to appropriation by the General Assembly.

Municipalities receiving grant moneys under this Section are encouraged to use local small businesses within the municipality whenever possible.

Approved August 14, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0171
(House Bill No. 3454)

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

Section 5. The Illinois Police Training Act is amended by changing Section 7 as follows:

Sec. 7. Rules and standards for schools. The Board shall adopt rules and minimum standards for such schools which shall include but not be limited to the following:

a. The curriculum for probationary police officers which shall be offered by all certified schools shall include but not be limited to courses of arrest, search and seizure, civil rights, human relations, cultural diversity, including racial and ethnic sensitivity, criminal law, law of criminal procedure, vehicle and traffic law including uniform and non-discriminatory enforcement of the Illinois Vehicle Code, traffic control and accident investigation, techniques of obtaining physical evidence,

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court testimonies, statements, reports, firearms training, first-aid (including cardiopulmonary resuscitation), handling of juvenile offenders, recognition of mental conditions which require immediate assistance and methods to safeguard and provide assistance to a person in need of mental treatment, law of evidence, the hazards of high-speed police vehicle chases with an emphasis on alternatives to the high-speed chase, and physical training. The curriculum shall include specific training in techniques for immediate response to and investigation of cases of domestic violence and of sexual assault of adults and children. The curriculum shall also include a block of instruction aimed at identifying and interacting with persons with autism and other developmental disabilities, reducing barriers to reporting crimes against persons with autism, and addressing the unique challenges presented by cases involving victims or witnesses with autism and other developmental disabilities. The curriculum for permanent police officers shall include but not be limited to (1) refresher and in-service training in any of the courses listed above in this subparagraph, (2) advanced courses in any of the subjects listed above in this subparagraph, (3) training for supervisory personnel, and (4) specialized training in subjects and fields to be selected by the board.

b. Minimum courses of study, attendance requirements and equipment requirements.

c. Minimum requirements for instructors.

d. Minimum basic training requirements, which a probationary police officer must satisfactorily complete before being eligible for permanent employment as a local law enforcement officer for a participating local governmental agency. Those requirements shall include training in first aid (including cardiopulmonary resuscitation).

e. Minimum basic training requirements, which a probationary county corrections officer must satisfactorily complete before being eligible for permanent employment as a county corrections officer for a participating local governmental agency.

f. Minimum basic training requirements which a probationary court security officer must satisfactorily complete before being eligible for permanent employment as a court security officer for a participating local governmental agency.
governmental agency. The Board shall establish those training requirements which it considers appropriate for court security officers and shall certify schools to conduct that training.

A person hired to serve as a court security officer must obtain from the Board a certificate (i) attesting to his or her successful completion of the training course; (ii) attesting to his or her satisfactory completion of a training program of similar content and number of hours that has been found acceptable by the Board under the provisions of this Act; or (iii) attesting to the Board's determination that the training course is unnecessary because of the person's extensive prior law enforcement experience.

Individuals who currently serve as court security officers shall be deemed qualified to continue to serve in that capacity so long as they are certified as provided by this Act within 24 months of the effective date of this amendatory Act of 1996. Failure to be so certified, absent a waiver from the Board, shall cause the officer to forfeit his or her position.

All individuals hired as court security officers on or after the effective date of this amendatory Act of 1996 shall be certified within 12 months of the date of their hire, unless a waiver has been obtained by the Board, or they shall forfeit their positions.

The Sheriff's Merit Commission, if one exists, or the Sheriff's Office if there is no Sheriff's Merit Commission, shall maintain a list of all individuals who have filed applications to become court security officers and who meet the eligibility requirements established under this Act. Either the Sheriff's Merit Commission, or the Sheriff's Office if no Sheriff's Merit Commission exists, shall establish a schedule of reasonable intervals for verification of the applicants' qualifications under this Act and as established by the Board.

(Source: P.A. 93-209, eff. 7-18-03.)

Approved August 14, 2007.
Effective January 1, 2008.

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0172
(House Bill No. 3455)

AN ACT concerning health.

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

Section 5. The Mental Health and Developmental Disabilities Code is amended by changing Sections 2-102, 2-107, 2-107.1, 2-107.2, 2-107.3, 2-200, and 3-802 as follows:

(405 ILCS 5/2-102) (from Ch. 91 1/2, par. 2-102)

Sec. 2-102. (a) A recipient of services shall be provided with adequate and humane care and services in the least restrictive environment, pursuant to an individual services plan. The Plan shall be formulated and periodically reviewed with the participation of the recipient to the extent feasible and the recipient's guardian, the recipient's substitute decision maker, if any, or any other individual designated in writing by the recipient. The facility shall advise the recipient of his or her right to designate a family member or other individual to participate in the formulation and review of the treatment plan. In determining whether care and services are being provided in the least restrictive environment, the facility shall consider the views of the recipient, if any, concerning the treatment being provided. The recipient's preferences regarding emergency interventions under subsection (d) of Section 2-200 shall be noted in the recipient's treatment plan.

(a-5) If the services include the administration of electroconvulsive therapy or psychotropic medication authorized involuntary treatment, the physician or the physician's designee shall advise the recipient, in writing, of the side effects, risks, and benefits of the treatment, as well as alternatives to the proposed treatment, to the extent such advice is consistent with the recipient's ability to understand the information communicated. The physician shall determine and state in writing whether the recipient has the capacity to make a reasoned decision about the treatment. The physician or the physician's designee shall provide to the recipient's substitute decision maker, if any, the same written information.

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that is required to be presented to the recipient in writing. If the recipient lacks the capacity to make a reasoned decision about the treatment, the treatment may be administered only (i) pursuant to the provisions of Section 2-107 or 2-107.1 or (ii) pursuant to a power of attorney for health care under the Powers of Attorney for Health Care Law or a declaration for mental health treatment under the Mental Health Treatment Preference Declaration Act. A surrogate decision maker, other than a court appointed guardian, under the Health Care Surrogate Act may not consent to the administration of *electroconvulsive therapy or psychotropic medication authorized involuntary treatment*. A surrogate may, however, petition for administration of *such authorized involuntary treatment* pursuant to this Act. If the recipient is under guardianship and the guardian is authorized to consent to the administration of *electroconvulsive therapy or psychotropic medication authorized involuntary treatment* pursuant to subsection (c) of Section 2-107.1 of this Code, the physician shall advise the guardian in writing of the side effects and risks of the treatment, alternatives to the proposed treatment, and the risks and benefits of the treatment. A qualified professional shall be responsible for overseeing the implementation of such plan. Such care and treatment shall make reasonable accommodation of any physical disability of the recipient, including but not limited to the regular use of sign language for any hearing impaired individual for whom sign language is a primary mode of communication. If the recipient is unable to communicate effectively in English, the facility shall make reasonable efforts to provide services to the recipient in a language that the recipient understands.

(b) A recipient of services who is an adherent or a member of any well-recognized religious denomination, the principles and tenets of which teach reliance upon services by spiritual means through prayer alone for healing by a duly accredited practitioner thereof, shall have the right to choose such services. The parent or guardian of a recipient of services who is a minor, or a guardian of a recipient of services who is not a minor, shall have the right to choose services by spiritual means through prayer for the recipient of services.

(Source: P.A. 90-538, eff. 12-1-97; 91-726, eff. 6-2-00.)
Sec. 2-107. Refusal of services; informing of risks.

(a) An adult recipient of services or the recipient's guardian, if the recipient is under guardianship, and the recipient's substitute decision maker, if any, must be informed of the recipient's right to refuse medication or electroconvulsive therapy. The recipient and the recipient's guardian or substitute decision maker shall be given the opportunity to refuse generally accepted mental health or developmental disability services, including but not limited to medication or electroconvulsive therapy. If such services are refused, they shall not be given unless such services are necessary to prevent the recipient from causing serious and imminent physical harm to the recipient or others and no less restrictive alternative is available. The facility director shall inform a recipient, guardian, or substitute decision maker, if any, who refuses such services of alternate services available and the risks of such alternate services, as well as the possible consequences to the recipient of refusal of such services.

(b) Psychotropic medication or electroconvulsive therapy Authorized involuntary treatment may be administered under this Section for up to 24 hours only if the circumstances leading up to the need for emergency treatment are set forth in writing in the recipient's record.

(c) Administration of medication or electroconvulsive therapy Authorized involuntary treatment may not be continued unless the need for such treatment is redetermined at least every 24 hours based upon a personal examination of the recipient by a physician or a nurse under the supervision of a physician and the circumstances demonstrating that need are set forth in writing in the recipient's record.

(d) Neither psychotropic medication nor electroconvulsive therapy Authorized involuntary treatment may not be administered under this Section for a period in excess of 72 hours, excluding Saturdays, Sundays, and holidays, unless a petition is filed under Section 2-107.1 and the treatment continues to be necessary under subsection (a) of this Section. Once the petition has been filed, treatment may continue in compliance with subsections (a), (b), and (c) of this Section until the final outcome of the hearing on the petition.
(e) The Department shall issue rules designed to insure that in State-operated mental health facilities *psychotropic medication and electroconvulsive therapy are authorized involuntary treatment* is administered in accordance with this Section and only when appropriately authorized and monitored by a physician or a nurse under the supervision of a physician in accordance with accepted medical practice. The facility director of each mental health facility not operated by the State shall issue rules designed to insure that in that facility *psychotropic medication and electroconvulsive therapy are authorized involuntary treatment* is administered in accordance with this Section and only when appropriately authorized and monitored by a physician or a nurse under the supervision of a physician in accordance with accepted medical practice. Such rules shall be available for public inspection and copying during normal business hours.

(f) The provisions of this Section with respect to the emergency administration of *psychotropic medication and electroconvulsive therapy authorized involuntary treatment* do not apply to facilities licensed under the Nursing Home Care Act.

(g) Under no circumstances may long-acting psychotropic medications be administered under this Section.

(h) Whenever psychotropic medication or *electroconvulsive therapy* is refused pursuant to subsection (a) of this Section at least once that day, the physician shall determine and state in writing the reasons why the recipient did not meet the criteria for administration of *medication or electroconvulsive therapy involuntary treatment* under subsection (a) and whether the recipient meets the standard for administration of *psychotropic medication or electroconvulsive therapy authorized involuntary treatment* under Section 2-107.1 of this Code. If the physician determines that the recipient meets the standard for administration of *psychotropic medication or electroconvulsive therapy authorized involuntary treatment* under Section 2-107.1, the facility director or his or her designee shall petition the court for administration of *psychotropic medication or electroconvulsive therapy authorized involuntary treatment* pursuant to that Section unless the facility director or his or her designee

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states in writing in the recipient's record why the filing of such a petition is not warranted. This subsection (h) applies only to State-operated mental health facilities.

(i) The Department shall conduct annual trainings for all physicians and registered nurses working in State-operated mental health facilities on the appropriate use of emergency administration of psychotropic medication and electroconvulsive therapy authorized involuntary treatment, standards for their use, and the methods of authorization under this Section.

(Source: P.A. 94-1066, eff. 8-1-06.)

(405 ILCS 5/2-107.1) (from Ch. 91 1/2, par. 2-107.1)

Sec. 2-107.1. Administration of psychotropic medication and electroconvulsive therapy authorized involuntary treatment upon application to a court.

(a) (Blank). An adult recipient of services and the recipient's guardian, if the recipient is under guardianship, and the substitute decision maker, if any, shall be informed of the recipient's right to refuse medication. The recipient and the recipient's guardian or substitute decision maker shall be given the opportunity to refuse generally accepted mental health or developmental disability services, including but not limited to medication.

(a-5) Notwithstanding the provisions of Section 2-107 of this Code, psychotropic medication and electroconvulsive therapy authorized involuntary treatment may be administered to an adult recipient of services without the informed consent of the recipient under the following standards:

(1) Any person 18 years of age or older, including any guardian, may petition the circuit court for an order authorizing the administration of psychotropic medication and electroconvulsive therapy authorized involuntary treatment to a recipient of services. The petition shall state that the petitioner has made a good faith attempt to determine whether the recipient has executed a power of attorney for health care under the Powers of Attorney for Health Care Law or a declaration for mental health treatment under the

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Mental Health Treatment Preference Declaration Act and to obtain copies of these instruments if they exist. If either of the above-named instruments is available to the petitioner, the instrument or a copy of the instrument shall be attached to the petition as an exhibit. The petitioner shall deliver a copy of the petition, and notice of the time and place of the hearing, to the respondent, his or her attorney, any known agent or attorney-in-fact, if any, and the guardian, if any, no later than 3 days prior to the date of the hearing. Service of the petition and notice of the time and place of the hearing may be made by transmitting them via facsimile machine to the respondent or other party. Upon receipt of the petition and notice, the party served, or the person delivering the petition and notice to the party served, shall acknowledge service. If the party sending the petition and notice does not receive acknowledgement of service within 24 hours, service must be made by personal service.

The petition may include a request that the court authorize such testing and procedures as may be essential for the safe and effective administration of the psychotropic medication or electroconvulsive therapy authorized involuntary treatment sought to be administered, but only where the petition sets forth the specific testing and procedures sought to be administered.

If a hearing is requested to be held immediately following the hearing on a petition for involuntary admission, then the notice requirement shall be the same as that for the hearing on the petition for involuntary admission, and the petition filed pursuant to this Section shall be filed with the petition for involuntary admission.

(2) The court shall hold a hearing within 7 days of the filing of the petition. The People, the petitioner, or the respondent shall be entitled to a continuance of up to 7 days as of right. An additional continuance of not more than 7 days may be granted to any party (i) upon a showing that the continuance is needed in order to adequately prepare for or present evidence in a hearing under this Section or (ii) under exceptional circumstances. The
court may grant an additional continuance not to exceed 21 days when, in its discretion, the court determines that such a continuance is necessary in order to provide the recipient with an examination pursuant to Section 3-803 or 3-804 of this Act, to provide the recipient with a trial by jury as provided in Section 3-802 of this Act, or to arrange for the substitution of counsel as provided for by the Illinois Supreme Court Rules. The hearing shall be separate from a judicial proceeding held to determine whether a person is subject to involuntary admission but may be heard immediately preceding or following such a judicial proceeding and may be heard by the same trier of fact or law as in that judicial proceeding.

(3) Unless otherwise provided herein, the procedures set forth in Article VIII of Chapter 3 of this Act, including the provisions regarding appointment of counsel, shall govern hearings held under this subsection (a-5).

(4) Psychotropic medication and electroconvulsive therapy may be administered to the recipient if and only if unless it has been determined by clear and convincing evidence that all of the following factors are present. In determining whether a person meets the criteria specified in the following paragraphs (A) through (G), the court may consider evidence of the person's history of serious violence, repeated past pattern of specific behavior, actions related to the person's illness, or past outcomes of various treatment options.

(A) That the recipient has a serious mental illness or developmental disability.

(B) That because of said mental illness or developmental disability, the recipient currently exhibits any one of the following: (i) deterioration of his or her ability to function, as compared to the recipient's ability to function prior to the current onset of symptoms of the mental illness or disability for which treatment is presently sought, (ii) suffering, or (iii) threatening behavior.

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(C) That the illness or disability has existed for a period marked by the continuing presence of the symptoms set forth in item (B) of this subdivision (4) or the repeated episodic occurrence of these symptoms.

(D) That the benefits of the treatment outweigh the harm.

(E) That the recipient lacks the capacity to make a reasoned decision about the treatment.

(F) That other less restrictive services have been explored and found inappropriate.

(G) If the petition seeks authorization for testing and other procedures, that such testing and procedures are essential for the safe and effective administration of the treatment.

(5) In no event shall an order issued under this Section be effective for more than 90 days. A second 90-day period of involuntary treatment may be authorized pursuant to a hearing that complies with the standards and procedures of this subsection (a-5). Thereafter, additional 180-day periods of involuntary treatment may be authorized pursuant to the standards and procedures of this Section without limit. If a new petition to authorize the administration of psychotropic medication or electroconvulsive therapy authorized involuntary treatment is filed at least 15 days prior to the expiration of the prior order, and if any continuance of the hearing is agreed to by the recipient, the administration of the treatment may continue in accordance with the prior order pending the completion of a hearing under this Section.

(6) An order issued under this subsection (a-5) shall designate the persons authorized to administer the authorized involuntary treatment under the standards and procedures of this subsection (a-5). Those persons shall have complete discretion not to administer any treatment authorized under this Section. The order shall also specify the medications and the anticipated range.
of dosages that have been authorized and may include a list of any alternative medications and range of dosages deemed necessary.

(a-10) The court may, in its discretion, appoint a guardian ad litem for a recipient before the court or authorize an existing guardian of the person to monitor treatment and compliance with court orders under this Section.

(b) A guardian may be authorized to consent to the administration of psychotropic medication or electroconvulsive therapy authorized involuntary treatment to an objecting recipient only under the standards and procedures of subsection (a-5).

(c) Notwithstanding any other provision of this Section, a guardian may consent to the administration of psychotropic medication or electroconvulsive therapy authorized involuntary treatment to a non-objecting recipient under Article Xla of the Probate Act of 1975.

(d) Nothing in this Section shall prevent the administration of psychotropic medication or electroconvulsive therapy authorized involuntary treatment to recipients in an emergency under Section 2-107 of this Act.

(e) Notwithstanding any of the provisions of this Section, psychotropic medication or electroconvulsive therapy authorized involuntary treatment may be administered pursuant to a power of attorney for health care under the Powers of Attorney for Health Care Law or a declaration for mental health treatment under the Mental Health Treatment Preference Declaration Act.

(f) The Department shall conduct annual trainings for physicians and registered nurses working in State-operated mental health facilities on the appropriate use of psychotropic medication and electroconvulsive therapy authorized involuntary treatment, standards for its use, and the preparation of court petitions under this Section.

(Source: P.A. 93-573, eff. 8-21-03; 94-1066, eff. 8-1-06.)

(405 ILCS 5/2-107.2) (from Ch. 91 1/2, par. 2-107.2)
Sec. 2-107.2. Review; notice.

(a) Whenever any recipient, who is receiving treatment in a residential mental health facility, has been receiving psychotropic
medication or electroconvulsive therapy authorized involuntary treatment
in that facility continuously or on a regular basis for a period of 3 months, 
and, if the treatment is continued while the recipient is a resident in that 
facility, every 6 months thereafter, for so long as the treatment shall 
continue, the facility director shall convene a treatment review panel to 
review the treatment.

(b) At least 7 days prior to the date of the meeting, the recipient, 
his or her guardian, if any, and the person designated under subsection (b) 
of Section 2-200 shall be given written notification of the time and place 
of the treatment review meeting. The notice shall also advise the recipient 
of his or her right to designate some person to attend the meeting and 
assist the recipient.

(c) If, during the course of the review, the recipient or guardian, if 
any, advises the committee that he no longer agrees to continue receiving 
the treatment, the treatment must be discontinued except that the treatment 
may be administered under either Section 2-107 or 2-107.1. If the recipient 
and guardian, if any, continues to agree to the treatment, the treatment 
shall be continued if the committee determines that the recipient is 
receiving appropriate treatment and that the benefit to the recipient 
outweighs any risk of harm to the recipient.

(d) The Department shall issue rules to implement the requirements 
of this Section.
(Source: P.A. 89-439, eff. 6-1-96; 90-538, eff. 12-1-97.)
(405 ILCS 5/2-107.3)

Sec. 2-107.3. Reports. Each facility director of a State-operated 
mental health facility shall prepare a quarterly report stating the number of 
persons who were determined to meet the standard for administration of 
psychotropic medication or electroconvulsive therapy authorized 
involuntary treatment but for whom it was determined that the filing of 
such a petition was not warranted as provided for in subsection (h) of 
Section 2-107 of this Code and the reasons for each such determination. 
The Department shall prepare and publish an annual report summarizing 
the information received under this Section. The Department's report shall
include the data from each facility filing such a report and shall separately report the data from each such facility, identified by facility.

(Source: P.A. 94-1066, eff. 8-1-06.)

(405 ILCS 5/2-200) (from Ch. 91 1/2, par. 2-200)

Sec. 2-200. (a) Upon commencement of services, or as soon thereafter as the condition of the recipient permits, every adult recipient, as well as the recipient's guardian or substitute decision maker, and every recipient who is 12 years of age or older and the parent or guardian of a minor or person under guardianship shall be informed orally and in writing of the rights guaranteed by this Chapter which are relevant to the nature of the recipient's services program. Every facility shall also post conspicuously in public areas a summary of the rights which are relevant to the services delivered by that facility.

(b) A recipient who is 12 years of age or older and the parent or guardian of a minor or person under guardianship at any time may designate, and upon commencement of services shall be informed of the right to designate, a person or agency to receive notice under Section 2-201 or to direct that no information about the recipient be disclosed to any person or agency.

(c) Upon commencement of services, or as soon thereafter as the condition of the recipient permits, the facility shall ask the adult recipient or minor recipient admitted pursuant to Section 3-502 whether the recipient wants the facility to contact the recipient's spouse, parents, guardian, close relatives, friends, attorney, advocate from the Guardianship and Advocacy Commission or the agency designated by the Governor under Section 1 of "An Act in relation to the protection and advocacy of the rights of persons with developmental disabilities, and amending Acts therein named", approved September 20, 1985, or others and inform them of the recipient's presence at the facility. The facility shall by phone or by mail contact at least two of those people designated by the recipient and shall inform them of the recipient's location. If the recipient so requests, the facility shall also inform them of how to contact the recipient.

(d) Upon commencement of services, or as soon thereafter as the condition of the recipient permits, the facility shall advise the recipient as
to the circumstances under which the law permits the use of emergency forced medication or electroconvulsive therapy under subsection (a) of Section 2-107, restraint under Section 2-108, or seclusion under Section 2-109. At the same time, the facility shall inquire of the recipient which form of intervention the recipient would prefer if any of these circumstances should arise. The recipient's preference shall be noted in the recipient's record and communicated by the facility to the recipient's guardian or substitute decision maker, if any, and any other individual designated by the recipient. If any such circumstances subsequently do arise, the facility shall give due consideration to the preferences of the recipient regarding which form of intervention to use as communicated to the facility by the recipient or as stated in the recipient's advance directive.

(Source: P.A. 91-726, eff. 6-2-00.)

(405 ILCS 5/3-802) (from Ch. 91 1/2, par. 3-802)

Sec. 3-802. The respondent is entitled to a jury on the question of whether he is subject to involuntary admission. The jury shall consist of 6 persons to be chosen in the same manner as are jurors in other civil proceedings. A respondent is not entitled to a jury on the question of whether psychotropic medication or electroconvulsive therapy authorized involuntary treatment may be administered under Section 2-107.1.

(Source: P.A. 93-573, eff. 8-21-03.)

(405 ILCS 5/1-121.5 rep.)

Section 10. The Mental Health and Developmental Disabilities Code is amended by repealing Section 1-121.5.

Section 15. The Clerks of Courts Act is amended by changing Sections 27.1a, 27.2, and 27.2a as follows:

(705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

Sec. 27.1a. The fees of the clerks of the circuit court in all counties having a population of not more than 500,000 inhabitants in the instances described in this Section shall be as provided in this Section. In those instances where a minimum and maximum fee is stated, the clerk of the circuit court must charge the minimum fee listed and may charge up to the maximum fee if the county board has by resolution increased the fee. The fees shall be paid in advance and shall be as follows:

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(a) Civil Cases.
   The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be a minimum of $40 and a maximum of $160.
   (A) When the amount of money or damages or the value of personal property claimed does not exceed $250, $10.
   (B) When that amount exceeds $250 but does not exceed $500, a minimum of $10 and a maximum of $20.
   (C) When that amount exceeds $500 but does not exceed $2500, a minimum of $25 and a maximum of $40.
   (D) When that amount exceeds $2500 but does not exceed $15,000, a minimum of $25 and a maximum of $75.
   (E) For the exercise of eminent domain, a minimum of $45 and a maximum of $150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, a minimum of $45 and a maximum of $150.

(a-1) Family.
   For filing a petition under the Juvenile Court Act of 1987, $25.
   For filing a petition for a marriage license, $10.
   For performing a marriage in court, $10.
   For filing a petition under the Illinois Parentage Act of 1984, $40.

(b) Forcible Entry and Detainer.
   In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of $15,000 or less, a minimum of $10 and a maximum of $50. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding $15,000, a minimum of $40 and a maximum of $160.
(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed $1500, a minimum of $20 and a maximum of $50. When the amount exceeds $1500, but does not exceed $15,000, a minimum of $40 and a maximum of $115. When the amount exceeds $15,000, a minimum of $40 and a maximum of $200.

(e) Appearance.

The fee for filing an appearance in each civil case shall be a minimum of $15 and a maximum of $60, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only, a minimum of $10 and a maximum of $50.

(B) When the amount in the case does not exceed $1500, a minimum of $10 and a maximum of $30.

(C) When that amount exceeds $1500 but does not exceed $15,000, a minimum of $15 and a maximum of $60.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed $1,000, a minimum of $5 and a maximum of $15; when the amount exceeds $1,000 but does not exceed $5,000, a minimum of $5 and a maximum of $30; and when the amount exceeds $5,000, a minimum of $5 and a maximum of $50.

(g) Petition to Vacate or Modify.
(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, a minimum of $20 and a maximum of $50.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, a minimum of $20 and a maximum of $75.

(3) Petition to vacate order of bond forfeiture, a minimum of $10 and a maximum of $40.

(h) Mailing.

When the clerk is required to mail, the fee will be a minimum of $2 and a maximum of $10, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, a minimum of $2 and a maximum of $10.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, a minimum of $60 and a maximum of $100.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, a minimum of $2 and a maximum of $6.

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, a minimum of $20 and a maximum of $60.

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(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, a minimum of $50 and a maximum of $150.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of a minimum of 20 cents and a maximum of 25 cents per page.

(5) For reproduction of any document contained in the clerk’s files:
   (A) First page, a minimum of $1 and a maximum of $2.
   (B) Next 19 pages, 50 cents per page.
   (C) All remaining pages, 25 cents per page.

(l) Remands.

   In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

   For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of a minimum of $4 and a maximum of $6 for each year searched.

(n) Hard Copy.

   For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of a minimum of $4 and a maximum of $6.

(o) Index Inquiry and Other Records.

   No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current
automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) (Blank).

a minimum of $25 and a maximum of $50

(q) Alias Summons.

For each alias summons or citation issued by the clerk, a minimum of $2 and a maximum of $5.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of a minimum of $62.50 and a maximum of $212.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

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(t) Voluntary Assignment.

For filing each deed of voluntary assignment, a minimum of $10 and a maximum of $20; for recording the same, a minimum of 25 cents and a maximum of 50 cents for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of a minimum of $15 and a maximum of $60 for each expungement petition filed and an additional fee of a minimum of $2 and a maximum of $4 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a minimum of $50 and a maximum of $150, plus the fees specified in subsection (v)(3), except:

   (A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $25 and a maximum of $40.

   (B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without

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administration of the estate, the fee shall be a minimum of $10 and a maximum of $40.

(C) For filing a petition to sell Real Estate, $50.

(2) For administration of the estate of a ward, a minimum of $50 and a maximum of $75, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $25 and a maximum of $40.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be a minimum of $10 and a maximum of $20.

(C) For filing a Petition to sell Real Estate, $50.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, a minimum of $10 and a maximum of $25.

(B) For filing a claim in an estate when the amount claimed is $150 or more but less than $500, a minimum of $10 and a maximum of $25; when the amount claimed is $500 or more but less than $10,000, a minimum of $10 and a maximum of $40; when the amount claimed is $10,000 or more, a minimum of $10 and a maximum of $60; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and

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proceedings involving testamentary trusts or the appointment of testamentary trustees, a minimum of $40 and a maximum of $60.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, a minimum of $10 and a maximum of $30.

(F) For each jury demand, a minimum of $62.50 and a maximum of $137.50.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, a minimum of $30 and a maximum of $50, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed $5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be a minimum of $10 and a maximum of $20.

(H) For each certified copy of letters of office, of court order or other certification, a minimum of $1 and a maximum of $2, plus a minimum of 50 cents and a maximum of $1 per page in excess of 3 pages for the document certified.

(I) For each exemplification, a minimum of $1 and a maximum of $2, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

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(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, a minimum of $40 and a maximum of $100.
(B) Misdemeanor complaints, a minimum of $25 and a maximum of $75.
(C) Business offense complaints, a minimum of $25 and a maximum of $75.
(D) Petty offense complaints, a minimum of $25 and a maximum of $75.
(E) Minor traffic or ordinance violations, $10.
(F) When court appearance required, $15.
(G) Motions to vacate or amend final orders, a minimum of $20 and a maximum of $40.
(H) Motions to vacate bond forfeiture orders, a minimum of $20 and a maximum of $40.
(I) Motions to vacate ex parte judgments, whenever filed, a minimum of $20 and a maximum of $40.
(J) Motions to vacate judgment on forfeitures, whenever filed, a minimum of $20 and a maximum of $40.
(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, a minimum of $20 and a maximum of $40.
(2) In counties having a population of not more than 500,000 inhabitants, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:
   (A) Minor traffic or ordinance violations, $10.
   (B) When court appearance required, $15.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of a minimum of $62.50 and a maximum of $137.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.
   For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(y) Change of Venue.
   (1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.
   (2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, a minimum of $10 and a maximum of $40.

(z) Tax objection complaints.
   For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining on the complaint, a minimum of $10 and a maximum of $50.

(aa) Tax Deeds.

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(1) Petition for tax deed, if only one parcel is involved, a minimum of $45 and a maximum of $200.

(2) For each additional parcel, add a fee of a minimum of $10 and a maximum of $60.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to a minimum of 2% and a maximum of 2.5% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, $25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

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(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, a minimum of $10 and a maximum of $25.

(dd) Exceptions.

(1) The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney.

(2) No fee provided herein shall be charged to any unit of local government or school district.

(3) The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(4) The fee requirements of this Section shall not apply to the filing of any commitment petition or petition for an order authorizing the administration of psychotropic medication or electroconvulsive therapy authorized involuntary treatment in the form of medication under the Mental Health and Developmental Disabilities Code.

(ee) Adoptions.

(1) For an adoption..............................$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

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No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding nor may any fee be charged for proceedings for the appointment of a confidential intermediary under the Adoption Act.

(Source: P.A. 92-16, eff. 6-28-01; 92-521, eff. 6-1-02; 93-39, eff. 7-1-03; 93-385, eff. 7-25-03; 93-573, eff. 8-21-03; revised 9-5-03.)

(705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

Sec. 27.2. The fees of the clerks of the circuit court in all counties having a population in excess of 500,000 inhabitants but less than 3,000,000 inhabitants in the instances described in this Section shall be as provided in this Section. In those instances where a minimum and maximum fee is stated, counties with more than 500,000 inhabitants but less than 3,000,000 inhabitants must charge the minimum fee listed in this Section and may charge up to the maximum fee if the county board has by resolution increased the fee. In addition, the minimum fees authorized in this Section shall apply to all units of local government and school districts in counties with more than 3,000,000 inhabitants. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be a minimum of $150 and a maximum of $190.

(A) When the amount of money or damages or the value of personal property claimed does not exceed $250, a minimum of $10 and a maximum of $15.

(B) When that amount exceeds $250 but does not exceed $1,000, a minimum of $20 and a maximum of $40.

(C) When that amount exceeds $1,000 but does not exceed $2500, a minimum of $30 and a maximum of $50.

(D) When that amount exceeds $2500 but does not exceed $5,000, a minimum of $75 and a maximum of $100.

(D-5) When the amount exceeds $5,000 but does not exceed $15,000, a minimum of $75 and a maximum of $150.

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(E) For the exercise of eminent domain, $150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, $150.

(F) No fees shall be charged by the clerk to a petitioner in any order of protection including, but not limited to, filing, modifying, withdrawing, certifying, or photocopying petitions for orders of protection, or for issuing alias summons, or for any related filing service, certifying, modifying, vacating, or photocopying any orders of protection.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of $15,000 or less, a minimum of $40 and a maximum of $75. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding $15,000, a minimum of $150 and a maximum of $225.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed $1500, a minimum of $50 and a maximum of $60. When the amount exceeds $1500, but does not exceed $5,000, $75. When the amount exceeds $5,000, but does not exceed $15,000, $175.

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When the amount exceeds $15,000, a minimum of $200 and a maximum of $250.

(e) Appearance.

The fee for filing an appearance in each civil case shall be a minimum of $50 and a maximum of $75, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only, a minimum of $20 and a maximum of $40.

(B) When the amount in the case does not exceed $1500, a minimum of $20 and a maximum of $40.

(C) When the amount in the case exceeds $1500 but does not exceed $15,000, a minimum of $40 and a maximum of $60.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed $1,000, a minimum of $10 and a maximum of $15; when the amount exceeds $1,000 but does not exceed $5,000, a minimum of $20 and a maximum of $30; and when the amount exceeds $5,000, a minimum of $30 and a maximum of $50.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, a minimum of $40 and a maximum of $50.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, a minimum of $60 and a maximum of $75.

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(3) Petition to vacate order of bond forfeiture, a minimum of $20 and a maximum of $40.

(h) Mailing.
When the clerk is required to mail, the fee will be a minimum of $6 and a maximum of $10, plus the cost of postage.

(i) Certified Copies.
Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, a minimum of $10 and a maximum of $15.

(j) Habeas Corpus.
For filing a petition for relief by habeas corpus, a minimum of $80 and a maximum of $125.

(k) Certification, Authentication, and Reproduction.
(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, a minimum of $4 and a maximum of $6.
(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, a minimum of $50 and a maximum of $75.
(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, a minimum of $120 and a maximum of $150.
(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of a minimum of 20 and a maximum of 25 cents per page.
(5) For reproduction of any document contained in the clerk's files:
(A) First page, $2.
(B) Next 19 pages, 50 cents per page.
(C) All remaining pages, 25 cents per page.

(l) Remands.
In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its

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original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of a minimum of $4 and a maximum of $6 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of a minimum of $4 and a maximum of $6.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) (Blank).

(q) Alias Summons.

For each alias summons or citation issued by the clerk, a minimum of $4 and a maximum of $5.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the

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public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of a minimum of $192.50 and a maximum of $212.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, a minimum of $10 and a maximum of $20; for recording the same, a minimum of 25¢ and a maximum of 50¢ for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of a minimum of $30 and a maximum of $60 for each expungement petition filed and an additional fee of a minimum of $2 and a maximum of $4 for each certified copy of an order to expunge arrest records.

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(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a minimum of $100 and a maximum of $150, plus the fees specified in subsection (v)(3), except:

   (A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $25 and a maximum of $40.

   (B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be a minimum of $25 and a maximum of $40.

(2) For administration of the estate of a ward, a minimum of $50 and a maximum of $75, plus the fees specified in subsection (v)(3), except:

   (A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $25 and a maximum of $40.

   (B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be a minimum of $10 and a maximum of $20.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

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(A) For each account (other than one final account) filed in the estate of a decedent, or ward, a minimum of $15 and a maximum of $25.

(B) For filing a claim in an estate when the amount claimed is $150 or more but less than $500, a minimum of $10 and a maximum of $20; when the amount claimed is $500 or more but less than $10,000, a minimum of $25 and a maximum of $40; when the amount claimed is $10,000 or more, a minimum of $40 and a maximum of $60; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, a minimum of $40 and a maximum of $60.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, a minimum of $10 and a maximum of $30.

(F) For each jury demand, a minimum of $102.50 and a maximum of $137.50.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, a minimum of $30 and a maximum of $50, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount

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involved does not exceed $5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be a minimum of $10 and a maximum of $20.

(H) For each certified copy of letters of office, of court order or other certification, a minimum of $1 and a maximum of $2, plus a minimum of 50¢ and a maximum of $1 per page in excess of 3 pages for the document certified.

(I) For each exemplification, a minimum of $1 and a maximum of $2, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, a minimum of $80 and a maximum of $125.

(B) Misdemeanor complaints, a minimum of $50 and a maximum of $75.

(C) Business offense complaints, a minimum of $50 and a maximum of $75.

(D) Petty offense complaints, a minimum of $50 and a maximum of $75.

(E) Minor traffic or ordinance violations, $20.

New matter indicated by italics - deletions by strikeout
(F) When court appearance required, $30.
(G) Motions to vacate or amend final orders, a minimum of $20 and a maximum of $40.
(H) Motions to vacate bond forfeiture orders, a minimum of $20 and a maximum of $30.
(I) Motions to vacate ex parte judgments, whenever filed, a minimum of $20 and a maximum of $30.
(J) Motions to vacate judgment on forfeitures, whenever filed, a minimum of $20 and a maximum of $25.
(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, a minimum of $20 and a maximum of $40.

(2) In counties having a population of more than 500,000 but fewer than 3,000,000 inhabitants, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:
(A) Minor traffic or ordinance violations, $10.
(B) When court appearance required, $15.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of a minimum of $50 and a maximum of $112.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.
For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of new suit.

(y) Change of Venue.

New matter indicated by italics - deletions by strikeout
(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, a minimum of $25 and a maximum of $40.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, a minimum of $25 and a maximum of $50.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, a minimum of $150 and a maximum of $250.

(2) For each additional parcel, add a fee of a minimum of $50 and a maximum of $100.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to a minimum of 2.5% and a maximum of 3.0% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, $25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate

New matter indicated by italics - deletions by strikeout
from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, a minimum of $15 and a maximum of $25.

(dd) Exceptions.

The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

The fee requirements of this Section shall not apply to the filing of any commitment petition or petition for an order
authorizing the administration of *psychotropic medication or electroconvulsive therapy* authorized involuntary treatment in the form of medication under the Mental Health and Developmental Disabilities Code.

(ee) Adoptions.

(1) For an adoption..............................$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding nor may any fee be charged for proceedings for the appointment of a confidential intermediary under the Adoption Act.

(gg) Unpaid fees.

Unless a court ordered payment schedule is implemented or the fee requirements of this Section are waived pursuant to court order, the clerk of the court may add to any unpaid fees and costs under this Section a delinquency amount equal to 5% of the unpaid fees that remain unpaid after 30 days, 10% of the unpaid fees that remain unpaid after 60 days, and 15% of the unpaid fees that remain unpaid after 90 days. Notice to those parties may be made by signage posting or publication. The additional delinquency amounts collected under this Section shall be used to defray additional administrative costs incurred by the clerk of the circuit court in collecting unpaid fees and costs.

(Source: P.A. 92-16, eff. 6-28-01; 92-521, eff. 6-1-02; 93-385, eff. 7-25-03; 93-573, eff. 8-21-03; 93-760, eff. 1-1-05.)

(705 ILCS 105/27.2a) (from Ch. 25, par. 27.2a)

Sec. 27.2a. The fees of the clerks of the circuit court in all counties having a population of 3,000,000 or more inhabitants in the instances described in this Section shall be as provided in this Section. In those instances where a minimum and maximum fee is stated, the clerk of the
circuit court must charge the minimum fee listed and may charge up to the maximum fee if the county board has by resolution increased the fee. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be a minimum of $190 and a maximum of $240.

(A) When the amount of money or damages or the value of personal property claimed does not exceed $250, a minimum of $15 and a maximum of $22.

(B) When that amount exceeds $250 but does not exceed $1000, a minimum of $40 and a maximum of $75.

(C) When that amount exceeds $1000 but does not exceed $2500, a minimum of $50 and a maximum of $80.

(D) When that amount exceeds $2500 but does not exceed $5000, a minimum of $100 and a maximum of $130.

(E) When that amount exceeds $5000 but does not exceed $15,000, $150.

(F) For the exercise of eminent domain, $150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, $150.

(G) For the final determination of parking, standing, and compliance violations and final administrative decisions issued after hearings regarding vehicle immobilization and impoundment made pursuant to Sections 3-704.1, 6-306.5, and 11-208.3 of the Illinois Vehicle Code, $25.

(H) No fees shall be charged by the clerk to a petitioner in any order of protection including, but not limited to, filing, modifying, withdrawing, certifying, or photocopying petitions for orders of protection, or for issuing alias summons, or for any related filing service,
certifying, modifying, vacating, or photocopying any orders of protection.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of $15,000 or less, a minimum of $75 and a maximum of $140. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding $15,000, a minimum of $225 and a maximum of $335.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed $1500, a minimum of $60 and a maximum of $70. When the amount exceeds $1500, but does not exceed $5000, a minimum of $75 and a maximum of $150. When the amount exceeds $5000, but does not exceed $15,000, a minimum of $175 and a maximum of $260. When the amount exceeds $15,000, a minimum of $250 and a maximum of $310.

(e) Appearance.

The fee for filing an appearance in each civil case shall be a minimum of $75 and a maximum of $110, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only, a minimum of $40 and a maximum of $80.
(B) When the amount in the case does not exceed $1500, a minimum of $40 and a maximum of $80.

(C) When that amount exceeds $1500 but does not exceed $15,000, a minimum of $60 and a maximum of $90.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed $1,000, a minimum of $15 and a maximum of $25; when the amount exceeds $1,000 but does not exceed $5,000, a minimum of $30 and a maximum of $45; and when the amount exceeds $5,000, a minimum of $50 and a maximum of $80.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, a minimum of $50 and a maximum of $60.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, a minimum of $75 and a maximum of $90.

(3) Petition to vacate order of bond forfeiture, a minimum of $40 and a maximum of $80.

(h) Mailing.

When the clerk is required to mail, the fee will be a minimum of $10 and a maximum of $15, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, a minimum of $15 and a maximum of $20.

New matter indicated by italics - deletions by strikeout
(j) Habeas Corpus.
   For filing a petition for relief by habeas corpus, a minimum of $125 and a maximum of $190.

(k) Certification, Authentication, and Reproduction.
   (1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, a minimum of $6 and a maximum of $9.
   (2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, a minimum of $75 and a maximum of $110.
   (3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, a minimum of $150 and a maximum of $185.
   (4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of a minimum of 25 and a maximum of 30 cents per page.
   (5) For reproduction of any document contained in the clerk's files:
      (A) First page, $2.
      (B) Next 19 pages, 50 cents per page.
      (C) All remaining pages, 25 cents per page.

(l) Remands.
   In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.
For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of a minimum of $6 and a maximum of $9 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of a minimum of $6 and a maximum of $9.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) (Blank).

(q) Alias Summons.

For each alias summons or citation issued by the clerk, a minimum of $5 and a maximum of $6.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

New matter indicated by italics - deletions by strikeout
The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of a minimum of $212.50 and maximum of $230, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, a minimum of $20 and a maximum of $40; for recording the same, a minimum of 50¢ and a maximum of $0.80 for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of a minimum of $60 and a maximum of $120 for each expungement petition filed and an additional fee of a minimum of $4 and a maximum of $8 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a minimum of $150 and
a maximum of $225, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $40 and a maximum of $65.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be a minimum of $40 and a maximum of $65.

(2) For administration of the estate of a ward, a minimum of $75 and a maximum of $110, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $40 and a maximum of $65.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be a minimum of $20 and a maximum of $40.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, a minimum of $25 and a maximum of $40.

(B) For filing a claim in an estate when the amount claimed is $150 or more but less than $500, a minimum of $20 and a maximum of $40; when the amount claimed is $500 or more but less than $10,000, a minimum of $40 and a maximum of $65; when the amount claimed is $10,000 or
more, a minimum of $60 and a maximum of $90; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, a minimum of $60 and a maximum of $90.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, a minimum of $30 and a maximum of $90.

(F) For each jury demand, a minimum of $137.50 and a maximum of $180.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, a minimum of $50 and a maximum of $80, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed $5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be a minimum of $20 and a maximum of $40.

(H) For each certified copy of letters of office, of court order or other certification, a minimum of $2 and a maximum of $4, plus $1 per page in excess of 3 pages for the document certified.
(I) For each exemplification, $2, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, a minimum of $125 and a maximum of $190.
(B) Misdemeanor complaints, a minimum of $75 and a maximum of $110.
(C) Business offense complaints, a minimum of $75 and a maximum of $110.
(D) Petty offense complaints, a minimum of $75 and a maximum of $110.
(E) Minor traffic or ordinance violations, $30.
(F) When court appearance required, $50.
(G) Motions to vacate or amend final orders, a minimum of $40 and a maximum of $80.
(H) Motions to vacate bond forfeiture orders, a minimum of $30 and a maximum of $45.
(I) Motions to vacate ex parte judgments, whenever filed, a minimum of $30 and a maximum of $45.
(J) Motions to vacate judgment on forfeitures, whenever filed, a minimum of $25 and a maximum of $30.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, a minimum of $40 and a maximum of $50.

(2) In counties having a population of 3,000,000 or more, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, $30.
(B) When court appearance required, $50.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of a minimum of $112.50 and a maximum of $250 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, a minimum of $40 and a maximum of $65.

(z) Tax objection complaints.

New matter indicated by italics - deletions by strikeout
For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, a minimum of $50 and a maximum of $100.

(aa) Tax Deeds.
   (1) Petition for tax deed, if only one parcel is involved, a minimum of $250 and a maximum of $400.
   (2) For each additional parcel, add a fee of a minimum of $100 and a maximum of $200.

(bb) Collections.
   (1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to 3.0% of the amount collected and turned over.
   (2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.
   (3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, $25.
   (4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.
The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, a minimum of $25 and a maximum of $40.

(dd) Exceptions.

(1) The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney.

(2) No fee provided herein shall be charged to any unit of local government or school district. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(3) The fee requirements of this Section shall not apply to the filing of any commitment petition or petition for an order authorizing the administration of psychotropic medication or electroconvulsive therapy authorized involuntary treatment in the form of medication under the Mental Health and Developmental Disabilities Code.

(ee) Adoption.

(1) For an adoption.........................................$65

New matter indicated by italics - deletions by strikeout
(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding nor may any fee be charged for proceedings for the appointment of a confidential intermediary under the Adoption Act.

(gg) Unpaid fees.

Unless a court ordered payment schedule is implemented or the fee requirements of this Section are waived pursuant to court order, the clerk of the court may add to any unpaid fees and costs under this Section a delinquency amount equal to 5% of the unpaid fees that remain unpaid after 30 days, 10% of the unpaid fees that remain unpaid after 60 days, and 15% of the unpaid fees that remain unpaid after 90 days. Notice to those parties may be made by signage posting or publicaton. The additional delinquency amounts collected under this Section shall be used to defray additional administrative costs incurred by the clerk of the circuit court in collecting unpaid fees and costs.

(Source: P.A. 92-521, eff. 6-1-02; 93-385, eff. 7-25-03; 93-573, eff. 8-21-03; 93-760, eff. 1-1-05.)

Section 20. The Health Care Surrogate Act is amended by changing Section 60 as follows:

(755 ILCS 40/60)

Sec. 60. Health care surrogate; specific mental health services.

(a) In this Section, "specific mental health services" means the administration of psychotropic medication or electroconvulsive therapy under Section 2-107 or 2-107.1 authorized involuntary treatment as defined in Section 1-121.5 of the Mental Health and Developmental Disabilities Code or admission to a mental health facility as defined in Section 1-114 of that Code.

New matter indicated by italics - deletions by strikeout
(b) A surrogate decision maker, other than a court appointed guardian, may not consent to specific mental health services for an adult patient. A surrogate decision maker may, however, petition for the provision of specific mental health services pursuant to the Mental Health and Developmental Disabilities Code.

(c) This Section does not grant a court-appointed guardian any additional authority to consent to specific mental health services than is permitted by the Mental Health and Developmental Disabilities Code.

(Source: P.A. 91-658, eff. 1-1-00.)

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

Approved August 14, 2007.
Effective August 14, 2007.

PUBLIC ACT 95-0173
(House Bill No. 3487)

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

Section 5. The Illinois Governmental Ethics Act is amended by changing Sections 4A-103 and 4A-104 as follows:

(5 ILCS 420/4A-103) (from Ch. 127, par. 604A-103)
Sec. 4A-103. The statement of economic interests required by this Article to be filed with the Secretary of State shall be filled in by typewriting or hand printing, shall be verified, dated, and signed by the person making the statement and shall contain substantially the following:

STATEMENT OF ECONOMIC INTEREST
(TYPE OR HAND PRINT)

............................................................
(name)
............................................................
(each office or position of employment for which this statement is filed)

New matter indicated by italics - deletions by strikeout
(full mailing address post office address to which notification of an examination of this statement should be sent)

GENERAL DIRECTIONS:

The interest (if constructively controlled by the person making the statement) of a spouse or any other party, shall be considered to be the same as the interest of the person making the statement.

Campaign receipts shall not be included in this statement.

If additional space is needed, please attach supplemental listing.

1. List the name and instrument of ownership in any entity doing business in the State of Illinois, in which the ownership interest held by the person at the date of filing is in excess of $5,000 fair market value or from which dividends in excess of $1,200 were derived during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description.) No time or demand deposit in a financial institution, nor any debt instrument need be listed.

<table>
<thead>
<tr>
<th>Business Entity</th>
<th>Instrument of Ownership</th>
</tr>
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2. List the name, address and type of practice of any professional organization in which the person making the statement was an officer, director, associate, partner or proprietor or served in any advisory capacity, from which income in excess of $1,200 was derived during the preceding calendar year.

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3. List the nature of professional services rendered (other than to the State of Illinois) to each entity from which income exceeding $5,000 was received for professional services rendered during the preceding calendar year by the person making the statement.

New matter indicated by italics - deletions by strikeout
4. List the identity (including the address or legal description of real estate) of any capital asset from which a capital gain of $5,000 or more was realized during the preceding calendar year.

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<th>Lobbyist</th>
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5. List the identity of any compensated lobbyist with whom the person making the statement maintains a close economic association, including the name of the lobbyist and specifying the legislative matter or matters which are the object of the lobbying activity, and describing the general type of economic activity of the client or principal on whose behalf that person is lobbying.

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<th>Lobbyist</th>
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6. List the name of any entity doing business in the State of Illinois from which income in excess of $1,200 was derived during the preceding calendar year other than for professional services and the title or description of any position held in that entity. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description). No time or demand deposit in a financial institution nor any debt instrument need be listed.

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<th>Entity</th>
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7. List the name of any unit of government which employed the person making the statement during the preceding calendar year other than the unit or units of government in relation to which the person is required to file.

New matter indicated by italics - deletions by strikeout
8. List the name of any entity from which a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate in excess of $500, was received during the preceding calendar year.

...............................................................

VERIFICATION:

"I declare that this statement of economic interests (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of my economic interests as required by the Illinois Governmental Ethics Act. I understand that the penalty for willfully filing a false or incomplete statement shall be a fine not to exceed $1,000 or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both fine and imprisonment."

.................. ..........................................

(date of filing) (signature of person making the statement)

(Source: P.A. 92-101, eff. 1-1-02.)

(5 ILCS 420/4A-104) (from Ch. 127, par. 604A-104)

Sec. 4A-104. The statement of economic interests required by this Article to be filed with the county clerk shall be filled in by typewriting or hand printing, shall be verified, dated, and signed by the person making the statement and shall contain substantially the following:

STATEMENT OF ECONOMIC INTERESTS
(TYPE OR HAND PRINT)

...............................................................

(Name)

...............................................................

(each office or position of employment for which this statement is filed)

...............................................................

(full mailing address post office address to which notification of an examination of this statement should be sent)

GENERAL DIRECTIONS:

The interest (if constructively controlled by the person making the statement) of a spouse or any other party, shall be considered to be the same as the interest of the person making the statement.

New matter indicated by italics - deletions by strikeout
Campaign receipts shall not be included in this statement.

If additional space is needed, please attach supplemental listing.

1. List the name and instrument of ownership in any entity doing business with a unit of local government in relation to which the person is required to file, in which the ownership interest held by the person at the date of filing is in excess of $5,000 fair market value or from which dividends in excess of $1,200 were received during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description.) No time or demand deposit in a financial institution, nor any debt instrument shall be listed.

   Business          Instrument of Ownership          Position of Management
   ....................   ....................   ....................
   ....................   ....................   ....................
   ....................   ....................   ....................

2. List the name, address and type of practice of any professional organization in which the person making the statement was an officer, director, associate, partner or proprietor, or served in any advisory capacity, from which income in excess of $1,200 was derived during the preceding calendar year.

   Name          Address          Type of Practice
   ....................   ....................   ....................
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3. List the nature of professional services rendered (other than to the unit or units of local government in relation to which the person is required to file) to each entity from which income exceeding $5,000 was received for professional services rendered during the preceding calendar year by the person making the statement.

   ............................................................
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4. List the identity (including the address or legal description of real estate) of any capital asset from which a capital gain of $5,000 or more was realized during the preceding calendar year.

   New matter indicated by italics - deletions by strikeout
5. List the name of any entity and the nature of the governmental action requested by any entity which has applied to a unit of local government in relation to which the person must file for any license, franchise or permit for annexation, zoning or rezoning of real estate during the preceding calendar year if the ownership interest of the person filing is in excess of $5,000 fair market value at the time of filing or if income or dividends in excess of $1,200 were received by the person filing from the entity during the preceding calendar year.

6. List the name of any entity doing business with a unit of local government in relation to which the person is required to file from which income in excess of $1,200 was derived during the preceding calendar year other than for professional services and the title or description of any position held in that entity. No time or demand deposit in a financial institution nor any debt instrument need be listed.

7. List the name of any unit of government which employed the person making the statement during the preceding calendar year other than the unit or units of government in relation to which the person is required to file.

8. List the name of any entity from which a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate in excess of $500, was received during the preceding calendar year.

VERIFICATION:

New matter indicated by italics - deletions by strikeout
"I declare that this statement of economic interests (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of my economic interests as required by the Illinois Governmental Ethics Act. I understand that the penalty for willfully filing a false or incomplete statement shall be a fine not to exceed $1,000 or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both fine and imprisonment."

.......................... ..................................
(date of filing) (signature of person making the statement)
(Source: P.A. 92-101, eff. 1-1-02.)
Approved August 14, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0174
(House Bill No. 3573)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Municipal Code is amended by changing Section 7-1-1 as follows:
(65 ILCS 5/7-1-1) (from Ch. 24, par. 7-1-1)
Sec. 7-1-1. Annexation of contiguous territory. Any territory that is not within the corporate limits of any municipality but is contiguous to a municipality may be annexed to the municipality as provided in this Article. For the purposes of this Article any territory to be annexed to a municipality shall be considered to be contiguous to the municipality notwithstanding that the territory is separated from the municipality by a strip parcel, railroad or public utility right-of-way, or former railroad right-of-way that has been converted to a recreational trail, but upon annexation the area included within that strip parcel, right-of-way, or former right-of-way shall not be considered to be annexed to the municipality. For

New matter indicated by italics - deletions by strikeout
purposes of this Section, "strip parcel" means a separation no wider than 30 feet between the territory to be annexed and the municipal boundary.

Except in counties with a population of more than 600,000 but less than 3,000,000, territory which is not contiguous to a municipality but is separated therefrom only by a forest preserve district, federal wildlife refuge, or open land or open space that is part of an open space program, as defined in Section 115-5 of the Township Code, may be annexed to the municipality pursuant to Section 7-1-7 or 7-1-8, but only if the annexing municipality can show that the forest preserve district, federal wildlife refuge, open land, or open space property prevents the orderly natural growth of the annexing municipality. It shall be conclusively presumed that the forest preserve district, federal wildlife refuge, open land, or open space property does not create an artificial barrier if the property sought to be annexed is bounded on at least 3 sides by (i) one or more other municipalities (other than the municipality seeking annexation through the existing forest preserve district, federal wildlife refuge, open land, or open space), (ii) forest preserve district property, federal wildlife refuge, open land, or open space, or (iii) a combination of other municipalities and forest preserve district property, federal wildlife refuge property, open land, or open space. It shall also be conclusively presumed that the forest preserve district, federal wildlife refuge, open land, or open space property does not create an artificial barrier if the municipality seeking annexation is not the closest municipality within the county to the property to be annexed. The territory included within such forest preserve district, federal wildlife refuge, open land, or open space shall not be annexed to the municipality nor shall the territory of the forest preserve district, federal wildlife refuge, open land, or open space be subject to rights-of-way for access or services between the parts of the municipality separated by the forest preserve district, federal wildlife refuge, open land, or open space without the consent of the governing body of the forest preserve district or federal wildlife refuge. The changes made to this Section by this

New matter indicated by italics - deletions by strikeout
amendatory Act of 91st General Assembly are declaratory of existing law and shall not be construed as a new enactment.

In counties that are contiguous to the Mississippi River with populations of more than 200,000 but less than 255,000, a municipality that is partially located in territory that is wholly surrounded by the Mississippi River and a canal, connected at both ends to the Mississippi River and located on property owned by the United States of America, may annex noncontiguous territory in the surrounded territory under Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated from the municipality by property owned by the United States of America, but that federal property shall not be annexed without the consent of the federal government.

For the purposes of this Article, any territory to be annexed to a municipality that is located in a county with more than 500,000 inhabitants shall be considered to be contiguous to the municipality if only a river and a national heritage corridor separate the territory from the municipality. Upon annexation, no river or national heritage corridor shall be considered annexed to the municipality.

When any land proposed to be annexed is part of any Fire Protection District or of any Public Library District and the annexing municipality provides fire protection or a public library, as the case may be, the Trustees of each District shall be notified in writing by certified or registered mail before any court hearing or other action is taken for annexation. The notice shall be served 10 days in advance. An affidavit that service of notice has been had as provided by this Section must be filed with the clerk of the court in which the annexation proceedings are pending or will be instituted or, when no court proceedings are involved, with the recorder for the county where the land is situated. No annexation of that land is effective unless service is had and the affidavit filed as provided in this Section.

The new boundary shall extend to the far side of any adjacent highway and shall include all of every highway within the area annexed. These highways shall be considered to be annexed even though not included in the legal description set forth in the petition for annexation.
When any land proposed to be annexed includes any highway under the jurisdiction of any township, the Township Commissioner of Highways, and the Board of Town Trustees, the Township Supervisor, and the Township Clerk shall be notified in writing by certified or registered mail before any court hearing or other action is taken for annexation. In the event that a municipality fails to notify the Township Commissioner of Highways, and the Board of Town Trustees, the Township Supervisor, and the Township Clerk of the annexation of an area within the township, the municipality shall reimburse that township for any loss or liability caused by the failure to give notice. If any municipality has annexed any area before October 1, 1975, and the legal description in the petition for annexation did not include the entire adjacent highway, any such annexation shall be valid and any highway adjacent to the area annexed shall be considered to be annexed notwithstanding the failure of the petition to annex to include the description of the entire adjacent highway.

Any annexation, disconnection and annexation, or disconnection under this Article of any territory must be reported by certified or registered mail by the corporate authority initiating the action to the election authorities having jurisdiction in the territory and the post office branches serving the territory within 30 days of the annexation, disconnection and annexation, or disconnection.

Failure to give notice to the required election authorities or post office branches will not invalidate the annexation or disconnection. For purposes of this Section "election authorities" means the county clerk where the clerk acts as the clerk of elections or the clerk of the election commission having jurisdiction.

No annexation, disconnection and annexation, or disconnection under this Article of territory having electors residing therein made (1) before any primary election to be held within the municipality affected thereby and after the time for filing petitions as a candidate for nomination to any office to be chosen at the primary election or (2) within 60 days before any general election to be held within the municipality shall be effective until the day after the date of the primary or general election, as the case may be.

New matter indicated by italics - deletions by strikeout
For the purpose of this Section, a toll highway or connection between parcels via an overpass bridge over a toll highway shall not be considered a deterrent to the definition of contiguous territory.

When territory is proposed to be annexed by court order under this Article, the corporate authorities or petitioners initiating the action shall notify each person who pays real estate taxes on property within that territory unless the person is a petitioner. The notice shall be served by certified or registered mail, return receipt requested, at least 20 days before a court hearing or other court action. If the person who pays real estate taxes on the property is not the owner of record, then the payor shall notify the owner of record of the proposed annexation.

(Source: P.A. 93-1098, eff. 1-1-06; 94-361, eff. 1-1-06; 94-1065, eff. 8-1-06.)

Approved August 14, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0175
(House Bill No. 3597)

AN ACT concerning local government.

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

Section 5. The Counties Code is amended by adding Section 5-1129 as follows:

(55 ILCS 5/5-1129 new)
Sec. 5-1129. Annexation agreements. The county board of a county referenced in subsection (c) of Section 11-15.1-2.1 of the Illinois Municipal Code may, in accordance with subsection (c) of Section 11-15.1-2.1 of the Illinois Municipal Code, retain jurisdiction over land that is the subject of an annexation agreement and is located more than 1.5 miles from the corporate boundaries of the municipality.

Section 10. The Illinois Municipal Code is amended by changing Section 11-15.1-2.1 as follows:

New matter indicated by italics - deletions by strikeout
(65 ILCS 5/11-15.1-2.1) (from Ch. 24, par. 11-15.1-2.1)

Sec. 11-15.1-2.1. Annexation agreement; municipal jurisdiction.

(a) Except as provided in subsections (b) and (c), property that is the subject of an annexation agreement adopted under this Division is subject to the ordinances, control, and jurisdiction of the annexing municipality in all respects the same as property that lies within the annexing municipality's corporate limits.

(b) This Section shall not apply in (i) a county with a population of more than 3,000,000, (ii) a county that borders a county with a population of more than 3,000,000 or (iii) a county with a population of more than 246,000 according to the 1990 federal census and bordered by the Mississippi River, unless the parties to the annexation agreement have, at the time the agreement is signed, ownership or control of all property that would make the property that is the subject of the agreement contiguous to the annexing municipality, in which case the property that is the subject of the annexation agreement is subject to the ordinances, control, and jurisdiction of the municipality in all respects the same as property owned by the municipality that lies within its corporate limits.

(c) In the case of property that is located in Boone, DeKalb, Grundy, Kankakee, Kendall, LaSalle, Ogle, or Winnebago County, if the property that is the subject of an annexation agreement is located within 1.5 miles of the corporate boundaries of the municipality, that property is subject to the ordinances, control, and jurisdiction of the annexing municipality. If the property is located more than 1.5 miles from the corporate boundaries of the annexing municipality, that property is subject to the ordinances, control, and jurisdiction of the annexing municipality unless the county board retains jurisdiction by the affirmative vote of two-thirds of its members.

(d) If the county board retains jurisdiction under subsection (c) of this Section, the annexing municipality may file a request for jurisdiction with the county board on a case by case basis. If the county board agrees by the affirmative vote of a majority of its members, then the property covered by the annexation agreement shall be subject to the ordinances, control, and jurisdiction of the annexing municipality.

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

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

Section 5. The Illinois Vehicle Code is amended by adding Section 12-821 as follows:

(625 ILCS 5/12-821 new)

Sec. 12-821. Display of telephone number; complaint calls.

(a) Each school bus shall display at the rear of the bus a sign, with letters and numerals readily visible and readable, indicating the telephone number of the owner of the school bus, regardless of whether the owner is a school district or another person or entity. The sign shall indicate that the number is to be called to report erratic driving by the school bus driver.

(b) The owner of each school bus shall establish procedures for accepting the calls provided for under subsection (a) and for taking complaints.

(c) The procedures established under subsection (b) shall include, but not be limited to:

(1) an internal investigation of the events that led to each complaint; and

(2) a report to the complaining party on the results of the investigation and the action taken, if any.

Approved August 14, 2007.
Effective January 1, 2008.
AN ACT concerning safety.

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

Section 5. The Environmental Protection Act is amended by changing Section 3.330 as follows:

Sec. 3.330. Pollution control facility.

(a) "Pollution control facility" is any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act.

The following are not pollution control facilities:

1. (Blank);
2. waste storage sites regulated under 40 CFR, Part 761.42;
3. sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person;
4. sites or facilities at which the State is performing removal or remedial action pursuant to Section 22.2 or 55.3;
5. abandoned quarries used solely for the disposal of concrete, earth materials, gravel, or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due to the construction and installation of

New matter indicated by italics - deletions by strikeout
underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by a public utility;

(6) sites or facilities used by any person to specifically conduct a landscape composting operation;

(7) regional facilities as defined in the Central Midwest Interstate Low-Level Radioactive Waste Compact;

(8) the portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (r)(2) or (r)(3) of Section 21;

(9) the portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV;

(10) the portion of a site or facility used for treatment of petroleum contaminated materials by application onto or incorporation into the soil surface and any portion of that site or facility used for storage of petroleum contaminated materials before treatment. Only those categories of petroleum listed in Section 57.9(a)(3) are exempt under this subdivision (10);

(11) the portion of a site or facility where used oil is collected or stored prior to shipment to a recycling or energy recovery facility, provided that the used oil is generated by households or commercial establishments, and the site or facility is a recycling center or a business where oil or gasoline is sold at retail;

(11.5) processing sites or facilities that receive only on-specification used oil, as defined in 35 Ill. Admin. Code 739, originating from used oil collectors for processing that is managed under 35 Ill. Admin. Code 739 to produce products for sale to off-site petroleum facilities, if these processing sites or facilities are: (i) located within a home rule unit of local government with a population of at least 30,000 according to the 2000 federal census, that home rule unit of local government has been designated as an Urban Round II Empowerment Zone by the United States Department of Housing and Urban Development, and that home rule unit of local government has enacted an ordinance approving

New matter indicated by italics - deletions by strikeout
the location of the site or facility and provided funding for the site or facility; and (ii) in compliance with all applicable zoning requirements; 

(12) the portion of a site or facility utilizing coal combustion waste for stabilization and treatment of only waste generated on that site or facility when used in connection with response actions pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the federal Resource Conservation and Recovery Act of 1976, or the Illinois Environmental Protection Act or as authorized by the Agency;

(13) the portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population over 700,000 as of January 1, 2000, and operated and located in accordance with Section 22.38 of this Act;

(14) the portion of a site or facility, located within a unit of local government that has enacted local zoning requirements, used to accept, separate, and process uncontaminated broken concrete, with or without protruding metal bars, provided that the uncontaminated broken concrete and metal bars are not speculatively accumulated, are at the site or facility no longer than one year after their acceptance, and are returned to the economic mainstream in the form of raw materials or products; and

(15) the portion of a site or facility located in a county with a population over 3,000,000 that has obtained local siting approval under Section 39.2 of this Act for a municipal waste incinerator on or before July 1, 2005 and that is used for a non-hazardous waste transfer station; and

(16) a site or facility that temporarily holds in transit for 10 days or less, non-petruscible solid waste in original containers, no larger in capacity than 500 gallons, provided that such waste is further transferred to a recycling, disposal, treatment, or storage facility on a non-contiguous site and provided such site or facility complies with the applicable 10-day transfer requirements of the

New matter indicated by italics - deletions by strikeout
federal Resource Conservation and Recovery Act of 1976 and United States Department of Transportation hazardous material requirements. For purposes of this Section only, "non-petrusible solid waste" means waste other than municipal garbage that does not rot or become putrid, including, but not limited to, paints, solvent, filters, and absorbents.

(b) A new pollution control facility is:

(1) a pollution control facility initially permitted for development or construction after July 1, 1981; or

(2) the area of expansion beyond the boundary of a currently permitted pollution control facility; or

(3) a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste.

(Source: P.A. 93-998, eff. 8-23-04; 94-94, eff. 7-1-05; 94-249, eff. 7-19-05; 94-824, eff. 6-2-06; revised 8-3-06.)

Approved August 14, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0178
(House Bill No. 3766)

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

Section 5. The Criminal Code of 1961 is amended by changing Section 26-4 as follows:

(720 ILCS 5/26-4) (from Ch. 38, par. 26-4)
Sec. 26-4. Unauthorized video recording and live video transmission.

(a) It is unlawful for any person to knowingly make a video record or transmit live video of another person without that person's consent in a

New matter indicated by italics - deletions by strikeout
restroom, tanning bed, tanning salon, locker room, changing room, or hotel bedroom.

(a-5) It is unlawful for any person to knowingly make a video record or transmit live video of another person in that other person's residence without that person's consent.

(a-10) It is unlawful for any person to knowingly make a video record or transmit live video of another person under or through the clothing worn by that other person for the purpose of viewing the body of or the undergarments worn by that other person without that person's consent.

(a-15) It is unlawful for any person to place or cause to be placed a device that makes a video record or transmits a live video in a restroom, tanning bed, tanning salon, locker room, changing room, or hotel bedroom with the intent to make a video record or transmit live video of another person without that person's consent.

(a-20) It is unlawful for any person to place or cause to be placed a device that makes a video record or transmits a live video with the intent to make a video record or transmit live video of another person in that other person's residence without that person's consent.

(a-25) It is unlawful for any person to, by any means, knowingly disseminate, or permit to be disseminated, a video record or live video that he or she knows to have been made or transmitted in violation of (a), (a-5), (a-10), (a-15), or (a-20).

(b) Exemptions. The following activities shall be exempt from the provisions of this Section:

(1) The making of a video record or transmission of live video by law enforcement officers pursuant to a criminal investigation, which is otherwise lawful;

(2) The making of a video record or transmission of live video by correctional officials for security reasons or for investigation of alleged misconduct involving a person committed to the Department of Corrections.

(3) The making of a video record or transmission of live video in a locker room by a reporter or news medium, as those
terms are defined in Section 8-902 of the Code of Civil Procedure, where the reporter or news medium has been granted access to the locker room by an appropriate authority for the purpose of conducting interviews.

(c) The provisions of this Section do not apply to any sound recording or transmission of an oral conversation made as the result of the making of a video record or transmission of live video, and to which Article 14 of this Code applies.

(d) Sentence.

(1) A violation of subsection (a), (a-10), (a-15), or (a-20) is a Class A misdemeanor.

(2) A violation of subsection (a-5) is a Class 4 felony.

(3) A violation of subsection (a-25) is a Class 3 felony.

(4) A violation of subsection (a), (a-5), (a-10), (a-15) or (a-20) is a Class 3 felony if the victim is a person under 18 years of age or if the violation is committed by an individual who is required to register as a sex offender under the Sex Offender Registration Act.

(5) A violation of subsection (a-25) is a Class 2 felony if the victim is a person under 18 years of age or if the violation is committed by an individual who is required to register as a sex offender under the Sex Offender Registration Act.

(e) For purposes of this Section:

(1) "Residence" includes a rental dwelling, but does not include stairwells, corridors, laundry facilities, or additional areas in which the general public has access.

(2) "Video record" means and includes any videotape, photograph, film, or other electronic or digital recording of a still or moving visual image; and "live video" means and includes any real-time or contemporaneous electronic or digital transmission of a still or moving visual image.

(Source: P.A. 92-86, eff. 7-12-01; 93-851, eff. 1-1-05.)

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

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

Section 5. The Illinois Diseased Animals Act is amended by changing Sections 1, 2, 3, 4, 6, 9, 10, 13, 20, 21, 22, and 24 as follows:

Sec. 1. For the purposes of this Act:
"Department" means the Department of Agriculture of the State of Illinois.
"Director" means the Director of the Illinois Department of Agriculture, or his duly appointed representative.
"Contagious or infectious disease" means a specific disease designated by the Department as contagious or infectious under rules pertaining to this Act.
"Contaminated" or "contamination" means for an animal to come into contact with a chemical or radiological substance at a level which may be considered to be harmful to humans or other animals if they come into contact with the contaminated animal or consume parts of the contaminated animal.
"Reportable disease" means a specific disease designated by the Department as reportable under rules pertaining to this Act.
"Animals" means domestic animals, poultry, and wild animals in captivity.
"Exposed to" means for an animal to come in contact with another animal or an environment that is capable of transmitting a contagious, infectious, or reportable disease. An animal will no longer be considered as "exposed to" when it is beyond the standard incubation time for the

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disease and the animal has been tested negative for the specific disease or there is no evidence that the animal is contagious, except for animals exposed to Johne's disease. Animals originating from a herd where Johne's disease has been diagnosed will be considered no longer "exposed to" with a negative test. The negative test must have been conducted within 30 days prior to the sale or movement.

"Swap meet" means an organized event where animals including, but not limited to, dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets, are sold, traded, or exchange hands. (Source: P.A. 93-980, eff. 8-20-04.)

(510 ILCS 50/2) (from Ch. 8, par. 169)

Sec. 2. It is the duty of the Department to investigate all cases or alleged cases coming to its knowledge of contamination or contagious and infectious diseases among animals within the State and to provide for the suppression, prevention, and extirpation of contamination or infectious and contagious diseases of such animals.

The Department may make and adopt reasonable rules and regulations for the administration and enforcement of the provisions of this Act. No rule or regulation made, adopted or issued by the Department pursuant to the provisions of this Act shall be effective unless such rule or regulation has been submitted to the Advisory Board of Livestock Commissioners for approval. All rules of the Department, and all amendments or revocations of existing rules, shall be recorded in an appropriate book or books, shall be adequately indexed, shall be kept in the office of the Department, and shall constitute a public record. Such rules shall be printed in pamphlet form and furnished, upon request, to the public free of cost. (Source: P.A. 77-108.)

(510 ILCS 50/3) (from Ch. 8, par. 170)

Sec. 3. Upon its becoming known to the Department that any animals are infected, or suspected of being infected, with any contagious or infectious disease, or contaminated with any chemical or radiological substance, the Department shall have the authority to quarantine and to cause proper examination thereof to be made. If ; and if such disease is

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found to be of a dangerously contagious or dangerously infectious nature, or the contamination level is such that may be harmful to humans or other animals, the Department shall order such diseased or contaminated animals and such as have been exposed to such disease or contamination, and the premises in or on which they are, or have recently occupied, to be quarantined. The Department shall also have the authority to issue area-wide quarantines on animals and premises in order to control the spread of the dangerously contagious or infectious disease and to reduce the spread of contamination. The Department may, in connection with any such quarantine, order that no animal which has been or is so diseased, contaminated, or exposed to such disease or contamination, may be removed from the premises so quarantined and that no animal susceptible to such disease or contamination may be brought therein or thereon, except under such rules as the Department may prescribe.

(510 ILCS 50/4) (from Ch. 8, par. 171)

Sec. 4. The Department may order the slaughter of any or all of such diseased, contaminated, or exposed animals.

The Department may disinfect, and, if they cannot be properly disinfected, may destroy, all barns, stables, outbuildings, premises and personal property contaminated or infected with any such contaminant or contagious or infectious disease as in its judgment is necessary to prevent the spread of any such contaminant or disease; and may order the disinfection of all cars, boats or other vehicles used in transporting animals affected with any such contaminant or disease, or that have been exposed to the contaminant, contagion, or infection thereof, and the disinfection of all yards, pens and chutes that may have been used in handling such contaminated, diseased, or exposed animals.

(510 ILCS 50/6) (from Ch. 8, par. 173)

Sec. 6. Whenever quarantine is established in accordance with the provisions of this Act, notice shall be given by delivery in person or by mailing by registered or certified mail, postage prepaid, to the owner or occupant of any premises so quarantined. Such notice shall be written or

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printed, or partly written and partly printed, with an explanation of the contents thereof. Such quarantine shall be sufficiently proved in any court by the production of a true copy of such notice of quarantine together with an affidavit, sworn to by the officer or employee of the Department who delivered or mailed such notice, containing a statement that the original thereof was delivered or mailed in the manner herein prescribed.

Every quarantine so established shall remain in effect until removed by order of the Department. Any person aggrieved by any quarantine may appeal to the Department which shall thereupon sustain, modify or annul the quarantine as it may deem proper. Quarantines will be removed when epidemiological evidence indicates that the disease or contamination threat to humans or other animals no longer exists.

(Source: Laws 1967, p. 905.)

(510 ILCS 50/9) (from Ch. 8, par. 176)

Sec. 9. The Department may promulgate and adopt reasonable rules and regulations to prevent the spread of any contamination or contagious or infectious disease within this State. If the condition so warrants, the Director may request the Governor to issue a proclamation quarantining an affected municipality or geographical district whereby all animals of the kind diseased or contaminated would not be permitted to be moved from one premises to another within the municipality or geographical district, or over any public highway, or any unfenced lot or piece of ground, or from being brought into, or taken from the infected or contaminated municipality or geographical district, except by a special permit, signed by the Director. Any such proclamation shall, from the time of its publication, bind all persons. Within one week after the publication of any such proclamation, every person who owns, or who is in charge of animals of the kind diseased or contaminated within the municipality or geographical district, shall report to the Department the number and description of such animals, their location, and the name and address of the owner or person in charge, and during the continuance of the quarantine to report to the Department all cases of sickness, deaths or births among such animals.

(Source: P.A. 81-196.)

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Sec. 10. The Department may promulgate and adopt reasonable rules and regulations to prevent the entry into Illinois of any animals which may be \textit{contaminated or} infected with, or which may have been exposed to, any \textit{contaminant or} contagious or infectious disease. If the condition so warrants, the Director may request the Governor to issue a proclamation whereby any animals \textit{contaminated or} diseased or those exposed to disease and any carcasses or portions of carcasses, feed, seed, bedding, equipment or other material capable of conveying \textit{contamination or} infection will be prohibited from entering Illinois.

(Source: P.A. 81-196.)

Sec. 13. The Department shall cooperate with any commissioner or other officer appointed by the United States authorities, in connection with carrying out any provision of any United States Statute providing for the suppression and prevention of \textit{contamination or} contagious and infectious diseases among animals, in suppression and preventing the spread of \textit{contamination or} contagious and infectious diseases among animals in this State.

The inspectors of the Animal Health Division of the United States Department of Agriculture and the Illinois Department of Agriculture have the right of inspection, quarantine and condemnation of animals affected with any \textit{contamination or} contagious or infectious disease, or suspected to be so affected, or that have been exposed to any such \textit{contamination or} disease, and for these purposes are authorized to enter upon any ground or premises. Such inspectors may call on sheriffs and peace officers to assist them in the discharge of their duties in carrying out the provisions of any such statute, referred to in the preceding paragraph, and the sheriffs and peace officers shall assist such inspectors when so requested. Such inspectors shall have the same powers and protection as peace officers while engaged in the discharge of their duties.

(Source: P.A. 91-457, eff. 1-1-00.)
Sec. 20. Any person who knowingly transports, receives or conveys into this State any animals, carcasses or portions of carcasses, feed, seed, bedding, equipment, or other material capable of conveying contamination or infection as defined and prohibited in a proclamation issued by the Governor under the provisions of Section 10 of this Act is guilty of a business offense, and upon conviction thereof shall be fined not less than $1,000 nor more than $10,000, for each offense, and shall be liable for all damages or loss that may be sustained by any person by reason of such importation of such prohibited animals, or prohibited materials, which penalty may be recovered in the circuit court in any county in this State into or through which such animals or materials are brought.

(Source: P.A. 81-196.)

(510 ILCS 50/21) (from Ch. 8, par. 188)

Sec. 21. Any person who, knowing that any contamination or contagious or infectious disease exists among his animals, conceals such fact, or knowing of the existence of such disease, sells any animal or animals so contaminated or diseased, or any exposed animal, or knowing the same, removes any such contaminated, diseased, or exposed animal from his premises to the premises of another, or along any public highway, or knowing of the existence of such contamination, disease, or exposure thereto, transports, drives, leads or ships any animal so contaminated, diseased, or exposed, by any motor vehicle, car or steamboat, to any place in or out of this State; and any person who brings any such contaminated or diseased, or knowingly, brings any such contaminated or exposed animals into this State from another state; and any person who knowingly buys, receives, sells, conveys, or engages in the traffic of such contaminated, diseased, or exposed stock, and any person who violates any quarantine regulation established under the provisions of this or any other Act, for each, either, any or all acts above mentioned in this Section, is guilty of a petty offense and shall forfeit all right to any compensation for any animal or property destroyed under the provisions of this Act.

(Source: P.A. 91-457, eff. 1-1-00.)

(510 ILCS 50/22) (from Ch. 8, par. 189)

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Sec. 22. Any veterinarian having information of the existence of any contamination or reportable disease among animals in this State, who fails to promptly report such knowledge to the Department, shall be guilty of a business offense and shall be fined in any sum not exceeding $1,000 for each offense.
(Source: P.A. 90-385, eff. 8-15-97.)

(510 ILCS 50/24) (from Ch. 8, par. 191)

Sec. 24. Any owner or person having charge of any animal and having knowledge of, or reasonable grounds to suspect the existence among them of any contamination or contagious or infectious disease and who does not use reasonable means to prevent the spread of such contamination or disease or violates any quarantine; or who conveys upon or along any public highway or other public grounds or any private lands, any contaminated or diseased animal, or animal known to have died of, or been slaughtered on account of, any contamination or contagious or infectious disease, except in the case of transportation for medical treatment or diagnosis, shall be liable in damages to the person or persons who may have suffered loss on account thereof.
(Source: P.A. 90-385, eff. 8-15-97; 91-457, eff. 1-1-00.)

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

Approved August 14, 2007.
Effective August 14, 2007.

PUBLIC ACT 95-0180
(House Bill No. 3165)

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

Section 5. The Child Labor Law is amended by changing Section 7 as follows:

(820 ILCS 205/7) (from Ch. 48, par. 31.7)

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Sec. 7. No minor under 16 years of age shall be employed, permitted or allowed to work:

1. In, about or in connection with any public messenger or delivery service, bowling alley, pool room, billiard room, skating rink, exhibition park or place of amusement, garage, or as a bell-boy in any hotel or rooming house or about or in connection with power-driven machinery; except this subsection shall not apply to ice skating rinks owned and operated by a school or unit of local government;

2. In the oiling, cleaning or wiping of machinery or shafting;

3. In or about any mine or quarry; provided that office and messenger and other non-hazardous employment shall not be prohibited by this Act;

4. In stone cutting or polishing;

5. In or about any hazardous factory work;

6. In or about any plant manufacturing explosives or articles containing explosive components, or in the use or transportation of same; provided that office and messenger and other non-hazardous employment shall not be prohibited by this Act;

7. In or about plants manufacturing iron or steel, ore reduction works, smelters, foundries, forging shops, hot rolling mills or any other place in which the heating, melting, or heat treatment of metals is carried on; provided that office and messenger and other non-hazardous employment shall not be prohibited by this Act;

8. In the operation of machinery used in the cold rolling of heavy metal stock, or in the operation of power-driven punching, shearing, stamping, or metal plate bending machines;

9. In or about sawmills or lath, shingle, or cooperage-stock mills; provided that office and messenger and other non-hazardous employment shall not be prohibited by this Act;

10. In the operation of power-driven woodworking machines, or off-bearing from circular saws;

11. In the operation of freight elevators or hoisting machines and cranes;

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12. In spray painting or in occupations involving exposure to lead or its compounds or to dangerous or poisonous dyes or chemicals;

13. In any place or establishment in which intoxicating alcoholic liquors are served or sold for consumption on the premises, or in which such liquors are manufactured or bottled, except as follows:

   (A) bus-boy and kitchen employment, not otherwise prohibited, when in connection with the service of meals at any private club, fraternal organization or veteran's organization shall not be prohibited by this subsection;

   (B) this subsection 13 does not apply to employment that is performed on property owned or operated by a park district, as defined in subsection (a) of Section 1-3 of the Park District Code, if the employment is not otherwise prohibited by law;

14. In oil refineries, gasoline blending plants, or pumping stations on oil transmission lines;

15. In the operation of laundry, dry cleaning, or dyeing machinery;

16. In occupations involving exposure to radioactive substances;

17. In or about any filling station or service station;

18. In construction work, including demolition and repair;

19. In roofing operations;

20. In excavating operations;

21. In logging operations;

22. In public and private utilities and related services;

23. In operations in or in connection with slaughtering, meat packing, poultry processing, and fish and seafood processing;

24. In operations which involve working on an elevated surface, with or without use of equipment, including but not limited to ladders and scaffolds;

25. In security positions or any occupations that require the use or carrying of a firearm or other weapon; or

26. In occupations which involve the handling or storage of human blood, human blood products, human body fluids, or human body tissues. (Source: P.A. 90-410, eff. 1-1-98.)


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AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Hospital Licensing Act is amended by adding Section 6.23 as follows:
(210 ILCS 85/6.23 new)
Sec. 6.23. Time of death; patient's religious beliefs. Every hospital must adopt policies and procedures to allow health care professionals, in documenting a patient's time of death at the hospital, to take into account the patient's religious beliefs concerning the patient's time of death.
Approved August 14, 2007.
Effective January 1, 2008.

AN ACT concerning courts.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Juvenile Court Act of 1987 is amended by changing Section 2-28 as follows:
(705 ILCS 405/2-28) (from Ch. 37, par. 802-28)
Sec. 2-28. Court review.
(1) The court may require any legal custodian or guardian of the person appointed under this Act to report periodically to the court or may cite him into court and require him or his agency, to make a full and accurate report of his or its doings in behalf of the minor. The custodian or

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guardian, within 10 days after such citation, shall make the report, either in writing verified by affidavit or orally under oath in open court, or otherwise as the court directs. Upon the hearing of the report the court may remove the custodian or guardian and appoint another in his stead or restore the minor to the custody of his parents or former guardian or custodian. However, custody of the minor shall not be restored to any parent, guardian or legal custodian in any case in which the minor is found to be neglected or abused under Section 2-3 or dependent under Section 2-4 of this Act, unless the minor can be cared for at home without endangering the minor's health or safety and it is in the best interests of the minor, and if such neglect, abuse, or dependency is found by the court under paragraph (1) of Section 2-21 of this Act to have come about due to the acts or omissions or both of such parent, guardian or legal custodian, until such time as an investigation is made as provided in paragraph (5) and a hearing is held on the issue of the fitness of such parent, guardian or legal custodian to care for the minor and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor.

(2) The first permanency hearing shall be conducted by the judge. Subsequent permanency hearings may be heard by a judge or by hearing officers appointed or approved by the court in the manner set forth in Section 2-28.1 of this Act. The initial hearing shall be held (a) within 12 months from the date temporary custody was taken, (b) if the parental rights of both parents have been terminated in accordance with the procedure described in subsection (5) of Section 2-21, within 30 days of the order for termination of parental rights and appointment of a guardian with power to consent to adoption, or (c) in accordance with subsection (2) of Section 2-13.1. Subsequent permanency hearings shall be held every 6 months or more frequently if necessary in the court's determination following the initial permanency hearing, in accordance with the standards set forth in this Section, until the court determines that the plan and goal have been achieved. Once the plan and goal have been achieved, if the minor remains in substitute care, the case shall be reviewed at least every 6 months thereafter, subject to the provisions of this Section, unless the minor is placed in the guardianship of a suitable relative or other person

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and the court determines that further monitoring by the court does not further the health, safety or best interest of the child and that this is a stable permanent placement. The permanency hearings must occur within the time frames set forth in this subsection and may not be delayed in anticipation of a report from any source or due to the agency's failure to timely file its written report (this written report means the one required under the next paragraph and does not mean the service plan also referred to in that paragraph).

The public agency that is the custodian or guardian of the minor, or another agency responsible for the minor's care, shall ensure that all parties to the permanency hearings are provided a copy of the most recent service plan prepared within the prior 6 months at least 14 days in advance of the hearing. If not contained in the plan, the agency shall also include a report setting forth (i) any special physical, psychological, educational, medical, emotional, or other needs of the minor or his or her family that are relevant to a permanency or placement determination and (ii) for any minor age 16 or over, a written description of the programs and services that will enable the minor to prepare for independent living. The agency's written report must detail what progress or lack of progress the parent has made in correcting the conditions requiring the child to be in care; whether the child can be returned home without jeopardizing the child's health, safety, and welfare, and if not, what permanency goal is recommended to be in the best interests of the child, and why the other permanency goals are not appropriate. The caseworker must appear and testify at the permanency hearing. If a permanency hearing has not previously been scheduled by the court, the moving party shall move for the setting of a permanency hearing and the entry of an order within the time frames set forth in this subsection.

At the permanency hearing, the court shall determine the future status of the child. The court shall set one of the following permanency goals:

(A) The minor will be returned home by a specific date within 5 months.
(B) The minor will be in short-term care with a continued goal to return home within a period not to exceed one year, where the progress of the parent or parents is substantial giving particular consideration to the age and individual needs of the minor.

(B-1) The minor will be in short-term care with a continued goal to return home pending a status hearing. When the court finds that a parent has not made reasonable efforts or reasonable progress to date, the court shall identify what actions the parent and the Department must take in order to justify a finding of reasonable efforts or reasonable progress and shall set a status hearing to be held not earlier than 9 months from the date of adjudication nor later than 11 months from the date of adjudication during which the parent's progress will again be reviewed.

(C) The minor will be in substitute care pending court determination on termination of parental rights.

(D) Adoption, provided that parental rights have been terminated or relinquished.

(E) The guardianship of the minor will be transferred to an individual or couple on a permanent basis provided that goals (A) through (D) have been ruled out.

(F) The minor over age 15 will be in substitute care pending independence.

(G) The minor will be in substitute care because he or she cannot be provided for in a home environment due to developmental disabilities or mental illness or because he or she is a danger to self or others, provided that goals (A) through (D) have been ruled out.

In selecting any permanency goal, the court shall indicate in writing the reasons the goal was selected and why the preceding goals were ruled out. Where the court has selected a permanency goal other than (A), (B), or (B-1), the Department of Children and Family Services shall not provide further reunification services, but shall provide services consistent with the goal selected.

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The court shall set a permanency goal that is in the best interest of the child. The court's determination shall include the following factors:

(1) Age of the child.
(2) Options available for permanence.
(3) Current placement of the child and the intent of the family regarding adoption.
(4) Emotional, physical, and mental status or condition of the child.
(5) Types of services previously offered and whether or not the services were successful and, if not successful, the reasons the services failed.
(6) Availability of services currently needed and whether the services exist.
(7) Status of siblings of the minor.

The court shall consider (i) the permanency goal contained in the service plan, (ii) the appropriateness of the services contained in the plan and whether those services have been provided, (iii) whether reasonable efforts have been made by all the parties to the service plan to achieve the goal, and (iv) whether the plan and goal have been achieved. All evidence relevant to determining these questions, including oral and written reports, may be admitted and may be relied on to the extent of their probative value.

If the goal has been achieved, the court shall enter orders that are necessary to conform the minor's legal custody and status to those findings.

If, after receiving evidence, the court determines that the services contained in the plan are not reasonably calculated to facilitate achievement of the permanency goal, the court shall put in writing the factual basis supporting the determination and enter specific findings based on the evidence. The court also shall enter an order for the Department to develop and implement a new service plan or to implement changes to the current service plan consistent with the court's findings. The new service plan shall be filed with the court and served on all parties within 45 days of the date of the order. The court shall continue the matter

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until the new service plan is filed. Unless otherwise specifically authorized by law, the court is not empowered under this subsection (2) or under subsection (3) to order specific placements, specific services, or specific service providers to be included in the plan.

A guardian or custodian appointed by the court pursuant to this Act shall file updated case plans with the court every 6 months.

Rights of wards of the court under this Act are enforceable against any public agency by complaints for relief by mandamus filed in any proceedings brought under this Act.

(3) Following the permanency hearing, the court shall enter a written order that includes the determinations required under subsection (2) of this Section and sets forth the following:

(a) The future status of the minor, including the permanency goal, and any order necessary to conform the minor's legal custody and status to such determination; or

(b) If the permanency goal of the minor cannot be achieved immediately, the specific reasons for continuing the minor in the care of the Department of Children and Family Services or other agency for short term placement, and the following determinations:

   (i) (Blank).

   (ii) Whether the services required by the court and by any service plan prepared within the prior 6 months have been provided and (A) if so, whether the services were reasonably calculated to facilitate the achievement of the permanency goal or (B) if not provided, why the services were not provided.

   (iii) Whether the minor's placement is necessary, and appropriate to the plan and goal, recognizing the right of minors to the least restrictive (most family-like) setting available and in close proximity to the parents' home consistent with the health, safety, best interest and special needs of the minor and, if the minor is placed out-of-State, whether the out-of-State placement continues to be
appropriate and consistent with the health, safety, and best interest of the minor.

(iv) (Blank).
(v) (Blank).

Any order entered pursuant to this subsection (3) shall be immediately appealable as a matter of right under Supreme Court Rule 304(b)(1).

(4) The minor or any person interested in the minor may apply to the court for a change in custody of the minor and the appointment of a new custodian or guardian of the person or for the restoration of the minor to the custody of his parents or former guardian or custodian.

When return home is not selected as the permanency goal:

(a) The Department, the minor, or the current foster parent or relative caregiver seeking private guardianship may file a motion for private guardianship of the minor. Appointment of a guardian under this Section requires approval of the court.

(b) The State's Attorney may file a motion to terminate parental rights of any parent who has failed to make reasonable efforts to correct the conditions which led to the removal of the child or reasonable progress toward the return of the child, as defined in subdivision (D)(m) of Section 1 of the Adoption Act or for whom any other unfitness ground for terminating parental rights as defined in subdivision (D) of Section 1 of the Adoption Act exists.

Custody of the minor shall not be restored to any parent, guardian or legal custodian in any case in which the minor is found to be neglected or abused under Section 2-3 or dependent under Section 2-4 of this Act, unless the minor can be cared for at home without endangering his or her health or safety and it is in the best interest of the minor, and if such neglect, abuse, or dependency is found by the court under paragraph (1) of Section 2-21 of this Act to have come about due to the acts or omissions or both of such parent, guardian or legal custodian, until such time as an investigation is made as provided in paragraph (5) and a hearing is held on the issue of the health, safety and best interest of the minor and the fitness

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of such parent, guardian or legal custodian to care for the minor and the
court enters an order that such parent, guardian or legal custodian is fit to
care for the minor. In the event that the minor has attained 18 years of age
and the guardian or custodian petitions the court for an order terminating
his guardianship or custody, guardianship or custody shall terminate
automatically 30 days after the receipt of the petition unless the court
orders otherwise. No legal custodian or guardian of the person may be
removed without his consent until given notice and an opportunity to be
heard by the court.

When the court orders a child restored to the custody of the parent
or parents, the court shall order the parent or parents to cooperate with the
Department of Children and Family Services and comply with the terms of
an after-care plan, or risk the loss of custody of the child and possible
termination of their parental rights. The court may also enter an order of
protective supervision in accordance with Section 2-24.

(5) Whenever a parent, guardian, or legal custodian files a motion
for restoration of custody of the minor, and the minor was adjudicated
neglected, abused, or dependent as a result of physical abuse, the court
shall cause to be made an investigation as to whether the movant has ever
been charged with or convicted of any criminal offense which would
indicate the likelihood of any further physical abuse to the minor.
Evidence of such criminal convictions shall be taken into account in
determining whether the minor can be cared for at home without
endangering his or her health or safety and fitness of the parent, guardian,
or legal custodian.

(a) Any agency of this State or any subdivision thereof shall
co-operate with the agent of the court in providing any information
sought in the investigation.

(b) The information derived from the investigation and any
conclusions or recommendations derived from the information
shall be provided to the parent, guardian, or legal custodian seeking
restoration of custody prior to the hearing on fitness and the
movant shall have an opportunity at the hearing to refute the
information or contest its significance.

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(c) All information obtained from any investigation shall be confidential as provided in Section 5-150 of this Act.

(Source: P.A. 91-357, eff. 7-29-99; 92-320, eff. 1-1-02.)

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

Approved August 14, 2007.
Effective August 14, 2007.

PUBLIC ACT 95-0183
(House Bill No. 1881)

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

Section 5. The Illinois Municipal Code is amended by changing Sections 11-20-7 and 11-20-12 as follows:

(65 ILCS 5/11-20-7) (from Ch. 24, par. 11-20-7)

Sec. 11-20-7. The corporate authorities of each municipality may provide for the cutting of weeds or grass, the trimming of trees or bushes, and the removal of nuisance bushes or trees in the municipality, when the owners of real estate refuse or neglect to cut, trim, or remove them and to collect from the owners of private property the reasonable cost thereof. This cost is a lien upon the real estate affected, superior to all other liens and encumbrances, except tax liens; provided that within 60 days after such cost and expense is incurred the municipality, or person performing the service by authority of the municipality, in his or its own name, files notice of lien in the office of the recorder in the county in which such real estate is located or in the office of the Registrar of Titles of such county if the real estate affected is registered under the Torrens system. The notice shall consist of a sworn statement setting out (1) a description of the real estate sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred or payable for the service, and (3) the date or dates when such cost and expense was incurred by the

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municipality. However, the lien of such municipality shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to the cutting of weeds or grass, the trimming of trees or bushes, or the removal of nuisance bushes or trees weed-cutting and prior to the filing of such notice, and the lien of such municipality shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such real estate arise prior to the filing of such notice. Upon payment of the cost and expense by the owner of or persons interested in such property after notice of lien has been filed, the lien shall be released by the municipality or person in whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien.

The cost of the cutting, trimming, or removal of weeds, grass, trees, or bushes shall not be lien on the real estate affected unless a notice is personally served on, or sent by certified mail to, the person to whom was sent the tax bill for the general taxes on the property for the last preceding year. The notice shall be delivered or sent after the cutting, trimming, or removal of weeds, grass, trees, or bushes on the property. The notice shall state the substance of this Section and the substance of any ordinance of the municipality implementing this Section and shall identify the property, by common description, and the location of the weeds to be cut.

(Source: P.A. 88-355.)

(65 ILCS 5/11-20-12) (from Ch. 24, par. 11-20-12)

Sec. 11-20-12. The corporate authorities of each municipality may provide for the removal of elm trees infected with Dutch elm disease or ash trees infected with the emerald ash borer (Agrilus planipennis Fairmaire) from property not owned by the municipality or dedicated for public use when the owner of such property refuses or neglects to remove any such tree, and to collect from the property owner the reasonable cost thereof. This cost is a lien upon the real estate affected, superior to all other liens and encumbrances, except tax liens; provided that notice has been given as hereinafter described, and further provided that within 60 days after such cost and expense is incurred the municipality, or person performing the service by authority of the municipality, in his or its own

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name, files notice of lien in the office of the recorder in the county in
which such real estate is located or in the office of the Registrar of Titles
of such county if the real estate affected is registered under "An Act
concerning land titles", approved May 1, 1897, as amended. The notice
shall consist of a sworn statement setting out (1) a description of the real
estate sufficient for identification thereof, (2) the amount of money
representing the cost and expense incurred or payable for the service, and
(3) the date or dates when such cost and expense was incurred by the
municipality. However, the lien of such municipality shall not be valid as
to any purchaser whose rights in and to such real estate have arisen
subsequent to the tree removal and prior to the filing of such notice, and
the lien of such municipality shall not be valid as to any mortgagee,
judgment creditor or other lienor whose rights in and to such real estate
arise prior to the filing of such notice. Upon payment of the cost and
expense by the owner of or persons interested in such property after notice
of lien has been filed, the lien shall be released by the municipality or
person in whose name the lien has been filed and the release may be filed
of record as in the case of filing notice of lien.

The cost of such tree removal shall not be a lien upon the real
estate affected unless a notice shall be personally served or sent by
registered mail to the person to whom was sent the tax bill for the general
taxes for the last preceding year on the property, such notice to be
delivered or sent not less than 30 days prior to the removal of the tree or
trees located thereon. The notice shall contain the substance of this
section, and of any ordinance of the municipality implementing its
provisions, and identify the property, by common description, and the tree
or trees affected.
(Source: P.A. 83-358.)

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

Approved August 14, 2007.
Effective August 14, 2007.
AN ACT concerning local government.

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

Section 5. The Local Government Employees Benefits Continuation Act is amended by changing Section 3 as follows:

Sec. 3. Home rule. A home rule unit, other than any home rule unit having a population of 1,000,000 or more inhabitants, may not limit or restrict the right of any employee referred to in Section 2 to continue receiving and accruing regular compensation, health insurance and other benefits at at least the level required by this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units, other than any home rule unit having a population of 1,000,000 or more inhabitants, of powers and functions exercised by the State.

(Source: P.A. 87-631.)

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


AN ACT concerning State government.

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

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

New matter indicated by italics - deletions by strikeout
Sec. 2. Open meetings.

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

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

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

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

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

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

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

New matter indicated by italics - deletions by strikeout
(5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

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

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

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

(9) Student disciplinary cases.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

New matter indicated by italics - deletions by strikeout
(24) Meetings of a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(d) Definitions. For purposes of this Section:

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

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

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

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

(Source: P.A. 93-57, eff. 7-1-03; 93-79, eff. 7-2-03; 93-422, eff. 8-5-03; 93-577, eff. 8-21-03; 94-931, eff. 6-26-06.)

Section 10. The State Comptroller Act is amended by changing Section 22.2 as follows:

(15 ILCS 405/22.2) (from Ch. 15, par. 222.2)

Sec. 22.2. State Government Employees Suggestion Award Board. Upon request from the State Government Employees Suggestion Award Board, the Comptroller and the Director of the Governor's Office of Management and Budget may hold in reserve the amounts equal to the savings from the appropriate appropriation line item for the State agency

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involved. The term "reserve" for the purposes of this Section means that such funds shall not be expended nor obligated for the fiscal year designated by the Board.
(Source: P.A. 94-793, eff. 5-19-06.)

Section 15. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by changing Section 405-130 as follows:

(20 ILCS 405/405-130) (was 20 ILCS 405/67.28)

Sec. 405-130. State government employees and retirees suggestion award program.

(a) The Department shall assist in the implementation of a State Government Employees and Retirees Suggestion Award Program, to be administered by the Board created in subsection (b). The program shall encourage and reward improvements in the operation of State government that result in substantial monetary savings. Any Illinois resident, any State employee, including management personnel as defined by the Department, any annuitant under Article 14 of the Illinois Pension Code, and any annuitant under Article 15 of that Code who receives a retirement or disability retirement annuity, but not including elected officials and departmental directors, may submit a cost-saving suggestion to the Board, which shall direct the suggestion to the appropriate department or agency without disclosing the identity of the suggester. A suggester may make a suggestion or include documentation on matters a department or agency considers confidential, except where prohibited by federal or State law; and no disciplinary or other negative action may be taken against the suggester unless there is a violation of federal or State law.

Suggestions, including documentation, upon receipt, shall be given confidential treatment and shall not be subject to subpoena or be made public until the agency affected by it has had the opportunity to request continued confidentiality. The agency, if it requests continued confidentiality, shall attest that disclosure would violate federal or State law or rules and regulations pursuant to federal or State law or is a matter covered under Section 7 of the Freedom of Information Act. The Board shall make its decision on continued confidentiality and, if it so classifies

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the suggestion, shall notify the suggester and agency. A suggestion classified "continued confidential" shall nevertheless be evaluated and considered for award. A suggestion that the Board finds or the suggester states or implies constitutes a disclosure of information that the suggester reasonably believes evidences (1) a violation of any law, rule, or regulation or (2) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety may be referred to the appropriate investigatory or law enforcement agency for consideration for investigation and action. The identity of the suggester may not be disclosed without the consent of the suggester during any investigation of the information and any related matters. Such a suggestion shall also be evaluated and an award made when appropriate. That portion of Board meetings that involves the consideration of suggestions classified "continued confidential" or being considered for that classification shall be closed meetings.

The Board may at its discretion make awards for those suggestions certified by agency or department heads as resulting in savings to the State of Illinois. Management personnel shall be recognized for their suggestions as the Board considers appropriate but shall not receive any monetary award. Illinois residents, annuitants, Annuitants and employees, other than employees who are management personnel, shall receive awards in accordance with the schedule below. Each award to employees other than management personnel and awards to residents and annuitants shall be paid in one lump sum by the Board created in subsection (b). A monetary award may be increased by appropriation of the General Assembly.

The amount of each award to employees other than management personnel and the award to annuitants and residents shall be determined as follows:

$1.00 to $5,000 savings.......................... an amount not to exceed $500.00 or a certificate of merit, or

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both, as determined by the Board

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<th>Award</th>
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(b) There is created a State Government Employees and Retirees Suggestion Award Board to administer the program described in subsection (a). The Board shall consist of 8 members appointed 2 each by the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives and, as ex-officio, non-voting members, the directors of the Governor's Office of Management and Budget and the Department. Each appointing authority shall designate one initial appointee to serve one year and one initial appointee to serve 2 years; subsequent terms shall be 2 years. Any vacancies shall be filled for the unexpired term by the original appointing authority and any member may be reappointed. Board members shall serve without compensation but may be reimbursed for expenses incurred in the performance of their duties. The Board shall annually elect a chairman from among its number, shall meet monthly or more frequently at the call of the chairman, and shall establish necessary procedures, guidelines, and criteria for the administration of the program. The Board shall annually report to the General Assembly by January 1 on the operation of the program, including the nature and cost-savings of implemented suggestions, and any recommendations for legislative changes it deems appropriate. The General Assembly shall make an annual appropriation to the Board for payment of awards and the expenses of the Board, such as, but not limited to: travel of the members, preparation of publicity material, printing of forms and other matter, and contractual expenses.

(Source: P.A. 94-793, eff. 5-19-06.)

New matter indicated by italics - deletions by strikeout
Effective January 1, 2008.

PUBLIC ACT 95-0186
(House Bill No. 0030)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 1-159.1 as follows:
Sec. 1-159.1. Person with disabilities. A natural person who, as determined by a licensed physician, by a physician assistant who has been delegated the authority to make this determination by his or her supervising physician, or by an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make this determination: (1) cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; (2) is restricted by lung disease to such an extent that his or her forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 mm/hg on room air at rest; (3) uses portable oxygen; (4) has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV, according to standards set by the American Heart Association; (5) is severely limited in the person's ability to walk due to an arthritic, neurological, or orthopedic condition; or (6) cannot walk 200 feet without stopping to rest because of one of the above 5 conditions; or (7) is missing a hand or arm or has permanently lost the use of a hand or arm.
(Source: P.A. 92-411, eff. 1-1-02; 93-182, eff. 7-11-03.)
Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 95-0187
(House Bill No. 0120)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Regulatory Sunset Act is amended by changing Section 4.18 and by adding Section 4.28 as follows:
(5 ILCS 80/4.18)
Sec. 4.18. Acts repealed January 1, 2008. The following Acts are repealed on January 1, 2008:
The Acupuncture Practice Act.
The Home Medical Equipment and Services Provider License Act.
The Nursing and Advanced Practice Nursing Act.
The Illinois Speech-Language Pathology and Audiology Practice Act.
The Marriage and Family Therapy Licensing Act.
The Nursing Home Administrators Licensing and Disciplinary Act.
The Structural Pest Control Act.
(Source: P.A. 94-754, eff. 5-10-06.)
(5 ILCS 80/4.28 new)
Sec. 4.28. Act repealed on January 1, 2018. The following Act is repealed on January 1, 2018:

New matter indicated by italics - deletions by strikeout

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


PUBLIC ACT 95-0188
(House Bill No. 0132)

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

Section 5. The Unified Code of Corrections is amended by changing Section 5-5-3 as follows:

Sec. 5-5-3. Disposition.
(a) Except as provided in Section 11-501 of the Illinois Vehicle Code, every person convicted of an offense shall be sentenced as provided in this Section.
(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:
(1) A period of probation.
(2) A term of periodic imprisonment.
(3) A term of conditional discharge.
(4) A term of imprisonment.
(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961 (now repealed).
(6) A fine.
(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.

New matter indicated by italics - deletions by strikeout
(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.

(9) A term of imprisonment in combination with a term of probation when the offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act. Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.

(B) Attempted first degree murder.

(C) A Class X felony.

(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1) or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin or cocaine or an analog thereof.

(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as
otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of the Criminal Code of 1961 for which imprisonment is prescribed in those Sections.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault.

(I) Aggravated battery of a senior citizen.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.

New matter indicated by italics - deletions by strikeout

(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 or 20-1.3 of the Criminal Code of 1961.


(S) (Blank).

(T) A second or subsequent violation of the Methamphetamine Control and Community Protection Act.

(3) (Blank).

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) (Blank).

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

New matter indicated by italics - deletions by strikeout
(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:
   (A) a period of conditional discharge;
   (B) a fine;
   (C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

New matter indicated by italics - deletions by strikeout
(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) (Blank).

(11) The court shall impose a minimum fine of $1,000 for a first offense and $2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for battery when the individual harmed was a sports official or coach at any level of competition and the act causing harm to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant of the athletic contest held at the athletic facility. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; "athletic facility" means an indoor or outdoor playing field or recreational area where sports activities are...
conducted; and "coach" means a person recognized as a coach by
the sanctioning authority that conducted the sporting event.

(12) A person may not receive a disposition of court
supervision for a violation of Section 5-16 of the Boat Registration
and Safety Act if that person has previously received a disposition
of court supervision for a violation of that Section.

(13) A person convicted of or placed on court supervision
for an assault or aggravated assault when the victim and the
offender are family or household members as defined in Section
103 of the Illinois Domestic Violence Act of 1986 or convicted of
domestic battery or aggravated domestic battery may be required
to attend a Partner Abuse Intervention Program under protocols
set forth by the Illinois Department of Human Services under such
terms and conditions imposed by the court. The costs of such
classes shall be paid by the offender.

(d) In any case in which a sentence originally imposed is vacated,
the case shall be remanded to the trial court. The trial court shall hold a
hearing under Section 5-4-1 of the Unified Code of Corrections which may
include evidence of the defendant's life, moral character and occupation
during the time since the original sentence was passed. The trial court shall
then impose sentence upon the defendant. The trial court may impose any
sentence which could have been imposed at the original trial subject to
Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated
on appeal or on collateral attack due to the failure of the trier of fact at trial
to determine beyond a reasonable doubt the existence of a fact (other than
a prior conviction) necessary to increase the punishment for the offense
beyond the statutory maximum otherwise applicable, either the defendant
may be re-sentenced to a term within the range otherwise provided or, if
the State files notice of its intention to again seek the extended sentence,
the defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual
abuse under Section 12-16 of the Criminal Code of 1961 results in
conviction of a defendant who was a family member of the victim at the
time of the commission of the offense, the court shall consider the safety

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and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:
   (A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or
   (B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:
      (i) removal from the household;
      (ii) restricted contact with the victim;
      (iii) continued financial support of the family;
      (iv) restitution for harm done to the victim;
      and
      (v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

New matter indicated by italics - deletions by strikeout
(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be

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personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall
be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, any violation of the Cannabis Control Act, or any violation of the Methamphetamine Control and Community Protection Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substance Act, or Section 70 of the Methamphetamine Control and Community Protection Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her

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sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

New matter indicated by italics - deletions by strikeout
Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.
(n) The court may sentence a person convicted of a violation of Section 12-19, 12-21, or 16-1.3 of the Criminal Code of 1961 (i) to an impact incarceration program if the person is otherwise eligible for that program under Section 5-8-1.1, (ii) to community service, or (iii) if the person is an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, to a substance or alcohol abuse program licensed under that Act.

(o) Whenever a person is convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act, the defendant's driver's license or permit shall be subject to renewal on an annual basis in accordance with the provisions of license renewal established by the Secretary of State.

(Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169, eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546, eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800, eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556, eff. 9-11-05; 94-993, eff. 1-1-07.)

(Text of Section after amendment by P.A. 94-1035)

Sec. 5-5-3. Disposition.

(a) Except as provided in Section 11-501 of the Illinois Vehicle Code, every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

1. A period of probation.
2. A term of periodic imprisonment.
3. A term of conditional discharge.
4. A term of imprisonment.
5. An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961 (now repealed).
6. A fine.
7. An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.

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(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.

(9) A term of imprisonment in combination with a term of probation when the offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act. Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.

(B) Attempted first degree murder.

(C) A Class X felony.

(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1) or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin or cocaine or an analog thereof.

(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as
otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of the Criminal Code of 1961 for which imprisonment is prescribed in those Sections.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault.

(I) Aggravated battery of a senior citizen.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.

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(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 or 20-1.3 of the Criminal Code of 1961.


(S) (Blank).

(T) A second or subsequent violation of the Methamphetamine Control and Community Protection Act.

(3) (Blank).

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) (Blank).

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

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(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;

(B) a fine;

(C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(5.4) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating Section 3-707 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 3 months and until he or she has paid a reinstatement fee of $100.

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(5.5) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating Section 3-707 of the Illinois Vehicle Code during a period in which his or her driver's license, permit, or privileges were suspended for a previous violation of that Section shall have his or her driver's license, permit, or privileges suspended for an additional 6 months after the expiration of the original 3-month suspension and until he or she has paid a reinstatement fee of $100.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) (Blank).

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(11) The court shall impose a minimum fine of $1,000 for a first offense and $2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for battery when the individual harmed was a sports official or coach at any level of competition and the act causing harm to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant of the athletic contest held at the athletic facility. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; "athletic facility" means an indoor or outdoor playing field or recreational area where sports activities are conducted; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the sporting event.

(12) A person may not receive a disposition of court supervision for a violation of Section 5-16 of the Boat Registration and Safety Act if that person has previously received a disposition of court supervision for a violation of that Section.

(13) A person convicted of or placed on court supervision for an assault or aggravated assault when the victim and the offender are family or household members as defined in Section 103 of the Illinois Domestic Violence Act of 1986 or convicted of domestic battery or aggravated domestic battery may be required to attend a Partner Abuse Intervention Program under protocols set forth by the Illinois Department of Human Services under such terms and conditions imposed by the court. The costs of such classes shall be paid by the offender.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to
Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual abuse under Section 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:
   (A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or
   (B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:
       (i) removal from the household;
       (ii) restricted contact with the victim;
       (iii) continued financial support of the family;
       (iv) restitution for harm done to the victim;
       and
   (v) compliance with any other measures that the court may deem appropriate; and
(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

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Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health.

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facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide
the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, any violation of the Cannabis Control Act, or any violation of the Methamphetamine Control and Community Protection Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substance Act, or Section 70 of the Methamphetamine Control and Community Protection Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall
notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the
Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the

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defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(n) The court may sentence a person convicted of a violation of Section 12-19, 12-21, or 16-1.3 of the Criminal Code of 1961 (i) to an impact incarceration program if the person is otherwise eligible for that program under Section 5-8-1.1, (ii) to community service, or (iii) if the person is an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, to a substance or alcohol abuse program licensed under that Act.

(o) Whenever a person is convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act, the defendant's driver's license or permit shall be subject to renewal on an annual basis in accordance with the provisions of license renewal established by the Secretary of State.

(Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169, eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546, eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800, eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556, eff. 9-11-05; 94-993, eff. 1-1-07; 94-1035, eff. 7-1-07; revised 8-28-06.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

New matter indicated by italics - deletions by strikeout
Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0189
(House Bill No. 0147)

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

Section 1. The State Employees Group Insurance Act of 1971 is amended by changing Section 6.11 as follows:

(5 ILCS 375/6.11)

Sec. 6.11. Required health benefits; Illinois Insurance Code requirements. The program of health benefits shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t of the Illinois Insurance Code. The program of health benefits shall provide the coverage required under Sections 356g.5, 356u, 356w, 356x, 356z.2, 356z.4, and 356z.6 of the Illinois Insurance Code. The program of health benefits must comply with Section 155.37 of the Illinois Insurance Code.
(Source: P.A. 92-440, eff. 8-17-01; 92-764, eff. 1-1-03; 93-102, eff. 1-1-04; 93-853, eff. 1-1-05.)

Section 2. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-345 as follows:

(20 ILCS 2310/2310-345) (was 20 ILCS 2310/55.49)

(a) From funds made available for this purpose, the Department shall publish, in layman's language, a standardized written summary outlining methods for the early detection and diagnosis of breast cancer.

New matter indicated by italics - deletions by strikeout
The summary shall include recommended guidelines for screening and detection of breast cancer through the use of techniques that shall include but not be limited to self-examination, clinical breast exams, and diagnostic radiology.

(b) The summary shall also suggest that women seek mammography services from facilities that are certified to perform mammography as required by the federal Mammography Quality Standards Act of 1992.

(c) The summary shall also include the medically viable alternative methods for the treatment of breast cancer, including, but not limited to, hormonal, radiological, chemotherapeutic, or surgical treatments or combinations thereof. The summary shall contain information on breast reconstructive surgery, including, but not limited to, the use of breast implants and their side effects. The summary shall inform the patient of the advantages, disadvantages, risks, and dangers of the various procedures. The summary shall include (i) a statement that mammography is the most accurate method for making an early detection of breast cancer, however, no diagnostic tool is 100% effective, (ii) the benefits of clinical breast exams, and (iii) instructions for performing breast self-examination and a statement that it is important to perform a breast self-examination monthly.

(c-5) The summary shall specifically address the benefits of early detection and review the clinical standard recommendations by the Centers for Disease Control and Prevention and the American Cancer Society for mammography, clinical breast exams, and breast self-exams.

(c-10) The summary shall also inform individuals that public and private insurance providers shall pay for clinical breast exams as part of an exam, as indicated by guidelines of practice.

(d) In developing the summary, the Department shall consult with the Advisory Board of Cancer Control, the Illinois State Medical Society and consumer groups. The summary shall be updated by the Department every 2 years.

(e) The summaries shall additionally be translated into Spanish, and the Department shall conduct a public information campaign to
distribute the summaries to the Hispanic women of this State in order to inform them of the importance of early detection and mammograms.

(f) The Department shall distribute the summary to hospitals, public health centers, and physicians who are likely to perform or order diagnostic tests for breast disease or treat breast cancer by surgical or other medical methods. Those hospitals, public health centers, and physicians shall make the summaries available to the public. The Department shall also distribute the summaries to any person, organization, or other interested parties upon request. The summaries may be duplicated by any person, provided the copies are identical to the current summary prepared by the Department.

(g) The summary shall display, on the inside of its cover, printed in capital letters, in bold face type, the following paragraph:

"The information contained in this brochure regarding recommendations for early detection and diagnosis of breast disease and alternative breast disease treatments is only for the purpose of assisting you, the patient, in understanding the medical information and advice offered by your physician. This brochure cannot serve as a substitute for the sound professional advice of your physician. The availability of this brochure or the information contained within is not intended to alter, in any way, the existing physician-patient relationship, nor the existing professional obligations of your physician in the delivery of medical services to you, the patient."

(h) The summary shall be updated when necessary.

(Source: P.A. 91-239, eff. 1-1-00; revised 10-19-05.)

Section 3. The Counties Code is amended by changing Section 5-1069.3 as follows:

(55 ILCS 5/5-1069.3)

Sec. 5-1069.3. Required health benefits. If a county, including a home rule county, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356u, 356w, 356x and 356z.6 of the
Illinois Insurance Code. The requirement that health benefits be covered as provided in this Section is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule county to which this Section applies must comply with every provision of this Section.

(Source: P.A. 93-853, eff. 1-1-05.)

Section 3.5. The Illinois Municipal Code is amended by changing Section 10-4-2.3 as follows:

(65 ILCS 5/10-4-2.3)

Sec. 10-4-2.3. Required health benefits. If a municipality, including a home rule municipality, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356u, 356w, 356x and 356z.6 of the Illinois Insurance Code. The requirement that health benefits be covered as provided in this is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule municipality to which this Section applies must comply with every provision of this Section.

(Source: P.A. 93-853, eff. 1-1-05.)

Section 4. The School Code is amended by changing Section 10-22.3f as follows:

(105 ILCS 5/10-22.3f)

Sec. 10-22.3f. Required health benefits. Insurance protection and benefits for employees shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356u, 356w, 356x and 356z.6 of the Illinois Insurance Code.

(Source: P.A. 93-853, eff. 1-1-05.)

Section 5. The Illinois Insurance Code is amended by adding Section 356g.5 as follows:

(215 ILCS 5/356g.5 new)

Sec. 356g.5. Clinical breast exam.

New matter indicated by italics - deletions by strikeout
(a) The General Assembly finds that clinical breast examinations are a critical tool in the early detection of breast cancer, while the disease is in its earlier and potentially more treatable stages. Insurer reimbursement of clinical breast examinations is essential to the effort to reduce breast cancer deaths in Illinois.

(b) Every insurer shall provide, in each group or individual policy, contract, or certificate of accident or health insurance issued or renewed for persons who are residents of Illinois, coverage for complete and thorough clinical breast examinations as indicated by guidelines of practice, performed by a physician licensed to practice medicine in all its branches, an advanced practice nurse who has a collaborative agreement with a collaborating physician that authorizes breast examinations, or a physician assistant who has been delegated authority to provide breast examinations, to check for lumps and other changes for the purpose of early detection and prevention of breast cancer as follows:

(1) at least every 3 years for women at least 20 years of age but less than 40 years of age; and

(2) annually for women 40 years of age or older.

(c) Upon approval of a nationally recognized separate and distinct clinical breast exam code that is compliant with all State and federal laws, rules, and regulations, public and private insurance plans shall take action to cover clinical breast exams on a separate and distinct basis.

Section 10. The Health Maintenance Organization Act is amended by changing Section 4-6.5 as follows:

Sec. 4-6.5. Required health benefits; Illinois Insurance Code requirements. A health maintenance organization is subject to the provisions of Sections 155.37, 356g.5, 356t, 356u, and 356z.1 of the Illinois Insurance Code.

Section 15. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c, 149, 155.37, 354, 355.2, 356g.5, 356r, 356t, 356u, 356v, 356w, 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 364.01, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code. (Source: P.A. 92-130, eff. 7-20-01; 92-440, eff. 8-17-01; 92-651, eff. 7-11-02; 92-764, eff. 1-1-04; 93-1000, eff. 1-1-05; revised 10-14-04.)

Section 20. The Illinois Public Aid Code is amended by changing Section 5-16.8 as follows:

(305 ILCS 5/5-16.8)

Sec. 5-16.8. Required health benefits. The medical assistance program shall (i) provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356u, 356w, 356x, and 356z.6 of the Illinois Insurance Code and (ii) be subject to the provisions of Section 364.01 of the Illinois Insurance Code. (Source: P.A. 93-853, eff. 1-1-05; 93-1000, eff. 1-1-05; revised 10-14-04.)

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


PUBLIC ACT 95-0190
(House Bill No. 0161)

AN ACT concerning transportation.

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

Section 5. The Illinois Vehicle Code is amended by adding Sections 3-664, 3-665, and 3-666 as follows:

New matter indicated by italics - deletions by strikeout
(625 ILCS 5/3-664 new)
Sec. 3-664. Iraq Campaign license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Iraq Campaign license plates to residents of Illinois who have earned the Iraq Campaign Medal from the United States Armed Forces. The special Iraq Campaign plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall, in his or her discretion, approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this fee, $25 shall be deposited into the Illinois Military Family Relief Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be deposited into the Illinois Military Family Relief Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(625 ILCS 5/3-665 new)
Sec. 3-665. Afghanistan Campaign license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Afghanistan Campaign
license plates to residents of Illinois who have earned the Afghanistan Campaign Medal from the United States Armed Forces. The special Afghanistan Campaign plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall, in his or her discretion, approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this fee, $25 shall be deposited into the Illinois Military Family Relief Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be deposited into the Illinois Military Family Relief Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(625 ILCS 5/3-666 new)
Sec. 3-666. Paratrooper license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Paratrooper license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special Paratrooper plate issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds.
Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $15 fee for original issuance in addition to the applicable registration fee. This additional fee shall be deposited into the Secretary of State Special License Plate Fund.

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


PUBLIC ACT 95-0191
(House Bill No. 0170)

AN ACT concerning criminal law.

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

Section 5. The Clerks of Courts Act is amended by changing Section 27.6 as follows:

(705 ILCS 105/27.6)

Sec. 27.6. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk equalling an amount of $55 or more, except the additional fee required by subsections (b) and (c), restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 11-501 of the Illinois

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Vehicle Code, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, and except as provided in subsection (d) shall be disbursed within 60 days after receipt by the circuit clerk as follows: 44.5% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 16.825% shall be disbursed to the State Treasurer; and 38.675% shall be disbursed to the county's general corporate fund. Of the 16.825% disbursed to the State Treasurer, 2/17 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 5.052/17 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall be deposited into the Drivers Education Fund, and 6.948/17 shall be deposited into the Trauma Center Fund. Of the 6.948/17 deposited into the Trauma Center Fund from the 16.825% disbursed to the State Treasurer, 50% shall be disbursed to the Department of Public Health and 50% shall be disbursed to the Department of Healthcare and Family Services. For fiscal year 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For

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offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of $100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(b-1) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of $5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.
(c) In addition to any other fines and court costs assessed by the courts, any person convicted for a violation of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a person sentenced for a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act shall pay an additional fee of $100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c-1) In addition to any other fines and court costs assessed by the courts, any person sentenced for a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act shall pay an additional fee of $5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(d) The following amounts must be remitted to the State Treasurer for deposit into the Illinois Animal Abuse Fund:

   (1) 50% of the amounts collected for felony offenses under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961;

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(2) 20% of the amounts collected for Class A and Class B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961; and

(3) 50% of the amounts collected for Class C misdemeanors under Sections 4.01 and 7.1 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961.

(e) Any person who receives a disposition of court supervision for a violation of the Illinois Vehicle Code shall, in addition to any other fines, fees, and court costs, pay an additional fee of $20, to be disbursed as provided in Section 16-104c of the Illinois Vehicle Code. In addition to the fee of $20, the person shall also pay a fee of $5, if not waived by the court. If this $5 fee is collected, $4.50 of the fee shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court and 50 cents of the fee shall be deposited into the Prisoner Review Board Vehicle and Equipment Fund in the State treasury.

(f) This Section does not apply to the additional child pornography fines assessed and collected under Section 5-9-1.14 of the Unified Code of Corrections.

(Source: P.A. 93-800, eff. 1-1-05; 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07.)

Section 10. The Unified Code of Corrections is amended by adding Section 5-9-1.14 as follows:

(730 ILCS 5/5-9-1.14 new)

Sec. 5-9-1.14. Additional child pornography fines. In addition to any other penalty imposed, a fine of $500 shall be imposed upon a person convicted of child pornography under Section 11-20.1 of the Criminal Code of 1961. Such additional fine shall be assessed by the court imposing sentence and shall be collected by the circuit clerk. Of this fee, $5 shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court to be used to offset the costs incurred by the Circuit Court Clerk in performing the additional duties required to collect and disburse funds to entities of State and local governments.

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government as provided by law. Each such additional fine shall be remitted by the Circuit Court Clerk within one month after receipt to the unit of local government whose law enforcement officers investigated the case that gave rise to the conviction of the defendant for child pornography.

Effective January 1, 2008.

PUBLIC ACT 95-0192
(House Bill No. 0194)

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

Section 1. Short title. This Act may be cited as the Missing Persons Identification Act.

Section 5. Missing person reports.
(a) Report acceptance. All law enforcement agencies shall accept without delay any report of a missing person. Acceptance of a missing person report filed in person may not be refused on any ground. No law enforcement agency may refuse to accept a missing person report:

(1) on the basis that the missing person is an adult;
(2) on the basis that the circumstances do not indicate foul play;
(3) on the basis that the person has been missing for a short period of time;
(4) on the basis that the person has been missing a long period of time;
(5) on the basis that there is no indication that the missing person was in the jurisdiction served by the law enforcement agency at the time of the disappearance;
(6) on the basis that the circumstances suggest that the disappearance may be voluntary;

New matter indicated by italics - deletions by strikeout
(7) on the basis that the reporting individual does not have personal knowledge of the facts;
(8) on the basis that the reporting individual cannot provide all of the information requested by the law enforcement agency;
(9) on the basis that the reporting individual lacks a familial or other relationship with the missing person; or
(10) for any other reason.

(b) Manner of reporting. All law enforcement agencies shall accept missing person reports in person. Law enforcement agencies are encouraged to accept reports by phone or by electronic or other media to the extent that such reporting is consistent with law enforcement policies or practices.

(c) Contents of report. In accepting a report of a missing person, the law enforcement agency shall attempt to gather relevant information relating to the disappearance. The law enforcement agency shall attempt to gather at the time of the report information that shall include, but shall not be limited to, the following:

(1) the name of the missing person, including alternative names used;
(2) the missing person's date of birth;
(3) the missing person's identifying marks, such as birthmarks, moles, tattoos, and scars;
(4) the missing person's height and weight;
(5) the missing person's gender;
(6) the missing person's race;
(7) the missing person's current hair color and true or natural hair color;
(8) the missing person's eye color;
(9) the missing person's prosthetics, surgical implants, or cosmetic implants;
(10) the missing person's physical anomalies;
(11) the missing person's blood type, if known;
(12) the missing person's driver's license number, if known;
(13) the missing person's social security number, if known;

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(14) a photograph of the missing person; recent photographs are preferable and the agency is encouraged to attempt to ascertain the approximate date the photograph was taken;

(15) a description of the clothing the missing person was believed to be wearing;

(16) a description of items that might be with the missing person, such as jewelry, accessories, and shoes or boots;

(17) information on the missing person's electronic communications devices, such as cellular telephone numbers and e-mail addresses;

(18) the reasons why the reporting individual believes that the person is missing;

(19) the name and location of the missing person's school or employer, if known;

(20) the name and location of the missing person's dentist or primary care physician, or both, if known;

(21) any circumstances that may indicate that the disappearance was not voluntary;

(22) any circumstances that may indicate that the missing person may be at risk of injury or death;

(23) a description of the possible means of transportation of the missing person, including make, model, color, license number, and Vehicle Identification Number of a vehicle;

(24) any identifying information about a known or possible abductor or person last seen with the missing person, or both, including:

(A) name;

(B) a physical description;

(C) date of birth;

(D) identifying marks;

(E) the description of possible means of transportation, including make, model, color, license number, and Vehicle Identification Number of a vehicle;

(F) known associates;

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(25) any other information that may aid in locating the
missing person; and
(26) the date of last contact.

(d) Notification and follow up action.

(1) Notification. The law enforcement agency shall notify
the person making the report, a family member, or other person in
a position to assist the law enforcement agency in its efforts to
locate the missing person of the following:

(A) general information about the handling of the
missing person case or about intended efforts in the case to
the extent that the law enforcement agency determines that
disclosure would not adversely affect its ability to locate or
protect the missing person or to apprehend or prosecute any
person criminally involved in the disappearance;

(B) that the person should promptly contact the law
enforcement agency if the missing person remains missing
in order to provide additional information and materials
that will aid in locating the missing person such as the
missing person's credit cards, debit cards, banking
information, and cellular telephone records; and

(C) that any DNA samples provided for the missing
person case are provided on a voluntary basis and will be
used solely to help locate or identify the missing person and
will not be used for any other purpose.

The law enforcement agency, upon acceptance of a missing
person report, shall inform the reporting citizen of one of 2
resources, based upon the age of the missing person. If the missing
person is under 18 years of age, contact information for the
National Center for Missing and Exploited Children shall be given.
If the missing person is age 18 or older, contact information for the
National Center for Missing Adults shall be given.

Agencies handling the remains of a missing person who is
deceased must notify the agency handling the missing person's
case. Documented efforts must be made to locate family members

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of the deceased person to inform them of the death and location of the remains of their family member.

The law enforcement agency is encouraged to make available informational materials, through publications or electronic or other media, that advise the public about how the information or materials identified in this subsection are used to help locate or identify missing persons.

(2) Follow up action. If the person identified in the missing person report remains missing after 30 days, and the additional information and materials specified below have not been received, the law enforcement agency shall attempt to obtain:

(A) DNA samples from family members or from the missing person along with any needed documentation, or both, including any consent forms, required for the use of State or federal DNA databases, including, but not limited to, the Local DNA Index System (LDIS), State DNA Index System (SDIS), and National DNA Index System (NDIS);

(B) an authorization to release dental or skeletal x-rays of the missing person;

(C) any additional photographs of the missing person that may aid the investigation or an identification; the law enforcement agency is not required to obtain written authorization before it releases publicly any photograph that would aid in the investigation or identification of the missing person;

(D) dental information and x-rays; and

(E) fingerprints.

(3) All DNA samples obtained in missing person cases shall be immediately forwarded to the Department of State Police for analysis. The Department of State Police shall establish procedures for determining how to prioritize analysis of the samples relating to missing person cases.

(4) This subsection shall not be interpreted to preclude a law enforcement agency from attempting to obtain the materials

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identified in this subsection before the expiration of the 30-day period.

Section 10. Law enforcement analysis and reporting of missing person information.

(a) Prompt determination of high-risk missing person.

   (1) Definition. "High-risk missing person" means a person whose whereabouts are not currently known and whose circumstances indicate that the person may be at risk of injury or death. The circumstances that indicate that a person is a high-risk missing person include, but are not limited to, any of the following:

   (A) the person is missing as a result of a stranger abduction;
   (B) the person is missing under suspicious circumstances;
   (C) the person is missing under unknown circumstances;
   (D) the person is missing under known dangerous circumstances;
   (E) the person is missing more than 30 days;
   (F) the person has already been designated as a high-risk missing person by another law enforcement agency;
   (G) there is evidence that the person is at risk because:

       (i) the person is in need of medical attention or prescription medication;
       (ii) the person does not have a pattern of running away or disappearing;
       (iii) the person may have been abducted by a non-custodial parent;
       (iv) the person is mentally impaired;
       (v) the person is under the age of 21;
       (vi) the person has been the subject of past threats or acts of violence;

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(vii) the person has eloped from a nursing home; or

(H) any other factor that may, in the judgment of the law enforcement official, indicate that the missing person may be at risk.

(2) Law enforcement risk assessment.

(A) Upon initial receipt of a missing person report, the law enforcement agency shall immediately determine whether there is a basis to determine that the missing person is a high-risk missing person.

(B) If a law enforcement agency has previously determined that a missing person is not a high-risk missing person, but obtains new information, it shall immediately determine whether the information indicates that the missing person is a high-risk missing person.

(C) Law enforcement agencies are encouraged to establish written protocols for the handling of missing person cases to accomplish the purposes of this Act.

(3) Law enforcement agency reports.

(A) The responding local law enforcement agency shall immediately enter all collected information relating to the missing person case in the Law Enforcement Agencies Data System (LEADS) and the National Crime Information Center (NCIC) databases. The information shall be provided in accordance with applicable guidelines relating to the databases. The information shall be entered as follows:

(i) All appropriate DNA profiles, as determined by the Department of State Police, shall be uploaded into the missing person databases of the State DNA Index System (SDIS) and National DNA Index System (NDIS) after completion of the DNA analysis and other procedures required for database entry.

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(ii) Information relevant to the Federal Bureau of Investigation’s Violent Criminal Apprehension Program shall be entered as soon as possible.

(iii) The Department of State Police shall ensure that persons entering data relating to medical or dental records in State or federal databases are specifically trained to understand and correctly enter the information sought by these databases. The Department of State Police shall either use a person with specific expertise in medical or dental records for this purpose or consult with a chief medical examiner, forensic anthropologist, or odontologist to ensure the accuracy and completeness of information entered into the State and federal databases.

(B) The Department of State Police shall immediately notify all law enforcement agencies within this State and the surrounding region of the information that will aid in the prompt location and safe return of the high-risk missing person.

(C) The local law enforcement agencies that receive the notification from the Department of State Police shall notify officers to be on the lookout for the missing person or a suspected abductor.

(D) Pursuant to any applicable State criteria, local law enforcement agencies shall also provide for the prompt use of an Amber Alert in cases involving abducted children; or public dissemination of photographs in appropriate high risk cases.

Section 15. Reporting of unidentified persons and human remains.
(a) Handling of death scene investigations.

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(1) The Department of State Police shall provide information to local law enforcement agencies about best practices for handling death scene investigations.

(2) The Department of State Police shall identify any publications or training opportunities that may be available to local law enforcement agencies or law enforcement officers and coroners and medical examiners concerning the handling of death scene investigations.

(b) Law enforcement reports.

(1) Before performing any death scene investigation deemed appropriate under the circumstances, the official with custody of the human remains shall ensure that the coroner or medical examiner of the county in which the deceased was found has been notified.

(2) Any coroner or medical examiner with custody of human remains that are not identified within 24 hours of discovery shall promptly notify the Department of State Police of the location of those remains.

(3) If the coroner or medical examiner with custody of remains cannot determine whether or not the remains found are human, the coroner or medical examiner shall notify the Department of State Police of the existence of possible human remains.

Section 20. Unidentified persons or human remains identification responsibilities.

(a) If the official with custody of human remains is not a coroner or medical examiner, the official shall immediately notify the coroner or medical examiner of the county in which the remains were found. The coroner or medical examiner shall go to the scene and take charge of the remains.

(b) Notwithstanding any other action deemed appropriate for the handling of the human remains, the medical examiner or coroner shall make reasonable attempts to promptly identify human remains. These actions may include but are not limited to obtaining:

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(1) photographs of the human remains (prior to an autopsy);
(2) dental or skeletal X-rays;
(3) photographs of items found with the human remains;
(4) fingerprints from the remains, if possible;
(5) samples of tissue suitable for DNA typing, if possible;
(6) samples of whole bone or hair suitable for DNA typing, or both;
(7) any other information that may support identification efforts.

(c) No medical examiner or coroner or any other person shall dispose of, or engage in actions that will materially affect the unidentified human remains before the medical examiner or coroner obtains:

(1) samples suitable for DNA identification, archiving;
(2) photographs of the unidentified person or human remains; and
(3) all other appropriate steps for identification have been exhausted.

(d) Cremation of unidentified human remains is prohibited.

(e) The medical examiner or coroner or the Department of State Police shall make reasonable efforts to obtain prompt DNA analysis of biological samples if the human remains have not been identified by other means within 30 days.

(f) The medical examiner or coroner or the Department of State Police shall seek support from appropriate State and federal agencies for human remains identification efforts. This support may include, but is not limited to, available mitochondrial or nuclear DNA testing, federal grants for DNA testing, or federal grants for crime laboratory or medical examiner or coroner's office improvement.

(g) The Department of State Police shall promptly enter information in federal and State databases that may aid in the identification of human remains. Information shall be entered into federal databases as follows:

(1) information for the National Crime Information Center shall be entered within 72 hours;
(2) DNA profiles and information shall be entered into the National DNA Index System (NDIS) within 5 business days after the completion of the DNA analysis and procedures necessary for the entry of the DNA profile; and

(3) information sought by the Violent Criminal Apprehension Program database shall be entered as soon as practicable.

(h) If the Department of State Police does not input the data directly into the federal databases, the Department of State Police shall consult with the medical examiner or coroner's office to ensure appropriate training of the data entry personnel and the establishment of a quality assurance protocol for ensuring the ongoing quality of data entered in the federal and State databases.

(i) Nothing in this Act shall be interpreted to preclude any medical examiner or coroner's office, the Department of State Police, or a local law enforcement agency from pursuing other efforts to identify unidentified human remains including efforts to publicize information, descriptions, or photographs that may aid in the identification of the unidentified remains, allow family members to identify the missing person, and seek to protect the dignity of the missing person.

Section 95. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-375 as follows:

(20 ILCS 2605/2605-375) (was 20 ILCS 2605/55a in part)

Sec. 2605-375. Missing persons; Law Enforcement Agencies Data System (LEADS).

(a) To establish and maintain a statewide Law Enforcement Agencies Data System (LEADS) for the purpose of providing electronic access by authorized entities to criminal justice data repositories and effecting an immediate law enforcement response to reports of missing persons, including lost, missing or runaway minors and missing endangered seniors. The Department shall implement an automatic data exchange system to compile, to maintain, and to make available to other law enforcement agencies for immediate dissemination data that can assist

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appropriate agencies in recovering missing persons and provide access by authorized entities to various data repositories available through LEADS for criminal justice and related purposes. To assist the Department in this effort, funds may be appropriated from the LEADS Maintenance Fund.

(b) In exercising its duties under this Section, the Department shall provide the following: (1) Provide a uniform reporting format (LEADS) for the entry of pertinent information regarding the report of a missing person into LEADS. The report must include all of the following:

   (1) (A) Relevant information obtained from the notification concerning the missing person, including all of the following:

      (A) (i) a physical description of the missing person;
      (B) (ii) the date, time, and place that the missing person was last seen; and
      (C) (iii) the missing person's address.

   (2) (B) Information gathered by a preliminary investigation, if one was made.

   (3) (C) A statement by the law enforcement officer in charge stating the officer's assessment of the case based on the evidence and information received.

(b-5) The Department of State Police shall: prepare the report required by this paragraph (1) as soon as practical, but not later than 5 hours after the Department receives notification of a missing person.

   (1) (2) Develop and implement a policy whereby a statewide or regional alert would be used in situations relating to the disappearances of individuals, based on criteria and in a format established by the Department. Such a format shall include, but not be limited to, the age of the missing person and the suspected circumstance of the disappearance.

   (2) (3) Notify all law enforcement agencies that reports of missing persons shall be entered as soon as the minimum level of data specified by the Department is available to the reporting agency and that no waiting period for the entry of the data exists.

   (3) (4) Compile and retain information regarding lost, abducted, missing, or runaway minors in a separate data file, in a
manner that allows that information to be used by law enforcement and other agencies deemed appropriate by the Director, for investigative purposes. The information shall include the disposition of all reported lost, abducted, missing, or runaway minor cases.

(4) Compile and maintain an historic data repository relating to lost, abducted, missing, or runaway minors and other missing persons, including, but not limited to, missing endangered seniors, in order to develop and improve techniques utilized by law enforcement agencies when responding to reports of missing persons.

(5) Create a quality control program regarding confirmation of missing person data, timeliness of entries of missing person reports into LEADS, and performance audits of all entering agencies.

(7) Upon completion of the report required by paragraph (1), the Department of State Police shall immediately forward the contents of the report to all of the following:

(A) all law enforcement agencies that have jurisdiction in the location where the missing person lives and all law enforcement agencies that have jurisdiction in the location where the missing person was last seen;

(B) all law enforcement agencies to which the person who made the notification concerning the missing person requests the report be sent, if the Department determines that the request is reasonable in light of the information received;

(C) all law enforcement agencies that request a copy of the report; and

(D) the National Crime Information Center's Missing Person File, if appropriate.

(8) The Department of State Police shall begin an investigation concerning the missing person not later than 24 hours after receiving notification of a missing person.

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(c) The Illinois Law Enforcement Training Standards Board shall conduct a training program for law enforcement personnel of local governmental agencies in the Missing Persons Identification Act statewide coordinated missing endangered senior alert system established under this Section.

(d) The Department of State Police shall perform the duties prescribed in the Missing Persons Identification Act, subject to appropriation.

(Source: P.A. 94-145, eff. 1-1-06.)

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


PUBLIC ACT 95-0193
(House Bill No. 0226)

AN ACT concerning business.

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

Section 5. The Motor Fuel Sales Act is amended by changing Section 2 as follows:

(815 ILCS 365/2) (from Ch. 121 1/2, par. 1502)

Sec. 2. Assistance at stations with self-service and full-service islands.

(a) Any attendant on duty at a gasoline station or service station offering to the public retail sales of motor fuel at both self-service and full-service islands described in Section 1 shall, upon request, dispense motor fuel for the driver of a car which is parked at a self-service island and displays: (1) (a) registration plates issued to a physically disabled person pursuant to Section 3-616 of the Illinois Vehicle Code; or (2) (b) registration plates issued to a disabled veteran pursuant to Section 3-609 of such Code; or (3) (c) a special decal or device issued pursuant to Section

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11-1301.2 of such Code; and shall only charge such driver prices as offered to the general public for motor fuel dispensed at the self-service island. However, such attendant shall not be required to perform other services which are offered at the full-service island.

(b) Gasoline stations and service stations in this State are subject to the federal Americans with Disabilities Act and must:

1. provide refueling assistance upon the request of an individual with a disability; (A gasoline station or service station is not required to provide such service at any time that it is operating on a remote control basis with a single employee, but is encouraged to do so, if feasible.)

2. let patrons know, through appropriate signs, that customers with disabilities can obtain refueling assistance by either honking or otherwise signaling an employee; and

3. provide the refueling assistance without any charge beyond the self-serve price.

(c) The signage required under paragraph (2) of subsection (b) shall be designated by the station owner and shall be posted in a prominently visible place. The sign shall be clearly visible to customers.

(d) The Secretary of State shall provide to persons with disabilities information regarding the availability of refueling assistance under this Section by the following methods:

1. by posting information about that availability on the Secretary of State's Internet website, along with a link to the Department of Human Services website; and

2. by publishing a brochure containing information about that availability, which shall be made available at all Secretary of State offices throughout the State.

(e) The Department of Human Services shall post on its Internet website information regarding the availability of refueling assistance for persons with disabilities and the addresses and telephone numbers of all gasoline and service stations in Illinois.

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(f) A person commits a Class C misdemeanor if he or she telephones a gasoline station or service station to request refueling assistance and he or she:

(1) is not actually physically present at the gasoline or service station; or

(2) is physically present at the gasoline or service station but does not actually require refueling assistance.

(g) The Department of Transportation shall work in cooperation with appropriate representatives of gasoline and service station trade associations and the petroleum industry to increase the signage at gasoline and service stations on interstate highways in this State with regard to the availability of refueling assistance for persons with disabilities.

(Source: P.A. 84-877.)

(815 ILCS 365/1 rep.)

Section 10. The Motor Fuel Sales Act is amended by repealing Section 1.

Effective January 1, 2008.
provide and establish, support and maintain a detention home for the care and custody of delinquent minors and a shelter care home for the temporary care of minors who are delinquent, dependent, neglected, addicted, abused or require authoritative intervention. They may levy and collect a tax to pay the cost of its establishment and maintenance in accordance with the terms and provisions of this Act. In counties with 300,000 or less inhabitants, the powers enumerated in this Act shall not be exercised unless this Act is adopted by the legal voters of the county as provided in this Act. In counties with over 300,000 but less than 1,000,000 inhabitants the county board by majority vote may establish county shelter care and detention homes without adoption of this Act by the legal voters and without referendum.

(b) In any county, if the board of county commissioners or the county board, as the case may be, determines that a shelter care or detention home presently in use is obsolete, it may continue to operate the shelter care or detention home on a temporary basis and, by majority vote of that board, may rebuild or replace the home at its present location or another.

(c) No county shall be required to discontinue the use of any shelter care or detention home in existence or in use on the effective date of this amendatory Act of 1975 because of the fact that the proposition to establish and maintain the shelter care or detention home has not been submitted to the voters as provided in this Act.

This amendatory Act of 1975 is not a limit on any county which is a home rule unit.

(d) Cook County is not required to discontinue the use of the Cook County Juvenile Temporary Detention Center or of any other shelter care home or detention home in existence or in use on the effective date of this amendatory Act of the 95th General Assembly because of the fact that the proposition to establish and maintain it was not submitted to the voters as provided in this Act.

(Source: P.A. 85-637.)

(55 ILCS 75/3) (from Ch. 23, par. 2683)

Sec. 3. Administrator; necessary personnel; supplies or repairs.

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(a) The administrator and all other necessary personnel of the shelter care home and detention home, shall be appointed by the Chief Judge of the Circuit Court or any Judge of that Circuit designated by the Chief Judge, to serve at the pleasure of the appointing authority. Each shall receive a monthly salary fixed by the county board. Personnel shall also be reimbursed for their actual and necessary expenses incurred in the performance of their duties. The expenses shall be reimbursed at least monthly upon proper certification by the court.

The supplies or repairs necessary to maintain, operate and conduct the shelter care home and the detention home shall be furnished upon the requisition of its administrator to the chairman of a committee as may be designated by the county board, and the bills therefor shall be audited, passed upon and paid as other bills for supplies furnished for county institutions.

(b) Within 180 days after the effective date of this amendatory Act of the 95th General Assembly, the Chief Judge of the Cook County Circuit Court, or any Judge of that Circuit designated by the Chief Judge, shall appoint an administrator to serve as the Superintendent of the Cook County Temporary Juvenile Detention Center. The Chief Judge of the Cook County Circuit Court, or any Judge of that Circuit designated by the Chief Judge shall appoint all other necessary personnel of the Cook County Juvenile Temporary Detention Center and any other shelter care home or detention home in Cook County in accordance with subsections (a) and (d) of this Section. The term of the administrator and any personnel in office upon the effective date of this amendatory Act of the 95th General Assembly shall terminate upon the appointment of his or her successor.

(c) The Chief Judge of the Cook County Circuit Court, or any Judge of that Circuit designated by the Chief Judge, shall have administrative control over the budget of the Cook County Juvenile Temporary Detention Center and any other shelter care home or detention home in Cook County, subject to the approval of the Cook County Board and in accordance with subsections (a) and (d) of this Section.
(d) The supplies or repairs necessary to maintain, operate, and conduct the shelter care home and the detention home shall be furnished upon the requisition of its administrator to the chairman of a committee as may be designated by the county board, however in Cook County the administrator shall submit such requisitions to the County Board and Office of the Purchasing Agent in accordance with the ordinances established by the Cook County Board. Those bills shall be audited, passed upon and paid as other bills for supplies furnished for county institutions.

(Source: P.A. 85-637.)

(55 ILCS 75/9.1) (from Ch. 23, par. 2689.1)

Sec. 9.1. (a) Within 6 months after the effective date of this amendatory Act of 1979, all county detention homes or independent sections thereof established prior to such effective date shall be designated as either shelter care or detention homes or both, provided physical arrangements are created clearly separating the two, in accordance with their basic physical features, programs and functions, by the Department of Juvenile Justice in cooperation with the Chief Judge of the Circuit Court and the county board. Within one year after receiving notification of such designation by the Department of Juvenile Justice, all county shelter care homes and detention homes shall be in compliance with this Act.

(b) Compliance with this amendatory Act of 1979 shall not affect the validity of any prior referendum or the levy or collection of any tax authorized under this Act. All county shelter care homes and detention homes established and in operation on the effective date of this amendatory Act of 1979 may continue to operate, subject to the provisions of this amendatory Act of 1979, without further referendum.

(c) Compliance with this amendatory Act of 1987 shall not affect the validity of any prior referendum or the levy or collection of any tax authorized under this Act. All county shelter care homes and detention homes established and in operation on the effective date of this amendatory Act of 1987 may continue to operate, subject to the provisions of this amendatory Act of 1987, without further referendum.

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(d) Upon the effective date of this amendatory Act of the 95th General Assembly, all county shelter care homes and detention homes in Cook County, including the Cook County Juvenile Temporary Detention Center, established and in operation on or before the effective date of this amendatory Act of the 95th General Assembly must be in compliance with this Act and may continue to operate without further referendum.

(Source: P.A. 94-696, eff. 6-1-06.)

(55 ILCS 75/9.2 new)

Sec. 9.2. Home rule. A county, including a home rule county, may not regulate shelter care homes and detention homes in a manner that is inconsistent with this Act. This Act is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 90. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

Effective January 1, 2008.

PUBLIC ACT 95-0195
(House Bill No. 0282)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Property Tax Code is amended by changing Sections 21-355, 22-15 and 22-20 as follows:

(35 ILCS 200/21-355)

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Sec. 21-355. Amount of redemption. Any person desiring to redeem shall deposit an amount specified in this Section with the county clerk of the county in which the property is situated, in legal money of the United States, or by cashier's check, certified check, post office money order or money order issued by a financial institution insured by an agency or instrumentality of the United States, payable to the county clerk of the proper county. The deposit shall be deemed timely only if actually received in person at the county clerk's office prior to the close of business as defined in Section 3-2007 of the Counties Code on or before the expiration of the period of redemption or by United States mail with a post office cancellation mark dated not less than one day prior to the expiration of the period of redemption. The deposit shall be in an amount equal to the total of the following:

(a) the certificate amount, which shall include all tax principal, special assessments, interest and penalties paid by the tax purchaser together with costs and fees of sale and fees paid under Sections 21-295 and 21-315 through 21-335;

(b) the accrued penalty, computed through the date of redemption as a percentage of the certificate amount, as follows:

   (1) if the redemption occurs on or before the expiration of 6 months from the date of sale, the certificate amount times the penalty bid at sale;

   (2) if the redemption occurs after 6 months from the date of sale, and on or before the expiration of 12 months from the date of sale, the certificate amount times 2 times the penalty bid at sale;

   (3) if the redemption occurs after 12 months from the date of sale and on or before the expiration of 18 months from the date of sale, the certificate amount times 3 times the penalty bid at sale;

   (4) if the redemption occurs after 18 months from the date of sale and on or before the expiration of 24 months from the date of sale, the certificate amount times 4 times the penalty bid at sale;

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(5) if the redemption occurs after 24 months from the date of sale and on or before the expiration of 30 months from the date of sale, the certificate amount times 5 times the penalty bid at sale;

(6) if the redemption occurs after 30 months from the date of sale and on or before the expiration of 36 months from the date of sale, the certificate amount times 6 times the penalty bid at sale.

In the event that the property to be redeemed has been purchased under Section 21-405, the penalty bid shall be 12% per penalty period as set forth in subparagraphs (1) through (6) of this subsection (b). The changes to this subdivision (b)(6) made by this amendatory Act of the 91st General Assembly are not a new enactment, but declaratory of existing law.

(c) The total of all taxes, special assessments, accrued interest on those taxes and special assessments and costs charged in connection with the payment of those taxes or special assessments, which have been paid by the tax certificate holder on or after the date those taxes or special assessments became delinquent together with 12% penalty on each amount so paid for each year or portion thereof intervening between the date of that payment and the date of redemption. In counties with less than 3,000,000 inhabitants, however, a tax certificate holder may not pay all or part of an installment of a subsequent tax or special assessment for any year, nor shall any tender of such a payment be accepted, until after the second or final installment of the subsequent tax or special assessment has become delinquent or until after the holder of the certificate of purchase has filed a petition for a tax deed under Section 22.30. The person redeeming shall also pay the amount of interest charged on the subsequent tax or special assessment and paid as a penalty by the tax certificate holder. This amendatory Act of 1995 applies to tax years beginning with the 1995 taxes, payable in 1996, and thereafter.

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(d) Any amount paid to redeem a forfeiture occurring subsequent to the tax sale together with 12% penalty thereon for each year or portion thereof intervening between the date of the forfeiture redemption and the date of redemption from the sale.

(e) Any amount paid by the certificate holder for redemption of a subsequently occurring tax sale.

(f) All fees paid to the county clerk under Section 22-5.

(g) All fees paid to the registrar of titles incident to registering the tax certificate in compliance with the Registered Titles (Torrens) Act.

(h) All fees paid to the circuit clerk and the sheriff, a licensed or registered private detective, or the coroner in connection with the filing of the petition for tax deed and service of notices under Sections 22-15 through 22-30 and 22-40 in addition to (1) a fee of $35 if a petition for tax deed has been filed, which fee shall be posted to the tax judgement, sale, redemption, and forfeiture record, to be paid to the purchaser or his or her assignee; (2) a fee of $4 if a notice under Section 22-5 has been filed, which fee shall be posted to the tax judgment, sale, redemption, and forfeiture record, to be paid to the purchaser or his or her assignee; and (3) all costs paid to record a lis pendens notice in connection with filing a petition under this Code. The fees in (1) and (2) of this paragraph (h) shall be exempt from the posting requirements of Section 21-360. The costs incurred in causing notices to be served by a licensed or registered private detective under Section 22-15, may not exceed the amount that the sheriff would be authorized by law to charge if those notices had been served by the sheriff.

(i) All fees paid for publication of notice of the tax sale in accordance with Section 22-20.

(j) All sums paid to any city, village or incorporated town for reimbursement under Section 22-35.

(k) All costs and expenses of receivership under Section 21-410, to the extent that these costs and expenses exceed any

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income from the property in question, if the costs and expenditures have been approved by the court appointing the receiver and a certified copy of the order or approval is filed and posted by the certificate holder with the county clerk. Only actual costs expended may be posted on the tax judgment, sale, redemption and forfeiture record.

(Source: P.A. 91-924, eff. 1-1-01.)
(35 ILCS 200/22-15)

Sec. 22-15. Service of notice. The purchaser or his or her assignee shall give the notice required by Section 22-10 by causing it to be published in a newspaper as set forth in Section 22-20. In addition, the notice shall be served by a sheriff (or if he or she is disqualified, by a coroner) of the county in which the property, or any part thereof, is located or, except in Cook County, by a person who is licensed or registered as a private detective under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 upon owners who reside on any part of the property sold by leaving a copy of the notice with those owners personally.

In counties of 3,000,000 or more inhabitants where a taxing district is a petitioner for tax deed pursuant to Section 21-90, in lieu of service by the sheriff or coroner the notice may be served by a special process server appointed by the circuit court as provided in this Section. The taxing district may move prior to filing one or more petitions for tax deed for appointment of such a special process server. The court, upon being satisfied that the person named in the motion is at least 18 years of age and is capable of serving notice as required under this Code, shall enter an order appointing such person as a special process server for a period of one year. The appointment may be renewed for successive periods of one year each by motion and order, and a copy of the original and any subsequent order shall be filed in each tax deed case in which a notice is served by the appointed person. Delivery of the notice to and service of the notice by the special process server shall have the same force and effect as its delivery to and service by the sheriff or coroner.
The same form of notice shall also be served upon all other owners and parties interested in the property, if upon diligent inquiry they can be found in the county, and upon the occupants of the property in the following manner:

(a) as to individuals, by (1) leaving a copy of the notice with the person personally or (2) by leaving a copy at his or her usual place of residence with a person of the family, of the age of 13 years or more, and informing that person of its contents. The person making the service shall cause a copy of the notice to be sent by registered or certified mail, return receipt requested, to that party at his or her usual place of residence;

(b) as to public and private corporations, municipal, governmental and quasi-municipal corporations, partnerships, receivers and trustees of corporations, by leaving a copy of the notice with the person designated by the Civil Practice Law.

If the property sold has more than 4 dwellings or other rental units, and has a managing agent or party who collects rents, that person shall be deemed the occupant and shall be served with notice instead of the occupants of the individual units. If the property has no dwellings or rental units, but economic or recreational activities are carried on therein, the person directing such activities shall be deemed the occupant. Holders of rights of entry and possibilities of reverter shall not be deemed parties interested in the property.

When a party interested in the property is a trustee, notice served upon the trustee shall be deemed to have been served upon any beneficiary or note holder thereunder unless the holder of the note is disclosed of record.

When a judgment is a lien upon the property sold, the holder of the lien shall be served with notice if the name of the judgment debtor as shown in the transcript, certified copy or memorandum of judgment filed of record is identical, as to given name and surname, with the name of the party interested as it appears of record.

If any owner or party interested, upon diligent inquiry and effort, cannot be found or served with notice in the county as provided in this

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Section, and the person in actual occupancy and possession is tenant to, or in possession under the owners or the parties interested in the property, then service of notice upon the tenant, occupant or person in possession shall be deemed service upon the owners or parties interested.

If any owner or party interested, upon diligent inquiry and effort cannot be found or served with notice in the county, then the person making the service shall cause a copy of the notice to be sent by registered or certified mail, return receipt requested, to that party at his or her residence, if ascertainable.

(Source: P.A. 91-209, eff. 1-1-00; 91-554, eff. 8-14-99.)

(35 ILCS 200/22-20)

Sec. 22-20. Proof of service of notice; publication of notice. The sheriff or coroner serving notice under Section 22-15 shall endorse his or her return thereon and file it with the Clerk of the Circuit Court and it shall be a part of the court record. A private detective or a special process server appointed under Section 22-15 shall make his or her return by affidavit and shall file it with the Clerk of the Circuit Court, where it shall be a part of the court record. If a sheriff, private detective, special process server, or coroner to whom any notice is delivered for service, neglects or refuses to make the return, the purchaser or his or her assignee may petition the court to enter a rule requiring the sheriff, private detective, special process server, or coroner to make return of the notice on a day to be fixed by the court, or to show cause on that day why he or she should not be attached for contempt of the court. The purchaser or assignee shall cause a written notice of the rule to be served upon the sheriff, private detective, special process server, or coroner. If good and sufficient cause to excuse the sheriff, private detective, special process server, or coroner is not shown, the court shall adjudge him or her guilty of a contempt, and shall proceed to punish him as in other cases of contempt.

If the property is located in a municipality in a county with less than 3,000,000 inhabitants, the purchaser or his or her assignee shall also publish a notice as to the owner or party interested, in some newspaper published in the municipality. If the property is not in a municipality in a county with less than 3,000,000 inhabitants, or if no newspaper is

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published therein, or if the property is in a county with 3,000,000 or more inhabitants, the notice shall be published in some newspaper in the county. If no newspaper is published in the county, then the notice shall be published in the newspaper that is published nearest the county seat of the county in which the property is located. If the owners and parties interested in the property upon diligent inquiry are unknown to the purchaser or his or her assignee, the publication as to such owner or party interested, may be made to unknown owners or parties interested. Any notice by publication given under this Section shall be given 3 times at any time after filing a petition for tax deed, but not less than 3 months nor more than 5 months prior to the expiration of the period of redemption. The publication shall contain (a) notice of the filing of the petition for tax deed, (b) the date on which the petitioner intends to make application for an order on the petition that a tax deed issue, (c) a description of the property, (d) the date upon which the property was sold, (e) the taxes or special assessments for which it was sold and (f) the date on which the period of redemption will expire. The publication shall not include more than one property listed and sold in one description, except as provided in Section 21-90, and except that when more than one property is owned by one person, all of the parcels owned by that person may be included in one notice.

(Source: P.A. 91-209, eff. 1-1-00; 91-554, eff. 8-14-99.)
Effective January 1, 2008.

PUBLIC ACT 95-0196
(House Bill No. 0297)

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

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Section 5. The Wildlife Code is amended by changing Sections 2.30, 2.33, 2.36, 3.5, 3.25, 3.33, and 3.35 and by adding Sections 1.2y, 1.2z, and 3.26 as follows:

(520 ILCS 5/1.2y new)
Sec. 1.2y. "Hound running" means pursuing any fox, coyote, raccoon, or rabbit with a hound.

(520 ILCS 5/1.2z new)
Sec. 1.2z. "Authorized species" means any fox, coyote, raccoon, or rabbit associated with a hound running area.

(520 ILCS 5/2.30) (from Ch. 61, par. 2.30)
Sec. 2.30. It shall be unlawful for any person to trap or to hunt with gun, dog, dog and gun, or bow and arrow, gray fox, red fox, raccoon, weasel, mink, muskrat, badger, and opossum except during the open season which will be set annually by the Director between 12:01 a.m., November 1 to 12:00 midnight, February 15, both inclusive.

It is unlawful for any person to take bobcat or river otter in this State at any time.

It is unlawful to pursue any fur-bearing mammal with a dog or dogs between the hours of sunset and sunrise during the 10 day period preceding the opening date of the raccoon hunting season and the 10 day period following the closing date of the raccoon hunting season except that the Department may issue field trial permits in accordance with Section 2.34 of this Act. A non-resident from a state with more restrictive fur-bearing pursuit regulations for any particular species than provided for that species in this Act may not pursue that species in Illinois except during the period of time that Illinois residents are allowed to pursue that species in the non-resident's state of residence. Hound running areas fenced hound training enclosures approved by the Department shall be exempt from the provisions of this Section.

It shall be unlawful to take beaver, weasel, mink or muskrat except during the open season set annually by the Director, and then, only with traps.

New matter indicated by italics - deletions by strikeout
It shall be unlawful for any person to trap beaver with traps except during the open season which will be set annually by the Director between 12:01 a.m., November 1st and 12:00 midnight, March 31.

Coyote may be taken by trapping methods only during the period from September 1 to March 1, both inclusive, and by hunting methods at any time.

Striped skunk may be taken by trapping methods only during the period from September 1 to March 1, both inclusive, and by hunting methods at any time.

For the purpose of taking fur-bearing mammals, the State may be divided into management zones by administrative rule.

The provisions of this Section are subject to modification by administrative rule.

(Source: P.A. 89-341, eff. 8-17-95.)

(520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

Sec. 2.33. Prohibitions.

(a) It is unlawful to carry or possess any gun in any State refuge unless otherwise permitted by administrative rule.

(b) It is unlawful to use or possess any snare or snare-like device, deadfall, net, or pit trap to take any species, except that snares not powered by springs or other mechanical devices may be used to trap fur-bearing mammals, in water sets only, if at least one-half of the snare noose is located underwater at all times.

(c) It is unlawful for any person at any time to take a wild mammal protected by this Act from its den by means of any mechanical device, spade, or digging device or to use smoke or other gases to dislodge or remove such mammal except as provided in Section 2.37.

(d) It is unlawful to use a ferret or any other small mammal which is used in the same or similar manner for which ferrets are used for the purpose of frightening or driving any mammals from their dens or hiding places.

(e) (Blank).

(f) It is unlawful to use spears, gigs, hooks or any like device to take any species protected by this Act.

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(g) It is unlawful to use poisons, chemicals or explosives for the purpose of taking any species protected by this Act.

(h) It is unlawful to hunt adjacent to or near any peat, grass, brush or other inflammable substance when it is burning.

(i) It is unlawful to take, pursue or intentionally harass or disturb in any manner any wild birds or mammals by use or aid of any vehicle or conveyance, except as permitted by the Code of Federal Regulations for the taking of waterfowl. It is also unlawful to use the lights of any vehicle or conveyance or any light from or any light connected to the vehicle or conveyance in any area where wildlife may be found except in accordance with Section 2.37 of this Act; however, nothing in this Section shall prohibit the normal use of headlamps for the purpose of driving upon a roadway. Striped skunk, opossum, red fox, gray fox, raccoon and coyote may be taken during the open season by use of a small light which is worn on the body or hand-held by a person on foot and not in any vehicle.

(j) It is unlawful to use any shotgun larger than 10 gauge while taking or attempting to take any of the species protected by this Act.

(k) It is unlawful to use or possess in the field any shotgun shell loaded with a shot size larger than lead BB or steel T (.20 diameter) when taking or attempting to take any species of wild game mammals (excluding white-tailed deer), wild game birds, migratory waterfowl or migratory game birds protected by this Act, except white-tailed deer as provided for in Section 2.26 and other species as provided for by subsection (l) or administrative rule.

(l) It is unlawful to take any species of wild game, except white-tailed deer, with a shotgun loaded with slugs unless otherwise provided for by administrative rule.

(m) It is unlawful to use any shotgun capable of holding more than 3 shells in the magazine or chamber combined, except on game breeding and hunting preserve areas licensed under Section 3.27 and except as permitted by the Code of Federal Regulations for the taking of waterfowl. If the shotgun is capable of holding more than 3 shells, it shall, while being used on an area other than a game breeding and shooting preserve area licensed pursuant to Section 3.27, be fitted with a one piece plug that

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is irremovable without dismantling the shotgun or otherwise altered to render it incapable of holding more than 3 shells in the magazine and chamber, combined.

(n) It is unlawful for any person, except persons who possess a permit to hunt from a vehicle as provided in this Section and persons otherwise permitted by law, to have or carry any gun in or on any vehicle, conveyance or aircraft, unless such gun is unloaded and enclosed in a case, except that at field trials authorized by Section 2.34 of this Act, unloaded guns or guns loaded with blank cartridges only, may be carried on horseback while not contained in a case, or to have or carry any bow or arrow device in or on any vehicle unless such bow or arrow device is unstrung or enclosed in a case, or otherwise made inoperable.

(o) It is unlawful to use any crossbow for the purpose of taking any wild birds or mammals, except as provided for in Section 2.33.

(p) It is unlawful to take game birds, migratory game birds or migratory waterfowl with a rifle, pistol, revolver or airgun.

(q) It is unlawful to fire a rifle, pistol, revolver or airgun on, over or into any waters of this State, including frozen waters.

(r) It is unlawful to discharge any gun or bow and arrow device along, upon, across, or from any public right-of-way or highway in this State.

(s) It is unlawful to use a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun.

(t) It is unlawful for any person to trap or hunt, or intentionally or wantonly allow a dog to hunt, within or upon the land of another, or upon waters flowing over or standing on the land of another, without first obtaining permission from the owner or tenant. It shall be prima facie evidence that a person does not have permission of the owner or tenant if the person is unable to demonstrate to the law enforcement officer in the field that permission had been obtained. This provision may only be rebutted by testimony of the owner or tenant that permission had been given. Before enforcing this Section the law enforcement officer must have received notice from the owner or tenant of a violation of this Section. Statements made to the law enforcement officer regarding this

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notice shall not be rendered inadmissible by the hearsay rule when offered for the purpose of showing the required notice.

(u) It is unlawful for any person to discharge any firearm for the purpose of taking any of the species protected by this Act, or hunt with gun or dog, or intentionally or wantonly allow a dog to hunt, within 300 yards of an inhabited dwelling without first obtaining permission from the owner or tenant, except that while trapping, hunting with bow and arrow, hunting with dog and shotgun using shot shells only, or hunting with shotgun using shot shells only, or on licensed game breeding and hunting preserve areas, as defined in Section 3.27, on property operated under a Migratory Waterfowl Hunting Area Permit, on federally owned and managed lands and on Department owned, managed, leased or controlled lands, a 100 yard restriction shall apply.

(v) It is unlawful for any person to remove fur-bearing mammals from, or to move or disturb in any manner, the traps owned by another person without written authorization of the owner to do so.

(w) It is unlawful for any owner of a dog to knowingly or wantonly allow his or her dog to pursue, harass or kill deer, except that nothing in this Section shall prohibit the tracking of wounded deer with a dog in accordance with the provisions of Section 2.26 of this Code.

(x) It is unlawful for any person to wantonly or carelessly injure or destroy, in any manner whatsoever, any real or personal property on the land of another while engaged in hunting or trapping thereon.

(y) It is unlawful to hunt wild game protected by this Act between one half hour after sunset and one half hour before sunrise, except that hunting hours between one half hour after sunset and one half hour before sunrise may be established by administrative rule for fur-bearing mammals.

(z) It is unlawful to take any game bird (excluding wild turkeys and crippled pheasants not capable of normal flight and otherwise irretrievable) protected by this Act when not flying. Nothing in this Section shall prohibit a person from carrying an uncased, unloaded shotgun in a boat, while in pursuit of a crippled migratory waterfowl that is incapable of normal flight, for the purpose of attempting to reduce the
migratory waterfowl to possession, provided that the attempt is made immediately upon downing the migratory waterfowl and is done within 400 yards of the blind from which the migratory waterfowl was downed. This exception shall apply only to migratory game birds that are not capable of normal flight. Migratory waterfowl that are crippled may be taken only with a shotgun as regulated by subsection (j) of this Section using shotgun shells as regulated in subsection (k) of this Section.

(aa) It is unlawful to use or possess any device that may be used for tree climbing or cutting, while hunting fur-bearing mammals.

(bb) It is unlawful for any person, except licensed game breeders, pursuant to Section 2.29 to import, carry into, or possess alive in this State any species of wildlife taken outside of this State, without obtaining permission to do so from the Director.

(cc) It is unlawful for any person to have in his or her possession any freshly killed species protected by this Act during the season closed for taking.

(dd) It is unlawful to take any species protected by this Act and retain it alive except as provided by administrative rule.

(ee) It is unlawful to possess any rifle while in the field during gun deer season except as provided in Section 2.26 and administrative rules.

(ff) It is unlawful for any person to take any species protected by this Act, except migratory waterfowl, during the gun deer hunting season in those counties open to gun deer hunting, unless he or she wears, when in the field, a cap and upper outer garment of a solid blaze orange color, with such articles of clothing displaying a minimum of 400 square inches of blaze orange material.

(gg) It is unlawful during the upland game season for any person to take upland game with a firearm unless he or she wears, while in the field, a cap of solid blaze orange color. For purposes of this Act, upland game is defined as Bobwhite Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern Cottontail and Swamp Rabbit.

(hh) It shall be unlawful to kill or cripple any species protected by this Act for which there is a daily bag limit without making a reasonable effort to retrieve such species and include such in the daily bag limit.

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(ii) This Section shall apply only to those species protected by this Act taken within the State. Any species or any parts thereof, legally taken in and transported from other states or countries, may be possessed within the State, except as provided in this Section and Sections 2.35, 2.36 and 3.21.

(jj) Nothing contained in this Section shall prohibit the use of bow and arrow, or prevent the Director from issuing permits to use a crossbow to handicapped persons as provided by administrative rule. As used herein, "handicapped persons" means those persons who have a permanent physical impairment due to injury or disease, congenital or acquired, which renders them so severely disabled as to be unable to use a conventional bow and arrow device. Permits will be issued only after the receipt of a physician's statement confirming the applicant is handicapped as defined above.

(kk) Nothing contained in this Section shall prohibit the Director from issuing permits to paraplegics or to other disabled persons who meet the requirements set forth in administrative rule to shoot or hunt from a vehicle as provided by that rule, provided that such is otherwise in accord with this Act.

(ll) Nothing contained in this Act shall prohibit the taking of aquatic life protected by the Fish and Aquatic Life Code or birds and mammals protected by this Act, except deer and fur-bearing mammals, from a boat not camouflaged or disguised to alter its identity or to further provide a place of concealment and not propelled by sail or mechanical power. However, only shotguns not larger than 10 gauge nor smaller than .410 bore loaded with not more than 3 shells of a shot size no larger than lead BB or steel T (.20 diameter) may be used to take species protected by this Act.

(mm) Nothing contained in this Act shall prohibit the use of a shotgun, not larger than 10 gauge nor smaller than a 20 gauge, with a rifled barrel.

(Source: P.A. 93-807, eff. 7-24-04; 94-764, eff. 1-1-07.)

(520 ILCS 5/2.36) (from Ch. 61, par. 2.36)
Sec. 2.36. It shall be unlawful to buy, sell or barter, or offer to buy, sell or barter, and for a commercial institution, other than a regularly operated refrigerated storage establishment, to have in its possession any of the wild birds, or any part thereof (and their eggs), or wild mammals or any parts thereof, protected by this Act unless done as hereinafter provided:

Game birds or any parts thereof (and their eggs), may be held, possessed, raised and sold, or otherwise dealt with, as provided in Section 3.23 of this Act or when legally produced under similar special permit in another state or country and legally transported into the State of Illinois; provided that such imported game birds or any parts thereof, shall be marked with permanent irremovable tags, or similar devices, to establish and retain their origin and identity;

Rabbits may be legally taken and possessed as provided in Sections 3.23, and 3.24, and 3.26 of this Act;

Deer, or any parts thereof, may be held, possessed, sold or otherwise dealt with as provided in this Section and Sections 3.23 and 3.24 of this Act;

Fur-bearing mammals, or any parts thereof, may be held, possessed, sold or otherwise dealt with as provided in Sections 3.16, and 3.24, and 3.26 of this Act or when legally taken and possessed in Illinois or legally taken and possessed in and transported from other states or countries;

The inedible parts of game mammals may be held, possessed, sold or otherwise dealt with when legally taken, in Illinois or legally taken and possessed in and transported from other states or countries.

Failure to establish proof of the legality of possession in another state or country and importation into the State of Illinois, shall be prima facie evidence that such game birds or any parts thereof, and their eggs, game mammals and fur-bearing mammals, or any parts thereof, were taken within the State of Illinois.

(Source: P.A. 82-434.)

(520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

Sec. 3.5. Penalties; probation.

New matter indicated by italics - deletions by strikeout
(a) Any person who violates any of the provisions of Section 2.36a, including administrative rules, shall be guilty of a Class 3 felony, except as otherwise provided in subsection (b) of this Section and subsection (a) of Section 2.36a.

(b) Whenever any person who has not previously been convicted of, or placed on probation or court supervision for, any offense under Section 1.22, 2.36, or 2.36a or subsection (i) or (cc) of Section 2.33, the court may, without entering a judgment and with the person's consent, sentence the person to probation for a violation of Section 2.36a.

(1) When a person is placed on probation, the court shall enter an order specifying a period of probation of 24 months and shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of probation.

(2) The conditions of probation shall be that the person:

(A) Not violate any criminal statute of any jurisdiction.

(B) Perform no less than 30 hours of community service, provided community service is available in the jurisdiction and is funded and approved by the county board.

(3) The court may, in addition to other conditions:

(A) Require that the person make a report to and appear in person before or participate with the court or courts, person, or social service agency as directed by the court in the order of probation.

(B) Require that the person pay a fine and costs.

(C) Require that the person refrain from possessing a firearm or other dangerous weapon.

(D) Prohibit the person from associating with any person who is actively engaged in any of the activities regulated by the permits issued or privileges granted by the Department of Natural Resources.

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(4) Upon violation of a term or condition of probation, the court may enter a judgment on its original finding of guilt and proceed as otherwise provided.

(5) Upon fulfillment of the terms and conditions of probation, the court shall discharge the person and dismiss the proceedings against the person.

(6) A disposition of probation is considered to be a conviction for the purposes of imposing the conditions of probation, for appeal, and for administrative revocation and suspension of licenses and privileges; however, discharge and dismissal under this Section is not a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime.

(7) Discharge and dismissal under this Section may occur only once with respect to any person.

(8) If a person is convicted of an offense under this Act within 5 years subsequent to a discharge and dismissal under this Section, the discharge and dismissal under this Section shall be admissible in the sentencing proceeding for that conviction as a factor in aggravation.

(9) The Circuit Clerk shall notify the Department of State Police of all persons convicted of or placed under probation for violations of Section 2.36a.

(c) Any person who violates any of the provisions of Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30, 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y), and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 - 3.16, 3.19 - 3.21 (except subsections (b), (c), (d), (e), (f), (f.5), (g), (h), and (i)), and 3.24, 3.25, and 3.26 (except subsection (f)) 3.24-3.26, including administrative rules, shall be guilty of a Class B misdemeanor.

Any person who violates any of the provisions of Sections 1.22, 2.4, 2.36 and 2.38, including administrative rules, shall be guilty of a Class A misdemeanor. Any second or subsequent violations of Sections 2.4 and 2.36 shall be a Class 4 felony.
Any person who violates any of the provisions of this Act, including administrative rules, during such period when his license, privileges, or permit is revoked or denied by virtue of Section 3.36, shall be guilty of a Class A misdemeanor.

Any person who violates subsection (g), (i), (o), (p), (y), or (cc) of Section 2.33 shall be guilty of a Class A misdemeanor and subject to a fine of no less than $500 and no more than $5,000 in addition to other statutory penalties.

Any person who violates any other of the provisions of this Act including administrative rules, unless otherwise stated, shall be guilty of a petty offense. Offenses committed by minors under the direct control or with the consent of a parent or guardian may subject the parent or guardian to the penalties prescribed in this Section.

In addition to any fines imposed pursuant to the provisions of this Section or as otherwise provided in this Act, any person found guilty of unlawfully taking or possessing any species protected by this Act, shall be assessed a civil penalty for such species in accordance with the values prescribed in Section 2.36a of this Act. This civil penalty shall be imposed by the Circuit Court for the county within which the offense was committed at the time of the conviction. All penalties provided for in this Section shall be remitted to the Department in accordance with the same provisions provided for in Section 1.18 of this Act.

(Source: P.A. 94-222, eff. 7-14-05.)

(520 ILCS 5/3.25) (from Ch. 61, par. 3.25)

Sec. 3.25. Any individual who, within the State of Illinois, holds, possesses or engages in the breeding or raising of live fur-bearing mammals, protected by this Act, except as provided in Sections 1.6 or 1.7, shall be a fur-bearing mammal breeder in the meaning of this Act. Before any individual shall hold, possess or engage in the breeding or raising of live fur-bearing mammals, he shall first procure a fur-bearing mammal breeder permit. Fur-bearing mammal breeder permits shall be issued by the Department. The annual fee for each fur-bearing mammal breeder permit shall be $25. All fur-bearing mammal breeder permits shall expire on March 31 of each year.

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Holders of fur-bearing mammal breeder permits may hold, possess, engage in the breeding or raising, sell, or otherwise dispose of live fur-bearing mammals or their green hides, possessed thereunder, at any time of the year.

Fur-bearing mammal breeders shall keep a record for 2 years from the date of the acquisition, sale or other disposition of each live fur-bearing mammal or its green hide so raised or propagated, showing the date of such transaction, the name and address of the individual receiving or buying such live fur-bearing mammal or its green hide, and when requested to do so, shall furnish such individual with a certificate of purchase showing the number and kinds of live fur-bearing mammals or green hides so disposed of, the date of the transaction, the name and permit number of the breeder, and the name of the individual receiving, collecting, or buying such live fur-bearing mammals or green hides, and such other information as the Department may require. Such records and certificates of purchase shall be immediately presented to officers or authorized employees of the Department, any sheriff, deputy sheriff, or other peace officer when request is made for same. Failure to produce such records or certificates of purchase shall be prima facie evidence that such live fur-bearing mammals or green hides are contraband with the State of Illinois. The holder of a fur-bearing mammal breeder permit may exhibit fur-bearing mammals commercially.

Nothing in this Section shall be construed to give any such permittee authority to take fur-bearing mammals in their wild state contrary to other provisions of this Act, or to remove such permittee from responsibility for the observance of any Federal Laws, rules or regulations which may apply to such fur-bearing mammals.

Holders of fur-bearing mammal breeder permits may import fur-bearing mammals into the State of Illinois but may release the same only after health and disease prevention requirements set forth by the Director and other State agencies have been met and permission of the Director has been granted.

The breeding, raising and producing in captivity, and the marketing, by the producer, of mink (Mustela vison), red fox (Vulpes

New matter indicated by italics - deletions by strikeout
vulpes) or arctic fox (Alopex lagopus), as live animals, or as animal pelts or carcasses shall be deemed an agricultural pursuit, and all such animals so raised in captivity shall be deemed domestic animals, subject to all the laws of the State with reference to possession and ownership as are applicable at any time to domestic animals. All individuals engaged in the foregoing activities are fur farmers and engaged in farming for all statutory purposes. Such individuals are exempt from the fur-bearing mammal breeder permit requirements set forth in this Section if: (1) they are defined as farmers for Federal income tax purposes, and (2) at least 20 percent of their gross farm income as reported on Federal tax form Schedule F (Form 1040) for the previous year is generated from the sale of mink, red fox or arctic fox as live animals, animal pelts or carcasses.

No fur-bearing mammal breeder permits will be issued to hold, possess, or engage in the breeding and raising of striped skunks acquired after July 1, 1975, or coyotes acquired after July 1, 1978, except for coyotes that are held or possessed by a person who holds a hound running area permit under Section 3.26 of this Act.
(Source: P.A. 86-920.)

(520 ILCS 5/3.26 new)
Sec. 3.26. Hound running area permits; requirements.
(a) Any person owning, holding, or controlling by lease, for a term of at least 5 years, any contiguous tract of land having an area prescribed by administrative rule who desires to establish a hound running area to pursue authorized species with hounds in a way that is not designed to capture or kill the authorized species, shall apply to the Department for a hound running area permit under this Section. The application shall be made under oath of the applicant or under oath of one of the applicant's principal officers if the applicant is an association, club, or corporation. The annual fee for each hound running area permit is $250. All hound running area permits expire on March 31 of each year.

Every applicant under this Section must also hold a fur-bearing mammal breeder permit or a Class B commercial game breeder permit, as appropriate.

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Upon receipt of an application, the Department is authorized to inspect the area proposed to be a hound running area as described in the application, the general premises, the facilities where the authorized species are to be maintained or propagated, and the habitat for the authorized species. As part of the application and inspection process, the Department shall assess the ability of the applicant to operate a property as a hound running area. If the Department finds that (i) the area meets the requirements of all applicable laws and rules, (ii) the authorized species are healthy and disease free, and (iii) the issuing of the permit will otherwise be in the public interest, then the Department shall approve the application and issue the permit for the operation of the property described in the application.

(b) Hound running areas shall be operated in a manner consistent with the following:

(1) Authorized species may be pursued with dogs in a hound running area, but not in a manner or with the intent to capture or kill. The Department shall promulgate rules that establish appropriate and prohibited activities for hound running areas.

(2) Every hound running area shall have dog-proof escape areas. "Dog-proof escape area" means a culvert, brush pile, fenced refuge, or other structure suitable for use by authorized species to safely escape from dogs present on the hound running area. The number, type, and spacing of dog-proof escape areas shall be prescribed by administrative rule.

(3) Every permit holder shall promptly post on the hound running area, at intervals of not more than 500 feet, signs prescribed by the Department by administrative rule. The boundaries of the hound running area shall also be clearly defined by fencing and signs under administrative rules promulgated by the Department. The area, signs, fencing, dog-proof escape areas, and facilities to maintain the authorized species are subject to inspection by the Department at any reasonable time.

New matter indicated by italics - deletions by strikeout
(4) A permit holder may maintain authorized species in temporary confinement facilities on the hound running area or at another location inspected by the Department and specified on the permit. Authorized species held by a permit holder may only be released into a hound running area, except that authorized species held by a permit holder may be released into the wild, exported, or given to a person that does not hold a hound running area permit or a fur-bearing mammal breeder permit or a Class B Commercial game breeders permit as appropriate, after written authorization is obtained from the Director. Prior to being released into a hound running area, all newly acquired authorized species shall be provided at least 7 days to acclimate to the hound running area in which the animal will be pursued. Authorized species held under a permit are subject to inspection by an agent of the Department and this inspection may include removal of reasonable samples for examination.

(5) Any person who releases or handles dogs on a hound running area is subject to the hunting license and habitat stamp requirements of this Act.

(6) The permit holder shall keep accurate permanent records on forms prescribed by the Department. The permanent records shall include, for each supplier of authorized species: (i) the supplier’s full name, address, and telephone numbers; (ii) the number, sex, and identifier designation of each animal purchased, donated, sold, traded, or given to the permit holder by that supplier; and (iii) the date of the event or transaction. The permanent records shall also include the identification of all authorized species, while under the control of the permit holder on the area or elsewhere, by identifier designation and sex, along with information for each animal of the authorized species that gave birth, was born, died, or was disposed of in some other manner or that was sold, traded, donated, or conveyed in some other manner, and the dates on which those events occurred.
(7) Every permit holder shall attach an individually marked identifier provided by the Department to each animal of the authorized species maintained by the permit holder. The permit holder shall pay a fee for each identifier as established by the Department by administrative rule. The permit holder shall record the identifier for each animal maintained on the area or elsewhere or released into the area.

(8) Any person using the hound running area shall at all times respect the property rights of the property owners and the owners of adjacent properties, and shall not injure or destroy any livestock or property of any of those property owners. Springs and streams shall not be contaminated or polluted in any manner by persons using the hound running area. The natural use of springs and streams by dogs using the area shall not constitute contamination or pollution. Unless the express permission of the property owner has been given, no person using a hound running area may (i) mutilate or cut trees or shrubs on the hound running area or (ii) pick berries, fruits, or nuts present on the hound running area.

(c) Except as otherwise provided by administrative rule, it is unlawful for any person to enter a hound running area at any time with a firearm, bow and arrow, or trap.

(d) A hound running area permit is not transferable from one person to another. When a permit holder sells or leases the property that comprises or includes a hound running area and the purchaser or lessee intends to continue to use the hound running area under this Section, the purchaser or lessee must apply for a permit as provided in subsection (a) of this Section.

(e) All authorized species must be legally acquired.

(f) A person breeding or otherwise maintaining authorized species in conjunction with a hound running area must have the authorized species annually inspected and certified by a licensed Illinois veterinarian to be disease free. Anyone violating this subsection (f) is guilty of a business offense and shall be fined an amount not exceeding $5,000.

New matter indicated by italics - deletions by strikeout
(g) The provisions of this Section are subject to modification by administrative rule.

(520 ILCS 5/3.33) (from Ch. 61, par. 3.33)
Sec. 3.33. The Department may either refuse to issue or refuse to renew or may suspend or may revoke any game breeding and hunting preserve area license or hound running area permit if the Department finds that such licensed area or the operator thereof is not complying or does not comply with the provisions of Section 3.35 of this Act, or that such property, or area is operated in violation of other provisions of this Act, or in an unlawful or illegal manner; however, the Department shall not refuse to issue, refuse to renew nor suspend or revoke any license for any of these causes, unless the licensee affected has been given at least 15 days notice, in writing, of the reasons for the action of the Department and an opportunity to appear before the Department or a representative thereof in opposition to the action of the Department. Upon the hearing of any such proceeding, the person designated by the Department to conduct the hearing may administer oaths and the Department may procure, by its subpoena, the attendance of witnesses and the production of relevant books and papers. The Circuit Court upon application either of the licensee affected, or of the Department, may, on order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department or its representative in any such hearing. Upon refusal or neglect to obey its order, the Court may compel obedience by proceedings for contempt of court.
(Source: P.A. 84-150.)

(520 ILCS 5/3.35) (from Ch. 61, par. 3.35)
Sec. 3.35. Any licensee, or any other person, who willfully and intentionally transfers or permits the transfer of the tags issued to the operator of one licensed game breeding and hunting preserve area to the operator of another licensed game breeding and hunting preserve area, or to any other person, or who affixes such tags to game birds not taken from a licensed game breeding and hunting preserve area or to game birds taken from any area other than the area for which such tags were issued, is guilty of a Class B misdemeanor.
Any hound running area permit holder, or any other person, who intentionally transfers an identifier issued to the permit holder for a hound running area to another permit holder for a hound running area, or to any other person, or who affixes such an identifier to any of the authorized species under Section 3.26 that was not maintained at a hound running area, is guilty of a Class B misdemeanor.

(Source: P.A. 84-150.)

Section 10. The Illinois Dangerous Animals Act is amended by changing Section 1 as follows:

(720 ILCS 585/1) (from Ch. 8, par. 241)

Sec. 1. No person shall have a right of property in, keep, harbor, care for, act as custodian of or maintain in his possession any dangerous animal except at a properly maintained zoological park, federally licensed exhibit, circus, scientific or educational institution, research laboratory, veterinary hospital, hound running area, or animal refuge in an escape-proof enclosure.

(Source: P.A. 84-28.)

Effective January 1, 2008.
county, real estate sold by virtue of judicial proceedings in which the county is plaintiff.

2. To sell and convey or lease any real or personal estate owned by the county.

3. To make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of its corporate powers.

4. To take all necessary measures and institute proceedings to enforce all laws for the prevention of cruelty to animals.

5. To purchase and hold or lease real estate upon which may be erected and maintained buildings to be utilized for purposes of agricultural experiments and to purchase, hold and use personal property for the care and maintenance of such real estate in connection with such experimental purposes.

6. To cause to be erected, or otherwise provided, suitable buildings for, and maintain a county hospital and necessary branch hospitals and/or a county sheltered care home or county nursing home for the care of such sick, chronically ill or infirm persons as may by law be proper charges upon the county, or upon other governmental units, and to provide for the management of the same. The county board may establish rates to be paid by persons seeking care and treatment in such hospital or home in accordance with their financial ability to meet such charges, either personally or through a hospital plan or hospital insurance, and the rates to be paid by governmental units, including the State, for the care of sick, chronically ill or infirm persons admitted therein upon the request of such governmental units. Any hospital maintained by a county under this Section is authorized to provide any service and enter into any contract or other arrangement not prohibited for a hospital that is licensed under the Hospital Licensing Act, incorporated under the General Not-For-Profit Corporation Act, and exempt from taxation under paragraph (3) of subsection (c) of Section 501 of the Internal Revenue Code.

7. To contribute such sums of money toward erecting, building, maintaining, and supporting any non-sectarian public hospital located within its limits as the county board of the county shall deem proper.

New matter indicated by italics - deletions by strikeout
8. To purchase and hold real estate for the preservation of forests, prairies and other natural areas and to maintain and regulate the use thereof.

9. To purchase and hold real estate for the purpose of preserving historical spots in the county, to restore, maintain and regulate the use thereof and to donate any historical spot to the State.

10. To appropriate funds from the county treasury to be used in any manner to be determined by the board for the suppression, eradication and control of tuberculosis among domestic cattle in such county.

11. To take all necessary measures to prevent forest fires and encourage the maintenance and planting of trees and the preservation of forests.

12. To authorize the closing on Saturday mornings of all offices of all county officers at the county seat of each county, and to otherwise regulate and fix the days and the hours of opening and closing of such offices, except when the days and the hours of opening and closing of the office of any county officer are otherwise fixed by law; but the power herein conferred shall not apply to the office of State's Attorney and the offices of judges and clerks of courts and, in counties of 500,000 or more population, the offices of county clerk.

13. To provide for the conservation, preservation and propagation of insectivorous birds through the expenditure of funds provided for such purpose.

14. To appropriate funds from the county treasury and expend the same for care and treatment of tuberculosis residents.

15. In counties having less than 1,000,000 inhabitants, to take all necessary or proper steps for the extermination of mosquitoes, flies or other insects within the county.

16. To install an adequate system of accounts and financial records in the offices and divisions of the county, suitable to the needs of the office and in accordance with generally accepted principles of accounting for governmental bodies, which system may include such reports as the county board may determine.

New matter indicated by italics - deletions by strikeout
17. To purchase and hold real estate for the construction and maintenance of motor vehicle parking facilities for persons using county buildings, but the purchase and use of such real estate shall not be for revenue producing purposes.

18. To acquire and hold title to real property located within the county, or partly within and partly outside the county by dedication, purchase, gift, legacy or lease, for park and recreational purposes and to charge reasonable fees for the use of or admission to any such park or recreational area and to provide police protection for such park or recreational area. Personnel employed to provide such police protection shall be conservators of the peace within such park or recreational area and shall have power to make arrests on view of the offense or upon warrants for violation of any of the ordinances governing such park or recreational area or for any breach of the peace in the same manner as the police in municipalities organized and existing under the general laws of the State. All such real property outside the county shall be contiguous to the county and within the boundaries of the State of Illinois.

19. To appropriate funds from the county treasury to be used to provide supportive social services designed to prevent the unnecessary institutionalization of elderly residents, or, for operation of, and equipment for, senior citizen centers providing social services to elderly residents.

20. To appropriate funds from the county treasury and loan such funds to a county water commission created under the "Water Commission Act", approved June 30, 1984, as now or hereafter amended, in such amounts and upon such terms as the county may determine or the county and the commission may agree. The county shall not under any circumstances be obligated to make such loans. The county shall not be required to charge interest on any such loans.

21. To appropriate and expend funds from the county treasury for economic development purposes, including the making of grants to any other governmental entity or commercial enterprise deemed necessary or desirable for the promotion of economic development in the county.
All contracts for the purchase of coal under this Section shall be subject to the provisions of "An Act concerning the use of Illinois mined coal in certain plants and institutions", filed July 13, 1937, as amended.
(Source: P.A. 86-962; 86-1028.)

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


PUBLIC ACT 95-0198
(House Bill No. 0438)

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

Section 5. The School Code is amended by adding Section 27-23.7 as follows:

(105 ILCS 5/27-23.7)
Sec. 27-23.7. Bullying prevention education; gang resistance education and training.

(a) The General Assembly finds that bullying has a negative effect on the social environment of schools, creates a climate of fear among students, inhibits their ability to learn, and leads to other antisocial behavior. Bullying behavior has been linked to other forms of antisocial behavior, such as vandalism, shoplifting, skipping and dropping out of school, fighting, using drugs and alcohol, sexual harassment, and sexual violence.

The General Assembly further finds that the instance of youth delinquent gangs continues to rise on a statewide basis. Given the higher rates of criminal offending among gang members, as well as the availability of increasingly lethal weapons, the level of criminal activity by gang members has taken on new importance for law enforcement agencies, schools, the community, and prevention efforts.

New matter indicated by italics - deletions by strikeout
(b) In this Section:

"Bullying prevention" means and includes instruction in all of the following:

1. Intimidation.
2. Student victimization.
4. Sexual violence.
5. Strategies for student-centered problem solving regarding bullying.

"Gang resistance education and training" means and includes instruction in, without limitation, each of the following subject matters when accompanied by a stated objective of reducing gang activity and educating children in grades K through 12 about the consequences of gang involvement:

1. Conflict resolution.
2. Cultural sensitivity.
3. Personal goal setting.
4. Resisting peer pressure.

(c) Each school district may make suitable provisions for instruction in bullying prevention and gang resistance education and training in all grades and include such instruction in the courses of study regularly taught therein. A school board may collaborate with a community-based agency providing specialized curricula in bullying prevention whose ultimate outcome is to prevent sexual violence. For the purposes of gang resistance education and training, a school board must collaborate with State and local law enforcement agencies. The State Board of Education may assist in the development of instructional materials and teacher training in relation to bullying prevention and gang resistance education and training.

(Source: P.A. 94-937, eff. 6-26-06.)

Effective January 1, 2008.

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

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

Section 5. The Criminal Code of 1961 is amended by changing Section 16G-20 as follows:

(720 ILCS 5/16G-20)

Sec. 16G-20. Aggravated identity theft.

(a) A person commits the offense of aggravated identity theft when he or she commits the offense of identity theft as set forth in subsection (a) of Section 16G-15:

(1) against a person 60 years of age or older or a disabled person as defined in Section 16-1.3 of this Code; or

(2) in furtherance of the activities of an organized gang.

For purposes of this Section, "organized gang" has the meaning ascribed to that term in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(b) Knowledge shall be determined by an evaluation of all circumstances surrounding the use of the other person's identifying information or document.

(c) When a charge of aggravated identity theft of credit, money, goods, services, or other property exceeding a specified value is brought the value of the credit, money, goods, services, or other property is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(d) A defense to aggravated identity theft under paragraph (a)(1) does not exist merely because the accused reasonably believed the victim to be a person less than 60 years of age.

(e) Sentence.

(1) Aggravated identity theft of credit, money, goods, services, or other property not exceeding $300 in value is a Class 3 felony.

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(2) Aggravated identity theft of credit, money, goods, services, or other property exceeding $300 and not exceeding $10,000 in value is a Class 2 felony.

(3) Aggravated identity theft of credit, money, goods, services, or other property exceeding $10,000 in value and not exceeding $100,000 in value is a Class 1 felony.

(4) Aggravated identity theft of credit, money, goods, services, or other property exceeding $100,000 in value is a Class X felony.

(5) A person who has been previously convicted of aggravated identity theft regardless of the value of the property involved who is convicted of a second or subsequent offense of aggravated identity theft regardless of the value of the property involved is guilty of a Class X felony.

(Source: P.A. 93-401, eff. 7-31-03; 94-39, eff. 6-16-05.)

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


PUBLIC ACT 95-0200
(House Bill No. 0517)

AN ACT concerning long-term care.

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

Section 1. Short title. This Act may be cited as the Illinois Long-Term Care Partnership Program Act.

Section 5. Findings. The General Assembly finds that our nation's current financing structure relies too heavily on individuals and families to bear the financial burden of long-term supportive services. The financial burden can be so large that, for many individuals, particularly those with moderate income, the only alternative is Medicaid, which requires

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spending down all assets in order to qualify to receive long-term care benefits.

The General Assembly declares that Medicare is not intended to cover the majority of long-term care expenses. Medicaid is the largest source of funding for long-term care in the United States, making the financing of long-term care costs a significant issue for both State and federal budgets. The growth in spending by the federal government and states for long-term care services through Medicaid will continue to increase as the American population ages.

The General Assembly finds that one solution to help address the spiraling Medicaid growth and encourage individuals to plan for their long-term care is the Long Term Care Partnership Program, a public-private partnership between states and private insurance companies. It is the intent of this program to reduce future Medicaid costs for long-term care by delaying or eliminating dependence on Medicaid by providing incentives for individuals to insure against the cost of providing for their long-term care needs. The program, including the treatment of assets for Medicaid eligibility and estate recovery, shall be structured and administered in accordance with federal law and applicable federal guidelines.

Section 10. Definitions. As used in this Act:

"Agency" means the Department of Healthcare and Family Services.

"Asset disregard" means, with respect to qualification for State Medicaid benefits, the disregard of any assets or resources in an amount equal to the insurance benefit payments that are made to or on the behalf of an individual who is a beneficiary under a qualified long-term care insurance partnership policy.

"Department" means the Department of Financial and Professional Regulation.

"Medicaid" means the federal medical assistance program established under Title XIX of the Social Security Act.

"Qualified long-term care insurance partnership policy" means a policy that meets all of the following requirements:

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(1) it covers an insured who was a resident of Illinois when coverage first became effective under the policy;

(2) it is a qualified long-term care insurance policy as defined in Section 7702B(b) of the Internal Revenue Code of 1986 issued not earlier than the effective date of the State plan amendment;

(3) it meets the model regulations and requirements of the National Association of Insurance Commissioners model specified in paragraph (5) of Title VI, Section 6021 of the federal Deficit Reduction Act of 2005, and the Director of the Division of Insurance of the Department certifies it as meeting these requirements; and

(4) if the policy is sold to an individual who:
   (A) has not attained age 61 as of the date of purchase, the policy provides compound annual inflation protection;
   (B) has attained age 61 but has not attained age 76 as of such date, the policy provides some level of inflation protection;
   (C) has attained age 76 as of such date, the policy may, but is not required to, provide some level of inflation protection.

"State plan amendment" means a State Medicaid plan amendment made to the federal Department of Health and Human Services that provides for the disregard of any assets or resources in an amount equal to the insurance benefit payments that are made to or on the behalf of an individual who is a beneficiary under a qualified long-term care insurance partnership policy.

Section 15. Illinois Long-term Care Partnership Program.

(a) In accordance with Title VI, Section 6021 of the federal Deficit Reduction Act of 2005, there shall be established the Illinois Long-Term Care Partnership Program, to be administered by the Agency with the assistance of the Department to do the following:

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(1) provide incentives for individuals to insure against the costs of providing for their long-term care needs;
(2) provide a mechanism for individuals to qualify for coverage of the cost of their long-term care needs under Medicaid without first being required to substantially exhaust their resources;
(3) provide counseling services to individuals planning for their long-term care needs; and
(4) alleviate the financial burden on the State's medical assistance program by encouraging the pursuit of private initiatives.

(b) The Agency shall:
(1) Within 180 days of the effective date of this Act, or as soon thereafter as possible, make application to the federal Department of Health and Human Services for a State plan amendment to establish that, if an individual is a beneficiary of a long-term care partnership program certified policy, the total assets an individual owns and may retain under Medicaid and still qualify for benefits under Medicaid at the time the individual applies for long-term care benefits are increased by $1 for each $1 of benefit paid out under the individual's long-term care partnership program certified insurance policy.
(2) Provide information and technical assistance to the Department on the Department's role in assuring that any individual who sells a qualified long-term care insurance partnership policy receives training and demonstrates evidence of an understanding of such policies and how they relate to other public and private coverage of long-term care.
(c) The Department may not impose any requirement affecting the terms or benefits of qualified long-term care partnership policies unless the Department imposes the requirement on all long-term care policies sold in Illinois without regard to whether the policy is covered under the partnership or is offered in connection with the partnership.
(d) The issuers of qualified long-term care partnership policies in Illinois shall provide regular reports to the Secretary of the federal

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Department of Health and Human Services, in accordance with federal regulation. Issuers of qualified long-term care partnership policies in Illinois shall provide appropriate reports to the Agency and to the Department as determined by those entities.

Section 20. Administration.

(a) The Agency and the Department are authorized to adopt regulations to implement the provisions of this Act and rules for its administration.

(b) The Agency and Department must comply with all federal rules developed in accordance with Title VI, Section 6021 of the federal Deficit Reduction Act of 2005, regarding data reporting, reciprocity with other states that develop long-term care insurance partnership programs, and any other matters, and shall have the authority to adopt regulations relative to the provisions of any federal rules and their administration.

(320 ILCS 35/Act rep.)

Section 25. The Partnership for Long-Term Care Act is repealed.

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


PUBLIC ACT 95-0201
(House Bill No. 0518)

AN ACT concerning transportation.

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

Section 5. The Illinois Vehicle Code is amended by changing Sections 2-123, 6-204, 11-501.1, and 11-501.8 as follows:

(625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

Sec. 2-123. Sale and Distribution of Information.

(a) Except as otherwise provided in this Section, the Secretary may make the driver's license, vehicle and title registration lists, in part or in whole.

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whole, and any statistical information derived from these lists available to local governments, elected state officials, state educational institutions, and all other governmental units of the State and Federal Government requesting them for governmental purposes. The Secretary shall require any such applicant for services to pay for the costs of furnishing such services and the use of the equipment involved, and in addition is empowered to establish prices and charges for the services so furnished and for the use of the electronic equipment utilized.

(b) The Secretary is further empowered to and he may, in his discretion, furnish to any applicant, other than listed in subsection (a) of this Section, vehicle or driver data on a computer tape, disk, other electronic format or computer processable medium, or printout at a fixed fee of $250 for orders received before October 1, 2003 and $500 for orders received on or after October 1, 2003, in advance, and require in addition a further sufficient deposit based upon the Secretary of State's estimate of the total cost of the information requested and a charge of $25 for orders received before October 1, 2003 and $50 for orders received on or after October 1, 2003, per 1,000 units or part thereof identified or the actual cost, whichever is greater. The Secretary is authorized to refund any difference between the additional deposit and the actual cost of the request. This service shall not be in lieu of an abstract of a driver's record nor of a title or registration search. This service may be limited to entities purchasing a minimum number of records as required by administrative rule. The information sold pursuant to this subsection shall be the entire vehicle or driver data list, or part thereof. The information sold pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section. Commercial purchasers of driver and vehicle record databases shall enter into a written agreement with the Secretary of State that includes disclosure of the commercial use of the information to be purchased.

(b-1) The Secretary is further empowered to and may, in his or her discretion, furnish vehicle or driver data on a computer tape, disk, or other electronic format or computer processable medium, at no fee, to any State

New matter indicated by italics - deletions by strikeout
or local governmental agency that uses the information provided by the Secretary to transmit data back to the Secretary that enables the Secretary to maintain accurate driving records, including dispositions of traffic cases. This information may be provided without fee not more often than once every 6 months.

(c) Secretary of State may issue registration lists. The Secretary of State shall compile and publish, at least annually, a list of all registered vehicles. Each list of registered vehicles shall be arranged serially according to the registration numbers assigned to registered vehicles and shall contain in addition the names and addresses of registered owners and a brief description of each vehicle including the serial or other identifying number thereof. Such compilation may be in such form as in the discretion of the Secretary of State may seem best for the purposes intended.

(d) The Secretary of State shall furnish no more than 2 current available lists of such registrations to the sheriffs of all counties and to the chiefs of police of all cities and villages and towns of 2,000 population and over in this State at no cost. Additional copies may be purchased by the sheriffs or chiefs of police at the fee of $500 each or at the cost of producing the list as determined by the Secretary of State. Such lists are to be used for governmental purposes only.

(e) (Blank).

(e-1) (Blank).

(f) The Secretary of State shall make a title or registration search of the records of his office and a written report on the same for any person, upon written application of such person, accompanied by a fee of $5 for each registration or title search. The written application shall set forth the intended use of the requested information. No fee shall be charged for a title or registration search, or for the certification thereof requested by a government agency. The report of the title or registration search shall not contain personally identifying information unless the request for a search was made for one of the purposes identified in subsection (f-5) of this Section. The report of the title or registration search shall not contain highly restricted personal information unless specifically authorized by this Code.

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The Secretary of State shall certify a title or registration record upon written request. The fee for certification shall be $5 in addition to the fee required for a title or registration search. Certification shall be made under the signature of the Secretary of State and shall be authenticated by Seal of the Secretary of State.

The Secretary of State may notify the vehicle owner or registrant of the request for purchase of his title or registration information as the Secretary deems appropriate.

No information shall be released to the requestor until expiration of a 10 day period. This 10 day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the Illinois Vehicle Code, the vehicle owner or registrant or other entities as the Secretary may exempt by rule and regulation.

Any misrepresentation made by a requestor of title or vehicle information shall be punishable as a petty offense, except in the case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary sanctions under Section 40-10 of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004.

(f-5) The Secretary of State shall not disclose or otherwise make available to any person or entity any personally identifying information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless the information is disclosed for one of the following purposes:

(1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any
private person or entity acting on behalf of a federal, State, or local agency in carrying out its functions.

(2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

(3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:
   (A) to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors; and
   (B) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(4) For use in research activities and for use in producing statistical reports, if the personally identifying information is not published, redisclosed, or used to contact individuals.

(5) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, State, or local court.

(6) For use by any insurer or insurance support organization or by a self-insured entity or its agents, employees, or contractors in connection with claims investigation activities, antifraud activities, rating, or underwriting.

(7) For use in providing notice to the owners of towed or impounded vehicles.

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(8) For use by any person licensed as a private detective or firm licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993, private investigative agency or security service licensed in Illinois for any purpose permitted under this subsection.

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under chapter 313 of title 49 of the United States Code.

(10) For use in connection with the operation of private toll transportation facilities.

(11) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.

(12) For use by members of the news media, as defined in Section 1-148.5, for the purpose of newsgathering when the request relates to the operation of a motor vehicle or public safety.

(13) For any other use specifically authorized by law, if that use is related to the operation of a motor vehicle or public safety.

(f-6) The Secretary of State shall not disclose or otherwise make available to any person or entity any highly restricted personal information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless specifically authorized by this Code.

(g) 1. The Secretary of State may, upon receipt of a written request and a fee of $6 before October 1, 2003 and a fee of $12 on and after October 1, 2003, furnish to the person or agency so requesting a driver's record. Such document may include a record of: current driver's license issuance information, except that the information on judicial driving permits shall be available only as otherwise provided by this Code; convictions; orders entered revoking, suspending or cancelling a driver's license or privilege; and notations of accident involvement. All other information, unless otherwise permitted by this Code, shall remain confidential.
Information released pursuant to a request for a driver's record shall not contain personally identifying information, unless the request for the driver's record was made for one of the purposes set forth in subsection (f-5) of this Section. The Secretary of State may, without fee, allow a parent or guardian of a person under the age of 18 years, who holds an instruction permit or graduated driver's license, to view that person's driving record online, through a computer connection. The parent or guardian's online access to the driving record will terminate when the instruction permit or graduated driver's license holder reaches the age of 18.

2. The Secretary of State shall not disclose or otherwise make available to any person or entity any highly restricted personal information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless specifically authorized by this Code. The Secretary of State may certify an abstract of a driver's record upon written request therefor. Such certification shall be made under the signature of the Secretary of State and shall be authenticated by the Seal of his office.

3. All requests for driving record information shall be made in a manner prescribed by the Secretary and shall set forth the intended use of the requested information.

The Secretary of State may notify the affected driver of the request for purchase of his driver's record as the Secretary deems appropriate.

No information shall be released to the requester until expiration of a 10 day period. This 10 day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial
institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the Illinois Vehicle Code, the affected driver or other entities as the Secretary may exempt by rule and regulation.

Any misrepresentation made by a requestor of driver information shall be punishable as a petty offense, except in the case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary sanctions under Section 40-10 of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004.

4. The Secretary of State may furnish without fee, upon the written request of a law enforcement agency, any information from a driver's record on file with the Secretary of State when such information is required in the enforcement of this Code or any other law relating to the operation of motor vehicles, including records of dispositions; documented information involving the use of a motor vehicle; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record.

5. Except as otherwise provided in this Section, the Secretary of State may furnish, without fee, information from an individual driver's record on file, if a written request therefor is submitted by any public transit system or authority, public defender, law enforcement agency, a state or federal agency, or an Illinois local intergovernmental association, if the request is for the purpose of a background check of applicants for employment with the requesting agency, or for the purpose of an official investigation conducted by the agency, or to determine a current address for the driver so public funds can be recovered or paid to the driver, or for any other purpose set forth in subsection (f-5) of this Section.

The Secretary may also furnish the courts a copy of an abstract of a driver's record, without fee, subsequent to an arrest for a violation of Section 11-501 or a similar provision of a local

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ordinance. Such abstract may include records of dispositions; documented information involving the use of a motor vehicle as contained in the current file; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record.

6. Any certified abstract issued by the Secretary of State or transmitted electronically by the Secretary of State pursuant to this Section, to a court or on request of a law enforcement agency, for the record of a named person as to the status of the person's driver's license shall be prima facie evidence of the facts therein stated and if the name appearing in such abstract is the same as that of a person named in an information or warrant, such abstract shall be prima facie evidence that the person named in such information or warrant is the same person as the person named in such abstract and shall be admissible for any prosecution under this Code and be admitted as proof of any prior conviction or proof of records, notices, or orders recorded on individual driving records maintained by the Secretary of State.

7. Subject to any restrictions contained in the Juvenile Court Act of 1987, and upon receipt of a proper request and a fee of $6 before October 1, 2003 and a fee of $12 on or after October 1, 2003, the Secretary of State shall provide a driver's record to the affected driver, or the affected driver's attorney, upon verification. Such record shall contain all the information referred to in paragraph 1 of this subsection (g) plus: any recorded accident involvement as a driver; information recorded pursuant to subsection (e) of Section 6-117 and paragraph (4) of subsection (a) of Section 6-204 of this Code. All other information, unless otherwise permitted by this Code, shall remain confidential.

(h) The Secretary shall not disclose social security numbers or any associated information obtained from the Social Security Administration except pursuant to a written request by, or with the prior written consent of, the individual except: (1) to officers and employees of the Secretary who have a need to know the social security numbers in performance of
their official duties, (2) to law enforcement officials for a lawful, civil or criminal law enforcement investigation, and if the head of the law enforcement agency has made a written request to the Secretary specifying the law enforcement investigation for which the social security numbers are being sought, (3) to the United States Department of Transportation, or any other State, pursuant to the administration and enforcement of the Commercial Motor Vehicle Safety Act of 1986, (4) pursuant to the order of a court of competent jurisdiction, or (5) to the Department of Healthcare and Family Services (formerly Department of Public Aid) for utilization in the child support enforcement duties assigned to that Department under provisions of the Illinois Public Aid Code after the individual has received advanced meaningful notification of what redisclosure is sought by the Secretary in accordance with the federal Privacy Act.

(i) (Blank).

(j) Medical statements or medical reports received in the Secretary of State's Office shall be confidential. No confidential information may be open to public inspection or the contents disclosed to anyone, except officers and employees of the Secretary who have a need to know the information contained in the medical reports and the Driver License Medical Advisory Board, unless so directed by an order of a court of competent jurisdiction.

(k) All fees collected under this Section shall be paid into the Road Fund of the State Treasury, except that (i) for fees collected before October 1, 2003, $3 of the $6 fee for a driver's record shall be paid into the Secretary of State Special Services Fund, (ii) for fees collected on and after October 1, 2003, of the $12 fee for a driver's record, $3 shall be paid into the Secretary of State Special Services Fund and $6 shall be paid into the General Revenue Fund, and (iii) for fees collected on and after October 1, 2003, 50% of the amounts collected pursuant to subsection (b) shall be paid into the General Revenue Fund.

(l) (Blank).

(m) Notations of accident involvement that may be disclosed under this Section shall not include notations relating to damage to a vehicle or

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other property being transported by a tow truck. This information shall remain confidential, provided that nothing in this subsection (m) shall limit disclosure of any notification of accident involvement to any law enforcement agency or official.

(n) Requests made by the news media for driver's license, vehicle, or title registration information may be furnished without charge or at a reduced charge, as determined by the Secretary, when the specific purpose for requesting the documents is deemed to be in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of gaining a personal or commercial benefit. The information provided pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section.

(o) The redisclosure of personally identifying information obtained pursuant to this Section is prohibited, except to the extent necessary to effectuate the purpose for which the original disclosure of the information was permitted.

(p) The Secretary of State is empowered to adopt rules to effectuate this Section.

(Source: P.A. 93-32, eff. 7-1-03; 93-438, eff. 8-5-03; 93-895, eff. 1-1-05; 94-56, eff. 6-17-05; revised 12-15-05.)

(625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)
Sec. 6-204. When Court to forward License and Reports.

(a) For the purpose of providing to the Secretary of State the records essential to the performance of the Secretary's duties under this Code to cancel, revoke or suspend the driver's license and privilege to drive motor vehicles of certain minors adjudicated truant minors in need of supervision, addicted, or delinquent and of persons found guilty of the criminal offenses or traffic violations which this Code recognizes as evidence relating to unfitness to safely operate motor vehicles, the following duties are imposed upon public officials:

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(1) Whenever any person is convicted of any offense for which this Code makes mandatory the cancellation or revocation of the driver's license or permit of such person by the Secretary of State, the judge of the court in which such conviction is had shall require the surrender to the clerk of the court of all driver's licenses or permits then held by the person so convicted, and the clerk of the court shall, within 5 days thereafter, forward the same, together with a report of such conviction, to the Secretary.

(2) Whenever any person is convicted of any offense under this Code or similar offenses under a municipal ordinance, other than regulations governing standing, parking or weights of vehicles, and excepting the following enumerated Sections of this Code: Sections 11-1406 (obstruction to driver's view or control), 11-1407 (improper opening of door into traffic), 11-1410 (coasting on downgrade), 11-1411 (following fire apparatus), 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving vehicle which is in unsafe condition or improperly equipped), 12-201(a) (daytime lights on motorcycles), 12-202 (clearance, identification and side marker lamps), 12-204 (lamp or flag on projecting load), 12-205 (failure to display the safety lights required), 12-401 (restrictions as to tire equipment), 12-502 (mirrors), 12-503 (windshields must be unobstructed and equipped with wipers), 12-601 (horns and warning devices), 12-602 (mufflers, prevention of noise or smoke), 12-603 (seat safety belts), 12-702 (certain vehicles to carry flares or other warning devices), 12-703 (vehicles for oiling roads operated on highways), 12-710 (splash guards and replacements), 13-101 (safety tests), 15-101 (size, weight and load), 15-102 (width), 15-103 (height), 15-104 (name and address on second division vehicles), 15-107 (length of vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights), 15-112 (weights), 15-301 (weights), 15-316 (weights), and also excepting the following enumerated Sections of the Chicago Municipal Code: Sections 27-245 (following fire apparatus), 27-254 (obstruction of traffic), 27-258 (driving vehicle which is in unsafe condition), 27-259

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(coasting on downgrade), 27-264 (use of horns and signal devices), 27-265 (obstruction to driver's view or driver mechanism), 27-267 (dimming of headlights), 27-268 (unattended motor vehicle), 27-272 (illegal funeral procession), 27-273 (funeral procession on boulevard), 27-275 (driving freight hauling vehicles on boulevard), 27-276 (stopping and standing of buses or taxicabs), 27-277 (cruising of public passenger vehicles), 27-305 (parallel parking), 27-306 (diagonal parking), 27-307 (parking not to obstruct traffic), 27-308 (stopping, standing or parking regulated), 27-311 (parking regulations), 27-312 (parking regulations), 27-313 (parking regulations), 27-314 (parking regulations), 27-315 (parking regulations), 27-316 (parking regulations), 27-317 (parking regulations), 27-318 (parking regulations), 27-319 (parking regulations), 27-320 (parking regulations), 27-321 (parking regulations), 27-322 (parking regulations), 27-324 (loading and unloading at an angle), 27-333 (wheel and axle loads), 27-334 (load restrictions in the downtown district), 27-335 (load restrictions in residential areas), 27-338 (width of vehicles), 27-339 (height of vehicles), 27-340 (length of vehicles), 27-352 (reflectors on trailers), 27-353 (mufflers), 27-354 (display of plates), 27-355 (display of city vehicle tax sticker), 27-357 (identification of vehicles), 27-358 (projecting of loads), and also excepting the following enumerated paragraphs of Section 2-201 of the Rules and Regulations of the Illinois State Toll Highway Authority: (l) (driving unsafe vehicle on tollway), (m) (vehicles transporting dangerous cargo not properly indicated), it shall be the duty of the clerk of the court in which such conviction is had within 5 days thereafter to forward to the Secretary of State a report of the conviction and the court may recommend the suspension of the driver's license or permit of the person so convicted.

The reporting requirements of this subsection shall apply to all violations stated in paragraphs (1) and (2) of this subsection when the individual has been adjudicated under the Juvenile Court Act or the Juvenile Court Act of 1987. Such reporting requirements shall also apply...
to individuals adjudicated under the Juvenile Court Act or the Juvenile Court Act of 1987 who have committed a violation of Section 11-501 of this Code, or similar provision of a local ordinance, or Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide. The reporting requirements of this subsection shall also apply to a truant minor in need of supervision, an addicted minor, or a delinquent minor and whose driver's license and privilege to drive a motor vehicle has been ordered suspended for such times as determined by the Court, but only until he or she attains 18 years of age. It shall be the duty of the clerk of the court in which adjudication is had within 5 days thereafter to forward to the Secretary of State a report of the adjudication and the court order requiring the Secretary of State to suspend the minor's driver's license and driving privilege for such time as determined by the Court, but only until he or she attains the age of 18 years. All juvenile court dispositions reported to the Secretary of State under this provision shall be processed by the Secretary of State as if the cases had been adjudicated in traffic or criminal court. However, information reported relative to the offense of reckless homicide, or Section 11-501 of this Code, or a similar provision of a local ordinance, shall be privileged and available only to the Secretary of State, courts, and police officers.

The reporting requirements of this subsection (a) apply to all violations listed in paragraphs (1) and (2) of this subsection (a), excluding parking violations, when the driver holds a CDL, regardless of the type of vehicle in which the violation occurred, or when any driver committed the violation in a commercial motor vehicle as defined in Section 6-500 of this Code.

(3) Whenever an order is entered vacating the forfeiture of any bail, security or bond given to secure appearance for any offense under this Code or similar offenses under municipal ordinance, it shall be the duty of the clerk of the court in which such vacation was had or the judge of such court if such court has no clerk, within 5 days thereafter to forward to the Secretary of State a report of the vacation.

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(4) A report of any disposition of court supervision for a violation of Sections 6-303, 11-401, 11-501 or a similar provision of a local ordinance, 11-503 and 11-504 shall be forwarded to the Secretary of State. A report of any disposition of court supervision for a violation of an offense defined as a serious traffic violation in this Code or a similar provision of a local ordinance committed by a person under the age of 21 years shall be forwarded to the Secretary of State.

(5) Reports of conviction under this Code and sentencing hearings under the Juvenile Court Act of 1987 in an electronic format or a computer processible medium shall be forwarded to the Secretary of State via the Supreme Court in the form and format required by the Illinois Supreme Court and established by a written agreement between the Supreme Court and the Secretary of State. In counties with a population over 300,000, instead of forwarding reports to the Supreme Court, reports of conviction under this Code and sentencing hearings under the Juvenile Court Act of 1987 in an electronic format or a computer processible medium may be forwarded to the Secretary of State by the Circuit Court Clerk in a form and format required by the Secretary of State and established by written agreement between the Circuit Court Clerk and the Secretary of State. Failure to forward the reports of conviction or sentencing hearing under the Juvenile Court Act of 1987 as required by this Section shall be deemed an omission of duty and it shall be the duty of the several State's Attorneys to enforce the requirements of this Section.

(b) Whenever a restricted driving permit is forwarded to a court, as a result of confiscation by a police officer pursuant to the authority in Section 6-113(f), it shall be the duty of the clerk, or judge, if the court has no clerk, to forward such restricted driving permit and a facsimile of the officer's citation to the Secretary of State as expeditiously as practicable.

(c) For the purposes of this Code, a forfeiture of bail or collateral deposited to secure a defendant's appearance in court when forfeiture has not been vacated, or the failure of a defendant to appear for trial after
depositing his driver's license in lieu of other bail, shall be equivalent to a conviction.

(d) For the purpose of providing the Secretary of State with records necessary to properly monitor and assess driver performance and assist the courts in the proper disposition of repeat traffic law offenders, the clerk of the court shall forward to the Secretary of State, on a form prescribed by the Secretary, records of a driver's participation in a driver remedial or rehabilitative program which was required, through a court order or court supervision, in relation to the driver's arrest for a violation of Section 11-501 of this Code or a similar provision of a local ordinance. The clerk of the court shall also forward to the Secretary, either on paper or in an electronic format or a computer processible medium as required under paragraph (5) of subsection (a) of this Section, any disposition of court supervision for any traffic violation, excluding those offenses listed in paragraph (2) of subsection (a) of this Section. These reports shall be sent within 5 days after disposition, or, if the driver is referred to a driver remedial or rehabilitative program, within 5 days of the driver's referral to that program. These reports received by the Secretary of State, including those required to be forwarded under paragraph (a)(4), shall be privileged information, available only (i) to the affected driver, (ii) to the parent or guardian of a person under the age of 18 years holding an instruction permit or a graduated driver's license, and (iii) (ii) for use by the courts, police officers, prosecuting authorities, and the Secretary of State. In accordance with 49 C.F.R. Part 384, all reports of court supervision, except violations related to parking, shall be forwarded to the Secretary of State for all holders of a CDL or any driver who commits an offense while driving a commercial motor vehicle. These reports shall be recorded to the driver's record as a conviction for use in the disqualification of the driver's commercial motor vehicle privileges and shall not be privileged information.

(Source: P.A. 94-307, eff. 9-30-05; 94-930, eff. 6-26-06.)

(625 ILCS 5/11-501.1) (from Ch. 95 1/2, par. 11-501.1)
Sec. 11-501.1. Suspension of drivers license; statutory summary alcohol, other drug or drugs, or intoxicating compound or compounds related suspension; implied consent.

(a) Any person who drives or is in actual physical control of a motor vehicle upon the public highways of this State shall be deemed to have given consent, subject to the provisions of Section 11-501.2, to a chemical test or tests of blood, breath, or urine for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds or any combination thereof in the person's blood if arrested, as evidenced by the issuance of a Uniform Traffic Ticket, for any offense as defined in Section 11-501 or a similar provision of a local ordinance, or if arrested for violating Section 11-401. The test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. A urine test may be administered even after a blood or breath test or both has been administered. For purposes of this Section, an Illinois law enforcement officer of this State who is investigating the person for any offense defined in Section 11-501 may travel into an adjoining state, where the person has been transported for medical care, to complete an investigation and to request that the person submit to the test or tests set forth in this Section. The requirements of this Section that the person be arrested are inapplicable, but the officer shall issue the person a Uniform Traffic Ticket for an offense as defined in Section 11-501 or a similar provision of a local ordinance prior to requesting that the person submit to the test or tests set forth in this Section. The issuance of the Uniform Traffic Ticket shall not constitute an arrest, but shall be for the purpose of notifying the person that he or she is subject to the provisions of this Section and of the officer's belief of the existence of probable cause to arrest. Upon returning to this State, the officer shall file the Uniform Traffic Ticket with the Circuit Clerk of the county where the offense was committed, and shall seek the issuance of an arrest warrant or a summons for the person.

(b) Any person who is dead, unconscious, or who is otherwise in a condition rendering the person incapable of refusal, shall be deemed not to

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have withdrawn the consent provided by paragraph (a) of this Section and
the test or tests may be administered, subject to the provisions of Section
11-501.2.

(c) A person requested to submit to a test as provided above shall
be warned by the law enforcement officer requesting the test that a refusal
to submit to the test will result in the statutory summary suspension of the
person's privilege to operate a motor vehicle as provided in Section 6-
208.1 of this Code. The person shall also be warned by the law
enforcement officer that if the person submits to the test or tests provided
in paragraph (a) of this Section and the alcohol concentration in the
person's blood or breath is 0.08 or greater, or any amount of a drug,
substance, or compound resulting from the unlawful use or consumption
of cannabis as covered by the Cannabis Control Act, a controlled
substance listed in the Illinois Controlled Substances Act, or an
intoxicating compound listed in the Use of Intoxicating Compounds Act is
detected in the person's blood or urine, a statutory summary suspension of
the person's privilege to operate a motor vehicle, as provided in Sections
6-208.1 and 11-501.1 of this Code, will be imposed.

A person who is under the age of 21 at the time the person is
requested to submit to a test as provided above shall, in addition to the
warnings provided for in this Section, be further warned by the law
enforcement officer requesting the test that if the person submits to the test
or tests provided in paragraph (a) of this Section and the alcohol
concentration in the person's blood or breath is greater than 0.00 and less
than 0.08, a suspension of the person's privilege to operate a motor
vehicle, as provided under Sections 6-208.2 and 11-501.8 of this Code,
will be imposed. The results of this test shall be admissible in a civil or
criminal action or proceeding arising from an arrest for an offense as
defined in Section 11-501 of this Code or a similar provision of a local
ordinance or pursuant to Section 11-501.4 in prosecutions for reckless
homicide brought under the Criminal Code of 1961. These test results,
however, shall be admissible only in actions or proceedings directly
related to the incident upon which the test request was made.

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(d) If the person refuses testing or submits to a test that discloses an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, the law enforcement officer shall immediately submit a sworn report to the circuit court of venue and the Secretary of State, certifying that the test or tests was or were requested under paragraph (a) and the person refused to submit to a test, or tests, or submitted to testing that disclosed an alcohol concentration of 0.08 or more.

(e) Upon receipt of the sworn report of a law enforcement officer submitted under paragraph (d), the Secretary of State shall enter the statutory summary suspension for the periods specified in Section 6-208.1, and effective as provided in paragraph (g).

If the person is a first offender as defined in Section 11-500 of this Code, and is not convicted of a violation of Section 11-501 of this Code or a similar provision of a local ordinance, then reports received by the Secretary of State under this Section shall, except during the actual time the Statutory Summary Suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities or the Secretary of State. Reports received by the Secretary of State under this Section shall also be made available to the parent or guardian of a person under the age of 18 years that holds an instruction permit or a graduated driver's license, regardless of whether the statutory summary suspension is in effect.

(f) The law enforcement officer submitting the sworn report under paragraph (d) shall serve immediate notice of the statutory summary suspension on the person and the suspension shall be effective as provided in paragraph (g). In cases where the blood alcohol concentration of 0.08 or greater or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled

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Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act is established by a subsequent analysis of blood or urine collected at the time of arrest, the arresting officer or arresting agency shall give notice as provided in this Section or by deposit in the United States mail of the notice in an envelope with postage prepaid and addressed to the person at his address as shown on the Uniform Traffic Ticket and the statutory summary suspension shall begin as provided in paragraph (g). The officer shall confiscate any Illinois driver's license or permit on the person at the time of arrest. If the person has a valid driver's license or permit, the officer shall issue the person a receipt, in a form prescribed by the Secretary of State, that will allow that person to drive during the periods provided for in paragraph (g). The officer shall immediately forward the driver's license or permit to the circuit court of venue along with the sworn report provided for in paragraph (d).

(g) The statutory summary suspension referred to in this Section shall take effect on the 46th day following the date the notice of the statutory summary suspension was given to the person.

(h) The following procedure shall apply whenever a person is arrested for any offense as defined in Section 11-501 or a similar provision of a local ordinance:

Upon receipt of the sworn report from the law enforcement officer, the Secretary of State shall confirm the statutory summary suspension by mailing a notice of the effective date of the suspension to the person and the court of venue. However, should the sworn report be defective by not containing sufficient information or be completed in error, the confirmation of the statutory summary suspension shall not be mailed to the person or entered to the record; instead, the sworn report shall be forwarded to the court of venue with a copy returned to the issuing agency identifying any defect.

(Source: P.A. 94-115, eff. 1-1-06.)

(625 ILCS 5/11-501.8)

Sec. 11-501.8. Suspension of driver's license; persons under age 21.

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(a) A person who is less than 21 years of age and who drives or is in actual physical control of a motor vehicle upon the public highways of this State shall be deemed to have given consent to a chemical test or tests of blood, breath, or urine for the purpose of determining the alcohol content of the person's blood if arrested, as evidenced by the issuance of a Uniform Traffic Ticket for any violation of the Illinois Vehicle Code or a similar provision of a local ordinance, if a police officer has probable cause to believe that the driver has consumed any amount of an alcoholic beverage based upon evidence of the driver's physical condition or other first hand knowledge of the police officer. The test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. A urine test may be administered even after a blood or breath test or both has been administered.

(b) A person who is dead, unconscious, or who is otherwise in a condition rendering that person incapable of refusal, shall be deemed not to have withdrawn the consent provided by paragraph (a) of this Section and the test or tests may be administered subject to the following provisions:

(i) Chemical analysis of the person's blood, urine, breath, or other bodily substance, to be considered valid under the provisions of this Section, shall have been performed according to standards promulgated by the Department of State Police by an individual possessing a valid permit issued by that Department for this purpose. The Director of State Police is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct analyses, to issue permits that shall be subject to termination or revocation at the direction of that Department, and to certify the accuracy of breath testing equipment. The Department of State Police shall prescribe regulations as necessary.

(ii) When a person submits to a blood test at the request of a law enforcement officer under the provisions of this Section, only a physician authorized to practice medicine, a registered nurse, or
other qualified person trained in venipuncture and acting under the direction of a licensed physician may withdraw blood for the purpose of determining the alcohol content therein. This limitation does not apply to the taking of breath or urine specimens.

(iii) The person tested may have a physician, qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer a chemical test or tests in addition to any test or tests administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the consideration of the previously performed chemical test.

(iv) Upon a request of the person who submits to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to the person or that person's attorney.

(v) Alcohol concentration means either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(vi) If a driver is receiving medical treatment as a result of a motor vehicle accident, a physician licensed to practice medicine, registered nurse, or other qualified person trained in venipuncture and acting under the direction of a licensed physician shall withdraw blood for testing purposes to ascertain the presence of alcohol upon the specific request of a law enforcement officer. However, that testing shall not be performed until, in the opinion of the medical personnel on scene, the withdrawal can be made without interfering with or endangering the well-being of the patient.

(c) A person requested to submit to a test as provided above shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of more than 0.00, may result in the loss of that person's privilege to operate a motor vehicle. The loss of driving privileges shall be imposed in accordance with Section 6-208.2 of this Code.

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(d) If the person refuses testing or submits to a test that discloses an alcohol concentration of more than 0.00, the law enforcement officer shall immediately submit a sworn report to the Secretary of State on a form prescribed by the Secretary of State, certifying that the test or tests were requested under subsection (a) and the person refused to submit to a test or tests or submitted to testing which disclosed an alcohol concentration of more than 0.00. The law enforcement officer shall submit the same sworn report when a person under the age of 21 submits to testing under Section 11-501.1 of this Code and the testing discloses an alcohol concentration of more than 0.00 and less than 0.08.

Upon receipt of the sworn report of a law enforcement officer, the Secretary of State shall enter the driver's license sanction on the individual's driving record and the sanctions shall be effective on the 46th day following the date notice of the sanction was given to the person. If this sanction is the individual's first driver's license suspension under this Section, reports received by the Secretary of State under this Section shall, except during the time the suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities, the Secretary of State, or the individual personally. *Reports received by the Secretary of State under this Section shall also be made available to the parent or guardian of a person under the age of 18 years that holds an instruction permit or a graduated driver's license, regardless of whether the suspension is in effect.*

The law enforcement officer submitting the sworn report shall serve immediate notice of this driver's license sanction on the person and the sanction shall be effective on the 46th day following the date notice was given.

In cases where the blood alcohol concentration of more than 0.00 is established by a subsequent analysis of blood or urine, the police officer or arresting agency shall give notice as provided in this Section or by deposit in the United States mail of that notice in an envelope with postage prepaid and addressed to that person at his last known address and the loss of driving privileges shall be effective on the 46th day following the date notice was given.

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Upon receipt of the sworn report of a law enforcement officer, the Secretary of State shall also give notice of the driver's license sanction to the driver by mailing a notice of the effective date of the sanction to the individual. However, should the sworn report be defective by not containing sufficient information or be completed in error, the notice of the driver's license sanction may not be mailed to the person or entered to the driving record, but rather the sworn report shall be returned to the issuing law enforcement agency.

(e) A driver may contest this driver's license sanction by requesting an administrative hearing with the Secretary of State in accordance with Section 2-118 of this Code. An individual whose blood alcohol concentration is shown to be more than 0.00 is not subject to this Section if he or she consumed alcohol in the performance of a religious service or ceremony. An individual whose blood alcohol concentration is shown to be more than 0.00 shall not be subject to this Section if the individual's blood alcohol concentration resulted only from ingestion of the prescribed or recommended dosage of medicine that contained alcohol. The petition for that hearing shall not stay or delay the effective date of the impending suspension. The scope of this hearing shall be limited to the issues of:

(1) whether the police officer had probable cause to believe that the person was driving or in actual physical control of a motor vehicle upon the public highways of the State and the police officer had reason to believe that the person was in violation of any provision of the Illinois Vehicle Code or a similar provision of a local ordinance; and

(2) whether the person was issued a Uniform Traffic Ticket for any violation of the Illinois Vehicle Code or a similar provision of a local ordinance; and

(3) whether the police officer had probable cause to believe that the driver had consumed any amount of an alcoholic beverage based upon the driver's physical actions or other first-hand knowledge of the police officer; and

(4) whether the person, after being advised by the officer that the privilege to operate a motor vehicle would be suspended if

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the person refused to submit to and complete the test or tests, did refuse to submit to or complete the test or tests to determine the person's alcohol concentration; and

(5) whether the person, after being advised by the officer that the privileges to operate a motor vehicle would be suspended if the person submits to a chemical test or tests and the test or tests disclose an alcohol concentration of more than 0.00, did submit to and complete the test or tests that determined an alcohol concentration of more than 0.00; and

(6) whether the test result of an alcohol concentration of more than 0.00 was based upon the person's consumption of alcohol in the performance of a religious service or ceremony; and

(7) whether the test result of an alcohol concentration of more than 0.00 was based upon the person's consumption of alcohol through ingestion of the prescribed or recommended dosage of medicine.

Provided that the petitioner may subpoena the officer, the hearing may be conducted upon a review of the law enforcement officer's own official reports. Failure of the officer to answer the subpoena shall be grounds for a continuance if, in the hearing officer's discretion, the continuance is appropriate. At the conclusion of the hearing held under Section 2-118 of this Code, the Secretary of State may rescind, continue, or modify the driver's license sanction. If the Secretary of State does not rescind the sanction, a restricted driving permit may be granted by the Secretary of State upon application being made and good cause shown. A restricted driving permit may be granted to relieve undue hardship by allowing driving for employment, educational, and medical purposes as outlined in item (3) of part (c) of Section 6-206 of this Code. The provisions of item (3) of part (c) of Section 6-206 of this Code and of subsection (f) of that Section shall apply. The Secretary of State shall promulgate rules providing for participation in an alcohol education and awareness program or activity, a drug education and awareness program or activity, or both as a condition to the issuance of a restricted driving permit for suspensions imposed under this Section.

New matter indicated by italics - deletions by strikeout
(f) The results of any chemical testing performed in accordance with subsection (a) of this Section are not admissible in any civil or criminal proceeding, except that the results of the testing may be considered at a hearing held under Section 2-118 of this Code. However, the results of the testing may not be used to impose driver's license sanctions under Section 11-501.1 of this Code. A law enforcement officer may, however, pursue a statutory summary suspension of driving privileges under Section 11-501.1 of this Code if other physical evidence or first hand knowledge forms the basis of that suspension.

(g) This Section applies only to drivers who are under age 21 at the time of the issuance of a Uniform Traffic Ticket for a violation of the Illinois Vehicle Code or a similar provision of a local ordinance, and a chemical test request is made under this Section.

(h) The action of the Secretary of State in suspending, revoking, or denying any license, permit, registration, or certificate of title shall be subject to judicial review in the Circuit Court of Sangamon County or in the Circuit Court of Cook County, and the provisions of the Administrative Review Law and its rules are hereby adopted and shall apply to and govern every action for the judicial review of final acts or decisions of the Secretary of State under this Section.

(Source: P.A. 94-307, eff. 9-30-05.)

Section 99. Effective date. This Act takes effect January 1, 2008.
Effective January 1, 2008.

PUBLIC ACT 95-0202
(House Bill No. 0536)

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

Section 5. The Illinois Vehicle Code is amended by changing Sections 3-412 and 12-503 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 3-412. Registration plates and registration stickers to be furnished by the Secretary of State.

(a) The Secretary of State upon registering a vehicle subject to annual registration for the first time shall issue or shall cause to be issued to the owner one registration plate for a motorcycle, trailer, semitrailer, motorized pedalcycle or truck-tractor, 2 registration plates for other motor vehicles and, where applicable, current registration stickers for motor vehicles of the first division. The provisions of this Section may be made applicable to such vehicles of the second division, as the Secretary of State may, from time to time, in his discretion designate. On subsequent annual registrations during the term of the registration plate as provided in Section 3-414.1, the Secretary shall issue or cause to be issued registration stickers as evidence of current registration. However, the issuance of annual registration stickers to vehicles registered under the provisions of Sections 3-402.1 and 3-405.3 of this Code may not be required if the Secretary deems the issuance unnecessary.

(b) Every registration plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, the name of this State, which may be abbreviated, the year number for which it was issued, which may be abbreviated, the phrase "Land of Lincoln" (except as otherwise provided in this Code), and such other letters or numbers as the Secretary may prescribe. However, for apportionment plates issued to vehicles registered under Section 3-402.1 and fleet plates issued to vehicles registered under Section 3-405.3, the phrase "Land of Lincoln" may be omitted to allow for the word "apportioned", the word "fleet", or other similar language to be displayed. Registration plates issued to a vehicle registered as a fleet vehicle may display a designation determined by the Secretary.

The Secretary may in his discretion prescribe that letters be used as prefixes only on registration plates issued to vehicles of the first division which are registered under this Code and only as suffixes on registration plates issued to other vehicles. Every registration sticker issued as evidence of current registration shall designate the year number for which
it is issued and such other letters or numbers as the Secretary may prescribe and shall be of a contrasting color with the registration plates and registration stickers of the previous year.

(c) Each registration plate and the required letters and numerals thereon, except the year number for which issued, shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight, and shall be coated with reflectorizing material. The dimensions of the plate issued to vehicles of the first division shall be 6 by 12 inches.

(d) The Secretary of State shall issue for every passenger motor vehicle rented without a driver the same type of registration plates as the type of plates issued for a private passenger vehicle.

(e) The Secretary of State shall issue for every passenger car used as a taxicab or livery, distinctive registration plates.

(f) The Secretary of State shall issue for every motorcycle distinctive registration plates distinguishing between motorcycles having 150 or more cubic centimeters piston displacement, or having less than 150 cubic centimeter piston displacement.

(g) Registration plates issued to vehicles for-hire may display a designation as determined by the Secretary that such vehicles are for-hire.

(h) The Secretary of State shall issue distinctive registration plates for electric vehicles.

(i) The Secretary of State shall issue for every public and private ambulance registration plates identifying the vehicle as an ambulance. The Secretary shall forward to the Department of Healthcare and Family Services registration information for the purpose of verification of claims filed with the Department by ambulance owners for payment for services to public assistance recipients.

(j) The Secretary of State shall issue for every public and private medical carrier or rescue vehicle livery registration plates displaying numbers within ranges of numbers reserved respectively for medical carriers and rescue vehicles. The Secretary shall forward to the Department of Healthcare and Family Services registration information for the purpose of verification of claims filed with the
Department by owners of medical carriers or rescue vehicles for payment for services to public assistance recipients.

(k) The Secretary of State shall issue distinctive license plates or distinctive license plate stickers for every vehicle exempted from subsection (a) of Section 12-503 by subsection (g) of that Section, and by subsection (g-5) of that Section before its deletion by this amendatory Act of the 95th General Assembly. The Secretary shall issue these plates or stickers immediately upon receiving the physician's certification required under subsection (g) of Section 12-503. New plates or stickers shall also be issued when the certification is renewed as provided in that subsection.

(625 ILCS 5/12-503) (from Ch. 95 1/2, par. 12-503)

Sec. 12-503. Windshields must be unobstructed and equipped with wipers.

(a) No person shall drive a motor vehicle with any sign, poster, window application, reflective material, nonreflective material or tinted film upon the front windshield, sidewings or side windows immediately adjacent to each side of the driver. A nonreflective tinted film may be used along the uppermost portion of the windshield if such material does not extend more than 6 inches down from the top of the windshield. Nothing in this Section shall create a cause of action on behalf of a buyer against a dealer or manufacturer who sells a motor vehicle with a window which is in violation of this Section.

(b) Nothing contained in this Section shall prohibit the use of nonreflective, smoked or tinted glass, nonreflective film, perforated window screen or other decorative window application on windows to the rear of the driver's seat, except that any motor vehicle with a window to the rear of the driver's seat treated in this manner shall be equipped with a side mirror on each side of the motor vehicle which are in conformance with Section 12-502.

(c) No person shall drive a motor vehicle with any objects placed or suspended between the driver and the front windshield, rear window, side wings or side windows immediately adjacent to each side of the driver which materially obstructs the driver's view.

New matter indicated by italics - deletions by strikeout
(d) Every motor vehicle, except motorcycles, shall be equipped with a device, controlled by the driver, for cleaning rain, snow, moisture or other obstructions from the windshield; and no person shall drive a motor vehicle with snow, ice, moisture or other material on any of the windows or mirrors, which materially obstructs the driver's clear view of the highway.

(e) No person shall drive a motor vehicle when the windshield, side or rear windows are in such defective condition or repair as to materially impair the driver's view to the front, side or rear. A vehicle equipped with a side mirror on each side of the vehicle which are in conformance with Section 12-502 will be deemed to be in compliance in the event the rear window of the vehicle is materially obscured.

(f) Paragraphs (a) and (b) of this Section shall not apply to:

1. motor vehicles manufactured prior to January 1, 1982; or
2. to those motor vehicles properly registered in another jurisdiction.

(g) Paragraph (a) of this Section shall not apply to any motor vehicle with a window treatment, including but not limited to a window application, reflective material, nonreflective material, or tinted film, applied or affixed to a motor vehicle that: for the purposes set forth in item (1) or (2) before the effective date of this amendatory Act of 1997 and:

1. is owned and operated by a person afflicted with or suffering from a medical illness, ailment, or disease, including but not limited to systemic or discoid lupus erythematosus, disseminated superficial actinic porokeratosis, or albinism, which would require that person to be shielded from the direct rays of the sun; or
2. is used in transporting a person when the person resides at the same address as the registered owner of the vehicle and the person is afflicted with or suffering from a medical illness, ailment or disease which would require the person to be shielded from the direct rays of the sun, including but not limited to
systemic or discoid lupus erythematosus, disseminated superficial actinic porokeratosis, or albinism.

The owner must obtain a certified statement or letter written by a physician licensed to practice medicine in Illinois that such person owning and operating or being transported in a motor vehicle is afflicted with or suffers from such illness, ailment, or disease, including but not limited to systemic or discoid lupus erythematosus, disseminated superficial actinic porokeratosis, or albinism, and such certification must be carried in the motor vehicle at all times. The certification shall be legible and shall contain the date of issuance, the name, address and signature of the attending physician, and the name, address, and medical condition of the person requiring exemption. The information on the certificate for a window treatment applied or affixed before the effective date of this amendatory Act of 1997 must remain current and shall be renewed annually by the attending physician, but in no event shall a certificate issued for purposes of this subsection be valid on or after January 1, 2008. The owner shall also submit a copy of the certification to the Secretary of State. The Secretary of State may forward notice of certification to law enforcement agencies.

This subsection shall not be construed to authorize window treatments applied or affixed on or after the effective date of this amendatory Act of 1997.

The exemption provided by this subsection (g) shall not apply to any motor vehicle on and after January 1, 2008.

This subsection (g) does not apply to the exemption set forth in subsection (g-5).

(g-5) (Blank). Paragraph (a) of this Section does not apply to any motor vehicle with a window treatment, including but not limited to a window application, reflective material, nonreflective material, or tinted film, applied or affixed to a motor vehicle that:
(i) is owned and operated by a person afflicted with or suffering from systemic or discoid lupus erythematosus or albinism; or

(ii) is used in transporting a person who resides at the same address as the registered owner and is afflicted with or suffers from systemic or discoid lupus erythematosus or albinism.

It must be certified by a physician licensed to practice medicine in Illinois that the person owning and operating or being transported in a motor vehicle is afflicted with or suffers from systemic or discoid lupus erythematosus or albinism and the certification must be carried in the motor vehicle at all times. The certification shall be legible and shall contain the date of issuance, the name, address, and signature of the attending physician, and the name, address, and medical condition of the person requiring exemption. The information on the certificate for a window treatment must remain current and shall be renewed annually by the attending physician. The owner of the vehicle shall also submit a copy of the certification to the Secretary of State. The Secretary of State may forward notice of certification to law enforcement agencies.

(h) Paragraph (a) of this Section shall not apply to motor vehicle stickers or other certificates issued by State or local authorities which are required to be displayed upon motor vehicle windows to evidence compliance with requirements concerning motor vehicles.

(i) Those motor vehicles exempted under paragraph (f)(1) of this Section shall not cause their windows to be treated as described in paragraph (a) after January 1, 1993.

(j) A person found guilty of violating paragraphs (a), (b), or (i) of this Section shall be guilty of a petty offense and fined no less than $50 nor more than $500. A second or subsequent violation of paragraphs (a), (b), or (i) of this Section shall be treated as a Class C misdemeanor and the violator fined no less than $100 nor more than $500. Any person convicted under paragraphs (a), (b), or (i) of this Section shall be ordered to alter any nonconforming windows into compliance with this Section.

(Source: P.A. 94-564, eff. 8-12-05.)

New matter indicated by italics - deletions by strikeout
Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0203
(House Bill No. 0620)

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

Section 5. The Counties Code is amended by adding Section 5-12020 as follows:

(55 ILCS 5/5-12020 new)

Sec. 5-12020. Wind farms. A county may establish standards for wind farms and electric-generating wind devices. The standards may include, without limitation, the height of the devices and the number of devices that may be located within a geographic area. A county may also regulate the siting of wind farms and electric-generating wind devices in unincorporated areas of the county outside of the zoning jurisdiction of a municipality and the 1.5 mile radius surrounding the zoning jurisdiction of a municipality. There shall be at least one public hearing not more than 30 days prior to a siting decision by the county board. Notice of the hearing shall be published in a newspaper of general circulation in the county. Counties may allow test wind towers to be sited without formal approval by the county board. Test wind towers must be dismantled within 3 years of installation. For the purposes of this Section, "test wind towers" are wind towers that are designed solely to collect wind generation data. Any provision of a county zoning ordinance pertaining to wind farms that is in effect before the effective date of this amendatory Act of the 95th General Assembly may continue in effect notwithstanding any requirements of this Section.

New matter indicated by italics - deletions by strikeout
Section 10. The Illinois Municipal Code is amended by adding Section 11-13-26 as follows:

(65 ILCS 5/11-13-26 new)

Sec. 11-13-26. Wind farms. A municipality may regulate wind farms and electric-generating wind devices within its zoning jurisdiction and within the 1.5 mile radius surrounding its zoning jurisdiction. There shall be at least one public hearing not more than 30 days prior to a siting decision by the corporate authorities of a municipality. Notice of the hearing shall be published in a newspaper of general circulation in the municipality. A municipality may allow test wind towers to be sited without formal approval by the corporate authorities of the municipality. Test wind towers must be dismantled within 3 years of installation. For the purposes of this Section, "test wind towers" are wind towers that are designed solely to collect wind generation data.

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


PUBLIC ACT 95-0204
(House Bill No. 0622)

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

Section 5. The Alcoholism and Other Drug Abuse and Dependency Act is amended by adding Section 55-25 as follows:

(20 ILCS 301/55-25 new)

Sec. 55-25. Drug court grant program. (a) Subject to appropriation, the Division of Alcoholism and Substance Abuse within the Department of Human Services shall establish a program to administer grants to local drug courts. Grant moneys may be used for the following purposes:

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(1) treatment or other clinical intervention through an appropriately licensed provider;
(2) monitoring, supervision, and clinical case management via probation, TASC, or other licensed Division of Alcoholism and Substance Abuse (DASA) providers;
(3) transportation of the offender to required appointments;
(4) interdisciplinary and other training of both clinical and legal professionals who are involved in the local drug court;
(5) other activities including data collection related to drug court operation and purchase of software or other administrative tools to assist in the overall management of the local system; or
(6) court appointed special advocate programs.

(b) The position of Statewide Drug Court Coordinator is created as a full-time position within the Division of Alcoholism and Substance Abuse. The Statewide Drug Court Coordinator shall be responsible for the following:

(1) coordinating training, technical assistance, and overall support to drug courts in Illinois;
(2) assisting in the development of new drug courts and advising local partnerships on appropriate practices;
(3) collecting data from local drug court partnerships on drug court operations and aggregating that data into an annual report to be presented to the General Assembly; and
(4) acting as a liaison between the State and the Illinois Association of Drug Court Professionals.

Effective January 1, 2008.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Department of Public Health Powers and Duties
Law of the Civil Administrative Code of Illinois is amended by changing
Section 2310-15 as follows:

(20 ILCS 2310/2310-15) (was 20 ILCS 2310/55.02)

Sec. 2310-15. General supervision of health; delegation to certified
local health departments boards of health. To have the general supervision
of the interests of the health and lives of the people of the State and to
exercise the rights, powers, and duties of those Acts that it is by law
authorized to enforce. The Department shall have the general authority to
delegate to certified local health departments county and multiple-county
boards of health the duties and powers under those Acts it is authorized to
enforce for the purpose of local administration and enforcement. Upon
accepting the delegation of duties and powers, certified local health
departments county and multiple-county boards of health shall administer
and enforce the minimum program standards promulgated by the
Department under the provisions of those Acts. Certified local health
departments county and multiple-county boards of health may establish
reasonable fees for the permits, licenses, or other activities performed
under the delegation agreement. Upon delegation of duties and powers, the
Department may waive any portion of its fees established by statute or
rule if the county or multiple-county board of health accepts the
delegation.

(Source: P.A. 91-239, eff. 1-1-00.)

Effective January 1, 2008.

PUBLIC ACT 95-0206
(House Bill No. 1009)

AN ACT concerning public aid.

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

Section 5. The Illinois Public Aid Code is amended by changing Section 9A-11 as follows:

(305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

Sec. 9A-11. Child Care.

(a) The General Assembly recognizes that families with children need child care in order to work. Child care is expensive and families with low incomes, including those who are transitioning from welfare to work, often struggle to pay the costs of day care. The General Assembly understands the importance of helping low income working families become and remain self-sufficient. The General Assembly also believes that it is the responsibility of families to share in the costs of child care. It is also the preference of the General Assembly that all working poor families should be treated equally, regardless of their welfare status.

(b) To the extent resources permit, the Illinois Department shall provide child care services to parents or other relatives as defined by rule who are working or participating in employment or Department approved education or training programs. At a minimum, the Illinois Department shall cover the following categories of families:

(1) recipients of TANF under Article IV participating in work and training activities as specified in the personal plan for employment and self-sufficiency;
(2) families transitioning from TANF to work;
(3) families at risk of becoming recipients of TANF;
(4) families with special needs as defined by rule; and
(5) working families with very low incomes as defined by rule.

The Department shall specify by rule the conditions of eligibility, the application process, and the types, amounts, and duration of services. Eligibility for child care benefits and the amount of child care provided may vary based on family size, income, and other factors as specified by rule.

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In determining income eligibility for child care benefits, the Department annually, at the beginning of each fiscal year, shall establish, by rule, one income threshold for each family size, in relation to percentage of State median income for a family of that size, that makes families with incomes below the specified threshold eligible for assistance and families with incomes above the specified threshold ineligible for assistance. Through and including fiscal year 2007, the specified threshold must be no less than 50% of the then-current State median income for each family size. Beginning in fiscal year 2008, the specified threshold must be no less than 185% of the then-current federal poverty level for each family size.

In determining eligibility for assistance, the Department shall not give preference to any category of recipients or give preference to individuals based on their receipt of benefits under this Code.

The Department shall allocate $7,500,000 annually for a test program for families who are income-eligible for child care assistance, who are not recipients of TANF under Article IV, and who need child care assistance to participate in education and training activities. The Department shall specify by rule the conditions of eligibility for this test program.

Nothing in this Section shall be construed as conferring entitlement status to eligible families.

The Illinois Department is authorized to lower income eligibility ceilings, raise parent co-payments, create waiting lists, or take such other actions during a fiscal year as are necessary to ensure that child care benefits paid under this Article do not exceed the amounts appropriated for those child care benefits. These changes may be accomplished by emergency rule under Section 5-45 of the Illinois Administrative Procedure Act, except that the limitation on the number of emergency rules that may be adopted in a 24-month period shall not apply.

The Illinois Department may contract with other State agencies or child care organizations for the administration of child care services.

(c) Payment shall be made for child care that otherwise meets the requirements of this Section and applicable standards of State and local
law and regulation, including any requirements the Illinois Department promulgates by rule in addition to the licensure requirements promulgated by the Department of Children and Family Services and Fire Prevention and Safety requirements promulgated by the Office of the State Fire Marshal and is provided in any of the following:

(1) a child care center which is licensed or exempt from licensure pursuant to Section 2.09 of the Child Care Act of 1969;

(2) a licensed child care home or home exempt from licensing;

(3) a licensed group child care home;

(4) other types of child care, including child care provided by relatives or persons living in the same home as the child, as determined by the Illinois Department by rule.

(b-5) Solely for the purposes of coverage under the Illinois Public Labor Relations Act, child and day care home providers, including licensed and license exempt, participating in the Department's child care assistance program shall be considered to be public employees and the State of Illinois shall be considered to be their employer as of the effective date of this amendatory Act of the 94th General Assembly, but not before. The State shall engage in collective bargaining with an exclusive representative of child and day care home providers participating in the child care assistance program concerning their terms and conditions of employment that are within the State's control. Nothing in this subsection shall be understood to limit the right of families receiving services defined in this Section to select child and day care home providers or supervise them within the limits of this Section. The State shall not be considered to be the employer of child and day care home providers for any purposes not specifically provided in this amendatory Act of the 94th General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Child and day care home providers shall not be covered by the State Employees Group Insurance Act of 1971.

In according child and day care home providers and their selected representative rights under the Illinois Public Labor Relations Act, the

New matter indicated by italics - deletions by strikeout
State intends that the State action exemption to application of federal and State antitrust laws be fully available to the extent that their activities are authorized by this amendatory Act of the 94th General Assembly.

(d) The Illinois Department shall, by rule, require co-payments for child care services by any parent, including parents whose only income is from assistance under this Code. The co-payment shall be assessed based on a sliding scale based on family income, family size, and the number of children in care. Co-payments shall not be increased due solely to a change in the methodology for counting family income.

(d-5) The Illinois Department, in consultation with its Child Care and Development Advisory Council, shall develop a plan to revise the child care assistance program's co-payment scale. The plan shall be completed no later than February 1, 2008, and shall include:

1. findings as to the percentage of income that the average American family spends on child care and the relative amounts that low-income families and the average American family spend on other necessities of life;

2. recommendations for revising the child care co-payment scale to assure that families receiving child care services from the Department are paying no more than they can reasonably afford;

3. recommendations for revising the child care co-payment scale to provide at-risk children with complete access to Preschool for All and Head Start; and

4. recommendations for changes in child care program policies that affect the affordability of child care.

(e) The Illinois Department shall conduct a market rate survey based on the cost of care and other relevant factors which shall be completed by July 1, 1998.

(f) The Illinois Department shall, by rule, set rates to be paid for the various types of child care. Child care may be provided through one of the following methods:

1. arranging the child care through eligible providers by use of purchase of service contracts or vouchers;

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(2) arranging with other agencies and community volunteer groups for non-reimbursed child care;
(3) (blank); or
(4) adopting such other arrangements as the Department determines appropriate.

(f-5) The Illinois Department, in consultation with its Child Care and Development Advisory Council, shall develop a comprehensive plan to revise the State's rates for the various types of child care. The plan shall be completed no later than January 1, 2005 and shall include:

(1) Base reimbursement rates that are adequate to provide children receiving child care services from the Department equal access to quality child care, utilizing data from the most current market rate survey.

(2) A tiered reimbursement rate system that financially rewards providers of child care services that meet defined benchmarks of higher-quality care.

(3) Consideration of revisions to existing county groupings and age classifications, utilizing data from the most current market rate survey.

(4) Consideration of special rates for certain types of care such as caring for a child with a disability.

(g) Families eligible for assistance under this Section shall be given the following options:

(1) receiving a child care certificate issued by the Department or a subcontractor of the Department that may be used by the parents as payment for child care and development services only; or

(2) if space is available, enrolling the child with a child care provider that has a purchase of service contract with the Department or a subcontractor of the Department for the provision of child care and development services. The Department may identify particular priority populations for whom they may request special consideration by a provider with purchase of service contracts, provided that the providers shall be permitted to

New matter indicated by italics - deletions by strikeout
maintain a balance of clients in terms of household incomes and families and children with special needs, as defined by rule.
(Source: P.A. 93-361, eff. 9-1-03; 93-1062, eff. 12-23-04; 94-320, eff. 1-1-06.)

Section 99. Effective date. This Act takes effect July 1, 2007.

PUBLIC ACT 95-0207
(House Bill No. 1138)

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

Section 5. The Illinois Vehicle Code is amended by changing Sections 3-405 and 3-416 as follows:
(625 ILCS 5/3-405) (from Ch. 95 1/2, par. 3-405)
Sec. 3-405. Application for registration.
(a) Every owner of a vehicle subject to registration under this Code shall make application to the Secretary of State for the registration of such vehicle upon the appropriate form or forms furnished by the Secretary. Every such application shall bear the signature of the owner written with pen and ink and contain:

1. The name, domicile address, as defined in Section 1-115.5 of this Code, bona fide residence (except as otherwise provided in this paragraph 1) and mail address of the owner or business address of the owner if a firm, association or corporation. If the mailing address is a post office box number, the address listed on the driver license record may be used to verify residence. A police officer, a deputy sheriff, an elected sheriff, a law enforcement officer for the Department of State Police, or a fire investigator may elect to furnish the address of the headquarters of the governmental entity or police district where he or she works

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instead of his or her domicile residence address, in which case that address shall be deemed to be his or her domicile residence address for all purposes under this Chapter 3. The spouse and children of a person who may elect under this paragraph 1 to furnish the address of the headquarters of the government entity or police district where the person works instead of the person's domicile residence address may, if they reside with that person, also elect to furnish the address of the headquarters of the government entity or police district where the person works as their domicile residence address, in which case that address shall be deemed to be their domicile residence address for all purposes under this Chapter 3. In this paragraph 1: (A) "police officer" has the meaning ascribed to "policeman" in Section 10-3-1 of the Illinois Municipal Code; (B) "deputy sheriff" means a deputy sheriff appointed under Section 3-6008 of the Counties Code; (C) "elected sheriff" means a sheriff commissioned pursuant to Section 3-6001 of the Counties Code; and (D) "fire investigator" means a person classified as a peace officer under the Peace Officer Fire Investigation Act.

2. A description of the vehicle, including such information as is required in an application for a certificate of title, determined under such standard rating as may be prescribed by the Secretary.

3. Information relating to the insurance policy for the motor vehicle, including the name of the insurer which issued the policy, the policy number, and the expiration date of the policy.

4. Such further information as may reasonably be required by the Secretary to enable him to determine whether the vehicle is lawfully entitled to registration and the owner entitled to a certificate of title.

5. An affirmation by the applicant that all information set forth is true and correct. If the application is for the registration of a motor vehicle, the applicant also shall affirm that the motor vehicle is insured as required by this Code, that such insurance will be maintained throughout the period for which the motor vehicle shall be registered, and that neither the owner, nor any person

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operating the motor vehicle with the owner's permission, shall
operate the motor vehicle unless the required insurance is in effect.
If the person signing the affirmation is not the sole owner of the
vehicle, such person shall be deemed to have affirmed on behalf of
all the owners of the vehicle. If the person signing the affirmation
is not an owner of the vehicle, such person shall be deemed to have
affirmed on behalf of the owner or owners of the vehicle. The lack
of signature on the application shall not in any manner exempt the
owner or owners from any provisions, requirements or penalties of
this Code.

(b) When such application refers to a new vehicle purchased from
a dealer the application shall be accompanied by a Manufacturer's
Statement of Origin from the dealer, and a statement showing any lien
retained by the dealer.
(Source: P.A. 93-723, eff. 1-1-05.)

Sec. 3-416. Notice of change of address or name.
(a) Whenever any person after making application for or obtaining
the registration of a vehicle shall move from the address named in the
application or shown upon a registration card such person shall within 10
days thereafter notify the Secretary of State of his or her old and new
address.

(a-5) A police officer, a deputy sheriff, an elected sheriff, a law
enforcement officer for the Department of State Police, or a fire
investigator who, in accordance with Section 3-405, has furnished the
address of the office of the headquarters of the governmental entity or
police district where he or she works instead of his or her domicile
residence address shall, within 10 days after he or she is no longer
employed by that governmental entity or police district as a police officer,
a deputy sheriff, an elected sheriff, a law enforcement officer for the
Department of State Police or a fire investigator, notify the Secretary of
State of the old address and his or her new address. If, in accordance with
Section 3-405, the spouse and children of a police officer, deputy sheriff,
elected sheriff, law enforcement officer for the Department of State Police,

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or fire investigator have furnished the address of the office of the headquarters of the governmental entity or police district where the police officer, deputy sheriff, elected sheriff, law enforcement officer for the Department of State Police, or fire investigator works instead of their domicile address, the spouse and children shall notify the Secretary of State of their old address and new address within 10 days after the police officer, deputy sheriff, elected sheriff, law enforcement officer for the Department of State Police, or fire investigator is no longer employed by that governmental entity or police district as a police officer, deputy sheriff, elected sheriff, law enforcement officer for the Department of State Police, or fire investigator.

(b) Whenever the name of any person who has made application for or obtained the registration of a vehicle is thereafter changed by marriage or otherwise such person shall within 10 days notify the Secretary of State of such former and new name.

(c) In either event, any such person may obtain a corrected registration card or certificate of title upon application and payment of the statutory fee.

(Source: P.A. 94-239, eff. 1-1-06.)

Effective January 1, 2008.

PUBLIC ACT 95-0208
(House Bill No. 1257)

AN ACT concerning aging.

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

Section 5. The Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act is amended by changing Section 4 as follows:

(320 ILCS 25/4) (from Ch. 67 1/2, par. 404)
Sec. 4. Amount of Grant.

New matter indicated by italics - deletions by strikeout
(a) In general. Any individual 65 years or older or any individual who will become 65 years old during the calendar year in which a claim is filed, and any surviving spouse of such a claimant, who at the time of death received or was entitled to receive a grant pursuant to this Section, which surviving spouse will become 65 years of age within the 24 months immediately following the death of such claimant and which surviving spouse but for his or her age is otherwise qualified to receive a grant pursuant to this Section, and any disabled person whose annual household income is less than $14,000 for grant years before the 1998 grant year, less than $16,000 for the 1998 and 1999 grant years, and less than (i) $21,218 for a household containing one person, (ii) $28,480 for a household containing 2 persons, or (iii) $35,740 for a household containing 3 or more persons for the 2000 grant year and thereafter and whose household is liable for payment of property taxes accrued or has paid rent constituting property taxes accrued and is domiciled in this State at the time he or she files his or her claim is entitled to claim a grant under this Act. With respect to claims filed by individuals who will become 65 years old during the calendar year in which a claim is filed, the amount of any grant to which that household is entitled shall be an amount equal to 1/12 of the amount to which the claimant would otherwise be entitled as provided in this Section, multiplied by the number of months in which the claimant was 65 in the calendar year in which the claim is filed.

(b) Limitation. Except as otherwise provided in subsections (a) and (f) of this Section, the maximum amount of grant which a claimant is entitled to claim is the amount by which the property taxes accrued which were paid or payable during the last preceding tax year or rent constituting property taxes accrued upon the claimant's residence for the last preceding taxable year exceeds 3 1/2% of the claimant's household income for that year but in no event is the grant to exceed (i) $700 less 4.5% of household income for that year for those with a household income of $14,000 or less or (ii) $70 if household income for that year is more than $14,000.

(c) Public aid recipients. If household income in one or more months during a year includes cash assistance in excess of $55 per month from the Department of Healthcare and Family Services or the Department

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of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) which was determined under regulations of that Department on a measure of need that included an allowance for actual rent or property taxes paid by the recipient of that assistance, the amount of grant to which that household is entitled, except as otherwise provided in subsection (a), shall be the product of (1) the maximum amount computed as specified in subsection (b) of this Section and (2) the ratio of the number of months in which household income did not include such cash assistance over $55 to the number twelve. If household income did not include such cash assistance over $55 for any months during the year, the amount of the grant to which the household is entitled shall be the maximum amount computed as specified in subsection (b) of this Section. For purposes of this paragraph (c), "cash assistance" does not include any amount received under the federal Supplemental Security Income (SSI) program.

(d) Joint ownership. If title to the residence is held jointly by the claimant with a person who is not a member of his or her household, the amount of property taxes accrued used in computing the amount of grant to which he or she is entitled shall be the same percentage of property taxes accrued as is the percentage of ownership held by the claimant in the residence.

(e) More than one residence. If a claimant has occupied more than one residence in the taxable year, he or she may claim only one residence for any part of a month. In the case of property taxes accrued, he or she shall prorate 1/12 of the total property taxes accrued on his or her residence to each month that he or she owned and occupied that residence; and, in the case of rent constituting property taxes accrued, shall prorate each month's rent payments to the residence actually occupied during that month.

(f) There is hereby established a program of pharmaceutical assistance to the aged and disabled which shall be administered by the Department in accordance with this Act, to consist of payments to authorized pharmacies, on behalf of beneficiaries of the program, for the reasonable costs of covered prescription drugs. Each beneficiary who pays

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$5 for an identification card shall pay no additional prescription costs. Each beneficiary who pays $25 for an identification card shall pay $3 per prescription. In addition, after a beneficiary receives $2,000 in benefits during a State fiscal year, that beneficiary shall also be charged 20% of the cost of each prescription for which payments are made by the program during the remainder of the fiscal year. To become a beneficiary under this program a person must: (1) be (i) 65 years of age or older, or (ii) the surviving spouse of such a claimant, who at the time of death received or was entitled to receive benefits pursuant to this subsection, which surviving spouse will become 65 years of age within the 24 months immediately following the death of such claimant and which surviving spouse but for his or her age is otherwise qualified to receive benefits pursuant to this subsection, or (iii) disabled, and (2) be domiciled in this State at the time he or she files his or her claim, and (3) have a maximum household income of less than $14,000 for grant years before the 1998 grant year, less than $16,000 for the 1998 and 1999 grant years, and less than (i) $21,218 for a household containing one person, (ii) $28,480 for a household containing 2 persons, or (iii) $35,740 for a household containing 3 more persons for the 2000 grant year and thereafter. In addition, each eligible person must (1) obtain an identification card from the Department, (2) at the time the card is obtained, sign a statement assigning to the State of Illinois benefits which may be otherwise claimed under any private insurance plans, and (3) present the identification card to the dispensing pharmacist.

The Department may adopt rules specifying participation requirements for the pharmaceutical assistance program, including copayment amounts, identification card fees, expenditure limits, and the benefit threshold after which a 20% charge is imposed on the cost of each prescription, to be in effect on and after July 1, 2004. Notwithstanding any other provision of this paragraph, however, the Department may not increase the identification card fee above the amount in effect on May 1, 2003 without the express consent of the General Assembly. To the extent practicable, those requirements shall be commensurate with the requirements provided in rules adopted by the Department of Healthcare
and Family Services to implement the pharmacy assistance program under Section 5-5.12a of the Illinois Public Aid Code.

Whenever a generic equivalent for a covered prescription drug is available, the Department shall reimburse only for the reasonable costs of the generic equivalent, less the co-pay established in this Section, unless (i) the covered prescription drug contains one or more ingredients defined as a narrow therapeutic index drug at 21 CFR 320.33, (ii) the prescriber indicates on the face of the prescription "brand medically necessary", and (iii) the prescriber specifies that a substitution is not permitted. When issuing an oral prescription for covered prescription medication described in item (i) of this paragraph, the prescriber shall stipulate "brand medically necessary" and that a substitution is not permitted. If the covered prescription drug and its authorizing prescription do not meet the criteria listed above, the beneficiary may purchase the non-generic equivalent of the covered prescription drug by paying the difference between the generic cost and the non-generic cost plus the beneficiary co-pay.

Any person otherwise eligible for pharmaceutical assistance under this Act whose covered drugs are covered by any public program for assistance in purchasing any covered prescription drugs shall be ineligible for assistance under this Act to the extent such costs are covered by such other plan.

The fee to be charged by the Department for the identification card shall be equal to $5 per coverage year for persons below the official poverty line as defined by the United States Department of Health and Human Services and $25 per coverage year for all other persons.

In the event that 2 or more persons are eligible for any benefit under this Act, and are members of the same household, (1) each such person shall be entitled to participate in the pharmaceutical assistance program, provided that he or she meets all other requirements imposed by this subsection and (2) each participating household member contributes the fee required for that person by the preceding paragraph for the purpose of obtaining an identification card.

The provisions of this subsection (f), other than this paragraph, are inoperative after December 31, 2005. Beneficiaries who received benefits

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under the program established by this subsection (f) are not entitled, at the termination of the program, to any refund of the identification card fee paid under this subsection.

(g) Effective January 1, 2006, there is hereby established a program of pharmaceutical assistance to the aged and disabled, entitled the Illinois Seniors and Disabled Drug Coverage Program, which shall be administered by the Department of Healthcare and Family Services and the Department on Aging in accordance with this subsection, to consist of coverage of specified prescription drugs on behalf of beneficiaries of the program as set forth in this subsection. The program under this subsection replaces and supersedes the program established under subsection (f), which shall end at midnight on December 31, 2005.

To become a beneficiary under the program established under this subsection, a person must:

(1) be (i) 65 years of age or older or (ii) disabled; and
(2) be domiciled in this State; and
(3) enroll with a qualified Medicare Part D Prescription Drug Plan if eligible and apply for all available subsidies under Medicare Part D; and
(4) have a maximum household income of (i) less than $21,218 for a household containing one person, (ii) less than $28,480 for a household containing 2 persons, or (iii) less than $35,740 for a household containing 3 or more persons. If any income eligibility limit set forth in items (i) through (iii) is less than 200% of the Federal Poverty Level for any year, the income eligibility limit for that year for households of that size shall be income equal to or less than 200% of the Federal Poverty Level.

All individuals enrolled as of December 31, 2005, in the pharmaceutical assistance program operated pursuant to subsection (f) of this Section and all individuals enrolled as of December 31, 2005, in the SeniorCare Medicaid waiver program operated pursuant to Section 5-5.12a of the Illinois Public Aid Code shall be automatically enrolled in the program established by this subsection for the first year of operation without the need for further application, except that they must apply for

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Medicare Part D and the Low Income Subsidy under Medicare Part D. A person enrolled in the pharmaceutical assistance program operated pursuant to subsection (f) of this Section as of December 31, 2005, shall not lose eligibility in future years due only to the fact that they have not reached the age of 65.

To the extent permitted by federal law, the Department may act as an authorized representative of a beneficiary in order to enroll the beneficiary in a Medicare Part D Prescription Drug Plan if the beneficiary has failed to choose a plan and, where possible, to enroll beneficiaries in the low-income subsidy program under Medicare Part D or assist them in enrolling in that program.

Beneficiaries under the program established under this subsection shall be divided into the following 5 eligibility groups:

(A) Eligibility Group 1 shall consist of beneficiaries who are not eligible for Medicare Part D coverage and who are:
   (i) disabled and under age 65; or
   (ii) age 65 or older, with incomes over 200% of the Federal Poverty Level; or
   (iii) age 65 or older, with incomes at or below 200% of the Federal Poverty Level and not eligible for federally funded means-tested benefits due to immigration status.

(B) Eligibility Group 2 shall consist of beneficiaries otherwise described in Eligibility Group 1 but who are eligible for Medicare Part D coverage.

(C) Eligibility Group 3 shall consist of beneficiaries age 65 or older, with incomes at or below 200% of the Federal Poverty Level, who are not barred from receiving federally funded means-tested benefits due to immigration status and are eligible for Medicare Part D coverage.

(D) Eligibility Group 4 shall consist of beneficiaries age 65 or older, with incomes at or below 200% of the Federal Poverty Level, who are not barred from receiving federally funded means-tested benefits due to immigration status and are not eligible for Medicare Part D coverage.

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If the State applies and receives federal approval for a waiver under Title XIX of the Social Security Act, persons in Eligibility Group 4 shall continue to receive benefits through the approved waiver, and Eligibility Group 4 may be expanded to include disabled persons under age 65 with incomes under 200% of the Federal Poverty Level who are not eligible for Medicare and who are not barred from receiving federally funded means-tested benefits due to immigration status.

(E) On and after January 1, 2007, Eligibility Group 5 shall consist of beneficiaries who are otherwise described in Eligibility Groups 2 and 3 who Group 1 but are eligible for Medicare Part D and have a diagnosis of HIV or AIDS.

The program established under this subsection shall cover the cost of covered prescription drugs in excess of the beneficiary cost-sharing amounts set forth in this paragraph that are not covered by Medicare. In 2006, beneficiaries shall pay a co-payment of $2 for each prescription of a generic drug and $5 for each prescription of a brand-name drug. In future years, beneficiaries shall pay co-payments equal to the co-payments required under Medicare Part D for "other low-income subsidy eligible individuals" pursuant to 42 CFR 423.782(b). For individuals in Eligibility Groups 1, 2, 3, and 4, once the program established under this subsection and Medicare combined have paid $1,750 in a year for covered prescription drugs, the beneficiary shall pay 20% of the cost of each prescription in addition to the co-payments set forth in this paragraph. For individuals in Eligibility Group 5, once the program established under this subsection and Medicare combined have paid $1,750 in a year for covered prescription drugs, the beneficiary shall pay 20% of the cost of each prescription in addition to the co-payments set forth in this paragraph unless the drug is included in the formulary of the Illinois AIDS Drug Assistance Program operated by the Illinois Department of Public Health. If the drug is included in the formulary of the Illinois AIDS Drug Assistance Program, individuals in Eligibility Group 5 shall continue to pay the co-payments set forth in this paragraph after the program

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established under this subsection and Medicare combined have paid $1,750 in a year for covered prescription drugs.

For beneficiaries eligible for Medicare Part D coverage, the program established under this subsection shall pay 100% of the premiums charged by a qualified Medicare Part D Prescription Drug Plan for Medicare Part D basic prescription drug coverage, not including any late enrollment penalties. Qualified Medicare Part D Prescription Drug Plans may be limited by the Department of Healthcare and Family Services to those plans that sign a coordination agreement with the Department.

Notwithstanding Section 3.15, for purposes of the program established under this subsection, the term "covered prescription drug" has the following meanings:

For Eligibility Group 1, "covered prescription drug" means: (1) any cardiovascular agent or drug; (2) any insulin or other prescription drug used in the treatment of diabetes, including syringe and needles used to administer the insulin; (3) any prescription drug used in the treatment of arthritis; (4) any prescription drug used in the treatment of cancer; (5) any prescription drug used in the treatment of Alzheimer's disease; (6) any prescription drug used in the treatment of Parkinson's disease; (7) any prescription drug used in the treatment of glaucoma; (8) any prescription drug used in the treatment of lung disease and smoking-related illnesses; (9) any prescription drug used in the treatment of osteoporosis; and (10) any prescription drug used in the treatment of multiple sclerosis. The Department may add additional therapeutic classes by rule. The Department may adopt a preferred drug list within any of the classes of drugs described in items (1) through (10) of this paragraph. The specific drugs or therapeutic classes of covered prescription drugs shall be indicated by rule.

For Eligibility Group 2, "covered prescription drug" means those drugs covered for Eligibility Group 1 that are also covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled.

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For Eligibility Group 3, "covered prescription drug" means those drugs covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled.

For Eligibility Group 4, "covered prescription drug" means those drugs covered by the Medical Assistance Program under Article V of the Illinois Public Aid Code.

For Eligibility Group 5, *for individuals otherwise described in Eligibility Group 2*, "covered prescription drug" means: (1) those drugs covered for Eligibility Group 2 that are also covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled; and (2) those drugs included in the formulary of the Illinois AIDS Drug Assistance Program operated by the Illinois Department of Public Health that are also covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled. *For Eligibility Group 5, for individuals otherwise described in Eligibility Group 3*, "covered prescription drug" means those drugs covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled.

An individual in Eligibility Group 1, 2, 3, or 4, or 5 may opt to receive a $25 monthly payment in lieu of the direct coverage described in this subsection.

Any person otherwise eligible for pharmaceutical assistance under this subsection whose covered drugs are covered by any public program is ineligible for assistance under this subsection to the extent that the cost of those drugs is covered by the other program.

The Department of Healthcare and Family Services shall establish by rule the methods by which it will provide for the coverage called for in this subsection. Those methods may include direct reimbursement to pharmacies or the payment of a capitated amount to Medicare Part D Prescription Drug Plans.

For a pharmacy to be reimbursed under the program established under this subsection, it must comply with rules adopted by the Department of Healthcare and Family Services regarding coordination of benefits with Medicare Part D Prescription Drug Plans. A pharmacy may...
not charge a Medicare-enrolled beneficiary of the program established under this subsection more for a covered prescription drug than the appropriate Medicare cost-sharing less any payment from or on behalf of the Department of Healthcare and Family Services.

The Department of Healthcare and Family Services or the Department on Aging, as appropriate, may adopt rules regarding applications, counting of income, proof of Medicare status, mandatory generic policies, and pharmacy reimbursement rates and any other rules necessary for the cost-efficient operation of the program established under this subsection.

(Source: P.A. 93-130, eff. 7-10-03; 94-86, eff. 1-1-06; 94-909, eff. 6-23-06.)

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


PUBLIC ACT 95-0209
(House Bill No. 1359)

AN ACT concerning employment.

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

Section 5. The Code of Civil Procedure is amended by changing Section 13-206 as follows:

(735 ILCS 5/13-206) (from Ch. 110, par. 13-206)

Sec. 13-206. Ten year limitation. Except as provided in Section 2-725 of the "Uniform Commercial Code", actions on bonds, promissory notes, bills of exchange, written leases, written contracts, or other evidences of indebtedness in writing and actions brought under the Illinois Wage Payment and Collection Act; shall be commenced within 10 years next after the cause of action accrued; but if any payment or new promise to pay has been made, in writing, on any bond, note, bill, lease,

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contract, or other written evidence of indebtedness, within or after the period of 10 years, then an action may be commenced thereon at any time within 10 years after the time of such payment or promise to pay. For purposes of this Section, with regard to promissory notes dated on or after the effective date of this amendatory Act of 1997, a cause of action on a promissory note payable at a definite date accrues on the due date or date stated in the promissory note or the date upon which the promissory note is accelerated. With respect to a demand promissory note dated on or after the effective date of this amendatory Act of 1997, if a demand for payment is made to the maker of the demand promissory note, an action to enforce the obligation of a party to pay the demand promissory note must be commenced within 10 years after the demand. An action to enforce a demand promissory note is barred if neither principal nor interest on the demand promissory note has been paid for a continuous period of 10 years and no demand for payment has been made to the maker during that period.

(Source: P.A. 90-451, eff. 1-1-98.)

Section 10. The Illinois Wage Payment and Collection Act is amended by changing Sections 11 and 14 as follows:

(820 ILCS 115/11) (from Ch. 48, par. 39m-11)

Sec. 11. It shall be the duty of the Department of Labor to inquire diligently for any violations of this Act, and to institute the actions for penalties herein provided, and to enforce generally the provisions of this Act.

An employee may file a complaint with the Department alleging violations of the Act by submitting a signed, completed wage claim application on the form provided by the Department and by submitting copies of all supporting documentation. Complaints shall be filed within one year after the wages, final compensation, or wage supplements were due.

Applications shall be reviewed by the Department to determine whether there is cause for investigation.

The department shall have the following powers:

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(a) To investigate and attempt equitably to adjust controversies between employees and employers in respect of wage claims arising under this Act and to that end the department through the Director of Labor or any other person in the Department of Labor designated by him or her, shall have the power to administer oaths, subpoena and examine witnesses, to issue subpoenas duces tecum requiring the production of such books, papers, records and documents as may be evidence of any matter under inquiry and to examine and inspect the same as may relate to the question in dispute. Service of such subpoenas shall be made by any sheriff or any person. Any court in this State, upon the application of the department may compel attendance of witnesses, the production of books and papers, and the giving of testimony before the department by attachment for contempt or in any other way as the production of evidence may be compelled before such court.

(b) To take assignments of wage claims in the name of the Director of Labor and his or her successors in office and prosecute actions for the collection of wages for persons financially unable to prosecute such claims when in the judgment of the department such claims are valid and enforceable in the courts. No court costs or any fees for necessary process and proceedings shall be payable in advance by the department for prosecuting such actions. In the event there is a judgment rendered against the defendant, the court shall assess as part of such judgment the costs of such proceeding. Upon collection of such judgments the department shall pay from the proceeds of such judgment such costs to such person who is by law entitled to same. The department may join in a single proceeding any number of wage claims against the same employer but the court shall have discretionary power to order a severance or separate trial for hearings.

(c) To make complaint in any court of competent jurisdiction of violations of this Act.

Nothing herein shall be construed to prevent any employee from making complaint or prosecuting his or her own claim for wages.

Nothing herein shall be construed to limit the authority of the State's attorney of any county to prosecute actions for violation of this Act.

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or to enforce the provisions thereof independently and without specific direction of the Department of Labor.
(Source: P.A. 83-1362.)
(820 ILCS 115/14) (from Ch. 48, par. 39m-14)
Sec. 14. (a) Any employer or any agent of an employer, who, being able to pay wages, final compensation, or wage supplements and being under a duty to pay, wilfully refuses to pay as provided in this Act, or falsely denies the amount or validity thereof or that the same is due, with intent to secure for himself or other person any underpayment of such indebtedness or with intent to annoy, harass, oppress, hinder, delay or defraud the person to whom such indebtedness is due, upon conviction, is guilty of a Class C misdemeanor. Each day during which any violation of this Act continues shall constitute a separate and distinct offense.

(b) Any employer who has been demanded by the Director of Labor or ordered by the court to pay wages due an employee and who shall fail to do so within 15 days after such demand or order is entered shall be liable to pay a penalty of 1% per calendar day to the employee for each day of delay in paying such wages to the employee up to an amount equal to twice the sum of unpaid wages due the employee. Such employer shall also be liable to the Department of Labor for 20% of such unpaid wages.

(b-5) Penalties under this Section may be recovered in a civil action brought by the Director in any circuit court. In this litigation, the Director of Labor shall be represented by the Attorney General.

(c) Any employer, or any agent of an employer, who knowingly discharges or in any other manner knowingly discriminates against any employee because that employee has made a complaint to his employer, or to the Director of Labor or his authorized representative, that he or she has not been paid in accordance with the provisions of this Act, or because that employee has caused to be instituted any proceeding under or related to this Act, or because that employee has testified or is about to testify in an investigation or proceeding under this Act, is guilty, upon conviction, of a Class C misdemeanor.
(Source: P.A. 94-1025, eff. 7-14-06.)
Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0210
(House Bill No. 1425)

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

Section 1. Short title. This Act may be cited as the Illinois Radon Awareness Act.

Section 5. Definitions. As used in this Act, unless the context otherwise requires:
(a) "Agent" means a licensed real estate "broker" or "salesperson", as those terms are defined in Section 1-10 of the Real Estate License Act of 2000, acting on behalf of a seller or buyer of residential real property.
(b) "Buyer" means any individual, partnership, corporation, or trustee entering into an agreement to purchase any estate or interest in real property.
(c) "Final settlement" means the time at which the parties have signed and delivered all papers and consideration to convey title to the estate or interest in the residential real property being conveyed.
(d) "IEMA" means the Illinois Emergency Management Agency Division of Nuclear Safety.
(e) "Mitigation" means measures designed to permanently reduce indoor radon concentrations according to procedures described in 32 Illinois Administrative Code Part 422.
(f) "Radon hazard" means exposure to indoor radon concentrations at or in excess of the United States Environmental Protection Agency's, or IEMA's recommended Radon Action Level.

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(g) "Radon test" means a measurement of indoor radon concentrations in accordance with 32 Illinois Administrative Code Part 422 for performing radon measurements within the context of a residential real property transaction.

(h) "Residential real property" means any estate or interest in a manufactured housing lot or a parcel of real property, improved with not less than one nor more than 4 residential dwelling units.

(i) "Seller" means any individual, partnership, corporation, or trustee transferring residential real property in return for consideration.

Section 10. Radon testing and disclosure.

(a) Except as excluded by Section 20 of this Act, the seller shall provide to the buyer of any interest in residential real property the IEMA pamphlet entitled "Radon Testing Guidelines for Real Estate Transactions" (or an equivalent pamphlet approved for use by IEMA) and the Illinois Disclosure of Information on Radon Hazards, which is set forth in subsection (b) of this Section, stating that the property may present the potential for exposure to radon before the buyer is obligated under any contract to purchase residential real property. Nothing in this Section is intended to or shall be construed to imply an obligation on the seller to conduct any radon testing or mitigation activities.

(b) The following shall be the form of Disclosure of Information on Radon Hazards to be provided to a buyer of residential real property as required by this Section:

DISCLOSURE OF INFORMATION ON RADON HAZARDS
(For Residential Real Property Sales or Purchases)

Radon Warning Statement

Every buyer of any interest in residential real property is notified that the property may present exposure to dangerous levels of indoor radon gas that may place the occupants at risk of developing radon-induced lung cancer. Radon, a Class-A human carcinogen, is the leading cause of lung cancer in non-smokers and the second leading cause overall. The seller of any interest in residential real property is required to provide the buyer with any information on radon test results of the dwelling showing elevated levels of radon in the seller's possession.
The Illinois Emergency Management Agency (IEMA) strongly recommends ALL homebuyers have an indoor radon test performed prior to purchase or taking occupancy, and mitigated if elevated levels are found. Elevated radon concentrations can easily be reduced by a qualified, licensed radon mitigator.

Seller's Disclosure (initial each of the following which applies)

(a)........ Elevated radon concentrations (above EPA or IEMA recommended Radon Action Level) are known to be present within the dwelling. (Explain)

(b)........ Seller has provided the purchaser with all available records and reports pertaining to elevated radon concentrations within the dwelling.

(c)........ Seller has no knowledge of elevated radon concentrations in the dwelling.

(d)........ Seller has no records or reports pertaining to elevated radon concentrations within the dwelling.

Purchaser's Acknowledgment (initial each of the following which applies)

(e)........ Purchaser has received copies of all information listed above.

(f)........ Purchaser has received the IEMA approved Radon Disclosure Pamphlet.

Agent's Acknowledgment (initial) (if applicable)

(g)........ Agent has informed the seller of the seller's obligations under Illinois law.

Certification of Accuracy
The following parties have reviewed the information above and each party certifies, to the best of his or her knowledge, that the information he or she provided is true and accurate.

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(c) If any of the disclosures required by this Section occurs after the buyer has made an offer to purchase the residential real property, the seller shall complete the required disclosure activities prior to accepting
the buyer's offer and allow the buyer an opportunity to review the information and possibly amend the offer.

Section 15. Applicability. This Act shall only apply to transfers by sale of residential real property.

Section 20. Exclusions. The provisions of this Act do not apply to the following:

(1) Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in administration of an estate, transfers between spouses resulting from a judgment of dissolution of marriage or legal separation, transfers pursuant to an order of possession, transfers by a trustee in bankruptcy, transfers by eminent domain, and transfers resulting from a decree for specific performance.

(2) Transfers from a mortgagor to a mortgagee by deed in lieu of foreclosure or consent judgment, transfer by judicial deed issued pursuant to a foreclosure sale to the successful bidder or the assignee of a certificate of sale, transfer by a collateral assignment of a beneficial interest of a land trust, or a transfer by a mortgagee or a successor in interest to the mortgagee's secured position or a beneficiary under a deed in trust who has acquired the real property by deed in lieu of foreclosure, consent judgment or judicial deed issued pursuant to a foreclosure sale.

(3) Transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.

(4) Transfers from one co-owner to one or more other co-owners.

(5) Transfers pursuant to testate or intestate succession.

(6) Transfers made to a spouse, or to a person or persons in the lineal line of consanguinity of one or more of the sellers.

(7) Transfers from an entity that has taken title to residential real property from a seller for the purpose of assisting in the relocation of the seller, so long as the entity makes available to all prospective buyers a copy of the disclosure form furnished to the entity by the seller.

(8) Transfers to or from any governmental entity.

Section 99. Effective date. This Act takes effect January 1, 2008.

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Effective January 1, 2008.

PUBLIC ACT 95-0211
(House Bill No. 1439)

AN ACT concerning criminal law.

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

Section 3. The Illinois Vehicle Code is amended by changing
Section 3-707 as follows:

(625 ILCS 5/3-707) (from Ch. 95 1/2, par. 3-707)
Sec. 3-707. Operation of uninsured motor vehicle - penalty.
(a) No person shall operate a motor vehicle unless the motor
vehicle is covered by a liability insurance policy in accordance with
Section 7-601 of this Code.
(b) Any person who fails to comply with a request by a law
enforcement officer for display of evidence of insurance, as required under
Section 7-602 of this Code, shall be deemed to be operating an uninsured
motor vehicle.
(c) Any operator of a motor vehicle subject to registration under
this Code who is convicted of violating this Section is guilty of a business
offense and shall be required to pay a fine in excess of $500, but not more
than $1,000. However, no person charged with violating this Section shall
be convicted if such person produces in court satisfactory evidence that at
the time of the arrest the motor vehicle was covered by a liability
insurance policy in accordance with Section 7-601 of this Code. The chief
judge of each circuit may designate an officer of the court to review the
documentation demonstrating that at the time of arrest the motor vehicle
was covered by a liability insurance policy in accordance with Section 7-
601 of this Code.
(c-1) A person convicted of violating this Section shall also have
his or her driver's license, permit, or privileges suspended for 3 months.
After the expiration of the 3 months, the person's driver's license, permit,
or privileges shall not be reinstated until he or she has paid a reinstatement

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fee of $100. If a person violates this Section while his or her driver's license, permit, or privileges are suspended under this subsection (c-1), his or her driver's license, permit, or privileges shall be suspended for an additional 6 months and until he or she pays the reinstatement fee.

(d) A person convicted a third or subsequent time of violating this Section or a similar provision of a local ordinance must give proof to the Secretary of State of the person's financial responsibility as defined in Section 7-315. The person must maintain the proof in a manner satisfactory to the Secretary for a minimum period of 3 years after the date the proof is first filed. The Secretary must suspend the driver's license of any person determined by the Secretary not to have provided adequate proof of financial responsibility as required by this subsection.

(Source: P.A. 94-1035, eff. 7-1-07.)

Section 5. The Unified Code of Corrections is amended by changing Section 5-6-3.1 as follows:

(730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)
Sec. 5-6-3.1. Incidents and Conditions of Supervision.
(a) When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of such supervision, and shall defer further proceedings in the case until the conclusion of the period.

(b) The period of supervision shall be reasonable under all of the circumstances of the case, but may not be longer than 2 years, unless the defendant has failed to pay the assessment required by Section 10.3 of the Cannabis Control Act, Section 411.2 of the Illinois Controlled Substances Act, or Section 80 of the Methamphetamine Control and Community Protection Act, in which case the court may extend supervision beyond 2 years. Additionally, the court shall order the defendant to perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, when the offense (1) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the

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defendant's membership in or allegiance to an organized gang; or (2) is a violation of any Section of Article 24 of the Criminal Code of 1961 where a disposition of supervision is not prohibited by Section 5-6-1 of this Code. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by violation of Section 21-1.3 of the Criminal Code of 1961 and similar damages to property located within the municipality or county in which the violation occurred. Where possible and reasonable, the community service should be performed in the offender's neighborhood.

For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the court require that the person:

(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of supervision;
(2) pay a fine and costs;
(3) work or pursue a course of study or vocational training;
(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;
(5) attend or reside in a facility established for the instruction or residence of defendants on probation;
(6) support his dependents;
(7) refrain from possessing a firearm or other dangerous weapon;
(8) and in addition, if a minor:
   (i) reside with his parents or in a foster home;
   (ii) attend school;
   (iii) attend a non-residential program for youth;
   (iv) contribute to his own support at home or in a foster home; or

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(v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is placed on supervision for a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;

(9) make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss or make restitution under Section 5-5-6 to a domestic violence shelter. The court shall determine the amount and conditions of payment;

(10) perform some reasonable public or community service;

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory. If the court has ordered the defendant to make a report and appear in person under paragraph (1) of this subsection, a copy of the order of protection shall be transmitted to the person or agency so designated by the court;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms
may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of person, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(17) refrain from operating any motor vehicle not equipped with an ignition interlock device as defined in Section 1-129.1 of the Illinois Vehicle Code. Under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment; and

(18) if placed on supervision for a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter.

(d) The court shall defer entering any judgment on the charges until the conclusion of the supervision.

(e) At the conclusion of the period of supervision, if the court determines that the defendant has successfully complied with all of the
conditions of supervision, the court shall discharge the defendant and enter a judgment dismissing the charges.

(f) Discharge and dismissal upon a successful conclusion of a disposition of supervision shall be deemed without adjudication of guilt and shall not be termed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime. Two years after the discharge and dismissal under this Section, unless the disposition of supervision was for a violation of Sections 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which case it shall be 5 years after discharge and dismissal, a person may have his record of arrest sealed or expunged as may be provided by law. However, any defendant placed on supervision before January 1, 1980, may move for sealing or expungement of his arrest record, as provided by law, at any time after discharge and dismissal under this Section. A person placed on supervision for a sexual offense committed against a minor as defined in subsection (g) of Section 5 of the Criminal Identification Act or for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance shall not have his or her record of arrest sealed or expunged.

(g) A defendant placed on supervision and who during the period of supervision undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay the costs incidental to such mandatory drug or alcohol testing, or both, and costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, of all defendants placed on supervision. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from
these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) A disposition of supervision is a final order for the purposes of appeal.

(i) The court shall impose upon a defendant placed on supervision after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of supervision or supervised community service, a fee of $50 for each month of supervision or supervised community service ordered by the court, unless after determining the inability of the person placed on supervision or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon a defendant who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The circuit court may pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund pursuant to Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee in excess of $25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, not to exceed $5 of that fee collected per month may be used to provide services to crime victims and their families.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar
provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) A defendant at least 17 years of age who is placed on supervision for a misdemeanor in a county of 3,000,000 or more inhabitants and who has not been previously convicted of a misdemeanor or felony may as a condition of his or her supervision be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The defendant placed on supervision must attend a public institution of education to obtain the educational or vocational training required by this subsection (k). The defendant placed on supervision shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall revoke the supervision of a person who wilfully fails to comply with this subsection (k). The court shall resentence the defendant upon revocation of supervision as provided in Section 5-6-4. This subsection (k) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (k) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(l) The court shall require a defendant placed on supervision for possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act or a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and after a finding by the court

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that the person is addicted, to undergo treatment at a substance abuse program approved by the court.

(m) The Secretary of State shall require anyone placed on court supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance to give proof of his or her financial responsibility as defined in Section 7-315 of the Illinois Vehicle Code. The proof shall be maintained by the individual in a manner satisfactory to the Secretary of State for a minimum period of 3 years one year after the date the proof is first filed. The proof shall be limited to a single action per arrest and may not be affected by any post-sentence disposition. The Secretary of State shall suspend the driver's license of any person determined by the Secretary to be in violation of this subsection.

(n) Any offender placed on supervision for any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(o) An offender placed on supervision for a sex offense as defined in the Sex Offender Management Board Act shall refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense. The provisions of this subsection (o) do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders.

(Source: P.A. 93-475, eff. 8-8-03; 93-970, eff. 8-20-04; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; 94-556, eff. 9-11-05; revised 8-19-05.)

Effective January 1, 2008.
AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Illinois Motor Vehicle Theft Prevention Act is
amended by changing Section 12 as follows:
(20 ILCS 4005/12)
Sec. 12. Sections 1 through 9 and Section 11 are repealed January
1, 2012.
(Source: P.A. 93-172, eff. 7-10-03.)
Section 99. Effective date. This Act takes effect upon becoming
law.
Effective January 1, 2008.

AN ACT concerning insurance.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Illinois Insurance Code is amended by changing
Sections 512.52, 512.53, 512.55, 512.57, 512.59, 512.60, 512.61,
and 512.64 as follows:
(215 ILCS 5/512.52) (from Ch. 73, par. 1065.59-52)
Sec. 512.52. Definitions. As used in this Article unless the context
clearly otherwise requires:
(a) "Adjusting insurance claims" means representing an insured
with an insurer for compensation, and while representing that insured
either negotiating values, damages, or depreciation, or applying the loss
circumstances to insurance policy provisions.

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(b) "Public Insurance Adjuster" means a person engaged in the business of adjusting insurance claims who is licensed pursuant to this Article.

(c) "Registered Firm" means a person registered with the Director under Section 512.57.

(d) "Compensation" shall include, but need not be limited to, the following:
   1. any assignment of insurance proceeds or a percentage thereof;
   2. any agreement to make repairs for the amount of the insurance proceeds payable;
   3. assertion of any lien against insurance proceeds payable.

(e) "Person" embraces both natural persons and business entities of whatever type.

(Source: P.A. 84-335; 84-832.)

(215 ILCS 5/512.53) (from Ch. 73, par. 1065.59-53)

Sec. 512.53. License Required. (a) No person may engage in the business of adjusting insurance claims, nor advertise, solicit or hold himself out to be in the business of adjusting insurance claims, solicit or hold himself out to be a Public Insurance Adjuster, nor attempt to obtain a contract for Public Adjusting services, unless licensed or registered in accordance with the provisions of this Article, except that the provisions of this paragraph do not apply to a person admitted to the practice of law in this State, to a licensed agent adjusting loss or damage under a policy within his control or to a marine surveyor or average adjuster.

(b) In addition to any other penalty set forth in this Article, any person violating paragraph (a) of this Section shall be guilty of a Class A misdemeanor, and any person misappropriating or converting any monies collected as a Public Insurance Adjuster, whether licensed or not, shall be guilty of a Class 4 felony.

(c) All contracts entered into by any person violating subsection (a) of this Section are void and invalid.

(Source: P.A. 83-1362.)

(215 ILCS 5/512.55) (from Ch. 73, par. 1065.59-55)

New matter indicated by italics - deletions by strikeout
Sec. 512.55. Public Insurance Adjuster license. (a) The Director shall issue a Public Insurance Adjuster license to an applicant who has:
(1) met the requirements of Section 512.54; and
(2) paid the fee as set forth in Section 512.63; and
(3) filed with the Director a bond as prescribed in Section 512.56.
(b) Every Public Insurance Adjuster license shall remain in effect for one year from the date of its issuance.
(c) Each Public Insurance Adjuster license shall contain the name, business address, resident address and personal identification number of the Public Insurance Adjuster, the date of issue, general conditions relative to expiration or termination and any other information the Director considers proper.
(d) The holder of a Public Insurance Adjuster license shall notify the Director, in writing, of a change of either business or residence address within 30 days of such change.
(e) Each Public Insurance Adjuster license shall remain in effect as long as the holder of the license maintains in force and effect the bond required by Section 512.56 and pays the annual fee required by Section 512.63 by the date due as prescribed by the Director, unless the license is revoked or suspended pursuant to Section 512.61.

The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(Source: P.A. 84-221; 84-832.)

(215 ILCS 5/512.57) (from Ch. 73, par. 1065.59-57)

Sec. 512.57. Registered Firms. (a) No person shall engage in the business of adjusting insurance claims employ one or more Public Insurance Adjusters in their professional capacity, other than for the purpose of using their professional services to negotiate or adjust such person's own losses and insurance claims, unless such person is licensed

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pursuant to this Article and registered with the Director under subsection (b) of this Section.

No Public Insurance Adjuster may form or participate in any association, partnership or other business entity with any other Public Insurance Adjuster for the purpose of engaging in the business of adjusting insurance claims, unless such business entity is registered with the Director under subsection (b) of this Section.

(b) To become a Registered Firm, a person must submit to the Director an application, on a form specified by the Director, and the fee required by Section 512.63. The Director may require any documents reasonably necessary to verify the information contained in the application.

(c) Each Registered Firm must notify the Director, in writing, of any change in its business or residence address within 30 days of such change.

(d) Each Registered Firm must notify the Director of each Public Insurance Adjuster who is a member, officer, director or employee of the Registered Firm, and report any changes in such status of any such Public Insurance Adjuster to the Director within 30 days thereof.

(e) Each Registered Firm shall appoint one or more Public Insurance Adjusters who is an officer, director or member of the Firm to be responsible for the compliance of the Registered Firm with the laws of this State and the rules and regulations of the Director. The Registered Firm shall be responsible for the actions of its officers, directors, members and employees.

(f) Each Registered Firm which, for any of the causes listed in Section 512.61, terminates its relationship with a Public Insurance Adjuster who is an officer, director, employee or member of the Registered Firm shall notify the Director, in writing, within 30 days of such termination of the specific reasons for such termination. The Registered Firm shall provide the Director with information, documents, records or statements pertaining to the termination. Any materials provided may be used by the Director in any action taken pursuant to Section 512.62. There shall be no liability on the part of, nor any cause of

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action against, the Director or the Registered Firm, or any authorized representative of either, for any statement made or materials provided pursuant to this paragraph.

(g) The Director shall terminate any registration which does not comply with the requirements of this Article.

(h) A registered firm may only be comprised of licensed Public Insurance Adjusters. All shareholders, officers, and directors of registered firms must be licensed pursuant to this Act. Any Public Insurance Adjuster who has a license that has been revoked, suspended, or not renewed, whether voluntarily or not, must withdraw from a registered firm within 30 days and give written notice of his or her resignation to the licensed firm within 30 days.

(Source: P.A. 84-832.)

(215 ILCS 5/512.58) (from Ch. 73, par. 1065.59-58)

Sec. 512.58. Rate Schedules and Contract Forms. (a) A Public Insurance Adjuster shall not provide services until a written contract with the insured has been executed, on a form filed with and approved by the Director. At the option of the insured, any such contract which is executed within 5 business days after conclusion of the loss-producing occurrence shall be voidable for 10 days after execution. The insured may void the contract by notifying the Public Insurance Adjuster in writing by (i) registered or certified mail, return receipt requested, to the address shown on the contract; or (ii) personally serving the notice on the Public Insurance Adjuster.

(b) The written contract required by paragraph (a) shall constitute the entire agreement between the Public Insurance Adjuster and the insured. A copy of the contract shall be given to the insured when the contract is executed. Such contract forms may not include any hold harmless agreement which provides indemnification to the Public Insurance Adjuster by the insured for liability resulting from the Public Insurance Adjuster's negligence, nor any power-of-attorney by which the Public Insurance Adjuster can act in the place and instead of the insured.

(Source: P.A. 83-1362.)

(215 ILCS 5/512.59) (from Ch. 73, par. 1065.59-59)

New matter indicated by italics - deletions by strikeout
Sec. 512.59. Performance standards applicable to all Public Insurance Adjusters.

(a) A Public Insurance Adjuster shall not represent that he is a representative of an insurance company, a fire department, or the State of Illinois, or that he is a fire investigator, or that his services are required for the insured to submit a claim to the insured's insurance company, or that he may provide legal advice or representation to the insured. A Public Insurance Adjuster may represent that he has been licensed by the State of Illinois.

(b) A Public Insurance Adjuster shall not agree to any loss settlement without the insured's knowledge and consent and shall provide the insured with a document setting forth the scope, amount, and value of the damages prior to requesting the insured for authority to settling any loss.

(c) If the Public Insurance Adjuster refers the insured to a contractor, the Public Insurance Adjuster warrants that all work will be performed in a workmanlike manner and conform to all statutes, ordinances and codes. Should the work not be completed in a workmanlike manner, the Public Insurance Adjuster shall be responsible for any and all costs and expense required to complete or repair the work in a workmanlike manner.

(d) In all cases where the loss giving rise to the claim for which the Public Insurance Adjuster was retained arise from damage to a personal residence, the insurance proceeds shall be delivered in person to the named insured or his or her designee. Where proceeds paid by an insurance company are paid jointly to the insured and the Public Insurance Adjuster, the insured shall release such portion of the proceeds which are due the Public Insurance Adjuster within 30 calendar days after the insured's receipt of the insurance company's check, money order, draft, or release of funds. If the proceeds are not so released to the insured within 30 calendar days, the insured shall provide the Public Insurance Adjuster and the Illinois Department of Insurance with a written explanation of the reason for the delay.

New matter indicated by italics - deletions by strikeout
(e) A Public Insurance Adjuster may not propose or attempt to propose to any person that the Public Insurance Adjuster represent that person while a loss-producing occurrence is continuing nor while the fire department or its representatives are engaged at the damaged premises nor between the hours of 7:00 p.m. and 8:00 a.m..

(f) A Public Insurance Adjuster shall not advance money or any valuable consideration, except emergency services or the commencement of repairs, to an insured pending adjustment of a claim.

(g) A Public Insurance Adjuster shall not provide legal advice or representation to the insured, or engage in the unauthorized practice of law.

(Source: P.A. 84-335.)

(215 ILCS 5/512.60) (from Ch. 73, par. 1065.59-60)

Sec. 512.60. Maintenance of records. (a) All Public Insurance Adjusters shall maintain a complete record of each of their transactions as a Public Insurance Adjuster. The records required by this Section shall include:

1. name of the insured;
2. date, location and amount of loss;
3. copy of the contract between the Public Insurance Adjuster and insured;
4. name of the insurer, amount, expiration date and number of each policy carried with respect to the loss;
5. itemized statement of the insured's recoveries;
6. name of the Public Insurance Adjuster who executed the contract; and
7. name of the attorney representing the insured, if applicable, and the name of the representative of the insurance company; and
8. copy of the statement provided to the insured explaining the amount and value of the damages to the insured premises, the amount of insurance proceeds recovered from the insured, and the amount and values of all expenses incurred to adjust the claim and the amount and value of the Public Insurance Adjuster's fees and charges.

New matter indicated by italics - deletions by strikeout
(b) Records shall be maintained for at least three years after the termination of the transaction with an insured and shall be open to examination by the Director at any time.

(c) A Public Insurance Adjuster shall not divulge information regarding any insured without written consent from the insured, except that the Public Insurance Adjuster may divulge such information to an insurance company or its representative which insures the insured, to the Department of Insurance, or upon a court order or an Internal Revenue Service subpoena.

(d) Where a Public Insurance Adjuster is engaged or employed by a Registered Firm, the records required by this Section may be maintained by such Registered Firm on behalf of the Public Insurance Adjuster.

(Source: P.A. 84-335.)

(215 ILCS 5/512.61) (from Ch. 73, par. 1065.59-61)

Sec. 512.61. License suspension, revocation or denial. (a) Any license issued under this Article may, after notice to the licensee and hearing as provided by Section 402, be suspended or revoked, and any application for a license may be denied, if the Director finds that the holder of or applicant for a license has:

(1) willfully violated any provision of this Code or any rule or regulation promulgated by the Director; or

(2) intentionally made a material misstatement in an application for a license as a Public Insurance Adjuster; or

(3) obtained or attempted to obtain a license as a Public Insurance Adjuster through misrepresentation or fraud; or

(4) misappropriated, converted to his own use or improperly withheld money due others; or

(5) intentionally misrepresented the terms of any insurance policy; or

(6) used fraudulent, coercive or dishonest practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the transaction of business as a Public Insurance Adjuster; or
(7) been convicted of any felony or misdemeanor involving dishonesty or fraud, unless the individual demonstrates to the Director sufficient rehabilitation to warrant the public trust; or

(8) knowingly transacted the business of a Public Insurance Adjuster in conjunction with an individual who was not licensed at the time; or

(9) failed to appear without reasonable cause or excuse in response to a subpoena lawfully issued by the Director; or

(10) a license as a Public Insurance Adjuster suspended or revoked or an application denied in any other state, district, territory or province on a ground similar to one of the grounds stated in this Section; or

(11) failed to comply with or violated any of the standards set forth in Section 512.59; or

(12) failed to maintain the records required by Section 512.60; or

(13) engaged in the unauthorized practice of law.

(b) Revocation, suspension, or the denial of an application pursuant to this Section shall be by written notice served upon the applicant by certified or registered mail sent to the address specified in the application. The applicant may request a hearing in writing within 30 days from the date of mailing as provided in Section 402. The hearing shall be held pursuant to Section 2402 of Title 50 of the Code.

(c) Upon notification of the issuance of an order suspending or revoking a Public Insurance Adjuster's license, the licensee or other person having possession or custody of such license shall promptly deliver it to the Director in person or by mail. The Director shall publish the name of each Public Insurance Adjuster whose license is suspended or revoked, after such suspension or revocation becomes final, in a manner designed to notify interested insurance companies and other persons.

(d) Any individual whose Public Insurance Adjuster's license is revoked or whose application is denied pursuant to this Section shall be ineligible to apply for a Public Insurance Adjuster's license for 5 years. A suspension pursuant to this Section may be for any period of time up to 5 years.

(Source: P.A. 84-335; 84-832.)

New matter indicated by italics - deletions by strikeout
Sec. 512.64. Injunctive Relief. Any person who acts as or holds himself out to be either engaged in the business of adjusting insurance claims or a Public Insurance Adjuster without holding a valid and current Public Insurance Adjuster's license to do so is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Director may report such practice to the Attorney General of the State of Illinois, whose duty it is to apply forthwith by complaint on relation of the Director in the name of the people of the State of Illinois, as plaintiff, for injunctive relief in the circuit court of the county where such practice occurred to enjoin such person from engaging in such practice; and, upon the filing of a verified petition in such court, the court, if satisfied by affidavit or otherwise that such person has been engaged in such practice without a valid and current license to do so, may enter a temporary restraining order without notice or bond, enjoining the defendant from such further practice. A copy of the verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it is established that the defendant has been or is engaged in such unlawful practice, the court may enter an order or judgment perpetually enjoining the defendant from further such practice. In all proceedings hereunder the court, in its discretion, may apportion the costs among the parties interested in the action, including cost of filing the complaint, service of process, witness fees and expenses, court reporter charges and reasonable attorney fees. In case of violation of any injunctive order entered under the provisions of this Section, the court may try and punish the offender for contempt of court. Such injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies. (Source: P.A. 84-548.)

Effective January 1, 2008.
AN ACT concerning local government.

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

Section 5. The Illinois Municipal Code is amended by changing Section 11-5-1.5 as follows:

Sec. 11-5-1.5. Adult entertainment facility. It is prohibited within a municipality to locate an adult entertainment facility within 1,000 feet of the property boundaries of any school, day care center, cemetery, public park, forest preserve, public housing, and place of religious worship, except that in a county with a population of more than 800,000 and less than 2,000,000 inhabitants, it is prohibited to locate, construct, or operate a new adult entertainment facility within one mile of the property boundaries of any school, day care center, cemetery, public park, forest preserve, public housing, or place of religious worship located anywhere within that county. Notwithstanding any other requirements of this Section, it is also prohibited to locate, construct, or operate a new adult entertainment facility within one mile of the property boundaries of any school, day care center, cemetery, public park, forest preserve, public housing, or place of religious worship located in that area of Cook County outside of the City of Chicago.

For the purposes of this Section, "adult entertainment facility" means (i) a striptease club or pornographic movie theatre whose business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions or (ii) an adult bookstore or adult video store whose primary business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions.

(Source: P.A. 90-394, eff. 1-1-98; 90-634, eff. 7-24-98.)

Section 10. The Counties Code is amended by changing Section 5-1097.5.

(55 ILCS 5/5-1097.5)

New matter indicated by italics - deletions by strikeout
Sec. 5-1097.5. Adult entertainment facility. It is prohibited within an unincorporated area of a county to locate an adult entertainment facility within 3,000 feet of the property boundaries of any school, day care center, cemetery, public park, forest preserve, public housing, place of religious worship, or residence, except that in a county with a population of more than 800,000 and less than 2,000,000 inhabitants, it is prohibited to locate, construct, or operate a new adult entertainment facility within one mile of the property boundaries of any school, day care center, cemetery, public park, forest preserve, public housing, or place of religious worship located anywhere within that county. Notwithstanding any other requirements of this Section, it is also prohibited to locate, construct, or operate a new adult entertainment facility within one mile of the property boundaries of any school, day care center, cemetery, public park, forest preserve, public housing, or place of religious worship located in that area of Cook County outside of the City of Chicago.

For the purposes of this Section, "adult entertainment facility" means (i) a striptease club or pornographic movie theatre whose business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions or (ii) an adult bookstore or adult video store whose primary business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions. "Unincorporated area of a county" means any area not within the boundaries of a municipality.

The State's Attorney of the county where the adult entertainment facility is located or the Attorney General may institute a civil action for an injunction to restrain violations of this Section. In that proceeding, the court shall determine whether a violation has been committed and shall enter such orders as it considers necessary to remove the effect of any violation and to prevent the violation from continuing or from being renewed in the future.

(Source: P.A. 93-1056, eff. 11-23-04; 94-496, eff. 1-1-06.)

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


New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0215
(House Bill No. 1630)

AN ACT concerning local government.

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

(55 ILCS 5/3-5039 rep.)
(55 ILCS 5/3-5040 rep.)
(55 ILCS 5/3-5041 rep.)
(55 ILCS 5/3-5042 rep.)
(55 ILCS 5/3-5043 rep.)
(55 ILCS 5/3-5044 rep.)

Section 5. The Counties Code is amended by repealing Sections 3-5039, 3-5040, 3-5041, 3-5042, 3-5043, and 3-5044.

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


PUBLIC ACT 95-0216
(House Bill No. 1646)

AN ACT concerning regulation.

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

Section 5. The Assisted Living and Shared Housing Act is amended by changing Sections 10 and 75 as follows:

(210 ILCS 9/10)
Sec. 10. Definitions. For purposes of this Act:

New matter indicated by italics - deletions by strikeout
"Activities of daily living" means eating, dressing, bathing, toileting, transferring, or personal hygiene.

"Advisory Board" means the Assisted Living and Shared Housing Standards and Quality of Life Advisory Board.

"Assisted living establishment" or "establishment" means a home, building, residence, or any other place where sleeping accommodations are provided for at least 3 unrelated adults, at least 80% of whom are 55 years of age or older and where the following are provided consistent with the purposes of this Act:

1. services consistent with a social model that is based on the premise that the resident's unit in assisted living and shared housing is his or her own home;
2. community-based residential care for persons who need assistance with activities of daily living, including personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident;
3. mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or resident's representative; and
4. a physical environment that is a homelike setting that includes the following and such other elements as established by the Department in conjunction with the Assisted Living and Shared Housing Standards and Quality of Life Advisory Board: individual living units each of which shall accommodate small kitchen appliances and contain private bathing, washing, and toilet facilities, or private washing and toilet facilities with a common bathing room readily accessible to each resident. Units shall be maintained for single occupancy except in cases in which 2 residents choose to share a unit. Sufficient common space shall exist to permit individual and group activities.

"Assisted living establishment" or "establishment" does not mean any of the following:

New matter indicated by italics - deletions by strikeout
(1) A home, institution, or similar place operated by the federal government or the State of Illinois.

(2) A long term care facility licensed under the Nursing Home Care Act. However, a long term care facility may convert distinct parts of the facility to assisted living. If the long term care facility elects to do so, the facility shall retain the Certificate of Need for its nursing and sheltered care beds that were converted.

(3) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.

(4) A facility for child care as defined in the Child Care Act of 1969.

(5) A community living facility as defined in the Community Living Facilities Licensing Act.

(6) A nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or tenants of a well-recognized church or religious denomination.

(7) A facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.

(8) A supportive residence licensed under the Supportive Residences Licensing Act.

(9) The portion of a life care facility as defined in the Life Care Facilities Act not licensed as an assisted living establishment under this Act; a life care facility may apply under this Act to convert sections of the community to assisted living.

(10) A free-standing hospice facility licensed under the Hospice Program Licensing Act.

(11) A shared housing establishment.

(12) A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.
"Department" means the Department of Public Health.
"Director" means the Director of Public Health.
"Emergency situation" means imminent danger of death or serious physical harm to a resident of an establishment.
"License" means any of the following types of licenses issued to an applicant or licensee by the Department:

(1) "Probationary license" means a license issued to an applicant or licensee that has not held a license under this Act prior to its application or pursuant to a license transfer in accordance with Section 50 of this Act.

(2) "Regular license" means a license issued by the Department to an applicant or licensee that is in substantial compliance with this Act and any rules promulgated under this Act.

"Licensee" means a person, agency, association, corporation, partnership, or organization that has been issued a license to operate an assisted living or shared housing establishment.

"Licensed health care professional" means a registered professional nurse, an advanced practice nurse, a physician assistant, and a licensed practical nurse.

"Mandatory services" include the following:

(1) 3 meals per day available to the residents prepared by the establishment or an outside contractor;

(2) housekeeping services including, but not limited to, vacuuming, dusting, and cleaning the resident's unit;

(3) personal laundry and linen services available to the residents provided or arranged for by the establishment;

(4) security provided 24 hours each day including, but not limited to, locked entrances or building or contract security personnel;

(5) an emergency communication response system, which is a procedure in place 24 hours each day by which a resident can notify building management, an emergency response vendor, or others able to respond to his or her need for assistance; and

New matter indicated by italics - deletions by strikeout
(6) assistance with activities of daily living as required by each resident.

"Negotiated risk" is the process by which a resident, or his or her representative, may formally negotiate with providers what risks each are willing and unwilling to assume in service provision and the resident's living environment. The provider assures that the resident and the resident's representative, if any, are informed of the risks of these decisions and of the potential consequences of assuming these risks.

"Owner" means the individual, partnership, corporation, association, or other person who owns an assisted living or shared housing establishment. In the event an assisted living or shared housing establishment is operated by a person who leases or manages the physical plant, which is owned by another person, "owner" means the person who operates the assisted living or shared housing establishment, except that if the person who owns the physical plant is an affiliate of the person who operates the assisted living or shared housing establishment and has significant control over the day to day operations of the assisted living or shared housing establishment, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under this Act.

"Physician" means a person licensed under the Medical Practice Act of 1987 to practice medicine in all of its branches.

"Resident" means a person residing in an assisted living or shared housing establishment.

"Resident's representative" means a person, other than the owner, agent, or employee of an establishment or of the health care provider unless related to the resident, designated in writing by a resident to be his or her representative. This designation may be accomplished through the Illinois Power of Attorney Act, pursuant to the guardianship process under the Probate Act of 1975, or pursuant to an executed designation of representative form specified by the Department.

"Self" means the individual or the individual's designated representative.

New matter indicated by italics - deletions by strikeout
"Shared housing establishment" or "establishment" means a publicly or privately operated free-standing residence for 16 or fewer persons, at least 80% of whom are 55 years of age or older and who are unrelated to the owners and one manager of the residence, where the following are provided:

(1) services consistent with a social model that is based on the premise that the resident's unit is his or her own home;
(2) community-based residential care for persons who need assistance with activities of daily living, including housing and personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident; and
(3) mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or the resident's representative.

"Shared housing establishment" or "establishment" does not mean any of the following:

(1) A home, institution, or similar place operated by the federal government or the State of Illinois.
(2) A long term care facility licensed under the Nursing Home Care Act. A long term care facility may, however, convert sections of the facility to assisted living. If the long term care facility elects to do so, the facility shall retain the Certificate of Need for its nursing beds that were converted.
(3) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.
(4) A facility for child care as defined in the Child Care Act of 1969.
(5) A community living facility as defined in the Community Living Facilities Licensing Act.

New matter indicated by italics - deletions by strikeout
(6) A nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or tenants of a well-recognized church or religious denomination.

(7) A facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.

(8) A supportive residence licensed under the Supportive Residences Licensing Act.

(9) A life care facility as defined in the Life Care Facilities Act; a life care facility may apply under this Act to convert sections of the community to assisted living.

(10) A free-standing hospice facility licensed under the Hospice Program Licensing Act.

(11) An assisted living establishment.

(12) A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.

"Total assistance" means that staff or another individual performs the entire activity of daily living without participation by the resident.

(Source: P.A. 93-1003, eff. 8-23-04.)

(210 ILCS 9/75)

Sec. 75. Residency Requirements.

(a) No individual shall be accepted for residency or remain in residence if the establishment cannot provide or secure appropriate services, if the individual requires a level of service or type of service for which the establishment is not licensed or which the establishment does not provide, or if the establishment does not have the staff appropriate in numbers and with appropriate skill to provide such services.

(b) Only adults may be accepted for residency.

(c) A person shall not be accepted for residency if:

(1) the person poses a serious threat to himself or herself or to others;

New matter indicated by italics - deletions by strikeout
(2) the person is not able to communicate his or her needs and no resident representative residing in the establishment, and with a prior relationship to the person, has been appointed to direct the provision of services;

(3) the person requires total assistance with 2 or more activities of daily living;

(4) the person requires the assistance of more than one paid caregiver at any given time with an activity of daily living;

(5) the person requires more than minimal assistance in moving to a safe area in an emergency;

(6) the person has a severe mental illness, which for the purposes of this Section means a condition that is characterized by the presence of a major mental disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) (American Psychiatric Association, 1994), where the individual is substantially disabled due to mental illness in the areas of self-maintenance, social functioning, activities of community living and work skills, and the disability specified is expected to be present for a period of not less than one year, but does not mean Alzheimer's disease and other forms of dementia based on organic or physical disorders;

(7) the person requires intravenous therapy or intravenous feedings unless self-administered or administered by a qualified, licensed health care professional;

(8) the person requires gastrostomy feedings unless self-administered or administered by a licensed health care professional;

(9) the person requires insertion, sterile irrigation, and replacement of catheter, except for routine maintenance of urinary catheters, unless the catheter care is self-administered or administered by a licensed health care professional;

(10) the person requires sterile wound care unless care is self-administered or administered by a licensed health care professional;

New matter indicated by italics - deletions by strikeout
(11) the person requires sliding scale insulin administration unless self-performed or administered by a licensed health care professional;
(12) the person is a diabetic requiring routine insulin injections unless the injections are self-administered or administered by a licensed health care professional;
(13) the person requires treatment of stage 3 or stage 4 decubitus ulcers or exfoliative dermatitis;
(14) the person requires 5 or more skilled nursing visits per week for conditions other than those listed in items (13) and (15) of this subsection for a period of 3 consecutive weeks or more except when the course of treatment is expected to extend beyond a 3 week period for rehabilitative purposes and is certified as temporary by a physician; or
(15) other reasons prescribed by the Department by rule.
(d) A resident with a condition listed in items (1) through (15) of subsection (c) shall have his or her residency terminated.
(e) Residency shall be terminated when services available to the resident in the establishment are no longer adequate to meet the needs of the resident. This provision shall not be interpreted as limiting the authority of the Department to require the residency termination of individuals.
(f) Subsection (d) of this Section shall not apply to terminally ill residents who receive or would qualify for hospice care and such care is coordinated by a hospice program licensed under the Hospice Program Licensing Act or other licensed health care professional employed by a licensed home health agency and the establishment and all parties agree to the continued residency.
(g) Items (3), (4), (5), and (9) of subsection (c) shall not apply to a quadriplegic, paraplegic, or individual with neuro-muscular diseases, such as muscular dystrophy and multiple sclerosis, or other chronic diseases and conditions as defined by rule if the individual is able to communicate his or her needs and does not require assistance with complex medical problems, and the establishment is able to accommodate the individual's
needs. The Department shall prescribe rules pursuant to this Section that address special safety and service needs of these individuals.

(h) For the purposes of items (7) through (10) of subsection (c), a licensed health care professional may not be employed by the owner or operator of the establishment, its parent entity, or any other entity with ownership common to either the owner or operator of the establishment or parent entity, including but not limited to an affiliate of the owner or operator of the establishment. Nothing in this Section is meant to limit a resident's right to choose his or her health care provider.

(i) Subsection (h) is not applicable to residents admitted to an assisted living establishment under a life care contract as defined in the Life Care Facilities Act if the life care facility has both an assisted living establishment and a skilled nursing facility. A licensed health care professional providing health-related or supportive services at a life care assisted living or shared housing establishment must be employed by an entity licensed by the Department under the Nursing Home Care Act or the Home Health, Home Services, and Home Nursing Agency Licensing Act.

(Source: P.A. 93-141, eff. 7-10-03; 94-256, eff. 7-19-05; 94-570, eff. 8-12-05; revised 8-19-05.)

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


PUBLIC ACT 95-0217
(House Bill No. 1656)

AN ACT concerning education.

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

Section 5. The Illinois Prepaid Tuition Act is amended by changing Sections 5 and 45 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 5. Purpose. The General Assembly finds and declares that the general welfare and security of the State are enhanced by access to higher education for all residents of the State who desire that education and who demonstrate the qualifications necessary to pursue that education. Furthermore, it is desirable that residents of the State who seek to pursue higher education be able to choose attendance at the higher education institution that offers programs and services most suitable to their needs. Accordingly, endeavors that serve the higher education needs of the people of the State represent an essential function of State government.

During the past decade, students have been paying more and borrowing more to finance the increasing cost of higher education at Illinois colleges and universities as well as at similar institutions nationwide. Federal and state governments’ capacity to fund college scholarships and grants cannot fully meet the current and future demand for higher education nor is it reasonable to expect that paying for college is solely a governmental responsibility. It is -- and has always been -- a shared responsibility among the student, the family, State government, and the federal government. Consequently, the intent of this Act is to both encourage and better enable Illinois families to help themselves finance the cost of higher education, specifically through a program that provides Illinois families with a method of State tax-free and federally tax-exempt tax-deferred savings for higher education college tuition.

(Source: P.A. 90-546, eff. 12-1-97.)

Sec. 45. Illinois prepaid tuition contracts.

(a) The Commission may enter into an Illinois prepaid tuition contract with a purchaser under which the Commission contracts on behalf of the State to pay full tuition and mandatory fees at an Illinois public university or Illinois community college for a qualified beneficiary to attend the MAP-eligible institution to which the qualified beneficiary is admitted. Each contract shall contain terms, conditions, and provisions that the Commission determines to be necessary for ensuring the

New matter indicated by italics - deletions by strikeout
educational objectives and sustainable financial viability of the Illinois prepaid tuition program.

(b) Each contract shall have one designated purchaser and one designated qualified beneficiary. Unless otherwise specified in the contract, the purchaser owns the contract and retains any tax liability for its assets only until the first distribution of benefits. Once a partial benefit of the contract has been disbursed, any tax liability attributable to the contract and its assets becomes a tax liability of the qualified beneficiary, unless otherwise specified in the contract. Contracts shall be purchased in units of 15 credit hours at any MAP-eligible institution.

(c) Without exception, benefits may be received by a qualified beneficiary of an Illinois prepaid tuition contract no earlier than 3 years from the date the contract is purchased.

(d) A prepaid tuition contract shall contain, but is not limited to, provisions for (i) refunds or withdrawals in certain circumstances, with or without interest or penalties; (ii) conversion of the contract at the time of distribution from accrued prepayment value at one type of MAP-eligible institution to the accrued prepayment value at a different type of MAP-eligible institution; (iii) portability of the accrued value of the prepayment value for use at an out-of-state higher education institution; (iv) transferability of the contract benefits within the qualified beneficiary’s immediate family; and (v) a specified benefit period during which the contract may be redeemed.

(e) Each Illinois prepaid tuition contract also shall contain, at minimum, all of the following:

   (1) The amount of payment or payments and the number of payments required from a purchaser on behalf of a qualified beneficiary.

   (2) The terms and conditions under which purchasers shall remit payments, including, but not limited to, the date or dates upon which each payment shall be due.

   (3) Provisions for late payment charges and for default.

   (4) Provisions for penalty fees payable incident to an authorized withdrawal.

New matter indicated by italics - deletions by strikeout
(5) The name, date of birth, and social security number of the qualified beneficiary on whose behalf the contract is drawn and the terms and conditions under which the contract may be transferred to another qualified beneficiary.

(6) The name and social security number of any person who may terminate the contract, together with terms that specify whether the contract may be terminated by the purchaser, the qualified beneficiary, a specific designated person, or any combination of these persons.

(7) The terms and conditions under which a contract may be terminated, the name and social security number of the person entitled to any refund due as a result of the termination of the contract pursuant to those terms and conditions, and the method for determining the amount of a refund.

(8) The time limitations, if any, within which the qualified beneficiary must claim his or her benefits through the program.

(9) Other terms and conditions determined by the Commission to be appropriate.

(f) In addition to the contract provisions set forth in subsection (e), each Illinois prepaid tuition contract shall include:

1. The number of credit hours contracted by the purchaser.
2. The type of MAP-eligible institution and the prepaid tuition plan toward which the credit hours shall be applied.
3. The explicit contractual obligation of the Commission to the qualified beneficiary to provide a specific number of credit hours of undergraduate instruction at a MAP-eligible institution, not to exceed the maximum number of credit hours required for the conference of a degree that corresponds to the plan purchased on behalf of the qualified beneficiary.

(g) The Commission shall indicate by rule the conditions under which refunds are payable to a contract purchaser. Generally, no refund shall exceed the amount paid into the Illinois Prepaid Tuition Trust Fund by the purchaser. In the event that a contract is converted from a Public University Plan described in subsection (j) of this Section to a Community
College Plan described in subsection (k) of this Section, the refund amount shall be reduced by the amount transferred to the Illinois community college on behalf of the qualified beneficiary. Except where the Commission may otherwise rule, refunds may exceed the amount paid into the Illinois Prepaid Tuition Trust Fund only under the following circumstances:

(1) If the qualified beneficiary is awarded a grant or scholarship at a public institution of higher education, the terms of which duplicate the benefits included in the Illinois prepaid tuition contract, then moneys paid for the purchase of the contract shall be returned to the purchaser, upon request, in semester installments that coincide with the matriculation by the qualified beneficiary, in an amount equal to the current cost of tuition and mandatory fees at the MAP-eligible institution where the qualified beneficiary is enrolled.

(1.5) If the qualified beneficiary is awarded a grant or scholarship while enrolled at either a MAP-eligible nonpublic institution of higher education or an eligible public or private out-of-state higher education institution, the terms of which duplicate the benefits included in the Illinois prepaid tuition contract, then money paid for the purchase of the contract shall be returned to the purchaser, upon request, in semester installments that coincide with the matriculation by the qualified beneficiary. The amount paid shall not exceed the current average mean-weighted credit hour value of the registration fees purchased under the contract.

(2) In the event of the death or total disability of the qualified beneficiary, moneys paid for the purchase of the Illinois prepaid tuition contract shall be returned to the purchaser together with all accrued earnings.

(3) If an Illinois prepaid tuition contract is converted from a Public University Plan to a Community College Plan, then the amount refunded shall be the value of the original Illinois prepaid tuition contract minus the value of the contract after conversion.

New matter indicated by italics - deletions by strikeout
No refund shall be authorized under an Illinois prepaid tuition contract for any semester partially attended but not completed.

The Commission, by rule, shall set forth specific procedures for making contract payments in conjunction with grants and scholarships awarded to contract beneficiaries.

Moneys paid into or out of the Illinois Prepaid Tuition Trust Fund by or on behalf of the purchaser or the qualified beneficiary of an Illinois prepaid tuition contract are exempt from all claims of creditors of the purchaser or beneficiary, so long as the contract has not been terminated.

The State or any State agency, county, municipality, or other political subdivision, by contract or collective bargaining agreement, may agree with any employee to remit payments toward the purchase of Illinois prepaid tuition contracts through payroll deductions made by the appropriate officer or officers of the entity making the payments. Such payments shall be held and administered in accordance with this Act.

(h) Nothing in this Act shall be construed as a promise or guarantee that a qualified beneficiary will be admitted to a MAP-eligible institution or to a particular MAP-eligible institution, will be allowed to continue enrollment at a MAP-eligible institution after admission, or will be graduated from a MAP-eligible institution.

(i) The Commission shall develop and make prepaid tuition contracts available under a minimum of at least 2 independent plans to be known as the Public University Plan and the Community College Plan.

Contracts shall be purchased in units of 15 credit hours at either an Illinois public university or an Illinois community college. The minimum purchase amount per qualified beneficiary shall be one unit or 15 credit hours. The maximum purchase amount shall be 9 units (or 135 credit hours) for the Public University Plan and 4 units (or 60 credit hours) for the Community College Plan.

(j) Public University Plan. Through the Public University Plan, the Illinois prepaid tuition contract shall provide prepaid registration fees, which include full tuition costs as well as mandatory fees, for a specified number of undergraduate credit hours, not to exceed the maximum number of credit hours required for the conference of a baccalaureate degree. In

New matter indicated by italics - deletions by strikeout
determining the cost of participation in the Public University Plan, the Commission shall reference the combined mean-weighted current registration fees from all Illinois public universities.

In the event that a qualified beneficiary for whatever reason chooses to attend an Illinois community college, the qualified beneficiary may convert the average number of credit hours required for the conference of an associate degree from the Public University Plan to the Community College Plan and may retain the remaining Public University Plan credit hours or may request a refund for prepaid credit hours in excess of those required for conference of an associate degree. In determining the amount of any refund, the Commission also shall recognize the current relative credit hour cost of the 2 plans when making any conversion.

Qualified beneficiaries shall bear the cost of any laboratory or other non-mandatory fees associated with enrollment in specific courses. Qualified beneficiaries who are not Illinois residents shall bear the difference in cost between in-state registration fees guaranteed by the prepaid tuition contract and tuition and other charges assessed upon out-of-state students by the MAP-eligible institution.

(k) Community College Plan. Through the Community College Plan, the Illinois prepaid tuition contract shall provide prepaid registration fees, which include full tuition costs as well as mandatory fees, for a specified number of undergraduate credit hours, not to exceed the maximum number of credit hours required for the conference of an associate degree. In determining the cost of participation in the Community College Plan, the Commission shall reference the combined mean-weighted current registration fees from all Illinois community colleges.

In the event that a qualified beneficiary for whatever reason chooses to attend an Illinois public university, the qualified beneficiary's prepaid tuition contract shall be converted for use at that Illinois public university by referencing the current average mean-weighted credit hour value of registration fees at Illinois community colleges relative to the corresponding value of registration fees at Illinois public universities.
Qualified beneficiaries shall bear the cost of any laboratory or other non-mandatory fees associated with enrollment in specific courses. Qualified beneficiaries who are not Illinois residents shall bear the difference in cost between in-state registration fees guaranteed by the prepaid tuition contract and tuition and other charges assessed upon out-of-state students by the MAP-eligible institution.

(l) A qualified beneficiary may apply the benefits of any Illinois prepaid tuition contract toward a nonpublic institution of higher education. In the event that a qualified beneficiary for whatever reason chooses to attend a nonpublic institution of higher education, the qualified beneficiary's prepaid tuition contract shall be converted for use at that nonpublic institution of higher education by referencing the current average mean-weighted credit hour value of registration fees purchased under the contract. The Commission shall transfer, or cause to have transferred, this amount, less a transfer fee, to the nonpublic institution on behalf of the beneficiary. In the event that the cost of registration charged to the beneficiary at the nonpublic institution of higher education is less than the aggregate value of the Illinois prepaid tuition contract, any remaining amount shall be transferred in subsequent semesters until the transfer value is fully depleted.

(m) A qualified beneficiary may apply the benefits of any Illinois prepaid tuition contract toward an eligible out-of-state college or university. Institutional eligibility for out-of-state colleges and universities shall be determined by the Commission, but in making those determinations the Commission shall recognize that the benefits of an Illinois prepaid tuition contract may not be used at any postsecondary educational institution that is both operated for-profit and located outside of Illinois. In the event that a qualified beneficiary for whatever reason chooses to attend an eligible out-of-state college or university, the qualified beneficiary's prepaid tuition contract shall be converted for use at that college or university by referencing the current average mean-weighted credit hour value of registration fees purchased under the contract. The Commission shall transfer, or cause to have transferred, this amount, less a transfer fee, to the college or university on behalf of the
beneficiary. In the event that the cost of registration charged to the beneficiary at the eligible out-of-state college or university is less than the aggregate value of the Illinois prepaid tuition contract, any remaining amount shall be transferred in subsequent semesters until the transfer value is fully depleted.

(n) Illinois prepaid tuition contracts may be purchased either by lump sum or by installments. No penalty shall be assessed for early payment of installment contracts.

(o) The Commission shall annually adjust the price of new contracts, in accordance with the annual changes in registration fees at Illinois public universities and community colleges.

(Source: P.A. 92-165, eff. 7-26-01; 93-56, eff. 7-1-03.)

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


PUBLIC ACT 95-0218
(House Bill No. 1673)

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

Section 5. The Downstate Forest Preserve District Act is amended by adding Section 13.8 as follows:

(70 ILCS 805/13.8 new)

Sec. 13.8. In the preparation of the annual appropriation ordinance, an amount not to exceed 0.02% of the equalized assessed value of property subject to taxation by the district may be accumulated in a separate fund for the purpose of specific capital improvements, repairs, or replacements of district equipment or other tangible property. The Fund shall be designated as the "Capital Improvement, Repair, or Replacement Fund". Expenditures from the Capital Improvement, Repair, or

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Replacement Fund shall be appropriated for the fiscal year in which the capital improvement, repair, or replacement will occur. If any surplus moneys remain in the Fund after the completion or abandonment of any object for which moneys from the Capital Improvement, Repair, or Replacement Fund were used, then any funds no longer necessary for capital improvement, repair, or replacement shall be transferred into the general corporate fund of the district on the first day of the fiscal year following the abandonment or completion of the object or the discovery of the surplus funds.

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


PUBLIC ACT 95-0219
(House Bill No. 1741)

AN ACT concerning agriculture.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Fertilizer Act of 1961 is amended by changing Section 12 as follows:
(505 ILCS 80/12) (from Ch. 5, par. 55.12)
Sec. 12. Tonnage reports; records.
(a) Any person distributing fertilizer to a non-registrant in this State shall provide the Director with a summary report of tonnage on a form, provided by the Director, for that purpose. The person transacting, distributing or selling commercial fertilizer or custom mix to a non-registrant will mail the Director a summary report on or before the 10th day of each month covering shipments made during the preceding month showing the following information: Name and county of the consignee and amount (tons) by grades and analysis of commercial fertilizer or custom mix. This report may be made on a special summary form provided by the

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Director or other forms as approved by the Director. Specialty fertilizer sold in packages weighing 5 pounds or less or in container of 4000 cubic centimeters or less, shall be reported but no inspection fee will be charged. No information furnished under this Section shall be disclosed by the Department in such a way as to divulge the operation of any person.

(b) Persons engaged in the sale of ammonium nitrate shall obtain the following information upon its distribution:

(1) the date of distribution;
(2) the quantity purchased;
(3) the license number of the purchaser's valid State or federal driver's license, or an equivalent number taken from another form of picture identification approved for purchaser identification by the Director; and
(4) the purchaser's name, current physical address, and telephone number.

Any retailer of ammonium nitrate may refuse to sell ammonium nitrate to any person attempting to purchase ammonium nitrate (i) out of season, (ii) in unusual quantities, or (iii) under suspect purchase patterns.

(c) Records created under subsection (b) of this Section shall be maintained for a minimum of 2 years. Such records shall be available for inspection, copying, and audit by the Department as provided under this Act.

(Source: P.A. 80-520.)

Section 99. Effective date. This Act takes effect July 1, 2007.

PUBLIC ACT 95-0220
(House Bill No. 1778)

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

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Section 5. The State Comptroller Act is amended by changing Section 21 as follows:

(15 ILCS 405/21) (from Ch. 15, par. 221)

Sec. 21. Rules and Regulations - Imprest accounts. The Comptroller shall promulgate rules and regulations to implement the exercise of his powers and performance of his duties under this Act and to guide and assist State agencies in complying with this Act. Any rule or regulation specifically requiring the approval of the State Treasurer under this Act for adoption by the comptroller shall require the approval of the State Treasurer for modification or repeal.

The Comptroller may provide in his rules and regulations for periodic transfers, with the approval of the State Treasurer, for use in accordance with the imprest system, subject to the rules and regulations of the Comptroller as respects vouchers, controls and reports, as follows:

(a) To the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, and State Community College of East St. Louis under the jurisdiction of the Illinois Community College Board, not to exceed $200,000 for each campus.

(b) To the Department of Agriculture and the Department of Commerce and Economic Opportunity for the operation of overseas offices, not to exceed $200,000 for each Department for each overseas office.

(c) To the Department of Agriculture for the purpose of making change for activities at each State Fair, not to exceed $200,000, to be returned within 5 days of the termination of such activity.

(d) To the Department of Agriculture to pay (i) State Fair premiums and awards and State Fair entertainment contracts at each State Fair, and (ii) ticket refunds for cancelled events. The amount transferred from any fund shall not exceed the appropriation for each specific purpose. This authorization shall

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terminate each year within 60 days of the close of each State Fair. The Department shall be responsible for withholding State income tax, where necessary, as required by Section 709 of the Illinois Income Tax Act.

(e) To the State Treasurer to pay for securities' safekeeping charges assessed by the Board of Governors of the Federal Reserve System as a consequence of the Treasurer's use of the government securities' book-entry system. This account shall not exceed $25,000.

(f) To the Illinois Mathematics and Science Academy, not to exceed $15,000.

(g) To the Department of Natural Resources to pay out cash prizes and to purchase awards in association with competitions held at the World Shooting and Recreational Complex, not to exceed $250,000.

(Source: P.A. 94-793, eff. 5-19-06.)

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


PUBLIC ACT 95-0221
(House Bill No. 1797)

AN ACT concerning property.

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

Section 5. The Condominium Property Act is amended by changing Section 30 as follows:

(765 ILCS 605/30) (from Ch. 30, par. 330)
Sec. 30. Conversion condominiums; notice; recording.
(a)(1) No real estate may be submitted to the provisions of the Act as a conversion condominium unless (i) a notice of intent to submit the

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real estate to this Act (notice of intent) has been given to all persons who were tenants of the building located on the real estate on the date the notice is given. Such notice shall be given at least 30 days, and not more than 1 year prior to the recording of the declaration which submits the real estate to this Act; and (ii) the developer executes and acknowledges a certificate which shall be attached to and made a part of the declaration and which provides that the developer, prior to the execution by him or his agent of any agreement for the sale of a unit, has given a copy of the notice of intent to all persons who were tenants of the building located on the real estate on the date the notice of intent was given.

(a)(2) If the owner fails to provide a tenant with notice of the intent to convert as defined in this Section, the tenant permanently vacates the premises as a direct result of non-renewal of his or her lease by the owner, and the tenant's unit is converted to a condominium by the filing of a declaration submitting a property to this Act without having provided the required notice, then the owner is liable to the tenant for the following:

(A) the tenant's actual moving expenses incurred when moving from the subject property, not to exceed $1,500;

(B) three month's rent at the subject property; and

(C) reasonable attorney's fees and court costs.

(b) Any developer of a conversion condominium must, upon issuing the notice of intent, publish and deliver along with such notice of intent, a schedule of selling prices for all units subject to the condominium instruments and offer to sell such unit to the current tenants, except for units to be vacated for rehabilitation subsequent to such notice of intent. Such offer shall not expire earlier than 30 days after receipt of the offer by the current tenant, unless the tenant notifies the developer in writing of his election not to purchase the condominium unit.

(c) Any tenant who was a tenant as of the date of the notice of intent and whose tenancy expires (other than for cause) prior to the expiration of 120 days from the date on which a copy of the notice of intent was given to the tenant shall have the right to extend his tenancy on the same terms and conditions and for the same rental until the expiration of such 120 day period by the giving of written notice thereof to the

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developer within 30 days of the date upon which a copy of the notice of intent was given to the tenant by the developer.

(d) Each lessee in a conversion condominium shall be informed by the developer at the time the notice of intent is given whether his tenancy will be renewed or terminated upon its expiration. If the tenancy is to be renewed, the tenant shall be informed of all charges, rental or otherwise, in connection with the new tenancy and the length of the term of occupancy proposed in conjunction therewith.

(e) For a period of 120 days following his receipt of the notice of intent, any tenant who was a tenant on the date the notice of intent was given shall be given the right to purchase his unit on substantially the same terms and conditions as set forth in a duly executed contract to purchase the unit, which contract shall conspicuously disclose the existence of, and shall be subject to, the right of first refusal. The tenant may exercise the right of first refusal by giving notice thereof to the developer prior to the expiration of 30 days from the giving of notice by the developer to the tenant of the execution of the contract to purchase the unit. The tenant may exercise such right of first refusal within 30 days from the giving of notice by the developer of the execution of a contract to purchase the unit, notwithstanding the expiration of the 120 day period following the tenant's receipt of the notice of intent, if such contract was executed prior to the expiration of the 120 day period. The recording of the deed conveying the unit to the purchaser which contains a statement to the effect that the tenant of the unit either waived or failed to exercise the right of first refusal or option or had no right of first refusal or option with respect to the unit shall extinguish any legal or equitable right or interest to the possession or acquisition of the unit which the tenant may have or claim with respect to the unit arising out of the right of first refusal or option provided for in this Section. The foregoing provision shall not affect any claim which the tenant may have against the landlord for damages arising out of the right of first refusal provided for in this Section.

(f) During the 30 day period after the giving of notice of an executed contract in which the tenant may exercise the right of first refusal, the developer shall grant to such tenant access to any portion of
the building to inspect any of its features or systems and access to any reports, warranties, or other documents in the possession of the developer which reasonably pertain to the condition of the building. Such access shall be subject to reasonable limitations, including as to hours. The refusal of the developer to grant such access is a business offense punishable by a fine of $500. Each refusal to an individual lessee who is a potential purchaser is a separate violation.

(g) Any notice provided for in this Section shall be deemed given when a written notice is delivered in person or mailed, certified or registered mail, return receipt requested to the party who is being given the notice.

(h) Prior to their initial sale, units offered for sale in a conversion condominium and occupied by a tenant at the time of the offer shall be shown to prospective purchasers only a reasonable number of times and at appropriate hours. Units may only be shown to prospective purchasers during the last 90 days of any expiring tenancy.

(i) Any provision in any lease or other rental agreement, or any termination of occupancy on account of condominium conversion, not authorized herein, or contrary to or waiving the foregoing provisions, shall be deemed to be void as against public policy.

(j) A tenant is entitled to injunctive relief to enforce the provisions of subsections (a) and (c) of this Section.

(k) A non-profit housing organization, suing on behalf of an aggrieved tenant under this Section, may also recover compensation for reasonable attorney's fees and court costs necessary for filing such action.

(l) Nothing in this Section shall affect any provision in any lease or rental agreement in effect before this Act becomes law.

(m) Nothing in this amendatory Act of 1978 shall be construed to imply that there was previously a requirement to record the notice provided for in this Section subsection (a).

(Source: P.A. 88-417.)

Effective January 1, 2008.
AN ACT concerning gaming.

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

Section 5. The Illinois Horse Racing Act of 1975 is amended by changing Section 28.1 as follows:

(230 ILCS 5/28.1)

Sec. 28.1. Payments.

(a) Beginning on January 1, 2000, moneys collected by the Department of Revenue and the Racing Board pursuant to Section 26 or Section 27 of this Act shall be deposited into the Horse Racing Fund, which is hereby created as a special fund in the State Treasury.

(b) Appropriations, as approved by the General Assembly, may be made from the Horse Racing Fund to the Board to pay the salaries of the Board members, secretary, stewards, directors of mutuels, veterinarians, representatives, accountants, clerks, stenographers, inspectors and other employees of the Board, and all expenses of the Board incident to the administration of this Act, including, but not limited to, all expenses and salaries incident to the taking of saliva and urine samples in accordance with the rules and regulations of the Board.

(c) Beginning on January 1, 2000, the Board shall transfer the remainder of the funds generated pursuant to Sections 26 and 27 from the Horse Racing Fund into the General Revenue Fund.

(d) Beginning January 1, 2000, payments to all programs in existence on the effective date of this amendatory Act of 1999 that are identified in Sections 26(c), 26(f), 26(h)(11)(C), and 28, subsections (a), (b), (c), (d), (e), (f), (g), and (h) of Section 30, and subsections (a), (b), (c), (d), (e), (f), (g), and (h) of Section 31 shall be made from the General Revenue Fund at the funding levels determined by amounts paid under this Act in calendar year 1998. Beginning on the effective date of this amendatory Act of the 93rd General Assembly, payments to the Peoria Park District shall be made from the General Revenue Fund at the funding

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level determined by amounts paid to that park district for museum purposes under this Act in calendar year 1994. Beginning on the effective date of this amendatory Act of the 94th General Assembly, in lieu of payments to the Champaign Park District for museum purposes, payments to the Urbana Park District shall be made from the General Revenue Fund at the funding level determined by amounts paid to the Champaign Park District for museum purposes under this Act in calendar year 2005.

(e) Beginning July 1, 2006, the payment authorized under subsection (d) to museums and aquariums located in park districts of over 500,000 population shall be paid to museums, aquariums, and zoos in amounts determined by Museums in the Park, an association of museums, aquariums, and zoos located on Chicago Park District property.

(f) Beginning July 1, 2007, the Children's Discovery Museum in Normal, Illinois shall receive payments from the General Revenue Fund at the funding level determined by the amounts paid to the Miller Park Zoo in Bloomington, Illinois under this Section in calendar year 2006.

(Source: P.A. 93-869, eff. 8-6-04; 94-813, eff. 5-26-06.)

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


PUBLIC ACT 95-0223
(House Bill No. 1839)

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

Section 5. The School Code is amended by changing Section 2-3.25g as follows:
(105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)
Sec. 2-3.25g. Waiver or modification of mandates within the School Code and administrative rules and regulations.

New matter indicated by italics - deletions by strikeout
(a) In this Section:

"Board" means a school board or the governing board or administrative district, as the case may be, for a joint agreement.

"Eligible applicant" means a school district, joint agreement made up of school districts, or regional superintendent of schools on behalf of schools and programs operated by the regional office of education.

"State Board" means the State Board of Education.

(b) Notwithstanding any other provisions of this School Code or any other law of this State to the contrary, eligible applicants may petition the State Board of Education for the waiver or modification of the mandates of this School Code or of the administrative rules and regulations promulgated by the State Board of Education. Waivers or modifications of administrative rules and regulations and modifications of mandates of this School Code may be requested when an eligible applicant demonstrates that it can address the intent of the rule or mandate in a more effective, efficient, or economical manner or when necessary to stimulate innovation or improve student performance. Waivers of mandates of the School Code may be requested when the waivers are necessary to stimulate innovation or improve student performance. Waivers may not be requested from laws, rules, and regulations pertaining to special education, teacher certification, teacher tenure and seniority, or Section 5-2.1 of this Code or from compliance with the No Child Left Behind Act of 2001 (Public Law 107-110).

(c) Eligible applicants, as a matter of inherent managerial policy, and any Independent Authority established under Section 2-3.25f may submit an application for a waiver or modification authorized under this Section. Each application must include a written request by the eligible applicant or Independent Authority and must demonstrate that the intent of the mandate can be addressed in a more effective, efficient, or economical manner or be based upon a specific plan for improved student performance and school improvement. Any eligible applicant requesting a waiver or modification for the reason that intent of the mandate can be addressed in a more economical manner shall include in the application a fiscal analysis...
showing current expenditures on the mandate and projected savings resulting from the waiver or modification. Applications and plans developed by eligible applicants must be approved by the board or regional superintendent of schools applying on behalf of schools or programs operated by the regional office of education following a public hearing on the application and plan and the opportunity for the board or regional superintendent to hear testimony from staff directly involved in its implementation, parents, and students. The time period for such testimony shall be separate from the time period established by the eligible applicant for public comment on other matters. If the applicant is a school district or joint agreement requesting a waiver or modification of Section 27-6 of this Code, the public hearing shall be held on a day other than the day on which a regular meeting of the board is held. If the applicant is a school district, the public hearing must be preceded by at least one published notice occurring at least 7 days prior to the hearing in a newspaper of general circulation within the school district that sets forth the time, date, place, and general subject matter of the hearing. If the applicant is a joint agreement or regional superintendent, the public hearing must be preceded by at least one published notice (setting forth the time, date, place, and general subject matter of the hearing) occurring at least 7 days prior to the hearing in a newspaper of general circulation in each school district that is a member of the joint agreement or that is served by the educational service region, provided that a notice appearing in a newspaper generally circulated in more than one school district shall be deemed to fulfill this requirement with respect to all of the affected districts. The eligible applicant must notify in writing the affected exclusive collective bargaining agent and those State legislators representing the eligible applicant's territory of its intent to seek approval of a waiver or modification and of the hearing to be held to take testimony from staff. The affected exclusive collective bargaining agents shall be notified of such public hearing at least 7 days prior to the date of the hearing and shall be allowed to attend such public hearing. The eligible applicant shall attest to compliance with all of the notification and procedural requirements set forth in this Section.

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(d) A request for a waiver or modification of administrative rules and regulations or for a modification of mandates contained in this School Code shall be submitted to the State Board of Education within 15 days after approval by the board or regional superintendent of schools. The application as submitted to the State Board of Education shall include a description of the public hearing. Following receipt of the request, the State Board shall have 45 days to review the application and request. If the State Board fails to disapprove the application within that 45 day period, the waiver or modification shall be deemed granted. The State Board may disapprove any request if it is not based upon sound educational practices, endangers the health or safety of students or staff, compromises equal opportunities for learning, or fails to demonstrate that the intent of the rule or mandate can be addressed in a more effective, efficient, or economical manner or have improved student performance as a primary goal. Any request disapproved by the State Board may be appealed to the General Assembly by the eligible applicant as outlined in this Section.

A request for a waiver from mandates contained in this School Code shall be submitted to the State Board within 15 days after approval by the board or regional superintendent of schools. The application as submitted to the State Board of Education shall include a description of the public hearing. The description shall include, but need not be limited to, the means of notice, the number of people in attendance, the number of people who spoke as proponents or opponents of the waiver, a brief description of their comments, and whether there were any written statements submitted. The State Board shall review the applications and requests for completeness and shall compile the requests in reports to be filed with the General Assembly. The State Board shall file reports outlining the waivers requested by eligible applicants and appeals by eligible applicants of requests disapproved by the State Board with the Senate and the House of Representatives before each March 1 and October 1. The General Assembly may disapprove the report of the State Board in whole or in part within 60 calendar days after each house of the General Assembly next convenes after the report is filed by adoption of a resolution by a record vote of the majority of members elected in each
house. If the General Assembly fails to disapprove any waiver request or appealed request within such 60 day period, the waiver or modification shall be deemed granted. Any resolution adopted by the General Assembly disapproving a report of the State Board in whole or in part shall be binding on the State Board.

(e) An approved waiver or modification (except a waiver from or modification to a physical education mandate) may remain in effect for a period not to exceed 5 school years and may be renewed upon application by the eligible applicant. However, such waiver or modification may be changed within that 5-year period by a board or regional superintendent of schools applying on behalf of schools or programs operated by the regional office of education following the procedure as set forth in this Section for the initial waiver or modification request. If neither the State Board of Education nor the General Assembly disapproves, the change is deemed granted.

An approved waiver from or modification to a physical education mandate may remain in effect for a period not to exceed 2 school years and may be renewed no more than 2 times upon application by the eligible applicant. An approved waiver from or modification to a physical education mandate may be changed within the 2-year period by the board or regional superintendent of schools, whichever is applicable, following the procedure set forth in this Section for the initial waiver or modification request. If neither the State Board of Education nor the General Assembly disapproves, the change is deemed granted.

(f) On or before February 1, 1998, and each year thereafter, the State Board of Education shall submit a cumulative report summarizing all types of waivers of mandates and modifications of mandates granted by the State Board or the General Assembly. The report shall identify the topic of the waiver along with the number and percentage of eligible applicants for which the waiver has been granted. The report shall also include any recommendations from the State Board regarding the repeal or modification of waived mandates.

(Source: P.A. 93-470, eff. 8-8-03; 93-557, eff. 8-20-03; 93-707, eff. 7-9-04; 94-198, eff. 1-1-06; 94-432, eff. 8-2-05; 94-875, eff. 7-1-06.)

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

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

Section 5. The Fire Investigation Act is amended by changing Section 6 and by adding Section 6.1 as follows:

(425 ILCS 25/6) (from Ch. 127 1/2, par. 6)

Sec. 6. The chief of the fire department of every municipality in which a fire department is established and the fire chief of every legally organized fire protection district shall investigate the cause, origin and circumstances of every fire occurring in such municipality or fire protection district, or in any area or on any property which is furnished fire protection by the fire department of such municipality or fire protection district, by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including Sunday, of the occurrence of such fire, and the Office of the State Fire Marshal shall have the right to supervise and direct such investigation whenever it deems it expedient or necessary. The officer making investigation of fires occurring in cities, villages, towns, fire protection districts or townships shall forthwith notify the Office of the State Fire Marshal and shall by the 15th of the month following the occurrence of the fire, furnish to the Office a statement of all facts relating to the cause and origin of the fire, and such other information as may be called for in a format approved or on forms provided by the Office. The Office of the State Fire Marshal shall keep a record of all fires occurring in the State, together with all facts, statistics and circumstances, including the origin of the fires, which may be determined by the investigations

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provided by this act; such record shall at all times be open to the public inspection, and such portions of it as the State Director of Insurance may deem necessary shall be transcribed and forwarded to him within fifteen days from the first of January of each year. In addition to the reporting of fires, the chief of the fire department shall furnish to the Office such other information as the State Fire Marshal deems of importance to the fire services.

(Source: P.A. 82-706.)

(425 ILCS 25/6.1 new)

Sec. 6.1. Rules. The State Fire Marshal may adopt necessary rules for the administration of the reporting of fires, hazardous material incidents, and other incidents or events that the State Fire Marshal deems of importance to the fire services. The reporting of such information shall be based upon the nationally recognized standards of the United States Fire Administration's National Fire Incident Reporting System (NIFRS).

Effective January 1, 2008.

PUBLIC ACT 95-0225
(House Bill No. 2787)

AN ACT concerning education.

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

Section 5. The School Code is amended by adding Section 3-15.17 as follows:

(105 ILCS 5/3-15.17 new)

Sec. 3-15.17. Civic education advancement.

(a) The General Assembly finds that civic education and participation are fundamental elements of a healthy democracy, and schools are in need of support to identify civic learning opportunities and to implement new strategies to prepare and sustain high quality citizenship among their student body.

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(b) Subject to appropriation, funding for civic education professional development for high school teachers must be provided by line item appropriation made to the State Board of Education for that purpose. When appropriated, the State Board of Education must provide this funding to each regional superintendent of schools based on high school enrollment as reported on the State Board of Education's most recent fall enrollment and housing report, except that 20% of each annual appropriation must be reserved for a school district organized under Article 34 of this Code.

(c) In order to establish eligibility for one or more of its schools to receive funding under this Section, a school district shall submit to its regional superintendent of schools an application, accompanied by a completed civic audit, for each school. A regional superintendent shall award funds to a district based on the number of teachers identified by the district to receive professional development multiplied by $250. A district must not be awarded more than $3,000 in any year, unless additional funds remain available after all eligible applicants have received funding. A district may not use funds authorized under this Section in any school more than once every 2 years. Funds provided under this Section must be used exclusively for professional development provided by entities that are approved providers for purposes of certificate renewal under Section 21-14 of this Code.

(d) The civic audit form and its content must be designed and updated as deemed necessary by the Illinois Civic Mission Coalition. Data from completed civic audits must be processed by the Illinois Civic Mission Coalition. The civic audit must be made available by the Illinois Civic Mission Coalition and must be designed to provide teachers and principals with a blueprint to better understand how current curriculum, service learning, and extracurricular activities are providing civic learning experiences for their students.

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


PUBLIC ACT 95-0226
(House Bill No. 2808)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The State Finance Act is amended by adding Section
5.675 as follows:

(30 ILCS 105/5.675 new)
Sec. 5.675. The Autism Awareness Fund.
Section 10. The Illinois Vehicle Code is amended by adding
Section 3-664 as follows:

(625 ILCS 5/3-664 new)
Sec. 3-664. Autism Awareness license plates.
(a) The Secretary, upon receipt of an application made in the form
prescribed by the Secretary, may issue special registration plates
designated as Autism Awareness license plates. The special plates issued
under this Section shall be affixed only to passenger vehicles of the first
division and motor vehicles of the second division weighing not more than
8,000 pounds. Plates issued under this Section shall expire according to
the multi-year procedure established by Section 3-414.1 of this Code.
(b) The design and color of the plates is wholly within the
discretion of the Secretary of State. The Secretary, in his or her discretion,
may allow the plates to be issued as vanity or personalized plates under
Section 3-405.1 of this Code. The Secretary shall prescribe stickers or
decals as provided under Section 3-412 of this Code.
(c) An applicant for the special plate shall be charged a $40 fee for
original issuance in addition to the appropriate registration fee. Of this
fee, $25 shall be deposited into the Autism Awareness Fund and $15 shall
be deposited into the Secretary of State Special License Plate Fund, to be
used by the Secretary to help defray the administrative processing costs.

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For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be deposited into the Autism Awareness Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Autism Awareness Fund is created as a special fund in the State treasury. All moneys in the Autism Awareness Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, to the Illinois Department of Human Services for the purpose of grants for research, education, and awareness regarding autism and autism spectrum disorders.

Effective January 1, 2008.
(2) a statement of initial total equalized assessed value of the property in the project area before the tax increment financing;
(3) a statement of the current total equalized assessed value of the property in the project area;
(4) a statement of the impact of the tax increment financing on each tax rate for each affected taxing district; and
(5) projections for future impacts of the tax increment financing on each tax rate for each affected taxing district.

(c) The study under this Section must include an analysis of any obstacles that a county will face in including the information on property tax bills and identify any possible solutions to those obstacles.

(d) No later than April 1, 2008, the Department must submit a report to the Governor and the General Assembly concerning the study under this Section.

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


PUBLIC ACT 95-0228

(AN ACT concerning gaming.)

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

Section 5. The Illinois Pull Tabs and Jar Games Act is amended by changing Sections 1.1, 2, 3, 4, 5, 6, and 7 and by adding Sections 2.1, 3.1, 3.2, 7.1, 7.2, and 7.3 as follows:

(230 ILCS 20/1.1) (from Ch. 120, par. 1051.1)

Sec. 1.1. Definitions. As used in this Act:
"Pull tabs" and "jar games" means a game using single-folded or banded tickets or a card, the face of which is initially covered or otherwise hidden from view in order to conceal a number, symbol or set of symbols,

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some of which are winners. Players with winning tickets receive a prize stated on a promotional display or "flare". Pull tabs also means a game in which prizes are won by pulling a tab from a board thereby revealing a number which corresponds to the number for a given prize.

Each winning pull tab or slip shall be predetermined. The right to participate in such games shall not cost more than $2. No single prize shall exceed $500. There shall be no more than 6,000 tickets in a game.

"Pull tabs and jar games", as used in this Act, does not include the following: numbers, policy, bolita or similar games, dice, slot machines, bookmaking and wagering pools with respect to a sporting event, or that game commonly known as punch boards, or any other game or activity not expressly defined in this Section.

"Organization" means a corporation, agency, partnership, association, firm or other entity consisting of 2 or more persons joined by a common interest or purpose.

"Non-profit organization" means an organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.

"Charitable organization" means an organization or institution organized and operated to benefit an indefinite number of the public.

"Educational organization" means an organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

"Religious organization" means any church, congregation, society, or organization founded for the purpose of religious worship.

"Fraternal organization" means an organization of persons, including but not limited to ethnic organizations, having a common interest that is; organized and operated exclusively to promote the welfare of its members and to benefit the general public on a continuing and consistent basis, including but not limited to ethnic organizations.

"Veterans' organization" means an organization comprised of members of which substantially all are individuals who are veterans or
spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

"Labor organization" means an organization composed of labor unions or workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

"Youth athletic organization" means an organization having as its exclusive purpose the promotion and provision of athletic activities for youth aged 18 and under.

"Senior citizens organization" means an organization or association comprised of members of which substantially all are individuals who are senior citizens, as defined in the Illinois Act on the Aging, the primary purpose of which is to promote the welfare of its members.

"Department" means the Department of Revenue.

"Person" means any natural individual, corporation, partnership, limited liability company, organization, licensee under this Act, or volunteer.

"Special permit" means a permit issued to a licensed organization that allows it to conduct pull tabs and jar games at other premises or on other days not exceeding 5 consecutive days.

"Supplier" means any person, firm, or corporation that sells, leases, lends, distributes, or otherwise provides any pull tabs and jar games to any organization licensed to conduct pull tabs and jar games in Illinois.

"Volunteer" means a person recruited by the licensed organization who voluntarily performs services at a pull tabs or jar games event, including participation in the management or operation of a game.

(Source: P.A. 90-536, eff. 1-1-98.)

(230 ILCS 20/2) (from Ch. 120, par. 1052)

Sec. 2. The Department of Revenue shall, upon application therefor on forms prescribed by the Department, and upon the payment of a nonrefundable annual fee of $500, and upon determination that the

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applicant meets all the requirements of this Act, issue a license to conduct pull tabs and jar games to any of the following:

(i) Any local fraternal mutual benefit organization chartered at least 40 years before it applies for a license under this Act.

(ii) Any bona fide religious, charitable, labor, fraternal, youth athletic, senior citizen, educational or veterans' organization organized in Illinois which operates without profit to its members, which has been in existence in Illinois continuously for a period of 5 years immediately before making application for a license and which has had during that entire 5 year period a bona fide membership engaged in carrying out its objects. However, the 5 year requirement shall be reduced to 2 years, as applied to a local organization which is affiliated with and chartered by a national organization which meets the 5 year requirement.

Each license issued shall be in effect for one year from its date of issuance unless extended, suspended, or revoked by Department action before that date. The Department may provide by rule for an extension of any pull tabs and jar games license issued under this Act. Any extension provided shall not exceed one year. A licensee may hold only one license and that license is valid for only one location unless a special permit, as authorized in subsection (4) of Section 3, is issued. The Department may authorize by rule the filing by electronic means of any application, license, permit, return, or registration required under this Act.

All taxes and fees imposed by this Act, unless otherwise specified, shall be paid into the General Revenue Fund of the State Treasury.

Each license expires at midnight, June 30, following its date of issuance, except that, beginning with applicants whose licenses expire on June 30, 1990, the Department shall stagger license expiration dates by dividing the applicants into 4 groups which are substantially equal in number. Licenses issued and license fees charged to applicants in each group shall be in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Group No.</th>
<th>License Expiration Date</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>December 31, 1990</td>
<td>$250</td>
</tr>
<tr>
<td>2</td>
<td>March 31, 1991</td>
<td>$375</td>
</tr>
</tbody>
</table>

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3- June 30, 1991 $500-
4- September 30, 1991 $625

Following expiration under this schedule, each renewed license shall be in effect for one year from its date of issuance unless suspended or revoked by Department action before that date. After June 30, 1990, every new license shall expire one year from the date of issuance unless suspended or revoked. A licensee may hold only one license and that license is valid for only one location:

The following are ineligible for any license under this Act:

(a) any person who has been convicted of a felony within 10 years of the date of the application;
(b) any person who has been convicted of a violation of Article 28 of the "Criminal Code of 1961";
(c) any person who has had a pull tabs and jar games, bingo or charitable games license revoked by the Department;
(d) any person who is or has been a professional gambler;
(e) any firm or corporation in which a person defined in (a), (b), (c) or (d) has any proprietary, equitable or credit interest, or in which such person is active or employed;
(f) any organization in which a person defined in (a), (b), (c) or (d) is an officer, director, or employee, whether compensated or not;
(g) any organization in which a person defined in (a), (b), (c) or (d) is to participate in the management or operation of pull tabs and jar games.

The Department of State Police shall provide the criminal background of any supplier as requested by the Department of Revenue.

(Source: P.A. 86-703; 87-1271.)

(230 ILCS 20/2.1 new)

Sec. 2.1. Ineligibility for a license. The following are ineligible for any license under this Act:

(1) Any person who has been convicted of a felony within the last 10 years prior to the date of the application.
(2) Any person who has been convicted of a violation of Article 28 of the Criminal Code of 1961.

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(3) Any person who has had a bingo, pull tabs and jar games, or charitable games license revoked by the Department.

(4) Any person who is or has been a professional gambler.

(5) Any person found gambling in a manner not authorized by the Illinois Pull Tabs and Jar Games Act, the Bingo License and Tax Act, or the Charitable Games Act, participating in such gambling, or knowingly permitting such gambling on premises where pull tabs and jar games are authorized to be conducted.

(6) Any firm or corporation in which a person defined in (1), (2), (3), (4), or (5) has any proprietary, equitable, or credit interest or in which such person is active or employed.

(7) Any organization in which a person defined in (1), (2), (3), (4), or (5) is an officer, director, or employee, whether compensated or not.

(8) Any organization in which a person defined in (1), (2), (3), (4), or (5) is to participate in the management or operation of pull tabs and jar games.

The Department of State Police shall provide the criminal background of any supplier as requested by the Department of Revenue.

(230 ILCS 20/3) (from Ch. 120, par. 1053)

Sec. 3. Licensing for the conducting of pull tabs and jar games is subject to the following restrictions:

(1) The license application, when submitted to the Department of Revenue, shall contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization and shall be signed by a person listed on the application as an owner, officer, or other person in charge of the necessary day-to-day operations of the presiding officer and the secretary of that organization.

(2) The license application shall be prepared in accordance with the rules of the Department of Revenue.

(3) The licensee shall prominently display the license in the area where the licensee conducts pull tabs and jar games. The licensee shall likewise display, in the form and manner as prescribed by the Department, the provisions of Section 4 of this Act.

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(4) Each license shall state the location at which the licensee is permitted to conduct pull tabs and jar games. The Department may, on special application made by a licensed organization, issue a special permit to conduct a single pull tabs or jar games event at another location. A special permit shall be displayed at the site of any pull tabs or jar games authorized by such permit.

(4.1) A license is not assignable or transferable.

(5) Any organization qualified for a license but not holding one, may upon application and payment of a nonrefundable fee of $50 receive a limited license special permit to conduct pull tabs or jar games at no more than 2 indoor or outdoor festivals in a year for a maximum of 5 consecutive days on each occasion. No more than 2 limited licenses permits under this subsection may be issued to any organization in any year. The limited license shall be prominently displayed at the site where pull tabs or jar games are sold.

(Source: P.A. 86-703.)

(230 ILCS 20/3.1 new)

Sec. 3.1. Suppliers' license. The Department shall issue a suppliers' license permitting a person, firm or corporation to sell or distribute to any organization licensed to conduct pull tabs and jar games supplies, devices or other equipment designed for use in the playing of pull tabs and jar games. No person, firm or corporation shall sell or distribute pull tabs and jar games supplies without having first obtained a license. Licensed suppliers shall buy pull tabs and jar games only from licensed manufacturers and shall sell pull tabs and jar games only to licensed organizations. Licensed organizations shall buy pull tabs and jar games only from licensed suppliers. Applications for suppliers' licenses shall be made in writing in accordance with Department rules. The Department shall license suppliers of pull tabs and jar games subject to a nonrefundable annual fee of $5,000, or a nonrefundable triennial supplier's fee of $15,000. Each suppliers' license is valid for one year from date of issuance, or 3 years from date of issuance for a triennial license, unless extended, suspended, or revoked by Department action before that date. Any extension of a suppliers' license shall not exceed one year. No

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licensed supplier under this Act shall sell, distribute or allow the use of any supplies, devices or equipment designed for use in the play of pull tabs and jar games for the conducting of anything other than pull tabs and jar games or to any person or organization not otherwise licensed under this Act.

The Department shall adopt by rule minimum quality production standards for pull tabs and jar games. In determining those standards, the Department shall consider the standards adopted by the National Association of Gambling Regulatory Agencies and the National Association of Fundraising Ticket Manufacturers. The standards shall include the name of the supplier which shall appear in plain view to the casual observer on the face side of each pull tab ticket and on each jar game ticket. The pull tab ticket shall contain the name of the game, the selling price of the ticket, the amount of the prize and the serial number of the ticket. The back side of a pull tab ticket shall contain a series of perforated tabs marked "open here". The logo of the manufacturer shall be clearly visible on each jar game ticket.

(230 ILCS 20/3.2 new)

Sec. 3.2. Manufacturers' license. The Department shall issue a manufacturers' license permitting a person, firm or corporation that produces, creates, constructs, assembles or otherwise manufactures pull tab and jar games to sell or distribute to any organization licensed to supply pull tabs and jar games. No person, firm or corporation shall produce, create, construct, assemble or otherwise manufacture pull tab and jar games without having first obtained a license. Licensed manufacturers may sell pull tabs and jar games only to licensed suppliers. Applications for manufacturers' licenses shall be made in writing in accordance with Department rules. The Department of Revenue shall license manufacturers of pull tabs and jar games subject to a nonrefundable annual fee of $5,000, or a triennial supplier's license fee of $15,000. Each manufacturers' license is valid for one year from date of issuance, or 3 years from date of issuance for a triennial license, unless extended, suspended, or revoked by Department action before that date. Any extension of a manufacturers' license shall not exceed one year.
The Department shall adopt by rule minimum quality production standards for pull tabs and jar games. In determining those standards, the Department shall consider the standards adopted by the National Association of Gambling Regulatory Agencies and the National Association of Fundraising Ticket Manufacturers. The standards shall include the name of the supplier which shall appear in plain view to the casual observer on the face side of each pull tab ticket and on each jar game ticket. The pull tab ticket shall contain the name of the game, the selling price of the ticket, the amount of the prize and the serial number of the ticket. The back side of a pull tab ticket shall contain a series of perforated tabs marked "open here". The logo of the manufacturer shall be clearly visible on each jar game ticket.

(230 ILCS 20/4) (from Ch. 120, par. 1054)

Sec. 4. The conducting of pull tabs and jar games is subject to the following restrictions:

(1) The entire net proceeds of any pull tabs or jar games, except as otherwise approved in this Act, must be exclusively devoted to the lawful purposes of the organization permitted to conduct such drawings.

(2) No person except a bona fide member or employee of the sponsoring organization may participate in the management or operation of such pull tabs or jar games; however, nothing herein shall conflict with pull tabs and jar games conducted under the provisions of the Charitable Games Act.

(3) No person may receive any remuneration or profit for participating in the management or operation of such pull tabs or jar games; however, nothing herein shall conflict with pull tabs and jar games conducted under the provisions of the Charitable Games Act.

(4) The price paid for a single chance or right to participate in a game licensed under this Act shall not exceed $2. No single prize shall exceed $500. There shall be no more than 6,000 tickets in a game. The aggregate value of all prizes or merchandise awarded in any single day of pull tabs and jar games shall not exceed $5,000, except that in adjoining counties having 200,000 to 275,000 inhabitants each, and in counties which are adjacent to either of such adjoining counties and are adjacent to...
total of not more than 2 counties in this State, the value of all prizes or
merchandise awarded may not exceed $5,000 in a single day.

(5) No person under the age of 18 years shall play or participate in
games under this Act. A person under the age of 18 years may be within
the area where pull tabs and jar games are being conducted only when
accompanied by his parent or guardian.

(6) Pull tabs and jar games shall be conducted only on premises
owned or occupied by licensed organizations and used by its members for
general activities, or on premises owned or rented for conducting the game
of bingo, or as permitted in subsection (4) of Section 3.

(Source: P.A. 90-536, eff. 1-1-98; 90-808, eff. 12-1-98.)

(230 ILCS 20/5) (from Ch. 120, par. 1055)

Sec. 5. There shall be paid to the Department of Revenue 5% of the
gross proceeds of any pull tabs and jar games conducted under this Act.
Such payments shall be made 4 times per year, between the first and the
20th day of April, July, October and January. Payment must be made by
money order or certified check. Accompanying each payment shall be a
return, on forms prescribed by the Department of Revenue, on
forms provided by the Department of Revenue, listing the number of
drawings conducted, the gross income derived therefrom and such
other information as the Department of Revenue may require. Failure to submit
either the payment or the return report within the specified time shall
result in suspension or automatic revocation of the license. Tax returns
filed pursuant to this Act shall not be confidential and shall be available
for public inspection. All payments made to the Department of Revenue
under this Act shall be deposited as follows:

(a) 50% shall be deposited in the Common School Fund; and

(b) 50% shall be deposited in the Illinois Gaming Law
Enforcement Fund. Of the monies deposited in the Illinois Gaming Law
Enforcement Fund under this Section, the General Assembly shall
appropriate two-thirds to the Department of Revenue, Department of State
Police and the Office of the Attorney General for State law enforcement
purposes, and one-third shall be appropriated to the Department of
Revenue for the purpose of distribution in the form of grants to counties or
municipalities for law enforcement purposes. The amounts of grants to counties or municipalities shall bear the same ratio as the number of licenses issued in counties or municipalities bears to the total number of licenses issued in the State. In computing the number of licenses issued in a county, licenses issued for locations within a municipality's boundaries shall be excluded.

The Department of Revenue shall license suppliers and manufacturers of pull tabs and jar games at an annual fee of $5,000. Suppliers and manufacturers shall meet the requirements and qualifications established by rule by the Department. Licensed manufacturers shall sell pull tabs and jar games only to licensed suppliers. Licensed suppliers shall buy pull tabs and jar games only from licensed manufacturers and shall sell pull tabs and jar games only to licensed organizations. Licensed organizations shall buy pull tabs and jar games only from licensed suppliers.

The Department of Revenue shall adopt by rule minimum quality production standards for pull tabs and jar games. In determining such standards, the Department shall consider the standards adopted by the National Association of Gambling Regulatory Agencies and the National Association of Fundraising Ticket Manufacturers. Such standards shall include the name of the supplier which shall appear in plain view to the casual observer on the face side of each pull tab ticket and on each jar game ticket. The pull tab ticket shall contain the name of the game, the selling price of the ticket, the amount of the prize and the serial number of the ticket. The back side of a pull tab ticket shall contain a series of perforated tabs marked "open here". The logo of the manufacturer shall be clearly visible on each jar game ticket.

The Department of Revenue shall adopt rules necessary to provide for the proper accounting and control of activities under this Act, to ensure that the proper taxes are paid, that the proceeds from the activities under this Act are used lawfully, and to prevent illegal activity associated with the use of pull tabs and jar games.

The provisions of Section 2a of the Retailers' Occupation Tax Act pertaining to the furnishing of a bond or other security are incorporated by
reference into this Act and are applicable to licensees under this Act as a precondition of obtaining a license under this Act. The provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, 11 and 12 of the Retailers' Occupation Tax Act, and Section 3-7 of the Uniform Penalty and Interest Act, which are not inconsistent with this Act shall apply, as far as practicable, to the subject matter of this Act to the same extent as if such provisions were included in this Act. For the purposes of this Act, references in such incorporated Sections of the Retailers' Occupation Tax Act to retailers, sellers or persons engaged in the business of selling tangible personal property means persons engaged in conducting pull tabs and jar games and references in such incorporated Sections of the Retailers' Occupation Tax Act to sales of tangible personal property mean the conducting of pull tabs and jar games and the making of charges for participating in such drawings.

(Source: P.A. 87-205; 87-895.)

(230 ILCS 20/6) (from Ch. 120, par. 1056)

Sec. 6. Each licensee must keep a complete record of pull tabs and jar games conducted within the previous 3 years in accordance with rules therefor adopted by the Department of Revenue. Such record shall be available for inspection by any employee of the Department of Revenue during reasonable business hours. The Department may require that any person, organization, or corporation licensed under this Act obtain from an Illinois certified public accounting firm at its own expense a certified and unqualified financial statement and verification of records of such organization. Failure of a pull tabs and jar games licensee to comply with this requirement within 90 days of receiving notice from the Department may result in suspension or revocation of the licensee's license. The Department of Revenue may, at its discretion, suspend or revoke any license if it finds that the licensee or any person connected therewith has violated or is violating this Act or that such drawings are or have been conducted by a person or persons of questionable character or affiliation. A suspension or revocation shall be in addition to, and not in lieu of, any other civil penalties or assessments that are authorized by this Act. No licensee under this Act, while pull tabs and jar games chances are being

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conducted, shall knowingly permit entry to any part of the licensed premises by any person who has been convicted of a felony or a violation of Article 28 of the Criminal Code of 1961.
(Source: P.A. 85-1012.)
(230 ILCS 20/7) (from Ch. 120, par. 1057)
Sec. 7. Violations.

(a) Any person who conducts or knowingly participates in an unlicensed pull tabs and jar game commits the offense of gambling in violation of Section 28-1 of the Criminal Code of 1961, as amended. Any person who violates any other provision of this Act, or any person who knowingly fails to file a pull tabs and jar games return or who knowingly files a fraudulent application or return under this Act, or any person who wilfully violates any rule or regulation of the Department for the administration and enforcement of this Act, or any officer or agent of an organization licensed under this Act who signs a fraudulent application or return filed on behalf of such an organization, is guilty of a Class A misdemeanor.

(b) Any organization that illegally conducts pull tabs or jar games, in addition to other penalties provided for in this Act, shall be subject to a civil penalty equal to the amount of gross proceeds derived from those unlicensed games, as well as confiscation and forfeiture of all pull tabs and jar games equipment used in the conduct of those unlicensed games.

(c) Any organization licensed to conduct pull tabs and jar games which allows any form of illegal gambling to be conducted on the premises where pull tabs and jar games are being conducted, in addition to other penalties provided for in this Act, shall be subject to a civil penalty equal to the amount of gross proceeds derived on that day from pull tabs and jar games and any illegal game that may have been conducted, as well as confiscation and forfeiture of all pull tabs and jar games equipment used in the conduct of any unlicensed or illegal games. Any person who violates this Act, or any person who files a fraudulent return under this Act, or any person who wilfully violates any rule or regulation of the Department for the administration and enforcement of this Act, or any officer or agent of a corporation licensed under this Act

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who signs a fraudulent return filed on behalf of such corporation, is guilty of a Class A misdemeanor.
(Source: P.A. 85-1012.)

(230 ILCS 20/7.1 new)
Sec. 7.1. Law enforcement action. Any law enforcement agency that takes action relating to the operation of pull tabs and jar games shall notify the Department of Revenue and specify the extent of the action taken and the reasons for its action.
(230 ILCS 20/7.2 new)
Sec. 7.2. Application of the Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act shall apply to all administrative rules and procedures of the Department of Revenue under this Act, except that (1) paragraph (b) of Section 5-10 of the Illinois Administrative Procedure Act does not apply to final orders, decisions and opinions of the Department, (2) subparagraph (a)(ii) of Section 5-10 of the Illinois Administrative Procedure Act does not apply to forms established by the Department for use under this Act, (3) the provisions of Section 10-45 of the Illinois Administrative Procedure Act regarding proposals for decision are excluded and not applicable to the Department under this Act, and (4) the provisions of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act do not apply so as to prevent summary suspension of any license pending revocation or other action, which suspension shall remain in effect unless modified by the Department or unless the Department's decision is reversed on the merits in proceedings conducted pursuant to the Administrative Review Law.
(230 ILCS 20/7.3 new)
Sec. 7.3. Severability. If any clause, sentence, Section, provision, or part of this Act, or the application thereof to any person or circumstance, shall be adjudged to be unconstitutional, the remainder of this Act or its application to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 10. The Bingo License and Tax Act is amended by changing Sections 1, 2, 3, 4, 5, and 5.1 and by adding Sections 1.1, 1.2, 1.3, 1.4, 1.5, and 5.2 as follows:

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(230 ILCS 25/1) (from Ch. 120, par. 1101)

Sec. 1. The Department of Revenue shall, upon application therefor on forms prescribed by the Such Department, and upon the payment of a nonrefundable an annual fee of $200 or a triennial fee of $600, and upon a determination by the Department that the applicant meets all of the qualifications specified in this Act Section, issue a bingo license for the conducting of bingo to any of the following: any bona fide religious, charitable, labor, fraternal, youth athletic, senior citizen, educational or veterans' organization organized in Illinois which operates without profit to its members, which has been in existence in Illinois continuously for a period of 5 years immediately before making application for a license and which has had during that entire 5 year period a bona fide membership engaged in carrying out its objects. However, the 5 year requirement shall be reduced to 2 years, as applied to a local organization which is affiliated with and chartered by a national organization which meets the 5 year requirement. Each annual license expires at midnight, June 30 following its date of issuance, except that, beginning with applicants whose licenses expire on June 30, 1983, the Department shall stagger license expiration dates by dividing the applicants into 4 groups which are substantially equal in number. Licenses issued and license fees charged to applicants in each group shall be in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Group No.</th>
<th>License Expiration Date</th>
<th>Fee</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>December 31, 1983</td>
<td>$100</td>
</tr>
<tr>
<td>2</td>
<td>March 31, 1984</td>
<td>$150</td>
</tr>
<tr>
<td>3</td>
<td>June 30, 1984</td>
<td>$200</td>
</tr>
<tr>
<td>4</td>
<td>September 30, 1984</td>
<td>$250</td>
</tr>
</tbody>
</table>

Each Following expiration under this schedule, each renewed license shall be in effect for one year from its date of issuance unless extended, suspended, or revoked by Department action before that date. The Department may provide by rule for an extension of any bingo license issued under this Act. Any extension provided shall not exceed one year. A licensee may hold only one license to conduct bingo and that license is valid for only one location. The Department may authorize by rule the filing by electronic means of any application, license, permit, return, or

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registration required under this Act. All taxes and fees imposed by this Act, unless otherwise specified, shall be paid into the General Revenue Fund of the State Treasury. After June 30, 1983, every new annual license shall expire one year from the date of issuance unless suspended or revoked and every new triennial license issued or renewed on or after July 1, 2004 shall be in effect for 3 years from its date of issuance unless suspended or revoked by Department action before that date. A licensee may hold only one license and that license is valid for only one location:

For purposes of this Act, the following definitions apply:

"Organization": A corporation, agency, partnership, association, firm or other entity consisting of 2 or more persons joined by a common interest or purpose. "Non-profit organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation. "Charitable organization": An organization or institution organized and operated to benefit an indefinite number of the public. "Educational organization": An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools. "Religious organization": Any church, congregation, society, or organization founded for the purpose of religious worship. "Fraternal organization": An organization of persons, including but not limited to ethnic organizations, having a common interest, organized and operated exclusively to promote the welfare of its members and to benefit the general public on a continuing and consistent basis. "Veterans organization": An organization comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit. "Labor organization": An organization composed of labor unions or workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective
occupations. "Youth athletic organization": An organization having as its exclusive purpose the promotion and provision of athletic activities for youth aged 18 and under. "Senior citizens organization": An organization or association comprised of members of which substantially all are individuals who are senior citizens, as defined in Section 3.05 of the Illinois Act on the Aging, the primary purpose of which is to promote the welfare of its members.

Licensing for the conducting of bingo is subject to the following restrictions:

(1) The license application, when submitted to the Department of Revenue, must contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization, signed by the presiding officer and the secretary of that organization.

(2) The application for license shall be prepared in accordance with the rules of the Department of Revenue.

(3) Each license shall state which day of the week and at what location the licensee is permitted to conduct bingo. The Department may, on special application made by any organization having a bingo license, issue a special operator's permit for conducting bingo at other premises and on other days not exceeding 7 consecutive days, except that a licensee may conduct bingo at the Illinois State Fair or any county fair held in Illinois during each day that the fair is in effect; such bingo games conducted at the Illinois State Fair or a county fair shall not require a special operator's permit. No more than 2 special operator's permits may be issued in one year to any one organization. Any organization, qualified for a license but not holding one, upon application and payment of a $50 fee may receive a limited license to conduct bingo at no more than 2 indoor or outdoor festivals in a year for a maximum of 5 days on each occasion or, upon application and payment of a $150 fee, may receive a limited license to conduct bingo at no more than 2 indoor or outdoor festivals in a year for up to 3 years for a maximum of 5 days on
each occasion. Such limited license shall be prominently displayed at the site of the bingo games:

(4) The licensee shall display a license in a prominent place in the area where it is to conduct bingo:

(5) The proceeds from the license fee imposed by this Act shall be paid into the General Revenue Fund of the State Treasury.

(6) A license authorizes the licensee to conduct the game commonly known as bingo, in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random:

(7) The Director has the power to issue or to refuse to issue a license permitting a person, firm or corporation to provide premises for the conduct of bingo; provided, however, that a municipality shall not be required to obtain a license to provide such premises. The fee for such providers' license is $200. A person, firm or corporation holding such a license may receive reasonable expenses for providing premises for conducting bingo. Reasonable expenses shall include only those expenses defined as reasonable by rules promulgated by the Department.

(8) The Department may issue restricted licenses to senior citizens organizations. The fee for a restricted license is $10 per year or $30 for 3 years. Restricted licenses shall be subject to the following conditions:

(A) Bingo shall be conducted only at a facility which is owned by a unit of local government to which the corporate authorities have given their approval and which is used to provide social services or a meeting place to senior citizens, or in common areas in multi-unit federally assisted rental housing maintained solely for the elderly and handicapped;

(B) The price paid for a single card shall not exceed 5 cents;

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(C) The aggregate retail value of all prizes or merchandise awarded in any one game of bingo shall not exceed $1;

(D) No person or organization shall participate in the management or operation of bingo under a restricted license if the person or organization would be ineligible for a license under this Section;

(E) No license is required to provide premises for bingo conducted under a restricted license; and

(F) The Department may, by rule, exempt restricted licensees from such requirements of this Act as the Department may deem appropriate.

The Director has the power to issue a license permitting an Illinois person, firm or corporation to sell, lease or distribute to any organization licensed to conduct bingo games or to any licensed bingo supplier all cards, boards, sheets, markers, pads and all other supplies, devices and equipment designed for use in the play of bingo. No person, firm or corporation shall sell, lease or distribute bingo supplies or equipment without having first obtained a license therefor upon written application made, verified and filed with the Department in the form prescribed by the rules and regulations of the Department. The fee for such license is $200.

Applications for suppliers' licenses shall be made in writing in accordance with Department rules. Each suppliers' license is valid for one year from date of issuance, unless suspended or revoked by Department action before that date.

The following are ineligible for any license under this Act:

(a) any person who has been convicted of a felony;

(b) any person who has been convicted of a violation of Article 28 of the "Criminal Code of 1961";

(c) any person found gambling, participating in gambling or knowingly permitting gambling on premises where bingo is being conducted;

New matter indicated by italics - deletions by strikeout.
(d) any firm or corporation in which a person defined in (a), (b) or (c) has a proprietary, equitable or credit interest, or in which such person is active or employed;
(e) any organization in which a person defined in (a), (b) or (c) is an officer, director, or employee, whether compensated or not;
(f) any organization in which a person defined in (a), (b) or (c) is to participate in the management or operation of a bingo game.

(Source: P.A. 93-742, eff. 7-15-04.)

(230 ILCS 25/1.1 new)

Sec. 1.1. Definitions. For purposes of this Act, the following definitions apply:

“Bingo” means a game in which each player has a card or board for which a consideration has been paid, containing 5 horizontal rows of spaces, with each row except the central one containing 5 figures. The central row has 4 figures with the word “free” marked in the center space. “Bingo” includes games that otherwise qualify under this paragraph, except for the use of cards where the figures are not preprinted but are filled in by the players. A player wins a game of bingo by completing a preannounced combination of spaces or, in the absence of a preannouncement of a combination of spaces, any combination of 5 spaces in a row, vertically, horizontally, or diagonally.

“Bingo equipment” means any equipment or machinery designed or used for the play of bingo. “Bingo equipment” does not include electronic equipment.

“Charitable organization” means an organization or institution organized and operated to benefit an indefinite number of the public.

“Department” means the Department of Revenue.

“Educational organization” means an organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

New matter indicated by italics - deletions by strikeout
"Fraternal organization" means an organization of persons having a common interest that is organized and operated exclusively to promote the welfare of its members and to benefit the general public on a continuing and consistent basis, including but not limited to ethnic organizations.

"Holiday" means any of the holidays listed in Section 17 of the Promissory Note and Bank Holiday Act.

"Labor organization" means an organization composed of labor unions or workers organized with the objectives of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

"Licensed organization" means a qualified organization that has obtained a license to conduct bingo in conformance with the provisions of this Act.

"Limited license" means a license issued to an organization that is not a licensed organization, but that is otherwise eligible for a regular license to conduct bingo. A limited license authorizes the conduct of bingo at up to 2 indoor or outdoor festivals during the calendar year for which the license is issued for a maximum of 5 consecutive days on each occasion.

"Non-profit organization" means an organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.

"Organization" means a corporation, agency, partnership, association, firm, business or other entity consisting of 2 or more persons joined by a common interest or purpose.

"Person" means any natural individual, corporation, partnership, limited liability company, organization (as defined in this Section), licensee under this Act, or volunteer.

"Provider" means any person or organization, except a city, village, or incorporated town that owns or leases premises to an organization for the conduct of bingo.

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"Regular license" means a license authorizing its holder to conduct one session of bingo per week on the date and at the time and location stated on the license.

"Religious organization" means any church, congregation, society, or organization founded for the purpose of religious worship.

"Senior citizens organization" means an organization or association comprised of members of which substantially all are individuals who are senior citizens, as defined in the Illinois Act on the Aging, the primary purpose of which is to promote the welfare of its members.

"Special games" means bingo games that may be designated as such, played a maximum of 5 times during a bingo session and are distinguished from regular games only by the maximum price that may be charged for the bingo cards used.

"Special permit" means the ability of a licensee who currently holds a license to be granted a permit to conduct bingo at other premises or on other days not exceeding 5 consecutive days.

"Supplier" means any person, firm, or corporation that sells, leases, or distributes to any organization licensed to conduct bingo or to any licensed bingo supplier, cards, boards, sheets, markers, pads and any other supplies, devices and equipment designed for use in the play of bingo.

"Veterans' organization" means an organization comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

"Volunteer" means a person recruited by an organization who voluntarily performs services at a bingo event, including participation in the management or operation of a game.

"Youth athletic organization" means an organization having as its exclusive purpose the promotion and provision of athletic activities for youth aged 18 and under.

(230 ILCS 25/1.2 new)

New matter indicated by italics - deletions by strikeout
Sec. 1.2. Ineligibility for licensure. The following are ineligible for any license under this Act:

(1) Any person who has been convicted of a felony within the last 10 years prior to the date of application.
(2) Any person who has been convicted of a violation of Article 28 of the Criminal Code of 1961.
(3) Any person who has had a bingo, pull tabs and jar games, or charitable games license revoked by the Department.
(4) Any person who is or has been a professional gambler.
(5) Any person found gambling in a manner not authorized by the Illinois Pull Tabs and Jar Games Act, Bingo License and Tax Act, or the Charitable Games Act, participating in such gambling, or knowingly permitting such gambling on premises where a bingo event is authorized to be conducted or has been conducted.
(6) Any organization in which a person defined in (1), (2), (3), (4), or (5) has a proprietary, equitable, or credit interest, or in which such person is active or employed.
(7) Any organization in which a person defined in (1), (2), (3), (4), or (5) is an officer, director, or employee, whether compensated or not.
(8) Any organization in which a person defined in (1), (2), (3), (4), or (5) is to participate in the management or operation of a bingo game.

The Department of State Police shall provide the criminal background of any person requested by the Department of Revenue.

(230 ILCS 25/1.3 new)

Sec. 1.3. Restrictions on licensure. Licensing for the conducting of bingo is subject to the following restrictions:

(1) The license application, when submitted to the Department, must contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization, signed by a person listed on the application as an owner, officer,

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or other person in charge of the necessary day-to-day operations of that organization.

(2) The license application shall be prepared in accordance with the rules of the Department.

(3) The licensee shall prominently display the license in the area where the licensee conducts bingo. The licensee shall likewise display, in the form and manner as prescribed by the Department, the provisions of Section 8 of this Act.

(4) Each license shall state the day of the week, hours and at which location the licensee is permitted to conduct bingo games.

(5) A license is not assignable or transferable.

(6) A license authorizes the licensee to conduct the game commonly known as bingo, in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random.

(7) The Department may, on special application made by any organization having a bingo license, issue a special permit for conducting bingo at other premises and on other days not exceeding 5 consecutive days, except that a licensee may conduct bingo at the Illinois State Fair or any county fair held in Illinois during each day that the fair is held, without a fee. Bingo games conducted at the Illinois State Fair or a county fair shall not require a special permit. No more than 2 special permits may be issued in one year to any one organization.

(8) Any organization qualified for a license but not holding one may, upon application and payment of a nonrefundable fee of $50, receive a limited license to conduct bingo games at no more than 2 indoor or outdoor festivals in a year for a maximum of 5 consecutive days on each occasion. No more than 2 limited licenses under this item (7) may be issued to any organization in any year. A limited license must be prominently displayed at the site where the bingo games are conducted.

(9) Senior citizens organizations may conduct bingo without a license or fee, subject to the following conditions:

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(A) bingo shall be conducted only at a facility that is owned by a unit of local government to which the corporate authorities have given their approval and that is used to provide social services or a meeting place to senior citizens, or in common areas in multi-unit federally assisted rental housing maintained solely for the elderly and handicapped;

(B) the price paid for a single card shall not exceed 5 cents;

(C) the aggregate retail value of all prizes or merchandise awarded in any one game of bingo shall not exceed $1;

(D) no person or organization shall participate in the management or operation of bingo under this item (9) if the person or organization would be ineligible for a license under this Section; and

(E) no license is required to provide premises for bingo conducted under this item (9).

(10) Bingo equipment shall not be used for any purpose other than for the play of bingo.

(230 ILCS 25/1.4 new)

Sec. 1.4. Providers' license. The Department shall issue a providers' license permitting a person, firm, or corporation to provide premises for the conduct of bingo. No person, firm or corporation may rent or otherwise provide premises without having first obtained a license. Applications for providers' licenses shall be made in writing in accordance with Department rules. The Department shall license providers of bingo at a nonrefundable annual fee of $200, or a nonrefundable triennial fee of $600. Each providers' license is valid for one year from date of issuance, or 3 years from date of issuance for a triennial license, unless extended, suspended, or revoked by Department action before that date. Any extension of a providers' license shall not exceed one year. A municipality shall not be required to obtain a license to provide such premises. A provider may receive reasonable expenses for

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providing premises for conducting bingo. Reasonable expenses shall include only those expenses defined as reasonable by rules promulgated by the Department.

(230 ILCS 25/1.5 new)

Sec. 1.5. Suppliers' license. The Department shall issue a suppliers' license permitting a person, firm, or corporation to sell, lease, lend or distribute to any organization licensed to conduct bingo, supplies, devices and other equipment designed for use in the playing of bingo. No person, firm or corporation shall sell, lease, lend or distribute bingo supplies or equipment without having first obtained a license. Applications for suppliers' licenses shall be made in writing in accordance with Department rules. The Department shall license suppliers of bingo subject to a nonrefundable annual fee of $200, or a nonrefundable triennial fee of $600. Each suppliers' license is valid for one year from date of issuance, or 3 years from date of issuance for a triennial license, unless extended, suspended, or revoked by Department action before that date. Any extension of a providers' license shall not exceed one year. No licensed supplier under this Act shall sell, lease, lend, distribute or allow the use of any supplies, devices or equipment designed for use in the play of bingo for the conducting of anything other than bingo or to any person or organization not otherwise licensed under this Act.

(230 ILCS 25/2) (from Ch. 120, par. 1102)

Sec. 2. The conducting of bingo is subject to the following restrictions:

(1) The entire net proceeds from bingo play must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

(2) (Blank).

(2.5) No person except a bona fide member or employee of the sponsoring organization may participate in the management or operation of bingo.

(3) No person may receive any remuneration or profit for participating in the management or operation of the game, except that if an organization licensed under this Act is associated with a school or other

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educational institution, that school or institution may reduce tuition or fees for a designated pupil based on participation in the management or operation of the game by any member of the organization. The extent to which tuition and fees are reduced shall relate proportionately to the amount of time volunteered by the member, as determined by the school or other educational institution.

(4) The aggregate retail value of all prizes or merchandise awarded in any single day of bingo may not exceed $2,250, except that in adjoining counties having 200,000 to 275,000 inhabitants each, and in counties which are adjacent to either of such adjoining counties and are adjacent to a total of not more than 2 counties in this State, and in any municipality having 2,500 or more inhabitants and within one mile of such adjoining and adjacent counties having less than 25,000 inhabitants, 2 additional bingo games may be conducted after the $2,250 limit has been reached. The prize awarded for any one game, including any game conducted after reaching the $2,250 limit as authorized in this paragraph (4), may not exceed $500 cash or its equivalent.

(5) The number of games, including regular and special games, may not exceed 25 in any one day, including regular and special games, except that this restriction on the number of games shall not apply to bingo conducted at the Illinois State Fair or any county fair held in Illinois.

(6) The price paid for a single card under the license may not exceed $1 and such card is valid for all regular games on that day of bingo. A maximum of 5 special games may be held on each bingo day, except that this restriction on the number of special games shall not apply to bingo conducted at the Illinois State Fair or any county fair held in Illinois. The price for a single special game card may not exceed 50 cents.

(7) The number of bingo days conducted by a licensee under this Act is limited to one per week, except as follows:

(i) Bingo may be conducted in accordance with the terms of a special operator's permit or limited license issued under subdivision (7) or (8) of Section 1.3 of Section 1.
(ii) Bingo may be conducted at the Illinois State Fair or any county fair held in Illinois under subdivision (6) of Section 1.3 (3) of Section 1.

(iii) A licensee which cancels a day of bingo because of inclement weather or because the day is a holiday or the eve of a holiday may, after giving notice to the Department, conduct bingo on an additional date which falls on a day of the week other than the day authorized under the license. As used in this subdivision (iii), "holiday" means any of the holidays listed in Section 17 of the Promissory Note and Bank Holiday Act.

(8) A licensee may rent a premises on which to conduct bingo only from an organization which is licensed as a provider of premises or exempt from license requirements under this Act. If the organization providing the premises is a metropolitan exposition, auditorium, and office building authority created by State law, a licensee may enter into a rental agreement with the organization authorizing the licensee and the organization to share the gross proceeds of bingo games; however, the organization shall not receive more than 50% of the gross proceeds.

(9) No person under the age of 18 years may play or participate in the conducting of bingo. Any person under the age of 18 years may be within the area where bingo is being played only when accompanied by his parent or guardian.

(10) The promoter of bingo games must have a proprietary interest in the game promoted.

(11) Raffles or other forms of gambling prohibited by law shall not be conducted on the premises where bingo is being conducted, except that pull tabs and jar games conducted under the Illinois Pull Tabs and Jar Games Act may be conducted on the premises where bingo is being conducted. Prizes awarded in pull tabs and jar games shall not be included in the bingo prize limitation.

(12) Organizations may be issued a special permit or limited license no more than 2 times in any year. An organization holding a special operator's permit or a limited license may, as one of the occasions allowed by such permit or license, conduct bingo for a maximum of 2

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consecutive days. *If an organization conducts bingo pursuant to a limited license or special permit, then* during each day of which the number of games played during each day may exceed 25, and regular game cards need not be valid for all regular games. If only noncash prizes are awarded during such occasions, the prize limits stated in subdivision paragraph (4) of this Section shall not apply, provided that the retail value of noncash prizes for any single game shall not exceed $150.

(Source: P.A. 92-305, eff. 8-9-01.)

(230 ILCS 25/3) (from Ch. 120, par. 1103)

Sec. 3. There shall be paid to the Department of Revenue, 5% of the gross proceeds of any game of bingo conducted under the provision of this Act. Such payments shall be made 4 times per year, between the first and the 20th day of April, July, October and January. Payment must be by money order or certified check. Accompanying each payment shall be a return report, on forms prescribed provided by the Department of Revenue, listing the number of games conducted, the gross income derived and such other information as the Department of Revenue may require. Failure to submit either the payment or the return report within the specified time may result in suspension or revocation of the license. *Tax returns filed pursuant to this Act shall not be confidential and shall be available for public inspection.*

All payments made to the Department of Revenue under this Section shall be deposited as follows:

1. 50% shall be deposited in the Mental Health Fund; and
2. 50% shall be deposited in the Common School Fund.

The provisions of Section 2a of the Retailers' Occupation Tax Act pertaining to the furnishing of a bond or other security are incorporated by reference into this Act and are applicable to licensees under this Act as a precondition of obtaining a license under this Act. The Department shall establish by rule the standards and criteria it will use in determining whether to require the furnishing of a bond or other security, the amount of such bond or other security, whether to require the furnishing of an additional bond or other security by a licensee, and the amount of such additional bond or other security. Such standards and criteria may include

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payment history, general financial condition or other factors which may pose risks to insuring the payment to the Department of Revenue, of applicable taxes. Such rulemaking is subject to the provisions of the Illinois Administrative Procedure Act. The provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, 11 and 12 of the Retailers' Occupation Tax Act which are not inconsistent with this Act, and Section 3-7 of the Uniform Penalty and Interest Act, which are not inconsistent with this Act, shall apply, as far as practicable, to the subject matter of this Act to the same extent as if such provisions were included in this Act. Tax returns filed pursuant to this Act shall not be confidential and shall be available for public inspection. For the purposes of this Act, references in such incorporated Sections of the Retailers' Occupation Tax Act to retailers, sellers or persons engaged in the business of selling tangible personal property means persons engaged in conducting bingo games, and references in such incorporated Sections of the Retailers' Occupation Tax Act to sales of tangible personal property mean the conducting of bingo games and the making of charges for playing such games.

One-half of all of the sums collected under this Section shall be deposited into the Mental Health Fund and 1/2 of all of the sums collected under this Section shall be deposited in the Common School Fund.

(Source: P.A. 87-205; 87-895.)

(230 ILCS 25/4) (from Ch. 120, par. 1104)

Sec. 4. Each licensee must keep a complete record of bingo games conducted within the previous 3 years. Such record shall be available for open inspection by any employee of the Department of Revenue during reasonable business hours.

The Department Director may require that any person, organization or corporation licensed under this Act obtain from an Illinois certified public accounting firm at its own expense a certified and unqualified financial statement and verification of records of such organization. Failure of a bingo licensee to comply with this requirement within 90 days of receiving notice from the Director may result in suspension or revocation of the licensee's license.

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The Department of Revenue may, at its discretion, suspend or revoke any license if it finds that the licensee or any person connected therewith has violated or is violating the provisions of this Act. A suspension or revocation shall be in addition to, and not in lieu of, any other civil penalties or assessments that are authorized by this Act. No licensee under this Act, while a bingo game is being conducted, shall knowingly permit the entry into any part of the licensed premises by any person who has been convicted of a felony or a violation of Article 28 of the "Criminal Code of 1961".

(Source: P.A. 82-967.)

(230 ILCS 25/5) (from Ch. 120, par. 1105)

Sec. 5. Penalties.

(a) Any person who conducts or knowingly participates in an unlicensed bingo game commits the offense of gambling in violation of Section 28-1 of the Criminal Code of 1961, as amended. Any person who violates any other provision of this Act, or any person who knowingly fails to file a bingo return or who knowingly files a fraudulent application or return under this Act, or any person who wilfully violates any rule or regulation of the Department for the administration and enforcement of this Act, or any officer or agent of an organization or corporation licensed under this Act who signs a fraudulent application or return filed on behalf of such an organization or corporation, is guilty of a Class A misdemeanor.

(b) Any organization that illegally conducts bingo, in addition to other penalties provided for in this Act, shall be subject to a civil penalty equal to the gross proceeds derived from those unlicensed games, as well as confiscation and forfeiture of all bingo equipment used in the conduct of those unlicensed games.

(c) Any organization licensed to conduct bingo which allows any form of illegal gambling to be conducted on the premises where bingo is being conducted, in addition to other penalties provided for in this Act, shall be subject to a civil penalty equal to the amount of gross proceeds derived on that day from bingo and any illegal game that may have been

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conducted, as well as confiscation and forfeiture of all bingo equipment
used in the conduct of any unlicensed or illegal games.

(d) Any person or organization, in addition to other penalties
provided for in this Act, shall be subject to a civil penalty not to exceed
$5,000 for any of the following violations:

(1) Providing premises for the conduct of bingo without
first obtaining a license or a special permit to do so.

(2) Allowing unlicensed organizations to conduct bingo on
its premises.

(3) Allowing any form of illegal gambling to be conducted
on the premises where bingo is being conducted.

(Source: P.A. 84-221.)

(230 ILCS 25/5.1) (from Ch. 120, par. 1105.1)

Sec. 5.1. The Illinois Administrative Procedure Act is hereby
expressly adopted and shall apply to all administrative rules and
procedures of the Department of Revenue under this Act, except that (1)
paragraph (b) of Section 5-10 of the Illinois Administrative Procedure Act
does not apply to final orders, decisions and opinions of the Department,
(2) subparagraph (a)(ii) of Section 5-10 of the Illinois Administrative
Procedure Act does not apply to forms established by the Department for
use under this Act, and (3) the provisions of Section 10-45 of the Illinois
Administrative Procedure Act regarding proposals for decision are
excluded and not applicable to the Department under this Act, and (4) the
provisions of subsection (d) of Section 10-65 of the Illinois Administrative
Procedure Act do not apply so as to prevent summary suspension of any
license pending revocation or other action, which suspension shall remain
in effect unless modified by the Department or unless the Department's
decision is reversed on the merits in proceedings conducted pursuant to
the Administrative Review Law.

(Source: P.A. 91-357, eff. 7-29-99.)

(230 ILCS 25/5.2 new)

Sec. 5.2. Law enforcement action. Any law enforcement agency
that takes action relating to the operation of a bingo game shall notify the

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Department of Revenue and specify the extent of the action taken and the reasons for the action.

Section 15. The Charitable Games Act is amended by changing Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 12 and by adding Section 14.1 as follows:

(230 ILCS 30/2) (from Ch. 120, par. 1122)

Sec. 2. Definitions. For purposes of this Act, the following definitions apply:

"Charitable games" means the 14 games of chance involving cards, dice, wheels, random selection of numbers, and gambling tickets which may be conducted at charitable games events listed as follows: roulette, blackjack, poker, pull tabs, craps, bang, beat the dealer, big six, gin rummy, five card stud poker, chuck-a-luck, keno, hold-em poker, and merchandise wheel.

"Charitable games event" or "event" means the type of fundraising event authorized by the Act at which participants pay to play charitable games for the chance of winning cash or noncash prizes.

"Charitable organization" means an organization or institution organized and operated to benefit an indefinite number of the public.

"Chips" means scrip, play money, poker or casino chips, or any other representations of money, used to make wagers on the outcome of any charitable game.

"Department" means the Department of Revenue.

"Educational organization" means an organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

"Fraternal organization" means an organization of persons having a common interest that is organized and operated exclusively to promote the welfare of its members and to benefit the general public on a continuing and consistent basis, including but not limited to ethnic organizations.

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"Labor organization" means an organization composed of labor unions or workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

"Licensed organization" means a qualified organization that has obtained a license to conduct a charitable games event in conformance with the provisions of this Act.

"Non-profit organization" means an organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.

"Organization": A corporation, agency, partnership, institution, association, firm, business, or other entity consisting of 2 or more persons joined by a common interest or purpose.

"Person" means any natural individual, corporation, partnership, limited liability company, organization as defined in this Section, qualified organization, licensed organization, licensee under this Act, or volunteer.

"Premises" means a distinct parcel of land and the buildings thereon.

"Provider" means the person or organization owning, leasing, or controlling premises upon which any charitable games event is to be conducted.

"Sponsoring organization": A qualified organization that has obtained a license to conduct a charitable games event in conformance with the provisions of this Act.

"Qualified organization" means:

(a) a charitable, religious, fraternal, veterans, labor or educational organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and which is exempt from federal income taxation under Sections 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(8), 501(c)(10) or 501(c)(19) of the Internal Revenue Code;

(b) a veterans organization as defined in Section 1.1 of the "Bingo License and Tax Act", approved July 22, 1971, as

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amended, organized and conducted on a not-for-profit basis with
no personal profit inuring to anyone as a result of the operation; or

(c) An auxiliary organization of a veterans organization.

"Religious organization" means any church, congregation, society,
or organization founded for the purpose of religious worship.

"Sponsoring organization" means a qualified organization that has
obtained a license to conduct a charitable games event in conformance
with the provisions of this Act.

"Supplier" means any person, firm, or corporation that sells,
leases, lends, distributes, or otherwise provides to any organization
licensed to conduct charitable games events in Illinois any charitable
games equipment.

"Veterans' organization" means an organization comprised of
members of which substantially all are individuals who are veterans or
spouses, widows, or widowers of veterans, the primary purpose of which
is to promote the welfare of its members and to provide assistance to the
general public in such a way as to confer a public benefit.

"Volunteer" means a person recruited by a licensed organization
who voluntarily performs services at a charitable games event, including
participation in the management or operation of a game, as defined in
Section 8.

"Fraternal organization": A civic, service or charitable organization
in this State except a college or high school fraternity or sorority, not for
pecuniary profit, which is a branch, lodge or chapter of a national or State
organization and exists for the common business, brotherhood, or other
interest of its members.

"Veterans organization": An organization comprised of members
of which substantially all are individuals who are veterans or spouses,
widows, or widowers of veterans, the primary purpose of which is to
promote the welfare of its members and to provide assistance to the
general public in such a way as to confer a public benefit.

"Labor organization": An organization composed of labor unions
or workers organized with the objective of betterment of the conditions of

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those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

“Department”: The Department of Revenue.

“Volunteer”: A person recruited by the sponsoring organization who voluntarily performs services at a charitable games event, including participation in the management or operation of a game, as defined in Section 8.

“Person”: Any natural individual, a corporation, a partnership, a limited liability company, an organization as defined in this Section, a qualified organization, a sponsoring organization, any other licensee under this Act, or a volunteer.

(Source: P.A. 94-986, eff. 6-30-06.)

(230 ILCS 30/3) (from Ch. 120, par. 1123)

Sec. 3. The Department of Revenue shall, upon application therefor on forms prescribed by the such Department, and upon the payment of a nonrefundable annual fee of $200, and upon a determination by the Department that the applicant meets all of the qualifications specified in this Act Section, issue a charitable games license for the conducting of charitable games to any of the following:

(i) Any local fraternal mutual benefit organization chartered at least 40 years before it applies for a license under this Act.

(ii) Any qualified organization organized in Illinois which operates without profit to its members, which has been in existence in Illinois continuously for a period of 5 years immediately before making application for a license and which has had during that 5 year period a bona fide membership engaged in carrying out its objects. However, the 5 year requirement shall be reduced to 2 years, as applied to a local organization which is affiliated with and chartered by a national organization which meets the 5 year requirement. The period of existence specified above shall not apply to a qualified organization, organized for charitable purpose, created by a fraternal organization that meets the existence requirements if the charitable organization has the same officers and directors as the fraternal organization. Only one charitable
organization created by a branch lodge or chapter of a fraternal organization may be licensed under this provision.

The application shall be signed by a person listed on the application as an owner, officer, or other person in charge of the necessary day-to-day operations of the applicant organization, who shall attest under penalties of perjury that the information contained in the application is true, correct, and complete.

Each license shall be in effect for one year from its date of issuance unless extended, suspended, or revoked by Department action before that date. Any extension shall not exceed one year. The Department may by rule authorize the filing by electronic means of any application, license, permit, return, or registration required under this Act. A licensee may hold only one license. Each license must be applied for at least 30 days prior to the night or nights the licensee wishes to conduct such games. The Department may issue a license to a licensee that applies less than 30 days prior to the night or nights the licensee wishes to conduct the games if all other requirements of this Act are met and the Department has sufficient time and resources to issue the license in a timely manner. The Department may provide by rule for an extension of any charitable games license issued under this Act. If a licensee wishes to conduct games at a location other than the locations originally specified in the license, the licensee shall notify the Department of the proposed alternate location at least 30 days before the night on which the licensee wishes to conduct games at the alternate location. The Department may accept an applicant’s change in location with less than 30 days’ notice if all other requirements of this Act are met and the Department has sufficient time and resources to process the change in a timely manner.

All taxes and fees imposed by this Act, unless otherwise specified, shall be paid into the Illinois Gaming Law Enforcement Fund of the State Treasury.

(Source: P.A. 87-758; 87-1271.)

Sec. 4. Licensing Restrictions. Licensing for the conducting of charitable games is subject to the following restrictions:

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(1) The license application, when submitted to the Department of Revenue, must contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization, signed by a person listed on the application as an owner, officer, or other person in charge of the necessary day-to-day operations the presiding officer and the secretary of that organization. The application shall contain the name of the person in charge of and primarily responsible for the conduct of the charitable games. The person so designated shall be present on the premises continuously during charitable games. Any wilful misstatements contained in such application constitute perjury.

(2) The license application for license shall be prepared by the prospective licensee organization or its duly authorized representative in accordance with the rules of the Department of Revenue.

(2.1) The organization application for a license shall maintain among its books and records contain a list of the names, addresses, social security numbers, and dates of birth of all persons who will participate in the management or operation of the games, along with a sworn statement made under penalties of perjury, signed by a person listed on the application as an owner, officer, or other person in charge of the necessary day-to-day operations the presiding officer and secretary of the applicant, that the persons listed as participating in the management or operation of the games are bona fide members, volunteers as defined in Section 2, or employees of the applicant, that these persons have not participated in the management or operation of more than 4 charitable games events conducted by any licensee in the calendar year, and that these persons will receive no remuneration or compensation, directly or indirectly from any source, for participating in the management or operation of the games. Any amendments to this listing must contain an identical sworn statement.

(2.2) (Blank). The application shall be signed by the presiding officer and the secretary of the applicant organization,
who shall attest under penalties of perjury that the information contained in the application is true, correct, and complete.

(3) Each license shall state the date which day of the week, hours and at what locations the licensee is permitted to conduct charitable games.

(4) Each licensee shall file a copy of the license with each police department or, if in unincorporated areas, each sheriff's office whose jurisdiction includes the premises on which the charitable games are authorized under the license.

(5) The licensee shall prominently display the license in a prominent place in the area where the licensee is to conduct charitable games. The licensee shall likewise display, in the form and manner prescribed by the Department, the provisions of Section 9 of this Act.

(6) (Blank). The proceeds from the license fee imposed by this Act shall be paid into the Illinois Gaming Law Enforcement Fund of the State Treasury.

(7) Each licensee shall obtain and maintain a bond for the benefit of participants in games conducted by the licensee to insure payment to the winners of such games. Such bond discretionary by the Department and shall be in an amount established by rule by the Department of Revenue. In a county with fewer than 60,000 inhabitants, the Department may waive the bond requirement upon a showing by a licensee that it has sufficient funds on deposit to insure payment to the winners of such games.

(8) A license is not assignable or transferable.

(9) Unless the premises for conducting charitable games are provided by a municipality, the Department shall not issue a license permitting a person, firm or corporation to sponsor a charitable games night if the premises for the conduct of the charitable games has been previously used for 8 charitable games nights during the previous 12 months.

(10) Auxiliary organizations of a licensee shall not be eligible for a license to conduct charitable games, except for
auxiliary organizations of veterans organizations as authorized in Section 2.

(11) Charitable games must be conducted in accordance with local building and fire code requirements.

(12) The licensee shall consent to allowing the Department's employees to be present on the premises wherein the charitable games are conducted and to inspect or test equipment, devices and supplies used in the conduct of the game. Nothing in this Section shall be construed to prohibit a licensee that conducts charitable games on its own premises from also obtaining a providers' license in accordance with Section 5.1. The maximum number of charitable games events that may be held in any one premises is limited to 8 charitable games events per calendar year.

(Source: P.A. 94-986, eff. 6-30-06.)

(230 ILCS 30/5) (from Ch. 120, par. 1125)

Sec. 5. Providers' License. The Department shall issue a providers' license permitting a person, firm or corporation to provide premises for the conduct of charitable games. No person, firm or corporation may rent or otherwise provide premises without having first obtained a license. Applications for providers' licenses shall be made in writing in accordance with Department rules. The Department shall license providers of charitable games at a nonrefundable annual fee of $50, or nonrefundable triennial license fee of $150. Therefor upon written application made, verified and filed with the Department in the form prescribed by the rules and regulations of the Department. Each providers' license is valid for one year from the date of issuance, or 3 years from date of issuance for a triennial license, unless extended, suspended, or revoked by Department action before that date. Any extension of a providers' license shall not exceed one year. The annual fee for such providers' license is $50. A provider may receive reasonable compensation for the provision of the premises. Reasonable expenses shall include only those expenses defined as reasonable by rules adopted by the Department. The compensation shall not be based upon a percentage of the gross proceeds from the charitable games. A provider, other than a municipality, may not

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provide the same premises for conducting more than 8 charitable games nights per year. A provider shall not have any interest in any suppliers' business, either direct or indirect. A municipality may provide the same premises for conducting 16 charitable games nights during a 12-month period. No employee, officer, or owner of a provider may participate in the management or operation of a charitable games event, even if the employee, officer, or owner is also a member, volunteer, or employee of the charitable games licensee. A provider may not promote or solicit a charitable games event on behalf of a charitable games licensee or qualified organization. Any qualified organization licensed to conduct a charitable game need not obtain a providers' license if such games are to be conducted on the organization's premises.

(Source: P.A. 94-986, eff. 6-30-06.)

(230 ILCS 30/6) (from Ch. 120, par. 1126)

Sec. 6. Supplier's license. The Department shall issue a supplier's license permitting a person, firm, or corporation to sell, lease, lend or distribute to any organization licensed to conduct charitable games, supplies, devices, and other equipment designed for use in the playing of charitable games. No person, firm, or corporation shall sell, lease, lend, or distribute charitable games supplies or equipment without having first obtained a license. Applications for suppliers' licenses shall be made in writing in accordance with Department rules. The Department shall license suppliers of charitable games subject to a nonrefundable annual fee of $500, or a nonrefundable triennial fee of $1,500. Therefor upon written application made, verified and filed with the Department in the form prescribed by the rules and regulations of the Department. Each supplier's license is valid for a period of one year from the date of issuance, or 3 years from date of issuance for a triennial license, unless extended, suspended, or revoked by Department action before that date. Any extension of a supplier's license shall not exceed one year. No licensed supplier under this Act shall lease, lend, or distribute charitable gaming equipment, supplies, or other devices to persons not otherwise licensed to conduct charitable games under this Act. The annual fee for such license is $500. The Department may require by rule for the provision

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of surety bonds by suppliers. A supplier shall keep among its books and records and make available for inspection by the Department a list of all products and equipment offered for sale or lease to any organization licensed to conduct charitable games, and all such products and equipment shall be sold or leased at the prices shown on the books and records on file with the Department. A supplier shall keep all such products and equipment segregated and separate from any other products, materials or equipment that it might own, sell, or lease. A supplier must include in its application for a license the exact location of the storage of the products, materials, or equipment. A supplier, as a condition of licensure, must consent to permitting the Department's employees to enter supplier's premises to inspect and test all equipment and devices. A supplier shall keep books and records for the furnishing of products and equipment to charitable games separate and distinct from any other business the supplier might operate. All products and equipment supplied must be in accord with the Department's rules and regulations. A supplier shall not alter or modify any equipment or supplies, or possess any equipment or supplies so altered or modified, so as to allow the possessor or operator of the equipment to obtain a greater chance of winning a game other than as under normal rules of play of such games. The supplier shall not require an organization to pay a percentage of the proceeds from the charitable games for the use of the products or equipment. The supplier shall file a quarterly return with the Department listing all sales or leases for such quarter and the gross proceeds from such sales or leases. A supplier shall permanently affix his name to all charitable games equipment, supplies and pull tabs. A supplier shall not have any interest in any providers' business, either direct or indirect. If the supplier leases his equipment for use at an unlicensed charitable games or to an unlicensed sponsoring group, all equipment so leased is forfeited to the State.

No person, firm or corporation shall sell, lease or distribute for compensation within this State, or possess with intent to sell, lease or distribute for compensation within this State, any chips, representations of money, wheels or any devices or equipment designed for use or used in the

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play of charitable games without first having obtained a license to do so from the Department of Revenue. Any person, firm or corporation which knowingly violates this paragraph shall be guilty of a Class A misdemeanor, the fine for which shall not exceed $50,000.

Organizations licensed to conduct charitable games may own their own equipment. Such organizations must apply to the Department for an ownership permit. Any such application must be accompanied by a one-time, nonrefundable fee of $50 fee. Such organizations shall file an annual report listing their inventory of charitable games equipment. Such organizations may lend such equipment without compensation to other licensed organizations without applying for a suppliers license.

No employee, owner, or officer of a supplier may participate in the management or operation of a charitable games event, even if the employee, owner, or officer is also a member, volunteer, or employee of the charitable games licensee. A supplier may not promote or solicit a charitable games event on behalf of a charitable games licensee or qualified organization.

(Source: P.A. 94-986, eff. 6-30-06.)

(230 ILCS 30/7) (from Ch. 120, par. 1127)

Sec. 7. Ineligible Persons. The following are ineligible for any license under this Act:

(a) any person who has been convicted of a felony within the last 10 years before of the date of the application;
(b) any person who has been convicted of a violation of Article 28 of the Criminal Code of 1961;
(c) any person who has had a bingo, pull tabs and jar games, or charitable games license revoked by the Department;
(d) any person who is or has been a professional gambler;
(d-1) any person found gambling in a manner not authorized by this Act, the Illinois Pull Tabs and Jar Games Act, or the Bingo License and Tax Act participating in such gambling, or knowingly permitting such gambling on premises where an authorized charitable games event is authorized to be conducted or has been conducted;

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(e) any business or organization in which a person defined in (a), (b), (c), (d), or (d-1) has a proprietary, equitable, or credit interest, or in which the person is active or employed;

(f) any business or organization in which a person defined in (a), (b), (c), (d), or (d-1) is an officer, director, or employee, whether compensated or not;

(g) any organization in which a person defined in (a), (b), (c), (d), or (d-1) is to participate in the management or operation of charitable games.

The Department of State Police shall provide the criminal background of any person requested by the Department of Revenue.

(Source: P.A. 94-986, eff. 6-30-06.)
(230 ILCS 30/8) (from Ch. 120, par. 1128)
Sec. 8. The conducting of charitable games is subject to the following restrictions:

(1) The entire net proceeds from charitable games must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

(2) No person except a bona fide member or employee of the sponsoring organization, or a volunteer recruited by the sponsoring organization, may participate in the management or operation of the game. A person participates in the management or operation of a charitable game when he or she sells admission tickets at the event; sells, redeems, or in any way assists in the selling or redeeming of chips, scrip, or play money; participates in the conducting of any of the games played during the event, or supervises, directs or instructs anyone conducting a game; or at any time during the hours of the charitable games event counts, handles, or supervises anyone counting or handling any of the proceeds or chips, scrip, or play money at the event. A person who is present to ensure that the games are being conducted in conformance with the rules established by the licensed organization or is present to insure that the equipment is working properly is considered to be participating in the management or

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operation of a game. Setting up, cleaning up, selling food and drink, or providing security for persons or property at the event does not constitute participation in the management or operation of the game.

Only bona fide members, volunteers as defined in Section 2 of this Act, and employees of the sponsoring organization may participate in the management or operation of the games. Participation in the management or operation of the games is limited to no more than 4 charitable games events, either of the sponsoring organization or any other licensed organization, during a calendar year. and who is not a bona fide member, volunteer as defined in Section 2 of this Act, or employee of the sponsoring organization, or who receives remuneration or other compensation either directly or indirectly from any source for participating in the management or operation of the games, or who has participated in the management or operation of more than 4 charitable games events in the calendar year, commits a violation of this Act. In addition, a licensed organization that utilizes any person described in the preceding sentence commits a violation of this Act.

(3) No person may receive any remuneration or compensation either directly or indirectly from any source for participating in the management or operation of the game.

(4) No single bet at any game may exceed $10.

(5) A bank shall be established on the premises to convert currency into chips, scrip, or other form of play money which shall then be used to play at games of chance which the participant chooses. Chips, scrip, or play money must be permanently monogrammed with the logo of the licensed organization or of the supplier. Each participant must be issued a receipt indicating the amount of chips, scrip, or play money purchased.

(6) At the conclusion of the event or when the participant leaves, he may cash in his chips, scrip, or play money in exchange for currency not to exceed $250 or noncash prizes. Each participant

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shall sign for any receipt of prizes. The licensee shall provide the Department of Revenue with a listing of all prizes awarded, including the retail value of all prizes awarded.

(7) Each licensee shall be permitted to conduct charitable games on not more than 4 days each year. Nothing in this Section shall be construed to prohibit a licensee that conducts charitable games on its own premises from also obtaining a providers' license in accordance with Section 7 of this Act.

(8) Unless the provider of the premises is a municipality, the provider of the premises may not rent or otherwise provide the premises for the conducting of more than 8 charitable games nights per year.

(9) A charitable games event is considered to be a one-day event and charitable games may not be played between the hours of 2:00 a.m. and noon.

(10) No person under the age of 18 years may play or participate in the conducting of charitable games. Any person under the age of 18 years may be within the area where charitable games are being played only when accompanied by his parent or guardian.

(11) No one other than the sponsoring organization of charitable games must have a proprietary interest in the game promoted.

(12) Raffles or other forms of gambling prohibited by law shall not be conducted on the premises where charitable games are being conducted.

(13) Such games are not expressly prohibited by county ordinance for charitable games conducted in the unincorporated areas of the county or municipal ordinance for charitable games conducted in the municipality and the ordinance is filed with the Department of Revenue. The Department shall provide each county or municipality with a list of organizations licensed or subsequently authorized by the Department to conduct charitable games in their jurisdiction.

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(14) The sale of tangible personal property at charitable games is subject to all State and local taxes and obligations.

(15) Each licensee may offer or conduct only the games listed below, which must be conducted in accordance with rules posted by the organization. The organization sponsoring charitable games shall promulgate rules, and make printed copies available to participants, for the following games: (a) roulette; (b) blackjack; (c) poker; (d) pull tabs; (e) craps; (f) beat the dealer; (h) big six; (i) gin rummy; (j) five card stud poker; (k) chuck-a-luck; (l) keno; (m) hold-em poker; and (n) merchandise wheel. A licensee need not offer or conduct every game permitted by law. The conducting of games not listed above is prohibited by this Act.

(16) No slot machines or coin-in-the-slot-operated devices that allow a participant to play games of chance shall be permitted to be used at the location and during the time at which the charitable games are being conducted. No cards, dice, wheels, or other equipment may be modified or altered so as to give the licensee a greater advantage in winning, other than as provided under the normal rules of play of a particular game.

(18) No credit shall be extended to any of the participants.

(20) A supplier may have only one representative present at the charitable games event, for the exclusive purpose of ensuring that its equipment is not damaged.

No employee, owner, or officer of a consultant service hired by a licensed organization to perform services at the event including, but not limited to, security for persons or property at the event or services before the event including, but not limited to,
training for volunteers or advertising may participate in the management or operation of the games.

(22) (Blank). Volunteers as defined in Section 2 of this Act and bona fide members and employees of a sponsoring organization may not receive remuneration or compensation, either directly or indirectly from any source, for participating in the management or operation of games. They may participate in the management or operation of no more than 4 charitable games events, either of the sponsoring organization or any other licensed organization, during a calendar year.

Nothing in this Section shall be construed to prohibit a licensee that conducts charitable games on its own premises from also obtaining a providers' license in accordance with Section 5.1.

(Source: P.A. 94-986, eff. 6-30-06.)

(230 ILCS 30/9) (from Ch. 120, par. 1129)

Sec. 9. There shall be paid to the Department of Revenue, 3% of the gross proceeds of charitable games conducted under the provisions of this Act. Such payments shall be made within 30 days after the completion of the games. Payment must be by money order or certified check. Accompanying each payment shall be a return report, on forms prescribed provided by the Department of Revenue, listing the games conducted, the gross income derived and such other information as the Department of Revenue may require. Failure to submit either the payment or the return report within the specified time may result in suspension or revocation of the license. Tax returns filed pursuant to this Act shall not be confidential and shall be available for public inspection. and may be used in future considerations for renewal of the license.

The provisions of Section 2a of the Retailers' Occupation Tax Act pertaining to the furnishing of a bond or other security are incorporated by reference into this Act and are applicable to licensees under this Act as a precondition of obtaining a license under this Act. For purposes of this Act gross proceeds shall be defined as all chips, scrip or other form of play money purchased or any fee or donation for admission or entry into such games. The Department shall establish by rule the standards and criteria it

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will use in determining whether to require the furnishing of a bond or other security, the amount of such bond or other security, whether to require the furnishing of an additional bond or other security by a licensee, and the amount of such additional bond or other security. Such standards and criteria may include payment history, general financial condition or other factors which may pose risks to insuring the payment to the Department of Revenue, of applicable taxes. Such rulemaking is subject to the provisions of the Illinois Administrative Procedure Act. The provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, 11 and 12 of the Retailers' Occupation Tax Act, and Section 3-7 of the Uniform Penalty and Interest Act, which are not inconsistent with this Act shall apply, as far as practicable, to the subject matter of this Act to the same extent as if such provisions were included in this Act. Financial reports filed pursuant to this Act shall not be confidential and shall be available for public inspection. For the purposes of this Act, references in such incorporated Sections of the Retailers' Occupation Tax Act to retailers, sellers or persons engaged in the business of selling tangible personal property means persons engaged in conducting charitable games, and references in such incorporated Sections of the Retailers' Occupation Tax Act to sales of tangible personal property mean the conducting of charitable games and the making of charges for playing such games.

All payments made to the Department of Revenue of the sums collected under this Section shall be deposited into the Illinois Gaming Law Enforcement Fund of the State Treasury. 
(Source: P.A. 87-205; 87-895.)

(230 ILCS 30/10) (from Ch. 120, par. 1130)

Sec. 10. Each licensee must keep a complete record of charitable games conducted within the previous 3 years. Such record shall be open to inspection by any employee of the Department of Revenue during reasonable business hours. Any employee of the Department may visit the premises and inspect such record during, and for a reasonable time before and after, charitable games. Gross proceeds of charitable games shall be segregated from other revenues of the licensee, including bingo receipts, and shall be placed in a separate account:

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The Department may require that any person, organization or corporation licensed under this Act obtain from an Illinois certified public accounting firm at its own expense a certified and unqualified financial statement and verification of records of such organization. Failure of a charitable games licensee to comply with this requirement within 90 days of receiving notice from the Department may result in suspension or revocation of the licensee's license and forfeiture of all proceeds.

The Department of Revenue may, at its discretion, suspend or revoke any license if when it finds that the licensee or any person connected therewith has violated or is violating the provisions of this Act or any rule promulgated under this Act. However, in his or her discretion, the Director may review the offenses subjecting the licensee to revocation and may issue a suspension. The decision to reduce a revocation to a suspension, and the duration of the suspension, shall be made by taking into account factors that include, but are not limited to, the licensee's previous history of compliance with the Act and its rules, the number, seriousness, and duration of the violations, and the licensee's cooperation in discontinuing and correcting the violations. Violations of Sections 4, 5, 6, 7, and subsection (2) of Section 8 of this Act are considered to be more serious in nature than other violations under this Act. A revocation or suspension shall be in addition to, and not in lieu of, any other civil penalties or assessments that are authorized by this Act. No licensee under this Act, while a charitable game is being conducted, shall knowingly permit the entry into any part of the licensed premises by any person who has been convicted of a violation of Article 28 of the Criminal Code of 1961.

(230 ILCS 30/12) (from Ch. 120, par. 1132)

Sec. 12. Penalties.

(1) Any person who conducts or knowingly participates in an unlicensed charitable game commits the offense of gambling in violation of Section 28-1 of the Criminal Code of 1961, as amended. Any person who violates any provision of this Act, or any person who fails to file a charitable games return or who files a fraudulent return or application...
under this Act, or any person who willfully or knowingly violates any rule or regulation of the Department for the administration and enforcement of this Act, or any officer or agent of an organization or a corporation licensed under this Act who signs a fraudulent return or application filed on behalf of such an organization or corporation is guilty of a Class A misdemeanor. Any second or subsequent violation of this Act constitutes a Class 4 felony.

(2) Any organization that illegally conducts charitable games, in addition to other penalties provided for in this Act, shall be subject to a civil penalty equal to the amount of gross proceeds derived from those unlicensed games, as well as confiscation and forfeiture of all charitable games equipment used in the conduct of those unlicensed games.

(3) Any organization licensed to conduct charitable games that allows any form of illegal gambling to be conducted on the premises where charitable games are being conducted, in addition to other penalties provided for in this Act, shall be subject to a civil penalty equal to the amount of gross proceeds derived on that day from charitable games and any illegal game that may have been conducted, as well as confiscation and forfeiture of all charitable games equipment used in the conduct of any unlicensed or illegal games.

(4) Any person who violates any provision of this Act or knowingly violates any rule of the Department for the administration of this Act, in addition to other penalties provided, shall be subject to a civil penalty not to exceed $250 for each separate violation.

(5) No person shall sell, lease, or distribute for compensation within this State, or possess with intent to sell, lease, or distribute for compensation within this State, any chips, representations of money, wheels, or any devices or equipment designed for use or used in the play of charitable games without first having obtained a license to do so from the Department of Revenue. Any person that knowingly violates this paragraph is guilty of a Class A misdemeanor, the fine for which shall not exceed $50,000.

(Source: P.A. 94-986, eff. 6-30-06.)

(230 ILCS 30/14.1 new)

New matter indicated by italics - deletions by strikeout
Sec. 14.1. Severability. If any clause, sentence, Section, provision, or part of this Act, or the application thereof to any person or circumstance, shall be adjudged to be unconstitutional, the remainder of this Act or its application to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

(230 ILCS 25/4.1 rep.)
(230 ILCS 25/4.2 rep.)

Section 20. The Bingo License and Tax Act is amended by repealing Sections 4.1 and 4.2.

(230 ILCS 30/11 rep.)

Section 25. The Charitable Games Act is amended by repealing Section 11.

Section 99. Effective date. This Act takes effect July 1, 2007.

INDEX

Statutes amended in order of appearance

230 ILCS 20/1.1 from Ch. 120, par. 1051.1
230 ILCS 20/2 from Ch. 120, par. 1052
230 ILCS 20/2.1 new
230 ILCS 20/3 from Ch. 120, par. 1053
230 ILCS 20/3.1 new
230 ILCS 20/3.2 new
230 ILCS 20/4 from Ch. 120, par. 1054
230 ILCS 20/5 from Ch. 120, par. 1055
230 ILCS 20/6 from Ch. 120, par. 1056
230 ILCS 20/7 from Ch. 120, par. 1057
230 ILCS 20/7.1 new
230 ILCS 20/7.2 new
230 ILCS 20/7.3 new
230 ILCS 25/1 from Ch. 120, par. 1101
230 ILCS 25/1.1 new
230 ILCS 25/1.2 new
230 ILCS 25/1.3 new
230 ILCS 25/1.4 new
230 ILCS 25/1.5 new

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

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

Section 5. The Sex Offender Registration Act is amended by changing Sections 3 and 6 as follows:

(730 ILCS 150/3) (from Ch. 38, par. 223)

Sec. 3. Duty to register.

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(a) A sex offender, as defined in Section 2 of this Act, or sexual predator shall, within the time period prescribed in subsections (b) and (c), register in person and provide accurate information as required by the Department of State Police. Such information shall include a current photograph, current address, current place of employment, the employer's telephone number, school attended, all e-mail addresses, instant messaging identities, chat room identities, and other Internet communications identities that the sex offender uses or plans to use, all Uniform Resource Locators (URLs) registered or used by the sex offender, all blogs and other Internet sites maintained by the sex offender or to which the sex offender has uploaded any content or posted any messages or information, extensions of the time period for registering as provided in this Article and, if an extension was granted, the reason why the extension was granted and the date the sex offender was notified of the extension. The information shall also include the county of conviction, license plate numbers for every vehicle registered in the name of the sex offender, the age of the sex offender at the time of the commission of the offense, the age of the victim at the time of the commission of the offense, and any distinguishing marks located on the body of the sex offender. A person who has been adjudicated a juvenile delinquent for an act which, if committed by an adult, would be a sex offense shall register as an adult sex offender within 10 days after attaining 17 years of age. The sex offender or sexual predator shall register:

(1) with the chief of police in the municipality in which he or she resides or is temporarily domiciled for a period of time of 5 or more days, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(2) with the sheriff in the county in which he or she resides or is temporarily domiciled for a period of time of 5 or more days in an unincorporated area or, if incorporated, no police chief exists. If the sex offender or sexual predator is employed at or attends an institution of higher education, he or she shall register:

New matter indicated by italics - deletions by strikeout
(i) with the chief of police in the municipality in which he or she is employed at or attends an institution of higher education, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(ii) with the sheriff in the county in which he or she is employed or attends an institution of higher education located in an unincorporated area, or if incorporated, no police chief exists.

For purposes of this Article, the place of residence or temporary domicile is defined as any and all places where the sex offender resides for an aggregate period of time of 5 or more days during any calendar year. Any person required to register under this Article who lacks a fixed address or temporary domicile must notify, in person, the agency of jurisdiction of his or her last known address within 5 days after ceasing to have a fixed residence.

Any person who lacks a fixed residence must report weekly, in person, with the sheriff's office of the county in which he or she is located in an unincorporated area, or with the chief of police in the municipality in which he or she is located. The agency of jurisdiction will document each weekly registration to include all the locations where the person has stayed during the past 7 days.

The sex offender or sexual predator shall provide accurate information as required by the Department of State Police. That information shall include the sex offender's or sexual predator's current place of employment.

(a-5) An out-of-state student or out-of-state employee shall, within 5 days after beginning school or employment in this State, register in person and provide accurate information as required by the Department of State Police. Such information will include current place of employment, school attended, and address in state of residence. The out-of-state student or out-of-state employee shall register:

(1) with the chief of police in the municipality in which he or she attends school or is employed for a period of time of 5 or more days or for an aggregate period of time of more than 30 days
during any calendar year, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(2) with the sheriff in the county in which he or she attends school or is employed for a period of time of 5 or more days or for an aggregate period of time of more than 30 days during any calendar year in an unincorporated area or, if incorporated, no police chief exists.

The out-of-state student or out-of-state employee shall provide accurate information as required by the Department of State Police. That information shall include the out-of-state student's current place of school attendance or the out-of-state employee's current place of employment.

(b) Any sex offender, as defined in Section 2 of this Act, or sexual predator, regardless of any initial, prior, or other registration, shall, within 5 days of beginning school, or establishing a residence, place of employment, or temporary domicile in any county, register in person as set forth in subsection (a) or (a-5).

(c) The registration for any person required to register under this Article shall be as follows:

(1) Any person registered under the Habitual Child Sex Offender Registration Act or the Child Sex Offender Registration Act prior to January 1, 1996, shall be deemed initially registered as of January 1, 1996; however, this shall not be construed to extend the duration of registration set forth in Section 7.

(2) Except as provided in subsection (c)(4), any person convicted or adjudicated prior to January 1, 1996, whose liability for registration under Section 7 has not expired, shall register in person prior to January 31, 1996.

(2.5) Except as provided in subsection (c)(4), any person who has not been notified of his or her responsibility to register shall be notified by a criminal justice entity of his or her responsibility to register. Upon notification the person must then register within 5 days of notification of his or her requirement to register. If notification is not made within the offender's 10 year
registration requirement, and the Department of State Police
determines no evidence exists or indicates the offender attempted
to avoid registration, the offender will no longer be required to
register under this Act.

(3) Except as provided in subsection (c)(4), any person
convicted on or after January 1, 1996, shall register in person
within 5 days after the entry of the sentencing order based upon his
or her conviction.

(4) Any person unable to comply with the registration
requirements of this Article because he or she is confined,
institutionalized, or imprisoned in Illinois on or after January 1,
1996, shall register in person within 5 days of discharge, parole or
release.

(5) The person shall provide positive identification and
documentation that substantiates proof of residence at the
registering address.

(6) The person shall pay a $20 initial registration fee and a
$10 annual renewal fee. The fees shall be used by the registering
agency for official purposes. The agency shall establish procedures
to document receipt and use of the funds. The law enforcement
agency having jurisdiction may waive the registration fee if it
determines that the person is indigent and unable to pay the
registration fee. Ten dollars for the initial registration fee and $5 of
the annual renewal fee shall be used by the registering agency for
official purposes. Ten dollars of the initial registration fee and $5
of the annual fee shall be deposited into the Sex Offender
Management Board Fund under Section 19 of the Sex Offender
Management Board Act. Money deposited into the Sex Offender
Management Board Fund shall be administered by the Sex
Offender Management Board and shall be used to fund practices
endorsed or required by the Sex Offender Management Board Act
including but not limited to sex offenders evaluation, treatment, or
monitoring programs that are or may be developed, as well as for
administrative costs, including staff, incurred by the Board.

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(d) Within 5 days after obtaining or changing employment and, if employed on January 1, 2000, within 5 days after that date, a person required to register under this Section must report, in person to the law enforcement agency having jurisdiction, the business name and address where he or she is employed. If the person has multiple businesses or work locations, every business and work location must be reported to the law enforcement agency having jurisdiction.

(Source: P.A. 93-616, eff. 1-1-04; 93-979, eff. 8-20-04; 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-994, eff. 1-1-07.)

(730 ILCS 150/6) (from Ch. 38, par. 226)

Sec. 6. Duty to report; change of address, school, or employment; duty to inform. A person who has been adjudicated to be sexually dangerous or is a sexually violent person and is later released, or found to be no longer sexually dangerous or no longer a sexually violent person and discharged, or convicted of a violation of this Act after July 1, 2005, shall report in person to the law enforcement agency with whom he or she last registered no later than 90 days after the date of his or her last registration and every 90 days thereafter and at such other times at the request of the law enforcement agency not to exceed 4 times a year. Such sexually dangerous or sexually violent person must report all new or changed e-mail addresses, all new or changed instant messaging identities, all new or changed chat room identities, and all other new or changed Internet communications identities that the sexually dangerous or sexually violent person uses or plans to use, all new or changed Uniform Resource Locators (URLs) registered or used by the sexually dangerous or sexually violent person, and all new or changed blogs and other Internet sites maintained by the sexually dangerous or sexually violent person or to which the sexually dangerous or sexually violent person has uploaded any content or posted any messages or information. Any person who lacks a fixed residence must report weekly, in person, to the appropriate law enforcement agency where the sex offender is located. Any other person who is required to register under this Article shall report in person to the appropriate law enforcement agency with whom he or she last registered within one year from the date of last registration and every year thereafter.

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and at such other times at the request of the law enforcement agency not to exceed 4 times a year. If any person required to register under this Article lacks a fixed residence or temporary domicile, he or she must notify, in person, the agency of jurisdiction of his or her last known address within 5 days after ceasing to have a fixed residence and if the offender leaves the last jurisdiction of residence, he or she, must within 48 hours after leaving register in person with the new agency of jurisdiction. If any other person required to register under this Article changes his or her residence address, place of employment, or school, he or she shall report in person to the law enforcement agency with whom he or she last registered of his or her new address, change in employment, or school, all new or changed e-mail addresses, all new or changed instant messaging identities, all new or changed chat room identities, and all other new or changed Internet communications identities that the sex offender uses or plans to use, all new or changed Uniform Resource Locators (URLs) registered or used by the sex offender, and all new or changed blogs and other Internet sites maintained by the sex offender or to which the sex offender has uploaded any content or posted any messages or information, and register, in person, with the appropriate law enforcement agency within the time period specified in Section 3. The law enforcement agency shall, within 3 days of the reporting in person by the person required to register under this Article, notify the Department of State Police of the new place of residence, change in employment, or school.

If any person required to register under this Article intends to establish a residence or employment outside of the State of Illinois, at least 10 days before establishing that residence or employment, he or she shall report in person to the law enforcement agency with which he or she last registered of his or her out-of-state intended residence or employment. The law enforcement agency with which such person last registered shall, within 3 days after the reporting in person of the person required to register under this Article of an address or employment change, notify the Department of State Police. The Department of State Police shall forward such information to the out-of-state law enforcement agency having

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jurisdiction in the form and manner prescribed by the Department of State Police.
(Source: P.A. 93-977, eff. 8-20-04; 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; revised 8-19-05.)

Section 10. The Sex Offender Community Notification Law is amended by changing Section 120 as follows:

(730 ILCS 152/120)
Sec. 120. Community notification of sex offenders.
(a) The sheriff of the county, except Cook County, shall disclose to the following the name, address, date of birth, place of employment, school attended, e-mail addresses, instant messaging identities, chat room identities, other Internet communications identities, all Uniform Resource Locators (URLs) registered or used by the sex offender, all blogs and other Internet sites maintained by the sex offender or to which the sex offender has uploaded any content or posted any messages or information, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

(1) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the county where the sex offender is required to register, resides, is employed, or is attending an institution of higher education; and

(2) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located in the county where the sex offender is required to register or is employed; and

(3) Child care facilities located in the county where the sex offender is required to register or is employed.

(a-2) The sheriff of Cook County shall disclose to the following the name, address, date of birth, place of employment, school attended, e-mail addresses, instant messaging identities, chat room identities, other Internet communications identities, all Uniform Resource Locators (URLs) registered or used by the sex offender, all blogs and other Internet sites maintained by the sex offender or to which the sex offender has

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uploaded any content or posted any messages or information, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

(1) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located within the region of Cook County, as those public school districts and nonpublic schools are identified in LEADS, other than the City of Chicago, where the sex offender is required to register or is employed; and

(2) Child care facilities located within the region of Cook County, as those child care facilities are identified in LEADS, other than the City of Chicago, where the sex offender is required to register or is employed; and

(3) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the county, other than the City of Chicago, where the sex offender is required to register, resides, is employed, or attending an institution of higher education.

(a-3) The Chicago Police Department shall disclose to the following the name, address, date of birth, place of employment, school attended, e-mail addresses, instant messaging identities, chat room identities, other Internet communications identities, all Uniform Resource Locators (URLs) registered or used by the sex offender, all blogs and other Internet sites maintained by the sex offender or to which the sex offender has uploaded any content or posted any messages or information, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

(1) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located in the police district where the sex offender is required to register or is employed if the offender is required to register or is employed in the City of Chicago; and

(2) Child care facilities located in the police district where the sex offender is required to register or is employed if the

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offender is required to register or is employed in the City of Chicago; and

(3) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the police district where the sex offender is required to register, resides, is employed, or attending an institution of higher education in the City of Chicago.

(a-4) The Department of State Police shall provide a list of sex offenders required to register to the Illinois Department of Children and Family Services.

(b) The Department of State Police and any law enforcement agency may disclose, in the Department's or agency's discretion, the following information to any person likely to encounter a sex offender, or sexual predator:

(1) The offender's name, address, and date of birth, e-mail addresses, instant messaging identities, chat room identities, and other Internet communications identities, all Uniform Resource Locators (URLs) registered or used by the sex offender, and all blogs and other Internet sites maintained by the sex offender or to which the sex offender has uploaded any content or posted any messages or information.

(2) The offense for which the offender was convicted.

(3) Adjudication as a sexually dangerous person.

(4) The offender's photograph or other such information that will help identify the sex offender.

(5) Offender employment information, to protect public safety.

(c) The name, address, date of birth, e-mail addresses, instant messaging identities, chat room identities, other Internet communications identities, all Uniform Resource Locators (URLs) registered or used by the sex offender, all blogs and other Internet sites maintained by the sex offender or to which the sex offender has uploaded any content or posted any messages or information, offense or adjudication, the county of conviction, license plate numbers for every vehicle registered in the name

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of the sex offender, the age of the sex offender at the time of the commission of the offense, the age of the victim at the time of the commission of the offense, and any distinguishing marks located on the body of the sex offender for sex offenders required to register under Section 3 of the Sex Offender Registration Act shall be open to inspection by the public as provided in this Section. Every municipal police department shall make available at its headquarters the information on all sex offenders who are required to register in the municipality under the Sex Offender Registration Act. The sheriff shall also make available at his or her headquarters the information on all sex offenders who are required to register under that Act and who live in unincorporated areas of the county. Sex offender information must be made available for public inspection to any person, no later than 72 hours or 3 business days from the date of the request. The request must be made in person, in writing, or by telephone. Availability must include giving the inquirer access to a facility where the information may be copied. A department or sheriff may charge a fee, but the fee may not exceed the actual costs of copying the information. An inquirer must be allowed to copy this information in his or her own handwriting. A department or sheriff must allow access to the information during normal public working hours. The sheriff or a municipal police department may publish the photographs of sex offenders where any victim was 13 years of age or younger and who are required to register in the municipality or county under the Sex Offender Registration Act in a newspaper or magazine of general circulation in the municipality or county or may disseminate the photographs of those sex offenders on the Internet or on television. The law enforcement agency may make available the information on all sex offenders residing within any county.

(d) The Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, place the information specified in subsection (b) on the Internet or in other media.

(e) (Blank).

(f) The administrator of a transitional housing facility for sex offenders shall comply with the notification procedures established in

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paragraph (4) of subsection (b) of Section 3-17-5 of the Unified Code of Corrections.

(g) A principal or teacher of a public or private elementary or secondary school shall notify the parents of children attending the school during school registration or during parent-teacher conferences that information about sex offenders is available to the public as provided in this Act.

(Source: P.A. 94-161, eff. 7-11-05; 94-168, eff. 1-1-06; 94-994, eff. 1-1-07.)

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


PUBLIC ACT 95-0230
(Senate Bill No. 0021)

AN ACT concerning insurance.

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

Section 5. The Illinois Insurance Code is amended by changing Section 357.14 and by adding Section 367k as follows:

(215 ILCS 5/357.14) (from Ch. 73, par. 969.14)

Sec. 357.14. Except as provided in section 357.26, no such policy delivered or issued for delivery to any person in this State shall contain provisions respecting the matters set forth in sections 357.15 through 357.24 unless such provisions are in the words in which the same appear in this article; provided, however, that the company may, at its option, use in lieu of any such provision a corresponding provision of different wording approved by the Director which is not less favorable in any respect to the insured or the beneficiary. Any such provision contained in the policy shall be preceded individually by the appropriate caption appearing in the following sections or, at the option of the company, by

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such appropriate individual or group captions or subcaptions as the Director may approve.

(Source: Laws 1967, p. 1735.)

(215 ILCS 5/367k new)

Sec. 367k. Intoxication and narcotics; exclusion of coverage prohibited.

(a) A group or individual major medical policy of accident or health insurance or managed care plan amended, delivered, issued, or renewed after January 1, 2008 shall not, solely on the basis of the insured being intoxicated or under the influence of a narcotic, exclude coverage for any emergency or other medical, hospital, or surgical expenses incurred by an insured as a result of and related to an injury acquired while the insured is intoxicated or under the influence of any narcotic, regardless of whether the intoxicant or narcotic is administered on the advice of a health care practitioner.

(b) Coverage required under this Section may be subject to deductibles, copayments, coinsurance, or annual or maximum payment limits that are consistent with deductibles, copayments, coinsurance, or annual or maximum payment limits applicable to other similar coverage under the plan.

(215 ILCS 5/357.25 rep.)

Section 10. The Illinois Insurance Code is amended by repealing Section 357.25.

Approved August 16 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0231
(Senate Bill No. 0080)

AN ACT concerning transportation.

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

New matter indicated by italics - deletions by strikeout
Section 5. The Illinois Vehicle Code is amended by changing Sections 11-703, 11-806, and 11-1505 as follows:

(625 ILCS 5/11-703) (from Ch. 95 1/2, par. 11-703)
Sec. 11-703. Overtaking a vehicle on the left.

The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules otherwise stated in this Chapter:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. In no event shall such movement be made by driving off the pavement or the main traveled portion of the roadway.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(c) The driver of a 2 wheeled vehicle may not, in passing upon the left of any vehicle proceeding in the same direction, pass upon the right of any vehicle proceeding in the same direction unless there is an unobstructed lane of traffic available to permit such passing maneuver safely.

(d) The operator of a motor vehicle overtaking a bicycle or individual proceeding in the same direction on a highway shall leave a safe distance, but not less than 3 feet, when passing the bicycle or individual and shall maintain that distance until safely past the overtaken bicycle or individual.

(Source: P.A. 76-1586.)

(625 ILCS 5/11-806) (from Ch. 95 1/2, par. 11-806)
Sec. 11-806. Method of giving hand and arm signals.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn - Hand and arm extended horizontally.

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2. Right turn - Hand and arm extended upward, except that a person operating a bicycle may extend the right hand and arm horizontally and to the right side of the bicycle.

3. Stop or decrease of speed - Hand and arm extended downward.

(Source: P.A. 76-1586.)

(625 ILCS 5/11-1505) (from Ch. 95 1/2, par. 11-1505)

Sec. 11-1505. Position of bicycles and motorized pedal cycles on roadways -Riding on roadways and bicycle paths. (a) Any person operating a bicycle or motorized pedal cycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable and safe to the right-hand curb or edge of the roadway except under the following situations:

1. When overtaking and passing another bicycle, motorized pedal cycle or vehicle proceeding in the same direction; or
2. When preparing for a left turn at an intersection or into a private road or driveway; or
3. When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, motorized pedal cycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this subsection, a "substandard width lane" means a lane that is too narrow for a bicycle or motorized pedal cycle and a vehicle to travel safely side by side within the lane.

4. When approaching a place where a right turn is authorized.

(b) Any person operating a bicycle or motorized pedal cycle upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.

(Source: P.A. 83-549.)

Effective January 1, 2008.
AN ACT concerning education.

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

Section 5. The School Code is amended by adding Sections 10-20.40 and 34-18.34 as follows:

(105 ILCS 5/10-20.40 new)

Sec. 10-20.40. Student biometric information.

(a) For the purposes of this Section, "biometric information" means any information that is collected through an identification process for individuals based on their unique behavioral or physiological characteristics, including fingerprint, hand geometry, voice, or facial recognition or iris or retinal scans.

(b) School districts that collect biometric information from students shall adopt policies that require, at a minimum, all of the following:

(1) Written permission from the individual who has legal custody of the student, as defined in Section 10-20.12b of this Code, or from the student if he or she has reached the age of 18.

(2) The discontinuation of use of a student's biometric information under either of the following conditions:

(A) upon the student's graduation or withdrawal from the school district; or

(B) upon receipt in writing of a request for discontinuation by the individual having legal custody of the student or by the student if he or she has reached the age of 18.

(3) The destruction of all of a student's biometric information within 30 days after the biometric information is discontinued in accordance with item (2) of this subsection (b).

(4) The use of biometric information solely for identification or fraud prevention.

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(5) A prohibition on the sale, lease, or other disclosure of biometric information to another person or entity, unless:
   (A) the individual who has legal custody of the student or the student, if he or she has reached the age of 18, consents to the disclosure; or
   (B) the disclosure is required by court order.

(6) The storage, transmittal, and protection of all biometric information from disclosure.

(c) Failure to provide written consent under item (1) of subsection (b) of this Section by the individual who has legal custody of the student or by the student, if he or she has reached the age of 18, must not be the basis for refusal of any services otherwise available to the student.

(105 ILCS 5/34-18.34 new)

Sec. 34-18.34. Student biometric information.

(a) For the purposes of this Section, "biometric information" means any information that is collected through an identification process for individuals based on their unique behavioral or physiological characteristics, including fingerprint, hand geometry, voice, or facial recognition or iris or retinal scans.

(b) If the school district collects biometric information from students, the district shall adopt a policy that requires, at a minimum, all of the following:

(1) Written permission from the individual who has legal custody of the student, as defined in Section 10-20.12b of this Code, or from the student if he or she has reached the age of 18.

(2) The discontinuation of use of a student's biometric information under either of the following conditions:
   (A) upon the student's graduation or withdrawal from the school district; or
   (B) upon receipt in writing of a request for discontinuation by the individual having legal custody of the student or by the student if he or she has reached the age of 18.
(3) The destruction of all of a student’s biometric information within 30 days after the biometric information is discontinued in accordance with item (2) of this subsection (b).

(4) The use of biometric information solely for identification or fraud prevention.

(5) A prohibition on the sale, lease, or other disclosure of biometric information to another person or entity, unless:

(A) the individual who has legal custody of the student or the student, if he or she has reached the age of 18, consents to the disclosure; or

(B) the disclosure is required by court order.

(6) The storage, transmittal, and protection of all biometric information from disclosure.

(c) Failure to provide written consent under item (1) of subsection (b) of this Section by the individual who has legal custody of the student or by the student, if he or she has reached the age of 18, must not be the basis for refusal of any services otherwise available to the student.

Section 90. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

Section 99. Effective date. This Act takes effect August 1, 2007.

PUBLIC ACT 95-0233
(Senate Bill No. 1544)

AN ACT concerning revenue.

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

ARTICLE 1. SHORT TITLE; PURPOSE

Section 1-1. Short Title. This Act may be cited as the FY2008 Budget Implementation (Revenue) Act.

Section 1-5. Purpose. It is the purpose of this Act to make changes in State programs concerning revenue that are necessary to implement the FY2008 Budget.

ARTICLE 5. FRANCHISE TAX AND LICENSE FEE AMNESTY ACT OF 2007

Section 5-1. Short title. This Article may be cited as the Franchise Tax and License Fee Amnesty Act of 2007. References in this Article to "this Act" mean this Article.

Section 5-5. Definitions. As used in this Act:

"Secretary" means the Illinois Secretary of State.

"Rules" means any rules adopted or forms prescribed by the Secretary.

"Taxable period" means any period of time for which any franchise tax is imposed by and owed to the State of Illinois by any domestic corporation or any license fee is imposed by and owed to the State of Illinois by any foreign corporation.

"Taxpayer" means any domestic or foreign corporation, subject to franchise tax or license fee imposed by Article XV of the Business Corporation Act of 1983.

Section 5-10. Amnesty program. The Secretary shall establish an amnesty program for all taxpayers owing any franchise tax or license fee imposed by Article XV of the Business Corporation Act of 1983. The amnesty program shall be for a period from February 1, 2008 through March 15, 2008. The amnesty program shall provide that, upon payment by a taxpayer of all franchise taxes and license fees due from that taxpayer to the State of Illinois for any taxable period, the Secretary shall abate and not seek to collect any interest or penalties that may be applicable, and the Secretary shall not seek civil or criminal prosecution for any taxpayer for the period of time for which amnesty has been granted to the taxpayer.

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Failure to pay all taxes due to the State for a taxable period shall not invalidate any amnesty granted under this Act with respect to the taxes paid pursuant to the amnesty program. Amnesty shall be granted only if all amnesty conditions are satisfied by the taxpayer. Amnesty shall not be granted to taxpayers who are a party to any criminal investigation or to any civil or criminal litigation that is pending in any circuit court or appellate court or the Supreme Court of this State for nonpayment, delinquency, or fraud in relation to any franchise tax or license fee imposed by Article XV of the Business Corporation Act of 1983. Voluntary payments made under this Act shall be made by cash, check, guaranteed remittance, or ACH debit. The Secretary shall adopt rules as necessary to implement the provisions of this Act. Except as otherwise provided in this Section, all money collected under this Act that would otherwise be deposited into the General Revenue Fund shall be deposited into the General Revenue Fund. Two percent of all money collected under this Act shall be deposited by the State Treasurer into the Department of Business Services Special Operations Fund and, subject to appropriation, shall be used by the Secretary to cover costs associated with the administration of this Act.

Section 5-90. The Business Corporation Act of 1983 is amended by changing Sections 15.90 and 16.05 as follows:

(805 ILCS 5/15.90) (from Ch. 32, par. 15.90)
Sec. 15.90. Statute of limitations.

(a) Except as otherwise provided in this Section and notwithstanding anything to the contrary contained in any other Section of this Act, no domestic corporation or foreign corporation shall be obligated to pay any annual franchise tax, fee, or penalty or interest thereon imposed under this Act, nor shall any administrative or judicial sanction (including dissolution) be imposed or enforced nor access to the courts of this State be denied based upon nonpayment thereof more than 7 years after the date of filing the annual report with respect to the period during which the obligation for the tax, fee, penalty or interest arose, unless (1) within that 7 year period the Secretary of State sends a written notice to the corporation to the effect that (A) administrative or judicial action to dissolve the corporation or revoke its certificate of authority for nonpayment of a tax,
fee, penalty or interest has been commenced; or (B) the corporation has
submitted a report but has failed to pay a tax, fee, penalty or interest
required to be paid therewith; or (C) a report with respect to an event or
action giving rise to an obligation to pay a tax, fee, penalty or interest is
required but has not been filed, or has been filed and is in error or
incomplete; or (2) the annual report by the corporation was filed with
fraudulent intent to evade taxes payable under this Act. A corporation
nonetheless shall be required to pay all taxes that would have been payable
during the most recent 7 year period due to a previously unreported
increase in paid-in capital that occurred prior to that 7 year period and
interest and penalties thereon for that period, except that with respect to
any corporation that participates in the Franchise Tax and License Fee
Amnesty Act of 2007, the corporation shall be only required to pay all
taxes that would have been payable during the most recent 4 year period
due to a previously unreported increase in paid-in capital that occurred
prior to that 7 year period.

(b) If within 2 years following a change in control of a corporation
the corporation voluntarily pays in good faith all known obligations of the
corporation imposed by this Article 15 with respect to reports that were
required to have been filed since the beginning of the 7 year period ending
on the effective date of the change in control, no action shall be taken to
enforce or collect obligations of that corporation imposed by this Article
15 with respect to reports that were required to have been filed prior to that
7 year period regardless of whether the limitation period set forth in
subsection (a) is otherwise applicable. For purposes of this subsection (b),
a change in control means a transaction, or a series of transactions
consummated within a period of 180 consecutive days, as a result of which
a person which owned less than 10% of the shares having the power to
elect directors of the corporation acquires shares such that the person
becomes the holder of 80% or more of the shares having such power. For
purposes of this subsection (b) a person means any natural person,
corporation, partnership, trust or other entity together with all other
persons controlled by, controlling or under common control with such
person.

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(c) Except as otherwise provided in this Section and notwithstanding anything to the contrary contained in any other Section of this Act, no foreign corporation that has not previously obtained a certificate of authority under this Act shall, upon voluntary application for a certificate of authority filed with the Secretary of State prior to January 1, 2001, be obligated to pay any tax, fee, penalty, or interest imposed under this Act, nor shall any administrative or judicial sanction be imposed or enforced based upon nonpayment thereof with respect to a period during which the obligation arose that is prior to January 1, 1993 unless (1) prior to receipt of the application for a certificate of authority the Secretary of State had sent written notice to the corporation regarding its failure to obtain a certificate of authority, (2) the corporation had submitted an application for a certificate of authority previously but had failed to pay any tax, fee, penalty or interest to be paid therewith, or (3) the application for a certificate of authority was submitted by the corporation with fraudulent intent to evade taxes payable under this Act. A corporation nonetheless shall be required to pay all taxes and fees due under this Act that would have been payable since January 1, 1993 as a result of commencing the transaction of its business in this State and interest thereon for that period.

(Source: P.A. 90-421, eff. 1-1-98.)

(805 ILCS 5/16.05) (from Ch. 32, par. 16.05)

Sec. 16.05. Penalties and interest imposed upon corporations.

(a) Each corporation, domestic or foreign, that fails or refuses to file any annual report or report of cumulative changes in paid-in capital and pay any franchise tax due pursuant to the report prior to the first day of its anniversary month or, in the case of a corporation which has established an extended filing month, the extended filing month of the corporation shall pay a penalty of 10% of the amount of any delinquent franchise tax due for the report. No penalty shall be imposed with respect to any amount of delinquent franchise tax paid pursuant to the Franchise Tax and License Fee Amnesty Act of 2007.

(b) Each corporation, domestic or foreign, that fails or refuses to file a report of issuance of shares or increase in paid-in capital within the...
time prescribed by this Act is subject to a penalty on any obligation occurring prior to January 1, 1991, and interest on those obligations on or after January 1, 1991, for each calendar month or part of month that it is delinquent in the amount of 1% of the amount of license fees and franchise taxes provided by this Act to be paid on account of the issuance of shares or increase in paid-in capital. *No penalty shall be imposed, or interest charged, with respect to any amount of delinquent license fees and franchise taxes paid pursuant to the Franchise Tax and License Fee Amnesty Act of 2007.*

(c) Each corporation, domestic or foreign, that fails or refuses to file a report of cumulative changes in paid-in capital or report following merger within the time prescribed by this Act is subject to interest on or after January 1, 1992, for each calendar month or part of month that it is delinquent, in the amount of 1% of the amount of franchise taxes provided by this Act to be paid on account of the issuance of shares or increase in paid-in capital disclosed on the report of cumulative changes in paid-in capital or report following merger, or $1, whichever is greater. *No interest shall be charged with respect to any amount of delinquent franchise tax paid pursuant to the Franchise Tax and License Fee Amnesty Act of 2007.*

(d) If the annual franchise tax, or the supplemental annual franchise tax for any 12-month period commencing July 1, 1968, or July 1 of any subsequent year through June 30, 1983, assessed in accordance with this Act, is not paid by July 31, it is delinquent, and there is added a penalty prior to January 1, 1991, and interest on and after January 1, 1991, of 1% for each month or part of month that it is delinquent commencing with the month of August, or $1, whichever is greater. *No penalty shall be imposed, or interest charged, with respect to any amount of delinquent franchise taxes paid pursuant to the Franchise Tax and License Fee Amnesty Act of 2007.*

(e) If the supplemental annual franchise tax assessed in accordance with the provisions of this Act for the 12-month period commencing July 1, 1967, is not paid by September 30, 1967, it is delinquent, and there is added a penalty prior to January 1, 1991, and interest on and after January 1, 1991, of 1% for each month or part of month that it is delinquent

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commencing with the month of October, 1967. \textit{No penalty shall be imposed, or interest charged, with respect to any amount of delinquent franchise taxes paid pursuant to the Franchise Tax and License Fee Amnesty Act of 2007.}

(f) If any annual franchise tax for any period beginning on or after July 1, 1983, is not paid by the time period herein prescribed, it is delinquent and there is added a penalty prior to January 1, 1991, and interest on and after January 1, 1991, of 1\% for each month or part of a month that it is delinquent commencing with the anniversary month or in the case of a corporation that has established an extended filing month, the extended filing month, or $1, whichever is greater. \textit{No penalty shall be imposed, or interest charged, with respect to any amount of delinquent franchise taxes paid pursuant to the Franchise Tax and License Fee Amnesty Act of 2007.}

(g) Any corporation, domestic or foreign, failing to pay the prescribed fee for assumed corporate name renewal when due and payable shall be given notice of nonpayment by the Secretary of State by regular mail; and if the fee together with a penalty fee of $5 is not paid within 90 days after the notice is mailed, the right to use the assumed name shall cease.

(h) Any corporation which (i) puts forth any sign or advertisement, assuming any name other than that by which it is incorporated or otherwise authorized by law to act or (ii) violates Section 3.25, shall be guilty of a Class C misdemeanor and shall be deemed guilty of an additional offense for each day it shall continue to so offend.

(i) Each corporation, domestic or foreign, that fails or refuses (1) to file in the office of the recorder within the time prescribed by this Act any document required by this Act to be so filed, or (2) to answer truthfully and fully within the time prescribed by this Act interrogatories propounded by the Secretary of State in accordance with this Act, or (3) to perform any other act required by this Act to be performed by the corporation, is guilty of a Class C misdemeanor.

(j) Each corporation that fails or refuses to file articles of revocation of dissolution within the time prescribed by this Act is subject

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to a penalty for each calendar month or part of the month that it is
delinquent in the amount of $50.
(Source: P.A. 91-464, eff. 1-1-00; 91-906, eff. 1-1-01.)

ARTICLE 10. AMENDATORY PROVISIONS

Section 10-5. The Illinois Income Tax Act is amended by changing
Sections 203, 205, 207, 304, 502, 711, 712, 713, 804, 911, and 1501 and
by adding Section 709.5 as follows:
(35 ILCS 5/203) (from Ch. 120, par. 2-203)
Sec. 203. Base income defined.

(a) Individuals.

(1) In general. In the case of an individual, base income
means an amount equal to the taxpayer's adjusted gross income for
the taxable year as modified by paragraph (2).

(2) Modifications. The adjusted gross income referred to in
paragraph (1) shall be modified by adding thereto the sum of the
following amounts:

(A) An amount equal to all amounts paid or accrued
to the taxpayer as interest or dividends during the taxable
year to the extent excluded from gross income in the
computation of adjusted gross income, except stock
dividends of qualified public utilities described in Section
305(e) of the Internal Revenue Code;

(B) An amount equal to the amount of tax imposed
by this Act to the extent deducted from gross income in the
computation of adjusted gross income for the taxable year;

(C) An amount equal to the amount received during
the taxable year as a recovery or refund of real property
taxes paid with respect to the taxpayer's principal residence
under the Revenue Act of 1939 and for which a deduction
was previously taken under subparagraph (L) of this
paragraph (2) prior to July 1, 1991, the retrospective
application date of Article 4 of Public Act 87-17. In the
case of multi-unit or multi-use structures and farm
dwellings, the taxes on the taxpayer's principal residence

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shall be that portion of the total taxes for the entire property which is attributable to such principal residence;

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of adjusted gross income;

(D-5) An amount, to the extent not included in adjusted gross income, equal to the amount of money withdrawn by the taxpayer in the taxable year from a medical care savings account and the interest earned on the account in the taxable year of a withdrawal pursuant to subsection (b) of Section 20 of the Medical Care Savings Account Act or subsection (b) of Section 20 of the Medical Care Savings Account Act of 2000;

(D-10) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the individual deducted in computing adjusted gross income and for which the individual claims a credit under subsection (l) of Section 201;

(D-15) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code;

(D-16) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (Z) with respect to that property.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax

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purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (Z), then an amount equal to that subtraction modification.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(D-17) *An amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, (i) for taxable years ending on or after December 31, 2004, to a foreign person who would be a member of the same unitary business group but for the fact that foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.*

This paragraph shall not apply to the following:

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(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the

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application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(D-18) An amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, (i) for taxable years ending on or after December 31, 2004, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in

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gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence does not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(a)(2)(D-17) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes (1) expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets.

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person during the same taxable year paid, accrued, or incurred,
the intangible expense or cost to a person that is not a related member, and

(b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(D-19) For taxable years ending on or after December 31, 2008, an amount equal to the amount of insurance premium expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the

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unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence does not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(a)(2)(D-17) of this Act.

(D-20) For taxable years beginning on or after January 1, 2002, in the case of a distribution from a qualified tuition program under Section 529 of the Internal Revenue Code, other than (i) a distribution from a College Savings Pool created under Section 16.5 of the State Treasurer Act or (ii) a distribution from the Illinois Prepaid Tuition Trust Fund, an amount equal to the amount excluded from gross income under Section 529(c)(3)(B); and by deducting from the total so obtained the sum of the following amounts:

(E) For taxable years ending before December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being on active duty in the Armed Forces of the United States and in respect of any compensation paid or

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accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 1971 or thereafter for annual training performed pursuant to Sections 502 and 503, Title 32, United States Code as a member of the Illinois National Guard. For taxable years ending on or after December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being a member of any component of the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 2001 or thereafter by reason of being a member of the Illinois National Guard. The provisions of this amendatory Act of the 92nd General Assembly are exempt from the provisions of Section 250;

(F) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the Internal Revenue Code, or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(G) The valuation limitation amount;

(H) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

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(I) An amount equal to all amounts included in such total pursuant to the provisions of Section 111 of the Internal Revenue Code as a recovery of items previously deducted from adjusted gross income in the computation of taxable income;

(J) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act or a River Edge Redevelopment Zone or zones created under the River Edge Redevelopment Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones or a River Edge Redevelopment Zone or zones. This subparagraph (J) is exempt from the provisions of Section 250;

(K) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (J) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (K);

(L) For taxable years ending after December 31, 1983, an amount equal to all social security benefits and railroad retirement benefits included in such total pursuant to Sections 72(r) and 86 of the Internal Revenue Code;

(M) With the exception of any amounts subtracted under subparagraph (N), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as

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now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(N) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State or, for taxable years ending on or after December 31, 2008, of the United States, any treaty of the United States, the Illinois Constitution, or the United States Constitution that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the income interest net of bond premium amortization, and, for taxable years ending on or after December 31, 2008, interest expense incurred on indebtedness to carry the bond or other obligation, expenses incurred in producing the income to be deducted, and all other related expenses. The amount of expenses to be taken into account under this provision may not exceed the amount of income that is exempted;

(O) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) An amount equal to any amounts included in such total, received by the taxpayer as an acceleration in the payment of life, endowment or annuity benefits in advance

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of the time they would otherwise be payable as an indemnity for a terminal illness;

(R) An amount equal to the amount of any federal or State bonus paid to veterans of the Persian Gulf War;

(S) An amount, to the extent included in adjusted gross income, equal to the amount of a contribution made in the taxable year on behalf of the taxpayer to a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 to the extent the contribution is accepted by the account administrator as provided in that Act;

(T) An amount, to the extent included in adjusted gross income, equal to the amount of interest earned in the taxable year on a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 on behalf of the taxpayer, other than interest added pursuant to item (D-5) of this paragraph (2);

(U) For one taxable year beginning on or after January 1, 1994, an amount equal to the total amount of tax imposed and paid under subsections (a) and (b) of Section 201 of this Act on grant amounts received by the taxpayer under the Nursing Home Grant Assistance Act during the taxpayer's taxable years 1992 and 1993;

(V) Beginning with tax years ending on or after December 31, 1995 and ending with tax years ending on or before December 31, 2004, an amount equal to the amount paid by a taxpayer who is a self-employed taxpayer, a partner of a partnership, or a shareholder in a Subchapter S corporation for health insurance or long-term care insurance for that taxpayer or that taxpayer's spouse or dependents, to the extent that the amount paid for that health insurance or long-term care insurance may be deducted under Section 213 of the Internal Revenue Code of 1986, has not been

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deducted on the federal income tax return of the taxpayer, and does not exceed the taxable income attributable to that taxpayer's income, self-employment income, or Subchapter S corporation income; except that no deduction shall be allowed under this item (V) if the taxpayer is eligible to participate in any health insurance or long-term care insurance plan of an employer of the taxpayer or the taxpayer's spouse. The amount of the health insurance and long-term care insurance subtracted under this item (V) shall be determined by multiplying total health insurance and long-term care insurance premiums paid by the taxpayer times a number that represents the fractional percentage of eligible medical expenses under Section 213 of the Internal Revenue Code of 1986 not actually deducted on the taxpayer's federal income tax return;

(W) For taxable years beginning on or after January 1, 1998, all amounts included in the taxpayer's federal gross income in the taxable year from amounts converted from a regular IRA to a Roth IRA. This paragraph is exempt from the provisions of Section 250;

(X) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued

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to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250;

(Y) For taxable years beginning on or after January 1, 2002 and ending on or before December 31, 2004, moneys contributed in the taxable year to a College Savings Pool account under Section 16.5 of the State Treasurer Act, except that amounts excluded from gross income under Section 529(c)(3)(C)(i) of the Internal Revenue Code shall not be considered moneys contributed under this subparagraph (Y). For taxable years beginning on or after January 1, 2005, a maximum of $10,000 contributed in the taxable year to (i) a College Savings Pool account under Section 16.5 of the State Treasurer Act or (ii) the Illinois Prepaid Tuition Trust Fund, except that amounts excluded from gross income under Section 529(c)(3)(C)(i) of the Internal Revenue Code shall not be considered moneys contributed under this subparagraph (Y). This subparagraph (Y) is exempt from the provisions of Section 250;

(Z) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction is
taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

1. "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction;

2. For taxable years ending on or before December 31, 2005, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

3. For taxable years ending after December 31, 2005:
   (i) For property on which a bonus depreciation deduction of 30% of the adjusted basis was taken, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and
   (ii) For property on which a bonus depreciation deduction of 50% of the adjusted basis was taken, "x" equals "y" multiplied by 1.0.

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This subparagraph (Z) is exempt from the provisions of Section 250;

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(AA) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to that addition modification.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

This subparagraph (AA) is exempt from the provisions of Section 250;

(BB) Any amount included in adjusted gross income, other than salary, received by a driver in a ridesharing arrangement using a motor vehicle;

(CC) The amount of (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of that addition modification, and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of that addition modification;

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(DD) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with (i) a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the addition modification required to be made for the same taxable year under Section 203(a)(2)(D-17) for interest paid, accrued, or incurred, directly or indirectly, to the same foreign person;

(EE) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with (i) a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the addition modification required to be made for the same taxable year under Section 203(a)(2)(D-18) for intangible
expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person; and -

(FF) An amount equal to the income from insurance premiums taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the addition modification required to be made for the same taxable year under Section 203(a)(2)(D-18) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same person.

(b) Corporations.

(1) In general. In the case of a corporation, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest and all distributions received from regulated investment companies during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(C) In the case of a regulated investment company, an amount equal to the excess of (i) the net long-term capital gain for the taxable year, over (ii) the amount of the capital gain dividends designated as such in accordance

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with Section 852(b)(3)(C) of the Internal Revenue Code and any amount designated under Section 852(b)(3)(D) of the Internal Revenue Code, attributable to the taxable year (this amendatory Act of 1995 (Public Act 89-89) is declarative of existing law and is not a new enactment);

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such earlier taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the

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addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(E-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the corporation deducted in computing adjusted gross income and for which the corporation claims a credit under subsection (l) of Section 201;

(E-10) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(E-11) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (T) with respect to that property.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (T), then an amount equal to that subtraction modification.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(E-12) An amount equal to the amount otherwise allowed as a deduction in computing base

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income for interest paid, accrued, or incurred, directly or indirectly, (i) for taxable years ending on or after December 31, 2004, to a foreign person who would be a member of the same unitary business group but for the fact the foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a

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preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and
(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or
(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or
(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards...
by which the Department will utilize its authority under Section 404 of this Act;

(E-13) An for taxable years ending on or after December 31, 2004, an amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, (i) for taxable years ending on or after December 31, 2004, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304.

The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence shall not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(b)(2)(E-12) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes (1) expenses, losses, and costs for, or related to,

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the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets.

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and

(b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

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(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(E-14) For taxable years ending on or after December 31, 2008, an amount equal to the amount of insurance premium expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and

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amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence does not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(a)(2)(D-17) of this Act;

(E-15) For taxable years beginning after December 31, 2008, any deduction for dividends paid to a corporation by a captive real estate trust that is allowed to a real estate investment trust under Section 857(b)(2)(B) of the Internal Revenue Code for dividends paid;

and by deducting from the total so obtained the sum of the following amounts:

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to any amount included in such total under Section 78 of the Internal Revenue Code;

(H) In the case of a regulated investment company, an amount equal to the amount of exempt interest dividends as defined in subsection (b) (5) of Section 852 of the Internal Revenue Code, paid to shareholders for the taxable year;

(I) With the exception of any amounts subtracted under subparagraph (J), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2), and 265(a)(2) and amounts disallowed as interest expense by Section 291(a)(3) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(a)(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or
after August 13, 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(J) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State or, for taxable years ending on or after December 31, 2008, of the United States, any treaty of the United States, the Illinois Constitution, or the United States Constitution that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the income interest net of bond premium amortization, and, for taxable years ending on or after December 31, 2008, interest expense incurred on indebtedness to carry the bond or other obligation, expenses incurred in producing the income to be deducted, and all other related expenses. The amount of expenses to be taken into account under this provision may not exceed the amount of income that is exempted;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act or a River Edge Redevelopment Zone or zones created under the River Edge Redevelopment Zone Act and conducts substantially all of its operations in an Enterprise Zone or zones or a River Edge Redevelopment Zone or zones. This subparagraph (K) is exempt from the provisions of Section 250;

(L) An amount equal to those dividends included in such total that were paid by a corporation that conducts
business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph 2 of this subsection shall not be eligible for the deduction provided under this subparagraph (L);

(M) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the Enterprise Zone Investment Credit or the River Edge Redevelopment Zone Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(f) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(f) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in the Enterprise Zone or the River Edge Redevelopment Zone. The subtraction modification available to taxpayer in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence. This subparagraph (M) is exempt from the provisions of Section 250;

(M-1) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the High Impact Business Investment Credit.

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To determine the portion of a loan or loans that is secured by property eligible for a Section 201(h) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(h) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois. No taxpayer that is eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall be eligible for the deduction provided under this subparagraph (M-1). The subtraction modification available to taxpayers in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(N) Two times any contribution made during the taxable year to a designated zone organization to the extent that the contribution (i) qualifies as a charitable contribution under subsection (c) of Section 170 of the Internal Revenue Code and (ii) must, by its terms, be used for a project approved by the Department of Commerce and Economic Opportunity under Section 11 of the Illinois Enterprise Zone Act or under Section 10-10 of the Illinois River Edge Redevelopment Zone Act. This subparagraph (N) is exempt from the provisions of Section 250;

(O) An amount equal to: (i) 85% for taxable years ending on or before December 31, 1992, or, a percentage equal to the percentage allowable under Section 243(a)(1) of the Internal Revenue Code of 1986 for taxable years ending after December 31, 1992, of the amount by which dividends included in taxable income and received from a corporation that is not created or organized under the laws

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of the United States or any state or political subdivision thereof, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends, and including, for taxable years ending on or after December 31, 2008, dividends received from a real estate investment trust; plus (ii) 100% of the amount by which dividends, included in taxable income and received, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code and including, for taxable years ending on or after December 31, 2008, dividends received from a real estate investment trust, from any such corporation specified in clause (i) that would but for the provisions of Section 1504 (b) (3) of the Internal Revenue Code be treated as a member of the affiliated group which includes the dividend recipient, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends;

(P) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(Q) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(R) On and after July 20, 1999, in the case of an attorney-in-fact with respect to whom an interinsurer or a reciprocal insurer has made the election under Section 835

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of the Internal Revenue Code, 26 U.S.C. 835, an amount equal to the excess, if any, of the amounts paid or incurred by that interinsurer or reciprocal insurer in the taxable year to the attorney-in-fact over the deduction allowed to that interinsurer or reciprocal insurer with respect to the attorney-in-fact under Section 835(b) of the Internal Revenue Code for the taxable year; the provisions of this subparagraph are exempt from the provisions of Section 250;

(S) For taxable years ending on or after December 31, 1997, in the case of a Subchapter S corporation, an amount equal to all amounts of income allocable to a shareholder subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act, including amounts allocable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code. This subparagraph (S) is exempt from the provisions of Section 250;

(T) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction;

2) for taxable years ending on or before December 31, 2005, "x" equals "y" multiplied by 30
and then divided by 70 (or "y" multiplied by 0.429); and

(3) for taxable years ending after December 31, 2005:

(i) for property on which a bonus depreciation deduction of 30% of the adjusted basis was taken, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

(ii) for property on which a bonus depreciation deduction of 50% of the adjusted basis was taken, "x" equals "y" multiplied by 1.0.

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This subparagraph (T) is exempt from the provisions of Section 250;

(U) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to that addition modification.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to that addition modification.

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The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

This subparagraph (U) is exempt from the provisions of Section 250;

(V) The amount of: (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of such addition modification and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of such addition modification;

(W) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with (i) a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the addition modification required to be made for the same taxable year.
under Section 203(b)(2)(E-12) for interest paid, accrued, or incurred, directly or indirectly, to the same foreign person; and

(X) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with (i) a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the addition modification required to be made for the same taxable year under Section 203(b)(2)(E-13) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person; and -

(FF) An amount equal to the income from insurance premiums taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the addition modification required to be made for the same taxable year under Section 203(a)(2)(D-18) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same person.

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(3) Special rule. For purposes of paragraph (2) (A), "gross income" in the case of a life insurance company, for tax years ending on and after December 31, 1994, shall mean the gross investment income for the taxable year.

c (c) Trusts and estates.

(1) In general. In the case of a trust or estate, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. Subject to the provisions of paragraph (3), the taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) In the case of (i) an estate, $600; (ii) a trust which, under its governing instrument, is required to distribute all of its income currently, $300; and (iii) any other trust, $100, but in each such case, only to the extent such amount was deducted in the computation of taxable income;

(C) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this

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subparagraph (E) exceeded subtraction modifications in such taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(F) For taxable years ending on or after January 1, 1989, an amount equal to the tax deducted pursuant to Section 164 of the Internal Revenue Code if the trust or estate is claiming the same tax for purposes of the Illinois foreign tax credit under Section 601 of this Act;

(G) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income;

(G-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs
that the trust or estate deducted in computing adjusted gross income and for which the trust or estate claims a credit under subsection (l) of Section 201;

(G-10) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(G-11) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (R) with respect to that property.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (R), then an amount equal to that subtraction modification.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(G-12) An amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, (i) for taxable years ending on or after December 31, 2004, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of the foreign person's total business

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activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

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(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or
(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or
(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(G-13) An amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, (i) for taxable

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years ending on or after December 31, 2004, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence shall not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(c)(2)(G-12) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes: (1) expenses, losses, and costs for or related to the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph,
"intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets.

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and

(b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or

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the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(G-14) For taxable years ending on or after December 31, 2008, an amount equal to the amount of insurance premium expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence does not apply to the extent that the same dividends caused a reduction to the addition
modification required under Section 203(a)(2)(D-17) of this Act.

and by deducting from the total so obtained the sum of the following amounts:

(H) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the Internal Revenue Code or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(I) The valuation limitation amount;

(J) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(K) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C), (D), (E), (F) and (G) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State or, for taxable years ending on or after December 31, 2008, of the United States, any treaty of the United States, the Illinois Constitution, or the United States Constitution that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the income interest net of bond premium amortization, and, for taxable years ending on or after December 31, 2008, interest expense incurred on indebtedness to carry the bond or other obligation, expenses incurred in producing the income to be deducted,
and all other related expenses. The amount of expenses to be taken into account under this provision may not exceed the amount of income that is exempted;

(L) With the exception of any amounts subtracted under subparagraph (K), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2) and 265(a)(2) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(M) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act or a River Edge Redevelopment Zone or zones created under the River Edge Redevelopment Zone Act and conducts substantially all of its operations in an Enterprise Zone or Zones or a River Edge Redevelopment Zone or zones. This subparagraph (M) is exempt from the provisions of Section 250;

(N) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(O) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (M) of
paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (O);

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the

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inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250;

(R) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction;

(2) for taxable years ending on or before December 31, 2005, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

(3) for taxable years ending after December 31, 2005:

(i) for property on which a bonus depreciation deduction of 30% of the adjusted basis was taken, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

(ii) for property on which a bonus depreciation deduction of 50% of the adjusted basis was taken, "x" equals "y" multiplied by 1.0.

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus

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depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This subparagraph (R) is exempt from the provisions of Section 250;

(S) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to that addition modification.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

This subparagraph (S) is exempt from the provisions of Section 250;

(T) The amount of (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of such addition modification and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18),

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203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of such addition modification;

(U) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with (i) a foreign person who would be a member of the taxpayer's unitary business group but for the fact the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the addition modification required to be made for the same taxable year under Section 203(c)(2)(G-12) for interest paid, accrued, or incurred, directly or indirectly, to the same foreign person; and

(V) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(c)(2)(G-13) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person; and:

(FF) An amount equal to the income from insurance premiums taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the amount of such addition modification;
business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the addition modification required to be made for the same taxable year under Section 203(a)(2)(D-18) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same person.

(3) Limitation. The amount of any modification otherwise required under this subsection shall, under regulations prescribed by the Department, be adjusted by any amounts included therein which were properly paid, credited, or required to be distributed, or permanently set aside for charitable purposes pursuant to Internal Revenue Code Section 642(c) during the taxable year.

(d) Partnerships.

(1) In general. In the case of a partnership, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income for the taxable year;

(C) The amount of deductions allowed to the partnership pursuant to Section 707 (c) of the Internal Revenue Code in calculating its taxable income;

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code,
to the extent deducted from gross income in the computation of taxable income;

(D-5) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code;

(D-6) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (O) with respect to that property.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (O), then an amount equal to that subtraction modification.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(D-7) An amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, (i) for taxable years ending on or after December 31, 2004, to a foreign person who would be a member of the same unitary business group but for the fact the foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity and (ii) for taxable years ending on or after

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December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

(b) the transaction giving rise to the interest expense between the taxpayer and

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the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act; and

(D-8) An amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, (i) for taxable years ending on or after December 31, 2004, to a foreign person who would be a member of the same unitary

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business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred or accrued. The preceding sentence shall not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(d)(2)(D-7) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes (1) expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications,
trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets;

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

   (a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and

   (b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);
Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(D-9) For taxable years ending on or after December 31, 2008, an amount equal to the amount of insurance premium expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence does not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(a)(2)(D-17) of this Act.

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and by deducting from the total so obtained the following amounts:

(E) The valuation limitation amount;

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C) and (D) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State or, for taxable years ending on or after December 31, 2008, of the United States, any treaty of the United States, the Illinois Constitution, or the United States Constitution that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the income interest net of bond premium amortization, and, for taxable years ending on or after December 31, 2008, interest expense incurred on indebtedness to carry the bond or other obligation, expenses incurred in producing the income to be deducted, and all other related expenses. The amount of expenses to be taken into account under this provision may not exceed the amount of income that is exempted;

(H) Any income of the partnership which constitutes personal service income as defined in Section 1348 (b) (1) of the Internal Revenue Code (as in effect December 31, 1981) or a reasonable allowance for compensation paid or accrued for services rendered by partners to the partnership, whichever is greater;

(I) An amount equal to all amounts of income distributable to an entity subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act including amounts

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distributable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code;

(J) With the exception of any amounts subtracted under subparagraph (G), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, enacted by the 82nd General Assembly, or a River Edge Redevelopment Zone or zones created under the River Edge Redevelopment Zone Act and conducts substantially all of its operations in an Enterprise Zone or Zones or from a River Edge Redevelopment Zone or zones. This subparagraph (K) is exempt from the provisions of Section 250;

(L) An amount equal to any contribution made to a job training project established pursuant to the Real Property Tax Increment Allocation Redevelopment Act;

(M) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of
paragraph (2) of this subsection shall not be eligible for the
deduction provided under this subparagraph (M);

(N) An amount equal to the amount of the deduction
used to compute the federal income tax credit for
restoration of substantial amounts held under claim of right
for the taxable year pursuant to Section 1341 of the Internal
Revenue Code of 1986;

(O) For taxable years 2001 and thereafter, for the
taxable year in which the bonus depreciation deduction is
taken on the taxpayer's federal income tax return under
subsection (k) of Section 168 of the Internal Revenue Code
and for each applicable taxable year thereafter, an amount
equal to "x", where:

(1) "y" equals the amount of the depreciation
deduction taken for the taxable year on the
taxpayer's federal income tax return on property for
which the bonus depreciation deduction was taken
in any year under subsection (k) of Section 168 of
the Internal Revenue Code, but not including the
bonus depreciation deduction;

(2) for taxable years ending on or before
December 31, 2005, "x" equals "y" multiplied by 30
and then divided by 70 (or "y" multiplied by 0.429);
and

(3) for taxable years ending after December
31, 2005:

(i) for property on which a bonus
depreciation deduction of 30% of the
adjusted basis was taken, "x" equals "y"
multiplied by 30 and then divided by 70 (or
"y" multiplied by 0.429); and

(ii) for property on which a bonus
depreciation deduction of 50% of the

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adjusted basis was taken, "x" equals "y" multiplied by 1.0.

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This subparagraph (O) is exempt from the provisions of Section 250;

(P) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to that addition modification.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

This subparagraph (P) is exempt from the provisions of Section 250;

(Q) The amount of (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of such addition modification and

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(ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of such addition modification;

(R) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with (i) a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the addition modification required to be made for the same taxable year under Section 203(d)(2)(D-7) for interest paid, accrued, or incurred, directly or indirectly, to the same foreign person; and

(S) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with (i) a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same
unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the addition modification required to be made for the same taxable year under Section 203(d)(2)(D-8) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person; and -

(FF) An amount equal to the income from insurance premiums taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the addition modification required to be made for the same taxable year under Section 203(a)(2)(D-18) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person.

(e) Gross income; adjusted gross income; taxable income.

(1) In general. Subject to the provisions of paragraph (2) and subsection (b) (3), for purposes of this Section and Section 803(e), a taxpayer's gross income, adjusted gross income, or taxable income for the taxable year shall mean the amount of gross income, adjusted gross income or taxable income properly reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code. Taxable income may be less than zero. However, for taxable years ending on or after December 31, 1986, net operating loss carryforwards from taxable years ending prior to December 31, 1986, may not exceed the sum of federal taxable income for the taxable year.

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before net operating loss deduction, plus the excess of addition modifications over subtraction modifications for the taxable year. For taxable years ending prior to December 31, 1986, taxable income may never be an amount in excess of the net operating loss for the taxable year as defined in subsections (c) and (d) of Section 172 of the Internal Revenue Code, provided that when taxable income of a corporation (other than a Subchapter S corporation), trust, or estate is less than zero and addition modifications, other than those provided by subparagraph (E) of paragraph (2) of subsection (b) for corporations or subparagraph (E) of paragraph (2) of subsection (c) for trusts and estates, exceed subtraction modifications, an addition modification must be made under those subparagraphs for any other taxable year to which the taxable income less than zero (net operating loss) is applied under Section 172 of the Internal Revenue Code or under subparagraph (E) of paragraph (2) of this subsection (e) applied in conjunction with Section 172 of the Internal Revenue Code.

(2) Special rule. For purposes of paragraph (1) of this subsection, the taxable income properly reportable for federal income tax purposes shall mean:

(A) Certain life insurance companies. In the case of a life insurance company subject to the tax imposed by Section 801 of the Internal Revenue Code, life insurance company taxable income, plus the amount of distribution from pre-1984 policyholder surplus accounts as calculated under Section 815a of the Internal Revenue Code;

(B) Certain other insurance companies. In the case of mutual insurance companies subject to the tax imposed by Section 831 of the Internal Revenue Code, insurance company taxable income;

(C) Regulated investment companies. In the case of a regulated investment company subject to the tax imposed by Section 852 of the Internal Revenue Code, investment company taxable income;

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(D) Real estate investment trusts. In the case of a real estate investment trust subject to the tax imposed by Section 857 of the Internal Revenue Code, real estate investment trust taxable income;

(E) Consolidated corporations. In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated income tax return for the taxable year for federal income tax purposes, taxable income determined as if such corporation had filed a separate return for federal income tax purposes for the taxable year and each preceding taxable year for which it was a member of an affiliated group. For purposes of this subparagraph, the taxpayer's separate taxable income shall be determined as if the election provided by Section 243(b)(2) of the Internal Revenue Code had been in effect for all such years;

(F) Cooperatives. In the case of a cooperative corporation or association, the taxable income of such organization determined in accordance with the provisions of Section 1381 through 1388 of the Internal Revenue Code;

(G) Subchapter S corporations. In the case of: (i) a Subchapter S corporation for which there is in effect an election for the taxable year under Section 1362 of the Internal Revenue Code, the taxable income of such corporation determined in accordance with Section 1363(b) of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 1363(b)(1) of the Internal Revenue Code to be separately stated; and (ii) a Subchapter S corporation for which there is in effect a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982, the taxable income of such
corporation determined in accordance with the federal Subchapter S rules as in effect on July 1, 1982; and

(H) Partnerships. In the case of a partnership, taxable income determined in accordance with Section 703 of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 703(a)(1) to be separately stated but which would be taken into account by an individual in calculating his taxable income.

(3) Recapture of business expenses on disposition of asset or business. Notwithstanding any other law to the contrary, if in prior years income from an asset or business has been classified as business income and in a later year is demonstrated to be non-business income, then all expenses, without limitation, deducted in such later year and in the 2 immediately preceding taxable years related to that asset or business that generated the non-business income shall be added back and recaptured as business income in the year of the disposition of the asset or business. Such amount shall be apportioned to Illinois using the greater of the apportionment fraction computed for the business under Section 304 of this Act for the taxable year or the average of the apportionment fractions computed for the business under Section 304 of this Act for the taxable year and for the 2 immediately preceding taxable years.

(f) Valuation limitation amount.

(1) In general. The valuation limitation amount referred to in subsections (a) (2) (G), (c) (2) (I) and (d)(2) (E) is an amount equal to:

(A) The sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of gain reportable under the provisions of Section 1245 or 1250 of the Internal Revenue Code) for all property in respect of which such gain was reported for the taxable year; plus

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(B) The lesser of (i) the sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of capital gain) for all property in respect of which such gain was reported for federal income tax purposes for the taxable year, or (ii) the net capital gain for the taxable year, reduced in either case by any amount of such gain included in the amount determined under subsection (a) (2) (F) or (c) (2) (H).

2) Pre-August 1, 1969 appreciation amount.

(A) If the fair market value of property referred to in paragraph (1) was readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is the lesser of (i) the excess of such fair market value over the taxpayer's basis (for determining gain) for such property on that date (determined under the Internal Revenue Code as in effect on that date), or (ii) the total gain realized and reportable for federal income tax purposes in respect of the sale, exchange or other disposition of such property.

(B) If the fair market value of property referred to in paragraph (1) was not readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is that amount which bears the same ratio to the total gain reported in respect of the property for federal income tax purposes for the taxable year, as the number of full calendar months in that part of the taxpayer's holding period for the property ending July 31, 1969 bears to the number of full calendar months in the taxpayer's entire holding period for the property.

(C) The Department shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.
(g) Double deductions. Unless specifically provided otherwise, nothing in this Section shall permit the same item to be deducted more than once.

(h) Legislative intention. Except as expressly provided by this Section there shall be no modifications or limitations on the amounts of income, gain, loss or deduction taken into account in determining gross income, adjusted gross income or taxable income for federal income tax purposes for the taxable year, or in the amount of such items entering into the computation of base income and net income under this Act for such taxable year, whether in respect of property values as of August 1, 1969 or otherwise.

(Source: P.A. 93-812, eff. 7-26-04; 93-840, eff. 7-30-04; 94-776, eff. 5-19-06; 94-789, eff. 5-19-06; 94-1021, eff. 7-12-06; 94-1074, eff. 12-26-06; revised 1-2-07.)

(35 ILCS 5/205) (from Ch. 120, par. 2-205)

Sec. 205. Exempt organizations.

(a) Charitable, etc. organizations. The base income of an organization which is exempt from the federal income tax by reason of Section 501(a) of the Internal Revenue Code shall not be determined under section 203 of this Act, but shall be its unrelated business taxable income as determined under section 512 of the Internal Revenue Code, without any deduction for the tax imposed by this Act. The standard exemption provided by section 204 of this Act shall not be allowed in determining the net income of an organization to which this subsection applies.

(b) Partnerships. A partnership as such shall not be subject to the tax imposed by subsection 201 (a) and (b) of this Act, but shall be subject to the replacement tax imposed by subsection 201 (c) and (d) of this Act and shall compute its base income as described in subsection (d) of Section 203 of this Act. For taxable years ending on or after December 31, 2004, an investment partnership, as defined in Section 1501(a)(11.5) of this Act, shall not be subject to the tax imposed by subsections (c) and (d) of Section 201 of this Act. A partnership shall file such returns and other information at such time and in such manner as may be required under Article 5 of this Act. The partners in a partnership shall be liable for the

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replacement tax imposed by subsection 201 (c) and (d) of this Act on such partnership, to the extent such tax is not paid by the partnership, as provided under the laws of Illinois governing the liability of partners for the obligations of a partnership. Persons carrying on business as partners shall be liable for the tax imposed by subsection 201 (a) and (b) of this Act only in their separate or individual capacities.

(c) Subchapter S corporations. A Subchapter S corporation shall not be subject to the tax imposed by subsection 201 (a) and (b) of this Act but shall be subject to the replacement tax imposed by subsection 201 (c) and (d) of this Act and shall file such returns and other information at such time and in such manner as may be required under Article 5 of this Act.

(d) Combat zone death. An individual relieved from the federal income tax for any taxable year by reason of section 692 of the Internal Revenue Code shall not be subject to the tax imposed by this Act for such taxable year.

(e) Certain trusts. A common trust fund described in Section 584 of the Internal Revenue Code, and any other trust to the extent that the grantor is treated as the owner thereof under sections 671 through 678 of the Internal Revenue Code shall not be subject to the tax imposed by this Act.

(f) Certain business activities. A person not otherwise subject to the tax imposed by this Act shall not become subject to the tax imposed by this Act by reason of:

(1) that person's ownership of tangible personal property located at the premises of a printer in this State with which the person has contracted for printing, or

(2) activities of the person's employees or agents located solely at the premises of a printer and related to quality control, distribution, or printing services performed by a printer in the State with which the person has contracted for printing.

(g) A nonprofit risk organization that holds a certificate of authority under Article VIID of the Illinois Insurance Code is exempt from the tax imposed under this Act with respect to its activities or operations in

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furtherance of the powers conferred upon it under that Article VIIID of the Illinois Insurance Code.

(Source: P.A. 93-840, eff. 7-30-04; 93-918, eff. 1-1-05; revised 10-25-04.)
(35 ILCS 5/207) (from Ch. 120, par. 2-207)
Sec. 207. Net Losses.

(a) If after applying all of the (i) modifications provided for in paragraph (2) of Section 203(b), paragraph (2) of Section 203(c) and paragraph (2) of Section 203(d) and (ii) the allocation and apportionment provisions of Article 3 of this Act and subsection (c) of this Section, the taxpayer's net income results in a loss;

(1) for any taxable year ending prior to December 31, 1999, such loss shall be allowed as a carryover or carryback deduction in the manner allowed under Section 172 of the Internal Revenue Code;

(2) for any taxable year ending on or after December 31, 1999 and prior to December 31, 2003, such loss shall be allowed as a carryback to each of the 2 taxable years preceding the taxable year of such loss and shall be a net operating loss carryover to each of the 20 taxable years following the taxable year of such loss; and

(3) for any taxable year ending on or after December 31, 2003, such loss shall be allowed as a net operating loss carryover to each of the 12 taxable years following the taxable year of such loss.

(a-5) Election to relinquish carryback and order of application of losses.

(A) For losses incurred in tax years ending prior to December 31, 2003, the taxpayer may elect to relinquish the entire carryback period with respect to such loss. Such election shall be made in the form and manner prescribed by the Department and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year in which such loss is incurred, and such election, once made, shall be irrevocable.

(B) The entire amount of such loss shall be carried to the earliest taxable year to which such loss may be

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carried. The amount of such loss which shall be carried to each of the other taxable years shall be the excess, if any, of the amount of such loss over the sum of the deductions for carryback or carryover of such loss allowable for each of the prior taxable years to which such loss may be carried.

(b) Any loss determined under subsection (a) of this Section must be carried back or carried forward in the same manner for purposes of subsections (a) and (b) of Section 201 of this Act as for purposes of subsections (c) and (d) of Section 201 of this Act.

(c) Notwithstanding any other provision of this Act, for each taxable year ending on or after December 31, 2008, for purposes of computing the loss for the taxable year under subsection (a) of this Section and the deduction taken into account for the taxable year for a net operating loss carryover under paragraphs (1), (2), and (3) of subsection (a) of this Section, the loss and net operating loss carryover shall be reduced in an amount equal to the reduction to the net operating loss and net operating loss carryover to the taxable year, respectively, required under Section 108(b)(2)(A) of the Internal Revenue Code, multiplied by a fraction, the numerator of which is the amount of discharge of indebtedness income that is excluded from gross income for the taxable year (but only if the taxable year ends on or after December 31, 2008) under Section 108(a) of the Internal Revenue Code and that would have been allocated and apportioned to this State under Article 3 of this Act but for that exclusion, and the denominator of which is the total amount of discharge of indebtedness income excluded from gross income under Section 108(a) of the Internal Revenue Code for the taxable year. The reduction required under this subsection (c) shall be made after the determination of Illinois net income for the taxable year in which the indebtedness is discharged.

(Source: P.A. 93-29, eff. 6-20-03.)

(35 ILCS 5/304) (from Ch. 120, par. 3-304)

Sec. 304. Business income of persons other than residents.

(a) In general. The business income of a person other than a resident shall be allocated to this State if such person's business income is
derived solely from this State. If a person other than a resident derives business income from this State and one or more other states, then, for tax years ending on or before December 30, 1998, and except as otherwise provided by this Section, such person's business income shall be apportioned to this State by multiplying the income by a fraction, the numerator of which is the sum of the property factor (if any), the payroll factor (if any) and 200% of the sales factor (if any), and the denominator of which is 4 reduced by the number of factors other than the sales factor which have a denominator of zero and by an additional 2 if the sales factor has a denominator of zero. For tax years ending on or after December 31, 1998, and except as otherwise provided by this Section, persons other than residents who derive business income from this State and one or more other states shall compute their apportionment factor by weighting their property, payroll, and sales factors as provided in subsection (h) of this Section.

(1) Property factor.

(A) The property factor is a fraction, the numerator of which is the average value of the person's real and tangible personal property owned or rented and used in the trade or business in this State during the taxable year and the denominator of which is the average value of all the person's real and tangible personal property owned or rented and used in the trade or business during the taxable year.

(B) Property owned by the person is valued at its original cost. Property rented by the person is valued at 8 times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the person less any annual rental rate received by the person from sub-rentals.

(C) The average value of property shall be determined by averaging the values at the beginning and ending of the taxable year but the Director may require the averaging of monthly values during the taxable year if reasonably required to reflect properly the average value of the person's property.

(2) Payroll factor.

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(A) The payroll factor is a fraction, the numerator of which is the total amount paid in this State during the taxable year by the person for compensation, and the denominator of which is the total compensation paid everywhere during the taxable year.

(B) Compensation is paid in this State if:
   (i) The individual's service is performed entirely within this State;
   (ii) The individual's service is performed both within and without this State, but the service performed without this State is incidental to the individual's service performed within this State; or
   (iii) Some of the service is performed within this State and either the base of operations, or if there is no base of operations, the place from which the service is directed or controlled is within this State, or the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this State.
   (iv) Compensation paid to nonresident professional athletes.

   (a) General. The Illinois source income of a nonresident individual who is a member of a professional athletic team includes the portion of the individual's total compensation for services performed as a member of a professional athletic team during the taxable year which the number of duty days spent within this State performing services for the team in any manner during the taxable year bears to the total number of duty days spent both within and without this State during the taxable year.

   (b) Travel days. Travel days that do not involve either a game, practice, team meeting, or other similar team event are not considered duty days spent in this State. However, such travel days are considered in the total duty days spent both within and without this State.

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(c) Definitions. For purposes of this subpart (iv):

1) The term "professional athletic team" includes, but is not limited to, any professional baseball, basketball, football, soccer, or hockey team.

2) The term "member of a professional athletic team" includes those employees who are active players, players on the disabled list, and any other persons required to travel and who travel with and perform services on behalf of a professional athletic team on a regular basis. This includes, but is not limited to, coaches, managers, and trainers.

3) Except as provided in items (C) and (D) of this subpart (3), the term "duty days" means all days during the taxable year from the beginning of the professional athletic team's official pre-season training period through the last game in which the team competes or is scheduled to compete. Duty days shall be counted for the year in which they occur, including where a team's official pre-season training period through the last game in which the team competes or is scheduled to compete, occurs during more than one tax year.

A) Duty days shall also include days on which a member of a professional athletic team performs service for a team on a date that does not fall within the foregoing period (e.g., participation in instructional leagues, the "All Star Game", or promotional "caravans"). Performing a service for a professional athletic team includes conducting training and rehabilitation activities, when such activities are conducted at team facilities.
(B) Also included in duty days are game days, practice days, days spent at team meetings, promotional caravans, preseason training camps, and days served with the team through all post-season games in which the team competes or is scheduled to compete.

(C) Duty days for any person who joins a team during the period from the beginning of the professional athletic team's official pre-season training period through the last game in which the team competes, or is scheduled to compete, shall begin on the day that person joins the team. Conversely, duty days for any person who leaves a team during this period shall end on the day that person leaves the team. Where a person switches teams during a taxable year, a separate duty-day calculation shall be made for the period the person was with each team.

(D) Days for which a member of a professional athletic team is not compensated and is not performing services for the team in any manner, including days when such member of a professional athletic team has been suspended without pay and prohibited from performing any services for the team, shall not be treated as duty days.

(E) Days for which a member of a professional athletic team is on the disabled list and does not conduct rehabilitation activities at facilities of the team, and is not otherwise performing services for the team

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in Illinois, shall not be considered duty days spent in this State. All days on the disabled list, however, are considered to be included in total duty days spent both within and without this State.

(4) The term "total compensation for services performed as a member of a professional athletic team" means the total compensation received during the taxable year for services performed:

(A) from the beginning of the official pre-season training period through the last game in which the team competes or is scheduled to compete during that taxable year; and

(B) during the taxable year on a date which does not fall within the foregoing period (e.g., participation in instructional leagues, the "All Star Game", or promotional caravans).

This compensation shall include, but is not limited to, salaries, wages, bonuses as described in this subpart, and any other type of compensation paid during the taxable year to a member of a professional athletic team for services performed in that year. This compensation does not include strike benefits, severance pay, termination pay, contract or option year buy-out payments, expansion or relocation payments, or any other payments not related to services performed for the team.

For purposes of this subparagraph, "bonuses" included in "total compensation for services performed as a member of a professional athletic team" subject to the allocation described in

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Section 302(c)(1) are: bonuses earned as a result of play (i.e., performance bonuses) during the season, including bonuses paid for championship, playoff or "bowl" games played by a team, or for selection to all-star league or other honorary positions; and bonuses paid for signing a contract, unless the payment of the signing bonus is not conditional upon the signee playing any games for the team or performing any subsequent services for the team or even making the team, the signing bonus is payable separately from the salary and any other compensation, and the signing bonus is nonrefundable.

(3) Sales factor.

(A) The sales factor is a fraction, the numerator of which is the total sales of the person in this State during the taxable year, and the denominator of which is the total sales of the person everywhere during the taxable year.

(B) Sales of tangible personal property are in this State if:

   (i) The property is delivered or shipped to a purchaser, other than the United States government, within this State regardless of the f. o. b. point or other conditions of the sale; or

   (ii) The property is shipped from an office, store, warehouse, factory or other place of storage in this State and either the purchaser is the United States government or the person is not taxable in the state of the purchaser; provided, however, that premises owned or leased by a person who has independently contracted with the seller for the printing of newspapers, periodicals or books shall not be deemed to be an office, store, warehouse, factory or other place of storage for purposes of this Section. Sales of tangible personal property are not in this State if the seller and purchaser would be members of the same unitary
business group but for the fact that either the seller or purchaser is a person with 80% or more of total business activity outside of the United States and the property is purchased for resale.

(B-1) Patents, copyrights, trademarks, and similar items of intangible personal property.

(i) Gross receipts from the licensing, sale, or other disposition of a patent, copyright, trademark, or similar item of intangible personal property are in this State to the extent the item is utilized in this State during the year the gross receipts are included in gross income.

(ii) Place of utilization.

(I) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If a patent is utilized in more than one state, the extent to which it is utilized in any one state shall be a fraction equal to the gross receipts of the licensee or purchaser from sales or leases of items produced, fabricated, manufactured, or processed within that state using the patent and of patented items produced within that state, divided by the total of such gross receipts for all states in which the patent is utilized.

(II) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If a copyright is utilized in more than one state, the extent to which it is utilized in any one state shall be a fraction equal to the gross receipts from sales or licenses of materials printed or published in that state divided by the total of such gross receipts for all states in which the copyright is utilized.

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(III) Trademarks and other items of intangible personal property governed by this paragraph (B-1) are utilized in the state in which the commercial domicile of the licensee or purchaser is located.

(iii) If the state of utilization of an item of property governed by this paragraph (B-1) cannot be determined from the taxpayer's books and records or from the books and records of any person related to the taxpayer within the meaning of Section 267(b) of the Internal Revenue Code, 26 U.S.C. 267, the gross receipts attributable to that item shall be excluded from both the numerator and the denominator of the sales factor.

(B-2) Gross receipts from the license, sale, or other disposition of patents, copyrights, trademarks, and similar items of intangible personal property may be included in the numerator or denominator of the sales factor only if gross receipts from licenses, sales, or other disposition of such items comprise more than 50% of the taxpayer's total gross receipts included in gross income during the tax year and during each of the 2 immediately preceding tax years; provided that, when a taxpayer is a member of a unitary business group, such determination shall be made on the basis of the gross receipts of the entire unitary business group.

(C) For taxable years ending before December 31, 2008, sales, other than sales governed by paragraphs (B), and (B-1), and (B-2), are in this State if:

(i) The income-producing activity is performed in this State; or

(ii) The income-producing activity is performed both within and without this State and a greater proportion of the income-producing activity is performed within this State than without this State, based on performance costs.

(C-5) For taxable years ending on or after December 31, 2008, sales, other than sales governed by paragraphs (B), (B-1),

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and (B-2), are in this State if the purchaser is in this State or the sale is otherwise attributable to this State's marketplace. The following examples are illustrative:

(i) Sales from the sale or lease of real property are in this State if the property is located in this State.

(ii) Sales from the lease or rental of tangible personal property are in this State if the property is located in this State during the rental period. Sales from the lease or rental of tangible personal property that is characteristically moving property, including, but not limited to, motor vehicles, rolling stock, aircraft, vessels, or mobile equipment are in this State to the extent that the property is used in this State.

(iii) Sales of intangible personal property are in this State if the purchaser realizes benefit from the property in this State. If the purchaser realizes benefit from the property both within and without this State, the gross receipts from the sale shall be divided among those states in which the taxpayer is taxable in proportion to the benefit in each state. If the proportionate benefit in this State cannot be determined, the sale shall be excluded from both the numerator and the denominator of the sales factor.

(iv) Sales of services are in this State if the benefit of the service is realized in this State. If the benefit of the service is realized both within and without this State, the gross receipts from the sale shall be divided among those states in which the taxpayer is taxable in proportion to the benefit of service realized in each state. If the proportionate benefit in this State cannot be determined, the sale shall be excluded from both the numerator and the denominator of the sales factor. The Department may adopt rules prescribing where the benefit of specific types of service, including, but not limited to, telecommunications,
broadcast, cable, advertising, publishing, and utility service, is realized.

(D) For taxable years ending on or after December 31, 1995, the following items of income shall not be included in the numerator or denominator of the sales factor: dividends; amounts included under Section 78 of the Internal Revenue Code; and Subpart F income as defined in Section 952 of the Internal Revenue Code. No inference shall be drawn from the enactment of this paragraph (D) in construing this Section for taxable years ending before December 31, 1995.

(E) Paragraphs (B-1) and (B-2) shall apply to tax years ending on or after December 31, 1999, provided that a taxpayer may elect to apply the provisions of these paragraphs to prior tax years. Such election shall be made in the form and manner prescribed by the Department, shall be irrevocable, and shall apply to all tax years; provided that, if a taxpayer's Illinois income tax liability for any tax year, as assessed under Section 903 prior to January 1, 1999, was computed in a manner contrary to the provisions of paragraphs (B-1) or (B-2), no refund shall be payable to the taxpayer for that tax year to the extent such refund is the result of applying the provisions of paragraph (B-1) or (B-2) retroactively. In the case of a unitary business group, such election shall apply to all members of such group for every tax year such group is in existence, but shall not apply to any taxpayer for any period during which that taxpayer is not a member of such group.

(b) Insurance companies.

(1) In general. Except as otherwise provided by paragraph (2), business income of an insurance company for a taxable year shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the direct premiums written for insurance upon property or risk in this State, and the denominator of which is the direct premiums written for insurance upon property or risk everywhere. For purposes of this subsection, the term "direct premiums written" means the total amount of direct

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premiums written, assessments and annuity considerations as reported for the taxable year on the annual statement filed by the company with the Illinois Director of Insurance in the form approved by the National Convention of Insurance Commissioners or such other form as may be prescribed in lieu thereof.

(2) Reinsurance. If the principal source of premiums written by an insurance company consists of premiums for reinsurance accepted by it, the business income of such company shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the sum of (i) direct premiums written for insurance upon property or risk in this State, plus (ii) premiums written for reinsurance accepted in respect of property or risk in this State, and the denominator of which is the sum of (iii) direct premiums written for insurance upon property or risk everywhere, plus (iv) premiums written for reinsurance accepted in respect of property or risk everywhere. For taxable years ending before December 31, 2008, for purposes of this paragraph, premiums written for reinsurance accepted in respect of property or risk in this State, whether or not otherwise determinable, may, at the election of the company, be determined on the basis of the proportion which premiums written for reinsurance accepted from companies commercially domiciled in Illinois bears to premiums written for reinsurance accepted from all sources, or, alternatively, in the proportion which the sum of the direct premiums written for insurance upon property or risk in this State by each ceding company from which reinsurance is accepted bears to the sum of the total direct premiums written by each such ceding company for the taxable year.

(c) Financial organizations.

(1) In general. For taxable years ending before December 31, 2008, business income of a financial organization shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is its business income from sources within this State, and the denominator of which is its
business income from all sources. For the purposes of this subsection, the business income of a financial organization from sources within this State is the sum of the amounts referred to in subparagraphs (A) through (E) following, but excluding the adjusted income of an international banking facility as determined in paragraph (2):

(A) Fees, commissions or other compensation for financial services rendered within this State;

(B) Gross profits from trading in stocks, bonds or other securities managed within this State;

(C) Dividends, and interest from Illinois customers, which are received within this State;

(D) Interest charged to customers at places of business maintained within this State for carrying debit balances of margin accounts, without deduction of any costs incurred in carrying such accounts; and

(E) Any other gross income resulting from the operation as a financial organization within this State. In computing the amounts referred to in paragraphs (A) through (E) of this subsection, any amount received by a member of an affiliated group (determined under Section 1504(a) of the Internal Revenue Code but without reference to whether any such corporation is an "includible corporation" under Section 1504(b) of the Internal Revenue Code) from another member of such group shall be included only to the extent such amount exceeds expenses of the recipient directly related thereto.

(2) International Banking Facility. For taxable years ending before December 31, 2008:

(A) Adjusted Income. The adjusted income of an international banking facility is its income reduced by the amount of the floor amount.

(B) Floor Amount. The floor amount shall be the amount, if any, determined by multiplying the income of
the international banking facility by a fraction, not greater than one, which is determined as follows:

(i) The numerator shall be:

The average aggregate, determined on a quarterly basis, of the financial organization's loans to banks in foreign countries, to foreign domiciled borrowers (except where secured primarily by real estate) and to foreign governments and other foreign official institutions, as reported for its branches, agencies and offices within the state on its "Consolidated Report of Condition", Schedule A, Lines 2.c., 5.b., and 7.a., which was filed with the Federal Deposit Insurance Corporation and other regulatory authorities, for the year 1980, minus

The average aggregate, determined on a quarterly basis, of such loans (other than loans of an international banking facility), as reported by the financial institution for its branches, agencies and offices within the state, on the corresponding Schedule and lines of the Consolidated Report of Condition for the current taxable year, provided, however, that in no case shall the amount determined in this clause (the subtrahend) exceed the amount determined in the preceding clause (the minuend); and

(ii) the denominator shall be the average aggregate, determined on a quarterly basis, of the international banking facility's loans to banks in foreign countries, to foreign domiciled borrowers (except where secured primarily by real estate) and to foreign governments and other foreign official institutions, which were recorded in its financial accounts for the current taxable year.

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(C) Change to Consolidated Report of Condition and in Qualification. In the event the Consolidated Report of Condition which is filed with the Federal Deposit Insurance Corporation and other regulatory authorities is altered so that the information required for determining the floor amount is not found on Schedule A, lines 2.c., 5.b. and 7.a., the financial institution shall notify the Department and the Department may, by regulations or otherwise, prescribe or authorize the use of an alternative source for such information. The financial institution shall also notify the Department should its international banking facility fail to qualify as such, in whole or in part, or should there be any amendment or change to the Consolidated Report of Condition, as originally filed, to the extent such amendment or change alters the information used in determining the floor amount.

(3) For taxable years ending on or after December 31, 2008, the business income of a financial organization shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is its gross receipts from sources in this State or otherwise attributable to this State's marketplace and the denominator of which is its gross receipts everywhere during the taxable year. "Gross receipts" for purposes of this subparagraph (3) means gross income, including net taxable gain on disposition of assets, including securities and money market instruments, when derived from transactions and activities in the regular course of the financial organization's trade or business. If a person derives business income from activities in addition to the provision of financial services, this subparagraph (3) shall apply only to its business income from financial services, and its other business income shall be apportioned to this State under the applicable provisions of this Section. The following examples are illustrative:

(i) Receipts from the lease or rental of real or tangible personal property are in this State if the property
is located in this State during the rental period. Receipts from the lease or rental of tangible personal property that is characteristically moving property, including, but not limited to, motor vehicles, rolling stock, aircraft, vessels, or mobile equipment are from sources in this State to the extent that the property is used in this State.

(ii) Interest income, commissions, fees, gains on disposition, and other receipts from assets in the nature of loans that are secured primarily by real estate or tangible personal property are from sources in this State if the security is located in this State.

(iii) Interest income, commissions, fees, gains on disposition, and other receipts from consumer loans that are not secured by real or tangible personal property are from sources in this State if the debtor is a resident of this State.

(iv) Interest income, commissions, fees, gains on disposition, and other receipts from commercial loans and installment obligations that are not secured by real or tangible personal property are from sources in this State if the proceeds of the loan are to be applied in this State. If it cannot be determined where the funds are to be applied, the income and receipts are from sources in this State if the office of the borrower from which the loan was negotiated in the regular course of business is located in this State. If the location of this office cannot be determined, the income and receipts shall be excluded from the numerator and denominator of the sales factor.

(v) Interest income, fees, gains on disposition, service charges, merchant discount income, and other receipts from credit card receivables are from sources in this State if the card charges are regularly billed to a customer in this State.
(vi) Receipts from the performance of services, including, but not limited to, fiduciary, advisory, and brokerage services, are in this State if the benefit of the service is realized in this State. If the benefit of the service is realized both within and without this State, the gross receipts from the sale shall be divided among those states in which the taxpayer is taxable in proportion to the benefit of service realized in each state. If the proportionate benefit in this State cannot be determined, the sale shall be excluded from both the numerator and the denominator of the gross receipts factor.

(vii) Receipts from the issuance of travelers checks and money orders are from sources in this State if the checks and money orders are issued from a location within this State.

(viii) In the case of a financial organization that accepts deposits, receipts from investments and from money market instruments are apportioned to this State based on the ratio that the total deposits of the financial organization (including all members of the financial organization’s unitary group) from this State, its residents, (including businesses with an office or other place of business in this State), and its political subdivisions, agencies, and instrumentalities bear to total deposits everywhere. For purposes of this subdivision, deposits must be attributed to this State under the preceding sentence, whether or not the deposits are accepted or maintained by the financial organization at locations within this State. In the case of a financial organization that does not accept deposits, receipts from investments in securities and from money market instruments shall be excluded from the numerator and the denominator of the gross receipts factor.

(4) As used in subparagraph (3), “deposit” includes but is not limited to:

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(i) the unpaid balance of money or its equivalent received or held by a financial institution in the usual course of business and for which it has given or is obligated to give credit, either conditionally or unconditionally, to a commercial, checking, savings, time, or thrift account whether or not advance notice is required to withdraw the credited funds, or which is evidenced by its certificate of deposit, thrift certificate, investment certificate, or certificate of indebtedness, or other similar name, or a check or draft drawn against a deposit account and certified by the financial organization, or a letter of credit or a traveler's check on which the financial organization is primarily liable. However, without limiting the generality of the term "money or its equivalent", any such account or instrument must be regarded as evidencing the receipt of the equivalent of money when credited or issued in exchange for checks or drafts or for a promissory note upon which the person obtaining the credit or instrument is primarily or secondarily liable, or for a charge against a deposit account, or in settlement of checks, drafts, or other instruments forwarded to the bank for collection;

(ii) trust funds received or held by the financial organization, whether held in the trust department or held or deposited in any other department of the financial organization;

(iii) money received or held by a financial organization, or the credit given for money or its equivalent received or held by a financial organization, in the usual course of business for a special or specific purpose, regardless of the legal relationship so established. Under this paragraph, "deposit" includes, but is not limited to, escrow funds, funds held as security for an obligation due to the financial organization or others, including funds held

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as dealers reserves, or for securities loaned by the financial organization, funds deposited by a debtor to meet maturing obligations, funds deposited as advance payment on subscriptions to United States government securities, funds held for distribution or purchase of securities, funds held to meet its acceptances or letters of credit, and withheld taxes. It does not include funds received by the financial organization for immediate application to the reduction of an indebtedness to the receiving financial organization, or under condition that the receipt of the funds immediately reduces or extinguishes the indebtedness;

(iv) outstanding drafts, including advice of another financial organization, cashier’s checks, money orders, or other officer’s checks issued in the usual course of business for any purpose, but not including those issued in payment for services, dividends, or purchases or other costs or expenses of the financial organization itself; and

(v) money or its equivalent held as a credit balance by a financial organization on behalf of its customer if the entity is engaged in soliciting and holding such balances in the regular course of its business.

(5) As used in subparagraph (3), "money market instruments" includes but is not limited to:

(i) Interest-bearing deposits, federal funds sold and securities purchased under agreements to resell, commercial paper, banker's acceptances, and purchased certificates of deposit and similar instruments to the extent that the instruments are reflected as assets under generally accepted accounting principles.

"Securities" means corporate stock, bonds, and other securities (including, for purposes of taxation of gains on securities and for purchases under agreements to resell, United States Treasury securities, obligations of United States government agencies and corporations,

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obligations of state and political subdivisions, the interest on which is exempt from Illinois income tax), participations in securities backed by mortgages held by United States or state government agencies, loan-backed securities, and similar investments to the extent the investments are reflected as assets under generally accepted accounting principles.

(ii) For purposes of subparagraph (3), "money market instruments" shall include investments in investment partnerships, trusts, pools, funds, investment companies, or any similar entity in proportion to the investment of the entity in money market instruments, and "securities" shall include investments in investment partnerships, trusts, pools, funds, investment companies, or any similar entity in proportion to the investment of the entity in securities.

(d) Transportation services. For taxable years ending before December 31, 2008, business income derived from furnishing transportation services shall be apportioned to this State in accordance with paragraphs (1) and (2):

(1) Such business income (other than that derived from transportation by pipeline) shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the revenue miles of the person in this State, and the denominator of which is the revenue miles of the person everywhere. For purposes of this paragraph, a revenue mile is the transportation of 1 passenger or 1 net ton of freight the distance of 1 mile for a consideration. Where a person is engaged in the transportation of both passengers and freight, the fraction above referred to shall be determined by means of an average of the passenger revenue mile fraction and the freight revenue mile fraction, weighted to reflect the person's relative railway operating income from total passenger and total freight service, as reported to the
Interstate Commerce Commission, in the case of transportation by railroad, and

(B) relative gross receipts from passenger and freight transportation, in case of transportation other than by railroad.

(2) Such business income derived from transportation by pipeline shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the revenue miles of the person in this State, and the denominator of which is the revenue miles of the person everywhere. For the purposes of this paragraph, a revenue mile is the transportation by pipeline of 1 barrel of oil, 1,000 cubic feet of gas, or of any specified quantity of any other substance, the distance of 1 mile for a consideration.

(3) For taxable years ending on or after December 31, 2008, business income derived from providing transportation services other than airline services shall be apportioned to this State by using a fraction, (a) the numerator of which shall be (i) all receipts from any movement or shipment of people, goods, mail, oil, gas, or any other substance (other than by airline) that both originates and terminates in this State, plus (ii) that portion of the person's gross receipts from movements or shipments of people, goods, mail, oil, gas, or any other substance (other than by airline) passing through, into, or out of this State, that is determined by the ratio that the miles traveled in this State bears to total miles from point of origin to point of destination and (b) the denominator of which shall be all revenue derived from the movement or shipment of people, goods, mail, oil, gas, or any other substance (other than by airline). If a person derives business income from activities in addition to the provision of transportation services (other than by airline), this subsection shall apply only to its business income from transportation services and its other business income shall be apportioned to this State according to the applicable provisions of this Section.
(4) For taxable years ending on or after December 31, 2008, business income derived from providing airline services shall be apportioned to this State by using a fraction, (a) the numerator of which shall be arrivals of aircraft to and departures from this State weighted as to cost of aircraft by type and (b) the denominator of which shall be total arrivals and departures of aircraft weighted as to cost of aircraft by type. If a person derives business income from activities in addition to the provision of airline services, this subsection shall apply only to its business income from airline services and its other business income shall be apportioned to this State under the applicable provisions of this Section.

(e) Combined apportionment. Where 2 or more persons are engaged in a unitary business as described in subsection (a)(27) of Section 1501, a part of which is conducted in this State by one or more members of the group, the business income attributable to this State by any such member or members shall be apportioned by means of the combined apportionment method.

(f) Alternative allocation. If the allocation and apportionment provisions of subsections (a) through (e) and of subsection (h) do not fairly represent the extent of a person's business activity in this State, the person may petition for, or the Director may, without a petition, permit or require, in respect of all or any part of the person's business activity, if reasonable:

(1) Separate accounting;
(2) The exclusion of any one or more factors;
(3) The inclusion of one or more additional factors which will fairly represent the person's business activities in this State; or
(4) The employment of any other method to effectuate an equitable allocation and apportionment of the person's business income.

(g) Cross reference. For allocation of business income by residents, see Section 301(a).

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(h) For tax years ending on or after December 31, 1998, the apportionment factor of persons who apportion their business income to this State under subsection (a) shall be equal to:

(1) for tax years ending on or after December 31, 1998 and before December 31, 1999, 16 2/3% of the property factor plus 16 2/3% of the payroll factor plus 66 2/3% of the sales factor;

(2) for tax years ending on or after December 31, 1999 and before December 31, 2000, 8 1/3% of the property factor plus 8 1/3% of the payroll factor plus 83 1/3% of the sales factor;

(3) for tax years ending on or after December 31, 2000, the sales factor.

If, in any tax year ending on or after December 31, 1998 and before December 31, 2000, the denominator of the payroll, property, or sales factor is zero, the apportionment factor computed in paragraph (1) or (2) of this subsection for that year shall be divided by an amount equal to 100% minus the percentage weight given to each factor whose denominator is equal to zero.

(Source: P.A. 94-247, eff. 1-1-06.)

(35 ILCS 5/502) (from Ch. 120, par. 5-502)
Sec. 502. Returns and notices.
(a) In general. A return with respect to the taxes imposed by this Act shall be made by every person for any taxable year:

(1) for which such person is liable for a tax imposed by this Act, or

(2) in the case of a resident or in the case of a corporation which is qualified to do business in this State, for which such person is required to make a federal income tax return, regardless of whether such person is liable for a tax imposed by this Act. However, this paragraph shall not require a resident to make a return if such person has an Illinois base income of the basic amount in Section 204(b) or less and is either claimed as a dependent on another person's tax return under the Internal Revenue Code of 1986, or is claimed as a dependent on another person's tax return under this Act.

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Notwithstanding the provisions of paragraph (1), a nonresident whose Illinois income tax liability under subsections (a), (b), (c), and (d) of Section 201 of this Act is paid in full after taking into account the credits allowed under subsection (f) of this Section or allowed under Section 709.5 of this Act shall not be required to file a return under this subsection (a).

(b) Fiduciaries and receivers.

(1) Decedents. If an individual is deceased, any return or notice required of such individual under this Act shall be made by his executor, administrator, or other person charged with the property of such decedent.

(2) Individuals under a disability. If an individual is unable to make a return or notice required under this Act, the return or notice required of such individual shall be made by his duly authorized agent, guardian, fiduciary or other person charged with the care of the person or property of such individual.

(3) Estates and trusts. Returns or notices required of an estate or a trust shall be made by the fiduciary thereof.

(4) Receivers, trustees and assignees for corporations. In a case where a receiver, trustee in bankruptcy, or assignee, by order of a court of competent jurisdiction, by operation of law, or otherwise, has possession of or holds title to all or substantially all the property or business of a corporation, whether or not such property or business is being operated, such receiver, trustee, or assignee shall make the returns and notices required of such corporation in the same manner and form as corporations are required to make such returns and notices.

(c) Joint returns by husband and wife.

(1) Except as provided in paragraph (3), if a husband and wife file a joint federal income tax return for a taxable year they shall file a joint return under this Act for such taxable year and their liabilities shall be joint and several, but if the federal income tax liability of either spouse is determined on a separate federal income tax return, they shall file separate returns under this Act.
(2) If neither spouse is required to file a federal income tax return and either or both are required to file a return under this Act, they may elect to file separate or joint returns and pursuant to such election their liabilities shall be separate or joint and several.

(3) If either husband or wife is a resident and the other is a nonresident, they shall file separate returns in this State on such forms as may be required by the Department in which event their tax liabilities shall be separate; but they may elect to determine their joint net income and file a joint return as if both were residents and in such case, their liabilities shall be joint and several.

(4) Innocent spouses.

(A) However, for tax liabilities arising and paid prior to August 13, 1999, an innocent spouse shall be relieved of liability for tax (including interest and penalties) for any taxable year for which a joint return has been made, upon submission of proof that the Internal Revenue Service has made a determination under Section 6013(e) of the Internal Revenue Code, for the same taxable year, which determination relieved the spouse from liability for federal income taxes. If there is no federal income tax liability at issue for the same taxable year, the Department shall rely on the provisions of Section 6013(e) to determine whether the person requesting innocent spouse abatement of tax, penalty, and interest is entitled to that relief.

(B) For tax liabilities arising on and after August 13, 1999 or which arose prior to that date, but remain unpaid as of that date, if an individual who filed a joint return for any taxable year has made an election under this paragraph, the individual's liability for any tax shown on the joint return shall not exceed the individual's separate return amount and the individual's liability for any deficiency assessed for that taxable year shall not exceed

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the portion of the deficiency properly allocable to the individual. For purposes of this paragraph:

(i) An election properly made pursuant to Section 6015 of the Internal Revenue Code shall constitute an election under this paragraph, provided that the election shall not be effective until the individual has notified the Department of the election in the form and manner prescribed by the Department.

(ii) If no election has been made under Section 6015, the individual may make an election under this paragraph in the form and manner prescribed by the Department, provided that no election may be made if the Department finds that assets were transferred between individuals filing a joint return as part of a scheme by such individuals to avoid payment of Illinois income tax and the election shall not eliminate the individual's liability for any portion of a deficiency attributable to an error on the return of which the individual had actual knowledge as of the date of filing.

(iii) In determining the separate return amount or portion of any deficiency attributable to an individual, the Department shall follow the provisions in subsections (c) and (d) of Section 6015 of the Internal Revenue Code.

(iv) In determining the validity of an individual's election under subparagraph (ii) and in determining an electing individual's separate return amount or portion of any deficiency under subparagraph (iii), any determination made by the Secretary of the Treasury, by the United States Tax Court on petition for review of a determination by the Secretary of the Treasury, or on appeal from the

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United States Tax Court under Section 6015 of the Internal Revenue Code regarding criteria for eligibility or under subsection (d) of Section 6015 of the Internal Revenue Code regarding the allocation of any item of income, deduction, payment, or credit between an individual making the federal election and that individual's spouse shall be conclusively presumed to be correct. With respect to any item that is not the subject of a determination by the Secretary of the Treasury or the federal courts, in any proceeding involving this subsection, the individual making the election shall have the burden of proof with respect to any item except that the Department shall have the burden of proof with respect to items in subdivision (ii).

(v) Any election made by an individual under this subsection shall apply to all years for which that individual and the spouse named in the election have filed a joint return.

(vi) After receiving a notice that the federal election has been made or after receiving an election under subdivision (ii), the Department shall take no collection action against the electing individual for any liability arising from a joint return covered by the election until the Department has notified the electing individual in writing that the election is invalid or of the portion of the liability the Department has allocated to the electing individual. Within 60 days (150 days if the individual is outside the United States) after the issuance of such notification, the individual may file a written protest of the denial of the election or of the Department's determination of the liability allocated to him or her and shall be granted a hearing within the
Department under the provisions of Section 908. If a protest is filed, the Department shall take no collection action against the electing individual until the decision regarding the protest has become final under subsection (d) of Section 908 or, if administrative review of the Department's decision is requested under Section 1201, until the decision of the court becomes final.

(d) Partnerships. Every partnership having any base income allocable to this State in accordance with section 305(c) shall retain information concerning all items of income, gain, loss and deduction; the names and addresses of all of the partners, or names and addresses of members of a limited liability company, or other persons who would be entitled to share in the base income of the partnership if distributed; the amount of the distributive share of each; and such other pertinent information as the Department may by forms or regulations prescribe. The partnership shall make that information available to the Department when requested by the Department.

(e) For taxable years ending on or after December 31, 1985, and before December 31, 1993, taxpayers that are corporations (other than Subchapter S corporations) having the same taxable year and that are members of the same unitary business group may elect to be treated as one taxpayer for purposes of any original return, amended return which includes the same taxpayers of the unitary group which joined in the election to file the original return, extension, claim for refund, assessment, collection and payment and determination of the group's tax liability under this Act. This subsection (e) does not permit the election to be made for some, but not all, of the purposes enumerated above. For taxable years ending on or after December 31, 1987, corporate members (other than Subchapter S corporations) of the same unitary business group making this subsection (e) election are not required to have the same taxable year.

For taxable years ending on or after December 31, 1993, taxpayers that are corporations (other than Subchapter S corporations) and that are members of the same unitary business group shall be treated as one
taxpayer for purposes of any original return, amended return which includes the same taxpayers of the unitary group which joined in filing the original return, extension, claim for refund, assessment, collection and payment and determination of the group's tax liability under this Act.

(f) The Department may promulgate regulations to permit nonresident individual partners of the same partnership, nonresident Subchapter S corporation shareholders of the same Subchapter S corporation, and nonresident individuals transacting an insurance business in Illinois under a Lloyds plan of operation, and nonresident individual members of the same limited liability company that is treated as a partnership under Section 1501 (a)(16) of this Act, to file composite individual income tax returns reflecting the composite income of such individuals allocable to Illinois and to make composite individual income tax payments. The Department may by regulation also permit such composite returns to include the income tax owed by Illinois residents attributable to their income from partnerships, Subchapter S corporations, insurance businesses organized under a Lloyds plan of operation, or limited liability companies that are treated as partnership under Section 1501(a)(16) of this Act, in which case such Illinois residents will be permitted to claim credits on their individual returns for their shares of the composite tax payments. This paragraph of subsection (f) applies to taxable years ending on or after December 31, 1987.

For taxable years ending on or after December 31, 1999, the Department may, by regulation, also permit any persons transacting an insurance business organized under a Lloyds plan of operation to file composite returns reflecting the income of such persons allocable to Illinois and the tax rates applicable to such persons under Section 201 and to make composite tax payments and shall, by regulation, also provide that the income and apportionment factors attributable to the transaction of an insurance business organized under a Lloyds plan of operation by any person joining in the filing of a composite return shall, for purposes of allocating and apportioning income under Article 3 of this Act and computing net income under Section 202 of this Act, be excluded from any other income and apportionment factors of that person or of any

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unitary business group, as defined in subdivision (a)(27) of Section 1501, to which that person may belong.

For taxable years ending on or after December 31, 2008, every nonresident shall be allowed a credit against his or her liability under subsections (a) and (b) of Section 201 for any amount of tax reported on a composite return and paid on his or her behalf under this subsection (f). Residents (other than persons transacting an insurance business organized under a Lloyds plan of operation) may claim a credit for taxes reported on a composite return and paid on their behalf under this subsection (f) only as permitted by the Department by rule.

(f-5) For taxable years ending on or after December 31, 2008, the Department may adopt rules to provide that, when a partnership or Subchapter S corporation has made an error in determining the amount of any item of income, deduction, addition, subtraction, or credit required to be reported on its return that affects the liability imposed under this Act on a partner or shareholder, the partnership or Subchapter S corporation may report the changes in liabilities of its partners or shareholders and claim a refund of the resulting overpayments, or pay the resulting underpayments, on behalf of its partners and shareholders.

(g) The Department may adopt rules to authorize the electronic filing of any return required to be filed under this Section.

(Source: P.A. 94-1074, eff. 12-26-06.)

(35 ILCS 5/709.5 new)

Sec. 709.5. Withholding by partnerships, Subchapter S corporations, and trusts.

(a) In general. For each taxable year ending on or after December 31, 2008, every partnership (other than a publicly traded partnership under Section 7704 of the Internal Revenue Code), Subchapter S corporation, and trust must withhold from each nonresident partner, shareholder, or beneficiary (other than a partner, shareholder, or beneficiary included on a composite return filed by the partnership or Subchapter S corporation for the taxable year under subsection (f) of Section 502 of this Act) an amount equal to the distributable share of the business income of the partnership, Subchapter S corporation, or trust

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apportionable to Illinois of that partner, shareholder, or beneficiary under Sections 702 and 704 and Subchapter S of the Internal Revenue Code, whether or not distributed, multiplied by the applicable rates of tax for that partner or shareholder under subsections (a) through (d) of Section 201 of this Act.

(b) Credit for taxes withheld. Any amount withheld under subsection (a) of this Section and paid to the Department shall be treated as a payment of the estimated tax liability or of the liability for withholding under this Section of the partner, shareholder, or beneficiary to whom the income is distributable for the taxable year in which that person incurred a liability under this Act with respect to that income.

(35 ILCS 5/711) (from Ch. 120, par. 7-711)

Sec. 711. Payor's Return and Payment of Tax Withheld. (a) In general. Every payor required to deduct and withhold tax under Section 710 (and until January 1, 1989, Sections 708 and 709) shall be subject to the same reporting requirements regarding taxes withheld and the same monthly and quarterly (weekly) payment requirements as an employer subject to the provisions of Section 701. For purposes of monthly and quarterly (weekly) payments, the total tax withheld under Sections 701, 708, 709, and 710 shall be considered in the aggregate.

(a-5) Every partnership, Subchapter S corporation, or trust required to withhold tax under Section 709.5 shall report the amounts withheld and the partners, shareholders, or beneficiaries from whom the amounts were withheld, and pay over the amount withheld, no later than the due date (without regard to extensions) of the tax return of the partnership, Subchapter S corporation, or trust for the taxable year.

(b) Information statement. Every payor required to deduct and withhold tax under Section 710 (and until January 1, 1989, Sections 708 and 709) shall furnish in duplicate to each party entitled to the credit for such withholding under subsection (b) of Section 709.5 (c) of Section 708, subsection (e) of Section 709, and subsection (b) of Section 710, respectively, on or before January 31 of the succeeding calendar year for amounts withheld under Section 710 or the due date (without regard to extensions) of the return of the partnership, Subchapter S corporation, or
trust for the taxable year for amounts withheld under Section 709.5 for the taxable year, a written statement in such form as the Department may by regulation prescribe showing the amount of the payments, the amount deducted and withheld as tax, and such other information as the Department may prescribe. A copy of such statement shall be filed by the party entitled to the credit for the withholding under subsection (b) of Section 709.5 (c) of Section 708, subsection (c) of Section 709, or subsection (b) of Section 710 with his return for the taxable year to which it relates.

(Source: P.A. 85-299; 85-982.)

(35 ILCS 5/712) (from Ch. 120, par. 7-712)

Sec. 712. Payor's Liability For Withheld Taxes. Every payor who deducts and withholds or is required to deduct and withhold tax under Sections 709.5 or Section 710 (and until January 1, 1989, Sections 708 and 709) is liable for such tax. For purposes of assessment and collection, any amount withheld or required to be withheld and paid over to the Department, and any penalties and interest with respect thereto, shall be considered the tax of the payor. Any amount of tax actually deducted and withheld under Sections 709.5 or Section 710 (and until January 1, 1989, Sections 708 and 709) shall be held to be a special fund in trust for the Department. No payee shall have any right of action against his payor in respect of any money deducted and withheld and paid over to the Department in compliance or in intended compliance with Sections 709.5 or Section 710 (and until January 1, 1989, Sections 708 and 709).

(Source: P.A. 85-299; 85-982.)

(35 ILCS 5/713) (from Ch. 120, par. 7-713)

Sec. 713. Payor's Failure To Withhold. If a payor fails to deduct and withhold any amount of tax as required under Sections 709.5 or Section 710 (and until January 1, 1989, Sections 708 and 709) and thereafter the tax on account of which such amount was required to be deducted and withheld is paid, such amount of tax shall not be collected from the payor, but the payor shall not be relieved from liability for penalties or interest otherwise applicable in respect of such failure to deduct and withhold. For purposes of this Section, the tax on account of

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which an amount is required to be deducted and withheld is the tax of the
individual or individuals who are entitled to a credit under subsection (b)
of Section 709.5 (c) of Section 708, subsection (c) of Section 709, or
subsection (b) of Section 710 for the withheld tax.
(Source: P.A. 85-299; 85-982.)
(35 ILCS 5/804) (from Ch. 120, par. 8-804)
Sec. 804. Failure to Pay Estimated Tax.
(a) In general. In case of any underpayment of estimated tax by a
taxpayer, except as provided in subsection (d) or (e), the taxpayer shall be
liable to a penalty in an amount determined at the rate prescribed by
Section 3-3 of the Uniform Penalty and Interest Act upon the amount of
the underpayment (determined under subsection (b)) for each required
installment.
(b) Amount of underpayment. For purposes of subsection (a), the
amount of the underpayment shall be the excess of:
(1) the amount of the installment which would be required
to be paid under subsection (c), over
(2) the amount, if any, of the installment paid on or before
the last date prescribed for payment.
(c) Amount of Required Installments.
(1) Amount.
(A) In General. Except as provided in paragraph (2),
the amount of any required installment shall be 25% of the
required annual payment.
(B) Required Annual Payment. For purposes of
subparagraph (A), the term "required annual payment"
means the lesser of
(i) 90% of the tax shown on the return for
the taxable year, or if no return is filed, 90% of the
tax for such year, or
(ii) 100% of the tax shown on the return of
the taxpayer for the preceding taxable year if a
return showing a liability for tax was filed by the

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taxpayer for the preceding taxable year and such preceding year was a taxable year of 12 months.

(2) Lower Required Installment where Annualized Income Installment is Less Than Amount Determined Under Paragraph (1).

(A) In General. In the case of any required installment if a taxpayer establishes that the annualized income installment is less than the amount determined under paragraph (1),

(i) the amount of such required installment shall be the annualized income installment, and

(ii) any reduction in a required installment resulting from the application of this subparagraph shall be recaptured by increasing the amount of the next required installment determined under paragraph (1) by the amount of such reduction, and by increasing subsequent required installments to the extent that the reduction has not previously been recaptured under this clause.

(B) Determination of Annualized Income Installment. In the case of any required installment, the annualized income installment is the excess, if any, of

(i) an amount equal to the applicable percentage of the tax for the taxable year computed by placing on an annualized basis the net income for months in the taxable year ending before the due date for the installment, over

(ii) the aggregate amount of any prior required installments for the taxable year.

(C) Applicable Percentage.

In the case of the following required installments: The applicable percentage is:

1st ...................... 22.5%
2nd ...................... 45%

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(D) Annualized Net Income; Individuals. For individuals, net income shall be placed on an annualized basis by:

(i) multiplying by 12, or in the case of a taxable year of less than 12 months, by the number of months in the taxable year, the net income computed without regard to the standard exemption for the months in the taxable year ending before the month in which the installment is required to be paid;

(ii) dividing the resulting amount by the number of months in the taxable year ending before the month in which such installment date falls; and

(iii) deducting from such amount the standard exemption allowable for the taxable year, such standard exemption being determined as of the last date prescribed for payment of the installment.

(E) Annualized Net Income; Corporations. For corporations, net income shall be placed on an annualized basis by multiplying by 12 the taxable income

(i) for the first 3 months of the taxable year, in the case of the installment required to be paid in the 4th month,

(ii) for the first 3 months or for the first 5 months of the taxable year, in the case of the installment required to be paid in the 6th month,

(iii) for the first 6 months or for the first 8 months of the taxable year, in the case of the installment required to be paid in the 9th month, and

(iv) for the first 9 months or for the first 11 months of the taxable year, in the case of the
installment required to be paid in the 12th month of the taxable year,
then dividing the resulting amount by the number of months in the taxable year (3, 5, 6, 8, 9, or 11 as the case may be).

(d) Exceptions. Notwithstanding the provisions of the preceding subsections, the penalty imposed by subsection (a) shall not be imposed if the taxpayer was not required to file an Illinois income tax return for the preceding taxable year, or, for individuals, if the taxpayer had no tax liability for the preceding taxable year and such year was a taxable year of 12 months. The penalty imposed by subsection (a) shall also not be imposed on any underpayments of estimated tax due before the effective date of this amendatory Act of 1998 which underpayments are solely attributable to the change in apportionment from subsection (a) to subsection (h) of Section 304. The provisions of this amendatory Act of 1998 apply to tax years ending on or after December 31, 1998.

(e) The penalty imposed for underpayment of estimated tax by subsection (a) of this Section shall not be imposed to the extent that the Director or his or her designee determines, pursuant to Section 3-8 of the Uniform Penalty and Interest Act that the penalty should not be imposed.

(f) Definition of tax. For purposes of subsections (b) and (c), the term "tax" means the excess of the tax imposed under Article 2 of this Act, over the amounts credited against such tax under Sections 601(b) (3) and (4).

(g) Application of Section in case of tax withheld under Article 7 on compensation. For purposes of applying this Section:

(1) in the case of an individual, tax withheld from compensation under Article 7 for the taxable year shall be deemed a payment of estimated tax, and an equal part of such amount shall be deemed paid on each installment date for such taxable year, unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case the amounts so withheld shall be
deemed payments of estimated tax on the dates on which such amounts were actually withheld;

(2) amounts timely paid by a partnership, Subchapter S corporation, or trust on behalf of a partner, shareholder, or beneficiary pursuant to subsection (f) of Section 502 or Section 709.5 and claimed as a payment of estimated tax shall be deemed a payment of estimated tax made on the last day of the taxable year of the partnership, Subchapter S corporation, or trust for which the income from the withholding is made was computed; and

(3) all other amounts pursuant to Article 7 shall be deemed a payment of estimated tax on the date the payment is made to the taxpayer of the amount from which the tax is withheld.

(g-5) Amounts withheld under the State Salary and Annuity Withholding Act. An individual who has amounts withheld under paragraph (10) of Section 4 of the State Salary and Annuity Withholding Act may elect to have those amounts treated as payments of estimated tax made on the dates on which those amounts are actually withheld.

(i) Short taxable year. The application of this Section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Department.

The changes in this Section made by Public Act 84-127 shall apply to taxable years ending on or after January 1, 1986.

(Source: P.A. 90-448, eff. 8-16-97; 90-613, eff. 7-9-98.)

(35 ILCS 5/911) (from Ch. 120, par. 9-911)
Sec. 911. Limitations on Claims for Refund.
(a) In general. Except as otherwise provided in this Act:

(1) A claim for refund shall be filed not later than 3 years after the date the return was filed (in the case of returns required under Article 7 of this Act respecting any amounts withheld as tax, not later than 3 years after the 15th day of the 4th month following the close of the calendar year in which such withholding was made), or one year after the date the tax was paid, whichever is the later; and

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(2) No credit or refund shall be allowed or made with respect to the year for which the claim was filed unless such claim is filed within such period.

(b) Federal changes.

(1) In general. In any case where notification of an alteration is required by Section 506(b), a claim for refund may be filed within 2 years after the date on which such notification was due (regardless of whether such notice was given), but the amount recoverable pursuant to a claim filed under this Section shall be limited to the amount of any overpayment resulting under this Act from recomputation of the taxpayer's net income, net loss, or Article 2 credits for the taxable year after giving effect to the item or items reflected in the alteration required to be reported.

(2) Tentative carryback adjustments paid before January 1, 1974. If, as the result of the payment before January 1, 1974 of a federal tentative carryback adjustment, a notification of an alteration is required under Section 506(b), a claim for refund may be filed at any time before January 1, 1976, but the amount recoverable pursuant to a claim filed under this Section shall be limited to the amount of any overpayment resulting under this Act from recomputation of the taxpayer's base income for the taxable year after giving effect to the federal alteration resulting from the tentative carryback adjustment irrespective of any limitation imposed in paragraph (l) of this subsection.

(c) Extension by agreement. Where, before the expiration of the time prescribed in this section for the filing of a claim for refund, both the Department and the claimant shall have consented in writing to its filing after such time, such claim may be filed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. In the case of a taxpayer who is a partnership, Subchapter S corporation, or trust and who enters into an agreement with the Department pursuant to this subsection on or after January 1, 2003, a claim for refund may be issued to the partners, shareholders, or

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beneficiaries of the taxpayer at any time prior to the expiration of the period agreed upon. Any refund allowed pursuant to the claim, however, shall be limited to the amount of any overpayment of tax due under this Act that results from recomputation of items of income, deduction, credits, or other amounts of the taxpayer that are taken into account by the partner, shareholder, or beneficiary in computing its liability under this Act.

(d) Limit on amount of credit or refund.

(1) Limit where claim filed within 3-year period. If the claim was filed by the claimant during the 3-year period prescribed in subsection (a), the amount of the credit or refund shall not exceed the portion of the tax paid within the period, immediately preceding the filing of the claim, equal to 3 years plus the period of any extension of time for filing the return.

(2) Limit where claim not filed within 3-year period. If the claim was not filed within such 3-year period, the amount of the credit or refund shall not exceed the portion of the tax paid during the one year immediately preceding the filing of the claim.

(e) Time return deemed filed. For purposes of this section a tax return filed before the last day prescribed by law for the filing of such return (including any extensions thereof) shall be deemed to have been filed on such last day.

(f) No claim for refund based on the taxpayer's taking a credit for estimated tax payments as provided by Section 601(b)(2) or for any amount paid by a taxpayer pursuant to Section 602(a) or for any amount of credit for tax withheld pursuant to Article 7 Section 701 may be filed more than 3 years after the due date, as provided by Section 505, of the return which was required to be filed relative to the taxable year for which the payments were made or for which the tax was withheld. The changes in this subsection (f) made by this amendatory Act of 1987 shall apply to all taxable years ending on or after December 31, 1969.

(g) Special Period of Limitation with Respect to Net Loss Carrybacks. If the claim for refund relates to an overpayment attributable to a net loss carryback as provided by Section 207, in lieu of the 3 year period of limitation prescribed in subsection (a), the period shall be that
period which ends 3 years after the time prescribed by law for filing the return (including extensions thereof) for the taxable year of the net loss which results in such carryback (or, on and after August 13, 1999, with respect to a change in the carryover of an Article 2 credit to a taxable year resulting from the carryback of a Section 207 loss incurred in a taxable year beginning on or after January 1, 2000, the period shall be that period that ends 3 years after the time prescribed by law for filing the return (including extensions of that time) for that subsequent taxable year), or the period prescribed in subsection (c) in respect of such taxable year, whichever expires later. In the case of such a claim, the amount of the refund may exceed the portion of the tax paid within the period provided in subsection (d) to the extent of the amount of the overpayment attributable to such carryback. On and after August 13, 1999, if the claim for refund relates to an overpayment attributable to the carryover of an Article 2 credit, or of a Section 207 loss, earned, incurred (in a taxable year beginning on or after January 1, 2000), or used in a year for which a notification of a change affecting federal taxable income must be filed under subsection (b) of Section 506, the claim may be filed within the period prescribed in paragraph (1) of subsection (b) in respect of the year for which the notification is required. In the case of such a claim, the amount of the refund may exceed the portion of the tax paid within the period provided in subsection (d) to the extent of the amount of the overpayment attributable to the recomputation of the taxpayer's Article 2 credits, or Section 207 loss, earned, incurred, or used in the taxable year for which the notification is given.

(h) Claim for refund based on net loss. On and after August 23, 2002, no claim for refund shall be allowed to the extent the refund is the result of an amount of net loss incurred in any taxable year ending prior to December 31, 2002 under Section 207 of this Act that was not reported to the Department within 3 years of the due date (including extensions) of the return for the loss year on either the original return filed by the taxpayer or on amended return or to the extent that the refund is the result of an amount of net loss incurred in any taxable year under Section 207 for
which no return was filed within 3 years of the due date (including extensions) of the return for the loss year.
(Source: P.A. 94-836, eff. 6-6-06.)

Sec. 1501. Definitions.
(a) In general. When used in this Act, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) Business income. The term "business income" means all income that may be treated as apportionable business income under the Constitution of the United States. Business income is net of the deductions allocable thereto. Such term does not include compensation or the deductions allocable thereto. For each taxable year beginning on or after January 1, 2003, a taxpayer may elect to treat all income other than compensation as business income. This election shall be made in accordance with rules adopted by the Department and, once made, shall be irrevocable.

(1.5) Captive real estate investment trust:
(A) The term "captive real estate investment trust" means a corporation, trust, or association:
(i) that is considered a real estate investment trust for the taxable year under Section 856 of the Internal Revenue Code;
(ii) that is not regularly traded on an established securities market; and
(iii) of which more than 50% of the voting power or value of the beneficial interest or shares, at any time during the last half of the taxable year, is owned or controlled, directly or indirectly, by a single entity that is subject to the provisions of Subchapter C of Chapter 1 of the Internal Revenue Code.
(B) The term "captive real estate investment trust" does not include:
(i) a corporation, trust, or association of which more than 50% of the voting power or value of the
beneficial interest or shares is owned or controlled, at any time during which the corporation, trust, or association satisfies item (A)(iii) of this subsection (1.5), by:

(a) a real estate investment trust, other than a real estate investment trust described in item (A) of this subsection;
(b) a person who is exempt from taxation under Section 501 of the Internal Revenue Code;
(c) a listed Australian property trust; or
(d) a real estate investment trust that, subject to rules of the Secretary of State, is intended to become regularly traded on an established securities market and that satisfies the requirements of Sections 856(A)(5) and 856(A)(6) of the Internal Revenue Code by reason of Section 856(H)(2) of the Internal Revenue Code.

(C) For the purposes of this subsection (1.5), the constructive ownership rules prescribed under Section 318(A) of the Internal Revenue Code, as modified by Section 856(D)(5) of the Internal Revenue Code, apply in determining the ownership of stock, assets, or net profits of any person.

(2) Commercial domicile. The term "commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

(3) Compensation. The term "compensation" means wages, salaries, commissions and any other form of remuneration paid to employees for personal services.

(4) Corporation. The term "corporation" includes associations, joint-stock companies, insurance companies and cooperatives. Any entity, including a limited liability company formed under the Illinois Limited Liability Company Act, shall be treated as a corporation if it is so classified for federal income tax purposes.
(5) Department. The term "Department" means the Department of Revenue of this State.

(6) Director. The term "Director" means the Director of Revenue of this State.

(7) Fiduciary. The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, or any person acting in any fiduciary capacity for any person.

(8) Financial organization.

   (A) The term "financial organization" means any bank, bank holding company, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, building and loan association, credit union, currency exchange, cooperative bank, small loan company, sales finance company, investment company, or any person which is owned by a bank or bank holding company. For the purpose of this Section a "person" will include only those persons which a bank holding company may acquire and hold an interest in, directly or indirectly, under the provisions of the Bank Holding Company Act of 1956 (12 U.S.C. 1841, et seq.), except where interests in any person must be disposed of within certain required time limits under the Bank Holding Company Act of 1956.

   (B) For purposes of subparagraph (A) of this paragraph, the term "bank" includes (i) any entity that is regulated by the Comptroller of the Currency under the National Bank Act, or by the Federal Reserve Board, or by the Federal Deposit Insurance Corporation and (ii) any federally or State chartered bank operating as a credit card bank.

   (C) For purposes of subparagraph (A) of this paragraph, the term "sales finance company" has the meaning provided in the following item (i) or (ii):

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(i) A person primarily engaged in one or more of the following businesses: the business of purchasing customer receivables, the business of making loans upon the security of customer receivables, the business of making loans for the express purpose of funding purchases of tangible personal property or services by the borrower, or the business of finance leasing. For purposes of this item (i), "customer receivable" means:

(a) a retail installment contract or retail charge agreement within the meaning of the Sales Finance Agency Act, the Retail Installment Sales Act, or the Motor Vehicle Retail Installment Sales Act;

(b) an installment, charge, credit, or similar contract or agreement arising from the sale of tangible personal property or services in a transaction involving a deferred payment price payable in one or more installments subsequent to the sale; or

(c) the outstanding balance of a contract or agreement described in provisions (a) or (b) of this item (i).

A customer receivable need not provide for payment of interest on deferred payments. A sales finance company may purchase a customer receivable from, or make a loan secured by a customer receivable to, the seller in the original transaction or to a person who purchased the customer receivable directly or indirectly from that seller.

(ii) A corporation meeting each of the following criteria:
(a) the corporation must be a member of an "affiliated group" within the meaning of Section 1504(a) of the Internal Revenue Code, determined without regard to Section 1504(b) of the Internal Revenue Code;

(b) more than 50% of the gross income of the corporation for the taxable year must be interest income derived from qualifying loans. A "qualifying loan" is a loan made to a member of the corporation's affiliated group that originates customer receivables (within the meaning of item (i)) or to whom customer receivables originated by a member of the affiliated group have been transferred, to the extent the average outstanding balance of loans from that corporation to members of its affiliated group during the taxable year do not exceed the limitation amount for that corporation. The "limitation amount" for a corporation is the average outstanding balances during the taxable year of customer receivables (within the meaning of item (i)) originated by all members of the affiliated group. If the average outstanding balances of the loans made by a corporation to members of its affiliated group exceed the limitation amount, the interest income of that corporation from qualifying loans shall be equal to its interest income from loans to members of its affiliated groups times a fraction equal to the limitation amount divided by the average outstanding balances.

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of the loans made by that corporation to members of its affiliated group;

   (c) the total of all shareholder's equity (including, without limitation, paid-in capital on common and preferred stock and retained earnings) of the corporation plus the total of all of its loans, advances, and other obligations payable or owed to members of its affiliated group may not exceed 20% of the total assets of the corporation at any time during the tax year; and

   (d) more than 50% of all interest-bearing obligations of the affiliated group payable to persons outside the group determined in accordance with generally accepted accounting principles must be obligations of the corporation.

This amendatory Act of the 91st General Assembly is declaratory of existing law.

   (D) Subparagraphs (B) and (C) of this paragraph are declaratory of existing law and apply retroactively, for all tax years beginning on or before December 31, 1996, to all original returns, to all amended returns filed no later than 30 days after the effective date of this amendatory Act of 1996, and to all notices issued on or before the effective date of this amendatory Act of 1996 under subsection (a) of Section 903, subsection (a) of Section 904, subsection (e) of Section 909, or Section 912. A taxpayer that is a "financial organization" that engages in any transaction with an affiliate shall be a "financial organization" for all purposes of this Act.

   (E) For all tax years beginning on or before December 31, 1996, a taxpayer that falls within the definition of a "financial organization" under subparagraphs

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(B) or (C) of this paragraph, but who does not fall within
the definition of a "financial organization" under the
Proposed Regulations issued by the Department of Revenue
on July 19, 1996, may irrevocably elect to apply the
Proposed Regulations for all of those years as though the
Proposed Regulations had been lawfully promulgated,
adopted, and in effect for all of those years. For purposes of
applying subparagraphs (B) or (C) of this paragraph to all
of those years, the election allowed by this subparagraph
applies only to the taxpayer making the election and to
those members of the taxpayer's unitary business group
who are ordinarily required to apportion business income
under the same subsection of Section 304 of this Act as the
taxpayer making the election. No election allowed by this
subparagraph shall be made under a claim filed under
subsection (d) of Section 909 more than 30 days after the
effective date of this amendatory Act of 1996.

(F) Finance Leases. For purposes of this subsection,
a finance lease shall be treated as a loan or other extension
of credit, rather than as a lease, regardless of how the
transaction is characterized for any other purpose, including
the purposes of any regulatory agency to which the lessor is
subject. A finance lease is any transaction in the form of a
lease in which the lessee is treated as the owner of the
leased asset entitled to any deduction for depreciation
allowed under Section 167 of the Internal Revenue Code.

(9) Fiscal year. The term "fiscal year" means an accounting
period of 12 months ending on the last day of any month other than
December.

(10) Includes and including. The terms "includes" and
"including" when used in a definition contained in this Act shall
not be deemed to exclude other things otherwise within the
meaning of the term defined.
(11) Internal Revenue Code. The term "Internal Revenue Code" means the United States Internal Revenue Code of 1954 or any successor law or laws relating to federal income taxes in effect for the taxable year.

(11.5) Investment partnership.

(A) The term "investment partnership" means any entity that is treated as a partnership for federal income tax purposes that meets the following requirements:

(i) no less than 90% of the partnership's cost of its total assets consists of qualifying investment securities, deposits at banks or other financial institutions, and office space and equipment reasonably necessary to carry on its activities as an investment partnership;

(ii) no less than 90% of its gross income consists of interest, dividends, and gains from the sale or exchange of qualifying investment securities; and

(iii) the partnership is not a dealer in qualifying investment securities.

(B) For purposes of this paragraph (11.5), the term "qualifying investment securities" includes all of the following:

(i) common stock, including preferred or debt securities convertible into common stock, and preferred stock;

(ii) bonds, debentures, and other debt securities;

(iii) foreign and domestic currency deposits secured by federal, state, or local governmental agencies;

(iv) mortgage or asset-backed securities secured by federal, state, or local governmental agencies;

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(v) repurchase agreements and loan participations;
(vi) foreign currency exchange contracts and forward and futures contracts on foreign currencies;
(vii) stock and bond index securities and futures contracts and other similar financial securities and futures contracts on those securities;
(viii) options for the purchase or sale of any of the securities, currencies, contracts, or financial instruments described in items (i) to (vii), inclusive;
(ix) regulated futures contracts;
(x) commodities (not described in Section 1221(a)(1) of the Internal Revenue Code) or futures, forwards, and options with respect to such commodities, provided, however, that any item of a physical commodity to which title is actually acquired in the partnership's capacity as a dealer in such commodity shall not be a qualifying investment security;
(xi) derivatives; and
(xii) a partnership interest in another partnership that is an investment partnership.

(12) Mathematical error. The term "mathematical error" includes the following types of errors, omissions, or defects in a return filed by a taxpayer which prevents acceptance of the return as filed for processing:

(A) arithmetic errors or incorrect computations on the return or supporting schedules;
(B) entries on the wrong lines;
(C) omission of required supporting forms or schedules or the omission of the information in whole or in part called for thereon; and
(D) an attempt to claim, exclude, deduct, or improperly report, in a manner directly contrary to the
provisions of the Act and regulations thereunder any item of income, exemption, deduction, or credit.

(13) Nonbusiness income. The term "nonbusiness income" means all income other than business income or compensation.

(14) Nonresident. The term "nonresident" means a person who is not a resident.

(15) Paid, incurred and accrued. The terms "paid", "incurred" and "accrued" shall be construed according to the method of accounting upon the basis of which the person's base income is computed under this Act.

(16) Partnership and partner. The term "partnership" includes a syndicate, group, pool, joint venture or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this Act, a trust or estate or a corporation; and the term "partner" includes a member in such syndicate, group, pool, joint venture or organization.

The term "partnership" includes any entity, including a limited liability company formed under the Illinois Limited Liability Company Act, classified as a partnership for federal income tax purposes.

The term "partnership" does not include a syndicate, group, pool, joint venture, or other unincorporated organization established for the sole purpose of playing the Illinois State Lottery.

(17) Part-year resident. The term "part-year resident" means an individual who became a resident during the taxable year or ceased to be a resident during the taxable year. Under Section 1501(a)(20)(A)(i) residence commences with presence in this State for other than a temporary or transitory purpose and ceases with absence from this State for other than a temporary or transitory purpose. Under Section 1501(a)(20)(A)(ii) residence commences with the establishment of domicile in this State and ceases with the establishment of domicile in another State.

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(18) Person. The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, firm, company, corporation, limited liability company, or fiduciary. For purposes of Section 1301 and 1302 of this Act, a "person" means (i) an individual, (ii) a corporation, (iii) an officer, agent, or employee of a corporation, (iv) a member, agent or employee of a partnership, or (v) a member, manager, employee, officer, director, or agent of a limited liability company who in such capacity commits an offense specified in Section 1301 and 1302.

(18A) Records. The term "records" includes all data maintained by the taxpayer, whether on paper, microfilm, microfiche, or any type of machine-sensible data compilation.

(19) Regulations. The term "regulations" includes rules promulgated and forms prescribed by the Department.

(20) Resident. The term "resident" means:

(A) an individual (i) who is in this State for other than a temporary or transitory purpose during the taxable year; or (ii) who is domiciled in this State but is absent from the State for a temporary or transitory purpose during the taxable year;

(B) The estate of a decedent who at his or her death was domiciled in this State;

(C) A trust created by a will of a decedent who at his death was domiciled in this State; and

(D) An irrevocable trust, the grantor of which was domiciled in this State at the time such trust became irrevocable. For purpose of this subparagraph, a trust shall be considered irrevocable to the extent that the grantor is not treated as the owner thereof under Sections 671 through 678 of the Internal Revenue Code.

(21) Sales. The term "sales" means all gross receipts of the taxpayer not allocated under Sections 301, 302 and 303.

(22) State. The term "state" when applied to a jurisdiction other than this State means any state of the United States, the
District of Columbia, the Commonwealth of Puerto Rico, any Territory or Possession of the United States, and any foreign country, or any political subdivision of any of the foregoing. For purposes of the foreign tax credit under Section 601, the term "state" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, or any political subdivision of any of the foregoing, effective for tax years ending on or after December 31, 1989.

(23) Taxable year. The term "taxable year" means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the base income is computed under this Act. "Taxable year" means, in the case of a return made for a fractional part of a year under the provisions of this Act, the period for which such return is made.

(24) Taxpayer. The term "taxpayer" means any person subject to the tax imposed by this Act.

(25) International banking facility. The term international banking facility shall have the same meaning as is set forth in the Illinois Banking Act or as is set forth in the laws of the United States or regulations of the Board of Governors of the Federal Reserve System.

(26) Income Tax Return Preparer.

(A) The term "income tax return preparer" means any person who prepares for compensation, or who employs one or more persons to prepare for compensation, any return of tax imposed by this Act or any claim for refund of tax imposed by this Act. The preparation of a substantial portion of a return or claim for refund shall be treated as the preparation of that return or claim for refund.

(B) A person is not an income tax return preparer if all he or she does is

(i) furnish typing, reproducing, or other mechanical assistance;

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(ii) prepare returns or claims for refunds for the employer by whom he or she is regularly and continuously employed;

(iii) prepare as a fiduciary returns or claims for refunds for any person; or

(iv) prepare claims for refunds for a taxpayer in response to any notice of deficiency issued to that taxpayer or in response to any waiver of restriction after the commencement of an audit of that taxpayer or of another taxpayer if a determination in the audit of the other taxpayer directly or indirectly affects the tax liability of the taxpayer whose claims he or she is preparing.

(27) Unitary business group. The term "unitary business group" means a group of persons related through common ownership whose business activities are integrated with, dependent upon and contribute to each other. The group will not include those members whose business activity outside the United States is 80% or more of any such member's total business activity; for purposes of this paragraph and clause (a)(3)(B)(ii) of Section 304, business activity within the United States shall be measured by means of the factors ordinarily applicable under subsections (a), (b), (c), (d), or (h) of Section 304 except that, in the case of members ordinarily required to apportion business income by means of the 3 factor formula of property, payroll and sales specified in subsection (a) of Section 304, including the formula as weighted in subsection (h) of Section 304, such members shall not use the sales factor in the computation and the results of the property and payroll factor computations of subsection (a) of Section 304 shall be divided by 2 (by one if either the property or payroll factor has a denominator of zero). The computation required by the preceding sentence shall, in each case, involve the division of the member's property, payroll, or revenue miles in the United States, insurance premiums on property or risk in the United States, or financial organization.
business income from sources within the United States, as the case may be, by the respective worldwide figures for such items. Common ownership in the case of corporations is the direct or indirect control or ownership of more than 50% of the outstanding voting stock of the persons carrying on unitary business activity. Unitary business activity can ordinarily be illustrated where the activities of the members are: (1) in the same general line (such as manufacturing, wholesaling, retailing of tangible personal property, insurance, transportation or finance); or (2) are steps in a vertically structured enterprise or process (such as the steps involved in the production of natural resources, which might include exploration, mining, refining, and marketing); and, in either instance, the members are functionally integrated through the exercise of strong centralized management (where, for example, authority over such matters as purchasing, financing, tax compliance, product line, personnel, marketing and capital investment is not left to each member). In no event, however, will any unitary business group include members which are ordinarily required to apportion business income under different subsections of Section 304 except that for tax years ending on or after December 31, 1987 this prohibition shall not apply to a unitary business group composed of one or more taxpayers all of which apportion business income pursuant to subsection (b) of Section 304, or all of which apportion business income pursuant to subsection (d) of Section 304, and a holding company of such single-factor taxpayers (see definition of "financial organization" for rule regarding holding companies of financial organizations). If a unitary business group would, but for the preceding sentence, include members that are ordinarily required to apportion business income under different subsections of Section 304, then for each subsection of Section 304 for which there are two or more members, there shall be a separate unitary business group composed of such members. For purposes of the preceding two sentences, a member is "ordinarily required to apportion business income" under a particular subsection of
Section 304 if it would be required to use the apportionment method prescribed by such subsection except for the fact that it derives business income solely from Illinois. As used in this paragraph, the phrase "United States" means only the 50 states and the District of Columbia, but does not include any territory or possession of the United States or any area over which the United States has asserted jurisdiction or claimed exclusive rights with respect to the exploration for or exploitation of natural resources.

If the unitary business group members' accounting periods differ, the common parent's accounting period or, if there is no common parent, the accounting period of the member that is expected to have, on a recurring basis, the greatest Illinois income tax liability must be used to determine whether to use the apportionment method provided in subsection (a) or subsection (h) of Section 304. The prohibition against membership in a unitary business group for taxpayers ordinarily required to apportion income under different subsections of Section 304 does not apply to taxpayers required to apportion income under subsection (a) and subsection (h) of Section 304. The provisions of this amendatory Act of 1998 apply to tax years ending on or after December 31, 1998.

(28) Subchapter S corporation. The term "Subchapter S corporation" means a corporation for which there is in effect an election under Section 1362 of the Internal Revenue Code, or for which there is a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982.

(30) Foreign person. The term "foreign person" means any person who is a nonresident alien individual and any nonindividual entity, regardless of where created or organized, whose business activity outside the United States is 80% or more of the entity's total business activity.

(b) Other definitions.
(1) Words denoting number, gender, and so forth, when used in this Act, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof:
   (A) Words importing the singular include and apply to several persons, parties or things;
   (B) Words importing the plural include the singular; and
   (C) Words importing the masculine gender include the feminine as well.
(2) "Company" or "association" as including successors and assigns. The word "company" or "association", when used in reference to a corporation, shall be deemed to embrace the words "successors and assigns of such company or association", and in like manner as if these last-named words, or words of similar import, were expressed.
(3) Other terms. Any term used in any Section of this Act with respect to the application of, or in connection with, the provisions of any other Section of this Act shall have the same meaning as in such other Section.
(Source: P.A. 92-846, eff. 8-23-02; 93-840, eff. 7-30-04.)

Section 10-10. The Retailers' Occupation Tax Act is amended by changing Section 2-5 as follows:
(35 ILCS 120/2-5) (from Ch. 120, par. 441-5)
Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:
(1) Farm chemicals.
(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer

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spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 2-70.

(3) Until July 1, 2003, distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) Until July 1, 2003 and beginning again September 1, 2004, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.
(5) (Blank). A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk-through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Until July 1, 2003, proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal

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property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Tangible personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(12-5) On and after July 1, 2003 and through June 30, 2004, motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. Beginning on July 1, 2004 and through June 30, 2005, the use in this State of motor vehicles of the second division: (i) with a gross vehicle weight rating in excess of 8,000 pounds; (ii) that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code; and (iii) that are primarily used for commercial purposes. Through June 30, 2005, this exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for.

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in this Act. For purposes of this paragraph, "used for commercial purposes" means the transportation of persons or property in furtherance of any commercial or industrial enterprise whether for-hire or not.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

(17) Tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

New matter indicated by italics - deletions by strikeout
(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(19) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(21) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(22) Fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the
fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) Except as provided in item (25-5) of this Section, a motor vehicle sold in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a drive-away permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the drive-away permit or having the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will not be titled in this State.

(25-5) The exemption under item (25) does not apply if the state in which the motor vehicle will be titled does not allow a reciprocal exemption for a motor vehicle sold and delivered in that state to an Illinois resident but titled in Illinois. The tax collected under this Act on the sale of a motor vehicle in this State to a resident of another state that does not allow a reciprocal exemption shall be imposed at a rate equal to the state's rate of tax on taxable property in the state in which the purchaser is a resident, except that the tax shall not exceed the tax that would otherwise be imposed under this Act. At the time of the sale, the purchaser shall execute a statement, signed under penalty of perjury, of his or her intent to title the vehicle in the state in which the purchaser is a resident within 30 days after the sale and of the fact of the payment to the State of Illinois of tax in an amount equivalent to the state's rate of tax on taxable property in his or her state of residence and shall submit the statement to the appropriate tax collection agency in his or her state of residence. In addition, the retailer must retain a signed copy of the statement in his or her records. Nothing in this item shall be construed to require the removal of the vehicle from this state following the filing of an intent to title the vehicle in the purchaser's state of residence if the purchaser titles the vehicle in his or her state of residence within 30 days after the date of sale. The tax collected under this Act in accordance with this item (25-5) shall
be proportionately distributed as if the tax were collected at the 6.25% general rate imposed under this Act.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm
water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 2-70.

(33) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to
the fundraising entity. This paragraph is exempt from the provisions of
Section 2-70.

(35) Beginning January 1, 2000 and through December 31, 2001, new
or used automatic vending machines that prepare and serve hot food
and beverages, including coffee, soup, and other items, and replacement
parts for these machines. Beginning January 1, 2002 and through June 30,
2003, machines and parts for machines used in commercial, coin-operated
amusement and vending business if a use or occupation tax is paid on the
gross receipts derived from the use of the commercial, coin-operated
amusement and vending machines. This paragraph is exempt from the
provisions of Section 2-70.

(35-5) Beginning August 23, 2001 and through June 30, 2011, food
for human consumption that is to be consumed off the premises where it is
sold (other than alcoholic beverages, soft drinks, and food that has been
prepared for immediate consumption) and prescription and
nonprescription medicines, drugs, medical appliances, and insulin, urine
testing materials, syringes, and needles used by diabetics, for human use,
when purchased for use by a person receiving medical assistance under
Article 5 of the Illinois Public Aid Code who resides in a licensed long-
term care facility, as defined in the Nursing Home Care Act.

(36) Beginning August 2, 2001, computers and communications
equipment utilized for any hospital purpose and equipment used in the
diagnosis, analysis, or treatment of hospital patients sold to a lessor who
leases the equipment, under a lease of one year or longer executed or in
effect at the time of the purchase, to a hospital that has been issued an
active tax exemption identification number by the Department under
Section 1g of this Act. This paragraph is exempt from the provisions of
Section 2-70.

(37) Beginning August 2, 2001, personal property sold to a lessor
who leases the property, under a lease of one year or longer executed or in
effect at the time of the purchase, to a governmental body that has been
issued an active tax exemption identification number by the Department
under Section 1g of this Act. This paragraph is exempt from the provisions
of Section 2-70.
(38) Beginning on January 1, 2002 and through June 30, 2011, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (38). The permit issued under this paragraph (38) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 93-23, eff. 6-20-03; 93-24, eff. 6-20-03; 93-840, eff. 7-30-04; 93-1033, eff. 9-3-04; 93-1068, eff. 1-15-05; 94-1002, eff. 7-3-06.)

ARTICLE 99. EFFECTIVE DATE

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


PUBLIC ACT 095-0234
(House Bill No. 0009)

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

New matter indicated by italics - deletions by strikeout
Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 112A-14 as follows:

(725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

Sec. 112A-14. Order of protection; remedies.

(a) Issuance of order. If the court finds that petitioner has been abused by a family or household member, as defined in this Article, an order of protection prohibiting such abuse shall issue; provided that petitioner must also satisfy the requirements of one of the following Sections, as appropriate: Section 112A-17 on emergency orders, Section 112A-18 on interim orders, or Section 112A-19 on plenary orders. Petitioner shall not be denied an order of protection because petitioner or respondent is a minor. The court, when determining whether or not to issue an order of protection, shall not require physical manifestations of abuse on the person of the victim. Modification and extension of prior orders of protection shall be in accordance with this Article.

(b) Remedies and standards. The remedies to be included in an order of protection shall be determined in accordance with this Section and one of the following Sections, as appropriate: Section 112A-17 on emergency orders, Section 112A-18 on interim orders, and Section 112A-19 on plenary orders. The remedies listed in this subsection shall be in addition to other civil or criminal remedies available to petitioner.

(1) Prohibition of abuse. Prohibit respondent's harassment, interference with personal liberty, intimidation of a dependent, physical abuse or willful deprivation, as defined in this Article, if such abuse has occurred or otherwise appears likely to occur if not prohibited.

(2) Grant of exclusive possession of residence. Prohibit respondent from entering or remaining in any residence or household of the petitioner, including one owned or leased by respondent, if petitioner has a right to occupancy thereof. The grant of exclusive possession of the residence shall not affect title to real property, nor shall the court be limited by the standard set forth in Section 701 of the Illinois Marriage and Dissolution of Marriage Act.

New matter indicated by italics - deletions by strikeout
(A) Right to occupancy. A party has a right to occupancy of a residence or household if it is solely or jointly owned or leased by that party, that party's spouse, a person with a legal duty to support that party or a minor child in that party's care, or by any person or entity other than the opposing party that authorizes that party's occupancy (e.g., a domestic violence shelter). Standards set forth in subparagraph (B) shall not preclude equitable relief.

(B) Presumption of hardships. If petitioner and respondent each has the right to occupancy of a residence or household, the court shall balance (i) the hardships to respondent and any minor child or dependent adult in respondent's care resulting from entry of this remedy with (ii) the hardships to petitioner and any minor child or dependent adult in petitioner's care resulting from continued exposure to the risk of abuse (should petitioner remain at the residence or household) or from loss of possession of the residence or household (should petitioner leave to avoid the risk of abuse). When determining the balance of hardships, the court shall also take into account the accessibility of the residence or household. Hardships need not be balanced if respondent does not have a right to occupancy.

The balance of hardships is presumed to favor possession by petitioner unless the presumption is rebutted by a preponderance of the evidence, showing that the hardships to respondent substantially outweigh the hardships to petitioner and any minor child or dependent adult in petitioner's care. The court, on the request of petitioner or on its own motion, may order respondent to provide suitable, accessible, alternate housing for petitioner instead of excluding respondent from a mutual residence or household.
(3) Stay away order and additional prohibitions. Order respondent to stay away from petitioner or any other person protected by the order of protection, or prohibit respondent from entering or remaining present at petitioner's school, place of employment, or other specified places at times when petitioner is present, or both, if reasonable, given the balance of hardships. Hardships need not be balanced for the court to enter a stay away order or prohibit entry if respondent has no right to enter the premises.

If an order of protection grants petitioner exclusive possession of the residence, or prohibits respondent from entering the residence, or orders respondent to stay away from petitioner or other protected persons, then the court may allow respondent access to the residence to remove items of clothing and personal adornment used exclusively by respondent, medications, and other items as the court directs. The right to access shall be exercised on only one occasion as the court directs and in the presence of an agreed-upon adult third party or law enforcement officer.

(4) Counseling. Require or recommend the respondent to undergo counseling for a specified duration with a social worker, psychologist, clinical psychologist, psychiatrist, family service agency, alcohol or substance abuse program, mental health center guidance counselor, agency providing services to elders, program designed for domestic violence abusers or any other guidance service the court deems appropriate.

(5) Physical care and possession of the minor child. In order to protect the minor child from abuse, neglect, or unwarranted separation from the person who has been the minor child's primary caretaker, or to otherwise protect the well-being of the minor child, the court may do either or both of the following: (i) grant petitioner physical care or possession of the minor child, or both, or (ii) order respondent to return a minor child to, or not remove a minor child from, the physical care of a parent or person in loco parentis.
If a court finds, after a hearing, that respondent has committed abuse (as defined in Section 112A-3) of a minor child, there shall be a rebuttable presumption that awarding physical care to respondent would not be in the minor child's best interest.

(6) Temporary legal custody. Award temporary legal custody to petitioner in accordance with this Section, the Illinois Marriage and Dissolution of Marriage Act, the Illinois Parentage Act of 1984, and this State's Uniform Child-Custody Jurisdiction and Enforcement Act.

If a court finds, after a hearing, that respondent has committed abuse (as defined in Section 112A-3) of a minor child, there shall be a rebuttable presumption that awarding temporary legal custody to respondent would not be in the child's best interest.

(7) Visitation. Determine the visitation rights, if any, of respondent in any case in which the court awards physical care or temporary legal custody of a minor child to petitioner. The court shall restrict or deny respondent's visitation with a minor child if the court finds that respondent has done or is likely to do any of the following: (i) abuse or endanger the minor child during visitation; (ii) use the visitation as an opportunity to abuse or harass petitioner or petitioner's family or household members; (iii) improperly conceal or detain the minor child; or (iv) otherwise act in a manner that is not in the best interests of the minor child. The court shall not be limited by the standards set forth in Section 607.1 of the Illinois Marriage and Dissolution of Marriage Act. If the court grants visitation, the order shall specify dates and times for the visitation to take place or other specific parameters or conditions that are appropriate. No order for visitation shall refer merely to the term "reasonable visitation".

Petitioner may deny respondent access to the minor child if, when respondent arrives for visitation, respondent is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of petitioner or petitioner's minor children or is behaving in a violent or abusive manner.

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If necessary to protect any member of petitioner's family or household from future abuse, respondent shall be prohibited from coming to petitioner's residence to meet the minor child for visitation, and the parties shall submit to the court their recommendations for reasonable alternative arrangements for visitation. A person may be approved to supervise visitation only after filing an affidavit accepting that responsibility and acknowledging accountability to the court.

(8) Removal or concealment of minor child. Prohibit respondent from removing a minor child from the State or concealing the child within the State.

(9) Order to appear. Order the respondent to appear in court, alone or with a minor child, to prevent abuse, neglect, removal or concealment of the child, to return the child to the custody or care of the petitioner or to permit any court-ordered interview or examination of the child or the respondent.

(10) Possession of personal property. Grant petitioner exclusive possession of personal property and, if respondent has possession or control, direct respondent to promptly make it available to petitioner, if:

(i) petitioner, but not respondent, owns the property;

or

(ii) the parties own the property jointly; sharing it would risk abuse of petitioner by respondent or is impracticable; and the balance of hardships favors temporary possession by petitioner.

If petitioner's sole claim to ownership of the property is that it is marital property, the court may award petitioner temporary possession thereof under the standards of subparagraph (ii) of this paragraph only if a proper proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended.

No order under this provision shall affect title to property.

New matter indicated by italics - deletions by strikeout
(11) Protection of property. Forbid the respondent from taking, transferring, encumbering, concealing, damaging or otherwise disposing of any real or personal property, except as explicitly authorized by the court, if:

(i) petitioner, but not respondent, owns the property;

or

(ii) the parties own the property jointly, and the balance of hardships favors granting this remedy.

If petitioner's sole claim to ownership of the property is that it is marital property, the court may grant petitioner relief under subparagraph (ii) of this paragraph only if a proper proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended.

The court may further prohibit respondent from improperly using the financial or other resources of an aged member of the family or household for the profit or advantage of respondent or of any other person.

(11.5) Protection of animals. Grant the petitioner the exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.

(12) Order for payment of support. Order respondent to pay temporary support for the petitioner or any child in the petitioner's care or custody, when the respondent has a legal obligation to support that person, in accordance with the Illinois Marriage and Dissolution of Marriage Act, which shall govern, among other matters, the amount of support, payment through the clerk and withholding of income to secure payment. An order for child support may be granted to a petitioner with lawful physical care or custody of a child, or an order or agreement for physical care or

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custody, prior to entry of an order for legal custody. Such a support order shall expire upon entry of a valid order granting legal custody to another, unless otherwise provided in the custody order.

(13) Order for payment of losses. Order respondent to pay petitioner for losses suffered as a direct result of the abuse. Such losses shall include, but not be limited to, medical expenses, lost earnings or other support, repair or replacement of property damaged or taken, reasonable attorney's fees, court costs and moving or other travel expenses, including additional reasonable expenses for temporary shelter and restaurant meals.

(i) Losses affecting family needs. If a party is entitled to seek maintenance, child support or property distribution from the other party under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended, the court may order respondent to reimburse petitioner's actual losses, to the extent that such reimbursement would be "appropriate temporary relief", as authorized by subsection (a)(3) of Section 501 of that Act.

(ii) Recovery of expenses. In the case of an improper concealment or removal of a minor child, the court may order respondent to pay the reasonable expenses incurred or to be incurred in the search for and recovery of the minor child, including but not limited to legal fees, court costs, private investigator fees, and travel costs.

(14) Prohibition of entry. Prohibit the respondent from entering or remaining in the residence or household while the respondent is under the influence of alcohol or drugs and constitutes a threat to the safety and well-being of the petitioner or the petitioner's children.

(14.5) Prohibition of firearm possession. (a) When a complaint is made under a request for an order of protection, that the respondent has threatened or is likely to use firearms illegally against the petitioner, and the respondent is present in court, or has failed to appear after receiving actual notice, the court shall

New matter indicated by italics - deletions by strikeout
examine on oath the petitioner, and any witnesses who may be produced. If the court is satisfied that there is any danger of the illegal use of firearms, it shall include in the order of protection the requirement that any firearms in the possession of the respondent, except as provided in subsection (b), be turned over to the local law enforcement agency for safekeeping. If the respondent fails to appear, or refuses or fails to surrender his or her firearms, the court shall issue a warrant for seizure of any firearm in the possession of the respondent. The period of safekeeping shall be for a stated period of time not to exceed 2 years. The firearm or firearms shall be returned to the respondent at the end of the stated period or at expiration of the order of protection, whichever is sooner. (b) If the respondent is a peace officer as defined in Section 2-13 of the Criminal Code of 1961, the court shall order that any firearms used by the respondent in the performance of his or her duties as a peace officer be surrendered to the chief law enforcement executive of the agency in which the respondent is employed, who shall retain the firearms for safekeeping for the stated period not to exceed 2 years as set forth in the court order.

(15) Prohibition of access to records. If an order of protection prohibits respondent from having contact with the minor child, or if petitioner's address is omitted under subsection (b) of Section 112A-5, or if necessary to prevent abuse or wrongful removal or concealment of a minor child, the order shall deny respondent access to, and prohibit respondent from inspecting, obtaining, or attempting to inspect or obtain, school or any other records of the minor child who is in the care of petitioner.

(16) Order for payment of shelter services. Order respondent to reimburse a shelter providing temporary housing and counseling services to the petitioner for the cost of the services, as certified by the shelter and deemed reasonable by the court.

(17) Order for injunctive relief. Enter injunctive relief necessary or appropriate to prevent further abuse of a family or household member or to effectuate one of the granted remedies, if
supported by the balance of hardships. If the harm to be prevented by the injunction is abuse or any other harm that one of the remedies listed in paragraphs (1) through (16) of this subsection is designed to prevent, no further evidence is necessary to establish that the harm is an irreparable injury.

(c) Relevant factors; findings.

(1) In determining whether to grant a specific remedy, other than payment of support, the court shall consider relevant factors, including but not limited to the following:

(i) the nature, frequency, severity, pattern and consequences of the respondent's past abuse of the petitioner or any family or household member, including the concealment of his or her location in order to evade service of process or notice, and the likelihood of danger of future abuse to petitioner or any member of petitioner's or respondent's family or household; and

(ii) the danger that any minor child will be abused or neglected or improperly removed from the jurisdiction, improperly concealed within the State or improperly separated from the child's primary caretaker.

(2) In comparing relative hardships resulting to the parties from loss of possession of the family home, the court shall consider relevant factors, including but not limited to the following:

(i) availability, accessibility, cost, safety, adequacy, location and other characteristics of alternate housing for each party and any minor child or dependent adult in the party's care;

(ii) the effect on the party's employment; and

(iii) the effect on the relationship of the party, and any minor child or dependent adult in the party's care, to family, school, church and community.

(3) Subject to the exceptions set forth in paragraph (4) of this subsection, the court shall make its findings in an official
record or in writing, and shall at a minimum set forth the following:

(i) That the court has considered the applicable relevant factors described in paragraphs (1) and (2) of this subsection.

(ii) Whether the conduct or actions of respondent, unless prohibited, will likely cause irreparable harm or continued abuse.

(iii) Whether it is necessary to grant the requested relief in order to protect petitioner or other alleged abused persons.

(4) For purposes of issuing an ex parte emergency order of protection, the court, as an alternative to or as a supplement to making the findings described in paragraphs (c)(3)(i) through (c)(3)(iii) of this subsection, may use the following procedure:

When a verified petition for an emergency order of protection in accordance with the requirements of Sections 112A-5 and 112A-17 is presented to the court, the court shall examine petitioner on oath or affirmation. An emergency order of protection shall be issued by the court if it appears from the contents of the petition and the examination of petitioner that the averments are sufficient to indicate abuse by respondent and to support the granting of relief under the issuance of the emergency order of protection.

(5) Never married parties. No rights or responsibilities for a minor child born outside of marriage attach to a putative father until a father and child relationship has been established under the Illinois Parentage Act of 1984. Absent such an adjudication, no putative father shall be granted temporary custody of the minor child, visitation with the minor child, or physical care and possession of the minor child, nor shall an order of payment for support of the minor child be entered.

(d) Balance of hardships; findings. If the court finds that the balance of hardships does not support the granting of a remedy governed
by paragraph (2), (3), (10), (11), or (16) of subsection (b) of this Section, which may require such balancing, the court's findings shall so indicate and shall include a finding as to whether granting the remedy will result in hardship to respondent that would substantially outweigh the hardship to petitioner from denial of the remedy. The findings shall be an official record or in writing.

(e) Denial of remedies. Denial of any remedy shall not be based, in whole or in part, on evidence that:

(1) Respondent has cause for any use of force, unless that cause satisfies the standards for justifiable use of force provided by Article VII of the Criminal Code of 1961;

(2) Respondent was voluntarily intoxicated;

(3) Petitioner acted in self-defense or defense of another, provided that, if petitioner utilized force, such force was justifiable under Article VII of the Criminal Code of 1961;

(4) Petitioner did not act in self-defense or defense of another;

(5) Petitioner left the residence or household to avoid further abuse by respondent;

(6) Petitioner did not leave the residence or household to avoid further abuse by respondent;

(7) Conduct by any family or household member excused the abuse by respondent, unless that same conduct would have excused such abuse if the parties had not been family or household members.

(Source: P.A. 93-108, eff. 1-1-04.)

Section 10. The Illinois Domestic Violence Act of 1986 is amended by changing Section 214 as follows:

(750 ILCS 60/214) (from Ch. 40, par. 2312-14)
Sec. 214. Order of protection; remedies.
(a) Issuance of order. If the court finds that petitioner has been abused by a family or household member or that petitioner is a high-risk adult who has been abused, neglected, or exploited, as defined in this Act, an order of protection prohibiting the abuse, neglect, or exploitation shall

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issue; provided that petitioner must also satisfy the requirements of one of the following Sections, as appropriate: Section 217 on emergency orders, Section 218 on interim orders, or Section 219 on plenary orders. Petitioner shall not be denied an order of protection because petitioner or respondent is a minor. The court, when determining whether or not to issue an order of protection, shall not require physical manifestations of abuse on the person of the victim. Modification and extension of prior orders of protection shall be in accordance with this Act.

(b) Remedies and standards. The remedies to be included in an order of protection shall be determined in accordance with this Section and one of the following Sections, as appropriate: Section 217 on emergency orders, Section 218 on interim orders, and Section 219 on plenary orders. The remedies listed in this subsection shall be in addition to other civil or criminal remedies available to petitioner.

(1) Prohibition of abuse, neglect, or exploitation. Prohibit respondent's harassment, interference with personal liberty, intimidation of a dependent, physical abuse, or willful deprivation, neglect or exploitation, as defined in this Act, or stalking of the petitioner, as defined in Section 12-7.3 of the Criminal Code of 1961, if such abuse, neglect, exploitation, or stalking has occurred or otherwise appears likely to occur if not prohibited.

(2) Grant of exclusive possession of residence. Prohibit respondent from entering or remaining in any residence or household of the petitioner, including one owned or leased by respondent, if petitioner has a right to occupancy thereof. The grant of exclusive possession of the residence shall not affect title to real property, nor shall the court be limited by the standard set forth in Section 701 of the Illinois Marriage and Dissolution of Marriage Act.

(A) Right to occupancy. A party has a right to occupancy of a residence or household if it is solely or jointly owned or leased by that party, that party's spouse, a person with a legal duty to support that party or a minor child in that party's care, or by any person or entity other

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than the opposing party that authorizes that party's occupancy (e.g., a domestic violence shelter). Standards set forth in subparagraph (B) shall not preclude equitable relief.

(B) Presumption of hardships. If petitioner and respondent each has the right to occupancy of a residence or household, the court shall balance (i) the hardships to respondent and any minor child or dependent adult in respondent's care resulting from entry of this remedy with (ii) the hardships to petitioner and any minor child or dependent adult in petitioner's care resulting from continued exposure to the risk of abuse (should petitioner remain at the residence or household) or from loss of possession of the residence or household (should petitioner leave to avoid the risk of abuse). When determining the balance of hardships, the court shall also take into account the accessibility of the residence or household. Hardships need not be balanced if respondent does not have a right to occupancy.

The balance of hardships is presumed to favor possession by petitioner unless the presumption is rebutted by a preponderance of the evidence, showing that the hardships to respondent substantially outweigh the hardships to petitioner and any minor child or dependent adult in petitioner's care. The court, on the request of petitioner or on its own motion, may order respondent to provide suitable, accessible, alternate housing for petitioner instead of excluding respondent from a mutual residence or household.

(3) Stay away order and additional prohibitions. Order respondent to stay away from petitioner or any other person protected by the order of protection, or prohibit respondent from entering or remaining present at petitioner's school, place of employment, or other specified places at times when petitioner is

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present, or both, if reasonable, given the balance of hardships. Hardships need not be balanced for the court to enter a stay away order or prohibit entry if respondent has no right to enter the premises.

If an order of protection grants petitioner exclusive possession of the residence, or prohibits respondent from entering the residence, or orders respondent to stay away from petitioner or other protected persons, then the court may allow respondent access to the residence to remove items of clothing and personal adornment used exclusively by respondent, medications, and other items as the court directs. The right to access shall be exercised on only one occasion as the court directs and in the presence of an agreed-upon adult third party or law enforcement officer.

(4) Counseling. Require or recommend the respondent to undergo counseling for a specified duration with a social worker, psychologist, clinical psychologist, psychiatrist, family service agency, alcohol or substance abuse program, mental health center guidance counselor, agency providing services to elders, program designed for domestic violence abusers or any other guidance service the court deems appropriate.

(5) Physical care and possession of the minor child. In order to protect the minor child from abuse, neglect, or unwarranted separation from the person who has been the minor child's primary caretaker, or to otherwise protect the well-being of the minor child, the court may do either or both of the following: (i) grant petitioner physical care or possession of the minor child, or both, or (ii) order respondent to return a minor child to, or not remove a minor child from, the physical care of a parent or person in loco parentis.

If a court finds, after a hearing, that respondent has committed abuse (as defined in Section 103) of a minor child, there shall be a rebuttable presumption that awarding physical care to respondent would not be in the minor child's best interest.

(6) Temporary legal custody. Award temporary legal custody to petitioner in accordance with this Section, the Illinois
Marriage and Dissolution of Marriage Act, the Illinois Parentage Act of 1984, and this State's Uniform Child-Custody Jurisdiction and Enforcement Act.

If a court finds, after a hearing, that respondent has committed abuse (as defined in Section 103) of a minor child, there shall be a rebuttable presumption that awarding temporary legal custody to respondent would not be in the child's best interest.

(7) Visitation. Determine the visitation rights, if any, of respondent in any case in which the court awards physical care or temporary legal custody of a minor child to petitioner. The court shall restrict or deny respondent's visitation with a minor child if the court finds that respondent has done or is likely to do any of the following: (i) abuse or endanger the minor child during visitation; (ii) use the visitation as an opportunity to abuse or harass petitioner or petitioner's family or household members; (iii) improperly conceal or detain the minor child; or (iv) otherwise act in a manner that is not in the best interests of the minor child. The court shall not be limited by the standards set forth in Section 607.1 of the Illinois Marriage and Dissolution of Marriage Act. If the court grants visitation, the order shall specify dates and times for the visitation to take place or other specific parameters or conditions that are appropriate. No order for visitation shall refer merely to the term "reasonable visitation".

Petitioner may deny respondent access to the minor child if, when respondent arrives for visitation, respondent is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of petitioner or petitioner's minor children or is behaving in a violent or abusive manner.

If necessary to protect any member of petitioner's family or household from future abuse, respondent shall be prohibited from coming to petitioner's residence to meet the minor child for visitation, and the parties shall submit to the court their recommendations for reasonable alternative arrangements for visitation. A person may be approved to supervise visitation only

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after filing an affidavit accepting that responsibility and acknowledging accountability to the court.

(8) Removal or concealment of minor child. Prohibit respondent from removing a minor child from the State or concealing the child within the State.

(9) Order to appear. Order the respondent to appear in court, alone or with a minor child, to prevent abuse, neglect, removal or concealment of the child, to return the child to the custody or care of the petitioner or to permit any court-ordered interview or examination of the child or the respondent.

(10) Possession of personal property. Grant petitioner exclusive possession of personal property and, if respondent has possession or control, direct respondent to promptly make it available to petitioner, if:

   (i) petitioner, but not respondent, owns the property;

   or

   (ii) the parties own the property jointly; sharing it would risk abuse of petitioner by respondent or is impracticable; and the balance of hardships favors temporary possession by petitioner.

If petitioner's sole claim to ownership of the property is that it is marital property, the court may award petitioner temporary possession thereof under the standards of subparagraph (ii) of this paragraph only if a proper proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended.

No order under this provision shall affect title to property.

(11) Protection of property. Forbid the respondent from taking, transferring, encumbering, concealing, damaging or otherwise disposing of any real or personal property, except as explicitly authorized by the court, if:

   (i) petitioner, but not respondent, owns the property;

   or

   (ii) the parties own the property jointly; sharing it would risk abuse of petitioner by respondent or is impracticable; and the balance of hardships favors temporary possession by petitioner.

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(ii) the parties own the property jointly, and the balance of hardships favors granting this remedy.

If petitioner's sole claim to ownership of the property is that it is marital property, the court may grant petitioner relief under subparagraph (ii) of this paragraph only if a proper proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended.

The court may further prohibit respondent from improperly using the financial or other resources of an aged member of the family or household for the profit or advantage of respondent or of any other person.

(11.5) Protection of animals. Grant the petitioner the exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.

(12) Order for payment of support. Order respondent to pay temporary support for the petitioner or any child in the petitioner's care or custody, when the respondent has a legal obligation to support that person, in accordance with the Illinois Marriage and Dissolution of Marriage Act, which shall govern, among other matters, the amount of support, payment through the clerk and withholding of income to secure payment. An order for child support may be granted to a petitioner with lawful physical care or custody of a child, or an order or agreement for physical care or custody, prior to entry of an order for legal custody. Such a support order shall expire upon entry of a valid order granting legal custody to another, unless otherwise provided in the custody order.

(13) Order for payment of losses. Order respondent to pay petitioner for losses suffered as a direct result of the abuse, neglect, or exploitation. Such losses shall include, but not be limited to,
medical expenses, lost earnings or other support, repair or replacement of property damaged or taken, reasonable attorney's fees, court costs and moving or other travel expenses, including additional reasonable expenses for temporary shelter and restaurant meals.

(i) Losses affecting family needs. If a party is entitled to seek maintenance, child support or property distribution from the other party under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended, the court may order respondent to reimburse petitioner's actual losses, to the extent that such reimbursement would be "appropriate temporary relief", as authorized by subsection (a)(3) of Section 501 of that Act.

(ii) Recovery of expenses. In the case of an improper concealment or removal of a minor child, the court may order respondent to pay the reasonable expenses incurred or to be incurred in the search for and recovery of the minor child, including but not limited to legal fees, court costs, private investigator fees, and travel costs.

(14) Prohibition of entry. Prohibit the respondent from entering or remaining in the residence or household while the respondent is under the influence of alcohol or drugs and constitutes a threat to the safety and well-being of the petitioner or the petitioner's children.

(14.5) Prohibition of firearm possession.

(a) When a complaint is made under a request for an order of protection, that the respondent has threatened or is likely to use firearms illegally against the petitioner, and the respondent is present in court, or has failed to appear after receiving actual notice, the court shall examine on oath the petitioner, and any witnesses who may be produced. If the court is satisfied that there is any danger of the illegal use of firearms, it shall issue an order that any firearms in the possession of the respondent, except as provided in

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subsection (b), be turned over to the local law enforcement agency for safekeeping. If the respondent has failed to appear, the court shall issue a warrant for seizure of any firearm in the possession of the respondent. The period of safekeeping shall be for a stated period of time not to exceed 2 years. The firearm or firearms shall be returned to the respondent at the end of the stated period or at expiration of the order of protection, whichever is sooner.

(b) If the respondent is a peace officer as defined in Section 2-13 of the Criminal Code of 1961, the court shall order that any firearms used by the respondent in the performance of his or her duties as a peace officer be surrendered to the chief law enforcement executive of the agency in which the respondent is employed, who shall retain the firearms for safekeeping for the stated period not to exceed 2 years as set forth in the court order.

15. Prohibition of access to records. If an order of protection prohibits respondent from having contact with the minor child, or if petitioner's address is omitted under subsection (b) of Section 203, or if necessary to prevent abuse or wrongful removal or concealment of a minor child, the order shall deny respondent access to, and prohibit respondent from inspecting, obtaining, or attempting to inspect or obtain, school or any other records of the minor child who is in the care of petitioner.

16. Order for payment of shelter services. Order respondent to reimburse a shelter providing temporary housing and counseling services to the petitioner for the cost of the services, as certified by the shelter and deemed reasonable by the court.

17. Order for injunctive relief. Enter injunctive relief necessary or appropriate to prevent further abuse of a family or household member or further abuse, neglect, or exploitation of a high-risk adult with disabilities or to effectuate one of the granted remedies, if supported by the balance of hardships. If the harm to be prevented by the injunction is abuse or any other harm that one

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of the remedies listed in paragraphs (1) through (16) of this subsection is designed to prevent, no further evidence is necessary that the harm is an irreparable injury.

(c) Relevant factors; findings.

(1) In determining whether to grant a specific remedy, other than payment of support, the court shall consider relevant factors, including but not limited to the following:

(i) the nature, frequency, severity, pattern and consequences of the respondent's past abuse, neglect or exploitation of the petitioner or any family or household member, including the concealment of his or her location in order to evade service of process or notice, and the likelihood of danger of future abuse, neglect, or exploitation to petitioner or any member of petitioner's or respondent's family or household; and

(ii) the danger that any minor child will be abused or neglected or improperly removed from the jurisdiction, improperly concealed within the State or improperly separated from the child's primary caretaker.

(2) In comparing relative hardships resulting to the parties from loss of possession of the family home, the court shall consider relevant factors, including but not limited to the following:

(i) availability, accessibility, cost, safety, adequacy, location and other characteristics of alternate housing for each party and any minor child or dependent adult in the party's care;

(ii) the effect on the party's employment; and

(iii) the effect on the relationship of the party, and any minor child or dependent adult in the party's care, to family, school, church and community.

(3) Subject to the exceptions set forth in paragraph (4) of this subsection, the court shall make its findings in an official record or in writing, and shall at a minimum set forth the following:

New matter indicated by italics - deletions by strikeout
(i) That the court has considered the applicable relevant factors described in paragraphs (1) and (2) of this subsection.

(ii) Whether the conduct or actions of respondent, unless prohibited, will likely cause irreparable harm or continued abuse.

(iii) Whether it is necessary to grant the requested relief in order to protect petitioner or other alleged abused persons.

(4) For purposes of issuing an ex parte emergency order of protection, the court, as an alternative to or as a supplement to making the findings described in paragraphs (c)(3)(i) through (c)(3)(iii) of this subsection, may use the following procedure:

When a verified petition for an emergency order of protection in accordance with the requirements of Sections 203 and 217 is presented to the court, the court shall examine petitioner on oath or affirmation. An emergency order of protection shall be issued by the court if it appears from the contents of the petition and the examination of petitioner that the averments are sufficient to indicate abuse by respondent and to support the granting of relief under the issuance of the emergency order of protection.

(5) Never married parties. No rights or responsibilities for a minor child born outside of marriage attach to a putative father until a father and child relationship has been established under the Illinois Parentage Act of 1984, the Illinois Public Aid Code, Section 12 of the Vital Records Act, the Juvenile Court Act of 1987, the Probate Act of 1985, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, the Expedited Child Support Act of 1990, any judicial, administrative, or other act of another state or territory, any other Illinois statute, or by any foreign nation establishing the father and child relationship, any other proceeding substantially in conformity with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193), or where both

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parties appeared in open court or at an administrative hearing acknowledging under oath or admitting by affirmation the existence of a father and child relationship. Absent such an adjudication, finding, or acknowledgement, no putative father shall be granted temporary custody of the minor child, visitation with the minor child, or physical care and possession of the minor child, nor shall an order of payment for support of the minor child be entered.

(d) Balance of hardships; findings. If the court finds that the balance of hardships does not support the granting of a remedy governed by paragraph (2), (3), (10), (11), or (16) of subsection (b) of this Section, which may require such balancing, the court's findings shall so indicate and shall include a finding as to whether granting the remedy will result in hardship to respondent that would substantially outweigh the hardship to petitioner from denial of the remedy. The findings shall be an official record or in writing.

(e) Denial of remedies. Denial of any remedy shall not be based, in whole or in part, on evidence that:

1. Respondent has cause for any use of force, unless that cause satisfies the standards for justifiable use of force provided by Article VII of the Criminal Code of 1961;
2. Respondent was voluntarily intoxicated;
3. Petitioner acted in self-defense or defense of another, provided that, if petitioner utilized force, such force was justifiable under Article VII of the Criminal Code of 1961;
4. Petitioner did not act in self-defense or defense of another;
5. Petitioner left the residence or household to avoid further abuse, neglect, or exploitation by respondent;
6. Petitioner did not leave the residence or household to avoid further abuse, neglect, or exploitation by respondent;
7. Conduct by any family or household member excused the abuse, neglect, or exploitation by respondent, unless that same conduct would have excused such abuse, neglect, or exploitation if the parties had not been family or household members.
AN ACT concerning regulation.

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

Section 5. The Regulatory Sunset Act is amended by changing Section 4.18 and by adding Section 4.28 as follows:

(5 ILCS 80/4.18)

Sec. 4.18. Acts repealed January 1, 2008. The following Acts are repealed on January 1, 2008:

The Acupuncture Practice Act.
The Home Medical Equipment and Services Provider License Act.
The Nursing and Advanced Practice Nursing Act.
The Illinois Speech-Language Pathology and Audiology Practice Act.
The Marriage and Family Therapy Licensing Act.
The Nursing Home Administrators Licensing and Disciplinary Act.
The Structural Pest Control Act.

(Source: P.A. 94-754, eff. 5-10-06.)

(5 ILCS 80/4.28 new)

Sec. 4.28. Act repealed on January 1, 2018. The following Act is repealed on January 1, 2018:


New matter indicated by italics - deletions by strikeout
Section 10. The Podiatric Medical Practice Act of 1987 is amended by changing Sections 3, 5, 6, 7, 10, 11.5, 12, 14, 18, 21, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 38, and 41 as follows:

(225 ILCS 100/3) (from Ch. 111, par. 4803)  
(Section scheduled to be repealed on January 1, 2008)  
Sec. 3. Exceptions. This Act does not prohibit:

   (A) Any person licensed to practice medicine and surgery in all of its branches in this State under the Medical Practice Act of 1987 from engaging in the practice for which he or she is licensed.

   (B) The practice of podiatric medicine by a person who is employed by the United States government or any bureau, division or agency thereof while in the discharge of the employee's official duties.

   (C) The practice of podiatric medicine that is included in their program of study by students enrolled in any approved college of podiatric medicine or in refresher courses approved by the Department.

   (D) The practice of podiatric medicine by one who has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as a podiatric physician and has complied with all the provisions under Section 10 of this Act, except the passing of an examination to be eligible to receive such license, until the decision of the Department that the applicant has failed to pass the next available examination authorized by the Department or has failed to take the next available examination authorized by the Department, or the withdrawal of the application.

   (E) The practice of podiatric medicine by one who is a podiatric physician under the laws of another state, territory of the United States or country as described in Section 18 of this Act, and has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as a podiatric physician and who is qualified to receive such license under Section 13 or Section 9, until:

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(1) the expiration of 6 months after the filing of such written application,
(2) the withdrawal of such application, or
(3) the denial of such application by the Department.
(F) The provision of emergency care without fee by a podiatric physician assisting in an emergency as provided in Section 4.
An applicant for a license to practice podiatric medicine, practicing under the exceptions set forth in paragraphs (D) or (E), may use the title podiatric physician, podiatrist, doctor of podiatric medicine, or chiropodist as set forth in Section 5 of this Act.
(Source: P.A. 90-14, eff. 7-1-97; 90-76, eff. 12-30-97.)
(225 ILCS 100/5) (from Ch. 111, par. 4805)
(Sec. 5. Definitions. As used in this Act:
(A) "Department" means the Department of Financial and Professional Regulation.
(B) "Secretary" "Director" means the Secretary Director of Financial and Professional Regulation.
(C) "Board" means the Podiatric Medical Licensing Board appointed by the Secretary Director.
(D) "Podiatric medicine" or "podiatry" means the diagnosis, medical, physical, or surgical treatment of the ailments of the human foot, including amputations; provided that amputations of the human foot are limited to 10 centimeters proximal to the tibial talar articulation. "Podiatric medicine" or "podiatry" includes the provision of topical and local anesthesia and moderate and deep sedation, as defined by Department rule adopted under the Medical Practice Act of 1987 with the exception of administration of general anesthetics and the amputation of the human foot. For the purposes of this Act, the terms podiatric medicine, podiatry and chiropody have the same definition.
(E) "Human foot" means the ankle and soft tissue which insert into the foot as well as the foot.
(F) "Podiatric physician" means a physician licensed to practice podiatric medicine.

(G) "Postgraduate training" means a minimum one year postdoctoral structured and supervised educational experience approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association which includes residencies and preceptorships.

(Source: P.A. 90-76, eff. 12-30-97.)

(225 ILCS 100/6) (from Ch. 111, par. 4806)

Sec. 6. Powers and duties of the Department. The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensing acts and shall exercise such other powers and duties conferred by this Act.

The Secretary may promulgate rules consistent with the provisions of this Act, for the administration and enforcement thereof and may prescribe forms that shall be issued in connection therewith.

(Source: P.A. 90-76, eff. 12-30-97.)

(225 ILCS 100/7) (from Ch. 111, par. 4807)

Sec. 7. Creation of the Board. The Secretary shall appoint a Podiatric Medical Licensing Board as follows: 5 members must be actively engaged in the practice of podiatric medicine in this State for a minimum of 3 years and one member must be a member of the general public who is not licensed under this Act or a similar Act of another jurisdiction.

Members shall serve 3 year terms and serve until their successors are appointed and qualified. No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 8 successive years.

A majority of Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise the rights and perform all of the duties of the Board.
In making appointments to the Board the Secretary Director shall give due consideration to recommendations by the Illinois Podiatric Medical Association and shall promptly give due notice to the Illinois Podiatric Medical Association of any vacancy in the membership of the Board.

Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term.

The Board shall annually elect a chairperson and vice-chairperson. The membership of the Board should reasonably reflect representation from the geographic areas in this State.

Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

The members of the Board may shall each receive as compensation a reasonable sum as determined by the Secretary Director for each day actually engaged in the duties of the office, and all legitimate and necessary expenses incurred in attending the meetings of the Board.

The Secretary Director may terminate the appointment of any member for cause that in the opinion of the Secretary Director reasonably justifies such termination.

The Secretary Director shall consider the recommendations of the Board on questions involving standards of professional conduct, discipline, and qualifications of candidates and licensees under this Act.

Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made in the response. The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the administration or enforcement of this Act.

(Source: P.A. 90-76, eff. 12-30-97.)

(225 ILCS 100/10) (from Ch. 111, par. 4810)
(Section scheduled to be repealed on January 1, 2008)
Sec. 10. Qualifications for licensure. A person shall be qualified for licensure as a podiatric physician:

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(A) who has applied for licensure on forms prepared and furnished by the Department;

(B) who is at least 21 years of age;

(C) who has not engaged in or is not engaged in any practice or conduct that constitutes grounds for discipline under this Act, including without limitation grounds set forth in Section 24 of this Act, or rules adopted under this Act is of good moral character. In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as a bar to licensure;

(D) who is a graduate of an approved college of podiatric medicine and has attained the academic degree of doctor of podiatric medicine (D.P.M.);

(E) who has successfully completed an examination authorized by the Department; and

(F) who has successfully completed a minimum of one year postgraduate training as defined in Section 5 of this Act. The postgraduate training requirement shall be effective July 1, 1992.

(Source: P.A. 89-387, eff. 8-20-95; 90-76, eff. 12-30-97.)

(225 ILCS 100/11.5)

(Section scheduled to be repealed on January 1, 2008)

Sec. 11.5. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice podiatry without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $10,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

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(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 89-474, eff. 6-18-96.)

(225 ILCS 100/12) (from Ch. 111, par. 4812)

(Section scheduled to be repealed on January 1, 2008)

Sec. 12. Temporary license; qualifications and terms.

(A) Podiatric physicians otherwise qualified for licensure, with the exception of completion of one year of postgraduate training and the exception of the successful completion of the written practical examination required under Section 10, may be granted a one year temporary license to practice podiatric medicine provided that the applicant can demonstrate that he or she has been accepted and is enrolled in a recognized postgraduate training program during the period for which the temporary license is sought. Such temporary licenses shall be valid for one year from the date of issuance for the practice site issued and may be renewed once. In addition, an applicant may request a one-year extension pursuant to the rules of the Department. Such applicants shall apply in writing on those forms prescribed by the Department and shall submit with the application the required application fee. Other examination fees that may be required under Section 8 must also be paid by temporary licensees.

(B) Application for visiting professor permits shall be made to the Department in writing on forms prescribed by the Department and be accompanied by the required fee. Requirements for a visiting professor permit issued under this Section shall be determined by the Department by rule. Visiting professor permits shall be valid for one year from the date of issuance or until such time as the faculty appointment is terminated, whichever occurs first, and may be renewed once.

(Source: P.A. 90-76, eff. 12-30-97.)

(225 ILCS 100/14) (from Ch. 111, par. 4814)

(Section scheduled to be repealed on January 1, 2008)

Sec. 14. Continuing education requirement. Podiatric physicians licensed to practice in Illinois shall, as a requirement for renewal of

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license, complete continuing education at the rate of at least 50 hours per year. Such hours shall be earned (1) from courses offered by sponsors validated by the Illinois Podiatric Medical Association Continuing Education Committee and approved by the Podiatric Medical Licensing Board; or (2) by continuing education activities as defined in the rules of the Department. Podiatric physicians shall, at the request of the Department, provide proof of having met the requirements of continuing education under this Section. The Department shall by rule provide an orderly process for the reinstatement of licenses which have not been renewed due to the licensee's failure to meet requirements of this Section. The requirements of continuing education may be waived by the Secretary Director, upon recommendation by the Board, in whole or in part for such good cause, including but not limited to illness or hardship, as defined by the rules of the Department.

The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by registrants; by requiring the filing of continuing education certificates with the Department; or by other means established by the Department.

(Source: P.A. 92-750, eff. 1-1-03.)

(225 ILCS 100/18) (from Ch. 111, par. 4818)

Sec. 18. Fees.

(a) The following fees are not refundable.

(1) The fee for a certificate of licensure is $400. The fee for a temporary permit or Visiting Professor permit under Section 12 of this Act is $250.

(2) In addition, applicants for any examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged

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(3) The fee for the renewal of a certificate of licensure shall be calculated at the rate of $200 per year. The fee for the renewal of a temporary permit or Visiting Professor permit shall be calculated at the rate of $125 per year.

(4) The fee for the restoration of a certificate of licensure other than from inactive status is $100 plus payment of all lapsed renewal fees, but not to exceed $910.

(5) The fee for the issuance of a duplicate certificate of licensure, for the issuance of a replacement certificate for a certificate which has been lost or destroyed or for the issuance of a certificate with a change of name or address other than during the renewal period is $20. No fee is required for name and address changes on Department records when no duplicate certificate is issued.

(6) The fee for a certification of a licensee's record for any purpose is $20.

(7) The fee to have the scoring of an examination administered by the Department reviewed and verified is $20 plus any fees charged by the applicable testing service.

(8) The fee for a wall certificate showing licensure shall be the actual cost of producing such certificates.

(9) The fee for a roster of persons licensed as podiatric physicians in this State shall be the actual cost of producing such a roster.

(10) The annual fee for continuing education sponsors is $1,000, however colleges, universities and State agencies shall be exempt from payment of this fee.

(b) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided
under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Secretary Director may waive the fines due under this Section in individual cases where the Secretary Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-146, eff. 1-1-02.)

(225 ILCS 100/21) (from Ch. 111, par. 4821)

(Sec. 21. Advertising.

(A) Any podiatric physician may advertise the availability of podiatric medical services in the public media or on the premises where such services are rendered. Such advertising shall be limited to the following information:

(a) the podiatric medical services available;

(b) publication of the podiatric physician's name, title, office hours, address and telephone;

(c) information pertaining to areas of practice specialization, including appropriate board certification as approved by the Board in accordance with the rules for the administration of this Act or limitation of professional practice;

(d) information on usual and customary fees for routine podiatric medical services offered, which information shall include notification that fees may be adjusted due to complications or unforeseen circumstances;

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(e) announcement of the opening of, change of, absence from, or return to business;
(f) announcement of additions to or deletions from professional podiatric staff;
(g) the issuance of business or appointment cards;
(h) other information about the podiatric physician, podiatric practice or the types of podiatric services that the podiatric physician offers to perform that a reasonable person might regard as relevant in determining whether to seek the podiatric physician's services.

(B) It is unlawful for any podiatric physician licensed under this Act:

(1) to use testimonials or claims of superior quality of care to entice the public;
(2) to advertise in any way to practice podiatric medicine without causing pain or deformity; or
(3) to advertise or offer gifts as an inducement to secure patient patronage. Podiatric physicians may advertise or offer free examinations or free podiatric medical services; it shall be unlawful, however, for any podiatric physician to charge a fee to any patient or any third party payor for any podiatric medical service provided at the time that such free examination or free podiatric medical services are provided.

(C) This Act does not authorize the advertising of podiatric medical services when the offeror of such services is not a podiatric physician. Nor shall the podiatric physician use statements that contain false, fraudulent, deceptive or misleading material or guarantees of success, statements that play upon the vanity or fears of the public, or statements that promote or produce unfair competition.

(D) A licensee shall include in every advertisement for services regulated under this Act his or her title as provided by rule or the initials authorized under this Act.

(Source: P.A. 90-76, eff. 12-30-97; 91-310, eff. 1-1-00.)
(225 ILCS 100/24) (from Ch. 111, par. 4824)
Sec. 24. Grounds for disciplinary action. Refusal to issue or suspension or revocation of license; grounds. The Department may refuse to issue, may refuse to renew, may refuse to restore, may suspend, or may revoke any license, or may place on probation, reprimand or take other disciplinary or non-disciplinary action as the Department may deem proper, including fines not to exceed $10,000 $5,000 for each violation upon anyone licensed under this Act for any of the following reasons:

1. Making a material misstatement in furnishing information to the Department.
2. Violations of this Act, or of the rules or regulations promulgated hereunder.
3. Conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony under the laws of the United States or any state or territory of the United States jurisdiction that is a felony or a misdemeanor, of which an essential element is dishonesty, or of any crime that is directly related to the practice of the profession.
4. Making any misrepresentation for the purpose of obtaining licenses, or violating any provision of this Act or the rules promulgated thereunder pertaining to advertising.
5. Professional incompetence.
6. Gross or repeated malpractice or negligence.
7. Aiding or assisting another person in violating any provision of this Act or rules.
8. Failing, within 30 days, to provide information in response to a written request made by the Department.
9. Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.
10. Habitual or excessive use of alcohol, narcotics, stimulants or other chemical agent or drug that results in the inability to practice podiatric medicine with reasonable judgment, skill or safety.
11. Discipline by another United States jurisdiction if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

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(12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for any professional services not actually or personally rendered. This shall not be deemed to include rent or other remunerations paid to an individual, partnership, or corporation, by a licensee, for the lease, rental or use of space, owned or controlled, by the individual, partnership or corporation.

(13) A finding by the Podiatric Medical Licensing Board that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

(14) Abandonment of a patient.

(15) Willfully making or filing false records or reports in his or her practice, including but not limited to false records filed with state agencies or departments.

(16) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Report Act.

(17) Physical illness, mental illness, or other impairment, including but not limited to, deterioration through the aging process, or loss of motor skill that results in the inability to practice the profession with reasonable judgment, skill or safety.

(18) Solicitation of professional services other than permitted advertising.

(19) The determination by a circuit court that a licensed podiatric physician is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient; and upon the recommendation of the Podiatric Medical Licensing Board to the Secretary Director that the licensee be allowed to resume his or her practice.

(20) Holding oneself out to treat human ailments under any name other than his or her own, or the impersonation of any other physician.

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(21) Revocation or suspension or other action taken with respect to a podiatric medical license in another jurisdiction that would constitute disciplinary action under this Act.

(22) Promotion of the sale of drugs, devices, appliances or goods provided for a patient in such manner as to exploit the patient for financial gain of the podiatric physician.

(23) Gross, willful, and continued overcharging for professional services including filing false statements for collection of fees for those services, including, but not limited to, filing false statement for collection of monies for services not rendered from the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code or other private or public third party payor.

(24) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(25) Willfully making or filing false records or reports in the practice of podiatric medicine, including, but not limited to, false records to support claims against the medical assistance program of the Illinois Public Aid Code.

(26) (Blank).

Mental illness or disability that results in the inability to practice with reasonable judgment, skill or safety.

(27) Immoral conduct in the commission of any act including, sexual abuse, sexual misconduct, or sexual exploitation, related to the licensee's practice.

(28) Violation of the Health Care Worker Self-Referral Act.

(29) Failure to report to the Department any adverse final action taken against him or her by another licensing jurisdiction (another state or a territory of the United States or a foreign state or country) by a peer review body, by any health care institution, by a professional society or

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association related to practice under this Act, by a governmental agency, by a law enforcement agency, or by a court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this Section.

The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

Upon receipt of a written communication from the Secretary of Human Services, the Director of Healthcare and Family Services (formerly Director of Public Aid), or the Director of Public Health that continuation of practice of a person licensed under this Act constitutes an immediate danger to the public, the Secretary Director may immediately suspend the license of such person without a hearing. In instances in which the Secretary Director immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Board within 15 days after such suspension and completed without appreciable delay, such hearing held to determine whether to recommend to the Secretary Director that the person's license be revoked, suspended, placed on probationary status or reinstated, or such person be subject to other disciplinary action. In such hearing, the written communication and any other evidence submitted therewith may be introduced as evidence against such person; provided, however, the person or his counsel shall have the opportunity to discredit or impeach such evidence and submit evidence rebutting the same.

Except for fraud in procuring a license, all proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license on any of the foregoing grounds, must be commenced within 5 years after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described in this Section. Except for the grounds set forth in items (8), (9),

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(26), and (29) of this Section, no action shall be commenced more than 10 years after the date of the incident or act alleged to have been a violation of this Section. In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final judgment of any civil action in favor of the plaintiff, such claim, cause of action, or civil action being grounded on the allegation that a person licensed under this Act was negligent in providing care, the Department shall have an additional period of 2 years one year from the date of notification to the Department under Section 26 of this Act of such settlement or final judgment in which to investigate and commence formal disciplinary proceedings under Section 24 of this Act, except as otherwise provided by law. The time during which the holder of the license was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department.

In enforcing this Section, the Department or Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department or Board finds an individual unable to practice because of the reasons set forth in this Section, the Department or Board
may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file, or the Board may recommend to the Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Secretary Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 30 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 89-507, eff. 7-1-97; 90-76, eff. 12-30-97; revised 12-15-05.)

(225 ILCS 100/25) (from Ch. 111, par. 4825)

(Section scheduled to be repealed on January 1, 2008)

Sec. 25. Violations - Injunction - Cease and desist order.

A. If any person violates the provision of this Act, the Secretary Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, petition, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily
and permanently enjoin such violation, and if it is established that such
person has violated or is violating the injunction, the court may punish the
offender for contempt of court. Proceedings under this Section shall be in
addition to, and not in lieu of, all other remedies and penalties provided by
this Act.

B. If any person shall practice as a podiatric physician or hold
himself out as a podiatric physician without being licensed under the
provisions of this Act then any licensed podiatric physician, any interested
party or any person injured thereby may, in addition to the Secretary
Director, petition for relief as provided in subsection A of this Section.

C. Whenever in the opinion of the Department any person violates
any provision of this Act, the Department may issue a rule to show cause
why an order to cease and desist should not be entered against him. The
rule shall clearly set forth the grounds relied upon by the Department and
shall provide a period of 7 days from the date of the rule to file an answer
to the satisfaction of the Department. Failure to answer to the satisfaction
of the Department shall cause an order to cease and desist to be issued
forthwith.

(Source: P.A. 85-918.)

(225 ILCS 100/26) (from Ch. 111, par. 4826)
(Section scheduled to be repealed on January 1, 2008)
Sec. 26. Reports relating to professional conduct and capacity.
(A) The Board shall by rule provide for the reporting to it of all
instances in which a podiatric physician licensed under this Act who is
impaired by reason of age, drug or alcohol abuse or physical or mental
impairment, is under supervision and, where appropriate, is in a program
of rehabilitation. Reports shall be strictly confidential and may be
reviewed and considered only by the members of the Board, or by
authorized staff of the Department as provided by the rules of the Board.
Provisions shall be made for the periodic report of the status of any such
podiatric physician not less than twice annually in order that the Board
shall have current information upon which to determine the status of any
such podiatric physician. Such initial and periodic reports of impaired
physicians shall not be considered records within the meaning of the State

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Records Act and shall be disposed of, following a determination by the Board that such reports are no longer required, in a manner and at such time as the Board shall determine by rule. The filing of such reports shall be construed as the filing of a report for the purposes of subsection (C) of this Section. Failure to file a report under this Section shall be a Class A misdemeanor.

(A-5) The following persons and entities shall report to the Department or the Board in the instances and under the conditions set forth in this subsection (A-5):

(1) An administrator or officer of any hospital, nursing home or other health care agency or facility who has knowledge of any action or condition which reasonably indicates to him or her that a licensed podiatric physician practicing in such hospital, nursing home or other health care agency or facility is habitually intoxicated or addicted to the use of habit forming drugs, or is otherwise impaired, to the extent that such intoxication, addiction, or impairment adversely affects such podiatric physician's professional performance, or has knowledge that reasonably indicates to him or her that any podiatric physician unlawfully possesses, uses, distributes or converts habit-forming drugs belonging to the hospital, nursing home or other health care agency or facility for such podiatric physician's own use or benefit, shall promptly file a written report thereof to the Department. The report shall include the name of the podiatric physician, the name of the patient or patients involved, if any, a brief summary of the action, condition or occurrence that has necessitated the report, and any other information as the Department may deem necessary. The Department shall provide forms on which such reports shall be filed.

(2) The president or chief executive officer of any association or society of podiatric physicians licensed under this Act, operating within this State shall report to the Board when the association or society renders a final determination relating to the professional competence or conduct of the podiatric physician.

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(3) Every insurance company that offers policies of professional liability insurance to persons licensed under this Act, or any other entity that seeks to indemnify the professional liability of a podiatric physician licensed under this Act, shall report to the Board the settlement of any claim or cause of action, or final judgment rendered in any cause of action that alleged negligence in the furnishing of medical care by such licensed person when such settlement or final judgement is in favor of the plaintiff.

(4) The State's Attorney of each county shall report to the Board all instances in which a person licensed under this Act is convicted or otherwise found guilty of the commission of any felony.

(5) All agencies, boards, commissions, departments, or other instrumentalities of the government of the State of Illinois shall report to the Board any instance arising in connection with the operations of such agency, including the administration of any law by such agency, in which a podiatric physician licensed under this Act has either committed an act or acts that may be a violation of this Act or that may constitute unprofessional conduct related directly to patient care or that indicates that a podiatric physician licensed under this Act may be mentally or physically disabled in such a manner as to endanger patients under that physician's care.

(B) All reports required by this Act shall be submitted to the Board in a timely fashion. The reports shall be filed in writing within 60 days after a determination that a report is required under this Act. All reports shall contain the following information:

(1) The name, address and telephone number of the person making the report.

(2) The name, address and telephone number of the podiatric physician who is the subject of the report.

(3) The name or other means of identification of any patient or patients whose treatment is a subject of the report, provided, however, no medical records may be revealed without the written consent of the patient or patients.

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(4) A brief description of the facts that gave rise to the issuance of the report, including the dates of any occurrences deemed to necessitate the filing of the report.

(5) If court action is involved, the identity of the court in which the action is filed, along with the docket number and date of filing of the action.

(6) Any further pertinent information that the reporting party deems to be an aid in the evaluation of the report.

Nothing contained in this Section shall waive or modify the confidentiality of medical reports and committee reports to the extent provided by law. Any information reported or disclosed shall be kept for the confidential use of the Board, the Board's attorneys, the investigative staff and other authorized Department staff, as provided in this Act, and shall be afforded the same status as is provided information concerning medical studies in Part 21 of Article VIII of the Code of Civil Procedure.

(C) Any individual or organization acting in good faith, and not in a willful and wanton manner, in complying with this Act by providing any report or other information to the Board, or assisting in the investigation or preparation of such information, or by participating in proceedings of the Board, or by serving as a member of the Board, shall not, as a result of such actions, be subject to criminal prosecution or civil damages.

(D) Members of the Board, the Board's attorneys, the investigative staff, other podiatric physicians retained under contract to assist and advise in the investigation, and other authorized Department staff shall be indemnified by the State for any actions occurring within the scope of services on the Board, done in good faith and not willful and wanton in nature. The Attorney General shall defend all such actions unless he or she determines either that he or she would have a conflict of interest in such representation or that the actions complained of were not in good faith or were willful and wanton.

Should the Attorney General decline representation, the member shall have the right to employ counsel of his or her choice, whose fees shall be provided by the State, after approval by the Attorney General, unless there is a determination by a court that the member's actions were
not in good faith or were wilful and wanton. The member must notify the
Attorney General within 7 days of receipt of notice of the initiation of any
action involving services of the Board. Failure to so notify the Attorney
General shall constitute an absolute waiver of the right to a defense and
indemnification. The Attorney General shall determine within 7 days after
receiving such notice, whether he or she will undertake to represent the
member.

(E) Upon the receipt of any report called for by this Act, other than
those reports of impaired persons licensed under this Act required pursuant
to the rules of the Board, the Board shall notify in writing, by certified
mail, the podiatric physician who is the subject of the report. Such
notification shall be made within 30 days of receipt by the Board of the
report.

The notification shall include a written notice setting forth the
podiatric physician's right to examine the report. Included in such
notification shall be the address at which the file is maintained, the name
of the custodian of the reports, and the telephone number at which the
custodian may be reached. The podiatric physician who is the subject of
the report shall be permitted to submit a written statement responding,
clarifying, adding to, or proposing the amending of the report previously
filed. The statement shall become a permanent part of the file and must be
received by the Board no more than 30 days after the date on which the
podiatric physician was notified of the existence of the original report.

The Board shall review all reports received by it, together with any
supporting information and responding statements submitted by persons
who are the subject of reports. The review by the Board shall be in a
timely manner but in no event shall the Board's initial review of the
material contained in each disciplinary file be less than 61 days nor more
than 180 days after the receipt of the initial report by the Board.

When the Board makes its initial review of the materials contained
within its disciplinary files the Board shall, in writing, make a
determination as to whether there are sufficient facts to warrant further
investigation or action. Failure to make such determination within the time

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provided shall be deemed to be a determination that there are not sufficient facts to warrant further investigation or action.

Should the Board find that there are not sufficient facts to warrant further investigation, or action, the report shall be accepted for filing and the matter shall be deemed closed and so reported.

The individual or entity filing the original report or complaint and the podiatric physician who is the subject of the report or complaint shall be notified in writing by the Board of any final action on their report or complaint.

(F) The Board shall prepare on a timely basis, but in no event less than once every other month, a summary report of final disciplinary actions taken upon disciplinary files maintained by the Board. The summary reports shall be made available on the Department's web site sent by the Board to such institutions, associations and individuals as the Director may determine.

(G) Any violation of this Section shall be a Class A misdemeanor.

(H) If any such podiatric physician violates the provisions of this Section, an action may be brought in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, for an order enjoining such violation or for an order enforcing compliance with this Section. Upon filing of a verified petition in such court, the court may issue a temporary restraining order without notice or bond and may preliminarily or permanently enjoin such violation, and if it is established that such podiatric physician has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this paragraph shall be in addition to, and not in lieu of, all other remedies and penalties provided for by this Section.

(Source: P.A. 90-14, eff. 7-1-97; 90-76, eff. 12-30-97.)

(225 ILCS 100/27) (from Ch. 111, par. 4827)

(Section scheduled to be repealed on January 1, 2008)

Sec. 27. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person or persons holding or claiming to hold a license. The Department shall, before suspending, revoking, placing on probationary status or taking any other disciplinary

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action as the Department may deem proper with regard to any licensee, at least 30 days prior to the date set for the hearing, notify the accused in writing of any charges made and the time and place for a hearing of the charges before the Board, direct him or her to file his or her written answer thereto to the Board under oath within 20 days after the service on him or her of such notice and inform him or her that if he or she fails to file such answer default will be taken against him or her and his or her license may be revoked, suspended, placed on probationary status, or subject to other disciplinary action, including limiting the scope, nature, or extent of his or her practice as the Department may deem proper.

In case the accused person, after receiving notice fails to file an answer, his or her license may, in the discretion of the Secretary having received the recommendation of the Board, be suspended, revoked, or placed on probationary status or the Secretary may take whatever disciplinary action as he or she may deem proper including limiting the scope, nature, or extent of the accused person's practice without a hearing if the act or acts charged constitute sufficient grounds for such action under this Act.

Such written notice may be served by personal delivery or certified or registered mail to the respondent at the address on record with the Department. At the time and placed fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or to the defense thereto. The Board may continue such hearing from time to time.

(Source: P.A. 90-76, eff. 12-30-97.)

(225 ILCS 100/30) (from Ch. 111, par. 4830)

(Sec. 30. Witness; subpoenas. The Department shall have the power to subpoena and bring before it any person in this State and to take testimony, either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.

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The Secretary Director, and any member of the Board, shall each have the power to administer oaths to witnesses at any hearing that the Department is authorized to conduct under this Act, and any other oaths required or authorized to be administered by the Department hereunder.

(Source: P.A. 90-76, eff. 12-30-97.)

(225 ILCS 100/31) (from Ch. 111, par. 4831)

(Section scheduled to be repealed on January 1, 2008)

Sec. 31. Notice of hearing - Findings and recommendations. At the conclusion of the hearing the Board shall present to the Secretary Director a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary Director.

The report of findings of fact, conclusions of law and recommendations of the Board shall be the basis for the Department's order or refusal or for the granting of a license. If the Secretary Director disagrees in any regard with the report of the Board, the Secretary Director may issue an order in contravention thereof. The Secretary Director shall provide a written report to the Board on any deviation, and shall specify with particularity the reasons for such action in the final order. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 85-918.)

(225 ILCS 100/32) (from Ch. 111, par. 4832)

(Section scheduled to be repealed on January 1, 2008)

Sec. 32. Board - Rehearing. In any case involving the refusal to issue, renew or discipline of a license, a copy of the Board's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a

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motion in writing for a rehearing, which motion shall specify the particular grounds therefor.

If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial the Secretary Director may enter an order in accordance with recommendations of the Board except as provided in Section 31 of this Act. If the respondent shall order from the reporting service, and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

(Source: P.A. 85-918.)

(225 ILCS 100/33) (from Ch. 111, par. 4833)
Sec. 33. Secretary Director - Rehearing. Whenever the Secretary Director is satisfied that substantial justice has not been done in the revocation, suspension or refusal to issue or renew a license, the Secretary Director may order a rehearing by the same or another hearing officer or Board.

(Source: P.A. 85-918.)

(225 ILCS 100/34) (from Ch. 111, par. 4834)
Sec. 34. Appointment of a hearing officer. Notwithstanding the provisions of Section 32 of this Act, the Secretary Director shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, renew or discipline of a license.

The Secretary Director shall notify the Board of any such appointment. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings of fact, conclusions of law and recommendations to the Board and the Secretary Director. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present their findings of fact, conclusions of law and recommendations to the Board and the Secretary

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Director. The Board shall have 60 days after receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Director. If the Board fails to present its report within the 60 day period, the Secretary Director may issue an order based on the report of the hearing officer. If the Secretary Director disagrees in any regard with the report of the Board or hearing officer, he or she may issue an order in contravention thereof. The Secretary Director shall provide an explanation to the Board on any such deviation, and shall specify with particularity the reasons for such action in the final order.

(Source: P.A. 90-76, eff. 12-30-97.)

(225 ILCS 100/35) (from Ch. 111, par. 4835)
Sec. 35. Order or certified copy; prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary Director, shall be prima facie proof that:

(a) the signature is the genuine signature of the Secretary Director;

(b) the Secretary Director is duly appointed and qualified; and

(c) the Board and the members thereof are qualified to act.

(Source: P.A. 91-357, eff. 7-29-99.)

(225 ILCS 100/38) (from Ch. 111, par. 4838)
Sec. 38. Temporary suspension of a license. The Secretary Director may temporarily suspend the license of a podiatric physician without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 27 of this Act, if the Secretary Director finds that evidence in his or her possession indicates that a podiatric physician's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary Director suspends, temporarily, this license of a podiatric physician without a hearing, a hearing by the Board must be held within 30 days after such suspension has occurred and shall be concluded without appreciable delay.

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Sec. 41. Violations. Any person who is found to have violated any
provisions of this Act is guilty of a Class A misdemeanor. All criminal
fines, monies, or other property collected or received by the Department
under this Section or any other State or federal statute, including, but not
limited to, property forfeited to the Department under Section 505 of The
Illinois Controlled Substances Act or Section 85 of the Methamphetamine
Control and Community Protection Act, shall be deposited into the
Professional Regulation Evidence Fund.

The Board, with the advice of the Secretary Director and attorneys
for the Department, may establish by rule a schedule of fines payable by
those who have violated any provisions of this Act.

Fines assessed and collected for violations of this Act shall be
deposited in the Illinois State Podiatric Medical Disciplinary Fund.

Approved August 17, 2007.
Effective August 17, 2007.

PUBLIC ACT 95-0236
(House Bill No. 0251)

AN ACT concerning criminal law.

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

Section 5. The Criminal Code of 1961 is amended by changing
Sections 12-2, 12-4, 12-4.2, and 12-4.2-5 as follows:

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Sec. 12-2. Aggravated assault.

(a) A person commits an aggravated assault, when, in committing an assault, he:

(1) Uses a deadly weapon or any device manufactured and designed to be substantially similar in appearance to a firearm, other than by discharging a firearm in the direction of another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer, a private security officer, or a fireman or in the direction of a vehicle occupied by another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer, a private security officer, or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer or fireman from performing his official duties, or in retaliation for the officer or fireman performing his official duties;

(2) Is hooded, robed or masked in such manner as to conceal his identity or any device manufactured and designed to be substantially similar in appearance to a firearm;

(3) Knows the individual assaulted to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;

(4) Knows the individual assaulted to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;

(5) Knows the individual assaulted to be a caseworker, investigator, or other person employed by the Department of Healthcare and Family Services (formerly State Department of Public Aid), a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services).
Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient or any other person being interviewed or investigated in the employees' discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;

(6) Knows the individual assaulted to be a peace officer, or a community policing volunteer, a private security officer, or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer, community policing volunteer, or fireman from performing his official duties, or in retaliation for the officer, community policing volunteer, or fireman performing his official duties, and the assault is committed other than by the discharge of a firearm in the direction of the officer or fireman or in the direction of a vehicle occupied by the officer or fireman;

(7) Knows the individual assaulted to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid personnel engaged in the execution of any of his official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his official duties, or in retaliation for the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his official duties;

(8) Knows the individual assaulted to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for

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hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

(9) Or the individual assaulted is on or about a public way, public property, or public place of accommodation or amusement;

(9.5) Is, or the individual assaulted is, in or about a publicly or privately owned sports or entertainment arena, stadium, community or convention hall, special event center, amusement facility, or a special event center in a public park during any 24-hour period when a professional sporting event, National Collegiate Athletic Association (NCAA)-sanctioned sporting event, United States Olympic Committee-sanctioned sporting event, or International Olympic Committee-sanctioned sporting event is taking place in this venue;

(10) Knows the individual assaulted to be an employee of the State of Illinois, a municipal corporation therein or a political subdivision thereof, engaged in the performance of his authorized duties as such employee;

(11) Knowingly and without legal justification, commits an assault on a physically handicapped person;

(12) Knowingly and without legal justification, commits an assault on a person 60 years of age or older;

(13) Discharges a firearm;

(14) Knows the individual assaulted to be a correctional officer, while the officer is engaged in the execution of any of his or her official duties, or to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties;

(15) Knows the individual assaulted to be a correctional employee or an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, while the employee is engaged in the execution of
any of his or her official duties, or to prevent the employee from performing his or her official duties, or in retaliation for the employee performing his or her official duties, and the assault is committed other than by the discharge of a firearm in the direction of the employee or in the direction of a vehicle occupied by the employee;

(16) Knows the individual assaulted to be an employee of a police or sheriff's department engaged in the performance of his or her official duties as such employee; or

(17) Knows the individual assaulted to be a sports official or coach at any level of competition and the act causing the assault to the sports official or coach occurred within an athletic facility or an indoor or outdoor playing field or within the immediate vicinity of the athletic facility or an indoor or outdoor playing field at which the sports official or coach was an active participant in the athletic contest held at the athletic facility. For the purposes of this paragraph (17), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the athletic contest; or:

(18) Knows the individual assaulted to be an emergency management worker, while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties, and the assault is committed other than by the discharge of a firearm in the direction of the emergency management worker or in the direction of a vehicle occupied by the emergency management worker.

(a-5) A person commits an aggravated assault when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes near or in the immediate vicinity of any person.

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(b) Sentence.

Aggravated assault as defined in paragraphs (1) through (5) and (8) through (12) and (17) of subsection (a) of this Section is a Class A misdemeanor. Aggravated assault as defined in paragraphs (13), (14), and (15) of subsection (a) of this Section and as defined in subsection (a-5) of this Section is a Class 4 felony. Aggravated assault as defined in paragraphs (6), (7), (16), and (18) of subsection (a) of this Section is a Class A misdemeanor if a firearm is not used in the commission of the assault. Aggravated assault as defined in paragraphs (6), (7), (16), and (18) of subsection (a) of this Section is a Class 4 felony if a firearm is used in the commission of the assault.

(c) For the purposes of paragraphs (1) and (6) of subsection (a), "private security officer" means a registered employee of a private security contractor agency under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004.

(Source: P.A. 93-692, eff. 1-1-05; 94-243, eff. 1-1-06; 94-482, eff. 1-1-06; revised 12-15-05.)

(720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

Sec. 12-4. Aggravated Battery.

(a) A person who, in committing a battery, intentionally or knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated battery.

(b) In committing a battery, a person commits aggravated battery if he or she:

(1) Uses a deadly weapon other than by the discharge of a firearm;

(2) Is hooded, robed or masked, in such manner as to conceal his identity;

(3) Knows the individual harmed to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;

(4) (Blank);

(5) (Blank);

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(6) Knows the individual harmed to be a community policing volunteer while such volunteer is engaged in the execution of any official duties, or to prevent the volunteer from performing official duties, or in retaliation for the volunteer performing official duties, and the battery is committed other than by the discharge of a firearm;

(7) Knows the individual harmed to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital personnel engaged in the performance of any of his or her official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital personnel from performing official duties, or in retaliation for performing official duties;

(8) Is, or the person battered is, on or about a public way, public property or public place of accommodation or amusement;

(8.5) Is, or the person battered is, on a publicly or privately owned sports or entertainment arena, stadium, community or convention hall, special event center, amusement facility, or a special event center in a public park during any 24-hour period when a professional sporting event, National Collegiate Athletic Association (NCAA)-sanctioned sporting event, United States Olympic Committee-sanctioned sporting event, or International Olympic Committee-sanctioned sporting event is taking place in this venue;

(9)Knows the individual harmed to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of

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any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

(10) Knows the individual harmed to be an individual of 60 years of age or older;
(11) Knows the individual harmed is pregnant;
(12) Knows the individual harmed to be a judge whom the person intended to harm as a result of the judge's performance of his or her official duties as a judge;
(13) (Blank);
(14) Knows the individual harmed to be a person who is physically handicapped;
(15) Knowingly and without legal justification and by any means causes bodily harm to a merchant who detains the person for an alleged commission of retail theft under Section 16A-5 of this Code. In this item (15), "merchant" has the meaning ascribed to it in Section 16A-2.4 of this Code;
(16) Is, or the person battered is, in any building or other structure used to provide shelter or other services to victims or to the dependent children of victims of domestic violence pursuant to the Illinois Domestic Violence Act of 1986 or the Domestic Violence Shelters Act, or the person battered is within 500 feet of such a building or other structure while going to or from such a building or other structure. "Domestic violence" has the meaning ascribed to it in Section 103 of the Illinois Domestic Violence Act of 1986. "Building or other structure used to provide shelter" has the meaning ascribed to "shelter" in Section 1 of the Domestic Violence Shelters Act;
(17) (Blank); or
(18) Knows the individual harmed to be an officer or employee of the State of Illinois, a unit of local government, or school district engaged in the performance of his or her authorized duties as such officer or employee;

(19) (Blank) Knows the individual harmed to be an emergency management worker engaged in the performance of any of his or
her official duties, or to prevent the emergency management worker from performing official duties, or in retaliation for the emergency management worker performing official duties; or 

(20) Knows the individual harmed to be a private security officer engaged in the performance of any of his or her official duties, or to prevent the private security officer from performing official duties, or in retaliation for the private security officer performing official duties.

For the purpose of paragraph (14) of subsection (b) of this Section, a physically handicapped person is a person who suffers from a permanent and disabling physical characteristic, resulting from disease, injury, functional disorder or congenital condition.

For the purpose of paragraph (20) of subsection (b) and subsection (e) of this Section, "private security officer" means a registered employee of a private security contractor agency under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004.

(c) A person who administers to an individual or causes him to take, without his consent or by threat or deception, and for other than medical purposes, any intoxicating, poisonous, stupefying, narcotic, anesthetic, or controlled substance commits aggravated battery.

(d) A person who knowingly gives to another person any food that contains any substance or object that is intended to cause physical injury if eaten, commits aggravated battery.

(d-3) A person commits aggravated battery when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes upon or against the person of another.

(d-5) An inmate of a penal institution or a sexually dangerous person or a sexually violent person in the custody of the Department of Human Services who causes or attempts to cause a correctional employee of the penal institution or an employee of the Department of Human Services to come into contact with blood, seminal fluid, urine, or feces, by throwing, tossing, or expelling that fluid or material commits aggravated

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battery. For purposes of this subsection (d-5), "correctional employee" means a person who is employed by a penal institution.

(e) Sentence.

(1) Except as otherwise provided in paragraphs (2) and (3), aggravated battery is a Class 3 felony.

(2) Aggravated battery that does not cause great bodily harm or permanent disability or disfigurement is a Class 2 felony when the person knows the individual harmed to be a peace officer, a community policing volunteer, a private security officer, a correctional institution employee, an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, or a fireman while such officer, volunteer, employee, or fireman is engaged in the execution of any official duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee, or fireman from performing official duties, or in retaliation for the officer, volunteer, employee, or fireman performing official duties, and the battery is committed other than by the discharge of a firearm.

(3) Aggravated battery that causes great bodily harm or permanent disability or disfigurement in violation of subsection (a) is a Class 1 felony when the person knows the individual harmed to be a peace officer, a community policing volunteer, a private security officer, a correctional institution employee, an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, or a fireman while such officer, volunteer, employee, or fireman is engaged in the execution of any official duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee, or fireman from performing official duties, or in retaliation for the officer, volunteer, employee, or fireman performing official duties, and the battery is committed other than by the discharge of a firearm.
Sec. 12-4.2. Aggravated Battery with a firearm.

(a) A person commits aggravated battery with a firearm when he, in committing a battery, knowingly or intentionally by means of the discharging of a firearm (1) causes any injury to another person, or (2) causes any injury to a person he knows to be a peace officer, a private security officer, a community policing volunteer, a correctional institution employee or a fireman while the officer, volunteer, employee or fireman is engaged in the execution of any of his official duties, or to prevent the officer, volunteer, employee or fireman from performing his official duties, or in retaliation for the officer, volunteer, employee or fireman performing his official duties, or (3) causes any injury to a person he knows to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel, employed by a municipality or other governmental unit, while the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel is engaged in the execution of any of his official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his official duties, or in retaliation for the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his official duties, (4) causes any injury to a person he or she knows to be a teacher or other person employed in a school and the teacher or other employee is upon grounds of a school or grounds adjacent to a school, or is in any part of a building used for school purposes, or (5) causes any injury to a person he or she
knows to be an emergency management worker while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties.

(b) A violation of subsection (a)(1) of this Section is a Class X felony. A violation of subsection (a)(2), subsection (a)(3), subsection (a)(4), or subsection (a)(5) of this Section is a Class X felony for which the sentence shall be a term of imprisonment of no less than 15 years and no more than 60 years.

(c) For purposes of this Section: “firearm”

"Firearm" is defined as in the Firearm Owners Identification Card Act "An Act relating to the acquisition, possession and transfer of firearms and firearm ammunition, to provide a penalty for the violation thereof and to make an appropriation in connection therewith", approved August 1, 1967, as amended.


(Source: P.A. 94-243, eff. 1-1-06.)

(720 ILCS 5/12-4.2-5)

Sec. 12-4.2-5. Aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm. (a) A person commits aggravated battery with a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm when he or she, in committing a battery, knowingly or intentionally by means of the discharging of a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm (1) causes any injury to another person, or (2) causes any injury to a person he or she knows to be a peace officer, a private security officer, a person summoned by a peace officer, a correctional institution employee or a fireman while the officer, employee or fireman is engaged in the execution of any of his or her official duties, or to prevent
the officer, employee or fireman from performing his or her official duties, 
or in retaliation for the officer, employee or fireman performing his or her 
official duties, or (3) causes any injury to a person he or she knows to be 
an emergency medical technician - ambulance, emergency medical 
technician - intermediate, emergency medical technician - paramedic, 
ambulance driver, or other medical assistance or first aid personnel, 
employed by a municipality or other governmental unit, while the 
emergency medical technician - ambulance, emergency medical technician 
- intermediate, emergency medical technician - paramedic, ambulance 
driver, or other medical assistance or first aid personnel is engaged in the 
execution of any of his or her official duties, or to prevent the emergency 
medical technician - ambulance, emergency medical technician - 
intermediate, emergency medical technician - paramedic, ambulance 
driver, or other medical assistance or first aid personnel from performing 
his or her official duties, or in retaliation for the emergency medical 
technician - ambulance, emergency medical technician - intermediate, 
emergency medical technician - paramedic, ambulance driver, or other 
medical assistance or first aid personnel performing his or her official 
duties, or (4) causes any injury to a person he or she knows to be an 
emergency management worker while the emergency management worker 
is engaged in the execution of any of his or her official duties, or to 
prevent the emergency management worker from performing his or her 
official duties, or in retaliation for the emergency management worker 
performing his or her official duties.

(b) A violation of subsection (a) (1) of this Section is a Class X 
felony for which the person shall be sentenced to a term of imprisonment 
of no less than 12 years and no more than 45 years. A violation of 
subsection (a) (2), subsection (a) (3), or subsection (a) (4) of this Section is 
a Class X felony for which the sentence shall be a term of imprisonment of 
no less than 20 years and no more than 60 years.

(c) For purposes of this Section, "firearm" is defined as in the 
Firearm Owners Identification Card Act.

(d) For purposes of this Section: "machine
"Machine gun" has the meaning ascribed to it in clause (i) of paragraph (7) of subsection (a) of Section 24-1 of this Code.


(Source: P.A. 94-243, eff. 1-1-06.)

Approved August 17, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0237
(House Bill No. 0304)

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

Section 5. The Illinois Health Facilities Planning Act is amended by changing Section 6 as follows:

Sec. 6. Application for permit or exemption; exemption regulations.

(a) An application for a permit or exemption shall be made to the State Board upon forms provided by the State Board. This application shall contain such information as the State Board deems necessary. Such application shall include affirmative evidence on which the Director may make the findings required under this Section and upon which the State Board may make its decision on the approval or denial of the permit or exemption.

(b) The State Board shall establish by regulation the procedures and requirements regarding issuance of exemptions. An exemption shall be approved when information required by the Board by rule is submitted. Projects eligible for an exemption, rather than a permit, include, but are not limited to, change of ownership of a health care facility. For a change

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of ownership of a health care facility between related persons, the State Board shall provide by rule for an expedited process for obtaining an exemption.

(c) All applications shall be signed by the applicant and shall be verified by any 2 officers thereof.

(c-5) Any written review or findings of the Agency or any other reviewing organization under Section 8 concerning an application for a permit must be made available to the public at least 14 calendar days before the meeting of the State Board at which the review or findings are considered. The applicant and members of the public may submit, to the State Board, written responses in support of or in opposition to the review or findings of the Agency or reviewing organization. A written response must be submitted at least 2 business days before the meeting of the State Board. At the meeting, the State Board may, in its discretion, permit the submission of additional written materials.

(d) Upon receipt of an application for a permit, the State Board shall approve and authorize the issuance of a permit if it finds (1) that the applicant is fit, willing, and able to provide a proper standard of health care service for the community with particular regard to the qualification, background and character of the applicant, (2) that economic feasibility is demonstrated in terms of effect on the existing and projected operating budget of the applicant and of the health care facility; in terms of the applicant's ability to establish and operate such facility in accordance with licensure regulations promulgated under pertinent state laws; and in terms of the projected impact on the total health care expenditures in the facility and community, (3) that safeguards are provided which assure that the establishment, construction or modification of the health care facility or acquisition of major medical equipment is consistent with the public interest, and (4) that the proposed project is consistent with the orderly and economic development of such facilities and equipment and is in accord with standards, criteria, or plans of need adopted and approved pursuant to the provisions of Section 12 of this Act.

(Source: P.A. 93-41, eff. 6-27-03.)

AN ACT concerning State government.

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

Section 1. Short title. This Act may be cited as the Great Lakes-St. Lawrence River Basin Water Resources Compact Act.

Section 5. Great Lakes-St. Lawrence River Basin Water Resources Compact. The Governor of this State is authorized to take such action as may be necessary and proper in his or her discretion to effectuate the following Compact and the initial organization and operation thereunder:

AGREEMENT

Section 1. The states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin and the Commonwealth of Pennsylvania hereby solemnly covenant and agree with each other, upon enactment of concurrent legislation by the respective state legislatures and consent by the Congress of the United States as follows:

GREAT LAKES-ST. LAWRENCE RIVER BASIN WATER RESOURCES COMPACT

ARTICLE 1

SHORT TITLE, DEFINITIONS, PURPOSES AND DURATION

Section 1.1. Short Title. This Act shall be known and may be cited as the "Great Lakes-St. Lawrence River Basin Water Resources Compact."

Section 1.2. Definitions. For the purposes of this Compact, and of any supplemental or concurring legislation enacted pursuant thereto, except as may be otherwise required by the context:

Adaptive Management means a Water resources management system that provides a systematic process for evaluation, monitoring and learning from the outcomes of operational programs and adjustment of

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policies, plans and programs based on experience and the evolution of scientific knowledge concerning Water resources and Water Dependent Natural Resources.

**Agreement** means the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement.

**Applicant** means a Person who is required to submit a Proposal that is subject to management and regulation under this Compact. Application has a corresponding meaning.

**Basin** or **Great Lakes-St. Lawrence River Basin** means the watershed of the Great Lakes and the St. Lawrence River upstream from Trois-Rivières, Québec within the jurisdiction of the Parties.

**Basin Ecosystem** or **Great Lakes-St. Lawrence River Basin Ecosystem** means the interacting components of air, land, Water and living organisms, including humankind, within the Basin.

**Community within a Straddling County** means any incorporated city, town or the equivalent thereof, that is located outside the Basin but wholly within a County that lies partly within the Basin and that is not a Straddling Community.

**Compact** means this Compact.

**Consumptive Use** means that portion of the Water Withdrawn or withheld from the Basin that is lost or otherwise not returned to the Basin due to evaporation, incorporation into Products, or other processes.

**Council** means the Great Lakes-St. Lawrence River Basin Water Resources Council, created by this Compact.

**Council Review** means the collective review by the Council members as described in Article 4 of this Compact.

**County** means the largest territorial division for local government in a State. The County boundaries shall be defined as those boundaries that exist as of December 13, 2005.

**Cumulative Impacts** mean the impact on the Basin Ecosystem that results from incremental effects of all aspects of a Withdrawal, Diversion or Consumptive Use in addition to other past, present, and reasonably foreseeable future Withdrawals, Diversions and Consumptive Uses regardless of who undertakes the other Withdrawals, Diversions and

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Consumptive Uses. Cumulative Impacts can result from individually minor but collectively significant Withdrawals, Diversions and Consumptive Uses taking place over a period of time.

**Decision-Making Standard** means the decision-making standard established by Section 4.11 for Proposals subject to management and regulation in Section 4.10.

**Diversion** means a transfer of Water from the Basin into another watershed, or from the watershed of one of the Great Lakes into that of another by any means of transfer, including but not limited to a pipeline, canal, tunnel, aqueduct, channel, modification of the direction of a water course, a tanker ship, tanker truck or rail tanker but does not apply to Water that is used in the Basin or a Great Lake watershed to manufacture or produce a Product that is then transferred out of the Basin or watershed. **Divert** has a corresponding meaning.

**Environmentally Sound and Economically Feasible Water Conservation Measures** mean those measures, methods, technologies or practices for efficient water use and for reduction of water loss and waste or for reducing a Withdrawal, Consumptive Use or Diversion that (i) are environmentally sound, (ii) reflect best practices applicable to the water use sector, (iii) are technically feasible and available, (iv) are economically feasible and cost effective based on an analysis that considers direct and avoided economic and environmental costs and (v) consider the particular facilities and processes involved, taking into account the environmental impact, age of equipment and facilities involved, the processes employed, energy impacts and other appropriate factors.

**Exception** means a transfer of Water that is excepted under Section 4.9 from the prohibition against Diversions in Section 4.8.

**Exception Standard** means the standard for Exceptions established in Section 4.9.4.

**Intra-Basin Transfer** means the transfer of Water from the watershed of one of the Great Lakes into the watershed of another Great Lake.
Measures means any legislation, law, regulation, directive, requirement, guideline, program, policy, administrative practice or other procedure.

New or Increased Diversion means a new Diversion, an increase in an existing Diversion, or the alteration of an existing Withdrawal so that it becomes a Diversion.

New or Increased Withdrawal or Consumptive Use means a new Withdrawal or Consumptive Use or an increase in an existing Withdrawal or Consumptive Use.

Originating Party means the Party within whose jurisdiction an Application or registration is made or required.

Party means a State party to this Compact.

Person means a human being or a legal person, including a government or a non-governmental organization, including any scientific, professional, business, non-profit, or public interest organization or association that is neither affiliated with, nor under the direction of a government.

Product means something produced in the Basin by human or mechanical effort or through agricultural processes and used in manufacturing, commercial or other processes or intended for intermediate or end use consumers. (i) Water used as part of the packaging of a Product shall be considered to be part of the Product. (ii) Other than Water used as part of the packaging of a Product, Water that is used primarily to transport materials in or out of the Basin is not a Product or part of a Product. (iii) Except as provided in (i) above, Water which is transferred as part of a public or private supply is not a Product or part of a Product. (iv) Water in its natural state such as in lakes, rivers, reservoirs, aquifers, or water basins is not a Product.

Proposal means a Withdrawal, Diversion or Consumptive Use of Water that is subject to this Compact.

Province means Ontario or Québec.

Public Water Supply Purposes means water distributed to the public through a physically connected system of treatment, storage and distribution facilities serving a group of largely residential customers that

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may also serve industrial, commercial, and other institutional operators. Water Withdrawn directly from the Basin and not through such a system shall not be considered to be used for Public Water Supply Purposes.

**Regional Body** means the members of the Council and the Premiers of Ontario and Québec or their designee as established by the Agreement.

**Regional Review** means the collective review by the Regional Body as described in Article 4 of this Compact.

**Source Watershed** means the watershed from which a Withdrawal originates. If Water is Withdrawn directly from a Great Lake or from the St. Lawrence River, then the Source Watershed shall be considered to be the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively. If Water is Withdrawn from the watershed of a stream that is a direct tributary to a Great Lake or a direct tributary to the St. Lawrence River, then the Source Watershed shall be considered to be the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively, with a preference to the direct tributary stream watershed from which it was Withdrawn.

**Standard of Review and Decision** means the Exception Standard, Decision-Making Standard and reviews as outlined in Article 4 of this Compact.

**State** means one of the states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio or Wisconsin or the Commonwealth of Pennsylvania.

**Straddling Community** means any incorporated city, town or the equivalent thereof, wholly within any County that lies partly or completely within the Basin, whose corporate boundary existing as of the effective date of this Compact, is partly within the Basin or partly within two Great Lakes watersheds.

**Technical Review** means a detailed review conducted to determine whether or not a Proposal that requires Regional Review under this Compact meets the Standard of Review and Decision following procedures and guidelines as set out in this Compact.

**Water** means ground or surface water contained within the Basin.

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Water Dependent Natural Resources means the interacting components of land, water and living organisms affected by the Waters of the Basin.

Waters of the Basin or Basin Water means the Great Lakes and all streams, rivers, lakes, connecting channels and other bodies of water, including tributary groundwater, within the Basin.

Withdrawal means the taking of water from surface water or groundwater. Withdraw has a corresponding meaning.

Section 1.3. Findings and Purposes. The legislative bodies of the respective Parties hereby find and declare:

1. Findings:
   a. The Waters of the Basin are precious public natural resources shared and held in trust by the States;
   b. The Waters of the Basin are interconnected and part of a single hydrologic system;
   c. The Waters of the Basin can concurrently serve multiple uses. Such multiple uses include municipal, public, industrial, commercial, agriculture, mining, navigation, energy development and production, recreation, the subsistence, economic and cultural activities of native peoples, Water quality maintenance, and the maintenance of fish and wildlife habitat and a balanced ecosystem. And, other purposes are encouraged, recognizing that such uses are interdependent and must be balanced;
   d. Future Diversions and Consumptive Uses of Basin Water resources have the potential to significantly impact the environment, economy and welfare of the Great Lakes-St. Lawrence River region;
   e. Continued sustainable, accessible and adequate Water supplies for the people and economy of the Basin are of vital importance; and,
   f. The Parties have a shared duty to protect, conserve, restore, improve and manage the renewable but finite Waters of the Basin for the use, benefit and enjoyment of all their citizens, including generations yet to come. The most effective means of
protecting, conserving, restoring, improving and managing the Basin Waters is through the joint pursuit of unified and cooperative principles, policies and programs mutually agreed upon, enacted and adhered to by all Parties.

2. Purposes:
   a. To act together to protect, conserve, restore, improve and effectively manage the Waters and Water Dependent Natural Resources of the Basin under appropriate arrangements for intergovernmental cooperation and consultation because current lack of full scientific certainty should not be used as a reason for postponing measures to protect the Basin Ecosystem;
   b. To remove causes of present and future controversies;
   c. To provide for cooperative planning and action by the Parties with respect to such Water resources;
   d. To facilitate consistent approaches to Water management across the Basin while retaining State management authority over Water management decisions within the Basin;
   e. To facilitate the exchange of data, strengthen the scientific information base upon which decisions are made and engage in consultation on the potential effects of proposed Withdrawals and losses on the Waters and Water Dependent Natural Resources of the Basin;
   f. To prevent significant adverse impacts of Withdrawals and losses on the Basin's ecosystems and watersheds;
   g. To promote interstate and State-Provincial comity; and,
   h. To promote an Adaptive Management approach to the conservation and management of Basin Water resources, which recognizes, considers and provides adjustments for the uncertainties in, and evolution of, scientific knowledge concerning the Basin's Waters and Water Dependent Natural Resources.

Section 1.4. Science.
1. The Parties commit to provide leadership for the development of a collaborative strategy with other regional partners to strengthen the
scientific basis for sound Water management decision making under this Compact.

2. The strategy shall guide the collection and application of scientific information to support:
   a. An improved understanding of the individual and Cumulative Impacts of Withdrawals from various locations and Water sources on the Basin Ecosystem and to develop a mechanism by which impacts of Withdrawals may be assessed;
   b. The periodic assessment of Cumulative Impacts of Withdrawals, Diversions and Consumptive Uses on a Great Lake and St. Lawrence River watershed basis;
   c. Improved scientific understanding of the Waters of the Basin;
   d. Improved understanding of the role of groundwater in Basin Water resources management; and,
   e. The development, transfer and application of science and research related to Water conservation and Water use efficiency.

ARTICLE 2
ORGANIZATION

Section 2.1. Council Created.
The Great Lakes-St. Lawrence River Basin Water Resources Council is hereby created as a body politic and corporate, with succession for the duration of this Compact, as an agency and instrumentality of the governments of the respective Parties.

Section 2.2. Council Membership.
The Council shall consist of the Governors of the Parties, ex officio.

Section 2.3. Alternates.
Each member of the Council shall appoint at least one alternate who may act in his or her place and stead, with authority to attend all meetings of the Council and with power to vote in the absence of the member. Unless otherwise provided by law of the Party for which he or she is appointed, each alternate shall serve during the term of the member appointing him or her, subject to removal at the pleasure of the member.

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the event of a vacancy in the office of alternate, it shall be filled in the same manner as an original appointment for the unexpired term only.

Section 2.4. Voting.
1. Each member is entitled to one vote on all matters that may come before the Council.
2. Unless otherwise stated, the rule of decision shall be by a simple majority.
3. The Council shall annually adopt a budget for each fiscal year and the amount required to balance the budget shall be apportioned equitably among the Parties by unanimous vote of the Council. The appropriation of such amounts shall be subject to such review and approval as may be required by the budgetary processes of the respective Parties.
4. The participation of Council members from a majority of the Parties shall constitute a quorum for the transaction of business at any meeting of the Council.

Section 2.5. Organization and Procedure.
The Council shall provide for its own organization and procedure, and may adopt rules and regulations governing its meetings and transactions, as well as the procedures and timeline for submission, review and consideration of Proposals that come before the Council for its review and action. The Council shall organize, annually, by the election of a Chair and Vice Chair from among its members. Each member may appoint an advisor, who may attend all meetings of the Council and its committees, but shall not have voting power. The Council may employ or appoint professional and administrative personnel, including an Executive Director, as it may deem advisable, to carry out the purposes of this Compact.

Section 2.6. Use of Existing Offices and Agencies.
It is the policy of the Parties to preserve and utilize the functions, powers and duties of existing offices and agencies of government to the extent consistent with this Compact. Further, the Council shall promote and aid the coordination of the activities and programs of the Parties.
concerned with Water resources management in the Basin. To this end, but without limitation, the Council may:

1. Advise, consult, contract, assist or otherwise cooperate with any and all such agencies;
2. Employ any other agency or instrumentality of any of the Parties for any purpose; and,
3. Develop and adopt plans consistent with the Water resources plans of the Parties.

Section 2.7. Jurisdiction.

The Council shall have, exercise and discharge its functions, powers and duties within the limits of the Basin. Outside the Basin, it may act in its discretion, but only to the extent such action may be necessary or convenient to effectuate or implement its powers or responsibilities within the Basin and subject to the consent of the jurisdiction wherein it proposes to act.

Section 2.8. Status, Immunities and Privileges.

1. The Council, its members and personnel in their official capacity and when engaged directly in the affairs of the Council, its property and its assets, wherever located and by whomsoever held, shall enjoy the same immunity from suit and every form of judicial process as is enjoyed by the Parties, except to the extent that the Council may expressly waive its immunity for the purposes of any proceedings or by the terms of any contract.

2. The property and assets of the Council, wherever located and by whomsoever held, shall be considered public property and shall be immune from search, requisition, confiscation, expropriation or any other form of taking or foreclosure by executive or legislative action.

3. The Council, its property and its assets, income and the operations it carries out pursuant to this Compact shall be immune from all taxation by or under the authority of any of the Parties or any political subdivision thereof; provided, however, that in lieu of property taxes the Council may make reasonable payments to local taxing districts in annual amounts which shall approximate the taxes lawfully assessed upon similar property.

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Section 2.9. Advisory Committees.

The Council may constitute and empower advisory committees, which may be comprised of representatives of the public and of federal, State, tribal, county and local governments, water resources agencies, water-using industries and sectors, water-interest groups and academic experts in related fields.

ARTICLE 3
GENERAL POWERS AND DUTIES

Section 3.1. General.

The Waters and Water Dependent Natural Resources of the Basin are subject to the sovereign right and responsibilities of the Parties, and it is the purpose of this Compact to provide for joint exercise of such powers of sovereignty by the Council in the common interests of the people of the region, in the manner and to the extent provided in this Compact. The Council and the Parties shall use the Standard of Review and Decision and procedures contained in or adopted pursuant to this Compact as the means to exercise their authority under this Compact.

The Council may revise the Standard of Review and Decision, after consultation with the Provinces and upon unanimous vote of all Council members, by regulation duly adopted in accordance with Section 3.3 of this Compact and in accordance with each Party's respective statutory authorities and applicable procedures.

The Council shall identify priorities and develop plans and policies relating to Basin Water resources. It shall adopt and promote uniform and coordinated policies for Water resources conservation and management in the Basin.

Section 3.2. Council Powers.

The Council may: plan; conduct research and collect, compile, analyze, interpret, report and disseminate data on Water resources and uses; forecast Water levels; conduct investigations; institute court actions; design, acquire, construct, reconstruct, own, operate, maintain, control, sell and convey real and personal property and any interest therein as it may deem necessary, useful or convenient to carry out the purposes of this Compact; make contracts; receive and accept such payments,
appropriations, grants, gifts, loans, advances and other funds, properties and services as may be transferred or made available to it by any Party or by any other public or private agency, corporation or individual; and, exercise such other and different powers as may be delegated to it by this Compact or otherwise pursuant to law, and have and exercise all powers necessary or convenient to carry out its express powers or which may be reasonably implied therefrom.

**Section 3.3. Rules and Regulations.**

1. The Council may promulgate and enforce such rules and regulations as may be necessary for the implementation and enforcement of this Compact. The Council may adopt by regulation, after public notice and public hearing, reasonable Application fees with respect to those Proposals for Exceptions that are subject to Council review under Section 4.9. Any rule or regulation of the Council, other than one which deals solely with the internal management of the Council or its property, shall be adopted only after public notice and hearing.

2. Each Party, in accordance with its respective statutory authorities and applicable procedures, may adopt and enforce rules and regulations to implement and enforce this Compact and the programs adopted by such Party to carry out the management programs contemplated by this Compact.

**Section 3.4. Program Review and Findings.**

1. Each Party shall submit a report to the Council and the Regional Body detailing its Water management and conservation and efficiency programs that implement this Compact. The report shall set out the manner in which Water Withdrawals are managed by sector, Water source, quantity or any other means, and how the provisions of the Standard of Review and Decision and conservation and efficiency programs are implemented. The first report shall be provided by each Party one year from the effective date of this Compact and thereafter every 5 years.

2. The Council, in cooperation with the Provinces, shall review its Water management and conservation and efficiency programs and those of the Parties that are established in this Compact and make findings on whether the Water management program provisions in this Compact are
being met, and if not, recommend options to assist the Parties in meeting the provisions of this Compact. Such review shall take place:

a. 30 days after the first report is submitted by all Parties;

and,

b. Every five years after the effective date of this Compact;

and,

c. At any other time at the request of one of the Parties.

3. As one of its duties and responsibilities, the Council may recommend a range of approaches to the Parties with respect to the development, enhancement and application of Water management and conservation and efficiency programs to implement the Standard of Review and Decision reflecting improved scientific understanding of the Waters of the Basin, including groundwater, and the impacts of Withdrawals on the Basin Ecosystem.

ARTICLE 4
WATER MANAGEMENT AND REGULATION

Section 4.1. Water Resources Inventory, Registration and Reporting.

1. Within five years of the effective date of this Compact, each Party shall develop and maintain a Water resources inventory for the collection, interpretation, storage, retrieval exchange, and dissemination of information concerning the Water resources of the Party, including, but not limited to, information on the location, type, quantity, and use of those resources and the location, type, and quantity of Withdrawals, Diversions and Consumptive Uses. To the extent feasible, the Water resources inventory shall be developed in cooperation with local, State, federal, tribal and other private agencies and entities, as well as the Council. Each Party's agencies shall cooperate with that Party in the development and maintenance of the inventory.

2. The Council shall assist each Party to develop a common base of data regarding the management of the Water Resources of the Basin and to establish systematic arrangements for the exchange of those data with other States and Provinces.
3. To develop and maintain a compatible base of Water use information, within five years of the effective date of this Compact any Person who Withdraws Water in an amount of 100,000 gallons per day or greater average in any 30-day period (including Consumptive Uses) from all sources, or Diverts Water of any amount, shall register the Withdrawal or Diversion by a date set by the Council unless the Person has previously registered in accordance with an existing State program. The Person shall register the Withdrawal or Diversion with the Originating Party using a form prescribed by the Originating Party that shall include, at a minimum and without limitation: the name and address of the registrant and date of registration; the locations and sources of the Withdrawal or Diversion; the capacity of the Withdrawal or Diversion per day and the amount Withdrawn or Diverted from each source; the uses made of the Water; places of use and places of discharge; and, such other information as the Originating Party may require. All registrations shall include an estimate of the volume of the Withdrawal or Diversion in terms of gallons per day average in any 30-day period.

4. All registrants shall annually report the monthly volumes of the Withdrawal, Consumptive Use and Diversion in gallons to the Originating Party and any other information requested by the Originating Party.

5. Each Party shall annually report the information gathered pursuant to this Section to a Great Lakes-St. Lawrence River Water use data base repository and aggregated information shall be made publicly available, consistent with the confidentiality requirements in Section 8.3.

6. Information gathered by the Parties pursuant to this Section shall be used to improve the sources and applications of scientific information regarding the Waters of the Basin and the impacts of the Withdrawals and Diversions from various locations and Water sources on the Basin Ecosystem, and to better understand the role of groundwater in the Basin. The Council and the Parties shall coordinate the collection and application of scientific information to further develop a mechanism by which individual and Cumulative Impacts of Withdrawals, Consumptive Uses and Diversions shall be assessed.

Section 4.2. Water Conservation and Efficiency Programs.

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1. The Council commits to identify, in cooperation with the Provinces, Basin-wide Water conservation and efficiency objectives to assist the Parties in developing their Water conservation and efficiency program. These objectives are based on the goals of:
   a. Ensuring improvement of the Waters and Water Dependent Natural Resources;
   b. Protecting and restoring the hydrologic and ecosystem integrity of the Basin;
   c. Retaining the quantity of surface water and groundwater in the Basin;
   d. Ensuring sustainable use of Waters of the Basin; and,
   e. Promoting the efficiency of use and reducing losses and waste of Water.

2. Within two years of the effective date of this Compact, each Party shall develop its own Water conservation and efficiency goals and objectives consistent with the Basin-wide goals and objectives, and shall develop and implement a Water conservation and efficiency program, either voluntary or mandatory, within its jurisdiction based on the Party's goals and objectives. Each Party shall annually assess its programs in meeting the Party's goals and objectives, report to the Council and the Regional Body and make this annual assessment available to the public.

3. Beginning five years after the effective date of this Compact, and every five years thereafter, the Council, in cooperation with the Provinces, shall review and modify as appropriate the Basin-wide objectives, and the Parties shall have regard for any such modifications in implementing their programs. This assessment will be based on examining new technologies, new patterns of Water use, new resource demands and threats, and Cumulative Impact assessment under Section 4.15.

4. Within two years of the effective date of this Compact, the Parties commit to promote Environmentally Sound and Economically Feasible Water Conservation Measures such as:
   a. Measures that promote efficient use of Water;
   b. Identification and sharing of best management practices and state of the art conservation and efficiency technologies;

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c. Application of sound planning principles;
d. Demand-side and supply-side Measures or incentives;

and,
e. Development, transfer and application of science and research.

5. Each Party shall implement in accordance with paragraph 2 above a voluntary or mandatory Water conservation program for all, including existing, Basin Water users. Conservation programs need to adjust to new demands and the potential impacts of cumulative effects and climate.

Section 4.3. Party Powers and Duties.

1. Each Party, within its jurisdiction, shall manage and regulate New or Increased Withdrawals, Consumptive Uses and Diversions, including Exceptions, in accordance with this Compact.

2. Each Party shall require an Applicant to submit an Application in such manner and with such accompanying information as the Party shall prescribe.

3. No Party may approve a Proposal if the Party determines that the Proposal is inconsistent with this Compact or the Standard of Review and Decision or any implementing rules or regulations promulgated thereunder. The Party may approve, approve with modifications or disapprove any Proposal depending on the Proposal's consistency with this Compact and the Standard of Review and Decision.

4. Each Party shall monitor the implementation of any approved Proposal to ensure consistency with the approval and may take all necessary enforcement actions.

5. No Party shall approve a Proposal subject to Council or Regional Review, or both, pursuant to this Compact unless it shall have been first submitted to and reviewed by either the Council or Regional Body, or both, and approved by the Council, as applicable. Sufficient opportunity shall be provided for comment on the Proposal's consistency with this Compact and the Standard of Review and Decision. All such comments shall become part of the Party's formal record of decision, and the Party shall take into consideration any such comments received.

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Section 4.4. Requirement for Originating Party Approval.
No Proposal subject to management and regulation under this Compact shall hereafter be undertaken by any Person unless it shall have been approved by the Originating Party.

Section 4.5. Regional Review.
1. General.
   a. It is the intention of the Parties to participate in Regional Review of Proposals with the Provinces, as described in this Compact and the Agreement.
   b. Unless the Applicant or the Originating Party otherwise requests, it shall be the goal of the Regional Body to conclude its review no later than 90 days after notice under Section 4.5.2 of such Proposal is received from the Originating Party.
   c. Proposals for Exceptions subject to Regional Review shall be submitted by the Originating Party to the Regional Body for Regional Review, and where applicable, to the Council for concurrent review.
   d. The Parties agree that the protection of the integrity of the Great Lakes-St. Lawrence River Basin Ecosystem shall be the overarching principle for reviewing Proposals subject to Regional Review, recognizing uncertainties with respect to demands that may be placed on Basin Water, including groundwater, levels and flows of the Great Lakes and the St. Lawrence River, future changes in environmental conditions, the reliability of existing data and the extent to which Diversions may harm the integrity of the Basin Ecosystem.
   e. The Originating Party shall have lead responsibility for coordinating information for resolution of issues related to evaluation of a Proposal, and shall consult with the Applicant throughout the Regional Review Process.
   f. A majority of the members of the Regional Body may request Regional Review of a regionally significant or potentially precedent setting Proposal. Such Regional Review must be conducted, to the extent possible, within the time frames set forth

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in this Section. Any such Regional Review shall be undertaken only after consulting the Applicant.

   a. The Originating Party shall determine if a Proposal is subject to Regional Review. If so, the Originating Party shall provide timely notice to the Regional Body and the public.
   b. Such notice shall not be given unless and until all information, documents and the Originating Party's Technical Review needed to evaluate whether the Proposal meets the Standard of Review and Decision have been provided.
   c. An Originating Party may:
      i. Provide notice to the Regional Body of an Application, even if notification is not required; or,
      ii. Request Regional Review of an application, even if Regional Review is not required. Any such Regional Review shall be undertaken only after consulting the Applicant.
   d. An Originating Party may provide preliminary notice of a potential Proposal.

3. Public Participation.
   a. To ensure adequate public participation, the Regional Body shall adopt procedures for the review of Proposals that are subject to Regional Review in accordance with this Article.
   b. The Regional Body shall provide notice to the public of a Proposal undergoing Regional Review. Such notice shall indicate that the public has an opportunity to comment in writing to the Regional Body on whether the Proposal meets the Standard of Review and Decision.
   c. The Regional Body shall hold a public meeting in the State or Province of the Originating Party in order to receive public comment on the issue of whether the Proposal under consideration meets the Standard of Review and Decision.
   d. The Regional Body shall consider the comments received before issuing a Declaration of Finding.

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e. The Regional Body shall forward the comments it receives to the Originating Party.

4. Technical Review.
   a. The Originating Party shall provide the Regional Body with its Technical Review of the Proposal under consideration.
   b. The Originating Party's Technical Review shall thoroughly analyze the Proposal and provide an evaluation of the Proposal sufficient for a determination of whether the Proposal meets the Standard of Review and Decision.
   c. Any member of the Regional Body may conduct their own Technical Review of any Proposal subject to Regional Review.
   d. At the request of the majority of its members, the Regional Body shall make such arrangements as it considers appropriate for an independent Technical Review of a Proposal.
   e. All Parties shall exercise their best efforts to ensure that a Technical Review undertaken under Sections 4.5.4.c and 4.5.4.d does not unnecessarily delay the decision by the Originating Party on the Application. Unless the Applicant or the Originating Party otherwise requests, all Technical Reviews shall be completed no later than 60 days after the date the notice of the Proposal was given to the Regional Body.

5. Declaration of Finding.
   a. The Regional Body shall meet to consider a Proposal. The Applicant shall be provided with an opportunity to present the Proposal to the Regional Body at such time.
   b. The Regional Body, having considered the notice, the Originating Party's Technical Review, any other independent Technical Review that is made, any comments or objections including the analysis of comments made by the public, First Nations and federally recognized Tribes, and any other information that is provided under this Compact shall issue a Declaration of Finding that the Proposal under consideration:
      i. Meets the Standard of Review and Decision;

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ii. Does not meet the Standard of Review and Decision; or,

iii. Would meet the Standard of Review and Decision if certain conditions were met.

c. An Originating Party may decline to participate in a Declaration of Finding made by the Regional Body.

d. The Parties recognize and affirm that it is preferable for all members of the Regional Body to agree whether the Proposal meets the Standard of Review and Decision.

e. If the members of the Regional Body who participate in the Declaration of Finding all agree, they shall issue a written Declaration of Finding with consensus.

f. In the event that the members cannot agree, the Regional Body shall make every reasonable effort to achieve consensus within 25 days.

g. Should consensus not be achieved, the Regional Body may issue a Declaration of Finding that presents different points of view and indicates each Party's conclusions.

h. The Regional Body shall release the Declarations of Finding to the public.

i. The Originating Party and the Council shall consider the Declaration of Finding before making a decision on the Proposal.

Section 4.6. Proposals Subject to Prior Notice.

1. Beginning no later than five years of the effective date of this Compact, the Originating Party shall provide all Parties and the Provinces with detailed and timely notice and an opportunity to comment within 90 days on any Proposal for a New or Increased Consumptive Use of 5 million gallons per day or greater average in any 90-day period. Comments shall address whether or not the Proposal is consistent with the Standard of Review and Decision. The Originating Party shall provide a response to any such comment received from another Party.

2. A Party may provide notice, an opportunity to comment and a response to comments even if this is not required under paragraph 1 of this
Section. Any provision of such notice and opportunity to comment shall be undertaken only after consulting the Applicant.

Section 4.7. Council Actions.


2. The Council shall review and take action on Proposals in accordance with this Compact and the Standard of Review and Decision. The Council shall not take action on a Proposal subject to Regional Review pursuant to this Compact unless the Proposal shall have been first submitted to and reviewed by the Regional Body. The Council shall consider any findings resulting from such review.

Section 4.8. Prohibition of New or Increased Diversions.
All New or Increased Diversions are prohibited, except as provided for in this Article.

Section 4.9. Exceptions to the Prohibition of Diversions.

1. Straddling Communities. A Proposal to transfer Water to an area within a Straddling Community but outside the Basin or outside the source Great Lake Watershed shall be excepted from the prohibition against Diversions and be managed and regulated by the Originating Party provided that, regardless of the volume of Water transferred, all the Water so transferred shall be used solely for Public Water Supply Purposes within the Straddling Community, and:

   a. All Water Withdrawn from the Basin shall be returned, either naturally or after use, to the Source Watershed less an allowance for Consumptive Use. No surface water or groundwater from outside the Basin may be used to satisfy any portion of this criterion except if it:

      i. Is part of a water supply or wastewater treatment system that combines water from inside and outside of the Basin;

      ii. Is treated to meet applicable water quality discharge standards and to prevent the introduction of invasive species into the Basin;

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iii. Maximizes the portion of water returned to the Source Watershed as Basin Water and minimizes the surface water or groundwater from outside the Basin;

b. If the Proposal results from a New or Increased Withdrawal of 100,000 gallons per day or greater average over any 90-day period, the Proposal shall also meet the Exception Standard; and,

c. If the Proposal results in a New or Increased Consumptive Use of 5 million gallons per day or greater average over any 90-day period, the Proposal shall also undergo Regional Review.

2. Intra-Basin Transfer. A Proposal for an Intra-Basin Transfer that would be considered a Diversion under this Compact, and not already excepted pursuant to paragraph 1 of this Section, shall be excepted from the prohibition against Diversions, provided that:

a. If the Proposal results from a New or Increased Withdrawal less than 100,000 gallons per day average over any 90-day period, the Proposal shall be subject to management and regulation at the discretion of the Originating Party.

b. If the Proposal results from a New or Increased Withdrawal 100,000 gallons per day or greater average over any 90-day period and if the Consumptive Use resulting from the Withdrawal is less than 5 million gallons per day average over any 90-day period:

i. The Proposal shall meet the Exception Standard and be subject to management and regulation by the Originating Party, except that the Water may be returned to another Great Lake watershed rather than the Source Watershed;

ii. The Applicant shall demonstrate that there is no feasible, cost effective, and environmentally sound water supply alternative within the Great Lake watershed to which the Water will be transferred, including conservation of existing water supplies; and,

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iii. The Originating Party shall provide notice to the other Parties prior to making any decision with respect to the Proposal.

c. If the Proposal results in a New or Increased Consumptive Use of 5 million gallons per day or greater average over any 90-day period:
   i. The Proposal shall be subject to management and regulation by the Originating Party and shall meet the Exception Standard, ensuring that Water Withdrawn shall be returned to the Source Watershed;
   ii. The Applicant shall demonstrate that there is no feasible, cost effective, and environmentally sound water supply alternative within the Great Lake watershed to which the Water will be transferred, including conservation of existing water supplies;
   iii. The Proposal undergoes Regional Review; and,
   iv. The Proposal is approved by the Council.

Council approval shall be given unless one or more Council Members vote to disapprove.

3. Straddling Counties. A Proposal to transfer Water to a Community within a Straddling County that would be considered a Diversion under this Compact shall be excepted from the prohibition against Diversions, provided that it satisfies all of the following conditions:

   a. The Water shall be used solely for the Public Water Supply Purposes of the Community within a Straddling County that is without adequate supplies of potable water;
   b. The Proposal meets the Exception Standard, maximizing the portion of water returned to the Source Watershed as Basin Water and minimizing the surface water or groundwater from outside the Basin;
   c. The Proposal shall be subject to management and regulation by the Originating Party, regardless of its size;

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d. There is no reasonable water supply alternative within the basin in which the community is located, including conservation of existing water supplies;

e. Caution shall be used in determining whether or not the Proposal meets the conditions for this Exception. This Exception should not be authorized unless it can be shown that it will not endanger the integrity of the Basin Ecosystem;

f. The Proposal undergoes Regional Review; and,

g. The Proposal is approved by the Council. Council approval shall be given unless one or more Council Members vote to disapprove.

A Proposal must satisfy all of the conditions listed above. Further, substantive consideration will also be given to whether or not the Proposal can provide sufficient scientifically based evidence that the existing water supply is derived from groundwater that is hydrologically interconnected to Waters of the Basin.

4. Exception Standard. Proposals subject to management and regulation in this Section shall be declared to meet this Exception Standard and may be approved as appropriate only when the following criteria are met:

a. The need for all or part of the proposed Exception cannot be reasonably avoided through the efficient use and conservation of existing water supplies;

b. The Exception will be limited to quantities that are considered reasonable for the purposes for which it is proposed;

c. All Water Withdrawn shall be returned, either naturally or after use, to the Source Watershed less an allowance for Consumptive Use. No surface water or groundwater from the outside the Basin may be used to satisfy any portion of this criterion except if it:

i. Is part of a water supply or wastewater treatment system that combines water from inside and outside of the Basin;

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ii. Is treated to meet applicable water quality discharge standards and to prevent the introduction of invasive species into the Basin;

d. The Exception will be implemented so as to ensure that it will result in no significant individual or cumulative adverse impacts to the quantity or quality of the Waters and Water Dependent Natural Resources of the Basin with consideration given to the potential Cumulative Impacts of any precedent-setting consequences associated with the Proposal;

e. The Exception will be implemented so as to incorporate Environmentally Sound and Economically Feasible Water Conservation Measures to minimize Water Withdrawals or Consumptive Use;

f. The Exception will be implemented so as to ensure that it is in compliance with all applicable municipal, State and federal laws as well as regional interstate and international agreements, including the Boundary Waters Treaty of 1909; and,

g. All other applicable criteria in Section 4.9 have also been met.

Section 4.10. Management and Regulation of New or Increased Withdrawals and Consumptive Uses.

1. Within five years of the effective date of this Compact, each Party shall create a program for the management and regulation of New or Increased Withdrawals and Consumptive Uses by adopting and implementing Measures consistent with the Decision-Making Standard. Each Party, through a considered process, shall set and may modify threshold levels for the regulation of New or Increased Withdrawals in order to assure an effective and efficient Water management program that will ensure that uses overall are reasonable, that Withdrawals overall will not result in significant impacts to the Waters and Water Dependent Natural Resources of the Basin, determined on the basis of significant impacts to the physical, chemical, and biological integrity of Source Watersheds, and that all other objectives of the Compact are achieved. Each Party may determine the scope and thresholds of its program,
including which New or Increased Withdrawals and Consumptive Uses will be subject to the program.

2. Any Party that fails to set threshold levels that comply with Section 4.10.1 any time before 10 years after the effective date of this Compact shall apply a threshold level for management and regulation of all New or Increased Withdrawals of 100,000 gallons per day or greater average in any 90-day period.

3. The Parties intend programs for New or Increased Withdrawals and Consumptive Uses to evolve as may be necessary to protect Basin Waters. Pursuant to Section 3.4, the Council, in cooperation with the Provinces, shall periodically assess the Water management programs of the Parties. Such assessments may produce recommendations for the strengthening of the programs, including without limitation, establishing lower thresholds for management and regulation in accordance with the Decision-Making Standard.

**Section 4.11. Decision-Making Standard.** Proposals subject to management and regulation in Section 4.10 shall be declared to meet this Decision-Making Standard and may be approved as appropriate only when the following criteria are met:

1. All Water Withdrawn shall be returned, either naturally or after use, to the Source Watershed less an allowance for Consumptive Use;

2. The Withdrawal or Consumptive Use will be implemented so as to ensure that the Proposal will result in no significant individual or cumulative adverse impacts to the quantity or quality of the Waters and Water Dependent Natural Resources and the applicable Source Watershed;

3. The Withdrawal or Consumptive Use will be implemented so as to incorporate Environmentally Sound and Economically Feasible Water Conservation Measures;

4. The Withdrawal or Consumptive Use will be implemented so as to ensure that it is in compliance with all applicable municipal, State and federal laws as well as regional interstate and international agreements, including the Boundary Waters Treaty of 1909;

5. The proposed use is reasonable, based upon a consideration of the following factors:

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a. Whether the proposed Withdrawal or Consumptive Use is planned in a fashion that provides for efficient use of the water, and will avoid or minimize the waste of Water;

b. If the Proposal is for an increased Withdrawal or Consumptive use, whether efficient use is made of existing water supplies;

c. The balance between economic development, social development and environmental protection of the proposed Withdrawal and use and other existing or planned withdrawals and water uses sharing the water source;

d. The supply potential of the water source, considering quantity, quality, and reliability and safe yield of hydrologically interconnected water sources;

e. The probable degree and duration of any adverse impacts caused or expected to be caused by the proposed Withdrawal and use under foreseeable conditions, to other lawful consumptive or non-consumptive uses of water or to the quantity or quality of the Waters and Water Dependent Natural Resources of the Basin, and the proposed plans and arrangements for avoidance or mitigation of such impacts; and,

f. If a Proposal includes restoration of hydrologic conditions and functions of the Source Watershed, the Party may consider that.


1. Minimum Standard. This Standard of Review and Decision shall be used as a minimum standard. Parties may impose a more restrictive decision-making standard for Withdrawals under their authority. It is also acknowledged that although a Proposal meets the Standard of Review and Decision it may not be approved under the laws of the Originating Party that has implemented more restrictive Measures.

2. Baseline.

a. To establish a baseline for determining a New or Increased Diversion, Consumptive Use or Withdrawal, each Party
shall develop either or both of the following lists for their jurisdiction:

i. A list of existing Withdrawal approvals as of the effective date of the Compact;

ii. A list of the capacity of existing systems as of the effective date of this Compact. The capacity of the existing systems should be presented in terms of Withdrawal capacity, treatment capacity, distribution capacity, or other capacity limiting factors. The capacity of the existing systems must represent the state of the systems. Existing capacity determinations shall be based upon approval limits or the most restrictive capacity information.

b. For all purposes of this Compact, volumes of Diversions, Consumptive Uses, or Withdrawals of Water set forth in the list(s) prepared by each Party in accordance with this Section, shall constitute the baseline volume.

c. The list(s) shall be furnished to the Regional Body and the Council within one year of the effective date of this Compact.

3. Timing of Additional Applications. Applications for New or Increased Withdrawals, Consumptive Uses or Exceptions shall be considered cumulatively within ten years of any application.

4. Change of Ownership. Unless a new owner proposes a project that shall result in a Proposal for a New or Increased Diversion or Consumptive Use subject to Regional Review or Council approval, the change of ownership in and of itself shall not require Regional Review or Council approval.

5. Groundwater. The Basin surface water divide shall be used for the purpose of managing and regulating New or Increased Diversions, Consumptive Uses or Withdrawals of surface water and groundwater.

6. Withdrawal Systems. The total volume of surface water and groundwater resources that supply a common distribution system shall determine the volume of a Withdrawal, Consumptive Use or Diversion.

7. Connecting Channels. The watershed of each Great Lake shall include its upstream and downstream connecting channels.
8. **Transmission in Water Lines.** Transmission of Water within a line that extends outside the Basin as it conveys Water from one point to another within the Basin shall not be considered a Diversion if none of the Water is used outside the Basin.

9. **Hydrologic Units.** The Lake Michigan and Lake Huron watersheds shall be considered to be a single hydrologic unit and watershed.

10. **Bulk Water Transfer.** A Proposal to Withdraw Water and to remove it from the Basin in any container greater than 5.7 gallons shall be treated under this Compact in the same manner as a Proposal for a Diversion. Each Party shall have the discretion, within its jurisdiction, to determine the treatment of Proposals to Withdraw Water and to remove it from the Basin in any container of 5.7 gallons or less.

**Section 4.13. Exemptions.** Withdrawals from the Basin for the following purposes are exempt from the requirements of Article 4.

1. To supply vehicles, including vessels and aircraft, whether for the needs of the persons or animals being transported or for ballast or other needs related to the operation of the vehicles.

2. To use in a non-commercial project on a short-term basis for firefighting, humanitarian, or emergency response purposes.

**Section 4.14. U.S. Supreme Court Decree: Wisconsin et al. v. Illinois et al.**

1. Notwithstanding any terms of this Compact to the contrary, with the exception of Paragraph 5 of this Section, current, New or Increased Withdrawals, Consumptive Uses and Diversions of Basin Water by the State of Illinois shall be governed by the terms of the United States Supreme Court decree in *Wisconsin et al. v. Illinois et al.* and shall not be subject to the terms of this Compact nor any rules or regulations promulgated pursuant to this Compact. This means that, with the exception of Paragraph 5 of this Section, for purposes of this Compact, current, New or Increased Withdrawals, Consumptive Uses and Diversions of Basin Water within the State of Illinois shall be allowed unless prohibited by the terms of the United States Supreme Court decree in *Wisconsin et al. v. Illinois et al.*

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2. The Parties acknowledge that the United States Supreme Court decree in *Wisconsin et al. v. Illinois et al.* shall continue in full force and effect, that this Compact shall not modify any terms thereof, and that this Compact shall grant the parties no additional rights, obligations, remedies or defenses thereto. The Parties specifically acknowledge that this Compact shall not prohibit or limit the State of Illinois in any manner from seeking additional Basin Water as allowed under the terms of the United States Supreme Court decree in *Wisconsin et al. v. Illinois et al.*, any other party from objecting to any request by the State of Illinois for additional Basin Water under the terms of said decree, or any party from seeking any other type of modification to said decree. If an application is made by any party to the Supreme Court of the United States to modify said decree, the Parties to this Compact who are also parties to the decree shall seek formal input from the Canadian Provinces of Ontario and Québec, with respect to the proposed modification, use best efforts to facilitate the appropriate participation of said Provinces in the proceedings to modify the decree, and shall not unreasonably impede or restrict such participation.

3. With the exception of Paragraph 5 of this Section, because current, New or Increased Withdrawals, Consumptive Uses and Diversions of Basin Water by the State of Illinois are not subject to the terms of this Compact, the State of Illinois is prohibited from using any term of this Compact, including Section 4.9, to seek New or Increased Withdrawals, Consumptive Uses or Diversions of Basin Water.

4. With the exception of Paragraph 5 of this Section, because Sections 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12 (Paragraphs 1, 2, 3, 4, 6 and 10 only), and 4.13 of this Compact all relate to current, New or Increased Withdrawals, Consumptive Uses and Diversions of Basin Waters, said provisions do not apply to the State of Illinois. All other provisions of this Compact not listed in the preceding sentence shall apply to the State of Illinois, including the Water Conservation Programs provision of Section 4.2.

5. In the event of a Proposal for a Diversion of Basin Water for use outside the territorial boundaries of the Parties to this Compact, decisions

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by the State of Illinois regarding such a Proposal would be subject to all terms of this Compact, except Paragraphs 1, 3 and 4 of this Section.

6. For purposes of the State of Illinois' participation in this Compact, the entirety of this Section 4.14 is necessary for the continued implementation of this Compact and, if severed, this Compact shall no longer be binding on or enforceable by or against the State of Illinois.

**Section 4.15. Assessment of Cumulative Impacts.**

1. The Parties in cooperation with the Provinces shall collectively conduct within the Basin, on a Lake watershed and St. Lawrence River Basin basis, a periodic assessment of the Cumulative Impacts of Withdrawals, Diversions and Consumptive Uses from the Waters of the Basin, every 5 years or each time the incremental Basin Water losses reach 50 million gallons per day average in any 90-day period in excess of the quantity at the time of the most recent assessment, whichever comes first, or at the request of one or more of the Parties. The assessment shall form the basis for a review of the Standard of Review and Decision, Council and Party regulations and their application. This assessment shall:

   a. Utilize the most current and appropriate guidelines for such a review, which may include but not be limited to Council on Environmental Quality and Environment Canada guidelines;

   b. Give substantive consideration to climate change or other significant threats to Basin Waters and take into account the current state of scientific knowledge, or uncertainty, and appropriate Measures to exercise caution in cases of uncertainty if serious damage may result;

   c. Consider adaptive management principles and approaches, recognizing, considering and providing adjustments for the uncertainties in, and evolution of science concerning the Basin's water resources, watersheds and ecosystems, including potential changes to Basin-wide processes, such as lake level cycles and climate.

2. The Parties have the responsibility of conducting this Cumulative Impact assessment. Applicants are not required to participate in this assessment.
3. Unless required by other statutes, Applicants are not required to conduct a separate cumulative impact assessment in connection with an Application but shall submit information about the potential impacts of a Proposal to the quantity or quality of the Waters and Water Dependent Natural Resources of the applicable Source Watershed. An Applicant may, however, provide an analysis of how their Proposal meets the no significant adverse Cumulative Impact provision of the Standard of Review and Decision.

ARTICLE 5
TRIBAL CONSULTATION

Section 5.1. Consultation with Tribes.
1. In addition to all other opportunities to comment pursuant to Section 6.2, appropriate consultations shall occur with federally recognized Tribes in the Originating Party for all Proposals subject to Council or Regional Review pursuant to this Compact. Such consultations shall be organized in the manner suitable to the individual Proposal and the laws and policies of the Originating Party.

2. All federally recognized Tribes within the Basin shall receive reasonable notice indicating that they have an opportunity to comment in writing to the Council or the Regional Body, or both, and other relevant organizations on whether the Proposal meets the requirements of the Standard of Review and Decision when a Proposal is subject to Regional Review or Council approval. Any notice from the Council shall inform the Tribes of any meeting or hearing that is to be held under Section 6.2 and invite them to attend. The Parties and the Council shall consider the comments received under this Section before approving, approving with modifications or disapproving any Proposal subject to Council or Regional Review.

3. In addition to the specific consultation mechanisms described above, the Council shall seek to establish mutually agreed upon mechanisms or processes to facilitate dialogue with, and input from federally recognized Tribes on matters to be dealt with by the Council; and, the Council shall seek to establish mechanisms and processes with federally recognized Tribes designed to facilitate on-going scientific and

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technical interaction and data exchange regarding matters falling within the scope of this Compact. This may include participation of tribal representatives on advisory committees established under this Compact or such other processes that are mutually-agreed upon with federally recognized Tribes individually or through duly-authorized intertribal agencies or bodies.

ARTICLE 6
PUBLIC PARTICIPATION

Section 6.1. Meetings, Public Hearings and Records.

1. The Parties recognize the importance and necessity of public participation in promoting management of the Water Resources of the Basin. Consequently, all meetings of the Council shall be open to the public, except with respect to issues of personnel.

2. The minutes of the Council shall be a public record open to inspection at its offices during regular business hours.

Section 6.2. Public Participation.

It is the intent of the Council to conduct public participation processes concurrently and jointly with processes undertaken by the Parties and through Regional Review. To ensure adequate public participation, each Party or the Council shall ensure procedures for the review of Proposals subject to the Standard of Review and Decision consistent with the following requirements:

1. Provide public notification of receipt of all Applications and a reasonable opportunity for the public to submit comments before Applications are acted upon.

2. Assure public accessibility to all documents relevant to an Application, including public comment received.

3. Provide guidance on standards for determining whether to conduct a public meeting or hearing for an Application, time and place of such a meeting(s) or hearing(s), and procedures for conducting of the same.

4. Provide the record of decision for public inspection including comments, objections, responses and approvals, approvals with conditions and disapprovals.
ARTICLE 7
DISPUTE RESOLUTION AND ENFORCEMENT

Section 7.1. Good Faith Implementation.
Each of the Parties pledges to support implementation of all provisions of this Compact, and covenants that its officers and agencies shall not hinder, impair, or prevent any other Party carrying out any provision of this Compact.

Section 7.2. Alternative Dispute Resolution.
1. Desiring that this Compact be carried out in full, the Parties agree that disputes between the Parties regarding interpretation, application and implementation of this Compact shall be settled by alternative dispute resolution.

2. The Council, in consultation with the Provinces, shall provide by rule procedures for the resolution of disputes pursuant to this Section.

Section 7.3. Enforcement.
1. Any Person aggrieved by any action taken by the Council pursuant to the authorities contained in this Compact shall be entitled to a hearing before the Council. Any Person aggrieved by a Party action shall be entitled to a hearing pursuant to the relevant Party's administrative procedures and laws. After exhaustion of such administrative remedies, (i) any aggrieved Person shall have the right to judicial review of a Council action in the United States District Courts for the District of Columbia or the District Court in which the Council maintains offices, provided such action is commenced within 90 days; and, (ii) any aggrieved Person shall have the right to judicial review of a Party's action in the relevant Party's court of competent jurisdiction, provided that an action or proceeding for such review is commenced within the time frames provided for by the Party's law. For the purposes of this paragraph, a State or Province is deemed to be an aggrieved Person with respect to any Party action pursuant to this Compact.

2. a. Any Party or the Council may initiate actions to compel compliance with the provisions of this Compact, and the rules and regulations promulgated hereunder by the Council. Jurisdiction over such actions is granted to the court of the relevant

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Party, as well as the United States District Courts for the District of
Columbia and the District Court in which the Council maintains
offices. The remedies available to any such court shall include, but
not be limited to, equitable relief and civil penalties.

b. Each Party may issue orders within its respective
jurisdiction and may initiate actions to compel compliance with the
provisions of its respective statutes and regulations adopted to
implement the authorities contemplated by this Compact in
accordance with the provisions of the laws adopted in each Party's
jurisdiction.

3. Any aggrieved Person, Party or the Council may commence a
civil action in the relevant Party's courts and administrative systems to
compel any Person to comply with this Compact should any such Person,
without approval having been given, undertake a New or Increased
Withdrawal, Consumptive Use or Diversion that is prohibited or subject to
approval pursuant to this Compact.

a. No action under this subsection may be commenced if:
   i. The Originating Party or Council approval for the
      New or Increased Withdrawal, Consumptive Use or
      Diversion has been granted; or,
   ii. The Originating Party or Council has found that
      the New or Increased Withdrawal, Consumptive Use or
      Diversion is not subject to approval pursuant to this
      Compact.

b. No action under this subsection may be commenced
   unless:

   i. A Person commencing such action has first given
      60 days prior notice to the Originating Party, the Council
      and Person alleged to be in noncompliance; and,
   ii. Neither the Originating Party nor the Council has
      commenced and is diligently prosecuting appropriate
      enforcement actions to compel compliance with this
      Compact. The available remedies shall include equitable
      relief, and the prevailing or substantially prevailing party
may recover the costs of litigation, including reasonable attorney and expert witness fees, whenever the court determines that such an award is appropriate.

4. Each of the Parties may adopt provisions providing additional enforcement mechanisms and remedies including equitable relief and civil penalties applicable within its jurisdiction to assist in the implementation of this Compact.

ARTICLE 8
ADDITIONAL PROVISIONS

Section 8.1. Effect on Existing Rights.
1. Nothing in this Compact shall be construed to affect, limit, diminish or impair any rights validly established and existing as of the effective date of this Compact under State or federal law governing the Withdrawal of Waters of the Basin.

2. Nothing contained in this Compact shall be construed as affecting or intending to affect or in any way to interfere with the law of the respective Parties relating to common law Water rights.

3. Nothing in this Compact is intended to abrogate or derogate from treaty rights or rights held by any Tribe recognized by the federal government of the United States based upon its status as a Tribe recognized by the federal government of the United States.

4. An approval by a Party or the Council under this Compact does not give any property rights, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in, to or over any land belonging to or held in trust by a Party; neither does it authorize any injury to private property or invasion of private rights, nor infringement of federal, State or local laws or regulations; nor does it obviate the necessity of obtaining federal assent when necessary.

Section 8.2. Relationship to Agreements Concluded by the United States of America.

1. Nothing in this Compact is intended to provide nor shall be construed to provide, directly or indirectly, to any Person any right, claim or remedy under any treaty or international agreement nor is it intended to
derogate any right, claim, or remedy that already exists under any treaty or international agreement.

2. Nothing in this Compact is intended to infringe nor shall be construed to infringe upon the treaty power of the United States of America, nor shall any term hereof be construed to alter or amend any treaty or term thereof that has been or may hereafter be executed by the United States of America.

3. Nothing in this Compact is intended to affect nor shall be construed to affect the application of the Boundary Waters Treaty of 1909 whose requirements continue to apply in addition to the requirements of this Compact.

Section 8.3. Confidentiality.
1. Nothing in this Compact requires a Party to breach confidentiality obligations or requirements prohibiting disclosure, or to compromise security of commercially sensitive or proprietary information.

2. A Party may take measures, including but not limited to deletion and redaction, deemed necessary to protect any confidential, proprietary or commercially sensitive information when distributing information to other Parties. The Party shall summarize or paraphrase any such information in a manner sufficient for the Council to exercise its authorities contained in this Compact.

Section 8.4. Additional Laws.
Nothing in this Compact shall be construed to repeal, modify or qualify the authority of any Party to enact any legislation or enforce any additional conditions and restrictions regarding the management and regulation of Waters within its jurisdiction.

Section 8.5. Amendments and Supplements.
The provisions of this Compact shall remain in full force and effect until amended by action of the governing bodies of the Parties and consented to and approved by any other necessary authority in the same manner as this Compact is required to be ratified to become effective.

Section 8.6. Severability.
Should a court of competent jurisdiction hold any part of this Compact to be void or unenforceable, it shall be considered severable from

New matter indicated by italics - deletions by strikeout
those portions of the Compact capable of continued implementation in the absence of the voided provisions. All other provisions capable of continued implementation shall continue in full force and effect.

Section 8.7. Duration of Compact and Termination.
Once effective, the Compact shall continue in force and remain binding upon each and every Party unless terminated. This Compact may be terminated at any time by a majority vote of the Parties. In the event of such termination, all rights established under it shall continue unimpaired.

ARTICLE 9
EFFECTUATION

Section 9.1. Repealer.
All Acts and parts of Acts inconsistent with this Act are to the extent of such inconsistency hereby repealed.

Section 9.2. Effectuation by Chief Executive.
The Governor is authorized to take such action as may be necessary and proper in his or her discretion to effectuate the Compact and the initial organization and operation thereunder.

Section 9.3. Entire Agreement.
The Parties consider this Compact to be complete and an integral whole. Each provision of this Compact is considered material to the entire Compact, and failure to implement or adhere to any provision may be considered a material breach. Unless otherwise noted in this Compact, any change or amendment made to the Compact by any Party in its implementing legislation or by the U.S. Congress when giving its consent to this Compact is not considered effective unless concurred in by all Parties.

Section 9.4. Effective Date and Execution.
This Compact shall become binding and effective when ratified through concurring legislation by the states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin and the Commonwealth of Pennsylvania and consented to by the Congress of the United States. This Compact shall be signed and sealed in nine identical original copies by the respective chief executives of the signatory Parties. One such copy shall be filed with the Secretary of State of each of the signatory Parties or in
accordance with the laws of the state in which the filing is made, and one copy shall be filed and retained in the archives of the Council upon its organization. The signatures shall be affixed and attested under the following form:

    In Witness Whereof, and in evidence of the adoption and enactment into law of this Compact by the legislatures of the signatory parties and consent by the Congress of the United States, the respective Governors do hereby, in accordance with the authority conferred by law, sign this Compact in nine duplicate original copies, attested by the respective Secretaries of State, and have caused the seals of the respective states to be hereunto affixed this___ day of (month), (year).

Section 90. Appointments. All appointments by the Governor of Illinois under the Compact are subject to the advice and consent of the Illinois Senate.

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

Approved August 17, 2007.
Effective August 17, 2007.

PUBLIC ACT 95-0239
(House Bill No. 0457)

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

Section 5. The Illinois Controlled Substances Act is amended by changing Section 204 as follows:

(720 ILCS 570/204) (from Ch. 56 1/2, par. 1204)
Sec. 204. (a) The controlled substances listed in this Section are included in Schedule I.

(b) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters,
ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Acetylmethadol;
(1.1) Acetyl-alpha-methylfentanyl
(N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
(2) Allylprodine;
(3) Alphacetylmethadol, except levo-alphaacetylmethadol (also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);
(4) Alphameprodine;
(5) Alphamethadol;
(6) Alpha-methylfentanyl
(N-(1-alpha-methyl-beta-phenyl) ethyl-4-piperidyl) propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine;
(6.1) Alpha-methylthiofentanyl
(N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
(7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);
(7.1) PEPAP
(1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
(8) Benzethidine;
(9) Betacetylmethadol;
(9.1) Beta-hydroxyfentanyl
(N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
(10) Betameprodine;
(11) Betamethadol;
(12) Betaprodine;
(13) Clonitazene;
(14) Dextromoramide;
(15) Diampopride;
(16) Diethylthiambutene;
(17) Difenoxin;
(18) Dimenoxadol;
(19) Dimephedanol;
(20) Dimephedanol;
(21) Diophaserylbutyrate;
(22) Dipipanone;
(23) Ethylmethylthiambutene;
(24) Etonitazene;
(25) Etoxeridine;
(26) Furethidine;
(27) Hydroxyphedidine;
(28) Ketobemidone;
(29) Levomoramide;
(30) Levophenacylmorphan;
(31) 3-Methylfentanyl
(N-[3-methyl-1-(2-phenylethyl)-4-piperidinyl]-N-phenylpropanamide);
  (31.1) 3-Methylthiofentanyl
(N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
(32) Morpheridine;
(33) Noracymethadol;
(34) Norlevorphanol;
(35) Normethadone;
(36) Norpipanone;
  (36.1) Para-fluorofentanyl
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);
(37) Phenadoxone;
(38) Phenampramide;
(39) Phenomorphan;
(40) Phenoperidine;

New matter indicated by italics - deletions by strikeout
(41) Piritramide;
(42) Proheptazine;
(43) Properidine;
(44) Propiram;
(45) Racemoramide;
(45.1) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-
4-piperidinyl]-propanamide);
(46) Tilidine;
(47) Trimeperidine;
(48) Beta-hydroxy-3-methylfentanyl (other name:
N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-
N-phenylpropanamide).
(c) Unless specifically excepted or unless listed in another
schedule, any of the following opium derivatives, its salts, isomers and
salts of isomers, whenever the existence of such salts, isomers and salts of
isomers is possible within the specific chemical designation:
(1) Acetorphine;
(2) Acetyldihydrocodeine;
(3) Benzylmorphine;
(4) Codeine methylbromide;
(5) Codeine-N-Oxide;
(6) Cyprenorphine;
(7) Desomorphine;
(8) Diacetyldihydromorphine (Dihydroheroin);
(9) Dihydromorphine;
(10) Drotebanol;
(11) Etorphine (except hydrochloride salt);
(12) Heroin;
(13) Hydromorphinol;
(14) Methyldesorphine;
(15) Methyldihydromorphine;
(16) Morphine methylbromide;
(17) Morphine methylsulfonate;

New matter indicated by italics - deletions by strikeout
(18) Morphine-N-Oxide;
(19) Myrophine;
(20) Nicocodeine;
(21) Nicomorphine;
(22) Normorphine;
(23) Pholcodine;
(24) Thebacon.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for the purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

(1) 3,4-methylenedioxyamphetamine
(alpha-methyl,3,4-methylenedioxyphenethylamine,
methylenedioxyamphetamine, MDA);
   (1.1) Alpha-ethyltryptamine
   (some trade or other names: etryptamine;
   MONASE; alpha-ethyl-1H-indole-3-ethanamine;
   3-(2-aminobutyl)indole; a-ET; and AET);
   (2) 3,4-methylenedioxyethylamphetamine (MDMA);
   (2.1) 3,4-methylenedioxy-N-ethylamphetamine
   (also known as: N-ethyl-alpha-methyl-
   3,4(methylenedioxy) Phenethylamine, N-ethyl MDA, MDE,
   and MDEA);
   (3)  3-methoxy-4,5-methylenedioxyamphetamine,
   (MMDA);
   (4) 3,4,5-trimethoxyamphetamine (TMA);
   (5) (Blank);
   (6) Diethyltryptamine (DET);
   (7) Dimethyltryptamine (DMT);
   (8) 4-methyl-2,5-dimethoxyamphetamine (DOM, STP);
   (9) Ibogaine (some trade and other names:

New matter indicated by italics - deletions by strikeout
7-ethyl-6,6, beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1',2':1,2] azepino [5,4-b] indole; Tabernanthe iboga);

(10) Lysergic acid diethylamide;

(10.5) *Salvia divinorum* (meaning all parts of the plant presently classified botanically as *Salvia divinorum*, whether growing or not, the seeds thereof, any extract from any part of that plant, and every compound, manufacture, salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, derivative, mixture, or preparation of that plant, its seeds or extracts);

(11) 3,4,5-trimethoxyphenethylamine (Mescaline);

(12) Peyote (meaning all parts of the plant presently classified botanically as *Lophophora williamsii* williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of that plant, and every compound, manufacture, salts, derivative, mixture, or preparation of that plant, its seeds or extracts);

(13) N-ethyl-3-piperidyl benzilate (JB 318);

(14) N-methyl-3-piperidyl benzilate;

(14.1) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);

(15) Parahexyl; some trade or other names:

3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo (b,d) pyran; Synhexyl;

(16) Psilocybin;

(17) Psilocyn;

(18) Alpha-methyltryptamine (AMT);

(19) 2,5-dimethoxyamphetamine (2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);

(20) 4-bromo-2,5-dimethoxyamphetamine (4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;

New matter indicated by italics - deletions by strikeout
4-bromo-2,5-DMA);
   (20.1) 4-Bromo-2,5 dimethoxyphenethylamine.
Some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane;
alpha-desmethyl DOB, 2CB, Nexus;
   (21) 4-methoxyamphetamine
(4-methoxy-alpha-methylphenethylamine;
paramethoxyamphetamine; PMA);
   (22) (Blank);
   (23) Ethylamine analog of phencyclidine.
Some trade or other names:
N-ethyl-1-phenylcyclohexylamine,
(1-phenylcyclohexyl) ethylamine,
N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;
   (24) Pyrrolidine analog of phencyclidine. Some trade or other names: 1-(1-phenylcyclohexyl) pyrrolidine, PCPy, PHP;
   (25) 5-methoxy-3,4-methylenedioxy-amphetamine;
   (26) 2,5-dimethoxy-4-ethylamphetamine
(another name: DOET);
   (27) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine
(another name: TCPy);
   (28) (Blank);
   (29) Thiophene analog of phencyclidine (some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine;
2-thienyl analog of phencyclidine; TPCP; TCP);
   (30) Bufotenine (some trade or other names:
3-(Beta-Dimethylaminoethyl)-5-hydroxyindole;
3-(2-dimethylaminoethyl)-5-indolol;
5-hydroxy-N,N-dimethyltryptamine;
N,N-dimethylserotonin; mappine).
   (e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers
whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) mecloqualone;
(2) methaqualone; and
(3) gamma hydroxybutyric acid.

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Fenethylline;
(2) N-ethylamphetamine;
(3) Aminorex (some other names: 2-amino-5-phenyl-2-oxazoline; aminoxaphen; 4-5-dihydro-5-phenyl-2-oxazolamine) and its salts, optical isomers, and salts of optical isomers;
(4) Methcathinone (some other names: 2-methylamino-1-phenylpropan-1-one; Ephedrine; 2-(methylamino)-propiophenone; alpha-(methylamino)propiophenone; N-methycathinone; methycathinone; Monomethylpropion; UR 1431) and its salts, optical isomers, and salts of optical isomers;
(5) Cathinone (some trade or other names: 2-aminopropiophenone; alpha-aminopropiophenone; 2-amino-1-phenyl-propanone; norephedrine);
(6) N,N-dimethylamphetamine (also known as: N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine);
(7) (+ or -) cis-4-methylaminorex ((+ or -) cis-4,5-dihydro-4-methyl-4-5-phenyl-2-oxazolamine).

(g) Temporary listing of substances subject to emergency scheduling. Any material, compound, mixture, or preparation that contains any quantity of the following substances:

New matter indicated by italics - deletions by strikeout
(1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, isomers, salts, and salts of isomers;

(2) N-[1(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts, and salts of isomers.

(Source: P.A. 90-382, eff. 8-15-97; 91-714, eff. 6-2-00; revised 10-18-05.)
Approved August 17, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0240
(House Bill No. 1084)

AN ACT concerning business.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Beer Industry Fair Dealing Act is amended by changing Sections 1.1 and 5 as follows:
(815 ILCS 720/1.1) (from Ch. 43, par. 301.1)
Sec. 1.1. As used in this Act:
(1) "Beer" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like. For purposes of this Act only, the term "beer" shall also include malt beverage products containing less than one-half of 1% of alcohol by volume and marketed for adult consumption as an alternative beverage to beer.

(2) "Agreement" means any contract, agreement, arrangement, operating standards, or amendments to a contract, agreement, arrangement, or operating standards, the effect of which is to substantially change or modify the existing contract, agreement, arrangement, or operating standards, whether expressed or implied, whether oral or written, for a definite or indefinite period between a brewer and a wholesaler pursuant to

New matter indicated by italics - deletions by strikeout
which a wholesaler has been granted the right to purchase, resell, and
distribute as wholesaler or master distributor any brand or brands of beer
offered by a brewer. The agreement between a brewer and wholesaler shall
not be considered a franchise relationship.

(3) "Wholesaler" or "beer wholesaler" means any person, other
than a manufacturer licensed under The Liquor Control Act of 1934, who
is engaged in this State in purchasing, storing, possessing or warehousing
any alcoholic liquors for resale or reselling at wholesale, whether within or
without this State.

(4) "Brewer" means a person who is engaged in the manufacture of
beer, a master distributor as defined in this Section, a successor brewer as
defined in this Section, a non-resident dealer under the provisions of the
Liquor Control Act of 1934, a foreign importer under the provisions of the
Liquor Control Act of 1934, or a person who owns or controls the
trademark, brand, or name of beer.

(4.5) "Brand" means any word, name, group of letters, symbols, or
any combination thereof that is adopted and used by a brewer to identify a
specific beer product and to distinguish that beer product from another
beer product.

(4.7) "Brand extension" means any brand that incorporates all or
a substantial part of the features of a pre-existing brand of the same
brewer and that relies to a significant extent on the good will associated
with the pre-existing brand.

(5) "Master Distributor" means a person who, in addition to being a
wholesaler, acts in the same or similar capacity as a brewer or outside
seller of one or more brands of beer to other wholesalers on a regular basis
in the normal course of business.

(6) "Successor Brewer" means any person who in any way obtains
the distribution rights that a brewer or master distributor once had to
manufacture or distribute a brand or brands of beer whether by merger,
purchase of corporate shares, purchase of assets, or any other arrangement.

(7) "Person" means a natural person, partnership, corporation, trust,
agency, or other form of business enterprise. Person also includes heirs,
assigns, personal representatives and guardians.

New matter indicated by italics - deletions by strikeout
(8) "Territory" or "sales territory" means the geographic area of primary sales responsibility designated by an agreement between a wholesaler and brewer for any brand or brands of the brewer.

(9) "Good cause" exists if the wholesaler or affected party has failed to comply with essential and reasonable requirements imposed upon the wholesaler or affected party by the agreement. The requirements may not be discriminating either by their terms or in the methods of their enforcement as compared with requirements imposed on other similarly situated wholesalers by the brewer. The requirements may not be inconsistent with this Act or in violation of any law or regulation.

(10) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade as defined and interpreted under Section 2-103 of the Uniform Commercial Code.

(11) "Reasonable standards and qualifications" means those criteria applied by the brewer to similarly situated wholesalers during a period of 24 months before the proposed change in manager or successor manager of the wholesaler's business.

(12) "Affected party" means a wholesaler, brewer, master distributor, successor brewer, or any person that is a party to an agreement.

(13) "Signs" means signs described in Section 6-6 of the Liquor Control Act of 1934.

(14) "Advertising materials" means advertising materials described in Section 6-6 of the Liquor Control Act of 1934.

(Source: P.A. 90-373, eff. 8-14-97; 91-247, eff. 7-22-99.)

(815 ILCS 720/5) (from Ch. 43, par. 305)

Sec. 5. Prohibited conduct. No brewer shall:

(1) Induce or coerce, or attempt to induce or coerce, any wholesaler to engage in any illegal act or course of conduct either by threatening to amend, modify, cancel, terminate, or refuse to renew any agreement existing between the brewer and the wholesaler, or by any other means.

(2) Require a wholesaler to assent to any unreasonable requirement, condition, understanding or term or an agreement

New matter indicated by italics - deletions by strikeout
prohibiting a wholesaler from selling the product of any other brewer or brewers.

(3) Directly or indirectly fix or maintain the price at which a wholesaler may resell beer.

(4) Fail to provide to each wholesaler of its brands a written contract which embodies the brewer's agreement with its wholesalers and conforms to the provisions of this Act.

(5) Require any wholesaler to accept delivery of any beer, signs, advertising materials, or any other item or commodity which has not been ordered by the wholesaler, or require any wholesaler to accept a common carrier for delivery of beer into this State unless the wholesaler consents to the common carrier. In the event a brewer adopts a uniform practice of delivering beer into this State to the premises of all licensed wholesalers, the brewer may select the common carrier in this State.

(6) Require a wholesaler without the wholesaler's approval to participate in an arrangement for the payment or crediting by an electronic fund transfer transaction for any item or commodity other than beer or to access a wholesaler's account for any item or commodity other than beer.

(7) Require a wholesaler to assent to any requirement prohibiting the wholesaler from disposing, after notice to the brewer, of a product which has been deemed salvageable by a local or State health authority. Nothing herein shall prohibit the brewer from having the first right to purchase the salvageable product from the wholesaler at a price not to exceed the original cost of the product or to subsequently repurchase the product from the insurance company or salvage company.

(8) Refuse to approve or require a wholesaler to terminate a manager or successor manager without good cause. A brewer has good cause only if the person designated as manager or successor manager by the wholesaler fails to meet reasonable standards and qualifications.
(9) Present an agreement to a wholesaler that attempts to waive compliance with any provision of this Act or that requires the wholesaler to waive compliance with any provision of this Act. No brewer shall induce or coerce, or attempt to induce or coerce, any wholesaler to assent to any agreement, amendment, renewal, or replacement agreement that does not comply with this Act and the laws of this State.

(10) Terminate or attempt to terminate an agreement on the basis that the wholesaler refuses to purchase signs or advertising materials or any quantity or types thereof.

(11) Discriminate against a wholesaler who has entered into a contract relative to signs or advertising materials by not making signs or advertising materials or any quantity or types thereof available to the wholesaler when the brewer makes available such signs or advertising materials to other similarly situated wholesalers in this State.

(12) Present an agreement requiring the wholesaler to arbitrate all disputes without offering the wholesaler in writing the opportunity to reject arbitration and elect to resolve all disputes by maintaining a civil suit in accordance with this Act.

(13) Fail to assign brand extensions to a wholesaler who has been granted the territory to the brand from which the brand extension resulted and agrees to accept the brand extension; however, this requirement does not apply if the wholesaler is not in compliance with the agreement at the time the brewer offers the brand extension to the wholesaler.

No brewer who, pursuant to an agreement with a wholesaler which does not violate antitrust laws, has designated a sales territory for which the wholesaler is exclusively primarily responsible or in which the wholesaler is required to concentrate its efforts, shall enter into an agreement with any other wholesaler for the purpose of establishing an additional wholesaler for the brewer's brand, or brands, or brand extension in the territory, in all or part of the same territory.

New matter indicated by italics - deletions by strikeout
No wholesaler who, pursuant to an agreement is granted a sales territory for which it shall be exclusively primarily responsible or in which it is required to concentrate its efforts, shall make any sale or delivery of beer to any retail licensee whose place of business is not within the territory granted to the wholesaler.

(Source: P.A. 90-373, eff. 8-14-97; 91-247, eff. 7-22-99.)

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

Approved August 17, 2007.
Effective August 17, 2007.

PUBLIC ACT 95-0241
(House Bill No. 1347)

AN ACT concerning education.

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

Section 5. The School Code is amended by changing Section 10-22.34c as follows:

(105 ILCS 5/10-22.34c)
Sec. 10-22.34c. Third party non-instructional services.
(a) A notwithstanding any other law of this State, nothing in this Code prevents a board of education may enter into a contract with a third party for non-instructional services currently performed by any employee or bargaining unit member or lay off those employees upon 90 days written notice to the affected employees, provided that:

(1) a contract must not be entered into and become effective during the term of a collective bargaining agreement, as that term is set forth in the agreement, covering any employees who perform the non-instructional services;

(2) a contract may only take effect upon the expiration of an existing collective bargaining agreement;

New matter indicated by italics - deletions by strikeout
(3) any third party that submits a bid to perform the non-instructional services shall provide the following:

(A) evidence of liability insurance in scope and amount equivalent to the liability insurance provided by the school board pursuant to Section 10-22.3 of this Code;

(B) a benefits package for the third party's employees who will perform the non-instructional services comparable to the benefits package provided to school board employees who perform those services;

(C) a list of the number of employees who will provide the non-instructional services, the job classifications of those employees, and the wages the third party will pay those employees;

(D) a minimum 3-year cost projection, using generally accepted accounting principles and which the third party is prohibited from increasing if the bid is accepted by the school board, for each and every expenditure category and account for performing the non-instructional services;

(E) composite information about the criminal and disciplinary records, including alcohol or other substance abuse, Department of Children and Family Services complaints and investigations, traffic violations, and license revocations or any other licensure problems, of any employees who may perform the non-instructional services, provided that the individual names and other identifying information of employees need not be provided with the submission of the bid, but must be made available upon request of the school board; and

(F) an affidavit, notarized by the president or chief executive officer of the third party, that each of its employees has completed a criminal background check as required by Section 10-21.9 of this Code within 3 months prior to submission of the bid, provided that the results of

New matter indicated by italics - deletions by strikeout
such background checks need not be provided with the submission of the bid, but must be made available upon request of the school board.

(4) a contract must not be entered into unless the school board provides a cost comparison, using generally accepted accounting principles, of each and every expenditure category and account that the school board projects it would incur over the term of the contract if it continued to perform the non-instructional services using its own employees with each and every expenditure category and account that is projected a third party would incur if a third party performed the non-instructional services;

(5) review and consideration of all bids by third parties to perform the non-instructional services shall take place in open session of a regularly scheduled school board meeting, unless the exclusive bargaining representative of the employees who perform the non-instructional services, if any such exclusive bargaining representative exists, agrees in writing that such review and consideration can take place in open session at a specially scheduled school board meeting;

(6) a minimum of one public hearing, conducted by the school board prior to a regularly scheduled school board meeting, to discuss the school board's proposal to contract with a third party to perform the non-instructional services must be held before the school board may enter into such a contract; the school board must provide notice to the public of the date, time, and location of the first public hearing on or before the initial date that bids to provide the non-instructional services are solicited or a minimum of 30 days prior to entering into such a contract, whichever provides a greater period of notice;

(7) a contract shall contain provisions requiring the contractor to offer available employee positions pursuant to the contract to qualified school district employees whose employment is terminated because of the contract; and

New matter indicated by italics - deletions by strikeout
(8) a contract shall contain provisions requiring the contractor to comply with a policy of nondiscrimination and equal employment opportunity for all persons and to take affirmative steps to provide equal opportunity for all persons.

(b) Notwithstanding subsection (a) of this Section, a board of education may enter into a contract, of no longer than 3 months in duration, with a third party for non-instructional services currently performed by an employee or bargaining unit member for the purpose of augmenting the current workforce in an emergency situation that threatens the safety or health of the school district's students or staff, provided that the school board meets all of its obligations under the Illinois Educational Labor Relations Act.

(c) The changes to this Section made by this amendatory Act of the 95th General Assembly are not applicable to non-instructional services of a school district that on the effective date of this amendatory Act of the 95th General Assembly are performed for the school district by a third party.

(Source: P.A. 90-548, eff. 1-1-98.)

Section 90. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

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

Approved August 17, 2007.
Effective August 17, 2007.

New matter indicated by italics - deletions by strikeout
AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Illinois Optometric Practice Act of 1987 is amended
by changing Sections 15.1 and 16 as follows:
(225 ILCS 80/15.1)
(Section scheduled to be repealed on January 1, 2017)
Sec. 15.1. Diagnostic and therapeutic authority.
(a) For purposes of the Act, "ocular pharmaceutical agents" means
topical anesthetics, topical mydriatics, topical cycloplegics, topical miotics
and mydriatic reversing agents, topical anti-infective agents, topical anti-
allergy agents, topical anti-glaucoma agents (except oral carbonic
anhydrase inhibitors, which may be prescribed only in a quantity
sufficient to provide treatment for up to 72 hours), topical anti-
-inflammatory agents (except oral steroids), topical anesthetic agents, over-
the-counter agents, and non-narcotic oral analgesic agents, and mydriatic
reversing agents when used for diagnostic or therapeutic purposes.
(a-5) Ocular pharmaceutical agents administered by injection may
be used only for the treatment of anaphylaxis.
(a-10) Oral pharmaceutical agents may be prescribed for a child
under 5 years of age only in consultation with a physician licensed to
practice medicine in all its branches.
(a-15) The authority to prescribe a Schedule III, IV, or V
controlled substance shall include only analgesic agents in a quantity
sufficient to provide treatment for up to 72 hours. The prescription of a
Schedule II controlled substance is prohibited.
(b) A licensed optometrist may remove superficial foreign bodies
from the human eye and adnexa and may give orders for patient care to a
nurse licensed to practice under Illinois law.

New matter indicated by italics - deletions by strikeout
(c) An optometrist's license shall be revoked or suspended by the Department upon recommendation of the Board based upon either of the following causes:

   (1) grave or repeated misuse of any ocular pharmaceutical agent; and

   (2) the use of any agent or procedure in the course of optometric practice by an optometrist not properly authorized under this Act.

(d) The Secretary of Financial and Professional Regulation shall notify the Director of Public Health as to the categories of ocular pharmaceutical agents permitted for use by an optometrist. The Director of Public Health shall in turn notify every licensed pharmacist in the State of the categories of ocular pharmaceutical agents that can be utilized and prescribed by an optometrist.

(Source: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/16) (from Ch. 111, par. 3916)

(Section scheduled to be repealed on January 1, 2017)

Sec. 16. Renewal, reinstatement or restoration of licenses; military service. The expiration date and renewal period for each license issued under this Act shall be set by rule.

All renewal applicants shall provide proof of having met the requirements of continuing education set forth in the rules of the Department. The Department shall, by rule, provide for an orderly process for the reinstatement of licenses which have not been renewed due to failure to meet the continuing education requirements. The continuing education requirement may be waived for such good cause, including but not limited to illness or hardship, as defined by rules of the Department.

The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by registrants; by requiring the filing of continuing education certificates with the Department; or by other means established by the Department.

Any licensee seeking renewal of his or her license during the renewal cycle beginning April 1, 2008 must first complete a tested

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educational course in the use of oral pharmaceutical agents for the management of ocular conditions, as approved by the Board.

Any optometrist who has permitted his or her license to expire or who has had his or her license on inactive status may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored and by paying the required fees. Such proof of fitness may include evidence certifying to active lawful practice in another jurisdiction and must include proof of the completion of the continuing education requirements specified in the rules for the preceding license renewal period that has been completed during the 2 years prior to the application for license restoration.

The Department shall determine, by an evaluation program established by rule, his or her fitness for restoration of his or her license and shall establish procedures and requirements for such restoration.

However, any optometrist whose license expired while he or she was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license restored without paying any lapsed renewal fees if within 2 years after honorable termination of such service, training, or education, he or she furnishes the Department with satisfactory evidence to the effect that he or she has been so engaged and that his or her service, training, or education has been so terminated.

All licenses without "Therapeutic Certification" on March 31, 2006 shall be placed on non-renewed status and may only be renewed after the licensee meets those requirements established by the Department that may not be waived.

(Source: P.A. 94-787, eff. 5-19-06.)

Section 10. The Illinois Controlled Substances Act is amended by changing Sections 102 and 103 as follows:

(720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

New matter indicated by italics - deletions by strikeout
Sec. 102. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Addict" means any person who habitually uses any drug, chemical, substance or dangerous drug other than alcohol so as to endanger the public morals, health, safety or welfare or who is so far addicted to the use of a dangerous drug or controlled substance other than alcohol as to have lost the power of self control with reference to his addiction.

(b) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient, research subject, or animal (as defined by the Humane Euthanasia in Animal Shelters Act) by:

(1) a practitioner (or, in his presence, by his authorized agent),

(2) the patient or research subject at the lawful direction of the practitioner, or

(3) a euthanasia technician as defined by the Humane Euthanasia in Animal Shelters Act.

(c) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(c-1) "Anabolic Steroids" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

(i) boldenone,

(ii) chlorotestosterone,

(iii) chostebol,

(iv) dehydrochlormethyltestosterone,

(v) dihydrotestosterone,

(vi) drostanolone,

(vii) ethylestrenol,

(viii) fluoxymesterone,

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(ix) formebulone,
(x) mesterolone,
(xi) methandienone,
(xii) methandranone,
(xiii) methandriol,
(xiv) methandrostenolone,
(xv) methenolone,
(xvi) methyltestosterone,
(xvii) mibolerone,
(xviii) nandrolone,
(xix) norethandrolone,
(xx) oxandrolone,
(xxi) oxymesterone,
(xxii) oxymetholone,
(xxiii) stanolone,
(xxiv) stanozolol,
(xxv) testolactone,
(xxvi) testosterone,
(xxvii) trenbolone, and
( xxviii) any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth.

Any person who is otherwise lawfully in possession of an anabolic steroid, or who otherwise lawfully manufactures, distributes, dispenses, delivers, or possesses with intent to deliver an anabolic steroid, which anabolic steroid is expressly intended for and lawfully allowed to be administered through implants to livestock or other nonhuman species, and which is approved by the Secretary of Health and Human Services for such administration, and which the person intends to administer or have administered through such implants, shall not be considered to be in unauthorized possession or to unlawfully manufacture, distribute, dispense, deliver, or possess with intent to deliver such anabolic steroid for purposes of this Act.

New matter indicated by italics - deletions by strikeout
(d) "Administration" means the Drug Enforcement Administration, United States Department of Justice, or its successor agency.

(e) "Control" means to add a drug or other substance, or immediate precursor, to a Schedule under Article II of this Act whether by transfer from another Schedule or otherwise.

(f) "Controlled Substance" means a drug, substance, or immediate precursor in the Schedules of Article II of this Act.

(g) "Counterfeit substance" means a controlled substance, which, or the container or labeling of which, without authorization bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(h) "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession of a controlled substance, with or without consideration, whether or not there is an agency relationship.

(i) "Department" means the Illinois Department of Human Services (as successor to the Department of Alcoholism and Substance Abuse) or its successor agency.

(j) "Department of State Police" means the Department of State Police of the State of Illinois or its successor agency.

(k) "Department of Corrections" means the Department of Corrections of the State of Illinois or its successor agency.

(l) "Department of Professional Regulation" means the Department of Professional Regulation of the State of Illinois or its successor agency.

(m) "Depressant" or "stimulant substance" means:

1. a drug which contains any quantity of (i) barbituric acid or any of the salts of barbituric acid which has been designated as habit forming under section 502 (d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352 (d)); or

2. a drug which contains any quantity of (i) amphetamine or methamphetamine and any of their optical isomers; (ii) any salt of amphetamine or methamphetamine or any salt of an optical isomer of amphetamine; or (iii) any substance which the
Department, after investigation, has found to be, and by rule designated as, habit forming because of its depressant or stimulant effect on the central nervous system; or
(3) lysergic acid diethylamide; or
(4) any drug which contains any quantity of a substance which the Department, after investigation, has found to have, and by rule designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.
(n) (Blank).
(o) "Director" means the Director of the Department of State Police or the Department of Professional Regulation or his designated agents.
(p) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a prescriber, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.
(q) "Dispenser" means a practitioner who dispenses.
(r) "Distribute" means to deliver, other than by administering or dispensing, a controlled substance.
(s) "Distributor" means a person who distributes.
(t) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) substances intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or function of the body of man or animals and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.
(t-5) "Euthanasia agency" means an entity certified by the Department of Professional Regulation for the purpose of animal euthanasia that holds an animal control facility license or animal shelter license under the Animal Welfare Act. A euthanasia agency is authorized...
to purchase, store, possess, and utilize Schedule II nonnarcotic and Schedule III nonnarcotic drugs for the sole purpose of animal euthanasia.

(t-10) "Euthanasia drugs" means Schedule II or Schedule III substances (nonnarcotic controlled substances) that are used by a euthanasia agency for the purpose of animal euthanasia.

(u) "Good faith" means the prescribing or dispensing of a controlled substance by a practitioner in the regular course of professional treatment to or for any person who is under his treatment for a pathology or condition other than that individual's physical or psychological dependence upon or addiction to a controlled substance, except as provided herein: and application of the term to a pharmacist shall mean the dispensing of a controlled substance pursuant to the prescriber's order which in the professional judgment of the pharmacist is lawful. The pharmacist shall be guided by accepted professional standards including, but not limited to the following, in making the judgment:

1. lack of consistency of doctor-patient relationship,
2. frequency of prescriptions for same drug by one prescriber for large numbers of patients,
3. quantities beyond those normally prescribed,
4. unusual dosages,
5. unusual geographic distances between patient, pharmacist and prescriber,
6. consistent prescribing of habit-forming drugs.

(u-1) "Home infusion services" means services provided by a pharmacy in compounding solutions for direct administration to a patient in a private residence, long-term care facility, or hospice setting by means of parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion.

(v) "Immediate precursor" means a substance:

1. which the Department has found to be and by rule designated as being a principal compound used, or produced primarily for use, in the manufacture of a controlled substance;
(2) which is an immediate chemical intermediary used or likely to be used in the manufacture of such controlled substance; and

(3) the control of which is necessary to prevent, curtail or limit the manufacture of such controlled substance.

(w) "Instructional activities" means the acts of teaching, educating or instructing by practitioners using controlled substances within educational facilities approved by the State Board of Education or its successor agency.

(x) "Local authorities" means a duly organized State, County or Municipal peace unit or police force.

(y) "Look-alike substance" means a substance, other than a controlled substance which (1) by overall dosage unit appearance, including shape, color, size, markings or lack thereof, taste, consistency, or any other identifying physical characteristic of the substance, would lead a reasonable person to believe that the substance is a controlled substance, or (2) is expressly or impliedly represented to be a controlled substance or is distributed under circumstances which would lead a reasonable person to believe that the substance is a controlled substance. For the purpose of determining whether the representations made or the circumstances of the distribution would lead a reasonable person to believe the substance to be a controlled substance under this clause (2) of subsection (y), the court or other authority may consider the following factors in addition to any other factor that may be relevant:

(a) statements made by the owner or person in control of the substance concerning its nature, use or effect;

(b) statements made to the buyer or recipient that the substance may be resold for profit;

(c) whether the substance is packaged in a manner normally used for the illegal distribution of controlled substances;

(d) whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration, and whether the amount of the consideration was

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substantially greater than the reasonable retail market value of the substance.

Clause (1) of this subsection (y) shall not apply to a noncontrolled substance in its finished dosage form that was initially introduced into commerce prior to the initial introduction into commerce of a controlled substance in its finished dosage form which it may substantially resemble.

Nothing in this subsection (y) prohibits the dispensing or distributing of noncontrolled substances by persons authorized to dispense and distribute controlled substances under this Act, provided that such action would be deemed to be carried out in good faith under subsection (u) if the substances involved were controlled substances.

Nothing in this subsection (y) or in this Act prohibits the manufacture, preparation, propagation, compounding, processing, packaging, advertising or distribution of a drug or drugs by any person registered pursuant to Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

(y-1) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States, other than Illinois, that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance other than methamphetamine, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling of its container, except that this term does not include:

(1) by an ultimate user, the preparation or compounding of a controlled substance for his own use; or

(2) by a practitioner, or his authorized agent under his supervision, the preparation, compounding, packaging, or labeling of a controlled substance:

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(a) as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or
(b) as an incident to lawful research, teaching or chemical analysis and not for sale.

(z-1) (Blank).

(aa) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;
(2) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1), but not including the isoquinoline alkaloids of opium;
(3) opium poppy and poppy straw;
(4) coca leaves and any salts, compound, isomer, salt of an isomer, derivative, or preparation of coca leaves including cocaine or ecgonine, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine (for the purpose of this paragraph, the term "isomer" includes optical, positional and geometric isomers).

(bb) "Nurse" means a registered nurse licensed under the Nursing and Advanced Practice Nursing Act.

(cc) (Blank).

(dd) "Opiate" means any substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having addiction forming or addiction sustaining liability.

(ee) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.
(ff) "Parole and Pardon Board" means the Parole and Pardon Board of the State of Illinois or its successor agency.

(gg) "Person" means any individual, corporation, mail-order pharmacy, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

(hh) "Pharmacist" means any person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987.

(ii) "Pharmacy" means any store, ship or other place in which pharmacy is authorized to be practiced under the Pharmacy Practice Act of 1987.

(jj) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(kk) "Practitioner" means a physician licensed to practice medicine in all its branches, dentist, optometrist, podiatrist, veterinarian, scientific investigator, pharmacist, physician assistant, advanced practice nurse, licensed practical nurse, registered nurse, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise lawfully permitted by the United States or this State to distribute, dispense, conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

(II) "Pre-printed prescription" means a written prescription upon which the designated drug has been indicated prior to the time of issuance.

(mm) "Prescriber" means a physician licensed to practice medicine in all its branches, dentist, optometrist, podiatrist or veterinarian who issues a prescription, a physician assistant who issues a prescription for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and the written guidelines required under Section 7.5 of the Physician Assistant Practice Act of 1987, or an advanced practice nurse with prescriptive authority in accordance with Section 303.05 and a written collaborative agreement under Sections 15-15 and 15-20 of the Nursing and Advanced Practice Nursing Act.
(nn) "Prescription" means a lawful written, facsimile, or verbal order of a physician licensed to practice medicine in all its branches, dentist, podiatrist or veterinarian for any controlled substance, of an optometrist for a Schedule III, IV, or V controlled substance in accordance with Section 15.1 of the Illinois Optometric Practice Act of 1987, of a physician assistant for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and the written guidelines required under Section 7.5 of the Physician Assistant Practice Act of 1987, or of an advanced practice nurse who issues a prescription for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and a written collaborative agreement under Sections 15-15 and 15-20 of the Nursing and Advanced Practice Nursing Act.

(oo) "Production" or "produce" means manufacture, planting, cultivating, growing, or harvesting of a controlled substance other than methamphetamine.

(pp) "Registrant" means every person who is required to register under Section 302 of this Act.

(qq) "Registry number" means the number assigned to each person authorized to handle controlled substances under the laws of the United States and of this State.

(rr) "State" includes the State of Illinois and any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(ss) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

(Source: P.A. 93-596, eff. 8-26-03; 93-626, eff. 12-23-03; 94-556, eff. 9-11-05.)

(720 ILCS 570/103) (from Ch. 56 1/2, par. 1103)

Sec. 103. Scope of Act. Nothing in this Act limits the lawful authority granted by the Medical Practice Act of 1987, the Nursing and Advanced Practice Nursing Act, the Illinois Optometric Practice Act of 1987, or the Pharmacy Practice Act of 1987.

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AN ACT concerning human rights.

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

Section 5. The Illinois Human Rights Act is amended by changing Sections 7A-102, 7A-103, 7B-102, 7B-103, 8-103, 8-110, and 8-111 as follows:

(775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)
Sec. 7A-102. Procedures.
(A) Charge.

(1) Within 180 days after the date that a civil rights violation allegedly has been committed, a charge in writing under oath or affirmation may be filed with the Department by an aggrieved party or issued by the Department itself under the signature of the Director.

(2) The charge shall be in such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged civil rights violation.

(A-1) Equal Employment Opportunity Commission Charges. A charge filed with the Equal Employment Opportunity Commission within 180 days after the date of the alleged civil rights violation shall be deemed filed with the Department on the date filed with the Equal Employment Opportunity Commission. Upon receipt of a charge filed with the Equal Employment Opportunity Commission, the Department shall notify the complainant that he or she may proceed with the Department. The complainant must notify the Department of his or her decision in writing within 35 days of receipt of the Department's notice to the complainant.
and the Department shall close the case if the complainant does not do so. If the complainant proceeds with the Department, the Department shall take no action until the Equal Employment Opportunity Commission makes a determination on the charge. Upon receipt of the Equal Employment Opportunity Commission's determination, the Department shall cause the charge to be filed under oath or affirmation and to be in such detail as provided for under subparagraph (2) of paragraph (A). At the Department's discretion, the Department shall either adopt the Equal Employment Opportunity Commission's determination or process the charge pursuant to this Act. Adoption of the Equal Employment Opportunity Commission's determination shall be deemed a determination by the Department for all purposes under this Act.

(B) Notice; and Response to, and Review of Charge. The Department shall, within 10 days of the date on which the charge was filed, serve a copy of the charge on the respondent. This period shall not be construed to be jurisdictional. The charging party and the respondent may each file a position statement and other materials with the Department regarding the charge of alleged discrimination within 60 days of receipt of the notice of the charge. The position statements and other materials filed shall remain confidential unless otherwise agreed to by the party providing the information and shall not be served on or made available to the other party during pendency of a charge with the Department. The Department shall require the respondent to file a verified response to the allegations contained in the charge within 60 days of receipt of the notice of the charge. The respondent shall serve a copy of its response on the complainant or his representative. All allegations contained in the charge not timely denied by the respondent shall be deemed admitted, unless the respondent states that it is without sufficient information to form a belief with respect to such allegation. The Department may issue a notice of default directed to any respondent who fails to file a verified response to a charge within 60 days of receipt of the notice of the charge, unless the respondent can demonstrate good cause as to why such notice should not issue. The term "good cause" shall be defined by rule promulgated by the Department. Within 30 days of receipt of the respondent's response, the
The complainant may file a reply to said response and shall serve a copy of said reply on the respondent or his representative. A party shall have the right to supplement his response or reply at any time that the investigation of the charge is pending. The Department shall, within 10 days of the date on which the charge was filed, and again no later than 335 days thereafter, send by certified or registered mail written notice to the complainant and to the respondent informing the complainant of the complainant's right to either file a complaint with the Human Rights Commission or commence a civil action in the appropriate circuit court under subparagraph (2) of paragraph (G), including in such notice the dates within which the complainant may exercise this right. In the notice the Department shall notify the complainant that the charge of civil rights violation will be dismissed with prejudice and with no right to further proceed if a written complaint is not timely filed with the Commission or with the appropriate circuit court by the complainant pursuant to subparagraph (2) of paragraph (G) or by the Department pursuant to subparagraph (1) of paragraph (G).

(B-1) Mediation. The complainant and respondent may agree to voluntarily submit the charge to mediation without waiving any rights that are otherwise available to either party pursuant to this Act and without incurring any obligation to accept the result of the mediation process. Nothing occurring in mediation shall be disclosed by the Department or admissible in evidence in any subsequent proceeding unless the complainant and the respondent agree in writing that such disclosure be made.

(C) Investigation.

(1) After the respondent has been notified, the Department shall conduct a full investigation of the allegations set forth in the charge.

(2) The Director or his or her designated representatives shall have authority to request any member of the Commission to issue subpoenas to compel the attendance of a witness or the production for examination of any books, records or documents whatsoever.

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(3) If any witness whose testimony is required for any investigation resides outside the State, or through illness or any other good cause as determined by the Director is unable to be interviewed by the investigator or appear at a fact finding conference, his or her testimony or deposition may be taken, within or without the State, in the same manner as is provided for in the taking of depositions in civil cases in circuit courts.

(4) Upon reasonable notice to the complainant and the respondent, the Department shall conduct a fact finding conference prior to 365 days after the date on which the charge was filed, unless the Director has determined whether there is substantial evidence that the alleged civil rights violation has been committed or the charge has been dismissed for lack of jurisdiction. If the parties agree in writing, the fact finding conference may be held at a time after the 365 day limit. Any party's failure to attend the conference without good cause shall result in dismissal or default. The term "good cause" shall be defined by rule promulgated by the Department. A notice of dismissal or default shall be issued by the Director and shall notify the relevant party that a request for review may be filed in writing with the Commission Chief Legal Counsel of the Department within 30 days of receipt of notice of dismissal or default.

(D) Report.

(1) Each charge shall be the subject of a report to the Director. The report shall be a confidential document subject to review by the Director, authorized Department employees, the parties, and, where indicated by this Act, members of the Commission or their designated hearing officers.

(2) Upon review of the report, the Director shall determine whether there is substantial evidence that the alleged civil rights violation has been committed. The determination of substantial evidence is limited to determining the need for further consideration of the charge pursuant to this Act and includes, but is not limited to, findings of fact and conclusions, as well as the

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reasons for the determinations on all material issues. Substantial evidence is evidence which a reasonable mind accepts as sufficient to support a particular conclusion and which consists of more than a mere scintilla but may be somewhat less than a preponderance.

(3) (a) If the Director determines that there is no substantial evidence, the charge shall be dismissed by order of the Director and the **Director shall give the complainant notice of his or her right to** notified that he or she may seek review of the dismissal order before the Commission or commence a civil action in the appropriate circuit court. If the complainant chooses to have the Human Rights Commission review the dismissal order, he or she shall file a request for review with the Commission within 30 days after receipt of the Director's notice. If the complainant chooses to file a request for review with the Commission, he or she may not later commence a civil action in a circuit court. If the complainant chooses to commence a civil action in a circuit court, he or she must do so within 90 days after receipt of the Director's notice. Any such complaint shall be filed within 90 days after receipt of the Director's notice. If the complainant chooses to have the Department file a complaint with the Human Rights Commission on his or her behalf, the complainant must, within 14 days after receipt of the Director's notice, request in writing that the Department file the complaint. If the complainant timely requests that the Department file the complaint, the Department shall file the complaint on his or her behalf. If the

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complainant fails to timely request that the Department file the complaint, the complainant may only commence a civil action in the appropriate circuit court.

(E) Conciliation.

(1) When the Director determines that there is a finding of substantial evidence, the Department may designate a Department employee who is an attorney licensed to practice in Illinois to endeavor to eliminate the effect of the alleged civil rights violation and to prevent its repetition by means of conference and conciliation.

(E) Conciliation:

(2) When the Department determines that a formal conciliation conference is necessary, the complainant and respondent shall be notified of the time and place of the conference by registered or certified mail at least 10 days prior thereto and either or both parties shall appear at the conference in person or by attorney.

(3) The place fixed for the conference shall be within 35 miles of the place where the civil rights violation is alleged to have been committed.

(4) Nothing occurring at the conference shall be disclosed by the Department unless the complainant and respondent agree in writing that such disclosure be made.

(5) The Department's efforts to conciliate the matter shall not stay or extend the time for filing the complaint with the Commission or the circuit court.

(F) Complaint.

(1) When the complainant requests that the Department file a complaint with the Commission on his or her behalf there is a failure to settle or adjust any charge through conciliation, the Department shall prepare a written complaint, under oath or affirmation, stating the nature of the civil rights violation substantially as alleged in the charge previously filed and the relief

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sought on behalf of the aggrieved party. The Department shall file the complaint with the Commission.

(2) If the complainant chooses to commence a civil action in a circuit court, he or she must do so in the circuit court in the county wherein the civil rights violation was allegedly committed. The form of the complaint in any such civil action shall be in accordance with the Illinois Code of Civil Procedure. The complaint shall be filed with the Commission.

(G) Time Limit.

(1) When a charge of a civil rights violation has been properly filed, the Department, within 365 days thereof or within any extension of that period agreed to in writing by all parties, shall issue its report as required by subparagraph (D) either issue and file a complaint in the manner and form set forth in this Section or shall order that no complaint be issued and dismiss the charge with prejudice without any further right to proceed except in cases in which the order was procured by fraud or duress. Any such report order shall be duly served upon both the complainant and the respondent.

(2) If the Department has not issued its report within 365 days after the charge is filed, or any such longer period agreed to in writing by all the parties, the complainant shall have 90 days to either file his or her own complaint with the Human Rights Commission or commence a civil action in the appropriate circuit court. If the complainant files a complaint with the Commission, the aggrieved party may file a complaint with the Commission, if the Director has not sooner issued a report and determination pursuant to paragraphs (D)(1) and (D)(2) of this Section. The form of the complaint shall be in accordance with the provisions of paragraph (F)(1). If the complainant commences a civil action in a circuit court, the form of the complaint shall be in accordance with the Illinois Code of Civil Procedure. The aggrieved party shall notify the Department

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that a complaint has been filed and shall serve a copy of the complaint on the Department on the same date that the complaint is filed with the Commission or in circuit court. If the complainant files a complaint with the Commission, he or she may not later commence a civil action in circuit court.

(3) If an aggrieved party files a complaint with the Human Rights Commission or commences a civil action in circuit court pursuant to paragraph (2) of this subsection, or if the time period for filing a complaint has expired, the Department shall immediately cease its investigation and dismiss the charge of civil rights violation. Any final order entered by the Commission under this Section is appealable in accordance with paragraph (B)(1) (A)(1) of Section 8-111. Failure to immediately cease an investigation and dismiss the charge of civil rights violation as provided in this paragraph (3) constitutes grounds for entry of an order by the circuit court permanently enjoining the investigation. The Department may also be liable for any costs and other damages incurred by the respondent as a result of the action of the Department.

(4) The Department shall stay any administrative proceedings under this Section after the filing of a civil action by or on behalf of the aggrieved party under any federal or State law seeking relief with respect to the alleged civil rights violation.

(H) This amendatory Act of 1995 applies to causes of action filed on or after January 1, 1996.

(I) This amendatory Act of 1996 applies to causes of action filed on or after January 1, 1996.

(J) The changes made to this Section by this amendatory Act of the 95th General Assembly apply to charges filed on or after the effective date of those changes.

(Source: P.A. 94-146, eff. 7-8-05; 94-326, eff. 7-26-05; 94-857, eff. 6-15-06.)

(775 ILCS 5/7A-103) (from Ch. 68, par. 7A-103) Sec. 7A-103. Settlement.

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(A) Circumstances. A settlement of any charge prior to the filing of a complaint may be effectuated at any time upon agreement of the parties and the approval of the Department. A settlement of any charge after the filing of a complaint shall be effectuated as specified in Section 8-105(A)(2) of this Act.

(B) Form. Settlements of charges prior to the filing of complaints shall be reduced to writing by the Department, signed by the parties, and submitted by the Department to the Commission for approval. Settlements of charges after the filing of complaints shall be effectuated as specified in Section 8-105(A)(2) of this Act.

(C) Violation.

(1) When either party alleges that a settlement order has been violated, the Department shall conduct an investigation into the matter.

(2) Upon finding substantial evidence to demonstrate that a settlement has been violated, the Department shall file notice of a settlement order violation with the Commission and serve all parties.

(D) Dismissal For Refusal To Accept Settlement Offer. The Department shall dismiss a charge if it is satisfied that:

(1) the respondent has eliminated the effects of the civil rights violation charged and taken steps to prevent its repetition; or

(2) the respondent offers and the complainant declines to accept terms of settlement which the Department finds are sufficient to eliminate the effects of the civil rights violation charged and prevent its repetition.

When the Department dismisses a charge under this Section it shall notify the complainant that he or she may seek review of the dismissal order before the Commission. The complainant shall have 30 days from receipt of notice to file a request for review by the Commission.

In determining whether the respondent has eliminated the effects of the civil rights violation charged, or has offered terms of settlement sufficient to eliminate same, the Department shall consider the extent to which:

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which the respondent has either fully provided, or reasonably offered by way of terms of settlement, as the case may be, the relevant relief available to the complainant under Section 8-108 of this Act.

(E) This amendatory Act of 1995 applies to causes of action filed on or after January 1, 1996.

(F) The changes made to this Section by this amendatory Act of the 95th General Assembly apply to charges filed on or after the effective date of those changes.

(Source: P.A. 91-357, eff. 7-29-99.)

(775 ILCS 5/7B-102) (from Ch. 68, par. 7B-102)
Sec. 7B-102. Procedures.

(A) Charge.

(1) Within one year after the date that a civil rights violation allegedly has been committed or terminated, a charge in writing under oath or affirmation may be filed with the Department by an aggrieved party or issued by the Department itself under the signature of the Director.

(2) The charge shall be in such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged civil rights violation.

(B) Notice and Response to Charge.

(1) The Department shall serve notice upon the aggrieved party acknowledging such charge and advising the aggrieved party of the time limits and choice of forums provided under this Act. The Department shall, within 10 days of the date on which the charge was filed or the identification of an additional respondent under paragraph (2) of this subsection, serve on the respondent a copy of the charge along with a notice identifying the alleged civil rights violation and advising the respondent of the procedural rights and obligations of respondents under this Act and shall require the respondent to file a verified response to the allegations contained in the charge within 30 days. The respondent shall serve a copy of its response on the complainant or his representative. All allegations contained in the charge not timely denied by the
respondent shall be deemed admitted, unless the respondent states that it is without sufficient information to form a belief with respect to such allegation. The Department may issue a notice of default directed to any respondent who fails to file a verified response to a charge within 30 days of the date on which the charge was filed, unless the respondent can demonstrate good cause as to why such notice should not issue. The term "good cause" shall be defined by rule promulgated by the Department. Within 10 days of the date he receives the respondent's response, the complainant may file his reply to said response. If he chooses to file a reply, the complainant shall serve a copy of said reply on the respondent or his representative. A party shall have the right to supplement his response or reply at any time that the investigation of the charge is pending.

(2) A person who is not named as a respondent in a charge, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under subsection (B), to such person, from the Department. Such notice, in addition to meeting the requirements of subsections (A) and (B), shall explain the basis for the Department's belief that a person to whom the notice is addressed is properly joined as a respondent.

(C) Investigation.

(1) The Department shall conduct a full investigation of the allegations set forth in the charge and complete such investigation within 100 days after the filing of the charge, unless it is impracticable to do so. The Department's failure to complete the investigation within 100 days after the proper filing of the charge does not deprive the Department of jurisdiction over the charge.

(2) If the Department is unable to complete the investigation within 100 days after the charge is filed, the Department shall notify the complainant and respondent in writing of the reasons for not doing so.

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(3) The Director or his or her designated representative shall have authority to request any member of the Commission to issue subpoenas to compel the attendance of a witness or the production for examination of any books, records or documents whatsoever.

(4) If any witness whose testimony is required for any investigation resides outside the State, or through illness or any other good cause as determined by the Director is unable to be interviewed by the investigator or appear at a fact finding conference, his or her testimony or deposition may be taken, within or without the State, in the same manner as provided for in the taking of depositions in civil cases in circuit courts.

(5) Upon reasonable notice to the complainant and the respondent, the Department shall conduct a fact finding conference, unless prior to 100 days from the date on which the charge was filed, the Director has determined whether there is substantial evidence that the alleged civil rights violation has been committed. A party's failure to attend the conference without good cause may result in dismissal or default. A notice of dismissal or default shall be issued by the Director and shall notify the relevant party that a request for review may be filed in writing with the Commission within 30 days of receipt of notice of dismissal or default.

(D) Report.

(1) Each investigated charge shall be the subject of a report to the Director. The report shall be a confidential document subject to review by the Director, authorized Department employees, the parties, and, where indicated by this Act, members of the Commission or their designated hearing officers.

   The report shall contain:
   (a) the names and dates of contacts with witnesses;
   (b) a summary and the date of correspondence and other contacts with the aggrieved party and the respondent;

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(c) a summary description of other pertinent records;
(d) a summary of witness statements; and
(e) answers to questionnaires.
A final report under this paragraph may be amended if additional evidence is later discovered.

(2) Upon review of the report and within 100 days of the filing of the charge, unless it is impracticable to do so, the Director shall determine whether there is substantial evidence that the alleged civil rights violation has been committed or is about to be committed. If the Director is unable to make the determination within 100 days after the filing of the charge, the Director shall notify the complainant and respondent in writing of the reasons for not doing so. The Director's failure to make the determination within 100 days after the proper filing of the charge does not deprive the Department of jurisdiction over the charge.

(a) If the Director determines that there is no substantial evidence, the charge shall be dismissed and the aggrieved party notified that he or she may seek review of the dismissal order before the Commission. The aggrieved party shall have 30 days from receipt of notice to file a request for review by the Commission Chief Legal Counsel of the Department. The Director shall make public disclosure of each such dismissal.

(b) If the Director determines that there is substantial evidence, he or she shall immediately issue a complaint on behalf of the aggrieved party pursuant to subsection (F).

(E) Conciliation.

(1) During the period beginning with the filing of charge and ending with the filing of a complaint or a dismissal by the Department, the Department shall, to the extent feasible, engage in conciliation with respect to such charge.

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When the Department determines that a formal conciliation conference is feasible, the aggrieved party and respondent shall be notified of the time and place of the conference by registered or certified mail at least 7 days prior thereto and either or both parties shall appear at the conference in person or by attorney.

(2) The place fixed for the conference shall be within 35 miles of the place where the civil rights violation is alleged to have been committed.

(3) Nothing occurring at the conference shall be made public or used as evidence in a subsequent proceeding for the purpose of proving a violation under this Act unless the complainant and respondent agree in writing that such disclosure be made.

(4) A conciliation agreement arising out of such conciliation shall be an agreement between the respondent and the complainant, and shall be subject to approval by the Department and Commission.

(5) A conciliation agreement may provide for binding arbitration of the dispute arising from the charge. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.

(6) Each conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the Department determines that disclosure is not required to further the purpose of this Act.

(F) Complaint.

(1) When there is a failure to settle or adjust any charge through a conciliation conference and the charge is not dismissed, the Department shall prepare a written complaint, under oath or affirmation, stating the nature of the civil rights violation and the relief sought on behalf of the aggrieved party. Such complaint shall be based on the final investigation report and need not be limited to the facts or grounds alleged in the charge filed under subsection (A).

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(2) The complaint shall be filed with the Commission.

(3) The Department may not issue a complaint under this Section regarding an alleged civil rights violation after the beginning of the trial of a civil action commenced by the aggrieved party under any State or federal law, seeking relief with respect to that alleged civil rights violation.

(G) Time Limit.

(1) When a charge of a civil rights violation has been properly filed, the Department, within 100 days thereof, unless it is impracticable to do so, shall either issue and file a complaint in the manner and form set forth in this Section or shall order that no complaint be issued. Any such order shall be duly served upon both the aggrieved party and the respondent. The Department's failure to either issue and file a complaint or order that no complaint be issued within 100 days after the proper filing of the charge does not deprive the Department of jurisdiction over the charge.

(2) The Director shall make available to the aggrieved party and the respondent, at any time, upon request following completion of the Department's investigation, information derived from an investigation and any final investigative report relating to that investigation.

(H) This amendatory Act of 1995 applies to causes of action filed on or after January 1, 1996.

(I) The changes made to this Section by this amendatory Act of the 95th General Assembly apply to charges filed on or after the effective date of those changes.

(Source: P.A. 94-326, eff. 7-26-05; 94-857, eff. 6-15-06.)

(775 ILCS 5/7B-103) (from Ch. 68, par. 7B-103)

Sec. 7B-103. Settlement.

(A) Circumstances. A settlement of any charge prior to the filing of a complaint may be effectuated at any time upon agreement of the parties and the approval of the Department. A settlement of any charge after the

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filing of complaint shall be effectuated as specified in Section 8-105 (A) (2) of this Act.

(B) Form. Settlements of charges prior to the filing of complaints shall be reduced to writing by the Department, signed by the parties, and submitted to the Department to the Commission for approval. Settlements of charges after the filing of complaints shall be effectuated as specified in Section 8-105 (A) (2) of this Act.

(C) Violation.

(1) When either party alleges that a settlement order has been violated, the Department shall conduct an investigation into the matter.

(2) Upon finding substantial evidence to demonstrate that a settlement has been violated, the Department shall refer the matter to the Attorney General for enforcement in the circuit court in which the respondent or complainant resides or transacts business or in which the alleged violation took place.

(D) Dismissal For Refusal To Accept Settlement Offer. The Department may dismiss a charge if it is satisfied that:

(1) the respondent has eliminated the effects of the civil rights violation charged and taken steps to prevent its repetition; or
(2) the respondent offers and the aggrieved party declines to accept terms of settlement which the Department finds are sufficient to eliminate the effects of the civil rights violation charged and prevent its repetition.

(3) When the Department dismisses a charge under this Section it shall notify the complainant that he or she may seek review of the dismissal order before the Commission. The aggrieved party shall have 30 days from receipt of notice to file a request for review by the Commission Chief Legal Counsel of the Department.

(4) In determining whether the respondent has eliminated the effects of the civil rights violation charged, or has offered terms of settlement sufficient to eliminate same, the Department shall consider the extent to which the respondent has either fully...
provided, or reasonably offered by way of terms of settlement, as the case may be, the relevant relief available to the aggrieved party under Section 8B-104 of this Act with the exception of civil penalties.

(E) This amendatory Act of 1995 applies to causes of action filed on or after January 1, 1996.

(F) The changes made to this Section by this amendatory Act of the 95th General Assembly apply to charges filed on or after the effective date of those changes.

(Source: P.A. 89-370, eff. 8-18-95.)

(775 ILCS 5/8-103) (from Ch. 68, par. 8-103)
Sec. 8-103. Request for Review.
(A) Applicability. This Section does not apply to any cause of action filed on or after January 1, 1996.

(A-1) Jurisdiction. The Commission, through a panel of three members, shall have jurisdiction to hear and determine requests for review of (1) decisions of the Department to dismiss a charge; and (2) notices of default issued by the Department.

In each instance, the Department shall be the respondent.

(B) Review. When a request for review is properly filed, the Commission may consider the Department's report, any argument and supplemental evidence timely submitted, and the results of any additional investigation conducted by the Department in response to the request. In its discretion, the Commission may designate a hearing officer to conduct a hearing into the factual basis of the matter at issue.

(C) Default Order. When a respondent fails to file a timely request for review of a notice of default, or the default is sustained on review, the Commission shall enter a default order and set a hearing on damages.

(D) Time Period Toll. Proceedings on requests for review shall toll the time limitation established in paragraph (G) of Section 7A-102 from the date on which the Department's notice of dismissal or default is issued to the date on which the Commission's order is entered.

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(E) The changes made to this Section by this amendatory Act of the 95th General Assembly apply to charges or complaints filed with the Department or Commission on or after the effective date of those changes. (Source: P.A. 89-370, eff. 8-18-95.)

(775 ILCS 5/8-110) (from Ch. 68, par. 8-110)
Sec. 8-110. Publication of Opinions. Decisions of the Commission or panels thereof, whether on requests for review or complaints, shall be published within 120 calendar days of the completion of service of the written decision on the parties to ensure a consistent source of precedent.

This amendatory Act of 1995 applies to causes of action filed on or after January 1, 1996.

The changes made to this Section by this amendatory Act of the 95th General Assembly apply to decisions of the Commission entered on or after the effective date of those changes. (Source: P.A. 89-370, eff. 8-18-95.)

(775 ILCS 5/8-111) (from Ch. 68, par. 8-111)
Sec. 8-111. Court Proceedings.
(A) Civil Actions Commenced in Circuit Court.

(1) Venue. Civil actions commenced in a circuit court pursuant to Section 7A-102 shall be commenced in the circuit court in the county in which the civil rights violation was allegedly committed.

(2) If a civil action is commenced in a circuit court, the form of the complaint shall be in accordance with the Code of Civil Procedure.

(3) If a civil action is commenced in a circuit court under Section 7A-102, the plaintiff or defendant may demand trial by jury.

(4) Remedies. Upon the finding of a civil rights violation, the circuit court or jury may award any of the remedies set forth in Section 8A-104.

(B) (A)† Judicial Review.

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(1) Any complainant or respondent may apply for and obtain judicial review of a final order of the Commission entered under this Act by filing a petition for review in the Appellate Court within 35 days from the date that a copy of the decision sought to be reviewed was served upon the party affected by the decision. If a 3-member panel or the full Commission finds that an interlocutory order involves a question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, any party may petition the Appellate Court for permission to appeal the order. The procedure for obtaining the required Commission findings and the permission of the Appellate Court shall be governed by Supreme Court Rule 308, except the references to the "trial court" shall be understood as referring to the Commission.

(2) In any proceeding brought for judicial review, the Commission's findings of fact made at the administrative level shall be sustained unless the court determines that such findings are contrary to the manifest weight of the evidence.

(3) Venue. Proceedings for judicial review shall be commenced in the appellate court for the district wherein the civil rights violation which is the subject of the Commission's order was allegedly committed.

(C) Judicial Enforcement.

(1) When the Commission, at the instance of the Department or an aggrieved party, concludes that any person has violated a valid order of the Commission issued pursuant to this Act, and the violation and its effects are not promptly corrected, the Commission, through a panel of 3 members, shall order the Department to commence an action in the name of the People of the State of Illinois by complaint, alleging the violation, attaching a copy of the order of the Commission and praying for the issuance of an order directing such person, his or her or its officers, agents,
servants, successors and assigns to comply with the order of the Commission.

(2) An aggrieved party may file a complaint for enforcement of a valid order of the Commission directly in Circuit Court.

(3) Upon the commencement of an action filed under paragraphs (1) or (2) of subsection (B) of this Section the court shall have jurisdiction over the proceedings and power to grant or refuse, in whole or in part, the relief sought or impose such other remedy as the court may deem proper.

(4) The court may stay an order of the Commission in accordance with the applicable Supreme Court rules, pending disposition of the proceedings.

(5) The court may punish for any violation of its order as in the case of civil contempt.

(6) Venue. Proceedings for judicial enforcement of a Commission order shall be commenced in the circuit court in the county wherein the civil rights violation which is the subject of the Commission's order was committed.

(D) Limitation. Except as otherwise provided by law, no court of this state shall have jurisdiction over the subject of an alleged civil rights violation other than as set forth in this Act.

(E) This amendatory Act of 1996 applies to causes of action filed on or after January 1, 1996.

(F) The changes made to this Section by this amendatory Act of the 95th General Assembly apply to charges or complaints filed with the Department or the Commission on or after the effective date of those changes.

(Source: P.A. 88-1; 89-348, eff. 1-1-96; 89-520, eff. 7-18-96.)
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Section 10. The Local Governmental and Governmental Employees Tort Immunity Act is amended by changing Section 9-107 as follows:

(745 ILCS 10/9-107) (from Ch. 85, par. 9-107)

Sec. 9-107. Policy; tax levy.

(a) The General Assembly finds that the purpose of this Section is to provide an extraordinary tax for funding expenses relating to (i) tort liability, (ii) liability relating to actions brought under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or the Environmental Protection Act, but only until December 31, 2010, (iii) insurance, and (iv) risk management programs. Thus, the tax has been excluded from various limitations otherwise applicable to tax levies. Notwithstanding the extraordinary nature of the tax authorized by this Section, however, it has become apparent that some units of local government are using the tax revenue to fund expenses more properly paid from general operating funds. These uses of the revenue are inconsistent with the limited purpose of the tax authorization.

Therefore, the General Assembly declares, as a matter of policy, that (i) the use of the tax revenue authorized by this Section for purposes not expressly authorized under this Act is improper and (ii) the provisions of this Section shall be strictly construed consistent with this declaration and the Act's express purposes.

(b) A local public entity may annually levy or have levied on its behalf taxes upon all taxable property within its territory at a rate that will produce a sum that will be sufficient to: (i) pay the cost of insurance, individual or joint self-insurance (including reserves thereon), including all operating and administrative costs and expenses directly associated therewith, claims services and risk management directly attributable to loss prevention and loss reduction, legal services directly attributable to the insurance, self-insurance, or joint self-insurance program, and educational, inspectional, and supervisory services directly relating to loss prevention and loss reduction, participation in a reciprocal insurer as provided in Sections 72, 76, and 81 of the Illinois Insurance Code, or participation in a reciprocal insurer, all as provided in settlements or
judgments under Section 9-102, including all costs and reserves directly attributable to being a member of an insurance pool, under Section 9-103; (ii) pay the costs of and principal and interest on bonds issued under Section 9-105; (iii) pay judgments and settlements under Section 9-104 of this Act; and (iv) discharge obligations under Section 34-18.1 of the School Code; (v) pay judgments and settlements under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and the Environmental Protection Act, but only until December 31, 2010; and (vi) to pay the cost of risk management programs. Provided it complies with any other applicable statutory requirements, the local public entity may self-insure and establish reserves for expected losses for any property damage or for any liability or loss for which the local public entity is authorized to levy or have levied on its behalf taxes for the purchase of insurance or the payment of judgments or settlements under this Section. The decision of the board to establish a reserve shall be based on reasonable actuarial or insurance underwriting evidence and subject to the limits and reporting provisions in Section 9-103.

If a school district was a member of a joint-self-health-insurance cooperative that had more liability in outstanding claims than revenue to pay those claims, the school board of that district may by resolution make a one-time transfer from any fund in which tort immunity moneys are maintained to the fund or funds from which payments to a joint-self-health-insurance cooperative can be or have been made of an amount not to exceed the amount of the liability claim that the school district owes to the joint-self-health-insurance cooperative or that the school district paid within the 2 years immediately preceding the effective date of this amendatory Act of the 92nd General Assembly.

Funds raised pursuant to this Section shall only be used for the purposes specified in this Act, including protection against and reduction of any liability or loss described hereinabove and under Federal or State common or statutory law, the Workers' Compensation Act, the Workers' Occupational Diseases Act and the Unemployment Insurance Act. Funds raised pursuant to this Section may be invested in any manner in which

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other funds of local public entities may be invested under Section 2 of the Public Funds Investment Act. Interest on such funds shall be used only for purposes for which the funds can be used or, if surplus, must be used for abatement of property taxes levied by the local taxing entity.

A local public entity may enter into intergovernmental contracts with a term of not to exceed 12 years for the provision of joint self-insurance which contracts may include an obligation to pay a proportional share of a general obligation or revenue bond or other debt instrument issued by a local public entity which is a party to the intergovernmental contract and is authorized by the terms of the contract to issue the bond or other debt instrument. Funds due under such contracts shall not be considered debt under any constitutional or statutory limitation and the local public entity may levy or have levied on its behalf taxes to pay for its proportional share under the contract. Funds raised pursuant to intergovernmental contracts for the provision of joint self-insurance may only be used for the payment of any cost, liability or loss against which a local public entity may protect itself or self-insure pursuant to Section 9-103 or for the payment of which such entity may levy a tax pursuant to this Section, including tort judgments or settlements, costs associated with the issuance, retirement or refinancing of the bonds or other debt instruments, the repayment of the principal or interest of the bonds or other debt instruments, the costs of the administration of the joint self-insurance fund, consultant, and risk care management programs or the costs of insurance. Any surplus returned to the local public entity under the terms of the intergovernmental contract shall be used only for purposes set forth in subsection (a) of Section 9-103 and Section 9-107 or for abatement of property taxes levied by the local taxing entity.

Any tax levied under this Section shall be levied and collected in like manner with the general taxes of the entity and shall be exclusive of and in addition to the amount of tax that entity is now or may hereafter be authorized to levy for general purposes under any statute which may limit the amount of tax which that entity may levy for general purposes. The county clerk of the county in which any part of the territory of the local taxing entity is located, in reducing tax levies under the provisions of any

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Act concerning the levy and extension of taxes, shall not consider any tax provided for by this Section as a part of the general tax levy for the purposes of the entity nor include such tax within any limitation of the percent of the assessed valuation upon which taxes are required to be extended for such entity.

With respect to taxes levied under this Section, either before, on, or after the effective date of this amendatory Act of 1994:

(1) Those taxes are excepted from and shall not be included within the rate limitation imposed by law on taxes levied for general corporate purposes by the local public entity authorized to levy a tax under this Section.

(2) Those taxes that a local public entity has levied in reliance on this Section and that are excepted under paragraph (1) from the rate limitation imposed by law on taxes levied for general corporate purposes by the local public entity are not invalid because of any provision of the law authorizing the local public entity's tax levy for general corporate purposes that may be construed or may have been construed to restrict or limit those taxes levied, and those taxes are hereby validated. This validation of taxes levied applies to all cases pending on or after the effective date of this amendatory Act of 1994.

(3) Paragraphs (1) and (2) do not apply to a hospital organized under Article 170 or 175 of the Township Code, under the Town Hospital Act, or under the Township Non-Sectarian Hospital Act and do not give any authority to levy taxes on behalf of such a hospital in excess of the rate limitation imposed by law on taxes levied for general corporate purposes. A hospital organized under Article 170 or 175 of the Township Code, under the Town Hospital Act, or under the Township Non-Sectarian Hospital Act is not prohibited from levying taxes in support of tort liability bonds if the taxes do not cause the hospital's aggregate tax rate from exceeding the rate limitation imposed by law on taxes levied for general corporate purposes.

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Revenues derived from such tax shall be paid to the treasurer of the local taxing entity as collected and used for the purposes of this Section and of Section 9-102, 9-103, 9-104 or 9-105, as the case may be. If payments on account of such taxes are insufficient during any year to meet such purposes, the entity may issue tax anticipation warrants against the current tax levy in the manner provided by statute.

(Source: P.A. 91-628, eff. 1-1-00; 92-732, eff. 7-25-02.)

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

Approved August 17, 2007.
Effective August 17, 2007.

PUBLIC ACT 95-0245
(House Bill No. 1670)

AN ACT concerning local government.

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

Section 3. The Open Meetings Act is amended by changing Section 1.02 as follows:

(5 ILCS 120/1.02) (from Ch. 102, par. 41.02)
Sec. 1.02. For the purposes of this Act:
"Meeting" means any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business or, for a 5-member public body, a quorum of the members of a public body held for the purpose of discussing public business.

Accordingly, for a 5-member public body, 3 members of the body constitute a quorum and the affirmative vote of 3 members is necessary to

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adopt any motion, resolution, or ordinance, unless a greater number is otherwise required.

"Public body" includes all legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, except the General Assembly and committees or commissions thereof. "Public body" includes tourism boards and convention or civic center boards located in counties that are contiguous to the Mississippi River with populations of more than 250,000 but less than 300,000. "Public body" includes the Health Facilities Planning Board. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act or an ethics commission acting under the State Officials and Employees Ethics Act. (Source: P.A. 93-617, eff. 12-9-03; 94-1058, eff. 1-1-07.)

Section 5. The Illinois Municipal Code is amended by changing Section 3.1-10-15 as follows:

(65 ILCS 5/3.1-10-15) (from Ch. 24, par. 3.1-10-15)

Sec. 3.1-10-15. Commencement of terms. The terms of elected municipal officers shall commence at the first regular or special meeting of the corporate authorities after receipt of the official election results from the county clerk during the month of May following the proclamation of the results of the regular municipal election at which the officers were elected, except as otherwise provided by ordinance fixing the date for inauguration of newly elected officers of a municipality. The ordinance shall not, however, fix the time for inauguration of newly elected officers later than the first regular or special meeting of the corporate authorities in the month of June following the election. (Source: P.A. 93-847, eff. 7-30-04.)

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

New matter indicated by italics - deletions by strikeout
AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Downstate Forest Preserve District Act is amended by adding Section 6f as follows:
(70 ILCS 805/6f new)
Sec. 6f. A forest preserve district that acquires a parcel of land in excess of 600 acres that includes one or more vacant, subdivided residential outlots on the boundary of the 600 acres, regardless of whether the outlots are contiguous to one another, may sell the outlots when the board of commissioners determines that the sale is advantageous to the district. The board shall approve the sale by an affirmative vote of two-thirds of the members of the board then holding office. A sale may not be approved by the board unless all the parcels involved in the sale have been appraised by an MIA appraiser or a State-certified real estate appraiser within one year before the date the sale is to take effect. Any property sold under this Section must be sold for fair market value. The net proceeds of the sale of any parcel of land under this Section shall be set aside and expended only for capital improvements that are required to make the 600 acres accessible and open to the public or the payment of bond indebtedness associated with the purchase of the 600 acres.
Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 17, 2007.
Effective August 17, 2007.
AN ACT concerning criminal law.

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

Section 5. The Cannabis Control Act is amended by changing Section 8 as follows:

(720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

Sec. 8. It is unlawful for any person knowingly to produce the cannabis sativa plant or to possess such plants unless production or possession has been authorized pursuant to the provisions of Section 11 of the Act. Any person who violates this Section with respect to production or possession of:

(a) Not more than 5 plants is guilty of a Class A misdemeanor.
(b) More than 5, but not more than 20 plants, is guilty of a Class 4 felony.
(c) More than 20, but not more than 50 plants, is guilty of a Class 3 felony.
(d) More than 50, but not more than 200 plants, is guilty of a Class 2 felony for which a fine not to exceed $100,000 may be imposed and for which liability for the cost of conducting the investigation and eradicating such plants may be assessed. Compensation for expenses incurred in the enforcement of this provision shall be transmitted to and deposited in the treasurer's office at the level of government represented by the Illinois law enforcement agency whose officers or employees conducted the investigation or caused the arrest or arrests leading to the prosecution, to be subsequently made available to that law enforcement agency as expendable receipts for use in the enforcement of laws regulating controlled substances and cannabis. If such seizure was made by a combination of law enforcement personnel representing different levels of government, the court levying the assessment shall determine the allocation of such assessment. The proceeds of assessment awarded to the
State treasury shall be deposited in a special fund known as the Drug Traffic Prevention Fund.

(e) More than 200 plants is guilty of a Class 1 felony for which a fine not to exceed $100,000 may be imposed and for which liability for the cost of conducting the investigation and eradicating such plants may be assessed. Compensation for expenses incurred in the enforcement of this provision shall be transmitted to and deposited in the treasurer’s office at the level of government represented by the Illinois law enforcement agency whose officers or employees conducted the investigation or caused the arrest or arrests leading to the prosecution, to be subsequently made available to that law enforcement agency as expendable receipts for use in the enforcement of laws regulating controlled substances and cannabis. If such seizure was made by a combination of law enforcement personnel representing different levels of government, the court levying the assessment shall determine the allocation of such assessment. The proceeds of assessment awarded to the State treasury shall be deposited in a special fund known as the Drug Traffic Prevention Fund.

(Source: P.A. 84-1233.)

Approved August 17, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0248
(House Bill No. 1758)

AN ACT concerning public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Public Aid Code is amended by adding Section 5-2.4 as follows:

(305 ILCS 5/5-2.4 new)
Sec. 5-2.4. Pilot project; certain persons with disabilities.
(a) The Department of Healthcare and Family Services shall operate a pilot project to determine the effect of raising the income and

New matter indicated by italics - deletions by strikeout
non-exempt asset eligibility thresholds for certain persons with disabilities on those persons' ability to maintain their homes in the community and avoid institutionalization. Enrollment under the pilot project shall be limited to 50 persons per year. Persons who become eligible under this project shall remain eligible for medical assistance unless they no longer meet the standards under which they were determined eligible under the project. Eligibility for medical assistance under this Section shall cease once a person obtains other health coverage considered adequate to meet his or her health care needs.

(b) Persons who meet all of the following criteria may be enrolled under the pilot project:

(1) they initially enrolled for medical assistance under paragraph 2(a)(ii) of Section 5-2;

(2) subsequent to initial enrollment, they are otherwise qualified under paragraph 2(a)(i) of Section 5-2, except that their income, as determined by the Department, exceeds 100% of the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under authority of 42 U.S.C. 9902(2) ("the federal poverty income guidelines");

(3) they were at least 60 years of age but less than 65 years of age upon initial enrollment for medical assistance;

(4) they have income no greater than 200% of the federal poverty income guidelines; and

(5) they have non-exempt assets no greater than $10,000.

(c) In order to provide for the expeditious and timely implementation of this Section, the Department of Healthcare and Family Services may adopt rules necessary to implement this Section through the use of emergency rulemaking in accordance with Section 5-45 of the Illinois Administrative Procedure Act. The General Assembly finds that the adoption of rules to implement this Section is deemed an emergency and necessary for the public interest, safety, and welfare.

(d) This Section is repealed on June 30, 2012.
AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Renter's Financial Responsibility and Protection Act is amended by changing Section 15 as follows:

(625 ILCS 27/15)
Sec. 15. Prohibited practices.
(a) A rental company may not sell a damage waiver unless the renter agrees to the damage waiver in writing at or prior to the time the rental agreement is executed.
(b) A rental company may not void a damage waiver except for one or more of the following reasons:
   (1) Damage or loss while the rental vehicle is used to carry persons or property for a charge or fee.
   (2) Damage or loss during an organized or agreed upon racing or speed contest or demonstration or pushing or pulling activity in which the rental vehicle is actively involved.
   (3) Damage or loss that could reasonably be expected from an intentional or criminal act of the driver other than a traffic infraction.
   (4) Damage or loss to any rental vehicle resulting from any auto business operation, including but not limited to repairing, servicing, testing, washing, parking, storing, or selling of automobiles.
(5) Damage or loss occurring to a rental vehicle if the rental contract is based on fraudulent or material misrepresentation by the renter.

(6) Damage or loss arising out of the use of the rental vehicle outside the continental United States when such use is specifically prohibited in the rental agreement.

(7) Damage or loss occurring while the rental vehicle is operated by a driver not permitted under the rental agreement.

(8) Damage or loss occurring while the rental vehicle is operated by a driver under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and convicted of violating subsection (a) of Section 11-501 of the Illinois Vehicle Code.

(c) A rental company shall not charge more than $12.50 $9 per full or partial 24 hour rental day for a collision damage waiver if the manufacturer's suggested retail price of the rental vehicle type is not greater than $30,000. A rental company shall not charge more than $12 per full or partial 24 hour rental day for a collision damage waiver if the manufacturer's suggested retail price of the rental vehicle type is greater than $30,000. On January 1, 2000, the maximum charges in this subsection (c) shall be increased to $9.50 and $12.50, respectively, and shall be subsequently increased to $10 and $13 on January 1, 2001 and $10.50 and $13.50 on January 1, 2002.

(Source: P.A. 94-332, eff. 1-1-06.)

Approved August 17, 2007.
Effective January 1, 2008.
Section 5. The Crime Victims Compensation Act is amended by changing Section 6.1 as follows:

(740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

Sec. 6.1. Right to compensation. A person is entitled to compensation under this Act if:

(a) Within 2 years of the occurrence of the crime, or within one year after a criminal indictment of a person for an offense, upon which the claim is based, he files an application, under oath, with the Court of Claims and on a form prescribed in accordance with Section 7.1 furnished by the Attorney General. If the person entitled to compensation is under 18 years of age or under other legal disability at the time of the occurrence or becomes legally disabled as a result of the occurrence, he may file the application required by this subsection within 2 years after he attains the age of 18 years or the disability is removed, as the case may be. Legal disability includes a diagnosis of posttraumatic stress disorder.

(b) For all crimes of violence, except those listed in subsection (b-1) of this Section, the appropriate law enforcement officials were notified within 72 hours of the perpetration of the crime allegedly causing the death or injury to the victim or, in the event such notification was made more than 72 hours after the perpetration of the crime, the applicant establishes that such notice was timely under the circumstances.

(b-1) For victims of offenses defined in Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961, the appropriate law enforcement officials were notified within 7 days of the perpetration of the crime allegedly causing death or injury to the victim or, in the event that the notification was made more than 7 days after the perpetration of the crime, the applicant establishes that the notice was timely under the circumstances.

(b-2) If the applicant has obtained an order of protection or a civil no contact order or has presented himself or herself to a hospital for sexual assault evidence collection and medical care, such action shall constitute appropriate notification under this subsection (b-1) or subsection (b) or (b-1) of this Section.

(c) The applicant has cooperated with law enforcement officials in the apprehension and prosecution of the assailant. (e-1) If the applicant has
obtained an order of protection or a civil no contact order or has presented himself or herself to a hospital for sexual assault evidence collection and medical care, such action shall constitute cooperation under this subsection (c) of this Section.

(d) The applicant is not the offender or an accomplice of the offender and the award would not unjustly benefit the offender or his accomplice.

(e) The injury to or death of the victim was not substantially attributable to his own wrongful act and was not substantially provoked by the victim.

(Source: P.A. 94-192, eff. 1-1-06; revised 8-16-05.)
Approved August 17, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0251
(Senate Bill No. 0051)

AN ACT concerning public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Human Services Act is amended by changing Section 10-26 as follows:
Sec. 10-26. Disability database.
(a) The Department of Human Services shall compile and maintain a cross-disability database of Illinois residents with a disability who are potentially in need of disability services funded by the Department. The database shall consist of individuals with mental illness, physical disabilities, and developmental disabilities, and autism spectrum disorders and shall include, but not be limited to, individuals transitioning from special education to adulthood, individuals in State-operated facilities, individuals in private nursing and residential facilities, and individuals in community integrated living arrangements. Within 30 days after the

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effective date of this amendatory Act of the 93rd General Assembly, the Secretary of Human Services shall seek input from advisory bodies to the Department, including advisory councils and committees working with the Department in the areas of mental illness, physical disabilities, and developmental disabilities. The database shall be operational by July 1, 2004. The information collected and maintained for the disability database shall include, but is not limited to, the following: (i) the types of services of which the individual is potentially in need; (ii) demographic and identifying information about the individual; (iii) factors indicating need, including diagnoses, assessment information, age of primary caregivers, and current living situation; (iv) if applicable, the date information about the individual is submitted for inclusion in the database and the types of services sought by the individual; and (v) the representative district in which the individual resides. In collecting and maintaining information under this Section, the Department shall give consideration to cost-effective appropriate services for individuals.

(b) This amendatory Act of the 93rd General Assembly does not create any new entitlement to a service, program, or benefit, but shall not affect any entitlement to a service, program, or benefit created by any other law. Except for a service, program, or benefit that is an entitlement, a service, program, or benefit provided as a result of the collection and maintenance of the disability database shall be subject to appropriations made by the General Assembly.

(c) The Department, consistent with applicable federal and State law, shall make general information from the disability database available to the public such as: (i) the number of individuals potentially in need of each type of service, program, or benefit and (ii) the general characteristics of those individuals. The Department shall protect the confidentiality of each individual in the database when releasing database information by not disclosing any personally identifying information.

(Source: P.A. 93-503, eff. 8-11-03.)

Section 10. The Developmental Disability and Mental Disability Services Act is amended by adding Section 5-4 as follows:

(405 ILCS 80/5-4 new)

New matter indicated by italics - deletions by strikeout
Sec. 5-4. Home and Community-Based Services Waivers; autism spectrum disorder. A person diagnosed with an autism spectrum disorder may be assessed for eligibility for services under Home and Community-Based Services Waivers for persons with developmental disabilities, without regard to whether that person is also diagnosed with mental retardation, so long as the person otherwise meets applicable level-of-care criteria under those waivers. This amendatory Act of the 95th General Assembly does not create any new entitlement to a service, program, or benefit, but shall not affect any entitlement to a service, program, or benefit created by any other law.

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

Approved August 17, 2007.
Effective August 17, 2007.

PUBLIC ACT 95-0252
(Senate Bill No. 0055)

AN ACT concerning criminal law.

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

Section 5. The Methamphetamine Precursor Control Act is amended by changing Section 40 as follows:

(720 ILCS 648/40)
Sec. 40. Penalties.
(a) Any pharmacy or retail distributor that violates this Act is guilty of a petty offense and subject to a fine of $500 for a first offense; and $1,000 for a second offense occurring at the same retail location as and within 3 years of the prior offense. A pharmacy or retail distributor that violates this Act is guilty of a business offense and subject to a fine of $5,000 for a third or subsequent offense occurring at the same retail location as and within 3 years of the prior offenses.

New matter indicated by italics - deletions by strikeout
(b) An employee or agent of a pharmacy or retail distributor who violates this Act is guilty of a Class A misdemeanor for a first offense, a Class 4 felony for a second offense, and a Class 1 felony for a third or subsequent offense.

(c) Any other person who violates this Act is guilty of a Class B misdemeanor for a first offense, a Class A misdemeanor for a second offense, and a Class 4 felony for a third or subsequent offense.

(d) Any person who, in order to acquire a targeted methamphetamine precursor, knowingly uses or provides the driver's license or government-issued identification of another person, or who knowingly uses or provides a fictitious or unlawfully altered driver's license or government-issued identification, or who otherwise knowingly provides false information, is guilty of a Class 4 felony for a first offense, a Class 3 felony for a second offense, and a Class 2 felony for a third or subsequent offense.

For purposes of this subsection (d), the terms "fictitious driver's license", "unlawfully altered driver's license", and "false information" have the meanings ascribed to them in Section 6-301.1 of the Illinois Vehicle Code.

(Source: P.A. 94-694, eff. 1-15-06.)


Approved August 17, 2007.

Effective January 1, 2008.

PUBLIC ACT 95-0253
( Senate Bill No. 0069)

AN ACT concerning business.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Sections 5-401.3 and 5-403 and adding Sections 1-169.2, 1-169.3, and 5-401.4 as follows:

(625 ILCS 5/1-169.2 new)

New matter indicated by italics - deletions by strikeout
Sec. 1-169.2. Recyclable metal. Any copper, brass, or aluminum, or any combination of those metals, purchased by a recyclable metal dealer, irrespective of form or quantity, except that "recyclable metal" does not include: (i) items designed to contain, or to be used in the preparation of, beverages or food for human consumption; (ii) discarded items of non-commercial or household waste; or (iii) gold, silver, platinum, and other precious metals used in jewelry.

(625 ILCS 5/1-169.3 new)

Sec. 1-169.3. Recyclable metal dealer. Any individual, firm, corporation, or partnership engaged in the business of purchasing and reselling recyclable metal either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, junk stores, auto wreckers, scrap metal dealers or processors, salvage yards, collectors of or dealers in junk, and junk carts or trucks.

(625 ILCS 5/5-401.3) (from Ch. 95 1/2, par. 5-401.3)

Sec. 5-401.3. Scrap processors and recyclable metal dealers required to keep records.

(a) Every person licensed or required to be licensed as a scrap processor pursuant to Section 5-301 of this Chapter, and every recyclable metal dealer as defined in Section 1-169.3 of this Code, shall maintain for 3 years, at his established place of business, the following records relating to the acquisition of scrap metals or the acquisition of a vehicle, junk vehicle, or vehicle cowl which has been acquired for the purpose of processing into a form other than a vehicle, junk vehicle or vehicle cowl which is possessed in the State or brought into this State from another state, territory or country. No scrap metal processor or recyclable metal dealer shall sell a vehicle or essential part, as such, except for engines, transmissions, and powertrains, unless licensed to do so under another provision of this Code. A scrap processor or recyclable metal dealer who is additionally licensed as an automotive parts recycler shall not be subject to the record keeping requirements for a scrap processor or recyclable metal dealer when acting as an automotive parts recycler.

New matter indicated by italics - deletions by strikeout
(1) For a vehicle, junk vehicle, or vehicle cowl acquired from a person who is licensed under this Chapter, the scrap processor or recyclable metal dealer shall record the name and address of the person, and the Illinois or out-of-state dealer license number of such person on the scrap processor or recyclable metal dealer's weight ticket at the time of the acquisition. The person disposing of the vehicle, junk vehicle, or vehicle cowl shall furnish the scrap processor or recyclable metal dealer with documentary proof of ownership of the vehicle, junk vehicle, or vehicle cowl in one of the following forms: a Certificate of Title, a Salvage Certificate, a Junking Certificate, a Secretary of State Junking Manifest, a Uniform Invoice, a Certificate of Purchase, or other similar documentary proof of ownership. The scrap processor or recyclable metal dealer shall not acquire a vehicle, junk vehicle or vehicle cowl without obtaining one of the aforementioned documentary proofs of ownership.

(2) For a vehicle, junk vehicle or vehicle cowl acquired from a person who is not licensed under this Chapter, the scrap processor or recyclable metal dealer shall verify and record that person's identity by recording the identification of such person from at least 2 sources of identification, one of which shall be a driver's license or State Identification Card, on the scrap processor or recyclable metal dealer's weight ticket at the time of the acquisition. The person disposing of the vehicle, junk vehicle, or vehicle cowl shall furnish the scrap processor or recyclable metal dealer with documentary proof of ownership of the vehicle, junk vehicle, or vehicle cowl in one of the following forms: a Certificate of Title, a Salvage Certificate, a Junking Certificate, a Secretary of State Junking Manifest, a Certificate of Purchase, or other similar documentary proof of ownership. The scrap processor or recyclable metal dealer shall not acquire a vehicle, junk vehicle or vehicle cowl without obtaining one of the aforementioned documentary proofs of ownership.

New matter indicated by italics - deletions by strikeout
(3) In addition to the other information required on the scrap processor or recyclable metal dealer's weight ticket, a scrap processor or recyclable metal dealer who at the time of acquisition of a vehicle, junk vehicle, or vehicle cowl is furnished a Certificate of Title, Salvage Certificate or Certificate of Purchase shall record the vehicle Identification Number on the weight ticket or affix a copy of the Certificate of Title, Salvage Certificate or Certificate of Purchase to the weight ticket and the identification of the person acquiring the information on the behalf of the scrap processor or recyclable metal dealer.

(4) The scrap processor or recyclable metal dealer shall maintain a copy of a Junk Vehicle Notification relating to any Certificate of Title, Salvage Certificate, Certificate of Purchase or similarly acceptable out-of-state document surrendered to the Secretary of State pursuant to the provisions of Section 3-117.2 of this Code.

(5) For scrap metals valued at $100 or more, the scrap processor or recyclable metal dealer shall verify and record the identity of the person from whom the scrap metals were acquired by recording the identification of that person from one source of identification, which shall be a driver's license or State Identification Card, on the scrap processor or recyclable metal dealer's weight ticket at the time of the acquisition. The inspection of records pertaining only to scrap metals shall not be counted as an inspection of a premises for purposes of subparagraph (7) of Section 5-403 of this Code.

This subdivision (a)(5) does not apply to electrical contractors, to agencies or instrumentalities of the State of Illinois or of the United States, to common carriers, to purchases from persons, firms, or corporations regularly engaged in the business of manufacturing recyclable metal, in the business of selling recyclable metal at retail or wholesale, or in the business of razing, demolishing, destroying, or removing buildings, to the purchase by one recyclable metal dealer from another, or the

New matter indicated by italics - deletions by strikeout
purchase from persons, firms, or corporations engaged in either the generation, transmission, or distribution of electric energy or in telephone, telegraph, and other communications if such common carriers, persons, firms, or corporations at the time of the purchase provide the recyclable metal dealer with a bill of sale or other written evidence of title to the recyclable metal. This subdivision (a)(5) also does not apply to contractual arrangements between dealers.

(b) Any licensee or recyclable metal dealer who knowingly fails to record any of the specific information required to be recorded on the weight ticket or who knowingly fails to acquire and maintain for 3 years documentary proof of ownership in one of the prescribed forms shall be guilty of a Class A misdemeanor and subject to a fine not to exceed $1,000. Each violation shall constitute a separate and distinct offense and a separate count may be brought in the same complaint for each violation. Any licensee or recyclable metal dealer who commits a second violation of this Section within two years of a previous conviction of a violation of this Section shall be guilty of a Class 4 felony.

(c) It shall be an affirmative defense to an offense brought under paragraph (b) of this Section that the licensee or recyclable metal dealer or person required to be licensed both reasonably and in good faith relied on information appearing on a Certificate of Title, a Salvage Certificate, a Junking Certificate, a Secretary of State Manifest, a Secretary of State's Uniform Invoice, a Certificate of Purchase, or other documentary proof of ownership prepared under Section 3-117.1 (a) of this Code, relating to the transaction for which the required record was not kept which was supplied to the licensee or recyclable metal dealer by another licensee or recyclable metal dealer or an out-of-state dealer.

(d) No later than 15 days prior to going out of business, selling the business, or transferring the ownership of the business, the scrap processor or recyclable metal dealer shall notify the Secretary of that fact. Failure to so notify the Secretary of State shall constitute a failure to keep records under this Section.
(e) Evidence derived directly or indirectly from the keeping of records required to be kept under this Section shall not be admissible in a prosecution of the licensee or recyclable metal dealer for an alleged violation of Section 4-102 (a)(3) of this Code.
(Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/5-401.4 new)

Sec. 5-401.4. Purchase of beer kegs by scrap processors and recyclable metal dealers.

(a) A scrap processor or recyclable metal dealer may not purchase metal beer kegs from any person other than the beer manufacturer whose identity is printed, stamped, attached, or otherwise displayed on the beer keg, or the manufacturer's authorized representative.

(b) The purchaser shall obtain a proof of ownership record from a person selling the beer keg, including any person selling a beer keg with an indicia of ownership that is obliterated, unreadable, or missing, and shall also verify the seller's identity by a driver's license or other government-issued photo identification. The proof of ownership record shall include all of the following information:

(1) The name, address, telephone number, and signature of the seller or the seller's authorized representative.

(2) The name and address of the buyer, or consignee if not sold.

(3) A description of the beer keg, including its capacity and any indicia of ownership or other distinguishing marks appearing on the exterior surface.

(4) The date of transaction.

(c) The information required to be collected by this Section shall be kept for one year from the date of purchase or delivery, whichever is later.

(625 ILCS 5/5-403) (from Ch. 95 1/2, par. 5-403)

Sec. 5-403. (1) Authorized representatives of the Secretary of State including officers of the Secretary of State's Department of Police, other peace officers, and such other individuals as the Secretary may designate from time to time shall make inspections of individuals and facilities

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licensed or required to be licensed under Chapter 5 of the Illinois Vehicle Code for the purpose of reviewing records required to be maintained under Chapter 5 for accuracy and completeness and reviewing and examining the premises of the licensee's established or additional place of business for the purpose of determining the accuracy of the required records. Premises that may be inspected in order to determine the accuracy of the books and records required to be kept includes all premises used by the licensee to store vehicles and parts that are reflected by the required books and records.

(2) Persons having knowledge of or conducting inspections pursuant to this Chapter shall not in advance of such inspections knowingly notify a licensee or representative of a licensee of the contemplated inspection unless the Secretary or an individual designated by him for this purpose authorizes such notification. Any individual who, without authorization, knowingly violates this subparagraph shall be guilty of a Class A misdemeanor.

(3) The licensee or a representative of the licensee shall be entitled to be present during an inspection conducted pursuant to Chapter 5, however, the presence of the licensee or an authorized representative of the licensee is not a condition precedent to such an inspection.

(4) Inspection conducted pursuant to Chapter 5 may be initiated at any time that business is being conducted or work is being performed, whether or not open to the public or when the licensee or a representative of the licensee, other than a mere custodian or watchman, is present. The fact that a licensee or representative of the licensee leaves the licensed premises after an inspection has been initiated shall not require the termination of the inspection.

(5) Any inspection conducted pursuant to Chapter 5 shall not continue for more than 24 hours after initiation.

(6) In the event information comes to the attention of the individuals conducting an inspection that may give rise to the necessity of obtaining a search warrant, and in the event steps are initiated for the procurement of a search warrant, the individuals conducting such
inspection may take all necessary steps to secure the premises under inspection until the warrant application is acted upon by a judicial officer.

(7) No more than 6 inspections of a premises may be conducted pursuant to Chapter 5 within any 6 month period except pursuant to a search warrant. Notwithstanding this limitation, nothing in this subparagraph (7) shall be construed to limit the authority of law enforcement agents to respond to public complaints of violations of the Code. For the purpose of this subparagraph (7), a public complaint is one in which the complainant identifies himself or herself and sets forth, in writing, the specific basis for their complaint against the licensee. For the purpose of this subparagraph (7), the inspection of records pertaining only to scrap metals, as provided in subdivision (a)(5) of Section 5-401.3 of this Code, shall not be counted as an inspection of a premises.

(8) Nothing in this Section shall be construed to limit the authority of individuals by the Secretary pursuant to this Section to conduct searches of licensees pursuant to a duly issued and authorized search warrant.

(9) Any licensee who, having been informed by a person authorized to make inspections and examine records under this Section that he desires to inspect records and the licensee's premises as authorized by this Section, refuses either to produce for that person records required to be kept by this Chapter or to permit such authorized person to make an inspection of the premises in accordance with this Section shall subject the license to immediate suspension by the Secretary of State.

(10) Beginning July 1, 1988, any person licensed under 5-302 shall produce for inspection upon demand those records pertaining to the acquisition of salvage vehicles in this State. This inspection may be conducted at the principal offices of the Secretary of State.

(Source: P.A. 86-444.)

Approved August 17, 2007.
Effective January 1, 2008.
AN ACT concerning transportation.

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

Section 5. The Child Passenger Protection Act is amended by changing Section 4 as follows:

(625 ILCS 25/4) (from Ch. 95 1/2, par. 1104)

Sec. 4. When any person is transporting a child in this State under the age of 8 years in a non-commercial motor vehicle of the first division, any truck or truck tractor that is equipped with seat safety belts, any other motor vehicle of the second division with a gross vehicle weight rating of 9,000 pounds or less, or a recreational vehicle on the roadways, streets or highways of this State, such person shall be responsible for providing for the protection of such child by properly securing him or her in an appropriate child restraint system. The parent or legal guardian of a child under the age of 8 years shall provide a child restraint system to any person who transports his or her child. Any person who transports the child of another shall not be in violation of this Section unless a child restraint system was provided by the parent or legal guardian but not used to transport the child.

For purposes of this Section and Section 4b, "child restraint system" means any device which meets the standards of the United States Department of Transportation designed to restrain, seat or position children, which also includes a booster seat.

A child weighing more than 40 pounds may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt.

(Source: P.A. 93-100, eff. 1-1-04.)


Approved August 17, 2007.

Effective January 1, 2008.

New matter indicated by italics - deletions by strikeout
AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by adding Section 11-14.2 as follows:
(720 ILCS 5/11-14.2 new)
Sec. 11-14.2. First offender; felony prostitution.
(a) Whenever any person who has not previously been convicted of or placed on probation for felony prostitution or any law of the United States or of any other state relating to felony prostitution pleads guilty to or is found guilty of felony prostitution, the court, without entering a judgment and with the consent of such person, may sentence the person to probation.
(b) When a person is placed on probation, the court shall enter an order specifying a period of probation of 24 months and shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of probation.
(c) The conditions of probation shall be that the person: (1) not violate any criminal statute of any jurisdiction; (2) refrain from possessing a firearm or other dangerous weapon; (3) submit to periodic drug testing at a time and in a manner as ordered by the court, but no less than 3 times during the period of the probation, with the cost of the testing to be paid by the probationer; and (4) perform no less than 30 hours of community service, provided community service is available in the jurisdiction and is funded and approved by the county board.
(d) The court may, in addition to other conditions, require that the person:
(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of probation;

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(2) pay a fine and costs;
(3) work or pursue a course of study or vocational training;
(4) undergo medical or psychiatric treatment; or treatment
or rehabilitation by a provider approved by the Illinois
Department of Human Services;
(5) attend or reside in a facility established for the
instruction or residence of defendants on probation;
(6) support his or her dependents;
(7) refrain from having in his or her body the presence of
any illicit drug prohibited by the Cannabis Control Act or the
Illinois Controlled Substances Act, unless prescribed by a
physician, and submit samples of his or her blood or urine or both
for tests to determine the presence of any illicit drug;
(8) and in addition, if a minor:
   (i) reside with his or her parents or in a foster
   home;
   (ii) attend school;
   (iii) attend a non-residential program for youth;
   (iv) contribute to his or her own support at home or
       in a foster home.
(e) Upon violation of a term or condition of probation, the court
    may enter a judgment on its original finding of guilt and proceed as
    otherwise provided.
(f) Upon fulfillment of the terms and conditions of probation, the
court shall discharge the person and dismiss the proceedings against him
or her.
(g) A disposition of probation is considered to be a conviction for
the purposes of imposing the conditions of probation and for appeal,
however, discharge and dismissal under this Section is not a conviction
for purposes of this Act or for purposes of disqualifications or disabilities
imposed by law upon conviction of a crime.
(h) There may be only one discharge and dismissal under this
Section.

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(i) If a person is convicted of prostitution within 5 years subsequent to a discharge and dismissal under this Section, the discharge and dismissal under this Section shall be admissible in the sentencing proceeding for that conviction as evidence in aggravation.

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

Approved August 17, 2007.
Effective August 17, 2007.

PUBLIC ACT 95-0256
(Senate Bill No. 0076)

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

Section 5. The Criminal Code of 1961 is amended by changing Section 12-4 as follows:

Sec. 12-4. Aggravated Battery.
(a) A person who, in committing a battery, intentionally or knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated battery.
(b) In committing a battery, a person commits aggravated battery if he or she:

(1) Uses a deadly weapon other than by the discharge of a firearm;
(2) Is hooded, robed or masked, in such manner as to conceal his identity;
(3) Knows the individual harmed to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;

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(5) (Blank);

(6) Knows the individual harmed to be a community policing volunteer while such volunteer is engaged in the execution of any official duties, or to prevent the volunteer from performing official duties, or in retaliation for the volunteer performing official duties, and the battery is committed other than by the discharge of a firearm;

(7) Knows the individual harmed to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital personnel engaged in the performance of any of his or her official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital personnel from performing official duties, or in retaliation for performing official duties;

(8) Is, or the person battered is, on or about a public way, public property or public place of accommodation or amusement;

(8.5) Is, or the person battered is, on a publicly or privately owned sports or entertainment arena, stadium, community or convention hall, special event center, amusement facility, or a special event center in a public park during any 24-hour period when a professional sporting event, National Collegiate Athletic Association (NCAA)-sanctioned sporting event, United States Olympic Committee-sanctioned sporting event, or International Olympic Committee-sanctioned sporting event is taking place in this venue;

(9) Knows the individual harmed to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of

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any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

(10) Knows the individual harmed to be an individual of 60 years of age or older;

(11) Knows the individual harmed is pregnant;

(12) Knows the individual harmed to be a judge whom the person intended to harm as a result of the judge's performance of his or her official duties as a judge;

(13) (Blank);

(14) Knows the individual harmed to be a person who is physically handicapped;

(15) Knowingly and without legal justification and by any means causes bodily harm to a merchant who detains the person for an alleged commission of retail theft under Section 16A-5 of this Code. In this item (15), "merchant" has the meaning ascribed to it in Section 16A-2.4 of this Code;

(16) Is, or the person battered is, in any building or other structure used to provide shelter or other services to victims or to the dependent children of victims of domestic violence pursuant to the Illinois Domestic Violence Act of 1986 or the Domestic Violence Shelters Act, or the person battered is within 500 feet of such a building or other structure while going to or from such a building or other structure. "Domestic violence" has the meaning ascribed to it in Section 103 of the Illinois Domestic Violence Act of 1986. "Building or other structure used to provide shelter" has the meaning ascribed to "shelter" in Section 1 of the Domestic Violence Shelters Act;

(17) (Blank); or

(18) Knows the individual harmed to be an officer or employee of the State of Illinois, a unit of local government, or school district engaged in the performance of his or her authorized duties as such officer or employee; or

(19) Knows the individual harmed to be an emergency management worker engaged in the performance of any of his or her duties.
her official duties, or to prevent the emergency management worker from performing official duties, or in retaliation for the emergency management worker performing official duties; or:

(20) Knows the individual harmed to be a taxi driver and the battery is committed while the taxi driver is on duty.

For the purpose of paragraph (14) of subsection (b) of this Section, a physically handicapped person is a person who suffers from a permanent and disabling physical characteristic, resulting from disease, injury, functional disorder or congenital condition.

(c) A person who administers to an individual or causes him to take, without his consent or by threat or deception, and for other than medical purposes, any intoxicating, poisonous, stupefying, narcotic, anesthetic, or controlled substance commits aggravated battery.

(d) A person who knowingly gives to another person any food that contains any substance or object that is intended to cause physical injury if eaten, commits aggravated battery.

(d-3) A person commits aggravated battery when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes upon or against the person of another.

(d-5) An inmate of a penal institution or a sexually dangerous person or a sexually violent person in the custody of the Department of Human Services who causes or attempts to cause a correctional employee of the penal institution or an employee of the Department of Human Services to come into contact with blood, seminal fluid, urine, or feces, by throwing, tossing, or expelling that fluid or material commits aggravated battery. For purposes of this subsection (d-5), "correctional employee" means a person who is employed by a penal institution.

(e) Sentence.

(1) Except as otherwise provided in paragraphs (2) and (3), aggravated battery is a Class 3 felony.

(2) Aggravated battery that does not cause great bodily harm or permanent disability or disfigurement is a Class 2 felony

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when the person knows the individual harmed to be a peace officer, a community policing volunteer, a correctional institution employee, an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, or a fireman while such officer, volunteer, employee, or fireman is engaged in the execution of any official duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee, or fireman from performing official duties, or in retaliation for the officer, volunteer, employee, or fireman performing official duties, and the battery is committed other than by the discharge of a firearm.

(3) Aggravated battery that causes great bodily harm or permanent disability or disfigurement in violation of subsection (a) is a Class 1 felony when the person knows the individual harmed to be a peace officer, a community policing volunteer, a correctional institution employee, an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, or a fireman while such officer, volunteer, employee, or fireman is engaged in the execution of any official duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee, or fireman from performing official duties, or in retaliation for the officer, volunteer, employee, or fireman performing official duties, and the battery is committed other than by the discharge of a firearm.

(Source: P.A. 93-83, eff. 7-2-03; 94-243, eff. 1-1-06; 94-327, eff. 1-1-06; 94-333, eff. 7-26-05; 94-363, eff. 7-29-05; 94-482, eff. 1-1-06; revised 8-19-05.)

Approved August 17, 2007.
Effective January 1, 2008.

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

Section 5. The School Code is amended by changing Section 14-8.02 as follows:

(a) The State Board of Education shall make rules under which local school boards shall determine the eligibility of children to receive special education. Such rules shall ensure that a free appropriate public education be available to all children with disabilities as defined in Section 14-1.02. The State Board of Education shall require local school districts to administer non-discriminatory procedures or tests to limited English proficiency students coming from homes in which a language other than English is used to determine their eligibility to receive special education. The placement of low English proficiency students in special education programs and facilities shall be made in accordance with the test results reflecting the student's linguistic, cultural and special education needs. For purposes of determining the eligibility of children the State Board of Education shall include in the rules definitions of "case study", "staff conference", "individualized educational program", and "qualified specialist" appropriate to each category of children with disabilities as defined in this Article. For purposes of determining the eligibility of children from homes in which a language other than English is used, the State Board of Education, no later than September 1, 1993, shall include in the rules definitions for "qualified bilingual specialists" and "linguistically and culturally appropriate individualized educational programs". In this Section, "parent" includes a foster parent.

(b) No child shall be eligible for special education facilities except with a carefully completed case study fully reviewed by professional personnel in a multidisciplinary staff conference and only upon the

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recommendation of qualified specialists or a qualified bilingual specialist, if available. At the conclusion of the multidisciplinary staff conference, the parent or guardian of the child shall be given a copy of the multidisciplinary conference summary report and recommendations, which includes options considered, and be informed of their right to obtain an independent educational evaluation if they disagree with the evaluation findings conducted or obtained by the school district. If the school district's evaluation is shown to be inappropriate, the school district shall reimburse the parent for the cost of the independent evaluation. The State Board of Education shall, with advice from the State Advisory Council on Education of Children with Disabilities on the inclusion of specific independent educational evaluators, prepare a list of suggested independent educational evaluators. The State Board of Education shall include on the list clinical psychologists licensed pursuant to the Clinical Psychologist Licensing Act. Such psychologists shall not be paid fees in excess of the amount that would be received by a school psychologist for performing the same services. The State Board of Education shall supply school districts with such list and make the list available to parents at their request. School districts shall make the list available to parents at the time they are informed of their right to obtain an independent educational evaluation. However, the school district may initiate an impartial due process hearing under this Section within 5 days of any written parent or guardian request for an independent educational evaluation to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has a right to an independent educational evaluation, but not at public expense. An independent educational evaluation at public expense must be completed within 30 days of a parent or guardian written request unless the school district initiates an impartial due process hearing or the parent or guardian or school district offers reasonable grounds to show that such 30 day time period should be extended. If the due process hearing decision indicates that the parent or guardian is entitled to an independent educational evaluation, it must be completed within 30 days of the decision unless the parent or guardian or the school district offers reasonable grounds to show that such 30 day

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period should be extended. If a parent disagrees with the summary report or recommendations of the multidisciplinary conference or the findings of any educational evaluation which results therefrom, the school district shall not proceed with a placement based upon such evaluation and the child shall remain in his or her regular classroom setting. No child shall be eligible for admission to a special class for the educable mentally disabled or for the trainable mentally disabled except with a psychological evaluation and recommendation by a school psychologist. Consent shall be obtained from the parent or guardian of a child before any evaluation is conducted. If consent is not given by the parent or guardian or if the parent or guardian disagrees with the findings of the evaluation, then the school district may initiate an impartial due process hearing under this Section. The school district may evaluate the child if that is the decision resulting from the impartial due process hearing and the decision is not appealed or if the decision is affirmed on appeal. The determination of eligibility shall be made within 60 school days from the date of referral by school authorities for evaluation by the district or date of application for admittance by the parent or guardian of the child. In those instances when students are referred for evaluation with fewer than 60 pupil attendance days left in the school year, the eligibility determination shall be made prior to the first day of the following school year. After a child has been determined to be eligible for a special education class, such child must be placed in the appropriate program pursuant to the individualized educational program by or no later than the beginning of the next school semester. The appropriate program pursuant to the individualized educational program of students whose native tongue is a language other than English shall reflect the special education, cultural and linguistic needs. No later than September 1, 1993, the State Board of Education shall establish standards for the development, implementation and monitoring of appropriate bilingual special individualized educational programs. The State Board of Education shall further incorporate appropriate monitoring procedures to verify implementation of these standards. The district shall indicate to the parent or guardian and the State Board of Education the

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nature of the services the child will receive for the regular school term while waiting placement in the appropriate special education class.

If the child is deaf, hard of hearing, blind, or visually impaired and he or she might be eligible to receive services from the Illinois School for the Deaf or the Illinois School for the Visually Impaired, the school district shall notify the parents or guardian, in writing, of the existence of these schools and the services they provide and shall make a reasonable effort to inform the parents or guardian of the existence of other, local schools that provide similar services and the services that these other schools provide. This notification shall include without limitation information on school services, school admissions criteria, and school contact information.

In the development of the individualized education program for a student who has a disability on the autism spectrum (which includes autistic disorder, Asperger's disorder, pervasive developmental disorder not otherwise specified, childhood disintegrative disorder, and Rett Syndrome, as defined in the Diagnostic and Statistical Manual of Mental Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall consider all of the following factors:

1. The verbal and nonverbal communication needs of the child.
2. The need to develop social interaction skills and proficiencies.
3. The needs resulting from the child's unusual responses to sensory experiences.
4. The needs resulting from resistance to environmental change or change in daily routines.
5. The needs resulting from engagement in repetitive activities and stereotyped movements.
6. The need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder.
7. Other needs resulting from the child's disability that impact progress in the general curriculum, including social and emotional development.

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This amendatory Act of the 95th General Assembly does not create any new entitlement to a service, program, or benefit, but must not affect any entitlement to a service, program, or benefit created by any other law.

If the student may be eligible to participate in the Home-Based Support Services Program for Mentally Disabled Adults authorized under the Developmental Disability and Mental Disability Services Act upon becoming an adult, the student's individualized education program shall include plans for (i) determining the student's eligibility for those home-based services, (ii) enrolling the student in the program of home-based services, and (iii) developing a plan for the student's most effective use of the home-based services after the student becomes an adult and no longer receives special educational services under this Article. The plans developed under this paragraph shall include specific actions to be taken by specified individuals, agencies, or officials.

(c) In the development of the individualized education program for a student who is functionally blind, it shall be presumed that proficiency in Braille reading and writing is essential for the student's satisfactory educational progress. For purposes of this subsection, the State Board of Education shall determine the criteria for a student to be classified as functionally blind. Students who are not currently identified as functionally blind who are also entitled to Braille instruction include: (i) those whose vision loss is so severe that they are unable to read and write at a level comparable to their peers solely through the use of vision, and (ii) those who show evidence of progressive vision loss that may result in functional blindness. Each student who is functionally blind shall be entitled to Braille reading and writing instruction that is sufficient to enable the student to communicate with the same level of proficiency as other students of comparable ability. Instruction should be provided to the extent that the student is physically and cognitively able to use Braille. Braille instruction may be used in combination with other special education services appropriate to the student's educational needs. The assessment of each student who is functionally blind for the purpose of developing the student's individualized education program shall include documentation of the student's strengths and weaknesses in Braille skills.
Each person assisting in the development of the individualized education program for a student who is functionally blind shall receive information describing the benefits of Braille instruction. The individualized education program for each student who is functionally blind shall specify the appropriate learning medium or media based on the assessment report.

(d) To the maximum extent appropriate, the placement shall provide the child with the opportunity to be educated with children who are not disabled; provided that children with disabilities who are recommended to be placed into regular education classrooms are provided with supplementary services to assist the children with disabilities to benefit from the regular classroom instruction and are included on the teacher's regular education class register. Subject to the limitation of the preceding sentence, placement in special classes, separate schools or other removal of the disabled child from the regular educational environment shall occur only when the nature of the severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. The placement of limited English proficiency students with disabilities shall be in non-restrictive environments which provide for integration with non-disabled peers in bilingual classrooms. By January 1993 and annually thereafter, school districts shall report data on students from non-English speaking backgrounds receiving special education and related services in public and private facilities as prescribed in Section 2-3.30. If there is a disagreement between parties involved regarding the special education placement of any child, either in-state or out-of-state, the placement is subject to impartial due process procedures described in Article 10 of the Rules and Regulations to Govern the Administration and Operation of Special Education.

(e) No child who comes from a home in which a language other than English is the principal language used may be assigned to any class or program under this Article until he has been given, in the principal language used by the child and used in his home, tests reasonably related to his cultural environment. All testing and evaluation materials and
procedures utilized for evaluation and placement shall not be linguistically, racially or culturally discriminatory.

(f) Nothing in this Article shall be construed to require any child to undergo any physical examination or medical treatment whose parents or guardian object thereto on the grounds that such examination or treatment conflicts with his religious beliefs.

(g) School boards or their designee shall provide to the parents or guardian of a child prior written notice of any decision (a) proposing to initiate or change, or (b) refusing to initiate or change, the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to their child, and the reasons therefor. Such written notification shall also inform the parent or guardian of the opportunity to present complaints with respect to any matter relating to the educational placement of the student, or the provision of a free appropriate public education and to have an impartial due process hearing on the complaint. The notice shall inform the parents or guardian in the parents' or guardian's native language, unless it is clearly not feasible to do so, of their rights and all procedures available pursuant to this Act and federal law 94-142; it shall be the responsibility of the State Superintendent to develop uniform notices setting forth the procedures available under this Act and federal law 94-142 to be used by all school boards. The notice shall also inform the parents or guardian of the availability upon request of a list of free or low-cost legal and other relevant services available locally to assist parents or guardians in initiating an impartial due process hearing. Any parent or guardian who is deaf, or does not normally communicate using spoken English, who participates in a meeting with a representative of a local educational agency for the purposes of developing an individualized educational program shall be entitled to the services of an interpreter.

(h) A Level I due process hearing, hereinafter referred as the hearing, shall be conducted upon the request of the parents or guardian or local school board by an impartial hearing officer appointed as follows: If the request is made through the local school district, within 5 school days of receipt of the request, the local school district shall forward the request.
to the State Superintendent. Within 5 days after receiving this request of
hearing, the State Board of Education shall provide a list of 5 prospective,
impartial hearing officers. The State Board of Education, by rule or
regulation, shall establish criteria for determining which persons can be
included on such a list of prospective hearing officers. No one on the list
may be a resident of the school district. No more than 2 of the 5
prospective hearing officers shall be gainfully employed by or
administratively connected with any school district, or any joint agreement
or cooperative program in which school districts participate. In addition,
no more than 2 of the 5 prospective hearing officers shall be gainfully
employed by or administratively connected with private providers of
special education services. The State Board of Education shall actively
recruit applicants for hearing officer positions. The board and the parents
or guardian or their legal representatives within 5 days shall alternately
strike one name from the list until only one name remains. The parents or
guardian shall have the right to proceed first with the striking. The per
diem allowance for the hearing officer shall be established and paid by the
State Board of Education. The hearing shall be closed to the public except
that the parents or guardian may require that the hearing be public. The
hearing officer shall not be an employee of the school district, an
employee in any joint agreement or cooperative program in which the
district participates, or any other agency or organization that is directly
involved in the diagnosis, education or care of the student or the State
Board of Education. All impartial hearing officers shall be adequately
trained in federal and state law, rules and regulations and case law
regarding special education. The State Board of Education shall use
resources from within and outside the agency for the purposes of
conducting this training. The impartial hearing officer shall have the
authority to require additional information or evidence where he or she
deems it necessary to make a complete record and may order an
independent evaluation of the child, the cost of said evaluation to be paid
by the local school district. Such hearing shall not be considered adversary
in nature, but shall be directed toward bringing out all facts necessary for
the impartial hearing officer to render an informed decision. The State

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Board of Education shall, with the advice and approval of the Advisory Council on Education of Children with Disabilities, promulgate rules and regulations to establish the qualifications of the hearing officers and the rules and procedure for such hearings. The school district shall present evidence that the special education needs of the child have been appropriately identified and that the special education program and related services proposed to meet the needs of the child are adequate, appropriate and available. Any party to the hearing shall have the right to: (a) be represented by counsel and be accompanied and advised by individuals with special knowledge or training with respect to the problems of children with disabilities at the party's own expense; (b) present evidence and confront and cross-examine witnesses; (c) prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least 5 days before the hearing; (d) obtain a written or electronic verbatim record of the hearing; (e) obtain written findings of fact and a written decision. The student shall be allowed to attend the hearing unless the hearing officer finds that attendance is not in the child's best interest or detrimental to the child. The hearing officer shall specify in the findings the reasons for denying attendance by the student. The hearing officer, or the State Superintendent in connection with State level hearings, may subpoena and compel the attendance of witnesses and the production of evidence reasonably necessary to the resolution of the hearing. The subpoena may be issued upon request of any party. The State Board of Education and the school board shall share equally the costs of providing a written or electronic record of the proceedings. Such record shall be transcribed and transmitted to the State Superintendent no later than 10 days after receipt of notice of appeal. The hearing officer shall render a decision and shall submit a copy of the findings of fact and decision to the parent or guardian and to the local school board within 10 school days after the conclusion of the hearing. The hearing officer may continue the hearing in order to obtain additional information, and, at the conclusion of the hearing, shall issue a decision based on the record which specifies the special education and related services which shall be provided to the child in accordance with the child's needs. The hearing officer's decision shall be...
binding upon the local school board and the parent unless such decision is appealed pursuant to the provisions of this Section.

(i) Any party aggrieved by the decision may appeal the hearing officer's decision to the State Board of Education and shall serve copies of the notice of such appeal on the State Superintendent and on all other parties. The review referred to in this Section shall be known as the Level II review. The State Board of Education shall provide a list of 5 prospective, impartial reviewing officers. No reviewing officer shall be an employee of the State Board of Education or gainfully employed by or administratively connected with the school district, joint agreement or cooperative program which is a party to this review. Each person on the list shall be accredited by a national arbitration organization. The per diem allowance for the review officers shall be paid by the State Board of Education and may not exceed $250. All reviewing officers on the list provided by the State Board of Education shall be trained in federal and state law, rules and regulations and case law regarding special education. The State Board of Education shall use resources from within and outside the agency for the purposes of conducting this training. No one on the list may be a resident of the school district. The board and the parents or guardian or other legal representatives within 5 days shall alternately strike one name from the list until only one name remains. The parents or guardian shall have the right to proceed first with the striking. The reviewing officer so selected shall conduct an impartial review of the Level I hearing and may issue subpoenas requiring the attendance of witnesses at such review. The parties to the appeal shall be afforded the opportunity to present oral argument and additional evidence at the review. Upon completion of the review the reviewing officer shall render a decision and shall provide a copy of the decision to all parties.

(j) No later than 30 days after receipt of notice of appeal, a final decision shall be reached and a copy mailed to each of the parties. A reviewing officer may grant specific extensions of time beyond the 30-day deadline at the request of either party. If a Level II hearing is convened the final decision of a Level II hearing officer shall occur no more than 30 days following receipt of a notice of appeal, unless an extension of time is
The State Board of Education shall establish rules and regulations delineating the standards to be used in determining whether the reviewing officer shall grant such extensions. Each hearing and each review involving oral argument must be conducted at a time and place which are reasonably convenient to the parents and the child involved.

(k) Any party aggrieved by the decision of the reviewing officer, including the parent or guardian, shall have the right to bring a civil action with respect to the complaint presented pursuant to this Section, which action may be brought in any circuit court of competent jurisdiction within 120 days after a copy of the decision is mailed to the party as provided in subsection (j). The civil action provided above shall not be exclusive of any rights or causes of action otherwise available. The commencement of a civil action under subsection (k) of this Section shall operate as a supersedeas. In any action brought under this Section the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and basing its decision on the preponderance of the evidence shall grant such relief as the court determines is appropriate. In any instance where a school district willfully disregards applicable regulations or statutes regarding a child covered by this Article, and which disregard has been detrimental to the child, the school district shall be liable for any reasonable attorney's fees incurred by the parent or guardian in connection with proceedings under this Section.

(l) During the pendency of any proceedings conducted pursuant to this Section, unless the State Superintendent of Education, or the school district and the parents or guardian otherwise agree, the student shall remain in the then current educational placement of such student, or if applying for initial admission to the school district, shall, with the consent of the parents or guardian, be placed in the school district program until all such proceedings have been completed. The costs for any special education and related services or placement incurred following 60 school days after the initial request for evaluation shall be borne by the school district if such services or placement are in accordance with the final determination as to the special education and related services or placement

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which must be provided to the child, provided however that in said 60 day period there have been no delays caused by the child's parent or guardian.

(m) Whenever (i) the parents or guardian of a child of the type described in Section 14-1.02 are not known or are unavailable or (ii) the child is a ward of the State residing in a residential facility, a person shall be assigned to serve as surrogate parent for the child in matters relating to the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education to the child. Surrogate parents shall be assigned by the State Superintendent of Education. The State Board of Education shall promulgate rules and regulations establishing qualifications of such persons and their responsibilities and the procedures to be followed in making such assignments. Such surrogate parents shall not be employees of the school district, an agency created by joint agreement under Section 10-22.31, an agency involved in the education or care of the student, or the State Board of Education. For a child who is a ward of the State residing in a residential facility, the surrogate parent may be an employee of a nonpublic agency that provides only non-educational care. Services of any person assigned as surrogate parent shall terminate if the parent or guardian becomes available unless otherwise requested by the parents or guardian. The assignment of a person as surrogate parent at no time supersedes, terminates, or suspends the parents' or guardian's legal authority relative to the child. Any person participating in good faith as surrogate parent on behalf of the child before school officials or a hearing officer shall have immunity from civil or criminal liability that otherwise might result by reason of such participation, except in cases of willful and wanton misconduct.

(n) At all stages of the hearing the hearing officer shall require that interpreters be made available by the local school district for persons who are deaf or for persons whose normally spoken language is other than English.

(o) Whenever a person refuses to comply with any subpoena issued under this Section, the circuit court of the county in which such hearing is pending, on application of the State Superintendent of Education or the party who requested issuance of the subpoena may compel obedience by
attachment proceedings as for contempt, as in a case of disobedience of the requirements of a subpoena from such court for refusal to testify therein. (Source: P.A. 93-282, eff. 7-22-03; 94-376, eff. 7-29-05.)

Section 99. Effective date. This Act takes effect January 1, 2008.
Approved August 17, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0258
(Senate Bill No. 0097)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Sections 14-1 and 14-3 as follows:

(720 ILCS 5/14-1) (from Ch. 38, par. 14-1)
Sec. 14-1. Definition.
(a) Eavesdropping device. An eavesdropping device is any device capable of being used to hear or record oral conversation or intercept, retain, or transcribe electronic communications whether such conversation or electronic communication is conducted in person, by telephone, or by any other means; Provided, however, that this definition shall not include devices used for the restoration of the deaf or hard-of-hearing to normal or partial hearing.

(b) Eavesdropper.
An eavesdropper is any person, including law enforcement officers, who is a principal, as defined in this Article, or who operates or participates in the operation of any eavesdropping device contrary to the provisions of this Article.
(c) Principal.
A principal is any person who:
(1) Knowingly employs another who illegally uses an eavesdropping device in the course of such employment; or
(2) Knowingly derives any benefit or information from the illegal use of an eavesdropping device by another; or
(3) Directs another to use an eavesdropping device illegally on his behalf.

(d) Conversation.
For the purposes of this Article, the term conversation means any oral communication between 2 or more persons regardless of whether one or more of the parties intended their communication to be of a private nature under circumstances justifying that expectation.

(e) Electronic communication.
For purposes of this Article, the term electronic communication means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or part by a wire, radio, pager, computer, electromagnetic, photo electronic or photo optical system, where the sending and receiving parties intend the electronic communication to be private and the interception, recording, or transcription of the electronic communication is accomplished by a device in a surreptitious manner contrary to the provisions of this Article. Electronic communication does not include any communication from a tracking device.

(f) Bait car.
For purposes of this Article, the term bait car means any motor vehicle that is not occupied by a law enforcement officer and is used by a law enforcement agency to deter, detect, identify, and assist in the apprehension of an auto theft suspect in the act of stealing a motor vehicle.

(720 ILCS 5/14-3) (from Ch. 38, par. 14-3)
Sec. 14-3. Exemptions. The following activities shall be exempt from the provisions of this Article:
(a) Listening to radio, wireless and television communications of any sort where the same are publicly made;
(b) Hearing conversation when heard by employees of any common carrier by wire incidental to the normal course of their
employment in the operation, maintenance or repair of the equipment of such common carrier by wire so long as no information obtained thereby is used or divulged by the hearer;

   (c) Any broadcast by radio, television or otherwise whether it be a broadcast or recorded for the purpose of later broadcasts of any function where the public is in attendance and the conversations are overheard incidental to the main purpose for which such broadcasts are then being made;

   (d) Recording or listening with the aid of any device to any emergency communication made in the normal course of operations by any federal, state or local law enforcement agency or institutions dealing in emergency services, including, but not limited to, hospitals, clinics, ambulance services, fire fighting agencies, any public utility, emergency repair facility, civilian defense establishment or military installation;

   (e) Recording the proceedings of any meeting required to be open by the Open Meetings Act, as amended;

   (f) Recording or listening with the aid of any device to incoming telephone calls of phone lines publicly listed or advertised as consumer "hotlines" by manufacturers or retailers of food and drug products. Such recordings must be destroyed, erased or turned over to local law enforcement authorities within 24 hours from the time of such recording and shall not be otherwise disseminated. Failure on the part of the individual or business operating any such recording or listening device to comply with the requirements of this subsection shall eliminate any civil or criminal immunity conferred upon that individual or business by the operation of this Section;

   (g) With prior notification to the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded under circumstances where the use of the device is necessary for the protection of the law enforcement officer or any person acting at the direction of law enforcement, in the course of an investigation of a forcible felony, a felony violation of the

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Illinois Controlled Substances Act, a felony violation of the Cannabis Control Act, a felony violation of the Methamphetamine Control and Community Protection Act, or any "streetgang related" or "gang-related" felony as those terms are defined in the Illinois Streetgang Terrorism Omnibus Prevention Act. Any recording or evidence derived as the result of this exemption shall be inadmissible in any proceeding, criminal, civil or administrative, except (i) where a party to the conversation suffers great bodily injury or is killed during such conversation, or (ii) when used as direct impeachment of a witness concerning matters contained in the interception or recording. The Director of the Department of State Police shall issue regulations as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use;

(g-5) With approval of the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded in the course of an investigation of any offense defined in Article 29D of this Code. In all such cases, an application for an order approving the previous or continuing use of an eavesdropping device must be made within 48 hours of the commencement of such use. In the absence of such an order, or upon its denial, any continuing use shall immediately terminate. The Director of State Police shall issue rules as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use.

Any recording or evidence obtained or derived in the course of an investigation of any offense defined in Article 29D of this Code shall, upon motion of the State's Attorney or Attorney General prosecuting any violation of Article 29D, be reviewed in camera with notice to all parties present by the court presiding over the criminal case, and, if ruled by the court to be relevant and otherwise admissible, it shall be admissible at the trial of the criminal case.

This subsection (g-5) is inoperative on and after January 1, 2005. No conversations recorded or monitored pursuant to this subsection (g-5)
shall be inadmissible in a court of law by virtue of the repeal of this subsection (g-5) on January 1, 2005;

(h) Recordings made simultaneously with a video recording of an oral conversation between a peace officer, who has identified his or her office, and a person stopped for an investigation of an offense under the Illinois Vehicle Code;

(i) Recording of a conversation made by or at the request of a person, not a law enforcement officer or agent of a law enforcement officer, who is a party to the conversation, under reasonable suspicion that another party to the conversation is committing, is about to commit, or has committed a criminal offense against the person or a member of his or her immediate household, and there is reason to believe that evidence of the criminal offense may be obtained by the recording;

(j) The use of a telephone monitoring device by either (1) a corporation or other business entity engaged in marketing or opinion research or (2) a corporation or other business entity engaged in telephone solicitation, as defined in this subsection, to record or listen to oral telephone solicitation conversations or marketing or opinion research conversations by an employee of the corporation or other business entity when:

(i) the monitoring is used for the purpose of service quality control of marketing or opinion research or telephone solicitation, the education or training of employees or contractors engaged in marketing or opinion research or telephone solicitation, or internal research related to marketing or opinion research or telephone solicitation; and

(ii) the monitoring is used with the consent of at least one person who is an active party to the marketing or opinion research conversation or telephone solicitation conversation being monitored.

No communication or conversation or any part, portion, or aspect of the communication or conversation made, acquired, or obtained, directly or indirectly, under this exemption (j), may be, directly or indirectly, furnished to any law enforcement officer, agency, or official for
any purpose or used in any inquiry or investigation, or used, directly or indirectly, in any administrative, judicial, or other proceeding, or divulged to any third party.

When recording or listening authorized by this subsection (j) on telephone lines used for marketing or opinion research or telephone solicitation purposes results in recording or listening to a conversation that does not relate to marketing or opinion research or telephone solicitation; the person recording or listening shall, immediately upon determining that the conversation does not relate to marketing or opinion research or telephone solicitation, terminate the recording or listening and destroy any such recording as soon as is practicable.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide current and prospective employees with notice that the monitoring or recordings may occur during the course of their employment. The notice shall include prominent signage notification within the workplace.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide their employees or agents with access to personal-only telephone lines which may be pay telephones, that are not subject to telephone monitoring or telephone recording.

For the purposes of this subsection (j), "telephone solicitation" means a communication through the use of a telephone by live operators:

(i) soliciting the sale of goods or services;
(ii) receiving orders for the sale of goods or services;
(iii) assisting in the use of goods or services; or
(iv) engaging in the solicitation, administration, or collection of bank or retail credit accounts.

For the purposes of this subsection (j), "marketing or opinion research" means a marketing or opinion research interview conducted by a live telephone interviewer engaged by a corporation or other business entity whose principal business is the design, conduct, and analysis of polls and surveys measuring the opinions, attitudes, and responses of

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respondents toward products and services, or social or political issues, or both;

(k) Electronic recordings, including but not limited to, a motion picture, videotape, digital, or other visual or audio recording, made of a custodial interrogation of an individual at a police station or other place of detention by a law enforcement officer under Section 5-401.5 of the Juvenile Court Act of 1987 or Section 103-2.1 of the Code of Criminal Procedure of 1963; and

(l) Recording the interview or statement of any person when the person knows that the interview is being conducted by a law enforcement officer or prosecutor and the interview takes place at a police station that is currently participating in the Custodial Interview Pilot Program established under the Illinois Criminal Justice Information Act; and:

(m) Recording or listening to an audio transmission from a microphone placed by a person under the authority of a law enforcement agency inside a bait car surveillance vehicle while simultaneously capturing a photographic or video image.

(Source: P.A. 93-206, eff. 7-18-03; 93-517, eff. 8-6-03; 93-605, eff. 11-19-03; 94-556, eff. 9-11-05.)

Approved August 17, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0259
(Senate Bill No. 0129)

AN ACT concerning criminal law.

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

Section 5. The Illinois Controlled Substances Act is amended by changing Section 401 as follows:

(720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

Sec. 401. Except as authorized by this Act, it is unlawful for any person knowingly to manufacture or deliver, or possess with intent to

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manufacture or deliver, a controlled substance other than methamphetamine, a counterfeit substance, or a controlled substance analog. A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. For purposes of this Section, "controlled substance analog" or "analog" means a substance which is intended for human consumption, other than a controlled substance, that has a chemical structure substantially similar to that of a controlled substance in Schedule I or II, or that was specifically designed to produce an effect substantially similar to that of a controlled substance in Schedule I or II. Examples of chemical classes in which controlled substance analogs are found include, but are not limited to, the following: phenylethylamines, N-substituted piperidines, morphinans, ecegonines, quinazolinones, substituted indoles, and arylcycloalkylamines. For purposes of this Act, a controlled substance analog shall be treated in the same manner as the controlled substance to which it is substantially similar.

(a) Any person who violates this Section with respect to the following amounts of controlled or counterfeit substances or controlled substance analogs, notwithstanding any of the provisions of subsections (c), (d), (e), (f), (g) or (h) to the contrary, is guilty of a Class X felony and shall be sentenced to a term of imprisonment as provided in this subsection (a) and fined as provided in subsection (b):

(1) (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing heroin, or an analog thereof;

(B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing heroin, or an analog thereof;

(C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing heroin, or an analog thereof;

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(D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing heroin, or an analog thereof;
(1.5) (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing fentanyl, or an analog thereof;
   (B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing fentanyl, or an analog thereof;
   (C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing fentanyl, or an analog thereof;
   (D) not less than 15 years and not more than 60 years with respect to 900 grams or more of a substance containing fentanyl, or an analog thereof;
(2) (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing cocaine, or an analog thereof;
   (B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing cocaine, or an analog thereof;
   (C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing cocaine, or an analog thereof;
   (D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing cocaine, or an analog thereof;
(3) (A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing morphine, or an analog thereof;

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(B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing morphine, or an analog thereof;

(C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing morphine, or an analog thereof;

(D) not less than 15 years and not more than 60 years with respect to 900 grams or more of a substance containing morphine, or an analog thereof;

(4) 200 grams or more of any substance containing peyote, or an analog thereof;

(5) 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid, or an analog thereof;

(6) 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine, or an analog thereof;

(6.5) (blank);

(6.6) (blank);

(7) (A) not less than 6 years and not more than 30 years with respect to: (i) 15 grams or more but less than 100 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 15 or more objects or 15 or more segregated parts of an object or objects but less than 200 objects or 200 segregated parts of an object or objects containing in them or having upon them any amounts of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(B) not less than 9 years and not more than 40 years with respect to: (i) 100 grams or more but less than 400 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 200 or more objects or 200 or more segregated parts of an object or objects but less than 200 objects or 200 segregated parts of an object or objects containing in them or having upon them any amounts of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

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than 600 objects or less than 600 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(C) not less than 12 years and not more than 50 years with respect to: (i) 400 grams or more but less than 900 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 600 or more objects or 600 or more segregated parts of an object or objects but less than 1500 objects or 1500 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(D) not less than 15 years and not more than 60 years with respect to: (i) 900 grams or more of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 1500 or more objects or 1500 or more segregated parts of an object or objects containing in them or having upon them any amount of a substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(7.5) (A) not less than 6 years and not more than 30 years with respect to: (i) 15 grams or more but less than 100 grams of a substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 15 or more pills, tablets, caplets, capsules, or objects but less than 200 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amounts of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(B) not less than 9 years and not more than 40 years with respect to: (i) 100 grams or more but less than 400
grams of a substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 200 or more pills, tablets, caplets, capsules, or objects but less than 600 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(C) not less than 12 years and not more than 50 years with respect to: (i) 400 grams or more but less than 900 grams of a substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 600 or more pills, tablets, caplets, capsules, or objects but less than 1,500 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(D) not less than 15 years and not more than 60 years with respect to: (i) 900 grams or more of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 1,500 or more pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of a substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(8) 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;

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(9) 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone, or an analog thereof;

(10) 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP), or an analog thereof;

(10.5) 30 grams or more of any substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine, or an analog thereof;

(11) 200 grams or more of any substance containing any other controlled substance classified in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection.

(b) Any person sentenced with respect to violations of paragraph (1), (2), (3), (7), or (7.5) of subsection (a) involving 100 grams or more of the controlled substance named therein, may in addition to the penalties provided therein, be fined an amount not more than $500,000 or the full street value of the controlled or counterfeit substance or controlled substance analog, whichever is greater. The term "street value" shall have the meaning ascribed in Section 110-5 of the Code of Criminal Procedure of 1963. Any person sentenced with respect to any other provision of subsection (a), may in addition to the penalties provided therein, be fined an amount not to exceed $500,000.

(b-1) Excluding violations of this Act when the controlled substance is fentanyl, any person sentenced to a term of imprisonment with respect to violations of Section 401, 401.1, 405, 405.1, 405.2, or 407, when the substance containing the controlled substance contains any amount of fentanyl, 3 years shall be added to the term of imprisonment imposed by the court, and the maximum sentence for the offense shall be increased by 3 years.

(c) Any person who violates this Section with regard to the following amounts of controlled or counterfeit substances or controlled substance analogs, notwithstanding any of the provisions of subsections (a), (b), (d), (e), (f), (g) or (h) to the contrary, is guilty of a Class 1 felony.

New matter indicated by italics - deletions by strikeout
The fine for violation of this subsection (c) shall not be more than $250,000:

(1) 1 gram or more but less than 15 grams of any substance containing heroin, or an analog thereof;

(1.5) 1 gram or more but less than 15 grams of any substance containing fentanyl, or an analog thereof;

(2) 1 gram or more but less than 15 grams of any substance containing cocaine, or an analog thereof;

(3) 10 grams or more but less than 15 grams of any substance containing morphine, or an analog thereof;

(4) 50 grams or more but less than 200 grams of any substance containing peyote, or an analog thereof;

(5) 50 grams or more but less than 200 grams of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid, or an analog thereof;

(6) 50 grams or more but less than 200 grams of any substance containing amphetamine or any salt of an optical isomer of amphetamine, or an analog thereof;

(6.5) (blank);

(7) (i) 5 grams or more but less than 15 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) more than 10 objects or more than 10 segregated parts of an object or objects but less than 15 objects or less than 15 segregated parts of an object containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(7.5) (i) 5 grams or more but less than 15 grams of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) more than 10 pills, tablets, caplets, capsules, or objects but less than 15 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3),

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(14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(8) 10 grams or more but less than 30 grams of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;

(9) 10 grams or more but less than 30 grams of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone, or an analog thereof;

(10) 10 grams or more but less than 30 grams of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP), or an analog thereof;

(10.5) 10 grams or more but less than 30 grams of any substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine, or an analog thereof;

(11) 50 grams or more but less than 200 grams of any substance containing a substance classified in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection.

(c-5) (Blank).

(d) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedules I or II, or an analog thereof, which is (i) a narcotic drug, (ii) lysergic acid diethylamide (LSD) or an analog thereof, or (iii) any substance containing amphetamine or fentanyl or any salt or optical isomer of amphetamine or fentanyl, or an analog thereof, is guilty of a Class 2 felony. The fine for violation of this subsection (d) shall not be more than $200,000.

(d-5) (Blank).

(e) Any person who violates this Section with regard to any other amount of a controlled substance other than methamphetamine or counterfeit substance classified in Schedule I or II, or an analog thereof, which substance is not included under subsection (d) of this Section, is guilty of a Class 3 felony. The fine for violation of this subsection (e) shall not be more than $150,000.

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(f) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule III is guilty of a Class 3 felony. The fine for violation of this subsection (f) shall not be more than $125,000.

(g) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule IV is guilty of a Class 3 felony. The fine for violation of this subsection (g) shall not be more than $100,000.

(h) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule V is guilty of a Class 3 felony. The fine for violation of this subsection (h) shall not be more than $75,000.

(i) This Section does not apply to the manufacture, possession or distribution of a substance in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of Section 505 of the Federal Food, Drug and Cosmetic Act.

(j) (Blank).

(Source: P.A. 93-278, eff. 1-1-04; 94-556, eff. 9-11-05.)

Section 10. The Unified Code of Corrections is amended by changing Section 5-5-3 as follows:

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

(Text of Section before amendment by P.A. 94-1035)

Sec. 5-5-3. Disposition.

(a) Except as provided in Section 11-501 of the Illinois Vehicle Code, every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

(1) A period of probation.
(2) A term of periodic imprisonment.
(3) A term of conditional discharge.
(4) A term of imprisonment.

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(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961 (now repealed).

(6) A fine.

(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.

(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.

(9) A term of imprisonment in combination with a term of probation when the offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.

(B) Attempted first degree murder.

(C) A Class X felony.

(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1), (c)(1.5), or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin, or cocaine, fentanyl, or an analog thereof.

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(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of the Criminal Code of 1961 for which imprisonment is prescribed in those Sections.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault.

(I) Aggravated battery of a senior citizen.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.
(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.


(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 or 20-1.3 of the Criminal Code of 1961.


(S) (Blank).

(T) A second or subsequent violation of the Methamphetamine Control and Community Protection Act.

(3) (Blank).

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) (Blank).

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30
days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;
(B) a fine;
(C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall
have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class I felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class I or Class II felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class II or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) (Blank).

(11) The court shall impose a minimum fine of $1,000 for a first offense and $2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for battery when the individual harmed was a sports official or coach at any level of competition and the act causing harm to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an

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active participant of the athletic contest held at the athletic facility. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; "athletic facility" means an indoor or outdoor playing field or recreational area where sports activities are conducted; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the sporting event.

(12) A person may not receive a disposition of court supervision for a violation of Section 5-16 of the Boat Registration and Safety Act if that person has previously received a disposition of court supervision for a violation of that Section.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual abuse under Section 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

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(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

(i) removal from the household;
(ii) restricted contact with the victim;
(iii) continued financial support of the family;
(iv) restitution for harm done to the victim;

and

(v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code

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of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in

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accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-
18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, any violation of the Cannabis Control Act, or any violation of the Methamphetamine Control and Community Protection Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substance Act, or Section 70 of the Methamphetamine Control and Community Protection Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review

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Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommitt the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

1. a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

2. the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois
Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(n) The court may sentence a person convicted of a violation of Section 12-19, 12-21, or 16-1.3 of the Criminal Code of 1961 (i) to an impact incarceration program if the person is otherwise eligible for that program under Section 5-8-1.1, (ii) to community service, or (iii) if the person is an addict or alcoholic, as defined in the Alcoholism and Other

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Drug Abuse and Dependency Act, to a substance or alcohol abuse program licensed under that Act.

(o) Whenever a person is convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act, the defendant's driver's license or permit shall be subject to renewal on an annual basis in accordance with the provisions of license renewal established by the Secretary of State.

(Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169, eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546, eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800, eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556, eff. 9-11-05; 94-993, eff. 1-1-07.)

(Text of Section after amendment by P.A. 94-1035)

Sec. 5-5-3. Disposition.

(a) Except as provided in Section 11-501 of the Illinois Vehicle Code, every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

  (1) A period of probation.
  (2) A term of periodic imprisonment.
  (3) A term of conditional discharge.
  (4) A term of imprisonment.
  (5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961 (now repealed).
  (6) A fine.
  (7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.
  (8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.
  (9) A term of imprisonment in combination with a term of probation when the offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act.

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Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.
(B) Attempted first degree murder.
(C) A Class X felony.
(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1), (c)(1.5), or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin, cocaine, fentanyl, or an analog thereof.
(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.
(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
(F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of the Criminal Code of 1961 for which imprisonment is prescribed in those Sections.

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(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault.

(I) Aggravated battery of a senior citizen.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.


(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

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(Q) A violation of Section 20-1.2 or 20-1.3 of the Criminal Code of 1961.


(S) (Blank).

(T) A second or subsequent violation of the Methamphetamine Control and Community Protection Act.

(3) (Blank).

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) (Blank).

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

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(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:
   (A) a period of conditional discharge;
   (B) a fine;
   (C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(5.4) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating Section 3-707 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 3 months and until he or she has paid a reinstatement fee of $100.

(5.5) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating Section 3-707 of the Illinois Vehicle Code during a period in which his or her

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driver's license, permit, or privileges were suspended for a previous violation of that Section shall have his or her driver's license, permit, or privileges suspended for an additional 6 months after the expiration of the original 3-month suspension and until he or she has paid a reinstatement fee of $100.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) (Blank).

(11) The court shall impose a minimum fine of $1,000 for a first offense and $2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for battery when the individual harmed was a sports official or coach at any level of
competition and the act causing harm to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant of the athletic contest held at the athletic facility. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; "athletic facility" means an indoor or outdoor playing field or recreational area where sports activities are conducted; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the sporting event.

(12) A person may not receive a disposition of court supervision for a violation of Section 5-16 of the Boat Registration and Safety Act if that person has previously received a disposition of court supervision for a violation of that Section.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual abuse under Section 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety
and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

(i) removal from the household;
(ii) restricted contact with the victim;
(iii) continued financial support of the family;
(iv) restitution for harm done to the victim; and
(v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

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(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be
personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall
be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, any violation of the Cannabis Control Act, or any violation of the Methamphetamine Control and Community Protection Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substance Act, or Section 70 of the Methamphetamine Control and Community Protection Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her

New matter indicated by italics - deletions by strikeout
sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

New matter indicated by italics - deletions by strikeout
Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.
(n) The court may sentence a person convicted of a violation of Section 12-19, 12-21, or 16-1.3 of the Criminal Code of 1961 (i) to an impact incarceration program if the person is otherwise eligible for that program under Section 5-8-1.1, (ii) to community service, or (iii) if the person is an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, to a substance or alcohol abuse program licensed under that Act.

(o) Whenever a person is convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act, the defendant's driver's license or permit shall be subject to renewal on an annual basis in accordance with the provisions of license renewal established by the Secretary of State.
(Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169, eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546, eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800, eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556, eff. 9-11-05; 94-993, eff. 1-1-07; 94-1035, eff. 7-1-07; revised 8-28-06.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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

Approved August 17, 2007.
Effective August 17, 2007.

PUBLIC ACT 95-0260
(Senate Bill No. 0166)

AN ACT concerning transportation.

New matter indicated by italics - deletions by strikeout
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Vehicle Code is amended by adding Section 12-816
as follows:

(625 ILCS 5/12-816 new)
Sec. 12-816. Post-trip inspection policy for school buses.
(a) In order to provide for the welfare and safety of children who
are transported on school buses throughout the State of Illinois, each
school district shall have in place, by January 1, 2008, a policy to ensure
that the school bus driver is the last person leaving the bus and that no
passenger is left behind or remains on the vehicle at the end of a route, a
work shift, or the work day.
(b) If a school district has a contract with a private sector school
bus company for the transportation of the district's students, the school
district shall require in the contract with the private sector company that
the company have a post-trip inspection policy in place. This policy and
procedure shall, at a minimum, require the school bus driver, before
leaving the bus at the end of each route, work shift, or work day, to walk
to the rear of the bus and check in and under each seat for sleeping
children.
(c) Before this inspection, the school bus driver shall activate the
interior lights of the bus to assist the driver in seeing in and under the
seats during a visual sweep of the bus.
(d) This policy may include, at the discretion of the school district,
the installation of a mechanical or electronic post-trip inspection
reminder system which requires the school bus driver to walk to the rear
of the bus to deactivate the system before the driver leaves the bus. The
system shall require that when the driver turns off the vehicle's ignition
system, the vehicle's interior lights must illuminate to assist the driver in
seeing in and under the seats during a visual sweep of the bus.

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

Approved August 17, 2007.

New matter indicated by italics - deletions by strikeout
Effective August 17, 2007.

PUBLIC ACT 95-0261  
(Senate Bill No. 0255)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Local Government Consolidation Commission Act is amended by changing Section 25 as follows:
(20 ILCS 3986/25)
Sec. 25. Report. The Commission shall render its final report to the General Assembly not later than December 31, 2006, setting out its findings and recommendations and proposing those measures it considers necessary to effect essential changes and improvements in the existing laws relating to any or all of the matters enumerated in Section 10 of this Act.
(Source: P.A. 94-244, eff. 7-19-05.)
Section 99. Effective date. This Act takes effect upon becoming law.
Approved August 17, 2007.
Effective August 17, 2007.

PUBLIC ACT 95-0262  
(Senate Bill No. 0258)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Code of Civil Procedure is amended by changing Section 15-1701 as follows:
(735 ILCS 5/15-1701) (from Ch. 110, par. 15-1701)
Sec. 15-1701. Right to possession.

New matter indicated by italics - deletions by strikeout
(a) General. The provisions of this Article shall govern the right to possession of the mortgaged real estate during foreclosure. Possession under this Article includes physical possession of the mortgaged real estate to the same extent to which the mortgagor, absent the foreclosure, would have been entitled to physical possession. For the purposes of Part 17, real estate is residential real estate only if it is residential real estate at the time the foreclosure is commenced.

(b) Pre-Judgment. Prior to the entry of a judgment of foreclosure:

   (1) In the case of residential real estate, the mortgagor shall be entitled to possession of the real estate except if (i) the mortgagee shall object and show good cause, (ii) the mortgagee is so authorized by the terms of the mortgage or other written instrument, and (iii) the court is satisfied that there is a reasonable probability that the mortgagee will prevail on a final hearing of the cause, the court shall upon request place the mortgagee in possession. If the residential real estate consists of more than one dwelling unit, then for the purpose of this Part residential real estate shall mean only that dwelling unit or units occupied by persons described in clauses (i), (ii) and (iii) of Section 15-1219.

   (2) In all other cases, if (i) the mortgagee is so authorized by the terms of the mortgage or other written instrument, and (ii) the court is satisfied that there is a reasonable probability that the mortgagee will prevail on a final hearing of the cause, the mortgagee shall upon request be placed in possession of the real estate, except that if the mortgagor shall object and show good cause, the court shall allow the mortgagor to remain in possession.

(c) Judgment Through 30 Days After Sale Confirmation. After the entry of a judgment of foreclosure and through the 30th day after a foreclosure sale is confirmed:

   (1) Subsection (b) of Section 15-1701 shall be applicable, regardless of the provisions of the mortgage or other instrument, except that after a sale pursuant to the judgment the holder of the certificate of sale (or, if none, the purchaser at the sale) shall have
the mortgagee's right to be placed in possession, with all rights and
duties of a mortgagee in possession under this Article.

(2) Notwithstanding paragraph (1) of subsection (b) and
paragraph (1) of subsection (c) of Section 15-1701, upon request of
the mortgagee, a mortgagor of residential real estate shall not be
allowed to remain in possession between the expiration of the
redemption period and through the 30th day after sale confirmation
unless (i) the mortgagor pays to the mortgagee or such holder or
purchaser, whichever is applicable, monthly the lesser of the
interest due under the mortgage calculated at the mortgage rate of
interest applicable as if no default had occurred or the fair rental
value of the real estate, or (ii) the mortgagor otherwise shows good
cause. Any amounts paid by the mortgagor pursuant to this
subsection shall be credited against the amounts due from the
mortgagor.

(d) After 30 Days After Sale Confirmation. The holder of the
certificate of sale or deed issued pursuant to that certificate or, if no
certificate or deed was issued, the purchaser, except to the extent the
holder or purchaser may consent otherwise, shall be entitled to possession
of the mortgaged real estate, as of the date 30 days after the order
confirming the sale is entered, against those parties to the foreclosure
whose interests the court has ordered terminated, without further notice to
any party, further order of the court, or resort to proceedings under any
other statute other than this Article. This right to possession shall be
limited by the provisions governing entering and enforcing orders of
possession under subsection (g) of Section 15-1508. If the holder or
purchaser determines that there are occupants of the mortgaged real estate
who have not been made parties to the foreclosure and had their interests
terminated therein, the holder or purchaser may bring a proceeding under
subsection (h) of this Section or under Article 9 of this Code to terminate
the rights of possession of any such occupants. The holder or purchaser
shall not be entitled to proceed against any such occupant under Article 9
of this Code until after 30 days after the order confirming the sale is
entered.

New matter indicated by italics - deletions by strikeout
(e) Termination of Leases. A lease of all or any part of the mortgaged real estate shall not be terminated automatically solely by virtue of the entry into possession by (i) a mortgagee or receiver prior to the entry of an order confirming the sale, (ii) the holder of the certificate of sale, (iii) the holder of the deed issued pursuant to that certificate, or (iv) if no certificate or deed was issued, the purchaser at the sale.

(f) Other Statutes; Instruments. The provisions of this Article providing for possession of mortgaged real estate shall supersede any other inconsistent statutory provisions. In particular, and without limitation, whenever a receiver is sought to be appointed in any action in which a foreclosure is also pending, a receiver shall be appointed only in accordance with this Article. Except as may be authorized by this Article, no mortgage or other instrument may modify or supersede the provisions of this Article.

(g) Certain Leases. Leases of the mortgaged real estate entered into by a mortgagee in possession or a receiver and approved by the court in a foreclosure shall be binding on all parties, including the mortgagor after redemption, the purchaser at a sale pursuant to a judgment of foreclosure and any person acquiring an interest in the mortgaged real estate after entry of a judgment of foreclosure in accordance with Sections 15-1402 and 15-1403.

(h) Proceedings Against Certain Occupants.

(1) The mortgagee-in-possession of the mortgaged real estate under Section 15-1703, a receiver appointed under Section 15-1704, a holder of the certificate of sale or deed, or the purchaser may, at any time during the pendency of the foreclosure and up to 90 days after the date of the order confirming the sale, file a supplemental petition for possession against a person not personally named as a party to the foreclosure. The supplemental petition for possession shall name each such occupant against whom possession is sought and state the facts upon which the claim for relief is premised.

(2) The petitioner shall serve upon each named occupant the petition, a notice of hearing on the petition, and, if any, a copy
of the certificate of sale or deed. The proceeding for the
termination of such occupant's possessory interest, including
service of the notice of the hearing and the petition, shall in all
respects comport with the requirements of Article 9 of this Code,
except as otherwise specified in this Section. The hearing shall be
no less than 21 days from the date of service of the notice.

(3) The supplemental petition shall be heard as part of the
foreclosure proceeding and without the payment of additional
filing fees. An order for possession obtained under this Section
shall name each occupant whose interest has been terminated, shall
recite that it is only effective as to the occupant so named and those
holding under them, and shall be enforceable for no more than 90
days after its entry, except that the 90-day period may be extended
to the extent and in the manner provided in Section 9-117 of
Article 9 and except as provided in item (4) of this subsection (h).

(4) In a case of foreclosure where the tenant is current on
his or her rent, any order of possession must allow the tenant to
retain possession of the property covered in his or her rental
agreement (i) for 120 days following the notice of the hearing on
the supplemental petition that has been properly served upon the
tenant, or (ii) through the duration of his or her lease, whichever is
shorter. This item (4) shall only apply if the tenant continues to pay
his or her rent in full during the 120-day period.

(Source: P.A. 88-21; 88-265; 88-670, eff. 12-2-94; 89-203, eff. 7-21-95.)
Approved August 17, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0263
(Senate Bill No. 0265)

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

New matter indicated by italics - deletions by strikeout
Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 106D-1 as follows:

(725 ILCS 5/106D-1)

Sec. 106D-1. Defendant's appearance by closed circuit television and video conference.

(a) Whenever the appearance in person in court, in either a civil or criminal proceeding, is required of anyone held in a place of custody or confinement operated by the State or any of its political subdivisions, including counties and municipalities, the chief judge of the circuit by rule may permit the personal appearance to be made by means of two-way audio-visual communication, including closed circuit television and computerized video conference, in the following proceedings:

(1) the initial appearance before a judge on a criminal complaint, at which bail will be set;
(2) the waiver of a preliminary hearing;
(3) the arraignment on an information or indictment at which a plea of not guilty will be entered;
(4) the presentation of a jury waiver;
(5) any status hearing;
(6) any hearing conducted under the Sexually Violent Persons Commitment Act at which no witness testimony will be taken; and
(7) at any hearing conducted under the Sexually Violent Persons Commitment Act at which no witness testimony will be taken.

(b) The two-way audio-visual communication facilities must provide two-way audio-visual communication between the court and the place of custody or confinement, and must include a secure line over which the person in custody and his or her counsel, if any, may communicate.

(c) Nothing in this Section shall be construed to prohibit other court appearances through the use of two-way audio-visual communication, upon waiver of any right the person in custody or confinement may have to be present physically.

New matter indicated by italics - deletions by strikeout
(d) Nothing in this Section shall be construed to establish a right of any person held in custody or confinement to appear in court through two-way audio-visual communication or to require that any governmental entity, or place of custody or confinement, provide two-way audio-visual communication. When a defendant's personal appearance is not required by the Constitution of the United States or Illinois Constitution, the court may allow the defendant to personally appear at any pre-trial or post-trial proceeding by way of closed circuit television when:

(a) the court has authorized the use of closed circuit television and has by rule or order set out the type of proceedings that may be conducted by closed circuit television; and

(b) the defendant is incarcerated; and

(c) the Director of Corrections, sheriff or other authority has certified that facilities are available for this purpose.

(Source: 90-140, eff. 1-1-98.)

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

Approved August 17, 2007.
Effective August 17, 2007.

PUBLIC ACT 95-0264
(Senate Bill No. 0267)

AN ACT concerning revenue.

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

Section 5. The Motor Fuel Tax Law is amended by adding Section 2d as follows:

(35 ILCS 505/2d new)
Sec. 2d. Reporting and payment requirements for persons who produce biodiesel fuel or biodiesel blends for self-use.

(a) Beginning July 1, 2007, notwithstanding any other reporting provisions of this Act, if a private biodiesel fuel producer's total gallonage

New matter indicated by italics - deletions by strikeout
that is taxable under Sections 2 and 2a of this Act for biodiesel fuel and biodiesel fuel blends is less than 5,000 gallons per year, then he or she must file returns and make payment of the tax imposed by Section 2 and Section 2a of this Act on an annual basis. The returns and payment of tax for a given year are due by January 20 of the following year.

(b) If a private biodiesel fuel producer's total gallonage that is taxable under Sections 2 and 2a of this Act for biodiesel fuel and biodiesel fuel blends is 5,000 or more gallons per year, then he or she must file returns and make payment of the tax imposed by Section 2 and Section 2a of this Act on a monthly basis. The returns and payment of tax are due between the 1st and 20th days of each calendar month for the preceding calendar month.

(c) Except for persons required to be licensed under Section 13a.4 of this Act, a person who is subject to the provisions of this Section is exempt from all bonding and licensure requirements otherwise imposed under this Act. Each person who is subject to the provisions of this Section must keep records as required by Section 12 of this Act.

(d) For the purposes of this Section:

"Biodiesel blend" has the meaning set forth under Section 3-42 of the Use Tax Act (35 ILCS 105/3-42).

"Biodiesel fuel" has the meaning set forth under Section 3-41 of the Use Tax Act (35 ILCS 105/3-41).

"Biomass materials" has the meaning set forth under Section 3-43 of the Use Tax Act (35 ILCS 105/3-43).

"Private biodiesel fuel producer" means a person whose only activities with respect to motor fuel are:

(1) the conversion of any biomass materials into biodiesel fuel, which is produced exclusively for personal use and not for sale; or

(2) the blending of biodiesel fuel resulting in biodiesel blends, which is produced exclusively for personal use and not for sale.

Section 10. The Environmental Impact Fee Law is amended by changing Section 325 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 325. Incorporation of other Acts. The provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10 and 12 (except to the extent to which the minimum notice requirement for hearings conflicts with that provided for in Section 16 of the Motor Fuel Tax Law), of the Retailers' Occupation Tax Act that are not inconsistent with this Act, and Section 3-7 of the Uniform Penalty and Interest Act shall apply as far as practicable, to the subject matter of this Law to the same extent as if those provisions were included in this Law.

In addition, Sections 2d, 12, 12a, 13a.8, 14, 15, 16, 17, and 18 of the Motor Fuel Tax Law shall apply as far as practicable, to the subject matter of this Law to the same extent as if those provisions were included in this Law.

References to "taxes" in these incorporated Sections shall be construed to apply to the administration, payment, and remittance of all fees under this Law.

(Source: P.A. 89-428, eff. 1-1-96; 89-457, eff. 5-22-96; 90-491, eff. 1-1-98.)

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

Approved August 17, 2007.
Effective August 17, 2007.

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

Section 5. The Criminal Code of 1961 is amended by changing Section 26-4 as follows:

(720 ILCS 5/26-4) (from Ch. 38, par. 26-4)

New matter indicated by italics - deletions by strikeout
Sec. 26-4. Unauthorized video recording and live video transmission.

(a) It is unlawful for any person to knowingly make a video record or transmit live video of another person without that person's consent in a restroom, tanning bed, tanning salon, locker room, changing room, or hotel bedroom.

(a-5) It is unlawful for any person to knowingly make a video record or transmit live video of another person in that other person's residence without that person's consent.

(a-10) It is unlawful for any person to knowingly make a video record or transmit live video of another person under or through the clothing worn by that other person for the purpose of viewing the body of or the undergarments worn by that other person without that person's consent.

(a-15) It is unlawful for any person to place or cause to be placed a device that makes a video record or transmits a live video in a restroom, tanning bed, tanning salon, locker room, changing room, or hotel bedroom with the intent to make a video record or transmit live video of another person without that person's consent.

(a-20) It is unlawful for any person to place or cause to be placed a device that makes a video record or transmits a live video with the intent to make a video record or transmit live video of another person in that other person's residence without that person's consent.

(a-25) It is unlawful for any person to, by any means, knowingly disseminate, or permit to be disseminated, a video record or live video that he or she knows to have been made or transmitted in violation of (a), (a-5), (a-10), (a-15), or (a-20).

(b) Exemptions. The following activities shall be exempt from the provisions of this Section:

(1) The making of a video record or transmission of live video by law enforcement officers pursuant to a criminal investigation, which is otherwise lawful;

(2) The making of a video record or transmission of live video by correctional officials for security reasons or for

New matter indicated by italics - deletions by strikeout
investigation of alleged misconduct involving a person committed to the Department of Corrections.

(3) The making of a video record or transmission of live video in a locker room by a reporter or news medium, as those terms are defined in Section 8-902 of the Code of Civil Procedure, where the reporter or news medium has been granted access to the locker room by an appropriate authority for the purpose of conducting interviews.

(c) The provisions of this Section do not apply to any sound recording or transmission of an oral conversation made as the result of the making of a video record or transmission of live video, and to which Article 14 of this Code applies.

(d) Sentence.

(1) A violation of subsection (a), (a-10), (a-15), or (a-20) is a Class A misdemeanor.

(2) A violation of subsection (a) or (a-5) is a Class 4 felony.

(3) A violation of subsection (a-25) is a Class 3 felony.

(4) A violation of subsection (a), (a-5), (a-10), (a-15) or (a-20) is a Class 3 felony if the victim is a person under 18 years of age or if the violation is committed by an individual who is required to register as a sex offender under the Sex Offender Registration Act.

(5) A violation of subsection (a-25) is a Class 2 felony if the victim is a person under 18 years of age or if the violation is committed by an individual who is required to register as a sex offender under the Sex Offender Registration Act.

(e) For purposes of this Section, "video record" means and includes any videotape, photograph, film, or other electronic or digital recording of a still or moving visual image; and "live video" means and includes any real-time or contemporaneous electronic or digital transmission of a still or moving visual image.

(Source: P.A. 92-86, eff. 7-12-01; 93-851, eff. 1-1-05.)

Section 99. Effective date. This Act takes effect January 1, 2008.
Approved August 17, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0266
(Senate Bill No. 0281)

AN ACT concerning conservation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Forest Act is amended by changing Section 5 as follows:
(525 ILCS 40/5) (from Ch. 96 1/2, par. 5906)
Sec. 5. Timber grown on such forests may be sold under rules and regulations of the department, but all cutting and removal of forest products shall be in accordance with the best practices of forestry. The department shall make such forests accessible to the general public by improved highways leading through them. All revenue from the sale of timber under this Section shall be deposited into the Forestry Development Fund.
(Source: Laws 1925, p. 413.)
Section 99. Effective date. This Act takes effect July 1, 2007.
Approved August 17, 2007.
Effective August 17, 2007.

PUBLIC ACT 95-0267
(Senate Bill No. 0299)

AN ACT concerning elections.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Election Code is amended by changing Sections 7-34 and 17-23 as follows:
(10 ILCS 5/7-34) (from Ch. 46, par. 7-34)

New matter indicated by italics - deletions by strikeout
Sec. 7-34. Pollwatchers in a primary election shall be authorized in the following manner:

(1) Each established political party shall be entitled to appoint one pollwatcher per precinct. Such pollwatchers must be affiliated with the political party for which they are pollwatching and must be a registered voter in Illinois.

(2) Each candidate shall be entitled to appoint two pollwatchers per precinct. For Federal, State, county, township, and municipal primary elections, the pollwatchers must be registered to vote in Illinois.

(3) Each organization of citizens within the county or political subdivision, which has among its purposes or interests the investigation or prosecution of election frauds, and which shall have registered its name and address and the names and addresses of its principal officers with the proper election authority at least 40 days before the primary election, shall be entitled to appoint one pollwatcher per precinct. For all primary elections, the pollwatcher must be registered to vote in Illinois.

(3.5) Each State nonpartisan civic organization within the county or political subdivision shall be entitled to appoint one pollwatcher per precinct, provided that no more than 2 pollwatchers appointed by State nonpartisan civic organizations shall be present in a precinct polling place at the same time. Each organization shall have registered the names and addresses of its principal officers with the proper election authority at least 40 days before the primary election. The pollwatchers must be registered to vote in Illinois. For the purpose of this paragraph, a "State nonpartisan civic organization" means any corporation, unincorporated association, or organization that:

(i) as part of its written articles of incorporation, bylaws, or charter or by separate written declaration, has among its stated purposes the provision of voter information and education, the protection of individual voters' rights, and the promotion of free and equal elections;

(ii) is organized or primarily conducts its activities within the State of Illinois; and

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(iii) continuously maintains an office or business location within the State of Illinois, together with a current listed telephone number (a post office box number without a current listed telephone number is not sufficient).

(4) Each organized group of proponents or opponents of a ballot proposition, which shall have registered the name and address of its organization or committee and the name and address of its chairman with the proper election authority at least 40 days before the primary election, shall be entitled to appoint one pollwatcher per precinct. The pollwatcher must be registered to vote in Illinois.

(5) In any primary election held to nominate candidates for the offices of a municipality of less than 3,000,000 population that is situated in 2 or more counties, a pollwatcher who is a resident of a county in which any part of the municipality is situated shall be eligible to serve as a pollwatcher in any polling place located within such municipality, provided that such pollwatcher otherwise complies with the respective requirements of subsections (1) through (4) of this Section and is a registered voter whose residence is within Illinois.

All pollwatchers shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature(s) of the election authority and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be authorized by the real or facsimile signature of the State or local party official or the candidate or the presiding officer of the civic organization or the chairman of the proponent or opponent group, as the case may be.

Pollwatcher credentials shall be in substantially the following form:

POLLWATCHER CREDENTIALS
TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, the undersigned hereby appoints ........... (name of pollwatcher) at ......... (address) in the county of ..........., .......... (township or municipality) of .......... (name), State of Illinois and who is duly registered to vote from

New matter indicated by italics - deletions by strikeout
this address, to act as a pollwatcher in the .......... precinct of the .......... ward (if applicable) of the .......... (township or municipality) of .......... at the .......... election to be held on (insert date).

.......................... (Signature of Appointing Authority)
.......................... TITLE (party official, candidate, civic organization president, proponent or opponent group chairman)

Under penalties provided by law pursuant to Section 29-10 of the Election Code, the undersigned pollwatcher certifies that he or she resides at .......... (address) in the county of ........, ........ (township or municipality) of .......... (name), State of Illinois, and is duly registered to vote in Illinois.

.......................... (Signature of Pollwatcher)

Pollwatchers must present their credentials to the Judges of Election upon entering the polling place. Pollwatcher credentials properly executed and signed shall be proof of the qualifications of the pollwatcher authorized thereby. Such credentials are retained by the Judges and returned to the Election Authority at the end of the day of election with the other election materials. Once a pollwatcher has surrendered a valid credential, he may leave and reenter the polling place provided that such continuing action does not disrupt the conduct of the election. Pollwatchers may be substituted during the course of the day, but established political parties, candidates, qualified civic organizations and proponents and opponents of a ballot proposition can have only as many pollwatchers at any given time as are authorized in this Article. A substitute must present his signed credential to the judges of election upon entering the polling place. Election authorities must provide a sufficient number of credentials to allow for substitution of pollwatchers. After the polls have closed, pollwatchers shall be allowed to remain until the canvass of votes is completed; but may leave and reenter only in cases of necessity, provided that such action is not so continuous as to disrupt the canvass of votes.

New matter indicated by italics - deletions by strikeout
Candidates seeking office in a district or municipality encompassing 2 or more counties shall be admitted to any and all polling places throughout such district or municipality without regard to the counties in which such candidates are registered to vote. Actions of such candidates shall be governed in each polling place by the same privileges and limitations that apply to pollwatchers as provided in this Section. Any such candidate who engages in an activity in a polling place which could reasonably be construed by a majority of the judges of election as campaign activity shall be removed forthwith from such polling place.

Candidates seeking office in a district or municipality encompassing 2 or more counties who desire to be admitted to polling places on election day in such district or municipality shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature of the election authority of the election jurisdiction where the polling place in which the candidate seeks admittance is located, and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be signed by the candidate.

Candidate credentials shall be in substantially the following form:

CANDIDATE CREDENTIALS
TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, I ...... (name of candidate) hereby certify that I am a candidate for ...... (name of office) and seek admittance to ...... precinct of the ...... ward (if applicable) of the ...... (township or municipality) of ...... at the ...... election to be held on (insert date).

.................................................................
(Signature of Candidate)......................................

OFFICE FOR WHICH
CANDIDATE SEEKS
NOMINATION OR
ELECTION

Pollwatchers shall be permitted to observe all proceedings and view all reasonably requested records relating to the conduct of the election, provided the secrecy of the ballot is not impinged, and to station

New matter indicated by italics - deletions by strikeout
themselves in a position in the voting room as will enable them to observe the judges making the signature comparison between the voter application and the voter registration record card; provided, however, that such pollwatchers shall not be permitted to station themselves in such close proximity to the judges of election so as to interfere with the orderly conduct of the election and shall not, in any event, be permitted to handle election materials. Pollwatchers may challenge for cause the voting qualifications of a person offering to vote and may call to the attention of the judges of election any incorrect procedure or apparent violations of this Code.

If a majority of the judges of election determine that the polling place has become too overcrowded with pollwatchers so as to interfere with the orderly conduct of the election, the judges shall, by lot, limit such pollwatchers to a reasonable number, except that each candidate and each established or new political party shall be permitted to have at least one pollwatcher present.

Representatives of an election authority, with regard to an election under its jurisdiction, the State Board of Elections, and law enforcement agencies, including but not limited to a United States Attorney, a State's attorney, the Attorney General, and a State, county, or local police department, in the performance of their official election duties, shall be permitted at all times to enter and remain in the polling place. Upon entering the polling place, such representatives shall display their official credentials or other identification to the judges of election.

Uniformed police officers assigned to polling place duty shall follow all lawful instructions of the judges of election.

The provisions of this Section shall also apply to supervised casting of absentee ballots as provided in Section 19-12.2 of this Act.

(Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

(10 ILCS 5/17-23) (from Ch. 46, par. 17-23)

Sec. 17-23. Pollwatchers in a general election shall be authorized in the following manner:

(1) Each established political party shall be entitled to appoint two pollwatchers per precinct. Such pollwatchers must be affiliated with the
political party for which they are pollwatching. For all elections, the pollwatchers must be registered to vote in Illinois.

(2) Each candidate shall be entitled to appoint two pollwatchers per precinct. For all elections, the pollwatchers must be registered to vote in Illinois.

(3) Each organization of citizens within the county or political subdivision, which has among its purposes or interests the investigation or prosecution of election frauds, and which shall have registered its name and address and the name and addresses of its principal officers with the proper election authority at least 40 days before the election, shall be entitled to appoint one pollwatcher per precinct. For all elections, the pollwatcher must be registered to vote in Illinois.

(3.5) Each State nonpartisan civic organization within the county or political subdivision shall be entitled to appoint one pollwatcher per precinct, provided that no more than 2 pollwatchers appointed by State nonpartisan civic organizations shall be present in a precinct polling place at the same time. Each organization shall have registered the names and addresses of its principal officers with the proper election authority at least 40 days before the election. The pollwatchers must be registered to vote in Illinois. For the purpose of this paragraph, a "State nonpartisan civic organization" means any corporation, unincorporated association, or organization that:

(i) as part of its written articles of incorporation, bylaws, or charter or by separate written declaration, has among its stated purposes the provision of voter information and education, the protection of individual voters' rights, and the promotion of free and equal elections;
(ii) is organized or primarily conducts its activities within the State of Illinois; and (iii) continuously maintains an office or business location within the State of Illinois, together with a current listed telephone number (a post office box number without a current listed telephone number is not sufficient).

(4) In any general election held to elect candidates for the offices of a municipality of less than 3,000,000 population that is situated in 2 or...
more counties, a pollwatcher who is a resident of Illinois shall be eligible
to serve as a pollwatcher in any poll located within such municipality,
provided that such pollwatcher otherwise complies with the respective
requirements of subsections (1) through (3) of this Section and is a
registered voter in Illinois.

(5) Each organized group of proponents or opponents of a ballot
proposition, which shall have registered the name and address of its
organization or committee and the name and address of its chairman with
the proper election authority at least 40 days before the election, shall be
entitled to appoint one pollwatcher per precinct. The pollwatcher must be
registered to vote in Illinois.

All pollwatchers shall be required to have proper credentials. Such
credentials shall be printed in sufficient quantities, shall be issued by and
under the facsimile signature(s) of the election authority and shall be
available for distribution at least 2 weeks prior to the election. Such
credentials shall be authorized by the real or facsimile signature of the
State or local party official or the candidate or the presiding officer of the
civic organization or the chairman of the proponent or opponent group, as
the case may be.

Pollwatcher credentials shall be in substantially the following
form:

    POLLWATCHER CREDENTIALS
    TO THE JUDGES OF ELECTION:

    In accordance with the provisions of the Election Code, the
undersigned hereby appoints .......... (name of pollwatcher) who resides at
.......... (address) in the county of ..........., ........ (township or
municipality) of ........... (name), State of Illinois and who is duly registered
to vote from this address, to act as a pollwatcher in the ........ precinct of
the ........ ward (if applicable) of the ........... (township or municipality) of
.......... at the ........... election to be held on (insert date).

    ................................................................. (Signature of Appointing Authority)
    ................................................................. TITLE (party official, candidate,
civic organization president,
proponent or opponent group chairman)

New matter indicated by italics - deletions by strikeout
Under penalties provided by law pursuant to Section 29-10 of the Election Code, the undersigned pollwatcher certifies that he or she resides at ................ (address) in the county of ............, ......... (township or municipality) of ........ (name), State of Illinois, and is duly registered to vote in Illinois.

........................................................................... ........................................
(Precinct and/or Ward in Which Pollwatcher Resides)

Pollwatchers must present their credentials to the Judges of Election upon entering the polling place. Pollwatcher credentials properly executed and signed shall be proof of the qualifications of the pollwatcher authorized thereby. Such credentials are retained by the Judges and returned to the Election Authority at the end of the day of election with the other election materials. Once a pollwatcher has surrendered a valid credential, he may leave and reenter the polling place provided that such continuing action does not disrupt the conduct of the election. Pollwatchers may be substituted during the course of the day, but established political parties, candidates and qualified civic organizations can have only as many pollwatchers at any given time as are authorized in this Article. A substitute must present his signed credential to the judges of election upon entering the polling place. Election authorities must provide a sufficient number of credentials to allow for substitution of pollwatchers. After the polls have closed pollwatchers shall be allowed to remain until the canvass of votes is completed; but may leave and reenter only in cases of necessity, provided that such action is not so continuous as to disrupt the canvass of votes.

Candidates seeking office in a district or municipality encompassing 2 or more counties shall be admitted to any and all polling places throughout such district or municipality without regard to the counties in which such candidates are registered to vote. Actions of such candidates shall be governed in each polling place by the same privileges and limitations that apply to pollwatchers as provided in this Section. Any such candidate who engages in an activity in a polling place which could
reasonably be construed by a majority of the judges of election as campaign activity shall be removed forthwith from such polling place.

Candidates seeking office in a district or municipality encompassing 2 or more counties who desire to be admitted to polling places on election day in such district or municipality shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature of the election authority of the election jurisdiction where the polling place in which the candidate seeks admittance is located, and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be signed by the candidate.

Candidate credentials shall be in substantially the following form:

CANDIDATE CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, I ...... (name of candidate) hereby certify that I am a candidate for ...... (name of office) and seek admittance to ...... precinct of the ...... ward (if applicable) of the ...... (township or municipality) of ...... at the ...... election to be held on (insert date).

.................................  .........................
(Signature of Candidate)    OFFICE FOR WHICH
CANDIDATE SEEKS
NOMINATION OR
ELECTION

Pollwatchers shall be permitted to observe all proceedings and view all reasonably requested records relating to the conduct of the election, provided the secrecy of the ballot is not impinged, and to station themselves in a position in the voting room as will enable them to observe the judges making the signature comparison between the voter application and the voter registration record card; provided, however, that such pollwatchers shall not be permitted to station themselves in such close proximity to the judges of election so as to interfere with the orderly conduct of the election and shall not, in any event, be permitted to handle election materials. Pollwatchers may challenge for cause the voting

New matter indicated by italics - deletions by strikeout
qualifications of a person offering to vote and may call to the attention of the judges of election any incorrect procedure or apparent violations of this Code.

If a majority of the judges of election determine that the polling place has become too overcrowded with pollwatchers so as to interfere with the orderly conduct of the election, the judges shall, by lot, limit such pollwatchers to a reasonable number, except that each established or new political party shall be permitted to have at least one pollwatcher present.

Representatives of an election authority, with regard to an election under its jurisdiction, the State Board of Elections, and law enforcement agencies, including but not limited to a United States Attorney, a State's attorney, the Attorney General, and a State, county, or local police department, in the performance of their official election duties, shall be permitted at all times to enter and remain in the polling place. Upon entering the polling place, such representatives shall display their official credentials or other identification to the judges of election.

Uniformed police officers assigned to polling place duty shall follow all lawful instructions of the judges of election.

The provisions of this Section shall also apply to supervised casting of absentee ballots as provided in Section 19-12.2 of this Act.

(Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

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

Approved August 17, 2007.
Effective August 17, 2007.

PUBLIC ACT 95-0268
(Senate Bill No. 0303)

AN ACT concerning safety.

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

New matter indicated by italics - deletions by strikeout
Section 1. Short title. This Act may be cited as the Plastic Bag Recycling Act.

Section 5. Definitions. As used in this Act: "Agency" means the Illinois Environmental Protection Agency.

"Consumer" means any person who makes a purchase at retail for any purpose other than resale.

"Distributing plastic bags to consumers" means the act of a retailer giving to a consumer a plastic bag to store or transport goods purchased at retail.

"Plastic bag" means any plastic, latex, or polypropylene bag.

"Purchase at retail" means the acquisition of the ownership of or title to tangible personal property through a sale at retail.

"Retailer" means a person engaged in the business of making sales at retail that owns or controls more than 10,000 square feet of retail space in Lake County.

Section 10. Recycling pilot program in Lake County.

(a) Within 90 days after the first meeting of the Plastic Bag Recycling Task Force, the Task Force shall promulgate procedures and guidelines implementing a voluntary plastic bag recycling pilot program for retailers in Lake County. The Agency shall administer the pilot program under the procedures and guidelines adopted by the Task Force.

Retailers, as defined by Section 5 of this Act, that are participating in the pilot program and distributing plastic bags to consumers free of charge as part of a purchase at retail must:

(1) implement a plastic bag collection program that facilitates the return and recycling of plastic bags distributed to consumers by that retailer;

(2) provide a clearly marked receptacle for the collection of plastic bags that is in a convenient location for that retailer's consumers; and

(3) arrange for the pick-up, transport, and recycling of plastic bags deposited in the collection receptacles by consumers.

(b) In meeting the pilot program guidelines, retailers may work individually or as part of a group.

New matter indicated by italics - deletions by strikeout
(c) The provisions of this Section are subject to appropriation.

Section 15. Task Force.
(a) The Plastic Bag Recycling Task Force is created. The Task Force shall consist of one legislator appointed by each of the following: the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives; 3 representatives of a statewide association exclusively representing retailers; and one representative from each of the following:
   (1) a plastic film recycler;
   (2) the Solid Waste Agency of Lake County;
   (3) the Illinois Environmental Protection Agency; and
   (4) the Lake County Board.

Within 90 days after the effective date of this Act the Plastic Bag Recycling Task Force shall be formed. The Task Force shall meet at least twice a year. The Agency shall chair the meetings and facilitate the Task Force.

(b) On or before March 1, 2010, the Task Force, in collaboration with the Agency, shall compile and submit a report to the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives, discussing, but not limited to, the following topics:
   (1) enrollment in the pilot program;
   (2) benefits and costs to the environment, retailers, residents of Lake County;
   (3) cost-benefit analysis of the pilot program;
   (4) any burden suffered as a result of the pilot program; and
   (5) any unforeseen transportation issues, liability, or costs for participants in the pilot program.

Section 90. Repealer. This Act is repealed June 1, 2010.
Approved August 17, 2007.
Effective January 1, 2008.
AN ACT concerning revenue.

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

Section 5. The Property Tax Code is amended by changing Section 21-160 as follows:

(35 ILCS 200/21-160)

Sec. 21-160. Annual tax judgment, sale, redemption, and forfeiture record. The collector shall transcribe into a record prepared for that purpose, and known as the annual tax judgment, sale, redemption and forfeiture record, the list of delinquent properties. On or before the day on which application for judgment is to be made, the record shall be made out in numerical order; and contain all the information necessary to be recorded, at least 5 days before the day on which application for judgment is to be made.

The record shall set forth the name of the owner, if known; the description of the property; the year or years for which the tax or, in counties with 3,000,000 or more inhabitants, the tax or special assessments is due; the valuation on which the tax is extended; the amount of the consolidated and other taxes or in counties with 3,000,000 or more inhabitants, the consolidated and other taxes and special assessments; the costs; and the total amount of charges against the property.

The final record shall also be ruled in columns, to show in counties with 3,000,000 or more inhabitants the withdrawal of any special assessments from collection and in all counties to show the amount paid before entry of judgment; the amount of judgment and a column for remarks; the amount paid before sale and after entry of judgment; the amount of the sale; amount of interest or penalty; amount of cost; amount forfeited to the State; date of sale; acres or part sold; name of purchaser; amount of sale and penalty; taxes of succeeding years; interest and when paid, interest and cost; total amount of redemption; date of redemption;

New matter indicated by italics - deletions by strikeout
when deed executed; by whom redeemed; and a column for remarks or receipt of redemption money.

The final record shall be kept in the office of the county clerk.

(Source: P.A. 88-455; 89-126, eff. 7-11-95.)

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

Approved August 17, 2007.
Effective August 17, 2007.

PUBLIC ACT 95-0270
(Senate Bill No. 0306)

AN ACT concerning education.

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

Section 5. The School Code is amended by changing Section 21-5b as follows:

(105 ILCS 5/21-5b)

Sec. 21-5b. Alternative certification. The State Board of Education, in consultation with the State Teacher Certification Board, shall establish and implement an alternative certification program under which persons who meet the requirements of and successfully complete the program established by this Section shall be issued an alternative teaching certificate for teaching in the schools. The program shall be limited to not more than 260 new participants during each year that the program is in effect. The State Board of Education, in cooperation with a partnership formed with a university that offers 4-year baccalaureate and masters degree programs and that is a recognized institution as defined in Section 21-21 and one or more not-for-profit organizations in the State which support excellence in teaching, shall within 30 days after submission by the partnership approve a course of study developed by the partnership that persons in the program must successfully complete in order to satisfy one criterion for issuance of an alternative certificate under this Section. The

New matter indicated by italics - deletions by strikeout
Alternative Teacher Certification program course of study must include the current content and skills contained in the university's current courses for State certification which have been approved by the State Board of Education, in consultation with the State Teacher Certification Board, as the requirement for State teacher certification.

The alternative certification program established under this Section shall be known as the Alternative Teacher Certification program. The Alternative Teacher Certification Program shall be offered by the submitting partnership and may be offered in conjunction with one or more not-for-profit organizations in the State which support excellence in teaching. The program shall be comprised of the following 3 phases: (a) the first phase is the course of study offered on an intensive basis in education theory, instructional methods, and practice teaching; (b) the second phase is the person's assignment to a full-time teaching position for one school year; and (c) the third phase is a comprehensive assessment of the person's teaching performance by school officials and the partnership participants and a recommendation by the partner institution of higher education to the State Board of Education that the person be issued a standard alternative teaching certificate. Successful completion of the Alternative Teacher Certification program shall be deemed to satisfy any other practice or student teaching and subject matter requirements established by law.

A provisional alternative teaching certificate, valid for one year of teaching in the common schools and not renewable, shall be issued under this Section 21-5b to persons who at the time of applying for the provisional alternative teaching certificate under this Section:

(1) have graduated from an accredited college or university with a bachelor's degree;
(2) have successfully completed the first phase of the Alternative Teacher Certification program as provided in this Section;
(3) have passed the tests of basic skills and subject matter knowledge required by Section 21-1a; and

New matter indicated by italics - deletions by strikeout
(4) (i) have been employed for a period of at least 5 years in an area requiring application of the individual's education or (ii) have attained at least a cumulative grade average of a "B" if the individual is assigned either to a school district that has not met the annual measurable objective for highly qualified teachers required by the Illinois Revised Highly Qualified Teachers (HQT) Plan or to a school district whose data filed with the State Board of Education indicates that the district's poor and minority students are taught by teachers who are not highly qualified at a higher rate than other students; however, this item (4) requirement does not apply with respect to a provisional alternative teaching certificate for teaching in schools situated in a school district that is located in a city having a population in excess of 500,000 inhabitants. Assignment may be made under clause (ii) of this item (4) only if the district superintendent and the exclusive bargaining representative of the district's teachers, if any, jointly agree to permit the assignment.

A person possessing a provisional alternative certificate under this Section shall be treated as a regularly certified teacher for purposes of compensation, benefits, and other terms and conditions of employment afforded teachers in the school who are members of a bargaining unit represented by an exclusive bargaining representative, if any.

Until February 15, 2000, a standard alternative teaching certificate, valid for 4 years for teaching in the schools and renewable as provided in Section 21-14, shall be issued under this Section 21-5b to persons who first complete the requirements for the provisional alternative teaching certificate and who at the time of applying for a standard alternative teaching certificate under this Section have successfully completed the second and third phases of the Alternative Teacher Certification program as provided in this Section. Alternatively, beginning February 15, 2000, at the end of the 4-year validity period, persons who were issued a standard alternative teaching certificate shall be eligible, on the same basis as holders of an Initial Teaching Certificate issued under subsection (b) of Section 21-2 of this Code, to apply for a Standard Teaching Certificate.
provided they meet the requirements of subsection (c) of Section 21-2 of this Code and further provided that a person who does not apply for and receive a Standard Teaching Certificate shall be able to teach only in schools situated in a school district that is located in a city having a population in excess of 500,000 inhabitants.

Beginning February 15, 2000, persons who have completed the requirements for a standard alternative teaching certificate under this Section shall be issued an Initial Alternative Teaching Certificate valid for 4 years of teaching and not renewable. At the end of the 4-year validity period, these persons shall be eligible, on the same basis as holders of an Initial Teaching Certificate issued under subsection (b) of Section 21-2 of this Code, to apply for a Standard Teaching Certificate, provided they meet the requirements of subsection (c) of Section 21-2.

This alternative certification program shall be implemented so that the first provisional alternative teaching certificates issued under this Section are effective upon the commencement of the 1997-1998 academic year and the first standard alternative teaching certificates issued under this Section are effective upon the commencement of the 1998-1999 academic year.

The State Board of Education, in cooperation with the partnership establishing the Alternative Teacher Certification program, shall adopt rules and regulations that are consistent with this Section and that the State Board of Education deems necessary to establish and implement the program.

(Source: P.A. 91-609, eff. 1-1-00.)

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

Approved August 17, 2007.
Effective August 17, 2007.
AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by adding Section 2705-580 as follows:

(20 ILCS 2705/2705-580 new)
Sec. 2705-580. Educational facility entrances. As part of State highway construction projects, the Department shall evaluate, fund, and repair, within the right-of-way, the entrances to public educational facilities that border State highways.
Approved August 17, 2007.
Effective January 1, 2008.

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

Section 5. The Board of Higher Education Act is amended by changing Section 9.07 as follows:

(110 ILCS 205/9.07) (from Ch. 144, par. 189.07)
Sec. 9.07. Admission standards.
(a) Subject to the provisions of subsection (b), to establish minimum admission standards for public community colleges, colleges and state universities. However, notwithstanding any other provision of this Section or any other law of this State, the minimum admission standards established by the Board shall not directly or indirectly authorize or require a State college or university to discriminate in the admissions

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process against an applicant for admission because of the applicant's enrollment in a charter school established under Article 27A of the School Code. Admission standards for out-of-state students may be higher than for Illinois residents.

(b) Implementation of the new statewide minimum admission requirements and standards for public colleges and universities in Illinois established and announced by the Board in December, 1985 shall be deferred as provided in this subsection. The Board shall not attempt to implement or otherwise effect adoption and establishment of those minimum admission requirements and standards in any public community college, college or State university prior to the fall of 1993, and no public community college, college or State university shall be under any duty or obligation to implement, establish or otherwise apply those minimum admission requirements and standards to any entering freshmen prior to the fall of 1993. The Board of Higher Education shall provide the State Superintendent of Education, on or before January 1, 1990, descriptions of course content, and such other criteria as are necessary to determine and certify whether all school districts maintaining grades 9-12 are offering courses which satisfy the minimum admission requirements and standards established and announced by the Board. In addition, there shall be established a 9 member committee composed of 3 members selected by the Board of Higher Education, 3 members selected by the State Superintendent of Education and 3 members selected by the President of the Illinois Vocational Association. The committee shall be appointed within 30 days after the effective date of this amendatory Act. It shall be the duty and responsibility of the committee to identify and develop courses and curricula in the vocational education area which meet the minimum admission requirements and standards to be established and implemented under this Section. The first meeting of the committee shall be called by the Executive Director of the Board of Higher Education within 10 days after the committee is appointed. At its first meeting the committee shall organize and elect a chairperson. The committee's report shall be prepared and submitted by the committee to the Board of Higher Education.
Education, the Illinois State Board of Education and the General Assembly by April 1, 1989.

(c) By March 1, 1980, the Boards shall develop guidelines which:
(1) place the emphasis on postsecondary remedial programs at Public Community Colleges and (2) reduces the role of the state universities in offering remedial programs. By June 30, 1981, the Board shall report to the General Assembly the progress made toward this transition in the emphasis on remedial programs at the postsecondary level and any legislative action that it deems appropriate. Under the guidelines, if a State university determines that a student needs remedial coursework, then the university must require that the student complete the remedial coursework before pursuing his or her major course of study.
(Source: P.A. 89-450, eff. 4-10-96.)

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

Approved August 17, 2007.
Effective August 17, 2007.

PUBLIC ACT 95-0273
(Senate Bill No. 0321)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The State Treasurer Act is amended by adding Section
16.7 as follows:
(15 ILCS 505/16.7 new)
Sec. 16.7. Investment transparency.
(a) Purpose. The purpose of this Section is to provide for
transparency in the investment of public funds by requiring the reporting
of full and complete information regarding the investment moneys by the
State Treasurer.

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(b) Online information concerning the investment of public funds. The State Treasurer shall make available on his or her official website, and update at least monthly, the following information concerning the investment of public funds:

1. the total amount of funds held by the State Treasurer;
2. the asset allocation for the investments made by the State Treasurer;
3. the benchmarks established by the State Treasurer;
4. current and historic return information; and
5. a detailed listing of the time deposit balances, including for each deposit, the name of the financial institution and the deposit rate.

(c) Information exempt from reporting requirement. Nothing in this Section requires the State Treasurer to make information available on the Internet that is exempt from inspection and copying under the Freedom of Information Act.

Approved August 17, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0274
(Senate Bill No. 0330)

AN ACT concerning liens.

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

Section 5. The Mechanics Lien Act is amended by changing Section 23 and adding Section 1.2 as follows:

(770 ILCS 60/1.2 new)

Sec. 1.2. Rental equipment liens. In addition to persons who would otherwise have a lien under this Act, any person, whether contractor or subcontractor, who leases construction equipment to another for use in the process of constructing a specific improvement to real estate, has a lien for the rental value of the construction equipment to the same extent

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and in the same manner as provided in this Act for other liens. This Section shall apply only if, and to the extent that, the equipment is used on or about the site of the improvement. This Section does not apply if the improvement is either a single family residence or a multi-family residence of fewer than 12 units in a single building.

(770 ILCS 60/23) (from Ch. 82, par. 23)

Sec. 23. Liens against public funds.

(a) For the purpose of this Section "contractor" includes any sub-contractor; "State" includes any department, board or commission thereof, or other person financing and constructing any public improvements for the benefit of the State or any department, board or commission thereof; and "director" includes any chairman or president of any State department, board or commission, or the president or chief executive officer or such other person financing and constructing a public improvement for the benefit of the State.

(a-5) For the purpose of this Section, "unit of local government" includes any unit of local government as defined in the Illinois Constitution of 1970, and any entity, other than the State, organized for the purpose of conducting public business pursuant to the Intergovernmental Cooperation Act or the General Not For Profit Corporation Act of 1986, or where a not-for-profit corporation is owned, operated, or controlled by one or more units of local government for the purpose of conducting public business.

(b) Any person who shall furnish labor, services, material, apparatus, fixtures, apparatus or machinery, forms or form work labor to any contractor having a contract for public improvement for any county, township, school district, city, municipality, or municipal corporation, or any other unit of local government in this State, shall have a lien for the value thereof on the money, bonds, or warrants due or to become due the contractor having a contract with such county, township, school district, municipality, or municipal corporation, or any other unit of local government in this State under such contract. The lien shall attach only to that portion of the money, bonds, or warrants against which no voucher or other evidence of indebtedness has been issued and delivered to the

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contractor by or on behalf of the county, township, school district, city, municipality, municipal corporation, or any other unit of local government as the case may be at the time of the notice.

(1) No person shall have a lien as provided in this subsection (b) unless Provided; such person shall, before payment or delivery thereof is made to such contractor, notify the clerk or secretary, as the case may be, of the county, township, school district, city, municipality, or municipal corporation, or any other unit of local government his claim by a written notice of the claim for lien containing a sworn statement identifying the claimant's contract, describing the work done by the claimant, and stating the total amount due and unpaid as of the date of the notice for the work and furnish a copy of said notice at once to said contractor. The person claiming such lien may cause notification and written notice thereof to be given either by sending the written notice (by registered or certified mail, return receipt requested, with delivery limited to addressee only) to, or by delivering the written notice to the clerk or secretary, as the case may be, of the county, township, school district, city, municipality, or municipal corporation, or any other unit of local government; and the copy of the written notice which the person claiming the lien is to furnish to the contractor may be sent to, or delivered to such contractor in like manner. The notice shall be effective when received or refused by the clerk or secretary, as the case may be, And, provided further, that such lien shall attach only to that portion of such money, bonds, or warrants against which no voucher or other evidence of indebtedness has been issued and delivered to the contractor by or on behalf of the county, township, school district, city, municipality, or municipal corporation, or any other unit of local government as the case may be at the time of such notice.

(2) Provided further, that where such person has not so notified the clerk or secretary, as the case may be, of the county, township, school district, city, municipality, or municipal corporation, or any other unit of local government of his claim for
a lien, upon written demand of the contractor with service by certified mail (return receipt requested) and with a copy filed with the clerk or secretary, as the case may be, that person shall, within 30 days, notify the clerk or secretary, as the case may be, of the county, township, school district, city, municipality, or municipal corporation, or any other unit of local government of his claim for a lien by either sending or delivering written notice in like manner as above provided for causing notification and written notice of a claim for lien to be given to such clerk or secretary, as the case may be, or the lien shall be forfeited.

(3) No official shall withhold from the contractor money, bonds, warrants, or funds on the basis of a lien forfeited as provided herein.

(4) The person so claiming a lien shall, within 90 days after serving giving such notice; commence proceedings by complaint for an accounting, making the contractor having a contract with the county, township, school district, city, municipality, or municipal corporation, or any other unit of local government and the contractor to whom such labor, services, material, apparatus, fixtures, apparatus or machinery, forms or form work labor was furnished, parties defendant, and shall within 10 days after filing the complaint notify the clerk or secretary, as the case may be, of the county, township, school district, city, municipality, or municipal corporation, or any other unit of local government of the commencement of such suit by delivering to him or them a copy of the complaint filed.

(5) Failure to commence proceedings by complaint for accounting within 90 days after serving giving notice of lien pursuant to this subsection shall terminate the lien and no subsequent notice of lien may be given for the same claim nor may that claim be asserted in any proceedings pursuant to this Act, provided, however, that failure to file the complaint after notice of the claim for lien shall not preclude a subsequent notice or action

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for an amount or amounts becoming due to the lien claimant on a
date after the prior notice or notices.

(6) It shall be the duty of any such clerk or secretary, as the
case may be, upon receipt of the first notice herein provided for to
cause to be withheld a sufficient amount to pay such claim for the
period limited for the filing of suit plus the period for notice to the
clerk or secretary of the suit, unless otherwise notified by the
person claiming the lien. Upon the expiration of this period the
money, bonds or warrants so withheld shall be released for
payment to the contractor unless the person claiming the lien shall
have instituted proceedings and delivered to the clerk or secretary,
as the case may be, of the county, township, school district, city,
municipality, or municipal corporation, or any other unit of local
government a copy of the complaint as herein provided, in which
case, the amount claimed shall be withheld until the final
adjudication of the suit is had. Provided, that the clerk or secretary,
as the case may be, to whom a copy of the complaint is delivered
as herein provided may pay over to the clerk of the court in which
such suit is pending a sum sufficient to pay the amount claimed to
abide the result of such suit and be distributed by the clerk
according to the judgment rendered or other court order. Any
payment so made to such claimant or to the clerk of the court shall
be a credit on the contract price to be paid to such contractor.

(c) Any person who shall furnish labor, services, material,
apparatus, fixtures, apparatus or machinery, forms or form work labor to
any contractor having a contract for public improvement for the State, may
have a lien for the value thereof on the money, bonds or warrants due or
about to become due the contractor having a contract with the State under
the contract. The lien shall attach to only that portion of the money, bonds
or warrants against which no voucher has been issued and delivered by
the State.

(1) No person or party shall have a lien as provided in this
subsection (c) unless such person shall, before payment or delivery
thereof is made to the contractor, notify, by giving to the Director
or other official, whose duty it is to let such contract, written notice

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of a his claim for lien containing a sworn statement identifying the claimant’s contract, describing the work done by the claimant and stating the total amount due and unpaid as of the date of the notice for the work of the claim showing with particularity the several items and the amount claimed to be due on each. The claimant shall furnish a copy of said notice at once to the contractor. The person claiming such lien may cause such written notice with sworn statement of the claim to be given either by sending such notice (by registered or certified mail, return receipt requested, with delivery limited to addressee only) to, or by delivering such notice to the Director or other official of the State whose duty it is to let such contract; and the copy of such notice which the person claiming the lien is to furnish to the contractor may be sent to, or delivered to such contractor in like manner. The notice shall be effective when received or refused by the Director or other official whose duty it is to let the contract. However, the lien shall attach to only that portion of the money, bonds or warrants against which no voucher has been issued and delivered by the State.

(2) Provided, that where such person has not so notified the Director or other official of the State, whose duty it is to let such contract, of his claim for a lien, upon written demand of the contractor, with service by certified mail (return receipt requested) and with a copy filed with such Director or other official of the State, that person shall, within 30 days, notify the Director or other official of the State, whose duty it is to let such contract, of his claim for a lien by either sending or delivering written notice in like manner as above provided for giving written notice with sworn statement of claim to such Director or official, or the lien shall be forfeited.

(3) No public official shall withhold from the contractor money, bonds, warrants or funds on the basis of a lien forfeited as provided herein.

(4) The person so claiming a lien shall, within 90 days after serving giving such notice, commence proceedings by complaint for an accounting, making the contractor having a contract with the
State and the contractor to whom such labor, services, material, apparatus, fixtures, apparatus or machinery, forms or form work labor was furnished, parties defendant, and shall, within 10 days after filing the suit the same period notify the Director of the commencement of such suit by delivering to him a copy of the complaint filed; provided, if money appropriated by the General Assembly is to be used in connection with the construction of such public improvement, that suit shall be commenced and a copy of the complaint delivered to the Director not less than 15 days before the date when the appropriation from which such money is to be paid, will lapse.

(5) Failure to commence proceedings by complaint for accounting within 90 days after serving giving notice of lien pursuant to this subsection shall terminate the lien and no subsequent notice of lien may be given for the same claim nor may that claim be asserted in any proceedings pursuant to this Act, provided, however, that failure to file suit after notice of a claim for lien shall not preclude a subsequent notice or action for an amount or amounts becoming due to the lien claimant on a date after the prior notice or notices.

(6) It shall be the duty of the Director, upon receipt of the written notice with sworn statement as herein provided, to withhold payment of a sum sufficient to pay the amount of such claim, for the period limited for the filing of suit plus the period for the notice to the Director, unless otherwise notified by the person claiming the lien. Upon the expiration of this period the money, bonds, or warrants so withheld shall be released for payment to the contractor unless the person claiming the lien shall have instituted proceedings and delivered to the Director a copy of the complaint as herein provided, in which case, the amount claimed shall be withheld until the final adjudication of the suit is had. Provided, the Director or other official may pay over to the clerk of the court in which such suit is pending, a sum sufficient to pay the amount claimed to abide the result of such suit and be distributed by the clerk according to the judgment rendered or other court order. Any

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payment so made to such claimant or to the clerk of the court shall be a credit on the contract price to be paid to such contractor.

(d) Any officer of the State, county, township, school district, city, municipality, or municipal corporation, or any other unit of local government violating the duty hereby imposed upon him shall be liable on his official bond to the claimant giving notice as provided in this Section for the damages resulting from such violation, which may be recovered in a civil action in the circuit court. There shall be no preference between the persons giving such notice, but all shall be paid pro rata in proportion to the amount due under their respective contracts.

(e) In the event a suit to enforce a claim based on a notice of claim for lien is commenced in accordance with this Section, and the suit is subsequently dismissed, the lien for the work claimed under the notice of claim for lien shall terminate 30 days after the effective date of the order dismissing the suit unless the lien claimant shall file a motion to reinstate the suit, a motion to reconsider, or a notice of appeal within the 30-day period. Notwithstanding the foregoing, nothing contained in this Section shall prevent a public body from paying a lien claim in less than 30 days after dismissal.

(f) Unless the contract with the State, county, township, school district, city, municipality, municipal corporation, or any other unit of local government otherwise provides, no lien for material shall be defeated because of lack of proof that the material after the delivery thereof, actually entered into the construction of the building or improvement, even if it be shown that the material was not actually used in the construction of the building or improvement so long as it is shown that the material was delivered either (i) to the owner or its agent for that building or improvement, to be used in that building or improvement, or (ii) pursuant to the contract, at the place where the building or improvement was being constructed or some other designated place, for the purpose of being used in construction or for the purpose of being employed in the process of construction as a means for assisting in the erection of the building or improvement in what is commonly termed forms or form work where concrete, cement, or like material is used, in whole or in part.

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(Source: P.A. 87-329.)

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

Approved August 17, 2007.
Effective August 17, 2007.

PUBLIC ACT 95-0275
(Senate Bill No. 0335)

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

Section 5. The Abandoned Newborn Infant Protection Act is amended by adding Section 22 as follows:

(325 ILCS 2/22 new)

Sec. 22. Signs. Every hospital, fire station, emergency medical facility, and police station that is required to accept a relinquished newborn infant in accordance with this Act must post a sign in a conspicuous place on the exterior of the building housing the facility informing persons that a newborn infant may be relinquished at the facility in accordance with this Act. The Department shall prescribe specifications for the signs and for their placement that will ensure statewide uniformity.

This Section does not apply to a hospital, fire station, emergency medical facility, or police station that has a sign that is consistent with the requirements of this Section that is posted on the effective date of this amendatory Act of the 95th General Assembly.

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

Approved August 17, 2007.
Effective August 17, 2007.

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

Section 5. The Illinois Municipal Code is amended by adding Section 11-20-14 as follows:

(65 ILCS 5/11-20-14 new)

Sec. 11-20-14. Companion dogs; restaurants. Notwithstanding any other prohibition to the contrary, a municipality with a population of 1,000,000 or more may, by ordinance, authorize the presence of companion dogs in outdoor areas of restaurants where food is served, if the ordinance provides for adequate controls to ensure compliance with the Illinois Food, Drug, and Cosmetic Act, the Food Handling Regulation Enforcement Act, the Sanitary Food Preparation Act, and any other applicable statutes and ordinances. An ordinance enacted under this Section shall provide that: (i) no companion dog shall be present in the interior of any restaurant or in any area where food is prepared; and (ii) the restaurant shall have the right to refuse to serve the owner of a companion dog if the owner fails to exercise reasonable control over the companion dog or the companion dog is otherwise behaving in a manner that compromises or threatens to compromise the health or safety of any person present in the restaurant, including, but not limited to, violations and potential violations of any applicable health code or other statute or ordinance. An ordinance enacted under this Section may also provide for a permitting process to authorize individual restaurants to permit dogs as provided in this Section and to charge applicants and authorized restaurants a reasonable permit fee as the ordinance may establish.

For the purposes of this Section, "companion dog" means a dog other than a service dog assisting a handicapped person.

Approved August 17, 2007.
Effective January 1, 2008.
AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Counties Code is amended by changing Section 6-1006 as follows:

(55 ILCS 5/6-1006) (from Ch. 34, par. 6-1006)

Sec. 6-1006. Accounts for each fund. The county treasurer shall keep a separate account with each fund to show at all times the cash balance thereof, the amount received for the credit of such fund, and the amount of the payments made therefrom. Except as otherwise provided, the county auditor in each county under township organization containing over 75,000 inhabitants and the county clerk in each other county shall keep a similar account with each fund, and in addition shall maintain an account with each appropriation of each fund to show: (a) the amount appropriated, (b) the date and amount of each transfer from or to such appropriation and the appropriations to which or from which transfers were made, (c) the amount paid out under the appropriation, (d) the amount of outstanding obligations incurred under the appropriation, (e) the amount of the encumbered balance of the appropriations, and (f) the amount of the free balance of the appropriation. With respect to a County Bridge Fund, a Matching Tax Fund, and a Motor Fuel Tax Fund, the county auditor in a county under township organization containing over 75,000 inhabitants and the county clerk in each other county may, but is not required to, keep an account with each appropriation of each fund as referenced above.

(Source: P.A. 86-962.)

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

Approved August 17, 2007.
Effective August 17, 2007.

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

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

Section 5. The Sex Offender Community Notification Law is amended by changing Section 120 as follows:

(730 ILCS 152/120)

Sec. 120. Community notification of sex offenders.

(a) The sheriff of the county, except Cook County, shall disclose to the following the name, address, date of birth, place of employment, school attended, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

1. The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the county where the sex offender is required to register, resides, is employed, or is attending an institution of higher education; and

2. School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located in the county where the sex offender is required to register or is employed; and

3. Child care facilities located in the county where the sex offender is required to register or is employed; and

4. Libraries located in the county where the sex offender is required to register or is employed.

(a-2) The sheriff of Cook County shall disclose to the following the name, address, date of birth, place of employment, school attended, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

1. School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located within the region of Cook County, as

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those public school districts and nonpublic schools are identified in LEADS, other than the City of Chicago, where the sex offender is required to register or is employed; and

(2) Child care facilities located within the region of Cook County, as those child care facilities are identified in LEADS, other than the City of Chicago, where the sex offender is required to register or is employed; and

(3) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the county, other than the City of Chicago, where the sex offender is required to register, resides, is employed, or attending an institution of higher education; and

(4) Libraries located in the county, other than the City of Chicago, where the sex offender is required to register, resides, is employed, or is attending an institution of higher education.

(a-3) The Chicago Police Department shall disclose to the following the name, address, date of birth, place of employment, school attended, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

(1) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located in the police district where the sex offender is required to register or is employed if the offender is required to register or is employed in the City of Chicago; and

(2) Child care facilities located in the police district where the sex offender is required to register or is employed if the offender is required to register or is employed in the City of Chicago; and

(3) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the police district where the sex offender is required to register, resides, is employed, or attending an institution of higher education in the City of Chicago; and
(4) Libraries located in the police district where the sex offender is required to register or is employed if the offender is required to register or is employed in the City of Chicago.

(a-4) The Department of State Police shall provide a list of sex offenders required to register to the Illinois Department of Children and Family Services.

(b) The Department of State Police and any law enforcement agency may disclose, in the Department's or agency's discretion, the following information to any person likely to encounter a sex offender, or sexual predator:

(1) The offender's name, address, and date of birth.
(2) The offense for which the offender was convicted.
(3) Adjudication as a sexually dangerous person.
(4) The offender's photograph or other such information that will help identify the sex offender.
(5) Offender employment information, to protect public safety.

(c) The name, address, date of birth, offense or adjudication, the county of conviction, license plate numbers for every vehicle registered in the name of the sex offender, the age of the sex offender at the time of the commission of the offense, the age of the victim at the time of the commission of the offense, and any distinguishing marks located on the body of the sex offender for sex offenders required to register under Section 3 of the Sex Offender Registration Act shall be open to inspection by the public as provided in this Section. Every municipal police department shall make available at its headquarters the information on all sex offenders who are required to register in the municipality under the Sex Offender Registration Act. The sheriff shall also make available at his or her headquarters the information on all sex offenders who are required to register under that Act and who live in unincorporated areas of the county. Sex offender information must be made available for public inspection to any person, no later than 72 hours or 3 business days from the date of the request. The request must be made in person, in writing, or by telephone. Availability must include giving the inquirer access to a
facility where the information may be copied. A department or sheriff may charge a fee, but the fee may not exceed the actual costs of copying the information. An inquirer must be allowed to copy this information in his or her own handwriting. A department or sheriff must allow access to the information during normal public working hours. The sheriff or a municipal police department may publish the photographs of sex offenders where any victim was 13 years of age or younger and who are required to register in the municipality or county under the Sex Offender Registration Act in a newspaper or magazine of general circulation in the municipality or county or may disseminate the photographs of those sex offenders on the Internet or on television. The law enforcement agency may make available the information on all sex offenders residing within any county.

(d) The Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, place the information specified in subsection (b) on the Internet or in other media.

(e) (Blank).

(f) The administrator of a transitional housing facility for sex offenders shall comply with the notification procedures established in paragraph (4) of subsection (b) of Section 3-17-5 of the Unified Code of Corrections.

(g) A principal or teacher of a public or private elementary or secondary school shall notify the parents of children attending the school during school registration or during parent-teacher conferences that information about sex offenders is available to the public as provided in this Act.

(Source: P.A. 94-161, eff. 7-11-05; 94-168, eff. 1-1-06; 94-994, eff. 1-1-07.)

Section 10. The Child Murderer and Violent Offender Against Youth Registration Act is amended by changing Section 95 as follows:

(730 ILCS 154/95)

Sec. 95. Community notification of violent offenders against youth.

(a) The sheriff of the county, except Cook County, shall disclose to the following the name, address, date of birth, place of employment,

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school attended, and offense or adjudication of all violent offenders against youth required to register under Section 10 of this Act:

(1) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the county where the violent offender against youth is required to register, resides, is employed, or is attending an institution of higher education; and

(2) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located in the county where the violent offender against youth is required to register or is employed; and

(3) Child care facilities located in the county where the violent offender against youth is required to register or is employed; and

(4) Libraries located in the county where the violent offender against youth is required to register or is employed.

(a-2) The sheriff of Cook County shall disclose to the following the name, address, date of birth, place of employment, school attended, and offense or adjudication of all violent offenders against youth required to register under Section 10 of this Act:

(1) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located within the region of Cook County, as those public school districts and nonpublic schools are identified in LEADS, other than the City of Chicago, where the violent offender against youth is required to register or is employed; and

(2) Child care facilities located within the region of Cook County, as those child care facilities are identified in LEADS, other than the City of Chicago, where the violent offender against youth is required to register or is employed; and

(3) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the county, other than the City of Chicago, where the violent offender against youth is required to

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register, resides, is employed, or attending an institution of higher education; and

(4) Libraries located in the county, other than the City of Chicago, where the violent offender against youth is required to register, resides, is employed, or is attending an institution of higher education.

(a-3) The Chicago Police Department shall disclose to the following the name, address, date of birth, place of employment, school attended, and offense or adjudication of all violent offenders against youth required to register under Section 10 of this Act:

(1) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located in the police district where the violent offender against youth is required to register or is employed if the offender is required to register or is employed in the City of Chicago; and

(2) Child care facilities located in the police district where the violent offender against youth is required to register or is employed if the offender is required to register or is employed in the City of Chicago; and

(3) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the police district where the violent offender against youth is required to register, resides, is employed, or attending an institution of higher education in the City of Chicago; and

(4) Libraries located in the police district where the violent offender against youth is required to register or is employed if the offender is required to register or is employed in the City of Chicago.

(a-4) The Department of State Police shall provide a list of violent offenders against youth required to register to the Illinois Department of Children and Family Services.

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(b) The Department of State Police and any law enforcement agency may disclose, in the Department's or agency's discretion, the following information to any person likely to encounter a violent offender against youth:

   (1) The offender's name, address, and date of birth.
   (2) The offense for which the offender was convicted.
   (3) The offender's photograph or other such information that will help identify the violent offender against youth.
   (4) Offender employment information, to protect public safety.

(c) The name, address, date of birth, and offense or adjudication for violent offenders against youth required to register under Section 10 of this Act shall be open to inspection by the public as provided in this Section. Every municipal police department shall make available at its headquarters the information on all violent offenders against youth who are required to register in the municipality under this Act. The sheriff shall also make available at his or her headquarters the information on all violent offenders against youth who are required to register under this Act and who live in unincorporated areas of the county. Violent offender against youth information must be made available for public inspection to any person, no later than 72 hours or 3 business days from the date of the request. The request must be made in person, in writing, or by telephone. Availability must include giving the inquirer access to a facility where the information may be copied. A department or sheriff may charge a fee, but the fee may not exceed the actual costs of copying the information. An inquirer must be allowed to copy this information in his or her own handwriting. A department or sheriff must allow access to the information during normal public working hours. The sheriff or a municipal police department may publish the photographs of violent offenders against youth where any victim was 13 years of age or younger and who are required to register in the municipality or county under this Act in a newspaper or magazine of general circulation in the municipality or county or may disseminate the photographs of those violent offenders against youth on the Internet or on television. The law enforcement agency may make available the
information on all violent offenders against youth residing within any county.

(d) The Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, place the information specified in subsection (b) on the Internet or in other media.

(Source: P.A. 94-945, eff. 6-27-06.)

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

Approved August 17, 2007.
Effective August 17, 2007.

PUBLIC ACT 95-0279
(House Bill No. 0049)

AN ACT concerning public employee benefits.

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

Section 5. The Illinois Pension Code is amended by changing Sections 1-104.3, 2-121, 3-108, 4-114, 4-115.1, 5-152, 6-148, 6-151, 7-145.2, 7-160, 8-120, 8-243.3, 9-115, 9-121.7, 11-153, 12-137, 13-308, 13-314, 14-119, 14-120, 14-128, 15-129, 18-128, and 19-115 as follows:

(40 ILCS 5/1-104.3 new)

Sec. 1-104.3. Adopted children. Notwithstanding any other provision of this Code to the contrary, beginning on the effective date of this amendatory Act of the 95th General Assembly, legally adopted children shall be entitled to the same benefits as other children, and no child's or survivor's benefit shall be disallowed because the child is an adopted child. The provisions of this Section apply without regard to whether the employee or member was in service on or after the date of the adoption of the child.

(40 ILCS 5/2-121) (from Ch. 108 1/2, par. 2-121)

Sec. 2-121. Survivor's annuity - conditions for payment.

New matter indicated by italics - deletions by strikeout
(a) A survivor's annuity shall be payable to a surviving spouse or eligible child (1) upon the death in service of a participant with at least 2 years of service credit, or (2) upon the death of an annuitant in receipt of a retirement annuity, or (3) upon the death of a participant who terminated service with at least 4 years of service credit.

The change in this subsection (a) made by this amendatory Act of 1995 applies to survivors of participants who die on or after December 1, 1994, without regard to whether or not the participant was in service on or after the effective date of this amendatory Act of 1995.

(b) To be eligible for the survivor's annuity, the spouse and the participant or annuitant must have been married for a continuous period of at least one year immediately preceding the date of death, but need not have been married on the day of the participant's last termination of service, regardless of whether such termination occurred prior to the effective date of this amendatory Act of 1985.

(c) The annuity shall be payable beginning on the date of a participant's death, or the first of the month following an annuitant's death, if the spouse is then age 50 or over, or beginning at age 50 if the spouse is then under age 50. If an eligible child or children of the participant or annuitant (or a child or children of the eligible spouse meeting the criteria of item (1), (2), or (3) of subsection (d) of this Section) also survive, and the child or children are under the care of the eligible spouse, the annuity shall begin as of the date of a participant's death, or the first of the month following an annuitant's death, without regard to the spouse's age.

The change to this subsection made by this amendatory Act of 1998 (relating to children of an eligible spouse) applies to the eligible spouse of a participant or annuitant who dies on or after the effective date of this amendatory Act, without regard to whether the participant or annuitant is in service on or after that effective date.

(d) For the purposes of this Section and Section 2-121.1, "eligible child" means a child of the deceased participant or annuitant who is at least one of the following:

1. unmarried and under the age of 18;
2. unmarried, a full-time student, and under the age of 22;

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(3) dependent by reason of physical or mental disability.

The inclusion of unmarried students under age 22 in the calculation of survivor's annuities by this amendatory Act of 1991 shall apply to all eligible students beginning January 1, 1992, without regard to whether the deceased participant or annuitant was in service on or after the effective date of this amendatory Act of 1991.

Adopted children shall have the same status as children of the participant or annuitant, but only if the proceedings for adoption are commenced at least one year prior to the date of the participant's or annuitant's death:

(e) Remarriage of a surviving spouse prior to attainment of age 55 shall disqualify the surviving spouse from the receipt of a survivor's annuity, if the remarriage occurs before the effective date of this amendatory Act of the 91st General Assembly.

The changes made to this subsection by this amendatory Act of the 91st General Assembly (pertaining to remarriage prior to age 55) apply without regard to whether the deceased participant or annuitant was in service on or after the effective date of this amendatory Act.

(Source: P.A. 90-766, eff. 8-14-98; 91-887, eff. 7-6-00.)

(40 ILCS 5/3-108) (from Ch. 108 1/2, par. 3-108)

Sec. 3-108. Child or children. "Child" or "children": "Child" or "children" includes a police officer's natural and legally adopted children. Adopted children shall be eligible for benefits only if the judicial proceedings for adoption were commenced at least one year prior to the death or disability of the police officer and in any event prior to his or her attainment of age 50.

(Source: P.A. 83-1440.)

(40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

Sec. 4-114. Pension to survivors. If a firefighter who is not receiving a disability pension under Section 4-110 or 4-110.1 dies (1) as a result of any illness or accident, or (2) from any cause while in receipt of a disability pension under this Article, or (3) during retirement after 20 years service, or (4) while vested for or in receipt of a pension payable under subsection (b) of Section 4-109, or (5) while a deferred pensioner, having

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made all required contributions, a pension shall be paid to his or her survivors, based on the monthly salary attached to the firefighter's rank on the last day of service in the fire department, as follows:

(a)(1) To the surviving spouse, a monthly pension of 40% of the monthly salary, and to the guardian of any minor child or children including a child which has been conceived but not yet born, 12% of such monthly salary for each such child until attainment of age 18 or until the child's marriage, whichever occurs first. Beginning July 1, 1993, the monthly pension to the surviving spouse shall be 54% of the monthly salary for all persons receiving a surviving spouse pension under this Article, regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of 1993.

(2) Beginning July 1, 2004, unless the amount provided under paragraph (1) of this subsection (a) is greater, the total monthly pension payable under this paragraph (a), including any amount payable on account of children, to the surviving spouse of a firefighter who died (i) while receiving a retirement pension, (ii) while he or she was a deferred pensioner with at least 20 years of creditable service, or (iii) while he or she was in active service having at least 20 years of creditable service, regardless of age, shall be no less than 100% of the monthly retirement pension earned by the deceased firefighter at the time of death, regardless of whether death occurs before or after attainment of age 50, including any increases under Section 4-109.1. This minimum applies to all such surviving spouses who are eligible to receive a surviving spouse pension, regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly, and notwithstanding any limitation on maximum pension under paragraph (d) or any other provision of this Article.

(3) If the pension paid on and after July 1, 2004 to the surviving spouse of a firefighter who died on or after July 1, 2004 and before the effective date of this amendatory Act of the 93rd

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General Assembly was less than the minimum pension payable under paragraph (1) or (2) of this subsection (a), the fund shall pay a lump sum equal to the difference within 90 days after the effective date of this amendatory Act of the 93rd General Assembly.

The pension to the surviving spouse shall terminate in the event of the surviving spouse's remarriage prior to July 1, 1993; remarriage on or after that date does not affect the surviving spouse's pension, regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of 1993.

The surviving spouse's pension shall be subject to the minimum established in Section 4-109.2.

(b) Upon the death of the surviving spouse leaving one or more minor children, to the duly appointed guardian of each such child, for support and maintenance of each such child until the child reaches age 18 or marries, whichever occurs first, a monthly pension of 20% of the monthly salary.

(c) If a deceased firefighter leaves no surviving spouse or unmarried minor children under age 18, but leaves a dependent father or mother, to each dependent parent a monthly pension of 18% of the monthly salary. To qualify for the pension, a dependent parent must furnish satisfactory proof that the deceased firefighter was at the time of his or her death the sole supporter of the parent or that the parent was the deceased's dependent for federal income tax purposes.

(d) The total pension provided under paragraphs (a), (b) and (c) of this Section shall not exceed 75% of the monthly salary of the deceased firefighter (1) when paid to the survivor of a firefighter who has attained 20 or more years of service credit and who receives or is eligible to receive a retirement pension under this Article, or (2) when paid to the survivor of a firefighter who dies as a result of illness or accident, or (3) when paid to the survivor of a firefighter who dies from any cause while in receipt of a disability pension under this Article, or (4) when paid to the survivor of a deferred pensioner. For all other survivors of deceased firefighters, the total pension provided under paragraphs (a), (b) and (c) of this Section

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shall not exceed 50% of the retirement annuity the firefighter would have received on the date of death.

The maximum pension limitations in this paragraph (d) do not control over any contrary provision of this Article explicitly establishing a minimum amount of pension or granting a one-time or annual increase in pension.

(e) If a firefighter leaves no eligible survivors under paragraphs (a), (b) and (c), the board shall refund to the firefighter's estate the amount of his or her accumulated contributions, less the amount of pension payments, if any, made to the firefighter while living.

(f) (Blank) An adopted child is eligible for the pension provided under paragraph (a) if the child was adopted before the firefighter attained age 50.

(g) If a judgment of dissolution of marriage between a firefighter and spouse is judicially set aside subsequent to the firefighter's death, the surviving spouse is eligible for the pension provided in paragraph (a) only if the judicial proceedings are filed within 2 years after the date of the dissolution of marriage and within one year after the firefighter's death and the board is made a party to the proceedings. In such case the pension shall be payable only from the date of the court's order setting aside the judgment of dissolution of marriage.

(h) Benefits payable on account of a child under this Section shall not be reduced or terminated by reason of the child's attainment of age 18 if he or she is then dependent by reason of a physical or mental disability but shall continue to be paid as long as such dependency continues. Individuals over the age of 18 and adjudged as a disabled person pursuant to Article XIA of the Probate Act of 1975, except for persons receiving benefits under Article III of the Illinois Public Aid Code, shall be eligible to receive benefits under this Act.

(i) Beginning January 1, 2000, the pension of the surviving spouse of a firefighter who dies on or after January 1, 1994 as a result of sickness, accident, or injury incurred in or resulting from the performance of an act of duty or from the cumulative effects of acts of duty shall not be less than 100% of the salary attached to the rank held by the deceased firefighter on
the last day of service, notwithstanding subsection (d) or any other provision of this Article.

(j) Beginning July 1, 2004, the pension of the surviving spouse of a firefighter who dies on or after January 1, 1988 as a result of sickness, accident, or injury incurred in or resulting from the performance of an act of duty or from the cumulative effects of acts of duty shall not be less than 100% of the salary attached to the rank held by the deceased firefighter on the last day of service, notwithstanding subsection (d) or any other provision of this Article.

(Source: P.A. 93-689, eff. 7-1-04; 93-1090, eff. 3-11-05.)

(40 ILCS 5/4-115.1) (from Ch. 108 1/2, par. 4-115.1)

Sec. 4-115.1. Eligibility of children. Dependent benefits shall be paid to each natural child of a deceased firefighter, and to each child legally adopted before the firefighter attains age 50, until the child's attainment of age 18 or marriage, whichever occurs first, whether or not the death of the firefighter occurred prior to November 21, 1975.

Benefits payable to or on account of a child under this Article shall not be reduced or terminated by reason of the child's adoption by a third party after the firefighter's death.

Benefits payable to or on account of a child under this Article shall not be reduced or terminated by reason of the child's attainment of age 18 if he or she is then dependent by reason of a physical or mental disability but shall continue to be paid as long as such dependency continues. Individuals over the age of 18 and adjudged as a disabled person pursuant to Article X1a of the Probate Act of 1975, except for persons receiving benefits under Article III of the Illinois Public Aid Code, shall be eligible to receive benefits under this Act.

(Source: P.A. 90-32, eff. 6-27-97.)

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

Sec. 5-152. Child's annuity - Conditions - Amount. A child's annuity shall be payable in the following cases of policemen who die on or after the effective date: (a) A policeman whose death results from injury incurred in the performance of an act or acts of duty; (b) a policeman who dies in service from any cause; (c) a policeman who withdraws upon or
after attainment of age 50 and who enters upon or is eligible for annuity;
(d) a present employee with at least 20 years of service who dies after
withdrawal, whether or not he has entered upon annuity.

A child to be eligible must have been born or legally adopted
before the policeman has withdrawn from service. In the case of an
adopted child, the policeman shall be married and living with his wife at
the time of the adoption, and the proceedings for adoption must have been
initiated at least 6 months prior to the policeman's death. The requirement
that the proceedings for adoption be initiated at least 6 months prior to the
policeman's death does not apply where death occurs as a result of an act
of duty:

Only one annuity shall be granted and paid for the benefit of any
child if both parents have been policemen.

The annuity shall be paid, without regard to the fact that the death
of the deceased policeman parent may have occurred prior to the effective
date of this amendatory Act of 1975, in an amount equal to 10% of the
annual maximum salary attached to the classified civil service position of
a first class patrolman on July 1, 1975, or the date of the policeman's
death, whichever is later, for each child while a widow or widower of the
deceased policeman survives and in an amount equal to 15% of the annual
maximum salary attached to the classified civil service position of a first
class patrolman on July 1, 1975, or the date of the policeman's death,
whichever is later, while no widow or widower shall survive, provided that
if the combined annuities for the widow and children of a policeman who
dies on or after September 26, 1969, as the result of an act of duty, or for
the children of such policeman in any case wherein a widow or widower
does not exist, exceed the salary that would ordinarily have been paid to
him if he had been in the active discharge of his duties, all such annuities
shall be reduced pro rata so that the combined annuities for the family
shall not exceed such limitation. The compensation portion of the annuity
of the widow shall not be considered in making such reduction. Benefits
payable under this Section shall not be reduced or terminated by reason of
any child's attainment of age 18 if he is then dependent by reason of a
physical or mental disability but shall continue to be paid as long as such

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dependency continues. For the purposes of this subsection, "disability" means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

In the case of a family of a policeman who dies on or after September 26, 1969, as the result of any cause other than the performance of an act of duty, in which annuities for such family exceed an amount equal to 60% of the salary that would ordinarily have been paid to him if he had been in the active discharge of his duties, all such annuities shall be reduced pro rata so that the combined annuities shall not exceed such limitation.

Child's annuity shall be paid to the parent providing for the child, unless another person is appointed by a court of law as the child's guardian.

(Source: P.A. 79-699; 79-881; 79-1454.)

(40 ILCS 5/6-148) (from Ch. 108 1/2, par. 6-148)

Sec. 6-148. A child's annuity, shall be paid for the benefit of any unmarried child, less than age 18, of any following described firemen:

(a) A fireman whose death results from the performance of any act or acts of duty; (b) a fireman who dies in service from any cause; (c) a fireman who withdraws subsequent to age 50 and who enters upon or is eligible for annuity; and (d) a fireman having at least 20 years of service who withdraws and dies before he enters upon annuity.

A child to be eligible must have been born or in esse before the fireman withdrew, or legally adopted by a fireman at least one year prior to the fireman's death or withdrawal. The requirement that the adoption take place at least 1 year prior to the fireman's death does not apply where death occurs as a result of an act or acts of duty or as the result of any accident.

The annuity shall be paid without regard to the fact that the death of the deceased fireman parent may have occurred prior to the effective date of this amendatory Act and shall be paid monthly in an amount equal to 15% of the current annual maximum salary attached to the classified civil service position of fire fighter if no widow survives and 10% of such salary if a widow survives.
salary while the widow survives and no age limitation in this Section shall apply to a child who is so physically or mentally handicapped as to be unable to support himself; provided, if annuities for the widow and children of a fireman who dies on or after the effective date and whose death has been the result of an act or acts of duty performed on or after said date, or for the children in any such case wherein a widow shall not exist, computed at the rates hereinbefore stated, would exceed the final annual salary of a first class fireman, (one who receives maximum salary for classified civil service rank of fire fighter), the annuity for each child shall be reduced pro rata so that the combined annuities for the family of the fireman shall not exceed such amount; and in the case of the family of a fireman who dies on or after said date and whose death is the result of any cause or causes other than injury incurred in the performance of an act or acts of duty in which annuities for such family, computed at the rates hereinbefore stated would exceed 60% of the final annual salary of a first class fireman, the annuity of each child shall be reduced pro rata so that the combined annuities for the family do not exceed such limitation.

Child's annuity shall be paid to the parent who is providing for the child, unless another person is appointed by a court of law as the child's guardian.

(Source: P.A. 84-11.)

(40 ILCS 5/6-151) (from Ch. 108 1/2, par. 6-151)

Sec. 6-151. An active fireman who is or becomes disabled on or after the effective date as the result of a specific injury, or of cumulative injuries, or of specific sickness incurred in or resulting from an act or acts of duty, shall have the right to receive duty disability benefit during any period of such disability for which he does not receive or have a right to receive salary, equal to 75% of his salary at the time the disability is allowed. However, beginning January 1, 1994, no duty disability benefit that has been payable under this Section for at least 10 years shall be less than 50% of the current salary attached from time to time to the rank and grade held by the fireman at the time of his removal from the Department payroll, regardless of whether that removal occurred before the effective date of this amendatory Act of 1993.

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Whenever an active fireman is or becomes so injured or sick, as to require medical or hospital attention, the chief officer of the fire department of the city shall file, or cause to be filed, with the board a report of the nature and cause of his disability, together with the certificate or report of the physician attending or treating, or who attended or treated the fireman, and a copy of any hospital record concerning the disability. Any injury or sickness not reported to the board in time to permit the board's physician to examine the fireman before his recovery, and any injury or sickness for which a physician's report or copy of the hospital record is not on file with the board shall not be considered for the payment of duty disability benefit.

Such fireman shall also receive a child's disability benefit of $30 per month on account of each unmarried child, the issue of the fireman or legally adopted by him prior to the date of disability, who is less than 18 years of age or handicapped and dependent upon the fireman for support. The total amount of child's disability benefit shall not exceed 25% of his salary at the time the disability is allowed.

The first payment of duty disability or child's disability benefit shall be made not later than one month after the benefit is granted. Each subsequent payment shall be made not later than one month after the date of the latest payment.

Duty disability benefit shall be payable during the period of the disability until the fireman reaches the age of compulsory retirement. Child's disability benefit shall be paid to such a fireman during the period of disability until such child or children attain age 18 or marries, whichever event occurs first; except that attainment of age 18 by a child who is so physically or mentally handicapped as to be dependent upon the fireman for support, shall not render the child ineligible for child's disability benefit. The fireman shall thereafter receive such annuity or annuities as are provided for him in accordance with other provisions of this Article.

(Source: P.A. 88-528.)

(40 ILCS 5/7-145.2)
Sec. 7-145.2. Alternative survivor's benefits for survivors of county officers. In lieu of the survivor's benefits otherwise payable under this Article, the spouse or eligible child of any deceased elected county officer who (1) had elected to participate in the Fund, and (2) was either making additional optional contributions in accordance with Section 7-145.1 on the date of death, or was receiving an annuity calculated under that Section at the time of death, may elect to receive an annuity beginning on the date of the elected county officer's death, provided that the spouse and officer must have been married on the date of the last termination of his or her service as an elected county officer and for a continuous period of at least one year immediately preceding his or her death.

The annuity shall be payable beginning on the date of the elected county officer's death if the spouse is then age 50 or over, or beginning at age 50 if the age of the spouse is less than 50 years. If a minor unmarried child or children of the county officer, under age 18, also survive, and the child or children are under the care of the eligible spouse, the annuity shall begin as of the date of death of the elected county officer without regard to the spouse's age.

The annuity to a spouse shall be 66 2/3% of the amount of retirement annuity earned by the elected county officer on the date of death, subject to a minimum payment of 10% of salary, provided that if an eligible spouse, regardless of age, has in his or her care at the date of death of the elected county officer any unmarried child or children of the county officer, under age 18, the minimum annuity shall be 30% of the elected officer's salary, plus 10% of salary on account of each minor child of the elected county officer, subject to a combined total payment on account of a spouse and minor children not to exceed 50% of the deceased officer's salary. In the event there shall be no spouse of the elected county officer surviving, or should a spouse remarry or die while eligible minor children still survive the elected county officer, each such child shall be entitled to an annuity equal to 20% of salary of the elected officer subject to a combined total payment on account of all such children not to exceed 50% of salary of the elected county officer. The salary to be used in the

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calculation of these benefits shall be the same as that prescribed for determining a retirement annuity as provided in Section 7-145.1.

Upon the death of an elected county officer occurring after termination of service or while in receipt of a retirement annuity, the combined total payment to a spouse and minor children, or to minor children alone if no eligible spouse survives, shall be limited to 75% of the amount of retirement annuity earned by the county officer.

Adopted children shall have status as children of the elected county officer only if the proceedings for adoption were commenced at least one year prior to the date of the elected county officer's death.

Marriage of a child or attainment of age 18, whichever first occurs, shall render the child ineligible for further consideration in the payment of an annuity to a spouse or in the increase in the amount thereof. Upon attainment of ineligibility of the youngest minor child of the elected county officer, the annuity shall immediately revert to the amount payable upon death of an elected county officer leaving no minor children surviving him or her. If the spouse is under age 50 at such time, the annuity as revised shall be deferred until such age is attained. Remarriage of a widow or widower prior to attainment of age 55 shall disqualify the spouse from the receipt of an annuity.

(40 ILCS 5/7-160) (from Ch. 108 1/2, par. 7-160)

Sec. 7-160. Child annuities-eligibility.

Child annuities shall be payable to each child of an employee annuitant who dies with no surviving spouse and whose spouse would have been eligible to receive a surviving spouse annuity, and each child of a deceased employee whose surviving spouse dies and whose spouse, immediately prior to death, was receiving or would have been eligible to receive, a surviving spouse annuity, or who left no surviving spouse, is eligible to receive a child annuity, provided:

a. The child is less than age 18 and unmarried;

b. The child is the natural born or legally adopted child of the employee and was born prior to the date of the employee's latest resignation or discharge from the service of the participating municipality;

New matter indicated by italics - deletions by strikeout
c. (Blank) If the child is legally adopted, the legal proceedings therefor were commenced at least 1 year before the death of the participating employee or employee annuitant.

(Source: P.A. 78-255.)

(40 ILCS 5/8-120) (from Ch. 108 1/2, par. 8-120)

Sec. 8-120. Child or children. "Child" or "children": The natural child or children, or any child or children legally adopted by an employee at least one year prior to the date any benefit for the child or children accrues.

(Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/8-243.3) (from Ch. 108 1/2, par. 8-243.3)

Sec. 8-243.3. Alternative survivor's benefits for survivors of city officers. In lieu of the survivor's benefits otherwise payable under this Article, the spouse or eligible child of any deceased city officer elected by vote of the people who (1) had elected to participate in the Fund, and (2) was either making additional optional contributions in accordance with Section 8-243.2 on the date of death, or was receiving an annuity calculated under that Section at the time of death, may elect to receive an annuity beginning on the date of the elected city officer's death, provided that the spouse and officer must have been married on the date of the last termination of his or her service as an elected city officer and for a continuous period of at least one year immediately preceding his or her death.

The annuity shall be payable beginning on the date of the elected city officer's death if the spouse is then age 50 or over, or beginning at age 50 if the age of the spouse is less than 50 years. If a minor unmarried child or children of the city officer, under age 18, also survive, and the child or children are under the care of the eligible spouse, the annuity shall begin as of the date of death of the elected city officer without regard to the spouse's age.

The annuity to a spouse shall be 66 2/3% of the amount of retirement annuity earned by the elected city officer on the date of death, subject to a minimum payment of 10% of salary, provided that if an eligible spouse, regardless of age, has in his or her care at the date of death

New matter indicated by italics - deletions by strikeout
of the elected city officer any unmarried child or children of the city officer, under age 18, the minimum annuity shall be 30% of the elected officer's salary, plus 10% of salary on account of each minor child of the elected city officer, subject to a combined total payment on account of a spouse and minor children not to exceed 50% of the deceased officer's salary. In the event there shall be no spouse of the elected city officer surviving, or should a spouse remarry or die while eligible minor children still survive the elected city officer, each such child shall be entitled to an annuity equal to 20% of salary of the elected officer subject to a combined total payment on account of all such children not to exceed 50% of salary of the elected city officer. The salary to be used in the calculation of these benefits shall be the same as that prescribed for determining a retirement annuity as provided in Section 8-243.2.

Upon the death of an elected city officer occurring after termination of service or while in receipt of a retirement annuity, the combined total payment to a spouse and minor children, or to minor children alone if no eligible spouse survives, shall be limited to 75% of the amount of retirement annuity earned by the city officer.

Adopted children shall have status as children of the elected city officer only if the proceedings for adoption were commenced at least one year prior to the date of the elected city officer’s death.

Marriage of a child or attainment of age 18, whichever first occurs, shall render the child ineligible for further consideration in the payment of an annuity to a spouse or in the increase in the amount thereof. Upon attainment of ineligibility of the youngest minor child of the elected city officer, the annuity shall immediately revert to the amount payable upon death of an elected city officer leaving no minor children surviving him or her. If the spouse is under age 50 at such time, the annuity as revised shall be deferred until such age is attained. Remarriage of a widow or widower prior to attainment of age 55 shall disqualify the spouse from the receipt of an annuity.

(Source: P.A. 86-1488.)

(40 ILCS 5/9-115) (from Ch. 108 1/2, par. 9-115)
Sec. 9-115. Child or children.

New matter indicated by italics - deletions by strikeout
"Child" or "children": The natural child or children or any child or children legally adopted by an employee at least 1 year prior to the date any benefit for the child or children accrues, and so adopted prior to the employee's attainment of age 55.
(Source: Laws 1963, p. 161.)

(40 ILCS 5/9-121.7) (from Ch. 108 1/2, par. 9-121.7)

Sec. 9-121.7. Alternative survivor's benefits for survivors of county officers. In lieu of the survivor's benefits otherwise payable under this Article, the spouse or eligible child of any deceased county officer elected by vote of the people who (1) had elected to participate in the Fund, and (2) was either making additional optional contributions in accordance with Section 9-121.6 on the date of death, or was receiving an annuity calculated under that Section at the time of death, may elect to receive an annuity beginning on the date of the elected county officer's death, provided that the spouse and officer must have been married on the date of the last termination of his or her service as an elected county officer and for a continuous period of at least one year immediately preceding his or her death.

The annuity shall be payable beginning on the date of the elected county officer's death if the spouse is then age 50 or over, or beginning at age 50 if the age of the spouse is less than 50 years. If a minor unmarried child or children of the county officer, under age 18, also survive, and the child or children are under the care of the eligible spouse, the annuity shall begin as of the date of death of the elected county officer without regard to the spouse's age.

The annuity to a spouse shall be 66 2/3% of the amount of retirement annuity earned by the elected county officer on the date of death, subject to a minimum payment of 10% of salary, provided that if an eligible spouse, regardless of age, has in his or her care at the date of death of the elected county officer any unmarried child or children of the county officer, under age 18, the minimum annuity shall be 30% of the elected officer's salary, plus 10% of salary on account of each minor child of the elected county officer, subject to a combined total payment on account of a spouse and minor children not to exceed 50% of the deceased officer's

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salary. In the event there shall be no spouse of the elected county officer surviving, or should a spouse remarry or die while eligible minor children still survive the elected county officer, each such child shall be entitled to an annuity equal to 20% of salary of the elected officer subject to a combined total payment on account of all such children not to exceed 50% of salary of the elected county officer. The salary to be used in the calculation of these benefits shall be the same as that prescribed for determining a retirement annuity as provided in Section 9-121.6.

Upon the death of an elected county officer occurring after termination of service or while in receipt of a retirement annuity, the combined total payment to a spouse and minor children, or to minor children alone if no eligible spouse survives, shall be limited to 75% of the amount of retirement annuity earned by the county officer.

Adopted children shall have status as children of the elected county officer only if the proceedings for adoption were commenced at least one year prior to the date of the elected county officer's death.

Marriage of a child or attainment of age 18, whichever first occurs, shall render the child ineligible for further consideration in the payment of an annuity to a spouse or in the increase in the amount thereof. Upon attainment of ineligibility of the youngest minor child of the elected county officer, the annuity shall immediately revert to the amount payable upon death of an elected county officer leaving no minor children surviving him or her. If the spouse is under age 50 at such time, the annuity as revised shall be deferred until such age is attained. Remarriage of a widow or widower prior to attainment of age 55 shall disqualify the spouse from the receipt of an annuity.

(Source: P.A. 85-964.)

(40 ILCS 5/11-153) (from Ch. 108 1/2, par. 11-153)
Sec. 11-153. Child's annuity.
(a) A "Child's Annuity" shall be payable monthly after the death of an employee parent to an unmarried child until the child's attainment of age 18 or marriage, whichever event shall first occur, under the following conditions, if the child was born or in esse before the employee attained age 65, and before he withdrew from service:

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(1) upon death in service from any cause;
(2) upon death of an employee who withdraws from service after age 55 (or after age 50 with at least 30 years of service if withdrawal is on or after June 27, 1997) and who has entered upon or is eligible for annuity. Payment shall be made as provided in Section 11-124.

(b) After July 24, 1967, an adopted child shall be entitled to the same child's annuity benefits provided for natural children in this Article, if:

1. the child was legally adopted by the employee at least one year prior to the death of the employee; and
2. the child was adopted before the employee withdrew from service.

(Source: P.A. 92-599, eff. 6-28-02.)
(40 ILCS 5/12-137) (from Ch. 108 1/2, par. 12-137)
Sec. 12-137. Eligibility for child's benefit. A benefit shall be granted to any child of the employee under 18 years of age or any child under such age legally adopted by the employee provided the legal proceedings for such adoption shall have been commenced at least one year prior to: (1) the death or disability of the employee; and (2) the attainment of age 55 by the employee, whose death occurred under the following conditions:
(a) from injury incurred in the performance of duty regardless of length of service;
(b) from any other cause after completion of at least 2 years of service;
(c) after the employee withdraws from service subsequent to age 55 and entered upon or is eligible for annuity.

In the case of an employee whose death occurs after withdrawal subsequent to age 55, if eligible for an annuity, birth of a child must have occurred before the date of the employee's latest withdrawal.

No annuity shall be payable to any child after such child's marriage. The termination date of any child's annuity due to the attainment of age 18 or marriage shall be the due date of the last annuity payment for

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the child, next preceding such due date with no proration for any period which is less than a full month.

A posthumous child shall be regarded as a child of the employee entitled to an annuity.

(Source: P.A. 86-272.)

(40 ILCS 5/13-308) (from Ch. 108 1/2, par. 13-308)
Sec. 13-308. Child's annuity.

(a) Eligibility. A child's annuity shall be provided for each unmarried child under the age of 18 years (under the age of 23 years in the case of a full-time student) whose employee parent dies while in service, or whose deceased parent is an annuitant or former employee with at least 10 years of creditable service who did not take a refund of employee contributions. Eligibility for benefits to unmarried children over the age of 18 but under the age of 23 begins no earlier than the first day of the month following the month in which this amendatory Act of the 94th General Assembly takes effect.

For purposes of this Section, "employee" includes a former employee, and "child" means the issue of an employee; or a child adopted by an employee if the proceedings for adoption were instituted at least one year prior to the employee's death.

Payments shall cease when a child attains the age of 18 years (age of 23 years in the case of a full-time student) or marries, whichever first occurs. The annuity shall not be payable unless the employee has been employed as an employee for at least 36 months from the date of the employee's original entry into service (at least 24 months in the case of an employee who first entered service before June 13, 1997) and at least 12 months from the date of the employee's latest re-entry into service; provided, however, that if death arises out of and in the course of service to the employer and is compensable under either the Illinois Workers' Compensation Act or Illinois Workers' Occupational Diseases Act, the annuity is payable regardless of the employee's length of service.

(b) Amount. A child's annuity shall be $500 per month for one child and $350 per month for each additional child, up to a maximum of $2,500 per month for all children of the employee, as provided in this

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Section, if a parent of the child is living. The child's annuity shall be $1,000 per month for one child and $500 per month for each additional child, up to a maximum of $2,500 for all children of the employee, when neither parent is alive. The total amount payable to all children of the employee shall be divided equally among those children. Any child's annuity which commenced prior to July 12, 2001 shall be increased upon the first day of the month following the month in which that effective date occurs, to the amount set forth herein.

(c) Payment. Until a child attains the age of 18 years, a child's annuity shall be paid to the child's parent or other person who shall be providing for the child without requiring formal letters of guardianship, unless another person shall be appointed by a court of law as guardian.

(Source: P.A. 94-621, eff. 8-18-05.)

(40 ILCS 5/13-314) (from Ch. 108 1/2, par. 13-314)


(a) Transfer of credits. Any Water Reclamation District commissioner elected by vote of the people and who has elected to participate in this Fund may transfer to this Fund credits and creditable service accumulated under any other pension fund or retirement system established under Articles 2 through 18 of this Code, upon payment to the Fund of (1) the amount by which the employer and employee contributions that would have been required if he had participated in this Fund during the period for which credit is being transferred, plus interest, exceeds the amounts actually transferred from such other fund or system to this Fund, plus (2) interest thereon at 6% per year compounded annually from the date of transfer to the date of payment.

(b) Alternative annuity. Any participant commissioner may elect to establish alternative credits for an alternative annuity by electing in writing to make additional optional contributions in accordance with this Section and procedures established by the Board. Unless and until such time as the U.S. Internal Revenue Service or the federal courts provide a favorable ruling as described in Section 13-502(f), a commissioner may discontinue making the additional optional contributions by notifying the Fund in
writing in accordance with this Section and procedures established by the Board.

Additional optional contributions for the alternative annuity shall be as follows:

(1) For service after the option is elected, an additional contribution of 3% of salary shall be contributed to the Fund on the same basis and under the same conditions as contributions required under Section 13-502.

(2) For contributions on past service, the additional contribution shall be 3% of the salary for the applicable period of service, plus interest at the annual rate from time to time as determined by the Board, compounded annually from the date of service to the date of payment. Contributions for service before the option is elected may be made in a lump sum payment to the Fund or by contributing to the Fund on the same basis and under the same conditions as contributions required under Section 13-502. All payments for past service must be paid in full before credit is given. No additional optional contributions may be made for any period of service for which credit has been previously forfeited by acceptance of a refund, unless the refund is repaid in full with interest at the rate specified in Section 13-603, from the date of refund to the date of repayment.

In lieu of the retirement annuity otherwise payable under this Article, any commissioner who has elected to participate in the Fund and make additional optional contributions in accordance with this Section, has attained age 55, and has at least 6 years of service credit, may elect to have the retirement annuity computed as follows: 3% of the participant's average final salary as a commissioner for each of the first 8 years of service credit, plus 4% of such salary for each of the next 4 years of service credit, plus 5% of such salary for each year of service credit in excess of 12 years, subject to a maximum of 80% of such salary. To the extent such commissioner has made additional optional contributions with respect to only a portion of years of service credit, the retirement annuity will first be determined in accordance with this Section to the extent such
additional optional contributions were made, and then in accordance with the remaining Sections of this Article to the extent of years of service credit with respect to which additional optional contributions were not made. The change in minimum retirement age (from 60 to 55) made by this amendatory Act of 1993 applies to persons who begin receiving a retirement annuity under this Section on or after the effective date of this amendatory Act, without regard to whether they are in service on or after that date.

(c) Disability benefits. In lieu of the disability benefits otherwise payable under this Article, any commissioner who (1) has elected to participate in the Fund, and (2) has become permanently disabled and as a consequence is unable to perform the duties of office, and (3) was making optional contributions in accordance with this Section at the time the disability was incurred, may elect to receive a disability annuity calculated in accordance with the formula in subsection (b). For the purposes of this subsection, such commissioner shall be considered permanently disabled only if: (i) disability occurs while in service as a commissioner and is of such a nature as to prevent the reasonable performance of the duties of office at the time; and (ii) the Board has received a written certification by at least 2 licensed physicians appointed by it stating that such commissioner is disabled and that the disability is likely to be permanent.

(d) Alternative survivor's benefits. In lieu of the survivor's benefits otherwise payable under this Article, the spouse or eligible child of any deceased commissioner who (1) had elected to participate in the Fund, and (2) was either making (or had already made) additional optional contributions on the date of death, or was receiving an annuity calculated under this Section at the time of death, may elect to receive an annuity beginning on the date of the commissioner's death, provided that the spouse and commissioner must have been married on the date of the last termination of a service as commissioner and for a continuous period of at least one year immediately preceding death.

The annuity shall be payable beginning on the date of the commissioner's death if the spouse is then age 50 or over, or beginning at age 50 if the age of the spouse is less than 50 years. If a minor unmarried...
child or children of the commissioner, under age 18 (age 23 in the case of a full-time student), also survive, and the child or children are under the care of the eligible spouse, the annuity shall begin as of the date of death of the commissioner without regard to the spouse's age.

The annuity to a spouse shall be the greater of (i) 66 2/3% of the amount of retirement annuity earned by the commissioner on the date of death, subject to a minimum payment of 10% of salary, provided that if an eligible spouse, regardless of age, has in his or her care at the date of death of the commissioner any unmarried child or children of the commissioner under age 18, the minimum annuity shall be 30% of the commissioner's salary, plus 10% of salary on account of each minor child of the commissioner, subject to a combined total payment on account of a spouse and minor children not to exceed 50% of the deceased commissioner's salary; or (ii) for the spouse of a commissioner whose death occurs on or after the effective date of this amendatory Act of the 94th General Assembly, the surviving spouse annuity shall be computed in the same manner as described in Section 13-306(a). The number of total service years used to calculate the commissioner's annuity shall be the number of service years used to calculate the annuity for that commissioner's surviving spouse. In the event there shall be no spouse of the commissioner surviving, or should a spouse die while eligible minor children still survive the commissioner, each such child shall be entitled to an annuity equal to 20% of salary of the commissioner subject to a combined total payment on account of all such children not to exceed 50% of salary of the commissioner. The salary to be used in the calculation of these benefits shall be the same as that prescribed for determining a retirement annuity as provided in subsection (b) of this Section.

Upon the death of a commissioner occurring after termination of a service or while in receipt of a retirement annuity, the combined total payment to a spouse and minor children, or to minor children alone if no eligible spouse survives, shall be limited to 85% of the amount of retirement annuity earned by the commissioner.

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Adopted children shall have status as natural children of the commissioner only if the proceedings for adoption were commenced at least one year prior to the date of the commissioner's death.

Marriage of a child or attainment of age 18 (age 23 in the case of a full-time student), whichever first occurs, shall render the child ineligible for further consideration in the payment of annuity to a spouse or in the increase in the amount thereof. Upon attainment of ineligibility of the youngest minor child of the commissioner, the annuity shall immediately revert to the amount payable upon death of a commissioner leaving no minor children surviving. If the spouse is under age 50 at such time, the annuity as revised shall be deferred until such age is attained.

(e) Refunds. Refunds of additional optional contributions shall be made on the same basis and under the same conditions as provided under Section 13-601. Interest shall be credited on the same basis and under the same conditions as for other contributions.

Optional contributions shall be accounted for in a separate Commission's Optional Contribution Reserve. Optional contributions under this Section shall be included in the amount of employee contributions used to compute the tax levy under Section 13-503.

(f) Effective date. The effective date of this plan of optional alternative benefits and contributions shall be the date upon which approval was received from the U.S. Internal Revenue Service. The plan of optional alternative benefits and contributions shall not be available to any former employee receiving an annuity from the Fund on the effective date, unless said former employee re-enters service and renders at least 3 years of additional service after the date of re-entry as a commissioner.

(Source: P.A. 94-621, eff. 8-18-05.)

(40 ILCS 5/14-119) (from Ch. 108 1/2, par. 14-119)
Sec. 14-119. Amount of widow's annuity.

(a) The widow's annuity shall be 50% of the amount of retirement annuity payable to the member on the date of death while on retirement if an annuitant, or on the date of his death while in service if an employee, regardless of his age on such date, or on the date of withdrawal if death

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occurred after termination of service under the conditions prescribed in the preceding Section.

(b) If an eligible widow, regardless of age, has in her care any unmarried child or children of the member under age 18 (under age 22 if a full-time student), the widow's annuity shall be increased in the amount of 5% of the retirement annuity for each such child, but the combined payments for a widow and children shall not exceed 66 2/3% of the member's earned retirement annuity.

The amount of retirement annuity from which the widow's annuity is derived shall be that earned by the member without regard to whether he attained age 60 prior to his withdrawal under the conditions stated or prior to his death.

(c) Adopted children shall be considered as children of the member only if the proceedings for adoption were commenced at least 1 year prior to the member's death.

Marriage of a child shall render the child ineligible for further consideration in the increase in the amount of the widow's annuity.

Attainment of age 18 (age 22 if a full-time student) shall render a child ineligible for further consideration in the increase of the widow's annuity, but the annuity to the widow shall be continued thereafter, without regard to her age at that time.

(d) A widow's annuity payable on account of any covered employee who shall have been a covered employee for at least 18 months shall be reduced by 1/2 of the amount of survivors benefits to which his beneficiaries are eligible under the provisions of the Federal Social Security Act, except that (1) the amount of any widow's annuity payable under this Article shall not be reduced by reason of any increase under that Act which occurs after the offset required by this subsection is first applied to that annuity, and (2) for benefits granted on or after January 1, 1992, the offset under this subsection (d) shall not exceed 50% of the amount of widow's annuity otherwise payable.

(e) Upon the death of a recipient of a widow's annuity the excess, if any, of the member's accumulated contributions plus credited interest over all annuity payments to the member and widow, exclusive of the $500

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lump sum payment, shall be paid to the named beneficiary of the widow, or if none has been named, to the estate of the widow, provided no reversionary annuity is payable.

(f) On January 1, 1981, any recipient of a widow's annuity who was receiving a widow's annuity on or before January 1, 1971, shall have her widow's annuity then being paid increased by 1% for each full year which has elapsed from the date the widow's annuity began. On January 1, 1982, any recipient of a widow's annuity who began receiving a widow's annuity after January 1, 1971, but before January 1, 1981, shall have her widow's annuity then being paid increased by 1% for each full year which has elapsed from the date the widow's annuity began. On January 1, 1987, any recipient of a widow's annuity who began receiving the widow's annuity on or before January 1, 1977, shall have the monthly widow's annuity increased by $1 for each full year which has elapsed since the date the annuity began.

(g) Beginning January 1, 1990, every widow's annuity shall be increased (1) on each January 1 occurring on or after the commencement of the annuity if the deceased member died while receiving a retirement annuity, or (2) in other cases, on each January 1 occurring on or after the first anniversary of the commencement of the annuity, by an amount equal to 3% of the current amount of the annuity, including any previous increases under this Article. Such increases shall apply without regard to whether the deceased member was in service on or after the effective date of Public Act 86-1488, but shall not accrue for any period prior to January 1, 1990.

(Source: P.A. 90-448, eff. 8-16-97.)

(40 ILCS 5/14-120) (from Ch. 108 1/2, par. 14-120)

Sec. 14-120. Survivors annuities - Conditions for payments. A survivors annuity is established for all members of the System. Upon the death of any male person who was a member on July 19, 1961, however, his widow may have the option of receiving the widow's annuity provided in this Article, in lieu of the survivors annuity.
(a) A survivors annuity beneficiary, as herein defined, is eligible for a survivors annuity if the deceased member had completed at least 1 1/2 years of contributing creditable service if death occurred:

(1) while in service;
(2) while on an approved or authorized leave of absence from service, not exceeding one year continuously; or
(3) while in receipt of a non-occupational disability or an occupational disability benefit.

(b) If death of the member occurs after withdrawal, the survivors annuity beneficiary is eligible for such annuity only if the member had fulfilled at the date of withdrawal the prescribed service conditions for establishing a right in a retirement annuity.

(c) Payment of the survivors annuity shall begin immediately if the beneficiary is 50 years or over, or upon attainment of age 50 if the beneficiary is under that age at the date of the member's death. In the case of survivors of a member whose death occurred between November 1, 1970 and July 15, 1971, the payment of the survivors annuity shall begin upon October 1, 1977, if the beneficiary is then 50 years of age or older, or upon the attainment of age 50 if the beneficiary is under that age on October 1, 1977.

If an eligible child or children, under the care of the spouse also survive the member, the survivors annuity shall begin immediately without regard to whether the beneficiary has attained age 50.

Benefits under this Section shall accrue and be payable for whole calendar months, beginning on the first day of the month after the initiating event occurs and ending on the last day of the month in which the terminating event occurs.

(d) A survivor annuity beneficiary means:

(1) A spouse of a member or annuitant if:
   (i) in the case of a member or annuitant who dies before the effective date of this amendatory Act of the 91st General Assembly, the current marriage with the member or annuitant was in effect for at least one year at the date of death or withdrawal, whichever first occurs; or

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(ii) in the case of a member or annuitant who dies on or after the effective date of this amendatory Act of the 91st General Assembly, the current marriage with the member or annuitant was in effect for at least one year immediately prior to the date of death, regardless of the date of withdrawal.

(2) An unmarried child under age 18 (under age 22 if a full-time student) of the member or annuitant; an unmarried stepchild under age 18 (under age 22 if a full-time student) who has been such for at least one year at the date of the member's death or at least one year at the date of withdrawal, whichever first occurs; an unmarried adopted child under age 18 (under age 22 if a full-time student) if the adoption proceedings were initiated at least one year prior to the death or withdrawal of the member or annuitant, whichever first occurs; and an unmarried child over age 18 if he or she is dependent by reason of a physical or mental disability, so long as the physical or mental disability continues. For purposes of this subsection, disability means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

(3) A dependent parent of the member or annuitant; a dependent step-parent by a marriage contracted before the member or annuitant attained age 18; or a dependent adopting parent by whom the member or annuitant was adopted before he or she attained age 18.

(e) Payment of a survivors annuity to a beneficiary terminates upon: (1) remarriage before age 55 that occurs before the effective date of this amendatory Act of the 91st General Assembly or death, if the beneficiary is a spouse; (2) marriage or death, if the beneficiary is a child; or (3) remarriage before age 55 or death, if the beneficiary is a parent. Remarriage of a prospective beneficiary prior to the attainment of age 50 disqualifies the beneficiary for the annuity expectancy hereunder, if the

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remarriage occurs before the effective date of this amendatory Act of the 91st General Assembly. Termination due to marriage or remarriage shall be permanent, regardless of any future changes in marital status.

The substantive changes made to this subsection by this amendatory Act of the 91st General Assembly (pertaining to remarriage prior to age 55 or 50) apply without regard to whether the deceased participant or annuitant was in service on or after the effective date of this amendatory Act.

Any person whose survivors annuity was terminated during 1978 or 1979 due to remarriage at age 55 or over shall be eligible to apply, not later than July 1, 1990, for a resumption of that annuity, to begin on July 1, 1990.

(f) The term "dependent" relating to a survivors annuity means a beneficiary of a survivors annuity who was receiving from the member at the date of the member's death at least 1/2 of the support for maintenance including board, lodging, medical care and like living costs.

(g) If there is no eligible spouse surviving the member, or if a survivors annuity beneficiary includes a spouse who dies or is disqualified by remarriage, the annuity is payable to an unmarried child or children. If at the date of death of the member there is no spouse or unmarried child, payments shall be made to a dependent parent or parents. If no eligible survivors annuity beneficiary survives the member, the non-occupational death benefit is payable in the manner provided in this Article.

(h) Survivor benefits do not affect any reversionary annuity.

(i) If a survivors annuity beneficiary becomes entitled to a widow's annuity or one or more survivors annuities or both such annuities, the beneficiary shall elect to receive only one of such annuities.

(j) Contributing creditable service under the State Universities Retirement System and the Teachers' Retirement System of the State of Illinois shall be considered in determining whether the member has met the contributing service requirements of this Section.

(k) In lieu of the Survivor's Annuity described in this Section, the spouse of the member has the option to select the Nonoccupational Death
Benefit described in this Article, provided the spouse is the sole survivor and the sole nominated beneficiary of the member.

(l) The changes made to this Section and Sections 14-118, 14-119, and 14-128 by this amendatory Act of 1997, relating to benefits for certain unmarried children who are full-time students under age 22, apply without regard to whether the deceased member was in service on or after the effective date of this amendatory Act of 1997. These changes do not authorize the repayment of a refund or a re-election of benefits, and any benefit or increase in benefits resulting from these changes is not payable retroactively for any period before the effective date of this amendatory Act of 1997.

(Source: P.A. 90-448, eff. 8-16-97; 91-357, eff. 7-29-99; 91-887, eff. 7-6-00.)

(40 ILCS 5/14-128) (from Ch. 108 1/2, par. 14-128)

Sec. 14-128. Occupational death benefit. An occupational death benefit is provided for a member of the System whose death, prior to retirement, is the proximate result of bodily injuries sustained or a hazard undergone while in the performance and within the scope of the member's duties.

(a) Conditions for payment.

Exclusive of the lump sum payment provided for herein, all annuities under this Section shall accrue and be payable for complete calendar months, beginning on the first day of the month next following the month in which the initiating event occurs and ending on the last day of the month in which the terminating event occurs.

The following named survivors of the member may be eligible for an annuity under this Section:

(i) The member's spouse.

(ii) An unmarried child of the member under age 18 (under age 22 if a full-time student); an unmarried stepchild under age 18 (under age 22 if a full-time student) who has been such for at least one year at the date of the member's death; an unmarried adopted child under age 18 (under age 22 if a full-time student) if the adoption proceedings were initiated at least one year prior to the
death of the member; and an unmarried child over age 18 who is dependent by reason of a physical or mental disability, for so long as such physical or mental disability continues. For the purposes of this Section disability means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

(iii) If no spouse or eligible children survive: a dependent parent of the member; a dependent step-parent by a marriage contracted before the member attained age 18; or a dependent adopting parent by whom the member was adopted before he or she attained age 18.

The term "dependent" relating to an occupational death benefit means a survivor of the member who was receiving from the member at the date of the member's death at least 1/2 of the support for maintenance including board, lodging, medical care and like living costs.

Payment of the annuity shall continue until the occurrence of the following:

(1) remarriage before age 55 that occurs before the effective date of this amendatory Act of the 91st General Assembly or death, in the case of a surviving spouse;
(2) attainment of age 18 or termination of disability, death, or marriage, in the case of an eligible child;
(3) remarriage before age 55 or death, in the case of a dependent parent.

If none of the aforementioned beneficiaries is living at the date of death of the member, no occupational death benefit shall be payable, but the nonoccupational death benefit shall be payable as provided in this Article.

The change made to this subsection by this amendatory Act of the 91st General Assembly (pertaining to remarriage prior to age 55) applies without regard to whether the deceased member was in service on or after the effective date of this amendatory Act.

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(b) Amount of benefit.

The member's accumulated contributions plus credited interest shall be payable in a lump sum to such person as the member has nominated by written direction, duly acknowledged and filed with the Board, or if no such nomination to the estate of the member. When an annuitant is re-employed by a Department, the accumulated contributions plus credited interest payable on the member's account shall, if the member has not previously elected a reversionary annuity, consist of the excess, if any, of the member's total accumulated contributions plus credited interest for all creditable service over the total amount of all retirement annuity payments received by the member prior to death.

In addition to the foregoing payment, an annuity is provided for eligible survivors as follows:

1. If the survivor is a spouse only, the annuity shall be 50% of the member's final average compensation.
2. If the spouse has in his or her care an eligible child or children, the annuity shall be increased by an amount equal to 15% of the final average compensation on account of each such child, subject to a limitation on the combined annuities to a surviving spouse and children of 75% of final average compensation.
3. If there is no surviving spouse, or if the surviving spouse dies or remarries while a child remains eligible, then each such child shall be entitled to an annuity of 15% of the deceased member's final average compensation, subject to a limitation of 50% of final average compensation to all such children.
4. If there is no surviving spouse or eligible children, then an annuity shall be payable to the member's dependent parents, equal to 25% of final average compensation to each such beneficiary.

If any annuity payable under this Section is less than the corresponding survivors annuity, the beneficiary or beneficiaries of the annuity under this Section may elect to receive the survivors annuity and the nonoccupational death benefit provided for in this Article in lieu of the annuity provided under this Section.
(c) Occupational death claims pending adjudication by the Illinois Workers' Compensation Commission or a ruling by the agency responsible for determining the liability of the State under the "Workers' Compensation Act" or "Workers' Occupational Diseases Act" shall be payable under Sections 14-120 and 14-121 until a ruling or adjudication occurs, if the beneficiary or beneficiaries: (1) meet all conditions for payment as prescribed in this Article; and (2) execute an assignment of benefits payable as a result of adjudication by the Illinois Workers' Compensation Commission or a ruling by the agency responsible for determining the liability of the State under such Acts. The assignment shall be made to the System and shall be for an amount equal to the excess of benefits paid under Sections 14-120 and 14-121 over benefits payable as a result of adjudication of the workers' compensation claim computed from the date of death of the member.

(d) Every occupational death annuity payable under this Section shall be increased on each January 1 occurring on or after (i) January 1, 1990, or (ii) the first anniversary of the commencement of the annuity, whichever occurs later, by an amount equal to 3% of the current amount of the annuity, including any previous increases under this Article, without regard to whether the deceased member was in service on the effective date of this amendatory Act of 1991.

(Source: P.A. 93-721, eff. 1-1-05.)

(40 ILCS 5/15-129) (from Ch. 108 1/2, par. 15-129)
Sec. 15-129. Child.
"Child": The child of a participant or an annuitant, including a child born out of wedlock, a stepchild who has been such for not less than 1 year immediately preceding the death of the participant or annuitant, and an adopted child, if the proceedings for adoption were initiated at least 1 year before the death or retirement of the participant or annuitant.

(Source: P.A. 94-229, eff. 1-1-06.)

(40 ILCS 5/18-128) (from Ch. 108 1/2, par. 18-128)
Sec. 18-128. Survivor's annuities; Conditions for payment.
(a) A survivor's annuity shall be payable upon the death of a participant while in service after June 30, 1967 if the participant had at
least 1 1/2 years of service credit as a judge, or upon death of an inactive participant who had terminated service as a judge on or after June 30, 1967 with at least 10 years of service credit, or upon the death of an annuitant whose retirement becomes effective after June 30, 1967.

(b) The surviving spouse of a deceased participant or annuitant is entitled to a survivor's annuity beginning at the date of death if the surviving spouse (1) has been married to the participant or annuitant for a continuous period of at least one year immediately preceding the date of death, and (2) has attained age 50, or, regardless of age, has in his or her care an eligible child or children of the decedent as provided under subsections (c) and (d) of this Section. If the surviving spouse has no such child in his or her care and has not attained age 50, the survivor's annuity shall begin upon attainment of age 50. When all such children of the deceased who are in the care of the surviving spouse no longer qualify for benefits and the surviving spouse is under 50 years of age, the surviving spouse's annuity shall be suspended until he or she attains age 50.

(c) A child's annuity is payable for an unmarried child of an annuitant or participant so long as the child is (i) under age 18, (ii) under age 22 and a full time student, or (iii) age 18 or over if dependent by reason of physical or mental disability. Disability means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

(d) (Blank) Adopted children shall have the same status as natural children, but only if the proceedings for adoption were commenced at least 6 months prior to the death of the annuitant or participant.

(e) Remarriage prior to attainment of age 50 that occurs before the effective date of this amendatory Act of the 91st General Assembly shall disqualify a surviving spouse for the receipt of a survivor's annuity.

The change made to this subsection by this amendatory Act of the 91st General Assembly applies without regard to whether the deceased judge was in service on or after the effective date of this amendatory Act of the 91st General Assembly.
(f) The changes made in survivor's annuity provisions by Public Act 82-306 shall apply to the survivors of a deceased participant or annuitant whose death occurs on or after August 21, 1981 and whose service as a judge terminates on or after July 1, 1967.

The provision of child's annuities for dependent students under age 22 by this amendatory Act of 1991 shall apply to all eligible students beginning January 1, 1992, without regard to whether the deceased judge was in service on or after the effective date of this amendatory Act.

(Source: P.A. 91-887, eff. 7-6-00.)

(40 ILCS 5/19-115) (from Ch. 108 1/2, par. 19-115)

Sec. 19-115. Marriage of beneficiary.

When any contributor to said fund, who has been in the service of the house of correction for a period of 20 years, has contributed to said fund for the same period and has retired and become a beneficiary under "The 1911 Act" or this Division, shall then marry, such wife of such marriage shall after his death receive no benefit nor annuity from said fund.

Any widow or child or children receiving benefits or annuities, under "The 1911 Act", shall continue to receive such benefits or annuities, which shall be increased from $480 per year to not more than $720 per year and paid in accordance with the provisions of Section 19--110 of this Division.

The term "child" or "children" under this Division shall not include adopted child or children, nor shall it include a stepchild or stepchildren of any contributor to aforesaid pension fund.

(Source: Laws 1963, p. 161.)

Section 90. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

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New matter indicated by italics - deletions by strikeout
Statutes amended in order of appearance

40 ILCS 5/1-104.3 new
40 ILCS 5/2-121 from Ch. 108 1/2, par. 2-121
40 ILCS 5/2-162
40 ILCS 5/3-108 from Ch. 108 1/2, par. 3-108
40 ILCS 5/4-114 from Ch. 108 1/2, par. 4-114
40 ILCS 5/4-115.1 from Ch. 108 1/2, par. 4-115.1
40 ILCS 5/5-152 from Ch. 108 1/2, par. 5-152
40 ILCS 5/6-148 from Ch. 108 1/2, par. 6-148
40 ILCS 5/6-151 from Ch. 108 1/2, par. 6-151
40 ILCS 5/7-145.2
40 ILCS 5/7-160 from Ch. 108 1/2, par. 7-160
40 ILCS 5/8-120 from Ch. 108 1/2, par. 8-120
40 ILCS 5/8-243.3 from Ch. 108 1/2, par. 8-243.3
40 ILCS 5/9-115 from Ch. 108 1/2, par. 9-115
40 ILCS 5/9-121.7 from Ch. 108 1/2, par. 9-121.7
40 ILCS 5/11-153 from Ch. 108 1/2, par. 11-153
40 ILCS 5/12-137 from Ch. 108 1/2, par. 12-137
40 ILCS 5/13-308 from Ch. 108 1/2, par. 13-308
40 ILCS 5/13-314 from Ch. 108 1/2, par. 13-314
40 ILCS 5/14-119 from Ch. 108 1/2, par. 14-119
40 ILCS 5/14-120 from Ch. 108 1/2, par. 14-120
40 ILCS 5/14-128 from Ch. 108 1/2, par. 14-128
40 ILCS 5/14-152.1
40 ILCS 5/15-129 from Ch. 108 1/2, par. 15-129
40 ILCS 5/15-198
40 ILCS 5/18-128 from Ch. 108 1/2, par. 18-128
40 ILCS 5/18-169
40 ILCS 5/19-115 from Ch. 108 1/2, par. 19-115

30 ILCS 805/8.31 new
Approved August 17, 2007.
Effective January 1, 2008.

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

Section 5. The Motor Vehicle Retail Installment Sales Act is amended by changing Section 11.1 as follows:

Sec. 11.1. A seller in a retail installment contract may add a "documentary fee" for processing documents and performing services related to closing of a sale. The maximum amount that may be charged by a seller for a documentary fee is the base documentary fee beginning January 1, 2008, of $150 which shall be subject to an annual rate adjustment equal to the percentage of change in the Bureau of Labor Statistics Consumer Price Index. Every retail installment contract under this Act shall contain or be accompanied by a notice containing the following information:

"DOCUMENTARY FEE. A DOCUMENTARY FEE IS NOT AN OFFICIAL FEE. A DOCUMENTARY FEE IS NOT REQUIRED BY LAW, BUT MAY BE CHARGED TO BUYERS FOR HANDLING DOCUMENTS AND PERFORMING SERVICES RELATED TO CLOSING OF A SALE. THE BASE DOCUMENTARY FEE BEGINNING JANUARY 1, 2008, WAS $150. THE MAXIMUM AMOUNT THAT MAY BE CHARGED FOR A DOCUMENTARY FEE IS THE BASE DOCUMENTARY FEE OF $150 WHICH SHALL BE SUBJECT TO AN ANNUAL RATE ADJUSTMENT EQUAL TO THE PERCENTAGE OF CHANGE IN THE BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX. THIS NOTICE IS REQUIRED BY LAW."

(Source: P.A. 90-519, eff. 6-1-98; 90-655, eff. 7-30-98.)

Section 99. Effective date. This Act takes effect January 1, 2008.
Approved August 20, 2007.

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

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

Section 5. The Mental Health and Developmental Disabilities Administrative Act is amended by changing Section 10 as follows:

(20 ILCS 1705/10) (from Ch. 91 1/2, par. 100-10)

Sec. 10. To examine persons admitted to facilities of the Department for treatment of mental illness or developmental disability to determine alcoholism, drug addiction or other substance abuse. Based on such examination, the Department shall may provide necessary medical, education and rehabilitation services, and shall may arrange for further assessment and referral of such persons to appropriate alcoholism or substance abuse services. Referral of such persons by the Department to appropriate alcoholism or substance abuse services shall be made to providers who are able to accept the persons and perform a further assessment within a clinically appropriate time. This Section does not require that the Department maintain an individual in a Department facility who is otherwise eligible for discharge as provided in the Mental Health and Developmental Disabilities Code.

The Department shall not deny treatment and care to any person subject to admission to a facility under its control for treatment for a mental illness or developmental disability solely on the basis of their alcoholism, drug addiction or abuse of other substances.

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

Approved August 20, 2007.
Effective January 1, 2008.

New matter indicated by italics - deletions by strikeout
AN ACT concerning health.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Mental Health and Developmental Disabilities
Administrative Act is amended by changing Section 10 as follows:
(20 ILCS 1705/10) (from Ch. 91 1/2, par. 100-10)
Sec. 10. To examine persons admitted to facilities of the
Department for treatment of mental illness or developmental disability to
determine alcoholism, drug addiction or other substance abuse. Based on
such examination, the Department shall may provide necessary medical,
education and rehabilitation services, and shall may arrange for further
assessment and referral of such persons to appropriate alcoholism or
substance abuse services. Referral of such persons by the Department to
appropriate alcoholism or substance abuse services shall be made to
providers who are able to accept the persons and perform a further
assessment within a clinically appropriate time. This Section does not
require that the Department maintain an individual in a Department
facility who is otherwise eligible for discharge as provided in the Mental
Health and Developmental Disabilities Code.

The Department shall not deny treatment and care to any person
subject to admission to a facility under its control for treatment for a
mental illness or developmental disability solely on the basis of their
alcoholism, drug addiction or abuse of other substances.
(Source: P.A. 89-507, eff. 7-1-97.)
Approved August 20, 2007.
Effective January 1, 2008.
AN ACT concerning health.

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

Section 5. The Mental Health and Developmental Disabilities Administrative Act is amended by adding Section 10.5 as follows:

(20 ILCS 1705/10.5 new)

Sec. 10.5. Prevention and control of Multidrug-Resistant Organisms. The Department, in consultation with the Department of Public Health, shall adopt rules that may require one or more of the facilities described in Section 4 of this Act to implement comprehensive interventions to prevent and control multidrug-resistant organisms (MDROs), including methicillin-resistant Staphylococcus aureus (MRSA), vancomycin-resistant enterococci (VRE), and certain gram-negative bacilli (GNB), pursuant to updated prevention and control interventions recommended by the U.S. Centers for Disease Control and Prevention. The Department shall also require facilities to submit reports to the Department that contain substantially the same information contained in the related infection reports required to be submitted by hospitals to the Department of Public Health under Section 25 of the Hospital Report Card Act. The Department shall provide that information to the Department of Public Health upon the Department of Public Health’s request.

Section 10. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-312 as follows:

(20 ILCS 2310/2310-312 new)

Sec. 2310-312. Multidrug-Resistant Organisms. The Department shall perform the following functions in relation to the prevention and control of Multidrug-Resistant Organisms (MDROs), including methicillin-resistant Staphylococcus aureus (MRSA), vancomycin-resistant (VRE) and certain gram-negative bacilli (GNB), as these terms are
referenced by the United States Centers for Disease Control and Prevention:

(1) Except with regard to hospitals, for which administrative rules shall be adopted in accordance with Section 6.23 of the Hospital Licensing Act and Section 7 of the University of Illinois Hospital Act, the Department shall adopt administrative rules for health care facilities subject to licensure, certification, registration, or other regulation by the Department that may require one or more types of those facilities to (i) perform an annual infection control risk assessment, (ii) develop infection control policies for MDROs that are based on this assessment and incorporate, as appropriate, updated recommendations of the U.S. Centers for Disease Control and Prevention for the prevention and control of MDROs, and (iii) enforce hand hygiene requirements.

(2) The Department shall:

(A) publicize guidelines for reducing the incidence of MDROs to health care providers, health care facilities, public health departments, prisons, jails, and the general public; and

(B) provide periodic reports and updates to public officials, health professionals, and the general public statewide regarding new developments or procedures concerning prevention and management of infections due to MDROs.

(3) The Department shall publish a yearly report regarding MRSA and Clostridium difficile infections based on the Hospital Discharge Dataset. The Department is authorized to require hospitals, based on guidelines developed by the National Center for Health Statistics, after October 1, 2007, to submit data to the Department that is coded as "present on admission" and "occurred during the stay".

(4) Reporting to the Department under the Hospital Report Card Act shall include organisms, including but not limited to MRSA, that are responsible for central venous catheter-associated
bloodstream infections and ventilator-associated pneumonia in designated hospital units.

(5) The Department shall implement surveillance for designated cases of community associated MRSA infections for a period of at least 3 years, beginning on or before January 1, 2008.

Section 15. The University of Illinois Hospital Act is amended by adding Section 7 as follows:

(110 ILCS 330/7 new)

Sec. 7. Prevention and control for Multidrug-Resistant Organisms. The University of Illinois Hospital shall develop and implement comprehensive interventions to prevent and control multidrug-resistant organisms (MDROs), including methicillin-resistant Staphylococcus aureus (MRSA), vancomycin-resistant enterococci (VRE), and certain gram-negative bacilli (GNB), that take into consideration guidelines of the U.S. Centers for Disease Control and Prevention for the management of MDROs in healthcare settings. The Department of Public Health shall adopt administrative rules that require the University of Illinois Hospital to perform an annual facility-wide infection control risk assessment and enforce hand hygiene and contact precaution requirements.

Section 20. The Hospital Licensing Act is amended by adding Section 6.23 as follows:

(210 ILCS 85/6.23 new)

Sec. 6.23. Prevention and control of Multidrug-Resistant Organisms. Each hospital shall develop and implement comprehensive interventions to prevent and control multidrug-resistant organisms (MDROs), including methicillin-resistant Staphylococcus aureus (MRSA), vancomycin-resistant enterococci (VRE), and certain gram-negative bacilli (GNB), that take into consideration guidelines of the U.S. Centers for Disease Control and Prevention for the management of MDROs in healthcare settings. The Department shall adopt administrative rules that require hospitals to perform an annual facility-wide infection control risk assessment and enforce hand hygiene and contact precaution requirements.

New matter indicated by italics - deletions by strikeout
Section 25. The Hospital Report Card Act is amended by changing Section 25 as follows:

(210 ILCS 86/25)
Sec. 25. Hospital reports.
(a) Individual hospitals shall prepare a quarterly report including all of the following:

(1) Nursing hours per patient day, average daily census, and average daily hours worked for each clinical service area.

(2) Infection-related measures for the facility for the specific clinical procedures and devices determined by the Department by rule under 2 or more of the following categories:
   (A) Surgical procedure outcome measures.
   (B) Surgical procedure infection control process measures.
   (C) Outcome or process measures related to ventilator-associated pneumonia.
   (D) Central vascular catheter-related bloodstream infection rates in designated critical care units.

(3) Information required under paragraph (4) of Section 2310-312 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois.

The infection-related measures developed by the Department shall be based upon measures and methods developed by the Centers for Disease Control and Prevention, the Centers for Medicare and Medicaid Services, the Agency for Healthcare Research and Quality, the Joint Commission on Accreditation of Healthcare Organizations, or the National Quality Forum.

The Department shall include interpretive guidelines for infection-related indicators and, when available, shall include relevant benchmark information published by national organizations.

(b) Individual hospitals shall prepare annual reports including vacancy and turnover rates for licensed nurses per clinical service area.

New matter indicated by italics - deletions by strikeout
(c) None of the information the Department discloses to the public may be made available in any form or fashion unless the information has been reviewed, adjusted, and validated according to the following process:

1. The Department shall organize an advisory committee, including representatives from the Department, public and private hospitals, direct care nursing staff, physicians, academic researchers, consumers, health insurance companies, organized labor, and organizations representing hospitals and physicians. The advisory committee must be meaningfully involved in the development of all aspects of the Department's methodology for collecting, analyzing, and disclosing the information collected under this Act, including collection methods, formatting, and methods and means for release and dissemination.

2. The entire methodology for collecting and analyzing the data shall be disclosed to all relevant organizations and to all hospitals that are the subject of any information to be made available to the public before any public disclosure of such information.

3. Data collection and analytical methodologies shall be used that meet accepted standards of validity and reliability before any information is made available to the public.

4. The limitations of the data sources and analytic methodologies used to develop comparative hospital information shall be clearly identified and acknowledged, including but not limited to the appropriate and inappropriate uses of the data.

5. To the greatest extent possible, comparative hospital information initiatives shall use standard-based norms derived from widely accepted provider-developed practice guidelines.

6. Comparative hospital information and other information that the Department has compiled regarding hospitals shall be shared with the hospitals under review prior to public dissemination of such information and these hospitals have 30 days to make corrections and to add helpful explanatory comments about the information before the publication.

New matter indicated by italics - deletions by strikeout
(7) Comparisons among hospitals shall adjust for patient case mix and other relevant risk factors and control for provider peer groups, when appropriate.

(8) Effective safeguards to protect against the unauthorized use or disclosure of hospital information shall be developed and implemented.

(9) Effective safeguards to protect against the dissemination of inconsistent, incomplete, invalid, inaccurate, or subjective hospital data shall be developed and implemented.

(10) The quality and accuracy of hospital information reported under this Act and its data collection, analysis, and dissemination methodologies shall be evaluated regularly.

(11) Only the most basic identifying information from mandatory reports shall be used, and information identifying a patient, employee, or licensed professional shall not be released. None of the information the Department discloses to the public under this Act may be used to establish a standard of care in a private civil action.

(d) Quarterly reports shall be submitted, in a format set forth in rules adopted by the Department, to the Department by April 30, July 31, October 31, and January 31 each year for the previous quarter. Data in quarterly reports must cover a period ending not earlier than one month prior to submission of the report. Annual reports shall be submitted by December 31 in a format set forth in rules adopted by the Department to the Department. All reports shall be made available to the public on-site and through the Department.

(e) If the hospital is a division or subsidiary of another entity that owns or operates other hospitals or related organizations, the annual public disclosure report shall be for the specific division or subsidiary and not for the other entity.

(f) The Department shall disclose information under this Section in accordance with provisions for inspection and copying of public records required by the Freedom of Information Act provided that such information satisfies the provisions of subsection (c) of this Section.

New matter indicated by italics - deletions by strikeout
(g) Notwithstanding any other provision of law, under no circumstances shall the Department disclose information obtained from a hospital that is confidential under Part 21 of Article 8 of the Code of Civil Procedure.

(h) No hospital report or Department disclosure may contain information identifying a patient, employee, or licensed professional.

(Source: P.A. 93-563, eff. 1-1-04; 94-275, eff. 7-19-05.)

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

Approved August 20, 2007.
Effective August 20, 2007.

PUBLIC ACT 95-0283
(House Bill No. 0201)

AN ACT concerning wildlife.

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

Section 5. The Wildlife Code is amended by changing Section 3.5 and by adding Section 2.33b as follows:

(520 ILCS 5/2.33b new)
Sec. 2.33b. Computer-assisted remote hunting; prohibition. A person shall not operate, provide, sell, use, or offer to operate, provide, sell, or use any computer software or service that allows a person not physically present at the hunt site to remotely control a weapon that could be used to take wildlife by remote operation, including, but not limited to, weapons or devices set up to fire through the use of the Internet or through a remote control device.

(520 ILCS 5/3.5) (from Ch. 61, par. 3.5)
Sec. 3.5. Penalties; probation.

(a) Any person who violates any of the provisions of Section 2.36a, including administrative rules, shall be guilty of a Class 3 felony, except as

New matter indicated by italics - deletions by strikeout
otherwise provided in subsection (b) of this Section and subsection (a) of Section 2.36a.

(b) Whenever any person who has not previously been convicted of, or placed on probation or court supervision for, any offense under Section 1.22, 2.36, or 2.36a or subsection (i) or (cc) of Section 2.33, the court may, without entering a judgment and with the person's consent, sentence the person to probation for a violation of Section 2.36a.

(1) When a person is placed on probation, the court shall enter an order specifying a period of probation of 24 months and shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of probation.

(2) The conditions of probation shall be that the person:
   
   (A) Not violate any criminal statute of any jurisdiction.
   
   (B) Perform no less than 30 hours of community service, provided community service is available in the jurisdiction and is funded and approved by the county board.

(3) The court may, in addition to other conditions:

   (A) Require that the person make a report to and appear in person before or participate with the court or courts, person, or social service agency as directed by the court in the order of probation.

   (B) Require that the person pay a fine and costs.

   (C) Require that the person refrain from possessing a firearm or other dangerous weapon.

   (D) Prohibit the person from associating with any person who is actively engaged in any of the activities regulated by the permits issued or privileges granted by the Department of Natural Resources.

(4) Upon violation of a term or condition of probation, the court may enter a judgment on its original finding of guilt and proceed as otherwise provided.

New matter indicated by italics - deletions by strikeout
(5) Upon fulfillment of the terms and conditions of probation, the court shall discharge the person and dismiss the proceedings against the person.

(6) A disposition of probation is considered to be a conviction for the purposes of imposing the conditions of probation, for appeal, and for administrative revocation and suspension of licenses and privileges; however, discharge and dismissal under this Section is not a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime.

(7) Discharge and dismissal under this Section may occur only once with respect to any person.

(8) If a person is convicted of an offense under this Act within 5 years subsequent to a discharge and dismissal under this Section, the discharge and dismissal under this Section shall be admissible in the sentencing proceeding for that conviction as a factor in aggravation.

(9) The Circuit Clerk shall notify the Department of State Police of all persons convicted of or placed under probation for violations of Section 2.36a.

(c) Any person who violates any of the provisions of Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30, 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y), and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 - 3.16, 3.19 - 3.21 (except subsections (b), (c), (d), (e), (f), (f.5), (g), (h), and (i)), and 3.24 - 3.26, including administrative rules, shall be guilty of a Class B misdemeanor.

A person who violates Section 2.33b by using any computer software or service to remotely control a weapon that takes wildlife by remote operation is guilty of a Class B misdemeanor. A person who violates Section 2.33b by facilitating a violation of Section 2.33b, including an owner of land in which remote control hunting occurs, a computer programmer who designs a program or software to facilitate remote control hunting, or a person who provides weapons or equipment to facilitate remote control hunting, is guilty of a Class A misdemeanor.

New matter indicated by italics - deletions by strikeout
Any person who violates any of the provisions of Sections 1.22, 2.4, 2.36 and 2.38, including administrative rules, shall be guilty of a Class A misdemeanor. Any second or subsequent violations of Sections 2.4 and 2.36 shall be a Class 4 felony.

Any person who violates any of the provisions of this Act, including administrative rules, during such period when his license, privileges, or permit is revoked or denied by virtue of Section 3.36, shall be guilty of a Class A misdemeanor.

Any person who violates subsection (g), (i), (o), (p), (y), or (cc) of Section 2.33 shall be guilty of a Class A misdemeanor and subject to a fine of no less than $500 and no more than $5,000 in addition to other statutory penalties.

Any person who violates any other of the provisions of this Act including administrative rules, unless otherwise stated, shall be guilty of a petty offense. Offenses committed by minors under the direct control or with the consent of a parent or guardian may subject the parent or guardian to the penalties prescribed in this Section.

In addition to any fines imposed pursuant to the provisions of this Section or as otherwise provided in this Act, any person found guilty of unlawfully taking or possessing any species protected by this Act, shall be assessed a civil penalty for such species in accordance with the values prescribed in Section 2.36a of this Act. This civil penalty shall be imposed by the Circuit Court for the county within which the offense was committed at the time of the conviction. All penalties provided for in this Section shall be remitted to the Department in accordance with the same provisions provided for in Section 1.18 of this Act. (Source: P.A. 94-222, eff. 7-14-05.)

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

Approved August 20, 2007.
Effective August 20, 2007.
AN ACT concerning transportation.

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

Section 5. The Illinois Vehicle Code is amended by changing Sections 3-113 and 3-202 as follows:

(625 ILCS 5/3-113) (from Ch. 95 1/2, par. 3-113)
Sec. 3-113. Transfer to or from dealer; records.
(a) After a dealer buys a vehicle and holds it for resale, the dealer must procure the certificate of title from the owner or the lienholder. The dealer may hold the certificate until he or she transfers the vehicle to another person. Upon transferring the vehicle to another person, the dealer shall promptly and within 20 days execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale, in the spaces provided therefor on the certificate or as the Secretary of State prescribes, and mail or deliver the certificate to the Secretary of State with the transferee's application for a new certificate, except as provided in Section 3-117.2. A dealer has complied with this Section if the date of the mailing of the certificate, as indicated by the postmark, is within 20 days of the date on which the vehicle was transferred to another person.

(b) The Secretary of State may decline to process any application for a transfer of an interest in a vehicle if any fees or taxes due under this Code from the transferor or the transferee have not been paid upon reasonable notice and demand.

(c) Any person who violates this Section shall be guilty of a petty offense.
(Source: P.A. 94-239, eff. 1-1-06.)
(625 ILCS 5/3-202) (from Ch. 95 1/2, par. 3-202)
Sec. 3-202. Perfection of security interest.

New matter indicated by italics - deletions by strikeout
(a) Unless excepted by Section 3-201, a security interest in a vehicle of a type for which a certificate of title is required is not valid against subsequent transferees or lienholders of the vehicle unless perfected as provided in this Act.

(b) A security interest is perfected by the delivery to the Secretary of State of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the lienholder and the required fee. The security interest is perfected as of the time of its creation if the delivery to the Secretary of State is completed within 30 days after the creation of the security interest or receipt by the new lienholder of the existing certificate of title from a prior lienholder or licensed dealer, otherwise as of the time of the delivery.

(c) If a vehicle is subject to a security interest when brought into this State, the validity of the security interest is determined by the law of the jurisdiction where the vehicle was when the security interest attached, subject to the following:

1. If the parties understood at the time the security interest attached that the vehicle would be kept in this State and it was brought into this State within 30 days thereafter for purposes other than transportation through this State, the validity of the security interest in this State is determined by the law of this State.

2. If the security interest was perfected under the law of the jurisdiction where the vehicle was when the security interest attached, the following rules apply:

   (A) If the name of the lienholder is shown on an existing certificate of title issued by that jurisdiction, his security interest continues perfected in this State.

   (B) If the name of the lienholder is not shown on an existing certificate of title issued by that jurisdiction, a security interest may be perfected by the lienholder delivering to the Secretary of State the prescribed notice and by payment of the required fee. Such security interest is perfected as of the time of delivery of the prescribed notice and payment of the required fee.
3. If the security interest was not perfected under the law of the jurisdiction where the vehicle was when the security interest attached, it may be perfected in this State; in that case perfection dates from the time of perfection in this State.

4. A security interest may be perfected under paragraph 3 of this subsection either as provided in subsection (b) or by the lienholder delivering to the Secretary of State a notice of security interest in the form the Secretary of State prescribes and the required fee.

(Source: P.A. 91-893, eff. 7-6-00.)

Approved August 20, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0285
(House Bill No. 0272)

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

Section 5. The Illinois Housing Development Act is amended by adding Section 7.29 as follows:

(20 ILCS 3805/7.29 new)
Sec. 7.29. National Guard and Reservist homebuyer assistance.
(a) Subject to appropriation, the Authority shall establish and administer a guardsman and reservist homebuyer assistance program. Under the program, an eligible applicant may apply to a lender approved by the Authority for financial assistance for a portion of the down payment on the purchase of a house. The financial assistance: (i) shall not exceed 10% of the first $100,000 of the purchase price of the house, (ii) shall not exceed 5% of any amount of the purchase price in excess of $100,000, (iii) shall not exceed a total of $15,000, and (iv) shall be in the form of a grant to the approved eligible applicant. An eligible applicant may apply for financial assistance up to 3 years following the completion of active duty.

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(b) As used in this Section, "eligible applicant" means a member of the Illinois National Guard or the reserves of the Armed Forces of the United States called to active duty after September 11, 2001 who is a legal resident of the State of Illinois and who was a legal resident of this State when called to active duty.

(c) The Authority shall adopt necessary rules for the implementation of this Section, including rules for the solicitation, collection, and approval of applications and for the distribution of program grants.

Section 99. Effective date. This Act takes effect July 1, 2007.
Approved August 20, 2007.
Effective August 20, 2007.

PUBLIC ACT 95-0286
(House Bill No. 0290)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Income Tax Act is amended by changing Section 203 as follows:
(35 ILCS 5/203) (from Ch. 120, par. 2-203)
Sec. 203. Base income defined.
(a) Individuals.
(1) In general. In the case of an individual, base income means an amount equal to the taxpayer's adjusted gross income for the taxable year as modified by paragraph (2).
(2) Modifications. The adjusted gross income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:
(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the
computation of adjusted gross income, except stock dividends of qualified public utilities described in Section 305(e) of the Internal Revenue Code;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of adjusted gross income for the taxable year;

(C) An amount equal to the amount received during the taxable year as a recovery or refund of real property taxes paid with respect to the taxpayer's principal residence under the Revenue Act of 1939 and for which a deduction was previously taken under subparagraph (L) of this paragraph (2) prior to July 1, 1991, the retrospective application date of Article 4 of Public Act 87-17. In the case of multi-unit or multi-use structures and farm dwellings, the taxes on the taxpayer's principal residence shall be that portion of the total taxes for the entire property which is attributable to such principal residence;

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of adjusted gross income;

(D-5) An amount, to the extent not included in adjusted gross income, equal to the amount of money withdrawn by the taxpayer in the taxable year from a medical care savings account and the interest earned on the account in the taxable year of a withdrawal pursuant to subsection (b) of Section 20 of the Medical Care Savings Account Act or subsection (b) of Section 20 of the Medical Care Savings Account Act of 2000;

(D-10) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the individual deducted in computing adjusted gross income and for which the individual claims a credit under subsection (l) of Section 201;

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(D-15) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code;

(D-16) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (Z) with respect to that property.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (Z), then an amount equal to that subtraction modification.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(D-17) For taxable years ending on or after December 31, 2004, an amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the
taxpayer’s unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm’s-length interest rate and terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm’s-length rates and

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terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(D-18) For taxable years ending on or after December 31, 2004, an amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under

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Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence does not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(a)(2)(D-17) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes (1) expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets.

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person during the same taxable year paid, accrued, or incurred,
the intangible expense or cost to a person that is not a related member, and

(b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(D-20) For taxable years beginning on or after January 1, 2002, in the case of a distribution from a qualified tuition program under Section 529 of the Internal Revenue Code, other than (i) a distribution from a College Savings Pool created under Section 16.5 of the State Treasurer Act or (ii) a distribution from the Illinois Prepaid Tuition Trust Fund, an amount equal to the amount excluded from gross income under Section 529(c)(3)(B);

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and by deducting from the total so obtained the sum of the following amounts:

(E) For taxable years ending before December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being on active duty in the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 1971 or thereafter for annual training performed pursuant to Sections 502 and 503, Title 32, United States Code as a member of the Illinois National Guard or, beginning with taxable years ending on or after December 31, 2007, the National Guard of any other state. For taxable years ending on or after December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being a member of any component of the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 2001 or thereafter by reason of being a member of the Illinois National Guard or, beginning with taxable years ending on or after December 31, 2007, the National Guard of any other state. The provisions of this amendatory Act of the 92nd General Assembly are exempt from the provisions of Section 250;

(F) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a),

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402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the Internal Revenue Code, or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(G) The valuation limitation amount;

(H) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(I) An amount equal to all amounts included in such total pursuant to the provisions of Section 111 of the Internal Revenue Code as a recovery of items previously deducted from adjusted gross income in the computation of taxable income;

(J) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act or a River Edge Redevelopment Zone or zones created under the River Edge Redevelopment Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones or a River Edge Redevelopment Zone or zones. This subparagraph (J) is exempt from the provisions of Section 250;

(K) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (J) of paragraph
(2) of this subsection shall not be eligible for the deduction provided under this subparagraph (K);

(L) For taxable years ending after December 31, 1983, an amount equal to all social security benefits and railroad retirement benefits included in such total pursuant to Sections 72(r) and 86 of the Internal Revenue Code;

(M) With the exception of any amounts subtracted under subparagraph (N), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(N) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(O) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

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(Q) An amount equal to any amounts included in such total, received by the taxpayer as an acceleration in the payment of life, endowment or annuity benefits in advance of the time they would otherwise be payable as an indemnity for a terminal illness;

(R) An amount equal to the amount of any federal or State bonus paid to veterans of the Persian Gulf War;

(S) An amount, to the extent included in adjusted gross income, equal to the amount of a contribution made in the taxable year on behalf of the taxpayer to a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 to the extent the contribution is accepted by the account administrator as provided in that Act;

(T) An amount, to the extent included in adjusted gross income, equal to the amount of interest earned in the taxable year on a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 on behalf of the taxpayer, other than interest added pursuant to item (D-5) of this paragraph (2);

(U) For one taxable year beginning on or after January 1, 1994, an amount equal to the total amount of tax imposed and paid under subsections (a) and (b) of Section 201 of this Act on grant amounts received by the taxpayer under the Nursing Home Grant Assistance Act during the taxpayer's taxable years 1992 and 1993;

(V) Beginning with tax years ending on or after December 31, 1995 and ending with tax years ending on or before December 31, 2004, an amount equal to the amount paid by a taxpayer who is a self-employed taxpayer, a partner of a partnership, or a shareholder in a Subchapter S corporation for health insurance or long-term care insurance for that taxpayer or that taxpayer's spouse or dependents, to

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the extent that the amount paid for that health insurance or long-term care insurance may be deducted under Section 213 of the Internal Revenue Code of 1986, has not been deducted on the federal income tax return of the taxpayer, and does not exceed the taxable income attributable to that taxpayer's income, self-employment income, or Subchapter S corporation income; except that no deduction shall be allowed under this item (V) if the taxpayer is eligible to participate in any health insurance or long-term care insurance plan of an employer of the taxpayer or the taxpayer's spouse. The amount of the health insurance and long-term care insurance subtracted under this item (V) shall be determined by multiplying total health insurance and long-term care insurance premiums paid by the taxpayer times a number that represents the fractional percentage of eligible medical expenses under Section 213 of the Internal Revenue Code of 1986 not actually deducted on the taxpayer's federal income tax return;

(W) For taxable years beginning on or after January 1, 1998, all amounts included in the taxpayer's federal gross income in the taxable year from amounts converted from a regular IRA to a Roth IRA. This paragraph is exempt from the provisions of Section 250;

(X) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other

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Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250;

(Y) For taxable years beginning on or after January 1, 2002 and ending on or before December 31, 2004, moneys contributed in the taxable year to a College Savings Pool account under Section 16.5 of the State Treasurer Act, except that amounts excluded from gross income under Section 529(c)(3)(C)(i) of the Internal Revenue Code shall not be considered moneys contributed under this subparagraph (Y). For taxable years beginning on or after January 1, 2005, a maximum of $10,000 contributed in the taxable year to (i) a College Savings Pool account under Section 16.5 of the State Treasurer Act or (ii) the Illinois Prepaid Tuition Trust Fund, except that amounts excluded from gross income under Section 529(c)(3)(C)(i) of the Internal Revenue Code shall not be considered moneys
contributed under this subparagraph (Y). This subparagraph (Y) is exempt from the provisions of Section 250;

(Z) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction;

2) for taxable years ending on or before December 31, 2005, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

3) for taxable years ending after December 31, 2005:

   i) for property on which a bonus depreciation deduction of 30% of the adjusted basis was taken, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

   ii) for property on which a bonus depreciation deduction of 50% of the adjusted basis was taken, "x" equals "y" multiplied by 1.0.

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the
taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This subparagraph (Z) is exempt from the provisions of Section 250;

(AA) If the taxpayer sells, transfers, abandons, or otherwise dispose of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to that addition modification.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

This subparagraph (AA) is exempt from the provisions of Section 250;

(BB) Any amount included in adjusted gross income, other than salary, received by a driver in a ridesharing arrangement using a motor vehicle;

(CC) The amount of (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of that addition modification, and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer...
that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of that addition modification;

(DD) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(a)(2)(D-17) for interest paid, accrued, or incurred, directly or indirectly, to the same foreign person; and

(EE) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(a)(2)(D-18) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person.

(b) Corporations.

(1) In general. In the case of a corporation, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

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(A) An amount equal to all amounts paid or accrued to the taxpayer as interest and all distributions received from regulated investment companies during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(C) In the case of a regulated investment company, an amount equal to the excess of (i) the net long-term capital gain for the taxable year, over (ii) the amount of the capital gain dividends designated as such in accordance with Section 852(b)(3)(C) of the Internal Revenue Code and any amount designated under Section 852(b)(3)(D) of the Internal Revenue Code, attributable to the taxable year (this amendatory Act of 1995 (Public Act 89-89) is declarative of existing law and is not a new enactment);

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such earlier taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount

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(E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(E-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the corporation deducted in computing adjusted gross income and for which the corporation claims a credit under subsection (l) of Section 201;

(E-10) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(E-11) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (T) with respect to that property.

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If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (T), then an amount equal to that subtraction modification.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(E-12) For taxable years ending on or after December 31, 2004, an amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact the foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary
reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for
any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(E-13) For taxable years ending on or after December 31, 2004, an amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence shall not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(b)(2)(E-12) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes (1) expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred,

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directly or indirectly, from factoring transactions or
discounting transactions; (3) royalty, patent, technical, and
copyright fees; (4) licensing fees; and (5) other similar
expenses and costs. For purposes of this subparagraph,
"intangible property" includes patents, patent applications,
trade names, trademarks, service marks, copyrights, mask
works, trade secrets, and similar types of intangible assets.

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs
paid, accrued, or incurred, directly or indirectly,
from a transaction with a foreign person who is
subject in a foreign country or state, other than a
state which requires mandatory unitary reporting, to
a tax on or measured by net income with respect to
such item; or

(ii) any item of intangible expense or cost
paid, accrued, or incurred, directly or indirectly, if
the taxpayer can establish, based on a
preponderance of the evidence, both of the
following:

(a) the foreign person during the
same taxable year paid, accrued, or incurred,
the intangible expense or cost to a person
that is not a related member, and

(b) the transaction giving rise to the
intangible expense or cost between the
taxpayer and the foreign person did not have
as a principal purpose the avoidance of
Illinois income tax, and is paid pursuant to a
contract or agreement that reflects arm's-
length terms; or

(iii) any item of intangible expense or cost
paid, accrued, or incurred, directly or indirectly,
from a transaction with a foreign person if the

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taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

and by deducting from the total so obtained the sum of the following amounts:

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to any amount included in such total under Section 78 of the Internal Revenue Code;

(H) In the case of a regulated investment company, an amount equal to the amount of exempt interest dividends as defined in subsection (b) (5) of Section 852 of the Internal Revenue Code, paid to shareholders for the taxable year;

(I) With the exception of any amounts subtracted under subparagraph (J), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(a)(2) and amounts disallowed as interest expense by Section 291(a)(3) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(a)(1) of the Internal Revenue Code, as now or
hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(J) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act or a River Edge Redevelopment Zone or zones created under the River Edge Redevelopment Zone Act and conducts substantially all of its operations in an Enterprise Zone or zones or a River Edge Redevelopment Zone or zones. This subparagraph (K) is exempt from the provisions of Section 250;

(L) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph 2 of this subsection shall not be eligible for the deduction provided under this subparagraph (L);

(M) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a
loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the Enterprise Zone Investment Credit or the River Edge Redevelopment Zone Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(f) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(f) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in the Enterprise Zone or the River Edge Redevelopment Zone. The subtraction modification available to taxpayer in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence. This subparagraph (M) is exempt from the provisions of Section 250:

(M-1) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the High Impact Business Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(h) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(h) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois. No
taxpayer that is eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall be eligible for the deduction provided under this subparagraph (M-1). The subtraction modification available to taxpayers in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(N) Two times any contribution made during the taxable year to a designated zone organization to the extent that the contribution (i) qualifies as a charitable contribution under subsection (c) of Section 170 of the Internal Revenue Code and (ii) must, by its terms, be used for a project approved by the Department of Commerce and Economic Opportunity under Section 11 of the Illinois Enterprise Zone Act or under Section 10-10 of the Illinois River Edge Redevelopment Zone Act. This subparagraph (N) is exempt from the provisions of Section 250;

(O) An amount equal to: (i) 85% for taxable years ending on or before December 31, 1992, or, a percentage equal to the percentage allowable under Section 243(a)(1) of the Internal Revenue Code of 1986 for taxable years ending after December 31, 1992, of the amount by which dividends included in taxable income and received from a corporation that is not created or organized under the laws of the United States or any state or political subdivision thereof, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends; plus (ii) 100% of the amount by which dividends, included in taxable income and received, including, for taxable years

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ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, from any such corporation specified in clause (i) that would but for the provisions of Section 1504 (b) (3) of the Internal Revenue Code be treated as a member of the affiliated group which includes the dividend recipient, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends;

(P) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(Q) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(R) On and after July 20, 1999, in the case of an attorney-in-fact with respect to whom an interinsurer or a reciprocal insurer has made the election under Section 835 of the Internal Revenue Code, 26 U.S.C. 835, an amount equal to the excess, if any, of the amounts paid or incurred by that interinsurer or reciprocal insurer in the taxable year to the attorney-in-fact over the deduction allowed to that interinsurer or reciprocal insurer with respect to the attorney-in-fact under Section 835(b) of the Internal Revenue Code for the taxable year; the provisions of this subparagraph are exempt from the provisions of Section 250;

(S) For taxable years ending on or after December 31, 1997, in the case of a Subchapter S corporation, an amount equal to all amounts of income allocable to a shareholder subject to the Personal Property Tax
Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act, including amounts allocable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code. This subparagraph (S) is exempt from the provisions of Section 250;

(T) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction;

(2) for taxable years ending on or before December 31, 2005, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

(3) for taxable years ending after December 31, 2005:

(i) for property on which a bonus depreciation deduction of 30% of the adjusted basis was taken, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

(ii) for property on which a bonus depreciation deduction of 50% of the adjusted basis was taken, "x" equals "y" multiplied by 1.0.

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The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This subparagraph (T) is exempt from the provisions of Section 250;

(U) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to that addition modification.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

This subparagraph (U) is exempt from the provisions of Section 250;

(V) The amount of: (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of such addition modification and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the
taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of such addition modification;

(W) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(b)(2)(E-12) for interest paid, accrued, or incurred, directly or indirectly, to the same foreign person; and

(X) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(b)(2)(E-13) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person.

(3) Special rule. For purposes of paragraph (2) (A), "gross income" in the case of a life insurance company, for tax years ending on and after December 31, 1994, shall mean the gross investment income for the taxable year.

(c) Trusts and estates.
(1) In general. In the case of a trust or estate, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. Subject to the provisions of paragraph (3), the taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) In the case of (i) an estate, $600; (ii) a trust which, under its governing instrument, is required to distribute all of its income currently, $300; and (iii) any other trust, $100, but in each such case, only to the extent such amount was deducted in the computation of taxable income;

(C) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the
taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(F) For taxable years ending on or after January 1, 1989, an amount equal to the tax deducted pursuant to Section 164 of the Internal Revenue Code if the trust or estate is claiming the same tax for purposes of the Illinois foreign tax credit under Section 601 of this Act;

(G) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income;

(G-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the trust or estate deducted in computing adjusted gross income and for which the trust or estate claims a credit under subsection (l) of Section 201;

(G-10) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction taken on

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the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(G-11) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (R) with respect to that property.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (R), then an amount equal to that subtraction modification.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(G-12) For taxable years ending on or after December 31, 2004, an amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951

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through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

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(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any taxable year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(G-13) For taxable years ending on or after December 31, 2004, an amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the

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intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence shall not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(c)(2)(G-12) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes: (1) expenses, losses, and costs for or related to the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets.

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and

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(b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

and by deducting from the total so obtained the sum of the following amounts:

(H) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the Internal Revenue Code or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self

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employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(I) The valuation limitation amount;

(J) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(K) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C), (D), (E), (F) and (G) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(L) With the exception of any amounts subtracted under subparagraph (K), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2) and 265(a)(2) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(M) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act or a River Edge Redevelopment Zone or zones created under the River Edge Redevelopment Zone Act and conducts substantially

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all of its operations in an Enterprise Zone or Zones or a River Edge Redevelopment Zone or zones. This subparagraph (M) is exempt from the provisions of Section 250;

(N) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(O) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (O);

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued

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to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250;

(R) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction;

(2) for taxable years ending on or before December 31, 2005, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

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(3) for taxable years ending after December 31, 2005:

   (i) for property on which a bonus depreciation deduction of 30% of the adjusted basis was taken, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

   (ii) for property on which a bonus depreciation deduction of 50% of the adjusted basis was taken, "x" equals "y" multiplied by 1.0.

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This subparagraph (R) is exempt from the provisions of Section 250;

(S) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to that addition modification.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

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This subparagraph (S) is exempt from the provisions of Section 250;

(T) The amount of (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of such addition modification and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of such addition modification;

(U) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(c)(2)(G-12) for interest paid, accrued, or incurred, directly or indirectly, to the same foreign person; and

(V) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but

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not to exceed the addition modification required to be made for the same taxable year under Section 203(c)(2)(G-13) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person.

(3) Limitation. The amount of any modification otherwise required under this subsection shall, under regulations prescribed by the Department, be adjusted by any amounts included therein which were properly paid, credited, or required to be distributed, or permanently set aside for charitable purposes pursuant to Internal Revenue Code Section 642(c) during the taxable year.

(d) Partnerships.

(1) In general. In the case of a partnership, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

   (A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

   (B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income for the taxable year;

   (C) The amount of deductions allowed to the partnership pursuant to Section 707 (c) of the Internal Revenue Code in calculating its taxable income;

   (D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income;

   (D-5) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction taken on the taxpayer's federal income tax return for the taxable year.
(D-6) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (O) with respect to that property.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (O), then an amount equal to that subtraction modification.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(D-7) For taxable years ending on or after December 31, 2004, an amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact the foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income).
income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if
the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act; and

(D-8) For taxable years ending on or after December 31, 2004, an amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred or accrued. The preceding sentence shall not apply to the
extent that the same dividends caused a reduction to the addition modification required under Section 203(d)(2)(D-7) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes (1) expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets;

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and

(b) the transaction giving rise to the intangible expense or cost between the

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taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or 

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

and by deducting from the total so obtained the following amounts:

(E) The valuation limitation amount;

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C) and (D) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations

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from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(H) Any income of the partnership which constitutes personal service income as defined in Section 1348 (b) (1) of the Internal Revenue Code (as in effect December 31, 1981) or a reasonable allowance for compensation paid or accrued for services rendered by partners to the partnership, whichever is greater;

(I) An amount equal to all amounts of income distributable to an entity subject to the Personal Property Tax Replacement Income Tax imposed by subsections (e) and (d) of Section 201 of this Act including amounts distributable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code;

(J) With the exception of any amounts subtracted under subparagraph (G), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, enacted by the 82nd General Assembly, or a River Edge Redevelopment Zone or zones created under the River Edge Redevelopment Zone Act and conducts substantially all of its operations in
an Enterprise Zone or Zones or from a River Edge Redevelopment Zone or zones. This subparagraph (K) is exempt from the provisions of Section 250;

(L) An amount equal to any contribution made to a job training project established pursuant to the Real Property Tax Increment Allocation Redevelopment Act;

(M) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (M);

(N) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(O) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction;

(2) for taxable years ending on or before December 31, 2005, "x" equals "y" multiplied by 30
and then divided by 70 (or "y" multiplied by 0.429); and

(3) for taxable years ending after December 31, 2005:

(i) for property on which a bonus depreciation deduction of 30% of the adjusted basis was taken, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

(ii) for property on which a bonus depreciation deduction of 50% of the adjusted basis was taken, "x" equals "y" multiplied by 1.0.

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This subparagraph (O) is exempt from the provisions of Section 250;

(P) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to that addition modification.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to that addition modification.

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The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

This subparagraph (P) is exempt from the provisions of Section 250;

(Q) The amount of (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of such addition modification and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of such addition modification;

(R) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(d)(2)(D-7) for interest paid, accrued, or incurred, directly or indirectly, to the same foreign person; and

(S) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the
taxpayer's unitary business group but for the fact that the
foreign person's business activity outside the United States
is 80% or more of that person's total business activity, but
not to exceed the addition modification required to be made
for the same taxable year under Section 203(d)(2)(D-8) for
intangible expenses and costs paid, accrued, or incurred,
directly or indirectly, to the same foreign person.

(e) Gross income; adjusted gross income; taxable income.

(1) In general. Subject to the provisions of paragraph (2)
and subsection (b) (3), for purposes of this Section and Section
803(e), a taxpayer's gross income, adjusted gross income, or
taxable income for the taxable year shall mean the amount of gross
income, adjusted gross income or taxable income properly
reportable for federal income tax purposes for the taxable year
under the provisions of the Internal Revenue Code. Taxable
income may be less than zero. However, for taxable years ending
on or after December 31, 1986, net operating loss carryforwards
from taxable years ending prior to December 31, 1986, may not
exceed the sum of federal taxable income for the taxable year
before net operating loss deduction, plus the excess of addition
modifications over subtraction modifications for the taxable year.
For taxable years ending prior to December 31, 1986, taxable
income may never be an amount in excess of the net operating loss
for the taxable year as defined in subsections (c) and (d) of Section
172 of the Internal Revenue Code, provided that when taxable
income of a corporation (other than a Subchapter S corporation),
trust, or estate is less than zero and addition modifications, other
than those provided by subparagraph (E) of paragraph (2) of
subsection (b) for corporations or subparagraph (E) of paragraph
(2) of subsection (c) for trusts and estates, exceed subtraction
modifications, an addition modification must be made under those
subparagraphs for any other taxable year to which the taxable
income less than zero (net operating loss) is applied under Section
172 of the Internal Revenue Code or under subparagraph (E) of

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paragraph (2) of this subsection (e) applied in conjunction with Section 172 of the Internal Revenue Code.

(2) Special rule. For purposes of paragraph (1) of this subsection, the taxable income properly reportable for federal income tax purposes shall mean:

(A) Certain life insurance companies. In the case of a life insurance company subject to the tax imposed by Section 801 of the Internal Revenue Code, life insurance company taxable income, plus the amount of distribution from pre-1984 policyholder surplus accounts as calculated under Section 815a of the Internal Revenue Code;

(B) Certain other insurance companies. In the case of mutual insurance companies subject to the tax imposed by Section 831 of the Internal Revenue Code, insurance company taxable income;

(C) Regulated investment companies. In the case of a regulated investment company subject to the tax imposed by Section 852 of the Internal Revenue Code, investment company taxable income;

(D) Real estate investment trusts. In the case of a real estate investment trust subject to the tax imposed by Section 857 of the Internal Revenue Code, real estate investment trust taxable income;

(E) Consolidated corporations. In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated income tax return for the taxable year for federal income tax purposes, taxable income determined as if such corporation had filed a separate return for federal income tax purposes for the taxable year and each preceding taxable year for which it was a member of an affiliated group. For purposes of this subparagraph, the taxpayer's separate taxable income shall be determined as if the election provided by Section 243(b)
(2) of the Internal Revenue Code had been in effect for all such years;

(F) Cooperatives. In the case of a cooperative corporation or association, the taxable income of such organization determined in accordance with the provisions of Section 1381 through 1388 of the Internal Revenue Code;

(G) Subchapter S corporations. In the case of: (i) a Subchapter S corporation for which there is in effect an election for the taxable year under Section 1362 of the Internal Revenue Code, the taxable income of such corporation determined in accordance with Section 1363(b) of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 1363(b)(1) of the Internal Revenue Code to be separately stated; and (ii) a Subchapter S corporation for which there is in effect a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982, the taxable income of such corporation determined in accordance with the federal Subchapter S rules as in effect on July 1, 1982; and

(H) Partnerships. In the case of a partnership, taxable income determined in accordance with Section 703 of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 703(a)(1) to be separately stated but which would be taken into account by an individual in calculating his taxable income.

(3) Recapture of business expenses on disposition of asset or business. Notwithstanding any other law to the contrary, if in prior years income from an asset or business has been classified as business income and in a later year is demonstrated to be non-business income, then all expenses, without limitation, deducted in

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such later year and in the 2 immediately preceding taxable years related to that asset or business that generated the non-business income shall be added back and recaptured as business income in the year of the disposition of the asset or business. Such amount shall be apportioned to Illinois using the greater of the apportionment fraction computed for the business under Section 304 of this Act for the taxable year or the average of the apportionment fractions computed for the business under Section 304 of this Act for the taxable year and for the 2 immediately preceding taxable years.

(f) Valuation limitation amount.

(1) In general. The valuation limitation amount referred to in subsections (a) (2) (G), (c) (2) (I) and (d)(2) (E) is an amount equal to:

(A) The sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of gain reportable under the provisions of Section 1245 or 1250 of the Internal Revenue Code) for all property in respect of which such gain was reported for the taxable year; plus

(B) The lesser of (i) the sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of capital gain) for all property in respect of which such gain was reported for federal income tax purposes for the taxable year, or (ii) the net capital gain for the taxable year, reduced in either case by any amount of such gain included in the amount determined under subsection (a) (2) (F) or (c) (2) (H).

(2) Pre-August 1, 1969 appreciation amount.

(A) If the fair market value of property referred to in paragraph (1) was readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is the lesser of (i) the excess of such fair market value over the taxpayer's basis (for determining gain) for such property on that date (determined under the Internal Revenue Code)
Revenue Code as in effect on that date), or (ii) the total gain realized and reportable for federal income tax purposes in respect of the sale, exchange or other disposition of such property.

(B) If the fair market value of property referred to in paragraph (1) was not readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is that amount which bears the same ratio to the total gain reported in respect of the property for federal income tax purposes for the taxable year, as the number of full calendar months in that part of the taxpayer's holding period for the property ending July 31, 1969 bears to the number of full calendar months in the taxpayer's entire holding period for the property.

(C) The Department shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.

(g) Double deductions. Unless specifically provided otherwise, nothing in this Section shall permit the same item to be deducted more than once.

(h) Legislative intention. Except as expressly provided by this Section there shall be no modifications or limitations on the amounts of income, gain, loss or deduction taken into account in determining gross income, adjusted gross income or taxable income for federal income tax purposes for the taxable year, or in the amount of such items entering into the computation of base income and net income under this Act for such taxable year, whether in respect of property values as of August 1, 1969 or otherwise.

(Source: P.A. 93-812, eff. 7-26-04; 93-840, eff. 7-30-04; 94-776, eff. 5-19-06; 94-789, eff. 5-19-06; 94-1021, eff. 7-12-06; 94-1074, eff. 12-26-06; revised 1-2-07.)

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

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

Section 5. The Illinois Vehicle Code is amended by changing Sections 2-123, 3-405.1, 3-414, 3-704, 3-806.1, 3-806.5, and 3-821 as follows:

(625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)
Sec. 2-123. Sale and Distribution of Information.
(a) Except as otherwise provided in this Section, the Secretary may make the driver's license, vehicle and title registration lists, in part or in whole, and any statistical information derived from these lists available to local governments, elected state officials, state educational institutions, and all other governmental units of the State and Federal Government requesting them for governmental purposes. The Secretary shall require any such applicant for services to pay for the costs of furnishing such services and the use of the equipment involved, and in addition is empowered to establish prices and charges for the services so furnished and for the use of the electronic equipment utilized.

(b) The Secretary is further empowered to and he may, in his discretion, furnish to any applicant, other than listed in subsection (a) of this Section, vehicle or driver data on a computer tape, disk, other electronic format or computer processable medium, or printout at a fixed fee of $250 for orders received before October 1, 2003 and $500 for orders received on or after October 1, 2003, in advance, and require in addition a further sufficient deposit based upon the Secretary of State's estimate of the total cost of the information requested and a charge of $25 for orders received before October 1, 2003 and $50 for orders received on or after October 1, 2003, per 1,000 units or part thereof identified or the actual
cost, whichever is greater. The Secretary is authorized to refund any difference between the additional deposit and the actual cost of the request. This service shall not be in lieu of an abstract of a driver's record nor of a title or registration search. This service may be limited to entities purchasing a minimum number of records as required by administrative rule. The information sold pursuant to this subsection shall be the entire vehicle or driver data list, or part thereof. The information sold pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section. Commercial purchasers of driver and vehicle record databases shall enter into a written agreement with the Secretary of State that includes disclosure of the commercial use of the information to be purchased.

(b-1) The Secretary is further empowered to and may, in his or her discretion, furnish vehicle or driver data on a computer tape, disk, or other electronic format or computer processible medium, at no fee, to any State or local governmental agency that uses the information provided by the Secretary to transmit data back to the Secretary that enables the Secretary to maintain accurate driving records, including dispositions of traffic cases. This information may be provided without fee not more often than once every 6 months.

(c) Secretary of State may issue registration lists. The Secretary of State may compile and publish, at least annually, a list of all registered vehicles. Each list of registered vehicles shall be arranged serially according to the registration numbers assigned to registered vehicles and may contain in addition the names and addresses of registered owners and a brief description of each vehicle including the serial or other identifying number thereof. Such compilation may be in such form as in the discretion of the Secretary of State may seem best for the purposes intended.

(d) The Secretary of State shall furnish no more than 2 current available lists of such registrations to the sheriffs of all counties and to the chiefs of police of all cities and villages and towns of 2,000 population and over in this State at no cost. Additional copies may be purchased by

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the sheriffs or chiefs of police at the fee of $500 each or at the cost of producing the list as determined by the Secretary of State. Such lists are to be used for governmental purposes only.

(e) (Blank).

(e-1) (Blank).

(f) The Secretary of State shall make a title or registration search of the records of his office and a written report on the same for any person, upon written application of such person, accompanied by a fee of $5 for each registration or title search. The written application shall set forth the intended use of the requested information. No fee shall be charged for a title or registration search, or for the certification thereof requested by a government agency. The report of the title or registration search shall not contain personally identifying information unless the request for a search was made for one of the purposes identified in subsection (f-5) of this Section. The report of the title or registration search shall not contain highly restricted personal information unless specifically authorized by this Code.

The Secretary of State shall certify a title or registration record upon written request. The fee for certification shall be $5 in addition to the fee required for a title or registration search. Certification shall be made under the signature of the Secretary of State and shall be authenticated by Seal of the Secretary of State.

The Secretary of State may notify the vehicle owner or registrant of the request for purchase of his title or registration information as the Secretary deems appropriate.

No information shall be released to the requestor until expiration of a 10 day period. This 10 day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses.
businesses, and other business entities for purposes consistent with the Illinois Vehicle Code, the vehicle owner or registrant or other entities as the Secretary may exempt by rule and regulation.

Any misrepresentation made by a requestor of title or vehicle information shall be punishable as a petty offense, except in the case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary sanctions under Section 40-10 of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004.

(f-5) The Secretary of State shall not disclose or otherwise make available to any person or entity any personally identifying information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless the information is disclosed for one of the following purposes:

1. For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, State, or local agency in carrying out its functions.

   2. For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

   3. For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:

   A. to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors; and

   B. if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

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(4) For use in research activities and for use in producing statistical reports, if the personally identifying information is not published, redisclosed, or used to contact individuals.

(5) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, State, or local court.

(6) For use by any insurer or insurance support organization or by a self-insured entity or its agents, employees, or contractors in connection with claims investigation activities, antifraud activities, rating, or underwriting.

(7) For use in providing notice to the owners of towed or impounded vehicles.

(8) For use by any person licensed as a private detective or firm licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993, private investigative agency or security service licensed in Illinois for any purpose permitted under this subsection.

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under chapter 313 of title 49 of the United States Code.

(10) For use in connection with the operation of private toll transportation facilities.

(11) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.

(12) For use by members of the news media, as defined in Section 1-148.5, for the purpose of newsgathering when the request relates to the operation of a motor vehicle or public safety.

(13) For any other use specifically authorized by law, if that use is related to the operation of a motor vehicle or public safety.

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(f-6) The Secretary of State shall not disclose or otherwise make available to any person or entity any highly restricted personal information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless specifically authorized by this Code.

(g) 1. The Secretary of State may, upon receipt of a written request and a fee of $6 before October 1, 2003 and a fee of $12 on and after October 1, 2003, furnish to the person or agency so requesting a driver's record. Such document may include a record of: current driver's license issuance information, except that the information on judicial driving permits shall be available only as otherwise provided by this Code; convictions; orders entered revoking, suspending or cancelling a driver's license or privilege; and notations of accident involvement. All other information, unless otherwise permitted by this Code, shall remain confidential. Information released pursuant to a request for a driver's record shall not contain personally identifying information, unless the request for the driver's record was made for one of the purposes set forth in subsection (f-5) of this Section.

2. The Secretary of State shall not disclose or otherwise make available to any person or entity any highly restricted personal information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless specifically authorized by this Code. The Secretary of State may certify an abstract of a driver's record upon written request therefor. Such certification shall be made under the signature of the Secretary of State and shall be authenticated by the Seal of his office.

3. All requests for driving record information shall be made in a manner prescribed by the Secretary and shall set forth the intended use of the requested information.

The Secretary of State may notify the affected driver of the request for purchase of his driver's record as the Secretary deems appropriate.

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No information shall be released to the requester until expiration of a 10 day period. This 10 day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the Illinois Vehicle Code, the affected driver or other entities as the Secretary may exempt by rule and regulation.

Any misrepresentation made by a requestor of driver information shall be punishable as a petty offense, except in the case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary sanctions under Section 40-10 of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004.

4. The Secretary of State may furnish without fee, upon the written request of a law enforcement agency, any information from a driver's record on file with the Secretary of State when such information is required in the enforcement of this Code or any other law relating to the operation of motor vehicles, including records of dispositions; documented information involving the use of a motor vehicle; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record.

5. Except as otherwise provided in this Section, the Secretary of State may furnish, without fee, information from an individual driver's record on file, if a written request therefor is submitted by any public transit system or authority, public defender, law enforcement agency, a state or federal agency, or an Illinois local intergovernmental association, if the request is for the
purpose of a background check of applicants for employment with
the requesting agency, or for the purpose of an official
investigation conducted by the agency, or to determine a current
address for the driver so public funds can be recovered or paid to
the driver, or for any other purpose set forth in subsection (f-5) of
this Section.

The Secretary may also furnish the courts a copy of an
abstract of a driver's record, without fee, subsequent to an arrest for
a violation of Section 11-501 or a similar provision of a local
ordinance. Such abstract may include records of dispositions;
documented information involving the use of a motor vehicle as
contained in the current file; whether such individual has, or
previously had, a driver's license; and the address and personal
description as reflected on said driver's record.

6. Any certified abstract issued by the Secretary of State or
transmitted electronically by the Secretary of State pursuant to this
Section, to a court or on request of a law enforcement agency, for
the record of a named person as to the status of the person's driver's
license shall be prima facie evidence of the facts therein stated and
if the name appearing in such abstract is the same as that of a
person named in an information or warrant, such abstract shall be
prima facie evidence that the person named in such information or
warrant is the same person as the person named in such abstract
and shall be admissible for any prosecution under this Code and be
admitted as proof of any prior conviction or proof of records,
notices, or orders recorded on individual driving records
maintained by the Secretary of State.

7. Subject to any restrictions contained in the Juvenile
Court Act of 1987, and upon receipt of a proper request and a fee
of $6 before October 1, 2003 and a fee of $12 on or after October
1, 2003, the Secretary of State shall provide a driver's record to the
affected driver, or the affected driver's attorney, upon verification.
Such record shall contain all the information referred to in
paragraph 1 of this subsection (g) plus: any recorded accident

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involvement as a driver; information recorded pursuant to subsection (e) of Section 6-117 and paragraph (4) of subsection (a) of Section 6-204 of this Code. All other information, unless otherwise permitted by this Code, shall remain confidential.

(h) The Secretary shall not disclose social security numbers or any associated information obtained from the Social Security Administration except pursuant to a written request by, or with the prior written consent of, the individual except: (1) to officers and employees of the Secretary who have a need to know the social security numbers in performance of their official duties, (2) to law enforcement officials for a lawful, civil or criminal law enforcement investigation, and if the head of the law enforcement agency has made a written request to the Secretary specifying the law enforcement investigation for which the social security numbers are being sought, (3) to the United States Department of Transportation, or any other State, pursuant to the administration and enforcement of the Commercial Motor Vehicle Safety Act of 1986, (4) pursuant to the order of a court of competent jurisdiction, or (5) to the Department of Healthcare and Family Services (formerly Department of Public Aid) for utilization in the child support enforcement duties assigned to that Department under provisions of the Illinois Public Aid Code after the individual has received advanced meaningful notification of what redisclosure is sought by the Secretary in accordance with the federal Privacy Act.

(i) (Blank).

(j) Medical statements or medical reports received in the Secretary of State's Office shall be confidential. No confidential information may be open to public inspection or the contents disclosed to anyone, except officers and employees of the Secretary who have a need to know the information contained in the medical reports and the Driver License Medical Advisory Board, unless so directed by an order of a court of competent jurisdiction.

(k) All fees collected under this Section shall be paid into the Road Fund of the State Treasury, except that (i) for fees collected before October 1, 2003, $3 of the $6 fee for a driver's record shall be paid into the

New matter indicated by italics - deletions by strikeout
Secretary of State Special Services Fund, (ii) for fees collected on and after October 1, 2003, of the $12 fee for a driver's record, $3 shall be paid into the Secretary of State Special Services Fund and $6 shall be paid into the General Revenue Fund, and (iii) for fees collected on and after October 1, 2003, 50% of the amounts collected pursuant to subsection (b) shall be paid into the General Revenue Fund.

(l) (Blank).

(m) Notations of accident involvement that may be disclosed under this Section shall not include notations relating to damage to a vehicle or other property being transported by a tow truck. This information shall remain confidential, provided that nothing in this subsection (m) shall limit disclosure of any notification of accident involvement to any law enforcement agency or official.

(n) Requests made by the news media for driver's license, vehicle, or title registration information may be furnished without charge or at a reduced charge, as determined by the Secretary, when the specific purpose for requesting the documents is deemed to be in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare of the legal rights of the general public and is not for the principal purpose of gaining a personal or commercial benefit. The information provided pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section.

(o) The redisclosure of personally identifying information obtained pursuant to this Section is prohibited, except to the extent necessary to effectuate the purpose for which the original disclosure of the information was permitted.

(p) The Secretary of State is empowered to adopt rules to effectuate this Section.

(Source: P.A. 93-32, eff. 7-1-03; 93-438, eff. 8-5-03; 93-895, eff. 1-1-05; 94-56, eff. 6-17-05; revised 12-15-05.)

(625 ILCS 5/3-405.1) (from Ch. 95 1/2, par. 3-405.1)
Sec. 3-405.1. Application for vanity and personalized license plates.

(a) Vanity license plates mean any license plates, assigned to a passenger motor vehicle of the first division, to a motor vehicle of the second division registered at not more than 8,000 pounds, to a trailer weighing 8,000 pounds or less paying the flat weight tax, or to a recreational vehicle, which display a registration number containing 1 to 7 letters and no numbers or 1, 2, or 3 numbers and no letters as requested by the owner of the vehicle and license plates issued to retired members of Congress under Section 3-610.1 or to retired members of the General Assembly as provided in Section 3-606.1. Personalized license plates mean any license plates, assigned to a passenger motor vehicle of the first division, to a motor vehicle of the second division registered at not more than 8,000 pounds, to a trailer weighing 8,000 pounds or less paying the flat weight tax, or to a recreational vehicle, which display a registration number containing one of the following combinations of letters and numbers, as requested by the owner of the vehicle:

<table>
<thead>
<tr>
<th>Standard Passenger Plates</th>
<th>First Division Vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 letter plus 0-99</td>
</tr>
<tr>
<td></td>
<td>2 letters plus 0-99</td>
</tr>
<tr>
<td></td>
<td>3 letters plus 0-99</td>
</tr>
<tr>
<td></td>
<td>4 letters plus 0-99</td>
</tr>
<tr>
<td></td>
<td>5 letters plus 0-99</td>
</tr>
<tr>
<td></td>
<td>6 letters plus 0-9</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Second Division Vehicles</th>
<th>8,000 pounds or less Trailers</th>
</tr>
</thead>
<tbody>
<tr>
<td>8,000 pounds or less paying the flat weight tax, and Recreation Vehicles</td>
<td></td>
</tr>
<tr>
<td>0-999 plus 1 letter</td>
<td></td>
</tr>
<tr>
<td>0-999 plus 2 letters</td>
<td></td>
</tr>
<tr>
<td>0-999 plus 3 letters</td>
<td></td>
</tr>
<tr>
<td>0-99 plus 4 letters</td>
<td></td>
</tr>
<tr>
<td>0-9 plus 5 letters</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
(b) For any registration period commencing after December 31, 2003, any person who is the registered owner of a passenger motor vehicle of the first division, of a motor vehicle of the second division registered at not more than 8,000 pounds, of a trailer weighing 8,000 pounds or less paying the flat weight tax, or of a recreational vehicle registered with the Secretary of State or who makes application for an original registration of such a motor vehicle or renewal registration of such a motor vehicle may, upon payment of a fee prescribed in Section 3-806.1 or Section 3-806.5, apply to the Secretary of State for vanity or personalized license plates.

(c) Except as otherwise provided in this Chapter 3, vanity and personalized license plates as issued under this Section shall be the same color and design as other passenger vehicle license plates and shall not in any manner conflict with any other existing passenger, commercial, trailer, motorcycle, or special license plate series. However, special registration plates issued under Sections 3-611 and 3-616 for vehicles operated by or for persons with disabilities may also be vanity or personalized license plates.

(d) Vanity and personalized license plates shall be issued only to the registered owner of the vehicle on which they are to be displayed, except as provided in Sections 3-611 and 3-616 for special registration plates for vehicles operated by or for persons with disabilities.

(e) An applicant for the issuance of vanity or personalized license plates or subsequent renewal thereof shall file an application in such form and manner and by such date as the Secretary of State may, in his discretion, require.

No vanity nor personalized license plates shall be approved, manufactured, or distributed that contain any characters, symbols other than the international accessibility symbol for vehicles operated by or for persons with disabilities, foreign words, or letters of punctuation.

(f) Vanity and personalized license plates as issued pursuant to this Act may be subject to the Staggered Registration System as prescribed by the Secretary of State.

(Source: P.A. 92-651, eff. 7-11-02; 93-32, eff. 7-1-03.)

(625 ILCS 5/3-414) (from Ch. 95 1/2, par. 3-414)
Sec. 3-414. Expiration of registration.

(a) Every vehicle registration under this Chapter and every registration card and registration plate or registration sticker issued hereunder to a vehicle shall be for the periods specified in this Chapter and shall expire at midnight on the day and date specified in this Section as follows:

1. When registered on a calendar year basis commencing January 1, expiration shall be on the 31st day of December or at such other date as may be selected in the discretion of the Secretary of State; however, through December 31, 2004, registrations of apportionable vehicles, motorcycles, motor driven cycles and pedalcycles shall commence on the first day of April and shall expire March 31st of the following calendar year;

1.1. Beginning January 1, 2005, registrations of motorcycles and motor driven cycles shall commence on January 1 and shall expire on December 31 or on another date that may be selected by the Secretary; registrations of apportionable vehicles and pedalcycles, however, shall commence on the first day of April and shall expire March 31 of the following calendar year;

2. When registered on a 2 calendar year basis commencing January 1 of an even-numbered year, expiration shall be on the 31st day of December of the ensuing odd-numbered year, or at such other later date as may be selected in the discretion of the Secretary of State not beyond March 1 next;

3. When registered on a fiscal year basis commencing July 1, expiration shall be on the 30th day of June or at such other later date as may be selected in the discretion of the Secretary of State not beyond September 1 next;

4. When registered on a 2 fiscal year basis commencing July 1 of an even-numbered year, expiration shall be on the 30th day of June of the ensuing even-numbered year, or at such other later date as may be selected in the discretion of the Secretary of State not beyond September 1 next;

New matter indicated by italics - deletions by strikeout
5. When registered on a 4 fiscal year basis commencing July 1 of an even-numbered year, expiration shall be on the 30th day of June of the second ensuing even-numbered year, or at such other later date as may be selected in the discretion of the Secretary of State not beyond September 1 next;

(b) Vehicle registrations of vehicles of the first division shall be for a calendar year or 2 calendar year basis as provided for in this Chapter.

Vehicle registrations of vehicles under Sections 3-807, 3-808 and 3-809 shall be on an indefinite term basis or a 2 calendar year basis as provided for in this Chapter.

Vehicle registrations for vehicles of the second division shall be for a fiscal year, 2 fiscal year or calendar year basis as provided for in this Chapter.

Motor vehicles registered under the provisions of Sections 3-402.1 and 3-405.3 shall be issued multi-year registration plates with a new registration card issued annually upon payment of the appropriate fees. Apportionable trailers and apportionable semitrailers registered under the provisions of Section 3-402.1 shall be issued multi-year registration plates and cards that will be subject to revocation for failure to pay annual fees required by Section 3-814.1. The Secretary shall determine when these vehicles shall be issued new registration plates.

(c) Every vehicle registration specified in Section 3-810 and every registration card and registration plate or registration sticker issued thereunder shall expire on the 31st day of December of each year or at such other date as may be selected in the discretion of the Secretary of State.

(d) Every vehicle registration for a vehicle of the second division weighing over 8,000 pounds, except as provided in paragraph (g) of this Section, and every registration card and registration plate or registration sticker, where applicable, issued hereunder to such vehicles shall be issued for a fiscal year commencing on July 1st of each registration year. However, the Secretary of State may, pursuant to an agreement or arrangement or declaration providing for apportionment of a fleet of vehicles with other jurisdictions, provide for registration of such vehicles

New matter indicated by italics - deletions by strikeout
under apportionment or for all of the vehicles registered in Illinois by an applicant who registers some of his vehicles under apportionment on a calendar year basis instead, and the fees or taxes to be paid on a calendar year basis shall be identical to those specified in this Act for a fiscal year registration. Provision for installment payment may also be made.

(e) Semitrailer registrations under apportionment may be on a calendar year under a reciprocal agreement or arrangement and all other semitrailer registrations shall be on fiscal year or 2 fiscal year or 4 fiscal year basis as provided for in this Chapter.

(f) The Secretary of State may convert annual registration plates or 2-year registration plates, whether registered on a calendar year or fiscal year basis, to multi-year plates. The determination of which plate categories and when to convert to multi-year plates is solely within the discretion of the Secretary of State.

(g) After January 1, 1975, each registration, registration card and registration plate or registration sticker, where applicable, issued for a recreational vehicle or recreational or camping trailer, except a house trailer, used exclusively by the owner for recreational purposes, and not used commercially nor as a truck or bus, nor for hire, shall be on a calendar year basis; except that the Secretary of State shall provide for registration and the issuance of registration cards and plates or registration stickers, where applicable, for one 6-month period in order to accomplish an orderly transition from a fiscal year to a calendar year basis. Fees and taxes due under this Act for a registration year shall be appropriately reduced for such 6-month transitional registration period.

(h) The Secretary of State may, in order to accomplish an orderly transition for vehicles registered under Section 3-402.1 of this Code from a calendar year registration to a March 31st expiration, require applicants to pay fees and taxes due under this Code on a 15 month registration basis. However, if in the discretion of the Secretary of State this creates an undue hardship on any applicant the Secretary may allow the applicant to pay 3 month fees and taxes at the time of registration and the additional 12 month fees and taxes to be payable no later than March 31 of the year after this amendatory Act of 1991 takes effect.

New matter indicated by italics - deletions by strikeout
(i) The Secretary of State may stagger registrations, or change the annual expiration date of vehicles for which multi-year plates are issued pursuant to Section 3-414.1, as necessary for the convenience of the public and the efficiency of his Office. In order to appropriately and effectively accomplish any such staggering, the Secretary of State is authorized to prorate all required registration fees, rounded to the nearest dollar, but in no event for a period longer than 18 ½ years, at a monthly rate for a 12 month registration fee.

(Source: P.A. 92-629, eff. 7-1-03; 93-796, eff. 7-22-04.)

(625 ILCS 5/3-704) (from Ch. 95 1/2, par. 3-704)

Sec. 3-704. Authority of Secretary of State to suspend or revoke a registration or certificate of title; authority to suspend or revoke the registration of a vehicle.

(a) The Secretary of State may suspend or revoke the registration of a vehicle or a certificate of title, registration card, registration sticker, registration plate, disability parking decal or device, or any nonresident or other permit in any of the following events:

1. When the Secretary of State is satisfied that such registration or that such certificate, card, plate, registration sticker or permit was fraudulently or erroneously issued;

2. When a registered vehicle has been dismantled or wrecked or is not properly equipped;

3. When the Secretary of State determines that any required fees have not been paid to the Secretary of State, to the Illinois Commerce Commission, or to the Illinois Department of Revenue under the Motor Fuel Tax Law, and the same are not paid upon reasonable notice and demand;

4. When a registration card, registration plate, registration sticker or permit is knowingly displayed upon a vehicle other than the one for which issued;

5. When the Secretary of State determines that the owner has committed any offense under this Chapter involving the registration or the certificate, card, plate, registration sticker or permit to be suspended or revoked;

New matter indicated by italics - deletions by strikeout
6. When the Secretary of State determines that a vehicle registered not-for-hire is used or operated for-hire unlawfully, or used or operated for purposes other than those authorized;

7. When the Secretary of State determines that an owner of a for-hire motor vehicle has failed to give proof of financial responsibility as required by this Act;

8. When the Secretary determines that the vehicle is not subject to or eligible for a registration;

9. When the Secretary determines that the owner of a vehicle registered under the mileage weight tax option fails to maintain the records specified by law, or fails to file the reports required by law, or that such vehicle is not equipped with an operable and operating speedometer or odometer;

10. When the Secretary of State is so authorized under any other provision of law;

11. When the Secretary of State determines that the holder of a disability parking decal or device has committed any offense under Chapter 11 of this Code involving the use of a disability parking decal or device.

(a-5) The Secretary of State may revoke a certificate of title and registration card and issue a corrected certificate of title and registration card, at no fee to the vehicle owner or lienholder, if there is proof that the vehicle identification number is erroneously shown on the original certificate of title.

(b) The Secretary of State may suspend or revoke the registration of a vehicle as follows:

1. When the Secretary of State determines that the owner of a vehicle has not paid a civil penalty or a settlement agreement arising from the violation of rules adopted under the Illinois Motor Carrier Safety Law or the Illinois Hazardous Materials Transportation Act or that a vehicle, regardless of ownership, was the subject of violations of these rules that resulted in a civil penalty or settlement agreement which remains unpaid.

New matter indicated by italics - deletions by strikeout
2. When the Secretary of State determines that a vehicle registered for a gross weight of more than 16,000 pounds within an affected area is not in compliance with the provisions of Section 13-109.1 of the Illinois Vehicle Code.

3. When the Secretary of State is notified by the United States Department of Transportation that a vehicle is in violation of the Federal Motor Carrier Safety Regulations, as they are now or hereafter amended, and is prohibited from operating.

(Source: P.A. 94-239, eff. 1-1-06; 94-619, eff. 1-1-06; 94-759, eff. 5-12-06.)

(625 ILCS 5/3-806.1) (from Ch. 95 1/2, par. 3-806.1)

Sec. 3-806.1. Additional fees for vanity license plates. In addition to the regular registration fee, an applicant shall be charged $94 for each set of vanity license plates issued to a motor vehicle of the first division or a motor vehicle of the second division registered at not more than 8,000 pounds or to a recreational vehicle and $50 for each set of vanity plates issued to a motorcycle. In addition to the regular renewal fee, an applicant shall be charged $13 for the renewal of each set of vanity license plates.

(Source: P.A. 91-37, eff. 7-1-99.)

(625 ILCS 5/3-806.5)

Sec. 3-806.5. Additional fees for personalized license plates. For registration periods commencing after December 31, 2003, in addition to the regular registration fee, an applicant shall be charged $47 for each set of personalized license plates issued to a motor vehicle of the first division or a motor vehicle of the second division registered at not more than 8,000 pounds or to a recreational vehicle and $25 for each set of personalized plates issued to a motorcycle. In addition to the regular renewal fee, an applicant shall be charged $7 for the renewal of each set of personalized license plates. Of the money received by the Secretary of State as additional fees for personalized license plates, 50% shall be deposited into the Secretary of State Special License Plate Fund and 50% shall be deposited into the General Revenue Fund.

(Source: P.A. 93-32, eff. 7-1-03.)

(625 ILCS 5/3-821) (from Ch. 95 1/2, par. 3-821)

New matter indicated by italics - deletions by strikeout
Sec. 3-821. Miscellaneous Registration and Title Fees.
(a) The fee to be paid to the Secretary of State for the following certificates, registrations or evidences of proper registration, or for corrected or duplicate documents shall be in accordance with the following schedule:

- Certificate of Title, except for an all-terrain vehicle or off-highway motorcycle: $65
- Certificate of Title for an all-terrain vehicle or off-highway motorcycle: $30
- Certificate of Title for an all-terrain vehicle or off-highway motorcycle used for production agriculture, or accepted by a dealer in trade: $13
- Transfer of Registration or any evidence of proper registration: $15
- Duplicate Registration Card for plates or other evidence of proper registration: $3
- Duplicate Registration Sticker or Stickers issued on or before February 28, 2005, each: $5
- Duplicate Registration Sticker or Stickers issued on or after March 1, 2005, each: $20
- Duplicate Certificate of Title: $65
- Corrected Registration Card or Card for other evidence of proper registration: $3
- Corrected Certificate of Title: $65
- Salvage Certificate: $4
- Fleet Reciprocity Permit: $15
- Prorate Decal: $1
- Prorate Backing Plate: $3
- Special Corrected Certificate of Title: $15

A special corrected certificate of title shall be issued (i) to remove a co-owner's name due to the death of the co-owner or due to a divorce or (ii) to change a co-owner's name due to a marriage.

There shall be no fee paid for a Junking Certificate.

New matter indicated by italics - deletions by strikeout
(a-5) The Secretary of State may revoke a certificate of title and registration card and issue a corrected certificate of title and registration card, at no fee to the vehicle owner or lienholder, if there is proof that the vehicle identification number is erroneously shown on the original certificate of title.

(b) The Secretary may prescribe the maximum service charge to be imposed upon an applicant for renewal of a registration by any person authorized by law to receive and remit or transmit to the Secretary such renewal application and fees therewith.

(c) If a check is delivered to the Office of the Secretary of State as payment of any fee or tax under this Code, and such check is not honored by the bank on which it is drawn for any reason, the registrant or other person tendering the check remains liable for the payment of such fee or tax. The Secretary of State may assess a service charge of $19 in addition to the fee or tax due and owing for all dishonored checks.

If the total amount then due and owing exceeds the sum of $50 and has not been paid in full within 60 days from the date such fee or tax became due to the Secretary of State, the Secretary of State shall assess a penalty of 25% of such amount remaining unpaid.

All amounts payable under this Section shall be computed to the nearest dollar.

(d) The minimum fee and tax to be paid by any applicant for apportionment of a fleet of vehicles under this Code shall be $15 if the application was filed on or before the date specified by the Secretary together with fees and taxes due. If an application and the fees or taxes due are filed after the date specified by the Secretary, the Secretary may prescribe the payment of interest at the rate of 1/2 of 1% per month or fraction thereof after such due date and a minimum of $8.

(e) Trucks, truck tractors, truck tractors with loads, and motor buses, any one of which having a combined total weight in excess of 12,000 lbs. shall file an application for a Fleet Reciprocity Permit issued by the Secretary of State. This permit shall be in the possession of any driver operating a vehicle on Illinois highways. Any foreign licensed vehicle of the second division operating at any time in Illinois without a
Fleet Reciprocity Permit or other proper Illinois registration, shall subject the operator to the penalties provided in Section 3-834 of this Code. For the purposes of this Code, "Fleet Reciprocity Permit" means any second division motor vehicle with a foreign license and used only in interstate transportation of goods. The fee for such permit shall be $15 per fleet which shall include all vehicles of the fleet being registered.

(f) For purposes of this Section, "all-terrain vehicle or off-highway motorcycle used for production agriculture" means any all-terrain vehicle or off-highway motorcycle used in the raising of or the propagation of livestock, crops for sale for human consumption, crops for livestock consumption, and production seed stock grown for the propagation of feed grains and the husbandry of animals or for the purpose of providing a food product, including the husbandry of blood stock as a main source of providing a food product. "All-terrain vehicle or off-highway motorcycle used in production agriculture" also means any all-terrain vehicle or off-highway motorcycle used in animal husbandry, floriculture, aquaculture, horticulture, and viticulture.

(Source: P.A. 92-16, eff. 6-28-01; 93-840, eff. 7-30-04; 93-1067, eff. 1-15-05.)

INDEX

Statutes amended in order of appearance

625 ILCS 5/2-123 from Ch. 95 1/2, par. 2-123
625 ILCS 5/3-405.1 from Ch. 95 1/2, par. 3-405.1
625 ILCS 5/3-414 from Ch. 95 1/2, par. 3-414
625 ILCS 5/3-704 from Ch. 95 1/2, par. 3-704
625 ILCS 5/3-806.1 from Ch. 95 1/2, par. 3-806.1
625 ILCS 5/3-806.5
625 ILCS 5/3-821 from Ch. 95 1/2, par. 3-821

Approved August 20, 2007.
Effective January 1, 2008.

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

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

Section 5. The Environmental Protection Act is amended by
changing Sections 39 and 39.2 as follows:

Sec. 39. Issuance of permits; procedures.
   (a) When the Board has by regulation required a permit for the
construction, installation, or operation of any type of facility, equipment,
vehicle, vessel, or aircraft, the applicant shall apply to the Agency for such
permit and it shall be the duty of the Agency to issue such a permit upon
proof by the applicant that the facility, equipment, vehicle, vessel, or
aircraft will not cause a violation of this Act or of regulations hereunder.
The Agency shall adopt such procedures as are necessary to carry out its
duties under this Section. In making its determinations on permit
applications under this Section the Agency may consider prior
adjudications of noncompliance with this Act by the applicant that
involved a release of a contaminant into the environment. In granting
permits, the Agency may impose reasonable conditions specifically related
to the applicant's past compliance history with this Act as necessary to
correct, detect, or prevent noncompliance. The Agency may impose such
other conditions as may be necessary to accomplish the purposes of this
Act, and as are not inconsistent with the regulations promulgated by the
Board hereunder. Except as otherwise provided in this Act, a bond or other
security shall not be required as a condition for the issuance of a permit. If
the Agency denies any permit under this Section, the Agency shall
transmit to the applicant within the time limitations of this Section
specific, detailed statements as to the reasons the permit application was
denied. Such statements shall include, but not be limited to the following:
   (i) the Sections of this Act which may be violated if the
permit were granted;

New matter indicated by italics - deletions by strikeout
(ii) the provision of the regulations, promulgated under this Act, which may be violated if the permit were granted;

(iii) the specific type of information, if any, which the Agency deems the applicant did not provide the Agency; and

(iv) a statement of specific reasons why the Act and the regulations might not be met if the permit were granted.

If there is no final action by the Agency within 90 days after the filing of the application for permit, the applicant may deem the permit issued; except that this time period shall be extended to 180 days when (1) notice and opportunity for public hearing are required by State or federal law or regulation, (2) the application which was filed is for any permit to develop a landfill subject to issuance pursuant to this subsection, or (3) the application that was filed is for a MSWLF unit required to issue public notice under subsection (p) of Section 39. The 90-day and 180-day time periods for the Agency to take final action do not apply to NPDES permit applications under subsection (b) of this Section, to RCRA permit applications under subsection (d) of this Section, or to UIC permit applications under subsection (e) of this Section.

The Agency shall publish notice of all final permit determinations for development permits for MSWLF units and for significant permit modifications for lateral expansions for existing MSWLF units one time in a newspaper of general circulation in the county in which the unit is or is proposed to be located.

After January 1, 1994 and until July 1, 1998, operating permits issued under this Section by the Agency for sources of air pollution permitted to emit less than 25 tons per year of any combination of regulated air pollutants, as defined in Section 39.5 of this Act, shall be required to be renewed only upon written request by the Agency consistent with applicable provisions of this Act and regulations promulgated hereunder. Such operating permits shall expire 180 days after the date of such a request. The Board shall revise its regulations for the existing State air pollution operating permit program consistent with this provision by January 1, 1994.
After June 30, 1998, operating permits issued under this Section by the Agency for sources of air pollution that are not subject to Section 39.5 of this Act and are not required to have a federally enforceable State operating permit shall be required to be renewed only upon written request by the Agency consistent with applicable provisions of this Act and its rules. Such operating permits shall expire 180 days after the date of such a request. Before July 1, 1998, the Board shall revise its rules for the existing State air pollution operating permit program consistent with this paragraph and shall adopt rules that require a source to demonstrate that it qualifies for a permit under this paragraph.

(b) The Agency may issue NPDES permits exclusively under this subsection for the discharge of contaminants from point sources into navigable waters, all as defined in the Federal Water Pollution Control Act, as now or hereafter amended, within the jurisdiction of the State, or into any well.

All NPDES permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act.

The Agency may issue general NPDES permits for discharges from categories of point sources which are subject to the same permit limitations and conditions. Such general permits may be issued without individual applications and shall conform to regulations promulgated under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended.

The Agency may include, among such conditions, effluent limitations and other requirements established under this Act, Board regulations, the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto, and schedules for achieving compliance therewith at the earliest reasonable date.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of NPDES permits, and which are consistent with the Act or regulations adopted by the Board, and with the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto.
The Agency, subject to any conditions which may be prescribed by Board regulations, may issue NPDES permits to allow discharges beyond deadlines established by this Act or by regulations of the Board without the requirement of a variance, subject to the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto.

(c) Except for those facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act, no permit for the development or construction of a new pollution control facility may be granted by the Agency unless the applicant submits proof to the Agency that the location of the facility has been approved by the County Board of the county if in an unincorporated area, or the governing body of the municipality when in an incorporated area, in which the facility is to be located in accordance with Section 39.2 of this Act. For purposes of this subsection (c), and for purposes of Section 39.2 of this Act, the appropriate county board or governing body of the municipality shall be the county board of the county or the governing body of the municipality in which the facility is to be located as of the date when the application for siting approval is filed.

In the event that siting approval granted pursuant to Section 39.2 has been transferred to a subsequent owner or operator, that subsequent owner or operator may apply to the Agency for, and the Agency may grant, a development or construction permit for the facility for which local siting approval was granted. Upon application to the Agency for a development or construction permit by that subsequent owner or operator, the permit applicant shall cause written notice of the permit application to be served upon the appropriate county board or governing body of the municipality that granted siting approval for that facility and upon any party to the siting proceeding pursuant to which siting approval was granted. In that event, the Agency shall conduct an evaluation of the subsequent owner or operator's prior experience in waste management operations in the manner conducted under subsection (i) of Section 39 of this Act.

Beginning August 20, 1993, if the pollution control facility consists of a hazardous or solid waste disposal facility for which the
proposed site is located in an unincorporated area of a county with a population of less than 100,000 and includes all or a portion of a parcel of land that was, on April 1, 1993, adjacent to a municipality having a population of less than 5,000, then the local siting review required under this subsection (c) in conjunction with any permit applied for after that date shall be performed by the governing body of that adjacent municipality rather than the county board of the county in which the proposed site is located; and for the purposes of that local siting review, any references in this Act to the county board shall be deemed to mean the governing body of that adjacent municipality; provided, however, that the provisions of this paragraph shall not apply to any proposed site which was, on April 1, 1993, owned in whole or in part by another municipality.

In the case of a pollution control facility for which a development permit was issued before November 12, 1981, if an operating permit has not been issued by the Agency prior to August 31, 1989 for any portion of the facility, then the Agency may not issue or renew any development permit nor issue an original operating permit for any portion of such facility unless the applicant has submitted proof to the Agency that the location of the facility has been approved by the appropriate county board or municipal governing body pursuant to Section 39.2 of this Act.

After January 1, 1994, if a solid waste disposal facility, any portion for which an operating permit has been issued by the Agency, has not accepted waste disposal for 5 or more consecutive calendars years, before that facility may accept any new or additional waste for disposal, the owner and operator must obtain a new operating permit under this Act for that facility unless the owner and operator have applied to the Agency for a permit authorizing the temporary suspension of waste acceptance. The Agency may not issue a new operation permit under this Act for the facility unless the applicant has submitted proof to the Agency that the location of the facility has been approved or re-approved by the appropriate county board or municipal governing body under Section 39.2 of this Act after the facility ceased accepting waste.

Except for those facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act, and
except for new pollution control facilities governed by Section 39.2, and except for fossil fuel mining facilities, the granting of a permit under this Act shall not relieve the applicant from meeting and securing all necessary zoning approvals from the unit of government having zoning jurisdiction over the proposed facility.

Before beginning construction on any new sewage treatment plant or sludge drying site to be owned or operated by a sanitary district organized under the Metropolitan Water Reclamation District Act for which a new permit (rather than the renewal or amendment of an existing permit) is required, such sanitary district shall hold a public hearing within the municipality within which the proposed facility is to be located, or within the nearest community if the proposed facility is to be located within an unincorporated area, at which information concerning the proposed facility shall be made available to the public, and members of the public shall be given the opportunity to express their views concerning the proposed facility.

The Agency may issue a permit for a municipal waste transfer station without requiring approval pursuant to Section 39.2 provided that the following demonstration is made:

(1) the municipal waste transfer station was in existence on or before January 1, 1979 and was in continuous operation from January 1, 1979 to January 1, 1993;

(2) the operator submitted a permit application to the Agency to develop and operate the municipal waste transfer station during April of 1994;

(3) the operator can demonstrate that the county board of the county, if the municipal waste transfer station is in an unincorporated area, or the governing body of the municipality, if the station is in an incorporated area, does not object to resumption of the operation of the station; and

(4) the site has local zoning approval.

(d) The Agency may issue RCRA permits exclusively under this subsection to persons owning or operating a facility for the treatment, storage, or disposal of hazardous waste as defined under this Act.

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All RCRA permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act. The Agency may include among such conditions standards and other requirements established under this Act, Board regulations, the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, and regulations pursuant thereto, and may include schedules for achieving compliance therewith as soon as possible. The Agency shall require that a performance bond or other security be provided as a condition for the issuance of a RCRA permit.

In the case of a permit to operate a hazardous waste or PCB incinerator as defined in subsection (k) of Section 44, the Agency shall require, as a condition of the permit, that the operator of the facility perform such analyses of the waste to be incinerated as may be necessary and appropriate to ensure the safe operation of the incinerator.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of RCRA permits, and which are consistent with the Act or regulations adopted by the Board, and with the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, and regulations pursuant thereto.

The applicant shall make available to the public for inspection all documents submitted by the applicant to the Agency in furtherance of an application, with the exception of trade secrets, at the office of the county board or governing body of the municipality. Such documents may be copied upon payment of the actual cost of reproduction during regular business hours of the local office. The Agency shall issue a written statement concurrent with its grant or denial of the permit explaining the basis for its decision.

(e) The Agency may issue UIC permits exclusively under this subsection to persons owning or operating a facility for the underground injection of contaminants as defined under this Act.

All UIC permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act. The

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Agency may include among such conditions standards and other requirements established under this Act, Board regulations, the Safe Drinking Water Act (P.L. 93-523), as amended, and regulations pursuant thereto, and may include schedules for achieving compliance therewith. The Agency shall require that a performance bond or other security be provided as a condition for the issuance of a UIC permit.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of UIC permits, and which are consistent with the Act or regulations adopted by the Board, and with the Safe Drinking Water Act (P.L. 93-523), as amended, and regulations pursuant thereto.

The applicant shall make available to the public for inspection, all documents submitted by the applicant to the Agency in furtherance of an application, with the exception of trade secrets, at the office of the county board or governing body of the municipality. Such documents may be copied upon payment of the actual cost of reproduction during regular business hours of the local office. The Agency shall issue a written statement concurrent with its grant or denial of the permit explaining the basis for its decision.

(f) In making any determination pursuant to Section 9.1 of this Act:

(1) The Agency shall have authority to make the determination of any question required to be determined by the Clean Air Act, as now or hereafter amended, this Act, or the regulations of the Board, including the determination of the Lowest Achievable Emission Rate, Maximum Achievable Control Technology, or Best Available Control Technology, consistent with the Board's regulations, if any.

(2) The Agency shall, after conferring with the applicant, give written notice to the applicant of its proposed decision on the application including the terms and conditions of the permit to be issued and the facts, conduct or other basis upon which the Agency will rely to support its proposed action.

(3) Following such notice, the Agency shall give the applicant an opportunity for a hearing in accordance with the
provisions of Sections 10-25 through 10-60 of the Illinois Administrative Procedure Act.

(g) The Agency shall include as conditions upon all permits issued for hazardous waste disposal sites such restrictions upon the future use of such sites as are reasonably necessary to protect public health and the environment, including permanent prohibition of the use of such sites for purposes which may create an unreasonable risk of injury to human health or to the environment. After administrative and judicial challenges to such restrictions have been exhausted, the Agency shall file such restrictions of record in the Office of the Recorder of the county in which the hazardous waste disposal site is located.

(h) A hazardous waste stream may not be deposited in a permitted hazardous waste site unless specific authorization is obtained from the Agency by the generator and disposal site owner and operator for the deposit of that specific hazardous waste stream. The Agency may grant specific authorization for disposal of hazardous waste streams only after the generator has reasonably demonstrated that, considering technological feasibility and economic reasonableness, the hazardous waste cannot be reasonably recycled for reuse, nor incinerated or chemically, physically or biologically treated so as to neutralize the hazardous waste and render it nonhazardous. In granting authorization under this Section, the Agency may impose such conditions as may be necessary to accomplish the purposes of the Act and are consistent with this Act and regulations promulgated by the Board hereunder. If the Agency refuses to grant authorization under this Section, the applicant may appeal as if the Agency refused to grant a permit, pursuant to the provisions of subsection (a) of Section 40 of this Act. For purposes of this subsection (h), the term "generator" has the meaning given in Section 3.205 of this Act, unless: (1) the hazardous waste is treated, incinerated, or partially recycled for reuse prior to disposal, in which case the last person who treats, incinerates, or partially recycles the hazardous waste prior to disposal is the generator; or (2) the hazardous waste is from a response action, in which case the person performing the response action is the generator. This subsection (h) does
not apply to any hazardous waste that is restricted from land disposal under 35 Ill. Adm. Code 728.

(i) Before issuing any RCRA permit, any permit for a waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, waste incinerator, or any waste-transportation operation, or any permit or interim authorization for a clean construction or demolition debris fill operation, the Agency shall conduct an evaluation of the prospective owner's or operator's prior experience in waste management operations and clean construction or demolition debris fill operations. The Agency may deny such a permit, or deny or revoke interim authorization, if the prospective owner or operator or any employee or officer of the prospective owner or operator has a history of:

   (1) repeated violations of federal, State, or local laws, regulations, standards, or ordinances in the operation of waste management facilities or sites or clean construction or demolition debris fill operation facilities or sites; or
   
   (2) conviction in this or another State of any crime which is a felony under the laws of this State, or conviction of a felony in a federal court; or conviction in this or another state or federal court of any of the following crimes: forgery, official misconduct, bribery, perjury, or knowingly submitting false information under any environmental law, regulation, or permit term or condition; or
   
   (3) proof of gross carelessness or incompetence in handling, storing, processing, transporting or disposing of waste or clean construction or demolition debris, or proof of gross carelessness or incompetence in using clean construction or demolition debris as fill.

(i-5) Before issuing any permit or approving any interim authorization for a clean construction or demolition debris fill operation in which any ownership interest is transferred between January 1, 2005, and the effective date of the prohibition set forth in Section 22.52 of this Act, the Agency shall conduct an evaluation of the operation if any previous activities at the site or facility may have caused or allowed contamination of the site. It shall be the responsibility of the owner or operator seeking

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the permit or interim authorization to provide to the Agency all of the information necessary for the Agency to conduct its evaluation. The Agency may deny a permit or interim authorization if previous activities at the site may have caused or allowed contamination at the site, unless such contamination is authorized under any permit issued by the Agency.

(j) The issuance under this Act of a permit to engage in the surface mining of any resources other than fossil fuels shall not relieve the permittee from its duty to comply with any applicable local law regulating the commencement, location or operation of surface mining facilities.

(k) A development permit issued under subsection (a) of Section 39 for any facility or site which is required to have a permit under subsection (d) of Section 21 shall expire at the end of 2 calendar years from the date upon which it was issued, unless within that period the applicant has taken action to develop the facility or the site. In the event that review of the conditions of the development permit is sought pursuant to Section 40 or 41, or permittee is prevented from commencing development of the facility or site by any other litigation beyond the permittee's control, such two-year period shall be deemed to begin on the date upon which such review process or litigation is concluded.

(l) No permit shall be issued by the Agency under this Act for construction or operation of any facility or site located within the boundaries of any setback zone established pursuant to this Act, where such construction or operation is prohibited.

(m) The Agency may issue permits to persons owning or operating a facility for composting landscape waste. In granting such permits, the Agency may impose such conditions as may be necessary to accomplish the purposes of this Act, and as are not inconsistent with applicable regulations promulgated by the Board. Except as otherwise provided in this Act, a bond or other security shall not be required as a condition for the issuance of a permit. If the Agency denies any permit pursuant to this subsection, the Agency shall transmit to the applicant within the time limitations of this subsection specific, detailed statements as to the reasons the permit application was denied. Such statements shall include but not be limited to the following:

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(1) the Sections of this Act that may be violated if the permit were granted;

(2) the specific regulations promulgated pursuant to this Act that may be violated if the permit were granted;

(3) the specific information, if any, the Agency deems the applicant did not provide in its application to the Agency; and

(4) a statement of specific reasons why the Act and the regulations might be violated if the permit were granted.

If no final action is taken by the Agency within 90 days after the filing of the application for permit, the applicant may deem the permit issued. Any applicant for a permit may waive the 90 day limitation by filing a written statement with the Agency.

The Agency shall issue permits for such facilities upon receipt of an application that includes a legal description of the site, a topographic map of the site drawn to the scale of 200 feet to the inch or larger, a description of the operation, including the area served, an estimate of the volume of materials to be processed, and documentation that:

(1) the facility includes a setback of at least 200 feet from the nearest potable water supply well;

(2) the facility is located outside the boundary of the 10-year floodplain or the site will be floodproofed;

(3) the facility is located so as to minimize incompatibility with the character of the surrounding area, including at least a 200 foot setback from any residence, and in the case of a facility that is developed or the permitted composting area of which is expanded after November 17, 1991, the composting area is located at least 1/8 mile from the nearest residence (other than a residence located on the same property as the facility);

(4) the design of the facility will prevent any compost material from being placed within 5 feet of the water table, will adequately control runoff from the site, and will collect and manage any leachate that is generated on the site;

(5) the operation of the facility will include appropriate dust and odor control measures, limitations on operating hours,
appropriate noise control measures for shredding, chipping and similar equipment, management procedures for composting, containment and disposal of non-compostable wastes, procedures to be used for terminating operations at the site, and recordkeeping sufficient to document the amount of materials received, composted and otherwise disposed of; and

(6) the operation will be conducted in accordance with any applicable rules adopted by the Board.

The Agency shall issue renewable permits of not longer than 10 years in duration for the composting of landscape wastes, as defined in Section 3.155 of this Act, based on the above requirements.

The operator of any facility permitted under this subsection (m) must submit a written annual statement to the Agency on or before April 1 of each year that includes an estimate of the amount of material, in tons, received for composting.

(n) The Agency shall issue permits jointly with the Department of Transportation for the dredging or deposit of material in Lake Michigan in accordance with Section 18 of the Rivers, Lakes, and Streams Act.

(o) (Blank.)

(p) (1) Any person submitting an application for a permit for a new MSWLF unit or for a lateral expansion under subsection (t) of Section 21 of this Act for an existing MSWLF unit that has not received and is not subject to local siting approval under Section 39.2 of this Act shall publish notice of the application in a newspaper of general circulation in the county in which the MSWLF unit is or is proposed to be located. The notice must be published at least 15 days before submission of the permit application to the Agency. The notice shall state the name and address of the applicant, the location of the MSWLF unit or proposed MSWLF unit, the nature and size of the MSWLF unit or proposed MSWLF unit, the nature of the activity proposed, the probable life of the proposed activity, the date the permit application will be submitted, and a statement that persons may file written comments with the Agency concerning the permit application within 30 days after the filing of the permit application unless the time period to submit comments is extended by the Agency.

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When a permit applicant submits information to the Agency to supplement a permit application being reviewed by the Agency, the applicant shall not be required to reissue the notice under this subsection.

(2) The Agency shall accept written comments concerning the permit application that are postmarked no later than 30 days after the filing of the permit application, unless the time period to accept comments is extended by the Agency.

(3) Each applicant for a permit described in part (1) of this subsection shall file a copy of the permit application with the county board or governing body of the municipality in which the MSWLF unit is or is proposed to be located at the same time the application is submitted to the Agency. The permit application filed with the county board or governing body of the municipality shall include all documents submitted to or to be submitted to the Agency, except trade secrets as determined under Section 7.1 of this Act. The permit application and other documents on file with the county board or governing body of the municipality shall be made available for public inspection during regular business hours at the office of the county board or the governing body of the municipality and may be copied upon payment of the actual cost of reproduction.

(Source: P.A. 93-575, eff. 1-1-04; 94-272, eff. 7-19-05; 94-725, eff. 6-1-06.)

(415 ILCS 5/39.2) (from Ch. 111 1/2, par. 1039.2)

Sec. 39.2. Local siting review.

(a) The county board of the county or the governing body of the municipality, as determined by paragraph (c) of Section 39 of this Act, shall approve or disapprove the request for local siting approval for each pollution control facility which is subject to such review. An applicant for local siting approval shall submit sufficient details describing the proposed facility to demonstrate compliance, and local siting approval shall be granted only if the proposed facility meets the following criteria:

(i) the facility is necessary to accommodate the waste needs of the area it is intended to serve;
(ii) the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;

(iii) the facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property;

(iv) (A) for a facility other than a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100 year flood plain or the site is flood-proofed; (B) for a facility that is a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100-year floodplain, or if the facility is a facility described in subsection (b)(3) of Section 22.19a, the site is flood-proofed;

(v) the plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;

(vi) the traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows;

(vii) if the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release;

(viii) if the facility is to be located in a county where the county board has adopted a solid waste management plan consistent with the planning requirements of the Local Solid Waste Disposal Act or the Solid Waste Planning and Recycling Act, the facility is consistent with that plan; for purposes of this criterion (viii), the "solid waste management plan" means the plan that is in effect as of the date the application for siting approval is filed; and

(ix) if the facility will be located within a regulated recharge area, any applicable requirements specified by the Board for such areas have been met.

The county board or the governing body of the municipality may also consider as evidence the previous operating experience and past

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record of convictions or admissions of violations of the applicant (and any subsidiary or parent corporation) in the field of solid waste management when considering criteria (ii) and (v) under this Section.

If the facility is subject to the location restrictions in Section 22.14 of this Act, compliance with that Section shall be determined as of the date the application for siting approval is filed.

(b) No later than 14 days before the date on which the county board or governing body of the municipality receives a request for site approval, the applicant shall cause written notice of such request to be served either in person or by registered mail, return receipt requested, on the owners of all property within the subject area not solely owned by the applicant, and on the owners of all property within 250 feet in each direction of the lot line of the subject property, said owners being such persons or entities which appear from the authentic tax records of the County in which such facility is to be located; provided, that the number of all feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement; provided further, that in no event shall this requirement exceed 400 feet, including public streets, alleys and other public ways.

Such written notice shall also be served upon members of the General Assembly from the legislative district in which the proposed facility is located and shall be published in a newspaper of general circulation published in the county in which the site is located.

Such notice shall state the name and address of the applicant, the location of the proposed site, the nature and size of the development, the nature of the activity proposed, the probable life of the proposed activity, the date when the request for site approval will be submitted, and a description of the right of persons to comment on such request as hereafter provided.

(c) An applicant shall file a copy of its request with the county board of the county or the governing body of the municipality in which the proposed site is located. The request shall include (i) the substance of the applicant's proposal and (ii) all documents, if any, submitted as of that date to the Agency pertaining to the proposed facility, except trade secrets as

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determined under Section 7.1 of this Act. All such documents or other materials on file with the county board or governing body of the municipality shall be made available for public inspection at the office of the county board or the governing body of the municipality and may be copied upon payment of the actual cost of reproduction.

Any person may file written comment with the county board or governing body of the municipality concerning the appropriateness of the proposed site for its intended purpose. The county board or governing body of the municipality shall consider any comment received or postmarked not later than 30 days after the date of the last public hearing.

(d) At least one public hearing is to be held by the county board or governing body of the municipality no sooner than 90 days but no later than 120 days after the date on which it received the request for site approval. No later than 14 days prior to such hearing, notice shall be published in a newspaper of general circulation published in the county of the proposed site, and delivered by certified mail to all members of the General Assembly from the district in which the proposed site is located, to the governing authority of every municipality contiguous to the proposed site or contiguous to the municipality in which the proposed site is to be located, to the county board of the county where the proposed site is to be located, if the proposed site is located within the boundaries of a municipality, and to the Agency. Members or representatives of the governing authority of a municipality contiguous to the proposed site or contiguous to the municipality in which the proposed site is to be located may appear at and participate in public hearings held pursuant to this Section. The public hearing shall develop a record sufficient to form the basis of appeal of the decision in accordance with Section 40.1 of this Act. The fact that a member of the county board or governing body of the municipality has publicly expressed an opinion on an issue related to a site review proceeding shall not preclude the member from taking part in the proceeding and voting on the issue.

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(e) Decisions of the county board or governing body of the municipality are to be in writing, specifying the reasons for the decision, such reasons to be in conformance with subsection (a) of this Section. In granting approval for a site the county board or governing body of the municipality may impose such conditions as may be reasonable and necessary to accomplish the purposes of this Section and as are not inconsistent with regulations promulgated by the Board. Such decision shall be available for public inspection at the office of the county board or governing body of the municipality and may be copied upon payment of the actual cost of reproduction. If there is no final action by the county board or governing body of the municipality within 180 days after the date on which it received the request for site approval, the applicant may deem the request approved.

At any time prior to completion by the applicant of the presentation of the applicant's factual evidence and an opportunity for cross-questioning by the county board or governing body of the municipality and any participants, the applicant may file not more than one amended application upon payment of additional fees pursuant to subsection (k); in which case the time limitation for final action set forth in this subsection (e) shall be extended for an additional period of 90 days.

If, prior to making a final local siting decision, a county board or governing body of a municipality has negotiated and entered into a host agreement with the local siting applicant, the terms and conditions of the host agreement, whether written or oral, shall be disclosed and made a part of the hearing record for that local siting proceeding. In the case of an oral agreement, the disclosure shall be made in the form of a written summary jointly prepared and submitted by the county board or governing body of the municipality and the siting applicant and shall describe the terms and conditions of the oral agreement.

(e-5) Siting approval obtained pursuant to this Section is transferable and may be transferred to a subsequent owner or operator. In the event that siting approval has been transferred to a subsequent owner or operator, that subsequent owner or operator assumes and takes subject to any and all conditions imposed upon the prior owner or operator by the

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county board of the county or governing body of the municipality pursuant to subsection (e). However, any such conditions imposed pursuant to this Section may be modified by agreement between the subsequent owner or operator and the appropriate county board or governing body. Further, in the event that siting approval obtained pursuant to this Section has been transferred to a subsequent owner or operator, that subsequent owner or operator assumes all rights and obligations and takes the facility subject to any and all terms and conditions of any existing host agreement between the prior owner or operator and the appropriate county board or governing body.

(f) A local siting approval granted under this Section shall expire at the end of 2 calendar years from the date upon which it was granted, unless the local siting approval granted under this Section is for a sanitary landfill operation, in which case the approval shall expire at the end of 3 calendar years from the date upon which it was granted, and unless within that period the applicant has made application to the Agency for a permit to develop the site. In the event that the local siting decision has been appealed, such expiration period shall be deemed to begin on the date upon which the appeal process is concluded.

Except as otherwise provided in this subsection, upon the expiration of a development permit under subsection (k) of Section 39, any associated local siting approval granted for the facility under this Section shall also expire.

If a first development permit for a municipal waste incineration facility expires under subsection (k) of Section 39 after September 30, 1989 due to circumstances beyond the control of the applicant, any associated local siting approval granted for the facility under this Section may be used to fulfill the local siting approval requirement upon application for a second development permit for the same site, provided that the proposal in the new application is materially the same, with respect to the criteria in subsection (a) of this Section, as the proposal that received the original siting approval, and application for the second development permit is made before January 1, 1990.

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(g) The siting approval procedures, criteria and appeal procedures provided for in this Act for new pollution control facilities shall be the exclusive siting procedures and rules and appeal procedures for facilities subject to such procedures. Local zoning or other local land use requirements shall not be applicable to such siting decisions.

(h) Nothing in this Section shall apply to any existing or new pollution control facility located within the corporate limits of a municipality with a population of over 1,000,000.

(i) (Blank.)

The Board shall adopt regulations establishing the geologic and hydrologic siting criteria necessary to protect usable groundwater resources which are to be followed by the Agency in its review of permit applications for new pollution control facilities. Such regulations, insofar as they apply to new pollution control facilities authorized to store, treat or dispose of any hazardous waste, shall be at least as stringent as the requirements of the Resource Conservation and Recovery Act and any State or federal regulations adopted pursuant thereto.

(j) Any new pollution control facility which has never obtained local siting approval under the provisions of this Section shall be required to obtain such approval after a final decision on an appeal of a permit denial.

(k) A county board or governing body of a municipality may charge applicants for siting review under this Section a reasonable fee to cover the reasonable and necessary costs incurred by such county or municipality in the siting review process.

(l) The governing Authority as determined by subsection (c) of Section 39 of this Act may request the Department of Transportation to perform traffic impact studies of proposed or potential locations for required pollution control facilities.

(m) An applicant may not file a request for local siting approval which is substantially the same as a request which was disapproved pursuant to a finding against the applicant under any of criteria (i) through (ix) of subsection (a) of this Section within the preceding 2 years.

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(n) In any review proceeding of a decision of the county board or governing body of a municipality made pursuant to the local siting review process, the petitioner in the review proceeding shall pay to the county or municipality the cost of preparing and certifying the record of proceedings. Should the petitioner in the review proceeding fail to make payment, the provisions of Section 3-109 of the Code of Civil Procedure shall apply.

In the event the petitioner is a citizens' group that participated in the siting proceeding and is so located as to be affected by the proposed facility, such petitioner shall be exempt from paying the costs of preparing and certifying the record.

(o) Notwithstanding any other provision of this Section, a transfer station used exclusively for landscape waste, where landscape waste is held no longer than 24 hours from the time it was received, is not subject to the requirements of local siting approval under this Section, but is subject only to local zoning approval.

(Source: P.A. 94-591, eff. 8-15-05.)

(415 ILCS 115/Act rep.)

Section 10. The Illinois Pollution Prevention Act is repealed.
Section 97. Applicability. The changes made by Section 5 of this amendatory Act of the 95th General Assembly apply only to siting applications filed on or after the effective date of this amendatory Act.
Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 20, 2007.
Effective August 20, 2007.

PUBLIC ACT 95-0289
(House Bill No. 0320)

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

New matter indicated by italics - deletions by strikeout
Section 5. The Wildlife Code is amended by changing Section 2.26 as follows:

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

Sec. 2.26. Deer hunting permits. In this Section, "bona fide equity shareholder" means an individual who (1) purchased, for market price, publicly sold stock shares in a corporation, purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation, or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership and (2) intends to retain the ownership of the shares of stock for at least 5 years.

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

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

Any person attempting to take deer shall first obtain a "Deer Hunting Permit" in accordance with prescribed regulations set forth in an Administrative Rule. Deer Hunting Permits shall be issued by the Department. The fee for a Deer Hunting Permit to take deer with either bow and arrow or gun shall not exceed $15.00 for residents of the State. The Department may by administrative rule provide for non-resident deer hunting permits for which the fee will not exceed $300 in 2005, $350 in

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2006, and $400 in 2007 and thereafter except as provided below for non-resident landowners and non-resident archery hunters. The Department may by administrative rule provide for a non-resident archery deer permit consisting of not more than 2 harvest tags at a total cost not to exceed $325 in 2005, $375 in 2006, and $425 in 2007 and thereafter. Permits shall be issued without charge to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any person who violates any of the provisions of this Section, including administrative rules, shall be guilty of a Class B misdemeanor.

(Source: P.A. 93-554, eff. 8-20-03; 93-807, eff. 7-24-04; 93-823, eff. 1-1-05; 94-10, eff. 6-7-05.)

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

Approved August 20, 2007.
Effective August 20, 2007.

PUBLIC ACT 95-0290
(House Bill No. 0335)

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

New matter indicated by italics - deletions by strikeout
Section 5. The Illinois Vehicle Code is amended by changing Section 11-212 as follows:

(625 ILCS 5/11-212)

(Section scheduled to be repealed on July 1, 2010)

Sec. 11-212. Traffic stop statistical study.

(a) Whenever a State or local law enforcement officer issues a uniform traffic citation or warning citation for an alleged violation of the Illinois Vehicle Code, he or she shall record at least the following:

(1) the name, address, gender, and the officer's subjective determination of the race of the person stopped; the person's race shall be selected from the following list: Caucasian, African-American, Hispanic, Native American/Alaska Native, or Asian/Pacific Islander;

(2) the alleged traffic violation that led to the stop of the motorist;

(3) the make and year of the vehicle stopped;

(4) the date and time of the stop, beginning when the vehicle was stopped and ending when the driver is free to leave or taken into physical custody;

(5) the location of the traffic stop;

(5.5) whether or not a consent search contemporaneous to the stop was requested of the vehicle, driver, passenger, or passengers; and, if so, whether consent was given or denied;

(6) whether or not a search contemporaneous to the stop was conducted of the vehicle, driver, passenger, or passengers; and, if so, whether it was with consent or by other means;

(6.5) whether or not contraband was found during a search; and, if so, the type and amount of contraband seized; and

(7) the name and badge number of the issuing officer.

(b) Whenever a State or local law enforcement officer stops a motorist for an alleged violation of the Illinois Vehicle Code and does not issue a uniform traffic citation or warning citation for an alleged violation of the Illinois Vehicle Code, he or she shall complete a uniform stop card, which includes field contact cards, or any other existing form currently

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used by law enforcement containing information required pursuant to this Act, that records at least the following:

(1) the name, address, gender, and the officer's subjective determination of the race of the person stopped; the person's race shall be selected from the following list: Caucasian, African-American, Hispanic, Native American/Alaska Native, or Asian/Pacific Islander;
(2) the reason that led to the stop of the motorist;
(3) the make and year of the vehicle stopped;
(4) the date and time of the stop, beginning when the vehicle was stopped and ending when the driver is free to leave or taken into physical custody;
(5) the location of the traffic stop;
(5.5) whether or not a consent search contemporaneous to the stop was requested of the vehicle, driver, passenger, or passengers; and, if so, whether consent was given or denied;
(6) whether or not a search contemporaneous to the stop was conducted of the vehicle, driver, passenger, or passengers; and, if so, whether it was with consent or by other means;
(6.5) whether or not contraband was found during a search; and, if so, the type and amount of contraband seized; and
(7) the name and badge number of the issuing officer.

(c) The Illinois Department of Transportation shall provide a standardized law enforcement data compilation form on its website.

(d) Every law enforcement agency shall, by March 1 with regard to data collected during July through December of the previous calendar year and by August 1 with regard to data collected during January through June of the current calendar year, compile the data described in subsections (a) and (b) on the standardized law enforcement data compilation form provided by the Illinois Department of Transportation and transmit the data to the Department.

(e) The Illinois Department of Transportation shall analyze the data provided by law enforcement agencies required by this Section and submit a report of the previous year's findings to the Governor, the General

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Assembly, the Racial Profiling Prevention and Data Oversight Board, and each law enforcement agency no later than July 1 of each year. The Illinois Department of Transportation may contract with an outside entity for the analysis of the data provided. In analyzing the data collected under this Section, the analyzing entity shall scrutinize the data for evidence of statistically significant aberrations. The following list, which is illustrative, and not exclusive, contains examples of areas in which statistically significant aberrations may be found:

1. The percentage of minority drivers or passengers being stopped in a given area is substantially higher than the proportion of the overall population in or traveling through the area that the minority constitutes.

2. A substantial number of false stops including stops not resulting in the issuance of a traffic ticket or the making of an arrest.

3. A disparity between the proportion of citations issued to minorities and proportion of minorities in the population.

4. A disparity among the officers of the same law enforcement agency with regard to the number of minority drivers or passengers being stopped in a given area.

5. A disparity between the frequency of searches performed on minority drivers and the frequency of searches performed on non-minority drivers.

(f) Any law enforcement officer identification information or driver identification information that is compiled by any law enforcement agency or the Illinois Department of Transportation pursuant to this Act for the purposes of fulfilling the requirements of this Section shall be confidential and exempt from public inspection and copying, as provided under Section 7 of the Freedom of Information Act, and the information shall not be transmitted to anyone except as needed to comply with this Section. This Section shall not exempt those materials that, prior to the effective date of this amendatory Act of the 93rd General Assembly, were available under the Freedom of Information Act. This subsection (f) shall
not preclude law enforcement agencies from reviewing data to perform internal reviews.

(g) Funding to implement this Section shall come from federal highway safety funds available to Illinois, as directed by the Governor.

(h) The Illinois Department of Transportation, in consultation with law enforcement agencies, officials, and organizations, including Illinois chiefs of police, the Department of State Police, the Illinois Sheriffs Association, and the Chicago Police Department, and community groups and other experts, shall undertake a study to determine the best use of technology to collect, compile, and analyze the traffic stop statistical study data required by this Section. The Department shall report its findings and recommendations to the Governor and the General Assembly by March 1, 2004.

(i) This Section is repealed on July 1, 2010.
(Source: P.A. 93-209, eff. 7-18-03; 94-997, eff. 1-1-07.)

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

Approved August 20, 2007.
Effective August 20, 2007.
subsection (b) of this Section, any person who knowingly provides false information to the Secretary of State on an application for vehicle title or registration is guilty of a Class A misdemeanor and shall be fined not less than $500.

(b) Except as provided in Chapter 4 of this Code, relating to anti-theft laws and abandoned vehicles, any person who, for purposes of obtaining or renewing a special license plate designating military decorations, military service, or status as a military veteran, (i) claims to have been awarded a military decoration, knowing that he or she has not been awarded that decoration, or (ii) claims to have the status of active duty military personnel or military veteran, knowing that he or she does not have the status required for the registration for which he or she has applied, is guilty of a Class A misdemeanor and shall be fined not less than $1,000.

Of the amounts collected as fines under this subsection (b), 99% shall be deposited into the Illinois Military Family Relief Fund and 1% shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court to be used to offset the costs incurred by the Circuit Court Clerk in performing the additional duties required to collect and disburse funds to entities of State and local government as provided by law.

Section 10. The Clerks of Courts Act is amended by changing Section 27.6 as follows:

(705 ILCS 105/27.6)
Sec. 27.6. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk equalling an amount of $55 or more, except the additional fee required by subsections (b) and (c), restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 11-501 of the Illinois Vehicle Code, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed

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under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, and except as provided in subsections (d) and (f) shall be disbursed within 60 days after receipt by the circuit clerk as follows: 44.5% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 16.825% shall be disbursed to the State Treasurer; and 38.675% shall be disbursed to the county's general corporate fund. Of the 16.825% disbursed to the State Treasurer, 2/17 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 5.052/17 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall be deposited into the Drivers Education Fund, and 6.948/17 shall be deposited into the Trauma Center Fund. Of the 6.948/17 deposited into the Trauma Center Fund from the 16.825% disbursed to the State Treasurer, 50% shall be disbursed to the Department of Public Health and 50% shall be disbursed to the Department of Healthcare and Family Services. For fiscal year 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically

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waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of $100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(b-1) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of $5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c) In addition to any other fines and court costs assessed by the courts, any person convicted for a violation of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a person sentenced for a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the

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Methamphetamine Control and Community Protection Act shall pay an additional fee of $100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c-1) In addition to any other fines and court costs assessed by the courts, any person sentenced for a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act shall pay an additional fee of $5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(d) The following amounts must be remitted to the State Treasurer for deposit into the Illinois Animal Abuse Fund:

(1) 50% of the amounts collected for felony offenses under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961;

(2) 20% of the amounts collected for Class A and Class B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961; and

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(3) 50% of the amounts collected for Class C misdemeanors under Sections 4.01 and 7.1 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961.

(e) Any person who receives a disposition of court supervision for a violation of the Illinois Vehicle Code shall, in addition to any other fines, fees, and court costs, pay an additional fee of $20, to be disbursed as provided in Section 16-104c of the Illinois Vehicle Code. In addition to the fee of $20, the person shall also pay a fee of $5, if not waived by the court. If this $5 fee is collected, $4.50 of the fee shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court and 50 cents of the fee shall be deposited into the Prisoner Review Board Vehicle and Equipment Fund in the State treasury.

(f) Of the amounts collected as fines under subsection (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be deposited into the Illinois Military Family Relief Fund and 1% shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court to be used to offset the costs incurred by the Circuit Court Clerk in performing the additional duties required to collect and disburse funds to entities of State and local government as provided by law.

(Source: P.A. 93-800, eff. 1-1-05; 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07.)

Approved August 20, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0292
(House Bill No. 0439)

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

New matter indicated by italics - deletions by strikeout
Section 5. The Criminal Code of 1961 is amended by changing Section 12-2 as follows:

(720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

Sec. 12-2. Aggravated assault.
(a) A person commits an aggravated assault, when, in committing an assault, he:

(1) Uses a deadly weapon or any device manufactured and designed to be substantially similar in appearance to a firearm, other than by discharging a firearm in the direction of another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer or a fireman or in the direction of a vehicle occupied by another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer or fireman from performing his official duties, or in retaliation for the officer or fireman performing his official duties;

(2) Is hooded, robed or masked in such manner as to conceal his identity or any device manufactured and designed to be substantially similar in appearance to a firearm;

(3) Knows the individual assaulted to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;

(4) Knows the individual assaulted to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;

(5) Knows the individual assaulted to be a caseworker, investigator, or other person employed by the Department of Healthcare and Family Services (formerly State Department of Public Aid), a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid) ;
Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient or any other person being interviewed or investigated in the employees' discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;

(6) Knows the individual assaulted to be a peace officer, or a community policing volunteer, or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer, community policing volunteer, or fireman from performing his official duties, or in retaliation for the officer, community policing volunteer, or fireman performing his official duties, and the assault is committed other than by the discharge of a firearm in the direction of the officer or fireman or in the direction of a vehicle occupied by the officer or fireman;

(7) Knows the individual assaulted to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid personnel engaged in the execution of any of his official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his official duties, or in retaliation for the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his official duties;

(8) Knows the individual assaulted to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for
hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

(9) Or the individual assaulted is on or about a public way, public property, or public place of accommodation or amusement;

(9.5) Is, or the individual assaulted is, in or about a publicly or privately owned sports or entertainment arena, stadium, community or convention hall, special event center, amusement facility, or a special event center in a public park during any 24-hour period when a professional sporting event, National Collegiate Athletic Association (NCAA)-sanctioned sporting event, United States Olympic Committee-sanctioned sporting event, or International Olympic Committee-sanctioned sporting event is taking place in this venue;

(10) Knows the individual assaulted to be an employee of the State of Illinois, a municipal corporation therein or a political subdivision thereof, engaged in the performance of his authorized duties as such employee;

(11) Knowingly and without legal justification, commits an assault on a physically handicapped person;

(12) Knowingly and without legal justification, commits an assault on a person 60 years of age or older;

(13) Discharges a firearm, other than from a motor vehicle;

(13.5) Discharges a firearm from a motor vehicle;

(14) Knows the individual assaulted to be a correctional officer, while the officer is engaged in the execution of any of his or her official duties, or to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties;

(15) Knows the individual assaulted to be a correctional employee or an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually

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violent persons, while the employee is engaged in the execution of any of his or her official duties, or to prevent the employee from performing his or her official duties, or in retaliation for the employee performing his or her official duties, and the assault is committed other than by the discharge of a firearm in the direction of the employee or in the direction of a vehicle occupied by the employee;

(16) Knows the individual assaulted to be an employee of a police or sheriff’s department engaged in the performance of his or her official duties as such employee; or

(17) Knows the individual assaulted to be a sports official or coach at any level of competition and the act causing the assault to the sports official or coach occurred within an athletic facility or an indoor or outdoor playing field or within the immediate vicinity of the athletic facility or an indoor or outdoor playing field at which the sports official or coach was an active participant in the athletic contest held at the athletic facility. For the purposes of this paragraph (17), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the athletic contest; or

(18) Knows the individual assaulted to be an emergency management worker, while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties, and the assault is committed other than by the discharge of a firearm in the direction of the emergency management worker or in the direction of a vehicle occupied by the emergency management worker.

(a-5) A person commits an aggravated assault when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or

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used in concert with a firearm, so that the laser beam strikes near or in the immediate vicinity of any person.

(b) Sentence.

Aggravated assault as defined in paragraphs (1) through (5) and (8) through (12) and (17) of subsection (a) of this Section is a Class A misdemeanor. Aggravated assault as defined in paragraphs (13), (14), and (15) of subsection (a) of this Section and as defined in subsection (a-5) of this Section is a Class 4 felony. Aggravated assault as defined in paragraphs (6), (7), (16), and (18) of subsection (a) of this Section is a Class A misdemeanor if a firearm is not used in the commission of the assault. Aggravated assault as defined in paragraphs (6), (7), (16), and (18) of subsection (a) of this Section is a Class 4 felony if a firearm is used in the commission of the assault. Aggravated assault as defined in paragraph (13.5) of subsection (a) is a Class 3 felony.

(Source: P.A. 93-692, eff. 1-1-05; 94-243, eff. 1-1-06; 94-482, eff. 1-1-06; revised 12-15-05.)

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

Approved August 20, 2007.
Effective August 20, 2007.

PUBLIC ACT 95-0293
(House Bill No. 0539)

AN ACT concerning local government.

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

Section 5. The Uniform Peace Officers' Disciplinary Act is amended by changing Section 2 as follows:

Sec. 2. For the purposes of this Act, unless clearly required otherwise, the terms defined in this Section have the meaning ascribed herein:

New matter indicated by italics - deletions by strikeout
(a) "Officer" means any peace officer, as defined by Section 2-13 of the Criminal Code of 1961, as now or hereafter amended, who is employed by any unit of local government or a State college or university, including supervisory and command personnel, and any pay-grade investigator for the Secretary of State as defined in Section 14-110 of the Illinois Pension Code, not including Secretary of State sergeants, lieutenants, commanders, and investigator trainees. The term does not include crossing guards, parking enforcement personnel, traffic wardens or employees of any State's Attorney's office.

(b) "Informal inquiry" means a meeting by supervisory or command personnel with an officer upon whom an allegation of misconduct has come to the attention of such supervisory or command personnel, the purpose of which meeting is to mediate a citizen complaint or discuss the facts to determine whether a formal investigation should be commenced.

(c) "Formal investigation" means the process of investigation ordered by a commanding officer during which the questioning of an officer is intended to gather evidence of misconduct which may be the basis for filing charges seeking his or her removal, discharge or suspension in excess of 3 days.

(d) "Interrogation" means the questioning of an officer pursuant to the formal investigation procedures of the respective State agency or local governmental unit in connection with an alleged violation of such agency's or unit's rules which may be the basis for filing charges seeking his or her suspension, removal, or discharge. The term does not include questioning (1) as part of an informal inquiry or (2) relating to minor infractions of agency rules which may be noted on the officer's record but which may not in themselves result in removal, discharge or suspension in excess of 3 days.

(e) "Administrative proceeding" means any non-judicial hearing which is authorized to recommend, approve or order the suspension, removal, or discharge of an officer.

(Source: P.A. 90-577, eff. 1-1-99.)

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

Section 5. The Department of Veterans Affairs Act is amended by adding Section 20 as follows:

(20 ILCS 2805/20 new)

Sec. 20. Illinois Discharged Servicemember Task Force. The Illinois Discharged Servicemember Task Force is hereby created within the Department of Veterans Affairs. The Task Force shall investigate the re-entry process for service members who return to civilian life after being engaged in an active theater. The investigation shall include the effects of post-traumatic stress disorder, homelessness, disabilities, and other issues the Task Force finds relevant to the re-entry process. The Task Force shall include the following members:

(a) a representative of the Department of Veterans Affairs, who shall chair the committee;
(b) a representative from the Department of Military Affairs;
(c) a representative from the Office of the Illinois Attorney General;
(d) a member of the General Assembly appointed by the Speaker of the House;
(e) a member of the General Assembly appointed by the House Minority Leader;
(f) a member of the General Assembly appointed by the President of the Senate;
(g) a member of the General Assembly appointed by the Senate Minority Leader;

New matter indicated by italics - deletions by strikeout
(h) 4 members chosen by the Department of Veterans Affairs, who shall represent statewide veterans' organizations or veterans' homeless shelters;

(i) one member appointed by the Lieutenant Governor; and

(j) a representative of the United States Department of Veterans Affairs shall be invited to participate.

Vacancies in the Task Force shall be filled by the initial appointing authority. Task Force members shall serve without compensation, but may be reimbursed for necessary expenses incurred in performing duties associated with the Task Force.

By July 1, 2008 and by July 1 of each year thereafter, the Task Force shall present an annual report of its findings to the Governor, the Attorney General, the Director of Veterans' Affairs, the Lieutenant Governor, and the Secretary of the United States Department of Veterans Affairs.

If the Task Force becomes inactive because active theaters cease, the Director of Veterans Affairs may reactivate the Task Force if active theaters are reestablished.

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

Approved August 20, 2007.
Effective August 20, 2007.

PUBLIC ACT 95-0295
(House Bill No. 0792)

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

Section 5. The Metropolitan Water Reclamation District Act is amended by changing Section 5.13 as follows:

(70 ILCS 2605/5.13) (from Ch. 42, par. 324w)

New matter indicated by italics - deletions by strikeout
Sec. 5.13. The clerk shall prepare on or before the first (1st) day of July of each year after the year 1943, an annual financial report which shall contain financial information required by generally accepted accounting principles (GAAP) for governments as promulgated and established by the Governmental Accounting Standards Board (GASB), at least the following information:

(1) A separate balance sheet for each fund of the district showing the assets and liabilities in sufficient detail to indicate the true financial condition of each of the several funds:

(2) A combined balance sheet indicating the true financial condition of the district as a whole:

(3) Statements of income and expense for each fund of the district; such statement shall indicate income by sources, and expenses by functions (activities), organization units and objects:

(4) For each fund of the district a statement of cash receipts by sources compared with the estimated receipts for the year under review and a condensed statement of cash disbursements:

(5) An analysis of surplus statement for each fund of the district; such statement shall show the amount of the surplus at the beginning of the year, the changes during the year in sufficient detail to indicate the specific composition thereof, and the amount of the surplus at the end of the year.

(6) For each fund a statement for the budget year of expenditures and encumbrances by organization units, objects and functions (activities), showing the amounts appropriated, the amounts transferred during that year, adjusted appropriations, the amounts disbursed, the balance not disbursed, the amounts encumbered, the total disbursed and encumbered and the unencumbered balance in each item of appropriation in the budget for that year:

(7) An analysis of net taxes receivable by tax years for each of the tax levies for five years next preceding the budget year:

(8) Such additional tables, charts, graphs, or other statistical material as may be deemed desirable by the clerk:

New matter indicated by italics - deletions by strikeout
Provided, however, that the statements to be prepared for 1943 and prior years, where the accounts have not been kept on the basis herein prescribed, shall be compiled on the presently used basis of accounting and compiled as nearly as practicable as herein prescribed:

Copies of the annual financial report shall be made conveniently available in the office of the Sanitary District to the public and shall be issued to any person upon payment of a reasonable amount therefor. Nothing in this section shall be construed to mean that the annual financial report may not be combined with the annual audit report and the two published simultaneously as one report.

(Source: Laws 1943, vol. 1, p. 599.)

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

Approved August 20, 2007.
Effective August 20, 2007.

PUBLIC ACT 95-0296
(Senate Bill No. 0386)

AN ACT concerning criminal law.

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

Section 5. The Code of Criminal Procedure of 1963 is amended by changing Sections 104-17 and 104-31 as follows:

(725 ILCS 5/104-17) (from Ch. 38, par. 104-17)
Sec. 104-17. Commitment for Treatment; Treatment Plan.
(a) If the defendant is eligible to be or has been released on bail or on his own recognizance, the court shall select the least physically restrictive form of treatment therapeutically appropriate and consistent with the treatment plan.

(b) If the defendant's disability is mental, the court may order him placed for treatment in the custody of the Department of Human Services, or the court may order him placed in the custody of any other appropriate
public or private mental health facility or treatment program which has agreed to provide treatment to the defendant. If the defendant is placed in the custody of the Department of Human Services, the defendant shall be placed in a secure setting unless the court determines that there are compelling reasons why such placement is not necessary. During the period of time required to determine the appropriate placement the defendant shall remain in jail. Upon completion of the placement process, the sheriff shall be notified and shall transport the defendant to the designated facility. The placement may be ordered either on an inpatient or an outpatient basis.

(c) If the defendant's disability is physical, the court may order him placed under the supervision of the Department of Human Services which shall place and maintain the defendant in a suitable treatment facility or program, or the court may order him placed in an appropriate public or private facility or treatment program which has agreed to provide treatment to the defendant. The placement may be ordered either on an inpatient or an outpatient basis.

(d) The clerk of the circuit court shall transmit to the Department, agency or institution, if any, to which the defendant is remanded for treatment, the following:

(1) a certified copy of the order to undergo treatment;
(2) the county and municipality in which the offense was committed;
(3) the county and municipality in which the arrest took place; and
(4) a copy of the arrest report, criminal charges, arrest record, jail record, and the report prepared under Section 104-15; and
(5) all additional matters which the Court directs the clerk to transmit.

(e) Within 30 days of entry of an order to undergo treatment, the person supervising the defendant's treatment shall file with the court, the State, and the defense a report assessing the facility's or program's capacity to provide appropriate treatment for the defendant and indicating his
opinion as to the probability of the defendant's attaining fitness within a period of one year from the date of the finding of unfitness. If the report indicates that there is a substantial probability that the defendant will attain fitness within the time period, the treatment supervisor shall also file a treatment plan which shall include:

1. A diagnosis of the defendant's disability;
2. A description of treatment goals with respect to rendering the defendant fit, a specification of the proposed treatment modalities, and an estimated timetable for attainment of the goals;

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

(725 ILCS 5/104-31) (from Ch. 38, par. 104-31)

Sec. 104-31. No defendant placed in a secure setting of the Department of Human Services pursuant to the provisions of Sections 104-17, 104-25, or 104-26 shall be permitted outside the facility's housing unit unless escorted or accompanied by personnel of the Department of Human Services. Any defendant placed in a secure setting pursuant to this Section, transported to court hearings or other necessary appointments off facility grounds by personnel of the Department of Human Services, may be placed in security devices or otherwise secured during the period of transportation to assure secure transport of the defendant and the safety of Department of Human Services personnel and others. These security measures shall not constitute restraint as defined in the Mental Health and Developmental Disabilities Code. Nor shall such defendant be permitted any off-grounds privileges, either with or without escort by personnel of the Department of Human Services, or any unsupervised on-ground privileges, unless such off-grounds or unsupervised on-grounds privileges have been approved by specific court order, which order may include such conditions on the defendant as the court may deem appropriate and necessary to reasonably assure the defendant's satisfactory progress in treatment and the safety of the defendant or others. Whenever the court receives a report from the supervisor of the defendant's treatment

New matter indicated by italics - deletions by strikeout
recommending the defendant for any off-grounds or unsupervised on-grounds privileges, or placement in a non-secure setting, the court shall set the matter for a first hearing within 21 days unless good cause is demonstrated why the hearing cannot be held.
(Source: P.A. 89-507, eff. 7-1-97; 90-105, eff. 7-11-97.)

Section 10. The Unified Code of Corrections is amended by changing Section 5-2-4 as follows:

(730 ILCS 5/5-2-4) (from Ch. 38, par. 1005-2-4)
Sec. 5-2-4. Proceedings after Acquittal by Reason of Insanity.
(a) After a finding or verdict of not guilty by reason of insanity under Sections 104-25, 115-3 or 115-4 of The Code of Criminal Procedure of 1963, the defendant shall be ordered to the Department of Human Services for an evaluation as to whether he is in need of mental health services. The order shall specify whether the evaluation shall be conducted on an inpatient or outpatient basis. If the evaluation is to be conducted on an inpatient basis, the defendant shall be placed in a secure setting unless the Court determines that there are compelling reasons why such placement is not necessary. With the court order for evaluation shall be sent a copy of the arrest report, criminal charges, arrest record, jail record, and any report prepared under Section 115-6 of the Code of Criminal Procedure of 1963. After the evaluation and during the period of time required to determine the appropriate placement, the defendant shall remain in jail. Upon completion of the placement process the sheriff shall be notified and shall transport the defendant to the designated facility.

The Department shall provide the Court with a report of its evaluation within 30 days of the date of this order. The Court shall hold a hearing as provided under the Mental Health and Developmental Disabilities Code to determine if the individual is: (a) in need of mental health services on an inpatient basis; (b) in need of mental health services on an outpatient basis; (c) a person not in need of mental health services. The Court shall enter its findings.

If the defendant is found to be in need of mental health services on an inpatient care basis, the Court shall order the defendant to the Department of Human Services. The defendant shall be placed in a secure
setting unless the Court determines that there are compelling reasons why such placement is not necessary. Such defendants placed in a secure setting shall not be permitted outside the facility's housing unit unless escorted or accompanied by personnel of the Department of Human Services or with the prior approval of the Court for unsupervised on-gounds privileges as provided herein. Any defendant placed in a secure setting pursuant to this Section, transported to court hearings or other necessary appointments off facility grounds by personnel of the Department of Human Services, shall be placed in security devices or otherwise secured during the period of transportation to assure secure transport of the defendant and the safety of Department of Human Services personnel and others. These security measures shall not constitute restraint as defined in the Mental Health and Developmental Disabilities Code. If the defendant is found to be in need of mental health services, but not on an inpatient care basis, the Court shall conditionally release the defendant, under such conditions as set forth in this Section as will reasonably assure the defendant's satisfactory progress and participation in treatment or rehabilitation and the safety of the defendant and others. If the Court finds the person not in need of mental health services, then the Court shall order the defendant discharged from custody.

(a-1) (f) Definitions. For the purposes of this Section:
(A) (Blank).
(B) "In need of mental health services on an inpatient basis" means: a defendant who has been found not guilty by reason of insanity but who due to mental illness is reasonably expected to inflict serious physical harm upon himself or another and who would benefit from inpatient care or is in need of inpatient care.
(C) "In need of mental health services on an outpatient basis" means: a defendant who has been found not guilty by reason of insanity who is not in need of mental health services on an inpatient basis, but is in need of outpatient care, drug and/or alcohol rehabilitation programs, community adjustment programs, individual, group, or family therapy, or chemotherapy.

New matter indicated by italics - deletions by strikeout
(D) "Conditional Release" means: the release from either the custody of the Department of Human Services or the custody of the Court of a person who has been found not guilty by reason of insanity under such conditions as the Court may impose which reasonably assure the defendant's satisfactory progress in treatment or habilitation and the safety of the defendant and others. The Court shall consider such terms and conditions which may include, but need not be limited to, outpatient care, alcoholic and drug rehabilitation programs, community adjustment programs, individual, group, family, and chemotherapy, random testing to ensure the defendant's timely and continuous taking of any medicines prescribed to control or manage his or her conduct or mental state, and periodic checks with the legal authorities and/or the Department of Human Services. The Court may order as a condition of conditional release that the defendant not contact the victim of the offense that resulted in the finding or verdict of not guilty by reason of insanity or any other person. The Court may order the Department of Human Services to provide care to any person conditionally released under this Section. The Department may contract with any public or private agency in order to discharge any responsibilities imposed under this Section. The Department shall monitor the provision of services to persons conditionally released under this Section and provide periodic reports to the Court concerning the services and the condition of the defendant. Whenever a person is conditionally released pursuant to this Section, the State's Attorney for the county in which the hearing is held shall designate in writing the name, telephone number, and address of a person employed by him or her who shall be notified in the event that either the reporting agency or the Department decides that the conditional release of the defendant should be revoked or modified pursuant to subsection (i) of this Section. Such conditional release shall be for a period of five years. However, the defendant, the person or facility rendering the treatment, therapy, program or outpatient care, the Department,

New matter indicated by italics - deletions by strikeout
or the State's Attorney may petition the Court for an extension of the conditional release period for an additional 5 years. Upon receipt of such a petition, the Court shall hold a hearing consistent with the provisions of this paragraph (a), this paragraph (a-1), and paragraph (f) of this Section, shall determine whether the defendant should continue to be subject to the terms of conditional release, and shall enter an order either extending the defendant's period of conditional release for an additional 5 year period or discharging the defendant. Additional 5-year periods of conditional release may be ordered following a hearing as provided in this Section. However, in no event shall the defendant's period of conditional release continue beyond the maximum period of commitment ordered by the Court pursuant to paragraph (b) of this Section. These provisions for extension of conditional release shall only apply to defendants conditionally released on or after August 8, 2003 the effective date of this amendatory Act of the 93rd General Assembly. However the extension provisions of Public Act 83-1449 apply only to defendants charged with a forcible felony.

(E) "Facility director" means the chief officer of a mental health or developmental disabilities facility or his or her designee or the supervisor of a program of treatment or habilitation or his or her designee. "Designee" may include a physician, clinical psychologist, social worker, nurse, or clinical professional counselor.

(b) If the Court finds the defendant in need of mental health services on an inpatient basis, the admission, detention, care, treatment or habilitation, treatment plans, review proceedings, including review of treatment and treatment plans, and discharge of the defendant after such order shall be under the Mental Health and Developmental Disabilities Code, except that the initial order for admission of a defendant acquitted of a felony by reason of insanity shall be for an indefinite period of time. Such period of commitment shall not exceed the maximum length of time that the defendant would have been required to serve, less credit for good behavior as provided in Section 5-4-1 of the Unified Code of Corrections,
before becoming eligible for release had he been convicted of and received the maximum sentence for the most serious crime for which he has been acquitted by reason of insanity. The Court shall determine the maximum period of commitment by an appropriate order. During this period of time, the defendant shall not be permitted to be in the community in any manner, including but not limited to off-grounds privileges, with or without escort by personnel of the Department of Human Services, unsupervised on-grounds privileges, discharge or conditional or temporary release, except by a plan as provided in this Section. In no event shall a defendant's continued unauthorized absence be a basis for discharge. Not more than 30 days after admission and every 60 days thereafter so long as the initial order remains in effect, the facility director shall file a treatment plan report in writing with the court and forward a copy of the treatment plan report to the clerk of the court, the State's Attorney, and the defendant's attorney, if the defendant is represented by counsel, or to a person authorized by the defendant under the Mental Health and Developmental Disabilities Confidentiality Act to be sent a copy of the report. The report shall include an opinion as to whether the defendant is currently in need of mental health services on an inpatient basis or in need of mental health services on an outpatient basis. The report shall also summarize the basis for those findings and provide a current summary of the following items from the treatment plan: (1) an assessment of the defendant's treatment needs, (2) a description of the services recommended for treatment, (3) the goals of each type of element of service, (4) an anticipated timetable for the accomplishment of the goals, and (5) a designation of the qualified professional responsible for the implementation of the plan. The report may also include unsupervised on-grounds privileges, off-grounds privileges (with or without escort by personnel of the Department of Human Services), home visits and participation in work programs, but only where such privileges have been approved by specific court order, which order may include such conditions on the defendant as the Court may deem appropriate and necessary to reasonably assure the defendant's satisfactory progress in treatment and the safety of the defendant and others.

New matter indicated by italics - deletions by strikeout
(c) Every defendant acquitted of a felony by reason of insanity and subsequently found to be in need of mental health services shall be represented by counsel in all proceedings under this Section and under the Mental Health and Developmental Disabilities Code.

(1) The Court shall appoint as counsel the public defender or an attorney licensed by this State.

(2) Upon filing with the Court of a verified statement of legal services rendered by the private attorney appointed pursuant to paragraph (1) of this subsection, the Court shall determine a reasonable fee for such services. If the defendant is unable to pay the fee, the Court shall enter an order upon the State to pay the entire fee or such amount as the defendant is unable to pay from funds appropriated by the General Assembly for that purpose.

(d) When the facility director determines that:

(1) the defendant is no longer in need of mental health services on an inpatient basis; and

(2) the defendant may be conditionally released because he or she is still in need of mental health services or that the defendant may be discharged as not in need of any mental health services; or

(3) the defendant no longer requires placement in a secure setting;

the facility director shall give written notice to the Court, State's Attorney and defense attorney. Such notice shall set forth in detail the basis for the recommendation of the facility director, and specify clearly the recommendations, if any, of the facility director, concerning conditional release. Any recommendation for conditional release shall include an evaluation of the defendant's need for psychotropic medication, what provisions should be made, if any, to ensure that the defendant will continue to receive psychotropic medication following discharge, and what provisions should be made to assure the safety of the defendant and others in the event the defendant is no longer receiving psychotropic medication. Within 30 days of the notification by the facility director, the Court shall set a hearing and make a finding as to whether the defendant is:

(i) (blank); or

New matter indicated by italics - deletions by strikeout
(ii) in need of mental health services in the form of inpatient care; or
(iii) in need of mental health services but not subject to inpatient care; or
(iv) no longer in need of mental health services; or
(v) no longer requires placement in a secure setting.

Upon finding by the Court, the Court shall enter its findings and such appropriate order as provided in subsection (a) and (a-1) of this Section.

(e) A defendant admitted pursuant to this Section, or any person on his behalf, may file a petition for treatment plan review, transfer to a non-secure setting within the Department of Human Services or discharge or conditional release under the standards of this Section in the Court which rendered the verdict. Upon receipt of a petition for treatment plan review, transfer to a non-secure setting or discharge or conditional release, the Court shall set a hearing to be held within 120 days. Thereafter, no new petition may be filed for 180 days without leave of the Court.

(f) The Court shall direct that notice of the time and place of the hearing be served upon the defendant, the facility director, the State's Attorney, and the defendant's attorney. If requested by either the State or the defense or if the Court feels it is appropriate, an impartial examination of the defendant by a psychiatrist or clinical psychologist as defined in Section 1-103 of the Mental Health and Developmental Disabilities Code who is not in the employ of the Department of Human Services shall be ordered, and the report considered at the time of the hearing.

(g) The findings of the Court shall be established by clear and convincing evidence. The burden of proof and the burden of going forth with the evidence rest with the defendant or any person on the defendant's behalf when a hearing is held to review a petition filed by or on behalf of the defendant. The evidence shall be presented in open Court with the right of confrontation and cross-examination. Such evidence may include, but is not limited to:

(1) whether the defendant appreciates the harm caused by the defendant to others and the community by his or her prior
conduct that resulted in the finding of not guilty by reason of insanity;

(2) Whether the person appreciates the criminality of conduct similar to the conduct for which he or she was originally charged in this matter;

(3) the current state of the defendant's illness;

(4) what, if any, medications the defendant is taking to control his or her mental illness;

(5) what, if any, adverse physical side effects the medication has on the defendant;

(6) the length of time it would take for the defendant's mental health to deteriorate if the defendant stopped taking prescribed medication;

(7) the defendant's history or potential for alcohol and drug abuse;

(8) the defendant's past criminal history;

(9) any specialized physical or medical needs of the defendant;

(10) any family participation or involvement expected upon release and what is the willingness and ability of the family to participate or be involved;

(11) the defendant's potential to be a danger to himself, herself, or others; and

(12) any other factor or factors the Court deems appropriate.

(h) Before the court orders that the defendant be discharged or conditionally released, it shall order the facility director to establish a discharge plan that includes a plan for the defendant's shelter, support, and medication. If appropriate, the court shall order that the facility director establish a program to train the defendant in self-medication under standards established by the Department of Human Services. If the Court finds, consistent with the provisions of this Section, that the defendant is no longer in need of mental health services it shall order the facility director to discharge the defendant. If the Court finds, consistent with the

New matter indicated by italics - deletions by strikeout
provisions of this Section, that the defendant is in need of mental health services, and no longer in need of inpatient care, it shall order the facility director to release the defendant under such conditions as the Court deems appropriate and as provided by this Section. Such conditional release shall be imposed for a period of 5 years as provided in paragraph (1) (D) of subsection (a-1) (a) and shall be subject to later modification by the Court as provided by this Section. If the Court finds consistent with the provisions in this Section that the defendant is in need of mental health services on an inpatient basis, it shall order the facility director not to discharge or release the defendant in accordance with paragraph (b) of this Section.

(i) If within the period of the defendant's conditional release the State's Attorney determines that the defendant has not fulfilled the conditions of his or her release, the State's Attorney may petition the Court to revoke or modify the conditional release of the defendant. Upon the filing of such petition the defendant may be remanded to the custody of the Department, or to any other mental health facility designated by the Department, pending the resolution of the petition. Nothing in this Section shall prevent the emergency admission of a defendant pursuant to Article VI of Chapter III of the Mental Health and Developmental Disabilities Code or the voluntary admission of the defendant pursuant to Article IV of Chapter III of the Mental Health and Developmental Disabilities Code. If the Court determines, after hearing evidence, that the defendant has not fulfilled the conditions of release, the Court shall order a hearing to be held consistent with the provisions of paragraph (f) and (g) of this Section. At such hearing, if the Court finds that the defendant is in need of mental health services on an inpatient basis, it shall enter an order remanding him or her to the Department of Human Services or other facility. If the defendant is remanded to the Department of Human Services, he or she shall be placed in a secure setting unless the Court determines that there are compelling reasons that such placement is not necessary. If the Court finds that the defendant continues to be in need of mental health services but not on an inpatient basis, it may modify the conditions of the original release in order to reasonably assure the defendant's satisfactory progress.
in treatment and his or her safety and the safety of others in accordance with the standards established in paragraph (1) (D) of subsection (a-1) (a).

Nothing in this Section shall limit a Court's contempt powers or any other powers of a Court.

(j) An order of admission under this Section does not affect the remedy of habeas corpus.

(k) In the event of a conflict between this Section and the Mental Health and Developmental Disabilities Code or the Mental Health and Developmental Disabilities Confidentiality Act, the provisions of this Section shall govern.

(l) This amendatory Act shall apply to all persons who have been found not guilty by reason of insanity and who are presently committed to the Department of Mental Health and Developmental Disabilities (now the Department of Human Services).

(m) The Clerk of the Court shall, after the entry of an order of transfer to a non-secure setting of the Department of Human Services or discharge or conditional release, transmit a certified copy of the order to the Department of Human Services, and the sheriff of the county from which the defendant was admitted. The Clerk of the Court shall also transmit a certified copy of the order of discharge or conditional release to the Illinois Department of State Police, to the proper law enforcement agency for the municipality where the offense took place, and to the sheriff of the county into which the defendant is conditionally discharged. The Illinois Department of State Police shall maintain a centralized record of discharged or conditionally released defendants while they are under court supervision for access and use of appropriate law enforcement agencies.

(Source: P.A. 93-78, eff. 1-1-04; 93-473, eff. 8-8-03; revised 9-15-06.)

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

Approved August 20, 2007.
Effective August 20, 2007.
AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 1. Short title. This Act may be cited as the Loan
Repayment Assistance for Dentists Act.

Section 5. Purpose. The purpose of this Act is to establish a
program in the Department of Public Health to increase the total number
of dentists and dental specialists practicing in designated shortage areas in
this State by providing educational loan repayment assistance grants to
dentists and dental specialists.

Section 10. Definitions. In this Act, unless the context otherwise
requires:

"Dental payments" means compensation provided to dentists and
dental specialists for services rendered under Article V of the Illinois
Public Aid Code.

"Dental specialist" means a person who has received a license as a
dentist in this State and who is trained and qualified to practice in one or
more of the following specialties of dentistry: endodontics, oral and
maxillofacial surgery, orthodontics, pedodontics, periodontics, and
prosthodontics.

"Dentist" means a person who has received a general license
pursuant to paragraph (a) of Section 11 of the Illinois Dental Practice Act,
who may perform any intraoral and extraoral procedure required in the
practice of dentistry, and to whom is reserved the responsibilities specified

"Department" means the Department of Public Health.

"Designated shortage area" means a medically underserved area or
health manpower shortage area as defined by the United States Department
of Health and Human Services or as otherwise designated by the
Department of Public Health.
"Educational loans" means higher education student loans that a person has incurred in attending a registered professional dental education program in this State.

"Program" means the educational loan repayment assistance program for dentists and dental specialists established by the Department under this Act.

Section 15. Establishment of program. The Department shall establish an educational loan repayment assistance program for dentists and dental specialists who practice in designated shortage areas in this State and who accept certain dental payments as defined under this Act. The Department shall administer the program and make all necessary and proper rules not inconsistent with this Act for the program's effective implementation. The Department may use up to 5% of the appropriation for this program for administration and promotion of dentist and dental specialist incentive programs.

Section 20. Application. Beginning July 1, 2007, the Department shall, each year, consider 4 applications for assistance under the program. The form of application and the information required to be set forth in the application shall be determined by the Department, and the Department shall require applicants to submit with their applications such supporting documents as the Department deems necessary.

Section 25. Eligibility. To be eligible for assistance under the program, an applicant must meet all of the following qualifications:

1. He or she must be a citizen or permanent resident of the United States.
2. He or she must be a resident of this State.
3. He or she must be practicing full time in this State as a dentist or dental specialist.
4. He or she must currently be repaying educational loans.
5. He or she must accept dental payments as defined in this Act.
6. He or she must continue full-time practice in this State in a designated shortage area for 2 years.
Section 30. The award of grants. Under the program, for each year that a qualified applicant practices full time in this State in a designated shortage area as a dentist or dental specialist, the Department shall, subject to appropriation, award a grant to that person in an amount equal to the amount in educational loans that the person must repay that year. However, the total amount in grants that a person may be awarded under the program must not exceed $25,000 per year for a 4-year period. The Department shall require recipients to use the grants to pay off their educational loans.

Section 35. Penalty for failure to fulfill obligation. Loan repayment recipients who fail to practice full time in a designated shortage area, as provided in this Act, shall repay the Department a sum equal to the amount received under the program, plus interest.


PUBLIC ACT 95-0298
(Senate Bill No. 0390)

AN ACT concerning State government.

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

Section 5. The Illinois Act on the Aging is amended by changing Sections 4.01 and 4.02 as follows:

(20 ILCS 105/4.01) (from Ch. 23, par. 6104.01)

Sec. 4.01. Additional powers and duties of the Department. In addition to powers and duties otherwise provided by law, the Department shall have the following powers and duties:

(1) To evaluate all programs, services, and facilities for the aged and for minority senior citizens within the State and determine the extent to which present public or private programs, services and facilities meet the needs of the aged.

New matter indicated by italics - deletions by strikeout
(2) To coordinate and evaluate all programs, services, and facilities for the Aging and for minority senior citizens presently furnished by State agencies and make appropriate recommendations regarding such services, programs and facilities to the Governor and/or the General Assembly.

(3) To function as the sole State agency to develop a comprehensive plan to meet the needs of the State's senior citizens and the State's minority senior citizens.

(4) To receive and disburse State and federal funds made available directly to the Department including those funds made available under the Older Americans Act and the Senior Community Service Employment Program for providing services for senior citizens and minority senior citizens or for purposes related thereto, and shall develop and administer any State Plan for the Aging required by federal law.

(5) To solicit, accept, hold, and administer in behalf of the State any grants or legacies of money, securities, or property to the State of Illinois for services to senior citizens and minority senior citizens or purposes related thereto.

(6) To provide consultation and assistance to communities, area agencies on aging, and groups developing local services for senior citizens and minority senior citizens.

(7) To promote community education regarding the problems of senior citizens and minority senior citizens through institutes, publications, radio, television and the local press.

(8) To cooperate with agencies of the federal government in studies and conferences designed to examine the needs of senior citizens and minority senior citizens and to prepare programs and facilities to meet those needs.

(9) To establish and maintain information and referral sources throughout the State when not provided by other agencies.

(10) To provide the staff support as may reasonably be required by the Council and the Coordinating Committee of State Agencies Serving Older Persons.

(11) To make and enforce rules and regulations necessary and proper to the performance of its duties.

New matter indicated by italics - deletions by strikeout
(12) To establish and fund programs or projects or experimental facilities that are specially designed as alternatives to institutional care.

(13) To develop a training program to train the counselors presently employed by the Department's aging network to provide Medicare beneficiaries with counseling and advocacy in Medicare, private health insurance, and related health care coverage plans. The Department shall report to the General Assembly on the implementation of the training program on or before December 1, 1986.

(14) To make a grant to an institution of higher learning to study the feasibility of establishing and implementing an affirmative action employment plan for the recruitment, hiring, training and retraining of persons 60 or more years old for jobs for which their employment would not be precluded by law.

(15) To present one award annually in each of the categories of community service, education, the performance and graphic arts, and the labor force to outstanding Illinois senior citizens and minority senior citizens in recognition of their individual contributions to either community service, education, the performance and graphic arts, or the labor force. The awards shall be presented to four senior citizens and minority senior citizens selected from a list of 44 nominees compiled annually by the Department. Nominations shall be solicited from senior citizens' service providers, area agencies on aging, senior citizens' centers, and senior citizens' organizations. The Department shall consult with the Coordinating Committee of State Agencies Serving Older Persons to determine which of the nominees shall be the recipient in each category of community service. The Department shall establish a central location within the State to be designated as the Senior Illinoisans Hall of Fame for the public display of all the annual awards, or replicas thereof.

(16) To establish multipurpose senior centers through area agencies on aging and to fund those new and existing multipurpose senior centers through area agencies on aging, the establishment and funding to begin in such areas of the State as the Department shall designate by rule and as specifically appropriated funds become available.

New matter indicated by italics - deletions by strikeout
(17) To develop the content and format of the acknowledgment regarding non-recourse reverse mortgage loans under Section 6.1 of the Illinois Banking Act; to provide independent consumer information on reverse mortgages and alternatives; and to refer consumers to independent counseling services with expertise in reverse mortgages.

(18) To develop a pamphlet in English and Spanish which may be used by physicians licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987, pharmacists licensed pursuant to the Pharmacy Practice Act of 1987, and Illinois residents 65 years of age or older for the purpose of assisting physicians, pharmacists, and patients in monitoring prescriptions provided by various physicians and to aid persons 65 years of age or older in complying with directions for proper use of pharmaceutical prescriptions. The pamphlet may provide space for recording information including but not limited to the following:

(a) name and telephone number of the patient;
(b) name and telephone number of the prescribing physician;
(c) date of prescription;
(d) name of drug prescribed;
(e) directions for patient compliance; and
(f) name and telephone number of dispensing pharmacy.

In developing the pamphlet, the Department shall consult with the Illinois State Medical Society, the Center for Minority Health Services, the Illinois Pharmacists Association and senior citizens organizations. The Department shall distribute the pamphlets to physicians, pharmacists and persons 65 years of age or older or various senior citizen organizations throughout the State.

(19) To conduct a study by April 1, 1994 of the feasibility of implementing the Senior Companion Program throughout the State for the fiscal year beginning July 1, 1994.

(20) With respect to contracts in effect on July 1, 1994, the Department shall increase the grant amounts so that the reimbursement rates paid through the community care program for chore housekeeping services and home care aides homemakers are at the same rate, which
shall be the higher of the 2 rates currently paid. With respect to all contracts entered into, renewed, or extended on or after July 1, 1994, the reimbursement rates paid through the community care program for chore housekeeping services and home care aides homemakers shall be the same.

(21) From funds appropriated to the Department from the Meals on Wheels Fund, a special fund in the State treasury that is hereby created, and in accordance with State and federal guidelines and the intrastate funding formula, to make grants to area agencies on aging, designated by the Department, for the sole purpose of delivering meals to homebound persons 60 years of age and older.

(22) To distribute, through its area agencies on aging, information alerting seniors on safety issues regarding emergency weather conditions, including extreme heat and cold, flooding, tornadoes, electrical storms, and other severe storm weather. The information shall include all necessary instructions for safety and all emergency telephone numbers of organizations that will provide additional information and assistance.

(23) To develop guidelines for the organization and implementation of Volunteer Services Credit Programs to be administered by Area Agencies on Aging or community based senior service organizations. The Department shall hold public hearings on the proposed guidelines for public comment, suggestion, and determination of public interest. The guidelines shall be based on the findings of other states and of community organizations in Illinois that are currently operating volunteer services credit programs or demonstration volunteer services credit programs. The Department shall offer guidelines for all aspects of the programs including, but not limited to, the following:

(a) types of services to be offered by volunteers;
(b) types of services to be received upon the redemption of service credits;
(c) issues of liability for the volunteers and the administering organizations;
(d) methods of tracking service credits earned and service credits redeemed;

New matter indicated by italics - deletions by strikeout
(e) issues of time limits for redemption of service credits;
(f) methods of recruitment of volunteers;
(g) utilization of community volunteers, community service groups, and other resources for delivering services to be received by service credit program clients;
(h) accountability and assurance that services will be available to individuals who have earned service credits; and
(i) volunteer screening and qualifications.

The Department shall submit a written copy of the guidelines to the General Assembly by July 1, 1998.

(Source: P.A. 92-651, eff. 7-11-02.)

(20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

Sec. 4.02. The Department shall establish a program of services to prevent unnecessary institutionalization of persons age 60 and older in need of long term care or who are established as persons who suffer from Alzheimer's disease or a related disorder under the Alzheimer's Disease Assistance Act, thereby enabling them to remain in their own homes or in other living arrangements. Such preventive services, which may be coordinated with other programs for the aged and monitored by area agencies on aging in cooperation with the Department, may include, but are not limited to, any or all of the following:
(a) home health services;
(b) home nursing services;
(c) home care aide homemaker services;
(d) chore and housekeeping services;
(e) adult day services;
(f) home-delivered meals;
(g) education in self-care;
(h) personal care services;
(i) adult day health services;
(j) habilitation services;
(k) respite care;
(k-5) community reintegration services;

New matter indicated by italics - deletions by strikeout
(l) other nonmedical social services that may enable the
person to become self-supporting; or

(m) clearinghouse for information provided by senior
citizen home owners who want to rent rooms to or share living
space with other senior citizens.

The Department shall establish eligibility standards for such
services taking into consideration the unique economic and social needs of
the target population for whom they are to be provided. Such eligibility
standards shall be based on the recipient's ability to pay for services;
provided, however, that in determining the amount and nature of services
for which a person may qualify, consideration shall not be given to the
value of cash, property or other assets held in the name of the person's
spouse pursuant to a written agreement dividing marital property into
equal but separate shares or pursuant to a transfer of the person's interest in
a home to his spouse, provided that the spouse's share of the marital
property is not made available to the person seeking such services.

Beginning July 1, 2002, the Department shall require as a condition
of eligibility that all financially eligible applicants and recipients apply for
medical assistance under Article V of the Illinois Public Aid Code in
accordance with rules promulgated by the Department.

The Department shall, in conjunction with the Department of
Public Aid (now Department of Healthcare and Family Services), seek
appropriate amendments under Sections 1915 and 1924 of the Social
Security Act. The purpose of the amendments shall be to extend eligibility
for home and community based services under Sections 1915 and 1924 of
the Social Security Act to persons who transfer to or for the benefit of a
spouse those amounts of income and resources allowed under Section
1924 of the Social Security Act. Subject to the approval of such
amendments, the Department shall extend the provisions of Section 5-4 of
the Illinois Public Aid Code to persons who, but for the provision of home
or community-based services, would require the level of care provided in
an institution, as is provided for in federal law. Those persons no longer
found to be eligible for receiving noninstitutional services due to changes
in the eligibility criteria shall be given 60 days notice prior to actual

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termination. Those persons receiving notice of termination may contact the Department and request the determination be appealed at any time during the 60 day notice period. With the exception of the lengthened notice and time frame for the appeal request, the appeal process shall follow the normal procedure. In addition, each person affected regardless of the circumstances for discontinued eligibility shall be given notice and the opportunity to purchase the necessary services through the Community Care Program. If the individual does not elect to purchase services, the Department shall advise the individual of alternative services. The target population identified for the purposes of this Section are persons age 60 and older with an identified service need. Priority shall be given to those who are at imminent risk of institutionalization. The services shall be provided to eligible persons age 60 and older to the extent that the cost of the services together with the other personal maintenance expenses of the persons are reasonably related to the standards established for care in a group facility appropriate to the person's condition. These non-institutional services, pilot projects or experimental facilities may be provided as part of or in addition to those authorized by federal law or those funded and administered by the Department of Human Services. The Departments of Human Services, Healthcare and Family Services, Public Health, Veterans' Affairs, and Commerce and Economic Opportunity and other appropriate agencies of State, federal and local governments shall cooperate with the Department on Aging in the establishment and development of the non-institutional services. The Department shall require an annual audit from all chore/housekeeping and home care aide homemaker vendors contracting with the Department under this Section. The annual audit shall assure that each audited vendor's procedures are in compliance with Department's financial reporting guidelines requiring an administrative and employee wage and benefits cost split as defined in administrative rules. The audit is a public record under the Freedom of Information Act. The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department of Healthcare and Family Services, to effect the following: (1) intake procedures and common eligibility criteria for

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those persons who are receiving non-institutional services; and (2) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped. On and after July 1, 1996, all nursing home prescreenings for individuals 60 years of age or older shall be conducted by the Department.

As part of the Department on Aging's routine training of case managers and case manager supervisors, the Department may include information on family futures planning for persons who are age 60 or older and who are caregivers of their adult children with developmental disabilities. The content of the training shall be at the Department's discretion.

The Department is authorized to establish a system of recipient copayment for services provided under this Section, such copayment to be based upon the recipient's ability to pay but in no case to exceed the actual cost of the services provided. Additionally, any portion of a person's income which is equal to or less than the federal poverty standard shall not be considered by the Department in determining the copayment. The level of such copayment shall be adjusted whenever necessary to reflect any change in the officially designated federal poverty standard.

The Department, or the Department's authorized representative, shall recover the amount of moneys expended for services provided to or in behalf of a person under this Section by a claim against the person's estate or against the estate of the person's surviving spouse, but no recovery may be had until after the death of the surviving spouse, if any, and then only at such time when there is no surviving child who is under age 21, blind, or permanently and totally disabled. This paragraph, however, shall not bar recovery, at the death of the person, of moneys for services provided to the person or in behalf of the person under this Section to which the person was not entitled; provided that such recovery shall not be enforced against any real estate while it is occupied as a homestead by the surviving spouse or other dependent, if no claims by other creditors have been filed against the estate, or, if such claims have been filed, they remain dormant for failure of prosecution or failure of the claimant to compel administration of the estate for the purpose of

New matter indicated by italics - deletions by strikeout
payment. This paragraph shall not bar recovery from the estate of a spouse, under Sections 1915 and 1924 of the Social Security Act and Section 5-4 of the Illinois Public Aid Code, who precedes a person receiving services under this Section in death. All moneys for services paid to or in behalf of the person under this Section shall be claimed for recovery from the deceased spouse's estate. "Homestead", as used in this paragraph, means the dwelling house and contiguous real estate occupied by a surviving spouse or relative, as defined by the rules and regulations of the Department of Healthcare and Family Services, regardless of the value of the property.

The Department shall develop procedures to enhance availability of services on evenings, weekends, and on an emergency basis to meet the respite needs of caregivers. Procedures shall be developed to permit the utilization of services in successive blocks of 24 hours up to the monthly maximum established by the Department. Workers providing these services shall be appropriately trained.

Beginning on the effective date of this Amendatory Act of 1991, no person may perform chore/housekeeping and home care aide homemaker services under a program authorized by this Section unless that person has been issued a certificate of pre-service to do so by his or her employing agency. Information gathered to effect such certification shall include (i) the person's name, (ii) the date the person was hired by his or her current employer, and (iii) the training, including dates and levels. Persons engaged in the program authorized by this Section before the effective date of this amendatory Act of 1991 shall be issued a certificate of all pre- and in-service training from his or her employer upon submitting the necessary information. The employing agency shall be required to retain records of all staff pre- and in-service training, and shall provide such records to the Department upon request and upon termination of the employer's contract with the Department. In addition, the employing agency is responsible for the issuance of certifications of in-service training completed to their employees.

The Department is required to develop a system to ensure that persons working as home care aides homemakers and chore housekeepers
receive increases in their wages when the federal minimum wage is increased by requiring vendors to certify that they are meeting the federal minimum wage statute for home care aides homemakers and chore housekeepers. An employer that cannot ensure that the minimum wage increase is being given to home care aides homemakers and chore housekeepers shall be denied any increase in reimbursement costs.

The Community Care Program Advisory Committee is created in the Department on Aging. The Director shall appoint individuals to serve in the Committee, who shall serve at their own expense. Members of the Committee must abide by all applicable ethics laws. The Committee shall advise the Department on issues related to the Department's program of services to prevent unnecessary institutionalization. The Committee shall meet on a bi-monthly basis and shall serve to identify and advise the Department on present and potential issues affecting the service delivery network, the program's clients, and the Department and to recommend solution strategies. Persons appointed to the Committee shall be appointed on, but not limited to, their own and their agency's experience with the program, geographic representation, and willingness to serve.

The Committee shall include, but not be limited to, representatives from the following agencies and organizations:

<table>
<thead>
<tr>
<th>Category</th>
<th>Representation</th>
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<tbody>
<tr>
<td>(a)</td>
<td>at least 4 adult day service representatives;</td>
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<tr>
<td>(b)</td>
<td>at least 4 case coordination unit representatives;</td>
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<tr>
<td>(c)</td>
<td>at least 4 representatives from in-home direct care service agencies;</td>
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<tr>
<td>(d)</td>
<td>at least 2 representatives of statewide trade or labor unions that represent in-home direct care service staff;</td>
</tr>
<tr>
<td>(e)</td>
<td>at least 2 representatives of Area Agencies on Aging;</td>
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<tr>
<td>(f)</td>
<td>at least 2 non-provider representatives from a policy, advocacy, research, or other service organization;</td>
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<tr>
<td>(g)</td>
<td>at least 2 representatives from a statewide membership organization for senior citizens; and</td>
</tr>
<tr>
<td>(h)</td>
<td>at least 2 citizen members 60 years of age or older.</td>
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Nominations may be presented from any agency or State association with interest in the program. The Director, or his or her
designee, shall serve as the permanent co-chair of the advisory committee. One other co-chair shall be nominated and approved by the members of the committee on an annual basis. Committee members' terms of appointment shall be for 4 years with one-quarter of the appointees' terms expiring each year. At no time may a member serve more than one consecutive term in any capacity on the committee. The Department shall fill vacancies that have a remaining term of over one year, and this replacement shall occur through the annual replacement of expiring terms. The Director shall designate Department staff to provide technical assistance and staff support to the committee. Department representation shall not constitute membership of the committee. All Committee papers, issues, recommendations, reports, and meeting memoranda are advisory only. The Director, or his or her designee, shall make a written report, as requested by the Committee, regarding issues before the Committee.

The Department on Aging and the Department of Human Services shall cooperate in the development and submission of an annual report on programs and services provided under this Section. Such joint report shall be filed with the Governor and the General Assembly on or before September 30 each year.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

Those persons previously found eligible for receiving non-institutional services whose services were discontinued under the Emergency Budget Act of Fiscal Year 1992, and who do not meet the eligibility standards in effect on or after July 1, 1992, shall remain ineligible on and after July 1, 1992. Those persons previously not required to cost-share and who were required to cost-share effective March 1, 1992, shall continue to meet cost-share requirements on and after July 1, 1992.

New matter indicated by italics - deletions by strikeout
Beginning July 1, 1992, all clients will be required to meet eligibility, cost-share, and other requirements and will have services discontinued or altered when they fail to meet these requirements.

(Source: P.A. 93-85, eff. 1-1-04; 93-902, eff. 8-10-04; 94-48, eff. 7-1-05; 94-269, eff. 7-19-05; 94-336, eff. 7-26-05; 94-954, eff. 6-27-06.)

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

Approved August 20, 2007.
Effective August 20, 2007.

PUBLIC ACT 95-0299
(Senate Bill No. 0424)

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

Section 5. The School Code is amended by adding Section 27-22.10 as follows:

(105 ILCS 5/27-22.10 new)
Sec. 27-22.10. Course credit for high school diploma.
(a) Notwithstanding any other provision of this Code, the school board of a school district that maintains any of grades 9 through 12 is authorized to adopt a policy under which a student enrolled in grade 7 or 8 who is enrolled in the unit school district or would be enrolled in the high school district upon completion of elementary school, whichever is applicable, may enroll in a course required under Section 27-22 of this Code, provided that (i) the course is offered by the high school that the student would attend, (ii) the student participates in the course at the location of the high school, and (iii) the elementary student's enrollment in the course would not prevent a high school student from being able to enroll.

(b) A school board that adopts a policy pursuant to subsection (a) of this Section must grant academic credit to an elementary school student

New matter indicated by italics - deletions by strikeout
who successfully completes the high school course, and that credit shall satisfy the requirements of Section 27-22 of this Code for that course.

(c) A school board must award high school course credit to a student transferring to its school district for any course that the student successfully completed pursuant to subsection (a) of this Section, unless evidence about the course's rigor and content shows that it does not address the relevant Illinois Learning Standard at the level appropriate for the high school grade during which the course is usually taken, and that credit shall satisfy the requirements of Section 27-22 of this Code for that course.

(d) A student's grade in any course successfully completed under this Section must be included in his or her grade point average in accordance with the school board's policy for making that calculation.

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

Approved August 20, 2007.
Effective August 20, 2007.

PUBLIC ACT 95-0300
(Senate Bill No. 0436)

AN ACT concerning local government.

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

Section 5. The Township Code is amended by changing Section 205-105 as follows:

(60 ILCS 1/205-105)
Sec. 205-105. Construction contracts; bids.
(a) All contracts for construction work whose estimated cost will exceed $20,000 shall be let to the lowest responsible bidder after publication of notice for bids. Notice for bids shall be published once in a newspaper published and having general circulation in the township, if there is one. If there is no such newspaper, notice for bids shall be

New matter indicated by italics - deletions by strikeout
published in a newspaper published and having general circulation in the county. Notice for bids shall be published at least 10 days before the date set for receiving bids. Bids shall be opened and publicly read, and an award shall be made to the lowest responsible bidder within 15 days after the receipt of bids.

(b) This Section shall not apply to engineering, legal, or other professional services, but it shall apply to the purchase of equipment unless the township board, by a resolution adopted by a three-fourths vote, determines that it is for the best interests of the township that advertising for bids for the equipment be dispensed with.

(Source: P.A. 87-708; 88-62.)

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

Approved August 20, 2007.
Effective August 20, 2007.

PUBLIC ACT 95-0301
(Senate Bill No. 0438)

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

Section 5. The Illinois Vehicle Code is amended by changing Section 3-118 as follows:

Sec. 3-118. Application for salvage or junking certificate; contents.
(a) An application for a salvage certificate or junking certificate shall be made upon the forms prescribed by the Secretary of State and contain:

1. The name and address of the owner;
2. A description of the vehicle including, so far as the following data exists: its make, year-model, identifying number, type of body, whether new or used;

New matter indicated by italics - deletions by strikeout
3. The date of purchase by applicant; and
4. Any further information reasonably required by the Secretary of State.

(b) The application for salvage certificate must also contain the current odometer reading and that the stated odometer reading is one of the following: actual mileage, not the actual mileage or mileage is in excess of its mechanical limits.

(c) A salvage certificate may be assigned to any person licensed under this Act as a rebuilder, automotive parts recycler, scrap processor or an out-of-state salvage vehicle buyer. A salvage certificate for a vehicle that has come from a police impoundment may be assigned to a municipal fire department. A junking certificate may be assigned to anyone. The provisions for reassignment by dealers under paragraph (a) of Section 3-113 shall apply to salvage certificates, except as provided in Section 3-117.2. A salvage certificate may be reassigned to one other person licensed under this Act.

(Source: P.A. 86-444; 87-206.)

Approved August 20, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0302
(Senate Bill No. 0441)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 2-120 and adding Section 11-1002.5 as follows:

(625 ILCS 5/2-120) (from Ch. 95 1/2, par. 2-120)
Sec. 2-120. Disposition of fines and forfeitures.

(a) Except as provided in subsection (f) of Section 11-605 and subsection (c) of Section 11-1002.5 of this Code, fines and penalties recovered under the provisions of this Act administered by the Secretary of

New matter indicated by italics - deletions by strikeout
State, except those fines and penalties subject to disbursement by the circuit clerk under Section 27.5 of the Clerks of Courts Act, shall be paid over and used as follows:

1. For violations of this Act committed within the limits of an incorporated city or village, to the treasurer of the particular city or village, if arrested by the authorities of the city or village and reasonably prosecuted for all fines and penalties under this Act by the police officers and officials of the city or village.

2. For violations of this Act committed outside the limits of an incorporated city or village to the county treasurer of the court where the offense was committed.

3. For the purposes of this Act an offense for violation of any provision of this Act not committed upon the highway shall be deemed to be committed where the violator resides or where he has a place of business requiring some registration, permit or license to operate such business under this Act.

(b) Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture either before or after a deposit with the proper official as defined in paragraph (a) of this Section, shall constitute misconduct in office and shall be grounds for removal therefrom.

(Source: P.A. 91-531, eff. 1-1-00.)

(625 ILCS 5/11-1002.5 new)

Sec. 11-1002.5. Pedestrians' right-of-way at crosswalks; school zones.

(a) For the purpose of this Section, "school" has the meaning ascribed to that term in Section 11-605.

On a school day when school children are present and so close thereto that a potential hazard exists because of the close proximity of the motorized traffic and when traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is

New matter indicated by italics - deletions by strikeout
approaching so closely from the opposite half of the roadway as to be in danger.

For the purpose of this Section, a school day shall begin at seven ante meridian and shall conclude at four post meridian.

This Section shall not be applicable unless appropriate signs are posted in accordance with Section 11-605.

(b) A first violation of this Section is a petty offense with a minimum fine of $150. A second or subsequent violation of this Section is a petty offense with a minimum fine of $300.

(c) When a fine for a violation of subsection (a) is $150 or greater, the person who violates subsection (a) shall be charged an additional $50 to be paid to the unit school district where the violation occurred for school safety purposes. If the violation occurred in a dual school district, $25 of the surcharge shall be paid to the elementary school district for school safety purposes and $25 of the surcharge shall be paid to the high school district for school safety purposes. Notwithstanding any other provision of law, the entire $50 surcharge shall be paid to the appropriate school district or districts.

For purposes of this subsection (c), "school safety purposes" has the meaning ascribed to that term in Section 11-605.

Section 10. The Unified Code of Corrections is amended by changing Section 5-6-1 as follows:

(730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

Sec. 5-6-1. Sentences of Probation and of Conditional Discharge and Disposition of Supervision. The General Assembly finds that in order to protect the public, the criminal justice system must compel compliance with the conditions of probation by responding to violations with swift, certain and fair punishments and intermediate sanctions. The Chief Judge of each circuit shall adopt a system of structured, intermediate sanctions for violations of the terms and conditions of a sentence of probation, conditional discharge or disposition of supervision.

(a) Except where specifically prohibited by other provisions of this Code, the court shall impose a sentence of probation or conditional discharge upon an offender unless, having regard to the nature and
circumstance of the offense, and to the history, character and condition of the offender, the court is of the opinion that:

(1) his imprisonment or periodic imprisonment is necessary for the protection of the public; or

(2) probation or conditional discharge would deprecate the seriousness of the offender's conduct and would be inconsistent with the ends of justice; or

(3) a combination of imprisonment with concurrent or consecutive probation when an offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act is necessary for the protection of the public and for the rehabilitation of the offender.

The court shall impose as a condition of a sentence of probation, conditional discharge, or supervision, that the probation agency may invoke any sanction from the list of intermediate sanctions adopted by the chief judge of the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-6-4 of this Act.

(b) The court may impose a sentence of conditional discharge for an offense if the court is of the opinion that neither a sentence of imprisonment nor of periodic imprisonment nor of probation supervision is appropriate.

(b-1) Subsections (a) and (b) of this Section do not apply to a defendant charged with a misdemeanor or felony under the Illinois Vehicle Code or reckless homicide under Section 9-3 of the Criminal Code of 1961 if the defendant within the past 12 months has been convicted of or pleaded guilty to a misdemeanor or felony under the Illinois Vehicle Code or reckless homicide under Section 9-3 of the Criminal Code of 1961.

(c) The court may, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, defer further proceedings and the imposition of a sentence, and enter an order for supervision of the defendant, if the defendant is not charged with: (i) a Class A misdemeanor, as defined by the following provisions of the Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5; 31-1; 31-6;

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31-7; subsections (b) and (c) of Section 21-1; paragraph (1) through (5), (8), (10), and (11) of subsection (a) of Section 24-1; (ii) a Class A misdemeanor violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals Act; or (iii) felony. If the defendant is not barred from receiving an order for supervision as provided in this subsection, the court may enter an order for supervision after considering the circumstances of the offense, and the history, character and condition of the offender, if the court is of the opinion that:

(1) the offender is not likely to commit further crimes;
(2) the defendant and the public would be best served if the defendant were not to receive a criminal record; and
(3) in the best interests of justice an order of supervision is more appropriate than a sentence otherwise permitted under this Code.

(d) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance when the defendant has previously been:

(1) convicted for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or
(2) assigned supervision for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or
(3) pleaded guilty to or stipulated to the facts supporting a charge or a finding of guilty to a violation of Section 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state, and the plea or stipulation was the result of a plea agreement.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(e) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 16A-3 of the Criminal Code of 1961 if said defendant has within the last 5 years been:

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(1) convicted for a violation of Section 16A-3 of the Criminal Code of 1961; or

(2) assigned supervision for a violation of Section 16A-3 of the Criminal Code of 1961.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(f) The provisions of paragraph (c) shall not apply to a defendant charged with violating Sections 15-111, 15-112, 15-301, paragraph (b) of Section 6-104, Section 11-605, Section 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(g) Except as otherwise provided in paragraph (i) of this Section, the provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has within the last 5 years been:

(1) convicted for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance; or

(2) assigned supervision for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(h) The provisions of paragraph (c) shall not apply to a defendant under the age of 21 years charged with violating a serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code:

(1) unless the defendant, upon payment of the fines, penalties, and costs provided by law, agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference of Chief Circuit Judges. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and

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conviction entered. The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases when a defendant enters a guilty plea under this provision; or

(2) if the defendant has previously been sentenced under the provisions of paragraph (c) on or after January 1, 1998 for any serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code.

(i) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has been assigned supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(j) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance when the revocation or suspension was for a violation of Section 11-501 or a similar provision of a local ordinance, a violation of Section 11-501.1 or paragraph (b) of Section 11-401 of the Illinois Vehicle Code, or a violation of Section 9-3 of the Criminal Code of 1961 if the defendant has within the last 10 years been:

(1) convicted for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance; or

(2) assigned supervision for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(k) The provisions of paragraph (c) shall not apply to a defendant charged with violating any provision of the Illinois Vehicle Code or a similar provision of a local ordinance that governs the movement of vehicles if, within the 12 months preceding the date of the defendant's arrest, the defendant has been assigned court supervision on 2 occasions for a violation that governs the movement of vehicles under the Illinois Vehicle Code or a similar provision of a local ordinance.

(l) A defendant charged with violating any provision of the Illinois Vehicle Code who, after a court appearance in the same matter, receives a disposition of supervision under subsection (c) shall pay an additional fee

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of $20, to be collected as provided in Sections 27.5 and 27.6 of the Clerks of Courts Act. In addition to the $20 fee, the person shall also pay a fee of $5, which, if not waived by the court, shall be collected as provided in Sections 27.5 and 27.6 of the Clerks of Courts Act. The $20 fee shall be disbursed as provided in Section 16-104c of the Illinois Vehicle Code. If the $5 fee is collected, $4.50 of the fee shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court and 50 cents of the fee shall be deposited into the Prisoner Review Board Vehicle and Equipment Fund in the State treasury. (Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05; 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06; 94-1009, eff. 1-1-07.)

Section 99. Effective date. This Act takes effect January 1, 2008.

Approved August 20, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0303
(Senate Bill No. 0448)

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

Section 5. The Illinois Roofing Industry Licensing Act is amended by changing Sections 2, 3.5, 6, 9.1, and 10 and by adding Section 10b as follows:

(225 ILCS 335/2) (from Ch. 111, par. 7502)
(Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:
(a) "Licensure" means the act of obtaining or holding a license issued by the Department as provided in this Act.
(b) "Department" means the Department of Professional Regulation.
(c) "Director" means the Director of Professional Regulation.

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(d) "Person" means any individual, partnership, corporation, business trust, limited liability company, or other legal entity.

(e) "Roofing contractor" is one whose services are unlimited in the roofing trade and who has the experience, knowledge and skill to construct, reconstruct, alter, maintain and repair roofs and use materials and items used in the construction, reconstruction, alteration, maintenance and repair of all kinds of roofing and waterproofing as related to roofing, all in such manner to comply with all plans, specifications, codes, laws, and regulations applicable thereto, but does not include such contractor's employees to the extent the requirements of Section 3 of this Act apply and extend to such employees.

(f) "Board" means the Roofing Advisory Board.

(g) "Qualifying party" means the individual filing as a sole proprietor, partner of a partnership, officer of a corporation, trustee of a business trust, or party of another legal entity, who is legally qualified to act for the business organization in all matters connected with its roofing contracting business, has the authority to supervise roofing installation operations, and is actively engaged in day to day activities of the business organization.

"Qualifying party" does not apply to a seller of roofing materials or services when the construction, reconstruction, alteration, maintenance, or repair of roofing or waterproofing is to be performed by a person other than the seller or the seller's employees.

(h) "Limited roofing license" means a license made available to contractors whose roofing business is limited to residential roofing, including residential properties consisting of 8 units or less.

(i) "Unlimited roofing license" means a license made available to contractors whose roofing business is unlimited in nature and includes roofing on residential, commercial, and industrial properties.

(Source: P.A. 90-55, eff. 1-1-98; 91-950, eff. 2-9-01.)

(225 ILCS 335/3.5)

(Section scheduled to be repealed on January 1, 2016)

Sec. 3.5. Examination.

New matter indicated by italics - deletions by strikeout
(a) The Department shall authorize examinations for applicants for initial licenses at the time and place it may designate. The examinations shall be of a character to fairly test the competence and qualifications of applicants to act as roofing contractors. Each applicant for limited licenses shall designate a qualifying party who shall take an examination, the technical portion of which shall cover residential roofing practices. Each applicant for an unlimited license shall designate a qualifying party who shall take an examination, the technical portion of which shall cover residential, commercial, and industrial roofing practices.

(b) An applicant for a limited license or an unlimited license or a qualifying party designated by an applicant for a limited license or unlimited license shall pay, either to the Department or the designated testing service, a fee established by the Department to cover the cost of providing the examination. Failure of the individual scheduled to appear for the examination on the scheduled date at the time and place specified after his or her application for examination has been received and acknowledged by the Department or the designated testing service shall result in forfeiture of the examination fee.

(c) A person who has a license as described in subsection (1.5) of Section 3 is exempt from the examination requirement of this Section, so long as (1) the license continues to be valid and is renewed before expiration and (2) the person is not newly designated as a qualifying party after July 1, 2003. The qualifying party for an applicant for a new license must have passed an examination authorized by the Department before the Department may issue a license.

(d) The application for a license as a corporation, business trust, or other legal entity submitted by a sole proprietor who is currently licensed under this Act and exempt from the examination requirement of this Section shall not be considered an application for initial licensure for the purposes of this subsection (d) if the sole proprietor is named in the application as the qualifying party and is the sole owner of the legal entity. Upon issuance of a license to the new legal entity, the sole proprietorship license is terminated.

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The application for initial licensure as a partnership, corporation, business trust, or other legal entity submitted by a currently licensed partnership, corporation, business trust, or other legal entity shall not be considered an application for initial licensure for the purposes of this subsection (d) if the entity's current qualifying party is exempt from the examination requirement of this Section, that qualifying party is named as the new legal entity's qualifying party, and the majority of ownership in the new legal entity remains the same as the currently licensed entity. Upon issuance of a license to the new legal entity under this subsection (d), the former license issued to the applicant is terminated.

(e) An applicant has 3 years after the date of his or her application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(SOURCE: P.A. 91-950, eff. 2-9-01.)

(225 ILCS 335/6) (from Ch. 111, par. 7506)
Sec. 6. Expiration; restoration; renewal of license.
(a) The expiration date and renewal period for each certificate of registration issued under this Act shall be set by the Department by rule.
(b) A licensee who has permitted his or her license to expire or whose license is on inactive status may have his or her license restored by making application to the Department in the form and manner prescribed by the Department. (1) Licenses shall expire biennially at midnight on June 30 of each odd-numbered year:
(2) Failure to renew the license prior to the expiration thereof shall cause the license to become nonrenewed and it shall be unlawful thereafter for the licensee to engage, offer to engage, or hold himself or herself out as engaging, in roofing contracting business under the license unless and until the license is restored or reissued as defined by rule.
(SOURCE: P.A. 89-387, eff. 1-1-96; 90-55, eff. 1-1-98.)

(225 ILCS 335/9.1) (from Ch. 111, par. 7509.1)
(Section scheduled to be repealed on January 1, 2016)

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Sec. 9.1. Grounds for disciplinary action. The Department may refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary or non-disciplinary action as the Department may deem proper, including fines not to exceed $10,000 for each violation, with regard to any license for any one or combination of the following causes:

(a) violation of this Act or its rules;
(b) conviction or plea of guilty or nolo contendere of any crime under the laws of the United States or any state or territory thereof that is (i) a felony or (ii) which is a misdemeanor, an essential element of which is dishonesty, or that is of any crime which directly relates to the practice of the profession;
(c) making any misrepresentation for the purpose of obtaining a license;
(d) professional incompetence or gross negligence in the practice of roofing contracting, prima facie evidence of which may be a conviction or judgment in any court of competent jurisdiction against an applicant or licensee relating to the practice of roofing contracting or the construction of a roof or repair thereof that results in leakage within 90 days after the completion of such work;
(e) (blank); gross malpractice, prima facie evidence of which may be a conviction or judgment of malpractice in any court of competent jurisdiction;
(f) aiding or assisting another person in violating any provision of this Act or rules;
(g) failing, within 60 days, to provide information in response to a written request made by the Department which has been sent by certified or registered mail to the licensee's last known address;
(h) engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;

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(i) habitual or excessive use or addiction to alcohol, narcotics, stimulants or any other chemical agent or drug which results in the inability to practice with reasonable judgment, skill, or safety;

(j) discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section;

(k) directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered;

(l) a finding by the Department that the licensee, after having his or her license placed on probationary status has violated the terms of probation;

(m) a finding conviction by any court of competent jurisdiction, either within or without this State, of any violation of any law governing the practice of roofing contracting, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

(n) a finding that licensure has been applied for or obtained by fraudulent means;

(o) practicing, attempting to practice, or advertising under a name other than the full name as shown on the license or any other legally authorized name;

(p) gross and willful overcharging for professional services including filing false statements for collection of fees or monies for which services are not rendered;

(q) failure to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied;

(r) the Department shall deny any license or renewal under this Act to any person who has defaulted on an educational loan

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guaranteed by the Illinois State Scholarship Commission; however, the Department may issue a license or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois State Scholarship Commission;

(s) failure to continue to meet the requirements of this Act shall be deemed a violation;

(t) physical or mental disability, including deterioration through the aging process or loss of abilities and skills that result in an inability to practice the profession with reasonable judgment, skill, or safety;

(u) material misstatement in furnishing information to the Department or to any other State agency;

(v) the determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in an automatic suspension of his or her license. The suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Director that the licensee be allowed to resume professional practice;

(w) advertising in any manner that is false, misleading, or deceptive;

(x) taking undue advantage of a customer, which results in the perpetration of a fraud;

(y) performing any act or practice that is a violation of the Consumer Fraud and Deceptive Business Practices Act;

(z) engaging in the practice of roofing contracting, as defined in this Act, with a suspended, revoked, or cancelled license;

(aa) treating any person differently to the person's detriment because of race, color, creed, gender, age, religion, or national origin;

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(bb) knowingly making any false statement, oral, written, or otherwise, of a character likely to influence, persuade, or induce others in the course of obtaining or performing roofing contracting services; or

(cc) violation of any final administrative action of the Secretary.

The changes to this Act made by this amendatory Act of 1997 apply only to disciplinary actions relating to events occurring after the effective date of this amendatory Act of 1997.

(Source: P.A. 89-387, eff. 1-1-96; 90-55, eff. 1-1-98.)

(225 ILCS 335/10) (from Ch. 111, par. 7510)

(Sec. 10. Enforcement; petition to court.

(1) If any person violates the provisions of this Act, the Director through the Attorney General of Illinois, or the State's Attorney of any county in which a violation is alleged to exist, may in the name of the People of the State of Illinois petition for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation, and if it is established that such person has violated or is violating the injunction, the Court may punish the offender for contempt of court.

(2) If any person shall practice as a licensee or hold himself or herself out as a licensee without being licensed under the provisions of this Act, then any person licensed under this Act, any interested party or any person injured thereby may, in addition to those officers identified in subsection (1) of this Section, petition for relief as provided therein.

(3) (Blank). Whenever the Department has reason to believe that any person has violated the licensing requirements of this Act by practicing, offering to practice, attempting to practice, or holding himself or herself out to practice roofing without being licensed under this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set

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forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(4) Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties which may be provided by law.

(Source: P.A. 90-55, eff. 1-1-98; 91-950, eff. 2-9-01.)

(225 ILCS 335/10b new)

(Section scheduled to be repealed on January 1, 2016)

Sec. 10b. Unlicensed practice; order to cease and desist. Whenever the Department has reason to believe that any person has violated the licensing requirements of this Act by practicing, offering to practice, attempting to practice, or holding himself or herself out to practice roofing without being licensed under this Act, the Department may issue an order to cease and desist such practice without a hearing. The order must clearly set forth the grounds relied upon by the Department and provide notice that any individual or entity receiving the order may petition the Department for a hearing within a period of 21 days after the date of the order. Any hearing held pursuant to this Section must be in accordance with the hearing provisions set forth in this Act. Should any person or entity that is issued an order to cease and desist pursuant to this Section continue or again practice, offer to practice, attempt to practice, or hold himself or herself out to practice roofing without being licensed under this Act, the Department may seek injunctive relief, impose a civil penalty in accordance with this Act, or take any other action allowed under this Act. Any order to cease and desist issued pursuant to this Section shall be considered prima facie evidence of a violation in any proceeding conducted pursuant to Section 10a of this Act.


Approved August 24, 2007.

Effective January 1, 2008.
AN ACT concerning revenue.

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

Section 5. The Use Tax Act is amended by changing Section 3-55 as follows:

(35 ILCS 105/3-55) (from Ch. 120, par. 439.3-55)

Sec. 3-55. Multistate exemption. To prevent actual or likely multistate taxation, the tax imposed by this Act does not apply to the use of tangible personal property in this State under the following circumstances:

(a) The use, in this State, of tangible personal property acquired outside this State by a nonresident individual and brought into this State by the individual for his or her own use while temporarily within this State or while passing through this State.

(b) The use, in this State, of tangible personal property by an interstate carrier for hire as rolling stock moving in interstate commerce or by lessors under a lease of one year or longer executed or in effect at the time of purchase of tangible personal property by interstate carriers for hire for use as rolling stock moving in interstate commerce as long as so used by the interstate carriers for hire, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(c) The use, in this State, by owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce as long as so used by the interstate carriers for hire, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.
(d) The use, in this State, of tangible personal property that is acquired outside this State and caused to be brought into this State by a person who has already paid a tax in another State in respect to the sale, purchase, or use of that property, to the extent of the amount of the tax properly due and paid in the other State.

(e) The temporary storage, in this State, of tangible personal property that is acquired outside this State and that, after being brought into this State and stored here temporarily, is used solely outside this State or is physically attached to or incorporated into other tangible personal property that is used solely outside this State, or is altered by converting, fabricating, manufacturing, printing, processing, or shaping, and, as altered, is used solely outside this State.

(f) The temporary storage in this State of building materials and fixtures that are acquired either in this State or outside this State by an Illinois registered combination retailer and construction contractor, and that the purchaser thereafter uses outside this State by incorporating that property into real estate located outside this State.

(g) The use or purchase of tangible personal property by a common carrier by rail or motor that receives the physical possession of the property in Illinois, and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(h) Except as provided in subsection (h-1), the use, in this State, of a motor vehicle that was sold in this State to a nonresident, even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a drive-away permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the drive-away permit or having the out-of-state registration plates to be transferred shall be prima facie evidence that the motor vehicle will not be titled in this State.
(h-1) The exemption under subsection (h) does not apply if the state in which the motor vehicle will be titled does not allow a reciprocal exemption for the use in that state of a motor vehicle sold and delivered in that state to an Illinois resident but titled in Illinois. The tax collected under this Act on the sale of a motor vehicle in this State to a resident of another state that does not allow a reciprocal exemption shall be imposed at a rate equal to the state's rate of tax on taxable property in the state in which the purchaser is a resident, except that the tax shall not exceed the tax that would otherwise be imposed under this Act. At the time of the sale, the purchaser shall execute a statement, signed under penalty of perjury, of his or her intent to title the vehicle in the state in which the purchaser is a resident within 30 days after the sale and of the fact of the payment to the State of Illinois of tax in an amount equivalent to the state's rate of tax on taxable property in his or her state of residence and shall submit the statement to the appropriate tax collection agency in his or her state of residence. In addition, the retailer must retain a signed copy of the statement in his or her records. Nothing in this subsection shall be construed to require the removal of the vehicle from this state following the filing of an intent to title the vehicle in the purchaser's state of residence if the purchaser titles the vehicle in his or her state of residence within 30 days after the date of sale. The tax collected under this Act in accordance with this subsection (h-1) shall be proportionately distributed as if the tax were collected at the 6.25% general rate imposed under this Act.

(h-2) The following exemptions apply with respect to certain aircraft:

(1) Beginning on July 1, 2007, no tax is imposed under this Act on the purchase of an aircraft, as defined in Section 3 of the Illinois Aeronautics Act, if all of the following conditions are met:

(A) the aircraft leaves this State within 15 days after the later of either the issuance of the final billing for the purchase of the aircraft or the authorized approval for return to service, completion of the maintenance record
entry, and completion of the test flight and ground test for
inspection, as required by 14 C.F.R. 91.407;

(B) the aircraft is not based or registered in this
State after the purchase of the aircraft; and

(C) the purchaser provides the Department with a
signed and dated certification, on a form prescribed by the
Department, certifying that the requirements of this item (1)
are met. The certificate must also include the name and
address of the purchaser, the address of the location where
the aircraft is to be titled or registered, the address of the
primary physical location of the aircraft, and other
information that the Department may reasonably require.

(2) Beginning on July 1, 2007, no tax is imposed under this
Act on the use of an aircraft, as defined in Section 3 of the Illinois
Aeronautics Act, that is temporarily located in this State for the
purpose of a prepurchase evaluation if all of the following
conditions are met:

(A) the aircraft is not based or registered in this
State after the prepurchase evaluation; and

(B) the purchaser provides the Department with a
signed and dated certification, on a form prescribed by the
Department, certifying that the requirements of this item (2)
are met. The certificate must also include the name and
address of the purchaser, the address of the location where
the aircraft is to be titled or registered, the address of the
primary physical location of the aircraft, and other
information that the Department may reasonably require.

(3) Beginning on July 1, 2007, no tax is imposed under this
Act on the use of an aircraft, as defined in Section 3 of the Illinois
Aeronautics Act, that is temporarily located in this State for the
purpose of a post-sale customization if all of the following
conditions are met:

(A) the aircraft leaves this State within 15 days after
the authorized approval for return to service, completion of

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the maintenance record entry, and completion of the test flight and ground test for inspection, as required by 14 C.F.R. 91.407;

(B) the aircraft is not based or registered in this State either before or after the post-sale customization; and

(C) the purchaser provides the Department with a signed and dated certification, on a form prescribed by the Department, certifying that the requirements of this item (3) are met. The certificate must also include the name and address of the purchaser, the address of the location where the aircraft is to be titled or registered, the address of the primary physical location of the aircraft, and other information that the Department may reasonably require.

If tax becomes due under this subsection (h-2) because of the purchaser's use of the aircraft in this State, the purchaser shall file a return with the Department and pay the tax on the fair market value of the aircraft. This return and payment of the tax must be made no later than 30 days after the aircraft is used in a taxable manner in this State. The tax is based on the fair market value of the aircraft on the date that it is first used in a taxable manner in this State.

For purposes of this subsection (h-2):

"Based in this State" means hangared, stored, or otherwise used, excluding post-sale customizations as defined in this Section, for 10 or more days in each 12-month period immediately following the date of the sale of the aircraft.

"Post-sale customization" means any improvement, maintenance, or repair that is performed on an aircraft following a transfer of ownership of the aircraft.

"Prepurchase evaluation" means an examination of an aircraft to provide a potential purchaser with information relevant to the potential purchase.

"Registered in this State" means an aircraft registered with the Department of Transportation, Aeronautics Division, or titled or
registered with the Federal Aviation Administration to an address located in this State.

This subsection (h-2) is exempt from the provisions of Section 3-90.

(i) Beginning July 1, 1999, the use, in this State, of fuel acquired outside this State and brought into this State in the fuel supply tanks of locomotives engaged in freight hauling and passenger service for interstate commerce. This subsection is exempt from the provisions of Section 3-90.

(j) Beginning on January 1, 2002 and through June 30, 2011, the use of tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this subsection (j). The permit issued under this subsection (j) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 93-1068, eff. 1-15-05; 94-1002, eff. 7-3-06.)

Section 10. The Retailers’ Occupation Tax Act is amended by changing Section 2-5 as follows:

(35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:

(1) Farm chemicals.

New matter indicated by italics - deletions by strikeout
(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 2-70.

(3) Until July 1, 2003, distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

New matter indicated by italics - deletions by strikeout
(4) Until July 1, 2003 and beginning again September 1, 2004, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(5) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Until July 1, 2003, proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an

New matter indicated by italics - deletions by strikeout
entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Tangible personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(12-5) On and after July 1, 2003 and through June 30, 2004, motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. Beginning on July 1, 2004 and through June 30, 2005, the use in this State of motor vehicles of
the second division: (i) with a gross vehicle weight rating in excess of 8,000 pounds; (ii) that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code; and (iii) that are primarily used for commercial purposes. Through June 30, 2005, this exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act. For purposes of this paragraph, "used for commercial purposes" means the transportation of persons or property in furtherance of any commercial or industrial enterprise whether for-hire or not.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

New matter indicated by italics - deletions by strikeout
(17) Tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(19) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(21) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(22) Fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in

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Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) Except as provided in item (25-5) of this Section, a motor vehicle sold in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a drive-away permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the drive-away permit or having the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will not be titled in this State.

(25-5) The exemption under item (25) does not apply if the state in which the motor vehicle will be titled does not allow a reciprocal exemption for a motor vehicle sold and delivered in that state to an Illinois resident but titled in Illinois. The tax collected under this Act on the sale of a motor vehicle in this State to a resident of another state that does not allow a reciprocal exemption shall be imposed at a rate equal to the state's rate of tax on taxable property in the state in which the purchaser is a resident, except that the tax shall not exceed the tax that would otherwise be imposed under this Act. At the time of the sale, the purchaser shall execute a statement, signed under penalty of perjury, of his or her intent to title the vehicle in the state in which the purchaser is a resident within 30 days after the sale and of the fact of the payment to the State of Illinois of tax in an amount equivalent to the state's rate of tax on taxable property in his or her state of residence and shall submit the statement to the appropriate tax collection agency in his or her state of residence. In addition, the retailer must retain a signed copy of the statement in his or her records. Nothing in this item shall be construed to require the removal

New matter indicated by italics - deletions by strikeout
of the vehicle from this state following the filing of an intent to title the
vehicle in the purchaser's state of residence if the purchaser titles the
vehicle in his or her state of residence within 30 days after the date of sale.
The tax collected under this Act in accordance with this item (25-5) shall
be proportionately distributed as if the tax were collected at the 6.25%
general rate imposed under this Act.

(25-7) Beginning on July 1, 2007, no tax is imposed under this Act
on the sale of an aircraft, as defined in Section 3 of the Illinois
Aeronautics Act, if all of the following conditions are met:

(1) the aircraft leaves this State within 15 days after the
later of either the issuance of the final billing for the sale of the
aircraft, or the authorized approval for return to service,
completion of the maintenance record entry, and completion of the
test flight and ground test for inspection, as required by 14 C.F.R.
91.407;

(2) the aircraft is not based or registered in this State after
the sale of the aircraft; and

(3) the seller retains in his or her books and records and
provides to the Department a signed and dated certification from
the purchaser, on a form prescribed by the Department, certifying
that the requirements of this item (25-7) are met. The certificate
must also include the name and address of the purchaser, the
address of the location where the aircraft is to be titled or
registered, the address of the primary physical location of the
aircraft, and other information that the Department may
reasonably require.

For purposes of this item (25-7):

"Based in this State" means hangared, stored, or otherwise used,
excluding post-sale customizations as defined in this Section, for 10 or
more days in each 12-month period immediately following the date of the
sale of the aircraft.

"Registered in this State" means an aircraft registered with the
Department of Transportation, Aeronautics Division, or titled or
registered with the Federal Aviation Administration to an address located in this State.

This paragraph (25-7) is exempt from the provisions of Section 2-70.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and
streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 2-70.

(33) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the
events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 2-70.

(35) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 2-70.

(35-5) Beginning August 23, 2001 and through June 30, 2011, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(36) Beginning August 2, 2001, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(37) Beginning August 2, 2001, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department
under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(38) Beginning on January 1, 2002 and through June 30, 2011, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (38). The permit issued under this paragraph (38) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 93-23, eff. 6-20-03; 93-24, eff. 6-20-03; 93-840, eff. 7-30-04; 93-1033, eff. 9-3-04; 93-1068, eff. 1-15-05; 94-1002, eff. 7-3-06.)

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

Approved August 20, 2007
Effective August 20, 2007.

PUBLIC ACT 95-0305
(Senate Bill No. 0495)

AN ACT concerning regulation.

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

Section 5. The Fire Sprinkler Contractor Licensing Act is amended by changing Section 30 as follows:

(225 ILCS 317/30)

Sec. 30. Requirements for the installation, and repair, inspection, and testing of fire protection systems.

(a) Equipment shall be listed by a nationally recognized testing laboratory, such as Underwriters Laboratories, Inc. or Factory Mutual Laboratories, Inc., or shall comply with nationally accepted standards. The State Fire Marshal shall adopt by rule procedures for determining whether a laboratory is nationally recognized, taking into account the laboratory's facilities, procedures, use of nationally recognized standards, and any other criteria reasonably calculated to reach an informed determination.

(b) Equipment shall be installed in accordance with the applicable standards of the National Fire Protection Association and the manufacturer's specifications.

(c) The contractor shall furnish the user with operating instructions for all equipment installed, together with a diagram of the final installation.

(d) All fire sprinkler systems shall have a backflow prevention device or, in a municipality with a population over 500,000, a double detector check assembly installed by a licensed plumber before the fire sprinkler system connection to the water service. Connection to the backflow prevention device or, in a municipality with a population over 500,000, a double detector assembly shall be done in a manner consistent with the Department of Public Health's Plumbing Code.

(e) This licensing Act is not intended to require any additional fire inspections at State level.

(f) Inspections and testing of existing fire sprinkler systems and control equipment must be performed by a licensee or an individual employed or contracted by a licensee. Any individual who performs inspection and testing duties under this subsection (f) must possess proof of (i) certification by a nationally recognized certification organization at
an appropriate level, such as NICET Level II in Inspection and Testing of Water Based Systems or the equivalent, by January 1, 2009 or (ii) satisfactory completion of a certified sprinkler fitter apprenticeship program approved by the U.S. Department of Labor. State employees who perform inspections and testing on behalf of State institutions and who meet all other requirements of this subsection (f) need not be licensed under this Act or employed by a licensee under this Act in order to perform inspection and testing duties under this subsection (f). The requirements of this subsection (f) do not apply to individuals performing inspections or testing of fire sprinkler systems on behalf of a municipality, a county, a fire protection district, or the Office of the State Fire Marshal. This subsection (f) does not apply to cursory weekly and monthly inspections of gauges and control valves conducted in accordance with the standards of the National Fire Protection Association.

(Source: P.A. 92-871, eff. 1-3-03.)

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

Approved August 20, 2007.
Effective August 20, 2007.

PUBLIC ACT 95-0306
(Senate Bill No. 0497)

AN ACT concerning civil procedure.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Treasurer Act is amended by changing Section 16.5 as follows:
(15 ILCS 505/16.5)
Sec. 16.5. College Savings Pool. The State Treasurer may establish and administer a College Savings Pool to supplement and enhance the investment opportunities otherwise available to persons seeking to finance the costs of higher education. The State Treasurer, in administering the

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College Savings Pool, may receive moneys paid into the pool by a participant and may serve as the fiscal agent of that participant for the purpose of holding and investing those moneys.

"Participant", as used in this Section, means any person who has authority to withdraw funds, change the designated beneficiary, or otherwise exercise control over an account. "Donor", as used in this Section, means any person who makes investments in the pool. "Designated beneficiary", as used in this Section, means any person on whose behalf an account is established in the College Savings Pool by a participant. Both in-state and out-of-state persons may be participants, donors, and designated beneficiaries in the College Savings Pool.

New accounts in the College Savings Pool shall be processed through participating financial institutions. "Participating financial institution", as used in this Section, means any financial institution insured by the Federal Deposit Insurance Corporation and lawfully doing business in the State of Illinois and any credit union approved by the State Treasurer and lawfully doing business in the State of Illinois that agrees to process new accounts in the College Savings Pool. Participating financial institutions may charge a processing fee to participants to open an account in the pool that shall not exceed $30 until the year 2001. Beginning in 2001 and every year thereafter, the maximum fee limit shall be adjusted by the Treasurer based on the Consumer Price Index for the North Central Region as published by the United States Department of Labor, Bureau of Labor Statistics for the immediately preceding calendar year. Every contribution received by a financial institution for investment in the College Savings Pool shall be transferred from the financial institution to a location selected by the State Treasurer within one business day following the day that the funds must be made available in accordance with federal law. All communications from the State Treasurer to participants and donors shall reference the participating financial institution at which the account was processed.

The Treasurer may invest the moneys in the College Savings Pool in the same manner, in the same types of investments, and subject to the same limitations provided for the investment of moneys by the Illinois

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State Board of Investment. To enhance the safety and liquidity of the College Savings Pool, to ensure the diversification of the investment portfolio of the pool, and in an effort to keep investment dollars in the State of Illinois, the State Treasurer shall make a percentage of each account available for investment in participating financial institutions doing business in the State. The State Treasurer shall deposit with the participating financial institution at which the account was processed the following percentage of each account at a prevailing rate offered by the institution, provided that the deposit is federally insured or fully collateralized and the institution accepts the deposit: 10% of the total amount of each account for which the current age of the beneficiary is less than 7 years of age, 20% of the total amount of each account for which the beneficiary is at least 7 years of age and less than 12 years of age, and 50% of the total amount of each account for which the current age of the beneficiary is at least 12 years of age. The State Treasurer shall adjust each account at least annually to ensure compliance with this Section. The Treasurer shall develop, publish, and implement an investment policy covering the investment of the moneys in the College Savings Pool. The policy shall be published (i) at least once each year in at least one newspaper of general circulation in both Springfield and Chicago and (ii) each year as part of the audit of the College Savings Pool by the Auditor General, which shall be distributed to all participants. The Treasurer shall notify all participants in writing, and the Treasurer shall publish in a newspaper of general circulation in both Chicago and Springfield, any changes to the previously published investment policy at least 30 calendar days before implementing the policy. Any investment policy adopted by the Treasurer shall be reviewed and updated if necessary within 90 days following the date that the State Treasurer takes office.

Participants shall be required to use moneys distributed from the College Savings Pool for qualified expenses at eligible educational institutions. "Qualified expenses", as used in this Section, means the following: (i) tuition, fees, and the costs of books, supplies, and equipment required for enrollment or attendance at an eligible educational institution and (ii) certain room and board expenses incurred while attending an
eligible educational institution at least half-time. "Eligible educational institutions", as used in this Section, means public and private colleges, junior colleges, graduate schools, and certain vocational institutions that are described in Section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088) and that are eligible to participate in Department of Education student aid programs. A student shall be considered to be enrolled at least half-time if the student is enrolled for at least half the full-time academic work load for the course of study the student is pursuing as determined under the standards of the institution at which the student is enrolled. Distributions made from the pool for qualified expenses shall be made directly to the eligible educational institution, directly to a vendor, or in the form of a check payable to both the beneficiary and the institution or vendor. Any moneys that are distributed in any other manner or that are used for expenses other than qualified expenses at an eligible educational institution shall be subject to a penalty of 10% of the earnings unless the beneficiary dies, becomes disabled, or receives a scholarship that equals or exceeds the distribution. Penalties shall be withheld at the time the distribution is made.

The Treasurer shall limit the contributions that may be made on behalf of a designated beneficiary based on an actuarial estimate of what is required to pay tuition, fees, and room and board for 5 undergraduate years at the highest cost eligible educational institution. The contributions made on behalf of a beneficiary who is also a beneficiary under the Illinois Prepaid Tuition Program shall be further restricted to ensure that the contributions in both programs combined do not exceed the limit established for the College Savings Pool. The Treasurer shall provide the Illinois Student Assistance Commission each year at a time designated by the Commission, an electronic report of all participant accounts in the Treasurer's College Savings Pool, listing total contributions and disbursements from each individual account during the previous calendar year. As soon thereafter as is possible following receipt of the Treasurer's report, the Illinois Student Assistance Commission shall, in turn, provide the Treasurer with an electronic report listing those College Savings Pool participants who also participate in the State's prepaid tuition program,
administered by the Commission. The Commission shall be responsible for filing any combined tax reports regarding State qualified savings programs required by the United States Internal Revenue Service. The Treasurer shall work with the Illinois Student Assistance Commission to coordinate the marketing of the College Savings Pool and the Illinois Prepaid Tuition Program when considered beneficial by the Treasurer and the Director of the Illinois Student Assistance Commission. The Treasurer's office shall not publicize or otherwise market the College Savings Pool or accept any moneys into the College Savings Pool prior to March 1, 2000. The Treasurer shall provide a separate accounting for each designated beneficiary to each participant, the Illinois Student Assistance Commission, and the participating financial institution at which the account was processed. No interest in the program may be pledged as security for a loan. Moneys held in an account invested in the Illinois College Savings Pool shall be exempt from all claims of the creditors of the participant, donor, or designated beneficiary of that account, except for the non-exempt College Savings Pool transfers to or from the account as defined under subsection (j) of Section 12-1001 of the Code of Civil Procedure (735 ILCS 5/12-1001(j)).

The assets of the College Savings Pool and its income and operation shall be exempt from all taxation by the State of Illinois and any of its subdivisions. The accrued earnings on investments in the Pool once disbursed on behalf of a designated beneficiary shall be similarly exempt from all taxation by the State of Illinois and its subdivisions, so long as they are used for qualified expenses. Contributions to a College Savings Pool account during the taxable year may be deducted from adjusted gross income as provided in Section 203 of the Illinois Income Tax Act. The provisions of this paragraph are exempt from Section 250 of the Illinois Income Tax Act.

The Treasurer shall adopt rules he or she considers necessary for the efficient administration of the College Savings Pool. The rules shall provide whatever additional parameters and restrictions are necessary to ensure that the College Savings Pool meets all of the requirements for a qualified state tuition program under Section 529 of the Internal Revenue

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Code (26 U.S.C. 529). The rules shall provide for the administration expenses of the pool to be paid from its earnings and for the investment earnings in excess of the expenses and all moneys collected as penalties to be credited or paid monthly to the several participants in the pool in a manner which equitably reflects the differing amounts of their respective investments in the pool and the differing periods of time for which those amounts were in the custody of the pool. Also, the rules shall require the maintenance of records that enable the Treasurer's office to produce a report for each account in the pool at least annually that documents the account balance and investment earnings. Notice of any proposed amendments to the rules and regulations shall be provided to all participants prior to adoption. Amendments to rules and regulations shall apply only to contributions made after the adoption of the amendment.

Upon creating the College Savings Pool, the State Treasurer shall give bond with 2 or more sufficient sureties, payable to and for the benefit of the participants in the College Savings Pool, in the penal sum of $1,000,000, conditioned upon the faithful discharge of his or her duties in relation to the College Savings Pool.

(Source: P.A. 92-16, eff. 6-28-01; 92-439, eff. 8-17-01; 92-626, eff. 7-11-02; 93-812, eff. 1-1-05.)

Section 10. The Code of Civil Procedure is amended by changing Section 12-1001 as follows:

(735 ILCS 5/12-1001) (from Ch. 110, par. 12-1001)
Sec. 12-1001. Personal property exempt. The following personal property, owned by the debtor, is exempt from judgment, attachment, or distress for rent:

(a) The necessary wearing apparel, bible, school books, and family pictures of the debtor and the debtor's dependents;
(b) The debtor's equity interest, not to exceed $4,000 in value, in any other property;
(c) The debtor's interest, not to exceed $2,400 in value, in any one motor vehicle;

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(d) The debtor's equity interest, not to exceed $1,500 in value, in any implements, professional books, or tools of the trade of the debtor;

(e) Professionally prescribed health aids for the debtor or a dependent of the debtor;

(f) All proceeds payable because of the death of the insured and the aggregate net cash value of any or all life insurance and endowment policies and annuity contracts payable to a wife or husband of the insured, or to a child, parent, or other person dependent upon the insured, whether the power to change the beneficiary is reserved to the insured or not and whether the insured or the insured's estate is a contingent beneficiary or not;

(g) The debtor's right to receive:

   (1) a social security benefit, unemployment compensation, or public assistance benefit;

   (2) a veteran's benefit;

   (3) a disability, illness, or unemployment benefit; and

   (4) alimony, support, or separate maintenance, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

(h) The debtor's right to receive, or property that is traceable to:

   (1) an award under a crime victim's reparation law;

   (2) a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor;

   (3) a payment under a life insurance contract that insured the life of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor or a dependent of the debtor;

   (4) a payment, not to exceed $15,000 in value, on account of personal bodily injury of the debtor or an individual of whom the debtor was a dependent; and
(5) any restitution payments made to persons pursuant to the federal Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act, P.L. 100-383.

For purposes of this subsection (h), a debtor's right to receive an award or payment shall be exempt for a maximum of 2 years after the debtor's right to receive the award or payment accrues; property traceable to an award or payment shall be exempt for a maximum of 5 years after the award or payment accrues; and an award or payment and property traceable to an award or payment shall be exempt only to the extent of the amount of the award or payment, without interest or appreciation from the date of the award or payment.

(i) The debtor's right to receive an award under Part 20 of Article II of this Code relating to crime victims' awards.

(j) Moneys held in an account invested in the Illinois College Savings Pool of which the debtor is a participant or donor, except the following non-exempt contributions:

(1) any contribution to such account by the debtor as participant or donor that is made with the actual intent to hinder, delay, or defraud any creditor of the debtor;

(2) any contributions to such account by the debtor as participant during the 365 day period prior to the date of filing of the debtor's petition for bankruptcy that, in the aggregate during such period, exceed the amount of the annual gift tax exclusion under Section 2503(b) of the Internal Revenue Code of 1986, as amended, in effect at the time of contribution; or

(3) any contributions to such account by the debtor as participant during the period commencing 730 days prior to and ending 366 days prior to the date of filing of the debtor's petition for bankruptcy that, in the aggregate during such period, exceed the amount of the annual gift tax exclusion under Section 2503(b) of the Internal Revenue Code of 1986, as amended, in effect at the time of contribution.
Code of 1986, as amended, in effect at the time of contribution.

For purposes of this subsection (j), "account" includes all accounts for a particular designated beneficiary, of which the debtor is a participant or donor.

Money due the debtor from the sale of any personal property that was exempt from judgment, attachment, or distress for rent at the time of the sale is exempt from attachment and garnishment to the same extent that the property would be exempt had the same not been sold by the debtor.

If a debtor owns property exempt under this Section and he or she purchased that property with the intent of converting nonexempt property into exempt property or in fraud of his or her creditors, that property shall not be exempt from judgment, attachment, or distress for rent. Property acquired within 6 months of the filing of the petition for bankruptcy shall be presumed to have been acquired in contemplation of bankruptcy.

The personal property exemptions set forth in this Section shall apply only to individuals and only to personal property that is used for personal rather than business purposes. The personal property exemptions set forth in this Section shall not apply to or be allowed against any money, salary, or wages due or to become due to the debtor that are required to be withheld in a wage deduction proceeding under Part 8 of this Article XII.

(Source: P.A. 94-293, eff. 1-1-06.)

Approved August 20, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0307
(Senate Bill No. 0511)

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

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Section 1. Short title. This Act may be cited as the Information Technology Accessibility Act.

Section 5. Findings; policy.
(a) The Legislature finds that:
   (1) The advent of the information age throughout the United States and around the world has resulted in dramatic increases in the importance of information technology in employment, education, and the receipt of services.
   (2) While information technology is increasingly being used as a means of providing information, communications, and services, the State is not consistently or cost-effectively ensuring that these technologies are accessible to individuals with disabilities.
   (3) The lack of accessible information technology can prevent individuals with disabilities from participating on equal terms in crucial areas of life, such as education and employment.
   (4) Techniques and products exist that can ensure that information technology can be made accessible to individuals with disabilities in consistent and cost-effective manners.
   (5) By proactively addressing accessibility in its information technology development and procurement processes, the State can cost-effectively ensure that its information technology will be accessible to individuals with disabilities.

(b) It is the policy of the State of Illinois that information technology developed, purchased, or provided by the State is accessible to individuals with disabilities.

Section 10. Definitions. As used in this Act:
"Accessibility" means the ability to receive, use, and manipulate data and operate controls included in electronic and information technology in a manner equivalent to that of individuals who do not have disabilities.

"Electronic and information technology" means electronic information, software, systems, and equipment used in the creation, manipulation, storage, display, or transmission of data, including internet

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and intranet systems, software applications, operating systems, video and multimedia, telecommunications products, kiosks, information transaction machines, copiers, printers, and desktop and portable computers.

"Individuals with disabilities" means individuals with impairments that limit their ability to use information technology. This includes, but is not limited to, individuals with low vision, blindness, hard of hearing, deafness, limited use of their hands, no use of their hands, or other similar impairments.

"State entity" means the executive, legislative, and judicial branches of the State of Illinois, including its departments, divisions, agencies, constitutional offices, public bodies, and public universities. The term does not include units of local government, school districts, or community colleges.

Section 15. Development of standards. Not later than 6 months after the effective date of this Act, the Department of Human Services shall develop and publish accessibility standards for electronic and information technology for State entities. The Secretary of Human Services shall convene a working group of appropriate State entity representatives, stakeholders, and other appropriate individuals and officials to advise and assist the Department in this process. The standards shall address, at a minimum, the following:

(1) functional performance criteria and technical requirements for accessibility;

(2) recommendations for procurement language that can be incorporated into existing State procurement processes to ensure compliance with accessibility standards; and

(3) recommendations for planning, reporting, monitoring, and enforcement of the accessibility standards by State entities.

Section 20. Implementation of standards. Not later than 6 months after the development and publication of accessibility standards by the Department of Human Services, the Director of Central Management Services and each State entity shall review the standards and make revisions to existing procurement or development rules, policies, and procedures under their control to incorporate the standards. The

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accessibility standards shall apply to electronic and information technology developed or procured by a State entity, or to substantial modifications made to electronic and information technology by a State entity, after the Department of Central Management Services and other State entities incorporate the accessibility standards into their procurement policies and procedures. The accessibility standards shall not require (i) the installation of specific accessibility-related software or peripheral devices at a workstation of an employee who is not an individual with a disability or (ii) equipment made available for access at a location where the electronic and information technology is not customarily available to the public.

Section 25. Review and amendment of standards. The Department of Human Services shall, at a minimum, review the accessibility standards every 3 years after the date of initial publication and, as appropriate, amend the standards to reflect technological advances or changes in electronic and information technology. The Secretary of Human Services may convene a working group of appropriate State entity representatives, stakeholders, and other appropriate individuals and officials to advise and assist in the process of reviewing and amending the standards. Within 6 months after the publication by the Department of Human Services of amendments to the standards, the Director of Central Management Services and other State entities shall review the amended standards and make any necessary changes to their existing procurement policies and procedures to incorporate amendments to the accessibility standards into their procurement policies and procedures. The amended accessibility standards shall apply to electronic and information technology developed or procured by a State entity, or to substantial modifications made to electronic and information technology by a State entity, after the Department of Central Management Services and other State entities incorporate the amended accessibility standards into their procurement policies and procedures.

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


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

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

Section 5. The School Code is amended by adding Sections 10-20.40 and 34-18.34 as follows:

(105 ILCS 5/10-20.40 new)

Sec. 10-20.40. Use of facilities by community organizations. School boards are encouraged to allow community organizations to use school facilities during non-school hours. If a school board allows a community organization to use school facilities during non-school hours, the board must adopt a formal policy governing the use of school facilities by community organizations during non-school hours. The policy shall prohibit such use if it interferes with any school functions or the safety of students or school personnel or affects the property or liability of the school district.

(105 ILCS 5/34-18.34 new)

Sec. 34-18.34. Use of facilities by community organizations. The board is encouraged to allow community organizations to use school facilities during non-school hours. If the board allows a community organization to use school facilities during non-school hours, the board must adopt a formal policy governing the use of school facilities by community organizations during non-school hours. The policy shall prohibit such use if it interferes with any school functions or the safety of students or school personnel or affects the property or liability of the school district.

Section 99. Effective date. This Act takes effect July 1, 2007.


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

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

Section 5. The Insect Pest and Plant Disease Act is amended by adding Section 35 as follows:

Sec. 35. Importation of firewood. Within 9 months after the effective date of this amendatory Act of the 95th General Assembly, the Department of Agriculture shall promulgate rules concerning the control of firewood importation into the State with special attention to controlling the infestation of insect pests, including the emerald ash borer. The Department of Agriculture may collaborate with the Department of Natural Resources to promulgate the rules required under this Section.

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

Approved August 20, 2007.
Effective August 20, 2007.
Sec. 27-24.3. Reimbursement. In order for the school district to receive reimbursement from the State as hereinafter provided, the driver education course offered in its schools shall consist of at least 30 clock hours of classroom instruction and, subject to modification as hereinafter allowed, at least 6 clock hours of practice driving in a car having dual operating controls under direct individual instruction. The State Board may allow, in lieu of not more than 5 clock hours of practice driving in a dual control car, such practice driving instruction as it determines is the equivalent of such practice driving in a dual control car.

School districts may adopt a policy to permit proficiency examinations for the practice driving part of the driver education course at any time after the completion of 3 hours of practice driving under direct individual instruction.

(Source: P.A. 83-243.)

Section 10. The Illinois Vehicle Code is amended by changing Sections 4-203, 6-103, 6-106.2, 6-106.3, 6-106.4, 6-107, 6-107.1, 6-110, 6-113, 6-204, 6-205, 6-206, 6-306.3, 6-306.4, 12-603.1, 12-610.1, and 16-107 and adding Section 11-506 as follows:

(625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

Sec. 4-203. Removal of motor vehicles or other vehicles; Towing or hauling away.

(a) When a vehicle is abandoned, or left unattended, on a toll highway, interstate highway, or expressway for 2 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(b) When a vehicle is abandoned on a highway in an urban district 10 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(c) When a vehicle is abandoned or left unattended on a highway other than a toll highway, interstate highway, or expressway, outside of an urban district for 24 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(d) When an abandoned, unattended, wrecked, burned or partially dismantled vehicle is creating a traffic hazard because of its position in

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relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by a law enforcement agency having jurisdiction.

(e) Whenever a peace officer reasonably believes that a person under arrest for a violation of Section 11-501 of this Code or a similar provision of a local ordinance is likely, upon release, to commit a subsequent violation of Section 11-501, or a similar provision of a local ordinance, the arresting officer shall have the vehicle which the person was operating at the time of the arrest impounded for a period of not more than 12 hours after the time of arrest. However, such vehicle may be released by the arresting law enforcement agency prior to the end of the impoundment period if:

(1) the vehicle was not owned by the person under arrest, and the lawful owner requesting such release possesses a valid operator's license, proof of ownership, and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner, or who would otherwise, by operating such motor vehicle, be in violation of this Code; or

(2) the vehicle is owned by the person under arrest, and the person under arrest gives permission to another person to operate such vehicle, provided however, that the other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or who would otherwise, by operating such motor vehicle, be in violation of this Code.

(e-5) Whenever a registered owner of a vehicle is taken into custody for operating the vehicle in violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code, a law enforcement officer may have the vehicle immediately impounded for a period not less than:

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(1) 24 hours for a second violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code or a combination of these offenses; or
(2) 48 hours for a third violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code or a combination of these offenses.

The vehicle may be released sooner if the vehicle is owned by the person under arrest and the person under arrest gives permission to another person to operate the vehicle and that other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or would otherwise, by operating the motor vehicle, be in violation of this Code.

(f) Except as provided in Chapter 18a of this Code, the owner or lessor of privately owned real property within this State, or any person authorized by such owner or lessor, or any law enforcement agency in the case of publicly owned real property may cause any motor vehicle abandoned or left unattended upon such property without permission to be removed by a towing service without liability for the costs of removal, transportation or storage or damage caused by such removal, transportation or storage. The towing or removal of any vehicle from private property without the consent of the registered owner or other legally authorized person in control of the vehicle is subject to compliance with the following conditions and restrictions:

1. Any towed or removed vehicle must be stored at the site of the towing service's place of business. The site must be open during business hours, and for the purpose of redemption of vehicles, during the time that the person or firm towing such vehicle is open for towing purposes.

2. The towing service shall within 30 minutes of completion of such towing or removal, notify the law enforcement agency having jurisdiction of such towing or removal, and the make, model, color and license plate number of the vehicle, and

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shall obtain and record the name of the person at the law enforcement agency to whom such information was reported.

3. If the registered owner or legally authorized person entitled to possession of the vehicle shall arrive at the scene prior to actual removal or towing of the vehicle, the vehicle shall be disconnected from the tow truck and that person shall be allowed to remove the vehicle without interference, upon the payment of a reasonable service fee of not more than one half the posted rate of the towing service as provided in paragraph 6 of this subsection, for which a receipt shall be given.

4. The rebate or payment of money or any other valuable consideration from the towing service or its owners, managers or employees to the owners or operators of the premises from which the vehicles are towed or removed, for the privilege of removing or towing those vehicles, is prohibited. Any individual who violates this paragraph shall be guilty of a Class A misdemeanor.

5. Except for property appurtenant to and obviously a part of a single family residence, and except for instances where notice is personally given to the owner or other legally authorized person in control of the vehicle that the area in which that vehicle is parked is reserved or otherwise unavailable to unauthorized vehicles and they are subject to being removed at the owner or operator's expense, any property owner or lessor, prior to towing or removing any vehicle from private property without the consent of the owner or other legally authorized person in control of that vehicle, must post a notice meeting the following requirements:
   a. Except as otherwise provided in subparagraph a.1 of this subdivision (f)5, the notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the sign must be posted not less than one sign each 100 feet of lot frontage.

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a.1. In a municipality with a population of less than 250,000, as an alternative to the requirement of subparagraph a of this subdivision (f), the notice for a parking lot contained within property used solely for a 2-family, 3-family, or 4-family residence may be prominently placed at the perimeter of the parking lot, in a position where the notice is visible to the occupants of vehicles entering the lot.

b. The notice must indicate clearly, in not less than 2 inch high light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense.

c. The notice must also provide the name and current telephone number of the towing service towing or removing the vehicle.

d. The sign structure containing the required notices must be permanently installed with the bottom of the sign not less than 4 feet above ground level, and must be continuously maintained on the property for not less than 24 hours prior to the towing or removing of any vehicle.

6. Any towing service that tows or removes vehicles and proposes to require the owner, operator, or person in control of the vehicle to pay the costs of towing and storage prior to redemption of the vehicle must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services, and post at the storage site an identical rate schedule and any written contracts with property owners, lessors, or persons in control of property which authorize them to remove vehicles as provided in this Section.

7. No person shall engage in the removal of vehicles from private property as described in this Section without filing a notice of intent in each community where he intends to do such removal, and such notice shall be filed at least 7 days before commencing such towing.

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8. No removal of a vehicle from private property shall be done except upon express written instructions of the owners or persons in charge of the private property upon which the vehicle is said to be trespassing.

9. Vehicle entry for the purpose of removal shall be allowed with reasonable care on the part of the person or firm towing the vehicle. Such person or firm shall be liable for any damages occasioned to the vehicle if such entry is not in accordance with the standards of reasonable care.

10. When a vehicle has been towed or removed pursuant to this Section, it must be released to its owner or custodian within one half hour after requested, if such request is made during business hours. Any vehicle owner or custodian or agent shall have the right to inspect the vehicle before accepting its return, and no release or waiver of any kind which would release the towing service from liability for damages incurred during the towing and storage may be required from any vehicle owner or other legally authorized person as a condition of release of the vehicle. A detailed, signed receipt showing the legal name of the towing service must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

This Section shall not apply to law enforcement, firefighting, rescue, ambulance, or other emergency vehicles which are marked as such or to property owned by any governmental entity.

When an authorized person improperly causes a motor vehicle to be removed, such person shall be liable to the owner or lessee of the vehicle for the cost or removal, transportation and storage, any damages resulting from the removal, transportation and storage, attorney's fee and court costs.

Any towing or storage charges accrued shall be payable by the use of any major credit card, in addition to being payable in cash.

11. Towing companies shall also provide insurance coverage for areas where vehicles towed under the provisions of

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this Chapter will be impounded or otherwise stored, and shall adequately cover loss by fire, theft or other risks.

Any person who fails to comply with the conditions and restrictions of this subsection shall be guilty of a Class C misdemeanor and shall be fined not less than $100 nor more than $500.

(g) When a vehicle is determined to be a hazardous dilapidated motor vehicle pursuant to Section 11-40-3.1 of the Illinois Municipal Code, its removal and impoundment by a towing service may be authorized by a law enforcement agency with appropriate jurisdiction.

When a vehicle removal from either public or private property is authorized by a law enforcement agency, the owner of the vehicle shall be responsible for all towing and storage charges.

Vehicles removed from public or private property and stored by a commercial vehicle relocator or any other towing service in compliance with this Section and Sections 4-201 and 4-202 of this Code, or at the request of the vehicle owner or operator, shall be subject to a possessor lien for services pursuant to the Labor and Storage Lien (Small Amount) Act. The provisions of Section 1 of that Act relating to notice and implied consent shall be deemed satisfied by compliance with Section 18a-302 and subsection (6) of Section 18a-300. In no event shall such lien be greater than the rate or rates established in accordance with subsection (6) of Section 18a-200 of this Code. In no event shall such lien be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Act. Every such lien shall be payable by use of any major credit card, in addition to being payable in cash.

Any personal property belonging to the vehicle owner in a vehicle subject to a lien under this subsection (g) shall likewise be subject to that lien, excepting only: food; medicine; perishable property; any operator's licenses; any cash, credit cards, or checks or checkbooks; and any wallet, purse, or other property containing any operator's license or other identifying documents or materials, cash, credit cards, checks, or checkbooks.

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No lien under this subsection (g) shall: exceed $2,000 in its total amount; or be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Act.

(h) Whenever a peace officer issues a citation to a driver for a violation of subsection (a) of Section 11-506 of this Code, the arresting officer may have the vehicle which the person was operating at the time of the arrest impounded for a period of 5 days after the time of arrest. An impounding agency shall release a motor vehicle impounded under this subsection (h) to the registered owner of the vehicle under any of the following circumstances:

   (1) If the vehicle is a stolen vehicle; or
   (2) If the person ticketed for a violation of subsection (a) of Section 11-506 of this Code was not authorized by the registered owner of the vehicle to operate the vehicle at the time of the violation; or
   (3) If the registered owner of the vehicle was neither the driver nor a passenger in the vehicle at the time of the violation or was unaware that the driver was using the vehicle to engage in street racing; or
   (4) If the legal owner or registered owner of the vehicle is a rental car agency; or
   (5) If, prior to the expiration of the impoundment period specified above, the citation is dismissed or the defendant is found not guilty of the offense.

(Source: P.A. 94-522, eff. 8-10-05; 94-784, eff. 1-1-07.)

Sec. 6-103. What persons shall not be licensed as drivers or granted permits. The Secretary of State shall not issue, renew, or allow the retention of any driver's license nor issue any permit under this Code:

1. To any person, as a driver, who is under the age of 18 years except as provided in Section 6-107, and except that an instruction permit may be issued under Section 6-107.1 to a child who is not less than 15 years of age if the child is enrolled in an approved driver education course as defined in Section 1-103 of
this Code and requires an instruction permit to participate therein, except that an instruction permit may be issued under the provisions of Section 6-107.1 to a child who is 17 years and 3 months of age without the child having enrolled in an approved driver education course and except that an instruction permit may be issued to a child who is at least 15 years and 6 months of age, is enrolled in school, meets the educational requirements of the Driver Education Act, and has passed examinations the Secretary of State in his or her discretion may prescribe;

2. To any person who is under the age of 18 as an operator of a motorcycle other than a motor driven cycle unless the person has, in addition to meeting the provisions of Section 6-107 of this Code, successfully completed a motorcycle training course approved by the Illinois Department of Transportation and successfully completes the required Secretary of State's motorcycle driver's examination;

3. To any person, as a driver, whose driver's license or permit has been suspended, during the suspension, nor to any person whose driver's license or permit has been revoked, except as provided in Sections 6-205, 6-206, and 6-208;

4. To any person, as a driver, who is a user of alcohol or any other drug to a degree that renders the person incapable of safely driving a motor vehicle;

5. To any person, as a driver, who has previously been adjudged to be afflicted with or suffering from any mental or physical disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

6. To any person, as a driver, who is required by the Secretary of State to submit an alcohol and drug evaluation or take an examination provided for in this Code unless the person has successfully passed the examination and submitted any required evaluation;

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7. To any person who is required under the provisions of the laws of this State to deposit security or proof of financial responsibility and who has not deposited the security or proof;

8. To any person when the Secretary of State has good cause to believe that the person by reason of physical or mental disability would not be able to safely operate a motor vehicle upon the highways, unless the person shall furnish to the Secretary of State a verified written statement, acceptable to the Secretary of State, from a competent medical specialist to the effect that the operation of a motor vehicle by the person would not be inimical to the public safety;

9. To any person, as a driver, who is 69 years of age or older, unless the person has successfully complied with the provisions of Section 6-109;

10. To any person convicted, within 12 months of application for a license, of any of the sexual offenses enumerated in paragraph 2 of subsection (b) of Section 6-205;

11. To any person who is under the age of 21 years with a classification prohibited in paragraph (b) of Section 6-104 and to any person who is under the age of 18 years with a classification prohibited in paragraph (c) of Section 6-104;

12. To any person who has been either convicted of or adjudicated under the Juvenile Court Act of 1987 based upon a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act while that person was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of

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a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. The Secretary of State shall not issue a new license or permit for a period of one year;

13. To any person who is under the age of 18 years and who has committed the offense of operating a motor vehicle without a valid license or permit in violation of Section 6-101;

14. To any person who is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days' obligation or more and who has been found in contempt of court for failure to pay the support, subject to the requirements and procedures of Article VII of Chapter 7 of the Illinois Vehicle Code;

15. To any person released from a term of imprisonment for violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide or for violating subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code relating to aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, if the violation was the proximate cause of a death, within 24 months of release from a term of imprisonment;

16. To any person who, with intent to influence any act related to the issuance of any driver's license or permit, by an employee of the Secretary of State's Office, or the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer all or part of a driver's license examination, promises or tenders to that person any property or personal advantage which that person is not authorized by law to accept. Any persons promising or tendering such property or personal advantage shall be disqualified from holding any class of driver's license or permit for 120 consecutive days. The Secretary of State shall establish by rule the procedures for implementing this period of disqualification and the procedures by
which persons so disqualified may obtain administrative review of the decision to disqualify; or

17. To any person for whom the Secretary of State cannot verify the accuracy of any information or documentation submitted in application for a driver's license.

The Secretary of State shall retain all conviction information, if the information is required to be held confidential under the Juvenile Court Act of 1987.

(Source: P.A. 93-174, eff. 1-1-04; 93-712, eff. 1-1-05; 93-783, eff. 1-1-05; 93-788, eff. 1-1-05; 93-895, eff. 1-1-05; 94-556, eff. 9-11-05.)

(625 ILCS 5/6-106.2) (from Ch. 95 1/2, par. 6-106.2)

Sec. 6-106.2. Religious organization bus driver. A religious organization bus driver shall meet the following requirements:

1. is 21 years of age or older;

2. has a valid and properly classified driver's license issued by the Secretary of State;

3. has held a valid driver's license, not necessarily of the same classification, for 3 years prior to the date of application;

4. has demonstrated an ability to exercise reasonable care in the safe operation of religious organization buses in accordance with such standards as the Secretary of State prescribes including a driving test in a religious organization bus;

5. has not been convicted of any of the following offenses within 3 years of the date of application: Sections 11-401 (leaving the scene of a traffic accident involving death or personal injury), 11-501 (driving under the influence), 11-503 (reckless driving), and 11-504 (drag racing), and 11-506 (street racing) of this Code, or Sections 9-3 (manslaughter or reckless homicide) and 12-5 (reckless conduct arising from the use of a motor vehicle) of the Criminal Code of 1961.

(Source: P.A. 84-641.)

(625 ILCS 5/6-106.3) (from Ch. 95 1/2, par. 6-106.3)

Sec. 6-106.3. Senior citizen transportation - driver. A driver of a vehicle operated solely for the purpose of providing transportation for the
elderly in connection with the activities of any public or private organization shall meet the following requirements:

1. is 21 years of age or older;
2. has a valid and properly classified driver's license issued by the Secretary of State;
3. has had a valid driver's license, not necessarily of the same classification, for 3 years prior to the date of application;
4. has demonstrated his ability to exercise reasonable care in the safe operation of a motor vehicle which will be utilized to transport persons in accordance with such standards as the Secretary of State prescribes including a driving test in such motor vehicle; and
5. has not been convicted of any of the following offenses within 3 years of the date of application: Sections 11-401 (leaving the scene of a traffic accident involving death or personal injury), 11-501 (driving under the influence), 11-503 (reckless driving), and 11-504 (drag racing), and 11-506 (street racing) of this Code, or Sections 9-3 (manslaughter or reckless homicide) and 12-5 (reckless conduct arising from the use of a motor vehicle) of the Criminal Code of 1961.

(Source: P.A. 84-641.)

(625 ILCS 5/6-106.4) (from Ch. 95 1/2, par. 6-106.4)
Sec. 6-106.4. For-profit ridesharing arrangement - driver. No person may drive a commuter van while it is being used for a for-profit ridesharing arrangement unless such person:
1. is 21 years of age or older;
2. has a valid and properly classified driver's license issued by the Secretary of State;
3. has held a valid driver's license, not necessarily of the same classification, for 3 years prior to the date of application;
4. has demonstrated his ability to exercise reasonable care in the safe operation of commuter vans used in for-profit ridesharing arrangements in accordance with such standards as the Secretary of State may prescribe, which standards may require a driving test in a commuter van; and

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(5) has not been convicted of any of the following offenses within 3 years of the date of application: Sections 11-401 (leaving the scene of a traffic accident involving death or personal injury), 11-501 (driving under the influence), 11-503 (reckless driving), and 11-504 (drag racing), and 11-506 (street racing) of this Code, or Sections 9-3 (manslaughter or reckless homicide) and 12-5 (reckless conduct arising from the use of a motor vehicle) of the Criminal Code of 1961.

(Source: P.A. 84-641.)

(625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)
Sec. 6-107. Graduated license.
(a) The purpose of the Graduated Licensing Program is to develop safe and mature driving habits in young, inexperienced drivers and reduce or prevent motor vehicle accidents, fatalities, and injuries by:

(1) providing for an increase in the time of practice period before granting permission to obtain a driver's license;

(2) strengthening driver licensing and testing standards for persons under the age of 21 years;

(3) sanctioning driving privileges of drivers under age 21 who have committed serious traffic violations or other specified offenses; and

(4) setting stricter standards to promote the public's health and safety.

(b) The application of any person under the age of 18 years, and not legally emancipated by marriage, for a driver's license or permit to operate a motor vehicle issued under the laws of this State, shall be accompanied by the written consent of either parent of the applicant; otherwise by the guardian having custody of the applicant, or in the event there is no parent or guardian, then by another responsible adult. The written consent must accompany any application for a driver's license under this subsection (b), regardless of whether or not the required written consent also accompanied the person's previous application for an instruction permit.

No graduated driver's license shall be issued to any applicant under 18 years of age, unless the applicant is at least 16 years of age and has:

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(1) Held a valid instruction permit for a minimum of $9\frac{3}{4}$ months.

(2) Passed an approved driver education course and submits proof of having passed the course as may be required.

(3) Certification by the parent, legal guardian, or responsible adult that the applicant has had a minimum of 50 hours of behind-the-wheel practice time, at least 10 hours of which have been at night, and is sufficiently prepared and able to safely operate a motor vehicle.

(b-1) No graduated driver's license shall be issued to any applicant who is under 18 years of age and not legally emancipated by marriage, unless the applicant has graduated from a secondary school of this State or any other state, is enrolled in a course leading to a general educational development (GED) certificate, has obtained a GED certificate, is enrolled in an elementary or secondary school or college or university of this State or any other state and is not a chronic or habitual truant as provided in Section 26-2a of the School Code, or is receiving home instruction and submits proof of meeting any of those requirements at the time of application.

An applicant under 18 years of age who provides proof acceptable to the Secretary that the applicant has resumed regular school attendance or home instruction or that his or her application was denied in error shall be eligible to receive a graduated license if other requirements are met. The Secretary shall adopt rules for implementing this subsection (b-1).

(c) No graduated driver's license or permit shall be issued to any applicant under 18 years of age who has committed the offense of operating a motor vehicle without a valid license or permit in violation of Section 6-101 of this Code and no graduated driver's license or permit shall be issued to any applicant under 18 years of age who has committed an offense that would otherwise result in a mandatory revocation of a license or permit as provided in Section 6-205 of this Code or who has been either convicted of or adjudicated a delinquent based upon a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act while that

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individual was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such.

(d) No graduated driver's license shall be issued for 96 months to any applicant under the age of 18 years who has committed and subsequently been convicted of an offense against traffic regulations governing the movement of vehicles or any violation of this Section or Section 12-603.1 of this Code or any offense defined as a serious traffic violation in this Code or a similar provision of a local ordinance.

(e) No graduated driver's license holder under the age of 18 years shall operate any motor vehicle, except a motor driven cycle or motorcycle, with more than one passenger in the front seat of the motor vehicle and no more passengers in the back seats than the number of available seat safety belts as set forth in Section 12-603 of this Code. If a graduated driver's license holder over the age of 18 committed an offense against traffic regulations governing the movement of vehicles or any violation of this Section or Section 12-603.1 of this Code in the 6 months prior to the graduated driver's license holder's 18th birthday, and was subsequently convicted of the violation, the provisions of this paragraph shall continue to apply until such time as a period of 6 consecutive months has elapsed without an additional violation and subsequent conviction of an offense against traffic regulations governing the movement of vehicles or any violation of this Section or Section 12-603.1 of this Code.

(f) No graduated driver's license holder under the age of 18 shall operate a motor vehicle unless each driver and passenger under the age of 19 is wearing a properly adjusted and fastened seat safety belt and each child under the age of 8 is protected as required under the Child Passenger
Protection Act. If a graduated driver's license holder over the age of 18 committed an offense against traffic regulations governing the movement of vehicles or any violation of this Section or Section 12-603.1 of this Code in the 6 months prior to the graduated driver's license holder's 18th birthday, and was subsequently convicted of the violation, the provisions of this paragraph shall continue to apply until such time as a period of 6 consecutive months has elapsed without an additional violation and subsequent conviction of an offense against traffic regulations governing the movement of vehicles or any violation of this Section or Section 12-603.1 of this Code.

(g) If a graduated driver's license holder is under the age of 18 when he or she receives the license, for the first 12 months he or she holds the license or until he or she reaches the age of 18, whichever occurs sooner, the graduated license holder may not operate a motor vehicle with more than one passenger in the vehicle who is under the age of 20, unless any additional passenger or passengers are siblings, step-siblings, children, or stepchildren of the driver. If a graduated driver's license holder committed an offense against traffic regulations governing the movement of vehicles or any violation of this Section or Section 12-603.1 of this Code during the first 12 months the license is held and subsequently is convicted of the violation, the provisions of this paragraph shall remain in effect until such time as a period of 6 consecutive months has elapsed without an additional violation and subsequent conviction of an offense against traffic regulations governing the movement of vehicles or any violation of this Section or Section 12-603.1 of this Code.

(h) It shall be an offense for a person that is age 15, but under age 20, to be a passenger in a vehicle operated by a driver holding a graduated driver's license during the first 12 months the driver holds the license or until the driver reaches the age of 18, whichever occurs sooner, if another passenger under the age of 20 is present, excluding a sibling, step-sibling, child, or step-child of the driver.

(Source: P.A. 93-101, eff. 1-1-04; 93-788, eff. 1-1-05; 94-239, eff. 1-1-06; 94-241, eff. 1-1-06; 94-556, eff. 9-11-05; 94-897, eff. 6-22-06; 94-916, eff. 7-1-07; revised 8-3-06.)
Sec. 6-107.1. Instruction permit for a minor.

(a) The Secretary of State, upon receiving proper application and payment of the required fee, may issue an instruction permit to any person under the age of 18 years who is not ineligible for a license under paragraphs 1, 3, 4, 5, 7, or 8 of Section 6-103, after the applicant has successfully passed such examination as the Secretary of State in his discretion may prescribe.

(1) An instruction permit issued under this Section shall be valid for a period of 24 months after the date of its issuance and shall be restricted, by the Secretary of State, to the operation of a motor vehicle by the minor only when accompanied by the adult instructor of a driver education program during enrollment in the program or when practicing with a parent, legal guardian, family member, or a person in loco parentis who is 21 years of age or more, has a license classification to operate such vehicle and at least one year of driving experience, and who is occupying a seat beside the driver.

(2) A 24 month instruction permit for a motor driven cycle may be issued to a person 16 or 17 years of age and entitles the holder to drive upon the highways during daylight under direct supervision of a licensed motor driven cycle operator or motorcycle operator 21 years of age or older who has a license classification to operate such motor driven cycle or motorcycle and at least one year of driving experience.

(3) A 24 month instruction permit for a motorcycle other than a motor driven cycle may be issued to a person 16 or 17 years of age in accordance with the provisions of paragraph 2 of Section 6-103 and entitles a holder to drive upon the highways during daylight under the direct supervision of a licensed motorcycle operator 21 years of age or older who has at least one year of driving experience.

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(b) An instruction permit issued under this Section when issued to a person under the age of 18 years shall, as a matter of law, be invalid for the operation of any motor vehicle during the following times:

(1) Between 11:00 p.m. Friday and 6:00 a.m. Saturday;
(2) Between 11:00 p.m. Saturday and 6:00 a.m. on Sunday;
and
(3) Between 10:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

The instruction permit of a person under the age of 18 shall not be invalid as described in paragraph (b) of this Section if the instruction permit holder under the age of 18 was:

(1) accompanied by the minor’s parent or guardian or other person in custody or control of the minor;
(2) on an errand at the direction of the minor’s parent or guardian, without any detour or stop;
(3) in a motor vehicle involved in interstate travel;
(4) going to or returning home from an employment activity, without any detour or stop;
(5) involved in an emergency;
(6) going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the licensee, without any detour or stop;
(7) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
(8) married or had been married or is an emancipated minor under the Emancipation of Minors Act the same time the child is prohibited from being on any street or highway under the provisions of the Child Curfew Act.

New matter indicated by italics - deletions by strikeout
(b-1) No instruction permit shall be issued to any applicant who is under the age of 18 years and who has been certified to be a chronic or habitual truant, as defined in Section 26-2a of the School Code.

An applicant under the age of 18 years who provides proof that he or she has resumed regular school attendance or that his or her application was denied in error shall be eligible to receive an instruction permit if other requirements are met. The Secretary shall adopt rules for implementing this subsection (b-1).

(c) Any person under the age of 16 years who possesses an instruction permit and whose driving privileges have been suspended or revoked under the provisions of this Code shall not be granted a Family Financial Responsibility Driving Permit or a Restricted Driving Permit.

(Source: P.A. 94-916, eff. 7-1-07.)

(625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)
Sec. 6-110. Licenses issued to drivers.

(a) The Secretary of State shall issue to every qualifying applicant a driver's license as applied for, which license shall bear a distinguishing number assigned to the licensee, the legal name, zip code, date of birth, residence address, and a brief description of the licensee, and a space where the licensee may write his usual signature.

If the licensee is less than 17 years of age, the license shall, as a matter of law, be invalid for the operation of any motor vehicle during any time the licensee is prohibited from being on any street or highway under the provisions of the Child Curfew Act.

Licenses issued shall also indicate the classification and the restrictions under Section 6-104 of this Code.

In lieu of the social security number, the Secretary may in his discretion substitute a federal tax number or other distinctive number.

A driver's license issued may, in the discretion of the Secretary, include a suitable photograph of a type prescribed by the Secretary.

(a-1) If the licensee is less than 18 years of age, unless one of the exceptions in subsection (a-2) apply, the license shall, as a matter of law, be invalid for the operation of any motor vehicle during the following times:

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(A) Between 11:00 p.m. Friday and 6:00 a.m. Saturday;
(B) Between 11:00 p.m. Saturday and 6:00 a.m. on Sunday;
and
(C) Between 10:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

(a-2) The driver's license of a person under the age of 18 shall not be invalid as described in subsection (a-1) of this Section if the licensee under the age of 18 was:

(1) accompanied by the licensee's parent or guardian or other person in custody or control of the minor;
(2) on an errand at the direction of the minor's parent or guardian, without any detour or stop;
(3) in a motor vehicle involved in interstate travel;
(4) going to or returning home from an employment activity, without any detour or stop;
(5) involved in an emergency;
(6) going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the licensee, without any detour or stop;
(7) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
(8) married or had been married or is an emancipated minor under the Emancipation of Minors Act.

(a-3) If a graduated driver's license holder over the age of 18 committed an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of this Code in the 6 months prior to the graduated driver's license holder's 18th birthday, and was subsequently convicted of the offense, the provisions of subsection (a-1) shall continue to apply until such time as a period of 6 consecutive months has elapsed without an additional violation and

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subsequent conviction of an offense against traffic regulations governing
the movement of vehicles or Section 6-107 or Section 12-603.1 of this
Code.

(b) Until the Secretary of State establishes a First Person Consent
organ and tissue donor registry under Section 6-117 of this Code, the
Secretary of State shall provide a format on the reverse of each driver's
license issued which the licensee may use to execute a document of gift
conforming to the provisions of the Illinois Anatomical Gift Act. The
format shall allow the licensee to indicate the gift intended, whether
specific organs, any organ, or the entire body, and shall accommodate the
signatures of the donor and 2 witnesses. The Secretary shall also inform
each applicant or licensee of this format, describe the procedure for its
execution, and may offer the necessary witnesses; provided that in so
doing, the Secretary shall advise the applicant or licensee that he or she is
under no compulsion to execute a document of gift. A brochure explaining
this method of executing an anatomical gift document shall be given to
each applicant or licensee. The brochure shall advise the applicant or
licensee that he or she is under no compulsion to execute a document of
gift, and that he or she may wish to consult with family, friends or clergy
before doing so. The Secretary of State may undertake additional efforts,
including education and awareness activities, to promote organ and tissue
donation.

(c) The Secretary of State shall designate on each driver's license
issued a space where the licensee may place a sticker or decal of the
uniform size as the Secretary may specify, which sticker or decal may
indicate in appropriate language that the owner of the license carries an
Emergency Medical Information Card.

The sticker may be provided by any person, hospital, school,
medical group, or association interested in assisting in implementing the
Emergency Medical Information Card, but shall meet the specifications as
the Secretary may by rule or regulation require.

(d) The Secretary of State shall designate on each driver's license
issued a space where the licensee may indicate his blood type and RH
factor.

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(e) The Secretary of State shall provide that each original or renewal driver's license issued to a licensee under 21 years of age shall be of a distinct nature from those driver's licenses issued to individuals 21 years of age and older. The color designated for driver's licenses for licensees under 21 years of age shall be at the discretion of the Secretary of State.

(e-1) The Secretary shall provide that each driver's license issued to a person under the age of 21 displays the date upon which the person becomes 18 years of age and the date upon which the person becomes 21 years of age.

(f) The Secretary of State shall inform all Illinois licensed commercial motor vehicle operators of the requirements of the Uniform Commercial Driver License Act, Article V of this Chapter, and shall make provisions to insure that all drivers, seeking to obtain a commercial driver's license, be afforded an opportunity prior to April 1, 1992, to obtain the license. The Secretary is authorized to extend driver's license expiration dates, and assign specific times, dates and locations where these commercial driver's tests shall be conducted. Any applicant, regardless of the current expiration date of the applicant's driver's license, may be subject to any assignment by the Secretary. Failure to comply with the Secretary's assignment may result in the applicant's forfeiture of an opportunity to receive a commercial driver's license prior to April 1, 1992.

(g) The Secretary of State shall designate on a driver's license issued, a space where the licensee may indicate that he or she has drafted a living will in accordance with the Illinois Living Will Act or a durable power of attorney for health care in accordance with the Illinois Power of Attorney Act.

(g-1) The Secretary of State, in his or her discretion, may designate on each driver's license issued a space where the licensee may place a sticker or decal, issued by the Secretary of State, of uniform size as the Secretary may specify, that shall indicate in appropriate language that the owner of the license has renewed his or her driver's license.
(h) A person who acts in good faith in accordance with the terms of this Section is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his or her act.
(Source: P.A. 93-794, eff. 7-22-04; 93-895, eff. 1-1-05; 94-75, eff. 1-1-06; 94-930, eff. 6-26-06.)

(625 ILCS 5/6-113) (from Ch. 95 1/2, par. 6-113)

Sec. 6-113. Restricted licenses and permits.
(a) The Secretary of State upon issuing a drivers license or permit shall have the authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of, or special mechanical control devices required on, a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the Secretary of State may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) The Secretary of State may either issue a special restricted license or permit or may set forth such restrictions upon the usual license or permit form.

(c) The Secretary of State may issue a probationary license to a person whose driving privileges have been suspended pursuant to subsection (d) of this Section or subsections (a)(2), (a)(19) and (a)(20) of Section 6-206 of this Code. The Secretary of State shall promulgate rules pursuant to The Illinois Administrative Procedure Act, setting forth the conditions and criteria for the issuance and cancellation of probationary licenses.

(d) The Secretary of State may upon receiving satisfactory evidence of any violation of the restrictions of such license or permit suspend, revoke or cancel the same without preliminary hearing, but the licensee or permittee shall be entitled to a hearing as in the case of a suspension or revocation.

(e) It is unlawful for any person to operate a motor vehicle in any manner in violation of the restrictions imposed on a restricted license or permit issued to him.
(f) Whenever the holder of a restricted driving permit is issued a citation for any of the following offenses including similar local ordinances, the restricted driving permit is immediately invalidated:

1. Reckless homicide resulting from the operation of a motor vehicle;
2. Violation of Section 11-501 of this Act relating to the operation of a motor vehicle while under the influence of intoxicating liquor or narcotic drugs;
3. Violation of Section 11-401 of this Act relating to the offense of leaving the scene of a traffic accident involving death or injury; or
4. Violation of Section 11-504 of this Act relating to the offense of drag racing; or
5. Violation of Section 11-506 of this Act relating to the offense of street racing.

The police officer issuing the citation shall confiscate the restricted driving permit and forward it, along with the citation, to the Clerk of the Circuit Court of the county in which the citation was issued.

(g) The Secretary of State may issue a special restricted license for a period of 12 months to individuals using vision aid arrangements other than standard eyeglasses or contact lenses, allowing the operation of a motor vehicle during nighttime hours. The Secretary of State shall adopt rules defining the terms and conditions by which the individual may obtain and renew this special restricted license. At a minimum, all drivers must meet the following requirements:

1. Possess a valid driver's license and have operated a motor vehicle during daylight hours for a period of 12 months using vision aid arrangements other than standard eyeglasses or contact lenses.
2. Have a driving record that does not include any traffic accidents that occurred during nighttime hours, for which the driver has been found to be at fault, during the 12 months before he or she applied for the special restricted license.

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3. Successfully complete a road test administered during nighttime hours.
   At a minimum, all drivers renewing this license must meet the following requirements:

1. Successfully complete a road test administered during nighttime hours.

2. Have a driving record that does not include any traffic accidents that occurred during nighttime hours, for which the driver has been found to be at fault, during the 12 months before he or she applied for the special restricted license.

(h) Any driver issued a special restricted license as defined in subsection (g) whose privilege to drive during nighttime hours has been suspended due to an accident occurring during nighttime hours may request a hearing as provided in Section 2-118 of this Code to contest that suspension. If it is determined that the accident for which the driver was at fault was not influenced by the driver's use of vision aid arrangements other than standard eyeglasses or contact lenses, the Secretary may reinstate that driver's privilege to drive during nighttime hours.

(Source: P.A. 92-274, eff. 1-1-02.)

(625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)
Sec. 6-204. When Court to forward License and Reports.
(a) For the purpose of providing to the Secretary of State the records essential to the performance of the Secretary's duties under this Code to cancel, revoke or suspend the driver's license and privilege to drive motor vehicles of certain minors adjudicated truant minors in need of supervision, addicted, or delinquent and of persons found guilty of the criminal offenses or traffic violations which this Code recognizes as evidence relating to unfitness to safely operate motor vehicles, the following duties are imposed upon public officials:

(1) Whenever any person is convicted of any offense for which this Code makes mandatory the cancellation or revocation of the driver's license or permit of such person by the Secretary of State, the judge of the court in which such conviction is had shall require the surrender to the clerk of the court of all driver's licenses

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or permits then held by the person so convicted, and the clerk of
the court shall, within 5 days thereafter, forward the same, together
with a report of such conviction, to the Secretary.

(2) Whenever any person is convicted of any offense under
this Code or similar offenses under a municipal ordinance, other
than regulations governing standing, parking or weights of
vehicles, and excepting the following enumerated Sections of this
Code: Sections 11-1406 (obstruction to driver's view or control),
11-1407 (improper opening of door into traffic), 11-1410 (coasting
on downgrade), 11-1411 (following fire apparatus), 11-1419.01
(Motor Fuel Tax I.D. Card), 12-101 (driving vehicle which is in
unsafe condition or improperly equipped), 12-201(a) (daytime
lights on motorcycles), 12-202 (clearance, identification and side
marker lamps), 12-204 (lamp or flag on projecting load), 12-205
(failure to display the safety lights required), 12-401 (restrictions as
to tire equipment), 12-502 (mirrors), 12-503 (windshields must be
unobstructed and equipped with wipers), 12-601 (horns and
warning devices), 12-602 (mufflers, prevention of noise or smoke),
12-603 (seat safety belts), 12-702 (certain vehicles to carry flares or
other warning devices), 12-703 (vehicles for oiling roads operated
on highways), 12-710 (splash guards and replacements), 13-101
(safety tests), 15-101 (size, weight and load), 15-102 (width), 15-
103 (height), 15-104 (name and address on second division
vehicles), 15-107 (length of vehicle), 15-109.1 (cover or tarpaulin),
15-111 (weights), 15-112 (weights), 15-301 (weights), 15-316
(weights), 15-318 (weights), and also excepting the following
enumerated Sections of the Chicago Municipal Code: Sections 27-
245 (following fire apparatus), 27-254 (obstruction of traffic), 27-
258 (driving vehicle which is in unsafe condition), 27-259
(coasting on downgrade), 27-264 (use of horns and signal devices),
27-265 (obstruction to driver's view or driver mechanism), 27-267
(dimming of headlights), 27-268 (unattended motor vehicle), 27-
272 (illegal funeral procession), 27-273 (funeral procession on
boulevard), 27-275 (driving freight hauling vehicles on boulevard),

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27-276 (stopping and standing of buses or taxicabs), 27-277 (cruising of public passenger vehicles), 27-305 (parallel parking), 27-306 (diagonal parking), 27-307 (parking not to obstruct traffic), 27-308 (stopping, standing or parking regulated), 27-311 (parking regulations), 27-312 (parking regulations), 27-313 (parking regulations), 27-314 (parking regulations), 27-315 (parking regulations), 27-316 (parking regulations), 27-317 (parking regulations), 27-318 (parking regulations), 27-319 (parking regulations), 27-320 (parking regulations), 27-321 (parking regulations), 27-322 (parking regulations), 27-324 (loading and unloading at an angle), 27-333 (wheel and axle loads), 27-334 (load restrictions in the downtown district), 27-335 (load restrictions in residential areas), 27-338 (width of vehicles), 27-339 (height of vehicles), 27-340 (length of vehicles), 27-352 (reflectors on trailers), 27-353 (mufflers), 27-354 (display of plates), 27-355 (display of city vehicle tax sticker), 27-357 (identification of vehicles), 27-358 (projecting of loads), and also excepting the following enumerated paragraphs of Section 2-201 of the Rules and Regulations of the Illinois State Toll Highway Authority: (l) (driving unsafe vehicle on tollway), (m) (vehicles transporting dangerous cargo not properly indicated), it shall be the duty of the clerk of the court in which such conviction is had within 5 days thereafter to forward to the Secretary of State a report of the conviction and the court may recommend the suspension of the driver's license or permit of the person so convicted.

The reporting requirements of this subsection shall apply to all violations stated in paragraphs (1) and (2) of this subsection when the individual has been adjudicated under the Juvenile Court Act or the Juvenile Court Act of 1987. Such reporting requirements shall also apply to individuals adjudicated under the Juvenile Court Act or the Juvenile Court Act of 1987 who have committed a violation of Section 11-501 of this Code, or similar provision of a local ordinance, or Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide. The reporting requirements of this subsection shall also apply to

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a truant minor in need of supervision, an addicted minor, or a delinquent minor and whose driver's license and privilege to drive a motor vehicle has been ordered suspended for such times as determined by the Court, but only until he or she attains 18 years of age. It shall be the duty of the clerk of the court in which adjudication is had within 5 days thereafter to forward to the Secretary of State a report of the adjudication and the court order requiring the Secretary of State to suspend the minor's driver's license and driving privilege for such time as determined by the Court, but only until he or she attains the age of 18 years. All juvenile court dispositions reported to the Secretary of State under this provision shall be processed by the Secretary of State as if the cases had been adjudicated in traffic or criminal court. However, information reported relative to the offense of reckless homicide, or Section 11-501 of this Code, or a similar provision of a local ordinance, shall be privileged and available only to the Secretary of State, courts, and police officers.

The reporting requirements of this subsection (a) apply to all violations listed in paragraphs (1) and (2) of this subsection (a), excluding parking violations, when the driver holds a CDL, regardless of the type of vehicle in which the violation occurred, or when any driver committed the violation in a commercial motor vehicle as defined in Section 6-500 of this Code.

(3) Whenever an order is entered vacating the forfeiture of any bail, security or bond given to secure appearance for any offense under this Code or similar offenses under municipal ordinance, it shall be the duty of the clerk of the court in which such vacation was had or the judge of such court if such court has no clerk, within 5 days thereafter to forward to the Secretary of State a report of the vacation.

(4) A report of any disposition of court supervision for a violation of Sections 6-303, 11-401, 11-501 or a similar provision of a local ordinance, 11-503, and 11-504, and 11-506 shall be forwarded to the Secretary of State. A report of any disposition of court supervision for a violation of an offense defined as a serious traffic violation in this Code or a similar provision of a local

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ordinance committed by a person under the age of 21 years shall be forwarded to the Secretary of State.

(5) Reports of conviction under this Code and sentencing hearings under the Juvenile Court Act of 1987 in an electronic format or a computer processible medium shall be forwarded to the Secretary of State via the Supreme Court in the form and format required by the Illinois Supreme Court and established by a written agreement between the Supreme Court and the Secretary of State. In counties with a population over 300,000, instead of forwarding reports to the Supreme Court, reports of conviction under this Code and sentencing hearings under the Juvenile Court Act of 1987 in an electronic format or a computer processible medium may be forwarded to the Secretary of State by the Circuit Court Clerk in a form and format required by the Secretary of State and established by written agreement between the Circuit Court Clerk and the Secretary of State. Failure to forward the reports of conviction or sentencing hearing under the Juvenile Court Act of 1987 as required by this Section shall be deemed an omission of duty and it shall be the duty of the several State's Attorneys to enforce the requirements of this Section.

(b) Whenever a restricted driving permit is forwarded to a court, as a result of confiscation by a police officer pursuant to the authority in Section 6-113(f), it shall be the duty of the clerk, or judge, if the court has no clerk, to forward such restricted driving permit and a facsimile of the officer's citation to the Secretary of State as expeditiously as practicable.

(c) For the purposes of this Code, a forfeiture of bail or collateral deposited to secure a defendant's appearance in court when forfeiture has not been vacated, or the failure of a defendant to appear for trial after depositing his driver's license in lieu of other bail, shall be equivalent to a conviction.

(d) For the purpose of providing the Secretary of State with records necessary to properly monitor and assess driver performance and assist the courts in the proper disposition of repeat traffic law offenders, the clerk of the court shall forward to the Secretary of State, on a form prescribed by
the Secretary, records of a driver's participation in a driver remedial or rehabilitative program which was required, through a court order or court supervision, in relation to the driver's arrest for a violation of Section 11-501 of this Code or a similar provision of a local ordinance. The clerk of the court shall also forward to the Secretary, either on paper or in an electronic format or a computer processible medium as required under paragraph (5) of subsection (a) of this Section, any disposition of court supervision for any traffic violation, excluding those offenses listed in paragraph (2) of subsection (a) of this Section. These reports shall be sent within 5 days after disposition, or, if the driver is referred to a driver remedial or rehabilitative program, within 5 days of the driver's referral to that program. These reports received by the Secretary of State, including those required to be forwarded under paragraph (a)(4), shall be privileged information, available only (i) to the affected driver and (ii) for use by the courts, police officers, prosecuting authorities, and the Secretary of State. In accordance with 49 C.F.R. Part 384, all reports of court supervision, except violations related to parking, shall be forwarded to the Secretary of State for all holders of a CDL or any driver who commits an offense while driving a commercial motor vehicle. These reports shall be recorded to the driver's record as a conviction for use in the disqualification of the driver's commercial motor vehicle privileges and shall not be privileged information.

(Source: P.A. 94-307, eff. 9-30-05; 94-930, eff. 6-26-06.)

(625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)
Sec. 6-205. Mandatory revocation of license or permit;
Hardship cases.

(a) Except as provided in this Section, the Secretary of State shall immediately revoke the license, permit, or driving privileges of any driver upon receiving a report of the driver's conviction of any of the following offenses:

1. Reckless homicide resulting from the operation of a motor vehicle;
2. Violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating

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or being in physical control of a vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof;

3. Any felony under the laws of any State or the federal government in the commission of which a motor vehicle was used;

4. Violation of Section 11-401 of this Code relating to the offense of leaving the scene of a traffic accident involving death or personal injury;

5. Perjury or the making of a false affidavit or statement under oath to the Secretary of State under this Code or under any other law relating to the ownership or operation of motor vehicles;

6. Conviction upon 3 charges of violation of Section 11-503 of this Code relating to the offense of reckless driving committed within a period of 12 months;

7. Conviction of any offense defined in Section 4-102 of this Code;

8. Violation of Section 11-504 of this Code relating to the offense of drag racing;

9. Violation of Chapters 8 and 9 of this Code;

10. Violation of Section 12-5 of the Criminal Code of 1961 arising from the use of a motor vehicle;

11. Violation of Section 11-204.1 of this Code relating to aggravated fleeing or attempting to elude a peace officer;

12. Violation of paragraph (1) of subsection (b) of Section 6-507, or a similar law of any other state, relating to the unlawful operation of a commercial motor vehicle;

13. Violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance if the driver has been previously convicted of a violation of that Section or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense;

14. Violation of Section 11-506 of this Code or a similar provision of a local ordinance relating to the offense of street racing.

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(b) The Secretary of State shall also immediately revoke the license or permit of any driver in the following situations:

1. Of any minor upon receiving the notice provided for in Section 5-901 of the Juvenile Court Act of 1987 that the minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of this Code;

2. Of any person when any other law of this State requires either the revocation or suspension of a license or permit.

(c) Whenever a person is convicted of any of the offenses enumerated in this Section, the court may recommend and the Secretary of State in his discretion, without regard to whether the recommendation is made by the court may, upon application, issue to the person a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow transportation for the petitioner or a household member of the petitioner's family for the receipt of necessary medical care or, if the professional evaluation indicates, provide transportation for the petitioner for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare; provided that the Secretary's discretion shall be limited to cases where undue hardship would result from a failure to issue the restricted driving permit.

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

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a

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similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary of State may issue a restricted driving permit for a period he deems appropriate, except that the permit shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination thereof, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program. However, if an individual's driving privileges have
been revoked in accordance with paragraph 13 of subsection (a) of this Section, no restricted driving permit shall be issued until the individual has served 6 months of the revocation period.

(d) Whenever a person under the age of 21 is convicted under Section 11-501 of this Code or a similar provision of a local ordinance, the Secretary of State shall revoke the driving privileges of that person. One year after the date of revocation, and upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle only between the hours of 5 a.m. and 9 p.m. or as otherwise provided by this Section for a period of one year. After this one year period, and upon reapplication for a license as provided in Section 6-106, upon payment of the appropriate reinstatement fee provided under paragraph (b) of Section 6-118, the Secretary of State, in his discretion, may issue the applicant a license, or extend the restricted driving permit as many times as the Secretary of State deems appropriate, by additional periods of not more than 12 months each, until the applicant attains 21 years of age.

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

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an
amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The revocation periods contained in this subparagraph shall apply to similar out-of-state convictions.

(e) This Section is subject to the provisions of the Driver License Compact.

(f) Any revocation imposed upon any person under subsections 2 and 3 of paragraph (b) that is in effect on December 31, 1988 shall be converted to a suspension for a like period of time.

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

(h) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense under Section 11-501 of this Code or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(i) The Secretary of State may not issue a restricted driving permit for a period of one year after a second or subsequent revocation of driving privileges under clause (a)(2) of this Section; however, one year after the date of a second or subsequent revocation of driving privileges under clause (a)(2) of this Section, the Secretary of State may, upon application, issue a restricted driving permit under the terms and conditions of subsection (c).

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(j) In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been revoked under any provisions of this Code.

(Source: P.A. 93-120, eff. 1-1-04; 94-307, eff. 9-30-05.)

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;

2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

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

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

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

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

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

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

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

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

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

12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;
14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;

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

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

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

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

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

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

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

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

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

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

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25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;
26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;
27. Has violated Section 6-16 of the Liquor Control Act of 1934;
28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act, in which case the person's driving privileges shall be suspended for one year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act shall be suspended for 5 years. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;
29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute and the manufacture, sale or delivery of controlled substances or

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instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

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

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

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

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

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

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

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

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

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

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

41. Has committed a second or subsequent violation of Section 11-605.1 of this Code within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days; or

42. Has committed a violation of subsection (a-1) of Section 11-1301.3 of this Code; or:

43. Is under the age of 21 years at the time of arrest and has been convicted of an offense against traffic regulations governing the movement of vehicles after having previously been suspended or revoked pursuant to subparagraph 36 of this Section.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

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

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or

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suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

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

The provisions of this subparagraph shall not apply to any driver required to possess a CDL for the purpose of operating a commercial motor vehicle.

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

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

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

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with

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

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

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

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

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

(f) In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been suspended or revoked under any provisions of this Code.

(Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04; 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff. 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)

(625 ILCS 5/6-306.3) (from Ch. 95 1/2, par. 6-306.3)
Sec. 6-306.3. License as bail.

(a) Except as provided in Section 6-306.4 of this Code, any person arrested and charged with violation of Section 3-701, 3-707, or 3-710, or of any violation of Chapters 11 or 12 of this Code, except the provisions of Sections 3-708, 11-401, 11-501, 11-503, or 11-504, or 11-506 of this Code shall have the option of depositing his valid driver's license issued under this Code with the officer demanding bail in lieu of any other security for his appearance in court in answer to any such charge.

(b) However, a uniform bail schedule and regulations adopted pursuant to Supreme Court Rule or Order may require that a driver's license issued under this Code must be deposited, in addition to appropriate cash deposit, where persons arrested and charged with violating Sections 3-708, 11-401, 11-501, 11-503, or 11-504, or 11-506 of this Code elect to take advantage of the uniform schedule establishing the amount of bail in such cases.

(c) When a license is deposited as security in lieu of or in addition to bail, the judge, court clerk, or other official accepting such deposit shall
issue to the licensee a receipt for such license upon a form approved or provided by the Secretary of State.

(d) If the licensee whose license has been deposited as security for bail does not appear in court in compliance with the time and place for hearing as notified in such receipt, or the continued date thereof, if any has been ordered by the court, the court shall continue the case for a minimum of 30 days and require a notice of the continued court date be sent to the licensee at his last known address. The clerk of such court shall notify the licensee of the court's order. If the licensee does not appear in and surrender on the continued court date, or within such period, satisfy the court that his appearance in and surrender to the court is impossible and without any fault on his part, the court shall enter an order of failure to appear to answer such charge after depositing license in lieu of bail. The clerk of such court shall notify the Secretary of State of the court's order.

The Secretary of State, when notified by the clerk of such court that an order of failure to appear to answer such charge after depositing license in lieu of bail has been entered, shall immediately suspend the driver's license of such licensee without a hearing and shall not remove such suspension, nor issue any hardship license or privilege to such licensee thereafter until notified by such court that the licensee has appeared and answered the charges placed against him.

(e) 1. Any Illinois resident who has executed a written promise to comply with Section 6-306.2 of this Code, in effect until July 28, 1986, shall continue to be suspended until he or she complies with the terms and conditions of the written promise.

2. The Secretary of State, when notified by the clerk of such court that an order of failure to appear to answer a charge after promising to appear has been entered, shall immediately suspend the driver's license of such licensee without a hearing and shall not remove such suspension, nor issue a hardship license or privilege to such licensee thereafter until notified by such court that the licensee has appeared and answered the charges placed against him.

(Source: P.A. 88-315; 88-415; 88-670, eff. 12-2-94.)

(625 ILCS 5/6-306.4) (from Ch. 95 1/2, par. 6-306.4)

New matter indicated by italics - deletions by strikeout
Sec. 6-306.4. Procedures for residents of other states. (a) Except as provided in paragraph (b) of this Section, any resident of another state which is a member of the Nonresident Violator Compact of 1977, who is cited by a police officer for violating a traffic law or ordinance, shall have the option of (1) being taken without unnecessary delay before a court of jurisdiction or (2) executing a written promise to comply with the terms of the citation by signing at least one copy of a Uniform Traffic Ticket prepared by the police officer. The police officer may refuse to permit a nonresident violator to execute a written promise to comply with the terms of the citation if the nonresident violator cannot furnish satisfactory evidence of identity or if the officer has probable cause to believe the nonresident violator cited will disregard the written promise to comply with the citation.

If the person cited is a resident of another State which is not a member of the Nonresident Violator Compact of 1977, then the rules established by the Supreme Court for bail bond and appearance procedures apply.

(b) Any person cited for violating the following provisions of this Code or a similar provision of local ordinances shall be governed by the bail provisions of the Illinois Supreme Court Rules when it is not practical or feasible to take the person before a judge to have bail set or to avoid undue delay because of the hour or circumstances: Section 3-101, Section 3-702, Sections 3-707, 3-708 or 3-710, Chapter 4, Chapter 5, Section 6-101, Section 6-104, Section 6-113, Section 6-301, Section 6-303, Section 8-115, Section 11-204, Section 11-310, Section 11-311, Section 11-312, Section 11-401, Section 11-402, Section 11-403, Section 11-404, Section 11-409, Section 11-501, Section 11-503, Section 11-504, Section 11-506, Section 11-601, when more than 30 m.p.h. over the posted limit, Section 11-1006, Section 11-1414, Section 15-102, Section 15-103, Section 15-107, Section 15-111, paragraph (f) of Section 15-112 or paragraph (j) of Section 15-301.

(c) If the person fails to comply with the executed written promise to comply with the original terms of the citation as indicated in paragraph (a) of this Section, the court shall continue the case for a minimum of 30
days and require that a notice of the continued court date be sent to the last known address of such person. If the person does not appear or otherwise satisfy the court on or before the continued court date, the court shall enter an order of failure to appear to answer such charge. The clerk of such court shall notify the Secretary of State of the court's order within 21 days.

(d) Upon receiving such notice, the Secretary of State shall comply with the provisions of Section 6-803 of this Code.
(Source: P.A. 86-149.)

(625 ILCS 5/11-506 new)

Sec. 11-506. Street racing; aggravated street racing.
(a) No person shall engage in street racing on any street or highway of this State.
(b) No owner of any vehicle shall acquiesce in or permit his or her vehicle to be used by another for the purpose of street racing.
(c) For the purposes of this Section, the following words shall have the meanings ascribed to them:
"Acquiesce" or "permit" means actual knowledge that the motor vehicle was to be used for the purpose of street racing.
"Street racing" means:
(1) The operation of 2 or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other; or
(2) The operation of one or more vehicles over a common selected course, each starting at the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit; or
(3) The use of one or more vehicles in an attempt to outgain or outdistance another vehicle; or
(4) The use of one or more vehicles to prevent another vehicle from passing; or
(5) The use of one or more vehicles to arrive at a given destination ahead of another vehicle or vehicles; or
(6) The use of one or more vehicles to test the physical stamina or endurance of drivers over long-distance driving routes.

New matter indicated by italics - deletions by strikeout
(d) Penalties.

(1) Any person who is convicted of a violation of subsection (a) shall be guilty of a Class A misdemeanor for the first offense and shall be subject to a minimum fine of $250. Any person convicted of a violation of subsection (a) a second or subsequent time shall be guilty of a Class 4 felony and shall be subject to a minimum fine of $500. The driver’s license of any person convicted of subsection (a) shall be revoked in the manner provided by Section 6-205 of this Code.

(2) Any person who is convicted of a violation of subsection (b) shall be guilty of a Class B misdemeanor. Any person who is convicted of subsection (b) for a second or subsequent time shall be guilty of a Class A misdemeanor.

(3) Every person convicted of committing a violation of subsection (a) of this Section shall be guilty of aggravated street racing if the person, in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, where the violation was a proximate cause of the injury. Aggravated street racing is a Class 4 felony for which the defendant, if sentenced to a term of imprisonment shall be sentenced to not less than one year nor more than 12 years.

Sec. 12-603.1. Driver and passenger required to use safety belts, exceptions and penalty.

(a) Each driver and front seat passenger of a motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened seat safety belt; except that, a child less than 8 years of age shall be protected as required pursuant to the Child Passenger Protection Act. Each driver under the age of 18 years and each of the driver's passengers under the age of 19 years of a motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened seat safety belt. Every passenger under the age of 19 in a vehicle being driven by a person over the age of 18 who committed an offense against

New matter indicated by italics - deletions by strikeout
traffic regulations governing the movement of vehicles or any violation of this Section or Section 6-107 of this Code within 6 months prior to the driver's 18th birthday and was subsequently convicted of the violation, shall wear a properly adjusted and fastened seat safety belt, until such time as a period of 6 consecutive months has elapsed without the driver receiving an additional violation and subsequent conviction of an offense against traffic regulations governing the movement of vehicles or any violation of this Section or Section 6-107 of this Code. Each driver of a motor vehicle transporting a child 8 years of age or more, but less than 16 years of age, shall secure the child in a properly adjusted and fastened seat safety belt as required under the Child Passenger Protection Act.

(b) Paragraph (a) shall not apply to any of the following:

1. A driver or passenger frequently stopping and leaving the vehicle or delivering property from the vehicle, if the speed of the vehicle between stops does not exceed 15 miles per hour.
2. A driver or passenger possessing a written statement from a physician that such person is unable, for medical or physical reasons, to wear a seat safety belt.
3. A driver or passenger possessing an official certificate or license endorsement issued by the appropriate agency in another state or country indicating that the driver is unable for medical, physical, or other valid reasons to wear a seat safety belt.
4. A driver operating a motor vehicle in reverse.
5. A motor vehicle with a model year prior to 1965.
6. A motorcycle or motor driven cycle.
7. A motorized pedalcycle.
8. A motor vehicle which is not required to be equipped with seat safety belts under federal law.
9. A motor vehicle operated by a rural letter carrier of the United States postal service while performing duties as a rural letter carrier.

(c) Failure to wear a seat safety belt in violation of this Section shall not be considered evidence of negligence, shall not limit the liability
of an insurer, and shall not diminish any recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle.

(d) A violation of this Section shall be a petty offense and subject to a fine not to exceed $25.

(e) (Blank).

(f) A law enforcement officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because of a violation of this Section.

(Source: P.A. 93-99, eff. 7-3-03; 94-239, eff. 1-1-06; 94-241, eff. 1-1-06; revised 8-19-05.)

(625 ILCS 5/12-610.1)
Sec. 12-610.1. Wireless telephones.

(a) As used in this Section, "wireless telephone" means a device that is capable of transmitting or receiving telephonic communications without a wire connecting the device to the telephone network.

(b) A person under the age of 18 years who holds an instruction permit issued under Section 6-105 or 6-107.1, or a person under the age of 18 years who holds a graduated license issued under Section 6-107, may not drive a vehicle on a roadway while using a wireless phone.

(c) This Section does not apply to a person under the age of 18 years using a wireless telephone for emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity.

(d) If a graduated driver's license holder over the age of 18 committed an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of this Code in the 6 months prior to the graduated driver's license holder's 18th birthday, and was subsequently convicted of the violation, the provisions of paragraph (b) shall continue to apply until such time as a period of 6 consecutive months has elapsed without an additional violation and subsequent conviction of an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of this Code.

(Source: P.A. 94-240, eff. 7-15-05.)

New matter indicated by italics - deletions by strikeout
Sec. 16-107. Appearance of parent or guardian of minor in certain court proceedings - Judicial discretion. (a) Whenever an unemancipated minor is required to appear in court pursuant to a citation for violation of any Section or any subsection of any Section of this Act specified in subsection (b) of this Section, the court may require that a parent or guardian of the minor accompany the minor and appear before the court with the minor, unless, in the discretion of the court, such appearance would be unreasonably burdensome under the circumstances.

(b) This Section shall apply whenever an unemancipated minor is charged with violation of any of the following Sections and subsections of this Act:

1) Sections 3-701, 3-702 and 3-703;
2) Sections 4-102, 4-103, 4-104 and 4-105;
3) Section 6-101, subsections (a), (b) and (c) of Section 6-104, and Sections 6-113, 6-301, 6-302, 6-303 and 6-304;
4) Sections 11-203 and 11-204, subsection (b) of Section 11-305, Sections 11-311, 11-312, 11-401, 11-402, 11-403, 11-404, 11-407, 11-409, 11-501, 11-502, 11-503, and 11-504, 11-506, subsection (b) of Section 11-601, Sections 11-704, 11-707, 11-1007, 11-1403, 11-1404 and subsection (a) of Section 11-1414.

(Source: P.A. 80-646.)

(625 ILCS 5/11-504 rep.)

Section 15. The Illinois Vehicle Code is amended by repealing Section 11-504.

Section 20. The Child Passenger Protection Act is amended by changing Section 4b as follows:

Sec. 4b. Children 8 years of age or older but under the age of 19; seat belts. Every person under the age of 18 years, when transporting a child 8 years of age or older but under the age of 19 years, as provided in Section 4 of this Act, shall be responsible for securing that child in a properly adjusted and fastened seat safety belt or an appropriate child restraint system. This Section shall also apply to each driver over the age

New matter indicated by italics - deletions by strikeout
of 18 years who committed an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of this Code within 6 months of the driver's 18th birthday and was subsequently convicted of the violation, until such time as a period of 6 consecutive months has elapsed without an additional violation and subsequent conviction of an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of this Code.

(Source: P.A. 93-100, eff. 1-1-04; 94-241, eff. 1-1-06.)

Section 25. The Unified Code of Corrections is amended by changing Section 5-6-1 as follows:

(730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

Sec. 5-6-1. Sentences of Probation and of Conditional Discharge and Disposition of Supervision. The General Assembly finds that in order to protect the public, the criminal justice system must compel compliance with the conditions of probation by responding to violations with swift, certain and fair punishments and intermediate sanctions. The Chief Judge of each circuit shall adopt a system of structured, intermediate sanctions for violations of the terms and conditions of a sentence of probation, conditional discharge or disposition of supervision.

(a) Except where specifically prohibited by other provisions of this Code, the court shall impose a sentence of probation or conditional discharge upon an offender unless, having regard to the nature and circumstance of the offense, and to the history, character and condition of the offender, the court is of the opinion that:

(1) his imprisonment or periodic imprisonment is necessary for the protection of the public; or

(2) probation or conditional discharge would deprecate the seriousness of the offender's conduct and would be inconsistent with the ends of justice; or

(3) a combination of imprisonment with concurrent or consecutive probation when an offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment

New matter indicated by italics - deletions by strikeout
Act is necessary for the protection of the public and for the rehabilitation of the offender.

The court shall impose as a condition of a sentence of probation, conditional discharge, or supervision, that the probation agency may invoke any sanction from the list of intermediate sanctions adopted by the chief judge of the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-6-4 of this Act.

(b) The court may impose a sentence of conditional discharge for an offense if the court is of the opinion that neither a sentence of imprisonment nor of periodic imprisonment nor of probation supervision is appropriate.

(b-1) Subsections (a) and (b) of this Section do not apply to a defendant charged with a misdemeanor or felony under the Illinois Vehicle Code or reckless homicide under Section 9-3 of the Criminal Code of 1961 if the defendant within the past 12 months has been convicted of or pleaded guilty to a misdemeanor or felony under the Illinois Vehicle Code or reckless homicide under Section 9-3 of the Criminal Code of 1961.

(c) The court may, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, defer further proceedings and the imposition of a sentence, and enter an order for supervision of the defendant, if the defendant is not charged with: (i) a Class A misdemeanor, as defined by the following provisions of the Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1; paragraph (1) through (5), (8), (10), and (11) of subsection (a) of Section 24-1; (ii) a Class A misdemeanor violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals Act; or (iii) felony. If the defendant is not barred from receiving an order for supervision as provided in this subsection, the court may enter an order for supervision after considering the circumstances of the offense, and the history, character and condition of the offender, if the court is of the opinion that:

(1) the offender is not likely to commit further crimes

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(2) the defendant and the public would be best served if the defendant were not to receive a criminal record; and
(3) in the best interests of justice an order of supervision is more appropriate than a sentence otherwise permitted under this Code.
(d) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance when the defendant has previously been:

(1) convicted for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or
(2) assigned supervision for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or
(3) pleaded guilty to or stipulated to the facts supporting a charge or a finding of guilty to a violation of Section 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state, and the plea or stipulation was the result of a plea agreement.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.
(e) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 16A-3 of the Criminal Code of 1961 if said defendant has within the last 5 years been:

(1) convicted for a violation of Section 16A-3 of the Criminal Code of 1961; or
(2) assigned supervision for a violation of Section 16A-3 of the Criminal Code of 1961.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.
(f) The provisions of paragraph (c) shall not apply to a defendant charged with violating Sections 15-111, 15-112, 15-301, paragraph (b) of
Section 6-104, Section 11-605, or Section 11-1414 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(g) Except as otherwise provided in paragraph (i) of this Section, the provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has within the last 5 years been:

(1) convicted for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance; or

(2) assigned supervision for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(h) The provisions of paragraph (c) shall not apply to a defendant under the age of 21 years charged with violating a serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code:

(1) unless the defendant, upon payment of the fines, penalties, and costs provided by law, agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference of Chief Circuit Judges. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered. The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases when a defendant enters a guilty plea under this provision; or

(2) if the defendant has previously been sentenced under the provisions of paragraph (c) on or after January 1, 1998 for any serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code.

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(h-1) The provisions of paragraph (c) shall not apply to a defendant under the age of 21 years charged with an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of the Illinois Vehicle Code, unless the defendant, upon payment of the fines, penalties, and costs provided by law, agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference of Chief Circuit Judges. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered. The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases when a defendant enters a guilty plea under this provision.

(i) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has been assigned supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(j) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance when the revocation or suspension was for a violation of Section 11-501 or a similar provision of a local ordinance, a violation of Section 11-501.1 or paragraph (b) of Section 11-401 of the Illinois Vehicle Code, or a violation of Section 9-3 of the Criminal Code of 1961 if the defendant has within the last 10 years been:

(1) convicted for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance; or

(2) assigned supervision for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(k) The provisions of paragraph (c) shall not apply to a defendant charged with violating any provision of the Illinois Vehicle Code or a similar provision of a local ordinance that governs the movement of

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vehicles if, within the 12 months preceding the date of the defendant's arrest, the defendant has been assigned court supervision on 2 occasions for a violation that governs the movement of vehicles under the Illinois Vehicle Code or a similar provision of a local ordinance.

(l) A defendant charged with violating any provision of the Illinois Vehicle Code who, after a court appearance in the same matter, receives a disposition of supervision under subsection (c) shall pay an additional fee of $20, to be collected as provided in Sections 27.5 and 27.6 of the Clerks of Courts Act. In addition to the $20 fee, the person shall also pay a fee of $5, which, if not waived by the court, shall be collected as provided in Sections 27.5 and 27.6 of the Clerks of Courts Act. The $20 fee shall be disbursed as provided in Section 16-104c of the Illinois Vehicle Code. If the $5 fee is collected, $4.50 of the fee shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court and 50 cents of the fee shall be deposited into the Prisoner Review Board Vehicle and Equipment Fund in the State treasury.

(m) The provisions of paragraph (c) shall not apply to any person under the age of 18 who commits an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of the Illinois Vehicle Code, except upon personal appearance of the defendant in court and upon the written consent of the defendant's parent or legal guardian, executed before the presiding judge. The presiding judge shall have the authority to waive this requirement upon the showing of good cause by the defendant.

(Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05; 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06; 94-1009, eff. 1-1-07.)

Section 99. Effective date. This Act takes effect January 1, 2008, except that Section 5 takes effect July 1, 2008.

Approved August 20, 2007.
Effective January 1, 2008 and July 1, 2008.
AN ACT concerning regulation.

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

Section 5. The Public Utilities Act is amended by adding Section 17-800 as follows:

(220 ILCS 5/17-800 new)

Sec. 17-800. Aggregation of electrical load by municipalities and counties. The corporate authorities of a municipality or county board of a county may adopt an ordinance, under which it may aggregate in accordance with this Section residential retail electrical loads located, respectively, within the municipality or county and, for that purpose, may solicit bids and enter into service agreements to facilitate for those loads the sale and purchase of electricity and related services and equipment. The corporate authorities or county board also may exercise such authority jointly with any other municipality or county. An ordinance under this Section shall specify whether the aggregation will occur only with the prior consent of each person owning, occupying, controlling, or using an electric load center proposed to be aggregated. Nothing in this Section, however, authorizes the aggregation of electric loads that are served or authorized to be served by an electric cooperative as defined by and pursuant to the Electric Supplier Act or loads served by a municipality that owns and operates its own electric distribution system. No aggregation pursuant to an ordinance adopted under this Section that provides for an election under this Section shall take effect unless approved by a majority of the electors voting upon the ordinance at the election held pursuant to this Section.

A governmental aggregator under this Section is not a public utility or an alternative retail electric supplier and shall be subject to supervision and regulation by the Commission only to the extent provided in this Section.

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A municipality may initiate a process to authorize aggregation by a majority vote of the municipal council, with the approval of the mayor. A county may initiate the process to authorize aggregation by a majority vote of the county board. Two or more municipalities or counties, or a combination of both, may initiate a process jointly to authorize aggregation by a majority vote of each particular municipality or county as herein required.

Upon the applicable requisite authority under this Section, the corporate authorities or the county board shall develop a plan of operation and governance for the aggregation program so authorized. Before adopting a plan under this Section, the corporate authorities or county board shall hold at least 2 public hearings on the plan. Before the first hearing, the corporate authorities or county board shall publish notice of the hearings once a week for 2 consecutive weeks in a newspaper of general circulation in the jurisdiction. The notice shall summarize the plan and state the date, time, and location of each hearing. Any load aggregation plan established pursuant to this Section shall:

1. provide for universal access to all applicable residential customers and equitable treatment of applicable residential customers;

2. describe demand management and energy efficiency services to be provided to each class of customers; and

3. meet any requirements established by law or the Commission concerning aggregated service offered pursuant to this Section.

The plan shall be filed with the Commission for review and approval and shall include, without limitation, an organizational structure of the program, its operations, and funding; the methods of establishing rates and allocating costs among participants; the methods for entering and terminating agreements with other entities; the rights and responsibilities of program participants; and procedures for termination of the program. Within 120 days after receipt of the plan, the Commission shall issue an order either approving or rejecting the plan. If the Commission rejects the plan, it shall state detailed reasons for rejecting

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the plan in its order. Upon approval of the plan, the corporate authorities or county board may solicit bids for electricity and other related services pursuant to the methods established in the plan. The corporate authorities or county board shall report the results of this solicitation and proposed agreement awards to the Commission, which shall have 15 business days to suspend such awards if the solicitation or awards are not in conformance with the plan or if the cost for energy would in the first year exceed the cost of that energy if that energy was obtained from an electric utility under Section 16-103 of this Act by citizens in the municipality or county or group of municipalities and counties, unless the applicant can demonstrate that the cost for energy under the aggregation plan will be lower in the subsequent years or the applicant can demonstrate that such excess cost is due to the purchase of renewable energy. If the Commission does not suspend the proposed contract awards within 15 business days after filing, the corporate authorities or county board shall have the right to award the proposed agreements.

It shall be the duty of the aggregated entity to fully inform residential retail customers in advance that they have the right to opt in to the aggregation program. The disclosure shall prominently state all charges to be made and shall include full disclosure of the cost to obtain service pursuant to Section 16-103 of this Act, how to access it, and the fact that it is available to them without penalty, if they are currently receiving service under that Section. The Commission shall furnish, without charge, to any citizen a list of all supply options available to them in a format that allows comparison of prices and products.

This Section does not prohibit municipalities or counties from entering into an intergovernmental agreement to aggregate residential retail electric loads.

Approved August 21, 2007.
Effective January 1, 2008.
PUBLIC ACT 95-0312
(Senate Bill No. 0233)

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

Section 1. Short title. This Act may be cited as the MRSA
Screening and Reporting Act.

Section 5. MRSA control program. In order to improve the
prevention of hospital-associated bloodstream infections due to
methicillin-resistant Staphylococcus aureus ("MRSA"), every hospital
shall establish an MRSA control program that requires:

(1) Identification of all MRSA-colonized patients in all
intensive care units, and other at-risk patients identified by the
hospital, through active surveillance testing.

(2) Isolation of identified MRSA-colonized or MRSA-
infected patients in an appropriate manner.

(3) Monitoring and strict enforcement of hand hygiene
requirements.

(4) Maintenance of records and reporting of cases under
Section 10 of this Act.

Section 10. Reporting by Department of Public Health.
(a) After October 1, 2007, the Department of Public Health shall
compile aggregate data for all hospitals on the total number of infections
due to methicillin-resistant Staphylococcus aureus (MRSA) that (1) are
present on admission to a hospital and (2) occurred during the hospital
stay, reported separately, as compiled from diagnostic codes contained in
the Hospital Discharge Dataset provided to the Department; provided, that
this reporting requirement shall apply only for patients in all intensive care
units and other at-risk patients identified by hospitals for active
surveillance testing for MRSA. The Department is authorized to require
hospitals, based on guidelines developed by the National Center for Health
Statistics, after October 1, 2007, to submit data to the Department that is
coded as "present on admission" and "occurred during the stay".

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(b) The Department shall make such data available on its web site, in an annual report, and on the Hospital Report Card pursuant to the Hospital Report Card Act.

Section 90. Repeal. This Act is repealed on January 1, 2011.
Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 20, 2007.
Effective August 20, 2007.

PUBLIC ACT 95-0313
(Senate Bill No. 0398)

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

Section 5. The School Code is amended by changing Section 14-7.03 as follows:

(105 ILCS 5/14-7.03) (from Ch. 122, par. 14-7.03)

Sec. 14-7.03. Special Education Classes for Children from Orphanages, Foster Family Homes, Children's Homes, or in State Housing Units. If a school district maintains special education classes on the site of orphanages and children's homes, or if children from the orphanages, children's homes, foster family homes, other State agencies, or State residential units for children attend classes for children with disabilities in which the school district is a participating member of a joint agreement, or if the children from the orphanages, children's homes, foster family homes, other State agencies, or State residential units attend classes for the children with disabilities maintained by the school district, then reimbursement shall be paid to eligible districts in accordance with the provisions of this Section by the Comptroller as directed by the State Superintendent of Education.

The amount of tuition for such children shall be determined by the actual cost of maintaining such classes, using the per capita cost formula

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set forth in Section 14-7.01, such program and cost to be pre-approved by the State Superintendent of Education.

On forms prepared by the State Superintendent of Education, the district shall certify to the regional superintendent the following:

(1) The name of the home or State residential unit with the name of the owner or proprietor and address of those maintaining it;

(2) That no service charges or other payments authorized by law were collected in lieu of taxes therefrom or on account thereof during either of the calendar years included in the school year for which claim is being made;

(3) The number of children qualifying under this Act in special education classes for instruction on the site of the orphanages and children's homes;

(4) The number of children attending special education classes for children with disabilities in which the district is a participating member of a special education joint agreement;

(5) The number of children attending special education classes for children with disabilities maintained by the district;

(6) The computed amount of tuition payment claimed as due, as approved by the State Superintendent of Education, for maintaining these classes.

If a school district makes a claim for reimbursement under Section 18-3 or 18-4 of this Act it shall not include in any claim filed under this Section a claim for such children. Payments authorized by law, including State or federal grants for education of children included in this Section, shall be deducted in determining the tuition amount.

Nothing in this Act shall be construed so as to prohibit reimbursement for the tuition of children placed in for profit facilities. Private facilities shall provide adequate space at the facility for special education classes provided by a school district or joint agreement for children with disabilities who are residents of the facility at no cost to the school district or joint agreement upon request of the school district or joint agreement. If such a private facility provides space at no cost to the

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district or joint agreement for special education classes provided to children with disabilities who are residents of the facility, the district or joint agreement shall not include any costs for the use of those facilities in its claim for reimbursement.

Reimbursement for tuition may include the cost of providing summer school programs for children with severe and profound disabilities served under this Section. Claims for that reimbursement shall be filed by November 1 and shall be paid on or before December 15 from appropriations made for the purposes of this Section.

The State Board of Education shall establish such rules and regulations as may be necessary to implement the provisions of this Section.

Claims filed on behalf of programs operated under this Section housed in a jail, detention center, or county-owned shelter care facility shall be on an individual student basis only for eligible students with disabilities. These claims shall be in accordance with applicable rules.

Each district claiming reimbursement for a program operated as a group program shall have an approved budget on file with the State Board of Education prior to the initiation of the program's operation. On September 30, December 31, and March 31, the State Board of Education shall voucher payments to group programs based upon the approved budget during the year of operation. Final claims for group payments shall be filed on or before July 15. Final claims for group programs received at the State Board of Education on or before June 15 shall be vouchered by June 30. Final claims received at the State Board of Education between June 16 and July 15 shall be vouchered by August 30. Claims for group programs received after July 15 shall not be honored.

Each district claiming reimbursement for individual students shall have the eligibility of those students verified by the State Board of Education. On September 30, December 31, and March 31, the State Board of Education shall voucher payments for individual students based upon an estimated cost calculated from the prior year's claim. Final claims for individual students for the regular school term must be received at the State Board of Education by July 15. Claims for individual students

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received after July 15 shall not be honored. Final claims for individual students shall be voucher ed by August 30.

Reimbursement shall be made based upon approved group programs or individual students. The State Superintendent of Education shall direct the Comptroller to pay a specified amount to the district by the 30th day of September, December, March, June, or August, respectively. However, notwithstanding any other provisions of this Section or the School Code, beginning with fiscal year 1994 and each fiscal year thereafter, if the amount appropriated for any fiscal year is less than the amount required for purposes of this Section, the amount required to eliminate any insufficient reimbursement for each district claim under this Section shall be reimbursed on August 30 of the next fiscal year. Payments required to eliminate any insufficiency for prior fiscal year claims shall be made before any claims are paid for the current fiscal year.

The claim of a school district otherwise eligible to be reimbursed in accordance with Section 14-12.01 for the 1976-77 school year but for this amendatory Act of 1977 shall not be paid unless the district ceases to maintain such classes for one entire school year.

If a school district's current reimbursement payment for the 1977-78 school year only is less than the prior year's reimbursement payment owed, the district shall be paid the amount of the difference between the payments in addition to the current reimbursement payment, and the amount so paid shall be subtracted from the amount of prior year's reimbursement payment owed to the district.

Regional superintendents may operate special education classes for children from orphanages, foster family homes, children's homes or State housing units located within the educational services region upon consent of the school board otherwise so obligated. In electing to assume the powers and duties of a school district in providing and maintaining such a special education program, the regional superintendent may enter into joint agreements with other districts and may contract with public or private schools or the orphanage, foster family home, children's home or State housing unit for provision of the special education program. The regional superintendent exercising the powers granted under this Section shall

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claim the reimbursement authorized by this Section directly from the State Board of Education.

Any child who is not a resident of Illinois who is placed in a child welfare institution, private facility, foster family home, State operated program, orphanage or children's home shall have the payment for his educational tuition and any related services assured by the placing agent.

Commencing July 1, 1992, for each disabled student who is placed residentially by a State agency or the courts for care or custody or both care and custody, welfare, medical or mental health treatment or both medical and mental health treatment, rehabilitation, and protection, whether placed there on, before, or after July 1, 1992, the costs for educating the student are eligible for reimbursement under this Section providing the placing agency or court has notified the appropriate school district authorities of the status of student residency where applicable prior to or upon placement. Subject to appropriation, school districts shall be reimbursed under this Section for the eligible costs of educating all disabled students residentially placed by a State agency or the courts or placed and paid for by a State agency for any of the reasons listed in this paragraph. Reimbursements under this paragraph shall first be provided for claims made for the 2007-2008 school year payable in fiscal year 2008.

The district of residence of the parent, guardian, or disabled student as defined in Sections 14-1.11 and 14-1.11a is responsible for the actual costs of the student's special education program and is eligible for reimbursement under this Section when placement is made by a State agency or the courts. Payments shall be made by the resident district to the district wherein the facility is located no less than once per quarter unless otherwise agreed to in writing by the parties.

When a dispute arises over the determination of the district of residence, the district or districts may appeal the decision in writing to the State Superintendent of Education. The decision of the State Superintendent of Education shall be final.

In the event a district does not make a tuition payment to another district that is providing the special education program and services, the
State Board of Education shall immediately withhold 125% of the then remaining annual tuition cost from the State aid or categorical aid payment due to the school district that is determined to be the resident school district. All funds withheld by the State Board of Education shall immediately be forwarded to the school district where the student is being served.

When a child eligible for services under this Section 14-7.03 must be placed in a nonpublic facility, that facility shall meet the programmatic requirements of Section 14-7.02 and its regulations, and the educational services shall be funded only in accordance with this Section 14-7.03.
(Source: P.A. 92-597, eff. 7-1-02; 92-877, eff. 1-7-03; 93-609, eff. 11-20-03.)

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

Approved August 20, 2007.
Effective August 20, 2007.

PUBLIC ACT 95-0314
(Senate Bill No. 0479)

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

Section 5. The Illinois Procurement Code is amended by adding Section 25-80 as follows:
(30 ILCS 500/25-80 new)

Sec. 25-80. Successor vendor. All service contracts shall include a clause requiring the bidder or offeror, in order to be considered a responsible bidder or offeror for the purposes of this Code, to certify to the purchasing agency (i) that it shall offer to assume the collective bargaining obligations of the prior employer, including any existing collective bargaining agreement with the bargaining representative of any existing collective bargaining unit or units performing substantially

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similar work to the services covered by the contract subject to its bid or offer, and (ii) that it shall offer employment to all employees currently employed in any existing bargaining unit performing substantially similar work that will be performed by the successor vendor.

This Section does not apply to heating and air conditioning service contracts, plumbing service contracts, and electrical service contracts.

Approved August 20, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0315
(Senate Bill No. 0481)

AN ACT concerning civil law.

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

Section 5. The Probate Act of 1975 is amended by changing Sections 2-6.2 and 18-1.1 as follows:

(755 ILCS 5/2-6.2)
Sec. 2-6.2. Financial exploitation, abuse, or neglect of an elderly person or a person with a disability.

(a) In this Section:
"Financial exploitation" means any offense described in Section 16-1.3 of the Criminal Code of 1961.

(b) Persons convicted of financial exploitation, abuse, or neglect of an elderly person or a person with a disability shall not receive any property, benefit, or other interest by reason of the death of that elderly person or person with a disability, whether as heir, legatee, beneficiary, survivor, appointee, claimant under Section 18-1.1, or in any other capacity and whether the property, benefit, or other interest passes
pursuant to any form of title registration, testamentary or nontestamentary instrument, intestacy, renunciation, or any other circumstance. The property, benefit, or other interest shall pass as if the person convicted of the financial exploitation, abuse, or neglect died before the decedent, provided that with respect to joint tenancy property the interest possessed prior to the death by the person convicted of the financial exploitation, abuse, or neglect shall not be diminished by the application of this Section. Notwithstanding the foregoing, a person convicted of financial exploitation, abuse, or neglect of an elderly person or a person with a disability shall be entitled to receive property, a benefit, or an interest in any capacity and under any circumstances described in this subsection (b) if it is demonstrated by clear and convincing evidence that the victim of that offense knew of the conviction and subsequent to the conviction expressed or ratified his or her intent to transfer the property, benefit, or interest to the person convicted of financial exploitation, abuse, or neglect of an elderly person or a person with a disability in any manner contemplated by this subsection (b).

(c) (1) The holder of any property subject to the provisions of this Section shall not be liable for distributing or releasing the property to the person convicted of financial exploitation, abuse, or neglect of an elderly person or a person with a disability if the distribution or release occurs prior to the conviction.

(2) If the holder is a financial institution, trust company, trustee, or similar entity or person, the holder shall not be liable for any distribution or release of the property, benefit, or other interest to the person convicted of a violation of Section 12-19, 12-21, or 16-1.3 of the Criminal Code of 1961 unless the holder knowingly distributes or releases the property, benefit, or other interest to the person so convicted after first having received actual written notice of the conviction in sufficient time to act upon the notice.

(d) If the holder of any property subject to the provisions of this Section knows that a potential beneficiary has been convicted of financial exploitation, abuse, or neglect of an elderly person or a person with a disability within the scope of this Section, the holder shall fully cooperate
with law enforcement authorities and judicial officers in connection with any investigation of the financial exploitation, abuse, or neglect. If the holder is a person or entity that is subject to regulation by a regulatory agency pursuant to the laws of this or any other state or pursuant to the laws of the United States, including but not limited to the business of a financial institution, corporate fiduciary, or insurance company, then such person or entity shall not be deemed to be in violation of this Section to the extent that privacy laws and regulations applicable to such person or entity prevent it from voluntarily providing law enforcement authorities or judicial officers with information.

(Source: P.A. 93-299, eff. 1-1-04.)

(755 ILCS 5/18-1.1) (from Ch. 110 1/2, par. 18-1.1)

Sec. 18-1.1. Statutory custodial claim. Any spouse, parent, brother, sister, or child of a disabled person who dedicates himself or herself to the care of the disabled person by living with and personally caring for the disabled person for at least 3 years shall be entitled to a claim against the estate upon the death of the disabled person. The claim shall take into consideration the claimant's lost employment opportunities, lost lifestyle opportunities, and emotional distress experienced as a result of personally caring for the disabled person. Notwithstanding the statutory claim amounts stated in this Section, a court may reduce an amount to the extent that the living arrangements were intended to and did in fact also provide a physical or financial benefit to the claimant. The factors a court may consider in determining whether to reduce a statutory custodial claim amount may include but are not limited to: (i) the free or low cost of housing provided to the claimant; (ii) the alleviation of the need for the claimant to be employed full time; (iii) any financial benefit provided to the claimant; (iv) the personal care received by the claimant from the decedent or others; and (v) the proximity of the care provided by the claimant to the decedent to the time of the decedent's death. The claim shall be in addition to any other claim, including without limitation a reasonable claim for nursing and other care. The claim shall be based upon the nature and extent of the person's disability and, at a minimum but
subject to the extent of the assets available, shall be in the amounts set forth below:

1. 100% disability, $180,000 $100,000
2. 75% disability, $135,000 $75,000
3. 50% disability, $90,000 $50,000
4. 25% disability, $45,000 $25,000

(Source: P.A. 87-908.)

Approved August 20, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0316
(House Bill No. 0928)

AN ACT concerning employment.

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

Section 5. The Workers' Compensation Act is amended by changing Section 6 as follows:

(820 ILCS 305/6) (from Ch. 48, par. 138.6)

Sec. 6. (a) Every employer within the provisions of this Act, shall, under the rules and regulations prescribed by the Commission, post printed notices in their respective places of employment in such number and at such places as may be determined by the Commission, containing such information relative to this Act as in the judgment of the Commission may be necessary to aid employees to safeguard their rights under this Act in event of injury.

In addition thereto, the employer shall post in a conspicuous place on the place of the employment a printed or typewritten notice stating whether he is insured or whether he has qualified and is operating as a self-insured employer. In the event the employer is insured, the notice shall state the name and address of his insurance carrier, the number of the insurance policy, its effective date and the date of termination. In the event of the termination of the policy for any reason prior to the termination date

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stated, the posted notice shall promptly be corrected accordingly. In the event the employer is operating as a self-insured employer the notice shall state the name and address of the company, if any, servicing the compensation payments of the employer, and the name and address of the person in charge of making compensation payments.

(b) Every employer subject to this Act shall maintain accurate records of work-related deaths, injuries and illness other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job and file with the Commission, in writing, a report of all accidental deaths, injuries and illnesses arising out of and in the course of the employment resulting in the loss of more than 3 scheduled work days. In the case of death such report shall be made no later than 2 working days following the accidental death. In all other cases such report shall be made between the 15th and 25th of each month unless required to be made sooner by rule of the Commission. In case the injury results in permanent disability, a further report shall be made as soon as it is determined that such permanent disability has resulted or will result from the injury. All reports shall state the date of the injury, including the time of day or night, the nature of the employer's business, the name, address, age, sex, conjugal condition of the injured person, the specific occupation of the injured person, the direct cause of the injury and the nature of the accident, the character of the injury, the length of disability, and in case of death the length of disability before death, the wages of the injured person, whether compensation has been paid to the injured person, or to his or her legal representative or his heirs or next of kin, the amount of compensation paid, the amount paid for physicians', surgeons' and hospital bills, and by whom paid, and the amount paid for funeral or burial expenses if known. The reports shall be made on forms and in the manner as prescribed by the Commission and shall contain such further information as the Commission shall deem necessary and require. The making of these reports releases the employer from making such reports to any other officer of the State and shall satisfy the reporting provisions as contained in the "Health and Safety Act" and "An Act in relation to safety inspections and education in

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industrial and commercial establishments and to repeal an Act therein named", approved July 18, 1955, as now or hereafter amended. The reports filed with the Commission pursuant to this Section shall be made available by the Commission to the Director of Labor or his representatives and to all other departments of the State of Illinois which shall require such information for the proper discharge of their official duties. Failure to file with the Commission any of the reports required in this Section is a petty offense.

Except as provided in this paragraph, all reports filed hereunder shall be confidential and any person having access to such records filed with the Illinois Workers' Compensation Commission as herein required, who shall release any information therein contained including the names or otherwise identify any persons sustaining injuries or disabilities, or give access to such information to any unauthorized person, shall be subject to discipline or discharge, and in addition shall be guilty of a Class B misdemeanor. The Commission shall compile and distribute to interested persons aggregate statistics, taken from the reports filed hereunder. The aggregate statistics shall not give the names or otherwise identify persons sustaining injuries or disabilities or the employer of any injured or disabled person.

(c) Notice of the accident shall be given to the employer as soon as practicable, but not later than 45 days after the accident. Provided:

(1) In case of the legal disability of the employee or any dependent of a deceased employee who may be entitled to compensation under the provisions of this Act, the limitations of time by this Act provided do not begin to run against such person under legal disability until a guardian has been appointed.

(2) In cases of injuries sustained by exposure to radiological materials or equipment, notice shall be given to the employer within 90 days subsequent to the time that the employee knows or suspects that he has received an excessive dose of radiation.

No defect or inaccuracy of such notice shall be a bar to the maintenance of proceedings on arbitration or otherwise by the employee.
unless the employer proves that he is unduly prejudiced in such proceedings by such defect or inaccuracy.

Notice of the accident shall give the approximate date and place of the accident, if known, and may be given orally or in writing.

(d) Every employer shall notify each injured employee who has been granted compensation under the provisions of Section 8 of this Act of his rights to rehabilitation services and advise him of the locations of available public rehabilitation centers and any other such services of which the employer has knowledge.

In any case, other than one where the injury was caused by exposure to radiological materials or equipment or asbestos unless the application for compensation is filed with the Commission within 3 years after the date of the accident, where no compensation has been paid, or within 2 years after the date of the last payment of compensation, where any has been paid, whichever shall be later, the right to file such application shall be barred.

In any case of injury caused by exposure to radiological materials or equipment or asbestos, unless application for compensation is filed with the Commission within 25 years after the last day that the employee was employed in an environment of hazardous radiological activity or asbestos, the right to file such application shall be barred.

If in any case except one where the injury was caused by exposure to radiological materials or equipment or asbestos, the accidental injury results in death application for compensation for death may be filed with the Commission within 3 years after the date of death where no compensation has been paid or within 2 years after the date of the last payment of compensation where any has been paid, whichever shall be later, but not thereafter.

If an accidental injury caused by exposure to radiological material or equipment or asbestos results in death within 25 years after the last day that the employee was so exposed application for compensation for death may be filed with the Commission within 3 years after the date of death, where no compensation has been paid, or within 2 years after the date of
the last payment of compensation where any has been paid, whichever shall be later, but not thereafter.

(e) Any contract or agreement made by any employer or his agent or attorney with any employee or any other beneficiary of any claim under the provisions of this Act within 7 days after the injury shall be presumed to be fraudulent.

(f) Any condition or impairment of health of an employee employed as a firefighter, emergency medical technician (EMT), or paramedic which results directly or indirectly from any bloodborne pathogen, lung or respiratory disease or condition, heart or vascular disease or condition, hypertension, tuberculosis, or cancer resulting in any disability (temporary, permanent, total, or partial) to the employee shall be rebuttably presumed to arise out of and in the course of the employee's firefighting, EMT, or paramedic employment and, further, shall be rebuttably presumed to be causally connected to the hazards or exposures of the employment. This presumption shall also apply to any hernia or hearing loss suffered by an employee employed as a firefighter, EMT, or paramedic. However, this presumption shall not apply to any employee who has been employed as a firefighter, EMT, or paramedic for less than 5 years at the time he or she files an Application for Adjustment of Claim concerning this condition or impairment with the Illinois Workers' Compensation Commission. The Finding and Decision of the Illinois Workers' Compensation Commission under only the rebuttable presumption provision of this subsection shall not be admissible or be deemed res judicata in any disability claim under the Illinois Pension Code arising out of the same medical condition; however, this sentence makes no change to the law set forth in Krohe v. City of Bloomington, 204 Ill.2d 392.

(Source: P.A. 93-721, eff. 1-1-05.)

Section 10. The Workers' Occupational Diseases Act is amended by changing Section 1 as follows:

(820 ILCS 310/1) (from Ch. 48, par. 172.36)

Sec. 1. This Act shall be known and may be cited as the "Workers' Occupational Diseases Act".

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(a) The term "employer" as used in this Act shall be construed to be:

1. The State and each county, city, town, township, incorporated village, school district, body politic, or municipal corporation therein.

2. Every person, firm, public or private corporation, including hospitals, public service, eleemosynary, religious or charitable corporations or associations, who has any person in service or under any contract for hire, express or implied, oral or written.

3. Where an employer operating under and subject to the provisions of this Act loans an employee to another such employer and such loaned employee sustains a compensable occupational disease in the employment of such borrowing employer and where such borrowing employer does not provide or pay the benefits or payments due such employee, such loaning employer shall be liable to provide or pay all benefits or payments due such employee under this Act and as to such employee the liability of such loaning and borrowing employers shall be joint and several, provided that such loaning employer shall in the absence of agreement to the contrary be entitled to receive from such borrowing employer full reimbursement for all sums paid or incurred pursuant to this paragraph together with reasonable attorneys' fees and expenses in any hearings before the Illinois Workers' Compensation Commission or in any action to secure such reimbursement. Where any benefit is provided or paid by such loaning employer, the employee shall have the duty of rendering reasonable co-operation in any hearings, trials or proceedings in the case, including such proceedings for reimbursement.

   Where an employee files an Application for Adjustment of Claim with the Illinois Workers' Compensation Commission alleging that his or her claim is covered by the provisions of the preceding paragraph, and joining both the alleged loaning and borrowing employers, they and each of them, upon written demand

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by the employee and within 7 days after receipt of such demand, shall have the duty of filing with the Illinois Workers' Compensation Commission a written admission or denial of the allegation that the claim is covered by the provisions of the preceding paragraph and in default of such filing or if any such denial be ultimately determined not to have been bona fide then the provisions of Paragraph K of Section 19 of this Act shall apply.

An employer whose business or enterprise or a substantial part thereof consists of hiring, procuring or furnishing employees to or for other employers operating under and subject to the provisions of this Act for the performance of the work of such other employers and who pays such employees their salary or wage notwithstanding that they are doing the work of such other employers shall be deemed a loaning employer within the meaning and provisions of this Section.

(b) The term "employee" as used in this Act, shall be construed to mean:

1. Every person in the service of the State, county, city, town, township, incorporated village or school district, body politic or municipal corporation therein, whether by election, appointment or contract of hire, express or implied, oral or written, including any official of the State, or of any county, city, town, township, incorporated village, school district, body politic or municipal corporation therein and except any duly appointed member of the fire department in any city whose population exceeds 500,000 according to the last Federal or State census, and except any member of a fire insurance patrol maintained by a board of underwriters in this State. One employed by a contractor who has contracted with the State, or a county, city, town, township, incorporated village, school district, body politic or municipal corporation therein, through its representatives, shall not be considered as an employee of the State, county, city, town, township, incorporated village, school district, body politic or municipal corporation which made the contract.

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2. Every person in the service of another under any contract of hire, express or implied, oral or written, who contracts an occupational disease while working in the State of Illinois, or who contracts an occupational disease while working outside of the State of Illinois but where the contract of hire is made within the State of Illinois, and any person whose employment is principally localized within the State of Illinois, regardless of the place where the disease was contracted or place where the contract of hire was made, including aliens, and minors who, for the purpose of this Act, except Section 3 hereof, shall be considered the same and have the same power to contract, receive payments and give quittances therefor, as adult employees. An employee or his or her dependents under this Act who shall have a cause of action by reason of an occupational disease, disablement or death arising out of and in the course of his or her employment may elect or pursue his or her remedy in the State where the disease was contracted, or in the State where the contract of hire is made, or in the State where the employment is principally localized.

(c) "Commission" means the Illinois Workers' Compensation Commission created by the Workers' Compensation Act, approved July 9, 1951, as amended.

(d) In this Act the term "Occupational Disease" means a disease arising out of and in the course of the employment or which has become aggravated and rendered disabling as a result of the exposure of the employment. Such aggravation shall arise out of a risk peculiar to or increased by the employment and not common to the general public.

A disease shall be deemed to arise out of the employment if there is apparent to the rational mind, upon consideration of all the circumstances, a causal connection between the conditions under which the work is performed and the occupational disease. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin or aggravation in a risk connected with the employment and to have flowed from that source as a rational consequence.

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An employee shall be conclusively deemed to have been exposed to the hazards of an occupational disease when, for any length of time however short, he or she is employed in an occupation or process in which the hazard of the disease exists; provided however, that in a claim of exposure to atomic radiation, the fact of such exposure must be verified by the records of the central registry of radiation exposure maintained by the Department of Public Health or by some other recognized governmental agency maintaining records of such exposures whenever and to the extent that the records are on file with the Department of Public Health or the agency.

Any injury to or disease or death of an employee arising from the administration of a vaccine, including without limitation smallpox vaccine, to prepare for, or as a response to, a threatened or potential bioterrorist incident to the employee as part of a voluntary inoculation program in connection with the person's employment or in connection with any governmental program or recommendation for the inoculation of workers in the employee's occupation, geographical area, or other category that includes the employee is deemed to arise out of and in the course of the employment for all purposes under this Act. This paragraph added by Public Act 93-829 this amendatory Act of the 93rd General Assembly is declarative of existing law and is not a new enactment.

The employer liable for the compensation in this Act provided shall be the employer in whose employment the employee was last exposed to the hazard of the occupational disease claimed upon regardless of the length of time of such last exposure, except, in cases of silicosis or asbestosis, the only employer liable shall be the last employer in whose employment the employee was last exposed during a period of 60 days or more after the effective date of this Act, to the hazard of such occupational disease, and, in such cases, an exposure during a period of less than 60 days, after the effective date of this Act, shall not be deemed a last exposure. If a miner who is suffering or suffered from pneumoconiosis was employed for 10 years or more in one or more coal mines there shall, effective July 1, 1973 be a rebuttable presumption that his or her pneumoconiosis arose out of such employment.

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If a deceased miner was employed for 10 years or more in one or more coal mines and died from a respirable disease there shall, effective July 1, 1973, be a rebuttable presumption that his or her death was due to pneumoconiosis.

Any condition or impairment of health of an employee employed as a firefighter, emergency medical technician (EMT), or paramedic which results directly or indirectly from any bloodborne pathogen, lung or respiratory disease or condition, heart or vascular disease or condition, hypertension, tuberculosis, or cancer resulting in any disability (temporary, permanent, total, or partial) to the employee shall be rebuttably presumed to arise out of and in the course of the employee’s firefighting, EMT, or paramedic employment and, further, shall be rebuttably presumed to be causally connected to the hazards or exposures of the employment. This presumption shall also apply to any hernia or hearing loss suffered by an employee employed as a firefighter, EMT, or paramedic. However, this presumption shall not apply to any employee who has been employed as a firefighter, EMT, or paramedic for less than 5 years at the time he or she files an Application for Adjustment of Claim concerning this condition or impairment with the Illinois Workers’ Compensation Commission. The Finding and Decision of the Illinois Workers’ Compensation Commission under only the rebuttable presumption provision of this paragraph shall not be admissible or be deemed res judicata in any disability claim under the Illinois Pension Code arising out of the same medical condition; however, this sentence makes no change to the law set forth in Krohe v. City of Bloomington, 204 Ill.2d 392.

The insurance carrier liable shall be the carrier whose policy was in effect covering the employer liable on the last day of the exposure rendering such employer liable in accordance with the provisions of this Act.

(e) "Disablement" means an impairment or partial impairment, temporary or permanent, in the function of the body or any of the members of the body, or the event of becoming disabled from earning full wages at the work in which the employee was engaged when last exposed to the

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hazards of the occupational disease by the employer from whom he or she claims compensation, or equal wages in other suitable employment; and "disability" means the state of being so incapacitated.

(f) No compensation shall be payable for or on account of any occupational disease unless disablement, as herein defined, occurs within two years after the last day of the last exposure to the hazards of the disease, except in cases of occupational disease caused by berylliosis or by the inhalation of silica dust or asbestos dust and, in such cases, within 3 years after the last day of the last exposure to the hazards of such disease and except in the case of occupational disease caused by exposure to radiological materials or equipment, and in such case, within 25 years after the last day of last exposure to the hazards of such disease.

(Source: P.A. 93-721, eff. 1-1-05; 93-829, eff. 7-28-04; revised 10-25-04.)

Approved August 21, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0317
(House Bill No. 0975)

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

Section 5. The Rights of Crime Victims and Witnesses Act is amended by changing Section 4.5 as follows:

(725 ILCS 120/4.5)

Sec. 4.5. Procedures to implement the rights of crime victims. To afford crime victims their rights, law enforcement, prosecutors, judges and corrections will provide information, as appropriate of the following procedures:

(a) At the request of the crime victim, law enforcement authorities investigating the case shall provide notice of the status of the investigation, except where the State's Attorney determines that disclosure of such
information would unreasonably interfere with the investigation, until such time as the alleged assailant is apprehended or the investigation is closed.

(b) The office of the State's Attorney:

(1) shall provide notice of the filing of information, the return of an indictment by which a prosecution for any violent crime is commenced, or the filing of a petition to adjudicate a minor as a delinquent for a violent crime;

(2) shall provide notice of the date, time, and place of trial;

(3) or victim advocate personnel shall provide information of social services and financial assistance available for victims of crime, including information of how to apply for these services and assistance;

(4) shall assist in having any stolen or other personal property held by law enforcement authorities for evidentiary or other purposes returned as expeditiously as possible, pursuant to the procedures set out in Section 115-9 of the Code of Criminal Procedure of 1963;

(5) or victim advocate personnel shall provide appropriate employer intercession services to ensure that employers of victims will cooperate with the criminal justice system in order to minimize an employee's loss of pay and other benefits resulting from court appearances;

(6) shall provide information whenever possible, of a secure waiting area during court proceedings that does not require victims to be in close proximity to defendant or juveniles accused of a violent crime, and their families and friends;

(7) shall provide notice to the crime victim of the right to have a translator present at all court proceedings;

(8) in the case of the death of a person, which death occurred in the same transaction or occurrence in which acts occurred for which a defendant is charged with an offense, shall notify the spouse, parent, child or sibling of the decedent of the date of the trial of the person or persons allegedly responsible for the death;

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(9) shall inform the victim of the right to have present at all
court proceedings, subject to the rules of evidence, an advocate or
other support person of the victim's choice, and the right to retain
an attorney, at the victim's own expense, who, upon written notice
filed with the clerk of the court and State's Attorney, is to receive
copies of all notices, motions and court orders filed thereafter in
the case, in the same manner as if the victim were a named party in
the case; and

(10) at the sentencing hearing shall make a good faith
attempt to explain the minimum amount of time during which the
defendant may actually be physically imprisoned. The Office of the
State's Attorney shall further notify the crime victim of the right to
request from the Prisoner Review Board information concerning
the release of the defendant under subparagraph (d)(1) of this
Section; and

(11) shall request restitution at sentencing and shall
consider restitution in any plea negotiation, as provided by law.

(c) At the written request of the crime victim, the office of the
State's Attorney shall:

(1) provide notice a reasonable time in advance of the
following court proceedings: preliminary hearing, any hearing the
effect of which may be the release of defendant from custody, or to
alter the conditions of bond and the sentencing hearing. The crime
victim shall also be notified of the cancellation of the court
proceeding in sufficient time, wherever possible, to prevent an
unnecessary appearance in court;

(2) provide notice within a reasonable time after receipt of
notice from the custodian, of the release of the defendant on bail or
personal recognizance or the release from detention of a minor who
has been detained for a violent crime;

(3) explain in nontechnical language the details of any plea
or verdict of a defendant, or any adjudication of a juvenile as a
delinquent for a violent crime;

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(4) where practical, consult with the crime victim before the Office of the State's Attorney makes an offer of a plea bargain to the defendant or enters into negotiations with the defendant concerning a possible plea agreement, and shall consider the written victim impact statement, if prepared prior to entering into a plea agreement;

(5) provide notice of the ultimate disposition of the cases arising from an indictment or an information, or a petition to have a juvenile adjudicated as a delinquent for a violent crime;

(6) provide notice of any appeal taken by the defendant and information on how to contact the appropriate agency handling the appeal;

(7) provide notice of any request for post-conviction review filed by the defendant under Article 122 of the Code of Criminal Procedure of 1963, and of the date, time and place of any hearing concerning the petition. Whenever possible, notice of the hearing shall be given in advance;

(8) forward a copy of any statement presented under Section 6 to the Prisoner Review Board to be considered by the Board in making its determination under subsection (b) of Section 3-3-8 of the Unified Code of Corrections.

(d) (1) The Prisoner Review Board shall inform a victim or any other concerned citizen, upon written request, of the prisoner's release on parole, mandatory supervised release, electronic detention, work release, international transfer or exchange, or by the custodian of the discharge of any individual who was adjudicated a delinquent for a violent crime from State custody and by the sheriff of the appropriate county of any such person's final discharge from county custody. The Prisoner Review Board, upon written request, shall provide to a victim or any other concerned citizen a recent photograph of any person convicted of a felony, upon his or her release from custody. The Prisoner Review Board, upon written request, shall inform a victim or any other concerned citizen when feasible at least 7 days prior to the prisoner's release on furlough of the times and dates of such furlough. Upon written request by the victim or any other

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concerned citizen, the State's Attorney shall notify the person once of the times and dates of release of a prisoner sentenced to periodic imprisonment. Notification shall be based on the most recent information as to victim's or other concerned citizen's residence or other location available to the notifying authority. For purposes of this paragraph (1) of subsection (d), "concerned citizen" includes relatives of the victim, friends of the victim, witnesses to the crime, or any other person associated with the victim or prisoner.

(2) When the defendant has been committed to the Department of Human Services pursuant to Section 5-2-4 or any other provision of the Unified Code of Corrections, the victim may request to be notified by the releasing authority of the defendant's discharge from State custody.

(3) In the event of an escape from State custody, the Department of Corrections or the Department of Juvenile Justice immediately shall notify the Prisoner Review Board of the escape and the Prisoner Review Board shall notify the victim. The notification shall be based upon the most recent information as to the victim's residence or other location available to the Board. When no such information is available, the Board shall make all reasonable efforts to obtain the information and make the notification. When the escapee is apprehended, the Department of Corrections or the Department of Juvenile Justice immediately shall notify the Prisoner Review Board and the Board shall notify the victim.

(4) The victim of the crime for which the prisoner has been sentenced shall receive reasonable written notice not less than 15 days prior to the parole hearing and may submit, in writing, on film, videotape or other electronic means or in the form of a recording or in person at the parole hearing or if a victim of a violent crime, by calling the toll-free number established in subsection (f) of this Section, information for consideration by the Prisoner Review Board. The victim shall be notified within 7 days after the prisoner has been granted parole and shall be informed of

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the right to inspect the registry of parole decisions, established under subsection (g) of Section 3-3-5 of the Unified Code of Corrections. The provisions of this paragraph (4) are subject to the Open Parole Hearings Act.

(5) If a statement is presented under Section 6, the Prisoner Review Board shall inform the victim of any order of discharge entered by the Board pursuant to Section 3-3-8 of the Unified Code of Corrections.

(6) At the written request of the victim of the crime for which the prisoner was sentenced, the Prisoner Review Board shall notify the victim of the death of the prisoner if the prisoner died while on parole or mandatory supervised release.

(7) When a defendant who has been committed to the Department of Corrections, the Department of Juvenile Justice, or the Department of Human Services is released or discharged and subsequently committed to the Department of Human Services as a sexually violent person and the victim had requested to be notified by the releasing authority of the defendant's discharge from State custody, the releasing authority shall provide to the Department of Human Services such information that would allow the Department of Human Services to contact the victim.

(e) The officials named in this Section may satisfy some or all of their obligations to provide notices and other information through participation in a statewide victim and witness notification system established by the Attorney General under Section 8.5 of this Act.

(f) To permit a victim of a violent crime to provide information to the Prisoner Review Board for consideration by the Board at a parole hearing of a person who committed the crime against the victim in accordance with clause (d)(4) of this Section or at a proceeding to determine the conditions of mandatory supervised release of a person sentenced to a determinate sentence or at a hearing on revocation of mandatory supervised release of a person sentenced to a determinate sentence, the Board shall establish a toll-free number that may be accessed by the victim of a violent crime to present that information to the Board.
Section 10. The Unified Code of Corrections is amended by changing Section 3-2-3.1 as follows:

Sec. 3-2-3.1. Treaties. If a treaty in effect between the United States and a foreign country provides for the transfer or exchange of convicted offenders to the country of which they are citizens or nationals, the Governor may, on behalf of the State and subject to the terms of the treaty, authorize the Director of Corrections to consent to the transfer or exchange of offenders and take any other action necessary to initiate the participation of this State in the treaty. Before any transfer or exchange may occur, the Director of Corrections shall notify in writing the Prisoner Review Board and the Office of the State's Attorney which obtained the defendant's conviction.

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

Approved August 21, 2007.
that is part of a residential development plan as a master association or common interest community and that is authorized to impose an assessment and other costs that may become a lien on the unit or lot.

(b) "Community association manager" means an individual who administers for compensation the coordination of financial, administrative, maintenance, or other duties called for in the management contract, including individuals who are direct employees of a community association. A manager does not include support staff, such as bookkeepers, administrative assistants, secretaries, property inspectors, or customer service representatives.

(c) Requirements. To perform services as a community association manager, an individual must meet these requirements:

(1) shall have attained the age of 21 and be a citizen or legal permanent resident of the United States;
(2) shall not have been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or other similar offense or offenses;
(3) shall have a working knowledge of the fundamentals of community association management, including the Condominium Property Act, the Illinois Not-for-Profit Corporation Act, and any other laws pertaining to community association management; and
(4) shall not have engaged in the following activities: failure to cooperate with any law enforcement agency in the investigation of a complaint; or failure to produce any document, book, or record in the possession or control of the community association manager after a request for production of that document, book, or record in the course of an investigation of a complaint.

(d) Access to community association funds. For community associations of 6 or more units, apartments, townhomes, villas or other residential units, a community association manager or the firm with whom the manager is employed shall not solely and exclusively have access to and disburse funds of a community association unless:

(1) There is a fidelity bond in place.
(2) The fidelity bond is in an amount not less than all monies of that association in the custody or control of the community association manager.

(3) The fidelity bond covers the community association manager and all partners, officers, and employees of the firm with whom the community association manager is employed during the term of the bond, as well as the community association officers, directors, and employees of the community association who control or disburse funds.

(4) The insurance company issuing the bond may not cancel or refuse to renew the bond without giving not less than 10 days' prior written notice to the community association.

(5) The community association shall secure and pay for the bond.

(e) A community association manager who provides community association management services for more than one community association shall maintain separate, segregated accounts for each community association. The funds shall not, in any event, be commingled with funds of the community association manager, the firm of the community association manager, or any other community association. The maintenance of these accounts shall be custodial, and the accounts shall be in the name of the respective community association.

(f) Exempt persons. Except as otherwise provided, this Section does not apply to any person acting as a receiver, trustee in bankruptcy, administrator, executor, or guardian acting under a court order or under the authority of a will or of a trust instrument.

(g) Right of Action.

(1) Nothing in this amendatory Act of the 95th General Assembly shall create a cause of action by a unit owner, shareholder, or community association member against a community association manager or the firm of a community association manager.

(2) This amendatory Act of the 95th General Assembly shall not impair any right of action by a unit owner or shareholder.
AN ACT concerning transportation.

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

Section 5. The Illinois Vehicle Code is amended by changing Section 12-815 as follows:

(625 ILCS 5/12-815) (from Ch. 95 1/2, par. 12-815)

Sec. 12-815. Strobe lamp on school bus.

(a) A school bus manufactured prior to January 1, 2000 may be equipped with one strobe lamp that will emit 60 to 120 flashes per minute of white or bluish-white light visible to a motorist approaching the bus from any direction. A school bus manufactured on or after January 1, 2000 shall be equipped with one strobe lamp that will emit 60 to 120 flashes per minute of white or bluish-white light visible to a motorist approaching the bus from any direction. The lamp shall be of sufficient brightness to be visible in normal sunlight when viewed directly from a distance of at least one mile.

(b) The strobe lamp shall be mounted on the rooftop of the bus with the light generating element in the lamp located equidistant from each side and either at or behind the center of the rooftop. The maximum height of the element above the rooftop shall not exceed 1/30 of its distance from the rear of the rooftop. If the structure of the strobe lamp obscures the light generating element, the element shall be deemed to be in the center of the lamp with a maximum height 1/4 inch less than the maximum height of the strobe lamp unless otherwise indicated in rules and regulations promulgated by the Department. The Department may promulgate rules

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and regulations to govern measurements, glare, effectiveness and protection of strobe lamps on school buses, including higher strobe lamps than authorized in this paragraph.

(c) The strobe lamp may be lighted only when the school bus is actually being used as a school bus and:

1. is stopping or stopped for loading or discharging pupils on a highway outside an urban area; or
2. is bearing one or more pupils and is either stopped or, in the interest of safety, is moving very slowly at a speed:
   (i) less than the posted minimum speed limit, or
   (ii) less than 30 miles per hour on a highway outside an urban area.

(Source: P.A. 91-168, eff. 1-1-00; 91-679, eff. 1-26-00.)

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

Approved August 21, 2007.

PUBLIC ACT 95-0320
(House Bill No. 3395)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by adding Section 5.675 as follows:

(30 ILCS 105/5.675 new)
Sec. 5.675. The Boy Scout and Girl Scout Fund.

Section 10. The Illinois Vehicle Code is amended by adding Section 3-664 as follows:

(625 ILCS 5/3-664 new)
Sec. 3-664. Boy Scout and Girl Scout license plates.

New matter indicated by italics - deletions by strikeout
(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated to be Boy Scout and Girl Scout plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) Except as provided in subsections (c) and (d), the design and color of the plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany the application.

(c) The Secretary may issue Boy Scout plates bearing the Eagle Scout badge only to an applicant who provides written proof of Eagle Scout rank, in the form of appropriate documentation from the National Boy Scout Council. The Secretary shall make these plates available to qualified applicants.

(d) The Secretary may issue Girl Scout plates bearing the symbol of the Gold Award only to an applicant who provides written proof of Gold Award status, in the form of appropriate documentation from the National Office of the Girl Scouts of the U.S.A. The Secretary shall make these plates available to qualified applicants.

(e) An applicant shall be charged a $40 fee for original issuance in addition to the appropriate registration fee, if applicable. Of this fee, $25 shall be deposited into the Boy Scout and Girl Scout Fund as created by this Section and $15 shall be deposited into the Secretary of State Special License Plate Fund to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be deposited into the Boy Scout and Girl Scout Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(f) The Boy Scout and Girl Scout Fund is created as a special fund in the State treasury. All moneys in the Boy Scout and Girl Scout Fund shall, subject to appropriation by the General Assembly and approval by
the Secretary, be paid as grants, to be divided between the Illinois divisions of the Boys Scouts of America and the Girl Scouts of the U.S.A. on a pro rata basis, according to the number of each type of plate sold. Grants shall be made to the county division in which the plates are sold.

Section 99. Effective date. This Act takes effect January 1, 2008.
Approved August 21, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0321
(Senate Bill No. 0029)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Code of Civil Procedure is amended by changing Section 3-107 as follows:
(735 ILCS 5/3-107) (from Ch. 110, par. 3-107)
Sec. 3-107. Defendants.
(a) Except as provided in subsection (b) or (c) subsection (b), in any action to review any final decision of an administrative agency, the administrative agency and all persons, other than the plaintiff, who were parties of record to the proceedings before the administrative agency shall be made defendants. No action for administrative review shall be dismissed for lack of jurisdiction based upon the failure to name an employee, agent, or member, who acted in his or her official capacity, of an administrative agency, board, committee, or government entity, where the administrative agency, board, committee, or government entity, has been named as a defendant as provided in this Section. Naming the director or agency head, in his or her official capacity, shall be deemed to include as defendant the administrative agency, board, committee, or government entity that the named defendants direct or head. No action for administrative review shall be dismissed for lack of jurisdiction based upon the failure to name an administrative agency, board, committee, or

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government entity, where the director or agency head, in his or her official capacity, has been named as a defendant as provided in this Section.

If, during the course of a review action, the court determines that a party of record to the administrative proceedings was not made a defendant as required by the preceding paragraph, and only if that party was not named by the administrative agency in its final order as a party of record, then the court shall grant the plaintiff 21 days from the date of the determination in which to name and serve the unnamed party as a defendant. The court shall permit the newly served defendant to participate in the proceedings to the extent the interests of justice may require.

(b) With respect to actions to review decisions of a zoning board of appeals in a municipality with a population of 500,000 or more inhabitants under Division 13 of Article 11 of the Illinois Municipal Code, "parties of record" means only the zoning board of appeals and applicants before the zoning board of appeals. The plaintiff shall send a notice of filing of the action by certified mail to each other person who appeared before and submitted oral testimony or written statements to the zoning board of appeals with respect to the decision appealed from. The notice shall be mailed within 2 days of the filing of the action. The notice shall state the caption of the action, the court in which the action is filed, and the names of the plaintiff in the action and the applicant to the zoning board of appeals. The notice shall inform the person of his or her right to intervene. Each person who appeared before and submitted oral testimony or written statements to the zoning board of appeals with respect to the decision appealed from shall have a right to intervene as a defendant in the action upon application made to the court within 30 days of the mailing of the notice.

(c) With respect to actions to review decisions of a hearing officer or a county zoning board of appeals under Division 5-12 of Article 5 of the Counties Code, "parties of record" means only the hearing officer or the zoning board of appeals and applicants before the hearing officer or the zoning board of appeals. The plaintiff shall send a notice of filing of the action by certified mail to each other person who appeared before and submitted oral testimony or written statements to the hearing officer or the zoning board of appeals.
zoning board of appeals with respect to the decision appealed from. The notice shall be mailed within 2 days of the filing of the action. The notice shall state the caption of the action, the court in which the action is filed, and the name of the plaintiff in the action and the applicant to the hearing officer or the zoning board of appeals. The notice shall inform the person of his or her right to intervene. Each person who appeared before and submitted oral testimony or written statements to the hearing officer or the zoning board of appeals with respect to the decision appealed from shall have a right to intervene as a defendant in the action upon application made to the court within 30 days of the mailing of the notice. This subsection (c) applies to zoning proceedings commenced on or after the effective date of this amendatory Act of the 95th General Assembly.

(Source: P.A. 88-1; 88-655, eff. 9-16-94; 89-438, eff. 12-15-95; 89-685, eff. 6-1-97.)

Section 99. Effective date. This Act takes effect July 1, 2007.
Approved August 21, 2007.

PUBLIC ACT 95-0322
(Senate Bill No. 0047)

AN ACT concerning public aid.

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

Section 5. The Illinois Public Aid Code is amended by changing Sections 9A-11 and 12-4.33 as follows:

(305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

Sec. 9A-11. Child Care.

(a) The General Assembly recognizes that families with children need child care in order to work. Child care is expensive and families with low incomes, including those who are transitioning from welfare to work, often struggle to pay the costs of day care. The General Assembly understands the importance of helping low income working families

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become and remain self-sufficient. The General Assembly also believes that it is the responsibility of families to share in the costs of child care. It is also the preference of the General Assembly that all working poor families should be treated equally, regardless of their welfare status.

(b) To the extent resources permit, the Illinois Department shall provide child care services to parents or other relatives as defined by rule who are working or participating in employment or Department approved education or training programs. At a minimum, the Illinois Department shall cover the following categories of families:

1. recipients of TANF under Article IV participating in work and training activities as specified in the personal plan for employment and self-sufficiency;
2. families transitioning from TANF to work;
3. families at risk of becoming recipients of TANF;
4. families with special needs as defined by rule; and
5. working families with very low incomes as defined by rule.

The Department shall specify by rule the conditions of eligibility, the application process, and the types, amounts, and duration of services. Eligibility for child care benefits and the amount of child care provided may vary based on family size, income, and other factors as specified by rule.

In determining income eligibility for child care benefits, the Department annually, at the beginning of each fiscal year, shall establish, by rule, one income threshold for each family size, in relation to percentage of State median income for a family of that size, that makes families with incomes below the specified threshold eligible for assistance and families with incomes above the specified threshold ineligible for assistance. The specified threshold must be no less than 50% of the then-current State median income for each family size.

In determining eligibility for assistance, the Department shall not give preference to any category of recipients or give preference to individuals based on their receipt of benefits under this Code.

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The Department shall allocate $7,500,000 annually for a test program for families who are income-eligible for child care assistance, who are not recipients of TANF under Article IV, and who need child care assistance to participate in education and training activities. The Department shall specify by rule the conditions of eligibility for this test program.

Nothing in this Section shall be construed as conferring entitlement status to eligible families.

The Illinois Department is authorized to lower income eligibility ceilings, raise parent co-payments, create waiting lists, or take such other actions during a fiscal year as are necessary to ensure that child care benefits paid under this Article do not exceed the amounts appropriated for those child care benefits. These changes may be accomplished by emergency rule under Section 5-45 of the Illinois Administrative Procedure Act, except that the limitation on the number of emergency rules that may be adopted in a 24-month period shall not apply.

The Illinois Department may contract with other State agencies or child care organizations for the administration of child care services.

(c) Payment shall be made for child care that otherwise meets the requirements of this Section and applicable standards of State and local law and regulation, including any requirements the Illinois Department promulgates by rule in addition to the licensure requirements promulgated by the Department of Children and Family Services and Fire Prevention and Safety requirements promulgated by the Office of the State Fire Marshal and is provided in any of the following:

(1) a child care center which is licensed or exempt from licensure pursuant to Section 2.09 of the Child Care Act of 1969;

(2) a licensed child care home or home exempt from licensing;

(3) a licensed group child care home;

(4) other types of child care, including child care provided by relatives or persons living in the same home as the child, as determined by the Illinois Department by rule.

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(b-5) Solely for the purposes of coverage under the Illinois Public Labor Relations Act, child and day care home providers, including licensed and license exempt, participating in the Department's child care assistance program shall be considered to be public employees and the State of Illinois shall be considered to be their employer as of the effective date of this amendatory Act of the 94th General Assembly, but not before. The State shall engage in collective bargaining with an exclusive representative of child and day care home providers participating in the child care assistance program concerning their terms and conditions of employment that are within the State's control. Nothing in this subsection shall be understood to limit the right of families receiving services defined in this Section to select child and day care home providers or supervise them within the limits of this Section. The State shall not be considered to be the employer of child and day care home providers for any purposes not specifically provided in this amendatory Act of the 94th General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Child and day care home providers shall not be covered by the State Employees Group Insurance Act of 1971.

In according child and day care home providers and their selected representative rights under the Illinois Public Labor Relations Act, the State intends that the State action exemption to application of federal and State antitrust laws be fully available to the extent that their activities are authorized by this amendatory Act of the 94th General Assembly.

(d) The Illinois Department shall, by rule, require co-payments for child care services by any parent, including parents whose only income is from assistance under this Code. The co-payment shall be assessed based on a sliding scale based on family income, family size, and the number of children in care. Co-payments shall not be increased due solely to a change in the methodology for counting family income.

(e) (*Blank*). The Illinois Department shall conduct a market rate survey based on the cost of care and other relevant factors which shall be completed by July 1, 1998:

New matter indicated by italics - deletions by strikeout
(f) The Illinois Department shall, by rule, set rates to be paid for the various types of child care. Child care may be provided through one of the following methods:

(1) arranging the child care through eligible providers by use of purchase of service contracts or vouchers;
(2) arranging with other agencies and community volunteer groups for non-reimbursed child care;
(3) (blank); or
(4) adopting such other arrangements as the Department determines appropriate.

(f-5) (Blank). The Illinois Department, in consultation with its Child Care and Development Advisory Council, shall develop a comprehensive plan to revise the State's rates for the various types of child care. The plan shall be completed no later than January 1, 2005 and shall include:

(1) Base reimbursement rates that are adequate to provide children receiving child care services from the Department equal access to quality child care; utilizing data from the most current market rate survey;
(2) A tiered reimbursement rate system that financially rewards providers of child care services that meet defined benchmarks of higher-quality care.
(3) Consideration of revisions to existing county groupings and age classifications, utilizing data from the most current market rate survey.
(4) Consideration of special rates for certain types of care such as caring for a child with a disability.

(g) Families eligible for assistance under this Section shall be given the following options:

(1) receiving a child care certificate issued by the Department or a subcontractor of the Department that may be used by the parents as payment for child care and development services only; or
(2) if space is available, enrolling the child with a child care provider that has a purchase of service contract with the Department or a subcontractor of the Department for the provision of child care and development services. The Department may identify particular priority populations for whom they may request special consideration by a provider with purchase of service contracts, provided that the providers shall be permitted to maintain a balance of clients in terms of household incomes and families and children with special needs, as defined by rule.

(Source: P.A. 93-361, eff. 9-1-03; 93-1062, eff. 12-23-04; 94-320, eff. 1-1-06.)

(305 ILCS 5/12-4.33)
Sec. 12-4.33. Welfare reform research and accountability.
(a) The Illinois Department shall collect and report upon all data in connection with federally funded or assisted welfare programs as federal law may require, including, but not limited to, Section 411 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and its implementing regulations and any amendments thereto as may from time to time be enacted.

(b) In addition to and on the same schedule as the data collection required by federal law and subsection (a), the Department shall collect and report on further information with respect to the Temporary Assistance for Needy Families ("TANF") program, as follows:

(1) With respect to denials of applications for benefits, all of the same information about the family required under the federal law, plus the specific reason or reasons for denial of the application.

(2) With respect to all terminations of benefits, all of the same information as required under the federal law, plus the specific reason or reasons for the termination.

(c) The Department shall collect all of the same data as set forth in subsections (a) and (b), and report it on the same schedule, with respect to all cash assistance benefits provided to families that are not funded from...
the TANF program federal block grant or are not otherwise required to be included in the data collection and reporting in subsections (a) and (b).

(d) Whether or not reports under this Section must be submitted to the federal government, they shall be considered public and they shall be promptly made available to the public at the end of each fiscal year, free of charge upon request. The data underlying the reports shall be made available to academic institutions and public policy organizations involved in the study of welfare issues or programs and redacted to conform with applicable privacy laws. The cost shall be no more than that incurred by the Department in assembling and delivering the data.

(e) (Blank). The Department shall, in addition to the foregoing data collection and reporting activities, seek a university to conduct, at no cost to the Department, a longitudinal study of the implementation of TANF and related welfare reforms. The study shall select subgroups representing important sectors of the assistance population, including type of area of residence (city, suburban, small town, rural), English proficiency, level of education, literacy, work experience, number of adults in the home; number of children in the home; teen parentage; parents before and after the age of 18; and other such subgroups. For each subgroup, the study shall assemble a statistically valid sample of cases entering the TANF program at least 6 months after its implementation date and prior to July 1, 1998. The study shall continue until December 31, 2004. The Department shall report to the General Assembly and the Governor by March 1 of each year, beginning March 1, 1999, the interim findings of the study with respect to each subgroup; and by March 1, 2005, the final findings with respect to each subgroup. The reports shall be available to the public upon request. No later than November 1, 1997, the Department, in consultation with an advisory panel of specialists in welfare policy, social science, and other relevant fields shall devise the study and identify the factors to be studied. The study shall, however, at least include the following features:

(1) Demographic breakdowns including, but not limited to, race, gender, and number of children in the household at the beginning of Department services.

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(2) The Department shall obtain permission to conduct the study from the subjects of the study and guarantee their privacy according to the privacy laws. To facilitate this permission, the study may be designed to refer to subjects by pseudonyms or codes and shall in any event guarantee anonymity to the subjects without limiting access by outsiders to the data (other than identities) generated by the study.

(3) The subjects of the study shall be followed after denial or termination of assistance, to the extent feasible. The evaluator shall attempt to maintain personal contact with the subjects of the study, and employ such methods as meetings, telephone contacts, written surveys, and computer matches with other data bases to accomplish this purpose. The intent of this feature of the study is to discover the paths people take after leaving welfare and the patterns of return to welfare, including the factors that may influence these paths and patterns.

(4) The study shall examine the influence of various employability, education, and training programs upon employment, earnings, job tenure, and cycling between welfare and work.

(5) The study shall examine the influence of various supportive services such as child care (including type and cost), transportation, and payment of initial employment expenses upon employment, earnings, job tenure, and cycling between welfare and work.

(6) The study shall examine the frequency of unplanned occurrences in subjects' lives, such as illness or injury, family member's illness or injury, car breakdown, strikes, natural disasters, evictions, loss of other sources of income, domestic violence, and crime, and their impact upon employment, earnings, job tenure, and cycling between welfare and work.

(7) The study shall examine the wages and other compensation, including health benefits and what they cost the employee, received by subjects who obtain employment, the type and characteristics of jobs, the hours and time of day of work;

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union status, and the relationships of such factors to earnings, job tenure, and cycling between welfare and work:

(8) The study shall examine the reasons for subjects' job loss, the availability of Unemployment Insurance, the reasons for a subject's return to welfare, programs or services utilized by subjects in the search for another job, the characteristics of the subjects' next job, and the relationships of these factors to re-employment, earnings, job tenure on the new job, and cycling between welfare and work.

(9) The study shall examine the impact of mandatory work requirements, including the types of work activities to which the subjects were assigned, and the links between the requirements and the activities and sanctions, employment, earnings, job tenure, and cycling between welfare and work.

(10) The study shall identify all sources and amounts of reported household non-wage income and examine the influence of the sources and amounts of non-wage welfare income on employment, earnings, job tenure, and cycling between welfare and work.

(11) The study shall examine sanctions, including child support enforcement and paternity establishment sanctions, the reasons sanctions are threatened, the number threatened, the number imposed, and the reasons sanctions are not imposed or are ended, such as cooperation achieved or good cause established.

(12) The study shall track the subjects' usage of TANF benefits over the course of the lifetime 60-month limit of TANF eligibility, including patterns of usage, relationships between consecutive usage of large numbers of months and other factors, status of all study subjects with respect to the time limit as of each report, characteristics of subjects exhausting the eligibility limit, types of exceptions granted to the 60-month limit, and numbers of cases within each type of exception.

(13) The study shall track subjects' participation in other public systems, including the public schools, the child-welfare

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system, the criminal justice system, homeless and food services, and others and attempt to identify the positive or negative ripple effects in these systems of welfare policies, systems, and procedures.

(f) (Blank). The Department shall cooperate in any appropriate study by an independent expert of the impact upon Illinois resident non-citizens of the denial or termination of assistance under the Supplemental Security Income, Food Stamps, TANF, Medicaid, and Title XX social services programs pursuant to the changes enacted in the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The purpose of such a study must be to examine the immediate and long-term effects on this population and on the State of the denial or termination of these forms of assistance, including the impact on the individuals, the alternate means they find to obtain support and care, and the impact on state and local spending and human services delivery systems. An appropriate study shall select a statistically valid sample of persons denied or terminated from each type of benefits and attempt to track them until December 31, 2000. Any reports from the study received by the Department shall be made available to the General Assembly and the Governor upon request, and a final report shall be submitted upon completion. These reports shall be available to the public upon request.

(Source: P.A. 90-74, eff. 7-8-97.)

(305 ILCS 5/3-2.5 rep.)
(305 ILCS 5/4-17 rep.)
(305 ILCS 5/9-13 rep.)
(305 ILCS 5/9-4 rep.)
(305 ILCS 5/9A-14 rep.)

Section 10. The Illinois Public Aid Code is amended by repealing Sections 3-2.5, 4-17, 9-13, 9-4, and 9A-14.

Section 99. Effective date. This Act takes effect January 1, 2008.
Approved August 21, 2007.
Effective January 1, 2008.
PUBLIC ACT 95-0323
(Senate Bill No. 0088)

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

Section 5. The Criminal Code of 1961 is amended by changing
Section 16-14 as follows:

(720 ILCS 5/16-14) (from Ch. 38, par. 16-14)
Sec. 16-14. (a) A person commits the offense of unlawful
interference with public utility services when he or she knowingly, without
the consent of the owner of the services, impairs or interrupts any public
water, gas or power supply, telecommunications service, wireless service,
or other public services, or diverts, or causes to be diverted in whole or in
part, any public water, gas, or power supply, telecommunications service,
wireless service, or other public services, or installs or removes any device
for the purpose of such diversion, or knowingly delays restoration of such
public services, as a result of the person's theft of wire used for such
services.

(b) The terms "public water, gas, or power supply, or other public
services service" mean any service subject to regulation by the Illinois
Commerce Commission; any service furnished by a public utility that is
owned and operated by any political subdivision, public institution of
higher education or municipal corporation of this State; any service
furnished by any public utility that is owned by such political subdivision,
public institution of higher education, or municipal corporation and
operated by any of its lessees or operating agents; and any service
furnished by an electric cooperative as defined in Section 3.4 of the
Electric Supplier Act; or wireless service or other service regulated by the
Federal Communications Commission.

(c) Any instrument, apparatus, or device used in obtaining utility
services without paying the full charge therefore or any meter that has
been altered, tampered with, or bypassed so as to cause a lack of
measurement or inaccurate measurement of utility services on premises

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controlled by the customer or by the person using or receiving the direct benefit of utility service at that location shall raise a rebuttable presumption of the commission of the offense described in subparagraph (a) by such person.

(d) (1) A person convicted of unlawful interference with public utility services is guilty of a Class A misdemeanor unless the offense was committed for remuneration, in which case it is a Class 4 felony.

(2) After a first conviction of unlawful interference with public utility services any subsequent conviction shall be a Class 4 felony.

(3) If the disruption of the public utility services or the delay in the restoration of the public utility services occurs to 10 or more customers or affects an area of more than one square mile, unlawful interference with public utility services is a Class 2 felony.

(Source: P.A. 88-75.)

Approved August 21, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0324
(Senate Bill No. 0132)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Section 32-5 as follows:
(720 ILCS 5/32-5) (from Ch. 38, par. 32-5)
Sec. 32-5. False personation of attorney, judicial, or governmental officials.

(a) A person who falsely represents himself or herself to be an attorney authorized to practice law for purposes of compensation or consideration commits a Class 4 felony. This subsection (a) does not apply to a person who unintentionally fails to pay attorney registration fees established by Supreme Court Rule.

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(b) A person who falsely represents himself or herself to be a public officer or a public employee or an official or employee of the federal government commits a Class A misdemeanor. If the false representation is made in furtherance of the commission of a felony, the penalty for a violation of this subsection (b) is a Class 4 felony.

(Source: P.A. 94-985, eff. 1-1-07.)

Approved August 21, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0325
(Senate Bill No. 0135)

AN ACT concerning State government.

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

Section 1. Short title. This Act may be cited as the Green Neighborhood Grant Act.

Section 5. Eligibility. A private development is eligible for a Green Neighborhood Award Grant if the private development:

(1) achieves certification under nationally recognized and accepted Leadership in Energy and Environmental Design for Neighborhood Development ("LEED-ND") green building and sensible growth guidelines, standards, or systems; and

(2) is selected under Section 10 by the Department of Commerce and Economic Opportunity.

Section 10. Grant proposals. By December 31, 2008, and each December 31 thereafter, the Department of Commerce and Economic Opportunity may, subject to appropriation, issue a request for proposals from model private developments that have been designated by the U.S. Green Building Council, the Congress for the New Urbanism, and the National Resources Defense Council as achieving LEED-ND certification. Subject to appropriation, the Department may offer no more than 3 Green Neighborhood Award Grants for the reimbursement of up to 1.5% of the

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total development cost of the selected projects. No more than one of the 3 eligible Green Neighborhood Award Grants may be set aside for an applicant from a municipality with a residential population greater than 1,000,000.

Section 15. Implementing rules. The Department of Commerce and Economic Opportunity shall have the authority to adopt rules to implement this Act.

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

Approved August 21, 2007.

PUBLIC ACT 95-0326  
(Senate Bill No. 0142)

AN ACT concerning criminal law.

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

Section 5. The Criminal Code of 1961 is amended by changing Section 16D-3 as follows:

(720 ILCS 5/16D-3) (from Ch. 38, par. 16D-3)
Sec. 16D-3. Computer Tampering.
(a) A person commits the offense of computer tampering when he knowingly and without the authorization of a computer's owner, as defined in Section 15-2 of this Code, or in excess of the authority granted to him:

1. Accesses or causes to be accessed a computer or any part thereof, a computer network, or a program or data;
2. Accesses or causes to be accessed a computer or any part thereof, a computer network, or a program or data, and obtains data or services;
3. Accesses or causes to be accessed a computer or any part thereof, a computer network, or a program or data, and

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damages or destroys the computer or alters, deletes or removes a computer program or data;

(4) Inserts or attempts to insert a "program" into a computer or computer program knowing or having reason to believe that such "program" contains information or commands that will or may damage or destroy that computer, or any other computer subsequently accessing or being accessed by that computer, or that will or may alter, delete or remove a computer program or data from that computer, or any other computer program or data in a computer subsequently accessing or being accessed by that computer, or that will or may cause loss to the users of that computer or the users of a computer which accesses or which is accessed by such "program";

(5) Falsifies or forges electronic mail transmission information or other routing information in any manner in connection with the transmission of unsolicited bulk electronic mail through or into the computer network of an electronic mail service provider or its subscribers;

(a-5) It shall be unlawful for any person knowingly to sell, give, or otherwise distribute or possess with the intent to sell, give, or distribute software which (1) is primarily designed or produced for the purpose of facilitating or enabling the falsification of electronic mail transmission information or other routing information; (2) has only a limited commercially significant purpose or use other than to facilitate or enable the falsification of electronic mail transmission information or other routing information; or (3) is marketed by that person or another acting in concert with that person with that person's knowledge for use in facilitating or enabling the falsification of electronic mail transmission information or other routing information.

(a-10) For purposes of subsection (a), accessing a computer network is deemed to be with the authorization of a computer's owner if:

(1) the owner authorizes patrons, customers, or guests to access the computer network and the person accessing the computer network is an authorized patron, customer, or guest and

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(a) Computer network. 
   (1) A computer network that is accessible to the public complies with all terms or conditions for use of the computer network that are imposed by the owner; or
   (2) the owner authorizes the public to access the computer network and the person accessing the computer network complies with all terms or conditions for use of the computer network that are imposed by the owner.

(b) Sentence.

(1) A person who commits the offense of computer tampering as set forth in subsection (a)(1), (a)(5), or (a-5) of this Section shall be guilty of a Class B misdemeanor.

(2) A person who commits the offense of computer tampering as set forth in subsection (a)(2) of this Section shall be guilty of a Class A misdemeanor and a Class 4 felony for the second or subsequent offense.

(3) A person who commits the offense of computer tampering as set forth in subsection (a)(3) or subsection (a)(4) of this Section shall be guilty of a Class 4 felony and a Class 3 felony for the second or subsequent offense.

(4) If the injury arises from the transmission of unsolicited bulk electronic mail, the injured person, other than an electronic mail service provider, may also recover attorney's fees and costs, and may elect, in lieu of actual damages, to recover the lesser of $10 for each and every unsolicited bulk electronic mail message transmitted in violation of this Section, or $25,000 per day. The injured person shall not have a cause of action against the electronic mail service provider that merely transmits the unsolicited bulk electronic mail over its computer network.

(5) If the injury arises from the transmission of unsolicited bulk electronic mail, an injured electronic mail service provider may also recover attorney's fees and costs, and may elect, in lieu of actual damages, to recover the greater of $10 for each and every unsolicited electronic mail advertisement transmitted in violation of this Section, or $25,000 per day.

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(6) The provisions of this Section shall not be construed to limit any person's right to pursue any additional civil remedy otherwise allowed by law.

(c) Whoever suffers loss by reason of a violation of subsection (a)(4) of this Section may, in a civil action against the violator, obtain appropriate relief. In a civil action under this Section, the court may award to the prevailing party reasonable attorney's fees and other litigation expenses.

(Source: P.A. 91-233, eff. 1-1-00.)

Approved August 21 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0327
(Senate Bill No. 0170)

AN ACT concerning transportation

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

Section 5. The Toll Highway Act is amended by changing Section 19 as follows:

(605 ILCS 10/19) (from Ch. 121, par. 100-19)

Sec. 19. The Authority shall fix and revise from time to time, tolls or charges or rates for the privilege of using each of the toll highways constructed pursuant to this Act. Such tolls shall be so fixed and adjusted at rates calculated to provide the lowest reasonable toll rates that will provide funds sufficient with other revenues of the Authority to pay, (a) the cost of the construction of a toll highway authorized by joint resolution of the General Assembly pursuant to Section 14.1 and the reconstruction, major repairs or improvements of toll highways, (b) the cost of maintaining, repairing, regulating and operating the toll highways including only the necessary expenses of the Authority, and (c) the principal of all bonds, interest thereon and all sinking fund requirements and other requirements provided by resolutions authorizing the issuance of

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the bonds as they shall become due. *In fixing the toll rates pursuant to this Section 19 and Section 10(c) of this Act, the Authority shall take into account the effect of the provisions of this Section 19 permitting the use of the toll highway system without payment of the covenants of the Authority contained in the resolutions and trust indentures authorizing the issuance of bonds of the Authority. No such provision permitting the use of the toll highway system without payment of tolls after the date of this amendatory Act of the 95th General Assembly shall be applied in a manner that impairs the rights of bondholders pursuant to any resolution or trust indentures authorizing the issuance of bonds of the Authority.* The use and disposition of any sinking or reserve fund shall be subject to such regulation as may be provided in the resolution or trust indenture authorizing the issuance of the bonds. Subject to the provisions of any resolution or trust indenture authorizing the issuance of bonds any moneys in any such sinking fund in excess of an amount equal to one year's interest on the bonds then outstanding secured by such sinking fund may be applied to the purchase or redemption of bonds. All such bonds so redeemed or purchased shall forthwith be cancelled and shall not again be issued. No person shall be permitted to use any toll highway without paying the toll established under this Section except when on official Toll Highway Authority business which includes police and other emergency vehicles. However, any law enforcement agency vehicle, fire department vehicle, or other emergency vehicle that is plainly marked shall not be required to pay a toll to use a toll highway. A law enforcement, fire protection, or emergency services officer driving a law enforcement, fire protection, or emergency services agency vehicle that is not plainly marked must present an Official Permit Card which the law enforcement, fire protection, or emergency services officer receives from his or her law enforcement, fire protection, or emergency services agency in order to use a toll highway without paying the toll. A law enforcement, fire protection, or emergency services agency must apply to the Authority to receive a permit, and the Authority shall adopt rules for the issuance of a permit, that allows all law enforcement, fire protection, or emergency services agency vehicles of the law enforcement, fire protection, or emergency services
services agency that are not plainly marked to use any toll highway without paying the toll established under this Section. The Authority shall maintain in its office a list of all persons that are authorized to use any toll highway without charge when on official business of the Authority and such list shall be open to the public for inspection. In recognition of the unique role of the Suburban Bus Division of the Regional Transportation Authority in providing effective transportation in the Authority's service region and to give effect to the exemption set forth in subsection (b) of Section 2.06 of the Regional Transportation Authority Act, a vehicle owned or operated by the Suburban Bus Division of the Regional Transportation Authority that is being used to transport passengers for hire may use any toll highway without paying the toll.

Among other matters, this amendatory Act of 1990 is intended to clarify and confirm the prior intent of the General Assembly to allow toll revenues from the toll highway system to be used to pay a portion of the cost of the construction of the North-South Toll Highway authorized by Senate Joint Resolution 122 of the 83rd General Assembly in 1984. (Source: P.A. 90-152, eff. 7-23-97.)


Approved August 21, 2007.

Effective January 1, 2008.

PUBLIC ACT 95-0328
(Senate Bill No. 0199)

AN ACT concerning government.

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

Section 5. The State Designations Act is amended by adding Section 57 as follows:

(5 ILCS 460/57 new)

Sec. 57. State fruit. The fruit Malus xdomestica, commonly known as the "GoldRush Apple", is designated the official State fruit of the State of Illinois.

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

Approved August 21, 2007.

PUBLIC ACT 95-0329
(Senate Bill No. 0216)

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

Section 5. The Wildlife Code is amended by changing Sections 2.25, 2.26, and 2.33 as follows:

(520 ILCS 5/2.25) (from Ch. 61, par. 2.25)
Sec. 2.25. It shall be unlawful for any person to take deer except (i) with a shotgun, handgun, or muzzleloading rifle or (ii) as provided by administrative rule, with a bow and arrow, or crossbow device for handicapped persons, as defined in Section 2.33, and persons age 62 or older during the open season of not more than 14 days which will be set annually by the Director between the dates of November 1st and December 31st, both inclusive. For the purposes of this Section, legal handguns include any centerfire handguns of .30 caliber or larger with a minimum barrel length of 4 inches. The only legal ammunition for a centerfire handgun is a cartridge of .30 caliber or larger with a capability of at least 500 foot pounds of energy at the muzzle. Full metal jacket bullets may not be used to harvest deer.

The Department shall make administrative rules concerning management restrictions applicable to the firearm and bow and arrow season.

It shall be unlawful for any person to take deer except with a bow and arrow, or crossbow device for handicapped persons, (as defined in Section 2.33), and persons age 62 or older during the open season for bow

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and arrow set annually by the Director between the dates of September 1st and January 31st, both inclusive.

It shall be unlawful for any person to take deer except with (i) a muzzleloading rifle, or (ii) bow and arrow, or crossbow device for handicapped persons, as defined in Section 2.33, and persons age 62 or older during the open season for muzzleloading rifles set annually by the Director.

The Director shall cause an administrative rule setting forth the prescribed rules and regulations, including bag and possession limits and those counties of the State where open seasons are established, to be published in accordance with Sections 1.3 and 1.13 of this Act.

The Department may establish separate harvest periods for the purpose of managing or eradicating disease that has been found in the deer herd. This season shall be restricted to gun or bow and arrow hunting only. The Department shall publicly announce, via statewide news release, the season dates and shooting hours, the counties and sites open to hunting, permit requirements, application dates, hunting rules, legal weapons, and reporting requirements.

The Department is authorized to establish a separate harvest period at specific sites within the State for the purpose of harvesting surplus deer that cannot be taken during the regular season provided for the taking of deer. This season shall be restricted to gun or bow and arrow hunting only and shall be established during the period of September 1st to February 15th, both inclusive. The Department shall publish suitable prescribed rules and regulations established by administrative rule pertaining to management restrictions applicable to this special harvest program. The Department shall allow unused gun deer permits that are left over from a regular season for the taking of deer to be rolled over and used during any separate harvest period held within 6 months of the season for which those tags were issued at no additional cost to the permit holder subject to the management restrictions applicable to the special harvest program.

(Source: P.A. 93-37, eff. 6-25-03; 93-554, eff. 8-20-03; 94-919, eff. 6-26-06.)

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

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Sec. 2.26. Deer hunting permits. In this Section, "bona fide equity shareholder" means an individual who (1) purchased, for market price, publicly sold stock shares in a corporation, purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation, or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership and (2) intends to retain the ownership of the shares of stock for at least 5 years.

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

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

Any person attempting to take deer shall first obtain a "Deer Hunting Permit" in accordance with prescribed regulations set forth in an Administrative Rule. Deer Hunting Permits shall be issued by the Department. The fee for a Deer Hunting Permit to take deer with either bow and arrow or gun shall not exceed $15.00 for residents of the State. The Department may by administrative rule provide for non-resident deer hunting permits for which the fee will not exceed $300 in 2005, $350 in 2006, and $400 in 2007 and thereafter except as provided below for non-resident landowners and non-resident archery hunters. The Department may by administrative rule provide for a non-resident archery deer permit.
consisting of not more than 2 harvest tags at a total cost not to exceed $325 in 2005, $375 in 2006, and $425 in 2007 and thereafter. Permits shall be issued without charge to:

(a) Illinois landowners residing in Illinois who own at least 40 acres of Illinois land and wish to hunt their land only,
(b) resident tenants of at least 40 acres of commercial agricultural land where they will hunt, and
(c) bona fide equity shareholders of a corporation, bona fide equity members of a limited liability company, or bona fide equity partners of a general or limited partnership which owns at least 40 acres of land in a county in Illinois who wish to hunt on the corporation's, company's, or partnership's land only. One permit shall be issued without charge to one bona fide equity shareholder, one bona fide equity member, or one bona fide equity partner for each 40 acres of land owned by the corporation, company, or partnership in a county; however, the number of permits issued without charge to bona fide equity shareholders of any corporation or bona fide equity members of a limited liability company in any county shall not exceed 15, and shall not exceed 3 in the case of bona fide equity partners of a partnership.

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

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

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valid on all lands owned by the corporation, limited liability company, or partnership in the county.

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

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

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

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

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

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

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

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

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

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

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

It shall be legal for handicapped persons, as defined in Section 2.33, and persons age 62 or older to utilize a crossbow device, as defined in Department rules, to take deer.

Any person who violates any of the provisions of this Section, including administrative rules, shall be guilty of a Class B misdemeanor.

(Source: P.A. 93-554, eff. 8-20-03; 93-807, eff. 7-24-04; 93-823, eff. 1-1-05; 94-10, eff. 6-7-05.)

(520 ILCS 5/2.33) (from Ch. 61, par. 2.33)
Sec. 2.33. Prohibitions.
(a) It is unlawful to carry or possess any gun in any State refuge unless otherwise permitted by administrative rule.
(b) It is unlawful to use or possess any snare or snare-like device, deadfall, net, or pit trap to take any species, except that snares not powered by springs or other mechanical devices may be used to trap fur-bearing mammals, in water sets only, if at least one-half of the snare noose is located underwater at all times.
(c) It is unlawful for any person at any time to take a wild mammal protected by this Act from its den by means of any mechanical device, spade, or digging device or to use smoke or other gases to dislodge or remove such mammal except as provided in Section 2.37.
(d) It is unlawful to use a ferret or any other small mammal which is used in the same or similar manner for which ferrets are used for the
purpose of frightening or driving any mammals from their dens or hiding places.

(e) (Blank).

(f) It is unlawful to use spears, gigs, hooks or any like device to take any species protected by this Act.

(g) It is unlawful to use poisons, chemicals or explosives for the purpose of taking any species protected by this Act.

(h) It is unlawful to hunt adjacent to or near any peat, grass, brush or other inflammable substance when it is burning.

(i) It is unlawful to take, pursue or intentionally harass or disturb in any manner any wild birds or mammals by use or aid of any vehicle or conveyance, except as permitted by the Code of Federal Regulations for the taking of waterfowl. It is also unlawful to use the lights of any vehicle or conveyance or any light from or any light connected to the vehicle or conveyance in any area where wildlife may be found except in accordance with Section 2.37 of this Act; however, nothing in this Section shall prohibit the normal use of headlamps for the purpose of driving upon a roadway. Striped skunk, opossum, red fox, gray fox, raccoon and coyote may be taken during the open season by use of a small light which is worn on the body or hand-held by a person on foot and not in any vehicle.

(j) It is unlawful to use any shotgun larger than 10 gauge while taking or attempting to take any of the species protected by this Act.

(k) It is unlawful to use or possess in the field any shotgun shell loaded with a shot size larger than lead BB or steel T (.20 diameter) when taking or attempting to take any species of wild game mammals (excluding white-tailed deer), wild game birds, migratory waterfowl or migratory game birds protected by this Act, except white-tailed deer as provided for in Section 2.26 and other species as provided for by subsection (l) or administrative rule.

(l) It is unlawful to take any species of wild game, except white-tailed deer, with a shotgun loaded with slugs unless otherwise provided for by administrative rule.

(m) It is unlawful to use any shotgun capable of holding more than 3 shells in the magazine or chamber combined, except on game breeding

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and hunting preserve areas licensed under Section 3.27 and except as permitted by the Code of Federal Regulations for the taking of waterfowl. If the shotgun is capable of holding more than 3 shells, it shall, while being used on an area other than a game breeding and shooting preserve area licensed pursuant to Section 3.27, be fitted with a one piece plug that is irremovable without dismantling the shotgun or otherwise altered to render it incapable of holding more than 3 shells in the magazine and chamber, combined.

(n) It is unlawful for any person, except persons who possess a permit to hunt from a vehicle as provided in this Section and persons otherwise permitted by law, to have or carry any gun in or on any vehicle, conveyance or aircraft, unless such gun is unloaded and enclosed in a case, except that at field trials authorized by Section 2.34 of this Act, unloaded guns or guns loaded with blank cartridges only, may be carried on horseback while not contained in a case, or to have or carry any bow or arrow device in or on any vehicle unless such bow or arrow device is unstrung or enclosed in a case, or otherwise made inoperable.

(o) It is unlawful to use any crossbow for the purpose of taking any wild birds or mammals, except as provided for in Section 2.33.

(p) It is unlawful to take game birds, migratory game birds or migratory waterfowl with a rifle, pistol, revolver or airgun.

(q) It is unlawful to fire a rifle, pistol, revolver or airgun on, over or into any waters of this State, including frozen waters.

(r) It is unlawful to discharge any gun or bow and arrow device along, upon, across, or from any public right-of-way or highway in this State.

(s) It is unlawful to use a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun.

(t) It is unlawful for any person to trap or hunt, or intentionally or wantonly allow a dog to hunt, within or upon the land of another, or upon waters flowing over or standing on the land of another, without first obtaining permission from the owner or tenant. It shall be prima facie evidence that a person does not have permission of the owner or tenant if the person is unable to demonstrate to the law enforcement officer in the
field that permission had been obtained. This provision may only be rebutted by testimony of the owner or tenant that permission had been given. Before enforcing this Section the law enforcement officer must have received notice from the owner or tenant of a violation of this Section. Statements made to the law enforcement officer regarding this notice shall not be rendered inadmissible by the hearsay rule when offered for the purpose of showing the required notice.

(u) It is unlawful for any person to discharge any firearm for the purpose of taking any of the species protected by this Act, or hunt with gun or dog, or intentionally or wantonly allow a dog to hunt, within 300 yards of an inhabited dwelling without first obtaining permission from the owner or tenant, except that while trapping, hunting with bow and arrow, hunting with dog and shotgun using shot shells only, or hunting with shotgun using shot shells only, or on licensed game breeding and hunting preserve areas, as defined in Section 3.27, on property operated under a Migratory Waterfowl Hunting Area Permit, on federally owned and managed lands and on Department owned, managed, leased or controlled lands, a 100 yard restriction shall apply.

(v) It is unlawful for any person to remove fur-bearing mammals from, or to move or disturb in any manner, the traps owned by another person without written authorization of the owner to do so.

(w) It is unlawful for any owner of a dog to knowingly or wantonly allow his or her dog to pursue, harass or kill deer, except that nothing in this Section shall prohibit the tracking of wounded deer with a dog in accordance with the provisions of Section 2.26 of this Code.

(x) It is unlawful for any person to wantonly or carelessly injure or destroy, in any manner whatsoever, any real or personal property on the land of another while engaged in hunting or trapping thereon.

(y) It is unlawful to hunt wild game protected by this Act between one half hour after sunset and one half hour before sunrise, except that hunting hours between one half hour after sunset and one half hour before sunrise may be established by administrative rule for fur-bearing mammals.
(z) It is unlawful to take any game bird (excluding wild turkeys and crippled pheasants not capable of normal flight and otherwise irretrievable) protected by this Act when not flying. Nothing in this Section shall prohibit a person from carrying an uncased, unloaded shotgun in a boat, while in pursuit of a crippled migratory waterfowl that is incapable of normal flight, for the purpose of attempting to reduce the migratory waterfowl to possession, provided that the attempt is made immediately upon downing the migratory waterfowl and is done within 400 yards of the blind from which the migratory waterfowl was downed. This exception shall apply only to migratory game birds that are not capable of normal flight. Migratory waterfowl that are crippled may be taken only with a shotgun as regulated by subsection (j) of this Section using shotgun shells as regulated in subsection (k) of this Section.

(aa) It is unlawful to use or possess any device that may be used for tree climbing or cutting, while hunting fur-bearing mammals.

(bb) It is unlawful for any person, except licensed game breeders, pursuant to Section 2.29 to import, carry into, or possess alive in this State any species of wildlife taken outside of this State, without obtaining permission to do so from the Director.

(cc) It is unlawful for any person to have in his or her possession any freshly killed species protected by this Act during the season closed for taking.

(dd) It is unlawful to take any species protected by this Act and retain it alive.

(ee) It is unlawful to possess any rifle while in the field during gun deer season except as provided in Section 2.26 and administrative rules.

(ff) It is unlawful for any person to take any species protected by this Act, except migratory waterfowl, during the gun deer hunting season in those counties open to gun deer hunting, unless he or she wears, when in the field, a cap and upper outer garment of a solid blaze orange color, with such articles of clothing displaying a minimum of 400 square inches of blaze orange material.

(gg) It is unlawful during the upland game season for any person to take upland game with a firearm unless he or she wears, while in the field,

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a cap of solid blaze orange color. For purposes of this Act, upland game is defined as Bobwhite Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern Cottontail and Swamp Rabbit.

(hh) It shall be unlawful to kill or cripple any species protected by this Act for which there is a daily bag limit without making a reasonable effort to retrieve such species and include such in the daily bag limit.

(ii) This Section shall apply only to those species protected by this Act taken within the State. Any species or any parts thereof, legally taken and transported from other states or countries, may be possessed within the State, except as provided in this Section and Sections 2.35, 2.36 and 3.21.

(jj) Nothing contained in this Section shall prohibit the use of bow and arrow, prohibit the use of a crossbow by persons age 62 or older, or prevent the Director from issuing permits to use a crossbow to handicapped persons as provided by administrative rule. As used herein, "handicapped persons" means those persons who have a permanent physical impairment due to injury or disease, congenital or acquired, which renders them so severely disabled as to be unable to use a conventional bow and arrow device. Permits will be issued only after the receipt of a physician's statement confirming the applicant is handicapped as defined above.

(kk) Nothing contained in this Section shall prohibit the Director from issuing permits to paraplegics or to other disabled persons who meet the requirements set forth in administrative rule to shoot or hunt from a vehicle as provided by that rule, provided that such is otherwise in accord with this Act.

(ll) Nothing contained in this Act shall prohibit the taking of aquatic life protected by the Fish and Aquatic Life Code or birds and mammals protected by this Act, except deer and fur-bearing mammals, from a boat not camouflaged or disguised to alter its identity or to further provide a place of concealment and not propelled by sail or mechanical power. However, only shotguns not larger than 10 gauge nor smaller than .410 bore loaded with not more than 3 shells of a shot size no larger than
lead BB or steel T (.20 diameter) may be used to take species protected by this Act.

(mm) Nothing contained in this Act shall prohibit the use of a shotgun, not larger than 10 gauge nor smaller than a 20 gauge, with a rifled barrel.

(Source: P.A. 93-807, eff. 7-24-04; 94-764, eff. 1-1-07.)

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

Approved August 21, 2007.

PUBLIC ACT 95-0330
(Senate Bill No. 0220)

AN ACT concerning school costs.

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

Section 5. The Local Planning Technical Assistance Act is amended by adding Section 46 and by changing Sections 25 and 30 as follows:

(20 ILCS 662/25)
Sec. 25. Use of technical assistance grants.
(a) Technical assistance grants may be used to write or revise a local comprehensive plan. A comprehensive plan funded under Section 15 of this Act must address, but is not limited to addressing, each of the following elements:

(1) Issues and opportunities. The purpose of this element is to state the vision of the community, identify the major trends and forces affecting the local government and its citizens, set goals and standards, and serve as a series of guiding principles and priorities to implement the vision.

(2) Land use and natural resources. The purpose of this element is to translate the vision statement into physical terms;

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provide a general pattern for the location, distribution, and characteristics of future land uses over a 20-year period; and serve as the element of the comprehensive plan upon which all other elements are based. The land use element must be in text and map form. It must include supporting studies on population, the local economy, natural resources, and an inventory of existing land uses.

(3) Transportation. The purpose of this element is to consider all relevant modes of transportation, including mass transit, air, water, rail, automobile, bicycle, and pedestrian modes of transportation; accommodate special needs; establish the framework for the acquisition, preservation, and protection of existing and future rights-of-way; and incorporate transportation performance measures.

(4) Community facilities (schools, parks, police, fire, and water and sewer). The purpose of this element is to provide community facilities; establish levels of service; ensure that facilities are provided as needed; and coordinate with other units of local government that provide the needed facilities.

(5) Telecommunications infrastructure. The purpose of this element is to coordinate telecommunications initiatives; assess short-term and long-term needs, especially regarding economic development; determine the existing telecommunications services of telecommunications providers; encourage investment in the most advanced technologies; and establish a framework for providing reasonable access to public rights-of-way.

(6) Housing. The purpose of this element is to document the present and future needs for housing within the jurisdiction of the local government, including affordable housing and special needs housing; take into account the housing needs of a larger region; identify barriers to the production of housing, including affordable housing; access the condition of the local housing stock; and develop strategies, programs, and other actions to address the needs for a range of housing options.

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(7) Economic development. The purpose of this element is to coordinate local economic development initiatives with those of the State; ensure that adequate economic development opportunities are available; identify the strategic competitive advantages of the community and the surrounding region; identify and enhance local tourism opportunities; assess the community's strengths and weaknesses with respect to attracting and retaining business and industry; and define the municipality's and county's role.

(8) Natural resources. The purpose of this element is to identify and define the natural resources in the community with respect to water, land, flora, and fauna; identify the land and water areas in relation to these resources; assess the relative importance of these areas to the needs of the resources; and identify mitigation efforts that are needed to protect these resources.

(9) Public participation. This element must include a process for engaging the community in outreach; the development of a sense of community; a consensus building process; and a public education strategy.

(10) Comprehensive plans may also include the following: natural hazards; agriculture and forest preservation; human services; community design; historic preservation; and the adoption of subplans, as needed. The decision on whether to include these elements in the comprehensive plan shall be based on the needs of the particular unit of local government.

(b) The purpose of this Section is to provide guidance on the elements of a comprehensive plan but not to mandate content.

(Source: P.A. 92-768, eff. 8-6-02.)

(20 ILCS 662/30)

Sec. 30. Consistency of land use regulations and actions with comprehensive plans.

(a) If a municipality or county is receiving assistance to write or revise a comprehensive plan, for 5 years after the effective date of the plan, land development regulations, including amendments to a zoning

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map, and any land use actions should be consistent with the new or revised comprehensive plan. "Land use actions" include preliminary or final approval of a subdivision plat, approval of a planned unit development, approval of a conditional use, granting a variance, or a decision by a unit of local government to construct a capital improvement, acquire land for community facilities, or both.

(b) Municipalities and counties that have adopted official comprehensive plans in accordance with Division 12 of Article 11 of the Illinois Municipal Code or Section 5-14001 of the Counties Code or have adopted housing plans in accordance with the Affordable Housing Planning and Appeal Act, may be eligible for additional preferences in State economic development programs, State transportation programs, State education programs, State planning programs, State natural resources programs, and State agriculture programs.

(Source: P.A. 92-768, eff. 8-6-02.)

(20 ILCS 662/46 new)

Sec. 46. Affordable housing school cost reimbursement.

(a) As used in this Section, the following terms have the following meanings:

"Affordable multifamily housing" means the preservation or creation of any homes (condominiums, apartments, townhomes, etc.) serving non-age-restricted households, as part of a plan under this Act, in structures that are not detached single-family units and that are affordable to families whose annual income is less than 80 percent of the areawide median income as determined by the United States Department of Housing and Urban Development. Affordability shall be assured for a period of not less than 30 years.

"Governor's Housing Plan" means "Building for Success: The Governor's Housing Plan" created as a result of Executive Order #2003-18.

(b) For each school year, commencing with the 2006-2007 school year, the State shall pay to each school district an affordable multifamily housing school cost reimbursement. This reimbursement must be calculated separately for each school district in an amount equal to

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$1,123 for each affordable multifamily housing unit located within the district that has at least 2 bedrooms, plus $562 per unit for each bedroom in the unit in addition to the first 2 bedrooms. No school district may receive a reimbursement under this Section for affordable multifamily housing unless the Illinois Housing Development Authority first certifies that the housing advances the preservation or live-near-work goals of the Governor's Housing Plan.

(c) All reimbursements under this Section are subject to appropriation. If appropriations are insufficient, then reimbursement must be prorated.

Approved August 21, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0331
(Senate Bill No. 0223)

AN ACT to revise the law by combining multiple enactments and making technical corrections.

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

Section 1. Nature of this Act.
(a) This Act may be cited as the First 2007 General Revisory Act.
(b) This Act is not intended to make any substantive change in the law. It reconciles conflicts that have arisen from multiple amendments and enactments and makes technical corrections and revisions in the law.

This Act revises and, where appropriate, renumbers certain Sections that have been added or amended by more than one Public Act. In certain cases in which a repealed Act or Section has been replaced with a successor law, this Act may incorporate amendments to the repealed Act or Section into the successor law. This Act also corrects errors, revises cross-references, and deletes obsolete text.

(c) In this Act, the reference at the end of each amended Section indicates the sources in the Session Laws of Illinois that were used in the

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preparation of the text of that Section. The text of the Section included in
this Act is intended to include the different versions of the Section found
in the Public Acts included in the list of sources, but may not include other
versions of the Section to be found in Public Acts not included in the list
of sources. The list of sources is not a part of the text of the Section.

(d) Public Acts 92-520 through 94-1068 were considered in the
preparation of the combining revisories included in this Act. Many of
these combining revisories contain no striking or underscoring because no
additional changes are being made in the material that is being combined.

Section 5. The Regulatory Sunset Act is amended by changing
Sections 4.17, 4.22, 4.23, 4.24, 4.26, and 4.27 as follows:

(5 ILCS 80/4.17)
Sec. 4.17. Acts repealed on January 1, 2007. The following are
repealed on January 1, 2007:
   Articles II, III, IV, V, V 1/2, VI, VIIA, VIIB, VIIC, XVII,
   The Environmental Health Practitioner Licensing Act.
   (Source: P.A. 94-754, eff. 5-10-06; 94-787, eff. 5-19-06; 94-870, eff.
   6-16-06; 94-956, eff. 6-27-06; revised 8-3-06.)
(5 ILCS 80/4.22)
Sec. 4.22. Acts Act repealed on January 1, 2012. The following
Acts are Act is repealed on January 1, 2012:
   The Detection of Deception Examiners Act.
   The Home Inspector License Act.
   The Interior Design Title Act.
   The Massage Licensing Act.
   The Professional Boxing Act.
   The Real Estate Appraiser Licensing Act of 2002.
   The Water Well and Pump Installation Contractor's License Act.
   (Source: P.A. 92-104, eff. 7-20-01; 92-180, eff. 7-1-02; 92-239, eff.
   8-3-01; 92-453, eff. 8-21-01; 92-499, eff. 1-1-02; 92-500, eff. 12-18-01;

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Sec. 4.23. Acts and Sections repealed on January 1, 2013. The following Acts and Sections of Acts are repealed on January 1, 2013:

The Dietetic and Nutrition Services Practice Act.
The Elevator Safety and Regulation Act.
The Funeral Directors and Embalmers Licensing Code.
The Naprapathic Practice Act.
The Professional Counselor and Clinical Professional Counselor Licensing Act.
Section 2.5 of the Illinois Plumbing License Law.

(Source: P.A. 92-586, eff. 6-26-02; 92-641, eff. 7-11-02; 92-642, eff. 7-11-02; 92-655, eff. 7-16-02; 92-719, eff. 7-25-02; 92-778, eff. 8-6-02; 92-873, eff. 6-1-03; revised 1-18-03.)

(5 ILCS 80/4.23)

Sec. 4.24. Acts repealed on January 1, 2014. The following Acts are repealed on January 1, 2014:

The Electrologist Licensing Act.
The Illinois Occupational Therapy Practice Act.
The Illinois Public Accounting Act.
The Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act.
The Veterinary Medicine and Surgery Practice Act of 2004.

(Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03; 93-280, eff. 7-1-04; 93-281, eff. 12-31-03; 93-438, eff. 8-5-03; 93-460, eff. 8-8-03; 93-461, eff. 8-8-03; revised 10-29-04.)

(5 ILCS 80/4.26)
Sec. 4.26. Acts Act repealed on January 1, 2016. The following Acts are Act repealed on January 1, 2016:
  The Illinois Athletic Trainers Practice Act.
  The Illinois Roofing Industry Licensing Act.
  The Illinois Dental Practice Act.
  The Collection Agency Act.
  The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985.
  The Respiratory Care Practice Act.
  The Hearing Instrument Consumer Protection Act.
  The Professional Geologist Licensing Act.
(Source: P.A. 94-246, eff. 1-1-06; 94-254, eff. 7-19-05; 94-409, eff. 12-31-05; 94-414, eff. 12-31-05; 94-451, eff. 12-31-05; 94-523, eff. 1-1-06; 94-527, eff. 12-31-05; 94-651, eff. 1-1-06; 94-708, eff. 12-5-05; revised 12-8-05.)
(5 ILCS 80/4.27)
Sec. 4.27. Acts Act repealed on January 1, 2017. The following Acts are Act repealed on January 1, 2017:
  The Clinical Psychologist Licensing Act.
  The Boiler and Pressure Vessel Repairer Regulation Act.
(Source: P.A. 94-787, eff. 5-19-06; 94-870, eff. 6-16-06; 94-956, eff. 6-27-06; revised 8-3-06.)
(5 ILCS 80/4.13 rep.)
(5 ILCS 80/4.14 rep.)
(5 ILCS 80/4.16 rep.)
(5 ILCS 80/4.19a rep.)
Section 10. The Illinois Administrative Procedure Act is amended by changing Sections 1-5, 1-20, 5-45, and 10-65 as follows:
(5 ILCS 100/1-5) (from Ch. 127, par. 1001-5)
Sec. 1-5. Applicability.

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(a) This Act applies to every agency as defined in this Act. Beginning January 1, 1978, in case of conflict between the provisions of this Act and the Act creating or conferring power on an agency, this Act shall control. If, however, an agency (or its predecessor in the case of an agency that has been consolidated or reorganized) has existing procedures on July 1, 1977, specifically for contested cases or licensing, those existing provisions control, except that this exception respecting contested cases and licensing does not apply if the Act creating or conferring power on the agency adopts by express reference the provisions of this Act. Where the Act creating or conferring power on an agency establishes administrative procedures not covered by this Act, those procedures shall remain in effect.

(b) The provisions of this Act do not apply to (i) preliminary hearings, investigations, or practices where no final determinations affecting State funding are made by the State Board of Education, (ii) legal opinions issued under Section 2-3.7 of the School Code, (iii) as to State colleges and universities, their disciplinary and grievance proceedings, academic irregularity and capricious grading proceedings, and admission standards and procedures, and (iv) the class specifications for positions and individual position descriptions prepared and maintained under the Personnel Code. Those class specifications shall, however, be made reasonably available to the public for inspection and copying. The provisions of this Act do not apply to hearings under Section 20 of the Uniform Disposition of Unclaimed Property Act.

(c) Section 5-35 of this Act relating to procedures for rulemaking does not apply to the following:

(1) Rules adopted by the Pollution Control Board that, in accordance with Section 7.2 of the Environmental Protection Act, are identical in substance to federal regulations or amendments to those regulations implementing the following: Sections 3001, 3002, 3003, 3004, 3005, and 9003 of the Solid Waste Disposal Act; Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; Sections 307(b), 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal Water Pollution

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Control Act; and Sections 1412(b), 1414(c), 1417(a), 1421, and 1445(a) of the Safe Drinking Water Act.

(2) Rules adopted by the Pollution Control Board that establish or amend standards for the emission of hydrocarbons and carbon monoxide from gasoline powered motor vehicles subject to inspection under Section 13A-105 of the Vehicle Emissions Inspection Law and rules adopted under Section 13B-20 of the Vehicle Emissions Inspection Law of 1995.

(3) Procedural rules adopted by the Pollution Control Board governing requests for exceptions under Section 14.2 of the Environmental Protection Act.

(4) The Pollution Control Board's grant, pursuant to an adjudicatory determination, of an adjusted standard for persons who can justify an adjustment consistent with subsection (a) of Section 27 of the Environmental Protection Act.

(5) Rules adopted by the Pollution Control Board that are identical in substance to the regulations adopted by the Office of the State Fire Marshal under clause (ii) of paragraph (b) of subsection (3) of Section 2 of the Gasoline Storage Act.

(d) Pay rates established under Section 8a of the Personnel Code shall be amended or repealed pursuant to the process set forth in Section 5-50 within 30 days after it becomes necessary to do so due to a conflict between the rates and the terms of a collective bargaining agreement covering the compensation of an employee subject to that Code.

(e) Section 10-45 of this Act shall not apply to any hearing, proceeding, or investigation conducted under Section 13-515 of the Public Utilities Act.

(f) Article 10 of this Act does not apply to any hearing, proceeding, or investigation conducted by the State Council for the State of Illinois created under Section 3-3-11.05 of the Unified Code of Corrections or by the Interstate Compact for Adult Offender Supervision created under the Interstate Compact for Adult Offender Supervision.

(Source: P.A. 92-571, eff. 6-26-02; revised 7-25-02.)

(5 ILCS 100/1-20) (from Ch. 127, par. 1001-20)
Sec. 1-20. "Agency" means each officer, board, commission, and agency created by the Constitution, whether in the executive, legislative, or judicial branch of State government, but other than the circuit court; each officer, department, board, commission, agency, institution, authority, university, and body politic and corporate of the State; each administrative unit or corporate outgrowth of the State government that is created by or pursuant to statute, other than units of local government and their officers, school districts, and boards of election commissioners; and each administrative unit or corporate outgrowth of the above and as may be created by executive order of the Governor. "Agency", however, does not include the following:

(1) The House of Representatives and Senate and their respective standing and service committees, including without limitation the Board of the Office of the Architect of the Capitol and the Architect of the Capitol established under the Legislative Commission Reorganization Act of 1984.

(2) The Governor.

(3) The justices and judges of the Supreme and Appellate Courts.

(4) The Legislative Ethics Commission.

(Source: P.A. 93-617, eff. 12-9-03; 93-632, eff. 2-1-04; revised 1-9-04.)

(5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

Sec. 5-45. Emergency rulemaking.

(a) "Emergency" means the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare.

(b) If any agency finds that an emergency exists that requires adoption of a rule upon fewer days than is required by Section 5-40 and states in writing its reasons for that finding, the agency may adopt an emergency rule without prior notice or hearing upon filing a notice of emergency rulemaking with the Secretary of State under Section 5-70. The notice shall include the text of the emergency rule and shall be published in the Illinois Register. Consent orders or other court orders adopting settlements negotiated by an agency may be adopted under this Section.

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Subject to applicable constitutional or statutory provisions, an emergency rule becomes effective immediately upon filing under Section 5-65 or at a stated date less than 10 days thereafter. The agency's finding and a statement of the specific reasons for the finding shall be filed with the rule. The agency shall take reasonable and appropriate measures to make emergency rules known to the persons who may be affected by them.

(c) An emergency rule may be effective for a period of not longer than 150 days, but the agency's authority to adopt an identical rule under Section 5-40 is not precluded. No emergency rule may be adopted more than once in any 24 month period, except that this limitation on the number of emergency rules that may be adopted in a 24 month period does not apply to (i) emergency rules that make additions to and deletions from the Drug Manual under Section 5-5.16 of the Illinois Public Aid Code or the generic drug formulary under Section 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii) emergency rules adopted by the Pollution Control Board before July 1, 1997 to implement portions of the Livestock Management Facilities Act, or (iii) emergency rules adopted by the Illinois Department of Public Health under subsections (a) through (i) of Section 2 of the Department of Public Health Act when necessary to protect the public's health. Two or more emergency rules having substantially the same purpose and effect shall be deemed to be a single rule for purposes of this Section.

(d) In order to provide for the expeditious and timely implementation of the State's fiscal year 1999 budget, emergency rules to implement any provision of Public Act 90-587 or 90-588 or any other budget initiative for fiscal year 1999 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (d). The adoption of emergency rules authorized by this subsection (d) shall be deemed to be necessary for the public interest, safety, and welfare.

(e) In order to provide for the expeditious and timely implementation of the State's fiscal year 2000 budget, emergency rules to
implement any provision of this amendatory Act of the 91st General Assembly or any other budget initiative for fiscal year 2000 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (e). The adoption of emergency rules authorized by this subsection (e) shall be deemed to be necessary for the public interest, safety, and welfare.

(f) In order to provide for the expeditious and timely implementation of the State's fiscal year 2001 budget, emergency rules to implement any provision of this amendatory Act of the 91st General Assembly or any other budget initiative for fiscal year 2001 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (f). The adoption of emergency rules authorized by this subsection (f) shall be deemed to be necessary for the public interest, safety, and welfare.

(g) In order to provide for the expeditious and timely implementation of the State's fiscal year 2002 budget, emergency rules to implement any provision of this amendatory Act of the 92nd General Assembly or any other budget initiative for fiscal year 2002 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (g). The adoption of emergency rules authorized by this subsection (g) shall be deemed to be necessary for the public interest, safety, and welfare.

(h) In order to provide for the expeditious and timely implementation of the State's fiscal year 2003 budget, emergency rules to implement any provision of this amendatory Act of the 92nd General Assembly or any other budget initiative for fiscal year 2003 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (h). The adoption of emergency rules authorized by this subsection (h) shall be deemed to be necessary for the public interest, safety, and welfare.
Assembly or any other budget initiative for fiscal year 2003 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (h). The adoption of emergency rules authorized by this subsection (h) shall be deemed to be necessary for the public interest, safety, and welfare.

(i) In order to provide for the expeditious and timely implementation of the State's fiscal year 2004 budget, emergency rules to implement any provision of this amendatory Act of the 93rd General Assembly or any other budget initiative for fiscal year 2004 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (i). The adoption of emergency rules authorized by this subsection (i) shall be deemed to be necessary for the public interest, safety, and welfare.

(j) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2005 budget as provided under the Fiscal Year 2005 Budget Implementation (Human Services) Act, emergency rules to implement any provision of the Fiscal Year 2005 Budget Implementation (Human Services) Act may be adopted in accordance with this Section by the agency charged with administering that provision, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (j). The Department of Public Aid may also adopt rules under this subsection (j) necessary to administer the Illinois Public Aid Code and the Children's Health Insurance Program Act. The adoption of emergency rules authorized by this subsection (j) shall be deemed to be necessary for the public interest, safety, and welfare.

(k) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2006 budget,
emergency rules to implement any provision of this amendatory Act of the 94th General Assembly or any other budget initiative for fiscal year 2006 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (k). The Department of Healthcare and Family Services may also adopt rules under this subsection (k) necessary to administer the Illinois Public Aid Code, the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, the Senior Citizens and Disabled Persons Prescription Drug Discount Program Act (now the Illinois Prescription Drug Discount Program Act), and the Children's Health Insurance Program Act. The adoption of emergency rules authorized by this subsection (k) shall be deemed to be necessary for the public interest, safety, and welfare.

(l) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2007 budget, the Department of Healthcare and Family Services may adopt emergency rules during fiscal year 2007, including rules effective July 1, 2007, in accordance with this subsection to the extent necessary to administer the Department's responsibilities with respect to amendments to the State plans and Illinois waivers approved by the federal Centers for Medicare and Medicaid Services necessitated by the requirements of Title XIX and Title XXI of the federal Social Security Act. The adoption of emergency rules authorized by this subsection (l) shall be deemed to be necessary for the public interest, safety, and welfare.

(Source: P.A. 93-20, eff. 6-20-03; 93-829, eff. 7-28-04; 93-841, eff. 7-30-04; 94-48, eff. 7-1-05; 94-838, eff. 6-6-06; revised 10-19-06.)

(5 ILCS 100/10-65) (from Ch. 127, par. 1010-65)
Sec. 10-65. Licenses.

(a) When any licensing is required by law to be preceded by notice and an opportunity for a hearing, the provisions of this Act concerning contested cases shall apply.

New matter indicated by italics - deletions by strikeout
(b) When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect until the final agency decision on the application has been made unless a later date is fixed by order of a reviewing court.

(c) Except as provided in Section 1-27 of the Department of Natural Resources Act, an application for the renewal of a license or a new license shall include the applicant's social security number. Each agency shall require the licensee to certify on the application form, under penalty of perjury, that he or she is not more than 30 days delinquent in complying with a child support order. Every application shall state that failure to so certify shall result in disciplinary action, and that making a false statement may subject the licensee to contempt of court. The agency shall notify each applicant or licensee who acknowledges a delinquency or who, contrary to his or her certification, is found to be delinquent or who after receiving notice, fails to comply with a subpoena or warrant relating to a paternity or a child support proceeding, that the agency intends to take disciplinary action. Accordingly, the agency shall provide written notice of the facts or conduct upon which the agency will rely to support its proposed action and the applicant or licensee shall be given an opportunity for a hearing in accordance with the provisions of the Act concerning contested cases. Any delinquency in complying with a child support order can be remedied by arranging for payment of past due and current support. Any failure to comply with a subpoena or warrant relating to a paternity or child support proceeding can be remedied by complying with the subpoena or warrant. Upon a final finding of delinquency or failure to comply with a subpoena or warrant, the agency shall suspend, revoke, or refuse to issue or renew the license. In cases in which the Department of Healthcare and Family Services (formerly Department of Public Aid) has previously determined that an applicant or a licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the licensing agency, and in cases in which a court has previously determined that an applicant or licensee has been in violation of the Non-Support Punishment Act for more than 60 days, the licensing agency

New matter indicated by italics - deletions by strikeout
shall refuse to issue or renew or shall revoke or suspend that person's license based solely upon the certification of delinquency made by the Department of Healthcare and Family Services (formerly Department of Public Aid) or the certification of violation made by the court. Further process, hearings, or redetermination of the delinquency or violation by the licensing agency shall not be required. The licensing agency may issue or renew a license if the licensee has arranged for payment of past and current child support obligations in a manner satisfactory to the Department of Healthcare and Family Services (formerly Department of Public Aid) or the court. The licensing agency may impose conditions, restrictions, or disciplinary action upon that license.

(d) Except as provided in subsection (c), no agency shall revoke, suspend, annul, withdraw, amend materially, or refuse to renew any valid license without first giving written notice to the licensee of the facts or conduct upon which the agency will rely to support its proposed action and an opportunity for a hearing in accordance with the provisions of this Act concerning contested cases. At the hearing, the licensee shall have the right to show compliance with all lawful requirements for the retention, continuation, or renewal of the license. If, however, the agency finds that the public interest, safety, or welfare imperatively requires emergency action, and if the agency incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. Those proceedings shall be promptly instituted and determined.

(e) Any application for renewal of a license that contains required and relevant information, data, material, or circumstances that were not contained in an application for the existing license shall be subject to the provisions of subsection (a).

(Source: P.A. 94-40, eff. 1-1-06; revised 12-15-05.)

Section 15. The Freedom of Information Act is amended by changing Sections 7 and 7.1 as follows:

(5 ILCS 140/7) (from Ch. 116, par. 207)
Sec. 7. Exemptions.
(1) The following shall be exempt from inspection and copying:

New matter indicated by italics - deletions by strikeout
(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations adopted under federal or State law.

(b) Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. Information exempted under this subsection (b) shall include but is not limited to:

   (i) files and personal information maintained with respect to clients, patients, residents, students or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from federal agencies or public bodies;

   (ii) personnel files and personal information maintained with respect to employees, appointees or elected officials of any public body or applicants for those positions;

   (iii) files and personal information maintained with respect to any applicant, registrant or licensee by any public body cooperating with or engaged in professional or occupational registration, licensure or discipline;

   (iv) information required of any taxpayer in connection with the assessment or collection of any tax unless disclosure is otherwise required by State statute;

   (v) information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies; provided, however, that identification of witnesses to traffic accidents, traffic accident reports, and rescue reports may be provided by agencies of local government, except in a case for which a criminal
investigation is ongoing, without constituting a clearly unwarranted per se invasion of personal privacy under this subsection; and

(vi) the names, addresses, or other personal information of participants and registrants in park district, forest preserve district, and conservation district programs.

(c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;

(ii) interfere with pending administrative enforcement proceedings conducted by any public body;

(iii) deprive a person of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source or confidential information furnished only by the confidential source;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct;

(vi) constitute an invasion of personal privacy under subsection (b) of this Section;

(vii) endanger the life or physical safety of law enforcement personnel or any other person; or

(viii) obstruct an ongoing criminal investigation.

(d) Criminal history record information maintained by State or local criminal justice agencies, except the following which shall be open for public inspection and copying:

New matter indicated by italics - deletions by strikeout
(i) chronologically maintained arrest information, such as traditional arrest logs or blotters;
(ii) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;
(iii) court records that are public;
(iv) records that are otherwise available under State or local law; or
(v) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of this Section.

"Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

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

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

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

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

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

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

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

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

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

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

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

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

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

(o) Information received by a primary or secondary school, college or university under its procedures for the evaluation of faculty members by their academic peers.
(p) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

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

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

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

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

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

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

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

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

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

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

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

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

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

New matter indicated by italics - deletions by strikeout
(dd) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

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

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

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

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

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

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

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

(ll) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the

New matter indicated by italics - deletions by strikeout
measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

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

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

(oo) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

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

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

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

(Source: P.A. 93-43, eff. 7-1-03; 93-209, eff. 7-18-03; 93-237, eff. 7-22-03; 93-325, eff. 7-23-03, 93-422, eff. 8-5-03; 93-577, eff. 8-21-03; 93-617, eff. 12-9-03; 94-280, eff. 1-1-06; 94-508, eff. 1-1-06; 94-664, eff. 1-1-06; 94-931, eff. 6-26-06; 94-953, eff. 6-27-06; 94-1055, eff. 1-1-07; revised 8-3-06.)

(5 ILCS 140/7.1) (from Ch. 116, par. 207.1)

New matter indicated by italics - deletions by strikeout
Sec. 7.1. Nothing in this Act shall be construed to prohibit publication and dissemination by the Department of Healthcare and Family Services or the Department of Human Services of the names and addresses of entities which have had receipt of benefits or payments under the Illinois Public Aid Code suspended or terminated or future receipt barred, pursuant to Section 11-26 of that Code.
(Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

Section 20. The State Records Act is amended by changing Section 7 as follows:

(5 ILCS 160/7) (from Ch. 116, par. 43.10)
Sec. 7. Powers and duties of the Secretary:

(1) The Secretary, whenever it appears to him to be in the public interest, may accept for deposit in the State Archives the records of any agency or of the Legislative or Judicial branches of the State government that are determined by him to have sufficient historical or other value to warrant the permanent preservation of such records by the State of Illinois.

(2) The Secretary may accept for deposit in the State Archives official papers, photographs, microfilm, electronic and digital records, drawings, maps, writings, and records of every description of counties, municipal corporations, political subdivisions and courts of this State, and records of the federal government pertaining to Illinois, when such materials are deemed by the Secretary to have sufficient historical or other value to warrant their continued preservation by the State of Illinois.

(3) The Secretary, whenever he deems it in the public interest, may accept for deposit in the State Archives motion picture films, still pictures, and sound recordings that are appropriate for preservation by the State government as evidence of its organization, functions and policies.

(4) The Secretary shall be responsible for the custody, use, servicing and withdrawal of records transferred for deposit in the State Archives. The Secretary shall observe any rights, limitations, or restrictions imposed by law relating to the use of records, including the provisions of the Mental Health and Developmental Disabilities Confidentiality Act which limit access to certain records or which permit
access to certain records only after the removal of all personally identifiable data. Access to restricted records shall be at the direction of the depositing State agency or, in the case of records deposited by the legislative or judicial branches of State government at the direction of the branch which deposited them, but no limitation on access to such records shall extend more than 75 years after the creation of the records, except as provided in the Mental Health and Developmental Disabilities Confidentiality Act. The Secretary shall not impose restrictions on the use of records that are defined by law as public records or as records open to public inspection.

(5) The Secretary shall make provision for the preservation, arrangement, repair, and rehabilitation, duplication and reproduction, description, and exhibition of records deposited in the State Archives as may be needed or appropriate.

(6) The Secretary shall make or reproduce and furnish upon demand authenticated or unauthenticated copies of any of the documents, photographic material or other records deposited in the State Archives, the public examination of which is not prohibited by statutory limitations or restrictions or protected by copyright. The Secretary shall charge a fee therefor in accordance with the schedule of fees in Section 5.5 of the Secretary of State Act 10 of "An Act concerning fees and salaries, and to classify the several counties of this state with reference thereto," approved March 29, 1872, as amended, except that there shall be no charge for making or authentication of such copies or reproductions furnished to any department or agency of the State for official use. When any such copy or reproduction is authenticated by the Great Seal of the State of Illinois and is certified by the Secretary, or in his name by his authorized representative, such copy or reproduction shall be admitted in evidence as if it were the original.

(7) Any official of the State of Illinois may turn over to the Secretary of State, with his consent, for permanent preservation in the State Archives, any official books, records, documents, original papers, or files, not in current use in his office, taking a receipt therefor.

(8) (Blank).

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(9) The Secretary may cooperate with the Illinois State Genealogical Society, or its successor organization, for the mutual benefit of the Society and the Illinois State Archives, with the State Archives furnishing necessary space for the society to carry on its functions and keep its records, to receive publications of the Illinois State Genealogical Society, to use members of the Illinois State Genealogical Society as volunteers in various archival projects and to store the Illinois State Genealogical Society's film collections.

(Source: P.A. 92-866, eff. 1-3-03; revised 1-20-03.)

Section 25. The Intergovernmental Cooperation Act is amended by changing Section 3 as follows:

(5 ILCS 220/3) (from Ch. 127, par. 743)

Sec. 3. Intergovernmental cooperation. Any power or powers, privileges, functions, or authority exercised or which may be exercised by a public agency of this State may be exercised, combined, transferred, and enjoyed jointly with any other public agency of this State and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States do not prohibit joint exercise or enjoyment and except where specifically and expressly prohibited by law. This includes, but is not limited to, (i) arrangements between the Illinois Student Assistance Commission and agencies in other states which issue professional licenses and (ii) agreements between the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) and public agencies for the establishment and enforcement of child support orders and for the exchange of information that may be necessary for the enforcement of those child support orders.

(Source: P.A. 90-18, eff. 7-1-97; 91-298, eff. 7-29-99; revised 12-15-05.)

Section 30. The Illinois Public Labor Relations Act is amended by changing Sections 3, 9, and 15 as follows:

(5 ILCS 315/3) (from Ch. 48, par. 1603)

Sec. 3. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Board" means the Illinois Labor Relations Board or, with respect to a matter over which the jurisdiction of the Board is assigned to
the State Panel or the Local Panel under Section 5, the panel having jurisdiction over the matter.

(b) "Collective bargaining" means bargaining over terms and conditions of employment, including hours, wages, and other conditions of employment, as detailed in Section 7 and which are not excluded by Section 4.

(c) "Confidential employee" means an employee who, in the regular course of his or her duties, assists and acts in a confidential capacity to persons who formulate, determine, and effectuate management policies with regard to labor relations or who, in the regular course of his or her duties, has authorized access to information relating to the effectuation or review of the employer's collective bargaining policies.

(d) "Craft employees" means skilled journeymen, crafts persons, and their apprentices and helpers.

(e) "Essential services employees" means those public employees performing functions so essential that the interruption or termination of the function will constitute a clear and present danger to the health and safety of the persons in the affected community.

(f) "Exclusive representative", except with respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, means the labor organization that has been (i) designated by the Board as the representative of a majority of public employees in an appropriate bargaining unit in accordance with the procedures contained in this Act, (ii) historically recognized by the State of Illinois or any political subdivision of the State before July 1, 1984 (the effective date of this Act) as the exclusive representative of the employees in an appropriate bargaining unit, (iii) after July 1, 1984 (the effective date of this Act) recognized by an employer upon evidence, acceptable to the Board, that the labor organization has been designated as the exclusive representative by a majority of the employees in an appropriate bargaining unit; (iv) recognized as the exclusive representative of personal care attendants or personal assistants under Executive Order 2003-8 prior to the effective date of this amendatory Act of the 93rd General Assembly, and the

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organization shall be considered to be the exclusive representative of the personal care attendants or personal assistants as defined in this Section; or (v) recognized as the exclusive representative of child and day care home providers, including licensed and license exempt providers, pursuant to an election held under Executive Order 2005-1 prior to the effective date of this amendatory Act of the 94th General Assembly, and the organization shall be considered to be the exclusive representative of the child and day care home providers as defined in this Section.

With respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, "exclusive representative" means the labor organization that has been (i) designated by the Board as the representative of a majority of peace officers or fire fighters in an appropriate bargaining unit in accordance with the procedures contained in this Act, (ii) historically recognized by the State of Illinois or any political subdivision of the State before January 1, 1986 (the effective date of this amendatory Act of 1985) as the exclusive representative by a majority of the peace officers or fire fighters in an appropriate bargaining unit, or (iii) after January 1, 1986 (the effective date of this amendatory Act of 1985) recognized by an employer upon evidence, acceptable to the Board, that the labor organization has been designated as the exclusive representative by a majority of the peace officers or fire fighters in an appropriate bargaining unit.

(g) "Fair share agreement" means an agreement between the employer and an employee organization under which all or any of the employees in a collective bargaining unit are required to pay their proportionate share of the costs of the collective bargaining process, contract administration, and pursuing matters affecting wages, hours, and other conditions of employment, but not to exceed the amount of dues uniformly required of members. The amount certified by the exclusive representative shall not include any fees for contributions related to the election or support of any candidate for political office. Nothing in this subsection (g) shall preclude an employee from making voluntary political contributions in conjunction with his or her fair share payment.
(g-1) "Fire fighter" means, for the purposes of this Act only, any person who has been or is hereafter appointed to a fire department or fire protection district or employed by a state university and sworn or commissioned to perform fire fighter duties or paramedic duties, except that the following persons are not included: part-time fire fighters, auxiliary, reserve or voluntary fire fighters, including paid on-call fire fighters, clerks and dispatchers or other civilian employees of a fire department or fire protection district who are not routinely expected to perform fire fighter duties, or elected officials.

(g-2) "General Assembly of the State of Illinois" means the legislative branch of the government of the State of Illinois, as provided for under Article IV of the Constitution of the State of Illinois, and includes but is not limited to the House of Representatives, the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, the Joint Committee on Legislative Support Services and any legislative support services agency listed in the Legislative Commission Reorganization Act of 1984.

(h) "Governing body" means, in the case of the State, the State Panel of the Illinois Labor Relations Board, the Director of the Department of Central Management Services, and the Director of the Department of Labor; the county board in the case of a county; the corporate authorities in the case of a municipality; and the appropriate body authorized to provide for expenditures of its funds in the case of any other unit of government.

(i) "Labor organization" means any organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with a public employer concerning wages, hours, and other terms and conditions of employment, including the settlement of grievances.

(j) "Managerial employee" means an individual who is engaged predominantly in executive and management functions and is charged with the responsibility of directing the effectuation of management policies and practices.

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(k) "Peace officer" means, for the purposes of this Act only, any persons who have been or are hereafter appointed to a police force, department, or agency and sworn or commissioned to perform police duties, except that the following persons are not included: part-time police officers, special police officers, auxiliary police as defined by Section 3.1-30-20 of the Illinois Municipal Code, night watchmen, "merchant police", court security officers as defined by Section 3-6012.1 of the Counties Code, temporary employees, traffic guards or wardens, civilian parking meter and parking facilities personnel or other individuals specially appointed to aid or direct traffic at or near schools or public functions or to aid in civil defense or disaster, parking enforcement employees who are not commissioned as peace officers and who are not armed and who are not routinely expected to effect arrests, parking lot attendants, clerks and dispatchers or other civilian employees of a police department who are not routinely expected to effect arrests, or elected officials.

(l) "Person" includes one or more individuals, labor organizations, public employees, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, or the State of Illinois or any political subdivision of the State or governing body, but does not include the General Assembly of the State of Illinois or any individual employed by the General Assembly of the State of Illinois.

(m) "Professional employee" means any employee engaged in work predominantly intellectual and varied in character rather than routine mental, manual, mechanical or physical work; involving the consistent exercise of discretion and adjustment in its performance; of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from apprenticeship or from training in the performance of routine mental, manual, or physical processes; or any employee who has completed the courses of specialized intellectual

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instruction and study prescribed in this subsection (m) and is performing related work under the supervision of a professional person to qualify to become a professional employee as defined in this subsection (m).

(n) "Public employee" or "employee", for the purposes of this Act, means any individual employed by a public employer, including (i) interns and residents at public hospitals, (ii) as of the effective date of this amendatory Act of the 93rd General Assembly, but not before, personal care attendants and personal assistants working under the Home Services Program under Section 3 of the Disabled Persons Rehabilitation Act, subject to the limitations set forth in this Act and in the Disabled Persons Rehabilitation Act, and (iii) as of the effective date of this amendatory Act of the 94th General Assembly, but not before, child and day care home providers participating in the child care assistance program under Section 9A-11 of the Illinois Public Aid Code, subject to the limitations set forth in this Act and in Section 9A-11 of the Illinois Public Aid Code, but excluding all of the following: employees of the General Assembly of the State of Illinois; elected officials; executive heads of a department; members of boards or commissions; the Executive Inspectors General; any special Executive Inspectors General; employees of each Office of an Executive Inspector General; commissioners and employees of the Executive Ethics Commission; the Auditor General's Inspector General; employees of the Office of the Auditor General's Inspector General; the Legislative Inspector General; any special Legislative Inspectors General; employees of the Office of the Legislative Inspector General; commissioners and employees of the Legislative Ethics Commission; employees of any agency, board or commission created by this Act; employees appointed to State positions of a temporary or emergency nature; all employees of school districts and higher education institutions except firefighters and peace officers employed by a state university; managerial employees; short-term employees; confidential employees; independent contractors; and supervisors except as provided in this Act.

Personal care attendants and personal assistants shall not be considered public employees for any purposes not specifically provided for in the amendatory Act of the 93rd General Assembly, including but not
limited to, purposes of vicarious liability in tort and purposes of statutory
retirement or health insurance benefits. Personal care attendants and
personal assistants shall not be covered by the State Employees Group
Insurance Act of 1971 (5 ILCS 375/).

Child and day care home providers shall not be considered public
employees for any purposes not specifically provided for in this
amendatory Act of the 94th General Assembly, including but not limited
to, purposes of vicarious liability in tort and purposes of statutory
retirement or health insurance benefits. Child and day care home providers
shall not be covered by the State Employees Group Insurance Act of 1971.

Notwithstanding Section 9, subsection (c), or any other provisions
of this Act, all peace officers above the rank of captain in municipalities
with more than 1,000,000 inhabitants shall be excluded from this Act.

(o) Except as otherwise in subsection (o-5), "public employer" or
"employer" means the State of Illinois; any political subdivision of the
State, unit of local government or school district; authorities including
departments, divisions, bureaus, boards, commissions, or other agencies of
the foregoing entities; and any person acting within the scope of his or her
authority, express or implied, on behalf of those entities in dealing with its
employees. As of the effective date of the amendatory Act of the 93rd
General Assembly, but not before, the State of Illinois shall be considered
the employer of the personal care attendants and personal assistants
working under the Home Services Program under Section 3 of the
Disabled Persons Rehabilitation Act, subject to the limitations set forth in
this Act and in the Disabled Persons Rehabilitation Act. The State shall
not be considered to be the employer of personal care attendants and
personal assistants for any purposes not specifically provided for in this
amendatory Act of the 93rd General Assembly, including but not limited
to, purposes of vicarious liability in tort and purposes of statutory
retirement or health insurance benefits. Personal care attendants and
personal assistants shall not be covered by the State Employees Group
Insurance Act of 1971 (5 ILCS 375/). As of the effective date of this
amendatory Act of the 94th General Assembly but not before, the State of
Illinois shall be considered the employer of the day and child care home

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providers participating in the child care assistance program under Section 9A-11 of the Illinois Public Aid Code, subject to the limitations set forth in this Act and in Section 9A-11 of the Illinois Public Aid Code. The State shall not be considered to be the employer of child and day care home providers for any purposes not specifically provided for in this amendatory Act of the 94th General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Child and day care home providers shall not be covered by the State Employees Group Insurance Act of 1971.

"Public employer" or "employer" as used in this Act, however, does not mean and shall not include the General Assembly of the State of Illinois, the Executive Ethics Commission, the Offices of the Executive Inspectors General, the Legislative Ethics Commission, the Office of the Legislative Inspector General, the Office of the Auditor General's Inspector General, and educational employers or employers as defined in the Illinois Educational Labor Relations Act, except with respect to a state university in its employment of firefighters and peace officers. County boards and county sheriffs shall be designated as joint or co-employers of county peace officers appointed under the authority of a county sheriff. Nothing in this subsection (o) shall be construed to prevent the State Panel or the Local Panel from determining that employers are joint or co-employers.

(o-5) With respect to wages, fringe benefits, hours, holidays, vacations, proficiency examinations, sick leave, and other conditions of employment, the public employer of public employees who are court reporters, as defined in the Court Reporters Act, shall be determined as follows:

(1) For court reporters employed by the Cook County Judicial Circuit, the chief judge of the Cook County Circuit Court is the public employer and employer representative.

(2) For court reporters employed by the 12th, 18th, 19th, and, on and after December 4, 2006, the 22nd judicial circuits, a group consisting of the chief judges of those circuits, acting jointly
by majority vote, is the public employer and employer representative.

(3) For court reporters employed by all other judicial circuits, a group consisting of the chief judges of those circuits, acting jointly by majority vote, is the public employer and employer representative.

(p) "Security employee" means an employee who is responsible for the supervision and control of inmates at correctional facilities. The term also includes other non-security employees in bargaining units having the majority of employees being responsible for the supervision and control of inmates at correctional facilities.

(q) "Short-term employee" means an employee who is employed for less than 2 consecutive calendar quarters during a calendar year and who does not have a reasonable assurance that he or she will be rehired by the same employer for the same service in a subsequent calendar year.

(r) "Supervisor" is an employee whose principal work is substantially different from that of his or her subordinates and who has authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, direct, reward, or discipline employees, to adjust their grievances, or to effectively recommend any of those actions, if the exercise of that authority is not of a merely routine or clerical nature, but requires the consistent use of independent judgment. Except with respect to police employment, the term "supervisor" includes only those individuals who devote a preponderance of their employment time to exercising that authority, State supervisors notwithstanding. In addition, in determining supervisory status in police employment, rank shall not be determinative. The Board shall consider, as evidence of bargaining unit inclusion or exclusion, the common law enforcement policies and relationships between police officer ranks and certification under applicable civil service law, ordinances, personnel codes, or Division 2.1 of Article 10 of the Illinois Municipal Code, but these factors shall not be the sole or predominant factors considered by the Board in determining police supervisory status.

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Notwithstanding the provisions of the preceding paragraph, in determining supervisory status in fire fighter employment, no fire fighter shall be excluded as a supervisor who has established representation rights under Section 9 of this Act. Further, in new fire fighter units, employees shall consist of fire fighters of the rank of company officer and below. If a company officer otherwise qualifies as a supervisor under the preceding paragraph, however, he or she shall not be included in the fire fighter unit. If there is no rank between that of chief and the highest company officer, the employer may designate a position on each shift as a Shift Commander, and the persons occupying those positions shall be supervisors. All other ranks above that of company officer shall be supervisors.

(s) (1) "Unit" means a class of jobs or positions that are held by employees whose collective interests may suitably be represented by a labor organization for collective bargaining. Except with respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, a bargaining unit determined by the Board shall not include both employees and supervisors, or supervisors only, except as provided in paragraph (2) of this subsection (s) and except for bargaining units in existence on July 1, 1984 (the effective date of this Act). With respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, a bargaining unit determined by the Board shall not include both supervisors and nonsupervisors, or supervisors only, except as provided in paragraph (2) of this subsection (s) and except for bargaining units in existence on January 1, 1986 (the effective date of this amendatory Act of 1985). A bargaining unit determined by the Board to contain peace officers shall contain no employees other than peace officers unless otherwise agreed to by the employer and the labor organization or labor organizations involved. Notwithstanding any other provision of this Act, a bargaining unit,

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including a historical bargaining unit, containing sworn peace officers of the Department of Natural Resources (formerly designated the Department of Conservation) shall contain no employees other than such sworn peace officers upon the effective date of this amendatory Act of 1990 or upon the expiration date of any collective bargaining agreement in effect upon the effective date of this amendatory Act of 1990 covering both such sworn peace officers and other employees.

(2) Notwithstanding the exclusion of supervisors from bargaining units as provided in paragraph (1) of this subsection (s), a public employer may agree to permit its supervisory employees to form bargaining units and may bargain with those units. This Act shall apply if the public employer chooses to bargain under this subsection.

(3) Public employees who are court reporters, as defined in the Court Reporters Act, shall be divided into 3 units for collective bargaining purposes. One unit shall be court reporters employed by the Cook County Judicial Circuit; one unit shall be court reporters employed by the 12th, 18th, 19th, and, on and after December 4, 2006, the 22nd judicial circuits; and one unit shall be court reporters employed by all other judicial circuits.

(Source: P.A. 93-204, eff. 7-16-03; 93-617, eff. 12-9-03; 94-98, eff. 7-1-05; 94-320, eff. 1-1-06; revised 8-19-05.)
(5 ILCS 315/9) (from Ch. 48, par. 1609)
Sec. 9. Elections; recognition.
(a) Whenever in accordance with such regulations as may be prescribed by the Board a petition has been filed:

(1) by a public employee or group of public employees or any labor organization acting in their behalf demonstrating that 30% of the public employees in an appropriate unit (A) wish to be represented for the purposes of collective bargaining by a labor organization as exclusive representative, or (B) asserting that the labor organization which has been certified or is currently recognized by the public employer as bargaining representative is
no longer the representative of the majority of public employees in
the unit; or

(2) by a public employer alleging that one or more labor
organizations have presented to it a claim that they be recognized
as the representative of a majority of the public employees in an
appropriate unit.

the Board shall investigate such petition, and if it has reasonable cause to
believe that a question of representation exists, shall provide for an
appropriate hearing upon due notice. Such hearing shall be held at the
offices of the Board or such other location as the Board deems appropriate.
If it finds upon the record of the hearing that a question of representation
exists, it shall direct an election in accordance with subsection (d) of this
Section, which election shall be held not later than 120 days after the date
the petition was filed regardless of whether that petition was filed before
or after the effective date of this amendatory Act of 1987; provided,
however, the Board may extend the time for holding an election by an
additional 60 days if, upon motion by a person who has filed a petition
under this Section or is the subject of a petition filed under this Section
and is a party to such hearing, or upon the Board's own motion, the Board
finds that good cause has been shown for extending the election date;
provided further, that nothing in this Section shall prohibit the Board, in its
discretion, from extending the time for holding an election for so long as
may be necessary under the circumstances, where the purpose for such
extension is to permit resolution by the Board of an unfair labor practice
charge filed by one of the parties to a representational proceeding against
the other based upon conduct which may either affect the existence of a
question concerning representation or have a tendency to interfere with a
fair and free election, where the party filing the charge has not filed a
request to proceed with the election; and provided further that prior to the
expiration of the total time allotted for holding an election, a person who
has filed a petition under this Section or is the subject of a petition filed
under this Section and is a party to such hearing or the Board, may move
for and obtain the entry of an order in the circuit court of the county in
which the majority of the public employees sought to be represented by

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such person reside, such order extending the date upon which the election
shall be held. Such order shall be issued by the circuit court only upon a
judicial finding that there has been a sufficient showing that there is good
cause to extend the election date beyond such period and shall require the
Board to hold the election as soon as is feasible given the totality of the
circumstances. Such 120 day period may be extended one or more times
by the agreement of all parties to the hearing to a date certain without the
necessity of obtaining a court order. Nothing in this Section prohibits the
waiving of hearings by stipulation for the purpose of a consent election in
conformity with the rules and regulations of the Board or an election in a
unit agreed upon by the parties. Other interested employee organizations
may intervene in the proceedings in the manner and within the time period
specified by rules and regulations of the Board. Interested parties who are
necessary to the proceedings may also intervene in the proceedings in the
manner and within the time period specified by the rules and regulations of
the Board.

(a-5) The Board shall designate an exclusive representative for
purposes of collective bargaining when the representative demonstrates a
showing of majority interest by employees in the unit. If the parties to a
dispute are without agreement on the means to ascertain the choice, if any,
of employee organization as their representative, the Board shall ascertain
the employees' choice of employee organization, on the basis of dues
deduction authorization and other evidence, or, if necessary, by conducting
an election. If either party provides to the Board, before the designation of
a representative, clear and convincing evidence that the dues deduction
authorizations, and other evidence upon which the Board would otherwise
rely to ascertain the employees' choice of representative, are fraudulent or
were obtained through coercion, the Board shall promptly thereafter
conduct an election. The Board shall also investigate and consider a party's
allegations that the dues deduction authorizations and other evidence
submitted in support of a designation of representative without an election
were subsequently changed, altered, withdrawn, or withheld as a result of
employer fraud, coercion, or any other unfair labor practice by the
employer. If the Board determines that a labor organization would have

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had a majority interest but for an employer's fraud, coercion, or unfair labor practice, it shall designate the labor organization as an exclusive representative without conducting an election.

(b) The Board shall decide in each case, in order to assure public employees the fullest freedom in exercising the rights guaranteed by this Act, a unit appropriate for the purpose of collective bargaining, based upon but not limited to such factors as: historical pattern of recognition; community of interest including employee skills and functions; degree of functional integration; interchangeability and contact among employees; fragmentation of employee groups; common supervision, wages, hours and other working conditions of the employees involved; and the desires of the employees. For purposes of this subsection, fragmentation shall not be the sole or predominant factor used by the Board in determining an appropriate bargaining unit. Except with respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers and peace officers in the State Department of State Police, a single bargaining unit determined by the Board may not include both supervisors and nonsupervisors, except for bargaining units in existence on the effective date of this Act. With respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers and peace officers in the State Department of State Police, a single bargaining unit determined by the Board may not include both supervisors and nonsupervisors, except for bargaining units in existence on the effective date of this amendatory Act of 1985.

In cases involving an historical pattern of recognition, and in cases where the employer has recognized the union as the sole and exclusive bargaining agent for a specified existing unit, the Board shall find the employees in the unit then represented by the union pursuant to the recognition to be the appropriate unit.

Notwithstanding the above factors, where the majority of public employees of a craft so decide, the Board shall designate such craft as a unit appropriate for the purposes of collective bargaining.
The Board shall not decide that any unit is appropriate if such unit includes both professional and nonprofessional employees, unless a majority of each group votes for inclusion in such unit.

(c) Nothing in this Act shall interfere with or negate the current representation rights or patterns and practices of labor organizations which have historically represented public employees for the purpose of collective bargaining, including but not limited to the negotiations of wages, hours and working conditions, discussions of employees' grievances, resolution of jurisdictional disputes, or the establishment and maintenance of prevailing wage rates, unless a majority of employees so represented express a contrary desire pursuant to the procedures set forth in this Act.

(d) In instances where the employer does not voluntarily recognize a labor organization as the exclusive bargaining representative for a unit of employees, the Board shall determine the majority representative of the public employees in an appropriate collective bargaining unit by conducting a secret ballot election, except as otherwise provided in subsection (a-5). Within 7 days after the Board issues its bargaining unit determination and direction of election or the execution of a stipulation for the purpose of a consent election, the public employer shall submit to the labor organization the complete names and addresses of those employees who are determined by the Board to be eligible to participate in the election. When the Board has determined that a labor organization has been fairly and freely chosen by a majority of employees in an appropriate unit, it shall certify such organization as the exclusive representative. If the Board determines that a majority of employees in an appropriate unit has fairly and freely chosen not to be represented by a labor organization, it shall so certify. The Board may also revoke the certification of the public employee organizations as exclusive bargaining representatives which have been found by a secret ballot election to be no longer the majority representative.

(e) The Board shall not conduct an election in any bargaining unit or any subdivision thereof within which a valid election has been held in the preceding 12-month period. The Board shall determine who is eligible

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to vote in an election and shall establish rules governing the conduct of the election or conduct affecting the results of the election. The Board shall include on a ballot in a representation election a choice of "no representation". A labor organization currently representing the bargaining unit of employees shall be placed on the ballot in any representation election. In any election where none of the choices on the ballot receives a majority, a runoff election shall be conducted between the 2 choices receiving the largest number of valid votes cast in the election. A labor organization which receives a majority of the votes cast in an election shall be certified by the Board as exclusive representative of all public employees in the unit.

(f) A labor organization shall be designated as the exclusive representative by a public employer, provided that the labor organization represents a majority of the public employees in an appropriate unit. Any employee organization which is designated or selected by the majority of public employees, in a unit of the public employer having no other recognized or certified representative, as their representative for purposes of collective bargaining may request recognition by the public employer in writing. The public employer shall post such request for a period of at least 20 days following its receipt thereof on bulletin boards or other places used or reserved for employee notices.

(g) Within the 20-day period any other interested employee organization may petition the Board in the manner specified by rules and regulations of the Board, provided that such interested employee organization has been designated by at least 10% of the employees in an appropriate bargaining unit which includes all or some of the employees in the unit recognized by the employer. In such event, the Board shall proceed with the petition in the same manner as provided by paragraph (1) of subsection (a) of this Section.

(h) No election shall be directed by the Board in any bargaining unit where there is in force a valid collective bargaining agreement. The Board, however, may process an election petition filed between 90 and 60 days prior to the expiration of the date of an agreement, and may further refine, by rule or decision, the implementation of this provision. Where

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more than 4 years have elapsed since the effective date of the agreement, the agreement shall continue to bar an election, except that the Board may process an election petition filed between 90 and 60 days prior to the end of the fifth year of such an agreement, and between 90 and 60 days prior to the end of each successive year of such agreement.

(i) An order of the Board dismissing a representation petition, determining and certifying that a labor organization has been fairly and freely chosen by a majority of employees in an appropriate bargaining unit, determining and certifying that a labor organization has not been fairly and freely chosen by a majority of employees in the bargaining unit or certifying a labor organization as the exclusive representative of employees in an appropriate bargaining unit because of a determination by the Board that the labor organization is the historical bargaining representative of employees in the bargaining unit, is a final order. Any person aggrieved by any such order issued on or after the effective date of this amendatory Act of 1987 may apply for and obtain judicial review in accordance with provisions of the Administrative Review Law, as now or hereafter amended, except that such review shall be afforded directly in the Appellate Court for the district in which the aggrieved party resides or transacts business. Any direct appeal to the Appellate Court shall be filed within 35 days from the date that a copy of the decision sought to be reviewed was served upon the party affected by the decision.

(Source: P.A. 93-427, eff. 8-5-03; 93-444, eff. 8-5-03; revised 9-10-03.)

(5 ILCS 315/15) (from Ch. 48, par. 1615)

Sec. 15. Act Takes Precedence.

(a) In case of any conflict between the provisions of this Act and any other law (other than Section 5 of the State Employees Group Insurance Act of 1971), executive order or administrative regulation relating to wages, hours and conditions of employment and employment relations, the provisions of this Act or any collective bargaining agreement negotiated thereunder shall prevail and control. Nothing in this Act shall be construed to replace or diminish the rights of employees established by Sections 28 and 28a of the Metropolitan Transit Authority Act, Sections 2.15 through 2.19 of the Regional Transportation Authority Act.
provisions of this Act are subject to Section 5 of the State Employees Group Insurance Act of 1971. Nothing in this Act shall be construed to replace the necessity of complaints against a sworn peace officer, as defined in Section 2(a) of the Uniform Peace Officer Disciplinary Act, from having a complaint supported by a sworn affidavit.

(b) Except as provided in subsection (a) above, any collective bargaining contract between a public employer and a labor organization executed pursuant to this Act shall supersede any contrary statutes, charters, ordinances, rules or regulations relating to wages, hours and conditions of employment and employment relations adopted by the public employer or its agents. Any collective bargaining agreement entered into prior to the effective date of this Act shall remain in full force during its duration.

(c) It is the public policy of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution, that the provisions of this Act are the exclusive exercise by the State of powers and functions which might otherwise be exercised by home rule units. Such powers and functions may not be exercised concurrently, either directly or indirectly, by any unit of local government, including any home rule unit, except as otherwise authorized by this Act.

(Source: P.A. 93-839, eff. 7-30-04; 93-1006, eff. 8-24-04; revised 10-25-04.)

Section 35. The Military Leave of Absence Act is amended by changing Sections 1 and 1.1 as follows:

(5 ILCS 325/1) (from Ch. 129, par. 501)

Sec. 1. Leave of absence.

(a) Any full-time employee of the State of Illinois, a unit of local government, or a school district, other than an independent contractor, who is a member of any reserve component of the United States Armed Forces or of any reserve component of the Illinois State Militia, shall be granted leave from his or her public employment for any period actively spent in military service, including:

(1) basic training;

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(2) special or advanced training, whether or not within the State, and whether or not voluntary; and
(3) annual training.
During these leaves, the employee's seniority and other benefits shall continue to accrue.

During leaves for annual training, the employee shall continue to receive his or her regular compensation as a public employee. During leaves for basic training and up to 60 days of special or advanced training, if the employee's compensation for military activities is less than his or her compensation as a public employee, he or she shall receive his or her regular compensation as a public employee minus the amount of his or her base pay for military activities.

(b) Any full-time employee of the State of Illinois, other than an independent contractor, who is a member of the Illinois National Guard or a reserve component of the United States Armed Forces or the Illinois State Militia and who is mobilized to active duty shall continue during the period of active duty to receive his or her benefits and regular compensation as a State employee, minus an amount equal to his or her military active duty base pay. The Department of Central Management Services and the State Comptroller shall coordinate in the development of procedures for the implementation of this Section.

(5 ILCS 325/1.1)
Sec. 1.1. Home rule. A home rule unit may not regulate its employees in a manner that is inconsistent with this Act. This Section is a limitation under subsection (i) of Section 6; of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(5 ILCS 375/3) (from Ch. 127, par. 523)
Sec. 3. Definitions. Unless the context otherwise requires, the following words and phrases as used in this Act shall have the following

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meanings. The Department may define these and other words and phrases separately for the purpose of implementing specific programs providing benefits under this Act.

(a) "Administrative service organization" means any person, firm or corporation experienced in the handling of claims which is fully qualified, financially sound and capable of meeting the service requirements of a contract of administration executed with the Department.

(b) "Annuitant" means (1) an employee who retires, or has retired, on or after January 1, 1966 on an immediate annuity under the provisions of Articles 2, 14 (including an employee who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code in lieu of an annuity), 15 (including an employee who has retired under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code; (2) any person who was receiving group insurance coverage under this Act as of March 31, 1978 by reason of his status as an annuitant, even though the annuity in relation to which such coverage was provided is a proportional annuity based on less than the minimum period of service required for a retirement annuity in the system involved; (3) any person not otherwise covered by this Act who has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code; (4) the spouse of any person who is receiving a retirement annuity under Article 18 of the Illinois Pension Code and who is covered under a group health insurance program sponsored by a governmental employer other than the State of Illinois and who has irrevocably elected to waive his or her coverage under this Act and to have his or her spouse considered as the "annuitant" under this Act and not as a "dependent"; or (5) an employee who retires, or has retired, from a qualified position, as determined according to rules promulgated by the Director, under a qualified local government, a qualified rehabilitation facility, a qualified domestic violence shelter or service, or a qualified child advocacy center. (For definition of "retired employee", see (p) post).

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(b-5) "New SERS annuitant" means a person who, on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 14 of the Illinois Pension Code (including an employee who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of that Code in lieu of an annuity), and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-6) "New SURS annuitant" means a person who (1) on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 15 of the Illinois Pension Code, (2) has not made the election authorized under Section 15-135.1 of the Illinois Pension Code, and (3) is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-7) "New TRS State annuitant" means a person who, on or after July 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 16 of the Illinois Pension Code based on service as a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of that Code, and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(c) "Carrier" means (1) an insurance company, a corporation organized under the Limited Health Service Organization Act or the Voluntary Health Services Plan Act, a partnership, or other nongovernmental organization, which is authorized to do group life or group health insurance business in Illinois, or (2) the State of Illinois as a self-insurer.

(d) "Compensation" means salary or wages payable on a regular payroll by the State Treasurer on a warrant of the State Comptroller out of any State, trust or federal fund, or by the Governor of the State through a disbursing officer of the State out of a trust or out of federal funds, or by any Department out of State, trust, federal or other funds held by the State Treasurer or the Department, to any person for personal services currently performed, and ordinary or accidental disability benefits under Articles 2,
14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, or benefits payable under the Workers' Compensation or Occupational Diseases Act or benefits payable under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Compensation" also means salary or wages paid to an employee of any qualified local government, qualified rehabilitation facility, qualified domestic violence shelter or service, or qualified child advocacy center.

(e) "Commission" means the State Employees Group Insurance Advisory Commission authorized by this Act. Commencing July 1, 1984, "Commission" as used in this Act means the Commission on Government Forecasting and Accountability as established by the Legislative Commission Reorganization Act of 1984.

(f) "Contributory", when referred to as contributory coverage, shall mean optional coverages or benefits elected by the member toward the cost of which such member makes contribution, or which are funded in whole or in part through the acceptance of a reduction in earnings or the foregoing of an increase in earnings by an employee, as distinguished from noncontributory coverage or benefits which are paid entirely by the State of Illinois without reduction of the member's salary.

(g) "Department" means any department, institution, board, commission, officer, court or any agency of the State government receiving appropriations and having power to certify payrolls to the Comptroller authorizing payments of salary and wages against such appropriations as are made by the General Assembly from any State fund, or against trust funds held by the State Treasurer and includes boards of trustees of the retirement systems created by Articles 2, 14, 15, 16 and 18 of the Illinois Pension Code. "Department" also includes the Illinois Comprehensive Health Insurance Board, the Board of Examiners established under the Illinois Public Accounting Act, and the Illinois Finance Authority.

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(h) "Dependent", when the term is used in the context of the health and life plan, means a member's spouse and any unmarried child (1) from birth to age 19 including an adopted child, a child who lives with the member from the time of the filing of a petition for adoption until entry of an order of adoption, a stepchild or recognized child who lives with the member in a parent-child relationship, or a child who lives with the member if such member is a court appointed guardian of the child, or (2) age 19 to 23 enrolled as a full-time student in any accredited school, financially dependent upon the member, and eligible to be claimed as a dependent for income tax purposes, or (3) age 19 or over who is mentally or physically handicapped. For the purposes of item (2), an unmarried child age 19 to 23 who is a member of the United States Armed Services, including the Illinois National Guard, and is mobilized to active duty shall qualify as a dependent beyond the age of 23 and until the age of 25 and while a full-time student for the amount of time spent on active duty between the ages of 19 and 23. The individual attempting to qualify for this additional time must submit written documentation of active duty service to the Director. The changes made by this amendatory Act of the 94th General Assembly apply only to individuals mobilized to active duty in the United States Armed Services, including the Illinois National Guard, on or after January 1, 2002. For the health plan only, the term "dependent" also includes any person enrolled prior to the effective date of this Section who is dependent upon the member to the extent that the member may claim such person as a dependent for income tax deduction purposes; no other such person may be enrolled. For the health plan only, the term "dependent" also includes any person who has received after June 30, 2000 an organ transplant and who is financially dependent upon the member and eligible to be claimed as a dependent for income tax purposes.

(i) "Director" means the Director of the Illinois Department of Central Management Services.

(j) "Eligibility period" means the period of time a member has to elect enrollment in programs or to select benefits without regard to age, sex or health.

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(k) "Employee" means and includes each officer or employee in the service of a department who (1) receives his compensation for service rendered to the department on a warrant issued pursuant to a payroll certified by a department or on a warrant or check issued and drawn by a department upon a trust, federal or other fund or on a warrant issued pursuant to a payroll certified by an elected or duly appointed officer of the State or who receives payment of the performance of personal services on a warrant issued pursuant to a payroll certified by a Department and drawn by the Comptroller upon the State Treasurer against appropriations made by the General Assembly from any fund or against trust funds held by the State Treasurer, and (2) is employed full-time or part-time in a position normally requiring actual performance of duty during not less than 1/2 of a normal work period, as established by the Director in cooperation with each department, except that persons elected by popular vote will be considered employees during the entire term for which they are elected regardless of hours devoted to the service of the State, and (3) except that "employee" does not include any person who is not eligible by reason of such person's employment to participate in one of the State retirement systems under Articles 2, 14, 15 (either the regular Article 15 system or the optional retirement program established under Section 15-158.2) or 18, or under paragraph (2), (3), or (5) of Section 16-106, of the Illinois Pension Code, but such term does include persons who are employed during the 6 month qualifying period under Article 14 of the Illinois Pension Code. Such term also includes any person who (1) after January 1, 1966, is receiving ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, (2) receives total permanent or total temporary disability under the Workers' Compensation Act or Occupational Disease Act as a result of injuries sustained or illness contracted in the course of employment with the State of Illinois, or (3) is not otherwise covered under this Act and has retired as a participating member under Article 2 of the Illinois Pension Code but is

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ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code. However, a person who satisfies the criteria of the foregoing definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code is also an "employee" for the purposes of this Act. "Employee" also includes any person receiving or eligible for benefits under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Employee" also includes (i) each officer or employee in the service of a qualified local government, including persons appointed as trustees of sanitary districts regardless of hours devoted to the service of the sanitary district, (ii) each employee in the service of a qualified rehabilitation facility, (iii) each full-time employee in the service of a qualified domestic violence shelter or service, and (iv) each full-time employee in the service of a qualified child advocacy center, as determined according to rules promulgated by the Director.

(l) "Member" means an employee, annuitant, retired employee or survivor.

(m) "Optional coverages or benefits" means those coverages or benefits available to the member on his or her voluntary election, and at his or her own expense.

(n) "Program" means the group life insurance, health benefits and other employee benefits designed and contracted for by the Director under this Act.

(o) "Health plan" means a health benefits program offered by the State of Illinois for persons eligible for the plan.

(p) "Retired employee" means any person who would be an annuitant as that term is defined herein but for the fact that such person retired prior to January 1, 1966. Such term also includes any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant but for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code.

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(q) "Survivor" means a person receiving an annuity as a survivor of an employee or of an annuitant. "Survivor" also includes: (1) the surviving dependent of a person who satisfies the definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; (2) the surviving dependent of any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant except for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; and (3) the surviving dependent of a person who was an annuitant under this Act by virtue of receiving an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code.

(q-2) "SERS" means the State Employees' Retirement System of Illinois, created under Article 14 of the Illinois Pension Code.

(q-3) "SURS" means the State Universities Retirement System, created under Article 15 of the Illinois Pension Code.

(q-4) "TRS" means the Teachers' Retirement System of the State of Illinois, created under Article 16 of the Illinois Pension Code.

(q-5) "New SERS survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 14 of the Illinois Pension Code and is based on the death of (i) an employee whose death occurs on or after January 1, 1998, or (ii) a new SERS annuitant as defined in subsection (b-5). "New SERS survivor" includes the surviving dependent of a person who was an annuitant under this Act by virtue of receiving an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code.

(q-6) "New SURS survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 15 of the Illinois Pension Code and is based on the death of (i) an employee whose death occurs on or after January 1, 1998, or (ii) a new SURS annuitant as defined in subsection (b-6).

(q-7) "New TRS State survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 16 of the Illinois Pension Code and is based on the death of (i) a new TRS annuitant as defined in subsection (b-7).
Pension Code and is based on the death of (i) an employee who is a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of that Code and whose death occurs on or after July 1, 1998, or (ii) a new TRS State annuitant as defined in subsection (b-7).

(r) "Medical services" means the services provided within the scope of their licenses by practitioners in all categories licensed under the Medical Practice Act of 1987.

(s) "Unit of local government" means any county, municipality, township, school district (including a combination of school districts under the Intergovernmental Cooperation Act), special district or other unit, designated as a unit of local government by law, which exercises limited governmental powers or powers in respect to limited governmental subjects, any not-for-profit association with a membership that primarily includes townships and township officials, that has duties that include provision of research service, dissemination of information, and other acts for the purpose of improving township government, and that is funded wholly or partly in accordance with Section 85-15 of the Township Code; any not-for-profit corporation or association, with a membership consisting primarily of municipalities, that operates its own utility system, and provides research, training, dissemination of information, or other acts to promote cooperation between and among municipalities that provide utility services and for the advancement of the goals and purposes of its membership; the Southern Illinois Collegiate Common Market, which is a consortium of higher education institutions in Southern Illinois; the Illinois Association of Park Districts; and any hospital provider that is owned by a county that has 100 or fewer hospital beds and has not already joined the program. "Qualified local government" means a unit of local government approved by the Director and participating in a program created under subsection (i) of Section 10 of this Act.

(t) "Qualified rehabilitation facility" means any not-for-profit organization that is accredited by the Commission on Accreditation of Rehabilitation Facilities or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) to provide services to persons with disabilities and which

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receives funds from the State of Illinois for providing those services, approved by the Director and participating in a program created under subsection (j) of Section 10 of this Act.

(u) "Qualified domestic violence shelter or service" means any Illinois domestic violence shelter or service and its administrative offices funded by the Department of Human Services (as successor to the Illinois Department of Public Aid), approved by the Director and participating in a program created under subsection (k) of Section 10.

(v) "TRS benefit recipient" means a person who:

1) is not a "member" as defined in this Section; and
2) is receiving a monthly benefit or retirement annuity under Article 16 of the Illinois Pension Code; and
3) either (i) has at least 8 years of creditable service under Article 16 of the Illinois Pension Code, or (ii) was enrolled in the health insurance program offered under that Article on January 1, 1996, or (iii) is the survivor of a benefit recipient who had at least 8 years of creditable service under Article 16 of the Illinois Pension Code or was enrolled in the health insurance program offered under that Article on the effective date of this amendatory Act of 1995, or (iv) is a recipient or survivor of a recipient of a disability benefit under Article 16 of the Illinois Pension Code.

(w) "TRS dependent beneficiary" means a person who:

1) is not a "member" or "dependent" as defined in this Section; and
2) is a TRS benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the TRS benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the TRS benefit recipient, eligible to be claimed as a dependent for income tax purposes, and either is under age 24 or was, on January 1, 1996, participating as a dependent beneficiary in the health insurance program offered under Article 16 of the Illinois Pension Code, or (iii) age 19 or over who is mentally or physically handicapped.

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(x) "Military leave with pay and benefits" refers to individuals in basic training for reserves, special/advanced training, annual training, emergency call up, or activation by the President of the United States with approved pay and benefits.

(y) "Military leave without pay and benefits" refers to individuals who enlist for active duty in a regular component of the U.S. Armed Forces or other duty not specified or authorized under military leave with pay and benefits.

(z) "Community college benefit recipient" means a person who:

1. is not a "member" as defined in this Section; and
2. is receiving a monthly survivor's annuity or retirement annuity under Article 15 of the Illinois Pension Code; and
3. either (i) was a full-time employee of a community college district or an association of community college boards created under the Public Community College Act (other than an employee whose last employer under Article 15 of the Illinois Pension Code was a community college district subject to Article VII of the Public Community College Act) and was eligible to participate in a group health benefit plan as an employee during the time of employment with a community college district (other than a community college district subject to Article VII of the Public Community College Act) or an association of community college boards, or (ii) is the survivor of a person described in item (i).

(aa) "Community college dependent beneficiary" means a person who:

1. is not a "member" or "dependent" as defined in this Section; and
2. is a community college benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the community college benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the community college benefit recipient, eligible to
be claimed as a dependent for income tax purposes and under age 23, or (iii) age 19 or over and mentally or physically handicapped.

(bb) "Qualified child advocacy center" means any Illinois child advocacy center and its administrative offices funded by the Department of Children and Family Services, as defined by the Children's Advocacy Center Act (55 ILCS 80/), approved by the Director and participating in a program created under subsection (n) of Section 10.

(Source: P.A. 93-205, eff. 1-1-04; 93-839, eff. 7-30-04; 93-1067, eff. 1-15-05; 94-32, eff. 6-15-05; 94-82, eff. 1-1-06; 94-860, eff. 6-16-06; revised 8-3-06.)

(5 ILCS 375/8) (from Ch. 127, par. 528)
Sec. 8. Eligibility.

(a) Each member eligible under the provisions of this Act and any rules and regulations promulgated and adopted hereunder by the Director shall become immediately eligible and covered for all benefits available under the programs. Members electing coverage for eligible dependents shall have the coverage effective immediately, provided that the election is properly filed in accordance with required filing dates and procedures specified by the Director.

(1) Every member originally eligible to elect dependent coverage, but not electing it during the original eligibility period, may subsequently obtain dependent coverage only in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period.

(2) Members described above being transferred from previous coverage towards which the State has been contributing shall be transferred regardless of preexisting conditions, waiting periods, or other requirements that might jeopardize claim payments to which they would otherwise have been entitled.

(3) Eligible and covered members that are eligible for coverage as dependents except for the fact of being members shall be transferred to, and covered under, dependent status regardless of preexisting conditions, waiting periods, or other requirements that
might jeopardize claim payments to which they would otherwise have been entitled upon cessation of member status and the election of dependent coverage by a member eligible to elect that coverage.

(b) New employees shall be immediately insured for the basic group life insurance and covered by the program of health benefits on the first day of active State service. Optional life insurance coverage one to 4 times the basic amount, if elected during the relevant eligibility period, will become effective on the date of employment. Optional life insurance coverage exceeding 4 times the basic amount and all life insurance amounts applied for after the eligibility period will be effective, subject to satisfactory evidence of insurability when applicable, or other necessary qualifications, pursuant to the requirements of the applicable benefit program, unless there is a change in status that would confer new eligibility for change of enrollment under rules established supplementing this Act, in which event application must be made within the new eligibility period.

(c) As to the group health benefits program contracted to begin or continue after June 30, 1973, each retired employee shall become immediately eligible and covered for all benefits available under that program. Retired employees may elect coverage for eligible dependents and shall have the coverage effective immediately, provided that the election is properly filed in accordance with required filing dates and procedures specified by the Director.

Except as otherwise provided in this Act, where husband and wife are both eligible members, each shall be enrolled as a member and coverage on their eligible dependent children, if any, may be under the enrollment and election of either.

Regardless of other provisions herein regarding late enrollment or other qualifications, as appropriate, the Director may periodically authorize open enrollment periods for each of the benefit programs at which time each member may elect enrollment or change of enrollment without regard to age, sex, health, or other qualification under the conditions as may be prescribed in rules and regulations supplementing

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this Act. Special open enrollment periods may be declared by the Director for certain members only when special circumstances occur that affect only those members.

(d) Beginning with fiscal year 2003 and for all subsequent years, eligible members may elect not to participate in the program of health benefits as defined in this Act. The election must be made during the annual benefit choice period, subject to the conditions in this subsection.

   (1) Members must furnish proof of health benefit coverage, either comprehensive major medical coverage or comprehensive managed care plan, from a source other than the Department of Central Management Services in order to elect not to participate in the program.

   (2) Members may re-enroll in the Department of Central Management Services program of health benefits upon showing a qualifying change in status, as defined in the U.S. Internal Revenue Code, without evidence of insurability and with no limitations on coverage for pre-existing conditions, provided that there was not a break in coverage of more than 63 days.

   (3) Members may also re-enroll in the program of health benefits during any annual benefit choice period, without evidence of insurability.

   (4) Members who elect not to participate in the program of health benefits shall be furnished a written explanation of the requirements and limitations for the election not to participate in the program and for re-enrolling in the program. The explanation shall also be included in the annual benefit choice options booklets furnished to members.

(d-5) Beginning July 1, 2005, the Director may establish a program of financial incentives to encourage annuitants receiving a retirement annuity from the State Employees Retirement System, but who are not eligible for benefits under the federal Medicare health insurance program (Title XVIII of the Social Security Act, as added by Public Law 89-97) to elect not to participate in the program of health benefits provided under this Act. The election by an annuitant not to participate under this program

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must be made in accordance with the requirements set forth under subsection (d). The financial incentives provided to these annuitants under the program may not exceed $150 per month for each annuitant electing not to participate in the program of health benefits provided under this Act.

(e) Notwithstanding any other provision of this Act or the rules adopted under this Act, if a person participating in the program of health benefits as the dependent spouse of an eligible member becomes an annuitant, the person may elect, at the time of becoming an annuitant or during any subsequent annual benefit choice period, to continue participation as a dependent rather than as an eligible member for as long as the person continues to be an eligible dependent.

An eligible member who has elected to participate as a dependent may re-enroll in the program of health benefits as an eligible member (i) during any subsequent annual benefit choice period or (ii) upon showing a qualifying change in status, as defined in the U.S. Internal Revenue Code, without evidence of insurability and with no limitations on coverage for pre-existing conditions.

A person who elects to participate in the program of health benefits as a dependent rather than as an eligible member shall be furnished a written explanation of the consequences of electing to participate as a dependent and the conditions and procedures for re-enrolling as an eligible member. The explanation shall also be included in the annual benefit choice options booklet furnished to members.

(Source: P.A. 93-553, eff. 8-20-03; 94-95, eff. 7-1-05; 94-109, eff. 7-1-05; revised 8-9-05.)

(5 ILCS 375/10) (from Ch. 127, par. 530)

Sec. 10. Payments by State; premiums.

(a) The State shall pay the cost of basic non-contributory group life insurance and, subject to member paid contributions set by the Department or required by this Section, the basic program of group health benefits on each eligible member, except a member, not otherwise covered by this Act, who has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under

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Section 2-119 of the Illinois Pension Code, and part of each eligible member's and retired member's premiums for health insurance coverage for enrolled dependents as provided by Section 9. The State shall pay the cost of the basic program of group health benefits only after benefits are reduced by the amount of benefits covered by Medicare for all members and dependents who are eligible for benefits under Social Security or the Railroad Retirement system or who had sufficient Medicare-covered government employment, except that such reduction in benefits shall apply only to those members and dependents who (1) first become eligible for such Medicare coverage on or after July 1, 1992; or (2) are Medicare-eligible members or dependents of a local government unit which began participation in the program on or after July 1, 1992; or (3) remain eligible for, but no longer receive Medicare coverage which they had been receiving on or after July 1, 1992. The Department may determine the aggregate level of the State's contribution on the basis of actual cost of medical services adjusted for age, sex or geographic or other demographic characteristics which affect the costs of such programs.

The cost of participation in the basic program of group health benefits for the dependent or survivor of a living or deceased retired employee who was formerly employed by the University of Illinois in the Cooperative Extension Service and would be an annuitant but for the fact that he or she was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code shall not be greater than the cost of participation that would otherwise apply to that dependent or survivor if he or she were the dependent or survivor of an annuitant under the State Universities Retirement System.

(a-1) Beginning January 1, 1998, for each person who becomes a new SERS annuitant and participates in the basic program of group health benefits, the State shall contribute toward the cost of the annuitant's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of creditable service upon which the annuitant's retirement annuity is based, up to a maximum of 100% for an annuitant with 20 or more years of creditable service. The remainder of
the cost of a new SERS annuitant's coverage under the basic program of group health benefits shall be the responsibility of the annuitant. In the case of a new SERS annuitant who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code in lieu of an annuity, for the purposes of this subsection the annuitant shall be deemed to be receiving a retirement annuity based on the number of years of creditable service that the annuitant had established at the time of his or her termination of service under SERS.

(a-2) Beginning January 1, 1998, for each person who becomes a new SERS survivor and participates in the basic program of group health benefits, the State shall contribute toward the cost of the survivor's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of the deceased employee's or deceased annuitant's creditable service in the State Employees' Retirement System of Illinois on the date of death, up to a maximum of 100% for a survivor of an employee or annuitant with 20 or more years of creditable service. The remainder of the cost of the new SERS survivor's coverage under the basic program of group health benefits shall be the responsibility of the survivor. In the case of a new SERS survivor who was the dependent of an annuitant who elected to receive an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code in lieu of an annuity, for the purposes of this subsection the deceased annuitant's creditable service shall be determined as of the date of termination of service rather than the date of death.

(a-3) Beginning January 1, 1998, for each person who becomes a new SURS annuitant and participates in the basic program of group health benefits, the State shall contribute toward the cost of the annuitant's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of creditable service upon which the annuitant's retirement annuity is based, up to a maximum of 100% for an annuitant with 20 or more years of creditable service. The remainder of the cost of a new SURS annuitant's coverage under the basic program of group health benefits shall be the responsibility of the annuitant.

(a-4) (Blank).

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(a-5) Beginning January 1, 1998, for each person who becomes a new SURS survivor and participates in the basic program of group health benefits, the State shall contribute toward the cost of the survivor's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of the deceased employee's or deceased annuitant's creditable service in the State Universities Retirement System on the date of death, up to a maximum of 100% for a survivor of an employee or annuitant with 20 or more years of creditable service. The remainder of the cost of the new SURS survivor's coverage under the basic program of group health benefits shall be the responsibility of the survivor.

(a-6) Beginning July 1, 1998, for each person who becomes a new TRS State annuitant and participates in the basic program of group health benefits, the State shall contribute toward the cost of the annuitant's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of creditable service as a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of the Illinois Pension Code upon which the annuitant's retirement annuity is based, up to a maximum of 100%; except that the State contribution shall be 12.5% per year (rather than 5%) for each full year of creditable service as a regional superintendent or assistant regional superintendent of schools. The remainder of the cost of a new TRS State annuitant's coverage under the basic program of group health benefits shall be the responsibility of the annuitant.

(a-7) Beginning July 1, 1998, for each person who becomes a new TRS State survivor and participates in the basic program of group health benefits, the State shall contribute toward the cost of the survivor's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of the deceased employee's or deceased annuitant's creditable service as a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of the Illinois Pension Code on the date of death, up to a maximum of 100%; except that the State contribution shall be 12.5% per year (rather than 5%) for each full year of the deceased employee's or deceased annuitant's creditable service as a regional superintendent or assistant regional superintendent of schools. The

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remainder of the cost of the new TRS State survivor's coverage under the basic program of group health benefits shall be the responsibility of the survivor.

(a-8) A new SERS annuitant, new SERS survivor, new SURS annuitant, new SURS survivor, new TRS State annuitant, or new TRS State survivor may waive or terminate coverage in the program of group health benefits. Any such annuitant or survivor who has waived or terminated coverage may enroll or re-enroll in the program of group health benefits only during the annual benefit choice period, as determined by the Director; except that in the event of termination of coverage due to nonpayment of premiums, the annuitant or survivor may not re-enroll in the program.

(a-9) No later than May 1 of each calendar year, the Director of Central Management Services shall certify in writing to the Executive Secretary of the State Employees' Retirement System of Illinois the amounts of the Medicare supplement health care premiums and the amounts of the health care premiums for all other retirees who are not Medicare eligible. A separate calculation of the premiums based upon the actual cost of each health care plan shall be so certified.

The Director of Central Management Services shall provide to the Executive Secretary of the State Employees' Retirement System of Illinois such information, statistics, and other data as he or she may require to review the premium amounts certified by the Director of Central Management Services.

(b) State employees who become eligible for this program on or after January 1, 1980 in positions normally requiring actual performance of duty not less than 1/2 of a normal work period but not equal to that of a normal work period, shall be given the option of participating in the available program. If the employee elects coverage, the State shall contribute on behalf of such employee to the cost of the employee's benefit and any applicable dependent supplement, that sum which bears the same percentage as that percentage of time the employee regularly works when compared to normal work period.

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(c) The basic non-contributory coverage from the basic program of group health benefits shall be continued for each employee not in pay status or on active service by reason of (1) leave of absence due to illness or injury, (2) authorized educational leave of absence or sabbatical leave, or (3) military leave with pay and benefits. This coverage shall continue until expiration of authorized leave and return to active service, but not to exceed 24 months for leaves under item (1) or (2). This 24-month limitation and the requirement of returning to active service shall not apply to persons receiving ordinary or accidental disability benefits or retirement benefits through the appropriate State retirement system or benefits under the Workers' Compensation or Occupational Disease Act.

(d) The basic group life insurance coverage shall continue, with full State contribution, where such person is (1) absent from active service by reason of disability arising from any cause other than self-inflicted, (2) on authorized educational leave of absence or sabbatical leave, or (3) on military leave with pay and benefits.

(e) Where the person is in non-pay status for a period in excess of 30 days or on leave of absence, other than by reason of disability, educational or sabbatical leave, or military leave with pay and benefits, such person may continue coverage only by making personal payment equal to the amount normally contributed by the State on such person's behalf. Such payments and coverage may be continued: (1) until such time as the person returns to a status eligible for coverage at State expense, but not to exceed 24 months, (2) until such person's employment or annuitant status with the State is terminated, or (3) for a maximum period of 4 years for members on military leave with pay and benefits and military leave without pay and benefits (exclusive of any additional service imposed pursuant to law).

(f) The Department shall establish by rule the extent to which other employee benefits will continue for persons in non-pay status or who are not in active service.

(g) The State shall not pay the cost of the basic non-contributory group life insurance, program of health benefits and other employee benefits for members who are survivors as defined by paragraphs (1) and
(2) of subsection (q) of Section 3 of this Act. The costs of benefits for these survivors shall be paid by the survivors or by the University of Illinois Cooperative Extension Service, or any combination thereof. However, the State shall pay the amount of the reduction in the cost of participation, if any, resulting from the amendment to subsection (a) made by this amendatory Act of the 91st General Assembly.

(h) Those persons occupying positions with any department as a result of emergency appointments pursuant to Section 8b.8 of the Personnel Code who are not considered employees under this Act shall be given the option of participating in the programs of group life insurance, health benefits and other employee benefits. Such persons electing coverage may participate only by making payment equal to the amount normally contributed by the State for similarly situated employees. Such amounts shall be determined by the Director. Such payments and coverage may be continued until such time as the person becomes an employee pursuant to this Act or such person's appointment is terminated.

(i) Any unit of local government within the State of Illinois may apply to the Director to have its employees, annuitants, and their dependents provided group health coverage under this Act on a non-insured basis. To participate, a unit of local government must agree to enroll all of its employees, who may select coverage under either the State group health benefits plan or a health maintenance organization that has contracted with the State to be available as a health care provider for employees as defined in this Act. A unit of local government must remit the entire cost of providing coverage under the State group health benefits plan or, for coverage under a health maintenance organization, an amount determined by the Director based on an analysis of the sex, age, geographic location, or other relevant demographic variables for its employees, except that the unit of local government shall not be required to enroll those of its employees who are covered spouses or dependents under this plan or another group policy or plan providing health benefits as long as (1) an appropriate official from the unit of local government attests that each employee not enrolled is a covered spouse or dependent under this plan or another group policy or plan, and (2) at least 85% of the

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employees are enrolled and the unit of local government remits the entire cost of providing coverage to those employees, except that a participating school district must have enrolled at least 85% of its full-time employees who have not waived coverage under the district's group health plan by participating in a component of the district's cafeteria plan. A participating school district is not required to enroll a full-time employee who has waived coverage under the district's health plan, provided that an appropriate official from the participating school district attests that the full-time employee has waived coverage by participating in a component of the district's cafeteria plan. For the purposes of this subsection, "participating school district" includes a unit of local government whose primary purpose is education as defined by the Department's rules.

Employees of a participating unit of local government who are not enrolled due to coverage under another group health policy or plan may enroll in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period. A participating unit of local government may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with the costs paid by the unit of local government, its employees, or some combination of the two as determined by the unit of local government. The unit of local government shall be responsible for timely collection and transmission of dependent premiums.

The Director shall annually determine monthly rates of payment, subject to the following constraints:

(1) In the first year of coverage, the rates shall be equal to the amount normally charged to State employees for elected optional coverages or for enrolled dependents coverages or other contributory coverages, or contributed by the State for basic insurance coverages on behalf of its employees, adjusted for differences between State employees and employees of the local government in age, sex, geographic location or other relevant demographic variables, plus an amount sufficient to pay for the additional administrative costs of providing coverage to employees of the unit of local government and their dependents.

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(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the unit of local government. In the case of coverage of local government employees under a health maintenance organization, the Director shall annually determine for each participating unit of local government the maximum monthly amount the unit may contribute toward that coverage, based on an analysis of (i) the age, sex, geographic location, and other relevant demographic variables of the unit's employees and (ii) the cost to cover those employees under the State group health benefits plan. The Director may similarly determine the maximum monthly amount each unit of local government may contribute toward coverage of its employees' dependents under a health maintenance organization.

Monthly payments by the unit of local government or its employees for group health benefits plan or health maintenance organization coverage shall be deposited in the Local Government Health Insurance Reserve Fund.

The Local Government Health Insurance Reserve Fund shall be a continuing fund not subject to fiscal year limitations. All revenues arising from the administration of the health benefits program established under this Section shall be deposited into the Local Government Health Insurance Reserve Fund. All expenditures from this Fund shall be used for payments for health care benefits for local government and rehabilitation facility employees, annuitants, and dependents, and to reimburse the Department or its administrative service organization for all expenses incurred in the administration of benefits. No other State funds may be used for these purposes.

A local government employer's participation or desire to participate in a program created under this subsection shall not limit that employer's duty to bargain with the representative of any collective bargaining unit of its employees.

(j) Any rehabilitation facility within the State of Illinois may apply to the Director to have its employees, annuitants, and their eligible dependents provided group health coverage under this Act on a
non-insured basis. To participate, a rehabilitation facility must agree to enroll all of its employees and remit the entire cost of providing such coverage for its employees, except that the rehabilitation facility shall not be required to enroll those of its employees who are covered spouses or dependents under this plan or another group policy or plan providing health benefits as long as (1) an appropriate official from the rehabilitation facility attests that each employee not enrolled is a covered spouse or dependent under this plan or another group policy or plan, and (2) at least 85% of the employees are enrolled and the rehabilitation facility remits the entire cost of providing coverage to those employees. Employees of a participating rehabilitation facility who are not enrolled due to coverage under another group health policy or plan may enroll in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period. A participating rehabilitation facility may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with the costs paid by the rehabilitation facility, its employees, or some combination of the 2 as determined by the rehabilitation facility. The rehabilitation facility shall be responsible for timely collection and transmission of dependent premiums.

The Director shall annually determine quarterly rates of payment, subject to the following constraints:

(1) In the first year of coverage, the rates shall be equal to the amount normally charged to State employees for elected optional coverages or for enrolled dependents coverages or other contributory coverages on behalf of its employees, adjusted for differences between State employees and employees of the rehabilitation facility in age, sex, geographic location or other relevant demographic variables, plus an amount sufficient to pay for the additional administrative costs of providing coverage to employees of the rehabilitation facility and their dependents.

(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the rehabilitation facility.

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Monthly payments by the rehabilitation facility or its employees for group health benefits shall be deposited in the Local Government Health Insurance Reserve Fund.

(k) Any domestic violence shelter or service within the State of Illinois may apply to the Director to have its employees, annuitants, and their dependents provided group health coverage under this Act on a non-insured basis. To participate, a domestic violence shelter or service must agree to enroll all of its employees and pay the entire cost of providing such coverage for its employees. A participating domestic violence shelter may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with employees, or some combination of the 2 as determined by the domestic violence shelter or service. The domestic violence shelter or service shall be responsible for timely collection and transmission of dependent premiums.

The Director shall annually determine rates of payment, subject to the following constraints:

(1) In the first year of coverage, the rates shall be equal to the amount normally charged to State employees for elected optional coverages or for enrolled dependents coverages or other contributory coverages on behalf of its employees, adjusted for differences between State employees and employees of the domestic violence shelter or service in age, sex, geographic location or other relevant demographic variables, plus an amount sufficient to pay for the additional administrative costs of providing coverage to employees of the domestic violence shelter or service and their dependents.

(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the domestic violence shelter or service.

Monthly payments by the domestic violence shelter or service or its employees for group health insurance shall be deposited in the Local Government Health Insurance Reserve Fund.

(l) A public community college or entity organized pursuant to the Public Community College Act may apply to the Director initially to have

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only annuitants not covered prior to July 1, 1992 by the district's health plan provided health coverage under this Act on a non-insured basis. The community college must execute a 2-year contract to participate in the Local Government Health Plan. Any annuitant may enroll in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period.

The Director shall annually determine monthly rates of payment subject to the following constraints: for those community colleges with annuitants only enrolled, first year rates shall be equal to the average cost to cover claims for a State member adjusted for demographics, Medicare participation, and other factors; and in the second year, a further adjustment of rates shall be made to reflect the actual first year's claims experience of the covered annuitants.

(l-5) The provisions of subsection (l) become inoperative on July 1, 1999.

(m) The Director shall adopt any rules deemed necessary for implementation of this amendatory Act of 1989 (Public Act 86-978).

(n) Any child advocacy center within the State of Illinois may apply to the Director to have its employees, annuitants, and their dependants provided group health coverage under this Act on a non-insured basis. To participate, a child advocacy center must agree to enroll all of its employees and pay the entire cost of providing coverage for its employees. A participating child advocacy center may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with the costs paid by the child advocacy center, its employees, or some combination of the 2 as determined by the child advocacy center. The child advocacy center shall be responsible for timely collection and transmission of dependent premiums.

The Director shall annually determine rates of payment, subject to the following constraints:

(1) In the first year of coverage, the rates shall be equal to the amount normally charged to State employees for elected optional coverages or for enrolled dependents coverages or other contributory coverages on behalf of its employees, adjusted for
differences between State employees and employees of the child advocacy center in age, sex, geographic location, or other relevant demographic variables, plus an amount sufficient to pay for the additional administrative costs of providing coverage to employees of the child advocacy center and their dependents.

(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the child advocacy center.

Monthly payments by the child advocacy center or its employees for group health insurance shall be deposited into the Local Government Health Insurance Reserve Fund.

(Source: P.A. 93-839, eff. 7-30-04; 94-839, eff. 6-6-06; 94-860, eff. 6-16-06; revised 8-3-06.)

Section 45. The State Officials and Employees Ethics Act is amended by changing Section 5-50 and by adding Section 99-10 as follows:

(5 ILCS 430/5-50)
Sec. 5-50. Ex parte communications; special government agents.
(a) This Section applies to ex parte communications made to any agency listed in subsection (e).
(b) "Ex parte communication" means any written or oral communication by any person that imparts or requests material information or makes a material argument regarding potential action concerning regulatory, quasi-adjudicatory, investment, or licensing matters pending before or under consideration by the agency. "Ex parte communication" does not include the following: (i) statements by a person publicly made in a public forum; (ii) statements regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter; and (iii) statements made by a State employee of the agency to the agency head or other employees of that agency.

(b-5) An ex parte communication received by an agency, agency head, or other agency employee from an interested party or his or her

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official representative or attorney shall promptly be memorialized and made a part of the record.

(c) An ex parte communication received by any agency, agency head, or other agency employee, other than an ex parte communication described in subsection (b-5), shall immediately be reported to that agency's ethics officer by the recipient of the communication and by any other employee of that agency who responds to the communication. The ethics officer shall require that the ex parte communication be promptly made a part of the record. The ethics officer shall promptly file the ex parte communication with the Executive Ethics Commission, including all written communications, all written responses to the communications, and a memorandum prepared by the ethics officer stating the nature and substance of all oral communications, the identity and job title of the person to whom each communication was made, all responses made, the identity and job title of the person making each response, the identity of each person from whom the written or oral ex parte communication was received, the individual or entity represented by that person, any action the person requested or recommended, and any other pertinent information. The disclosure shall also contain the date of any ex parte communication.

(d) "Interested party" means a person or entity whose rights, privileges, or interests are the subject of or are directly affected by a regulatory, quasi-adjudicatory, investment, or licensing matter.

(e) This Section applies to the following agencies:

Executive Ethics Commission
Illinois Commerce Commission
Educational Labor Relations Board
State Board of Elections
Illinois Gaming Board
Health Facilities Planning Board
*Illinois Workers' Compensation Commission*
*Industrial Commission*
Illinois Labor Relations Board
Illinois Liquor Control Commission
Pollution Control Board

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Property Tax Appeal Board
Illinois Racing Board
Illinois Purchased Care Review Board
Department of State Police Merit Board
Motor Vehicle Review Board
Prisoner Review Board
Civil Service Commission
Personnel Review Board for the Treasurer
Merit Commission for the Secretary of State
Merit Commission for the Office of the Comptroller
Court of Claims
Board of Review of the Department of Employment Security
Department of Insurance
Department of Professional Regulation and licensing boards under the Department
Department of Public Health and licensing boards under the Department
Office of Banks and Real Estate and licensing boards under the Office
State Employees Retirement System Board of Trustees
Judges Retirement System Board of Trustees
General Assembly Retirement System Board of Trustees
Illinois Board of Investment
State Universities Retirement System Board of Trustees
Teachers Retirement System Officers Board of Trustees

(f) Any person who fails to (i) report an ex parte communication to an ethics officer, (ii) make information part of the record, or (iii) make a filing with the Executive Ethics Commission as required by this Section or as required by Section 5-165 of the Illinois Administrative Procedure Act violates this Act.
(Source: P.A. 93-617, eff. 12-9-03; revised 10-11-05.)

(5 ILCS 430/99-10) (was Sec. 995 of PA 93-617)

(This Section was enacted as Section 995 of P.A. 93-617; it is being added to the State Officials and Employees Ethics Act, amended, and renumbered for codification purposes.)

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Sec. 99-10. This Act authorizes the ethics commissions of the executive branch and legislative branch to conduct closed sessions, hearings, and meetings in certain circumstances. In order to meet the requirements of subsection (c) of Section 5 of Article IV of the Illinois Constitution, the General Assembly determines that closed sessions, hearings, and meetings of the ethics commissions, including the ethics commission for the legislative branch, are required by the public interest. Thus, Public Act 93-617 was enacted by the affirmative vote of two-thirds of the members elected to each house of the General Assembly.

(P.A. 93-617, eff. 12-9-03; revised 1-10-04.)

Section 50. The Fort Sheridan Retrocession Law of 1992 is amended by changing Section 20-20 as follows:

(5 ILCS 541/20-20) (from Ch. 1, par. 7220)

Sec. 20-20. Exclusive jurisdiction. The exclusive jurisdiction hereby retroceded and the concurrent jurisdiction hereby ceded with the State of Illinois shall continue no longer than the United States of America owns the land described in Section 20-5.

(Source: P.A. 87-866; revised 10-11-05.)

Section 55. The Savanna Army Depot Retrocession Law is amended by changing Section 5 as follows:

(5 ILCS 571/5)

Sec. 5. Authorization to accept retrocession.

(a) Under the provisions of Section 2683 of Title 10 of the United States Code, the State of Illinois authorizes acceptance of retrocession by the United States of America of concurrent legislative jurisdiction over lands consisting of the U.S. Army Depot Activity Savanna Military Reservation, Jo Daviess County and Carroll County, Illinois, being more particularly described as follows:

Situate in the State of Illinois, Jo Daviess County and Carroll County, in sections 1, 2, 3, 4, 5, 10, 11, and 12 of Township 25 north, Range 2 east and sections 18, 19, 20, 28, 29, 30, 31, 32, 33, and 34 of Township 26 north, Range 2 east and Sections 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 35, and 36

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of Township 26 north, Range 1 east, and section 6 of Township 25 north, Range 3 east, all of the Fourth Principal Meridian, and more particularly described as follows.

Beginning at a concrete monument at the intersection of the east bank of the Mississippi River and the north line of section 5, Township 26 north, Range 1 east; thence with said north line Easterly 3,141 feet to a buggy axle at the northeast corner of section 5; thence with the north line of section 4 Easterly 2,640 feet to a 2 inch shafting at the north quarter corner of Section 4; thence Easterly 1,002 feet to a monument on the westerly right-of-way line of the Burlington Northern Santa Fe Railroad; thence crossing section 4 with said right-of-way line as it generally follows a southeasterly direction Southeasterly 2,335 feet, more or less, to point on the west line of Section 3, said point being located South 1,588 feet from the northwest corner of section 3; thence crossing a portion of section 3 Southeasterly 2,845 feet, more or less, to a monument on the boundary of the village of Blanding; thence with the common boundary of the U.S. Army Depot Activity Savanna and village of Blanding
South 43° 50’ West 372 feet to a monument
South 46° 10’ East 131 feet to a monument
North 60° 30’ East 387 feet to a monument on said westerly railroad right-of-way line; thence crossing section 3 with said right-of-way line as it generally follows a southeasterly direction Southeasterly 2,430 feet, more or less to a point on the north line of Section 10, said point being located West 1,332 feet from a monument at the northeast corner of Section 10; thence crossing Section 10 and a portion of Section 11 Southeasterly 5,010 feet, more or less, to a monument on the north and south quarter line through Section 11, said point being located North 3,102 feet from a stone on the south line of Section 11; thence crossing Section 11 Southeasterly 3,000 feet, more or less, to a monument on the east line of Section 11, said monument being

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located North 2,277 feet from the southeast corner of said Section 11; thence crossing Section 12
Southeasterly 3,880 feet, more or less, to a point on the north line of Section 13, said point being located East 393 feet from a stone at the north quarter corner of Section 13; thence crossing Section 13 and a portion of Section 18 Southeasterly 3,950 feet, more or less, to a monument on the east and west quarter line in Section 18, Township 26 north, Range 2 east, said monument being located East 452 feet from a stone at the west quarter corner of Section 18; thence crossing Section 18
Southeasterly 3,585 feet, more or less, to a monument on the north line of Section 19, said monument being located West 2 feet from the north quarter corner of Section 19; thence crossing Section 19
Southeasterly 4,320 feet, more or less, to a monument on the west line of Section 20; thence crossing Section 20 Southeasterly 2,787 feet, more or less, to a monument on the north line of Section 29; thence crossing Sections 29 and 28
Southeasterly 7,180 feet, more or less, to a point on the north line of Section 33, said point being located North 86° 45' East 731.3 feet from a stone at the northwest corner of Section 33; thence crossing a portion of Section 33
Southeasterly 4,170 feet, more or less, to a point on the east and west quarter line through said Section 33, said point being located East 1,141 feet from the center of said Section 33; thence crossing Sections 33 and 34
Southeasterly 4,740 feet, more or less, to a point on the north line of Section 3, Township 25 north, Range 2 east; thence crossing said right-of-way with said north line of Section 3
Easterly 305 feet to a monument on the north quarter corner of Section 3; thence continuing with said north line of Section 3
Easterly 2,678 feet to the northwest corner of Section 2; thence with the north line of Section 2
Easterly 2,181.5 feet to a monument on the westerly bank of the Apple River; thence with said westerly bank

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Southerly to a point 100 feet north of and parallel to the east and west quarter line of Section 2; thence with a line 100 feet north of and parallel to the east and west quarter line of Section 2
Easterly 80 feet, more or less, to a point on the centerline of the Apple River, said point being the northwest corner of U.S. Tract No. S-10; thence with the north boundary of U.S. Tract No. S-10 (north line of the access road to the U.S. Army Depot Activity Savanna)
Easterly 824.7 feet, more or less, to a point on the west line of Section 1; thence crossing Section 1 with a line 100 feet north of and parallel to the east and west quarter line of Section one
Easterly along a line comprising the northern boundaries of U.S. Tract Nos. S-7, S-6, S-5, S-4, S-3, and S-2, respectively, passing the east line of Section 1, to the southwest right-of-way line Illinois Highway No. 84; thence with said right-of-way line
Southeasterly 115 feet, more or less, to a point on the extended east and west quarter line of Section 1, Township 25 north, Range 2 east; thence with said extended line
Westerly to the east quarter corner of Section 1, Township 25 north, Range 2 east; thence along the east and west quarter line of said Section 1
Westerly to a point at the center of Section 1; thence continuing along the said east and west quarter line
Westerly 1,942.1 feet (passing a point at 1925.4 feet on the centerline of the old access road, hereafter referred to as Point "A") to a point on the west right-of-way line of the old access road to the U.S. Army Depot Activity Savanna; thence with said west right-of-way
Southwesterly to a point 20 feet south of and parallel to the east and west quarter line of Section 1, said point also being the southeast corner of U.S. Tract No. S-9A; thence along the south boundary of said U.S. Tract No. S-9A Westerly to a point on the west line of Section 1, thence along a line 20.0 south of and

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parallel to the east and west quarter line of Section 2, Township 25 north, Range 2 east
Westerly 855 feet, more or less, to a point on the westerly bank of the Apple River; thence along the westerly bank of the Apple River Southeasterly to the Mississippi River; thence along the meanders of the Mississippi River
Northwesterly to the Southeast corner of a tract of land transferred to Mississippi Lock and Dam No.12; thence with the common boundary of Lock and Dam No.12 and said Army Depot
North 73° 05' East 1,251.4 feet, more or less, to a point; thence
North 61° 58' East 5,524.0 feet, to a point on the south line of Section 4, Township 26 north, Range 1 east; thence with said south line
North 88° 53' East 333.3 feet to the southwest corner of Section 3; thence with the south line of Section 3
South 88° 40' East 780.6 feet; thence
North 28° 29' West 1,466.1 feet to a point on the north line of the southwest quarter of the southwest quarter of said Section 3; thence along said north line
North 88° 21' West 75.0 feet to the northwest corner of the southwest quarter of the southwest quarter of said Section 3; thence
South 46° 48' West 839.1 feet
South 61° 58' West 5,541.0 feet
South 73° 05' West 1287.6 feet, more or less, to the Mississippi River; thence with the meanders of the Mississippi River
Northwesterly to the point of beginning, inclusive of Apple River island in Section 10 and 11, sand bars in Sections 3, 4, and 5, all in Township 25 north, Range 2 east, Island No. 9 in Section 31, Township 26 north, Range 2 east, and in Section 25, Township 26 north, Range 1 east, Island No. 7 in Sections 25 and 26, Township 26 north, Range 1 east, and Section 31, Township 26 North, Range 2 east, Island No. 4 in Section 22 and 27; Island No. 2 in Section 8, 9 and 16; and Island No. 1, in Section 5; all in Township 26 north,

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Range 1 east, excepting that portion of the railroad right-of-way in Sections 2, 3, and 11, Township 25 north, Range 2 east, and also the following, lying 15 feet on both sides of the following described centerline:
Beginning at the aforesaid Point "A" said point being on the centerline of a strip of land 30 feet in width, thence with said centerline and an angle of 116° 07' to the right with said east and west quarter line of Section 1
Southwesterly 387.8 feet; thence with a deflection angle to the right of 04°
Southwesterly 190 feet; thence with a deflection angle to the right of 37°
Southwesterly 145 feet; thence with a deflection angle to the right of 20° 47'
Westerly 371.6 feet, more or less, to a point on the east line of Section 2, Township 25 north, Range 2 east, being located South 591 feet from the west quarter corner of said Section 2; thence with an angle to the left of 94° 33' with said west line of Section 2
Westerly 578.4 feet to a point on the centerline of a strip of land 100 feet in width, lying 50 feet on both sides of the following described centerline; thence with a deflection angle to the right of 12° 34'
Westerly 499.3 feet to the east bank of the Apple River, containing a total of 13,060.94 acres, more or less, for all of the above described lands.

Further, the State of Illinois accepts retrocession of and authorizes acceptance of retrocession of concurrent legislative jurisdiction over all those lands owned by the United States that may subsequently be identified by the Department of the Army as part of the U.S. Army Depot Activity Savanna Military Reservation, Jo Daviess Davies County and Carroll County, Illinois, although not included within the legal description contained in this subsection, to the extent concurrent jurisdiction has not previously been retroceded to the State of Illinois. Any additional land over which the State accepts retrocession of concurrent jurisdiction shall
be identified in a notice filed by the Governor as provided in subsection (d).

(b) Pursuant to concurrent legislative jurisdiction, both State and federal laws are applicable. Since most major crimes violate both federal and State laws, both may punish an offender for an offense committed in the area. The State of Illinois, subject to the exemption of the federal government, has the right to tax. The regulatory powers of the State of Illinois may be exercised in the area, but not in such a manner as to interfere with federal functions. Persons residing on the area under concurrent legislative jurisdiction are ensured important rights and privileges of citizenship, such as the right to vote and access to the Illinois courts.

(c) Subject to subsection (b), the State of Illinois accepts cession of concurrent legislative jurisdiction from the United States.

(d) The Governor of the State of Illinois is authorized to accept the retrocession of concurrent legislative jurisdiction over the subject lands by filing a notice of acceptance with the Illinois Secretary of State.

(e) Upon transfer by deed of the subject lands, or any portion thereof, by the United States of America, the concurrent jurisdiction retained by the United States shall expire as to the particular property transferred.

(Source: P.A. 92-150, eff. 7-24-01; revised 10-11-05.)

Section 60. The Election Code is amended by changing Sections 1A-15, 1A-16, 1A-17, 1A-25, 4-6.2, 5-16.2, 6-50.2, 7-56, 22-1, 22-8, 22-9, 22-15, 22-17, 24A-2, and 24B-9.1 as follows:

(10 ILCS 5/1A-15) (from Ch. 46, par. 1A-15)
Sec. 1A-15. On the request of the Department of Healthcare and Family Services Illinois Department of Public Aid, the State Board of Elections shall provide the Department with tapes, discs, other electronic data or compilations thereof which only provide the name, address and, when available, the Social Security number of registered voters for the purpose of tracing absent parents and the collection of child support. Such information shall be provided at reasonable cost, which shall include the cost of duplication plus 15% for administration. The confidentiality of all

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information contained on such tapes, discs and other electronic data or combination thereof shall be protected as provided in Section 11-9 of "The Illinois Public Aid Code".
(Source: P.A. 85-114; revised 12-15-05.)

(10 ILCS 5/1A-16)

Sec. 1A-16. Voter registration information; internet posting; processing of voter registration forms; content of such forms. Notwithstanding any law to the contrary, the following provisions shall apply to voter registration under this Code.

(a) Voter registration information; Internet posting of voter registration form. Within 90 days after the effective date of this amendatory Act of the 93rd General Assembly, the State Board of Elections shall post on its World Wide Web site the following information:

1. A comprehensive list of the names, addresses, phone numbers, and websites, if applicable, of all county clerks and boards of election commissioners in Illinois.
2. A schedule of upcoming elections and the deadline for voter registration.
3. A downloadable, printable voter registration form, in at least English and in Spanish versions, that a person may complete and mail or submit to the State Board of Elections or the appropriate county clerk or board of election commissioners.

Any forms described under paragraph (3) must state the following:

If you do not have a driver's license or social security number, and this form is submitted by mail, and you have never registered to vote in the jurisdiction you are now registering in, then you must send, with this application, either (i) a copy of a current and valid photo identification, or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. If you do not provide the information required above, then you will be required to provide election officials with either (i) or
(ii) described above the first time you vote at a voting place or by absentee ballot.

(b) Acceptance of registration forms by the State Board of Elections and county clerks and board of election commissioners. The State Board of Elections, county clerks, and board of election commissioners shall accept all completed voter registration forms described in subsection (a)(3) of this Section and Sections Section 1A-17 and Section 1A-30 that are:

  (1) postmarked on or before the day that voter registration is closed under the Election Code;

  (2) not postmarked, but arrives no later than 5 days after the close of registration;

  (3) submitted in person by a person using the form on or before the day that voter registration is closed under the Election Code; or

  (4) submitted in person by a person who submits one or more forms on behalf of one or more persons who used the form on or before the day that voter registration is closed under the Election Code.

Upon the receipt of a registration form, the State Board of Elections shall mark the date on which the form was received and send the form via first class mail to the appropriate county clerk or board of election commissioners, as the case may be, within 2 business days based upon the home address of the person submitting the registration form. The county clerk and board of election commissioners shall accept and process any form received from the State Board of Elections.

(c) Processing of registration forms by county clerks and boards of election commissioners. The county clerk or board of election commissioners shall promulgate procedures for processing the voter registration form.

(d) Contents of the voter registration form. The State Board shall create a voter registration form, which must contain the following content:

  (1) Instructions for completing the form.

New matter indicated by italics - deletions by strikeout
(2) A summary of the qualifications to register to vote in Illinois.

(3) Instructions for mailing in or submitting the form in person.

(4) The phone number for the State Board of Elections should a person submitting the form have questions.

(5) A box for the person to check that explains one of 3 reasons for submitting the form:
   (a) new registration;
   (b) change of address; or
   (c) change of name.

(6) A box for the person to check yes or no that asks, "Are you a citizen of the United States?", a box for the person to check yes or no that asks, "Will you be 18 years of age on or before election day?", and a statement of "If you checked 'no' in response to either of these questions, then do not complete this form.'

(7) A space for the person to fill in his or her home telephone number.

(8) Spaces for the person to fill in his or her first, middle, and last names, street address (principal place of residence), county, city, state, and zip code.

(9) Spaces for the person to fill in his or her mailing address, city, state, and zip code if different from his or her principal place of residence.

(10) A space for the person to fill in his or her Illinois driver's license number if the person has a driver's license.

(11) A space for a person without a driver's license to fill in the last four digits of his or her social security number if the person has a social security number.

(12) A space for a person without an Illinois driver's license to fill in his or her identification number from his or her State Identification card issued by the Secretary of State.

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(13) A space for the person to fill the name appearing on his or her last voter registration, the street address of his or her last registration, including the city, county, state, and zip code.

(14) A space where the person swears or affirms the following under penalty of perjury with his or her signature:
   (a) "I am a citizen of the United States.";
   (b) "I will be at least 18 years old on or before the next election.";
   (c) "I will have lived in the State of Illinois and in my election precinct at least 30 days as of the date of the next election."; and
   "The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, then I may be fined, imprisoned, or if I am not a U.S. citizen, deported from or refused entry into the United States."

(d-5) Compliance with federal law; rulemaking authority. The voter registration form described in this Section shall be consistent with the form prescribed by the Federal Election Commission under the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, and the Help America Vote Act of 2002, P.L. 107-252, in all relevant respects. The State Board of Elections shall periodically update the form based on changes to federal or State law. The State Board of Elections shall promulgate any rules necessary for the implementation of this Section; provided that the rules comport with the letter and spirit of the National Voter Registration Act of 1993 and Help America Vote Act of 2002 and maximize the opportunity for a person to register to vote.

(e) Forms available in paper form. The State Board of Elections shall make the voter registration form available in regular paper stock and form in sufficient quantities for the general public. The State Board of Elections may provide the voter registration form to the Secretary of State, county clerks, boards of election commissioners, designated agencies of the State of Illinois, and any other person or entity designated to have these forms by the Election Code in regular paper stock and form or some other

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format deemed suitable by the Board. Each county clerk or board of election commissioners has the authority to design and print its own voter registration form so long as the form complies with the requirements of this Section. The State Board of Elections, county clerks, boards of election commissioners, or other designated agencies of the State of Illinois required to have these forms under the Election Code shall provide a member of the public with any reasonable number of forms that he or she may request. Nothing in this Section shall permit the State Board of Elections, county clerk, board of election commissioners, or other appropriate election official who may accept a voter registration form to refuse to accept a voter registration form because the form is printed on photocopier or regular paper stock and form.

(f) Internet voter registration study. The State Board of Elections shall investigate the feasibility of offering voter registration on its website and consider voter registration methods of other states in an effort to maximize the opportunity for all Illinois citizens to register to vote. The State Board of Elections shall assemble its findings in a report and submit it to the General Assembly no later than January 1, 2006. The report shall contain legislative recommendations to the General Assembly on improving voter registration in Illinois.

(Source: P.A. 93-574, eff. 8-21-03; 94-492, eff. 1-1-06; 94-645, eff. 8-22-05; revised 8-29-05.)

(10 ILCS 5/1A-17)
Sec. 1A-17. Voter registration outreach.
(a) The Secretary of State, the Department of Human Services, the Department of Children and Family Services, the Department of Public Aid, the Department of Employment Security, and each public institution of higher learning in Illinois must make available on its World Wide Web site a downloadable, printable voter registration form that complies with the requirements in subsection (d) of Section 1A-16 for the State Board of Elections' voter registration form.

(b) Each public institution of higher learning in Illinois must include voter registration information and a voter registration form supplied by the State Board of Elections under subsection (e) of Section
1A-16 in any mailing of student registration materials to an address located in Illinois. Each public institution of higher learning must provide voter registration information and a voter registration form supplied by the State Board of Elections under subsection (e) of Section 1A-16 to each person with whom the institution conducts in-person student registration.

(c) As used in this Section, a public institution of higher learning means a public university, college, or community college in Illinois.

(Source: P.A. 94-645, eff. 8-22-05; incorporates P.A. 94-492, eff. 1-1-06.)

(10 ILCS 5/1A-25)

Sec. 1A-25. Centralized statewide voter registration list. The centralized statewide voter registration list required by Title III, Subtitle A, Section 303 of the Help America Vote Act of 2002 shall be created and maintained by the State Board of Elections as provided in this Section.

(1) The centralized statewide voter registration list shall be compiled from the voter registration data bases of each election authority in this State.

(2) All new voter registration forms and applications to register to vote, including those reviewed by the Secretary of State at a driver services facility, shall be transmitted only to the appropriate election authority as required by Articles 4, 5, and 6 of this Code and not to the State Board of Elections. The election authority shall process and verify each voter registration form and electronically enter verified registrations on an expedited basis onto the statewide voter registration list. All original registration cards shall remain permanently in the office of the election authority as required by this Code.

(3) The centralized statewide voter registration list shall:
   (i) Be designed to allow election authorities to utilize the registration data on the statewide voter registration list pertinent to voters registered in their election jurisdiction on locally maintained software programs that are unique to each jurisdiction.
   (ii) Allow each election authority to perform essential election management functions, including but not
limited to production of voter lists, processing of absentee voters, production of individual, pre-printed applications to vote, administration of election judges, and polling place administration, but shall not prevent any election authority from using information from that election authority's own systems.

(4) The registration information maintained by each election authority shall be synchronized with that authority's information on the statewide list at least once every 24 hours.

To protect the privacy and confidentiality of voter registration information, the disclosure of any portion of the centralized statewide voter registration list to any person or entity other than to a State or local political committee and other than to a governmental entity for a governmental purpose is specifically prohibited except as follows: subject to security measures adopted by the State Board of Elections which, at a minimum, shall include the keeping of a catalog or database, available for public view, including the name, address, and telephone number of the person viewing the list as well as the time of that viewing, any person may view the list on a computer screen at the Springfield office of the State Board of Elections, during normal business hours other than during the 27 days before an election, but the person viewing the list under this exception may not print, duplicate, transmit, or alter the list.

(Source: P.A. 93-1071, eff. 1-18-05; 94-136, eff. 7-7-05; 94-645, eff. 8-22-05; revised 8-29-05.)

(10 ILCS 5/4-6.2) (from Ch. 46, par. 4-6.2)

Sec. 4-6.2. (a) The county clerk shall appoint all municipal and township or road district clerks or their duly authorized deputies as deputy registrars who may accept the registration of all qualified residents of the State.

The county clerk shall appoint all precinct committeepersons in the county as deputy registrars who may accept the registration of any qualified resident of the State, except during the 27 days preceding an election.
The election authority shall appoint as deputy registrars a reasonable number of employees of the Secretary of State located at driver's license examination stations and designated to the election authority by the Secretary of State who may accept the registration of any qualified residents of the State at any such driver's license examination stations. The appointment of employees of the Secretary of State as deputy registrars shall be made in the manner provided in Section 2-105 of the Illinois Vehicle Code.

The county clerk shall appoint each of the following named persons as deputy registrars upon the written request of such persons:

1. The chief librarian, or a qualified person designated by the chief librarian, of any public library situated within the election jurisdiction, who may accept the registrations of any qualified resident of the State, at such library.

2. The principal, or a qualified person designated by the principal, of any high school, elementary school, or vocational school situated within the election jurisdiction, who may accept the registrations of any qualified resident of the State, at such school. The county clerk shall notify every principal and vice-principal of each high school, elementary school, and vocational school situated within the election jurisdiction of their eligibility to serve as deputy registrars and offer training courses for service as deputy registrars at conveniently located facilities at least 4 months prior to every election.

3. The president, or a qualified person designated by the president, of any university, college, community college, academy or other institution of learning situated within the election jurisdiction, who may accept the registrations of any resident of the State, at such university, college, community college, academy or institution.

4. A duly elected or appointed official of a bona fide labor organization, or a reasonable number of qualified members designated by such official, who may accept the registrations of any qualified resident of the State.
5. A duly elected or appointed official of a bonafide State civic organization, as defined and determined by rule of the State Board of Elections, or qualified members designated by such official, who may accept the registration of any qualified resident of the State. In determining the number of deputy registrars that shall be appointed, the county clerk shall consider the population of the jurisdiction, the size of the organization, the geographic size of the jurisdiction, convenience for the public, the existing number of deputy registrars in the jurisdiction and their location, the registration activities of the organization and the need to appoint deputy registrars to assist and facilitate the registration of non-English speaking individuals. In no event shall a county clerk fix an arbitrary number applicable to every civic organization requesting appointment of its members as deputy registrars. The State Board of Elections shall by rule provide for certification of bonafide State civic organizations. Such appointments shall be made for a period not to exceed 2 years, terminating on the first business day of the month following the month of the general election, and shall be valid for all periods of voter registration as provided by this Code during the terms of such appointments.

6. The Director of Healthcare and Family Services the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the county at any such public aid office.

7. The Director of the Illinois Department of Employment Security, or a reasonable number of employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the county at any such unemployment office.

8. The president of any corporation as defined by the Business Corporation Act of 1983, or a reasonable number of employees designated by such president, who may accept the registrations of any qualified resident of the State.
If the request to be appointed as deputy registrar is denied, the county clerk shall, within 10 days after the date the request is submitted, provide the affected individual or organization with written notice setting forth the specific reasons or criteria relied upon to deny the request to be appointed as deputy registrar.

The county clerk may appoint as many additional deputy registrars as he considers necessary. The county clerk shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving due consideration to both population concentration and area. Some of the additional deputy registrars shall be selected so that there are an equal number from each of the 2 major political parties in the election jurisdiction. The county clerk, in appointing an additional deputy registrar, shall make the appointment from a list of applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the county clerk by November 30 of each year. The county clerk may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than the 27 day period preceding an election. All persons appointed as deputy registrars shall be registered voters within the county and shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of deputy registrar to the best of my ability and that I will register no person nor cause the registration of any person except upon his personal application before me.

............................
(Signature Deputy Registrar)"

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This oath shall be administered by the county clerk, or by one of his deputies, or by any person qualified to take acknowledgement of deeds and shall immediately thereafter be filed with the county clerk.

Appointments of deputy registrars under this Section, except precinct committeemen, shall be for 2-year terms, commencing on December 1 following the general election of each even-numbered year; except that the terms of the initial appointments shall be until December 1st following the next general election. Appointments of precinct committeemen shall be for 2-year terms commencing on the date of the county convention following the general primary at which they were elected. The county clerk shall issue a certificate of appointment to each deputy registrar, and shall maintain in his office for public inspection a list of the names of all appointees.

(b) The county clerk shall be responsible for training all deputy registrars appointed pursuant to subsection (a), at times and locations reasonably convenient for both the county clerk and such appointees. The county clerk shall be responsible for certifying and supervising all deputy registrars appointed pursuant to subsection (a). Deputy registrars appointed under subsection (a) shall be subject to removal for cause.

(c) Completed registration materials under the control of deputy registrars, appointed pursuant to subsection (a), shall be returned to the appointing election authority within 7 days, except that completed registration materials received by the deputy registrars during the period between the 35th and 28th day preceding an election shall be returned by the deputy registrars to the appointing election authority within 48 hours after receipt thereof. The completed registration materials received by the deputy registrars on the 28th day preceding an election shall be returned by the deputy registrars within 24 hours after receipt thereof. Unused materials shall be returned by deputy registrars appointed pursuant to paragraph 4 of subsection (a), not later than the next working day following the close of registration.

(d) The county clerk or board of election commissioners, as the case may be, must provide any additional forms requested by any deputy registrar.
registrar regardless of the number of unaccounted registration forms the
deputy registrar may have in his or her possession.

(e) No deputy registrar shall engage in any electioneering or the
promotion of any cause during the performance of his or her duties.

(f) The county clerk shall not be criminally or civilly liable for the
acts or omissions of any deputy registrar. Such deputy registrars shall not
be deemed to be employees of the county clerk.

(g) Completed registration materials returned by deputy registrars
for persons residing outside the county shall be transmitted by the county
clerk within 2 days after receipt to the election authority of the person's
election jurisdiction of residence.

(Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05; revised
12-15-05.)

(10 ILCS 5/5-16.2) (from Ch. 46, par. 5-16.2)
Sec. 5-16.2. (a) The county clerk shall appoint all municipal and
township clerks or their duly authorized deputies as deputy registrars who
may accept the registration of all qualified residents of the State.

The county clerk shall appoint all precinct committeepersons in the
county as deputy registrars who may accept the registration of any
qualified resident of the State, except during the 27 days preceding an
election.

The election authority shall appoint as deputy registrars a
reasonable number of employees of the Secretary of State located at
driver's license examination stations and designated to the election
authority by the Secretary of State who may accept the registration of any
qualified residents of the State at any such driver's license examination
stations. The appointment of employees of the Secretary of State as deputy
registrars shall be made in the manner provided in Section 2-105 of the

The county clerk shall appoint each of the following named
persons as deputy registrars upon the written request of such persons:

1. The chief librarian, or a qualified person designated by
   the chief librarian, of any public library situated within the election

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jurisdiction, who may accept the registrations of any qualified resident of the State, at such library.

2. The principal, or a qualified person designated by the principal, of any high school, elementary school, or vocational school situated within the election jurisdiction, who may accept the registrations of any resident of the State, at such school. The county clerk shall notify every principal and vice-principal of each high school, elementary school, and vocational school situated within the election jurisdiction of their eligibility to serve as deputy registrars and offer training courses for service as deputy registrars at conveniently located facilities at least 4 months prior to every election.

3. The president, or a qualified person designated by the president, of any university, college, community college, academy or other institution of learning situated within the election jurisdiction, who may accept the registrations of any resident of the State, at such university, college, community college, academy or institution.

4. A duly elected or appointed official of a bona fide labor organization, or a reasonable number of qualified members designated by such official, who may accept the registrations of any qualified resident of the State.

5. A duly elected or appointed official of a bona fide State civic organization, as defined and determined by rule of the State Board of Elections, or qualified members designated by such official, who may accept the registration of any qualified resident of the State. In determining the number of deputy registrars that shall be appointed, the county clerk shall consider the population of the jurisdiction, the size of the organization, the geographic size of the jurisdiction, convenience for the public, the existing number of deputy registrars in the jurisdiction and their location, the registration activities of the organization and the need to appoint deputy registrars to assist and facilitate the registration of non-English speaking individuals. In no event shall a county clerk

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fix an arbitrary number applicable to every civic organization requesting appointment of its members as deputy registrars. The State Board of Elections shall by rule provide for certification of bona fide State civic organizations. Such appointments shall be made for a period not to exceed 2 years, terminating on the first business day of the month following the month of the general election, and shall be valid for all periods of voter registration as provided by this Code during the terms of such appointments.

6. The Director of Healthcare and Family Services the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the county at any such public aid office.

7. The Director of the Illinois Department of Employment Security, or a reasonable number of employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the county at any such unemployment office.

8. The president of any corporation as defined by the Business Corporation Act of 1983, or a reasonable number of employees designated by such president, who may accept the registrations of any qualified resident of the State.

If the request to be appointed as deputy registrar is denied, the county clerk shall, within 10 days after the date the request is submitted, provide the affected individual or organization with written notice setting forth the specific reasons or criteria relied upon to deny the request to be appointed as deputy registrar.

The county clerk may appoint as many additional deputy registrars as he considers necessary. The county clerk shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving due consideration to both population concentration and area. Some of the additional deputy registrars shall be selected so that there are an equal number from each of the 2 major political parties in the election jurisdiction. The county clerk, in appointing an additional deputy

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registrar, shall make the appointment from a list of applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the county clerk by November 30 of each year. The county clerk may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than the 27 day period preceding an election. All persons appointed as deputy registrars shall be registered voters within the county and shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of deputy registrar to the best of my ability and that I will register no person nor cause the registration of any person except upon his personal application before me.

...............................

(Signature of Deputy Registrar)"

This oath shall be administered by the county clerk, or by one of his deputies, or by any person qualified to take acknowledgement of deeds and shall immediately thereafter be filed with the county clerk.

Appointments of deputy registrars under this Section, except precinct committeemen, shall be for 2-year terms, commencing on December 1 following the general election of each even-numbered year, except that the terms of the initial appointments shall be until December 1st following the next general election. Appointments of precinct committeemen shall be for 2-year terms commencing on the date of the county convention following the general primary at which they were elected. The county clerk shall issue a certificate of appointment to each deputy registrar, and shall maintain in his office for public inspection a list of the names of all appointees.

(b) The county clerk shall be responsible for training all deputy registrars appointed pursuant to subsection (a), at times and locations
reasonably convenient for both the county clerk and such appointees. The county clerk shall be responsible for certifying and supervising all deputy registrars appointed pursuant to subsection (a). Deputy registrars appointed under subsection (a) shall be subject to removal for cause.

(c) Completed registration materials under the control of deputy registrars, appointed pursuant to subsection (a), shall be returned to the appointing election authority within 7 days, except that completed registration materials received by the deputy registrars during the period between the 35th and 28th day preceding an election shall be returned by the deputy registrars to the appointing election authority within 48 hours after receipt thereof. The completed registration materials received by the deputy registrars on the 28th day preceding an election shall be returned by the deputy registrars within 24 hours after receipt thereof. Unused materials shall be returned by deputy registrars appointed pursuant to paragraph 4 of subsection (a), not later than the next working day following the close of registration.

(d) The county clerk or board of election commissioners, as the case may be, must provide any additional forms requested by any deputy registrar regardless of the number of unaccounted registration forms the deputy registrar may have in his or her possession.

(e) No deputy registrar shall engage in any electioneering or the promotion of any cause during the performance of his or her duties.

(f) The county clerk shall not be criminally or civilly liable for the acts or omissions of any deputy registrar. Such deputy registrars shall not be deemed to be employees of the county clerk.

(g) Completed registration materials returned by deputy registrars for persons residing outside the county shall be transmitted by the county clerk within 2 days after receipt to the election authority of the person's election jurisdiction of residence.

(Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05; revised 12-15-05.)

(10 ILCS 5/6-50.2) (from Ch. 46, par. 6-50.2)

Sec. 6-50.2. (a) The board of election commissioners shall appoint all precinct committeepersons in the election jurisdiction as deputy
registrars who may accept the registration of any qualified resident of the State, except during the 27 days preceding an election.

The election authority shall appoint as deputy registrars a reasonable number of employees of the Secretary of State located at driver's license examination stations and designated to the election authority by the Secretary of State who may accept the registration of any qualified residents of the State at any such driver's license examination stations. The appointment of employees of the Secretary of State as deputy registrars shall be made in the manner provided in Section 2-105 of the Illinois Vehicle Code.

The board of election commissioners shall appoint each of the following named persons as deputy registrars upon the written request of such persons:

1. The chief librarian, or a qualified person designated by the chief librarian, of any public library situated within the election jurisdiction, who may accept the registrations of any qualified resident of the State, at such library.

2. The principal, or a qualified person designated by the principal, of any high school, elementary school, or vocational school situated within the election jurisdiction, who may accept the registrations of any resident of the State, at such school. The board of election commissioners shall notify every principal and vice-principal of each high school, elementary school, and vocational school situated in the election jurisdiction of their eligibility to serve as deputy registrars and offer training courses for service as deputy registrars at conveniently located facilities at least 4 months prior to every election.

3. The president, or a qualified person designated by the president, of any university, college, community college, academy or other institution of learning situated within the State, who may accept the registrations of any resident of the election jurisdiction, at such university, college, community college, academy or institution.

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4. A duly elected or appointed official of a bona fide labor organization, or a reasonable number of qualified members designated by such official, who may accept the registrations of any qualified resident of the State.

5. A duly elected or appointed official of a bona fide State civic organization, as defined and determined by rule of the State Board of Elections, or qualified members designated by such official, who may accept the registration of any qualified resident of the State. In determining the number of deputy registrars that shall be appointed, the board of election commissioners shall consider the population of the jurisdiction, the size of the organization, the geographic size of the jurisdiction, convenience for the public, the existing number of deputy registrars in the jurisdiction and their location, the registration activities of the organization and the need to appoint deputy registrars to assist and facilitate the registration of non-English speaking individuals. In no event shall a board of election commissioners fix an arbitrary number applicable to every civic organization requesting appointment of its members as deputy registrars. The State Board of Elections shall by rule provide for certification of bona fide State civic organizations. Such appointments shall be made for a period not to exceed 2 years, terminating on the first business day of the month following the month of the general election, and shall be valid for all periods of voter registration as provided by this Code during the terms of such appointments.

6. The Director of Healthcare and Family Services, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the election jurisdiction at any such public aid office.

7. The Director of the Illinois Department of Employment Security, or a reasonable number of employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the election jurisdiction at any such unemployment office.

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any such unemployment office. If the request to be appointed as
deputy registrar is denied, the board of election commissioners
shall, within 10 days after the date the request is submitted, provide
the affected individual or organization with written notice setting
forth the specific reasons or criteria relied upon to deny the request
to be appointed as deputy registrar.

8. The president of any corporation, as defined by the
Business Corporation Act of 1983, or a reasonable number of
employees designated by such president, who may accept the
registrations of any qualified resident of the State.

The board of election commissioners may appoint as many
additional deputy registrars as it considers necessary. The board of election
commissioners shall appoint such additional deputy registrars in such
manner that the convenience of the public is served, giving due
consideration to both population concentration and area. Some of the
additional deputy registrars shall be selected so that there are an equal
number from each of the 2 major political parties in the election
jurisdiction. The board of election commissioners, in appointing an
additional deputy registrar, shall make the appointment from a list of
applicants submitted by the Chairman of the County Central Committee of
the applicant's political party. A Chairman of a County Central Committee
shall submit a list of applicants to the board by November 30 of each year.
The board may require a Chairman of a County Central Committee to
furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than
the 27 day period preceding an election. All persons appointed as deputy
registrars shall be registered voters within the election jurisdiction and
shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will
support the Constitution of the United States, and the Constitution of the
State of Illinois, and that I will faithfully discharge the duties of the office
of registration officer to the best of my ability and that I will register no
person nor cause the registration of any person except upon his personal
application before me.

New matter indicated by italics - deletions by strikeout
This oath shall be administered and certified to by one of the commissioners or by the executive director or by some person designated by the board of election commissioners, and shall immediately thereafter be filed with the board of election commissioners. The members of the board of election commissioners and all persons authorized by them under the provisions of this Article to take registrations, after themselves taking and subscribing to the above oath, are authorized to take or administer such oaths and execute such affidavits as are required by this Article.

Appointments of deputy registrars under this Section, except precinct committeemen, shall be for 2-year terms, commencing on December 1 following the general election of each even-numbered year, except that the terms of the initial appointments shall be until December 1st following the next general election. Appointments of precinct committeemen shall be for 2-year terms commencing on the date of the county convention following the general primary at which they were elected. The county clerk shall issue a certificate of appointment to each deputy registrar, and shall maintain in his office for public inspection a list of the names of all appointees.

(b) The board of election commissioners shall be responsible for training all deputy registrars appointed pursuant to subsection (a), at times and locations reasonably convenient for both the board of election commissioners and such appointees. The board of election commissioners shall be responsible for certifying and supervising all deputy registrars appointed pursuant to subsection (a). Deputy registrars appointed under subsection (a) shall be subject to removal for cause.

(c) Completed registration materials under the control of deputy registrars appointed pursuant to subsection (a) shall be returned to the appointing election authority within 7 days, except that completed registration materials received by the deputy registrars during the period between the 35th and 28th day preceding an election shall be returned by the deputy registrars to the appointing election authority within 48 hours after receipt thereof. The completed registration materials received by the
deputy registrars on the 28th day preceding an election shall be returned by
the deputy registrars within 24 hours after receipt thereof. Unused
materials shall be returned by deputy registrars appointed pursuant to
paragraph 4 of subsection (a), not later than the next working day
following the close of registration.

(d) The county clerk or board of election commissioners, as the
case may be, must provide any additional forms requested by any deputy
registrar regardless of the number of unaccounted registration forms the
deputy registrar may have in his or her possession.

(e) No deputy registrar shall engage in any electioneering or the
promotion of any cause during the performance of his or her duties.

(f) The board of election commissioners shall not be criminally or
civilly liable for the acts or omissions of any deputy registrar. Such deputy
registrars shall not be deemed to be employees of the board of election
commissioners.

(g) Completed registration materials returned by deputy registrars
for persons residing outside the election jurisdiction shall be transmitted
by the board of election commissioners within 2 days after receipt to the
election authority of the person's election jurisdiction of residence.
(Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05; revised
12-15-05.)

(10 ILCS 5/7-56) (from Ch. 46, par. 7-56)
Sec. 7-56. As soon as complete returns are delivered to the proper
election authority, the returns shall be canvassed for all primary elections
as follows. The election authority acting as the canvassing board pursuant
to Section 1-8 of this Code shall also open and canvass the returns of a
primary. Upon the completion of the canvass of the returns by the election
authority, the election authority shall make a tabulated statement of the
returns for each political party separately, stating in appropriate columns
and under proper headings, the total number of votes cast in said county
for each candidate for nomination or election by said party, including
candidates for President of the United States and for State central
committeemen, and for delegates and alternate delegates to National
nominating conventions, and for precinct committeemen, township

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committeemen, and for ward committeemen. Within 2 days after the completion of said canvass by the election authority, the county clerk shall mail to the State Board of Elections a certified copy of such tabulated statement of returns. The election authority said officers shall also determine and set down as to each precinct the number of ballots voted by the primary electors of each party at the primary.

In the case of the nomination or election of candidates for offices, including President of the United States and the State central committeemen, and delegates and alternate delegates to National nominating conventions, certified tabulated statement of returns for which are filed with the State Board of Elections, said returns shall be canvassed by the election authority. And, provided, further, that within 5 days after said returns shall be canvassed by the said Board, the Board shall cause to be published in one daily newspaper of general circulation at the seat of the State government in Springfield a certified statement of the returns filed in its office, showing the total vote cast in the State for each candidate of each political party for President of the United States, and showing the total vote for each candidate of each political party for President of the United States, cast in each of the several congressional districts in the State.

Within 48 hours of conducting a canvass, as required by this Code, of the consolidated primary, the election authority shall deliver an original certificate of results to each local election official, with respect to whose political subdivisions nominations were made at such primary, for each precinct in his jurisdiction in which such nominations were on the ballot. Such original certificate of results need not include any offices or nominations for any other political subdivisions.

(Source: P.A. 94-645, eff. 8-22-05; 94-647, eff. 1-1-06; revised 8-29-05.)

(10 ILCS 5/22-1) (from Ch. 46, par. 22-1)

Sec. 22-1. Abstracts of votes. Within 21 days after the close of the election at which candidates for offices hereinafter named in this Section are voted upon, the election authorities of the respective counties shall open the returns and make abstracts of the votes on a separate sheet for each of the following:

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A. For Governor and Lieutenant Governor;
B. For State officers;
C. For presidential electors;
D. For United States Senators and Representatives to Congress;
E. For judges of the Supreme Court;
F. For judges of the Appellate Court;
G. For judges of the circuit court;
H. For Senators and Representatives to the General Assembly;
I. For State's Attorneys elected from 2 or more counties;
J. For amendments to the Constitution, and for other propositions submitted to the electors of the entire State;
K. For county officers and for propositions submitted to the electors of the county only;
L. For Regional Superintendent of Schools;
M. For trustees of Sanitary Districts; and
N. For Trustee of a Regional Board of School Trustees.

Each sheet shall report the returns by precinct or ward.
Multiple originals of each of the sheets shall be prepared and one of each shall be turned over to the chairman of the county central committee of each of the then existing established political parties, as defined in Section 10-2, or his duly authorized representative immediately after the completion of the entries on the sheets and before the totals have been compiled.

The foregoing abstracts shall be preserved by the election authority in its office.

Whenever any county clerk is unable to canvass the vote, the deputy county clerk or a designee of the county clerk shall serve in his or her place.

The powers and duties of the election authority canvassing the votes are limited to those specified in this Section.

No person who is shown by the election authority's canvassing board's proclamation to have been elected at the consolidated election or general election as a write-in candidate shall take office unless that person has first filed with the certifying office or board a statement of candidacy

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pursuant to Section 7-10 or Section 10-5, a statement pursuant to Section 7-10.1, and a receipt for filing a statement of economic interests in relation to the unit of government to which he or she has been elected. For officers elected at the consolidated election, the certifying officer shall notify the election authority of the receipt of those documents, and the county clerk shall issue the certification of election under the provisions of Section 22-18.
(Source: P.A. 93-847, eff. 7-30-04; 94-645, eff. 8-22-05; 94-647, eff. 1-1-06; revised 10-4-05.)

(10 ILCS 5/22-8) (from Ch. 46, par. 22-8)

Sec. 22-8. In municipalities operating under Article 6 of this Act, within 21 days after the close of such election, the board of election commissioners shall open all returns and shall make abstracts or statements of the votes for all offices and questions voted on at the election.

Each abstract or statement sheet shall report the returns by precinct or ward.

Multiple originals of each of the abstracts or statements shall be prepared and one of each shall be turned over to the chairman of the county central committee of each of the then existing established political parties, as defined in Section 10-2.
(Source: P.A. 93-847, eff. 7-30-04; 94-645, eff. 8-22-05; 94-647, eff. 1-1-06; revised 10-4-05.)

(10 ILCS 5/22-9) (from Ch. 46, par. 22-9)

Sec. 22-9. It shall be the duty of the election authority to canvass and add up and declare the result of every election hereafter held within the boundaries of such city, village or incorporated town operating under Article 6 of this Act. The election authority shall file a certified copy of the record with the County Clerk of the county; and such abstracts or results shall be treated, by the County Clerk in all respects, as if made by the election authority now provided by the foregoing sections of this law, and he shall transmit the same, by facsimile, e-mail, or other electronic means, to the State Board of Elections, or other proper officer, as required hereinabove. The county clerk or board of election

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commissioners, as the case may be, shall also send the abstract by precinct
or ward and result in a sealed envelope addressed to the State Board of
Elections via overnight mail so it arrives at the address the following
calendar day. And such abstracts or results so declared, and a certified
copy thereof, shall be treated everywhere within the state, and by all public
officers, with the same binding force and effect as the abstract of votes
now authorized by the foregoing provisions of this Act.
(Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05; 94-647, eff.
1-1-06; revised 9-15-06.)

(10 ILCS 5/22-15) (from Ch. 46, par. 22-15)
Sec. 22-15. The election authority shall, upon request, and by mail
if so requested, furnish free of charge to any candidate for any office,
whose name appeared upon the ballot within the jurisdiction of the
election authority, a copy of the abstract of votes by precinct or ward for
all candidates for the office for which such person was a candidate. Such
abstract shall be furnished no later than 2 days after the receipt of the
request or 8 days after the completing of the canvass, whichever is later.

Within one calendar day following the canvass and proclamation of
each general primary election and general election, each election authority
shall transmit to the principal office of the State Board of Elections copies
of the abstracts of votes by precinct or ward for the offices of ward,
township, and precinct committeeman via overnight mail so that the
abstract of votes arrives at the address the following calendar day. Each
election authority shall also transmit to the principal office of the State
Board of Elections copies of current precinct poll lists.
(Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05; 94-647, eff.
1-1-06; revised 8-29-05.)

(10 ILCS 5/22-17) (from Ch. 46, par. 22-17)
Sec. 22-17. (a) Except as provided in subsection (b), the canvass of
votes cast at the consolidated election shall be conducted by the election
authority within 21 days after the close of such elections.

(b) The board of election commissioners as provided in Section
22-8 shall canvass the votes cast at the consolidated election for offices of

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any political subdivision entirely within the jurisdiction of a municipal board of election commissioners.

(c) The canvass of votes cast upon any public questions submitted to the voters of any political subdivision, or any precinct or combination of precincts within a political subdivision, at any regular election or at any emergency referendum election, including votes cast by voters outside of the political subdivision where the question is for annexation thereto, shall be canvassed by the same election authority as for the canvass of votes of the officers of such political subdivision. However, referenda conducted throughout a county and referenda of sanitary districts whose officers are elected at general elections shall be canvassed by the county clerk. The votes cast on a public question for the formation of a political subdivision shall be canvassed by the relevant election authority and filed with the circuit court that ordered the question submitted.

(c-5) No person who is shown by the election authority's canvassing board's proclamation to have been elected at the consolidated election or general election as a write-in candidate shall take office unless that person has first filed with the certifying office or board a statement of candidacy pursuant to Section 7-10 or Section 10-5, a statement pursuant to Section 7-10.1, and a receipt for filing a statement of economic interests in relation to the unit of government to which he or she has been elected. For officers elected at the consolidated election, the certifying officer shall notify the election authority of the receipt of those documents, and the county clerk shall issue the certification of election under the provisions of Section 22-18.

(d) The canvass of votes for offices of political subdivisions cast at special elections to fill vacancies held on the day of any regular election shall be conducted by the election authority which is responsible for canvassing the votes at the regularly scheduled election for such office.

(e) Abstracts of votes prepared pursuant to canvasses under this Section shall report returns by precinct or ward.

(Source: P.A. 93-847, eff. 7-30-04; 94-645, eff. 8-22-05; 94-647, eff. 1-1-06; revised 10-4-05.)

(10 ILCS 5/24A-2) (from Ch. 46, par. 24A-2)
Sec. 24A-2. As used in this Article: "Computer", "Automatic tabulating equipment" or "equipment" includes apparatus necessary to automatically examine and count votes as designated on ballots, and data processing machines which can be used for counting ballots and tabulating results.

"Ballot card" means a ballot which is voted by the process of punching.

"Ballot configuration" means the particular combination of political subdivision ballots including, for each political subdivision, the particular combination of offices, candidate names and ballot position numbers for each candidate and question as it appears for each group of voters who may cast the same ballot.

"Ballot labels" means the cards, papers, booklet, pages or other material containing the names of officers and candidates and statements of measures to be voted on.

"Ballot sheet" means a paper ballot printed on one or both sides which is (1) designed and prepared so that the voter may indicate his or her votes in designated areas, which must be enclosed areas clearly printed or otherwise delineated for such purpose, and (2) capable of having votes marked in the designated areas automatically examined, counted, and tabulated by an electronic scanning process.

"Ballot" may include ballot cards, ballot labels and paper ballots.

"Separate ballot", with respect to ballot sheets, means a separate portion of the ballot sheet in which the color of the ink used in printing that portion of the ballot sheet is distinct from the color of the ink used in printing any other portion of the ballot sheet.

"Column" in an electronic voting system which utilizes a ballot card means a space on a ballot card for punching the voter's vote arranged in a row running lengthwise on the ballot card.

"Central Counting" means the counting of ballots in one or more locations selected by the election authority for the processing or counting, or both, of ballots. A location for central counting shall be within the territorial jurisdiction of such election authority unless there is no suitable
tabulating equipment available within his territorial jurisdiction. However, in any event a counting location shall be within this State.

"In-precinct counting" means the counting of ballots on automatic tabulating equipment provided by the election authority in the same precinct polling place in which those ballots have been cast.

"Computer operator" means any person or persons designated by the election authority to operate the automatic tabulating equipment during any portion of the vote tallying process in an election, but shall not include judges of election operating vote tabulating equipment in the precinct.

"Computer program" or "program" means the set of operating instructions for the automatic tabulating equipment by which it examines, counts, tabulates, canvasses and prints votes recorded by a voter on a ballot card or other medium.

"Edit listing" means a computer generated listing of the names and ballot position numbers for each candidate and proposition as they appear in the program for each precinct.

"Voting System" or "Electronic Voting System" means that combination of equipment and programs used in the casting, examination and tabulation of ballots and the cumulation and reporting of results by electronic means.

"Header card" means a data processing card which is coded to indicate to the computer the precinct identity of the ballot cards that will follow immediately and may indicate to the computer how such ballot cards are to be tabulated.

"Marking device" means either an apparatus in which ballots or ballot cards are inserted and used in connection with a punch apparatus for the piercing of ballots by the voter, or any approved device for marking a paper ballot with ink or other substance which will enable the ballot to be tabulated by means of automatic tabulating equipment or by an electronic scanning process.

"Redundant count" means a verification of the original computer count by another count using compatible equipment or by hand as part of a discovery recount.
"Security punch" means a punch placed on a ballot card to identify to the computer program the offices and propositions for which votes may be cast and to indicate the manner in which votes cast should be tabulated while negating any inadmissible votes.

(Source: P.A. 86-867; revised 10-12-05.)

(10 ILCS 5/24B-9.1)

Sec. 24B-9.1. Examination of Votes by Electronic Precinct Tabulation Optical Scan Technology Scanning Process or other authorized electronic process; definition of a vote.

(a) Examination of Votes by Electronic Precinct Tabulation Optical Scan Technology Scanning Process. Whenever a Precinct Tabulation Optical Scan Technology process is used to automatically examine and count the votes on ballot sheets, the provisions of this Section shall apply. A voter shall cast a proper vote on a ballot sheet by making a mark, or causing a mark to be made, in the designated area for the casting of a vote for any party or candidate or for or against any proposition. For this purpose, a mark is an intentional darkening of the designated area on the ballot, and not an identifying mark.

(b) For any ballot sheet that does not register a vote for one or more ballot positions on the ballot sheet on an Electronic Precinct Tabulation Optical Scan Technology Scanning Process, the following shall constitute a vote on the ballot sheet:

1. the designated area for casting a vote for a particular ballot position on the ballot sheet is fully darkened or shaded in;
2. the designated area for casting a vote for a particular ballot position on the ballot sheet is partially darkened or shaded in;
3. the designated area for casting a vote for a particular ballot position on the ballot sheet contains a dot or ".", a check, or a plus or "+";
4. the designated area for casting a vote for a particular ballot position on the ballot sheet contains some other type of mark that indicates the clearly ascertainable intent of the voter to vote based on the totality of the circumstances, including but not limited

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to any pattern or frequency of marks on other ballot positions from the same ballot sheet; or:

(5) the designated area for casting a vote for a particular ballot position on the ballot sheet is not marked, but the ballot sheet contains other markings associated with a particular ballot position, such as circling a candidate's name, that indicates the clearly ascertainable intent of the voter to vote, based on the totality of the circumstances, including but not limited to, any pattern or frequency of markings on other ballot positions from the same ballot sheet.

(c) For other electronic voting systems that use a computer as the marking device to mark a ballot sheet, the bar code found on the ballot sheet shall constitute the votes found on the ballot. If, however, the county clerk or board of election commissioners determines that the votes represented by the tally on the bar code for one or more ballot positions is inconsistent with the votes represented by numerical ballot positions identified on the ballot sheet produced using a computer as the marking device, then the numerical ballot positions identified on the ballot sheet shall constitute the votes for purposes of any official canvass or recount proceeding. An electronic voting system that uses a computer as the marking device to mark a ballot sheet shall be capable of producing a ballot sheet that contains all numerical ballot positions selected by the voter, and provides a place for the voter to cast a write-in vote for a candidate for a particular numerical ballot position.

(d) The election authority shall provide an envelope, sleeve or other device to each voter so the voter can deliver the voted ballot sheet to the counting equipment and ballot box without the votes indicated on the ballot sheet being visible to other persons in the polling place.

(Source: P.A. 93-574, eff. 8-21-03; revised 10-9-03.)

(10 ILCS 5/1A-30 rep.)

Section 62. The Election Code is amended by repealing Section 1A-30.

Section 65. The Attorney General Act is amended by changing Section 4a as follows:

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(15 ILCS 205/4a) (from Ch. 14, par. 4a)
Sec. 4a. Attorneys and investigators appointed by the attorney general, and on his payroll, when authorized by the attorney general or his designee, may expend such sums as the attorney general or his designee deems necessary for the purchase of items for evidence, the advancement of fees in cases before United States courts or other State courts, and in the payment of witness or subpoena fees.

Funds for making expenditures authorized in this Section shall be advanced from funds appropriated or made available by law for the support or use of the office of attorney general or vouchers therefor signed by the attorney general or his designee. Sums so advanced may be paid to the attorney or investigator authorized to receive the advancement, or may be made payable to the ultimate recipient. Any expenditures under this Section shall be audited by the auditor general as part of any mandated audit conducted in compliance with Section 3-2 of the Illinois State Auditing Act.
(Source: P.A. 84-438; revised 10-11-05.)

Section 70. The Secretary of State Act is amended by changing Section 10 as follows:
(15 ILCS 305/10) (from Ch. 124, par. 10)
Sec. 10. Whenever any bill which has passed both houses of the General Assembly, and is not approved, or vetoed and returned by the Governor, or filed with his objection in the office of the Secretary of State, as required by Section 9, of Article IV, of the Constitution, it shall be the duty of the Secretary of State to authenticate the same by a certificate thereon, to the following effect, as the case may be:
"This bill having remained with the Governor 60 calendar days after it was presented to him, the General Assembly being in session, or the Governor having failed to return this bill to the General Assembly during its session, and having failed to file it in my office, with his objections, within such 60 calendar days, it has thereby become a law.
Dated ...............  
Signature ............... , Secretary of State".

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Section 75. The Secretary of State Merit Employment Code is amended by changing Section 10b.1 as follows:

(15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)
Sec. 10b.1. (a) Competitive examinations.

(a) For open competitive examinations to test the relative fitness of applicants for the respective positions. Tests shall be designed to eliminate those who are not qualified for entrance into the Office of the Secretary of State and to discover the relative fitness of those who are qualified. The Director may use any one of or any combination of the following examination methods which in his judgment best serves this end: investigation of education and experience; test of cultural knowledge; test of capacity; test of knowledge; test of manual skill; test of linguistic ability; test of character; test of physical skill; test of psychological fitness. No person with a record of misdemeanor convictions except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8 and sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of 1961, or arrested for any cause but not convicted thereon shall be disqualified from taking such examinations or subsequent appointment unless the person is attempting to qualify for a position which would give him the powers of a peace officer, in which case the person's conviction or arrest record may be considered as a factor in determining the person's fitness for the position. All examinations shall be announced publicly at least 2 weeks in advance of the date of examinations and may be advertised through the press, radio or other media.

The Director may, at his discretion, accept the results of competitive examinations conducted by any merit system established by Federal law or by the law of any State, and may compile eligible lists therefrom or may add the names of successful candidates in examinations conducted by those merit systems to existing eligible lists in accordance with their respective ratings. No person who is a non-resident of the State of Illinois may be appointed from those eligible lists, however, unless the requirement that applicants be residents of the State of Illinois is waived.
by the Director of Personnel and unless there are less than 3 Illinois residents available for appointment from the appropriate eligible list. The results of the examinations conducted by other merit systems may not be used unless they are comparable in difficulty and comprehensiveness to examinations conducted by the Department of Personnel for similar positions. Special linguistic options may also be established where deemed appropriate.

(b) The Director of Personnel may require that each person seeking employment with the Secretary of State, as part of the application process, authorize an investigation to determine if the applicant has ever been convicted of a crime and if so, the disposition of those convictions; this authorization shall indicate the scope of the inquiry and the agencies which may be contacted. Upon this authorization, the Director of Personnel may request and receive information and assistance from any federal, state or local governmental agency as part of the authorized investigation. The investigation shall be undertaken after the fingerprinting of an applicant in the form and manner prescribed by the Department of State Police. The investigation shall consist of a criminal history records check performed by the Department of State Police and the Federal Bureau of Investigation, or some other entity that has the ability to check the applicant's fingerprints against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. If the Department of State Police and the Federal Bureau of Investigation conduct an investigation directly for the Secretary of State's Office, then the Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall provide information concerning any criminal convictions, and their disposition, brought against the applicant or prospective employee of the Secretary of State upon request of the Department of Personnel when the request is made in the form and manner required by the Department of State Police. The information derived from this investigation, including the source of this information, and any conclusions or recommendations

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derived from this information by the Director of Personnel shall be provided to the applicant or prospective employee, or his designee, upon request to the Director of Personnel prior to any final action by the Director of Personnel on the application. No information obtained from such investigation may be placed in any automated information system. Any criminal convictions and their disposition information obtained by the Director of Personnel shall be confidential and may not be transmitted outside the Office of the Secretary of State, except as required herein, and may not be transmitted to anyone within the Office of the Secretary of State except as needed for the purpose of evaluating the application. The only physical identity materials which the applicant or prospective employee can be required to provide to the Director of Personnel are photographs or fingerprints; these shall be returned to the applicant or prospective employee upon request to the Director of Personnel, after the investigation has been completed and no copy of these materials may be kept by the Director of Personnel or any agency to which such identity materials were transmitted. Only information and standards which bear a reasonable and rational relation to the performance of an employee shall be used by the Director of Personnel. The Secretary of State shall adopt rules and regulations for the administration of this Section. Any employee of the Secretary of State who gives or causes to be given away any confidential information concerning any criminal convictions and their disposition of an applicant or prospective employee shall be guilty of a Class A misdemeanor unless release of such information is authorized by this Section.

(Source: P.A. 93-418, eff. 1-1-04; revised 10-9-03.)

Section 80. The State Comptroller Act is amended by changing Section 10.05a as follows:

(15 ILCS 405/10.05a) (from Ch. 15, par. 210.05a)

Sec. 10.05a. Deductions from Warrants and Payments for Satisfaction of Past Due Child Support. At the direction of the Department of Healthcare and Family Services, the Comptroller shall deduct from a warrant or other payment described in Section 10.05 of this Act, in accordance with the procedures provided therein, and pay over to
the Department or the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code, at the direction of the Department, that amount certified as necessary to satisfy, in whole or in part, past due support owed by a person on account of support action being taken by the Department under Article X of the Illinois Public Aid Code, whether or not such support is owed to the State. Such deduction shall have priority over any garnishment except that for payment of state or federal taxes. In the case of joint payees, the Comptroller shall deduct and pay over to the Department or the State Disbursement Unit, as directed by the Department, the entire amount certified. The Comptroller shall provide the Department with the address to which the warrant or other payment was to be mailed and the social security number of each person from whom a deduction is made pursuant to this Section.

(Source: P.A. 91-212, eff. 7-20-99; 91-712, eff. 7-1-00; revised 12-15-05.)

Section 85. The Deposit of State Moneys Act is amended by changing Section 11 as follows:

(15 ILCS 520/11) (from Ch. 130, par. 30)
Sec. 11. Protection of public deposits; eligible collateral.
(a) For deposits not insured by an agency of the federal government, the State Treasurer, in his or her discretion, may accept as collateral any of the following classes of securities, provided there has been no default in the payment of principal or interest thereon:

(1) Bonds, notes, or other securities constituting direct and general obligations of the United States, the bonds, notes, or other securities constituting the direct and general obligation of any agency or instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States, and bonds, notes, or other securities or evidence of indebtedness constituting the obligation of a U.S. agency or instrumentality.

(2) Direct and general obligation bonds of the State of Illinois or of any other state of the United States.

(3) Revenue bonds of this State or any authority, board, commission, or similar agency thereof.

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(4) Direct and general obligation bonds of any city, town, county, school district, or other taxing body of any state, the debt service of which is payable from general ad valorem taxes.

(5) Revenue bonds of any city, town, county, or school district of the State of Illinois.

(6) Obligations issued, assumed, or guaranteed by the International Finance Corporation, the principal of which is not amortized during the life of the obligation, but no such obligation shall be accepted at more than 90% of its market value.

(7) Illinois Affordable Housing Program Trust Fund Bonds or Notes as defined in and issued pursuant to the Illinois Housing Development Act.

(8) In an amount equal to at least market value of that amount of funds deposited exceeding the insurance limitation provided by the Federal Deposit Insurance Corporation or the National Credit Union Administration or other approved share insurer: (i) securities, (ii) mortgages, (iii) letters of credit issued by a Federal Home Loan Bank, or (iv) loans covered by a State Guarantee under the Illinois Farm Development Act, if that guarantee has been assumed by the Illinois Finance Authority under Section 845-75 of the Illinois Finance Authority Act, and loans covered by a State Guarantee under Article 830 of the Illinois Finance Authority Act.

(b) The State Treasurer may establish a system to aggregate permissible securities received as collateral from financial institutions in a collateral pool to secure State deposits of the institutions that have pledged securities to the pool.

(c) The Treasurer may at any time declare any particular security ineligible to qualify as collateral when, in the Treasurer's judgment, it is deemed desirable to do so.

(d) Notwithstanding any other provision of this Section, as security the State Treasurer may, in his discretion, accept a bond, executed by a company authorized to transact the kinds of business described in clause (g) of Section 4 of the Illinois Insurance Code, in an amount not less than New matter indicated by italics - deletions by strikeout
the amount of the deposits required by this Section to be secured, payable
to the State Treasurer for the benefit of the People of the State of Illinois,
in a form that is acceptable to the State Treasurer.
(Source: P.A. 93-561, eff. 1-1-04; revised 10-17-03.)

Section 90. The Civil Administrative Code of Illinois is amended
by changing Sections 1-5, 5-15, 5-20, 5-165, 5-230, and 5-395 as follows:
(20 ILCS 5/1-5)
Sec. 1-5. Articles. The Civil Administrative Code of Illinois
consists of the following Articles:
Article 5. Departments of State Government Law (20 ILCS 5/5-1
and following).
Article 50. State Budget Law (15 ILCS 20/).
Article 110. Department on Aging Law (20 ILCS 110/).
Article 205. Department of Agriculture Law (20 ILCS 205/).
Article 250. State Fair Grounds Title Law (5 ILCS 620/).
Article 310. Department of Human Services (Alcoholism and
Substance Abuse) Law (20 ILCS 310/).
Article 405. Department of Central Management Services Law (20
ILCS 405/).
Article 510. Department of Children and Family Services Powers
Law (20 ILCS 510/).
Article 605. Department of Commerce and Economic Opportunity
Law (20 ILCS 605/).
Article 805. Department of Natural Resources (Conservation) Law
(20 ILCS 805/).
Article 1005. Department of Employment Security Law (20 ILCS
1005/).
Article 1405. Department of Insurance Law (20 ILCS 1405/).
Article 1505. Department of Labor Law (20 ILCS 1505/).
Article 1710. Department of Human Services (Mental Health and
Developmental Disabilities) Law (20 ILCS 1710/).
Article 1905. Department of Natural Resources (Mines and
Minerals) Law (20 ILCS 1905/).

New matter indicated by italics - deletions by strikeout
Article 2105. Department of Professional Regulation Law (20 ILCS 2105/).
Article 2205. Department of *Healthcare and Family Services* Public Aid Law (20 ILCS 2205/).
Article 2310. Department of Public Health Powers and Duties Law (20 ILCS 2310/).
Article 2505. Department of Revenue Law (20 ILCS 2505/).
Article 2510. Certified Audit Program Law (20 ILCS 2510/).
Article 2605. Department of State Police Law (20 ILCS 2605/).
Article 2705. Department of Transportation Law (20 ILCS 2705/).
Article 3000. University of Illinois Exercise of Functions and Duties Law (110 ILCS 355/).

(Source: P.A. 92-16, eff. 6-28-01; 92-651, eff. 7-11-02; 93-25, eff. 6-20-03; revised 12-15-05.)

Sec. 5-15. Departments of State government. The Departments of State government are created as follows:
- The Department on Aging.
- The Department of Agriculture.
- The Department of Central Management Services.
- The Department of Children and Family Services.
- The Department of Commerce and Economic Opportunity.
- The Department of Corrections.
- The Department of Employment Security.
- The Emergency Management Agency.
- The Department of Financial Institutions.
- The *Department of Healthcare and Family Services*.
- The Department of Human Rights.
- The Department of Human Services.
- The Department of Insurance.
- The Department of Juvenile Justice.
- The Department of Labor.
- The Department of the Lottery.

New matter indicated by italics - deletions by strikeout
The Department of Natural Resources.
The Department of Professional Regulation.
The Department of Public Aid.
The Department of Public Health.
The Department of Revenue.
The Department of State Police.
The Department of Transportation.
The Department of Veterans' Affairs.

(Source: P.A. 93-25, eff. 6-20-03; 93-1029, eff. 8-25-04; 94-696, eff. 6-1-06; revised 9-14-06.)

(20 ILCS 5/5-20) (was 20 ILCS 5/4)
Sec. 5-20. Heads of departments. Each department shall have an officer as its head who shall be known as director or secretary and who shall, subject to the provisions of the Civil Administrative Code of Illinois, execute the powers and discharge the duties vested by law in his or her respective department.
The following officers are hereby created:
Director of Aging, for the Department on Aging.
Director of Agriculture, for the Department of Agriculture.
Director of Central Management Services, for the Department of Central Management Services.
Director of Children and Family Services, for the Department of Children and Family Services.
Director of Commerce and Economic Opportunity, for the Department of Commerce and Economic Opportunity.
Director of Corrections, for the Department of Corrections.
Director of Emergency Management Agency, for the Emergency Management Agency.
Director of Financial Institutions, for the Department of Financial Institutions.

*Director of Healthcare and Family Services, for the Department of Healthcare and Family Services.*

New matter indicated by italics - deletions by strikeout
Director of Human Rights, for the Department of Human Rights.
Secretary of Human Services, for the Department of Human Services.
Director of Insurance, for the Department of Insurance.
Director of Juvenile Justice, for the Department of Juvenile Justice.
Director of Labor, for the Department of Labor.
Director of the Lottery, for the Department of the Lottery.
Director of Natural Resources, for the Department of Natural Resources.
Director of Professional Regulation, for the Department of Professional Regulation.
Director of Public Aid, for the Department of Public Aid.
Director of Public Health, for the Department of Public Health.
Director of Revenue, for the Department of Revenue.
Director of State Police, for the Department of State Police.
Secretary of Transportation, for the Department of Transportation.
Director of Veterans' Affairs, for the Department of Veterans' Affairs.
(Source: P.A. 93-25, eff. 6-20-03; 93-1029, eff. 8-25-04; 94-696, eff. 6-1-06; revised 9-14-06.)
(20 ILCS 5/5-165) (was 20 ILCS 5/5.13c)
Sec. 5-165. In the Department of Healthcare and Family Services Public Aid. Assistant Director of Healthcare and Family Services Public Aid.
(Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)
(20 ILCS 5/5-230) (was 20 ILCS 5/7.09)
Sec. 5-230. Director and Assistant Director of Healthcare and Family Services Public Aid. The Director of Healthcare and Family Services Public Aid shall (1) have substantial experience in responsible positions requiring skill in administration and fiscal management and (2) be actively interested in the development of effective programs for the alleviation of poverty and the reduction of dependency and social maladjustment.

New matter indicated by italics - deletions by strikeout
The Assistant Director of *Healthcare and Family Services Public Aid* shall have the same general qualifications as those set forth for the Director of *Healthcare and Family Services Public Aid* in clauses (1) and (2) of the preceding paragraph.

(Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

(20 ILCS 5/5-395) (was 20 ILCS 5/9.17)

Sec. 5-395. In the Department of *Healthcare and Family Services Public Aid*. The Director of *Healthcare and Family Services Public Aid* shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

The Assistant Director of *Healthcare and Family Services Public Aid* shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater.

(Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01; revised 12-15-05.)

Section 95. The Illinois Welfare and Rehabilitation Services Planning Act is amended by changing Section 4 as follows:

(20 ILCS 10/4) (from Ch. 127, par. 954)

Sec. 4. (a) Plans required by Section 3 shall be prepared by and submitted on behalf of the following State agencies, and may be prepared and submitted by another State Agency designated by the Governor:

(1) the Department of Children and Family Services;
(2) the Department of *Healthcare and Family Services Public Aid*;
(3) the Department of Corrections;
(4) the Department of Human Services;
(5) (blank);
(6) the Department of Aging;
(7) the Department of Public Health;
(8) the Department of Employment Security.

(b) The plans required by Section 3 of this Act shall be co-ordinated with the plan adopted by the Department of Human Services under Sections 48 through 52 of the Mental Health and Developmental Disabilities Administrative Act and any plan adopted, re-adopted or
amended by the Department of Human Services under those Sections shall be coordinated with plans required under Section 3 of this Act.
(Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

Section 100. The Illinois Act on the Aging is amended by changing Sections 4.04a and 4.06 and by setting forth and renumbering multiple versions of Section 4.12 as follows:

(20 ILCS 105/4.04a)
Sec. 4.04a. Illinois Long-Term Care Council.
(a) Purpose. The purpose of this Section is to ensure that consumers over the age of 60 residing in facilities licensed or regulated under the Nursing Home Care Act, Skilled Nursing and Intermediate Care Facilities Code, Sheltered Care Facilities Code, and the Illinois Veterans' Homes Code receive high quality long-term care through an effective Illinois Long-Term Care Council.
(b) Maintenance and operation of the Illinois Long-Term Care Council.

(1) The Department shall develop a fair and impartial process for recruiting and receiving nominations for members for the Illinois Long-Term Care Council from the State Long-Term Care Ombudsman, the area agencies on aging, regional ombudsman programs, provider agencies, and other public agencies, using a nomination form provided by the Department.
(2) The Department shall appoint members to the Illinois Long-Term Care Council in a timely manner.
(3) The Department shall consider and act in good faith regarding the Illinois Long-Term Care Council's annual report and its recommendations.
(4) The Director shall appoint to the Illinois Long-Term Care Council at least 18 but not more than 25 members.
(c) Responsibilities of the State Long-Term Care Ombudsman, area agencies on aging, regional long-term care ombudsman programs, and provider agencies. The State Long-Term Care Ombudsman and each area agency on aging, regional long-term care ombudsman program, and
provider agency shall solicit names and recommend members to the Department for appointment to the Illinois Long-Term Care Council.

(d) Powers and duties. The Illinois Long-Term Care Council shall do the following:

(1) Make recommendations and comment on issues pertaining to long-term care and the State Long-Term Care Ombudsman Program to the Department.

(2) Advise the Department on matters pertaining to the quality of life and quality of care in the continuum of long-term care.

(3) Evaluate, comment on reports regarding, and make recommendations on, the quality of life and quality of care in long-term care facilities and on the duties and responsibilities of the State Long-Term Care Ombudsman Program.

(4) Prepare and circulate an annual report to the Governor, the General Assembly, and other interested parties concerning the duties and accomplishments of the Illinois Long-Term Care Council and all other related matters pertaining to long-term care and the protection of residents' rights.

(5) Provide an opportunity for public input at each scheduled meeting.

(6) Make recommendations to the Director, upon his or her request, as to individuals who are capable of serving as the State Long-Term Care Ombudsman and who should make appropriate application for that position should it become vacant.

(e) Composition and operation. The Illinois Long-Term Care Council shall be composed of at least 18 but not more than 25 members concerned about the quality of life in long-term care facilities and protecting the rights of residents, including members from long-term care facilities. The State Long-Term Care Ombudsman shall be a permanent member of the Long-Term Care Council. Members shall be appointed for a 4-year term with initial appointments staggered with 2-year, 3-year, and 4-year terms. A lottery will determine the terms of office for the members of the first term. Members may be reappointed to a term but no member
may be reappointed to more than 2 consecutive terms. The Illinois Long-Term Care Council shall meet a minimum of 3 times per calendar year.

(f) Member requirements. All members shall be individuals who have demonstrated concern about the quality of life in long-term care facilities. A minimum of 3 members must be current or former residents of long-term care facilities or the family member of a current or former resident of a long-term care facility. A minimum of 2 members shall represent current or former long-term care facility resident councils or family councils. A minimum of 4 members shall be selected from recommendations by organizations whose members consist of long-term care facilities. A representative of long-term care facility employees must also be included as a member. A minimum of 2 members shall be selected from recommendations of membership-based senior advocacy groups or consumer organizations that engage solely in legal representation on behalf of residents and immediate families. There shall be non-voting State agency members on the Long-Term Care Council from the following agencies: (i) the Department of Veterans' Affairs; (ii) the Department of Human Services; (iii) the Department of Public Health; (iv) the Department on Aging; (v) the Department of Healthcare and Family Services Public Aid; (vi) the Illinois State Police Medicaid Fraud Control Unit; and (vii) others as appropriate.

(Source: P.A. 93-498, eff. 8-11-03; revised 12-15-05.)

(20 ILCS 105/4.06)

Sec. 4.06. Minority Senior Citizen Program. The Department shall develop a program to identify the special needs and problems of minority senior citizens and evaluate the adequacy and accessibility of existing programs and information for minority senior citizens. The Department shall coordinate services for minority senior citizens through the Department of Public Health, the Department of Healthcare and Family Services Public Aid, and the Department of Human Services.

The Department shall develop procedures to enhance and identify availability of services and shall promulgate administrative rules to establish the responsibilities of the Department.

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The Department on Aging, the Department of Public Health, the Department of Healthcare and Family Services Public Aid, and the Department of Human Services shall cooperate in the development and submission of an annual report on programs and services provided under this Section. The joint report shall be filed with the Governor and the General Assembly on or before September 30 of each year.

(Source: P.A. 88-254; 89-507, eff. 7-1-97; revised 12-15-05.)

(20 ILCS 105/4.12)

Sec. 4.12. Assistance to nursing home residents.

(a) The Department on Aging shall assist eligible nursing home residents and their families to select long-term care options that meet their needs and reflect their preferences. At any time during the process, the resident or his or her representative may decline further assistance.

(b) To provide assistance, the Department shall develop a program of transition services with follow-up in selected areas of the State, to be expanded statewide as funding becomes available. The program shall be developed in consultation with nursing homes, case managers, Area Agencies on Aging, and others interested in the well-being of frail elderly Illinois residents. The Department shall establish administrative rules pursuant to the Illinois Administrative Procedure Act with respect to resident eligibility, assessment of the resident's health, cognitive, social, and financial needs, development of comprehensive service transition plans, and the level of services that must be available prior to transition of a resident into the community.

(Source: P.A. 93-902, eff. 8-10-04.)

(20 ILCS 105/4.13)

Sec. 4.13. Older Adult Services Act. The Department shall implement the Older Adult Services Act.

(Source: P.A. 93-1031, eff. 8-27-04; revised 11-03-04.)

Section 105. The State Fair Act is amended by changing Section 7 as follows:

(20 ILCS 210/7) (from Ch. 127, par. 1707)

Sec. 7. During the period when each State Fairgrounds is not used for the annual State Fair, the Department shall make all efforts to promote

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its use by the public for purposes that the facilities can accommodate. The Department may charge and collect for the use of each State Fairgrounds and its facilities. The Department may negotiate and enter into contracts for activities and use of facilities. The criteria for such contracts shall be established by rule.

The Department also shall have the authority to arrange, organize, and hold events on each State Fairgrounds and in any facilities on each State Fairgrounds for any purpose that the facilities and State Fairgrounds can accommodate. The Department may charge and collect fees associated with the events.

(Source: P.A. 93-267, eff. 7-22-03; revised 10-11-05.)

Section 110. The Rural Rehabilitation Corporation Act is amended by changing Section 1 as follows:

(20 ILCS 220/1) (from Ch. 127, par. 42a3)

Sec. 1. The Director of Agriculture of the State of Illinois is hereby designated as the state official of Illinois to make application to and receive from the Secretary of Agriculture of the United States or any other proper federal official, pursuant and subject to the provisions of Public Law 499, 81st Congress, approved May 3, 1950, the trust assets, either funds or property, held by the United States as trustee in behalf of the Illinois Rural Rehabilitation Corporation.

(Source: Laws 1951, p. 25; revised 9-15-06.)

Section 115. The Alcoholism and Other Drug Abuse and Dependency Act is amended by changing Sections 5-10 and 10-45 as follows:

(20 ILCS 301/5-10)

Sec. 5-10. Functions of the Department.

(a) In addition to the powers, duties and functions vested in the Department by this Act, or by other laws of this State, the Department shall carry out the following activities:

1) Design, coordinate and fund a comprehensive and coordinated community-based and culturally and gender-appropriate array of services throughout the State for the prevention, intervention, treatment and rehabilitation of alcohol

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and other drug abuse and dependency that is accessible and addresses the needs of at-risk or addicted individuals and their families.

(2) Act as the exclusive State agency to accept, receive and expend, pursuant to appropriation, any public or private monies, grants or services, including those received from the federal government or from other State agencies, for the purpose of providing an array of services for the prevention, intervention, treatment and rehabilitation of alcoholism or other drug abuse or dependency. Monies received by the Department shall be deposited into appropriate funds as may be created by State law or administrative action.

(3) Coordinate a statewide strategy among State agencies for the prevention, intervention, treatment and rehabilitation of alcohol and other drug abuse and dependency. This strategy shall include the development of an annual comprehensive State plan for the provision of an array of services for education, prevention, intervention, treatment, relapse prevention and other services and activities to alleviate alcoholism and other drug abuse and dependency. The plan shall be based on local community-based needs and upon data including, but not limited to, that which defines the prevalence of and costs associated with the abuse of and dependency upon alcohol and other drugs. This comprehensive State plan shall include identification of problems, needs, priorities, services and other pertinent information, including the needs of minorities and other specific populations in the State, and shall describe how the identified problems and needs will be addressed. For purposes of this paragraph, the term "minorities and other specific populations" may include, but shall not be limited to, groups such as women, children, intravenous drug users, persons with AIDS or who are HIV infected, African-Americans, Puerto Ricans, Hispanics, Asian Americans, the elderly, persons in the criminal justice system, persons who are clients of services provided by other State agencies, persons with disabilities and such

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other specific populations as the Department may from time to time identify. In developing the plan, the Department shall seek input from providers, parent groups, associations and interested citizens.

Beginning with State fiscal year 1996, the annual comprehensive State plan developed under this Section shall include an explanation of the rationale to be used in ensuring that funding shall be based upon local community needs, including, but not limited to, the incidence and prevalence of, and costs associated with, the abuse of and dependency upon alcohol and other drugs, as well as upon demonstrated program performance.

The annual comprehensive State plan developed under this Section shall contain a report detailing the activities of and progress made by the programs for the care and treatment of addicted pregnant women, addicted mothers and their children established under subsection (j) of Section 35-5 of this Act.

Each State agency which provides or funds alcohol or drug prevention, intervention and treatment services shall annually prepare an agency plan for providing such services, and these shall be used by the Department in preparing the annual comprehensive statewide plan. Each agency's annual plan for alcohol and drug abuse services shall contain a report on the activities and progress of such services in the prior year. The Department may provide technical assistance to other State agencies, as required, in the development of their agency plans.

(4) Lead, foster and develop cooperation, coordination and agreements among federal and State governmental agencies and local providers that provide assistance, services, funding or other functions, peripheral or direct, in the prevention, intervention, treatment or rehabilitation of alcoholism and other drug abuse and dependency. This shall include, but shall not be limited to, the following:

(A) Cooperate with and assist the Department of Corrections and the Department on Aging in establishing
and conducting programs relating to alcoholism and other drug abuse and dependency among those populations which they respectively serve.

(B) Cooperate with and assist the Illinois Department of Public Health in the establishment, funding and support of programs and services for the promotion of maternal and child health and the prevention and treatment of infectious diseases, including but not limited to HIV infection, especially with respect to those persons who may abuse drugs by intravenous injection, or may have been sexual partners of drug abusers, or may have abused substances so that their immune systems are impaired, causing them to be at high risk.

(C) Supply to the Department of Public Health and prenatal care providers a list of all alcohol and other drug abuse service providers for addicted pregnant women in this State.

(D) Assist in the placement of child abuse or neglect perpetrators (identified by the Illinois Department of Children and Family Services) who have been determined to be in need of alcohol or other drug abuse services pursuant to Section 8.2 of the Abused and Neglected Child Reporting Act.

(E) Cooperate with and assist the Illinois Department of Children and Family Services in carrying out its mandates to:

   (i) identify alcohol and other drug abuse issues among its clients and their families; and
   (ii) develop programs and services to deal with such problems.

These programs and services may include, but shall not be limited to, programs to prevent the abuse of alcohol or other drugs by DCFS clients and their families, rehabilitation services, identifying child care needs within
the array of alcohol and other drug abuse services, and assistance with other issues as required.

(F) Cooperate with and assist the Illinois Criminal Justice Information Authority with respect to statistical and other information concerning drug abuse incidence and prevalence.

(G) Cooperate with and assist the State Superintendent of Education, boards of education, schools, police departments, the Illinois Department of State Police, courts and other public and private agencies and individuals in establishing prevention programs statewide and preparing curriculum materials for use at all levels of education. An agreement shall be entered into with the State Superintendent of Education to assist in the establishment of such programs.

(H) Cooperate with and assist the Illinois Department of Healthcare and Family Services Public Aid in the development and provision of services offered to recipients of public assistance for the treatment and prevention of alcoholism and other drug abuse and dependency.

(I) Provide training recommendations to other State agencies funding alcohol or other drug abuse prevention, intervention, treatment or rehabilitation services.

(5) From monies appropriated to the Department from the Drunk and Drugged Driving Prevention Fund, make grants to reimburse DUI evaluation and remedial education programs licensed by the Department for the costs of providing indigent persons with free or reduced-cost services relating to a charge of driving under the influence of alcohol or other drugs.

(6) Promulgate regulations to provide appropriate standards for publicly and privately funded programs as well as for levels of payment to government funded programs which provide an array of services.

New matter indicated by italics - deletions by strikeout
services for prevention, intervention, treatment and rehabilitation
for alcoholism and other drug abuse or dependency.

(7) In consultation with local service providers, specify a
uniform statistical methodology for use by agencies, organizations,
individuals and the Department for collection and dissemination of
statistical information regarding services related to alcoholism and
other drug use and abuse. This shall include prevention services
delivered, the number of persons treated, frequency of admission
and readmission, and duration of treatment.

(8) Receive data and assistance from federal, State and
local governmental agencies, and obtain copies of identification
and arrest data from all federal, State and local law enforcement
agencies for use in carrying out the purposes and functions of the
Department.

(9) Designate and license providers to conduct screening,
assessment, referral and tracking of clients identified by the
criminal justice system as having indications of alcoholism or other
drug abuse or dependency and being eligible to make an election
for treatment under Section 40-5 of this Act, and assist in the
placement of individuals who are under court order to participate in
treatment.

(10) Designate medical examination and other programs for
determining alcoholism and other drug abuse and dependency.

(11) Encourage service providers who receive financial
assistance in any form from the State to assess and collect fees for
services rendered.

(12) Make grants with funds appropriated from the Drug
Treatment Fund in accordance with Section 7 of the Controlled
Substance and Cannabis Nuisance Act, or in accordance with
Section 80 of the Methamphetamine Control and Community
Protection Act, or in accordance with subsections (h) and (i) of
Section 411.2 of the Illinois Controlled Substances Act.

New matter indicated by italics - deletions by strikeout
(13) Encourage all health and disability insurance programs to include alcoholism and other drug abuse and dependency as a covered illness.

(14) Make such agreements, grants-in-aid and purchase-care arrangements with any other department, authority or commission of this State, or any other state or the federal government or with any public or private agency, including the disbursement of funds and furnishing of staff, to effectuate the purposes of this Act.

(15) Conduct a public information campaign to inform the State's Hispanic residents regarding the prevention and treatment of alcoholism.

(b) In addition to the powers, duties and functions vested in it by this Act, or by other laws of this State, the Department may undertake, but shall not be limited to, the following activities:

(1) Require all programs funded by the Department to include an education component to inform participants regarding the causes and means of transmission and methods of reducing the risk of acquiring or transmitting HIV infection, and to include funding for such education component in its support of the program.

(2) Review all State agency applications for federal funds which include provisions relating to the prevention, early intervention and treatment of alcoholism and other drug abuse and dependency in order to ensure consistency with the comprehensive statewide plan developed pursuant to this Act.

(3) Prepare, publish, evaluate, disseminate and serve as a central repository for educational materials dealing with the nature and effects of alcoholism and other drug abuse and dependency. Such materials may deal with the educational needs of the citizens of Illinois, and may include at least pamphlets which describe the causes and effects of fetal alcohol syndrome, which the Department may distribute free of charge to each county clerk in

New matter indicated by italics - deletions by strikeout
sufficient quantities that the county clerk may provide a pamphlet to the recipients of all marriage licenses issued in the county.

(4) Develop and coordinate, with regional and local agencies, education and training programs for persons engaged in providing the array of services for persons having alcoholism or other drug abuse and dependency problems, which programs may include specific HIV education and training for program personnel.

(5) Cooperate with and assist in the development of education, prevention and treatment programs for employees of State and local governments and businesses in the State.

(6) Utilize the support and assistance of interested persons in the community, including recovering addicts and alcoholics, to assist individuals and communities in understanding the dynamics of addiction, and to encourage individuals with alcohol or other drug abuse or dependency problems to voluntarily undergo treatment.

(7) Promote, conduct, assist or sponsor basic clinical, epidemiological and statistical research into alcoholism and other drug abuse and dependency, and research into the prevention of those problems either solely or in conjunction with any public or private agency.

(8) Cooperate with public and private agencies, organizations and individuals in the development of programs, and to provide technical assistance and consultation services for this purpose.

(9) Publish or provide for the publishing of a manual to assist medical and social service providers in identifying alcoholism and other drug abuse and dependency and coordinating the multidisciplinary delivery of services to addicted pregnant women, addicted mothers and their children. The manual may be used only to provide information and may not be used by the Department to establish practice standards. The Department may not require recipients to use specific providers nor may they require
providers to refer recipients to specific providers. The manual may include, but need not be limited to, the following:

(A) Information concerning risk assessments of women seeking prenatal, natal, and postnatal medical care.

(B) Information concerning risk assessments of infants who may be substance-affected.

(C) Protocols that have been adopted by the Illinois Department of Children and Family Services for the reporting and investigation of allegations of child abuse or neglect under the Abused and Neglected Child Reporting Act.

(D) Summary of procedures utilized in juvenile court in cases of children alleged or found to be abused or neglected as a result of being born to addicted women.

(E) Information concerning referral of addicted pregnant women, addicted mothers and their children by medical, social service, and substance abuse treatment providers, by the Departments of Children and Family Services, Public Aid, Public Health, and Human Services.

(F) Effects of substance abuse on infants and guidelines on the symptoms, care, and comfort of drug-withdrawing infants.

(G) Responsibilities of the Illinois Department of Public Health to maintain statistics on the number of children in Illinois addicted at birth.

(10) To the extent permitted by federal law or regulation, establish and maintain a clearinghouse and central repository for the development and maintenance of a centralized data collection and dissemination system and a management information system for all alcoholism and other drug abuse prevention, early intervention and treatment services.

(11) Fund, promote or assist programs, services, demonstrations or research dealing with addictive or habituating behaviors detrimental to the health of Illinois citizens.

New matter indicated by italics - deletions by strikeout
(12) With monies appropriated from the Group Home Loan Revolving Fund, make loans, directly or through subcontract, to assist in underwriting the costs of housing in which individuals recovering from alcohol or other drug abuse or dependency may reside in groups of not less than 6 persons, pursuant to Section 50-40 of this Act.

(13) Promulgate such regulations as may be necessary for the administration of grants or to otherwise carry out the purposes and enforce the provisions of this Act.

(14) Fund programs to help parents be effective in preventing substance abuse by building an awareness of drugs and alcohol and the family's role in preventing abuse through adjusting expectations, developing new skills, and setting positive family goals. The programs shall include, but not be limited to, the following subjects: healthy family communication; establishing rules and limits; how to reduce family conflict; how to build self-esteem, competency, and responsibility in children; how to improve motivation and achievement; effective discipline; problem solving techniques; and how to talk about drugs and alcohol. The programs shall be open to all parents.

(Source: P.A. 94-556, eff. 9-11-05; revised 12-15-05.)

(20 ILCS 301/10-45)

(Section scheduled to be repealed on July 1, 2007)

Sec. 10-45. Membership. The Board shall consist of 15 members:

(a) The Director of Aging.
(b) The State Superintendent of Education.
(c) The Director of Corrections.
(d) The Director of State Police.
(e) The Secretary of Financial and Professional Regulation.
(f) (Blank).
(g) The Director of Children and Family Services.
(h) (Blank).

New matter indicated by italics - deletions by strikeout
(i) The Director of Healthcare and Family Services Public Aid.

(j) The Director of Public Health.

(k) The Secretary of State.

(l) The Secretary of Transportation.

(m) (Blank). The Director of Insurance.

(n) The Director of the Administrative Office of the Illinois Courts.

(o) The Chairman of the Board of Higher Education.

(p) The Director of Revenue.

(q) The Executive Director of the Criminal Justice Information Authority.

(r) A chairman who shall be appointed by the Governor for a term of 3 years.

Each member may designate a representative to serve in his or her place by written notice to the Department.

(Source: P.A. 92-16, eff. 6-28-01. Repealed by P.A. 94-1033, eff. 7-1-07; revised 8-21-06.)

Section 120. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by changing Section 405-270 as follows:

Sec. 405-270. Communications services. To provide for and co-ordinate communications services for State agencies and, when requested and when in the best interests of the State, for units of federal or local governments and public and not-for-profit institutions of primary, secondary, and higher education. The Department may make use of its satellite uplink available to interested parties not associated with State government provided that State government usage shall have first priority. For this purpose the Department shall have the power and duty to do all of the following:

(1) Provide for and control the procurement, retention, installation, and maintenance of communications equipment or

New matter indicated by italics - deletions by strikeout
services used by State agencies in the interest of efficiency and economy.

(2) Establish standards by January 1, 1989 for communications services for State agencies which shall include a minimum of one telecommunication device for the deaf installed and operational within each State agency, to provide public access to agency information for those persons who are hearing or speech impaired. The Department shall consult the Department of Human Services to develop standards and implementation for this equipment.

(3) Establish charges (i) for communication services for State agencies and, when requested, for units of federal or local government and public and not-for-profit institutions of primary, secondary, or higher education and (ii) for use of the Department's satellite uplink by parties not associated with State government. Entities charged for these services shall reimburse the Department.

(4) Instruct all State agencies to report their usage of communication services regularly to the Department in the manner the Director may prescribe.

(5) Analyze the present and future aims and needs of all State agencies in the area of communications services and plan to serve those aims and needs in the most effective and efficient manner.

(6) Provide services, including, but not limited to, telecommunications, video recording, satellite uplink, public information, and other communications services.

(7) Establish the administrative organization within the Department that is required to accomplish the purpose of this Section.

The Department is authorized to conduct a study for the purpose of determining technical, engineering, and management specifications for the networking, compatible connection, or shared use of existing and future public and private owned television broadcast and reception facilities, including but not limited to terrestrial microwave, fiber optic, and satellite,

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for broadcast and reception of educational, governmental, and business programs, and to implement those specifications.

However, the Department may not control or interfere with the input of content into the telecommunications systems by the several State agencies or units of federal or local government, or public or not-for-profit institutions of primary, secondary, and higher education, or users of the Department's satellite uplink.

As used in this Section, the term "State agencies" means all departments, officers, commissions, boards, institutions, and bodies politic and corporate of the State except (i) the judicial branch, including, without limitation, the several courts of the State, the offices of the clerk of the supreme court and the clerks of the appellate court, and the Administrative Office of the Illinois Courts and (ii) the General Assembly, legislative service agencies, and all officers of the General Assembly.

(Source: P.A. 94-91, eff. 7-1-05; 94-295, eff. 7-21-05; revised 8-19-05.)

Section 125. The Personnel Code is amended by changing Sections 8a, 8b.1, and 10 as follows:

(20 ILCS 415/8a) (from Ch. 127, par. 63b108a)

Sec. 8a. Jurisdiction A - Classification and pay. For positions in the State service subject to the jurisdiction of the Department of Central Management Services with respect to the classification and pay:

(1) For the preparation, maintenance, and revision by the Director, subject to approval by the Commission, of a position classification plan for all positions subject to this Act, based upon similarity of duties performed, responsibilities assigned, and conditions of employment so that the same schedule of pay may be equitably applied to all positions in the same class. However, the pay of an employee whose position is reduced in rank or grade by reallocation because of a loss of duties or responsibilities after his appointment to such position shall not be required to be lowered for a period of one year after the reallocation of his position. Conditions of employment shall not be used as a factor in the classification of any position heretofore paid under the provisions of Section 1.22 of "An Act to standardize position titles and salary
rates”, approved June 30, 1943, as amended. Unless the Commission disapproves such classification plan within 60 days, or any revision thereof within 30 days, the Director shall allocate every such position to one of the classes in the plan. Any employee affected by the allocation of a position to a class shall, after filing with the Director of Central Management Services a written request for reconsideration thereof in such manner and form as the Director may prescribe, be given a reasonable opportunity to be heard by the Director. If the employee does not accept the allocation of the position, he shall then have the right of appeal to the Civil Service Commission.

(2) For a pay plan to be prepared by the Director for all employees subject to this Act after consultation with operating agency heads and the Director of the Governor's Office of Management and Budget. Such pay plan may include provisions for uniformity of starting pay, an increment plan, area differentials, a delay not to exceed one year prior to the reduction of the pay of employees whose positions are reduced in rank or grade by reallocation because of a loss of duties or responsibilities after their appointments to such positions, prevailing rates of wages in those classifications in which employers are now paying or may hereafter pay such rates of wage and other provisions. Such pay plan shall become effective only after it has been approved by the Governor. Amendments to the pay plan shall be made in the same manner. Such pay plan shall provide that each employee shall be paid at one of the rates set forth in the pay plan for the class of position in which he is employed, subject to delay in the reduction of pay of employees whose positions are reduced in rank or grade by allocation as above set forth in this Section. Such pay plan shall provide for a fair and reasonable compensation for services rendered.

This Section is inapplicable to the position of Assistant Director of Healthcare and Family Services Public Aid in the Department of Healthcare and Family Services Public Aid. The salary for this position

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shall be as established in "The Civil Administrative Code of Illinois", approved March 7, 1917, as amended.
(Source: P.A. 94-793, eff. 5-19-06; revised 8-21-06.)
(20 ILCS 415/8b.1) (from Ch. 127, par. 63b108b.1)
Sec. 8b.1. For open competitive examinations to test the relative fitness of applicants for the respective positions.
Tests shall be designed to eliminate those who are not qualified for entrance into or promotion within the service, and to discover the relative fitness of those who are qualified. The Director may use any one of or any combination of the following examination methods which in his judgment best serves this end: investigation of education; investigation of experience; test of cultural knowledge; test of capacity; test of knowledge; test of manual skill; test of linguistic ability; test of character; test of physical fitness; test of psychological fitness. No person with a record of misdemeanor convictions except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8 and sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of 1961 or arrested for any cause but not convicted thereon shall be disqualified from taking such examinations or subsequent appointment, unless the person is attempting to qualify for a position which would give him the powers of a peace officer, in which case the person's conviction or arrest record may be considered as a factor in determining the person's fitness for the position. The eligibility conditions specified for the position of Assistant Director of Healthcare and Family Services Public Aid in the Department of Healthcare and Family Services Public Aid in Section 5-230 of the Departments of State Government Law (20 ILCS 5/5-230) shall be applied to that position in addition to other standards, tests or criteria established by the Director. All examinations shall be announced publicly at least 2 weeks in advance of the date of the examinations and may be advertised through the press, radio and other media. The Director may, however, in his discretion, continue to receive applications and examine candidates long enough to assure a sufficient number of eligibles to meet the needs of the service and may add the names of successful

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candidates to existing eligible lists in accordance with their respective ratings.

The Director may, in his discretion, accept the results of competitive examinations conducted by any merit system established by federal law or by the law of any State, and may compile eligible lists therefrom or may add the names of successful candidates in examinations conducted by those merit systems to existing eligible lists in accordance with their respective ratings. No person who is a non-resident of the State of Illinois may be appointed from those eligible lists, however, unless the requirement that applicants be residents of the State of Illinois is waived by the Director of Central Management Services and unless there are less than 3 Illinois residents available for appointment from the appropriate eligible list. The results of the examinations conducted by other merit systems may not be used unless they are comparable in difficulty and comprehensiveness to examinations conducted by the Department of Central Management Services for similar positions. Special linguistic options may also be established where deemed appropriate.

(Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

(20 ILCS 415/10) (from Ch. 127, par. 63b110)

Sec. 10. Duties and powers of the Commission. The Civil Service Commission shall have duties and powers as follows:

(1) Upon written recommendations by the Director of the Department of Central Management Services to exempt from jurisdiction B of this Act positions which, in the judgment of the Commission, involve either principal administrative responsibility for the determination of policy or principal administrative responsibility for the way in which policies are carried out. This authority may not be exercised, however, with respect to the position of Assistant Director of Healthcare and Family Services Public Aid in the Department of Healthcare and Family Services Public Aid.

(2) To require such special reports from the Director as it may consider desirable.

(3) To disapprove original rules or any part thereof within 90 days and any amendment thereof within 30 days after the submission of such
rules to the Civil Service Commission by the Director, and to disapprove any amendments thereto in the same manner.

(4) To approve or disapprove within 60 days from date of submission the position classification P.A. submitted by the Director as provided in the rules, and any revisions thereof within 30 days from the date of submission.

(5) To hear appeals of employees who do not accept the allocation of their positions under the position classification plan.

(6) To hear and determine written charges filed seeking the discharge, demotion of employees and suspension totaling more than thirty days in any 12-month period, as provided in Section 11 hereof, and appeals from transfers from one geographical area in the State to another, and in connection therewith to administer oaths, subpoena witnesses, and compel the production of books and papers.

(7) The fees of subpoenaed witnesses under this Act for attendance and travel shall be the same as fees of witnesses before the circuit courts of the State, such fees to be paid when the witness is excused from further attendance. Whenever a subpoena is issued the Commission may require that the cost of service and the fee of the witness shall be borne by the party at whose insistence the witness is summoned. The Commission has the power, at its discretion, to require a deposit from such party to cover the cost of service and witness fees and the payment of the legal witness fee and mileage to the witness served with the subpoena. A subpoena issued under this Act shall be served in the same manner as a subpoena issued out of a court.

Upon the failure or refusal to obey a subpoena, a petition shall be prepared by the party serving the subpoena for enforcement in the circuit court of the county in which the person to whom the subpoena was directed either resides or has his or her principal place of business.

Not less than five days before the petition is filed in the appropriate court, it shall be served on the person along with a notice of the time and place the petition is to be presented.

Following a hearing on the petition, the circuit court shall have jurisdiction to enforce subpoenas issued pursuant to this Section.

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On motion and for good cause shown the Commission may quash or modify any subpoena.

(8) To make an annual report regarding the work of the Commission to the Governor, such report to be a public report.

(9) If any violation of this Act is found, the Commission shall direct compliance in writing.

(10) To appoint a full-time executive secretary and such other employees, experts, and special assistants as may be necessary to carry out the powers and duties of the Commission under this Act and employees, experts, and special assistants so appointed by the Commission shall be subject to the provisions of jurisdictions A, B and C of this Act. These powers and duties supersede any contrary provisions herein contained.

(11) To make rules to carry out and implement their powers and duties under this Act, with authority to amend such rules from time to time.

(12) To hear or conduct investigations as it deems necessary of appeals of layoff filed by employees appointed under Jurisdiction B after examination provided that such appeals are filed within 15 calendar days following the effective date of such layoff and are made on the basis that the provisions of the Personnel Code or of the Rules of the Department of Central Management Services relating to layoff have been violated or have not been complied with.

All hearings shall be public. A decision shall be rendered within 60 days after receipt of the transcript of the proceedings. The Commission shall order the reinstatement of the employee if it is proven that the provisions of the Personnel Code or of the Rules of the Department of Central Management Services relating to layoff have been violated or have not been complied with. In connection therewith the Commission may administer oaths, subpoena witnesses, and compel the production of books and papers.

(13) Whenever the Civil Service Commission is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, then, upon request and payment of fees in conformance
with the requirements of Section 2605-400 of the Department of State Police Law (20 ILCS 2605/2605-400), the Department of State Police is authorized to furnish, pursuant to positive identification, such information contained in State files as is necessary to fulfill the request.
(Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

Section 130. The Children and Family Services Act is amended by changing Sections 9.1, 23, and 35.3 as follows:

(20 ILCS 505/9.1) (from Ch. 23, par. 5009.1)

Sec. 9.1. The parents or guardians of the estates of children accepted for care and training under the Juvenile Court Act or the Juvenile Court Act of 1987, or through a voluntary placement agreement with the parents or guardians shall be liable for the payment to the Department, or to a licensed or approved child care facility designated by the Department of sums representing charges for the care and training of those children at a rate to be determined by the Department. The Department shall establish a standard by which shall be measured the ability of parents or guardians to pay for the care and training of their children, and shall implement the standard by rules governing its application. The standard and the rules shall take into account ability to pay as measured by annual income and family size. Medical or other treatment provided on behalf of the family may also be taken into account in determining ability to pay if the Department concludes that such treatment is appropriate.

In addition, the Department may provide by rule for referral of Title IV-E foster care maintenance cases to the Department of Healthcare and Family Services Public Aid for child support enforcement services under Title IV-D of the Social Security Act. The Department shall consider "good cause" as defined in regulations promulgated under Title IV-A of the Social Security Act, among other criteria, when determining whether to refer a case and, upon referral, the parent or guardian of the estate of a child who is receiving Title IV-E foster care maintenance payments shall be deemed to have made an assignment to the Department of any and all rights, title and interest in any support obligation on behalf of a child. The rights to support assigned to the Department shall constitute an obligation owed the State by the person who is responsible

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for providing the support, and shall be collectible under all applicable processes.

The acceptance of children for services or care shall not be limited or conditioned in any manner on the financial status or ability of parents or guardians to make such payments.

(Source: P.A. 92-590, eff. 7-1-02; revised 12-15-05.)

(20 ILCS 505/23) (from Ch. 23, par. 5023)

Sec. 23. To make agreements with any other department, authority or commission of this State, any State university or public or private agency, to make and receive payment for services provided to or by such bodies, and with written approval by the Governor to make agreements with other states.

The Department may enter into agreements with any public or private agency determined appropriate and qualified by the Department that will participate in the cost and operation of programs, in at least 4 different communities, that provide a comprehensive array of child and family services, including but not limited to prenatal care to pregnant women, parenting education, and early childhood education services, nutrition services, and basic health services to children of preschool age and their parents who reside in service areas of the State identified by the Illinois Department of Public Health as having the highest rates of infant mortality under the Infant Mortality Reduction Act (now repealed). The Department may assume primary or full financial and administrative responsibility for any such program that has demonstrated effectiveness.

(Source: P.A. 85-502; revised 11-21-05.)

(20 ILCS 505/35.3)

Sec. 35.3. Confidentiality of foster parent identifying information.

(a) Because foster parents accept placements into their residences, it is the policy of the State of Illinois to protect foster parents' addresses and telephone numbers from disclosure. The Department shall adopt rules to effectuate this policy and provide sufficient prior notice of any authorized disclosure for foster parents to seek an order of protection under Section 2-25 of the Juvenile Court Act of 1987.

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(b) A person to whom disclosure of a foster parent's name, address, or telephone number is made under this Section shall not redisclose that information except as provided in this Act or the Juvenile Court Act of 1987. Any person who knowingly and willfully rediscloses a foster parent's name, address, or telephone number in violation of this Section is guilty of a Class A misdemeanor.

(c) The Department shall provide written notice of the provisions of subsection (b), including the penalty for a Class A misdemeanor, to anyone to whom the Department discloses a foster parent's name, address, or telephone number.

(Source: P.A. 90-15, eff. 6-13-97; 90-629, eff. 7-24-98; revised 9-25-06.)

Section 135. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by setting forth and renumbering multiple versions of Section 605-430 as follows:

(20 ILCS 605/605-430)

Sec. 605-430. Funding; study. To ensure the availability of a quality health care workforce to meet present and future health care needs within the State, the Department of Commerce and Economic Opportunity may, subject to appropriation, conduct a study of the current and projected academic training capacity in the State of Illinois specific to the nursing profession. The study shall address the current supply and demand for masters-prepared nurses as nursing school faculty and set specific goals for recruiting and training new nursing faculty throughout the region. The study shall also determine the feasibility of the State engaging in the following activities: (i) the establishment of scholarship funds and work-study programs to help recruit potential new nursing school faculty, (ii) the creation of a system to regularly review and increase nurse faculty salary and benefits to make academic practice competitive with clinical practice, and (iii) the development of career track programs for academia that offer advancement and rewards for nursing school faculty comparable to those in clinical management. The study shall include the collaborative input of hospital and other health care provider associations and public and private educational institutions from throughout the State.

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Subject to the availability of State funds, the Department of Commerce and Economic Opportunity shall complete the study by July 1, 2007 and shall present its findings to the General Assembly for consideration.

(Source: P.A. 94-970, eff. 6-30-06.)

(20 ILCS 605/605-435)

Sec. 605-435. Lifelong learning accounts; pilot program.

(a) The Department may establish and maintain a pilot program to provide for and test the use of lifelong learning accounts for workers in the State's healthcare sector. For the purposes of this Section, "lifelong learning account" means an individual asset account held by a trustee, custodian, or fiduciary approved by the Department on behalf of a healthcare employee, the moneys in which may be used only to pay education expenses incurred by or on behalf of the account owner.

(b) The Department, if administering a program under this Section:

1. may serve up to 500 healthcare workers;
2. must encourage the participation, in the program, of lower-income and lower-skilled healthcare workers;
3. must implement the program in diverse geographic and economic areas and include healthcare workers in urban, suburban, and rural areas of the State;
4. must include, in the program, healthcare employers of different sizes that choose to participate in the program;
5. must provide matching grants in an amount, not to exceed $500 annually for each grant, equal to 50% of the annual aggregate contribution made by an employer and employee to the employee's lifelong learning account;
6. must make technical assistance available to companies and educational and career advising available to individual participants.

(c) The establishment of program under this Section is discretionary on the part of the Department and is subject to appropriation.

(d) The Department may adopt any rules necessary to administer the provisions of this Section.

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Section 140. The Illinois Renewable Fuels Development Program Act is amended by renumbering Section 905 as follows:

(20 ILCS 689/95) (was 20 ILCS 689/905)
Sec. 95. 905. (Amendatory provisions; text omitted).

Section 145. The Rural Diversification Act is amended by changing Section 2 as follows:

(20 ILCS 690/2) (from Ch. 5, par. 2252)
Sec. 2. Findings and declaration of policy. The General Assembly hereby finds, determines and declares:
(a) That Illinois is a state of diversified economic strength and that an important economic strength in Illinois is derived from rural business production and the agribusiness industry;
(b) That the Illinois rural economy is in a state of transition, which presents a unique opportunity for the State to act on its growth and development;
(c) That full and continued growth and development of Illinois' rural economy, especially in the small towns and farm communities, is vital for Illinois;
(d) That by encouraging the development of diversified rural business and agricultural production, nonproduction and processing activities in Illinois, the State creates a beneficial climate for new and improved job opportunities for its citizens and expands jobs and job training opportunities;
(e) That in order to cultivate strong rural economic growth and development in Illinois, it is necessary to proceed with a plan which encourages Illinois rural businesses and agribusinesses to expand business employment opportunities through diversification of business and industries, offers managerial, technical and financial assistance to or on behalf of rural businesses and agribusiness, and works in a cooperative venture and spirit with Illinois' business, labor, local government, educational and scientific communities;

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(f) That dedication of State resources over a multi-year period targeted to promoting the growth and development of one or more classes of diversified rural products, particularly new agricultural products, is an effective use of State funds;

(g) That the United States Congress, having identified similar needs and purposes has enacted legislation creating the United States Department of Agriculture/Farmers Home Administration Non-profit National Finance Corporations Loan and Grant Program and made funding available to the states consistent with the purposes of this Act.

(h) That the Illinois General Assembly has enacted "Rural Revival" and a series of "Harvest the Heartland" initiatives which create within the Illinois Finance Authority a "Seed Capital Fund" to provide venture capital for emerging new agribusinesses, and to help coordinate cooperative research and development on new agriculture technologies in conjunction with the Agricultural Research and Development Consortium in Peoria, the United States Department of Agriculture Northern Regional Research Laboratory in Peoria, the institutions of higher learning in Illinois, and the agribusiness community of this State, identify the need for enhanced efforts by the State to promote the use of fuels utilizing ethanol made from Illinois grain, and promote forestry development in this State; and

(i) That there is a need to coordinate the many programs offered by the State of Illinois Departments of Agriculture, Commerce and Economic Opportunity Community Affairs, and Natural Resources, and the Illinois Finance Authority that are targeted to agriculture and the rural community with those offered by the federal government. Therefore it is desirable that the fullest measure of coordination and integration of the programs offered by the various state agencies and the federal government be achieved.

(Source: P.A. 93-205, eff. 1-1-04; revised 10-11-05.)

Section 150. The Department of Natural Resources Act is amended by setting forth and renumbering multiple versions of Section 1-30 as follows:

(20 ILCS 801/1-30)

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Sec. 1-30. Badges. The Director must authorize to each Conservation Police Officer and to any other employee of the Department exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Department and (ii) contains a unique identifying number. No other badge shall be authorized by the Department. Nothing in this Section prohibits the Director from issuing shields or other distinctive identification to employees not exercising the powers of a peace officer if the Director determines that a shield or distinctive identification is needed by the employee to carry out his or her responsibilities.
(Source: P.A. 93-423, eff. 8-5-03.)

(20 ILCS 801/1-35)

Sec. 1-35. Aquifer study. The Department shall conduct a study to (i) develop an understanding of the geology of each aquifer in the State; (ii) determine the groundwater flow through the geologic units and the interaction of the groundwater with surface waters; (iii) analyze current groundwater withdrawals; and (iv) determine the chemistry of the geologic units and the groundwater in those units. Based upon information obtained from the study, the Department shall develop geologic and groundwater flow models for each underground aquifer in the State showing the impact of adding future wells or of future groundwater withdrawals.
(Source: P.A. 93-608, eff. 11-20-03; revised 1-10-04.)

Section 155. The Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois is amended by changing Section 805-265 as follows:

(20 ILCS 805/805-265) (was 20 ILCS 805/63a39)

Sec. 805-265. Public utility easement on Tunnel Hill Bicycle Trail. The Department has the power to grant a public utility easement in the Saline Valley Conservancy District on the Tunnel Hill Bicycle Trail for construction and maintenance of a waterline, subject to terms and conditions determined by the Department.
(Source: P.A. 91-239, eff. 1-1-00; revised 10-11-05.)

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Section 160. The Department of Employment Security Law of the Civil Administrative Code of Illinois is amended by changing Section 1005-130 as follows:

(20 ILCS 1005/1005-130) (was 20 ILCS 1005/43a.14)
Sec. 1005-130. Exchange of information for child support enforcement.

(a) The Department has the power to exchange with the Illinois Department of Healthcare and Family Services (Public Aid) information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

(b) Notwithstanding any provisions in the Civil Administrative Code of Illinois to the contrary, the Department of Employment Security shall not be liable to any person for any disclosure of information to the Illinois Department of Public Aid under subsection (a) or for any other action taken in good faith to comply with the requirements of subsection (a).

(Source: P.A. 91-239, eff. 1-1-00; 91-613, eff. 10-1-99; 92-16, eff. 6-28-01; revised 12-15-05.)

Section 165. The New Hire Reporting Act is amended by changing Section 35 as follows:

(20 ILCS 1020/35)
Sec. 35. Department of Healthcare and Family Services (Public Aid) duties. The Department of Healthcare and Family Services (Public Aid) shall establish a community advisory committee for oversight of the implementation process, toll-free telephone lines for employers with child support questions, an expedited hearing process for non-custodial parents who contest an employer's execution of an order for withholding and brochures and public service announcements that inform the general public about the New Hire Directory and how to utilize it, within the federal and State confidentiality laws, in pursuit of child support.

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Section 170. The Energy Conservation and Coal Development Act is amended by changing Section 15 as follows:

(20 ILCS 1105/15) (from Ch. 96 1/2, par. 7415)

Sec. 15. (a) The Department, in cooperation with the Illinois Finance Authority, shall establish a program to assist units of local government, as defined in the Illinois Finance Authority Act, to identify and arrange financing for energy conservation projects for buildings and facilities owned or leased by those units of local government.

(b) The Department, in cooperation with the Illinois Finance Authority, shall establish a program to assist health facilities to identify and arrange financing for energy conservation projects for buildings and facilities owned or leased by those health facilities.

(Source: P.A. 93-205 (Sections 890-4 and 890-39), eff. 1-1-04; revised 9-23-03.)

Section 175. The Department of Human Services Act is amended by setting forth and renumbering multiple versions of Sections 10-8 and 10-35 as follows:

(20 ILCS 1305/10-8)

Sec. 10-8. The Autism Research Fund; grants; scientific review committee. The Autism Research Fund is created as a special fund in the State treasury. From appropriations to the Department from the Fund, the Department must make grants to public or private entities in Illinois for the purpose of funding research concerning the disorder of autism. For purposes of this Section, the term "research" includes, without limitation, expenditures to develop and advance the understanding, techniques, and modalities effective in the detection, prevention, screening, and treatment of autism and may include clinical trials. No more than 20% of the grant funds may be used for institutional overhead costs, indirect costs, other organizational levies, or costs of community-based support services.

Moneys received for the purposes of this Section, including, without limitation, income tax checkoff receipts and gifts, grants, and awards from any public or private entity, must be deposited into the Fund.

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Any interest earned on moneys in the Fund must be deposited into the Fund.

Each year, grantees of the grants provided under this Section must submit a written report to the Department that sets forth the types of research that is conducted with the grant moneys and the status of that research.

The Department shall promulgate rules for the creation of a scientific review committee to review and assess applications for the grants authorized under this Section. The Committee shall serve without compensation.

(Source: P.A. 94-442, eff. 8-4-05.)

(20 ILCS 1305/10-9)

Sec. 10-9. The Diabetes Research Checkoff Fund; grants. The Diabetes Research Checkoff Fund is created as a special fund in the State treasury. From appropriations to the Department from the Fund, the Department must make grants to public or private entities in Illinois for the purpose of funding research concerning the disease of diabetes. At least 50% of the grants made from the Fund by the Department must be made to entities that conduct research for juvenile diabetes. For purposes of this Section, the term "research" includes, without limitation, expenditures to develop and advance the understanding, techniques, and modalities effective in the detection, prevention, screening, and treatment of diabetes and may include clinical trials.

Moneys received for the purposes of this Section, including, without limitation, income tax checkoff receipts and gifts, grants, and awards from any public or private entity, must be deposited into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.

(Source: P.A. 94-107, eff. 7-1-05; revised 9-27-05.)

(20 ILCS 1305/10-35)

Sec. 10-35. Folic acid; public information campaign. The Department, in consultation with the Department of Public Health, shall conduct a public information campaign to (i) educate women about the benefits of consuming folic acid before and during pregnancy to improve

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their chances of having a healthy baby and (ii) increase the consumption of folic acid by women of child-bearing age. The campaign must include information about the sources of folic acid.
(Source: P.A. 93-84, eff. 1-1-04.)

(20 ILCS 1305/10-40)
Sec. 10-40. Recreational programs; handicapped; grants. The Department of Human Services, subject to appropriation, may make grants to special recreation associations for the operation of recreational programs for the handicapped, including both physically and mentally handicapped, and transportation to and from those programs. The grants should target unserved or underserved populations, such as persons with brain injuries, persons who are medically fragile, and adults who have acquired disabling conditions. The Department must adopt rules to implement the grant program.
(Source: P.A. 93-107, eff. 7-8-03; revised 9-24-03.)

(20 ILCS 1305/10-45)
(a) The Department is authorized to establish a Hispanic/Latino Teen Pregnancy Prevention and Intervention Initiative program.
(b) As a part of the program established under subsection (a), the Department is authorized to award a grant to a qualified entity for the purpose of conducting research, education, and prevention activities to reduce pregnancy among Hispanic teenagers.
(Source: P.A. 93-515, eff. 1-1-04; revised 9-24-03.)

Section 180. The Illinois Lottery Law is amended by changing Sections 2, 13, 20, and 21.6 as follows:
(20 ILCS 1605/2) (from Ch. 120, par. 1152)
Sec. 2. This Act is enacted to implement and establish within the State a lottery to be operated by the State, the entire net proceeds of which are to be used for the support of the State's Common School Fund, except as provided in Sections 21.2, and 21.5, and 21.6.
(Source: P.A. 94-120, eff. 7-6-05; 94-585, eff. 8-15-05; revised 8-23-05.)
(20 ILCS 1605/13) (from Ch. 120, par. 1163)

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Sec. 13. Except as otherwise provided in Section 13.1, no prize, nor any portion of a prize, nor any right of any person to a prize awarded shall be assignable. Any prize, or portion thereof remaining unpaid at the death of a prize winner, may be paid to the estate of such deceased prize winner, or to the trustee under a revocable living trust established by the deceased prize winner as settlor, provided that a copy of such a trust has been filed with the Department along with a notarized letter of direction from the settlor and no written notice of revocation has been received by the Division prior to the settlor's death. Following such a settlor's death and prior to any payment to such a successor trustee, the Superintendent shall obtain from the trustee a written agreement to indemnify and hold the Department and the Division harmless with respect to any claims that may be asserted against the Department or the Division arising from payment to or through the trust. Notwithstanding any other provision of this Section, any person pursuant to an appropriate judicial order may be paid the prize to which a winner is entitled, and all or part of any prize otherwise payable by State warrant under this Section shall be withheld upon certification to the State Comptroller from the Illinois Department of Healthcare and Family Services Public Aid as provided in Section 10-17.5 of The Illinois Public Aid Code. The Director and the Superintendent shall be discharged of all further liability upon payment of a prize pursuant to this Section. (Source: P.A. 93-465, eff. 1-1-04; 94-776, eff. 5-19-06; revised 8-21-06.)

(20 ILCS 1605/20) (from Ch. 120, par. 1170)

Sec. 20. State Lottery Fund.

(a) There is created in the State Treasury a special fund to be known as the "State Lottery Fund". Such fund shall consist of all revenues received from (1) the sale of lottery tickets or shares, (net of commissions, fees representing those expenses that are directly proportionate to the sale of tickets or shares at the agent location, and prizes of less than $600 which have been validly paid at the agent level), (2) application fees, and (3) all other sources including moneys credited or transferred thereto from any other fund or source pursuant to law. Interest earnings of the State Lottery Fund shall be credited to the Common School Fund.
(b) The receipt and distribution of moneys under Section 21.5 of this Act shall be in accordance with Section 21.5.

(c) The receipt and distribution of moneys under Section 21.6 of this Act shall be in accordance with Section 21.6.

(Source: P.A. 94-120, eff. 7-6-05; 94-585, eff. 8-15-05; revised 8-19-05.)

(20 ILCS 1605/21.6)


(a) The Department shall offer a special instant scratch-off game for the benefit of Illinois veterans. The game shall commence on January 1, 2006 or as soon thereafter, at the discretion of the Director, as is reasonably practical. The operation of the game shall be governed by this Act and any rules adopted by the Department. If any provision of this Section is inconsistent with any other provision of this Act, then this Section governs.

(b) The Illinois Veterans Assistance Fund is created as a special fund in the State treasury. The net revenue from the Illinois veterans scratch-off game shall be deposited into the Fund for appropriation by the General Assembly solely to the Department of Veterans Affairs for making grants, funding additional services, or conducting additional research projects relating to:

(i) veterans' post traumatic stress disorder;
(ii) veterans' homelessness;
(iii) the health insurance costs of veterans;
(iv) veterans' disability benefits, including but not limited to, disability benefits provided by veterans service organizations and veterans assistance commissions or centers; and
(v) the long-term care of veterans.

Moneys collected from the special instant scratch-off game shall be used only as a supplemental financial resource and shall not supplant existing moneys that the Department of Veterans Affairs may currently expend for the purposes set forth in items (i) through (v) (i-v).

Moneys received for the purposes of this Section, including, without limitation, net revenue from the special instant scratch-off game and from gifts, grants, and awards from any public or private entity, must

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be deposited into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.

For purposes of this subsection, "net revenue" means the total amount for which tickets have been sold less the sum of the amount paid out in the prizes and the actual administrative expenses of the Department solely related to the scratch-off game under this Section.

(c) During the time that tickets are sold for the Illinois veterans scratch-off game, the Department shall not unreasonably diminish the efforts devoted to marketing any other instant scratch-off lottery game.

(d) The Department may adopt any rules necessary to implement and administer the provisions of this Section.

(Source: P.A. 94-585, eff. 8-15-05; revised 9-6-05.)

Section 185. The Mental Health and Developmental Disabilities Administrative Act is amended by changing Sections 15.2, 15.3, 18, 33.3, and 57 as follows:

(20 ILCS 1705/15.2) (from Ch. 91 1/2, par. 100-15.2)
Sec. 15.2. Quality Assurance for Adult Developmental Training Services. Whenever the Department of Healthcare and Family Services Public Aid or the Department of Human Services pays the cost, directly or indirectly, in whole or part, for adult developmental training day services for persons with developmental disabilities, the provider of such services shall meet minimum standards established by the Department. Such minimum standards shall become effective July 1, 1986. Interim program guidelines, established by the Department, shall be utilized for programs operational prior to July 1, 1985.

The Department shall annually certify that adult developmental training day services providers meet minimum standards. The Department may determine that providers accredited under nationally recognized accreditation programs are deemed to have met the standards established by the Department under this Section. The Department shall, at least quarterly, review the services being provided to assure compliance with the standards. The Department may suspend, refuse to renew or deny certification to any provider who fails to meet any or all such standards, as provided by rule.

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For purposes of this Section, "adult developmental training day service" means services designed to help persons with developmental disabilities to develop functional skills for living in such areas as motoric development, dressing and grooming, toileting, eating, language, reading and writing, quantitative skills development, independent living and reduction of maladaptive behavior. Such programs may include services designed to improve an individual's ability to engage in productive work as defined for work activity centers in the federal Fair Labor Standards Act, as amended.

For purposes of this Section, "providers of adult developmental training day services" means any person, agency or organization that provides such services for persons with developmental disabilities as defined by the Mental Health and Developmental Disabilities Code.

(Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

(20 ILCS 1705/15.3) (from Ch. 91 1/2, par. 100-15.3)

Sec. 15.3. Quality assurance for community mental health services. Whenever the Department of Healthcare and Family Services Public Aid or the Department of Human Services pays the cost, directly or indirectly, in whole or part, for community mental health services and programs provided under the Medicaid Clinic Option authorized by Title XIX of the Social Security Act, the provider of such services shall meet minimum standards established by the Department.

The Department shall annually certify that providers of community mental health services under the Medicaid Clinic Option meet minimum standards. The Department may suspend, refuse to renew or deny certification to any provider who fails to meet any or all such standards, as provided by rule.

For purposes of this Section, "community mental health services and programs" means services designed to help persons with mental illness develop skills for living, including but not limited to the following:

(1) Mental health assessment;
(2) Psychological evaluation;
(3) Interdisciplinary treatment planning;
(4) Medication monitoring and training;

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(5) Individual therapy;
(6) Group therapy;
(7) Family therapy;
(8) Crisis intervention;
(9) Case management;
(10) Intensive stabilization; and
(11) Extended treatment and rehabilitation.

(Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

(20 ILCS 1705/18) (from Ch. 91 1/2, par. 100-18)

Sec. 18. To receive, hold, distribute and use for indicated purposes and the benefit of recipients, monies and materials made available by the federal government or other agency. The Department specifically may claim federal reimbursement through the Illinois Department of Healthcare and Family Services Public Aid under the "Medicaid Waiver" provisions of Section 1915(c) of the Social Security Act, as amended, for providing community services to recipients of medical assistance under Article V of the Illinois Public Aid Code. The Department shall maintain a separate line item in its budget, entitled "Developmental Disability Community Initiative", to account for the expenditure of such monies.

(Source: P.A. 85-1209; revised 12-5-05.)

(20 ILCS 1705/33.3) (from Ch. 91 1/2, par. 100-33.3)

Sec. 33.3. (a) The Department may develop an annual plan for staff training. The plan shall establish minimum training objectives and time frames and shall be based on the assessment of needs of direct treatment staff. The plan shall be developed using comments from employee representative organizations and State and national professional and advocacy groups. The training plan shall be available for public review and comment.

(b) A centralized pre-service training curriculum shall be developed for classifications of employees of State-operated facilities who have responsibility for direct patient care and whose professional training and experience does not substantially include the minimum training required under this Section, as determined by the Department. The plan shall address, at a minimum, the following areas:

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(1) Crisis intervention;
(2) Communication (interpersonal theory, active listening and observing);
(3) Group process and group dynamics;
(4) Diagnosis, management, treatment and discharge planning;
(5) Psychotherapeutic and psychopharmacological psychosocial approaches;
(6) Community resources;
(7) Specialized skills for: long-term treatment, teaching activities of daily living skills (e.g., grooming), psychosocial rehabilitation, and schizophrenia and the aged, dual-diagnosed, young, and chronic;
(8) The Mental Health and Developmental Disabilities Code;
(9) The Mental Health and Developmental Disabilities Confidentiality Act;
(10) Physical intervention techniques;
(11) Aggression management;
(12) Cardiopulmonary resuscitation;
(13) Social assessment training;
(14) Suicide prevention and intervention;
(15) Tardive dyskinesia
dyskinesia;
(16) Fire safety;
(17) Acquired immunodeficiency syndrome (AIDS);
(18) Toxic substances;
(19) The detection and reporting of suspected recipient abuse and neglect; and
(20) Methods of avoiding or reducing injuries in connection with delivery of services.

(c) Each program shall establish a unit-specific orientation which details the types of patients served, rules, treatment strategies, response to medical emergencies, policies and procedures, seclusion, restraint for special need recipients, and community resources.

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(d) The plan shall provide for in-service and any other necessary training for direct service staff and shall include a system for verification of completion. Pre-service training shall be completed within 6 months after beginning employment, as a condition of continued employment and as a prerequisite to contact with recipients of services, except in the course of supervised on-the-job training that may be a component of the training plan. The plan may also require additional training in relation to changes in employee work assignments and job classifications of professional and direct service staff.

Direct care staff shall be trained in methods of communicating with recipients who are not verbal, including discerning signs of discomfort or medical problems experienced by a recipient. Facility administrators also shall receive such training, to ensure that facility operations are adapted to the needs of mentally disabled recipients.

(e) To facilitate training, the Department may develop at least 2 training offices, one serving State-operated facilities located in the Chicago metropolitan area and the second serving other facilities operated by the Department. These offices shall develop and conduct the pre-service and in-service training programs required by this Section and coordinate other training required by the Department.

(Source: P.A. 86-1013; revised 10-11-05.)

(20 ILCS 1705/57) (from Ch. 91 1/2, par. 100-57)

Sec. 57. The Department of Human Services shall periodically convene a special task force of representatives of the various State agencies with related programs and services together with other interested parties and stakeholders to study and assess service needs of persons with autism. The Secretary of Human Services shall submit a report of the task force's findings and recommendations and the Secretary's priorities to the Governor and the General Assembly by September 1, 2005. The Secretary shall provide annual progress reports to the Governor and the General Assembly by January 1 of each year, beginning on January 1, 2006. The reports shall include an analysis of progress made in the following areas:

a. Early intervention services for children with autism and their parents;

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b. Enhancement of family support mechanisms to enable persons with autism to remain in a home-based or community environment in the least-restrictive setting possible, including progress on the implementation of plans to provide assistance to individuals and families; the plan shall include, but not be limited to, (i) identification of the services required, (ii) the availability of services, especially those within the home community of the person with autism, (iii) the number of persons requiring the services, (iv) the cost of the services, (v) the capacity of the person with autism and his or her family to independently provide the services and the extent to which the State may support the individual and family effort, (vi) the extent of existing and planned State support, (vii) the availability and utilization of federal financial participation in the cost of services, and (viii) the outcomes and impact of services being provided;

c. Services for adequate transition for people with autism from public school programs to adult work and day programs; and


The Department of Human Services and the Department of Healthcare and Family Services shall determine the availability of federal financial participation in the cost of developing a family support program, which would include medical assistance coverage for children diagnosed with autism who would otherwise qualify for medical assistance under the Illinois Public Aid Code except for family income. The program would include services to support persons with autism in their homes and communities that are not provided through local school systems, early intervention programs, or the medical assistance program under the Illinois Public Aid Code. The departments shall determine the feasibility of obtaining federal financial participation and may apply for any applicable waiver under Section 1915(c) of the federal Social Security Act.

For the purpose of this service needs review, autism means a severely incapacitating life-long developmental disability which:

a. may be manifested before a person is 30 months of age,

b. may be caused by physical disorders of the brain, and

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c. is characterized by uneven intellectual development and a combination of disturbances in the rates and sequences of cognitive, affective, psychomotor, language and speech development. This syndrome is further evidenced by abnormal responses to sensory stimuli, problems in developing social relationships, and ritualistic and compulsive behavior.

(Source: P.A. 93-773, eff. 7-21-04; revised 12-15-05.)

Section 190. The Military Code of Illinois is amended by changing Section 28.6 as follows:

(20 ILCS 1805/28.6)

Sec. 28.6. Policy.
(a) A member of the Army National Guard or the Air National Guard may be ordered to funeral honors duty in accordance with this Article. That member shall receive an allowance of $100 for any day on which a minimum of 2 hours of funeral honors duty is performed. Members of the Illinois National Guard ordered to funeral honors duty in accordance with this Article are considered to be in the active service of the State for all purposes except for pay, and the provisions of Sections 52, 53, 54, 55, and 56 of the Military Code of Illinois apply if a member of the Illinois National Guard is injured or disabled in the course of those duties.

(b) The Adjutant General may provide support for other authorized providers who volunteer to participate in a funeral honors detail conducted on behalf of the Governor. This support is limited to transportation, reimbursement for transportation, expenses, materials, and training.

(c) On or after July 1, 2006, if the Adjutant General determines that Illinois National Guard personnel are not available to perform military funeral honors in accordance with this Article, the Adjutant General may authorize another appropriate organization to provide one or more of its members to perform those honors and, subject to appropriations for that purpose, shall authorize the payment of a $100 stipend to the organization.

(Source: P.A. 94-251, eff. 1-1-06; 94-359, eff. 7-1-06; revised 9-14-06.)

Section 195. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Sections 2105-15 and 2105-155 as follows:

(20 ILCS 2105/2105-15) (was 20 ILCS 2105/60)
Sec. 2105-15. General powers and duties.
(a) The Department has, subject to the provisions of the Civil Administrative Code of Illinois, the following powers and duties:

(1) To authorize examinations in English to ascertain the qualifications and fitness of applicants to exercise the profession, trade, or occupation for which the examination is held.

(2) To prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to exercise the respective professions, trades, or occupations.

(3) To pass upon the qualifications of applicants for licenses, certificates, and authorities, whether by examination, by reciprocity, or by endorsement.

(4) To prescribe rules and regulations defining, for the respective professions, trades, and occupations, what shall constitute a school, college, or university, or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college, or university, or department of a university, or other institution, reputable and in good standing, by reference to a compliance with those rules and regulations; provided, that no school, college, or university, or department of a university, or other institution that refuses admittance to applicants solely on account of race, color, creed, sex, or national origin shall be considered reputable and in good standing.

(5) To conduct hearings on proceedings to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action as authorized in any licensing Act administered by the Department with regard to licenses, certificates, or authorities of persons exercising the respective professions, trades, or occupations and to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action as authorized in any licensing Act administered by the Department with regard to those licenses, certificates, or authorities. The Department shall issue a monthly disciplinary report. The Department shall deny any

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license or renewal authorized by the Civil Administrative Code of Illinois to any person who has defaulted on an educational loan or scholarship provided by or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State; however, the Department may issue a license or renewal if the aforementioned persons have established a satisfactory repayment record as determined by the Illinois Student Assistance Commission or other appropriate governmental agency of this State. Additionally, beginning June 1, 1996, any license issued by the Department may be suspended or revoked if the Department, after the opportunity for a hearing under the appropriate licensing Act, finds that the licensee has failed to make satisfactory repayment to the Illinois Student Assistance Commission for a delinquent or defaulted loan. For the purposes of this Section, "satisfactory repayment record" shall be defined by rule. The Department shall refuse to issue or renew a license to, or shall suspend or revoke a license of, any person who, after receiving notice, fails to comply with a subpoena or warrant relating to a paternity or child support proceeding. However, the Department may issue a license or renewal upon compliance with the subpoena or warrant.

The Department, without further process or hearings, shall revoke, suspend, or deny any license or renewal authorized by the Civil Administrative Code of Illinois to a person who is certified by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) as being more than 30 days delinquent in complying with a child support order or who is certified by a court as being in violation of the Non-Support Punishment Act for more than 60 days. The Department may, however, issue a license or renewal if the person has established a satisfactory repayment record as determined by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) or if the person is determined by the court to be in compliance with the Non-Support Punishment Act. The

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Department may implement this paragraph as added by Public Act 89-6 through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement this paragraph shall be considered an emergency and necessary for the public interest, safety, and welfare.

(6) To transfer jurisdiction of any realty under the control of the Department to any other department of the State Government or to acquire or accept federal lands when the transfer, acquisition, or acceptance is advantageous to the State and is approved in writing by the Governor.

(7) To formulate rules and regulations necessary for the enforcement of any Act administered by the Department.

(8) To exchange with the Illinois Department of Healthcare and Family Services Public Aid information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984. Notwithstanding any provisions in this Code to the contrary, the Department of Professional Regulation shall not be liable under any federal or State law to any person for any disclosure of information to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) under this paragraph (8) or for any other action taken in good faith to comply with the requirements of this paragraph (8).

(9) To perform other duties prescribed by law.

(b) The Department may, when a fee is payable to the Department for a wall certificate of registration provided by the Department of Central Management Services, require that portion of the payment for printing and distribution costs be made directly or through the Department to the

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Department of Central Management Services for deposit into the Paper and Printing Revolving Fund. The remainder shall be deposited into the General Revenue Fund.

(c) For the purpose of securing and preparing evidence, and for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities, recoupment of investigative costs, and other activities directed at suppressing the misuse and abuse of controlled substances, including those activities set forth in Sections 504 and 508 of the Illinois Controlled Substances Act, the Director and agents appointed and authorized by the Director may expend sums from the Professional Regulation Evidence Fund that the Director deems necessary from the amounts appropriated for that purpose. Those sums may be advanced to the agent when the Director deems that procedure to be in the public interest. Sums for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities and other activities as set forth in this Section shall be advanced to the agent who is to make the purchase from the Professional Regulation Evidence Fund on vouchers signed by the Director. The Director and those agents are authorized to maintain one or more commercial checking accounts with any State banking corporation or corporations organized under or subject to the Illinois Banking Act for the deposit and withdrawal of moneys to be used for the purposes set forth in this Section; provided, that no check may be written nor any withdrawal made from any such account except upon the written signatures of 2 persons designated by the Director to write those checks and make those withdrawals. Vouchers for those expenditures must be signed by the Director. All such expenditures shall be audited by the Director, and the audit shall be submitted to the Department of Central Management Services for approval.

(d) Whenever the Department is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, then, upon request and payment of fees in conformance with the requirements of Section 2605-400 of the Department of State Police Law (20 ILCS 2605/2605-400), the Department of State Police is authorized to furnish,
pursuant to positive identification, the information contained in State files
that is necessary to fulfill the request.

(e) The provisions of this Section do not apply to private business
and vocational schools as defined by Section 1 of the Private Business and
Vocational Schools Act.

(f) Beginning July 1, 1995, this Section does not apply to those
professions, trades, and occupations licensed under the Real Estate License
Act of 2000, nor does it apply to any permits, certificates, or other
authorizations to do business provided for in the Land Sales Registration
Act of 1989 or the Illinois Real Estate Time-Share Act.

(g) Notwithstanding anything that may appear in any individual
licensing statute or administrative rule, the Department shall deny any
license application or renewal authorized under any licensing Act
administered by the Department to any person who has failed to file a
return, or to pay the tax, penalty, or interest shown in a filed return, or to
pay any final assessment of tax, penalty, or interest, as required by any tax
Act administered by the Illinois Department of Revenue, until such time as
the requirement of any such tax Act are satisfied; however, the Department
may issue a license or renewal if the person has established a satisfactory
repayment record as determined by the Illinois Department of Revenue.
For the purpose of this Section, "satisfactory repayment record" shall be
defined by rule.

In addition, a complaint filed with the Department by the Illinois
Department of Revenue that includes a certification, signed by its Director
or designee, attesting to the amount of the unpaid tax liability or the years
for which a return was not filed, or both, is prima facie evidence of the
licensee's failure to comply with the tax laws administered by the Illinois
Department of Revenue. Upon receipt of that certification, the Department
shall, without a hearing, immediately suspend all licenses held by the
licensee. Enforcement of the Department's order shall be stayed for 60
days. The Department shall provide notice of the suspension to the
licensee by mailing a copy of the Department's order by certified and
regular mail to the licensee's last known address as registered with the
Department. The notice shall advise the licensee that the suspension shall
be effective 60 days after the issuance of the Department's order unless the Department receives, from the licensee, a request for a hearing before the Department to dispute the matters contained in the order.

Any suspension imposed under this subsection (g) shall be terminated by the Department upon notification from the Illinois Department of Revenue that the licensee is in compliance with all tax laws administered by the Illinois Department of Revenue.

The Department shall promulgate rules for the administration of this subsection (g).

(h) (g) The Department may grant the title "Retired", to be used immediately adjacent to the title of a profession regulated by the Department, to eligible retirees. The use of the title "Retired" shall not constitute representation of current licensure, registration, or certification. Any person without an active license, registration, or certificate in a profession that requires licensure, registration, or certification shall not be permitted to practice that profession.

(Source: P.A. 94-452, eff. 1-1-06; 94-462, eff. 8-4-05; revised 12-15-05.)

(20 ILCS 2105/2105-155) (was 20 ILCS 2105/60n)

Sec. 2105-155. Suspension or termination of medical services provider under the Public Aid Code. When the Department receives notice from the Department of Healthcare and Family Services Public Aid, as required by Section 2205-10 of the Department of Healthcare and Family Services Public Aid Law (20 ILCS 2205/2205-10), that the authorization to provide medical services under Article V of the Illinois Public Aid Code has been suspended or terminated with respect to any person, firm, corporation, association, agency, institution, or other legal entity licensed under any Act administered by the Department of Professional Regulation, the Department of Professional Regulation shall determine whether there are reasonable grounds to investigate the circumstances that resulted in the suspension or termination. If reasonable grounds are found, the Department of Professional Regulation shall conduct an investigation and take the disciplinary action against the licensee that the Department determines to be required under the appropriate licensing Act.

(Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

New matter indicated by italics - deletions by strikeout
Section 200. The Department of Public Aid Law of the Civil Administrative Code of Illinois is amended by changing the heading of Article 2205 and Sections 2205-1, 2205-5, and 2205-10 as follows:

(20 ILCS 2205/Art. 2205 heading)

ARTICLE 2205. DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
PUBLIC AID

(20 ILCS 2205/2205-1)
Sec. 2205-1. Article short title. This Article 2205 of the Civil Administrative Code of Illinois may be cited as the Department of Healthcare and Family Services Public Aid Law.
(Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

(20 ILCS 2205/2205-5) (was 20 ILCS 2205/48a)
Sec. 2205-5. Public Aid Code. The Department of Healthcare and Family Services Public Aid shall administer the Illinois Public Aid Code as provided in that Code.
(Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

(20 ILCS 2205/2205-10) (was 20 ILCS 2205/48b)
Sec. 2205-10. Suspension or termination of authorization to provide medical services. Whenever the Department of Healthcare and Family Services (formerly Department of Public Aid) suspends or terminates the authorization of any person, firm, corporation, association, agency, institution, or other legal entity to provide medical services under Article V of the Illinois Public Aid Code and the practice of providing those services or the maintenance of facilities for those services is licensed under a licensing Act administered by the Department of Public Health or the Department of Professional Regulation, the Department of Healthcare and Family Services Public Aid shall, within 30 days of the suspension or termination, give written notice of the suspension or termination and transmit a record of the evidence and specify the grounds on which the suspension or termination is based to the Department that administers the licensing Act under which that person, firm, corporation, association, agency, institution, or other legal entity is licensed, subject to any confidentiality requirements imposed by applicable federal or State law.

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The cost of any such record shall be borne by the Department to which it is transmitted.  
(Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

Section 205. The Illinois Health Finance Reform Act is amended by changing Section 5-1 as follows:

(20 ILCS 2215/5-1) (from Ch. 111 1/2, par. 6505-1)

Sec. 5-1. Mandatory Utilization Review.

(a) Except as prohibited by Federal law or regulations, any third party payor shall have the option to require utilization review for hospital admissions and continued hospital stays, except for the Illinois Department of Healthcare and Family Services Public Aid for payment of hospital services for recipients of assistance under Articles V, VI, and VII of the Illinois Public Aid Code. The payor shall have the option to contract with a medical peer review organization, provided that the organization is at minimum, composed of 10% of area physicians, or the hospital to perform utilization review or to conduct its own utilization review. A medical peer review organization, as defined, may also contract with hospitals to perform reviews on a delegated basis. The utilization review process shall provide for the timely notification of patients by the third party payor or review organization that further services are deemed inappropriate or medically unnecessary. Such notification shall inform the patient that his third party payor will cease coverage after a stated period from the date of the notification. No third party payor shall be liable for charges for health care services rendered by a hospital subsequent to the end of the notification period.

Nothing in this Section shall be construed as authorizing any person or third party payor, other than through the use of physicians licensed to practice medicine in all of its branches or other licensed health care professionals under the supervision of said physicians, to conduct utilization review.

(b) All costs associated with utilization review under this section shall be billed to and paid by the third party payor ordering the review.

(c) Any third party payor for hospital services may

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contract with a hospital for a program of utilization review different than that required by this subsection, which contract may provide for the withholding and denial of payment for hospital services to a beneficiary, when such treatment is found in the course of utilization review to have been inappropriate and unwarranted in the case of that beneficiary.

(d) All records and reports arising as a result of this subsection shall be strictly privileged and confidential, as provided under Part 21 of Article VIII of the Code of Civil Procedure. (Source: P.A. 91-357, eff. 7-29-99; revised 12-15-05.)

Section 210. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Sections 2310-135, 2310-215, 2310-330, 2310-338, 2310-345, 2310-353, 2310-395, and 2310-445, by renumbering Section 371, and by setting forth and renumbering multiple versions of Section 2310-610 as follows:

(20 ILCS 2310/2310-135) (was 20 ILCS 2310/55.37)
Sec. 2310-135. Notice of suspension or termination of medical services provider under Public Aid Code. When the Department receives notice from the Department of Healthcare and Family Services (formerly Department of Public Aid), as required by Section 2205-10 of the Department of Healthcare and Family Services Public Aid Law (20 ILCS 2205/2205-10), that the authorization to provide medical services under Article V of the Illinois Public Aid Code has been suspended or terminated with respect to any person, firm, corporation, association, agency, institution, or other legal entity licensed under any Act administered by the Department of Public Health, the Department of Public Health shall determine whether there are reasonable grounds to investigate the circumstances that resulted in the suspension or termination. If such reasonable grounds are found, the Department of Public Health shall conduct an investigation and take disciplinary action against the licensee that the Department determines to be required under the appropriate licensing Act. (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

(20 ILCS 2310/2310-215) (was 20 ILCS 2310/55.62)
Sec. 2310-215. Center for Minority Health Services.
(a) The Department shall establish a Center for Minority Health Services to advise the Department on matters pertaining to the health needs of minority populations within the State.

(b) The Center shall have the following duties:

(1) To assist in the assessment of the health needs of minority populations in the State.

(2) To recommend treatment methods and programs that are sensitive and relevant to the unique linguistic, cultural, and ethnic characteristics of minority populations.

(3) To provide consultation, technical assistance, training programs, and reference materials to service providers, organizations, and other agencies.

(4) To promote awareness of minority health concerns, and encourage, promote, and aid in the establishment of minority services.

(5) To disseminate information on available minority services.

(6) To provide adequate and effective opportunities for minority populations to express their views on Departmental policy development and program implementation.

(7) To coordinate with the Department on Aging and the Department of Healthcare and Family Services Public Aid to coordinate services designed to meet the needs of minority senior citizens.

(8) To promote awareness of the incidence of Alzheimer's disease and related dementias among minority populations and to encourage, promote, and aid in the establishment of prevention and treatment programs and services relating to this health problem.

(c) For the purpose of this Section, "minority" shall mean and include any person or group of persons who are:

(1) African-American (a person having origins in any of the black racial groups in Africa);
(2) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race);
(3) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands); or
(4) American Indian or Alaskan Native (a person having origins in any of the original peoples of North America).

(Source: P.A. 93-929, eff. 8-12-04; revised 12-15-05.)

(20 ILCS 2310/2310-330) (was 20 ILCS 2310/55.46)
Sec. 2310-330. Sperm and tissue bank registry; AIDS test for donors; penalties.

(a) The Department shall establish a registry of all sperm banks and tissue banks operating in this State. All sperm banks and tissue banks operating in this State shall register with the Department by May 1 of each year. Any person, hospital, clinic, corporation, partnership, or other legal entity that operates a sperm bank or tissue bank in this State and fails to register with the Department pursuant to this Section commits a business offense and shall be subject to a fine of $5000.

(b) All donors of semen for purposes of artificial insemination, or donors of corneas, bones, organs, or other human tissue for the purpose of injecting, transfusing, or transplanting any of them in the human body, shall be tested for evidence of exposure to human immunodeficiency virus (HIV) and any other identified causative agent of acquired immunodeficiency syndrome (AIDS) at the time of or after the donation but prior to the semen, corneas, bones, organs, or other human tissue being made available for that use. However, when in the opinion of the attending physician the life of a recipient of a bone, organ, or other human tissue donation would be jeopardized by delays caused by testing for evidence of exposure to HIV and any other causative agent of AIDS, testing shall not be required.

(c) Except as otherwise provided in subsection (c-5), no person may intentionally, knowingly, recklessly, or negligently use the semen, corneas, bones, organs, or other human tissue of a donor unless the

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requirements of subsection (b) have been met. Except as otherwise provided in subsection (c-5), no person may intentionally, knowingly, recklessly, or negligently use the semen, corneas, bones, organs, or other human tissue of a donor who has tested positive for exposure to HIV or any other identified causative agent of AIDS. Violation of this subsection (c) shall be a Class 4 felony.

(c-5) It is not a violation of this Section for a person to perform a solid organ transplant of an organ from an HIV infected donor to a person who has tested positive for exposure to HIV or any other identified causative agent of AIDS and who is in immediate threat of death unless the transplant is performed. A tissue bank that provides an organ from an HIV infected donor under this subsection (c-5) may not be criminally or civilly liable for the furnishing of that organ under this subsection (c-5).

(d) For the purposes of this Section:
"Human tissue" shall not be construed to mean organs or whole blood or its component parts.
"Tissue bank" has the same meaning as set forth in the Illinois Anatomical Gift Act.
"Solid organ transplant" means the surgical transplantation of internal organs including, but not limited to, the liver, kidney, pancreas, lungs, or heart. "Solid organ transplant" does not mean a bone marrow based transplant or a blood transfusion.
"HIV infected donor" means a deceased donor who was infected with HIV or a living donor known to be infected with HIV and who is willing to donate a part or all of one or more of his or her organs. A determination of the donor's HIV infection is made by the donor's medical history or by specific tests that document HIV infection, such as HIV RNA or DNA, or by antibodies to HIV.

(Source: P.A. 93-737, eff. 7-15-04; 93-794, eff. 7-22-04; revised 10-25-04.)

(20 ILCS 2310/2310-338)
Sec. 2310-338. Asthma prevention and control program.
(a) Subject to appropriations for this purpose, the Department shall establish an asthma prevention and control program to provide leadership
in Illinois for and coordination of asthma prevention and intervention activities. The program may include, but need not be limited to, the following features:

(1) Monitoring of asthma prevalence in the State.
(2) Education and training of health care professionals concerning the current methods of diagnosing and treating asthma.
(3) Patient and family education concerning the management of asthma.
(4) Dissemination of information on programs shown to reduce hospitalization, emergency room visits, and absenteeism due to asthma.
(5) Consultation with and support of community-based asthma prevention and control programs.
(6) Monitoring of environmental hazards or exposures, or both, that may increase the incidence of asthma.

(b) In implementing the program established under subsection (a), the Department shall consult with the Department of Healthcare and Public Aid and the State Board of Education. In addition, the Department shall seek advice from other organizations and public and private entities concerned about the prevention and treatment of asthma.

(c) The Department may accept federal funding and grants, and may contract for work with outside vendors or individuals, for the purpose of implementing the program established under subsection (a).

(Source: P.A. 93-1015, eff. 8-24-0; revised 12-15-05.)

(20 ILCS 2310/2310-345) (was 20 ILCS 2310/55.49)

(a) From funds made available for this purpose, the Department shall publish, in layman's language, a standardized written summary outlining methods for the early detection and diagnosis of breast cancer. The summary shall include recommended guidelines for screening and detection of breast cancer through the use of techniques that shall include but not be limited to self-examination and diagnostic radiology.

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(b) The summary shall also suggest that women seek mammography services from facilities that are certified to perform mammography as required by the federal Mammography Quality Standards Act of 1992.

(c) The summary shall also include the medically viable alternative methods for the treatment of breast cancer, including, but not limited to, hormonal, radiological, chemotherapeutic, or surgical treatments or combinations thereof. The summary shall contain information on breast reconstructive surgery, including, but not limited to, the use of breast implants and their side effects. The summary shall inform the patient of the advantages, disadvantages, risks, and dangers of the various procedures. The summary shall include (i) a statement that mammography is the most accurate method for making an early detection of breast cancer, however, no diagnostic tool is 100% effective and (ii) instructions for performing breast self-examination and a statement that it is important to perform a breast self-examination monthly.

(d) In developing the summary, the Department shall consult with the Advisory Board of Cancer Control, the Illinois State Medical Society and consumer groups. The summary shall be updated by the Department every 2 years.

(e) The summaries shall additionally be translated into Spanish, and the Department shall conduct a public information campaign to distribute the summaries to the Hispanic women of this State in order to inform them of the importance of early detection and mammograms.

(f) The Department shall distribute the summary to hospitals, public health centers, and physicians who are likely to perform or order diagnostic tests for breast disease or treat breast cancer by surgical or other medical methods. Those hospitals, public health centers, and physicians shall make the summaries available to the public. The Department shall also distribute the summaries to any person, organization, or other interested parties upon request. The summaries may be duplicated by any person, provided the copies are identical to the current summary prepared by the Department.
(g) The summary shall display, on the inside of its cover, printed in capital letters, in bold face type, the following paragraph:
"The information contained in this brochure regarding recommendations for early detection and diagnosis of breast disease and alternative breast disease treatments is only for the purpose of assisting you, the patient, in understanding the medical information and advice offered by your physician. This brochure cannot serve as a substitute for the sound professional advice of your physician. The availability of this brochure or the information contained within is not intended to alter, in any way, the existing physician-patient relationship, nor the existing professional obligations of your physician in the delivery of medical services to you, the patient."

(h) The summary shall be updated when necessary.

(Source: P.A. 91-239, eff. 1-1-00; revised 10-19-05.)

(20 ILCS 2310/2310-353)
Sec. 2310-353. Cervical Cancer Elimination Task Force.
(a) A standing Task Force on Cervical Cancer Elimination ("Task Force") is established within the Illinois Department of Public Health.
(b) The Task Force shall have 12 members appointed by the Director of Public Health as follows:
(1) A representative of an organization relating to women and cancer.
(2) A representative of an organization providing health care to women.
(3) A health educator.
(4) A representative of a national organization relating to cancer treatment who is an oncologist.
(5) A representative of the health insurance industry.
(6) A representative of a national organization of obstetricians and gynecologists.
(7) A representative of a national organization of family physicians.
(8) The State Epidemiologist.
(9) A member at-large with an interest in women's health.
(10) A social marketing expert on health issues.
(11) A licensed registered nurse.

The directors of Public Health and Healthcare and Family Services Public Aid, and the Secretary of Human Services, or their designees, and the Chair and Vice-Chair of the Conference of Women Legislators in Illinois, or their designees, shall be ex officio members of the Task Force. The Director of Public Health shall also consult with the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate in the designation of members of the Illinois General Assembly as ex-officio members.

Appointments to the Task Force should reflect the composition of the Illinois population with regard to ethnic, racial, age, and religious composition.

(c) The Director of Public Health shall appoint a Chair from among the members of the Task Force. The Task Force shall elect a Vice-Chair from its members. Initial appointments to the Task Force shall be made not later than 30 days after the effective date of this amendatory Act of the 93rd General Assembly. A majority of the Task Force shall constitute a quorum for the transaction of its business. The Task Force shall meet at least quarterly. The Task Force Chair may establish sub-committees for the purpose of making special studies; such sub-committees may include non-Task-Force members as resource persons.

(d) Members of the Task Force shall be reimbursed for their necessary expenses incurred in performing their duties. The Department of Public Health shall provide staff and technical assistance to the Task Force to the extent possible within annual appropriations for its ordinary and contingent expenses.

(e) The Task Force shall have the following duties:

(1) To obtain from the Department of Public Health, if available, data and analyses regarding the prevalence and burden of

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cervical cancer. The Task Force may conduct or arrange for independent studies and analyses.

(2) To coordinate the efforts of the Task Force with existing State committees and programs providing cervical cancer screening, education, and case management.

(3) To raise public awareness on the causes and nature of cervical cancer, personal risk factors, the value of prevention, early detection, options for testing, treatment costs, new technology, medical care reimbursement, and physician education.

(4) To identify priority strategies, new technologies, and newly introduced vaccines that are effective in preventing and controlling the risk of cervical cancer.

(5) To identify and examine the limitations of existing laws, regulations, programs, and services with regard to coverage and awareness issues for cervical cancer, including requiring insurance or other coverage for PAP smears and mammograms in accordance with the most recently published American Cancer Society guidelines.

(6) To develop a statewide comprehensive Cervical Cancer Prevention Plan and strategies for implementing the Plan and for promoting the Plan to the general public, State and local elected officials, and various public and private organizations, associations, businesses, industries, and agencies.

(7) To receive and to consider reports and testimony from individuals, local health departments, community-based organizations, voluntary health organizations, and other public and private organizations statewide to learn more about their contributions to cervical cancer diagnosis, prevention, and treatment and more about their ideas for improving cervical cancer prevention, diagnosis, and treatment in Illinois.

(f) The Task Force shall submit a report to the Governor and the General Assembly by April 1, 2005 and by April 1 of each year thereafter. The report shall include (i) information regarding the progress being made in fulfilling the duties of the Task Force and in developing the Cervical

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Cancer Prevention Plan and (ii) recommended strategies or actions to reduce the occurrence of cervical cancer and the burdens from cervical cancer suffered by citizens of this State.

(g) The Task Force shall expire on April 1, 2009, or upon submission of the Task Force's final report to the Governor and the General Assembly, whichever occurs earlier.

(Source: P.A. 93-956, eff. 8-19-04; revised 12-15-05.)

(20 ILCS 2310/2310-371.5) (was 20 ILCS 2310/371)

Sec. 2310-371.5 371. Heartsaver AED Fund; grants. Subject to appropriation, the Department of Public Health has the power to make matching grants from the Heartsaver AED Fund, a special fund created in the State treasury, to any public school, public park district, public college, or public university required to have an Automated External Defibrillator pursuant to the Physical Fitness Facility Medical Emergency Preparedness Act (Colleen O'Sullivan Law). Applicants for AED grants must demonstrate that they have funds to pay 50% of the cost of the AED's for which matching grant moneys are sought. Matching grants authorized under this Section shall be limited to one AED per eligible physical fitness facility. The State Treasurer shall accept and deposit into the Fund all gifts, grants, transfers, appropriations, and other amounts from any legal source, public or private, that are designated for deposit into the Fund.

(Source: P.A. 93-1085, eff. 2-14-05; revised 4-9-05.)

(20 ILCS 2310/2310-395) (was 20 ILCS 2310/55.72)

Sec. 2310-395. Task Force on Organ Transplantation.

(a) There is established within the Department a Task Force on Organ Transplantation ("the Task Force"). The Task Force shall have the following 21 members:

(1) The Director, ex officio, or his or her designee.
(2) The Secretary of State, ex officio, or his or her designee.
(3) Four members, appointed one each by the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

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(4) Fifteen members appointed by the Director as follows: 2 physicians (at least one of whom shall have experience in organ transplantation); one representative of medical schools; one representative of hospitals; one representative of insurers or self-insurers; one representative of an organization devoted to organ donation or the coordination of organ donations; one representative of an organization that deals with tissue donation or the coordination of tissue donations; one representative from the Illinois Department of Healthcare and Family Services Public Aid; one representative from the Illinois Eye Bank Community; one representative from the Illinois Hospital and Health Systems Association; one representative from the Illinois State Coroners Association; one representative from the Illinois State Medical Society; one representative from Mid-America Transplantation Services; and 2 members of the general public who are knowledgeable in areas of the Task Force's work.

(b) The Task Force shall conduct a comprehensive examination of the medical, legal, ethical, economic, and social issues presented by human organ procurement and transplantation.

(c) The Task Force shall report its findings and recommendations to the Governor and the General Assembly on or before January 1, of each year, and the Task Force's final report shall be filed on or before January 1, 1999. The report shall include, but need not be limited to, the following:

(1) An assessment of public and private efforts to procure human organs for transplantation and an identification of factors that diminish the number of organs available for transplantation.

(2) An assessment of problems in coordinating the procurement of viable human organs and tissue including skin and bones.

(3) Recommendations for the education and training of health professionals, including physicians, nurses, and hospital and emergency care personnel, with respect to organ procurement.

(4) Recommendations for the education of the general public, the clergy, law enforcement officers, members of local fire
departments, and other agencies and individuals that may be instrumental in affecting organ procurement.

(5) Recommendations for ensuring equitable access by patients to organ transplantation and for ensuring the equitable allocation of donated organs among transplant centers and among patients medically qualified for an organ transplant.

(6) An identification of barriers to the donation of organs to patients (with special emphasis on pediatric patients), including an assessment of each of the following:

(A) Barriers to the improved identification of organ donors and their families and organ recipients.

(B) The number of potential organ donors and their geographical distribution.

(C) Current health care services provided for patients who need organ transplantation and organ procurement procedures, systems, and programs that affect those patients.

(D) Cultural factors affecting the facility with respect to the donation of the organs.

(E) Ethical and economic issues relating to organ transplantation needed by chronically ill patients.

(7) An analysis of the factors involved in insurance reimbursement for transplant procedures by private insurers and the public sector.

(8) An analysis of the manner in which organ transplantation technology is diffused among and adopted by qualified medical centers, including a specification of the number and geographical distribution of qualified medical centers using that technology and an assessment of whether the number of centers using that technology is sufficient or excessive and whether the public has sufficient access to medical procedures using that technology.

(9) Recommendations for legislative changes necessary to make organ transplants more readily available to Illinois citizens.

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(d) The Director of Public Health shall review the progress of the Task Force to determine the need for its continuance, and the Director shall report this determination to the Governor and the General Assembly on or before January 1, 1999.

(Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

(20 ILCS 2310/2310-445) (was 20 ILCS 2310/55.71)

Sec. 2310-445. Interagency council on health care for pregnant women and infants.

(a) On or before January 1, 1994, the Director, in cooperation with the Director of Public Aid (now Director of Healthcare and Family Services), the Director of Children and Family Services, the Director of Alcoholism and Substance Abuse, and the Director of Insurance, shall develop and submit to the Governor a proposal for consolidating all existing health programs required by law for pregnant women and infants into one comprehensive plan to be implemented by one or several agencies. The proposal shall:

(1) include a time schedule for implementing the plan;
(2) provide a cost estimate of the plan;
(3) identify federal waivers necessary to implement the plan;
(4) examine innovative programs; and
(5) identify sources of funding for the plan.

(b) The plan developed under subsection (a) shall provide the following services statewide:

(1) Comprehensive prenatal services for all pregnant women who qualify for existing programs through the Department of Public Aid (now Department of Healthcare and Family Services) or the Department of Public Health or any other government-funded programs.

(2) Comprehensive medical care for all infants under 1 year of age.

(3) A case management system under which each family with a child under the plan is assigned a case manager and under
which every reasonable effort is made to assure continuity of case management and access to other appropriate social services.

(4) Services regardless of and fees for services based on clients' ability to pay.
(Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

(20 ILCS 2310/2310-610)

Sec. 2310-610. Rules; public health preparedness. The Department shall adopt and implement rules, contact lists, and response plans governing public health preparedness and response.
(Source: P.A. 93-829, eff. 7-28-04.)

(20 ILCS 2310/2310-630)

Sec. 2310-630. Influenza vaccinations.

(a) As used in this Section, "eligible individual" means a resident of Illinois who: (1) is not entitled to receive an influenza vaccination at no cost as a benefit under a plan of health insurance, a managed care plan, or a plan provided by a health maintenance organization, a health services plan corporation, or a similar entity; and (2) meets the requirements established by the Department of Public Health by rule.

(b) Subject to appropriation, the Department of Public Health shall establish and administer a program under which any eligible individual shall, upon the eligible individual's request, receive an influenza vaccination once each year at no cost to the eligible individual.

(c) The Department of Public Health shall adopt rules for the administration and operation of the program, including but not limited to: determination of the influenza vaccine formulation to be administered and the method of administration; eligibility requirements and eligibility determinations; and standards and criteria for acquisition and distribution of influenza vaccine and related supplies. The Department may enter into contracts or agreements with public or private entities for the performance of such duties under the program as the Department may deem appropriate to carry out this Section and its rules adopted under this Section.
(Source: P.A. 93-943, eff. 1-1-05; revised 11-5-04.)

Section 215. The Disabled Persons Rehabilitation Act is amended by changing Section 3 as follows:

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Sec. 3. Powers and duties. The Department shall have the powers and duties enumerated herein:

(a) To co-operate with the federal government in the administration of the provisions of the federal Rehabilitation Act of 1973, as amended, of the Workforce Investment Act of 1998, and of the federal Social Security Act to the extent and in the manner provided in these Acts.

(b) To prescribe and supervise such courses of vocational training and provide such other services as may be necessary for the habilitation and rehabilitation of persons with one or more disabilities, including the administrative activities under subsection (e) of this Section, and to co-operate with State and local school authorities and other recognized agencies engaged in habilitation, rehabilitation and comprehensive rehabilitation services; and to cooperate with the Department of Children and Family Services regarding the care and education of children with one or more disabilities.

(c) (Blank).

(d) To report in writing, to the Governor, annually on or before the first day of December, and at such other times and in such manner and upon such subjects as the Governor may require. The annual report shall contain (1) a statement of the existing condition of comprehensive rehabilitation services, habilitation and rehabilitation in the State; (2) a statement of suggestions and recommendations with reference to the development of comprehensive rehabilitation services, habilitation and rehabilitation in the State; and (3) an itemized statement of the amounts of money received from federal, State and other sources, and of the objects and purposes to which the respective items of these several amounts have been devoted.

(e) (Blank).

(f) To establish a program of services to prevent unnecessary institutionalization of persons with Alzheimer's disease and related disorders or persons in need of long term care who are established as blind or disabled as defined by the Social Security Act, thereby enabling them to
remain in their own homes or other living arrangements. Such preventive services may include, but are not limited to, any or all of the following:

(1) home health services;
(2) home nursing services;
(3) homemaker services;
(4) chore and housekeeping services;
(5) day care services;
(6) home-delivered meals;
(7) education in self-care;
(8) personal care services;
(9) adult day health services;
(10) habilitation services;
(11) respite care; or
(12) other nonmedical social services that may enable the person to become self-supporting.

The Department shall establish eligibility standards for such services taking into consideration the unique economic and social needs of the population for whom they are to be provided. Such eligibility standards may be based on the recipient's ability to pay for services; provided, however, that any portion of a person's income that is equal to or less than the "protected income" level shall not be considered by the Department in determining eligibility. The "protected income" level shall be determined by the Department, shall never be less than the federal poverty standard, and shall be adjusted each year to reflect changes in the Consumer Price Index For All Urban Consumers as determined by the United States Department of Labor. The standards must provide that a person may have not more than $10,000 in assets to be eligible for the services, and the Department may increase the asset limitation by rule. Additionally, in determining the amount and nature of services for which a person may qualify, consideration shall not be given to the value of cash, property or other assets held in the name of the person's spouse pursuant to a written agreement dividing marital property into equal but separate shares or pursuant to a transfer of the person's interest in a home to his spouse.
provided that the spouse's share of the marital property is not made available to the person seeking such services.

The services shall be provided to eligible persons to prevent unnecessary or premature institutionalization, to the extent that the cost of the services, together with the other personal maintenance expenses of the persons, are reasonably related to the standards established for care in a group facility appropriate to their condition. These non-institutional services, pilot projects or experimental facilities may be provided as part of or in addition to those authorized by federal law or those funded and administered by the Illinois Department on Aging.

Personal care attendants shall be paid:

(i) A $5 per hour minimum rate beginning July 1, 1995.
(ii) A $5.30 per hour minimum rate beginning July 1, 1997.
(iii) A $5.40 per hour minimum rate beginning July 1, 1998.

Solely for the purposes of coverage under the Illinois Public Labor Relations Act (5 ILCS 315/), personal care attendants and personal assistants providing services under the Department's Home Services Program shall be considered to be public employees and the State of Illinois shall be considered to be their employer as of the effective date of this amendatory Act of the 93rd General Assembly, but not before. The State shall engage in collective bargaining with an exclusive representative of personal care attendants and personal assistants working under the Home Services Program concerning their terms and conditions of employment that are within the State's control. Nothing in this paragraph shall be understood to limit the right of the persons receiving services defined in this Section to hire and fire personal care attendants and personal assistants or supervise them within the limitations set by the Home Services Program. The State shall not be considered to be the employer of personal care attendants and personal assistants for any purposes not specifically provided in this amendatory Act of the 93rd General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Personal care attendants and personal assistants shall not be
covered by the State Employees Group Insurance Act of 1971 (5 ILCS 375/).

The Department shall execute, relative to the nursing home prescreening project, as authorized by Section 4.03 of the Illinois Act on the Aging, written inter-agency agreements with the Department on Aging and the Department of Public Aid (now Department of Healthcare and Family Services), to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped. On and after July 1, 1996, all nursing home prescreenings for individuals 18 through 59 years of age shall be conducted by the Department.

The Department is authorized to establish a system of recipient cost-sharing for services provided under this Section. The cost-sharing shall be based upon the recipient's ability to pay for services, but in no case shall the recipient's share exceed the actual cost of the services provided. Protected income shall not be considered by the Department in its determination of the recipient's ability to pay a share of the cost of services. The level of cost-sharing shall be adjusted each year to reflect changes in the "protected income" level. The Department shall deduct from the recipient's share of the cost of services any money expended by the recipient for disability-related expenses.

The Department, or the Department's authorized representative, shall recover the amount of moneys expended for services provided to or in behalf of a person under this Section by a claim against the person's estate or against the estate of the person's surviving spouse, but no recovery may be had until after the death of the surviving spouse, if any, and then only at such time when there is no surviving child who is under age 21, blind, or permanently and totally disabled. This paragraph, however, shall not bar recovery, at the death of the person, of moneys for services provided to the person or in behalf of the person under this Section to which the person was not entitled; provided that such recovery shall not be enforced against any real estate while it is occupied as a
homestead by the surviving spouse or other dependent, if no claims by other creditors have been filed against the estate, or, if such claims have been filed, they remain dormant for failure of prosecution or failure of the claimant to compel administration of the estate for the purpose of payment. This paragraph shall not bar recovery from the estate of a spouse, under Sections 1915 and 1924 of the Social Security Act and Section 5-4 of the Illinois Public Aid Code, who precedes a person receiving services under this Section in death. All moneys for services paid to or in behalf of the person under this Section shall be claimed for recovery from the deceased spouse's estate. "Homestead", as used in this paragraph, means the dwelling house and contiguous real estate occupied by a surviving spouse or relative, as defined by the rules and regulations of the Illinois Department of Healthcare and Family Services Public Aid, regardless of the value of the property.

The Department and the Department on Aging shall cooperate in the development and submission of an annual report on programs and services provided under this Section. Such joint report shall be filed with the Governor and the General Assembly on or before March 30 each year.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act, and filing additional copies with the State Government Report Distribution Center for the General Assembly as required under paragraph (t) of Section 7 of the State Library Act.

(g) To establish such subdivisions of the Department as shall be desirable and assign to the various subdivisions the responsibilities and duties placed upon the Department by law.

(h) To cooperate and enter into any necessary agreements with the Department of Employment Security for the provision of job placement and job referral services to clients of the Department, including job service registration of such clients with Illinois Employment Security offices and

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making job listings maintained by the Department of Employment Security available to such clients.

(i) To possess all powers reasonable and necessary for the exercise and administration of the powers, duties and responsibilities of the Department which are provided for by law.

(j) To establish a procedure whereby new providers of personal care attendant services shall submit vouchers to the State for payment two times during their first month of employment and one time per month thereafter. In no case shall the Department pay personal care attendants an hourly wage that is less than the federal minimum wage.

(k) To provide adequate notice to providers of chore and housekeeping services informing them that they are entitled to an interest payment on bills which are not promptly paid pursuant to Section 3 of the State Prompt Payment Act.

(l) To establish, operate and maintain a Statewide Housing Clearinghouse of information on available, government subsidized housing accessible to disabled persons and available privately owned housing accessible to disabled persons. The information shall include but not be limited to the location, rental requirements, access features and proximity to public transportation of available housing. The Clearinghouse shall consist of at least a computerized database for the storage and retrieval of information and a separate or shared toll free telephone number for use by those seeking information from the Clearinghouse. Department offices and personnel throughout the State shall also assist in the operation of the Statewide Housing Clearinghouse. Cooperation with local, State and federal housing managers shall be sought and extended in order to frequently and promptly update the Clearinghouse's information.

(m) To assure that the names and case records of persons who received or are receiving services from the Department, including persons receiving vocational rehabilitation, home services, or other services, and those attending one of the Department's schools or other supervised facility shall be confidential and not be open to the general public. Those case records and reports or the information contained in those records and reports shall be disclosed by the Director only to proper law enforcement
officials, individuals authorized by a court, the General Assembly or any committee or commission of the General Assembly, and other persons and for reasons as the Director designates by rule. Disclosure by the Director may be only in accordance with other applicable law.

(Source: P.A. 93-204, eff. 7-16-03; 94-252, eff. 1-1-06; revised 12-15-05.)

Section 220. The Disabilities Services Act of 2003 is amended by changing Sections 10 and 20 as follows:

(20 ILCS 2407/10)

Sec. 10. Application of Act; definitions.

(a) This Act applies to persons with disabilities. The disabilities included are defined for purposes of this Act as follows:

"Disability" means a disability as defined by the Americans with Disabilities Act of 1990 that is attributable to a developmental disability, a mental illness, or a physical disability, or combination of those.

"Developmental disability" means a disability that is attributable to mental retardation or a related condition. A related condition must meet all of the following conditions:

(1) It must be attributable to cerebral palsy, epilepsy, or any other condition (other than mental illness) found to be closely related to mental retardation because that condition results in impairment of general intellectual functioning or adaptive behavior similar to that of individuals with mental retardation, and requires treatment or services similar to those required for those individuals. For purposes of this Section, autism is considered a related condition.

(2) It must be manifested before the individual reaches age 22.

(3) It must be likely to continue indefinitely.

(4) It must result in substantial functional limitations in 3 or more of the following areas of major life activity: self-care, language, learning, mobility, self-direction, and capacity for independent living.

"Mental Illness" means a mental or emotional disorder verified by a diagnosis contained in the Diagnostic and Statistical Manual of Mental

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Disorders-Fourth Edition, published by the American Psychiatric Association (DSM-IV), or its successor, or International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM), or its successor, that substantially impairs a person's cognitive, emotional, or behavioral functioning, or any combination of those, excluding (i) conditions that may be the focus of clinical attention but are not of sufficient duration or severity to be categorized as a mental illness, such as parent-child relational problems, partner-relational problems, sexual abuse of a child, bereavement, academic problems, phase-of-life problems, and occupational problems (collectively, "V codes"), (ii) organic disorders such as substance intoxication dementia, substance withdrawal dementia, Alzheimer's disease, vascular dementia, dementia due to HIV infection, and dementia due to Creutzfeld-Jakob disease and disorders associated with known or unknown physical conditions such as hallucinosis, amnestic disorders and delirium, and psychoactive substance-induced organic disorders, and (iii) mental retardation or psychoactive substance use disorders.

"Mental retardation" means significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested before the age of 22 years.

"Physical disability" means a disability as defined by the Americans with Disabilities Act of 1990 that meets the following criteria:

(1) It is attributable to a physical impairment.

(2) It results in a substantial functional limitation in any of the following areas of major life activity: (i) self-care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic sufficiency.

(3) It reflects the person's need for a combination and sequence of special, interdisciplinary, or general care, treatment, or other services that are of lifelong or of extended duration and must be individually planned and coordinated.

(b) In this Act:

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"Chronological age-appropriate services" means services, activities, and strategies for persons with disabilities that are representative of the lifestyle activities of nondisabled peers of similar age in the community.

"Comprehensive evaluation" means procedures used by qualified professionals selectively with an individual to determine whether a person has a disability and the nature and extent of the services that the person with a disability needs.

"Department" means the Department on Aging, the Department of Human Services, the Department of Public Health, the Department of Public Aid (now Department Healthcare and Family Services), the University of Illinois Division of Specialized Care for Children, the Department of Children and Family Services, and the Illinois State Board of Education, where appropriate, as designated in the implementation plan developed under Section 20.

"Family" means a natural, adoptive, or foster parent or parents or other person or persons responsible for the care of an individual with a disability in a family setting.

"Family or individual support" means those resources and services that are necessary to maintain an individual with a disability within the family home or his or her own home. These services may include, but are not limited to, cash subsidy, respite care, and counseling services.

"Independent service coordination" means a social service that enables persons with developmental disabilities and their families to locate, use, and coordinate resources and opportunities in their communities on the basis of individual need. Independent service coordination is independent of providers of services and funding sources and is designed to ensure accessibility, continuity of care, and accountability and to maximize the potential of persons with developmental disabilities for independence, productivity, and integration into the community. Independent service coordination includes, at a minimum: (i) outreach to identify eligible individuals; (ii) assessment and periodic reassessment to determine each individual's strengths, functional limitations, and need for specific services; (iii) participation in the

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development of a comprehensive individual service or treatment plan; (iv) referral to and linkage with needed services and supports; (v) monitoring to ensure the delivery of appropriate services and to determine individual progress in meeting goals and objectives; and (vi) advocacy to assist the person in obtaining all services for which he or she is eligible or entitled.

"Individual service or treatment plan" means a recorded assessment of the needs of a person with a disability, a description of the services recommended, the goals of each type of element of service, an anticipated timetable for the accomplishment of the goals, and a designation of the qualified professionals responsible for the implementation of the plan.

"Least restrictive environment" means an environment that represents the least departure from the normal patterns of living and that effectively meets the needs of the person receiving the service.

(Source: P.A. 93-638, eff. 12-31-03; revised 12-15-05.)

(20 ILCS 2407/20)
Sec. 20. Implementation.
(a) The Governor shall appoint an advisory committee to assist in the development and implementation of a Disabilities Services Implementation Plan that will ensure compliance by the State of Illinois with the Americans with Disabilities Act and the decision in Olmstead v. L.C., 119 S.Ct. 2176 (1999). The advisory committee shall be known as the Illinois Disabilities Services Advisory Committee and shall be composed of no more than 33 members, including: persons who have a physical disability, a developmental disability, or a mental illness; senior citizens; advocates for persons with physical disabilities; advocates for persons with developmental disabilities; advocates for persons with mental illness; advocates for senior citizens; representatives of providers of services to persons with physical disabilities, developmental disabilities, and mental illness; representatives of providers of services to senior citizens; and representatives of organized labor.

In addition, the following State officials shall serve on the committee as ex-officio non-voting members: the Secretary of Human Services or his or her designee; the State Superintendent of Education or his or her designee; the Director of Aging or his or her designee; the
Executive Director of the Illinois Housing Development Authority or his or her designee; the Director of Public Aid (now Director of Healthcare and Family Services) or his or her designee; and the Director of Employment Security or his or her designee.

The advisory committee shall select officers, including a chair and a vice-chair.

The advisory committee shall meet at least quarterly and shall keep official meeting minutes. Committee members shall not be compensated but shall be paid for their expenses related to attendance at meetings.

(b) The implementation plan must include, but need not be limited to, the following:

(1) Establishing procedures for completing comprehensive evaluations, including provisions for Department review and approval of need determinations. The Department may utilize independent evaluators and targeted or sample reviews during this review and approval process, as it deems appropriate.

(2) Establishing procedures for the development of an individual service or treatment plan for each person with a disability, including provisions for Department review and authorization.

(3) Identifying core services to be provided by agencies of the State of Illinois or other agencies.

(4) Establishing minimum standards for individualized services.

(5) Establishing minimum standards for residential services in the least restrictive environment.

(6) Establishing minimum standards for vocational services.

(7) Establishing due process hearing procedures.

(8) Establishing minimum standards for family support services.

(9) Securing financial resources necessary to fulfill the purposes and requirements of this Act, including but not limited to
obtaining approval and implementing waivers or demonstrations authorized under federal law.

(c) The Governor, with the assistance of the Illinois Disabilities Services Advisory Committee and the Secretary of Human Services, is responsible for the completion of the implementation plan. The Governor must submit a report to the General Assembly by November 1, 2004, which must include the following:

(1) The implementation plan.
(2) A description of current and planned programs and services necessary to meet the requirements of the individual service or treatment plans required by this Act, together with the actions to be taken by the State of Illinois to ensure that those plans will be implemented. This description shall include a report of related program and service improvements or expansions implemented by the Department since the effective date of this Act.
(3) The estimated costs of current and planned programs and services to be provided under the implementation plan.
(4) A report on the number of persons with disabilities who may be eligible to receive services under this Act, together with a report on the number of persons who are currently receiving those services.
(5) Any proposed changes in State policies, laws, or regulations necessary to fulfill the purposes and requirements of this Act.

(d) The Governor, with the assistance of the Secretary of Human Services, shall annually update the implementation plan and report changes to the General Assembly by July 1 of each year. Initial implementation of the plan is required by July 1, 2005. The requirement of annual updates and reports expires in 2008, unless otherwise extended by the General Assembly. (Source: P.A. 93-638, eff. 12-31-03; revised 12-15-05.)

Section 225. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by changing Sections 2505-65 and 2505-650 as follows:

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Sec. 2505-65. Exchange of information.

(a) The Department has the power to exchange with any state, with any local subdivisions of any state, or with the federal government, except when specifically prohibited by law, any information that may be necessary to efficient tax administration and that may be acquired as a result of the administration of the laws set forth in the Sections following Section 95-10 and preceding Section 2505-60.

(b) The Department has the power to exchange with the Illinois Department of Healthcare and Family Services information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984. Notwithstanding any provisions in this Code to the contrary, the Department of Revenue shall not be liable to any person for any disclosure of information to the Illinois Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) under this subsection (b) or for any other action taken in good faith to comply with the requirements of this subsection (b).

(20 ILCS 2505/2505-650) (was 20 ILCS 2505/39b52)
Sec. 2505-650. Collection of past due support. Upon certification of past due child support amounts from the Department of Healthcare and Family Services (formerly Department of Public Aid), the Department of Revenue may collect the delinquency in any manner authorized for the collection of any tax administered by the Department of Revenue. The Department of Revenue shall notify the Department of Healthcare and Family Services when the delinquency or any portion of the delinquency has been collected under this Section. Any child support delinquency collected by the Department of Revenue, including those amounts that result in overpayment of a child support delinquency, shall

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be deposited into the Child Support Enforcement Trust Fund or paid to the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code, at the direction of the Department of Healthcare and Family Services Public Aid. The Department of Revenue may implement this Section through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement this Section shall be considered an emergency and necessary for the public interest, safety, and welfare.

(Source: P.A. 90-491, eff. 1-1-98; 91-212, eff. 7-20-99; 91-239, eff. 1-1-00; 91-712, eff. 7-1-00; revised 12-15-05.)

Section 230. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-377 as follows:

(20 ILCS 2605/2605-377) (was 20 ILCS 2605/55a in part)
Sec. 2605-377. Department of Healthcare and Family Services Public Aid; LEADS access.

(a) The Illinois Department of Healthcare and Family Services Public Aid is an authorized entity under this Law for the purpose of exchanging information, in the form and manner required by the Department of State Police, to facilitate the location of individuals for establishing paternity, and establishing, modifying, and enforcing child support obligations, pursuant to the Illinois Public Aid Code and Title IV, Part D of the Social Security Act.

(b) The Illinois Department of Healthcare and Family Services Public Aid is an authorized entity under this Section for the purpose of obtaining access to various data repositories available through LEADS, to facilitate the location of individuals for establishing paternity, and establishing, modifying, and enforcing child support obligations, pursuant to the Illinois Public Aid Code and Title IV, Part D of the Social Security Act. The Department shall enter into an agreement with the Illinois Department of Healthcare and Family Services Public Aid consistent with these purposes.

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Section 235. The State Police Act is amended by changing Section 23 as follows:

(20 ILCS 2610/23) (from Ch. 121, par. 307.18d)

Sec. 23. The Director may appoint auxiliary State policemen in such number as he deems necessary. Such auxiliary policemen shall not be regular State policemen. Such auxiliary State policemen shall not supplement members of the regular State police in the performance of their assigned and normal duties, except as otherwise provided herein. Such auxiliary State policemen shall only be assigned to perform the following duties: to aid or direct traffic, to aid in control of natural or man made disasters, or to aid in case of civil disorder as directed by the commanding officers. Identification symbols worn by such auxiliary State policemen shall be different and distinct from those used by State policemen. Such auxiliary State policemen shall at all times during the performance of their duties be subject to the direction and control of the commanding officer. Such auxiliary State policemen shall not carry firearms.

Auxiliary State policemen, prior to entering upon any of their duties, shall receive a course of training in such police procedures as shall be appropriate in the exercise of the powers conferred upon them, which training and course of study shall be determined and provided by the Department of State Police. Prior to the appointment of any auxiliary State policeman his fingerprints shall be taken and no person shall be appointed as such auxiliary State policeman if he has been convicted of a felony or other crime involving moral turpitude.

All auxiliary State policemen shall be between the age of 21 and 60 years, and shall serve without compensation.

The Line of Duty Compensation Act "Law Enforcement Officers, Civil Defense Workers, Civil Air Patrol Members, Paramedics and Firemen Compensation Act", approved September 30, 1969, as now or

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hereafter amended, shall be applicable to auxiliary State policemen upon their death in the line of duty described herein.
(Source: P.A. 85-1042; revised 11-15-04.)

Section 240. The Department of Veterans Affairs Act is amended by setting forth and renumbering multiple versions of Section 2e and by changing Section 2.07 as follows:

(20 ILCS 2805/2e)
Sec. 2e. The World War II Illinois Veterans Memorial Fund. There is created in the State treasury the World War II Illinois Veterans Memorial Fund. The Department must make grants from the Fund for the construction of a World War II Illinois Veterans Memorial in Springfield, Illinois.
(Source: P.A. 93-131, eff. 7-10-03.)

(20 ILCS 2805/2f)
Sec. 2f/2e. LaSalle Veterans Home capacity.
(a) The Department finds that the Illinois Veterans Home at LaSalle requires an increase in capacity to better serve the north central region of Illinois and to accommodate the increasing number of Illinois veterans eligible for care.

(b) Subject to appropriation, the Department shall increase by at least 80 beds the capacity of the Illinois Veterans Home at LaSalle and shall request and expend federal grants for this Veterans Home addition.
(Source: P.A. 93-142, eff. 7-10-03; revised 9-24-03.)

(20 ILCS 2805/2.07) (from Ch. 126 1/2, par. 67.07)
Sec. 2.07. The Department shall employ and maintain sufficient and qualified staff at the veterans' homes to fulfill the requirements of this Act. The Department shall report to the General Assembly, by January 1 and July 1 of each year, the number of staff employed in providing direct patient care at their veterans' homes, the compliance or noncompliance with staffing standards established by the United States Department of Veterans Affairs for such care, and in the event of noncompliance with such standards, the number of staff required for compliance. For purposes of this Section, a nurse who has a license application pending with the State shall not be deemed unqualified by the Department if the nurse is in
compliance with 225 ILCS 65/5-15(g) or 225 ILCS 65/5-15(i) of the Nursing and Advanced Practice Nursing Act.

All contracts between the State and outside contractors to provide workers to staff and service the Anna Veterans Home shall be canceled in accordance with the terms of those contracts. Upon cancellation, each worker or staff member shall be offered certified employment status under the Illinois Personnel Code with the State of Illinois. To the extent it is reasonably practicable, the position offered to each person shall be at the same facility and shall consist of the same duties and hours as previously existed under the canceled contract or contracts.

(Source: P.A. 93-597, eff. 8-26-03; 94-703, eff. 6-1-06; revised 9-15-06.)

Section 245. The Nuclear Safety Law of 2004 is amended by changing Section 5 as follows:

(20 ILCS 3310/5)

Sec. 5. Cross references. The Illinois Emergency Management Agency shall exercise, administer, and enforce all rights, powers, and duties vested in Department of Nuclear Safety by the following named Acts or Sections of those Acts:

(3) (Blank) The Personnel Radiation Monitoring Act.
(10) Radon Industry Licensing Act.

(Source: P.A. 93-1029, eff. 8-25-04; revised 11-21-05.)

Section 250. The Human Skeletal Remains Protection Act is amended by changing Section 2 as follows:

(20 ILCS 3440/2) (from Ch. 127, par. 2662)

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Sec. 2. Legislative finding and intentions. The General Assembly finds that existing laws do not provide equal or adequate protection for all human graves. There is a real and growing threat to the safety and sanctity of unregistered and unmarked graves. Numerous incidents in Illinois have resulted in the desecration of human remains and vandalism to grave markers. Similar incidents have occurred in neighboring states and as a result those states have increased their criminal penalties for such conduct. There is a strong likelihood that persons engaged for personal or financial gain in the mining of prehistoric and historic Indian, pioneer, and Civil War veteran's graves will move their operations to Illinois to avoid the increased penalties being imposed in neighboring states. There is an immediate need for legislation to protect the graves of these earlier Illinoisans from such desecration. The General Assembly intends to assure with this Act that all human burials be accorded equal treatment and respect for human dignity without reference to ethnic origins, cultural backgrounds or religious affiliations.

The General Assembly also finds that those persons engaged in the scientific study or collecting of artifacts which have not been acquired in violation of law are engaged in legitimate and worthy scientific, educational and recreational activities. This Act is not intended to interfere with the continued legitimate collecting activities or studies of such persons; nor is it intended to interfere with the normal enjoyment of private property owners, farmers, or those engaged in the development, mining or improvement of real property.

(Source: P.A. 86-151; revised 10-12-05.)

Section 255. The Illinois Finance Authority Act is amended by changing Sections 801-1 and 815-10 as follows:

(20 ILCS 3501/801-1)

Sec. 801-1. Short Title. Articles 801 through 845 of this Act may be cited as the Illinois Finance Authority Act. References to "this Act" in Articles 801 through 845 are references to the Illinois Finance Authority Act.

(Source: P.A. 93-205, eff. 1-1-04; revised 9-16-03.)

(20 ILCS 3501/815-10)

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Sec. 815-10. Definitions. The following terms, whenever used or referred to in this Article, shall have the following meanings ascribed to them, except where the context clearly requires otherwise:

(a) "Property" means land, parcels or combination of parcels, structures, and all improvements, easements and franchises. ;

(b) "Redevelopment area" means any property which is a contiguous area of at least 2 acres but less than 160 acres in the aggregate located within one and one-half miles of the corporate limits of a municipality and not included within any municipality, where, (1) if improved, a substantial proportion of the industrial, commercial and residential buildings or improvements are detrimental to the public safety, health, morals or welfare because of a combination of any of the following factors: age; physical configuration; dilapidation; structural or economic obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; excessive and sustained vacancies; overcrowding of structures and community facilities; inadequate ventilation, light, sewer, water, transportation and other infrastructure facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation or lack of physical maintenance; and lack of community planning; or (2) if vacant, the sound utilization of land for industrial projects is impaired by a combination of 2 or more of the following factors: obsolete platting of the vacant land; diversity of ownership of such land; tax and special assessment delinquencies on such land; and deterioration of structures or site improvements in neighboring areas to the vacant land, or the area immediately prior to becoming vacant qualified as a redevelopment improved area; or (3) if an improved area within the boundaries of a development project is located within the corporate limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more, such area does not qualify under clause (1) but is detrimental to the public safety, health, morals or welfare and such area may become a redevelopment area pursuant to clause (1) because of a combination of 3 or more of the factors specified in clause (1).
(c) "Enterprise" means an individual, corporation, partnership, joint venture, trust, estate, or unincorporated association.

(d) "Development plan" means the comprehensive program of the Authority and the participating entity to reduce or eliminate those conditions the existence of which qualified the project area as a redevelopment area. Each development plan shall set forth in writing the program to be undertaken to accomplish such objectives and shall include, without limitation, estimated development project costs, the sources of funds to pay costs, the nature and term of any obligations to be issued, the most recent equalized assessed valuation of the project area, an estimate as to the equalized assessed valuation after development and the general land uses to apply in the project area.

(e) "Development project" means any project in furtherance of the objectives of a development plan, including any building or buildings or building addition or other structures to be newly constructed, renovated or improved and suitable for use by an enterprise as an industrial project, and includes the sites and other rights in the property on which such buildings or structures are located.

(f) "Participating entity" means a municipality, a local industrial development agency or an enterprise or any combination thereof.

(Source: P.A. 93-205, eff. 1-1-04; revised 10-9-03.)

Section 260. The Illinois African-American Family Commission Act is amended by changing Sections 15, 20, and 25 as follows:

Sec. 15. Purpose and objectives.

(a) The purpose of the Illinois African-American Family Commission is to guide the efforts of and collaborate with the Department on Aging, the Department of Children and Family Services, the Department of Commerce and Economic Opportunity, the Department of Corrections, the Department of Human Services, the Department of Healthcare and Family Services Public Aid, the Department of Public Health, the Department of Transportation, and others to improve and expand existing human services and educational and community development programs for African-Americans. This will be achieved by:

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(1) Monitoring existing legislation and programs designed to address the needs of African-Americans in Illinois;

(2) Assisting State agencies in developing programs, services, public policies, and research strategies that will expand and enhance the social and economic well-being of African-American children and families; and

(3) Facilitating the participation of African-Americans in the development, implementation, and planning of community-based services.

The work of the Illinois African-American Family Commission shall include the use of existing reports, research and planning efforts, procedures, and programs.

(Source: P.A. 93-867, eff. 8-5-04; revised 12-15-05.)

(20 ILCS 3903/20)

Sec. 20. Appointment; terms. The Illinois African-American Family Commission shall be comprised of 15 members who shall be appointed by the Governor. Each member shall have a working knowledge of human services, community development, and economic public policies in Illinois. The Governor shall appoint the chairperson or chairpersons.

The members shall reflect regional representation to ensure that the needs of African-American families and children throughout the State of Illinois are met. The members shall be selected from a variety of disciplines. They shall be representative of a partnership and collaborative effort between public and private agencies, the business sector, and community-based human services organizations.

Members shall serve 3-year terms, except in the case of initial appointments. One-third of initially appointed members, as determined by lot, shall be appointed to 1-year terms; 1/3 shall be appointed to 2-year terms; and 1/3 shall be appointed to 3-year terms, so that the terms are staggered. Members will serve without compensation, but shall be reimbursed for Commission-related expenses.

The Department on Aging, the Department of Children and Family Services, the Department of Commerce and Economic Opportunity, the Department of Corrections, the Department of Human Services, the
Department of *Healthcare and Family Services* Public Aid, the Department of Public Health, and the Department of Transportation shall each appoint a liaison to serve ex-officio on the Commission.

(Source: P.A. 93-867, eff. 8-5-04; revised 12-15-05.)

(20 ILCS 3903/25)

Sec. 25. Funding. The African-American Family Commission shall receive funding through appropriations available for its purposes made to the Department on Aging, the Department of Children and Family Services, the Department of Commerce and Economic Opportunity, the Department of Corrections, the Department of Human Services, the *Department of Healthcare and Family Services* (formerly Department of Public Aid), the Department of Public Health, and the Department of Transportation.

(Source: P.A. 93-867, eff. 8-5-04; revised 12-15-05.)

Section 265. The Illinois Early Learning Council Act is amended by changing Section 10 as follows:

(20 ILCS 3933/10)

Sec. 10. Membership. The Illinois Early Learning Council shall include representation from both public and private organizations, and its membership shall reflect regional, racial, and cultural diversity to ensure representation of the needs of all Illinois children. One member shall be appointed by the President of the Senate, one member appointed by the Minority Leader of the Senate, one member appointed by the Speaker of the House of Representatives, one member appointed by the Minority Leader of the House of Representatives, and other members appointed by the Governor. The Governor's appointments shall include without limitation the following:

1. A leader of stature from the Governor's office, to serve as co-chairperson of the Council.
2. The chief administrators of the following State agencies: State Board of Education; Department of Human Services; Department of Children and Family Services; Department of Public Health; Department of *Healthcare and Family Services* Public Aid.

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Family Services Public Aid; Board of Higher Education; and Illinois Community College Board.

(3) Local government stakeholders and nongovernment stakeholders with an interest in early childhood care and education, including representation from the following private-sector fields and constituencies: early childhood education and development; child care; child advocacy; parenting support; local community collaborations among early care and education programs and services; maternal and child health; children with special needs; business; labor; and law enforcement. The Governor shall designate one of the members who is a nongovernment stakeholder to serve as co-chairperson.

In addition, the Governor shall request that the Region V office of the U.S. Department of Health and Human Services' Administration for Children and Families appoint a member to the Council to represent federal children's programs and services.

Members appointed by General Assembly members and members appointed by the Governor who are local government or nongovernment stakeholders shall serve 3-year terms, except that of the initial appointments, half of these members, as determined by lot, shall be appointed to 2-year terms so that terms are staggered. Members shall serve on a voluntary, unpaid basis.

(Source: P.A. 93-380, eff. 7-24-03; revised 12-15-05.)

Section 270. The Human Services 211 Collaboration Board Act is amended by changing Section 10 as follows:

(20 ILCS 3956/10)

Sec. 10. Human Services 211 Collaboration Board.

(a) The Human Services 211 Collaboration Board is established to implement a non-emergency telephone number that will provide human services information concerning the availability of governmental and non-profit services and provide referrals to human services agencies, which may include referral to an appropriate web site. The Board shall consist of 9 members appointed by the Governor. The Governor shall appoint one representative of each of the following Offices and

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Departments as a member of the Board: the Office of the Governor, the Department of Human Services, the Department of Healthcare and Family Services, the Department of Public Health, the Department of Children and Family Services, the Department on Aging, the Department of Employment Security, the Department of Human Rights, and the Illinois Commerce Commission. The Governor shall designate one of the members as Chairperson. Members of the Board shall serve 3-year terms and may be reappointed to serve additional terms.

(b) The Board shall establish standards consistent with the standards established by the National 211 Collaborative and the Alliance of Information and Referral Systems for providing information about and referrals to human services agencies to 211 callers. The standards shall prescribe the technology or manner of delivering 211 calls and shall not exceed any requirements for 211 systems set by the Federal Communications Commission. The standards shall be consistent with the Americans with Disabilities Act, ensuring accessibility for users of Teletypewriters for the Deaf (TTY).

(Source: P.A. 93-613, eff. 11-18-03; 94-427, eff. 1-1-06; revised 12-15-05.)

Section 275. The Illinois Health Facilities Planning Act is amended by changing Sections 3, 4, and 4.1 as follows:

(20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)
(Section scheduled to be repealed on April 1, 2007)
Sec. 3. Definitions. As used in this Act:
"Health care facilities" means and includes the following facilities and organizations:

1. An ambulatory surgical treatment center required to be licensed pursuant to the Ambulatory Surgical Treatment Center Act;

2. An institution, place, building, or agency required to be licensed pursuant to the Hospital Licensing Act;

3. Skilled and intermediate long term care facilities licensed under the Nursing Home Care Act;

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3. Skilled and intermediate long term care facilities licensed under the Nursing Home Care Act;

4. Hospitals, nursing homes, ambulatory surgical treatment centers, or kidney disease treatment centers maintained by the State or any department or agency thereof;

5. Kidney disease treatment centers, including a free-standing hemodialysis unit required to be licensed under the End Stage Renal Disease Facility Act; and

6. An institution, place, building, or room used for the performance of outpatient surgical procedures that is leased, owned, or operated by or on behalf of an out-of-state facility.

No federally owned facility shall be subject to the provisions of this Act, nor facilities used solely for healing by prayer or spiritual means.

No facility licensed under the Supportive Residences Licensing Act or the Assisted Living and Shared Housing Act shall be subject to the provisions of this Act.

A facility designated as a supportive living facility that is in good standing with the program established under Section 5-5.01a of the Illinois Public Aid Code shall not be subject to the provisions of this Act.

This Act does not apply to facilities granted waivers under Section 3-102.2 of the Nursing Home Care Act. However, if a demonstration project under that Act applies for a certificate of need to convert to a nursing facility, it shall meet the licensure and certificate of need requirements in effect as of the date of application.

This Act does not apply to a dialysis facility that provides only dialysis training, support, and related services to individuals with end stage renal disease who have elected to receive home dialysis. This Act does not apply to a dialysis unit located in a licensed nursing home that offers or provides dialysis-related services to residents with end stage renal disease who have elected to receive home dialysis within the nursing home. The Board, however, may require these dialysis facilities and licensed nursing homes to report statistical information on a quarterly basis to the Board to be used by the Board to conduct analyses on the need for proposed kidney disease treatment centers.

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This Act shall not apply to the closure of an entity or a portion of an entity licensed under the Nursing Home Care Act that elects to convert, in whole or in part, to an assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act.

With the exception of those health care facilities specifically included in this Section, nothing in this Act shall be intended to include facilities operated as a part of the practice of a physician or other licensed health care professional, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional group. Further, this Act shall not apply to physicians or other licensed health care professionals' practices where such practices are carried out in a portion of a health care facility under contract with such health care facility by a physician or by other licensed health care professionals, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional groups. This Act shall apply to construction or modification and to establishment by such health care facility of such contracted portion which is subject to facility licensing requirements, irrespective of the party responsible for such action or attendant financial obligation.

"Person" means any one or more natural persons, legal entities, governmental bodies other than federal, or any combination thereof.

"Consumer" means any person other than a person (a) whose major occupation currently involves or whose official capacity within the last 12 months has involved the providing, administering or financing of any type of health care facility, (b) who is engaged in health research or the teaching of health, (c) who has a material financial interest in any activity which involves the providing, administering or financing of any type of health care facility, or (d) who is or ever has been a member of the immediate family of the person defined by (a), (b), or (c).

"State Board" means the Health Facilities Planning Board.

"Construction or modification" means the establishment, erection, building, alteration, reconstruction, modernization, improvement, extension, discontinuation, change of ownership, or by a health care

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facility, or the purchase or acquisition by or through a health care facility of equipment or service for diagnostic or therapeutic purposes or for facility administration or operation, or any capital expenditure made by or on behalf of a health care facility which exceeds the capital expenditure minimum; however, any capital expenditure made by or on behalf of a health care facility for (i) the construction or modification of a facility licensed under the Assisted Living and Shared Housing Act or (ii) a conversion project undertaken in accordance with Section 30 of the Older Adult Services Act shall be excluded from any obligations under this Act.

"Establish" means the construction of a health care facility or the replacement of an existing facility on another site.

"Major medical equipment" means medical equipment which is used for the provision of medical and other health services and which costs in excess of the capital expenditure minimum, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of Section 1861(s) of such Act. In determining whether medical equipment has a value in excess of the capital expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included.

"Capital Expenditure" means an expenditure: (A) made by or on behalf of a health care facility (as such a facility is defined in this Act); and (B) which under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part; and which exceeds the capital expenditure minimum.

For the purpose of this paragraph, the cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall

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be included in determining if such expenditure exceeds the capital expenditures minimum. Donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to review under this Act shall be considered capital expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure for purposes of this Act if a transfer of the equipment or facilities at fair market value would be subject to review.

"Capital expenditure minimum" means $6,000,000, which shall be annually adjusted to reflect the increase in construction costs due to inflation, for major medical equipment and for all other capital expenditures; provided, however, that when a capital expenditure is for the construction or modification of a health and fitness center, "capital expenditure minimum" means the capital expenditure minimum for all other capital expenditures in effect on March 1, 2000, which shall be annually adjusted to reflect the increase in construction costs due to inflation.

"Non-clinical service area" means an area (i) for the benefit of the patients, visitors, staff, or employees of a health care facility and (ii) not directly related to the diagnosis, treatment, or rehabilitation of persons receiving services from the health care facility. "Non-clinical service areas" include, but are not limited to, chapels; gift shops; newsstands; computer systems; tunnels, walkways, and elevators; telephone systems; projects to comply with life safety codes; educational facilities; student housing; patient, employee, staff, and visitor dining areas; administration and volunteer offices; modernization of structural components (such as roof replacement and masonry work); boiler repair or replacement; vehicle maintenance and storage facilities; parking facilities; mechanical systems for heating, ventilation, and air conditioning; loading docks; and repair or replacement of carpeting, tile, wall coverings, window coverings or treatments, or furniture. Solely for the purpose of this definition, "non-clinical service area" does not include health and fitness centers.

"Areawide" means a major area of the State delineated on a geographic, demographic, and functional basis for health planning and for health service and having within it one or more local areas for health

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planning and health service. The term "region", as contrasted with the term "subregion", and the word "area" may be used synonymously with the term "areawide".

"Local" means a subarea of a delineated major area that on a geographic, demographic, and functional basis may be considered to be part of such major area. The term "subregion" may be used synonymously with the term "local".

"Areawide health planning organization" or "Comprehensive health planning organization" means the health systems agency designated by the Secretary, Department of Health and Human Services or any successor agency.

"Local health planning organization" means those local health planning organizations that are designated as such by the areawide health planning organization of the appropriate area.

"Physician" means a person licensed to practice in accordance with the Medical Practice Act of 1987, as amended.

"Licensed health care professional" means a person licensed to practice a health profession under pertinent licensing statutes of the State of Illinois.

"Director" means the Director of the Illinois Department of Public Health.

"Agency" means the Illinois Department of Public Health.

"Comprehensive health planning" means health planning concerned with the total population and all health and associated problems that affect the well-being of people and that encompasses health services, health manpower, and health facilities; and the coordination among these and with those social, economic, and environmental factors that affect health.

"Alternative health care model" means a facility or program authorized under the Alternative Health Care Delivery Act.

"Out-of-state facility" means a person that is both (i) licensed as a hospital or as an ambulatory surgery center under the laws of another state or that qualifies as a hospital or an ambulatory surgery center under regulations adopted pursuant to the Social Security Act and (ii) not

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licensed under the Ambulatory Surgical Treatment Center Act, the Hospital Licensing Act, or the Nursing Home Care Act. Affiliates of out-of-state facilities shall be considered out-of-state facilities. Affiliates of Illinois licensed health care facilities 100% owned by an Illinois licensed health care facility, its parent, or Illinois physicians licensed to practice medicine in all its branches shall not be considered out-of-state facilities. Nothing in this definition shall be construed to include an office or any part of an office of a physician licensed to practice medicine in all its branches in Illinois that is not required to be licensed under the Ambulatory Surgical Treatment Center Act.

"Change of ownership of a health care facility" means a change in the person who has ownership or control of a health care facility's physical plant and capital assets. A change in ownership is indicated by the following transactions: sale, transfer, acquisition, lease, change of sponsorship, or other means of transferring control.

"Related person" means any person that: (i) is at least 50% owned, directly or indirectly, by either the health care facility or a person owning, directly or indirectly, at least 50% of the health care facility; or (ii) owns, directly or indirectly, at least 50% of the health care facility.

"Charity care" means care provided by a health care facility for which the provider does not expect to receive payment from the patient or a third-party payer.

(Source: P.A. 93-41, eff. 6-27-03; 93-766, eff. 7-20-04; 93-935, eff. 1-1-05; 93-1031, eff. 8-27-04; 94-342, eff. 7-26-05; revised 8-21-06.)

(20 ILCS 3960/4) (from Ch. 111 1/2, par. 1154)

(Section scheduled to be repealed on April 1, 2007)

Sec. 4. Health Facilities Planning Board; membership; appointment; term; compensation; quorum. There is created the Health Facilities Planning Board, which shall perform the functions described in this Act.

The State Board shall consist of 5 voting members. Each member shall have a reasonable knowledge of health planning, health finance, or health care at the time of his or her appointment. No person shall be appointed or continue to serve as a member of the State Board who is, or

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whose spouse, parent, or child is, a member of the Board of Directors of, has a financial interest in, or has a business relationship with a health care facility.

Notwithstanding any provision of this Section to the contrary, the term of office of each member of the State Board is abolished on the effective date of this amendatory Act of the 93rd General Assembly and those members no longer hold office.

The State Board shall be appointed by the Governor, with the advice and consent of the Senate. Not more than 3 of the appointments shall be of the same political party at the time of the appointment. No person shall be appointed as a State Board member if that person has served, after the effective date of Public Act 93-41, 2 3-year terms as a State Board member, except for ex officio non-voting members.

The Secretary of Human Services, the Director of Healthcare and Family Services, Public Aid, and the Director of Public Health, or their designated representatives, shall serve as ex-officio, non-voting members of the State Board.

Of those members initially appointed by the Governor under this amendatory Act of the 93rd General Assembly, 2 shall serve for terms expiring July 1, 2005, 2 shall serve for terms expiring July 1, 2006, and 1 shall serve for a term expiring July 1, 2007. Thereafter, each appointed member shall hold office for a term of 3 years, provided that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term and the term of office of each successor shall commence on July 1 of the year in which his predecessor's term expires. Each member appointed after the effective date of this amendatory Act of the 93rd General Assembly shall hold office until his or her successor is appointed and qualified.

State Board members, while serving on business of the State Board, shall receive actual and necessary travel and subsistence expenses while so serving away from their places of residence. A member of the State Board who experiences a significant financial hardship due to the loss of income on days of attendance at meetings or while otherwise

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engaged in the business of the State Board may be paid a hardship allowance, as determined by and subject to the approval of the Governor's Travel Control Board.

The Governor shall designate one of the members to serve as Chairman and shall name as full-time Executive Secretary of the State Board, a person qualified in health care facility planning and in administration. The Agency shall provide administrative and staff support for the State Board. The State Board shall advise the Director of its budgetary and staff needs and consult with the Director on annual budget preparation.

The State Board shall meet at least once each quarter, or as often as the Chairman of the State Board deems necessary, or upon the request of a majority of the members.

Three members of the State Board shall constitute a quorum. The affirmative vote of 3 of the members of the State Board shall be necessary for any action requiring a vote to be taken by the State Board. A vacancy in the membership of the State Board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the State Board as provided by this Act.

A State Board member shall disqualify himself or herself from the consideration of any application for a permit or exemption in which the State Board member or the State Board member's spouse, parent, or child: (i) has an economic interest in the matter; or (ii) is employed by, serves as a consultant for, or is a member of the governing board of the applicant or a party opposing the application.

(Source: P.A. 93-41, eff. 6-27-03; 93-889, eff. 8-9-04; revised 8-21-06.)

Sec. 4.1. Ethics laws.
   (a) All State Board meetings are subject to the Open Meetings Act.
   (b) The State Board is subject to the State Officials and Employees Ethics Act. State Gift Ban Act.

(Source: P.A. 91-782, eff. 6-9-00; revised 8-21-06.)

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Section 280. The Illinois Economic Development Board Act is amended by changing Section 3 as follows:

(20 ILCS 3965/3) (from Ch. 127, par. 3953)

Sec. 3. The board shall be composed of citizens from both the private and public sectors who are actively engaged in organizations and businesses that support economic expansion, industry enhancement and job creation. The board shall be composed of the following persons:

(a) the Governor or his or her designee;

(b) four members of the General Assembly, one each appointed by the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of the Senate and House of Representatives;

(c) 20 members appointed by the Governor including representatives of small business, minority owned companies, women owned companies, manufacturing, economic development professionals, and citizens at large.

(d) (blank);

(e) (blank);

(f) (blank);

(g) (blank);

(h) (blank);

(i) (blank);

(j) (blank);

(k) (blank);

(l) (blank);

(m) (blank).

The Director of Commerce and Economic Opportunity shall serve as an ex officio member of the board.

The Governor shall appoint the members of the board specified in subsections (c) through (m) of this Section, subject to the advice and consent of the Senate, within 30 days after the effective date of this Act. The first meeting of the board shall occur within 60 days after the effective date of this Act.

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The Governor shall appoint a chairperson and a vice chairperson of the board. Members shall serve 2-year terms. The position of a legislative member shall become vacant if the member ceases to be a member of the General Assembly. A vacancy in a board position shall be filled by the original appointing authority.

The board shall include representation from each of the State's geographic areas.

The board shall meet quarterly or at the call of the chair and shall create subcommittees as needed to deal with specific issues and concerns. Members shall serve without compensation but may be reimbursed for expenses.

(Source: P.A. 94-793, eff. 5-19-06; revised 8-3-06.)

Section 285. The Interagency Coordinating Committee on Transportation Act is amended by changing Section 15 as follows:

(20 ILCS 3968/15)

Sec. 15. Committee. The Illinois Coordinating Committee on Transportation is created and shall consist of the following members:

(1) The Governor or his or her designee.
(2) The Secretary of Transportation or his or her designee.
(3) The Secretary of Human Services or his or her designee.
(4) The Director of Aging or his or her designee.
(5) The Director of Healthcare and Family Services Public Aid or his or her designee.
(6) The Director of Commerce and Economic Opportunity or his or her designee.
(7) A representative of the Illinois Rural Transit Assistance Center.
(8) A person who is a member of a recognized statewide organization representing older residents of Illinois.
(9) A representative of centers for independent living.
(11) A representative of an existing transportation system that coordinates and provides transit services in a multi-county area

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for the Department of Transportation, Department of Human Services, Department of Commerce and Economic Opportunity, or Department on Aging.

(12) A representative of a statewide organization of rehabilitation facilities or other providers of services for persons with one or more disabilities.

(13) A representative of a community-based organization.

(14) A representative of the Department of Public Health.

(15) A representative of the Rural Partners.

(16) The Director of Employment Security or his or her designee.

(17) A representative of a statewide business association.


The Governor shall appoint the members of the Committee other than those named in paragraphs (1) through (6) and paragraph (16) of this Section. The Governor or his or her designee shall serve as chairperson of the Committee and shall convene the meetings of the Committee. The Secretary of Transportation and a representative of a community-based organization involved in transportation or their designees, shall serve as co-vice-chairpersons and shall be responsible for staff support for the committee.

(Source: P.A. 93-185, eff. 7-11-03; 94-793, eff. 5-19-06; revised 8-21-06.)

Section 290. The Interagency Coordinating Council Act is amended by changing Section 2 as follows:

(20 ILCS 3970/2) (from Ch. 127, par. 3832)

Sec. 2. Interagency Coordinating Council. There is hereby created an Interagency Coordinating Council which shall be composed of the Directors, or their designees, of the Illinois Department of Children and Family Services, Illinois Department of Commerce and Economic Opportunity, Illinois Department of Corrections, Illinois Department of Employment Security, and Illinois Department of Healthcare and Family Services; the Secretary of Human Services or his or her designee; the Executive Director, or a designee, of the Illinois Community

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College Board, the Board of Higher Education, and the Illinois Planning Council on Developmental Disabilities; the State Superintendent of Education, or a designee; and a designee representing the University of Illinois - Division of Specialized Care for Children. The Secretary of Human Services (or the member who is the designee for the Secretary of Human Services) and the State Superintendent of Education (or the member who is the designee for the State Superintendent of Education) shall be co-chairs of the Council. The co-chairs shall be responsible for ensuring that the functions described in Section 3 of this Act are carried out.

(Source: P.A. 94-793, eff. 5-19-06; revised 8-21-06.)

Section 295. The Illinois Council on Developmental Disabilities Law is amended by changing Section 2004.5 as follows:

(20 ILCS 4010/2004.5)

Sec. 2004.5. Council membership. The General Assembly intends that the reduction in the membership of the Council shall occur through attrition between the effective date of this amendatory Act of the 91st General Assembly and January 1, 2001. In the event that the terms of 10 voting members have not expired by January 1, 2001, members of the Council serving on that date shall continue to serve until their terms expire.

(a) The membership of the Council must reasonably represent the diversity of this State. Not less than 60% of the Council's membership must be individuals with developmental disabilities, parents or guardians of children with developmental disabilities, or immediate relatives or guardians of adults with developmental disabilities who cannot advocate for themselves.

The Council must also include representatives of State agencies that administer moneys under federal laws that relate to individuals with developmental disabilities; the State University Center for Excellence in Developmental Disabilities Education, Research, and Service; the State protection and advocacy system; and representatives of local and non-governmental agencies and private non-profit groups concerned with services for individuals with developmental disabilities. The members

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described in this paragraph must have sufficient authority to engage in policy-making, planning, and implementation on behalf of the department, agency, or program that they represent. Those members may not take part in any discussion of grants or contracts for which their departments, agencies, or programs are grantees, contractors, or applicants and must comply with any other relevant conflict of interest provisions in the Council's policies or bylaws.

(b) Seventeen voting members, appointed by the Governor, must be persons with developmental disabilities, parents or guardians of persons with developmental disabilities, or immediate relatives or guardians of persons with mentally-impairing developmental disabilities. None of these members may be employees of a State agency that receives funds or provides services under the federal Developmental Disabilities Assistance and Bill of Rights Act of 1996 (42 U.S.C. 6000 et seq.), as now or hereafter amended, managing employees of any other entity that receives moneys or provides services under the federal Developmental Disabilities Assistance and Bill of Rights Act of 1996 (42 U.S.C. 6000 et seq.), as now or hereafter amended, or persons with an ownership interest in or a controlling interest in such an entity. Of the members appointed under this subsection (b):

1. at least 6 must be persons with developmental disabilities;
2. at least 6 must be parents, immediate relatives, or guardians of children and adults with developmental disabilities, including individuals with mentally-impairing developmental disabilities who cannot advocate for themselves; and
3. 5 members must be a combination of persons described in paragraphs (1) and (2); at least one of whom must be (i) an immediate relative or guardian of an individual with a developmental disability who resides or who previously resided in an institution or (ii) an individual with a developmental disability who resides or who previously resided in an institution.

(c) Two voting members, appointed by the Governor, must be representatives of local and non-governmental agencies and private
non-profit groups concerned with services for individuals with developmental disabilities.

(d) Nine voting members shall be the Director of *Healthcare and Family Services Public Aid*, or his or her designee; the Director of Aging, or his or her designee; the Director of Children and Family Services, or his or her designee; a representative of the State Board of Education; a representative of the State protection and advocacy system; a representative of the State University Center for Excellence in Developmental Disabilities Education, Research, and Service; representatives of the Office of Developmental Disabilities and the Office of Community Health and Prevention of the Department of Human Services (as the State's lead agency for Title V of the Social Security Act, 42 U.S.C. 701 et seq.) designated by the Secretary of Human Services; and a representative of the State entity that administers federal moneys under the federal Rehabilitation Act.

(e) The Director of the Governor's Office of Management and Budget, or his or her designee, shall be a non-voting member of the Council.

(f) The Governor must provide for the timely rotation of members. Appointments to the Council shall be for terms of 3 years. Appointments to fill vacancies occurring before the expiration of a term shall be for the remainder of the term. Members shall serve until their successors are appointed.

The Council, at the discretion of the Governor, may coordinate and provide recommendations for new members to the Governor based upon their review of the Council's composition and on input received from other organizations and individuals representing persons with developmental disabilities, including the non-State agency members of the Council. The Council must, at least once each year, advise the Governor on the Council's membership requirements and vacancies, including rotation requirements.

No member may serve for more than 2 successive terms.
(g) Members may not receive compensation for their services, but shall be reimbursed for their reasonable expenses plus up to $50 per day for any loss of wages incurred in the performance of their duties.

(h) The total membership of the Council consists of the number of voting members, as defined in this Section, excluding any vacant positions. A quorum is a simple majority of the total membership and is sufficient to constitute the transaction of the business of the Council unless otherwise stipulated in the bylaws of the Council.

(i) The Council must meet at least quarterly.

(Source: P.A. 94-793, eff. 5-19-06; revised 8-21-06.)

Section 300. The Social Security Number Protection Task Force Act is amended by changing Section 10 as follows:

(20 ILCS 4040/10)
Sec. 10. Social Security Number Protection Task Force.
(a) The Social Security Number Protection Task Force is created. The Task Force shall consist of the following members:

(1) One member representing the House of Representatives, appointed by the Speaker of the House of Representatives;
(2) One member representing the House of Representatives, appointed by the Minority Leader of the House of Representatives;
(3) One member representing the Senate, appointed by the President of the Senate;
(4) One member representing the Senate, appointed by the Minority Leader of the Senate;
(5) One member representing the Office of the Attorney General, appointed by the Attorney General;
(6) One member representing the Office of the Secretary of State, appointed by the Secretary of State;
(7) One member representing the Office of the Governor, appointed by the Governor;
(8) One member representing the Department of Natural Resources, appointed by the Director of Natural Resources;

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(9) One member representing the Department of Healthcare and Family Services Public Aid, appointed by the Director of Healthcare and Family Services Public Aid;

(10) One member representing the Department of Revenue, appointed by the Director of Revenue;

(11) One member representing the Department of State Police, appointed by the Director of State Police;

(12) One member representing the Department of Employment Security, appointed by the Director of Employment Security;

(13) One member representing the Illinois Courts, appointed by the Director of the Administrative Office of Illinois Courts; and

(14) One member representing the Department on Aging, appointed by the Director of the Department on Aging.

(b) The Task Force shall examine the procedures used by the State to protect an individual against the unauthorized disclosure of his or her social security number when the State requires the individual to provide his or her social security number to an officer or agency of the State.

(c) The Task Force shall report its findings and recommendations to the Governor, the Attorney General, the Secretary of State, and the General Assembly no later than March 1, 2006.

(Source: P.A. 93-813, eff. 7-27-04; 94-611, eff. 8-18-05; revised 12-15-05.)

Section 305. The Health Care Justice Act is amended by changing Section 20 as follows:

(20 ILCS 4045/20)

Sec. 20. Adequate Health Care Task Force. There is created an Adequate Health Care Task Force. The Task Force shall consist of 29 voting members appointed as follows: 5 shall be appointed by the Governor; 6 shall be appointed by the President of the Senate, 6 shall be appointed by the Minority Leader of the Senate, 6 shall be appointed by the Speaker of the House of Representatives, and 6 shall be appointed by the Minority Leader of the House of Representatives. The Task Force shall

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have a chairman and a vice-chairman who shall be elected by the voting
members at the first meeting of the Task Force. The Director of Public
Health or his or her designee, the Director of Aging or his or her designee,
the Director of Healthcare and Family Services Public Aid or his or her
designee, the Director of Insurance or his or her designee, and the
Secretary of Human Services or his or her designee shall represent their
respective departments and shall be invited to attend Task Force meetings,
but shall not be members of the Task Force. The members of the Task
Force shall be appointed within 30 days after the effective date of this Act.
The departments of State government represented on the Task Force shall
work cooperatively to provide administrative support for the Task Force;
the Department of Public Health shall be the primary agency in providing
that administrative support.

(Source: P.A. 93-973, eff. 8-20-04; revised 12-15-05.)

Section 310. The Illinois State Auditing Act is amended by
changing Section 3-1 as follows:

Sec. 3-1. Jurisdiction of Auditor General. The Auditor General  has
jurisdiction over all State agencies  to ma ke post audits and investigations
authorized by or under this Act or the Constitution.

The Auditor General has jurisdiction over local government
agencies and private agencies only:

(a) to make such post audits authorized by or under this Act
as are necessary and incidental to a post audit of a State agency or
of a program administered by a State agency involving public
funds of the State, but this jurisdiction does not include any
authority to review local governmental agencies in the obligation,
receipt, expenditure or use of public funds of the State that are
granted without limitation or condition imposed by law, other than
the general limitation that such funds be used for public purposes;

(b) to make investigations authorized by or under this Act
or the Constitution; and

(c) to make audits of the records of local government
agencies to verify actual costs of state-mandated programs when

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directed to do so by the Legislative Audit Commission at the request of the State Board of Appeals under the State Mandates Act.

In addition to the foregoing, the Auditor General may conduct an audit of the Metropolitan Pier and Exposition Authority, the Regional Transportation Authority, the Suburban Bus Division, the Commuter Rail Division and the Chicago Transit Authority and any other subsidized carrier when authorized by the Legislative Audit Commission. Such audit may be a financial, management or program audit, or any combination thereof.

The audit shall determine whether they are operating in accordance with all applicable laws and regulations. Subject to the limitations of this Act, the Legislative Audit Commission may by resolution specify additional determinations to be included in the scope of the audit.

In addition to the foregoing, the Auditor General must also conduct a financial audit of the Illinois Sports Facilities Authority's expenditures of public funds in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of any existing "facility", as that term is defined in the Illinois Sports Facilities Authority Act.

The Auditor General may also conduct an audit, when authorized by the Legislative Audit Commission, of any hospital which receives 10% or more of its gross revenues from payments from the State of Illinois, Department of Healthcare and Family Services (formerly Department of Public Aid), Medical Assistance Program.

The Auditor General is authorized to conduct financial and compliance audits of the Illinois Distance Learning Foundation and the Illinois Conservation Foundation.

As soon as practical after the effective date of this amendatory Act of 1995, the Auditor General shall conduct a compliance and management audit of the City of Chicago and any other entity with regard to the operation of Chicago O'Hare International Airport, Chicago Midway Airport and Merrill C. Meigs Field. The audit shall include, but not be limited to, an examination of revenues, expenses, and transfers of funds;

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purchasing and contracting policies and practices; staffing levels; and hiring practices and procedures. When completed, the audit required by this paragraph shall be distributed in accordance with Section 3-14.

The Auditor General shall conduct a financial and compliance and program audit of distributions from the Municipal Economic Development Fund during the immediately preceding calendar year pursuant to Section 8-403.1 of the Public Utilities Act at no cost to the city, village, or incorporated town that received the distributions.

The Auditor General must conduct an audit of the Health Facilities Planning Board pursuant to Section 19.5 of the Illinois Health Facilities Planning Act.

The Auditor General of the State of Illinois shall annually conduct or cause to be conducted a financial and compliance audit of the books and records of any county water commission organized pursuant to the Water Commission Act of 1985 and shall file a copy of the report of that audit with the Governor and the Legislative Audit Commission. The filed audit shall be open to the public for inspection. The cost of the audit shall be charged to the county water commission in accordance with Section 6z-27 of the State Finance Act. The county water commission shall make available to the Auditor General its books and records and any other documentation, whether in the possession of its trustees or other parties, necessary to conduct the audit required. These audit requirements apply only through July 1, 2007.

The Auditor General must conduct audits of the Rend Lake Conservancy District as provided in Section 25.5 of the River Conservancy Districts Act.

The Auditor General must conduct financial audits of the Southeastern Illinois Economic Development Authority as provided in Section 70 of the Southeastern Illinois Economic Development Authority Act.

(Source: P.A. 93-226, eff. 7-22-03; 93-259, eff. 7-22-03; 93-275, eff. 7-22-03; 93-968, eff. 8-20-04; revised 12-15-05.)

Section 315. The State Finance Act is amended by setting forth, renumbering, and changing multiple versions of Sections 5.545, 5.552,
5.567, 5.570, 5.571, 5.595, 5.596, 5.620, 5.625, 5.640, 5.663, and 8h and
by changing Sections 6b, 6z-24, 6z-30, 6z-43, 6z-52, 6z-53, 6z-56, 6z-58,
8.42, 8.44, 8g, and 25 as follows:

(30 ILCS 105/5.545)
Sec. 5.545. The Digital Divide Elimination Fund.
(Source: P.A. 92-22, eff. 6-30-01; 92-651, eff. 7-11-02.)

(30 ILCS 105/5.552)
Sec. 5.552. The ICCB Adult Education Fund.
(Source: P.A. 92-49, eff. 7-9-01; 92-651, eff. 7-11-02.)

(30 ILCS 105/5.567)
Sec. 5.567. The Secretary of State Police Services Fund.
(Source: P.A. 92-501, eff. 12-19-01; 92-651, eff. 7-11-02.)

(30 ILCS 105/5.570)
Sec. 5.570. The Illinois Student Assistance Commission Contracts and
Grants Fund.
(Source: P.A. 92-597, eff. 6-28-02.)

(30 ILCS 105/5.571)
Sec. 5.571. The Career and Technical Education Fund.
(Source: P.A. 92-597, eff. 6-28-02.)

(30 ILCS 105/5.572)
Sec. 5.572 5.570. The Presidential Library and Museum Operating
Fund.
(Source: P.A. 92-600, eff. 6-28-02; revised 8-27-02.)

(30 ILCS 105/5.573)
Sec. 5.573 5.574. The Family Care Fund.
(Source: P.A. 92-600, eff. 6-28-02; revised 8-27-02.)

(30 ILCS 105/5.574)
Sec. 5.574 5.570. The Transportation Safety Highway Hire-back
Fund.
(Source: P.A. 92-619, eff. 1-1-03; revised 8-27-02.)

(30 ILCS 105/5.575)
Sec. 5.575 5.570. The McKinley Bridge Fund.
(Source: P.A. 92-679, eff. 7-16-02; revised 8-27-02.)

(30 ILCS 105/5.576)

New matter indicated by italics - deletions by strikeout
Sec. 5.576 5.570. (Repealed).
(Source: P.A. 92-691, eff. 7-18-02. Repealed by P.A. 94-91, eff. 7-1-05; revised 8-15-05.)
(30 ILCS 105/5.577)
Sec. 5.577 5.545. The Hospice Fund.
(Source: P.A. 92-693, eff. 1-1-03; revised 8-27-02.)
(30 ILCS 105/5.578)
Sec. 5.578 5.552. Lewis and Clark Bicentennial Fund.
(Source: P.A. 92-694, eff. 1-1-03; revised 8-27-02.)
(30 ILCS 105/5.579)
Sec. 5.579 5.570. The Public Broadcasting Fund.
(Source: P.A. 92-695, eff. 1-1-03; revised 8-27-02.)
(30 ILCS 105/5.580)
Sec. 5.580 5.570. The Park District Youth Program Fund.
(Source: P.A. 92-697, eff. 7-19-02; revised 8-27-02.)
(30 ILCS 105/5.581)
Sec. 5.581 5.570. The Professional Sports Teams Education Fund.
(Source: P.A. 92-699, eff. 1-1-03; revised 8-27-02.)
(30 ILCS 105/5.582)
Sec. 5.582 5.570. The Illinois Pan Hellenic Trust Fund.
(Source: P.A. 92-702, eff. 1-1-03; revised 8-27-02.)
(30 ILCS 105/5.583)
Sec. 5.583 5.567. The September 11th Fund.
(Source: P.A. 92-704, eff. 7-19-02; revised 8-27-02.)
(30 ILCS 105/5.584)
Sec. 5.584 5.570. The Illinois Route 66 Heritage Project Fund.
(Source: P.A. 92-706, eff. 1-1-03; revised 8-27-02.)
(30 ILCS 105/5.585)
Sec. 5.585 5.570. The Stop Neuroblastoma Fund.
(Source: P.A. 92-711, eff. 7-19-02; revised 8-27-02.)
(30 ILCS 105/5.586)
Sec. 5.586 5.570. The Lawyers' Assistance Program Fund.
(Source: P.A. 92-747, eff. 7-31-02; revised 8-27-02.)
(30 ILCS 105/5.587)

New matter indicated by italics - deletions by strikeout
Sec. 5.587 5.570. The Local Planning Fund.
(Source: P.A. 92-768, eff. 8-6-02; revised 8-27-02.)
(30 ILCS 105/5.588)
Sec. 5.588 5.570. The Multiple Sclerosis Assistance Fund.
(Source: P.A. 92-772, eff. 8-6-02; revised 8-27-02.)
(30 ILCS 105/5.589)
Sec. 5.589 5.570. The Innovations in Long-term Care Quality Demonstration Grants Fund.
(Source: P.A. 92-784, eff. 8-6-02; revised 8-27-02.)
(30 ILCS 105/5.590)
Sec. 5.590 5.570. The End Stage Renal Disease Facility Licensing Fund.
(Source: P.A. 92-794, eff. 7-1-03; revised 9-27-03.)
(30 ILCS 105/5.591)
Sec. 5.591 5.570. The Restricted Call Registry Fund.
(Source: P.A. 92-795, eff. 8-9-02; revised 8-27-02.)
(30 ILCS 105/5.592)
Sec. 5.592 5.570. The Illinois Military Family Relief Fund.
(Source: P.A. 92-886, eff. 2-7-03; revised 2-17-03.)
(30 ILCS 105/5.593)
Sec. 5.593 5.595. The Illinois Medical District at Springfield Income Fund.
(Source: P.A. 92-870, eff. 1-3-03; revised 4-14-03.)
(30 ILCS 105/5.594)
Sec. 5.594 5.595. The Pension Contribution Fund.
(Source: P.A. 93-2, eff. 4-7-03; revised 4-14-03.)
(30 ILCS 105/5.595)
Sec. 5.595. The Illinois Prescription Drug Discount Program Fund.
(Source: P.A. 93-18, eff. 7-1-03; 94-86, eff. 1-1-06; 94-91, eff. 7-1-05.)
(30 ILCS 105/5.596)
Sec. 5.596 5.595. The Emergency Public Health Fund.
(Source: P.A. 93-32, eff. 6-20-03; revised 10-9-03.)
(30 ILCS 105/5.597)
Sec. 5.597 5.596. The Illinois Clean Water Fund.

New matter indicated by italics - deletions by strikeout
(Source: P.A. 93-32, eff. 7-1-03; revised 10-9-03.)
(30 ILCS 105/5.598)
Sec. 5.598 5.595. The Fire Truck Revolving Loan Fund.
(Source: P.A. 93-35, eff. 6-24-03; revised 10-9-03.)
(30 ILCS 105/5.599)
Sec. 5.599 5.595. The Lou Gehrig's Disease (ALS) Research Fund.
(Source: P.A. 93-36, eff. 6-24-03; revised 10-9-03.)
(30 ILCS 105/5.600)
Sec. 5.600 5.595. The Emergency Public Health Fund.
(Source: P.A. 93-52, eff. 6-30-03; revised 10-9-03.)
(30 ILCS 105/5.601)
Sec. 5.601 5.595. The Obesity Study and Prevention Fund.
(Source: P.A. 93-60, eff. 7-1-03; revised 10-9-03.)
(30 ILCS 105/5.602)
Sec. 5.602 5.595. The World War II Illinois Veterans Memorial Fund.
(Source: P.A. 93-131, eff. 7-10-03; revised 10-9-03.)
(30 ILCS 105/5.603)
Sec. 5.603 5.595. The Oil Spill Response Fund.
(Source: P.A. 93-152, eff. 7-10-03; revised 10-9-03.)
(30 ILCS 105/5.604)
Sec. 5.604 5.595. The Community Senior Services and Resources Fund.
(Source: P.A. 93-246, eff. 7-22-03; revised 10-9-03.)
(30 ILCS 105/5.605)
Sec. 5.605 5.595. The Good Samaritan Energy Trust Fund.
(Source: P.A. 93-285, eff. 7-22-03; revised 10-9-03.)
(30 ILCS 105/5.606)
Sec. 5.606 5.595. The Leukemia Treatment and Education Fund.
(Source: P.A. 93-324, eff. 7-23-03; revised 10-9-03.)
(30 ILCS 105/5.607)
Sec. 5.607 5.595. The State Library Fund.
(Source: P.A. 93-397, eff. 1-1-04; revised 10-9-03.)
(30 ILCS 105/5.608)

New matter indicated by italics - deletions by strikeout
Sec. 5.608. The Responsible Fatherhood Fund.
(Source: P.A. 93-437, eff. 8-5-03; revised 10-9-03.)
(30 ILCS 105/5.609)
Sec. 5.609. The Corporate Crime Fund.
(Source: P.A. 93-496, eff. 1-1-04; revised 10-9-03.)
(30 ILCS 105/5.610)
Sec. 5.610. The TOMA Consumer Protection Fund.
(Source: P.A. 93-535, eff. 1-1-04; revised 10-9-03.)
(30 ILCS 105/5.611)
Sec. 5.611. The Debt Collection Fund.
(Source: P.A. 93-570, eff. 8-20-03; revised 10-9-03.)
(30 ILCS 105/5.612)
Sec. 5.612. The Help Illinois Vote Fund.
(Source: P.A. 93-574, eff. 8-21-03; revised 10-9-03.)
(30 ILCS 105/5.613)
Sec. 5.613. The Secretary of State Police DUI Fund.
(Source: P.A. 93-584, eff. 8-22-03; revised 10-9-03.)
(30 ILCS 105/5.614)
Sec. 5.614. The I-FLY Fund.
(Source: P.A. 93-585, eff. 8-22-03; revised 10-9-03.)
(30 ILCS 105/5.615)
Sec. 5.615. The Efficiency Initiatives Revolving Fund.
(Source: P.A. 93-25, eff. 6-20-03; revised 10-9-03.)
(30 ILCS 105/5.616)
Sec. 5.616. ICCB Federal Trust Fund.
(Source: P.A. 93-153, eff. 7-10-03; revised 10-9-03.)
(30 ILCS 105/5.617)
Sec. 5.617. The Illinois Law Enforcement Training
Standards Board Costs and Attorney Fees Fund.
(Source: P.A. 93-605, eff. 11-19-03; revised 1-10-04.)
(30 ILCS 105/5.618)
Sec. 5.618. The Tax Recovery Fund.
(Source: P.A. 93-658, eff. 1-22-04; revised 1-22-04.)
(30 ILCS 105/5.619)

New matter indicated by italics - deletions by strikeout
Sec. 5.619 5.620. The Capitol Restoration Trust Fund.
(Source: P.A. 93-632, eff. 2-1-04; revised 2-3-04.)
(30 ILCS 105/5.620)
Sec. 5.620. The Health Care Services Trust Fund.
(Source: P.A. 93-659, eff. 2-3-04.)
(30 ILCS 105/5.622)
Sec. 5.622 5.625. The Medicaid Provider Relief Fund.
(Source: P.A. 93-674, eff. 6-10-04; revised 11-8-04.)
(30 ILCS 105/5.623)
Sec. 5.623 5.625. The Illinois Veterans' Homes Fund.
(Source: P.A. 93-776, eff. 7-21-04; revised 11-8-04.)
(30 ILCS 105/5.624)
Sec. 5.624 5.625. The Illinois Laboratory Advisory Committee Act Fund.
(Source: P.A. 93-784, eff. 1-1-05; revised 11-8-04.)
(30 ILCS 105/5.625)
Sec. 5.625. The Alzheimer's Disease Center Clinical Fund.
(Source: P.A. 93-929, eff. 8-12-04.)
(30 ILCS 105/5.628)
Sec. 5.628 5.625. The Downtown Development and Improvement Fund.
(Source: P.A. 93-790, eff. 1-1-05; revised 11-8-04.)
(30 ILCS 105/5.629)
Sec. 5.629 5.625. The Accessible Electronic Information Service Fund.
(Source: P.A. 93-797, eff. 7-22-04, revised 11-8-04.)
(30 ILCS 105/5.630)
Sec. 5.630 5.625. The Reviewing Court Alternative Dispute Resolution Fund.
(Source: P.A. 93-801, eff. 7-22-04, revised 11-8-04.)
(30 ILCS 105/5.631)
Sec. 5.631 5.625. The Professional Services Fund.
(Source: P.A. 93-839, eff. 7-30-04; revised 11-8-04.)
(30 ILCS 105/5.632)

New matter indicated by italics - deletions by strikeout
Sec. 5.632 5.625. The Safe Bottled Water Fund.
(Source: P.A. 93-866, eff. 1-1-05; revised 11-8-04.)
(30 ILCS 105/5.633)
Sec. 5.633 5.625. The Food Animal Institute Fund.
(Source: P.A. 93-883, eff. 8-6-04; revised 11-8-04.)
(30 ILCS 105/5.634)
Sec. 5.634 5.625. The Fire Sprinkler Dormitory Revolving Loan Fund.
(Source: P.A. 93-887, eff. 1-1-05; revised 11-8-04.)
(30 ILCS 105/5.635)
(Section scheduled to be repealed on August 31, 2007)
Sec. 5.635 5.625. The Technology Immersion Pilot Project Fund.
This Section is repealed on August 31, 2007.
(Source: P.A. 93-901, eff. 8-10-04; 93-904, eff. 8-10-04; revised 11-8-04.)
(30 ILCS 105/5.636)
Sec. 5.636 5.625. The Physical Fitness Facility Medical Emergency Preparedness Fund.
(Source: P.A. 93-910, eff. 1-1-05; revised 11-8-04.)
(30 ILCS 105/5.637)
Sec. 5.637 5.625. The Arsonist Registration Fund.
(Source: P.A. 93-949, eff. 1-1-05; revised 11-8-04.)
(30 ILCS 105/5.638)
Sec. 5.638 5.625. The Mental Health Transportation Fund.
(Source: P.A. 93-1034, eff. 9-3-04; revised 11-8-04.)
(30 ILCS 105/5.639)
Sec. 5.639 5.625. The Vince Demuzio Memorial Colon Cancer Fund.
(Source: P.A. 94-142, eff. 1-1-06; revised 8-22-05.)
(30 ILCS 105/5.640)
Sec. 5.640. The Heartsaver AED Fund.
(Source: P.A. 93-1085, eff. 2-14-05.)
(30 ILCS 105/5.641)
Sec. 5.641 5.640. The Fund for Child Care for Deployed Military Personnel.

New matter indicated by italics - deletions by strikeout
(Source: P.A. 94-35, eff. 6-15-05; revised 9-26-05.)
(30 ILCS 105/5.642)
Sec. 5.642 5.640. The State Board of Education Special Purpose
Trust Fund.
(Source: P.A. 94-69, eff. 7-1-05; revised 9-26-05.)
(30 ILCS 105/5.643)
Sec. 5.643 5.640. The Epilepsy Treatment and Education
Grants-in-Aid Fund.
(Source: P.A. 94-73, eff. 6-23-05; revised 9-26-05.)
(30 ILCS 105/5.644)
Sec. 5.644 5.640. The Diabetes Research Checkoff Fund.
(Source: P.A. 94-107, eff. 7-1-05; revised 9-26-05.)
(30 ILCS 105/5.645)
Sec. 5.645 5.640. The Rental Housing Support Program Fund.
(Source: P.A. 94-118, eff. 7-5-05; revised 9-26-05.)
(30 ILCS 105/5.646)
Sec. 5.646 5.640. The Ticket For The Cure Fund.
(Source: P.A. 94-120, eff. 7-6-05; revised 9-26-05.)
(30 ILCS 105/5.647)
Sec. 5.647 5.640. The Sarcoidosis Research Fund.
(Source: P.A. 94-141, eff. 1-1-06; revised 9-26-05.)
(30 ILCS 105/5.648)
Sec. 5.648 5.640. The Illinois AgrAbility Fund.
(Source: P.A. 94-216, eff. 7-14-05; revised 9-26-05.)
(30 ILCS 105/5.649)
Sec. 5.649 5.640. The Computer Investment Program Fund.
(Source: P.A. 94-262, eff. 1-1-06; revised 9-26-05.)
(30 ILCS 105/5.651)
Sec. 5.651 5.640. The Traffic Control Signal Preemption Devices
for Ambulances Fund.
(Source: P.A. 94-373, eff. 1-1-06; revised 9-26-05.)
(30 ILCS 105/5.652)
Sec. 5.652 5.640. The ICCB Instructional Development and
Enhancement Applications Revolving Fund.

New matter indicated by italics - deletions by strikeout
Sec. 5.653 5.640. The Autism Research Checkoff Fund.

Sec. 5.654 5.640. The Parental Participation Pilot Project Fund.
This Section is repealed on December 31, 2010.

Sec. 5.655 5.640. The Intercity Passenger Rail Fund.

Sec. 5.656 5.640. The Methamphetamine Law Enforcement Fund.

Sec. 5.657 5.640. The Illinois Veterans Assistance Fund.

Sec. 5.658 5.640. The Blindness Prevention Fund.

Sec. 5.659 5.640. The Hospital Basic Services Preservation Fund.

Sec. 5.660 5.640. The Illinois Brain Tumor Research Fund.

Sec. 5.661 5.640. The Sorry Works! Fund.

Sec. 5.662 5.640. The Demutualization Trust Fund.

New matter indicated by italics - deletions by strikeout
Sec. 5.663. The Pension Stabilization Fund.
(Source: P.A. 94-839, eff. 6-6-06.)
(30 ILCS 105/5.665)
(This Section may contain text from a Public Act with a delayed effective date)
Sec. 5.665 5.663. The Cigarette Fire Safety Standard Act Fund.
(Source: P.A. 94-775, eff. 1-1-08; revised 8-29-06.)
(30 ILCS 105/5.666)
(Section scheduled to be repealed on July 1, 2016)
Sec. 5.666 5.663. The African-American HIV/AIDS Response Fund. This Section is repealed on July 1, 2016.
(Source: P.A. 94-797, eff. 1-1-07; revised 8-29-06.)
(30 ILCS 105/5.667)
Sec. 5.667 5.663. The Ambulance Revolving Loan Fund.
(Source: P.A. 94-829, eff. 6-5-06; revised 8-29-06.)
(30 ILCS 105/5.668)
Sec. 5.668 5.663. The Financial Literacy Fund.
(Source: P.A. 94-929, eff. 6-26-06; revised 8-29-06.)
(30 ILCS 105/5.669)
Sec. 5.669 5.663. The Child Murderer and Violent Offender Against Youth Registration Fund.
(Source: P.A. 94-945, eff. 6-27-06; revised 8-29-06.)
(30 ILCS 105/5.670)
Sec. 5.670 5.663. Law Enforcement Camera Grant Fund.
(Source: P.A. 94-987, eff. 6-30-06; revised 8-29-06.)
(30 ILCS 105/5.671)
Sec. 5.671 5.663. The Prisoner Review Board Vehicle and Equipment Fund.
(Source: P.A. 94-1009, eff. 1-1-07; revised 8-29-06.)
(30 ILCS 105/5.672)
Sec. 5.672 5.663. The Mid-America Medical District Income Fund.
(Source: P.A. 94-1036, eff. 1-1-07; revised 8-29-06.)
(30 ILCS 105/5.673)

New matter indicated by italics - deletions by strikeout
(This Section may contain text from a Public Act with a delayed effective date)

Sec. 5.673. The Tattoo and Body Piercing Establishment Registration Fund.
(Source: P.A. 94-1040, eff. 7-1-07; revised 8-29-06.)
(30 ILCS 105/5.674)

Sec. 5.674. The Gaining Early Awareness and Readiness for Undergraduate Programs Fund.
(Source: P.A. 94-1043, eff. 7-24-06; revised 8-29-06.)
(30 ILCS 105/6b) (from Ch. 127, par. 142b)

Sec. 6b. The gross or total proceeds, receipts and income of all the several State institutions, clinics, rehabilitation centers and services, except the Illinois Veterans Home at Quincy, derived from the Veterans' Administration for the care and treatment of veterans of World War I or World War II or those who served during the national emergency between June 25, 1950 and January 31, 1955, who are patients or residents in the State institutions, clinics, rehabilitation centers and services, shall be covered into the State treasury into the Mental Health Fund. Of the money in the United States Veterans' Bureau Fund on the effective date of this amendatory Act of 1977, $199,800 shall be transferred to the Quincy Veterans' Home Fund and the balance shall be transferred to the Mental Health Fund.

The gross receipts of the Department of Human Services relating to mental health and developmental disabilities that are obtained for services, commodities, equipment and personnel provided to other agencies and branches of State government, to units of local government, to the government of other states or to the federal government shall be deposited with the State Treasurer for deposit into the Mental Health Fund.

The gross receipts of the Department of Human Services relating to mental health and developmental disabilities that are obtained in connection with the retention, receipt, assignment, license, sale or transfer of interests in, rights to, or income from discoveries, inventions, patents, or copyrightable works to governmental, public or private agencies or persons including units, branches, or agencies of local, State, federal and

New matter indicated by italics - deletions by strikeout
foreign governments shall be deposited with the State Treasurer for deposit into the Mental Health Fund.

Remittances from or on behalf of licensed long-term care facilities through Department of Healthcare and Family Services (formerly Department of Public Aid) reimbursement and monies from other funds for Day Training Programs for clients with a developmental disability shall be deposited with the State Treasurer and placed in the Mental Health Fund.

(Source: P.A. 88-380; 89-507, eff. 7-1-97; revised 12-15-05.)

(30 ILCS 105/6z-24) (from Ch. 127, par. 142z-24)

Sec. 6z-24. There is created in the State Treasury the Special Education Medicaid Matching Fund. All monies received from the federal government due to expenditures by local education agencies for services authorized under Section 1903 of the Social Security Act, as amended, and for the administrative costs related thereto shall be deposited in the Special Education Medicaid Matching Fund. All monies received from the federal government due to expenditures by local education agencies for services authorized under Section 2105 of the Social Security Act, as amended, shall be deposited in the Special Education Medicaid Matching Fund.

The monies in the Special Education Medicaid Matching Fund shall be held subject to appropriation by the General Assembly to the State Board of Education or the Illinois Department of Healthcare and Family Services Public Aid for distribution to school districts, pursuant to an interagency agreement between the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) and the State Board of Education or intergovernmental agreements between the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) and individual local education agencies for eligible claims under Titles XIX and XXI of the Social Security Act.

(Source: P.A. 91-24, eff. 7-1-99; 91-266, eff. 7-23-99; 92-10, eff. 6-11-01; revised 12-15-05.)

(30 ILCS 105/6z-30)

Sec. 6z-30. University of Illinois Hospital Services Fund.

New matter indicated by italics - deletions by strikeout
(a) The University of Illinois Hospital Services Fund is created as a special fund in the State Treasury. The following moneys shall be deposited into the Fund:

(1) As soon as possible after the beginning of each fiscal year (starting in fiscal year 1995), and in no event later than July 30, the State Comptroller and the State Treasurer shall automatically transfer $44,700,000 from the General Revenue Fund to the University of Illinois Hospital Services Fund.

(2) All intergovernmental transfer payments to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) by the University of Illinois made pursuant to an intergovernmental agreement under subsection (b) or (c) of Section 5A-3 of the Illinois Public Aid Code.

(3) All federal matching funds received by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) as a result of expenditures made by the Illinois Department that are attributable to moneys that were deposited in the Fund.

(b) Moneys in the fund may be used by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid), subject to appropriation, to reimburse the University of Illinois Hospital for hospital and pharmacy services. The fund may also be used to make monthly transfers to the General Revenue Fund as provided in subsection (c).

(c) The State Comptroller and State Treasurer shall automatically transfer on the last day of each month except June, beginning August 31, 1994, from the University of Illinois Hospital Services Fund to the General Revenue Fund, an amount determined and certified to the State Comptroller by the Director of Healthcare and Family Services (formerly Director of Public Aid), equal to the amount by which the balance in the Fund exceeds the amount necessary to ensure timely payments to the University of Illinois Hospital.

On June 30, 1995 and each June 30 thereafter, the State Comptroller and State Treasurer shall automatically transfer the entire

New matter indicated by italics - deletions by strikeout
balance in the University of Illinois Hospital Services Fund to the General Revenue Fund.
(Source: P.A. 93-20, eff. 6-20-03; revised 12-15-05.)

(30 ILCS 105/6z-43)
Sec. 6z-43. Tobacco Settlement Recovery Fund.
(a) There is created in the State Treasury a special fund to be known as the Tobacco Settlement Recovery Fund, into which shall be deposited all monies paid to the State pursuant to (1) the Master Settlement Agreement entered in the case of People of the State of Illinois v. Philip Morris, et al. (Circuit Court of Cook County, No. 96-L13146) and (2) any settlement with or judgment against any tobacco product manufacturer other than one participating in the Master Settlement Agreement in satisfaction of any released claim as defined in the Master Settlement Agreement, as well as any other monies as provided by law. All earnings on Fund investments shall be deposited into the Fund. Upon the creation of the Fund, the State Comptroller shall order the State Treasurer to transfer into the Fund any monies paid to the State as described in item (1) or (2) of this Section before the creation of the Fund plus any interest earned on the investment of those monies. The Treasurer may invest the moneys in the Fund in the same manner, in the same types of investments, and subject to the same limitations provided in the Illinois Pension Code for the investment of pension funds other than those established under Article 3 or 4 of the Code.

(b) As soon as may be practical after June 30, 2001, upon notification from and at the direction of the Governor, the State Comptroller shall direct and the State Treasurer shall transfer the unencumbered balance in the Tobacco Settlement Recovery Fund as of June 30, 2001, as determined by the Governor, into the Budget Stabilization Fund. The Treasurer may invest the moneys in the Budget Stabilization Fund in the same manner, in the same types of investments, and subject to the same limitations provided in the Illinois Pension Code for the investment of pension funds other than those established under Article 3 or 4 of the Code.
(c) In addition to any other deposits authorized by law, after any delivery of any bonds as authorized by Section 7.5 of the General Obligation Bond Act for deposits to the General Revenue Fund and the Budget Stabilization Fund (referred to as "tobacco securitization general obligation bonds"), the Governor shall certify, on or before June 30, 2003 and June 30 of each year thereafter, to the State Comptroller and State Treasurer the total amount of principal of, interest on, and premium, if any, due on those bonds in the next fiscal year beginning with amounts due in fiscal year 2004. As soon as practical after the annual payment of tobacco settlement moneys to the Tobacco Settlement Recovery Fund as described in item (1) of subsection (a), the State Treasurer and State Comptroller shall transfer from the Tobacco Settlement Recovery Fund to the General Obligation Bond Retirement and Interest Fund the amount certified by the Governor, plus any cumulative deficiency in those transfers for prior years.

(d) All federal financial participation moneys received pursuant to expenditures from the Fund shall be deposited into the Fund. 
(Source: P.A. 91-646, eff. 11-19-99; 91-704, eff. 7-1-00; 91-797, eff. 6-9-00; 92-11, eff. 6-11-01; 92-16, eff. 6-28-01; 92-596, eff. 6-28-02; 92-597, eff. 6-28-02; revised 9-3-02.)

(30 ILCS 105/6z-52)
Sec. 6z-52. Drug Rebate Fund.

(a) There is created in the State Treasury a special fund to be known as the Drug Rebate Fund.

(b) The Fund is created for the purpose of receiving and disbursing moneys in accordance with this Section. Disbursements from the Fund shall be made, subject to appropriation, only as follows:

1. For payments to pharmacies for reimbursement for prescription drugs provided to a recipient of aid under Article V of the Illinois Public Aid Code or the Children's Health Insurance Program Act.

2. For reimbursement of moneys collected by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) through error or mistake.

New matter indicated by italics - deletions by strikeout
(3) For payments of any amounts that are reimbursable to the federal government resulting from a payment into this Fund.
(c) The Fund shall consist of the following:
(1) Upon notification from the Director of Healthcare and Family Services Public Aid, the Comptroller shall direct and the Treasurer shall transfer the net State share of all moneys received by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) from drug rebate agreements with pharmaceutical manufacturers pursuant to Title XIX of the federal Social Security Act, including any portion of the balance in the Public Aid Recoveries Trust Fund on July 1, 2001 that is attributable to such receipts.
(2) All federal matching funds received by the Illinois Department as a result of expenditures made by the Department that are attributable to moneys deposited in the Fund.
(3) Any premium collected by the Illinois Department from participants under a waiver approved by the federal government relating to provision of pharmaceutical services.
(4) All other moneys received for the Fund from any other source, including interest earned thereon.
(Source: P.A. 92-10, eff. 6-11-01; revised 12-15-05.)
(30 ILCS 105/6z-53)
Sec. 6z-53. Downstate Emergency Response Fund.
(a) In this Section:
"Downstate county" means any county with a population of less than 250,000 with a level I trauma center.
"Trauma center" has the same meaning as in the Emergency Medical Services (EMS) Systems Act.
(b) The Downstate Emergency Response Fund is created as a special fund in the State Treasury.
(c) The following moneys shall be deposited into the Fund:
(1) Moneys appropriated by the General Assembly.
(2) Fees or other amounts paid to the Department of Transportation for the use of an emergency helicopter for the
transportation of an individual to a trauma center located in a
downstate county or for any other medical emergency response.
The Department may adopt rules establishing reasonable fees and
other amounts to be paid for the use of such helicopters and may
collect those fees and other amounts.

(3) Gifts, grants, other appropriations, or any other moneys
designated for deposit into the Fund.

(d) Subject to appropriation, moneys in the Fund shall be used for
the following purposes:

(1) By the Department of Transportation to purchase, lease,
maintain, and operate helicopters, including payment of any costs
associated with personnel or other expenses necessary for the
maintenance or operation of such helicopters, (A) for emergency
response transportation of individuals to trauma centers located in
downstate counties and (B) to support law enforcement, disaster
response, and other medical emergency response. Moneys
appropriated from the Fund for these purposes shall be in addition
to any other moneys used for these purposes.

(2) By the Department of Healthcare and Family Services
Public Aid for medical assistance under Article V of the Illinois
Public Aid Code.

(Source: P.A. 92-10, eff. 6-11-01; revised 12-15-05.)

(30 ILCS 105/6z-56)

Sec. 6z-56. The Health Care Services Trust Fund. The Health Care
Services Trust Fund is hereby created as a special fund in the State
treasury.

The Fund shall consist of moneys deposited, transferred, or
appropriated into the Fund from units of local government other than a
county with a population greater than 3,000,000, from the State, from
federal matching funds, or from any other legal source.

Subject to appropriation, the moneys in the Fund shall be used by
the Department of Healthcare and Family Services Public Aid to make
payments to providers of services covered under the Medicaid or State
Children's Health Insurance programs. Payments may be made out of the

New matter indicated by italics - deletions by strikeout
Fund only to providers located within the geographic jurisdiction of units of local government that make deposits, transfers, or appropriations into the Fund.

The Department of *Healthcare and Family Services Public Aid* shall adopt rules concerning application for and disbursement of the moneys in the Fund.

(Source: P.A. 93-659, eff. 2-3-04; revised 12-15-05.)

(30 ILCS 105/6z-58)

Sec. 6z-58. The Family Care Fund.

(a) There is created in the State treasury the Family Care Fund. Interest earned by the Fund shall be credited to the Fund.

(b) The Fund is created for the purposes of receiving, investing, and distributing moneys in accordance with (i) an approved waiver under the Social Security Act resulting from the Family Care waiver request submitted by the Illinois Department of Public Aid on February 15, 2002 and (ii) an interagency agreement between the *Department of Healthcare and Family Services (formerly Department of Public Aid)* and another agency of State government. The Fund shall consist of:

(1) All federal financial participation moneys received pursuant to the approved waiver, except for moneys received pursuant to expenditures for medical services by the *Department of Healthcare and Family Services (formerly Department of Public Aid)* from any other fund; and

(2) All other moneys received by the Fund from any source, including interest thereon.

(c) Subject to appropriation, the moneys in the Fund shall be disbursed for reimbursement of medical services and other costs associated with persons receiving such services:

(1) under programs administered by the *Department of Healthcare and Family Services (formerly Department of Public Aid)*; and

(2) pursuant to an interagency agreement, under programs administered by another agency of State government.

New matter indicated by italics - deletions by strikeout
Sec. 8.42. Interfund transfers. In order to address the fiscal emergency resulting from shortfalls in revenue, the following transfers are authorized from the designated funds into the General Revenue Fund:

ROAD FUND............................... $50,000,000
MOTOR FUEL TAX FUND............... $1,535,000
GRADE CROSSING PROTECTION FUND..... $6,500,000

ILLINOIS AGRICULTURAL LOAN GUARANTEE FUND............................................... $2,500,000

ILLINOIS FARMER AND AGRIBUSINESS LOAN GUARANTEE FUND............................... $1,500,000

TRANSPORTATION REGULATORY FUND.................. $2,000,000
PARK AND CONSERVATION FUND.................... $1,000,000
DCFS CHILDREN’S SERVICES FUND.................. $1,000,000

TOBACCO SETTLEMENT RECOVERY FUND............... $50,000

AGGREGATE OPERATIONS REGULATORY FUND.......... $10,000

APPRAISAL ADMINISTRATION FUND...................... $10,000

AUCTION REGULATION ADMINISTRATION FUND........... $50,000

BANK AND TRUST COMPANY FUND..................... $640,000

CHILD LABOR AND DAY AND TEMPORARY LABOR ENFORCEMENT FUND....................... $15,000

CHILD SUPPORT ADMINISTRATIVE FUND............... $170,000

COAL MINING REGULATORY FUND...................... $80,000

COMMUNITY WATER SUPPLY LABORATORY FUND........... $500,000

COMPTROLLER’S ADMINISTRATIVE FUND............. $50,000

CREDIT UNION FUND......................... $500,000

CRIMINAL JUSTICE INFORMATION SYSTEMS TRUST FUND.................. $300,000

DESIGN PROFESSIONALS ADMINISTRATION AND INVESTIGATION FUND................... $1,000,000

DIGITAL DIVIDE ELIMINATION

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RADIATION PROTECTION FUND....................... $240,000
LOW-LEVEL RADIOACTIVE WASTE FACILITY
DEVELOPMENT AND OPERATION FUND............... $1,000,000
REAL ESTATE AUDIT FUND......................... $50,000
REAL ESTATE LICENSE ADMINISTRATION FUND....... $750,000
REAL ESTATE RESEARCH AND EDUCATION FUND...... $30,000
REGISTERED CERTIFIED PUBLIC ACCOUNTANTS'
ADMINISTRATION AND DISCIPLINARY FUND......... $1,000,000
RENEWABLE ENERGY RESOURCES TRUST FUND........ $3,000,000
SAVINGS AND RESIDENTIAL FINANCE
REGULATORY FUND................................. $850,000
SECURITIES AUDIT AND ENFORCEMENT FUND........ $2,000,000
STATE PARKS FUND................................. $593,000
STATE POLICE VEHICLE FUND....................... $15,000
TAX COMPLIANCE AND ADMINISTRATION FUND...... $150,000
TOURISM PROMOTION FUND......................... $5,000,000
TRAFFIC AND CRIMINAL CONVICTION
SURCHARGE FUND.................................. $250,000
UNDERGROUND RESOURCES CONSERVATION
ENFORCEMENT FUND................................. $100,000
UNDERGROUND STORAGE TANK FUND............... $12,100,000
ILLINOIS CAPITAL REVOLVING LOAN FUND........ $5,000,000
CONSERVATION 2000 FUND.......................... $15,000
DEATH CERTIFICATE SURCHARGE FUND.............. $1,500,000
ENERGY ASSISTANCE CONTRIBUTION FUND.......... $750,000
FAIR AND EXPOSITION FUND......................... $500,000
HOME INSPECTOR ADMINISTRATION FUND............ $100,000
ILLINOIS AFFORDABLE HOUSING TRUST FUND....... $5,000,000
LARGE BUSINESS ATTRACTION FUND................. $500,000
SCHOOL TECHNOLOGY REVOLVING LOAN FUND...... $6,000,000
SOLID WASTE MANAGEMENT
REVOLVING LOAN FUND.............................. $2,000,000

New matter indicated by italics - deletions by strikeout
WIRELESS CARRIER REIMBURSEMENT FUND...............  $2,000,000
EPA STATE PROJECTS TRUST FUND ......................  $150,000
ILLINOIS THOROUGHBRED BREEDERS FUND..............  $160,000
FIRE PREVENTION FUND.................................  $2,000,000
MOTOR VEHICLE THEFT PREVENTION TRUST FUND.....  $250,000
CAPITAL DEVELOPMENT BOARD REVOLVING FUND.....  $500,000
AUDIT EXPENSE FUND..................................  $1,000,000
OFF-HIGHWAY VEHICLE TRAILS FUND....................  $100,000
CYCLE RIDER SAFETY TRAINING FUND.................  $1,000,000
GANG CRIME WITNESS PROTECTION FUND..............  $46,000
MISSING AND EXPLOITED CHILDREN TRUST FUND......  $53,000
STATE POLICE VEHICLE FUND.........................  $86,000
SEX OFFENDER REGISTRATION FUND....................  $21,000
STATE POLICE WIRELESS SERVICE EMERGENCY FUND....  $1,200,000
MEDICAID FRAUD AND ABUSE PREVENTION FUND.......  $270,000
STATE CRIME LABORATORY FUND......................  $250,000
LEADS MAINTENANCE FUND............................  $180,000
STATE POLICE DUI FUND..............................  $100,000
PETROLEUM VIOLATION FUND.........................  $2,000,000

All such transfers shall be made on July 1, 2003, or as soon thereafter as practical. These transfers may be made notwithstanding any other provision of law to the contrary.

(Source: P.A. 93-32, eff. 6-20-03; revised 10-11-05.)
(30 ILCS 105/8.44)
Sec. 8.44. Special fund transfers.

New matter indicated by italics - deletions by strikeout
(a) In order to maintain the integrity of special funds and improve stability in the General Revenue Fund, the following transfers are authorized from the designated funds into the General Revenue Fund:

- Aeronautics Fund: $2,186
- Aggregate Operations Regulatory Fund: $32,750
- Agrichemical Incident Response Trust Fund: $419,830
- Agricultural Master Fund: $17,827
- Air Transportation Revolving Fund: $181,478
- Airport Land Loan Revolving Fund: $1,669,970
- Alternate Fuels Fund: $1,056,833
- Alternative Compliance Market Account Fund: $53,120
- Appraisal Administration Fund: $250,000
- Armory Rental Fund: $111,538
- Assisted Living and Shared Housing Regulatory Fund: $24,493
- Bank and Trust Company Fund: $3,800,000
- Capital Development Board Revolving Fund: $453,054
- Care Provider Fund for Persons with a Developmental Disability: $2,378,270
- Charter Schools Revolving Loan Fund: $650,721
- Child Support Administrative Fund: $1,117,266
- Coal Mining Regulatory Fund: $127,583
- Communications Revolving Fund: $12,999,839
- Community Health Center Care Fund: $104,480
- Community Water Supply Laboratory Fund: $716,232
- Continuing Legal Education Trust Fund: $23,419
- Corporate Franchise Tax Refund Fund: $500,000
- Court of Claims Administration and Grant Fund: $24,949
- Criminal Justice Information Projects Fund: $18,212
- DCFS Special Purposes Trust Fund: $77,835
- Death Certificate Surcharge Fund: $1,134,341
- Department of Business Services Special Operations Fund: $2,000,000
- Department of Children and Family Services Training Fund: $1,408,106

New matter indicated by italics - deletions by strikeout
Department of Corrections
Reimbursement and Education Fund............... $2,208,323
Department of Insurance State Trust Fund........... $18,009
Department of Labor Special State Trust Fund....... $359,895
Department on Aging State Projects Fund............... $10,059
Design Professionals Administration
and Investigation Fund.................................. $51,701
DHS Recoveries Trust Fund......................... $1,591,834
DHS State Projects Fund.............................. $89,917
Division of Corporations Registered
Limited Liability Partnership Fund...... $150,000
DNR Special Projects Fund............................ $301,649
Dram Shop Fund......................................... $110,554
Drivers Education Fund................................. $30,152
Drug Rebate Fund...................................... $17,315,821
Drug Traffic Prevention Fund......................... $22,123
Drug Treatment Fund................................... $160,030
Drunk and Drugged Driving Prevention Fund.......... $51,220
Drycleaner Environmental Response Trust Fund...... $1,137,971
DuQuoin State Fair Harness Racing Trust Fund........ $3,368
Early Intervention Services Revolving Fund.......... $1,044,935
Economic Research and Information Fund.............. $49,005
Educational Labor Relations Board
Fair Share Trust Fund................................ $40,933
Efficiency Initiatives Revolving Fund................. $6,178,298
Emergency Planning and Training Fund............... $28,845
Emergency Public Health Fund........................ $139,997
Emergency Response Reimbursement Fund............. $15,873
EMS Assistance Fund................................. $40,923
Energy Assistance Contribution Fund................. $89,692
Energy Efficiency Trust Fund......................... $1,300,938
Environmental Laboratory Certification Fund........ $62,039
Environmental Protection Permit and Inspection Fund.. $180,571
Environmental Protection Trust Fund................ $2,228,031

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<td>Pawnbroker Regulation Fund</td>
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<td>Pesticide Control Fund</td>
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<td>Petroleum Resources Revolving Fund</td>
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<td>Police Training Board Services Fund</td>
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<td>Pollution Control Board Fund</td>
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<td>Pollution Control Board Trust Fund</td>
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<td>Post Transplant Maintenance and Retention Fund</td>
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<td>Presidential Library and Museum Operating Fund</td>
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<td>Professional Regulation Evidence Fund</td>
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<td>Professional Services Fund</td>
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<td>Public Aid Recoveries Trust Fund</td>
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<td>Public Health Laboratory Services Revolving Fund</td>
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<td>Public Health Special State Projects Fund</td>
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New matter indicated by italics - deletions by strikeout
Public Health Water Permit Fund...................... $17,624
Public Infrastructure Construction Loan Revolving Fund.......................... $63,802
Public Pension Regulation Fund........................ $222,433
Racing Board Fingerprint License Fund.................. $16,835
Radiation Protection Fund................................. $212,010
Real Estate License Administration Fund............... $1,500,000
Regulatory Evaluation and Basic Enforcement Fund..... $64,221
Regulatory Fund............................................. $55,246
Renewable Energy Resources Trust Fund............... $14,033
Response Contractors Indemnification Fund............... $126
Rural/Downstate Health Access Fund.................... $4,644
Savings and Residential Finance Regulatory Fund..... $5,200,000
School District Emergency Financial Assistance Fund $2,130,848
School Technology Revolving Loan Fund.................. $19,158
Second Injury Fund.......................................... $151,493
Secretary of State Interagency Grant Fund.............. $40,900
Secretary of State Special License Plate Fund........ $520,200
Secretary of State Special Services Fund............. $2,500,000
Securities Audit and Enforcement Fund............... $3,400,000
Securities Investors Education Fund.................... $100,000
Self-Insurers Administration Fund...................... $286,964
Sex Offender Registration Fund........................ $7,647
Sexual Assault Services Fund............................ $12,210
Small Business Environmental Assistance Fund....... $13,686
Snowmobile Trail Establishment Fund................... $3,124
Solid Waste Management Fund......................... $6,587,173
Sports Facilities Tax Trust Fund........................ $1,112,590
State Appellate Defender Special State Projects Fund $23,820
State Asset Forfeiture Fund............................ $71,988
State Boating Act Fund................................. $401,824
State College and University Trust Fund............. $139,439
State Crime Laboratory Fund......................... $44,965
State Fair Promotional Activities Fund............... $8,734
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<td>State Garage Revolving Fund</td>
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<td>State Offender DNA Identification System Fund</td>
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<td>State Off-Set Claims Fund</td>
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<td>State Parks Fund</td>
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<td>State Police Motor Vehicle Theft Prevention Fund</td>
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<td>State Police Whistleblower Reward and Protection Fund</td>
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<td>Statewide Grand Jury Prosecution Fund</td>
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<td>Tanning Facility Permit Fund</td>
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<td>Tax Recovery Fund</td>
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<td>Underground Resources Conservation Enforcement Fund</td>
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<td>University Grant Fund</td>
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<td>Used Tire Management Fund</td>
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<td>Watershed Park Fund</td>
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<td>Weights and Measures Fund</td>
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<td>Workers' Compensation Benefit Trust Fund</td>
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<td>Workers' Compensation Revolving Fund</td>
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<td>Working Capital Revolving Fund</td>
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<tr>
<td>Youth Alcoholism and Substance Abuse Prevention Fund</td>
<td>$29,995</td>
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<td>Youth Drug Abuse Prevention Fund</td>
<td>$4,091</td>
</tr>
</tbody>
</table>

All of these transfers shall be made in equal quarterly installments with the first made on the effective date of this amendatory Act of the 94th General Assembly, or as soon thereafter as practical, and with the remaining transfers to be made on October 1, January 1, and April 1, or as

New matter indicated by italics - deletions by strikeout
soon thereafter as practical. These transfers shall be made notwithstanding any other provision of State law to the contrary.

The Governor may direct the State Comptroller and the State Treasurer to reverse the transfers previously authorized by statute to the General Revenue Fund and retransfer from the General Revenue Fund, if applicable, all or a portion of the transfers made pursuant to this subsection (a) to the following funds:

1. the Drycleaner Environmental Response Trust Fund;
2. the Educational Labor Relations Board Fair Share Trust Fund;
3. the Environmental Protection Trust Fund;
4. the Facilities Management Revolving Fund;
5. the Illinois Forestry Development Fund;
6. the Illinois Habitat Endowment Trust Fund;
7. the Innovations in Long-Term Care Quality Demonstration Grants Fund;
8. the Kaskaskia Commons Permanent Fund;
9. the Land Reclamation Fund;
10. the Lawyers' Assistance Program Fund;
11. the Local Initiative Fund;
12. the Petroleum Resources Revolving Fund;
13. the Sports Facilities Tax Trust Fund;
14. the State Garage Revolving Fund;
15. the State Off-Set Claims Fund; and
16. the DCFS Special Purposes Trust Fund.

(b) On and after the effective date of this amendatory Act of the 94th General Assembly through June 30, 2006, when any of the funds listed in subsection (a) have insufficient cash from which the State Comptroller may make expenditures properly supported by appropriations from the fund, then the State Treasurer and State Comptroller shall transfer from the General Revenue Fund to the fund only such amount as is immediately necessary to satisfy outstanding expenditure obligations on a timely basis, subject to the provisions of the State Prompt Payment Act. All or a portion of the amounts transferred from the General Revenue Fund shall be spent on the specified purposes of the fund or in accordance with an approved expenditure plan.
Fund to a fund pursuant to this subsection (b) from time to time may be re-transferred by the State Comptroller and the State Treasurer from the receiving fund into the General Revenue Fund as soon as and to the extent that deposits are made into or receipts are collected by the receiving fund.

(c) Notwithstanding any other provision of law, on July 1, 2005, or as soon thereafter as may be practical, the State Comptroller and the State Treasurer shall transfer $5,000,000 from the Communications Revolving Fund to the Hospital Basic Services Prevention Fund.

(Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 94-1042, eff. 7-24-06; revised 8-3-06.)

(30 ILCS 105/8g)

Sec. 8g. Fund transfers.

(a) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $10,000,000 from the General Revenue Fund to the Motor Vehicle License Plate Fund created by Senate Bill 1028 of the 91st General Assembly.

(b) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $25,000,000 from the General Revenue Fund to the Fund for Illinois' Future created by Senate Bill 1066 of the 91st General Assembly.

(c) In addition to any other transfers that may be provided for by law, on August 30 of each fiscal year's license period, the Illinois Liquor Control Commission shall direct and the State Comptroller and State Treasurer shall transfer from the General Revenue Fund to the Youth Alcoholism and Substance Abuse Prevention Fund an amount equal to the number of retail liquor licenses issued for that fiscal year multiplied by $50.

(d) The payments to programs required under subsection (d) of Section 28.1 of the Horse Racing Act of 1975 shall be made, pursuant to
appropriation, from the special funds referred to in the statutes cited in that subsection, rather than directly from the General Revenue Fund.

Beginning January 1, 2000, on the first day of each month, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from the General Revenue Fund to each of the special funds from which payments are to be made under Section 28.1(d) of the Horse Racing Act of 1975 an amount equal to 1/12 of the annual amount required for those payments from that special fund, which annual amount shall not exceed the annual amount for those payments from that special fund for the calendar year 1998. The special funds to which transfers shall be made under this subsection (d) include, but are not necessarily limited to, the Agricultural Premium Fund; the Metropolitan Exposition Auditorium and Office Building Fund; the Fair and Exposition Fund; the Standardbred Breeders Fund; the Thoroughbred Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

(e) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $15,000,000 from the General Revenue Fund to the Fund for Illinois' Future.

(f) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $70,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(f-1) In fiscal year 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $160,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(g) In addition to any other transfers that may be provided for by law, on July 1, 2001, or as soon thereafter as may be practical, the State

New matter indicated by italics - deletions by strikeout
Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(h) In each of fiscal years 2002 through 2004, but not thereafter, in addition to any other transfers that may be provided for by law, the State Comptroller shall direct and the State Treasurer shall transfer $5,000,000 from the General Revenue Fund to the Tourism Promotion Fund.

(i) On or after July 1, 2001 and until May 1, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2002.

(i-1) On or after July 1, 2002 and until May 1, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2003.

(j) On or after July 1, 2001 and no later than June 30, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

From the General Revenue Fund.................................. $8,450,000
From the Public Utility Fund........................................ 1,700,000

New matter indicated by italics - deletions by strikeout
From the Transportation Regulatory Fund .................... 2,650,000
From the Title III Social Security and Employment Fund ................................. 3,700,000
From the Professions Indirect Cost Fund ...... 4,050,000
From the Underground Storage Tank Fund........ 550,000
From the Agricultural Premium Fund............ 750,000
From the State Pensions Fund ................. 200,000
From the Road Fund ........................... 2,000,000
From the Health Facilities Planning Fund ...................... 1,000,000
From the Savings and Residential Finance Regulatory Fund .......................... 130,800
From the Appraisal Administration Fund ........ 28,600
From the Pawnbroker Regulation Fund ........... 3,600
From the Auction Regulation Administration Fund .................... 35,800
From the Bank and Trust Company Fund ....... 634,800
From the Real Estate License Administration Fund .................. 313,600

(k) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 92nd General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-1) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-2) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

New matter indicated by italics - deletions by strikeout
(k-3) On or after July 1, 2002 and no later than June 30, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

- Appraisal Administration Fund $150,000
- General Revenue Fund 10,440,000
- Savings and Residential Finance Regulatory Fund 200,000
- State Pensions Fund 100,000
- Bank and Trust Company Fund 100,000
- Professions Indirect Cost Fund 3,400,000
- Public Utility Fund 2,081,200
- Real Estate License Administration Fund 150,000
- Title III Social Security and Employment Fund 1,000,000
- Transportation Regulatory Fund 3,052,100
- Underground Storage Tank Fund 50,000

(l) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $3,000,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(m) In addition to any other transfers that may be provided for by law, on July 1, 2002 and on the effective date of this amendatory Act of the 93rd General Assembly, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(n) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $6,800,000 from the General Revenue Fund to the DHS Recoveries Trust Fund.

New matter indicated by italics - deletions by strikeout
(o) On or after July 1, 2003, and no later than June 30, 2004, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Vehicle Inspection Fund:

From the Underground Storage Tank Fund ...... $35,000,000.

(p) On or after July 1, 2003 and until May 1, 2004, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2004.

(q) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $5,000,000 from the General Revenue Fund to the Illinois Military Family Relief Fund.

(r) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,922,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(s) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $4,800,000 from the Statewide Economic Development Fund to the General Revenue Fund.

(t) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $50,000,000 from the General Revenue Fund to the Budget Stabilization Fund.

New matter indicated by italics - deletions by strikeout
(u) On or after July 1, 2004 and until May 1, 2005, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2005.

(v) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(w) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $6,445,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(x) In addition to any other transfers that may be provided for by law, on January 15, 2005, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer to the General Revenue Fund the following sums:

- From the State Crime Laboratory Fund, $200,000;
- From the State Police Wireless Service Emergency Fund, $200,000;
- From the State Offender DNA Identification System Fund, $800,000; and
- From the State Police Whistleblower Reward and Protection Fund, $500,000.

(y) Notwithstanding any other provision of law to the contrary, in addition to any other transfers that may be provided for by law on June 30, 2005, or as soon as may be practical thereafter, the State Comptroller shall

New matter indicated by italics - deletions by strikeout
direct and the State Treasurer shall transfer the remaining balance from the designated funds into the General Revenue Fund and any future deposits that would otherwise be made into these funds must instead be made into the General Revenue Fund:

(1) the Keep Illinois Beautiful Fund;
(2) the Metropolitan Fair and Exposition Authority Reconstruction Fund;
(3) the New Technology Recovery Fund;
(4) the Illinois Rural Bond Bank Trust Fund;
(5) the ISBE School Bus Driver Permit Fund;
(6) the Solid Waste Management Revolving Loan Fund;
(7) the State Postsecondary Review Program Fund;
(8) the Tourism Attraction Development Matching Grant Fund;
(9) the Patent and Copyright Fund;
(10) the Credit Enhancement Development Fund;
(11) the Community Mental Health and Developmental Disabilities Services Provider Participation Fee Trust Fund;
(12) the Nursing Home Grant Assistance Fund;
(13) the By-product Material Safety Fund;
(14) the Illinois Student Assistance Commission Higher EdNet Fund;
(15) the DORS State Project Fund;
(16) the School Technology Revolving Fund;
(17) the Energy Assistance Contribution Fund;
(18) the Illinois Building Commission Revolving Fund;
(19) the Illinois Aquaculture Development Fund;
(20) the Homelessness Prevention Fund;
(21) the DCFS Refugee Assistance Fund;
(22) the Illinois Century Network Special Purposes Fund;
and

(23) the Build Illinois Purposes Fund.

(z) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State

New matter indicated by italics - deletions by strikeout
Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(aa) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $9,000,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(bb) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $6,803,600 from the General Revenue Fund to the Securities Audit and Enforcement Fund.

(cc) In addition to any other transfers that may be provided for by law, on or after July 1, 2005 and until May 1, 2006, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2006.

(dd) In addition to any other transfers that may be provided for by law, on April 1, 2005, or as soon thereafter as may be practical, at the direction of the Director of Public Aid (now Director of Healthcare and Family Services), the State Comptroller shall direct and the State Treasurer shall transfer from the Public Aid Recoveries Trust Fund amounts not to exceed $14,000,000 to the Community Mental Health Medicaid Trust Fund.

(ee) Notwithstanding any other provision of law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the Illinois Civic
Center Bond Fund to the Illinois Civic Center Bond Retirement and Interest Fund.

(ff) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until June 30, 2007, at the direction of and upon notification from the Director of the Governor's Office of Management and Budget, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $1,900,000 from the General Revenue Fund to the Illinois Capital Revolving Loan Fund.

(gg) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until May 1, 2007, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2007.

(hh) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until June 30, 2007, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts from the Illinois Affordable Housing Trust Fund to the designated funds not exceeding the following amounts:

- DCFS Children's Services Fund............... $2,200,000
- Department of Corrections Reimbursement and Education Fund......................... $1,500,000
- Supplemental Low-Income Energy Assistance Fund................................. $75,000

(ii) In addition to any other transfers that may be provided for by law, on or before August 31, 2006, the Governor and the State Comptroller may agree to transfer the surplus cash balance from the General Revenue Fund to the Budget Stabilization Fund and the Pension Stabilization Fund in equal proportions. The determination of the amount

New matter indicated by italics - deletions by strikeout
of the surplus cash balance shall be made by the Governor, with the
concurrence of the State Comptroller, after taking into account the June
30, 2006 balances in the general funds and the actual or estimated
spending from the general funds during the lapse period. Notwithstanding
the foregoing, the maximum amount that may be transferred under this
subsection (ii) is $50,000,000.

(jj) In addition to any other transfers that may be provided for by
law, on July 1, 2006, or as soon thereafter as practical, the State
Comptroller shall direct and the State Treasurer shall transfer the sum of
$8,250,000 from the General Revenue Fund to the Presidential Library and
Museum Operating Fund.

(kk) In addition to any other transfers that may be provided for by
law, on July 1, 2006, or as soon thereafter as practical, the State
Comptroller shall direct and the State Treasurer shall transfer the sum of
$1,400,000 from the General Revenue Fund to the Violence Prevention
Fund.

(ll) In addition to any other transfers that may be provided for by
law, on the first day of each calendar quarter of the fiscal year beginning
July 1, 2006, or as soon thereafter as practical, the State Comptroller shall
direct and the State Treasurer shall transfer from the General Revenue
Fund amounts equal to one-fourth of $20,000,000 to the Renewable
Energy Resources Trust Fund.

(mm) In addition to any other transfers that may be provided for by
law, on July 1, 2006, or as soon thereafter as practical, the State
Comptroller shall direct and the State Treasurer shall transfer the sum of
$1,320,000 from the General Revenue Fund to the I-FLY Fund.

(nn) In addition to any other transfers that may be provided for by
law, on July 1, 2006, or as soon thereafter as practical, the State
Comptroller shall direct and the State Treasurer shall transfer the sum of
$3,000,000 from the General Revenue Fund to the African-American
HIV/AIDS Response Fund.

(oo) In addition to any other transfers that may be provided for by
law, on and after July 1, 2006 and until June 30, 2007, at the direction of
and upon notification from the Governor, the State Comptroller shall

New matter indicated by italics - deletions by strikeout
direct and the State Treasurer shall transfer amounts identified as net receipts from the sale of all or part of the Illinois Student Assistance Commission loan portfolio from the Student Loan Operating Fund to the General Revenue Fund. The maximum amount that may be transferred pursuant to this Section is $38,800,000. In addition, no transfer may be made pursuant to this Section that would have the effect of reducing the available balance in the Student Loan Operating Fund to an amount less than the amount remaining unexpended and unreserved from the total appropriations from the Fund estimated to be expended for the fiscal year. The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practical after receiving the direction to transfer from the Governor.

(pp) (ee) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Illinois Veterans Assistance Fund.

(Source: P.A. 93-32, eff. 6-20-03; 93-648, eff. 1-8-04; 93-839, eff. 7-30-04; 93-1067, eff. 1-15-05; 94-58, eff. 6-17-05; 94-91, eff. 7-1-05; 94-816, eff. 5-30-06; 94-839, eff. 6-6-06; revised 8-3-06.)

(30 ILCS 105/8h)
Sec. 8h. Transfers to General Revenue Fund.

(a) Except as otherwise provided in this Section and Section 8n of this Act, and (c), (d), or (e), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the

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Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, the Teacher Health Insurance Security Fund, the Reviewing Court Alternative Dispute Resolution Fund, the Voters' Guide Fund, the Foreign Language Interpreter Fund, the Lawyers' Assistance Program Fund, the Supreme Court Federal Projects Fund, the Supreme Court Special State Projects Fund, the Supplemental Low-Income Energy Assistance Fund, the Good Samaritan Energy Trust Fund, the Low-Level Radioactive Waste Facility Development and Operation Fund, the Horse Racing Equity Trust Fund, or the Hospital Basic Services Preservation Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. No transfers may be made under this Section from the Pet Population Control Fund. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

In determining the available balance in a fund, the Governor may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

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The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(a-5) Transfers directed to be made under this Section on or before February 28, 2006 that are still pending on May 19, 2006 (the effective date of Public Act 94-774) shall be redirected as provided in Section 8n of this Act.

(b) This Section does not apply to: (i) the Ticket For The Cure Fund; (ii) any fund established under the Community Senior Services and Resources Act; or (iii) on or after January 1, 2006 (the effective date of Public Act 94-511), the Child Labor and Day and Temporary Labor Enforcement Fund.

(c) This Section does not apply to the Demutualization Trust Fund established under the Uniform Disposition of Unclaimed Property Act.

(d) This Section does not apply to moneys set aside in the Illinois State Podiatric Disciplinary Fund for podiatric scholarships and residency programs under the Podiatric Scholarship and Residency Act.

(e) Subsection (a) does not apply to, and no transfer may be made under this Section from, the Pension Stabilization Fund.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773, eff. 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06; 94-839, eff. 6-6-06; revised 6-19-06.)

(30 ILCS 105/8i)

Sec. 8i 8h. Transfers between the Communications Revolving Fund and the Illinois Military Family Relief Fund. The State Comptroller shall order transferred and the Treasurer shall transfer, on March 31, 2003 or as soon as practicable thereafter, the amount of $300,000 from the Communications Revolving Fund to the Illinois Military Family Relief Fund. Beginning on July 1, 2004, the State Comptroller shall order transferred and the Treasurer shall transfer, on the last day of each month,

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an amount equal to 50% of that day's beginning balance in the Illinois Military Family Relief Fund from the Illinois Military Family Relief Fund to the Communications Revolving Fund. These transfers shall continue until the cumulative total of transfers executed from the Illinois Military Family Relief Fund to the Communications Revolving Fund equals $300,000.

(Source: P.A. 93-506, eff. 8-11-03; revised 8-21-03.)

(30 ILCS 105/25) (from Ch. 127, par. 161)

Sec. 25. Fiscal year limitations.

(a) All appropriations shall be available for expenditure for the fiscal year or for a lesser period if the Act making that appropriation so specifies. A deficiency or emergency appropriation shall be available for expenditure only through June 30 of the year when the Act making that appropriation is enacted unless that Act otherwise provides.

(b) Outstanding liabilities as of June 30, payable from appropriations which have otherwise expired, may be paid out of the expiring appropriations during the 2-month period ending at the close of business on August 31. Any service involving professional or artistic skills or any personal services by an employee whose compensation is subject to income tax withholding must be performed as of June 30 of the fiscal year in order to be considered an "outstanding liability as of June 30" that is thereby eligible for payment out of the expiring appropriation.

However, payment of tuition reimbursement claims under Section 14-7.03 or 18-3 of the School Code may be made by the State Board of Education from its appropriations for those respective purposes for any fiscal year, even though the claims reimbursed by the payment may be claims attributable to a prior fiscal year, and payments may be made at the direction of the State Superintendent of Education from the fund from which the appropriation is made without regard to any fiscal year limitations.

Medical payments may be made by the Department of Veterans' Affairs from its appropriations for those purposes for any fiscal year, without regard to the fact that the medical services being compensated for by such payment may have been rendered in a prior fiscal year.

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Medical payments may be made by the Department of Healthcare and Family Services and medical payments and child care payments may be made by the Department of Human Services (as successor to the Department of Public Aid) from appropriations for those purposes for any fiscal year, without regard to the fact that the medical or child care services being compensated for by such payment may have been rendered in a prior fiscal year; and payments may be made at the direction of the Department of Central Management Services from the Health Insurance Reserve Fund and the Local Government Health Insurance Reserve Fund without regard to any fiscal year limitations.

Medical payments may be made by the Department of Human Services from its appropriations relating to substance abuse treatment services for any fiscal year, without regard to the fact that the medical services being compensated for by such payment may have been rendered in a prior fiscal year, provided the payments are made on a fee-for-service basis consistent with requirements established for Medicaid reimbursement by the Department of Healthcare and Family Services.

Additionally, payments may be made by the Department of Human Services from its appropriations, or any other State agency from its appropriations with the approval of the Department of Human Services, from the Immigration Reform and Control Fund for purposes authorized pursuant to the Immigration Reform and Control Act of 1986, without regard to any fiscal year limitations.

Further, with respect to costs incurred in fiscal years 2002 and 2003 only, payments may be made by the State Treasurer from its appropriations from the Capital Litigation Trust Fund without regard to any fiscal year limitations.

Lease payments may be made by the Department of Central Management Services under the sale and leaseback provisions of Section 7.4 of the State Property Control Act with respect to the James R. Thompson Center and the Elgin Mental Health Center and surrounding land from appropriations for that purpose without regard to any fiscal year limitations.

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Lease payments may be made under the sale and leaseback provisions of Section 7.5 of the State Property Control Act with respect to the Illinois State Toll Highway Authority headquarters building and surrounding land without regard to any fiscal year limitations.

(c) Further, payments may be made by the Department of Public Health and the Department of Human Services (acting as successor to the Department of Public Health under the Department of Human Services Act) from their respective appropriations for grants for medical care to or on behalf of persons suffering from chronic renal disease, persons suffering from hemophilia, rape victims, and premature and high-mortality risk infants and their mothers and for grants for supplemental food supplies provided under the United States Department of Agriculture Women, Infants and Children Nutrition Program, for any fiscal year without regard to the fact that the services being compensated for by such payment may have been rendered in a prior fiscal year.

(d) The Department of Public Health and the Department of Human Services (acting as successor to the Department of Public Health under the Department of Human Services Act) shall each annually submit to the State Comptroller, Senate President, Senate Minority Leader, Speaker of the House, House Minority Leader, and the respective Chairmen and Minority Spokesmen of the Appropriations Committees of the Senate and the House, on or before December 31, a report of fiscal year funds used to pay for services provided in any prior fiscal year. This report shall document by program or service category those expenditures from the most recently completed fiscal year used to pay for services provided in prior fiscal years.

(e) The Department of Healthcare and Family Services Public Aid, the Department of Human Services (acting as successor to the Department of Public Aid), and the Department of Human Services making fee-for-service payments relating to substance abuse treatment services provided during a previous fiscal year shall each annually submit to the State Comptroller, Senate President, Senate Minority Leader, Speaker of the House, House Minority Leader, the respective Chairmen and Minority Spokesmen of the Appropriations Committees of the Senate and the
House, on or before November 30, a report that shall document by program or service category those expenditures from the most recently completed fiscal year used to pay for (i) services provided in prior fiscal years and (ii) services for which claims were received in prior fiscal years.

(f) The Department of Human Services (as successor to the Department of Public Aid) shall annually submit to the State Comptroller, Senate President, Senate Minority Leader, Speaker of the House, House Minority Leader, and the respective Chairmen and Minority Spokesmen of the Appropriations Committees of the Senate and the House, on or before December 31, a report of fiscal year funds used to pay for services (other than medical care) provided in any prior fiscal year. This report shall document by program or service category those expenditures from the most recently completed fiscal year used to pay for services provided in prior fiscal years.

(g) In addition, each annual report required to be submitted by the Department of Healthcare and Family Services (Public Aid) under subsection (e) shall include the following information with respect to the State's Medicaid program:

(1) Explanations of the exact causes of the variance between the previous year's estimated and actual liabilities.

(2) Factors affecting the Department of Healthcare and Family Services (Public Aid)'s liabilities, including but not limited to numbers of aid recipients, levels of medical service utilization by aid recipients, and inflation in the cost of medical services.

(3) The results of the Department's efforts to combat fraud and abuse.

(h) As provided in Section 4 of the General Assembly Compensation Act, any utility bill for service provided to a General Assembly member's district office for a period including portions of 2 consecutive fiscal years may be paid from funds appropriated for such expenditure in either fiscal year.

(i) An agency which administers a fund classified by the Comptroller as an internal service fund may issue rules for:

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(1) billing user agencies in advance for payments or authorized inter-fund transfers based on estimated charges for goods or services;

(2) issuing credits, refunding through inter-fund transfers, or reducing future inter-fund transfers during the subsequent fiscal year for all user agency payments or authorized inter-fund transfers received during the prior fiscal year which were in excess of the final amounts owed by the user agency for that period; and

(3) issuing catch-up billings to user agencies during the subsequent fiscal year for amounts remaining due when payments or authorized inter-fund transfers received from the user agency during the prior fiscal year were less than the total amount owed for that period.

User agencies are authorized to reimburse internal service funds for catch-up billings by vouchers drawn against their respective appropriations for the fiscal year in which the catch-up billing was issued or by increasing an authorized inter-fund transfer during the current fiscal year. For the purposes of this Act, "inter-fund transfers" means transfers without the use of the voucher-warrant process, as authorized by Section 9.01 of the State Comptroller Act.

(Source: P.A. 92-885, eff. 1-13-03; 93-19, eff. 6-20-03; 93-839, eff. 7-30-04; 93-841, eff. 7-30-04; revised 12-15-05.)

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(30 ILCS 105/5.113 rep.)
(30 ILCS 105/5.178 rep.)
(30 ILCS 105/5.190 rep.)
(30 ILCS 105/5.191 rep.)
(30 ILCS 105/5.193 rep.)
(30 ILCS 105/5.197 rep.)
(30 ILCS 105/5.205 rep.)
(30 ILCS 105/5.210 rep.)
(30 ILCS 105/5.218 rep.)
(30 ILCS 105/5.220 rep.)
(30 ILCS 105/5.228 rep.)
(30 ILCS 105/5.245 rep.)
(30 ILCS 105/5.246 rep.)
(30 ILCS 105/5.264 rep.)
(30 ILCS 105/5.271 rep.)
(30 ILCS 105/5.283 rep.)
(30 ILCS 105/5.285 rep.)
(30 ILCS 105/5.294 rep.)
(30 ILCS 105/5.299 rep.)
(30 ILCS 105/5.300 rep.)
(30 ILCS 105/5.301 rep.)
(30 ILCS 105/5.304 rep.)
(30 ILCS 105/5.308 rep.)
(30 ILCS 105/5.309 rep.)
(30 ILCS 105/5.311 rep.)
(30 ILCS 105/5.314 rep.)
(30 ILCS 105/5.327 rep.)
(30 ILCS 105/5.330 rep.)
(30 ILCS 105/5.335 rep.)
(30 ILCS 105/5.336 rep.)
(30 ILCS 105/5.360 (from P.A. 87-1249) rep.)
(30 ILCS 105/5.361 rep.)
(30 ILCS 105/5.363 rep.)
(30 ILCS 105/5.388 rep.)

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(30 ILCS 105/5.230 rep.)

Section 317. The State Finance Act is amended by repealing Section 5.230.

Section 320. The Illinois State Collection Act of 1986 is amended by changing Sections 5 and 10 as follows:

(30 ILCS 210/5) (from Ch. 15, par. 155)

Sec. 5. Rules; payment plans; offsets.

(a) Until July 1, 2004 for the Department of Public Aid and July 1, 2005 for Universities and all other State agencies, State agencies shall adopt rules establishing formal due dates for amounts owing to the State and for the referral of seriously past due accounts to private collection agencies, unless otherwise expressly provided by law or rule, except that on and after July 1, 2005, the Department of Employment Security may continue to refer to private collection agencies past due amounts that are exempt from subsection (g). Such procedures shall be established in accord with sound business practices.

(b) Until July 1, 2004 for the Department of Public Aid and July 1, 2005 for Universities and all other State agencies, agencies may enter deferred payment plans for debtors of the agency and documentation of this fact retained by the agency, where the deferred payment plan is likely to increase the net amount collected by the State, except that, on and after July 1, 2005, the Department of Employment Security may continue to enter deferred payment plans for debts that are exempt from subsection (g).

(c) Until July 1, 2004 for the Department of Public Aid and July 1, 2005 for Universities and all other State agencies, State agencies may use the Comptroller's Offset System provided in Section 10.05 of the State Comptroller Act for the collection of debts owed to the agency, except that, on and after July 1, 2005, the Department of Employment Security may continue to use the Comptroller's offset system to collect amounts that are exempt from subsection (g). All debts that exceed $1,000 and are more than 90 days past due shall be placed in the Comptroller's Offset

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System, unless the State agency shall have entered into a deferred payment plan or demonstrates to the Comptroller's satisfaction that referral for offset is not cost effective.

(d) State agencies shall develop internal procedures whereby agency initiated payments to its debtors may be offset without referral to the Comptroller's Offset System.

(e) State agencies or the Comptroller may remove claims from the Comptroller's Offset System, where such claims have been inactive for more than one year.

(f) State agencies may use the Comptroller's Offset System to determine if any State agency is attempting to collect debt from a contractor, bidder, or other proposed contracting party.

(g) Beginning July 1, 2004 for the Departments of Public Aid (now Healthcare and Family Services) and Employment Security and July 1, 2005 for Universities and other State agencies, State agencies shall refer to the Department of Revenue Debt Collection Bureau (the Bureau) all debt to the State, provided that the debt satisfies the requirements for referral of delinquent debt as established by rule by the Department of Revenue.

(h) The Department of Healthcare and Family Services Public Aid shall be exempt from the requirements of this Section with regard to child support debts, the collection of which is governed by the requirements of Title IV, Part D of the federal Social Security Act. The Department of Healthcare and Family Services Public Aid may refer child support debts to the Bureau, provided that the debt satisfies the requirements for referral of delinquent debt as established by rule by the Department of Revenue. The Bureau shall use all legal means available to collect child support debt, including those authorizing the Department of Revenue to collect debt and those authorizing the Department of Healthcare and Family Services Public Aid to collect debt. All such referred debt shall remain an obligation under the Department of Healthcare and Family Services' Public Aid's Child Support Enforcement Program subject to the requirements of Title IV, Part D of the federal Social Security Act, including the continued use of federally mandated enforcement remedies.
and techniques by the Department of Healthcare and Family Services Public Aid.

(h-1) The Department of Employment Security is exempt from subsection (g) with regard to debts to any federal account, including but not limited to the Unemployment Trust Fund, and penalties and interest assessed under the Unemployment Insurance Act. The Department of Employment Security may refer those debts to the Bureau, provided the debt satisfies the requirements for referral of delinquent debt as established by rule by the Department of Revenue. The Bureau shall use all legal means available to collect the debts, including those authorizing the Department of Revenue to collect debt and those authorizing the Department of Employment Security to collect debt. All referred debt shall remain an obligation to the account to which it is owed.

(i) All debt referred to the Bureau for collection shall remain the property of the referring agency. The Bureau shall collect debt on behalf of the referring agency using all legal means available, including those authorizing the Department of Revenue to collect debt and those authorizing the referring agency to collect debt.

(j) No debt secured by an interest in real property granted by the debtor in exchange for the creation of the debt shall be referred to the Bureau. The Bureau shall have no obligation to collect debts secured by an interest in real property.

(k) Beginning July 1, 2003, each agency shall collect and provide the Bureau information regarding the nature and details of its debt in such form and manner as the Department of Revenue shall require.

(l) For all debt accruing after July 1, 2003, each agency shall collect and transmit such debtor identification information as the Department of Revenue shall require.

(Source: P.A. 92-404, eff. 7-1-02; 93-570, eff. 8-20-03; revised 12-15-05.)

(30 ILCS 210/10)

Sec. 10. Department of Revenue Debt Collection Bureau to assume collection duties.

(a) The Department of Revenue's Debt Collection Bureau shall serve as the primary debt collecting entity for the State and in that role

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shall collect debts on behalf of agencies of the State. All debts owed the State of Illinois shall be referred to the Bureau, subject to such limitations as the Department of Revenue shall by rule establish. The Bureau shall utilize the Comptroller's offset system and private collection agencies, as well as its own collections personnel. The Bureau shall collect debt using all legal authority available to the Department of Revenue to collect debt and all legal authority available to the referring agency.

(b) The Bureau shall have the sole authority to let contracts with persons specializing in debt collection for the collection of debt referred to and accepted by the Bureau. Any contract with the debt collector shall specify that the collector's fee shall be on a contingency basis and that the debt collector shall not be entitled to collect a contingency fee for any debt collected through the efforts of any State offset system.

(c) The Department of Revenue shall adopt rules for the certification of debt from referring agencies and shall adopt rules for the certification of collection specialists to be employed by the Bureau.

(d) The Department of Revenue shall adopt rules for determining when a debt referred by an agency shall be deemed by the Bureau to be uncollectible.

(e) Once an agency's debt is deemed by the Bureau to be uncollectible, the Bureau shall return the debt to the referring agency which shall then write the debt off as uncollectible or return the debt to the Bureau for additional collection efforts. The Bureau shall refuse to accept debt that has been deemed uncollectible absent factual assertions from the referring agency that due to circumstances not known at the time the debt was deemed uncollectible that the debt is worthy of additional collection efforts.

(f) For each debt referred, the State agency shall retain all documents and records relating to or supporting the debt. In the event a debtor shall raise a reasonable doubt as to the validity of the debt, the Bureau may in its discretion refer the debt back to the referring agency for further review and recommendation.

(g) The Department of Healthcare and Family Services Public Aid shall be exempt from the requirements of this Section with regard to child

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support debts, the collection of which is governed by the requirements of Title IV, Part D of the federal Social Security Act. The Department of 

Healthcare and Family Services Public Aid may refer child support debts to the Bureau, provided that the debt satisfies the requirements for referral of delinquent debt as established by rule by the Department of Revenue. The Bureau shall use all legal means available to collect child support debt, including those authorizing the Department of Revenue to collect debt and those authorizing the Department of Healthcare and Family Services Public Aid to collect debt. All such referred debt shall remain an obligation under the Department of Healthcare and Family Services Public Aid's Child Support Enforcement Program subject to the requirements of Title IV, Part D of the federal Social Security Act, including the continued use of federally mandated enforcement remedies and techniques by the Department of Healthcare and Family Services Public Aid.

(g-1) The Department of Employment Security is exempt from subsection (a) with regard to debts to any federal account, including but not limited to the Unemployment Trust Fund, and penalties and interest assessed under the Unemployment Insurance Act. The Department of Employment Security may refer those debts to the Bureau, provided the debt satisfies the requirements for referral of delinquent debt as established by rule by the Department of Revenue. The Bureau shall use all legal means available to collect the debts, including those authorizing the Department of Revenue to collect debt and those authorizing the Department of Employment Security to collect debt. All referred debt shall remain an obligation to the account to which it is owed.

(h) The Debt Collection Fund is created as a special fund in the State treasury. Debt collection contractors under this Act shall receive a contingency fee as provided by the terms of their contracts with the Department of Revenue. Thereafter, 20% of all amounts collected by the Bureau, excluding amounts collected on behalf of the Departments of Healthcare and Family Services (formerly Public Aid) and Revenue, shall be deposited into the Debt Collection Fund. All remaining amounts collected shall be deposited into the General Revenue Fund unless the

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funds are owed to any State fund or funds other than the General Revenue Fund. Moneys in the Debt Collection Fund shall be appropriated only for the administrative costs of the Bureau. On the last day of each fiscal year, unappropriated moneys and moneys otherwise deemed unneeded for the next fiscal year remaining in the Debt Collection Fund may be transferred into the General Revenue Fund at the Governor's reasonable discretion. The provisions of this subsection do not apply to debt that is exempt from subsection (a) pursuant to subsection (g-1) or child support debt referred to the Bureau by the Department of Healthcare and Family Services (formerly Department of Public Aid) pursuant to this amendatory Act of the 93rd General Assembly. Collections arising from referrals from the Department of Healthcare and Family Services (formerly Department of Public Aid) shall be deposited into such fund or funds as the Department of Healthcare and Family Services Public Aid shall direct, in accordance with the requirements of Title IV, Part D of the federal Social Security Act, applicable provisions of State law, and the rules of the Department of Healthcare and Family Services Public Aid. Collections arising from referrals from the Department of Employment Security shall be deposited into the fund or funds that the Department of Employment Security shall direct, in accordance with the requirements of Section 3304(a)(3) of the federal Unemployment Tax Act, Section 303(a)(4) of the federal Social Security Act, and the Unemployment Insurance Act.

(i) The Attorney General and the State Comptroller may assist in the debt collection efforts of the Bureau, as requested by the Department of Revenue.

(j) The Director of Revenue shall report annually to the General Assembly and State Comptroller upon the debt collection efforts of the Bureau. Each report shall include an analysis of the overdue debts owed to the State.

(k) The Department of Revenue shall adopt rules and procedures for the administration of this amendatory Act of the 93rd General Assembly. The rules shall be adopted under the Department of Revenue's emergency rulemaking authority within 90 days following the effective
date of this amendatory Act of the 93rd General Assembly due to the budget crisis threatening the public interest.

(l) The Department of Revenue's Debt Collection Bureau's obligations under this Section 10 shall be subject to appropriation by the General Assembly.

(Source: P.A. 93-570, eff. 8-20-03; revised 12-15-05.)

Section 325. The Public Funds Investment Act is amended by changing Section 6 as follows:

(30 ILCS 235/6) (from Ch. 85, par. 906)

Sec. 6. Report of financial institutions.

(a) No bank shall receive any public funds unless it has furnished the corporate authorities of a public agency submitting a deposit with copies of the last two sworn statements of resources and liabilities which the bank is required to furnish to the Commissioner of Banks and Real Estate or to the Comptroller of the Currency. Each bank designated as a depository for public funds shall, while acting as such depository, furnish the corporate authorities of a public agency with a copy of all statements of resources and liabilities which it is required to furnish to the Commissioner of Banks and Real Estate or to the Comptroller of the Currency; provided, that if such funds or moneys are deposited in a bank, the amount of all such deposits not collateralized or insured by an agency of the federal government shall not exceed 75% of the capital stock and surplus of such bank, and the corporate authorities of a public agency submitting a deposit shall not be discharged from responsibility for any funds or moneys deposited in any bank in excess of such limitation.

(b) No savings bank or savings and loan association shall receive public funds unless it has furnished the corporate authorities of a public agency submitting a deposit with copies of the last 2 sworn statements of resources and liabilities which the savings bank or savings and loan association is required to furnish to the Commissioner of Banks and Real Estate or the Federal Deposit Insurance Corporation. Each savings bank or savings and loan association designated as a depository for public funds shall, while acting as such depository, furnish the corporate authorities of a public agency with a copy of all statements of resources and liabilities.
which it is required to furnish to the Commissioner of Banks and Real
Estate or the Federal Deposit Insurance Corporation; provided, that if such
funds or moneys are deposited in a savings bank or savings and loan
association, the amount of all such deposits not collateralized or insured by
an agency of the federal government shall not exceed 75% of the net worth
of such savings bank or savings and loan association as defined by the
Federal Deposit Insurance Corporation, and the corporate authorities of a
public agency submitting a deposit shall not be discharged from
responsibility for any funds or moneys deposited in any savings bank or
savings and loan association in excess of such limitation.

(c) No credit union shall receive public funds unless it has
furnished the corporate authorities of a public agency submitting a share
deposit with copies of the last two reports of examination prepared by or
submitted to the Illinois Department of Financial Institutions or the
National Credit Union Administration. Each credit union designated as a
depository for public funds shall, while acting as such depository, furnish
the corporate authorities of a public agency with a copy of all reports of
examination prepared by or furnished to the Illinois Department of
Financial Institutions or the National Credit Union Administration;
provided that if such funds or moneys are invested in a credit union
account, the amount of all such investments not collateralized or insured
by an agency of the federal government or other approved share insurer
shall not exceed 50% of the unimpaired capital and surplus of such credit
union, which shall include shares, reserves and undivided earnings and the
corporate authorities of a public agency making an investment shall not be
discharged from responsibility for any funds or moneys invested in a credit
union in excess of such limitation.

(d) Whenever a public agency deposits any public funds in a
financial institution, the public agency may enter into an agreement with
the financial institution requiring any funds not insured by the Federal
Deposit Insurance Corporation or the National Credit Union Administration or other approved share insurer to be collateralized by any
of the following classes of securities, provided there has been no default in
the payment of principal or interest thereon:

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(1) Bonds, notes, or other securities constituting direct and general obligations of the United States, the bonds, notes, or other securities constituting the direct and general obligation of any agency or instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States, and bonds, notes, or other securities or evidence of indebtedness constituting the obligation of a U.S. agency or instrumentality.

(2) Direct and general obligation bonds of the State of Illinois or of any other state of the United States.

(3) Revenue bonds of this State or any authority, board, commission, or similar agency thereof.

(4) Direct and general obligation bonds of any city, town, county, school district, or other taxing body of any state, the debt service of which is payable from general ad valorem taxes.

(5) Revenue bonds of any city, town, county, or school district of the State of Illinois.

(6) Obligations issued, assumed, or guaranteed by the International Finance Corporation, the principal of which is not amortized during the life of the obligation, but no such obligation shall be accepted at more than 90% of its market value.

(7) Illinois Affordable Housing Program Trust Fund Bonds or Notes as defined in and issued pursuant to the Illinois Housing Development Act.

(8) In an amount equal to at least market value of that amount of funds deposited exceeding the insurance limitation provided by the Federal Deposit Insurance Corporation or the National Credit Union Administration or other approved share insurer: (i) securities, (ii) mortgages, (iii) letters of credit issued by a Federal Home Loan Bank, or (iv) loans covered by a State Guarantee under the Illinois Farm Development Act, if that guarantee has been assumed by the Illinois Finance Authority under Section 845-75 of the Illinois Finance Authority Act, and
loans covered by a State Guarantee under Article 830 of the Illinois Finance Authority Act.

(9) Certificates of deposit or share certificates issued to the depository institution pledging them as security. The public agency may require security in the amount of 125% of the value of the public agency deposit. Such certificate of deposit or share certificate shall:

(i) be fully insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Share Insurance Fund or issued by a depository institution which is rated within the 3 highest classifications established by at least one of the 2 standard rating services;

(ii) be issued by a financial institution having assets of $15,000,000 or more; and

(iii) be issued by either a savings and loan association having a capital to asset ratio of at least 2%, by a bank having a capital to asset ratio of at least 6% or by a credit union having a capital to asset ratio of at least 4%.

The depository institution shall effect the assignment of the certificate of deposit or share certificate to the public agency and shall agree that, in the event the issuer of the certificate fails to maintain the capital to asset ratio required by this Section, such certificate of deposit or share certificate shall be replaced by additional suitable security.

(e) The public agency may accept a system established by the State Treasurer to aggregate permissible securities received as collateral from financial institutions in a collateral pool to secure public deposits of the institutions that have pledged securities to the pool.

(f) The public agency may at any time declare any particular security ineligible to qualify as collateral when, in the public agency's judgment, it is deemed desirable to do so.

(g) Notwithstanding any other provision of this Section, as security a public agency may, at its discretion, accept a bond, executed by a company authorized to transact the kinds of business described in clause

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(g) of Section 4 of the Illinois Insurance Code, in an amount not less than the amount of the deposits required by this Section to be secured, payable to the public agency for the benefit of the People of the unit of government, in a form that is acceptable to the public agency Finance Authority.

(h) Paragraphs (a), (b), (c), (d), (e), (f), and (g) of this Section do not apply to the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the Cooperative Computer Center and public community colleges.

(Source: P.A. 93-205, eff. 1-1-04; 93-561, eff. 1-1-04; revised 1-14-04.)

Section 330. The State Employee Illinois Workers' Compensation Commission Awards Act is amended by changing Section 5 as follows:

Sec. 5. Federal funds for compensation of certain State employees. The State Treasurer, ex officio, may receive from the State Department of Healthcare and Family Services Public Aid and the Department of Human Services (as successor to the Department of Public Aid) any moneys which either Department has received or shall receive from the federal government for the payment of compensation awards for injuries or death suffered by any person during the course of his or her employment by the Department of Healthcare and Family Services (formerly the State Department of Public Aid) or the County Department of Public Aid or the Department of Human Services (as successor to the Illinois Department of Public Aid) or upon any project entered into between the Department of Healthcare and Family Services (formerly the State Department of Public Aid) or the Department of Human Services (as successor to the Illinois Department of Public Aid) and any other department or agency of the State. Such moneys, or any part thereof may be paid over from time to time by the Department, to be held in trust by the Treasurer, ex officio, and disbursed by the Treasurer to the beneficiaries as directed by the Department.

(Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

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Section 335. The Local Government Debt Offering Act is amended by changing Section 2 as follows:

Sec. 2.

(a) "Local government" means a county, city, village, town, township, school district, and other special-purpose district, authority, or public corporation within the state and authorized by the state to issue bonds and other long-term obligations.

(b) "Governing body" means the body or board charged with exercising the legislative authority of a local government.

(c) "Department" means the Department of Commerce and Economic Opportunity.

(d) "Chief financial officer" means the comptroller, treasurer, director of finance or other local government official charged with managing the fiscal affairs of a local government.

(e) "Bonds" means debt payable more than one year after date of issue or incurrence, issued pursuant to the laws authorizing local government borrowing.

(Source: P.A. 77-1504; revised 10-11-05.)

Section 340. The Human Services Provider Bond Reserve Payment Act is amended by changing Section 10 as follows:

Sec. 10. Definitions. For the purposes of this Act:

(a) "Service provider" means any nongovernmental entity, either for-profit or not-for-profit, that enters into a contract with a State agency under which the entity is paid or reimbursed by the State for providing human services to persons in Illinois.

(b) "State agency" means the Department of Healthcare and Family Services (formerly Department of Public Aid), the Department of Public Health, the Department of Children and Family Services, the Department of Human Services, and any other department or agency of State government that enters into contracts with service providers under

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which the provider is paid or reimbursed by the State for providing human services to persons in Illinois.

(c) "Covered bond issue" means revenue bonds (i) that are issued by any agency of State or local government within this State, including without limitation bonds issued by the Illinois Finance Authority, (ii) that are to be directly or indirectly paid, in whole or in part, from payments due to a service provider under a human services contract with a State agency, and (iii) for which a debt service reserve or other reserve fund has been established, under the control of a named trustee, that the service provider is required to replenish in the event that moneys from the reserve fund are used to make payments of principal or interest on the bonds.

(Source: P.A. 93-205, eff. 1-1-04; revised 12-15-05.)

Section 345. The Illinois Unemployment Insurance Trust Fund Financing Act is amended by changing Section 8 as follows:

(30 ILCS 440/8)

Sec. 8. Continuing appropriation. This Act shall constitute an irrevocable and continuing appropriation of all amounts necessary in respect to use of Fund Building Receipts and Bond Proceeds for purposes specified in this Act, including, without limitation, for the provision for payment of principal and interest on the Bonds and other amounts due in connection with the issuance of the Bonds pursuant to this Act, to the fullest extent such appropriation is required.

(Source: P.A. 93-634, eff. 1-1-04; revised 10-14-05.)

Section 350. The Illinois Procurement Code is amended by changing Sections 35-30, 50-13, and 50-35 as follows:

(30 ILCS 500/35-30)

Sec. 35-30. Awards.

(a) All State contracts for professional and artistic services, except as provided in this Section, shall be awarded using the competitive request for proposal process outlined in this Section.

(b) For each contract offered, the chief procurement officer, State purchasing officer, or his or her designee shall use the appropriate standard solicitation forms available from the Department of Central Management Services or the higher education chief procurement officer.

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(c) Prepared forms shall be submitted to the Department of Central Management Services or the higher education chief procurement officer, whichever is appropriate, for publication in its Illinois Procurement Bulletin and circulation to the Department of Central Management Services' or the higher education chief procurement officer's list of prequalified vendors. Notice of the offer or request for proposal shall appear at least 14 days before the response to the offer is due.

(d) All interested respondents shall return their responses to the Department of Central Management Services or the higher education chief procurement officer, whichever is appropriate, which shall open and record them. The Department or higher education chief procurement officer then shall forward the responses, together with any information it has available about the qualifications and other State work of the respondents.

(e) After evaluation, ranking, and selection, the responsible chief procurement officer, State purchasing officer, or his or her designee shall notify the Department of Central Management Services or the higher education chief procurement officer, whichever is appropriate, of the successful respondent and shall forward a copy of the signed contract for the Department's or higher education chief procurement officer's file. The Department or higher education chief procurement officer shall publish the names of the responsible procurement decision-maker, the agency letting the contract, the successful respondent, a contract reference, and value of the let contract in the next appropriate volume of the Illinois Procurement Bulletin.

(f) For all professional and artistic contracts with annualized value that exceeds $25,000, evaluation and ranking by price are required. Any chief procurement officer or State purchasing officer, but not their designees, may select an offeror other than the lowest bidder by price. In any case, when the contract exceeds the $25,000 threshold and the lowest bidder is not selected, the chief procurement officer or the State purchasing officer shall forward together with the contract notice of who the low bidder was and a written decision as to why another was selected to the Department of Central Management Services or the higher

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education chief procurement officer, whichever is appropriate. The Department or higher education chief procurement officer shall publish as provided in subsection (e) of Section 35-30, but shall include notice of the chief procurement officer's or State purchasing officer's written decision.

(g) The Department of Central Management Services and higher education chief procurement officer may each refine, but not contradict, this Section by promulgating rules for submission to the Procurement Policy Board and then to the Joint Committee on Administrative Rules. Any refinement shall be based on the principles and procedures of the federal Architect-Engineer Selection Law, Public Law 92-582 Brooks Act, and the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act; except that pricing shall be an integral part of the selection process.

(Source: P.A. 90-572, eff. date - See Sec. 99-5; revised 10-19-05.)

Sec. 50-13. Conflicts of interest.

(a) Prohibition. It is unlawful for any person holding an elective office in this State, holding a seat in the General Assembly, or appointed to or employed in any of the offices or agencies of State government and who receives compensation for such employment in excess of 60% of the salary of the Governor of the State of Illinois, or who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or who is the spouse or minor child of any such person to have or acquire any contract, or any direct pecuniary interest in any contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois or in any contract of the Capital Development Board or the Illinois Toll Highway Authority.

(b) Interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) is entitled to receive (i) more than 7 1/2% of the total distributable income or (ii) an amount in excess of the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.

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(c) Combined interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) together with his or her spouse or minor children is entitled to receive (i) more than 15%, in the aggregate, of the total distributable income or (ii) an amount in excess of 2 times the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.

(c-5) Appointees and firms. In addition to any provisions of this Code, the interests of certain appointees and their firms are subject to Section 3A-35 of the Illinois Governmental Ethics Act.

(d) Securities. Nothing in this Section invalidates the provisions of any bond or other security previously offered or to be offered for sale or sold by or for the State of Illinois.

(e) Prior interests. This Section does not affect the validity of any contract made between the State and an officer or employee of the State or member of the General Assembly, his or her spouse, minor child, or other immediate family member living in his or her residence or any combination of those persons if that contract was in existence before his or her election or employment as an officer, member, or employee. The contract is voidable, however, if it cannot be completed within 365 days after the officer, member, or employee takes office or is employed.

(f) Exceptions.

(1) Public aid payments. This Section does not apply to payments made for a public aid recipient.

(2) Teaching. This Section does not apply to a contract for personal services as a teacher or school administrator between a member of the General Assembly or his or her spouse, or a State officer or employee or his or her spouse, and any school district, public community college district, the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governor State University, or Northeastern Illinois University.

(3) Ministerial duties. This Section does not apply to a contract for personal services of a wholly ministerial character,
including but not limited to services as a laborer, clerk, typist, stenographer, page, bookkeeper, receptionist, or telephone switchboard operator, made by a spouse or minor child of an elective or appointive State officer or employee or of a member of the General Assembly.

(4) Child and family services. This Section does not apply to payments made to a member of the General Assembly, a State officer or employee, his or her spouse or minor child acting as a foster parent, homemaker, advocate, or volunteer for or in behalf of a child or family served by the Department of Children and Family Services.

(5) Licensed professionals. Contracts with licensed professionals, provided they are competitively bid or part of a reimbursement program for specific, customary goods and services through the Department of Children and Family Services, the Department of Human Services, the Department of Healthcare and Family Services, the Department of Public Aid, the Department of Public Health, or the Department on Aging.

(g) Penalty. A person convicted of a violation of this Section is guilty of a business offense and shall be fined not less than $1,000 nor more than $5,000.

(Source: P.A. 93-615, eff. 11-19-03; revised 12-15-05.)

(30 ILCS 500/50-35)
Sec. 50-35. Disclosure and potential conflicts of interest.
(a) All offers from responsive bidders or offerors with an annual value of more than $10,000 shall be accompanied by disclosure of the financial interests of the contractor, bidder, or proposer. The financial disclosure of each successful bidder or offeror shall become part of the publicly available contract or procurement file maintained by the appropriate chief procurement officer.

(b) Disclosure by the responsive bidders or offerors shall include any ownership or distributive income share that is in excess of 5%, or an amount greater than 60% of the annual salary of the Governor, of the bidding entity or its parent entity, whichever is less, unless the contractor

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or bidder (i) is a publicly traded entity subject to Federal 10K reporting, in which case it may submit its 10K disclosure in place of the prescribed disclosure, or (ii) is a privately held entity that is exempt from Federal 10k reporting but has more than 400 shareholders, in which case it may submit the information that Federal 10k reporting companies are required to report under 17 CFR 229.401 and list the names of any person or entity holding any ownership share that is in excess of 5% in place of the prescribed disclosure. The form of disclosure shall be prescribed by the applicable chief procurement officer and must include at least the names, addresses, and dollar or proportionate share of ownership of each person identified in this Section, their instrument of ownership or beneficial relationship, and notice of any potential conflict of interest resulting from the current ownership or beneficial relationship of each person identified in this Section having in addition any of the following relationships:

(1) State employment, currently or in the previous 3 years, including contractual employment of services.

(2) State employment of spouse, father, mother, son, or daughter, including contractual employment for services in the previous 2 years.

(3) Elective status; the holding of elective office of the State of Illinois, the government of the United States, any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois currently or in the previous 3 years.

(4) Relationship to anyone holding elective office currently or in the previous 2 years; spouse, father, mother, son, or daughter.

(5) Appointive office; the holding of any appointive government office of the State of Illinois, the United States of America, or any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois, which office entitles the holder to compensation in excess of expenses incurred in the discharge of that office currently or in the previous 3 years.

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(6) Relationship to anyone holding appointive office currently or in the previous 2 years; spouse, father, mother, son, or daughter.

(7) Employment, currently or in the previous 3 years, as or by any registered lobbyist of the State government.

(8) Relationship to anyone who is or was a registered lobbyist in the previous 2 years; spouse, father, mother, son, or daughter.

(9) Compensated employment, currently or in the previous 3 years, by any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.

(10) Relationship to anyone; spouse, father, mother, son, or daughter; who is or was a compensated employee in the last 2 years of any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.

(c) The disclosure in subsection (b) is not intended to prohibit or prevent any contract. The disclosure is meant to fully and publicly disclose any potential conflict to the chief procurement officers, State purchasing officers, their designees, and executive officers so they may adequately discharge their duty to protect the State.

(d) In the case of any contract for personal services in excess of $50,000; any contract competitively bid in excess of $250,000; any other contract in excess of $50,000; when a potential for a conflict of interest is identified, discovered, or reasonably suspected it shall be reviewed and commented on in writing by the Governor of the State of Illinois, or by an executive ethics board or commission he or she might designate. The comment shall be returned to the responsible chief procurement officer who must rule in writing whether to void or allow the contract, bid, offer, or proposal weighing the best interest of the State of Illinois. The comment

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and determination shall become a publicly available part of the contract, bid, or proposal file.

(e) These thresholds and disclosure do not relieve the chief procurement officer, the State purchasing officer, or their designees from reasonable care and diligence for any contract, bid, offer, or proposal. The chief procurement officer, the State purchasing officer, or their designees shall be responsible for using any reasonably known and publicly available information to discover any undisclosed potential conflict of interest and act to protect the best interest of the State of Illinois.

(f) Inadvertent or accidental failure to fully disclose shall render the contract, bid, proposal, or relationship voidable by the chief procurement officer if he or she deems it in the best interest of the State of Illinois and, at his or her discretion, may be cause for barring from future contracts, bids, proposals, or relationships with the State for a period of up to 2 years.

(g) Intentional, willful, or material failure to disclose shall render the contract, bid, proposal, or relationship voidable by the chief procurement officer if he or she deems it in the best interest of the State of Illinois and shall result in debarment from future contracts, bids, proposals, or relationships for a period of not less than 2 years and not more than 10 years. Reinstatement after 2 years and before 10 years must be reviewed and commented on in writing by the Governor of the State of Illinois, or by an executive ethics board or commission he or she might designate. The comment shall be returned to the responsible chief procurement officer who must rule in writing whether and when to reinstate.

(h) In addition, all disclosures shall note any other current or pending contracts, proposals, leases, or other ongoing procurement relationships the bidding, proposing, or offering entity has with any other unit of State government and shall clearly identify the unit and the contract, proposal, lease, or other relationship.

(Source: P.A. 90-572, eff. 2-6-98; 91-146, eff. 7-16-99; revised 10-19-05.)

New matter indicated by italics - deletions by strikeout
Section 355. The State Property Control Act is amended by changing Section 1.02 as follows:

(30 ILCS 605/1.02) (from Ch. 127, par. 133b3)

Sec. 1.02. "Property" means State owned property and includes all real estate, with the exception of rights of way for State water resource and highway improvements, traffic signs and traffic signals, and with the exception of common school property; and all tangible personal property with the exception of properties specifically exempted by the administrator, provided that any property originally classified as real property which has been detached from its structure shall be classified as personal property.

"Property" does not include property owned by the Illinois Medical District Commission and leased or occupied by others for purposes permitted under the Illinois Medical District Act. "Property" also does not include property owned and held by the Illinois Medical District Commission for redevelopment.

"Property" does not include property described under Section 5 of Public Act 92-371 with respect to depositing the net proceeds from the sale or exchange of the property as provided in Section 10 of that Act.

"Property" does not include that property described under Section 5 of Public Act 94-405 this amendatory Act of the 94th General Assembly.

(Source: P.A. 94-405, eff. 8-2-05; revised 8-31-05.)

Section 360. The State Facilities Closure Act is amended by changing Section 5-1 as follows:

(30 ILCS 608/5-1)

Sec. 5-1. Short title. This Article Act may be cited as the State Facilities Closure Act. All references in this Article to "this Act" mean this Article. (Source: P.A. 93-839, eff. 7-30-04; revised 11-5-04.)

Section 365. The Build Illinois Act is amended by changing Section 9-4.2 as follows:

(30 ILCS 750/9-4.2) (from Ch. 127, par. 2709-4.2)

Sec. 9-4.2. Illinois Capital Revolving Loan Fund.

New matter indicated by italics - deletions by strikeout
(a) There is hereby created the Illinois Capital Revolving Loan Fund, hereafter referred to in this Article as the "Capital Fund" to be held as a separate fund within the State Treasury.

The purpose of the Capital Fund is to finance intermediary agreements, administration, technical assistance agreements, loans, grants, or investments in Illinois. In addition, funds may be used for a one time transfer in fiscal year 1994, not to exceed the amounts appropriated, to the Public Infrastructure Construction Loan Revolving Fund for grants and loans pursuant to the Public Infrastructure Loan and Grant Program Act. Investments, administration, grants, and financial aid shall be used for the purposes set for in this Article. Loan financing will be in the form of loan agreements pursuant to the terms and conditions set forth in this Article. All loans shall be conditioned on the project receiving financing from participating lenders or other investors. Loan proceeds shall be available for project costs, except for debt refinancing.

(b) There shall be deposited in the Capital Fund such amounts, including but not limited to:

(i) All receipts, including dividends, principal and interest payments and royalties, from any applicable loan, intermediary, or technical assistance agreement made from the Capital Fund or from direct appropriations from the Build Illinois Bond Fund or the Build Illinois Purposes Fund (now abolished) or the General Revenue Fund by the General Assembly entered into by the Department;

(ii) All proceeds of assets of whatever nature received by the Department as a result of default or delinquency with respect to loan agreements made from the Capital Fund or from direct appropriations by the General Assembly, including proceeds from the sale, disposal, lease or rental of real or personal property which the Department may receive as a result thereof;

(iii) Any appropriations, grants or gifts made to the Capital Fund;

(iv) Any income received from interest on investments of moneys in the Capital Fund;

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(v) All moneys resulting from the collection of premiums, fees, charges, costs, and expenses described in subsection (e) of Section 9-3.

(c) The Treasurer may invest moneys in the Capital Fund in securities constituting obligations of the United States Government, or in obligations the principal of and interest on which are guaranteed by the United States Government, in obligations the principal of and interest on which are guaranteed by the United States Government, or in certificates of deposit of any State or national bank which are fully secured by obligations guaranteed as to principal and interest by the United States Government.

(Source: P.A. 94-91, eff. 7-1-05; 94-392, eff. 8-1-05; revised 8-19-05.)

Section 370. The Excellence in Academic Medicine Act is amended by changing Sections 65 and 74 as follows:

(30 ILCS 775/65)

Sec. 65. Reporting requirements. On or before May 1 of each year, the chief executive officer of each Qualified Academic Medical Center Hospital shall submit a report to the Comptroller regarding the effects of the programs authorized by this Act. The report shall also report the total amount of grants from and contracts with the National Institutes of Health in the preceding calendar year. It shall assess whether the programs funded are likely to be successful, require further study, or no longer appear to be promising avenues of research. It shall discuss the probable use of the developmental program in mainstream medicine including both cost impact and medical effect. The report shall address the effects the programs may have on containing Title XIX and Title XXI costs in Illinois. The Comptroller shall immediately forward the report to the Director of Healthcare and Family Services Public Aid and the Director of Public Health who shall evaluate the contents in a letter submitted to the President of the Senate and the Speaker of the House of Representatives.

(Source: P.A. 92-10, eff. 6-11-01; revised 12-15-05.)

(30 ILCS 775/74)

Sec. 74. Reimbursement methodology. The Department of Healthcare and Family Services Public Aid may develop a reimbursement
methodology consistent with this Act for distribution of moneys from the funds in a manner that would allow distributions from these funds to be matchable under Title XIX of the Social Security Act. The Department may promulgate rules necessary to make these distributions matchable.

(Source: P.A. 89-506, eff. 7-3-96; revised 12-15-05.)

Section 375. The State Mandates Act is amended by setting forth, renumbering, and changing multiple versions of Section 8.25 and by changing Sections 8.27, 8.28, 8.29, and 8.30 as follows:

(30 ILCS 805/8.25)

Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by Public Act 92-36, 92-50, 92-52, 92-53, 92-166, 92-281, 92-382, 92-388, 92-416, 92-424, or 92-465.

(Source: P.A. 92-36, eff. 6-28-01; 92-50, eff. 7-12-01; 92-52, eff. 7-12-01; 92-53, eff. 7-12-01; 92-166, eff. 1-1-02; 92-281, eff. 8-7-01; 92-382, eff. 8-16-01; 92-388, eff. 1-1-02; 92-416, eff. 8-17-01; 92-424, eff. 8-17-01; 92-465, eff. 1-1-02; 92-651, eff. 7-11-02.)

(30 ILCS 805/8.26)

Sec. 8.26. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by Public Act 92-505, 92-533, 92-599, 92-602, 92-609, 92-616, 92-631, 92-705, 92-733, 92-767, 92-779, 92-844, or 92-846. this amendatory Act of the 92nd General Assembly.

(Source: P.A. 92-505, eff. 12-20-01; 92-533, eff. 3-14-02; 92-599, eff. 6-28-02; 92-602, eff. 7-1-02; 92-609, eff. 7-1-02; 92-616, eff. 7-8-02; 92-631, eff. 7-11-02; 92-705, eff. 7-19-02; 92-733, eff. 7-25-02; 92-767, eff. 8-6-02; 92-779, eff. 8-6-02; 92-844, eff. 8-23-02; 92-846, eff. 8-23-02; revised 10-25-02.)

(30 ILCS 805/8.27)

Sec. 8.27. Exempt mandate.

(a) Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by Public Act 93-3, 93-19, 93-42, 93-119, 93-123, 93-146, 93-206, 93-209, 93-226, 93-282, 93-314, 93-334, 93-377, 93-378,

New matter indicated by italics - deletions by strikeout
(a) Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by Public Act 93-654, 93-677, 93-679, 93-689, 93-734, 93-753, 93-910, 93-917, 93-1036, 93-1038, 93-1079, or 93-1090 this amendatory Act of the 93rd General Assembly.

(b) Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by the Senior Citizens Assessment Freeze Homestead Exemption under Section 15-172 of the Property Tax Code, the General Homestead Exemption under Section 15-175 of the Property Tax Code, the alternative General Homestead Exemption under Section 15-176 of the Property Tax Code, the Homestead Improvements Exemption under Section 15-180 of the Property Tax Code, and by Public Act 93-715 this amendatory Act of the 93rd General Assembly.

(Source: P.A. 93-654, eff. 1-16-04; 93-677, eff. 6-28-04; 93-679, eff. 6-30-04; 93-689, eff. 7-1-04; 93-715, eff. 7-12-04; 93-734, eff. 7-14-04; 93-753, eff. 7-16-04; 93-910, eff. 1-1-05; 93-917, eff. 8-12-04; 93-1036, 93-1038, 93-1079, or 93-1090 this amendatory Act of the 93rd General Assembly.

Sec. 8.28. Exempt mandate.

(a) Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by Public Act 93-654, 93-677, 93-679, 93-689, 93-734, 93-753, 93-910, 93-917, 93-1036, 93-1038, 93-1079, or 93-1090 this amendatory Act of the 93rd General Assembly.

(b) Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by the Senior Citizens Assessment Freeze Homestead Exemption under Section 15-172 of the Property Tax Code, the General Homestead Exemption under Section 15-175 of the Property Tax Code, the alternative General Homestead Exemption under Section 15-176 of the Property Tax Code, the Homestead Improvements Exemption under Section 15-180 of the Property Tax Code, and by Public Act 93-715 this amendatory Act of the 93rd General Assembly.

(Source: P.A. 93-654, eff. 1-16-04; 93-677, eff. 6-28-04; 93-679, eff. 6-30-04; 93-689, eff. 7-1-04; 93-715, eff. 7-12-04; 93-734, eff. 7-14-04; 93-753, eff. 7-16-04; 93-910, eff. 1-1-05; 93-917, eff. 8-12-04; 93-1036,
Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by Public Act 94-4, 94-210, 94-234, 94-354, 94-478, 94-576, 94-600, 94-612, 94-621, 94-624, 94-639, 94-645, 94-712, 94-714, 94-719, or 94-724 this amendatory Act of the 94th General Assembly.

(Source: P.A. 94-4, eff. 6-1-05; 94-210, eff. 7-14-05; 94-234, eff. 7-1-06; 94-354, eff. 1-1-06; 94-478, eff. 8-5-05; 94-576, eff. 8-12-05; 94-600, eff. 8-16-05; 94-612, eff. 8-18-05; 94-621, eff. 8-18-05; 94-624, eff. 8-18-05; 94-639, eff. 8-22-05; 94-645, eff. 8-22-05; 94-712, eff. 6-1-06; 94-714, eff. 7-1-06; 94-719, eff. 1-6-06; 94-724, eff. 1-20-06; revised 1-23-06.)

(30 ILCS 805/8.30)

Sec. 8.30. Exempt mandate.

(a) Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by Public Act 94-750, 94-792, 94-794, 94-806, 94-823, 94-834, 94-856, 94-875, 94-933, or 94-1055 this amendatory Act of the 94th General Assembly.

(b) Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by the Volunteer Emergency Worker Higher Education Protection Act.

(Source: P.A. 94-750, eff. 5-9-06; 94-792, eff. 5-19-06; 94-794, eff. 5-22-06; 94-806, eff. 1-1-07; 94-823, eff. 1-1-07; 94-834, eff. 6-6-06; 94-856, eff. 6-15-06; 94-875, eff. 7-1-06; 94-933, eff. 6-26-06; 94-957, eff. 7-1-06; 94-1055, eff. 1-1-07; revised 8-22-06.)

Section 380. The Illinois Income Tax Act is amended by changing Sections 203, 205, 509, 510, and 917 and by setting forth, renumbering, and changing multiple versions of Sections 507X, 507Y, and 507EE as follows:

(35 ILCS 5/203) (from Ch. 120, par. 2-203)

New matter indicated by italics - deletions by strikeout
Sec. 203. Base income defined.

(a) Individuals.

(1) In general. In the case of an individual, base income means an amount equal to the taxpayer's adjusted gross income for the taxable year as modified by paragraph (2).

(2) Modifications. The adjusted gross income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

   (A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of adjusted gross income, except stock dividends of qualified public utilities described in Section 305(e) of the Internal Revenue Code;

   (B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of adjusted gross income for the taxable year;

   (C) An amount equal to the amount received during the taxable year as a recovery or refund of real property taxes paid with respect to the taxpayer's principal residence under the Revenue Act of 1939 and for which a deduction was previously taken under subparagraph (L) of this paragraph (2) prior to July 1, 1991, the retrospective application date of Article 4 of Public Act 87-17. In the case of multi-unit or multi-use structures and farm dwellings, the taxes on the taxpayer's principal residence shall be that portion of the total taxes for the entire property which is attributable to such principal residence;

   (D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of adjusted gross income;

   (D-5) An amount, to the extent not included in adjusted gross income, equal to the amount of money
withdrawn by the taxpayer in the taxable year from a medical care savings account and the interest earned on the account in the taxable year of a withdrawal pursuant to subsection (b) of Section 20 of the Medical Care Savings Account Act or subsection (b) of Section 20 of the Medical Care Savings Account Act of 2000;

(D-10) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the individual deducted in computing adjusted gross income and for which the individual claims a credit under subsection (l) of Section 201;

(D-15) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code;

(D-16) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (Z) with respect to that property.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (Z), then an amount equal to that subtraction modification.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

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(D-17) For taxable years ending on or after December 31, 2004, an amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

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(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(D-18) For taxable years ending on or after December 31, 2004, an amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a foreign
person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence does not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(a)(2)(D-17) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes (1) expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets.

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is

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subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and

(b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department

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and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(D-20) For taxable years beginning on or after January 1, 2002, in the case of a distribution from a qualified tuition program under Section 529 of the Internal Revenue Code, other than (i) a distribution from a College Savings Pool created under Section 16.5 of the State Treasurer Act or (ii) a distribution from the Illinois Prepaid Tuition Trust Fund, an amount equal to the amount excluded from gross income under Section 529(c)(3)(B);

and by deducting from the total so obtained the sum of the following amounts:

(E) For taxable years ending before December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being on active duty in the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 1971 or thereafter for annual training performed pursuant to Sections 502 and 503, Title 32, United States Code as a member of the Illinois National Guard. For taxable years ending on or after December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being a member of any component of the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action.
action, and in respect of any compensation paid to a resident in 2001 or thereafter by reason of being a member of the Illinois National Guard. The provisions of this amendatory Act of the 92nd General Assembly are exempt from the provisions of Section 250;

(F) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the Internal Revenue Code, or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(G) The valuation limitation amount;

(H) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(I) An amount equal to all amounts included in such total pursuant to the provisions of Section 111 of the Internal Revenue Code as a recovery of items previously deducted from adjusted gross income in the computation of taxable income;

(J) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act or a River Edge Redevelopment Zone or zones created under the River Edge Redevelopment Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones or a River Edge Redevelopment Zone or zones. This subparagraph (J) is exempt from the provisions of Section 250;
(K) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (J) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (K);

(L) For taxable years ending after December 31, 1983, an amount equal to all social security benefits and railroad retirement benefits included in such total pursuant to Sections 72(r) and 86 of the Internal Revenue Code;

(M) With the exception of any amounts subtracted under subparagraph (N), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(N) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;
(O) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) An amount equal to any amounts included in such total, received by the taxpayer as an acceleration in the payment of life, endowment or annuity benefits in advance of the time they would otherwise be payable as an indemnity for a terminal illness;

(R) An amount equal to the amount of any federal or State bonus paid to veterans of the Persian Gulf War;

(S) An amount, to the extent included in adjusted gross income, equal to the amount of a contribution made in the taxable year on behalf of the taxpayer to a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 to the extent the contribution is accepted by the account administrator as provided in that Act;

(T) An amount, to the extent included in adjusted gross income, equal to the amount of interest earned in the taxable year on a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 on behalf of the taxpayer, other than interest added pursuant to item (D-5) of this paragraph (2);

(U) For one taxable year beginning on or after January 1, 1994, an amount equal to the total amount of tax imposed and paid under subsections (a) and (b) of Section 201 of this Act on grant amounts received by the taxpayer.
under the Nursing Home Grant Assistance Act during the taxpayer's taxable years 1992 and 1993;

(V) Beginning with tax years ending on or after December 31, 1995 and ending with tax years ending on or before December 31, 2004, an amount equal to the amount paid by a taxpayer who is a self-employed taxpayer, a partner of a partnership, or a shareholder in a Subchapter S corporation for health insurance or long-term care insurance for that taxpayer or that taxpayer's spouse or dependents, to the extent that the amount paid for that health insurance or long-term care insurance may be deducted under Section 213 of the Internal Revenue Code of 1986, has not been deducted on the federal income tax return of the taxpayer, and does not exceed the taxable income attributable to that taxpayer's income, self-employment income, or Subchapter S corporation income; except that no deduction shall be allowed under this item (V) if the taxpayer is eligible to participate in any health insurance or long-term care insurance plan of an employer of the taxpayer or the taxpayer's spouse. The amount of the health insurance and long-term care insurance subtracted under this item (V) shall be determined by multiplying total health insurance and long-term care insurance premiums paid by the taxpayer times a number that represents the fractional percentage of eligible medical expenses under Section 213 of the Internal Revenue Code of 1986 not actually deducted on the taxpayer's federal income tax return;

(W) For taxable years beginning on or after January 1, 1998, all amounts included in the taxpayer's federal gross income in the taxable year from amounts converted from a regular IRA to a Roth IRA. This paragraph is exempt from the provisions of Section 250;

(X) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent

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includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250;

(Y) For taxable years beginning on or after January 1, 2002 and ending on or before December 31, 2004, moneys contributed in the taxable year to a College Savings Pool account under Section 16.5 of the State Treasurer Act, except that amounts excluded from gross income under Section 529(c)(3)(C)(i) of the Internal Revenue Code shall
not be considered moneys contributed under this subparagraph (Y). For taxable years beginning on or after January 1, 2005, a maximum of $10,000 contributed in the taxable year to (i) a College Savings Pool account under Section 16.5 of the State Treasurer Act or (ii) the Illinois Prepaid Tuition Trust Fund, except that amounts excluded from gross income under Section 529(c)(3)(C)(i) of the Internal Revenue Code shall not be considered moneys contributed under this subparagraph (Y). This subparagraph (Y) is exempt from the provisions of Section 250;

(Z) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction;

(2) for taxable years ending on or before December 31, 2005, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

(3) for taxable years ending after December 31, 2005:

(i) for property on which a bonus depreciation deduction of 30% of the adjusted basis was taken, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and
(ii) for property on which a bonus depreciation deduction of 50% of the adjusted basis was taken, "x" equals "y" multiplied by 1.0.

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This subparagraph (Z) is exempt from the provisions of Section 250;

(AA) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to that addition modification.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

This subparagraph (AA) is exempt from the provisions of Section 250;

(BB) Any amount included in adjusted gross income, other than salary, received by a driver in a ridesharing arrangement using a motor vehicle;

(CC) The amount of (i) any interest income (net of the deductions allocable thereto) taken into account for the

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taxable year with respect to a transaction with a taxpayer
that is required to make an addition modification with
respect to such transaction under Section 203(a)(2)(D-17),
203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but
not to exceed the amount of that addition modification, and
(ii) any income from intangible property (net of the
deductions allocable thereto) taken into account for the
taxable year with respect to a transaction with a taxpayer
that is required to make an addition modification with
respect to such transaction under Section 203(a)(2)(D-18),
203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but
not to exceed the amount of that addition modification;

(DD) An amount equal to the interest income taken
into account for the taxable year (net of the deductions
allocable thereto) with respect to transactions with a foreign
person who would be a member of the taxpayer's unitary
business group but for the fact that the foreign person's
business activity outside the United States is 80% or more
of that person's total business activity, but not to exceed the
addition modification required to be made for the same
taxable year under Section 203(a)(2)(D-17) for interest
paid, accrued, or incurred, directly or indirectly, to the same
foreign person; and

(EE) An amount equal to the income from
intangible property taken into account for the taxable year
(net of the deductions allocable thereto) with respect to
transactions with a foreign person who would be a member
of the taxpayer's unitary business group but for the fact that
the foreign person's business activity outside the United
States is 80% or more of that person's total business
activity, but not to exceed the addition modification
required to be made for the same taxable year under Section
203(a)(2)(D-18) for intangible expenses and costs paid,
accrued, or incurred, directly or indirectly, to the same foreign person.

(b) Corporations.

(1) In general. In the case of a corporation, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest and all distributions received from regulated investment companies during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(C) In the case of a regulated investment company, an amount equal to the excess of (i) the net long-term capital gain for the taxable year, over (ii) the amount of the capital gain dividends designated as such in accordance with Section 852(b)(3)(C) of the Internal Revenue Code and any amount designated under Section 852(b)(3)(D) of the Internal Revenue Code, attributable to the taxable year (this amendatory Act of 1995 (Public Act 89-89) is declarative of existing law and is not a new enactment);

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E)
of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such earlier taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(E-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the corporation deducted in computing adjusted gross income and for which the corporation claims a credit under subsection (l) of Section 201;

(E-10) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction taken on the taxpayer's federal income tax return for the taxable year
under subsection (k) of Section 168 of the Internal Revenue Code; and

(E-11) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (T) with respect to that property.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (T), then an amount equal to that subtraction modification.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(E-12) For taxable years ending on or after December 31, 2004, an amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact the foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in

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gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if

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the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(E-13) For taxable years ending on or after December 31, 2004, an amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence shall not

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apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(b)(2)(E-12) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes (1) expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets.

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and

(b) the transaction giving rise to the intangible expense or cost between the

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taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

and by deducting from the total so obtained the sum of the following amounts:

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to any amount included in such total under Section 78 of the Internal Revenue Code;

(H) In the case of a regulated investment company, an amount equal to the amount of exempt interest dividends as defined in subsection (b) (5) of Section 852 of the Internal Revenue Code, paid to shareholders for the taxable year;

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(I) With the exception of any amounts subtracted under subparagraph (J), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2), and 265(a)(2) and amounts disallowed as interest expense by Section 291(a)(3) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(a)(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(J) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act or a River Edge Redevelopment Zone or zones created under the River Edge Redevelopment Zone Act and conducts substantially all of its operations in an Enterprise Zone or zones or a River Edge Redevelopment Zone or zones. This subparagraph (K) is exempt from the provisions of Section 250;

(L) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade
Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph 2 of this subsection shall not be eligible for the deduction provided under this subparagraph (L);

(M) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the Enterprise Zone Investment Credit or the River Edge Redevelopment Zone Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(f) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(f) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in the Enterprise Zone or the River Edge Redevelopment Zone. The subtraction modification available to taxpayer in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence. This subparagraph (M) is exempt from the provisions of Section 250;

(M-1) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the High Impact Business Investment Credit. To determine the portion of a loan or loans that is secured
by property eligible for a Section 201(h) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(h) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois. No taxpayer that is eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall be eligible for the deduction provided under this subparagraph (M-1). The subtraction modification available to taxpayers in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(N) Two times any contribution made during the taxable year to a designated zone organization to the extent that the contribution (i) qualifies as a charitable contribution under subsection (e) of Section 170 of the Internal Revenue Code and (ii) must, by its terms, be used for a project approved by the Department of Commerce and Economic Opportunity under Section 11 of the Illinois Enterprise Zone Act or under Section 10-10 of the Illinois River Edge Redevelopment Zone Act. This subparagraph (N) is exempt from the provisions of Section 250;

(O) An amount equal to: (i) 85% for taxable years ending on or before December 31, 1992, or, a percentage equal to the percentage allowable under Section 243(a)(1) of the Internal Revenue Code of 1986 for taxable years ending after December 31, 1992, of the amount by which dividends included in taxable income and received from a corporation that is not created or organized under the laws of the United States or any state or political subdivision

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thereof, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends; plus (ii) 100% of the amount by which dividends, included in taxable income and received, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, from any such corporation specified in clause (i) that would but for the provisions of Section 1504 (b) (3) of the Internal Revenue Code be treated as a member of the affiliated group which includes the dividend recipient, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends;

(P) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(Q) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(R) On and after July 20, 1999, in the case of an attorney-in-fact with respect to whom an insurer or a reciprocal insurer has made the election under Section 835 of the Internal Revenue Code, 26 U.S.C. 835, an amount equal to the excess, if any, of the amounts paid or incurred by that insurer or reciprocal insurer in the taxable year to the attorney-in-fact over the deduction allowed to that insurer or reciprocal insurer with respect to the
attorney-in-fact under Section 835(b) of the Internal Revenue Code for the taxable year; the provisions of this subparagraph are exempt from the provisions of Section 250;

(S) For taxable years ending on or after December 31, 1997, in the case of a Subchapter S corporation, an amount equal to all amounts of income allocable to a shareholder subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act, including amounts allocable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code. This subparagraph (S) is exempt from the provisions of Section 250;

(T) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction;

2) for taxable years ending on or before December 31, 2005, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

3) for taxable years ending after December 31, 2005:
(i) for property on which a bonus depreciation deduction of 30% of the adjusted basis was taken, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

(ii) for property on which a bonus depreciation deduction of 50% of the adjusted basis was taken, "x" equals "y" multiplied by 1.0.

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This subparagraph (T) is exempt from the provisions of Section 250;

(U) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to that addition modification.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

This subparagraph (U) is exempt from the provisions of Section 250;

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(V) The amount of: (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of such addition modification and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of such addition modification;

(W) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(b)(2)(E-12) for interest paid, accrued, or incurred, directly or indirectly, to the same foreign person; and

(X) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(b)(2)(E-13) for
intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person.

(3) Special rule. For purposes of paragraph (2) (A), "gross income" in the case of a life insurance company, for tax years ending on and after December 31, 1994, shall mean the gross investment income for the taxable year.

(c) Trusts and estates.

(1) In general. In the case of a trust or estate, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. Subject to the provisions of paragraph (3), the taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) In the case of (i) an estate, $600; (ii) a trust which, under its governing instrument, is required to distribute all of its income currently, $300; and (iii) any other trust, $100, but in each such case, only to the extent such amount was deducted in the computation of taxable income;

(C) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E)
of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(F) For taxable years ending on or after January 1, 1989, an amount equal to the tax deducted pursuant to Section 164 of the Internal Revenue Code if the trust or estate is claiming the same tax for purposes of the Illinois foreign tax credit under Section 601 of this Act;

(G) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income;

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(G-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the trust or estate deducted in computing adjusted gross income and for which the trust or estate claims a credit under subsection (l) of Section 201;

(G-10) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(G-11) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (R) with respect to that property.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (R), then an amount equal to that subtraction modification.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(G-12) For taxable years ending on or after December 31, 2004, an amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States

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is 80% or more of the foreign person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or

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(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(G-13) For taxable years ending on or after December 31, 2004, an amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received
by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence shall not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(c)(2)(G-12) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes: (1) expenses, losses, and costs for or related to the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets.

This paragraph shall not apply to the following:
(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or
(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a
preponderance of the evidence, both of the following:

(a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and

(b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

and by deducting from the total so obtained the sum of the following amounts:

(H) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a),
402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the Internal Revenue Code or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(I) The valuation limitation amount;

(J) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(K) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C), (D), (E), (F) and (G) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(L) With the exception of any amounts subtracted under subparagraph (K), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2) and 265(a)(2) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

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(M) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act or a River Edge Redevelopment Zone or zones created under the River Edge Redevelopment Zone Act and conducts substantially all of its operations in an Enterprise Zone or Zones or a River Edge Redevelopment Zone or zones. This subparagraph (M) is exempt from the provisions of Section 250;

(N) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(O) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (O);

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable

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to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250;

(R) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction was taken in any year under subsection (k) of Section 168 of
the Internal Revenue Code, but not including the bonus depreciation deduction;

(2) for taxable years ending on or before December 31, 2005, \( x \) equals \( y \) multiplied by 30 and then divided by 70 (or \( y \) multiplied by 0.429); and

(3) for taxable years ending after December 31, 2005:

(i) for property on which a bonus depreciation deduction of 30% of the adjusted basis was taken, \( x \) equals \( y \) multiplied by 30 and then divided by 70 (or \( y \) multiplied by 0.429); and

(ii) for property on which a bonus depreciation deduction of 50% of the adjusted basis was taken, \( x \) equals \( y \) multiplied by 1.0.

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This subparagraph (R) is exempt from the provisions of Section 250;

(S) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to that addition modification.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any

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taxable year to make an addition modification under subparagraph (G-10), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

This subparagraph (S) is exempt from the provisions of Section 250;

(T) The amount of (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of such addition modification and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of such addition modification;

(U) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(c)(2)(G-12) for interest paid, accrued, or incurred, directly or indirectly, to the same foreign person; and

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(V) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(c)(2)(G-13) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person.

(3) Limitation. The amount of any modification otherwise required under this subsection shall, under regulations prescribed by the Department, be adjusted by any amounts included therein which were properly paid, credited, or required to be distributed, or permanently set aside for charitable purposes pursuant to Internal Revenue Code Section 642(c) during the taxable year.

(d) Partnerships.

(1) In general. In the case of a partnership, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income for the taxable year;

(C) The amount of deductions allowed to the partnership pursuant to Section 707 (c) of the Internal Revenue Code in calculating its taxable income;

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(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income;

(D-5) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code;

(D-6) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (O) with respect to that property.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (O), then an amount equal to that subtraction modification.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(D-7) For taxable years ending on or after December 31, 2004, an amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact the foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity. The addition
modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

   (a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

   (b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or

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(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act; and

(D-8) For taxable years ending on or after December 31, 2004, an amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the

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taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred or accrued. The preceding sentence shall not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(d)(2)(D-7) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes (1) expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets;

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a
preponderance of the evidence, both of the following:

(a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and

(b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

and by deducting from the total so obtained the following amounts:

(E) The valuation limitation amount;

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(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C) and (D) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(H) Any income of the partnership which constitutes personal service income as defined in Section 1348 (b) (1) of the Internal Revenue Code (as in effect December 31, 1981) or a reasonable allowance for compensation paid or accrued for services rendered by partners to the partnership, whichever is greater;

(I) An amount equal to all amounts of income distributable to an entity subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act including amounts distributable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code;

(J) With the exception of any amounts subtracted under subparagraph (G), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and
832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, enacted by the 82nd General Assembly, or a River Edge Redevelopment Zone or zones created under the River Edge Redevelopment Zone Act and conducts substantially all of its operations in an Enterprise Zone or Zones or from a River Edge Redevelopment Zone or zones. This subparagraph (K) is exempt from the provisions of Section 250;

(L) An amount equal to any contribution made to a job training project established pursuant to the Real Property Tax Increment Allocation Redevelopment Act;

(M) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (M);

(N) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(O) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code

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and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction;

(2) for taxable years ending on or before December 31, 2005, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

(3) for taxable years ending after December 31, 2005:

(i) for property on which a bonus depreciation deduction of 30% of the adjusted basis was taken, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

(ii) for property on which a bonus depreciation deduction of 50% of the adjusted basis was taken, "x" equals "y" multiplied by 1.0.

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This subparagraph (O) is exempt from the provisions of Section 250;

(P) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was
required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to that addition modification.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

This subparagraph (P) is exempt from the provisions of Section 250;
(Q) The amount of (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of such addition modification and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of such addition modification;
(R) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's

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business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(d)(2)(D-7) for interest paid, accrued, or incurred, directly or indirectly, to the same foreign person; and

(S) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(d)(2)(D-8) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person.

(e) Gross income; adjusted gross income; taxable income.

(1) In general. Subject to the provisions of paragraph (2) and subsection (b) (3), for purposes of this Section and Section 803(e), a taxpayer's gross income, adjusted gross income, or taxable income for the taxable year shall mean the amount of gross income, adjusted gross income or taxable income properly reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code. Taxable income may be less than zero. However, for taxable years ending on or after December 31, 1986, net operating loss carryforwards from taxable years ending prior to December 31, 1986, may not exceed the sum of federal taxable income for the taxable year before net operating loss deduction, plus the excess of addition modifications over subtraction modifications for the taxable year. For taxable years ending prior to December 31, 1986, taxable income may never be an amount in excess of the net operating loss for the taxable year as defined in subsections (c) and (d) of Section

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172 of the Internal Revenue Code, provided that when taxable income of a corporation (other than a Subchapter S corporation), trust, or estate is less than zero and addition modifications, other than those provided by subparagraph (E) of paragraph (2) of subsection (b) for corporations or subparagraph (E) of paragraph (2) of subsection (c) for trusts and estates, exceed subtraction modifications, an addition modification must be made under those subparagraphs for any other taxable year to which the taxable income less than zero (net operating loss) is applied under Section 172 of the Internal Revenue Code or under subparagraph (E) of paragraph (2) of this subsection (e) applied in conjunction with Section 172 of the Internal Revenue Code.

(2) Special rule. For purposes of paragraph (1) of this subsection, the taxable income properly reportable for federal income tax purposes shall mean:

(A) Certain life insurance companies. In the case of a life insurance company subject to the tax imposed by Section 801 of the Internal Revenue Code, life insurance company taxable income, plus the amount of distribution from pre-1984 policyholder surplus accounts as calculated under Section 815a of the Internal Revenue Code;

(B) Certain other insurance companies. In the case of mutual insurance companies subject to the tax imposed by Section 831 of the Internal Revenue Code, insurance company taxable income;

(C) Regulated investment companies. In the case of a regulated investment company subject to the tax imposed by Section 852 of the Internal Revenue Code, investment company taxable income;

(D) Real estate investment trusts. In the case of a real estate investment trust subject to the tax imposed by Section 857 of the Internal Revenue Code, real estate investment trust taxable income;

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(E) Consolidated corporations. In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated income tax return for the taxable year for federal income tax purposes, taxable income determined as if such corporation had filed a separate return for federal income tax purposes for the taxable year and each preceding taxable year for which it was a member of an affiliated group. For purposes of this subparagraph, the taxpayer's separate taxable income shall be determined as if the election provided by Section 243(b)(2) of the Internal Revenue Code had been in effect for all such years;

(F) Cooperatives. In the case of a cooperative corporation or association, the taxable income of such organization determined in accordance with the provisions of Section 1381 through 1388 of the Internal Revenue Code;

(G) Subchapter S corporations. In the case of: (i) a Subchapter S corporation for which there is in effect an election for the taxable year under Section 1362 of the Internal Revenue Code, the taxable income of such corporation determined in accordance with Section 1363(b) of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 1363(b)(1) of the Internal Revenue Code to be separately stated; and (ii) a Subchapter S corporation for which there is in effect a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982, the taxable income of such corporation determined in accordance with the federal Subchapter S rules as in effect on July 1, 1982; and

(H) Partnerships. In the case of a partnership, taxable income determined in accordance with Section 703
of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 703(a)(1) to be separately stated but which would be taken into account by an individual in calculating his taxable income.

(3) Recapture of business expenses on disposition of asset or business. Notwithstanding any other law to the contrary, if in prior years income from an asset or business has been classified as business income and in a later year is demonstrated to be non-business income, then all expenses, without limitation, deducted in such later year and in the 2 immediately preceding taxable years related to that asset or business that generated the non-business income shall be added back and recaptured as business income in the year of the disposition of the asset or business. Such amount shall be apportioned to Illinois using the greater of the apportionment fraction computed for the business under Section 304 of this Act for the taxable year or the average of the apportionment fractions computed for the business under Section 304 of this Act for the taxable year and for the 2 immediately preceding taxable years.

(f) Valuation limitation amount.

(1) In general. The valuation limitation amount referred to in subsections (a) (2) (G), (c) (2) (I) and (d)(2) (E) is an amount equal to:

(A) The sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of gain reportable under the provisions of Section 1245 or 1250 of the Internal Revenue Code) for all property in respect of which such gain was reported for the taxable year; plus

(B) The lesser of (i) the sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of capital gain) for all property in respect of which such gain was reported for federal income tax purposes for the taxable year, or (ii) the net capital gain for the taxable year,
reduced in either case by any amount of such gain included in the amount determined under subsection (a) (2) (F) or (e) (2) (H).

(2) Pre-August 1, 1969 appreciation amount.

(A) If the fair market value of property referred to in paragraph (1) was readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is the lesser of (i) the excess of such fair market value over the taxpayer's basis (for determining gain) for such property on that date (determined under the Internal Revenue Code as in effect on that date), or (ii) the total gain realized and reportable for federal income tax purposes in respect of the sale, exchange or other disposition of such property.

(B) If the fair market value of property referred to in paragraph (1) was not readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is that amount which bears the same ratio to the total gain reported in respect of the property for federal income tax purposes for the taxable year, as the number of full calendar months in that part of the taxpayer's holding period for the property ending July 31, 1969 bears to the number of full calendar months in the taxpayer's entire holding period for the property.

(C) The Department shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.

(g) Double deductions. Unless specifically provided otherwise, nothing in this Section shall permit the same item to be deducted more than once.

(h) Legislative intention. Except as expressly provided by this Section there shall be no modifications or limitations on the amounts of income, gain, loss or deduction taken into account in determining gross income, adjusted gross income or taxable income for federal income tax

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purposes for the taxable year, or in the amount of such items entering into
the computation of base income and net income under this Act for such
taxable year, whether in respect of property values as of August 1, 1969 or
otherwise.

(Source: P.A. 93-812, eff. 7-26-04; 93-840, eff. 7-30-04; 94-776, eff.
5-19-06; 94-789, eff. 5-19-06; 94-1021, eff. 7-12-06; revised 7-14-06.)

(35 ILCS 5/205) (from Ch. 120, par. 2-205)

Sec. 205. Exempt organizations.

(a) Charitable, etc. organizations. The base incom e of an
organization which is exempt from the federal income tax by reason of
Section 501(a) of the Internal Revenue Code shall not be determined under
section 203 of this Act, but shall be its unrelated business taxable income
as determined under section 512 of the Internal Revenue Code, without
any deduction for the tax imposed by this Act. The standard exemption
provided by section 204 of this Act shall not be allowed in determining the
net income of an organization to which this subsection applies.

(b) Partnerships. A partnership as such shall not be subject to the
tax imposed by subsection 201 (a) and (b) of this Act, but shall be subject
to the replacement tax imposed by subsection 201 (c) and (d) of this Act
and shall compute its base income as described in subsection (d) of
Section 203 of this Act. For taxable years ending on or after December 31,
2004, an investment partnership, as defined in Section 1501(a) (.5) of
this Act, shall not be subject to the tax imposed by subsections (c) and (d)
of Section 201 of this Act. A partnership shall file such returns and other
information at such time and in such manner as may be required under
Article 5 of this Act. The partners in a partnership shall be liable for the
replacement tax imposed by subsection 201 (c) and (d) of this Act on such
partnership, to the extent such tax is not paid by the partnership, as
provided under the laws of Illinois governing the liability of partners for
the obligations of a partnership. Persons carrying on business as partners
shall be liable for the tax imposed by subsection 201 (a) and (b) of this Act
only in their separate or individual capacities.

(c) Subchapter S corporations. A Subchapter S corporation shall
not be subject to the tax imposed by subsection 201 (a) and (b) of this Act

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but shall be subject to the replacement tax imposed by subsection 201 (c) and (d) of this Act and shall file such returns and other information at such time and in such manner as may be required under Article 5 of this Act.

(d) Combat zone death. An individual relieved from the federal income tax for any taxable year by reason of section 692 of the Internal Revenue Code shall not be subject to the tax imposed by this Act for such taxable year.

(e) Certain trusts. A common trust fund described in Section 584 of the Internal Revenue Code, and any other trust to the extent that the grantor is treated as the owner thereof under sections 671 through 678 of the Internal Revenue Code shall not be subject to the tax imposed by this Act.

(f) Certain business activities. A person not otherwise subject to the tax imposed by this Act shall not become subject to the tax imposed by this Act by reason of:

(1) that person's ownership of tangible personal property located at the premises of a printer in this State with which the person has contracted for printing, or

(2) activities of the person's employees or agents located solely at the premises of a printer and related to quality control, distribution, or printing services performed by a printer in the State with which the person has contracted for printing.

(g) A nonprofit risk organization that holds a certificate of authority under Article VIID of the Illinois Insurance Code is exempt from the tax imposed under this Act with respect to its activities or operations in furtherance of the powers conferred upon it under that Article VIID of the Illinois Insurance Code.

(Source: P.A. 93-840, eff. 7-30-04; 93-918, eff. 1-1-05; revised 10-25-04.)

(35 ILCS 5/507X)

Sec. 507X. The Multiple Sclerosis Assistance Fund checkoff. Beginning with taxable years ending on or after December 31, 2002, the Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Multiple Sclerosis Assistance Fund, as authorized by this amendatory Act

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of the 92nd General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to any amended return.

(Source: P.A. 92-772, eff. 8-6-02.)

(35 ILCS 5/507Y)

Sec. 507Y. The Illinois Military Family Relief checkoff. Beginning with taxable years ending on or after December 31, 2003, the Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Illinois Military Family Relief Fund, as authorized by this amendatory Act of the 92nd General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to any amended return.

(Source: P.A. 92-886, eff. 2-7-03; revised 3-11-03.)

(35 ILCS 5/507AA)

Sec. 507AA. The Lou Gehrig's Disease (ALS) Research Fund checkoff. Beginning with the taxable year ending on December 31, 2003, the Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Lou Gehrig's Disease (ALS) Research Fund, as authorized by this amendatory Act of the 93rd General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to any amended return.

(Source: P.A. 93-36, eff. 6-24-03; revised 9-24-03.)

(35 ILCS 5/507BB)

New matter indicated by italics - deletions by strikeout
Sec. 507BB. Asthma and Lung Research checkoff. The Department must print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Asthma and Lung Research Fund, as authorized by this amendatory Act of the 93rd General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment reduces the contribution accordingly. This Section does not apply to an amended return.
(Source: P.A. 93-292, eff. 7-22-03; revised 9-24-03.)

(35 ILCS 5/507CC)

Sec. 507CC. Leukemia Treatment and Education checkoff. The Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Leukemia Treatment and Education Fund, as authorized by this amendatory Act of the 93rd General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to any amended return.
(Source: P.A. 93-324, eff. 7-23-03; revised 9-24-03.)

(35 ILCS 5/507EE)

Sec. 507EE. Pet Population Control Fund checkoff. The Department must print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Pet Population Control Fund, as established in the Illinois Public Health and Safety Animal Population Control Act, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment reduces the contribution accordingly. This Section does not apply to any amended return.

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The Department of Revenue shall determine annually the total amount contributed to the Fund pursuant to this Section and shall notify the State Comptroller and the State Treasurer of the amount to be transferred to the Pet Population Control Fund, and upon receipt of the notification the State Comptroller shall transfer the amount.

(Source: P.A. 94-639, eff. 8-22-05.)

(35 ILCS 5/507FF)

Sec. 507FF. Epilepsy Treatment and Education Grants-in-Aid Fund checkoff. The Department must print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Epilepsy Treatment and Education Grants-in-Aid Fund, as authorized by Public Act 94-73 this amendatory Act of the 94th General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment reduces the contribution accordingly. This Section does not apply to any amended return.

(Source: P.A. 94-73, eff. 6-23-05; revised 9-26-05.)

(35 ILCS 5/507GG)

Sec. 507GG. Diabetes Research Checkoff Fund checkoff. For taxable years ending on or after December 31, 2005, the Department must print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Diabetes Research Checkoff Fund, as authorized by Public 94-107 this amendatory Act of the 94th General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section does not apply to any amended return.

(Source: P.A. 94-107, eff. 7-1-05; revised 9-26-05.)

(35 ILCS 5/507HH)

New matter indicated by italics - deletions by strikeout
Sec. 507HH 507EE. Sarcoidosis Research Fund checkoff. The Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Sarcoidosis Research Fund, as authorized by Public Act 94-141 this amendatory Act of the 94th General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to any amended return.
(Source: P.A. 94-141, eff. 1-1-06; revised 9-26-05.)
(35 ILCS 5/507II)

Sec. 507II 507EE. The Vince Demuzio Memorial Colon Cancer Fund checkoff. For taxable years ending on or after December 31, 2005, the Department must print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Vince Demuzio Memorial Colon Cancer Fund, as authorized by Public Act 94-142 this amendatory Act of the 94th General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section does not apply to any amended return.
(Source: P.A. 94-142, eff. 1-1-06; revised 9-26-05.)
(35 ILCS 5/507II)

Sec. 507JJ 507EE. The Autism Research Fund checkoff. For taxable years ending on or after December 31, 2005, the Department must print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Autism Research Fund, as authorized by Public Act 94-442 this amendatory Act of the 94th General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the

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contribution accordingly. This Section does not apply to any amended return.
(Source: P.A. 94-442, eff. 8-4-05; revised 9-26-05.)

(35 ILCS 5/507KK)

Sec. 507KK 507EE. Blindness Prevention Fund checkoff. For taxable years ending on or after December 31, 2005, the Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Blindness Prevention Fund, as authorized by Public Act 94-602 this amendatory Act of the 94th General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to any amended return.
(Source: P.A. 94-602, eff. 8-16-05; revised 9-26-05.)

(35 ILCS 5/507LL)

Sec. 507LL 507EE. The Illinois Brain Tumor Research checkoff. For taxable years ending on or after December 31, 2005, the Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Illinois Brain Tumor Research Fund, as authorized by Public Act 94-649 this amendatory Act of the 94th General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to any amended return.
(Source: P.A. 94-649, eff. 8-22-05; revised 9-26-05.)

(35 ILCS 5/507NN)

Sec. 507NN 507EE. The Heartsaver AED Fund checkoff. For taxable years ending on or after December 31, 2005, the Department must print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Heartsaver AED Fund, as

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authorized by this amendatory Act of the 94th General Assembly, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section does not apply to any amended return.

(Source: P.A. 94-876, eff. 6-19-06; revised 8-29-06.)

(35 ILCS 5/509) (from Ch. 120, par. 5-509)

Sec. 509. Tax checkoff explanations. All individual income tax return forms shall contain appropriate explanations and spaces to enable the taxpayers to designate contributions to the following funds: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund (as required by the Illinois Non-Game Wildlife Protection Act), the Alzheimer's Disease Research Fund (as required by the Alzheimer's Disease Research Act), the Assistance to the Homeless Fund (as required by this Act), the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Sarcoidosis Research Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois Military Family Relief Fund, the Blindness Prevention Fund, the Illinois Veterans' Homes Fund, the Epilepsy Treatment and Education Grants-in-Aid Fund, the Diabetes Research Checkoff Fund, the Vince Demuzio Memorial Colon Cancer Fund, the Autism Research Fund, the Heartsaver AED Fund, the Asthma and Lung Research Fund, and the Illinois Brain Tumor Research Fund.

Each form shall contain a statement that the contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly.

If, on October 1 of any year, the total contributions to any one of the funds made under this Section do not equal $100,000 or more, the explanations and spaces for designating contributions to the fund shall be

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removed from the individual income tax return forms for the following and all subsequent years and all subsequent contributions to the fund shall be refunded to the taxpayer.

(Source: P.A. 93-36, eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff. 7-21-04; 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141, eff. 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602, eff. 8-16-05; 94-649, eff. 8-22-05; 94-876, eff. 6-19-06; revised 8-3-06.)

(35 ILCS 5/510) (from Ch. 120, par. 5-510)

 Sec. 510. Determination of amounts contributed. The Department shall determine the total amount contributed to each of the following: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund, the Assistance to the Homeless Fund, the Alzheimer's Disease Research Fund, the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Illinois Military Family Relief Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Sarcoidosis Research Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois Veterans' Homes Fund, the Epilepsy Treatment and Education Grants-in-Aid Fund, the Diabetes Research Checkoff Fund, the Vince Demuzio Memorial Colon Cancer Fund, the Autism Research Fund, the Blindness Prevention Fund, the Heartsaver AED Fund, the Asthma and Lung Research Fund, and the Illinois Brain Tumor Research Fund; and shall notify the State Comptroller and the State Treasurer of the amounts to be transferred from the General Revenue Fund to each fund, and upon receipt of such notification the State Treasurer and Comptroller shall transfer the amounts.

(Source: P.A. 93-36, eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff. 7-21-04; 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141, eff. 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602, eff. 8-16-05; 94-649, eff. 8-22-05; 94-876, eff. 6-19-06; revised 8-3-06.)

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Sec. 917. Confidentiality and information sharing.

(a) Confidentiality. Except as provided in this Section, all information received by the Department from returns filed under this Act, or from any investigation conducted under the provisions of this Act, shall be confidential, except for official purposes within the Department or pursuant to official procedures for collection of any State tax or pursuant to an investigation or audit by the Illinois State Scholarship Commission of a delinquent student loan or monetary award or enforcement of any civil or criminal penalty or sanction imposed by this Act or by another statute imposing a State tax, and any person who divulges any such information in any manner, except for such purposes and pursuant to order of the Director or in accordance with a proper judicial order, shall be guilty of a Class A misdemeanor. However, the provisions of this paragraph are not applicable to information furnished to (i) the Department of Healthcare and Family Services (formerly Department of Public Aid), State's Attorneys, and the Attorney General for child support enforcement purposes and (ii) a licensed attorney representing the taxpayer where an appeal or a protest has been filed on behalf of the taxpayer. If it is necessary to file information obtained pursuant to this Act in a child support enforcement proceeding, the information shall be filed under seal.

(b) Public information. Nothing contained in this Act shall prevent the Director from publishing or making available to the public the names and addresses of persons filing returns under this Act, or from publishing or making available reasonable statistics concerning the operation of the tax wherein the contents of returns are grouped into aggregates in such a way that the information contained in any individual return shall not be disclosed.

(c) Governmental agencies. The Director may make available to the Secretary of the Treasury of the United States or his delegate, or the proper officer or his delegate of any other state imposing a tax upon or measured by income, for exclusively official purposes, information received by the Department in the administration of this Act, but such permission shall be granted only if the United States or such other state, as

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the case may be, grants the Department substantially similar privileges. The Director may exchange information with the Illinois Department of Healthcare and Family Services Public Aid and the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) for the purpose of verifying sources and amounts of income and for other purposes directly connected with the administration of this Act and the Illinois Public Aid Code. The Director may exchange information with the Director of the Department of Employment Security for the purpose of verifying sources and amounts of income and for other purposes directly connected with the administration of this Act and Acts administered by the Department of Employment Security. The Director may make available to the Illinois Workers' Compensation Commission information regarding employers for the purpose of verifying the insurance coverage required under the Workers' Compensation Act and Workers' Occupational Diseases Act. The Director may exchange information with the Illinois Department on Aging for the purpose of verifying sources and amounts of income for purposes directly related to confirming eligibility for participation in the programs of benefits authorized by the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act.

The Director may make available to any State agency, including the Illinois Supreme Court, which licenses persons to engage in any occupation, information that a person licensed by such agency has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. The Director may make available to any State agency, including the Illinois Supreme Court, information regarding whether a bidder, contractor, or an affiliate of a bidder or contractor has failed to file returns under this Act or pay the tax, penalty, and interest shown therein, or has failed to pay any final assessment of tax, penalty, or interest due under this Act, for the limited purpose of enforcing bidder and contractor certifications. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or

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(3) is subject to the control of a common entity. For purposes of this subsection (a), an entity controls another entity if it owns, directly or indirectly, more than 10% of the voting securities of that entity. As used in this subsection (a), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

The Director may make available to any State agency, including the Illinois Supreme Court, units of local government, and school districts, information regarding whether a bidder or contractor is an affiliate of a person who is not collecting and remitting Illinois Use taxes, for the limited purpose of enforcing bidder and contractor certifications.

The Director may also make available to the Secretary of State information that a corporation which has been issued a certificate of incorporation by the Secretary of State has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. An assessment is final when all proceedings in court for review of such assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted. For taxable years ending on or after December 31, 1987, the Director may make available to the Director or principal officer of any Department of the State of Illinois, information that a person employed by such Department has failed to file returns under this Act or pay the tax, penalty and interest shown therein. For purposes of this paragraph, the word "Department" shall have the same meaning as provided in Section 3 of the State Employees Group Insurance Act of 1971.

(d) The Director shall make available for public inspection in the Department's principal office and for publication, at cost, administrative decisions issued on or after January 1, 1995. These decisions are to be made available in a manner so that the following taxpayer information is not disclosed:

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(1) The names, addresses, and identification numbers of the taxpayer, related entities, and employees.

(2) At the sole discretion of the Director, trade secrets or other confidential information identified as such by the taxpayer, no later than 30 days after receipt of an administrative decision, by such means as the Department shall provide by rule.

The Director shall determine the appropriate extent of the deletions allowed in paragraph (2). In the event the taxpayer does not submit deletions, the Director shall make only the deletions specified in paragraph (1).

The Director shall make available for public inspection and publication an administrative decision within 180 days after the issuance of the administrative decision. The term "administrative decision" has the same meaning as defined in Section 3-101 of Article III of the Code of Civil Procedure. Costs collected under this Section shall be paid into the Tax Compliance and Administration Fund.

(e) Nothing contained in this Act shall prevent the Director from divulging information to any person pursuant to a request or authorization made by the taxpayer, by an authorized representative of the taxpayer, or, in the case of information related to a joint return, by the spouse filing the joint return with the taxpayer.

(35 ILCS 105/12) (from Ch. 120, par. 439.12)

Sec. 12. Applicability of Retailers' Occupation Tax Act and Uniform Penalty and Interest Act. All of the provisions of Sections 1d, 1e, 1f, 1i, 1j, 1j.1, 1k, 1m, 1n, 1o, 2-6, 2-54, 2a, 2b, 2c, 3, 4 (except that the time limitation provisions shall run from the date when the tax is due rather than from the date when gross receipts are received), 5 (except that the time limitation provisions on the issuance of notices of tax liability shall run from the date when the tax is due rather than from the date when gross receipts are received and except that in the case of a failure to file a

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return required by this Act, no notice of tax liability shall be issued on and after each July 1 and January 1 covering tax due with that return during any month or period more than 6 years before that July 1 or January 1, respectively, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5j, 5k, 5l, 7, 8, 9, 10, 11 and 12 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, which are not inconsistent with this Act, shall apply, as far as practicable, to the subject matter of this Act to the same extent as if such provisions were included herein.

(Source: P.A. 94-781, eff. 5-19-06; 94-1021, eff. 7-12-06; revised 8-03-06.)

Section 390. The Service Use Tax Act is amended by changing Section 12 as follows:

(35 ILCS 110/12) (from Ch. 120, par. 439.42)

Sec. 12. Applicability of Retailers' Occupation Tax Act and Uniform Penalty and Interest Act. All of the provisions of Sections 1d, 1e, 1f, 1i, 1j, 1j.1, 1k, 1m, 1n, 1o, 2-6, 2-54, 2a, 2b, 2c, 3 (except as to the disposition by the Department of the money collected under this Act), 4 (except that the time limitation provisions shall run from the date when gross receipts are received), 5 (except that the time limitation provisions on the issuance of notices of tax liability shall run from the date when the tax is due rather than from the date when gross receipts are received and except that in the case of a failure to file a return required by this Act, no notice of tax liability shall be issued on and after July 1 and January 1 covering tax due with that return during any month or period more than 6 years before that July 1 or January 1, respectively), 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5j, 5k, 5l, 7, 8, 9, 10, 11 and 12 of the Retailers' Occupation Tax Act which are not inconsistent with this Act, and Section 3-7 of the Uniform Penalty and Interest Act, shall apply, as far as practicable, to the subject matter of this Act to the same extent as if such provisions were included herein.

(Source: P.A. 94-781, eff. 5-19-06; 94-1021, eff. 7-12-06; revised 8-03-06.)

Section 395. The Service Occupation Tax Act is amended by changing Section 12 as follows:

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Sec. 12. All of the provisions of Sections 1d, 1e, 1f, 1i, 1j, 1j.1, 1k, 1m, 1n, 1o, 2-6, 2-54, 2a, 2b, 2c, 3 (except as to the disposition by the Department of the tax collected under this Act), 4 (except that the time limitation provisions shall run from the date when the tax is due rather than from the date when gross receipts are received), 5 (except that the time limitation provisions on the issuance of notices of tax liability shall run from the date when the tax is due rather than from the date when gross receipts are received), 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5j, 5k, 5l, 7, 8, 9, 10, 11 and 12 of the "Retailers' Occupation Tax Act" which are not inconsistent with this Act, and Section 3-7 of the Uniform Penalty and Interest Act shall apply, as far as practicable, to the subject matter of this Act to the same extent as if such provisions were included herein.

(Source: P.A. 94-781, eff. 5-19-06; 94-1021, eff. 7-12-06; revised 8-03-06.)

Section 400. The Retailers' Occupation Tax Act is amended by changing Section 3 as follows:

(35 ILCS 120/3) (from Ch. 120, par. 442)

Sec. 3. Except as provided in this Section, on or before the twentieth day of each calendar month, every person engaged in the business of selling tangible personal property at retail in this State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the seller;
2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of selling tangible personal property at retail in this State;
3. Total amount of receipts received by him during the preceding calendar month or quarter, as the case may be, from sales of tangible personal property, and from services furnished, by him during such preceding calendar month or quarter;
4. Total amount received by him during the preceding calendar month or quarter on charge and time sales of tangible

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personal property, and from services furnished, by him prior to the month or quarter for which the return is filed;

5. Deductions allowed by law;

6. Gross receipts which were received by him during the preceding calendar month or quarter and upon the basis of which the tax is imposed;

7. The amount of credit provided in Section 2d of this Act;

8. The amount of tax due;

9. The signature of the taxpayer; and

10. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Each return shall be accompanied by the statement of prepaid tax issued pursuant to Section 2e for which credit is claimed.

Prior to October 1, 2003, and on and after September 1, 2004 a retailer may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Use Tax as provided in Section 3-85 of the Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit certification, accepted by a retailer prior to October 1, 2003 and on and after September 1, 2004 as provided in Section 3-85 of the Use Tax Act, may be used by that retailer to satisfy Retailers' Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase. A Manufacturer's Purchase Credit reported on any original or amended return filed under this Act after October 20, 2003 for reporting periods prior to September 1, 2004 shall be disallowed. Manufacturer's Purchaser Credit reported on annual returns due on or after January 1, 2005 will be disallowed for periods prior to September 1, 2004. No Manufacturer's Purchase Credit may be used after September 30, 2003 through August 31, 2004 to satisfy any tax liability imposed under this Act, including any audit liability.

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The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due; and
6. Such other reasonable information as the Department may require.

Beginning on October 1, 2003, any person who is not a licensed distributor, importing distributor, or manufacturer, as defined in the Liquor Control Act of 1934, but is engaged in the business of selling, at retail, alcoholic liquor shall file a statement with the Department of Revenue, in a format and at a time prescribed by the Department, showing the total amount paid for alcoholic liquor purchased during the preceding month and such other information as is reasonably required by the Department. The Department may adopt rules to require that this statement be filed in an electronic or telephonic format. Such rules may provide for exceptions from the filing requirements of this paragraph. For the purposes of this paragraph, the term "alcoholic liquor" shall have the meaning prescribed in the Liquor Control Act of 1934.

Beginning on October 1, 2003, every distributor, importing distributor, and manufacturer of alcoholic liquor as defined in the Liquor Control Act of 1934, shall file a statement with the Department of
Revenue, no later than the 10th day of the month for the preceding month during which transactions occurred, by electronic means, showing the total amount of gross receipts from the sale of alcoholic liquor sold or distributed during the preceding month to purchasers; identifying the purchaser to whom it was sold or distributed; the purchaser's tax registration number; and such other information reasonably required by the Department. A distributor, importing distributor, or manufacturer of alcoholic liquor must personally deliver, mail, or provide by electronic means to each retailer listed on the monthly statement a report containing a cumulative total of that distributor's, importing distributor's, or manufacturer's total sales of alcoholic liquor to that retailer no later than the 10th day of the month for the preceding month during which the transaction occurred. The distributor, importing distributor, or manufacturer shall notify the retailer as to the method by which the distributor, importing distributor, or manufacturer will provide the sales information. If the retailer is unable to receive the sales information by electronic means, the distributor, importing distributor, or manufacturer shall furnish the sales information by personal delivery or by mail. For purposes of this paragraph, the term "electronic means" includes, but is not limited to, the use of a secure Internet website, e-mail, or facsimile.

If a total amount of less than $1 is payable, refundable or creditable, such amount shall be disregarded if it is less than 50 cents and shall be increased to $1 if it is 50 cents or more.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability"
shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Any amount which is required to be shown or reported on any return or other document under this Act shall, if such amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in any case where the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount where the fractional part of a dollar is less than 50 cents.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a
quarter annual basis, with the return for January, February and March of a 
given year being due by April 20 of such year; with the return for April, 
May and June of a given year being due by July 20 of such year; with the 
return for July, August and September of a given year being due by 
October 20 of such year, and with the return for October, November and 
December of a given year being due by January 20 of the following year. 
If the retailer is otherwise required to file a monthly or quarterly 
return and if the retailer's average monthly tax liability with the 
Department does not exceed $50, the Department may authorize his 
returns to be filed on an annual basis, with the return for a given year being 
due by January 20 of the following year. 
Such quarter annual and annual returns, as to form and substance, 
shall be subject to the same requirements as monthly returns. 
Notwithstanding any other provision in this Act concerning the 
time within which a retailer may file his return, in the case of any retailer 
who ceases to engage in a kind of business which makes him responsible 
for filing returns under this Act, such retailer shall file a final return under 
this Act with the Department not more than one month after discontinuing 
such business. 
Where the same person has more than one business registered with 
the Department under separate registrations under this Act, such person 
may not file each return that is due as a single return covering all such 
registered businesses, but shall file separate returns for each such 
registered business. 
In addition, with respect to motor vehicles, watercraft, aircraft, and 
trailers that are required to be registered with an agency of this State, every 
retailer selling this kind of tangible personal property shall file, with the 
Department, upon a form to be prescribed and supplied by the Department, 
a separate return for each such item of tangible personal property which 
the retailer sells, except that if, in the same transaction, (i) a retailer of 
aircraft, watercraft, motor vehicles or trailers transfers more than one 
aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, 
motor vehicle retailer or trailer retailer for the purpose of resale or (ii) a 
retailer of aircraft, watercraft, motor vehicles, or trailers transfers more

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than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use
as a qualifying rolling stock as provided in Section 2-5 of this Act, then
that seller may report the transfer of all aircraft, watercraft, motor vehicles
or trailers involved in that transaction to the Department on the same
uniform invoice-transaction reporting return form. For purposes of this
Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as
defined in Section 3-2 of the Boat Registration and Safety Act, a personal
watercraft, or any boat equipped with an inboard motor.

Any retailer who sells only motor vehicles, watercraft, aircraft, or
trailers that are required to be registered with an agency of this State, so
that all retailers' occupation tax liability is required to be reported, and is
reported, on such transaction reporting returns and who is not otherwise
required to file monthly or quarterly returns, need not file monthly or
quarterly returns. However, those retailers shall be required to file returns
on an annual basis.

The transaction reporting return, in the case of motor vehicles or
trailers that are required to be registered with an agency of this State, shall
be the same document as the Uniform Invoice referred to in Section 5-402
of The Illinois Vehicle Code and must show the name and address of the
seller; the name and address of the purchaser; the amount of the selling
price including the amount allowed by the retailer for traded-in property, if
any; the amount allowed by the retailer for the traded-in tangible personal
property, if any, to the extent to which Section 1 of this Act allows an
exemption for the value of traded-in property; the balance payable after
deducting such trade-in allowance from the total selling price; the amount
of tax due from the retailer with respect to such transaction; the amount of
tax collected from the purchaser by the retailer on such transaction (or
satisfactory evidence that such tax is not due in that particular instance, if
that is claimed to be the fact); the place and date of the sale; a sufficient
identification of the property sold; such other information as is required in
Section 5-402 of The Illinois Vehicle Code, and such other information as
the Department may reasonably require.

The transaction reporting return in the case of watercraft or aircraft
must show the name and address of the seller; the name and address of the

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purchaser; the amount of the selling price including the amount allowed by
the retailer for traded-in property, if any; the amount allowed by the
retailer for the traded-in tangible personal property, if any, to the extent to
which Section 1 of this Act allows an exemption for the value of traded-in
property; the balance payable after deducting such trade-in allowance from
the total selling price; the amount of tax due from the retailer with respect
to such transaction; the amount of tax collected from the purchaser by the
retailer on such transaction (or satisfactory evidence that such tax is not
due in that particular instance, if that is claimed to be the fact); the place
and date of the sale, a sufficient identification of the property sold, and
such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20
days after the day of delivery of the item that is being sold, but may be
filed by the retailer at any time sooner than that if he chooses to do so. The
transaction reporting return and tax remittance or proof of exemption from
the Illinois use tax may be transmitted to the Department by way of the
State agency with which, or State officer with whom the tangible personal
property must be titled or registered (if titling or registration is required) if
the Department and such agency or State officer determine that this
procedure will expedite the processing of applications for title or
registration.

With each such transaction reporting return, the retailer shall remit
the proper amount of tax due (or shall submit satisfactory evidence that the
sale is not taxable if that is the case), to the Department or its agents,
whereupon the Department shall issue, in the purchaser's name, a use tax
receipt (or a certificate of exemption if the Department is satisfied that the
particular sale is tax exempt) which such purchaser may submit to the
agency with which, or State officer with whom, he must title or register the
tangible personal property that is involved (if titling or registration is
required) in support of such purchaser's application for an Illinois
certificate or other evidence of title or registration to such tangible
personal property.

No retailer's failure or refusal to remit tax under this Act precludes
a user, who has paid the proper tax to the retailer, from obtaining his

New matter indicated by italics - deletions by strikeout
certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of the tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Refunds made by the seller during the preceding return period to purchasers, on account of tangible personal property returned to the seller, shall be allowed as a deduction under subdivision 5 of his monthly or quarterly return, as the case may be, in case the seller had theretofore included the receipts from the sale of such tangible personal property in a return filed by him and had paid the tax imposed by this Act with respect to such receipts.

Where the seller is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

Where the seller is a limited liability company, the return filed on behalf of the limited liability company shall be signed by a manager, member, or properly accredited agent of the limited liability company.

New matter indicated by italics - deletions by strikeout
Except as provided in this Section, the retailer filing the return under this Section shall, at the time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. Any prepayment made pursuant to Section 2d of this Act shall be included in the amount on which such 2.1% or 1.75% discount is computed. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the

New matter indicated by italics - deletions by strikeout
taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985 and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987 and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $10,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate

New matter indicated by italics - deletions by strikeout
that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $20,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

The provisions of this paragraph apply before October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of $25,000 per month during the preceding

New matter indicated by italics - deletions by strikeout
2 complete calendar quarters, shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to the effective date of this amendatory Act of 1985, each payment shall be in an amount not less than 22.5% of the taxpayer's actual liability under Section 2d. If the month during which such tax liability is incurred begins on or after January 1, 1986, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding calendar year. If the month during which such tax liability is incurred begins on or after January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such taxpayer's average monthly prepaid tax collections during the preceding 2 complete calendar quarters is $25,000 or less. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

The provisions of this paragraph apply on and after October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes that average in excess of $20,000 per month during the preceding 4 complete calendar quarters shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which the liability is incurred. Each payment shall be in an amount

New matter indicated by italics - deletions by strikeout
equal to 22.5% of the taxpayer's actual liability for the month or 25% of
the taxpayer's liability for the same calendar month of the preceding year.
The amount of the quarter monthly payments shall be credited against the
final tax liability of the taxpayer's return for that month filed under this
Section or Section 2f, as the case may be. Once applicable, the
requirement of the making of quarter monthly payments to the Department
pursuant to this paragraph shall continue until the taxpayer's average
monthly prepaid tax collections during the preceding 4 complete calendar
quarters (excluding the month of highest liability and the month of lowest
liability) is less than $19,000 or until such taxpayer's average monthly
liability to the Department as computed for each calendar quarter of the 4
preceding complete calendar quarters is less than $20,000. If any such
quarter monthly payment is not paid at the time or in the amount required,
the taxpayer shall be liable for penalties and interest on such difference,
except insofar as the taxpayer has previously made payments for that
month in excess of the minimum payments previously due.

If any payment provided for in this Section exceeds the taxpayer's
liabilities under this Act, the Use Tax Act, the Service Occupation Tax Act
and the Service Use Tax Act, as shown on an original monthly return, the
Department shall, if requested by the taxpayer, issue to the taxpayer a
credit memorandum no later than 30 days after the date of payment. The
credit evidenced by such credit memorandum may be assigned by the
taxpayer to a similar taxpayer under this Act, the Use Tax Act, the Service
Occupation Tax Act or the Service Use Tax Act, in accordance with
reasonable rules and regulations to be prescribed by the Department. If no
such request is made, the taxpayer may credit such excess payment against
tax liability subsequently to be remitted to the Department under this Act,
the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax
Act, in accordance with reasonable rules and regulations prescribed by the
Department. If the Department subsequently determined that all or any part
of the credit taken was not actually due to the taxpayer, the taxpayer's
2.1% and 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of
the difference between the credit taken and that actually due, and that
taxpayer shall be liable for penalties and interest on such difference.

New matter indicated by italics - deletions by strikeout
If a retailer of motor fuel is entitled to a credit under Section 2d of this Act which exceeds the taxpayer's liability to the Department under this Act for the month which the taxpayer is filing a return, the Department shall issue the taxpayer a credit memorandum for the excess.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund, a special fund in the State treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund, a special fund in the State treasury which is hereby created, 4% of the net revenue realized for the preceding month from the 6.25% general rate.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as

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the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to this Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as hereinafter defined), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; the "Annual Specified Amount" means the amounts specified below for fiscal years 1986 through 1993:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Annual Specified Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1986</td>
<td>$54,800,000</td>
</tr>
<tr>
<td>1987</td>
<td>$76,650,000</td>
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<tr>
<td>1988</td>
<td>$80,480,000</td>
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<tr>
<td>1989</td>
<td>$88,510,000</td>
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<td>1990</td>
<td>$115,330,000</td>
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<tr>
<td>1991</td>
<td>$145,470,000</td>
</tr>
<tr>
<td>1992</td>
<td>$182,730,000</td>
</tr>
<tr>
<td>1993</td>
<td>$206,520,000</td>
</tr>
</tbody>
</table>

and means the Certified Annual Debt Service Requirement (as defined in Section 13 of the Build Illinois Bond Act) or the Tax Act Amount, whichever is greater, for fiscal year 1994 and each fiscal year thereafter; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in

New matter indicated by italics - deletions by strikeout
aggregate payments into the Build Illinois Fund pursuant to this clause (b)
for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii)
the Annual Specified Amount for such fiscal year. The amounts payable
into the Build Illinois Fund under clause (b) of the first sentence in this
paragraph shall be payable only until such time as the aggregate amount on
deposit under each trust indenture securing Bonds issued and outstanding
pursuant to the Build Illinois Bond Act is sufficient, taking into account
any future investment income, to fully provide, in accordance with such
indenture, for the defeasance of or the payment of the principal of,
premium, if any, and interest on the Bonds secured by such indenture and
on any Bonds expected to be issued thereafter and all fees and costs
payable with respect thereto, all as certified by the Director of the Bureau
of the Budget (now Governor's Office of Management and Budget). If on
the last business day of any month in which Bonds are outstanding
pursuant to the Build Illinois Bond Act, the aggregate of moneys deposited
in the Build Illinois Bond Account in the Build Illinois Fund in such
month shall be less than the amount required to be transferred in such
month from the Build Illinois Bond Account to the Build Illinois Bond
Retirement and Interest Fund pursuant to Section 13 of the Build Illinois
Bond Act, an amount equal to such deficiency shall be immediately paid
from other moneys received by the Department pursuant to the Tax Acts to
the Build Illinois Fund; provided, however, that any amounts paid to the
Build Illinois Fund in any fiscal year pursuant to this sentence shall be
deemed to constitute payments pursuant to clause (b) of the first sentence
of this paragraph and shall reduce the amount otherwise payable for such
fiscal year pursuant to that clause (b). The moneys received by the
Department pursuant to this Act and required to be deposited into the
Build Illinois Fund are subject to the pledge, claim and charge set forth in
Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as
provided in the preceding paragraph or in any amendment thereto hereafter
enacted, the following specified monthly installment of the amount
requested in the certificate of the Chairman of the Metropolitan Pier and
Exposition Authority provided under Section 8.25f of the State Finance

New matter indicated by italics - deletions by strikeout
Act, but not in excess of sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Deposit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
<td>$0</td>
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<tr>
<td>1994</td>
<td>53,000,000</td>
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<tr>
<td>1995</td>
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<td>61,000,000</td>
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<td>1997</td>
<td>64,000,000</td>
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<td>75,000,000</td>
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<tr>
<td>2002</td>
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<tr>
<td>2003</td>
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<td>2005</td>
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<td>2008</td>
<td>126,000,000</td>
</tr>
<tr>
<td>2009</td>
<td>132,000,000</td>
</tr>
<tr>
<td>2010</td>
<td>139,000,000</td>
</tr>
<tr>
<td>2011</td>
<td>146,000,000</td>
</tr>
<tr>
<td>2012</td>
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<tr>
<td>2013</td>
<td>161,000,000</td>
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<td>2014</td>
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<tr>
<td>2015</td>
<td>179,000,000</td>
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<tr>
<td>2016</td>
<td>189,000,000</td>
</tr>
<tr>
<td>2017</td>
<td>199,000,000</td>
</tr>
<tr>
<td>2018</td>
<td>210,000,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
2019       221,000,000
2020       233,000,000
2021       246,000,000
2022       260,000,000
2023 and   275,000,000
each fiscal year
thereafter that bonds
are outstanding under
Section 13.2 of the
Metropolitan Pier and
Exposition Authority Act,
but not after fiscal year 2042.

Beginning July 20, 1993 and in each month of each fiscal year
thereafter, one-eighth of the amount requested in the certificate of the
Chairman of the Metropolitan Pier and Exposition Authority for that fiscal
year, less the amount deposited into the McCormick Place Expansion
Project Fund by the State Treasurer in the respective month under
subsection (g) of Section 13 of the Metropolitan Pier and Exposition
Authority Act, plus cumulative deficiencies in the deposits required under
this Section for previous months and years, shall be deposited into the
McCormick Place Expansion Project Fund, until the full amount requested
for the fiscal year, but not in excess of the amount specified above as
"Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the
McCormick Place Expansion Project Fund pursuant to the preceding
paragraphs or in any amendments thereto hereafter enacted, beginning July
1, 1993, the Department shall each month pay into the Illinois Tax
Increment Fund 0.27% of 80% of the net revenue realized for the
preceding month from the 6.25% general rate on the selling price of
tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the
McCormick Place Expansion Project Fund pursuant to the preceding
paragraphs or in any amendments thereto hereafter enacted, beginning
with the receipt of the first report of taxes paid by an eligible business and

New matter indicated by italics - deletions by strikeout
continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the retailer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the retailer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The retailer's annual return to the Department shall also disclose the cost of goods sold by the retailer during the year covered by such return, opening and closing inventories of such goods for such year, costs of goods used from stock or taken from stock and given away by the retailer during such year, payroll information of the retailer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such retailer as provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

New matter indicated by italics - deletions by strikeout
(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The provisions of this Section concerning the filing of an annual information return do not apply to a retailer who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act.
with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

Any person who promotes, organizes, provides retail selling space for concessionaires or other types of sellers at the Illinois State Fair, DuQuoin State Fair, county fairs, local fairs, art shows, flea markets and similar exhibitions or events, including any transient merchant as defined by Section 2 of the Transient Merchant Act of 1987, is required to file a report with the Department providing the name of the merchant's business, the name of the person or persons engaged in merchant's business, the permanent address and Illinois Retailers Occupation Tax Registration Number of the merchant, the dates and location of the event and other reasonable information that the Department may require. The report must be filed not later than the 20th day of the month next following the month during which the event with retail sales was held. Any person who fails to file a report required by this Section commits a business offense and is subject to a fine not to exceed $250.

Any person engaged in the business of selling tangible personal property at retail as a concessionaire or other type of seller at the Illinois State Fair, county fairs, art shows, flea markets and similar exhibitions or events, or any transient merchants, as defined by Section 2 of the Transient Merchant Act of 1987, may be required to make a daily report of the amount of such sales to the Department and to make a daily payment of the full amount of tax due. The Department shall impose this requirement when it finds that there is a significant risk of loss of revenue to the State at such an exhibition or event. Such a finding shall be based on evidence that a substantial number of concessionaires or other sellers who are not residents of Illinois will be engaging in the business of selling tangible personal property at retail at the exhibition or event, or other evidence of a significant risk of loss of revenue to the State. The Department shall notify concessionaires and other sellers affected by the imposition of this requirement. In the absence of notification by the Department, the concessionaires and other sellers shall file their returns as otherwise required in this Section.
Section 405. The Hotel Operators' Occupation Tax Act is amended by changing Section 6 as follows:

(35 ILCS 145/6) (from Ch. 120, par. 481b.36)

Sec. 6. Except as provided hereinafter in this Section, on or before the last day of each calendar month, every person engaged in the business of renting, leasing or letting rooms in a hotel in this State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the operator;
2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of renting, leasing or letting rooms in a hotel in this State;
3. Total amount of rental receipts received by him during the preceding calendar month from renting, leasing or letting rooms during such preceding calendar month;
4. Total amount of rental receipts received by him during the preceding calendar month from renting, leasing or letting rooms to permanent residents during such preceding calendar month;
5. Total amount of other exclusions from gross rental receipts allowed by this Act;
6. Gross rental receipts which were received by him during the preceding calendar month and upon the basis of which the tax is imposed;
7. The amount of tax due;
8. Such other reasonable information as the Department may require.

If the operator's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March...
of a given year being due by April 30 of such year; with the return for April, May and June of a given year being due by July 31 of such year; with the return for July, August and September of a given year being due by October 31 of such year, and with the return for October, November and December of a given year being due by January 31 of the following year.

If the operator's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 31 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which an operator may file his return, in the case of any operator who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such operator shall file a final return under this Act with the Department not more than 1 month after discontinuing such business.

Where the same person has more than 1 business registered with the Department under separate registrations under this Act, such person shall not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In his return, the operator shall determine the value of any consideration other than money received by him in connection with the renting, leasing or letting of rooms in the course of his business and he shall include such value in his return. Such determination shall be subject to review and revision by the Department in the manner hereinafter provided for the correction of returns.

Where the operator is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

The person filing the return herein provided for shall, at the time of filing such return, pay to the Department the amount of tax herein
imposed. The operator filing the return under this Section shall, at the time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% or $25 per calendar year, whichever is greater, which is allowed to reimburse the operator for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request.

There shall be deposited in the Build Illinois Fund in the State Treasury for each State fiscal year 40% of the amount of total net proceeds from the tax imposed by subsection (a) of Section 3. Of the remaining 60%, $5,000,000 shall be deposited in the Illinois Sports Facilities Fund and credited to the Subsidy Account each fiscal year by making monthly deposits in the amount of 1/8 of $5,000,000 plus cumulative deficiencies in such deposits for prior months, and an additional $8,000,000 shall be deposited in the Illinois Sports Facilities Fund and credited to the Advance Account each fiscal year by making monthly deposits in the amount of 1/8 of $8,000,000 plus any cumulative deficiencies in such deposits for prior months; provided, that for fiscal years ending after June 30, 2001, the amount to be so deposited into the Illinois Sports Facilities Fund and credited to the Advance Account each fiscal year shall be increased from $8,000,000 to the then applicable Advance Amount and the required monthly deposits beginning with July 2001 shall be in the amount of 1/8 of the then applicable Advance Amount plus any cumulative deficiencies in those deposits for prior months. (The deposits of the additional $8,000,000 or the then applicable Advance Amount, as applicable, during each fiscal year shall be treated as advances of funds to the Illinois Sports Facilities Authority for its corporate purposes to the extent paid to the Authority or its trustee and shall be repaid into the General Revenue Fund in the State Treasury by the State Treasurer on behalf of the Authority pursuant to Section 19 of the Illinois Sports Facilities Authority Act, as amended. If in any fiscal year the full amount of the then applicable Advance Amount is not repaid into the General Revenue Fund, then the deficiency shall be paid from the amount in the Local Government Distributive Fund that would otherwise be allocated to the City of Chicago under the State Revenue Sharing Act.)

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For purposes of the foregoing paragraph, the term "Advance Amount" means, for fiscal year 2002, $22,179,000, and for subsequent fiscal years through fiscal year 2032, 105.615% of the Advance Amount for the immediately preceding fiscal year, rounded up to the nearest $1,000.

Of the remaining 60% of the amount of total net proceeds from the tax imposed by subsection (a) of Section 3 after all required deposits in the Illinois Sports Facilities Fund, the amount equal to 8% of the net revenue realized from the Hotel Operators' Occupation Tax Act plus an amount equal to 8% of the net revenue realized from any tax imposed under Section 4.05 of the Chicago World's Fair-1992 Authority Act during the preceding month shall be deposited in the Local Tourism Fund each month for purposes authorized by Section 605-705 of the Department of Commerce and Economic Opportunity Law (20 ILCS 605/605-705) in the Local Tourism Fund, and beginning August 1, 1999, the amount equal to 4.5% of the net revenue realized from the Hotel Operators' Occupation Tax Act during the preceding month shall be deposited into the International Tourism Fund for the purposes authorized in Section 605-705 of the Department of Commerce and Economic Opportunity Law. "Net revenue realized for a month" means the revenue collected by the State under that Act during the previous month less the amount paid out during that same month as refunds to taxpayers for overpayment of liability under that Act.

After making all these deposits, all other proceeds of the tax imposed under subsection (a) of Section 3 shall be deposited in the General Revenue Fund in the State Treasury. All moneys received by the Department from the additional tax imposed under subsection (b) of Section 3 shall be deposited into the Build Illinois Fund in the State Treasury.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of

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gross receipts as shown by the operator's last State income tax return. If the total receipts of the business as reported in the State income tax return do not agree with the gross receipts reported to the Department for the same period, the operator shall attach to his annual information return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The operator's annual information return to the Department shall also disclose pay roll information of the operator's business during the year covered by such return and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual tax returns by such operator as hereinbefore provided for in this Section.

If the annual information return required by this Section is not filed when and as required the taxpayer shall be liable for a penalty in an amount determined in accordance with Section 3-4 of the Uniform Penalty and Interest Act until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The foregoing portion of this Section concerning the filing of an annual information return shall not apply to an operator who is not required to file an income tax return with the United States Government.

(Source: P.A. 92-16, eff. 6-28-01; 92-600, eff. 6-28-02; revised 10-15-03.)

Section 410. The Property Tax Code is amended by changing Sections 15-25, 15-55, 16-190, 18-185, and 21-310 and by setting forth and renumbering multiple versions of Section 18-92 as follows:

(35 ILCS 200/15-25)

Sec. 15-25. Removal of exemptions. If the Department determines that any property has been unlawfully exempted from taxation, or is no

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longer entitled to exemption, the Department shall, before January 1 of any year, direct the chief county assessment officer to assess the property and return it to the assessment rolls for the next assessment year. The Department shall give notice of its decision to the owner of the property by certified mail. The decision shall be subject to review and hearing under Section 8-35, upon application by the owner filed within 60 days after the notice of decision is mailed. However, the extension of taxes on the assessment shall not be delayed by any proceedings under this Section. If the property is determined to be exempt, any taxes extended upon the assessment shall be abated or, if already paid, be refunded.

(Source: P.A. 92-651, eff. 7-11-02; 92-658, eff. 7-16-02; revised 7-26-02.)

(35 ILCS 200/15-55)

Sec. 15-55. State property.

(a) All property belonging to the State of Illinois is exempt. However, the State agency holding title shall file the certificate of ownership and use required by Section 15-10, together with a copy of any written lease or agreement, in effect on March 30 of the assessment year, concerning parcels of 1 acre or more, or an explanation of the terms of any oral agreement under which the property is leased, subleased or rented.

The leased property shall be assessed to the lessee and the taxes thereon extended and billed to the lessee, and collected in the same manner as for property which is not exempt. The lessee shall be liable for the taxes and no lien shall attach to the property of the State.

For the purposes of this Section, the word "leases" includes licenses, franchises, operating agreements and other arrangements under which private individuals, associations or corporations are granted the right to use property of the Illinois State Toll Highway Authority and includes all property of the Authority used by others without regard to the size of the leased parcel.

(b) However, all property of every kind belonging to the State of Illinois, which is or may hereafter be leased to the Illinois Prairie Path Corporation, shall be exempt from all assessments, taxation or collection, despite the making of any such lease, if it is used for:

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(1) conservation, nature trail or any other charitable, scientific, educational or recreational purposes with public benefit, including the preserving and aiding in the preservation of natural areas, objects, flora, fauna or biotic communities;

(2) the establishment of footpaths, trails and other protected areas;

(3) the conservation of the proper use of natural resources or the promotion of the study of plant and animal communities and of other phases of ecology, natural history and conservation;

(4) the promotion of education in the fields of nature, preservation and conservation; or

(5) similar public recreational activities conducted by the Illinois Prairie Path Corporation.

No lien shall attach to the property of the State. No tax liability shall become the obligation of or be enforceable against Illinois Prairie Path Corporation.

(c) If the State sells the James R. Thompson Center or the Elgin Mental Health Center and surrounding land located at 750 S. State Street, Elgin, Illinois, as provided in subdivision (a)(2) of Section 7.4 of the State Property Control Act, to another entity whose property is not exempt and immediately thereafter enters into a leaseback or other agreement that directly or indirectly gives the State a right to use, control, and possess the property, that portion of the property leased and occupied exclusively by the State shall remain exempt under this Section. For the property to remain exempt under this subsection (c), the State must retain an option to purchase the property at a future date or, within the limitations period for reversion, the property must revert back to the State.

If the property has been conveyed as described in this subsection (c), the property is no longer exempt pursuant to this Section as of the date when:

(1) the right of the State to use, control, and possess the property has been terminated; or

(2) the State no longer has an option to purchase or otherwise acquire the property and there is no provision for a
reverter of the property to the State within the limitations period for reverters.

Pursuant to Sections 15-15 and 15-20 of this Code, the State shall notify the chief county assessment officer of any transaction under this subsection (c). The chief county assessment officer shall determine initial and continuing compliance with the requirements of this Section for tax exemption. Failure to notify the chief county assessment officer of a transaction under this subsection (c) or to otherwise comply with the requirements of Sections 15-15 and 15-20 of this Code shall, in the discretion of the chief county assessment officer, constitute cause to terminate the exemption, notwithstanding any other provision of this Code.

(c-1) If the Illinois State Toll Highway Authority sells the Illinois State Toll Highway Authority headquarters building and surrounding land, located at 2700 Ogden Avenue, Downers Grove, Illinois as provided in subdivision (a)(2) of Section 7.5 of the State Property Control Act, to another entity whose property is not exempt and immediately thereafter enters into a leaseback or other agreement that directly or indirectly gives the State or the Illinois State Toll Highway Authority a right to use, control, and possess the property, that portion of the property leased and occupied exclusively by the State or the Authority shall remain exempt under this Section. For the property to remain exempt under this subsection (c), the Authority must retain an option to purchase the property at a future date or, within the limitations period for reverters, the property must revert back to the Authority.

If the property has been conveyed as described in this subsection (c), the property is no longer exempt pursuant to this Section as of the date when:

1. the right of the State or the Authority to use, control, and possess the property has been terminated; or
2. the Authority no longer has an option to purchase or otherwise acquire the property and there is no provision for a reverter of the property to the Authority within the limitations period for reverters.

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Pursuant to Sections 15-15 and 15-20 of this Code, the Authority shall notify the chief county assessment officer of any transaction under this subsection (c). The chief county assessment officer shall determine initial and continuing compliance with the requirements of this Section for tax exemption. Failure to notify the chief county assessment officer of a transaction under this subsection (c) or to otherwise comply with the requirements of Sections 15-15 and 15-20 of this Code shall, in the discretion of the chief county assessment officer, constitute cause to terminate the exemption, notwithstanding any other provision of this Code.

(d) However, the fair market rent of each parcel of real property in Will County owned by the State of Illinois for the purpose of developing an airport by the Department of Transportation shall include the assessed value of leasehold tax. The lessee of each parcel of real property in Will County owned by the State of Illinois for the purpose of developing an airport by the Department of Transportation shall not be liable for the taxes thereon. In order for the State to compensate taxing districts for the leasehold tax under this paragraph the Will County Supervisor of Assessments shall certify, in writing, to the Department of Transportation, the amount of leasehold taxes extended for the 2002 property tax year for each such exempt parcel. The Department of Transportation shall pay to the Will County Treasurer, from the Tax Recovery Fund, on or before July 1 of each year, the amount of leasehold taxes for each such exempt parcel as certified by the Will County Supervisor of Assessments. The tax compensation shall terminate on December 31, 2010. It is the duty of the Department of Transportation to file with the Office of the Will County Supervisor of Assessments an affidavit stating the termination date for rental of each such parcel due to airport construction. The affidavit shall include the property identification number for each such parcel. In no instance shall tax compensation for property owned by the State be deemed delinquent or bear interest. In no instance shall a lien attach to the property of the State. In no instance shall the State be required to pay leasehold tax compensation in excess of the Tax Recovery Fund's balance.

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(e) Public Act 81-1026 applies to all leases or agreements entered into or renewed on or after September 24, 1979.
(Source: P.A. 93-19, eff. 6-20-03; 93-658, eff. 1-22-04; revised 1-22-04.)
(35 ILCS 200/16-190)
Sec. 16-190. Record of proceedings and orders.
(a) The Property Tax Appeal Board shall keep a record of its proceedings and orders and the record shall be a public record. In all cases where the contesting party is seeking a change of $100,000 or more in assessed valuation, the contesting party must provide a court reporter at his or her own expense. The original certified transcript of such hearing shall be forwarded to the Springfield office of the Property Tax Appeal Board and shall become part of the Board's official record of the proceeding on appeal. Each year the Property Tax Appeal Board shall publish a volume containing a synopsis of representative cases decided by the Board during that year. The publication shall be organized by or cross-referenced by the issue presented before the Board in each case contained in the publication. The publication shall be available for inspection by the public at the Property Tax Appeal Board offices and copies shall be available for a reasonable cost, except as provided in Section 16-191.

(b) The Property Tax Appeal Board shall provide annually, no later than February 1, to the Governor and the General Assembly a report that contains for each county the following:

1. the total number of cases for commercial and industrial property requesting a reduction in assessed value of $100,000 or more for each of the last 5 years;
2. the total number of cases for commercial and industrial property decided by the Property Tax Appeal Board for each of the last 5 years; and
3. the total change in assessed value based on the Property Tax Appeal Board decisions for commercial property and industrial property for each of the last 5 years.

(c) The requirement for providing a report to the General Assembly shall be satisfied by filing copies of the report with the following:

1. the Speaker of the House of Representatives;

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(2) the Minority Leader of the House of Representatives;
(3) the Clerk of the House of Representatives;
(4) the President of the Senate;
(5) the Minority Leader of the Senate;
(6) the Secretary of the Senate;
(7) the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act; and
(8) the State Government Report Distribution Center for the General Assembly, as required by subsection (i) of Section 7320 of the State Library Act.

(Source: P.A. 93-248, eff. 7-22-03; revised 10-9-03.)

(35 ILCS 200/18-92)
Sec. 18-92. Downstate School Finance Authority for Elementary Districts Law. The provisions of the Truth in Taxation Law are subject to the Downstate School Finance Authority for Elementary Districts Law.

(Source: P.A. 92-855, eff. 12-6-02.)

(35 ILCS 200/18-93)

(Source: P.A. 92-884, eff. 1-13-03; revised 1-18-03.)

(35 ILCS 200/18-185)
Sec. 18-185. Short title; definitions. This Division 5 may be cited as the Property Tax Extension Limitation Law. As used in this Division 5:
"Consumer Price Index" means the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor.

"Extension limitation" means (a) the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year or (b) the rate of increase approved by voters under Section 18-205.

"Affected county" means a county of 3,000,000 or more inhabitants or a county contiguous to a county of 3,000,000 or more inhabitants.

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"Taxing district" has the same meaning provided in Section 1-150, except as otherwise provided in this Section. For the 1991 through 1994 levy years only, "taxing district" includes only each non-home rule taxing district having the majority of its 1990 equalized assessed value within any county or counties contiguous to a county with 3,000,000 or more inhabitants. Beginning with the 1995 levy year, "taxing district" includes only each non-home rule taxing district subject to this Law before the 1995 levy year and each non-home rule taxing district not subject to this Law before the 1995 levy year having the majority of its 1994 equalized assessed value in an affected county or counties. Beginning with the levy year in which this Law becomes applicable to a taxing district as provided in Section 18-213, "taxing district" also includes those taxing districts made subject to this Law as provided in Section 18-213.

"Aggregate extension" for taxing districts to which this Law applied before the 1995 levy year means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before October 1, 1991; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before October 1, 1991; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after October 1, 1991 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before October 1, 1991 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before October 1, 1991, to pay for the building project; (g)
made for payments due under installment contracts entered into before October 1, 1991; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), (e), and (h) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made by a school district that participates in the Special Education District of Lake County, created by special education joint agreement under Section 10-22.31 of the School Code, for payment of the school district's share of the amounts required to be contributed by the Special Education District of Lake County to the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code; the amount of any extension under this item (k) shall be certified by the school district to the county clerk; (l) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (m) made for temporary relocation loan repayment purposes pursuant to Sections 2-3.77 and 17-2.2d of the School Code; (n) made for payment of principal and interest on any bonds issued under the authority of Section 17-2.2d of the School Code; and (o) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Aggregate extension" for the taxing districts to which this Law did not apply before the 1995 levy year (except taxing districts subject to this Law in accordance with Section 18-213) means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for...
any taxing district to pay interest or principal on general obligation bonds issued before March 1, 1995; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before March 1, 1995; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after March 1, 1995 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before March 1, 1995 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before March 1, 1995 to pay for the building project; (g) made for payments due under installment contracts entered into before March 1, 1995; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (h-4) made for stormwater management purposes by the Metropolitan Water Reclamation District of Greater Chicago under Section 12 of the Metropolitan Water Reclamation District Act; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum and bonds described in subsection (h) of this definition; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made for payments of principal and interest on bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium or museum projects; (l) made for payments of principal and interest on bonds authorized by Public Act 87-1191 or 93-601 and (i) issued pursuant to Section 21.2 of the Cook County Forest Preserve District Act, (ii) issued under Section 42 of the
Cook County Forest Preserve District Act for zoological park projects, or (iii) issued under Section 44.1 of the Cook County Forest Preserve District Act for botanical gardens projects; (m) made pursuant to Section 34-53.5 of the School Code, whether levied annually or not; (n) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (o) made by the Chicago Park District for recreational programs for the handicapped under subsection (c) of Section 7.06 of the Chicago Park District Act; and (p) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with Section 18-213, except for those taxing districts subject to paragraph (2) of subsection (e) of Section 18-213, means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (d) made for any taxing district to pay interest or principal on bonds issued after the date on which the referendum making this Law applicable to the taxing district is held if the bonds were approved by referendum after the date on which the referendum making this Law applicable to the taxing district is held; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the date on which the referendum making this Law applicable to the taxing district is held for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment

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of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the date on which the referendum making this Law applicable to the taxing district is held to pay for the building project; (g) made for payments due under installment contracts entered into before the date on which the referendum making this Law applicable to the taxing district is held; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); (k) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; and (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with paragraph (2) of subsection (e) of Section 18-213 means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the effective date of
this amendatory Act of 1997; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the effective date of this amendatory Act of 1997; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the effective date of this amendatory Act of 1997 if the bonds were approved by referendum after the effective date of this amendatory Act of 1997; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the effective date of this amendatory Act of 1997 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the effective date of this amendatory Act of 1997 to pay for the building project; (g) made for payments due under installment contracts entered into before the effective date of this amendatory Act of 1997; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); (k) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; and (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension

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Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Debt service extension base" means an amount equal to that portion of the extension for a taxing district for the 1994 levy year, or for those taxing districts subject to this Law in accordance with Section 18-213, except for those subject to paragraph (2) of subsection (e) of Section 18-213, for the levy year in which the referendum making this Law applicable to the taxing district is held, or for those taxing districts subject to this Law in accordance with paragraph (2) of subsection (e) of Section 18-213 for the 1996 levy year, constituting an extension for payment of principal and interest on bonds issued by the taxing district without referendum, but not including excluded non-referendum bonds. For park districts (i) that were first subject to this Law in 1991 or 1995 and (ii) whose extension for the 1994 levy year for the payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds) was less than 51% of the amount for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds), "debt service extension base" means an amount equal to that portion of the extension for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds). The debt service extension base may be established or increased as provided under Section 18-212. "Excluded non-referendum bonds" means (i) bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium and museum projects; (ii) bonds issued under Section 15 of the Local Government Debt Reform Act; or (iii) refunding obligations issued to refund or to continue to refund obligations initially issued pursuant to referendum.

"Special purpose extensions" include, but are not limited to, extensions for levies made on an annual basis for unemployment and workers' compensation, self-insurance, contributions to pension plans, and extensions made pursuant to Section 6-601 of the Illinois Highway Code.
for a road district's permanent road fund whether levied annually or not. The extension for a special service area is not included in the aggregate extension.

"Aggregate extension base" means the taxing district's last preceding aggregate extension as adjusted under Sections 18-215 through 18-230.

"Levy year" has the same meaning as "year" under Section 1-155.

"New property" means (i) the assessed value, after final board of review or board of appeals action, of new improvements or additions to existing improvements on any parcel of real property that increase the assessed value of that real property during the levy year multiplied by the equalization factor issued by the Department under Section 17-30, (ii) the assessed value, after final board of review or board of appeals action, of real property not exempt from real estate taxation, which real property was exempt from real estate taxation for any portion of the immediately preceding levy year, multiplied by the equalization factor issued by the Department under Section 17-30, including the assessed value, upon final stabilization of occupancy after new construction is complete, of any real property located within the boundaries of an otherwise or previously exempt military reservation that is intended for residential use and owned by or leased to a private corporation or other entity, and (iii) in counties that classify in accordance with Section 4 of Article IX of the Illinois Constitution, an incentive property's additional assessed value resulting from a scheduled increase in the level of assessment as applied to the first year final board of review market value. In addition, the county clerk in a county containing a population of 3,000,000 or more shall include in the 1997 recovered tax increment value for any school district, any recovered tax increment value that was applicable to the 1995 tax year calculations.

"Qualified airport authority" means an airport authority organized under the Airport Authorities Act and located in a county bordering on the State of Wisconsin and having a population in excess of 200,000 and not greater than 500,000.

"Recovered tax increment value" means, except as otherwise provided in this paragraph, the amount of the current year's equalized
assessed value, in the first year after a municipality terminates the designation of an area as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. For the taxes which are extended for the 1997 levy year, the recovered tax increment value for a non-home rule taxing district that first became subject to this Law for the 1995 levy year because a majority of its 1994 equalized assessed value was in an affected county or counties shall be increased if a municipality terminated the designation of an area in 1993 as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, by an amount equal to the 1994 equalized assessed value of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. In the first year after a municipality removes a taxable lot, block, tract, or parcel of real property from a redevelopment project area established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, the Industrial Jobs Recovery Law in the Illinois Municipal Code, or the Economic Development Area Tax Increment Allocation Act, "recovered tax increment value" means the amount of the current year's equalized assessed value of each taxable lot, block, tract, or parcel of real property removed from the redevelopment project area over and above the initial equalized assessed value of that real property before removal from the redevelopment project area.

Except as otherwise provided in this Section, "limiting rate" means a fraction the numerator of which is the last preceding aggregate extension
base times an amount equal to one plus the extension limitation defined in this Section and the denominator of which is the current year's equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year. For those taxing districts that reduced their aggregate extension for the last preceding levy year, the highest aggregate extension in any of the last 3 preceding levy years shall be used for the purpose of computing the limiting rate. The denominator shall not include new property or the recovered tax increment value. If a new rate, a rate decrease, or a limiting rate increase has been approved at an election held after March 21, 2006, then (i) the otherwise applicable limiting rate shall be increased by the amount of the new rate or shall be reduced by the amount of the rate decrease, as the case may be, or (ii) in the case of a limiting rate increase, the limiting rate shall be equal to the rate set forth in the proposition approved by the voters for each of the years specified in the proposition, after which the limiting rate of the taxing district shall be calculated as otherwise provided.

(Source: P.A. 93-601, eff. 1-1-04; 93-606, eff. 11-18-03; 93-612, eff. 11-18-03; 93-689, eff. 7-1-04; 93-690, eff. 7-1-04; 93-1049, eff. 11-17-04; 94-974, eff. 6-30-06; 94-976, eff. 6-30-06; revised 8-3-06.)

(35 ILCS 200/21-310)
Sec. 21-310. Sales in error.
(a) When, upon application of the county collector, the owner of the certificate of purchase, or a municipality which owns or has owned the property ordered sold, it appears to the satisfaction of the court which ordered the property sold that any of the following subsections are applicable, the court shall declare the sale to be a sale in error:

(1) the property was not subject to taxation, or all or any part of the lien of taxes sold has become null and void pursuant to Section 21-95 or unenforceable pursuant to subsection (c) of Section 18-250 or subsection (b) of Section 22-40,
(2) the taxes or special assessments had been paid prior to the sale of the property,
(3) there is a double assessment,
(4) the description is void for uncertainty,
(5) the assessor, chief county assessment officer, board of review, board of appeals, or other county official has made an error (other than an error of judgment as to the value of any property),

(5.5) the owner of the homestead property had tendered timely and full payment to the county collector that the owner reasonably believed was due and owing on the homestead property, and the county collector did not apply the payment to the homestead property; provided that this provision applies only to homeowners, not their agents or third-party payors,

(6) prior to the tax sale a voluntary or involuntary petition has been filed by or against the legal or beneficial owner of the property requesting relief under the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13,

(7) the property is owned by the United States, the State of Illinois, a municipality, or a taxing district, or

(8) the owner of the property is a reservist or guardsperson who is granted an extension of his or her due date under Sections 21-15, 21-20, and 21-25 of this Act.

(b) When, upon application of the owner of the certificate of purchase only, it appears to the satisfaction of the court which ordered the property sold that any of the following subsections are applicable, the court shall declare the sale to be a sale in error:

(1) A voluntary or involuntary petition under the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has been filed subsequent to the tax sale and prior to the issuance of the tax deed.

(2) The improvements upon the property sold have been substantially destroyed or rendered uninhabitable or otherwise unfit for occupancy subsequent to the tax sale and prior to the issuance of the tax deed.

(3) There is an interest held by the United States in the property sold which could not be extinguished by the tax deed.

(4) The real property contains a hazardous substance, hazardous waste, or underground storage tank that would require cleanup or other removal under any federal, State, or local law,

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ordinance, or regulation, only if the tax purchaser purchased the property without actual knowledge of the hazardous substance, hazardous waste, or underground storage tank. This paragraph (4) applies only if the owner of the certificate of purchase has made application for a sale in error at any time before the issuance of a tax deed.

(c) When the county collector discovers, prior to the expiration of the period of redemption, that a tax sale should not have occurred for one or more of the reasons set forth in subdivision (a)(1), (a)(2), (a)(6), or (a)(7) of this Section, the county collector shall notify the last known owner of the certificate of purchase by certified and regular mail, or other means reasonably calculated to provide actual notice, that the county collector intends to declare an administrative sale in error and of the reasons therefor, including documentation sufficient to establish the reason why the sale should not have occurred. The owner of the certificate of purchase may object in writing within 28 days after the date of the mailing by the county collector. If an objection is filed, the county collector shall not administratively declare a sale in error, but may apply to the circuit court for a sale in error as provided in subsection (a) of this Section. Thirty days following the receipt of notice by the last known owner of the certificate of purchase, or within a reasonable time thereafter, the county collector shall make a written declaration, based upon clear and convincing evidence, that the taxes were sold in error and shall deliver a copy thereof to the county clerk within 30 days after the date the declaration is made for entry in the tax judgment, sale, redemption, and forfeiture record pursuant to subsection (d) of this Section. The county collector shall promptly notify the last known owner of the certificate of purchase of the declaration by regular mail and shall promptly pay the amount of the tax sale, together with interest and costs as provided in Section 21-315, upon surrender of the original certificate of purchase.

(d) If a sale is declared to be a sale in error, the county clerk shall make entry in the tax judgment, sale, redemption and forfeiture record, that the property was erroneously sold, and the county collector shall, on demand of the owner of the certificate of purchase, refund the amount
paid, pay any interest and costs as may be ordered under Sections 21-315 through 21-335, and cancel the certificate so far as it relates to the property. The county collector shall deduct from the accounts of the appropriate taxing bodies their pro rata amounts paid.

(Source: P.A. 94-312, eff. 7-25-05; 94-662, eff. 1-1-06; revised 8-29-05.)

(35 ILCS 200/18-101.47 rep.)

Section 412. The Property Tax Code is amended by repealing Section 18-101.47 as added by Public Acts 92-855 and 92-884.

Section 415. The Simplified Municipal Telecommunications Tax Act is amended by changing Section 5-50 as follows:

(35 ILCS 636/5-50)

Sec. 5-50. Returns to the Department.

(a) Commencing on February 1, 2003, for the tax imposed under subsection (a) of Section 5-20 of this Act, every retailer maintaining a place of business in this State shall, on or before the last day of each month make a return to the Department for the preceding calendar month, stating:

(1) Its name;

(2) The address of its principal place of business or the address of the principal place of business (if that is a different address) from which it engages in the business of transmitting telecommunications;

(3) Total amount of gross charges billed by it during the preceding calendar month for providing telecommunications during the calendar month;

(4) Total amount received by it during the preceding calendar month on credit extended;

(5) Deductions allowed by law;

(6) Gross charges that were billed by it during the preceding calendar month and upon the basis of which the tax is imposed;

(7) Amount of tax (computed upon Item 6);

(8) The municipalities to which the Department shall remit the taxes and the amount of such remittances;

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(9) Such other reasonable information as the Department may require.

(b) Any retailer required to make payments under this Section may make the payments by electronic funds transfer. The Department shall adopt rules necessary to effectuate a program of electronic funds transfer. Any retailer who has average monthly tax billings due to the Department under this Act and the Telecommunications Excise Tax Act that exceed $1,000 shall make all payments by electronic funds transfer as required by rules of the Department.

(c) If the retailer's average monthly tax billings due to the Department under this Act and the Telecommunications Excise Tax Act do not exceed $1,000, the Department may authorize such retailer's returns to be filed on a quarter-annual basis, with the return for January, February, and March of a given year being due by April 30th of that year; with the return for April, May, and June of a given year being due by July 31st of that year; with the return for July, August, and September of a given year being due by October 31st of that year; and with the return for October, November, and December of a given year being due by January 31st of the following year.

(d) If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax billings due to the Department under this Act and the Telecommunications Excise Tax Act do not exceed $400, the Department may authorize such retailer's return to be filed on an annual basis, with the return for a given year being due by January 31st of the following year.

(e) Each retailer whose average monthly remittance to the Department under this Act and the Telecommunications Excise Tax Act was $25,000 or more during the preceding calendar year, excluding the month of highest remittance and the month of lowest remittance in such calendar year, and who is not operated by a unit of local government, shall make estimated payments to the Department on or before the 7th, 15th, 22nd, and last day of the month during which the tax remittance is owed to the Department in an amount not less than the lower of either 22.5% of the retailer's actual tax collections for the month or 25% of the retailer's actual
tax collections for the same calendar month of the preceding year. The amount of such quarter-monthly payments shall be credited against the final remittance of the retailer's return for that month. Any outstanding credit, approved by the Department, arising from the retailer's overpayment of its final remittance for any month may be applied to reduce the amount of any subsequent quarter-monthly payment or credited against the final remittance of the retailer's return for any subsequent month. If any quarter-monthly payment is not paid at the time or in the amount required by this Section, the retailer shall be liable for penalty and interest on the difference between the minimum amount due as a payment and the amount of such payment actually and timely paid, except insofar as the retailer has previously made payments for that month to the Department or received credits in excess of the minimum payments previously due.

(f) Notwithstanding any other provision of this Section containing the time within which a retailer may file his or her return, in the case of any retailer who ceases to engage in a kind of business that makes him or her responsible for filing returns under this Section, the retailer shall file a final return under this Section with the Department not more than one month after discontinuing such business.

(g) In making such return, the retailer shall determine the value of any consideration other than money received by it and such retailer shall include the value in its return. Such determination shall be subject to review and revision by the Department in the manner hereinafter provided for the correction of returns.

(h) Any retailer who has average monthly tax billings due to the Department under this Act and the Telecommunications Excise Tax Act that exceed $1,000 shall file the return required by this Section by electronic means as required by rules of the Department.

(i) The retailer filing the return herein provided for shall, at the time of filing the return, pay to the Department the amounts due pursuant to this Act. The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, 99.5% of all taxes, penalties, and interest collected hereunder for deposit into the Municipal Telecommunications

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Fund, which is hereby created. The remaining 0.5% received by the Department pursuant to this Act shall be deposited into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department.

On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to be paid to named municipalities from the Municipal Telecommunications Fund for amounts collected during the second preceding calendar month. The named municipalities shall be those municipalities identified by a retailer in such retailer's return as having imposed the tax authorized by the Act. The amount of money to be paid to each municipality shall be the amount (not including credit memoranda) collected hereunder during the second preceding calendar month by the Department, plus an amount the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of such municipality, and not including any amount that the Department determines is necessary to offset any amount that were payable to a different taxing body but were erroneously paid to the municipality. Within 10 days after receipt by the Comptroller of the disbursement certification from the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in the certification. When certifying to the Comptroller the amount of a monthly disbursement to a municipality under this Section, the Department shall increase or decrease the amount by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a misallocation is discovered.

(j) For municipalities with populations of less than 500,000, whenever the Department determines that a refund shall be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to
be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Municipal Telecommunications Fund.

(Source: P.A. 92-526, eff. 7-1-02; revised 2-17-03.)

Section 420. The Uniform Penalty and Interest Act is amended by changing Section 3-2 as follows:

(35 ILCS 735/3-2) (from Ch. 120, par. 2603-2)
Sec. 3-2. Interest.

(a) Interest paid by the Department to taxpayers and interest charged to taxpayers by the Department shall be paid at the annual rate determined by the Department. For periods prior to January 1, 2004, that rate shall be the underpayment rate established under Section 6621 of the Internal Revenue Code. For periods after December 31, 2003, that rate shall be:

(1) for the one-year period beginning with the date of underpayment or overpayment, the short-term federal rate established under Section 6621 of the Internal Revenue Code.

(2) for any period beginning the day after the one-year period described in paragraph (1) of this subsection (a), the underpayment rate established under Section 6621 of the Internal Revenue Code.

(b) The interest rate shall be adjusted on a semiannual basis, on January 1 and July 1, based upon the underpayment rate or short-term federal rate going into effect on that January 1 or July 1 under Section 6621 of the Internal Revenue Code.

(c) This subsection (c) is applicable to returns due on and before December 31, 2000. Interest shall be simple interest calculated on a daily basis. Interest shall accrue upon tax and penalty due. If notice and demand is made for the payment of any amount of tax due and if the amount due is paid within 30 days after the date of such notice and demand, interest under this Section on the amount so paid shall not be imposed for the period after the date of the notice and demand.

(c-5) This subsection (c-5) is applicable to returns due on and after January 1, 2001. Interest shall be simple interest calculated on a daily
basis. Interest shall accrue upon tax due. If notice and demand is made for the payment of any amount of tax due and if the amount due is paid within 30 days after the date of the notice and demand, interest under this Section on the amount so paid shall not be imposed for the period after the date of the notice and demand.

(d) No interest shall be paid upon any overpayment of tax if the overpayment is refunded or a credit approved within 90 days after the last date prescribed for filing the original return, or within 90 days of the receipt of the processable return, or within 90 days after the date of overpayment, whichever date is latest, as determined without regard to processing time by the Comptroller or without regard to the date on which the credit is applied to the taxpayer's account. In order for an original return to be processable for purposes of this Section, it must be in the form prescribed or approved by the Department, signed by the person authorized by law, and contain all information, schedules, and support documents necessary to determine the tax due and to make allocations of tax as prescribed by law. For the purposes of computing interest, a return shall be deemed to be processable unless the Department notifies the taxpayer that the return is not processable within 90 days after the receipt of the return; however, interest shall not accumulate for the period following this date of notice. Interest on amounts refunded or credited pursuant to the filing of an amended return or claim for refund shall be determined from the due date of the original return or the date of overpayment, whichever is later, to the date of payment by the Department without regard to processing time by the Comptroller or the date of credit by the Department or without regard to the date on which the credit is applied to the taxpayer's account. If a claim for refund relates to an overpayment attributable to a net loss carryback as provided by Section 207 of the Illinois Income Tax Act, the date of overpayment shall be the last day of the taxable year in which the loss was incurred.

(e) Interest on erroneous refunds. Any portion of the tax imposed by an Act to which this Act is applicable or any interest or penalty which has been erroneously refunded and which is recoverable by the Department shall bear interest from the date of payment of the refund.
However, no interest will be charged if the erroneous refund is for an amount less than $500 and is due to a mistake of the Department.

(f) If a taxpayer has a tax liability that is eligible for amnesty under the Tax Delinquency Amnesty Act and the taxpayer fails to satisfy the tax liability during the amnesty period provided for in that Act, then the interest charged by the Department under this Section shall be imposed at a rate that is 200% of the rate that would otherwise be imposed under this Section.

(Source: P.A. 93-26, eff. 6-20-03; 93-32, eff. 6-20-03; revised 8-1-03.)

Section 425. The Illinois Pension Code is amended by changing Sections 2-134 and 8-138 and the heading of Article 9 and Section 11-134 and the heading of Article 13 and Sections 14-103.04, 15-155, 16-150, 16-158, 16-165, and 16-182 as follows:

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

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

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

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

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

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

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

(Source: P.A. 93-2, eff. 4-7-03; 93-665, eff. 3-5-04; 94-4, eff. 6-1-05; 94-536, eff. 8-10-05; revised 8-19-05.)

(40 ILCS 5/8-138) (from Ch. 108 1/2, par. 8-138)

Sec. 8-138. Minimum annuities - Additional provisions.

(a) An employee who withdraws after age 65 or more with at least 20 years of service, for whom the amount of age and service and prior service annuity combined is less than the amount stated in this Section, shall from the date of withdrawal, instead of all annuities otherwise provided, be entitled to receive an annuity for life of $150 a year, plus 1 1/2% for each year of service, to and including 20 years, and 1 2/3% for each year of service over 20 years, of his highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal.

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An employee who withdraws after 20 or more years of service, before age 65, shall be entitled to such annuity, to begin not earlier than upon attained age of 55 years if under such age at withdrawal, reduced by 2% for each full year or fractional part thereof that his attained age is less than 65, plus an additional 2% reduction for each full year or fractional part thereof that his attained age when annuity is to begin is less than 60 so that the total reduction at age 55 shall be 30%.

(b) An employee who withdraws after July 1, 1957, at age 60 or over, with 20 or more years of service, for whom the age and service and prior service annuity combined, is less than the amount stated in this paragraph, shall, from the date of withdrawal, instead of such annuities, be entitled to receive an annuity for life equal to 1 2/3% for each year of service, of the highest average annual salary for any 5 consecutive years within the last 10 years of service immediately preceding the date of withdrawal; provided, that in the case of any employee who withdraws on or after July 1, 1971, such employee age 60 or over with 20 or more years of service, shall receive an annuity for life equal to 1.67% for each of the first 10 years of service; 1.90% for each of the next 10 years of service; 2.10% for each year of service in excess of 20 but not exceeding 30; and 2.30% for each year of service in excess of 30, based on the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal.

An employee who withdraws after July 1, 1957 and before January 1, 1988, with 20 or more years of service, before age 60 years is entitled to annuity, to begin not earlier than upon attained age of 55 years, if under such age at withdrawal, as computed in the last preceding paragraph, reduced 0.25% for each full month or fractional part thereof that his attained age when annuity is to begin is less than 60 if the employee was born before January 1, 1936, or 0.5% for each such month if the employee was born on or after January 1, 1936.

Any employee born before January 1, 1936, who withdraws with 20 or more years of service, and any employee with 20 or more years of service who withdraws on or after January 1, 1988, may elect to receive, in lieu of any other employee annuity provided in this Section, an annuity for

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life equal to 1.80% for each of the first 10 years of service, 2.00% for each of
the next 10 years of service, 2.20% for each year of service in excess of
20 but not exceeding 30, and 2.40% for each year of service in excess of
30, of the highest average annual salary for any 4 consecutive years within
the last 10 years of service immediately preceding the date of withdrawal,
to begin not earlier than upon attained age of 55 years, if under such age at
withdrawal, reduced 0.25% for each full month or fractional part thereof
that his attained age when annuity is to begin is less than 60; except that an
employee retiring on or after January 1, 1988, at age 55 or over but less
than age 60, having at least 35 years of service, or an employee retiring on
or after July 1, 1990, at age 55 or over but less than age 60, having at least
30 years of service, or an employee retiring on or after the effective date of
this amendatory Act of 1997, at age 55 or over but less than age 60, having
at least 25 years of service, shall not be subject to the reduction in
retirement annuity because of retirement below age 60.

However, in the case of an employee who retired on or after
January 1, 1985 but before January 1, 1988, at age 55 or older and with at
least 35 years of service, and who was subject under this subsection (b) to
the reduction in retirement annuity because of retirement below age 60,
that reduction shall cease to be effective January 1, 1991, and the
retirement annuity shall be recalculated accordingly.

Any employee who withdraws on or after July 1, 1990, with 20 or
more years of service, may elect to receive, in lieu of any other employee
annuity provided in this Section, an annuity for life equal to 2.20% for
each year of service if withdrawal is before January 1, 2002, 60 days after
the effective date of this amendatory Act of the 92nd General Assembly,
or 2.40% for each year of service if withdrawal is on or after January 1,
2002, 60 days after the effective date of this amendatory Act of the 92nd
General Assembly or later, of the highest average annual salary for any 4
consecutive years within the last 10 years of service immediately
preceding the date of withdrawal, to begin not earlier than upon attained
age of 55 years, if under such age at withdrawal, reduced 0.25% for each
full month or fractional part thereof that his attained age when annuity is to
begin is less than 60; except that an employee retiring at age 55 or over but

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less than age 60, having at least 30 years of service, shall not be subject to the reduction in retirement annuity because of retirement below age 60.

Any employee who withdraws on or after the effective date of this amendatory Act of 1997 with 20 or more years of service may elect to receive, in lieu of any other employee annuity provided in this Section, an annuity for life equal to 2.20% for each year of service, if withdrawal is before January 1, 2002, 60 days after the effective date of this amendatory Act of the 92nd General Assembly; or 2.40% for each year of service if withdrawal is on or after January 1, 2002, 60 days after the effective date of this amendatory Act of the 92nd General Assembly or later, of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, to begin not earlier than upon attainment of age 55 (age 50 if the employee has at least 30 years of service), reduced 0.25% for each full month or remaining fractional part thereof that the employee's attained age when annuity is to begin is less than 60; except that an employee retiring at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service shall not be subject to the reduction in retirement annuity because of retirement below age 60.

The maximum annuity payable under part (a) and (b) of this Section shall not exceed 70% of highest average annual salary in the case of an employee who withdraws prior to July 1, 1971, 75% if withdrawal takes place on or after July 1, 1971 and prior to January 1, 2002, 60 days after the effective date of this amendatory Act of the 92nd General Assembly; or 80% if withdrawal takes place on or after January 1, 2002 is 60 days after the effective date of this amendatory Act of the 92nd General Assembly or later. For the purpose of the minimum annuity provided in this Section $1,500 is considered the minimum annual salary for any year; and the maximum annual salary for the computation of such annuity is $4,800 for any year before 1953, $6000 for the years 1953 to 1956, inclusive, and the actual annual salary, as salary is defined in this Article, for any year thereafter.

To preserve rights existing on December 31, 1959, for participants and contributors on that date to the fund created by the Court and Law

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Department Employees' Annuity Act, who became participants in the fund provided for on January 1, 1960, the maximum annual salary to be considered for such persons for the years 1955 and 1956 is $7,500.

(c) For an employee receiving disability benefit, his salary for annuity purposes under paragraphs (a) and (b) of this Section, for all periods of disability benefit subsequent to the year 1956, is the amount on which his disability benefit was based.

(d) An employee with 20 or more years of service, whose entire disability benefit credit period expires before attainment of age 55 while still disabled for service, is entitled upon withdrawal to the larger of (1) the minimum annuity provided above, assuming he is then age 55, and reducing such annuity to its actuarial equivalent as of his attained age on such date or (2) the annuity provided from his age and service and prior service annuity credits.

(e) The minimum annuity provisions do not apply to any former municipal employee receiving an annuity from the fund who re-enters service as a municipal employee, unless he renders at least 3 years of additional service after the date of re-entry.

(f) An employee in service on July 1, 1947, or who became a contributor after July 1, 1947 and before attainment of age 70, who withdraws after age 65, with less than 20 years of service for whom the annuity has been fixed under this Article shall, instead of the annuity so fixed, receive an annuity as follows:

Such amount as he could have received had the accumulated amounts for annuity been improved with interest at the effective rate to the date of his withdrawal, or to attainment of age 70, whichever is earlier, and had the city contributed to such earlier date for age and service annuity the amount that it would have contributed had he been under age 65, after the date his annuity was fixed in accordance with this Article, and assuming his annuity were computed from such accumulations as of his age on such earlier date. The annuity so computed shall not exceed the annuity which would be payable under the other provisions of this Section if the employee was credited with 20 years of service and would qualify for annuity thereunder.

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(g) Instead of the annuity provided in this Article, an employee having attained age 65 with at least 15 years of service who withdraws from service on or after July 1, 1971 and whose annuity computed under other provisions of this Article is less than the amount provided under this paragraph, is entitled to a minimum annuity for life equal to 1% of the highest average annual salary, as salary is defined and limited in this Section for any 4 consecutive years within the last 10 years of service for each year of service, plus the sum of $25 for each year of service. The annuity shall not exceed 60% of such highest average annual salary.

(g-1) Instead of any other retirement annuity provided in this Article, an employee who has at least 10 years of service and withdraws from service on or after January 1, 1999 may elect to receive a retirement annuity for life, beginning no earlier than upon attainment of age 60, equal to 2.2% if withdrawal is before January 1, 2002, 60 days after the effective date of this amendatory Act of the 92nd General Assembly or 2.4% if withdrawal is on or after January 1, 2002, 60 days after the effective date of this amendatory Act of the 92nd General Assembly or later, of final average salary for each year of service, subject to a maximum of 75% of final average salary if withdrawal is before January 1, 2002, or 80% if withdrawal is on or after January 1, 2002. For the purpose of calculating this annuity, "final average salary" means the highest average annual salary for any 4 consecutive years in the last 10 years of service.

(h) The minimum annuities provided under this Section shall be paid in equal monthly installments.

(i) The amendatory provisions of part (b) and (g) of this Section shall be effective July 1, 1971 and apply in the case of every qualifying employee withdrawing on or after July 1, 1971.

(j) The amendatory provisions of this amendatory Act of 1985 (P.A. 84-23) relating to the discount of annuity because of retirement prior to attainment of age 60, and to the retirement formula, for those born before January 1, 1936, shall apply only to qualifying employees withdrawing on or after July 18, 1985.

(j-1) The changes made to this Section by Public Act 92-609 this amendatory Act of the 92nd General Assembly (increasing the retirement

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formula to 2.4% per year of service and increasing the maximum to 80%) apply to persons who withdraw from service on or after January 1, 2002, regardless of whether that withdrawal takes place before the effective date of that this amendatory Act. In the case of a person who withdraws from service on or after January 1, 2002 but begins to receive a retirement annuity before July 1, 2002 the effective date of this amendatory Act, the annuity shall be recalculated, with the increase resulting from Public this amendatory Act 92-609 accruing from the date the retirement annuity began. The changes made by Public Act 92-609 control over the changes made by Public Act 92-599, as provided in Section 95 of P.A. 92-609.

(k) Beginning on January 1, 1999, the minimum amount of employee's annuity shall be $850 per month for life for the following classes of employees, without regard to the fact that withdrawal occurred prior to the effective date of this amendatory Act of 1998:

(1) any employee annuitant alive and receiving a life annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(2) any employee annuitant alive and receiving a term annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(3) any employee annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of 1998, whose service in this fund is at least 5 years;

(4) any employee annuitant withdrawing after age 60 on or after the effective date of this amendatory Act of 1998, with at least 10 years of service in this fund.

The increases granted under items (1), (2) and (3) of this subsection (k) shall not be limited by any other Section of this Act.

(Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02; revised 9-11-02.)

(40 ILCS 5/Art. 9 heading)
ARTICLE 9. COUNTY EMPLOYEES' AND OFFICERS' ANNUITY AND BENEFIT FUND - COUNTIES OVER 3,000,000 INHABITANTS

(40 ILCS 5/11-134) (from Ch. 108 1/2, par. 11-134)
Sec. 11-134. Minimum annuities.

(a) An employee whose withdrawal occurs after July 1, 1957 at age 60 or over, with 20 or more years of service, (as service is defined or computed in Section 11-216), for whom the age and service and prior service annuity combined is less than the amount stated in this Section, shall, from and after the date of withdrawal, in lieu of all annuities otherwise provided in this Article, be entitled to receive an annuity for life of an amount equal to 1 2/3% for each year of service, of the highest average annual salary for any 5 consecutive years within the last 10 years of service immediately preceding the date of withdrawal; provided, that in the case of any employee who withdraws on or after July 1, 1971, such employee age 60 or over with 20 or more years of service, shall be entitled to instead receive an annuity for life equal to 1.67% for each of the first 10 years of service; 1.90% for each of the next 10 years of service; 2.10% for each year of service in excess of 20 but not exceeding 30; and 2.30% for each year of service in excess of 30, based on the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal.

An employee who withdraws after July 1, 1957 and before January 1, 1988, with 20 or more years of service, before age 60, shall be entitled to an annuity, to begin not earlier than age 55, if under such age at withdrawal, as computed in the last preceding paragraph, reduced 0.25% if the employee was born before January 1, 1936, or 0.5% if the employee was born on or after January 1, 1936, for each full month or fractional part thereof that his attained age when such annuity is to begin is less than 60.

Any employee born before January 1, 1936 who withdraws with 20 or more years of service, and any employee with 20 or more years of service who withdraws on or after January 1, 1988, may elect to receive, in lieu of any other employee annuity provided in this Section, an annuity for life equal to 1.80% for each of the first 10 years of service, 2.00% for each of the next 10 years of service, 2.20% for each year of service in excess of 20, but not exceeding 30, and 2.40% for each year of service in excess of 30, of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal.

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to begin not earlier than upon attained age of 55 years, if under such age at withdrawal, reduced 0.25% for each full month or fractional part thereof that his attained age when annuity is to begin is less than 60; except that an employee retiring on or after January 1, 1988, at age 55 or over but less than age 60, having at least 35 years of service, or an employee retiring on or after July 1, 1990, at age 55 or over but less than age 60, having at least 30 years of service, or an employee retiring on or after the effective date of this amendatory Act of 1997, at age 55 or over but less than age 60, having at least 25 years of service, shall not be subject to the reduction in retirement annuity because of retirement below age 60.

However, in the case of an employee who retired on or after January 1, 1985 but before January 1, 1988, at age 55 or older and with at least 35 years of service, and who was subject under this subsection (a) to the reduction in retirement annuity because of retirement below age 60, that reduction shall cease to be effective January 1, 1991, and the retirement annuity shall be recalculated accordingly.

Any employee who withdraws on or after July 1, 1990, with 20 or more years of service, may elect to receive, in lieu of any other employee annuity provided in this Section, an annuity for life equal to 2.20% for each year of service if withdrawal is before January 1, 2002, 60 days after the effective date of this amendatory Act of the 92nd General Assembly, or 2.40% for each year of service if withdrawal is on or after January 1, 2002, 60 days after the effective date of this amendatory Act of the 92nd General Assembly or later, of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, to begin not earlier than upon attained age of 55 years, if under such age at withdrawal, reduced 0.25% for each full month or fractional part thereof that his attained age when annuity is to begin is less than 60; except that an employee retiring at age 55 or over but less than age 60, having at least 30 years of service, shall not be subject to the reduction in retirement annuity because of retirement below age 60.

Any employee who withdraws on or after the effective date of this amendatory Act of 1997 with 20 or more years of service may elect to receive, in lieu of any other employee annuity provided in this Section, an

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annuity for life equal to 2.20% for each year of service if withdrawal is before January 1, 2002, 60 days after the effective date of this amendatory Act of the 92nd General Assembly; or 2.40% for each year of service if withdrawal is on or after January 1, 2002, 60 days after the effective date of this amendatory Act of the 92nd General Assembly or later; of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, to begin not earlier than upon attainment of age 55 (age 50 if the employee has at least 30 years of service), reduced 0.25% for each full month or remaining fractional part thereof that the employee's attained age when annuity is to begin is less than 60; except that an employee retiring at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service shall not be subject to the reduction in retirement annuity because of retirement below age 60.

The maximum annuity payable under this paragraph (a) of this Section shall not exceed 70% of highest average annual salary in the case of an employee who withdraws prior to July 1, 1971, 75% if withdrawal takes place on or after July 1, 1971 and prior to January 1, 2002, 60 days after the effective date of this amendatory Act of the 92nd General Assembly; or 80% if withdrawal is on or after January 1, 2002 60 days after the effective date of this amendatory Act of the 92nd General Assembly or later. For the purpose of the minimum annuity provided in said paragraphs $1,500 shall be considered the minimum annual salary for any year; and the maximum annual salary to be considered for the computation of such annuity shall be $4,800 for any year prior to 1953, $6,000 for the years 1953 to 1956, inclusive, and the actual annual salary, as salary is defined in this Article, for any year thereafter.

(b) For an employee receiving disability benefit, his salary for annuity purposes under this Section shall, for all periods of disability benefit subsequent to the year 1956, be the amount on which his disability benefit was based.

(c) An employee with 20 or more years of service, whose entire disability benefit credit period expires prior to attainment of age 55 while still disabled for service, shall be entitled upon withdrawal to the larger of

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(1) the minimum annuity provided above assuming that he is then age 55, and reducing such annuity to its actuarial equivalent at his attained age on such date, or (2) the annuity provided from his age and service and prior service annuity credits.

(d) The minimum annuity provisions as aforesaid shall not apply to any former employee receiving an annuity from the fund, and who re-enters service as an employee, unless he renders at least 3 years of additional service after the date of re-entry.

(e) An employee in service on July 1, 1947, or who became a contributor after July 1, 1947 and prior to July 1, 1950, or who shall become a contributor to the fund after July 1, 1950 prior to attainment of age 70, who withdraws after age 65 with less than 20 years of service, for whom the annuity has been fixed under the foregoing Sections of this Article shall, in lieu of the annuity so fixed, receive an annuity as follows:

Such amount as he could have received had the accumulated amounts for annuity been improved with interest at the effective rate to the date of his withdrawal, or to attainment of age 70, whichever is earlier, and had the city contributed to such earlier date for age and service annuity the amount that would have been contributed had he been under age 65, after the date his annuity was fixed in accordance with this Article, and assuming his annuity were computed from such accumulations as of his age on such earlier date. The annuity so computed shall not exceed the annuity which would be payable under the other provisions of this Section if the employee was credited with 20 years of service and would qualify for annuity thereunder.

(f) In lieu of the annuity provided in this or in any other Section of this Article, an employee having attained age 65 with at least 15 years of service who withdraws from service on or after July 1, 1971 and whose annuity computed under other provisions of this Article is less than the amount provided under this paragraph shall be entitled to receive a minimum annual annuity for life equal to 1% of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding retirement for each year of his service plus the sum of $25 for each year of service. Such annual annuity shall not exceed the

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maximum percentages stated under paragraph (a) of this Section of such highest average annual salary.

(f-1) Instead of any other retirement annuity provided in this Article, an employee who has at least 10 years of service and withdraws from service on or after January 1, 1999 may elect to receive a retirement annuity for life, beginning no earlier than upon attainment of age 60, equal to 2.2% if withdrawal is before January 1, 2002, 60 days after the effective date of this amendatory Act or 2.4% for each year of service if withdrawal is on or after January 1, 2002, 60 days after the effective date of this amendatory Act of the 92nd General Assembly or later, of final average salary for each year of service, subject to a maximum of 75% of final average salary if withdrawal is before January 1, 2002, 60 days after the effective date of this amendatory Act of the 92nd General Assembly; or 80% if withdrawal is on or after January 1, 2002 60 days after the effective date of this amendatory Act of the 92nd General Assembly or later. For the purpose of calculating this annuity, "final average salary" means the highest average annual salary for any 4 consecutive years in the last 10 years of service.

(g) Any annuity payable under the preceding subsections of this Section 11-134 shall be paid in equal monthly installments.

(h) The amendatory provisions of part (a) and (f) of this Section shall be effective July 1, 1971 and apply in the case of every qualifying employee withdrawing on or after July 1, 1971.

(h-1) The changes made to this Section by Public Act 92-609 this amendatory Act of the 92nd General Assembly (increasing the retirement formula to 2.4% per year of service and increasing the maximum to 80%) apply to persons who withdraw from service on or after January 1, 2002, regardless of whether that withdrawal takes place before the effective date of that amendatory Act. In the case of a person who withdraws from service on or after January 1, 2002 but begins to receive a retirement annuity before July 1, 2002 the effective date of this amendatory Act, the annuity shall be recalculated, with the increase resulting from Public this amendatory Act 92-609 accruing from the date the retirement annuity

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began. The changes made by Public Act 92-609 control over the changes made by Public Act 92-599, as provided in Section 95 of P.A. 92-609.

(i) The amendatory provisions of this amendatory Act of 1985 relating to the discount of annuity because of retirement prior to attainment of age 60 and increasing the retirement formula for those born before January 1, 1936, shall apply only to qualifying employees withdrawing on or after August 16, 1985.

(j) Beginning on January 1, 1999, the minimum amount of employee's annuity shall be $850 per month for life for the following classes of employees, without regard to the fact that withdrawal occurred prior to the effective date of this amendatory Act of 1998:

(1) any employee annuitant alive and receiving a life annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;
(2) any employee annuitant alive and receiving a term annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;
(3) any employee annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of 1998, whose service in this fund is at least 5 years;
(4) any employee annuitant withdrawing after age 60 on or after the effective date of this amendatory Act of 1998, with at least 10 years of service in this fund.

The increases granted under items (1), (2) and (3) of this subsection (j) shall not be limited by any other Section of this Act.

(Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02; revised 9-11-02.)

(40 ILCS 5/Art. 13 heading)

ARTICLE 13. METROPOLITAN WATER RECLAMATION DISTRICT RETIREMENT FUND SANITARY DISTRICT EMPLOYEES' AND TRUSTEES' ANNUITY AND BENEFIT FUND

(40 ILCS 5/14-103.04) (from Ch. 108 1/2, par. 14-103.04)

Sec. 14-103.04. Department. "Department": Any department, institution, board, commission, officer, court, or any agency of the State having power to certify payrolls to the State Comptroller authorizing

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payments of salary or wages against State appropriations, or against trust funds held by the State Treasurer, except those departments included under the term "employer" in the State Universities Retirement System. "Department" includes the Illinois Finance Authority. "Department" also includes the Illinois Comprehensive Health Insurance Board and the Illinois Finance Authority.

(Source: P.A. 93-205 (Sections 890-11 and 890-44), eff. 1-1-04; revised 9-23-03.)

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

Sec. 15-155. Employer contributions.

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

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

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

For State fiscal years 1996 through 2005, the State contribution to the System, as a percentage of the applicable employee payroll, shall be increased in equal annual increments so that by State fiscal year 2011, the State is contributing at the rate required under this Section.
Notwithstanding any other provision of this Article, the total required State contribution for State fiscal year 2006 is $166,641,900.

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

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

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

Amounts received by the System pursuant to Section 25 of the Budget Stabilization Act in any fiscal year do not reduce and do not constitute payment of any portion of the minimum State contribution required under this Article in that fiscal year. Such amounts shall not reduce, and shall not be included in the calculation of, the required State contributions under this Article in any future year until the System has reached a funding ratio of at least 90%. A reference in this Article to the "required State contribution" or any substantially similar term does not include or apply to any amounts payable to the System under Section 25 of the Budget Stabilization Act.

Notwithstanding any other provision of this Section, the required State contribution for State fiscal year 2005 and for fiscal year 2008 and each fiscal year thereafter, as calculated under this Section and certified under Section 15-165, shall not exceed an amount equal to (i) the amount of the required State contribution that would have been calculated under this Section for that fiscal year if the System had not received any payments under subsection (d) of Section 7.2 of the General Obligation Bond Act, minus (ii) the portion of the State's total debt service payments for that fiscal year on the bonds issued for the purposes of that Section 7.2, as determined and certified by the Comptroller, that is the same as the

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System's portion of the total moneys distributed under subsection (d) of Section 7.2 of the General Obligation Bond Act. In determining this maximum for State fiscal years 2008 through 2010, however, the amount referred to in item (i) shall be increased, as a percentage of the applicable employee payroll, in equal increments calculated from the sum of the required State contribution for State fiscal year 2007 plus the applicable portion of the State's total debt service payments for fiscal year 2007 on the bonds issued for the purposes of Section 7.2 of the General Obligation Bond Act, so that, by State fiscal year 2011, the State is contributing at the rate otherwise required under this Section.

(b) If an employee is paid from trust or federal funds, the employer shall pay to the Board contributions from those funds which are sufficient to cover the accruing normal costs on behalf of the employee. However, universities having employees who are compensated out of local auxiliary funds, income funds, or service enterprise funds are not required to pay such contributions on behalf of those employees. The local auxiliary funds, income funds, and service enterprise funds of universities shall not be considered trust funds for the purpose of this Article, but funds of alumni associations, foundations, and athletic associations which are affiliated with the universities included as employers under this Article and other employers which do not receive State appropriations are considered to be trust funds for the purpose of this Article.

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

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

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

(e) The State Comptroller shall draw warrants payable to the System upon proper certification by the System or by the employer in accordance with the appropriation laws and this Code.

(f) Normal costs under this Section means liability for pensions and other benefits which accrues to the System because of the credits earned for service rendered by the participants during the fiscal year and expenses of administering the System, but shall not include the principal of or any redemption premium or interest on any bonds issued by the Board or any expenses incurred or deposits required in connection therewith.

(g) If the amount of a participant's earnings for any academic year used to determine the final rate of earnings, determined on a full-time equivalent basis, exceeds the amount of his or her earnings with the same employer for the previous academic year, determined on a full-time equivalent basis, by more than 6%, the participant's employer shall pay to the System, in addition to all other payments required under this Section and in accordance with guidelines established by the System, the present value of the increase in benefits resulting from the portion of the increase in earnings that is in excess of 6%. This present value shall be computed by the System on the basis of the actuarial assumptions and tables used in the most recent actuarial valuation of the System that is available at the

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time of the computation. The System may require the employer to provide any pertinent information or documentation.

Whenever it determines that a payment is or may be required under this subsection (g), the System shall calculate the amount of the payment and bill the employer for that amount. The bill shall specify the calculations used to determine the amount due. If the employer disputes the amount of the bill, it may, within 30 days after receipt of the bill, apply to the System in writing for a recalculation. The application must specify in detail the grounds of the dispute and, if the employer asserts that the calculation is subject to subsection (h) or (i) of this Section, must include an affidavit setting forth and attesting to all facts within the employer's knowledge that are pertinent to the applicability of subsection (h) or (i). Upon receiving a timely application for recalculation, the System shall review the application and, if appropriate, recalculate the amount due.

The employer contributions required under this subsection (f) may be paid in the form of a lump sum within 90 days after receipt of the bill. If the employer contributions are not paid within 90 days after receipt of the bill, then interest will be charged at a rate equal to the System's annual actuarially assumed rate of return on investment compounded annually from the 91st day after receipt of the bill. Payments must be concluded within 3 years after the employer's receipt of the bill.

(h) This subsection (h) applies only to payments made or salary increases given on or after June 1, 2005 but before July 1, 2011. The changes made by Public Act 94-1057 shall not require the System to refund any payments received before July 31, 2006 (the effective date of Public Act 94-1057).

When assessing payment for any amount due under subsection (g), the System shall exclude earnings increases paid to participants under contracts or collective bargaining agreements entered into, amended, or renewed before June 1, 2005.

When assessing payment for any amount due under subsection (g), the System shall exclude earnings increases paid to a participant at a time
when the participant is 10 or more years from retirement eligibility under Section 15-135.

When assessing payment for any amount due under subsection (g), the System shall exclude earnings increases resulting from overload work, including a contract for summer teaching, or overtime when the employer has certified to the System, and the System has approved the certification, that: (i) in the case of overloads (A) the overload work is for the sole purpose of academic instruction in excess of the standard number of instruction hours for a full-time employee occurring during the academic year that the overload is paid and (B) the earnings increases are equal to or less than the rate of pay for academic instruction computed using the participant's current salary rate and work schedule; and (ii) in the case of overtime, the overtime was necessary for the educational mission.

When assessing payment for any amount due under subsection (g), the System shall exclude any earnings increase resulting from (i) a promotion for which the employee moves from one classification to a higher classification under the State Universities Civil Service System, (ii) a promotion in academic rank for a tenured or tenure-track faculty position, or (iii) a promotion that the Illinois Community College Board has recommended in accordance with subsection (k) of this Section. These earnings increases shall be excluded only if the promotion is to a position that has existed and been filled by a member for no less than one complete academic year and the earnings increase as a result of the promotion is an increase that results in an amount no greater than the average salary paid for other similar positions.

(i) When assessing payment for any amount due under subsection (g), the System shall exclude any salary increase described in subsection (h) of this Section given on or after July 1, 2011 but before July 1, 2014 under a contract or collective bargaining agreement entered into, amended, or renewed on or after June 1, 2005 but before July 1, 2011. Notwithstanding any other provision of this Section, any payments made or salary increases given after June 30, 2014 shall be used in assessing payment for any amount due under subsection (g) of this Section.

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(j) The System shall prepare a report and file copies of the report with the Governor and the General Assembly by January 1, 2007 that contains all of the following information:

1. The number of recalculation required by the changes made to this Section by Public Act 94-1057 this amendatory Act of the 94th General Assembly for each employer.

2. The dollar amount by which each employer's contribution to the System was changed due to recalculation required by Public Act 94-1057 this amendatory Act of the 94th General Assembly.

3. The total amount the System received from each employer as a result of the changes made to this Section by Public Act 94-4.

4. The increase in the required State contribution resulting from the changes made to this Section by Public Act 94-1057 this amendatory Act of the 94th General Assembly.

(k) The Illinois Community College Board shall adopt rules for recommending lists of promotional positions submitted to the Board by community colleges and for reviewing the promotional lists on an annual basis. When recommending promotional lists, the Board shall consider the similarity of the positions submitted to those positions recognized for State universities by the State Universities Civil Service System. The Illinois Community College Board shall file a copy of its findings with the System. The System shall consider the findings of the Illinois Community College Board when making determinations under this Section. The System shall not exclude any earnings increases resulting from a promotion when the promotion was not submitted by a community college. Nothing in this subsection (k) shall require any community college to submit any information to the Community College Board.

(Source: P.A. 93-2, eff. 4-7-03; 94-4, eff. 6-1-05; 94-839, eff. 6-6-06; 94-1057, eff. 7-31-06; revised 8-3-06.)

(40 ILCS 5/16-150) (from Ch. 108 1/2, par. 16-150)
Sec. 16-150. Re-entry.

New matter indicated by italics - deletions by strikeout
(a) This Section does not apply to an annuitant who returns to teaching under the program established in Section 16-150.1, for the duration of his or her participation in that program.

(b) If an annuitant under this System is again employed as a teacher for an aggregate period exceeding that permitted by Section 16-118, his or her retirement annuity shall be terminated and the annuitant shall thereupon be regarded as an active member.

Such annuitant is not entitled to a recomputation of his or her retirement annuity unless at least one full year of creditable service is rendered after the latest re-entry into service and the annuitant must have rendered at least 3 years of creditable service after last re-entry into service to qualify for a recomputation of the retirement annuity based on amendments enacted while in receipt of a retirement annuity, except when retirement was due to disability.

However, regardless of age, an annuitant in receipt of a retirement annuity may be given temporary employment by a school board not exceeding that permitted under Section 16-118 and continue to receive the retirement annuity.

(c) Unless retirement was necessitated by disability, a retirement shall be considered cancelled and the retirement allowance must be repaid in full if the annuitant is employed as a teacher within the school year during which service was terminated.

(d) An annuitant's retirement which does not include a period of at least one full and complete school year shall be considered cancelled and the retirement annuity must be repaid in full unless such retirement was necessitated by disability.

(Source: P.A. 93-320, eff. 7-23-03; 93-469, eff. 8-8-03; revised 9-11-03.)

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

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

(a) The State shall make contributions to the System by means of appropriations from the Common School Fund and other State funds of amounts which, together with other employer contributions, employee contributions, investment income, and other income, will be sufficient to

New matter indicated by italics - deletions by strikeout
meet the cost of maintaining and administering the System on a 90% funded basis in accordance with actuarial recommendations.

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

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

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

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

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

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

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

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

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

For State fiscal years 1996 through 2005, the State contribution to the System, as a percentage of the applicable employee payroll, shall be increased in equal annual increments so that by State fiscal year 2011, the State is contributing at the rate required under this Section; except that in the following specified State fiscal years, the State contribution to the System shall not be less than the following indicated percentages of the applicable employee payroll, even if the indicated percentage will produce a State contribution in excess of the amount otherwise required under this subsection and subsection (a), and notwithstanding any contrary certification made under subsection (a-1) before the effective date of this amendatory Act of 1998: 10.02% in FY 1999; 10.77% in FY 2000; 11.47% in FY 2001; 12.16% in FY 2002; 12.86% in FY 2003; and 13.56% in FY 2004.

New matter indicated by italics - deletions by strikeout
Notwithstanding any other provision of this Article, the total required State contribution for State fiscal year 2006 is $534,627,700.

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

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

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

Amounts received by the System pursuant to Section 25 of the Budget Stabilization Act in any fiscal year do not reduce and do not constitute payment of any portion of the minimum State contribution required under this Article in that fiscal year. Such amounts shall not reduce, and shall not be included in the calculation of, the required State contributions under this Article in any future year until the System has reached a funding ratio of at least 90%. A reference in this Article to the "required State contribution" or any substantially similar term does not include or apply to any amounts payable to the System under Section 25 of the Budget Stabilization Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) If the amount of a teacher's salary for any school year used to determine final average salary exceeds the member's annual full-time salary rate with the same employer for the previous school year by more than 6%, the teacher's employer shall pay to the System, in addition to all other payments required under this Section and in accordance with guidelines established by the System, the present value of the increase in benefits resulting from the portion of the increase in salary that is in excess of 6%. This present value shall be computed by the System on the basis of the actuarial assumptions and tables used in the most recent actuarial valuation of the System that is available at the time of the computation. For the purposes of this Section, change in employment under Section 10-21.12 of the School Code shall constitute a change in employer. The System may require the employer to provide any pertinent information or documentation.

Whenever it determines that a payment is or may be required under this subsection, the System shall calculate the amount of the payment and bill the employer for that amount. The bill shall specify the calculations used to determine the amount due. If the employer disputes the amount of the bill, it may, within 30 days after receipt of the bill, apply to the System in writing for a recalculation. The application must specify in detail the grounds of the dispute and, if the employer asserts that the calculation is subject to subsection (g) or (h) of this Section, must include an affidavit setting forth and attesting to all facts within the employer's knowledge that are pertinent to the applicability of that subsection. Upon receiving a timely application for recalculation, the System shall review the application and, if appropriate, recalculate the amount due.

The employer contributions required under this subsection (f) may be paid in the form of a lump sum within 90 days after receipt of the bill. If the employer contributions are not paid within 90 days after receipt of

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the bill, then interest will be charged at a rate equal to the System's annual actuarially assumed rate of return on investment compounded annually from the 91st day after receipt of the bill. Payments must be concluded within 3 years after the employer's receipt of the bill.

(g) This subsection (g) applies only to payments made or salary increases given on or after June 1, 2005 but before July 1, 2011. The changes made by Public Act 94-1057 this amendatory Act of the 94th General Assembly shall not require the System to refund any payments received before July 31, 2006 (the effective date of Public Act 94-1057) this amendatory Act.

When assessing payment for any amount due under subsection (f), the System shall exclude salary increases paid to teachers under contracts or collective bargaining agreements entered into, amended, or renewed before June 1, 2005.

When assessing payment for any amount due under subsection (f), the System shall exclude salary increases paid to a teacher at a time when the teacher is 10 or more years from retirement eligibility under Section 16-132 or 16-133.2.

When assessing payment for any amount due under subsection (f), the System shall exclude salary increases resulting from overload work, including summer school, when the school district has certified to the System, and the System has approved the certification, that (i) the overload work is for the sole purpose of classroom instruction in excess of the standard number of classes for a full-time teacher in a school district during a school year and (ii) the salary increases are equal to or less than the rate of pay for classroom instruction computed on the teacher's current salary and work schedule.

When assessing payment for any amount due under subsection (f), the System shall exclude a salary increase resulting from a promotion (i) for which the employee is required to hold a certificate or supervisory endorsement issued by the State Teacher Certification Board that is a different certification or supervisory endorsement than is required for the teacher's previous position and (ii) to a position that has existed and been filled by a member for no less than one complete academic year and the

New matter indicated by italics - deletions by strikeout
salary increase from the promotion is an increase that results in an amount no greater than the lesser of the average salary paid for other similar positions in the district requiring the same certification or the amount stipulated in the collective bargaining agreement for a similar position requiring the same certification.

When assessing payment for any amount due under subsection (f), the System shall exclude any payment to the teacher from the State of Illinois or the State Board of Education over which the employer does not have discretion, notwithstanding that the payment is included in the computation of final average salary.

(h) When assessing payment for any amount due under subsection (f), the System shall exclude any salary increase described in subsection (g) of this Section given on or after July 1, 2011 but before July 1, 2014 under a contract or collective bargaining agreement entered into, amended, or renewed on or after June 1, 2005 but before July 1, 2011. Notwithstanding any other provision of this Section, any payments made or salary increases given after June 30, 2014 shall be used in assessing payment for any amount due under subsection (f) of this Section.

(i) The System shall prepare a report and file copies of the report with the Governor and the General Assembly by January 1, 2007 that contains all of the following information:

(1) The number of recalculationS required by the changes made to this Section by Public Act 94-1057 this amendatory Act of the 94th General Assembly for each employer.

(2) The dollar amount by which each employer's contribution to the System was changed due to recalculationS required by Public Act 94-1057 this amendatory Act of the 94th General Assembly.

(3) The total amount the System received from each employer as a result of the changes made to this Section by Public Act 94-4.

(4) The increase in the required State contribution resulting from the changes made to this Section by Public Act 94-1057 this amendatory Act of the 94th General Assembly.

New matter indicated by italics - deletions by strikeout
Sec. 16-165. Board; elected members; vacancies.

(a) In each odd-numbered year, there shall be elected 2 teachers who shall hold office for a term of 4 years beginning July 15 next following their election, in the manner provided under this Section. An elected teacher member of the board who ceases to be a teacher as defined in Section 16-106 may continue to serve on the board for the remainder of the term to which he or she was elected.

(b) One elected annuitant trustee shall first be elected in 1987, and in every fourth year thereafter, for a term of 4 years beginning July 15 next following his or her election.

(c) The elected annuitant position created by this amendatory Act of the 91st General Assembly shall be filled as soon as possible in the manner provided for vacancies, for an initial term ending July 15, 2001. One elected annuitant trustee shall be elected in 2001, and in every fourth year thereafter, for a term of 4 years beginning July 15 next following his or her election.

(d) Elections shall be held on May 1, unless May 1 falls on a Saturday or Sunday, in which event the election shall be conducted on the following Monday. Candidates shall be nominated by petitions in writing, signed by not less than 500 teachers or annuitants, as the case may be, with their addresses shown opposite their names. The petitions shall be filed with the board's Secretary not less than 90 nor more than 120 days prior to May 1. The Secretary shall determine their validity not less than 75 days before the election.

(e) If, for either teacher or annuitant members, the number of qualified nominees exceeds the number of available positions, the system shall prepare an appropriate ballot with the names of the candidates in alphabetical order and shall mail one copy thereof, at least 10 days prior to the election day, to each teacher or annuitant of this system as of the latest date practicable, at the latest known address, together with a return envelope addressed to the board and also a smaller envelope marked "For
Ballot Only“, and a slip for signature. Each voter, upon marking his ballot with a cross mark in the square before the name of the person voted for, shall place the ballot in the envelope marked "For Ballot Only", seal the envelope, write on the slip provided therefor his signature and address, enclose both the slip and sealed envelope containing the marked ballot in the return envelope addressed to the board, and mail it. Whether a person is eligible to vote for the teacher nominees or the annuitant nominees shall be determined from system payroll records as of March 1.

Upon receipt of the return envelopes, the system shall open them and set aside unopened the envelopes marked "For Ballot Only". On election day ballots shall be publicly opened and counted by the trustees or canvassers appointed therefor. Each vote cast for a candidate represents one vote only. No ballot arriving after 10 o'clock a.m. on election day shall be counted. The 2 teacher candidates and the annuitant candidate receiving the highest number of votes shall be elected. The board shall declare the results of the election, keep a record thereof, and notify the candidates of the results thereof within 30 days after the election.

If, for either class of members, there are only as many qualified nominees as there are positions available, the balloting as described in this Section shall not be conducted for those nominees, and the board shall declare them duly elected.

(f) A vacancy occurring in the elective membership of the board shall be filled for the unexpired term by a person qualified for the vacant position, selected by the remaining elected members of the board, if there are no more than 6 months remaining on the term. For a term with more than 6 months remaining, the Director of the Teachers' Retirement System of the State of Illinois shall institute an election in accordance with this Act to fill the unexpired term.

(Source: P.A. 94-423, eff. 8-2-05; 94-710, eff. 12-5-05; revised 12-8-05.)

(40 ILCS 5/16-182) (from Ch. 108 1/2, par. 16-182)

Sec. 16-182. Members' Contribution Reserve. (⇒) On July 1, 2003, the Members' Contribution Reserve is abolished and the remaining balance shall be transferred from that Reserve to the Benefit Trust Reserve.

(Source: P.A. 93-469, eff. 8-8-03; revised 10-9-03.)

New matter indicated by italics - deletions by strikeout
Section 430. The Interstate Compact on Adoption Act is amended by changing Sections 5-35 and 5-40 as follows:

(45 ILCS 17/5-35)

Sec. 5-35. Medical assistance.

(a) A child with special needs who resides in this State and who is the subject of an adoption assistance agreement with another state shall be eligible for medical assistance from this State under Article V of the Illinois Public Aid Code upon the filing of agreed documentation obtained from the assistance state and filed with the Illinois Department of Healthcare and Family Services Public Aid. The Department of Children and Family Services shall be required at least annually to establish that the agreement is still in force or has been renewed.

(b) If a child (i) is in another state, (ii) is covered by an adoption assistance agreement made by the Illinois Department of Children and Family Services, and (iii) was eligible for medical assistance under Article V of the Illinois Public Aid Code at the time he or she resided in this State and would continue to be eligible for that assistance if he or she was currently residing in this State, then that child is eligible for medical assistance under Article V of the Illinois Public Aid Code, but only for those medical assistance benefits under Article V that are not provided by the other state. There shall be no payment or reimbursement by this State for services or benefits covered under any insurance or other third party medical contract or arrangement held by the child or the adoptive parents.

(c) The submission of any claim for payment or reimbursement for services or benefits pursuant to this Section or the making of any statement in connection therewith, which claim or statement the maker knows or should know to be false, misleading, or fraudulent, shall be punishable as perjury and shall also be subject to a fine not to exceed $10,000 or imprisonment for not to exceed 2 years, or both.

(d) The provisions of this Section shall apply only to medical assistance for children under adoption assistance agreements from states that have entered into a compact with this State under which the other state provided medical assistance to children with special needs under adoption assistance agreements made by this State.

New matter indicated by italics - deletions by strikeout
(e) The Illinois Department of Children and Family Services and the Department of Healthcare and Family Services Illinois Department of Public Aid may adopt all rules necessary to implement this Section.
(Source: P.A. 90-28, eff. 1-1-98; revised 12-15-05.)

(45 ILCS 17/5-40)

Sec. 5-40. Federal participation. Consistent with federal law, the Illinois Department of Children and Family Services and the Department of Healthcare and Family Services Illinois Department of Public Aid or the Illinois Department of Human Services, as the successor agency of the Illinois Department of Public Aid, in connection with the administration of this Act and any compact entered into pursuant to this Act, shall include in any state plan made pursuant to the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272), Titles IV (e) and XIX of the Social Security Act, and any other applicable federal laws the provision of adoption assistance and medical assistance for which the federal government pays some or all of the cost. The Department of Children and Family Services and the Department of Healthcare and Family Services Illinois Department of Public Aid or the Department of Human Services, as the successor agency of the Illinois Department of Public Aid, shall apply for and administer all relevant federal aid in accordance with law.
(Source: P.A. 90-28, eff. 1-1-98; revised 12-15-05.)

Section 435. The Bi-State Development Agency Act is amended by changing Section 3 as follows:

(45 ILCS 105/3) (from Ch. 127, par. 63s-3)

Sec. 3. Vacancies occurring in the office of any commissioner shall be filled by appointment by the Chairman of the County Board that made the original appointment of that commissioner, with the advice and consent of the respective county board, for the unexpired term. Any vacancies occurring during the transition for the implementation of this amendatory Act of the 93rd General Assembly that were appointed by the Governor, and not by the respective County Board Chairmen, shall be filled by the appointment by the County Board Chairman of Madison County if occurring in the years 2004, 2006, or 2008 or by the County Board Chairman of St. Clair County if occurring in the year 2004, 2006, or 2008.

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Board Chairman of St. Clair County if occurring in the years 2005 or 2007, each with the advice and consent of the respective county board.

(Source: P.A. 93-432, eff. 6-1-04; revised 10-29-04.)

Section 440. The Interstate Insurance Receivership Compact Act is amended by changing Section 5 as follows:

(45 ILCS 160/5)

Sec. 5. Ratification of Compact. The State of Illinois ratifies and approves the Interstate Insurance Receivership Compact and enters into that Compact with all other jurisdictions legally joining in it in substantially the following form:

ARTICLE I. PURPOSES

The purposes of this Compact are, through means of joint and cooperative action among the compacting states:

(1) to promote, develop and facilitate orderly, efficient, cost-effective, and uniform insurer receivership laws and operations;
(2) to coordinate interaction between insurer receivership and Guaranty Association operations;
(3) to create the Interstate Insurance Receivership Commission; and
(4) to perform these and such other related functions as may be consistent with the state regulation of the business of insurance pursuant to the McCarran-Ferguson Act.

ARTICLE II. DEFINITIONS

For the purposes of this Compact:

(1) "By-laws" means those by-laws prescribed by the Commission for its governance or for directing or controlling the Commission's actions or conduct.
(2) "Compacting state" means any state which has enacted enabling legislation for this Compact.
(3) "Commission" means the Interstate Insurance Receivership Commission established by this Compact.
(4) "Commissioner" means the chief insurance regulatory official of a state.

New matter indicated by italics - deletions by strikeout
(5) "Deputy Receiver" means a person appointed or retained by a Receiver and who is the Receiver's duly authorized representative for administering one or more estates.

(6) "Domiciliary state" means the state in which an insurer is incorporated or organized; or, in the case of an alien insurer, its state of entry; or in the case of an unauthorized insurer not incorporated, organized, or entered in any state, a state where the insurer is engaged in or doing business.

(7) "Estate" means the assets and liabilities of any insurer in receivership.

(8) "Guaranty Association" means an insurance guaranty fund or association or any similar entity now or hereafter created by statute in a compacting state, other than a receivership, to pay or assume, in whole or in part, the contractual claim obligations of insolvent insurers.

(9) "Insurer" means any person or entity that has done, purports to do, is doing, or is licensed to do any insurance or reinsurance business, or is or has been subject to the authority of, or to liquidation, rehabilitation, supervision, conservation, or ancillary receivership by, any Commissioner.

(10) "Member" means the Commissioner of a compacting state or his or her designee, who shall be a person officially connected with the Commissioner and who is wholly or principally employed by the Commissioner.

(11) "Non-compacting state" means a state which has not enacted enabling legislation for this Compact.

(12) "Operating procedures" means procedures promulgated by the Commission implementing a rule, an existing law in a compacting state, or a provision of this Compact.

(13) "Publication" means the act of publishing in the official state publication in a compacting state or in such other publication as may be established by the Commission.

(14) "Receiver" means receiver, liquidator, rehabilitator, conservator, or ancillary receiver as the context requires.

(15) "Receivership" means any liquidation, rehabilitation, conservation, or ancillary receivership proceeding as the context requires.

New matter indicated by italics - deletions by strikeout
"Rules" means acts of the Commission, duly promulgated pursuant to Article VII of this Compact, substantially affecting interested parties in addition to the Commission, which shall have the force and effect of law in the compacting states.

"State" means any state, district or territory of the United States of America.

ARTICLE III. ESTABLISHMENT OF THE COMMISSION AND VENUE

(1) The compacting states hereby create and establish an entity known as the Interstate Insurance Receivership Commission.

(2) The Commission is a body corporate of each compacting state.

(3) The Commission is a not-for-profit entity, separate and distinct from the compacting states.

(4) The Commission is solely responsible for its liabilities except as otherwise provided in this Compact.

(5) Except as otherwise specifically provided in state or federal law in the jurisdiction where the Commission's principal office is located or where the Commission is acting as Receiver, venue is proper and judicial proceedings by or against the Commission shall be brought in a court of competent jurisdiction where the Commission's principal office is located.

ARTICLE IV. POWERS OF THE COMMISSION

The Commission shall have all of the following powers:

(1) To promulgate rules which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this Compact.

(2) To promulgate operating procedures which shall be binding in the compacting states to the extent and in the manner provided in this Compact.

(3) To oversee, supervise, and coordinate the activities of receivers in compacting states.

(4) To act as Receiver of insurers organized under the laws of, engaged in, or doing the business of insurance in a compacting state upon the request of the Commissioner of such state or when grounds for receivership by the Commission exist under Article IX of this Compact.

New matter indicated by italics - deletions by strikeout
(5) To act as Deputy Receiver of insurers organized under the laws of, engaged in, or doing the business of insurance in a non-compacting state in accordance with Article IX of this Compact.

(6) To act as ancillary Receiver in a compacting state of an insurer domiciled in a non-compacting state.

(7) To monitor the activities and functions of Guaranty Associations in the compacting states.

(8) To delegate its operating authority or functions; provided, that its rulemaking authority under Article VII of this Compact shall not be delegated.

(9) To bring or prosecute legal proceedings or actions in its name as the Commission, or in the name of the Commission acting as Receiver.

(10) To bring or prosecute legal proceedings or actions as Receiver on behalf of an estate or its policyholders and creditors; provided, that any Guaranty Association's standing to sue or be sued under applicable law shall not be affected.

(11) To issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence.

(12) To establish and maintain offices.

(13) To purchase and maintain insurance and bonds.

(14) To borrow, accept, or contract for services of personnel including, but not limited to, members and their staff.

(15) To elect or appoint such officers, attorneys, employees, or agents, and to fix their compensation, define their duties, and determine their qualifications; and to establish the Commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel.

(16) To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same.

(17) To lease, purchase, accept gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal, or mixed.

(18) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

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(19) To enforce compliance with Commission rules, operating procedures, and by-laws.

(20) To provide for dispute resolution among compacting states and Receivers.

(21) To represent and advise compacting states on issues relating to insurers domiciled or doing business in non-compacting jurisdictions, consistent with the purposes of this compact.

(22) To provide advice and training to receivership personnel of compacting states, and to be a resource for compacting states by maintaining a reference library of relevant materials.

(23) To establish a budget and make expenditures.

(24) To borrow money.

(25) To appoint committees including, but not limited to, an industry advisory committee and an executive committee of members.

(26) To provide and receive information relating to receiverships and Guaranty Associations and to cooperate with law enforcement agencies.

(27) To adopt and use a corporate seal.

(28) To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact as may be consistent with the state regulation of the business of insurance pursuant to the McCarran-Ferguson Act.

ARTICLE V. ORGANIZATION OF THE COMMISSION

Section A. Membership, voting, and by-laws.

(1) A compacting state shall have and be limited to one member. A member shall be qualified to serve in such capacity under or pursuant to the applicable law of the compacting state. A compacting state retains the discretionary right to determine the due election or appointment and qualification of its own Commissioner, and to fill all vacancies of its member.

(2) A member shall be entitled to one vote.

(3) The Commission shall, by a majority of the members, prescribe by-laws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact, including, but not limited to:

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(a) establishing the fiscal year of the Commission;
(b) providing reasonable standards and procedures:
   (i) for the establishment of committees, and (ii) governing any
general or specific delegation of any authority or function of the
Commission;
(c) providing reasonable procedures for calling and
conducting meetings of the Commission and for ensuring
reasonable notice of each such meeting;
(d) establishing the titles and responsibilities of the officers
of the Commission;
(e) providing reasonable standards and procedures for the
establishment of the personnel policies and programs of the
Commission. Notwithstanding any civil service or other similar
laws of any compacting state, the by-laws shall exclusively govern
the personnel policies and programs of the Commission; and
(f) providing a mechanism for winding up the operations of
the Commission and the equitable return of any surplus funds that
may exist after the dissolution of the Compact after the payment or
reserving of all of its debts and obligations, or both.

Section B. Officers and personnel.
(1) The Commission shall, by a majority of the members, elect
annually from among its members a chairperson and a vice chairperson,
each of whom shall have such authorities and duties as may be specified in
the by-laws. The chairperson or, in his or her absence or disability, a
member designated in accordance with the by-laws, shall preside at all
meetings of the Commission. The officers so elected shall serve without
compensation or remuneration from the Commission; provided, that
subject to the availability of budgeted funds, the officers shall be
reimbursed for any actual and necessary costs and expenses incurred by
them in the performance of their duties and responsibilities as officers of
the Commission.

(2) The Commission may, by a majority of the members, appoint
or retain an executive director for such period, upon such terms and
conditions and for such compensation as the Commission may deem
appropriate. The executive director shall serve as secretary to the Commission, but shall not be a member of the Commission. The executive director shall hire and supervise such other staff as may be authorized by the Commission.

Section C. Corporate records of the Commission. The Commission shall maintain its corporate books and records in accordance with the by-laws.

Section D. Qualified immunity, defense, and indemnification.

(1) The members, officers, executive director, and employees of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that nothing in this paragraph shall be construed to protect any such person from suit or liability, or both, for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person, or to protect the Commission acting as Receiver under Article IX of this Compact.

(2) The Commission shall defend any Commissioner of a compacting state, his or her representatives or employees, or the Commission's representatives or employees in any civil action seeking to impose liability against such person arising out of or relating to any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

(3) The Commission shall indemnify and hold the Commissioner of a compacting state, his or her representatives or employees, or the Commission's representatives or employees harmless in the amount of any settlement or judgment obtained against such person arising out of or
relating to any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

(4) The costs and expenses of defense and indemnification of the Commission acting as Receiver of an estate shall be paid as administrative expenses from the assets of that estate unless such costs and expenses are covered by insurance maintained by the Commission.

ARTICLE VI. MEETINGS AND ACTS OF THE COMMISSION

(1) The Commission shall meet and take such actions as are consistent with the provisions of this Compact.

(2) Except as otherwise provided in this Compact and unless a greater percentage is required by the by-laws, in order to constitute an act of the Commission, such act shall have been taken at a meeting of the Commission and shall have received an affirmative vote of a majority of the members.

(3) Each member of the Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Commission. A member shall vote in person and shall not delegate his or her vote to another member. The by-laws may provide for members' participation in meetings by telephone or other means of telecommunication.

(4) The Commission shall meet at least once during each calendar year. The chairperson of the Commission may call additional meetings at any time and, upon the request of a majority of the members, shall call additional meetings.

(5) The Commission's rules shall establish conditions and procedures under which the Commission shall make its information and official records available to the public for inspection or copying. The Commission may exempt from disclosure any information or official records to the extent disclosure would adversely affect personal privacy rights or proprietary interests. In promulgating such rules, the Commission
may consider any special circumstances pertaining to insurer insolvencies, but shall be guided by the principles embodied in state and federal freedom of information laws. The Commission may promulgate additional rules under which it may make available to law enforcement agencies records and information otherwise exempt from disclosure and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

(6) Public notice shall be given of all meetings, and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in this Compact. The Commission shall promulgate rules consistent with the principles contained in the federal Government in Sunshine Act, 5 U.S.C. Section 552b, as may be amended. The Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

(a) relate solely to the Commission's internal personnel practices and procedures;

(b) disclose matters specifically exempted from disclosure by statute;

(c) disclose trade secrets or commercial or financial information which is privileged or confidential;

(d) involve accusing any person of a crime or formally censuring any person;

(e) disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(f) disclose investigatory records compiled for law enforcement purposes;

(g) disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of the Commission with respect to a regulated entity for the purpose of regulation or supervision of such entity;

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(h) disclose information, the premature disclosure of which would significantly endanger the stability of a regulated entity;

(i) specifically relate to the Commission's issuance of a subpoena or its participation in a civil action or proceeding.

(7) For every meeting closed pursuant to paragraph (6), the Commission's chief legal officer shall publicly certify that, in his or her opinion, the meeting may be closed to the public and shall reference each relevant exemptive provision. The Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote (reflected in the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

ARTICLE VII. RULEMAKING FUNCTIONS OF THE COMMISSION

(1) The Commission shall promulgate rules and operating procedures in order to effectively and efficiently achieve the purposes of this Compact; provided, that the Commission shall not promulgate any rules: (i) directly relating to Guaranty Associations including, but not limited to, rules governing coverage, funding, or assessment mechanisms, or (ii) (except pursuant to rules promulgated under Article VII(3) of this Compact) altering the statutory priorities for distributing assets out of an estate.

(2) Rulemaking shall occur pursuant to the criteria set forth in this Article and the rules and operating procedures promulgated pursuant thereto. Such rulemaking shall substantially conform to the principles of the federal Administrative Procedure Act, 5 U.S.C.S. Section 551 et seq. and the Federal Advisory Committee Act, 5 U.S.C.S. app. 2, Section 1 et seq., as may be amended.

(3) Other than the promulgation of such rules as are necessary for the orderly operation of the Commission, the first rule to be considered by the Commission shall be uniform provisions governing insurer receiverships including, but not limited to, provisions requiring compacting states to implement, execute, and administer in a fair, just,
effective, and efficient manner rules and operating procedures relating to receiverships. The Commission shall within 3 years of the adoption of this Compact by 2 or more states, promulgate such uniform provisions through the rulemaking process. Such uniform provisions shall become law in all of the compacting states upon legislative enactment in a majority of the compacting states.

(4) All rules and amendments shall become binding as of the date specified in each rule or amendment; provided, that if a compacting state expressly rejects such rule or amendment through legislative enactment as of the expiration of the second full calendar year after such rule is promulgated, such rule or amendment shall have no further force or effect in the rejecting compacting state. If a majority of compacting states reject a rule, then such rule shall have no further force or effect in any compacting state.

(5) When promulgating a rule or operating procedure, the Commission shall:

(a) effect publication of the proposed rulemaking, stating with particularity the text of the rule or operating procedure which is proposed and the reason for the proposed rule or operating procedure;

(b) allow persons to submit written data, facts, opinions and arguments, which information the Commission shall make publicly available;

(c) provide an opportunity for an informal hearing; and

(d) promulgate a final rule or operating procedure and its effective date, if appropriate, based on the rulemaking record.

(6) Not later than 60 days after a rule or operating procedure is promulgated, any interested person may file a petition in a court of competent jurisdiction where the Commission's principal office is located for judicial review of such rule or operating procedure. If the court finds that the Commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside.

ARTICLE VIII. OVERSIGHT AND

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DISPUTE RESOLUTION BY THE COMMISSION

Section A. Oversight.

(1) The Commission shall oversee the administration and operations of receiverships in compacting states and shall monitor receiverships being administered in non-compacting states which may significantly affect compacting states.

(2) To aid its monitoring, oversight, and coordination responsibilities, the Commission shall establish operating procedures requiring each member to submit written reports to the Commission as follows:

(a) An initial report to the Commission upon a finding or other official action by the compacting state that grounds exist for receivership of an insurer doing business in more than one state. Thereafter, reports shall be submitted periodically and as otherwise required pursuant to the Commission's operating procedures. The Commission shall be entitled to receive notice of, and shall have standing to appear in, compacting states' receiverships.

(b) An initial report of the status of an insurer within a reasonable time after the initiation of a receivership.

(3) The Commission shall promulgate operating procedures requiring Receivers to submit to the Commission periodic written reports and such additional information and documentation as the Commission may reasonably request. Each compacting state's Receivers shall establish the capability to obtain and provide all such records, data, and information required by the Commission in accordance with the Commission's operating procedures.

(4) Except as to privileged records, data, and information, the laws of any compacting state pertaining to confidentiality or nondisclosure shall not relieve any compacting state Commissioner of the responsibility to disclose any relevant records, data, or information to the Commission; provided, that disclosure to the Commission shall not be deemed to waive or otherwise affect any confidentiality requirement; and further provided, that the Commission shall be subject to the compacting state's laws

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pertaining to confidentiality and nondisclosure with respect to all such records, data, and information in its possession.

(5) The courts and executive agencies in each compacting state shall enforce this Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. In any receivership or other judicial or administrative proceeding in a compacting state pertaining to the subject matter of this Compact which may affect the powers, responsibilities, or actions of the Commission, the Commission shall be entitled to receive all service of process in any such proceeding and shall have standing to intervene in the receivership or proceeding for all purposes.

(6) The Commission shall analyze and correlate records, data, information, and reports received from Receivers and Guaranty Associations and shall make recommendations for improving their performance to the compacting states. The Commission shall include summary information and data regarding its oversight functions in its annual report.

Section B. Dispute resolution.

(1) The Commission shall attempt, upon the request of a member, to resolve any disputes or other issues which are subject to this Compact and which may arise among compacting states and non-compacting states.

(2) The compacting states shall report to the Commission on issues or activities of concern to them and cooperate with and support the Commission in the discharge of its duties and responsibilities.

(3) The Commission shall promulgate an operating procedure providing for binding dispute resolution for disputes among Receivers.

(4) The Commission shall facilitate voluntary dispute resolution for disputes among Guaranty Associations and Receivers.

ARTICLE IX. RECEIVERSHIP FUNCTIONS OF THE COMMISSION

(1) The Commission has authority to act as Receiver of any insurer domiciled, engaged in, or doing business in a compacting state upon the request of the Commissioner of such compacting state or as otherwise provided in this Compact.
(a) The Commission as Receiver shall have all powers and duties pursuant to the receivership laws of the domiciliary state.

(b) The Commission shall maintain accounts of receipts and disbursements of the estates for which it is acting as Receiver, consistent with the accounting practices and procedures set forth in the by-laws.

(c) The Commission shall cause an annual audit of each estate for which it is acting as Receiver, to be conducted by an independent certified public accountant. The costs and expenses of such audit shall be paid as administrative expenses from the assets of the estate. The Commission shall not cause an audit to be conducted of any estate that lacks sufficient assets to conduct such audit.

(d) The Commission as Receiver is authorized to delegate its receivership duties and functions and to effectuate such delegation through contracts with others.

(2) The Commission shall act as Receiver of any insurer domiciled or doing business in a compacting state in the event that the member acting as Receiver in that compacting state fails to comply with duly promulgated Commission rules or operating procedures. The Commission shall notify such member in writing of noncompliance with Commission rules or operating procedures. If the member acting as Receiver fails to remedy such noncompliance within 10 days after receipt of such notification, the Commission may petition the supervising court before which such receivership is pending for an order substituting and appointing the Commission as Receiver of the estate.

(3) The Commission shall not act as Receiver of an estate which appears to lack sufficient assets to fund such receivership unless the compacting state makes provisions for the payment of the estate's administrative expenses satisfactory to the Commission.

(4) The Commission may act as Deputy Receiver for any insurer domiciled or doing business in a non-compacting state in accordance with such state's laws upon request of that non-compacting state's Commissioner and approval of the Commission.

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(5) With respect to receiverships pending in a compacting state on the effective date of the enactment of this Compact by the compacting state:

(a) the Commission may act as Receiver of an insurer upon the request of that compacting state's member and approval of the Commission; and

(b) the Commission shall oversee, monitor, and coordinate the activities of all receiverships pending in that compacting state regardless whether the Commission is acting as Receiver of estates in such state.

ARTICLE X. FINANCE

(1) The Commission shall pay or provide for the payment of the reasonable expenses of its establishment and organization.

(2) Except as otherwise provided in this Compact or by act of the Commission, the costs and expenses of each compacting state shall be the sole and exclusive responsibility of the respective compacting state. The Commission may pay or provide for actual and necessary costs and expenses for attendance of its members at official meetings of the Commission or its designated committees.

(3) The Commission shall levy on and collect an annual assessment from each compacting state and each insurer authorized to do business in a compacting state, and writing direct insurance, to cover the cost of the internal operations and activities of the Commission and its staff in a total amount sufficient to cover the Commission's annual budget.

(a) The aggregate annual assessment amount shall be allocated 75% to insurers, hereinafter referred to as the "insurers' portion", and 25% to compacting states, hereinafter referred to as the "compacting states' portion". The insurer portion shall be allocated to each insurer by the percentage derived from a fraction, the numerator of which shall be the gross direct written premium received on that insurer's business in all compacting states and the denominator of which shall be the gross direct written premium received by all insurers on business in all compacting states. The compacting states' portion shall be allocated to each compacting

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state by the percentage derived from a fraction, the numerator of which shall be the gross direct written premium received by all insurers on business in that compacting state and the denominator shall be the gross direct written premium received on all insurers on business in all compacting states. A compacting state's portion shall be funded as designated by that state's legislature. In no event shall an insurer's assessment be less than $50 or more than $25,000; provided, that affiliated insurers' combined assessments shall not exceed $50,000. Upon the request of an insurer, the Commission may exempt or defer the assessment of any insurer if such assessment would cause the insurer's financial impairment.

(b) These assessments shall not be used to pay any costs or expenses incurred by the Commission and its staff acting as Receiver of estates. Such costs and expenses shall be paid as administrative expenses from the assets of the estates as provided by law, except as otherwise provided in this Compact.

(c) An insurer authorized to do business in a compacting state shall timely pay assessments to the Commission. Failure to pay such assessments shall not be grounds for the revocation, suspension, or denial of an insurer's authority to do business, but shall subject the insurer to suit by the Commission for recovery of any assessment due, attorneys' fees, and costs, together with interest from the date the assessment is due at a rate of 10% per annum, and to civil forfeiture in an amount to be determined by the Commissioner of that compacting state in which the insurer received the greatest premium in the year next preceding the first year for which the insurer shall be delinquent in payment of assessments.

(4) The Commission shall be reimbursed in the following manner for the costs and expenses incurred by the Commission and its staff acting as Receiver of estates to the extent that an insurer's assets may be insufficient for the effective administration of its estate:

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(a) if the insurer is domiciled in a compacting state, the estate shall be closed unless that compacting state makes provisions for reimbursing the Commission; and
(b) if the insurer is unauthorized to do business in a compacting state or if the insurer is domiciled in a non-compacting state and subject to ancillary receivership, then the Commission and such state shall make provisions for reimbursing the Commission prior to the Commission becoming Receiver of such insurer.

(5) To fund the cost of the initial operations of the Commission until its first annual budget is adopted and related assessments have been made, contributions from compacting states and others may be accepted and a one time assessment on insurers doing a direct insurance business in the compacting states may be made not to exceed $450 per insurer.

(6) The Commission's adopted budget for a fiscal year shall not be approved until it has been subject to notice and comment as set forth in Article VII of this Compact. The budget shall determine the amount of the annual assessment. The Commission may accumulate a net worth not to exceed 30% of its then annual cost of operation to provide for contingencies and events not contemplated. These accumulated funds shall be held separately and shall not be used for any other purpose. The Commission's budget may include a provision for a contribution to the Commission's net worth.

(7) The Commission shall be exempt from all taxation in and by the compacting states.

(8) The Commission shall not pledge the credit of any compacting state, except by and with the appropriate legal authority of that compacting state.

(9) The Commission shall keep complete and accurate accounts of all its internal receipts (including grants and donations) and disbursements of all funds, other than receivership assets, under its control. The internal financial accounts of the Commission shall be subject to the accounting procedures established under its by-laws. The financial accounts and reports including the system of internal controls and procedures of the

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Commission shall be audited annually by an independent certified public accountant. Upon the determination of the Commission, but no less frequently than every 3 years, the review of such independent auditor shall include a management and performance audit of the Commission. The report of such independent audit shall be made available to the public and shall be included in and become part of the annual report of the Commission to the Governors and legislatures of the compacting states. The Commission's internal accounts, any workpapers related to any internal audit, and any workpapers related to the independent audit, shall be confidential; provided, that such materials shall be made available: (i) in compliance with the order of any court of competent jurisdiction; (ii) pursuant to such reasonable rules as the Commission shall promulgate; and (iii) to any Commissioner, Governor of a compacting state, or their duly authorized representatives.

(10) No compacting state shall have any claim to or ownership of any property held by or vested in the Commission or the Commission acting as Receiver or to any other Commission funds held pursuant to the provisions of this Compact.

ARTICLE XI. COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT

(1) Any state is eligible to become a compacting state.

(2) The Compact shall become effective and binding upon legislative enactment of the Compact into law by 2 compacting states. Thereafter, it shall become effective and binding as to any other compacting state upon enactment of the Compact into law by that state.

(3) Amendments to the Compact may be proposed by the Commission for enactment by the compacting states. No amendment shall become effective and binding upon the Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

ARTICLE XII. WITHDRAWAL, DEFAULT, AND TERMINATION

Section A. Withdrawal.

(1) Once effective, the Compact shall continue in force and remain binding upon each and every compacting state; provided, that a
compacting state may withdraw from the Compact ("withdrawing state") by enacting a statute specifically repealing the statute which enacted the Compact into law.

(2) The effective date of withdrawal is the effective date of the repeal; provided, that the repeal shall not apply to any receiverships, for which the Commission is acting as Receiver, pending on the date of the repeal except by mutual agreement of the Commission and the withdrawing state.

(3) The withdrawing state shall immediately notify the Chairperson of the Commission in writing upon the introduction of legislation repealing this Compact in the withdrawing state.

(4) The Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within 60 days of its receipt thereof.

(5) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal, except to the extent those obligations may have been released or relinquished by mutual agreement of the Commission and the withdrawing state. Notwithstanding the foregoing, the withdrawing state is responsible for the costs and expenses of its estates subject to this Compact pending on the date of repeal; the Commission and the other estates subject to this Compact shall not bear any costs and expenses related to the withdrawing state's estates unless otherwise mutually agreed upon between the Commission and the withdrawing state.

(6) Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the Compact or upon such later date as determined by the Commission.

Section B. Default.

(1) If the Commission determines that any compacting state has at any time defaulted ("defaulting state") in the performance of any of its obligations or responsibilities under this Compact, the by-laws, or duly promulgated rules, all rights, privileges, and benefits conferred by this Compact and any agreements entered into pursuant to this Compact shall

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be suspended from the effective date of default as fixed by the Commission. The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities and any other grounds designated in Commission rules. The Commission shall immediately notify the defaulting state in writing of the defaulting state's suspension pending a cure of the default. The Commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Commission, the defaulting state shall be terminated from the Compact upon an affirmative vote of a majority of the compacting states and all rights, privileges, and benefits conferred by this Compact shall be terminated from the effective date of termination.

(2) Within 60 days of the effective date of termination of a defaulting state, the Commission shall notify the Governor and the Majority and Minority Leaders of the defaulting state's legislature of such termination.

(3) The termination of a defaulting state shall apply to all receiverships, for which the Commission is acting as Receiver, pending on the effective date of termination except by mutual agreement of the Commission and the defaulting state.

(4) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination and is responsible for the costs and expenses relating to its estates subject to this Compact pending on the date of the termination. The Commission and the other estates subject to this Compact shall not bear any costs or expenses relating the defaulting state's estates unless otherwise mutually agreed upon between the Commission and the defaulting state.

(5) Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Commission pursuant to the rules.

Section C. Dissolution of Compact.
(1) The Compact dissolves effective upon the date of the withdrawal or the termination by default of the compacting state which reduces membership in the Compact to one compacting state.

(2) Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Commission shall be wound up and any surplus funds shall be distributed in accordance with the by-laws.

ARTICLE XIII. SEVERABILITY AND CONSTRUCTION

(1) The provisions of this Compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

(2) The provisions of this Compact shall be liberally construed to effectuate its purposes.

ARTICLE XIV. BINDING EFFECT OF COMPACT AND OTHER LAWS

Section A. Other laws.

(1) Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this Compact.

(2) All compacting states' laws conflicting with this Compact are superseded to the extent of the conflict.

Section B. Binding effect of this Compact.

(1) All lawful actions of the Commission, including all rules and operating procedures promulgated by the Commission, are binding upon the compacting states.

(2) All agreements between the Commission and the compacting states are binding in accordance with their terms.

(3) Upon the request of a party to a conflict over meaning or interpretation of Commission actions, and upon a majority vote of the compacting states, the Commission may issue advisory opinions regarding such meaning or interpretation.

(4) In the event any provision of this Compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction sought to be conferred by such provision upon the Commission shall be ineffective and such

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obligations, duties, powers or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers, or jurisdiction are delegated by law in effect at the time this Compact becomes effective.
(Source: P.A. 89-247, eff. 1-1-96; revised 10-13-05.)

Section 445. The Interstate Compact for Adult Offender Supervision is amended by setting forth and renumbering multiple versions of Section 110 as follows:

(45 ILCS 170/110)
Sec. 110. (Amendatory provisions; text omitted.)
(Source: P.A. 92-571, eff. 6-26-02; text omitted.)
(45 ILCS 170/115)
Sec. 115. The Unified Code of Corrections is amended by repealing Section 3-3-11.
(Source: P.A. 92-571, eff. 6-26-02; revised 7-15-02.)

Section 450. The Public Building Commission Act is amended by changing Section 19.1 as follows:

(50 ILCS 20/19.1)
Sec. 19.1. Public Building Commission in municipality over 500,000. On or before December 1, 1995 and on or before the first day of May and first day of December of each subsequent calendar year, the Public Building Commission created and organized under this Act in and for a municipality with over 500,000 population shall prepare and file with the General Assembly, the board of education of the school district located in that municipality, and the local school council of each attendance center in that school district for which there is pending or under construction but not completed a project for the construction, renovation, or rehabilitation of a school building or other school facility that is to be used by that attendance center, a status report that sets forth: (1) the date when work on the project began, (2) whether work on the project at the time the report is filed is progressing ahead of, on, or behind the schedule established for work on the project to be performed, (3) the projected completion date of the project, and (4) whether the labor and materials furnished for the project as of the time the report is filed were furnished at the project cost.

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budgeted for such labor and materials, and if not, the amount by which the labor and materials so furnished exceed or are less than the project cost budgeted for such labor and materials.

(Source: P.A. 89-384, eff. 8-18-95; revised 9-25-06.)

Section 455. The Special Assessment Supplemental Bond and Procedures Act is amended by changing Section 55 as follows:

(50 ILCS 460/55)

Sec. 55. County clerk may collect. Pursuant to the Illinois constitutional and statutory provisions relating to intergovernmental cooperation, the county clerk of any county in which property subject to a special assessment is located may, but shall not be required to, agree to mail bills for a special assessment with the regular tax bills of the county, or otherwise as may be provided by a special assessment law. If the clerk agrees to mail such bills with the regular tax bills, then the annual amount due as of January 2 shall become due instead in even installments with each tax bill made during the year in which such January 2 date occurs, thus deferring to later date in the year the obligation to pay the assessments.

In the event that the county clerk does not agree to mail the such bills, or if in the event that the municipality declines to request the county clerk to mail the said bills, the municipality still may bill the annual amount due, as of January 2nd, in 2 even installments to become due on or about the due dates for the real estate tax bills issued by the county clerk during the year in which the January 2nd date occurs, thus thereby deferring to later dates in said year the obligation to pay the assessment installment to later dates in that year.

If in the event that the county clerk agrees to mail the such bills on behalf of a municipality, the county may charge a fee for such services to be paid from the special assessment. The Such fee shall be considered as a cost of making, levying, and collecting the assessment provided for in Section 9-2-139 of the Illinois Municipal Code.

(Source: P.A. 93-196, eff. 7-14-03; 93-222, eff. 1-1-04; revised 9-11-03.)

Section 460. The Emergency Telephone System Act is amended by changing Section 15.3 as follows:

New matter indicated by italics - deletions by strikeout
(50 ILCS 750/15.3) (from Ch. 134, par. 45.3)
Sec. 15.3. Surcharge.

(a) The corporate authorities of any municipality or any county may, subject to the limitations of subsections (c), (d), and (h), and in addition to any tax levied pursuant to the Simplified Municipal Telecommunications Tax Act, impose a monthly surcharge on billed subscribers of network connection provided by telecommunication carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of the municipality or county imposing the surcharge at a rate per network connection determined in accordance with subsection (c). Provided, however, that where multiple voice grade communications channels are connected between the subscriber's premises and a public switched network through private branch exchange (PBX) or central exchange service, a municipality imposing a surcharge at a rate per network connection, as determined in accordance with this Act, shall impose 5 such surcharges per network connection, as determined in accordance with subsections (a) and (d) of Section 2.12 of this Act. For mobile telecommunications services, if a surcharge is imposed it shall be imposed based upon the municipality or county that encompasses the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. A municipality may enter into an intergovernmental agreement with any county in which it is partially located, when the county has adopted an ordinance to impose a surcharge as provided in subsection (c), to include that portion of the municipality lying outside the county in that county's surcharge referendum. If the county's surcharge referendum is approved, the portion of the municipality identified in the intergovernmental agreement shall automatically be disconnected from the county in which it lies and connected to the county which approved the referendum for purposes of a surcharge on telecommunications carriers.

(b) For purposes of computing the surcharge imposed by subsection (a), the network connections to which the surcharge shall apply shall be those in-service network connections, other than those network connections assigned to the municipality or county, where the service

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address for each such network connection or connections is located within the corporate limits of the municipality or county levying the surcharge. Except for mobile telecommunication services, the "service address" shall mean the location of the primary use of the network connection or connections. For mobile telecommunication services, "service address" means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. With respect to network connections provided for use with pay telephone services for which there is no billed subscriber, the telecommunications carrier providing the network connection shall be deemed to be its own billed subscriber for purposes of applying the surcharge.

(c) Upon the passage of an ordinance to impose a surcharge under this Section the clerk of the municipality or county shall certify the question of whether the surcharge may be imposed to the proper election authority who shall submit the public question to the electors of the municipality or county in accordance with the general election law; provided that such question shall not be submitted at a consolidated primary election. The public question shall be in substantially the following form:

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Shall the county (or city, village or incorporated town) of ..... impose a surcharge of up to ...¢ per month per network connection, which surcharge will be added to the monthly bill you receive for telephone or telecommunications charges, for the purpose of installing (or improving) a 9-1-1 Emergency Telephone System?  YES

---------------------------------------------

If a majority of the votes cast upon the public question are in favor thereof, the surcharge shall be imposed.

However, if a Joint Emergency Telephone System Board is to be created pursuant to an intergovernmental agreement under Section 15.4,
the ordinance to impose the surcharge shall be subject to the approval of a majority of the total number of votes cast upon the public question by the electors of all of the municipalities or counties, or combination thereof, that are parties to the intergovernmental agreement.

The referendum requirement of this subsection (c) shall not apply to any municipality with a population over 500,000 or to any county in which a proposition as to whether a sophisticated 9-1-1 Emergency Telephone System should be installed in the county, at a cost not to exceed a specified monthly amount per network connection, has previously been approved by a majority of the electors of the county voting on the proposition at an election conducted before the effective date of this amendatory Act of 1987.

(d) A county may not impose a surcharge, unless requested by a municipality, in any incorporated area which has previously approved a surcharge as provided in subsection (c) or in any incorporated area where the corporate authorities of the municipality have previously entered into a binding contract or letter of intent with a telecommunications carrier to provide sophisticated 9-1-1 service through municipal funds.

(e) A municipality or county may at any time by ordinance change the rate of the surcharge imposed under this Section if the new rate does not exceed the rate specified in the referendum held pursuant to subsection ©).

(f) The surcharge authorized by this Section shall be collected from the subscriber by the telecommunications carrier providing the subscriber the network connection as a separately stated item on the subscriber's bill.

(g) The amount of surcharge collected by the telecommunications carrier shall be paid to the particular municipality or county or Joint Emergency Telephone System Board not later than 30 days after the surcharge is collected, net of any network or other 9-1-1 or sophisticated 9-1-1 system charges then due the particular telecommunications carrier, as shown on an itemized bill. The telecommunications carrier collecting the surcharge shall also be entitled to deduct 3% of the gross amount of surcharge collected to reimburse the telecommunications carrier for the expense of accounting and collecting the surcharge.

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(h) Except as expressly provided in subsection (a) of this Section, a municipality with a population over 500,000 may not impose a monthly surcharge in excess of $1.25 per network connection.

(i) Any municipality or county or joint emergency telephone system board that has imposed a surcharge pursuant to this Section prior to the effective date of this amendatory Act of 1990 shall hereafter impose the surcharge in accordance with subsection (b) of this Section.

(j) The corporate authorities of any municipality or county may issue, in accordance with Illinois law, bonds, notes or other obligations secured in whole or in part by the proceeds of the surcharge described in this Section. Notwithstanding any change in law subsequent to the issuance of any bonds, notes or other obligations secured by the surcharge, every municipality or county issuing such bonds, notes or other obligations shall be authorized to impose the surcharge as though the laws relating to the imposition of the surcharge in effect at the time of issuance of the bonds, notes or other obligations were in full force and effect until the bonds, notes or other obligations are paid in full. The State of Illinois pledges and agrees that it will not limit or alter the rights and powers vested in municipalities and counties by this Section to impose the surcharge so as to impair the terms of or affect the security for bonds, notes or other obligations secured in whole or in part with the proceeds of the surcharge described in this Section.

(k) Any surcharge collected by or imposed on a telecommunications carrier pursuant to this Section shall be held to be a special fund in trust for the municipality, county or Joint Emergency Telephone Board imposing the surcharge. Except for the 3% deduction provided in subsection (g) above, the special fund shall not be subject to the claims of creditors of the telecommunication carrier.

(Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-557, eff. 1-1-03; revised 10-2-02.)

Section 465. The Counties Code is amended by changing Sections 3-5036.5, 4-2002, 4-2002.1, 4-5001, 5-1022, 5-1101, 5-21009, and 5-37006 as follows:

(55 ILCS 5/3-5036.5)

New matter indicated by italics - deletions by strikeout
Sec. 3-5036.5. Exchange of information for child support enforcement.

(a) The Recorder shall exchange with the Illinois Department of Healthcare and Family Services Public Aid information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

(b) Notwithstanding any provisions in this Code to the contrary, the Recorder shall not be liable to any person for any disclosure of information to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) under subsection (a) or for any other action taken in good faith to comply with the requirements of subsection (a).

(Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99; revised 12-15-05.)

(55 ILCS 5/4-2002) (from Ch. 34, par. 4-2002)

Sec. 4-2002. State's attorney fees in counties under 3,000,000 population. This Section applies only to counties with fewer than 3,000,000 inhabitants.

(a) State's attorneys shall be entitled to the following fees, however, the fee requirement of this subsection does not apply to county boards:

For each conviction in prosecutions on indictments for first degree murder, second degree murder, involuntary manslaughter, criminal sexual assault, aggravated criminal sexual assault, aggravated criminal sexual abuse, kidnapping, arson and forgery, $30. All other cases punishable by imprisonment in the penitentiary, $30.

For each conviction in other cases tried before judges of the circuit court, $15; except that if the conviction is in a case which may be assigned to an associate judge, whether or not it is in fact assigned to an associate judge, the fee shall be $10.

For preliminary examinations for each defendant held to bail or recognizance, $10.

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For each examination of a party bound over to keep the peace, $10.
For each defendant held to answer in a circuit court on a charge of paternity, $10.
For each trial on a charge of paternity, $30.
For each case of appeal taken from his county or from the county to which a change of venue is taken to his county to the Supreme or Appellate Court when prosecuted or defended by him, $50.
For each day actually employed in the trial of a case, $25; in which case the court before whom the case is tried shall make an order specifying the number of days for which a per diem shall be allowed.
For each day actually employed in the trial of cases of felony arising in their respective counties and taken by change of venue to another county, $25; and the court before whom the case is tried shall make an order specifying the number of days for which said per diem shall be allowed; and it is hereby made the duty of each State's attorney to prepare and try each case of felony arising when so taken by change of venue.
For assisting in a trial of each case on an indictment for felony brought by change of venue to their respective counties, the same fees they would be entitled to if such indictment had been found for an offense committed in his county, and it shall be the duty of the State's attorney of the county to which such cause is taken by change of venue to assist in the trial thereof.
For each case of forfeited recognizance where the forfeiture is set aside at the instance of the defense, in addition to the ordinary costs, $10 for each defendant.
For each proceeding in a circuit court to inquire into the alleged mental illness of any person, $10 for each defendant.
For each proceeding in a circuit court to inquire into the alleged dependency or delinquency of any child, $10.
For each day actually employed in the hearing of a case of habeas corpus in which the people are interested, $25.
All the foregoing fees shall be taxed as costs to be collected from the defendant, if possible, upon conviction. But in cases of inquiry into the
mental illness of any person alleged to be mentally ill, in cases on a charge of paternity and in cases of appeal in the Supreme or Appellate Court, where judgment is in favor of the accused, the fees allowed the State's attorney therein shall be retained out of the fines and forfeitures collected by them in other cases.

Ten per cent of all moneys except revenue, collected by them and paid over to the authorities entitled thereto, which per cent together with the fees provided for herein that are not collected from the parties tried or examined, shall be paid out of any fines and forfeited recognizances collected by them, provided however, that in proceedings to foreclose the lien of delinquent real estate taxes State's attorneys shall receive a fee, to be credited to the earnings of their office, of 10% of the total amount realized from the sale of real estate sold in such proceedings. Such fees shall be paid from the total amount realized from the sale of the real estate sold in such proceedings.

State's attorneys shall have a lien for their fees on all judgments for fines or forfeitures procured by them and on moneys except revenue received by them until such fees and earnings are fully paid.

No fees shall be charged on more than 10 counts in any one indictment or information on trial and conviction; nor on more than 10 counts against any one defendant on pleas of guilty.

The Circuit Court may direct that of all monies received, by restitution or otherwise, which monies are ordered paid to the Department of Healthcare and Family Services (formerly Department of Public Aid) or the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) as a direct result of the efforts of the State's attorney and which payments arise from Civil or Criminal prosecutions involving the Illinois Public Aid Code or the Criminal Code, the following amounts shall be paid quarterly by the Department of Healthcare and Family Services Public Aid or the Department of Human Services to the General Corporate Fund of the County in which the prosecution or cause of action took place:

(1) where the monies result from child support obligations, not more than 25% of the federal share of the monies received,

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(2) where the monies result from other than child support obligations, not more than 25% of the State's share of the monies received.

(b) A municipality shall be entitled to a $10 prosecution fee for each conviction for a violation of The Illinois Vehicle Code prosecuted by the municipal attorney pursuant to Section 16-102 of that Code which is tried before a circuit or associate judge and shall be entitled to a $10 prosecution fee for each conviction for a violation of a municipal vehicle ordinance or nontraffic ordinance prosecuted by the municipal attorney which is tried before a circuit or associate judge. Such fee shall be taxed as costs to be collected from the defendant, if possible, upon conviction. A municipality shall have a lien for such prosecution fees on all judgments or fines procured by the municipal attorney from prosecutions for violations of The Illinois Vehicle Code and municipal vehicle ordinances or nontraffic ordinances.

For the purposes of this subsection (b), "municipal vehicle ordinance" means any ordinance enacted pursuant to Sections 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois Municipal Code or any ordinance enacted by a municipality which is similar to a provision of Chapter 11 of The Illinois Vehicle Code.

(Source: P.A. 88-572, eff. 8-11-94; 89-507, eff. 7-1-97; revised 12-15-05.)

(55 ILCS 5/4-2002.1) (from Ch. 34, par. 4-2002.1)

Sec. 4-2002.1. State's attorney fees in counties of 3,000,000 or more population. This Section applies only to counties with 3,000,000 or more inhabitants.

(a) State's attorneys shall be entitled to the following fees:

For each conviction in prosecutions on indictments for first degree murder, second degree murder, involuntary manslaughter, criminal sexual assault, aggravated criminal sexual assault, aggravated criminal sexual abuse, kidnapping, arson and forgery, $60. All other cases punishable by imprisonment in the penitentiary, $60.

For each conviction in other cases tried before judges of the circuit court, $30; except that if the conviction is in a case which may be assigned

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to an associate judge, whether or not it is in fact assigned to an associate judge, the fee shall be $20.

For preliminary examinations for each defendant held to bail or recognizance, $20.

For each examination of a party bound over to keep the peace, $20.

For each defendant held to answer in a circuit court on a charge of paternity, $20.

For each trial on a charge of paternity, $60.

For each case of appeal taken from his county or from the county to which a change of venue is taken to his county to the Supreme or Appellate Court when prosecuted or defended by him, $100.

For each day actually employed in the trial of a case, $50; in which case the court before whom the case is tried shall make an order specifying the number of days for which a per diem shall be allowed.

For each day actually employed in the trial of cases of felony arising in their respective counties and taken by change of venue to another county, $50; and the court before whom the case is tried shall make an order specifying the number of days for which said per diem shall be allowed; and it is hereby made the duty of each State's attorney to prepare and try each case of felony arising when so taken by change of venue.

For assisting in a trial of each case on an indictment for felony brought by change of venue to their respective counties, the same fees they would be entitled to if such indictment had been found for an offense committed in his county, and it shall be the duty of the State's attorney of the county to which such cause is taken by change of venue to assist in the trial thereof.

For each case of forfeited recognizance where the forfeiture is set aside at the instance of the defense, in addition to the ordinary costs, $20 for each defendant.

For each proceeding in a circuit court to inquire into the alleged mental illness of any person, $20 for each defendant.

For each proceeding in a circuit court to inquire into the alleged dependency or delinquency of any child, $20.

New matter indicated by italics - deletions by strikeout
For each day actually employed in the hearing of a case of habeas corpus in which the people are interested, $50.

All the foregoing fees shall be taxed as costs to be collected from the defendant, if possible, upon conviction. But in cases of inquiry into the mental illness of any person alleged to be mentally ill, in cases on a charge of paternity and in cases of appeal in the Supreme or Appellate Court, where judgment is in favor of the accused, the fees allowed the State's attorney therein shall be retained out of the fines and forfeitures collected by them in other cases.

Ten per cent of all moneys except revenue, collected by them and paid over to the authorities entitled thereto, which per cent together with the fees provided for herein that are not collected from the parties tried or examined, shall be paid out of any fines and forfeited recognizances collected by them, provided however, that in proceedings to foreclose the lien of delinquent real estate taxes State's attorneys shall receive a fee, to be credited to the earnings of their office, of 10% of the total amount realized from the sale of real estate sold in such proceedings. Such fees shall be paid from the total amount realized from the sale of the real estate sold in such proceedings.

State's attorneys shall have a lien for their fees on all judgments for fines or forfeitures procured by them and on moneys except revenue received by them until such fees and earnings are fully paid.

No fees shall be charged on more than 10 counts in any one indictment or information on trial and conviction; nor on more than 10 counts against any one defendant on pleas of guilty.

The Circuit Court may direct that of all monies received, by restitution or otherwise, which monies are ordered paid to the Department of Healthcare and Family Services (formerly Department of Public Aid) or the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) as a direct result of the efforts of the State's attorney and which payments arise from Civil or Criminal prosecutions involving the Illinois Public Aid Code or the Criminal Code, the following amounts shall be paid quarterly by the Department of Healthcare and Family Services or the Department of Public Aid:

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Department of Human Services to the General Corporate Fund of the County in which the prosecution or cause of action took place:

   (1) where the monies result from child support obligations, not less than 25% of the federal share of the monies received,
   (2) where the monies result from other than child support obligations, not less than 25% of the State's share of the monies received.

(b) A municipality shall be entitled to a $10 prosecution fee for each conviction for a violation of the Illinois Vehicle Code prosecuted by the municipal attorney pursuant to Section 16-102 of that Code which is tried before a circuit or associate judge and shall be entitled to a $10 prosecution fee for each conviction for a violation of a municipal vehicle ordinance prosecuted by the municipal attorney which is tried before a circuit or associate judge. Such fee shall be taxed as costs to be collected from the defendant, if possible, upon conviction. A municipality shall have a lien for such prosecution fees on all judgments or fines procured by the municipal attorney from prosecutions for violations of the Illinois Vehicle Code and municipal vehicle ordinances.

   For the purposes of this subsection (b), "municipal vehicle ordinance" means any ordinance enacted pursuant to Sections 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois Municipal Code or any ordinance enacted by a municipality which is similar to a provision of Chapter 11 of the Illinois Vehicle Code.

(Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

(55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

Sec. 4-5001. Sheriffs; counties of first and second class. The fees of sheriffs in counties of the first and second class, except when increased by county ordinance under this Section, shall be as follows:

For serving or attempting to serve summons on each defendant in each county, $10.
For serving or attempting to serve an order or judgment granting injunctonal relief in each county, $10.
For serving or attempting to serve each garnishee in each county, $10.

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For serving or attempting to serve an order for replevin in each county, $10.
For serving or attempting to serve an order for attachment on each defendant in each county, $10.
For serving or attempting to serve a warrant of arrest, $8, to be paid upon conviction.
For returning a defendant from outside the State of Illinois, upon conviction, the court shall assess, as court costs, the cost of returning a defendant to the jurisdiction.
For taking special bail, $1 in each county.
For serving or attempting to serve a subpoena on each witness, in each county, $10.
For advertising property for sale, $5.
For returning each process, in each county, $5.
Mileage for each mile of necessary travel to serve any such process as Stated above, calculating from the place of holding court to the place of residence of the defendant, or witness, 50¢ each way.
For summoning each juror, $3 with 30¢ mileage each way in all counties.
For serving or attempting to serve notice of judgments or levying to enforce a judgment, $3 with 50¢ mileage each way in all counties.
For taking possession of and removing property levied on, the officer shall be allowed to tax the actual cost of such possession or removal.
For feeding each prisoner, such compensation to cover the actual cost as may be fixed by the county board, but such compensation shall not be considered a part of the fees of the office.
For attending before a court with prisoner, on an order for habeas corpus, in each county, $10 per day.
For attending before a court with a prisoner in any criminal proceeding, in each county, $10 per day.
For each mile of necessary travel in taking such prisoner before the court as Stated above, 15¢ a mile each way.

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For serving or attempting to serve an order or judgment for the possession of real estate in an action of ejectment or in any other action, or for restitution in an action of forcible entry and detainer without aid, $10 and when aid is necessary, the sheriff shall be allowed to tax in addition the actual costs thereof, and for each mile of necessary travel, 50¢ each way.

For executing and acknowledging a deed of sale of real estate, in counties of first class, $4; second class, $4.

For preparing, executing and acknowledging a deed on redemption from a court sale of real estate in counties of first class, $5; second class, $5.

For making certificates of sale, and making and filing duplicate, in counties of first class, $3; in counties of the second class, $3.

For making certificate of redemption, $3.

For certificate of levy and filing, $3, and the fee for recording shall be advanced by the judgment creditor and charged as costs.

For taking all bonds on legal process, civil and criminal, in counties of first class, $1; in second class, $1.

For executing copies in criminal cases, $4 and mileage for each mile of necessary travel, 20¢ each way.

For executing requisitions from other States, $5.

For conveying each prisoner from the prisoner's own county to the jail of another county, or from another county to the jail of the prisoner's county, per mile, for going, only, 30¢.

For conveying persons to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls and Reception Centers, the following fees, payable out of the State Treasury. For each person who is conveyed, 35¢ per mile in going only to the penitentiary, reformatory, Illinois State Training School for Boys, Illinois State Training School for Girls and Reception Centers, from the place of conviction.

The fees provided for transporting persons to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls and Reception Centers shall be paid for each trip

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so made. Mileage as used in this Section means the shortest practical route, between the place from which the person is to be transported, to the penitentiary, reformatory, Illinois State Training School for Boys, Illinois State Training School for Girls and Reception Centers and all fees per mile shall be computed on such basis.

For conveying any person to or from any of the charitable institutions of the State, when properly committed by competent authority, when one person is conveyed, 35¢ per mile; when two persons are conveyed at the same time, 35¢ per mile for the first person and 20¢ per mile for the second person; and 10¢ per mile for each additional person.

For conveying a person from the penitentiary to the county jail when required by law, 35¢ per mile.

For attending Supreme Court, $10 per day.

In addition to the above fees there shall be allowed to the sheriff a fee of $600 for the sale of real estate which is made by virtue of any judgment of a court, except that in the case of a sale of unimproved real estate which sells for $10,000 or less, the fee shall be $150. In addition to this fee and all other fees provided by this Section, there shall be allowed to the sheriff a fee in accordance with the following schedule for the sale of personal estate which is made by virtue of any judgment of a court:

- For judgments up to $1,000, $75;
- For judgments from $1,001 to $15,000, $150;
- For judgments over $15,000, $300.

The foregoing fees allowed by this Section are the maximum fees that may be collected from any officer, agency, department or other instrumentality of the State. The county board may, however, by ordinance, increase the fees allowed by this Section and collect those increased fees from all persons and entities other than officers, agencies, departments and other instrumentalities of the State if the increase is justified by an acceptable cost study showing that the fees allowed by this Section are not sufficient to cover the costs of providing the service. A statement of the costs of providing each service, program and activity shall be prepared by the county board. All supporting documents shall be public records and subject to public examination and audit. All direct and indirect

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costs, as defined in the United States Office of Management and Budget Circular A-87, may be included in the determination of the costs of each service, program and activity.

In all cases where the judgment is settled by the parties, replevied, stopped by injunction or paid, or where the property levied upon is not actually sold, the sheriff shall be allowed his fee for levying and mileage, together with half the fee for all money collected by him which he would be entitled to if the same was made by sale to enforce the judgment. In no case shall the fee exceed the amount of money arising from the sale.

The fee requirements of this Section do not apply to police departments or other law enforcement agencies. For the purposes of this Section, "law enforcement agency" means an agency of the State or unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws.

(Source: P.A. 91-94, eff. 1-1-00; revised 9-15-06.)

(55 ILCS 5/5-1022) (from Ch. 34, par. 5-1022)
Sec. 5-1022. Competitive bids.
(a) Any purchase by a county with fewer than 2,000,000 inhabitants of services, materials, equipment or supplies in excess of $20,000, other than professional services, shall be contracted for in one of the following ways:
(1) by a contract let to the lowest responsible bidder after advertising for bids in a newspaper published within the county or, if no newspaper is published within the county, then a newspaper having general circulation within the county; or
(2) by a contract let without advertising for bids in the case of an emergency if authorized by the county board.
(b) In determining the lowest responsible bidder, the county board shall take into consideration the qualities of the articles supplied; their conformity with the specifications; their suitability to the requirements of the county, availability of support services; uniqueness of the service, materials, equipment, or supplies as it applies to networked, integrated computer systems; compatibility to existing equipment; and the delivery terms. The county board also may take into consideration whether a bidder

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is a private enterprise or a State-controlled enterprise and, notwithstanding any other provision of this Section or a lower bid by a State-controlled enterprise, may let a contract to the lowest responsible bidder that is a private enterprise.

(c) This Section does not apply to contracts by a county with the federal government or to purchases of used equipment, purchases at auction or similar transactions which by their very nature are not suitable to competitive bids, pursuant to an ordinance adopted by the county board.

(d) Notwithstanding the provisions of this Section, a county may let without advertising for bids in the case of purchases and contracts, when individual orders do not exceed $25,000, for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and inter-connect equipment, software, and services.

(e) A county may require, as a condition of any contract for goods and services, that persons awarded a contract with the county and all affiliates of the person collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act regardless of whether the person or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act. For purposes of this subsection (e), the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (e), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (e), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

(f) Bids submitted to, and contracts executed by, the county may require a certification by the bidder or contractor that the bidder or contractor is a private enterprise or a State-controlled enterprise and, notwithstanding any other provision of this Section or a lower bid by a State-controlled enterprise, may let a contract to the lowest responsible bidder that is a private enterprise.

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contractor is not barred from bidding for or entering into a contract under this Section and that the bidder or contractor acknowledges that the county may declare the contract void if the certification completed pursuant to this subsection (f) is false.

(Source: P.A. 93-25, eff. 6-20-03; 93-157, eff. 1-1-04; revised 8-12-03.)

(55 ILCS 5/5-1101) (from Ch. 34, par. 5-1101)

Sec. 5-1101. Additional fees to finance court system. A county board may enact by ordinance or resolution the following fees:

(a) A $5 fee to be paid by the defendant on a judgment of guilty or a grant of supervision for violation of the Illinois Vehicle Code other than Section 11-501 or violations of similar provisions contained in county or municipal ordinances committed in the county, and up to a $30 fee to be paid by the defendant on a judgment of guilty or a grant of supervision for violation of Section 11-501 of the Illinois Vehicle Code or a violation of a similar provision contained in county or municipal ordinances committed in the county.

(b) In the case of a county having a population of 1,000,000 or less, a $5 fee to be collected in all civil cases by the clerk of the circuit court.

(c) A fee to be paid by the defendant on a judgment of guilty or a grant of supervision under Section 5-9-1 of the Unified Code of Corrections, as follows:

(1) for a felony, $50;
(2) for a class A misdemeanor, $25;
(3) for a class B or class C misdemeanor, $15;
(4) for a petty offense, $10;
(5) for a business offense, $10.

(d) A $100 fee for the second and subsequent violations of Section 11-501 of the Illinois Vehicle Code or violations of similar provisions contained in county or municipal ordinances committed in the county. The proceeds of this fee shall be placed in the county general fund and used to finance education programs related to driving under the influence of alcohol or drugs.

(d-5) A $10 fee to be paid by the defendant on a judgment of guilty or a grant of supervision under Section 5-9-1 of the Unified Code of

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Corrections to be placed in the county general fund and used to finance the county mental health court, the county drug court, or both.

(e) In each county in which a teen court, peer court, peer jury, youth court, or other youth diversion program has been created, a county may adopt a mandatory fee of up to $5 to be assessed as provided in this subsection. Assessments collected by the clerk of the circuit court pursuant to this subsection must be deposited into an account specifically for the operation and administration of a teen court, peer court, peer jury, youth court, or other youth diversion program. The clerk of the circuit court shall collect the fees established in this subsection and must remit the fees to the teen court, peer court, peer jury, youth court, or other youth diversion program monthly, less 5%, which is to be retained as fee income to the office of the clerk of the circuit court. The fees are to be paid as follows:

(1) a fee of up to $5 paid by the defendant on a judgment of guilty or grant of supervision for violation of the Illinois Vehicle Code or violations of similar provisions contained in county or municipal ordinances committed in the county;

(2) a fee of up to $5 paid by the defendant on a judgment of guilty or grant of supervision under Section 5-9-1 of the Unified Code of Corrections for a felony; for a Class A, Class B, or Class C misdemeanor; for a petty offense; and for a business offense.

(f) In each county in which a drug court has been created, the county may adopt a mandatory fee of up to $5 to be assessed as provided in this subsection. Assessments collected by the clerk of the circuit court pursuant to this subsection must be deposited into an account specifically for the operation and administration of the drug court. The clerk of the circuit court shall collect the fees established in this subsection and must remit the fees to the drug court, less 5%, which is to be retained as fee income to the office of the clerk of the circuit court. The fees are to be paid as follows:

(1) a fee of up to $5 paid by the defendant on a judgment of guilty or grant of supervision for a violation of the Illinois Vehicle Code or a violation of a similar provision contained in a county or municipal ordinance committed in the county; or

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(2) a fee of up to $5 paid by the defendant on a judgment of guilty or a grant of supervision under Section 5-9-1 of the Unified Code of Corrections for a felony; for a Class A, Class B, or Class C misdemeanor; for a petty offense; and for a business offense.

The clerk of the circuit court shall deposit the 5% retained under this subsection into the Circuit Court Clerk Operation and Administrative Fund to be used to defray the costs of collection and disbursement of the drug court fee.

(g) The proceeds of all fees enacted under this Section must, except as provided in subsections (d), (d-5), (e), and (f), be placed in the county general fund and used to finance the court system in the county, unless the fee is subject to disbursement by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(Source: P.A. 93-892, eff. 1-1-05; 93-992, eff. 1-1-05; 94-862, eff. 6-16-06; 94-980, eff. 6-30-06; revised 8-3-06.)

(55 ILCS 5/5-21009) (from Ch. 34, par. 5-21009)

Sec. 5-21009. Purchase of care. Any infirm or chronically ill resident of the county, or resident of participating counties in the case of a joint home, who desires to purchase care and maintenance in the county home with his own funds or with a public aid grant awarded to him under "The Illinois Public Aid Code" may be received and cared for in the home.

Upon authorization of the County Board, or the County Boards in the case of a joint home, infirm or chronically ill residents of other counties who desire to purchase care and maintenance in the home from their own funds or from public aid grants may also be admitted to the home.

The Illinois Department of Healthcare and Family Services Public Aid, any local Supervisor of General Assistance, and any other State or local agency may also purchase care in the home for persons under their charge by paying the rates established by the County Board.

(Source: P.A. 86-962; revised 12-15-05.)

(55 ILCS 5/5-37006) (from Ch. 34, par. 5-37006)

Sec. 5-37006. Reimbursement for cost of services. In relation to inpatient hospital services provided at any health care facility maintained

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by the Commission to any person under the legal custody of the Sheriff of Cook County pending trial the Commission may obtain reimbursement from the confined person to whom the services were provided for the cost of such services to the extent that such person is reasonably able to pay for such care, including reimbursement from any insurance program or from other medical benefit programs available to such person. If such person has already been determined eligible for medical assistance under the Illinois Public Aid Code at the time the person is initially detained pending trial, the cost of such services, to the extent such cost exceeds $2,500, shall be reimbursed by the Department of Healthcare and Family Services Public Aid under that Act. A reimbursement under any public or private program authorized by this Section shall be paid to the Commission to the same extent as would obtain had the services been rendered in a non-custodial environment.

This Section does not apply to services provided to any person who has been convicted of or has pleaded guilty to an offense and is held in custody pending sentencing or under sentence of the court.

(Source: P.A. 86-962; revised 12-15-05.)

Section 470. The Township Code is amended by setting forth and renumbering multiple versions of Sections 30-166 and 85-50 and by changing Sections 35-50.2 and 235-20 as follows:

(60 ILCS 1/30-166)

Sec. 30-166. Civil penalties for false fire alarms. The township board of any township providing fire protection services may impose reasonable civil penalties on individuals who repeatedly cause false fire alarms.

(Source: P.A. 93-302, eff. 1-1-04.)

(60 ILCS 1/30-167)

Sec. 30-167. Charge against non-residents.

(a) The township board of each township may fix, charge, and collect fees not exceeding the reasonable cost of the service for all services rendered by the township against persons, businesses, and other entities who are not residents of the township.

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(b) The charge may not be assessed against residents of the township or persons who request fire protection coverage for an unprotected area and who pay to the township an amount equal to the township's fire protection tax under Article 200 of this Code.  
(c) The charge for such services shall be computed at a rate not to exceed $125 per hour per vehicle and not to exceed $35 per hour per firefighter responding to a call for assistance. An additional charge may be levied to reimburse the township for extraordinary expenses of materials used in rendering such services. No charge shall be made for services for which the total charge would be less than $50.  
(d) All revenue from the charges assessed pursuant to this Section shall be deposited into the general fund of the township.  
(Source: P.A. 93-304, eff. 7-23-03; revised 9-24-03.)  
(60 ILCS 1/35-50.2)  
Sec. 35-50.2. Construction of senior citizens' housing; revenue bonds.  
(a) For the purpose of defraying the cost of the construction, purchase, improvement, extension, or equipping from time to time of senior citizens' housing, including feasibility, engineering, legal, and other expenses, together with interest on its revenue bonds, to the fullest extent permitted by the provisions of Section 9 of the Local Government Debt Reform Act, the township board, when authorized by a majority of the votes cast on the proposition submitted in accordance with the general election law under Section 35-50.3, may issue and sell revenue bonds of the township payable solely from the net income and revenue derived from the operation of the senior citizens' housing, after payment of the costs of operation and maintenance of the senior citizens' housing and provision for an adequate depreciation fund (if a depreciation fund is deemed necessary by the township board). The township board may also from time to time issue revenue bonds to refund any such revenue bonds, at the redemption price authorized, at maturity or at any time before maturity, all as authorized in the ordinance of the township board authorizing the refunded bonds. The bonds shall bear interest at a rate or rates not to exceed the maximum rate authorized by the Bond Authorization Act, as
amended at the time of the making of the contract for the sale of the bonds, the interest shall be payable semi-annually, and the bonds shall mature within the period of usefulness of the project involved, as determined in the sole discretion of the township board and in any event not more than 40 years from the dated date of the bonds.

(b) The bonds shall be sold in the manner determined by the township board and, whenever the bonds are sold at a price less than par, they shall be sold at a price and bear interest at a rate or rates such that either the true interest cost (yield) or the net interest rate, as selected by the township board, received on the sale of the bonds, does not exceed the maximum rate otherwise authorized by the Bond Authorization Act. If any officer whose signature appears on the bonds or coupons attached to the bonds ceases to be an officer before the delivery of the bonds to the purchaser, his or her signature shall nevertheless be valid and sufficient for all purposes to the same effect as if he or she had remained in office until the delivery of the bonds.

(c) Notwithstanding the form or tenor of the bonds, and in the absence of expressed recitals on the face of the bonds that the bonds are non-negotiable, all bonds issued under this Section shall have all the qualities of negotiable instruments under the law of this State.

(d) With respect to instruments for the payment of money issued under Sections 35-50.1 through 35-50.6, including, without limitation, revenue bonds of a township, it is the intention of the General Assembly (i) that the Omnibus Bond Acts are supplementary grants of power to issue those instruments in accordance with the Omnibus Bond Acts, regardless of any provision of Sections 35-50.1 through 35-50.6 that may appear to be more restrictive than those Acts, (ii) that the provisions of Sections 35-50.1 through 35-50.6 are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under Sections 35-50.1 through 35-50.6 within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of Sections 35-50.1 through 35-50.6 that may appear to be more restrictive than those Acts.

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(e) Revenue bonds issued under Sections 35-50.1 through 35-50.6 shall be payable solely from the net revenue derived from the operation of the senior citizens' housing on account of which the revenue bonds are issued. The revenue bonds shall not in any event constitute an indebtedness of the township within the meaning of any constitutional or statutory limitation, and it shall be so stated on the face of each bond.

(f) Not less than 30 days before the making of a contract for the sale of bonds to be issued under Sections 35-50.1 through 35-50.6, the township board shall give written notice to the Executive Director of the Illinois Housing Development Authority. Within 30 days after receiving the notice the Executive Director of the Illinois Housing Development Authority shall give written notice to the township board stating whether it will finance the senior citizens' housing. If the Illinois Housing Development Authority notifies the township board that it will not finance the senior citizens' housing, the township may finance the senior citizens' housing or seek alternative financing from any other available source.

(Source: P.A. 87-922; 88-62; revised 9-21-06.)

(60 ILCS 1/85-50)

Sec. 85-50. Demolition, repair, or enclosure of buildings.

(a) The township board of any township may formally request the county board to commence specified proceedings with respect to property located within the township but outside the territory of any municipality as provided in Section 5-1121 of the Counties Code. If the county board declines the request as provided in Section 5-1121 of the Counties Code, the township may exercise its powers under this Section.

(b) The township board of each township may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of the township and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those buildings.

The township board shall apply to the circuit court of the county in which the building is located (i) for an order authorizing action to be taken with respect to a building if the owner or owners of the building, including
the lien holders of record, after at least 15 days' written notice by mail to do so, have failed to commence proceedings to put the building in a safe condition or to demolish it or (ii) for an order requiring the owner or owners of record to demolish, repair, or enclose the building or to remove garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from the building. It is not a defense to the cause of action that the building is boarded up or otherwise enclosed, although the court may order the defendant to have the building boarded up or otherwise enclosed. Where, upon diligent search, the identity or whereabouts of the owner or owners of the building, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed and the posting of the notice upon the premises sought to be demolished or repaired is sufficient notice under this Section.

The hearing upon the application to the circuit court shall be expedited by the court and shall be given precedence over all other suits.

The cost of the demolition, repair, enclosure, or removal incurred by the township, by an intervenor, or by a lien holder of record, including court costs, attorney's fees, and other costs related to the enforcement of this Section, is recoverable from the owner or owners of the real estate or the previous owner or both if the property was transferred during the 15-day notice period and is a lien on the real estate if, within 180 days after the repair, demolition, enclosure, or removal, the township, the lien holder of record, or the intervenor who incurred the cost and expense shall file a notice of lien for the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act. The lien becomes effective at the time of filing.

The notice must consist of a sworn statement setting out (1) a description of the real estate sufficient for its identification, (2) the amount of money representing the cost and expense incurred, and (3) the date or dates when the cost and expense was incurred by the township, the lien holder of record, or the intervenor. Upon payment of the cost and expense

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by the owner of or persons interested in the property after the notice of lien has been filed, the lien shall be released by the township, the person in whose name the lien has been filed, or the assignee of the lien, and the release may be filed of record as in the case of filing notice of lien. Unless the lien is enforced under subsection (c), the lien may be enforced by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the township, including court costs, reasonable attorney's fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the township from the owner or owners of the real estate.

All liens arising under this subsection (b) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (c).

(c) In any case where a township has obtained a lien under subsection (b), the township may enforce the lien under this subsection (c) in the same proceeding in which the lien is authorized.

A township desiring to enforce a lien under this subsection (c) shall petition the court to retain jurisdiction for foreclosure proceedings under this subsection. Notice of the petition shall be served, by certified or registered mail, on all persons who were served notice under subsection (b). The court shall conduct a hearing on the petition not less than 15 days after the notice is served. If the court determines that the requirements of this subsection (c) have been satisfied, it shall grant the petition and retain jurisdiction over the matter until the foreclosure proceeding is completed. The costs of foreclosure incurred by the township, including court costs, reasonable attorneys' fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the township from the owner or owners of the real estate. If the court denies the petition, the

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township may enforce the lien in a separate action as provided in subsection (b).

All persons designated in Section 15-1501 of the Code of Civil Procedure as necessary parties in a mortgage foreclosure action shall be joined as parties before issuance of an order of foreclosure. Persons designated in Section 15-1501 of the Code of Civil Procedure as permissible parties may also be joined as parties in the action.

The provisions of Article XV of the Code of Civil Procedure applicable to mortgage foreclosures shall apply to the foreclosure of a lien under this subsection (c), except to the extent that those provisions are inconsistent with this subsection. For purposes of foreclosures of liens under this subsection, however, the redemption period described in subsection (c) of Section 15-1603 of the Code of Civil Procedure shall end 60 days after the date of entry of the order of foreclosure.

(d) In addition to any other remedy provided by law, the township board of any township may petition the circuit court to have property declared abandoned under this subsection (d) if:

   (1) the property has been tax delinquent for 2 or more years or bills for water service for the property have been outstanding for 2 or more years;

   (2) the property is unoccupied by persons legally in possession; and

   (3) the property contains a dangerous or unsafe building.

All persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, shall be named as defendants in the petition and shall be served with process. In addition, service shall be had under Section 2-206 of the Code of Civil Procedure as in other cases affecting property.

The township, however, may proceed under this subsection in a proceeding brought under subsection (b). Notice of the petition shall be served by certified or registered mail on all persons who were served notice under subsection (b).

If the township proves that the conditions described in this subsection exist and the owner of record of the property does not enter an

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appearance in the action, or, if title to the property is held by an Illinois land trust, if neither the owner of record nor the owner of the beneficial interest of the trust enters an appearance, the court shall declare the property abandoned.

If that determination is made, notice shall be sent by certified or registered mail to all persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, stating that title to the property will be transferred to the township unless, within 30 days of the notice, the owner of record enters an appearance in the action, or unless any other person having an interest in the property files with the court a request to demolish the dangerous or unsafe building or to put the building in safe condition.

If the owner of record enters an appearance in the action within the 30-day period, the court shall vacate its order declaring the property abandoned. In that case, the township may amend its complaint in order to initiate proceedings under subsection (b).

If a request to demolish or repair the building is filed within the 30-day period, the court shall grant permission to the requesting party to demolish the building within 30 days or to restore the building to safe condition within 60 days after the request is granted. An extension of that period for up to 60 additional days may be given for good cause. If more than one person with an interest in the property files a timely request, preference shall be given to the person with the lien or other interest of the highest priority.

If the requesting party proves to the court that the building has been demolished or put in a safe condition within the period of time granted by the court, the court shall issue a quitclaim judicial deed for the property to the requesting party, conveying only the interest of the owner of record, upon proof of payment to the township of all costs incurred by the township in connection with the action, including but not limited to court costs, attorney's fees, administrative costs, the costs, if any, associated with building enclosure or removal, and receiver's certificates. The interest in the property so conveyed shall be subject to all liens and encumbrances on the property. In addition, if the interest is conveyed to a person holding a

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certificate of purchase for the property under the Property Tax Code, the conveyance shall be subject to the rights of redemption of all persons entitled to redeem under that Act, including the original owner of record.

If no person with an interest in the property files a timely request or if the requesting party fails to demolish the building or put the building in safe condition within the time specified by the court, the township may petition the court to issue a judicial deed for the property to the county. A conveyance by judicial deed shall operate to extinguish all existing ownership interests in, liens on, and other interest in the property, including tax liens.

(Source: P.A. 94-841, eff. 6-7-06.)

(60 ILCS 1/85-55)

Sec. 85-55. Horse-drawn vehicles. The township board may, by ordinance, license and regulate horse-drawn vehicles operating within the township. The ordinance may also (i) prescribe regulations for the safe operation of horse-drawn vehicles and (ii) require the examination of persons operating a horse-drawn vehicle. Any annual fee charged for a license to operate a horse-drawn vehicle may not exceed $50. Any fees charged for a license to operate a horse-drawn vehicle within the township must be used for the improvement of township roads.

For the purposes of this Section, "horse-drawn vehicle" means any vehicle powered by any animal of the equine family.

(Source: P.A. 92-613, eff. 1-1-03; revised 8-26-02.)

(60 ILCS 1/235-20)

Sec. 235-20. General assistance tax.

(a) The township board may raise money by taxation deemed necessary to be expended to provide general assistance in the township to persons needing that assistance as provided in the Illinois Public Aid Code, including persons eligible for assistance under the Military Veterans Assistance Act, where that duty is provided by law. The tax for each fiscal year shall not be more than 0.10% of value, or more than an amount approved at a referendum held under this Section, as equalized or assessed by the Department of Revenue, and shall in no case exceed the amount

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needed in the township for general assistance. The board may decrease the maximum tax rate by ordinance.

(b) Except as otherwise provided in this subsection, if the board desires to increase the maximum tax rate, it shall order a referendum on that proposition to be held at an election in accordance with the general election law. The board shall certify the proposition to the proper election officials, who shall submit the proposition to the voters at an election in accordance with the general election law. If a majority of the votes cast on the proposition is in favor of the proposition, the board may annually levy the tax at a rate not exceeding the higher rate approved by the voters at the election. If, however, the board has decreased the maximum tax rate under subsection (a), then it may, at any time after the decrease, increase the maximum tax rate, by ordinance, to a rate less than or equal to the maximum tax rate immediately prior to the board's ordinance to decrease the rate.

(c) If a city, village, or incorporated town having a population of more than 500,000 is located within or partially within a township, then the entire amount of the tax levied by the township for the purpose of providing general assistance under this Section on property lying within that city, village, or incorporated town, less the amount allowed for collecting the tax, shall be paid over by the treasurer of the township to the treasurer of the city, village, or incorporated town to be appropriated and used by the city, village, or incorporated town for the relief and support of persons needing general assistance residing in that portion of the city, village, or incorporated town located within the township in accordance with the Illinois Public Aid Code.

(d) Any taxes levied for general assistance before or after this Section takes effect may also be used for the payment of warrants issued against and in anticipation of those taxes and accrued interest on those warrants and may also be used to pay the cost of administering that assistance.

(e) In any township with a population of less than 500,000 that receives no State funding for the general assistance program and that has not issued anticipation warrants or otherwise borrowed monies for the
administration of the general assistance program during the township's previous 3 fiscal years of operation, a one time transfer of monies from the township's general assistance fund may be made to the general township fund pursuant to action by the township board. This transfer may occur only to the extent that the amount of monies remaining in the general assistance fund after the transfer is equal to the greater of (i) the amount of the township's expenditures in the previous fiscal year for general assistance or (ii) an amount equal to either 0.10% of the last known total equalized value of all taxable property in the township, or 100% of the highest amount levied for general assistance purposes in any of the three previous fiscal years. The transfer shall be completed no later than one year after the effective date of this amendatory Act of the 92nd General Assembly. No township that has certified a new levy or an increase in the levy under this Section during calendar year 2002 may transfer monies under this subsection. No action on the transfer of monies under this subsection shall be taken by the township board except at a township board meeting. No monies transferred under this subsection shall be considered in determining whether the township qualifies for State funds to supplement local funds for public aid purposes under Section 12-21.13 of the Illinois Public Aid Code.

(Source: P.A. 92-558, eff. 6-24-02; 92-718, eff. 7-25-02; revised 9-9-02.)

Section 475. The Illinois Municipal Code is amended by changing Sections 8-11-1.2, 11-31-1, 11-74.4-3, 11-74.4-6, 11-74.4-7, and 11-124-1 and by renumbering Section 19.2-5 as follows:

(65 ILCS 5/8-11-1.2) (from Ch. 24, par. 8-11-1.2)

Sec. 8-11-1.2. Definition. As used in Sections 8-11-1.3, 8-11-1.4 and 8-11-1.5 of this Act:

(a) "Public infrastructure" means municipal roads and streets, access roads, bridges, and sidewalks; waste disposal systems; and water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities. For purposes of referenda authorizing the imposition of taxes by the City of DuQuoin under Sections 8-11-1.3, 8-11-1.4, and 8-11-1.5 of

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(b) "Property tax relief" means the action of a municipality to reduce the levy for real estate taxes or avoid an increase in the levy for real estate taxes that would otherwise have been required. Property tax relief or the avoidance of property tax must uniformly apply to all classes of property.

(Source: P.A. 91-51, eff. 6-30-99; 92-739, eff. 1-1-03; 92-815, eff. 8-21-02; revised 9-10-02.)

(65 ILCS 5/11-19.2-5) (was 65 ILCS 5/19.2-5)

Sec. 11-19.2-5. Subpoenas - Defaults. At any time prior to the hearing date the hearing officer assigned to hear the case may, at the request of the sanitation inspector or the attorney for the municipality, or the respondent or his attorney, issue subpoenas directing witnesses to appear and give testimony at the hearing. If on the date set for hearing the respondent or his attorney fails to appear, the hearing officer may find the respondent in default and shall proceed with the hearing and accept evidence relating to the existence of a code violation.

(Source: P.A. 86-1364; revised 10-19-05.)

(65 ILCS 5/11-31-1) (from Ch. 24, par. 11-31-1)

Sec. 11-31-1. Demolition, repair, enclosure, or remediation.

(a) The corporate authorities of each municipality may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of the municipality and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those buildings. In any county having adopted by referendum or otherwise a county health department as provided by Division 5-25 of the Counties Code or its predecessor, the county board of that county may exercise those powers with regard to dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of any city, village, or incorporated town having less than 50,000 population.

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The corporate authorities shall apply to the circuit court of the county in which the building is located (i) for an order authorizing action to be taken with respect to a building if the owner or owners of the building, including the lien holders of record, after at least 15 days' written notice by mail so to do, have failed to put the building in a safe condition or to demolish it or (ii) for an order requiring the owner or owners of record to demolish, repair, or enclose the building or to remove garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from the building. It is not a defense to the cause of action that the building is boarded up or otherwise enclosed, although the court may order the defendant to have the building boarded up or otherwise enclosed. Where, upon diligent search, the identity or whereabouts of the owner or owners of the building, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed is sufficient notice under this Section.

The hearing upon the application to the circuit court shall be expedited by the court and shall be given precedence over all other suits. Any person entitled to bring an action under subsection (b) shall have the right to intervene in an action brought under this Section.

The cost of the demolition, repair, enclosure, or removal incurred by the municipality, by an intervenor, or by a lien holder of record, including court costs, attorney's fees, and other costs related to the enforcement of this Section, is recoverable from the owner or owners of the real estate or the previous owner or both if the property was transferred during the 15 day notice period and is a lien on the real estate; the lien is superior to all prior existing liens and encumbrances, except taxes, if, within 180 days after the repair, demolition, enclosure, or removal, the municipality, the lien holder of record, or the intervenor who incurred the cost and expense shall file a notice of lien for the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act.

The notice must consist of a sworn statement setting out (1) a description of the real estate sufficient for its identification, (2) the amount

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of money representing the cost and expense incurred, and (3) the date or
dates when the cost and expense was incurred by the municipality, the lien
holder of record, or the intervenor. Upon payment of the cost and expense
by the owner of or persons interested in the property after the notice of lien
has been filed, the lien shall be released by the municipality, the person in
whose name the lien has been filed, or the assignee of the lien, and the
release may be filed of record as in the case of filing notice of lien. Unless
the lien is enforced under subsection (c), the lien may be enforced by
foreclosure proceedings as in the case of mortgage foreclosures under
Article XV of the Code of Civil Procedure or mechanics' lien foreclosures.
An action to foreclose this lien may be commenced at any time after the
date of filing of the notice of lien. The costs of foreclosure incurred by the
municipality, including court costs, reasonable attorney's fees, advances to
preserve the property, and other costs related to the enforcement of this
subsection, plus statutory interest, are a lien on the real estate and are
recoverable by the municipality from the owner or owners of the real
estate.

All liens arising under this subsection (a) shall be assignable. The
assignee of the lien shall have the same power to enforce the lien as the
assigning party, except that the lien may not be enforced under subsection
(c).

If the appropriate official of any municipality determines that any
dangerous and unsafe building or uncompleted and abandoned building
within its territory fulfills the requirements for an action by the
municipality under the Abandoned Housing Rehabilitation Act, the
municipality may petition under that Act in a proceeding brought under
this subsection.

(b) Any owner or tenant of real property within 1200 feet in any
direction of any dangerous or unsafe building located within the territory
of a municipality with a population of 500,000 or more may file with the
appropriate municipal authority a request that the municipality apply to the
circuit court of the county in which the building is located for an order
permitting the demolition, removal of garbage, debris, and other noxious
or unhealthy substances and materials from, or repair or enclosure of the

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building in the manner prescribed in subsection (a) of this Section. If the municipality fails to institute an action in circuit court within 90 days after the filing of the request, the owner or tenant of real property within 1200 feet in any direction of the building may institute an action in circuit court seeking an order compelling the owner or owners of record to demolish, remove garbage, debris, and other noxious or unhealthy substances and materials from, repair or enclose or to cause to be demolished, have garbage, debris, and other noxious or unhealthy substances and materials removed from, repaired, or enclosed the building in question. A private owner or tenant who institutes an action under the preceding sentence shall not be required to pay any fee to the clerk of the circuit court. The cost of repair, removal, demolition, or enclosure shall be borne by the owner or owners of record of the building. In the event the owner or owners of record fail to demolish, remove garbage, debris, and other noxious or unhealthy substances and materials from, repair, or enclose the building within 90 days of the date the court entered its order, the owner or tenant who instituted the action may request that the court join the municipality as a party to the action. The court may order the municipality to demolish, remove materials from, repair, or enclose the building, or cause that action to be taken upon the request of any owner or tenant who instituted the action or upon the municipality's request. The municipality may file, and the court may approve, a plan for rehabilitating the building in question. A court order authorizing the municipality to demolish, remove materials from, repair, or enclose a building, or cause that action to be taken as a result of the failure to comply with the order to demolish, remove garbage, debris, and other noxious or unhealthy substances and materials from, repair, or enclose the building.

If a municipality or a person or persons other than the owner or owners of record pay the cost of demolition, removal of garbage, debris, and other noxious or unhealthy substances and materials, repair, or enclosure pursuant to a court order, the cost, including court costs, attorney's fees, and other costs related to the enforcement of this subsection, is recoverable from the owner or owners of the real estate and
is a lien on the real estate; the lien is superior to all prior existing liens and encumbrances, except taxes, if, within 180 days after the repair, removal, demolition, or enclosure, the municipality or the person or persons who paid the costs of demolition, removal, repair, or enclosure shall file a notice of lien of the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of the county if the real estate affected is registered under the Registered Titles (Torrens) Act. The notice shall be in a form as is provided in subsection (a). An owner or tenant who institutes an action in circuit court seeking an order to compel the owner or owners of record to demolish, remove materials from, repair, or enclose any dangerous or unsafe building, or to cause that action to be taken under this subsection may recover court costs and reasonable attorney's fees for instituting the action from the owner or owners of record of the building. Upon payment of the costs and expenses by the owner of or a person interested in the property after the notice of lien has been filed, the lien shall be released by the municipality or the person in whose name the lien has been filed or his or her assignee, and the release may be filed of record as in the case of filing a notice of lien. Unless the lien is enforced under subsection (c), the lien may be enforced by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorneys' fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate.

All liens arising under the terms of this subsection (b) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (c).

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(c) In any case where a municipality has obtained a lien under subsection (a), (b), or (f), the municipality may enforce the lien under this subsection (c) in the same proceeding in which the lien is authorized.

A municipality desiring to enforce a lien under this subsection (c) shall petition the court to retain jurisdiction for foreclosure proceedings under this subsection. Notice of the petition shall be served, by certified or registered mail, on all persons who were served notice under subsection (a), (b), or (f). The court shall conduct a hearing on the petition not less than 15 days after the notice is served. If the court determines that the requirements of this subsection (c) have been satisfied, it shall grant the petition and retain jurisdiction over the matter until the foreclosure proceeding is completed. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorneys' fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate. If the court denies the petition, the municipality may enforce the lien in a separate action as provided in subsection (a), (b), or (f).

All persons designated in Section 15-1501 of the Code of Civil Procedure as necessary parties in a mortgage foreclosure action shall be joined as parties before issuance of an order of foreclosure. Persons designated in Section 15-1501 of the Code of Civil Procedure as permissible parties may also be joined as parties in the action.

The provisions of Article XV of the Code of Civil Procedure applicable to mortgage foreclosures shall apply to the foreclosure of a lien under this subsection (c), except to the extent that those provisions are inconsistent with this subsection. For purposes of foreclosures of liens under this subsection, however, the redemption period described in subsection (b) of Section 15-1603 of the Code of Civil Procedure shall end 60 days after the date of entry of the order of foreclosure.

(d) In addition to any other remedy provided by law, the corporate authorities of any municipality may petition the circuit court to have property declared abandoned under this subsection (d) if:

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(1) the property has been tax delinquent for 2 or more years or bills for water service for the property have been outstanding for 2 or more years;
(2) the property is unoccupied by persons legally in possession; and
(3) the property contains a dangerous or unsafe building.

All persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, shall be named as defendants in the petition and shall be served with process. In addition, service shall be had under Section 2-206 of the Code of Civil Procedure as in other cases affecting property.

The municipality, however, may proceed under this subsection in a proceeding brought under subsection (a) or (b). Notice of the petition shall be served by certified or registered mail on all persons who were served notice under subsection (a) or (b).

If the municipality proves that the conditions described in this subsection exist and the owner of record of the property does not enter an appearance in the action, or if title to the property is held by an Illinois land trust, if neither the owner of record nor the owner of the beneficial interest of the trust enters an appearance, the court shall declare the property abandoned.

If that determination is made, notice shall be sent by certified or registered mail to all persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, stating that title to the property will be transferred to the municipality unless, within 30 days of the notice, the owner of record enters an appearance in the action, or unless any other person having an interest in the property files with the court a request to demolish the dangerous or unsafe building or to put the building in safe condition.

If the owner of record enters an appearance in the action within the 30 day period, the court shall vacate its order declaring the property abandoned. In that case, the municipality may amend its complaint in order to initiate proceedings under subsection (a).

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If a request to demolish or repair the building is filed within the 30 day period, the court shall grant permission to the requesting party to demolish the building within 30 days or to restore the building to safe condition within 60 days after the request is granted. An extension of that period for up to 60 additional days may be given for good cause. If more than one person with an interest in the property files a timely request, preference shall be given to the person with the lien or other interest of the highest priority.

If the requesting party proves to the court that the building has been demolished or put in a safe condition within the period of time granted by the court, the court shall issue a quitclaim judicial deed for the property to the requesting party, conveying only the interest of the owner of record, upon proof of payment to the municipality of all costs incurred by the municipality in connection with the action, including but not limited to court costs, attorney's fees, administrative costs, the costs, if any, associated with building enclosure or removal, and receiver's certificates. The interest in the property so conveyed shall be subject to all liens and encumbrances on the property. In addition, if the interest is conveyed to a person holding a certificate of purchase for the property under the Property Tax Code, the conveyance shall be subject to the rights of redemption of all persons entitled to redeem under that Act, including the original owner of record.

If no person with an interest in the property files a timely request or if the requesting party fails to demolish the building or put the building in safe condition within the time specified by the court, the municipality may petition the court to issue a judicial deed for the property to the municipality. A conveyance by judicial deed shall operate to extinguish all existing ownership interests in, liens on, and other interest in the property, including tax liens, and shall extinguish the rights and interests of any and all holders of a bona fide certificate of purchase of the property for delinquent taxes. Any such bona fide certificate of purchase holder shall be entitled to a sale in error as prescribed under Section 21-310 of the Property Tax Code.
(e) Each municipality may use the provisions of this subsection to expedite the removal of certain buildings that are a continuing hazard to the community in which they are located.

If a residential or commercial building is 3 stories or less in height as defined by the municipality's building code, and the corporate official designated to be in charge of enforcing the municipality's building code determines that the building is open and vacant and an immediate and continuing hazard to the community in which the building is located, then the official shall be authorized to post a notice not less than 2 feet by 2 feet in size on the front of the building. The notice shall be dated as of the date of the posting and shall state that unless the building is demolished, repaired, or enclosed, and unless any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials are removed so that an immediate and continuing hazard to the community no longer exists, then the building may be demolished, repaired, or enclosed, or any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials may be removed, by the municipality.

Not later than 30 days following the posting of the notice, the municipality shall do all of the following:

1. Cause to be sent, by certified mail, return receipt requested, a Notice to Remediae to all owners of record of the property, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, stating the intent of the municipality to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if that action is not taken by the owner or owners.

2. Cause to be published, in a newspaper published or circulated in the municipality where the building is located, a notice setting forth (i) the permanent tax index number and the address of the building, (ii) a statement that the property is open and vacant and constitutes an immediate and continuing hazard to the community, and (iii) a statement that the municipality intends to demolish, repair, or enclose the building or remove any garbage,

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debris, or other hazardous, noxious, or unhealthy substances or materials if the owner or owners or lienholders of record fail to do so. This notice shall be published for 3 consecutive days.

(3) Cause to be recorded the Notice to RemEDIATE mailed under paragraph (1) in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate is registered under the Registered Title (Torrens) Act.

Any person or persons with a current legal or equitable interest in the property objecting to the proposed actions of the corporate authorities may file his or her objection in an appropriate form in a court of competent jurisdiction.

If the building is not demolished, repaired, or enclosed, or the garbage, debris, or other hazardous, noxious, or unhealthy substances or materials are not removed, within 30 days of mailing the notice to the owners of record, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, or within 30 days of the last day of publication of the notice, whichever is later, the corporate authorities shall have the power to demolish, repair, or enclose the building or to remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials.

The municipality may proceed to demolish, repair, or enclose a building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection within a 120-day period following the date of the mailing of the notice if the appropriate official determines that the demolition, repair, enclosure, or removal of any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials is necessary to remedy the immediate and continuing hazard. If, however, before the municipality proceeds with any of the actions authorized by this subsection, any person with a legal or equitable interest in the property has sought a hearing under this subsection before a court and has served a copy of the complaint on the chief executive officer of the municipality, then the municipality shall not proceed with the demolition, repair, enclosure, or removal of garbage, debris, or other

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substances until the court determines that that action is necessary to remedy the hazard and issues an order authorizing the municipality to do so. If the court dismisses the action for want of prosecution, the municipality must send the objector a copy of the dismissal order and a letter stating that the demolition, repair, enclosure, or removal of garbage, debris, or other substances will proceed unless, within 30 days after the copy of the order and the letter are mailed, the objector moves to vacate the dismissal and serves a copy of the motion on the chief executive officer of the municipality. Notwithstanding any other law to the contrary, if the objector does not file a motion and give the required notice, if the motion is denied by the court, or if the action is again dismissed for want of prosecution, then the dismissal is with prejudice and the demolition, repair, enclosure, or removal may proceed forthwith.

Following the demolition, repair, or enclosure of a building, or the removal of garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection, the municipality may file a notice of lien against the real estate for the cost of the demolition, repair, enclosure, or removal within 180 days after the repair, demolition, enclosure, or removal occurred, for the cost and expense incurred, in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act; this lien has priority over the interests of those parties named in the Notice to RemEDIATE mailed under paragraph (1), but not over the interests of third party purchasers or encumbrancers for value who obtained their interests in the property before obtaining actual or constructive notice of the lien. The notice of lien shall consist of a sworn statement setting forth (i) a description of the real estate, such as the address or other description of the property, sufficient for its identification; (ii) the expenses incurred by the municipality in undertaking the remedial actions authorized under this subsection; (iii) the date or dates the expenses were incurred by the municipality; (iv) a statement by the corporate official responsible for enforcing the building code that the building was open and vacant and constituted an immediate and continuing hazard to the community; (v) a
statement by the corporate official that the required sign was posted on the building, that notice was sent by certified mail to the owners of record, and that notice was published in accordance with this subsection; and (vi) a statement as to when and where the notice was published. The lien authorized by this subsection may thereafter be released or enforced by the municipality as provided in subsection (a).

(f) The corporate authorities of each municipality may remove or cause the removal of, or otherwise environmentally remediate hazardous substances and petroleum products on, in, or under any abandoned and unsafe property within the territory of a municipality. In addition, where preliminary evidence indicates the presence or likely presence of a hazardous substance or a petroleum product or a release or a substantial threat of a release of a hazardous substance or a petroleum product on, in, or under the property, the corporate authorities of the municipality may inspect the property and test for the presence or release of hazardous substances and petroleum products. In any county having adopted by referendum or otherwise a county health department as provided by Division 5-25 of the Counties Code or its predecessor, the county board of that county may exercise the above-described powers with regard to property within the territory of any city, village, or incorporated town having less than 50,000 population.

For purposes of this subsection (f):

(1) "property" or "real estate" means all real property, whether or not improved by a structure;
(2) "abandoned" means;
   (A) the property has been tax delinquent for 2 or more years;
   (B) the property is unoccupied by persons legally in possession; and
(3) "unsafe" means property that presents an actual or imminent threat to public health and safety caused by the release of hazardous substances; and
(4) "hazardous substances" means the same as in Section 3.215 of the Environmental Protection Act.

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The corporate authorities shall apply to the circuit court of the county in which the property is located (i) for an order allowing the municipality to enter the property and inspect and test substances on, in, or under the property; or (ii) for an order authorizing the corporate authorities to take action with respect to remediation of the property if conditions on the property, based on the inspection and testing authorized in paragraph (i), indicate the presence of hazardous substances or petroleum products. Remediation shall be deemed complete for purposes of paragraph (ii) above when the property satisfies Tier I, II, or III remediation objectives for the property's most recent usage, as established by the Environmental Protection Act, and the rules and regulations promulgated thereunder. Where, upon diligent search, the identity or whereabouts of the owner or owners of the property, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed is sufficient notice under this Section.

The court shall grant an order authorizing testing under paragraph (i) above upon a showing of preliminary evidence indicating the presence or likely presence of a hazardous substance or a petroleum product or a release of or a substantial threat of a release of a hazardous substance or a petroleum product on, in, or under abandoned property. The preliminary evidence may include, but is not limited to, evidence of prior use, visual site inspection, or records of prior environmental investigations. The testing authorized by paragraph (i) above shall include any type of investigation which is necessary for an environmental professional to determine the environmental condition of the property, including but not limited to performance of soil borings and groundwater monitoring. The court shall grant a remediation order under paragraph (ii) above where testing of the property indicates that it fails to meet the applicable remediation objectives. The hearing upon the application to the circuit court shall be expedited by the court and shall be given precedence over all other suits.

The cost of the inspection, testing, or remediation incurred by the municipality or by a lien holder of record, including court costs, attorney’s fees, and other costs related to the enforcement of this Section, is a lien on
the real estate; except that in any instances where a municipality incurs costs of inspection and testing but finds no hazardous substances or petroleum products on the property that present an actual or imminent threat to public health and safety, such costs are not recoverable from the owners nor are such costs a lien on the real estate. The lien is superior to all prior existing liens and encumbrances, except taxes and any lien obtained under subsection (a) or (e), if, within 180 days after the completion of the inspection, testing, or remediation, the municipality or the lien holder of record who incurred the cost and expense shall file a notice of lien for the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act.

The notice must consist of a sworn statement setting out (i) a description of the real estate sufficient for its identification, (ii) the amount of money representing the cost and expense incurred, and (iii) the date or dates when the cost and expense was incurred by the municipality or the lien holder of record. Upon payment of the lien amount by the owner of or persons interested in the property after the notice of lien has been filed, a release of lien shall be issued by the municipality, the person in whose name the lien has been filed, or the assignee of the lien, and the release may be filed of record as in the case of filing notice of lien.

The lien may be enforced under subsection (c) or by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures; provided that where the lien is enforced by foreclosure under subsection (c) or under either statute, the municipality may not proceed against the other assets of the owner or owners of the real estate for any costs that otherwise would be recoverable under this Section but that remain unsatisfied after foreclosure except where such additional recovery is authorized by separate environmental laws. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorney's fees, advances to preserve the property, and other

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costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate.

All liens arising under this subsection (f) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (c).

(g) In any case where a municipality has obtained a lien under subsection (a), the municipality may also bring an action for a money judgment against the owner or owners of the real estate in the amount of the lien in the same manner as provided for bringing causes of action in Article II of the Code of Civil Procedure and, upon obtaining a judgment, file a judgment lien against all of the real estate of the owner or owners and enforce that lien as provided for in Article XII of the Code of Civil Procedure.

(Source: P.A. 91-162, eff. 7-16-99; 91-177, eff. 1-1-00; 91-357, eff. 7-29-99; 91-542, eff. 1-1-00; 91-561, eff. 1-1-00; 92-16, eff. 6-28-01; 92-574, eff. 6-26-02; 92-681, eff. 1-1-03; revised 2-18-03.)

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may
reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an
adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels

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must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

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(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

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(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.
(B) The area consists of unused rail yards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.
On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

1. Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

2. Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

3. Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

4. Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

5. Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

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(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to

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the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States
Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village, incorporated town, or a township that is located in the unincorporated portion of a county with 3 million or more inhabitants, if the county adopted an ordinance that approved the township's redevelopment plan.
(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising.
from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with

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a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts

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prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002;
50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of
the taxing districts which extend into the redevelopment project area. On
and after November 1, 1999 (the effective date of Public Act 91-478), no
redevelopment plan may be approved or amended that includes the
development of vacant land (i) with a golf course and related clubhouse
and other facilities or (ii) designated by federal, State, county, or municipal
government as public land for outdoor recreational activities or for nature
preserves and used for that purpose within 5 years prior to the adoption of
the redevelopment plan. For the purpose of this subsection, "recreational
activities" is limited to mean camping and hunting. Each redevelopment
plan shall set forth in writing the program to be undertaken to accomplish
the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project
costs;

(B) evidence indicating that the redevelopment project area
on the whole has not been subject to growth and development
through investment by private enterprise;

(C) an assessment of any financial impact of the
redevelopment project area on or any increased demand for
services from any taxing district affected by the plan and any
program to address such financial impact or increased demand;

(D) the sources of funds to pay costs;

(E) the nature and term of the obligations to be issued;

(F) the most recent equalized assessed valuation of the
redevelopment project area;

(G) an estimate as to the equalized assessed valuation after
redevelopment and the general land uses to apply in the
redevelopment project area;

(H) a commitment to fair employment practices and an
affirmative action plan;

(I) if it concerns an industrial park conservation area, the
plan shall also include a general description of any proposed
developer, user and tenant of any property, a description of the
type, structure and general character of the facilities to be
developed, a description of the type, class and number of new

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employees to be employed in the operation of the facilities to be
developed; and

(J) if property is to be annexed to the municipality, the plan
shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not
apply to a municipality that before March 14, 1994 (the effective date of
Public Act 88-537) had fixed, either by its corporate authorities or by a
commission designated under subsection (k) of Section 11-74.4-4, a time
and place for a public hearing as required by subsection (a) of Section
11-74.4-5. No redevelopment plan shall be adopted unless a municipality
complies with all of the following requirements:

(1) The municipality finds that the redevelopment project
area on the whole has not been subject to growth and development
through investment by private enterprise and would not reasonably
be anticipated to be developed without the adoption of the
redevelopment plan.

(2) The municipality finds that the redevelopment plan and
project conform to the comprehensive plan for the development of
the municipality as a whole, or, for municipalities with a
population of 100,000 or more, regardless of when the
redevelopment plan and project was adopted, the redevelopment
plan and project either: (i) conforms to the strategic economic
development or redevelopment plan issued by the designated
planning authority of the municipality, or (ii) includes land uses
that have been approved by the planning commission of the
municipality.

(3) The redevelopment plan establishes the estimated dates
of completion of the redevelopment project and retirement of
obligations issued to finance redevelopment project costs. Those
dates: shall not be later than December 31 of the year in which the
payment to the municipal treasurer as provided in subsection (b) of
Section 11-74.4-8 of this Act is to be made with respect to ad
valorem taxes levied in the twenty-third calendar year after the year
in which the ordinance approving the redevelopment project area is

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adopted if the ordinance was adopted on or after January 15, 1981; shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on May 20, 1985 by the Village of Wheeling; and shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or
(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or
(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or
(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or
(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or
(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or
(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at

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least $250,000 of tax increment bonds were authorized on
June 17, 1997, or
   (H) if the ordinance was adopted on October 5,
1982 by the City of Kankakee, or if the ordinance was
adopted on December 29, 1986 by East St. Louis, or
   (I) if the ordinance was adopted on November 12,
1991 by the Village of Sauget, or
   (J) if the ordinance was adopted on February 11,
1985 by the City of Rock Island, or
   (K) if the ordinance was adopted before December
18, 1986 by the City of Moline, or
   (L) if the ordinance was adopted in September 1988
by Sauk Village, or
   (M) if the ordinance was adopted in October 1993
by Sauk Village, or
   (N) if the ordinance was adopted on December 29,
1986 by the City of Galva, or
   (O) if the ordinance was adopted in March 1991 by
the City of Centreville, or
   (P) if the ordinance was adopted on January 23,
1991 by the City of East St. Louis, or
   (Q) if the ordinance was adopted on December 22,
1986 by the City of Aledo, or
   (R) if the ordinance was adopted on February 5,
1990 by the City of Clinton, or
   (S) if the ordinance was adopted on September 6,
1994 by the City of Freeport, or
   (T) if the ordinance was adopted on December 22,
1986 by the City of Tuscola, or
   (U) if the ordinance was adopted on December 23,
1986 by the City of Sparta, or
   (V) if the ordinance was adopted on December 23,
1986 by the City of Beardstown, or

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(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or
(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or
(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or
(Z) if the ordinance was adopted on November 11, 1996 by the City of Alton, or
(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or
(CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or
(DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or
(EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or
(FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or
(GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or
(HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or
(II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or
(JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or
(KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or
(LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or

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(MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or
(NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or
(OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or
(PP) if the ordinance was adopted on December 23, 1991 by the City of Sullivan, or
(QQ) if the ordinance was adopted on December 31, 1986 by the City of Oglesby, or
(RR) if the ordinance was adopted on July 28, 1987 by the City of Marion, or
(SS) if the ordinance was adopted on April 23, 1990 by the City of Marion, or
(TT) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect, or
(UU) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull, or
(VV) if the ordinance was adopted on April 20, 1993 by the Village of Princeville, or;
(WW) if the ordinance was adopted on July 1, 1986 by the City of Granite City, or;
(XX) if the ordinance was adopted on February 2, 1989 by the Village of Lombard, or
(YY) if the ordinance was adopted on December 29, 1986 by the Village of Gardner, or
(ZZ) if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment

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project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

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days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of

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Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth

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in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in
respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

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(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the
redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a
result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total

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amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax
increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

   (i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

   (ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

   (iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

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(7.7) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after January 1, 2005 (the effective date of Public Act 93-961), a public library district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act shall be paid to the library district by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units. This paragraph (7.7) applies only if (i) the library district is located in a county that is subject to the Property Tax Extension Limitation Law or (ii) the library district is not located in a county that is subject to the Property Tax Extension Limitation Law but the district is prohibited by any other law from increasing its tax levy rate without a prior voter referendum.

The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by (ii) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may

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deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a library district under this paragraph (7.7) shall be no more than 2% of the amount produced by the assisted housing units and deposited into the Special Tax Allocation Fund.

A library district is not eligible for any payment under this paragraph (7.7) unless the library district has experienced an increase in the number of patrons from the municipality that created the tax-increment-financing district since the designation of the redevelopment project area.

Any library district seeking payment under this paragraph (7.7) shall, after July 1 and before September 30 of each year, provide the municipality with convincing evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the library district. If the library district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. Library districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.7). By acceptance of such reimbursement, the library district shall forfeit any right to directly or indirectly set aside, modify, or contest in any manner whatsoever the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance
of additional job training, advanced vocational education or career
education programs for persons employed or to be employed by
employers located in a redevelopment project area; and (ii) when
incurred by a taxing district or taxing districts other than the
municipality, are set forth in a written agreement by or among the
municipality and the taxing district or taxing districts, which
agreement describes the program to be undertaken, including but
not limited to the number of employees to be trained, a description
of the training and services to be provided, the number and type of
positions available or to be available, itemized costs of the program
and sources of funds to pay for the same, and the term of the
agreement. Such costs include, specifically, the payment by
community college districts of costs pursuant to Sections 3-37,
3-38, 3-40 and 3-40.1 of the Public Community College Act and by
school districts of costs pursuant to Sections 10-22.20a and
10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the
construction, renovation or rehabilitation of a redevelopment
project provided that:

(A) such costs are to be paid directly from the
special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed
30% of the annual interest costs incurred by the redeveloper
with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the
special tax allocation fund to make the payment pursuant to
this paragraph (11) then the amounts so due shall accrue
and be payable when sufficient funds are available in the
special tax allocation fund;

(D) the total of such interest payments paid pursuant
to this Act may not exceed 30% of the total (i) cost paid or
incurred by the redeveloper for the redevelopment project
plus (ii) redevelopment project costs excluding any

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property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by

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low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and

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municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of
Section 11-74.4-8a the appropriate boundaries eligible for the
determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the
increase in the aggregate amount of taxes paid by retailers and servicemen,
other than retailers and servicemen subject to the Public Utilities Act, on
transactions at places of business located within a State Sales Tax
Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act,
the Service Use Tax Act, and the Service Occupation Tax Act, except such
portion of such increase that is paid into the State and Local Sales Tax
Reform Fund, the Local Government Distributive Fund, the Local
Government Tax Fund and the County and Mass Transit District Fund, for
as long as State participation exists, over and above the Initial Sales Tax
Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales
Tax Amounts for such taxes as certified by the Department of Revenue
and paid under those Acts by retailers and servicemen on transactions at
places of business located within the State Sales Tax Boundary during the
base year which shall be the calendar year immediately prior to the year in
which the municipality adopted tax increment allocation financing, less
3.0% of such amounts generated under the Retailers' Occupation Tax Act,
Use Tax Act and Service Use Tax Act and the Service Occupation Tax
Act, which sum shall be appropriated to the Department of Revenue to
cover its costs of administering and enforcing this Section. For purposes of
computing the aggregate amount of such taxes for base years occurring
prior to 1985, the Department of Revenue shall compute the Initial Sales
Tax Amount for such taxes and deduct therefrom an amount equal to 4%
of the aggregate amount of taxes per year for each year the base year is
prior to 1985, but not to exceed a total deduction of 12%. The amount so
determined shall be known as the "Adjusted Initial Sales Tax Amount".
For purposes of determining the State Sales Tax Increment the Department
of Revenue shall for each period subtract from the tax amounts received
from retailers and servicemen on transactions located in the State Sales Tax
Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers'
Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the

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Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the
designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff. 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 7-19-05; 94-268, eff. 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff. 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810, eff. 5-26-06; 94-903, eff. 6-22-06; revised 8-3-06.)

(65 ILCS 5/11-74.4-6) (from Ch. 24, par. 11-74.4-6)
Sec. 11-74.4-6. (a) Except as provided herein, notice of the public hearing shall be given by publication and mailing. Notice by publication shall be given by publication at least twice, the first publication to be not more than 30 nor less than 10 days prior to the hearing in a newspaper of general circulation within the taxing districts having property in the proposed redevelopment project area. Notice by mailing shall be given by depositing such notice in the United States mails by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the project redevelopment area. Said notice shall be mailed not less than 10 days prior to the date set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding 3 years as the owners of such property. For redevelopment project areas with redevelopment plans or proposed redevelopment plans that would require removal of 10 or more inhabited residential units or that contain 75 or more inhabited residential units, the municipality shall make a good faith effort to notify by mail all residents of the redevelopment project area. At a minimum, the municipality shall mail a notice to each residential address located within the redevelopment project area. The municipality shall endeavor to ensure that all such notices are effectively communicated and shall include (in addition to notice in English) notice in the predominant language other than English when appropriate.

(b) The notices issued pursuant to this Section shall include the following:

   (1) The time and place of public hearing ;
   (2) The boundaries of the proposed redevelopment project area by legal description and by street location where possible ;
   (3) A notification that all interested persons will be given an opportunity to be heard at the public hearing ;
   (4) A description of the redevelopment plan or redevelopment project for the proposed redevelopment project area if a plan or project is the subject matter of the hearing.

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(5) Such other matters as the municipality may deem appropriate.

(c) Not less than 45 days prior to the date set for hearing, the municipality shall give notice by mail as provided in subsection (a) to all taxing districts of which taxable property is included in the redevelopment project area, project or plan and to the Department of Commerce and Economic Opportunity, and in addition to the other requirements under subsection (b) the notice shall include an invitation to the Department of Commerce and Economic Opportunity and each taxing district to submit comments to the municipality concerning the subject matter of the hearing prior to the date of hearing.

(d) In the event that any municipality has by ordinance adopted tax increment financing prior to 1987, and has complied with the notice requirements of this Section, except that the notice has not included the requirements of subsection (b), paragraphs (2), (3) and (4), and within 90 days of the effective date of this amendatory Act of 1991, that municipality passes an ordinance which contains findings that: (1) all taxing districts prior to the time of the hearing required by Section 11-74.4-5 were furnished with copies of a map incorporated into the redevelopment plan and project substantially showing the legal boundaries of the redevelopment project area; (2) the redevelopment plan and project, or a draft thereof, contained a map substantially showing the legal boundaries of the redevelopment project area and was available to the public at the time of the hearing; and (3) since the adoption of any form of tax increment financing authorized by this Act, and prior to June 1, 1991, no objection or challenge has been made in writing to the municipality in respect to the notices required by this Section, then the municipality shall be deemed to have met the notice requirements of this Act and all actions of the municipality taken in connection with such notices as were given are hereby validated and hereby declared to be legally sufficient for all purposes of this Act.

(e) If a municipality desires to propose a redevelopment plan for a redevelopment project area that would result in the displacement of residents from 10 or more inhabited residential units or for a
redevelopment project area that contains 75 or more inhabited residential units, the municipality shall hold a public meeting before the mailing of the notices of public hearing as provided in subsection (c) of this Section. The meeting shall be for the purpose of enabling the municipality to advise the public, taxing districts having real property in the redevelopment project area, taxpayers who own property in the proposed redevelopment project area, and residents in the area as to the municipality's possible intent to prepare a redevelopment plan and designate a redevelopment project area and to receive public comment. The time and place for the meeting shall be set by the head of the municipality's Department of Planning or other department official designated by the mayor or city or village manager without the necessity of a resolution or ordinance of the municipality and may be held by a member of the staff of the Department of Planning of the municipality or by any other person, body, or commission designated by the corporate authorities. The meeting shall be held at least 14 business days before the mailing of the notice of public hearing provided for in subsection (c) of this Section.

Notice of the public meeting shall be given by mail. Notice by mail shall be not less than 15 days before the date of the meeting and shall be sent by certified mail to all taxing districts having real property in the proposed redevelopment project area and to all entities requesting that information that have registered with a person and department designated by the municipality in accordance with registration guidelines established by the municipality pursuant to Section 11-74.4-4.2. The municipality shall make a good faith effort to notify all residents and the last known persons who paid property taxes on real estate in a redevelopment project area. This requirement shall be deemed to be satisfied if the municipality mails, by regular mail, a notice to each residential address and the person or persons in whose name property taxes were paid on real property for the last preceding year located within the redevelopment project area. Notice shall be in languages other than English when appropriate. The notices issued under this subsection shall include the following:

(1) The time and place of the meeting.

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(2) The boundaries of the area to be studied for possible designation as a redevelopment project area by street and location.

(3) The purpose or purposes of establishing a redevelopment project area.

(4) A brief description of tax increment financing.

(5) The name, telephone number, and address of the person who can be contacted for additional information about the proposed redevelopment project area and who should receive all comments and suggestions regarding the development of the area to be studied.

(6) Notification that all interested persons will be given an opportunity to be heard at the public meeting.

(7) Such other matters as the municipality deems appropriate.

At the public meeting, any interested person or representative of an affected taxing district may be heard orally and may file, with the person conducting the meeting, statements that pertain to the subject matter of the meeting.

(Source: P.A. 94-793, eff. 5-19-06; revised 8-3-06.)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of

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the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration
privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State

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or municipal election is to be held within a period of not less than 30 or
more than 90 days from the date such petition is filed, shall submit the
question at the next general, State or municipal election. If it appears upon
the canvass of the election by the corporate authorities that a majority of
electors voting upon the question voted in favor thereof, the ordinance
shall be in effect, but if a majority of the electors voting upon the question
are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the
obligations shall contain a recital that they are issued pursuant to this
Division, which recital shall be conclusive evidence of their validity and of
the regularity of their issuance.

In the event the municipality authorizes issuance of obligations
pursuant to this Section secured by the full faith and credit of the
municipality, the ordinance authorizing the obligations may provide for
the levy and collection of a direct annual tax upon all taxable property
within the municipality sufficient to pay the principal thereof and interest
thereon as it matures, which levy may be in addition to and exclusive of
the maximum of all other taxes authorized to be levied by the
municipality, which levy, however, shall be abated to the extent that
monies from other sources are available for payment of the obligations and
the municipality certifies the amount of said monies available to the
county clerk.

A certified copy of such ordinance shall be filed with the county
clerk of each county in which any portion of the municipality is situated,
and shall constitute the authority for the extension and collection of the
taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or
in part, obligations theretofore issued by such municipality under the
authority of this Act, whether at or prior to maturity, provided however,
that the last maturity of the refunding obligations shall not be expressed to
mature later than December 31 of the year in which the payment to the
municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of
this Act is to be made with respect to ad valorem taxes levied in the
twenty-third calendar year after the year in which the ordinance approving

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the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on May 20, 1985 by the Village of Wheeling, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the

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ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or (DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or (EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or (FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or (GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or (HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or (II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or (JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or (KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or (LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or (MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or (NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or (OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or (PP) if the ordinance was adopted on December 23, 1991 by the City of

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Sullivan, or (QQ) if the ordinance was adopted on December 31, 1986 by the City of Oglesby, or (RR) if the ordinance was adopted on July 28, 1987 by the City of Marion, or (SS) if the ordinance was adopted on April 23, 1990 by the City of Marion, or (TT) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect, or (UU) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull, or (VV) if the ordinance was adopted on April 20, 1993 by the Village of Princeville, or (WW) (VV) if the ordinance was adopted on July 1, 1986 by the City of Granite City, or (XX) (RR) if the ordinance was adopted on February 2, 1989 by the Village of Lombard, or (YY) (VV) if the ordinance was adopted on December 29, 1986 by the Village of Gardner, or (ZZ) (VV) if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff.
Sec. 11-124-1. Contracts for supply of water.

(a) The corporate authorities of each municipality may contract with any person, corporation, municipal corporation, political subdivision, public water district or any other agency for a supply of water. Any such contract entered into by a municipality shall provide that payments to be made thereunder shall be solely from the revenues to be derived from the operation of the waterworks system of the municipality, and the contract shall be a continuing valid and binding obligation of the municipality payable from the revenues derived from the operation of the waterworks system of the municipality for the period of years, not to exceed 40, as may be provided in such contract. Any such contract shall not be a debt within the meaning of any constitutional or statutory limitation. No prior appropriation shall be required before entering into such a contract and no appropriation shall be required to authorize payments to be made under the terms of any such contract notwithstanding any provision in this Code to the contrary.

(b)Payments to be made under any such contract shall be an operation and maintenance expense of the waterworks system of the municipality. Any such contract made by a municipality for a supply of water may contain provisions whereby the municipality is obligated to pay for such supply of water without setoff or counterclaim and irrespective of whether such supply of water is ever furnished, made available or delivered to the municipality or whether any project for the supply of water contemplated by any such contract is completed, operable or operating and notwithstanding any suspension, interruption, interference, reduction or curtailment of the supply of water from such project. Any such contract may provide that if one or more of the other purchasers of water defaults in the payment of its obligations under such contract or a similar contract made with the supplier of the water, one or more of the
remaining purchasers party to such contract or such similar contract shall be required to pay for all or a portion of the obligations of the defaulting purchasers.

(c) Payments to be made under any such contract with a municipal joint action water agency under the Intergovernmental Cooperation Act shall be an operation and maintenance expense of the waterworks system of the municipality. Any such contract made by a municipality for a supply of water with a municipal joint action water agency under the provisions of the Intergovernmental Cooperation Act may contain provisions whereby the municipality is obligated to pay for such supply of water without setoff or counterclaim and irrespective of whether such supply of water is ever furnished, made available or delivered to the municipality or whether any project for the supply of water contemplated by any such contract is completed, operable or operating and notwithstanding any suspension, interruption, interference, reduction or curtailment of the supply of water from such project. Any such contract with a municipal joint action water agency may provide that if one or more of the other purchasers of water defaults in the payment of its obligations under such contract or a similar contract made with the supplier of the water, one or more of the remaining purchasers party to such contract or such similar contract shall be required to pay for all or a portion of the obligations of the defaulting purchasers.

The changes in this Section made by these amendatory Acts of 1984 are intended to be declarative of existing law.

(d) A municipality with a water supply contract with a county water commission organized pursuant to the Water Commission Act of 1985 shall provide water to unincorporated areas of that home county in accordance with the terms of this subsection. The provision of water by the municipality shall be in accordance with a mandate of the home county as provided in Section 0.01 of the Water Commission Act of 1985. A home rule unit may not provide water in a manner that is inconsistent with the provisions of this amendatory Act of the 93rd General Assembly. This subsection is a limitation under subsection (i) of Section 6 of Article VII.
of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.
(Source: P.A. 93-226, eff. 7-22-03; revised 10-9-03.)

Section 480. The Civic Center Code is amended by changing Sections 2-20 and 280-20 as follows:

(70 ILCS 200/2-20)
Sec. 2-20. Rights and powers, including eminent domain. The Authority shall have the following rights and powers:
(a) To acquire, purchase, own, construct, lease as lessee or in any other way acquire, improve, extend, repair, reconstruct, regulate, operate, equip and maintain exhibition centers, civic auditoriums, cultural facilities and office buildings, including sites and parking areas and commercial facilities therefore located within the metropolitan area;
(b) To plan for such grounds, centers and auditoriums and to plan, sponsor, hold, arrange and finance fairs, industrial, cultural, educational, trade and scientific exhibits, shows and events and to use or allow the use of such grounds, centers, and auditoriums for the holding of fairs, exhibits, shows and events whether conducted by the Authority or some other person or governmental agency;
(c) To exercise the right of eminent domain to acquire sites for such grounds, centers, buildings and auditoriums, and parking areas and facilities in the manner provided for the exercise of the right of eminent domain under the Eminent Domain Act;
(d) To fix and collect just, reasonable and nondiscriminatory charges and rents for the use of such parking areas and facilities, grounds, centers, buildings and auditoriums and admission charges to fairs, shows, exhibits and events sponsored or held by the Authority. The charges collected may be made available to defray the reasonable expenses of the Authority and to pay the principal of and the interest on any bonds issued by the Authority;
(e) To enter into contracts treating in any manner with the objects and purposes of this Article.
(f) Notwithstanding any other provision of this Article, any power granted under this Article to acquire property by condemnation or eminent

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domain is subject to, and shall be exercised in accordance with, the Eminent Domain Act.
(Source: P.A. 94-1055, eff. 1-1-07; revised 10-6-06.)

(70 ILCS 200/280-20)

Sec. 280-20. Rights and powers. The Authority shall have the following rights and powers:

(a) To purchase, own, construct, lease as lessee or in any other way acquire, improve, extend, repair, reconstruct, regulate, operate, equip and maintain fair and expositions grounds, convention or exhibition centers, civic auditoriums, including sites and parking areas and facilities therefor located within the metropolitan area and office buildings, if such buildings are acquired as part of the main auditorium complex;

(b) To plan for such grounds, centers and auditoriums and to plan, sponsor, hold, arrange and finance fairs, industrial, cultural, educational, theatrical, sports, trade and scientific exhibits, shows and events and to use or allow the use of such grounds, centers and auditoriums for the holding of fairs, exhibits, shows and events whether conducted by the Authority or some other person or governmental agency;

(c) To exercise the right of eminent domain to acquire sites for such grounds, centers and auditoriums, and parking areas and facilities in the manner provided for the exercise of the right of eminent domain under the Eminent Domain Act;

(d) To fix and collect just, reasonable and nondiscriminatory charges for the use of such parking areas and facilities, grounds, centers and auditoriums and admission charges to fairs, shows, exhibits and events sponsored or held by the Authority. The charges collected may be made available to defray the reasonable expenses of the Authority and to pay the principal of and the interest on any bonds issued by the Authority;

(d-5) To sell the following real property and retain the proceeds from the sale: the 2 Rialto Square Building at the southeast corner of Chicago Street and Clinton Street, legally described as follows: Lot 1 and Lot 2 in Block 3 in East Juliet (now Joliet) in the City of Joliet in Will County, Illinois; and

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(e) To enter into contracts treating any manner with the objects and purposes of this Article.
(Source: P.A. 94-790, eff. 5-19-06; 94-1055, eff. 1-1-07; revised 8-3-06.)

Section 485. The Eastern Illinois Economic Development Authority Act is amended by changing Section 40 as follows:
(70 ILCS 506/40)
Sec. 40. Bonds and notes; exemption from taxation. The creation of the Authority is in all respects for the benefit of the people of Illinois and for the improvement of their health, safety, welfare, comfort, and security, and its purposes are public purposes. In consideration thereof, the notes and bonds of the Authority issued pursuant to this Act and the income from these notes and bonds may be free from all taxation by the State or its political subdivisions, except for estate, transfer, and inheritance taxes. The exemption from taxation provided by the preceding sentence shall apply to the income on any notes or bonds of the Authority only if the Authority in its sole judgment determines that the exemption enhances the marketability of the bonds or notes or reduces the interest rates that would otherwise be borne by the bonds or notes. For purposes of Section 250 of the Illinois Income Tax Act, the exemption of the Authority shall terminate after all of the bonds have been paid. The amount of such income that shall be added and then subtracted on the Illinois income tax return of a taxpayer, subject to Section 203 of the Illinois Income Tax Act, from federal adjusted gross income or federal taxable income in computing Illinois base income shall be the interest net of any bond premium amortization.
(Source: P.A. 94-203, eff. 7-13-05; revised 9-18-06.)

Section 490. The Joliet Arsenal Development Authority Act is amended by changing Section 40 as follows:
(70 ILCS 508/40)
Sec. 40. Acquisition.
(a) The Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

(b) The Authority shall have power to acquire by purchase, lease, gift, or otherwise any property or rights therein from any person, the State

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of Illinois, any municipal corporation, any local unit of government, the
government of the United States, any agency or instrumentality of the
United States, any body politic, or any county useful for its purposes,
whether improved for the purposes of any prospective project or
unimproved. The Authority may also accept any donation of funds for its
purposes from any of those sources.

(c) The Authority shall have power to develop, construct, and
improve, either under its own direction or through collaboration with any
approved applicant, or to acquire through purchase or otherwise any
project, using for that purpose the proceeds derived from its sale of
revenue bonds, notes, or other evidences of indebtedness or governmental
loans or grants, and to hold title in the name of the Authority to those
projects.

(d) The Authority shall have the power to enter into
intergovernmental agreements with the State of Illinois, the county of
Will, the Illinois Finance Authority, the Metropolitan Pier and Exposition
Authority, the United States government, any agency or instrumentality of
the United States, any unit of local government located within the territory
of the Authority, or any other unit of government to the extent allowed by
Article VII, Section 10 of the Illinois Constitution and the
Intergovernmental Cooperation Act.

(e) The Authority shall have the power to share employees with
other units of government, including agencies of the United States,
agencies of the State of Illinois, and agencies or personnel of any unit of
local government.

(f) Subject to subsection (i) of Section 35 of this Act, the Authority
shall have the power to exercise powers and issue revenue bonds as if it
were a municipality so authorized in Divisions 12.1, 74, 74.1, 74.3, and

(g) All property owned by the Joliet Arsenal Development
Authority is exempt from property taxes. Any property owned by the Joliet
Arsenal Development Authority and leased to an entity that is not exempt
shall remain exempt. The leasehold interest of the lessee shall be assessed
under Section 9-195 of the Property Tax Code.

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Section 495. The Southeastern Illinois Economic Development Authority Act is amended by changing Section 40 as follows:

(70 ILCS 518/40)

Sec. 40. Bonds and notes; exemption from taxation. The creation of the Authority is in all respects for the benefit of the people of Illinois and for the improvement of their health, safety, welfare, comfort, and security, and its purposes are public purposes. In consideration thereof, the notes and bonds of the Authority issued pursuant to this Act and the income from these notes and bonds may be free from all taxation by the State or its political subdivisions, except exempt for estate, transfer, and inheritance taxes. The exemption from taxation provided by the preceding sentence shall apply to the income on any notes or bonds of the Authority only if the Authority in its sole judgment determines that the exemption enhances the marketability of the bonds or notes or reduces the interest rates that would otherwise be borne by the bonds or notes. For purposes of Section 250 of the Illinois Income Tax Act, the exemption of the Authority shall terminate after all of the bonds have been paid. The amount of such income that shall be added and then subtracted on the Illinois income tax return of a taxpayer, subject to Section 203 of the Illinois Income Tax Act, from federal adjusted gross income or federal taxable income in computing Illinois base income shall be the interest net of any bond premium amortization.

(70 ILCS 518/40)

Sec. 40. Bonds and notes; exemption from taxation. The creation of the Authority is in all respects for the benefit of the people of Illinois and for the improvement of their health, safety, welfare, comfort, and security, and its purposes are public purposes. In consideration thereof, the notes and bonds of the Authority issued pursuant to this Act and the income from these notes and bonds may be free from all taxation by the State or its political subdivisions, except exempt for estate, transfer, and

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inheritance taxes. The exemption from taxation provided by the preceding sentence shall apply to the income on any notes or bonds of the Authority only if the Authority in its sole judgment determines that the exemption enhances the marketability of the bonds or notes or reduces the interest rates that would otherwise be borne by the bonds or notes. For purposes of Section 250 of the Illinois Income Tax Act, the exemption of the Authority shall terminate after all of the bonds have been paid. The amount of such income that shall be added and then subtracted on the Illinois income tax return of a taxpayer, subject to Section 203 of the Illinois Income Tax Act, from federal adjusted gross income or federal taxable income in computing Illinois base income shall be the interest net of any bond premium amortization.

(Source: P.A. 93-874, eff. 8-6-04; revised 9-18-06.)

Section 505. The Fire Protection District Act is amended by changing Sections 4a and 6 as follows:

(70 ILCS 705/4a) (from Ch. 127 1/2, par. 24.1)

Sec. 4a. Change to elected board of trustees; petition; election; ballot; nomination and election of trustees. Any fire protection district organized under this Act may determine, in either manner provided in the following items (1) and (2) of this Section, to have an elected, rather than an appointed, board of trustees.

(1) If the district lies wholly within a single township but does not also lie wholly within a municipality, the township board of trustees may determine, by ordinance, to have an elected board of trustees.

(2) Upon presentation to the board of trustees of a petition, signed by not less than 10% of the electors of the district, requesting that a proposition for the election of trustees be submitted to the electors of the district, the secretary of the board of trustees shall certify the proposition to the appropriate election authorities who shall submit the proposition at a regular election in accordance with the general election law. The general election law shall apply to and govern such election. The proposition shall be in substantially the following form:

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Shall the trustees of......    YES
Fire Protection District be  ---------------------
elected, rather than appointed?     NO

If a majority of the votes cast on such proposition are in the affirmative, the trustees of the district shall thereafter be elected as provided by this Section.

At the next regular election for trustees as provided by the general election law, a district that has approved by ordinance or referendum to have its trustees elected rather than appointed shall elect 3, 5, or 7 trustees, as previously determined by the organization of the district or as increased under Section 4.01 or 4.02. The initial elected trustees shall be elected for 2, 4, and 6 year terms. In a district with 3 trustees, one trustee shall be elected for a term of 2 years, one for a term of 4 years, and one for a term of 6 years. In a district with 5 trustees, 2 shall be elected for terms of 2 years, 2 for terms of 4 years, and one for a term of 6 years. In a district with 7 trustees, 3 shall be elected for terms of 2 years, 2 for terms of 4 years, and 2 for terms of 6 years. Except as otherwise provided in Section 2A-54 of the Election Code, the term of each elected trustee shall commence on the third Monday of the month following the month of his election and until his successor is elected and qualified. The length of the terms of the trustees first elected shall be determined by lot at their first meeting. Except as otherwise provided in Section 2A-54 of the Election Code, thereafter, each trustee shall be elected to serve for a term of 6 years commencing on the third Monday of the month following the month of his election and until his successor is elected and qualified.

No party designation shall appear on the ballot for election of trustees. The provisions of the general election law shall apply to and govern the nomination and election of trustees.

Nominations for members of the board of trustees shall be made by a petition signed by at least 25 voters or 5% of the voters, whichever is
less, residing within the district and shall be filed with the secretary of the board. In addition to the requirements of general election law, the form of the petition shall be as follows:

NOMINATING PETITIONS

To the Secretary of the Board of Trustees of (name of fire protection district):

We, the undersigned, being (number of signatories or 5% or more) of the voters residing within the district, hereby petition that (name of candidate) who resides at (address of candidate) in this district shall be a candidate for the office of (office) of the Board of Trustees (full-term or vacancy) to be voted for at the election to be held (date of election).

The secretary of the board shall notify each candidate for whom a petition for nomination has been filed of their obligations under the Campaign Financing Act, as required by the general election law. The notice shall be given on a form prescribed by the State Board of Elections and in accordance with the requirements of the general election law.

The secretary shall, within 7 days of filing or on the last day for filing, whichever is earlier, acknowledge to the petitioner in writing his acceptance of the petition.

The provisions of Section 4 relating to eligibility, powers and disabilities of trustees shall apply equally to elected trustees.

Whenever a fire protection district determines to elect trustees as provided in this Section, the trustees appointed pursuant to Section 4 shall continue to constitute the board of trustees until the third Monday of the month following the month of the first election of trustees. If the term of office of any appointed trustees expires before the first election of trustees, the authority which appointed that trustee under Section 4 of this Act shall appoint a successor to serve until a successor is elected and has qualified. The terms of all appointed trustees in such district shall expire on the third Monday of the month following the month of the first election of trustees under this Section or when successors have been elected and have qualified, whichever occurs later.

(Source: P.A. 93-847, eff. 7-30-04; 93-952, eff. 1-1-05; revised 10-14-04.)

New matter indicated by italics - deletions by strikeout
Sec. 6. Board of trustees; powers.

(a) The trustees shall constitute a board of trustees for the district for which they are appointed, which board of trustees is declared to be the corporate authority of the fire protection district, and shall exercise all of the powers and control all the affairs and property of such district.

The board of trustees at their initial meeting and at their first meeting following the commencement of the term of any trustee shall elect one of their number as president and one of their number as secretary and shall elect a treasurer for the district, who may be one of the trustees or may be any other citizen of the district and who shall hold office during the pleasure of the board and who shall give such bond as may be required by the board.

(b) Except as otherwise provided in Sections 16.01 through 16.18, the board may appoint and enter into a multi-year contract not exceeding 3 years with a fire chief and may appoint any firemen that may be necessary for the district, who shall hold office during the pleasure of the board and who shall give any bond that the board may require. The board may prescribe the duties and fix the compensation of all the officers and employees of the fire protection district.

(c) A member of the board of trustees of a fire protection district may be compensated as follows: in a district having fewer than 4 full time paid firemen, a sum not to exceed $1,000 per annum; in a district having more than 3 but less than 10 full time paid firemen, a sum not to exceed $1,500 per annum; in a district having either 10 or more full time paid firemen, a sum not to exceed $2,000 per annum. In addition, fire districts that operate an ambulance service pursuant to authorization by referendum, as provided in Section 22, may pay trustees an additional annual compensation not to exceed 50% of the amount otherwise authorized herein. The additional compensation shall be an administrative expense of the ambulance service and shall be paid from revenues raised by the ambulance tax levy.

(d) The trustees also have the express power to execute a note or notes and to execute a mortgage or trust deed to secure the payment of

New matter indicated by italics - deletions by strikeout
such note or notes; such trust deed or mortgage shall cover real estate, or
some part thereof, or personal property owned by the district and the lien
of the mortgage shall apply to the real estate or personal property so
mortgaged by the district, and the proceeds of the note or notes may be
used in the acquisition of personal property or of real estate or in the
erection of improvements on such real estate.

The trustees have express power to purchase either real estate or
personal property to be used for the purposes of the fire protection district
through contracts which provide for the consideration for such purchase to
be paid through installments to be made at stated intervals during a certain
period of time, but, in no case, shall such contracts provide for the
consideration to be paid during a period of time in excess of 25 years.

(e) The trustees have express power to provide for the benefit of its
employees, volunteer firemen and paid firemen, group life, health,
accident, hospital and medical insurance, or any combination thereof; and
to pay for all or any portion of the premiums on such insurance. Such
insurance may include provisions for employees who rely on treatment by
spiritual means alone through prayer for healing in accord with the tenets
and practice of a well recognized religious denomination.

(f) To encourage continued service with the district, the board of
trustees has the express power to award monetary incentives, not to exceed
$240 per year, to volunteer firefighters of the district based on the length
of service. To be eligible for the incentives, the volunteer firefighters must
have at least 5 years of service with the district. The amount of the
incentives may not be greater than 2% of the annual levy amount when all
incentive awards are combined.

(g) The board of trustees has express power to change the corporate
name of the fire protection district by ordinance, provided that notification
of any change is given to the circuit clerk and the Office of the State Fire
Marshal.

(h) The board of trustees may impose reasonable civil penalties on
individuals who repeatedly cause false fire alarms.

(i) The board of trustees has full power to pass all necessary
ordinances, and rules and regulations for the proper management and

New matter indicated by italics - deletions by strikeout
conduct of the business of the board of trustees of the fire protection district for carrying into effect the objects for which the district was formed.

(Source: P.A. 93-302, eff. 1-1-04; 93-589, eff. 1-1-04; revised 10-3-03.)

Section 510. The Park District Code is amended by changing Section 5-1 as follows:

(70 ILCS 1205/5-1) (from Ch. 105, par. 5-1)

Sec. 5-1. Each Park District has the power to levy and collect taxes on all the taxable property in the district for all corporate purposes. The commissioners may accumulate funds for the purposes of building repairs and improvements and may annually levy taxes for such purposes in excess of current requirements for its other purposes but subject to the tax rate limitation as herein provided.

All general taxes proposed by the board to be levied upon the taxable property within the district shall be levied by ordinance. A certified copy of such levy ordinance shall be filed with the county clerk of the county in which the same is to be collected not later than the last Tuesday in December in each year. The county clerk shall extend such tax; provided, the aggregate amount of taxes levied for any one year, exclusive of the amount levied for the payment of the principal and interest on bonded indebtedness of the district and taxes authorized by special referendum, shall not exceed, except as otherwise provided in this Section, the rate of .10%, or the rate limitation in effect on July 1, 1967, whichever is greater, of the value, as equalized or assessed by the Department of Revenue.

Notwithstanding any other provision of this Section, a park district board of a park district lying wholly within one county is authorized to increase property taxes under this Section for corporate purposes for any one year so long as the increase is offset by a like property tax levy reduction in one or more of the park district's funds. At the time that such park district files its levy with the county clerk, it shall also certify to the county clerk that the park district has complied with and is authorized to act under this Section 5-1 of the Park District Code. In no instance shall the increase either exceed or result in a reduction to the extension

New matter indicated by italics - deletions by strikeout
limitation to which any park district is subject under Section 18-195 of the Property Tax Code.

Any funds on hand at the end of the fiscal year that are not pledged for or allocated to a particular purpose may, by action of the board of commissioners, be transferred to a capital improvement fund and accumulated therein, but the total amount accumulated in the fund may not exceed 1.5% of the aggregate assessed valuation of all taxable property in the park district.

The foregoing limitations upon tax rates may be decreased under the referendum provisions of the General Revenue Law of the State of Illinois.

(Source: P.A. 93-434, eff. 8-5-03; 93-625, eff. 12-19-03; revised 1-13-04.)

Section 515. The West Cook Railroad Relocation and Development Authority Act is amended by changing Section 15 as follows:

(70 ILCS 1920/15)
Sec. 15. Acquisition of property. The Authority shall have the power to acquire by gift, purchase, or legacy the fee simple title to real property located within the boundaries of the Authority, including temporary and permanent easements, as well as reversionary interests in the streets, alleys and other public places and personal property, required for its purposes, and title thereto shall be taken in the corporate name of the Authority. Any such property which is already devoted to a public use may nevertheless be acquired, provided that no property belonging to the United States of America or the State of Illinois may be acquired without the consent of such governmental unit. No property devoted to a public use belonging to a corporation subject to the jurisdiction of the Illinois Commerce Commission may be acquired without a prior finding by the Illinois Commerce Commission that the taking would not result in the imposition of an undue burden on intrastate commerce. All land and appurtenances thereto, acquired or owned by the Authority, are to be deemed acquired or owned for a public use or public purpose.

(Source: P.A. 91-562, eff. 8-14-99; revised 10-12-05.)

New matter indicated by italics - deletions by strikeout
Section 520. The Dixon Railroad Relocation Authority Law is amended by changing Section 5-15 as follows:

Sec. 5-15. Acquisition of property. The Authority shall have the power to acquire by gift, purchase, or legacy the fee simple title to real property located within the boundaries of the Authority, including temporary and permanent easements, as well as reversionary interests in the streets, alleys and other public places and personal property, required for its purposes, and title thereto shall be taken in the corporate name of the Authority. Any such property that is already devoted to a public use may nevertheless be acquired, provided that no property belonging to the United States of America or the State of Illinois may be acquired without the consent of such governmental unit. No property devoted to a public use belonging to a corporation subject to the jurisdiction of the Illinois Commerce Commission may be acquired without a prior finding by the Illinois Commerce Commission that the taking would not result in the imposition of an undue burden on intrastate commerce. All land and appurtenances thereto, acquired or owned by the Authority, are to be deemed acquired or owned for a public use or public purpose.

(Source: P.A. 92-352, eff. 8-15-01; revised 10-12-05.)

Section 525. The Metropolitan Water Reclamation District Act is amended by setting forth, renumbering, and changing multiple versions of Section 288 as follows:

Sec. 288. District enlarged. On March 7, 2002, upon the effective date of this amendatory Act of the 92nd General Assembly, the corporate limits of the Metropolitan Water Reclamation District Act are extended to include within those limits the following described tracts of land, and those tracts are annexed to the District.

(1) Parcel 1 (Canter Parcel)

THAT PART OF SECTION 21 TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE

New matter indicated by italics - deletions by strikeout
NORTHWEST 1/4 OF SAID SECTION 21; THENCE SOUTH 00 DEGREES 12 MINUTES 00 SECONDS WEST (DEED BEING SOUTH), ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 574.20 FEET; THENCE SOUTH 69 DEGREES 48 MINUTES 00 SECONDS EAST, A DISTANCE OF 181.20 FEET; THENCE SOUTH 28 DEGREES 49 MINUTES 00 SECONDS EAST, A DISTANCE OF 720.45 FEET; THENCE SOUTH 38 DEGREES 25 MINUTES 33 SECONDS WEST, A DISTANCE OF 222.79 FEET (DEED BEING SOUTH 33 DEGREES 37 MINUTES 00 SECONDS WEST, 238.50 FEET) TO AN IRON STAKE; THENCE SOUTH 60 DEGREES 26 MINUTES 25 SECONDS EAST (DEED BEING SOUTH 59 DEGREES 41 MINUTES 00 SECONDS EAST), ALONG A LINE THAT WOULD INTERSECT THE EAST LINE OF SAID NORTHWEST 1/4 OF SECTION 21 AT A POINT THAT IS 669.25 FEET NORTHERLY OF (AS MEASURED ALONG SAID EAST LINE) THE CENTER OF SAID SECTION 21, A DISTANCE OF 24.03 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 60 DEGREES 26 MINUTES 25 SECONDS EAST, ALONG SAID LINE, A DISTANCE OF 629.56 FEET TO THE INTERSECTION WITH THE NORTHEASTERLY EXTENSION OF A LINE PREVIOUSLY SURVEYED AND MONUMENTED; THENCE SOUTH 38 DEGREES 40 MINUTES 02 SECONDS WEST, ALONG SAID LINE, A DISTANCE OF 1100.29 FEET (DEED BEING SOUTH 39 DEGREES 55 MINUTES 00 SECONDS WEST, 1098.70 FEET) TO THE CENTER LINE OF THE CHICAGO-ELGIN ROAD, (NOW KNOWN AS IRVING PARK BOULEVARD AND STATE ROUTE NO. 19) AS SHOWN ON THE PLAT OF DEDICATION RECORDED JUNE 9, 1933 AS DOCUMENT NO. 11245764 AND AS SHOWN ON A PLAT OF SURVEY DATED SEPTEMBER 22, 1932 APPROVED BY THE SUPERINTENDENT OF HIGHWAYS OF COOK COUNTY, ILLINOIS ON DECEMBER 17, 1933; THENCE SOUTH 51

New matter indicated by italics - deletions by strikeout
DEGREES 24 MINUTES 19 SECONDS EAST, ALONG SAID CENTER LINE, A DISTANCE OF 597.60 FEET (DEED BEING SOUTHEASTERLY ALONG CENTER LINE, 620.50 FEET) TO A POINT OF CURVE IN SAID CENTER LINE, ACCORDING TO THE PLAT OF DEDICATION RECORDED FEBRUARY 16, 1933 AS DOCUMENT NO. 11200330 AND AFORESAID PLAT OF SURVEY; THENCE SOUTHEASTERLY, ALONG THE SAID CENTER LINE, BEING ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 4645.69 FEET AND BEING TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, A DISTANCE OF 341.66 FEET (DEED BEING ALONG SAID CURVE, 338.30 FEET) TO THE INTERSECTION WITH A PREVIOUSLY SURVEYED AND MONUMENTED LINE; THENCE SOUTH 42 DEGREES 46 MINUTES 09 SECONDS WEST, ALONG SAID LINE, A DISTANCE OF 65.95 FEET (DEED BEING SOUTH 44 DEGREES 41 MINUTES 00 SECONDS WEST, 65 FEET) TO THE CENTER LINE OF THE OLD CHICAGO-ELGIN ROAD, ACCORDING TO THE AFORESAID PLAT OF SURVEY; THENCE NORTH 56 DEGREES 45 MINUTES 03 SECONDS WEST, ALONG THE CENTER LINE OF THE SAID OLD CHICAGO-ELGIN ROAD, A DISTANCE OF 685.80 FEET (DEED BEING NORTH 54 DEGREES 52 MINUTES 00 SECONDS WEST, 635.0 FEET) TO AN ANGLE IN SAID CENTER LINE; THENCE NORTH 44 DEGREES 23 MINUTES 58 SECONDS WEST, ALONG SAID CENTER LINE, A DISTANCE OF 878.23 FEET (DEED BEING NORTH 44 DEGREES 23 MINUTES 00 SECONDS WEST) TO A LINE THAT IS DRAWN SOUTH 38 DEGREES 35 MINUTES 41 SECONDS WEST FROM THE POINT OF BEGINNING AND BEING PERPENDICULAR TO THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO-ELGIN ROAD, AS DESCRIBED ON THE AFORESAID PLAT OF DEDICATION PER DOCUMENT NO. 11245764 AND SHOWN ON THE

New matter indicated by italics - deletions by strikeout
AFORESAID PLAT OF SURVEY; THENCE NORTH 38 DEGREES 35 MINUTES 41 SECONDS EAST, ALONG SAID PERPENDICULAR LINE, A DISTANCE OF 1011.41 FEET TO THE POINT OF BEGINNING, (EXCEPTING THEREFROM SUCH PORTIONS THEREOF AS MAY HAVE BEEN HERETOFORE CONVEYED OR DEDICATED FOR HIGHWAY PURPOSES) IN COOK COUNTY, ILLINOIS.

P.I.N.: 06-21-101-024-0000

(2) Parcel 2 (T Bar J Ranch Parcel)

PARCEL 1:

THAT PART OF SECTION 21, TOWNSHIP 41 NORTH; RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE SOUTH ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION, 574.20 FEET; THENCE SOUTH 69 DEGREES 48 MINUTES EAST, 181.20 FEET; THENCE SOUTH 28 DEGREES 49 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33 DEGREES 37 MINUTES WEST, 238.50 FEET; THENCE SOUTH 75 DEGREES 29 MINUTES WEST, ALONG A FENCE LINE 510.8 FEET; THENCE SOUTH 29 DEGREES 48 MINUTES WEST, ALONG A FENCE LINE, 275.05 FEET TO THE POINT OF BEGINNING; THENCE NORTH 67 DEGREES 40 MINUTES WEST, 277.64 FEET; THENCE SOUTH 19 DEGREES 47 MINUTES WEST, ALONG A FENCE LINE, 175.5 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF A PUBLIC HIGHWAY KNOWN AS IRVING PARK BOULEVARD; THENCE SOUTH 50 DEGREES 21 MINUTES EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF PUBLIC HIGHWAY, A DISTANCE OF 248.3 FEET TO A POINT THAT IS SOUTH 29 DEGREES 48 MINUTES WEST, 251.15 FEET FROM THE POINT OF BEGINNING; THENCE NORTH 29 DEGREES 48 MINUTES,
EAST ALONG A FENCE LINE 251.15 FEET TO A POINT OF
BEGINNING, IN COOK COUNTY, ILLINOIS.
P.I.N.: 06-21-101-018-0000

PARCEL 2:
THAT PART OF SECTION 21, TOWNSHIP 41 NORTH,
RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN,
DESCRIBED AS FOLLOWS: COMMENCING AT THE
NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE
NORTHWEST 1/4 OF SECTION 21 AFORESAID; THENCE
SOUTH ALONG THE WEST LINE OF THE NORTHEAST 1/4
OF THE NORTHWEST 1/4 OF SAID SECTION, 574.2 FEET;
THENCE SOUTH 69 DEGREES 48 MINUTES EAST, 181.2
FEET; THENCE SOUTH 28 DEGREES 49 MINUTES EAST,
720.45 FEET; THENCE SOUTH 33 DEGREES 37 MINUTES
WEST, 238.5 FEET; THENCE SOUTH 75 DEGREES 29
MINUTES WEST, 203.4 FEET TO THE POINT OF
BEGINNING; THENCE CONTINUING SOUTH 75 DEGREES
29 MINUTES WEST, 307.4 FEET; THENCE SOUTH 29
DEGREES 48 MINUTES WEST, 275.05 FEET; THENCE
NORTH 67 DEGREES 40 MINUTES WEST, 277.64 FEET;
THENCE SOUTH 19 DEGREES 47 MINUTES 47 MINUTES WEST ALONG
A FENCE LINE, 175.5 FEET TO NORTHERLY RIGHT OF
WAY LINE OF PUBLIC HIGHWAY KNOWN AS IRVING
PARK BOULEVARD; THENCE NORTH 50 DEGREES 21
MINUTES WEST ALONG SAID NORTHERLY RIGHT OF
WAY LINE OF HIGHWAY 566.2 FEET; THENCE NORTH 17
DEGREES 17 MINUTES EAST ALONG A FENCE LINE 193.07
FEET; THENCE NORTHERLY 84 DEGREES 47 MINUTES EAST
988.44 FEET TO A FENCE LINE; THENCE SOUTH 31
DEGREES 51 MINUTES EAST ALONG SAID FENCE LINE, A
DISTANCE OF 282.19 FEET TO THE POINT OF BEGINNING
IN HANOVER TOWNSHIP IN COOK COUNTY, ILLINOIS.
P.I.N.: 06-21-101-022-0000

(3) Parcel 3 (Gibas parcel)

New matter indicated by italics - deletions by strikeout
A PARCEL OF LAND IN SECTION 21, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 21, THENCE SOUTH ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, 574.20 FEET; THENCE SOUTH 69 DEGREES 48 MINUTES EAST, 181.20 FEET FOR A POINT OF BEGINNING, THENCE SOUTH 28 DEGREES 49 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33 DEGREES 37 MINUTES WEST, 238.5 FEET; THENCE SOUTH 75 DEGREES 29 MINUTES WEST, 203.4 FEET TO A FENCE CORNER; THENCE NORTH 31 DEGREES 51 MINUTES WEST ALONG A FENCE LINE, 512.8 FEET; THENCE NORTH 3 DEGREES 29 MINUTES WEST ALONG SAID FENCE LINE 263.6 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF NEW SCHAUMBURG ROAD THAT IS 311.0 FEET MORE OR LESS SOUTHWESTERLY OF THE POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE OF ROAD 311.0 FEET MORE OR LESS TO THE POINT OF BEGINNING, (EXCEPTING SUCH PORTIONS THEREOF AS MAY FALL WITHIN LOTS 10 OR 26 OF COUNTY CLERK'S DIVISION OF SECTION 21 ACCORDING TO THE PLAT THEREOF RECORDED, MAY 31, 1895 IN BOOK 65 OF PLATS PAGE 35) IN COOK COUNTY, ILLINOIS.

P.I.N.: 06-21-101-015-0000

(4) Parcel 4 (Blake parcel)

THAT PART OF SECTIONS 20 AND 21 IN TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER

New matter indicated by italics - deletions by strikeout
OF SECTION 21 AFORESAID; THENCE SOUTH ALONG THE
WEST LINE OF THE NORTHEAST QUARTER OF THE
NORTHWEST QUARTER OF SAID SECTION, 574.2 FEET;
THENCE SOUTH 69 DEGREES 48 MINUTES EAST, 181.2
FEET; THENCE SOUTH 28 DEGREES 49 MINUTES EAST,
720.45 FEET; THENCE SOUTH 33 DEGREES 37 MINUTES
WEST, 238.5 FEET; THENCE SOUTH 75 DEGREES 29
MINUTES WEST, 203.4 FEET; THENCE NORTH 31 DEGREES
51 MINUTES WEST ALONG A FENCE LINE, 282.19 FEET TO
A POINT OF BEGINNING; THENCE SOUTH 84 DEGREES 47
MINUTES WEST, 988.44 FEET TO A POINT ON A FENCE
LINE THAT LIES NORTH 17 DEGREES 17 MINUTES EAST,
193.07 FEET FROM A POINT ON THE NORTHERLY RIGHT
OF WAY LINE OF IRVING PARK BOULEVARD; THENCE
NORTH 17 DEGREES 17 MINUTES EAST ALONG SAID
FENCE LINE, 276.03 FEET TO THE SOUTHERLY RIGHT OF
WAY LINE OF SCHAUMBURG ROAD (AS NOW DEDICATED);
THENCE EASTERLY AND
NORTEASTERLY ALONG SAID SOUTHERLY RIGHT OF
WAY LINE ON A CURVE TO LEFT HAVING A RADIUS OF
1425.4 FEET A DISTANCE OF 829.0 FEET; THENCE SOUTH 3
DEGREES 29 MINUTES EAST ALONG A FENCE LINE 263.6
FEET; THENCE SOUTH 31 DEGREES 51 MINUTES EAST
ALONG A FENCE LINE A DISTANCE OF 230.61 FEET TO
THE POINT OF BEGINNING, IN HANOVER TOWNSHIP,
COOK COUNTY, ILLINOIS.


(Source: P.A. 92-532, eff. 3-7-02; revised 1-27-03.)
(70 ILCS 2605/289)

Sec. 289 District enlarged. On August 22, 2002 Upon the
effective date of this amendatory Act of the 92nd General Assembly, the
corporate limits of the Metropolitan Water Reclamation District are
extended to include within those limits the following described tract of
land, and that tract is annexed to the District.

New matter indicated by italics - deletions by strikeout
LEGAL DESCRIPTION

5.425 ACRES

THAT PART OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 25; THENCE NORTH 00°00'00" EAST ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 1314.40 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SAID NORTHWEST QUARTER OF SECTION 25; THENCE SOUTH 89°15'17" WEST ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 170.00 FEET; THENCE SOUTH 44°22'03" WEST, 410.93 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°15'17" WEST PARALLEL WITH THE NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 420.04 FEET TO A LINE 1755.25 FEET EAST OF, MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 25; THENCE NORTH 00°02'28" WEST ALONG SAID PARALLEL LINE, 105.23 FEET; THENCE SOUTH 89°15'17" WEST PARALLEL WITH THE NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 300.13 FEET; THENCE SOUTH 00°02'28" EAST, 150.68 FEET; THENCE NORTH 89°57'32" EAST 120.37 FEET; THENCE SOUTH 00°02'28" EAST PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 353.10 FEET; THENCE NORTH 89°15'17" EAST PARALLEL WITH THE NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 479.77 FEET; THENCE NORTH 00°02'28" WEST, 278.99 FEET; THENCE NORTH
Section 530. The Local Mass Transit District Act is amended by changing Sections 2 and 5.01 as follows:

Sec. 2. For the purposes of this Act:
(a) "Mass transit facility" means any local public transportation facility, whether buses, trolley-buses, or railway systems, utilized by a substantial number of persons for their daily transportation, and includes not only the local public transportation facility itself but ancillary and supporting facilities such as, for example, motor vehicle parking facilities, as well.

(b) "Participating municipality and county" means the municipality or municipalities, county or counties creating the local Mass Transit District pursuant to Section 3 of this Act.

(c) "Municipality" means a city, village, township, or incorporated town.

(d) "Corporate authorities" means (1) the city council or similar body of a city, (2) the board of trustees or similar body of a village or incorporated town, (3) the council of a municipality under the commission form of municipal government, and (4) the board of trustees in a township.

(e) "County board" means the governing board of a county.

(f) "District" means a local Mass Transit District created pursuant to Section 3 of this Act.

(g) "Board" means the Board of Trustees of a local Mass Transit District created pursuant to Section 3 of this Act.

(h) "Interstate transportation authority" shall mean any political subdivision created by compact between this State and another state, which is a body corporate and politic and a political subdivision of both contracting states, and which operates a public mass transportation system.

(i) "Metro East Mass Transit District" means one or more local mass transit districts created pursuant to this Act, composed only of

New matter indicated by italics - deletions by strikeout
Madison, St. Clair or Monroe Counties, or any combination thereof or any territory annexed to such district.

(j) "Public mass transportation system" shall mean a transportation system or systems owned and operated by an interstate transportation authority, a municipality, District, or other public or private authority, employing motor busses, rails or any other means of conveyance, by whatsoever type or power, operated for public use in the conveyance of persons, mainly providing local transportation service within an interstate transportation district, municipality, or county.

(Source: P.A. 93-590, eff. 1-1-04; revised 10-9-03.)

(70 ILCS 3610/5.01) (from Ch. 111 2/3, par. 355.01)

Sec. 5.01. Metro East Mass Transit District; use and occupation taxes.

(a) The Board of Trustees of any Metro East Mass Transit District may, by ordinance adopted with the concurrence of two-thirds of the then trustees, impose throughout the District any or all of the taxes and fees provided in this Section. All taxes and fees imposed under this Section shall be used only for public mass transportation systems, and the amount used to provide mass transit service to unserved areas of the District shall be in the same proportion to the total proceeds as the number of persons residing in the unserved areas is to the total population of the District. Except as otherwise provided in this Act, taxes imposed under this Section and civil penalties imposed incident thereto shall be collected and enforced by the State Department of Revenue. The Department shall have the power to administer and enforce the taxes and to determine all rights for refunds for erroneous payments of the taxes.

(b) The Board may impose a Metro East Mass Transit District Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property at retail in the district at a rate of 1/4 of 1%, or as authorized under subsection (d-5) of this Section, of the gross receipts from the sales made in the course of such business within the district. The tax imposed under this Section and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to
administer and enforce this Section; to collect all taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2c, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and 14 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the Section may reimburse themselves for their seller's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State taxes that sellers are required to collect under the Use Tax Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the Metro East Mass Transit District tax fund established under paragraph (g) of this Section.

If a tax is imposed under this subsection (b), a tax shall also be imposed under subsections (c) and (d) of this Section.

For the purpose of determining whether a tax authorized under this Section is applicable, a retail sale, by a producer of coal or other mineral mined in Illinois, is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does

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not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the Federal Constitution as a sale in interstate or foreign commerce.

No tax shall be imposed or collected under this subsection on the sale of a motor vehicle in this State to a resident of another state if that motor vehicle will not be titled in this State.

Nothing in this Section shall be construed to authorize the Metro East Mass Transit District to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

(c) If a tax has been imposed under subsection (b), a Metro East Mass Transit District Service Occupation Tax shall also be imposed upon all persons engaged, in the district, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the District, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. The tax rate shall be 1/4%, or as authorized under subsection (d-5) of this Section, of the selling price of tangible personal property so transferred within the district. The tax imposed under this paragraph and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms and employ the same modes of procedure as are prescribed in Sections 1a-1, 2 (except that the reference to State in the definition of supplier maintaining a place of business in this State shall mean the Authority), 2a, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4
Persons subject to any tax imposed under the authority granted in this paragraph may reimburse themselves for their serviceman's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the Metro East Mass Transit District tax fund established under paragraph (g) of this Section.

Nothing in this paragraph shall be construed to authorize the District to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by the State.

(d) If a tax has been imposed under subsection (b), a Metro East Mass Transit District Use Tax shall also be imposed upon the privilege of using, in the district, any item of tangible personal property that is purchased outside the district at retail from a retailer, and that is titled or registered with an agency of this State's government, at a rate of 1/4%, or as authorized under subsection (d-5) of this Section, of the selling price of

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the tangible personal property within the District, as "selling price" is defined in the Use Tax Act. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the District. The tax shall be collected by the Department of Revenue for the Metro East Mass Transit District. The tax must be paid to the State, or an exemption determination must be obtained from the Department of Revenue, before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or the State officer with whom, the tangible personal property must be titled or registered if the Department and the State agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

The Department shall have full power to administer and enforce this paragraph; to collect all taxes, penalties and interest due hereunder; to dispose of taxes, penalties and interest so collected in the manner hereinafter provided; and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty or interest hereunder. In the administration of, and compliance with, this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms and employ the same modes of procedure, as are prescribed in Sections 2 (except the definition of "retailer maintaining a place of business in this State"), 3 through 3-80 (except provisions pertaining to the State rate of tax, and except provisions concerning collection or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15, 19 (except the portions pertaining to claims by retailers and except the last paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, that are not inconsistent with this paragraph, as fully as if those provisions were set forth herein.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit

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memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the Metro East Mass Transit District tax fund established under paragraph (g) of this Section.

(d-5) (A) The county board of any county participating in the Metro East Mass Transit District may authorize, by ordinance, a referendum on the question of whether the tax rates for the Metro East Mass Transit District Retailers' Occupation Tax, the Metro East Mass Transit District Service Occupation Tax, and the Metro East Mass Transit District Use Tax for the District should be increased from 0.25% to 0.75%. Upon adopting the ordinance, the county board shall certify the proposition to the proper election officials who shall submit the proposition to the voters of the District at the next election, in accordance with the general election law.

The proposition shall be in substantially the following form:

Shall the tax rates for the Metro East Mass Transit District Retailers' Occupation Tax, the Metro East Mass Transit District Service Occupation Tax, and the Metro East Mass Transit District Use Tax be increased from 0.25% to 0.75%?

(B) Two thousand five hundred electors of any Metro East Mass Transit District may petition the Chief Judge of the Circuit Court, or any judge of that Circuit designated by the Chief Judge, in which that District is located to cause to be submitted to a vote of the electors the question whether the tax rates for the Metro East Mass Transit District Retailers' Occupation Tax, the Metro East Mass Transit District Service Occupation Tax, and the Metro East Mass Transit District Use Tax for the District should be increased from 0.25% to 0.75%.

Upon submission of such petition the court shall set a date not less than 10 nor more than 30 days thereafter for a hearing on the sufficiency thereof. Notice of the filing of such petition and of such date shall be given in writing to the District and the County Clerk at least 7 days before the date of such hearing.
If such petition is found sufficient, the court shall enter an order to submit that proposition at the next election, in accordance with general election law.

The form of the petition shall be in substantially the following form: To the Circuit Court of the County of (name of county):

We, the undersigned electors of the (name of transit district), respectfully petition your honor to submit to a vote of the electors of (name of transit district) the following proposition:

Shall the tax rates for the Metro East Mass Transit District Retailers' Occupation Tax, the Metro East Mass Transit District Service Occupation Tax, and the Metro East Mass Transit District Use Tax be increased from 0.25% to 0.75%?

Name                           Address, with Street and Number.
............................................         ............................................
............................................         ............................................

(C) The votes shall be recorded as "YES" or "NO". If a majority of all votes cast on the proposition are for the increase in the tax rates, the Metro East Mass Transit District shall begin imposing the increased rates in the District, and the Department of Revenue shall begin collecting the increased amounts, as provided under this Section. An ordinance imposing or discontinuing a tax hereunder or effecting a change in the rate thereof shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following the adoption and filing, or on or before the first day of April, whereupon the Department shall proceed to administer and enforce this Section as of the first day of July next following the adoption and filing.

(D) If the voters have approved a referendum under this subsection, before November 1, 1994, to increase the tax rate under this subsection, the Metro East Mass Transit District Board of Trustees may adopt by a majority vote an ordinance at any time before January 1, 1995 that excludes from the rate increase tangible personal property that is titled or registered with an agency of this State's government. The ordinance

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excluding titled or registered tangible personal property from the rate increase must be filed with the Department at least 15 days before its effective date. At any time after adopting an ordinance excluding from the rate increase tangible personal property that is titled or registered with an agency of this State's government, the Metro East Mass Transit District Board of Trustees may adopt an ordinance applying the rate increase to that tangible personal property. The ordinance shall be adopted, and a certified copy of that ordinance shall be filed with the Department, on or before October 1, whereupon the Department shall proceed to administer and enforce the rate increase against tangible personal property titled or registered with an agency of this State's government as of the following January 1. After December 31, 1995, any reimposed rate increase in effect under this subsection shall no longer apply to tangible personal property titled or registered with an agency of this State's government. Beginning January 1, 1996, the Board of Trustees of any Metro East Mass Transit District may never reimpose a previously excluded tax rate increase on tangible personal property titled or registered with an agency of this State's government. After July 1, 2004, if the voters have approved a referendum under this subsection to increase the tax rate under this subsection, the Metro East Mass Transit District Board of Trustees may adopt by a majority vote an ordinance that excludes from the rate increase tangible personal property that is titled or registered with an agency of this State's government. The ordinance excluding titled or registered tangible personal property from the rate increase shall be adopted, and a certified copy of that ordinance shall be filed with the Department on or before October 1, whereupon the Department shall administer and enforce this exclusion from the rate increase as of the following January 1, or on or before April 1, whereupon the Department shall administer and enforce this exclusion from the rate increase as of the following July 1. The Board of Trustees of any Metro East Mass Transit District may never reimpose a previously excluded tax rate increase on tangible personal property titled or registered with an agency of this State's government.

(d-6) If the Board of Trustees of any Metro East Mass Transit District has imposed a rate increase under subsection (d-5) and filed an
ordinance with the Department of Revenue excluding titled property from the higher rate, then that Board may, by ordinance adopted with the concurrence of two-thirds of the then trustees, impose throughout the District a fee. The fee on the excluded property shall not exceed $20 per retail transaction or an amount equal to the amount of tax excluded, whichever is less, on tangible personal property that is titled or registered with an agency of this State's government. Beginning July 1, 2004, the fee shall apply only to titled property that is subject to either the Metro East Mass Transit District Retailers' Occupation Tax or the Metro East Mass Transit District Service Occupation Tax. No fee shall be imposed or collected under this subsection on the sale of a motor vehicle in this State to a resident of another state if that motor vehicle will not be titled in this State.

(d-7) Until June 30, 2004, if a fee has been imposed under subsection (d-6), a fee shall also be imposed upon the privilege of using, in the district, any item of tangible personal property that is titled or registered with any agency of this State's government, in an amount equal to the amount of the fee imposed under subsection (d-6).

(d-7.1) Beginning July 1, 2004, any fee imposed by the Board of Trustees of any Metro East Mass Transit District under subsection (d-6) and all civil penalties that may be assessed as an incident of the fees shall be collected and enforced by the State Department of Revenue. Reference to "taxes" in this Section shall be construed to apply to the administration, payment, and remittance of all fees under this Section. For purposes of any fee imposed under subsection (d-6), 4% of the fee, penalty, and interest received by the Department in the first 12 months that the fee is collected and enforced by the Department and 2% of the fee, penalty, and interest following the first 12 months shall be deposited into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department. No retailers' discount shall apply to any fee imposed under subsection (d-6).

(d-8) No item of titled property shall be subject to both the higher rate approved by referendum, as authorized under subsection (d-5), and any fee imposed under subsection (d-6) or (d-7).

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(d-9) (Blank).
(d-10) (Blank).

(e) A certificate of registration issued by the State Department of Revenue to a retailer under the Retailers' Occupation Tax Act or under the Service Occupation Tax Act shall permit the registrant to engage in a business that is taxed under the tax imposed under paragraphs (b), (c) or (d) of this Section and no additional registration shall be required under the tax. A certificate issued under the Use Tax Act or the Service Use Tax Act shall be applicable with regard to any tax imposed under paragraph (c) of this Section.

(f) (Blank).

(g) Any ordinance imposing or discontinuing any tax under this Section shall be adopted and a certified copy thereof filed with the Department on or before June 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the Metro East Mass Transit District as of September 1 next following such adoption and filing. Beginning January 1, 1992, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, except as provided in subsection (d-5) of this Section, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following such adoption and filing, or, beginning January 1, 2004, on or before the first day of April, whereupon the Department shall proceed to administer and enforce this Section as of the first day of July next following the adoption and filing.

(h) Except as provided in subsection (d-7.1), the State Department of Revenue shall, upon collecting any taxes as provided in this Section, pay the taxes over to the State Treasurer as trustee for the District. The taxes shall be held in a trust fund outside the State Treasury. On or before
the 25th day of each calendar month, the State Department of Revenue shall prepare and certify to the Comptroller of the State of Illinois the amount to be paid to the District, which shall be the then balance in the fund, less any amount determined by the Department to be necessary for the payment of refunds. Within 10 days after receipt by the Comptroller of the certification of the amount to be paid to the District, the Comptroller shall cause an order to be drawn for payment for the amount in accordance with the direction in the certification.

(Source: P.A. 93-590, eff. 1-1-04; 93-1068, eff. 1-15-05; 94-776, eff. 5-19-06; revised 8-3-06.)

Section 535. The Regional Transportation Authority Act is amended by changing Section 4.02 as follows:

(70 ILCS 3615/4.02) (from Ch. 111 2/3, par. 704.02)
Sec. 4.02. Federal, State and Other Funds.

(a) The Authority shall have the power to apply for, receive and expend grants, loans or other funds from the State of Illinois or any department or agency thereof, from any unit of local government, from the federal government or any department or agency thereof, for use in connection with any of the powers or purposes of the Authority as set forth in this Act. The Authority shall have power to make such studies as may be necessary and to enter into contracts or agreements with the State of Illinois or any department or agency thereof, with any unit of local government, or with the federal government or any department or agency thereof, concerning such grants, loans or other funds, or any conditions relating thereto, including obligations to repay such funds. The Authority may make such covenants concerning such grants, loans and funds as it deems proper and necessary in carrying out its responsibilities, purposes and powers as provided in this Act.

(b) The Authority shall be the primary public body in the metropolitan region with authority to apply for and receive any grants, loans or other funds relating to public transportation programs from the State of Illinois or any department or agency thereof, or from the federal government or any department or agency thereof. Any unit of local government, Service Board or transportation agency may apply for and

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receive any such federal or state capital grants, loans or other funds, provided, however that a Service Board may not apply for or receive any grant or loan which is not identified in the Five-Year Program. Any Service Board, unit of local government or transportation agency shall notify the Authority prior to making any such application and shall file a copy thereof with the Authority. Nothing in this Section shall be construed to impose any limitation on the ability of the State of Illinois or any department or agency thereof, any unit of local government or Service Board or transportation agency to make any grants or to enter into any agreement or contract with the National Rail Passenger Corporation. Nor shall anything in this Section impose any limitation on the ability of any school district to apply for or receive any grant, loan or other funds for transportation of school children.

(c) The Authority shall provide to the Service Board any monies received relating to public transportation services under the jurisdiction of the Service Boards as follows:

(1) As soon as may be practicable after the Authority receives payment, under Section 4.03(m) or Section 4.03.1(d), of the proceeds of those taxes levied by the Authority, the Authority shall transfer to each Service Board the amount to which it is entitled under Section 4.01(d).‡

(2) The Authority by ordinance adopted by 9 of its then Directors shall establish a formula apportioning any federal funds for operating assistance purposes the Authority receives to each Service Board. In establishing the formula, the Board shall consider, among other factors: ridership levels, the efficiency with which the service is provided, the degree of transit dependence of the area served and the cost of service. That portion of any federal funds for operating assistance received by the Authority shall be paid to each Service Board as soon as may be practicable upon their receipt provided the Authority has adopted a balanced budget as required by Section 4.01 and further provided that the Service Boards are in compliance with the requirements in Section 4.11.
(3) The Authority by ordinance adopted by 9 of its then Directors shall apportion to the Service Boards funds provided by the State of Illinois under Section 4.09 and shall make payment of said funds to each Service Board as soon as may be practicable upon their receipt provided the Authority has adopted a balanced budget as required by Section 4.01 and further provided the Service Board is in compliance with the requirements in Section 4.11.

(4) Beginning January 1, 2009, before making any payments, transfers, or expenditures under this subsection to a Service Board, the Authority must first comply with Section 4.02a or 4.02b of this Act, whichever may be applicable.

(Source: P.A. 94-839, eff. 6-6-06; revised 8-3-06.)


(105 ILCS 5/2-3.131)

Sec. 2-3.131. Transitional assistance payments.

(a) If the amount that the State Board of Education will pay to a school district from fiscal year 2004 appropriations, as estimated by the State Board of Education on April 1, 2004, is less than the amount that the State Board of Education paid to the school district from fiscal year 2003 appropriations, then, subject to appropriation, the State Board of Education shall make a fiscal year 2004 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2004 appropriations and the amount paid from fiscal year 2003 appropriations.

(b) If the amount that the State Board of Education will pay to a school district from fiscal year 2005 appropriations, as estimated by the State Board of Education on April 1, 2005, is less than the amount that the State Board of Education paid to the school district from fiscal year 2004...
appropriations, then the State Board of Education shall make a fiscal year 2005 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2005 appropriations and the amount paid from fiscal year 2004 appropriations.

(c) If the amount that the State Board of Education will pay to a school district from fiscal year 2006 appropriations, as estimated by the State Board of Education on April 1, 2006, is less than the amount that the State Board of Education paid to the school district from fiscal year 2005 appropriations, then the State Board of Education shall make a fiscal year 2006 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2006 appropriations and the amount paid from fiscal year 2005 appropriations.

(d) If the amount that the State Board of Education will pay to a school district from fiscal year 2007 appropriations, as estimated by the State Board of Education on April 1, 2007, is less than the amount that the State Board of Education paid to the school district from fiscal year 2006 appropriations, then the State Board of Education, subject to appropriation, shall make a fiscal year 2007 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2007 appropriations and the amount paid from fiscal year 2006 appropriations.

(Source: P.A. 93-21, eff. 7-1-03; 93-838, eff. 7-30-04; 94-69, eff. 7-1-05; 94-835, eff. 6-6-06.)

(105 ILCS 5/2-3.132)

Sec. 2-3.132. Sharing information on school lunch applicants. The State Board of Education shall, whenever requested by the Department of Healthcare and Family Services (formerly Department of Public Aid), agree in writing with the Department of Healthcare and Family Services (as the State agency that administers the State Medical Assistance Program as provided in Title XIX of the federal Social Security Act and the State Children's Health Insurance Program as provided in Title XXI of the federal Social Security Act) to share with the

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Department of *Healthcare and Family Services Public Aid* information on applicants for free or reduced-price lunches. This sharing of information shall be for the sole purpose of helping the Department of *Healthcare and Family Services Public Aid* identify and enroll children in the State Medical Assistance Program or the State Children's Health Insurance Program or both as allowed under 42 U.S.C. Sec. 1758(b)(2)(C)(iii)(IV) and under the restrictions set forth in 42 U.S.C. Sec. 1758(b)(2)(C)(vi) and (vii). The State Board of Education may not adopt any rule that would prohibit a child from receiving any form of subsidy or benefit due to his or her parent or guardian withholding consent under Section 22-35 of this Code.

(Source: P.A. 93-404, eff. 8-1-03; revised 12-15-05.)

(105 ILCS 5/2-3.133)

Sec. 2-3.133. Homework assistance information for parents. The State Board of Education shall provide information on its Internet web site regarding strategies that parents can use to assist their children in successfully completing homework assignments. The State Board of Education shall notify all school districts about this information's availability on the State Board of Education's Internet web site.

(Source: P.A. 93-471, eff. 1-1-04; revised 9-24-03.)

(105 ILCS 5/2-3.134)

Sec. 2-3.134. Persistently dangerous schools. The State Board of Education shall maintain data and publish a list of persistently dangerous schools on an annual basis.

(Source: P.A. 93-633, eff. 12-23-03; revised 1-12-04.)

(105 ILCS 5/2-3.137)

Sec. 2-3.137. Inspection and review of school facilities; task force.

(a) The State Board of Education shall adopt rules for the documentation of school plan reviews and inspections of school facilities, including the responsible individual's signature. Such documents shall be kept on file by the regional superintendent of schools. The State Board of Education shall also adopt rules for the qualifications of persons performing the reviews and inspections, which must be consistent with the recommendations in the task force's report issued to the Governor and the

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General Assembly under subsection (b) of this Section. Those qualifications shall include requirements for training, education, and at least 2 years of relevant experience.

(b) The State Board of Education shall convene a task force for the purpose of reviewing the documents required under rules adopted under subsection (a) of this Section and making recommendations regarding training and accreditation of individuals performing reviews or inspections required under Section 2-3.12, 3-14.20, 3-14.21, or 3-14.22 of this Code, including regional superintendents of schools and others performing reviews or inspections under the authority of a regional superintendent (such as consultants, municipalities, and fire protection districts).

The task force shall consist of all of the following members:

(1) The Executive Director of the Capital Development Board or his or her designee and a staff representative of the Division of Building Codes and Regulations.

(2) The State Superintendent of Education or his or her designee.

(3) A person appointed by the State Board of Education.

(4) A person appointed by an organization representing school administrators.

(5) A person appointed by an organization representing suburban school administrators and school board members.

(6) A person appointed by an organization representing architects.

(7) A person appointed by an organization representing regional superintendents of schools.

(8) A person appointed by an organization representing fire inspectors.

(9) A person appointed by an organization representing Code administrators.

(10) A person appointed by an organization representing plumbing inspectors.

(11) A person appointed by an organization that represents both parents and teachers.

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(12) A person appointed by an organization representing municipal governments in the State.
(13) A person appointed by the State Fire Marshal from his or her office.
(14) A person appointed by an organization representing fire chiefs.
(15) The Director of Public Health or his or her designee.
(16) A person appointed by an organization representing structural engineers.
(17) A person appointed by an organization representing professional engineers.

The task force shall issue a report of its findings to the Governor and the General Assembly no later than January 1, 2006.

(Source: P.A. 94-225, eff. 7-14-05; 94-973, eff. 1-1-07.)

(105 ILCS 5/2-3.138)
Sec. 2-3.138. School health recognition program. The State Board of Education shall establish a school health recognition program that:

(1) publicly identifies those schools that have implemented programs to increase the level of physical activity of their students;
(2) publicly identifies those schools that have adopted policies or implemented programs to promote healthy nutritional choices for their students; and
(3) allows recognized schools to share best practices and model services with other schools throughout the State.

(Source: P.A. 94-190, eff. 7-12-05; revised 9-21-05.)
(105 ILCS 5/2-3.139)
Sec. 2-3.139. School wellness policies; taskforce.

(a) The State Board of Education shall establish a State goal that all school districts have a wellness policy that is consistent with recommendations of the Centers for Disease Control and Prevention (CDC), which recommendations include the following:

(1) nutrition guidelines for all foods sold on school campus during the school day;

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(2) setting school goals for nutrition education and physical activity;
(3) establishing community participation in creating local wellness policies; and
(4) creating a plan for measuring implementation of these wellness policies.

The Department of Public Health, the Department of Human Services, and the State Board of Education shall form an interagency working group to publish model wellness policies and recommendations. Sample policies shall be based on CDC recommendations for nutrition and physical activity. The State Board of Education shall distribute the model wellness policies to all school districts before June 1, 2006.

(b) There is created the School Wellness Policy Taskforce, consisting of the following members:

(1) One member representing the State Board of Education, appointed by the State Board of Education.
(2) One member representing the Department of Public Health, appointed by the Director of Public Health.
(3) One member representing the Department of Human Services, appointed by the Secretary of Human Services.
(4) One member of an organization representing the interests of school nurses in this State, appointed by the interagency working group.
(5) One member of an organization representing the interests of school administrators in this State, appointed by the interagency working group.
(6) One member of an organization representing the interests of school boards in this State, appointed by the interagency working group.
(7) One member of an organization representing the interests of regional superintendents of schools in this State, appointed by the interagency working group.

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(8) One member of an organization representing the interests of parent-teacher associations in this State, appointed by the interagency working group.

(9) One member of an organization representing the interests of pediatricians in this State, appointed by the interagency working group.

(10) One member of an organization representing the interests of dentists in this State, appointed by the interagency working group.

(11) One member of an organization representing the interests of dieticians in this State, appointed by the interagency working group.

(12) One member of an organization that has an interest and expertise in heart disease, appointed by the interagency working group.

(13) One member of an organization that has an interest and expertise in cancer, appointed by the interagency working group.

(14) One member of an organization that has an interest and expertise in childhood obesity, appointed by the interagency working group.

(15) One member of an organization that has an interest and expertise in the importance of physical education and recreation in preventing disease, appointed by the interagency working group.

(16) One member of an organization that has an interest and expertise in school food service, appointed by the interagency working group.

(17) One member of an organization that has an interest and expertise in school health, appointed by the interagency working group.

(18) One member of an organization that campaigns for programs and policies for healthier school environments, appointed by the interagency working group.

(19) One at-large member with a doctorate in nutrition, appointed by the State Board of Education.

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Members of the taskforce shall serve without compensation. The taskforce shall meet at the call of the State Board of Education. The taskforce shall report its identification of barriers to implementing school wellness policies and its recommendations to reduce those barriers to the General Assembly and the Governor on or before January 1, 2006. The taskforce shall report its recommendations on statewide school nutrition standards to the General Assembly and the Governor on or before January 1, 2007. The taskforce shall report its evaluation of the effectiveness of school wellness policies to the General Assembly and the Governor on or before January 1, 2008. The evaluation shall review a sample size of 5 to 10 school districts. Reports shall be made to the General Assembly by filing copies of each report as provided in Section 3.1 of the General Assembly Organization Act. Upon the filing of the last report, the taskforce is dissolved.

(c) The State Board of Education may adopt any rules necessary to implement this Section.

(d) Nothing in this Section may be construed as a curricular mandate on any school district.

(Source: P.A. 94-199, eff. 7-12-05; revised 9-21-05.)

(105 ILCS 5/2-3.141)

(Section scheduled to be repealed on December 31, 2010)

Sec. 2-3.141/ 2-3.137. Parental participation pilot project.

(a) By the beginning of the 2006-2007 school year, the State Board of Education shall by rule establish a parental participation pilot project to provide grants to the lowest performing school districts to help such districts improve parental participation through activities, including, but not limited to, parent-teacher conferences, open houses, family nights, volunteer opportunities, and family outreach materials.

(b) The pilot project shall be for a period of at least 4 school years. The State Board shall establish a procedure and develop criteria for the administration of the pilot project. In administering the pilot project, the State Board shall do the following:

(1) select participating school districts or schools;

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(2) define the conditions for the distribution and use of grant funds;
(3) enter into contracts as necessary to implement the pilot project; and
(4) monitor local pilot project implementation.

(c) The Parental Participation Pilot Project Fund is created as a special fund in the State treasury. All money in the Parental Participation Pilot Project Fund shall be used, subject to appropriation, by the State Board for the pilot project. To implement the pilot project, the State Board may use any funds appropriated by the General Assembly for the purposes of the pilot project as well as any gift, grant, or donation given for the pilot project. The State Board may solicit and accept a gift, grant, or donation of any kind from any source, including from a foundation, private entity, governmental entity, or institution of higher education, for the implementation of the pilot project.

The State Board shall use pilot project funds for grants to low-performing school districts to encourage parental participation.

The State Board may not allocate more than $250,000 annually for the pilot project. The pilot project may be implemented only if sufficient funds are available under this Section for that purpose.

(d) A school district may apply to the State Board for the establishment of a parental participation pilot project for the entire district or for a particular school or group of schools in the district.

The State Board shall select 4 school districts to participate in the pilot project. One school district shall be located in the City of Chicago, one school district shall be located in that portion of Cook County that is located outside of the City of Chicago, one school district shall be located in the area that makes up the counties of DuPage, Kane, Lake, McHenry, and Will, and one school district shall be located in the remainder of the State.

The State Board shall select the participating districts and schools for the pilot project based on each district's or school's need for the pilot project. In selecting participants, the State Board shall consider the following criteria:

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(1) whether the district or school has any of the following problems and whether those problems can be mitigated or addressed through enhanced parental participation:
   (A) low rates of satisfactory performance on assessment instruments under Section 2-3.64 of this Code;
   (B) high rates of low-income students, limited English proficient students, dropouts, chronically truant students, and student mobility; or
   (C) low student attendance rates; and
(2) the methods the district or school will use to measure the progress of the pilot project in the district or school in accordance with subsection (f) of this Section.

(e) Each participating school district or school shall establish a parental participation committee to assist in developing and implementing the parental participation pilot project.

The school board of a participating district or of a district in which a participating school is located shall appoint individuals to the committee. The committee may be composed of any of the following:

(1) educators;
(2) district-level administrators;
(3) community leaders;
(4) parents of students who attend a participating school; or
(5) any other individual the school board finds appropriate.

The committee shall develop an academic improvement plan that details how the pilot project should be implemented in the participating district or school. In developing the academic improvement plan, the committee shall consider the educational problems in the district or school that could be mitigated through the implementation of the pilot project.

The committee shall recommend to the school board how the pilot project funds should be used to implement the academic improvement plan. The committee may recommend annually any necessary changes in the academic improvement plan to the school board. The State Board must approve the academic improvement plan or any changes in the academic

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improvement plan before disbursing pilot project funds to the school board.

(f) The school board of each school district participating in the pilot project shall send an annual progress report to the State Board no later than August 1 of each year that the district is participating in the pilot project. The report must state in detail the type of plan being used in the district or school and the effect of the pilot project on the district or school, including the following:

(1) the academic progress of students who are participating in the pilot project, as measured by performance on assessment instruments;

(2) if applicable, a comparison of student progress in a school or classroom that is participating in the pilot project as compared with student progress in the schools or classrooms in the district that are not participating in the pilot project;

(3) any elements of the pilot project that contribute to improved student performance on assessment instruments administered under Section 2-3.64 of this Code or any other assessment instrument required by the State Board;

(4) any cost savings and improved efficiency relating to school personnel;

(5) any effect on student dropout and attendance rates;

(6) any effect on student enrollment in higher education;

(7) any effect on teacher performance and retention;

(8) any improvement in communications among students, teachers, parents, and administrators;

(9) any improvement in parental involvement in the education of the parent's child; and

(10) any effect on community involvement and support for the district or school.

(g) After the expiration of the 4-year pilot project, the State Board shall review the pilot project, based on the annual reports the State Board receives from the school boards of participating school districts, conduct a

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final evaluation, and report its findings to the General Assembly no later than December 31, 2010.

(h) This Section is repealed on December 31, 2010.

(Source: P.A. 94-507, eff. 8-8-05; revised 9-21-05.)

(105 ILCS 5/3-14.29)

Sec. 3-14.29.  Sharing information on school lunch applicants.
Whenever requested by the Department of Healthcare and Family Services (formerly Department of Public Aid), to agree in writing with the Department of Healthcare and Family Services Public Aid (as the State agency that administers the State Medical Assistance Program as provided in Title XIX of the federal Social Security Act and the State Children's Health Insurance Program as provided in Title XXI of the federal Social Security Act) to share information on applicants for free or reduced-price lunches. This sharing of information shall be for the sole purpose of helping the Department of Healthcare and Family Services Public Aid identify and enroll children in the State Medical Assistance Program or the State Children's Health Insurance Program or both as allowed under 42 U.S.C. Sec. 1758(b)(2)(C)(iii)(IV) and under the restrictions set forth in 42 U.S.C. Sec. 1758(b)(2)(C)(vi) and (vii).

(Source: P.A. 93-404, eff. 8-1-03; revised 12-15-05.)

(105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

Sec. 10-17a. Better schools accountability.

(1) Policy and Purpose. It shall be the policy of the State of Illinois that each school district in this State, including special charter districts and districts subject to the provisions of Article 34, shall submit to parents, taxpayers of such district, the Governor, the General Assembly, and the State Board of Education a school report card assessing the performance of its schools and students. The report card shall be an index of school performance measured against statewide and local standards and will provide information to make prior year comparisons and to set future year targets through the school improvement plan.

(2) Reporting Requirements. Each school district shall prepare a report card in accordance with the guidelines set forth in this Section

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which describes the performance of its students by school attendance centers and by district and the district's financial resources and use of financial resources. Such report card shall be presented at a regular school board meeting subject to applicable notice requirements, posted on the school district's Internet web site, if the district maintains an Internet web site, made available to a newspaper of general circulation serving the district, and, upon request, sent home to a parent (unless the district does not maintain an Internet web site, in which case the report card shall be sent home to parents without request). If the district posts the report card on its Internet web site, the district shall send a written notice home to parents stating (i) that the report card is available on the web site, (ii) the address of the web site, (iii) that a printed copy of the report card will be sent to parents upon request, and (iv) the telephone number that parents may call to request a printed copy of the report card. In addition, each school district shall submit the completed report card to the office of the district's Regional Superintendent which shall make copies available to any individuals requesting them.

The report card shall be completed and disseminated prior to October 31 in each school year. The report card shall contain, but not be limited to, actual local school attendance center, school district and statewide data indicating the present performance of the school, the State norms and the areas for planned improvement for the school and school district.

(3) (a) The report card shall include the following applicable indicators of attendance center, district, and statewide student performance: percent of students who exceed, meet, or do not meet standards established by the State Board of Education pursuant to Section 2-3.25a; composite and subtest means on nationally normed achievement tests for college bound students; student attendance rates; chronic truancy rate; dropout rate; graduation rate; and student mobility, turnover shown as a percent of transfers out and a percent of transfers in.

(b) The report card shall include the following descriptions for the school, district, and State: average class size; amount of time per day devoted to mathematics, science, English and social science at primary,
middle and junior high school grade levels; number of students taking the Prairie State Achievement Examination under subsection (c) of Section 2-3.64, the number of those students who received a score of excellent, and the average score by school of students taking the examination; pupil-teacher ratio; pupil-administrator ratio; operating expenditure per pupil; district expenditure by fund; average administrator salary; and average teacher salary. The report card shall also specify the amount of money that the district receives from all sources, including without limitation subcategories specifying the amount from local property taxes, the amount from general State aid, the amount from other State funding, and the amount from other income.

(c) The report card shall include applicable indicators of parental involvement in each attendance center. The parental involvement component of the report card shall include the percentage of students whose parents or guardians have had one or more personal contacts with the students' teachers during the school year concerning the students' education, and such other information, commentary, and suggestions as the school district desires. For the purposes of this paragraph, "personal contact" includes, but is not limited to, parent-teacher conferences, parental visits to school, school visits to home, telephone conversations, and written correspondence. The parental involvement component shall not single out or identify individual students, parents, or guardians by name.

(d) The report card form shall be prepared by the State Board of Education and provided to school districts by the most efficient, economic, and appropriate means.

(Source: P.A. 92-604, eff. 7-1-02; 92-631, eff. 7-11-02; revised 7-26-02.)

(105 ILCS 5/10-20.21a)

Sec. 10-20.21a. Contracts for charter bus services. To award contracts for providing charter bus services for the sole purpose of transporting students regularly enrolled in grade 12 or below to or from interscholastic athletic or interscholastic or school sponsored activities.

All contracts for providing charter bus services for the sole purpose of transporting students regularly enrolled in grade 12 or below to or from

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interscholastic athletic or interscholastic or school sponsored activities must contain clause (A) as set forth below, except that a contract with an out-of-state company may contain clause (B), as set forth below, or clause (A). The clause must be set forth in the body of the contract in typeface of at least 12 points and all upper case letters:

(A) "ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY SERVICES ARE PROVIDED:

(1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THESE FINGERPRINTS SHALL BE CHECKED AGAINST THE FINGERPRINT RECORDS NOW AND HEREAFTER FILED IN THE DEPARTMENT OF STATE POLICE AND FEDERAL BUREAU OF INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE FINGERPRINT CHECK HAS RESULTED IN A STATE POLICE AGENCY AND THE FEDERAL BUREAU OF INVESTIGATION FOR A CRIMINAL BACKGROUND CHECK, RESULTING IN A DETERMINATION THAT THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES SET FORTH IN SUBDIVISION (C-1)(4) OF SECTION 6-508 OF THE ILLINOIS VEHICLE CODE; AND

(2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION, INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY AGENCY."

(B) "NOT ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY SERVICES ARE PROVIDED:

(1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THESE FINGERPRINTS SHALL BE CHECKED

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AGAINST THE FINGERPRINT RECORDS NOW AND
HEREAFTER FILED IN THE DEPARTMENT OF STATE
POLICE AND FEDERAL BUREAU OF INVESTIGATION
CRIMINAL HISTORY RECORDS DATABASES. THE
FINGERPRINT CHECK HAS RESULTED A STATE POLICE
AGENCY AND THE FEDERAL BUREAU OF
INVESTIGATION FOR A CRIMINAL BACKGROUND
CHECK, RESULTING IN A DETERMINATION THAT THEY
HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF
THE OFFENSES SET FORTH IN SUBDIVISION (C-1)(4) OF
SECTION 6-508 OF THE ILLINOIS VEHICLE CODE; AND
(2) DEMONSTRATED PHYSICAL FITNESS TO
OPERATE SCHOOL BUSES BY SUBMITTING THE RESULTS
OF A MEDICAL EXAMINATION, INCLUDING TESTS FOR
DRUG USE, TO A STATE REGULATORY AGENCY."
(Source: P.A. 93-476, eff. 1-1-04; 93-644, eff. 6-1-04; revised 12-6-04.)
(105 ILCS 5/10-20.35)
Sec. 10-20.35. Medical information form for bus drivers and
emergency medical technicians. School districts are encouraged to create
and use an emergency medical information form for bus drivers and
emergency medical technicians for those students with special needs or
medical conditions. The form may include without limitation information
to be provided by the student's parent or legal guardian concerning the
student's relevant medical conditions, medications that the student is
taking, the student's communication skills, and how a bus driver or an
emergency medical technician is to respond to certain behaviors of the
student. If the form is used, the school district is encouraged to notify
parents and legal guardians of the availability of the form. The parent or
legal guardian of the student may fill out the form and submit it to the
school that the student is attending. The school district is encouraged to
keep one copy of the form on file at the school and another copy on the
student's school bus in a secure location.
(Source: P.A. 92-580, eff. 7-1-02.)
(105 ILCS 5/10-20.36)

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Sec. 10-20.36 10-20.35. Psychotropic or psychostimulant medication; disciplinary action.

(a) In this Section:
"Psychostimulant medication" means medication that produces increased levels of mental and physical energy and alertness and an elevated mood by stimulating the central nervous system.

"Psychotropic medication" means psychotropic medication as defined in Section 1-121.1 of the Mental Health and Developmental Disabilities Code.

(b) Each school board must adopt and implement a policy that prohibits any disciplinary action that is based totally or in part on the refusal of a student's parent or guardian to administer or consent to the administration of psychotropic or psychostimulant medication to the student.

The policy must require that, at least once every 2 years, the in-service training of certified school personnel and administrators include training on current best practices regarding the identification and treatment of attention deficit disorder and attention deficit hyperactivity disorder, the application of non-aversive behavioral interventions in the school environment, and the use of psychotropic or psychostimulant medication for school-age children.

(c) This Section does not prohibit school medical staff, an individualized educational program team, or a professional worker (as defined in Section 14-1.10 of this Code) from recommending that a student be evaluated by an appropriate medical practitioner or prohibit school personnel from consulting with the practitioner with the consent of the student's parents or guardian.

(Source: P.A. 92-663, eff. 1-1-03; revised 9-3-02.)

(105 ILCS 5/10-20.37)

Sec. 10-20.37. Summer kindergarten. A school board may establish, maintain, and operate, in connection with the kindergarten program of the school district, a summer kindergarten program that begins 2 months before the beginning of the regular school year and a summer kindergarten program for grade one readiness for those pupils making

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unsatisfactory progress during the regular kindergarten session that will
continue for 2 months after the regular school year. The summer
kindergarten program may be held within the school district or, pursuant to
a contract that must be approved by the State Board of Education, may be
operated by 2 or more adjacent school districts or by a public or private
university or college. Transportation for students attending the summer
kindergarten program shall be the responsibility of the school district. The
expense of establishing, maintaining, and operating the summer
kindergarten program may be paid from funds contributed or otherwise
made available to the school district for that purpose by federal or State
appropriation.
(Source: P.A. 93-472, eff. 8-8-03.)

(105 ILCS 5/10-20.38)

Sec. 10-20.38 10-20.37. Provision of student information
prohibited. A school district may not provide a student's name, address,
telephone number, social security number, e-mail address, or other
personal identifying information to a business organization or financial
institution that issues credit or debit cards.
(Source: P.A. 93-549, eff. 8-19-03; revised 9-28-03.)

(105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

Sec. 10-21.9. Criminal history records checks and checks of the
Statewide Sex Offender Database and Statewide Child Murderer and
Violent Offender Against Youth Database.

(a) Certified and noncertified applicants for employment with a
school district, except school bus driver applicants, are required as a
condition of employment to authorize a fingerprint-based criminal history
records check to determine if such applicants have been convicted of any
of the enumerated criminal or drug offenses in subsection (c) of this
Section or have been convicted, within 7 years of the application for
employment with the school district, of any other felony under the laws of
this State or of any offense committed or attempted in any other state or
against the laws of the United States that, if committed or attempted in this
State, would have been punishable as a felony under the laws of this State.
Authorization for the check shall be furnished by the applicant to the

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school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the check to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the check of the applicant has been requested. The Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, until expunged, to the president of the school board for the school district that requested the check, or to the regional superintendent who requested the check. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such check, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such check by the school district or by the regional superintendent. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse school districts and regional superintendents for fees paid to obtain criminal history records checks under this Section.

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(a-5) The school district or regional superintendent shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, for each applicant.

(a-6) The school district or regional superintendent shall further perform a check of the Statewide Child Murderer and Violent Offender Against Youth Database, as authorized by the Child Murderer and Violent Offender Against Youth Community Notification Law, for each applicant.

(b) Any information concerning the record of convictions obtained by the president of the school board or the regional superintendent shall be confidential and may only be transmitted to the superintendent of the school district or his designee, the appropriate regional superintendent if the check was requested by the school district, the presidents of the appropriate school boards if the check was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Teacher Certification Board or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. Upon the check of the Statewide Sex Offender Database, the school district or regional superintendent shall notify an applicant as to whether or not the applicant has been identified in the Database as a sex offender. If a check of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon a check ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent and if the regional superintendent upon a check ascertains that the applicant has not been identified in the Sex Offender Database as a sex offender, then the

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regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and evidencing that as of the date that the regional superintendent conducted a check of the Statewide Sex Offender Database, the applicant has not been identified in the Database as a sex offender. The school board of any school district may rely on the certificate issued by any regional superintendent to that substitute teacher, concurrent part-time teacher, or concurrent educational support personnel employee or may initiate its own criminal history records check of the applicant through the Department of State Police and its own check of the Statewide Sex Offender Database as provided in subsection (a). Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) No school board shall knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act except those defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; (iv) those defined in the Methamphetamine Control and Community Protection Act; and (v) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, no school board shall knowingly employ a person who
has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(d) No school board shall knowingly employ a person for whom a criminal history records check and a Statewide Sex Offender Database check has not been initiated.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or Section 34-8.1 or 34-83 of the School Code, the appropriate regional superintendent of schools or the State Superintendent of Education shall initiate the certificate suspension and revocation proceedings authorized by law.

(f) After January 1, 1990 the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal history records checks and checks of the Statewide Sex Offender Database on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for a criminal history records check prepared by each such employee and submitting the same to the Department of State Police and for conducting a check of the Statewide Sex Offender Database for each employee. Any information concerning the record of conviction and identification as a sex offender of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.

(Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04; 94-219, eff. 7-14-05; 94-556, eff. 9-11-05; 94-875, eff. 7-1-06; 94-945, eff. 6-27-06; revised 8-3-06.)

(105 ILCS 5/10-22.20) (from Ch. 122, par. 10-22.20)

New matter indicated by italics - deletions by strikeout
Sec. 10-22.20. Classes for adults and youths whose schooling has been interrupted; conditions for State reimbursement; use of child care facilities.

(a) To establish special classes for the instruction (1) of persons of age 21 years or over, and (2) of persons less than age 21 and not otherwise in attendance in public school, for the purpose of providing adults in the community, and youths whose schooling has been interrupted, with such additional basic education, vocational skill training, and other instruction as may be necessary to increase their qualifications for employment or other means of self-support and their ability to meet their responsibilities as citizens including courses of instruction regularly accepted for graduation from elementary or high schools and for Americanization and General Educational Development Review classes.

The board shall pay the necessary expenses of such classes out of school funds of the district, including costs of student transportation and such facilities or provision for child-care as may be necessary in the judgment of the board to permit maximum utilization of the courses by students with children, and other special needs of the students directly related to such instruction. The expenses thus incurred shall be subject to State reimbursement, as provided in this Section. The board may make a tuition charge for persons taking instruction who are not subject to State reimbursement, such tuition charge not to exceed the per capita cost of such classes.

The cost of such instruction, including the additional expenses herein authorized, incurred for recipients of financial aid under the Illinois Public Aid Code, or for persons for whom education and training aid has been authorized under Section 9-8 of that Code, shall be assumed in its entirety from funds appropriated by the State to the Illinois Community College Board.

(b) The Illinois Community College Board shall establish the standards for the courses of instruction reimbursed under this Section. The Illinois Community College Board shall supervise the administration of the programs. The Illinois Community College Board shall determine the cost of instruction in accordance with standards established by the the
Illinois Community College Board, including therein other incidental costs as herein authorized, which shall serve as the basis of State reimbursement in accordance with the provisions of this Section. In the approval of programs and the determination of the cost of instruction, the Illinois Community College Board shall provide for the maximum utilization of federal funds for such programs. The Illinois Community College Board shall also provide for:

(1) the development of an index of need for program planning and for area funding allocations, as defined by the Illinois Community College Board;

(2) the method for calculating hours of instruction, as defined by the Illinois Community College Board, claimable for reimbursement and a method to phase in the calculation and for adjusting the calculations in cases where the services of a program are interrupted due to circumstances beyond the control of the program provider;

(3) a plan for the reallocation of funds to increase the amount allocated for grants based upon program performance as set forth in subsection (d) below; and

(4) the development of standards for determining grants based upon performance as set forth in subsection (d) below and a plan for the phased-in implementation of those standards.

For instruction provided by school districts and community college districts beginning July 1, 1996 and thereafter, reimbursement provided by the Illinois Community College Board for classes authorized by this Section shall be provided from funds appropriated for the reimbursement criteria set forth in subsection (c) below.

(c) Upon the annual approval of the Illinois Community College Board, reimbursement shall be first provided for transportation, child care services, and other special needs of the students directly related to instruction and then from the funds remaining an amount equal to the product of the total credit hours or units of instruction approved by the Illinois Community College Board, multiplied by the following:

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(1) For adult basic education, the maximum reimbursement per credit hour or per unit of instruction shall be equal to the general state aid per pupil foundation level established in subsection (B) of Section 18-8.05, divided by 60;

(2) The maximum reimbursement per credit hour or per unit of instruction in subparagraph (1) above shall be weighted for students enrolled in classes defined as vocational skills and approved by the Illinois Community College Board by 1.25;

(3) The maximum reimbursement per credit hour or per unit of instruction in subparagraph (1) above shall be multiplied by .90 for students enrolled in classes defined as adult secondary education programs and approved by the Illinois Community College Board;

(4) (Blank); and

(5) Funding for program years after 1999-2000 shall be determined by the Illinois Community College Board.

(d) Upon its annual approval, the Illinois Community College Board shall provide grants to eligible programs for supplemental activities to improve or expand services under the Adult Education Act. Eligible programs shall be determined based upon performance outcomes of students in the programs as set by the Illinois Community College Board.

(e) Reimbursement under this Section shall not exceed the actual costs of the approved program.

If the amount appropriated to the Illinois Community College Board for reimbursement under this Section is less than the amount required under this Act, the apportionment shall be proportionately reduced.

School districts and community college districts may assess students up to $3.00 per credit hour, for classes other than Adult Basic Education level programs, if needed to meet program costs.

(f) An education plan shall be established for each adult or youth whose schooling has been interrupted and who is participating in the instructional programs provided under this Section.
Each school board and community college shall keep an accurate and detailed account of the students assigned to and receiving instruction under this Section who are subject to State reimbursement and shall submit reports of services provided commencing with fiscal year 1997 as required by the Illinois Community College Board.

For classes authorized under this Section, a credit hour or unit of instruction is equal to 15 hours of direct instruction for students enrolled in approved adult education programs at midterm and making satisfactory progress, in accordance with standards established by the Illinois Community College Board.

(g) Upon proof submitted to the Illinois Department of Human Services of the payment of all claims submitted under this Section, that Department shall apply for federal funds made available therefor and any federal funds so received shall be paid into the General Revenue Fund in the State Treasury.

School districts or community colleges providing classes under this Section shall submit applications to the Illinois Community College Board for preapproval in accordance with the standards established by the Illinois Community College Board. Payments shall be made by the Illinois Community College Board based upon approved programs. Interim expenditure reports may be required by the Illinois Community College Board. Final claims for the school year shall be submitted to the regional superintendents for transmittal to the Illinois Community College Board. Final adjusted payments shall be made by September 30.

If a school district or community college district fails to provide, or is providing unsatisfactory or insufficient classes under this Section, the Illinois Community College Board may enter into agreements with public or private educational or other agencies other than the public schools for the establishment of such classes.

(h) If a school district or community college district establishes child-care facilities for the children of participants in classes established under this Section, it may extend the use of these facilities to students who have obtained employment and to other persons in the community whose children require care and supervision while the parent or other person in

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charge of the children is employed or otherwise absent from the home
during all or part of the day. It may make the facilities available before and
after as well as during regular school hours to school age and preschool
age children who may benefit thereby, including children who require care
and supervision pending the return of their parent or other person in charge
of their care from employment or other activity requiring absence from the
home.

The Illinois Community College Board shall pay to the board the
cost of care in the facilities for any child who is a recipient of financial aid
under the Illinois Public Aid Code.

The board may charge for care of children for whom it cannot
make claim under the provisions of this Section. The charge shall not
exceed per capita cost, and to the extent feasible, shall be fixed at a level
which will permit utilization by employed parents of low or moderate
income. It may also permit any other State or local governmental agency
or private agency providing care for children to purchase care.

After July 1, 1970 when the provisions of Section 10-20.20
become operative in the district, children in a child-care facility shall be
transferred to the kindergarten established under that Section for such
portion of the day as may be required for the kindergarten program, and
only the prorated costs of care and training provided in the Center for the
remaining period shall be charged to the Illinois Department of Human
Services or other persons or agencies paying for such care.

(i) The provisions of this Section shall also apply to school districts
having a population exceeding 500,000.

(j) In addition to claiming reimbursement under this Section, a
school district may claim general State aid under Section 18-8.05 for any
student under age 21 who is enrolled in courses accepted for graduation
from elementary or high school and who otherwise meets the requirements
of Section 18-8.05.

(Source: P.A. 93-21, eff. 7-1-03; revised 9-28-06.)

(105 ILCS 5/10-28)

Sec. 10-28. Sharing information on school lunch applicants. A
school board shall, whenever requested by the Department of Healthcare

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and Family Services (formerly Department of Public Aid), agree in writing with the Department of Healthcare and Family Services Public Aid (as the State agency that administers the State Medical Assistance Program as provided in Title XIX of the federal Social Security Act and the State Children's Health Insurance Program as provided in Title XXI of the federal Social Security Act) to share with the Department of Healthcare and Family Services Public Aid information on applicants for free or reduced-price lunches. A school board shall, whenever requested by the Department of Healthcare and Family Services Public Aid, require each of its schools to agree in writing with the Department of Healthcare and Family Services Public Aid to share with the Department of Healthcare and Family Services Public Aid information on applicants for free or reduced-price lunches. This sharing of information shall be for the sole purpose of helping the Department of Healthcare and Family Services Public Aid identify and enroll children in the State Medical Assistance Program or the State Children's Health Insurance Program or both as allowed under 42 U.S.C. Sec. 1758(b)(2)(C)(iii)(IV) and under the restrictions set forth in 42 U.S.C. Sec. 1758(b)(2)(C)(vi) and (vii).

(Source: P.A. 93-404, eff. 8-1-03; revised 12-15-05.)

(105 ILCS 5/11E-110)
Sec. 11E-110. Teachers in contractual continued service.

(a) When a school district conversion or multi-unit conversion becomes effective for purposes of administration and attendance, as determined pursuant to Section 11E-70 of this Code, the provisions of Section 24-12 of this Code relative to the contractual continued service status of teachers having contractual continued service whose positions are transferred from one school board to the control of a new or different school board shall apply, and the positions held by teachers, as that term is defined in Section 24-11 of this Code, having contractual continued service with the unit district at the time of its dissolution shall be transferred on the following basis:

(1) positions of teachers in contractual continued service that, during the 5 school years immediately preceding the effective
date of the change, as determined under Section 11E-70 of this Code, were full-time positions in which all of the time required of the position was spent in one or more of grades 9 through 12 shall be transferred to the control of the school board of the new high school district or combined high school - unit district, as the case may be;

(2) positions of teachers in contractual continued service that, during the 5 school years immediately preceding the effective date of the change, as determined under Section 11E-70 of this Code, were full-time positions in which all of the time required of the position was spent in one or more of grades kindergarten through 8 shall be transferred to the control of the school board of the newly created successor elementary district; and

(3) positions of teachers in contractual continued service that were full-time positions not required to be transferred to the control of the school board of the new high school district or combined high school - unit district, as the case may be, or the school board of the newly created successor elementary district under the provisions of subdivision (1) or (2) of this subsection (a) shall be transferred to the control of whichever of the boards the teacher shall request.

(4) With respect to each position to be transferred under the provisions of this subsection (a), the amount of time required of each position to be spent in one or more of grades kindergarten through 8 and 9 through 12 shall be determined with reference to the applicable records of the unit district being dissolved pursuant to stipulation of the school board of the unit district prior to the effective date of its dissolution or thereafter of the school board of the newly created districts and with the approval in either case of the regional superintendent of schools of the educational service region in which the territory described in the petition filed under this Article or the greater percentage of equalized assessed valuation of the territory is situated; however, if no such stipulation can be agreed upon, the regional superintendent of schools, after hearing any additional

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relevant and material evidence that any school board desires to submit, shall make the determination.

(b) When the creation of a unit district or a combined school district becomes effective for purposes of administration and attendance, as determined pursuant to Section 11E-70 of this Code, the positions of teachers in contractual continued service in the districts involved in the creation of the new district are transferred to the newly created district pursuant to the provisions of Section 24-12 of this Code relative to teachers having contractual continued service status whose positions are transferred from one board to the control of a different board, and those provisions of Section 24-12 shall apply to these transferred teachers. The contractual continued service status of any teacher thereby transferred to the newly created district is not lost and the new school board is subject to this Code with respect to the transferred teacher in the same manner as if the teacher was that district's employee and had been its employee during the time the teacher was actually employed by the school board of the district from which the position was transferred.

(Source: P.A. 94-1019, eff. 7-10-06; revised 8-23-06.)

(105 ILCS 5/11E-135)

Sec. 11E-135. Incentives. For districts reorganizing under this Article and for a district or districts that annex all of the territory of one or more entire other school districts in accordance with Article 7 of this Code, the following payments shall be made from appropriations made for these purposes:

(a) For a combined school district, as defined in Section 11E-20 of this Code, or for a unit district, as defined in Section 11E-25 of this Code, for its first year of existence, the general State aid and supplemental general State aid calculated under Section 18-8.05 of this Code shall be computed for the new district and for the previously existing districts for which property is totally included within the new district. If the computation on the basis of the previously existing districts is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the new district.

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(2) For a school district that annexes all of the territory of one or more entire other school districts as defined in Article 7 of this Code, for the first year during which the change of boundaries attributable to the annexation becomes effective for all purposes, as determined under Section 7-9 of this Code, the general State aid and supplemental general State aid calculated under Section 18-8.05 of this Code shall be computed for the annexing district as constituted after the annexation and for the annexing and each annexed district as constituted prior to the annexation; and if the computation on the basis of the annexing and annexed districts as constituted prior to the annexation is greater, then a supplementary payment equal to the difference shall be made for the first 4 years of existence of the annexing school district as constituted upon the annexation.

(3) For 2 or more school districts that annex all of the territory of one or more entire other school districts, as defined in Article 7 of this Code, for the first year during which the change of boundaries attributable to the annexation becomes effective for all purposes, as determined under Section 7-9 of this Code, the general State aid and supplemental general State aid calculated under Section 18-8.05 of this Code shall be computed for each annexing district as constituted after the annexation and for each annexing and annexed district as constituted prior to the annexation; and if the aggregate of the general State aid and supplemental general State aid as so computed for the annexing districts as constituted after the annexation is less than the aggregate of the general State aid and supplemental general State aid as so computed for the annexing and annexed districts, as constituted prior to the annexation, then a supplementary payment equal to the difference shall be made and allocated between or among the annexing districts, as constituted upon the annexation, for the first 4 years of their existence. The total difference payment shall be allocated between or among the annexing districts in the same ratio as the pupil enrollment from that portion of the annexed district or districts that is annexed to each annexing district bears to the total pupil enrollment from the entire annexed district or districts, as such pupil enrollment is determined for the school year last ending prior to the date when the change of boundaries
attributable to the annexation becomes effective for all purposes. The amount of the total difference payment and the amount thereof to be allocated to the annexing districts shall be computed by the State Board of Education on the basis of pupil enrollment and other data that shall be certified to the State Board of Education, on forms that it shall provide for that purpose, by the regional superintendent of schools for each educational service region in which the annexing and annexed districts are located.

(4) For a school district conversion, as defined in Section 11E-15 of this Code, or a multi-unit conversion, as defined in subsection (b) of Section 11E-30 of this Code, if in their first year of existence the newly created elementary districts and the newly created high school district, from a school district conversion, or the newly created elementary district or districts and newly created combined high school - unit district, from a multi-unit conversion, qualify for less general State aid under Section 18-8.05 of this Code than would have been payable under Section 18-8.05 for that same year to the previously existing districts, then a supplementary payment equal to that difference shall be made for the first 4 years of existence of the newly created districts. The aggregate amount of each supplementary payment shall be allocated among the newly created districts in the proportion that the deemed pupil enrollment in each district during its first year of existence bears to the actual aggregate pupil enrollment in all of the districts during their first year of existence. For purposes of each allocation:

(A) the deemed pupil enrollment of the newly created high school district from a school district conversion shall be an amount equal to its actual pupil enrollment for its first year of existence multiplied by 1.25;

(B) the deemed pupil enrollment of each newly created elementary district from a school district conversion shall be an amount equal to its actual pupil enrollment for its first year of existence reduced by an amount equal to the product obtained when the amount by which the newly created high school district's deemed pupil enrollment exceeds its actual pupil enrollment for its
first year of existence is multiplied by a fraction, the numerator of which is the actual pupil enrollment of the newly created elementary district for its first year of existence and the denominator of which is the actual aggregate pupil enrollment of all of the newly created elementary districts for their first year of existence;

(C) the deemed high school pupil enrollment of the newly created combined high school - unit district from a multi-unit conversion shall be an amount equal to its actual grades 9 through 12 pupil enrollment for its first year of existence multiplied by 1.25; and

(D) the deemed elementary pupil enrollment of each newly created district from a multi-unit conversion shall be an amount equal to each district's actual grade K through 8 pupil enrollment for its first year of existence, reduced by an amount equal to the product obtained when the amount by which the newly created combined high school - unit district's deemed high school pupil enrollment exceeds its actual grade 9 through 12 pupil enrollment for its first year of existence is multiplied by a fraction, the numerator of which is the actual grade K through 8 pupil enrollment of each newly created district for its first year of existence and the denominator of which is the actual aggregate grade K through 8 pupil enrollment of all such newly created districts for their first year of existence.

The aggregate amount of each supplementary payment under this subdivision (4) and the amount thereof to be allocated to the newly created districts shall be computed by the State Board of Education on the basis of pupil enrollment and other data, which shall be certified to the State Board of Education, on forms that it shall provide for that purpose, by the regional superintendent of schools for each educational service region in which the newly created districts are located.

(5) For a partial elementary unit district, as defined in subsection (a) or (c) of Section 11E-30 of this Code, if, in the first year of existence, the newly created partial elementary unit district qualifies for less general
State aid and supplemental general State aid under Section 18-8.05 of this Code than would have been payable under that Section for that same year to the previously existing districts that formed the partial elementary unit district, then a supplementary payment equal to that difference shall be made to the partial elementary unit district for the first 4 years of existence of that newly created district.

(6) For an elementary opt-in, as described in subsection (d) of Section 11E-30 of this Code, the general State aid difference shall be computed in accordance with paragraph (5) of this subsection (a) as if the elementary opt-in was included in an optional elementary unit district at the optional elementary unit district's original effective date. If the calculation in this paragraph (6) is less than that calculated in paragraph (5) of this subsection (a) at the optional elementary unit district's original effective date, then no adjustments may be made. If the calculation in this paragraph (6) is more than that calculated in paragraph (5) of this subsection (a) at the optional elementary unit district's original effective date, then the excess must be paid as follows:

(A) If the effective date for the elementary opt-in is one year after the effective date for the optional elementary unit district, 100% of the calculated excess shall be paid to the optional elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(B) If the effective date for the elementary opt-in is 2 years after the effective date for the optional elementary unit district, 75% of the calculated excess shall be paid to the optional elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(C) If the effective date for the elementary opt-in is 3 years after the effective date for the optional elementary unit district, 50% of the calculated excess shall be paid to the optional elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(D) If the effective date for the elementary opt-in is 4 years after the effective date for the optional elementary unit district,
25% of the calculated excess shall be paid to the optional elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(E) If the effective date for the elementary opt-in is 5 years after the effective date for the optional elementary unit district, the optional elementary unit district is not eligible for any additional incentives due to the elementary opt-in.

(7) Claims for financial assistance under this subsection (a) may not be recomputed except as expressly provided under Section 18-8.05 of this Code.

(8) Any supplementary payment made under this subsection (a) must be treated as separate from all other payments made pursuant to Section 18-8.05 of this Code.

(b)(1) After the formation of a combined school district, as defined in Section 11E-20 of this Code, or a unit district, as defined in Section 11E-25 of this Code, a computation shall be made to determine the difference between the salaries effective in each of the previously existing districts on June 30, prior to the creation of the new district. For the first 4 years after the formation of the new district, a supplementary State aid reimbursement shall be paid to the new district equal to the difference between the sum of the salaries earned by each of the certificated members of the new district, while employed in one of the previously existing districts during the year immediately preceding the formation of the new district, and the sum of the salaries those certificated members would have been paid during the year immediately prior to the formation of the new district if placed on the salary schedule of the previously existing district with the highest salary schedule.

(2) After the territory of one or more school districts is annexed by one or more other school districts as defined in Article 7 of this Code, a computation shall be made to determine the difference between the salaries effective in each annexed district and in the annexing district or districts as they were each constituted on June 30 preceding the date when the change of boundaries attributable to the annexation became effective for all purposes, as determined under Section 7-9 of this Code. For the first
4 years after the annexation, a supplementary State aid reimbursement shall be paid to each annexing district as constituted after the annexation equal to the difference between the sum of the salaries earned by each of the certificated members of the annexing district as constituted after the annexation, while employed in an annexed or annexing district during the year immediately preceding the annexation, and the sum of the salaries those certificated members would have been paid during the immediately preceding year if placed on the salary schedule of whichever of the annexing or annexed districts had the highest salary schedule during the immediately preceding year.

(3) For each new high school district formed under a school district conversion, as defined in Section 11E-15 of this Code, the State shall make a supplementary payment for 4 years equal to the difference between the sum of the salaries earned by each certified member of the new high school district, while employed in one of the previously existing districts, and the sum of the salaries those certified members would have been paid if placed on the salary schedule of the previously existing district with the highest salary schedule.

(4) For each newly created partial elementary unit district, the State shall make a supplementary payment for 4 years equal to the difference between the sum of the salaries earned by each certified member of the newly created partial elementary unit district, while employed in one of the previously existing districts that formed the partial elementary unit district, and the sum of the salaries those certified members would have been paid if placed on the salary schedule of the previously existing district with the highest salary schedule. The salary schedules used in the calculation shall be those in effect in the previously existing districts for the school year prior to the creation of the new partial elementary unit district.

(5) For an elementary district opt-in, as described in subsection (d) of Section 11E-30 of this Code, the salary difference incentive shall be computed in accordance with paragraph (4) of this subsection (b) as if the opted-in elementary district was included in the optional elementary unit district at the optional elementary unit district's original effective date. If the calculation in this paragraph (5) is less than that calculated in

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paragraph (4) of this subsection (b) at the optional elementary unit district's original effective date, then no adjustments may be made. If the calculation in this paragraph (5) is more than that calculated in paragraph (4) of this subsection (b) at the optional elementary unit district’s original effective date, then the excess must be paid as follows:

(A) If the effective date for the elementary opt-in is one year after the effective date for the optional elementary unit district, 100% of the calculated excess shall be paid to the optional elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(B) If the effective date for the elementary opt-in is 2 years after the effective date for the optional elementary unit district, 75% of the calculated excess shall be paid to the optional elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(C) If the effective date for the elementary opt-in is 3 years after the effective date for the optional elementary unit district, 50% of the calculated excess shall be paid to the optional elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(D) If the effective date for the elementary opt-in is 4 years after the effective date for the partial elementary unit district, 25% of the calculated excess shall be paid to the optional elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(E) If the effective date for the elementary opt-in is 5 years after the effective date for the optional elementary unit district, the optional elementary unit district is not eligible for any additional incentives due to the elementary opt-in.

(5.5) After the formation of a cooperative high school by 2 or more school districts under Section 10-22.22c of this Code, a computation shall be made to determine the difference between the salaries effective in each of the previously existing high schools on June 30 prior to the formation of the cooperative high school. For the first 4 years after the formation of the cooperative high school, the

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formation of the cooperative high school, a supplementary State aid reimbursement shall be paid to the cooperative high school equal to the difference between the sum of the salaries earned by each of the certificated members of the cooperative high school while employed in one of the previously existing high schools during the year immediately preceding the formation of the cooperative high school and the sum of the salaries those certificated members would have been paid during the year immediately prior to the formation of the cooperative high school if placed on the salary schedule of the previously existing high school with the highest salary schedule.

(6) The supplementary State aid reimbursement under this subsection (b) shall be treated as separate from all other payments made pursuant to Section 18-8.05 of this Code. In the case of the formation of a new district or cooperative high school, reimbursement shall begin during the first year of operation of the new district or cooperative high school, and in the case of an annexation of the territory of one or more school districts by one or more other school districts, reimbursement shall begin during the first year when the change in boundaries attributable to the annexation or division becomes effective for all purposes as determined pursuant to Section 7-9 of this Code. Each year that the new, annexing, or resulting district or cooperative high school, as the case may be, is entitled to receive reimbursement, the number of eligible certified members who are employed on October 1 in the district or cooperative high school shall be certified to the State Board of Education on prescribed forms by October 15 and payment shall be made on or before November 15 of that year.

(c)(1) For the first year after the formation of a combined school district, as defined in Section 11E-20 of this Code or a unit district, as defined in Section 11E-25 of this Code, a computation shall be made totaling each previously existing district's audited fund balances in the educational fund, working cash fund, operations and maintenance fund, and transportation fund for the year ending June 30 prior to the referendum for the creation of the new district. The new district shall be paid supplementary State aid equal to the sum of the differences between the

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deficit of the previously existing district with the smallest deficit and the
deficits of each of the other previously existing districts.

(2) For the first year after the annexation of all of the territory of
one or more entire school districts by another school district, as defined in
Article 7 of this Code, computations shall be made, for the year ending
June 30 prior to the date that the change of boundaries attributable to the
annexation is allowed by the affirmative decision issued by the regional
board of school trustees under Section 7-6 of this Code, notwithstanding
any effort to seek administrative review of the decision, totaling the
annexing district's and totaling each annexed district's audited fund
balances in their respective educational, working cash, operations and
maintenance, and transportation funds. The annexing district as constituted
after the annexation shall be paid supplementary State aid equal to the sum
of the differences between the deficit of whichever of the annexing or
annexed districts as constituted prior to the annexation had the smallest
deficit and the deficits of each of the other districts as constituted prior to
the annexation.

(3) For the first year after the annexation of all of the territory of
one or more entire school districts by 2 or more other school districts, as
defined by Article 7 of this Code, computations shall be made, for the year
ending June 30 prior to the date that the change of boundaries attributable
to the annexation is allowed by the affirmative decision of the regional
board of school trustees under Section 7-6 of this Code, notwithstanding
any action for administrative review of the decision, totaling each
annexing and annexed district's audited fund balances in their respective
educational, working cash, operations and maintenance, and transportation
funds. The annexing districts as constituted after the annexation shall be
paid supplementary State aid, allocated as provided in this paragraph (3),
in an aggregate amount equal to the sum of the differences between the
deficit of whichever of the annexing or annexed districts as constituted
prior to the annexation had the smallest deficit and the deficits of each of
the other districts as constituted prior to the annexation. The aggregate
amount of the supplementary State aid payable under this paragraph (3)
shall be allocated between or among the annexing districts as follows:

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(A) the regional superintendent of schools for each educational service region in which an annexed district is located prior to the annexation shall certify to the State Board of Education, on forms that it shall provide for that purpose, the value of all taxable property in each annexed district, as last equalized or assessed by the Department of Revenue prior to the annexation, and the equalized assessed value of each part of the annexed district that was annexed to or included as a part of an annexing district;

(B) using equalized assessed values as certified by the regional superintendent of schools under clause (A) of this paragraph (3), the combined audited fund balance deficit of each annexed district as determined under this Section shall be apportioned between or among the annexing districts in the same ratio as the equalized assessed value of that part of the annexed district that was annexed to or included as a part of an annexing district bears to the total equalized assessed value of the annexed district; and

(C) the aggregate supplementary State aid payment under this paragraph (3) shall be allocated between or among, and shall be paid to, the annexing districts in the same ratio as the sum of the combined audited fund balance deficit of each annexing district as constituted prior to the annexation, plus all combined audited fund balance deficit amounts apportioned to that annexing district under clause (B) of this subsection, bears to the aggregate of the combined audited fund balance deficits of all of the annexing and annexed districts as constituted prior to the annexation.

(4) For the new elementary districts and new high school district formed through a school district conversion, as defined in subsection (b) of Section 11E-15 of this Code or the new elementary district or districts and new combined high school - unit district formed through a multi-unit conversion, as defined in subsection (b) of Section 11E-30 of this Code, a computation shall be made totaling each previously existing district's audited fund balances in the educational fund, working cash fund,

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operations and maintenance fund, and transportation fund for the year ending June 30 prior to the referendum establishing the new districts. In the first year of the new districts, the State shall make a one-time supplementary payment equal to the sum of the differences between the deficit of the previously existing district with the smallest deficit and the deficits of each of the other previously existing districts. A district with a combined balance among the 4 funds that is positive shall be considered to have a deficit of zero. The supplementary payment shall be allocated among the newly formed high school and elementary districts in the manner provided by the petition for the formation of the districts, in the form in which the petition is approved by the regional superintendent of schools or State Superintendent of Education under Section 11E-50 of this Code.

(5) For each newly created partial elementary unit district, as defined in subsection (a) or (c) of Section 11E-30 of this Code, a computation shall be made totaling the audited fund balances of each previously existing district that formed the new partial elementary unit district in the educational fund, working cash fund, operations and maintenance fund, and transportation fund for the year ending June 30 prior to the referendum for the formation of the partial elementary unit district. In the first year of the new partial elementary unit district, the State shall make a one-time supplementary payment to the new district equal to the sum of the differences between the deficit of the previously existing district with the smallest deficit and the deficits of each of the other previously existing districts. A district with a combined balance among the 4 funds that is positive shall be considered to have a deficit of zero.

(6) For an elementary opt-in as defined in subsection (d) of Section 11E-30 of this Code, the deficit fund balance incentive shall be computed in accordance with paragraph (5) of this subsection (c) as if the opted-in elementary was included in the optional elementary unit district at the optional elementary unit district's original effective date. If the calculation in this paragraph (6) is less than that calculated in paragraph (5) of this subsection (c) at the optional elementary unit district's original effective date, the

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date, then no adjustments may be made. If the calculation in this paragraph (6) is more than that calculated in paragraph (5) of this subsection (c) at the optional elementary unit district's original effective date, then the excess must be paid as follows:

(A) If the effective date for the elementary opt-in is one year after the effective date for the optional elementary unit district, 100% of the calculated excess shall be paid to the optional elementary unit district in the first year after the effective date of the elementary opt-in.

(B) If the effective date for the elementary opt-in is 2 years after the effective date for the optional elementary unit district, 75% of the calculated excess shall be paid to the optional elementary unit district in the first year after the effective date of the elementary opt-in.

(C) If the effective date for the elementary opt-in is 3 years after the effective date for the optional elementary unit district, 50% of the calculated excess shall be paid to the optional elementary unit district in the first year after the effective date of the elementary opt-in.

(D) If the effective date for the elementary opt-in is 4 years after the effective date for the optional elementary unit district, 25% of the calculated excess shall be paid to the optional elementary unit district in the first year after the effective date of the elementary opt-in.

(E) If the effective date for the elementary opt-in is 5 years after the effective date for the optional elementary unit district, the optional elementary unit district is not eligible for any additional incentives due to the elementary opt-in.

(7) For purposes of any calculation required under paragraph (1), (2), (3), (4), (5), or (6) of this subsection (c), a district with a combined fund balance that is positive shall be considered to have a deficit of zero. For purposes of determining each district's audited fund balances in its educational fund, working cash fund, operations and maintenance fund, and transportation fund for the specified year ending June 30, as provided
in paragraphs (1), (2), (3), (4), (5), and (6) of this subsection (c), the balance of each fund shall be deemed decreased by an amount equal to the amount of the annual property tax theretofore levied in the fund by the district for collection and payment to the district during the calendar year in which the June 30 fell, but only to the extent that the tax so levied in the fund actually was received by the district on or before or comprised a part of the fund on such June 30. For purposes of determining each district's audited fund balances, a calculation shall be made for each fund to determine the average for the 3 years prior to the specified year ending June 30, as provided in paragraphs (1), (2), (3), (4), (5), and (6) of this subsection (c), of the district's expenditures in the categories "purchased services", "supplies and materials", and "capital outlay", as those categories are defined in rules of the State Board of Education. If this 3-year average is less than the district's expenditures in these categories for the specified year ending June 30, as provided in paragraphs (1), (2), (3), (4), (5), and (6) of this subsection (c), then the 3-year average shall be used in calculating the amounts payable under this Section in place of the amounts shown in these categories for the specified year ending June 30, as provided in paragraphs (1), (2), (3), (4), (5), and (6) of this subsection (c). Any deficit because of State aid not yet received may not be considered in determining the June 30 deficits. The same basis of accounting shall be used by all previously existing districts and by all annexing or annexed districts, as constituted prior to the annexation, in making any computation required under paragraphs (1), (2), (3), (4), (5), and (6) of this subsection (c).

(8) The supplementary State aid payments under this subsection (c) shall be treated as separate from all other payments made pursuant to Section 18-8.05 of this Code.

(d)(1) Following the formation of a combined school district, as defined in Section 11E-20 of this Code, a new elementary district or districts and a new high school district formed through a school district conversion, as defined in subsection (b) of Section 11E-15 of this Code, a new partial elementary unit district, as defined in Section 11E-30 of this Code, or a new elementary district or districts formed through a multi-unit

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conversion, as defined in subsection (b) of Section 11E-30 of this Code, or the annexation of all of the territory of one or more entire school districts by one or more other school districts, as defined in Article 7 of this Code, a supplementary State aid reimbursement shall be paid for the number of school years determined under the following table to each new or annexing district equal to the sum of $4,000 for each certified employee who is employed by the district on a full-time basis for the regular term of the school year:

<table>
<thead>
<tr>
<th>Reorganized District's Rank by type of district (unit, high school, elementary)</th>
<th>Reorganized District's Rank in Average Daily Attendance By Quintile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per Pupil by Quintile</td>
<td>1st Quintile, 2nd Quintile, 3rd, 4th, or 5th Quintile</td>
</tr>
<tr>
<td>1st Quintile</td>
<td>1 year, 1 year, 1 year</td>
</tr>
<tr>
<td>2nd Quintile</td>
<td>1 year, 2 years, 2 years</td>
</tr>
<tr>
<td>3rd Quintile</td>
<td>2 years, 3 years, 3 years</td>
</tr>
<tr>
<td>4th Quintile</td>
<td>2 years, 3 years, 3 years</td>
</tr>
<tr>
<td>5th Quintile</td>
<td>2 years, 3 years, 3 years</td>
</tr>
</tbody>
</table>

The State Board of Education shall make a one-time calculation of a reorganized district's quintile ranks. The average daily attendance used in this calculation shall be the best 3 months' average daily attendance for the district's first year. The equalized assessed value per pupil shall be the district's real property equalized assessed value used in calculating the district's first-year general State aid claim, under Section 18-8.05 of this Code, divided by the best 3 months' average daily attendance.

No annexing or resulting school district shall be entitled to supplementary State aid under this subsection (d) unless the district acquires at least 30% of the average daily attendance of the district from which the territory is being detached or divided.

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If a district results from multiple reorganizations that would otherwise qualify the district for multiple payments under this subsection (d) in any year, then the district shall receive a single payment only for that year based solely on the most recent reorganization.

(2) For an elementary opt-in, as defined in subsection (d) of Section 11E-30 of this Code, the full-time certified staff incentive shall be computed in accordance with paragraph (1) of this subsection (d), equal to the sum of $4,000 for each certified employee of the elementary district that opts-in who is employed by the optional elementary unit district on a full-time basis for the regular term of the school year. The calculation from this paragraph (2) must be paid as follows:

(A) If the effective date for the elementary opt-in is one year after the effective date for the optional elementary unit district, 100% of the amount calculated in this paragraph (2) shall be paid to the optional elementary unit district for the number of years calculated in paragraph (1) of this subsection (d) at the optional elementary unit district's original effective date, starting in the second year after the effective date of the elementary opt-in.

(B) If the effective date for the elementary opt-in is 2 years after the effective date for the optional elementary unit district, 75% of the amount calculated in this paragraph (2) shall be paid to the optional elementary unit district for the number of years calculated in paragraph (1) of this subsection (d) at the optional elementary unit district's original effective date, starting in the second year after the effective date of the elementary opt-in.

(C) If the effective date for the elementary opt-in is 3 years after the effective date for the optional elementary unit district, 50% of the amount calculated in this paragraph (2) shall be paid to the optional elementary unit district for the number of years calculated in paragraph (1) of this subsection (d) at the optional elementary unit district's original effective date, starting in the second year after the effective date of the elementary opt-in.

(D) If the effective date for the elementary opt-in is 4 years after the effective date for the optional elementary unit district,
25% of the amount calculated in this paragraph (2) shall be paid to the optional elementary unit district for the number of years calculated in paragraph (1) of this subsection (d) at the optional elementary unit district's original effective date, starting in the second year after the effective date of the elementary opt-in.

(E) If the effective date for the elementary opt-in is 5 years after the effective date for the optional elementary unit district, the optional elementary unit district is not eligible for any additional incentives due to the elementary opt-in.

(2.5) Following the formation of a cooperative high school by 2 or more school districts under Section 10-22.22c of this Code, a supplementary State aid reimbursement shall be paid for 3 school years to the cooperative high school equal to the sum of $4,000 for each certified employee who is employed by the cooperative high school on a full-time basis for the regular term of any such school year. If a cooperative high school results from multiple agreements that would otherwise qualify the cooperative high school for multiple payments under this Section in any year, the cooperative high school shall receive a single payment for that year based solely on the most recent agreement.

(3) The supplementary State aid reimbursement payable under this subsection (d) shall be separate from and in addition to all other payments made to the district pursuant to any other Section of this Article.

(4) During May of each school year for which a supplementary State aid reimbursement is to be paid to a new or annexing school district or cooperative high school pursuant to this subsection (d), the school board or governing board shall certify to the State Board of Education, on forms furnished to the school board or governing board by the State Board of Education for purposes of this subsection (d), the number of certified employees for which the district or cooperative high school is entitled to reimbursement under this Section, together with the names, certificate numbers, and positions held by the certified employees.

(5) Upon certification by the State Board of Education to the State Comptroller of the amount of the supplementary State aid reimbursement to which a school district or cooperative high school is entitled under this
subsection (d), the State Comptroller shall draw his or her warrant upon the State Treasurer for the payment thereof to the school district or cooperative high school and shall promptly transmit the payment to the school district or cooperative high school through the appropriate school treasurer.

(Source: P.A. 94-1019, eff. 7-10-06; incorporates P.A. 94-902, eff. 7-1-06; revised 9-13-06.)

(105 ILCS 5/14-7.04) (from Ch. 122, par. 14-7.04)
Sec. 14-7.04. Health care reimbursement.
(a) Local educational agencies may utilize federally funded health care programs to share in the costs of services which are provided to children requiring special education and related services and which are either listed on an individualized education program established pursuant to the federal Education for All Handicapped Children Act of 1975, Public Law No. 94-142 or are provided under an individualized family service plan established pursuant to the federal Education of the Handicapped Act Amendments of 1986, Public Law No. 99-457. Those federally funded health care programs shall also share in the cost of all screenings and diagnostic evaluations for children suspected of having or known to have a disability. However, all such services shall continue to be initially funded by the local educational agency and shall be provided regardless of subsequent cost sharing with other funding sources. Federally funded health care reimbursement funds are supplemental and shall not be used to reduce any other Federal payments, private payments or State Board of Education funds for special education as provided in Article 14 of the School Code for which the local education agency is eligible.

Local educational agencies providing early periodic screening and diagnostic testing services on or after August 1, 1991, including screening and diagnostic services, health care and treatment, preventive health care, and any other measure to correct or improve health impairments of Medicaid-eligible children, may also access federally funded health care resources.

The State Board of Education and the Department of Healthcare and Family Services Public Aid may enter into an intergovernmental

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agreement whereby school districts or their agents may claim medicaid matching funds for medicaid eligible special education children as authorized by Section 1903 of the Social Security Act. Under that intergovernmental agreement, school districts or their agents may also claim federal funds for the services provided to special education students enrolled in the Children's Health Insurance Program.

(b) No employee or officer of a school district, special education joint agreement, office of a regional superintendent of schools or the State Board of Education may have a direct or indirect financial interest in any agreement between the entity of which the person is an employee or officer and any corporation, organization or other entity that collects or participates in the collection of payments from private health care benefit plans or federally funded health care programs authorized under this Section.

(Source: P.A. 91-24, eff. 7-1-99; revised 12-15-05.)

(105 ILCS 5/14-15.01) (from Ch. 122, par. 14-15.01)

Sec. 14-15.01. Community and Residential Services Authority.

(a) (1) The Community and Residential Services Authority is hereby created and shall consist of the following members:

A representative of the State Board of Education;

Four representatives of the Department of Human Services, with one member from the Division of Community Health and Prevention, one member from the Office of Developmental Disabilities of the Division of Disability and Behavioral Health Services, one member from the Office of Mental Health of the Division of Disability and Behavioral Health Services, and one member of the Office of Rehabilitation Services of the Division of Disability and Behavioral Health Services;

A representative of the Department of Children and Family Services;

A representative of the Department of Corrections;

A representative of the Department of Healthcare and Family Services Public Aid;

A representative of the Attorney General's Disability Rights Advocacy Division;

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The Chairperson and Minority Spokesperson of the House and Senate Committees on Elementary and Secondary Education or their designees; and

Six persons appointed by the Governor. Five of such appointees shall be experienced or knowledgeable relative to provision of services for individuals with a behavior disorder or a severe emotional disturbance and shall include representatives of both the private and public sectors, except that no more than 2 of those 5 appointees may be from the public sector and at least 2 must be or have been directly involved in provision of services to such individuals. The remaining member appointed by the Governor shall be or shall have been a parent of an individual with a behavior disorder or a severe emotional disturbance, and that appointee may be from either the private or the public sector.

(2) Members appointed by the Governor shall be appointed for terms of 4 years and shall continue to serve until their respective successors are appointed; provided that the terms of the original appointees shall expire on August 1, 1990, and the term of the additional member appointed under this amendatory Act of 1992 shall commence upon the appointment and expire August 1, 1994. Any vacancy in the office of a member appointed by the Governor shall be filled by appointment of the Governor for the remainder of the term.

A vacancy in the office of a member appointed by the Governor exists when one or more of the following events occur:

(i) An appointee dies;

(ii) An appointee files a written resignation with the Governor;

(iii) An appointee ceases to be a legal resident of the State of Illinois; or

(iv) An appointee fails to attend a majority of regularly scheduled Authority meetings in a fiscal year.

Members who are representatives of an agency shall serve at the will of the agency head. Membership on the Authority shall cease immediately upon cessation of their affiliation with the agency. If such a

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vacancy occurs, the appropriate agency head shall appoint another person to represent the agency.

If a legislative member of the Authority ceases to be Chairperson or Minority Spokesperson of the designated Committees, they shall automatically be replaced on the Authority by the person who assumes the position of Chairperson or Minority Spokesperson.

(b) The Community and Residential Services Authority shall have the following powers and duties:

(1) To conduct surveys to determine the extent of need, the degree to which documented need is currently being met and feasible alternatives for matching need with resources.

(2) To develop policy statements for interagency cooperation to cover all aspects of service delivery, including laws, regulations and procedures, and clear guidelines for determining responsibility at all times.

(3) To recommend policy statements and provide information regarding effective programs for delivery of services to all individuals under 22 years of age with a behavior disorder or a severe emotional disturbance in public or private situations.

(4) To review the criteria for service eligibility, provision and availability established by the governmental agencies represented on this Authority, and to recommend changes, additions or deletions to such criteria.

(5) To develop and submit to the Governor, the General Assembly, the Directors of the agencies represented on the Authority, and the State Board of Education a master plan for individuals under 22 years of age with a behavior disorder or a severe emotional disturbance, including detailed plans of service ranging from the least to the most restrictive options; and to assist local communities, upon request, in developing or strengthening collaborative interagency networks.

(6) To develop a process for making determinations in situations where there is a dispute relative to a plan of service for individuals or funding for a plan of service.
(7) To provide technical assistance to parents, service consumers, providers, and member agency personnel regarding statutory responsibilities of human service and educational agencies, and to provide such assistance as deemed necessary to appropriately access needed services.

(c) (1) The members of the Authority shall receive no compensation for their services but shall be entitled to reimbursement of reasonable expenses incurred while performing their duties.

(2) The Authority may appoint special study groups to operate under the direction of the Authority and persons appointed to such groups shall receive only reimbursement of reasonable expenses incurred in the performance of their duties.

(3) The Authority shall elect from its membership a chairperson, vice-chairperson and secretary.

(4) The Authority may employ and fix the compensation of such employees and technical assistants as it deems necessary to carry out its powers and duties under this Act. Staff assistance for the Authority shall be provided by the State Board of Education.

(5) Funds for the ordinary and contingent expenses of the Authority shall be appropriated to the State Board of Education in a separate line item.

(d) (1) The Authority shall have power to promulgate rules and regulations to carry out its powers and duties under this Act.

(2) The Authority may accept monetary gifts or grants from the federal government or any agency thereof, from any charitable foundation or professional association or from any other reputable source for implementation of any program necessary or desirable to the carrying out of the general purposes of the Authority. Such gifts and grants may be held in trust by the Authority and expended in the exercise of its powers and performance of its duties as prescribed by law.

(3) The Authority shall submit an annual report of its activities and expenditures to the Governor, the General Assembly, the directors of agencies represented on the Authority, and the State Superintendent of Education.

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Sec. 14A-30. Local programs; requirements. In order for a local program for the education of gifted and talented children to be approved by the State Board of Education in order to qualify for State funding, if available, as of the beginning of the 2006-2007 academic year, the local program must meet the following minimum requirements and demonstrate the fulfillment of these requirements in a written program description submitted to the State Board of Education by the local educational agency operating the program and modified if the program is substantively altered:

1. The use of a minimum of 3 assessment measures used to identify gifted and talented children in each area in which a program for gifted and talented children is established, which may include without limitation scores on standardized achievement tests, observation checklists, portfolios, and currently-used district assessments.

2. A priority emphasis on language arts and mathematics.

3. An identification method that uses the definition of gifted and talented children as defined in Section 14A-20 of this Code.

4. Assessment instruments sensitive to the inclusion of underrepresented groups, including low-income students, minority students, and English language learners.

5. A process of identification of gifted and talented children that is of equal rigor in each area of aptitude addressed by the program.

6. The use of identification procedures that appropriately correspond with the planned programs, curricula, and services.

7. A fair and equitable decision-making process.

8. The availability of a fair and impartial appeal process within the school, school district, or cooperative of school districts operating a program for parents or guardians whose children are aggrieved by a decision of the school, school district, or

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cooperative of school districts regarding eligibility for participation in a program.

(9) Procedures for annually informing the community at-large, including parents, about the program and the methods used for the identification of gifted and talented children.

(10) Procedures for notifying parents or guardians of a child of a decision affecting that child's participation in a program.

(11) A description of how gifted and talented children will be grouped and instructed in order to maximize the educational benefits the children derive from participation in the program, including curriculum modifications and options that accelerate and add depth and complexity to the curriculum content.

(12) An explanation of how the program emphasizes higher-level skills attainment, including problem-solving, critical thinking, creative thinking, and research skills, as embedded within relevant content areas.

(13) A methodology for measuring academic growth for gifted and talented children and a procedure for communicating a child's progress to his or her parents or guardian, including, but not limited to, a report card.

(14) The collection of data on growth in learning for children in a program for gifted and talented children and the reporting of the data to the State Board of Education.

(15) The designation of a supervisor responsible for overseeing the educational program for gifted and talented children.

(16) A showing that the certified teachers who are assigned to teach gifted and talented children understand the characteristics and educational needs of children and are able to differentiate the curriculum and apply instructional methods to meet the needs of the children.

(17) Plans for the continuation of professional development for staff assigned to the program serving gifted and talented children.

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Sec. 14A-55. Rulemaking. The State Board of Education shall have the authority to adopt all rules necessary to implement and regulate the provisions of this Article.

Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years.

(A) General Provisions.

(1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.

(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.
(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:

(a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.

(b) School district claims filed under this Section are subject to Sections 18-9, 18-10, and 18-12, except as otherwise provided in this Section.

(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.

(d) (Blank).

(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is authorized to make expenditures by law.

School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:

New matter indicated by italics - deletions by strikeout
(a) "Average Daily Attendance": A count of pupil attendance in school, averaged as provided for in subsection (C) and utilized in deriving per pupil financial support levels.

(b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection (D).

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

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

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

(B) Foundation Level.

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

(2) For the 1998-1999 school year, the Foundation Level of support is $4,225. For the 1999-2000 school year, the Foundation Level of support is $4,325. For the 2000-2001 school year, the Foundation Level of support is $4,425. For the 2001-2002 school year and 2002-2003 school year, the Foundation Level of support is $4,560. For the 2003-2004 school year, the Foundation Level of support is $4,810. For the 2004-2005 school year, the
Foundation Level of support is $4,964. For the 2005-2006 school year, the Foundation Level of support is $5,164.

(3) For the 2006-2007 school year and each school year thereafter, the Foundation Level of support is $5,334 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

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

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

(D) Available Local Resources.

(1) For purposes of calculating general State aid pursuant to subsection (E), a representation of Available Local Resources per pupil, as that term is defined and determined in this subsection, shall be utilized. Available Local Resources per pupil shall include a calculated dollar amount representing local school district revenues from local property taxes and from Corporate Personal Property Replacement Taxes, expressed on the basis of pupils in Average Daily Attendance. Calculation of Available Local Resources shall exclude any tax amnesty funds received as a result of Public Act 93-26.

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

(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

For partial elementary unit districts created pursuant to Article 11E of this Code, local property tax revenues per pupil shall be calculated as the product of the equalized assessed valuation for property within the elementary and high school classification of the partial elementary unit district multiplied by 2.06% and divided by the Average Daily Attendance figure for grades kindergarten through 8, plus the product of the equalized assessed valuation for property within the high school only classification of the partial elementary unit district multiplied by 0.94% and divided by the Average Daily Attendance figure for grades 9 through 12.

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

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(E) Computation of General State Aid.

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

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

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

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

(5) The amount of general State aid allocated to a school district for the 1999-2000 school year meeting the requirements set forth in paragraph (4) of subsection (G) shall be increased by an amount equal to the general State aid that would have been received by the district for the 1998-1999 school year by utilizing the Extension Limitation Equalized Assessed Valuation as calculated in paragraph (4) of subsection (G) less the general State aid allotted for the 1998-1999 school year. This amount

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shall be deemed a one time increase, and shall not affect any future general State aid allocations.

(F) Compilation of Average Daily Attendance.

(1) Each school district shall, by July 1 of each year, submit to the State Board of Education, on forms prescribed by the State Board of Education, attendance figures for the school year that began in the preceding calendar year. The attendance information so transmitted shall identify the average daily attendance figures for each month of the school year. Beginning with the general State aid claim form for the 2002-2003 school year, districts shall calculate Average Daily Attendance as provided in subdivisions (a), (b), and (c) of this paragraph (1).

(a) In districts that do not hold year-round classes, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(b) In districts in which all buildings hold year-round classes, days of attendance in July and August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(c) In districts in which some buildings, but not all, hold year-round classes, for the non-year-round buildings, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May. The average daily attendance for the year-round buildings shall be computed as provided in subdivision (b) of this paragraph (1). To calculate the Average Daily Attendance for the district, the average daily attendance for the year-round buildings shall be multiplied by the days in session for the non-year-round buildings for each month and added to the monthly attendance of the non-year-round buildings.

Except as otherwise provided in this Section, days of attendance by pupils shall be counted only for sessions of not less than 5 clock hours of school work per day under direct supervision of: (i) teachers, or (ii) non-teaching personnel or volunteer personnel when engaging in non-teaching duties and supervising in those instances specified in

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subsection (a) of Section 10-22.34 and paragraph 10 of Section 34-18, with pupils of legal school age and in kindergarten and grades 1 through 12.

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

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

(a) Pupils regularly enrolled in a public school for only a part of the school day may be counted on the basis of 1/6 day for every class hour of instruction of 40 minutes or more attended pursuant to such enrollment, unless a pupil is enrolled in a block-schedule format of 80 minutes or more of instruction, in which case the pupil may be counted on the basis of the proportion of minutes of school work completed each day to the minimum number of minutes that school work is required to be held that day.

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

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

(d) A session of 3 or more clock hours may be counted as a day of attendance (1) when the remainder of the school day or at least 2 hours in the evening of that day is utilized for an in-service training program for teachers, up to a maximum of 5 days per school year of which a maximum of 4 days of such 5 days may be used for parent-teacher conferences, provided a district conducts an in-service training program for teachers which has been approved by the State Superintendent of Education; or, in lieu of 4 such days, 2 full days may be used, in which event each such day may be

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

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

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

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

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

(i) On the days when the Prairie State Achievement Examination is administered under subsection (c) of Section 2-3.64 of this Code, the day of attendance for a pupil whose school day must be shortened to accommodate required testing procedures may be less than 5 clock hours and shall be counted towards the 176 days of actual pupil attendance required under Section 10-19 of this Code, provided that a sufficient number of minutes of school work in excess of 5 clock hours are first completed on other school days to compensate for the loss of school work on the examination days.

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D), the State Board of Education shall secure from the Department of Revenue the value as equalized or assessed by the Department of Revenue of all taxable property of every school district, together with (i) the applicable tax rate used in extending taxes for the funds of the district as of September 30 of the previous year and (ii) the limiting rate for all school districts subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law.
The Department of Revenue shall add to the equalized assessed value of all taxable property of each school district situated entirely or partially within a county that is or was subject to the alternative general homestead exemption provisions of Section 15-176 of the Property Tax Code (a) an amount equal to the total amount by which the homestead exemption allowed under Section 15-176 of the Property Tax Code for real property situated in that school district exceeds the total amount that would have been allowed in that school district if the maximum reduction under Section 15-176 was (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter and (b) an amount equal to the aggregate amount for the taxable year of all additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of $30,000 or less. The county clerk of any county that is or was subject to the alternative general homestead exemption provisions of Section 15-176 of the Property Tax Code shall annually calculate and certify to the Department of Revenue for each school district all homestead exemption amounts under Section 15-176 of the Property Tax Code and all amounts of additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of $30,000 or less. It is the intent of this paragraph that if the general homestead exemption for a parcel of property is determined under Section 15-176 of the Property Tax Code rather than Section 15-175, then the calculation of Available Local Resources shall not be affected by the difference, if any, between the amount of the general homestead exemption allowed for that parcel of property under Section 15-176 of the Property Tax Code and the amount that would have been allowed had the general homestead exemption for that parcel of property been determined under Section 15-175 of the Property Tax Code. It is further the intent of this paragraph that if additional exemptions are allowed under Section 15-175 of the Property Tax Code for owners with a household income of less than $30,000, then the calculation of Available Local Resources shall not be affected by the difference, if any, because of those additional exemptions.

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This equalized assessed valuation, as adjusted further by the requirements of this subsection, shall be utilized in the calculation of Available Local Resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

Partial elementary unit districts created in accordance with Article
11E of this Code shall not be eligible for the adjustment in this subsection
(G)(3) until the fifth year following the effective date of the
reorganization.

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

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Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources.

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

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant, paid in conjunction with a district's payments of general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section. If the appropriation in any fiscal year for general State aid and supplemental general State aid is insufficient to pay the amounts required under the general State aid and supplemental general State aid calculations, then the State Board of Education shall ensure that each school district receives the full amount due for general State aid and the remainder of the appropriation shall be used for supplemental general State aid, which the State Board of Education shall calculate and pay to eligible districts on a prorated basis.

(1.5) This paragraph (1.5) applies only to those school years preceding the 2003-2004 school year. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If,
however, (i) the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, or (ii) a high school district within 2 counties and serving 5 elementary school districts, whose boundaries are coterminous with the high school district, has a percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count and there is a percentage increase in the total low-income eligible pupil count of a majority of the elementary school districts in excess of 50% from the 2 most recent federal censuses, then the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H). The changes made to this paragraph (1) by Public Act 92-28 shall apply to supplemental general State aid grants for school years preceding the 2003-2004 school year that are paid in fiscal year 1999 or thereafter and to any State aid payments made in fiscal year 1994 through fiscal year 1998 pursuant to subsection 1(n) of Section 18-8 of this Code (which was repealed on July 1, 1998), and any high school district that is affected by Public Act 92-28 is entitled to a recomputation of its supplemental general State aid grant or State aid paid in any of those fiscal years. This recomputation shall not be affected by any other funding.

(1.10) This paragraph (1.10) applies to the 2003-2004 school year and each school year thereafter. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall, for each fiscal year, be the low-income eligible pupil count as of July 1 of the immediately preceding fiscal year (as determined by the Department of Human Services based on the number of pupils who are eligible for at least one of the following low income programs: Medicaid, KidCare, TANF, or Food Stamps, excluding pupils who are eligible for services provided by the Department of Children and Family Services, averaged over the 2 immediately preceding fiscal years for fiscal year 2004 and over the 3 immediately preceding

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fiscal years for each fiscal year thereafter) divided by the Average Daily Attendance of the school district.

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

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

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

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

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

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

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

(2.5) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2002-2003 school year:

(a) For any school district with a Low Income Concentration Level of less than 10%, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.
(b) For any school district with a Low Income Concentration Level of at least 10% and less than 20%, the grant for each school year shall be $675 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for each school year shall be $1,330 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for each school year shall be $1,362 multiplied by the low income eligible pupil count.

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

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

(2.10) Except as otherwise provided, supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2003-2004 school year and each school year thereafter:

(a) For any school district with a Low Income Concentration Level of 15% or less, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level greater than 15%, the grant for each school year shall be $294.25 added to the product of $2,700 and the square of the Low Income Concentration Level, all multiplied by the low income eligible pupil count.

For the 2003-2004 school year, 2004-2005 school year, 2005-2006 school year, and 2006-2007 school year only, the grant shall be no less than the grant for the 2002-2003 school year. For the 2007-2008 school year only, the grant shall be no less than the grant for the 2002-2003 school year.
school year multiplied by 0.66. For the 2008-2009 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.33. Notwithstanding the provisions of this paragraph to the contrary, if for any school year supplemental general State aid grants are prorated as provided in paragraph (1) of this subsection (H), then the grants under this paragraph shall be prorated.

For the 2003-2004 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.25 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2004-2005 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.50 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2005-2006 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.75 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year.

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

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

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

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

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

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

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

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

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

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

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

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

(I) (Blank).
(J) Supplementary Grants in Aid.

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

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Section) for the 1997-1998 school year, pursuant to the provisions of that Section as it was then in effect.

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

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

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

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

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

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

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

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

(2) (Blank).

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

(M) Education Funding Advisory Board.

The Education Funding Advisory Board, hereinafter in this subsection (M) referred to as the "Board", is hereby created. The Board shall consist of 5 members who are appointed by the Governor, by and with the advice and consent of the Senate. The members appointed shall

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

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

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

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

(N) (Blank).

(O) References.

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

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

(P) Public Act 93-838 and Public Act 93-808 make inconsistent changes to this Section. Under Section 6 of the Statute on Statutes there is an irreconcilable conflict between Public Act 93-808 and Public Act 93-838. Public Act 93-838, being the last acted upon, is controlling. The text of Public Act 93-838 is the law regardless of the text of Public Act 93-808.

(Source: P.A. 93-21, eff. 7-1-03; 93-715, eff. 7-12-04; 93-808, eff. 7-26-04; 93-838, eff. 7-30-04; 93-875, eff. 8-6-04; 94-69, eff. 7-1-05; 94-438, eff. 8-4-05; 94-835, eff. 6-6-06; 94-1019, eff. 7-10-06; revised 8-3-06.)

New matter indicated by italics - deletions by strikeout
Sec. 19-1. Debt limitations of school districts.

(a) School districts shall not be subject to the provisions limiting their indebtedness prescribed in "An Act to limit the indebtedness of counties having a population of less than 500,000 and townships, school districts and other municipal corporations having a population of less than 300,000", approved February 15, 1928, as amended.

No school districts maintaining grades K through 8 or 9 through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 6.9% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

No school districts maintaining grades K through 12 shall become indebted in any manner or for any purpose in an amount, including existing indebtedness, in the aggregate exceeding 13.8% on the value of the taxable property of the entire district, to be ascertained by the last assessment for State and county taxes, plus an amount, including existing indebtedness, in the aggregate exceeding 6.9% of the value of the taxable property of that portion of the district included in the elementary and high school classification, to be ascertained by the last assessment for State and county taxes. Moreover, no partial elementary unit district, as defined in Article 11E of this Code, shall become indebted on account of bonds issued by the district for high school purposes in the

New matter indicated by italics - deletions by strikeout
aggregate exceeding 6.9% of the value of the taxable property of the entire district, to be ascertained by the last assessment for State and county taxes, nor shall the district become indebted on account of bonds issued by the district for elementary purposes in the aggregate exceeding 6.9% of the value of the taxable property for that portion of the district included in the elementary and high school classification, to be ascertained by the last assessment for State and county taxes.

Notwithstanding the provisions of any other law to the contrary, in any case in which the voters of a school district have approved a proposition for the issuance of bonds of such school district at an election held prior to January 1, 1979, and all of the bonds approved at such election have not been issued, the debt limitation applicable to such school district during the calendar year 1979 shall be computed by multiplying the value of taxable property therein, including personal property, as ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness, by the percentage limitation applicable to such school district under the provisions of this subsection (a).

(b) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, additional indebtedness may be incurred in an amount not to exceed the estimated cost of acquiring or improving school sites or constructing and equipping additional building facilities under the following conditions:

1. Whenever the enrollment of students for the next school year is estimated by the board of education to increase over the actual present enrollment by not less than 35% or by not less than 200 students or the actual present enrollment of students has increased over the previous school year by not less than 35% or by not less than 200 students and the board of education determines that additional school sites or building facilities are required as a result of such increase in enrollment; and

2. When the Regional Superintendent of Schools having jurisdiction over the school district and the State Superintendent of Education concur in such enrollment projection or increase and
approve the need for such additional school sites or building facilities and the estimated cost thereof; and

(3) When the voters in the school district approve a proposition for the issuance of bonds for the purpose of acquiring or improving such needed school sites or constructing and equipping such needed additional building facilities at an election called and held for that purpose. Notice of such an election shall state that the amount of indebtedness proposed to be incurred would exceed the debt limitation otherwise applicable to the school district. The ballot for such proposition shall state what percentage of the equalized assessed valuation will be outstanding in bonds if the proposed issuance of bonds is approved by the voters; or

(4) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if the school board determines that additional facilities are needed to provide a quality educational program and not less than 2/3 of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose; or

(5) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if (i) the school district has previously availed itself of the provisions of paragraph (4) of this subsection (b) to enable it to issue bonds, (ii) the voters of the school district have not defeated a proposition for the issuance of bonds since the referendum described in paragraph (4) of this subsection (b) was held, (iii) the school board determines that additional facilities are needed to provide a quality educational program, and (iv) a majority of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose.

In no event shall the indebtedness incurred pursuant to this subsection (b) and the existing indebtedness of the school district exceed 15% of the value of the taxable property therein to be ascertained by the
last assessment for State and county taxes, previous to the incurring of such indebtedness or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979.

The indebtedness provided for by this subsection (b) shall be in addition to and in excess of any other debt limitation.

(c) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, in any case in which a public question for the issuance of bonds of a proposed school district maintaining grades kindergarten through 12 received at least 60% of the valid ballots cast on the question at an election held on or prior to November 8, 1994, and in which the bonds approved at such election have not been issued, the school district pursuant to the requirements of Section 11A-10 (now repealed) may issue the total amount of bonds approved at such election for the purpose stated in the question.

(d) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) and (2) of this subsection (d) may incur an additional indebtedness in an amount not to exceed $4,500,000, even though the amount of the additional indebtedness authorized by this subsection (d), when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this subsection (d), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable to that district under subsection (a):

(1) The additional indebtedness authorized by this subsection (d) is incurred by the school district through the issuance of bonds under and in accordance with Section 17-2.11a for the purpose of replacing a school building which, because of mine subsidence damage, has been closed as provided in paragraph (2) of this subsection (d) or through the issuance of bonds under and in accordance with Section 19-3 for the purpose of increasing the size of, or providing for additional functions in, such replacement school buildings, or both such purposes.

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(2) The bonds issued by the school district as provided in paragraph (1) above are issued for the purposes of construction by the school district of a new school building pursuant to Section 17-2.11, to replace an existing school building that, because of mine subsidence damage, is closed as of the end of the 1992-93 school year pursuant to action of the regional superintendent of schools of the educational service region in which the district is located under Section 3-14.22 or are issued for the purpose of increasing the size of, or providing for additional functions in, the new school building being constructed to replace a school building closed as the result of mine subsidence damage, or both such purposes.

(e) (Blank).

(f) Notwithstanding the provisions of subsection (a) of this Section or of any other law, bonds in not to exceed the aggregate amount of $5,500,000 and issued by a school district meeting the following criteria shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness:

(1) At the time of the sale of such bonds, the board of education of the district shall have determined by resolution that the enrollment of students in the district is projected to increase by not less than 7% during each of the next succeeding 2 school years.

(2) The board of education shall also determine by resolution that the improvements to be financed with the proceeds of the bonds are needed because of the projected enrollment increases.

(3) The board of education shall also determine by resolution that the projected increases in enrollment are the result of improvements made or expected to be made to passenger rail facilities located in the school district.

Notwithstanding the provisions of subsection (a) of this Section or of any other law, a school district that has availed itself of the provisions

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of this subsection (f) prior to July 22, 2004 (the effective date of Public Act 93-799) may also issue bonds approved by referendum up to an amount, including existing indebtedness, not exceeding 25% of the equalized assessed value of the taxable property in the district if all of the conditions set forth in items (1), (2), and (3) of this subsection (f) are met.

(g) Notwithstanding the provisions of subsection (a) of this Section or any other law, bonds in not to exceed an aggregate amount of 25% of the equalized assessed value of the taxable property of a school district and issued by a school district meeting the criteria in paragraphs (i) through (iv) of this subsection shall not be considered indebtedness for purposes of any statutory limitation and may be issued pursuant to resolution of the school board in an amount or amounts, including existing indebtedness, in excess of any statutory limitation of indebtedness heretofore or hereafter imposed:

(i) The bonds are issued for the purpose of constructing a new high school building to replace two adjacent existing buildings which together house a single high school, each of which is more than 65 years old, and which together are located on more than 10 acres and less than 11 acres of property.

(ii) At the time the resolution authorizing the issuance of the bonds is adopted, the cost of constructing a new school building to replace the existing school building is less than 60% of the cost of repairing the existing school building.

(iii) The sale of the bonds occurs before July 1, 1997.

(iv) The school district issuing the bonds is a unit school district located in a county of less than 70,000 and more than 50,000 inhabitants, which has an average daily attendance of less than 1,500 and an equalized assessed valuation of less than $29,000,000.

(h) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27.6% of the
equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $24,000,000;

(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which buildings were originally constructed not less than 40 years ago;

(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after March 19, 1996; and

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $44,600,000;

(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which existing buildings were originally constructed not less than 80 years ago;

(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after December 31, 1996; and

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the
equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $140,000,000 and a best 3 months average daily attendance for the 1995-96 school year of at least 2,800;

(ii) The bonds are issued to purchase a site and build and equip a new high school, and the school district's existing high school was originally constructed not less than 35 years prior to the sale of the bonds;

(iii) At the time of the sale of the bonds, the board of education determines by resolution that a new high school is needed because of projected enrollment increases;

(iv) At least 60% of those voting in an election held after December 31, 1996 approve a proposition for the issuance of the bonds; and

(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(k) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) through (4) of this subsection (k) may issue bonds to incur an additional indebtedness in an amount not to exceed $4,000,000 even though the amount of the additional indebtedness authorized by this subsection (k), when incurred and added to the aggregate amount of indebtedness of the school district existing immediately prior to the school district incurring such additional indebtedness, causes the aggregate indebtedness of the school district to exceed or increases the amount by which the aggregate indebtedness of the district already exceeds the debt limitation otherwise applicable to that school district under subsection (a):

(1) the school district is located in 2 counties, and a referendum to authorize the additional indebtedness was approved by a majority of the voters of the school district voting on the proposition to authorize that indebtedness;
(2) the additional indebtedness is for the purpose of financing a multi-purpose room addition to the existing high school;

(3) the additional indebtedness, together with the existing indebtedness of the school district, shall not exceed 17.4% of the value of the taxable property in the school district, to be ascertained by the last assessment for State and county taxes; and

(4) the bonds evidencing the additional indebtedness are issued, if at all, within 120 days of the effective date of this amendatory Act of 1998.

(l) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 2000, a school district maintaining grades kindergarten through 8 may issue bonds up to an amount, including existing indebtedness, not exceeding 15% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) the district has an equalized assessed valuation for calendar year 1996 of less than $10,000,000;

(ii) the bonds are issued for capital improvement, renovation, rehabilitation, or replacement of one or more school buildings of the district, which buildings were originally constructed not less than 70 years ago;

(iii) the voters of the district approve a proposition for the issuance of the bonds at a referendum held on or after March 17, 1998; and

(iv) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(m) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, an elementary school district maintaining grades K through 8 may issue bonds up to an amount, excluding existing indebtedness, not exceeding 18% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

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(i) The school district has an equalized assessed valuation for calendar year 1995 or less than $7,700,000;
(ii) The school district operates 2 elementary attendance centers that until 1976 were operated as the attendance centers of 2 separate and distinct school districts;
(iii) The bonds are issued for the construction of a new elementary school building to replace an existing multi-level elementary school building of the school district that is not handicapped accessible at all levels and parts of which were constructed more than 75 years ago;
(iv) The voters of the school district approve a proposition for the issuance of the bonds at a referendum held after July 1, 1998; and
(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(n) Notwithstanding the debt limitation prescribed in subsection (a) of this Section or any other provisions of this Section or of any other law, a school district that meets all of the criteria set forth in paragraphs (i) through (vi) of this subsection (n) may incur additional indebtedness by the issuance of bonds in an amount not exceeding the amount certified by the Capital Development Board to the school district as provided in paragraph (iii) of this subsection (n), even though the amount of the additional indebtedness so authorized, when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this subsection (n), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable by law to that district:
   (i) The school district applies to the State Board of Education for a school construction project grant and submits a district facilities plan in support of its application pursuant to Section 5-20 of the School Construction Law.
   (ii) The school district's application and facilities plan are approved by, and the district receives a grant entitlement for a
school construction project issued by, the State Board of Education under the School Construction Law.

(iii) The school district has exhausted its bonding capacity or the unused bonding capacity of the district is less than the amount certified by the Capital Development Board to the district under Section 5-15 of the School Construction Law as the dollar amount of the school construction project's cost that the district will be required to finance with non-grant funds in order to receive a school construction project grant under the School Construction Law.

(iv) The bonds are issued for a "school construction project", as that term is defined in Section 5-5 of the School Construction Law, in an amount that does not exceed the dollar amount certified, as provided in paragraph (iii) of this subsection (n), by the Capital Development Board to the school district under Section 5-15 of the School Construction Law.

(v) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after the criteria specified in paragraphs (i) and (iii) of this subsection (n) are met.

(vi) The bonds are issued pursuant to Sections 19-2 through 19-7 of the School Code.

(o) Notwithstanding any other provisions of this Section or the provisions of any other law, until November 1, 2007, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 20% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) the school district has an equalized assessed valuation for calendar year 2001 of at least $737,000,000 and an enrollment for the 2002-2003 school year of at least 8,500;

(ii) the bonds are issued to purchase school sites, build and equip a new high school, build and equip a new junior high school, build and equip 5 new elementary schools, and make technology and other improvements and additions to existing schools;

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(iii) at the time of the sale of the bonds, the board of education determines by resolution that the sites and new or improved facilities are needed because of projected enrollment increases;

(iv) at least 57% of those voting in a general election held prior to January 1, 2003 approved a proposition for the issuance of the bonds; and

(v) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(p) Notwithstanding any other provisions of this Section or the provisions of any other law, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 2001 of at least $295,741,187 and a best 3 months' average daily attendance for the 2002-2003 school year of at least 2,394.

(ii) The bonds are issued to build and equip 3 elementary school buildings; build and equip one middle school building; and alter, repair, improve, and equip all existing school buildings in the district.

(iii) At the time of the sale of the bonds, the board of education determines by resolution that the project is needed because of expanding growth in the school district and a projected enrollment increase.

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(p-5) Notwithstanding any other provisions of this Section or the provisions of any other law, bonds issued by a community unit school district maintaining grades K through 12 shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any
heretofore or hereafter imposed statutory limitation as to indebtedness, if all of the following conditions are met:

(i) For each of the 4 most recent years, residential property comprises more than 80% of the equalized assessed valuation of the district.

(ii) At least 2 school buildings that were constructed 40 or more years prior to the issuance of the bonds will be demolished and will be replaced by new buildings or additions to one or more existing buildings.

(iii) Voters of the district approve a proposition for the issuance of the bonds at a regularly scheduled election.

(iv) At the time of the sale of the bonds, the school board determines by resolution that the new buildings or building additions are needed because of an increase in enrollment projected by the school board.

(v) The principal amount of the bonds, including existing indebtedness, does not exceed 25% of the equalized assessed value of the taxable property in the district.

(vi) The bonds are issued prior to January 1, 2007, pursuant to Sections 19-2 through 19-7 of this Code.

(p-10) Notwithstanding any other provisions of this Section or the provisions of any other law, bonds issued by a community consolidated school district maintaining grades K through 8 shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness, if all of the following conditions are met:

(i) For each of the 4 most recent years, residential and farm property comprises more than 80% of the equalized assessed valuation of the district.

(ii) The bond proceeds are to be used to acquire and improve school sites and build and equip a school building.

(iii) Voters of the district approve a proposition for the issuance of the bonds at a regularly scheduled election.

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(iv) At the time of the sale of the bonds, the school board determines by resolution that the school sites and building additions are needed because of an increase in enrollment projected by the school board.

(v) The principal amount of the bonds, including existing indebtedness, does not exceed 20% of the equalized assessed value of the taxable property in the district.

(vi) The bonds are issued prior to January 1, 2007, pursuant to Sections 19-2 through 19-7 of this Code.

(q) A school district must notify the State Board of Education prior to issuing any form of long-term or short-term debt that will result in outstanding debt that exceeds 75% of the debt limit specified in this Section or any other provision of law.

Sec. 21-1b. Subject endorsement on certificates. All certificates initially issued under this Article after June 30, 1986, shall be specifically endorsed by the State Board of Education for each subject the holder of the certificate is legally qualified to teach, such endorsements to be made in accordance with standards promulgated by the State Board of Education in consultation with the State Teacher Certification Board. The regional superintendent of schools, however, has the duty, after appropriate training, to accept and review all transcripts for new initial certificate applications and ensure that each applicant has met all of the criteria established by the State Board of Education in consultation with the State Teacher Certification Board. All certificates which are issued under this Article prior to July 1, 1986 may, by application to the State Board of Education, be specifically endorsed for each subject the holder is legally qualified to teach. Endorsements issued under this Section shall not apply to substitute teacher's certificates issued under Section 21-9 of this Code.

Commencing July 1, 1999, each application for endorsement of an existing teaching certificate shall be accompanied by a $30 nonrefundable fee.
fee. There is hereby created a Teacher Certificate Fee Revolving Fund as a special fund within the State Treasury. The proceeds of each $30 fee shall be paid into the Teacher Certificate Fee Revolving Fund; and the moneys in that Fund shall be appropriated and used to provide the technology and other resources necessary for the timely and efficient processing of certification requests.

The State Board of Education and each regional office of education are authorized to charge a service or convenience fee for the use of credit cards for the payment of certification fees. This service or convenience fee may not exceed the amount required by the credit card processing company or vendor that has entered into a contract with the State Board or regional office of education for this purpose, and the fee must be paid to that company or vendor.

(Source: P.A. 93-679, eff. 6-30-04; 93-1036, eff. 9-14-04; revised 10-22-04.)

(105 ILCS 5/21-12) (from Ch. 122, par. 21-12)

Sec. 21-12. Printing; Seal; Signature; Credentials. All certificates shall be printed by and bear the signatures of the chairman and of the secretary of the State Teacher Certification Board. Each certificate shall show the integrally printed seal of the State Teacher Certification Board. All college credentials offered as the basis of a certificate shall be presented to the secretary of the State Teacher Certification Board for inspection and approval. The regional superintendent of schools, however, has the duty, after appropriate training, to accept and review all transcripts for new initial certificate applications and ensure that each applicant has met all of the criteria established by the State Board of Education in consultation with the State Teacher Certification Board.

Commencing July 1, 1999, each application for a certificate or evaluation of credentials shall be accompanied by an evaluation fee of $30 payable to the State Superintendent of Education, which is not refundable, except that no application or evaluation fee shall be required for a Master Certificate issued pursuant to subsection (d) of Section 21-2 of this Code. The proceeds of each $30 fee shall be paid into the Teacher Certificate Fee Revolving Fund, created under Section 21-1b of this Code; and the
moneys in that Fund shall be appropriated and used to provide the technology and other resources necessary for the timely and efficient processing of certification requests.

The State Board of Education and each regional office of education are authorized to charge a service or convenience fee for the use of credit cards for the payment of certification fees. This service or convenience fee may not exceed the amount required by the credit card processing company or vendor that has entered into a contract with the State Board or regional office of education for this purpose, and the fee must be paid to that company or vendor.

When evaluation verifies the requirements for a valid certificate, the applicant shall be issued an entitlement card that may be presented to a regional superintendent of schools for issuance of a certificate. The applicant shall be notified of any deficiencies.

(Source: P.A. 93-679, eff. 6-30-04; 93-1036, eff. 9-14-04; revised 10-22-04.)

(105 ILCS 5/21-14) (from Ch. 122, par. 21-14)
Sec. 21-14. Registration and renewal of certificates.
(a) A limited four-year certificate or a certificate issued after July 1, 1955, shall be renewable at its expiration or within 60 days thereafter by the county superintendent of schools having supervision and control over the school where the teacher is teaching upon certified evidence of meeting the requirements for renewal as required by this Act and prescribed by the State Board of Education in consultation with the State Teacher Certification Board. An elementary supervisory certificate shall not be renewed at the end of the first four-year period covered by the certificate unless the holder thereof has filed certified evidence with the State Teacher Certification Board that he has a master's degree or that he has earned 8 semester hours of credit in the field of educational administration and supervision in a recognized institution of higher learning. The holder shall continue to earn 8 semester hours of credit each four-year period until such time as he has earned a master's degree.

All certificates not renewed or registered as herein provided shall lapse after a period of 5 years from the expiration of the last year of

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registration. Such certificates may be reinstated for a one year period upon payment of all accumulated registration fees. Such reinstated certificates shall only be renewed: (1) by earning 5 semester hours of credit in a recognized institution of higher learning in the field of professional education or in courses related to the holder's contractual teaching duties; or (2) by presenting evidence of holding a valid regular certificate of some other type. Any certificate may be voluntarily surrendered by the certificate holder. A voluntarily surrendered certificate shall be treated as a revoked certificate.

(b) When those teaching certificates issued before February 15, 2000 are renewed for the first time after February 15, 2000, all such teaching certificates shall be exchanged for Standard Teaching Certificates as provided in subsection (c) of Section 21-2. All Initial and Standard Teaching Certificates, including those issued to persons who previously held teaching certificates issued before February 15, 2000, shall be renewable under the conditions set forth in this subsection (b).

Initial Teaching Certificates are valid for 4 years of teaching, as provided in subsection (b) of Section 21-2 of this Code, and are renewable every 4 years until the person completes 4 years of teaching. If the holder of an Initial Certificate has completed 4 years of teaching but has not completed the requirements set forth in paragraph (2) of subsection (c) of Section 21-2 of this Code, then the Initial Certificate may be reinstated for one year, during which the requirements must be met. A holder of an Initial Certificate who has not completed 4 years of teaching may continuously register the certificate for additional 4-year periods without penalty. Initial Certificates that are not registered shall lapse consistent with subsection (a) of this Section and may be reinstated only in accordance with subsection (a). Standard Teaching Certificates are renewable every 5 years as provided in subsection (c) of Section 21-2 and subsection (c) of this Section. For purposes of this Section, "teaching" is defined as employment and performance of services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, in a certificated
teaching position, or a charter school operating in compliance with the Charter Schools Law.

(c) In compliance with subsection (c) of Section 21-2 of this Code, which provides that a Standard Teaching Certificate may be renewed by the State Teacher Certification Board based upon proof of continuing professional development, the State Board of Education and the State Teacher Certification Board shall jointly:

(1) establish a procedure for renewing Standard Teaching Certificates, which shall include but not be limited to annual timelines for the renewal process and the components set forth in subsections (d) through (k) of this Section;

(2) establish the standards for certificate renewal;

(3) approve or disapprove the providers of continuing professional development activities;

(4) determine the maximum credit for each category of continuing professional development activities, based upon recommendations submitted by a continuing professional development activity task force, which shall consist of 6 staff members from the State Board of Education, appointed by the State Superintendent of Education, and 6 teacher representatives, 3 of whom are selected by the Illinois Education Association and 3 of whom are selected by the Illinois Federation of Teachers;

(5) designate the type and amount of documentation required to show that continuing professional development activities have been completed; and

(6) provide, on a timely basis to all Illinois teachers, certificate holders, regional superintendents of schools, school districts, and others with an interest in continuing professional development, information about the standards and requirements established pursuant to this subsection (c).

(d) Any Standard Teaching Certificate held by an individual employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control in a certificated teaching
position or a charter school in compliance with the Charter Schools Law must be maintained Valid and Active through certificate renewal activities specified in the certificate renewal procedure established pursuant to subsection (c) of this Section, provided that a holder of a Valid and Active certificate who is only employed on either a part-time basis or day-to-day basis as a substitute teacher shall pay only the required registration fee to renew his or her certificate and maintain it as Valid and Active. All other Standard Teaching Certificates held may be maintained as Valid and Exempt through the registration process provided for in the certificate renewal procedure established pursuant to subsection (c) of this Section. A Valid and Exempt certificate must be immediately activated, through procedures developed jointly by the State Board of Education and the State Teacher Certification Board, upon the certificate holder becoming employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control in a certificated teaching position or a charter school operating in compliance with the Charter Schools Law. A holder of a Valid and Exempt certificate may activate his or her certificate through procedures provided for in the certificate renewal procedure established pursuant to subsection (c) of this Section.

(e)(1) A Standard Teaching Certificate that has been maintained as Valid and Active for the 5 years of the certificate's validity shall be renewed as Valid and Active upon the certificate holder: (i) completing an advanced degree from an approved institution in an education-related field; (ii) completing at least 8 semester hours of coursework as described in subdivision (B) of paragraph (3) of this subsection (e); (iii) earning at least 24 continuing education units as described in subdivision (C) of paragraph (3) of this subsection (e); (iv) completing the National Board for Professional Teaching Standards process as described in subdivision (D) of paragraph (3) of this subsection (e); or (v) earning 120 continuing professional development units ("CPDU") as described in subdivision (E) of paragraph (3) of this subsection (e). The maximum continuing professional development units for each continuing professional development activity identified in subdivisions (F) through (J) of
paragraph (3) of this subsection (e) shall be jointly determined by the State Board of Education and the State Teacher Certification Board. If, however, the certificate holder has maintained the certificate as Valid and Exempt for a portion of the 5-year period of validity, the number of continuing professional development units needed to renew the certificate as Valid and Active shall be proportionately reduced by the amount of time the certificate was Valid and Exempt. Furthermore, if a certificate holder is employed and performs teaching services on a part-time basis for all or a portion of the certificate's 5-year period of validity, the number of continuing professional development units needed to renew the certificate as Valid and Active shall be reduced by 50% for the amount of time the certificate holder has been employed and performed teaching services on a part-time basis. Part-time shall be defined as less than 50% of the school day or school term.

Notwithstanding any other requirements to the contrary, if a Standard Teaching Certificate has been maintained as Valid and Active for the 5 years of the certificate's validity and the certificate holder has completed his or her certificate renewal plan before July 1, 2002, the certificate shall be renewed as Valid and Active.

(2) Beginning July 1, 2004, in order to satisfy the requirements for continuing professional development provided for in subsection (c) of Section 21-2 of this Code, each Valid and Active Standard Teaching Certificate holder shall complete professional development activities that address the certificate or those certificates that are required of his or her certificated teaching position, if the certificate holder is employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, or that certificate or those certificates most closely related to his or her teaching position, if the certificate holder is employed in a charter school. Except as otherwise provided in this subsection (e), the certificate holder's activities must address purposes (A), (B), (C), or (D) and must reflect purpose (E) of the following continuing professional development purposes:

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(A) Advance both the certificate holder's knowledge and skills as a teacher consistent with the Illinois Professional Teaching Standards and the Illinois Content Area Standards in the certificate holder's areas of certification, endorsement, or teaching assignment in order to keep the certificate holder current in those areas.

(B) Develop the certificate holder's knowledge and skills in areas determined to be critical for all Illinois teachers, as defined by the State Board of Education, known as "State priorities".

(C) Address the knowledge, skills, and goals of the certificate holder's local school improvement plan, if the teacher is employed in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control.

(D) Expand the certificate holder's knowledge and skills in an additional teaching field or toward the acquisition of another teaching certificate, endorsement, or relevant education degree.

(E) Address the needs of serving students with disabilities, including adapting and modifying the general curriculum related to the Illinois Learning Standards to meet the needs of students with disabilities and serving such students in the least restrictive environment. Teachers who hold certificates endorsed for special education must devote at least 50% of their continuing professional development activities to this purpose. Teachers holding other certificates must devote at least 20% of their activities to this purpose.

A speech-language pathologist or audiologist who is licensed under the Illinois Speech-Language Pathology and Audiology Practice Act and who has met the continuing education requirements of that Act and the rules promulgated under that Act shall be deemed to have satisfied the continuing professional development requirements established by the State Board of Education and the Teacher Certification Board to renew a Standard Certificate.

(3) Continuing professional development activities may include, but are not limited to, the following activities:

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(A) completion of an advanced degree from an approved institution in an education-related field;

(B) at least 8 semester hours of coursework in an approved education-related program, of which at least 2 semester hours relate to the continuing professional development purpose set forth in purpose (A) of paragraph (2) of this subsection (e), completion of which means no other continuing professional development activities are required;

(C) continuing education units that satisfy the continuing professional development purposes set forth in paragraph (2) of this subsection (e), with each continuing education unit equal to 5 clock hours, provided that a plan that includes at least 24 continuing education units (or 120 clock/contact hours) need not include any other continuing professional development activities;

(D) completion of the National Board for Professional Teaching Standards ("NBPTS") process for certification or recertification, completion of which means no other continuing professional development activities are required;

(E) completion of 120 continuing professional development units that satisfy the continuing professional development purposes set forth in paragraph (2) of this subsection (e) and may include without limitation the activities identified in subdivisions (F) through (J) of this paragraph (3);

(F) collaboration and partnership activities related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) participating on collaborative planning and professional improvement teams and committees;

(ii) peer review and coaching;

(iii) mentoring in a formal mentoring program, including service as a consulting teacher participating in a remediation process formulated under Section 24A-5 of this Code;

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(iv) participating in site-based management or decision making teams, relevant committees, boards, or task forces directly related to school improvement plans;
(v) coordinating community resources in schools, if the project is a specific goal of the school improvement plan;
(vi) facilitating parent education programs for a school, school district, or regional office of education directly related to student achievement or school improvement plans;
(vii) participating in business, school, or community partnerships directly related to student achievement or school improvement plans; or
(viii) supervising a student teacher or teacher education candidate in clinical supervision, provided that the supervision may only be counted once during the course of 5 years;

(G) college or university coursework related to improving the teacher's knowledge and skills as a teacher as follows:

(i) completing undergraduate or graduate credit earned from a regionally accredited institution in coursework relevant to the certificate area being renewed, including coursework that incorporates induction activities and development of a portfolio of both student and teacher work that provides experience in reflective practices, provided the coursework meets Illinois Professional Teaching Standards or Illinois Content Area Standards and supports the essential characteristics of quality professional development; or

(ii) teaching college or university courses in areas relevant to the certificate area being renewed, provided that the teaching may only be counted once during the course of 5 years;

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(H) conferences, workshops, institutes, seminars, and symposiums related to improving the teacher's knowledge and skills as a teacher, subject to disapproval of the activity or event by the State Teacher Certification Board acting jointly with the State Board of Education, including the following:

   (i) completing non-university credit directly related to student achievement, school improvement plans, or State priorities;

   (ii) participating in or presenting at workshops, seminars, conferences, institutes, and symposiums;

   (iii) training as external reviewers for Quality Assurance; or

   (iv) training as reviewers of university teacher preparation programs.

A teacher, however, may not receive credit for conferences, workshops, institutes, seminars, or symposiums that are designed for entertainment, promotional, or commercial purposes or that are solely inspirational or motivational. The State Superintendent of Education and regional superintendents of schools are authorized to review the activities and events provided or to be provided under this subdivision (H) and to investigate complaints regarding those activities and events, and either the State Superintendent of Education or a regional superintendent of schools may recommend that the State Teacher Certification Board and the State Board of Education jointly disapprove those activities and events considered to be inconsistent with this subdivision (H);

(I) other educational experiences related to improving the teacher's knowledge and skills as a teacher, including the following:

   (i) participating in action research and inquiry projects;

   (ii) observing programs or teaching in schools, related businesses, or industry that is systematic, purposeful, and relevant to certificate renewal;

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(iii) traveling related to one's teaching assignment, directly related to student achievement or school improvement plans and approved by the regional superintendent of schools or his or her designee at least 30 days prior to the travel experience, provided that the traveling shall not include time spent commuting to destinations where the learning experience will occur;

(iv) participating in study groups related to student achievement or school improvement plans;

(v) serving on a statewide education-related committee, including but not limited to the State Teacher Certification Board, State Board of Education strategic agenda teams, or the State Advisory Council on Education of Children with Disabilities;

(vi) participating in work/learn programs or internships; or

(vii) developing a portfolio of student and teacher work;

(J) professional leadership experiences related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) participating in curriculum development or assessment activities at the school, school district, regional office of education, State, or national level;

(ii) participating in team or department leadership in a school or school district;

(iii) participating on external or internal school or school district review teams;

(iv) publishing educational articles, columns, or books relevant to the certificate area being renewed; or

(v) participating in non-strike related professional association or labor organization service or activities related to professional development;

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(K) receipt of a subsequent Illinois certificate or endorsement pursuant to this Article; or

(L) completion of requirements for meeting the Illinois criteria for becoming "highly qualified" (for purposes of the No Child Left Behind Act of 2001, Public Law 107-110) in an additional teaching area; or

(M) successful completion of 4 semester hours of graduate-level coursework on the assessment of one's own performance in relation to the Illinois Teaching Standards, as described in clause (B) of paragraph (2) of subsection (c) of Section 21-2 of this Code; or

(N) successful completion of a minimum of 4 semester hours of graduate-level coursework addressing preparation to meet the requirements for certification by the National Board for Professional Teaching Standards, as described in clause (C) of paragraph (2) of subsection (c) of Section 21-2 of this Code.

(4) A person must complete the requirements of this subsection (e) before the expiration of his or her Standard Teaching Certificate and must submit assurance to the regional superintendent of schools or, if applicable, a local professional development committee authorized by the regional superintendent to submit recommendations to him or her for this purpose. The statement of assurance shall contain a list of the activities completed, the provider offering each activity, the number of credits earned for each activity, and the purposes to which each activity is attributed. The certificate holder shall maintain the evidence of completion of each activity for at least one certificate renewal cycle. The certificate holder shall affirm under penalty of perjury that he or she has completed the activities listed and will maintain the required evidence of completion. The State Board of Education or the regional superintendent of schools for each region shall conduct random audits of assurance statements and supporting documentation.

(5) (Blank).

(6) (Blank).

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(f) Notwithstanding any other provisions of this Code, a school district is authorized to enter into an agreement with the exclusive bargaining representative, if any, to form a local professional development committee (LPDC). The membership and terms of members of the LPDC may be determined by the agreement. Provisions regarding LPDCs contained in a collective bargaining agreement in existence on the effective date of this amendatory Act of the 93rd General Assembly between a school district and the exclusive bargaining representative shall remain in full force and effect for the term of the agreement, unless terminated by mutual agreement. The LPDC shall make recommendations to the regional superintendent of schools on renewal of teaching certificates. The regional superintendent of schools for each region shall perform the following functions:

(1) review recommendations for certificate renewal, if any, received from LPDCs;
(2) (blank);
(3) (blank);
(4) (blank);
(5) determine whether certificate holders have met the requirements for certificate renewal and notify certificate holders if the decision is not to renew the certificate;
(6) provide a certificate holder with the opportunity to appeal a recommendation made by a LPDC, if any, not to renew the certificate to the regional professional development review committee;
(7) issue and forward recommendations for renewal or nonrenewal of certificate holders' Standard Teaching Certificates to the State Teacher Certification Board; and
(8) (blank).

(g)(1) Each regional superintendent of schools shall review and concur or nonconcur with each recommendation for renewal or nonrenewal of a Standard Teaching Certificate he or she receives from a local professional development committee, if any, or, if a certificate holder appeals the recommendation to the regional professional development

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review committee, the recommendation for renewal or nonrenewal he or she receives from a regional professional development review committee and, within 14 days of receipt of the recommendation, shall provide the State Teacher Certification Board with verification of the following, if applicable:

(A) the certificate holder has satisfactorily completed professional development and continuing education activities set forth in paragraph (3) of subsection (e) of this Section;

(B) the certificate holder has submitted the statement of assurance required under paragraph (4) of subsection (e) of this Section, and this statement has been attached to the application for renewal;

(C) the local professional development committee, if any, has recommended the renewal of the certificate holder's Standard Teaching Certificate and forwarded the recommendation to the regional superintendent of schools;

(D) the certificate holder has appealed his or her local professional development committee's recommendation of nonrenewal, if any, to the regional professional development review committee and the result of that appeal;

(E) the regional superintendent of schools has concurred or nonconcurred with the local professional development committee's or regional professional development review committee's recommendation, if any, to renew or nonrenew the certificate holder's Standard Teaching Certificate and made a recommendation to that effect; and

(F) the established registration fee for the Standard Teaching Certificate has been paid.

If the notice required by this subsection (g) includes a recommendation of certificate nonrenewal, then, at the same time the regional superintendent of schools provides the State Teacher Certification Board with the notice, he or she shall also notify the certificate holder in writing, by certified mail, return receipt requested, that this notice has been provided to the State Teacher Certification Board.

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(2) Each certificate holder shall have the right to appeal his or her local professional development committee’s recommendation of nonrenewal, if any, to the regional professional development review committee, within 14 days of receipt of notice that the recommendation has been sent to the regional superintendent of schools. Each regional superintendent of schools shall establish a regional professional development review committee or committees for the purpose of advising the regional superintendent of schools, upon request, and handling certificate holder appeals. This committee shall consist of at least 4 classroom teachers, one non-administrative certificated educational employee, 2 administrators, and one at-large member who shall be either (i) a parent, (ii) a member of the business community, (iii) a community member, or (iv) an administrator, with preference given to an individual chosen from among those persons listed in items (i), (ii), and (iii) in order to secure representation of an interest not already represented on the committee. The teacher and non-administrative certificated educational employee members of the review committee shall be selected by their exclusive representative, if any, and the administrators and at-large member shall be selected by the regional superintendent of schools. A regional superintendent of schools may add additional members to the committee, provided that the same proportion of teachers to administrators and at-large members on the committee is maintained. Any additional teacher and non-administrative certificated educational employee members shall be selected by their exclusive representative, if any. Vacancies in positions on a regional professional development review committee shall be filled in the same manner as the original selections. Committee members shall serve staggered 3-year terms. All individuals selected to serve on regional professional development review committees must be known to demonstrate the best practices in teaching or their respective field of practice.

(h)(1) The State Teacher Certification Board shall review the regional superintendent of schools' recommendations to renew or nonrenew Standard Teaching Certificates and notify certificate holders in writing whether their certificates have been renewed or nonrenewed within
90 days of receipt of the recommendations, unless a certificate holder has appealed a regional superintendent of schools' recommendation of nonrenewal, as provided in paragraph (2) of this subsection (h). The State Teacher Certification Board shall verify that the certificate holder has met the renewal criteria set forth in paragraph (1) of subsection (g) of this Section.

(2) Each certificate holder shall have the right to appeal a regional superintendent of school's recommendation to nonrenew his or her Standard Teaching Certificate to the State Teacher Certification Board, within 14 days of receipt of notice that the decision has been sent to the State Teacher Certification Board, which shall hold an appeal hearing within 60 days of receipt of the appeal. When such an appeal is taken, the certificate holder's Standard Teaching Certificate shall continue to be valid until the appeal is finally determined. The State Teacher Certification Board shall review the regional superintendent of school's recommendation, the regional professional development review committee's recommendation, if any, and the local professional development committee's recommendation, if any, and all relevant documentation to verify whether the certificate holder has met the renewal criteria set forth in paragraph (1) of subsection (g) of this Section. The State Teacher Certification Board may request that the certificate holder appear before it. All actions taken by the State Teacher Certification Board shall require a quorum and be by a simple majority of those present and voting. A record of all votes shall be maintained. The State Teacher Certification Board shall notify the certificate holder in writing, within 7 days of completing the review, whether his or her Standard Teaching Certificate has been renewed or nonrenewed, provided that if the State Teacher Certification Board determines to nonrenew a certificate, the written notice provided to the certificate holder shall be by certified mail, return receipt requested. All certificate renewal or nonrenewal decisions of the State Teacher Certification Board are final and subject to administrative review, as set forth in Section 21-24 of this Code.

(i) Holders of Master Teaching Certificates shall meet the same requirements and follow the same procedures as holders of Standard Teaching Certificates.
Teaching Certificates, except that their renewal cycle shall be as set forth in subsection (d) of Section 21-2 of this Code and their renewal requirements shall be subject to paragraph (8) of subsection (c) of Section 21-2 of this Code.

A holder of a teaching certificate endorsed as a speech-language pathologist who has been granted the Certificate of Clinical Competence by the American Speech-Language Hearing Association may renew his or her Standard Teaching Certificate pursuant to the 10-year renewal cycle set forth in subsection (d) of Section 21-2 of this Code.

(j) Holders of Valid and Exempt Standard and Master Teaching Certificates who are not employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, in a certificated teaching position, may voluntarily activate their certificates through the regional superintendent of schools of the regional office of education for the geographic area where their teaching is done. These certificate holders shall follow the same renewal criteria and procedures as all other Standard and Master Teaching Certificate holders, except that their continuing professional development activities need not reflect or address the knowledge, skills, and goals of a local school improvement plan.

(k) (Blank).

(l) (Blank).

(m) The changes made to this Section by this amendatory Act of the 93rd General Assembly that affect renewal of Standard and Master Certificates shall apply to those persons who hold Standard or Master Certificates on or after the effective date of this amendatory Act of the 93rd General Assembly and shall be given effect upon renewal of those certificates.

(Source: P.A. 92-510, eff. 6-1-02; 92-796, eff. 8-10-02; 93-81, eff. 7-2-03; 93-679, eff. 6-30-04; revised 9-20-06.)

(105 ILCS 5/22-35)

Sec. 22-35. Sharing information on school lunch applicants; consent. Before an entity shares with the Department of Healthcare and

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Family Services Public Aid information on an applicant for free or reduced-price lunches under Section 2-3.131, 3-14.29, 10-28, or 34-18.26 of this Code or Section 10 of the School Breakfast and Lunch Program Act, that entity must obtain, in writing, the consent of the applicant's parent or legal guardian. The Department of Healthcare and Family Services Public Aid may not seek any punitive action against or withhold any benefit or subsidy from an applicant for a free or reduced-price lunch due to the applicant's parent or legal guardian withholding consent.

(Source: P.A. 93-404, eff. 8-1-03; revised 12-15-05.)

(105 ILCS 5/27-6) (from Ch. 122, par. 27-6)
Sec. 27-6. Courses in physical education required; special activities.

(a) Pupils enrolled in the public schools and State universities engaged in preparing teachers shall be required to engage daily during the school day, except on block scheduled days for those public schools engaged in block scheduling, in courses of physical education for such periods as are compatible with the optimum growth and developmental needs of individuals at the various age levels except when appropriate excuses are submitted to the school by a pupil's parent or guardian or by a person licensed under the Medical Practice Act of 1987 and except as provided in subsection (b) of this Section.

Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act of 1987, prevents their participation in the courses provided for normal children.

(b) A school board is authorized to excuse pupils enrolled in grades 11 and 12 from engaging in physical education courses if those pupils request to be excused for any of the following reasons: (1) for ongoing participation in an interscholastic athletic program; (2) to enroll in academic classes which are required for admission to an institution of higher learning, provided that failure to take such classes will result in the pupil being denied admission to the institution of his or her choice; or (3) to enroll in academic classes which are required for graduation from high school, provided that failure to take such classes will result in the pupil
being unable to graduate. A school board may also excuse pupils in grades 9 through 12 enrolled in a marching band program for credit from engaging in physical education courses if those pupils request to be excused for ongoing participation in such marching band program. In addition, a school board may excuse pupils in grades 9 through 12 if those pupils must utilize the time set aside for physical education to receive special education support and services. A school board may also excuse pupils in grades 9 through 12 enrolled in a Reserve Officer's Training Corps (ROTC) program sponsored by the school district from engaging in physical education courses. School boards which choose to exercise this authority shall establish a policy to excuse pupils on an individual basis.

(c) The provisions of this Section are subject to the provisions of Section 27-22.05.

(Source: P.A. 94-189, eff. 7-12-05; 94-198, eff. 1-1-06; 94-200, eff. 7-12-05; revised 8-19-05.)

(105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

Sec. 27-8.1. Health examinations and immunizations.

(1) In compliance with rules and regulations which the Department of Public Health shall promulgate, and except as hereinafter provided, all children in Illinois shall have a health examination as follows: within one year prior to entering kindergarten or the first grade of any public, private, or parochial elementary school; upon entering the fifth and ninth grades of any public, private, or parochial school; prior to entrance into any public, private, or parochial nursery school; and, irrespective of grade, immediately prior to or upon entrance into any public, private, or parochial school or nursery school, each child shall present proof of having been examined in accordance with this Section and the rules and regulations promulgated hereunder.

A tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis. Additional health examinations of pupils, including vision examinations, may be required when deemed necessary by school authorities. Parents are encouraged to have their children

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undergo vision examinations at the same points in time required for health examinations.

(1.5) In compliance with rules adopted by the Department of Public Health and except as otherwise provided in this Section, all children in kindergarten and the second and sixth grades of any public, private, or parochial school shall have a dental examination. Each of these children shall present proof of having been examined by a dentist in accordance with this Section and rules adopted under this Section before May 15th of the school year. If a child in the second or sixth grade fails to present proof by May 15th, the school may hold the child's report card until one of the following occurs: (i) the child presents proof of a completed dental examination or (ii) the child presents proof that a dental examination will take place within 60 days after May 15th. The Department of Public Health shall establish, by rule, a waiver for children who show an undue burden or a lack of access to a dentist. Each public, private, and parochial school must give notice of this dental examination requirement to the parents and guardians of students at least 60 days before May 15th of each school year.

(2) The Department of Public Health shall promulgate rules and regulations specifying the examinations and procedures that constitute a health examination, which shall include the collection of data relating to obesity; (including at a minimum, date of birth, gender, height, weight, blood pressure, and date of exam), and a dental examination and may recommend by rule that certain additional examinations be performed. The rules and regulations of the Department of Public Health shall specify that a tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis. The Department of Public Health shall specify that a diabetes screening as defined by rule shall be included as a required part of each health examination. Diabetes testing is not required.

Physicians licensed to practice medicine in all of its branches, advanced practice nurses who have a written collaborative agreement with a collaborating physician which authorizes them to perform health

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examinations, or physician assistants who have been delegated the performance of health examinations by their supervising physician shall be responsible for the performance of the health examinations, other than dental examinations and vision and hearing screening, and shall sign all report forms required by subsection (4) of this Section that pertain to those portions of the health examination for which the physician, advanced practice nurse, or physician assistant is responsible. If a registered nurse performs any part of a health examination, then a physician licensed to practice medicine in all of its branches must review and sign all required report forms. Licensed dentists shall perform all dental examinations and shall sign all report forms required by subsection (4) of this Section that pertain to the dental examinations. Physicians licensed to practice medicine in all its branches, or licensed optometrists, shall perform all vision exams required by school authorities and shall sign all report forms required by subsection (4) of this Section that pertain to the vision exam. Vision and hearing screening tests, which shall not be considered examinations as that term is used in this Section, shall be conducted in accordance with rules and regulations of the Department of Public Health, and by individuals whom the Department of Public Health has certified. In these rules and regulations, the Department of Public Health shall require that individuals conducting vision screening tests give a child's parent or guardian written notification, before the vision screening is conducted, that states, "Vision screening is not a substitute for a complete eye and vision evaluation by an eye doctor. Your child is not required to undergo this vision screening if an optometrist or ophthalmologist has completed and signed a report form indicating that an examination has been administered within the previous 12 months."

(3) Every child shall, at or about the same time as he or she receives a health examination required by subsection (1) of this Section, present to the local school proof of having received such immunizations against preventable communicable diseases as the Department of Public Health shall require by rules and regulations promulgated pursuant to this Section and the Communicable Disease Prevention Act.

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(4) The individuals conducting the health examination or dental examination shall record the fact of having conducted the examination, and such additional information as required, including for a health examination data relating to obesity; (including at a minimum, date of birth, gender, height, weight, blood pressure, and date of exam), on uniform forms which the Department of Public Health and the State Board of Education shall prescribe for statewide use. The examiner shall summarize on the report form any condition that he or she suspects indicates a need for special services, including for a health examination factors relating to obesity. The individuals confirming the administration of required immunizations shall record as indicated on the form that the immunizations were administered.

(5) If a child does not submit proof of having had either the health examination or the immunization as required, then the child shall be examined or receive the immunization, as the case may be, and present proof by October 15 of the current school year, or by an earlier date of the current school year established by a school district. To establish a date before October 15 of the current school year for the health examination or immunization as required, a school district must give notice of the requirements of this Section 60 days prior to the earlier established date. If for medical reasons one or more of the required immunizations must be given after October 15 of the current school year, or after an earlier established date of the current school year, then the child shall present, by October 15, or by the earlier established date, a schedule for the administration of the immunizations and a statement of the medical reasons causing the delay, both the schedule and the statement being issued by the physician, advanced practice nurse, physician assistant, registered nurse, or local health department that will be responsible for administration of the remaining required immunizations. If a child does not comply by October 15, or by the earlier established date of the current school year, with the requirements of this subsection, then the local school authority shall exclude that child from school until such time as the child presents proof of having had the health examination as required and presents proof of having received those required immunizations which are

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medically possible to receive immediately. During a child's exclusion from school for noncompliance with this subsection, the child's parents or legal guardian shall be considered in violation of Section 26-1 and subject to any penalty imposed by Section 26-10. This subsection (5) does not apply to dental examinations.

(6) Every school shall report to the State Board of Education by November 15, in the manner which that agency shall require, the number of children who have received the necessary immunizations and the health examination (other than a dental examination) as required, indicating, of those who have not received the immunizations and examination as required, the number of children who are exempt from health examination and immunization requirements on religious or medical grounds as provided in subsection (8). Every school shall report to the State Board of Education by June 30, in the manner that the State Board requires, the number of children who have received the required dental examination, indicating, of those who have not received the required dental examination, the number of children who are exempt from the dental examination on religious grounds as provided in subsection (8) of this Section and the number of children who have received a waiver under subsection (1.5) of this Section. This reported information shall be provided to the Department of Public Health by the State Board of Education.

(7) Upon determining that the number of pupils who are required to be in compliance with subsection (5) of this Section is below 90% of the number of pupils enrolled in the school district, 10% of each State aid payment made pursuant to Section 18-8.05 to the school district for such year shall be withheld by the regional superintendent until the number of students in compliance with subsection (5) is the applicable specified percentage or higher.

(8) Parents or legal guardians who object to health or dental examinations or any part thereof, or to immunizations, on religious grounds shall not be required to submit their children or wards to the examinations or immunizations to which they so object if such parents or legal guardians present to the appropriate local school authority a signed

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statement of objection, detailing the grounds for the objection. If the physical condition of the child is such that any one or more of the immunizing agents should not be administered, the examining physician, advanced practice nurse, or physician assistant responsible for the performance of the health examination shall endorse that fact upon the health examination form. Exempting a child from the health or dental examination does not exempt the child from participation in the program of physical education training provided in Sections 27-5 through 27-7 of this Code.

(9) For the purposes of this Section, "nursery schools" means those nursery schools operated by elementary school systems or secondary level school units or institutions of higher learning.

(Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04; 93-530, eff. 1-1-04; 93-946, eff. 7-1-05; 93-966, eff. 1-1-05; revised 12-1-05.)

(10) For the purposes of this Section, "nursery schools" means those nursery schools operated by elementary school systems or secondary level school units or institutions of higher learning.

(Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04; 93-530, eff. 1-1-04; 93-946, eff. 7-1-05; 93-966, eff. 1-1-05; revised 12-1-05.)

Sec. 27-20.6. "Irish Famine" study. Every public elementary school and high school may include in its curriculum a unit of instruction studying the causes and effects of mass starvation in mid-19th century Ireland. This period in world history is known as the "Irish Famine", in which millions of Irish died or emigrated. The study of this material is a reaffirmation of the commitment of free people of all nations to eradicate the causes of famine that exist in the modern world.

The State Superintendent of Education may prepare and make available to all school boards instructional materials that may be used as guidelines for development of a unit of instruction under this Section; provided, however, that each school board shall itself determine the minimum amount of instruction time that shall qualify as a unit of instruction satisfying the requirements of this Section.

(Source: P.A. 90-566, eff. 1-2-98; revised 9-21-06.)

(105 ILCS 5/27-23.5)

Sec. 27-23.5. Organ/tissue and blood donor and transplantation programs. Each school district that maintains grades 9 and 10 may include in its curriculum and teach to the students of either such grade one unit of instruction on organ/tissue and blood donor and transplantation programs.

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No student shall be required to take or participate in instruction on organ/tissue and blood donor and transplantation programs if a parent or guardian files written objection thereto on constitutional grounds, and refusal to take or participate in such instruction on those grounds shall not be reason for suspension or expulsion of a student or result in any academic penalty.

The regional superintendent of schools in which a school district that maintains grades 9 and 10 is located shall obtain and distribute to each school that maintains grades 9 and 10 in his or her district information and data, including instructional materials provided at no cost by America's Blood Centers, the American Red Cross, and Gift of Hope, that may be used by the school in developing a unit of instruction under this Section. However, each school board shall determine the minimum amount of instructional time that shall qualify as a unit of instruction satisfying the requirements of this Section.

(Source: P.A. 93-547, eff. 8-19-03; 93-794, eff. 7-22-04; revised 10-22-04.)

(105 ILCS 5/27-24.4) (from Ch. 122, par. 27-24.4)

Sec. 27-24.4. Reimbursement amount. Each school district shall be entitled to reimbursement, for each pupil, excluding each resident of the district over age 55, who finishes either the classroom instruction part or the practice driving part of a driver education course that meets the minimum requirements of this Act. However, if a school district has adopted a policy to permit proficiency examinations for the practice driving part of the driver education course as provided under Section 27-24.3, then the school district is entitled to only one-half of the reimbursement amount for the practice driving part for each pupil who has passed the proficiency examination, and the State Board of Education shall adjust the reimbursement formula accordingly. Reimbursement under this Act is payable from the Drivers Education Fund in the State treasury.

Each year all funds appropriated from the Drivers Education Fund to the State Board of Education, with the exception of those funds necessary for administrative purposes of the State Board of Education, shall be distributed in the manner provided in this paragraph to
school districts by the State Board of Education for reimbursement of claims from the previous school year. As soon as may be after each quarter of the year, if moneys are available in the Drivers Education Fund in the State treasury for payments under this Section, the State Comptroller shall draw his or her warrants upon the State Treasurer as directed by the State Board of Education. The warrant for each quarter shall be in an amount equal to one-fourth of the total amount to be distributed to school districts for the year. Payments shall be made to school districts as soon as may be after receipt of the warrants.

The base reimbursement amount shall be calculated by the State Board by dividing the total amount appropriated for distribution by the total of: (a) the number of students, excluding residents of the district over age 55, who have completed the classroom instruction part for whom valid claims have been made times 0.2; plus (b) the number of students, excluding residents of the district over age 55, who have completed the practice driving instruction part for whom valid claims have been made times 0.8.

The amount of reimbursement to be distributed on each claim shall be 0.2 times the base reimbursement amount for each validly claimed student, excluding residents of the district over age 55, who has completed the classroom instruction part, plus 0.8 times the base reimbursement amount for each validly claimed student, excluding residents of the district over age 55, who has completed the practice driving instruction part. The school district which is the residence of a pupil who attends a nonpublic school in another district that has furnished the driver education course shall reimburse the district offering the course, the difference between the actual per capita cost of giving the course the previous school year and the amount reimbursed by the State.

By April 1 the nonpublic school shall notify the district offering the course of the names and district numbers of the nonresident students desiring to take such course the next school year. The district offering such course shall notify the district of residence of those students affected by April 15. The school district furnishing the course may claim the

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nonresident pupil for the purpose of making a claim for State reimbursement under this Act.

(Source: P.A. 94-440, eff. 8-4-05; 94-525, eff. 1-1-06; revised 8-19-05.)

(105 ILCS 5/34-8.1) (from Ch. 122, par. 34-8.1)

Sec. 34-8.1. Principals. Principals shall be employed to supervise the operation of each attendance center. Their powers and duties shall include but not be limited to the authority (i) to direct, supervise, evaluate, and suspend with or without pay or otherwise discipline all teachers, assistant principals, and other employees assigned to the attendance center in accordance with board rules and policies and (ii) to direct all other persons assigned to the attendance center pursuant to a contract with a third party to provide services to the school system. The right to employ, discharge, and layoff shall be vested solely with the board, provided that decisions to discharge or suspend non-certified employees, including disciplinary layoffs, and the termination of certified employees from employment pursuant to a layoff or reassignment policy are subject to review under the grievance resolution procedure adopted pursuant to subsection (c) of Section 10 of the Illinois Educational Labor Relations Act. The grievance resolution procedure adopted by the board shall provide for final and binding arbitration, and, notwithstanding any other provision of law to the contrary, the arbitrator's decision may include all make-whole relief, including without limitation reinstatement. The principal shall fill positions by appointment as provided in this Section and may make recommendations to the board regarding the employment, discharge, or layoff of any individual. The authority of the principal shall include the authority to direct the hours during which the attendance center shall be open and available for use provided the use complies with board rules and policies, to determine when and what operations shall be conducted within those hours, and to schedule staff within those hours. Under the direction of, and subject to the authority of the principal, the Engineer In Charge shall be accountable for the safe, economical operation of the plant and grounds and shall also be responsible for orientation, training, and supervising the work of Engineers, Trainees, school

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maintenance assistants, custodial workers and other plant operation employees under his or her direction.

There shall be established by the board a system of semi-annual evaluations conducted by the principal as to performance of the engineer in charge. Nothing in this Section shall prevent the principal from conducting additional evaluations. An overall numerical rating shall be given by the principal based on the evaluation conducted by the principal. An unsatisfactory numerical rating shall result in disciplinary action, which may include, without limitation and in the judgment of the principal, loss of promotion or bidding procedure, reprimand, suspension with or without pay, or recommended dismissal. The board shall establish procedures for conducting the evaluation and reporting the results to the engineer in charge.

Under the direction of, and subject to the authority of, the principal, the Food Service Manager is responsible at all times for the proper operation and maintenance of the lunch room to which he is assigned and shall also be responsible for the orientation, training, and supervising the work of cooks, bakers, porters, and lunchroom attendants under his or her direction.

There shall be established by the Board a system of semi-annual evaluations conducted by the principal as to the performance of the food service manager. Nothing in this Section shall prevent the principal from conducting additional evaluations. An overall numerical rating shall be given by the principal based on the evaluation conducted by the principal. An unsatisfactory numerical rating shall result in disciplinary action which may include, without limitation and in the judgment of the principal, loss of promotion or bidding procedure, reprimand, suspension with or without pay, or recommended dismissal. The board shall establish rules for conducting the evaluation and reporting the results to the food service manager.

Nothing in this Section shall be interpreted to require the employment or assignment of an Engineer-In-Charge or a Food Service Manager for each attendance center.
Principals shall be employed to supervise the educational operation of each attendance center. If a principal is absent due to extended illness or leave or absence, an assistant principal may be assigned as acting principal for a period not to exceed 100 school days. Each principal shall assume administrative responsibility and instructional leadership, in accordance with reasonable rules and regulations of the board, for the planning, operation and evaluation of the educational program of the attendance center to which he is assigned. The principal shall submit recommendations to the general superintendent concerning the appointment, dismissal, retention, promotion, and assignment of all personnel assigned to the attendance center; provided, that from and after September 1, 1989: (i) if any vacancy occurs in a position at the attendance center or if an additional or new position is created at the attendance center, that position shall be filled by appointment made by the principal in accordance with procedures established and provided by the Board whenever the majority of the duties included in that position are to be performed at the attendance center which is under the principal's supervision, and each such appointment so made by the principal shall be made and based upon merit and ability to perform in that position without regard to seniority or length of service, provided, that such appointments shall be subject to the Board's desegregation obligations, including but not limited to the Consent Decree and Desegregation Plan in U.S. v. Chicago Board of Education; (ii) the principal shall submit recommendations based upon merit and ability to perform in the particular position, without regard to seniority or length of service, to the general superintendent concerning the appointment of any teacher, teacher aide, counselor, clerk, hall guard, security guard and any other personnel which is to be made by the general superintendent whenever less than a majority of the duties of that teacher, teacher aide, counselor, clerk, hall guard, and security guard and any other personnel are to be performed at the attendance center which is under the principal's supervision; and (iii) subject to law and the applicable collective bargaining agreements, the authority and responsibilities of a principal with respect to the evaluation of all teachers and other personnel assigned to an attendance center shall commence immediately upon his or
her appointment as principal of the attendance center, without regard to the length of time that he or she has been the principal of that attendance center.

Notwithstanding the existence of any other law of this State, nothing in this Act shall prevent the board from entering into a contract with a third party for services currently performed by any employee or bargaining unit member.

Notwithstanding any other provision of this Article, each principal may approve contracts, binding on the board, in the amount of no more than $10,000, if the contract is endorsed by the Local School Council.

Unless otherwise prohibited by law or by rule of the board, the principal shall provide to local school council members copies of all internal audits and any other pertinent information generated by any audits or reviews of the programs and operation of the attendance center.

Each principal shall hold a valid administrative certificate issued or exchanged in accordance with Article 21 and endorsed as required by that Article for the position of principal. The board may establish or impose academic, educational, examination, and experience requirements and criteria that are in addition to those established and required by Article 21 for issuance of a valid certificate endorsed for the position of principal as a condition of the nomination, selection, appointment, employment, or continued employment of a person as principal of any attendance center, or as a condition of the renewal of any principal's performance contract.

The board shall specify in its formal job description for principals, and from and after July 1, 1990 shall specify in the 4 year performance contracts for use with respect to all principals, that his or her primary responsibility is in the improvement of instruction. A majority of the time spent by a principal shall be spent on curriculum and staff development through both formal and informal activities, establishing clear lines of communication regarding school goals, accomplishments, practices and policies with parents and teachers. The principal, with the assistance of the local school council, shall develop a school improvement plan as provided in Section 34-2.4 and, upon approval of the plan by the local school council, shall be responsible for directing implementation of the plan. The

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principal, with the assistance of the professional personnel leadership committee, shall develop the specific methods and contents of the school's curriculum within the board's system-wide curriculum standards and objectives and the requirements of the school improvement plan. The board shall ensure that all principals are evaluated on their instructional leadership ability and their ability to maintain a positive education and learning climate. It shall also be the responsibility of the principal to utilize resources of proper law enforcement agencies when the safety and welfare of students and teachers are threatened by illegal use of drugs and alcohol, by illegal use or possession of weapons, or by illegal gang activity.

On or before October 1, 1989, the Board of Education, in consultation with any professional organization representing principals in the district, shall promulgate rules and implement a lottery for the purpose of determining whether a principal's existing performance contract (including the performance contract applicable to any principal's position in which a vacancy then exists) expires on June 30, 1990 or on June 30, 1991, and whether the ensuing 4 year performance contract begins on July 1, 1990 or July 1, 1991. The Board of Education shall establish and conduct the lottery in such manner that of all the performance contracts of principals (including the performance contracts applicable to all principal positions in which a vacancy then exists), 50% of such contracts shall expire on June 30, 1990, and 50% shall expire on June 30, 1991. All persons serving as principal on May 1, 1989, and all persons appointed as principal after May 1, 1989 and prior to July 1, 1990 or July 1, 1991, in a manner other than as provided by Section 34-2.3, shall be deemed by operation of law to be serving under a performance contract which expires on June 30, 1990 or June 30, 1991; and unless such performance contract of any such principal is renewed (or such person is again appointed to serve as principal) in the manner provided by Section 34-2.2 or 34-2.3, the employment of such person as principal shall terminate on June 30, 1990 or June 30, 1991.

Commencing on July 1, 1990, or on July 1, 1991, and thereafter, the principal of each attendance center shall be the person selected in the

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manner provided by Section 34-2.3 to serve as principal of that attendance center under a 4 year performance contract. All performance contracts of principals expiring after July 1, 1990, or July 1, 1991, shall commence on the date specified in the contract, and the renewal of their performance contracts and the appointment of principals when their performance contracts are not renewed shall be governed by Sections 34-2.2 and 34-2.3. Whenever a vacancy in the office of a principal occurs for any reason, the vacancy shall be filled by the selection of a new principal to serve under a 4 year performance contract in the manner provided by Section 34-2.3.

The board of education shall develop and prepare, in consultation with the organization representing principals, a performance contract for use at all attendance centers, and shall furnish the same to each local school council. The term of the performance contract shall be 4 years, unless the principal is retained by the decision of a hearing officer pursuant to subdivision 1.5 of Section 34-2.3, in which case the contract shall be extended for 2 years. The performance contract of each principal shall consist of the uniform performance contract, as developed or from time to time modified by the board, and such additional criteria as are established by a local school council pursuant to Section 34-2.3 for the performance contract of its principal.

During the term of his or her performance contract, a principal may be removed only as provided for in the performance contract except for cause. He or she shall also be obliged to follow the rules of the board of education concerning conduct and efficiency.

In the event the performance contract of a principal is not renewed or a principal is not reappointed as principal under a new performance contract, or in the event a principal is appointed to any position of superintendent or higher position, or voluntarily resigns his position of principal, his or her employment as a principal shall terminate and such former principal shall not be reinstated to the position from which he or she was promoted to principal, except that he or she, if otherwise qualified and certified in accordance with Article 21, shall be placed by the board on appropriate eligibility lists which it prepares for use in the filling of vacant or additional or newly created positions for teachers. The principal's total

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years of service to the board as both a teacher and a principal, or in other professional capacities, shall be used in calculating years of experience for purposes of being selected as a teacher into new, additional or vacant positions.

In the event the performance contract of a principal is not renewed or a principal is not reappointed as principal under a new performance contract, such principal shall be eligible to continue to receive his or her previously provided level of health insurance benefits for a period of 90 days following the non-renewal of the contract at no expense to the principal, provided that such principal has not retired.

(Source: P.A. 93-3, eff. 4-16-03; 93-48, eff. 7-1-03; revised 9-11-03.)

(105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

Sec. 34-18.5. Criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Child Murderer and Violent Offender Against Youth Database.

(a) Certified and noncertified applicants for employment with the school district are required as a condition of employment to authorize a fingerprint-based criminal history records check to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the check shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, or a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the check to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment.

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employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the check of the applicant has been requested. The Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, until expunged, to the president of the school board for the school district that requested the check, or to the regional superintendent who requested the check. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such check, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such check by the school district or by the regional superintendent. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse the school district and regional superintendent for fees paid to obtain criminal history records checks under this Section.

(a-5) The school district or regional superintendent shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, for each applicant.

(a-6) The school district or regional superintendent shall further perform a check of the Statewide Child Murderer and Violent Offender Against Youth Database, as authorized by the Child Murderer and Violent Offender Against Youth Community Notification Law, for each applicant.

(b) Any information concerning the record of convictions obtained by the president of the board of education or the regional superintendent shall be confidential and may only be transmitted to the general

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superintendent of the school district or his designee, the appropriate regional superintendent if the check was requested by the board of education for the school district, the presidents of the appropriate board of education or school boards if the check was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Teacher Certification Board or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. Upon the check of the Statewide Sex Offender Database, the school district or regional superintendent shall notify an applicant as to whether or not the applicant has been identified in the Database as a sex offender. If a check of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon a check ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent and if the regional superintendent upon a check ascertains that the applicant has not been identified in the Sex Offender Database as a sex offender, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and evidencing

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that as of the date that the regional superintendent conducted a check of the Statewide Sex Offender Database, the applicant has not been identified in the Database as a sex offender. The school board of any school district may rely on the certificate issued by any regional superintendent to that substitute teacher, concurrent part-time teacher, or concurrent educational support personnel employee or may initiate its own criminal history records check of the applicant through the Department of State Police and its own check of the Statewide Sex Offender Database as provided in subsection (a). Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) The board of education shall not knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; (iv) those defined in the Methamphetamine Control and Community Protection Act; and (v) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, the board of education shall not knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(d) The board of education shall not knowingly employ a person for whom a criminal history records check and a Statewide Sex Offender Database check has not been initiated.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or
Section 34-8.1 or 34-83 of the School Code, the board of education or the State Superintendent of Education shall initiate the certificate suspension and revocation proceedings authorized by law.

(f) After March 19, 1990, the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal history records checks and checks of the Statewide Sex Offender Database on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for a criminal history records check prepared by each such employee and submitting the same to the Department of State Police and for conducting a check of the Statewide Sex Offender Database for each employee. Any information concerning the record of conviction and identification as a sex offender of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards. (Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04; 94-219, eff. 7-14-05; 94-556, eff. 9-11-05; 94-875, eff. 7-1-06; 94-945, eff. 6-27-06; revised 8-3-06.)

(105 ILCS 5/34-18.23)
Sec. 34-18.23. Medical information form for bus drivers and emergency medical technicians. The school district is encouraged to create and use an emergency medical information form for bus drivers and emergency medical technicians for those students with special needs or medical conditions. The form may include without limitation information to be provided by the student's parent or legal guardian concerning the student's relevant medical conditions, medications that the student is taking, the student's communication skills, and how a bus driver or an emergency medical technician is to respond to certain behaviors of the student. If the form is used, the school district is encouraged to notify

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parents and legal guardians of the availability of the form. The parent or legal guardian of the student may fill out the form and submit it to the school that the student is attending. The school district is encouraged to keep one copy of the form on file at the school and another copy on the student's school bus in a secure location.

(Source: P.A. 92-580, eff. 7-1-02.)

(105 ILCS 5/34-18.25)
Sec. 34-18.25 34-18.23. Psychotropic or psychostimulant medication; disciplinary action.

(a) In this Section:
"Psychostimulant medication" means medication that produces increased levels of mental and physical energy and alertness and an elevated mood by stimulating the central nervous system.

"Psychotropic medication" means psychotropic medication as defined in Section 1-121.1 of the Mental Health and Developmental Disabilities Code.

(b) The board must adopt and implement a policy that prohibits any disciplinary action that is based totally or in part on the refusal of a student's parent or guardian to administer or consent to the administration of psychotropic or psychostimulant medication to the student.

The policy must require that, at least once every 2 years, the in-service training of certified school personnel and administrators include training on current best practices regarding the identification and treatment of attention deficit disorder and attention deficit hyperactivity disorder, the application of non-aversive behavioral interventions in the school environment, and the use of psychotropic or psychostimulant medication for school-age children.

(c) This Section does not prohibit school medical staff, an individualized educational program team, or a professional worker (as defined in Section 14-1.10 of this Code) from recommending that a student be evaluated by an appropriate medical practitioner or prohibit school personnel from consulting with the practitioner with the consent of the student's parents or guardian.

(Source: P.A. 92-663, eff. 1-1-03; revised 9-3-02.)
Sec. 34-18.26. Sharing information on school lunch applicants. The board shall, whenever requested by the Department of Healthcare and Family Services (formerly Department of Public Aid), agree in writing with the Department of Healthcare and Family Services Public Aid (as the State agency that administers the State Medical Assistance Program as provided in Title XIX of the federal Social Security Act and the State Children's Health Insurance Program as provided in Title XXI of the federal Social Security Act) to share with the Department of Healthcare and Family Services Public Aid information on applicants for free or reduced-price lunches. The board shall, whenever requested by the Department of Healthcare and Family Services (formerly Department of Public Aid), require each of its schools to agree in writing with the Department of Healthcare and Family Services Public Aid to share with the Department of Healthcare and Family Services Public Aid information on applicants for free or reduced-price lunches. This sharing of information shall be for the sole purpose of helping the Department of Healthcare and Family Services Public Aid identify and enroll children in the State Medical Assistance Program or the State Children's Health Insurance Program or both as allowed under 42 U.S.C. Sec. 1758(b)(2)(C)(iii)(IV) and under the restrictions set forth in 42 U.S.C. Sec. 1758(b)(2)(C)(vi) and (vii).

(Source: P.A. 93-404, eff. 8-1-03; revised 12-15-05.)

(105 ILCS 5/34-18.27)

Sec. 34-18.27. Summer kindergarten. The board may establish, maintain, and operate, in connection with the kindergarten program of the school district, a summer kindergarten program that begins 2 months before the beginning of the regular school year and a summer kindergarten program for grade one readiness for those pupils making unsatisfactory progress during the regular kindergarten session that will continue for 2 months after the regular school year. The summer kindergarten program may be held within the school district or, pursuant to a contract that must be approved by the State Board of Education, may be operated by 2 or more adjacent school districts or by a public or private

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university or college. Transportation for students attending the summer kindergarten program shall be the responsibility of the school district. The expense of establishing, maintaining, and operating the summer kindergarten program may be paid from funds contributed or otherwise made available to the school district for that purpose by federal or State appropriation.

(Source: P.A. 93-472, eff. 8-8-03; revised 9-24-03.)

(105 ILCS 5/34-18.28)

Sec. 34-18.28 34-18.26. Prison tour pilot program. The board shall establish a pilot program to prevent crime by developing guidelines to identify students at risk of committing crimes. "Students at risk of committing crimes" shall be limited to those students who have engaged in serious acts of misconduct in violation of the board's policy on discipline. This program, in cooperation with the Department of Corrections, shall include a guided tour of a prison for each student so identified in order to discourage criminal behavior. The touring of a prison under this Section shall be subject to approval, in writing, of a student's parent or guardian.

(Source: P.A. 93-538, eff. 1-1-04; revised 9-24-03.)

(105 ILCS 5/34-18.29)

Sec. 34-18.29 34-18.26. Provision of student information prohibited. The school district may not provide a student's name, address, telephone number, social security number, e-mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards.

(Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

(105 ILCS 5/34-18.30)

Sec. 34-18.30. Dependents of military personnel; no tuition charge. If, at the time of enrollment, a dependent of United States military personnel is housed in temporary housing located outside of the school district, but will be living within the district within 60 days after the time of initial enrollment, the dependent must be allowed to enroll, subject to the requirements of this Section, and must not be charged tuition. Any United States military personnel attempting to enroll a dependent under this Section shall provide proof that the dependent will be living within the

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district within 60 days after the time of initial enrollment. Proof of residency may include, but is not limited to, postmarked mail addressed to the military personnel and sent to an address located within the district, a lease agreement for occupancy of a residence located within the district, or proof of ownership of a residence located within the district. Non-resident dependents of United States military personnel attending school on a tuition-free basis may be counted for the purposes of determining the apportionment of State aid provided under Section 18-8.05 of this Code. (Source: P.A. 93-740, eff. 7-15-04.)

(105 ILCS 5/34-18.31)

Sec. 34-18.31. Highly qualified teachers; No Child Left Behind Act funds. If the school district has an overall shortage of highly qualified teachers, as defined by the federal No Child Left Behind Act of 2001 (Public Law 107-110), or a shortage of highly qualified teachers in the subject area of mathematics, science, reading, or special education, then the school board must spend at least 40% of the money it receives from Title 2 grants under the Act on recruitment and retention initiatives to assist in recruiting and retaining highly qualified teachers (in a specific subject area is applicable) as specified in paragraphs (1)(B), (2)(A), (2)(B), (4)(A), (4)(B), and (4)(C) of subsection (a) of Section 2123 of the Act until there is no longer a shortage of highly qualified teachers (in a specific subject area if applicable). As the number of highly qualified teachers in the district increases, however, the school board may spend any surplus of the minimum 40% of funds dedicated to addressing the highly qualified teacher shortage in any manner the school board deems appropriate. (Source: P.A. 93-997, eff. 8-23-04; revised 10-14-04.)

Section 545. The Illinois School Student Records Act is amended by changing Section 6 as follows:

(105 ILCS 10/6) (from Ch. 122, par. 50-6)

Sec. 6. (a) No school student records or information contained therein may be released, transferred, disclosed or otherwise disseminated, except as follows:

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(1) To a parent or student or person specifically designated as a representative by a parent, as provided in paragraph (a) of Section 5;

(2) To an employee or official of the school or school district or State Board with current demonstrable educational or administrative interest in the student, in furtherance of such interest;

(3) To the official records custodian of another school within Illinois or an official with similar responsibilities of a school outside Illinois, in which the student has enrolled, or intends to enroll, upon the request of such official or student;

(4) To any person for the purpose of research, statistical reporting or planning, provided that no student or parent can be identified from the information released and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records;

(5) Pursuant to a court order, provided that the parent shall be given prompt written notice upon receipt of such order of the terms of the order, the nature and substance of the information proposed to be released in compliance with such order and an opportunity to inspect and copy the school student records and to challenge their contents pursuant to Section 7;

(6) To any person as specifically required by State or federal law;

(6.5) To juvenile authorities when necessary for the discharge of their official duties who request information prior to adjudication of the student and who certify in writing that the information will not be disclosed to any other party except as provided under law or order of court. For purposes of this Section "juvenile authorities" means: (i) a judge of the circuit court and members of the staff of the court designated by the judge; (ii) parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys; (iii) probation officers and court appointed...
advocates for the juvenile authorized by the judge hearing the case; (iv) any individual, public or private agency having custody of the child pursuant to court order; (v) any individual, public or private agency providing education, medical or mental health service to the child when the requested information is needed to determine the appropriate service or treatment for the minor; (vi) any potential placement provider when such release is authorized by the court for the limited purpose of determining the appropriateness of the potential placement; (vii) law enforcement officers and prosecutors; (viii) adult and juvenile prisoner review boards; (ix) authorized military personnel; (x) individuals authorized by court;

(7) Subject to regulations of the State Board, in connection with an emergency, to appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons;

(8) To any person, with the prior specific dated written consent of the parent designating the person to whom the records may be released, provided that at the time any such consent is requested or obtained, the parent shall be advised in writing that he has the right to inspect and copy such records in accordance with Section 5, to challenge their contents in accordance with Section 7 and to limit any such consent to designated records or designated portions of the information contained therein;

(9) To a governmental agency, or social service agency contracted by a governmental agency, in furtherance of an investigation of a student's school attendance pursuant to the compulsory student attendance laws of this State, provided that the records are released to the employee or agent designated by the agency;

(10) To those SHOCAP committee members who fall within the meaning of "state and local officials and authorities", as those terms are used within the meaning of the federal Family Educational Rights and Privacy Act, for the purposes of identifying

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serious habitual juvenile offenders and matching those offenders with community resources pursuant to Section 5-145 of the Juvenile Court Act of 1987, but only to the extent that the release, transfer, disclosure, or dissemination is consistent with the Family Educational Rights and Privacy Act; or

(11) To the Department of Healthcare and Family Services Public Aid in furtherance of the requirements of Section 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or Section 10 of the School Breakfast and Lunch Program Act.

(b) No information may be released pursuant to subparagraphs (3) or (6) of paragraph (a) of this Section 6 unless the parent receives prior written notice of the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records in accordance with Section 5 and to challenge their contents in accordance with Section 7. Provided, however, that such notice shall be sufficient if published in a local newspaper of general circulation or other publication directed generally to the parents involved where the proposed release of information is pursuant to subparagraph 6 of paragraph (a) in this Section 6 and relates to more than 25 students.

(c) A record of any release of information pursuant to this Section must be made and kept as a part of the school student record and subject to the access granted by Section 5. Such record of release shall be maintained for the life of the school student records and shall be available only to the parent and the official records custodian. Each record of release shall also include:

(1) The nature and substance of the information released;
(2) The name and signature of the official records custodian releasing such information;
(3) The name of the person requesting such information, the capacity in which such a request has been made, and the purpose of such request;
(4) The date of the release; and
(5) A copy of any consent to such release.

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(d) Except for the student and his parents, no person to whom information is released pursuant to this Section and no person specifically designated as a representative by a parent may permit any other person to have access to such information without a prior consent of the parent obtained in accordance with the requirements of subparagraph (8) of paragraph (a) of this Section.

(e) Nothing contained in this Act shall prohibit the publication of student directories which list student names, addresses and other identifying information and similar publications which comply with regulations issued by the State Board.

(Source: P.A. 93-404, eff. 8-1-03; revised 12-15-05.)

Section 550. The Illinois Peace Corps Fellowship Program Law is amended by changing Section 2-3 as follows:

(105 ILCS 30/2-3) (from Ch. 122, par. 2003)

Sec. 2-3. Program description. The University of Illinois, Southern Illinois University, the several universities and colleges under the governance of the Board of Governors of State Colleges and Universities, and the several Regency Universities under the jurisdiction of the Board of Regents are hereby authorized to become participants in the Illinois Peace Corps Fellowship Program. Any such participating public institution of higher education may conduct and administer this program to augment the number of Illinois public school teachers by bringing the teaching skills of recently returned United States Peace Corps volunteers to those school districts, including the school districts situated within the City of Chicago and the City of East St. Louis or any other school district designated by the State Board of Education, which enter into cooperative agreements required for implementation of the program. In designating such school districts, the State Board of Education may consider districts that have a high proportion of drop-out students, a high percentage of minority students, a high proportion of low income families and high truancy rates. The program shall utilize former United States Peace Corps volunteers with two years of Peace Corps experience by placing them in the designated cooperating school districts as full time teachers or teacher aides. In return for making a two-year commitment to teaching and being

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placed in a full-time salaried teacher aide or certificated teaching position at a public school located in a designated cooperating school district, the former Peace Corps volunteer may be awarded a fellowship to the participating public institution of higher education to complete (in the case of teacher aides who are not yet certificated) the courses required for issuance of a teaching certificate under Article 21 of The School Code, or to pursue a master's degree program in education. The fellowships may consist of tuition waivers applicable toward enrollment at the participating public institution of higher education to complete required courses for teacher certification and to pursue a master's degree program in education; and the award of such tuition waivers may be supported by funds and grants made available to the participating university or universities through private or public sources. A participating university may also consider an authorization under which all fellowship recipients are allowed to pay in-state tuition rates while enrolled for credit in a master's degree program.

An annual salary for the fellowship recipient to teach in a designated school district for a period of two years may be provided by the designated cooperating school district at which the fellowship recipient shall teach, and may be set at an amount equal to that paid to other teacher aides and certificated teachers in a comparable position.

(Source: P.A. 86-1467; revised 10-11-05.)

Section 555. The School Breakfast and Lunch Program Act is amended by changing Section 10 as follows:

(105 ILCS 125/10)

Sec. 10. Sharing information on school lunch applicants. Each private school that receives funds for free or reduced-price lunches under this Act shall, whenever requested by the Department of Healthcare and Family Services (formerly Public Aid), agree in writing with the Department of Healthcare and Family Services Public Aid (as the State agency that administers the State Medical Assistance Program as provided in Title XIX of the federal Social Security Act and the State Children's Health Insurance Program as provided in Title XXI of the federal Social Security Act) to share with the Department of Healthcare and Family Services Public Aid information on applicants for free or reduced-price

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lunches. This sharing of information shall be for the sole purpose of helping the Department of *Healthcare and Family Services Public Aid* identify and enroll children in the State Medical Assistance Program or the State Children's Health Insurance Program or both as allowed under 42 U.S.C. Sec. 1758(b)(2)(C)(iii)(IV) and under the restrictions set forth in 42 U.S.C. Sec. 1758(b)(2)(C)(vi) and (vii).

(Source: P.A. 93-404, eff. 8-1-03; revised 12-15-05.)

Section 560. The Public Community College Act is amended by changing Section 2-16.08 as follows:

(110 ILCS 805/2-16.08)

Sec. 2-16.08. ICCB Federal Trust Fund. The ICCB Federal Trust Fund is created as a special fund in the State treasury. Money recovered from federal programs for general administration that are received by the State Board shall be deposited into the ICCB Federal Trust Fund. All money in the ICCB Federal Trust Fund shall be used, subject to appropriation by the General Assembly, by the State Board for the ordinary and contingent expenses of the State Board.

(Source: P.A. 93-153, eff. 7-10-03; revised 1-14-04.)

Section 565. The Higher Education Loan Act is amended by changing Sections 3, 3.01, and 5 as follows:

(110 ILCS 945/3) (from Ch. 144, par. 1603)

Sec. 3. Definitions. In this Act, unless the context otherwise requires, the terms specified in Sections 3.01 through 3.13 of this Act and the Illinois Finance Facilities Authority Act have the meanings ascribed to them in those Acts.

(Source: P.A. 93-205, eff. 1-1-04; revised 10-9-03.)

(110 ILCS 945/3.01) (from Ch. 144, par. 1603.01)

Sec. 3.01. Authority. "Authority" means the Illinois State Finance Authority created by the Illinois State Finance Authority Act.

(Source: P.A. 93-205, eff. 1-1-04; revised 10-9-03.)

(110 ILCS 945/5) (from Ch. 144, par. 1605)

Sec. 5. Transfer of functions from the Illinois Educational Facilities Authority to the Illinois Finance Authority. The Illinois Finance Authority created by the Illinois Finance Authority Act shall succeed to,
assume and exercise all rights, powers, duties and responsibilities formerly exercised by the Illinois Educational Facilities Authority prior to the abolition of that Authority by this amendatory Act of the 93rd General Assembly. All books, records, papers, documents and pending business in any way pertaining to the former Illinois Educational Facilities Authority are transferred to the Illinois Finance Authority, but any rights or obligations of any person under any contract made by, or under any rules, regulations, uniform standards, criteria and guidelines established or approved by, such former Illinois Educational Facilities Authority shall be unaffected thereby. All bonds, notes or other evidences of indebtedness outstanding on the effective date of this amendatory Act of the 93rd General Assembly shall be unaffected by the transfer of functions to the Illinois Finance Authority. No rule, regulation, standard, criteria or guideline promulgated, established or approved by the former Illinois Educational Facilities Authority pursuant to an exercise of any right, power, duty or responsibility assumed by and transferred to the Illinois Finance Authority shall be affected by this amendatory Act of the 93rd General Assembly, and all such rules, regulations, standards, criteria and guidelines shall become those of the Illinois Finance Authority until such time as they are amended or repealed by the Authority.

(Source: P.A. 93-205, eff. 1-1-04; revised 10-9-03.)

Section 570. The Nursing Education Scholarship Law is amended by changing Section 3 as follows:

(110 ILCS 975/3) (from Ch. 144, par. 2753)
Sec. 3. Definitions.

The following terms, whenever used or referred to, have the following meanings except where the context clearly indicates otherwise:

(1) "Board" means the Board of Higher Education created by the Board of Higher Education Act.

(2) "Department" means the Illinois Department of Public Health.

(3) "Approved institution" means a public community college, private junior college, hospital-based diploma in nursing program, or public or private college or university located in this State that has approval by the Department of Professional Regulation for an associate

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degree in nursing program, associate degree in applied sciences in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program, or certificate in practical nursing program.

(4) "Baccalaureate degree in nursing program" means a program offered by an approved institution and leading to a bachelor of science degree in nursing.

(5) "Enrollment" means the establishment and maintenance of an individual's status as a student in an approved institution, regardless of the terms used at the institution to describe such status.

(6) "Academic year" means the period of time from September 1 of one year through August 31 of the next year or as otherwise defined by the academic institution.

(7) "Associate degree in nursing program or hospital-based diploma in nursing program" means a program offered by an approved institution and leading to an associate degree in nursing, associate degree in applied sciences in nursing, or hospital-based diploma in nursing.

(8) "Graduate degree in nursing program" means a program offered by an approved institution and leading to a master of science degree in nursing or a doctorate of philosophy or doctorate of nursing degree in nursing.

(9) "Director" means the Director of the Illinois Department of Public Health.

(10) "Accepted for admission" means a student has completed the requirements for entry into an associate degree in nursing program, associate degree in applied sciences in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program, or certificate in practical nursing program at an approved institution, as documented by the institution.

(11) "Fees" means those mandatory charges, in addition to tuition, that all enrolled students must pay, including required course or lab fees.

(12) "Full-time student" means a student enrolled for at least 12 hours per term or as otherwise determined by the academic institution.

(13) "Law" means the Nursing Education Scholarship Law.

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(14) "Nursing employment obligation" means employment in this State as a registered professional nurse or licensed practical nurse in direct patient care or as a nurse educator in the case of a graduate degree in nursing program recipient for at least one year for each year of scholarship assistance received through the Nursing Education Scholarship Program.

(15) "Part-time student" means a person who is enrolled for at least one-third of the number of hours required per term by a school for its full-time students.

(16) "Practical nursing program" means a program offered by an approved institution leading to a certificate in practical nursing.

(17) "Registered professional nurse" means a person who is currently licensed as a registered professional nurse by the Department of Professional Regulation under the Nursing and Advanced Practice Nursing Act.

(18) "Licensed practical nurse" means a person who is currently licensed as a licensed practical nurse by the Department of Professional Regulation under the Nursing and Advanced Practice Nursing Act.

(19) "School term" means an academic term, such as a semester, quarter, trimester, or number of clock hours, as defined by an approved institution.

(20) "Student in good standing" means a student maintaining a cumulative grade point average equivalent to at least the academic grade of a "C".

(21) "Total and permanent disability" means a physical or mental impairment, disease, or loss of a permanent nature that prevents nursing employment with or without reasonable accommodation. Proof of disability shall be a declaration from the social security administration, Illinois Workers' Compensation Commission, Department of Defense, or an insurer authorized to transact business in Illinois who is providing disability insurance coverage to a contractor.

(22) "Tuition" means the established charges of an institution of higher learning for instruction at that institution.

(23) "Nurse educator" means a person who is currently licensed as a registered nurse by the Department of Professional Regulation under the
Nursing and Advanced Practice Nursing Act, who has a graduate degree in nursing, and who is employed by an approved academic institution to educate registered nursing students, licensed practical nursing students, and registered nurses pursuing graduate degrees.

(Source: P.A. 92-43, eff. 1-1-02; 93-721, eff. 1-1-05; 93-879, eff. 1-1-05; revised 10-25-04.)

Section 575. The Illinois Educational Labor Relations Act is amended by changing Sections 2 and 7 as follows:

(115 ILCS 5/2) (from Ch. 48, par. 1702)

Sec. 2. Definitions. As used in this Act:

(a) "Educational employer" or "employer" means the governing body of a public school district, combination of public school districts, including the governing body of joint agreements of any type formed by 2 or more school districts, public community college district or State college or university, and any State agency whose major function is providing educational services. "Educational employer" or "employer" does not include a Financial Oversight Panel created pursuant to Section 1A-8 of the School Code due to a district violating a financial plan but does include a School Finance Authority created under Article 1E or 1F of the School Code.

(b) "Educational employee" or "employee" means any individual, excluding supervisors, managerial, confidential, short term employees, student, and part-time academic employees of community colleges employed full or part time by an educational employer, but shall not include elected officials and appointees of the Governor with the advice and consent of the Senate, firefighters as defined by subsection (g-1) of Section 3 of the Illinois Public Labor Relations Act, and peace officers employed by a State university. For the purposes of this Act, part-time academic employees of community colleges shall be defined as those employees who provide less than 3 credit hours of instruction per academic semester. In this subsection (b), the term "student" includes graduate students who are research assistants primarily performing duties that involve research or graduate assistants primarily performing duties that are pre-professional, but excludes graduate students who are teaching

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assistants primarily performing duties that involve the delivery and support of instruction and all other graduate assistants.

(c) "Employee organization" or "labor organization" means an organization of any kind in which membership includes educational employees, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, employee-employer disputes, wages, rates of pay, hours of employment, or conditions of work, but shall not include any organization which practices discrimination in membership because of race, color, creed, age, gender, national origin or political affiliation.

(d) "Exclusive representative" means the labor organization which has been designated by the Illinois Educational Labor Relations Board as the representative of the majority of educational employees in an appropriate unit, or recognized by an educational employer prior to January 1, 1984 as the exclusive representative of the employees in an appropriate unit or, after January 1, 1984, recognized by an employer upon evidence that the employee organization has been designated as the exclusive representative by a majority of the employees in an appropriate unit.

(e) "Board" means the Illinois Educational Labor Relations Board.

(f) "Regional Superintendent" means the regional superintendent of schools provided for in Articles 3 and 3A of The School Code.

(g) "Supervisor" means any individual having authority in the interests of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, reward or discipline other employees within the appropriate bargaining unit and adjust their grievances, or to effectively recommend such action if the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment. The term "supervisor" includes only those individuals who devote a preponderance of their employment time to such exercising authority.

(h) "Unfair labor practice" or "unfair practice" means any practice prohibited by Section 14 of this Act.

(i) "Person" includes an individual, educational employee, educational employer, legal representative, or employee organization.
(j) "Wages" means salaries or other forms of compensation for services rendered.

(k) "Professional employee" means, in the case of a public community college, State college or university, State agency whose major function is providing educational services, the Illinois School for the Deaf, and the Illinois School for the Visually Impaired, (1) any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes; or (2) any employee, who (i) has completed the courses of specialized intellectual instruction and study described in clause (iv) of paragraph (1) of this subsection, and (ii) is performing related work under the supervision of a professional person to qualify himself or herself to become a professional as defined in paragraph (l).

(l) "Professional employee" means, in the case of any public school district, or combination of school districts pursuant to joint agreement, any employee who has a certificate issued under Article 21 or Section 34-83 of the School Code, as now or hereafter amended.

(m) "Unit" or "bargaining unit" means any group of employees for which an exclusive representative is selected.

(n) "Confidential employee" means an employee, who (i) in the regular course of his or her duties, assists and acts in a confidential capacity to persons who formulate, determine and effectuate management policies with regard to labor relations or who (ii) in the regular course of his or her duties has access to information relating to the effectuation or review of the employer's collective bargaining policies.
(o) "Managerial employee" means an individual who is engaged predominantly in executive and management functions and is charged with the responsibility of directing the effectuation of such management policies and practices.

(p) "Craft employee" means a skilled journeyman, craft person, and his or her apprentice or helper.

(q) "Short-term employee" is an employee who is employed for less than 2 consecutive calendar quarters during a calendar year and who does not have a reasonable expectation that he or she will be rehired by the same employer for the same service in a subsequent calendar year. Nothing in this subsection shall affect the employee status of individuals who were covered by a collective bargaining agreement on the effective date of this amendatory Act of 1991.

(Source: P.A. 92-547, eff. 6-13-02; 92-748, eff. 1-1-03; 93-314, eff. 1-1-04; 93-501, eff. 8-11-03; 93-1044, eff. 10-14-04; revised 10-25-04.)

(115 ILCS 5/7) (from Ch. 48, par. 1707)

Sec. 7. Recognition of exclusive bargaining representatives - unit determination. The Board is empowered to administer the recognition of bargaining representatives of employees of public school districts, including employees of districts which have entered into joint agreements, or employees of public community college districts, or any State college or university, and any State agency whose major function is providing educational services, making certain that each bargaining unit contains employees with an identifiable community of interest and that no unit includes both professional employees and nonprofessional employees unless a majority of employees in each group vote for inclusion in the unit.

(a) In determining the appropriateness of a unit, the Board shall decide in each case, in order to ensure employees the fullest freedom in exercising the rights guaranteed by this Act, the unit appropriate for the purpose of collective bargaining, based upon but not limited to such factors as historical pattern of recognition, community of interest, including employee skills and functions, degree of functional integration, interchangeability and contact among employees, common supervision, wages, hours and other working conditions of the employees involved, and

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the desires of the employees. Nothing in this Act, except as herein provided, shall interfere with or negate the current representation rights or patterns and practices of employee organizations which have historically represented employees for the purposes of collective bargaining, including but not limited to the negotiations of wages, hours and working conditions, resolutions of employees' grievances, or resolution of jurisdictional disputes, or the establishment and maintenance of prevailing wage rates, unless a majority of the employees so represented expresses a contrary desire under the procedures set forth in this Act. This Section, however, does not prohibit multi-unit bargaining. Notwithstanding the above factors, where the majority of public employees of a craft so decide, the Board shall designate such craft as a unit appropriate for the purposes of collective bargaining.

The sole appropriate bargaining unit for tenured and tenure-track academic faculty at each campus of the University of Illinois shall be a unit that is comprised of non-supervisory academic faculty employed more than half-time and that includes all tenured and tenure-track faculty of that University campus employed by the board of trustees in all of the campus's undergraduate, graduate, and professional schools and degree and non-degree programs (with the exception of the college of medicine, the college of pharmacy, the college of dentistry, the college of law, and the college of veterinary medicine, each of which shall have its own separate unit), regardless of current or historical representation rights or patterns or the application of any other factors. Any decision, rule, or regulation promulgated by the Board to the contrary shall be null and void.

(b) An educational employer shall voluntarily recognize a labor organization for collective bargaining purposes if that organization appears to represent a majority of employees in the unit. The employer shall post notice of its intent to so recognize for a period of at least 20 school days on bulletin boards or other places used or reserved for employee notices. Thereafter, the employer, if satisfied as to the majority status of the employee organization, shall send written notification of such recognition to the Board for certification. Any dispute regarding the majority status of
a labor organization shall be resolved by the Board which shall make the determination of majority status.

Within the 20 day notice period, however, any other interested employee organization may petition the Board to seek recognition as the exclusive representative of the unit in the manner specified by rules and regulations prescribed by the Board, if such interested employee organization has been designated by at least 15% of the employees in an appropriate bargaining unit which includes all or some of the employees in the unit intended to be recognized by the employer. In such event, the Board shall proceed with the petition in the same manner as provided in paragraph (c) of this Section.

(c) A labor organization may also gain recognition as the exclusive representative by an election of the employees in the unit. Petitions requesting an election may be filed with the Board:

(1) by an employee or group of employees or any labor organizations acting on their behalf alleging and presenting evidence that 30% or more of the employees in a bargaining unit wish to be represented for collective bargaining or that the labor organization which has been acting as the exclusive bargaining representative is no longer representative of a majority of the employees in the unit; or

(2) by an employer alleging that one or more labor organizations have presented a claim to be recognized as an exclusive bargaining representative of a majority of the employees in an appropriate unit and that it doubts the majority status of any of the organizations or that it doubts the majority status of an exclusive bargaining representative.

The Board shall investigate the petition and if it has reasonable cause to suspect that a question of representation exists, it shall give notice and conduct a hearing. If it finds upon the record of the hearing that a question of representation exists, it shall direct an election, which shall be held no later than 90 days after the date the petition was filed. Nothing prohibits the waiving of hearings by the parties and the conduct of consent elections.

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(c-5) The Board shall designate an exclusive representative for purposes of collective bargaining when the representative demonstrates a showing of majority interest by employees in the unit. If the parties to a dispute are without agreement on the means to ascertain the choice, if any, of employee organization as their representative, the Board shall ascertain the employees' choice of employee organization, on the basis of dues deduction authorization and other evidence, or, if necessary, by conducting an election. If either party provides to the Board, before the designation of a representative, clear and convincing evidence that the dues deduction authorizations, and other evidence upon which the Board would otherwise rely to ascertain the employees' choice of representative, are fraudulent or were obtained through coercion, the Board shall promptly thereafter conduct an election. The Board shall also investigate and consider a party's allegations that the dues deduction authorizations and other evidence submitted in support of a designation of representative without an election were subsequently changed, altered, withdrawn, or withheld as a result of employer fraud, coercion, or any other unfair labor practice by the employer. If the Board determines that a labor organization would have had a majority interest but for an employer's fraud, coercion, or unfair labor practice, it shall designate the labor organization as an exclusive representative without conducting an election.

(d) An order of the Board dismissing a representation petition, determining and certifying that a labor organization has been fairly and freely chosen by a majority of employees in an appropriate bargaining unit, determining and certifying that a labor organization has not been fairly and freely chosen by a majority of employees in the bargaining unit or certifying a labor organization as the exclusive representative of employees in an appropriate bargaining unit because of a determination by the Board that the labor organization is the historical bargaining representative of employees in the bargaining unit, is a final order. Any person aggrieved by any such order issued on or after the effective date of this amendatory Act of 1987 may apply for and obtain judicial review in accordance with provisions of the Administrative Review Law, as now or hereafter amended, except that such review shall be afforded directly in the

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Appellate Court of a judicial district in which the Board maintains an office. Any direct appeal to the Appellate Court shall be filed within 35 days from the date that a copy of the decision sought to be reviewed was served upon the party affected by the decision.

No election may be conducted in any bargaining unit during the term of a collective bargaining agreement covering such unit or subdivision thereof, except the Board may direct an election after the filing of a petition between January 15 and March 1 of the final year of a collective bargaining agreement. Nothing in this Section prohibits the negotiation of a collective bargaining agreement covering a period not exceeding 3 years. A collective bargaining agreement of less than 3 years may be extended up to 3 years by the parties if the extension is agreed to in writing before the filing of a petition under this Section. In such case, the final year of the extension is the final year of the collective bargaining agreement. No election may be conducted in a bargaining unit, or subdivision thereof, in which a valid election has been held within the preceding 12 month period.

(Source: P.A. 93-444, eff. 8-5-03; 93-445, eff. 1-1-04; revised 9-11-03.)

Section 580. The Illinois Banking Act is amended by changing Section 48.4 as follows:

(a) Any bank governed by this Act shall encumber or surrender accounts or assets held by the bank on behalf of any responsible relative who is subject to a child support lien, upon notice of the lien or levy of the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) or its successor agency pursuant to Section 10-25.5 of the Illinois Public Aid Code, or upon notice of interstate lien or levy from any other state's agency responsible for implementing the child support enforcement program set forth in Title IV, Part D of the Social Security Act.

(b) Within 90 days after receiving notice from the Department of Healthcare and Family Services (formerly Department of Public Aid) that the Department has adopted a child support enforcement debit

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authorization form as required under the Illinois Public Aid Code, each bank governed by this Act shall take all appropriate steps to implement the use of the form in relation to accounts held by the bank. Upon receiving from the Department of Healthcare and Family Services (formerly Department of Public Aid) a copy of a child support enforcement debit authorization form signed by an obligor, a bank holding an account on behalf of the obligor shall debit the account and transfer the debited amounts to the State Disbursement Unit according to the instructions in the child support enforcement debit authorization form.

(Source: P.A. 92-811, eff. 8-21-02; 93-736, eff. 7-14-04; revised 12-15-05.)

Section 585. The Illinois Savings and Loan Act of 1985 is amended by changing Section 1-6d and by setting forth and renumbering multiple versions of Section 1-6e as follows:

(205 ILCS 105/1-6d)

Sec. 1-6d. Enforcement of child support.

(a) Any association governed by this Act shall encumber or surrender accounts or assets held by the association on behalf of any responsible relative who is subject to a child support lien, upon notice of the lien or levy of the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) or its successor agency pursuant to Section 10-25.5 of the Illinois Public Aid Code, or upon notice of interstate lien or levy from any other state's agency responsible for implementing the child support enforcement program set forth in Title IV, Part D of the Social Security Act.

(b) Within 90 days after receiving notice from the Department of Healthcare and Family Services (formerly Department of Public Aid) that the Department has adopted a child support enforcement debit authorization form as required under the Illinois Public Aid Code, each association governed by this Act shall take all appropriate steps to implement the use of the form in relation to accounts held by the association. Upon receiving from the Department of Healthcare and Family Services (formerly Department of Public Aid) a copy of a child support enforcement debit authorization form signed by an obligor, an

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association holding an account on behalf of the obligor shall debit the account and transfer the debited amounts to the State Disbursement Unit according to the instructions in the child support enforcement debit authorization form.

(Source: P.A. 92-811, eff. 8-21-02; 93-736, eff. 7-14-04; revised 12-15-05.)

(205 ILCS 105/1-6e)

Sec. 1-6e. Reverse mortgage; disclosure. At the time a reverse mortgage loan is made, the lender must provide to the mortgagor a separate document that informs the mortgagor that by obtaining the reverse mortgage the mortgagor's eligibility to obtain a tax deferral under the Senior Citizens Real Estate Tax Deferral Act may be adversely affected. The mortgagor must sign the disclosure document as part of the reverse mortgage transaction.

(Source: P.A. 92-577, eff. 6-26-02.)

(205 ILCS 105/1-6f)

Sec. 1-6f ⇔ 6e. Non-English language transactions. An association may conduct transactions in a language other than English through an employee or agent acting as interpreter or through an interpreter provided by the customer.

(Source: P.A. 92-578, eff. 6-26-02; revised 9-3-02.)

Section 590. The Savings Bank Act is amended by changing Section 7007 as follows:

(205 ILCS 205/7007)

Sec. 7007. Enforcement of child support.

(a) Any savings bank governed by this Act shall encumber or surrender accounts or assets held by the savings bank on behalf of any responsible relative who is subject to a child support lien, upon notice of the lien or levy of the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) or its successor agency pursuant to Section 10-25.5 of the Illinois Public Aid Code, or upon notice of interstate lien or levy from any other state's agency responsible for implementing the child support enforcement program set forth in Title IV, Part D of the Social Security Act.

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(b) Within 90 days after receiving notice from the Department of Healthcare and Family Services (formerly Department of Public Aid) that the Department has adopted a child support enforcement debit authorization form as required under the Illinois Public Aid Code, each savings bank governed by this Act shall take all appropriate steps to implement the use of the form in relation to accounts held by the savings bank. Upon receiving from the Department of Healthcare and Family Services (formerly Department of Public Aid) a copy of a child support enforcement debit authorization form signed by an obligor, a savings bank holding an account on behalf of the obligor shall debit the account and transfer the debited amounts to the State Disbursement Unit according to the instructions in the child support enforcement debit authorization form.

(Source: P.A. 92-811, eff. 8-21-02; 93-736, eff. 7-14-04; revised 12-15-05.)

Section 595. The Illinois Credit Union Act is amended by changing Section 43.1 as follows:

(205 ILCS 305/43.1)

Sec. 43.1. Enforcement of child support.

(a) Any credit union governed by this Act shall encumber or surrender accounts or assets held by the credit union on behalf of any responsible relative who is subject to a child support lien, upon notice of the lien or levy of the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) or its successor agency pursuant to Section 10-25.5 of the Illinois Public Aid Code, or upon notice of interstate lien from any other state's agency responsible for implementing the child support enforcement program set forth in Title IV, Part D of the Social Security Act.

(b) Within 90 days after receiving notice from the Department of Healthcare and Family Services (formerly Department of Public Aid) that the Department has adopted a child support enforcement debit authorization form as required under the Illinois Public Aid Code, each credit union governed by this Act shall take all appropriate steps to implement the use of the form in relation to accounts held by the credit union. Upon receiving from the Department of Healthcare and Family Services (formerly Department of Public Aid) a copy of a child support enforcement debit authorization form signed by an obligor, a credit union holding an account on behalf of the obligor shall debit the account and transfer the debited amounts to the State Disbursement Unit according to the instructions in the child support enforcement debit authorization form.

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Services (formerly Department of Public Aid) a copy of a child support enforcement debit authorization form signed by an obligor, a credit union holding an account on behalf of the obligor shall debit the account and transfer the debited amounts to the State Disbursement Unit according to the instructions in the child support enforcement debit authorization form.
(Source: P.A. 93-736, eff. 7-14-04; revised 12-15-05.)

Section 600. The Residential Mortgage License Act of 1987 is amended by changing Section 2-4 as follows:

(205 ILCS 635/2-4) (from Ch. 17, par. 2322-4)

Sec. 2-4. Averments of Licensee. Each application for license or for the renewal of a license shall be accompanied by the following averments stating that the applicant:

(a) Will maintain at least one full service office within the State of Illinois pursuant to Section 3-4 of this Act;

(b) Will maintain staff reasonably adequate to meet the requirements of Section 3-4 of this Act;

(c) Will keep and maintain for 36 months the same written records as required by the federal Equal Credit Opportunity Act, and any other information required by regulations of the Commissioner regarding any home mortgage in the course of the conduct of its residential mortgage business;

(d) Will file with the Commissioner, when due, any report or reports which it is required to file under any of the provisions of this Act;

(e) Will not engage, whether as principal or agent, in the practice of rejecting residential mortgage applications without reasonable cause, or varying terms or application procedures without reasonable cause, for home mortgages on real estate within any specific geographic area from the terms or procedures generally provided by the licensee within other geographic areas of the State;

(f) Will not engage in fraudulent home mortgage underwriting practices;

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(g) Will not make payment, whether directly or indirectly, of any kind to any in house or fee appraiser of any government or private money lending agency with which an application for a home mortgage has been filed for the purpose of influencing the independent judgment of the appraiser with respect to the value of any real estate which is to be covered by such home mortgage;

(h) Has filed tax returns (State and Federal) for the past 3 years or filed with the Commissioner an accountant's or attorney's statement as to why no return was filed;

(i) Will not engage in any discrimination or redlining activities prohibited by Section 3-8 of this Act;

(j) Will not knowingly make any false promises likely to influence or persuade, or pursue a course of misrepresentation and false promises through agents, solicitors, advertising or otherwise;

(k) Will not knowingly misrepresent, circumvent or conceal, through whatever subterfuge or device, any of the material particulars or the nature thereof, regarding a transaction to which it is a party to the injury of another party thereto;

(l) Will disburse funds in accordance with its agreements;

(m) Has not committed a crime against the law of this State, any other state or of the United States, involving moral turpitude, fraudulent or dishonest dealing, and that no final judgment has been entered against it in a civil action upon grounds of fraud, misrepresentation or deceit which has not been previously reported to the Commissioner;

(n) Will account or deliver to any person any personal property such as money, fund, deposit, check, draft, mortgage, other document or thing of value, which has come into its possession, and which is not its property, or which it is not in law or equity entitled to retain under the circumstances, at the time which has been agreed upon or is required by law, or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery;

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(o) Has not engaged in any conduct which would be cause for denial of a license;
(p) Has not become insolvent;
(q) Has not submitted an application for a license under this Act which contains a material misstatement;
(r) Has not demonstrated by course of conduct, negligence or incompetence in performing any act for which it is required to hold a license under this Act;
(s) Will advise the Commissioner in writing of any changes to the information submitted on the most recent application for license within 30 days of said change. The written notice must be signed in the same form as the application for license being amended;
(t) Will comply with the provisions of this Act, or with any lawful order, rule or regulation made or issued under the provisions of this Act;
(u) Will submit to periodic examination by the Commissioner as required by this Act;
(v) Will advise the Commissioner in writing of judgments entered against, and bankruptcy petitions by, the license applicant within 5 days of occurrence;
(w) Will advise the Commissioner in writing within 30 days when the license applicant requests a licensee under this Act to repurchase a loan, and the circumstances therefor; and
(x) Will advise the Commissioner in writing within 30 days when the license applicant is requested by another entity to repurchase a loan, and the circumstances therefor;
(y) Will at all times act in a manner consistent with subsections (a) and (b) of Section 1-2 of this Act; and
(z) Will not knowingly hire or employ a loan originator who is not registered with the Commissioner as required under Section 7-1 of this Act.

A licensee who fails to fulfill obligations of an averment, to comply with averments made, or otherwise violates any of the averments

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made under this Section shall be subject to the penalties in Section 4-5 of this Act.
(Source: P.A. 93-561, eff. 1-1-04; revised 10-9-03.)

Section 605. The Foreign Banking Office Act is amended by changing Section 20 as follows:
(205 ILCS 645/20)
Sec. 20. Enforcement of child support.
(a) Any foreign banking corporation governed by this Act shall encumber or surrender accounts or assets held by the foreign banking corporation on behalf of any responsible relative who is subject to a child support lien, upon notice of the lien or levy of the Department of Health and Family Services (formerly Illinois Department of Public Aid) or its successor agency pursuant to Section 10-25.5 of the Illinois Public Aid Code, or upon notice of interstate lien from any other state's agency responsible for implementing the child support enforcement program set forth in Title IV, Part D of the Social Security Act.
(b) Within 90 days after receiving notice from the Department of Health and Family Services (formerly Department of Public Aid) that the Department has adopted a child support enforcement debit authorization form as required under the Illinois Public Aid Code, each foreign banking corporation governed by this Act shall take all appropriate steps to implement the use of the form in relation to accounts held by the corporation. Upon receiving from the Department of Health and Family Services (formerly Department of Public Aid) a copy of a child support enforcement debit authorization form signed by an obligor, a foreign banking corporation holding an account on behalf of the obligor shall debit the account and transfer the debited amounts to the State Disbursement Unit according to the instructions in the child support enforcement debit authorization form.
(Source: P.A. 93-736, eff. 7-14-04; revised 12-15-05.)

Section 610. The Debt Management Service Act is amended by changing Section 2 as follows:
(205 ILCS 665/2) (from Ch. 17, par. 5302)
Sec. 2. Definitions. As used in this Act:

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"Debt management service" means the planning and management of the financial affairs of a debtor for a fee and the receiving of money from the debtor for the purpose of distributing it, directly or indirectly, to the debtor's creditors in payment or partial payment of the debtor's obligations or soliciting financial contributions from creditors. The business of debt management is conducted in this State if the debt management business, its employees, or its agents are located in this State or if the debt management business solicits or contracts with debtors located in this State.

This term shall not include the following when engaged in the regular course of their respective businesses and professions:

(a) Attorneys at law.
(b) Banks, fiduciaries, credit unions, savings and loan associations, and savings banks as duly authorized and admitted to transact business in the State of Illinois and performing credit and financial adjusting service in the regular course of their principal business.
(c) Title insurers and abstract companies, while doing an escrow business.
(d) Judicial officers or others acting pursuant to court order.
(e) Employers for their employees.
(f) Bill payment services, as defined in the Transmitters of Money Act.

"Director" means Director of Financial Institutions.
"Debtor" means the person or persons for whom the debt management service is performed.
"Person" means an individual, firm, partnership, association, limited liability company, corporation, or not-for-profit corporation.
"Licensee" means a person licensed under this Act.
"Director" means the Director of the Department of Financial Institutions.

(Source: P.A. 92-400, eff. 1-1-02; 93-903, eff. 8-10-04; revised 9-21-04.)

Section 615. The Alternative Health Care Delivery Act is amended by changing Sections 15, 30, and 35 as follows:

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Sec. 15. License required. No health care facility or program that meets the definition and scope of an alternative health care model shall operate as such unless it is a participant in a demonstration program under this Act and licensed by the Department as an alternative health care model. The provisions of this Section as they relate to subacute care hospitals shall not apply to hospitals licensed under the Illinois Hospital Licensing Act or skilled nursing facilities licensed under the Illinois Nursing Home Care Act; provided, however, that the facilities shall not hold themselves out to the public as subacute care hospitals. The provisions of this Act concerning children's respite care centers shall not apply to any facility licensed under the Hospital Licensing Act, the Nursing Home Care Act, or the University of Illinois Hospital Act that provides respite care services to children.

(Source: P.A. 88-490; 89-393, eff. 8-20-95; revised 9-15-06.)

Sec. 30. Demonstration program requirements. The requirements set forth in this Section shall apply to demonstration programs.

(a) There shall be no more than:

(i) 3 subacute care hospital alternative health care models in the City of Chicago (one of which shall be located on a designated site and shall have been licensed as a hospital under the Illinois Hospital Licensing Act within the 10 years immediately before the application for a license);

(ii) 2 subacute care hospital alternative health care models in the demonstration program for each of the following areas:

(1) Cook County outside the City of Chicago.

(2) DuPage, Kane, Lake, McHenry, and Will Counties.

(3) Municipalities with a population greater than 50,000 not located in the areas described in item (i) of subsection (a) and paragraphs (1) and (2) of item (ii) of subsection (a); and
(iii) 4 subacute care hospital alternative health care models in the demonstration program for rural areas.

In selecting among applicants for these licenses in rural areas, the Health Facilities Planning Board and the Department shall give preference to hospitals that may be unable for economic reasons to provide continued service to the community in which they are located unless the hospital were to receive an alternative health care model license.

(a-5) There shall be no more than a total of 12 postsurgical recovery care center alternative health care models in the demonstration program, located as follows:

(1) Two in the City of Chicago.
(2) Two in Cook County outside the City of Chicago. At least one of these shall be owned or operated by a hospital devoted exclusively to caring for children.
(3) Two in Kane, Lake, and McHenry Counties.
(4) Four in municipalities with a population of 50,000 or more not located in the areas described in paragraphs (1), (2), and (3), 3 of which shall be owned or operated by hospitals, at least 2 of which shall be located in counties with a population of less than 175,000, according to the most recent decennial census for which data are available, and one of which shall be owned or operated by an ambulatory surgical treatment center.
(5) Two in rural areas, both of which shall be owned or operated by hospitals.

There shall be no postsurgical recovery care center alternative health care models located in counties with populations greater than 600,000 but less than 1,000,000. A proposed postsurgical recovery care center must be owned or operated by a hospital if it is to be located within, or will primarily serve the residents of, a health service area in which more than 60% of the gross patient revenue of the hospitals within that health service area are derived from Medicaid and Medicare, according to the most recently available calendar year data from the Illinois Health Care Cost Containment Council. Nothing in this paragraph shall preclude a hospital and an ambulatory surgical treatment center from forming a joint

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venture or developing a collaborative agreement to own or operate a postsurgical recovery care center.

(a-10) There shall be no more than a total of 8 children's respite care center alternative health care models in the demonstration program, which shall be located as follows:

1. One in the City of Chicago.
2. One in Cook County outside the City of Chicago.
3. A total of 2 in the area comprised of DuPage, Kane, Lake, McHenry, and Will counties.
4. A total of 2 in municipalities with a population of 50,000 or more and not located in the areas described in paragraphs (1), (2), or (3).
5. A total of 2 in rural areas, as defined by the Health Facilities Planning Board.

No more than one children's respite care model owned and operated by a licensed skilled pediatric facility shall be located in each of the areas designated in this subsection (a-10).

(a-15) There shall be an authorized community-based residential rehabilitation center alternative health care model in the demonstration program. The community-based residential rehabilitation center shall be located in the area of Illinois south of Interstate Highway 70.

(a-20) There shall be an authorized Alzheimer's disease management center alternative health care model in the demonstration program. The Alzheimer's disease management center shall be located in Will County, owned by a not-for-profit entity, and endorsed by a resolution approved by the county board before the effective date of this amendatory Act of the 91st General Assembly.

(b) Alternative health care models, other than a model authorized under subsection (a-20), shall obtain a certificate of need from the Illinois Health Facilities Planning Board under the Illinois Health Facilities Planning Act before receiving a license by the Department. If, after obtaining its initial certificate of need, an alternative health care delivery model that is a community based residential rehabilitation center seeks to increase the bed capacity of that center, it must obtain a certificate of need.
from the Illinois Health Facilities Planning Board before increasing the bed capacity. Alternative health care models in medically underserved areas shall receive priority in obtaining a certificate of need.

(c) An alternative health care model license shall be issued for a period of one year and shall be annually renewed if the facility or program is in substantial compliance with the Department's rules adopted under this Act. A licensed alternative health care model that continues to be in substantial compliance after the conclusion of the demonstration program shall be eligible for annual renewals unless and until a different licensure program for that type of health care model is established by legislation. The Department may issue a provisional license to any alternative health care model that does not substantially comply with the provisions of this Act and the rules adopted under this Act if (i) the Department finds that the alternative health care model has undertaken changes and corrections which upon completion will render the alternative health care model in substantial compliance with this Act and rules and (ii) the health and safety of the patients of the alternative health care model will be protected during the period for which the provisional license is issued. The Department shall advise the licensee of the conditions under which the provisional license is issued, including the manner in which the alternative health care model fails to comply with the provisions of this Act and rules, and the time within which the changes and corrections necessary for the alternative health care model to substantially comply with this Act and rules shall be completed.

(d) Alternative health care models shall seek certification under Titles XVIII and XIX of the federal Social Security Act. In addition, alternative health care models shall provide charitable care consistent with that provided by comparable health care providers in the geographic area.

(d-5) The Department of Healthcare and Family Services (formerly Illinois Department of Public Aid), in cooperation with the Illinois Department of Public Health, shall develop and implement a reimbursement methodology for all facilities participating in the demonstration program. The Illinois Department of Public Aid shall keep a record of services...
provided under the demonstration program to recipients of medical
assistance under the Illinois Public Aid Code and shall submit an annual
report of that information to the Illinois Department of Public Health.

(e) Alternative health care models shall, to the extent possible, link
and integrate their services with nearby health care facilities.

(f) Each alternative health care model shall implement a quality
assurance program with measurable benefits and at reasonable cost.
(Source: P.A. 91-65, eff. 7-9-99; 91-838, eff. 6-16-00; revised 12-15-05.)
(210 ILCS 3/35)

Sec. 35. Alternative health care models authorized. Notwithstanding any other law to the contrary, alternative health care
models described in this Section may be established on a demonstration
basis.

(1) Alternative health care model; subacute care hospital. A
subacute care hospital is a designated site which provides medical
specialty care for patients who need a greater intensity or
complexity of care than generally provided in a skilled nursing
facility but who no longer require acute hospital care. The average
length of stay for patients treated in subacute care hospitals shall
not be less than 20 days, and for individual patients, the expected
length of stay at the time of admission shall not be less than 10
days. Variations from minimum lengths of stay shall be reported to
the Department. There shall be no more than 13 subacute care
hospitals authorized to operate by the Department. Subacute care
includes physician supervision, registered nursing, and
physiological monitoring on a continual basis. A subacute care
hospital is either a freestanding building or a distinct physical and
operational entity within a hospital or nursing home building. A
subacute care hospital shall only consist of beds currently existing
in licensed hospitals or skilled nursing facilities, except, in the City
of Chicago, on a designated site that was licensed as a hospital
under the Illinois Hospital Licens ing Act within the 10 years
immediately before the application for an alternative health care
model license. During the period of operation of the demonstration

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project, the existing licensed beds shall remain licensed as hospital or skilled nursing facility beds as well as being licensed under this Act. In order to handle cases of complications, emergencies, or exigent circumstances, a subacute care hospital shall maintain a contractual relationship, including a transfer agreement, with a general acute care hospital. If a subacute care model is located in a general acute care hospital, it shall utilize all or a portion of the bed capacity of that existing hospital. In no event shall a subacute care hospital use the word "hospital" in its advertising or marketing activities or represent or hold itself out to the public as a general acute care hospital.

(2) Alternative health care delivery model; postsurgical recovery care center. A postsurgical recovery care center is a designated site which provides postsurgical recovery care for generally healthy patients undergoing surgical procedures that require overnight nursing care, pain control, or observation that would otherwise be provided in an inpatient setting. A postsurgical recovery care center is either freestanding or a defined unit of an ambulatory surgical treatment center or hospital. No facility, or portion of a facility, may participate in a demonstration program as a postsurgical recovery care center unless the facility has been licensed as an ambulatory surgical treatment center or hospital for at least 2 years before August 20, 1993 (the effective date of Public Act 88-441). The maximum length of stay for patients in a postsurgical recovery care center is not to exceed 48 hours unless the treating physician requests an extension of time from the recovery center's medical director on the basis of medical or clinical documentation that an additional care period is required for the recovery of a patient and the medical director approves the extension of time. In no case, however, shall a patient's length of stay in a postsurgical recovery care center be longer than 72 hours. If a patient requires an additional care period after the expiration of the 72-hour limit, the patient shall be transferred to an appropriate facility. Reports on variances from the 48-hour limit shall be sent

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to the Department for its evaluation. The reports shall, before submission to the Department, have removed from them all patient and physician identifiers. In order to handle cases of complications, emergencies, or exigent circumstances, every postsurgical recovery care center as defined in this paragraph shall maintain a contractual relationship, including a transfer agreement, with a general acute care hospital. A postsurgical recovery care center shall be no larger than 20 beds. A postsurgical recovery care center shall be located within 15 minutes travel time from the general acute care hospital with which the center maintains a contractual relationship, including a transfer agreement, as required under this paragraph.

No postsurgical recovery care center shall discriminate against any patient requiring treatment because of the source of payment for services, including Medicare and Medicaid recipients.

The Department shall adopt rules to implement the provisions of Public Act 88-441 concerning postsurgical recovery care centers within 9 months after August 20, 1993.

(3) Alternative health care delivery model; children's community-based health care center. A children's community-based health care center model is a designated site that provides nursing care, clinical support services, and therapies for a period of one to 14 days for short-term stays and 120 days to facilitate transitions to home or other appropriate settings for medically fragile children, technology dependent children, and children with special health care needs who are deemed clinically stable by a physician and are younger than 22 years of age. This care is to be provided in a home-like environment that serves no more than 12 children at a time. Children's community-based health care center services must be available through the model to all families, including those whose care is paid for through the Department of Healthcare and Family Services Public Aid, the Department of Children and Family Services, the Department of Human Services, and insurance companies who cover home health care services or private duty nursing care in the home.

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Each children's community-based health care center model location shall be physically separate and apart from any other facility licensed by the Department of Public Health under this or any other Act and shall provide the following services: respite care, registered nursing or licensed practical nursing care, transitional care to facilitate home placement or other appropriate settings and reunite families, medical day care, weekend camps, and diagnostic studies typically done in the home setting.

Coverage for the services provided by the Illinois Department of Healthcare and Family Services Public Aid under this paragraph (3) is contingent upon federal waiver approval and is provided only to Medicaid eligible clients participating in the home and community based services waiver designated in Section 1915(c) of the Social Security Act for medically frail and technologically dependent children or children in Department of Children and Family Services foster care who receive home health benefits.

(4) Alternative health care delivery model; community based residential rehabilitation center. A community-based residential rehabilitation center model is a designated site that provides rehabilitation or support, or both, for persons who have experienced severe brain injury, who are medically stable, and who no longer require acute rehabilitative care or intense medical or nursing services. The average length of stay in a community-based residential rehabilitation center shall not exceed 4 months. As an integral part of the services provided, individuals are housed in a supervised living setting while having immediate access to the community. The residential rehabilitation center authorized by the Department may have more than one residence included under the license. A residence may be no larger than 12 beds and shall be located as an integral part of the community. Day treatment or individualized outpatient services shall be provided for persons who reside in their own home. Functional outcome goals shall be established for each individual. Services shall include, but are not

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limited to, case management, training and assistance with activities of daily living, nursing consultation, traditional therapies (physical, occupational, speech), functional interventions in the residence and community (job placement, shopping, banking, recreation), counseling, self-management strategies, productive activities, and multiple opportunities for skill acquisition and practice throughout the day. The design of individualized program plans shall be consistent with the outcome goals that are established for each resident. The programs provided in this setting shall be accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF). The program shall have been accredited by CARF as a Brain Injury Community-Integrative Program for at least 3 years.

(5) Alternative health care delivery model; Alzheimer's disease management center. An Alzheimer's disease management center model is a designated site that provides a safe and secure setting for care of persons diagnosed with Alzheimer's disease. An Alzheimer's disease management center model shall be a facility separate from any other facility licensed by the Department of Public Health under this or any other Act. An Alzheimer's disease management center shall conduct and document an assessment of each resident every 6 months. The assessment shall include an evaluation of daily functioning, cognitive status, other medical conditions, and behavioral problems. An Alzheimer's disease management center shall develop and implement an ongoing treatment plan for each resident. The treatment plan shall have defined goals. The Alzheimer's disease management center shall treat behavioral problems and mood disorders using nonpharmacologic approaches such as environmental modification, task simplification, and other appropriate activities. All staff must have necessary training to care for all stages of Alzheimer's Disease. An Alzheimer's disease management center shall provide education and support for residents and caregivers. The education and support shall include referrals to support organizations for educational materials on community resources, support groups,

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legal and financial issues, respite care, and future care needs and options. The education and support shall also include a discussion of the resident's need to make advance directives and to identify surrogates for medical and legal decision-making. The provisions of this paragraph establish the minimum level of services that must be provided by an Alzheimer's disease management center. An Alzheimer's disease management center model shall have no more than 100 residents. Nothing in this paragraph (5) shall be construed as prohibiting a person or facility from providing services and care to persons with Alzheimer's disease as otherwise authorized under State law.

(Source: P.A. 93-402, eff. 1-1-04; revised 12-15-05.)

Section 620. The Assisted Living and Shared Housing Act is amended by changing Sections 75 and 125 as follows:

(210 ILCS 9/75)

Sec. 75. Residency Requirements.

(a) No individual shall be accepted for residency or remain in residence if the establishment cannot provide or secure appropriate services, if the individual requires a level of service or type of service for which the establishment is not licensed or which the establishment does not provide, or if the establishment does not have the staff appropriate in numbers and with appropriate skill to provide such services.

(b) Only adults may be accepted for residency.

(c) A person shall not be accepted for residency if:

(1) the person poses a serious threat to himself or herself or to others;

(2) the person is not able to communicate his or her needs and no resident representative residing in the establishment, and with a prior relationship to the person, has been appointed to direct the provision of services;

(3) the person requires total assistance with 2 or more activities of daily living;

(4) the person requires the assistance of more than one paid caregiver at any given time with an activity of daily living;

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(5) the person requires more than minimal assistance in moving to a safe area in an emergency;

(6) the person has a severe mental illness, which for the purposes of this Section means a condition that is characterized by the presence of a major mental disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) (American Psychiatric Association, 1994), where the individual is substantially disabled due to mental illness in the areas of self-maintenance, social functioning, activities of community living and work skills, and the disability specified is expected to be present for a period of not less than one year, but does not mean Alzheimer's disease and other forms of dementia based on organic or physical disorders;

(7) the person requires intravenous therapy or intravenous feedings unless self-administered or administered by a qualified, licensed health care professional;

(8) the person requires gastrostomy feedings unless self-administered or administered by a licensed health care professional;

(9) the person requires insertion, sterile irrigation, and replacement of catheter, except for routine maintenance of urinary catheters, unless the catheter care is self-administered or administered by a licensed health care professional;

(10) the person requires sterile wound care unless care is self-administered or administered by a licensed health care professional;

(11) the person requires sliding scale insulin administration unless self-performed or administered by a licensed health care professional;

(12) the person is a diabetic requiring routine insulin injections unless the injections are self-administered or administered by a licensed health care professional;

(13) the person requires treatment of stage 3 or stage 4 decubitus ulcers or exfoliative dermatitis;

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(14) the person requires 5 or more skilled nursing visits per week for conditions other than those listed in items (13) and (15) of this subsection for a period of 3 consecutive weeks or more except when the course of treatment is expected to extend beyond a 3 week period for rehabilitative purposes and is certified as temporary by a physician; or

(15) other reasons prescribed by the Department by rule.

(d) A resident with a condition listed in items (1) through (15) of subsection (c) shall have his or her residency terminated.

(e) Residency shall be terminated when services available to the resident in the establishment are no longer adequate to meet the needs of the resident. This provision shall not be interpreted as limiting the authority of the Department to require the residency termination of individuals.

(f) Subsection (d) of this Section shall not apply to terminally ill residents who receive or would qualify for hospice care and such care is coordinated by a hospice program licensed under the Hospice Program Licensing Act or other licensed health care professional employed by a licensed home health agency and the establishment and all parties agree to the continued residency.

(g) Items (3), (4), (5), and (9) of subsection (c) shall not apply to a quadriplegic, paraplegic, or individual with neuro-muscular diseases, such as muscular dystrophy and multiple sclerosis, or other chronic diseases and conditions as defined by rule if the individual is able to communicate his or her needs and does not require assistance with complex medical problems, and the establishment is able to accommodate the individual's needs. The Department shall prescribe rules pursuant to this Section that address special safety and service needs of these individuals.

(h) For the purposes of items (7) through (10) of subsection (c), a licensed health care professional may not be employed by the owner or operator of the establishment, its parent entity, or any other entity with ownership common to either the owner or operator of the establishment or parent entity, including but not limited to an affiliate of the owner or

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operator of the establishment. Nothing in this Section is meant to limit a resident's right to choose his or her health care provider.
(Source: P.A. 93-141, eff. 7-10-03; 94-256, eff. 7-19-05; 94-570, eff. 8-12-05; revised 8-19-05.)

(210 ILCS 9/125)

Sec. 125. Assisted Living and Shared Housing Standards and Quality of Life Advisory Board.

(a) The Governor shall appoint the Assisted Living and Shared Housing Standards and Quality of Life Advisory Board which shall be responsible for advising the Director in all aspects of the administration of the Act. The Board shall give advice to the Department concerning activities of the assisted living ombudsman and all other matters deemed relevant by the Director and to the Director concerning the delivery of personal care services, the unique needs and concerns of seniors residing in housing projects, and all other issues affecting the quality of life of residents.

(b) The Board shall be comprised of the following persons:

(1) the Director who shall serve as chair, ex officio and nonvoting;
(2) the Director of Aging who shall serve as vice-chair, ex officio and nonvoting;
(3) one representative each of the Departments of Public Health, Healthcare and Family Services Public Aid, and Human Services, the Office of the State Fire Marshal, and the Illinois Housing Development Authority, and 2 representatives of the Department on Aging, all nonvoting members;
(4) the State Ombudsman or his or her designee;
(5) one representative of the Association of Area Agencies on Aging;
(6) four members selected from the recommendations by provider organizations whose membership consist of nursing care or assisted living establishments;

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(7) one member selected from the recommendations of provider organizations whose membership consists of home health agencies;

(8) two residents of assisted living or shared housing establishments;

(9) three members selected from the recommendations of consumer organizations which engage solely in advocacy or legal representation on behalf of the senior population;

(10) one member who shall be a physician;

(11) one member who shall be a registered professional nurse selected from the recommendations of professional nursing associations;

(12) two citizen members with expertise in the area of gerontology research or legal research regarding implementation of assisted living statutes;

(13) two members representing providers of community care services; and

(14) one member representing agencies providing case coordination services.

(c) Members of the Board appointed under paragraphs (5) through (14) of subsection (b) shall be appointed to serve for terms of 3 years except as otherwise provided in this Section. All members shall be appointed by January 1, 2001, except that the 2 members representing the Department on Aging appointed under paragraph (3) of subsection (b) and the members appointed under paragraphs (13) and (14) of subsection (b) shall be appointed by January 1, 2005. One third of the Board members' initial terms shall expire in one year; one third in 2 years, and one third in 3 years. Of the 3 members appointed under paragraphs (13) and (14) of subsection (b), one shall serve for an initial term of one year, one shall serve for an initial term of 2 years, and one shall serve for an initial term of 3 years. A member's term does not expire until a successor is appointed by the Governor. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of that term. The Board shall meet at

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the call of the Director. The affirmative vote of 10 members of the Board shall be necessary for Board action. Members of this Board shall receive no compensation for their services, however, resident members shall be reimbursed for their actual expenses.

(d) The Board shall be provided copies of all administrative rules and changes to administrative rules for review and comment prior to notice being given to the public. If the Board, having been asked for its review, fails to advise the Department within 90 days, the rules shall be considered acted upon.

(Source: P.A. 93-1003, eff. 8-23-04; revised 12-15-05.)

Section 625. The Abused and Neglected Long Term Care Facility Residents Reporting Act is amended by changing Section 6.2 as follows:

(210 ILCS 30/6.2) (from Ch. 111 1/2, par. 4166.2)

Sec. 6.2. Inspector General.

(a) The Governor shall appoint, and the Senate shall confirm, an Inspector General. The Inspector General shall be appointed for a term of 4 years and shall function within the Department of Human Services and report to the Secretary of Human Services and the Governor. The Inspector General shall function independently within the Department of Human Services with respect to the operations of the office, including the performance of investigations and issuance of findings and recommendations. The appropriation for the Office of Inspector General shall be separate from the overall appropriation for the Department of Human Services. The Inspector General shall investigate reports of suspected abuse or neglect (as those terms are defined in Section 3 of this Act) of patients or residents in any mental health or developmental disabilities facility operated by the Department of Human Services and shall have authority to investigate and take immediate action on reports of abuse or neglect of recipients, whether patients or residents, in any mental health or developmental disabilities facility or program that is licensed or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or that is funded by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) and is not

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licensed or certified by any agency of the State. At the specific, written request of an agency of the State other than the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities), the Inspector General may cooperate in investigating reports of abuse and neglect of persons with mental illness or persons with developmental disabilities. The Inspector General shall have no supervision over or involvement in routine, programmatic, licensure, or certification operations of the Department of Human Services or any of its funded agencies.

The Inspector General shall promulgate rules establishing minimum requirements for reporting allegations of abuse and neglect and initiating, conducting, and completing investigations. The promulgated rules shall clearly set forth that in instances where 2 or more State agencies could investigate an allegation of abuse or neglect, the Inspector General shall not conduct an investigation that is redundant to an investigation conducted by another State agency. The rules shall establish criteria for determining, based upon the nature of the allegation, the appropriate method of investigation, which may include, but need not be limited to, site visits, telephone contacts, or requests for written responses from agencies. The rules shall also clarify how the Office of the Inspector General shall interact with the licensing unit of the Department of Human Services in investigations of allegations of abuse or neglect. Any allegations or investigations of reports made pursuant to this Act shall remain confidential until a final report is completed. The resident or patient who allegedly was abused or neglected and his or her legal guardian shall be informed by the facility or agency of the report of alleged abuse or neglect. Final reports regarding unsubstantiated or unfounded allegations shall remain confidential, except that final reports may be disclosed pursuant to Section 6 of this Act.

For purposes of this Section, "required reporter" means a person who suspects, witnesses, or is informed of an allegation of abuse or neglect at a State-operated facility or a community agency and who is either: (i) a person employed at a State-operated facility or a community agency on or off site who is providing or monitoring services to an

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individual or individuals or is providing services to the State-operated facility or the community agency; or (ii) any person or contractual agent of the Department of Human Services involved in providing, monitoring, or administering mental health or developmental disability services, including, but not limited to, payroll personnel, contractors, subcontractors, and volunteers. A required reporter shall report the allegation of abuse or neglect, or cause a report to be made, to the Office of the Inspector General (OIG) Hotline no later than 4 hours after the initial discovery of the incident of alleged abuse or neglect. A required reporter as defined in this paragraph who willfully fails to comply with the reporting requirement is guilty of a Class A misdemeanor.

For purposes of this Section, "State-operated facility" means a mental health facility or a developmental disability facility as defined in Sections 1-114 and 1-107 of the Mental Health and Developmental Disabilities Code.

For purposes of this Section, "community agency" or "agency" means any community entity or program providing mental health or developmental disabilities services that is licensed, certified, or funded by the Department of Human Services and is not licensed or certified by any other human services agency of the State (for example, the Department of Public Health, the Department of Children and Family Services, or the Department of Healthcare and Family Services).

When the Office of the Inspector General has substantiated a case of abuse or neglect, the Inspector General shall include in the final report any mitigating or aggravating circumstances that were identified during the investigation. Upon determination that a report of neglect is substantiated, the Inspector General shall then determine whether such neglect rises to the level of egregious neglect.

(b) The Inspector General shall, within 24 hours after determining that a reported allegation of suspected abuse or neglect indicates that any possible criminal act has been committed or that special expertise is required in the investigation, immediately notify the Department of State Police or the appropriate law enforcement entity. The Department of State Police shall investigate any report from a State-operated facility indicating

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a possible murder, rape, or other felony. All investigations conducted by the Inspector General shall be conducted in a manner designed to ensure the preservation of evidence for possible use in a criminal prosecution.

(b-5) The Inspector General shall make a determination to accept or reject a preliminary report of the investigation of alleged abuse or neglect based on established investigative procedures. Notice of the Inspector General's determination must be given to the person who claims to be the victim of the abuse or neglect, to the person or persons alleged to have been responsible for abuse or neglect, and to the facility or agency. The facility or agency or the person or persons alleged to have been responsible for the abuse or neglect and the person who claims to be the victim of the abuse or neglect may request clarification or reconsideration based on additional information. For cases where the allegation of abuse or neglect is substantiated, the Inspector General shall require the facility or agency to submit a written response. The written response from a facility or agency shall address in a concise and reasoned manner the actions that the agency or facility will take or has taken to protect the resident or patient from abuse or neglect, prevent reoccurrences, and eliminate problems identified and shall include implementation and completion dates for all such action.

(c) The Inspector General shall, within 10 calendar days after the transmittal date of a completed investigation where abuse or neglect is substantiated or administrative action is recommended, provide a complete report on the case to the Secretary of Human Services and to the agency in which the abuse or neglect is alleged to have happened. The complete report shall include a written response from the agency or facility operated by the State to the Inspector General that addresses in a concise and reasoned manner the actions that the agency or facility will take or has taken to protect the resident or patient from abuse or neglect, prevent reoccurrences, and eliminate problems identified and shall include implementation and completion dates for all such action. The Secretary of Human Services shall accept or reject the response and establish how the Department will determine whether the facility or program followed the approved response. The Secretary may require Department personnel to

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visit the facility or agency for training, technical assistance, programmatic, licensure, or certification purposes. Administrative action, including sanctions, may be applied should the Secretary reject the response or should the facility or agency fail to follow the approved response. Within 30 days after the Secretary has approved a response, the facility or agency making the response shall provide an implementation report to the Inspector General on the status of the corrective action implemented. Within 60 days after the Secretary has approved the response, the facility or agency shall send notice of the completion of the corrective action or shall send an updated implementation report. The facility or agency shall continue sending updated implementation reports every 60 days until the facility or agency sends a notice of the completion of the corrective action. The Inspector General shall review any implementation plan that takes more than 120 days. The Inspector General shall monitor compliance through a random review of completed corrective actions. This monitoring may include, but need not be limited to, site visits, telephone contacts, or requests for written documentation from the facility or agency to determine whether the facility or agency is in compliance with the approved response. The facility or agency shall inform the resident or patient and the legal guardian whether the reported allegation was substantiated, unsubstantiated, or unfounded. There shall be an appeals process for any person or agency that is subject to any action based on a recommendation or recommendations.

(d) The Inspector General may recommend to the Departments of Public Health and Human Services sanctions to be imposed against mental health and developmental disabilities facilities under the jurisdiction of the Department of Human Services for the protection of residents, including appointment of on-site monitors or receivers, transfer or relocation of residents, and closure of units. The Inspector General may seek the assistance of the Attorney General or any of the several State's attorneys in imposing such sanctions. Whenever the Inspector General issues any recommendations to the Secretary of Human Services, the Secretary shall provide a written response.
(e) The Inspector General shall establish and conduct periodic training programs for Department of Human Services employees concerning the prevention and reporting of neglect and abuse.

(f) The Inspector General shall at all times be granted access to any mental health or developmental disabilities facility operated by the Department of Human Services, shall establish and conduct unannounced site visits to those facilities at least once annually, and shall be granted access, for the purpose of investigating a report of abuse or neglect, to the records of the Department of Human Services and to any facility or program funded by the Department of Human Services that is subject under the provisions of this Section to investigation by the Inspector General for a report of abuse or neglect.

(g) Nothing in this Section shall limit investigations by the Department of Human Services that may otherwise be required by law or that may be necessary in that Department's capacity as the central administrative authority responsible for the operation of State mental health and developmental disability facilities.

(g-5) After notice and an opportunity for a hearing that is separate and distinct from the Office of the Inspector General's appeals process as implemented under subsection (c) of this Section, the Inspector General shall report to the Department of Public Health's nurse aide registry under Section 3-206.01 of the Nursing Home Care Act the identity of individuals against whom there has been a substantiated finding of physical or sexual abuse or egregious neglect of a service recipient.

Nothing in this subsection shall diminish or impair the rights of a person who is a member of a collective bargaining unit pursuant to the Illinois Public Labor Relations Act or pursuant to any federal labor statute. An individual who is a member of a collective bargaining unit as described above shall not be reported to the Department of Public Health's nurse aide registry until the exhaustion of that individual's grievance and arbitration rights, or until 3 months after the initiation of the grievance process, whichever occurs first, provided that the Department of Human Services' hearing under this subsection regarding the reporting of an individual to the Department of Public Health's nurse aide registry has concluded.

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Notwithstanding anything hereinafter or previously provided, if an action taken by an employer against an individual as a result of the circumstances that led to a finding of physical or sexual abuse or egregious neglect is later overturned under a grievance or arbitration procedure provided for in Section 8 of the Illinois Public Labor Relations Act or under a collective bargaining agreement, the report must be removed from the registry.

The Department of Human Services shall promulgate or amend rules as necessary or appropriate to establish procedures for reporting to the registry, including the definition of egregious neglect, procedures for notice to the individual and victim, appeal and hearing procedures, and petition for removal of the report from the registry. The portion of the rules pertaining to hearings shall provide that, at the hearing, both parties may present written and oral evidence. The Department shall be required to establish by a preponderance of the evidence that the Office of the Inspector General's finding of physical or sexual abuse or egregious neglect warrants reporting to the Department of Public Health's nurse aide registry under Section 3-206.01 of the Nursing Home Care Act.

Notice to the individual shall include a clear and concise statement of the grounds on which the report to the registry is based and notice of the opportunity for a hearing to contest the report. The Department of Human Services shall provide the notice by certified mail to the last known address of the individual. The notice shall give the individual an opportunity to contest the report in a hearing before the Department of Human Services or to submit a written response to the findings instead of requesting a hearing. If the individual does not request a hearing or if after notice and a hearing the Department of Human Services finds that the report is valid, the finding shall be included as part of the registry, as well as a brief statement from the reported individual if he or she chooses to make a statement. The Department of Public Health shall make available to the public information reported to the registry. In a case of inquiries concerning an individual listed in the registry, any information disclosed concerning a finding of abuse or neglect shall also include disclosure of the individual's brief statement in the registry relating to the reported finding or include a clear and accurate summary of the statement.
At any time after the report of the registry, an individual may petition the Department of Human Services for removal from the registry of the finding against him or her. Upon receipt of such a petition, the Department of Human Services shall conduct an investigation and hearing on the petition. Upon completion of the investigation and hearing, the Department of Human Services shall report the removal of the finding to the registry unless the Department of Human Services determines that removal is not in the public interest.

(Source: P.A. 93-636, eff. 12-31-03; 94-428, eff. 8-2-05; 94-853, eff. 6-13-06; 94-934, eff. 6-26-06; revised 8-3-06.)

Section 630. The Nursing Home Care Act is amended by changing Sections 1-105, 2-101.1, 2-106, 2-106.1, 2-202, 2-204, 2-205, 2-211, 3-108, 3-109, 3-117, 3-119, 3-208, 3-304, 3-401.1, 3-405, 3-406, 3-411, 3-414, 3-508, 3-805, and 3A-101 as follows:

(210 ILCS 45/1-105) (from Ch. 111 1/2, par. 4151-105)

Sec. 1-105. "Administrator" means a person who is charged with the general administration and supervision of a facility and licensed, if required, under the Nursing Home Administrators Licensing and Disciplinary Act³, as now or hereafter amended.

(Source: P.A. 81-1349; revised 9-15-06.)

(210 ILCS 45/2-101.1) (from Ch. 111 1/2, par. 4152-101.1)

Sec. 2-101.1. Spousal impoverishment. All new residents and their spouses shall be informed on admittance of their spousal impoverishment rights as defined at Section 5-4 of the Illinois Public Aid Code, as now or hereafter amended and at Section 303 of Title III of the Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360).

(Source: P.A. 86-410; revised 9-21-06.)

(210 ILCS 45/2-106) (from Ch. 111 1/2, par. 4152-106)

Sec. 2-106. (a) For purposes of this Act, (i) a physical restraint is any manual method or physical or mechanical device, material, or equipment attached or adjacent to a resident's body that the resident cannot remove easily and restricts freedom of movement or normal access to one's body. Devices used for positioning, including but not limited to bed rails, gait belts, and cushions, shall not be considered to be restraints for

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purposes of this Section; (ii) a chemical restraint is any drug used for
discipline or convenience and not required to treat medical symptoms. The
Department shall by rule, designate certain devices as restraints, including
at least all those devices which have been determined to be restraints by
the United States Department of Health and Human Services in
interpretive guidelines issued for the purposes of administering Titles

\textit{XVIII} and \textit{XIX} \textit{And 18 and 19} of the Social Security \textit{Act} \textit{Acts}.

(b) Neither restraints nor confinements shall be employed for the
purpose of punishment or for the convenience of any facility personnel. No
restraints or confinements shall be employed except as ordered by a
physician who documents the need for such restraints or confinements in
the resident's clinical record. Each facility licensed under this Act must
have a written policy to address the use of restraints and seclusion. The
Department shall establish by rule the provisions that the policy must
include, which, to the extent practicable, should be consistent with the
requirements for participation in the federal Medicare program. Each
policy shall include periodic review of the use of restraints.

(c) A restraint may be used only with the informed consent of the
resident, the resident's guardian, or other authorized representative. A
restraint may be used only for specific periods, if it is the least restrictive
means necessary to attain and maintain the resident's highest practicable
physical, mental or psychosocial well-being, including brief periods of
time to provide necessary life-saving treatment. A restraint may be used
only after consultation with appropriate health professionals, such as
occupational or physical therapists, and a trial of less restrictive measures
has led to the determination that the use of less restrictive measures would
not attain or maintain the resident's highest practicable physical, mental or
psychosocial well-being. However, if the resident needs emergency care,
restraints may be used for brief periods to permit medical treatment to
proceed unless the facility has notice that the resident has previously made
a valid refusal of the treatment in question.

(d) A restraint may be applied only by a person trained in the
application of the particular type of restraint.

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(e) Whenever a period of use of a restraint is initiated, the resident shall be advised of his or her right to have a person or organization of his or her choosing, including the Guardianship and Advocacy Commission, notified of the use of the restraint. A recipient who is under guardianship may request that a person or organization of his or her choosing be notified of the restraint, whether or not the guardian approves the notice. If the resident so chooses, the facility shall make the notification within 24 hours, including any information about the period of time that the restraint is to be used. Whenever the Guardianship and Advocacy Commission is notified that a resident has been restrained, it shall contact the resident to determine the circumstances of the restraint and whether further action is warranted.

(f) Whenever a restraint is used on a resident whose primary mode of communication is sign language, the resident shall be permitted to have his or her hands free from restraint for brief periods each hour, except when this freedom may result in physical harm to the resident or others.

(g) The requirements of this Section are intended to control in any conflict with the requirements of Sections 1-126 and 2-108 of the Mental Health and Developmental Disabilities Code.

(Source: P.A. 93-636, eff. 6-1-04; revised 9-18-06.)

(210 ILCS 45/2-106.1)

Sec. 2-106.1. Drug treatment.

(a) A resident shall not be given unnecessary drugs. An unnecessary drug is any drug used in an excessive dose, including in duplicative therapy; for excessive duration; without adequate monitoring; without adequate indications for its use; or in the presence of adverse consequences that indicate the drugs should be reduced or discontinued. The Department shall adopt, by rule, the standards for unnecessary drugs contained in interpretive guidelines issued by the United States Department of Health and Human Services for the purposes of administering Titles XVIII and XIX of the Social Security Act.

(b) Psychotropic medication shall not be prescribed without the informed consent of the resident, the resident's guardian, or other
authorized representative. "Psychotropic medication" means medication that is used for or listed as used for antipsychotic, antidepressant, antimanic, or antianxiety behavior modification or behavior management purposes in the latest editions of the AMA Drug Evaluations or the Physician's Desk Reference.

(c) The requirements of this Section are intended to control in a conflict with the requirements of Sections 2-102 and 2-107.2 of the Mental Health and Developmental Disabilities Code with respect to the administration of psychotropic medication.

(Source: P.A. 93-636, eff. 6-1-04; revised 9-18-06.)

(210 ILCS 45/2-202) (from Ch. 111 1/2, par. 4152-202)

Sec. 2-202. (a) Before a person is admitted to a facility, or at the expiration of the period of previous contract, or when the source of payment for the resident's care changes from private to public funds or from public to private funds, a written contract shall be executed between a licensee and the following in order of priority:

(1) the person, or if the person is a minor, his parent or guardian; or

(2) the person's guardian, if any, or agent, if any, as defined in Section 2-3 of the Illinois Power of Attorney Act; or

(3) a member of the person's immediate family.

An adult person shall be presumed to have the capacity to contract for admission to a long term care facility unless he has been adjudicated a "disabled person" within the meaning of Section 11a-2 of the Probate Act of 1975, or unless a petition for such an adjudication is pending in a circuit court of Illinois.

If there is no guardian, agent or member of the person's immediate family available, able or willing to execute the contract required by this Section and a physician determines that a person is so disabled as to be unable to consent to placement in a facility, or if a person has already been found to be a "disabled person", but no order has been entered allowing residential placement of the person, that person may be admitted to a facility before the execution of a contract required by this Section; provided that a petition for guardianship or for modification of

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guardianship is filed within 15 days of the person's admission to a facility, and provided further that such a contract is executed within 10 days of the disposition of the petition.

No adult shall be admitted to a facility if he objects, orally or in writing, to such admission, except as otherwise provided in Chapters III and IV of the Mental Health and Developmental Disabilities Code or Section 11a-14.1 of the Probate Act of 1975.

If a person has not executed a contract as required by this Section, then such a contract shall be executed on or before July 1, 1981, or within 10 days after the disposition of a petition for guardianship or modification of guardianship that was filed prior to July 1, 1981, whichever is later.

Before a licensee enters a contract under this Section, it shall provide the prospective resident and his guardian, if any, with written notice of the licensee's policy regarding discharge of a resident whose private funds for payment of care are exhausted.

(b) A resident shall not be discharged or transferred at the expiration of the term of a contract, except as provided in Sections 3-401 through 3-423.

(c) At the time of the resident's admission to the facility, a copy of the contract shall be given to the resident, his guardian, if any, and any other person who executed the contract.

(d) A copy of the contract for a resident who is supported by nonpublic funds other than the resident's own funds shall be made available to the person providing the funds for the resident's support.

(e) The original or a copy of the contract shall be maintained in the facility and be made available upon request to representatives of the Department and the Department of Healthcare and Family Services Public Aid.

(f) The contract shall be written in clear and unambiguous language and shall be printed in not less than 12-point type. The general form of the contract shall be prescribed by the Department.

(g) The contract shall specify:

(1) the term of the contract;
(2) the services to be provided under the contract and the charges for the services;

(3) the services that may be provided to supplement the contract and the charges for the services;

(4) the sources liable for payments due under the contract;

(5) the amount of deposit paid; and

(6) the rights, duties and obligations of the resident, except that the specification of a resident's rights may be furnished on a separate document which complies with the requirements of Section 2-211.

(h) The contract shall designate the name of the resident's representative, if any. The resident shall provide the facility with a copy of the written agreement between the resident and the resident's representative which authorizes the resident's representative to inspect and copy the resident's records and authorizes the resident's representative to execute the contract on behalf of the resident required by this Section.

(i) The contract shall provide that if the resident is compelled by a change in physical or mental health to leave the facility, the contract and all obligations under it shall terminate on 7 days notice. No prior notice of termination of the contract shall be required, however, in the case of a resident's death. The contract shall also provide that in all other situations, a resident may terminate the contract and all obligations under it with 30 days notice. All charges shall be prorated as of the date on which the contract terminates, and, if any payments have been made in advance, the excess shall be refunded to the resident. This provision shall not apply to life-care contracts through which a facility agrees to provide maintenance and care for a resident throughout the remainder of his life nor to continuing-care contracts through which a facility agrees to supplement all available forms of financial support in providing maintenance and care for a resident throughout the remainder of his life.

(j) In addition to all other contract specifications contained in this Section admission contracts shall also specify:

(1) whether the facility accepts Medicaid clients;

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(2) whether the facility requires a deposit of the resident or his family prior to the establishment of Medicaid eligibility;
(3) in the event that a deposit is required, a clear and concise statement of the procedure to be followed for the return of such deposit to the resident or the appropriate family member or guardian of the person;
(4) that all deposits made to a facility by a resident, or on behalf of a resident, shall be returned by the facility within 30 days of the establishment of Medicaid eligibility, unless such deposits must be drawn upon or encumbered in accordance with Medicaid eligibility requirements established by the Illinois Department of Healthcare and Family Services Public Aid.

(k) It shall be a business offense for a facility to knowingly and intentionally both retain a resident's deposit and accept Medicaid payments on behalf of that resident.

(Source: P.A. 87-225; 87-895; 88-154; revised 12-15-05.)

(210 ILCS 45/2-204) (from Ch. 111 1/2, par. 4152-204)

Sec. 2-204. The Director shall appoint a Long-Term Care Facility Advisory Board to consult with the Department and the residents' advisory councils created under Section 2-203.

(a) The Board shall be comprised of the following persons:

(1) The Director who shall serve as chairman, ex officio and nonvoting; and

(2) One representative each of the Department of Healthcare and Family Services Public Aid, the Department of Human Services, the Department on Aging, and the Office of the State Fire Marshal, all nonvoting members;

(3) One member who shall be a physician licensed to practice medicine in all its branches;

(4) One member who shall be a registered nurse selected from the recommendations of professional nursing associations;

(5) Four members who shall be selected from the recommendations by organizations whose membership consists of facilities;

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(6) Two members who shall represent the general public who are not members of a residents' advisory council established under Section 2-203 and who have no responsibility for management or formation of policy or financial interest in a facility;

(7) One member who is a member of a residents' advisory council established under Section 2-203 and is capable of actively participating on the Board; and

(8) One member who shall be selected from the recommendations of consumer organizations which engage solely in advocacy or legal representation on behalf of residents and their immediate families.

(b) The terms of those members of the Board appointed prior to the effective date of this amendatory Act of 1988 shall expire on December 31, 1988. Members of the Board created by this amendatory Act of 1988 shall be appointed to serve for terms as follows: 3 for 2 years, 3 for 3 years and 3 for 4 years. The member of the Board added by this amendatory Act of 1989 shall be appointed to serve for a term of 4 years. Each successor member shall be appointed for a term of 4 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. The Board shall meet as frequently as the chairman deems necessary, but not less than 4 times each year. Upon request by 4 or more members the chairman shall call a meeting of the Board. The affirmative vote of 6 members of the Board shall be necessary for Board action. A member of the Board can designate a replacement to serve at the Board meeting and vote in place of the member by submitting a letter of designation to the chairman prior to or at the Board meeting. The Board members shall be reimbursed for their actual expenses incurred in the performance of their duties.

(c) The Advisory Board shall advise the Department of Public Health on all aspects of its responsibilities under this Act, including the format and content of any rules promulgated by the Department of Public Health. Any such rules, except emergency rules promulgated pursuant to

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Section 5-45 of the Illinois Administrative Procedure Act, promulgated without obtaining the advice of the Advisory Board are null and void. In the event that the Department fails to follow the advice of the Board, the Department shall, prior to the promulgation of such rules, transmit a written explanation of the reason thereof to the Board. During its review of rules, the Board shall analyze the economic and regulatory impact of those rules. If the Advisory Board, having been asked for its advice, fails to advise the Department within 90 days, the rules shall be considered acted upon.

(Source: P.A. 88-45; 89-507, eff. 7-1-97; revised 12-15-05.)

(210 ILCS 45/2-205) (from Ch. 111 1/2, par. 4152-205)

Sec. 2-205. The following information is subject to disclosure to the public from the Department or the Department of Healthcare and Family Services Public Aid:

(1) Information submitted under Sections 3-103 and 3-207 except information concerning the remuneration of personnel licensed, registered, or certified by the Department of Professional Regulation and monthly charges for an individual private resident;

(2) Records of license and certification inspections, surveys, and evaluations of facilities, other reports of inspections, surveys, and evaluations of resident care, and reports concerning a facility prepared pursuant to Titles XVIII and XIX of the Social Security Act, subject to the provisions of the Social Security Act;

(3) Cost and reimbursement reports submitted by a facility under Section 3-208, reports of audits of facilities, and other public records concerning costs incurred by, revenues received by, and reimbursement of facilities; and

(4) Complaints filed against a facility and complaint investigation reports, except that a complaint or complaint investigation report shall not be disclosed to a person other than the complainant or complainant's representative before it is disclosed to a facility under Section 3-702, and, further, except that a complainant or resident's name shall not be disclosed except under Section 3-702.

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The Department shall disclose information under this Section in accordance with provisions for inspection and copying of public records required by The Freedom of Information Act.

However, the disclosure of information described in subsection (1) shall not be restricted by any provision of The Freedom of Information Act.

(Source: P.A. 85-1209; 85-1378; revised 12-15-05.)

(210 ILCS 45/2-211) (from Ch. 111 1/2, par. 4152-211)

Sec. 2-211. Each resident and resident's guardian or other person acting for the resident shall be given a written explanation, prepared by the Office of the State Long Term Care Ombudsman, of all the rights enumerated in Part 1 of this Article and in Part 4 of Article III. For residents of facilities participating in Title XVIII or XIX of the Social Security Act, the explanation shall include an explanation of residents' rights enumerated in that Act. The explanation shall be given at the time of admission to a facility or as soon thereafter as the condition of the resident permits, but in no event later than 48 hours after admission, and again at least annually thereafter. At the time of the implementation of this Act each resident shall be given a written summary of all the rights enumerated in Part 1 of this Article.

If a resident is unable to read such written explanation, it shall be read to the resident in a language the resident understands. In the case of a minor or a person having a guardian or other person acting for him, both the resident and the parent, guardian or other person acting for the resident shall be fully informed of these rights.

(Source: P.A. 87-549; revised 9-18-06.)

(210 ILCS 45/3-108) (from Ch. 111 1/2, par. 4153-108)

Sec. 3-108. The Department shall coordinate the functions within State government affecting facilities licensed under this Act and shall cooperate with other State agencies which establish standards or requirements for facilities to assure necessary, equitable, and consistent State supervision of licensees without unnecessary duplication of survey, evaluation, and consultation services or complaint investigations. The Department shall cooperate with the Department of Human Services in

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regard to facilities containing more than 20% of residents for whom the Department of Human Services has mandated follow-up responsibilities under the Mental Health and Developmental Disabilities Administrative Act.

The Department shall cooperate with the Department of Healthcare and Family Services Public Aid in regard to facilities where recipients of public aid are residents.

The Department shall immediately refer to the Department of Professional Regulation for investigation any credible evidence of which it has knowledge that an individual licensed by that Department has violated this Act or any rule issued under this Act.

The Department shall enter into agreements with other State Departments, agencies or commissions to effectuate the purpose of this Section.

(Source: P.A. 89-197, eff. 7-21-95; 89-507, eff. 7-1-97; revised 12-15-05.)

(210 ILCS 45/3-109) (from Ch. 111 1/2, par. 4153-109)

Sec. 3-109. Upon receipt and review of an application for a license made under this Article and inspection of the applicant facility under this Article, the Director shall issue a license if he finds:

(1) that the individual applicant, or the corporation, partnership or other entity if the applicant is not an individual, is a person responsible and suitable to operate or to direct or participate in the operation of a facility by virtue of financial capacity, appropriate business or professional experience, a record of compliance with lawful orders of the Department and lack of revocation of a license during the previous 5 years;

(2) that the facility is under the supervision of an administrator who is licensed, if required, under the "Nursing Home Administrators Licensing and Disciplinary Act", as now or hereafter amended; and

(3) that the facility is in substantial compliance with this Act, and such other requirements for a license as the Department by rule may establish under this Act.

(Source: P.A. 81-1349; revised 9-15-06.)

(210 ILCS 45/3-117) (from Ch. 111 1/2, par. 4153-117)

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Sec. 3-117. An application for a license may be denied for any of the following reasons:

(1) Failure to meet any of the minimum standards set forth by this Act or by rules and regulations promulgated by the Department under this Act. * 

(2) Conviction of the applicant, or if the applicant is a firm, partnership or association, of any of its members, or if a corporation, the conviction of the corporation or any of its officers or stockholders, or of the person designated to manage or supervise the facility, of a felony, or of 2 or more misdemeanors involving moral turpitude, during the previous 5 years as shown by a certified copy of the record of the court of conviction. * 

(3) Personnel insufficient in number or unqualified by training or experience to properly care for the proposed number and type of residents. * 

(4) Insufficient financial or other resources to operate and conduct the facility in accordance with standards promulgated by the Department under this Act. * 

(5) Revocation of a facility license during the previous 5 years, if such prior license was issued to the individual applicant, a controlling owner or controlling combination of owners of the applicant; or any affiliate of the individual applicant or controlling owner of the applicant and such individual applicant, controlling owner of the applicant or affiliate of the applicant was a controlling owner of the prior license; provided, however, that the denial of an application for a license pursuant to this subsection must be supported by evidence that such prior revocation renders the applicant unqualified or incapable of meeting or maintaining a facility in accordance with the standards and rules promulgated by the Department under this Act. * or 

(6) That the facility is not under the direct supervision of a full-time administrator, as defined by regulation, who is licensed, if required, under the Nursing Home Administrators Licensing and Disciplinary Act. 

(Source: P.A. 85-1337; revised 9-15-06.)

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Sec. 3-119. (a) The Department, after notice to the applicant or licensee, may suspend, revoke or refuse to renew a license in any case in which the Department finds any of the following:

1. There has been a substantial failure to comply with this Act or the rules and regulations promulgated by the Department under this Act.

2. Conviction of the licensee, or of the person designated to manage or supervise the facility, of a felony, or of 2 or more misdemeanors involving moral turpitude, during the previous 5 years as shown by a certified copy of the record of the court of conviction.

3. Personnel is insufficient in number or unqualified by training or experience to properly care for the number and type of residents served by the facility.

4. Financial or other resources are insufficient to conduct and operate the facility in accordance with standards promulgated by the Department under this Act.

5. The facility is not under the direct supervision of a full-time administrator, as defined by regulation, who is licensed, if required, under the Nursing Home Administrators Licensing and Disciplinary Act.

(b) Notice under this Section shall include a clear and concise statement of the violations on which the nonrenewal or revocation is based, the statute or rule violated and notice of the opportunity for a hearing under Section 3-703.

(c) If a facility desires to contest the nonrenewal or revocation of a license, the facility shall, within 10 days after receipt of notice under subsection (b) of this Section, notify the Department in writing of its desire to contest and hold a hearing. Upon receipt of the request the Department shall send notice to the facility and hold a hearing as provided under Section 3-703.

(d) The effective date of nonrenewal or revocation of a license by the Department shall be any of the following:

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(1) Until otherwise ordered by the circuit court, revocation is effective on the date set by the Department in the notice of revocation, or upon final action after hearing under Section 3-703, whichever is later.

(2) Until otherwise ordered by the circuit court, nonrenewal is effective on the date of expiration of any existing license, or upon final action after hearing under Section 3-703, whichever is later; however, a license shall not be deemed to have expired if the Department fails to timely respond to a timely request for renewal under this Act or for a hearing to contest nonrenewal under paragraph (c).

(3) The Department may extend the effective date of license revocation or expiration in any case in order to permit orderly removal and relocation of residents.

The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(Source: P.A. 85-1337; revised 9-15-06.)

(210 ILCS 45/3-208) (from Ch. 111 1/2, par. 4153-208)

Sec. 3-208. (a) Each licensee shall file annually, or more often as the Director shall by rule prescribe, an attested financial statement. The Director may order an audited financial statement of a particular facility by an auditor of the Director's choice, provided the cost of such audit is paid by the Department.

(b) No public funds shall be expended for the maintenance of any resident in a facility which has failed to file the financial statement required under this Section and no public funds shall be paid to or on behalf of a facility which has failed to file a statement.

(c) The Director of Public Health and the Director of Healthcare and Family Services Public Aid shall promulgate under Sections 3-801 and 3-802, one set of regulations for the filing of these financial statements.

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statements, and shall provide in these regulations for forms, required information, intervals and dates of filing and such other provisions as they may deem necessary.

(d) The Director of Public Health and the Director of Healthcare and Family Services shall seek the advice and comments of other State and federal agencies which require the submission of financial data from facilities licensed under this Act and shall incorporate the information requirements of these agencies so as to impose the least possible burden on licensees. No other State agency may require submission of financial data except as expressly authorized by law or as necessary to meet requirements of federal statutes or regulations. Information obtained under this Section shall be made available, upon request, by the Department to any other State agency or legislative commission to which such information is necessary for investigations or required for the purposes of State or federal law or regulation.

(Source: P.A. 81-1349; revised 12-15-05.)

(210 ILCS 45/3-304) (from Ch. 111 1/2, par. 4153-304)

Sec. 3-304. (a) The Department shall prepare on a quarterly basis a list containing the names and addresses of all facilities against which the Department during the previous quarter has:

(1) sent a notice under Section 3-307 regarding a penalty assessment under subsection (1) of Section 3-305;

(2) sent a notice of license revocation under Section 3-119;

(3) sent a notice refusing renewal of a license under Section 3-119;

(4) sent a notice to suspend a license under Section 3-119;

(5) issued a conditional license for violations that have not been corrected under Section 3-303 or penalties or fines described under Section 3-305 have been assessed under Section 3-307 or 3-308;

(6) placed a monitor under subsections (a), (b) and (c) of Section 3-501 and under subsection (d) of such Section where license revocation or nonrenewal notices have also been issued;

(7) initiated an action to appoint a receiver;

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(8) recommended to the Director of Healthcare and Family Services (formerly Director of the Department of Public Aid), or the Secretary of the United States Department of Health and Human Services, the decertification for violations in relation to patient care of a facility pursuant to Titles XVIII and XIX of the federal Social Security Act.

(b) In addition to the name and address of the facility, the list shall include the name and address of the person or licensee against whom the action has been initiated, a self-explanatory summary of the facts which warranted the initiation of each action, the type of action initiated, the date of the initiation of the action, the amount of the penalty sought to be assessed, if any, and the final disposition of the action, if completed.

(c) The list shall be available to any member of the public upon oral or written request without charge.

(8) recommended to the Director of Healthcare and Family Services (formerly Director of the Department of Public Aid), or the Secretary of the United States Department of Health and Human Services, the decertification for violations in relation to patient care of a facility pursuant to Titles XVIII and XIX of the federal Social Security Act.

(b) In addition to the name and address of the facility, the list shall include the name and address of the person or licensee against whom the action has been initiated, a self-explanatory summary of the facts which warranted the initiation of each action, the type of action initiated, the date of the initiation of the action, the amount of the penalty sought to be assessed, if any, and the final disposition of the action, if completed.

(c) The list shall be available to any member of the public upon oral or written request without charge.

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(2) the resident (unless he or she is incompetent), the resident's representative, and the person making payment on behalf of the resident for the resident's stay, acknowledge in writing that they have received the written explanation.

(a-10) For the purposes of this Section, a recipient or applicant shall be considered a resident in the facility during any hospital stay totaling 10 days or less following a hospital admission. The Illinois Department of Healthcare and Family Services Public Aid shall recoup funds from a facility when, as a result of the facility's refusal to readmit a recipient after hospitalization for 10 days or less, the recipient incurs hospital bills in an amount greater than the amount that would have been paid by that Department (formerly the Illinois Department of Public Aid) for care of the recipient in the facility. The amount of the recoupment shall be the difference between the Department of Healthcare and Family Services' (formerly the Illinois Department of Public Aid's) payment for hospital care and the amount that Department would have paid for care in the facility.

(b) A facility which violates this Section shall be guilty of a business offense and fined not less than $500 nor more than $1,000 for the first offense and not less than $1,000 nor more than $5,000 for each subsequent offense.

(Source: P.A. 90-310, eff. 8-1-97; revised 12-15-05.)

(210 ILCS 45/3-405) (from Ch. 111 1/2, par. 4153-405)

Sec. 3-405. A copy of the notice required by Section 3-402 shall be placed in the resident's clinical record and a copy shall be transmitted to the Department, the resident, the resident's representative, and, if the resident's care is paid for in whole or part through Title XIX, to the Department of Healthcare and Family Services Public Aid.

(Source: P.A. 81-223; revised 12-15-05.)

(210 ILCS 45/3-406) (from Ch. 111 1/2, par. 4153-406)

Sec. 3-406. When the basis for an involuntary transfer or discharge is the result of an action by the Department of Healthcare and Family Services (formerly Department of Public Aid) with respect to a recipient of Title XIX and a hearing request is filed with the Department of Healthcare

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and Family Services (formerly Department of Public Aid), the 21-day written notice period shall not begin until a final decision in the matter is rendered by the Department of Healthcare and Family Services (formerly Department of Public Aid) or a court of competent jurisdiction and notice of that final decision is received by the resident and the facility.

(Source: P.A. 81-223; revised 12-15-05.)

(210 ILCS 45/3-411) (from Ch. 111 1/2, par. 4153-411)

Sec. 3-411. The Department of Public Health, when the basis for involuntary transfer or discharge is other than action by the Department of Healthcare and Family Services (formerly Department of Public Aid) with respect to the Title XIX Medicaid recipient, shall hold a hearing at the resident's facility not later than 10 days after a hearing request is filed, and render a decision within 14 days after the filing of the hearing request.

(Source: P.A. 81-1349; revised 12-15-05.)

(210 ILCS 45/3-414) (from Ch. 111 1/2, par. 4153-414)

Sec. 3-414. The Department of Healthcare and Family Services shall continue Title XIX Medicaid funding during the appeal, transfer, or discharge period for those residents who are Title XIX recipients affected by Section 3-401.

(Source: P.A. 81-223; revised 12-15-05.)

(210 ILCS 45/3-508) (from Ch. 111 1/2, par. 4153-508)

Sec. 3-508. A receiver appointed under this Act:

(a) Shall exercise those powers and shall perform those duties set out by the court.

(b) Shall operate the facility in such a manner as to assure safety and adequate health care for the residents.

(c) Shall have the same rights to possession of the building in which the facility is located and of all goods and fixtures in the building at the time the petition for receivership is filed as the owner would have had if the receiver had not been appointed, and of all assets of the facility. The receiver shall take such action as is reasonably necessary to protect or conserve the assets or property of which the receiver takes possession, or the proceeds from any transfer thereof, and may use them only in the

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performance of the powers and duties set forth in this Section and by order of the court.

(d) May use the building, fixtures, furnishings and any accompanying consumable goods in the provision of care and services to residents and to any other persons receiving services from the facility at the time the petition for receivership was filed. The receiver shall collect payments for all goods and services provided to residents or others during the period of the receivership at the same rate of payment charged by the owners at the time the petition for receivership was filed.

(e) May correct or eliminate any deficiency in the structure or furnishings of the facility which endangers the safety or health of residents while they remain in the facility, provided the total cost of correction does not exceed $3,000. The court may order expenditures for this purpose in excess of $3,000 on application from the receiver after notice to the owner and hearing.

(f) May let contracts and hire agents and employees to carry out the powers and duties of the receiver under this Section.

(g) Except as specified in Section 3-510, shall honor all leases, mortgages and secured transactions governing the building in which the facility is located and all goods and fixtures in the building of which the receiver has taken possession, but only to the extent of payments which, in the case of a rental agreement, are for the use of the property during the period of the receivership, or which, in the case of a purchase agreement, come due during the period of the receivership.

(h) Shall have full power to direct and manage and to discharge employees of the facility, subject to any contract rights they may have. The receiver shall pay employees at the same rate of compensation, including benefits, that the employees would have received from the owner. Receivership does not relieve the owner of any obligation to employees not carried out by the receiver.

(i) Shall, if any resident is transferred or discharged, follow the procedures set forth in Part 4 of this Article.

(j) Shall be entitled to and shall take possession of all property or assets of residents which are in the possession of a facility or its owner.
The receiver shall preserve all property, assets and records of residents of which the receiver takes possession and shall provide for the prompt transfer of the property, assets and records to the new placement of any transferred resident.

(k) Shall report to the court on any actions he has taken to bring the facility into compliance with this Act or with Title XVIII or XIX of the Social Security Act that he believes should be continued when the receivership is terminated in order to protect the health, safety or welfare of the residents.

(Source: P.A. 90-655, eff. 7-30-98; revised 9-18-06.)

(210 ILCS 45/3-805) (from Ch. 111 1/2, par. 4153-805)

Sec. 3-805. (a) The Department shall conduct a pilot project to examine, study and contrast the Joint Commission on the Accreditation of Health Care Organizations ("Commission") accreditation review process with the current regulations and licensure surveys process conducted by the Department for long-term care facilities. This pilot project will enable qualified facilities to apply for participation in the project, in which surveys completed by the Commission are accepted by the Department in lieu of inspections required by this Act, as provided in subsection (b) of this Section. It is intended that this pilot project shall commence on January 1, 1990, and shall conclude on December 31, 2000, with a final report to be submitted to the Governor and the General Assembly by June 30, 2001.

(b) (1) In lieu of conducting an inspection for license renewal under this Act, the Department may accept from a facility that is accredited by the Commission under the Commission's long-term care standards the facility's most recent annual accreditation review by the Commission. In addition to such review, the facility shall submit any fee or other license renewal report or information required by law. The Department may accept such review for so long as the Commission maintains an annual inspection or review program. If the Commission does not conduct an on-site annual inspection or review, the Department shall conduct an inspection as otherwise required by this Act. If the Department determines that an annual on-site inspection or review

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conducted by the Commission does not meet minimum standards set by the Department, the Department shall not accept the Commission's accreditation review and shall conduct an inspection as otherwise required by this Act.

The Department shall establish procedures applicable to the pilot project conducted pursuant to this Section. The procedures shall provide for a review of the Commission's survey findings that may be Type "A" or Type "B" violations under this Act requiring immediate correction, the taking of necessary and appropriate action to determine whether such violations exist, and steps to effect corrective action in cooperation with the Commission, or otherwise under this Act, as may be necessary. The Department shall also establish procedures to require the Commission to immediately report to the Department any survey finding that constitutes a condition or occurrence relating to the operation and maintenance of a facility which presents a substantial probability that death or serious mental or physical harm to a resident will result therefrom, so as to enable the Department to take necessary and appropriate action under this Act.

(2) This subsection (b) does not limit the Department in performing any inspections or other duties authorized by this Act, or under any contract relating to the medical assistance program administered by the Illinois Department of Healthcare and Family Services Public Aid, or under Title XVIII or Title XIX of the Social Security Act.

(3) No facility shall be required to obtain accreditation from the Commission.

(c) Participation in the pilot project shall be limited to facilities selected at random by the Director, provided that:

(1) facilities shall apply to the Director for selection to participate;
(2) facilities which are currently accredited by the Commission may apply to participate;
(3) any facility not accredited by the Commission at the time of application to participate in the pilot project shall apply for such accreditation;

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(4) the number of facilities so selected shall be no greater than 15% of the total number of long-term care facilities licensed under this Act;

(5) the number of facilities so selected shall be divided equally between facilities having fewer than 100 beds and facilities having 100 or more beds;

(6) facilities so selected shall have been licensed for more than 2 years and shall not have been issued a conditional license within 2 years before applying for participation in the pilot project; and

(7) no facilities so selected shall have been issued a notice of a Type "A" violation within one year before applying for participation in the pilot project.

(d) Inspections and surveys conducted by the Commission under the pilot project for initial or continued accreditation shall not be announced in advance to the facility being inspected or surveyed, and shall provide for participation in the inspection or survey process by residents of the facility and the public.

(e) With respect to any facility accredited by the Commission, the Commission shall submit to the Department copies of:

(1) the accreditation award letter;

(2) the accreditation report, including recommendations and comments by the Commission; and

(3) any correspondence directly related to the accreditation.

(f) No facility which is denied initial or continued accreditation by the Commission shall participate in the pilot project.

(g) The Director shall meet at least once every 6 months with the director of the Commission's long-term care facility accreditation program to review, coordinate and modify as necessary the services performed by the Commission under the pilot project. On or before June 30, 1993, the Director shall submit to the Governor and to the General Assembly a report evaluating the pilot project and making any recommendations deemed necessary.
(h) This Section does not limit the Department in performing any inspections or other duties authorized by this Act, or under any contract relating to the medical assistance program administered by the Illinois Department of Healthcare and Family Services Public Aid, or under Title XVIII or Title XIX of the Social Security Act.

(Source: P.A. 89-171, eff. 7-19-95; 89-381, eff. 8-18-95; 89-626, eff. 8-9-96; 90-353, eff. 8-8-97; revised 12-15-05.)

(210 ILCS 45/3A-101)

Sec. 3A-101. Cooperative arrangements. Not later than June 30, 1996, the Department shall enter into one or more cooperative arrangements with the Illinois Department of Public Aid, the Department on Aging, the Office of the State Fire Marshal, and any other appropriate entity for the purpose of developing a single survey for nursing facilities, including but not limited to facilities funded under Title XVIII or Title XIX of the federal Social Security Act, or both, which shall be administered and conducted solely by the Department. The Departments shall test the single survey process on a pilot basis, with both the Departments of Public Aid and Public Health represented on the consolidated survey team. The pilot will sunset June 30, 1997. After June 30, 1997, unless otherwise determined by the Governor, a single survey shall be implemented by the Department of Public Health which would not preclude staff from the Department of Healthcare and Family Services (formerly Department of Public Aid) from going on-site to nursing facilities to perform necessary audits and reviews which shall not replicate the single State agency survey required by this Act. This Article shall not apply to community or intermediate care facilities for the developmentally disabled.

(Source: P.A. 89-415, eff. 1-1-96; revised 12-15-05.)

Section 635. The Home Health, Home Services, and Home Nursing Agency Licensing Act is amended by changing Sections 2 and 11 as follows:

(210 ILCS 55/2) (from Ch. 111 1/2, par. 2802)

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Sec. 2. As used in this Act, unless the context requires otherwise, the terms defined in the following Sections preceding proceeding Section 3 have the meanings ascribed to them in those Sections.
(Source: P.A. 94-379, eff. 1-1-06; revised 9-27-05.)
(210 ILCS 55/11) (from Ch. 111 1/2, par. 2811)
Sec. 11. (a) Each licensee shall file annually, or more often as the Director shall by rule prescribe, an attested financial statement. An audited financial statement may be required of a particular facility, if the Director determines that additional information is needed.
(b) No public funds shall be expended for the services of a home health agency which has failed to file the financial statement required by this Section.
(c) The Director of the Illinois Department of Public Health and the Director of the Illinois Department of Healthcare and Family Services shall promulgate one set of regulations for the filing of financial statements, and shall provide in these regulations for forms, information required, intervals and dates of filing, and such other provisions as he may deem necessary. Regulations shall be published in sufficient time to permit those licensees who must first file financial statements time in which to do so.
(d) The Director shall seek the advice and comments of other State and Federal agencies which require the submission of financial data from home health agencies licensed under this Act and shall incorporate the information requirements of these agencies into the forms it adopts or issues under this Act and shall otherwise coordinate its regulations with the requirements of these agencies so as to impose the least possible burden on licensees. No other State agency may require submission of financial data except as expressly authorized by law or as necessary to meet requirements of federal law or regulation. Information obtained under this Section shall be made available, upon request, by the Department to any other State agency or legislative commission to which such information is necessary for investigations or to execute the intent of State or Federal law or regulation.
(Source: P.A. 80-804; revised 12-15-05.)

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Section 640. The Supportive Residences Licensing Act is amended by changing Sections 20 and 30 as follows:

(210 ILCS 65/20) (from Ch. 111 1/2, par. 9020)

Sec. 20. Licensing standards.
(a) The Department shall promulgate rules establishing minimum standards for licensing and operating Supportive Residences in municipalities with a population over 500,000. No such municipality shall have more than 12 Supportive Residences. These rules shall regulate the operation and conduct of Supportive Residences and shall include but not be limited to:

(1) development and maintenance of a case management system by which an integrated care plan is to be created for each resident;
(2) the training and qualifications of personnel directly responsible for providing care to residents;
(3) provisions and criteria for admission, discharge, and transfer of residents;
(4) provisions for residents to receive appropriate programming and support services commensurate with their individual needs;
(5) agreements between Supportive Residences and hospitals or other health care providers;
(6) residents' rights and responsibilities and those of their families and guardians;
(7) fee and other contractual agreements between Supportive Residences and residents;
(8) medical and supportive services for residents;
(9) the safety, cleanliness, and general adequacy of the premises, including provision for maintenance of fire and health standards that conform to State laws and municipal codes, to provide for the physical comfort, well-being, care, and protection of the residents;
(10) maintenance of records and residents' rights of access to those records; and

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(11) procedures for reporting abuse or neglect of residents.

(b) The rules shall also regulate the general financial ability, competence, character, and qualifications of the applicant to provide appropriate care and comply with this Act.

(c) The Department may promulgate special rules and regulations establishing minimum standards for Supportive Residences that permit the admission of:

(1) residents who are parents with children, whether either or both have HIV Disease; or

(2) residents with HIV Disease who are also developmentally or physically disabled.

(d) Nothing in this Act shall be construed to impair or abridge the power of municipalities to enforce municipal zoning or land use ordinances.

(210 ILCS 65/30) (from Ch. 111 1/2, par. 9030)

Sec. 30. Departmental inspection.

(a) The Department may inspect the records and premises of a Supportive Residence whenever the Department determines it to be appropriate.

(b) The Department shall investigate all reports of violations from any other governmental entity that also has monitoring responsibilities for Supportive Residences.

(c) If the Department determines that a Supportive Residence is not in compliance with this Act, the Department shall promptly serve a notice of violation upon the licensee. Each notice of violation shall be prepared in writing and shall specify the nature of the violation, the statutory provision or rule alleged to have been violated, and the requirement that the licensee submit a plan of correction to the Department. The notice shall also inform the licensee of any other action the Department might take under this Act and of his right to a hearing under Section 55 of this Act.

(210 ILCS 65/30) (from Ch. 111 1/2, par. 9030)

Sec. 645. The Hospital Licensing Act is amended by changing Section 10.4 as follows:

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Sec. 10.4. Medical staff privileges.

(a) Any hospital licensed under this Act or any hospital organized under the University of Illinois Hospital Act shall, prior to the granting of any medical staff privileges to an applicant, or renewing a current medical staff member's privileges, request of the Director of Professional Regulation information concerning the licensure status and any disciplinary action taken against the applicant's or medical staff member's license, except: (1) for medical personnel who enter a hospital to obtain organs and tissues for transplant from a donor in accordance with the Illinois Anatomical Gift Act; or (2) for medical personnel who have been granted disaster privileges pursuant to the procedures and requirements established by rules adopted by the Department. Any hospital and any employees of the hospital or others involved in granting privileges who, in good faith, grant disaster privileges pursuant to this Section to respond to an emergency shall not, as a result of their acts or omissions, be liable for civil damages for granting or denying disaster privileges except in the event of willful and wanton misconduct, as that term is defined in Section 10.2 of this Act. Individuals granted privileges who provide care in an emergency situation, in good faith and without direct compensation, shall not, as a result of their acts or omissions, except for acts or omissions involving willful and wanton misconduct, as that term is defined in Section 10.2 of this Act, on the part of the person, be liable for civil damages. The Director of Professional Regulation shall transmit, in writing and in a timely fashion, such information regarding the license of the applicant or the medical staff member, including the record of imposition of any periods of supervision or monitoring as a result of alcohol or substance abuse, as provided by Section 23 of the Medical Practice Act of 1987, and such information as may have been submitted to the Department indicating that the application or medical staff member has been denied, or has surrendered, medical staff privileges at a hospital licensed under this Act, or any equivalent facility in another state or territory of the United States. The Director of Professional

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Regulation shall define by rule the period for timely response to such requests.

No transmittal of information by the Director of Professional Regulation, under this Section shall be to other than the president, chief operating officer, chief administrative officer, or chief of the medical staff of a hospital licensed under this Act, a hospital organized under the University of Illinois Hospital Act, or a hospital operated by the United States, or any of its instrumentalities. The information so transmitted shall be afforded the same status as is information concerning medical studies by Part 21 of Article VIII of the Code of Civil Procedure, as now or hereafter amended.

(b) All hospitals licensed under this Act, except county hospitals as defined in subsection (c) of Section 15-1 of the Illinois Public Aid Code, shall comply with, and the medical staff bylaws of these hospitals shall include rules consistent with, the provisions of this Section in granting, limiting, renewing, or denying medical staff membership and clinical staff privileges. Hospitals that require medical staff members to possess faculty status with a specific institution of higher education are not required to comply with subsection (1) below when the physician does not possess faculty status.

(1) Minimum procedures for pre-applicants and applicants for medical staff membership shall include the following:

(A) Written procedures relating to the acceptance and processing of pre-applicants or applicants for medical staff membership, which should be contained in medical staff bylaws.

(B) Written procedures to be followed in determining a pre-applicant's or an applicant's qualifications for being granted medical staff membership and privileges.

(C) Written criteria to be followed in evaluating a pre-applicant's or an applicant's qualifications.
(D) An evaluation of a pre-applicant's or an applicant's current health status and current license status in Illinois.

(E) A written response to each pre-applicant or applicant that explains the reason or reasons for any adverse decision (including all reasons based in whole or in part on the applicant's medical qualifications or any other basis, including economic factors).

(2) Minimum procedures with respect to medical staff and clinical privilege determinations concerning current members of the medical staff shall include the following:

(A) A written notice of an adverse decision.

(B) An explanation of the reasons for an adverse decision including all reasons based on the quality of medical care or any other basis, including economic factors.

(C) A statement of the medical staff member's right to request a fair hearing on the adverse decision before a hearing panel whose membership is mutually agreed upon by the medical staff and the hospital governing board. The hearing panel shall have independent authority to recommend action to the hospital governing board. Upon the request of the medical staff member or the hospital governing board, the hearing panel shall make findings concerning the nature of each basis for any adverse decision recommended to and accepted by the hospital governing board.

(i) Nothing in this subparagraph (C) limits a hospital's or medical staff's right to summarily suspend, without a prior hearing, a person's medical staff membership or clinical privileges if the continuation of practice of a medical staff member constitutes an immediate danger to the public, including patients, visitors, and hospital employees and staff. A fair hearing shall be commenced within
15 days after the suspension and completed without delay.

(ii) Nothing in this subparagraph (C) limits a medical staff's right to permit, in the medical staff bylaws, summary suspension of membership or clinical privileges in designated administrative circumstances as specifically approved by the medical staff. This bylaw provision must specifically describe both the administrative circumstance that can result in a summary suspension and the length of the summary suspension. The opportunity for a fair hearing is required for any administrative summary suspension. Any requested hearing must be commenced within 15 days after the summary suspension and completed without delay. Adverse decisions other than suspension or other restrictions on the treatment or admission of patients may be imposed summarily and without a hearing under designated administrative circumstances as specifically provided for in the medical staff bylaws as approved by the medical staff.

(iii) If a hospital exercises its option to enter into an exclusive contract and that contract results in the total or partial termination or reduction of medical staff membership or clinical privileges of a current medical staff member, the hospital shall provide the affected medical staff member 60 days prior notice of the effect on his or her medical staff membership or privileges. An affected medical staff member desiring a hearing under subparagraph (C) of this paragraph (2) must request the hearing within 14 days after the date he or she is so notified. The requested hearing shall be commenced and

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completed (with a report and recommendation to the affected medical staff member, hospital governing board, and medical staff) within 30 days after the date of the medical staff member's request. If agreed upon by both the medical staff and the hospital governing board, the medical staff bylaws may provide for longer time periods.

(D) A statement of the member's right to inspect all pertinent information in the hospital's possession with respect to the decision.

(E) A statement of the member's right to present witnesses and other evidence at the hearing on the decision.

(F) A written notice and written explanation of the decision resulting from the hearing.

(F-5) A written notice of a final adverse decision by a hospital governing board.

(G) Notice given 15 days before implementation of an adverse medical staff membership or clinical privileges decision based substantially on economic factors. This notice shall be given after the medical staff member exhausts all applicable procedures under this Section, including item (iii) of subparagraph (C) of this paragraph (2), and under the medical staff bylaws in order to allow sufficient time for the orderly provision of patient care.

(H) Nothing in this paragraph (2) of this subsection (b) limits a medical staff member's right to waive, in writing, the rights provided in subparagraphs (A) through (G) of this paragraph (2) of this subsection (b) upon being granted the written exclusive right to provide particular services at a hospital, either individually or as a member of a group. If an exclusive contract is signed by a representative of a group of physicians, a waiver contained in the contract shall apply to all members of the group unless stated otherwise in the contract.

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(3) Every adverse medical staff membership and clinical privilege decision based substantially on economic factors shall be reported to the Hospital Licensing Board before the decision takes effect. These reports shall not be disclosed in any form that reveals the identity of any hospital or physician. These reports shall be utilized to study the effects that hospital medical staff membership and clinical privilege decisions based upon economic factors have on access to care and the availability of physician services. The Hospital Licensing Board shall submit an initial study to the Governor and the General Assembly by January 1, 1996, and subsequent reports shall be submitted periodically thereafter.

(4) As used in this Section:

"Adverse decision" means a decision reducing, restricting, suspending, revoking, denying, or not renewing medical staff membership or clinical privileges.

"Economic factor" means any information or reasons for decisions unrelated to quality of care or professional competency.

"Pre-applicant" means a physician licensed to practice medicine in all its branches who requests an application for medical staff membership or privileges.

"Privilege" means permission to provide medical or other patient care services and permission to use hospital resources, including equipment, facilities and personnel that are necessary to effectively provide medical or other patient care services. This definition shall not be construed to require a hospital to acquire additional equipment, facilities, or personnel to accommodate the granting of privileges.

(5) Any amendment to medical staff bylaws required because of this amendatory Act of the 91st General Assembly shall be adopted on or before July 1, 2001.

(c) All hospitals shall consult with the medical staff prior to closing membership in the entire or any portion of the medical staff or a department. If the hospital closes membership in the medical staff, any portion of the medical staff, or the department over the objections of the

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medical staff, then the hospital shall provide a detailed written explanation for the decision to the medical staff 10 days prior to the effective date of any closure. No applications need to be provided when membership in the medical staff or any relevant portion of the medical staff is closed.
(Source: P.A. 93-794, eff. 7-22-04; 93-829, eff. 7-28-04; revised 11-22-05.)

Section 650. The Mobile Home Park Act is amended by changing Section 2.2 as follows:
(210 ILCS 115/2.2) (from Ch. 111 1/2, par. 712.2)
Sec. 2.2. Permanent habitation. "Permanent habitation" means habitation for a period of 2 or more months.
(Source: P.A. 77-1472; revised 10-11-05.)

Section 655. The Illinois Insurance Code is amended by changing Sections 155.21, 238, 238.1, 299.1a, 299.1b, 337.1, 352, 356b, 367b, 370c, 416, 500-135, 512-3, 531.06, and 1204, by setting forth and renumbering multiple versions of Sections 155.39, 356z.2, and 356z.4, and by renumbering Section 370r as follows:
(215 ILCS 5/155.21) (from Ch. 73, par. 767.21)
Sec. 155.21. A company writing medical liability insurance shall not refuse to offer insurance to a physician, hospital or other health care provider on the grounds that the physician, hospital or health care provider has entered or intends to enter an arbitration agreement pursuant to the Health Care "Malpractice Arbitration Act".
As used in this Section, medical liability insurance means insurance on risks based upon negligence by a physician, hospital or other health care provider.
(Source: P.A. 79-1435; revised 10-11-05.)
(215 ILCS 5/155.39)
(a) As used in this Section:
"Administrator" means a third party other than the warrantor who is designated by the warrantor to be responsible for the administration of vehicle protection product warranties.

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"Incidental costs" means expenses specified in the vehicle protection product warranty incurred by the warranty holder related to the failure of the vehicle protection product to perform as provided in the warranty. Incidental costs may include, without limitation, insurance policy deductibles, rental vehicle charges, the difference between the actual value of the stolen vehicle at the time of theft and the cost of a replacement vehicle, sales taxes, registration fees, transaction fees, and mechanical inspection fees.

"Vehicle protection product" means a vehicle protection device, system, or service that is (i) installed on or applied to a vehicle, (ii) is designed to prevent loss or damage to a vehicle from a specific cause, (iii) includes a written warranty by a warrantor that provides if the vehicle protection product fails to prevent loss or damage to a vehicle from a specific cause, that the warranty holder shall be paid specified incidental costs by the warrantor as a result of the failure of the vehicle protection product to perform pursuant to the terms of the warranty, and (iv) the warrantor's liability is covered by a warranty reimbursement insurance policy. The term "vehicle protection product" shall include, without limitation, alarm systems, body part marking products, steering locks, window etch products, pedal and ignition locks, fuel and ignition kill switches, and electronic, radio, and satellite tracking devices.

"Vehicle protection product warrantor" or "warrantor" means a person who is contractually obligated to the warranty holder under the terms of the vehicle protection product. Warrantor does not include an authorized insurer.

"Warranty reimbursement insurance policy" means a policy of insurance issued to the vehicle protection product warrantor to pay on behalf of the warrantor all covered contractual obligations incurred by the warrantor under the terms and conditions of the insured vehicle protection product warranties sold by the warrantor. The warranty reimbursement insurance policy shall be issued by an insurer authorized to do business in this State that has filed its policy form with the Department.

(b) No vehicle protection product sold or offered for sale in this State shall be subject to the provisions of this Code. Vehicle protection

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product warrantors and related vehicle protection product sellers and warranty administrators complying with this Section are not required to comply with and are not subject to any other provision of this Code. The vehicle protection products' written warranties are express warranties and not insurance.

(c) This Section applies to all vehicle protection products sold or offered for sale prior to, on, or after the effective date of this amendatory Act of the 93rd General Assembly. The enactment of this Section does not imply that vehicle protection products should have been subject to regulation under this Code prior to the enactment of this Section.

(Source: P.A. 93-218, eff. 7-18-03.)

(215 ILCS 5/155.40)

Sec. 155.40. Auto insurance; application; false address.

(a) An applicant for a policy of insurance that insures against any loss or liability resulting from or incident to the ownership, maintenance, or use of a motor vehicle shall not provide to the insurer to which the application for coverage is made any address for the applicant other than the address at which the applicant resides.

(b) A person who knowingly violates this Section is guilty of a business offense. The penalty is a fine of not less than $1,001 and not more than $1,200.

(Source: P.A. 93-269, eff. 1-1-04; revised 9-19-03.)

(215 ILCS 5/155.41)

Sec. 155.41. Slave era policies.

(a) The General Assembly finds and declares all of the following:

(1) Insurance policies from the slavery era have been discovered in the archives of several insurance companies, documenting insurance coverage for slaveholders for damage to or death of their slaves, issued by a predecessor insurance firm. These documents provide the first evidence of ill-gotten profits from slavery, which profits in part capitalized insurers whose successors remain in existence today.

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(2) Legislation has been introduced in Congress for the past 10 years demanding an inquiry into slavery and its continuing legacies.

(3) The Director of Insurance and the Department of Insurance are entitled to seek information from the files of insurers licensed and doing business in this State, including licensed Illinois subsidiaries of international insurance corporations, regarding insurance policies issued to slaveholders by predecessor corporations. The people of Illinois are entitled to significant historical information of this nature.

(b) The Department shall request and obtain information from insurers licensed and doing business in this State regarding any records of slaveholder insurance policies issued by any predecessor corporation during the slavery era.

(c) The Department shall obtain the names of any slaveholders or slaves described in those insurance records, and shall make the information available to the public and the General Assembly.

(d) Any insurer licensed and doing business in this State shall research and report to the Department with respect to any records within the insurer's possession or knowledge relating to insurance policies issued to slaveholders that provided coverage for damage to or death of their slaves.

(e) Descendants of slaves, whose ancestors were defined as private property, dehumanized, divided from their families, forced to perform labor without appropriate compensation or benefits, and whose ancestors' owners were compensated for damages by insurers, are entitled to full disclosure.

(Source: P.A. 93-333, eff. 1-1-04; revised 9-19-03.)

(215 ILCS 5/238) (from Ch. 73, par. 850)

Sec. 238. Exemption.

(a) All proceeds payable because of the death of the insured and the aggregate net cash value of any or all life and endowment policies and annuity contracts payable to a wife or husband of the insured, or to a child, parent or other person dependent upon the insured, whether the power to

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change the beneficiary is reserved to the insured or not, and whether the
insured or his estate is a contingent beneficiary or not, shall be exempt
from execution, attachment, garnishment or other process, for the debts or
liabilities of the insured incurred subsequent to the effective date of this
Code, except as to premiums paid in fraud of creditors within the period
limited by law for the recovery thereof.

(b) Any insurance company doing business in this State and
governed by this Code shall encumber or surrender accounts as defined in
Section 10-24 of the Illinois Public Aid Code held by the insurance
company owned by any responsible relative who is subject to a child
support lien, upon notice of the lien or levy by the Department of
Healthcare and Family Services (formerly Illinois Department of Public
Aid) or its successor agency pursuant to Section 10-25.5 of the Illinois
Public Aid Code, or upon notice of interstate lien from any other state's
agency responsible for implementing the child support enforcement
program set forth in Title IV, Part D of the Social Security Act.

This Section does not prohibit the furnishing of information in
accordance with the federal Personal Responsibility and Work
Opportunity Reconciliation Act of 1996. Any insurance company
governed by this Code shall enter into an agreement for data exchanges
with the Department of Healthcare and Family Services Public Aid
provided the Department of Healthcare and Family Services Public Aid
pays to the insurance company a reasonable fee not to exceed its actual
cost incurred. An insurance company providing information in accordance
with this item shall not be liable to any owner of an account as defined in
Section 10-24 of the Illinois Public Aid Code or other person for any
disclosure of information to the Department of Healthcare and Family
Services (formerly Department of Public Aid), for encumbering or
surrendering any accounts as defined in Section 10-24 of the Illinois
Public Aid Code held by the insurance company in response to a lien or
order to withhold and deliver issued by a State agency, or for any other
action taken pursuant to this item, including individual or mechanical
errors, provided the action does not constitute gross negligence or willful
misconduct. An insurance company shall have no obligation to hold,

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encumber, or surrender any accounts as defined in Section 10-24 of the Illinois Public Aid Code until it has been served with a subpoena, summons, warrant, court or administrative order, lien, or levy requiring that action.

(Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)

(215 ILCS 5/238.1)
Sec. 238.1. Data exchanges; administrative liens.
(a) Any insurance company doing business in the State and governed by this Code shall enter into an agreement for data exchanges with the Illinois Department of Healthcare and Family Services Public Aid for the purpose of locating accounts as defined in Section 10-24 of the Illinois Public Aid Code of responsible relatives to satisfy past-due child support owed by responsible relatives under an order for support entered by a court or administrative body of this or any other State on behalf of resident or non-resident persons.

(b) Notwithstanding any provisions in this Code to the contrary, an insurance company shall not be liable to any person:

(1) for any disclosure of information to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) under subsection (a);

(2) for encumbering or surrendering any accounts as defined in Section 10-24 of the Illinois Public Aid Code held by such insurance company in response to a notice of lien or levy issued by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid), or by any other state's child support enforcement agency, as provided for in Section 238 of this Code; or

(3) for any other action taken in good faith to comply with the requirements of subsection (a).

(Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)
(215 ILCS 5/299.1a) (from Ch. 73, par. 911.1a)
Sec. 299.1a. Benefits not Attachable.
(a) No money or other charity, relief or aid to be paid, provided or rendered by any society shall be liable to attachment, garnishment or other

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process or to be seized, taken, appropriated or applied by any legal or equitable process or operation of law to pay any debt or liability of a member or beneficiary, or any other person who may have a right thereunder, either before or after payment by the society.

(b) Any benefit association doing business in this State and governed by this Article XVII shall encumber or surrender accounts as defined in Section 10-24 of the Illinois Public Aid Code held by the benefit association owned by any responsible relative who is subject to a child support lien, upon notice of the lien or levy by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) or its successor agency pursuant to Section 10-25.5 of the Illinois Public Aid Code, or upon notice of interstate lien from any other state's agency responsible for implementing the child support enforcement program set forth in Title IV, Part D of the Social Security Act.

This Section shall not prohibit the furnishing of information in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Any benefit association governed by this Article XVII shall enter into an agreement for data exchanges with the Department of Healthcare and Family Services Public Aid provided the Department of Healthcare and Family Services Public Aid pays to the benefit association a reasonable fee not to exceed its actual cost incurred. A benefit association providing information in accordance with this item shall not be liable to any account holder or other person for any disclosure of information to a State agency, for encumbering or surrendering any accounts as defined in Section 10-24 of the Illinois Public Aid Code held by the benefit association in response to a lien or order to withhold and deliver issued by a State agency, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. A benefit association shall have no obligation to hold, encumber, or surrender accounts until it has been served with a subpoena, summons, warrant, court or administrative order, lien, or levy requiring that action.

(Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)

(215 ILCS 5/299.1b)

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Sec. 299.1b. Data exchanges; administrative liens.
(a) Any benefit association doing business in the State and governed by this Code shall enter into an agreement for data exchanges with the Illinois Department of Healthcare and Family Services Public Aid for the purpose of locating accounts as defined in Section 10-24 of the Illinois Public Aid Code of responsible relatives to satisfy past-due child support owed by responsible relatives under an order for support entered by a court or administrative body of this or any other State on behalf of resident or non-resident persons.

(b) Notwithstanding any provisions in this Code to the contrary, a benefit association shall not be liable to any person:
   (1) for any disclosure of information to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) under subsection (a);
   (2) for encumbering or surrendering any accounts as defined in Section 10-24 of the Illinois Public Aid Code held by such benefit association in response to a notice of lien or levy issued by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid), or by any other state's child support enforcement agency, as provided for in Section 299.1a of this Code; or
   (3) for any other action taken in good faith to comply with the requirements of subsection (a).

(Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)
(215 ILCS 5/337.1)

Sec. 337.1. Data exchanges; administrative liens.
(a) Any benefit association governed by this Article XVIII shall encumber or surrender accounts as defined in Section 10-24 of the Illinois Public Aid Code held by the benefit association on behalf of any responsible relative who is subject to a child support lien, upon notice of the lien or levy by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) or its successor agency pursuant to Section 10-25.5 of the Illinois Public Aid Code, or upon notice of interstate lien from any other state's agency responsible for

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implementing the child support enforcement program set forth in Title IV, Part D of the Social Security Act.

(b) This Section shall not prohibit the furnishing of information in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Any benefit association governed by this Article XVIII shall enter into an agreement for data exchanges with the Department of Healthcare and Family Services provided the Department of Healthcare and Family Services pays to the benefit association a reasonable fee not to exceed its actual cost incurred. A benefit association providing information in accordance with this item shall not be liable to any owner of an account as defined in Section 10-24 of the Illinois Public Aid Code or other person for any disclosure of information to the Department of Healthcare and Family Services, for encumbering or surrendering any accounts held by the benefit association in response to a lien or order to withhold and deliver issued by the Department of Healthcare and Family Services, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. A benefit association shall have no obligation to hold, encumber, or surrender the accounts or portions thereof as defined in Section 10-24 of the Illinois Public Aid Code until it has been served with a subpoena, summons, warrant, court or administrative order, lien, or levy.

(Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)
(215 ILCS 5/352) (from Ch. 73, par. 964)
Sec. 352. Scope of Article.
(a) Except as provided in subsections (b), (c), (d), and (e), this Article shall apply to all companies transacting in this State the kinds of business enumerated in clause (b) of Class 1 and clause (a) of Class 2 of section 4. Nothing in this Article shall apply to, or in any way affect policies or contracts described in clause (a) of Class 1 of Section 4; however, this Article shall apply to policies and contracts which contain benefits providing reimbursement for the expenses of long term health care which are certified or ordered by a physician including but not limited.
to professional nursing care, custodial nursing care, and non-nursing custodial care provided in a nursing home or at a residence of the insured.

(b) This Article does not apply to policies of accident and health insurance issued in compliance with Article XIXB of this Code.

(c) A policy issued and delivered in this State that provides coverage under that policy for certificate holders who are neither residents of nor employed in this State does not need to provide to those nonresident certificate holders who are not employed in this State the coverages or services mandated by this Article.

(d) Stop-loss insurance is exempt from all Sections of this Article, except this Section and Sections 353a, 354, 357.30, and 370. For purposes of this exemption, stop-loss insurance is further defined as follows:

1. The policy must be issued to and insure an employer, trustee, or other sponsor of the plan, or the plan itself, but not employees, members, or participants.

2. Payments by the insurer must be made to the employer, trustee, or other sponsors of the plan, or the plan itself, but not to the employees, members, participants, or health care providers.

(e) A policy issued or delivered in this State to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) and providing coverage, under clause (b) of Class 1 or clause (a) of Class 2 as described in Section 4, to persons who are enrolled under Article V of the Illinois Public Aid Code or under the Children's Health Insurance Program Act is exempt from all restrictions, limitations, standards, rules, or regulations respecting benefits imposed by or under authority of this Code, except those specified by subsection (1) of Section 143. Nothing in this subsection, however, affects the total medical services available to persons eligible for medical assistance under the Illinois Public Aid Code.

(Source: P.A. 92-370, eff. 8-15-01; revised 12-15-05.)

(215 ILCS 5/356b) (from Ch. 73, par. 968b)

Sec. 356b. (a) This Section applies to the hospital and medical expense provisions of an accident or health insurance policy.
(b) If a policy provides that coverage of a dependent person terminates upon attainment of the limiting age for dependent persons specified in the policy, the attainment of such limiting age does not operate to terminate the hospital and medical coverage of a person who, because of a handicapped condition that occurred before attainment of the limiting age, is incapable of self-sustaining employment and is dependent on his or her parents or other care providers for lifetime care and supervision.

(c) For purposes of subsection (b), "dependent on other care providers" is defined as requiring a Community Integrated Living Arrangement, group home, supervised apartment, or other residential services licensed or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities), the Department of Public Health, or the Department of Healthcare and Family Services (formerly Department of Public Aid).

(d) The insurer may inquire of the policyholder 2 months prior to attainment by a dependent of the limiting age set forth in the policy, or at any reasonable time thereafter, whether such dependent is in fact a disabled and dependent person and, in the absence of proof submitted within 60 days of such inquiry that such dependent is a disabled and dependent person may terminate coverage of such person at or after attainment of the limiting age. In the absence of such inquiry, coverage of any disabled and dependent person shall continue through the term of such policy or any extension or renewal thereof.

(e) This amendatory Act of 1969 is applicable to policies issued or renewed more than 60 days after the effective date of this amendatory Act of 1969.

(Source: P.A. 88-309; 89-507, eff. 7-1-97; revised 12-15-05.)

(215 ILCS 5/356r)

Sec. 356r. Woman's principal health care provider.

(a) An individual or group policy of accident and health insurance or a managed care plan amended, delivered, issued, or renewed in this State after November 14, 1996 that requires an insured or enrollee to designate an individual to coordinate care or to control access to health care services shall also permit a female insured or enrollee to designate a

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participating woman's principal health care provider, and the insurer or
managed care plan shall provide the following written notice to all female
insureds or enrollees no later than 120 days after the effective date of this
amendatory Act of 1998; to all new enrollees at the time of enrollment;
and thereafter to all existing enrollees at least annually, as a part of a
regular publication or informational mailing:

"NOTICE TO ALL FEMALE PLAN MEMBERS:
YOUR RIGHT TO SELECT A WOMAN'S PRINCIPAL
HEALTH CARE PROVIDER.

Illinois law allows you to select "a woman's principal health
care provider" in addition to your selection of a primary care
physician. A woman's principal health care provider is a physician
licensed to practice medicine in all its branches specializing in
obstetrics or gynecology or specializing in family practice. A
woman's principal health care provider may be seen for care
without referrals from your primary care physician. If you have not
already selected a woman's principal health care provider, you may
do so now or at any other time. You are not required to have or to
select a woman's principal health care provider.

Your woman's principal health care provider must be a part
of your plan. You may get the list of participating obstetricians,
gynecologists, and family practice specialists from your employer's
employee benefits coordinator, or for your own copy of the current
list, you may call [insert plan's toll free number]. The list will be
sent to you within 10 days after your call. To designate a woman's
principal health care provider from the list, call [insert plan's toll
free number] and tell our staff the name of the physician you have
selected."

If the insurer or managed care plan exercises the option set forth in
subsection (a-5), the notice shall also state:

"Your plan requires that your primary care physician and
your woman's principal health care provider have a referral
arrangement with one another. If the woman's principal health care
provider that you select does not have a referral arrangement with

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your primary care physician, you will have to select a new primary care physician who has a referral arrangement with your woman's principal health care provider or you may select a woman's principal health care provider who has a referral arrangement with your primary care physician. The list of woman's principal health care providers will also have the names of the primary care physicians and their referral arrangements."

No later than 120 days after the effective date of this amendatory Act of 1998, the insurer or managed care plan shall provide each employer who has a policy of insurance or a managed care plan with the insurer or managed care plan with a list of physicians licensed to practice medicine in all its branches specializing in obstetrics or gynecology or specializing in family practice who have contracted with the plan. At the time of enrollment and thereafter within 10 days after a request by an insured or enrollee, the insurer or managed care plan also shall provide this list directly to the insured or enrollee. The list shall include each physician's address, telephone number, and specialty. No insurer or plan formal or informal policy may restrict a female insured's or enrollee's right to designate a woman's principal health care provider, except as set forth in subsection (a-5). If the female enrollee is an enrollee of a managed care plan under contract with the Department of Healthcare and Family Services Public Aid, the physician chosen by the enrollee as her woman's principal health care provider must be a Medicaid-enrolled provider. This requirement does not require a female insured or enrollee to make a selection of a woman's principal health care provider. The female insured or enrollee may designate a physician licensed to practice medicine in all its branches specializing in family practice as her woman's principal health care provider.

(a-5) The insured or enrollee may be required by the insurer or managed care plan to select a woman's principal health care provider who has a referral arrangement with the insured's or enrollee's individual who coordinates care or controls access to health care services if such referral arrangement exists or to select a new individual to coordinate care or to control access to health care services who has a referral arrangement with

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the woman's principal health care provider chosen by the insured or enrollee, if such referral arrangement exists. If an insurer or a managed care plan requires an insured or enrollee to select a new physician under this subsection (a-5), the insurer or managed care plan must provide the insured or enrollee with both options to select a new physician provided in this subsection (a-5).

Notwithstanding a plan's restrictions of the frequency or timing of making designations of primary care providers, a female enrollee or insured who is subject to the selection requirements of this subsection, may, at any time, effect a change in primary care physicians in order to make a selection of a woman's principal health care provider.

(a-6) If an insurer or managed care plan exercises the option in subsection (a-5), the list to be provided under subsection (a) shall identify the referral arrangements that exist between the individual who coordinates care or controls access to health care services and the woman's principal health care provider in order to assist the female insured or enrollee to make a selection within the insurer's or managed care plan's requirement.

(b) If a female insured or enrollee has designated a woman's principal health care provider, then the insured or enrollee must be given direct access to the woman's principal health care provider for services covered by the policy or plan without the need for a referral or prior approval. Nothing shall prohibit the insurer or managed care plan from requiring prior authorization or approval from either a primary care provider or the woman's principal health care provider for referrals for additional care or services.

(c) For the purposes of this Section the following terms are defined:

(1) "Woman's principal health care provider" means a physician licensed to practice medicine in all of its branches specializing in obstetrics or gynecology or specializing in family practice.

(2) "Managed care entity" means any entity including a licensed insurance company, hospital or medical service plan,
health maintenance organization, limited health service organization, preferred provider organization, third party administrator, an employer or employee organization, or any person or entity that establishes, operates, or maintains a network of participating providers.

(3) "Managed care plan" means a plan operated by a managed care entity that provides for the financing of health care services to persons enrolled in the plan through:

(A) organizational arrangements for ongoing quality assurance, utilization review programs, or dispute resolution; or

(B) financial incentives for persons enrolled in the plan to use the participating providers and procedures covered by the plan.

(4) "Participating provider" means a physician who has contracted with an insurer or managed care plan to provide services to insureds or enrollees as defined by the contract.

(d) The original provisions of this Section became law on July 17, 1996 and took effect November 14, 1996, which is 120 days after becoming law. (Source: P.A. 89-514; 90-14, eff. 7-1-97; 90-741, eff. 8-13-98; revised 12-15-05.)

(215 ILCS 5/356z.2)
Sec. 356z.2. Coverage for adjunctive services in dental care.

(a) An individual or group policy of accident and health insurance amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 92nd General Assembly shall cover charges incurred, and anesthetics provided, in conjunction with dental care that is provided to a covered individual in a hospital or an ambulatory surgical treatment center if any of the following applies:

(1) the individual is a child age 6 or under;

(2) the individual has a medical condition that requires hospitalization or general anesthesia for dental care; or

(3) the individual is disabled.

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(b) For purposes of this Section, "ambulatory surgical treatment center" has the meaning given to that term in Section 3 of the Ambulatory Surgical Treatment Center Act.

For purposes of this Section, "disabled" means a person, regardless of age, with a chronic disability if the chronic disability meets all of the following conditions:

1. It is attributable to a mental or physical impairment or combination of mental and physical impairments.
2. It is likely to continue.
3. It results in substantial functional limitations in one or more of the following areas of major life activity:
   A. self-care;
   B. receptive and expressive language;
   C. learning;
   D. mobility;
   E. capacity for independent living; or
   F. economic self-sufficiency.

(c) The coverage required under this Section may be subject to any limitations, exclusions, or cost-sharing provisions that apply generally under the insurance policy.

(d) This Section does not apply to a policy that covers only dental care.

(e) Nothing in this Section requires that the dental services be covered.

(f) The provisions of this Section do not apply to short-term travel, accident-only, limited, or specified disease policies, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under State or federal governmental plans.

(Source: P.A. 92-764, eff. 1-1-03.)

(215 ILCS 5/356z.3)

Sec. 356z.3. Disclosure of limited benefit. An insurer that issues, delivers, amends, or renews an individual or group policy of accident and health insurance in this State after the effective date of this

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amendatory Act of the 92nd General Assembly and arranges, contracts
with, or administers contracts with a provider whereby beneficiaries are
provided an incentive to use the services of such provider must include the
following disclosure on its contracts and evidences of coverage:
"WARNING, LIMITED BENEFITS WILL BE PAID WHEN
NON-PARTICIPATING PROVIDERS ARE USED. You should be aware
that when you elect to utilize the services of a non-participating provider
for a covered service in non-emergency situations, benefit payments to
such non-participating provider are not based upon the amount billed. The
basis of your benefit payment will be determined according to your
policy's fee schedule, usual and customary charge (which is determined by
comparing charges for similar services adjusted to the geographical area
where the services are performed), or other method as defined by the
policy. YOU CAN EXPECT TO PAY MORE THAN THE
COINSURANCE AMOUNT DEFINED IN THE POLICY AFTER THE
PLAN HAS PAID ITS REQUIRED PORTION. Non-participating
providers may bill members for any amount up to the billed charge after
the plan has paid its portion of the bill. Participating providers have agreed
to accept discounted payments for services with no additional billing to the
member other than co-insurance and deductible amounts. You may obtain
further information about the participating status of professional providers
and information on out-of-pocket expenses by calling the toll free
telephone number on your identification card."
(Source: P.A. 92-579, eff. 1-1-03; revised 9-3-02.)
(215 ILCS 5/356z.4)
Sec. 356z.4. Coverage for contraceptives.
(a) An individual or group policy of accident and health insurance
amended, delivered, issued, or renewed in this State after the effective date
of this amendatory Act of the 93rd General Assembly that provides
coverage for outpatient services and outpatient prescription drugs or
devices must provide coverage for the insured and any dependent of the
insured covered by the policy for all outpatient contraceptive services and
all outpatient contraceptive drugs and devices approved by the Food and
Drug Administration. Coverage required under this Section may not

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impose any deductible, coinsurance, waiting period, or other cost-sharing or limitation that is greater than that required for any outpatient service or outpatient prescription drug or device otherwise covered by the policy.

(b) As used in this Section, "outpatient contraceptive service" means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.

(c) Nothing in this Section shall be construed to require an insurance company to cover services related to an abortion as the term "abortion" is defined in the Illinois Abortion Law of 1975.

(d) Nothing in this Section shall be construed to require an insurance company to cover services related to permanent sterilization that requires a surgical procedure.

(Source: P.A. 93-102, eff. 1-1-04.)

(215 ILCS 5/356z.5)

Sec. 356z.5 356z.4. Prescription inhalants. A group or individual policy of accident and health insurance or managed care plan amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 93rd General Assembly that provides coverage for prescription drugs may not deny or limit coverage for prescription inhalants to enable persons to breathe when suffering from asthma or other life-threatening bronchial ailments based upon any restriction on the number of days before an inhaler refill may be obtained if, contrary to those restrictions, the inhalants have been ordered or prescribed by the treating physician and are medically appropriate.

(Source: P.A. 93-529, eff. 8-14-03; revised 9-25-03.)

(215 ILCS 5/356z.7) (was 215 ILCS 5/370r)

Sec. 356z.7 370r. Prescription drugs; cancer treatment. No group policy of accident or health insurance that provides coverage for prescribed drugs approved by the federal Food and Drug Administration for the treatment of certain types of cancer shall exclude coverage of any drug on the basis that the drug has been prescribed for the treatment of a type of cancer for which the drug has not been approved by the federal
Food and Drug Administration. The drug, however, must be approved by the federal Food and Drug Administration and must be recognized for the treatment of the specific type of cancer for which the drug has been prescribed in any one of the following established reference compendia:

(a) the American Medical Association Drug Evaluations;
(b) the American Hospital Formulary Service Drug Information; or
(c) the United States Pharmacopeia Drug Information;

or if not in the compendia, recommended for that particular type of cancer in formal clinical studies, the results of which have been published in at least two peer reviewed professional medical journals published in the United States or Great Britain.

Any coverage required by this Section shall also include those medically necessary services associated with the administration of a drug.

Despite the provisions of this Section, coverage shall not be required for any experimental or investigational drugs or any drug that the federal Food and Drug Administration has determined to be contraindicated for treatment of the specific type of cancer for which the drug has been prescribed. This Section shall apply only to cancer drugs. Nothing in this Section shall be construed, expressly or by implication, to create, impair, alter, limit, notify, enlarge, abrogate or prohibit reimbursement for drugs used in the treatment of any other disease or condition.

(Source: P.A. 87-980; revised 10-19-05.)

(215 ILCS 5/367b) (from Ch. 73, par. 979b)

Sec. 367b. (a) This Section applies to the hospital and medical expense provisions of a group accident or health insurance policy.

(b) If a policy provides that coverage of a dependent of an employee or other member of the covered group terminates upon attainment of the limiting age for dependent persons specified in the policy, the attainment of such limiting age does not operate to terminate the hospital and medical coverage of a person who, because of a handicapped condition that occurred before attainment of the limiting age,
is incapable of self-sustaining employment and is dependent on his or her parents or other care providers for lifetime care and supervision.

(c) For purposes of subsection (b), "dependent on other care providers" is defined as requiring a Community Integrated Living Arrangement, group home, supervised apartment, or other residential services licensed or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities), the Department of Public Health, or the Department of Healthcare and Family Services (formerly Department of Public Aid).

(d) The insurer may inquire of the person insured 2 months prior to attainment by a dependent of the limiting age set forth in the policy, or at any reasonable time thereafter, whether such dependent is in fact a disabled and dependent person and, in the absence of proof submitted within 31 days of such inquiry that such dependent is a disabled and dependent person may terminate coverage of such person at or after attainment of the limiting age. In the absence of such inquiry, coverage of any disabled and dependent person shall continue through the term of such policy or any extension or renewal.

(e) This amendatory Act of 1969 is applicable to policies issued or renewed more than 60 days after the effective date of this amendatory Act of 1969.

(Source: P.A. 88-309; 89-507, eff. 7-1-97; revised 12-15-05.)

(215 ILCS 5/370c) (from Ch. 73, par. 982c)

Sec. 370c. Mental and emotional disorders.

(a) (1) On and after the effective date of this Section, every insurer which delivers, issues for delivery or renews or modifies group A&H policies providing coverage for hospital or medical treatment or services for illness on an expense-incurred basis shall offer to the applicant or group policyholder subject to the insurers standards of insurability, coverage for reasonable and necessary treatment and services for mental, emotional or nervous disorders or conditions, other than serious mental illnesses as defined in item (2) of subsection (b), up to the limits provided in the policy for other disorders or conditions, except (i) the insured may be required to pay up to 50% of expenses incurred as a result of the

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treatment or services, and (ii) the annual benefit limit may be limited to the lesser of $10,000 or 25% of the lifetime policy limit.

(2) Each insured that is covered for mental, emotional or nervous disorders or conditions shall be free to select the physician licensed to practice medicine in all its branches, licensed clinical psychologist, licensed clinical social worker, or licensed clinical professional counselor of his choice to treat such disorders, and the insurer shall pay the covered charges of such physician licensed to practice medicine in all its branches, licensed clinical psychologist, licensed clinical social worker, or licensed clinical professional counselor up to the limits of coverage, provided (i) the disorder or condition treated is covered by the policy, and (ii) the physician, licensed psychologist, licensed clinical social worker, or licensed clinical professional counselor is authorized to provide said services under the statutes of this State and in accordance with accepted principles of his profession.

(3) Insofar as this Section applies solely to licensed clinical social workers and licensed clinical professional counselors, those persons who may provide services to individuals shall do so after the licensed clinical social worker or licensed clinical professional counselor has informed the patient of the desirability of the patient conferring with the patient's primary care physician and the licensed clinical social worker or licensed clinical professional counselor has provided written notification to the patient's primary care physician, if any, that services are being provided to the patient. That notification may, however, be waived by the patient on a written form. Those forms shall be retained by the licensed clinical social worker or licensed clinical professional counselor for a period of not less than 5 years.

(b) (1) An insurer that provides coverage for hospital or medical expenses under a group policy of accident and health insurance or health care plan amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 92nd General Assembly shall provide coverage under the policy for treatment of serious mental illness under the same terms and conditions as coverage for hospital or medical expenses related to other illnesses and diseases. The coverage required under this Section
must provide for same durational limits, amount limits, deductibles, and co-insurance requirements for serious mental illness as are provided for other illnesses and diseases. This subsection does not apply to coverage provided to employees by employers who have 50 or fewer employees.

(2) "Serious mental illness" means the following psychiatric illnesses as defined in the most current edition of the Diagnostic and Statistical Manual (DSM) published by the American Psychiatric Association:

(A) schizophrenia;
(B) paranoid and other psychotic disorders;
(C) bipolar disorders (hypomanic, manic, depressive, and mixed);
(D) major depressive disorders (single episode or recurrent);
(E) schizoaffective disorders (bipolar or depressive);
(F) pervasive developmental disorders;
(G) obsessive-compulsive disorders;
(H) depression in childhood and adolescence;
(I) panic disorder; and
(J) post-traumatic stress disorders (acute, chronic, or with delayed onset).

(3) Upon request of the reimbursing insurer, a provider of treatment of serious mental illness shall furnish medical records or other necessary data that substantiate that initial or continued treatment is at all times medically necessary. An insurer shall provide a mechanism for the timely review by a provider holding the same license and practicing in the same specialty as the patient's provider, who is unaffiliated with the insurer, jointly selected by the patient (or the patient's next of kin or legal representative if the patient is unable to act for himself or herself), the patient's provider, and the insurer in the event of a dispute between the insurer and patient's provider regarding the medical necessity of a treatment proposed by a patient's provider. If the reviewing provider determines the treatment to be medically necessary, the insurer shall provide reimbursement for the treatment. Future contractual or

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employment actions by the insurer regarding the patient's provider may not be based on the provider's participation in this procedure. Nothing prevents the insured from agreeing in writing to continue treatment at his or her expense. When making a determination of the medical necessity for a treatment modality for serous mental illness, an insurer must make the determination in a manner that is consistent with the manner used to make that determination with respect to other diseases or illnesses covered under the policy, including an appeals process.

(4) A group health benefit plan:

(A) shall provide coverage based upon medical necessity for the following treatment of mental illness in each calendar year:

(i) 45 days of inpatient treatment; and

(ii) beginning on June 26, 2006 (the effective date of Public Act 94-921) this amendatory Act of the 94th General Assembly, 60 visits for outpatient treatment including group and individual outpatient treatment; and

(iii) for plans or policies delivered, issued for delivery, renewed, or modified after January 1, 2007 (the effective date of Public Act 94-906) this amendatory Act of the 94th General Assembly, 20 additional outpatient visits for speech therapy for treatment of pervasive developmental disorders that will be in addition to speech therapy provided pursuant to item (ii) of this subparagraph (A);

(B) may not include a lifetime limit on the number of days of inpatient treatment or the number of outpatient visits covered under the plan; and

(C) shall include the same amount limits, deductibles, copayments, and coinsurance factors for serious mental illness as for physical illness.

(5) An issuer of a group health benefit plan may not count toward the number of outpatient visits required to be covered under this Section an outpatient visit for the purpose of medication management and shall
cover the outpatient visits under the same terms and conditions as it covers outpatient visits for the treatment of physical illness.

(6) An issuer of a group health benefit plan may provide or offer coverage required under this Section through a managed care plan.

(7) This Section shall not be interpreted to require a group health benefit plan to provide coverage for treatment of:
   
   (A) an addiction to a controlled substance or cannabis that is used in violation of law; or
   
   (B) mental illness resulting from the use of a controlled substance or cannabis in violation of law.

(8) (Blank).

(Source: P.A. 94-402, eff. 8-2-05; 94-584, eff. 8-15-05; 94-906, eff. 1-1-07; 94-921, eff. 6-26-06; revised 8-3-06.)

(215 ILCS 5/416)


   (a) As of July 30, 2004 (the effective date of Public Act 93-840) this amendatory Act of 2004, every company licensed or authorized by the Illinois Department of Insurance and insuring employers' liabilities arising under the Workers' Compensation Act or the Workers' Occupational Diseases Act shall remit to the Director a surcharge based upon the annual direct written premium, as reported under Section 136 of this Act, of the company in the manner provided in this Section. Such proceeds shall be deposited into the Illinois Workers' Compensation Commission Operations Fund as established in the Workers' Compensation Act. If a company survives or was formed by a merger, consolidation, reorganization, or reincorporation, the direct written premiums of all companies party to the merger, consolidation, reorganization, or reincorporation shall, for purposes of determining the amount of the fee imposed by this Section, be regarded as those of the surviving or new company.

   (b)(1) Except as provided in subsection (b)(2) of this Section, beginning on July 30, 2004 (the effective date of Public Act 93-840) this amendatory Act of 2004 and on July 1 of each year thereafter, the Director
shall charge an annual Illinois Workers' Compensation Commission Operations Fund Surcharge from every company subject to subsection (a) of this Section equal to 1.01% of its direct written premium for insuring employers' liabilities arising under the Workers' Compensation Act or Workers' Occupational Diseases Act as reported in each company's annual statement filed for the previous year as required by Section 136. The Illinois Workers' Compensation Commission Operations Fund Surcharge shall be collected by companies subject to subsection (a) of this Section as a separately stated surcharge on insured employers at the rate of 1.01% of direct written premium. The *Illinois Workers’ Compensation Industrial Commission* Operations Fund Surcharge shall not be collected by companies subject to subsection (a) of this Section from any employer that self-insures its liabilities arising under the Workers' Compensation Act or Workers' Occupational Diseases Act, provided that the employer has paid the *Illinois Workers’ Compensation Industrial Commission* Operations Fund Fee pursuant to Section 4d of the Workers' Compensation Act. All sums collected by the Department of Insurance under the provisions of this Section shall be paid promptly after the receipt of the same, accompanied by a detailed statement thereof, into the Illinois Workers' Compensation Commission Operations Fund in the State treasury.

(b)(2) The surcharge due pursuant to *Public Act 93-840 this amendatory Act of 2004* shall be collected instead of the surcharge due on July 1, 2004 under Public Act 93-32. Payment of the surcharge due under *Public Act 93-840 this amendatory Act of 2004* shall discharge the employer's obligations due on July 1, 2004.

(c) In addition to the authority specifically granted under Article XXV of this Code, the Director shall have such authority to adopt rules or establish forms as may be reasonably necessary for purposes of enforcing this Section. The Director shall also have authority to defer, waive, or abate the surcharge or any penalties imposed by this Section if in the Director's opinion the company's solvency and ability to meet its insured obligations would be immediately threatened by payment of the surcharge due.

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(d) When a company fails to pay the full amount of any annual Illinois Workers' Compensation Commission Operations Fund Surcharge of $100 or more due under this Section, there shall be added to the amount due as a penalty the greater of $1,000 or an amount equal to 5% of the deficiency for each month or part of a month that the deficiency remains unpaid.

(e) The Department of Insurance may enforce the collection of any delinquent payment, penalty, or portion thereof by legal action or in any other manner by which the collection of debts due the State of Illinois may be enforced under the laws of this State.

(f) Whenever it appears to the satisfaction of the Director that a company has paid pursuant to this Act an Illinois Workers' Compensation Commission Operations Fund Surcharge in an amount in excess of the amount legally collectable from the company, the Director shall issue a credit memorandum for an amount equal to the amount of such overpayment. A credit memorandum may be applied for the 2-year period from the date of issuance, against the payment of any amount due during that period under the surcharge imposed by this Section or, subject to reasonable rule of the Department of Insurance including requirement of notification, may be assigned to any other company subject to regulation under this Act. Any application of credit memoranda after the period provided for in this Section is void.

(g) Annually, the Governor may direct a transfer of up to 2% of all moneys collected under this Section to the Insurance Financial Regulation Fund.

(Source: P.A. 93-32, eff. 6-20-03; 93-721, eff. 1-1-05; 93-840, eff. 7-30-04; revised 12-29-04.)

(215 ILCS 5/500-135)
Sec. 500-135. Fees.
(a) The fees required by this Article are as follows:

(1) a fee of $180 for a person who is a resident of Illinois, and $250 for a person who is not a resident of Illinois, payable once every 2 years for an insurance producer license;

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(2) a fee of $50 for the issuance of a temporary insurance producer license;
(3) a fee of $150 payable once every 2 years for a business entity;
(4) an annual $50 fee for a limited line producer license issued under items (1) through (7) of subsection (a) of Section 500-100;
(5) a $50 application fee for the processing of a request to take the written examination for an insurance producer license;
(6) an annual registration fee of $1,000 for registration of an education provider;
(7) a certification fee of $50 for each certified pre-licensing or continuing education course and an annual fee of $20 for renewing the certification of each such course;
(8) a fee of $180 for a person who is a resident of Illinois, and $250 for a person who is not a resident of Illinois, payable once every 2 years for a car rental limited line license;
(9) a fee of $200 payable once every 2 years for a limited lines license other than the licenses issued under items (1) through (7) of subsection (a) of Section 500-100, a car rental limited line license, or a self-service storage facility limited line license;
(10) a fee of $50 payable once every 2 years for a self-service storage facility limited line license.

(b) Except as otherwise provided, all fees paid to and collected by the Director under this Section shall be paid promptly after receipt thereof, together with a detailed statement of such fees, into a special fund in the State Treasury to be known as the Insurance Producer Administration Fund. The moneys deposited into the Insurance Producer Administration Fund may be used only for payment of the expenses of the Department in the execution, administration, and enforcement of the insurance laws of this State, and shall be appropriated as otherwise provided by law for the payment of those expenses with first priority being any expenses incident to or associated with the administration and enforcement of this Article.

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Sec. 512-3. Definitions. For the purposes of this Article, unless the context otherwise requires, the terms defined in this Article have the meanings ascribed to them herein:

(a) "Third party prescription program" or "program" means any system of providing for the reimbursement of pharmaceutical services and prescription drug products offered or operated in this State under a contractual arrangement or agreement between a provider of such services and another party who is not the consumer of those services and products. Such programs may include, but need not be limited to, employee benefit plans whereby a consumer receives prescription drugs or other pharmaceutical services and those services are paid for by an agent of the employer or others.

(b) "Third party program administrator" or "administrator" means any person, partnership or corporation who issues or causes to be issued any payment or reimbursement to a provider for services rendered pursuant to a third party prescription program, but does not include the Director of Healthcare and Family Services Public Aid or any agent authorized by the Director to reimburse a provider of services rendered pursuant to a program of which the Department of Healthcare and Family Services Public Aid is the third party.

Sec. 531.06. Creation of the Association. There is created a non-profit legal entity to be known as the Illinois Life and Health Insurance Guaranty Association. All member insurers are and must remain members of the Association as a condition of their authority to transact insurance in this State. The Association must perform its functions under the plan of operation established and approved under Section 531.10 and must exercise its powers through a board of directors established under Section 531.07. For purposes of administration and assessment, the Association must maintain 2 accounts:

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(1) The life insurance and annuity account which includes the following subaccounts:
    (a) Life Insurance Account;
    (b) Annuity account; and
    (c) Unallocated Annuity Account which shall include contracts qualified under Section 403(b) of the United States Internal Revenue Code.

(2) The health insurance account.

The Association shall be supervised by the Director and is subject to the applicable provisions of the Illinois Insurance Code.

(Source: P.A. 86-753; revised 10-11-05.)

(215 ILCS 5/1204) (from Ch. 73, par. 1065.904)

Sec. 1204. (A) The Secretary shall promulgate rules and regulations which shall require each insurer licensed to write property or casualty insurance in the State and each syndicate doing business on the Illinois Insurance Exchange to record and report its loss and expense experience and other data as may be necessary to assess the relationship of insurance premiums and related income as compared to insurance costs and expenses. The Secretary may designate one or more rate service organizations or advisory organizations to gather and compile such experience and data. The Secretary shall require each insurer licensed to write property or casualty insurance in this State and each syndicate doing business on the Illinois Insurance Exchange to submit a report, on a form furnished by the Secretary, showing its direct writings in this State and companywide.

(B) Such report required by subsection (A) of this Section may include, but not be limited to, the following specific types of insurance written by such insurer:

(1) Political subdivision liability insurance reported separately in the following categories:
    (a) municipalities;
    (b) school districts;
    (c) other political subdivisions;

(2) Public official liability insurance;

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(3) Dram shop liability insurance;
(4) Day care center liability insurance;
(5) Labor, fraternal or religious organizations liability insurance;
(6) Errors and omissions liability insurance;
(7) Officers and directors liability insurance reported separately as follows:
   (a) non-profit entities;
   (b) for-profit entities;
(8) Products liability insurance;
(9) Medical malpractice insurance;
(10) Attorney malpractice insurance;
(11) Architects and engineers malpractice insurance; and
(12) Motor vehicle insurance reported separately for commercial and private passenger vehicles as follows:
   (a) motor vehicle physical damage insurance;
   (b) motor vehicle liability insurance.

(C) Such report may include, but need not be limited to the following data, both specific to this State and companywide, in the aggregate or by type of insurance for the previous year on a calendar year basis:

(1) Direct premiums written;
(2) Direct premiums earned;
(3) Number of policies;
(4) Net investment income, using appropriate estimates where necessary;
(5) Losses paid;
(6) Losses incurred;
(7) Loss reserves:
   (a) Losses unpaid on reported claims;
   (b) Losses unpaid on incurred but not reported claims;
(8) Number of claims:
   (a) Paid claims;

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(b) Arising claims;

(9) Loss adjustment expenses:
   (a) Allocated loss adjustment expenses;
   (b) Unallocated loss adjustment expenses;

(10) Net underwriting gain or loss;

(11) Net operation gain or loss, including net investment income;

(12) Any other information requested by the Secretary.

(C-3) Additional information by an advisory organization as defined in Section 463 of this Code.

(1) An advisory organization as defined in Section 463 of this Code shall report annually the following information in such format as may be prescribed by the Secretary:
   (a) paid and incurred losses for each of the past 10 years;
   (b) medical payments and medical charges, if collected, for each of the past 10 years;
   (c) the following indemnity payment information: cumulative payments by accident year by calendar year of development. This array will show payments made and frequency of claims in the following categories: medical only, permanent partial disability (PPD), permanent total disability (PTD), temporary total disability (TTD), and fatalities;
   (d) injuries by frequency and severity;
   (e) by class of employee.

(2) The report filed with the Secretary of Financial and Professional Regulation under paragraph (1) of this subsection shall be made available, on an aggregate basis, to the General Assembly and to the general public. The identity of the petitioner, the respondent, the attorneys, and the insurers shall not be disclosed.

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(3) Reports required under this subsection (C-3) shall be filed with the Secretary no later than September 1 in 2006 and no later than September 1 of each year thereafter.

(C-5) Additional information required from medical malpractice insurers.

(1) In addition to the other requirements of this Section, the following information shall be included in the report required by subsection (A) of this Section in such form and under such terms and conditions as may be prescribed by the Secretary:

(a) paid and incurred losses by county for each of the past 10 policy years;
(b) earned exposures by ISO code, policy type, and policy year by county for each of the past 10 years; and
(c) the following actuarial information:
   (i) Base class and territory equivalent exposures by report year by relative accident year.
   (ii) Cumulative loss array by accident year by calendar year of development. This array will show frequency of claims in the following categories: open, closed with indemnity (CWI), closed with expense (CWE), and closed no pay (CNP); paid severity in the following categories: indemnity and allocated loss adjustment expenses (ALAE) on closed claims; and indemnity and expense reserves on pending claims.
   (iii) Cumulative loss array by report year by calendar year of development. This array will show frequency of claims in the following categories: open, closed with indemnity (CWI), closed with expense (CWE), and closed no pay (CNP); paid severity in the following categories: indemnity and allocated loss adjustment expenses (ALAE) on closed claims; and indemnity and expense reserves on pending claims.

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(iv) Maturity year and tail factors.
(v) Any expense, contingency ddr (death, disability, and retirement), commission, tax, and/or off-balance factors.

(2) The following information must also be annually provided to the Department:
   (a) copies of the company's reserve and surplus studies; and
   (b) consulting actuarial report and data supporting the company's rate filing.

(3) All information collected by the Secretary under paragraphs (1) and (2) shall be made available, on a company-by-company basis, to the General Assembly and the general public. This provision shall supersede any other provision of State law that may otherwise protect such information from public disclosure as confidential.

(D) In addition to the information which may be requested under subsection (C), the Secretary may also request on a companywide, aggregate basis, Federal Income Tax recoverable, net realized capital gain or loss, net unrealized capital gain or loss, and all other expenses not requested in subsection (C) above.

(E) Violations - Suspensions - Revocations.

(1) Any company or person subject to this Article, who willfully or repeatedly fails to observe or who otherwise violates any of the provisions of this Article or any rule or regulation promulgated by the Secretary under authority of this Article or any final order of the Secretary entered under the authority of this Article shall by civil penalty forfeit to the State of Illinois a sum not to exceed $2,000. Each day during which a violation occurs constitutes a separate offense.

(2) No forfeiture liability under paragraph (1) of this subsection may attach unless a written notice of apparent liability has been issued by the Secretary and received by the respondent, or the Secretary sends written notice of apparent liability by registered mail.

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or certified mail, return receipt requested, to the last known address of the respondent. Any respondent so notified must be granted an opportunity to request a hearing within 10 days from receipt of notice, or to show in writing, why he should not be held liable. A notice issued under this Section must set forth the date, facts and nature of the act or omission with which the respondent is charged and must specifically identify the particular provision of this Article, rule, regulation or order of which a violation is charged.

(3) No forfeiture liability under paragraph (1) of this subsection may attach for any violation occurring more than 2 years prior to the date of issuance of the notice of apparent liability and in no event may the total civil penalty forfeiture imposed for the acts or omissions set forth in any one notice of apparent liability exceed $100,000.

(4) All administrative hearings conducted pursuant to this Article are subject to 50 Ill. Adm. Code 2402 and all administrative hearings are subject to the Administrative Review Law.

(5) The civil penalty forfeitures provided for in this Section are payable to the General Revenue Fund of the State of Illinois, and may be recovered in a civil suit in the name of the State of Illinois brought in the Circuit Court in Sangamon County or in the Circuit Court of the county where the respondent is domiciled or has its principal operating office.

(6) In any case where the Secretary issues a notice of apparent liability looking toward the imposition of a civil penalty forfeiture under this Section that fact may not be used in any other proceeding before the Secretary to the prejudice of the respondent to whom the notice was issued, unless (a) the civil penalty forfeiture has been paid, or (b) a court has ordered payment of the civil penalty forfeiture and that order has become final.

(7) When any person or company has a license or certificate of authority under this Code and knowingly fails or refuses to comply with a lawful order of the Secretary requiring compliance with this Article, entered after notice and hearing, within the period

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of time specified in the order, the Secretary may, in addition to any other penalty or authority provided, revoke or refuse to renew the license or certificate of authority of such person or company, or may suspend the license or certificate of authority of such person or company until compliance with such order has been obtained.

(8) When any person or company has a license or certificate of authority under this Code and knowingly fails or refuses to comply with any provisions of this Article, the Secretary may, after notice and hearing, in addition to any other penalty provided, revoke or refuse to renew the license or certificate of authority of such person or company, or may suspend the license or certificate of authority of such person or company, until compliance with such provision of this Article has been obtained.

(9) No suspension or revocation under this Section may become effective until 5 days from the date that the notice of suspension or revocation has been personally delivered or delivered by registered or certified mail to the company or person. A suspension or revocation under this Section is stayed upon the filing, by the company or person, of a petition for judicial review under the Administrative Review Law.

(Source: P.A. 93-32, eff. 7-1-03; 94-277, eff. 7-20-05; 94-677, eff. 8-25-05; revised 8-29-05.)

Section 660. The Comprehensive Health Insurance Plan Act is amended by setting forth and renumbering multiple versions of Section 15 as follows:

(215 ILCS 105/14.05)
Sec. 14.05 15. Alternative portable coverage for federally eligible individuals.

(a) Notwithstanding the requirements of subsection a. of Section 7 and except as otherwise provided in this Section, any federally eligible individual for whom a Plan application, and such enclosures and supporting documentation as the Board may require, is received by the Board within 90 days after the termination of prior creditable coverage

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shall qualify to enroll in the Plan under the portability provisions of this Section.

A federally eligible person who has been certified as eligible pursuant to the federal Trade Act of 2002 and whose Plan application and enclosures and supporting documentation as the Board may require is received by the Board within 63 days after the termination of previous creditable coverage shall qualify to enroll in the Plan under the portability provisions of this Section.

(b) Any federally eligible individual seeking Plan coverage under this Section must submit with his or her application evidence, including acceptable written certification of previous creditable coverage, that will establish to the Board's satisfaction, that he or she meets all of the requirements to be a federally eligible individual and is currently and permanently residing in this State (as of the date his or her application was received by the Board).

(c) Except as otherwise provided in this Section, a period of creditable coverage shall not be counted, with respect to qualifying an applicant for Plan coverage as a federally eligible individual under this Section, if after such period and before the application for Plan coverage was received by the Board, there was at least a 90 day period during all of which the individual was not covered under any creditable coverage.

For a federally eligible person who has been certified as eligible pursuant to the federal Trade Act of 2002, a period of creditable coverage shall not be counted, with respect to qualifying an applicant for Plan coverage as a federally eligible individual under this Section, if after such period and before the application for Plan coverage was received by the Board, there was at least a 63 day period during all of which the individual was not covered under any creditable coverage.

(d) Any federally eligible individual who the Board determines qualifies for Plan coverage under this Section shall be offered his or her choice of enrolling in one of alternative portability health benefit plans which the Board is authorized under this Section to establish for these federally eligible individuals and their dependents.
(e) The Board shall offer a choice of health care coverages consistent with major medical coverage under the alternative health benefit plans authorized by this Section to every federally eligible individual. The coverages to be offered under the plans, the schedule of benefits, deductibles, co-payments, exclusions, and other limitations shall be approved by the Board. One optional form of coverage shall be comparable to comprehensive health insurance coverage offered in the individual market in this State or a standard option of coverage available under the group or individual health insurance laws of the State. The standard benefit plan that is authorized by Section 8 of this Act may be used for this purpose. The Board may also offer a preferred provider option and such other options as the Board determines may be appropriate for these federally eligible individuals who qualify for Plan coverage pursuant to this Section.

(f) Notwithstanding the requirements of subsection f. of Section 8, any plan coverage that is issued to federally eligible individuals who qualify for the Plan pursuant to the portability provisions of this Section shall not be subject to any preexisting conditions exclusion, waiting period, or other similar limitation on coverage.

(g) Federally eligible individuals who qualify and enroll in the Plan pursuant to this Section shall be required to pay such premium rates as the Board shall establish and approve in accordance with the requirements of Section 7.1 of this Act.

(h) A federally eligible individual who qualifies and enrolls in the Plan pursuant to this Section must satisfy on an ongoing basis all of the other eligibility requirements of this Act to the extent not inconsistent with the federal Health Insurance Portability and Accountability Act of 1996 in order to maintain continued eligibility for coverage under the Plan.

(Source: P.A. 92-153, eff. 7-25-01; 93-33, eff. 6-23-03; 93-34, eff. 6-23-03; 93-622, eff. 12-18-03; revised 3-22-06.)

(215 ILCS 105/15)

Sec. 15. This Act takes effect July 1, 1987.

(Source: P.A. 84-1478.)
Section 665. The Children's Health Insurance Program Act is amended by changing Sections 10 and 15 as follows:

(215 ILCS 106/10)
Sec. 10. Definitions. As used in this Act:
"Benchmarking" means health benefits coverage as defined in Section 2103 of the Social Security Act.
"Child" means a person under the age of 19.
"Department" means the Department of Healthcare and Family Services Public Aid.
"Medical assistance" means health care benefits provided under Article V of the Illinois Public Aid Code.
"Medical visit" means a hospital, dental, physician, optical, or other health care visit where services are provided pursuant to this Act.
"Program" means the Children's Health Insurance Program, which includes subsidizing the cost of privately sponsored health insurance and purchasing or providing health care benefits for eligible children.
"Resident" means a person who meets the residency requirements as defined in Section 5-3 of the Illinois Public Aid Code.
(Source: P.A. 90-736, eff. 8-12-98; revised 12-15-05.)

(215 ILCS 106/15)
Sec. 15. Operation of the Program. There is hereby created a Children's Health Insurance Program. The Program shall operate subject to appropriation and shall be administered by the Department of Healthcare and Family Services Public Aid. The Department shall have the powers and authority granted to the Department under the Illinois Public Aid Code. The Department may contract with a Third Party Administrator or other entities to administer and oversee any portion of this Program.
(Source: P.A. 90-736, eff. 8-12-98; revised 12-15-05.)

Section 670. The Health Maintenance Organization Act is amended by changing Sections 2-1, 4-9.1, 4-17, and 6-8 as follows:

(215 ILCS 125/2-1) (from Ch. 111 1/2, par. 1403)
Sec. 2-1. Certificate of authority - Exception for corporate employee programs - Applications - Material modification of operation.

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(a) No organization shall establish or operate a Health Maintenance Organization in this State without obtaining a certificate of authority under this Act. No person other than an organization may lawfully establish or operate a Health Maintenance Organization in this State. This Act shall not apply to the establishment and operation of a Health Maintenance Organization exclusively providing or arranging for health care services to employees of a corporate affiliate of such Health Maintenance Organization. This exclusion shall be available only to those Health Maintenance Organizations which require employee contributions which equal less than 50% of the total cost of the health care plan, with the remainder of the cost being paid by the corporate affiliate which is the employer of the participants in the plan. This Act shall not apply to the establishment and operation of a Health Maintenance Organization exclusively providing or arranging health care services under contract with the State to persons committed to the custody of the Illinois Department of Corrections.

This Act does not apply to the establishment and operation of managed care community networks that are certified as risk-bearing entities under Section 5-11 of the Illinois Public Aid Code and that contract with the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) pursuant to that Section.

(b) Any organization may apply to the Director for and obtain a certificate of authority to establish and operate a Health Maintenance Organization in compliance with this Act. A foreign corporation may qualify under this Act, subject to its registration to do business in this State as a foreign corporation.

(c) Each application for a certificate of authority shall be filed in triplicate and verified by an officer or authorized representative of the applicant, shall be in a form prescribed by the Director, and shall set forth, without limiting what may be required by the Director, the following:

1. A copy of the organizational document;
2. A copy of the bylaws, rules and regulations, or similar document regulating the conduct of the internal affairs of the applicant, which shall include a mechanism to afford the enrollees...
an opportunity to participate in an advisory capacity in matters of policy and operations;

(3) A list of the names, addresses, and official positions of the persons who are to be responsible for the conduct of the affairs of the applicant; including, but not limited to, all members of the board of directors, executive committee, the principal officers, and any person or entity owning or having the right to acquire 10% or more of the voting securities or subordinated debt of the applicant;

(4) A statement generally describing the applicant, geographic area to be served, its facilities, personnel and the health care services to be offered;

(5) A copy of the form of any contract made or to be made between the applicant and any providers regarding the provision of health care services to enrollees;

(6) A copy of the form of any contract made or to be made between the applicant and any person listed in paragraph (3) of this subsection;

(7) A copy of the form of any contract made or to be made between the applicant and any person, corporation, partnership or other entity for the performance on the applicant's behalf of any functions including, but not limited to, marketing, administration, enrollment, investment management and subcontracting for the provision of health services to enrollees;

(8) A copy of the form of any group contract which is to be issued to employers, unions, trustees, or other organizations and a copy of any form of evidence of coverage to be issued to any enrollee or subscriber and any advertising material;

(9) Descriptions of the applicant's procedures for resolving enrollee grievances which must include procedures providing for enrollees participation in the resolution of grievances;

(10) A copy of the applicant's most recent financial statements audited by an independent certified public accountant. If the financial affairs of the applicant's parent company are audited by an independent certified public accountant but those of the

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applicant are not, then a copy of the most recent audited financial statement of the applicant's parent, attached to which shall be consolidating financial statements of the parent including separate unaudited financial statements of the applicant, unless the Director determines that additional or more recent financial information is required for the proper administration of this Act;

(11) A copy of the applicant's financial plan, including a three-year projection of anticipated operating results, a statement of the sources of working capital, and any other sources of funding and provisions for contingencies;

(12) A description of rate methodology;

(13) A description of the proposed method of marketing;

(14) A copy of every filing made with the Illinois Secretary of State which relates to the applicant's registered agent or registered office;

(15) A description of the complaint procedures to be established and maintained as required under Section 4-6 of this Act;

(16) A description, in accordance with regulations promulgated by the Illinois Department of Public Health, of the quality assessment and utilization review procedures to be utilized by the applicant;

(17) The fee for filing an application for issuance of a certificate of authority provided in Section 408 of the Illinois Insurance Code, as now or hereafter amended; and

(18) Such other information as the Director may reasonably require to make the determinations required by this Act.

(Source: P.A. 92-370, eff. 8-15-01; revised 12-15-05.)

(215 ILCS 125/4-9.1) (from Ch. 111 1/2, par. 1409.2-1)
Sec. 4-9.1. Dependent Coverage Termination.
(a) The attainment of a limiting age under a group contract or evidence of coverage which provides that coverage of a dependent person of an enrollee shall terminate upon attainment of the limiting age for dependent persons does not operate to terminate the coverage of a person

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who, because of a handicapped condition that occurred before attainment of the limiting age, is incapable of self-sustaining employment and is dependent on his or her parents or other care providers for lifetime care and supervision.

(b) For purposes of subsection (a), "dependent on other care providers" is defined as requiring a Community Integrated Living Arrangement, group home, supervised apartment, or other residential services licensed or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities), the Department of Public Health, or the Department of Healthcare and Family Services (formerly Department of Public Aid).

(c) Proof of such incapacity and dependency shall be furnished to the health maintenance organization by the enrollee within 31 days of a request for the information by the health maintenance organization and subsequently as may be required by the health maintenance organization, but not more frequently than annually. In the absence of proof submitted within 31 days of such inquiry that such dependent is a disabled and dependent person, the health maintenance organization may terminate coverage of such person at or after attainment of the limiting age. In the absence of such inquiry, coverage of any disabled and dependent person shall continue through the term of the group contract or evidence of coverage or any extension or renewal thereof.

(Source: P.A. 88-309; 89-507, eff. 7-1-97; revised 12-15-05.)

(215 ILCS 125/4-17)

Sec. 4-17. Basic outpatient preventive and primary health care services for children. In order to attempt to address the needs of children in Illinois (i) without health care coverage, either through a parent's employment, through medical assistance under the Illinois Public Aid Code, or any other health plan or (ii) who lose medical assistance if and when their parents move from welfare to work and do not find employment that offers health care coverage, a health maintenance organization may undertake to provide or arrange for and to pay for or reimburse the cost of basic outpatient preventive and primary health care services. The Department shall promulgate rules to establish minimum

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coverage and disclosure requirements. These requirements at a minimum shall include routine physical examinations and immunizations, sick visits, diagnostic x-rays and laboratory services, and emergency outpatient services. Coverage may also include preventive dental services, vision screening and one pair of eyeglasses, prescription drugs, and mental health services. The coverage may include any reasonable co-payments, deductibles, and benefit maximums subject to limitations established by the Director by rule. Coverage shall be limited to children who are 18 years of age or under, who have resided in the State of Illinois for at least 30 days, and who do not qualify for medical assistance under the Illinois Public Aid Code. Any such coverage shall be made available to an adult on behalf of such children and shall not be funded through State appropriations. In counties with populations in excess of 3,000,000, the Director shall not approve any arrangement under this Section unless and until an arrangement for at least one health maintenance organization under contract with the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) for furnishing health services pursuant to Section 5-11 of the Illinois Public Aid Code and for which the requirements of 42 CFR 434.26(a) have been waived is approved.

(Source: P.A. 90-376, eff. 8-14-97; 90-655, eff. 7-30-98; revised 12-15-05.)

(215 ILCS 125/6-8) (from Ch. 111 1/2, par. 1418.8)

Sec. 6-8. Powers and duties of the Association. In addition to the powers and duties enumerated in other Sections of this Article, the Association shall have the powers set forth in this Section.

(1) If a domestic organization is an impaired organization, the Association may, subject to any conditions imposed by the Association other than those which impair the contractual obligations of the impaired organization, and approved by the impaired organization and the Director:

(a) guarantee or reinsure, or cause to be guaranteed, assumed or reinsured, any or all of the covered health care plan certificates of covered persons of the impaired organization;

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(b) provide such monies, pledges, notes, guarantees, or other means as are proper to effectuate paragraph (a), and assure payment of the contractual obligations of the impaired organization pending action under paragraph (a); and

c) loan money to the impaired organization.

(2) If a domestic, foreign, or alien organization is an insolvent organization, the Association shall, subject to the approval of the Director:

(a) guarantee, assume, indemnify or reinsure or cause to be guaranteed, assumed, indemnified or reinsured the covered health care plan benefits of covered persons of the insolvent organization; however, in the event that the Director of Healthcare and Family Services (formerly Director of the Department of Public Aid) assigns individuals that are recipients of public aid from an insolvent organization to another organization, the Director of Healthcare and Family Services (formerly Director of the Department of Public Aid) shall, before fixing the rates to be paid by the Department of Public Aid to the transferee organization on account of such individuals, consult with the Director of the Department of Insurance as to the reasonableness of such rates in light of the health care needs of such individuals and the costs of providing health care services to such individuals;

(b) assure payment of the contractual obligations of the insolvent organization to covered persons;

(c) make payments to providers of health care, or indemnity payments to covered persons, so as to assure the continued payment of benefits substantially similar to those provided for under covered health care plan certificate issued by the insolvent organization to covered persons; and

(d) provide such monies, pledges, notes, guaranties, or other means as are reasonably necessary to discharge such duties.

This subsection (2) shall not apply when the Director has determined that the foreign or alien organization's domiciliary jurisdiction or state of entry provides, by statute, protection substantially similar to that
provided by this Article for residents of this State and such protection will be provided in a timely manner.

(3) There shall be no liability on the part of and no cause of action shall arise against the Association or against any transferee from the Association in connection with the transfer by reinsurance or otherwise of all or any part of an impaired or insolvent organization's business by reason of any action taken or any failure to take any action by the impaired or insolvent organization at any time.

(4) If the Association fails to act within a reasonable period of time as provided in subsection (2) of this Section with respect to an insolvent organization, the Director shall have the powers and duties of the Association under this Article with regard to such insolvent organization.

(5) The Association or its designated representatives may render assistance and advice to the Director, upon his request, concerning rehabilitation, payment of claims, continuations of coverage, or the performance of other contractual obligations of any impaired or insolvent organization.

(6) The Association has standing to appear before any court concerning all matters germane to the powers and duties of the Association, including, but not limited to, proposals for reinsuring or guaranteeing the covered health care plan certificates of the impaired or insolvent organization and the determination of the covered health care plan certificates and contractual obligations.

(7) (a) Any person receiving benefits under this Article is deemed to have assigned the rights under the covered health care plan certificates to the Association to the extent of the benefits received because of this Article whether the benefits are payments of contractual obligations or continuation of coverage. The Association may require an assignment to it of such rights by any payee, enrollee or beneficiary as a condition precedent to the receipt of any rights or benefits conferred by this Article upon such person. The Association is subrogated to these rights against the assets of any insolvent organization and against any other party who may be liable to such payee, enrollee or beneficiary.

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(b) The subrogation rights of the Association under this subsection have the same priority against the assets of the insolvent organization as that possessed by the person entitled to receive benefits under this Article.

(8) (a) The contractual obligations of the insolvent organization for which the Association becomes or may become liable are as great as but no greater than the contractual obligations of the insolvent organization would have been in the absence of an insolvency unless such obligations are reduced as permitted by subsection (3), but the aggregate liability of the Association shall not exceed $300,000 with respect to any one natural person.

(b) Furthermore, the Association shall not be required to pay, and shall have no liability to, any provider of health care services to an enrollee:

(i) if such provider, or his or its affiliates or members of his immediate family, at any time within the one year prior to the date of the issuance of the first order, by a court of competent jurisdiction, of conservation, rehabilitation or liquidation pertaining to the health maintenance organization:

   (A) was a securityholder of such organization (but excluding any securityholder holding an equity interest of 5% or less);  
   (B) exercised control over the organization by means such as serving as an officer or director, through a management agreement or as a principal member of a not-for-profit organization;  
   (C) had a representative serving by virtue or his or her official position as a representative of such provider on the board of any entity which exercised control over the organization;  
   (D) received provider payments made by such organization pursuant to a contract which was not a product of arms-length bargaining; or

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(E) received distributions other than for physician services from a not-for-profit organization on account of such provider's status as a member of such organization.

For purposes of this subparagraph (i), the terms "affiliate," "person," "control" and "securityholder" shall have the meanings ascribed to such terms in Section 131.1 of the Illinois Insurance Code; or

(ii) if and to the extent such a provider has agreed by contract not to seek payment from the enrollee for services provided to such enrollee or if, and to the extent, as a matter of law such provider may not seek payment from the enrollee for services provided to such enrollee.

(c) In no event shall the Association be required to pay any provider participating in the insolvent organization any amount for in-plan services rendered by such provider prior to the insolvency of the organization in excess of (1) the amount provided by a capitation contract between a physician provider and the insolvent organization for such services; or (2) the amounts provided by contract between a hospital provider and the Department of Healthcare and Family Services (formerly Department of Public Aid) for similar services to recipients of public aid; or (3) in the event neither (1) nor (2) above is applicable, then the amounts paid under the Medicare area prevailing rate for the area where the services were provided, or if no such rate exists with respect to such services, then 80% of the usual and customary rates established by the Health Insurance Association of America. The payments required to be made by the Association under this Section shall constitute full and complete payment for such provider services to the enrollee.

(d) The Association shall not be required to pay more than an aggregate of $300,000 for any organization which is declared to be insolvent prior to July 1, 1987, and such funds shall be distributed first to enrollees who are not public aid recipients pursuant to a plan recommended by the Association and approved by the Director and the court having jurisdiction over the liquidation.

(9) The Association may:

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(a) Enter into such contracts as are necessary or proper to carry out the provisions and purposes of this Article.

(b) Sue or be sued, including taking any legal actions necessary or proper for recovery of any unpaid assessments under Section 6-9. The Association shall not be liable for punitive or exemplary damages.

(c) Borrow money to effect the purposes of this Article. Any notes or other evidence of indebtedness of the Association not in default are legal investments for domestic organizations and may be carried as admitted assets.

(d) Employ or retain such persons as are necessary to handle the financial transactions of the Association, and to perform such other functions as become necessary or proper under this Article.

(e) Negotiate and contract with any liquidator, rehabilitator, conservator, or ancillary receiver to carry out the powers and duties of the Association.

(f) Take such legal action as may be necessary to avoid payment of improper claims.

(g) Exercise, for the purposes of this Article and to the extent approved by the Director, the powers of a domestic organization, but in no case may the Association issue evidence of coverage other than that issued to perform the contractual obligations of the impaired or insolvent organization.

(h) Exercise all the rights of the Director under Section 193(4) of the Illinois Insurance Code with respect to covered health care plan certificates after the association becomes obligated by statute.

(10) The obligations of the Association under this Article shall not relieve any reinsurer, insurer or other person of its obligations to the insolvent organization (or its conservator, rehabilitator, liquidator or similar official) or its enrollees, including without limitation any reinsurer, insurer or other person liable to the insolvent insurer (or its conservator, rehabilitator, liquidator or similar official) or its enrollees under any

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contract of reinsurance, any contract providing stop loss coverage or similar coverage or any health care contract. With respect to covered health care plan certificates for which the Association becomes obligated after an entry of an order of liquidation or rehabilitation, the Association may elect to succeed to the rights of the insolvent organization arising after the date of the order of liquidation or rehabilitation under any contract of reinsurance, any contract providing stop loss coverage or similar coverages or any health care service contract to which the insolvent organization was a party, on the terms set forth under such contract, to the extent that such contract provides coverage for health care services provided after the date of the order of liquidation or rehabilitation. As a condition to making this election, the Association must pay premiums for coverage relating to periods after the date of the order of liquidation or rehabilitation.

(11) The Association shall be entitled to collect premiums due under or with respect to covered health care certificates for a period from the date on which the domestic, foreign, or alien organization became an insolvent organization until the Association no longer has obligations under subsection (2) of this Section with respect to such certificates. The Association's obligations under subsection (2) of this Section with respect to any covered health care plan certificates shall terminate in the event that all such premiums due under or with respect to such covered health care plan certificates are not paid to the Association (i) within 30 days of the Association's demand therefor, or (ii) in the event that such certificates provide for a longer grace period for payment of premiums after notice of non-payment or demand therefor, within the lesser of (A) the period provided for in such certificates or (B) 60 days.

(Source: P.A. 90-655, eff. 7-30-98; revised 12-15-05.)

Section 675. The Voluntary Health Services Plans Act is amended by changing Sections 2, 10, 15a, and 25 as follows:

(215 ILCS 165/2) (from Ch. 32, par. 596)

Sec. 2. For the purposes of this Act, the following terms have the respective meanings set forth in this section, unless different meanings are plainly indicated by the context:

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(a) "Health Services Plan Corporation" means a corporation organized under the terms of this Act for the purpose of establishing and operating a voluntary health services plan and providing other medically related services.

(b) "Voluntary health services plan" means either a plan or system under which medical, hospital, nursing and relating health services may be rendered to a subscriber or beneficiary at the expense of a health services plan corporation, or any contractual arrangement to provide, either directly or through arrangements with others, dental care services to subscribers and beneficiaries.

(c) "Subscriber" means a natural person to whom a subscription certificate has been issued by a health services plan corporation. Persons eligible under Section 5-2 of the Illinois Public Aid Code may be subscribers if a written agreement exists, as specified in Section 25 of this Act, between the Health Services Plan Corporation and the Department of Healthcare and Family Services Public Aid. A subscription certificate may be issued to such persons at no cost.

(d) "Beneficiary" means a person designated in a subscription certificate as one entitled to receive health services.

(e) "Health services" means those services ordinarily rendered by physicians licensed in Illinois to practice medicine in all of its branches, by podiatrists licensed in Illinois to practice podiatric medicine, by dentists and dental surgeons licensed to practice in Illinois, by nurses registered in Illinois, by dental hygienists licensed to practice in Illinois, and by assistants and technicians acting under professional supervision; it likewise means hospital services as usually and customarily rendered in Illinois, and the compounding and dispensing of drugs and medicines by pharmacists and assistant pharmacists registered in Illinois.

(f) "Subscription certificate" means a certificate issued to a subscriber by a health services plan corporation, setting forth the terms and conditions upon which health services shall be rendered to a subscriber or a beneficiary.

(g) "Physician rendering service for a plan" means a physician licensed in Illinois to practice medicine in all of its branches who has

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undertaken or agreed, upon terms and conditions acceptable both to himself and to the health services plan corporation involved, to furnish medical service to the plan's subscribers and beneficiaries.

(h) "Dentist or dental surgeon rendering service for a plan" means a dentist or dental surgeon licensed in Illinois to practice dentistry or dental surgery who has undertaken or agreed, upon terms and conditions acceptable both to himself and to the health services plan corporation involved, to furnish dental or dental surgical services to the plan's subscribers and beneficiaries.

(i) "Director" means the Director of Insurance of the State of Illinois.

(j) "Person" means any of the following: a natural person, corporation, partnership or unincorporated association.

(k) "Podiatrist or podiatric surgeon rendering service for a plan" means any podiatrist or podiatric surgeon licensed in Illinois to practice podiatry, who has undertaken or agreed, upon terms and conditions acceptable both to himself and to the health services plan corporation involved, to furnish podiatric or podiatric surgical services to the plan's subscribers and beneficiaries.

(Source: P.A. 83-254; revised 12-15-05.)

(215 ILCS 165/10) (from Ch. 32, par. 604)

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c, 149, 155.37, 354, 355.2, 356r, 356u, 356v, 356w, 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 364.01, 367, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code.

(Source: P.A. 92-130, eff. 7-20-01; 92-440, eff. 8-17-01; 92-651, eff. 7-11-02; 92-764, eff. 1-1-03; 93-102, eff. 1-1-04; 93-529, eff. 8-14-03; 93-853, eff. 1-1-05; 93-1000, eff. 1-1-05; revised 10-14-04.)

(215 ILCS 165/15a) (from Ch. 32, par. 609a)

Sec. 15a. Dependent Coverage Termination.

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(a) The attainment of a limiting age under a voluntary health
services plan which provides that coverage of a dependent of a subscriber
terminates upon attainment of the limiting age for dependent persons
specified in the subscription certificate does not operate to terminate the
coverage of a person who, because of a handicapped condition that
occurred before attainment of the limiting age, is incapable of
self-sustaining employment and is dependent on his or her parents or other
care providers for lifetime care and supervision.

(b) For purposes of subsection (a), "dependent on other care
providers" is defined as requiring a Community Integrated Living
Arrangement, group home, supervised apartment, or other residential
services licensed or certified by the Department of Human Services (as
successor to the Department of Mental Health and Developmental
Disabilities), the Department of Public Health, or the Department of
Healthcare and Family Services (formerly Department of Public Aid).

(c) The corporation may require, at reasonable intervals from the
date of the first claim filed on behalf of the disabled and dependent person
or from the date the corporation receives notice of a covered person's
disability and dependency, proof of the person's disability and dependency.

(d) This amendatory Act of 1969 is applicable to subscription
certificates issued or renewed after October 27, 1969.
(Source: P.A. 88-309; 89-507, eff. 7-1-97; revised 12-15-05.)
(215 ILCS 165/25) (from Ch. 32, par. 619)
Sec. 25. A health services plan corporation may receive and accept
from governmental or private agencies or from other persons as defined in
this Act, payments covering all or part of the cost of subscriptions to
provide health services for needy and other individuals. However, all
contracts for health services concerning persons other than recipients of
public aid shall be between the corporation and the person to receive such
services. No payments shall be made by the Department of Healthcare and
Family Services Public Aid to any Health Services Plan Corporation
except where the payment is made for a covered service included in the
Medical Assistance Program at the rate established by the Department of
Healthcare and Family Services Public Aid, and where the service was
rendered to a public aid recipient, and where there was in full force and
effect, at the time the service was rendered, a written agreement governing
such provision of services between such Health Services Plan Corporation
and the Department.
(Source: P.A. 81-1203; revised 12-15-05.)

Section 680. The Public Utilities Act is amended by changing
Sections 5-109, 8-206, 13-301.1, and 16-111 as follows:

(220 ILCS 5/5-109) (from Ch. 111 2/3, par. 5-109)

Sec. 5-109. Reports; false reports; penalty. Each public utility in
the State, other than a commercial mobile radio service provider, shall
each year furnish to the Commission, in such form as the Commission
shall require, annual reports as to all the items mentioned in the preceding
Sections of this Article, and in addition such other items, whether of a
nature similar to those therein enumerated or otherwise, as the
Commission may prescribe. Such annual reports shall contain all the
required information for the period of 12 months ending on June 30 in
each year, or ending on December 31 in each year, as the Commission may
by order prescribe for each class of public utilities, except commercial
mobile radio service providers, and shall be filed with the Commission at
its office in Springfield within 3 months after the close of the year for
which the report is made. The Commission shall have authority to require
any public utility to file monthly reports of earnings and expenses of such
utility, and to file other periodical or special, or both periodical and special
reports concerning any matter about which the Commission is authorized
by law to keep itself informed. All reports shall be under oath.

When any report is erroneous or defective or appears to the
Commission to be erroneous or defective, the Commission may notify the
public utility to amend such report within 30 days, and before or after the
termination of such period the Commission may examine the officers,
agents, or employees, and books, records, accounts, vouchers, plant,
equipment and property of such public utility, and correct such items in the
report as upon such examination the Commission may find defective or
erroneous.

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All reports made to the Commission by any public utility and the contents thereof shall be open to public inspection, unless otherwise ordered by the Commission. Such reports shall be preserved in the office of the Commission.

Any public utility which fails to make and file any report called for by the Commission within the time specified; or to make specific answer to any question propounded by the Commission within 30 days from the time it is lawfully required to do so, or within such further time, not to exceed 90 days, as may in its discretion be allowed by the Commission, shall forfeit up to $100 for each and every day it may so be in default if the utility collects less than $100,000 annually in gross revenue; and if the utility collects $100,000 or more annually in gross revenue, it shall forfeit $1,000 per day for each and every day it is in default.

Any person who willfully makes any false return or report to the Commission or to any member, officer, or employee thereof, any person who willfully, in a return or report, withholds or fails to provide material information to which the Commission is entitled under this Act and which information is either required to be filed by statute, rule, regulation, order, or decision of the Commission or has been requested by the Commission, and any person who willfully aids or abets such person shall be guilty of a Class A misdemeanor.

(Source: P.A. 93-132, eff. 7-10-03; 93-457, eff. 8-8-03; revised 9-12-03.)

(220 ILCS 5/8-206) (from Ch. 111 2/3, par. 8-206)
Sec. 8-206. Winter termination for nonpayment.
(a) Notwithstanding any other provision of this Act, no electric or gas public utility shall disconnect service to any residential customer or mastermetered apartment building for nonpayment of a bill or deposit where gas or electricity is used as the primary source of space heating or is used to control or operate the primary source of space heating equipment at the premises during the period of time from December 1 through and including March 31 of the immediately succeeding calendar year, unless:
(1) The utility (i) has offered the customer a deferred payment arrangement allowing for payment of past due amounts over a period of not less than 4 months not to extend beyond the following November and

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the option to enter into a levelized payment plan for the payment of future bills. The maximum down payment requirements shall not exceed 10% of the amount past due and owing at the time of entering into the agreement; and (ii) has provided the customer with the names, addresses and telephone numbers of governmental and private agencies which may provide assistance to customers of public utilities in paying their utility bills; the utility shall obtain the approval of an agency before placing the name of that agency on any list which will be used to provide such information to customers;

(2) The customer has refused or failed to enter into a deferred payment arrangement as described in paragraph (1) of this subsection (a); and

(3) All notice requirements as provided by law and rules or regulations of the Commission have been met.

(b) Prior to termination of service for any residential customer or mastermetered apartment building during the period from December 1 through and including March 31 of the immediately succeeding calendar year, all electric and gas public utilities shall, in addition to all other notices:

(1) Notify the customer or an adult residing at the customer's premises by telephone, a personal visit to the customer's premises or by first class mail, informing the customer that:

   (i) the customer's account is in arrears and the customer's service is subject to termination for nonpayment of a bill;

   (ii) the customer can avoid disconnection of service by entering into a deferred payment agreement to pay past due amounts over a period not to extend beyond the following November and the customer has the option to enter into a levelized payment plan for the payment of future bills;

   (iii) the customer may apply for any available assistance to aid in the payment of utility bills from any governmental or private agencies from the list of such agencies provided to the customer by the utility.

Provided, however, that a public utility shall be required to make only one such contact with the customer during any such period from

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December 1 through and including March 31 of the immediately succeeding calendar year.

(2) Each public utility shall maintain records which shall include, but not necessarily be limited to, the manner by which the customer was notified and the time, date and manner by which any prior but unsuccessful attempts to contact were made. These records shall also describe the terms of the deferred payment arrangements offered to the customer and those entered into by the utility and customers. These records shall indicate the total amount past due, the down payment, the amount remaining to be paid and the number of months allowed to pay the outstanding balance. No public utility shall be required to retain records pertaining to unsuccessful attempts to contact or deferred payment arrangements rejected by the customer after such customer has entered into a deferred payment arrangement with such utility.

(c) No public utility shall disconnect service for nonpayment of a bill until the lapse of 6 business days after making the notification required by paragraph (1) of subsection (b) so as to allow the customer an opportunity to:

(1) Enter into a deferred payment arrangement and the option to enter into a levelized payment plan for the payment of future bills.

(2) Contact a governmental or private agency that may provide assistance to customers for the payment of public utility bills.

(d) Any residential customer who enters into a deferred payment arrangement pursuant to this Act, and subsequently during that period of time set forth in subsection (a) becomes subject to termination, shall be given notice as required by law and any rule or regulation of the Commission prior to termination of service.

(e) During that time period set forth in subsection (a), a utility shall not require a down payment for a deposit from a residential customer in excess of 20% of the total deposit requested. An additional 4 months shall be allowed to pay the remainder of the deposit. This provision shall not apply to mastermetered apartment buildings or other nonresidential customers.
(f) During that period of time set forth in subsection (a), no utility may refuse to offer a deferred payment agreement to a residential customer who has defaulted on such an agreement within the past 12 months. However, no utility shall be required to enter into more than one deferred payment arrangement under this Section with any residential customer or mastermetered apartment building during the period from December 1 through and including March 31 of the immediately succeeding calendar year.

(g) In order to enable customers to take advantage of energy assistance programs, customers who can demonstrate that their applications for a local, state or federal energy assistance program have been approved may request that the amount they will be entitled to receive as a regular energy assistance payment be deducted and set aside from the amount past due on which they make deferred payment arrangements. Payment on the set-aside amount shall be credited when the energy assistance voucher or check is received, according to the utility's common business practice.

(h) In no event shall any utility send a final notice to any customer who has entered into a current deferred payment agreement and has not defaulted on that deferred payment agreement, unless the final notice pertains to a deposit request.

(i) Each utility shall include with each disconnection notice sent during the period for December 1 through and including March 31 of the immediately succeeding calendar year to a residential customer an insert explaining the above provisions and providing a telephone number of the utility company which the consumer may call to receive further information.

(j) Each utility shall file with the Commission prior to December 1 of each year a plan detailing the implementation of this Section. This plan shall contain, but not be limited to:

1. A description of the methods to be used to notify residential customers as required in this Section, including the forms of written and oral notices which shall be required to include all the information contained in subsection (b) of this Section.

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(2) a listing of the names, addresses and telephone numbers of governmental and private agencies which may provide assistance to residential customers in paying their utility bills;

(3) the program of employee education and information which shall be used by the company in the implementation of this Section.

(4) a description of methods to be utilized to inform residential customers of those governmental and private agencies and current and planned methods of cooperation with those agencies to identify the customers who qualify for assistance in paying their utility bills.

A utility which has a plan on file with the Commission need not resubmit a new plan each year. However, any alteration of the plan on file must be submitted and approved prior to December 1 of any year.

All plans are subject to review and approval by the Commission. The Commission may direct a utility to alter its plan to comply with the requirements of this Section.

(k) Notwithstanding any other provision of this Act, no electric or gas public utility shall disconnect service to any residential customer who is a participant under Section 6 of the Energy Assistance Act of 1989 for nonpayment of a bill or deposit where gas or electricity is used as the primary source of space heating or is used to control or operate the primary source of space heating equipment at the premises during the period of time from December 1 through and including March 31 of the immediately succeeding calendar year.

(Source: P.A. 93-289, eff. 7-22-03; revised 9-20-06.)

(220 ILCS 5/13-301.1) (from Ch. 111 2/3, par. 13-301.1)
(Section scheduled to be repealed on July 1, 2007)

Sec. 13-301.1. Universal Telephone Service Assistance Program.

(a) The Commission shall by rule or regulation establish a Universal Telephone Service Assistance Program for low income residential customers. The program shall provide for a reduction of access line charges, a reduction of connection charges, or any other alternative to increase accessibility to telephone service that the Commission deems advisable subject to the availability of funds for the program as provided
in subsection (d). The Commission shall establish eligibility requirements for benefits under the program.

(b) The Commission shall adopt rules providing for enhanced enrollment for eligible consumers to receive lifeline service. Enhanced enrollment may include, but is not limited to, joint marketing, joint application, or joint processing with the Low-Income Home Energy Assistance Program, the Medicaid Program, and the Food Stamp Program. The Department of Human Services, the Department of Healthcare and Family Services Public Aid, and the Department of Commerce and Economic Opportunity, upon request of the Commission, shall assist in the adoption and implementation of those rules. The Commission and the Department of Human Services, the Department of Healthcare and Family Services Public Aid, and the Department of Commerce and Economic Opportunity may enter into memoranda of understanding establishing the respective duties of the Commission and the Departments in relation to enhanced enrollment.

(c) In this Section, "lifeline service" means a retail local service offering described by 47 C.F.R. Section 54.401(a), as amended.

(d) The Commission shall require by rule or regulation that each telecommunications carrier providing local exchange telecommunications services notify its customers that if the customer wishes to participate in the funding of the Universal Telephone Service Assistance Program he may do so by electing to contribute, on a monthly basis, a fixed amount that will be included in the customer's monthly bill. The customer may cease contributing at any time upon providing notice to the telecommunications carrier providing local exchange telecommunications services. The notice shall state that any contribution made will not reduce the customer's bill for telecommunications services. Failure to remit the amount of increased payment will reduce the contribution accordingly. The Commission shall specify the monthly fixed amount or amounts that customers wishing to contribute to the funding of the Universal Telephone Service Assistance Program may choose from in making their contributions. Every telecommunications carrier providing local exchange telecommunications services shall remit the amounts contributed in
accordance with the terms of the Universal Telephone Service Assistance Program.
(Source: P.A. 94-793, eff. 5-19-06; revised 8-24-06.)

(220 ILCS 5/16-111)

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

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

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

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

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

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

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

(b) Notwithstanding the provisions of subsection (a), each Illinois electric utility serving more than 12,500 customers in Illinois shall file tariffs (i) reducing, effective August 1, 1998, each component of its base rates to residential retail customers by 15% from the base rates in effect immediately prior to January 1, 1998 and (ii) if the public utility provides electric service to (A) more than 500,000 customers but less than 1,000,000 customers in this State on January 1, 1999, reducing, effective May 1, 2002, each component of its base rates to residential retail customers by an additional 5% from the base rates in effect immediately

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prior to January 1, 1998, or (B) at least 1,000,000 customers in this State on January 1, 1999, reducing, effective October 1, 2001, each component of its base rates to residential retail customers by an additional 5% from the base rates in effect immediately prior to January 1, 1998. Provided, however, that (A) if an electric utility's average residential retail rate is less than or equal to the average residential retail rate for a group of Midwest Utilities (consisting of all investor-owned electric utilities with annual system peaks in excess of 1000 megawatts in the States of Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin), based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, then it shall only be required to file tariffs (i) reducing, effective August 1, 1998, each component of its base rates to residential retail customers by 5% from the base rates in effect immediately prior to January 1, 1998, (ii) reducing, effective October 1, 2000, each component of its base rates to residential retail customers by the lesser of 5% of the base rates in effect immediately prior to January 1, 1998 or the percentage by which the electric utility's average residential retail rate exceeds the average residential retail rate of the Midwest Utilities, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, and (iii) reducing, effective October 1, 2002, each component of its base rates to residential retail customers by an additional amount equal to the lesser of 5% of the base rates in effect immediately prior to January 1, 1998 or the percentage by which the electric utility's average residential retail rate exceeds the average residential retail rate of the Midwest Utilities, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 2001; and (B) if the average residential retail rate of an electric utility serving between 150,000 and 250,000 retail customers in this State on January 1, 1995 is less than or equal to 90% of the average residential retail rate for the Midwest Utilities, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, then it shall only be required to file tariffs (i) reducing, effective August 1, 1998, each component of its base rates to residential retail customers by 2% from the base rates in effect immediately prior to January
1, 1998; (ii) reducing, effective October 1, 2000, each component of its base rates to residential retail customers by 2% from the base rate in effect immediately prior to January 1, 1998; and (iii) reducing, effective October 1, 2002, each component of its base rates to residential retail customers by 1% from the base rates in effect immediately prior to January 1, 1998.

Provided, further, that any electric utility for which a decrease in base rates has been or is placed into effect between October 1, 1996 and the dates specified in the preceding sentences of this subsection, other than pursuant to the requirements of this subsection, shall be entitled to reduce the amount of any reduction or reductions in its base rates required by this subsection by the amount of such other decrease. The tariffs required under this subsection shall be filed 45 days in advance of the effective date. Notwithstanding anything to the contrary in Section 9-220 of this Act, no restatement of base rates in conjunction with the elimination of a fuel adjustment clause under that Section shall result in a lesser decrease in base rates than customers would otherwise receive under this subsection had the electric utility's fuel adjustment clause not been eliminated.

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

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

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

(e) For the purposes of this subsection (e) all calculations and comparisons shall be performed for the Illinois operations of multijurisdictional utilities. During the mandatory transition period, notwithstanding the provisions of subsection (a), if the 2-year average of an electric utility's earned rate of return on common equity, calculated as its net income applicable to common stock divided by the average of its beginning and ending balances of common equity using data reported in the electric utility's Form 1 report to the Federal Energy Regulatory Commission but adjusted to remove the effect of any refund paid under this subsection (e), and further adjusted to include the annual amortization

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of any difference between the consideration received by an affiliated interest of the electric utility in the sale of an asset which had been sold or transferred by the electric utility to the affiliated interest subsequent to the effective date of this amendatory Act of 1997 and the consideration for which such asset had been sold or transferred to the affiliated interest, with such difference to be amortized ratably from the date of the sale by the affiliated interest to December 31, 2006, exceeds the 2-year average of the Index for the same 2 years by 1.5 or more percentage points, the electric utility shall make refunds to customers beginning the first billing day of April in the following year in the manner described in paragraph (3) of this subsection. For purposes of this subsection (e), the "Index" shall be the sum of (A) the average for the 12 months ended September 30 of the monthly average yields of 30-year U.S. Treasury bonds published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication for each year 1998 through 2006, and (B) (i) 4.00 percentage points for each of the 12-month periods ending September 30, 1998 through September 30, 1999 or 8.00 percentage points if the electric utility's average residential retail rate is less than or equal to 90% of the average residential retail rate for the "Midwest Utilities", as that term is defined in subsection (b) of this Section, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, and the electric utility served between 150,000 and 250,000 retail customers on January 1, 1995, (ii) 7.00 percentage points for each of the 12-month periods ending September 30, 2000 through September 30, 2006 if the electric utility was providing service to at least 1,000,000 customers in this State on January 1, 1999, or 9.00 percentage points if the electric utility's average residential retail rate is less than or equal to 90% of the average residential retail rate for the "Midwest Utilities", as that term is defined in subsection (b) of this Section, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995 and the electric utility served between 150,000 and 250,000 retail customers in this State on January 1, 1995, (iii) 11.00 percentage points for each of the 12-month periods ending September 30, 2000 through September 30, 2006, but only

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if the electric utility's average residential retail rate is less than or equal to 90% of the average residential retail rate for the "Midwest Utilities", as that term is defined in subsection (b) of this Section, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, the electric utility served between 150,000 and 250,000 retail customers in this State on January 1, 1995, and the electric utility offers delivery services on or before June 1, 2000 to retail customers whose annual electric energy use comprises 33% of the kilowatt hour sales to that group of retail customers that are classified under Division D, Groups 20 through 39 of the Standard Industrial Classifications set forth in the Standard Industrial Classification Manual published by the United States Office of Management and Budget, excluding the kilowatt hour sales to those customers that are eligible for delivery services pursuant to Section 16-104(a)(1)(i), and offers delivery services to its remaining retail customers classified under Division D, Groups 20 through 39 on or before October 1, 2000, and, provided further, that the electric utility commits not to petition pursuant to Section 16-108(f) for entry of an order by the Commission authorizing the electric utility to implement transition charges for an additional period after December 31, 2006, or (iv) 5.00 percentage points for each of the 12-month periods ending September 30, 2000 through September 30, 2006 for all other electric utilities or 7.00 percentage points for each of the 12-month periods ending September 30, 2000 through September 30, 2006 for any such utility that commits not to petition pursuant to Section 16-108(f) for entry of an order by the Commission authorizing the electric utility to implement transition charges for an additional period after December 31, 2006 or 11.00 percentage points for each of the 12-month periods ending September 30, 2005 and September 30, 2006 for each electric utility providing service to fewer than 6,500, or between 75,000 and 150,000, electric retail customers in this State on January 1, 1995 if such utility commits not to petition pursuant to Section 16-108(f) for entry of an order by the Commission authorizing the electric utility to implement transition charges for an additional period after December 31, 2006.
(1) For purposes of this subsection (e), "excess earnings" means the difference between (A) the 2-year average of the electric utility's earned rate of return on common equity, less (B) the 2-year average of the sum of (i) the Index applicable to each of the 2 years and (ii) 1.5 percentage points; provided, that "excess earnings" shall never be less than zero.

(2) On or before March 31 of each year 2000 through 2007 each electric utility shall file a report with the Commission showing its earned rate of return on common equity, calculated in accordance with this subsection, for the preceding calendar year and the average for the preceding 2 calendar years.

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

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

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

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

(iv) The cents per kilowatt-hour refund factor calculated in (iii) shall be credited to the electric utility's customers by applying the factor on the customer's monthly
bills to each kilowatt-hour sold or delivered until the total amount calculated in (ii) has been paid to customers.

(f) During the mandatory transition period, an electric utility may file revised tariffs reducing the price of any tariffed service offered by the electric utility for all customers taking that tariffed service, which shall be effective 7 days after filing.

(g) During the mandatory transition period, an electric utility may, without obtaining any approval of the Commission other than that provided for in this subsection and notwithstanding any other provision of this Act or any rule or regulation of the Commission that would require such approval:

(1) implement a reorganization, other than a merger of 2 or more public utilities as defined in Section 3-105 or their holding companies;

(2) retire generating plants from service;

(3) sell, assign, lease or otherwise transfer assets to an affiliated or unaffiliated entity and as part of such transaction enter into service agreements, power purchase agreements, or other agreements with the transferee; provided, however, that the prices, terms and conditions of any power purchase agreement must be approved or allowed into effect by the Federal Energy Regulatory Commission; or

(4) use any accelerated cost recovery method including accelerated depreciation, accelerated amortization or other capital recovery methods, or record reductions to the original cost of its assets.

In order to implement a reorganization, retire generating plants from service, or sell, assign, lease or otherwise transfer assets pursuant to this Section, the electric utility shall comply with subsections (c) and (d) of Section 16-128, if applicable, and subsection (k) of this Section, if applicable, and provide the Commission with at least 30 days notice of the proposed reorganization or transaction, which notice shall include the following information:

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(i) a complete statement of the entries that the electric utility will make on its books and records of account to implement the proposed reorganization or transaction together with a certification from an independent certified public accountant that such entries are in accord with generally accepted accounting principles and, if the Commission has previously approved guidelines for cost allocations between the utility and its affiliates, a certification from the chief accounting officer of the utility that such entries are in accord with those cost allocation guidelines;

(ii) a description of how the electric utility will use proceeds of any sale, assignment, lease or transfer to retire debt or otherwise reduce or recover the costs of services provided by such electric utility;

(iii) a list of all federal approvals or approvals required from departments and agencies of this State, other than the Commission, that the electric utility has or will obtain before implementing the reorganization or transaction;

(iv) an irrevocable commitment by the electric utility that it will not, as a result of the transaction, impose any stranded cost charges that it might otherwise be allowed to charge retail customers under federal law or increase the transition charges that it is otherwise entitled to collect under this Article XVI; and

(v) if the electric utility proposes to sell, assign, lease or otherwise transfer a generating plant that brings the amount of net dependable generating capacity transferred pursuant to this subsection to an amount equal to or greater than 15% of the electric utility’s net dependable capacity as of the effective date of this amendatory Act of 1997, and enters into a power purchase agreement with the entity to which such generating plant is sold, assigned, leased, or
otherwise transferred, the electric utility also agrees, if its fuel adjustment clause has not already been eliminated, to eliminate its fuel adjustment clause in accordance with subsection (b) of Section 9-220 for a period of time equal to the length of any such power purchase agreement or successor agreement, or until January 1, 2005, whichever is longer; if the capacity of the generating plant so transferred and related power purchase agreement does not result in the elimination of the fuel adjustment clause under this subsection, and the fuel adjustment clause has not already been eliminated, the electric utility shall agree that the costs associated with the transferred plant that are included in the calculation of the rate per kilowatt-hour to be applied pursuant to the electric utility's fuel adjustment clause during such period shall not exceed the per kilowatt-hour cost associated with such generating plant included in the electric utility's fuel adjustment clause during the full calendar year preceding the transfer, with such limit to be adjusted each year thereafter by the Gross Domestic Product Implicit Price Deflator.

(vi) In addition, if the electric utility proposes to sell, assign, or lease, (A) either (1) an amount of generating plant that brings the amount of net dependable generating capacity transferred pursuant to this subsection to an amount equal to or greater than 15% of its net dependable capacity on the effective date of this amendatory Act of 1997, or (2) one or more generating plants with a total net dependable capacity of 1100 megawatts, or (B) transmission and distribution facilities that either (1) bring the amount of transmission and distribution facilities transferred pursuant to this subsection to an amount equal to or greater than 15% of the electric utility's total depreciated original cost investment in such facilities, or (2) represent an investment of $25,000,000 in terms of total

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depreciated original cost, the electric utility shall provide, in addition to the information listed in subparagraphs (i) through (v), the following information: (A) a description of how the electric utility will meet its service obligations under this Act in a safe and reliable manner and (B) the electric utility's projected earned rate of return on common equity, calculated in accordance with subsection (d) of this Section, for each year from the date of the notice through December 31, 2006 both with and without the proposed transaction. If the Commission has not issued an order initiating a hearing on the proposed transaction within 30 days after the date the electric utility's notice is filed, the transaction shall be deemed approved. The Commission may, after notice and hearing, prohibit the proposed transaction if it makes either or both of the following findings: (1) that the proposed transaction will render the electric utility unable to provide its tariffed services in a safe and reliable manner, or (2) that there is a strong likelihood that consummation of the proposed transaction will result in the electric utility being entitled to request an increase in its base rates during the mandatory transition period pursuant to subsection (d) of this Section. Any hearing initiated by the Commission into the proposed transaction shall be completed, and the Commission's final order approving or prohibiting the proposed transaction shall be entered, within 90 days after the date the electric utility's notice was filed. Provided, however, that a sale, assignment, or lease of transmission facilities to an independent system operator that meets the requirements of Section 16-126 shall not be subject to Commission approval under this Section.

In any proceeding conducted by the Commission pursuant to this subparagraph (vi), intervention shall be limited to parties with a direct interest in the transaction

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which is the subject of the hearing and any statutory consumer protection agency as defined in subsection (d) of Section 9-102.1. Notwithstanding the provisions of Section 10-113 of this Act, any application seeking rehearing of an order issued under this subparagraph (vi), whether filed by the electric utility or by an intervening party, shall be filed within 10 days after service of the order.

The Commission shall not in any subsequent proceeding or otherwise, review such a reorganization or other transaction authorized by this Section, but shall retain the authority to allocate costs as stated in Section 16-111(i). An entity to which an electric utility sells, assigns, leases or transfers assets pursuant to this subsection (g) shall not, as a result of the transactions specified in this subsection (g), be deemed a public utility as defined in Section 3-105. Nothing in this subsection (g) shall change any requirement under the jurisdiction of the Illinois Department of Nuclear Safety including, but not limited to, the payment of fees. Nothing in this subsection (g) shall exempt a utility from obtaining a certificate pursuant to Section 8-406 of this Act for the construction of a new electric generating facility. Nothing in this subsection (g) is intended to exempt the transactions hereunder from the operation of the federal or State antitrust laws. Nothing in this subsection (g) shall require an electric utility to use the procedures specified in this subsection for any of the transactions specified herein. Any other procedure available under this Act may, at the electric utility's election, be used for any such transaction.

(h) During the mandatory transition period, the Commission shall not establish or use any rates of depreciation, which for purposes of this subsection shall include amortization, for any electric utility other than those established pursuant to subsection (c) of Section 5-104 of this Act or utilized pursuant to subsection (g) of this Section. Provided, however, that in any proceeding to review an electric utility's rates for tarifed services pursuant to Section 9-201, 9-202, 9-250 or 16-111(d) of this Act, the Commission may establish new rates of depreciation for the electric utility in the same manner provided in subsection (d) of Section 5-104 of this Act. An electric utility implementing an accelerated cost recovery method

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including accelerated depreciation, accelerated amortization or other capital recovery methods, or recording reductions to the original cost of its assets, pursuant to subsection (g) of this Section, shall file a statement with the Commission describing the accelerated cost recovery method to be implemented or the reduction in the original cost of its assets to be recorded. Upon the filing of such statement, the accelerated cost recovery method or the reduction in the original cost of assets shall be deemed to be approved by the Commission as though an order had been entered by the Commission.

(i) Subsequent to the mandatory transition period, the Commission, in any proceeding to establish rates and charges for tariffed services offered by an electric utility, shall consider only (1) the then current or projected revenues, costs, investments and cost of capital directly or indirectly associated with the provision of such tariffed services; (2) collection of transition charges in accordance with Sections 16-102 and 16-108 of this Act; (3) recovery of any employee transition costs as described in Section 16-128 which the electric utility is continuing to incur, including recovery of any unamortized portion of such costs previously incurred or committed, with such costs to be equitably allocated among bundled services, delivery services, and contracts with alternative retail electric suppliers; and (4) recovery of the costs associated with the electric utility's compliance with decommissioning funding requirements; and shall not consider any other revenues, costs, investments or cost of capital of either the electric utility or of any affiliate of the electric utility that are not associated with the provision of tariffed services. In setting rates for tariffed services, the Commission shall equitably allocate joint and common costs and investments between the electric utility's competitive and tariffed services. In determining the justness and reasonableness of the electric power and energy component of an electric utility's rates for tariffed services subsequent to the mandatory transition period and prior to the time that the provision of such electric power and energy is declared competitive, the Commission shall consider the extent to which the electric utility's tariffed rates for such component for each customer class exceed the market value determined pursuant to Section

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16-112, and, if the electric power and energy component of such tariffed rate exceeds the market value by more than 10% for any customer class, may establish such electric power and energy component at a rate equal to the market value plus 10%. In any such case, the Commission may also elect to extend the provisions of Section 16-111(e) for any period in which the electric utility is collecting transition charges, using information applicable to such period.

(j) During the mandatory transition period, an electric utility may elect to transfer to a non-operating income account under the Commission's Uniform System of Accounts either or both of (i) an amount of unamortized investment tax credit that is in addition to the ratable amount which is credited to the electric utility's operating income account for the year in accordance with Section 46(f)(2) of the federal Internal Revenue Code of 1986, as in effect prior to P.L. 101-508, or (ii) "excess tax reserves", as that term is defined in Section 203(e)(2)(A) of the federal Tax Reform Act of 1986, provided that (A) the amount transferred may not exceed the amount of the electric utility's assets that were created pursuant to Statement of Financial Accounting Standards No. 71 which the electric utility has written off during the mandatory transition period, and (B) the transfer shall not be effective until approved by the Internal Revenue Service. An electric utility electing to make such a transfer shall file a statement with the Commission stating the amount and timing of the transfer for which it intends to request approval of the Internal Revenue Service, along with a copy of its proposed request to the Internal Revenue Service for a ruling. The Commission shall issue an order within 14 days after the electric utility's filing approving, subject to receipt of approval from the Internal Revenue Service, the proposed transfer.

(k) If an electric utility is selling or transferring to a single buyer 5 or more generating plants located in this State with a total net dependable capacity of 5000 megawatts or more pursuant to subsection (g) of this Section and has obtained a sale price or consideration that exceeds 200% of the book value of such plants, the electric utility must provide to the Governor, the President of the Illinois Senate, the Minority Leader of the Illinois Senate, the Speaker of the Illinois House of Representatives, and

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the Minority Leader of the Illinois House of Representatives no later than 15 days after filing its notice under subsection (g) of this Section or 5 days after the date on which this subsection (k) becomes law, whichever is later, a written commitment in which such electric utility agrees to expend $2 billion outside the corporate limits of any municipality with 1,000,000 or more inhabitants within such electric utility's service area, over a 6-year period beginning with the calendar year in which the notice is filed, on projects, programs, and improvements within its service area relating to transmission and distribution including, without limitation, infrastructure expansion, repair and replacement, capital investments, operations and maintenance, and vegetation management.

(Source: P.A. 91-50, eff. 6-30-99; 92-537, eff. 6-6-02; 92-690, eff. 7-18-02; revised 9-10-02.)

Section 685. The Illinois Dental Practice Act is amended by changing Section 23a as follows:

(225 ILCS 25/23a) (from Ch. 111, par. 2323a)

(Section scheduled to be repealed on January 1, 2016)

Sec. 23a. The Director of the Department may, upon receipt of a written communication from the Secretary of Human Services or the Director of the Department of Healthcare and Family Services (formerly Department of Public Aid) or Department of Public Health, that continuation of practice of a person licensed under this Act constitutes an immediate danger to the public, immediately suspend the license of such person without a hearing. In instances in which the Director immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Board within 15 days after such suspension and completed without appreciable delay, such hearing held to determine whether to recommend to the Director that the person's license be revoked, suspended, placed on probationary status or reinstated, or such person be subject to other disciplinary action. In such hearing, the written communication and any other evidence submitted therewith may be introduced as evidence against such person; provided however, the person, or his counsel, shall have the opportunity to discredit or impeach such evidence and submit evidence rebutting same.

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Section 690. The Illinois Funeral or Burial Funds Act is amended by changing Section 4 as follows:

(225 ILCS 45/4) (from Ch. 111 1/2, par. 73.104)
Sec. 4. Withdrawal of funds; revocability of contract.
(a) The amount or amounts so deposited into trust, with interest thereon, if any, shall not be withdrawn until the death of the person or persons for whose funeral or burial such funds were paid, unless sooner withdrawn and repaid to the person who originally paid the money under or in connection with the pre-need contract or to his or her legal representative. The life insurance policies or tax-deferred annuities shall not be surrendered until the death of the person or persons for whose funeral or burial the policies or annuities were purchased, unless sooner surrendered and repaid to the owner of the policy purchased under or in connection with the pre-need contract or to his or her legal representative. If, however, the agreement or series of agreements provides for forfeiture and retention of any or all payments as and for liquidated damages as provided in Section 6, then the trustee may withdraw the deposits. In addition, nothing in this Section (i) prohibits the change of depositary by the trustee and the transfer of trust funds from one depositary to another or (ii) prohibits a contract purchaser who is or may become eligible for public assistance under any applicable federal or State law or local ordinance including, but not limited to, eligibility under 24 C.F.R., Part 913 relating to family insurance under federal Housing and Urban Development Policy from irrevocably waiving, in writing, and renouncing the right to cancel a pre-need contract for funeral services in an amount prescribed by rule of the Illinois Department of Healthcare and Family Services Public Aid. No guaranteed price pre-need funeral contract may prohibit a purchaser from making a contract irrevocable to the extent that federal law or regulations require that such a contract be irrevocable for purposes of the purchaser's eligibility for Supplemental Security Income benefits, Medicaid, or another public assistance program, as permitted under federal law.
(b) If for any reason a seller or provider who has engaged in pre-need sales has refused, cannot, or does not comply with the terms of

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the pre-need contract within a reasonable time after he or she is required to
do so, the purchaser or his or her heirs or assigns or duly authorized
representative shall have the right to a refund of an amount equal to the
sales price paid for undelivered merchandise or services plus otherwise
earned undistributed interest amounts held in trust attributable to the
contract, within 30 days of the filing of a sworn affidavit with the trustee
setting forth the existence of the contract and the fact of breach. A copy of
this affidavit shall be filed with the Comptroller and the seller. In the event
a seller is prevented from performing by strike, shortage of materials, civil
disorder, natural disaster, or any like occurrence beyond the control of the
seller or provider, the seller or provider's time for performance shall be
extended by the length of the delay. Nothing in this Section shall relieve
the seller or provider from any liability for non-performance of his or her
obligations under the pre-need contract.

(c) After final payment on a pre-need contract, any purchaser may,
upon written demand to a seller, demand that the pre-need contract with
the seller be terminated. The seller shall, within 30 days, initiate a refund
to the purchaser of the entire amount held in trust attributable to
undelivered merchandise and unperformed services, including otherwise
earned undistributed interest earned thereon or the cash surrender value of
a life insurance policy or tax-deferred annuity.

(c-5) If no funeral merchandise or services are provided or if the
funeral is conducted by another person, the seller may keep no more than
10% of the payments made under the pre-need contract or $300, whichever
sum is less. The remainder of the trust funds or insurance or annuity
proceeds shall be forwarded to the legal heirs of the deceased or as
determined by probate action.

(d) The placement and retention of all or a portion of a casket,
combination casket-vault, urn, or outer burial container comprised of
materials which are designed to withstand prolonged storage in the manner
set forth in this paragraph without adversely affecting the structural
integrity or aesthetic characteristics of such merchandise in a specific
burial space in which the person or persons for whose funeral or burial the
merchandise was intended has a right of interment, or the placement of the

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merchandise in a specific mausoleum crypt or lawn crypt in which such person has a right of entombment, or the placement of the merchandise in a specific niche in which such person has a right of inurnment, or delivery to such person and retention by such person until the time of need shall constitute actual delivery to the person who originally paid the money under or in connection with said agreement or series of agreements. Actual delivery shall eliminate, from and after the date of actual delivery, any requirement under this Act to place or retain in trust any funds received for the sale of such merchandise. The delivery, prior to the time of need, of any funeral or burial merchandise in any manner other than authorized by this Section shall not constitute actual delivery and shall not eliminate any requirement under this Act to place or retain in trust any funds received for the sale of such merchandise.

(Source: P.A. 92-419, eff. 1-1-02; revised 12-15-05.)

Section 695. The Health Care Worker Background Check Act is amended by changing Sections 15, 65, and 70 as follows:

(225 ILCS 46/15)

Sec. 15. Definitions. For the purposes of this Act, the following definitions apply:

"Applicant" means an individual seeking employment with a health care employer who has received a bona fide conditional offer of employment.

"Conditional offer of employment" means a bona fide offer of employment by a health care employer to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses enumerated in Section 25.

"Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, toileting, or other personal needs, including home services as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act. The entity responsible for inspecting and licensing, certifying, or registering the health care employer may, by administrative rule, prescribe guidelines for interpreting this definition with regard to the health care employers that it licenses.

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"Health care employer" means:
   (1) the owner or licensee of any of the following:
      (i) a community living facility, as defined in the Community Living Facilities Act;
      (ii) a life care facility, as defined in the Life Care Facilities Act;
      (iii) a long-term care facility, as defined in the Nursing Home Care Act;
      (iv) a home health agency, home services agency, or home nursing agency as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act;
      (v) a comprehensive hospice program or volunteer hospice program, as defined in the Hospice Program Licensing Act;
      (vi) a hospital, as defined in the Hospital Licensing Act;
      (vii) a community residential alternative, as defined in the Community Residential Alternatives Licensing Act;
      (viii) a nurse agency, as defined in the Nurse Agency Licensing Act;
      (ix) a respite care provider, as defined in the Respite Program Act;
      (ix-a) an establishment licensed under the Assisted Living and Shared Housing Act;
      (x) a supportive living program, as defined in the Illinois Public Aid Code;
      (xi) early childhood intervention programs as described in 59 Ill. Adm. Code 121;
      (xii) the University of Illinois Hospital, Chicago;
      (xiii) programs funded by the Department on Aging through the Community Care Program;
      (xiv) programs certified to participate in the Supportive Living Program authorized pursuant to Section 5-5.01a of the Illinois Public Aid Code;

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(xv) programs listed by the Emergency Medical Services (EMS) Systems Act as Freestanding Emergency Centers;
(xvi) locations licensed under the Alternative Health Care Delivery Act;
(2) a day training program certified by the Department of Human Services;
(3) a community integrated living arrangement operated by a community mental health and developmental service agency, as defined in the Community-Integrated Living Arrangements Licensing and Certification Act; or
(4) the State Long Term Care Ombudsman Program, including any regional long term care ombudsman programs under Section 4.04 of the Illinois Act on the Aging, only for the purpose of securing background checks.
"Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. The educational entity or health care employer or its designee shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization.
"Long-term care facility" means a facility licensed by the State or certified under federal law as a long-term care facility, a supportive living facility, an assisted living establishment, or a shared housing establishment or registered as a board and care home.
(Source: P.A. 93-878, eff. 1-1-05; 94-379, eff. 1-1-06; 94-570, eff. 8-12-05; 94-665, eff. 1-1-06; revised 8-29-05.)
(225 ILCS 46/65)
Sec. 65. Health Care Worker Task Force. A Health Care Worker Task Force shall be appointed to study and make recommendations on statutory changes to this Act.
(a) The Task Force shall monitor the status of the implementation of this Act and monitor complaint investigations relating to this Act by the Department on Aging, Department of Public Health, Department of Professional Regulation, and the Department of Human Services to

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(b) The Task Force shall make recommendations concerning modifications to the list of offenses enumerated in Section 25, including time limits on all or some of the disqualifying offenses, and any other necessary or desirable changes to the Act.

(c) The Task Force shall issue an interim report to the Governor and General Assembly no later than January 1, 2004. The final report shall be issued no later than September 30, 2005, and shall include specific statutory changes recommended, if any.

(d) The Task Force shall be composed of the following members, who shall serve without pay:

(1) a chairman knowledgeable about health care issues, who shall be appointed by the Governor;
(2) the Director of Public Health or his or her designee;
(3) the Director of State Police or his or her designee;
(3.5) the Director of Healthcare and Family Services Public Aid or his or her designee;
(3.6) the Secretary of Human Services or his or her designee;
(3.7) the Director of Aging or his or her designee;
(4) 2 representatives of health care providers, who shall be appointed by the Governor;
(5) 2 representatives of health care employees, who shall be appointed by the Governor;
(5.5) a representative of a Community Care homemaker program, who shall be appointed by the Governor;
(6) a representative of the general public who has an interest in health care, who shall be appointed by the Governor; and
(7) 4 members of the General Assembly, one appointed by the Speaker of the House, one appointed by the House Minority Leader, one appointed by the President of the Senate, and one appointed by the Senate Minority Leader.

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Sec. 70. Centers for Medicare and Medicaid Services (CMMS) grant.

(a) In this Section:
"Centers for Medicare and Medicaid Services (CMMS) grant" means the grant awarded to and distributed by the Department of Public Health to enhance the conduct of criminal history records checks of certain health care employees. The CMMS grant is authorized by Section 307 of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003, which establishes the framework for a program to evaluate national and state background checks on prospective employees with direct access to patients of long-term care facilities or providers.

"Selected health care employer" means any of the following selected to participate in the CMMS grant:

1. a community living facility as defined in the Community Living Facility Act;

2. a long-term care facility as defined in the Nursing Home Care Act;

3. a home health agency as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act;

4. a full hospice as defined in the Hospice Licensing Act;

5. an establishment licensed under the Assisted Living and Shared Housing Act;

6. a supportive living facility as defined in the Illinois Public Aid Code;

7. a day training program certified by the Department of Human Services;

8. a community integrated living arrangement operated by a community mental health and developmental service agency as defined in the Community Integrated Living Arrangements Licensing and Certification Act; or

9. a long-term care hospital or hospital with swing beds.

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(b) Selected health care employers shall be phased in to participate in the CMMS grant between January 1, 2006 and January 1, 2007, as prescribed by the Department of Public Health by rule.

(c) With regards to individuals hired on or after January 1, 2006 who have direct access to residents, patients, or clients of the selected health care employer, selected health care employers must comply with Section 25 of this Act.

"Individuals who have direct access" includes, but is not limited to, (i) direct care workers as described in subsection (a) of Section 25; (ii) individuals licensed by the Department of Financial and Professional Regulation, such as nurses, social workers, physical therapists, occupational therapists, and pharmacists; (iii) individuals who provide services on site, through contract; and (iv) non-direct care workers, such as those who work in environmental services, food service, and administration.

"Individuals who have direct access" does not include physicians or volunteers.

The Department of Public Health may further define "individuals who have direct access" by rule.

(d) Each applicant seeking employment in a position described in subsection (c) of this Section with a selected health care employer shall, as a condition of employment, have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information by the Department of State Police and the Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Department of State Police shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history records check. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall not exceed the actual cost of the records check and shall be deposited into the State Police Services Fund. The Department of State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department of Public Health.

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(e) A selected health care employer who makes a conditional offer of employment to an applicant shall:

1. ensure that the applicant has complied with the fingerprinting requirements of this Section;
2. complete documentation relating to any criminal history record, as revealed by the applicant, as prescribed by rule by the Department of Public Health;
3. complete documentation of the applicant's personal identifiers as prescribed by rule by the Department of Public Health; and
4. provide supervision, as prescribed by rule by the licensing agency, if the applicant is hired and allowed to work prior to the results of the criminal history records check being obtained.

(f) A selected health care employer having actual knowledge from a source that an individual with direct access to a resident, patient, or client has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of this Act shall contact the licensing agency or follow other instructions as prescribed by administrative rule.

(g) A fingerprint-based criminal history records check submitted in accordance with subsection (d) of this Section must be submitted as a fee applicant inquiry in the form and manner prescribed by the Department of State Police.

(h) This Section shall be inapplicable upon the conclusion of the CMMS grant.

(Source: P.A. 94-665, eff. 1-1-06; 94-931, eff. 6-26-06; revised 10-19-06.)

Section 700. The Medical Practice Act of 1987 is amended by changing Sections 22 and 25 as follows:

(225 ILCS 60/22) (from Ch. 111, par. 4400-22)
(Section scheduled to be repealed on January 1, 2007)

Sec. 22. Disciplinary action.
(A) The Department may revoke, suspend, place on probationary status, refuse to renew, or take any other disciplinary action as the Department may deem proper with regard to the license or visiting

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professor permit of any person issued under this Act to practice medicine, or to treat human ailments without the use of drugs and without operative surgery upon any of the following grounds:

(1) Performance of an elective abortion in any place, locale, facility, or institution other than:
   (a) a facility licensed pursuant to the Ambulatory Surgical Treatment Center Act;
   (b) an institution licensed under the Hospital Licensing Act; or
   (c) an ambulatory surgical treatment center or hospitalization or care facility maintained by the State or any agency thereof, where such department or agency has authority under law to establish and enforce standards for the ambulatory surgical treatment centers, hospitalization, or care facilities under its management and control; or
   (d) ambulatory surgical treatment centers, hospitalization or care facilities maintained by the Federal Government; or
   (e) ambulatory surgical treatment centers, hospitalization or care facilities maintained by any university or college established under the laws of this State and supported principally by public funds raised by taxation.

(2) Performance of an abortion procedure in a willful and wanton manner on a woman who was not pregnant at the time the abortion procedure was performed.

(3) The conviction of a felony in this or any other jurisdiction, except as otherwise provided in subsection B of this Section, whether or not related to practice under this Act, or the entry of a guilty or nolo contendere plea to a felony charge.

(4) Gross negligence in practice under this Act.

(5) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

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(6) Obtaining any fee by fraud, deceit, or misrepresentation.
(7) Habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, or of any other substances which results in the inability to practice with reasonable judgment, skill or safety.
(8) Practicing under a false or, except as provided by law, an assumed name.
(9) Fraud or misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of a license under this Act.
(10) Making a false or misleading statement regarding their skill or the efficacy or value of the medicine, treatment, or remedy prescribed by them at their direction in the treatment of any disease or other condition of the body or mind.
(11) Allowing another person or organization to use their license, procured under this Act, to practice.
(12) Disciplinary action of another state or jurisdiction against a license or other authorization to practice as a medical doctor, doctor of osteopathy, doctor of osteopathic medicine or doctor of chiropractic, a certified copy of the record of the action taken by the other state or jurisdiction being prima facie evidence thereof.
(13) Violation of any provision of this Act or of the Medical Practice Act prior to the repeal of that Act, or violation of the rules, or a final administrative action of the Secretary, after consideration of the recommendation of the Disciplinary Board.
(14) Dividing with anyone other than physicians with whom the licensee practices in a partnership, Professional Association, limited liability company, or Medical or Professional Corporation any fee, commission, rebate or other form of compensation for any professional services not actually and personally rendered. Nothing contained in this subsection prohibits persons holding valid and current licenses under this Act from practicing medicine in partnership under a partnership agreement,
including a limited liability partnership, in a limited liability company under the Limited Liability Company Act, in a corporation authorized by the Medical Corporation Act, as an association authorized by the Professional Association Act, or in a corporation under the Professional Corporation Act or from pooling, sharing, dividing or apportioning the fees and monies received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the Board of Directors of the corporation or association. Nothing contained in this subsection prohibits 2 or more corporations authorized by the Medical Corporation Act, from forming a partnership or joint venture of such corporations, and providing medical, surgical and scientific research and knowledge by employees of these corporations if such employees are licensed under this Act, or from pooling, sharing, dividing, or apportioning the fees and monies received by the partnership or joint venture in accordance with the partnership or joint venture agreement. Nothing contained in this subsection shall abrogate the right of 2 or more persons, holding valid and current licenses under this Act, to each receive adequate compensation for concurrently rendering professional services to a patient and divide a fee; provided, the patient has full knowledge of the division, and, provided, that the division is made in proportion to the services performed and responsibility assumed by each.

(15) A finding by the Medical Disciplinary Board that the registrant after having his or her license placed on probationary status or subjected to conditions or restrictions violated the terms of the probation or failed to comply with such terms or conditions.

(16) Abandonment of a patient.

(17) Prescribing, selling, administering, distributing, giving or self-administering any drug classified as a controlled substance (designated product) or narcotic for other than medically accepted therapeutic purposes.

New matter indicated by italics - deletions by strikeout
(18) Promotion of the sale of drugs, devices, appliances or goods provided for a patient in such manner as to exploit the patient for financial gain of the physician.

(19) Offering, undertaking or agreeing to cure or treat disease by a secret method, procedure, treatment or medicine, or the treating, operating or prescribing for any human condition by a method, means or procedure which the licensee refuses to divulge upon demand of the Department.

(20) Immoral conduct in the commission of any act including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice.

(21) Wilfully making or filing false records or reports in his or her practice as a physician, including, but not limited to, false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(22) Wilful omission to file or record, or wilfully impeding the filing or recording, or inducing another person to omit to file or record, medical reports as required by law, or wilfully failing to report an instance of suspected abuse or neglect as required by law.

(23) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(24) Solicitation of professional patronage by any corporation, agents or persons, or profiting from those representing themselves to be agents of the licensee.

(25) Gross and wilful and continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered, including, but not limited to, filing such false statements for collection of monies for services not rendered from the medical assistance

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program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(26) A pattern of practice or other behavior which demonstrates incapacity or incompetence to practice under this Act.

(27) Mental illness or disability which results in the inability to practice under this Act with reasonable judgment, skill or safety.

(28) Physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skill which results in a physician's inability to practice under this Act with reasonable judgment, skill or safety.

(29) Cheating on or attempt to subvert the licensing examinations administered under this Act.

(30) Wilfully or negligently violating the confidentiality between physician and patient except as required by law.

(31) The use of any false, fraudulent, or deceptive statement in any document connected with practice under this Act.

(32) Aiding and abetting an individual not licensed under this Act in the practice of a profession licensed under this Act.

(33) Violating state or federal laws or regulations relating to controlled substances, legend drugs, or ephedra, as defined in the Ephedra Prohibition Act.

(34) Failure to report to the Department any adverse final action taken against them by another licensing jurisdiction (any other state or any territory of the United States or any foreign state or country), by any peer review body, by any health care institution, by any professional society or association related to practice under this Act, by any governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

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(35) Failure to report to the Department surrender of a license or authorization to practice as a medical doctor, a doctor of osteopathy, a doctor of osteopathic medicine, or doctor of chiropractic in another state or jurisdiction, or surrender of membership on any medical staff or in any medical or professional association or society, while under disciplinary investigation by any of those authorities or bodies, for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(36) Failure to report to the Department any adverse judgment, settlement, or award arising from a liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(37) Failure to transfer copies of medical records as required by law.

(38) Failure to furnish the Department, its investigators or representatives, relevant information, legally requested by the Department after consultation with the Chief Medical Coordinator or the Deputy Medical Coordinator.

(39) Violating the Health Care Worker Self-Referral Act.

(40) Willful failure to provide notice when notice is required under the Parental Notice of Abortion Act of 1995.

(41) Failure to establish and maintain records of patient care and treatment as required by this law.

(42) Entering into an excessive number of written collaborative agreements with licensed advanced practice nurses resulting in an inability to adequately collaborate and provide medical direction.

(43) Repeated failure to adequately collaborate with or provide medical direction to a licensed advanced practice nurse.

Except for actions involving the ground numbered (26), all proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license on any of the foregoing grounds, must be commenced within 5

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years next after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described herein. Except for the grounds numbered (8), (9), (26), and (29), no action shall be commenced more than 10 years after the date of the incident or act alleged to have violated this Section. For actions involving the ground numbered (26), a pattern of practice or other behavior includes all incidents alleged to be part of the pattern of practice or other behavior that occurred or a report pursuant to Section 23 of this Act received within the 10-year period preceding the filing of the complaint. In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final judgment of any civil action in favor of the plaintiff, such claim, cause of action or civil action being grounded on the allegation that a person licensed under this Act was negligent in providing care, the Department shall have an additional period of 2 years from the date of notification to the Department under Section 23 of this Act of such settlement or final judgment in which to investigate and commence formal disciplinary proceedings under Section 36 of this Act, except as otherwise provided by law. The time during which the holder of the license was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department.

The entry of an order or judgment by any circuit court establishing that any person holding a license under this Act is a person in need of mental treatment operates as a suspension of that license. That person may resume their practice only upon the entry of a Departmental order based upon a finding by the Medical Disciplinary Board that they have been determined to be recovered from mental illness by the court and upon the Disciplinary Board's recommendation that they be permitted to resume their practice.

The Department may refuse to issue or take disciplinary action concerning the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the

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requirements of any such tax Act are satisfied as determined by the Illinois Department of Revenue.

The Department, upon the recommendation of the Disciplinary Board, shall adopt rules which set forth standards to be used in determining:

(a) when a person will be deemed sufficiently rehabilitated to warrant the public trust;
(b) what constitutes dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public;
(c) what constitutes immoral conduct in the commission of any act, including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice; and
(d) what constitutes gross negligence in the practice of medicine.

However, no such rule shall be admissible into evidence in any civil action except for review of a licensing or other disciplinary action under this Act.

In enforcing this Section, the Medical Disciplinary Board, upon a showing of a possible violation, may compel any individual licensed to practice under this Act, or who has applied for licensure or a permit pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physician or physicians shall be those specifically designated by the Disciplinary Board. The Medical Disciplinary Board or the Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communication between the licensee or applicant and the examining physician. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any individual to submit to mental or physical examination, when directed, shall be grounds for suspension of his or her license until such time as the individual submits to

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the examination if the Disciplinary Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause. If the Disciplinary Board finds a physician unable to practice because of the reasons set forth in this Section, the Disciplinary Board shall require such physician to submit to care, counseling, or treatment by physicians approved or designated by the Disciplinary Board, as a condition for continued, reinstated, or renewed licensure to practice. Any physician, whose license was granted pursuant to Sections 9, 17, or 19 of this Act, or, continued, reinstated, renewed, disciplined or supervised, subject to such terms, conditions or restrictions who shall fail to comply with such terms, conditions or restrictions, or to complete a required program of care, counseling, or treatment, as determined by the Chief Medical Coordinator or Deputy Medical Coordinators, shall be referred to the Secretary for a determination as to whether the licensee shall have their license suspended immediately, pending a hearing by the Disciplinary Board. In instances in which the Secretary immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Disciplinary Board within 15 days after such suspension and completed without appreciable delay. The Disciplinary Board shall have the authority to review the subject physician's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act, affected under this Section, shall be afforded an opportunity to demonstrate to the Disciplinary Board that they can resume practice in compliance with acceptable and prevailing standards under the provisions of their license.

The Department may promulgate rules for the imposition of fines in disciplinary cases, not to exceed $10,000 for each violation of this Act. Fines may be imposed in conjunction with other forms of disciplinary action, but shall not be the exclusive disposition of any disciplinary action arising out of conduct resulting in death or injury to a patient. Any funds collected from such fines shall be deposited in the Medical Disciplinary Fund.

New matter indicated by italics - deletions by strikeout
(B) The Department shall revoke the license or visiting permit of any person issued under this Act to practice medicine or to treat human ailments without the use of drugs and without operative surgery, who has been convicted a second time of committing any felony under the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act, or who has been convicted a second time of committing a Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A person whose license or visiting permit is revoked under this subsection B of Section 22 of this Act shall be prohibited from practicing medicine or treating human ailments without the use of drugs and without operative surgery.

(C) The Medical Disciplinary Board shall recommend to the Department civil penalties and any other appropriate discipline in disciplinary cases when the Board finds that a physician willfully performed an abortion with actual knowledge that the person upon whom the abortion has been performed is a minor or an incompetent person without notice as required under the Parental Notice of Abortion Act of 1995. Upon the Board's recommendation, the Department shall impose, for the first violation, a civil penalty of $1,000 and for a second or subsequent violation, a civil penalty of $5,000.

(Source: P.A. 94-556, eff. 9-11-05; 94-677, eff. 8-25-05; revised 12-15-05.)

(225 ILCS 60/25) (from Ch. 111, par. 4400-25)

(Section scheduled to be repealed on January 1, 2007)

Sec. 25. The Director of the Department may, upon receipt of a written communication from the Secretary of Human Services, the Director of Healthcare and Family Services (formerly Director of Public Aid), or the Director of Public Health that continuation of practice of a person licensed under this Act constitutes an immediate danger to the public, and after consultation with the Chief Medical Coordinator or Deputy Medical Coordinator, immediately suspend the license of such person without a hearing. In instances in which the Director immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Disciplinary Board within 15 days after such
suspension and completed without appreciable delay. Such hearing is to be held to determine whether to recommend to the Director that the person's license be revoked, suspended, placed on probationary status or reinstated, or whether such person should be subject to other disciplinary action. In the hearing, the written communication and any other evidence submitted therewith may be introduced as evidence against such person; provided however, the person, or their counsel, shall have the opportunity to discredit, impeach and submit evidence rebutting such evidence.
(Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

Section 705. The Naprapathic Practice Act is amended by changing Section 110 as follows:

(225 ILCS 63/110)
(Section scheduled to be repealed on January 1, 2013)
Sec. 110. Grounds for disciplinary action; refusal, revocation, suspension.
(a) The Department may refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Department may deem proper, including fines not to exceed $5,000 for each violation, with regard to any licensee or license for any one or combination of the following causes:
(1) Violations of this Act or its rules.
(2) Material misstatement in furnishing information to the Department.
(3) Conviction of any crime under the laws of any U.S. jurisdiction that is (i) a felony, (ii) a misdemeanor, an essential element of which is dishonesty, or (iii) directly related to the practice of the profession.
(4) Making any misrepresentation for the purpose of obtaining a license.
(5) Professional incompetence or gross negligence.
(6) Gross malpractice.
(7) Aiding or assisting another person in violating any provision of this Act or its rules.

New matter indicated by italics - deletions by strikeout
(8) Failing to provide information within 60 days in response to a written request made by the Department.

(9) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(10) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety.

(11) Discipline by another U.S. jurisdiction or foreign nation if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered. This shall not be deemed to include rent or other remunerations paid to an individual, partnership, or corporation by a naprapath for the lease, rental, or use of space, owned or controlled by the individual, partnership, corporation or association.

(13) Using the title "Doctor" or its abbreviation without further clarifying that title or abbreviation with the word "naprapath" or "naprapathy" or the designation "D.N."

(14) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

(15) Abandonment of a patient without cause.

(16) Willfully making or filing false records or reports relating to a licensee's practice, including but not limited to, false records filed with State agencies or departments.

(17) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.
(18) Physical illness, including but not limited to, deterioration through the aging process or loss of motor skill that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(19) Solicitation of professional services by means other than permitted advertising.

(20) Failure to provide a patient with a copy of his or her record upon the written request of the patient.

(21) Conviction by any court of competent jurisdiction, either within or without this State, of any violation of any law governing the practice of naprapathy, conviction in this or another state of any crime which is a felony under the laws of this State or conviction of a felony in a federal court, if the Department determines, after investigation, that the person has not been sufficiently rehabilitated to warrant the public trust.

(22) A finding that licensure has been applied for or obtained by fraudulent means.

(23) Continued practice by a person knowingly having an infectious or contagious disease.

(24) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or a neglected child as defined in the Abused and Neglected Child Reporting Act.

(25) Practicing or attempting to practice under a name other than the full name shown on the license.

(26) Immoral conduct in the commission of any act, such as sexual abuse, sexual misconduct, or sexual exploitation, related to the licensee's practice.

(27) Maintaining a professional relationship with any person, firm, or corporation when the naprapath knows, or should know, that the person, firm, or corporation is violating this Act.
(28) Promotion of the sale of food supplements, devices, appliances, or goods provided for a client or patient in such manner as to exploit the patient or client for financial gain of the licensee.

(29) Having treated ailments of human beings other than by the practice of naprapathy as defined in this Act, or having treated ailments of human beings as a licensed naprapath independent of a documented referral or documented current and relevant diagnosis from a physician, dentist, or podiatrist, or having failed to notify the physician, dentist, or podiatrist who established a documented current and relevant diagnosis that the patient is receiving naprapathic treatment pursuant to that diagnosis.

(30) Use by a registered naprapath of the word "infirmary", "hospital", "school", "university", in English or any other language, in connection with the place where naprapathy may be practiced or demonstrated.

(31) Continuance of a naprapath in the employ of any person, firm, or corporation, or as an assistant to any naprapath or naprapaths, directly or indirectly, after his or her employer or superior has been found guilty of violating or has been enjoined from violating the laws of the State of Illinois relating to the practice of naprapathy when the employer or superior persists in that violation.

(32) The performance of naprapathic service in conjunction with a scheme or plan with another person, firm, or corporation known to be advertising in a manner contrary to this Act or otherwise violating the laws of the State of Illinois concerning the practice of naprapathy.

(33) Failure to provide satisfactory proof of having participated in approved continuing education programs as determined by the Committee and approved by the Director. Exceptions for extreme hardships are to be defined by the rules of the Department.

(34) Willfully making or filing false records or reports in the practice of naprapathy, including, but not limited to, false

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records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(35) Gross or willful overcharging for professional services including filing false statements for collection of fees for which services are not rendered, including, but not limited to, filing false statements for collection of monies for services not rendered from the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(36) Mental illness, including, but not limited to, deterioration through the aging process or loss of motor skill that results in the inability to practice the profession with reasonable judgment, skill, or safety.

The Department may refuse to issue or may suspend the license of any person who fails to (i) file a return or to pay the tax, penalty or interest shown in a filed return or (ii) pay any final assessment of the tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue, until the time that the requirements of that tax Act are satisfied.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Committee to the Director that the licensee be allowed to resume his or her practice.

(c) In enforcing this Section, the Department, upon a showing of a possible violation, may compel any person licensed to practice under this Act or who has applied for licensure or certification pursuant to this Act to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Department. The Department may order the

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examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department finds an individual unable to practice because of the reasons set forth in this Section, the Department may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice or, in lieu of care, counseling, or treatment, the Department may file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual.

Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions and who fails to comply with such terms, conditions, or restrictions shall be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the subject person's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

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A person licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license. (Source: P.A. 92-655, eff. 7-16-02; revised 12-15-05.)

Section 710. The Nursing and Advanced Practice Nursing Act is amended by changing Sections 10-45, 20-40, and 20-55 as follows:

(225 ILCS 65/10-45)

Section scheduled to be repealed on January 1, 2008

Sec. 10-45. Grounds for disciplinary action.

(a) The Department may, upon recommendation of the Board, refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department may deem appropriate with regard to a license for any one or combination of the causes set forth in subsection (b) below. Fines up to $2,500 may be imposed in conjunction with other forms of disciplinary action for those violations that result in monetary gain for the licensee. Fines shall not be the exclusive disposition of any disciplinary action arising out of conduct resulting in death or injury to a patient. Fines shall not be assessed in disciplinary actions involving mental or physical illness or impairment. All fines collected under this Section shall be deposited in the Nursing Dedicated and Professional Fund.

(b) Grounds for disciplinary action include the following:

(1) Material deception in furnishing information to the Department.

(2) Material violations of any provision of this Act or violation of the rules of or final administrative action of the Director, after consideration of the recommendation of the Board.

(3) Conviction of any crime under the laws of any jurisdiction of the United States: (i) which is a felony; or (ii) which is a misdemeanor, an essential element of which is dishonesty, or (iii) of any crime which is directly related to the practice of the profession.

New matter indicated by italics - deletions by strikeout
(4) A pattern of practice or other behavior which demonstrates incapacity or incompetency to practice under this Act.

(5) Knowingly aiding or assisting another person in violating any provision of this Act or rules.

(6) Failing, within 90 days, to provide a response to a request for information in response to a written request made by the Department by certified mail.

(7) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public, as defined by rule.

(8) Unlawful sale or distribution of any drug, narcotic, or prescription device, or unlawful conversion of any drug, narcotic or prescription device.

(9) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug which results in a licensee's inability to practice with reasonable judgment, skill or safety.

(10) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(11) A finding that the licensee, after having her or his license placed on probationary status, has violated the terms of probation.

(12) Being named as a perpetrator in an indicated report by the Department of Children and Family Services and under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(13) Willful omission to file or record, or willfully impeding the filing or recording or inducing another person to omit to file or record medical reports as required by law or willfully
failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(14) Gross negligence in the practice of nursing.

(15) Holding oneself out to be practicing nursing under any name other than one's own.

(16) Fraud, deceit or misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal of a license under this Act.

(17) Allowing another person or organization to use the licensees' license to deceive the public.

(18) Willfully making or filing false records or reports in the licensee's practice, including but not limited to false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(19) Attempting to subvert or cheat on a nurse licensing examination administered under this Act.

(20) Immoral conduct in the commission of an act, such as sexual abuse, sexual misconduct, or sexual exploitation, related to the licensee's practice.

(21) Willfully or negligently violating the confidentiality between nurse and patient except as required by law.

(22) Practicing under a false or assumed name, except as provided by law.

(23) The use of any false, fraudulent, or deceptive statement in any document connected with the licensee's practice.

(24) Directly or indirectly giving to or receiving from a person, firm, corporation, partnership, or association a fee, commission, rebate, or other form of compensation for professional services not actually or personally rendered.

(25) Failure of a licensee to report to the Department any adverse final action taken against such licensee by another licensing jurisdiction (any other jurisdiction of the United States or any foreign state or country), by any peer review body, by any
health care institution, by any professional or nursing society or association, by any governmental agency, by any law enforcement agency, or by any court or a nursing liability claim related to acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this Section.

(26) Failure of a licensee to report to the Department surrender by the licensee of a license or authorization to practice nursing in another state or jurisdiction, or current surrender by the licensee of membership on any nursing staff or in any nursing or professional association or society while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct that would constitute grounds for action as defined by this Section.


(28) Physical illness, including but not limited to deterioration through the aging process or loss of motor skill, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, as amended, operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient; and upon the recommendation of the Board to the Director that the licensee be allowed to resume his or her practice.

(d) The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of the tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

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(e) In enforcing this Section, the Department or Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department or Board finds an individual unable to practice because of the reasons set forth in this Section, the Department or Board may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file, or the Board may recommend to the Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and

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completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 90-742, eff. 8-13-98; revised 12-15-05.)

(225 ILCS 65/20-40)

(Section scheduled to be repealed on January 1, 2008)

Sec. 20-40. Fund. There is hereby created within the State Treasury the Nursing Dedicated and Professional Fund. The monies in the Fund may be used by and at the direction of the Department for the administration and enforcement of this Act, including but not limited to:

(a) Distribution and publication of the Nursing and Advanced Practice Nursing Act and the rules at the time of renewal to all persons licensed by the Department under this Act.

(b) Employment of secretarial, nursing, administrative, enforcement, and other staff for the administration of this Act.

(c) Conducting a survey, as prescribed by rule of the Department, once every 4 years during the license renewal period.

(d) Conducting of training seminars for licensees under this Act relating to the obligations, responsibilities, enforcement and other provisions of the Act and its rules.

(e) Disposition of Fees:

(i) (Blank).

(ii) All of the fees and fines collected pursuant to this Act shall be deposited in the Nursing Dedicated and Professional Fund.

(iii) For the fiscal year beginning July 1, 1988, the moneys deposited in the Nursing Dedicated and Professional Fund shall be appropriated to the Department
for expenses of the Department and the Board in the administration of this Act. All earnings received from investment of moneys in the Nursing Dedicated and Professional Fund shall be deposited in the Nursing Dedicated and Professional Fund and shall be used for the same purposes as fees deposited in the Fund.

(iv) For the fiscal year beginning July 1, 2004 and for each fiscal year thereafter, $1,200,000 of the moneys deposited in the Nursing Dedicated and Professional Fund each year shall be set aside and appropriated to the Illinois Department of Public Health for nursing scholarships awarded pursuant to the Nursing Education Scholarship Law. Representatives of the Department and the Nursing Education Scholarship Program Advisory Council shall review this requirement and the scholarship awards every 2 years.

(v) Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

(f) Moneys set aside for nursing scholarships awarded pursuant to the Nursing Education Scholarship Law as provided in item (iv) of subsection (e) of this Section may not be transferred under Section 8h of the State Finance Act.

(Source: P.A. 92-46, eff. 7-1-01; 93-806, eff. 7-24-04; 93-1054, eff. 11-18-04; revised 12-1-04.)

(225 ILCS 65/20-55)

(Section scheduled to be repealed on January 1, 2008)

Sec. 20-55. Suspension for imminent danger. The Director of the Department may, upon receipt of a written communication from the Secretary of Human Services, the Director of Healthcare and Family Services (formerly Director of Public Aid), or the Director of Public Health that continuation of practice of a person licensed under this Act constitutes an immediate danger to the public, immediately suspend the
license of such person without a hearing. In instances in which the Director immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Department within 30 days after such suspension and completed without appreciable delay, such hearing held to determine whether to recommend to the Director that the person's license be revoked, suspended, placed on probationary status or reinstated, or such person be subject to other disciplinary action. In such hearing, the written communication and any other evidence submitted therewith may be introduced as evidence against such person; provided, however, the person, or his or her counsel, shall have the opportunity to discredit or impeach and submit evidence rebutting such evidence.

(Source: P.A. 89-507, eff. 7-1-97; 90-61, eff. 12-30-97; 90-742, eff. 8-13-98; revised 12-15-05.)

Section 715. The Mail Order Contact Lens Act is amended by changing Section 20 as follows:

(225 ILCS 83/20)

Sec. 20. Nonresident mail-order ophthalmic provider registration.

(a) The Department shall require and provide for an annual registration for all mail-order ophthalmic providers located outside of this State, including those providing services via the Internet, that dispense contact lenses to Illinois residents. A mail-order ophthalmic provider's registration shall be granted by the Department upon the disclosure and certification by a mail-order ophthalmic provider of all of the following:

1. That it is licensed or registered to distribute contact lenses in the state in which the dispensing facility is located and from which the contact lenses are dispensed, if required.

2. The location, names, and titles of all principal corporate officers and the person who is responsible for overseeing the dispensing of contact lenses to residents of this State.

3. That it complies with all lawful directions and appropriate requests for information from the appropriate agency of each state in which it is licensed or registered.
(4) That it will respond directly to all communications from the Department concerning emergency circumstances arising from the dispensing of contact lenses to residents of this State.

(5) That it maintains its records of contact lenses dispensed to residents of this State so that the records are readily retrievable.

(6) That it cooperates with the Department in providing information to the appropriate agency of the state in which it is licensed or registered concerning matters related to the dispensing of contact lenses to residents of this State.

(7) That it conducts business in a manner that conforms with Section 10 of this Act.

(8) That it provides a toll-free telephone service for responding to patient questions and complaints during its regular hours of operation. The toll-free number shall be included in literature provided with mailed contact lenses. All questions relating to eye care for the lenses prescribed shall be referred back to the contact lens prescriber.

(9) That it provides the following or a substantially equivalent written notification to the patient whenever contact lenses are supplied: WARNING: IF YOU ARE HAVING ANY OF THE FOLLOWING SYMPTOMS REMOVE YOUR LENSES IMMEDIATELY AND CONSULT YOUR EYE CARE PRACTITIONER BEFORE WEARING YOUR LENSES AGAIN: UNEXPLAINED EYE DISCOMFORT, WATERING, VISION CHANGE, OR REDNESS.

(b) The Department shall provide a copy of this Act and its rules, and the Illinois Optometric Practice Act of 1987 and its rules, with each application for registration.

(Source: P.A. 91-421, eff. 1-1-00; revised 10-13-05.)

Section 720. The Pharmacy Practice Act of 1987 is amended by changing Sections 30 and 33 as follows:

(225 ILCS 85/30) (from Ch. 111, par. 4150)

(Section scheduled to be repealed on January 1, 2008)

New matter indicated by italics - deletions by strikeout
Sec. 30. (a) In accordance with Section 11 of this Act, the Department may refuse to issue, restore, or renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Department may deem proper with regard to any license or certificate of registration for any one or combination of the following causes:

1. Material misstatement in furnishing information to the Department.

2. Violations of this Act, or the rules promulgated hereunder.

3. Making any misrepresentation for the purpose of obtaining licenses.

4. A pattern of conduct which demonstrates incompetence or unfitness to practice.

5. Aiding or assisting another person in violating any provision of this Act or rules.

6. Failing, within 60 days, to respond to a written request made by the Department for information.

7. Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

8. Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein.

9. Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for any professional services not actually or personally rendered.

10. A finding by the Department that the licensee, after having his license placed on probationary status has violated the terms of probation.

11. Selling or engaging in the sale of drug samples provided at no cost by drug manufacturers.

12. Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill

New matter indicated by italics - deletions by strikeout
which results in the inability to practice the profession with reasonable judgment, skill or safety.

13. A finding that licensure or registration has been applied for or obtained by fraudulent means.

14. The applicant, or licensee has been convicted in state or federal court of any crime which is a felony or any misdemeanor related to the practice of pharmacy, of which an essential element is dishonesty.

15. Habitual or excessive use or addiction to alcohol, narcotics, stimulants or any other chemical agent or drug which results in the inability to practice with reasonable judgment, skill or safety.

16. Willfully making or filing false records or reports in the practice of pharmacy, including, but not limited to false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Public Aid Code.

17. Gross and willful overcharging for professional services including filing false statements for collection of fees for which services are not rendered, including, but not limited to, filing false statements for collection of monies for services not rendered from the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Public Aid Code.

18. Repetitiously dispensing prescription drugs without receiving a written or oral prescription.

19. Upon a finding of a substantial discrepancy in a Department audit of a prescription drug, including controlled substances, as that term is defined in this Act or in the Illinois Controlled Substances Act.

20. Physical illness which results in the inability to practice with reasonable judgment, skill or safety, or mental incompetency as declared by a court of competent jurisdiction.


New matter indicated by italics - deletions by strikeout
22. Failing to sell or dispense any drug, medicine, or poison in good faith. "Good faith", for the purposes of this Section, has the meaning ascribed to it in subsection (u) of Section 102 of the Illinois Controlled Substances Act.

23. Interfering with the professional judgment of a pharmacist by any registrant under this Act, or his or her agents or employees.

(b) The Department may refuse to issue or may suspend the license or registration of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(c) The Department shall revoke the license or certificate of registration issued under the provisions of this Act or any prior Act of this State of any person who has been convicted a second time of committing any felony under the Illinois Controlled Substances Act, or who has been convicted a second time of committing a Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A person whose license or certificate of registration issued under the provisions of this Act or any prior Act of this State is revoked under this subsection (c) shall be prohibited from engaging in the practice of pharmacy in this State.

(d) In any order issued in resolution of a disciplinary proceeding, the Board may request any licensee found guilty of a charge involving a significant violation of subsection (a) of Section 5, or paragraph 19 of Section 30 as it pertains to controlled substances, to pay to the Department a fine not to exceed $2,000.

(e) In any order issued in resolution of a disciplinary proceeding, in addition to any other disciplinary action, the Board may request any licensee found guilty of noncompliance with the continuing education requirements of Section 12 to pay the Department a fine not to exceed $1000.

(f) The Department shall issue quarterly to the Board a status of all complaints related to the profession received by the Department.

New matter indicated by italics - deletions by strikeout
Sec. 33. The Director of the Department may, upon receipt of a written communication from the Secretary of Human Services, the Director of Healthcare and Family Services (formerly Director of Public Aid), or the Director of Public Health that continuation of practice of a person licensed or registered under this Act constitutes an immediate danger to the public, immediately suspend the license or registration of such person without a hearing. In instances in which the Director immediately suspends a license or registration under this Act, a hearing upon such person's license must be convened by the Board within 15 days after such suspension and completed without appreciable delay, such hearing held to determine whether to recommend to the Director that the person's license be revoked, suspended, placed on probationary status or reinstated, or such person be subject to other disciplinary action. In such hearing, the written communication and any other evidence submitted therewith may be introduced as evidence against such person; provided however, the person, or his counsel, shall have the opportunity to discredit or impeach such evidence and submit evidence rebutting same.

Sec. 725. The Podiatric Medical Practice Act of 1987 is amended by changing Section 24 as follows:

New matter indicated by italics - deletions by strikeout
(2) Violations of this Act, or of the rules or regulations promulgated hereunder.

(3) Conviction of any crime under the laws of any United States jurisdiction that is a felony or a misdemeanor, of which an essential element is dishonesty, or of any crime that is directly related to the practice of the profession.

(4) Making any misrepresentation for the purpose of obtaining licenses, or violating any provision of this Act or the rules promulgated thereunder pertaining to advertising.

(5) Professional incompetence.

(6) Gross or repeated malpractice or negligence.

(7) Aiding or assisting another person in violating any provision of this Act or rules.

(8) Failing, within 60 days, to provide information in response to a written request made by the Department.

(9) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(10) Habitual or excessive use of alcohol, narcotics, stimulants or other chemical agent or drug that results in the inability to practice podiatric medicine with reasonable judgment, skill or safety.

(11) Discipline by another United States jurisdiction if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for any professional services not actually or personally rendered. This shall not be deemed to include rent or other remunerations paid to an individual, partnership, or corporation, by a licensee, for the lease, rental or use of space, owned or controlled, by the individual, partnership or corporation.

(13) A finding by the Podiatric Medical Licensing Board that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

(14) Abandonment of a patient.
(15) Willfully making or filing false records or reports in his or her practice, including but not limited to false records filed with state agencies or departments.

(16) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Report Act.

(17) Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill that results in the inability to practice the profession with reasonable judgment, skill or safety.

(18) Solicitation of professional services other than permitted advertising.

(19) The determination by a circuit court that a licensed podiatric physician is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient; and upon the recommendation of the Podiatric Medical Licensing Board to the Director that the licensee be allowed to resume his or her practice.

(20) Holding oneself out to treat human ailments under any name other than his or her own, or the impersonation of any other physician.

(21) Revocation or suspension or other action taken with respect to a podiatric medical license in another jurisdiction that would constitute disciplinary action under this Act.

(22) Promotion of the sale of drugs, devices, appliances or goods provided for a patient in such manner as to exploit the patient for financial gain of the podiatric physician.

(23) Gross, willful, and continued overcharging for professional services including filing false statements for collection of fees for those services, including, but not limited to, filing false statement for collection of monies for services not rendered from the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code or other private or public third party payor.

New matter indicated by italics - deletions by strikeout
(24) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(25) Willfully making or filing false records or reports in the practice of podiatric medicine, including, but not limited to, false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(26) Mental illness or disability that results in the inability to practice with reasonable judgment, skill or safety.

(27) Immoral conduct in the commission of any act including, sexual abuse, sexual misconduct, or sexual exploitation, related to the licensee's practice.

(28) Violation of the Health Care Worker Self-Referral Act.

(29) Failure to report to the Department any adverse final action taken against him or her by another licensing jurisdiction (another state or a territory of the United States or a foreign state or country) by a peer review body, by any health care institution, by a professional society or association related to practice under this Act, by a governmental agency, by a law enforcement agency, or by a court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this Section.

The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

Upon receipt of a written communication from the Secretary of Human Services, the Director of Healthcare and Family Services (formerly Director of Public Aid), or the Director of Public Health that

New matter indicated by italics - deletions by strikeout
continuation of practice of a person licensed under this Act constitutes an immediate danger to the public, the Director may immediately suspend the license of such person without a hearing. In instances in which the Director immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Board within 15 days after such suspension and completed without appreciable delay, such hearing held to determine whether to recommend to the Director that the person's license be revoked, suspended, placed on probationary status or reinstated, or such person be subject to other disciplinary action. In such hearing, the written communication and any other evidence submitted therewith may be introduced as evidence against such person; provided, however, the person or his counsel shall have the opportunity to discredit or impeach such evidence and submit evidence rebutting the same.

All proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license on any of the foregoing grounds, must be commenced within 3 years after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described in this Section. Except for fraud in procuring a license, no action shall be commenced more than 5 years after the date of the incident or act alleged to have been a violation of this Section. In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final judgment of any civil action in favor of the plaintiff, such claim, cause of action, or civil action being grounded on the allegation that a person licensed under this Act was negligent in providing care, the Department shall have an additional period of one year from the date of notification to the Department under Section 26 of this Act of such settlement or final judgment in which to investigate and commence formal disciplinary proceedings under Section 24 of this Act, except as otherwise provided by law. The time during which the holder of the license was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department.

In enforcing this Section, the Department or Board upon a showing of a possible violation may compel an individual licensed to practice under
this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department or Board finds an individual unable to practice because of the reasons set forth in this Section, the Department or Board may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file, or the Board may recommend to the Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment.

New matter indicated by italics - deletions by strikeout
and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 89-507, eff. 7-1-97; 90-76, eff. 12-30-97; revised 12-15-05.)

Section 730. The Illinois Speech-Language Pathology and Audiology Practice Act is amended by changing Section 16 as follows:

(225 ILCS 110/16) (from Ch. 111, par. 7916)

Sec. 16. Refusal, revocation or suspension of licenses.

(1) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, censure, reprimand or take other disciplinary action as the Department may deem proper, including fines not to exceed $5,000 for each violation, with regard to any license for any one or combination of the following causes:

(a) Fraud in procuring the license.
(b) Habitual intoxication or addiction to the use of drugs.
(c) Willful or repeated violations of the rules of the Department of Public Health.
(d) Division of fees or agreeing to split or divide the fees received for speech-language pathology or audiology services with any person for referring an individual, or assisting in the care or treatment of an individual, without the knowledge of the individual or his or her legal representative.
(e) Employing, procuring, inducing, aiding or abetting a person not licensed as a speech-language pathologist or audiologist to engage in the unauthorized practice of speech-language pathology or audiology.

(e-5) Employing, procuring, inducing, aiding, or abetting a person not licensed as a speech-language pathology assistant to

New matter indicated by italics - deletions by strikeout
perform the functions and duties of a speech-language pathology assistant.

(f) Making any misrepresentations or false promises, directly or indirectly, to influence, persuade or induce patronage.

(g) Professional connection or association with, or lending his or her name to another for the illegal practice of speech-language pathology or audiology by another, or professional connection or association with any person, firm or corporation holding itself out in any manner contrary to this Act.

(h) Obtaining or seeking to obtain checks, money, or any other things of value by false or fraudulent representations, including but not limited to, engaging in such fraudulent practice to defraud the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid).

(i) Practicing under a name other than his or her own.

(j) Improper, unprofessional or dishonorable conduct of a character likely to deceive, defraud or harm the public.

(k) Conviction in this or another state of any crime which is a felony under the laws of this State or conviction of a felony in a federal court, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.

(l) Permitting a person under his or her supervision to perform any function not authorized by this Act.

(m) A violation of any provision of this Act or rules promulgated thereunder.

(n) Revocation by another state, the District of Columbia, territory, or foreign nation of a license to practice speech-language pathology or audiology or a license to practice as a speech-language pathology assistant in its jurisdiction if at least one of the grounds for that revocation is the same as or the equivalent of one of the grounds for revocation set forth herein.

New matter indicated by italics - deletions by strikeout
(o) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(p) Gross or repeated malpractice resulting in injury or death of an individual.

(q) Willfully making or filing false records or reports in his or her practice as a speech-language pathologist, speech-language pathology assistant, or audiologist, including, but not limited to, false records to support claims against the public assistance program of the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid).

(r) Professional incompetence as manifested by poor standards of care or mental incompetence as declared by a court of competent jurisdiction.

(s) Repeated irregularities in billing a third party for services rendered to an individual. For purposes of this Section, "irregularities in billing" shall include:

(i) reporting excessive charges for the purpose of obtaining a total payment in excess of that usually received by the speech-language pathologist, speech-language pathology assistant, or audiologist for the services rendered;

(ii) reporting charges for services not rendered; or

(iii) incorrectly reporting services rendered for the purpose of obtaining payment not earned.

(t) (Blank).

(u) Violation of the Health Care Worker Self-Referral Act.

(v) Physical illness, including but not limited to deterioration through the aging process or loss of motor skill, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(w) Violation of the Hearing Instrument Consumer Protection Act.

New matter indicated by italics - deletions by strikeout
(x) Failure by a speech-language pathology assistant and supervising speech-language pathologist to comply with the supervision requirements set forth in Section 8.8.

(y) Wilfully exceeding the scope of duties customarily undertaken by speech-language pathology assistants set forth in Section 8.7 that results in, or may result in, harm to the public.

(2) The Department shall deny a license or renewal authorized by this Act to any person who has defaulted on an educational loan guaranteed by the Illinois State Scholarship Commission; however, the Department may issue a license or renewal if the aforementioned persons have established a satisfactory repayment record as determined by the Illinois State Scholarship Commission.

(3) The entry of an order by a circuit court establishing that any person holding a license under this Act is subject to involuntary admission or judicial admission as provided for in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension of that license. That person may have his or her license restored only upon the determination by a circuit court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient, and upon the Board's recommendation to the Department that the license be restored. Where the circumstances so indicate, the Board may recommend to the Department that it require an examination prior to restoring any license automatically suspended under this subsection.

(4) The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of the tax penalty or interest, as required by any tax Act administered by the Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(5) In enforcing this Section, the Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense

New matter indicated by italics - deletions by strikeout
of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Board. The individual to be examined may have, at his or her own expense, another physician or clinical psychologist of his or her choice present during all aspects of this examination. Failure of any individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board finds an individual unable to practice because of the reasons set forth in this Section, the Board may require that individual to submit to care, counseling, or treatment by physicians or clinical psychologists approved or designated by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. Any individual whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Board.

In instances in which the Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Board within 15 days after the suspension and completed without appreciable delay. The Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 91-949, eff. 2-9-01; 92-510, eff. 6-1-02; revised 12-15-05.)
Section 735. The Pyrotechnic Distributor and Operator Licensing Act is amended by changing Section 5 and by renumbering Section 99 as follows:

(225 ILCS 227/5)
Sec. 5. Definitions. In this Act:
"1.3G fireworks" means fireworks that are used for professional outdoor displays and classified as fireworks UN0333, UN0334, or UN0335 by the United States Department of Transportation under 49 C.F.R. 172.101.
"BATFE" means the federal Bureau of Alcohol, Tobacco and Firearms Enforcement.
"Consumer fireworks" means fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 C.F.R. 172.101. "Consumer fireworks" does not include a substance or article exempted under the Fireworks Use Act.
"Display fireworks" means 1.3G explosive or special effects fireworks.
"Facility" means an area being used for the conducting of a pyrotechnic display business, but does not include residential premises except for the portion of any residential premises that is actually used in the conduct of a pyrotechnic display business.
"Flame effect" means the detonation, ignition, or deflagration of flammable gases, liquids, or special materials to produce a thermal, physical, visual, or audible effect before the public, invitees, or licensees, regardless of whether admission is charged in accordance with NFPA 160.
"Lead pyrotechnic operator" means the individual with overall responsibility for the safety, setup, discharge, and supervision of a pyrotechnic display.
"Office" means Office of the State Fire Marshal.
"Person" means an individual, firm, corporation, association, partnership, company, consortium, joint venture, commercial entity, state,
municipality, or political subdivision of a state or any agency, department, or instrumentality of the United States and any officer, agent, or employee of these entities.

"Pyrotechnic display" or "display" means the detonation, ignition, or deflagration of display fireworks or flame effects to produce a visual or audible effect of an exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged.

"Pyrotechnic distributor" means any person, company, association, group of persons, or corporation who distributes display fireworks for sale in the State of Illinois or provides them as part of a pyrotechnic display service in the State of Illinois or provides only pyrotechnic services.

"Special effects fireworks" means pyrotechnic devices used for special effects by professionals in the performing arts in conjunction with theatrical, musical, or other productions that are similar to consumer fireworks in chemical compositions and construction, but are not intended for consumer use and are not labeled as such or identified as "intended for indoor use". "Special effects fireworks" are classified as fireworks UN0431 or UN0432 by the United States Department of Transportation under 49 C.F.R. 172.101.

(Source: P.A. 93-263, eff. 7-22-03; 94-385, eff. 7-29-05; 94-658, eff. 1-1-06; revised 8-29-05.)

(225 ILCS 227/999) (was 225 ILCS 227/99)
Sec. 999 99. Effective date. This Act takes effect upon becoming law.

(Source: P.A. 93-263, eff. 7-22-03; revised 9-19-03.)

Section 740. The Illinois Plumbing License Law is amended by changing Section 13.1 as follows:
(225 ILCS 320/13.1)
Sec. 13.1. Plumbing contractors; registration; applications.

(1) On and after May 1, 2002, all persons or corporations desiring to engage in the business of plumbing contractor, other than any entity that maintains an audited net worth of shareholders' equity equal to or exceeding $100,000,000, shall register in accordance with the provisions of this Act.

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(2) Application for registration shall be filed with the Department each year, on or before the last day of September, in writing and on forms prepared and furnished by the Department. All plumbing contractor registrations expire on the last day of September of each year.

(3) Applications shall contain the name, address, and telephone number of the person and the plumbing license of (i) the individual, if a sole proprietorship; (ii) the partner, if a partnership; or (iii) an officer, if a corporation. The application shall contain the business name, address, and telephone number, a current copy of the plumbing license, and any other information the Department may require by rule.

(4) Applicants shall submit an original certificate of insurance documenting that the contractor carries general liability insurance with a minimum of $100,000 per occurrence, a minimum of $300,000 aggregate for bodily injury, property damage insurance with a minimum of $50,000 or a minimum of $300,000 combined single limit, and workers compensation insurance with a minimum $500,000 employer's liability. No registration may be issued in the absence of this certificate. Certificates must be in force at all times for registration to remain valid.

(5) Applicants shall submit, on a form provided by the Department, an indemnification bond in the amount of $20,000 or a letter of credit in the same amount for work performed in accordance with this Act and the rules promulgated under this Act.

(6) All employees of a registered plumbing contractor who engage in plumbing work shall be licensed plumbers or apprentice plumbers in accordance with this Act.

(7) Plumbing contractors shall submit an annual registration fee in an amount to be established by rule.

(8) The Department shall be notified in advance of any changes in the business structure, name, or location or of the addition or deletion of the owner or officer who is the licensed plumber listed on the application. Failure to notify the Department of this information is grounds for suspension or revocation of the plumbing contractor's registration.

(9) In the event that the plumber's license on the application for registration of a plumbing contractor is a license issued by the City of

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Chicago, it shall be the responsibility of the applicant to forward a copy of the plumber’s license to the Department, noting the name of the registered plumbing contractor, when it is renewed.

(Source: P.A. 94-55, eff. 6-17-05; 94-258, eff. 7-19-05; revised 8-19-05.)

Section 745. The Auction License Act is amended by changing Sections 10-40 and 20-20 as follows:

(225 ILCS 407/10-40)
(Section scheduled to be repealed on January 1, 2010)
Sec. 10-40. Restoration.

(a) A licensee whose license has lapsed or expired shall have 2 years from the expiration date to restore his or her license without examination. The expired licensee shall make application to the OBRE on forms provided by the OBRE, including a properly completed 45-day permit sponsor card, provide evidence of successful completion of 12 hours of approved continuing education during the period of time the license had lapsed, and pay all lapsed fees and penalties as established by administrative rule.

(b) Notwithstanding any other provisions of this Act to the contrary, any licensee whose license under this Act has expired is eligible to restore such license without paying any lapsed fees and penalties provided that the license expired while the licensee was:

(1) on active duty with the United States Army, United States Marine Corps, United States Navy, United States Air Force, United States Coast Guard, the State Militia called into service or training;

(2) engaged in training or education under the supervision of the United States prior to induction into military service; or

(3) serving as an employee of the OBRE, while the employee was required to surrender his or her license due to a possible conflict of interest.

A licensee shall be eligible to restore a license under the provisions of this subsection for a period of 2 years following the termination of the service, education, or training by providing a properly completed application and 45-day permit sponsor card, provided that the termination

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was by other than dishonorable discharge and provided that the licensee furnishes the OBRE with an affidavit specifying that the licensee has been so engaged.

(c) At any time after the suspension, revocation, placement on probationary status, or other disciplinary action taken under this Act with reference to any license, the OBRE may restore the license to the licensee without examination upon the order of the Commissioner, if the licensee submits a properly completed application and 45-day permit sponsor card, pays appropriate fees, and otherwise complies with the conditions of the order.

(Source: P.A. 91-603, eff. 1-1-00; revised 10-11-05.)

(225 ILCS 407/20-20)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-20. Termination without hearing for failure to pay taxes, child support, or a student loan. OBRE may terminate or otherwise discipline any license issued under this Act without hearing if the appropriate administering agency provides adequate information and proof that the licensee has:

(1) failed to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax act administered by the Illinois Department of Revenue until the requirements of the tax act are satisfied;

(2) failed to pay any court ordered child support as determined by a court order or by referral from the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid); or

(3) failed to repay any student loan or assistance as determined by the Illinois Student Assistance Commission. If a license is terminated or otherwise disciplined pursuant to this Section, the licensee may request a hearing as provided by this Act within 30 days of notice of termination or discipline.

(Source: P.A. 91-603, eff. 1-1-00; revised 12-15-05.)

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Section 750. The Home Inspector License Act is amended by changing Section 15-50 as follows:

(225 ILCS 441/15-50)

(Section scheduled to be repealed on January 1, 2012)

Sec. 15-50. Nonpayment of child support. In cases where the Department of Healthcare and Family Services (formerly Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to OBRE, OBRE may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services (formerly Department of Public Aid). Redetermination of the delinquency by OBRE shall not be required. In cases regarding the renewal of a license, OBRE shall not renew any license if the Department of Healthcare and Family Services (formerly Department of Public Aid) has certified the licensee to be more than 30 days delinquent in the payment of child support unless the licensee has arranged for payment of past and current child support obligations in a manner satisfactory to the Department of Healthcare and Family Services (formerly Department of Public Aid). OBRE may impose conditions, restrictions, or disciplinary action upon that renewal.

(Source: P.A. 92-239, eff. 8-3-01; revised 12-15-05.)

Section 755. The Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 is amended by changing Sections 35-30 and 40-40 as follows:

(225 ILCS 447/35-30)

(Section scheduled to be repealed on January 1, 2014)

Sec. 35-30. Employee requirements. All employees of a licensed agency, other than those exempted, shall apply for a permanent employee registration card. The holder of an agency license issued under this Act, known in this Section as "employer", may employ in the conduct of his or her business employees under the following provisions:

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(a) No person shall be issued a permanent employee registration card who:

(1) Is younger than 18 years of age.

(2) Is younger than 21 years of age if the services will include being armed.

(3) Has been determined by the Department to be unfit by reason of conviction of an offense in this or another state, other than a traffic offense. The Department shall adopt rules for making those determinations that shall afford the applicant due process of law.

(4) Has had a license or permanent employee registration card denied, suspended, or revoked under this Act (i) within one year before the date the person's application for permanent employee registration card is received by the Department; and (ii) that refusal, denial, suspension, or revocation was based on any provision of this Act other than Section 40-50, item (6) or (8) of subsection (a) of Section 15-10, subsection (b) of Section 15-10, item (6) or (8) of subsection (a) of Section 20-10, subsection (b) of Section 20-10, item (6) or (8) of subsection (a) of Section 25-10, subsection (b) of Section 25-10, item (7) of subsection (a) of Section 30-10, subsection (b) of Section 30-10, or Section 10-40.

(5) Has been declared incompetent by any court of competent jurisdiction by reason of mental disease or defect and has not been restored.

(6) Has been dishonorably discharged from the armed services of the United States.

(b) No person may be employed by a private detective agency, private security contractor agency, private alarm contractor agency, or locksmith agency under this Section until he or she has executed and furnished to the employer, on forms furnished by the Department, a verified statement to be known as "Employee's Statement" setting forth:

(1) The person's full name, age, and residence address.
(2) (B) The business or occupation engaged in for the 5 years immediately before the date of the execution of the statement, the place where the business or occupation was engaged in, and the names of employers, if any.

(3) (C) That the person has not had a license or employee registration denied, revoked, or suspended under this Act (i) within one year before the date the person's application for permanent employee registration card is received by the Department; and (ii) that refusal, denial, suspension, or revocation was based on any provision of this Act other than Section 40-50, item (6) or (8) of subsection (a) of Section 15-10, subsection (b) of Section 15-10, item (6) or (8) of subsection (a) of Section 20-10, subsection (b) of Section 20-10, item (6) or (8) of subsection (a) of Section 25-10, subsection (b) of Section 25-10, item (7) of subsection (a) of Section 30-10, subsection (b) of Section 30-10, or Section 10-40.

(4) (D) Any conviction of a felony or misdemeanor.

(5) (E) Any declaration of incompetence by a court of competent jurisdiction that has not been restored.

(6) (F) Any dishonorable discharge from the armed services of the United States.

(7) (G) Any other information as may be required by any rule of the Department to show the good character, competency, and integrity of the person executing the statement.

(c) Each applicant for a permanent employee registration card shall have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Department of State Police. These fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Department of State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish, pursuant to
positive identification, records of Illinois convictions to the Department. The Department may require applicants to pay a separate fingerprinting fee, either to the Department or directly to the vendor. The Department, in its discretion, may allow an applicant who does not have reasonable access to a designated vendor to provide his or her fingerprints in an alternative manner. The Department, in its discretion, may also use other procedures in performing or obtaining criminal background checks of applicants. Instead of submitting his or her fingerprints, an individual may submit proof that is satisfactory to the Department that an equivalent security clearance has been conducted. Also, an individual who has retired as a peace officer within 12 months of application may submit verification, on forms provided by the Department and signed by his or her employer, of his or her previous full-time employment as a peace officer.

(d) The Department shall issue a permanent employee registration card, in a form the Department prescribes, to all qualified applicants. The holder of a permanent employee registration card shall carry the card at all times while actually engaged in the performance of the duties of his or her employment. Expiration and requirements for renewal of permanent employee registration cards shall be established by rule of the Department. Possession of a permanent employee registration card does not in any way imply that the holder of the card is employed by an agency unless the permanent employee registration card is accompanied by the employee identification card required by subsection (f) of this Section.

(e) Each employer shall maintain a record of each employee that is accessible to the duly authorized representatives of the Department. The record shall contain the following information:

(1) A photograph taken within 10 days of the date that the employee begins employment with the employer. The photograph shall be replaced with a current photograph every 3 calendar years.

(2) The Employee's Statement specified in subsection (b) of this Section.

(3) All correspondence or documents relating to the character and integrity of the employee received by the employer from any official source or law enforcement agency.

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(4) In the case of former employees, the employee identification card of that person issued under subsection (f) of this Section. Each employee record shall duly note if the employee is employed in an armed capacity. Armed employee files shall contain a copy of an active firearm owner's identification card and a copy of an active firearm authorization card. Each employer shall maintain a record for each armed employee of each instance in which the employee's weapon was discharged during the course of his or her professional duties or activities. The record shall be maintained on forms provided by the Department, a copy of which must be filed with the Department within 15 days of an instance. The record shall include the date and time of the occurrence, the circumstances involved in the occurrence, and any other information as the Department may require. Failure to provide this information to the Department or failure to maintain the record as a part of each armed employee's permanent file is grounds for disciplinary action. The Department, upon receipt of a report, shall have the authority to make any investigation it considers appropriate into any occurrence in which an employee's weapon was discharged and to take disciplinary action as may be appropriate.

(5) The Department may, by rule, prescribe further record requirements.

(f) Every employer shall furnish an employee identification card to each of his or her employees. This employee identification card shall contain a recent photograph of the employee, the employee's name, the name and agency license number of the employer, the employee's personal description, the signature of the employer, the signature of that employee, the date of issuance, and an employee identification card number.

(g) No employer may issue an employee identification card to any person who is not employed by the employer in accordance with this Section or falsely state or represent that a person is or has been in his or her employ. It is unlawful for an applicant for registered employment to
file with the Department the fingerprints of a person other than himself or herself.

(h) Every employer shall obtain the identification card of every employee who terminates employment with him or her.

(i) Every employer shall maintain a separate roster of the names of all employees currently working in an armed capacity and submit the roster to the Department on request.

(j) No agency may employ any person to perform a licensed activity under this Act unless the person possesses a valid permanent employee registration card or a valid license under this Act, or is exempt pursuant to subsection (n).

(k) Notwithstanding the provisions of subsection (j), an agency may employ a person in a temporary capacity if all of the following conditions are met:

1. The agency completes in its entirety and submits to the Department an application for a permanent employee registration card, including the required fingerprint receipt and fees.
2. The agency has verification from the Department that the applicant has no record of any criminal conviction pursuant to the criminal history check conducted by the Department of State Police. The agency shall maintain the verification of the results of the Department of State Police criminal history check as part of the employee record as required under subsection (e) of this Section.
3. The agency exercises due diligence to ensure that the person is qualified under the requirements of the Act to be issued a permanent employee registration card.
4. The agency maintains a separate roster of the names of all employees whose applications are currently pending with the Department and submits the roster to the Department on a monthly basis. Rosters are to be maintained by the agency for a period of at least 24 months.

An agency may employ only a permanent employee applicant for which it either submitted a permanent employee application and all required forms and fees or it confirms with the Department that a
permanent employee application and all required forms and fees have been submitted by another agency, licensee or the permanent employee and all other requirements of this Section are met.

The Department shall have the authority to revoke, without a hearing, the temporary authority of an individual to work upon receipt of Federal Bureau of Investigation fingerprint data or a report of another official authority indicating a criminal conviction. If the Department has not received a temporary employee's Federal Bureau of Investigation fingerprint data within 120 days of the date the Department received the Department of State Police fingerprint data, the Department may, at its discretion, revoke the employee's temporary authority to work with 15 days written notice to the individual and the employing agency.

An agency may not employ a person in a temporary capacity if it knows or reasonably should have known that the person has been convicted of a crime under the laws of this State, has been convicted in another state of any crime that is a crime under the laws of this State, has been convicted of any crime in a federal court, or has been posted as an unapproved applicant by the Department. Notice by the Department to the agency, via certified mail, personal delivery, electronic mail, or posting on the Department's Internet site accessible to the agency that the person has been convicted of a crime shall be deemed constructive knowledge of the conviction on the part of the agency. The Department may adopt rules to implement this subsection (k).

(l) No person may be employed under this Section in any capacity if:

(1) the person, while so employed, is being paid by the United States or any political subdivision for the time so employed in addition to any payments he or she may receive from the employer; or

(2) the person wears any portion of his or her official uniform, emblem of authority, or equipment while so employed.

(m) If information is discovered affecting the registration of a person whose fingerprints were submitted under this Section, the

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Department shall so notify the agency that submitted the fingerprints on behalf of that person.

(n) Peace officers shall be exempt from the requirements of this Section relating to permanent employee registration cards. The agency shall remain responsible for any peace officer employed under this exemption, regardless of whether the peace officer is compensated as an employee or as an independent contractor and as further defined by rule.

(o) Persons who have no access to confidential or security information and who otherwise do not provide traditional security services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of ushers, directors, ticket takers, cashiers, drivers, and reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts, or technical security and alarm data.

(Source: P.A. 93-438, eff. 8-5-03; revised 10-18-05.)

(225 ILCS 447/40-40)

(Section scheduled to be repealed on January 1, 2014)

Sec. 40-40. Nonpayment of child support. In cases where the Department of Healthcare and Family Services (formerly Department of Public Aid) or any circuit court has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services (formerly Department of Public Aid) or a circuit court. Redetermination of the delinquency by the Department shall not be required. In cases regarding the renewal of a license, the Department shall not renew any license if the Department of Healthcare and Family Services (formerly Department of Public Aid) or a circuit court has certified the licensee to be more than 30 days delinquent in the payment of child support, unless the licensee has arranged for payment of past and current child support obligations in a manner satisfactory to the Department of Healthcare and Family Services.

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(formerly Department of Public Aid) or circuit court. The Department may impose conditions, restrictions or disciplinary action upon that renewal in accordance with Section 40-10 of this Act.

(Source: P.A. 93-438, eff. 8-5-03; revised 12-15-05.)

Section 760. The Illinois Public Accounting Act is amended by changing Sections 14.1 and 28 as follows:

(225 ILCS 450/14.1)

(Section scheduled to be repealed on January 1, 2014)

Sec. 14.1. Foreign accountants. The Department shall issue a license to a holder of a foreign designation, granted in a foreign country entitling the holder thereof to engage in the practice of public accounting, provided that:

(a) the applicant is the holder of a certificate as a certified public accountant from the Board or a registration as a registered certified public accountant from the Department issued under this Act; and

(b) the foreign authority that granted the designation makes similar provision to allow a person who holds a valid license issued by this State to obtain a foreign authority's comparable designation; and

(c) the foreign designation (i) was duly issued by a foreign authority that regulates the practice of public accounting and the foreign designation has not expired or been revoked or suspended; (ii) entitles the holder to issue reports upon financial statements; and (iii) was issued upon the basis of educational, examination, and experience requirements established by the foreign authority or by law; and

(d) the applicant (i) received the designation based on standards substantially equivalent to those in effect in this State at the time the foreign designation was granted; and (ii) completed an experience requirement, substantially equivalent to the requirement set out in Section 14, in the jurisdiction that granted the foreign designation or has completed 5 years of experience in the practice of public accounting in this State, or meets equivalent requirements

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prescribed by the Department by rule, within the 10 years immediately preceding the application.

(e) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 92-457, eff. 7-1-04; 93-683, eff. 7-2-04; revised 10-11-05.)

(225 ILCS 450/28) (from Ch. 111, par. 5534)

(Section scheduled to be repealed on January 1, 2014)

Sec. 28. Penalties. Each of the following acts perpetrated in the State of Illinois is a Class B misdemeanor.

(a) The practice of public accounting insofar as it consists in rendering service as described in Section 8, without licensure, in violation of the provisions of this Act;

(b) The obtaining or attempting to obtain licensure as a licensed certified public accountant or registration as a registered certified public accountant by fraud;

(c) The use of the title "Certified Public Accountant" or the abbreviation "C.P.A." or use of any similar words or letters indicating the user is a certified public accountant, the title "Registered Certified Public Accountant", the abbreviation "R.C.P.A.", any similar words or letters indicating the user is a certified public accountant or a registered certified public accountant by any person in contravention of this Act;

(c-5) The use of the title "Certified Public Accountant" or "Licensed Certified Public Accountant" or the abbreviation "C.P.A." or "L.C.P.A." or any similar words or letters indicating the user is a certified public accountant by any person in contravention with this Act;

(d) The use of the title "Certified Public Accountant" or the abbreviation "C.P.A." or any similar words or letters indicating that the members are certified public accountants, by any partnership, limited liability company, corporation, or other entity unless all

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members thereof personally engaged in the practice of public accounting in this State are licensed as licensed certified public accountants by the Department, and are holders of an effective unrevoked license, and the partnership, limited liability company, corporation, or other entity is licensed as licensed certified public accountants by the Department with an effective unrevoked license;

(e) The use of the title "Licensed Certified Public Accountant", or the abbreviation "L.C.P.A." or any similar words or letters indicating such person is a licensed certified public accountant, by any person not licensed as a licensed certified public accountant by the Department, and holding an effective unrevoked license; provided nothing in this Act shall prohibit the use of the title "Accountant" or "Bookkeeper" by any person;

(f) The use of the title "Licensed Certified Public Accountants", "Public Accountants" or the abbreviation "P.A.'s" or any similar words or letters indicating that the members are public accountants by any partnership, limited liability company, corporation, or other entity unless all members thereof personally engaged in the practice of public accounting in this State are licensed as licensed certified public accountants by the Department and are holders of effective unrevoked licenses, and the partnership is licensed as a public accounting firm by the Department with an effective unrevoked license;

(g) Making false statements to the Department regarding compliance with continuing professional education requirements;

(h) The use of the title "Certified Public Accountant" or the abbreviation "C.P.A." or any similar words or letters indicating that the members are certified public accountants, by any partnership unless all members thereof personally engaged in the practice of public accounting in this State have received certificates as certified public accountants from the Board, are licensed as public accountants by the Department, and are holders of an effective unrevoked license, and the partnership is licensed as public accountants by the Department with an effective unrevoked license.

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accountants by the Department with an effective unrevoked license.

This Section does not prohibit a firm partnership, limited liability company, corporation, or other entity who does not practice public accounting as set forth in Section 8 of this Act and whose members residing in Illinois are registered with the Department from using the title "Certified Public Accountant" or the abbreviation "C.P.A." or "CPA" or similar words or letters indicating that the members are certified public accountants.

(Source: P.A. 92-457, eff. 7-1-04; 93-683, eff. 7-2-04; revised 11-5-04.)

Section 765. The Real Estate License Act of 2000 is amended by changing Section 20-45 as follows:

(225 ILCS 454/20-45)

Sec. 20-45. Nonpayment of child support. In cases in which the Department of Healthcare and Family Services (formerly Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to OBRE, OBRE may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services (formerly Department of Public Aid).

Redetermination of the delinquency by OBRE shall not be required. In cases regarding the renewal of a license, OBRE shall not renew any license if the Department of Healthcare and Family Services (formerly Department of Public Aid) has certified the licensee to be more than 30 days delinquent in the payment of child support unless the licensee has arranged for payment of past and current child support obligations in a manner satisfactory to the Department of Healthcare and Family Services (formerly Department of Public Aid). OBRE may impose conditions, restrictions, or disciplinary action upon that renewal.

(Source: P.A. 91-245, eff. 12-31-99; revised 12-15-05.)

New matter indicated by italics - deletions by strikeout
Section 770. The Real Estate Appraiser Licensing Act of 2002 is amended by changing Section 15-50 as follows:

(225 ILCS 458/15-50)

(Section scheduled to be repealed on January 1, 2012)

Sec. 15-50. Nonpayment of child support. In cases where the Department of Healthcare and Family Services (formerly Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to OBRE, OBRE may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services (formerly Department of Public Aid). Redetermination of the delinquency by OBRE shall not be required. In cases regarding the renewal of a license, OBRE shall not renew any license if the Department of Healthcare and Family Services (formerly Department of Public Aid) has certified the licensee to be more than 30 days delinquent in the payment of child support, unless the licensee has arranged for payment of past and current child support obligations in a manner satisfactory to the Department of Healthcare and Family Services (formerly Department of Public Aid). OBRE may impose conditions, restrictions, or disciplinary action upon that renewal.

(Source: P.A. 92-180, eff. 7-1-02; revised 12-15-05.)

Section 775. The Illinois Petroleum Education and Marketing Act is amended by changing Section 10 as follows:

(225 ILCS 728/10)

(Section scheduled to be repealed on January 1, 2008)

Sec. 10. Illinois Petroleum Resources Board.

(a) There is hereby created until January 1, 2008, the Illinois Petroleum Resources Board which shall be subject to the provisions of the Regulatory Sunset Act. The purpose of the Board is to coordinate a program designed to demonstrate to the general public the importance of the Illinois oil exploration and production industry, to encourage the wise and efficient use of energy, to promote environmentally sound production

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methods and technologies, to develop existing supplies of State oil resources, and to support research and educational activities concerning the oil exploration and production industry.

(b) The Board shall be composed of 12 members to be appointed by the Governor. The Governor shall make appointments from a list of names submitted by qualified producer associations, of which 10 shall be oil and gas producers.

(c) A member of the Board shall:
   (1) be at least 25 years of age;
   (2) be a resident of the State of Illinois; and
   (3) have at least 5 years of active experience in the oil industry.

(d) Members shall serve for a term of 3 years, except that of the initial appointments, 4 members shall serve for one year, 4 members for 2 years, and 4 members for 3 years.

(e) Vacancies shall be filled for the unexpired term of office in the same manner as the original appointment.

(f) The Board shall, at its first meeting, elect one of its members as chairperson, who shall preside over meetings of the Board and perform other duties that may be required by the Board. The first meeting of the Board shall be called by the Governor.

(g) No member of the Board shall receive a salary or reimbursement for duties performed as a member of the Board, except that members are eligible to receive reimbursement for travel expenses incurred in the performance of Board duties.

(Source: P.A. 92-610, eff. 7-1-02; 92-651, eff. 7-11-02; revised 8-12-02.)

Section 780. The Illinois Horse Racing Act of 1975 is amended by changing Section 1.3 as follows:

(230 ILCS 5/1.3)
Sec. 1.3. Legislative findings.
(a) The General Assembly finds that the Illinois gaming industry is a single industry consisting of horse racing and riverboat gambling. Reports issued by the Economic and Fiscal Commission (now

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Commission on Government Forecasting and Accountability) in 1992, 1994, and 1998 have found that horse racing and riverboat gambling:

(1) "share many of the same characteristics" and are "more alike than different";
(2) are planned events;
(3) have similar odds of winning;
(4) occur in similar settings; and
(5) compete with each other for limited gaming dollars.

(b) The General Assembly declares it to be the public policy of this State to ensure the viability of both horse racing and riverboat aspects of the Illinois gaming industry.

(Source: P.A. 93-1067, eff. 1-15-05; revised 10-11-05.)

Section 785. The Riverboat Gambling Act is amended by changing Sections 4 and 13 as follows:

(230 ILCS 10/4) (from Ch. 120, par. 2404)
Sec. 4. Definitions. As used in this Act:
(a) "Board" means the Illinois Gaming Board.
(b) "Occupational license" means a license issued by the Board to a person or entity to perform an occupation which the Board has identified as requiring a license to engage in riverboat gambling in Illinois.
(c) "Gambling game" includes, but is not limited to, baccarat, twenty-one, poker, craps, slot machine, video game of chance, roulette wheel, klondike table, punchboard, faro layout, keno layout, numbers ticket, push card, jar ticket, or pull tab which is authorized by the Board as a wagering device under this Act.
(d) "Riverboat" means a self-propelled excursion boat, a permanently moored barge, or permanently moored barges that are permanently fixed together to operate as one vessel, on which lawful gambling is authorized and licensed as provided in this Act.
(e) "Managers license" means a license issued by the Board to a person or entity to manage gambling operations conducted by the State pursuant to Section 7.2.
(f) "Dock" means the location where a riverboat moors for the purpose of embarking passengers for and disembarking passengers from the riverboat.

(g) "Gross receipts" means the total amount of money exchanged for the purchase of chips, tokens or electronic cards by riverboat patrons.

(h) "Adjusted gross receipts" means the gross receipts less winnings paid to wagerers.

(i) "Cheat" means to alter the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game.

(j) "Department" means the Department of Revenue.

(k) "Gambling operation" means the conduct of authorized gambling games upon a riverboat.

(l) "License bid" means the lump sum amount of money that an applicant bids and agrees to pay the State in return for an owners license that is re-issued on or after July 1, 2003.

(m) The terms "minority person" and "female" shall have the same meaning as defined in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

(230 ILCS 10/13) (from Ch. 120, par. 2413)

Sec. 13. Wagering tax; rate; distribution.

(a) Until January 1, 1998, a tax is imposed on the adjusted gross receipts received from gambling games authorized under this Act at the rate of 20%.

(a-1) From January 1, 1998 until July 1, 2002, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

15% of annual adjusted gross receipts up to and including $25,000,000;

20% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $50,000,000;

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25% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;
30% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;
35% of annual adjusted gross receipts in excess of $100,000,000.

(a-2) From July 1, 2002 until July 1, 2003, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, other than licensed managers conducting riverboat gambling operations on behalf of the State, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

15% of annual adjusted gross receipts up to and including $25,000,000;
22.5% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $50,000,000;
27.5% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;
32.5% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;
37.5% of annual adjusted gross receipts in excess of $100,000,000 but not exceeding $150,000,000;
45% of annual adjusted gross receipts in excess of $150,000,000 but not exceeding $200,000,000;
50% of annual adjusted gross receipts in excess of $200,000,000.

(a-3) Beginning July 1, 2003, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, other than licensed managers conducting riverboat gambling operations on behalf of the State, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

15% of annual adjusted gross receipts up to and including $25,000,000;

New matter indicated by italics - deletions by strikeout
27.5% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $37,500,000;
32.5% of annual adjusted gross receipts in excess of $37,500,000 but not exceeding $50,000,000;
37.5% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;
45% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;
50% of annual adjusted gross receipts in excess of $100,000,000 but not exceeding $250,000,000;
70% of annual adjusted gross receipts in excess of $250,000,000.

An amount equal to the amount of wagering taxes collected under this subsection (a-3) that are in addition to the amount of wagering taxes that would have been collected if the wagering tax rates under subsection (a-2) were in effect shall be paid into the Common School Fund.

The privilege tax imposed under this subsection (a-3) shall no longer be imposed beginning on the earlier of (i) July 1, 2005; (ii) the first date after June 20, 2003 that riverboat gambling operations are conducted pursuant to a dormant license; or (iii) the first day that riverboat gambling operations are conducted under the authority of an owners license that is in addition to the 10 owners licenses initially authorized under this Act. For the purposes of this subsection (a-3), the term "dormant license" means an owners license that is authorized by this Act under which no riverboat gambling operations are being conducted on June 20, 2003.

(a-4) Beginning on the first day on which the tax imposed under subsection (a-3) is no longer imposed, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, other than licensed managers conducting riverboat gambling operations on behalf of the State, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

15% of annual adjusted gross receipts up to and including $25,000,000;

New matter indicated by italics - deletions by strikeout
22.5% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $50,000,000;
27.5% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;
32.5% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;
37.5% of annual adjusted gross receipts in excess of $100,000,000 but not exceeding $150,000,000;
45% of annual adjusted gross receipts in excess of $150,000,000 but not exceeding $200,000,000;
50% of annual adjusted gross receipts in excess of $200,000,000.

(a-8) Riverboat gambling operations conducted by a licensed manager on behalf of the State are not subject to the tax imposed under this Section.

(a-10) The taxes imposed by this Section shall be paid by the licensed owner to the Board not later than 3:00 o'clock p.m. of the day after the day when the wagers were made.

(a-15) If the privilege tax imposed under subsection (a-3) is no longer imposed pursuant to item (i) of the last paragraph of subsection (a-3), then by June 15 of each year, each owners licensee, other than an owners licensee that admitted 1,000,000 persons or fewer in calendar year 2004, must, in addition to the payment of all amounts otherwise due under this Section, pay to the Board a reconciliation payment in the amount, if any, by which the licensed owner's base amount exceeds the amount of net privilege tax paid by the licensed owner to the Board in the then current State fiscal year. A licensed owner's net privilege tax obligation due for the balance of the State fiscal year shall be reduced up to the total of the amount paid by the licensed owner in its June 15 reconciliation payment. The obligation imposed by this subsection (a-15) is binding on any person, firm, corporation, or other entity that acquires an ownership interest in any such owners license. The obligation imposed under this subsection (a-15) terminates on the earliest of: (i) July 1, 2007, (ii) the first day after the effective date of this amendatory Act of the 94th General Assembly that
riverboat gambling operations are conducted pursuant to a dormant license, (iii) the first day that riverboat gambling operations are conducted under the authority of an owners license that is in addition to the 10 owners licenses initially authorized under this Act, or (iv) the first day that a licensee under the Illinois Horse Racing Act of 1975 conducts gaming operations with slot machines or other electronic gaming devices. The Board must reduce the obligation imposed under this subsection (a-15) by an amount the Board deems reasonable for any of the following reasons: (A) an act or acts of God, (B) an act of bioterrorism or terrorism or a bioterrorism or terrorism threat that was investigated by a law enforcement agency, or (C) a condition beyond the control of the owners licensee that does not result from any act or omission by the owners licensee or any of its agents and that poses a hazardous threat to the health and safety of patrons. If an owners licensee pays an amount in excess of its liability under this Section, the Board shall apply the overpayment to future payments required under this Section.

For purposes of this subsection (a-15):
"Act of God" means an incident caused by the operation of an extraordinary force that cannot be foreseen, that cannot be avoided by the exercise of due care, and for which no person can be held liable.
"Base amount" means the following:
  For a riverboat in Alton, $31,000,000.
  For a riverboat in East Peoria, $43,000,000.
  For the Empress riverboat in Joliet, $86,000,000.
  For a riverboat in Metropolis, $45,000,000.
  For the Harrah's riverboat in Joliet, $114,000,000.
  For a riverboat in Aurora, $86,000,000.
  For a riverboat in East St. Louis, $48,500,000.
  For a riverboat in Elgin, $198,000,000.
"Dormant license" has the meaning ascribed to it in subsection (a-3).
"Net privilege tax" means all privilege taxes paid by a licensed owner to the Board under this Section, less all payments made from the State Gaming Fund pursuant to subsection (b) of this Section.
The changes made to this subsection (a-15) by Public Act 94-839 this amendatory Act of the 94th General Assembly are intended to restate and clarify the intent of Public Act 94-673 with respect to the amount of the payments required to be made under this subsection by an owners licensee to the Board.

(b) Until January 1, 1998, 25% of the tax revenue deposited in the State Gaming Fund under this Section shall be paid, subject to appropriation by the General Assembly, to the unit of local government which is designated as the home dock of the riverboat. Beginning January 1, 1998, from the tax revenue deposited in the State Gaming Fund under this Section, an amount equal to 5% of adjusted gross receipts generated by a riverboat shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the riverboat. From the tax revenue deposited in the State Gaming Fund pursuant to riverboat gambling operations conducted by a licensed manager on behalf of the State, an amount equal to 5% of adjusted gross receipts generated pursuant to those riverboat gambling operations shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the riverboat upon which those riverboat gambling operations are conducted.

(c) Appropriations, as approved by the General Assembly, may be made from the State Gaming Fund to the Department of Revenue and the Department of State Police for the administration and enforcement of this Act, or to the Department of Human Services for the administration of programs to treat problem gambling.

(c-5) Before May 26, 2006 (the effective date of Public Act 94-804) this amendatory Act of the 94th General Assembly and beginning 2 years after May 26, 2006 (the effective date of Public Act 94-804) this amendatory Act of the 94th General Assembly, after the payments required under subsections (b) and (c) have been made, an amount equal to 15% of the adjusted gross receipts of (1) an owners licensee that relocates pursuant to Section 11.2, (2) an owners licensee conducting riverboat gambling operations pursuant to an owners license that is initially issued after June
25, 1999, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3, whichever comes first, shall be paid from the State Gaming Fund into the Horse Racing Equity Fund.

(c-10) Each year the General Assembly shall appropriate from the General Revenue Fund to the Education Assistance Fund an amount equal to the amount paid into the Horse Racing Equity Fund pursuant to subsection (c-5) in the prior calendar year.

(c-15) After the payments required under subsections (b), (c), and (c-5) have been made, an amount equal to 2% of the adjusted gross receipts of (1) an owners licensee that relocates pursuant to Section 11.2, (2) an owners licensee conducting riverboat gambling operations pursuant to an owners license that is initially issued after June 25, 1999, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3, whichever comes first, shall be paid, subject to appropriation from the General Assembly, from the State Gaming Fund to each home rule county with a population of over 3,000,000 inhabitants for the purpose of enhancing the county's criminal justice system.

(c-20) Each year the General Assembly shall appropriate from the General Revenue Fund to the Education Assistance Fund an amount equal to the amount paid to each home rule county with a population of over 3,000,000 inhabitants pursuant to subsection (c-15) in the prior calendar year.

(c-25) After the payments required under subsections (b), (c), (c-5) and (c-15) have been made, an amount equal to 2% of the adjusted gross receipts of (1) an owners licensee that relocates pursuant to Section 11.2, (2) an owners licensee conducting riverboat gambling operations pursuant to an owners license that is initially issued after June 25, 1999, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3, whichever comes first, shall be paid from the State Gaming Fund to Chicago State University.

New matter indicated by italics - deletions by strikeout
(d) From time to time, the Board shall transfer the remainder of the funds generated by this Act into the Education Assistance Fund, created by Public Act 86-0018, of the State of Illinois.

(e) Nothing in this Act shall prohibit the unit of local government designated as the home dock of the riverboat from entering into agreements with other units of local government in this State or in other states to share its portion of the tax revenue.

(f) To the extent practicable, the Board shall administer and collect the wagering taxes imposed by this Section in a manner consistent with the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act.

(Source: P.A. 93-27, eff. 6-20-03; 93-28, eff. 6-20-03; 94-673, eff. 8-23-05; 94-804, eff. 5-26-06; 94-839, eff. 6-6-06; revised 8-3-06.)

Section 790. The Liquor Control Act of 1934 is amended by changing Sections 5-1, 6-2, 6-11, 6-16.2, 7-5, 7-6, and 12-4 and by setting forth and renumbering multiple versions of Section 6-33 as follows:

(235 ILCS 5/5-1) (from Ch. 43, par. 115)
Sec. 5-1. Licenses issued by the Illinois Liquor Control Commission shall be of the following classes:

(b) Distributor's license,
(c) Importing Distributor's license,
(d) Retailer's license,
(e) Special Event Retailer's license (not-for-profit),
(f) Railroad license,
(g) Boat license,
(h) Non-Beverage User's license,
(i) Wine-maker's premises license,
(j) Airplane license,
(k) Foreign importer's license,

New matter indicated by italics - deletions by strikeout
(l) Broker's license,
(m) Non-resident dealer's license,
(n) Brew Pub license,
(o) Auction liquor license,
(p) Caterer retailer license,
(q) Special use permit license.

No person, firm, partnership, corporation, or other legal business entity that is engaged in the manufacturing of wine may concurrently obtain and hold a wine-maker's license and a wine manufacturer's license.

(a) A manufacturer's license shall allow the manufacture, importation in bulk, storage, distribution and sale of alcoholic liquor to persons without the State, as may be permitted by law and to licensees in this State as follows:

Class 1. A Distiller may make sales and deliveries of alcoholic liquor to distillers, rectifiers, importing distributors, distributors and non-beverage users and to no other licensees.

Class 2. A Rectifier, who is not a distiller, as defined herein, may make sales and deliveries of alcoholic liquor to rectifiers, importing distributors, distributors, retailers and non-beverage users and to no other licensees.

Class 3. A Brewer may make sales and deliveries of beer to importing distributors, distributors, and to non-licensees, and to retailers provided the brewer obtains an importing distributor's license or distributor's license in accordance with the provisions of this Act.

Class 4. A first class wine-manufacturer may make sales and deliveries of up to 50,000 gallons of wine to manufacturers, importing distributors and distributors, and to no other licensees.

Class 5. A second class Wine manufacturer may make sales and deliveries of more than 50,000 gallons of wine to manufacturers, importing distributors and distributors, and to no other licensees.

Class 6. A first-class wine-maker's license shall allow the manufacture of up to 50,000 gallons of wine per year, and the storage and sale of such wine to distributors in the State and to persons without the State, as may be permitted by law. A first-class wine-maker's license shall

New matter indicated by italics - deletions by strikeout
allow the sale of no more than 5,000 gallons of the licensee's wine to retailers. The State Commission shall issue only one first-class wine-maker's license to any person, firm, partnership, corporation, or other legal business entity that is engaged in the making of less than 50,000 gallons of wine annually that applies for a first-class wine-maker's license. No subsidiary or affiliate thereof, nor any officer, associate, member, partner, representative, employee, agent, or shareholder may be issued an additional wine-maker's license by the State Commission.

Class 7. A second-class wine-maker's license shall allow the manufacture of between 50,000 and 100,000 gallons of wine per year, and the storage and sale of such wine to distributors in this State and to persons without the State, as may be permitted by law. A second-class wine-maker's license shall allow the sale of no more than 10,000 gallons of the licensee's wine directly to retailers. The State Commission shall issue only one second-class wine-maker's license to any person, firm, partnership, corporation, or other legal business entity that is engaged in the making of less than 100,000 gallons of wine annually that applies for a second-class wine-maker's license. No subsidiary or affiliate thereof, or any officer, associate, member, partner, representative, employee, agent, or shareholder may be issued an additional wine-maker's license by the State Commission.

Class 8. A limited wine-manufacturer may make sales and deliveries not to exceed 40,000 gallons of wine per year to distributors, and to non-licensees in accordance with the provisions of this Act.

(a-1) A manufacturer which is licensed in this State to make sales or deliveries of alcoholic liquor and which enlists agents, representatives, or individuals acting on its behalf who contact licensed retailers on a regular and continual basis in this State must register those agents, representatives, or persons acting on its behalf with the State Commission. Registration of agents, representatives, or persons acting on behalf of a manufacturer is fulfilled by submitting a form to the Commission. The form shall be developed by the Commission and shall include the name and address of the applicant, the name and address of the manufacturer he or she represents, the territory or areas assigned to sell to or discuss pricing

New matter indicated by italics - deletions by strikeout
terms of alcoholic liquor, and any other questions deemed appropriate and necessary. All statements in the forms required to be made by law or by rule shall be deemed material, and any person who knowingly misstates any material fact under oath in an application is guilty of a Class B misdemeanor. Fraud, misrepresentation, false statements, misleading statements, evasions, or suppression of material facts in the securing of a registration are grounds for suspension or revocation of the registration.

(b) A distributor's license shall allow the wholesale purchase and storage of alcoholic liquors and sale of alcoholic liquors to licensees in this State and to persons without the State, as may be permitted by law.

(c) An importing distributor's license may be issued to and held by those only who are duly licensed distributors, upon the filing of an application by a duly licensed distributor, with the Commission and the Commission shall, without the payment of any fee, immediately issue such importing distributor's license to the applicant, which shall allow the importation of alcoholic liquor by the licensee into this State from any point in the United States outside this State, and the purchase of alcoholic liquor in barrels, casks or other bulk containers and the bottling of such alcoholic liquors before resale thereof, but all bottles or containers so filled shall be sealed, labeled, stamped and otherwise made to comply with all provisions, rules and regulations governing manufacturers in the preparation and bottling of alcoholic liquors. The importing distributor's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers and foreign importers only.

(d) A retailer's license shall allow the licensee to sell and offer for sale at retail, only in the premises specified in the license, alcoholic liquor for use or consumption, but not for resale in any form: Provided that any retail license issued to a manufacturer shall only permit the manufacturer to sell beer at retail on the premises actually occupied by the manufacturer. For the purpose of further describing the type of business conducted at a retail licensed premises, a retailer's licensee may be designated by the State Commission as (i) an on premise consumption retailer, (ii) an off premise sale retailer, or (iii) a combined on premise consumption and off premise sale retailer.

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Notwithstanding any other provision of this subsection (d), a retail licensee may sell alcoholic liquors to a special event retailer licensee for resale to the extent permitted under subsection (e).

(e) A special event retailer's license (not-for-profit) shall permit the licensee to purchase alcoholic liquors from an Illinois licensed distributor (unless the licensee purchases less than $500 of alcoholic liquors for the special event, in which case the licensee may purchase the alcoholic liquors from a licensed retailer) and shall allow the licensee to sell and offer for sale, at retail, alcoholic liquors for use or consumption, but not for resale in any form and only at the location and on the specific dates designated for the special event in the license. An applicant for a special event retailer license must (i) furnish with the application: (A) a resale number issued under Section 2c of the Retailers' Occupation Tax Act or evidence that the applicant is registered under Section 2a of the Retailers' Occupation Tax Act, (B) a current, valid exemption identification number issued under Section 1g of the Retailers' Occupation Tax Act, and a certification to the Commission that the purchase of alcoholic liquors will be a tax-exempt purchase, or (C) a statement that the applicant is not registered under Section 2a of the Retailers' Occupation Tax Act, does not hold a resale number under Section 2c of the Retailers' Occupation Tax Act, and does not hold an exemption number under Section 1g of the Retailers' Occupation Tax Act, in which event the Commission shall set forth on the special event retailer's license a statement to that effect; (ii) submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance in the maximum limits; and (iii) show proof satisfactory to the State Commission that the applicant has obtained local authority approval.

(f) A railroad license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the

New matter indicated by italics - deletions by strikeout
importation, purchase or storage of alcoholic liquors to be sold or dispensed on a club, buffet, lounge or dining car operated on an electric, gas or steam railway in this State; and provided further, that railroad licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. A railroad license shall also permit the licensee to sell or dispense alcoholic liquors on any club, buffet, lounge or dining car operated on an electric, gas or steam railway regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A license shall be obtained for each car in which such sales are made.

(g) A boat license shall allow the sale of alcoholic liquor in individual drinks, on any passenger boat regularly operated as a common carrier on navigable waters in this State or on any riverboat operated under the Riverboat Gambling Act, which boat or riverboat maintains a public dining room or restaurant thereon.

(h) A non-beverage user's license shall allow the licensee to purchase alcoholic liquor from a licensed manufacturer or importing distributor, without the imposition of any tax upon the business of such licensed manufacturer or importing distributor as to such alcoholic liquor to be used by such licensee solely for the non-beverage purposes set forth in subsection (a) of Section 8-1 of this Act, and such licenses shall be divided and classified and shall permit the purchase, possession and use of limited and stated quantities of alcoholic liquor as follows:

<table>
<thead>
<tr>
<th>Class</th>
<th>Limits</th>
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<tbody>
<tr>
<td>Class 1</td>
<td>not to exceed 500 gallons</td>
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<tr>
<td>Class 2</td>
<td>not to exceed 1,000 gallons</td>
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<tr>
<td>Class 3</td>
<td>not to exceed 5,000 gallons</td>
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<tr>
<td>Class 4</td>
<td>not to exceed 10,000 gallons</td>
</tr>
<tr>
<td>Class 5</td>
<td>not to exceed 50,000 gallons</td>
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</tbody>
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(i) A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license not more than 50,000 gallons of the first-class wine-maker's wine that is made at the first-class wine-maker's licensed premises per year for use or consumption, but not
for resale in any form. A wine-maker's premises license shall allow a licensee who concurrently holds a second-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license up to 100,000 gallons of the second-class wine-maker's wine that is made at the second-class wine-maker's licensed premises per year for use or consumption but not for resale in any form. A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license or a second-class wine-maker's license to sell and offer for sale at retail at the premises specified in the wine-maker's premises license, for use or consumption but not for resale in any form, any beer, wine, and spirits purchased from a licensed distributor. Upon approval from the State Commission, a wine-maker's premises license shall allow the licensee to sell and offer for sale at (i) the wine-maker's licensed premises and (ii) at up to 2 additional locations for use and consumption and not for resale. Each location shall require additional licensing per location as specified in Section 5-3 of this Act.

(j) An airplane license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on an airplane; and provided further, that airplane licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. An airplane licensee shall also permit the sale or dispensing of alcoholic liquors on any passenger airplane regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A single airplane license shall be required of an airline company if liquor service is provided on board aircraft in this State. The annual fee for such license shall be as determined in Section 5-3.
(k) A foreign importer's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers only, and to import alcoholic liquor other than in bulk from any point outside the United States and to sell such alcoholic liquor to Illinois licensed importing distributors and to no one else in Illinois; provided that the foreign importer registers with the State Commission every brand of alcoholic liquor that it proposes to sell to Illinois licensees during the license period and provided further that the foreign importer complies with all of the provisions of Section 6-9 of this Act with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale.

(l) (i) A broker's license shall be required of all persons who solicit orders for, offer to sell or offer to supply alcoholic liquor to retailers in the State of Illinois, or who offer to retailers to ship or cause to be shipped or to make contact with distillers, rectifiers, brewers or manufacturers or any other party within or without the State of Illinois in order that alcoholic liquors be shipped to a distributor, importing distributor or foreign importer, whether such solicitation or offer is consummated within or without the State of Illinois.

No holder of a retailer's license issued by the Illinois Liquor Control Commission shall purchase or receive any alcoholic liquor, the order for which was solicited or offered for sale to such retailer by a broker unless the broker is the holder of a valid broker's license.

The broker shall, upon the acceptance by a retailer of the broker's solicitation of an order or offer to sell or supply or deliver or have delivered alcoholic liquors, promptly forward to the Illinois Liquor Control Commission a notification of said transaction in such form as the Commission may by regulations prescribe.

(ii) A broker's license shall be required of a person within this State, other than a retail licensee, who, for a fee or commission, promotes, solicits, or accepts orders for alcoholic liquor, for use or consumption and not for resale, to be shipped from this State and delivered to residents outside of this State by an express company, common carrier, or contract carrier. This Section does not apply to any person who promotes, solicits,
or accepts orders for wine as specifically authorized in Section 6-29 of this Act.

A broker's license under this subsection (1) shall not entitle the holder to buy or sell any alcoholic liquors for his own account or to take or deliver title to such alcoholic liquors.

This subsection (1) shall not apply to distributors, employees of distributors, or employees of a manufacturer who has registered the trademark, brand or name of the alcoholic liquor pursuant to Section 6-9 of this Act, and who regularly sells such alcoholic liquor in the State of Illinois only to its registrants thereunder.

Any agent, representative, or person subject to registration pursuant to subsection (a-1) of this Section shall not be eligible to receive a broker's license.

(m) A non-resident dealer's license shall permit such licensee to ship into and warehouse alcoholic liquor into this State from any point outside of this State, and to sell such alcoholic liquor to Illinois licensed foreign importers and importing distributors and to no one else in this State; provided that said non-resident dealer shall register with the Illinois Liquor Control Commission each and every brand of alcoholic liquor which it proposes to sell to Illinois licensees during the license period; and further provided that it shall comply with all of the provisions of Section 6-9 hereof with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale.

(n) A brew pub license shall allow the licensee to manufacture beer only on the premises specified in the license, to make sales of the beer manufactured on the premises to importing distributors, distributors, and to non-licensees for use and consumption, to store the beer upon the premises, and to sell and offer for sale at retail from the licensed premises, provided that a brew pub licensee shall not sell for off-premises consumption more than 50,000 gallons per year.

(o) A caterer retailer license shall allow the holder to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on or off-site whether licensed or unlicensed.
(p) An auction liquor license shall allow the licensee to sell and offer for sale at auction wine and spirits for use or consumption, or for resale by an Illinois liquor licensee in accordance with provisions of this Act. An auction liquor license will be issued to a person and it will permit the auction liquor licensee to hold the auction anywhere in the State. An auction liquor license must be obtained for each auction at least 14 days in advance of the auction date.

(q) A special use permit license shall allow an Illinois licensed retailer to transfer a portion of its alcoholic liquor inventory from its retail licensed premises to the premises specified in the license hereby created, and to sell or offer for sale at retail, only in the premises specified in the license hereby created, the transferred alcoholic liquor for use or consumption, but not for resale in any form. A special use permit license may be granted for the following time periods: one day or less; 2 or more days to a maximum of 15 days per location in any 12 month period. An applicant for the special use permit license must also submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance to the maximum limits and have local authority approval.

(Source: P.A. 92-105, eff. 1-1-02; 92-378, eff. 8-16-01; 92-651, eff. 7-11-02; 92-672, eff. 7-16-02; 93-923, eff. 8-12-04; 93-1057, eff. 12-2-04; revised 12-6-04.)

(235 ILCS 5/6-2) (from Ch. 43, par. 120)
Sec. 6-2. Issuance of licenses to certain persons prohibited.
(a) Except as otherwise provided in subsection (b) of this Section and in paragraph (1) of subsection (a) of Section 3-12, no license of any kind issued by the State Commission or any local commission shall be issued to:

(1) A person who is not a resident of any city, village or county in which the premises covered by the license are located; except in case of railroad or boat licenses.

(2) A person who is not of good character and reputation in the community in which he resides.

(3) A person who is not a citizen of the United States.

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(4) A person who has been convicted of a felony under any Federal or State law, unless the Commission determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Commission's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.

(5) A person who has been convicted of being the keeper or is keeping a house of ill fame.

(6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

(7) A person whose license issued under this Act has been revoked for cause.

(8) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.

(9) A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision, unless residency is required by local ordinance.

(10) A corporation or limited liability company, if any member, officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision.

(10a) A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois. The Commission shall permit and accept from an applicant for a license under this Act proof prepared from the Secretary of State's website.
that the corporation or limited liability company is in good standing and is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois.

(11) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee.

(12) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Act or has forfeited his bond to appear in court to answer charges for any such violation.

(13) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

(14) Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of the city council or commission, any president of the village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall have a direct interest in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and except that a license may be granted, in a city or village with a population of 50,000 or less, to any alderman, member of a city council, or member of a village board of trustees in relation to premises that are located within the territory subject to the jurisdiction of that official if (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, (ii) the issuance of the license is approved by the State Commission, (iii) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located, and (iv) the

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official granted a license does not vote on alcoholic liquor issues pending before the board or council to which the license holder is elected. Notwithstanding any provision of this paragraph (14) to the contrary, an alderman or member of a city council or commission, a member of a village board of trustees other than the president of the village board of trustees, or a member of a county board other than the president of a county board may have a direct interest in the manufacture, sale, or distribution of alcoholic liquor as long as he or she is not a law enforcing public official, a mayor, a village board president, or president of a county board. To prevent any conflict of interest, the elected official with the direct interest in the manufacture, sale, or distribution of alcoholic liquor cannot participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor.

(15) A person who is not a beneficial owner of the business to be operated by the licensee.

(16) A person who has been convicted of a gambling offense as proscribed by any of subsections (a) (3) through (a) (11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.

(17) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act.

(18) A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in subsection (a) of Section 6-21.

(b) A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of...
any federal or State law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The Commission shall determine if all provisions of this subsection (b) have been met before any action on the corporation's license is initiated.
(Source: P.A. 93-266, eff. 1-1-04; 93-1057, eff. 12-2-04; 94-5, eff. 6-3-05; 94-289, eff. 1-1-06; 94-381, eff. 7-29-05; revised 8-19-05.)

(235 ILCS 5/6-11) (from Ch. 43, par. 127)

Sec. 6-11. Sale near churches, schools, and hospitals.

(a) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on if the place of business so exempted is not located in a municipality of more than 500,000 persons, unless required by local ordinance; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where the church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(b) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor to a restaurant, the primary business of which is the sale of goods baked on the premises if (i) the restaurant is newly constructed and located on a lot of not less than 10,000 square feet, (ii) the restaurant costs at least $1,000,000 to construct, (iii) the licensee is the titleholder to the premises and resides on the premises,

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and (iv) the construction of the restaurant is completed within 18 months of the effective date of this amendatory Act of 1998.

(c) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor incidental to a restaurant if (1) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food and the applicant is a completely new owner of the restaurant, (2) the immediately prior owner or operator of the premises where the restaurant is located operated the premises as a restaurant and held a valid retail license authorizing the sale of alcoholic liquor at the restaurant for at least part of the 24 months before the change of ownership, and (3) the restaurant is located 75 or more feet from a school.

(d) In the interest of further developing Illinois' economy in the area of commerce, tourism, convention, and banquet business, nothing in this Section shall prohibit issuance of a retail license authorizing the sale of alcoholic beverages to a restaurant, banquet facility, grocery store, or hotel having not fewer than 150 guest room accommodations located in a municipality of more than 500,000 persons, notwithstanding the proximity of such hotel, restaurant, banquet facility, or grocery store to any church or school, if the licensed premises described on the license are located within an enclosed mall or building of a height of at least 6 stories, or 60 feet in the case of a building that has been registered as a national landmark, or in a grocery store having a minimum of 56,010 square feet of floor space in a single story building in an open mall of at least 3.96 acres that is adjacent to a public school that opened as a boys technical high school in 1934, or in a grocery store having a minimum of 31,000 square feet of floor space in a single story building located a distance of more than 90 feet but less than 100 feet from a high school that opened in 1928 as a junior high school and became a senior high school in 1933, and in each of these cases if the sale of alcoholic liquors is not the principal business carried on by the licensee.

For purposes of this Section, a "banquet facility" is any part of a building that caters to private parties and where the sale of alcoholic liquors is not the principal business.
(e) Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

(f) Nothing in this Section shall prohibit a church or church affiliated school located in a home rule municipality or in a municipality with 75,000 or more inhabitants from locating within 100 feet of a property for which there is a preexisting license to sell alcoholic liquor at retail. In these instances, the local zoning authority may, by ordinance adopted simultaneously with the granting of an initial special use zoning permit for the church or church affiliated school, provide that the 100-foot restriction in this Section shall not apply to that church or church affiliated school and future retail liquor licenses.

(g) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor at premises within 100 feet, but not less than 90 feet, of a public school if (1) the premises have been continuously licensed to sell alcoholic liquor for a period of at least 50 years, (2) the premises are located in a municipality having a population of over 500,000 inhabitants, (3) the licensee is an individual who is a member of a family that has held the previous 3 licenses for that location for more than 25 years, (4) the principal of the school and the alderman of the ward in which the school is located have delivered a written statement to the local liquor control commissioner stating that they do not object to the issuance of a license under this subsection (g), and (5) the local liquor control commissioner has received the written consent of a majority of the registered voters who live within 200 feet of the premises.

(h) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within premises and at an outdoor patio area attached to premises that are located in a municipality with a population in excess of 300,000 inhabitants and that are within 100 feet of a church if:

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(1) the sale of alcoholic liquor at the premises is incidental to the sale of food,
(2) the sale of liquor is not the principal business carried on by the licensee at the premises,
(3) the premises are less than 1,000 square feet,
(4) the premises are owned by the University of Illinois,
(5) the premises are immediately adjacent to property owned by a church and are not less than 20 nor more than 40 feet from the church space used for worship services, and
(6) the principal religious leader at the place of worship has indicated his or her support for the issuance of the license in writing.

(i) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license to sell alcoholic liquor at a premises that is located within a municipality with a population in excess of 300,000 inhabitants and is within 100 feet of a church, synagogue, or other place of worship if:
(1) the primary entrance of the premises and the primary entrance of the church, synagogue, or other place of worship are at least 100 feet apart, on parallel streets, and separated by an alley; and
(2) the principal religious leader at the place of worship has not indicated his or her opposition to the issuance or renewal of the license in writing.

(j) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor at a theater that is within 100 feet of a church if (1) the church owns the theater, (2) the church leases the theater to one or more entities, and (3) the theater is used by at least 5 different not-for-profit theater groups.

(Source: P.A. 92-720, eff. 7-25-02; 92-813, eff. 8-21-02; 93-687, eff. 7-8-04; 93-688, eff. 7-8-04; 93-780, eff. 1-1-05; revised 10-14-04.)

(235 ILCS 5/6-16.2)

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Sec. 6-16.2. Prohibited entry to a licensed premises. A municipality or county may prohibit a licensee or any officer, associate, member, representative, agent, or employee of a licensee from permitting a person under the age of 21 years to enter and remain in that portion of a licensed premises that sells, gives, or delivers alcoholic liquor for consumption on the premises. No prohibition under this Section, however, shall apply to any licensed premises, such as without limitation a restaurant or food shop, where selling, giving, or delivering alcoholic liquor is not the principal business of the licensee at those premises.

In those instances where a person under the age of 21 years is prohibited from entering and remaining on the premises, proof that the defendant-licensee, or his employee or agent, demanded, was shown, and reasonably relied upon adequate written evidence for purposes of entering and remaining on the licensed premises is an affirmative defense in any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon. It shall not, however, be an affirmative defense if the defendant-licensee, or his agent or employee, accepted the written evidence knowing it to be false or fraudulent.

Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the armed forces.

If a false or fraudulent Illinois driver's license or Illinois identification card is presented by a person less than 21 years of age to a licensee or the licensee's agent or employee for the purpose of obtaining entry and remaining on a licensed premises, the law enforcement officer or agency investigating the incident shall, upon the conviction of the person who presented the fraudulent license or identification, make a report of the matter to the Secretary of State on a form provided by the Secretary of State.

(Source: P.A. 90-617, eff. 7-10-98; revised 1-14-04.)

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Sec. 6-33. Sealing and removal of open wine bottles from a restaurant. Notwithstanding any other provision of this Act, a restaurant licensed to sell alcoholic liquor in this State may permit a patron to remove one unseal ed and partially consumed bottle of wine for off-premise consumption provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises pursuant to this Section shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent one-time use tamper-proof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine that is resealed in accordance with the provisions of this Section and not tampered with shall not be deemed an unsealed container for the purposes of Section 11-502 of the Illinois Vehicle Code.

(Source: P.A. 94-1047, eff. 1-1-07.)

(235 ILCS 5/6-34)

Sec. 6-34. Alcohol without liquid machines.

(a) No person shall bring into this State for use or sale any alcohol without liquid machine.

(b) For the purposes of this Section, "alcohol without liquid machine" means a device designed or marketed for the purposes of mixing alcohol with oxygen or another gas to produce a mist for inhalation for recreational purposes.

(Source: P.A. 94-745, eff. 5-8-06; revised 8-29-06.)

Sec. 7-5. The local liquor control commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of this Act or of any valid ordinance or resolution enacted by the particular city council, president, or board of trustees or county board (as the case may be) or any applicable rule or regulations established by the local liquor control commissioner or the State commission which is not inconsistent with law. Upon notification by

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the Illinois Department of Revenue, the State Commission, in accordance with Section 3-12, may refuse the issuance or renewal of a license, fine a licensee, or suspend or revoke any license issued by the State Commission if the licensee or license applicant has violated the provisions of Section 3 of the Retailers' Occupation Tax Act. In addition to the suspension, the local liquor control commissioner in any county or municipality may levy a fine on the licensee for such violations. The fine imposed shall not exceed $1000 for a first violation within a 12-month period, $1,500 for a second violation within a 12-month period, and $2,500 for a third or subsequent violation within a 12-month period. Each day on which a violation continues shall constitute a separate violation. Not more than $15,000 in fines under this Section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the county or municipal treasury, as the case may be.

However, no such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the local liquor control commissioner with a 3 day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the local liquor control commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the local liquor control commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than 7 days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

The local liquor control commissioner shall within 5 days after such hearing, if he determines after such hearing that the license should be revoked or suspended or that the licensee should be fined, state the reason or reasons for such determination in a written order, and either the amount
of the fine, the period of suspension, or that the license has been revoked, and shall serve a copy of such order within the 5 days upon the licensee.

If the premises for which the license was issued are located outside of a city, village or incorporated town having a population of 500,000 or more inhabitants, the licensee after the receipt of such order of suspension or revocation shall have the privilege within a period of 20 days after the receipt of such order of suspension or revocation of appealing the order to the State commission for a decision sustaining, reversing or modifying the order of the local liquor control commissioner. If the State commission affirms the local commissioner's order to suspend or revoke the license at the first hearing, the appellant shall cease to engage in the business for which the license was issued, until the local commissioner's order is terminated by its own provisions or reversed upon rehearing or by the courts.

If the premises for which the license was issued are located within a city, village or incorporated town having a population of 500,000 or more inhabitants, the licensee shall have the privilege, within a period of 20 days after the receipt of such order of fine, suspension or revocation, of appealing the order to the local license appeal commission and upon the filing of such an appeal by the licensee the license appeal commission shall determine the appeal upon certified record of proceedings of the local liquor commissioner in accordance with the provisions of Section 7-9. Within 30 days after such appeal was heard the license appeal commission shall render a decision sustaining or reversing the order of the local liquor control commissioner.

(Source: P.A. 93-22, eff. 6-20-03; 93-926, eff. 8-12-04; 93-1057, eff. 12-2-04; revised 12-6-04.)

(235 ILCS 5/7-6) (from Ch. 43, par. 150)

Sec. 7-6. All proceedings for the revocation or suspension of licenses of manufacturers, distributors, importing distributors, non-resident dealers, foreign importers, non-beverage users, railroads, airplanes and boats shall be before the State Commission. All such proceedings and all proceedings for the revocation or suspension of a retailer's license before the State commission shall be in accordance with rules and regulations

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established by it not inconsistent with law. However, no such license shall be so revoked or suspended except after a hearing by the State commission with reasonable notice to the licensee served by registered or certified mail with return receipt requested at least 10 days prior to the hearings at the last known place of business of the licensee and after an opportunity to appear and defend. Such notice shall specify the time and place of the hearing, the nature of the charges, the specific provisions of the Act and rules violated, and the specific facts supporting the charges or violation. The findings of the Commission shall be predicated upon competent evidence. The revocation of a local license shall automatically result in the revocation of a State license. Upon notification by the Illinois Department of Revenue, the State Commission, in accordance with Section 3-12, may refuse the issuance or renewal of a license, fine a licensee, or suspend or revoke any license issued by the State Commission if the licensee or license applicant has violated the provisions of Section 3 of the Retailers' Occupation Tax Act. All procedures for the suspension or revocation of a license, as enumerated above, are applicable to the levying of fines for violations of this Act or any rule or regulation issued pursuant thereto.

(Source: P.A. 93-22, eff. 6-20-03; 93-926, eff. 8-12-04; 93-1057, eff. 12-2-04; revised 12-6-04.)

(235 ILCS 5/12-4)

Sec. 12-4. Grape and Wine Resources Fund. Beginning July 1, 1999 and ending June 30, 2003 2006, on the first day of each State fiscal year, or as soon thereafter as may be practical, the State Comptroller shall transfer the sum of $500,000 from the General Revenue Fund to the Grape and Wine Resources Fund, which is hereby continued as a special fund in the State Treasury. By January 1, 2006, the Department of Commerce and Economic Opportunity Community Affairs shall review the activities of the Council and report to the General Assembly and the Governor its recommendation of whether or not the funding under this Section should be continued.

The Grape and Wine Resources Fund shall be administered by the Department of Commerce and Economic Opportunity Community Affairs, which shall serve as the lead administrative agency for allocation and

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auditing of funds as well as monitoring program implementation. The Department shall make an annual grant of moneys from the Fund to the Council, which shall be used to pay for the Council's operations and expenses. These moneys shall be used by the Council to achieve the Council's objectives and shall not be used for any political or legislative purpose. Money remaining in the Fund at the end of the fiscal year shall remain in the Fund for use during the following year and shall not be transferred to any other State fund.

(Source: P.A. 93-32, eff. 6-20-03; 93-512, eff. 1-1-04; revised 12-17-03.)

Section 795. The Illinois Public Aid Code is amended by changing Sections 2-12, 2-12.5, 2-14, 4-1.7, 4-4.1, 5-1.1, 5-2.05, 5-4, 5-5, 5-5.01, 5-5.1, 5-5.3, 5-5.4, 5-5.4c, 5-5.5, 5-5.5a, 5-5.7, 5-5.8a, 5-5.8b, 5-5d, 5-9, 5-11, 5-11.1, 5-16.1, 5-16.4, 5-16.8, 5-21, 5-24, 5A-4, 5A-5, 5A-10, 5A-13, 6-11, 9-1, 9-13, 9A-7, 9A-9.5, 10-1, 10-10, 10-10.4, 10-15, 10-16.7, 10-17.9, 10-24.35, 10-24.40, 10-24.50, 11-3, 11-3.1, 11-3.3, 11-9, 11-16, 12-1, 12-4.7c, 12-4.35, 12-4.201, 12-9, 12-10.2a, 12-10.4, 12-10.5, 12-13.1, and 12-16 and by setting forth, renumbering, and changing multiple versions of Sections 5-5.23 and 9A-15 as follows:

(305 ILCS 5/2-12) (from Ch. 23, par. 2-12)

Sec. 2-12. "Illinois Department"; "Department". In this Code, "Illinois Department" or "Department", when a particular entity is not specified, means the following:

(1) In the case of a function performed before July 1, 1997 (the effective date of the Department of Human Services Act), the term means the Department of Public Aid.

(2) In the case of a function to be performed on or after July 1, 1997 under Article III, IV, VI, IX, or IXA, the term means the Department of Human Services as successor to the Illinois Department of Public Aid.

(3) In the case of a function to be performed on or after July 1, 1997 under Article V, V-A, V-B, V-C, V-D, V-E, X, XIV, or XV, the term means the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid).

(4) In the case of a function to be performed on or after July 1, 1997 under Article I, II, VIII-A, XI, XII, or XIII, the term means the
Department of Human Services (acting as successor to the Illinois Department of Public Aid) or the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) or both, according to whether that function, in the specific context, has been allocated to the Department of Human Services or the Department of Healthcare and Family Services (formerly Department of Public Aid) or both of those departments.

(Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

(305 ILCS 5/2-12.5)

Sec. 2-12.5. "Director of the Illinois Department"; "Director of the Department"; "Director". In this Code, "Director of the Illinois Department", "Director of the Department", or "Director", when a particular official is not specified, means the following:

(1) In the case of a function performed before July 1, 1997 (the effective date of the Department of Human Services Act), the term means the Director of Public Aid.

(2) In the case of a function to be performed on or after July 1, 1997 under Article III, IV, VI, IX, or IXA, the term means the Secretary of Human Services.

(3) In the case of a function to be performed on or after July 1, 1997 under Article V, V-A, V-B, V-C, V-D, V-E, X, XIV, or XV, the term means the Director of Healthcare and Family Services (formerly Director of Public Aid).

(4) In the case of a function to be performed on or after July 1, 1997 under Article I, II, VIIIA, XI, XII, or XIII, the term means the Secretary of Human Services or the Director of Healthcare and Family Services (formerly Director of Public Aid) or both, according to whether that function, in the specific context, has been allocated to the Department of Human Services or the Department of Healthcare and Family Services (formerly Department of Public Aid) or both of those departments.

(Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

(305 ILCS 5/2-14) (from Ch. 23, par. 2-14)

Sec. 2-14. "Local governmental unit". Every county, city, village, incorporated town or township charged with the duty of providing public

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aid under Article VI; and County Veterans Assistance Commissions providing general assistance to indigent war veterans and their families under Section 12-21.13 of Article XII.

However, should any Section of this Code impose the obligation of providing medical assistance to persons who are non-residents of the State of Illinois upon a local governmental unit, the term "local governmental unit" shall not include townships. In such case the obligation for providing medical assistance to non-residents which would otherwise be the duty of a township shall become the obligation of the Illinois Department of Healthcare and Family Services Public Aid.

(Source: P.A. 81-519; 81-1085; 81-1509; revised 12-15-05.)

(305 ILCS 5/4-1.7) (from Ch. 23, par. 4-1.7)

Sec. 4-1.7. Enforcement of Parental Child Support Obligation. If the parent or parents of the child are failing to meet or are delinquent in their legal obligation to support the child, the parent or other person having custody of the child or the Illinois Department of Healthcare and Family Services Public Aid may request the law enforcement officer authorized or directed by law to so act to file action for the enforcement of such remedies as the law provides for the fulfillment of the child support obligation.

If a parent has a judicial remedy against the other parent to compel child support, or if, as the result of an action initiated by or in behalf of one parent against the other, a child support order has been entered in respect to which there is noncompliance or delinquency, or where the order so entered may be changed upon petition to the court to provide additional support, the parent or other person having custody of the child or the Illinois Department of Healthcare and Family Services Public Aid may request the appropriate law enforcement officer to seek enforcement of the remedy, or of the support order, or a change therein to provide additional support. If the law enforcement officer is not authorized by law to so act in these instances, the parent, or if so authorized by law the other person having custody of the child, or the Illinois Department of Healthcare and Family Services Public Aid may initiate an action to enforce these remedies.

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A parent or other person having custody of the child must comply with the requirements of Title IV of the federal Social Security Act, and the regulations duly promulgated thereunder, and any rules promulgated by the Illinois Department regarding enforcement of the child support obligation. The Illinois Department of Healthcare and Family Services Public Aid and the Department of Human Services may provide by rule for the grant or continuation of aid to the person for a temporary period if he or she accepts counseling or other services designed to increase his or her motivation to seek enforcement of the child support obligation.

In addition to any other definition of failure or refusal to comply with the requirements of Title IV of the federal Social Security Act, or Illinois Department rule, in the case of failure to attend court hearings, the parent or other person can show cooperation by attending a court hearing or, if a court hearing cannot be scheduled within 14 days following the court hearing that was missed, by signing a statement that the parent or other person is now willing to cooperate in the child support enforcement process and will appear at any later scheduled court date. The parent or other person can show cooperation by signing such a statement only once. If failure to attend the court hearing or other failure to cooperate results in the case being dismissed, such a statement may be signed after 2 months.

No denial or termination of medical assistance pursuant to this Section shall commence during pregnancy of the parent or other person having custody of the child or for 30 days after the termination of such pregnancy. The termination of medical assistance may commence thereafter if the Illinois Department of Healthcare and Family Services Public Aid determines that the failure or refusal to comply with this Section persists. Postponement of denial or termination of medical assistance during pregnancy under this paragraph shall be effective only to the extent it does not conflict with federal law or regulation.

Any evidence a parent or other person having custody of the child gives in order to comply with the requirements of this Section shall not render him or her liable to prosecution under Sections 11-7 or 11-8 of the "Criminal Code of 1961", approved July 28, 1961, as amended.
When so requested, the Illinois Department of Healthcare and Family Services Public Aid and the Department of Human Services shall provide such services and assistance as the law enforcement officer may require in connection with the filing of any action hereunder.

The Illinois Department of Healthcare and Family Services Public Aid and the Department of Human Services, as an expense of administration, may also provide applicants for and recipients of aid with such services and assistance, including assumption of the reasonable costs of prosecuting any action or proceeding, as may be necessary to enable them to enforce the child support liability required hereunder.

Nothing in this Section shall be construed as a requirement that an applicant or recipient file an action for dissolution of marriage against his or her spouse.

(Source: P.A. 92-651, eff. 7-11-02; revised 12-15-05.)

(305 ILCS 5/4-4.1)

Sec. 4-4.1. Immunizations.

(a) The Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) shall develop and implement and that Department and the Department of Human Services shall jointly continue by rule a program to ensure that children under 5 years of age living in assistance units that receive benefits under this Code are immunized. The Illinois Department of Public Aid shall report to the Governor and the General Assembly on the progress of the program on April 1, 1994 and 1995.

(b) Nothing in this Section shall be construed to require immunization of any child in contravention of the stated objections of a parent, guardian, or relative with custody of a child that the administration of immunizing agents conflicts with his or her religious tenets and practices.

(Source: P.A. 88-342; 89-507, eff. 7-1-97; revised 12-15-05.)

(305 ILCS 5/5-1.1) (from Ch. 23, par. 5-1.1)

Sec. 5-1.1. Definitions. The terms defined in this Section shall have the meanings ascribed to them, except when the context otherwise requires.

New matter indicated by italics - deletions by strikeout
(a) "Skilled nursing facility" means a nursing home eligible to participate as a skilled nursing facility under Title XIX of the federal Social Security Act.

(b) "Intermediate care facility" means a nursing home eligible to participate as an intermediate care facility under Title XIX of the federal Social Security Act.

(c) "Standard services" means those services required for the care of all patients in the facility and shall as a minimum include the following: (1) administration; (2) dietary (standard); (3) housekeeping; (4) laundry and linen; (5) maintenance of property and equipment, including utilities; (6) medical records; (7) training of employees; (8) utilization review; (9) activities services; (10) social services; (11) disability services; and all other similar services required by either the laws of the State of Illinois or one of its political subdivisions or municipalities or by Title XIX of the Social Security Act.

(d) "Patient services" means those which vary with the number of personnel; professional and para-professional skills of the personnel; specialized equipment, and reflect the intensity of the medical and psycho-social needs of the patients. Patient services shall as a minimum include: (1) physical services; (2) nursing services, including restorative nursing; (3) medical direction and patient care planning; (4) health related supportive and habilitative services and all similar services required by either the laws of the State of Illinois or one of its political subdivisions or municipalities or by Title XIX of the Social Security Act.

(e) "Ancillary services" means those services which require a specific physician's order and defined as under the medical assistance program as not being routine in nature for skilled nursing and intermediate care facilities. Such services generally must be authorized prior to delivery and payment as provided for under the rules of the Department of Healthcare and Family Services Public Aid.

(f) "Capital" means the investment in a facility's assets for both debt and non-debt funds. Non-debt capital is the difference between an adjusted replacement value of the assets and the actual amount of debt capital.

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(g) "Profit" means the amount which shall accrue to a facility as a result of its revenues exceeding its expenses as determined in accordance with generally accepted accounting principles.

(h) "Non-institutional services" means those services provided under paragraph (f) of Section 3 of the Disabled Persons Rehabilitation Act and those services provided under Section 4.02 of the Illinois Act on the Aging.

(i) "Exceptional medical care" means the level of medical care required by persons who are medically stable for discharge from a hospital but who require acute intensity hospital level care for physician, nurse and ancillary specialist services, including persons with acquired immunodeficiency syndrome (AIDS) or a related condition. Such care shall consist of those services which the Department shall determine by rule.

(j) "Institutionalized person" means an individual who is an inpatient in an intermediate care or skilled nursing facility, or who is an inpatient in a medical institution receiving a level of care equivalent to that of an intermediate care or skilled nursing facility, or who is receiving services under Section 1915(c) of the Social Security Act.

(k) "Institutionalized spouse" means an institutionalized person who is expected to receive services at the same level of care for at least 30 days and is married to a spouse who is not an institutionalized person.

(l) "Community spouse" is the spouse of an institutionalized spouse.

(Source: P.A. 89-626, eff. 8-9-96; revised 12-15-05.)

(305 ILCS 5/5-2.05)
Sec. 5-2.05. Disabled children.

(a) The Department of Healthcare and Family Services Public Aid may offer, to children with developmental disabilities and severely mentally ill or emotionally disturbed children who otherwise would not qualify for medical assistance under this Article due to family income, home-based and community-based services instead of institutional placement, as allowed under paragraph 7 of Section 5-2.

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(b) The Department of Public Aid, in conjunction with the Department of Human Services and the Division of Specialized Care for Children, University of Illinois-Chicago, shall also report to the Governor and the General Assembly no later than January 1, 2004 regarding the status of existing services offered under paragraph 7 of Section 5-2. This report shall include, but not be limited to, the following information:

1. The number of persons eligible for these services.
2. The number of persons who applied for these services.
3. The number of persons who currently receive these services.
4. The nature, scope, and cost of services provided under paragraph 7 of Section 5-2.
5. The comparative cost of providing those services in a hospital, skilled nursing facility, or intermediate care facility.
6. The funding sources for the provision of services, including federal financial participation.
7. The qualifications, skills, and availability of caregivers for children receiving services.

The report shall also include information regarding the extent to which the existing programs could provide coverage for mentally disabled children who are currently being provided services in an institution who could otherwise be served in a less-restrictive, community-based setting for the same or a lower cost.

(Source: P.A. 93-599, eff. 8-26-03; revised 12-15-05.)

Sec. 5-4. Amount and nature of medical assistance. The amount and nature of medical assistance shall be determined by the County Departments in accordance with the standards, rules, and regulations of the Illinois Department of Healthcare and Family Services Public Aid, with due regard to the requirements and conditions in each case, including contributions available from legally responsible relatives. However, the amount and nature of such medical assistance shall not be affected by the payment of any grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or any

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distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act. The amount and nature of medical assistance shall not be affected by the receipt of donations or benefits from fundraisers in cases of serious illness, as long as neither the person nor members of the person's family have actual control over the donations or benefits or the disbursement of the donations or benefits.

In determining the income and assets available to the institutionalized spouse and to the community spouse, the Illinois Department of Healthcare and Family Services Public Aid shall follow the procedures established by federal law. The community spouse resource allowance shall be established and maintained at the maximum level permitted pursuant to Section 1924(f)(2) of the Social Security Act, as now or hereafter amended, or an amount set after a fair hearing, whichever is greater. The monthly maintenance allowance for the community spouse shall be established and maintained at the maximum level permitted pursuant to Section 1924(d)(3)(C) of the Social Security Act, as now or hereafter amended. Subject to the approval of the Secretary of the United States Department of Health and Human Services, the provisions of this Section shall be extended to persons who but for the provision of home or community-based services under Section 4.02 of the Illinois Act on the Aging, would require the level of care provided in an institution, as is provided for in federal law.

The Department of Human Services shall notify in writing each institutionalized spouse who is a recipient of medical assistance under this Article, and each such person's community spouse, of the changes in treatment of income and resources, including provisions for protecting income for a community spouse and permitting the transfer of resources to a community spouse, required by enactment of the federal Medicare Catastrophic Coverage Act of 1988 (Public Law 100-360). The notification shall be in language likely to be easily understood by those persons. The Department of Human Services also shall reassess the amount of medical assistance for which each such recipient is eligible as a

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result of the enactment of that federal Act, whether or not a recipient requests such a reassessment.
(Source: P.A. 90-655, eff. 7-30-98; 91-676, eff. 12-23-99; revised 12-15-05.)

(305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9) clinic services; (10) dental services, including prevention and treatment of periodontal disease and dental caries disease for pregnant women; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services; (14) transportation and such other expenses as may be necessary; (15) medical treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the sexual assault; (16) the diagnosis and treatment of sickle cell anemia; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State, but not including abortions, or induced miscarriages or premature births, unless, in the opinion of a physician, such procedures are necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live viable child and such procedure is necessary for the health of the mother or her unborn child.

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The Illinois Department, by rule, shall prohibit any physician from providing medical assistance to anyone eligible therefor under this Code where such physician has been found guilty of performing an abortion procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed. The term "any other type of remedial care" shall include nursing care and nursing home service for persons who rely on treatment by spiritual means alone through prayer for healing.

Notwithstanding any other provision of this Section, a comprehensive tobacco use cessation program that includes purchasing prescription drugs or prescription medical devices approved by the Food and Drug administration shall be covered under the medical assistance program under this Article for persons who are otherwise eligible for assistance under this Article.

Notwithstanding any other provision of this Code, the Illinois Department may not require, as a condition of payment for any laboratory test authorized under this Article, that a physician's handwritten signature appear on the laboratory test order form. The Illinois Department may, however, impose other appropriate requirements regarding laboratory test order documentation.

The Illinois Department of Healthcare and Family Services Public Aid shall provide the following services to persons eligible for assistance under this Article who are participating in education, training or employment programs operated by the Department of Human Services as successor to the Department of Public Aid:

(1) dental services, which shall include but not be limited to prosthodontics; and
(2) eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

The Illinois Department, by rule, may distinguish and classify the medical services to be provided only in accordance with the classes of persons designated in Section 5-2.
The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for women 35 years of age or older who are eligible for medical assistance under this Article, as follows: a baseline mammogram for women 35 to 39 years of age and an annual mammogram for women 40 years of age or older. All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-examination and its value as a preventative tool. As used in this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, image receptor, and cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with 2 views for each breast.

Any medical or health care provider shall immediately recommend, to any pregnant woman who is being provided prenatal services and is suspected of drug abuse or is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act, referral to a local substance abuse treatment provider licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Healthcare and Family Services Public Aid shall assure coverage for the cost of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

All medical providers providing medical assistance to pregnant women under this Code shall receive information from the Department on the availability of services under the Drug Free Families with a Future or any comparable program providing case management services for addicted women, including information on appropriate referrals for other social services that may be needed by addicted women in addition to treatment for addiction.

The Illinois Department, in cooperation with the Departments of Human Services (as successor to the Department of Alcoholism and Substance Abuse) and Public Health, through a public awareness campaign, may provide information concerning treatment for alcoholism.
and drug abuse and addiction, prenatal health care, and other pertinent programs directed at reducing the number of drug-affected infants born to recipients of medical assistance.

Neither the Illinois Department of Healthcare and Family Services Public Aid nor the Department of Human Services shall sanction the recipient solely on the basis of her substance abuse.

The Illinois Department shall establish such regulations governing the dispensing of health services under this Article as it shall deem appropriate. The Department should seek the advice of formal professional advisory committees appointed by the Director of the Illinois Department for the purpose of providing regular advice on policy and administrative matters, information dissemination and educational activities for medical and health care providers, and consistency in procedures to the Illinois Department.

The Illinois Department may develop and contract with Partnerships of medical providers to arrange medical services for persons eligible under Section 5-2 of this Code. Implementation of this Section may be by demonstration projects in certain geographic areas. The Partnership shall be represented by a sponsor organization. The Department, by rule, shall develop qualifications for sponsors of Partnerships. Nothing in this Section shall be construed to require that the sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical providers for physician services, inpatient and outpatient hospital care, home health services, treatment for alcoholism and substance abuse, and other services determined necessary by the Illinois Department by rule for delivery by Partnerships. Physician services must include prenatal and obstetrical care. The Illinois Department shall reimburse medical services delivered by Partnership providers to clients in target areas according to provisions of this Article and the Illinois Health Finance Reform Act, except that:

(1) Physicians participating in a Partnership and providing certain services, which shall be determined by the Illinois Department...
Department, to persons in areas covered by the Partnership may receive an additional surcharge for such services.

(2) The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.

(3) Persons receiving medical services through Partnerships may receive medical and case management services above the level usually offered through the medical assistance program.

Medical providers shall be required to meet certain qualifications to participate in Partnerships to ensure the delivery of high-quality medical services. These qualifications shall be determined by rule of the Illinois Department and may be higher than qualifications for participation in the medical assistance program. Partnership sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

Nothing in this Section shall limit the free choice of practitioners, hospitals, and other providers of medical services by clients. In order to ensure patient freedom of choice, the Illinois Department shall immediately promulgate all rules and take all other necessary actions so that provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature,
scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after the effective date of this amendatory Act of 1984, the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

The rules and regulations of the Illinois Department shall require that a written statement including the required opinion of a physician shall accompany any claim for reimbursement for abortions, or induced miscarriages or premature births. This statement shall indicate what procedures were used in providing such medical services.

The Illinois Department shall require all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity, surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.
The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

Enrollment of a vendor that provides non-emergency medical transportation, defined by the Department by rule, shall be conditional for 180 days. During that time, the Department of Healthcare and Family Services Public Aid may terminate the vendor's eligibility to participate in the medical assistance program without cause. That termination of eligibility is not subject to the Department's hearing process.

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients without medical authorization; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department.

The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped.

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The Illinois Department shall develop and operate, in cooperation with other State Departments and agencies and in compliance with applicable federal laws and regulations, appropriate and effective systems of health care evaluation and programs for monitoring of utilization of health care services and facilities, as it affects persons eligible for medical assistance under this Code.

The Illinois Department shall report annually to the General Assembly, no later than the second Friday in April of 1979 and each year thereafter, in regard to:

(a) actual statistics and trends in utilization of medical services by public aid recipients;
(b) actual statistics and trends in the provision of the various medical services by medical vendors;
(c) current rate structures and proposed changes in those rate structures for the various medical vendors; and
(d) efforts at utilization review and control by the Illinois Department.

The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The filing of one copy of the report with the Speaker, one copy with the Minority Leader and one copy with the Clerk of the House of Representatives, one copy with the President, one copy with the Minority Leader and one copy with the Secretary of the Senate, one copy with the Legislative Research Unit, and such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act shall be deemed sufficient to comply with this Section.

(Source: P.A. 92-16, eff. 6-28-01; 92-651, eff. 7-11-02; 92-789, eff. 8-6-02; 93-632, eff. 2-1-04; 93-841, eff. 7-30-04; 93-981, eff. 8-23-04; revised 12-15-05.)

(305 ILCS 5/5-5.01) (from Ch. 23, par. 5-5.01)

Sec. 5-5.01. The Department of Healthcare and Family Services Public Aid may establish and implement a pilot project for determining the

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feasibility of authorizing medical assistance payments for the costs of diagnosis and treatment of Alzheimer's disease.
(Source: P.A. 84-773; revised 12-15-05.)

(305 ILCS 5/5-5.1) (from Ch. 23, par. 5-5.1)
Sec. 5-5.1. Grouping of Facilities. The Department of Healthcare and Family Services shall, for purposes of payment, provide for groupings of nursing facilities. Factors to be considered in grouping facilities may include, but are not limited to, size, age, patient mix or geographical area.

The groupings developed under this Section shall be considered in determining reasonable cost reimbursement formulas. However, this Section shall not preclude the Department from recognizing and evaluating the cost of capital on a facility-by-facility basis.
(Source: P.A. 80-1142; revised 12-15-05.)

(305 ILCS 5/5-5.3) (from Ch. 23, par. 5-5.3)
Sec. 5-5.3. Conditions of Payment - Prospective Rates - Accounting Principles. This amendatory Act establishes certain conditions for the Department of Public Aid (now Healthcare and Family Services) in instituting rates for the care of recipients of medical assistance in skilled nursing facilities and intermediate care facilities. Such conditions shall assure a method under which the payment for skilled nursing and intermediate care services, provided to recipients under the Medical Assistance Program shall be on a reasonable cost related basis, which is prospectively determined annually by the Department of Public Aid (now Healthcare and Family Services). The annually established payment rate shall take effect on July 1 in 1984 and subsequent years. There shall be no rate increase during calendar year 1983 and the first six months of calendar year 1984.

The determination of the payment shall be made on the basis of generally accepted accounting principles that shall take into account the actual costs to the facility of providing skilled nursing and intermediate care services to recipients under the medical assistance program.

The resultant total rate for a specified type of service shall be an amount which shall have been determined to be adequate to reimburse

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allowable costs of a facility that is economically and efficiently operated. The Department shall establish an effective date for each facility or group of facilities after which rates shall be paid on a reasonable cost related basis which shall be no sooner than the effective date of this amendatory Act of 1977.

(Source: P.A. 91-357, eff. 7-29-99; revised 12-15-05.)

(305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

Sec. 5-5.4. Standards of Payment - Department of Healthcare and Family Services. The Department of Healthcare and Family Services shall develop standards of payment of skilled nursing and intermediate care services in facilities providing such services under this Article which:

1. Provide for the determination of a facility's payment for skilled nursing and intermediate care services on a prospective basis. The amount of the payment rate for all nursing facilities certified by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities, Long Term Care for Under Age 22 facilities, Skilled Nursing facilities, or Intermediate Care facilities under the medical assistance program shall be prospectively established annually on the basis of historical, financial, and statistical data reflecting actual costs from prior years, which shall be applied to the current rate year and updated for inflation, except that the capital cost element for newly constructed facilities shall be based upon projected budgets. The annually established payment rate shall take effect on July 1 in 1984 and subsequent years. No rate increase and no update for inflation shall be provided on or after July 1, 1994 and before July 1, 2007, unless specifically provided for in this Section. The changes made by Public Act 93-841 extending the duration of the prohibition against a rate increase or update for inflation are effective retroactive to July 1, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1998 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities,
the rates taking effect on July 1, 1998 shall include an increase of 3% plus $1.10 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care Facilities for the Developmentally Disabled or Long Term Care for Under Age 22 facilities, the rates taking effect on January 1, 2006 shall include an increase of 3%.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% plus $3.00 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by $4.00 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, a new payment methodology must be implemented for the nursing component of the rate effective July 1, 2003. The Department of Public Aid (now Healthcare and Family Services) shall develop the new payment methodology using the Minimum Data Set (MDS) as the instrument to collect information concerning nursing home resident condition necessary to compute the rate. The Department shall develop the new payment methodology to meet the unique needs of Illinois nursing

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home residents while remaining subject to the appropriations provided by the General Assembly. A transition period from the payment methodology in effect on June 30, 2003 to the payment methodology in effect on July 1, 2003 shall be provided for a period not exceeding 3 years and 184 days after implementation of the new payment methodology as follows:

(A) For a facility that would receive a lower nursing component rate per patient day under the new system than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be held at the level in effect on the date immediately preceding the date that the Department implements the new payment methodology until a higher nursing component rate of reimbursement is achieved by that facility.

(B) For a facility that would receive a higher nursing component rate per patient day under the payment methodology in effect on July 1, 2003 than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be adjusted.

(C) Notwithstanding paragraphs (A) and (B), the nursing component rate per patient day for the facility shall be adjusted subject to appropriations provided by the General Assembly.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on March 1, 2001 shall include a statewide increase of 7.85%, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on April 1, 2002 shall include a statewide increase of 2.0%, as defined by the Department. This increase terminates on July 1,
2002; beginning July 1, 2002 these rates are reduced to the level of the rates in effect on March 31, 2002, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on July 1, 2001 shall be computed using the most recent cost reports on file with the Department of Public Aid no later than April 1, 2000, updated for inflation to January 1, 2001. For rates effective July 1, 2001 only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the Illinois Department shall determine by rule the rates taking effect on July 1, 2002, which shall be 5.9% less than the rates in effect on June 30, 2002.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, if the payment methodologies required under Section 5A-12 and the waiver granted under 42 CFR 433.68 are approved by the United States Centers for Medicare and Medicaid Services, the rates taking effect on July 1, 2004 shall be 3.0% greater than the rates in effect on June 30, 2004. These rates shall take effect only upon approval and implementation of the payment methodologies required under Section 5A-12.

Notwithstanding any other provisions of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as intermediate care facilities that are federally defined as Institutions for Mental Disease, a socio-development component rate equal to 6.6% of the facility's nursing component rate as of January 1, 2006 shall be established and paid effective July 1, 2006. The Illinois Department may
by rule adjust these socio-development component rates, but in no case may such rates be diminished.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or as long-term care facilities for residents under 22 years of age, the rates taking effect on July 1, 2003 shall include a statewide increase of 4%, as defined by the Department.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, effective January 1, 2005, facility rates shall be increased by the difference between (i) a facility's per diem property, liability, and malpractice insurance costs as reported in the cost report filed with the Department of Public Aid and used to establish rates effective July 1, 2001 and (ii) those same costs as reported in the facility's 2002 cost report. These costs shall be passed through to the facility without caps or limitations, except for adjustments required under normal auditing procedures.

Rates established effective each July 1 shall govern payment for services rendered throughout that fiscal year, except that rates established on July 1, 1996 shall be increased by 6.8% for services provided on or after January 1, 1997. Such rates will be based upon the rates calculated for the year beginning July 1, 1990, and for subsequent years thereafter until June 30, 2001 shall be based on the facility cost reports for the facility fiscal year ending at any point in time during the previous calendar year, updated to the midpoint of the rate year. The cost report shall be on file with the Department no later than April 1 of the current rate year. Should the cost report not be on file by April 1, the Department shall base the rate on the latest cost report filed by each skilled care facility and intermediate care facility, updated to the midpoint of the current rate year. In determining rates for services rendered on and after July 1, 1985, fixed time shall not be computed at less than zero. The Department shall not make any alterations of regulations which would reduce any component of the Medicaid rate to a level below what that component would have been utilizing in the rate effective on July 1, 1984.

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(2) Shall take into account the actual costs incurred by facilities in providing services for recipients of skilled nursing and intermediate care services under the medical assistance program.

(3) Shall take into account the medical and psycho-social characteristics and needs of the patients.

(4) Shall take into account the actual costs incurred by facilities in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the U.S. Department of Health and Human Services pursuant to Title XIX of the Social Security Act.

The Department of Healthcare and Family Services shall develop precise standards for payments to reimburse nursing facilities for any utilization of appropriate rehabilitative personnel for the provision of rehabilitative services which is authorized by federal regulations, including reimbursement for services provided by qualified therapists or qualified assistants, and which is in accordance with accepted professional practices. Reimbursement also may be made for utilization of other supportive personnel under appropriate supervision.

(Source: P.A. 93-20, eff. 6-20-03; 93-649, eff. 1-8-04; 93-659, eff. 2-3-04; 93-841, eff. 7-30-04; 93-1087, eff. 2-28-05; 94-48, eff. 7-1-05; 94-85, eff. 6-28-05; 94-697, eff. 11-21-05; 94-838, eff. 6-6-06; 94-964, eff. 6-28-06; revised 8-3-06.)

(305 ILCS 5/5.4c)

Sec. 5-5.4c. Bed reserves; approval. The Department of Healthcare and Family Services shall approve bed reserves at a daily rate of 75% of an individual's current Medicaid per diem, for nursing facilities 90% or more of whose residents are Medicaid recipients and that have occupancy levels of at least 93% for resident bed reserves not exceeding 10 days.

(Source: P.A. 93-841, eff. 7-30-04; revised 12-15-05.)

(305 ILCS 5/5.5) (from Ch. 23, par. 5-5.5)

Sec. 5-5.5. Elements of Payment Rate.

(a) The Department of Healthcare and Family Services shall develop a prospective method for determining payment rates for
skilled nursing and intermediate care services in nursing facilities composed of the following cost elements:

(1) Standard Services, with the cost of this component being determined by taking into account the actual costs to the facilities of these services subject to cost ceilings to be defined in the Department's rules.

(2) Resident Services, with the cost of this component being determined by taking into account the actual costs, needs and utilization of these services, as derived from an assessment of the resident needs in the nursing facilities. The Department shall adopt rules governing reimbursement for resident services as listed in Section 5-1.1. Surveys or assessments of resident needs under this Section shall include a review by the facility of the results of such assessments and a discussion of issues in dispute with authorized survey staff, unless the facility elects not to participate in such a review process. Surveys or assessments of resident needs under this Section may be conducted semi-annually and payment rates relating to resident services may be changed on a semi-annual basis. The Illinois Department shall initiate a project, either on a pilot basis or Statewide, to reimburse the cost of resident services based on a methodology which utilizes an assessment of resident needs to determine the level of reimbursement. This methodology shall be different from the payment criteria for resident services utilized by the Illinois Department on July 1, 1981. On March 1, 1982, and each year thereafter, until such time when the Illinois Department adopts the methodology used in such project for use statewide, the Illinois Department shall report to the General Assembly on the implementation and progress of such project. The report shall include:

(A) A statement of the Illinois Department's goals and objectives for such project;

(B) A description of such project, including the number and type of nursing facilities involved in the project;

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(C) A description of the methodology used in such project;

(D) A description of the Illinois Department's application of the methodology;

(E) A statement on the methodology's effect on the quality of care given to residents in the sample nursing facilities; and

(F) A statement on the cost of the methodology used in such project and a comparison of this cost with the cost of the current payment criteria.

(3) Ancillary Services, with the payment rate being developed for each individual type of service. Payment shall be made only when authorized under procedures developed by the Department of Healthcare and Family Services Public Aid.

(4) Nurse's Aide Training, with the cost of this component being determined by taking into account the actual cost to the facilities of such training.

(5) Real Estate Taxes, with the cost of this component being determined by taking into account the figures contained in the most currently available cost reports (with no imposition of maximums) updated to the midpoint of the current rate year for long term care services rendered between July 1, 1984 and June 30, 1985, and with the cost of this component being determined by taking into account the actual 1983 taxes for which the nursing homes were assessed (with no imposition of maximums) updated to the midpoint of the current rate year for long term care services rendered between July 1, 1985 and June 30, 1986.

(b) In developing a prospective method for determining payment rates for skilled nursing and intermediate care services in nursing facilities, the Department of Healthcare and Family Services Public Aid shall consider the following cost elements:

(1) Reasonable capital cost determined by utilizing incurred interest rate and the current value of the investment, including land, utilizing composite rates, or by utilizing such other reasonable cost
related methods determined by the Department. However, beginning with the rate reimbursement period effective July 1, 1987, the Department shall be prohibited from establishing, including, and implementing any depreciation factor in calculating the capital cost element.

(2) Profit, with the actual amount being produced and accruing to the providers in the form of a return on their total investment, on the basis of their ability to economically and efficiently deliver a type of service. The method of payment may assure the opportunity for a profit, but shall not guarantee or establish a specific amount as a cost.

(c) The Illinois Department may implement the amendatory changes to this Section made by this amendatory Act of 1991 through the use of emergency rules in accordance with the provisions of Section 5.02 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement the amendatory changes to this Section made by this amendatory Act of 1991 shall be deemed an emergency and necessary for the public interest, safety and welfare.

(d) No later than January 1, 2001, the Department of Public Aid shall file with the Joint Committee on Administrative Rules, pursuant to the Illinois Administrative Procedure Act, a proposed rule, or a proposed amendment to an existing rule, regarding payment for appropriate services, including assessment, care planning, discharge planning, and treatment provided by nursing facilities to residents who have a serious mental illness.

(Source: P.A. 93-632, eff. 2-1-04; revised 12-15-05.)

(305 ILCS 5/5-5.5a) (from Ch. 23, par. 5-5.5a)
Sec. 5-5.5a. Kosher kitchen and food service.

(a) The Department of Healthcare and Family Services Public Aid may develop in its rate structure for skilled nursing facilities and intermediate care facilities an accommodation for fully kosher kitchen and food service operations, rabbinically approved or certified on an annual basis for a facility in which the only kitchen or all kitchens are fully kosher

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(a fully kosher facility). Beginning in the fiscal year after the fiscal year when this amendatory Act of 1990 becomes effective, the rate structure may provide for an additional payment to such facility not to exceed 50 cents per resident per day if 60% or more of the residents in the facility request kosher foods or food products prepared in accordance with Jewish religious dietary requirements for religious purposes in a fully kosher facility. Based upon food cost reports of the Illinois Department of Agriculture regarding kosher and non-kosher food available in the various regions of the State, this rate structure may be periodically adjusted by the Department but may not exceed the maximum authorized under this subsection (a).

(b) The Department shall by rule determine how a facility with a fully kosher kitchen and food service may be determined to be eligible and apply for the rate accommodation specified in subsection (a).

(Source: P.A. 86-1464; revised 12-15-05.)

(305 ILCS 5/5-5.7) (from Ch. 23, par. 5-5.7)

Sec. 5-5.7. Cost Reports - Audits. The Department of Healthcare and Family Services Public Aid shall work with the Department of Public Health to use cost report information currently being collected under provisions of the "Nursing Home Care Act", approved August 23, 1979, as amended. The Department of Healthcare and Family Services Public Aid may, in conjunction with the Department of Public Health, develop in accordance with generally accepted accounting principles a uniform chart of accounts which each facility providing services under the medical assistance program shall adopt, after a reasonable period.

Nursing homes licensed under the Nursing Home Care Act and providers of adult developmental training services certified by the Department of Human Services pursuant to Section 15.2 of the Mental Health and Developmental Disabilities Administrative Act which provide services to clients eligible for medical assistance under this Article are responsible for submitting the required annual cost report to the Department of Healthcare and Family Services Public Aid.

The Department of Healthcare and Family Services Public Aid shall audit the financial and statistical records of each provider
participating in the medical assistance program as a skilled nursing or intermediate care facility over a 3 year period, beginning with the close of the first cost reporting year. Following the end of this 3-year term, audits of the financial and statistical records will be performed each year in at least 20% of the facilities participating in the medical assistance program with at least 10% being selected on a random sample basis, and the remainder selected on the basis of exceptional profiles. All audits shall be conducted in accordance with generally accepted auditing standards.

The Department of Healthcare and Family Services Public Aid shall establish prospective payment rates for categories of service needed within the skilled nursing and intermediate care levels of services, in order to more appropriately recognize the individual needs of patients in nursing facilities.

The Department of Healthcare and Family Services Public Aid shall provide, during the process of establishing the payment rate for skilled nursing and intermediate care services, or when a substantial change in rates is proposed, an opportunity for public review and comment on the proposed rates prior to their becoming effective.

(Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

(305 ILCS 5/5-5.8a) (from Ch. 23, par. 5-5.8a)
Sec. 5-5.8a. Payment for exceptional care.

(a) For the provision of exceptional medical care, the Illinois Department of Healthcare and Family Services Public Aid may make payments only to skilled nursing facilities that substantially meet the licensure and certification requirements prescribed by the Department of Public Health. Only the Department of Public Health shall be responsible for determining whether licensure and certification requirements for skilled nursing care facilities have been substantially met. The rate of payment shall be negotiated with the facilities offering to provide the exceptional medical care. A facility's costs of providing exceptional care shall not be considered in determining the rate of payment to skilled nursing facilities under Sections 5-5.3 through 5-5.5. Payment for exceptional medical care shall not exceed the rate that the Illinois
Department would be required to pay under the Medical Assistance Program for the same care in a hospital.

(b) The Illinois Department shall adopt rules and regulations under the Illinois Administrative Procedure Act to implement this Section. Those rules and regulations shall set forth the procedures to be followed by facilities when submitting an initial exceptional medical care certification request and exceptional medical care payment requests. The rules and regulations shall also include the procedures and criteria used by the Illinois Department in determining whether to approve a skilled nursing facility's initial exceptional medical care certification request and exceptional medical care payment requests. The rules shall provide that the Illinois Department, upon receipt of a facility's request for payment for exceptional medical care and all necessary documentation, shall, after negotiations between the Illinois Department and the facility are completed, determine and notify the facility whether the request has been approved or denied.

(Source: P.A. 88-412; revised 12-15-05.)

(305 ILCS 5/5-5.8b) (from Ch. 23, par. 5-5.8b)

Sec. 5-5.8b. Payment to Campus Facilities. There is hereby established a separate payment category for campus facilities. A "campus facility" is defined as an entity which consists of a long term care facility (or group of facilities if the facilities are on the same contiguous parcel of real estate) which meets all of the following criteria as of May 1, 1987: the entity provides care for both children and adults; residents of the entity reside in three or more separate buildings with congregate and small group living arrangements on a single campus; the entity provides three or more separate licensed levels of care; the entity (or a part of the entity) is enrolled with the Department of Public Aid (now Department of Healthcare and Family Services) as a provider of long term care services and receives payments from that Department of Public Aid; the entity (or a part of the entity) receives funding from the Department of Mental Health and Developmental Disabilities (now the Department of Human Services); and the entity (or a part of the entity) holds a current license as a
child care institution issued by the Department of Children and Family Services.

The Department of *Healthcare and Family Services Public Aid*, the Department of Human Services, and the Department of Children and Family Services shall develop jointly a rate methodology or methodologies for campus facilities. Such methodology or methodologies may establish a single rate to be paid by all the agencies, or a separate rate to be paid by each agency, or separate components to be paid to different parts of the campus facility. All campus facilities shall receive the same rate of payment for similar services. Any methodology developed pursuant to this section shall take into account the actual costs to the facility of providing services to residents, and shall be adequate to reimburse the allowable costs of a campus facility which is economically and efficiently operated. Any methodology shall be established on the basis of historical, financial, and statistical data submitted by campus facilities, and shall take into account the actual costs incurred by campus facilities in providing services, and in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the United States Department of Health and Human Services. Rates may be established on a prospective or retrospective basis. Any methodology shall provide reimbursement for appropriate payment elements, including the following: standard services, patient services, real estate taxes, and capital costs.

(Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

(305 ILCS 5/5-5.23)

Sec. 5-5.23. Children's mental health services.

(a) The Department of *Healthcare and Family Services Public Aid*, by rule, shall require the screening and assessment of a child prior to any Medicaid-funded admission to an inpatient hospital for psychiatric services to be funded by Medicaid. The screening and assessment shall include a determination of the appropriateness and availability of out-patient support services for necessary treatment. The Department, by rule, shall establish methods and standards of payment for the screening, assessment, and necessary alternative support services.

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(b) The Department of Healthcare and Family Services Public Aid, to the extent allowable under federal law, shall secure federal financial participation for Individual Care Grant expenditures made by the Department of Human Services for the Medicaid optional service authorized under Section 1905(h) of the federal Social Security Act, pursuant to the provisions of Section 7.1 of the Mental Health and Developmental Disabilities Administrative Act.

(c) The Department of Healthcare and Family Services Public Aid shall work jointly with the Department of Human Services to implement subsections (a) and (b).

(Source: P.A. 93-495, eff. 8-8-03; revised 12-15-05.)

(305 ILCS 5/5-5.24)

Sec. 5-5.24 5-5.23. Prenatal and perinatal care. The Department of Healthcare and Family Services Public Aid may provide reimbursement under this Article for all prenatal and perinatal health care services that are provided for the purpose of preventing low-birthweight infants, reducing the need for neonatal intensive care hospital services, and promoting perinatal health. These services may include comprehensive risk assessments for pregnant women, women with infants, and infants, lactation counseling, nutrition counseling, childbirth support, psychosocial counseling, treatment and prevention of periodontal disease, and other support services that have been proven to improve birth outcomes. The Department shall maximize the use of preventive prenatal and perinatal health care services consistent with federal statutes, rules, and regulations. The Department of Public Aid (now Department of Healthcare and Family Services) shall develop a plan for prenatal and perinatal preventive health care and shall present the plan to the General Assembly by January 1, 2004. On or before January 1, 2006 and every 2 years thereafter, the Department shall report to the General Assembly concerning the effectiveness of prenatal and perinatal health care services reimbursed under this Section in preventing low-birthweight infants and reducing the need for neonatal intensive care hospital services. Each such report shall include an evaluation of how the ratio of expenditures for treating low-birthweight infants compared with the investment in promoting

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healthy births and infants in local community areas throughout Illinois relates to healthy infant development in those areas.
(Source: P.A. 93-536, eff. 8-18-03; revised 12-15-05.)

(305 ILCS 5/5-5d)
Sec. 5-5d. Enhanced transition and follow-up services. The Department of Healthcare and Family Services Public Aid shall apply for any necessary waivers pursuant to Section 1915(c) of the Social Security Act to facilitate the transition from one residential setting to another and follow-up services. Nothing in this Section shall be construed as limiting current similar programs by the Department of Human Services or the Department on Aging.
(Source: P.A. 93-902, eff. 8-10-04; 93-1031, eff. 8-27-04; revised 12-15-05.)

(305 ILCS 5/5-9) (from Ch. 23, par. 5-9)
Sec. 5-9. Choice of Medical Dispensers. Applicants and recipients shall be entitled to free choice of those qualified practitioners, hospitals, nursing homes, and other dispensers of medical services meeting the requirements and complying with the rules and regulations of the Illinois Department. However, the Director of Healthcare and Family Services Public Aid may, after providing reasonable notice and opportunity for hearing, deny, suspend or terminate any otherwise qualified person, firm, corporation, association, agency, institution, or other legal entity, from participation as a vendor of goods or services under the medical assistance program authorized by this Article if the Director finds such vendor of medical services in violation of this Act or the policy or rules and regulations issued pursuant to this Act. Any physician who has been convicted of performing an abortion procedure in a willful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed shall be automatically removed from the list of physicians qualified to participate as a vendor of medical services under the medical assistance program authorized by this Article.
(Source: P.A. 82-263; revised 12-15-05.)

(305 ILCS 5/5-11) (from Ch. 23, par. 5-11)
Sec. 5-11. Co-operative arrangements; contracts with other State agencies, health care and rehabilitation organizations, and fiscal intermediaries.

(a) The Illinois Department may enter into co-operative arrangements with State agencies responsible for administering or supervising the administration of health services and vocational rehabilitation services to the end that there may be maximum utilization of such services in the provision of medical assistance.

The Illinois Department shall, not later than June 30, 1993, enter into one or more co-operative arrangements with the Department of Mental Health and Developmental Disabilities providing that the Department of Mental Health and Developmental Disabilities will be responsible for administering or supervising all programs for services to persons in community care facilities for persons with developmental disabilities, including but not limited to intermediate care facilities, that are supported by State funds or by funding under Title XIX of the federal Social Security Act. The responsibilities of the Department of Mental Health and Developmental Disabilities under these agreements are transferred to the Department of Human Services as provided in the Department of Human Services Act.

The Department may also contract with such State health and rehabilitation agencies and other public or private health care and rehabilitation organizations to act for it in supplying designated medical services to persons eligible therefor under this Article. Any contracts with health services or health maintenance organizations shall be restricted to organizations which have been certified as being in compliance with standards promulgated pursuant to the laws of this State governing the establishment and operation of health services or health maintenance organizations. The Department shall renegotiate the contracts with health maintenance organizations and managed care community networks that took effect August 1, 2003, so as to produce $70,000,000 savings to the Department net of resulting increases to the fee-for-service program for State fiscal year 2006. The Department may also contract with insurance companies or other corporate entities serving as fiscal intermediaries in

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this State for the Federal Government in respect to Medicare payments under Title XVIII of the Federal Social Security Act to act for the Department in paying medical care suppliers. The provisions of Section 9 of "An Act in relation to State finance", approved June 10, 1919, as amended, notwithstanding, such contracts with State agencies, other health care and rehabilitation organizations, or fiscal intermediaries may provide for advance payments.

(b) For purposes of this subsection (b), "managed care community network" means an entity, other than a health maintenance organization, that is owned, operated, or governed by providers of health care services within this State and that provides or arranges primary, secondary, and tertiary managed health care services under contract with the Illinois Department exclusively to persons participating in programs administered by the Illinois Department.

The Illinois Department may certify managed care community networks, including managed care community networks owned, operated, managed, or governed by State-funded medical schools, as risk-bearing entities eligible to contract with the Illinois Department as Medicaid managed care organizations. The Illinois Department may contract with those managed care community networks to furnish health care services to or arrange those services for individuals participating in programs administered by the Illinois Department. The rates for those provider-sponsored organizations may be determined on a prepaid, capitated basis. A managed care community network may choose to contract with the Illinois Department to provide only pediatric health care services. The Illinois Department shall by rule adopt the criteria, standards, and procedures by which a managed care community network may be permitted to contract with the Illinois Department and shall consult with the Department of Insurance in adopting these rules.

A county provider as defined in Section 15-1 of this Code may contract with the Illinois Department to provide primary, secondary, or tertiary managed health care services as a managed care community network without the need to establish a separate entity and shall be deemed a managed care community network for purposes of this Code.

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only to the extent it provides services to participating individuals. A county provider is entitled to contract with the Illinois Department with respect to any contracting region located in whole or in part within the county. A county provider is not required to accept enrollees who do not reside within the county.

In order to (i) accelerate and facilitate the development of integrated health care in contracting areas outside counties with populations in excess of 3,000,000 and counties adjacent to those counties and (ii) maintain and sustain the high quality of education and residency programs coordinated and associated with local area hospitals, the Illinois Department may develop and implement a demonstration program from managed care community networks owned, operated, managed, or governed by State-funded medical schools. The Illinois Department shall prescribe by rule the criteria, standards, and procedures for effecting this demonstration program.

A managed care community network that contracts with the Illinois Department to furnish health care services to or arrange those services for enrollees participating in programs administered by the Illinois Department shall do all of the following:

(1) Provide that any provider affiliated with the managed care community network may also provide services on a fee-for-service basis to Illinois Department clients not enrolled in such managed care entities.

(2) Provide client education services as determined and approved by the Illinois Department, including but not limited to (i) education regarding appropriate utilization of health care services in a managed care system, (ii) written disclosure of treatment policies and restrictions or limitations on health services, including, but not limited to, physical services, clinical laboratory tests, hospital and surgical procedures, prescription drugs and biologics, and radiological examinations, and (iii) written notice that the enrollee may receive from another provider those covered services that are not provided by the managed care community network.

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(3) Provide that enrollees within the system may choose the site for provision of services and the panel of health care providers.

(4) Not discriminate in enrollment or disenrollment practices among recipients of medical services or enrollees based on health status.

(5) Provide a quality assurance and utilization review program that meets the requirements established by the Illinois Department in rules that incorporate those standards set forth in the Health Maintenance Organization Act.

(6) Issue a managed care community network identification card to each enrollee upon enrollment. The card must contain all of the following:

(A) The enrollee's health plan.

(B) The name and telephone number of the enrollee's primary care physician or the site for receiving primary care services.

(C) A telephone number to be used to confirm eligibility for benefits and authorization for services that is available 24 hours per day, 7 days per week.

(7) Ensure that every primary care physician and pharmacy in the managed care community network meets the standards established by the Illinois Department for accessibility and quality of care. The Illinois Department shall arrange for and oversee an evaluation of the standards established under this paragraph (7) and may recommend any necessary changes to these standards.

(8) Provide a procedure for handling complaints that meets the requirements established by the Illinois Department in rules that incorporate those standards set forth in the Health Maintenance Organization Act.

(9) Maintain, retain, and make available to the Illinois Department records, data, and information, in a uniform manner determined by the Illinois Department, sufficient for the Illinois Department to monitor utilization, accessibility, and quality of care.

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(10) Provide that the pharmacy formulary used by the managed care community network and its contract providers be no more restrictive than the Illinois Department's pharmaceutical program on the effective date of this amendatory Act of 1998 and as amended after that date.

The Illinois Department shall contract with an entity or entities to provide external peer-based quality assurance review for the managed health care programs administered by the Illinois Department. The entity shall be representative of Illinois physicians licensed to practice medicine in all its branches and have statewide geographic representation in all specialties of medical care that are provided in managed health care programs administered by the Illinois Department. The entity may not be a third party payer and shall maintain offices in locations around the State in order to provide service and continuing medical education to physician participants within those managed health care programs administered by the Illinois Department. The review process shall be developed and conducted by Illinois physicians licensed to practice medicine in all its branches. In consultation with the entity, the Illinois Department may contract with other entities for professional peer-based quality assurance review of individual categories of services other than services provided, supervised, or coordinated by physicians licensed to practice medicine in all its branches. The Illinois Department shall establish, by rule, criteria to avoid conflicts of interest in the conduct of quality assurance activities consistent with professional peer-review standards. All quality assurance activities shall be coordinated by the Illinois Department.

Each managed care community network must demonstrate its ability to bear the financial risk of serving individuals under this program. The Illinois Department shall by rule adopt standards for assessing the solvency and financial soundness of each managed care community network. Any solvency and financial standards adopted for managed care community networks shall be no more restrictive than the solvency and financial standards adopted under Section 1856(a) of the Social Security Act for provider-sponsored organizations under Part C of Title XVIII of the Social Security Act.

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The Illinois Department may implement the amendatory changes to this Code made by this amendatory Act of 1998 through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of that Act, the adoption of rules to implement these changes is deemed an emergency and necessary for the public interest, safety, and welfare.

(c) Not later than June 30, 1996, the Illinois Department shall enter into one or more cooperative arrangements with the Department of Public Health for the purpose of developing a single survey for nursing facilities, including but not limited to facilities funded under Title XVIII or Title XIX of the federal Social Security Act or both, which shall be administered and conducted solely by the Department of Public Health. The Departments shall test the single survey process on a pilot basis, with both the Departments of Public Aid and Public Health represented on the consolidated survey team. The pilot will sunset June 30, 1997. After June 30, 1997, unless otherwise determined by the Governor, a single survey shall be implemented by the Department of Public Health which would not preclude staff from the Department of Healthcare and Family Services (formerly Department of Public Aid) from going on-site to nursing facilities to perform necessary audits and reviews which shall not replicate the single State agency survey required by this Act. This Section shall not apply to community or intermediate care facilities for persons with developmental disabilities.

(d) Nothing in this Code in any way limits or otherwise impairs the authority or power of the Illinois Department to enter into a negotiated contract pursuant to this Section with a managed care community network or a health maintenance organization, as defined in the Health Maintenance Organization Act, that provides for termination or nonrenewal of the contract without cause, upon notice as provided in the contract, and without a hearing.

(Source: P.A. 94-48, eff. 7-1-05; revised 12-15-05.)

(305 ILCS 5/5-11.1)

Sec. 5-11.1. Cooperative arrangements; contracts. The Illinois Department may enter into cooperative arrangements with State agencies
responsible for administering or supervising the administration of health services and vocational rehabilitation services to maximize utilization of these services in the provision of medical assistance.

The Illinois Department shall, not later than June 30, 1994, enter into one or more cooperative arrangements with the Department of Mental Health and Developmental Disabilities providing that the Department of Mental Health and Developmental Disabilities will be responsible for administering or supervising all programs for services to persons in community care facilities for persons with mental illness, including but not limited to intermediate care facilities, that are supported by State funds or by funding under Title XIX of the federal Social Security Act. The responsibilities of the Department of Mental Health and Developmental Disabilities under these agreements are transferred to the Department of Human Services as provided in the Department of Human Services Act.

The Department may also contract with State health and rehabilitation agencies and other public or private health care and rehabilitation organizations to act for it in supplying designated medical services to persons eligible under this Section. Any contracts with health services or health maintenance organizations shall be restricted to organizations which have been certified as being in compliance with standards promulgated under the laws of this State governing the establishment and operation of health services or health maintenance organizations. The Department may also contract with insurance companies or other corporate entities serving as fiscal intermediaries in this State for the federal government in respect to Medicare payments under Title XVIII of the federal Social Security Act to act for the Department in paying medical care suppliers. Nothing in this Section shall be construed to abrogate any existing doctor/patient relationships with Illinois Department of Healthcare and Family Services Public Aid recipients or the free choice of clients or their guardians to select a physician to provide medical care. The provisions of Section 9 of the State Finance Act notwithstanding, such contracts with State agencies, other health care and rehabilitation organizations, or fiscal intermediaries may provide for advance payments.
Sec. 5-16.1. Case Management Services. The Illinois Department may develop, implement and evaluate a Case Management Services Program which provides services consistent with the provisions of this Section, and the Inter-Agency Agreement between the Department of Healthcare and Family Services (formerly Department of Public Aid) and the Department of Public Health, for a targeted population on a less than Statewide basis in the State of Illinois. The purpose of this Case Management Services Program shall be to assist eligible participants in gaining access to needed medical, social, educational and other services thereby reducing the likelihood of long-term welfare dependency. The Case Management Services Program shall have the following characteristics:

(a) It shall be conducted for a period of no less than 5 consecutive fiscal years in one urban area containing a high proportion, as determined by Department of Healthcare and Family Services Public Aid and Department of Public Health records, of Medicaid eligible pregnant or parenting girls under 17 years of age at the time of the initial assessment and in one rural area containing a high proportion, as determined by Department of Healthcare and Family Services Public Aid and Department of Public Health records, of Medicaid eligible pregnant or parenting girls under 17 years of age at the time of the initial assessment.

(b) Providers participating in the program shall be paid an amount per patient per month, to be set by the Illinois Department, for the case management services provided.

(c) Providers eligible to participate in the program shall be nurses or social workers, licensed to practice in Illinois, who comply with the rules and regulations established by the Illinois Department and the Inter-Agency Agreement between the Department of Healthcare and Family Services (formerly Department of Public Aid) and the Department of Public Health. The Illinois Department may terminate a provider's participation in

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the program if the provider is determined to have failed to comply with any applicable program standard or procedure established by the Illinois Department.

(d) Each eligible participant in an area where the Case Management Services Program is being conducted may voluntarily designate a case manager, of her own choosing to assume responsibility for her care.

(e) A participant may change her designated case manager provided that she informs the Illinois Department by the 20th day of the month in order for the change to be effective in the following month.

(f) The Illinois Department shall, by rule, establish procedures for providing case management services when the designated source becomes unavailable or wishes to withdraw from any obligation as case management services provider.

(g) In accordance with rules adopted by the Illinois Department, a participant may discontinue participation in the program upon timely notice to the Illinois Department, in which case the participant shall remain eligible for assistance under all applicable provisions of Article V of this Code. The Illinois Department shall take any necessary steps to obtain authorization or waiver under federal law to implement a Case Management Services Program. Participation shall be voluntary for the provider and the recipient.

(Source: P.A. 87-685; revised 12-15-05.)

(305 ILCS 5/5-16.4)

Sec. 5-16.4. Medical Assistance Provider Payment Fund.

(a) There is created in the State treasury the Medical Assistance Provider Payment Fund. Interest earned by the Fund shall be credited to the Fund.

(b) The Fund is created for the purpose of disbursing moneys as follows:

(1) For medical services provided to recipients of aid under Articles V, VI, and XII.

New matter indicated by italics - deletions by strikeout
(2) For payment of administrative expenses incurred by the Illinois Department or its agent in performing the activities authorized by this Section.

(3) For making transfers to the General Obligation Bond Retirement and Interest Fund, as those transfers are authorized in the proceedings authorizing debt under the Medicaid Liability Liquidity Borrowing Act, but transfers made under this paragraph (3) may not exceed the principal amount of debt issued under that Act.

Disbursements from the Fund, other than transfers to the General Obligation Bond Retirement and Interest Fund (which shall be made in accordance with the provisions of the Medicaid Liability Liquidity Borrowing Act), shall be by warrants drawn by the State Comptroller upon receipt of vouchers duly executed and certified by the Illinois Department.

(c) The Fund shall consist of the following:

(1) All federal matching funds received by the Illinois Department as a result of expenditures made by the Illinois Department that are attributable to moneys deposited into the Fund.

(2) Proceeds from any short-term borrowing directed to the Fund by the Governor pursuant to the Medicaid Liability Liquidity Borrowing Act.

(3) Amounts transferred into the Fund under subsection (d) of this Section.

(4) All other moneys received for the Fund from any other source, including interest earned on those moneys.

(d) Beginning July 1, 1995, on the 13th and 26th days of each month the State Comptroller and Treasurer shall transfer from the General Revenue Fund to the Medical Assistance Provider Payment Fund an amount equal to 1/48th of the annual Medical Assistance appropriation to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) from the Medical Assistance Provider Payment Fund, plus cumulative deficiencies from those prior transfers. In addition to those transfers, the State Comptroller and Treasurer may transfer from the General Revenue Fund to the Medical Assistance Provider Payment Fund.
Fund as much as is necessary to pay claims pursuant to the new twice-monthly payment schedule established in Section 5-16.5 and to avoid interest liabilities under the State Prompt Payment Act. No transfers made pursuant to this subsection shall interfere with the timely payment of the general State aid payment made pursuant to Section 18-11 of the School Code.

(Source: P.A. 88-554, eff. 7-26-94; revised 12-15-05.)

Sec. 5-16.8. Required health benefits. The medical assistance program shall (i) provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356u, 356w, 356x, and 356z.6 of the Illinois Insurance Code and (ii) be subject to the provisions of Section 364.01 of the Illinois Insurance Code.

(Source: P.A. 93-853, eff. 1-1-05; 93-1000, eff. 1-1-05; revised 10-14-04.)

Sec. 5-21. Immunization. By July 1, 1994, the Illinois Department shall, in cooperation with the Department of Public Health, establish and implement a pilot program that will provide immunization services for children on a walk-in basis at local public aid offices. The Director shall determine the number and location of the local public aid offices that will participate in the pilot program. The Illinois Department shall submit a report on the effectiveness of the program to the General Assembly on or before December 31, 1995. The Department of Healthcare and Family Services (formerly Department of Public Aid) and the Department of Human Services, in cooperation with the Department of Public Health, shall continue to implement the pilot program after the effective date of this amendatory Act of 1996.

(Source: P.A. 88-493; 88-670, eff. 12-2-94; 89-507, eff. 7-1-97; revised 12-15-05.)

(305 ILCS 5/5-21)

Sec. 5-24. Disease management programs and services for chronic conditions; pilot project.

New matter indicated by italics - deletions by strikeout
(a) In this Section, "disease management programs and services" means services administered to patients in order to improve their overall health and to prevent clinical exacerbations and complications, using cost-effective, evidence-based practice guidelines and patient self-management strategies. Disease management programs and services include all of the following:

1. A population identification process.
2. Evidence-based or consensus-based clinical practice guidelines, risk identification, and matching of interventions with clinical need.
4. Process and outcomes measurement, evaluation, management, and reporting.

(b) Subject to appropriations, the Department of Healthcare and Family Services Public Aid may undertake a pilot project to study patient outcomes, for patients with chronic diseases, associated with the use of disease management programs and services for chronic condition management. "Chronic diseases" include, but are not limited to, diabetes, congestive heart failure, and chronic obstructive pulmonary disease.

(c) The disease management programs and services pilot project shall examine whether chronic disease management programs and services for patients with specific chronic conditions do any or all of the following:

1. Improve the patient's overall health in a more expeditious manner.
2. Lower costs in other aspects of the medical assistance program, such as hospital admissions, days in skilled nursing homes, emergency room visits, or more frequent physician office visits.

(d) In carrying out the pilot project, the Department of Healthcare and Family Services Public Aid shall examine all relevant scientific literature and shall consult with health care practitioners including, but not limited to, physicians, surgeons, registered pharmacists, and registered nurses.

New matter indicated by italics - deletions by strikeout
(e) The Department of Healthcare and Family Services Public Aid shall consult with medical experts, disease advocacy groups, and academic institutions to develop criteria to be used in selecting a vendor for the pilot project.

(f) The Department of Healthcare and Family Services Public Aid may adopt rules to implement this Section.

(g) This Section is repealed 10 years after the effective date of this amendatory Act of the 93rd General Assembly.

(Source: P.A. 93-518, eff. 1-1-04; revised 12-15-05.)

(305 ILCS 5/5A-4) (from Ch. 23, par. 5A-4)

Sec. 5A-4. Payment of assessment; penalty.

(a) The annual assessment imposed by Section 5A-2 for State fiscal year 2004 shall be due and payable on June 18 of the year. The assessment imposed by Section 5A-2 for State fiscal year 2005 shall be due and payable in quarterly installments, each equalling one-fourth of the assessment for the year, on July 19, October 19, January 18, and April 19 of the year. The assessment imposed by Section 5A-2 for State fiscal year 2006 and each subsequent State fiscal year shall be due and payable in quarterly installments, each equaling one-fourth of the assessment for the year, on the fourteenth State business day of September, December, March, and May. No installment payment of an assessment imposed by Section 5A-2 shall be due and payable, however, until after: (i) the hospital provider receives written notice from the Department of Healthcare and Family Services (formerly Department of Public Aid) that the payment methodologies to hospitals required under Section 5A-12 or Section 5A-12.1, whichever is applicable for that fiscal year, have been approved by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services and the waiver under 42 CFR 433.68 for the assessment imposed by Section 5A-2, if necessary, has been granted by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services; and (ii) the hospital has received the payments required under Section 5A-12 or Section 5A-12.1, whichever is applicable for that fiscal year. Upon notification to the Department of approval of the payment methodologies required under
Section 5A-12 or Section 5A-12.1, whichever is applicable for that fiscal year, and the waiver granted under 42 CFR 433.68, all quarterly installments otherwise due under Section 5A-2 prior to the date of notification shall be due and payable to the Department upon written direction from the Department and receipt of the payments required under Section 5A-12.1.

(b) The Illinois Department is authorized to establish delayed payment schedules for hospital providers that are unable to make installment payments when due under this Section due to financial difficulties, as determined by the Illinois Department.

(c) If a hospital provider fails to pay the full amount of an installment when due (including any extensions granted under subsection (b)), there shall, unless waived by the Illinois Department for reasonable cause, be added to the assessment imposed by Section 5A-2 a penalty assessment equal to the lesser of (i) 5% of the amount of the installment not paid on or before the due date plus 5% of the portion thereof remaining unpaid on the last day of each 30-day period thereafter or (ii) 100% of the installment amount not paid on or before the due date. For purposes of this subsection, payments will be credited first to unpaid installment amounts (rather than to penalty or interest), beginning with the most delinquent installments.

(Source: P.A. 93-659, eff. 2-3-04; 93-841, eff. 7-30-04; 93-1066, eff. 1-15-05; 94-242, eff. 7-18-05; revised 12-15-05.)

(305 ILCS 5/5A-5) (from Ch. 23, par. 5A-5)
Sec. 5A-5. Notice; penalty; maintenance of records.

(a) The Department of Healthcare and Family Services Public Aid shall send a notice of assessment to every hospital provider subject to assessment under this Article. The notice of assessment shall notify the hospital of its assessment and shall be sent after receipt by the Department of notification from the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services that the payment methodologies required under Section 5A-12 or Section 5A-12.1, whichever is applicable for that fiscal year, and, if necessary, the waiver
granted under 42 CFR 433.68 have been approved. The notice shall be on a form prepared by the Illinois Department and shall state the following:

(1) The name of the hospital provider.

(2) The address of the hospital provider’s principal place of business from which the provider engages in the occupation of hospital provider in this State, and the name and address of each hospital operated, conducted, or maintained by the provider in this State.

(3) The occupied bed days or adjusted gross hospital revenue of the hospital provider (whichever is applicable), the amount of assessment imposed under Section 5A-2 for the State fiscal year for which the notice is sent, and the amount of each quarterly installment to be paid during the State fiscal year.

(4) (Blank).

(5) Other reasonable information as determined by the Illinois Department.

(b) If a hospital provider conducts, operates, or maintains more than one hospital licensed by the Illinois Department of Public Health, the provider shall pay the assessment for each hospital separately.

(c) Notwithstanding any other provision in this Article, in the case of a person who ceases to conduct, operate, or maintain a hospital in respect of which the person is subject to assessment under this Article as a hospital provider, the assessment for the State fiscal year in which the cessation occurs shall be adjusted by multiplying the assessment computed under Section 5A-2 by a fraction, the numerator of which is the number of days in the year during which the provider conducts, operates, or maintains the hospital and the denominator of which is 365. Immediately upon ceasing to conduct, operate, or maintain a hospital, the person shall pay the assessment for the year as so adjusted (to the extent not previously paid).

(d) Notwithstanding any other provision in this Article, a provider who commences conducting, operating, or maintaining a hospital, upon notice by the Illinois Department, shall pay the assessment computed under Section 5A-2 and subsection (e) in installments on the due dates

New matter indicated by italics - deletions by strikeout
stated in the notice and on the regular installment due dates for the State fiscal year occurring after the due dates of the initial notice.

(e) Notwithstanding any other provision in this Article, for State fiscal years 2004 and 2005, in the case of a hospital provider that did not conduct, operate, or maintain a hospital throughout calendar year 2001, the assessment for that State fiscal year shall be computed on the basis of hypothetical occupied bed days for the full calendar year as determined by the Illinois Department. Notwithstanding any other provision in this Article, for State fiscal years after 2005, in the case of a hospital provider that did not conduct, operate, or maintain a hospital in 2003, the assessment for that State fiscal year shall be computed on the basis of hypothetical adjusted gross hospital revenue for the hospital's first full fiscal year as determined by the Illinois Department (which may be based on annualization of the provider's actual revenues for a portion of the year, or revenues of a comparable hospital for the year, including revenues realized by a prior provider of the same hospital during the year).

(f) Every hospital provider subject to assessment under this Article shall keep sufficient records to permit the determination of adjusted gross hospital revenue for the hospital's fiscal year. All such records shall be kept in the English language and shall, at all times during regular business hours of the day, be subject to inspection by the Illinois Department or its duly authorized agents and employees.

(g) The Illinois Department may, by rule, provide a hospital provider a reasonable opportunity to request a clarification or correction of any clerical or computational errors contained in the calculation of its assessment, but such corrections shall not extend to updating the cost report information used to calculate the assessment.

(h) (Blank).

(Source: P.A. 93-659, eff. 2-3-04; 93-841, eff. 7-30-04; 94-242, eff. 7-18-05; revised 12-15-05.)

(305 ILCS 5/5A-10) (from Ch. 23, par. 5A-10)
Sec. 5A-10. Applicability.

(a) The assessment imposed by Section 5A-2 shall not take effect or shall cease to be imposed, and any moneys remaining in the Fund shall

New matter indicated by italics - deletions by strikeout
be refunded to hospital providers in proportion to the amounts paid by them, if:

(1) the sum of the appropriations for State fiscal years 2004 and 2005 from the General Revenue Fund for hospital payments under the medical assistance program is less than $4,500,000,000 or the appropriation for each of State fiscal years 2006, 2007 and 2008 from the General Revenue Fund for hospital payments under the medical assistance program is less than $2,500,000,000 increased annually to reflect any increase in the number of recipients; or

(2) the Department of Healthcare and Family Services (formerly Department of Public Aid) makes changes in its rules that reduce the hospital inpatient or outpatient payment rates, including adjustment payment rates, in effect on October 1, 2004, except for hospitals described in subsection (b) of Section 5A-3 and except for changes in the methodology for calculating outlier payments to hospitals for exceptionally costly stays, so long as those changes do not reduce aggregate expenditures below the amount expended in State fiscal year 2005 for such services; or

(3) the payments to hospitals required under Section 5A-12 are changed or are not eligible for federal matching funds under Title XIX or XXI of the Social Security Act.

(b) The assessment imposed by Section 5A-2 shall not take effect or shall cease to be imposed if the assessment is determined to be an impermissible tax under Title XIX of the Social Security Act. Moneys in the Hospital Provider Fund derived from assessments imposed prior thereto shall be disbursed in accordance with Section 5A-8 to the extent federal matching is not reduced due to the impermissibility of the assessments, and any remaining moneys shall be refunded to hospital providers in proportion to the amounts paid by them.

(Source: P.A. 93-659, eff. 2-3-04; 94-242, eff. 7-18-05; revised 12-15-05.)

(305 ILCS 5/5A-13)

Sec. 5A-13. Emergency rulemaking. The Department of Healthcare and Family Services (formerly Department of Public Aid) may
adopt rules necessary to implement this amendatory Act of the 94th General Assembly through the use of emergency rulemaking in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of that Act, the General Assembly finds that the adoption of rules to implement this amendatory Act of the 94th General Assembly is deemed an emergency and necessary for the public interest, safety, and welfare.

(Source: P.A. 93-659, eff. 2-3-04; 94-242, eff. 7-18-05; revised 12-15-05.)

(305 ILCS 5/6-11) (from Ch. 23, par. 6-11)

Sec. 6-11. State funded General Assistance.

(a) Effective July 1, 1992, all State funded General Assistance and related medical benefits shall be governed by this Section. Other parts of this Code or other laws related to General Assistance shall remain in effect to the extent they do not conflict with the provisions of this Section. If any other part of this Code or other laws of this State conflict with the provisions of this Section, the provisions of this Section shall control.

(b) State funded General Assistance shall consist of 2 separate programs. One program shall be for adults with no children and shall be known as State Transitional Assistance. The other program shall be for families with children and for pregnant women and shall be known as State Family and Children Assistance.

(c) (1) To be eligible for State Transitional Assistance on or after July 1, 1992, an individual must be ineligible for assistance under any other Article of this Code, must be determined chronically needy, and must be one of the following:

(A) age 18 or over or
(B) married and living with a spouse, regardless of age.

(2) The Illinois Department or the local governmental unit shall determine whether individuals are chronically needy as follows:

(A) Individuals who have applied for Supplemental Security Income (SSI) and are awaiting a decision on eligibility for SSI who are determined disabled by the Illinois Department using the SSI standard shall be considered chronically needy, except that individuals whose disability is based solely on substance addictions
(drug abuse and alcoholism) and whose disability would cease were their addictions to end shall be eligible only for medical assistance and shall not be eligible for cash assistance under the State Transitional Assistance program.

(B) If an individual has been denied SSI due to a finding of "not disabled" (either at the Administrative Law Judge level or above, or at a lower level if that determination was not appealed), the Illinois Department shall adopt that finding and the individual shall not be eligible for State Transitional Assistance or any related medical benefits. Such an individual may not be determined disabled by the Illinois Department for a period of 12 months, unless the individual shows that there has been a substantial change in his or her medical condition or that there has been a substantial change in other factors, such as age or work experience, that might change the determination of disability.

(C) The Illinois Department, by rule, may specify other categories of individuals as chronically needy; nothing in this Section, however, shall be deemed to require the inclusion of any specific category other than as specified in paragraphs (A) and (B).

(3) For individuals in State Transitional Assistance, medical assistance shall be provided in an amount and nature determined by the Illinois Department of Healthcare and Family Services Public Aid by rule. The amount and nature of medical assistance provided need not be the same as that provided under paragraph (4) of subsection (d) of this Section, and nothing in this paragraph (3) shall be construed to require the coverage of any particular medical service. In addition, the amount and nature of medical assistance provided may be different for different categories of individuals determined chronically needy.

(4) The Illinois Department shall determine, by rule, those assistance recipients under Article VI who shall be subject to employment, training, or education programs including Earnfare, the content of those programs, and the penalties for failure to cooperate in those programs.
(5) The Illinois Department shall, by rule, establish further eligibility requirements, including but not limited to residence, need, and the level of payments.

(d) (1) To be eligible for State Family and Children Assistance, a family unit must be ineligible for assistance under any other Article of this Code and must contain a child who is:

(A) under age 18 or
(B) age 18 and a full-time student in a secondary school or the equivalent level of vocational or technical training, and who may reasonably be expected to complete the program before reaching age 19.

Those children shall be eligible for State Family and Children Assistance.

(2) The natural or adoptive parents of the child living in the same household may be eligible for State Family and Children Assistance.

(3) A pregnant woman whose pregnancy has been verified shall be eligible for income maintenance assistance under the State Family and Children Assistance program.

(4) The amount and nature of medical assistance provided under the State Family and Children Assistance program shall be determined by the Illinois Department of Healthcare and Family Services by rule. The amount and nature of medical assistance provided need not be the same as that provided under paragraph (3) of subsection (c) of this Section, and nothing in this paragraph (4) shall be construed to require the coverage of any particular medical service.

(5) The Illinois Department shall, by rule, establish further eligibility requirements, including but not limited to residence, need, and the level of payments.

(e) A local governmental unit that chooses to participate in a General Assistance program under this Section shall provide funding in accordance with Section 12-21.13 of this Act. Local governmental funds used to qualify for State funding may only be expended for clients eligible for assistance under this Section 6-11 and related administrative expenses.
(f) In order to qualify for State funding under this Section, a local governmental unit shall be subject to the supervision and the rules and regulations of the Illinois Department.

(g) Notwithstanding any other provision in this Code, the Illinois Department is authorized to reduce payment levels used to determine cash grants provided to recipients of State Transitional Assistance at any time within a Fiscal Year in order to ensure that cash benefits for State Transitional Assistance do not exceed the amounts appropriated for those cash benefits. Changes in payment levels may be accomplished by emergency rule under Section 5-45 of the Illinois Administrative Procedure Act, except that the limitation on the number of emergency rules that may be adopted in a 24-month period shall not apply and the provisions of Sections 5-115 and 5-125 of the Illinois Administrative Procedure Act shall not apply. This provision shall also be applicable to any reduction in payment levels made upon implementation of this amendatory Act of 1995.

(Source: P.A. 92-111, eff. 1-1-02; revised 12-15-05.)

(305 ILCS 5/9-1) (from Ch. 23, par. 9-1)

Sec. 9-1. Declaration of Purpose. It is the purpose of this Article to aid applicants for and recipients of public aid under Articles III, IV, V, and VI, to increase their capacities for self-support, self-care, and responsible citizenship, and to assist them in maintaining and strengthening family life. If authorized pursuant to Section 9-8, this Article may be extended to former and potential recipients and to persons whose income does not exceed the standard established to determine eligibility for aid as a medically indigent person under Article V. The Department, with the written consent of the Governor, may also:

(a) extend this Article to individuals and their families with income closely related to national indices of poverty who have special needs resulting from institutionalization of a family member or conditions that may lead to institutionalization or who live in impoverished areas or in facilities developed to serve persons of low income;

(b) establish, where indicated, schedules of payment for service provided based on ability to pay;

New matter indicated by italics - deletions by strikeout
(c) provide for the coordinated delivery of the services described in this Article and related services offered by other public or private agencies or institutions, and cooperate with the Illinois Department on Aging to enable it to properly execute and fulfill its duties pursuant to the provisions of Section 4.01 of the "Illinois Act on the Aging", as now or hereafter amended;

(d) provide in-home care services, such as chore and housekeeping services or homemaker services, to recipients of public aid under Articles IV and VI, the scope and eligibility criteria for such services to be determined by rule;

(e) contract with other State agencies for the purchase of social service under Title XX of the Social Security Act, such services to be provided pursuant to such other agencies' enabling legislation; and

(f) cooperate with the Illinois Department of Healthcare and Family Services to provide services to public aid recipients for the treatment and prevention of alcoholism and substance abuse.

(Source: P.A. 92-16, eff. 6-28-01; 92-111, eff. 1-1-02; 92-651, eff. 7-11-02; revised 12-15-05.)

(305 ILCS 5/9-13)

Sec. 9-13. Survey of teen parent services. The Social Services Advisory Committee shall conduct a survey of all policy related to the provision of teen parent services and make administrative and legislative recommendations to prevent duplication, correct inconsistencies, and generally improve the provision of services to teen parents within the Department of Public Aid (now Healthcare and Family Services). The results of the survey, including recommendations shall be submitted in written form to the General Assembly, no later than December 1, 1994.

(Source: P.A. 88-412; revised 12-15-05.)

(305 ILCS 5/9A-7) (from Ch. 23, par. 9A-7)

Sec. 9A-7. Good Cause and Pre-Sanction Process.

(a) The Department shall establish by rule what constitutes good cause for failure to participate in education, training and employment programs, failure to accept suitable employment or terminating employment or reducing earnings.

New matter indicated by italics - deletions by strikeout
The Department shall establish, by rule, a pre-sanction process to assist in resolving disputes over proposed sanctions and in determining if good cause exists. Good cause shall include, but not be limited to:

1. temporary illness for its duration;
2. court required appearance or temporary incarceration;
3. (blank);
4. death in the family;
5. (blank);
6. (blank);
7. (blank);
8. (blank);
9. extreme inclement weather;
10. (blank);
11. lack of any support service even though the necessary service is not specifically provided under the Department program, to the extent the lack of the needed service presents a significant barrier to participation;
12. if an individual is engaged in employment or training or both that is consistent with the employment related goals of the program, if such employment and training is later approved by Department staff;
13. (blank);
14. failure of Department staff to correctly forward the information to other Department staff;
15. failure of the participant to cooperate because of attendance at a test or a mandatory class or function at an educational program (including college), when an education or training program is officially approved by the Department;
16. failure of the participant due to his or her illiteracy;
17. failure of the participant because it is determined that he or she should be in a different activity;
18. non-receipt by the participant of a notice advising him or her of a participation requirement. If the non-receipt of mail

New matter indicated by italics - deletions by strikeout
occurs frequently, the Department shall explore an alternative means of providing notices of participation requests to participants;

(19) (blank);
(20) non-comprehension of English, either written or oral or both;
(21) (blank);
(22) (blank);
(23) child care (or day care for an incapacitated individual living in the same home as a dependent child) is necessary for the participation or employment and such care is not available for a child under age 13;
(24) failure to participate in an activity due to a scheduled job interview, medical appointment for the participant or a household member, or school appointment;
(25) the individual is homeless. Homeless individuals (including the family) have no current residence and no expectation of acquiring one in the next 30 days. This includes individuals residing in overnight and transitional (temporary) shelters. This does not include individuals who are sharing a residence with friends or relatives on a continuing basis;
(26) circumstances beyond the control of the participant which prevent the participant from completing program requirements; or
(27) (blank).

(b) (Blank).

(c) (1) The Department shall establish a reconciliation procedure to assist in resolving disputes related to any aspect of participation, including exemptions, good cause, sanctions or proposed sanctions, supportive services, assessments, responsibility and service plans, assignment to activities, suitability of employment, or refusals of offers of employment. Through the reconciliation process the Department shall have a mechanism to identify good cause, ensure that the client is aware of the issue, and enable the client to perform required activities without facing sanction.

New matter indicated by italics - deletions by strikeout
(2) A participant may request reconciliation and receive notice in writing of a meeting. At least one face-to-face meeting may be scheduled to resolve misunderstandings or disagreements related to program participation and situations which may lead to a potential sanction. The meeting will address the underlying reason for the dispute and plan a resolution to enable the individual to participate in TANF employment and work activity requirements.

(2.5) If the individual fails to appear at the reconciliation meeting without good cause, the reconciliation is unsuccessful and a sanction shall be imposed.

(3) The reconciliation process shall continue after it is determined that the individual did not have good cause for non-cooperation. Any necessary demonstration of cooperation on the part of the participant will be part of the reconciliation process. Failure to demonstrate cooperation will result in immediate sanction.

(4) For the first instance of non-cooperation, if the client reaches agreement to cooperate, the client shall be allowed 30 days to demonstrate cooperation before any sanction activity may be imposed. In any subsequent instances of non-cooperation, the client shall be provided the opportunity to show good cause or remedy the situation by immediately complying with the requirement.

(5) The Department shall document in the case record the proceedings of the reconciliation and provide the client in writing with a reconciliation agreement.

(6) If reconciliation resolves the dispute, no sanction shall be imposed. If the client fails to comply with the reconciliation agreement, the Department shall then immediately impose the original sanction. If the dispute cannot be resolved during reconciliation, a sanction shall not be imposed until the reconciliation process is complete.

(Source: P.A. 93-598, eff. 8-26-03; revised 10-9-03.)
(305 ILCS 5/9A-9.5)

New matter indicated by italics - deletions by strikeout
Sec. 9A-9.5. Health care advocates; committee. The Department of Human Services and the Department of Healthcare and Family Services Public Aid shall jointly establish an interagency committee to do the following:

(1) Assist the departments in making recommendations on incorporating health care advocates into education, training, and placement programs under this Article. The advocates should be individuals who are knowledgeable about various types of health insurance programs.

(2) Develop more outreach and educational materials to help TANF families make informed choices concerning health insurance and health care. The materials should target families that are transitioning from receipt of public aid to employment.

(3) Develop methods to simplify the process of applying for medical assistance under Article V.

(Source: P.A. 93-150, eff. 7-10-03; revised 12-15-05.)

(305 ILCS 5/9A-15)

Sec. 9A-15. College education assistance; pilot program.

(a) Subject to appropriation, the Department of Human Services shall establish a pilot program to provide recipients of assistance under Article IV with additional assistance in obtaining a post-secondary education degree to the extent permitted by the federal law governing the Temporary Assistance for Needy Families Program. This assistance may include, but is not limited to, moneys for the payment of tuition, but the Department may not use any moneys appropriated for the Temporary Assistance for Needy Families Program (TANF) under Article IV to pay for tuition under the pilot program. In addition to criteria, standards, and procedures related to post-secondary education required by rules applicable to the TANF program, the Department shall provide that the time that a pilot program participant spends in post-secondary classes shall apply toward the time that the recipient is required to spend in education, placement, and training activities under this Article.
The Department shall define the pilot program by rule, including a determination of its duration and scope, the nature of the assistance to be provided, and the criteria, standards, and procedures for participation.

(b) The Department shall enter into an interagency agreement with the Illinois Student Assistance Commission for the administration of the pilot program.

(c) The Department shall evaluate the pilot program and report its findings and recommendations after 2 years of its operation to the Governor and the General Assembly, including propose rules to modify or extend the pilot program beyond the scope and schedule upon which it was originally established.

(Source: P.A. 94-371, eff. 1-1-06.)

(305 ILCS 5/9A-16)

Sec. 9A-16. Work activity; applicable minimum wage. The State or federal minimum wage, whichever is higher, shall be used to calculate the required number of hours of participation in any earnfare or pay-after-performance activity under Section 9A-9 or any other Section of this Code in which a recipient of public assistance performs work as a condition of receiving the public assistance and the recipient is not paid wages for the work.

(Source: P.A. 94-533, eff. 8-10-05; revised 9-22-05.)

(305 ILCS 5/10-1) (from Ch. 23, par. 10-1)

Sec. 10-1. Declaration of Public Policy - Persons Eligible for Child Support Enforcement Services - Fees for Non-Applicants and Non-Recipients.) It is the intent of this Code that the financial aid and social welfare services herein provided supplement rather than supplant the primary and continuing obligation of the family unit for self-support to the fullest extent permitted by the resources available to it. This primary and continuing obligation applies whether the family unit of parents and children or of husband and wife remains intact and resides in a common household or whether the unit has been broken by absence of one or more members of the unit. The obligation of the family unit is particularly applicable when a member is in necessitous circumstances and lacks the means of a livelihood compatible with health and well-being.

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It is the purpose of this Article to provide for locating an absent parent or spouse, for determining his financial circumstances, and for enforcing his legal obligation of support, if he is able to furnish support, in whole or in part. The Illinois Department of Healthcare and Family Services Public Aid shall give priority to establishing, enforcing and collecting the current support obligation, and then to past due support owed to the family unit, except with respect to collections effected through the intercept programs provided for in this Article.

The child support enforcement services provided hereunder shall be furnished dependents of an absent parent or spouse who are applicants for or recipients of financial aid under this Code. It is not, however, a condition of eligibility for financial aid that there be no responsible relatives who are reasonably able to provide support. Nor, except as provided in Sections 4-1.7 and 10-8, shall the existence of such relatives or their payment of support contributions disqualify a needy person for financial aid.

By accepting financial aid under this Code, a spouse or a parent or other person having custody of a child shall be deemed to have made assignment to the Illinois Department for aid under Articles III, IV, V and VII or to a local governmental unit for aid under Article VI of any and all rights, title, and interest in any support obligation, including statutory interest thereon, up to the amount of financial aid provided. The rights to support assigned to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) or local governmental unit shall constitute an obligation owed the State or local governmental unit by the person who is responsible for providing the support, and shall be collectible under all applicable processes.

The Illinois Department of Healthcare and Family Services Public Aid shall also furnish the child support enforcement services established under this Article in behalf of persons who are not applicants for or recipients of financial aid under this Code in accordance with the requirements of Title IV, Part D of the Social Security Act. The Department may establish a schedule of reasonable fees, to be paid for the services provided and may deduct a collection fee, not to exceed 10% of
the amount collected, from such collection. The Illinois Department of Healthcare and Family Services (Public Aid shall cause to be published and distributed publications reasonably calculated to inform the public that individuals who are not recipients of or applicants for public aid under this Code are eligible for the child support enforcement services under this Article X. Such publications shall set forth an explanation, in plain language, that the child support enforcement services program is independent of any public aid program under the Code and that the receiving of child support enforcement services in no way implies that the person receiving such services is receiving public aid.

(Source: P.A. 94-90, eff. 1-1-06; revised 12-15-05.)

(305 ILCS 5/10-10) (from Ch. 23, par. 10-10)

Sec. 10-10. Court enforcement; applicability also to persons who are not applicants or recipients. Except where the Illinois Department, by agreement, acts for the local governmental unit, as provided in Section 10-3.1, local governmental units shall refer to the State's Attorney or to the proper legal representative of the governmental unit, for judicial enforcement as herein provided, instances of non-support or insufficient support when the dependents are applicants or recipients under Article VI. The Child and Spouse Support Unit established by Section 10-3.1 may institute in behalf of the Illinois Department any actions under this Section for judicial enforcement of the support liability when the dependents are (a) applicants or recipients under Articles III, IV, V or VII; (b) applicants or recipients in a local governmental unit when the Illinois Department, by agreement, acts for the unit; or (c) non-applicants or non-recipients who are receiving child support enforcement services under this Article X, as provided in Section 10-1. Where the Child and Spouse Support Unit has exercised its option and discretion not to apply the provisions of Sections 10-3 through 10-8, the failure by the Unit to apply such provisions shall not be a bar to bringing an action under this Section.

Action shall be brought in the circuit court to obtain support, or for the recovery of aid granted during the period such support was not provided, or both for the obtainment of support and the recovery of the aid provided. Actions for the recovery of aid may be taken separately or they

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may be consolidated with actions to obtain support. Such actions may be brought in the name of the person or persons requiring support, or may be brought in the name of the Illinois Department or the local governmental unit, as the case requires, in behalf of such persons.

The court may enter such orders for the payment of moneys for the support of the person as may be just and equitable and may direct payment thereof for such period or periods of time as the circumstances require, including support for a period before the date the order for support is entered. The order may be entered against any or all of the defendant responsible relatives and may be based upon the proportionate ability of each to contribute to the person's support.

The Court shall determine the amount of child support (including child support for a period before the date the order for child support is entered) by using the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act. For purposes of determining the amount of child support to be paid for a period before the date the order for child support is entered, there is a rebuttable presumption that the responsible relative's net income for that period was the same as his or her net income at the time the order is entered.

If (i) the responsible relative was properly served with a request for discovery of financial information relating to the responsible relative's ability to provide child support, (ii) the responsible relative failed to comply with the request, despite having been ordered to do so by the court, and (iii) the responsible relative is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the responsible relative's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report

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shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.

The Court shall determine the amount of maintenance using the standards set forth in Section 504 of the Illinois Marriage and Dissolution of Marriage Act.

Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. Any such judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

When an order is entered for the support of a minor, the court may provide therein for reasonable visitation of the minor by the person or persons who provided support pursuant to the order. Whoever willfully refuses to comply with such visitation order or willfully interferes with its enforcement may be declared in contempt of court and punished therefor.

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Except where the local governmental unit has entered into an agreement with the Illinois Department for the Child and Spouse Support Unit to act for it, as provided in Section 10-3.1, support orders entered by the court in cases involving applicants or recipients under Article VI shall provide that payments thereunder be made directly to the local governmental unit. Orders for the support of all other applicants or recipients shall provide that payments thereunder be made directly to the Illinois Department. In accordance with federal law and regulations, the Illinois Department may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X. The Illinois Department shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. In both cases the order shall permit the local governmental unit or the Illinois Department, as the case may be, to direct the responsible relative or relatives to make support payments directly to the needy person, or to some person or agency in his behalf, upon removal of the person from the public aid rolls or upon termination of services under Article X.

If the notice of support due issued pursuant to Section 10-7 directs that support payments be made directly to the needy person, or to some person or agency in his behalf, and the recipient is removed from the public aid rolls, court action may be taken against the responsible relative hereunder if he fails to furnish support in accordance with the terms of such notice.

Actions may also be brought under this Section in behalf of any person who is in need of support from responsible relatives, as defined in Section 2-11 of Article II who is not an applicant for or recipient of financial aid under this Code. In such instances, the State's Attorney of the county in which such person resides shall bring action against the responsible relatives hereunder. If the Illinois Department, as authorized by Section 10-1, extends the child support enforcement services provided by this Article to spouses and dependent children who are not applicants or recipients under this Code, the Child and Spouse Support Unit established

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by Section 10-3.1 shall bring action against the responsible relatives hereunder and any support orders entered by the court in such cases shall provide that payments thereunder be made directly to the Illinois Department.

Whenever it is determined in a proceeding to establish or enforce a child support or maintenance obligation that the person owing a duty of support is unemployed, the court may order the person to seek employment and report periodically to the court with a diary, listing or other memorandum of his or her efforts in accordance with such order. Additionally, the court may order the unemployed person to report to the Department of Employment Security for job search services or to make application with the local Job Training Partnership Act provider for participation in job search, training or work programs and where the duty of support is owed to a child receiving child support enforcement services under this Article X, the court may order the unemployed person to report to the Illinois Department for participation in job search, training or work programs established under Section 9-6 and Article IXA of this Code.

Whenever it is determined that a person owes past-due support for a child receiving assistance under this Code, the court shall order at the request of the Illinois Department:

(1) that the person pay the past-due support in accordance with a plan approved by the court; or

(2) if the person owing past-due support is unemployed, is subject to such a plan, and is not incapacitated, that the person participate in such job search, training, or work programs established under Section 9-6 and Article IXA of this Code as the court deems appropriate.

A determination under this Section shall not be administratively reviewable by the procedures specified in Sections 10-12, and 10-13 to 10-13.10. Any determination under these Sections, if made the basis of court action under this Section, shall not affect the de novo judicial determination required under this Section.

A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a

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support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of this Code and shall be enforced by the court upon petition.

All orders for support, when entered or modified, shall include a provision requiring the non-custodial parent to notify the court and, in cases in which a party is receiving child support enforcement services under this Article X, the Illinois Department, within 7 days, (i) of the name, address, and telephone number of any new employer of the non-custodial parent, (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Code, which service shall be sufficient for purposes of due process.

An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this paragraph shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date

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the child attains the age of majority or is otherwise emancipated, then the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for the enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified on or after the effective date of this amendatory Act of the 93rd General Assembly must contain a statement notifying the parties of the requirements of this paragraph. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this paragraph with regard to the order. This paragraph shall not be construed to prevent or affect the establishment or modification of an order for the support of a minor child or the establishment or modification of an order for the support of a non-minor child or educational expenses under Section 513 of the Illinois Marriage and Dissolution of Marriage Act.

Payments under this Section to the Illinois Department pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All payments under this Section to the Illinois Department of Human Services shall be deposited in the DHS Recoveries Trust Fund. Disbursements from these funds shall be as provided in Sections 12-9.1 and 12-10.2 of this Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.

To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Sections 10-10.4 and 10-26 of this Code, the requirements pertaining to the State Disbursement Unit shall apply.

(Source: P.A. 93-1061, eff. 1-1-05; 94-88, eff. 1-1-06; revised 8-9-05.)

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Sec. 10-10.4. Payment of Support to State Disbursement Unit.

(a) As used in this Section:
"Order for support", "obligor", "obligee", and "payor" mean those terms as defined in the Income Withholding for Support Act, except that "order for support" shall not mean orders providing for spousal maintenance under which there is no child support obligation.

(b) Notwithstanding any other provision of this Code to the contrary, each court or administrative order for support entered or modified on or after October 1, 1999 shall require that support payments be made to the State Disbursement Unit established under Section 10-26 if:

(1) a party to the order is receiving child support enforcement services under this Article X; or
(2) no party to the order is receiving child support enforcement services, but the support payments are made through income withholding.

(c) Support payments shall be made to the State Disbursement Unit if:

(1) the order for support was entered before October 1, 1999, and a party to the order is receiving child support enforcement services under this Article X; or
(2) no party to the order is receiving child support enforcement services, and the support payments are being made through income withholding.

(c-5) If no party to the order is receiving child support enforcement services under this Article X, and the support payments are not being made through income withholding, then support payments shall be made as directed in the order for support.

(c-10) At any time, and notwithstanding the existence of an order directing payments to be made elsewhere, the Department of Healthcare and Family Services may provide notice to the obligor and, where applicable, to the obligor's payor:
(1) to make support payments to the State Disbursement Unit if:
   
   (A) a party to the order for support is receiving child support enforcement services under this Article X; or
   
   (B) no party to the order for support is receiving child support enforcement services under this Article X, but the support payments are made through income withholding; or
   
(2) to make support payments to the State Disbursement Unit of another state upon request of another state's Title IV-D child support enforcement agency, in accordance with the requirements of Title IV, Part D of the Social Security Act and regulations promulgated under that Part D.

(c-15) Within 15 days after the effective date of this amendatory Act of the 91st General Assembly, the clerk of the circuit court shall provide written notice to the obligor to make payments directly to the clerk of the circuit court if no party to the order is receiving child support enforcement services under this Article X, the support payments are not made through income withholding, and the order for support requires support payments to be made directly to the clerk of the circuit court.

(c-20) If the State Disbursement Unit receives a support payment that was not appropriately made to the Unit under this Section, the Unit shall immediately return the payment to the sender, including, if possible, instructions detailing where to send the support payments.

(d) The notices under subsections (c-10) and (c-15) may be sent by ordinary mail, certified mail, return receipt requested, facsimile transmission, or other electronic process, or may be served upon the obligor or payor using any method provided by law for service of a summons. A copy of the notice shall be provided to the obligee and, when the order for support was entered by the court, to the clerk of the court.

(Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00; 92-590, eff. 7-1-02; revised 12-15-05.)

(305 ILCS 5/10-15) (from Ch. 23, par. 10-15)

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Sec. 10-15. Enforcement of administrative order; costs and fees. If a responsible relative refuses, neglects, or fails to comply with a final administrative support or reimbursement order of the Illinois Department entered by the Child and Spouse Support Unit pursuant to Sections 10-11 or 10-11.1 or registered pursuant to Section 10-17.1, the Child and Spouse Support Unit may file suit against the responsible relative or relatives to secure compliance with the administrative order.

Suits shall be instituted in the name of the People of the State of Illinois on the relation of the Department of Healthcare and Family Services Public Aid of the State of Illinois and the spouse or dependent children for whom the support order has been issued.

The court shall order the payment of the support obligation, or orders for reimbursement of moneys for support provided, directly to the Illinois Department but the order shall permit the Illinois Department to direct the responsible relative or relatives to make payments of support directly to the spouse or dependent children, or to some person or agency in his or their behalf, as provided in Section 10-8 or 10-10, as applicable.

Whenever it is determined in a proceeding to enforce an administrative order that the responsible relative is unemployed, and support is sought on behalf of applicants for or recipients of financial aid under Article IV of this Code or other persons who are given access to the child support enforcement services of this Article as provided in Section 10-1, the court may order the responsible relative to seek employment and report periodically to the court with a diary, listing or other memorandum of his or her efforts in accordance with such order. In addition, the court may order the unemployed responsible relative to report to the Illinois Department for participation in job search, training or work programs established under Section 9-6 of this Code or to the Illinois Department of Employment Security for job search services or to make application with the local Job Training Partnership Act provider for participation in job search, training or work programs.

Charges imposed in accordance with the provisions of Section 10-21 shall be enforced by the Court in a suit filed under this Section.
To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Sections 10-10.4 and 10-26 of this Code, the requirements pertaining to the State Disbursement Unit shall apply.
(Source: P.A. 91-212, eff. 7-20-99; 92-16, eff. 6-28-01; 92-590, eff. 7-1-02; revised 12-15-05.)

(305 ILCS 5/10-16.7)
Sec. 10-16.7. Child support enforcement debit authorization.
(a) For purposes of this Section:
"Financial institution" and "account" are defined as set forth in Section 10-24.
"Payor" is defined as set forth in Section 15 of the Income Withholding for Support Act.
"Order for support" means any order for periodic payment of funds to the State Disbursement Unit for the support of a child or, where applicable, for support of a child and a parent with whom the child resides, that is entered or modified under this Code or under the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, or the Illinois Parentage Act of 1984, or that is entered or registered for modification or enforcement under the Uniform Interstate Family Support Act.
"Obligor" means an individual who owes a duty to make payments under an order for support in a case in which child support enforcement services are being provided under this Article X.

(b) The Department of Public Aid (now Healthcare and Family Services) shall adopt a child support enforcement debit authorization form that, upon being signed by an obligor, authorizes a financial institution holding an account on the obligor's behalf to debit the obligor's account periodically in an amount equal to the amount of child support that the obligor is required to pay periodically and transfer that amount to the State Disbursement Unit. The form shall include instructions to the financial institution concerning the debiting of accounts held on behalf of obligors and the transfer of the debited amounts to the State Disbursement Unit. In adopting the form, the Department may consult with the Office of Banks

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and Real Estate and the Department of Financial Institutions. The Department must adopt the form within 6 months after the effective date of this amendatory Act of the 93rd General Assembly. Promptly after adopting the form, the Department must notify each financial institution conducting business in this State that the form has been adopted and is ready for use.

(c) An obligor who does not have a payor may sign a child support debit authorization form adopted by the Department under this Section. The obligor may sign a form in relation to any or all of the financial institutions holding an account on the obligor's behalf. Promptly after an obligor signs a child support debit authorization form, the Department shall send the original signed form to the appropriate financial institution. Subject to subsection (e), upon receiving the form, the financial institution shall debit the account and transfer the debited amounts to the State Disbursement Unit according to the instructions in the form. A financial institution that complies with a child support debit authorization form signed by an obligor and issued under this Section shall not be subject to civil liability with respect to any individual or any agency.

(d) The signing and issuance of a child support debit authorization form under this Section does not relieve the obligor from responsibility for compliance with any requirement under the order for support.

(e) A financial institution is obligated to debit the account of an obligor pursuant to this Section only if or to the extent:

1. the financial institution reasonably believes the debit authorization form is a true and authentic original document;
2. there are finally collected funds in the account; and
3. the account is not subject to offsetting claims of the financial institution, whether due at the time of receipt of the debit authorization form or thereafter to become due and whether liquidated or unliquidated.

To the extent the account of the obligor is pledged or held by the financial institution as security for a loan or other obligation, or that the financial institution has any other claim or lien against the account, the financial institution is entitled to retain the account.

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Sec. 10-17.9. Past due support information to State Department of Revenue.

(a) The Illinois Department may provide by rule for certification to the Illinois Department of Revenue of past due support owed by responsible relatives under a support order entered by a court or administrative body of this or any other State on behalf of resident or non-resident persons. The rule shall provide for notice to and an opportunity to be heard by each responsible relative affected. Any final administrative decision rendered by the Department shall be reviewed only under and in accordance with the Administrative Review Law. A responsible relative may avoid certification to the Illinois Department of Revenue by establishing a satisfactory repayment record as determined by the Illinois Department of Healthcare and Family Services Public Aid.

(b) A certified past due support amount shall be final. The certified amount shall be payable to the Illinois Department of Revenue upon written notification of the certification to the responsible relative by the Illinois Department of Revenue.

(c) In the event a responsible relative overpays pursuant to collection under this Section and the applicable Sections of the Illinois Income Tax Act, the overpayment shall be a credit against future support obligations. If the current support obligation of the responsible relative has terminated under operation of law or court order, any moneys overpaid but still in the possession of the Department shall be promptly returned to the responsible relative.

(d) Except as otherwise provided in this Article, any child support delinquency certified to the Illinois Department of Revenue shall be treated as a child support delinquency for all other purposes, and any collection action by the State's Attorney or the Illinois Department of Revenue with respect to any delinquency certified under this Article shall have the same priority against attachment, execution, assignment, or other collection action as is provided by any other provision of State law.

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(e) Any child support delinquency collected by the Illinois Department of Revenue, including those amounts that result in overpayment of a child support delinquency, shall be paid to the State Disbursement Unit established under Section 10-26.
(Source: P.A. 91-212, eff. 7-20-99; revised 12-15-05.)
(305 ILCS 5/10-24.35)

Sec. 10-24.35. Accommodation of financial institutions. The Illinois Department of Public Aid shall make a reasonable effort to accommodate those financial institutions on which the requirements of this Article X would impose a hardship. In the case of a non-automated financial institution, a paper copy including either social security numbers or tax identification numbers is an acceptable format. In order to allow for data processing implementation, no agreement shall become effective earlier than 90 days after its execution.
(Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)
(305 ILCS 5/10-24.40)

Sec. 10-24.40. Financial institution's charges on account.
(a) If the Illinois Department of Public Aid requests a financial institution to hold or encumber assets in an account as defined in Section 10-24, the financial institution at which the account as defined in Section 10-24 is maintained may charge and collect its normally scheduled account activity fees to maintain the account during the period of time the account assets are held or encumbered.
(b) If the Illinois Department of Public Aid takes any action to enforce a lien or levy imposed on an account, as defined in Section 10-24, under Section 10-25.5, the financial institution at which the account is maintained may charge to the account a fee of up to $50 and shall deduct the amount of the fee from the account before remitting any moneys from the account to the Illinois Department of Public Aid.
(Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)
(305 ILCS 5/10-24.50)

Sec. 10-24.50. Financial institution's freedom from liability. A financial institution that provides information under Sections 10-24 through 10-24.50 shall not be liable to any account holder, owner, or other

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person in any civil, criminal, or administrative action for any of the following:

(1) Disclosing the required information to the Illinois Department of Public Aid, any other provisions of the law notwithstanding.

(2) Holding, encumbering, or surrendering any of an individual's accounts as defined in Section 10-24 in response to a lien or order to withhold and deliver issued by:

   (A) the Illinois Department of Public Aid under Sections 10-25 and 10-25.5; or
   
   (B) a person or entity acting on behalf of the Illinois Department of Public Aid.

(3) Any other action taken or omission made in good faith to comply with Sections 10-24 through 10-24.50, including individual or mechanical errors, provided that the action or omission does not constitute gross negligence or willful misconduct.

(Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)

(305 ILCS 5/11-3) (from Ch. 23, par. 11-3)

Sec. 11-3. Assignment and attachment of aid prohibited. Except as provided below in this Section and in Section 11-3.3, all financial aid given under Articles III, IV, V, and VI and money payments for child care services provided by a child care provider under Articles IX and IXA shall not be subject to assignment, sale, attachment, garnishment, or otherwise. Provided, however, that a medical vendor may use his right to receive vendor payments as collateral for loans from financial institutions so long as such arrangements do not constitute any activity prohibited under Section 1902(a)(32) of the Social Security Act and regulations promulgated thereunder, or any other applicable laws or regulations. Provided further, however, that a medical or other vendor or a service provider may assign, reassign, sell, pledge or grant a security interest in any such financial aid, vendor payments or money payments or grants which he has a right to receive to the Illinois Finance Authority, in connection with any financing program undertaken by the Illinois Finance Authority.

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Authority, or to the Illinois Finance Authority, in connection with any financing program undertaken by the Illinois Finance Authority. Each Authority may utilize a trustee or agent to accept, accomplish, effectuate or realize upon any such assignment, reassignment, sale, pledge or grant on that Authority's behalf. Provided further, however, that nothing herein shall prevent the Illinois Department from collecting any assessment, fee, interest or penalty due under Article V-A, V-B, V-C, or V-E by withholding financial aid as payment of such assessment, fee, interest, or penalty. Any alienation in contravention of this statute does not diminish and does not affect the validity, legality or enforceability of any underlying obligations for which such alienation may have been made as collateral between the parties to the alienation. This amendatory Act shall be retroactive in application and shall pertain to obligations existing prior to its enactment.

(Source: P.A. 92-111, eff. 1-1-02; 93-205 (Sections 890-25 and 890-40), eff. 1-1-04; revised 9-23-03.)

(305 ILCS 5/11-3.1) (from Ch. 23, par. 11-3.1)

Sec. 11-3.1. Any recipient of financial aid which is payable to the recipient at regular intervals may elect to have the aid deposited, and the Illinois Department of Human Services is authorized to deposit the aid, directly in the recipient's savings account or checking account or in any electronic benefits transfer account or accounts in a financial institution approved by the Illinois Department of Human Services and in accordance with the rules and regulations of the Department of Human Services. The Illinois Department of Human Services and any electronic benefits transfer financial institutions or contractor shall encourage financial institutions to provide checking account and savings account services to recipients of public aid.

Any recipient of financial aid or benefits distributed by means other than electronic benefits transfer under Articles III, IV, and VI of this Code may elect to receive the aid by means of direct deposit transmittals to his or her account maintained at a bank, savings and loan association, or credit union or by means of electronic benefits transfer in a financial institution approved by the Illinois Department of Human Services and in

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accordance with rules and regulations of the Illinois Department of Human Services. The Illinois Department of Human Services may distribute financial aid or food stamp benefits by means of electronic benefits transfer and may require recipients to receive financial aid or food stamp benefits by means of electronic benefits transfer, provided that any electronic benefits transfer made under this Section shall be accomplished in compliance with the Electronic Fund Transfer Act and any relevant rules promulgated thereunder. The Illinois Department of Human Services may provide for a method of compensation for services in accordance with the rules and regulations of the Illinois Department of Human Services, the United States Department of Agriculture, the United States Department of Health and Human Services, and the State Comptroller and the State Treasurer. The Illinois Department of Human Services shall require a convenient density of distribution points for recipients of public aid to have adequate options to access aid held in an electronic benefits transfer account. No fee may be charged to recipients for reasonable access to public aid benefits held in such an account. Deposits into a financial institution for electronic benefits transfer accounts shall be subject to community reinvestment and to serving public benefits recipients pursuant to relevant criteria of the State Treasurer, Comptroller, and the Illinois Department of Human Services. The Electronic Benefits Transfer Fund is hereby created for the purpose of electronically disbursing public aid benefits.

The electronic benefits transfer contractor shall inform the Department of Human Services whenever it has distributed financial aid to individuals by means of electronic benefits transfer. The Illinois Department of Human Services shall determine the amount to be reimbursed to the contractor and shall direct the State Treasurer to transfer this portion of the amount previously vouchered by the Department of Human Services and approved by the Comptroller pursuant to Section 9.05(c) of the State Comptroller Act to the contractor from the Electronic Benefits Transfer Fund created under Section 9.05(b) of the State Comptroller Act in accordance with the rules and regulations of the Illinois Department of Human Services, the United States Department of

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Agriculture, the United States Department of Health and Human Services, the State Comptroller, and the State Treasurer.
(Source: P.A. 88-412; 89-310, eff. 1-1-96; 89-507, eff. 7-1-97; revised 10-11-05.)

(305 ILCS 5/11-3.3) (from Ch. 23, par. 11-3.3)
Sec. 11-3.3. Payment to provider or governmental agency or entity. Payments under this Code shall be made to the provider, except that the Department may issue or may agree to issue the payment directly to the Illinois Finance Authority, the Illinois Finance Authority, or any other governmental agency or entity, including any bond trustee for that agency or entity, to whom the provider has assigned, reassigned, sold, pledged or granted a security interest in the payments that the provider has a right to receive, provided that the issuance or agreement to issue is not prohibited under Section 1902(a)(32) of the Social Security Act.
(Source: P.A. 93-205 (Sections 890-25 and 890-40), eff. 1-1-04; revised 9-23-03.)

(305 ILCS 5/11-9) (from Ch. 23, par. 11-9)
Sec. 11-9. Protection of records - Exceptions. For the protection of applicants and recipients, the Illinois Department, the county departments and local governmental units and their respective officers and employees are prohibited, except as hereinafter provided, from disclosing the contents of any records, files, papers and communications, except for purposes directly connected with the administration of public aid under this Code.

In any judicial proceeding, except a proceeding directly concerned with the administration of programs provided for in this Code, such records, files, papers and communications, and their contents shall be deemed privileged communications and shall be disclosed only upon the order of the court, where the court finds such to be necessary in the interest of justice.

The Illinois Department shall establish and enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files, and communications of the Illinois Department, the county departments and local governmental units receiving State or Federal funds or aid. The governing body of other local governmental
units shall in like manner establish and enforce rules and regulations governing the same matters.

The contents of case files pertaining to recipients under Articles IV, V, and VI shall be made available without subpoena or formal notice to the officers of any court, to all law enforcing agencies, and to such other persons or agencies as from time to time may be authorized by any court. In particular, the contents of those case files shall be made available upon request to a law enforcement agency for the purpose of determining the current address of a recipient with respect to whom an arrest warrant is outstanding, and the current address of a recipient who was a victim of a felony or a witness to a felony shall be made available upon request to a State's Attorney of this State or a State's Attorney's investigator. Information shall also be disclosed to the Illinois State Scholarship Commission pursuant to an investigation or audit by the Illinois State Scholarship Commission of a delinquent student loan or monetary award.

This Section does not prevent the Illinois Department and local governmental units from reporting to appropriate law enforcement officials the desertion or abandonment by a parent of a child, as a result of which financial aid has been necessitated under Articles IV, V, or VI, or reporting to appropriate law enforcement officials instances in which a mother under age 18 has a child out of wedlock and is an applicant for or recipient of aid under any Article of this Code. The Illinois Department may provide by rule for the county departments and local governmental units to initiate proceedings under the Juvenile Court Act of 1987 to have children declared to be neglected when they deem such action necessary to protect the children from immoral influences present in their home or surroundings.

This Section does not preclude the full exercise of the powers of the Board of Public Aid Commissioners to inspect records and documents, as provided for all advisory boards pursuant to Section 5-505 of the Departments of State Government Law (20 ILCS 5/5-505).

This Section does not preclude exchanges of information among the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid), the Department of Human Services (as

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successor to the Department of Public Aid), and the Illinois Department of Revenue for the purpose of verifying sources and amounts of income and for other purposes directly connected with the administration of this Code and of the Illinois Income Tax Act.

The provisions of this Section and of Section 11-11 as they apply to applicants and recipients of public aid under Article V shall be operative only to the extent that they do not conflict with any Federal law or regulation governing Federal grants to this State for such programs.

The Illinois Department of Healthcare and Family Services Public Aid and the Department of Human Services (as successor to the Illinois Department of Public Aid) shall enter into an inter-agency agreement with the Department of Children and Family Services to establish a procedure by which employees of the Department of Children and Family Services may have immediate access to records, files, papers, and communications (except medical, alcohol or drug assessment or treatment, mental health, or any other medical records) of the Illinois Department, county departments, and local governmental units receiving State or federal funds or aid, if the Department of Children and Family Services determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and Family Services Act.

(Source: P.A. 92-111, eff. 1-1-02; 93-311, eff. 1-1-04; revised 12-15-05.)

(305 ILCS 5/11-16) (from Ch. 23, par. 11-16)

Sec. 11-16. Changes in grants; cancellations, revocations, suspensions.

(a) All grants of financial aid under this Code shall be considered as frequently as may be required by the rules of the Illinois Department. The Department of Healthcare and Family Services Public Aid shall consider grants of financial aid to children who are eligible under Article V of this Code at least annually and shall take into account those reports filed, or required to be filed, pursuant to Sections 11-18 and 11-19. After such investigation as may be necessary, the amount and manner of giving aid may be changed or the aid may be entirely withdrawn if the County Department, local governmental unit, or Illinois Department finds that the

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recipient's circumstances have altered sufficiently to warrant such action. Financial aid may at any time be canceled or revoked for cause or suspended for such period as may be proper.

(b) Whenever any such grant of financial aid is cancelled, revoked, reduced, or terminated because of the failure of the recipient to cooperate with the Department, including but not limited to the failure to keep an appointment, attend a meeting, or produce proof or verification of eligibility or need, the grant shall be reinstated in full, retroactive to the date of the change in or termination of the grant, provided that within 10 working days after the first day the financial aid would have been available, the recipient cooperates with the Department and is not otherwise ineligible for benefits for the period in question. This subsection (b) does not apply to sanctions imposed for the failure of any recipient to participate as required in the child support enforcement program or in any educational, training, or employment program under this Code or any other sanction under Section 4-21, nor does this subsection (b) apply to any cancellation, revocation, reduction, termination, or sanction imposed for the failure of any recipient to cooperate in the monthly reporting process or the quarterly reporting process.

(Source: P.A. 91-357, eff. 7-29-99; 92-597, eff. 6-28-02; revised 12-15-05.)

(305 ILCS 5/12-1) (from Ch. 23, par. 12-1)
(a) This Code shall be administered by the Department of Human Services and the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) as provided in the Department of Human Services Act.

(b) The Department of Healthcare and Family Services Public Aid shall be under the supervision and direction of the Director of Healthcare and Family Services Public Aid, as provided in Section 5-20 of the Departments of State Government Law (20 ILCS 5/5-20). The Director shall be appointed pursuant to the provisions of Section 5-605 and meet the qualifications of Section 5-230 of that Law.
The Assistant Director of Healthcare and Family Services Public Aid, created by Section 5-165 of the Departments of State Government Law (20 ILCS 5/5-165), shall be appointed pursuant to the provisions of Section 5-605 of that Law and shall meet the qualifications prescribed in Section 5-230 of that Law.

The salaries of the Director and the Assistant Director shall be those specified in Section 5-395 of the Departments of State Government Law (20 ILCS 5/5-395).

The Illinois Department of Healthcare and Family Services Public Aid and the Director of Healthcare and Family Services Public Aid shall comply with other provisions of the Civil Administrative Code of Illinois which are generally applicable to the several departments of the State Government created by that Code.

(Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

(305 ILCS 5/12-4.7c)

Sec. 12-4.7c. Exchange of information after July 1, 1997.

(a) The Department of Human Services shall exchange with the Illinois Department of Healthcare and Family Services Public Aid information that may be necessary for the enforcement of child support orders entered pursuant to Sections 10-10 and 10-11 of this Code or pursuant to the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

(b) Notwithstanding any provisions in this Code to the contrary, the Department of Human Services shall not be liable to any person for any disclosure of information to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) under subsection (a) or for any other action taken in good faith to comply with the requirements of subsection (a).

(Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99; revised 12-15-05.)

(305 ILCS 5/12-4.35)

Sec. 12-4.35. Medical services for certain noncitizens.

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(a) Notwithstanding Section 1-11 of this Code or Section 20(a) of the Children's Health Insurance Program Act, the Department of Healthcare and Family Services Public Aid may provide medical services to noncitizens who have not yet attained 19 years of age and who are not eligible for medical assistance under Article V of this Code or under the Children's Health Insurance Program created by the Children's Health Insurance Program Act due to their not meeting the otherwise applicable provisions of Section 1-11 of this Code or Section 20(a) of the Children's Health Insurance Program Act. The medical services available, standards for eligibility, and other conditions of participation under this Section shall be established by rule by the Department; however, any such rule shall be at least as restrictive as the rules for medical assistance under Article V of this Code or the Children's Health Insurance Program created by the Children's Health Insurance Program Act.

(b) The Department is authorized to take any action, including without limitation cessation of enrollment, reduction of available medical services, and changing standards for eligibility, that is deemed necessary by the Department during a State fiscal year to assure that payments under this Section do not exceed available funds.

(c) Continued enrollment of individuals into the program created under this Section in any fiscal year is contingent upon continued enrollment of individuals into the Children's Health Insurance Program during that fiscal year.

(d) (Blank).

(Source: P.A. 94-48, eff. 7-1-05; revised 12-15-05.)

(305 ILCS 5/12-4.201)

Sec. 12-4.201. (a) Data warehouse concerning medical and related services. The Illinois Department of Healthcare and Family Services Public Aid may purchase services and materials associated with the costs of developing and implementing a data warehouse comprised of management and decision making information in regard to the liability associated with, and utilization of, medical and related services, out of moneys available for that purpose.

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(b) The Department of Healthcare and Family Services Public Aid shall perform all necessary administrative functions to expand its linearly-scalable data warehouse to encompass other healthcare data sources at both the Department of Human Services and the Department of Public Health. The Department of Healthcare and Family Services Public Aid shall leverage the inherent capabilities of the data warehouse to accomplish this expansion with marginal additional technical administration. The purpose of this expansion is to allow for programmatic review and analysis including the interrelatedness among the various healthcare programs in order to ascertain effectiveness toward, and ultimate impact on, clients. Beginning July 1, 2005, the Department of Healthcare and Family Services (formerly Department of Public Aid) shall supply quarterly reports to the Commission on Government Forecasting and Accountability detailing progress toward this mandate.

(Source: P.A. 94-267, eff. 7-19-05; revised 12-15-05.)

(305 ILCS 5/12-9) (from Ch. 23, par. 12-9)

Sec. 12-9. Public Aid Recoveries Trust Fund; uses. The Public Aid Recoveries Trust Fund shall consist of (1) recoveries by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) authorized by this Code in respect to applicants or recipients under Articles III, IV, V, and VI, including recoveries made by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) from the estates of deceased recipients, (2) recoveries made by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) in respect to applicants and recipients under the Children's Health Insurance Program, and (3) federal funds received on behalf of and earned by State universities and local governmental entities for services provided to applicants or recipients covered under this Code. The Fund shall be held as a special fund in the State Treasury.

Disbursements from this Fund shall be only (1) for the reimbursement of claims collected by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) through error or mistake, (2) for payment to persons or agencies designated as payees or co-payees on any instrument, whether or not negotiable, delivered to the

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Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) as a recovery under this Section, such payment to be in proportion to the respective interests of the payees in the amount so collected, (3) for payments to the Department of Human Services for collections made by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) on behalf of the Department of Human Services under this Code, (4) for payment of administrative expenses incurred in performing the activities authorized under this Code, (5) for payment of fees to persons or agencies in the performance of activities pursuant to the collection of monies owed the State that are collected under this Code, (6) for payments of any amounts which are reimbursable to the federal government which are required to be paid by State warrant by either the State or federal government, and (7) for payments to State universities and local governmental entities of federal funds for services provided to applicants or recipients covered under this Code. Disbursements from this Fund for purposes of items (4) and (5) of this paragraph shall be subject to appropriations from the Fund to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid).

The balance in this Fund on the first day of each calendar quarter, after payment therefrom of any amounts reimbursable to the federal government, and minus the amount reasonably anticipated to be needed to make the disbursements during that quarter authorized by this Section, shall be certified by the Director of Healthcare and Family Services the Illinois Department of Public Aid and transferred by the State Comptroller to the Drug Rebate Fund or the General Revenue Fund in the State Treasury, as appropriate, within 30 days of the first day of each calendar quarter.

On July 1, 1999, the State Comptroller shall transfer the sum of $5,000,000 from the Public Aid Recoveries Trust Fund (formerly the Public Assistance Recoveries Trust Fund) into the DHS Recoveries Trust Fund.
(Source: P.A. 92-10, eff. 6-11-01; 92-16, eff. 6-28-01; 93-20, eff. 6-20-03; revised 12-15-05.)

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(305 ILCS 5/12-10.2a)
Sec. 12-10.2a. Child Support Administrative Fund.
(a) Beginning July 1, 2002, the Child Support Administrative Fund is created as a special fund in the State treasury. Moneys in the Fund may be used, subject to appropriation, only for the Department of Healthcare and Family Services' (formerly Department of Public Aid's) child support administrative expenses, as defined in this Section.

(a-5) Moneys in the Child Support Administrative Fund shall consist of the following:

(1) all federal grants received by the Illinois Department funded by Title IV-D of the Social Security Act, except those federal funds received under the Title IV-D program as reimbursement for expenditures from the General Revenue Fund;

(2) incentive payments received by the Illinois Department from other states or political subdivisions of other states for the enforcement and collection by the Department of an assigned child support obligation in behalf of those other states or their political subdivisions pursuant to the provisions of Title IV-D of the Social Security Act;

(3) incentive payments retained by the Illinois Department from the amounts that otherwise would be paid to the federal government to reimburse the federal government's share of the support collection for the Department's enforcement and collection of an assigned support obligation on behalf of the State of Illinois pursuant to the provisions of Title IV-D of the Social Security Act;

(4) all fees charged by the Department for child support enforcement services, as authorized under Title IV-D of the Social Security Act and Section 10-1 of this Code, and any other fees, costs, fines, recoveries, or penalties provided for by State or federal law and received by the Department under the Child Support Enforcement Program established by Title IV-D of the Social Security Act;

(5) all amounts appropriated by the General Assembly for deposit into the Child Support Administrative Fund; and

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(6) any gifts, grants, donations, or awards from individuals, private businesses, nonprofit associations, and governmental entities.

(a-10) The moneys identified in subsection (a-5) of this Section shall include moneys receipted on or after July 1, 2002, regardless of the fiscal year in which the moneys were earned.

(b) As used in this Section, "child support administrative expenses" means administrative expenses, including payment to the Health Insurance Reserve Fund for group insurance costs at the rate certified by the Department of Central Management Services, except those required to be paid from the General Revenue Fund, including personal and contractual services, incurred by the Department of Healthcare and Family Services (formerly Department of Public Aid), either directly or under its contracts with SDU contractors as defined in Section 10-26.2, in performing activities authorized by Article X of this Code, and including appropriations to other State agencies or offices. The term includes expenses incurred by the Department of Healthcare and Family Services (formerly Department of Public Aid) in administering the Child Support Enforcement Trust Fund and the State Disbursement Unit Revolving Fund.

(c) Child support administrative expenses incurred in fiscal year 2003 or thereafter shall be paid only from moneys appropriated from the Child Support Administrative Fund.

(d) Before April 1, 2003 and before April 1 of each year thereafter, the Department of Healthcare and Family Services (formerly Department of Public Aid) shall provide notification to the General Assembly of the amount of the Department's child support administrative expenses expected to be incurred during the fiscal year beginning on the next July 1, including the estimated amount required for the operation of the State Disbursement Unit, which shall be separately identified in the annual administrative appropriation.

(e) For the fiscal year beginning July 1, 2002 and for each fiscal year thereafter, the State Comptroller and the State Treasurer shall transfer from the Child Support Enforcement Trust Fund to the Child Support

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Administrative Fund amounts as determined by the Department necessary to enable the Department to meet its child support administrative expenses for the then-current fiscal year. For any fiscal year, the State Comptroller and the State Treasurer may not transfer more than the total amount appropriated for the Department's child support administrative expenses for that fiscal year.

(f) By December 1, 2001, the Illinois Department shall provide a corrective action plan to the General Assembly regarding the establishment of accurate accounts in the Child Support Enforcement Trust Fund. The plan shall include those tasks that may be required to establish accurate accounts, the estimated time for completion of each of those tasks and the plan, and the estimated cost for completion of each of the tasks and the plan.

(Source: P.A. 92-44, eff. 7-1-01; 92-570, eff. 6-26-02; revised 12-15-05.)

(305 ILCS 5/12-10.4)

Sec. 12-10.4. Juvenile Rehabilitation Services Medicaid Matching Fund. There is created in the State Treasury the Juvenile Rehabilitation Services Medicaid Matching Fund. Deposits to this Fund shall consist of all moneys received from the federal government for behavioral health services secured by counties under the Medicaid Rehabilitation Option pursuant to Title XIX of the Social Security Act or under the Children's Health Insurance Program Act and Title XXI of the Social Security Act for minors who are committed to mental health facilities by the Illinois court system and for residential placements secured by the Department of Juvenile Justice for minors as a condition of their parole.

Disbursements from the Fund shall be made, subject to appropriation, by the Illinois Department of Healthcare and Family Services Public Aid for grants to the Department of Juvenile Justice and those counties which secure behavioral health services ordered by the courts and which have an interagency agreement with the Department and submit detailed bills according to standards determined by the Department.

(Source: P.A. 94-696, eff. 6-1-06; revised 9-14-06.)

(305 ILCS 5/12-10.5)

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Sec. 12-10.5. Medical Special Purposes Trust Fund.

(a) The Medical Special Purposes Trust Fund ("the Fund") is created. Any grant, gift, donation, or legacy of money or securities that the Department of Healthcare and Family Services Public Aid is authorized to receive under Section 12-4.18 or Section 12-4.19, and that is dedicated for functions connected with the administration of any medical program administered by the Department, shall be deposited into the Fund. All federal moneys received by the Department as reimbursement for disbursements authorized to be made from the Fund shall also be deposited into the Fund. In addition, federal moneys received on account of State expenditures made in connection with obtaining compliance with the federal Health Insurance Portability and Accountability Act (HIPAA) shall be deposited into the Fund.

(b) No moneys received from a service provider or a governmental or private entity that is enrolled with the Department as a provider of medical services shall be deposited into the Fund.

(c) Disbursements may be made from the Fund for the purposes connected with the grants, gifts, donations, or legacies deposited into the Fund, including, but not limited to, medical quality assessment projects, eligibility population studies, medical information systems evaluations, and other administrative functions that assist the Department in fulfilling its health care mission under the Illinois Public Aid Code and the Children's Health Insurance Program Act.

(Source: P.A. 92-37, eff. 7-1-01; 92-597, eff. 6-28-02; 92-651, eff. 7-11-02; revised 12-15-05.)

(305 ILCS 5/12-13.1)

(a) The Governor shall appoint, and the Senate shall confirm, an Inspector General who shall function within the Illinois Department of Public Aid (now Healthcare and Family Services) and report to the Governor. The term of the Inspector General shall expire on the third Monday of January, 1997 and every 4 years thereafter.

(b) In order to prevent, detect, and eliminate fraud, waste, abuse, mismanagement, and misconduct, the Inspector General shall oversee the
Illinois Department of Healthcare and Family Services’ Public Aid’s integrity functions, which include, but are not limited to, the following:

1. Investigation of misconduct by employees, vendors, contractors and medical providers.

2. Audits of medical providers related to ensuring that appropriate payments are made for services rendered and to the recovery of overpayments.

3. Monitoring of quality assurance programs generally related to the medical assistance program and specifically related to any managed care program.

4. Quality control measurements of the programs administered by the Illinois Department of Healthcare and Family Services Public Aid.

5. Investigations of fraud or intentional program violations committed by clients of the Illinois Department of Healthcare and Family Services Public Aid.

6. Actions initiated against contractors or medical providers for any of the following reasons:
   (A) Violations of the medical assistance program.
   (B) Sanctions against providers brought in conjunction with the Department of Public Health or the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities).
   (C) Recoveries of assessments against hospitals and long-term care facilities.
   (D) Sanctions mandated by the United States Department of Health and Human Services against medical providers.
   (E) Violations of contracts related to any managed care programs.

7. Representation of the Illinois Department of Healthcare and Family Services Public Aid at hearings with the Illinois Department of Professional Regulation in actions taken against

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professional licenses held by persons who are in violation of orders for child support payments.

(b-5) At the request of the Secretary of Human Services, the Inspector General shall, in relation to any function performed by the Department of Human Services as successor to the Department of Public Aid, exercise one or more of the powers provided under this Section as if those powers related to the Department of Human Services; in such matters, the Inspector General shall report his or her findings to the Secretary of Human Services.

(c) The Inspector General shall have access to all information, personnel and facilities of the Illinois Department of Healthcare and Family Services Public Aid and the Department of Human Services (as successor to the Department of Public Aid), their employees, vendors, contractors and medical providers and any federal, State or local governmental agency that are necessary to perform the duties of the Office as directly related to public assistance programs administered by those departments. No medical provider shall be compelled, however, to provide individual medical records of patients who are not clients of the Medical Assistance Program. State and local governmental agencies are authorized and directed to provide the requested information, assistance or cooperation.

(d) The Inspector General shall serve as the Illinois Department of Healthcare and Family Services Public Aid’s primary liaison with law enforcement, investigatory and prosecutorial agencies, including but not limited to the following:

1. The Department of State Police.
2. The Federal Bureau of Investigation and other federal law enforcement agencies.
3. The various Inspectors General of federal agencies overseeing the programs administered by the Illinois Department of Healthcare and Family Services Public Aid.
4. The various Inspectors General of any other State agencies with responsibilities for portions of programs primarily

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administered by the Illinois Department of Healthcare and Family Services Public Aid.

(5) The Offices of the several United States Attorneys in Illinois.

(6) The several State's Attorneys.

The Inspector General shall meet on a regular basis with these entities to share information regarding possible misconduct by any persons or entities involved with the public aid programs administered by the Illinois Department of Healthcare and Family Services Public Aid.

(e) All investigations conducted by the Inspector General shall be conducted in a manner that ensures the preservation of evidence for use in criminal prosecutions. If the Inspector General determines that a possible criminal act relating to fraud in the provision or administration of the medical assistance program has been committed, the Inspector General shall immediately notify the Medicaid Fraud Control Unit. If the Inspector General determines that a possible criminal act has been committed within the jurisdiction of the Office, the Inspector General may request the special expertise of the Department of State Police. The Inspector General may present for prosecution the findings of any criminal investigation to the Office of the Attorney General, the Offices of the several United States Attorneys in Illinois or the several State's Attorneys.

(f) To carry out his or her duties as described in this Section, the Inspector General and his or her designees shall have the power to compel by subpoena the attendance and testimony of witnesses and the production of books, electronic records and papers as directly related to public assistance programs administered by the Illinois Department of Healthcare and Family Services Public Aid or the Department of Human Services (as successor to the Department of Public Aid). No medical provider shall be compelled, however, to provide individual medical records of patients who are not clients of the Medical Assistance Program.

(g) The Inspector General shall report all convictions, terminations, and suspensions taken against vendors, contractors and medical providers to the Illinois Department of Healthcare and Family Services Public Aid.

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and to any agency responsible for licensing or regulating those persons or entities.

(h) The Inspector General shall make annual reports, findings, and recommendations regarding the Office's investigations into reports of fraud, waste, abuse, mismanagement, or misconduct relating to any public aid programs administered by the Illinois Department of Healthcare and Family Services Public Aid or the Department of Human Services (as successor to the Department of Public Aid) to the General Assembly and the Governor. These reports shall include, but not be limited to, the following information:

1. Aggregate provider billing and payment information, including the number of providers at various Medicaid earning levels.

2. The number of audits of the medical assistance program and the dollar savings resulting from those audits.

3. The number of prescriptions rejected annually under the Illinois Department of Healthcare and Family Services' Public Aid's Refill Too Soon program and the dollar savings resulting from that program.

4. Provider sanctions, in the aggregate, including terminations and suspensions.

5. A detailed summary of the investigations undertaken in the previous fiscal year. These summaries shall comply with all laws and rules regarding maintaining confidentiality in the public aid programs.

(i) Nothing in this Section shall limit investigations by the Illinois Department of Healthcare and Family Services Public Aid or the Department of Human Services that may otherwise be required by law or that may be necessary in their capacity as the central administrative authorities responsible for administration of public aid programs in this State.

(Source: P.A. 89-507, eff. 7-1-97; 90-725, eff. 8-7-98; revised 12-15-05.)
(305 ILCS 5/12-16) (from Ch. 23, par. 12-16)
Sec. 12-16. Public Aid Claims Enforcement Division of Office of Attorney General. The Public Aid Claims Enforcement Division in the Office of the Attorney General, established pursuant to the 1949 Code, shall institute in behalf of the State all court actions referred to it by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) or the Department of Human Services (as successor to the Illinois Department of Public Aid) under this Code and other laws for the recovery of financial aid provided under the public aid programs, the enforcement of obligations of support, and the enforcement of other claims, penalties and obligations.

The Division shall be staffed with attorneys appointed by the Attorney General as Special Assistant Attorneys' General whose special duty it shall be to execute the aforesaid duties. The Assistant Attorneys' General shall be assigned exclusively to such duties. They may engage only in such political activities as are not prohibited by the Hatch Political Activity Act, Title 5, U.S.C.A., Sections 118i et seq.

The Attorney General may request the appropriate State's Attorney of a county or staff of the Child and Spouse Support Unit established under Section 10-3.1 of this Code to institute any such action in behalf of the State or to assist the Attorney General in the prosecution of actions instituted by his Office.

(Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

Section 800. The Energy Assistance Act is amended by changing Sections 3, 4, 8, and 13 as follows:

(305 ILCS 20/3) (from Ch. 111 2/3, par. 1403)

Sec. 3. Definitions. As used in this Act, unless the context otherwise requires:
(a) the terms defined in Sections 3-101 through 3-121 of The Public Utilities Act have the meanings ascribed to them in that Act;
(b) "Department" means the Department of Healthcare and Family Services Economic Opportunity;
(c) "energy provider" means any utility, municipal utility, cooperative utility, or any other corporation or individual which provides winter energy services;

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(d) "winter" means the period from November 1 of any year through April 30 of the following year.
(Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06; revised 8-3-06.)
(305 ILCS 20/4) (from Ch. 111 2/3, par. 1404)
Sec. 4. Energy Assistance Program.
(a) The Department of Healthcare and Family Services Economic Opportunity is hereby authorized to institute a program to ensure the availability and affordability of heating and electric service to low income citizens. The Department shall implement the program by rule promulgated pursuant to The Illinois Administrative Procedure Act. The program shall be consistent with the purposes and objectives of this Act and with all other specific requirements provided herein. The Department may enter into such contracts and other agreements with local agencies as may be necessary for the purpose of administering the energy assistance program.

(b) Nothing in this Act shall be construed as altering or limiting the authority conferred on the Illinois Commerce Commission by the Public Utilities Act to regulate all aspects of the provision of public utility service, including but not limited to the authority to make rules and adjudicate disputes between utilities and customers related to eligibility for utility service, deposits, payment practices, discontinuance of service, and the treatment of arrearages owing for previously rendered utility service.
(Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06; revised 8-3-06.)
(305 ILCS 20/8) (from Ch. 111 2/3, par. 1408)
Sec. 8. Program Reports.
(a) The Department of Natural Resources shall prepare and submit to the Governor and the General Assembly reports on September 30 biennially, beginning in 2003, evaluating the effectiveness of the energy assistance and weatherization policies authorized by this Act. The first report shall cover such effects during the first winter during which the program authorized by this Act, is in operation, and successive reports shall cover effects since the issuance of the preceding report.

(1) Reports issued pursuant to this Section shall be limited to, information concerning the effects of the policies authorized by
this Act on (1) the ability of eligible applicants to obtain and maintain adequate and affordable winter energy services and (2) changes in the costs and prices of winter energy services for people who do not receive energy assistance pursuant to this Act.

(2) The Department of Natural Resources shall by September 30, 2002, in consultation with the Policy Advisory Council, determine the kinds of numerical and other information needed to conduct the evaluations required by this Section, and shall advise the Policy Advisory Council of such information needs in a timely manner. The Department of Healthcare and Family Services Economic Opportunity, the Department of Human Services, and the Illinois Commerce Commission shall each provide such information as the Department of Natural Resources may require to ensure that the evaluation reporting requirement established by this Section can be met.

(b) On or before December 31, 2002, 2004, 2006, and 2007, the Department shall prepare a report for the General Assembly on the expenditure of funds appropriated for the programs authorized under this Act.

(c) On or before December 31 of each year in 2004, 2006, and 2007, the Department shall, in consultation with the Council, prepare and submit evaluation reports to the Governor and the General Assembly outlining the effects of the program designed under this Act on the following as it relates to the propriety of continuing the program:

(1) the definition of an eligible low income residential customer;
(2) access of low income residential customers to essential energy services;
(3) past due amounts owed to utilities by low income persons in Illinois;
(4) appropriate measures to encourage energy conservation, efficiency, and responsibility among low income residential customers;

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(5) the activities of the Department in the development and implementation of energy assistance and related policies and programs, which characterizes progress toward meeting the objectives and requirements of this Act, and which recommends any statutory changes which might be needed to further such progress.

(d) The Department shall by September 30, 2002 in consultation with the Council determine the kinds of numerical and other information needed to conduct the evaluations required by this Section.

(e) The Illinois Commerce Commission shall require each public utility providing heating or electric service to compile and submit any numerical and other information needed by the Department of Natural Resources to meet its reporting obligations.

(Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06; revised 8-3-06.)

(305 ILCS 20/13)

(Section scheduled to be repealed on December 31, 2007)


(a) The Supplemental Low-Income Energy Assistance Fund is hereby created as a special fund in the State Treasury. The Supplemental Low-Income Energy Assistance Fund is authorized to receive moneys from voluntary donations from individuals, foundations, corporations, and other sources, moneys received pursuant to Section 17, and, by statutory deposit, the moneys collected pursuant to this Section. The Fund is also authorized to receive voluntary donations from individuals, foundations, corporations, and other sources, as well as contributions made in accordance with Section 507MM of the Illinois Income Tax Act. Subject to appropriation, the Department shall use moneys from the Supplemental Low-Income Energy Assistance Fund for payments to electric or gas public utilities, municipal electric or gas utilities, and electric cooperatives on behalf of their customers who are participants in the program authorized by Section 4 of this Act, for the provision of weatherization services and for administration of the Supplemental Low-Income Energy Assistance Fund. The yearly expenditures for weatherization may not exceed 10% of the amount collected during the year pursuant to this

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Section. The yearly administrative expenses of the Supplemental Low-Income Energy Assistance Fund may not exceed 10% of the amount collected during that year pursuant to this Section.

(b) Notwithstanding the provisions of Section 16-111 of the Public Utilities Act but subject to subsection (k) of this Section, each public utility, electric cooperative, as defined in Section 3.4 of the Electric Supplier Act, and municipal utility, as referenced in Section 3-105 of the Public Utilities Act, that is engaged in the delivery of electricity or the distribution of natural gas within the State of Illinois shall, effective January 1, 1998, assess each of its customer accounts a monthly Energy Assistance Charge for the Supplemental Low-Income Energy Assistance Fund. The delivering public utility, municipal electric or gas utility, or electric or gas cooperative for a self-assessing purchaser remains subject to the collection of the fee imposed by this Section. The monthly charge shall be as follows:

(1) $0.40 per month on each account for residential electric service;
(2) $0.40 per month on each account for residential gas service;
(3) $4 per month on each account for non-residential electric service which had less than 10 megawatts of peak demand during the previous calendar year;
(4) $4 per month on each account for non-residential gas service which had distributed to it less than 4,000,000 therms of gas during the previous calendar year;
(5) $300 per month on each account for non-residential electric service which had 10 megawatts or greater of peak demand during the previous calendar year; and
(6) $300 per month on each account for non-residential gas service which had 4,000,000 or more therms of gas distributed to it during the previous calendar year.

(c) For purposes of this Section:

(1) "residential electric service" means electric utility service for household purposes delivered to a dwelling of 2 or
fewer units which is billed under a residential rate, or electric utility service for household purposes delivered to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;

(2) "residential gas service" means gas utility service for household purposes distributed to a dwelling of 2 or fewer units which is billed under a residential rate, or gas utility service for household purposes distributed to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;

(3) "non-residential electric service" means electric utility service which is not residential electric service; and

(4) "non-residential gas service" means gas utility service which is not residential gas service.

(d) At least 45 days prior to the date on which it must begin assessing Energy Assistance Charges, each public utility engaged in the delivery of electricity or the distribution of natural gas shall file with the Illinois Commerce Commission tariffs incorporating the Energy Assistance Charge in other charges stated in such tariffs.

(e) The Energy Assistance Charge assessed by electric and gas public utilities shall be considered a charge for public utility service.

(f) By the 20th day of the month following the month in which the charges imposed by the Section were collected, each public utility, municipal utility, and electric cooperative shall remit to the Department of Revenue all moneys received as payment of the Energy Assistance Charge on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require. If a customer makes a partial payment, a public utility, municipal utility, or electric cooperative may elect either: (i) to apply such partial payments first to amounts owed to the utility or cooperative for its services and then to payment for the Energy Assistance Charge or (ii) to apply such partial payments on a pro-rata basis between amounts owed to the utility or cooperative for its services and to payment for the Energy Assistance Charge.
(g) The Department of Revenue shall deposit into the Supplemental Low-Income Energy Assistance Fund all moneys remitted to it in accordance with subsection (f) of this Section.

(h) (Blank).

On or before December 31, 2002, the Department shall prepare a report for the General Assembly on the expenditure of funds appropriated from the Low-Income Energy Assistance Block Grant Fund for the program authorized under Section 4 of this Act.

(i) The Department of Revenue may establish such rules as it deems necessary to implement this Section.

(j) The Department of Healthcare and Family Services Economic Opportunity may establish such rules as it deems necessary to implement this Section.

(k) The charges imposed by this Section shall only apply to customers of municipal electric or gas utilities and electric or gas cooperatives if the municipal electric or gas utility or electric or gas cooperative makes an affirmative decision to impose the charge. If a municipal electric or gas utility or an electric cooperative makes an affirmative decision to impose the charge provided by this Section, the municipal electric or gas utility or electric cooperative shall inform the Department of Revenue in writing of such decision when it begins to impose the charge. If a municipal electric or gas utility or electric or gas cooperative does not assess this charge, the Department may not use funds from the Supplemental Low-Income Energy Assistance Fund to provide benefits to its customers under the program authorized by Section 4 of this Act.

In its use of federal funds under this Act, the Department may not cause a disproportionate share of those federal funds to benefit customers of systems which do not assess the charge provided by this Section.

This Section is repealed effective December 31, 2007 unless renewed by action of the General Assembly. The General Assembly shall consider the results of the evaluations described in Section 8 in its deliberations.

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Section 805. The Good Samaritan Energy Plan Act is amended by changing Sections 5 and 25 as follows:

(305 ILCS 22/5)
Sec. 5. Definitions. In this Act:
"Department" means the Department of Healthcare and Family Services.
"LIHEAP" means the energy assistance program established under the Energy Assistance Act of 1989.

(305 ILCS 22/25)
Sec. 25. Administration of Fund. The Department shall administer the Good Samaritan Energy Trust Fund with the advice and consent of the Low Income Energy Assistance Policy Advisory Council established under the Energy Assistance Act of 1989. Donations received for the Fund shall be made available for the purpose of alleviating utility bill arrearages for households determined eligible for LIHEAP, except that the Department may use up to 10% of the moneys donated for the Fund for the expenses of the Department and the local area agency incurred in administering the Fund. Resources from the Fund shall be awarded to local area agencies that have existing contracts with the Department to administer LIHEAP in Illinois.

(305 ILCS 35/1-2) (from Ch. 23, par. 7051-2)
Sec. 1-2. Legislative finding and declaration. The General Assembly hereby finds, determines, and declares:
(1) It is in the public interest and it is the public policy of this State to provide for and improve the basic medical care and long-term health care services of its indigent, most vulnerable citizens.
(2) Preservation of health, alleviation of sickness, and correction of handicapping conditions for persons requiring maintenance support are

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essential if those persons are to have an opportunity to become self-supporting or to attain a greater capacity for self-care.

(3) For persons who are medically indigent but otherwise able to provide themselves a livelihood, it is of special importance to maintain their incentives for continued independence and preserve their limited resources for ordinary maintenance needed to prevent their total or substantial dependence on public support.

(4) The State has historically provided for care and services, in conjunction with the federal government, through the establishment and funding of a medical assistance program administered by the Department of Healthcare and Family Services (formerly Department of Public Aid) and approved by the Secretary of Health and Human Services under Title XIX of the federal Social Security Act, that program being commonly referred to as "Medicaid".

(5) The Medicaid program is a funding partnership between the State of Illinois and the federal government, with the Department of Healthcare and Family Services being designated as the single State agency responsible for the administration of the program, but with the State historically receiving 50% of the amounts expended as medical assistance under the Medicaid program from the federal government.

(6) To raise a portion of Illinois' share of the Medicaid funds after July 1, 1991, the General Assembly enacted Public Act 87-13 to provide for the collection of provider participation fees from designated health care providers receiving Medicaid payments.

(7) On September 12, 1991, the Secretary of Health and Human Services proposed regulations that could have reduced the federal matching of Medicaid expenditures incurred on or after January 1, 1992 by the portion of the expenditures paid from funds raised through the provider participation fees.

(8) To prevent the Secretary from enacting those regulations but at the same time to impose certain statutory limitations on the means by which states may raise Medicaid funds eligible for federal matching, Congress enacted the Medicaid Voluntary Contribution and Provider-Specific Tax Amendments of 1991, Public Law 102-234.

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(9) Public Law 102-234 provides for a state's share of Medicaid funding eligible for federal matching to be raised through "broad-based health care related taxes", meaning, generally, a tax imposed with respect to a class of health care items or services (or providers thereof) specified therein, which (i) is imposed on all items or services or providers in the class in the state, except federal or public providers, and (ii) is imposed uniformly on all providers in the class at the same rate with respect to the same base.

(10) The separate classes of health care items and services established by P.L. 102-234 include inpatient and outpatient hospital services, nursing facility services, and services of intermediate care facilities for the mentally retarded.

(11) The provider participation fees imposed under P.A. 87-13 may not meet the standards under P.L. 102-234.

(12) The resulting hospital Medicaid reimbursement reductions may force the closure of some hospitals now serving a disproportionately high number of the needy, who would then have to be cared for by remaining hospitals at substantial cost to those remaining hospitals.

(13) The hospitals in the State are all part of and benefit from a hospital system linked together in a number of ways, including common licensing and regulation, health care standards, education, research and disease control reporting, patient transfers for specialist care, and organ donor networks.

(14) Each hospital's patient population demographics, including the proportion of patients whose care is paid by Medicaid, is subject to change over time.

(15) Hospitals in the State have a special interest in the payment of adequate reimbursement levels for hospital care by Medicaid.

(16) Most hospitals are exempt from payment of most federal, State, and local income, sales, property, and other taxes.

(17) The hospital assessment enacted by this Act under the guidelines of P.L. 102-234 is the most efficient means of raising the federally matchable funds needed for hospital care reimbursement.
(18) Cook County Hospital and Oak Forest Hospital are public hospitals owned and operated by Cook County with unique fiscal problems, including a patient population that is primarily Medicaid or altogether nonpaying, that make an intergovernmental transfer payment arrangement a more appropriate means of financing than the regular hospital assessment and reimbursement provisions.

(19) Sole community hospitals provide access to essential care that would otherwise not be reasonably available in the community they serve, such that imposition of assessments on them in their precarious financial circumstances may force their closure and have the effect of reducing access to health care.

(20) Each nursing home's resident population demographics, including the proportion of residents whose care is paid by Medicaid, is subject to change over time in that, among other things, residents currently able to pay the cost of nursing home care may become dependent on Medicaid support for continued care and services as resources are depleted.

(21) As the citizens of the State age, increased pressures will be placed on limited facilities to provide reasonable levels of care for a greater number of geriatric residents, and all involved in the nursing home industry, providers and residents, have a special interest in the maintenance of adequate Medicaid support for all nursing facilities.

(22) The assessments on nursing homes enacted by this Act under the guidelines of P.L. 102-234 are the most efficient means of raising the federally matchable funds needed for nursing home care reimbursement.

(23) All intermediate care facilities for persons with developmental disabilities receive a high degree of Medicaid support and benefits and therefore have a special interest in the maintenance of adequate Medicaid support.

(24) The assessments on intermediate care facilities for persons with developmental disabilities enacted by this Act under the guidelines of P.L. 102-234 are the most efficient means of raising the federally matchable funds needed for reimbursement of providers of intermediate care for persons with developmental disabilities.
Section 815. The Nursing Home Grant Assistance Act is amended by changing Section 20 as follows:

(305 ILCS 40/20) (from Ch. 23, par. 7100-20)
Sec. 20. Nursing Home Grant Assistance Program.
(a) (Blank).
(b) The Department, subject to appropriation, may use up to 2.5% of the moneys received under this Act for the costs of administering and enforcing the program.
(c) Within 30 days after the end of the quarterly period in which the distribution agent is required to file the certification and make the payment required by this Act, and after verification with the Illinois Department of Healthcare and Family Services Public Aid of the licensing status of the distribution agent, the Director shall order the payment to be made from appropriations made for the purposes of this Act.
(d) Disbursements shall be by warrants drawn by the State Comptroller upon receipt of vouchers duly executed and certified by the Department. The Department shall prepare and certify to the State Comptroller the disbursement of the grants to qualified distributing agents for payment to the eligible individuals certified to the Department by the qualified distributing agents.

The amount to be paid per calendar quarter to a qualified distribution agent shall not exceed, for each eligible individual, $500 multiplied by a fraction equal to the number of days that the eligible individual's nursing home care was not paid for, in whole or in part, by a federal, State, or combined federal-State medical care program, divided by the number of calendar days in the quarter. Any amount the qualified distribution agent owes to the Department under Section 30 shall be deducted from the amount of the payment to the qualified distribution agent.

If the amount appropriated or available is insufficient to meet all or part of any quarterly payment certification, the payment certified to each qualified distributing agent shall be uniformly reduced by an amount which will permit a payment to be made to each qualified distributing

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agent. Within 10 days after receipt by the State Comptroller of the disbursement certification to the qualified distributing agents, the State Comptroller shall cause the warrants to be drawn for the respective amounts in accordance with the directions contained in that certification.

(e) Notwithstanding any other provision of this Act, as soon as is practicable after the effective date of this amendatory Act of 1994, the Department shall order that payments be made, subject to appropriation, to the appropriate distribution agents for grants to persons who were eligible individuals during the fourth quarter of fiscal year 1993 to the extent that those individuals did not receive a grant for that quarter or the fourth quarter of fiscal year 1992. An eligible individual, or a person acting on behalf of an eligible individual, must apply on or before December 31, 1994 for a grant under this subsection (e). The amount to be paid to each distribution agent under this subsection shall be calculated as provided in subsection (d). Distribution agents shall distribute the grants to eligible individuals as required in Section 30. For the purpose of determining grants under this subsection (e), a nursing home that is a distribution agent under this Act shall file with the Department, on or before September 30, 1994, a certification disclosing the information required under Section 15 with respect to the fourth quarter of fiscal year 1993.

(Source: P.A. 94-91, eff. 7-1-05; revised 12-15-05.)

Section 820. The Elder Abuse and Neglect Act is amended by changing Section 7 as follows:

(320 ILCS 20/7) (from Ch. 23, par. 6607)

Sec. 7. Review. All services provided to an eligible adult shall be reviewed by the provider agency on at least a quarterly basis for up to one year to determine whether the service care plan should be continued or modified, except that, upon review, the Department on Aging—upon review, may grant a waiver to extend the service care plan for up to one additional one year period.

(Source: P.A. 93-300, eff. 1-1-04; 93-301, eff. 1-1-04; revised 9-22-03.)

Section 825. The Partnership for Long-Term Care Act is amended by changing Sections 15, 20, 25, 50, and 60 as follows:

(320 ILCS 35/15) (from Ch. 23, par. 6801-15)
Sec. 15. Program.

(a) The Department on Aging, in cooperation with the Department of Insurance, and the Department of Healthcare and Family Services Public Aid, shall administer the program.

(b) The Departments shall seek any federal waivers and approvals necessary to accomplish the purposes of this Act.

(Source: P.A. 88-328; 89-525, eff. 7-19-96; revised 12-15-05.)

(320 ILCS 35/20) (from Ch. 23, par. 6801-20)

Sec. 20. Program participant eligibility for Medicaid.

(a) Individuals who participate in the program and have resources above the eligibility levels for receipt of medical assistance under Title XIX of the Social Security Act (Subchapter XIX (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code) shall be eligible to receive in-home supportive service benefits and Medicaid benefits through the Department of Healthcare and Family Services Public Aid if, before becoming eligible for benefits, they have purchased a long-term care insurance policy covering long-term care that has been certified by the Department of Insurance under Section 30 of this Act.

(b) Individuals may purchase certified long-term care insurance policies which cover long-term care services in amounts equal to the resources they wish to protect.

(b-5) An individual may purchase a certified long-term care insurance policy which protects an individual's total assets. To be eligible for total asset protection, an amount equal to the average cost of 4 years of long-term care services in a nursing facility must be purchased.

(b-7) Although a resource has been protected by the Partnership Policy, income is to be applied to the cost of care when the insured becomes Medicaid eligible.

(c) The resource protection provided by this Act shall be effective only for long-term care policies which cover long-term care services, that are delivered, issued for delivery, or renewed on or after July 1, 1992.

(d) When an individual purchases a certified long-term care insurance policy, the issuer must notify the purchaser of the benefits of purchasing inflation protection for the long-term care insurance policy.

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(e) An insurance company may offer for sale a policy as described in paragraph (b) of this Section or paragraph (b-5) of this Section or both types of policies.
(Source: P.A. 89-507, eff. 7-1-97; 89-525, eff. 7-19-96; 90-14, eff. 7-1-97; revised 12-15-05.)

(320 ILCS 35/25) (from Ch. 23, par. 6801-25)

Sec. 25. Protection of resources.

(a) Notwithstanding any other provision of law, the resources, to the extent described in subsection (b), of an individual who (i) purchases a certified long-term care insurance policy which covers long-term care services and (ii) has received all the benefit payments that are payable under that policy or contract for items described in subsection (b) shall not be considered in determining:

(1) Medicaid eligibility.
(2) The amount of any Medicaid payment.
(3) The amount of any subsequent recovery by the State of payments made for medical services to the extent federal law permits.
(4) Eligibility for in-home supportive services.
(5) The amount of any payment for in-home supportive services.

(b) Benefit payments described in subsection (a) must be for one or more of the following:

(1) In-home supportive service benefits and Medicaid long-term care services specified in regulations by the Department of Healthcare and Family Services Public Aid.
(2) Long-term care services delivered to insured individuals in a community setting as part of an individual assessment and case management program provided by coordinating entities designated or approved by the Department on Aging.
(3) Services the insured individual received while meeting the disability criteria for eligibility for long-term care benefits established by the Departments.

(Source: P.A. 89-525, eff. 7-19-96; revised 12-15-05.)

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Sec. 50. Task force.

(a) An executive and legislative advisory task force shall be created to provide advice and assistance in designing and implementing the Partnership for Long-term Care Program. The task force shall be composed of representatives, designated by the director of each of the following agencies or departments:

(1) The Department on Aging.
(2) The Department of Public Aid (now Department of Healthcare and Family Services).
(3) (Blank).
(4) The Department of Financial and Professional Regulation, in its capacity as the successor of the Department of Insurance.
(5) The Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity).
(6) The Legislative Research Unit.

(b) The task force shall consult with persons knowledgeable of and concerned with long-term care, including, but not limited to the following:

(1) Consumers.
(2) Health care providers.
(3) Representatives of long-term care insurance companies and administrators of health care service plans that cover long-term care services.
(4) Providers of long-term care.
(5) Private employers.
(6) Academic specialists in long-term care and aging.
(7) Representatives of the public employees' and teachers' retirement systems.

(c) The task force shall be established, and its members designated, not later than March 1, 1993. The task force shall make recommendations to the Department on Aging concerning the policy components of the program on or before September 1, 1993.

(Source: P.A. 94-793, eff. 5-19-06; revised 8-24-06.)
Sec. 60. Administrative costs.

(a) The Department on Aging, in conjunction with the Department of Healthcare and Family Services Public Aid, the Department of Financial and Professional Regulation Insurance, and the Department of Commerce and Economic Opportunity, shall submit applications for State or federal grants or federal waivers, or funding from nationally distributed private foundation grants, or insurance reimbursements to be used to pay the administrative expenses of implementation of the program. The Department on Aging, in conjunction with those other departments, also shall seek moneys from these same sources for the purpose of implementing the program, including moneys appropriated for that purpose.

(b) In implementing this Act, the Department on Aging may negotiate contracts, on a nonbid basis, with long-term care insurers, health care insurers, health care service plans, or both, for the provision of coverage for long-term care services that will meet the certification requirements set forth in Section 30 and the other requirements of this Act.

(Source: P.A. 94-793, eff. 5-19-06; revised 8-24-06.)

Section 830. The All-Inclusive Care for the Elderly Act is amended by changing Sections 5, 10, 15, 20, 25, and 30 as follows:

Sec. 5. Legislative declaration. The General Assembly finds and declares that it is the intent of this Act to replicate the On Lok OnLok program in San Francisco, California, that has proven to be cost-effective at both the state and federal levels. The PACE program is part of a national replication project authorized in Section 9412(b)(2) of the federal Omnibus Reconciliation Act of 1986, which instructs the Secretary of the federal Department of Health and Human Services to grant Medicare and Medicaid waivers to permit not more than 10 public or nonprofit private community-based organizations in the country to provide comprehensive health care services on a capitated basis to frail elderly who are at risk of institutionalization. The General Assembly finds that by coordinating an extensive array of medical and nonmedical services, the needs of the

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participants will be met primarily in an outpatient environment in an adult day health center, in their homes, or in an institutional setting. The General Assembly finds that such a service delivery system will enhance the quality of life for the participant and offers the potential to reduce and cap costs to Illinois of the medical needs of the participants, including hospital and nursing home admissions.

The General Assembly declares that the purpose of this Act is to provide services that would foster the following goals:

To maintain eligible persons at home as an alternative to long-term institutionalization;

To provide optimum accessibility to various important social and health resources that are available to assist eligible persons in maintaining independent living;

To provide that eligible persons who are frail elderly but who have the capacity to remain in an independent living situation have access to the appropriate social and health services without which independent living would not be possible;

To coordinate, integrate, and link these social and health services by removing obstacles that impede or limit improvements in delivery of these services;

To provide the most efficient and effective use of capitated funds for the delivery of these social and health services;

To assure that capitation payments amount to no more than 95% of the amount paid under the Medicaid fee-for-service structure of an actuarially similar population.

(Source: P.A. 87-411; revised 10-13-05.)

(320 ILCS 40/10) (from Ch. 23, par. 6910)

Sec. 10. Services for eligible persons. Within the context of the PACE program established under this Act, the Illinois Department of Healthcare and Family Services Public Aid may include any or all of the services in Article V § of the Illinois Public Aid Code.

An eligible person may elect to receive services from the PACE program. If such an election is made, the eligible person shall not remain eligible for payment through the regular Medicare or Medicaid program.

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All services and programs provided through the PACE program shall be provided in accordance with this Act. An eligible person may elect to disenroll from the PACE program at any time.

For purposes of this Act, "eligible person" means a frail elderly individual who voluntarily enrolls in the PACE program, whose income and resources do not exceed limits established by the Illinois Department of Healthcare and Family Services Public Aid and for whom a licensed physician certifies that such a program provides an appropriate alternative to institutionalized care. The term "frail elderly" means an individual who meets the age and functional eligibility requirements established by the Illinois Department of Healthcare and Family Services Public Aid.

(Source: P.A. 94-48, eff. 7-1-05; revised 12-15-05.)

Sec. 15. Program implementation.

(a) Upon receipt of federal approval, the Illinois Department of Public Aid (now Department of Healthcare and Family Services) shall implement the PACE program pursuant to the provisions of the approved Title XIX State plan.

(b) Using a risk-based financing model, the nonprofit organization providing the PACE program shall assume responsibility for all costs generated by the PACE program participants, and it shall create and maintain a risk reserve fund that will cover any cost overages for any participant. The PACE program is responsible for the entire range of services in the consolidated service model, including hospital and nursing home care, according to participant need as determined by a multidisciplinary team. The nonprofit organization providing the PACE program is responsible for the full financial risk. Specific arrangements of the risk-based financing model shall be adopted and negotiated by the federal Centers for Medicare and Medicaid Services, the nonprofit organization providing the PACE program, and the Illinois Department of Healthcare and Family Services Public Aid.

(Source: P.A. 94-48, eff. 7-1-05; revised 12-15-05.)

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(a) The Illinois Department of Healthcare and Family Services shall provide a system for reimbursement for services to the PACE program.

(b) The Illinois Department of Healthcare and Family Services shall develop and implement a contract with the nonprofit organization providing the PACE program that sets forth contractual obligations for the PACE program, including but not limited to reporting and monitoring of utilization of costs of the program as required by the Illinois Department.

(c) The Illinois Department of Healthcare and Family Services shall acknowledge that it is participating in the national PACE project as initiated by Congress.

(d) The Illinois Department of Healthcare and Family Services or its designee shall be responsible for certifying the eligibility for services of all PACE program participants.

(Source: P.A. 87-411; revised 12-15-05.)

Sec. 25. Rules and regulations. The Illinois Department of Healthcare and Family Services shall promulgate rules and regulations necessary to implement this Act.

(Source: P.A. 87-411; revised 12-15-05.)

Sec. 30. Rate of payment. The General Assembly shall make appropriations to the Illinois Department of Healthcare and Family Services Public Aid to fund services under this Act provided at a monthly capitated rate. The Illinois Department shall annually renegotiate a monthly capitated rate for the contracted services based on the 95% of the Medicaid fee-for-service costs of an actuarially similar population.

(Source: P.A. 87-411; revised 12-15-05.)

Section 835. The Older Adult Services Act is amended by changing Sections 10, 15, 20, 30, and 35 as follows:

New matter indicated by italics - deletions by strikeout
"Advisory Committee" means the Older Adult Services Advisory Committee.

"Certified nursing home" means any nursing home licensed under the Nursing Home Care Act and certified under Title XIX of the Social Security Act to participate as a vendor in the medical assistance program under Article V of the Illinois Public Aid Code.

"Comprehensive case management" means the assessment of needs and preferences of an older adult at the direction of the older adult or the older adult's designated representative and the arrangement, coordination, and monitoring of an optimum package of services to meet the needs of the older adult.

"Consumer-directed" means decisions made by an informed older adult from available services and care options, which may range from independently making all decisions and managing services directly to limited participation in decision-making, based upon the functional and cognitive level of the older adult.

"Coordinated point of entry" means an integrated access point where consumers receive information and assistance, assessment of needs, care planning, referral, assistance in completing applications, authorization of services where permitted, and follow-up to ensure that referrals and services are accessed.

"Department" means the Department on Aging, in collaboration with the departments of Public Health and Healthcare and Family Services Public Aid and other relevant agencies and in consultation with the Advisory Committee, except as otherwise provided.

"Departments" means the Department on Aging, the departments of Public Health and Healthcare and Family Services Public Aid, and other relevant agencies in collaboration with each other and in consultation with the Advisory Committee, except as otherwise provided.

"Family caregiver" means an adult family member or another individual who is an uncompensated provider of home-based or community-based care to an older adult.

"Health services" means activities that promote, maintain, improve, or restore mental or physical health or that are palliative in nature.

New matter indicated by italics - deletions by strikeout
"Older adult" means a person age 60 or older and, if appropriate, the person's family caregiver.

"Person-centered" means a process that builds upon an older adult's strengths and capacities to engage in activities that promote community life and that reflect the older adult's preferences, choices, and abilities, to the extent practicable.

"Priority service area" means an area identified by the Departments as being less-served with respect to the availability of and access to older adult services in Illinois. The Departments shall determine by rule the criteria and standards used to designate such areas.

"Priority service plan" means the plan developed pursuant to Section 25 of this Act.

"Provider" means any supplier of services under this Act.

"Residential setting" means the place where an older adult lives.

"Restructuring" means the transformation of Illinois' comprehensive system of older adult services from funding primarily a facility-based service delivery system to primarily a home-based and community-based system, taking into account the continuing need for 24-hour skilled nursing care and congregate housing with services.

"Services" means the range of housing, health, financial, and supportive services, other than acute health care services, that are delivered to an older adult with functional or cognitive limitations, or socialization needs, who requires assistance to perform activities of daily living, regardless of the residential setting in which the services are delivered.

"Supportive services" means non-medical assistance given over a period of time to an older adult that is needed to compensate for the older adult's functional or cognitive limitations, or socialization needs, or those services designed to restore, improve, or maintain the older adult's functional or cognitive abilities.

(Source: P.A. 93-1031, eff. 8-27-04; revised 12-15-05.)

(320 ILCS 42/15)

Sec. 15. Designation of lead agency; annual report.

New matter indicated by italics - deletions by strikeout
(a) The Department on Aging shall be the lead agency for: the provision of services to older adults and their family caregivers; restructuring Illinois' service delivery system for older adults; and implementation of this Act, except where otherwise provided. The Department on Aging shall collaborate with the departments of Public Health and Healthcare and Family Services Public Aid and any other relevant agencies, and shall consult with the Advisory Committee, in all aspects of these duties, except as otherwise provided in this Act.

(b) The Departments shall promulgate rules to implement this Act pursuant to the Illinois Administrative Procedure Act.

(c) On January 1, 2006, and each January 1 thereafter, the Department shall issue a report to the General Assembly on progress made in complying with this Act, impediments thereto, recommendations of the Advisory Committee, and any recommendations for legislative changes necessary to implement this Act. To the extent practicable, all reports required by this Act shall be consolidated into a single report.

(Source: P.A. 93-1031, eff. 8-27-04; revised 12-15-05.)

(320 ILCS 42/20)

Sec. 20. Priority service areas; service expansion.

(a) The requirements of this Section are subject to the availability of funding.

(b) The Department shall expand older adult services that promote independence and permit older adults to remain in their own homes and communities. Priority shall be given to both the expansion of services and the development of new services in priority service areas.

(c) Inventory of services. The Department shall develop and maintain an inventory and assessment of (i) the types and quantities of public older adult services and, to the extent possible, privately provided older adult services, including the unduplicated count, location, and characteristics of individuals served by each facility, program, or service and (ii) the resources supporting those services.

(d) Priority service areas. The Departments shall assess the current and projected need for older adult services throughout the State, analyze the results of the inventory, and identify priority service areas, which shall
serve as the basis for a priority service plan to be filed with the Governor and the General Assembly no later than July 1, 2006, and every 5 years thereafter.

(e) Moneys appropriated by the General Assembly for the purpose of this Section, receipts from donations, grants, fees, or taxes that may accrue from any public or private sources to the Department for the purpose of this Section, and savings attributable to the nursing home conversion program as calculated in subsection (h) shall be deposited into the Department on Aging State Projects Fund. Interest earned by those moneys in the Fund shall be credited to the Fund.

(f) Moneys described in subsection (e) from the Department on Aging State Projects Fund shall be used for older adult services, regardless of where the older adult receives the service, with priority given to both the expansion of services and the development of new services in priority service areas. Fundable services shall include:

1. Housing, health services, and supportive services:
   A. adult day care;
   B. adult day care for persons with Alzheimer's disease and related disorders;
   C. activities of daily living;
   D. care-related supplies and equipment;
   E. case management;
   F. community reintegration;
   G. companion;
   H. congregate meals;
   I. counseling and education;
   J. elder abuse prevention and intervention;
   K. emergency response and monitoring;
   L. environmental modifications;
   M. family caregiver support;
   N. financial;
   O. home delivered meals;
   P. homemaker;
   Q. home health;

New matter indicated by italics - deletions by strikeout
(R) hospice;
(S) laundry;
(T) long-term care ombudsman;
(U) medication reminders;
(V) money management;
(W) nutrition services;
(X) personal care;
(Y) respite care;
(Z) residential care;
(AA) senior benefits outreach;
(BB) senior centers;
(CC) services provided under the Assisted Living and Shared Housing Act, or sheltered care services that meet the requirements of the Assisted Living and Shared Housing Act, or services provided under Section 5-5.01a of the Illinois Public Aid Code (the Supportive Living Facilities Program);

(DD) telemedicine devices to monitor recipients in their own homes as an alternative to hospital care, nursing home care, or home visits;

(EE) training for direct family caregivers;

(FF) transition;

(GG) transportation;

(HH) wellness and fitness programs; and

(II) other programs designed to assist older adults in Illinois to remain independent and receive services in the most integrated residential setting possible for that person.

(2) Older Adult Services Demonstration Grants, pursuant to subsection (g) of this Section.

(g) Older Adult Services Demonstration Grants. The Department shall establish a program of demonstration grants to assist in the restructuring of the delivery system for older adult services and provide funding for innovative service delivery models and system change and

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integration initiatives. The Department shall prescribe, by rule, the grant application process. At a minimum, every application must include:

(1) The type of grant sought;
(2) A description of the project;
(3) The objective of the project;
(4) The likelihood of the project meeting identified needs;
(5) The plan for financing, administration, and evaluation of the project;
(6) The timetable for implementation;
(7) The roles and capabilities of responsible individuals and organizations;
(8) Documentation of collaboration with other service providers, local community government leaders, and other stakeholders, other providers, and any other stakeholders in the community;
(9) Documentation of community support for the project, including support by other service providers, local community government leaders, and other stakeholders;
(10) The total budget for the project;
(11) The financial condition of the applicant; and
(12) Any other application requirements that may be established by the Department by rule.

Each project may include provisions for a designated staff person who is responsible for the development of the project and recruitment of providers.

Projects may include, but are not limited to: adult family foster care; family adult day care; assisted living in a supervised apartment; personal services in a subsidized housing project; evening and weekend home care coverage; small incentive grants to attract new providers; money following the person; cash and counseling; managed long-term care; and at least one respite care project that establishes a local coordinated network of volunteer and paid respite workers, coordinates assignment of respite workers to caregivers and older adults, ensures the

New matter indicated by italics - deletions by strikeout
health and safety of the older adult, provides training for caregivers, and ensures that support groups are available in the community.

A demonstration project funded in whole or in part by an Older Adult Services Demonstration Grant is exempt from the requirements of the Illinois Health Facilities Planning Act. To the extent applicable, however, for the purpose of maintaining the statewide inventory authorized by the Illinois Health Facilities Planning Act, the Department shall send to the Health Facilities Planning Board a copy of each grant award made under this subsection (g).

The Department, in collaboration with the Departments of Public Health and Healthcare and Family Services Public Aid, shall evaluate the effectiveness of the projects receiving grants under this Section.

(h) No later than July 1 of each year, the Department of Public Health shall provide information to the Department of Healthcare and Family Services Public Aid to enable the Department of Healthcare and Family Services Public Aid to annually document and verify the savings attributable to the nursing home conversion program for the previous fiscal year to estimate an annual amount of such savings that may be appropriated to the Department on Aging State Projects Fund and notify the General Assembly, the Department on Aging, the Department of Human Services, and the Advisory Committee of the savings no later than October 1 of the same fiscal year.

(Source: P.A. 93-1031, eff. 8-27-04; 94-342, eff. 7-26-05; revised 12-15-05.)

(320 ILCS 42/30)

Sec. 30. Nursing home conversion program.

(a) The Department of Public Health, in collaboration with the Department on Aging and the Department of Healthcare and Family Services Public Aid, shall establish a nursing home conversion program. Start-up grants, pursuant to subsections (l) and (m) of this Section, shall be made available to nursing homes as appropriations permit as an incentive to reduce certified beds, retrofit, and retool operations to meet new service delivery expectations and demands.

New matter indicated by italics - deletions by strikeout
(b) Grant moneys shall be made available for capital and other costs related to: (1) the conversion of all or a part of a nursing home to an assisted living establishment or a special program or unit for persons with Alzheimer's disease or related disorders licensed under the Assisted Living and Shared Housing Act or a supportive living facility established under Section 5-5.01a of the Illinois Public Aid Code; (2) the conversion of multi-resident bedrooms in the facility into single-occupancy rooms; and (3) the development of any of the services identified in a priority service plan that can be provided by a nursing home within the confines of a nursing home or transportation services. Grantees shall be required to provide a minimum of a 20% match toward the total cost of the project.

(c) Nothing in this Act shall prohibit the co-location of services or the development of multifunctional centers under subsection (f) of Section 20, including a nursing home offering community-based services or a community provider establishing a residential facility.

(d) A certified nursing home with at least 50% of its resident population having their care paid for by the Medicaid program is eligible to apply for a grant under this Section.

(e) Any nursing home receiving a grant under this Section shall reduce the number of certified nursing home beds by a number equal to or greater than the number of beds being converted for one or more of the permitted uses under item (1) or (2) of subsection (b). The nursing home shall retain the Certificate of Need for its nursing and sheltered care beds that were converted for 15 years. If the beds are reinstated by the provider or its successor in interest, the provider shall pay to the fund from which the grant was awarded, on an amortized basis, the amount of the grant. The Department shall establish, by rule, the bed reduction methodology for nursing homes that receive a grant pursuant to item (3) of subsection (b).

(f) Any nursing home receiving a grant under this Section shall agree that, for a minimum of 10 years after the date that the grant is awarded, a minimum of 50% of the nursing home's resident population shall have their care paid for by the Medicaid program. If the nursing home provider or its successor in interest ceases to comply with the requirement set forth in this subsection, the provider shall pay to the fund

New matter indicated by italics - deletions by strikeout
from which the grant was awarded, on an amortized basis, the amount of the grant.

(g) Before awarding grants, the Department of Public Health shall seek recommendations from the Department on Aging and the Department of Healthcare and Family Services. The Department of Public Health shall attempt to balance the distribution of grants among geographic regions, and among small and large nursing homes. The Department of Public Health shall develop, by rule, the criteria for the award of grants based upon the following factors:

1. the unique needs of older adults (including those with moderate and low incomes), caregivers, and providers in the geographic area of the State the grantee seeks to serve;
2. whether the grantee proposes to provide services in a priority service area;
3. the extent to which the conversion or transition will result in the reduction of certified nursing home beds in an area with excess beds;
4. the compliance history of the nursing home; and
5. any other relevant factors identified by the Department, including standards of need.

(h) A conversion funded in whole or in part by a grant under this Section must not:

1. diminish or reduce the quality of services available to nursing home residents;
2. force any nursing home resident to involuntarily accept home-based or community-based services instead of nursing home services;
3. diminish or reduce the supply and distribution of nursing home services in any community below the level of need, as defined by the Department by rule; or
4. cause undue hardship on any person who requires nursing home care.

(i) The Department shall prescribe, by rule, the grant application process. At a minimum, every application must include:

New matter indicated by italics - deletions by strikeout
(1) the type of grant sought;
(2) a description of the project;
(3) the objective of the project;
(4) the likelihood of the project meeting identified needs;
(5) the plan for financing, administration, and evaluation of the project;
(6) the timetable for implementation;
(7) the roles and capabilities of responsible individuals and organizations;
(8) documentation of collaboration with other service providers, local community government leaders, and other stakeholders, other providers, and any other stakeholders in the community;
(9) documentation of community support for the project, including support by other service providers, local community government leaders, and other stakeholders;
(10) the total budget for the project;
(11) the financial condition of the applicant; and
(12) any other application requirements that may be established by the Department by rule.

(j) A conversion project funded in whole or in part by a grant under this Section is exempt from the requirements of the Illinois Health Facilities Planning Act. The Department of Public Health, however, shall send to the Health Facilities Planning Board a copy of each grant award made under this Section.

(k) Applications for grants are public information, except that nursing home financial condition and any proprietary data shall be classified as nonpublic data.

(l) The Department of Public Health may award grants from the Long Term Care Civil Money Penalties Fund established under Section 1919(h)(2)(A)(ii) of the Social Security Act and 42 CFR 488.422(g) if the award meets federal requirements.

(Source: P.A. 93-1031, eff. 8-27-04; revised 12-15-05.)

(320 ILCS 42/35)
Sec. 35. Older Adult Services Advisory Committee.

(a) The Older Adult Services Advisory Committee is created to advise the directors of Aging, Healthcare and Family Services Public Aid, and Public Health on all matters related to this Act and the delivery of services to older adults in general.

(b) The Advisory Committee shall be comprised of the following:

(1) The Director of Aging or his or her designee, who shall serve as chair and shall be an ex officio and nonvoting member.

(2) The Director of Healthcare and Family Services Public Aid and the Director of Public Health or their designees, who shall serve as vice-chairs and shall be ex officio and nonvoting members.

(3) One representative each of the Governor's Office, the Department of Healthcare and Family Services Public Aid, the Department of Public Health, the Department of Veterans' Affairs, the Department of Human Services, the Department of Insurance, the Department of Commerce and Economic Opportunity, the Department on Aging, the Department on Aging's State Long Term Care Ombudsman, the Illinois Housing Finance Authority, and the Illinois Housing Development Authority, each of whom shall be selected by his or her respective director and shall be an ex officio and nonvoting member.

(4) Thirty-two members appointed by the Director of Aging in collaboration with the directors of Public Health and Healthcare and Family Services Public Aid, and selected from the recommendations of statewide associations and organizations, as follows:

(A) One member representing the Area Agencies on Aging;

(B) Four members representing nursing homes or licensed assisted living establishments;

(C) One member representing home health agencies;

New matter indicated by italics - deletions by strikeout
(D) One member representing case management services;
(E) One member representing statewide senior center associations;
(F) One member representing Community Care Program homemaker services;
(G) One member representing Community Care Program adult day services;
(H) One member representing nutrition project directors;
(I) One member representing hospice programs;
(J) One member representing individuals with Alzheimer's disease and related dementias;
(K) Two members representing statewide trade or labor unions;
(L) One advanced practice nurse with experience in gerontological nursing;
(M) One physician specializing in gerontology;
(N) One member representing regional long-term care ombudsmen;
(O) One member representing township officials;
(P) One member representing municipalities;
(Q) One member representing county officials;
(R) One member representing the parish nurse movement;
(S) One member representing pharmacists;
(T) Two members representing statewide organizations engaging in advocacy or legal representation on behalf of the senior population;
(U) Two family caregivers;
(V) Two citizen members over the age of 60;
(W) One citizen with knowledge in the area of gerontology research or health care law;

New matter indicated by italics - deletions by strikeout
(X) One representative of health care facilities licensed under the Hospital Licensing Act; and

(Y) One representative of primary care service providers.

The Director of Aging, in collaboration with the Directors of Public Health and Healthcare and Family Services Public Aid, may appoint additional citizen members to the Older Adult Services Advisory Committee. Each such additional member must be either an individual age 60 or older or an uncompensated caregiver for a family member or friend who is age 60 or older.

(c) Voting members of the Advisory Committee shall serve for a term of 3 years or until a replacement is named. All members shall be appointed no later than January 1, 2005. Of the initial appointees, as determined by lot, 10 members shall serve a term of one year; 10 shall serve for a term of 2 years; and 12 shall serve for a term of 3 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of that term. The Advisory Committee shall meet at least quarterly and may meet more frequently at the call of the Chair. A simple majority of those appointed shall constitute a quorum. The affirmative vote of a majority of those present and voting shall be necessary for Advisory Committee action. Members of the Advisory Committee shall receive no compensation for their services.

(d) The Advisory Committee shall have an Executive Committee comprised of the Chair, the Vice Chairs, and up to 15 members of the Advisory Committee appointed by the Chair who have demonstrated expertise in developing, implementing, or coordinating the system restructuring initiatives defined in Section 25. The Executive Committee shall have responsibility to oversee and structure the operations of the Advisory Committee and to create and appoint necessary subcommittees and subcommittee members.

(e) The Advisory Committee shall study and make recommendations related to the implementation of this Act, including but

New matter indicated by italics - deletions by strikeout
not limited to system restructuring initiatives as defined in Section 25 or otherwise related to this Act.
(Source: P.A. 93-1031, eff. 8-27-04; 94-31, eff. 6-14-05; revised 12-15-05.)

Section 840. The Senior Pharmaceutical Assistance Act is amended by changing Section 15 as follows:

(320 ILCS 50/15)
Sec. 15. Senior Pharmaceutical Assistance Review Committee.
(a) The Senior Pharmaceutical Assistance Review Committee is created. The Committee shall consist of 17 members as follows:

1. Twelve members appointed as follows: 2 members of the General Assembly and 1 member of the general public, appointed by the President of the Senate; 2 members of the General Assembly and 1 member of the general public, appointed by the Minority Leader of the Senate; 2 members of the General Assembly and 1 member of the general public, appointed by the Speaker of the House of Representatives; and 2 members of the General Assembly and 1 member of the general public, appointed by the Minority Leader of the House of Representatives. These members shall serve at the pleasure of the appointing authority.

2. The Director of Aging or his or her designee.
3. The Director of Revenue or his or her designee.
4. The Director of Healthcare and Family Services Public Aid or his or her designee.
5. The Secretary of Human Services or his or her designee.
6. The Director of Public Health or his or her designee.
(b) Members appointed from the general public shall represent the following associations, organizations, and interests: statewide membership-based senior advocacy organizations, pharmaceutical manufacturers, pharmacists, dispensing pharmacies, physicians, and providers of services to senior citizens. No single organization may have more than one representative appointed as a member from the general public.

New matter indicated by italics - deletions by strikeout
(c) The President of the Senate and Speaker of the House of Representatives shall each designate one member of the Committee to serve as co-chairs.

(d) Committee members shall serve without compensation or reimbursement for expenses.

(e) The Committee shall meet at the call of the co-chairs, but at least quarterly.

(f) The Committee may conduct public hearings to gather testimony from interested parties regarding pharmaceutical assistance for Illinois seniors, including changes to existing and proposed programs.

(g) The Committee may advise appropriate State agencies regarding the establishment of proposed programs or changes to existing programs. The State agencies shall take into consideration any recommendations made by the Committee.

(h) The Committee shall report to the General Assembly and the Governor annually or as it deems necessary regarding proposed or recommended changes to pharmaceutical assistance programs that benefit Illinois seniors and any associated costs of those changes.

(i) In the event that a prescription drug benefit is added to the federal Medicare program, the Committee shall make recommendations for the realignment of State-operated senior prescription drug programs so that Illinois residents qualify for at least substantially the same level of benefits available to them prior to implementation of the Medicare prescription drug benefit, provided that a resident remains eligible for such a State-operated program. The Committee shall report its recommendations to the General Assembly and the Governor by January 1, 2005.

(Source: P.A. 92-594, eff. 6-27-02; 93-843, eff. 7-30-04; revised 12-15-05.)

Section 845. The Illinois Prescription Drug Discount Program Act is amended by changing Sections 30 and 35 and by renumbering Section 990 as follows:

(320 ILCS 55/30)
Sec. 30. Manufacturer rebate agreements.

New matter indicated by italics - deletions by strikeout
(a) Taking into consideration the extent to which the State pays for prescription drugs under various State programs and the provision of assistance to disabled persons or eligible seniors under patient assistance programs, prescription drug discount programs, or other offers for free or reduced price medicine, clinical research projects, limited supply distribution programs, compassionate use programs, or programs of research conducted by or for a drug manufacturer, the Department, its agent, or the program administrator shall negotiate and enter into rebate agreements with drug manufacturers, as defined in this Act, to effect prescription drug price discounts. The Department or program administrator may exclude certain medications from the list of covered medications and may establish a preferred drug list as a basis for determining the discounts, administrative fees, or other fees or rebates under this Section.

(b) (Blank).

(c) Receipts from rebates shall be used to provide discounts for prescription drugs purchased by cardholders and to cover the cost of administering the program. Any receipts to be allocated to the Department shall be deposited into the Illinois Prescription Drug Discount Program Fund, a trust fund created outside the State Treasury with the State Treasurer acting as ex officio custodian. Disbursements from the Illinois Prescription Drug Discount Program Fund shall be made upon the direction of the Director of Central Management Services.

(320 ILCS 55/35)
Sec. 35. Program eligibility.
(a) Any person may apply to the Department or its program administrator for participation in the program in the form and manner required by the Department. The Department or its program administrator shall determine the eligibility of each applicant for the program within 30 days after the date of application. To participate in the program an eligible Illinois resident whose application has been approved must pay the fee determined by the Director upon enrollment and annually thereafter and

New matter indicated by italics - deletions by strikeout
shall receive a program identification card. The card may be presented to an authorized pharmacy to assist the pharmacy in verifying eligibility under the program. If the Department is the program administrator, the Department shall deposit the enrollment fees collected into the Illinois Prescription Drug Discount Program Fund. If the program administrator is a contracted vendor, the vendor may collect the enrollment fees and must report all such collected enrollment fees to the Department on a regular basis. The enrollment fees deposited into the Illinois Prescription Drug Discount Program Fund must be separately accounted for by the Department. If 2 or more persons are eligible for any benefit under this Act and are members of the same household, each participating household member shall apply and pay the fee required for the purpose of obtaining an identification card. To participate in the program, an applicant must (i) be a resident of Illinois and (ii) have household income equal to or less than 300% of the Federal Poverty Level.

(b) Proceeds from annual enrollment fees shall be used to offset the administrative cost of this Act. The Department may reduce the annual enrollment fee by rule if the revenue from the enrollment fees is in excess of the costs to carry out the program.

(c) (Blank).

(Source: P.A. 93-18, eff. 7-1-03; 94-86, eff. 1-1-06; 94-91, eff. 7-1-05; revised 8-9-05.)

(320 ILCS 55/90) (was 320 ILCS 55/990)
Sec. 90. (Amendatory provisions; text omitted).

(Source: P.A. 93-18, eff. 7-1-03; text omitted; revised 9-28-03.)

Section 850. The Family Caregiver Act is amended by changing Section 16 as follows:

(320 ILCS 65/16)
Sec. 16. Family caregiver demonstration grant. The Department shall seek federal funding for the establishment and assessment of a Family Caregiver Training and Support Demonstration Project. The Department is authorized to fund 2 sites, one in a rural community and one in a more urban area. The Department shall adopt rules governing participation and oversight of the program. The Department shall seek
technical assistance from the Department of Public Aid (*now Healthcare and Family Services*) and the Department of Human Services. The Department shall advise the Governor and the General Assembly regarding the effectiveness of the program within 6 months after the conclusion of the demonstration period.

(Source: P.A. 93-864, eff. 8-5-04; revised 12-15-05.)

Section 855. The Abandoned Newborn Infant Protection Act is amended by changing Section 45 as follows:

(325 ILCS 2/45)

Sec. 45. Medical assistance. Notwithstanding any other provision of law, a newborn infant relinquished in accordance with this Act shall be deemed eligible for medical assistance under the Illinois Public Aid Code, and a hospital providing medical services to such an infant shall be reimbursed for those services in accordance with the payment methodologies authorized under that Code. In addition, for any day that a hospital has custody of a newborn infant relinquished in accordance with this Act and the infant does not require medically necessary care, the hospital shall be reimbursed by the Illinois Department of Healthcare and Family Services Public Aid at the general acute care per diem rate, in accordance with 89 Ill. Adm. Code 148.270(c).

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; revised 12-15-05.)

Section 860. The Abused and Neglected Child Reporting Act is amended by changing Section 7.20 as follows:

(325 ILCS 5/7.20)

Sec. 7.20. Inter-agency agreements for information. The Department shall enter into an inter-agency agreement with the Secretary of State to establish a procedure by which employees of the Department may have immediate access to driver's license records maintained by the Secretary of State if the Department determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and Family Services Act. The Department shall enter into an inter-agency agreement with the Illinois Department of Healthcare and Family Services Public Aid

New matter indicated by italics - deletions by strikeout
Aid and the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) to establish a procedure by which employees of the Department may have immediate access to records, files, papers, and communications (except medical, alcohol or drug assessment or treatment, mental health, or any other medical records) of the Illinois Department of Healthcare and Family Services Public Aid, county departments of public aid, the Department of Human Services, and local governmental units receiving State or federal funds or aid to provide public aid, if the Department determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and Family Services Act.

(Source: P.A. 88-614, eff. 9-7-94; 89-507, eff. 7-1-97; revised 12-15-05.)

Section 865. The Early Intervention Services System Act is amended by changing Sections 4, 5, and 13.5 as follows:

(325 ILCS 20/4) (from Ch. 23, par. 4154)

Sec. 4. Illinois Interagency Council on Early Intervention.

(a) There is established the Illinois Interagency Council on Early Intervention. The Council shall be composed of at least 15 but not more than 25 members. The members of the Council and the designated chairperson of the Council shall be appointed by the Governor. The Council member representing the lead agency may not serve as chairperson of the Council. The Council shall be composed of the following members:

(1) The Secretary of Human Services (or his or her designee) and 2 additional representatives of the Department of Human Services designated by the Secretary, plus the Directors (or their designees) of the following State agencies involved in the provision of or payment for early intervention services to eligible infants and toddlers and their families:

(A) Illinois State Board of Education;
(B) (Blank);
(C) (Blank);

New matter indicated by italics - deletions by strikeout
(D) Illinois Department of Children and Family Services;

(E) University of Illinois Division of Specialized Care for Children;

(F) Illinois Department of Healthcare and Family Services Public Aid;

(G) Illinois Department of Public Health;

(H) (Blank);

(I) Illinois Planning Council on Developmental Disabilities; and

(J) Illinois Department of Insurance.

(2) Other members as follows:

(A) At least 20% of the members of the Council shall be parents, including minority parents, of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least one such member shall be a parent of an infant or toddler with a disability or a child with a disability aged 6 or younger;

(B) At least 20% of the members of the Council shall be public or private providers of early intervention services;

(C) One member shall be a representative of the General Assembly; and

(D) One member shall be involved in the preparation of professional personnel to serve infants and toddlers similar to those eligible for services under this Act.

The Council shall meet at least quarterly and in such places as it deems necessary. Terms of the initial members appointed under paragraph (2) shall be determined by lot at the first Council meeting as follows: of the persons appointed under subparagraphs (A) and (B), one-third shall serve one year terms, one-third shall serve 2 year terms, and one-third shall serve 3 year terms; and of the persons appointed under subparagraphs (C)
and (D), one shall serve a 2 year term and one shall serve a 3 year term. Thereafter, successors appointed under paragraph (2) shall serve 3 year terms. Once appointed, members shall continue to serve until their successors are appointed. No member shall be appointed to serve more than 2 consecutive terms.

Council members shall serve without compensation but shall be reimbursed for reasonable costs incurred in the performance of their duties, including costs related to child care, and parents may be paid a stipend in accordance with applicable requirements.

The Council shall prepare and approve a budget using funds appropriated for the purpose to hire staff, and obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions under this Act. This funding support and staff shall be directed by the lead agency.

(b) The Council shall:

   (1) advise and assist the lead agency in the performance of its responsibilities including but not limited to the identification of sources of fiscal and other support services for early intervention programs, and the promotion of interagency agreements which assign financial responsibility to the appropriate agencies;
   
   (2) advise and assist the lead agency in the preparation of applications and amendments to applications;
   
   (3) review and advise on relevant regulations and standards proposed by the related State agencies;
   
   (4) advise and assist the lead agency in the development, implementation and evaluation of the comprehensive early intervention services system; and
   
   (5) prepare and submit an annual report to the Governor and to the General Assembly on the status of early intervention programs for eligible infants and toddlers and their families in Illinois. The annual report shall include (i) the estimated number of eligible infants and toddlers in this State, (ii) the number of eligible infants and toddlers who have received services under this Act and the cost of providing those services, (iii) the estimated cost of

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providing services under this Act to all eligible infants and toddlers in this State, and (iv) data and other information as is requested to be included by the Legislative Advisory Committee established under Section 13.50 of this Act. The report shall be posted by the lead agency on the early intervention website as required under paragraph (f) of Section 5 of this Act.

No member of the Council shall cast a vote on or participate substantially in any matter which would provide a direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State law. All provisions and reporting requirements of the Illinois Governmental Ethics Act shall apply to Council members.

(Source: P.A. 91-357; eff. 7-29-99; 92-307, eff. 8-9-01; revised 12-15-05.)

(325 ILCS 20/5) (from Ch. 23, par. 4155)

Sec. 5. Lead Agency. The Department of Human Services is designated the lead agency and shall provide leadership in establishing and implementing the coordinated, comprehensive, interagency and interdisciplinary system of early intervention services. The lead agency shall not have the sole responsibility for providing these services. Each participating State agency shall continue to coordinate those early intervention services relating to health, social service and education provided under this authority.

The lead agency is responsible for carrying out the following:

(a) The general administration, supervision, and monitoring of programs and activities receiving assistance under Section 673 of the Individuals with Disabilities Education Act (20 United States Code 1473).

(b) The identification and coordination of all available resources within the State from federal, State, local and private sources.

(c) The development of procedures to ensure that services are provided to eligible infants and toddlers and their families in a timely manner pending the resolution of any disputes among public agencies or service providers.

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(d) The resolution of intra-agency and interagency regulatory and procedural disputes.

(e) The development and implementation of formal interagency agreements, and the entry into such agreements, between the lead agency and (i) the Department of Healthcare and Family Services Public Aid, (ii) the University of Illinois Division of Specialized Care for Children, and (iii) other relevant State agencies that:

1. define the financial responsibility of each agency for paying for early intervention services (consistent with existing State and federal law and rules, including the requirement that early intervention funds be used as the payor of last resort), a hierarchical order of payment as among the agencies for early intervention services that are covered under or may be paid by programs in other agencies, and procedures for direct billing, collecting reimbursements for payments made, and resolving service and payment disputes; and

2. include all additional components necessary to ensure meaningful cooperation and coordination.

Interagency agreements under this paragraph (e) must be reviewed and revised to implement the purposes of this amendatory Act of the 92nd General Assembly no later than 60 days after the effective date of this amendatory Act of the 92nd General Assembly.

(f) The maintenance of an early intervention website. Within 30 days after the effective date of this amendatory Act of the 92nd General Assembly, the lead agency shall post and keep posted on this website the following: (i) the current annual report required under subdivision (b)(5) of Section 4 of this Act, and the annual reports of the prior 3 years, (ii) the most recent Illinois application for funds prepared under Section 637 of the Individuals with Disabilities Education Act filed with the United States Department of Education, (iii) proposed modifications of the
application prepared for public comment, (iv) notice of Council meetings, Council agendas, and minutes of its proceedings for at least the previous year, (v) proposed and final early intervention rules, (vi) requests for proposals, and (vii) all reports created for dissemination to the public that are related to the early intervention program, including reports prepared at the request of the Council, the General Assembly, and the Legislative Advisory Committee established under Section 13.50 of this Act. Each such document shall be posted on the website within 3 working days after the document's completion.

(Source: P.A. 92-307, eff. 8-9-01; revised 12-15-05.)

(325 ILCS 20/13.5)

Sec. 13.5. Other programs.

(a) When an application or a review of eligibility for early intervention services is made, and at any eligibility redetermination thereafter, the family shall be asked if it is currently enrolled in Medicaid, KidCare, or the Title V program administered by the University of Illinois Division of Specialized Care for Children. If the family is enrolled in any of these programs, that information shall be put on the individualized family service plan and entered into the computerized case management system, and shall require that the individualized family services plan of a child who has been found eligible for services through the Division of Specialized Care for Children state that the child is enrolled in that program. For those programs in which the family is not enrolled, a preliminary eligibility screen shall be conducted simultaneously for (i) medical assistance (Medicaid) under Article V of the Illinois Public Aid Code, (ii) children's health insurance program (KidCare) benefits under the Children's Health Insurance Program Act, and (iii) Title V maternal and child health services provided through the Division of Specialized Care for Children of the University of Illinois.

(b) For purposes of determining family fees under subsection (f) of Section 13 and determining eligibility for the other programs and services specified in items (i) through (iii) of subsection (a), the lead agency shall develop and use, within 60 days after the effective date of this amendatory
Act of the 92nd General Assembly, with the cooperation of the Department of Public Aid (now Healthcare and Family Services) and the Division of Specialized Care for Children of the University of Illinois, a screening device that provides sufficient information for the early intervention regional intake entities or other agencies to establish eligibility for those other programs and shall, in cooperation with the Illinois Department of Public Aid (now Healthcare and Family Services) and the Division of Specialized Care for Children, train the regional intake entities on using the screening device.

(c) When a child is determined eligible for and enrolled in the early intervention program and has been found to at least meet the threshold income eligibility requirements for Medicaid or KidCare, the regional intake entity shall complete a KidCare/Medicaid application with the family and forward it to the Illinois Department of Healthcare and Family Services' Public Aid's KidCare Unit for a determination of eligibility.

(d) With the cooperation of the Department of Healthcare and Family Services Public Aid, the lead agency shall establish procedures that ensure the timely and maximum allowable recovery of payments for all early intervention services and allowable administrative costs under Article V of the Illinois Public Aid Code and the Children's Health Insurance Program Act and shall include those procedures in the interagency agreement required under subsection (e) of Section 5 of this Act.

(e) For purposes of making referrals for final determinations of eligibility for KidCare benefits under the Children's Health Insurance Program Act and for medical assistance under Article V of the Illinois Public Aid Code, the lead agency shall require each early intervention regional intake entity to enroll as a "KidCare agent" in order for the entity to complete the KidCare application as authorized under Section 22 of the Children's Health Insurance Program Act.

(f) For purposes of early intervention services that may be provided by the Division of Specialized Care for Children of the University of Illinois (DSCC), the lead agency shall establish procedures whereby the early intervention regional intake entities may determine whether children

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enrolled in the early intervention program may also be eligible for those services, and shall develop, within 60 days after the effective date of this amendatory Act of the 92nd General Assembly, (i) the inter-agency agreement required under subsection (e) of Section 5 of this Act, establishing that early intervention funds are to be used as the payor of last resort when services required under an individualized family services plan may be provided to an eligible child through the DSCC, and (ii) training guidelines for the regional intake entities and providers that explain eligibility and billing procedures for services through DSCC.

(g) The lead agency shall require that an individual applying for or renewing enrollment as a provider of services in the early intervention program state whether or not he or she is also enrolled as a DSCC provider. This information shall be noted next to the name of the provider on the computerized roster of Illinois early intervention providers, and regional intake entities shall make every effort to refer families eligible for DSCC services to these providers.

(Source: P.A. 92-307, eff. 8-9-01; revised 12-15-05.)

Section 870. The Interagency Board for Children who are Deaf or Hard-of-Hearing and have an Emotional or Behavioral Disorder Act is amended by changing Section 4 as follows:

(325 ILCS 35/4) (from Ch. 23, par. 6704)
Sec. 4. Appointment. The Board shall consist of 12 members, one of whom shall be appointed by the Governor. The State Superintendent of Education shall appoint 2 members, one of whom shall be a parent of a child who is deaf or hard-of-hearing and has an emotional or behavioral disorder, and one of whom shall be an employee of the agency. The Director of Children and Family Services shall appoint 2 members, one of whom shall be a parent, foster parent, or legal guardian of a child who is deaf or hard-of-hearing and has an emotional or behavioral disorder, and one of whom shall be an employee of the agency. The Secretary of Human Services shall appoint 4 members, 2 of whom shall be parents of children who are deaf or hard of hearing and have an emotional or behavioral disorder, and 2 of whom shall be employees of the agency.
The Director of Healthcare and Family Services Public Aid shall appoint one member who shall be an employee of the agency. The Community and Residential Services Authority for Behavior Disturbed and Severe Emotionally Disturbed Students shall appoint one member who shall be an employee of the Authority, and the Director of the Division of Specialized Care for Children shall appoint one member who shall be an employee of that agency.

Each appointing authority shall give preference to any qualified deaf employee when making appointments to the Board.

(Source: P.A. 89-507, eff. 7-1-97; 89-680, eff. 1-1-97; 90-14, eff. 7-1-97; revised 12-15-05.)

Section 875. The Mental Health and Developmental Disabilities Code is amended by changing Sections 5-107 and 5-107.1 as follows:

(405 ILCS 5/5-107) (from Ch. 91 1/2, par. 5-107)

Sec. 5-107. Remittances from intermediary agencies under Title XVIII of the Federal Social Security Act for services to persons in State facilities shall be deposited with the State Treasurer and placed in the Mental Health Fund. Payments received from the Department of Healthcare and Family Services Public Aid under Title XIX of the Federal Social Security Act for services to persons in State facilities shall be deposited with the State Treasurer and shall be placed in the General Revenue Fund.

The Auditor General shall audit or cause to be audited all amounts collected by the Department.

(Source: P.A. 80-1414; revised 12-15-05.)

(405 ILCS 5/5-107.1) (from Ch. 91 1/2, par. 5-107.1)

Sec. 5-107.1. Remittances from or on behalf of licensed long-term care facilities through Department of Healthcare and Family Services Public Aid reimbursement and monies from other funds for Day Training Programs for clients with a developmental disability shall be deposited with the State Treasurer and placed in the Mental Health Fund.

The Auditor General shall audit or cause to be audited all amounts collected by the Department.

(Source: P.A. 88-380; revised 12-15-05.)

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Section 880. The Children's Mental Health Act of 2003 is amended by changing Section 5 as follows:

(405 ILCS 49/5)

Sec. 5. Children's Mental Health Plan.

(a) The State of Illinois shall develop a Children's Mental Health Plan containing short-term and long-term recommendations to provide comprehensive, coordinated mental health prevention, early intervention, and treatment services for children from birth through age 18. This Plan shall include but not be limited to:

(1) Coordinated provider services and interagency referral networks for children from birth through age 18 to maximize resources and minimize duplication of services.

(2) Guidelines for incorporating social and emotional development into school learning standards and educational programs, pursuant to Section 15 of this Act.

(3) Protocols for implementing screening and assessment of children prior to any admission to an inpatient hospital for psychiatric services, pursuant to subsection (a) of Section 5-5.23 of the Illinois Public Aid Code.

(4) Recommendations regarding a State budget for children's mental health prevention, early intervention, and treatment across all State agencies.

(5) Recommendations for State and local mechanisms for integrating federal, State, and local funding sources for children's mental health.

(6) Recommendations for building a qualified and adequately trained workforce prepared to provide mental health services for children from birth through age 18 and their families.

(7) Recommendations for facilitating research on best practices and model programs, and dissemination of this information to Illinois policymakers, practitioners, and the general public through training, technical assistance, and educational materials.

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(8) Recommendations for a comprehensive, multi-faceted public awareness campaign to reduce the stigma of mental illness and educate families, the general public, and other key audiences about the benefits of children's social and emotional development, and how to access services.

(9) Recommendations for creating a quality-driven children's mental health system with shared accountability among key State agencies and programs that conducts ongoing needs assessments, uses outcome indicators and benchmarks to measure progress, and implements quality data tracking and reporting systems.

(b) The Children's Mental Health Partnership (hereafter referred to as "the Partnership") is created. The Partnership shall have the responsibility of developing and monitoring the implementation of the Children's Mental Health Plan as approved by the Governor. The Children's Mental Health Partnership shall be comprised of: the Secretary of Human Services or his or her designee; the State Superintendent of Education or his or her designee; the directors of the departments of Children and Family Services, Healthcare and Family Services Public Aid, Public Health, and Juvenile Justice, or their designees; the head of the Illinois Violence Prevention Authority, or his or her designee; the Attorney General or his or her designee; up to 25 representatives of community mental health authorities and statewide mental health, children and family advocacy, early childhood, education, health, substance abuse, violence prevention, and juvenile justice organizations or associations, to be appointed by the Governor; and 2 members of each caucus of the House of Representatives and Senate appointed by the Speaker of the House of Representatives and the President of the Senate, respectively. The Governor shall appoint the Partnership Chair and shall designate a Governor's staff liaison to work with the Partnership.

(c) The Partnership shall submit a Preliminary Plan to the Governor on September 30, 2004 and shall submit the Final Plan on June 30, 2005. Thereafter, on September 30 of each year, the Partnership shall submit an annual report to the Governor on the progress of Plan
implementation and recommendations for revisions in the Plan. The Final Plan and annual reports submitted in subsequent years shall include estimates of savings achieved in prior fiscal years under subsection (a) of Section 5-5.23 of the Illinois Public Aid Code and federal financial participation received under subsection (b) of Section 5-5.23 of that Code. The Department of Healthcare and Family Services Public Aid shall provide technical assistance in developing these estimates and reports.

(Source: P.A. 93-495, eff. 8-8-03; 94-696, eff. 6-1-06; revised 9-14-06.)

Section 885. The Lead Poisoning Prevention Act is amended by changing Section 14 as follows:

(410 ILCS 45/14) (from Ch. 111 1/2, par. 1314)

Sec. 14. Departmental regulations and activities. The Department shall establish and publish regulations and guidelines governing permissible limits of lead in and about residential buildings and dwellings.

The Department shall also initiate activities that:

(a) Will either provide for or support the monitoring and validation of all medical laboratories and private and public hospitals that perform lead determination tests on human blood or other tissues.

(b) Will, subject to Section 7.2 of this Act, provide laboratory testing of blood specimens for lead content to any physician, hospital, clinic, free clinic, municipality, or private organization that cannot secure or provide the services through other sources. The Department shall not assume responsibility for blood lead analysis required in programs currently in operation.

(c) Will develop or encourage the development of appropriate programs and studies to identify sources of lead intoxication and assist other entities in the identification of lead in children's blood and the sources of that intoxication.

(d) May provide technical assistance and consultation to local, county, or regional governmental or private agencies for the promotion and development of lead poisoning prevention programs.

(e) Will provide recommendations by the Department on the subject of identification and treatment of lead poisoning.

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(f) Will maintain a clearinghouse of information, and will develop additional educational materials, on (i) lead hazards to children, (ii) lead poisoning prevention, (iii) lead poisoning screening, (iv) lead mitigation, abatement, and disposal, and (v) health hazards during abatement. The Department shall make this information available to the general public.

(Source: P.A. 87-175; 87-1144; revised 1-20-03.)

Section 890. The Sexual Assault Survivors Emergency Treatment Act is amended by changing Sections 6, 6.4, and 7 as follows:

Sec. 6. Powers and duties of Departments of Public Health and Healthcare and Family Services Public Aid.

(a) The Department of Public Health shall have the duties and responsibilities required by Sections 2, 6.1, 6.2, and 6.4.

(b) The Department of Healthcare and Family Services Public Aid shall have the duties and responsibilities required by Sections 6.3 and 7.

(Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised 12-15-05.)

Sec. 6.4. Sexual assault evidence collection program.

(a) There is created a statewide sexual assault evidence collection program to facilitate the prosecution of persons accused of sexual assault. This program shall be administered by the Illinois State Police. The program shall consist of the following: (1) distribution of sexual assault evidence collection kits which have been approved by the Illinois State Police to hospitals that request them, or arranging for such distribution by the manufacturer of the kits, (2) collection of the kits from hospitals after the kits have been used to collect evidence, (3) analysis of the collected evidence and conducting of laboratory tests, (4) maintaining the chain of custody and safekeeping of the evidence for use in a legal proceeding, and (5) the comparison of the collected evidence with the genetic marker grouping analysis information maintained by the Department of State Police under Section 5-4-3 of the Unified Code of Corrections and with the information contained in the Federal Bureau of Investigation's National DNA database; provided the amount and quality of genetic marker grouping results obtained from the evidence in the sexual assault case

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meets the requirements of both the Department of State Police and the Federal Bureau of Investigation's Combined DNA Index System (CODIS) policies. The standardized evidence collection kit for the State of Illinois shall be the State Police Evidence Collection Kit, also known as "S.P.E.C.K.". A sexual assault evidence collection kit may not be released by a hospital without the written consent of the sexual assault survivor. In the case of a survivor who is a minor 13 years of age or older, evidence and information concerning the alleged sexual assault may be released at the written request of the minor. If the survivor is a minor who is under 13 years of age, evidence and information concerning the alleged sexual assault may be released at the written request of the parent, guardian, investigating law enforcement officer, or Department of Children and Family Services. Any health care professional, including any physician, advanced practice nurse, physician assistant, or nurse, sexual assault nurse examiner, and any health care institution, including any hospital, who provides evidence or information to a law enforcement officer pursuant to a written request as specified in this Section is immune from any civil or professional liability that might arise from those actions, with the exception of willful or wanton misconduct. The immunity provision applies only if all of the requirements of this Section are met.

(a-5) All sexual assault evidence collected using the State Police Evidence Collection Kits before January 1, 2005 (the effective date of Public Act 93-781) this amendatory Act of the 93rd General Assembly that have not been previously analyzed and tested by the Department of State Police shall be analyzed and tested within 2 years after receipt of all necessary evidence and standards into the State Police Laboratory if sufficient staffing and resources are available. All sexual assault evidence collected using the State Police Evidence Collection Kits on or after January 1, 2005 (the effective date of Public Act 93-781) this amendatory Act of the 93rd General Assembly shall be analyzed and tested by the Department of State Police within one year after receipt of all necessary evidence and standards into the State Police Laboratory if sufficient staffing and resources are available.

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(b) The Illinois State Police shall administer a program to train hospitals and hospital personnel participating in the sexual assault evidence collection program, in the correct use and application of the sexual assault evidence collection kits. A sexual assault nurse examiner may conduct examinations using the sexual assault evidence collection kits, without the presence or participation of a physician. The Department of Public Health shall cooperate with the Illinois State Police in this program as it pertains to medical aspects of the evidence collection.

(c) In this Section, "sexual assault nurse examiner" means a registered nurse who has completed a sexual assault nurse examiner (SANE) training program that meets the Forensic Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses.

(410 ILCS 70/7) (from Ch. 111 1/2, par. 87-7)

Sec. 7. Hospital charges and reimbursement. When any hospital or ambulance provider furnishes emergency services to any alleged sexual assault survivor, as defined by the Department of Healthcare and Family Services Public Aid pursuant to Section 6.3 of this Act, who is neither eligible to receive such services under the Illinois Public Aid Code nor covered as to such services by a policy of insurance, the hospital and ambulance provider shall furnish such services to that person without charge and shall be entitled to be reimbursed for its billed charges in providing such services by the Department of Healthcare and Family Services Public Aid.

(410 ILCS 223/Act title)

An Act concerning public health, which may be referred to as Amadin Adamin and Ryan's Law.

Section 900. The AIDS Confidentiality Act is amended by changing Section 3 as follows:

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Sec. 3. When used in this Act:
(a) "Department" means the Illinois Department of Public Health.
(b) "AIDS" means acquired immunodeficiency syndrome.
(c) "HIV" means the Human Immunodeficiency Virus or any other identified causative agent of AIDS.
(d) "Written informed consent" means an agreement in writing executed by the subject of a test or the subject's legally authorized representative without undue inducement or any element of force, fraud, deceit, duress or other form of constraint or coercion, which entails at least the following:
   (1) a fair explanation of the test, including its purpose, potential uses, limitations and the meaning of its results; and
   (2) a fair explanation of the procedures to be followed, including the voluntary nature of the test, the right to withdraw consent to the testing process at any time, the right to anonymity to the extent provided by law with respect to participation in the test and disclosure of test results, and the right to confidential treatment of information identifying the subject of the test and the results of the test, to the extent provided by law.
(e) "Health facility" means a hospital, nursing home, blood bank, blood center, sperm bank, or other health care institution, including any "health facility" as that term is defined in the Illinois Finance Authority Act.
(f) "Health care provider" means any health care professional, nurse, paramedic, psychologist or other person providing medical, nursing, psychological, or other health care services of any kind.
(f-5) "Health care professional" means (i) a licensed physician, (ii) a physician assistant to whom the physician assistant's supervising physician has delegated the provision of AIDS and HIV-related health services, (iii) an advanced practice registered nurse who has a written collaborative agreement with a collaborating physician which authorizes the provision of AIDS and HIV-related health services, (iv) a licensed dentist, (v) a licensed podiatrist, or (vi) an individual certified to provide HIV testing and counseling by a state or local public health department.

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(g) "Test" or "HIV test" means a test to determine the presence of the antibody or antigen to HIV, or of HIV infection.

(h) "Person" includes any natural person, partnership, association, joint venture, trust, governmental entity, public or private corporation, health facility or other legal entity.

(Source: P.A. 93-205, eff. 1-1-04; 93-482, eff. 8-8-03; revised 9-12-03.)

Section 905. The Alzheimer's Disease Assistance Act is amended by changing Sections 6 and 7 as follows:

(410 ILCS 405/6) (from Ch. 111 1/2, par. 6956)

Sec. 6. ADA Advisory Committee. There is created the Alzheimer's Disease Advisory Committee consisting of 21 voting members appointed by the Director of the Department, as well as 5 nonvoting members as hereinafter provided in this Section. The Director or his designee shall serve as one of the 21 voting members and as the Chairman of the Committee. Those appointed as voting members shall include persons who are experienced in research and the delivery of services to victims and their families. Such members shall include 4 physicians licensed to practice medicine in all of its branches, one representative of a postsecondary educational institution which administers or is affiliated with a medical center in the State, one representative of a licensed hospital, one registered nurse, one representative of a long term care facility under the Nursing Home Care Act, one representative of an area agency on aging as defined by Section 3.07 of the Illinois Act on the Aging, one social worker, one representative of an organization established under the Illinois Insurance Code for the purpose of providing health insurance, 5 family members or representatives of victims of Alzheimer's disease and related disorders, and 4 members of the general public. Among the physician appointments shall be persons with specialties in the fields of neurology, family medicine, psychiatry and pharmacology. Among the general public members, at least 2 appointments shall include persons 65 years of age or older.

In addition to the 21 voting members, the Secretary of Human Services (or his or her designee) and one additional representative of the Department of Human Services designated by the Secretary plus the

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Directors of the following State agencies or their designees shall serve as nonvoting members: Department on Aging, Department of Healthcare and Family Services Public Aid, and Guardianship and Advocacy Commission.

Each voting member appointed by the Director of Public Health shall serve for a term of 2 years, and until his successor is appointed and qualified. Members of the Committee shall not be compensated but shall be reimbursed for expenses actually incurred in the performance of their duties. No more than 11 voting members may be of the same political party. Vacancies shall be filled in the same manner as original appointments.

The Committee shall review all State programs and services provided by State agencies that are directed toward persons with Alzheimer's disease and related dementias, and recommend changes to improve the State's response to this serious health problem.

(Source: P.A. 93-929, eff. 8-12-04; revised 12-15-05.)

(410 ILCS 405/7) (from Ch. 111 1/2, par. 6957)

Sec. 7. Regional ADA center funding. Pursuant to appropriations enacted by the General Assembly, the Department shall provide funds to hospitals affiliated with each Regional ADA Center for necessary research and for the development and maintenance of services for victims of Alzheimer's disease and related disorders and their families. For the fiscal year beginning July 1, 2003, and each year thereafter, the Department shall effect payments under this Section to hospitals affiliated with each Regional ADA Center through the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) under the Excellence in Alzheimer's Disease Center Treatment Act. The Department of Healthcare and Family Services Public Aid shall annually report to the Advisory Committee established under this Act regarding the funding of centers under this Act. The Department shall include the annual expenditures for this purpose in the plan required by Section 5 of this Act.

(Source: P.A. 93-20, eff. 6-20-03; 93-929, eff. 8-12-04; revised 12-15-05.)

New matter indicated by italics - deletions by strikeout
Section 910. The Excellence in Alzheimer's Disease Center Treatment Act is amended by changing Sections 25, 30, 45, and 55 as follows:

(410 ILCS 407/25)
Sec. 25. The Alzheimer's Disease Center Clinical Fund.
(a) Each institution defined as a Qualified Academic Medical Center Hospital - Pre 1996 Designation shall be eligible for payments from the Alzheimer's Disease Center Clinical Fund.
(b) Appropriations allocated to this Fund shall be divided among the qualifying hospitals. The Department of Healthcare and Family Services Public Aid shall calculate payment rates for each hospital qualifying under this Section as follows:

(1) Hospitals that qualify under the Qualified Academic Medical Center Hospital - Pre 1996 Designation shall be paid a rate of $55.50 for each Medicaid inpatient day of care.
(2) No qualifying hospital shall receive payments under this Section that exceed $1,200,000.
(c) Payments under this Section shall be made at least quarterly.
(Source: P.A. 93-929, eff. 8-12-04; revised 12-15-05.)

(410 ILCS 407/30)
Sec. 30. The Alzheimer's Disease Center Expanded Clinical Fund.
(a) Each institution defined as a Qualified Academic Medical Center Hospital - Pre 1996 Designation or as a Qualified Academic Medical Center Hospital - Post 1996 Designation shall be eligible for payments from the Alzheimer's Disease Center Expanded Clinical Fund.
(b) Appropriations allocated to this Fund shall be divided among the qualifying hospitals. The Department of Healthcare and Family Services Public Aid shall calculate payment rates for each hospital qualifying under this Section as follows:

(1) Hospitals that are defined as a Qualifying Academic Medical Center Hospital - Pre 1996 Designation shall be paid $13.90 for each Medicaid inpatient day of care.
(2) Hospitals that are defined as a Qualifying Academic Medical Center Hospital - Post 1996 Designation and do not meet...
(3) Hospitals that qualify under the Pre and Post 1996 Designation shall qualify for payments under this Section according to the payment guidelines for Pre 1996 Designated hospitals.

(4) No qualifying hospital shall receive payments under this Section that exceed $300,000.

c) Payments under this Section shall be made at least quarterly.

(Source: P.A. 93-929, eff. 8-12-04; revised 12-15-05.)

Sec. 45. Payment of funds. The Comptroller shall disburse all funds appropriated to the Alzheimer's Disease Center Clinical Fund, the Alzheimer's Disease Center Expanded Clinical Fund, and the Alzheimer's Disease Center Independent Clinical Fund to the appropriate Qualified Academic Medical Center Hospitals (either Pre 1996 or Post 1996 Designation) as the funds are appropriated by the General Assembly and come due under this Act. The payment of these funds shall be made through the Department of Healthcare and Family Services Public Aid.

(Source: P.A. 93-929, eff. 8-12-04; revised 12-15-05.)

Sec. 55. Payment methodology. The Department of Healthcare and Family Services Public Aid shall promulgate rules necessary to make payments to the Qualifying Academic Medical Center Hospitals (either Pre 1996 or Post 1996 Designation) utilizing a reimbursement methodology consistent with this Act for distribution of all moneys from the funds in a manner that would help ensure these funds could be matchable to the maximum extent possible under Title XIX of the Social Security Act.

(Source: P.A. 93-929, eff. 8-12-04; revised 12-15-05.)

Section 915. The Hemophilia Care Act is amended by changing Section 1 as follows:

(410 ILCS 420/1) (from Ch. 111 1/2, par. 2901)
Sec. 1. Definitions. As used in this Act, unless the context clearly requires otherwise:

(1) "Department" means the Illinois Department of Healthcare and Family Services Public Aid.

(1.5) "Director" means the Director of Healthcare and Family Services Public Aid.

(2) (Blank).

(3) "Hemophilia" means a bleeding tendency resulting from a genetically determined deficiency in the blood.

(4) "Committee" means the Hemophilia Advisory Committee created under this Act.

(5) "Eligible person" means any resident of the State suffering from hemophilia.

(6) "Family" means:

   (a) In the case of a patient who is a dependent of another person or couple as defined by the Illinois Income Tax Act, all those persons for whom exemption is claimed in the State income tax return of the person or couple whose dependent the eligible person is, and

   (b) In all other cases, all those persons for whom exemption is claimed in the State income tax return of the eligible person, or of the eligible person and his spouse.

(7) "Eligible cost of hemophilia services" means the cost of blood transfusions, blood derivatives, and for outpatient services, of physician charges, medical supplies, and appliances, used in the treatment of eligible persons for hemophilia, plus one half of the cost of hospital inpatient care, minus any amount of such cost which is eligible for payment or reimbursement by any hospital or medical insurance program, by any other government medical or financial assistance program, or by any charitable assistance program.

(8) "Gross income" means the base income for State income tax purposes of all members of the family.

(9) "Available family income" means the lesser of:

New matter indicated by italics - deletions by strikeout
(a) Gross income minus the sum of (1) $5,500, and (2) $3,500 times the number of persons in the family, or
(b) One half of gross income.
(Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised 12-15-05.)

Section 920. The Renal Disease Treatment Act is amended by changing Sections 1, 2, 3, and 3.01 as follows:

(410 ILCS 430/1) (from Ch. 111 1/2, par. 22.31)
Sec. 1. The Department of Healthcare and Family Services Public Aid shall establish a program for the care and treatment of persons suffering from chronic renal diseases. This program shall assist persons suffering from chronic renal diseases who require lifesaving care and treatment for such renal disease, but who are unable to pay for such services on a continuing basis.
(Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised 12-15-05.)

(410 ILCS 430/2) (from Ch. 111 1/2, par. 22.32)
Sec. 2. The Director of Healthcare and Family Services (formerly Director of Public Aid) shall appoint a Renal Disease Advisory Committee to consult with the Department in the administration of this Act. The Committee shall be composed of 15 persons representing hospitals and medical schools which establish dialysis centers or kidney transplant programs, voluntary agencies interested in kidney diseases, physicians licensed to practice medicine in all of its branches, and the general public. Each member shall hold office for a term of 4 years and until his successor is appointed and qualified, except that the terms of the members appointed pursuant to Public Act 78-538 shall expire as designated at the time of appointment, 1 at the end of the first year, 1 at the end of the second year, 1 at the end of the third year, and 1 at the end of the fourth year, after the date of appointment. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. The Committee shall meet as frequently as the Director of Healthcare and Family Services Public Aid deems necessary, but not less than once each year. The Committee members shall receive no compensation but shall be

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reimbursed for actual expenses incurred in carrying out their duties as members of this Committee.
(Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised 12-15-05.)
(410 ILCS 430/3) (from Ch. 111 1/2, par. 22.33)
Sec. 3. Duties of Departments of Healthcare and Family Services
Public Aid and Public Health.
(A) The Department of Healthcare and Family Services Public Aid shall:

(a) With the advice of the Renal Disease Advisory Committee, develop standards for determining eligibility for care and treatment under this program. Among other standards so developed under this paragraph, candidates, to be eligible for care and treatment, must be evaluated in a center properly staffed and equipped for such evaluation.
(b) (Blank).
(c) (Blank).
(d) Extend financial assistance to persons suffering from chronic renal diseases in obtaining the medical, surgical, nursing, pharmaceutical, and technical services necessary in caring for such diseases, including the renting of home dialysis equipment. The Renal Disease Advisory Committee shall recommend to the Department the extent of financial assistance, including the reasonable charges and fees, for:
   (1) Treatment in a dialysis facility;
   (2) Hospital treatment for dialysis and transplant surgery;
   (3) Treatment in a limited care facility;
   (4) Home dialysis training; and
   (5) Home dialysis.
(e) Assist in equipping dialysis centers.
(B) The Department of Public Health shall:

(a) Assist in the development and expansion of programs for the care and treatment of persons suffering from chronic renal diseases, including dialysis and other medical or surgical
procedures and techniques that will have a lifesaving effect in the care and treatment of persons suffering from these diseases.

(b) Assist in the development of programs for the prevention of chronic renal diseases.

(c) Institute and carry on an educational program among physicians, hospitals, public health departments, and the public concerning chronic renal diseases, including the dissemination of information and the conducting of educational programs concerning the prevention of chronic renal diseases and the methods for the care and treatment of persons suffering from these diseases.

(Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised 12-15-05.)

Sec. 3.01. The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department of Healthcare and Family Services Public Aid under this Act, except that Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.

(Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised 12-15-05.)

Section 925. The Genetic Information Privacy Act is amended by changing Section 22 as follows:

Sec. 22. Tests to determine inherited characteristics in paternity proceedings. Nothing in this Act shall be construed to affect or restrict in any way the ordering of or use of results from deoxyribonucleic acid (DNA) testing or other tests to determine inherited characteristics by the court in a judicial proceeding under the Illinois Parentage Act of 1984 or by the Illinois Department of Healthcare and Family Services Public Aid in an administrative paternity proceeding under Article X of the Illinois Public Aid Code and rules promulgated under that Article.

(Source: P.A. 90-25, eff. 1-1-98; revised 12-15-05.)
Section 930. The Head and Spinal Cord Injury Act is amended by changing Section 6 as follows:

(410 ILCS 515/6) (from Ch. 111 1/2, par. 7856)

Sec. 6. (a) There is hereby created the Advisory Council on Spinal Cord and Head Injuries within the Department of Human Services. The Council shall consist of 29 members, appointed by the Governor with the advice and consent of the Senate. Members shall serve 3-year terms and until their successors are appointed by the Governor with the advice and consent of the Senate. The members appointed by the Governor shall include 2 neurosurgeons, 2 orthopedic surgeons, 2 rehabilitation specialists, one of whom shall be a registered nurse, 4 persons with head injuries or family members of persons with head injuries, 4 persons with spinal cord injuries or family members of persons with spinal cord injuries, a representative of an Illinois college or university, and a representative from health institutions or private industry. These members shall not serve more than 2 consecutive 3-year terms. The Governor shall appoint one individual from each of the following entities to the Council as ex-officio members: the unit of the Department of Human Services that is responsible for the administration of the vocational rehabilitation program, another unit within the Department of Human Services that provides services for individuals with disabilities, the State Board of Education, the Department of Public Health, the Department of Insurance, the Department of Healthcare and Family Services Public Aid, the Division of Specialized Care for Children of the University of Illinois, the Statewide Independent Living Council, and the State Rehabilitation Advisory Council. Ex-officio members are not subject to limit of 2 consecutive 3-year terms. The appointment of individuals representing State agencies shall be conditioned on their continued employment with their respective agencies.

(b) From funds appropriated for such purpose, the Department of Human Services shall provide to the Council the necessary staff and expenses to carry out the duties and responsibilities assigned by the Council. Such staff shall consist of a director and other support staff.

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(c) Meetings shall be held at least every 90 days or at the call of the Council chairman, who shall be elected by the Council.

(d) Each member shall be reimbursed for reasonable and necessary expenses actually incurred in the performance of his official duties.

(e) The Council shall adopt written procedures to govern its activities. Consultants shall be provided for the Council from appropriations made for such purpose.

(f) The Council shall make recommendations to the Governor for developing and administering a State plan to provide services for spinal cord and head injured persons.

(g) No member of the Council may participate in or seek to influence a decision or vote of the Council if the member would be directly involved with the matter or if he would derive income from it. A violation of this prohibition shall be grounds for a person to be removed as a member of the Council by the Governor.

(h) The Council shall:

(1) promote meetings and programs for the discussion of reducing the debilitating effects of spinal cord and head injuries and disseminate information in cooperation with any other department, agency or entity on the prevention, evaluation, care, treatment and rehabilitation of persons affected by spinal cord and head injuries;

(2) study and review current prevention, evaluation, care, treatment and rehabilitation technologies and recommend appropriate preparation, training, retraining and distribution of manpower and resources in the provision of services to spinal cord and head injured persons through private and public residential facilities, day programs and other specialized services;

(3) recommend specific methods, means and procedures which should be adopted to improve and upgrade the State's service delivery system for spinal cord and head injured citizens of this State;

(4) participate in developing and disseminating criteria and standards which may be required for future funding or licensing of
facilities, day programs and other specialized services for spinal cord and head injured persons in this State;

(5) report annually to the Governor and the General Assembly on its activities, and on the results of its studies and the recommendations of the Council; and

(6) be the advisory board for purposes of federal programs regarding traumatic brain injury.

(i) The Department of Human Services may accept on behalf of the Council federal funds, gifts and donations from individuals, private organizations and foundations, and any other funds that may become available.

(Source: P.A. 89-507, eff. 7-1-97; 90-453, eff. 8-16-97; revised 12-15-05.)

Section 935. The Illinois Adverse Health Care Events Reporting Law of 2005 is amended by changing Section 10-45 as follows:

(410 ILCS 522/10-45)

Sec. 10-45. Testing period.

(a) Prior to the testing period in subsection (b), the Department shall adopt rules for implementing this Law in consultation with the Health Care Event Reporting Advisory Committee and individuals who have experience and expertise in devising and implementing adverse health care event or other health care quality reporting systems. The rules shall establish the methodology and format for health care facilities reporting information under this Law to the Department and shall be finalized before the beginning of the testing period under subsection (b).

(b) The Department shall conduct a testing period of at least 6 months to test the reporting process to identify any problems or deficiencies with the planned reporting process.

(c) None of the information reported and analyzed during the testing period shall be used in any public report under this Law.

(d) The Department must substantially address the problems or deficiencies identified during the testing period before fully implementing the reporting system.

(e) After the testing period, and after any corrections, adjustments, or modifications are finalized, the Department must give at least 30 days
written notice to health care facilities prior to full implementation of the reporting system and collection of adverse event data that will be used in public reports.

(f) Following the testing period, 4 calendar quarters of data must be collected prior to the Department's publishing the annual report of adverse events to the public under paragraph (4) of Section 10-35.

(g) The process described in subsections (a) through (e) must be completed by the Department no later than July 1, 2007.

(h) Notwithstanding any other provision of law, the Department may contract with an entity for receiving all adverse health care event reports, root cause analysis findings, and corrective action plans that must be reported to the Department under this Law and for the compilation of the information and the provision of quarterly and annual reports to the Department describing such information according to the rules adopted by the Department under this Law.

(Source: P.A. 94-242, eff. 7-18-05; revised 9-15-06.)

Section 940. The Vital Records Act is amended by changing Sections 12, 17, 22, 24, and 25.1 as follows:

(410 ILCS 535/12) (from Ch. 111 1/2, par. 73-12)

Sec. 12. Live births; place of registration.

(1) Each live birth which occurs in this State shall be registered with the local or subregistrar of the district in which the birth occurred as provided in this Section, within 7 days after the birth. When a birth occurs on a moving conveyance, the city, village, township, or road district in which the child is first removed from the conveyance shall be considered the place of birth and a birth certificate shall be filed in the registration district in which the place is located.

(2) When a birth occurs in an institution, the person in charge of the institution or his designated representative shall obtain and record all the personal and statistical particulars relative to the parents of the child that are required to properly complete the live birth certificate; shall secure the required personal signatures on the hospital worksheet; shall prepare the certificate from this worksheet; and shall file the certificate with the local registrar. The institution shall retain the hospital worksheet

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permanently or as otherwise specified by rule. The physician in attendance shall verify or provide the date of birth and medical information required by the certificate, within 24 hours after the birth occurs.

(3) When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

(a) The physician in attendance at or immediately after the birth, or in the absence of such a person,
(b) Any other person in attendance at or immediately after the birth, or in the absence of such a person,
(c) The father, the mother, or in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred.

(4) Unless otherwise provided in this Act, if the mother was not married to the father of the child at either the time of conception or the time of birth, the name of the father shall be entered on the child's birth certificate only if the mother and the person to be named as the father have signed an acknowledgment of parentage in accordance with subsection (5).

Unless otherwise provided in this Act, if the mother was married at the time of conception or birth and the presumed father (that is, the mother's husband) is not the biological father of the child, the name of the biological father shall be entered on the child's birth certificate only if, in accordance with subsection (5), (i) the mother and the person to be named as the father have signed an acknowledgment of parentage and (ii) the mother and presumed father have signed a denial of paternity.

(5) Upon the birth of a child to an unmarried woman, or upon the birth of a child to a woman who was married at the time of conception or birth and whose husband is not the biological father of the child, the institution at the time of birth and the local registrar or county clerk after the birth shall do the following:

(a) Provide (i) an opportunity for the child's mother and father to sign an acknowledgment of parentage and (ii) if the presumed father is not the biological father, an opportunity for the mother and presumed father to sign a denial of paternity. The
signing and witnessing of the acknowledgment of parentage or, if the presumed father of the child is not the biological father, the acknowledgment of parentage and denial of paternity conclusively establishes a parent and child relationship in accordance with Sections 5 and 6 of the Illinois Parentage Act of 1984.

The Illinois Department of Healthcare and Family Services Public Aid shall furnish the acknowledgment of parentage and denial of paternity form to institutions, county clerks, and State and local registrars' offices. The form shall include instructions to send the original signed and witnessed acknowledgment of parentage and denial of paternity to the Illinois Department of Healthcare and Family Services Public Aid.

(b) Provide the following documents, furnished by the Illinois Department of Healthcare and Family Services Public Aid, to the child's mother, biological father, and (if the person presumed to be the child's father is not the biological father) presumed father for their review at the time the opportunity is provided to establish a parent and child relationship:

(i) An explanation of the implications of, alternatives to, legal consequences of, and the rights and responsibilities that arise from signing an acknowledgment of parentage and, if necessary, a denial of paternity, including an explanation of the parental rights and responsibilities of child support, visitation, custody, retroactive support, health insurance coverage, and payment of birth expenses.

(ii) An explanation of the benefits of having a child's parentage established and the availability of parentage establishment and child support enforcement services.

(iii) A request for an application for child support enforcement services from the Illinois Department of Healthcare and Family Services Public Aid.

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(iv) Instructions concerning the opportunity to speak, either by telephone or in person, with staff of the Illinois Department of Healthcare and Family Services Public Aid who are trained to clarify information and answer questions about paternity establishment.

(v) Instructions for completing and signing the acknowledgment of parentage and denial of paternity.

(c) Provide an oral explanation of the documents and instructions set forth in subdivision (5)(b), including an explanation of the implications of, alternatives to, legal consequences of, and the rights and responsibilities that arise from signing an acknowledgment of parentage and, if necessary, a denial of paternity. The oral explanation may be given in person or through the use of video or audio equipment.

(6) The institution, State or local registrar, or county clerk shall provide an opportunity for the child's father or mother to sign a rescission of parentage. The signing and witnessing of the rescission of parentage voids the acknowledgment of parentage and nullifies the presumption of paternity if executed and filed with the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) within the time frame contained in Section 5 of the Illinois Parentage Act of 1984. The Illinois Department of Healthcare and Family Services Public Aid shall furnish the rescission of parentage form to institutions, county clerks, and State and local registrars' offices. The form shall include instructions to send the original signed and witnessed rescission of parentage to the Illinois Department of Healthcare and Family Services Public Aid.

(7) An acknowledgment of paternity signed pursuant to Section 6 of the Illinois Parentage Act of 1984 may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenging party. Pending outcome of a challenge to the acknowledgment of paternity, the legal responsibilities of the signatories shall remain in full force and effect, except upon order of the court upon a showing of good cause.

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(8) When the process for acknowledgment of parentage as provided for under subsection (5) establishes the paternity of a child whose certificate of birth is on file in another state, the Illinois Department of Healthcare and Family Services Public Aid shall forward a copy of the acknowledgment of parentage, the denial of paternity, if applicable, and the rescission of parentage, if applicable, to the birth record agency of the state where the child's certificate of birth is on file.

(9) In the event the parent-child relationship has been established in accordance with subdivision (a)(1) of Section 6 of the Parentage Act of 1984, the names of the biological mother and biological father so established shall be entered on the child's birth certificate, and the names of the surrogate mother and surrogate mother's husband, if any, shall not be on the birth certificate.

(Source: P.A. 91-308, eff. 7-29-99; 92-590, eff. 7-1-02; revised 12-15-05.)

(410 ILCS 535/17) (from Ch. 111 1/2, par. 73-17)

Sec. 17. (1) For a person born in this State, the State Registrar of Vital Records shall establish a new certificate of birth when he receives any of the following:

(a) A certificate of adoption as provided in Section 16 or a certified copy of the order of adoption together with the information necessary to identify the original certificate of birth and to establish the new certificate of birth; except that a new certificate of birth shall not be established if so requested by the court ordering the adoption, the adoptive parents, or the adopted person.

(b) A certificate of adoption or a certified copy of the order of adoption entered in a court of competent jurisdiction of any other state or country declaring adopted a child born in the State of Illinois, together with the information necessary to identify the original certificate of birth and to establish the new certificate of birth; except that a new certificate of birth shall not be established if so requested by the court ordering the adoption, the adoptive parents, or the adopted person.

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(c) A request that a new certificate be established and such evidence as required by regulation proving that such person has been legitimatized, or that the circuit court, the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid), or a court or administrative agency of any other state has established the paternity of such a person by judicial or administrative processes or by voluntary acknowledgment, which is accompanied by the social security numbers of all persons determined and presumed to be the parents.

(d) An affidavit by a physician that he has performed an operation on a person, and that by reason of the operation the sex designation on such person's birth record should be changed. The State Registrar of Vital Records may make any investigation or require any further information he deems necessary.

Each request for a new certificate of birth shall be accompanied by a fee of $15 and entitles the applicant to one certification or certified copy of the new certificate. If the request is for additional copies, it shall be accompanied by a fee of $2 for each additional certification or certified copy.

(2) When a new certificate of birth is established, the actual place and date of birth shall be shown; provided, in the case of adoption of a person born in this State by parents who were residents of this State at the time of the birth of the adopted person, the place of birth may be shown as the place of residence of the adoptive parents at the time of such person's birth, if specifically requested by them, and any new certificate of birth established prior to the effective date of this amendatory Act may be corrected accordingly if so requested by the adoptive parents or the adopted person when of legal age. The social security numbers of the parents shall not be recorded on the certificate of birth. The social security numbers may only be used for purposes allowed under federal law. The new certificate shall be substituted for the original certificate of birth:

(a) Thereafter, the original certificate and the evidence of adoption, paternity, legitimation, or sex change shall not be subject
to inspection or certification except upon order of the circuit court or as provided by regulation.

(b) Upon receipt of notice of annulment of adoption, the original certificate of birth shall be restored to its place in the files, and the new certificate and evidence shall not be subject to inspection or certification except upon order of the circuit court.

(3) If no certificate of birth is on file for the person for whom a new certificate is to be established under this Section, a delayed record of birth shall be filed with the State Registrar of Vital Records as provided in Section 14 or Section 15 of this Act before a new certificate of birth is established, except that when the date and place of birth and parentage have been established in the adoption proceedings, a delayed record shall not be required.

(4) When a new certificate of birth is established by the State Registrar of Vital Records, all copies of the original certificate of birth in the custody of any custodian of permanent local records in this State shall be transmitted to the State Registrar of Vital Records as directed, and shall be sealed from inspection.

(5) Nothing in this Section shall be construed to prohibit the amendment of a birth certificate in accordance with subsection (6) of Section 22.

(Source: P.A. 89-6, eff. 3-6-95; 89-257, eff. 1-1-96; 89-626, eff. 8-9-96; 90-18, eff. 7-1-97; revised 12-15-05.)

(410 ILCS 535/22) (from Ch. 111 1/2, par. 73-22)
Sec. 22. (1) A certificate or record filed under this Act may be amended only in accordance with this Act and such regulations as the Department may adopt to protect the integrity of vital records. An application for an amendment shall be accompanied by a fee of $15 which includes the provision of one certification or certified copy of the amended birth record. If the request is for additional copies, it shall be accompanied by a fee of $2 for each additional certification or certified copy. Such amendments may only be made in connection with the original certificates and may not be made on copies of such certificates without the approval of the State Registrar of Vital Records. The provisions of this Section shall

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also be applicable to a certificate or record filed under any former Act relating to the registration of births, stillbirths, and deaths. Any original certificate or record filed with the county clerk prior to January 1, 1916, may be amended by the county clerk under the same provisions of this Section, or regulations adopted pursuant thereto, as apply to the State Registrar of Vital Records governing amendments to certificates or records filed with the Department subsequent to December 31, 1915.

(2) A certificate that is amended under this Section after its filing shall have the correction entered on its face; shall clearly indicate that an amendment has been made; and shall show the date of the amendment. A summary description of the evidence submitted in support of an amendment shall be permanently retained by the Department either as an original record or in microphotographic form. Documents from which such summary descriptions are made may be returned by the Department to the person or persons submitting them. The Department shall prescribe by regulation the conditions under which, within one year after the date of occurrence, additions or minor corrections may be made without the certificate being considered amended.

(3) An amendment to a delayed birth registration established under the provisions of Section 15 of this Act may be made by the State Registrar of Vital Records only upon the basis of an order from the court which originally established the facts of birth.

(4) Upon receipt of a certified copy of a court order changing the name or names of a person born in this State, the official custodian shall amend the original certificate of birth to reflect the changes.

(5) (Blank).

(6) When the paternity of a child with a certificate of birth on file in this State is established through voluntary acknowledgment or by a court or administrative agency under the laws of this or any other state, the State Registrar of Vital Records shall amend the original record accordingly, upon notification from a circuit court of this State or the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid), or upon receipt of a certified copy of another
state's acknowledgment or judicial or administrative determination of paternity.

(7) Notwithstanding any other provision of this Act, if an adopted person applies in accordance with this Section for the amendment of the name on his or her birth certificate, the State Registrar shall amend the birth certificate if the person provides documentation or other evidence supporting the application that would be deemed sufficient if the documentation or evidence had been submitted in support of an application by a person who has not been adopted.

(8) When paternity has been established after the birth in accordance with Section 12, the State Registrar of Vital Records shall amend the original record accordingly.

(9) Upon application by the parents not later than one year after an acknowledgment of parentage under this Act or the Illinois Public Aid Code or a judicial or administrative determination of parentage or establishment of paternity or parentage, the State Registrar of Vital Records shall amend the child's name on the child's certificate of birth in accordance with the application. No more than one application to change a child's name may be made under this subsection (9).

(10) When a certificate is amended by the State Registrar of Vital Records under this Section, the State Registrar of Vital Records shall furnish a copy of the summary description to the custodian of any permanent local records and such records shall be amended accordingly.

(Source: P.A. 89-6, eff. 3-6-95; 89-257, eff. 1-1-96; 89-626, eff. 8-9-96; 89-641, eff. 8-9-96; 90-18, eff. 7-1-97; revised 12-15-05.)

(410 ILCS 535/24) (from Ch. 111 1/2, par. 73-24)

Sec. 24. (1) To protect the integrity of vital records, to insure their proper use, and to insure the efficient and proper administration of the vital records system, access to vital records, and indexes thereof, including vital records in the custody of local registrars and county clerks originating prior to January 1, 1916, is limited to the custodian and his employees, and then only for administrative purposes, except that the indexes of those records in the custody of local registrars and county clerks, originating prior to January 1, 1916, shall be made available to persons for the

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purpose of genealogical research. Original, photographic or microphotographic reproductions of original records of births 100 years old and older and deaths 50 years old and older, and marriage records 75 years old and older on file in the State Office of Vital Records and in the custody of the county clerks may be made available for inspection in the Illinois State Archives reference area, Illinois Regional Archives Depositories, and other libraries approved by the Illinois State Registrar and the Director of the Illinois State Archives, provided that the photographic or microphotographic copies are made at no cost to the county or to the State of Illinois. It is unlawful for any custodian to permit inspection of, or to disclose information contained in, vital records, or to copy or permit to be copied, all or part of any such record except as authorized by this Act or regulations adopted pursuant thereto.

(2) The State Registrar of Vital Records, or his agent, and any municipal, county, multi-county, public health district, or regional health officer recognized by the Department may examine vital records for the purpose only of carrying out the public health programs and responsibilities under his jurisdiction.

(3) The State Registrar of Vital Records, may disclose, or authorize the disclosure of, data contained in the vital records when deemed essential for bona fide research purposes which are not for private gain.

This amendatory Act of 1973 does not apply to any home rule unit.

(4) The State Registrar shall exchange with the Illinois Department of Healthcare and Family Services information that may be necessary for the establishment of paternity and the establishment, modification, and enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984. Notwithstanding any provisions in this Act to the contrary, the State Registrar shall not be liable to any person for any disclosure of information to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) under this

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subsection or for any other action taken in good faith to comply with the
requirements of this subsection.
(Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99; revised 12-15-05.)

(410 ILCS 535/25.1) (from Ch. 111 1/2, par. 73-25.1)

Sec. 25.1. (a) When the State Registrar of Vital Records receives or
prepares a death certificate the Registrar shall make an appropriate
notation in the birth certificate record of that person that the person is
deceased. The Registrar shall also notify the appropriate municipal or
county custodian of such birth record that the person is deceased, and such
custodian shall likewise make an appropriate notation in its records.

(b) In response to any inquiry, the Registrar or a custodian shall not
provide a copy of a birth certificate or information concerning the birth
record of any deceased person except as provided in this subsection (b) or
as otherwise provided in this Act or as approved by the Department. When
a copy of the birth certificate of a deceased person is requested, the
Registrar or custodian shall require the person making the request to
complete an information form, which shall be developed and furnished by
the Department and shall include, at a minimum, the name, address,
telephone number, social security number and driver's license number of
the person making the request. Before furnishing the copy, the custodian
shall prominently stamp on the copy the word "DECEASED" and write or
stamp on the copy the date of death of the deceased person. The custodian
shall retain the information form completed by the person making the
request, and note on the birth certificate record that such a request was
made. The custodian shall make the information form available to the
Department of State Police or any local law enforcement agency upon
request. A city or county custodian shall promptly submit copies of all
completed forms to the Registrar. The word "DECEASED" and the date of
death shall not appear on a copy of a birth certificate furnished to a parent
of a child who died within 3 months of birth, provided no other copy of a
birth certificate was furnished to the parent prior to the child's death.

(c) The Registrar shall furnish, no later than 60 days after receipt of
a form used to request a birth certificate record of a deceased person, a
copy of the form and a copy of the corresponding birth certificate record to

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the Illinois Department of Healthcare and Family Services Public Aid and the Department of Human Services. The Illinois Department of Healthcare and Family Services Public Aid and the Department of Human Services shall, upon receipt of such information, check their records to ensure that no claim for public assistance under the Illinois Public Aid Code is being made either by a person purporting to be the deceased person or by any person on behalf of the deceased person.

(d) Notwithstanding the requirements of subsection (b), when the death of a child occurs within 90 days of that child's live birth, the mother listed on the birth certificate of that child may request the issuance of a copy of a certificate of live birth from the State Registrar. Such request shall be made in accordance with subsection (b), shall indicate the requestor's relationship to the child, and shall be made not later than 9 months from the date of the death of the child. Except as provided herein, the Registrar shall conform to all requirements of this Act in issuing copies of certificates under this subsection (d).

(Source: P.A. 94-7, eff. 6-6-05; revised 12-15-05.)

Section 945. The Home Health and Hospice Drug Dispensation and Administration Act is amended by changing Section 10 as follows:

(410 ILCS 642/10)
Sec. 10. Definitions. In this Act:
"Authorized nursing employee" means a registered nurse or advanced practice nurse, as defined in the Nursing and Advanced Practice Nursing Act, who is employed by a home health agency or hospice licensed in this State.

"Health care professional" means a physician licensed to practice medicine in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes services under this Act, or a physician assistant who has been delegated the authority to perform services under this Act by his or her supervising physician.

"Home health agency" has the meaning ascribed to it in Section 2.04 of the Home Health, Home Services, and Home Nursing Agency Licensing Act.

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"Hospice" means a full hospice, as defined in Section 3 of the Hospice Program Licensing Act.

"Physician" means a physician licensed under the Medical Practice Act of 1987 to practice medicine in all its branches.

(Source: P.A. 94-638, eff. 8-22-05; revised 10-19-06.)

Section 950. The Environmental Protection Act is amended by changing Sections 3.330, 5, 42, 55.8, 57.7, 57.8, 57.13, 58.3, and 58.7 and by setting forth and renumbering multiple versions of Section 22.50 as follows:

(415 ILCS 5/3.330) (was 415 ILCS 5/3.32)
Sec. 3.330. Pollution control facility.
(a) "Pollution control facility" is any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act.

The following are not pollution control facilities:

(1) (Blank);
(2) waste storage sites regulated under 40 CFR, Part 761.42;
(3) sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person;
(4) sites or facilities at which the State is performing removal or remedial action pursuant to Section 22.2 or 55.3;
(5) abandoned quarries used solely for the disposal of concrete, earth materials, gravel, or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due to the construction and installation of

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underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by a public utility;

(6) sites or facilities used by any person to specifically conduct a landscape composting operation;

(7) regional facilities as defined in the Central Midwest Interstate Low-Level Radioactive Waste Compact;

(8) the portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (r)(2) or (r)(3) of Section 21;

(9) the portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV;

(10) the portion of a site or facility used for treatment of petroleum contaminated materials by application onto or incorporation into the soil surface and any portion of that site or facility used for storage of petroleum contaminated materials before treatment. Only those categories of petroleum listed in Section 57.9(a)(3) are exempt under this subdivision (10);

(11) the portion of a site or facility where used oil is collected or stored prior to shipment to a recycling or energy recovery facility, provided that the used oil is generated by households or commercial establishments, and the site or facility is a recycling center or a business where oil or gasoline is sold at retail;

(11.5) processing sites or facilities that receive only on-specification used oil, as defined in 35 Ill. Admin. Code 739, originating from used oil collectors for processing that is managed under 35 Ill. Admin. Code 739 to produce products for sale to off-site petroleum facilities, if these processing sites or facilities are: (i) located within a home rule unit of local government with a population of at least 30,000 according to the 2000 federal census, that home rule unit of local government has been designated as an Urban Round II Empowerment Zone by the United States Department of Housing and Urban Development, and that home rule unit of local government has enacted an ordinance approving

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the location of the site or facility and provided funding for the site or facility; and (ii) in compliance with all applicable zoning requirements; -

(12) the portion of a site or facility utilizing coal combustion waste for stabilization and treatment of only waste generated on that site or facility when used in connection with response actions pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the federal Resource Conservation and Recovery Act of 1976, or the Illinois Environmental Protection Act or as authorized by the Agency;

(13) the portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population over 700,000 as of January 1, 2000, and operated and located in accordance with Section 22.38 of this Act;

(14) the portion of a site or facility, located within a unit of local government that has enacted local zoning requirements, used to accept, separate, and process uncontaminated broken concrete, with or without protruding metal bars, provided that the uncontaminated broken concrete and metal bars are not speculatively accumulated, are at the site or facility no longer than one year after their acceptance, and are returned to the economic mainstream in the form of raw materials or products; and

(15) the portion of a site or facility located in a county with a population over 3,000,000 that has obtained local siting approval under Section 39.2 of this Act for a municipal waste incinerator on or before July 1, 2005 and that is used for a non-hazardous waste transfer station.

(b) A new pollution control facility is:

(1) a pollution control facility initially permitted for development or construction after July 1, 1981; or

(2) the area of expansion beyond the boundary of a currently permitted pollution control facility; or

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(3) a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste.

(Source: P.A. 93-998, eff. 8-23-04; 94-94, eff. 7-1-05; 94-249, eff. 7-19-05; 94-824, eff. 6-2-06; revised 8-3-06.)

(415 ILCS 5/5) (from Ch. 111 1/2, par. 1005)

Sec. 5. Pollution Control Board.

(a) There is hereby created an independent board to be known as the Pollution Control Board.

Until July 1, 2003 or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later, the Board shall consist of 7 technically qualified members, no more than 4 of whom may be of the same political party, to be appointed by the Governor with the advice and consent of the Senate.

The term of each appointed member of the Board who is in office on June 30, 2003 shall terminate at the close of business on that date or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later.

Beginning on July 1, 2003 or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later, the Board shall consist of 5 technically qualified members, no more than 3 of whom may be of the same political party, to be appointed by the Governor with the advice and consent of the Senate. Members shall have verifiable technical, academic, or actual experience in the field of pollution control or environmental law and regulation.

Of the members initially appointed pursuant to this amendatory Act of the 93rd General Assembly, one shall be appointed for a term ending July 1, 2004, 2 shall be appointed for terms ending July 1, 2005, and 2 shall be appointed for terms ending July 1, 2006. Thereafter, all members shall hold office for 3 years from the first day of July in the year in which they were appointed, except in case of an appointment to fill a vacancy. In
case of a vacancy in the office when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate, when he or she shall nominate some person to fill such office; and any person so nominated, who is confirmed by the Senate, shall hold the office during the remainder of the term.

Members of the Board shall hold office until their respective successors have been appointed and qualified. Any member may resign from office, such resignation to take effect when a successor has been appointed and has qualified.

Board members shall be paid $37,000 per year or an amount set by the Compensation Review Board, whichever is greater, and the Chairman shall be paid $43,000 per year or an amount set by the Compensation Review Board, whichever is greater. Each member shall devote his or her entire time to the duties of the office, and shall hold no other office or position of profit, nor engage in any other business, employment, or vocation. Each member shall be reimbursed for expenses necessarily incurred and shall make a financial disclosure upon appointment.

Each Board member may employ one secretary and one assistant, and the Chairman one secretary and 2 assistants. The Board also may employ and compensate hearing officers to preside at hearings under this Act, and such other personnel as may be necessary. Hearing officers shall be attorneys licensed to practice law in Illinois.

The Board may have an Executive Director; if so, the Executive Director shall be appointed by the Governor with the advice and consent of the Senate. The salary and duties of the Executive Director shall be fixed by the Board.

The Governor shall designate one Board member to be Chairman, who shall serve at the pleasure of the Governor.

The Board shall hold at least one meeting each month and such additional meetings as may be prescribed by Board rules. In addition, special meetings may be called by the Chairman or by any 2 Board members, upon delivery of 24 hours written notice to the office of each member. All Board meetings shall be open to the public, and public notice of all meetings shall be given at least 24 hours in advance of each meeting.
In emergency situations in which a majority of the Board certifies that exigencies of time require the requirements of public notice and of 24 hour written notice to members may be dispensed with, and Board members shall receive such notice as is reasonable under the circumstances.

If there is no vacancy on the Board, 4 members of the Board shall constitute a quorum to transact business; otherwise, a majority of the Board shall constitute a quorum to transact business, and no vacancy shall impair the right of the remaining members to exercise all of the powers of the Board. Every action approved by a majority of the members of the Board shall be deemed to be the action of the Board. The Board shall keep a complete and accurate record of all its meetings.

(b) The Board shall determine, define and implement the environmental control standards applicable in the State of Illinois and may adopt rules and regulations in accordance with Title VII of this Act.

(c) The Board shall have authority to act for the State in regard to the adoption of standards for submission to the United States under any federal law respecting environmental protection. Such standards shall be adopted in accordance with Title VII of the Act and upon adoption shall be forwarded to the Environmental Protection Agency for submission to the United States pursuant to subsections (l) and (m) of Section 4 of this Act. Nothing in this paragraph shall limit the discretion of the Governor to delegate authority granted to the Governor under any federal law.

(d) The Board shall have authority to conduct proceedings upon complaints charging violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order; upon administrative citations; upon petitions for variances or adjusted standards; upon petitions for review of the Agency's final determinations on permit applications in accordance with Title X of this Act; upon petitions to remove seals under Section 34 of this Act; and upon other petitions for review of final determinations which are made pursuant to this Act or Board rule and which involve a subject which the Board is authorized to regulate. The Board may also conduct other proceedings as may be provided by this Act or any other statute or rule.

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(e) In connection with any proceeding pursuant to subsection (b) or (d) of this Section, the Board may subpoena and compel the attendance of witnesses and the production of evidence reasonably necessary to resolution of the matter under consideration. The Board shall issue such subpoenas upon the request of any party to a proceeding under subsection (d) of this Section or upon its own motion.

(f) The Board may prescribe reasonable fees for permits required pursuant to this Act. Such fees in the aggregate may not exceed the total cost to the Agency for its inspection and permit systems. The Board may not prescribe any permit fees which are different in amount from those established by this Act.

(Source: P.A. 92-574, eff. 6-26-02; 93-152, eff. 7-10-03; 93-509, eff. 8-11-03; revised 9-11-03.)

(415 ILCS 5/22.50)

Sec. 22.50. Compliance with land use limitations. No person shall use, or cause or allow the use of, any site for which a land use limitation has been imposed under this Act in a manner inconsistent with the land use limitation unless further investigation or remedial action has been conducted that documents the attainment of remedial objectives appropriate for the new land use and a new closure letter has been obtained from the Agency and recorded in the chain of title for the site. For the purpose of this Section, the term "land use limitation" shall include, but shall not be limited to, institutional controls and engineered barriers imposed under this Act and the regulations adopted under this Act. For the purposes of this Section, the term "closure letter" shall include, but shall not be limited to, No Further Remediation Letters issued under Titles XVI and XVII of this Act and the regulations adopted under those Titles.

(Source: P.A. 94-272, eff. 7-19-05; 94-314, eff. 7-25-05.)

(415 ILCS 5/22.53)

Sec. 22.53. Computer Equipment Disposal and Recycling Commission.

(a) The General Assembly finds that improper disposal of computer equipment presents a serious environmental threat. Computer equipment contains quantities of lead, mercury, other heavy metals, and

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plastics that, when improperly disposed of, can lead to environmental contamination.

(b) There is hereby created the Computer Equipment Disposal and Recycling Commission consisting of 7 members appointed as follows: 2 members appointed by the Governor, one of whom shall serve as Chairperson of the Commission; one member appointed by the Lieutenant Governor who shall serve as vice-chairperson; one member appointed by the Speaker of the House of Representatives; one member appointed by the Minority Leader of the House of Representatives; one member appointed by the President of the Senate; and one member appointed by the Minority Leader of the Senate; all of whom shall serve without compensation. The Commission may accept and expend for its purposes any funds granted to the Commission by any agency of State or federal government or through private donation dealing exclusively with computer equipment disposal.

(c) The Commission shall have all of the following objectives:

1. To investigate problems and concerns related to the disposal and recycling of computer equipment.

2. To advise the General Assembly and State agencies with respect to legislative, regulatory, or other actions within the area of computer equipment disposal, and any related subject matter (i.e. fax machines, printers, etc.).

3. To make recommendations regarding the development and establishment of pilot programs and ongoing programs for the recycling and proper disposal of computer equipment.

(d) The Commission shall issue a report of its findings and recommendations in relation to the objectives listed in subsection (c) of this Section to the Governor, the General Assembly, and the Director of the Environmental Protection Agency on or before May 31, 2006. In preparing its report, the Commission shall seek input from and consult with business organizations, trade organizations, trade associations, solid waste agencies, and environmental organizations with expertise in computer equipment disposal and recycling.
(e) Beginning on May 31, 2007, the Commission shall evaluate the implementation of programs by the State relating to computer equipment disposal and recycling, and shall issue a report of its finding and recommendations to the Governor, the General Assembly, and the Director of the Environmental Protection Agency on or before December 31, 2008.

(f) The Commission, upon issuing the report described in subsection (e) of this Section, is dissolved.

(Source: P.A. 94-518, eff. 8-10-05; revised 9-22-05.)

(415 ILCS 5/42) (from Ch. 111 1/2, par. 1042)

Sec. 42. Civil penalties.

(a) Except as provided in this Section, any person that violates any provision of this Act or any regulation adopted by the Board, or any permit or term or condition thereof, or that violates any order of the Board pursuant to this Act, shall be liable for a civil penalty of not to exceed $50,000 for the violation and an additional civil penalty of not to exceed $10,000 for each day during which the violation continues; such penalties may, upon order of the Board or a court of competent jurisdiction, be made payable to the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act.

(b) Notwithstanding the provisions of subsection (a) of this Section:

(1) Any person that violates Section 12(f) of this Act or any NPDES permit or term or condition thereof, or any filing requirement, regulation or order relating to the NPDES permit program, shall be liable to a civil penalty of not to exceed $10,000 per day of violation.

(2) Any person that violates Section 12(g) of this Act or any UIC permit or term or condition thereof, or any filing requirement, regulation or order relating to the State UIC program for all wells, except Class II wells as defined by the Board under this Act, shall be liable to a civil penalty not to exceed $2,500 per day of violation; provided, however, that any person who commits such violations relating to the State UIC program for Class II wells, as

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defined by the Board under this Act, shall be liable to a civil penalty of not to exceed $10,000 for the violation and an additional civil penalty of not to exceed $1,000 for each day during which the violation continues.

(3) Any person that violates Sections 21(f), 21(g), 21(h) or 21(i) of this Act, or any RCRA permit or term or condition thereof, or any filing requirement, regulation or order relating to the State RCRA program, shall be liable to a civil penalty of not to exceed $25,000 per day of violation.

(4) In an administrative citation action under Section 31.1 of this Act, any person found to have violated any provision of subsection (o) of Section 21 of this Act shall pay a civil penalty of $500 for each violation of each such provision, plus any hearing costs incurred by the Board and the Agency. Such penalties shall be made payable to the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act; except that if a unit of local government issued the administrative citation, 50% of the civil penalty shall be payable to the unit of local government.

(4-5) In an administrative citation action under Section 31.1 of this Act, any person found to have violated any provision of subsection (p) of Section 21 of this Act shall pay a civil penalty of $1,500 for each violation of each such provision, plus any hearing costs incurred by the Board and the Agency, except that the civil penalty amount shall be $3,000 for each violation of any provision of subsection (p) of Section 21 that is the person's second or subsequent adjudication violation of that provision. The penalties shall be deposited into the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act; except that if a unit of local government issued the administrative citation, 50% of the civil penalty shall be payable to the unit of local government.

(5) Any person who violates subsection 6 of Section 39.5 of this Act or any CAAPP permit, or term or condition thereof, or any
fee or filing requirement, or any duty to allow or carry out inspection, entry or monitoring activities, or any regulation or order relating to the CAAPP shall be liable for a civil penalty not to exceed $10,000 per day of violation.

(b.5) In lieu of the penalties set forth in subsections (a) and (b) of this Section, any person who fails to file, in a timely manner, toxic chemical release forms with the Agency pursuant to Section 25b-2 of this Act shall be liable for a civil penalty of $100 per day for each day the forms are late, not to exceed a maximum total penalty of $6,000. This daily penalty shall begin accruing on the thirty-first day after the date that the person receives the warning notice issued by the Agency pursuant to Section 25b-6 of this Act; and the penalty shall be paid to the Agency. The daily accrual of penalties shall cease as of January 1 of the following year. All penalties collected by the Agency pursuant to this subsection shall be deposited into the Environmental Protection Permit and Inspection Fund.

(c) Any person that violates this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order and causes the death of fish or aquatic life shall, in addition to the other penalties provided by this Act, be liable to pay to the State an additional sum for the reasonable value of the fish or aquatic life destroyed. Any money so recovered shall be placed in the Wildlife and Fish Fund in the State Treasury.

(d) The penalties provided for in this Section may be recovered in a civil action.

(e) The State's Attorney of the county in which the violation occurred, or the Attorney General, may, at the request of the Agency or on his own motion, institute a civil action for an injunction, prohibitory or mandatory, to restrain violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order, or to require such other actions as may be necessary to address violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order.

(f) The State's Attorney of the county in which the violation occurred, or the Attorney General, shall bring such actions in the name of
the people of the State of Illinois. Without limiting any other authority which may exist for the awarding of attorney's fees and costs, the Board or a court of competent jurisdiction may award costs and reasonable attorney's fees, including the reasonable costs of expert witnesses and consultants, to the State's Attorney or the Attorney General in a case where he has prevailed against a person who has committed a wilful, knowing or repeated violation of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order.

Any funds collected under this subsection (f) in which the Attorney General has prevailed shall be deposited in the Hazardous Waste Fund created in Section 22.2 of this Act. Any funds collected under this subsection (f) in which a State's Attorney has prevailed shall be retained by the county in which he serves.

(g) All final orders imposing civil penalties pursuant to this Section shall prescribe the time for payment of such penalties. If any such penalty is not paid within the time prescribed, interest on such penalty at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, shall be paid for the period from the date payment is due until the date payment is received. However, if the time for payment is stayed during the pendency of an appeal, interest shall not accrue during such stay.

(h) In determining the appropriate civil penalty to be imposed under subdivisions (a), (b)(1), (b)(2), (b)(3), or (b)(5) of this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

(1) the duration and gravity of the violation;
(2) the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
(3) any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;

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(4) the amount of monetary penalty which will serve to
deter further violations by the respondent and to otherwise aid in
enhancing voluntary compliance with this Act by the respondent
and other persons similarly subject to the Act;

(5) the number, proximity in time, and gravity of previously
adjudicated violations of this Act by the respondent;

(6) whether the respondent voluntarily self-disclosed, in
accordance with subsection (i) of this Section, the non-compliance
to the Agency; and

(7) whether the respondent has agreed to undertake a
"supplemental environmental project," which means an
environmentally beneficial project that a respondent agrees to
undertake in settlement of an enforcement action brought under
this Act, but which the respondent is not otherwise legally required
to perform.

In determining the appropriate civil penalty to be imposed under
subsection (a) or paragraph (1), (2), (3), or (5) of subsection (b) of this
Section, the Board shall ensure, in all cases, that the penalty is at least as
great as the economic benefits, if any, accrued by the respondent as a result
of the violation, unless the Board finds that imposition of such penalty
would result in an arbitrary or unreasonable financial hardship. However,
such civil penalty may be off-set in whole or in part pursuant to a
supplemental environmental project agreed to by the complainant and the
respondent.

(i) A person who voluntarily self-discloses non-compliance to the
Agency, of which the Agency had been unaware, is entitled to a 100%
reduction in the portion of the penalty that is not based on the economic
benefit of non-compliance if the person can establish the following:

(1) that the non-compliance was discovered through an
environmental audit or a compliance management system
documented by the regulated entity as reflecting the regulated
entity's due diligence in preventing, detecting, and correcting
violations;

New matter indicated by italics - deletions by strikeout
(2) that the non-compliance was disclosed in writing within 30 days of the date on which the person discovered it;
(3) that the non-compliance was discovered and disclosed prior to:
   (i) the commencement of an Agency inspection, investigation, or request for information;
   (ii) notice of a citizen suit;
   (iii) the filing of a complaint by a citizen, the Illinois Attorney General, or the State's Attorney of the county in which the violation occurred;
   (iv) the reporting of the non-compliance by an employee of the person without that person's knowledge; or
   (v) imminent discovery of the non-compliance by the Agency;
(4) that the non-compliance is being corrected and any environmental harm is being remediated in a timely fashion;
(5) that the person agrees to prevent a recurrence of the non-compliance;
(6) that no related non-compliance events have occurred in the past 3 years at the same facility or in the past 5 years as part of a pattern at multiple facilities owned or operated by the person;
(7) that the non-compliance did not result in serious actual harm or present an imminent and substantial endangerment to human health or the environment or violate the specific terms of any judicial or administrative order or consent agreement;
(8) that the person cooperates as reasonably requested by the Agency after the disclosure; and
(9) that the non-compliance was identified voluntarily and not through a monitoring, sampling, or auditing procedure that is required by statute, rule, permit, judicial or administrative order, or consent agreement.
If a person can establish all of the elements under this subsection except the element set forth in paragraph (1) of this subsection, the person

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is entitled to a 75% reduction in the portion of the penalty that is not based upon the economic benefit of non-compliance.

(j) In addition to an other remedy or penalty that may apply, whether civil or criminal, any person who violates Section 22.52 of this Act shall be liable for an additional civil penalty of up to 3 times the gross amount of any pecuniary gain resulting from the violation.

(Source: P.A. 93-152, eff. 7-10-03; 93-575, eff. 1-1-04; 93-831, eff. 7-28-04; 94-272, eff. 7-19-05; 94-580, eff. 8-12-05; revised 8-19-05.)

(415 ILCS 5/55.8) (from Ch. 111 1/2, par. 1055.8)

Sec. 55.8. Tire retailers.

(a) Beginning July 1, 1992, Any person selling new or used tires at retail or offering new or used tires for retail sale in this State shall:

(1) beginning on June 20, 2003 (the effective date of Public Act 93-32), collect from retail customers a fee of $2 per new or used tire sold and delivered in this State, to be paid to the Department of Revenue and deposited into the Used Tire Management Fund, less a collection allowance of 10 cents per tire to be retained by the retail seller and a collection allowance of 10 cents per tire to be retained by the Department of Revenue and paid into the General Revenue Fund;

(1.5) beginning on July 1, 2003, collect from retail customers an additional 50 cents per new or used tire sold and delivered in this State. The money collected from this fee shall be deposited into the Emergency Public Health Fund. This fee shall no longer be collected beginning on January 1, 2008;

(2) accept for recycling used tires from customers, at the point of transfer, in a quantity equal to the number of new tires purchased; and

(3) post in a conspicuous place a written notice at least 8.5 by 11 inches in size that includes the universal recycling symbol and the following statements: "DO NOT put used tires in the trash."; "Recycle your used tires."; and "State law requires us to accept used tires for recycling, in exchange for new tires purchased.".

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(b) A person who accepts used tires for recycling under subsection (a) shall not allow the tires to accumulate for periods of more than 90 days.

(c) The requirements of subsection (a) of this Section do not apply to mail order sales nor shall the retail sale of a motor vehicle be considered to be the sale of tires at retail or offering of tires for retail sale. Instead of filing returns, retailers of tires may remit the tire user fee of $1.00 per tire to their suppliers of tires if the supplier of tires is a registered retailer of tires and agrees or otherwise arranges to collect and remit the tire fee to the Department of Revenue, notwithstanding the fact that the sale of the tire is a sale for resale and not a sale at retail. A tire supplier who enters into such an arrangement with a tire retailer shall be liable for the tax on all tires sold to the tire retailer and must (i) provide the tire retailer with a receipt that separately reflects the tire tax collected from the retailer on each transaction and (ii) accept used tires for recycling from the retailer's customers. The tire supplier shall be entitled to the collection allowance of 10 cents per tire.

The retailer of the tires must maintain in its books and records evidence that the appropriate fee was paid to the tire supplier and that the tire supplier has agreed to remit the fee to the Department of Revenue for each tire sold by the retailer. Otherwise, the tire retailer shall be directly liable for the fee on all tires sold at retail. Tire retailers paying the fee to their suppliers are not entitled to the collection allowance of 10 cents per tire.

(d) The requirements of subsection (a) of this Section shall apply exclusively to tires to be used for vehicles defined in Section 1-217 of the Illinois Vehicle Code, aircraft tires, special mobile equipment, and implements of husbandry.

(e) The requirements of paragraph (1) of subsection (a) do not apply to the sale of reprocessed tires. For purposes of this Section, "reprocessed tire" means a used tire that has been recapped, retreaded, or regrooved and that has not been placed on a vehicle wheel rim.

(Source: P.A. 93-32, eff. 6-20-03; 93-52, eff. 6-30-03; revised 10-13-03.)

(415 ILCS 5/57.7)

New matter indicated by italics - deletions by strikeout
Sec. 57.7. Leaking underground storage tanks; site investigation and corrective action.

(a) Site investigation.

(1) For any site investigation activities required by statute or rule, the owner or operator shall submit to the Agency for approval a site investigation plan designed to determine the nature, concentration, direction of movement, rate of movement, and extent of the contamination as well as the significant physical features of the site and surrounding area that may affect contaminant transport and risk to human health and safety and the environment.

(2) Any owner or operator intending to seek payment from the Fund shall submit to the Agency for approval a site investigation budget that includes, but is not limited to, an accounting of all costs associated with the implementation and completion of the site investigation plan.

(3) Remediation objectives for the applicable indicator contaminants shall be determined using the tiered approach to corrective action objectives rules adopted by the Board pursuant to this Title and Title XVII of this Act. For the purposes of this Title, "Contaminant of Concern" or "Regulated Substance of Concern" in the rules means the applicable indicator contaminants set forth in subsection (d) of this Section and the rules adopted thereunder.

(4) Upon the Agency's approval of a site investigation plan, or as otherwise directed by the Agency, the owner or operator shall conduct a site investigation in accordance with the plan.

(5) Within 30 days after completing the site investigation, the owner or operator shall submit to the Agency for approval a site investigation completion report. At a minimum the report shall include all of the following:

(A) Executive summary.
(B) Site history.
(C) Site-specific sampling methods and results.

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(D) Documentation of all field activities, including quality assurance.

(E) Documentation regarding the development of proposed remediation objectives.

(F) Interpretation of results.

(G) Conclusions.

(b) Corrective action.

(1) If the site investigation confirms none of the applicable indicator contaminants exceed the proposed remediation objectives, within 30 days after completing the site investigation the owner or operator shall submit to the Agency for approval a corrective action completion report in accordance with this Section.

(2) If any of the applicable indicator contaminants exceed the remediation objectives approved for the site, within 30 days after the Agency approves the site investigation completion report the owner or operator shall submit to the Agency for approval a corrective action plan designed to mitigate any threat to human health, human safety, or the environment resulting from the underground storage tank release. The plan shall describe the selected remedy and evaluate its ability and effectiveness to achieve the remediation objectives approved for the site. At a minimum, the report shall include all of the following:

(A) Executive summary.

(B) Statement of remediation objectives.

(C) Remedial technologies selected.

(D) Confirmation sampling plan.

(E) Current and projected future use of the property.

(F) Applicable preventive, engineering, and institutional controls including long-term reliability, operating, and maintenance plans, and monitoring procedures.

(G) A schedule for implementation and completion of the plan.
(3) Any owner or operator intending to seek payment from the Fund shall submit to the Agency for approval a corrective action budget that includes, but is not limited to, an accounting of all costs associated with the implementation and completion of the corrective action plan.

(4) Upon the Agency's approval of a corrective action plan, or as otherwise directed by the Agency, the owner or operator shall proceed with corrective action in accordance with the plan.

(5) Within 30 days after the completion of a corrective action plan that achieves applicable remediation objectives the owner or operator shall submit to the Agency for approval a corrective action completion report. The report shall demonstrate whether corrective action was completed in accordance with the approved corrective action plan and whether the remediation objectives approved for the site, as well as any other requirements of the plan, have been achieved.

(6) If within 4 years after the approval of any corrective action plan the applicable remediation objectives have not been achieved and the owner or operator has not submitted a corrective action completion report, the owner or operator must submit a status report for Agency review. The status report must include, but is not limited to, a description of the remediation activities taken to date, the effectiveness of the method of remediation being used, the likelihood of meeting the applicable remediation objectives using the current method of remediation, and the date the applicable remediation objectives are expected to be achieved.

(7) If the Agency determines any approved corrective action plan will not achieve applicable remediation objectives within a reasonable time, based upon the method of remediation and site specific circumstances, the Agency may require the owner or operator to submit to the Agency for approval a revised corrective action plan. If the owner or operator intends to seek payment from the Fund, the owner or operator must also submit a revised budget.

New matter indicated by italics - deletions by strikeout
(c) Agency review and approval.

(1) Agency approval of any plan and associated budget, as described in this subsection (c), shall be considered final approval for purposes of seeking and obtaining payment from the Underground Storage Tank Fund if the costs associated with the completion of any such plan are less than or equal to the amounts approved in such budget.

(2) In the event the Agency fails to approve, disapprove, or modify any plan or report submitted pursuant to this Title in writing within 120 days of the receipt by the Agency, the plan or report shall be considered to be rejected by operation of law for purposes of this Title and rejected for purposes of payment from the Underground Storage Tank Fund.

(A) For purposes of those plans as identified in paragraph (5) of this subsection (c), the Agency's review may be an audit procedure. Such review or audit shall be consistent with the procedure for such review or audit as promulgated by the Board under Section 57.14. The Agency has the authority to establish an auditing program to verify compliance of such plans with the provisions of this Title.

(B) For purposes of corrective action plans submitted pursuant to subsection (b) of this Section for which payment from the Fund is not being sought, the Agency need not take action on such plan until 120 days after it receives the corrective action completion report required under subsection (b) of this Section. In the event the Agency approved the plan, it shall proceed under the provisions of this subsection (c).
(3) In approving any plan submitted pursuant to subsection (a) or (b) of this Section, the Agency shall determine, by a procedure promulgated by the Board under Section 57.14, that the costs associated with the plan are reasonable, will be incurred in the performance of site investigation or corrective action, and will not be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of this Title.

(4) For any plan or report received after June 24, September 13, 2002, any action by the Agency to disapprove or modify a plan submitted pursuant to this Title shall be provided to the owner or operator in writing within 120 days of the receipt by the Agency or, in the case of a site investigation plan or corrective action plan for which payment is not being sought, within 120 days of receipt of the site investigation completion report or corrective action completion report, respectively, and shall be accompanied by:

(A) an explanation of the Sections of this Act which may be violated if the plans were approved;
(B) an explanation of the provisions of the regulations, promulgated under this Act, which may be violated if the plan were approved;
(C) an explanation of the specific type of information, if any, which the Agency deems the applicant did not provide the Agency; and
(D) a statement of specific reasons why the Act and the regulations might not be met if the plan were approved.

Any action by the Agency to disapprove or modify a plan or report or the rejection of any plan or report by operation of law shall be subject to appeal to the Board in accordance with the procedures of Section 40. If the owner or operator elects to incorporate modifications required by the Agency rather than appeal, an amended plan shall be submitted to the Agency within 35 days of receipt of the Agency's written notification.

(5) For purposes of this Title, the term "plan" shall include:

New matter indicated by italics - deletions by strikeout
(A) Any site investigation plan submitted pursuant to subsection (a) of this Section;
(B) Any site investigation budget submitted pursuant to subsection (a) of this Section;
(C) Any corrective action plan submitted pursuant to subsection (b) of this Section; or
(D) Any corrective action plan budget submitted pursuant to subsection (b) of this Section.

(d) For purposes of this Title, the term "indicator contaminant" shall mean, unless and until the Board promulgates regulations to the contrary, the following: (i) if an underground storage tank contains gasoline, the indicator parameter shall be BTEX and Benzene; (ii) if the tank contained petroleum products consisting of middle distillate or heavy ends, then the indicator parameter shall be determined by a scan of PNA's taken from the location where contamination is most likely to be present; and (iii) if the tank contained used oil, then the indicator contaminant shall be those chemical constituents which indicate the type of petroleum stored in an underground storage tank. All references in this Title to groundwater objectives shall mean Class I groundwater standards or objectives as applicable.

(e) (1) Notwithstanding the provisions of this Section, an owner or operator may proceed to conduct site investigation or corrective action prior to the submittal or approval of an otherwise required plan. If the owner or operator elects to so proceed, an applicable plan shall be filed with the Agency at any time. Such plan shall detail the steps taken to determine the type of site investigation or corrective action which was necessary at the site along with the site investigation or corrective action taken or to be taken, in addition to costs associated with activities to date and anticipated costs.

(2) Upon receipt of a plan submitted after activities have commenced at a site, the Agency shall proceed to review in the same manner as required under this Title. In the event the Agency disapproves all or part of the costs, the owner or operator may appeal such decision to the Board. The owner or operator shall not
be eligible to be reimbursed for such disapproved costs unless and until the Board determines that such costs were eligible for payment.

(f) All investigations, plans, and reports conducted or prepared under this Section shall be conducted or prepared under the supervision of a licensed professional engineer and in accordance with the requirements of this Title. (Source: P.A. 92-554, eff. 6-24-02; 92-574, eff. 6-26-02; 92-651, eff. 7-11-02; 92-735, eff. 7-25-02; revised 10-3-02.)

(415 ILCS 5/57.8)

Sec. 57.8. Underground Storage Tank Fund; payment; options for State payment; deferred correction election to commence corrective action upon availability of funds. If an owner or operator is eligible to access the Underground Storage Tank Fund pursuant to an Office of State Fire Marshal eligibility/deductible final determination letter issued in accordance with Section 57.9, the owner or operator may submit a complete application for final or partial payment to the Agency for activities taken in response to a confirmed release. An owner or operator may submit a request for partial or final payment regarding a site no more frequently than once every 90 days.

(a) Payment after completion of corrective action measures. The owner or operator may submit an application for payment for activities performed at a site after completion of the requirements of Sections 57.6 and 57.7, or after completion of any other required activities at the underground storage tank site.

(1) In the case of any approved plan and budget for which payment is being sought, the Agency shall make a payment determination within 120 days of receipt of the application. Such determination shall be considered a final decision. The Agency’s review shall be limited to generally accepted auditing and accounting practices. In no case shall the Agency conduct additional review of any plan which was completed within the budget, beyond auditing for adherence to the corrective action measures in the proposal. If the Agency fails to approve the payment application within 120 days, such application shall be
deemed approved by operation of law and the Agency shall proceed to reimburse the owner or operator the amount requested in the payment application. However, in no event shall the Agency reimburse the owner or operator an amount greater than the amount approved in the plan.

(2) If sufficient funds are available in the Underground Storage Tank Fund, the Agency shall, within 60 days, forward to the Office of the State Comptroller a voucher in the amount approved under the payment application.

(3) In the case of insufficient funds, the Agency shall form a priority list for payment and shall notify persons in such priority list monthly of the availability of funds and when payment shall be made. Payment shall be made to the owner or operator at such time as sufficient funds become available for the costs associated with site investigation and corrective action and costs expended for activities performed where no proposal is required, if applicable. Such priority list shall be available to any owner or operator upon request. Priority for payment shall be determined by the date the Agency receives a complete request for partial or final payment. Upon receipt of notification from the Agency that the requirements of this Title have been met, the Comptroller shall make payment to the owner or operator of the amount approved by the Agency, if sufficient money exists in the Fund. If there is insufficient money in the Fund, then payment shall not be made. If the owner or operator appeals a final Agency payment determination and it is determined that the owner or operator is eligible for payment or additional payment, the priority date for the payment or additional payment shall be the same as the priority date assigned to the original request for partial or final payment.

(4) Any deductible, as determined pursuant to the Office of the State Fire Marshal's eligibility and deductibility final determination in accordance with Section 57.9, shall be subtracted from any payment invoice paid to an eligible owner or operator. Only one deductible shall apply per underground storage tank site.

New matter indicated by italics - deletions by strikeout
(5) In the event that costs are or will be incurred in addition to those approved by the Agency, or after payment, the owner or operator may submit successive plans containing amended budgets. The requirements of Section 57.7 shall apply to any amended plans.

(6) For purposes of this Section, a complete application shall consist of:

(A) A certification from a Licensed Professional Engineer or Licensed Professional Geologist as required under this Title and acknowledged by the owner or operator.

(B) A statement of the amounts approved in the budget and the amounts actually sought for payment along with a certified statement by the owner or operator that the amounts so sought were expended in conformance with the approved budget.

(C) A copy of the Office of the State Fire Marshal's eligibility and deductibility determination.

(D) Proof that approval of the payment requested will not result in the limitations set forth in subsection (g) of this Section being exceeded.

(E) A federal taxpayer identification number and legal status disclosure certification on a form prescribed and provided by the Agency.

(b) Commencement of site investigation or corrective action upon availability of funds. The Board shall adopt regulations setting forth procedures based on risk to human health or the environment under which the owner or operator who has received approval for any budget plan submitted pursuant to Section 57.7, and who is eligible for payment from the Underground Storage Tank Fund pursuant to an Office of the State Fire Marshal eligibility and deductibility determination, may elect to defer site investigation or corrective action activities until funds are available in an amount equal to the amount approved in the budget. The regulations shall establish criteria based on risk to human health or the environment to
be used for determining on a site-by-site basis whether deferral is appropriate. The regulations also shall establish the minimum investigatory requirements for determining whether the risk based criteria are present at a site considering deferral and procedures for the notification of owners or operators of insufficient funds, Agency review of request for deferral, notification of Agency final decisions, returning deferred sites to active status, and earmarking of funds for payment.

(c) When the owner or operator requests indemnification for payment of costs incurred as a result of a release of petroleum from an underground storage tank, if the owner or operator has satisfied the requirements of subsection (a) of this Section, the Agency shall forward a copy of the request to the Attorney General. The Attorney General shall review and approve the request for indemnification if:

(1) there is a legally enforceable judgment entered against the owner or operator and such judgment was entered due to harm caused by a release of petroleum from an underground storage tank and such judgment was not entered as a result of fraud; or

(2) a settlement with a third party due to a release of petroleum from an underground storage tank is reasonable.

(d) Notwithstanding any other provision of this Title, the Agency shall not approve payment to an owner or operator from the Fund for costs of corrective action or indemnification incurred during a calendar year in excess of the following aggregate amounts based on the number of petroleum underground storage tanks owned or operated by such owner or operator in Illinois.

<table>
<thead>
<tr>
<th>Amount</th>
<th>Number of Tanks</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,000,000..........................</td>
<td>fewer than 101</td>
</tr>
<tr>
<td>$3,000,000..........................</td>
<td>101 or more</td>
</tr>
</tbody>
</table>

(1) Costs incurred in excess of the aggregate amounts set forth in paragraph (1) of this subsection shall not be eligible for payment in subsequent years.

(2) For purposes of this subsection, requests submitted by any of the agencies, departments, boards, committees or

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commissions of the State of Illinois shall be acted upon as claims from a single owner or operator.

(3) For purposes of this subsection, owner or operator includes (i) any subsidiary, parent, or joint stock company of the owner or operator and (ii) any company owned by any parent, subsidiary, or joint stock company of the owner or operator.

(e) Costs of corrective action or indemnification incurred by an owner or operator which have been paid to an owner or operator under a policy of insurance, another written agreement, or a court order are not eligible for payment under this Section. An owner or operator who receives payment under a policy of insurance, another written agreement, or a court order shall reimburse the State to the extent such payment covers costs for which payment was received from the Fund. Any monies received by the State under this subsection (e) shall be deposited into the Fund.

(f) (Blank.)

(g) The Agency shall not approve any payment from the Fund to pay an owner or operator:

(1) for costs of corrective action incurred by such owner or operator in an amount in excess of $1,500,000 per occurrence; and

(2) for costs of indemnification of such owner or operator in an amount in excess of $1,500,000 per occurrence.

(h) Payment of any amount from the Fund for corrective action or indemnification shall be subject to the State acquiring by subrogation the rights of any owner, operator, or other person to recover the costs of corrective action or indemnification for which the Fund has compensated such owner, operator, or person from the person responsible or liable for the release.

(i) If the Agency refuses to pay or authorizes only a partial payment, the affected owner or operator may petition the Board for a hearing in the manner provided for the review of permit decisions in Section 40 of this Act.

New matter indicated by italics - deletions by strikeout
(j) Costs of corrective action or indemnification incurred by an owner or operator prior to July 28, 1989, shall not be eligible for payment or reimbursement under this Section.

(k) The Agency shall not pay costs of corrective action or indemnification incurred before providing notification of the release of petroleum in accordance with the provisions of this Title.

(l) Corrective action does not include legal defense costs. Legal defense costs include legal costs for seeking payment under this Title unless the owner or operator prevails before the Board in which case the Board may authorize payment of legal fees.

(m) The Agency may apportion payment of costs for plans submitted under Section 57.7 if:

(1) the owner or operator was deemed eligible to access the Fund for payment of corrective action costs for some, but not all, of the underground storage tanks at the site; and

(2) the owner or operator failed to justify all costs attributable to each underground storage tank at the site.

(n) The Agency shall not pay costs associated with a corrective action plan incurred after the Agency provides notification to the owner or operator pursuant to item (7) of subsection (b) of Section 57.7 that a revised corrective action plan is required. Costs associated with any subsequently approved corrective action plan shall be eligible for reimbursement if they meet the requirements of this Title.

(Source: P.A. 91-357, eff. 7-29-99; 92-554, eff. 6-24-02; 92-574, eff. 6-26-02; 92-735, eff. 7-25-02; revised 10-3-02.)

415 ILCS 5/57.13
Sec. 57.13. Underground Storage Tank Program; transition.

(a) If a release is reported to the proper State authority on or after June 24, 2002, the owner or operator shall comply with the requirements of this Title.

(b) If a release is reported to the proper State authority prior to June 24, 2002, the owner or operator of an underground storage tank may elect to proceed in accordance with the requirements of this Title by submitting a written statement to the Agency of such election.

New matter indicated by italics - deletions by strikeout
If the owner or operator elects to proceed under the requirements of this Title all costs incurred in connection with the incident prior to notification shall be reimbursable in the same manner as was allowable under the then existing law. Completion of corrective action shall then follow the provisions of this Title.

(Source: P.A. 92-554, eff. 6-24-02; 92-574, eff. 6-26-02; revised 9-9-02.)

(415 ILCS 5/58.3)

Sec. 58.3. Site Investigation and Remedial Activities Program; Brownfields Redevelopment Fund.

(a) The General Assembly hereby establishes by this Title a Site Investigation and Remedial Activities Program for sites subject to this Title. This program shall be administered by the Illinois Environmental Protection Agency under this Title XVII and rules adopted by the Illinois Pollution Control Board.

(b) (1) The General Assembly hereby creates within the State Treasury a special fund to be known as the Brownfields Redevelopment Fund, consisting of 2 programs to be known as the "Municipal Brownfields Redevelopment Grant Program" and the "Brownfields Redevelopment Loan Program", which shall be used and administered by the Agency as provided in Sections 58.13 and 58.15 of this Act and the rules adopted under those Sections. The Brownfields Redevelopment Fund ("Fund") shall contain moneys transferred from the Response Contractors Indemnification Fund and other moneys made available for deposit into the Fund.

(2) The State Treasurer, ex officio, shall be the custodian of the Fund, and the Comptroller shall direct payments from the Fund upon vouchers properly certified by the Agency. The Treasurer shall credit to the Fund interest earned on moneys contained in the Fund. The Agency shall have the authority to accept, receive, and administer on behalf of the State any grants, gifts, loans, reimbursements or payments for services, or other moneys made available to the State from any source for purposes of the Fund. Those moneys shall be deposited into the Fund, unless otherwise required by the Environmental Protection Act or by federal law.

New matter indicated by italics - deletions by strikeout
(3) Pursuant to appropriation, all moneys in the Fund shall be used by the Agency for the purposes set forth in subdivision (b)(4) of this Section and Sections 58.13 and 58.15 of this Act and to cover the Agency's costs of program development and administration under those Sections.

(4) The Agency shall have the power to enter into intergovernmental agreements with the federal government or the State, or any instrumentality thereof, for purposes of capitalizing the Brownfields Redevelopment Fund. Moneys on deposit in the Brownfields Redevelopment Fund may be used for the creation of reserve funds or pledged funds that secure the obligations of repayment of loans made pursuant to Section 58.15 of this Act. For the purpose of obtaining capital for deposit into the Brownfields Redevelopment Fund, the Agency may also enter into agreements with financial institutions and other persons for the purpose of selling loans and developing a secondary market for such loans. The Agency shall have the power to create and establish such reserve funds and accounts as may be necessary or desirable to accomplish its purposes under this subsection and to allocate its available moneys into such funds and accounts. Investment earnings on moneys held in the Brownfields Redevelopment Fund, including any reserve fund or pledged fund, shall be deposited into the Brownfields Redevelopment Fund.

(5) The Agency is authorized to administer funds made available to the Agency under federal law, including but not limited to the Small Business Liability Relief and Brownfields Revitalization Act of 2002, related to brownfields cleanup and reuse in accordance with that law and this Title.

(Source: P.A. 91-36, eff. 6-15-99; 92-486, eff. 1-1-02; 92-715, eff. 7-23-02; revised 10-17-05.)

(415 ILCS 5/58.7)
Sec. 58.7. Review and approvals.

New matter indicated by italics - deletions by strikeout
(a) Requirements. All plans and reports that are submitted pursuant to this Title shall be submitted for review or approval in accordance with this Section.

(b) Review and evaluation by the Agency.

(1) Except for sites excluded under subdivision (a) (2) of Section 58.1, the Agency shall, subject to available resources, agree to provide review and evaluation services for activities carried out pursuant to this Title for which the RA requested the services in writing. As a condition for providing such services, the Agency may require that the RA for a site:

(A) Conform with the procedures of this Title;
(B) Allow for or otherwise arrange site visits or other site evaluation by the Agency when so requested;
(C) Agree to perform the Remedial Action Plan as approved under this Title;
(D) Agree to pay any reasonable costs incurred and documented by the Agency in providing such services;
(E) Make an advance partial payment to the Agency for such anticipated services in an amount, acceptable to the Agency, but not to exceed $5,000 or one-half of the total anticipated costs of the Agency, whichever sum is less; and
(F) Demonstrate, if necessary, authority to act on behalf of or in lieu of the owner or operator.

(2) Any moneys received by the State for costs incurred by the Agency in performing review or evaluation services for actions conducted pursuant to this Title shall be deposited in the Hazardous Waste Fund.

(3) An RA requesting services under subdivision (b) (1) of this Section may, at any time, notify the Agency, in writing, that Agency services previously requested are no longer wanted. Within 180 days after receipt of the notice, the Agency shall provide the RA with a final invoice for services provided until the date of such notifications.
(4) The Agency may invoice or otherwise request or demand payment from a RA for costs incurred by the Agency in performing review or evaluation services for actions by the RA at sites only if:

   (A) The Agency has incurred costs in performing response actions, other than review or evaluation services, due to the failure of the RA to take response action in accordance with a notice issued pursuant to this Act;
   (B) The RA has agreed in writing to the payment of such costs;
   (C) The RA has been ordered to pay such costs by the Board or a court of competent jurisdiction pursuant to this Act; or
   (D) The RA has requested or has consented to Agency review or evaluation services under subdivision (b) (1) of this Section.

(5) The Agency may, subject to available resources, agree to provide review and evaluation services for response actions if there is a written agreement among parties to a legal action or if a notice to perform a response action has been issued by the Agency.

(c) Review and evaluation by a Licensed Professional Engineer or Licensed Professional Geologist. A RA may elect to contract with a Licensed Professional Engineer or, in the case of a site investigation report only, a Licensed Professional Geologist, who will perform review and evaluation services on behalf of and under the direction of the Agency relative to the site activities.

   (1) Prior to entering into the contract with the RELPEG, the RA shall notify the Agency of the RELPEG to be selected. The Agency and the RA shall discuss the potential terms of the contract.
   (2) At a minimum, the contract with the RELPEG shall provide that the RELPEG will submit any reports directly to the Agency, will take his or her directions for work assignments from
the Agency, and will perform the assigned work on behalf of the Agency.

(3) Reasonable costs incurred by the Agency shall be paid by the RA directly to the Agency in accordance with the terms of the review and evaluation services agreement entered into under subdivision (b) (1) of Section 58.7.

(4) In no event shall the RELPEG acting on behalf of the Agency be an employee of the RA or the owner or operator of the site or be an employee of any other person the RA has contracted to provide services relative to the site.

(d) Review and approval. All reviews required under this Title shall be carried out by the Agency or a RELPEG, both under the direction of a Licensed Professional Engineer or, in the case of the review of a site investigation only, a Licensed Professional Geologist.

(1) All review activities conducted by the Agency or a RELPEG shall be carried out in conformance with this Title and rules promulgated under Section 58.11.

(2) Subject to the limitations in subsection (c) and this subsection (d), the specific plans, reports, and activities that the Agency or a RELPEG may review include:

(A) Site Investigation Reports and related activities;
(B) Remediation Objectives Reports;
(C) Remedial Action Plans and related activities; and
(D) Remedial Action Completion Reports and related activities.

(3) Only the Agency shall have the authority to approve, disapprove, or approve with conditions a plan or report as a result of the review process including those plans and reports reviewed by a RELPEG. If the Agency disapproves a plan or report or approves a plan or report with conditions, the written notification required by subdivision (d) (4) of this Section shall contain the following information, as applicable:

New matter indicated by italics - deletions by strikeout
(A) An explanation of the Sections of this Title that may be violated if the plan or report was approved;

(B) An explanation of the provisions of the rules promulgated under this Title that may be violated if the plan or report was approved;

(C) An explanation of the specific type of information, if any, that the Agency deems the applicant did not provide the Agency;

(D) A statement of specific reasons why the Title and regulations might not be met if the plan or report were approved; and

(E) An explanation of the reasons for conditions if conditions are required.

(4) Upon approving, disapproving, or approving with conditions a plan or report, the Agency shall notify the RA in writing of its decision. In the case of approval or approval with conditions of a Remedial Action Completion Report, the Agency shall prepare a No Further Remediation Letter that meets the requirements of Section 58.10 and send a copy of the letter to the RA.

(5) All reviews undertaken by the Agency or a RELPEG shall be completed and the decisions communicated to the RA within 60 days of the request for review or approval. The RA may waive the deadline upon a request from the Agency. If the Agency disapproves or approves with conditions a plan or report or fails to issue a final decision within the 60 day period and the RA has not agreed to a waiver of the deadline, the RA may, within 35 days, file an appeal to the Board. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of this Act.

(e) Standard of review. In making determinations, the following factors, and additional factors as may be adopted by the Board in accordance with Section 58.11, shall be considered by the Agency when
reviewing or approving plans, reports, and related activities, or the RELPEG, when reviewing plans, reports, and related activities:

(1) Site Investigation Reports and related activities:
Whether investigations have been conducted and the results compiled in accordance with the appropriate procedures and whether the interpretations and conclusions reached are supported by the information gathered. In making the determination, the following factors shall be considered:

(A) The adequacy of the description of the site and site characteristics that were used to evaluate the site;
(B) The adequacy of the investigation of potential pathways and risks to receptors identified at the site; and
(C) The appropriateness of the sampling and analysis used.

(2) Remediation Objectives Reports: Whether the remediation objectives are consistent with the requirements of the applicable method for selecting or determining remediation objectives under Section 58.5. In making the determination, the following factors shall be considered:

(A) If the objectives were based on the determination of area background levels under subsection (b) of Section 58.5, whether the review of current and historic conditions at or in the immediate vicinity of the site has been thorough and whether the site sampling and analysis has been performed in a manner resulting in accurate determinations;
(B) If the objectives were calculated on the basis of predetermined equations using site specific data, whether the calculations were accurately performed and whether the site specific data reflect actual site conditions; and
(C) If the objectives were determined using a site specific risk assessment procedure, whether the procedure used is nationally recognized and accepted, whether the
calculations were accurately performed, and whether the site specific data reflect actual site conditions.

(3) Remedial Action Plans and related activities: Whether the plan will result in compliance with this Title, and rules adopted under it and attainment of the applicable remediation objectives. In making the determination, the following factors shall be considered:

   (A) The likelihood that the plan will result in the attainment of the applicable remediation objectives;
   (B) Whether the activities proposed are consistent with generally accepted engineering practices; and
   (C) The management of risk relative to any remaining contamination, including but not limited to, provisions for the long-term enforcement, operation, and maintenance of institutional and engineering controls, if relied on.

(4) Remedial Action Completion Reports and related activities: Whether the remedial activities have been completed in accordance with the approved Remedial Action Plan and whether the applicable remediation objectives have been attained.

(f) All plans and reports submitted for review shall include a Licensed Professional Engineer's certification that all investigations and remedial activities were carried out under his or her direction and, to the best of his or her knowledge and belief, the work described in the plan or report has been completed in accordance with generally accepted engineering practices, and the information presented is accurate and complete. In the case of a site investigation report prepared or supervised by a Licensed Professional Geologist, the required certification may be made by the Licensed Professional Geologist (rather than a Licensed Professional Engineer) and based upon generally accepted principles of professional geology.

(g) In accordance with Section 58.11, the Agency shall propose and the Board shall adopt rules to carry out the purposes of this Section. At a minimum, the rules shall detail the types of services the Agency may
provide in response to requests under subdivision (b) (1) of this Section and the recordkeeping it will utilize in documenting to the RA the costs incurred by the Agency in providing such services.

(h) Public participation.

(1) The Agency shall develop guidance to assist RA's in the implementation of a community relations plan to address activity at sites undergoing remedial action pursuant to this Title.

(2) The RA may elect to enter into a services agreement with the Agency for Agency assistance in community outreach efforts.

(3) The Agency shall maintain a registry listing those sites undergoing remedial action pursuant to this Title.

(4) Notwithstanding any provisions of this Section, the RA of a site undergoing remedial activity pursuant to this Title may elect to initiate a community outreach effort for the site.

(Source: P.A. 92-574, eff. 6-26-02; 92-735, eff. 7-25-02; revised 9-9-02.)

Section 955. The Burn Injury Reporting Act is amended by adding Section 900 as follows:

(425 ILCS 7/900 new)

Sec. 900. Expiration. This Act is repealed on January 1, 2009.

Section 960. The Fireworks Use Act is amended by changing Sections 1 and 5 as follows:

(425 ILCS 35/1) (from Ch. 127 1/2, par. 127)

Sec. 1. Definitions. As used in this Act, the following words shall have the following meanings:

"1.3G fireworks" means those fireworks used for professional outdoor displays and classified as fireworks UN0333, UN0334, or UN0335 by the United States Department of Transportation under 49 C.F.R. 172.101.

"Consumer distributor" means any person who distributes, offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois to another distributor or directly to any retailer or person for resale.
"Consumer fireworks" means those fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 C.F.R. 172.101. "Consumer fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", and "auto burglar alarms"; sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than twenty hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times.

"Consumer fireworks display" or "consumer display" means the detonation, ignition, or deflagration of consumer fireworks to produce a visual or audible effect.

"Consumer operator" means an adult individual who is responsible for the safety, setup, and discharge of the consumer fireworks display and who has completed the training required in Section 2.2 of this Act.

"Consumer retailer" means any person who offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois directly to any person with a consumer display permit.

"Display fireworks" means 1.3G or special effects fireworks or as further defined in the Pyrotechnic Distributor and Operator Licensing Act.

"Flame effect" means the detonation, ignition, or deflagration of flammable gases, liquids, or special materials to produce a thermal, physical, visual, or audible effect before the public, invitees, or licensees, regardless of whether admission is charged, in accordance with National Fire Protection Association 160 guidelines, and as may be further defined in the Pyrotechnic Distributor and Operator Licensing Act.

"Lead pyrotechnic operator" means an individual who is responsible for the safety, setup, and discharge of the pyrotechnic display
and who is licensed pursuant to the Pyrotechnic *Distributor and Operator Licensing Act.*

"Person" means an individual, firm, corporation, association, partnership, company, consortium, joint venture, or commercial entity.

"Pyrotechnic display" means the detonation, ignition, or deflagration of display fireworks or flame effects to produce visual or audible effects of a exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged, and as may be further defined in the Pyrotechnic *Distributor and Operator Licensing Act.*

"Special effects fireworks" means pyrotechnic devices used for special effects by professionals in the performing arts in conjunction with theatrical, musical, or other productions that are similar to consumer fireworks in chemical compositions and construction, but are not intended for consumer use and are not labeled as such or identified as "intended for indoor use". "Special effects fireworks" are classified as fireworks UN0431 or UN0432 by the United States Department of Transportation under 49 C.F.R. 172.101.

(Source: P.A. 94-658, eff. 1-1-06; revised 11-21-05.)

(425 ILCS 35/5) (from Ch. 127 1/2, par. 131)

Sec. 5. (a) Any person, firm, co-partnership, or corporation violating the provisions of this Act shall be guilty of a Class A misdemeanor.

(Source: P.A. 94-658, eff. 1-1-06; revised 9-21-05.)

Section 965. The Public Building Egress Act is amended by changing Section 1.5 as follows:

(425 ILCS 55/1.5)

Sec. 1.5. Stairwell door access.

(a) Stairwell enclosures in buildings greater than 4 stories shall comply with one of the following requirements:

(1) no stairwell enclosure door shall be locked at any time in order to provide re-entry from the stair enclosure to the interior of the building; or

(2) stairwell enclosure doors that are locked shall be equipped with an electronic lock release system that is activated

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upon loss of power, manually by a single switch accessible to building management or firefighting personnel, and automatically by activation of the building's fire alarm system.

A telephone or other two-way communications system connected to an approved constantly attended location shall be provided on not less than every fifth floor in each stairway where the doors to the stairway are locked. If this option is selected, the building must comply with these requirements by January 1, 2006.

(b) Regardless of which option is selected under subsection (a) of this Section, stairwell enclosure doors at the main egress level of the building shall remain unlocked from the stairwell enclosure side at all times.

(c) Building owners that select the option under paragraph (2) of subsection (a) of this Section must comply with the following requirements during the time necessary to install a lock release system and the two-way communication system:

(1) re-entry into the building interior shall be possible at all times on the highest story or second highest story, whichever allows access to another exit stair;

(2) there shall not be more than 4 stories intervening between stairwell enclosure doors that provides access to another exit stair;

(3) doors allowing re-entry shall be identified as such on the stair side of the door;

(4) doors not allowing re-entry shall be provided with a sign on the stair side indicating the location of the nearest exit, in each direction of travel that allows re-entry; and

(5) the information required to be posted on the door under paragraphs (3) and (4) of this subsection (c), shall be posted at eye level and at the bottom of the door.

(d) Nothing in this Section applies to any stairwell enclosure door that opens directly into a dwelling unit, provided the dwelling unit door has a self-closer, latch, and no self-locking hardware. Where all doors in the stairwell meet these criteria, the stairwell shall be provided with either

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a two-way communication system or readily operable windows on each
landing or intermediate landing.

(e) Except as otherwise provided in subsection (f), a home rule
unit may not regulate stairwell door access in a manner less restrictive than
the regulation by the State of stairwell door access under this Act. This
subsection (e) is a limitation under subsection (i) of Section 6 of Article
VII of the Illinois Constitution on the concurrent exercise by home rule
units of powers and functions exercised by the State.

(f) This Section does not apply in a home rule municipality that,
on or before January 1, 2005, has passed an ordinance regulating building
access from stairwell enclosures in buildings that are more than 4 stories in
height.

(Source: P.A. 94-630, eff. 1-1-06; revised 10-11-05.)

Section 970. The Gasoline Storage Act is amended by changing
Section 2 as follows:

(430 ILCS 15/2) (from Ch. 127 1/2, par. 154)

Sec. 2. Jurisdiction; regulation of tanks.

(1) (a) Except as otherwise provided in this Act, the jurisdiction of
the Office of the State Fire Marshal under this Act shall be concurrent with
that of municipalities and other political subdivisions. The Office of the
State Fire Marshal has power to promulgate, pursuant to the Illinois
Administrative Procedure Act, reasonable rules and regulations governing
the keeping, storage, transportation, sale or use of gasoline and volatile
oils. Nothing in this Act shall relieve any person, corporation, or other
entity from complying with any zoning ordinance of a municipality or
home rule unit enacted pursuant to Section 11-13-1 of the Illinois
Municipal Code or any ordinance enacted pursuant to Section 11-8-4 of

(b) The rulemaking power shall include the power to promulgate
rules providing for the issuance and revocation of permits allowing the self
service dispensing of motor fuels as such term is defined in the Motor Fuel
Tax Law in retail service stations or any other place of business where
motor fuels are dispensed into the fuel tanks of motor vehicles, internal
combustion engines or portable containers. Such rules shall specify the

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requirements that must be met both prior and subsequent to the issuance of such permits in order to insure the safety and welfare of the general public. The operation of such service stations without a permit shall be unlawful. The Office of the State Fire Marshal shall revoke such permit if the self service operation of such a service station is found to pose a significant risk to the safety and welfare of the general public.

(c) However, except in any county with a population of 1,000,000 or more, the Office of the State Fire Marshal shall not have the authority to prohibit the operation of a service station solely on the basis that it is an unattended self-service station which utilizes key or card operated self-service motor fuel dispensing devices. Nothing in this paragraph shall prohibit the Office of the State Fire Marshal from adopting reasonable rules and regulations governing the safety of self-service motor fuel dispensing devices.

(d) The State Fire Marshal shall not prohibit the dispensing or delivery of flammable or combustible motor vehicle fuels directly into the fuel tanks of vehicles from tank trucks, tank wagons, or other portable tanks. The State Fire Marshal shall adopt rules (i) for the issuance of permits for the dispensing of motor vehicle fuels in the manner described in this paragraph (d), (ii) that establish fees for permits and inspections, and provide for those fees to be deposited into the Fire Prevention Fund, (iii) that require the dispensing of motor fuel in the manner described in this paragraph (d) to meet conditions consistent with nationally recognized standards such as those of the National Fire Protection Association, and (iv) that restrict the dispensing of motor vehicle fuels in the manner described in this paragraph (d) to the following:

(A) agriculture sites for agricultural purposes,
(B) construction sites for refueling construction equipment used at the construction site,
(C) sites used for the parking, operation, or maintenance of a commercial vehicle fleet, but only if the site is located in a county with 3,000,000 or more inhabitants or a county contiguous to a county with 3,000,000 or more inhabitants and the site is not normally accessible to the public, and

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(D) sites used for the refueling of police, fire, or emergency medical services vehicles or other vehicles that are owned, leased, or operated by (or operated under contract with) the State, a unit of local government, or a school district, or any agency of the State and that are not normally accessible to the public.

(2) (a) The Office of the State Fire Marshal shall adopt rules and regulations regarding underground storage tanks and associated piping and no municipality or other political subdivision shall adopt or enforce any ordinances or regulations regarding such underground tanks and piping other than those which are identical to the rules and regulations of the Office of the State Fire Marshal. It is declared to be the law of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution, that the establishment and enforcement of standards regarding underground storage tanks and associated piping within the jurisdiction of the Office of the State Fire Marshal is an exclusive State function which may not be exercised concurrently by a home rule unit except as expressly permitted in this Act.

(b) The Office of the State Fire Marshal may enter into written contracts with municipalities of over 500,000 in population to enforce the rules and regulations adopted under this subsection.

(3) (a) The Office of the State Fire Marshal shall have authority over underground storage tanks which contain, have contained, or are designed to contain petroleum, hazardous substances and regulated substances as those terms are used in Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616), as amended by the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499). The Office shall have the power with regard to underground storage tanks to require any person who tests, installs, repairs, replaces, relines, or removes any underground storage tank system containing, formerly containing, or which is designed to contain petroleum or other regulated substances, to obtain a permit to install, repair, replace, reline, or remove the particular tank system, and to pay a fee set by the Office for a permit to install, repair, replace, reline, upgrade, test, or remove any portion of an underground storage tank system. All persons who do repairs above grade

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level for themselves need not pay a fee or be certified. All fees received by the Office from certification and permits shall be deposited in the Fire Prevention Fund for the exclusive use of the Office in administering the Underground Storage Tank program.

(b) (i) Within 120 days after the promulgation of regulations or amendments thereto by the Administrator of the United States Environmental Protection Agency to implement Section 9003 of Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580 95-580), as amended, the Office of the State Fire Marshal shall adopt regulations or amendments thereto which are identical in substance. The rulemaking provisions of Section 5-35 of the Illinois Administrative Procedure Act shall not apply to regulations or amendments thereto adopted pursuant to this subparagraph (i).

(ii) The Office of the State Fire Marshal may adopt additional regulations relating to an underground storage tank program that are not inconsistent with and at least as stringent as Section 9003 of Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, or regulations adopted thereunder. Except as provided otherwise in subparagraph (i) of this paragraph (b), the Office of the State Fire Marshal shall not adopt regulations relating to corrective action at underground storage tanks. Regulations adopted pursuant to this subsection shall be adopted in accordance with the procedures for rulemaking in Section 5-35 of the Illinois Administrative Procedure Act.

(c) The Office of the State Fire Marshal shall require any person, corporation or other entity who tests an underground tank or its piping or cathodic protection for another to report the results of such test to the Office.

(d) In accordance with constitutional limitations, the Office shall have authority to enter at all reasonable times upon any private or public property for the purpose of:

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(i) Inspecting and investigating to ascertain possible violations of this Act, of regulations thereunder or of permits or terms or conditions thereof; or

(ii) In accordance with the provisions of this Act, taking whatever emergency action, that is necessary or appropriate, to assure that the public health or safety is not threatened whenever there is a release or a substantial threat of a release of petroleum or a regulated substance from an underground storage tank.

(e) The Office of the State Fire Marshal may issue an Administrative Order to any person who it reasonably believes has violated the rules and regulations governing underground storage tanks, including the installation, repair, leak detection, cathodic protection tank testing, removal or release notification. Such an order shall be served by registered or certified mail or in person. Any person served with such an order may appeal such order by submitting in writing any such appeal to the Office within 10 days of the date of receipt of such order. The Office shall conduct an administrative hearing governed by the Illinois Administrative Procedure Act and enter an order to sustain, modify or revoke such order. Any appeal from such order shall be to the circuit court of the county in which the violation took place and shall be governed by the Administrative Review Law.

(f) The Office of the State Fire Marshal shall not require the removal of an underground tank system taken out of operation before January 2, 1974, except in the case in which the office of the State Fire Marshal has determined that a release from the underground tank system poses a current or potential threat to human health and the environment. In that case, and upon receipt of an Order from the Office of the State Fire Marshal, the owner or operator of the nonoperational underground tank system shall assess the excavation zone and close the system in accordance with regulations promulgated by the Office of the State Fire Marshal.

(4) (a) The Office of the State Fire Marshal shall adopt rules and regulations regarding aboveground storage tanks and associated piping and no municipality or other political subdivision shall adopt or enforce any ordinances or regulations regarding such aboveground tanks and piping

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other than those which are identical to the rules and regulations of the Office of the State Fire Marshal unless, in the interest of fire safety, the Office of the State Fire Marshal delegates such authority to municipalities, political subdivisions or home rule units. It is declared to be the law of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution, that the establishment of standards regarding aboveground storage tanks and associated piping within the jurisdiction of the Office of the State Fire Marshal is an exclusive State function which may not be exercised concurrently by a home rule unit except as expressly permitted in this Act.

(b) The Office of the State Fire Marshal shall enforce its rules and regulations concerning aboveground storage tanks and associated piping; however, municipalities may enforce any of their zoning ordinances or zoning regulations regarding aboveground tanks. The Office of the State Fire Marshal may issue an administrative order to any owner of an aboveground storage tank and associated piping it reasonably believes to be in violation of such rules and regulations to remedy or remove any such violation. Such an order shall be served by registered or certified mail or in person. Any person served with such an order may appeal such order by submitting in writing any such appeal to the Office within 10 days of the date of receipt of such order. The Office shall conduct an administrative hearing governed by the Illinois Administrative Procedure Act and enter an order to sustain, modify or revoke such order. Any appeal from such order shall be to the circuit court of the county in which the violation took place and shall be governed by the Administrative Review Law.

(Source: P.A. 91-851, eff. 1-1-01; 92-618, eff. 7-11-02; revised 10-9-03.)

Section 975. The Firearm Owners Identification Card Act is amended by changing Sections 1.1, 3, and 3.1 as follows:

(430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

Sec. 1.1. For purposes of this Act:
"Counterfeit" means to copy or imitate, without legal authority, with intent to deceive.

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"Federally licensed firearm dealer" means a person who is licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

"Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

(1) any pneumatic gun, spring gun, paint ball gun or B-B gun which either expels a single globular projectile not exceeding .18 inch in diameter and which has a maximum muzzle velocity of less than 700 feet per second or breakable paint balls containing washable marking colors;

(2) any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;

(3) any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; and

(4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

(1) any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; and

(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

"Gun show" means an event or function:

(1) at which the sale and transfer of firearms is the regular and normal course of business and where 50 or more firearms are displayed, offered, or exhibited for sale, transfer, or exchange; or

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(2) at which not less than 10 gun show vendors display, offer, or exhibit for sale, sell, transfer, or exchange firearms.

"Gun show" includes the entire premises provided for an event or function, including parking areas for the event or function, that is sponsored to facilitate the purchase, sale, transfer, or exchange of firearms as described in this Section.

"Gun show" does not include training or safety classes, competitive shooting events, such as rifle, shotgun, or handgun matches, trap, skeet, or sporting clays shoots, dinners, banquets, raffles, or any other event where the sale or transfer of firearms is not the primary course of business.

"Gun show promoter" means a person who organizes or operates a gun show.

"Gun show vendor" means a person who exhibits, sells, offers for sale, transfers, or exchanges any firearms at a gun show, regardless of whether the person arranges with a gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange any firearm.

"Sanctioned competitive shooting event" means a shooting contest officially recognized by a national or state shooting sport association, and includes any sight-in or practice conducted in conjunction with the event.

"Stun gun or taser" has the meaning ascribed to it in Section 24-1 of the Criminal Code of 1961.

(Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; revised 8-19-05.)

(430 ILCS 65/3) (from Ch. 38, par. 83-3)

Sec. 3. (a) Except as provided in Section 3a, no person may knowingly transfer, or cause to be transferred, any firearm, firearm ammunition, stun gun, or taser to any person within this State unless the transferee with whom he deals displays a currently valid Firearm Owner's Identification Card which has previously been issued in his name by the Department of State Police under the provisions of this Act. In addition, all firearm, stun gun, and taser transfers by federally licensed firearm dealers are subject to Section 3.1.

(a-5) Any person who is not a federally licensed firearm dealer and who desires to transfer or sell a firearm while that person is on the grounds

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of a gun show must, before selling or transferring the firearm, request the Department of State Police to conduct a background check on the prospective recipient of the firearm in accordance with Section 3.1.

(b) Any person within this State who transfers or causes to be transferred any firearm, stun gun, or taser shall keep a record of such transfer for a period of 10 years from the date of transfer. Such record shall contain the date of the transfer; the description, serial number or other information identifying the firearm, stun gun, or taser if no serial number is available; and, if the transfer was completed within this State, the transferee's Firearm Owner's Identification Card number. On or after January 1, 2006, the record shall contain the date of application for transfer of the firearm. On demand of a peace officer such transferor shall produce for inspection such record of transfer. If the transfer or sale took place at a gun show, the record shall include the unique identification number. Failure to record the unique identification number is a petty offense.

(b-5) Any resident may purchase ammunition from a person outside of Illinois. Any resident purchasing ammunition outside the State of Illinois must provide the seller with a copy of his or her valid Firearm Owner's Identification Card and either his or her Illinois driver's license or Illinois State Identification Card prior to the shipment of the ammunition. The ammunition may be shipped only to an address on either of those 2 documents.

(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act.

(Source: P.A. 94-6, eff. 1-1-06; 94-284, eff. 7-21-05; 94-353, eff. 7-29-05; 94-571, eff. 8-12-05; revised 8-19-05.)

(430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

Sec. 3.1. Dial up system.

(a) The Department of State Police shall provide a dial up telephone system or utilize other existing technology which shall be used by any federally licensed firearm dealer, gun show promoter, or gun show vendor who is to transfer a firearm, stun gun, or taser under the provisions

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of this Act. The Department of State Police may utilize existing technology which allows the caller to be charged a fee not to exceed $2. Fees collected by the Department of State Police shall be deposited in the State Police Services Fund and used to provide the service.

(b) Upon receiving a request from a federally licensed firearm dealer, gun show promoter, or gun show vendor, the Department of State Police shall immediately approve, or within the time period established by Section 24-3 of the Criminal Code of 1961 regarding the delivery of firearms, stun guns, and tasers notify the inquiring dealer, gun show promoter, or gun show vendor of any objection that would disqualify the transferee from acquiring or possessing a firearm, stun gun, or taser. In conducting the inquiry, the Department of State Police shall initiate and complete an automated search of its criminal history record information files and those of the Federal Bureau of Investigation, including the National Instant Criminal Background Check System, and of the files of the Department of Human Services relating to mental health and developmental disabilities to obtain any felony conviction or patient hospitalization information which would disqualify a person from obtaining or require revocation of a currently valid Firearm Owner's Identification Card.

(c) If receipt of a firearm would not violate Section 24-3 of the Criminal Code of 1961, federal law, or this Act the Department of State Police shall:

(1) assign a unique identification number to the transfer; and

(2) provide the licensee, gun show promoter, or gun show vendor with the number.

(d) Approvals issued by the Department of State Police for the purchase of a firearm are valid for 30 days from the date of issue.

(e) The Department of State Police must act as the Illinois Point of Contact for the National Instant Criminal Background Check System.

(f) The Department of State Police shall promulgate rules not inconsistent with this Section to implement this system.

(Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; revised 8-19-05.)

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Section 980. The Humane Care for Animals Act is amended by changing Sections 4.01, 4.04, and 16 as follows:

(510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

Sec. 4.01. Animals in entertainment. This Section does not apply when the only animals involved are dogs. (Section 26-5 of the Criminal Code of 1961, rather than this Section, applies when the only animals involved are dogs.)

(a) No person may own, capture, breed, train, or lease any animal which he or she knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between such animal and any other animal or human, or the intentional killing of any animal for the purpose of sport, wagering, or entertainment.

(b) No person shall promote, conduct, carry on, advertise, collect money for or in any other manner assist or aid in the presentation for purposes of sport, wagering, or entertainment, any show, exhibition, program, or other activity involving a fight between 2 or more animals or any animal and human, or the intentional killing of any animal.

(c) No person shall sell or offer for sale, ship, transport, or otherwise move, or deliver or receive any animal which he or she knows or should know has been captured, bred, or trained, or will be used, to fight another animal or human or be intentionally killed, for the purpose of sport, wagering, or entertainment.

(d) No person shall manufacture for sale, shipment, transportation or delivery any device or equipment which that person knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more animals, or any human and animal, or the intentional killing of any animal for purposes of sport, wagering or entertainment.

(e) No person shall own, possess, sell or offer for sale, ship, transport, or otherwise move any equipment or device which such person knows or should know is intended for use in connection with any show, exhibition, program, or activity featuring or otherwise involving a fight

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between 2 or more animals, or any animal and human, or the intentional killing of any animal for purposes of sport, wagering or entertainment.

(f) No person shall make available any site, structure, or facility, whether enclosed or not, which he or she knows or should know is intended to be used for the purpose of conducting any show, exhibition, program, or other activity involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal.

(g) No person shall attend or otherwise patronize any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal for the purposes of sport, wagering or entertainment.

(h) (Blank).

(i) Any animals or equipment involved in a violation of this Section shall be immediately seized and impounded under Section 12 by the Department when located at any show, exhibition, program, or other activity featuring or otherwise involving an animal fight for the purposes of sport, wagering, or entertainment.

(j) Any vehicle or conveyance other than a common carrier that is used in violation of this Section shall be seized, held, and offered for sale at public auction by the sheriff's department of the proper jurisdiction, and the proceeds from the sale shall be remitted to the general fund of the county where the violation took place.

(k) Any veterinarian in this State who is presented with an animal for treatment of injuries or wounds resulting from fighting where there is a reasonable possibility that the animal was engaged in or utilized for a fighting event for the purposes of sport, wagering, or entertainment shall file a report with the Department and cooperate by furnishing the owners' names, dates, and descriptions of the animal or animals involved. Any veterinarian who in good faith complies with the requirements of this subsection has immunity from any liability, civil, criminal, or otherwise, that may result from his or her actions. For the purposes of any proceedings, civil or criminal, the good faith of the veterinarian shall be rebuttably presumed.

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(l) No person shall solicit a minor to violate this Section.

(m) The penalties for violations of this Section shall be as follows:

   (1) A person convicted of violating subsection (a), (b), or (c) of this Section or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class A misdemeanor for the first offense. A second or subsequent offense involving the violation of subsection (a), (b), or (c) of this Section or any rule, regulation, or order of the Department pursuant thereto is a Class 4 felony.

   (2) A person convicted of violating subsection (d), (e), or (f) of this Section or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class A misdemeanor for the first offense. A second or subsequent violation is a Class 4 felony.

   (3) A person convicted of violating subsection (g) of this Section or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class C misdemeanor.

   (4) A person convicted of violating subsection (l) of this Section is guilty of a Class A misdemeanor.

(Source: P.A. 92-425, eff. 1-1-02; 92-454, eff. 1-1-02; 92-650, eff. 7-11-02; 92-651, eff. 7-11-02; revised 11-21-02.)

(510 ILCS 70/4.04) (from Ch. 8, par. 704.04)

Sec. 4.04. Injuring or killing police animals, service animals, or search and rescue dogs prohibited. It shall be unlawful for any person to willfully or maliciously torture, mutilate, injure, disable, poison, or kill (i) any animal used by a law enforcement department or agency in the performance of the functions or duties of the department or agency or when placed in confinement off duty, (ii) any service animal, (iii) any search and rescue dog, or (iv) any law enforcement, service, or search and rescue animal in training. However, a police officer or veterinarian may perform euthanasia in emergency situations when delay would cause the animal undue suffering and pain.

A person convicted of violating this Section is guilty of a Class 4 felony if the animal is not killed or totally disabled; if the

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animal is killed or totally disabled, the person is guilty of a *Class 3* or *Class 4* felony.

(Source: P.A. 91-357, eff. 7-29-99; 92-454, eff. 1-1-02; 92-650, eff. 7-11-02; incorporates 92-723, eff. 1-1-03; revised 10-3-02.)

(510 ILCS 70/16) (from Ch. 8, par. 716)

Sec. 16. Miscellaneous violations; injunctions; forfeiture.

(a) (Blank).

(b) (Blank). *felony 3*

(c) Any person convicted of any act of abuse or neglect for which no other penalty is specified in this Act, or of violating any other provision of this Act or any rule, regulation, or order of the Department pursuant thereto for which no other penalty is specified in this Act, is guilty of a Class B misdemeanor for the first violation. A second or subsequent violation is a Class 4 felony, with every day that a violation continues constituting a separate offense.

(d) (Blank).

(e) (Blank).

(f) The Department may enjoin a person from a continuing violation of this Act.

(g) (Blank).

(h) (Blank).

(i) In addition to any other penalty provided by law, upon conviction for violating Section 3, 3.01, 3.02, or 3.03 the court may order the convicted person to forfeit to an animal control or animal shelter the animal or animals that are the basis of the conviction. Upon an order of forfeiture, the convicted person is deemed to have permanently relinquished all rights to the animal or animals that are the basis of the conviction. The forfeited animal or animals shall be adopted or humanely euthanized. In no event may the convicted person or anyone residing in his or her household be permitted to adopt the forfeited animal or animals. The court, additionally, may order that the convicted person and persons dwelling in the same household as the convicted person who conspired, aided, or abetted in the unlawful act that was the basis of the conviction, or who knew or should have known of the unlawful act, may not own,

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harbor, or have custody or control of any other animals for a period of time
that the court deems reasonable.
(Source: P.A. 91-291, eff. 1-1-00; 91-351, eff. 7-29-99; 91-357, eff.
7-29-99; 92-16, eff. 6-28-01; 92-425, eff. 1-1-02; 92-454, eff. 1-1-02;
92-650, eff. 7-11-02; 92-651, eff. 7-11-02; 92-723, eff. 1-1-03; revised
10-3-02.)
Section 985. The Fish and Aquatic Life Code is amended by
changing Section 20-35 as follows:
(515 ILCS 5/20-35) (from Ch. 56, par. 20-35)
Sec. 20-35. Offenses.
(a) Except as prescribed in Section 5-25 and unless otherwise
provided in this Code, any person who is found guilty of violating any of
the provisions of this Code, including administrative rules, is guilty of a
petty offense.
Any person who violates any of the provisions of Section 5-20,
10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-50, 10-60, 10-70,
10-75, 10-95, 10-115, 10-135, 15-5, 15-10, 15-15, 15-20, 15-30, 15-32,
15-100, 15-105, 15-110, 15-115, 15-120, 15-130, 15-140, 20-70, 20-75,
20-80, 20-85 (except subsections (b), (c), (d), (e), (f), and (g)), 25-10,
25-15, or 25-20 of this Code, including administrative rules relating to
those Sections, is guilty of a Class B misdemeanor.
Any person who violates any of the provisions of Section 1-200,
1-205, 10-55, 10-80, 10-100(b), 15-35, or 20-120 of this Code, including
administrative rules relating to those Sections, is guilty of a Class A
misdemeanor.
Any person who violates any of the provisions of this Code,
including administrative rules, during the 5 years following the revocation
of his or her license, permit, or privileges under Section 20-105 is guilty of
a Class A misdemeanor.
Any person who violates Section 5-25 of this Code, including
administrative rules, is guilty of a Class 3 felony.
(b)(1) It is unlawful for any person to take or attempt to take
aquatic life from any aquatic life farm except with the consent of the
owner of the aquatic life farm. Any person possessing fishing tackle on the premises of an aquatic life farm is presumed to be fishing. The presumption may be rebutted by clear and convincing evidence. All fishing tackle, apparatus, and vehicles used in the violation of this subsection (b) shall be confiscated by the arresting officer. Except as otherwise provided in this subsection, the seizure and confiscation procedures set forth in Section 1-215 of this Code shall apply. If the confiscated property is determined by the circuit court to have been used in the violation of this subsection (b), the confiscated property shall be sold at public auction by the county sheriff of the county where the violation occurred. The proceeds of the sale shall be deposited in the county general fund; provided that the auction may be stayed by an appropriate court order.

(2) A violation of paragraph (1) of this subsection (b) is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

(c)(1) It is unlawful for any person to trespass or fish on an aquatic life farm located on a strip mine lake or other body of water used for aquatic life farming operations, or within a 200 foot buffer zone surrounding cages or netpens that are clearly delineated by buoys of a posted aquatic life farm, by swimming, scuba diving, or snorkeling in, around, or under the aquatic life farm or by operating a watercraft over, around, or in the aquatic life farm without the consent of the owner of the aquatic life farm.

(2) A violation of paragraph (1) of this subsection (c) is a Class B misdemeanor for a first offense and a Class A misdemeanor for a second or subsequent offense. All fishing tackle, apparatus, and watercraft used in a second or subsequent violation of this subsection (c) shall be confiscated by the arresting officer. Except as otherwise provided in this subsection, the seizure and confiscation procedures set forth in Section 1-215 of this Code shall apply. If the confiscated property is determined by the circuit court to have been used in a violation of this subsection (c), the confiscated property shall be sold at public auction by the county sheriff of the county where the violation occurred. The proceeds of the sale shall be

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deposited in the county general fund; provided that the auction may be stayed by an appropriate court order.

(d) Offenses committed by minors under the direct control or with the consent of a parent or guardian may subject the parent or guardian to the penalties prescribed in this Section or as otherwise provided in this Code.

(e) In addition to any fines imposed under this Section, or as otherwise provided in this Code, any person found guilty of unlawfully taking or possessing any aquatic life protected by this Code shall be assessed a civil penalty for that aquatic life in accordance with the values prescribed in Section 5-25 of this Code. This civil penalty shall be imposed at the time of the conviction by the Circuit Court for the county where the offense was committed. Except as otherwise provided for in subsections (b) and (c) of this Section, all penalties provided for in this Section shall be remitted to the Department in accordance with the provisions of Section 1-180 of this Code.

(Source: P.A. 94-222, eff. 7-14-05; 94-592, eff. 1-1-06; revised 8-19-05.)

Section 990. The Wildlife Code is amended by changing Sections 2.2 and 3.23 as follows:

(520 ILCS 5/2.2) (from Ch. 61, par. 2.2)

Sec. 2.2. This Act shall apply only to the wild birds and parts of wild birds (their nests and eggs), and wild mammals and parts of wild mammals, which shall include their green hides, in the State of Illinois, or which may be brought into the State, that are hereby defined as follows:

All birds, both game and non-game (except the House Sparrow, Passer domesticus; European Starling, Sturnus vulgaris; and Rock Dove or Domestic Pigeon, Columba livia). GAME BIRDS-Ruffed grouse, Bonasa umbellus; Sharp-tailed grouse, Pediacetes phasianellus; Bobwhite quail, Colinus virginianus; Hungarian Partridge, Perdix perdix; Chukar Partridge, Alectoris graeca; Ring-necked Pheasant, Phasianus colchicus; Greater Prairie Chicken, Tympanuchus cupido; Wild Turkey, Meleagris gallopavo. MIGRATORY GAME BIRDS-Waterfowl including brant, wild ducks, geese and swans, Anatidae; rails, gallinules and coots, Rallidae; snipe, Gallinago gallinago; woodcock, Scolopax minor; pigeons,
including doves and wild pigeons (except domestic pigeons), Columbidae; and crows, Corvidae. RESIDENT AND MIGRATORY NON-GAME BIRDS-Loons, Gaviidae; grebes, Podicipedidae; pelicans, Pelecanidae; cormorants, Phalacrocoracidae; herons, bitterns and egrets, Ardeidae; ibises and spoonbills, Threskiornithidae; storks, Ciconiidae; vultures, Cathartidae; kites, hawks and eagles, Accipitridae; ospreys, Pandionidae; falcons, including the Peregrine Falcon, Falconidae; cranes, Gruidae; rails and gallinules, Rallidae; all shorebirds of the families Charadriidae, Scolopacidae, Recurvirostridae and Phalaropodidae; jaegers, Stercorariidae; gulls and terns, Laridae; cuckoos, Cuculidae; owls, Tytonidae and Strigidae; whip-poor-wills and nighthawks, Caprimulgidae; swifts, Apodidae; hummingbirds, Trochilidae, Kingfishers, Alcedinidae; woodpeckers, Picidae; kingbirds and flycatchers, Tyrannidae; larks, Alaudidae; swallows and martins, Hirundinidae; crows, magpies and jays, Corvidae; chickadees and titmice, Paridae; nuthatches, Sittidae; creepers, Certhiidae; wrens, Troglodytidae; mockingbirds, catbirds and thrashers, Mimidae; robins, bluebirds and thrushes, Turdidae; gnatcatchers and kinglets, Sylviidae; pipits, Motacillidae; waxwings, Bombycillidae; shrikes, Laniidae; vireos, Vireonidae; warblers, Parulidae; European Tree Sparrow, Passer montanus; blackbirds, meadowlarks and orioles, Icteridae; tanagers, thraupids; cardinals, grosbeaks, finches, towhees, dickcissels, sparrows, juncos, buntings and longspurs, Fringillidae. GAME MAMMALS-Woodchuck, Marmota monax; Gray squirrel, Sciurus carolinensis; Fox squirrel, Sciurus niger; White-tailed jackrabbit, Lepus townsendii; Eastern cottontail, Sylvilagus floridanus; Swamp rabbit, Sylvilagus aquaticus; White-tailed deer, Odocoileus virginianus. FUR-BEARING MAMMALS-Muskrat, Ondatra zibethicus; Beaver, Castor canadensis; Raccoon, Procyon lotor; Opossum, Didelphis marsupialis; Least weasel, Mustela rixosa; Long-tailed weasel, Mustela frenata; Mink, Mustela vison; River otter, Lutra canadensis; Striped skunk, Mephitis mephitis; Badger, Taxidea taxus; Red fox, Vulpes vulpes; Gray fox, Urocyon cinereoargenteus; Coyote, Canis latrans; Bobcat, Lynx rufus. OTHER MAMMALS-Flying squirrel, Glaucomys volans; Red squirrel, Tamiasciurus hudsonicus; Eastern Woodrat,
Neotoma floridana; Golden Mouse, Ochrotomys nuttalli; Rice Rat, Oryzomys palustris; Bats, Vespertilionidae.

It shall be unlawful for any person at any time to take, possess, sell, or offer for sale, any of these wild birds (dead or alive) and parts of wild birds (including their nests and eggs), wild mammals (dead or alive) and parts of wild mammals, including their green hides contrary to the provisions of this Act. However, nothing in this Act shall prohibit bona-fide public or state scientific, educational or zoological institutions from receiving, holding and displaying wildlife specimens that were salvaged or legally obtained.

It shall be unlawful for any person to bring into the State of Illinois for the purpose of holding, releasing, propagating or selling any other living wild animal not covered by this Act without first obtaining a permit from the Director. The permit shall be granted only upon satisfactory proof that the specific animals intended to be imported are free of communicable disease at the time of importation, will not become a nuisance, and will not cause damage to any existing wild or domestic species. Application for this permit shall be filed with the Director not less than 30 days in advance of the proposed date of importation. The Director may incorporate in the permit any restrictions as he may deem appropriate. These provisions shall not apply to any animal imported into this State for the purpose of being confined and exhibited in any zoo or other public display of animals nor to any other animals or groups of animals that the Department of Natural Resources may exempt by administrative rule.

It shall be unlawful for any person to take any other living wild animal not covered by this Act without the permission of the landowner or tenant.

(Source: P.A. 89-445, eff. 2-7-96; revised 10-11-05.)

(520 ILCS 5/3.23) (from Ch. 61, par. 3.23)

Sec. 3.23. Before any person shall hold, possess or engage in the raising of game mammals, game birds or migratory game birds protected by this Act, he shall procure a permit from the Department to do so. Any person desiring to possess, propagate, hold in captivity but not offer for sale any species protected by this Act may do so by acquiring either a

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Class A Noncommercial bird breeders permit or a Class A Noncommercial game breeders permit. Any person desiring to possess, propagate, to hold in captivity, to sell alive, for propagation or hunting purposes, sell dressed for food purposes any species protected by this Act may do so by acquiring a Class B Commercial bird breeders permit or a Class B Commercial/game breeders permit.

No person shall breed, raise, sell or offer to sell ferrets without first obtaining from the Department either a Class A noncommercial game breeder permit or a Class B commercial game breeder permit; such permit shall not, however, authorize the use or sale of ferrets for taking any of the wild birds or wild mammals protected by this Act.

Except for a Class A noncommercial ferret permit which shall be issued free of charge, the fee for a Class A permit shall be $10. The fee for a Class B permit shall be $20. Both Class A and Class B permits shall expire on March 31 of each year.

Holders of wild game or bird breeder's permits may import game mammals, game birds or migratory game birds into the State of Illinois but may release the same only with the permission of the Director.

Bobwhite quail and male pheasants raised in Illinois from eggs originating in Illinois and reared under the provisions of this Act may be released and harvested by hunting during the open season provided by the regulations under Sections 2.6 and 2.7 of this Act. Hen pheasants raised in Illinois from eggs originating in Illinois and reared under the provisions of this Act may be released but may be harvested only as provided by the regulations under Sections 2.34 and 3.28 of this Act.

Licensed breeders who hold Class B permits may sell live hand-reared pheasants, bobwhite quail and chukar partridges to organized field trial clubs, or to individuals operating dog training grounds designated by the Department, to be used for field trial purposes and such pheasants, bobwhite quail and chukar partridges may be killed by shooting in connection therewith on areas approved by the Department.

Tags or decals on containers, of a type not removable without breaking or mutilating the tag or decal, shall be used to designate the carcasses of game mammals, game birds or migratory game birds raised in

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captivity, as provided in this Section, and all game imported legally from any source outside the State of Illinois shall be so designated with irremovable tags or decals. If such tag or decal is not provided for in the State of origin the consignor shall obtain such tags or decals from the Department to identify such carcasses. Upon the application and payment of a fee of 10 cents for such tag or decal, the Department shall furnish permittees with such tags or decals, except that the Department shall only furnish any permittee with sufficient tags or decals for the number of game mammals, game birds or migratory game birds, or parts of carcasses thereof, as may from time to time have been disposed of by the permittee. One of such tags shall be securely affixed to one of the legs of each game mammal, except deer, where a tag shall be affixed to each leg, game bird or migratory game bird before removing such game mammal, game bird or migratory game bird from the premises of the permittee, and such tags shall remain upon the leg or legs of such mammal, game bird or migratory bird until prepared for consumption. Class B permit holders who sell such species dressed for food purposes shall affix such tags to one of the legs of each game mammal, except deer, where a tag must be secured to each leg, game bird or migratory game bird or shall secure such decals on the containers in which the carcasses are transported before removing such species from the premises of the permittees.

Nothing in this Section shall be construed to give any such permittee authority to take game mammals, game birds or migratory game birds in their wild state contrary to other provisions of this Act, or to remove such permittee from responsibility for the observance of any Federal laws, rules or regulations which may apply to such game mammals, game birds or migratory game birds.

When any wild birds or wild mammals raised in captivity, or parts thereof, are transported or offered for shipment by the holder of a permit, issued under the provisions of Sections 1.6 and 1.7 hereof, or by a licensed breeder from outside the State, such shipment shall be plainly tagged or with decals if in containers so as to show the contents thereof, the name of the shipper, his place of residence, the place from where the shipment is

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made, its destination, name of consignee and the number, date and type of permit under which shipment is offered.

Game and game bird breeders shall keep records of the acquisition, sale or disposition of each game mammal or game bird so raised or propagated, showing the date of such transaction, the name and address of the person acquiring or receiving such game mammal or game bird, and shall furnish such person with a certificate of purchase showing the number and kinds of game mammals or game birds so disposed of, the date of transaction, the name of the person receiving, collecting, or buying such game mammals or game birds, and such other information as the Department may require. Such records and certificates of purchase or disposition shall be immediately presented to officers or authorized employees of the Department, any Sheriff, Deputy Sheriff, or other peace officer when request is made for same.

Failure to produce such records of certificates of purchase or disposition shall be prima facie evidence that such game mammals or game birds are contraband within the State of Illinois. Records shall be maintained from the date of acquisition until 2 years after the date of disposition or sale.

Duly organized clubs and associations approved by the Department and engaged in the raising, for release only and without profit, any of the game mammals and game birds protected by this Act are exempt from the provisions of this Section.

No person shall release, hold, possess, or engage in raising San Juan (sometimes called European) rabbits or finnraccoons (sometimes called raccoon dogs) (Nyctereutes procyonoides) in this State and no permit shall be issued therefor.

No person shall release, or propagate for the release any Nutria (Myocastor coypus), and monk parakeet (Myiopsitta monachus), in this State at any time.

(Source: P.A. 86-920; revised 10-13-05.)

Section 995. The Illinois Open Land Trust Act is amended by changing Section 10 as follows:

(525 ILCS 33/10)

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Sec. 10. Definitions. As used in this Act:
"Conservation and recreation purposes" means activities that are consistent with the protection and preservation of open lands, natural areas, wetlands, prairies, forests, watersheds, resource-rich areas, greenways, and fish and wildlife habitats, including multiple use such as hunting, fishing, trapping, and other recreational uses.

"Conservation easement" means a nonpossessory interest in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the natural, historical, architectural, archaeological, or cultural aspects of real property. A conservation easement may be released at any time by mutual consent of the parties.

"Department" means the Department of Natural Resources.

"Natural area" means an area of land that either retains or has recovered to a substantial degree its original natural or primeval character, though it need not be completely undisturbed, or has floral, faunal, ecological, geological, or archaeological features of scientific, educational, scenic, or esthetic interest.

"Open space" means those undeveloped or minimally developed lands that conserve and protect valuable natural features or processes.

"Real property" means land, including improvements existing on the land.

"Units of local government" means counties, townships, municipalities, park districts, conservation districts, forest preserve districts, river conservancy districts, and any other units of local government empowered to expend public funds for the acquisition and development of land for public outdoor park, recreation, or conservation purposes.

(Source: P.A. 91-220, eff. 7-21-99; revised 10-9-03.)

Section 1000. The Illinois Highway Code is amended by changing Sections 4-508, 5-701.2, and 6-201.21 as follows:

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Sec. 4-508. (a) Except as provided in paragraphs (c) and (d) of this Section, and subject to the written approval of the Governor, the Department may dispose of, by public sale, at auction or by sealed bids, any land, rights or other properties, real or personal, acquired for but no longer needed for highway purposes or remnants acquired under the provisions of Section 4-501, provided that no such sale may be made for less than the fair appraised value of such land, rights, or property.

(b) Except as provided in paragraphs (c) and (d) of this Section, and subject to the written approval of the Governor, the Department may exchange any land, rights or property no longer needed for highway purposes, or remnants, acquired under the provisions of Section 4-501 of this Code for equivalent interests in land, rights or property needed for highway purposes. Where such interests are not of equivalent value cash may be paid or received for the difference in value.

(c) If at the time any property previously determined by the Department to be needed for highway purposes is declared no longer needed for such purposes, and the person from whom such property was acquired still owns and has continuously owned land abutting such property since the acquisition by the Department, the Department before making any disposition of that property shall first offer in writing that property to the person from whom such property was acquired at the current appraised value of the property. If the offer is accepted in writing within 60 days of the date of the written offer, the Department, subject to the written approval of the Governor, is authorized to dispose of such property to the person from whom such property was acquired upon payment of the appraised value. If the offer is not accepted in writing within 60 days of the date of the written offer, all rights under this paragraph shall terminate.

(d) If the Department enters into or currently has a written contract with another highway authority for the transfer of jurisdiction of any highway or portion thereof, the Department is authorized to convey, without compensation, any land, dedications, easements, access rights, or any interest in the real estate that it holds to that specific highway or

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portion thereof to the highway authority that is accepting or has accepted jurisdiction. However, no part of the transferred property can be vacated or disposed of without the approval of the Department, which may require compensation for non-public use.

(e) Except as provided in paragraph (c) of this Section, if the Department obtains or obtained fee simple title to, or any lesser interest, in any land, right, or other property and must comply with subdivision (f)(3) of Section 6 of Title I of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 l-8(f)(3)), the Historic Bridge Program established under Title 23, United States Code, Section 144, subsection (o) (23 U.S.C. 144(o)), the National Historic Preservation Act (16 U.S.C. Sec. 470), the Interagency Wetland Policy Act of 1989, or the Illinois State Agency Historic Resources Preservation Act, the Department, subject to the written approval of the Governor and concurrence of the grantee, is authorized to convey the title or interest in the land, right, or other property to another governmental agency, or a not-for-profit organization that will use the property for purposes consistent with the appropriate law.

The Department may retain rights to protect the public interest.

(605 ILCS 5/5-701.2) (from Ch. 121, par. 5-701.2)

Sec. 5-701.2. Any county board, with the approval of the Department, may also use motor fuel tax money allotted to it for construction of State highways within the county.

(605 ILCS 5/6-201.21)

Sec. 6-201.21. Special services; disaster relief. Subject to Section 30-117 of the Township Code, the highway commissioner has authority to provide for orderly collection and disposal of brush and leaves that have been properly placed for collection along the road district rights-of-way in accordance with local guidelines in those townships or counties that regulate by ordinance open burning of brush or leaves. Further, the highway commissioner has authority to provide necessary relief services following the occurrence of an event that has been declared a disaster by

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State or local officials. The highway commissioner has purchasing authority, subject to Section 6-201.6, and contractual authority as defined in Section 6-201.7 of this Code.

(Source: P.A. 93-109, eff. 7-8-03; 93-610, eff. 11-18-03; revised 12-4-03.)

Section 1005. The Illinois Vehicle Code is amended by changing Sections 2-109.1, 2-123, 3-412, 3-413, 3-621, 3-622, 3-623, 3-625, 3-806.3, 3-806.4, 3-814.4, 6-107, 6-108, 6-201, 6-205.2, 6-208, 6-411, 6-500, 6-508, 11-208.3, 11-1201, 11-1414, 12-603.1, 12-613, 15-301, 15-308.3, 16-104b, and 18a-404 and by setting forth, renumbering, and changing multiple versions of Sections 3-648, 3-653, and 3-654 as follows:

(625 ILCS 5/2-109.1)

Sec. 2-109.1. Exchange of information.

(a) The Secretary of State shall exchange information with the Illinois Department of Healthcare and Family Services which may be necessary for the establishment of paternity and the establishment, modification, and enforcement of child support orders pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

(b) Notwithstanding any provisions in this Code to the contrary, the Secretary of State shall not be liable to any person for any disclosure of information to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) under subsection (a) or for any other action taken in good faith to comply with the requirements of subsection (a).

(Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 7-1-00; revised 12-15-05.)

(625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

Sec. 2-123. Sale and Distribution of Information.

(a) Except as otherwise provided in this Section, the Secretary may make the driver's license, vehicle and title registration lists, in part or in whole, and any statistical information derived from these lists available to

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local governments, elected state officials, state educational institutions, and all other governmental units of the State and Federal Government requesting them for governmental purposes. The Secretary shall require any such applicant for services to pay for the costs of furnishing such services and the use of the equipment involved, and in addition is empowered to establish prices and charges for the services so furnished and for the use of the electronic equipment utilized.

(b) The Secretary is further empowered to and he may, in his discretion, furnish to any applicant, other than listed in subsection (a) of this Section, vehicle or driver data on a computer tape, disk, other electronic format or computer processable medium, or printout at a fixed fee of $250 for orders received before October 1, 2003 and $500 for orders received on or after October 1, 2003, in advance, and require in addition a further sufficient deposit based upon the Secretary of State's estimate of the total cost of the information requested and a charge of $25 for orders received before October 1, 2003 and $50 for orders received on or after October 1, 2003, per 1,000 units or part thereof identified or the actual cost, whichever is greater. The Secretary is authorized to refund any difference between the additional deposit and the actual cost of the request. This service shall not be in lieu of an abstract of a driver's record nor of a title or registration search. This service may be limited to entities purchasing a minimum number of records as required by administrative rule. The information sold pursuant to this subsection shall be the entire vehicle or driver data list, or part thereof. The information sold pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section. Commercial purchasers of driver and vehicle record databases shall enter into a written agreement with the Secretary of State that includes disclosure of the commercial use of the information to be purchased.

(b-1) The Secretary is further empowered to and may, in his or her discretion, furnish vehicle or driver data on a computer tape, disk, or other electronic format or computer processible medium, at no fee, to any State or local governmental agency that uses the information provided by the

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Secretary to transmit data back to the Secretary that enables the Secretary to maintain accurate driving records, including dispositions of traffic cases. This information may be provided without fee not more often than once every 6 months.

(c) Secretary of State may issue registration lists. The Secretary of State shall compile and publish, at least annually, a list of all registered vehicles. Each list of registered vehicles shall be arranged serially according to the registration numbers assigned to registered vehicles and shall contain in addition the names and addresses of registered owners and a brief description of each vehicle including the serial or other identifying number thereof. Such compilation may be in such form as in the discretion of the Secretary of State may seem best for the purposes intended.

(d) The Secretary of State shall furnish no more than 2 current available lists of such registrations to the sheriffs of all counties and to the chiefs of police of all cities and villages and towns of 2,000 population and over in this State at no cost. Additional copies may be purchased by the sheriffs or chiefs of police at the fee of $500 each or at the cost of producing the list as determined by the Secretary of State. Such lists are to be used for governmental purposes only.

(e) (Blank).

(e-1) (Blank).

(f) The Secretary of State shall make a title or registration search of the records of his office and a written report on the same for any person, upon written application of such person, accompanied by a fee of $5 for each registration or title search. The written application shall set forth the intended use of the requested information. No fee shall be charged for a title or registration search, or for the certification thereof requested by a government agency. The report of the title or registration search shall not contain personally identifying information unless the request for a search was made for one of the purposes identified in subsection (f-5) of this Section. The report of the title or registration search shall not contain highly restricted personal information unless specifically authorized by this Code.

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The Secretary of State shall certify a title or registration record upon written request. The fee for certification shall be $5 in addition to the fee required for a title or registration search. Certification shall be made under the signature of the Secretary of State and shall be authenticated by Seal of the Secretary of State.

The Secretary of State may notify the vehicle owner or registrant of the request for purchase of his title or registration information as the Secretary deems appropriate.

No information shall be released to the requestor until expiration of a 10 day period. This 10 day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the Illinois Vehicle Code, the vehicle owner or registrant or other entities as the Secretary may exempt by rule and regulation.

Any misrepresentation made by a requestor of title or vehicle information shall be punishable as a petty offense, except in the case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary sanctions under Section 40-10 of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004.

(f-5) The Secretary of State shall not disclose or otherwise make available to any person or entity any personally identifying information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless the information is disclosed for one of the following purposes:

(1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any
private person or entity acting on behalf of a federal, State, or local agency in carrying out its functions.

(2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

(3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:
   (A) to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors; and
   (B) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(4) For use in research activities and for use in producing statistical reports, if the personally identifying information is not published, redisclosed, or used to contact individuals.

(5) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, State, or local court.

(6) For use by any insurer or insurance support organization or by a self-insured entity or its agents, employees, or contractors in connection with claims investigation activities, antifraud activities, rating, or underwriting.

(7) For use in providing notice to the owners of towed or impounded vehicles.

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(8) For use by any person licensed as a private detective or firm licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993, private investigative agency or security service licensed in Illinois for any purpose permitted under this subsection.

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under chapter 313 of title 49 of the United States Code.

(10) For use in connection with the operation of private toll transportation facilities.

(11) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.

(12) For use by members of the news media, as defined in Section 1-148.5, for the purpose of newsgathering when the request relates to the operation of a motor vehicle or public safety.

(13) For any other use specifically authorized by law, if that use is related to the operation of a motor vehicle or public safety.

(f-6) The Secretary of State shall not disclose or otherwise make available to any person or entity any highly restricted personal information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless specifically authorized by this Code.

(g) 1. The Secretary of State may, upon receipt of a written request and a fee of $6 before October 1, 2003 and a fee of $12 on and after October 1, 2003, furnish to the person or agency so requesting a driver's record. Such document may include a record of: current driver's license issuance information, except that the information on judicial driving permits shall be available only as otherwise provided by this Code; convictions; orders entered revoking, suspending or cancelling a driver's license or privilege; and notations of accident involvement. All other information, unless otherwise permitted by this Code, shall remain confidential.
Information released pursuant to a request for a driver's record shall not contain personally identifying information, unless the request for the driver's record was made for one of the purposes set forth in subsection (f-5) of this Section.

2. The Secretary of State shall not disclose or otherwise make available to any person or entity any highly restricted personal information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless specifically authorized by this Code. The Secretary of State may certify an abstract of a driver's record upon written request therefor. Such certification shall be made under the signature of the Secretary of State and shall be authenticated by the Seal of his office.

3. All requests for driving record information shall be made in a manner prescribed by the Secretary and shall set forth the intended use of the requested information.

The Secretary of State may notify the affected driver of the request for purchase of his driver's record as the Secretary deems appropriate.

No information shall be released to the requester until expiration of a 10 day period. This 10 day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the Illinois Vehicle Code, the affected driver or other entities as the Secretary may exempt by rule and regulation.

Any misrepresentation made by a requestor of driver information shall be punishable as a petty offense, except in the
case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary sanctions under Section 40-10 of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004.

4. The Secretary of State may furnish without fee, upon the written request of a law enforcement agency, any information from a driver's record on file with the Secretary of State when such information is required in the enforcement of this Code or any other law relating to the operation of motor vehicles, including records of dispositions; documented information involving the use of a motor vehicle; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record.

5. Except as otherwise provided in this Section, the Secretary of State may furnish, without fee, information from an individual driver's record on file, if a written request therefor is submitted by any public transit system or authority, public defender, law enforcement agency, a state or federal agency, or an Illinois local intergovernmental association, if the request is for the purpose of a background check of applicants for employment with the requesting agency, or for the purpose of an official investigation conducted by the agency, or to determine a current address for the driver so public funds can be recovered or paid to the driver, or for any other purpose set forth in subsection (f-5) of this Section.

The Secretary may also furnish the courts a copy of an abstract of a driver's record, without fee, subsequent to an arrest for a violation of Section 11-501 or a similar provision of a local ordinance. Such abstract may include records of dispositions; documented information involving the use of a motor vehicle as contained in the current file; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record.

New matter indicated by italics - deletions by strikeout
6. Any certified abstract issued by the Secretary of State or transmitted electronically by the Secretary of State pursuant to this Section, to a court or on request of a law enforcement agency, for the record of a named person as to the status of the person's driver's license shall be prima facie evidence of the facts therein stated and if the name appearing in such abstract is the same as that of a person named in an information or warrant, such abstract shall be prima facie evidence that the person named in such information or warrant is the same person as the person named in such abstract and shall be admissible for any prosecution under this Code and be admitted as proof of any prior conviction or proof of records, notices, or orders recorded on individual driving records maintained by the Secretary of State.

7. Subject to any restrictions contained in the Juvenile Court Act of 1987, and upon receipt of a proper request and a fee of $6 before October 1, 2003 and a fee of $12 on or after October 1, 2003, the Secretary of State shall provide a driver's record to the affected driver, or the affected driver's attorney, upon verification. Such record shall contain all the information referred to in paragraph 1 of this subsection (g) plus: any recorded accident involvement as a driver; information recorded pursuant to subsection (e) of Section 6-117 and paragraph (4) of subsection (a) of Section 6-204 of this Code. All other information, unless otherwise permitted by this Code, shall remain confidential.

(h) The Secretary shall not disclose social security numbers or any associated information obtained from the Social Security Administration except pursuant to a written request by, or with the prior written consent of, the individual except: (1) to officers and employees of the Secretary who have a need to know the social security numbers in performance of their official duties, (2) to law enforcement officials for a lawful, civil or criminal law enforcement investigation, and if the head of the law enforcement agency has made a written request to the Secretary specifying the law enforcement investigation for which the social security numbers are being sought, (3) to the United States Department of Transportation, or
any other State, pursuant to the administration and enforcement of the Commercial Motor Vehicle Safety Act of 1986, (4) pursuant to the order of a court of competent jurisdiction, or (5) to the Department of Healthcare and Family Services (formerly Department of Public Aid) for utilization in the child support enforcement duties assigned to that Department under provisions of the Illinois Public Aid Code after the individual has received advanced meaningful notification of what redisclosure is sought by the Secretary in accordance with the federal Privacy Act.

(i) (Blank).

(j) Medical statements or medical reports received in the Secretary of State's Office shall be confidential. No confidential information may be open to public inspection or the contents disclosed to anyone, except officers and employees of the Secretary who have a need to know the information contained in the medical reports and the Driver License Medical Advisory Board, unless so directed by an order of a court of competent jurisdiction.

(k) All fees collected under this Section shall be paid into the Road Fund of the State Treasury, except that (i) for fees collected before October 1, 2003, $3 of the $6 fee for a driver's record shall be paid into the Secretary of State Special Services Fund, (ii) for fees collected on and after October 1, 2003, of the $12 fee for a driver's record, $3 shall be paid into the Secretary of State Special Services Fund and $6 shall be paid into the General Revenue Fund, and (iii) for fees collected on and after October 1, 2003, 50% of the amounts collected pursuant to subsection (b) shall be paid into the General Revenue Fund.

(l) (Blank).

(m) Notations of accident involvement that may be disclosed under this Section shall not include notations relating to damage to a vehicle or other property being transported by a tow truck. This information shall remain confidential, provided that nothing in this subsection (m) shall limit disclosure of any notification of accident involvement to any law enforcement agency or official.

New matter indicated by italics - deletions by strikeout
(n) Requests made by the news media for driver's license, vehicle, or title registration information may be furnished without charge or at a reduced charge, as determined by the Secretary, when the specific purpose for requesting the documents is deemed to be in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of gaining a personal or commercial benefit. The information provided pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section.

(o) The redisclosure of personally identifying information obtained pursuant to this Section is prohibited, except to the extent necessary to effectuate the purpose for which the original disclosure of the information was permitted.

(p) The Secretary of State is empowered to adopt rules to effectuate this Section.

(Source: P.A. 93-32, eff. 7-1-03; 93-438, eff. 8-5-03; 93-895, eff. 1-1-05; 94-56, eff. 6-17-05; revised 12-15-05.)

(625 ILCS 5/3-412) (from Ch. 95 1/2, par. 3-412)

Sec. 3-412. Registration plates and registration stickers to be furnished by the Secretary of State.

(a) The Secretary of State upon registering a vehicle subject to annual registration for the first time shall issue or shall cause to be issued to the owner one registration plate for a motorcycle, trailer, semitrailer, motorized pedalcycle or truck-tractor, 2 registration plates for other motor vehicles and, where applicable, current registration stickers for motor vehicles of the first division. The provisions of this Section may be made applicable to such vehicles of the second division, as the Secretary of State may, from time to time, in his discretion designate. On subsequent annual registrations during the term of the registration plate as provided in Section 3-414.1, the Secretary shall issue or cause to be issued registration stickers as evidence of current registration. However, the issuance of annual registration stickers to vehicles registered under the provisions of

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Sections 3-402.1 and 3-405.3 of this Code may not be required if the Secretary deems the issuance unnecessary.

(b) Every registration plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, the name of this State, which may be abbreviated, the year number for which it was issued, which may be abbreviated, the phrase "Land of Lincoln" (except as otherwise provided in this Code), and such other letters or numbers as the Secretary may prescribe. However, for apportionment plates issued to vehicles registered under Section 3-402.1 and fleet plates issued to vehicles registered under Section 3-405.3, the phrase "Land of Lincoln" may be omitted to allow for the word "apportioned", the word "fleet", or other similar language to be displayed. Registration plates issued to a vehicle registered as a fleet vehicle may display a designation determined by the Secretary.

The Secretary may in his discretion prescribe that letters be used as prefixes only on registration plates issued to vehicles of the first division which are registered under this Code and only as suffixes on registration plates issued to other vehicles. Every registration sticker issued as evidence of current registration shall designate the year number for which it is issued and such other letters or numbers as the Secretary may prescribe and shall be of a contrasting color with the registration plates and registration stickers of the previous year.

(c) Each registration plate and the required letters and numerals thereon, except the year number for which issued, shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight, and shall be coated with reflectorizing material. The dimensions of the plate issued to vehicles of the first division shall be 6 by 12 inches.

(d) The Secretary of State shall issue for every passenger motor vehicle rented without a driver the same type of registration plates as the type of plates issued for a private passenger vehicle.

(e) The Secretary of State shall issue for every passenger car used as a taxicab or livery, distinctive registration plates.

(f) The Secretary of State shall issue for every motorcycle distinctive registration plates distinguishing between motorcycles having

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150 or more cubic centimeters piston displacement, or having less than
150 cubic centimeter piston displacement.

(g) Registration plates issued to vehicles for-hire may display a
designation as determined by the Secretary that such vehicles are for-hire.

(h) The Secretary of State shall issue distinctive registration plates
for electric vehicles.

(i) The Secretary of State shall issue for every public and private
ambulance registration plates identifying the vehicle as an ambulance. The
Secretary shall forward to the Department of Healthcare and Family
Services Public Aid registration information for the purpose of verification
of claims filed with the Department by ambulance owners for payment for
services to public assistance recipients.

(j) The Secretary of State shall issue for every public and private
medical carrier or rescue vehicle livery registration plates displaying
numbers within ranges of numbers reserved respectively for medical
carriers and rescue vehicles. The Secretary shall forward to the
Department of Healthcare and Family Services Public Aid registration
information for the purpose of verification of claims filed with the
Department by owners of medical carriers or rescue vehicles for payment
for services to public assistance recipients.

(k) The Secretary of State shall issue distinctive license plates or
distinctive license plate stickers for every vehicle exempted from
subsection (a) of Section 12-503 by subsection (g-5) of that Section.
(Source: P.A. 94-239, eff. 1-1-06; 94-564, eff. 8-12-05; revised 12-15-05.)
(625 ILCS 5/3-413) (from Ch. 95 1/2, par. 3-413)
Sec. 3-413. Display of registration plates, registration stickers and
drive-away permits.

(a) Registration plates issued for a motor vehicle other than a
motorcycle, trailer, semitrailer, truck-tractor, apportioned bus, or
apportioned truck shall be attached thereto, one in the front and one in the
rear. The registration plate issued for a motorcycle, trailer or semitrailer
required to be registered hereunder and any apportionment plate issued to
a bus under the provisions of this Code shall be attached to the rear
thereof. The registration plate issued for a truck-tractor or an apportioned

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truck required to be registered hereunder shall be attached to the front thereof.

(b) Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than 5 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained in a condition to be clearly legible, free from any materials that would obstruct the visibility of the plate, including, but not limited to, glass covers and tinted plastic covers. Clear plastic covers are permissible as long as they remain clear and do not obstruct the visibility of the plates. Registration stickers issued as evidence of renewed annual registration shall be attached to registration plates as required by the Secretary of State, and be clearly visible at all times.

(c) Every drive-away permit issued pursuant to this Code shall be firmly attached to the motor vehicle in the manner prescribed by the Secretary of State. If a drive-away permit is affixed to a motor vehicle in any other manner the permit shall be void and of no effect.

(d) The Illinois prorate decal issued to a foreign registered vehicle part of a fleet prorated or apportioned with Illinois, shall be displayed on a registration plate and displayed on the front of such vehicle in the same manner as an Illinois registration plate.

(e) The registration plate issued for a camper body mounted on a truck displaying registration plates shall be attached to the rear of the camper body.

(f) No person shall operate a vehicle, nor permit the operation of a vehicle, upon which is displayed an Illinois registration plate, plates or registration stickers after the termination of the registration period for which issued or after the expiration date set pursuant to Sections 3-414 and 3-414.1 of this Code.

(Source: P.A. 92-668, eff. 1-1-03; 92-680, eff. 7-16-02; revised 10-2-02.)

(625 ILCS 5/3-621) (from Ch. 95 1/2, par. 3-621)

Sec. 3-621. The Secretary, upon receipt of an application, made in the form prescribed by the Secretary of State, may issue to members of the Illinois National Guard, and to Illinois residents who are either former

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members of the Illinois National Guard or the surviving spouses of Illinois National Guard members, special registration plates. The special plates issued pursuant to this Section shall be affixed only to passenger vehicles of the first division, motorcycles, or motor vehicles of the second division weighing not more than 8,000 pounds subject to the staggered registration system.

The design and color of such plates shall be wholly within the discretion of the Secretary of State.

(625 ILCS 5/3-622) (from Ch. 95 1/2, par. 3-622)

Sec. 3-622. The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue to members of the United States Armed Forces Reserves who reside in Illinois, and to Illinois residents who are either former members of the United States Armed Forces Reserves or the surviving spouses of United States Armed Forces Reserve members who resided in Illinois, special registration plates. The special plates issued pursuant to this Section shall be affixed only to passenger vehicles of the first division, motorcycles, or motor vehicles of the second division weighing not more than 8,000 pounds subject to the staggered registration system. The design and color of such plates shall be wholly within the discretion of the Secretary of State.

(625 ILCS 5/3-623) (from Ch. 95 1/2, par. 3-623)

Sec. 3-623. Purple Heart Plates. The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue to recipients awarded the Purple Heart by a branch of the armed forces of the United States who reside in Illinois, special registration plates. The Secretary, upon receipt of the proper application, may also issue these special registration plates to an Illinois resident who is the surviving spouse of a person who was killed in a foreign war and was awarded the Purple Heart by a branch of the armed forces of the United States. The special plates issued pursuant to this Section should be affixed only to passenger vehicles of the 1st division, including

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motorcycles, or motor vehicles of the 2nd division weighing not more than 8,000 pounds.

The design and color of such plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, and the appropriate registration fee shall accompany the application. However, for an individual who has been issued Purple Heart plates for a vehicle and who has been approved for benefits under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, the annual fee for the registration of the vehicle shall be as provided in Section 3-806.3 of this Code.

(Source: P.A. 93-846, eff. 7-30-04; 94-93, eff. 1-1-06; 94-343, eff. 1-1-06; revised 10-20-05.)

(625 ILCS 5/3-625) (from Ch. 95 1/2, par. 3-625)

Sec. 3-625. Pearl Harbor Plates. The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue special registration plates to any Illinois resident who, while a member of the armed forces of the United States, participated in the battle of Pearl Harbor on December 7, 1941, or to the widowed spouse of any Illinois resident who, while a member of the armed forces of the United States, participated in the battle of Pearl Harbor on December 7, 1941, provided that the widowed spouse was married to the battle of Pearl Harbor participant at the time of the participant's death and is a single person at the time of application. The special plates issued pursuant to this Section should be affixed only to passenger vehicles of the 1st division, motorcycles, or motor vehicles of the 2nd division weighing not more than 8,000 pounds.

The design and color of such plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, and the appropriate registration fee shall accompany the application.

(Source: P.A. 92-545, eff. 6-12-02; 92-699, eff. 1-1-03; revised 8-23-02.)

(625 ILCS 5/3-648)

Sec. 3-648. Education license plates.

New matter indicated by italics - deletions by strikeout
(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Education license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates shall be determined by a contest that every elementary school pupil in the State of Illinois is eligible to enter. The designs submitted for the contest shall be judged on September 30, 2002, and the winning design shall be selected by a committee composed of the Secretary, the Director of State Police, 2 members of the Senate, one member chosen by the President of the Senate and one member chosen by the Senate Minority Leader, and 2 members of the House of Representatives, one member chosen by the Speaker of the House and one member chosen by the House Minority Leader. The Secretary may allow the plates to be issued as vanity or personalized plates under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance, in addition to the appropriate registration fee. Of this $40 additional original issuance fee, $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs, and $25 shall be deposited into the Illinois Future Teacher Corps Scholarship Fund. For each registration renewal period, a $40 fee, in addition to the appropriate registration fee, shall be charged. Of this $40 additional renewal fee, $2 shall be deposited into the Secretary of State Special License Plate Fund and $38 shall be deposited into the Illinois Future Teacher Corps Scholarship Fund. Each fiscal year, once deposits from the additional original issuance and renewal fees into the Secretary of State Special License Plate Fund have reached $500,000, all the amounts received for the additional fees for the balance of the fiscal year shall be deposited into the Illinois Future Teacher Corps Scholarship Fund.
(d) The Illinois Future Teacher Corps Scholarship Fund is created as a special fund in the State treasury. Ninety-five percent of the moneys in the Illinois Future Teacher Corps Scholarship Fund shall be appropriated to the Illinois Student Assistance Commission for scholarships under Section 52 of the Higher Education Student Assistance Act, and 5% of the moneys in the Illinois Future Teacher Corps Scholarship Fund shall be appropriated to the State Board of Education for grants to the Golden Apple Foundation for Excellence in Teaching, a recognized charitable organization that meets the requirements of Title 26, Section 501(c)(3) of the United States Code.

(Source: P.A. 92-445, eff. 8-17-01; 92-651, eff. 7-11-02; 92-845, eff. 1-1-03; 93-21, eff. 7-1-03.)

(625 ILCS 5/3-653)
Sec. 3-653. Pet Friendly license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Pet Friendly license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined in Section 1-169 of this Code. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary, except that the phrase "I am pet friendly" shall be on the plates. The Secretary may allow the plates to be issued as vanity plates or personalized plates under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this additional fee, $25 shall be deposited into the Pet Population Control Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

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For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this additional fee, $25 shall be deposited into the Pet Population Control Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.
(Source: P.A. 94-639, eff. 8-22-05.)

(625 ILCS 5/3-654)

Sec. 3-654. Illinois Public Broadcasting System Stations special license plates.
(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Illinois Public Broadcasting System Stations special license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.
(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.
(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this fee, $25 shall be deposited into the Public Broadcasting Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.
For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be deposited into the Public Broadcasting Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.
(d) The Public Broadcasting Fund is created as a special fund in the State treasury. Subject to appropriation by the General Assembly and

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approval by the Secretary, the Secretary shall pay all moneys in the Public Broadcasting Fund to the various Public Broadcasting System stations in Illinois for operating costs.

(Source: P.A. 92-695, eff. 1-1-03.)

(625 ILCS 5/3-655)

Sec. 3-655 Hospice license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Hospice license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The color of the plates is wholly within the discretion of the Secretary. The design of the plates shall include the word "Hospice" above drawings of two lilies and a butterfly. The Secretary may allow the plates to be issued as vanity plates or personalized under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a $25 fee for original issuance in addition to the appropriate registration fee. Of this fee, $10 shall be deposited into the Hospice Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $23 shall be deposited into the Hospice Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Hospice Fund is created as a special fund in the State treasury. All money in the Hospice Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, to the Department of Public Health for distribution as grants for hospice services as defined in the Hospice Program Licensing Act. The Director of Public Health shall adopt rules for the distribution of these grants.

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Sec. 3-656. Lewis and Clark Bicentennial license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue special registration plates designated as Lewis and Clark Bicentennial license plates to residents of Illinois. The special plate issued under this Section shall be affixed only to passenger vehicles of the first division, motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined by Section 1-169 of this Code. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The Secretary of State shall confer with the Governor's Illinois Lewis and Clark Bicentennial Commission regarding the design, color, and format of the plates. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $40 fee for original issuance in addition to the applicable registration fee. Of this additional fee, $15 shall be deposited into the Secretary of State Special License Plate Fund and $25 shall be deposited into the Lewis and Clark Bicentennial Fund. For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this additional fee, $2 shall be deposited into the Secretary of State Special License Plate Fund and $25 shall be deposited into the Lewis and Clark Bicentennial Fund.

(d) The Secretary of State shall issue special license plates under this Section on and before September 1, 2008. The Secretary may not issue special plates under this Section after September 1, 2008.

(e) The Lewis and Clark Bicentennial Fund is created as a special fund in the State treasury. All moneys in the Lewis and Clark Bicentennial

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Fund shall, subject to appropriation by the General Assembly and approval by the Secretary, be used by the Department of Commerce and Economic Opportunity Community Affairs to promote tourism and education related to the Lewis and Clark Expedition and for historic preservation purposes related to the Expedition.

The State Treasurer shall transfer any moneys remaining in the Lewis and Clark Bicentennial Fund on September 1, 2009 and any moneys received for deposit into that Fund on or after September 1, 2009 into the Secretary of State Special License Plate Fund.

(Source: P.A. 92-694, eff. 1-1-03; revised 10-15-03.)

(625 ILCS 5/3-657)

Sec. 3-657. Park District Youth Program license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Park District Youth Program license plates. The special Park District Youth Program plate issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, must accompany each application. The Secretary, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this fee, $25 shall be deposited into the Park District Youth Program Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be

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deposited into the Park District Youth Program Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Park District Youth Program Fund is created as a special fund in the State treasury. All money in the Park District Youth Program Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, as grants to the Illinois Association of Park Districts, a not-for-profit corporation, for grants to park districts and recreation agencies providing innovative after school programming for Illinois youth.

(Source: P.A. 92-697, eff. 7-19-02; revised 8-23-02.)

(625 ILCS 5/3-658)
Sec. 3-658 3-654. Professional Sports Teams license plates.
(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Professional Sports Teams license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary, except that the plates shall, subject to the permission of the applicable team owner, display the logo of the Chicago Bears, the Chicago Bulls, the Chicago Blackhawks Black Hawks, the Chicago Cubs, the Chicago White Sox, the St. Louis Rams, or the St. Louis Cardinals, at the applicant's option. The Secretary may allow the plates to be issued as vanity or personalized plates under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this fee, $25 shall be deposited into the Professional Sports Teams Education Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

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For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be deposited into the Professional Sports Teams Education Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Professional Sports Teams Education Fund is created as a special fund in the State treasury. All moneys in the Professional Sports Teams Education Fund shall, subject to appropriation by the General Assembly and approval by the Secretary, be deposited every 6 months into the Common School Fund.

(Source: P.A. 92-699, eff. 1-1-03; revised 10-28-02.)

(625 ILCS 5/3-659)

Sec. 3-659 3-654. Pan Hellenic license plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Pan Hellenic license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary, except that an emblem of a Pan Hellenic eligible member shall be on the plate. Appropriate documentation, as determined by the Secretary, shall accompany each application. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln" as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary, in his or her discretion, may prescribe rules governing the requirements and approval of the special plates.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this fee, $25 shall be deposited into the Illinois Pan Hellenic Trust Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund,
to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be deposited into the Illinois Pan Hellenic Trust Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Illinois Pan Hellenic Trust Fund is created as a special fund in the State Treasury. The State Treasurer shall create separate accounts within the Illinois Pan Hellenic Trust Fund for each eligible member for which Pan Hellenic license plates have been issued. Moneys in the Illinois Pan Hellenic Trust Fund shall be allocated to each account in proportion to the number of plates sold in regard to each fraternity or sorority. All moneys in the Illinois Pan Hellenic Trust Fund shall be distributed, subject to appropriation by the General Assembly and approval by the Secretary, as grants to the Illinois Alpha Kappa Alpha Charitable Foundation, Illinois Delta Sigma Theta Charitable Foundation, Illinois Zeta Phi Beta Charitable Foundation, Illinois Sigma Gamma Rho Charitable Foundation, Illinois Alpha Phi Alpha Charitable Foundation, Illinois Omega Psi Phi Charitable Foundation, Illinois Kappa Alpha Psi Charitable Foundation, Illinois Phi Beta Sigma Charitable Foundation, or Illinois Iota Phi Theta Charitable Foundation for charitable purposes sponsored by the African-American fraternity or sorority.

(Source: P.A. 92-702, eff. 1-1-03; revised 8-23-02.)

(625 ILCS 5/3-661)
Sec. 3-661 Illinois Route 66 license plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Illinois Route 66 license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. The Secretary may, in his or her
discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this fee, $25 shall be deposited into the Illinois Route 66 Heritage Project Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be deposited into the Illinois Route 66 Heritage Project Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Illinois Route 66 Heritage Project Fund is created as a special fund in the State treasury. Subject to appropriation by the General Assembly and approval by the Secretary, Illinois Route 66 Heritage Project, Inc. shall use all moneys in the Illinois Route 66 Heritage Project Fund for the development of tourism, through education and interpretation, preservation, and promotion of the former U.S. Route 66 in Illinois.

(Source: P.A. 92-706, eff. 1-1-03; revised 8-23-02.)

(625 ILCS 5/3-662)

Sec. 3-662 3-654. Stop Neuroblastoma license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Stop Neuroblastoma license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary, except that the following phrases shall be on
the plates: (i) "Stop Neuroblastoma" and (ii) "Stop Cancer". The Secretary may allow the plates to be issued as vanity plates or personalized under Section 3-405.1 of this Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a $25 fee for original issuance in addition to the appropriate registration fee. Of this fee, $10 shall be deposited into the Stop Neuroblastoma Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $23 shall be deposited into the Stop Neuroblastoma Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Stop Neuroblastoma Fund is created as a special fund in the State treasury. All money in the Stop Neuroblastoma Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, as grants to the American Cancer Society for neuroblastoma and cancer research, education, screening, and treatment.

(Source: P.A. 92-711, eff. 7-19-02; revised 8-23-02.)

(625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)

Sec. 3-806.3. Senior Citizens. Commencing with the 2004 registration year and extending through the 2005 registration year, the registration fee paid by any vehicle owner who has claimed and received a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, or 3-651, motor vehicles registered at 8,000 pounds or less under Section 3-815(a), and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible.

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Commencing with the 2006 registration year, the registration fee paid by any vehicle owner who has been approved for benefits under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, or 3-651, motor vehicles registered at 8,000 pounds or less under Section 3-815(a), and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible.

Commencing with the 2006 registration year, the registration fee paid by any vehicle owner who has claimed and received a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or who is the spouse of such a person shall be $24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates issued under Section 3-607, 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, or 3-651, or 3-806.4, motor vehicles registered at 8,000 pounds or less under Section 3-815(a), and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible.

No more than one reduced registration fee under this Section shall be allowed during any 12 month period based on the primary eligibility of any individual, whether such reduced registration fee is allowed to the individual or to the spouse, widow or widower of such individual. This Section does not apply to the fee paid in addition to the registration fee for motor vehicles displaying vanity or special license plates.

(Source: P.A. 92-651, eff. 7-11-02; 92-699, eff. 1-1-03; 93-846, eff. 7-30-04; 93-849, eff. 1-1-05; 93-937, eff. 1-1-05; revised 1-17-05.)

New matter indicated by italics - deletions by strikeout
Sec. 3-806.4. Gold Star recipients. Commencing with the 1991 registration year and through the 2006 registration year, upon proper application, the Secretary of State shall issue one pair of registration plates to any Illinois resident, who as the surviving widow or widower, or in the absence thereof, as the surviving parent, is awarded the Gold Star by the United States in recognition of spouses or children who served in the Armed Forces of the United States and lost their lives while in service whether in peacetime or war. Commencing with the 2007 registration year, upon proper application, the Secretary of State shall issue one pair of registration plates to any Illinois resident, who as the surviving widow, widower, or parent, is awarded the Gold Star by the United States in recognition of spouses or children who served in the Armed Forces of the United States and lost their lives while in service whether in peacetime or war. If the parent no longer survives, the Secretary of State shall issue the plates to a surviving sibling, of the person who served in the Armed Forces, who is an Illinois resident. No more than one set of plates shall be issued for each Gold Star awarded, and only one surviving parent, or in the absence of a surviving parent, only one surviving sibling shall be issued a set of registration plates, except for those surviving parents who, as recipients of the Gold Star, have legally separated or divorced, in which case each surviving parent shall be allowed one set of registration plates. Registration plates issued under this Section shall be for first division vehicles and second division vehicles of 8,000 pounds or less. Through the 2006 registration year, an applicant shall be charged a $15 fee for the original issuance in addition to the appropriate registration fee which shall be deposited into the Road Fund to help defray the administrative processing costs. Beginning with the 2007 registration year, an applicant shall be charged only the appropriate registration fee.

(625 ILCS 5/3-806.4) (from Ch. 95 1/2, par. 3-806.4)

Sec. 3-814.4. Registration of fleet vehicles. The Secretary may issue fleet vehicle registration plates to owners of vehicle fleets registered

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in accordance with Section 3-405.3 of this Code in bulk before plates are assigned to specific vehicles. A registration plate may not be displayed on a vehicle, however, until the plate has been activated on the Secretary's registration file and the proper fee has been forwarded to the Secretary.

(Source: P.A. 92-629, eff. 7-1-03; revised 9-21-06.)

(625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

(Text of Section before amendment by P.A. 94-916)

Sec. 6-107. Graduated license.

(a) The purpose of the Graduated Licensing Program is to develop safe and mature driving habits in young, inexperienced drivers and reduce or prevent motor vehicle accidents, fatalities, and injuries by:

1. providing for an increase in the time of practice period before granting permission to obtain a driver's license;
2. strengthening driver licensing and testing standards for persons under the age of 21 years;
3. sanctioning driving privileges of drivers under age 21 who have committed serious traffic violations or other specified offenses; and
4. setting stricter standards to promote the public's health and safety.

(b) The application of any person under the age of 18 years, and not legally emancipated by marriage, for a drivers license or permit to operate a motor vehicle issued under the laws of this State, shall be accompanied by the written consent of either parent of the applicant; otherwise by the guardian having custody of the applicant, or in the event there is no parent or guardian, then by another responsible adult. The written consent must accompany any application for a driver's license under this subsection (b), regardless of whether or not the required written consent also accompanied the person's previous application for an instruction permit.

No graduated driver's license shall be issued to any applicant under 18 years of age, unless the applicant is at least 16 years of age and has:

1. Held a valid instruction permit for a minimum of 3 months.

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(2) Passed an approved driver education course and submits proof of having passed the course as may be required.

(3) Certification by the parent, legal guardian, or responsible adult that the applicant has had a minimum of 50 hours of behind-the-wheel practice time, at least 10 hours of which have been at night, and is sufficiently prepared and able to safely operate a motor vehicle.

(c) No graduated driver's license or permit shall be issued to any applicant under 18 years of age who has committed the offense of operating a motor vehicle without a valid license or permit in violation of Section 6-101 of this Code and no graduated driver's license or permit shall be issued to any applicant under 18 years of age who has committed an offense that would otherwise result in a mandatory revocation of a license or permit as provided in Section 6-205 of this Code or who has been either convicted of or adjudicated a delinquent based upon a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act while that individual was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such.

(d) No graduated driver's license shall be issued for 6 months to any applicant under the age of 18 years who has been convicted of any offense defined as a serious traffic violation in this Code or a similar provision of a local ordinance.

(e) No graduated driver's license holder under the age of 18 years shall operate any motor vehicle, except a motor driven cycle or motorcycle, with more than one passenger in the front seat of the motor

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vehicle and no more passengers in the back seats than the number of available seat safety belts as set forth in Section 12-603 of this Code.

(f) No graduated driver's license holder under the age of 18 shall operate a motor vehicle unless each driver and passenger under the age of 19 is wearing a properly adjusted and fastened seat safety belt and each child under the age of 8 is protected as required under the Child Passenger Protection Act.

(g) If a graduated driver's license holder is under the age of 18 when he or she receives the license, for the first 6 months he or she holds the license or until he or she reaches the age of 18, whichever occurs sooner, the graduated license holder may not operate a motor vehicle with more than one passenger in the vehicle who is under the age of 20, unless any additional passenger or passengers are siblings, step-siblings, children, or stepchildren of the driver.

(Source: P.A. 93-101, eff. 1-1-04; 93-788, eff. 1-1-05; 94-239, eff. 1-1-06; 94-241, eff. 1-1-06; 94-556, eff. 9-11-05; 94-897, eff. 6-22-06.)

(Text of Section after amendment by P.A. 94-916)

Sec. 6-107. Graduated license.

(a) The purpose of the Graduated Licensing Program is to develop safe and mature driving habits in young, inexperienced drivers and reduce or prevent motor vehicle accidents, fatalities, and injuries by:

(1) providing for an increase in the time of practice period before granting permission to obtain a driver's license;

(2) strengthening driver licensing and testing standards for persons under the age of 21 years;

(3) sanctioning driving privileges of drivers under age 21 who have committed serious traffic violations or other specified offenses; and

(4) setting stricter standards to promote the public's health and safety.

(b) The application of any person under the age of 18 years, and not legally emancipated by marriage, for a driver's license or permit to operate a motor vehicle issued under the laws of this State, shall be accompanied by the written consent of either parent of the applicant;

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otherwise by the guardian having custody of the applicant, or in the event there is no parent or guardian, then by another responsible adult. The written consent must accompany any application for a driver's license under this subsection (b), regardless of whether or not the required written consent also accompanied the person's previous application for an instruction permit.

No graduated driver's license shall be issued to any applicant under 18 years of age, unless the applicant is at least 16 years of age and has:

1. Held a valid instruction permit for a minimum of 3 months.
2. Passed an approved driver education course and submits proof of having passed the course as may be required.
3. Certification by the parent, legal guardian, or responsible adult that the applicant has had a minimum of 50 hours of behind-the-wheel practice time, at least 10 hours of which have been at night, and is sufficiently prepared and able to safely operate a motor vehicle.

(b-1) No graduated driver's license shall be issued to any applicant who is under 18 years of age and not legally emancipated by marriage, unless the applicant has graduated from a secondary school of this State or any other state, is enrolled in a course leading to a general educational development (GED) certificate, has obtained a GED certificate, is enrolled in an elementary or secondary school or college or university of this State or any other state and is not a chronic or habitual truant as provided in Section 26-2a of the School Code, or is receiving home instruction and submits proof of meeting any of those requirements at the time of application.

An applicant under 18 years of age who provides proof acceptable to the Secretary that the applicant has resumed regular school attendance or home instruction or that his or her application was denied in error shall be eligible to receive a graduated license if other requirements are met. The Secretary shall adopt rules for implementing this subsection (b-1).

(c) No graduated driver's license or permit shall be issued to any applicant under 18 years of age who has committed the offense of
operating a motor vehicle without a valid license or permit in violation of Section 6-101 of this Code and no graduated driver's license or permit shall be issued to any applicant under 18 years of age who has committed an offense that would otherwise result in a mandatory revocation of a license or permit as provided in Section 6-205 of this Code or who has been either convicted of or adjudicated a delinquent based upon a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act while that individual was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such.

(d) No graduated driver's license shall be issued for 6 months to any applicant under the age of 18 years who has been convicted of any offense defined as a serious traffic violation in this Code or a similar provision of a local ordinance.

(e) No graduated driver's license holder under the age of 18 years shall operate any motor vehicle, except a motor driven cycle or motorcycle, with more than one passenger in the front seat of the motor vehicle and no more passengers in the back seats than the number of available seat safety belts as set forth in Section 12-603 of this Code.

(f) No graduated driver's license holder under the age of 18 shall operate a motor vehicle unless each driver and passenger under the age of 19 is wearing a properly adjusted and fastened seat safety belt and each child under the age of 8 is protected as required under the Child Passenger Protection Act.

(g) If a graduated driver's license holder is under the age of 18 when he or she receives the license, for the first 6 months he or she holds
the license or until he or she reaches the age of 18, whichever occurs sooner, the graduated license holder may not operate a motor vehicle with more than one passenger in the vehicle who is under the age of 20, unless any additional passenger or passengers are siblings, step-siblings, children, or stepchildren of the driver.

(Source: P.A. 93-101, eff. 1-1-04; 93-788, eff. 1-1-05; 94-239, eff. 1-1-06; 94-241, eff. 1-1-06; 94-556, eff. 9-11-05; 94-897, eff. 6-22-06; 94-916, eff. 7-1-07; revised 8-3-06.)

(625 ILCS 5/6-108) (from Ch. 95 1/2, par. 6-108)

Sec. 6-108. Cancellation of license issued to minor.

(a) The Secretary of State shall cancel the license or permit of any minor under the age of 18 years in any of the following events:

1. Upon the verified written request of the person who consented to the application of the minor that the license or permit be cancelled;
2. Upon receipt of satisfactory evidence of the death of the person who consented to the application of the minor;
3. Upon receipt of satisfactory evidence that the person who consented to the application of a minor no longer has legal custody of the minor.

After cancellation, the Secretary of State shall not issue a new license or permit until the applicant meets the provisions of Section 6-107 of this Code.

(b) The Secretary of State shall cancel the license or permit of any person under the age of 18 years if he or she is convicted of violating the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act while that person was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall

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have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. After the cancellation, the Secretary of State shall not issue a new license or permit for a period of one year after the date of cancellation or until the minor attains the age of 18 years, whichever is longer. However, upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety, or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle between the person's residence and person's place of employment or within the scope of the person's employment related duties, or to allow transportation for the person or a household member of the person's family for the receipt of necessary medical care or, if the professional evaluation indicates, provide transportation for the petitioner for alcohol remedial or rehabilitative activity, or for the person to attend classes, as a student, in an accredited educational institution; if the person is able to demonstrate that no alternative means of transportation is reasonably available; provided that the Secretary's discretion shall be limited to cases where undue hardship would result from a failure to issue such restricted driving permit. In each case the Secretary of State may issue a restricted driving permit for a period as he deems appropriate, except that the permit shall expire within one year from the date of issuance. A restricted driving permit issued hereunder shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued hereunder may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a driver remedial or rehabilitative program. Thereafter, upon reapplication for a license as provided in Section 6-106 of this Code or a permit as provided in Section 6-105 of this Code and upon payment of the appropriate application fee, the Secretary of State shall issue the applicant a license as provided in
Section 6-106 of this Code or shall issue the applicant a permit as provided in Section 6-105.
(Source: P.A. 94-556, eff. 9-11-05.)

Sec. 6-108. Cancellation of license issued to minor.
(a) The Secretary of State shall cancel the license or permit of any minor under the age of 18 years in any of the following events:

1. Upon the verified written request of the person who consented to the application of the minor that the license or permit be cancelled;

2. Upon receipt of satisfactory evidence of the death of the person who consented to the application of the minor;

3. Upon receipt of satisfactory evidence that the person who consented to the application of a minor no longer has legal custody of the minor;

4. Upon receipt of information, submitted on a form prescribed by the Secretary of State under Section 26-3a of the School Code and provided voluntarily by nonpublic schools, that a license-holding minor no longer meets the school attendance requirements defined in Section 6-107 of this Code.

A minor who provides proof acceptable to the Secretary that the minor has resumed regular school attendance or home instruction or that his or her license or permit was cancelled in error shall have his or her license reinstated. The Secretary shall adopt rules for implementing this subdivision (a)4.

After cancellation, the Secretary of State shall not issue a new license or permit until the applicant meets the provisions of Section 6-107 of this Code.

(b) The Secretary of State shall cancel the license or permit of any person under the age of 18 years if he or she is convicted of violating the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act while that person was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the

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Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act, shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. After the cancellation, the Secretary of State shall not issue a new license or permit for a period of one year after the date of cancellation or until the minor attains the age of 18 years, whichever is longer. However, upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety, or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle between the person's residence and person's place of employment or within the scope of the person's employment related duties, or to allow transportation for the person or a household member of the person's family for the receipt of necessary medical care or, if the professional evaluation indicates, provide transportation for the petitioner for alcohol remedial or rehabilitative activity, or for the person to attend classes, as a student, in an accredited educational institution; if the person is able to demonstrate that no alternative means of transportation is reasonably available; provided that the Secretary's discretion shall be limited to cases where undue hardship would result from a failure to issue such restricted driving permit. In each case the Secretary of State may issue a restricted driving permit for a period as he deems appropriate, except that the permit shall expire within one year from the date of issuance. A restricted driving permit issued hereunder shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued hereunder may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a driver remedial or

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rehabilitative program. Thereafter, upon reapplication for a license as provided in Section 6-106 of this Code or a permit as provided in Section 6-105 of this Code and upon payment of the appropriate application fee, the Secretary of State shall issue the applicant a license as provided in Section 6-106 of this Code or shall issue the applicant a permit as provided in Section 6-105.

(Source: P.A. 94-556, eff. 9-11-05; 94-916, eff. 7-1-07; revised 8-3-06.)

(625 ILCS 5/6-201) (from Ch. 95 1/2, par. 6-201)

Text of Section before amendment by P.A. 94-916

Sec. 6-201. Authority to cancel licenses and permits.

(a) The Secretary of State is authorized to cancel any license or permit upon determining that the holder thereof:

1. was not entitled to the issuance thereof hereunder; or
2. failed to give the required or correct information in his application; or
3. failed to pay any fees, civil penalties owed to the Illinois Commerce Commission, or taxes due under this Act and upon reasonable notice and demand; or
4. committed any fraud in the making of such application; or
5. is ineligible therefor under the provisions of Section 6-103 of this Act, as amended; or
6. has refused or neglected to submit an alcohol, drug, and intoxicating compound evaluation or to submit to examination or re-examination as required under this Act; or
7. has been convicted of violating the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Use of Intoxicating Compounds Act while that individual was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of

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this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. After the cancellation, the Secretary of State shall not issue a new license or permit for a period of one year after the date of cancellation. However, upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety, or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle between the person's residence and person's place of employment or within the scope of the person's employment related duties, or to allow transportation for the person or a household member of the person's family for the receipt of necessary medical care or, if the professional evaluation indicates, provide transportation for the petitioner for alcohol remedial or rehabilitative activity, or for the person to attend classes, as a student, in an accredited educational institution; if the person is able to demonstrate that no alternative means of transportation is reasonably available; provided that the Secretary's discretion shall be limited to cases where undue hardship would result from a failure to issue such restricted driving permit. In each case the Secretary of State may issue such restricted driving permit for such period as he deems appropriate, except that such permit shall expire within one year from the date of issuance. A restricted driving permit issued hereunder shall be subject to cancellation, revocation and suspension by the Secretary of State in like manner and for like cause as a driver's license issued hereunder may be cancelled, revoked or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance

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of a restricted driving permit, require the applicant to participate in a driver remedial or rehabilitative program; *or*

8. failed to submit a report as required by Section 6-116.5 of this Code; or

9. has been convicted of a sex offense as defined in the Sex Offender Registration Act. The driver's license shall remain cancelled until the driver registers as a sex offender as required by the Sex Offender Registration Act, proof of the registration is furnished to the Secretary of State and the sex offender provides proof of current address to the Secretary.

(b) Upon such cancellation the licensee or permittee must surrender the license or permit so cancelled to the Secretary of State.

(c) Except as provided in Sections 6-206.1 and 7-702.1, the Secretary of State shall have exclusive authority to grant, issue, deny, cancel, suspend and revoke driving privileges, drivers' licenses and restricted driving permits.

(d) The Secretary of State may adopt rules to implement this Section.

(Source: P.A. 94-556, eff. 9-11-05; 94-993, eff. 1-1-07.)

(Text of Section after amendment by P.A. 94-916)

Sec. 6-201. Authority to cancel licenses and permits.

(a) The Secretary of State is authorized to cancel any license or permit upon determining that the holder thereof:

1. was not entitled to the issuance thereof hereunder; or

2. failed to give the required or correct information in his application; or

3. failed to pay any fees, civil penalties owed to the Illinois Commerce Commission, or taxes due under this Act and upon reasonable notice and demand; or

4. committed any fraud in the making of such application; or

5. is ineligible therefor under the provisions of Section 6-103 of this Act, as amended; or

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6. has refused or neglected to submit an alcohol, drug, and intoxicating compound evaluation or to submit to examination or re-examination as required under this Act; or

7. has been convicted of violating the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Use of Intoxicating Compounds Act while that individual was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. After the cancellation, the Secretary of State shall not issue a new license or permit for a period of one year after the date of cancellation. However, upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety, or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle between the person's residence and person's place of employment or within the scope of the person's employment related duties, or to allow transportation for the person or a household member of the person's family for the receipt of necessary medical care or, if the professional evaluation indicates, provide transportation for the petitioner for alcohol remedial or rehabilitative activity, or for the person to attend classes, as a student, in an accredited educational institution; if the person is able to demonstrate that no alternative means of transportation is reasonably available; provided that the Secretary's discretion shall be limited to cases where undue hardship would result from a failure to issue such restricted driving permit. In each case the

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Secretary of State may issue such restricted driving permit for such period as he deems appropriate, except that such permit shall expire within one year from the date of issuance. A restricted driving permit issued hereunder shall be subject to cancellation, revocation and suspension by the Secretary of State in like manner and for like cause as a driver's license issued hereunder may be cancelled, revoked or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a driver remedial or rehabilitative program; or

8. failed to submit a report as required by Section 6-116.5 of this Code; or

9. has been convicted of a sex offense as defined in the Sex Offender Registration Act. The driver's license shall remain cancelled until the driver registers as a sex offender as required by the Sex Offender Registration Act, proof of the registration is furnished to the Secretary of State and the sex offender provides proof of current address to the Secretary; or

10. is ineligible for a license or permit under Section 6-107, 6-107.1, or 6-108 of this Code.

(b) Upon such cancellation the licensee or permittee must surrender the license or permit so cancelled to the Secretary of State.

(c) Except as provided in Sections 6-206.1 and 7-702.1, the Secretary of State shall have exclusive authority to grant, issue, deny, cancel, suspend and revoke driving privileges, drivers' licenses and restricted driving permits.

(d) The Secretary of State may adopt rules to implement this Section.

(Source: P.A. 94-556, eff. 9-11-05; 94-916, eff. 7-1-07; 94-993, eff. 1-1-07; revised 8-3-06.)

(625 ILCS 5/6-205.2)

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Sec. 6-205.2. Suspension of driver's license of person convicted of theft of motor fuel. The driver's license of a person convicted of theft of motor fuel under Section 16K-15 of the Criminal Code of 1961 shall be suspended by the Secretary for a period not to exceed 6 months for a first offense. Upon a second or subsequent conviction for theft of motor fuel, the suspension shall be for a period not to exceed one year. Upon conviction of a person for theft of motor fuel, the court shall order the person to surrender his or her driver's license to the clerk of the court who shall forward the suspended license to the Secretary.

(Source: P.A. 94-700, eff. 6-1-06; revised 9-28-06.)

(625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

Sec. 6-208. Period of Suspension - Application After Revocation.

(a) Except as otherwise provided by this Code or any other law of this State, the Secretary of State shall not suspend a driver's license, permit or privilege to drive a motor vehicle on the highways for a period of more than one year.

(b) Any person whose license, permit or privilege to drive a motor vehicle on the highways has been revoked shall not be entitled to have such license, permit or privilege renewed or restored. However, such person may, except as provided under subsection (d) of Section 6-205, make application for a license pursuant to Section 6-106 (i) if the revocation was for a cause which has been removed or (ii) as provided in the following subparagraphs:

1. Except as provided in subparagraphs 2, 3, and 4, the person may make application for a license after the expiration of one year from the effective date of the revocation or, in the case of a violation of paragraph (b) of Section 11-401 of this Code or a similar provision of a local ordinance, after the expiration of 3 years from the effective date of the revocation or, in the case of a violation of Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to the offense of reckless homicide or a violation of subparagraph (F) of paragraph 1 of subsection (d) of Section 11-501 of this Code relating to aggravated driving under the influence of alcohol, other drug or

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drugs, intoxicating compound or compounds, or any combination thereof, if the violation was the proximate cause of a death, after the expiration of 2 years from the effective date of the revocation or after the expiration of 24 months from the date of release from a period of imprisonment as provided in Section 6-103 of this Code, whichever is later.

2. If such person is convicted of committing a second violation within a 20 year period of:
   (A) Section 11-501 of this Code, or a similar provision of a local ordinance; or
   (B) Paragraph (b) of Section 11-401 of this Code, or a similar provision of a local ordinance; or
   (C) Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide; or
   (D) any combination of the above offenses committed at different instances;
then such person may not make application for a license until after the expiration of 5 years from the effective date of the most recent revocation. The 20 year period shall be computed by using the dates the offenses were committed and shall also include similar out-of-state offenses.

3. However, except as provided in subparagraph 4, if such person is convicted of committing a third, or subsequent, violation or any combination of the above offenses, including similar out-of-state offenses, contained in subparagraph 2, then such person may not make application for a license until after the expiration of 10 years from the effective date of the most recent revocation.

4. The person may not make application for a license if the person is convicted of committing a fourth or subsequent violation of Section 11-501 of this Code or a similar provision of a local ordinance, Section 11-401 of this Code, Section 9-3 of the Criminal Code of 1961, or a combination of these offenses or
similar provisions of local ordinances or similar out-of-state offenses.

Notwithstanding any other provision of this Code, all persons referred to in this paragraph (b) may not have their privileges restored until the Secretary receives payment of the required reinstatement fee pursuant to subsection (b) of Section 6-118.

In no event shall the Secretary issue such license unless and until such person has had a hearing pursuant to this Code and the appropriate administrative rules and the Secretary is satisfied, after a review or investigation of such person, that to grant the privilege of driving a motor vehicle on the highways will not endanger the public safety or welfare.

(c) (Blank).

(Source: P.A. 92-343, eff. 1-1-02; 92-418, eff. 8-17-01; 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 93-712, eff. 1-1-05; 93-788, eff. 1-1-05; revised 10-14-04.)

(625 ILCS 5/6-411) (from Ch. 95 1/2, par. 6-411)

Sec. 6-411. Qualifications of Driver Training Instructors. In order to qualify for a license as an instructor for a driving school, an applicant must:

(a) Be of good moral character;

(b) Authorize an investigation to include a fingerprint based background check to determine if the applicant has ever been convicted of a crime and if so, the disposition of those convictions; this authorization shall indicate the scope of the inquiry and the agencies which may be contacted. Upon this authorization the Secretary of State may request and receive information and assistance from any federal, state or local governmental agency as part of the authorized investigation. Each applicant shall submit his or her fingerprints submitted to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records record information databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited

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in the State Police Services Fund and shall not exceed the actual cost of the records check. The applicant shall be required to pay all related fingerprint fees including, but not limited to, the amounts established by the Department of State Police and the Federal Bureau of Investigation to process fingerprint based criminal background investigations. The Department of State Police shall provide information concerning any criminal convictions, and their disposition, brought against the applicant upon request of the Secretary of State when the request is made in the form and manner required by the Department of State Police. Unless otherwise prohibited by law, the information derived from this investigation including the source of this information, and any conclusions or recommendations derived from this information by the Secretary of State shall be provided to the applicant, or his designee, upon request to the Secretary of State, prior to any final action by the Secretary of State on the application. Any criminal convictions and their disposition information obtained by the Secretary of State shall be confidential and may not be transmitted outside the Office of the Secretary of State, except as required herein, and may not be transmitted to anyone within the Office of the Secretary of State except as needed for the purpose of evaluating the applicant. The information obtained from this investigation may be maintained by the Secretary of State or any agency to which such information was transmitted. Only information and standards which bear a reasonable and rational relation to the performance of a driver training instructor shall be used by the Secretary of State. Any employee of the Secretary of State who gives or causes to be given away any confidential information concerning any criminal charges and their disposition of an applicant shall be guilty of a Class A misdemeanor unless release of such information is authorized by this Section;

(c) Pass such examination as the Secretary of State shall require on (1) traffic laws, (2) safe driving practices, (3) operation of motor vehicles, and (4) qualifications of teacher;

(d) Be physically able to operate safely a motor vehicle and to train others in the operation of motor vehicles. An instructors license application must be accompanied by a medical examination report

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completed by a competent physician licensed to practice in the State of Illinois;

(e) Hold a valid Illinois drivers license;
(f) Have graduated from an accredited high school after at least 4 years of high school education or the equivalent; and
(g) Pay to the Secretary of State an application and license fee of $70.

If a driver training school class room instructor teaches an approved driver education course, as defined in Section 1-103 of this Code, to students under 18 years of age, he or she shall furnish to the Secretary of State a certificate issued by the State Board of Education that the said instructor is qualified and meets the minimum educational standards for teaching driver education courses in the local public or parochial school systems, except that no State Board of Education certification shall be required of any instructor who teaches exclusively in a commercial driving school. On and after July 1, 1986, the existing rules and regulations of the State Board of Education concerning commercial driving schools shall continue to remain in effect but shall be administered by the Secretary of State until such time as the Secretary of State shall amend or repeal the rules in accordance with The Illinois Administrative Procedure Act. Upon request, the Secretary of State shall issue a certificate of completion to a student under 18 years of age who has completed an approved driver education course at a commercial driving school.

(625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

Sec. 6-500. Definitions of words and phrases. Notwithstanding the definitions set forth elsewhere in this Code, for purposes of the Uniform Commercial Driver's License Act (UCDLA), the words and phrases listed below have the meanings ascribed to them as follows:

(1) Alcohol. "Alcohol" means any substance containing any form of alcohol, including but not limited to ethanol, methanol, propanol, and isopropanol.

(2) Alcohol concentration. "Alcohol concentration" means:
(A) the number of grams of alcohol per 210 liters of breath; or

(B) the number of grams of alcohol per 100 milliliters of blood; or

(C) the number of grams of alcohol per 67 milliliters of urine.

Alcohol tests administered within 2 hours of the driver being "stopped or detained" shall be considered that driver's "alcohol concentration" for the purposes of enforcing this UCDLA.

(3) (Blank).

(4) (Blank).

(5) (Blank).

(6) Commercial Motor Vehicle.

(A) "Commercial motor vehicle" or "CMV" means a motor vehicle, except those referred to in subdivision (B), designed to transport passengers or property if:

    (i) the vehicle has a GVWR of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations or the Secretary of State; or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or

    (ii) the vehicle is designed to transport 16 or more persons; or

    (iii) the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, subpart F.

(B) Pursuant to the interpretation of the Commercial Motor Vehicle Safety Act of 1986 by the Federal Highway Administration, the definition of "commercial motor vehicle" does not include:

    (i) recreational vehicles, when operated primarily for personal use;

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(ii) United States Department of Defense vehicles being operated by non-civilian personnel. This includes any operator on active military duty; members of the Reserves; National Guard; personnel on part-time training; and National Guard military technicians (civilians who are required to wear military uniforms and are subject to the Code of Military Justice); or

(iii) firefighting and other emergency equipment (including, without limitation, equipment owned or operated by a HazMat or technical rescue team authorized by a county board under Section 5-1127 of the Counties Code), with audible and visual signals, owned or operated by or for a governmental entity, which is necessary to the preservation of life or property or the execution of emergency governmental functions which are normally not subject to general traffic rules and regulations.

(7) Controlled Substance. "Controlled substance" shall have the same meaning as defined in Section 102 of the Illinois Controlled Substances Act, and shall also include cannabis as defined in Section 3 of the Cannabis Control Act.

(8) Conviction. "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

(9) (Blank).
(10) (Blank).
(11) (Blank).
(12) (Blank).

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(13) Driver. "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle, any person who is required to hold a CDL, or any person who is a holder of a CDL while operating a non-commercial motor vehicle.

(14) Employee. "Employee" means a person who is employed as a commercial motor vehicle driver. A person who is self-employed as a commercial motor vehicle driver must comply with the requirements of this UCDLA pertaining to employees. An owner-operator on a long-term lease shall be considered an employee.

(15) Employer. "Employer" means a person (including the United States, a State or a local authority) who owns or leases a commercial motor vehicle or assigns employees to operate such a vehicle. A person who is self-employed as a commercial motor vehicle driver must comply with the requirements of this UCDLA.

(16) (Blank).

(16.5) Fatality. "Fatality" means the death of a person as a result of a motor vehicle accident.

(17) Foreign jurisdiction. "Foreign jurisdiction" means a sovereign jurisdiction that does not fall within the definition of "State".

(18) (Blank).

(19) (Blank).

(20) Hazardous Material. Upon a finding by the United States Secretary of Transportation, in his or her discretion, under 49 App. U.S.C. 5103(a), that the transportation of a particular quantity and form of material in commerce may pose an unreasonable risk to health and safety or property, he or she shall designate the quantity and form of material or group or class of the materials as a hazardous material. The materials so designated may include but are not limited to explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, and compressed gases.

(20.5) Imminent Hazard. "Imminent hazard" means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health,
property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury or endangerment.

(21) Long-term lease. "Long-term lease" means a lease of a commercial motor vehicle by the owner-lessee to a lessee, for a period of more than 29 days.

(22) Motor Vehicle. "Motor vehicle" means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheel chairs.

(22.5) Non-CMV. "Non-CMV" means a motor vehicle or combination of motor vehicles not defined by the term "commercial motor vehicle" or "CMV" in this Section.

(23) Non-resident CDL. "Non-resident CDL" means a commercial driver's license issued by a state under either of the following two conditions:

(i) to an individual domiciled in a foreign country meeting the requirements of Part 383.23(b)(1) of 49 C.F.R. of the Federal Motor Carrier Safety Administration.

(ii) to an individual domiciled in another state meeting the requirements of Part 383.23(b)(2) of 49 C.F.R. of the Federal Motor Carrier Safety Administration.

(24) (Blank).

(25) (Blank).

(25.5) Railroad-Highway Grade Crossing Violation. "Railroad-highway grade crossing violation" means a violation, while operating a commercial motor vehicle, of any of the following:

(A) Section 11-1201, 11-1202, or 11-1425 of this Code.

(B) Any other similar law or local ordinance of any state relating to railroad-highway grade crossing.

(25.7) School Bus. "School bus" means a commercial motor vehicle used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from

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school-sponsored events. "School bus" does not include a bus used as a common carrier.

(26) Serious Traffic Violation. "Serious traffic violation" means:
   (A) a conviction when operating a commercial motor vehicle, or when operating a non-CMV while holding a CDL, of:
      (i) a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or
      (ii) a violation relating to reckless driving; or
      (iii) a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; or
      (iv) a violation of Section 6-501, relating to having multiple driver's licenses; or
      (v) a violation of paragraph (a) of Section 6-507, relating to the requirement to have a valid CDL; or
      (vi) a violation relating to improper or erratic traffic lane changes; or
      (vii) a violation relating to following another vehicle too closely; or
   (B) any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines by administrative rule to be serious.

(27) State. "State" means a state of the United States, the District of Columbia and any province or territory of Canada.

(28) (Blank).
(29) (Blank).
(30) (Blank).
(31) (Blank).

(Source: P.A. 94-307, eff. 9-30-05; 94-334, eff. 1-1-06; revised 8-19-05.)
(625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

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Sec. 6-508. Commercial Driver's License (CDL) - qualification standards.

(a) Testing.

(1) General. No person shall be issued an original or renewal CDL unless that person is domiciled in this State. The Secretary shall cause to be administered such tests as the Secretary deems necessary to meet the requirements of 49 C.F.R. Part 383, subparts G and H.

(2) Third party testing. The Secretary of State may authorize a "third party tester", pursuant to 49 C.F.R. Part 383.75, to administer the skills test or tests specified by Federal Highway Administration pursuant to the Commercial Motor Vehicle Safety Act of 1986 and any appropriate federal rule.

(b) Waiver of Skills Test. The Secretary of State may waive the skills test specified in this Section for a commercial driver license applicant who meets the requirements of 49 C.F.R. Part 383.77 and Part 383.123.

(c) Limitations on issuance of a CDL. A CDL, or a commercial driver instruction permit, shall not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or unless otherwise permitted by this Code, while the person's driver's license is suspended, revoked or cancelled in any state, or any territory or province of Canada, nor may a CDL be issued to a person who has a CDL issued by any other state, or foreign jurisdiction, unless the person first surrenders all such licenses. No CDL shall be issued to or renewed for a person who does not meet the requirement of 49 CFR 391.41(b)(11). The requirement may be met with the aid of a hearing aid.

(c-1) The Secretary may issue a CDL with a school bus driver endorsement to allow a person to drive the type of bus described in subsection (d-5) of Section 6-104 of this Code. The CDL with a school bus driver endorsement may be issued only to a person meeting the following requirements:

(1) the person has submitted his or her fingerprints to the Department of State Police in the form and manner prescribed by
the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases;

(2) the person has passed a written test, administered by the Secretary of State, on charter bus operation, charter bus safety, and certain special traffic laws relating to school buses determined by the Secretary of State to be relevant to charter buses, and submitted to a review of the applicant's driving habits by the Secretary of State at the time the written test is given;

(3) the person has demonstrated physical fitness to operate school buses by submitting the results of a medical examination, including tests for drug use; and

(4) the person has not been convicted of committing or attempting to commit any one or more of the following offenses: (i) those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and subsection (b), clause (1), of Section 12-4 of the Criminal Code of 1961; (ii) those offenses defined in the Cannabis Control Act except those offenses defined in subsections (a) and (b) of Section 4, and subsection (a) of Section 5 of the Cannabis Control Act; (iii) those offenses defined in the Illinois Controlled Substances Act; (iv) those offenses defined in the Methamphetamine Control and Community Protection Act; (v) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State would be punishable as one or more of the foregoing offenses; (vi) the offenses defined in Sections 4.1 and 5.1 of the

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Wrongs to Children Act; and (vii) those offenses defined in Section 6-16 of the Liquor Control Act of 1934.

The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited into the State Police Services Fund and may not exceed the actual cost of the records check.

(c-2) The Secretary shall issue a CDL with a school bus endorsement to allow a person to drive a school bus as defined in this Section. The CDL shall be issued according to the requirements outlined in 49 C.F.R. 383. A person may not operate a school bus as defined in this Section without a school bus endorsement. The Secretary of State may adopt rules consistent with Federal guidelines to implement this subsection (c-2).

(d) Commercial driver instruction permit. A commercial driver instruction permit may be issued to any person holding a valid Illinois driver's license if such person successfully passes such tests as the Secretary determines to be necessary. A commercial driver instruction permit shall not be issued to a person who does not meet the requirements of 49 CFR 391.41 (b)(11), except for the renewal of a commercial driver instruction permit for a person who possesses a commercial instruction permit prior to the effective date of this amendatory Act of 1999.

(625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

Sec. 11-208.3. Administrative adjudication of violations of traffic regulations concerning the standing, parking, or condition of vehicles and automated traffic law violations.

(a) Any municipality may provide by ordinance for a system of administrative adjudication of vehicular standing and parking violations and vehicle compliance violations as defined in this subsection and automated traffic law violations as defined in Section 11-208.6. The administrative system shall have as its purpose the fair and efficient enforcement of municipal regulations through the administrative adjudication of automated traffic law violations and violations of

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municipal ordinances regulating the standing and parking of vehicles, the condition and use of vehicle equipment, and the display of municipal wheel tax licenses within the municipality's borders. The administrative system shall only have authority to adjudicate civil offenses carrying fines not in excess of $250 that occur after the effective date of the ordinance adopting such a system under this Section. For purposes of this Section, "compliance violation" means a violation of a municipal regulation governing the condition or use of equipment on a vehicle or governing the display of a municipal wheel tax license.

(b) Any ordinance establishing a system of administrative adjudication under this Section shall provide for:

(1) A traffic compliance administrator authorized to adopt, distribute and process parking, compliance, and automated traffic law violation notices and other notices required by this Section, collect money paid as fines and penalties for violation of parking and compliance ordinances and automated traffic law violations, and operate an administrative adjudication system. The traffic compliance administrator also may make a certified report to the Secretary of State under Section 6-306.5.

(2) A parking, standing, compliance, or automated traffic law violation notice that shall specify the date, time, and place of violation of a parking, standing, or compliance, or automated traffic law regulation; the particular regulation violated; the fine and any penalty that may be assessed for late payment, when so provided by ordinance; the vehicle make and state registration number; and the identification number of the person issuing the notice. With regard to automated traffic law violations, vehicle make shall be specified on the automated traffic law violation notice if the make is available and readily discernible. With regard to municipalities with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the state registration number or vehicle make specified is incorrect. The violation notice shall state that the payment of the indicated fine, and of any applicable penalty for late payment, shall operate as a final

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disposition of the violation. The notice also shall contain
information as to the availability of a hearing in which the
violation may be contested on its merits. The violation notice shall
specify the time and manner in which a hearing may be had.

(3) Service of the parking, standing, or compliance
violation notice by affixing the original or a facsimile of the notice
to an unlawfully parked vehicle or by handing the notice to the
operator of a vehicle if he or she is present and service of an
automated traffic law violation notice by mail to the address of the
registered owner of the cited vehicle as recorded with the Secretary
of State within 30 days after the Secretary of State notifies the
municipality or county of the identity of the owner of the vehicle,
but in no event later than 90 days after the violation. A person
authorized by ordinance to issue and serve parking, standing, and
compliance violation notices shall certify as to the correctness of
the facts entered on the violation notice by signing his or her name
to the notice at the time of service or in the case of a notice
produced by a computerized device, by signing a single certificate
to be kept by the traffic compliance administrator attesting to the
correctness of all notices produced by the device while it was under
his or her control. In the case of an automated traffic law violation,
the ordinance shall require a determination by a technician
employed or contracted by the municipality or county that, based
on inspection of recorded images, the motor vehicle was being
operated in violation of Section 11-208.6 or a local ordinance. If
the technician determines that the vehicle entered the intersection
as part of a funeral procession or in order to yield the right-of-way
to an emergency vehicle, a citation shall not be issued. The original
or a facsimile of the violation notice or, in the case of a notice
produced by a computerized device, a printed record generated by
the device showing the facts entered on the notice, shall be retained
by the traffic compliance administrator, and shall be a record kept
in the ordinary course of business. A parking, standing,
compliance, or automated traffic law violation notice issued,
signed and served in accordance with this Section, a copy of the notice, or the computer generated record shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice. The notice, copy, or computer generated record shall be admissible in any subsequent administrative or legal proceedings.

(4) An opportunity for a hearing for the registered owner of the vehicle cited in the parking, standing, compliance, or automated traffic law violation notice in which the owner may contest the merits of the alleged violation, and during which formal or technical rules of evidence shall not apply; provided, however, that under Section 11-1306 of this Code the lessee of a vehicle cited in the violation notice likewise shall be provided an opportunity for a hearing of the same kind afforded the registered owner. The hearings shall be recorded, and the person conducting the hearing on behalf of the traffic compliance administrator shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. Persons appearing at a hearing under this Section may be represented by counsel at their expense. The ordinance may also provide for internal administrative review following the decision of the hearing officer.

(5) Service of additional notices, sent by first class United States mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database, or, under Section 11-1306 of this Code, to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of lease or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database. The service shall be deemed complete as of the date of deposit in the United States post office.

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mail. The notices shall be in the following sequence and shall include but not be limited to the information specified herein:

  (i) A second notice of parking, standing, or compliance violation. This notice shall specify the date and location of the violation cited in the parking, standing, or compliance violation notice, the particular regulation violated, the vehicle make and state registration number, the fine and any penalty that may be assessed for late payment when so provided by ordinance, the availability of a hearing in which the violation may be contested on its merits, and the time and manner in which the hearing may be had. The notice of violation shall also state that failure either to pay the indicated fine and any applicable penalty, or to appear at a hearing on the merits in the time and manner specified, will result in a final determination of violation liability for the cited violation in the amount of the fine or penalty indicated, and that, upon the occurrence of a final determination of violation liability for the failure, and the exhaustion of, or failure to exhaust, available administrative or judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the municipality.

  (ii) A notice of final determination of parking, standing, compliance, or automated traffic law violation liability. This notice shall be sent following a final determination of parking, standing, compliance, or automated traffic law violation liability and the conclusion of judicial review procedures taken under this Section. The notice shall state that the unpaid fine or penalty is a debt due and owing the municipality. The notice shall contain warnings that failure to pay any fine or penalty due and owing the municipality within the time specified may result in the municipality's filing of a petition in the Circuit Court to have the unpaid fine or penalty rendered a judgment as
provided by this Section, or may result in suspension of the person's drivers license for failure to pay fines or penalties for 10 or more parking violations under Section 6-306.5 or 5 or more automated traffic law violations under Section 11-208.6.

(6) A Notice of impending drivers license suspension. This notice shall be sent to the person liable for any fine or penalty that remains due and owing on 10 or more parking violations or 5 or more unpaid automated traffic law violations. The notice shall state that failure to pay the fine or penalty owing within 45 days of the notice's date will result in the municipality notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5 of this Code. The notice shall also state that the person may obtain a photostatic copy of an original ticket imposing a fine or penalty by sending a self addressed, stamped envelope to the municipality along with a request for the photostatic copy. The notice of impending drivers license suspension shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database.

(7) Final determinations of violation liability. A final determination of violation liability shall occur following failure to pay the fine or penalty after a hearing officer's determination of violation liability and the exhaustion of or failure to exhaust any administrative review procedures provided by ordinance. Where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in a prior mailed notice, the hearing officer's determination of violation liability shall become final: (A) upon denial of a timely petition to set aside that determination, or (B) upon expiration of the period for filing the petition without a filing having been made.

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(8) A petition to set aside a determination of parking, standing, compliance, or automated traffic law violation liability that may be filed by a person owing an unpaid fine or penalty. The petition shall be filed with and ruled upon by the traffic compliance administrator in the manner and within the time specified by ordinance. The grounds for the petition may be limited to: (A) the person not having been the owner or lessee of the cited vehicle on the date the violation notice was issued, (B) the person having already paid the fine or penalty for the violation in question, and (C) excusable failure to appear at or request a new date for a hearing. With regard to municipalities with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the state registration number, or vehicle make if specified, is incorrect. After the determination of parking, standing, compliance, or automated traffic law violation liability has been set aside upon a showing of just cause, the registered owner shall be provided with a hearing on the merits for that violation.

(9) Procedures for non-residents. Procedures by which persons who are not residents of the municipality may contest the merits of the alleged violation without attending a hearing.

(10) A schedule of civil fines for violations of vehicular standing, parking, compliance, or automated traffic law regulations enacted by ordinance pursuant to this Section, and a schedule of penalties for late payment of the fines, provided, however, that the total amount of the fine and penalty for any one violation shall not exceed $250, except as provided in subsection (c) of Section 11-1301.3 of this Code.

(11) Other provisions as are necessary and proper to carry into effect the powers granted and purposes stated in this Section.

(c) Any municipality establishing vehicular standing, parking, compliance, or automated traffic law regulations under this Section may also provide by ordinance for a program of vehicle immobilization for the purpose of facilitating enforcement of those regulations. The program of vehicle immobilization shall provide for immobilizing any eligible vehicle

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upon the public way by presence of a restraint in a manner to prevent operation of the vehicle. Any ordinance establishing a program of vehicle immobilization under this Section shall provide:

(1) Criteria for the designation of vehicles eligible for immobilization. A vehicle shall be eligible for immobilization when the registered owner of the vehicle has accumulated the number of unpaid final determinations of parking, standing, compliance, or automated traffic law violation liability as determined by ordinance.

(2) A notice of impending vehicle immobilization and a right to a hearing to challenge the validity of the notice by disproving liability for the unpaid final determinations of parking, standing, compliance, or automated traffic law violation liability listed on the notice.

(3) The right to a prompt hearing after a vehicle has been immobilized or subsequently towed without payment of the outstanding fines and penalties on parking, standing, compliance, or automated traffic law violations for which final determinations have been issued. An order issued after the hearing is a final administrative decision within the meaning of Section 3-101 of the Code of Civil Procedure.

(4) A post immobilization and post-towing notice advising the registered owner of the vehicle of the right to a hearing to challenge the validity of the impoundment.

(d) Judicial review of final determinations of parking, standing, compliance, or automated traffic law violations and final administrative decisions issued after hearings regarding vehicle immobilization and impoundment made under this Section shall be subject to the provisions of the Administrative Review Law.

(e) Any fine, penalty, or part of any fine or any penalty remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies created under this Section and the conclusion of any judicial review procedures shall be a debt due and owing the municipality and, as such, may be collected in accordance with applicable law. Payment in full

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of any fine or penalty resulting from a standing, parking, compliance, or automated traffic law violation shall constitute a final disposition of that violation.

(f) After the expiration of the period within which judicial review may be sought for a final determination of parking, standing, compliance, or automated traffic law violation, the municipality may commence a proceeding in the Circuit Court for purposes of obtaining a judgment on the final determination of violation. Nothing in this Section shall prevent a municipality from consolidating multiple final determinations of parking, standing, compliance, or automated traffic law violations against a person in a proceeding. Upon commencement of the action, the municipality shall file a certified copy or record of the final determination of parking, standing, compliance, or automated traffic law violation, which shall be accompanied by a certification that recites facts sufficient to show that the final determination of violation was issued in accordance with this Section and the applicable municipal ordinance. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines and penalties for final determinations of parking, standing, compliance, or automated traffic law violations does not exceed $2500. If the court is satisfied that the final determination of parking, standing, compliance, or automated traffic law violation was entered in accordance with the requirements of this Section and the applicable municipal ordinance, and that the registered owner or the lessee, as the case may be, had an opportunity for an administrative hearing and for judicial review as provided in this Section, the court shall render judgment in favor of the municipality and against the registered owner or the lessee for the amount indicated in the final determination of parking, standing, compliance, or automated traffic law violation, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money.

(Source: P.A. 94-294, eff. 1-1-06; 94-795, eff. 5-22-06; 94-930, eff. 6-26-06; revised 8-3-06.)

(625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)

New matter indicated by italics - deletions by strikeout
Sec. 11-1201. Obedience to signal indicating approach of train.
(a) Whenever any person driving a vehicle approaches a railroad grade crossing where the driver is not always required to stop, the person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this Section, the driver shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until the tracks are clear and he or she can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
2. A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
3. A railroad train approaching a highway crossing emits a warning signal and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;
4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing;
5. A railroad train is approaching so closely that an immediate hazard is created.

(a-5) Whenever a person driving a vehicle approaches a railroad grade crossing where the driver is not always required to stop but must slow down, the person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this Section, the driver shall slow down within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he or she checks that the tracks are clear of an approaching train.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

(c) The Department, and local authorities with the approval of the Department, are hereby authorized to designate particularly dangerous
highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

(d) At any railroad grade crossing provided with railroad crossbuck signs, without automatic, electric, or mechanical signal devices, crossing gates, or a human flagman giving a signal of the approach or passage of a train, the driver of a vehicle shall in obedience to the railroad crossbuck sign, yield the right-of-way and slow down to a speed reasonable for the existing conditions and shall stop, if required for safety, at a clearly marked stopped line, or if no stop line, within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he or she can do so safely. If a driver is involved in a collision at a railroad crossing or interferes with the movement of a train after driving past the railroad crossbuck sign, the collision or interference is prima facie evidence of the driver's failure to yield right-of-way.

(d-1) No person shall, while driving a commercial motor vehicle, fail to negotiate a railroad-highway grade railroad crossing because of insufficient undercarriage clearance.

(d-5) (Blank).

(e) It is unlawful to violate any part of this Section.

(1) A violation of this Section is a petty offense for which a fine of $250 shall be imposed for a first violation, and a fine of $500 shall be imposed for a second or subsequent violation. The court may impose 25 hours of community service in place of the $250 fine for the first violation.

(2) For a second or subsequent violation, the Secretary of State may suspend the driving privileges of the offender for a minimum of 6 months.

(f) Corporate authorities of municipal corporations regulating operators of vehicles that fail to obey signals indicating the presence, approach, passage, or departure of a train shall impose fines as established in subsection (e) of this Section.

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Sec. 11-1414. Approaching, overtaking, and passing school bus.

(a) The driver of a vehicle shall stop such vehicle before meeting or overtaking, from either direction, any school bus stopped at any location for the purpose of receiving or discharging pupils. Such stop is required before reaching the school bus when there is in operation on the school bus the visual signals as specified in Sections 12-803 and 12-805 of this Code. The driver of the vehicle shall not proceed until the school bus resumes motion or the driver of the vehicle is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

(b) The stop signal arm required by Section 12-803 of this Code shall be extended after the school bus has come to a complete stop for the purpose of loading or discharging pupils and shall be closed before the school bus is placed in motion again. The stop signal arm shall not be extended at any other time.

(c) The alternately flashing red signal lamps of an 8-lamp flashing signal system required by Section 12-805 of this Code shall be actuated after the school bus has come to a complete stop for the purpose of loading or discharging pupils and shall be turned off before the school bus is placed in motion again. The red signal lamps shall not be actuated at any other time except as provided in paragraph (d) of this Section.

(d) The alternately flashing amber signal lamps of an 8-lamp flashing signal system required by Section 12-805 of this Code shall be actuated continuously during not less than the last 100 feet traveled by the school bus before stopping for the purpose of loading or discharging pupils within an urban area and during not less than the last 200 feet traveled by the school bus outside an urban area. The amber signal lamps shall remain actuated until the school bus is stopped. The amber signal lamps shall not be actuated at any other time.

(d-5) The alternately flashing head lamps permitted by Section 12-805 of this Code may be operated while the alternately flashing red or amber signal lamps required by that Section are actuated.
(e) The driver of a vehicle upon a highway having 4 or more lanes which permits at least 2 lanes of traffic to travel in opposite directions need not stop such vehicle upon meeting a school bus which is stopped in the opposing roadway; and need not stop such vehicle when driving upon a controlled access highway when passing a school bus traveling in either direction that is stopped in a loading zone adjacent to the surfaced or improved part of the controlled access highway where pedestrians are not permitted to cross.

(f) Beginning with the effective date of this amendatory Act of 1985, the Secretary of State shall suspend for a period of 3 months the driving privileges of any person convicted of a violation of subsection (a) of this Section or a similar provision of a local ordinance; the Secretary shall suspend for a period of one year the driving privileges of any person convicted of a second or subsequent violation of subsection (a) of this Section or a similar provision of a local ordinance if the second or subsequent violation occurs within 5 years of a prior conviction for the same offense. In addition to the suspensions authorized by this Section, any person convicted of violating this Section or a similar provision of a local ordinance shall be subject to a mandatory fine of $150 or, upon a second or subsequent violation, $500. The Secretary may also grant, for the duration of any suspension issued under this subsection, a restricted driving permit granting the privilege of driving a motor vehicle between the driver's residence and place of employment or within other proper limits that the Secretary of State shall find necessary to avoid any undue hardship. A restricted driving permit issued hereunder shall be subject to cancellation, revocation and suspension by the Secretary of State in like manner and for like cause as a driver's license may be cancelled, revoked or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension or cancellation of the restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. Any conviction for a violation of this subsection shall be included as an offense for the

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purposes of determining suspension action under any other provision of this Code, provided however, that the penalties provided under this subsection shall be imposed unless those penalties imposed under other applicable provisions are greater.

The owner of any vehicle alleged to have violated paragraph (a) of this Section shall, upon appropriate demand by the State's Attorney or other authorized prosecutor acting in response to a signed complaint, provide a written statement or deposition identifying the operator of the vehicle if such operator was not the owner at the time of the alleged violation. Failure to supply such information shall be construed to be the same as a violation of paragraph (a) and shall be subject to the same penalties herein provided. In the event the owner has assigned control for the use of the vehicle to another, the person to whom control was assigned shall comply with the provisions of this paragraph and be subject to the same penalties as herein provided.

(Source: P.A. 93-180, eff. 7-11-03; 93-181, eff. 1-1-04; revised 8-12-03.)

(625 ILCS 5/12-603.1) (from Ch. 95 1/2, par. 12-603.1)

Sec. 12-603.1. Driver and passenger required to use safety belts, exceptions and penalty.

(a) Each driver and front seat passenger of a motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened seat safety belt; except that, a child less than 8 years of age shall be protected as required pursuant to the Child Passenger Protection Act. Each driver under the age of 18 years and each of the driver's passengers under the age of 19 years of a motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened seat safety belt. Each driver of a motor vehicle transporting a child 8 years of age or more, but less than 16 years of age, shall secure the child in a properly adjusted and fastened seat safety belt as required under the Child Passenger Protection Act.

(b) Paragraph (a) shall not apply to any of the following:

1. A driver or passenger frequently stopping and leaving the vehicle or delivering property from the vehicle, if the speed of the vehicle between stops does not exceed 15 miles per hour.

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2. A driver or passenger possessing a written statement from a physician that such person is unable, for medical or physical reasons, to wear a seat safety belt.

3. A driver or passenger possessing an official certificate or license endorsement issued by the appropriate agency in another state or country indicating that the driver is unable for medical, physical, or other valid reasons to wear a seat safety belt.

4. A driver operating a motor vehicle in reverse.

5. A motor vehicle with a model year prior to 1965.

6. A motorcycle or motor driven cycle.

7. A motorized pedalcycle.

8. A motor vehicle which is not required to be equipped with seat safety belts under federal law.

9. A motor vehicle operated by a rural letter carrier of the United States postal service while performing duties as a rural letter carrier.

   (c) Failure to wear a seat safety belt in violation of this Section shall not be considered evidence of negligence, shall not limit the liability of an insurer, and shall not diminish any recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle.

   (d) A violation of this Section shall be a petty offense and subject to a fine not to exceed $25.

   (e) (Blank).

   (f) A law enforcement officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because of a violation of this Section.

   (Source: P.A. 93-99, eff. 7-3-03; 94-239, eff. 1-1-06; 94-241, eff. 1-1-06; revised 8-19-05.)

   (625 ILCS 5/12-613)

Sec. 12-613. Possession and use of radar or laser jamming devices prohibited.

   (a) Except as provided in subsection (b), a person may not operate or be in actual physical control of a motor vehicle while the motor vehicle is equipped with any instrument designed to interfere with microwaves or

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lasers at frequencies used by police radar for the purpose of monitoring vehicular speed.

(b) A person operating a motor vehicle who possesses within the vehicle a radar or laser jamming device that is contained in a locked opaque box or similar container, or that is not in the passenger compartment of the vehicle, and that is not in operation, is not in violation of this Section.

(c) Any person found guilty of violating this Section is guilty of a petty offense. A minimum fine of $50 shall be imposed for a first offense and a minimum fine of $100 for a second or subsequent offense.

(d) The radar or laser jamming device or mechanism shall be seized by the law enforcement officer at the time of the violation. This Section does not authorize the permanent forfeiture to the State of any radar or laser jamming device or mechanism. The device or mechanism shall be taken and held for the period when needed as evidence. When no longer needed for evidence, the defendant may petition the court for the return of the device or mechanism. The defendant, however, must prove to the court by a preponderance of the evidence that the device or mechanism will be used only for a legitimate and lawful purpose.

(e) A law enforcement officer may not stop or search any motor vehicle or the driver of any motor vehicle solely on the basis of a violation or suspected violation of this Section.

(Source: P.A. 94-594, eff. 1-1-06; revised 8-29-05.)

(625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

Sec. 15-301. Permits for excess size and weight.

(a) The Department with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction may, in their discretion, upon application and good cause being shown therefor, issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this Act or otherwise not in conformity with this Act upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which the party is responsible. Applications and permits other than those in written or printed

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form may only be accepted from and issued to the company or individual making the movement. Except for an application to move directly across a highway, it shall be the duty of the applicant to establish in the application that the load to be moved by such vehicle or combination is composed of a single nondivisible object that cannot reasonably be dismantled or disassembled. For the purpose of over length movements, more than one object may be carried side by side as long as the height, width, and weight laws are not exceeded and the cause for the over length is not due to multiple objects. For the purpose of over height movements, more than one object may be carried as long as the cause for the over height is not due to multiple objects and the length, width, and weight laws are not exceeded. For the purpose of an over width movement, more than one object may be carried as long as the cause for the over width is not due to multiple objects and length, height, and weight laws are not exceeded. No state or local agency shall authorize the issuance of excess size or weight permits for vehicles and loads that are divisible and that can be carried, when divided, within the existing size or weight maximums specified in this Chapter. Any excess size or weight permit issued in violation of the provisions of this Section shall be void at issue and any movement made thereunder shall not be authorized under the terms of the void permit. In any prosecution for a violation of this Chapter when the authorization of an excess size or weight permit is at issue, it is the burden of the defendant to establish that the permit was valid because the load to be moved could not reasonably be dismantled or disassembled, or was otherwise nondivisible.

(b) The application for any such permit shall: (1) state whether such permit is requested for a single trip or for limited continuous operation; (2) state if the applicant is an authorized carrier under the Illinois Motor Carrier of Property Law, if so, his certificate, registration or permit number issued by the Illinois Commerce Commission; (3) specifically describe and identify the vehicle or vehicles and load to be operated or moved except that for vehicles or vehicle combinations registered by the Department as provided in Section 15-319 of this Chapter, only the Illinois Department of Transportation's (IDT)
registration number or classification need be given; (4) state the routing requested including the points of origin and destination, and may identify and include a request for routing to the nearest certified scale in accordance with the Department's rules and regulations, provided the applicant has approval to travel on local roads; and (5) state if the vehicles or loads are being transported for hire. No permits for the movement of a vehicle or load for hire shall be issued to any applicant who is required under the Illinois Motor Carrier of Property Law to have a certificate, registration or permit and does not have such certificate, registration or permit.

(c) The Department or local authority when not inconsistent with traffic safety is authorized to issue or withhold such permit at its discretion; or, if such permit is issued at its discretion to prescribe the route or routes to be traveled, to limit the number of trips, to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operations of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure. The Department shall maintain a daily record of each permit issued along with the fee and the stipulated dimensions, weights, conditions and restrictions authorized and this record shall be presumed correct in any case of questions or dispute. The Department shall install an automatic device for recording applications received and permits issued by telephone. In making application by telephone, the Department and applicant waive all objections to the recording of the conversation.

(d) The Department shall, upon application in writing from any local authority, issue an annual permit authorizing the local authority to move oversize highway construction, transportation, utility and maintenance equipment over roads under the jurisdiction of the Department. The permit shall be applicable only to equipment and vehicles owned by or registered in the name of the local authority, and no fee shall be charged for the issuance of such permits.

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(e) As an exception to paragraph (a) of this Section, the Department and local authorities, with respect to highways under their respective jurisdictions, in their discretion and upon application in writing may issue a special permit for limited continuous operation, authorizing the applicant to move loads of agricultural commodities on a 2 axle single vehicle registered by the Secretary of State with axle loads not to exceed 35%, on a 3 or 4 axle vehicle registered by the Secretary of State with axle loads not to exceed 20%, and on a 5 axle vehicle registered by the Secretary of State not to exceed 10% above those provided in Section 15-111. The total gross weight of the vehicle, however, may not exceed the maximum gross weight of the registration class of the vehicle allowed under Section 3-815 or 3-818 of this Code.

As used in this Section, "agricultural commodities" means:
(1) cultivated plants or agricultural produce grown including, but is not limited to, corn, soybeans, wheat, oats, grain sorghum, canola, and rice;
(2) livestock, including but not limited to hogs, equine, sheep, and poultry;
(3) ensilage; and
(4) fruits and vegetables.

Permits may be issued for a period not to exceed 40 days and moves may be made of a distance not to exceed 50 miles from a field, an on-farm grain storage facility, a warehouse as defined in the Illinois Grain Code, or a livestock management facility as defined in the Livestock Management Facilities Act over any highway except the National System of Interstate and Defense Highways. The operator of the vehicle, however, must abide by posted bridge and posted highway weight limits. All implements of husbandry operating under this Section between sunset and sunrise shall be equipped as prescribed in Section 12-205.1.

(e-1) Upon a declaration by the Governor that an emergency harvest situation exists, a special permit issued by the Department under this Section shall not be required from September 1 through December 31 during harvest season emergencies, provided that the weight does not exceed 20% above the limits provided in Section 15-111. All other
restrictions that apply to permits issued under this Section shall apply during the declared time period. With respect to highways under the jurisdiction of local authorities, the local authorities may, at their discretion, waive special permit requirements during harvest season emergencies. This permit exemption shall apply to all vehicles eligible to obtain permits under this Section, including commercial vehicles in use during the declared time period.

(f) The form and content of the permit shall be determined by the Department with respect to highways under its jurisdiction and by local authorities with respect to highways under their jurisdiction. Every permit shall be in written form and carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit and no person shall violate any of the terms or conditions of such special permit. Violation of the terms and conditions of the permit shall not be deemed a revocation of the permit; however, any vehicle and load found to be off the route prescribed in the permit shall be held to be operating without a permit. Any off route vehicle and load shall be required to obtain a new permit or permits, as necessary, to authorize the movement back onto the original permit routing. No rule or regulation, nor anything herein shall be construed to authorize any police officer, court, or authorized agent of any authority granting the permit to remove the permit from the possession of the permittee unless the permittee is charged with a fraudulent permit violation as provided in paragraph (i). However, upon arrest for an offense of violation of permit, operating without a permit when the vehicle is off route, or any size or weight offense under this Chapter when the permittee plans to raise the issuance of the permit as a defense, the permittee, or his agent, must produce the permit at any court hearing concerning the alleged offense.

If the permit designates and includes a routing to a certified scale, the permittee, while enroute to the designated scale, shall be deemed in compliance with the weight provisions of the permit provided the axle or gross weights do not exceed any of the permitted limits by more than the following amounts:

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(g) The Department is authorized to adopt, amend, and to make available to interested persons a policy concerning reasonable rules, limitations and conditions or provisions of operation upon highways under its jurisdiction in addition to those contained in this Section for the movement by special permit of vehicles, combinations, or loads which cannot reasonably be dismantled or disassembled, including manufactured and modular home sections and portions thereof. All rules, limitations and conditions or provisions adopted in the policy shall have due regard for the safety of the traveling public and the protection of the highway system and shall have been promulgated in conformity with the provisions of the Illinois Administrative Procedure Act. The requirements of the policy for flagmen and escort vehicles shall be the same for all moves of comparable size and weight. When escort vehicles are required, they shall meet the following requirements:

1. All operators shall be 18 years of age or over and properly licensed to operate the vehicle.

2. Vehicles escorting oversized loads more than 12-feet wide must be equipped with a rotating or flashing amber light mounted on top as specified under Section 12-215.

The Department shall establish reasonable rules and regulations regarding liability insurance or self insurance for vehicles with oversized loads promulgated under The Illinois Administrative Procedure Act. Police vehicles may be required for escort under circumstances as required by rules and regulations of the Department.

(h) Violation of any rule, limitation or condition or provision of any permit issued in accordance with the provisions of this Section shall not render the entire permit null and void but the violator shall be deemed guilty of violation of permit and guilty of exceeding any size, weight or load limitations in excess of those authorized by the permit. The prescribed route or routes on the permit are not mere rules, limitations, conditions, or provisions of the permit, but are also the sole extent of the

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authorization granted by the permit. If a vehicle and load are found to be
off the route or routes prescribed by any permit authorizing movement, the
vehicle and load are operating without a permit. Any off route movement
shall be subject to the size and weight maximums, under the applicable
provisions of this Chapter, as determined by the type or class highway
upon which the vehicle and load are being operated.

(i) Whenever any vehicle is operated or movement made under a
fraudulent permit the permit shall be void, and the person, firm, or
corporation to whom such permit was granted, the driver of such vehicle
in addition to the person who issued such permit and any accessory, shall
be guilty of fraud and either one or all persons may be prosecuted for such
violation. Any person, firm, or corporation committing such violation shall
be guilty of a Class 4 felony and the Department shall not issue permits to
the person, firm or corporation convicted of such violation for a period of
one year after the date of conviction. Penalties for violations of this
Section shall be in addition to any penalties imposed for violation of other
Sections of this Act.

(j) Whenever any vehicle is operated or movement made in
violation of a permit issued in accordance with this Section, the person to
whom such permit was granted, or the driver of such vehicle, is guilty of
such violation and either, but not both, persons may be prosecuted for such
violation as stated in this subsection (j). Any person, firm or corporation
convicted of such violation shall be guilty of a petty offense and shall be
fined for the first offense, not less than $50 nor more than $200 and, for
the second offense by the same person, firm or corporation within a period
of one year, not less than $200 nor more than $300 and, for the third
offense by the same person, firm or corporation within a period of one year
after the date of the first offense, not less than $300 nor more than $500
and the Department shall not issue permits to the person, firm or
corporation convicted of a third offense during a period of one year after
the date of conviction for such third offense.

(k) Whenever any vehicle is operated on local roads under permits
for excess width or length issued by local authorities, such vehicle may be

New matter indicated by italics - deletions by strikeout
moved upon a State highway for a distance not to exceed one-half mile without a permit for the purpose of crossing the State highway.

(l) Notwithstanding any other provision of this Section, the Department, with respect to highways under its jurisdiction, and local authorities, with respect to highways under their jurisdiction, may at their discretion authorize the movement of a vehicle in violation of any size or weight requirement, or both, that would not ordinarily be eligible for a permit, when there is a showing of extreme necessity that the vehicle and load should be moved without unnecessary delay.

For the purpose of this subsection, showing of extreme necessity shall be limited to the following: shipments of livestock, hazardous materials, liquid concrete being hauled in a mobile cement mixer, or hot asphalt.

(m) Penalties for violations of this Section shall be in addition to any penalties imposed for violating any other Section of this Code.

(n) The Department with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction, in their discretion and upon application in writing, may issue a special permit for continuous limited operation, authorizing the applicant to operate a tow-truck that exceeds the weight limits provided for in subsection (d) of Section 15-111, provided:

(1) no rear single axle of the tow-truck exceeds 26,000 pounds;
(2) no rear tandem axle of the tow-truck exceeds 50,000 pounds;
(2.1) no triple rear axle on a manufactured recovery unit exceeds 56,000 pounds;
(3) neither the disabled vehicle nor the disabled combination of vehicles exceed the weight restrictions imposed by this Chapter 15, or the weight limits imposed under a permit issued by the Department prior to hookup;
(4) the tow-truck prior to hookup does not exceed the weight restrictions imposed by this Chapter 15;

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(5) during the tow operation the tow-truck does not violate any weight restriction sign;
  (6) the tow-truck is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions;
  (7) the tow-truck is specifically designed and licensed as a tow-truck;
  (8) the tow-truck has a gross vehicle weight rating of sufficient capacity to safely handle the load;
  (9) the tow-truck is equipped with air brakes;
  (10) the tow-truck is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles;
  (11) the tow commences at the initial point of wreck or disablement and terminates at a point where the repairs are actually to occur;
  (12) the permit issued to the tow-truck is carried in the tow-truck and exhibited on demand by a police officer; and
  (13) the movement shall be valid only on state routes approved by the Department.

(o) The Department, with respect to highways under its jurisdiction, and local authorities, with respect to highways under their jurisdiction, in their discretion and upon application in writing, may issue a special permit for continuous limited operation, authorizing the applicant to transport raw milk that exceeds the weight limits provided for in subsections (b) and (f) of Section 15-111 of this Code, provided:
  (1) no single axle exceeds 20,000 pounds;
  (2) no gross weight exceeds 80,000 pounds;
  (3) permits issued by the State are good only for federal and State highways and are not applicable to interstate highways; and
  (4) all road and bridge postings must be obeyed.

(Source: P.A. 93-718, eff. 1-1-05; 93-971, eff. 8-20-04; 93-1023, eff. 8-25-04; revised 10-14-04.)

(625 ILCS 5/15-308.3)
Sec. 15-308.3. Fees for special permits to transport raw milk. The fee for a special permit to transport raw milk is $12.50 quarterly and $50.00 annually.
(Source: P.A. 93-718, eff. 1-1-05; revised 9-25-06.)

(625 ILCS 5/16-104b)

Sec. 16-104b. Amounts for Trauma Center Fund. In counties that have elected not to distribute moneys under the disbursement formulas in Sections 27.5 and 27.6 of the Clerks of Courts Act, the Circuit Clerk of the County, when collecting fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount imposed upon a conviction of or an order of supervision for a violation of laws or ordinances regulating the movement of traffic that amounts to $55 or more, shall remit $5 of the total amount collected, less 2 1/2% of the $5 to help defray the administrative costs incurred by the Clerk, except that upon a conviction or order of supervision for driving under the influence of alcohol or drugs the Clerk shall remit $105 of the total amount collected ($5 for a traffic violation that amounts to $55 or more and an additional fee of $100 to be collected by the Circuit Clerk for a conviction or order of supervision for driving under the influence of alcohol or drugs), less the 2 1/2%, within 60 days to the State Treasurer to be deposited into the Trauma Center Fund. Of the amounts deposited into the Trauma Center Fund under this Section, 50% shall be disbursed to the Department of Public Health and 50% shall be disbursed to the Department of Healthcare and Family Services Public Aid. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding calendar year.
(Source: P.A. 92-431, eff. 1-1-02; revised 12-15-05.)

(625 ILCS 5/18a-404) (from Ch. 95 1/2, par. 18a-404)

Sec. 18a-404. Operator's and dispatcher's employment permits - Revocation.

(1) The Commission shall suspend or revoke the permit of an operator if it finds that:

(a) The operator or dispatcher made a false statement on the application for an operator's or dispatcher's employment permit;

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(b) The operator's or dispatcher's driver's license issued by the Secretary of State has been suspended or revoked; or

(c) The operator or dispatcher has been convicted, during the preceding 5 years, of any criminal offense of the State of Illinois or any other jurisdiction involving any of the following, and the holder does not make a compelling showing that he is nevertheless fit to hold an operator's license:

(i) Bodily injury or attempt to inflict bodily injury to another;

(ii) Theft of property or attempted theft of property; or

(iii) Sexual assault or attempted sexual assault of any kind; or

(d) The operator or dispatcher has, during the preceding 5 years, violated this Chapter, Commission regulations or orders, or any other law affecting public safety, and the holder does not make a compelling showing that he or she is nevertheless fit to hold an operator's license.

(2) The Commission, upon notification and verification of any conviction described in this Section, of any person to whom license has been issued, occurring within the 5 years prior to such issuance or any time thereafter, shall immediately suspend the employment permit of such person, and issue an order setting forth the grounds for revocation. The person and his employer shall be notified of such suspension. Such person shall not thereafter be employed by a relocator until a final order is issued by the Commission either reinstating the employment permit, upon a finding that the reinstatement of an employment permit to the person constitutes no threat to the public safety, or revoking the employment permit.

(3) If the employment permit is revoked, the person shall not thereafter be employed by a relocator until he obtains an employment permit license under Article IV of this Chapter.

(Source: P.A. 94-895, eff. 1-1-07; revised 8-3-06.)
Section 1010. The Clerks of Courts Act is amended by changing Sections 27.1a, 27.3b, and 27.3d as follows:

(705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

Sec. 27.1a. The fees of the clerks of the circuit court in all counties having a population of not more than 500,000 inhabitants in the instances described in this Section shall be as provided in this Section. In those instances where a minimum and maximum fee is stated, the clerk of the circuit court must charge the minimum fee listed and may charge up to the maximum fee if the county board has by resolution increased the fee. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be a minimum of $40 and a maximum of $160.

(A) When the amount of money or damages or the value of personal property claimed does not exceed $250, $10.

(B) When that amount exceeds $250 but does not exceed $500, a minimum of $10 and a maximum of $20.

(C) When that amount exceeds $500 but does not exceed $2500, a minimum of $25 and a maximum of $40.

(D) When that amount exceeds $2500 but does not exceed $15,000, a minimum of $25 and a maximum of $75.

(E) For the exercise of eminent domain, a minimum of $45 and a maximum of $150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, a minimum of $45 and a maximum of $150.

(a-1) Family.

For filing a petition under the Juvenile Court Act of 1987, $25.

For filing a petition for a marriage license, $10.

For performing a marriage in court, $10.
For filing a petition under the Illinois Parentage Act of 1984, $40.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of $15,000 or less, a minimum of $10 and a maximum of $50. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding $15,000, a minimum of $40 and a maximum of $160.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed $1500, a minimum of $20 and a maximum of $50. When the amount exceeds $1500, but does not exceed $15,000, a minimum of $40 and a maximum of $115. When the amount exceeds $15,000, a minimum of $40 and a maximum of $200.

(e) Appearance.

The fee for filing an appearance in each civil case shall be a minimum of $15 and a maximum of $60, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only, a minimum of $10 and a maximum of $50.

(B) When the amount in the case does not exceed $1500, a minimum of $10 and a maximum of $30.

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(C) When that amount exceeds $1500 but does not exceed $15,000, a minimum of $15 and a maximum of $60.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed $1,000, a minimum of $5 and a maximum of $15; when the amount exceeds $1,000 but does not exceed $5,000, a minimum of $5 and a maximum of $30; and when the amount exceeds $5,000, a minimum of $5 and a maximum of $50.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, a minimum of $20 and a maximum of $50.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, a minimum of $20 and a maximum of $75.

(3) Petition to vacate order of bond forfeiture, a minimum of $10 and a maximum of $40.

(h) Mailing.

When the clerk is required to mail, the fee will be a minimum of $2 and a maximum of $10, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, a minimum of $2 and a maximum of $10.

(j) Habeas Corpus.
For filing a petition for relief by habeas corpus, a minimum of $60 and a maximum of $100.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, a minimum of $2 and a maximum of $6.

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, a minimum of $20 and a maximum of $60.

(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, a minimum of $50 and a maximum of $150.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of a minimum of 20 cents and a maximum of 25 cents per page.

(5) For reproduction of any document contained in the clerk's files:

   (A) First page, a minimum of $1 and a maximum of $2.
   (B) Next 19 pages, 50 cents per page.
   (C) All remaining pages, 25 cents per page.

(l) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

New matter indicated by italics - deletions by strikeout
For each record search, within a division or municipal
district, the clerk shall be entitled to a search fee of a minimum of
$4 and a maximum of $6 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records
are maintained on an automated medium, the clerk shall be entitled
to a fee of a minimum of $4 and a maximum of $6.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant
index inquiry or single case record inquiry when this request is
made in person and the records are maintained in a current
automated medium, and when no hard copy print output is
requested. The fees to be charged for management records,
multiple case records, and multiple journal records may be
specified by the Chief Judge pursuant to the guidelines for access
and dissemination of information approved by the Supreme Court.

(p) (Blank).

A minimum of $25 and a maximum of $50

(q) Alias Summons.

For each alias summons or citation issued by the clerk, a
minimum of $2 and a maximum of $5.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or
administrative order of the Circuit Court with the approval of the

The clerk of the circuit court may provide additional
services for which there is no fee specified by statute in connection
with the operation of the clerk's office as may be requested by the
public and agreed to by the clerk and approved by the chief judge
of the circuit court. Any charges for additional services shall be as
agreed to between the clerk and the party making the request and
approved by the chief judge of the circuit court. Nothing in this
subsection shall be construed to require any clerk to provide any
service not otherwise required by law.

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(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of a minimum of $62.50 and a maximum of $212.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, a minimum of $10 and a maximum of $20; for recording the same, a minimum of 25 cents and a maximum of 50 cents for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of a minimum of $15 and a maximum of $60 for each expungement petition filed and an additional fee of a minimum of $2 and a maximum of $4 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

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(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a minimum of $50 and a maximum of $150, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $25 and a maximum of $40.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be a minimum of $10 and a maximum of $40.

(C) For filing a petition to sell Real Estate, $50.

(2) For administration of the estate of a ward, a minimum of $50 and a maximum of $75, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $25 and a maximum of $40.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be a minimum of $10 and a maximum of $20.

(C) For filing a Petition to sell Real Estate, $50.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, a minimum of $10 and a maximum of $25.

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(B) For filing a claim in an estate when the amount claimed is $150 or more but less than $500, a minimum of $10 and a maximum of $25; when the amount claimed is $500 or more but less than $10,000, a minimum of $10 and a maximum of $40; when the amount claimed is $10,000 or more, a minimum of $10 and a maximum of $60; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, a minimum of $40 and a maximum of $60.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, a minimum of $10 and a maximum of $30.

(F) For each jury demand, a minimum of $62.50 and a maximum of $137.50.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, a minimum of $30 and a maximum of $50, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed $5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be a minimum of $10 and a maximum of $20.
(H) For each certified copy of letters of office, of court order or other certification, a minimum of $1 and a maximum of $2, plus a minimum of 50 cents and a maximum of $1 per page in excess of 3 pages for the document certified.

(I) For each exemplification, a minimum of $1 and a maximum of $2, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

   (A) Felony complaints, a minimum of $40 and a maximum of $100.

   (B) Misdemeanor complaints, a minimum of $25 and a maximum of $75.

   (C) Business offense complaints, a minimum of $25 and a maximum of $75.

   (D) Petty offense complaints, a minimum of $25 and a maximum of $75.

   (E) Minor traffic or ordinance violations, $10.

   (F) When court appearance required, $15.

   (G) Motions to vacate or amend final orders, a minimum of $20 and a maximum of $40.

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(H) Motions to vacate bond forfeiture orders, a minimum of $20 and a maximum of $40.

(I) Motions to vacate ex parte judgments, whenever filed, a minimum of $20 and a maximum of $40.

(J) Motions to vacate judgment on forfeitures, whenever filed, a minimum of $20 and a maximum of $40.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, a minimum of $20 and a maximum of $40.

(2) In counties having a population of not more than 500,000 inhabitants, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, $10.

(B) When court appearance required, $15.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of a minimum of $62.50 and a maximum of $137.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original
documents are forwarded, a minimum of $10 and a maximum of $40.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining on the complaint, a minimum of $10 and a maximum of $50.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, a minimum of $45 and a maximum of $200.

(2) For each additional parcel, add a fee of a minimum of $10 and a maximum of $60.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to a minimum of 2% and a maximum of 2.5% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, $25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for

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the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, a minimum of $10 and a maximum of $25.

(dd) Exceptions.

(1) The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney.

(2) No fee provided herein shall be charged to any unit of local government or school district.

(3) The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(4) The fee requirements of this Section shall not apply to the filing of any commitment petition or petition for an order authorizing the administration of authorized involuntary treatment in the form of medication under the Mental Health and Developmental Disabilities Code.

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(ee) Adoptions.

(1) For an adoption.............................................................. $65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding nor may any fee be charged for proceedings for the appointment of a confidential intermediary under the Adoption Act.

(Source: P.A. 92-16, eff. 6-28-01; 92-521, eff. 6-1-02; 93-39, eff. 7-1-03; 93-385, eff. 7-25-03; 93-573, eff. 8-21-03; revised 9-5-03.)

(705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

Sec. 27.3b. The clerk of court may accept payment of fines, penalties, or costs by credit card or debit card approved by the clerk from an offender who has been convicted of or placed on court supervision for a traffic offense, petty offense, ordinance offense, or misdemeanor or who has been convicted of a felony offense. The clerk of the circuit court may accept credit card payments over the Internet for fines, penalties, or costs from offenders on voluntary electronic pleas of guilty in minor traffic and conservation offenses to satisfy the requirement of written pleas of guilty as provided in Illinois Supreme Court Rule 529. The clerk of the court may also accept payment of statutory fees by a credit card or debit card. The clerk of the court may also accept the credit card or debit card for the cash deposit of bail bond fees.

The Clerk of the circuit court is authorized to enter into contracts with credit card or debit card companies approved by the clerk and to negotiate the payment of convenience and administrative fees normally charged by those companies for allowing the clerk of the circuit court to accept their credit cards or debit cards in payment as authorized herein. The clerk of the circuit court is authorized to enter into contracts with third party fund guarantors, facilitators, and service providers under which those entities may contract directly with customers of the clerk of the circuit

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court and guarantee and remit the payments to the clerk of the circuit court. Where the offender pays fines, penalties, or costs by credit card or debit card or through a third party fund guarantor, facilitator, or service provider, or anyone paying statutory fees of the circuit court clerk or the posting of cash bail, the clerk shall collect a service fee of up to $5 or the amount charged to the clerk for use of its services by the credit card or debit card issuer, third party fund guarantor, facilitator, or service provider. This service fee shall be in addition to any other fines, penalties, or costs. The clerk of the circuit court is authorized to negotiate the assessment of convenience and administrative fees by the third party fund guarantors, facilitators, and service providers with the revenue earned by the clerk of the circuit court to be remitted to the county general revenue fund.

(Source: P.A. 93-391, eff. 1-1-04; 93-760, eff. 1-1-05; 93-836, eff. 1-1-05; revised 10-14-04.)

(705 ILCS 105/27.3d)

Sec. 27.3d. Circuit Court Clerk Operation and Administrative Fund. Each Circuit Court Clerk shall create a Circuit Court Clerk Operation and Administrative Fund, to be used to offset the costs incurred by the Circuit Court Clerk in performing the additional duties required to collect and disburse funds to entities of State and local government as provided by law. The Circuit Court Clerk shall be the custodian, ex officio, of this Fund and shall use the Fund to perform the duties required by the office. The Fund shall be audited by the auditor retained by the Clerk for the purpose of conducting the Annual Circuit Court Clerk Audit. Expenditures shall be made from the Fund by the Circuit Court Clerk for expenses related to the cost of collection for and disbursement to entities of State and local government.

(Source: P.A. 94-980, eff. 6-30-06; 94-1009, eff. 1-1-07; revised 9-14-06.)

Section 1015. The Attorney Act is amended by changing Section 1 as follows:

(705 ILCS 205/1) (from Ch. 13, par. 1)

Sec. 1. No person shall be permitted to practice as an attorney or counselor at law within this State without having previously obtained a license for that purpose from the Supreme Court of this State.

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No person shall receive any compensation directly or indirectly for any legal services other than a regularly licensed attorney, nor may an unlicensed person advertise or hold himself or herself out to provide legal services.

A license, as provided for herein, constitutes the person receiving the same an attorney and counselor at law, according to the law and customs thereof, for and during his good behavior in the practice and authorizes him to demand and receive fees for any services which he may render as an attorney and counselor at law in this State. No person shall be granted a license or renewal authorized by this Act who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, a license or renewal may be issued to the aforementioned persons who have established a satisfactory repayment record as determined by the Illinois Student Assistance Commission. No person shall be granted a license or renewal authorized by this Act who is more than 30 days delinquent in complying with a child support order; a license or renewal may be issued, however, if the person has established a satisfactory repayment record as determined (i) by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) for cases being enforced under Article X of the Illinois Public Aid Code or (ii) in all other cases by order of court or by written agreement between the custodial parent and non-custodial parent. No person shall be refused a license under this Act on account of sex.

Any person practicing, charging or receiving fees for legal services or advertising or holding himself or herself out to provide legal services within this State, either directly or indirectly, without being licensed to practice as herein required, is guilty of contempt of court and shall be punished accordingly, upon complaint being filed in any Circuit Court of this State. Such proceedings shall be conducted in the Courts of the respective counties where the alleged contempt has been committed in the same manner as in cases of indirect contempt and with the right of review by the parties thereto.

The provisions of this Act shall be in addition to other remedies permitted by law and shall not be construed to deprive courts of this State
of their inherent right to punish for contempt or to restrain the unauthorized practice of law.

Nothing in this Act shall be construed to conflict with, amend, or modify Section 5 of the Corporation Practice of Law Prohibition Act or prohibit representation of a party by a person who is not an attorney in a proceeding before either panel of the Illinois Labor Relations Board under the Illinois Public Labor Relations Act, as now or hereafter amended, the Illinois Educational Labor Relations Board under the Illinois Educational Labor Relations Act, as now or hereafter amended, the State Civil Service Commission, the local Civil Service Commissions, or the University Civil Service Merit Board, to the extent allowed pursuant to rules and regulations promulgated by those Boards and Commissions or the giving of information, training, or advocacy or assistance in any meetings or administrative proceedings held pursuant to the federal Individuals with Disabilities Education Act, the federal Rehabilitation Act of 1973, the federal Americans with Disabilities Act of 1990, or the federal Social Security Act, to the extent allowed by those laws or the federal regulations or State statutes implementing those laws.

(Source: P.A. 94-659, eff. 1-1-06; revised 12-15-05.)

Section 1020. The Juvenile Court Act of 1987 is amended by changing Sections 1-3, 2-23, 3-24, 4-21, 5-805, 5-810, and 6-9 as follows:

(705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

Sec. 1-3. Definitions. Terms used in this Act, unless the context otherwise requires, have the following meanings ascribed to them:

(1) "Adjudicatory hearing" means a hearing to determine whether the allegations of a petition under Section 2-13, 3-15 or 4-12 that a minor under 18 years of age is abused, neglected or dependent, or requires authoritative intervention, or addicted, respectively, are supported by a preponderance of the evidence or whether the allegations of a petition under Section 5-520 that a minor is delinquent are proved beyond a reasonable doubt.

(2) "Adult" means a person 21 years of age or older.
(3) "Agency" means a public or private child care facility legally authorized or licensed by this State for placement or institutional care or for both placement and institutional care.

(4) "Association" means any organization, public or private, engaged in welfare functions which include services to or on behalf of children but does not include "agency" as herein defined.

(4.05) Whenever a "best interest" determination is required, the following factors shall be considered in the context of the child's age and developmental needs:

(a) the physical safety and welfare of the child, including food, shelter, health, and clothing;
(b) the development of the child's identity;
(c) the child's background and ties, including familial, cultural, and religious;
(d) the child's sense of attachments, including:
   (i) where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);
   (ii) the child's sense of security;
   (iii) the child's sense of familiarity;
   (iv) continuity of affection for the child;
   (v) the least disruptive placement alternative for the child;
(e) the child's wishes and long-term goals;
(f) the child's community ties, including church, school, and friends;
(g) the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;
(h) the uniqueness of every family and child;
(i) the risks attendant to entering and being in substitute care; and
(j) the preferences of the persons available to care for the child.

(4.1) "Chronic truant" shall have the definition ascribed to it in Section 26-2a of the School Code.

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(5) "Court" means the circuit court in a session or division assigned to hear proceedings under this Act.

(6) "Dispositional hearing" means a hearing to determine whether a minor should be adjudged to be a ward of the court, and to determine what order of disposition should be made in respect to a minor adjudged to be a ward of the court.

(7) "Emancipated minor" means any minor 16 years of age or over who has been completely or partially emancipated under the "Emancipation of Mature Minors Act", enacted by the Eighty-First General Assembly, or under this Act.

(8) "Guardianship of the person" of a minor means the duty and authority to act in the best interests of the minor, subject to residual parental rights and responsibilities, to make important decisions in matters having a permanent effect on the life and development of the minor and to be concerned with his or her general welfare. It includes but is not necessarily limited to:

(a) the authority to consent to marriage, to enlistment in the armed forces of the United States, or to a major medical, psychiatric, and surgical treatment; to represent the minor in legal actions; and to make other decisions of substantial legal significance concerning the minor;

(b) the authority and duty of reasonable visitation, except to the extent that these have been limited in the best interests of the minor by court order;

(c) the rights and responsibilities of legal custody except where legal custody has been vested in another person or agency; and

(d) the power to consent to the adoption of the minor, but only if expressly conferred on the guardian in accordance with Section 2-29, 3-30, or 4-27.

(9) "Legal custody" means the relationship created by an order of court in the best interests of the minor which imposes on the custodian the responsibility of physical possession of a minor and the duty to protect, train and discipline him and to provide him with food, shelter, education

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and ordinary medical care, except as these are limited by residual parental rights and responsibilities and the rights and responsibilities of the guardian of the person, if any.

(10) "Minor" means a person under the age of 21 years subject to this Act.

(11) "Parent" means the father or mother of a child and includes any adoptive parent. It also includes a man (i) whose paternity is presumed or has been established under the law of this or another jurisdiction or (ii) who has registered with the Putative Father Registry in accordance with Section 12.1 of the Adoption Act and whose paternity has not been ruled out under the law of this or another jurisdiction. It does not include a parent whose rights in respect to the minor have been terminated in any manner provided by law.

(11.1) "Permanency goal" means a goal set by the court as defined in subdivision (2) of Section 2-28.

(11.2) "Permanency hearing" means a hearing to set the permanency goal and to review and determine (i) the appropriateness of the services contained in the plan and whether those services have been provided, (ii) whether reasonable efforts have been made by all the parties to the service plan to achieve the goal, and (iii) whether the plan and goal have been achieved.

(12) "Petition" means the petition provided for in Section 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions thereunder in Section 3-15, 4-12 or 5-520.

(13) "Residual parental rights and responsibilities" means those rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including, but not necessarily limited to, the right to reasonable visitation (which may be limited by the court in the best interests of the minor as provided in subsection (8)(b) of this Section), the right to consent to adoption, the right to determine the minor's religious affiliation, and the responsibility for his support.

(14) "Shelter" means the temporary care of a minor in physically unrestricting facilities pending court disposition or execution of court order for placement.

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(15) "Station adjustment" means the informal handling of an alleged offender by a juvenile police officer.

(16) "Ward of the court" means a minor who is so adjudged under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the requisite jurisdictional facts, and thus is subject to the dispositional powers of the court under this Act.

(17) "Juvenile police officer" means a sworn police officer who has completed a Basic Recruit Training Course, has been assigned to the position of juvenile police officer by his or her chief law enforcement officer and has completed the necessary juvenile officers training as prescribed by the Illinois Law Enforcement Training Standards Board, or in the case of a State police officer, juvenile officer training approved by the Director of the Department of State Police.

(18) "Secure child care facility" means any child care facility licensed by the Department of Children and Family Services to provide secure living arrangements for children under 18 years of age who are subject to placement in facilities under the Children and Family Services Act and who are not subject to placement in facilities for whom standards are established by the Department of Corrections under Section 3-15-2 of the Unified Code of Corrections. "Secure child care facility" also means a facility that is designed and operated to ensure that all entrances and exits from the facility, a building, or a distinct part of the building are under the exclusive control of the staff of the facility, whether or not the child has the freedom of movement within the perimeter of the facility, building, or distinct part of the building.

(705 ILCS 405/2-23) (from Ch. 37, par. 802-23)
Sec. 2-23. Kinds of dispositional orders.
(1) The following kinds of orders of disposition may be made in respect of wards of the court:
   (a) A minor under 18 years of age found to be neglected or abused under Section 2-3 or dependent under Section 2-4 may be
(1) continued in the custody of his or her parents, guardian or legal custodian; (2) placed in accordance with Section 2-27; (3) restored to the custody of the parent, parents, guardian, or legal custodian, provided the court shall order the parent, parents, guardian, or legal custodian to cooperate with the Department of Children and Family Services and comply with the terms of an after-care plan or risk the loss of custody of the child and the possible termination of their parental rights; or (4) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Mature Minors Act.

However, in any case in which a minor is found by the court to be neglected or abused under Section 2-3 of this Act, custody of the minor shall not be restored to any parent, guardian or legal custodian whose acts or omissions or both have been identified, pursuant to subsection (1) of Section 2-21, as forming the basis for the court's finding of abuse or neglect, until such time as a hearing is held on the issue of the best interests of the minor and the fitness of such parent, guardian or legal custodian to care for the minor without endangering the minor's health or safety, and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor.

(b) A minor under 18 years of age found to be dependent under Section 2-4 may be (1) placed in accordance with Section 2-27 or (2) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Mature Minors Act.

However, in any case in which a minor is found by the court to be dependent under Section 2-4 of this Act, custody of the minor shall not be restored to any parent, guardian or legal custodian whose acts or omissions or both have been identified, pursuant to subsection (1) of Section 2-21, as forming the basis for the court's finding of dependency, until such time as a hearing is held on the issue of the fitness of such parent, guardian or legal custodian to care for the minor without endangering the minor's health or safety, and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor.
health or safety, and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor.

(c) When the court awards guardianship to the Department of Children and Family Services, the court shall order the parents to cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions that require the child to be in care, or risk termination of their parental rights.

(2) Any order of disposition may provide for protective supervision under Section 2-24 and may include an order of protection under Section 2-25.

Unless the order of disposition expressly so provides, it does not operate to close proceedings on the pending petition, but is subject to modification, not inconsistent with Section 2-28, until final closing and discharge of the proceedings under Section 2-31.

(3) The court also shall enter any other orders necessary to fulfill the service plan, including, but not limited to, (i) orders requiring parties to cooperate with services, (ii) restraining orders controlling the conduct of any party likely to frustrate the achievement of the goal, and (iii) visiting orders. Unless otherwise specifically authorized by law, the court is not empowered under this subsection (3) to order specific placements, specific services, or specific service providers to be included in the plan. If the court concludes that the Department of Children and Family Services has abused its discretion in setting the current service plan or permanency goal for the minor, the court shall enter specific findings in writing based on the evidence and shall enter an order for the Department to develop and implement a new permanency goal and service plan consistent with the court's findings. The new service plan shall be filed with the court and served on all parties. The court shall continue the matter until the new service plan is filed.

(4) In addition to any other order of disposition, the court may order any minor adjudicated neglected with respect to his or her own injurious behavior to make restitution, in monetary or non-monetary form, under the terms and conditions of Section 5-5-6 of the Unified Code of

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Corrections, except that the "presentence hearing" referred to therein shall be the dispositional hearing for purposes of this Section. The parent, guardian or legal custodian of the minor may pay some or all of such restitution on the minor's behalf.

(5) Any order for disposition where the minor is committed or placed in accordance with Section 2-27 shall provide for the parents or guardian of the estate of such minor to pay to the legal custodian or guardian of the person of the minor such sums as are determined by the custodian or guardian of the person of the minor as necessary for the minor's needs. Such payments may not exceed the maximum amounts provided for by Section 9.1 of the Children and Family Services Act.

(6) Whenever the order of disposition requires the minor to attend school or participate in a program of training, the truant officer or designated school official shall regularly report to the court if the minor is a chronic or habitual truant under Section 26-2a of the School Code.

(7) The court may terminate the parental rights of a parent at the initial dispositional hearing if all of the conditions in subsection (5) of Section 2-21 are met.

(Source: P.A. 89-17, eff. 5-31-95; 89-235, eff. 8-4-95; 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98; revised 10-9-03.)

(705 ILCS 405/3-24) (from Ch. 37, par. 803-24)

Sec. 3-24. Kinds of dispositional orders.

(1) The following kinds of orders of disposition may be made in respect to wards of the court: A minor found to be requiring authoritative intervention under Section 3-3 may be (a) committed to the Department of Children and Family Services, subject to Section 5 of the Children and Family Services Act; (b) placed under supervision and released to his or her parents, guardian or legal custodian; (c) placed in accordance with Section 3-28 with or without also being placed under supervision. Conditions of supervision may be modified or terminated by the court if it deems that the best interests of the minor and the public will be served thereby; (d) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Mature Minors Act; or (e)
subject to having his or her driver's license or driving privilege suspended for such time as determined by the Court but only until he or she attains 18 years of age.

(2) Any order of disposition may provide for protective supervision under Section 3-25 and may include an order of protection under Section 3-26.

(3) Unless the order of disposition expressly so provides, it does not operate to close proceedings on the pending petition, but is subject to modification until final closing and discharge of the proceedings under Section 3-32.

(4) In addition to any other order of disposition, the court may order any person found to be a minor requiring authoritative intervention under Section 3-3 to make restitution, in monetary or non-monetary form, under the terms and conditions of Section 5-5-6 of the Unified Code of Corrections, except that the "presentence hearing" referred to therein shall be the dispositional hearing for purposes of this Section. The parent, guardian or legal custodian of the minor may pay some or all of such restitution on the minor's behalf.

(5) Any order for disposition where the minor is committed or placed in accordance with Section 3-28 shall provide for the parents or guardian of the estate of such minor to pay to the legal custodian or guardian of the person of the minor such sums as are determined by the custodian or guardian of the person of the minor as necessary for the minor's needs. Such payments may not exceed the maximum amounts provided for by Section 9.1 of the Children and Family Services Act.

(6) Whenever the order of disposition requires the minor to attend school or participate in a program of training, the truant officer or designated school official shall regularly report to the court if the minor is a chronic or habitual truant under Section 26-2a of the School Code.

(7) The court must impose upon a minor under an order of continuance under supervision or an order of disposition under this Article III, as a condition of the order, a fee of $25 for each month or partial month of supervision with a probation officer. If the court determines the inability of the minor, or the parent, guardian, or legal custodian of the

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minor to pay the fee, the court may impose a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under this Act. The fee may be imposed only upon a minor who is actively supervised by the probation and court services department. The fee must be collected by the clerk of the circuit court. The clerk of the circuit court must pay all monies collected from this fee to the county treasurer for deposit into the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

(Source: P.A. 92-329, eff. 8-9-01; revised 10-9-03.)

(705 ILCS 405/4-21) (from Ch. 37, par. 804-21)
Sec. 4-21. Kinds of dispositional orders.

(1) A minor found to be addicted under Section 4-3 may be (a) committed to the Department of Children and Family Services, subject to Section 5 of the Children and Family Services Act; (b) placed under supervision and released to his or her parents, guardian or legal custodian; (c) placed in accordance with Section 4-25 with or without also being placed under supervision. Conditions of supervision may be modified or terminated by the court if it deems that the best interests of the minor and the public will be served thereby; (d) required to attend an approved alcohol or drug abuse treatment or counseling program on an inpatient or outpatient basis instead of or in addition to the disposition otherwise provided for in this paragraph; (e) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Mature Minors Act; or (f) subject to having his or her driver's license or driving privilege suspended for such time as determined by the Court but only until he or she attains 18 years of age. No disposition under this subsection shall provide for the minor's placement in a secure facility.

(2) Any order of disposition may provide for protective supervision under Section 4-22 and may include an order of protection under Section 4-23.

(3) Unless the order of disposition expressly so provides, it does not operate to close proceedings on the pending petition, but is subject to modification until final closing and discharge of the proceedings under Section 4-29.

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(4) In addition to any other order of disposition, the court may order any minor found to be addicted under this Article as neglected with respect to his or her own injurious behavior, to make restitution, in monetary or non-monetary form, under the terms and conditions of Section 5-5-6 of the Unified Code of Corrections, except that the "presentence hearing" referred to therein shall be the dispositional hearing for purposes of this Section. The parent, guardian or legal custodian of the minor may pay some or all of such restitution on the minor's behalf.

(5) Any order for disposition where the minor is placed in accordance with Section 4-25 shall provide for the parents or guardian of the estate of such minor to pay to the legal custodian or guardian of the person of the minor such sums as are determined by the custodian or guardian of the person of the minor as necessary for the minor's needs. Such payments may not exceed the maximum amounts provided for by Section 9.1 of the Children and Family Services Act.

(6) Whenever the order of disposition requires the minor to attend school or participate in a program of training, the truant officer or designated school official shall regularly report to the court if the minor is a chronic or habitual truant under Section 26-2a of the School Code.

(7) The court must impose upon a minor under an order of continuance under supervision or an order of disposition under this Article IV, as a condition of the order, a fee of $25 for each month or partial month of supervision with a probation officer. If the court determines the inability of the minor, or the parent, guardian, or legal custodian of the minor to pay the fee, the court may impose a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under this Act. The fee may be imposed only upon a minor who is actively supervised by the probation and court services department. The fee must be collected by the clerk of the circuit court. The clerk of the circuit court must pay all monies collected from this fee to the county treasurer for deposit into the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

(Source: P.A. 92-329, eff. 8-9-01; revised 10-9-03.)

(705 ILCS 405/5-805)

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Sec. 5-805. Transfer of jurisdiction.

(1) Mandatory transfers.

(a) If a petition alleges commission by a minor 15 years of age or older of an act that constitutes a forcible felony under the laws of this State, and if a motion by the State's Attorney to prosecute the minor under the criminal laws of Illinois for the alleged forcible felony alleges that (i) the minor has previously been adjudicated delinquent or found guilty for commission of an act that constitutes a felony under the laws of this State or any other state and (ii) the act that constitutes the offense was committed in furtherance of criminal activity by an organized gang, the Juvenile Judge assigned to hear and determine those motions shall, upon determining that there is probable cause that both allegations are true, enter an order permitting prosecution under the criminal laws of Illinois.

(b) If a petition alleges commission by a minor 15 years of age or older of an act that constitutes a felony under the laws of this State, and if a motion by a State's Attorney to prosecute the minor under the criminal laws of Illinois for the alleged felony alleges that (i) the minor has previously been adjudicated delinquent or found guilty for commission of an act that constitutes a forcible felony under the laws of this State or any other state and (ii) the act that constitutes the offense was committed in furtherance of criminal activity by an organized gang, the Juvenile Judge assigned to hear and determine those motions shall, upon determining that there is probable cause that both allegations are true, enter an order permitting prosecution under the criminal laws of Illinois.

(c) If a petition alleges commission by a minor 15 years of age or older of: (i) an act that constitutes an offense enumerated in the presumptive transfer provisions of subsection (2); and (ii) the minor has previously been adjudicated delinquent or found guilty of a forcible felony, the Juvenile Judge designated to hear and determine those motions shall, upon determining that there is probable cause that both allegations are true, enter an order permitting prosecution under the criminal laws of Illinois.
probable cause that both allegations are true, enter an order permitting prosecution under the criminal laws of Illinois.

(d) If a petition alleges commission by a minor 15 years of age or older of an act that constitutes the offense of aggravated discharge of a firearm committed in a school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on, boarding, or departing from any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or the time of year, the juvenile judge designated to hear and determine those motions shall, upon determining that there is probable cause that the allegations are true, enter an order permitting prosecution under the criminal laws of Illinois.

For purposes of this paragraph (d) of subsection (1):

"School" means a public or private elementary or secondary school, community college, college, or university.

"School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district.

(2) Presumptive transfer.

(a) If the State's Attorney files a petition, at any time prior to commencement of the minor's trial, to permit prosecution under the criminal laws and the petition alleges the commission by a minor 15 years of age or older of: (i) a Class X felony other than armed violence; (ii) aggravated discharge of a firearm; (iii) armed violence with a firearm when the predicate offense is a Class 1 or Class 2 felony and the State's Attorney's motion to transfer the case alleges that the offense committed is in furtherance of the criminal activities of an organized gang; (iv) armed violence with a firearm when the predicate offense is a violation of the Illinois Controlled Substances Act, a violation of the Cannabis Control Act, or a violation of the Methamphetamine Control and Community
Protection Act; (v) armed violence when the weapon involved was a machine gun or other weapon described in subsection (a)(7) of Section 24-1 of the Criminal Code of 1961; (vi) an act in violation of Section 401 of the Illinois Controlled Substances Act which is a Class X felony, while in a school, regardless of the time of day or the time of year, or on any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development; or (vii) an act in violation of Section 401 of the Illinois Controlled Substances Act and the offense is alleged to have occurred while in a school or on a public way within 1,000 feet of the real property comprising any school, regardless of the time of day or the time of year when the delivery or intended delivery of any amount of the controlled substance is to a person under 17 years of age, (to qualify for a presumptive transfer under paragraph (vi) or (vii) of this clause (2)(a), the violation cannot be based upon subsection (b) of Section 407 of the Illinois Controlled Substances Act) and, if the juvenile judge assigned to hear and determine motions to transfer a case for prosecution in the criminal court determines that there is probable cause to believe that the allegations in the petition and motion are true, there is a rebuttable presumption that the minor is not a fit and proper subject to be dealt with under the Juvenile Justice Reform Provisions of 1998 (Public Act 90-590), and that, except as provided in paragraph (b), the case should be transferred to the criminal court.

(b) The judge shall enter an order permitting prosecution under the criminal laws of Illinois unless the judge makes a finding based on clear and convincing evidence that the minor would be amenable to the care, treatment, and training programs available through the facilities of the juvenile court based on an evaluation of the following:

(i) the age of the minor;

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(ii) the history of the minor, including:
   (A) any previous delinquent or criminal history of the minor,
   (B) any previous abuse or neglect history of the minor, and
   (C) any mental health, physical or educational history of the minor or combination of these factors;
(iii) the circumstances of the offense, including:
   (A) the seriousness of the offense,
   (B) whether the minor is charged through accountability,
   (C) whether there is evidence the offense was committed in an aggressive and premeditated manner,
   (D) whether there is evidence the offense caused serious bodily harm,
   (E) whether there is evidence the minor possessed a deadly weapon;
(iv) the advantages of treatment within the juvenile justice system including whether there are facilities or programs, or both, particularly available in the juvenile system;
(v) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections:
   (A) the minor's history of services, including the minor's willingness to participate meaningfully in available services;
   (B) whether there is a reasonable likelihood that the minor can be rehabilitated before the expiration of the juvenile court's jurisdiction;
   (C) the adequacy of the punishment or services.

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In considering these factors, the court shall give greater weight to the seriousness of the alleged offense and the minor's prior record of delinquency than to the other factors listed in this subsection.

For purposes of clauses (2)(a)(vi) and (vii):
"School" means a public or private elementary or secondary school, community college, college, or university.
"School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district.

(3) Discretionary transfer.

(a) If a petition alleges commission by a minor 13 years of age or over of an act that constitutes a crime under the laws of this State and, on motion of the State's Attorney to permit prosecution of the minor under the criminal laws, a Juvenile Judge assigned by the Chief Judge of the Circuit to hear and determine those motions, after hearing but before commencement of the trial, finds that there is probable cause to believe that the allegations in the motion are true and that it is not in the best interests of the public to proceed under this Act, the court may enter an order permitting prosecution under the criminal laws.

(b) In making its determination on the motion to permit prosecution under the criminal laws, the court shall consider among other matters:

(i) the age of the minor;
(ii) the history of the minor, including:

(A) any previous delinquent or criminal history of the minor,
(B) any previous abuse or neglect history of the minor, and
(C) any mental health, physical, or educational history of the minor or combination of these factors;
(iii) the circumstances of the offense, including:

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(A) the seriousness of the offense,
(B) whether the minor is charged through accountability,
(C) whether there is evidence the offense was committed in an aggressive and premeditated manner,
(D) whether there is evidence the offense caused serious bodily harm,
(E) whether there is evidence the minor possessed a deadly weapon;
(iv) the advantages of treatment within the juvenile justice system including whether there are facilities or programs, or both, particularly available in the juvenile system;
(v) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections:

(A) the minor's history of services, including the minor's willingness to participate meaningfully in available services;
(B) whether there is a reasonable likelihood that the minor can be rehabilitated before the expiration of the juvenile court's jurisdiction;
(C) the adequacy of the punishment or services.

In considering these factors, the court shall give greater weight to the seriousness of the alleged offense and the minor's prior record of delinquency than to the other factors listed in this subsection.

(4) The rules of evidence for this hearing shall be the same as under Section 5-705 of this Act. A minor must be represented in court by counsel before the hearing may be commenced.

(5) If criminal proceedings are instituted, the petition for adjudication of wardship shall be dismissed insofar as the act or acts

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involved in the criminal proceedings. Taking of evidence in a trial on petition for adjudication of wardship is a bar to criminal proceedings based upon the conduct alleged in the petition.
(Source: P.A. 94-556, eff. 9-11-05; 94-574, eff. 8-12-05; revised 8-19-05.)
(705 ILCS 405/5-810)
Sec. 5-810. Extended jurisdiction juvenile prosecutions.

(1) (a) If the State's Attorney files a petition, at any time prior to commencement of the minor's trial, to designate the proceeding as an extended jurisdiction juvenile prosecution and the petition alleges the commission by a minor 13 years of age or older of any offense which would be a felony if committed by an adult, and, if the juvenile judge assigned to hear and determine petitions to designate the proceeding as an extended jurisdiction juvenile prosecution determines that there is probable cause to believe that the allegations in the petition and motion are true, there is a rebuttable presumption that the proceeding shall be designated as an extended jurisdiction juvenile proceeding.

(b) The judge shall enter an order designating the proceeding as an extended jurisdiction juvenile proceeding unless the judge makes a finding based on clear and convincing evidence that sentencing under the Chapter V of the Unified Code of Corrections would not be appropriate for the minor based on an evaluation of the following factors:

(i) the age of the minor;
(ii) the history of the minor, including:
   (A) any previous delinquent or criminal history of the minor,
   (B) any previous abuse or neglect history of the minor, and
   (C) any mental health, physical and/or educational history of the minor;
(iii) the circumstances of the offense, including:
   (A) the seriousness of the offense,
   (B) whether the minor is charged through accountability,
(C) whether there is evidence the offense was committed in an aggressive and premeditated manner,

(D) whether there is evidence the offense caused serious bodily harm,

(E) whether there is evidence the minor possessed a deadly weapon;

(iv) the advantages of treatment within the juvenile justice system including whether there are facilities or programs, or both, particularly available in the juvenile system;

(v) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections:

(A) the minor's history of services, including the minor's willingness to participate meaningfully in available services;

(B) whether there is a reasonable likelihood that the minor can be rehabilitated before the expiration of the juvenile court's jurisdiction;

(C) the adequacy of the punishment or services.

In considering these factors, the court shall give greater weight to the seriousness of the alleged offense and the minor's prior record of delinquency than to other factors listed in this subsection.

(2) Procedures for extended jurisdiction juvenile prosecutions. (a) The State's Attorney may file a written motion for a proceeding to be designated as an extended juvenile jurisdiction prior to commencement of trial. Notice of the motion shall be in compliance with Section 5-530. When the State's Attorney files a written motion that a proceeding be designated an extended jurisdiction juvenile prosecution, the court shall commence a hearing within 30 days of the filing of the motion for designation, unless good cause is shown by the prosecution or the minor as to why the hearing could not be held within this time period. If the court finds good cause has been demonstrated, then the hearing shall be held within 60 days of the filing of the motion. The hearings shall be open to the public unless the judge finds that the hearing should be closed for the protection of any party, victim or witness. If the Juvenile Judge assigned to

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hear and determine a motion to designate an extended jurisdiction juvenile prosecution determines that there is probable cause to believe that the allegations in the petition and motion are true the court shall grant the motion for designation. Information used by the court in its findings or stated in or offered in connection with this Section may be by proffer based on reliable information offered by the State or the minor. All evidence shall be admissible if it is relevant and reliable regardless of whether it would be admissible under the rules of evidence.

(3) Trial. A minor who is subject of an extended jurisdiction juvenile prosecution has the right to trial by jury. Any trial under this Section shall be open to the public.

(4) Sentencing. If an extended jurisdiction juvenile prosecution under subsection (1) results in a guilty plea, a verdict of guilty, or a finding of guilt, the court shall impose the following:

(i) one or more juvenile sentences under Section 5-710; and
(ii) an adult criminal sentence in accordance with the provisions of Chapter V of the Unified Code of Corrections, the execution of which shall be stayed on the condition that the offender not violate the provisions of the juvenile sentence.

Any sentencing hearing under this Section shall be open to the public.

(5) If, after an extended jurisdiction juvenile prosecution trial, a minor is convicted of a lesser-included offense or of an offense that the State's Attorney did not designate as an extended jurisdiction juvenile prosecution, the State's Attorney may file a written motion, within 10 days of the finding of guilt, that the minor be sentenced as an extended jurisdiction juvenile prosecution offender. The court shall rule on this motion using the factors found in paragraph (1)(b) of Section 5-805. If the court denies the State's Attorney's motion for sentencing under the extended jurisdiction juvenile prosecution provision, the court shall proceed to sentence the minor under Section 5-710.

(6) When it appears that a minor convicted in an extended jurisdiction juvenile prosecution under subsection (1) has violated the conditions of his or her sentence, or is alleged to have committed a new offense upon the filing of a petition to revoke the stay, the court may,

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without notice, issue a warrant for the arrest of the minor. After a hearing, if the court finds by a preponderance of the evidence that the minor committed a new offense, the court shall order execution of the previously imposed adult criminal sentence. After a hearing, if the court finds by a preponderance of the evidence that the minor committed a violation of his or her sentence other than by a new offense, the court may order execution of the previously imposed adult criminal sentence or may continue him or her on the existing juvenile sentence with or without modifying or enlarging the conditions. Upon revocation of the stay of the adult criminal sentence and imposition of that sentence, the minor's extended jurisdiction juvenile status shall be terminated. The on-going jurisdiction over the minor's case shall be assumed by the adult criminal court and juvenile court jurisdiction shall be terminated and a report of the imposition of the adult sentence shall be sent to the Department of State Police.

(7) Upon successful completion of the juvenile sentence the court shall vacate the adult criminal sentence.

(8) Nothing in this Section precludes the State from filing a motion for transfer under Section 5-805.

(Source: P.A. 94-574, eff. 8-12-05; revised 9-6-05.)

(705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

Sec. 6-9. Enforcement of liability of parents and others.

(1) If parentage is at issue in any proceeding under this Act, the Illinois Parentage Act of 1984 shall apply and the court shall enter orders consistent with that Act. If it appears at any hearing that a parent or any other person named in the petition, liable under the law for the support of the minor, is able to contribute to his or her support, the court shall enter an order requiring that parent or other person to pay the clerk of the court, or to the guardian or custodian appointed under Sections 2-27, 3-28, 4-25 or 5-740, a reasonable sum from time to time for the care, support and necessary special care or treatment, of the minor. If the court determines at any hearing that a parent or any other person named in the petition, liable under the law for the support of the minor, is able to contribute to help defray the costs associated with the minor's detention in a county or regional detention center, the court shall enter an order requiring that

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parent or other person to pay the clerk of the court a reasonable sum for the care and support of the minor. The court may require reasonable security for the payments. Upon failure to pay, the court may enforce obedience to the order by a proceeding as for contempt of court.

If it appears that the person liable for the support of the minor is able to contribute to legal fees for representation of the minor, the court shall enter an order requiring that person to pay a reasonable sum for the representation, to the attorney providing the representation or to the clerk of the court for deposit in the appropriate account or fund. The sum may be paid as the court directs, and the payment thereof secured and enforced as provided in this Section for support.

If it appears at the detention or shelter care hearing of a minor before the court under Section 5-501 that a parent or any other person liable for support of the minor is able to contribute to his or her support, that parent or other person shall be required to pay a fee for room and board at a rate not to exceed $10 per day established, with the concurrence of the chief judge of the judicial circuit, by the county board of the county in which the minor is detained unless the court determines that it is in the best interest and welfare of the minor to waive the fee. The concurrence of the chief judge shall be in the form of an administrative order. Each week, on a day designated by the clerk of the circuit court, that parent or other person shall pay the clerk for the minor's room and board. All fees for room and board collected by the circuit court clerk shall be disbursed into the separate county fund under Section 6-7.

Upon application, the court shall waive liability for support or legal fees under this Section if the parent or other person establishes that he or she is indigent and unable to pay the incurred liability, and the court may reduce or waive liability if the parent or other person establishes circumstances showing that full payment of support or legal fees would result in financial hardship to the person or his or her family.

(2) When a person so ordered to pay for the care and support of a minor is employed for wages, salary or commission, the court may order him to make the support payments for which he is liable under this Act out of his wages, salary or commission and to assign so much thereof as will

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pay the support. The court may also order him to make discovery to the court as to his place of employment and the amounts earned by him. Upon his failure to obey the orders of court he may be punished as for contempt of court.

(3) If the minor is a recipient of public aid under the Illinois Public Aid Code, the court shall order that payments made by a parent or through assignment of his wages, salary or commission be made directly to (a) the Illinois Department of Healthcare and Family Services Public Aid if the minor is a recipient of aid under Article V of the Code, (b) the Department of Human Services if the minor is a recipient of aid under Article IV of the Code, or (c) the local governmental unit responsible for the support of the minor if he is a recipient under Articles VI or VII of the Code. The order shall permit the Illinois Department of Healthcare and Family Services Public Aid, the Department of Human Services, or the local governmental unit, as the case may be, to direct that subsequent payments be made directly to the guardian or custodian of the minor, or to some other person or agency in the minor's behalf, upon removal of the minor from the public aid rolls; and upon such direction and removal of the minor from the public aid rolls, the Illinois Department of Healthcare and Family Services Public Aid, Department of Human Services, or local governmental unit, as the case requires, shall give written notice of such action to the court. Payments received by the Illinois Department of Healthcare and Family Services Public Aid, Department of Human Services, or local governmental unit are to be covered, respectively, into the General Revenue Fund of the State Treasury or General Assistance Fund of the governmental unit, as provided in Section 10-19 of the Illinois Public Aid Code.

(Source: P.A. 90-157, eff. 1-1-98; 90-483, eff. 1-1-98; 90-590, eff. 1-1-99; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99; revised 12-15-05.)

Section 1025. The Court of Claims Act is amended by changing Sections 21 and 26-1 as follows:

(705 ILCS 505/21) (from Ch. 37, par. 439.21)

Sec. 21. The court is authorized to impose, by uniform rules, a fee of $15 for the filing of a petition in any case in which the award sought is

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more than $50 and less than $1,000 and $35 in any case in which the award sought is $1,000 or more; and to charge and collect for copies of opinions or other documents filed in the Court of Claims such fees as may be prescribed by the rules of the Court. All fees and charges so collected shall be forthwith paid into the State Treasury.

A petitioner who is a prisoner in an Illinois Department of Corrections facility who files a pleading, motion, or other filing that purports to be a legal document against the State, the Illinois Department of Corrections, the Prisoner Review Board, or any of their officers or employees in which the court makes a specific finding that it is frivolous shall pay all filing fees and court costs in the manner provided in Article XXII of the Code of Civil Procedure.

In claims based upon lapsed appropriations or lost warrant or in claims filed under the Line of Duty Compensation Act, the Illinois National Guardsman's Compensation Act, or the Crime Victims Compensation Act or in claims filed by medical vendors for medical services rendered by the claimant to persons eligible for Medical Assistance under programs administered by the Illinois Department of Healthcare and Family Services Public Aid, no filing fee shall be required. (Source: P.A. 93-1047, eff. 10-18-04; revised 12-15-05.)

Sec. 26-1. Except as otherwise provided herein, the maximum contingent fee to be charged by an attorney practicing before the Court shall not exceed 20 percent of the amount awarded, which is in excess of the undisputed amount of the claim, unless further fees shall be allowed by the Court. In cases involving lapsed appropriations or lost warrants where there is no dispute as to the liability of the respondent, the fee, if any, for services rendered is to be fixed by the Court at a nominal amount.

Nothing herein applies to awards made under the Line of Duty Law Enforcement Officers, Civil Defense Workers, Civil Air Patrol Members, Paramedics and Firemen Compensation Act or the Illinois National Guardsman's and Naval Militiaman's Compensation Act or the "Illinois Uniform Conviction Information Act", enacted by the 85th General Assembly, as heretofore or hereafter amended.

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Section 1030. The Criminal Code of 1961 is amended by changing Sections 1-6, 2-6.6, 2-13, 9-3.3, 10-6, 11-9.3, 12-2, 12-4, 12-20.5, 16G-15, 16G-21, 17-2, 21-3, 21-7, 24-1, 24-1.1, 24-1.6, 24-2, 24-3, 24-3.1, 32-5.2, and 44-3, by renumbering and changing Sections 2-.5 and 5/2-7.5, and by setting forth and renumbering multiple versions of Section 12-4.10 and Article 16J as follows:

(720 ILCS 5/1-6) (from Ch. 38, par. 1-6)
Sec. 1-6. Place of trial.
(a) Generally.
Criminal actions shall be tried in the county where the offense was committed, except as otherwise provided by law. The State is not required to prove during trial that the alleged offense occurred in any particular county in this State. When a defendant contests the place of trial under this Section, all proceedings regarding this issue shall be conducted under Section 114-1 of the Code of Criminal Procedure of 1963. All objections of improper place of trial are waived by a defendant unless made before trial.

(b) Assailant and Victim in Different Counties.
If a person committing an offense upon the person of another is located in one county and his victim is located in another county at the time of the commission of the offense, trial may be had in either of said counties.

(c) Death and Cause of Death in Different Places or Undetermined.
If cause of death is inflicted in one county and death ensues in another county, the offender may be tried in either county. If neither the county in which the cause of death was inflicted nor the county in which death ensued are known before trial, the offender may be tried in the county where the body was found.

(d) Offense Commenced Outside the State.
If the commission of an offense commenced outside the State is consummated within this State, the offender shall be tried in the county where the offense is consummated.

(e) Offenses Committed in BorderingNavigable Waters.

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If an offense is committed on any of the navigable waters bordering on this State, the offender may be tried in any county adjacent to such navigable water.

(f) Offenses Committed while in Transit.
If an offense is committed upon any railroad car, vehicle, watercraft or aircraft passing within this State, and it cannot readily be determined in which county the offense was committed, the offender may be tried in any county through which such railroad car, vehicle, watercraft or aircraft has passed.

(g) Theft.
A person who commits theft of property may be tried in any county in which he exerted control over such property.

(h) Bigamy.
A person who commits the offense of bigamy may be tried in any county where the bigamous marriage or bigamous cohabitation has occurred.

(i) Kidnapping.
A person who commits the offense of kidnapping may be tried in any county in which his victim has traveled or has been confined during the course of the offense.

(j) Pandering.
A person who commits the offense of pandering may be tried in any county in which the prostitution was practiced or in any county in which any act in furtherance of the offense shall have been committed.

(k) Treason.
A person who commits the offense of treason may be tried in any county.

(l) Criminal Defamation.
If criminal defamation is spoken, printed or written in one county and is received or circulated in another or other counties, the offender shall be tried in the county where the defamation is spoken, printed or written. If the defamation is spoken, printed or written outside this state, or the offender resides outside this state, the offender may be tried in any county in this state in which the defamation was circulated or received.

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(m) Inchoate Offenses.
A person who commits an inchoate offense may be tried in any county in which any act which is an element of the offense, including the agreement in conspiracy, is committed.

(n) Accountability for Conduct of Another.
Where a person in one county solicits, aids, abets, agrees, or attempts to aid another in the planning or commission of an offense in another county, he may be tried for the offense in either county.

(o) Child Abduction.
A person who commits the offense of child abduction may be tried in any county in which his victim has traveled, been detained, concealed or removed to during the course of the offense. Notwithstanding the foregoing, unless for good cause shown, the preferred place of trial shall be the county of the residence of the lawful custodian.

(p) A person who commits the offense of narcotics racketeering may be tried in any county where cannabis or a controlled substance which is the basis for the charge of narcotics racketeering was used; acquired; transferred or distributed to, from or through; or any county where any act was performed to further the use; acquisition, transfer or distribution of said cannabis or controlled substance; any money, property, property interest, or any other asset generated by narcotics activities was acquired, used, sold, transferred or distributed to, from or through; or, any enterprise interest obtained as a result of narcotics racketeering was acquired, used, transferred or distributed to, from or through, or where any activity was conducted by the enterprise or any conduct to further the interests of such an enterprise.

(q) A person who commits the offense of money laundering may be tried in any county where any part of a financial transaction in criminally derived property took place or in any county where any money or monetary instrument which is the basis for the offense was acquired, used, sold, transferred or distributed to, from or through.

(r) A person who commits the offense of cannabis trafficking or controlled substance trafficking may be tried in any county.
(s) A person who commits the offense of online sale of stolen property, online theft by deception, or electronic fencing may be tried in any county where any one or more elements of the offense took place, regardless of whether the element of the offense was the result of acts by the accused, the victim or by another person, and regardless of whether the defendant was ever physically present within the boundaries of the county.

(t) (s) A person who commits the offense of identity theft or aggravated identity theft may be tried in any one of the following counties in which: (1) the offense occurred; (2) the information used to commit the offense was illegally used; or (3) the victim resides.

If a person is charged with more than one violation of identity theft or aggravated identity theft and those violations may be tried in more than one county, any of those counties is a proper venue for all of the violations.

(Source: P.A. 94-51, eff. 1-1-06; 94-179, eff. 7-12-05; revised 8-19-05.)

(720 ILCS 5/2-0.5) (was 720 ILCS 5/2-.5)

Sec. 2-0.5. Definitions. For the purposes of this Code, the words and phrases described in this Article have the meanings designated in this Article, except when a particular context clearly requires a different meaning.

(Source: Laws 1961, p. 1983; revised 1-22-04.)

(720 ILCS 5/2-6.6)

Sec. 2-6.6. Emergency management worker. "Emergency management worker" shall include the following:

(a) any person, paid or unpaid, who is a member of a local or county emergency services and disaster agency as defined by the Illinois Emergency Management Agency Act, or who is an employee of the Illinois Emergency Management Agency or the Federal Emergency Management Agency;

(b) any employee or volunteer of the American Red Cross;

(c) any employee of a federal, State, county, or local government agency assisting an emergency services and disaster agency, the Illinois Emergency Management Agency, or the Federal Emergency Management Agency through mutual aid or as

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otherwise requested or directed in time of disaster or emergency; and

(d) any person volunteering or directed to assist an emergency services and disaster agency, the Illinois Emergency Management Agency, or the Federal Emergency Management Agency.

(Source: P.A. 94-243, eff. 1-1-06; 94-323, eff. 1-1-06; revised 9-27-05.)

(720 ILCS 5/2-7.5)

Sec. 2-7.5 5/2-7.5. "Firearm". Except as otherwise provided in a specific Section, "firearm" has the meaning ascribed to it in Section 1.1 of the Firearm Owners Identification Card Act.

(Source: P.A. 91-404, eff. 1-1-00; revised 9-15-06.)

(720 ILCS 5/2-13) (from Ch. 38, par. 2-13)

Sec. 2-13. "Peace officer". "Peace officer" means (i) any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or (ii) any person who, by statute, is granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State.

For purposes of Sections concerning unlawful use of weapons, for the purposes of assisting an Illinois peace officer in an arrest, or when the commission of a felony under Illinois law is directly observed by the person, and statutes involving the false personation of a peace officer, false personation of a peace officer while carrying a deadly weapon, and aggravated false personation of a peace officer, then officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered "peace officers" under this Code, including, but not limited to all criminal investigators of:

(1) The United States Department of Justice, The Federal Bureau of Investigation, The Drug Enforcement Agency and The Department of Immigration and Naturalization;

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(3) The United States Internal Revenue Service;

(4) The United States General Services Administration;

(5) The United States Postal Service; and

(6) all United States Marshals or Deputy United States Marshals whose duties involve the enforcement of federal criminal laws.

(Source: P.A. 94-730, eff. 4-17-06; 94-846, eff. 1-1-07; revised 8-3-06.)

(720 ILCS 5/9-3.3) (from Ch. 38, par. 9-3.3)

Sec. 9-3.3. Drug-induced homicide.

(a) A person who violates Section 401 of the Illinois Controlled Substances Act or Section 55 of the Methamphetamine Control and Community Protection Act by unlawfully delivering a controlled substance to another, and any person's death is caused by the injection, inhalation or ingestion of any amount of that controlled substance, commits the offense of drug-induced homicide.

(b) Sentence. Drug-induced homicide is a Class X felony.

(c) A person who commits drug-induced homicide by violating subsection (a) or subsection (c) of Section 401 of the Illinois Controlled Substances Act or Section 55 of the Methamphetamine Control and Community Protection Act commits a Class X felony for which the defendant shall in addition to a sentence authorized by law, be sentenced to a term of imprisonment of not less than 15 years and not more than 30 years or an extended term of not less than 30 years and not more than 60 years.

(Source: P.A. 94-556, eff. 9-11-05; 94-560, eff. 1-1-06; revised 8-19-05.)

(720 ILCS 5/10-6) (from Ch. 38, par. 10-6)

Sec. 10-6. Harboring a runaway.

(a) Any person, other than an agency or association providing crisis intervention services as defined in Section 3-5 of the Juvenile Court Act of 1987, or an operator of a youth emergency shelter as defined in Section 2.21 of the Child Care Act of 1969, who, without the knowledge and
consent of the minor's parent or guardian, knowingly gives shelter to a minor, other than a mature minor who has been emancipated under the Emancipation of Mature Minors Act, for more than 48 hours without the consent of the minor's parent or guardian, and without notifying the local law enforcement authorities of the minor's name and the fact that the minor is being provided shelter commits the offense of harboring a runaway.

(b) Any person who commits the offense of harboring a runaway is guilty of a Class A misdemeanor.

(Source: P.A. 86-278; 86-386; revised 10-9-03.)

(720 ILCS 5/11-9.3)

Sec. 11-9.3. Presence within school zone by child sex offenders prohibited.

(a) It is unlawful for a child sex offender to knowingly be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when persons under the age of 18 are present in the building, on the grounds or in the conveyance, unless the offender is a parent or guardian of a student attending the school and the parent or guardian is: (i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion and notifies the principal of the school of his or her presence at the school or unless the offender has permission to be present from the superintendent or the school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Notification includes the nature of the sex offender's visit and the hours in which the sex offender will be present in the school. The sex offender is responsible for notifying the principal's office when he or she arrives on school

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property and when he or she departs from school property. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official. A child sex offender who violates this provision is guilty of a Class 4 felony.

Nothing in this Section shall be construed to infringe upon the constitutional right of a child sex offender to be present in a school building that is used as a polling place for the purpose of voting.

(1) (Blank; or)
(2) (Blank.)

(b) It is unlawful for a child sex offender to knowingly loiter within 500 feet of a school building or real property comprising any school while persons under the age of 18 are present in the building or on the grounds, unless the offender is a parent or guardian of a student attending the school and the parent or guardian is: (i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion and notifies the principal of the school of his or her presence at the school or has permission to be present from the superintendent or the school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Notification includes the nature of the sex offender's visit and the hours in which the sex offender will be present in the school. The sex offender is responsible for notifying the principal's office when he or she arrives on school property and when he or she departs from school property. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official. A child sex offender who violates this provision is guilty of a Class 4 felony.

(1) (Blank; or)
(2) (Blank.)

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(b-5) It is unlawful for a child sex offender to knowingly reside within 500 feet of a school building or the real property comprising any school that persons under the age of 18 attend. Nothing in this subsection (b-5) prohibits a child sex offender from residing within 500 feet of a school building or the real property comprising any school that persons under 18 attend if the property is owned by the child sex offender and was purchased before the effective date of this amendatory Act of the 91st General Assembly.

(c) Definitions. In this Section:

(1) "Child sex offender" means any person who:

(i) has been charged under Illinois law, or any substantially similar federal law or law of another state, with a sex offense set forth in paragraph (2) of this subsection (c) or the attempt to commit an included sex offense, and:

(A) is convicted of such offense or an attempt to commit such offense; or

(B) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or

(C) is found not guilty by reason of insanity pursuant to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or

(D) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

(E) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963.
Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

(F) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or

(ii) is certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal law or the law of another state, when any conduct giving rise to such certification is committed or attempted against a person less than 18 years of age; or

(iii) is subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act. Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Section.

(2) Except as otherwise provided in paragraph (2.5), "sex offense" means:

(i) A violation of any of the following Sections of the Criminal Code of 1961: 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-9 (public indecency when committed in a school, on the real property comprising a school, or on a conveyance, owned, leased, or contracted by a school to transport students to or from school or a school related activity), 11-9.1 (sexual exploitation of a child), 11-15.1 (soliciting for a juvenile

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prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 11-21 (harmful material), 12-14.1 (predatory criminal sexual assault of a child), 12-33 (ritualized abuse of a child), 11-20 (obscenity) (when that offense was committed in any school, on real property comprising any school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-15 (criminal sexual abuse), 12-16 (aggravated criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:

10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint).

An attempt to commit any of these offenses.

(iv) A violation of any former law of this State substantially equivalent to any offense listed in clause (2)(i) of subsection (c) of this Section.

(2.5) For the purposes of subsection (b-5) only, a sex offense means:

(i) A violation of any of the following Sections of the Criminal Code of 1961:

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10-5(b)(10) (child luring), 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 12-14.1 (predatory criminal sexual assault of a child), or 12-33 (ritualized abuse of a child). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-16 (aggravated criminal sexual abuse), and subsection (a) of Section 12-15 (criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:

10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint).
An attempt to commit any of these offenses.

(iv) A violation of any former law of this State substantially equivalent to any offense listed in this paragraph (2.5) of this subsection.

(3) A conviction for an offense of federal law or the law of another state that is substantially equivalent to any offense listed in paragraph (2) of subsection (c) of this Section shall constitute a
conviction for the purpose of this Article. A finding or adjudication as a sexually dangerous person under any federal law or law of another state that is substantially equivalent to the Sexually Dangerous Persons Act shall constitute an adjudication for the purposes of this Section.

(4) "School" means a public or private pre-school, elementary, or secondary school.

(5) "Loiter" means:

(i) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around school property.

(ii) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around school property, for the purpose of committing or attempting to commit a sex offense.

(iii) Entering or remaining in a building in or around school property, other than the offender's residence.

(6) "School official" means the principal, a teacher, or any other certified employee of the school, the superintendent of schools or a member of the school board.

(d) Sentence. A person who violates this Section is guilty of a Class 4 felony.

(Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06; 94-170, eff. 7-11-05; revised 9-15-06.)

(720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

Sec. 12-2. Aggravated assault.

(a) A person commits an aggravated assault, when, in committing an assault, he:

(1) Uses a deadly weapon or any device manufactured and designed to be substantially similar in appearance to a firearm, other than by discharging a firearm in the direction of another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer or a fireman or in the direction of a vehicle occupied by another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer or a
fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer or fireman from performing his official duties, or in retaliation for the officer or fireman performing his official duties;

(2) Is hooded, robed or masked in such manner as to conceal his identity or any device manufactured and designed to be substantially similar in appearance to a firearm;

(3) Knows the individual assaulted to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;

(4) Knows the individual assaulted to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;

(5) Knows the individual assaulted to be a caseworker, investigator, or other person employed by the Department of Healthcare and Family Services (formerly State Department of Public Aid), a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient or any other person being interviewed or investigated in the employees' discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;

(6) Knows the individual assaulted to be a peace officer, or a community policing volunteer, or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer, community policing volunteer, or fireman

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from performing his official duties, or in retaliation for the officer, community policing volunteer, or fireman performing his official duties, and the assault is committed other than by the discharge of a firearm in the direction of the officer or fireman or in the direction of a vehicle occupied by the officer or fireman;

(7) Knows the individual assaulted to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid personnel engaged in the execution of any of his official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his official duties, or in retaliation for the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his official duties;

(8) Knows the individual assaulted to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

(9) Or the individual assaulted is on or about a public way, public property, or public place of accommodation or amusement;

(9.5) Is, or the individual assaulted is, in or about a publicly or privately owned sports or entertainment arena, stadium, community or convention hall, special event center, amusement facility, or a special event center in a public park during any 24-hour period when a professional sporting event, National Collegiate Athletic Association (NCAA)-sanctioned sporting

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event, United States Olympic Committee-sanctioned sporting
event, or International Olympic Committee-sanctioned sporting
event is taking place in this venue;

(10) Knows the individual assaulted to be an employee of
the State of Illinois, a municipal corporation therein or a political
subdivision thereof, engaged in the performance of his authorized
duties as such employee;

(11) Knowingly and without legal justification, commits an
assault on a physically handicapped person;

(12) Knowingly and without legal justification, commits an
assault on a person 60 years of age or older;

(13) Discharges a firearm;

(14) Knows the individual assaulted to be a correctional
officer, while the officer is engaged in the execution of any of his
or her official duties, or to prevent the officer from performing his
or her official duties, or in retaliation for the officer performing his
or her official duties;

(15) Knows the individual assaulted to be a correctional
employee or an employee of the Department of Human Services
supervising or controlling sexually dangerous persons or sexually
violent persons, while the employee is engaged in the execution of
any of his or her official duties, or to prevent the employee from
performing his or her official duties, or in retaliation for the
employee performing his or her official duties, and the assault is
committed other than by the discharge of a firearm in the direction
of the employee or in the direction of a vehicle occupied by the
employee;

(16) Knows the individual assaulted to be an employee of a
police or sheriff's department engaged in the performance of his or
her official duties as such employee; or

(17) Knows the individual assaulted to be a sports official
or coach at any level of competition and the act causing the assault
to the sports official or coach occurred within an athletic facility or
an indoor or outdoor playing field or within the immediate vicinity

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of the athletic facility or an indoor or outdoor playing field at which the sports official or coach was an active participant in the athletic contest held at the athletic facility. For the purposes of this paragraph (17), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the athletic contest; or:

(18) Knows the individual assaulted to be an emergency management worker, while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties, and the assault is committed other than by the discharge of a firearm in the direction of the emergency management worker or in the direction of a vehicle occupied by the emergency management worker.

(a-5) A person commits an aggravated assault when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes near or in the immediate vicinity of any person.

(b) Sentence.

Aggravated assault as defined in paragraphs (1) through (5) and (8) through (12) and (17) of subsection (a) of this Section is a Class A misdemeanor. Aggravated assault as defined in paragraphs (13), (14), and (15) of subsection (a) of this Section and as defined in subsection (a-5) of this Section is a Class 4 felony. Aggravated assault as defined in paragraphs (6), (7), (16), and (18) of subsection (a) of this Section is a Class A misdemeanor if a firearm is not used in the commission of the assault. Aggravated assault as defined in paragraphs (6), (7), (16), and (18) of subsection (a) of this Section is a Class 4 felony if a firearm is used in the commission of the assault.

(Source: P.A. 93-692, eff. 1-1-05; 94-243, eff. 1-1-06; 94-482, eff. 1-1-06; revised 12-15-05.)

New matter indicated by italics - deletions by strikeout
Sec. 12-4. Aggravated Battery.

(a) A person who, in committing a battery, intentionally or knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated battery.

(b) In committing a battery, a person commits aggravated battery if he or she:

(1) Uses a deadly weapon other than by the discharge of a firearm;

(2) Is hooded, robed or masked, in such manner as to conceal his identity;

(3) Knows the individual harmed to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;

(4) (Blank);

(5) (Blank);

(6) Knows the individual harmed to be a community policing volunteer while such volunteer is engaged in the execution of any official duties, or to prevent the volunteer from performing official duties, or in retaliation for the volunteer performing official duties, and the battery is committed other than by the discharge of a firearm;

(7) Knows the individual harmed to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital personnel engaged in the performance of any of his or her official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital personnel from performing official duties, or in retaliation for performing official duties;

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(8) Is, or the person battered is, on or about a public way, public property or public place of accommodation or amusement;

(8.5) Is, or the person battered is, on a publicly or privately owned sports or entertainment arena, stadium, community or convention hall, special event center, amusement facility, or a special event center in a public park during any 24-hour period when a professional sporting event, National Collegiate Athletic Association (NCAA)-sanctioned sporting event, United States Olympic Committee-sanctioned sporting event, or International Olympic Committee-sanctioned sporting event is taking place in this venue;

(9) Knows the individual harmed to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

(10) Knows the individual harmed to be an individual of 60 years of age or older;

(11) Knows the individual harmed is pregnant;

(12) Knows the individual harmed to be a judge whom the person intended to harm as a result of the judge's performance of his or her official duties as a judge;

(13) (Blank);

(14) Knows the individual harmed to be a person who is physically handicapped;

(15) Knowingly and without legal justification and by any means causes bodily harm to a merchant who detains the person for an alleged commission of retail theft under Section 16A-5 of this Code. In this item (15), "merchant" has the meaning ascribed to it in Section 16A-2.4 of this Code;

(16) Is, or the person battered is, in any building or other structure used to provide shelter or other services to victims or to
the dependent children of victims of domestic violence pursuant to the Illinois Domestic Violence Act of 1986 or the Domestic Violence Shelters Act, or the person battered is within 500 feet of such a building or other structure while going to or from such a building or other structure. "Domestic violence" has the meaning ascribed to it in Section 103 of the Illinois Domestic Violence Act of 1986. "Building or other structure used to provide shelter" has the meaning ascribed to "shelter" in Section 1 of the Domestic Violence Shelters Act;

(17) (Blank); or

(18) Knows the individual harmed to be an officer or employee of the State of Illinois, a unit of local government, or school district engaged in the performance of his or her authorized duties as such officer or employee; or:

(19) Knows the individual harmed to be an emergency management worker engaged in the performance of any of his or her official duties, or to prevent the emergency management worker from performing official duties, or in retaliation for the emergency management worker performing official duties.

For the purpose of paragraph (14) of subsection (b) of this Section, a physically handicapped person is a person who suffers from a permanent and disabling physical characteristic, resulting from disease, injury, functional disorder or congenital condition.

(c) A person who administers to an individual or causes him to take, without his consent or by threat or deception, and for other than medical purposes, any intoxicating, poisonous, stupefying, narcotic, anesthetic, or controlled substance commits aggravated battery.

(d) A person who knowingly gives to another person any food that contains any substance or object that is intended to cause physical injury if eaten, commits aggravated battery.

(d-3) A person commits aggravated battery when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or

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used in concert with a firearm, so that the laser beam strikes upon or against the person of another.

(d-5) An inmate of a penal institution or a sexually dangerous person or a sexually violent person in the custody of the Department of Human Services who causes or attempts to cause a correctional employee of the penal institution or an employee of the Department of Human Services to come into contact with blood, seminal fluid, urine, or feces, by throwing, tossing, or expelling that fluid or material commits aggravated battery. For purposes of this subsection (d-5), "correctional employee" means a person who is employed by a penal institution.

(e) Sentence.

(1) Except as otherwise provided in paragraphs (2) and (3), aggravated battery is a Class 3 felony.

(2) Aggravated battery that does not cause great bodily harm or permanent disability or disfigurement is a Class 2 felony when the person knows the individual harmed to be a peace officer, a community policing volunteer, a correctional institution employee, an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, or a fireman while such officer, volunteer, employee, or fireman is engaged in the execution of any official duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee, or fireman from performing official duties, or in retaliation for the officer, volunteer, employee, or fireman performing official duties, and the battery is committed other than by the discharge of a firearm.

(3) Aggravated battery that causes great bodily harm or permanent disability or disfigurement in violation of subsection (a) is a Class 1 felony when the person knows the individual harmed to be a peace officer, a community policing volunteer, a correctional institution employee, an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, or a fireman while such officer, volunteer, employee, or fireman is engaged in the execution of any official duties.
duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee, or fireman from performing official duties, or in retaliation for the officer, volunteer, employee, or fireman performing official duties, and the battery is committed other than by the discharge of a firearm.

(Source: P.A. 93-83, eff. 7-2-03; 94-243, eff. 1-1-06; 94-327, eff. 1-1-06; 94-333, eff. 7-26-05; 94-363, eff. 7-29-05; 94-482, eff. 1-1-06; revised 8-19-05.)

(720 ILCS 5/12-4.10)
Sec. 12-4.10. (Repealed).
(Source: P.A. 93-340, eff. 7-24-03. Repealed by P.A. 94-556, eff. 9-11-05.)

(720 ILCS 5/12-4.12)
Sec. 12-4.12 +2-4.10. (Repealed).
(Source: P.A. 93-111, eff. 7-8-03. Repealed by P.A. 94-556, eff. 9-11-05; revised 9-22-05.)

(720 ILCS 5/12-20.5)
Sec. 12-20.5. Dismembering a human body.
(a) A person commits the offense of dismembering a human body when he or she knowingly dismembers, severs, separates, dissects, or mutilates any body part of a deceased's body.
(b) This Section does not apply to:
   (1) an anatomical gift made in accordance with the Illinois Uniform Anatomical Gift Act;
   (2) the removal and use of a human cornea in accordance with the Illinois Anatomical Gift Corneal Transplant Act;
   (3) the purchase or sale of drugs, reagents, or other substances made from human body parts, for the use in medical or scientific research, treatment, or diagnosis;
   (4) persons employed by a county medical examiner's office or coroner's office acting within the scope of their employment while performing an autopsy;

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(5) the acts of a licensed funeral director or embalmer while performing acts authorized by the Funeral Directors and Embalmers Licensing Code;

(6) the acts of emergency medical personnel or physicians performed in good faith and according to the usual and customary standards of medical practice in an attempt to resuscitate a life; or

(7) physicians licensed to practice medicine in all of its branches or holding a visiting professor, physician, or resident permit under the Medical Practice Act of 1987, performing acts in accordance with usual and customary standards of medical practice, or a currently enrolled student in an accredited medical school in furtherance of his or her education at the accredited medical school.

(c) It is not a defense to a violation of this Section that the decedent died due to natural, accidental, or suicidal causes.

(d) Sentence. Dismembering a human body is a Class X felony.

(Source: P.A. 93-339, eff. 7-24-03; revised 11-15-04.)

(720 ILCS 5/16G-15)

Sec. 16G-15. Identity theft.

(a) A person commits the offense of identity theft when he or she knowingly:

(1) uses any personal identifying information or personal identification document of another person to fraudulently obtain credit, money, goods, services, or other property, or

(2) uses any personal identification information or personal identification document of another with intent to commit any felony theft or other felony violation of State law not set forth in paragraph (1) of this subsection (a), or

(3) obtains, records, possesses, sells, transfers, purchases, or manufactures any personal identification information or personal identification document of another with intent to commit or to aid or abet another in committing any felony theft or other felony violation of State law, or

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(4) uses, obtains, records, possesses, sells, transfers, purchases, or manufactures any personal identification information or personal identification document of another knowing that such personal identification information or personal identification documents were stolen or produced without lawful authority, or

(5) uses, transfers, or possesses document-making implements to produce false identification or false documents with knowledge that they will be used by the person or another to commit any felony theft or other felony violation of State law, or

(6) uses any personal identification information or personal identification document of another to portray himself or herself as that person, or otherwise, for the purpose of gaining access to any personal identification information or personal identification document of that person, without the prior express permission of that person, or

(7) uses any personal identification information or personal identification document of another for the purpose of gaining access to any record of the actions taken, communications made or received, or other activities or transactions of that person, without the prior express permission of that person.

(b) Knowledge shall be determined by an evaluation of all circumstances surrounding the use of the other person's identifying information or document.

(c) When a charge of identity theft of credit, money, goods, services, or other property exceeding a specified value is brought the value of the credit, money, goods, services, or other property is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(d) Sentence.

(1) A person convicted of identity theft in violation of paragraph (1) of subsection (a) shall be sentenced as follows:

(A) identity theft of credit, money, goods, services, or other property not exceeding $300 in value is a Class 4 felony. A person who has been previously convicted of
identity theft of less than $300 who is convicted of a second or subsequent offense of identity theft of less than $300 is guilty of a Class 3 felony. A person who has been convicted of identity theft of less than $300 who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, home repair fraud, aggravated home repair fraud, or financial exploitation of an elderly or disabled person is guilty of a Class 3 felony. When a person has any such prior conviction, the information or indictment charging that person shall state the prior conviction so as to give notice of the State's intention to treat the charge as a Class 3 felony. The fact of the prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during the trial.

(B) Identity theft of credit, money, goods, services, or other property exceeding $300 and not exceeding $2,000 in value is a Class 3 felony.

(C) Identity theft of credit, money, goods, services, or other property exceeding $2,000 and not exceeding $10,000 in value is a Class 2 felony.

(D) Identity theft of credit, money, goods, services, or other property exceeding $10,000 and not exceeding $100,000 in value is a Class 1 felony.

(E) Identity theft of credit, money, goods, services, or other property exceeding $100,000 in value is a Class X felony.

(2) A person convicted of any offense enumerated in paragraphs (2) through (7) of subsection (a) is guilty of a Class 3 felony.

(3) A person convicted of any offense enumerated in paragraphs (2) through (5) of subsection (a) a second or subsequent time is guilty of a Class 2 felony.
(4) A person who, within a 12 month period, is found in violation of any offense enumerated in paragraphs (2) through (7) of subsection (a) with respect to the identifiers of, or other information relating to, 3 or more separate individuals, at the same time or consecutively, is guilty of a Class 2 felony.

(5) A person convicted of identity theft in violation of paragraph (2) of subsection (a) who uses any personal identification information or personal identification document of another to purchase methamphetamine manufacturing material as defined in Section 10 of the Methamphetamine Control and Community Protection Act with the intent to unlawfully manufacture methamphetamine is guilty of a Class 2 felony for a first offense and a Class 1 felony for a second or subsequent offense.

(Source: P.A. 93-401, eff. 7-31-03; 94-39, eff. 6-16-05; 94-82, eff. 1-1-07; 94-1008, eff. 7-5-06; revised 8-3-06.)

Sec. 16G-21. Civil remedies. A person who is convicted of facilitating identity theft, identity theft, or aggravated identity theft is liable in a civil action to the person who suffered damages as a result of the violation. The person suffering damages may recover court costs, attorney's fees, lost wages, and actual damages. Where a person has been convicted of identity theft in violation of subsection (a)(6) or subsection (a)(7) of Section 16G-15, in the absence of proof of actual damages, the person whose personal identification information or personal identification documents were used in the violation in question may recover damages of $2,000.

(Source: P.A. 93-401, eff. 7-31-03; 94-969, eff. 1-1-07; 94-1008, eff. 7-5-06; revised 8-3-06.)

Sec. 16J-5. Definitions. In this Article:

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"Access" means to use, instruct, communicate with, store data in, retrieve or intercept data from, or otherwise utilize any services of a computer.

"Computer" means a device that accepts, processes, stores, retrieves or outputs data, and includes but is not limited to auxiliary storage and telecommunications devices connected to computers.

"Internet" means an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to, a World Wide Web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service.

"Online" means the use of any electronic or wireless device to access the Internet.

(Source: P.A. 94-179, eff. 7-12-05.)

(720 ILCS 5/16J-10)

Sec. 16J-10. Online sale of stolen property. A person commits the offense of online sale of stolen property when he or she uses or accesses the Internet with the intent of selling property gained through unlawful means.

(Source: P.A. 94-179, eff. 7-12-05.)

(720 ILCS 5/16J-15)

Sec. 16J-15. Online theft by deception. A person commits the offense of online theft by deception when he or she uses the Internet to purchase or attempt to purchase property from a seller with a mode of payment that he or she knows is fictitious, stolen, or lacking the consent of the valid account holder.

(Source: P.A. 94-179, eff. 7-12-05.)

(720 ILCS 5/16J-25)

Sec. 16J-25. Sentence. A violation of this Article is a Class 4 felony if the full retail value of the stolen property or property obtained by

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deception does not exceed $150. A violation of this Article is a Class 2 felony if the full retail value of the stolen property or property obtained by deception exceeds $150.

(Source: P.A. 94-179, eff. 7-12-05.)

(720 ILCS 5/Art. 16K heading)

ARTICLE 16K 16J. THEFT OF MOTOR FUEL

(Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

(720 ILCS 5/16K-5)

Sec. 16K-5 16J-5. Legislative declaration. It is the public policy of this State that the substantial burden placed upon the economy of this State resulting from the rising incidence of theft of motor fuel is a matter of grave concern to the people of this State who have a right to be protected in their health, safety and welfare from the effects of this crime.

(Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

(720 ILCS 5/16K-10)

Sec. 16K-10 16J-10. Definitions. For the purposes of this Article:

"Motor fuel" means a liquid, regardless of its properties, used to propel a vehicle, including gasoline and diesel.

"Retailer" means a person, business, or establishment that sells motor fuel at retail.

"Vehicle" means a motor vehicle, motorcycle, or farm implement that is self-propelled and that uses motor fuel for propulsion.

(Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

(720 ILCS 5/16K-15)

Sec. 16K-15 16J-15. Offense of theft of motor fuel. A person commits the offense of theft of motor fuel when he or she knowingly dispenses motor fuel into a storage container or the fuel tank of a motor vehicle at an establishment in which motor fuel is offered for retail sale and leaves the premises of the establishment without making payment or the authorized charge for the motor fuel with the intention of depriving the establishment in which the motor fuel is offered for retail sale of the possession, use, or benefit of that motor fuel without paying the full retail value of the motor fuel.

(Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

New matter indicated by italics - deletions by strikeout
(720 ILCS 5/16K-25)
Sec. 16K-25 +16J-25. Civil liability. A person who commits the
offense of theft of motor fuel as described in Section 16K-15 +16J-15 is
civilly liable to the retailer as prescribed in Section 16A-7.
(Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

(720 ILCS 5/16K-30)
Sec. 16K-30 +16J-30. Sentence.
(a) Theft of motor fuel, the full retail value of which does not exceed $150, is a Class A misdemeanor.
(b) A person who has been convicted of theft of motor fuel, the full retail value of which does not exceed $150, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools or home invasion is guilty of a Class 4 felony. When a person has any such prior conviction, the information or indictment charging that person shall state such prior conviction so as to give notice of the State's intention to treat the charge as a felony. The fact of such prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.
(c) Any theft of motor fuel, the full retail value of which exceeds $150, is a Class 3 felony. When a charge of theft of motor fuel, the full value of which exceeds $150, is brought, the value of the motor fuel involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding $150.
(Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

(720 ILCS 5/16K-35)
Sec. 16K-35 +16J-35. Continuation of prior law. The provisions of
this Article insofar as they are the same or substantially the same as those of Article 16 of this Code shall be construed as a continuation of that Article 16 and not as a new enactment.
(Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

(720 ILCS 5/16K-40)
Sec. 16K-40 +16J-40. Severability. The provisions of this Article are severable under Section 1.31 of the Statute on Statutes.

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Sec. 17-2. False personation; use of title; solicitation; certain entities.

(a) A person commits a false personation when he or she falsely represents himself or herself to be a member or representative of any veterans' or public safety personnel organization or a representative of any charitable organization, or when any person exhibits or uses in any manner any decal, badge or insignia of any charitable, public safety personnel, or veterans' organization when not authorized to do so by the charitable, public safety personnel, or veterans' organization. "Public safety personnel organization" has the meaning ascribed to that term in Section 1 of the Solicitation for Charity Act.

(a-5) A person commits a false personation when he or she falsely represents himself or herself to be a veteran in seeking employment or public office. In this subsection, "veteran" means a person who has served in the Armed Services or Reserved Forces of the United States.

(a-6) A person commits a false personation when he or she falsely represents himself or herself to be a recipient of, or wears on his or her person, any of the following medals if that medal was not awarded to that person by the United States government, irrespective of branch of service: the Congressional Medal of Honor, the Distinguished Service Cross, the Navy Cross, the Air Force Cross, the Silver Star, the Bronze Star, or the Purple Heart.

It is a defense to a prosecution under this subsection (a-6) that the medal is used, or is intended to be used, exclusively:

(1) for a dramatic presentation, such as a theatrical, film, or television production, or a historical re-enactment; or

(2) for a costume worn, or intended to be worn, by a person under 18 years of age.

(b) No person shall use the words "Chicago Police," "Chicago Police Department," "Chicago Patrolman," "Chicago Sergeant," "Chicago Lieutenant," "Chicago Peace Officer" or any other words to the same effect
in the title of any organization, magazine, or other publication without the express approval of the Chicago Police Board.

(b-5) No person shall use the words "Cook County Sheriff's Police" or "Cook County Sheriff" or any other words to the same effect in the title of any organization, magazine, or other publication without the express approval of the office of the Cook County Sheriff's Merit Board. The references to names and titles in this Section may not be construed as authorizing use of the names and titles of other organizations or public safety personnel organizations otherwise prohibited by this Section or the Solicitation for Charity Act.

(b-10) No person may use, in the title of any organization, magazine, or other publication, the words "officer", "peace officer", "police", "law enforcement", "trooper", "sheriff", "deputy", "deputy sheriff", or "state police" in combination with the name of any state, state agency, public university, or unit of local government without the express written authorization of that state, state agency, or unit of local government.

(c) (Blank).

(c-1) No person may claim or represent that he or she is acting on behalf of any police department, chief of a police department, fire department, chief of a fire department, sheriff's department, or sheriff when soliciting financial contributions or selling or delivering or offering to sell or deliver any merchandise, goods, services, memberships, or advertisements unless the chief of the police department, fire department, and the corporate or municipal authority thereof, or the sheriff has first entered into a written agreement with the person or with an organization with which the person is affiliated and the agreement permits the activity.

(c-2) No person, when soliciting financial contributions or selling or delivering or offering to sell or deliver any merchandise, goods, services, memberships, or advertisements may claim or represent that he or she is representing or acting on behalf of any nongovernmental organization by any name which includes "officer", "peace officer", "police", "law enforcement", "trooper", "sheriff", "deputy", "deputy sheriff", "State police", or any other word or words which would
reasonably be understood to imply that the organization is composed of law enforcement personnel unless the person is actually representing or acting on behalf of the nongovernmental organization, and the nongovernmental organization is controlled by and governed by a membership of and represents a group or association of active duty peace officers, retired peace officers, or injured peace officers and before commencing the solicitation or the sale or the offers to sell any merchandise, goods, services, memberships, or advertisements, a written contract between the soliciting or selling person and the nongovernmental organization has been entered into.

(c-3) No person may solicit financial contributions or sell or deliver or offer to sell or deliver any merchandise, goods, services, memberships, or advertisements on behalf of a police, sheriff, or other law enforcement department unless that person is actually representing or acting on behalf of the department or governmental organization and has entered into a written contract with the police chief, or head of the law enforcement department, and the corporate or municipal authority thereof, or the sheriff, which specifies and states clearly and fully the purposes for which the proceeds of the solicitation, contribution, or sale will be used.

(c-4) No person, when soliciting financial contributions or selling or delivering or offering to sell or deliver any merchandise, goods, services, memberships, or advertisements, may claim or represent that he or she is representing or acting on behalf of any nongovernmental organization by any name which includes the term "fireman", "fire fighter", "paramedic", or any other word or words which would reasonably be understood to imply that the organization is composed of fire fighter or paramedic personnel unless the person is actually representing or acting on behalf of the nongovernmental organization, and the nongovernmental organization is controlled by and governed by a membership of and represents a group or association of active duty, retired, or injured fire fighters (for the purposes of this Section, "fire fighter" has the meaning ascribed to that term in Section 2 of the Illinois Fire Protection Training Act) or active duty, retired, or injured emergency medical technicians - ambulance, emergency medical technicians - intermediate, emergency

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medical technicians - paramedic, ambulance drivers, or other medical assistance or first aid personnel, and before commencing the solicitation or the sale or delivery or the offers to sell or deliver any merchandise, goods, services, memberships, or advertisements, a written contract between the soliciting or selling person and the nongovernmental organization has been entered into.

(c-5) No person may solicit financial contributions or sell or deliver or offer to sell or deliver any merchandise, goods, services, memberships, or advertisements on behalf of a department or departments of fire fighters unless that person is actually representing or acting on behalf of the department or departments and has entered into a written contract with the department chief and corporate or municipal authority thereof which specifies and states clearly and fully the purposes for which the proceeds of the solicitation, contribution, or sale will be used.

(c-6) No person may claim or represent that he or she is an airman, airline employee, airport employee, or contractor at an airport in order to obtain the uniform, identification card, license, or other identification paraphernalia of an airman, airline employee, airport employee, or contractor at an airport.

(d) Sentence. False personation, unapproved use of a name or title, or solicitation in violation of subsection (a), (b), (b-5), or (b-10) of this Section is a Class C misdemeanor. False personation in violation of subsections (a-5) and (c-6) is a Class A misdemeanor. False personation in violation of subsection (a-6) of this Section is a petty offense for which the offender shall be fined at least $100 and not exceeding $200. Engaging in any activity in violation of subsection (c-1), (c-2), (c-3), (c-4), or (c-5) of this Section is a Class 4 felony.

(Source: P.A. 94-548, eff. 8-11-05; 94-755, eff. 1-1-07; 94-984, eff. 6-30-06; revised 8-3-06.)

(720 ILCS 5/21-3) (from Ch. 38, par. 21-3)
Sec. 21-3. Criminal trespass to real property.
(a) Except as provided in subsection (a-5), whoever:

(1) knowingly and without lawful authority enters or remains within or on a building; or

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(2) enters upon the land of another, after receiving, prior to such entry, notice from the owner or occupant that such entry is forbidden; or

(3) remains upon the land of another, after receiving notice from the owner or occupant to depart; or

(3.5) presents false documents or falsely represents his or her identity orally to the owner or occupant of a building or land in order to obtain permission from the owner or occupant to enter or remain in the building or on the land;

commits a Class B misdemeanor.

For purposes of item (1) of this subsection, this Section shall not apply to being in a building which is open to the public while the building is open to the public during its normal hours of operation; nor shall this Section apply to a person who enters a public building under the reasonable belief that the building is still open to the public.

(a-5) Except as otherwise provided in this subsection, whoever enters upon any of the following areas in or on a motor vehicle (including an off-road vehicle, motorcycle, moped, or any other powered two-wheel vehicle) after receiving, prior to that entry, notice from the owner or occupant that the entry is forbidden or remains upon or in the area after receiving notice from the owner or occupant to depart commits a Class A misdemeanor:

(1) A field that is used for growing crops or that is capable of being used for growing crops.

(2) An enclosed area containing livestock.

(3) An orchard.

(4) A barn or other agricultural building containing livestock.

(b) A person has received notice from the owner or occupant within the meaning of Subsection (a) if he has been notified personally, either orally or in writing including a valid court order as defined by subsection (7) of Section 112A-3 of the Code of Criminal Procedure of 1963 granting remedy (2) of subsection (b) of Section 112A-14 of that Code, or if a printed or written notice forbidding such entry has been

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conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.

(c) This Section does not apply to any person, whether a migrant worker or otherwise, living on the land with permission of the owner or of his agent having apparent authority to hire workers on such land and assign them living quarters or a place of accommodations for living thereon, nor to anyone living on such land at the request of, or by occupancy, leasing or other agreement or arrangement with the owner or his agent, nor to anyone invited by such migrant worker or other person so living on such land to visit him at the place he is so living upon the land.

(d) A person shall be exempt from prosecution under this Section if he beautifies unoccupied and abandoned residential and industrial properties located within any municipality. For the purpose of this subsection, "unoccupied and abandoned residential and industrial property" means any real estate (1) in which the taxes have not been paid for a period of at least 2 years; and (2) which has been left unoccupied and abandoned for a period of at least one year; and "beautifies" means to landscape, clean up litter, or to repair dilapidated conditions on or to board up windows and doors.

(e) No person shall be liable in any civil action for money damages to the owner of unoccupied and abandoned residential and industrial property which that person beautifies pursuant to subsection (d) of this Section.

(f) This Section does not prohibit a person from entering a building or upon the land of another for emergency purposes. For purposes of this subsection (f), "emergency" means a condition or circumstance in which an individual is or is reasonably believed by the person to be in imminent danger of serious bodily harm or in which property is or is reasonably believed to be in imminent danger of damage or destruction.

(g) Paragraph (3.5) of subsection (a) does not apply to a peace officer or other official of a unit of government who enters a building or land in the performance of his or her official duties.

(h) A person may be liable in any civil action for money damages to the owner of the land he or she entered upon with a motor

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vehicle as prohibited under subsection (a-5) paragraph (4) of subsection (a) of this Section. A person may also be liable to the owner for court costs and reasonable attorney's fees. The measure of damages shall be: (i) the actual damages, but not less than $250, if the vehicle is operated in a nature preserve or registered area as defined in Sections 3.11 and 3.14 of the Illinois Natural Areas Preservation Act; (ii) twice the actual damages if the owner has previously notified the person to cease trespassing; or (iii) in any other case, the actual damages, but not less than $50. If the person operating the vehicle is under the age of 16, the owner of the vehicle and the parent or legal guardian of the minor are jointly and severally liable. For the purposes of this subsection (h) (g):

"Land" includes, but is not limited to, land used for crop land, fallow land, orchard, pasture, feed lot, timber land, prairie land, mine spoil nature preserves and registered areas. "Land" does not include driveways or private roadways upon which the owner allows the public to drive.

"Owner" means the person who has the right to possession of the land, including the owner, operator or tenant.

"Vehicle" has the same meaning as provided under Section 1-217 of the Illinois Vehicle Code.

(Source: P.A. 94-263, eff. 1-1-06; 94-509, eff. 8-9-05; 94-512, eff. 1-1-06; revised 8-19-05.)

(720 ILCS 5/21-7) (from Ch. 38, par. 21-7)

Sec. 21-7. Criminal trespass to restricted areas and restricted landing areas at airports; aggravated criminal trespass to restricted areas and restricted landing areas at airports.

(a) Whoever enters upon, or remains in, any restricted area or restricted landing area used in connection with an airport facility, or part thereof, in this State, after such person has received notice from the airport authority that such entry is forbidden commits a Class 4 felony.

(b) Whoever enters upon, or remains in, any restricted area or restricted landing area used in connection with an airport facility, or part thereof, in this State, while in possession of a weapon, replica of a
weapon, or ammunition, after the person has received notice from the airport authority that the entry is forbidden commits a Class 3 felony.

(c) Notice that the area is "restricted" and entry thereto "forbidden", for purposes of this Section, means that the person or persons have been notified personally, either orally or in writing, or by a printed or written notice forbidding such entry to him or a group or an organization of which he is a member, which has been conspicuously posted or exhibited at every usable entrance to such area or the forbidden part thereof.

(d) Whoever enters upon, or remains in, any restricted area or restricted landing area used in connection with an airport facility, or part thereof, in this State by presenting false documents or falsely representing his or her identity orally to the airport authority commits a Class A misdemeanor.

(e) Whoever enters upon, or remains in, any restricted area or restricted landing area as prohibited in subsection (a) of this Section, while dressed in the uniform of, improperly wearing the identification of, presenting false credentials of, or otherwise physically impersonating an airman, employee of an airline, employee of an airport, or contractor at an airport commits a Class 4 felony.

(f) The terms "Restricted area" or "Restricted landing area" in this Section are defined to incorporate the meaning ascribed to those terms in Section 8 of the "Illinois Aeronautics Act", approved July 24, 1945, as amended, and also include any other area of the airport that has been designated such by the airport authority.

The terms "airman" and "airport" in this Section are defined to incorporate the meaning ascribed to those terms in Sections 6 and 12 of the Illinois Aeronautics Act.

(g) Subsection (d) does not apply to a peace officer or other official of a unit of government who enters a restricted area or a restricted landing area used in connection with an airport facility, or part thereof, in the performance of his or her official duties.

(Source: P.A. 94-263, eff. 1-1-06; 94-547, eff. 1-1-06; 94-548, eff. 8-11-05; revised 10-5-05.)

(720 ILCS 5/24-1) (from Ch. 38, par. 24-1)
Sec. 24-1. Unlawful Use of Weapons.
(a) A person commits the offense of unlawful use of weapons when he knowingly:

(1) Sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, slung-shot, sand-club, sand-bag, metal knuckles, throwing star, or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or a ballistic knife, which is a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material or compressed gas; or

(2) Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, stun gun or taser or any other dangerous or deadly weapon or instrument of like character; or

(3) Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance, other than an object containing a non-lethal noxious liquid gas or substance designed solely for personal defense carried by a person 18 years of age or older; or

(4) Carries or possesses in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver, stun gun or taser or other firearm, except that this subsection (a) (4) does not apply to or affect transportation of weapons that meet one of the following conditions:

   (i) are broken down in a non-functioning state; or
   (ii) are not immediately accessible; or
   (iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card; or

(5) Sets a spring gun; or

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(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries:
   (i) a machine gun, which shall be defined for the purposes of this subsection as any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon, or sells, manufactures, purchases, possesses, or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination or parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person;
   (ii) any rifle having one or more barrels less than 16 inches in length or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a rifle or shotgun, whether by alteration, modification, or otherwise, if such a weapon as modified has an overall length of less than 26 inches; or
   (iii) any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles; or

(8) Carries or possesses any firearm, stun gun or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted.

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This subsection (a)(8) does not apply to any auction or raffle of a firearm held pursuant to a license or permit issued by a governmental body, nor does it apply to persons engaged in firearm safety training courses; or

(9) Carries or possesses in a vehicle or on or about his person any pistol, revolver, stun gun or taser or firearm or ballistic knife, when he is hooded, robed or masked in such manner as to conceal his identity; or

(10) Carries or possesses on or about his person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his own abode or fixed place of business, any pistol, revolver, stun gun or taser or other firearm, except that this subsection (a)(10) does not apply to or affect transportation of weapons that meet one of the following conditions:

(i) are broken down in a non-functioning state; or
(ii) are not immediately accessible; or
(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card.

A "stun gun or taser", as used in this paragraph (a) means
(i) any device which is powered by electrical charging units, such as, batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning or
(ii) any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning; or

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(11) Sells, manufactures or purchases any explosive bullet. For purposes of this paragraph (a) "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap; or

(12) (Blank).

(b) Sentence. A person convicted of a violation of subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), or subsection 24-1(a)(11) commits a Class A misdemeanor. A person convicted of a violation of subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a person convicted of a violation of subsection 24-1(a)(6) or 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person convicted of a violation of subsection 24-1(a)(7)(i) commits a Class 2 felony and shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years, unless the weapon is possessed in the passenger compartment of a motor vehicle as defined in Section 1-146 of the Illinois Vehicle Code, or on the person, while the weapon is loaded, in which case it shall be a Class X felony. A person convicted of a second or subsequent violation of subsection 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3 felony. The possession of each weapon in violation of this Section constitutes a single and separate violation.

(c) Violations in specific places.

(1) A person who violates subsection 24-1(a)(6) or 24-1(a)(7) in any school, regardless of the time of day or the time of year, in residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or

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mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 2 felony and shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years.

(1.5) A person who violates subsection 24-1(a)(4), 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the time of day or the time of year, in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 3 felony.

(2) A person who violates subsection 24-1(a)(1), 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the time of day or the time of year, in residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in
a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 4 felony. "Courthouse" means any building that is used by the Circuit, Appellate, or Supreme Court of this State for the conduct of official business.

(3) Paragraphs (1), (1.5), and (2) of this subsection (c) shall not apply to law enforcement officers or security officers of such school, college, or university or to students carrying or possessing firearms for use in training courses, parades, hunting, target shooting on school ranges, or otherwise with the consent of school authorities and which firearms are transported unloaded enclosed in a suitable case, box, or transportation package.

(4) For the purposes of this subsection (c), "school" means any public or private elementary or secondary school, community college, college, or university.

(d) The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in subsection (a)(7) is prima facie evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances: (i) if such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or (ii) if such weapon, instrument or substance is found in an automobile operated for hire by a
duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver.

(e) Exemptions. Crossbows, Common or Compound bows and Underwater Spearguns are exempted from the definition of ballistic knife as defined in paragraph (1) of subsection (a) of this Section.

(Source: P.A. 94-72, eff. 1-1-06; 94-284, eff. 7-21-05; revised 8-19-05.)

(720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

Sec. 24-1.1. Unlawful Use or Possession of Weapons by Felons or Persons in the Custody of the Department of Corrections Facilities.

(a) It is unlawful for a person to knowingly possess on or about his person or on his land or in his own abode or fixed place of business any weapon prohibited under Section 24-1 of this Act or any firearm or any firearm ammunition if the person has been convicted of a felony under the laws of this State or any other jurisdiction. This Section shall not apply if the person has been granted relief by the Director of the Department of State Police under Section 10 of the Firearm Owners Identification Card Act.

(b) It is unlawful for any person confined in a penal institution, which is a facility of the Illinois Department of Corrections, to possess any weapon prohibited under Section 24-1 of this Code or any firearm or firearm ammunition, regardless of the intent with which he possesses it.

(c) It shall be an affirmative defense to a violation of subsection (b), that such possession was specifically authorized by rule, regulation, or directive of the Illinois Department of Corrections or order issued pursuant thereto.

(d) The defense of necessity is not available to a person who is charged with a violation of subsection (b) of this Section.

(e) Sentence. Violation of this Section by a person not confined in a penal institution shall be a Class 3 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to no less than 2 years and no more than 10 years and any second or subsequent violation shall be a Class 2 felony for which the person shall be sentenced to a term of imprisonment of not less than 3 years and not more than 14 years. Violation of this Section by a person not confined in a penal institution

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who has been convicted of a forcible felony, a felony violation of Article 24 of this Code or of the Firearm Owners Identification Card Act, stalking or aggravated stalking, or a Class 2 or greater felony under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act is a Class 2 felony for which the person shall be sentenced to not less than 3 years and not more than 14 years. Violation of this Section by a person who is on parole or mandatory supervised release is a Class 2 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 3 years and not more than 14 years. Violation of this Section by a person not confined in a penal institution is a Class X felony when the firearm possessed is a machine gun. Any person who violates this Section while confined in a penal institution, which is a facility of the Illinois Department of Corrections, is guilty of a Class 1 felony, if he possesses any weapon prohibited under Section 24-1 of this Code regardless of the intent with which he possesses it, a Class X felony if he possesses any firearm, firearm ammunition or explosive, and a Class X felony for which the offender shall be sentenced to not less than 12 years and not more than 50 years when the firearm possessed is a machine gun. A violation of this Section while wearing or in possession of body armor as defined in Section 33F-1 is a Class X felony punishable by a term of imprisonment of not less than 10 years and not more than 40 years. The possession of each firearm or firearm ammunition in violation of this Section constitutes a single and separate violation.

(720 ILCS 5/24-1.6)
Sec. 24-1.6. Aggravated unlawful use of a weapon.
(a) A person commits the offense of aggravated unlawful use of a weapon when he or she knowingly:

1. Carries on or about his or her person or in any vehicle or concealed on or about his or her person except when on his or her land or in his or her abode or fixed place of business any pistol, revolver, stun gun or taser or other firearm; or

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(2) Carries or possesses on or about his or her person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his or her own land or in his or her own abode or fixed place of business, any pistol, revolver, stun gun or taser or other firearm; and

(3) One of the following factors is present:
   (A) the firearm possessed was uncased, loaded and immediately accessible at the time of the offense; or
   (B) the firearm possessed was uncased, unloaded and the ammunition for the weapon was immediately accessible at the time of the offense; or
   (C) the person possessing the firearm has not been issued a currently valid Firearm Owner's Identification Card; or
   (D) the person possessing the weapon was previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a felony; or
   (E) the person possessing the weapon was engaged in a misdemeanor violation of the Cannabis Control Act, in a misdemeanor violation of the Illinois Controlled Substances Act, or in a misdemeanor violation of the Methamphetamine Control and Community Protection Act; or
   (F) the person possessing the weapon is a member of a street gang or is engaged in street gang related activity, as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act; or
   (G) the person possessing the weapon had a order of protection issued against him or her within the previous 2 years; or

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(H) the person possessing the weapon was engaged in the commission or attempted commission of a misdemeanor involving the use or threat of violence against the person or property of another; or

(I) the person possessing the weapon was under 21 years of age and in possession of a handgun as defined in Section 24-3, unless the person under 21 is engaged in lawful activities under the Wildlife Code or described in subsection 24-2(b)(1), (b)(3), or 24-2(f).

(b) "Stun gun or taser" as used in this Section has the same definition given to it in Section 24-1 of this Code.

(c) This Section does not apply to or affect the transportation or possession of weapons that:

   (i) are broken down in a non-functioning state; or
   (ii) are not immediately accessible; or
   (iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card.

(d) Sentence. Aggravated unlawful use of a weapon is a Class 4 felony; a second or subsequent offense is a Class 2 felony for which the person shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years. Aggravated unlawful use of a weapon by a person who has been previously convicted of a felony in this State or another jurisdiction is a Class 2 felony for which the person shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years. Aggravated unlawful use of a weapon while wearing or in possession of body armor as defined in Section 33F-1 by a person who has not been issued a valid Firearms Owner's Identification Card in accordance with Section 5 of the Firearm Owners Identification Card Act is a Class X felony. The possession of each firearm in violation of this Section constitutes a single and separate violation.

(Source: P.A. 93-906, eff. 8-11-04; 94-72, eff. 1-1-06; 94-284, eff. 7-21-05; 94-556, eff. 9-11-05; revised 8-19-05.)

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(720 ILCS 5/24-2) (from Ch. 38, par. 24-2)
Sec. 24-2. Exemptions.
(a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10) and Section 24-1.6 do not apply to or affect any of the following:

(1) Peace officers, and any person summoned by a peace officer to assist in making arrests or preserving the peace, while actually engaged in assisting such officer.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty, or while commuting between their homes and places of employment.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.

(4) Special agents employed by a railroad or a public utility to perform police functions, and guards of armored car companies, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment; and watchmen while actually engaged in the performance of the duties of their employment.

(5) Persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by an agency certified by the Department of Professional Regulation, if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment, provided that such commuting is accomplished within one hour from departure from home or place of employment, as the case may be. Persons exempted under this subdivision (a)(5) shall be required to have completed a course of study in firearms handling and training approved and supervised by

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the Department of Professional Regulation as prescribed by Section 28 of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004, prior to becoming eligible for this exemption. The Department of Professional Regulation shall provide suitable documentation demonstrating the successful completion of the prescribed firearms training. Such documentation shall be carried at all times when such persons are in possession of a concealable weapon.

(6) Any person regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to such commercial or industrial operation, while actually engaged in the performance of his or her duty or traveling between sites or properties belonging to the employer, and who, as a security guard, is a member of a security force of at least 5 persons registered with the Department of Professional Regulation; provided that such security guard has successfully completed a course of study, approved by and supervised by the Department of Professional Regulation, consisting of not less than 40 hours of training that includes the theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm authorization card by the Department of Professional Regulation. Conditions for the renewal of firearm authorization cards issued under the provisions of this Section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004. Such firearm authorization card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon.

(7) Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry the weapons specified in subsections 24-1(a)(3) and 24-1(a)(4),

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while on duty in the course of any investigation for the
Commission.

(8) Persons employed by a financial institution for the
protection of other employees and property related to such
financial institution, while actually engaged in the performance of
their duties, commuting between their homes and places of
employment, or traveling between sites or properties owned or
operated by such financial institution, provided that any person so
employed has successfully completed a course of study, approved
by and supervised by the Department of Professional Regulation,
consisting of not less than 40 hours of training which includes
theory of law enforcement, liability for acts, and the handling of
weapons. A person shall be considered to be eligible for this
exemption if he or she has completed the required 20 hours of
training for a security officer and 20 hours of required firearm
training, and has been issued a firearm authorization card by the
Department of Professional Regulation. Conditions for renewal of
firearm authorization cards issued under the provisions of this
Section shall be the same as for those issued under the provisions
of the Private Detective, Private Alarm, Private Security, and
Locksmith Act of 2004. Such firearm authorization card shall be
carried by the person so trained at all times when such person is in
possession of a concealable weapon. For purposes of this
subsection, "financial institution" means a bank, savings and loan
association, credit union or company providing armored car
services.

(9) Any person employed by an armored car company to
drive an armored car, while actually engaged in the performance of
his duties.

(10) Persons who have been classified as peace officers
pursuant to the Peace Officer Fire Investigation Act.

(11) Investigators of the Office of the State's Attorneys
Appellate Prosecutor authorized by the board of governors of the
Office of the State's Attorneys Appellate Prosecutor to carry

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weapons pursuant to Section 7.06 of the State's Attorneys Appellate Prosecutor's Act.

(12) Special investigators appointed by a State's Attorney under Section 3-9005 of the Counties Code.

(12.5) Probation officers while in the performance of their duties, or while commuting between their homes, places of employment or specific locations that are part of their assigned duties, with the consent of the chief judge of the circuit for which they are employed.

(13) Court Security Officers while in the performance of their official duties, or while commuting between their homes and places of employment, with the consent of the Sheriff.

(13.5) A person employed as an armed security guard at a nuclear energy, storage, weapons or development site or facility regulated by the Nuclear Regulatory Commission who has completed the background screening and training mandated by the rules and regulations of the Nuclear Regulatory Commission.

(14) Manufacture, transportation, or sale of weapons to persons authorized under subdivisions (1) through (13.5) of this subsection to possess those weapons.

(b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section 24-1.6 do not apply to or affect any of the following:

(1) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, and patrons of such ranges, while such members or patrons are using their firearms on those target ranges.

(2) Duly authorized military or civil organizations while parading, with the special permission of the Governor.

(3) Hunters, trappers or fishermen with a license or permit while engaged in hunting, trapping or fishing.

(4) Transportation of weapons that are broken down in a non-functioning state or are not immediately accessible.

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(c) Subsection 24-1(a)(7) does not apply to or affect any of the following:

(1) Peace officers while in performance of their official duties.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under subdivisions (1) through (3) of this subsection to possess machine guns, if the machine guns are broken down in a non-functioning state or are not immediately accessible.

(5) Persons licensed under federal law to manufacture any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, or ammunition for such weapons, and actually engaged in the business of manufacturing such weapons or ammunition, but only with respect to activities which are within the lawful scope of such business, such as the manufacture, transportation, or testing of such weapons or ammunition. This exemption does not authorize the general private possession of any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, but only such possession and activities as are within the lawful scope of a licensed manufacturing business described in this paragraph. During transportation, such weapons shall be broken down in a non-functioning state or not immediately accessible.

(6) The manufacture, transport, testing, delivery, transfer or sale, and all lawful commercial or experimental activities necessary thereto, of rifles, shotguns, and weapons made from rifles or shotguns, or ammunition for such rifles, shotguns or weapons, where engaged in by a person operating as a contractor or

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subcontractor pursuant to a contract or subcontract for the development and supply of such rifles, shotguns, weapons or ammunition to the United States government or any branch of the Armed Forces of the United States, when such activities are necessary and incident to fulfilling the terms of such contract.

The exemption granted under this subdivision (c)(6) shall also apply to any authorized agent of any such contractor or subcontractor who is operating within the scope of his employment, where such activities involving such weapon, weapons or ammunition are necessary and incident to fulfilling the terms of such contract.

During transportation, any such weapon shall be broken down in a non-functioning state, or not immediately accessible.

(d) Subsection 24-1(a)(1) does not apply to the purchase, possession or carrying of a black-jack or slug-shot by a peace officer.

(e) Subsection 24-1(a)(8) does not apply to any owner, manager or authorized employee of any place specified in that subsection nor to any law enforcement officer.

(f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and Section 24-1.6 do not apply to members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while using their firearms on those target ranges.

(g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply to:

1. Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

2. Bonafide collectors of antique or surplus military ordinance.

3. Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordinance.

4. Commerce, preparation, assembly or possession of explosive bullets by manufacturers of ammunition licensed by the
federal government, in connection with the supply of those organizations and persons exempted by subdivision (g)(1) of this Section, or like organizations and persons outside this State, or the transportation of explosive bullets to any organization or person exempted in this Section by a common carrier or by a vehicle owned or leased by an exempted manufacturer.

(g-5) Subsection 24-1(a)(6) does not apply to or affect persons licensed under federal law to manufacture any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, firearms, or ammunition for those firearms equipped with those devices, and actually engaged in the business of manufacturing those devices, firearms, or ammunition, but only with respect to activities that are within the lawful scope of that business, such as the manufacture, transportation, or testing of those devices, firearms, or ammunition. This exemption does not authorize the general private possession of any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, but only such possession and activities as are within the lawful scope of a licensed manufacturing business described in this subsection (g-5). During transportation, those devices shall be detached from any weapon or not immediately accessible.

(h) An information or indictment based upon a violation of any subsection of this Article need not negative any exemptions contained in this Article. The defendant shall have the burden of proving such an exemption.

(i) Nothing in this Article shall prohibit, apply to, or affect the transportation, carrying, or possession, of any pistol or revolver, stun gun, taser, or other firearm consigned to a common carrier operating under license of the State of Illinois or the federal government, where such transportation, carrying, or possession is incident to the lawful transportation in which such common carrier is engaged; and nothing in this Article shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm, not the subject of and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of this Article, which is unloaded and enclosed in a case, firearm carrying
box, shipping box, or other container, by the possessor of a valid Firearm Owners Identification Card.
(Source: P.A. 92-325, eff. 8-9-01; 93-438, eff. 8-5-03; 93-439, eff. 8-5-03; 93-576, eff. 1-1-04; revised 9-15-03.)
(720 ILCS 5/24-3) (from Ch. 38, par. 24-3)
Sec. 24-3. Unlawful Sale of Firearms.
(A) A person commits the offense of unlawful sale of firearms when he or she knowingly does any of the following:
   (a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age.
   (b) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent.
   (c) Sells or gives any firearm to any narcotic addict.
   (d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction.
   (e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past 5 years.
   (f) Sells or gives any firearms to any person who is mentally retarded.
   (g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, or a stun gun or taser, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun, or a stun gun or taser for at least 24 hours after application for its purchase has been made. However, this paragraph (g) does not apply to: (1) the sale of a firearm to a law enforcement officer if the seller of the firearm knows that the person to whom he or she is selling the firearm is a law enforcement officer or the sale of a firearm to a person who desires to purchase a firearm for use in promoting the public interest incident to his or her employment as

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a bank guard, armed truck guard, or other similar employment; (2) a mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; (3) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of State Police; or (4) the sale of a firearm to a dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923). For purposes of this paragraph (g), "application" means when the buyer and seller reach an agreement to purchase a firearm.

(h) While holding any license as a dealer, importer, manufacturer or pawnbroker under the federal Gun Control Act of 1968, manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit. For purposes of this paragraph, (1) "firearm" is defined as in the Firearm Owners Identification Card Act; and (2) "handgun" is defined as a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which such a firearm can be assembled.

(i) Sells or gives a firearm of any size to any person under 18 years of age who does not possess a valid Firearm Owner's Identification Card.

(j) Sells or gives a firearm while engaged in the business of selling firearms at wholesale or retail without being licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

In this paragraph (j):

A person "engaged in the business" means a person who devotes time, attention, and labor to engaging in the activity as a regular course of trade or business with the principal objective of livelihood and profit, but does not include a person who makes
occasional repairs of firearms or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms.

"With the principal objective of livelihood and profit" means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection; however, proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism.

(k) Sells or transfers ownership of a firearm to a person who does not display to the seller or transferor of the firearm a currently valid Firearm Owner's Identification Card that has previously been issued in the transferee's name by the Department of State Police under the provisions of the Firearm Owners Identification Card Act. This paragraph (k) does not apply to the transfer of a firearm to a person who is exempt from the requirement of possessing a Firearm Owner's Identification Card under Section 2 of the Firearm Owners Identification Card Act. For the purposes of this Section, a currently valid Firearm Owner's Identification Card means (i) a Firearm Owner's Identification Card that has not expired or (ii) if the transferor is licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923), an approval number issued in accordance with Section 3.1 of the Firearm Owners Identification Card Act shall be proof that the Firearm Owner's Identification Card was valid.

(B) Paragraph (h) of subsection (A) does not include firearms sold within 6 months after enactment of Public Act 78-355 (approved August 21, 1973, effective October 1, 1973), nor is any firearm legally owned or possessed by any citizen or purchased by any citizen within 6 months after the enactment of Public Act 78-355 subject to confiscation or seizure under the provisions of that Public Act. Nothing in Public Act 78-355 shall be construed to prohibit the gift or trade of any firearm if that firearm
was legally held or acquired within 6 months after the enactment of that Public Act.

(C) Sentence.

(1) Any person convicted of unlawful sale of firearms in violation of any of paragraphs (c) through (h) of subsection (A) commits a Class 4 felony.

(2) Any person convicted of unlawful sale of firearms in violation of paragraph (b) or (i) of subsection (A) commits a Class 3 felony.

(3) Any person convicted of unlawful sale of firearms in violation of paragraph (a) of subsection (A) commits a Class 2 felony.

(4) Any person convicted of unlawful sale of firearms in violation of paragraph (a), (b), or (i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony. Any person convicted of a second or subsequent violation of unlawful sale of firearms in violation of paragraph (a), (b), or (i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony for which the sentence shall be a term of imprisonment of no less than 5 years and no more than 15 years.

(5) Any person convicted of unlawful sale of firearms in violation of paragraph (a) or (i) of subsection (A) in residential property owned, operated, or managed by a public housing agency
or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, or on any public way within 1,000 feet of the real property comprising any public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 2 felony.

(6) Any person convicted of unlawful sale of firearms in violation of paragraph (j) of subsection (A) commits a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

(7) Any person convicted of unlawful sale of firearms in violation of paragraph (k) of subsection (A) commits a Class 4 felony. A third or subsequent conviction for a violation of paragraph (k) of subsection (A) is a Class 1 felony.

(D) For purposes of this Section:
"School" means a public or private elementary or secondary school, community college, college, or university.
"School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district.

(E) A prosecution for a violation of paragraph (k) of subsection (A) of this Section may be commenced within 6 years after the commission of the offense. A prosecution for a violation of this Section other than paragraph (g) of subsection (A) of this Section may be commenced within 5 years after the commission of the offense defined in the particular paragraph.

(Source: P.A. 93-162, eff. 7-10-03; 93-906, eff. 8-11-04; 94-6, eff. 1-1-06; 94-284, eff. 7-21-05; revised 8-19-05.)

(720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)
Sec. 24-3.1. Unlawful possession of firearms and firearm ammunition.

(a) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person; or

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(4) He has been a patient in a mental hospital within the past 5 years and has any firearms or firearm ammunition in his possession; or

(5) He is mentally retarded and has any firearms or firearm ammunition in his possession; or

(6) He has in his possession any explosive bullet.

For purposes of this paragraph "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

(b) Sentence.

Unlawful possession of firearms, other than handguns, and firearm ammunition is a Class A misdemeanor. Unlawful possession of handguns is a Class 4 felony. The possession of each firearm or firearm ammunition in violation of this Section constitutes a single and separate violation.

(c) Nothing in paragraph (1) of subsection (a) of this Section prohibits a person under 18 years of age from participating in any lawful recreational activity with a firearm such as, but not limited to, practice shooting at targets upon established public or private target ranges or
hunting, trapping, or fishing in accordance with the Wildlife Code or the Fish and Aquatic Life Code.
(Source: P.A. 94-284, eff. 7-21-05; revised 8-23-05.)

(720 ILCS 5/32-5.2) (from Ch. 38, par. 32-5.2)
Sec. 32-5.2. Aggravated False Personation of a Peace Officer. A person who knowingly and falsely represents himself or herself to be a peace officer in attempting or committing a felony commits a Class 2 felony. A person who knowingly and falsely represents himself or herself to be a peace officer of any jurisdiction in attempting or committing a forcible felony commits a Class 1 felony.
(Source: P.A. 94-730, eff. 4-17-06; 94-985, eff. 1-1-07; revised 8-3-06.)

(720 ILCS 5/44-3) (from Ch. 38, par. 44-3)
Sec. 44-3. (a) Seizure. Any telecommunications device possessed by a person on the real property of any elementary or secondary school without the authority of the school principal, or used in the commission of an offense prohibited by this Code, the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act or which constitutes evidence of the commission of such offenses may be seized and delivered forthwith to the investigating law enforcement agency. A person who is not a student of the particular elementary or secondary school, who is on school property as an invitee of the school, and who has possession of a telecommunication device for lawful and legitimate purposes, shall not need to obtain authority from the school principal to possess the telecommunication device on school property. Such telecommunication device shall not be seized unless it was used in the commission of an offense specified above, or constitutes evidence of such an offense. Within 15 days after such delivery the investigating law enforcement agency shall give notice of seizure to any known owners, lienholders and secured parties of such property. Within that 15 day period the investigating law enforcement agency shall also notify the State's Attorney of the county of seizure about the seizure.

(b) Rights of lienholders and secured parties.

New matter indicated by italics - deletions by strikeout
The State's Attorney shall promptly release a telecommunications device seized under the provisions of this Article to any lienholder or secured party if such lienholder or secured party shows to the State's Attorney that his lien or security interest is bona fide and was created without actual knowledge that such telecommunications device was or possessed in violation of this Section or used or to be used in the commission of the offense charged.

(c) Action for forfeiture. (1) The State's Attorney in the county in which such seizure occurs if he finds that such forfeiture was incurred without willful negligence or without any intention on the part of the owner of the telecommunications device or a lienholder or secured party to violate the law, or finds the existence of such mitigating circumstances as to justify remission of the forfeiture, may cause the investigating law enforcement agency to remit the same upon such terms and conditions as the State's Attorney deems reasonable and just. The State's Attorney shall exercise his discretion under the foregoing provision of this Section promptly after notice is given in accordance with subsection (a). If the State's Attorney does not cause the forfeiture to be remitted he shall forthwith bring an action for forfeiture in the circuit court within whose jurisdiction the seizure and confiscation has taken place. The State's Attorney shall give notice of the forfeiture proceeding by mailing a copy of the complaint in the forfeiture proceeding to the persons and in the manner set forth in subsection (a). The owner of the device or any person with any right, title, or interest in the device may within 20 days after the mailing of such notice file a verified answer to the complaint and may appear at the hearing on the action for forfeiture. The State shall show at such hearing by a preponderance of the evidence that the device was used in the commission of an offense described in subsection (a). The owner of the device or any person with any right, title, or interest in the device may show by a preponderance of the evidence that he did not know, and did not have reason to know, that the device was possessed in violation of this Section or to be used in the commission of such an offense or that any of the exceptions set forth in subsection (d) are applicable. Unless the State shall make such showing, the Court shall order the device released to the

New matter indicated by italics - deletions by strikeout
owner. Where the State has made such showing, the Court may order the device destroyed; may upon the request of the investigating law enforcement agency, order it delivered to any local, municipal or county law enforcement agency, or the Department of State Police or the Department of Revenue of the State of Illinois; or may order it sold at public auction.

(2) A copy of the order shall be filed with the investigating law enforcement agency of the county in which the seizure occurs. Such order, when filed, confers ownership of the device to the department or agency to whom it is delivered or any purchaser thereof. The investigating law enforcement agency shall comply promptly with instructions to remit received from the State's Attorney or Attorney General in accordance with paragraph (1) of this subsection or subsection (d).

(3) The proceeds of any sale at public auction pursuant to this subsection, after payment of all liens and deduction of the reasonable charges and expenses incurred by the investigating law enforcement agency in storing and selling the device, shall be paid into the general fund of the level of government responsible for the operation of the investigating law enforcement agency.

(d) Exceptions to forfeiture. (b) No device shall be forfeited under the provisions of subsection (c) by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than the owner while the device was unlawfully in the possession of a person who acquired possession thereof in violation of the criminal laws of the United States, or of any state.

(e) Remission by Attorney General. Whenever any owner of, or other person interested in, a device seized under the provisions of this Section files with the Attorney General before the sale or destruction of the device a petition for the remission of such forfeiture the Attorney General if he finds that such forfeiture was incurred without willful negligence or without any intention on the part of the owner or any person with any right, title or interest in the device to violate the law, or finds the existence of such mitigating circumstances as to justify the remission of forfeiture, may cause the same to be remitted upon such terms and conditions as he deems just.
conditions as he deems reasonable and just, or order discontinuance of any forfeiture proceeding relating thereto.
(Source: P.A. 94-556, eff. 9-11-05; revised 10-11-05.)

Section 1035. The Wild Plant Conservation Act is amended by changing Section 1 as follows:

(720 ILCS 400/1) (from Ch. 5, par. 231)

Sec. 1. Any person, firm or corporation who knowingly buys, sells, offers or exposes for sale any blood root (Sanguinaria canadensis), lady slipper (Cyprepedium parviflorum and Cyprepedium hirsutum), columbine (Aquilegia canadensis), trillium (Trillium grandiflorum and Trillium sessile), lotus (Nelumbo lutes), or gentian (Gentiana crinita crinita and Gentiana andrewsii), or any part thereof, dug, pulled up or gathered from any public or private land, unless in the case of private land the owner or person lawfully occupying such land gives his consent in writing thereto, is guilty of a petty offense.
(Source: P.A. 90-655, eff. 7-30-98; revised 10-11-05.)

Section 1040. The Illinois Controlled Substances Act is amended by changing Sections 201, 204, and 402 and by setting forth and renumbering multiple versions of Section 218 as follows:

(720 ILCS 570/201) (from Ch. 56 1/2, par. 1201)

Sec. 201. (a) The Department shall carry out the provisions of this Article. The Department or its successor agency may add substances to or delete or reschedule all controlled substances in the Schedules of Sections 204, 206, 208, 210 and 212 of this Act. In making a determination regarding the addition, deletion, or rescheduling of a substance, the Department shall consider the following:

1. the actual or relative potential for abuse;
2. the scientific evidence of its pharmacological effect, if known;
3. the state of current scientific knowledge regarding the substance;
4. the history and current pattern of abuse;
5. the scope, duration, and significance of abuse;
6. the risk to the public health;

New matter indicated by italics - deletions by strikeout
(7) the potential of the substance to produce psychological or physiological dependence;
(8) whether the substance is an immediate precursor of a substance already controlled under this Article;
(9) the immediate harmful effect in terms of potentially fatal dosage; and
(10) the long-range effects in terms of permanent health impairment. (b) (Blank).
(c) (Blank).
(d) If any substance is scheduled, rescheduled, or deleted as a controlled substance under Federal law and notice thereof is given to the Department, the Department shall similarly control the substance under this Act after the expiration of 30 days from publication in the Federal Register of a final order scheduling a substance as a controlled substance or rescheduling or deleting a substance, unless within that 30 day period the Department objects, or a party adversely affected files with the Department substantial written objections objecting to inclusion, rescheduling, or deletion. In that case, the Department shall publish the reasons for objection or the substantial written objections and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the Department shall publish its decision, by means of a rule, which shall be final unless altered by statute. Upon publication of objections by the Department, similar control under this Act whether by inclusion, rescheduling or deletion is stayed until the Department publishes its ruling.
(e) The Department shall by rule exclude any non-narcotic substances from a schedule if such substance may, under the Federal Food, Drug, and Cosmetic Act, be lawfully sold over the counter without a prescription.
(f) The sale, delivery, distribution, and possession of a drug product containing dextromethorphan shall be in accordance with Section 218 of this Act:
(g) Authority to control under this section does not extend to distilled spirits, wine, malt beverages, or tobacco as those terms are
defined or used in the Liquor Control Act and the Tobacco Products Tax Act.

(h) Persons registered with the Drug Enforcement Administration to manufacture or distribute controlled substances shall maintain adequate security and provide effective controls and procedures to guard against theft and diversion, but shall not otherwise be required to meet the physical security control requirements (such as cage or vault) for Schedule V controlled substances containing pseudoephedrine or Schedule II controlled substances containing dextromethorphan.

(Source: P.A. 94-800, eff. 1-1-07; revised 8-3-06.)

(720 ILCS 570/204) (from Ch. 56 1/2, par. 1204)

Sec. 204. (a) The controlled substances listed in this Section are included in Schedule I.

(b) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Acetylmethadol;
(1.1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
(2) Allylprodine;
(3) Alphacetylmethadol, except levo-alphacetylmethadol (also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);
(4) Alphameprodine;
(5) Alphamethadol;
(6) Alpha-methylfentanyl (N-(1-alpha-methyl-beta-phenyl) ethyl-4-piperidyl) propionanilide; 1-(1-methyl-2-phenylethyl)-4-(–propanilido) piperidine;
(6.1) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl]ethy-
4-piperidinyl]-N-phenylpropanamide);
(7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);
(7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);
(7.1) PEPAP
(1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
(8) Benzethidine;
(9) Betacetylmethadol;
(9.1) Beta-hydroxyfentanyl
(N-[1-(2-hydroxy-2-phenethyl)-
4-piperidinyl]-N-phenylpropanamide);
(10) Betameprodine;
(11) Betamethadol;
(12) Betaprodine;
(13) Clonitazene;
(14) Dextromoramide;
(15) Diampromide;
(16) Diethylthiambutene;
(17) Difenoxin;
(18) Dimenoxadol;
(19) Dimepheptanol;
(20) Dimethylthiambutene;
(21) Dioxaphetylbutyrate;
(22) Dipipanone;
(23) Ethylmethylthiambutene;
(24) Etonitazene;
(25) Etoxeridine;
(26) Furethidine;
(27) Hydroxypethidine;
(28) Ketobemidone;
(29) Levomoramide;
(30) Levophenacylmorphan;
(31) 3-Methylfentanyl
(N-[3-methyl-1-(2-phenylethyl)-
4-piperidyl]-N-phenylpropanamide);

New matter indicated by italics - deletions by strikeout
(31.1) 3-Methylthiofentanyl
(N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
(32) Morpheridine;
(33) Noracymethadol;
(34) Norlevorphanol;
(35) Normethadone;
(36) Norpipanone;
(36.1) Para-fluorofentanyl
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);
(37) Phenadoxone;
(38) Phenampramide;
(39) Phenomorphine;
(40) Phenoperidine;
(41) Piritramide;
(42) Proheptazine;
(43) Properidine;
(44) Propiram;
(45) Racemoramide;
(45.1) Thiofentanyl
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);
(46) Tilidine;
(47) Trimeperidine;
(48) Beta-hydroxy-3-methylfentanyl (other name:
N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide).

(c) Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine;
(2) Acetyldihydrocodeine;

New matter indicated by italics - deletions by strikeout
(3) Benzylmorphine;
(4) Codeine methylbromide;
(5) Codeine-N-Oxide;
(6) Cyprorenorphine;
(7) Desomorphine;
(8) Diacetyldihydromorphine (Dihydroheroin);
(9) Dihydromorphine;
(10) Drotebanol;
(11) Etorphine (except hydrochloride salt);
(12) Heroin;
(13) Hydromorphinol;
(14) Methyldesorphine;
(15) Methyldihydromorphine;
(16) Morphine methylbromide;
(17) Morphine methylsulfonate;
(18) Morphine-N-Oxide;
(19) Myrophine;
(20) Nicocodeine;
(21) Nicomorphine;
(22) Normorphine;
(23) Pholcodine;
(24) Thebacon.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for the purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

1. 3,4-methylene dioxyamphetamine
   (alpha-methyl,3,4-methylene dioxyphenethylamine, methylene dioxyamphetamine, MDA);
   1.1 Alpha-ethyltryptamine
   (some trade or other names: etryptamine;

New matter indicated by italics - deletions by strikeout
MONASE; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)indole; a-ET; and AET;
(2) 3,4-methylenedioxymethamphetamine (MDMA);
(2.1) 3,4-methylenedioxy-N-ethylamphetamine
(also known as: N-ethyl-alpha-methyl-
3,4(methylenedioxy) Phenethylamine, N-ethyl MDA, MDE,
and MDEA);
(3) 3-methoxy-4,5-methylenedioxyamphetamine, (MMDA);
(4) 3,4,5-trimethoxyamphetamine (TMA);
(5) (Blank);
(6) Diethyltryptamine (DET);
(7) Dimethyltryptamine (DMT);
(8) 4-methyl-2,5-dimethoxyamphetamine (DOM, STP);
(9) Ibogaine (some trade and other names:
7-ethyl-6,6,beta,7,8,9,10,12,13-octahydro-2-methoxy-
6,9-methano-5H-pyrdo [1',2':1,2] azepino [5,4-b]
indole; Tabernanthe iboga);
(10) Lysergic acid diethylamide;
(11) 3,4,5-trimethoxyphenethylamine (Mescaline);
(12) Peyote (meaning all parts of the plant presently
classified botanically as Lophophora williamsii williemaii Lemaire,
whether growing or not, the seeds thereof, any extract from any
part of that plant, and every compound, manufacture, salts,
derivative, mixture, or preparation of that plant, its seeds or
extracts);
(13) N-ethyl-3-piperidyl benzilate (JB 318);
(14) N-methyl-3-piperidyl benzilate;
(14.1) N-hydroxy-3,4-methylenedioxymphetamine
(also known as N-hydroxy-alpha-methyl-
3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);
(15) Parahexyl; some trade or other names:
3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-
dibenzo (b,d) pyran; Synhexyl;

New matter indicated by italics - deletions by strikeout
(16) Psilocybin;
(17) Psilocyn;
(18) Alpha-methyltryptamine (AMT);
(19) 2,5-dimethoxyamphetamine (2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);
(20) 4-bromo-2,5-dimethoxyamphetamine (4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA);
(20.1) 4-Bromo-2,5 dimethoxyphenethylamine.
Some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB, 2CB, Nexus;
(21) 4-methoxyamphetamine (4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA);
(22) (Blank);
(23) Ethylamine analog of phencyclidine.
Some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;
(24) Pyrrolidine analog of phencyclidine. Some trade or other names: 1-(1-phenylcyclohexyl) pyrrolidine, PCPy, PHP;
(25) 5-methoxy-3,4-methylenedioxyamphetamine;
(26) 2,5-dimethoxy-4-ethylamphetamine (another name: DOET);
(27) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine (another name: TCPy);
(28) (Blank);
(29) Thiophene analog of phencyclidine (some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP);
(30) Bufotenine (some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole;

New matter indicated by italics - deletions by strikeout
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3-(2-dimethylaminoethyl)-5-indolol;
5-hydroxy-N,N-dimethyltryptamine;
N,N-dimethylserotonin; mappine).

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. mecloqualone;
2. methaqualone; and
3. gamma hydroxybutyric acid.

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

1. Fenethylline;
2. N-ethylamphetamine;
3. Aminorex (some other names:
   2-amino-5-phenyl-2-oxazoline; aminoxaphen;
   4-5-dihydro-5-phenyl-2-oxazolamine) and its salts, optical isomers, and salts of optical isomers;
4. Methcathinone (some other names:
   2-methylamino-1-phenylpropan-1-one;
   Ephedrone; 2-(methylamino)-propiophenone;
   alpha-(methylamino)propiophenone; N-methylcathinone; methycathinone; Monomethylpropion; UR 1431) and its salts, optical isomers, and salts of optical isomers;
5. Cathinone (some trade or other names:
   2-aminopropiophenone; alpha-aminopropiophenone;
   2-amino-1-phenyl-propanone; norephedrine);
6. N,N-dimethylamphetamine (also known as:
   N,N-alpha-trimethyl-benzeneethanamine;
   N,N-alpha-trimethylphenethylamine);

New matter indicated by italics - deletions by strikeout
(7) (+ or -) cis-4-methylaminorex ((+ or -) cis-4,5-dihydro-4-methyl-4-5-phenyl-2-oxazolamine).

(g) Temporary listing of substances subject to emergency scheduling. Any material, compound, mixture, or preparation that contains any quantity of the following substances:

1. N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, isomers, salts, and salts of isomers;
2. N-[1(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts, and salts of isomers.

(Source: P.A. 90-382, eff. 8-15-97; 91-714, eff. 6-2-00; revised 10-18-05.)

(720 ILCS 570/218)

Sec. 218. Dextromethorphan.

(a) A drug product containing dextromethorphan may not be sold, delivered, distributed, or possessed except in accordance with the prescription requirements of Sections 309, 312, and 313 of this Act.

(b) Possession of a drug product containing dextromethorphan in violation of this Section is a Class 4 felony. The sale, delivery, distribution, or possession with intent to sell, deliver, or distribute a drug product containing dextromethorphan in violation of this Section is a Class 2 felony.

(c) This Section does not apply to a drug product containing dextromethorphan that is sold in solid, tablet, liquid, capsule, powder, thin film, or gel form and which is formulated, packaged, and sold in dosages and concentrations for use as an over-the-counter drug product. For the purposes of this Section, "over-the-counter drug product" means a drug that is available to consumers without a prescription and sold in compliance with the safety and labeling standards as set forth by the United States Food and Drug Administration.

(Source: P.A. 94-800, eff. 1-1-07.)

(720 ILCS 570/219)

Sec. 219. Dietary supplements containing ephedrine or anabolic steroid precursors.

New matter indicated by italics - deletions by strikeout
(a) It is a Class A misdemeanor for any manufacturer, wholesaler, retailer, or other person to sell, transfer, or otherwise furnish any of the following to a person under 18 years of age:

(1) a dietary supplement containing an ephedrine group alkaloid; or

(2) a dietary supplement containing any of the following:

   (A) Androstanediol;
   (B) Androstanedione;
   (C) Androstenedione;
   (D) Norandrostenediol;
   (E) Norandrostenedione; or
   (F) Dehydroepiandrosterone.

(b) A seller shall request valid identification from any individual who attempts to purchase a dietary supplement set forth in subsection (a) if that individual reasonably appears to the seller to be under 18 years of age.

(Source: P.A. 94-339, eff. 7-26-05; revised 9-1-06.)

(720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

Sec. 402. Except as otherwise authorized by this Act, it is unlawful for any person knowingly to possess a controlled or counterfeit substance or controlled substance analog. A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. For purposes of this Section, "controlled substance analog" or "analog" means a substance which is intended for human consumption, other than a controlled substance, that has a chemical structure substantially similar to that of a controlled substance in Schedule I or II, or that was specifically designed to produce an effect substantially similar to that of a controlled substance in Schedule I or II. Examples of chemical classes in which controlled substance analogs are found include, but are not limited to, the following: phenethylamines, N-substituted piperidines, morphinans, egonines, quinazolinones, substituted indoles, and arylcycloalkylamines. For purposes of this Act, a controlled substance analog shall be treated in the same manner as the controlled substance to which it is substantially similar.
(a) Any person who violates this Section with respect to the following controlled or counterfeit substances and amounts, notwithstanding any of the provisions of subsections (c) and (d) to the contrary, is guilty of a Class 1 felony and shall, if sentenced to a term of imprisonment, be sentenced as provided in this subsection (a) and fined as provided in subsection (b):

(1) (A) not less than 4 years and not more than 15 years with respect to 15 grams or more but less than 100 grams of a substance containing heroin;

(B) not less than 6 years and not more than 30 years with respect to 100 grams or more but less than 400 grams of a substance containing heroin;

(C) not less than 8 years and not more than 40 years with respect to 400 grams or more but less than 900 grams of any substance containing heroin;

(D) not less than 10 years and not more than 50 years with respect to 900 grams or more of any substance containing heroin;

(2) (A) not less than 4 years and not more than 15 years with respect to 15 grams or more but less than 100 grams of any substance containing cocaine;

(B) not less than 6 years and not more than 30 years with respect to 100 grams or more but less than 400 grams of any substance containing cocaine;

(C) not less than 8 years and not more than 40 years with respect to 400 grams or more but less than 900 grams of any substance containing cocaine;

(D) not less than 10 years and not more than 50 years with respect to 900 grams or more of any substance containing cocaine;

(3) (A) not less than 4 years and not more than 15 years with respect to 15 grams or more but less than 100 grams of any substance containing morphine;

New matter indicated by italics - deletions by strikeout
(B) not less than 6 years and not more than 30 years with respect to 100 grams or more but less than 400 grams of any substance containing morphine;

(C) not less than 6 years and not more than 40 years with respect to 400 grams or more but less than 900 grams of any substance containing morphine;

(D) not less than 10 years and not more than 50 years with respect to 900 grams or more of any substance containing morphine;

(4) 200 grams or more of any substance containing peyote;

(5) 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid;

(6) 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine;

(6.5) (blank);

(7) (A) not less than 4 years and not more than 15 years with respect to: (i) 15 grams or more but less than 100 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 15 or more objects or 15 or more segregated parts of an object or objects but less than 200 objects or 200 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(B) not less than 6 years and not more than 30 years with respect to: (i) 100 grams or more but less than 400 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 200 or more objects or 200 or more segregated parts of an object or objects but less than 600 objects or less than 600 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

New matter indicated by italics - deletions by strikeout
containing lysergic acid diethylamide (LSD), or an analog thereof;

(C) not less than 8 years and not more than 40 years with respect to: (i) 400 grams or more but less than 900 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 600 or more objects or 600 or more segregated parts of an object or objects but less than 1500 objects or 1500 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(D) not less than 10 years and not more than 50 years with respect to: (i) 900 grams or more of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 1500 or more objects or 1500 or more segregated parts of an object or objects containing in them or having upon them any amount of a substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(7.5) (A) not less than 4 years and not more than 15 years with respect to: (i) 15 grams or more but less than 100 grams of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 15 or more pills, tablets, caplets, capsules, or objects but less than 200 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(B) not less than 6 years and not more than 30 years with respect to: (i) 100 grams or more but less than 400 grams of any substance listed in paragraph (1), (2), (2.1),

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(3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 200 or more pills, tablets, caplets, capsules, or objects but less than 600 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(C) not less than 8 years and not more than 40 years with respect to: (i) 400 grams or more but less than 900 grams of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 600 or more pills, tablets, caplets, capsules, or objects but less than 1,500 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(D) not less than 10 years and not more than 50 years with respect to: (i) 900 grams or more of any substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 1,500 or more pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of a substance listed in paragraph (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(8) 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;

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(9) 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone;

(10) 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP);

(10.5) 30 grams or more of any substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine;

(11) 200 grams or more of any substance containing any substance classified as a narcotic drug in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection.

(b) Any person sentenced with respect to violations of paragraph (1), (2), (3), (7), or (7.5) of subsection (a) involving 100 grams or more of the controlled substance named therein, may in addition to the penalties provided therein, be fined an amount not to exceed $200,000 or the full street value of the controlled or counterfeit substances, whichever is greater. The term "street value" shall have the meaning ascribed in Section 110-5 of the Code of Criminal Procedure of 1963. Any person sentenced with respect to any other provision of subsection (a), may in addition to the penalties provided therein, be fined an amount not to exceed $200,000.

(c) Any person who violates this Section with regard to an amount of a controlled substance other than methamphetamine or counterfeit substance not set forth in subsection (a) or (d) is guilty of a Class 4 felony. The fine for a violation punishable under this subsection (c) shall not be more than $25,000.

(d) Any person who violates this Section with regard to any amount of anabolic steroid is guilty of a Class C misdemeanor for the first offense and a Class B misdemeanor for a subsequent offense committed within 2 years of a prior conviction.

(Source: P.A. 94-324, eff. 7-26-05; 94-556, eff. 9-11-05; revised 8-19-05.)

Section 1045. The Drug Paraphernalia Control Act is amended by changing Section 4 as follows:

(720 ILCS 600/4) (from Ch. 56 1/2, par. 2104)

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Sec. 4. Exemptions. This Act does not apply to:
(a) Items used in the preparation, compounding, packaging, labeling, or other use of cannabis or a controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale.
(b) Items historically and customarily used in connection with; the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance.
Items exempt under this subsection include, but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes, and cigarette-rolling papers.
(c) Items listed in Section 2 of this Act which are used for decorative purposes, when such items have been rendered completely inoperable or incapable of being used for any illicit purpose prohibited by this Act.
(d) A person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act.
In determining whether or not a particular item is exempt under this Section subsection, the trier of fact should consider, in addition to all other logically relevant factors, the following:
(1) the general, usual, customary, and historical use to which the item involved has been put;
(2) expert evidence concerning the ordinary or customary use of the item and the effect of any peculiarity in the design or engineering of the device upon its functioning;
(3) any written instructions accompanying the delivery of the item concerning the purposes or uses to which the item can or may be put;
(4) any oral instructions provided by the seller of the item at the time and place of sale or commercial delivery;

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(5) any national or local advertising concerning the design, purpose or use of the item involved, and the entire context in which such advertising occurs;

(6) the manner, place and circumstances in which the item was displayed for sale, as well as any item or items displayed for sale or otherwise exhibited upon the premises where the sale was made;

(7) whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(8) the existence and scope of legitimate uses for the object in the community.

(Source: P.A. 93-392, eff. 7-25-03; 93-526, eff. 8-12-03; revised 9-22-03.)


(725 ILCS 5/108-4) (from Ch. 38, par. 108-4)

Sec. 108-4. Issuance of search warrant.

(a) All warrants upon written complaint shall state the time and date of issuance and be the warrants of the judge issuing the same and not the warrants of the court in which he is then sitting and such warrants need not bear the seal of the court or clerk thereof. The complaint on which the warrant is issued need not be filed with the clerk of the court nor with the court if there is no clerk until the warrant has been executed or has been returned "not executed".

The search warrant upon written complaint may be issued electronically or electromagnetically by use of a facsimile transmission machine and any such warrant shall have the same validity as a written search warrant.

(b) Warrant upon oral testimony.

(1) General rule. When the offense in connection with which a search warrant is sought constitutes terrorism or any related offense as defined in Article 29D of the Criminal Code of 1961, and if the circumstances make it reasonable to dispense, in

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whole or in part, with a written affidavit, a judge may issue a warrant based upon sworn testimony communicated by telephone or other appropriate means, including facsimile transmission.

(2) Application. The person who is requesting the warrant shall prepare a document to be known as a duplicate original warrant and shall read such duplicate original warrant, verbatim, to the judge. The judge shall enter, verbatim, what is so read to the judge on a document to be known as the original warrant. The judge may direct that the warrant be modified.

(3) Issuance. If the judge is satisfied that the offense in connection with which the search warrant is sought constitutes terrorism or any related offense as defined in Article 29D of the Criminal Code of 1961, that the circumstances are such as to make it reasonable to dispense with a written affidavit, and that grounds for the application exist or that there is probable cause to believe that they exist, the judge shall order the issuance of a warrant by directing the person requesting the warrant to sign the judge's name on the duplicate original warrant. The judge shall immediately sign the original warrant and enter on the face of the original warrant the exact time when the warrant was ordered to be issued. The finding of probable cause for a warrant upon oral testimony may be based on the same kind of evidence as is sufficient for a warrant upon affidavit.

(4) Recording and certification of testimony. When a caller informs the judge that the purpose of the call is to request a warrant, the judge shall immediately place under oath each person whose testimony forms a basis of the application and each person applying for that warrant. If a voice recording device is available, the judge shall record by means of the device all of the call after the caller informs the judge that the purpose of the call is to request a warrant, otherwise a stenographic or longhand verbatim record shall be made. If a voice recording device is used or a stenographic record made, the judge shall have the record transcribed, shall certify the accuracy of the transcription, and shall file a copy of the
original record and the transcription with the court. If a longhand verbatim record is made, the judge shall file a signed copy with the court. (5) Contents. The contents of a warrant upon oral testimony shall be the same as the contents of a warrant upon affidavit.

(6) Additional rule for execution. The person who executes the warrant shall enter the exact time of execution on the face of the duplicate original warrant.

(7) Motion to suppress based on failure to obtain a written affidavit. Evidence obtained pursuant to a warrant issued under this subsection (b) is not subject to a motion to suppress on the ground that the circumstances were not such as to make it reasonable to dispense with a written affidavit, absent a finding of bad faith. All other grounds to move to suppress are preserved.

(8) This subsection (b) is inoperative on and after January 1, 2005.

(9) No evidence obtained pursuant to this subsection (b) shall be inadmissible in a court of law by virtue of subdivision (8).

(Source: P.A. 92-854, eff. 12-5-02; revised 10-12-05.)

(725 ILCS 5/108B-1) (from Ch. 38, par. 108B-1)

Sec. 108B-1. Definitions. For the purpose of this Article:

(a) "Aggrieved person" means a person who was a party to any intercepted private communication or any person against whom the intercept was directed.

(b) "Chief Judge" means, when referring to a judge authorized to receive application for, and to enter orders authorizing, interceptions of private communications, the Chief Judge of the Circuit Court wherein the application for order of interception is filed, or a Circuit Judge designated by the Chief Judge to enter these orders. In circuits other than the Cook County Circuit, "Chief Judge" also means, when referring to a judge authorized to receive application for, and to enter orders authorizing, interceptions of private communications, an Associate Judge authorized by Supreme Court Rule to try felony cases who is assigned by the Chief Judge to enter these orders. After assignment by the Chief Judge, an

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Associate Judge shall have plenary authority to issue orders without additional authorization for each specific application made to him by the State's Attorney until the time the Associate Judge's power is rescinded by the Chief Judge.

(c) "Communications common carrier" means any person engaged as a common carrier in the transmission of communications by wire or radio, not including radio broadcasting.

(d) "Contents" includes information obtained from a private communication concerning the existence, substance, purport or meaning of the communication, or the identity of a party of the communication.

(e) "Court of competent jurisdiction" means any circuit court.

(f) "Department" means Illinois Department of State Police.

(g) "Director" means Director of the Illinois Department of State Police.

(g-1) "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or part by a wire, radio, pager, computer, or electromagnetic, photo electronic, or photo optical system where the sending and receiving parties intend the electronic communication to be private and the interception, recording, or transcription of the electronic communication is accomplished by a device in a surreptitious manner contrary to the provisions of this Article. "Electronic communication" does not include:

(1) any wire or oral communication; or

(2) any communication from a tracking device.

(h) "Electronic criminal surveillance device" or "eavesdropping device" means any device or apparatus, or computer program including an induction coil, that can be used to intercept private communication other than:

(1) Any telephone, telegraph or telecommunication instrument, equipment or facility, or any component of it, furnished to the subscriber or user by a communication common carrier in the ordinary course of its business, or purchased by any person and being used by the subscriber, user or person in the ordinary course
of his business, or being used by a communications common
carrier in the ordinary course of its business, or by an investigative
or law enforcement officer in the ordinary course of his duties; or

(2) A hearing aid or similar device being used to correct
subnormal hearing to not better than normal.

(i) "Electronic criminal surveillance officer" means any law
enforcement officer or retired law enforcement officer of the United States
or of the State or political subdivision of it, or of another State, or of a
political subdivision of it, who is certified by the Illinois Department of
State Police to intercept private communications. A retired law
enforcement officer may be certified by the Illinois State Police only to (i)
prepare petitions for the authority to intercept private oral
communications in accordance with the provisions of this Act; (ii) intercept and supervise
the interception of private oral communications; (iii) handle, safeguard,
and use evidence derived from such private oral communications; and (iv)
operate and maintain equipment used to intercept private oral
communications.

(j) "In-progress trace" means to determine the origin of a wire
communication to a telephone or telegraph instrument, equipment or
facility during the course of the communication.

(k) "Intercept" means the aural or other acquisition of the contents
of any private communication through the use of any electronic criminal
surveillance device.

(l) "Journalist" means a person engaged in, connected with, or
employed by news media, including newspapers, magazines, press
associations, news agencies, wire services, radio, television or other
similar media, for the purpose of gathering, processing, transmitting,
compiling, editing or disseminating news for the general public.

(m) "Law enforcement agency" means any law enforcement agency
of the United States, or the State or a political subdivision of it.

(n) "Oral communication" means human speech used to
communicate by one party to another, in person, by wire communication
or by any other means.

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(o) "Private communication" means a wire, oral, or electronic communication uttered or transmitted by a person exhibiting an expectation that the communication is not subject to interception, under circumstances reasonably justifying the expectation. Circumstances that reasonably justify the expectation that a communication is not subject to interception include the use of a cordless telephone or cellular communication device.

(p) "Wire communication" means any human speech used to communicate by one party to another in whole or in part through the use of facilities for the transmission of communications by wire, cable or other like connection between the point of origin and the point of reception furnished or operated by a communications common carrier.

(q) "Privileged communications" means a private communication between:

1. a licensed and practicing physician and a patient within the scope of the profession of the physician;
2. a licensed and practicing psychologist to a patient within the scope of the profession of the psychologist;
3. a licensed and practicing attorney-at-law and a client within the scope of the profession of the lawyer;
4. a practicing clergyman and a confidant within the scope of the profession of the clergyman;
5. a practicing journalist within the scope of his profession;
6. spouses within the scope of their marital relationship; or
7. a licensed and practicing social worker to a client within the scope of the profession of the social worker.

(r) "Retired law enforcement officer" means a person: (1) who is a graduate of a police training institute or academy, who after graduating served for at least 15 consecutive years as a sworn, full-time peace officer qualified to carry firearms for any federal or State department or agency or for any unit of local government of Illinois; (2) who has retired as a local, State, or federal peace officer in a publicly created peace officer retirement system; and (3) whose service in law enforcement was honorably
terminated through retirement or disability and not as a result of discipline, suspension, or discharge.
(Source: P.A. 92-854, eff. 12-5-02; 92-863, eff. 1-3-03; revised 1-9-03.)

(725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)
Sec. 108B-3. Authorization for the interception of private communication.

(a) The State's Attorney, or a person designated in writing or by law to act for him and to perform his duties during his absence or disability, may authorize, in writing, an ex parte application to the chief judge of a court of competent jurisdiction for an order authorizing the interception of a private communication when no party has consented to the interception and (i) the interception may provide evidence of, or may assist in the apprehension of a person who has committed, is committing or is about to commit, a violation of Section 8-1.1 (solicitation of murder), 8-1.2 (solicitation of murder for hire), 9-1 (first degree murder), or 29B-1 (money laundering) of the Criminal Code of 1961, Section 401, 401.1 (controlled substance trafficking), 405, 405.1 (criminal drug conspiracy) or 407 of the Illinois Controlled Substances Act or any Section of the Methamphetamine Control and Community Protection Act, a violation of Section 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the Criminal Code of 1961 or conspiracy to commit money laundering or conspiracy to commit first degree murder; (ii) in response to a clear and present danger of imminent death or great bodily harm to persons resulting from: (1) a kidnapping or the holding of a hostage by force or the threat of the imminent use of force; or (2) the occupation by force or the threat of the imminent use of force of any premises, place, vehicle, vessel or aircraft; (iii) to aid an investigation or prosecution of a civil action brought under the Illinois Streetgang Terrorism Omnibus Prevention Act when there is probable cause to believe the interception of the private communication will provide evidence that a streetgang is committing, has committed, or will commit a second or subsequent gang-related offense or that the interception of the private communication will aid in the collection of a judgment entered under that Act; or (iv) upon
information and belief that a streetgang has committed, is committing, or is about to commit a felony.

(b) The State's Attorney or a person designated in writing or by law to act for the State's Attorney and to perform his or her duties during his or her absence or disability, may authorize, in writing, an ex parte application to the chief judge of a circuit court for an order authorizing the interception of a private communication when no party has consented to the interception and the interception may provide evidence of, or may assist in the apprehension of a person who has committed, is committing or is about to commit, a violation of an offense under Article 29D of the Criminal Code of 1961.

(b-1) Subsection (b) is inoperative on and after January 1, 2005.

(b-2) No conversations recorded or monitored pursuant to subsection (b) shall be made inadmissible in a court of law by virtue of subsection (b-1).

(c) As used in this Section, "streetgang" and "gang-related" have the meanings ascribed to them in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(Source: P.A. 94-468, eff. 8-4-05; 94-556, eff. 9-11-05; revised 8-19-05.)

Sec. 108B-5. Requirements for order of interception.

(a) Upon consideration of an application, the chief judge may enter an ex parte order, as requested or as modified, authorizing the interception of a private communication, if the chief judge determines on the basis of the application submitted by the applicant, that:

(1) There is probable cause for belief that (A) the person whose private communication is to be intercepted is committing, has committed, or is about to commit an offense enumerated in Section 108B-3, or (B) the facilities from which, or the place where, the private communication is to be intercepted, is, has been, or is about to be used in connection with the commission of the offense, or is leased to, listed in the name of, or commonly used by, the person; and

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(2) There is probable cause for belief that a particular private communication concerning such offense may be obtained through the interception; and

(3) Normal investigative procedures with respect to the offense have been tried and have failed or reasonably appear to be unlikely to succeed if tried or too dangerous to employ; and

(4) The electronic criminal surveillance officers to be authorized to supervise the interception of the private communication have been certified by the Department.

(b) In the case of an application, other than for an extension, for an order to intercept a communication of a person or on a wire communication facility that was the subject of a previous order authorizing interception, the application shall be based upon new evidence or information different from and in addition to the evidence or information offered to support the prior order, regardless of whether the evidence was derived from prior interceptions or from other sources.

(c) The chief judge may authorize interception of a private communication anywhere in the judicial circuit. If the court authorizes the use of an eavesdropping device with respect to a vehicle, watercraft, or aircraft that is within the judicial circuit at the time the order is issued, the order may provide that the interception may continue anywhere within the State if the vehicle, watercraft, or aircraft leaves the judicial circuit.

(Source: P.A. 92-854, eff. 12-5-02; revised 1-20-03.)

(725 ILCS 5/108B-11) (from Ch. 38, par. 108B-11)

Sec. 108B-11. Inventory.

(a) Within a reasonable period of time but not later than 90 days after the termination of the period of the order, or its extensions, or the date of the denial of an application made under Section 108B-8, the chief judge issuing or denying the order or extension shall cause an inventory to be served on any person:

(1) named in the order;

(2) arrested as a result of the interception of his private communication;

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(3) indicted or otherwise charged as a result of the interception of his private communication;

(4) Any person whose private communication was intercepted and who the judge issuing or denying the order or application may in his discretion determine should be informed in the interest of justice.

(b) The inventory under this Section shall include:

(1) notice of the entry of the order or the application for an order denied under Section 108B-8;

(2) the date of the entry of the order or the denial of an order applied for under Section 108B-8;

(3) the period of authorized or disapproved interception; and

(4) the fact that during the period a private communication was or was not intercepted.

(c) A court of competent jurisdiction, upon filing of a motion, may in its discretion make available to those persons or their attorneys for inspection those portions of the intercepted communications, applications and orders as the court determines to be in the interest of justice.

(d) On an ex parte showing of good cause to a court of competent jurisdiction, the serving of the inventories required by this Section may be postponed for a period not to exceed 12 months.

(725 ILCS 5/110-10) (from Ch. 38, par. 110-10)
Sec. 110-10. Conditions of bail bond.

(a) If a person is released prior to conviction, either upon payment of bail security or on his or her own recognizance, the conditions of the bail bond shall be that he or she will:

(1) Appear to answer the charge in the court having jurisdiction on a day certain and thereafter as ordered by the court until discharged or final order of the court;

(2) Submit himself or herself to the orders and process of the court;

(3) Not depart this State without leave of the court;

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(4) Not violate any criminal statute of any jurisdiction;

(5) At a time and place designated by the court, surrender all firearms in his or her possession to a law enforcement officer designated by the court to take custody of and impound the firearms and physically surrender his or her Firearm Owner's Identification Card to the clerk of the circuit court when the offense the person has been charged with is a forcible felony, stalking, aggravated stalking, domestic battery, any violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act that is classified as a Class 2 or greater felony, or any felony violation of Article 24 of the Criminal Code of 1961; the court may, however, forgo the imposition of this condition when the circumstances of the case clearly do not warrant it or when its imposition would be impractical; all legally possessed firearms shall be returned to the person upon the charges being dismissed, or if the person is found not guilty, unless the finding of not guilty is by reason of insanity; and

(6) At a time and place designated by the court, submit to a psychological evaluation when the person has been charged with a violation of item (4) of subsection (a) of Section 24-1 of the Criminal Code of 1961 and that violation occurred in a school or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school.

Psychological evaluations ordered pursuant to this Section shall be completed promptly and made available to the State, the defendant, and the court. As a further condition of bail under these circumstances, the court shall order the defendant to refrain from entering upon the property of the school, including any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school. Upon receipt of the psychological evaluation, either the State or
the defendant may request a change in the conditions of bail, pursuant to 
Section 110-6 of this Code. The court may change the conditions of bail to 
include a requirement that the defendant follow the recommendations of 
the psychological evaluation, including undergoing psychiatric treatment. 
The conclusions of the psychological evaluation and any statements 
elicted from the defendant during its administration are not admissible as 
evidence of guilt during the course of any trial on the charged offense, 
unless the defendant places his or her mental competency in issue.

(b) The court may impose other conditions, such as the following, 
if the court finds that such conditions are reasonably necessary to assure 
the defendant's appearance in court, protect the public from the defendant, 
or prevent the defendant's unlawful interference with the orderly 
administration of justice:

(1) Report to or appear in person before such person or 
agency as the court may direct;
(2) Refrain from possessing a firearm or other dangerous 
weapon;
(3) Refrain from approaching or communicating with 
particular persons or classes of persons;
(4) Refrain from going to certain described geographical 
areas or premises;
(5) Refrain from engaging in certain activities or indulging 
in intoxicating liquors or in certain drugs;
(6) Undergo treatment for drug addiction or alcoholism;
(7) Undergo medical or psychiatric treatment;
(8) Work or pursue a course of study or vocational training;
(9) Attend or reside in a facility designated by the court;
(10) Support his or her dependents;
(11) If a minor resides with his or her parents or in a foster 
home, attend school, attend a non-residential program for youths, 
and contribute to his or her own support at home or in a foster 
home;
(12) Observe any curfew ordered by the court;

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(13) Remain in the custody of such designated person or organization agreeing to supervise his release. Such third party custodian shall be responsible for notifying the court if the defendant fails to observe the conditions of release which the custodian has agreed to monitor, and shall be subject to contempt of court for failure so to notify the court;

(14) Be placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with or without the use of an approved electronic monitoring device subject to Article 8A of Chapter V of the Unified Code of Corrections;

(14.1) The court shall impose upon a defendant who is charged with any alcohol, cannabis, methamphetamine, or controlled substance violation and is placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee that represents costs incidental to the electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code;

(14.2) The court shall impose upon all defendants, including those defendants subject to paragraph (14.1) above, placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee which shall represent costs incidental to such electronic monitoring for
each day of such bail supervision ordered by the court, unless after
determining the inability of the defendant to pay the fee, the court
assesses a lesser fee or no fee as the case may be. The fee shall be
collected by the clerk of the circuit court. The clerk of the circuit
court shall pay all monies collected from this fee to the county
treasurer who shall use the monies collected to defray the costs of
corrections. The county treasurer shall deposit the fee collected in
the county working cash fund under Section 6-27001 or Section
6-29002 of the Counties Code, as the case may be;

(14.3) The Chief Judge of the Judicial Circuit may establish
reasonable fees to be paid by a person receiving pretrial services
while under supervision of a pretrial services agency, probation
department, or court services department. Reasonable fees may be
charged for pretrial services including, but not limited to, pretrial
supervision, diversion programs, electronic monitoring, victim
impact services, drug and alcohol testing, and victim mediation
services. The person receiving pretrial services may be ordered to
pay all costs incidental to pretrial services in accordance with his or
her ability to pay those costs;

(14.4) For persons charged with violating Section 11-501 of
the Illinois Vehicle Code, refrain from operating a motor vehicle
not equipped with an ignition interlock device, as defined in
Section 1-129.1 of the Illinois Vehicle Code, pursuant to the rules
promulgated by the Secretary of State for the installation of
ignition interlock devices. Under this condition the court may
allow a defendant who is not self-employed to operate a vehicle
owned by the defendant's employer that is not equipped with an
ignition interlock device in the course and scope of the defendant's
employment;

(15) Comply with the terms and conditions of an order of
protection issued by the court under the Illinois Domestic Violence
Act of 1986 or an order of protection issued by the court of another
state, tribe, or United States territory;

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(16) Under Section 110-6.5 comply with the conditions of the drug testing program; and
(17) Such other reasonable conditions as the court may impose.
(c) When a person is charged with an offense under Section 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961", involving a victim who is a minor under 18 years of age living in the same household with the defendant at the time of the offense, in granting bail or releasing the defendant on his own recognizance, the judge shall impose conditions to restrict the defendant's access to the victim which may include, but are not limited to conditions that he will:
1. Vacate the Household.
2. Make payment of temporary support to his dependents.
3. Refrain from contact or communication with the child victim, except as ordered by the court.
(d) When a person is charged with a criminal offense and the victim is a family or household member as defined in Article 112A, conditions shall be imposed at the time of the defendant's release on bond that restrict the defendant's access to the victim. Unless provided otherwise by the court, the restrictions shall include requirements that the defendant do the following:
(1) refrain from contact or communication with the victim for a minimum period of 72 hours following the defendant's release; and
(2) refrain from entering or remaining at the victim's residence for a minimum period of 72 hours following the defendant's release.
(e) Local law enforcement agencies shall develop standardized bond forms for use in cases involving family or household members as defined in Article 112A, including specific conditions of bond as provided in subsection (d). Failure of any law enforcement department to develop or use those forms shall in no way limit the applicability and enforcement of subsections (d) and (f).

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(f) If the defendant is admitted to bail after conviction the conditions of the bail bond shall be that he will, in addition to the conditions set forth in subsections (a) and (b) hereof:
    (1) Duly prosecute his appeal;
    (2) Appear at such time and place as the court may direct;
    (3) Not depart this State without leave of the court;
    (4) Comply with such other reasonable conditions as the court may impose; and
    (5) If the judgment is affirmed or the cause reversed and remanded for a new trial, forthwith surrender to the officer from whose custody he was bailed.

(g) Upon a finding of guilty for any felony offense, the defendant shall physically surrender, at a time and place designated by the court, any and all firearms in his or her possession and his or her Firearm Owner's Identification Card as a condition of remaining on bond pending sentencing. (Source: P.A. 93-184, eff. 1-1-04; 94-556, eff. 9-11-05; 94-590, eff. 1-1-06; revised 8-19-05.)
(725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)
Sec. 112A-23. Enforcement of orders of protection.
(a) When violation is crime. A violation of any order of protection, whether issued in a civil, quasi-criminal proceeding, shall be enforced by a criminal court when:
    (1) The respondent commits the crime of violation of an order of protection pursuant to Section 12-30 of the Criminal Code of 1961, by having knowingly violated:
        (i) remedies described in paragraphs (1), (2), (3), (14), or (14.5) of subsection (b) of Section 112A-14,
        (ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (2), (3), (14) or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986, in a valid order of protection, which is authorized under the laws of another state, tribe or United States territory,
(iii) or any other remedy when the act constitutes a crime against the protected parties as defined by the Criminal Code of 1961.

Prosecution for a violation of an order of protection shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the order of protection; or

(2) The respondent commits the crime of child abduction pursuant to Section 10-5 of the Criminal Code of 1961, by having knowingly violated:

(i) remedies described in paragraphs (5), (6) or (8) of subsection (b) of Section 112A-14, or

(ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (5), (6), or (8) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986, in a valid order of protection, which is authorized under the laws of another state, tribe or United States territory.

(b) When violation is contempt of court. A violation of any valid order of protection, whether issued in a civil or criminal proceeding, may be enforced through civil or criminal contempt procedures, as appropriate, by any court with jurisdiction, regardless where the act or acts which violated the order of protection were committed, to the extent consistent with the venue provisions of this Article. Nothing in this Article shall preclude any Illinois court from enforcing any valid order of protection issued in another state. Illinois courts may enforce orders of protection through both criminal prosecution and contempt proceedings, unless the action which is second in time is barred by collateral estoppel or the constitutional prohibition against double jeopardy.

(1) In a contempt proceeding where the petition for a rule to show cause sets forth facts evidencing an immediate danger that the respondent will flee the jurisdiction, conceal a child, or inflict physical abuse on the petitioner or minor children or on dependent adults in petitioner's care, the court may order the attachment of the

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respondent without prior service of the rule to show cause or the
petition for a rule to show cause. Bond shall be set unless
specifically denied in writing.

(2) A petition for a rule to show cause for violation of an
order of protection shall be treated as an expedited proceeding.

(c) Violation of custody or support orders. A violation of remedies
described in paragraphs (5), (6), (8), or (9) of subsection (b) of Section
112A-14 may be enforced by any remedy provided by Section 611 of the
Illinois Marriage and Dissolution of Marriage Act. The court may enforce
any order for support issued under paragraph (12) of subsection (b) of
Section 112A-14 in the manner provided for under Parts Articles V and
VII of the Illinois Marriage and Dissolution of Marriage Act.

(d) Actual knowledge. An order of protection may be enforced
pursuant to this Section if the respondent violates the order after
respondent has actual knowledge of its contents as shown through one of
the following means:

(1) By service, delivery, or notice under Section 112A-10.
(2) By notice under Section 112A-11.
(3) By service of an order of protection under Section
112A-22.
(4) By other means demonstrating actual knowledge of the
contents of the order.

(e) The enforcement of an order of protection in civil or criminal
court shall not be affected by either of the following:

(1) The existence of a separate, correlative order entered
under Section 112A-15.
(2) Any finding or order entered in a conjoined criminal
proceeding.

(f) Circumstances. The court, when determining whether or not a
violation of an order of protection has occurred, shall not require physical
manifestations of abuse on the person of the victim.

(g) Penalties.

(1) Except as provided in paragraph (3) of this subsection,
where the court finds the commission of a crime or contempt of

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court under subsections (a) or (b) of this Section, the penalty shall be the penalty that generally applies in such criminal or contempt proceedings, and may include one or more of the following: incarceration, payment of restitution, a fine, payment of attorneys' fees and costs, or community service.

(2) The court shall hear and take into account evidence of any factors in aggravation or mitigation before deciding an appropriate penalty under paragraph (1) of this subsection.

(3) To the extent permitted by law, the court is encouraged to:

   (i) increase the penalty for the knowing violation of any order of protection over any penalty previously imposed by any court for respondent's violation of any order of protection or penal statute involving petitioner as victim and respondent as defendant;

   (ii) impose a minimum penalty of 24 hours imprisonment for respondent's first violation of any order of protection; and

   (iii) impose a minimum penalty of 48 hours imprisonment for respondent's second or subsequent violation of an order of protection unless the court explicitly finds that an increased penalty or that period of imprisonment would be manifestly unjust.

(4) In addition to any other penalties imposed for a violation of an order of protection, a criminal court may consider evidence of any violations of an order of protection:

   (i) to increase, revoke or modify the bail bond on an underlying criminal charge pursuant to Section 110-6;

   (ii) to revoke or modify an order of probation, conditional discharge or supervision, pursuant to Section 5-6-4 of the Unified Code of Corrections;

   (iii) to revoke or modify a sentence of periodic imprisonment, pursuant to Section 5-7-2 of the Unified Code of Corrections.

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(a) All sheriffs shall furnish to the Department of State Police, daily, in the form and detail the Department requires, copies of any recorded orders of protection issued by the court, and any foreign orders of protection filed by the clerk of the court, and transmitted to the sheriff by the clerk of the court pursuant to subsection (b) of Section 112A-22 of this Act. Each order of protection shall be entered in the Law Enforcement Agencies Automated Data System on the same day it is issued by the court. If an emergency order of protection was issued in accordance with subsection (c) of Section 112A-17, the order shall be entered in the Law Enforcement Agencies Automated Data System as soon as possible after receipt from the clerk.

(b) The Department of State Police shall maintain a complete and systematic record and index of all valid and recorded orders of protection issued or filed pursuant to this Act. The data shall be used to inform all dispatchers and law enforcement officers at the scene of an alleged incident of abuse or violation of an order of protection of any recorded prior incident of abuse involving the abused party and the effective dates and terms of any recorded order of protection.

(c) The data, records and transmittals required under this Section shall pertain to any valid emergency, interim or plenary order of protection, whether issued in a civil or criminal proceeding or authorized under the laws of another state, tribe, or United States territory.

Section 1055. The Capital Crimes Litigation Act is amended by changing Section 19 as follows:

(a) The Cook County Public Defender, the Cook County State's Attorney, the State Appellate Defender, the State's Attorneys Appellate Prosecutor, and the Attorney General shall each report separately to the General Assembly by January 1, 2004 detailing the amounts of money

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received by them through this Act, the uses for which those funds were expended, the balances then in the Capital Litigation Trust Fund or county accounts, as the case may be, dedicated to them for the use and support of Public Defenders, appointed trial defense counsel, and State's Attorneys, as the case may be. The report shall describe and discuss the need for continued funding through the Fund and contain any suggestions for changes to this Act.

(b) (Blank).

(Source: P.A. 93-605, eff. 11-19-03; revised 12-9-03.)

Section 1060. The Pretrial Services Act is amended by changing Section 33 as follows:

(725 ILCS 185/33) (from Ch. 38, par. 333)

Sec. 33. The Supreme Court shall pay from funds appropriated to it for this purpose 100% of all approved costs for pretrial services, including pretrial services officers, necessary support personnel, travel costs reasonably related to the delivery of pretrial services, space costs, equipment, telecommunications, postage, commodities, printing and contractual services. Costs shall be reimbursed monthly, based on a plan and budget approved by the Supreme Court. No department may be reimbursed for costs which exceed or are not provided for in the approved plan and budget. For State fiscal years 2004, 2005, and 2006, and 2007 only, the Mandatory Arbitration Fund may be used to reimburse approved costs for pretrial services.

(Source: P.A. 93-25, eff. 6-20-03; 93-839, eff. 7-30-04; 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; revised 8-3-06.)

Section 1065. The Sexually Violent Persons Commitment Act is amended by changing Section 90 as follows:

(725 ILCS 207/90)

Sec. 90. Committed persons ability to pay for services. Each person committed or detained under this Act who receives services provided directly or funded by the Department and the estate of that person is liable for the payment of sums representing charges for services to the person at a rate to be determined by the Department. Services charges against that person take effect on the date of admission or the effective date of this

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Section. The Department in its rules may establish a maximum rate for the cost of services. In the case of any person who has received residential services from the Department, whether directly from the Department or through a public or private agency or entity funded by the Department, the liability shall be the same regardless of the source of services. When the person is placed in a facility outside the Department, the facility shall collect reimbursement from the person. The Department may supplement the contribution of the person to private facilities after all other sources of income have been utilized; however the supplement shall not exceed the allowable rate under Title XVIII or Title XIX of the Federal Social Security Act for those persons eligible for those respective programs. The Department may pay the actual costs of services or maintenance in the facility and may collect reimbursement for the entire amount paid from the person or an amount not to exceed the maximum. Lesser or greater amounts may be accepted by the Department when conditions warrant that action or when offered by persons not liable under this Act. Nothing in this Section shall preclude the Department from applying federal benefits that are specifically provided for the care and treatment of a disabled person toward the cost of care provided by a State facility or private agency. The Department may investigate the financial condition of each person committed under this Act, may make determinations of the ability of each such person to pay sums representing services charges, and for those purposes may set a standard as a basis of judgment of ability to pay. The Department shall by rule make provisions for unusual and exceptional circumstances in the application of that standard. The Department may issue to any person liable under this Act a statement of amount due as treatment charges requiring him or her to pay monthly, quarterly, or otherwise as may be arranged, an amount not exceeding that required under this Act, plus fees to which the Department may be entitled under this Act.

(a) Whenever an individual is covered, in part or in whole, under any type of insurance arrangement, private or public, for services provided by the Department, the proceeds from the insurance shall be considered as part of the individual's ability to pay notwithstanding that the insurance

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contract was entered into by a person other than the individual or that the
premiums for the insurance were paid for by a person other than the
individual. Remittances from intermediary agencies under Title XVIII of
the Federal Social Security Act for services to committed persons shall be
deposited with the State Treasurer and placed in the Mental Health Fund.
Payments received from the Department of *Healthcare and Family
Services Public Aid* under Title XIX of the Federal Social Security Act for
services to those persons shall be deposited with the State Treasurer and
shall be placed in the General Revenue Fund.

(b) Any person who has been issued a Notice of Determination of
sums due as services charges may petition the Department for a review of
that determination. The petition must be in writing and filed with the
Department within 90 days from the date of the Notice of Determination.
The Department shall provide for a hearing to be held on the charges for
the period covered by the petition. The Department may after the hearing,
cancel, modify, or increase the former determination to an amount not to
exceed the maximum provided for the person by this Act. The Department
at its expense shall take testimony and preserve a record of all proceedings
at the hearing upon any petition for a release from or modification of the
determination. The petition and other documents in the nature of pleadings
and motions filed in the case, a transcript of testimony, findings of the
Department, and orders of the Secretary constitute the record. The
Secretary shall furnish a transcript of the record to any person upon
payment of 75¢ per page for each original transcript and 25¢ per page for
each copy of the transcript. Any person aggrieved by the decision of the
Department upon a hearing may, within 30 days thereafter, file a petition
with the Department for review of the decision by the Board of
Reimbursement Appeals established in the Mental Health and
Developmental Disabilities Code. The Board of Reimbursement Appeals
may approve action taken by the Department or may remand the case to
the Secretary with recommendation for redetermination of charges.

(c) Upon receiving a petition for review under subsection (b) of
this Section, the Department shall thereupon notify the Board of
Reimbursement Appeals which shall render its decision thereon within 30

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days after the petition is filed and certify such decision to the Department. Concurrence of a majority of the Board is necessary in any such decision. Upon request of the Department, the State's Attorney of the county in which a client who is liable under this Act for payment of sums representing services charges resides, shall institute appropriate legal action against any such client, or within the time provided by law shall file a claim against the estate of the client who fails or refuses to pay those charges. The court shall order the payment of sums due for services charges for such period or periods of time as the circumstances require. The order may be entered against any defendant and may be based upon the proportionate ability of each defendant to contribute to the payment of sums representing services charges including the actual charges for services in facilities outside the Department where the Department has paid those charges. Orders for the payment of money may be enforced by attachment as for contempt against the persons of the defendants and, in addition, as other judgments for the payment of money, and costs may be adjudged against the defendants and apportioned among them.

(d) The money collected shall be deposited into the Mental Health Fund.

(Source: P.A. 90-793, eff. 8-14-98; revised 12-15-05.)

Section 1070. The Unified Code of Corrections is amended by changing Sections 3-3-10, 3-5-4, 5-2-4, 5-4-1, 5-5-3, 5-5-6, 5-6-3, 5-6-3.1, 5-8-1.3, 5-9-1.2, and 5-9-1.7 and by setting forth, renumbering, and changing multiple versions of Article 17 of Chapter III and Section 5-9-1.12 as follows:

(730 ILCS 5/3-3-10) (from Ch. 38, par. 1003-3-10)

Sec. 3-3-10. Eligibility after Revocation; Release under Supervision.

(a) A person whose parole or mandatory supervised release has been revoked may be paroled or rereleased by the Board at any time to the full parole or mandatory supervised release term under Section 3-3-8, except that the time which the person shall remain subject to the Board shall not exceed (1) the imposed maximum term of imprisonment or confinement and the parole term for those sentenced under the law in
PUBLIC ACT 95-0331

(b) If the Board sets no earlier release date:

(1) A person sentenced for any violation of law which occurred before January 1, 1973, shall be released under supervision 6 months prior to the expiration of his maximum sentence of imprisonment less good time credit under Section 3-6-3.

(2) Any person who has violated the conditions of his parole and been reconfined under Section 3-3-9 shall be released under supervision 6 months prior to the expiration of the term of his reconfine ment under paragraph (a) of Section 3-3-9 less good time credit under Section 3-6-3. This paragraph shall not apply to persons serving terms of mandatory supervised release.

(3) Nothing herein shall require the release of a person who has violated his parole within 6 months of the date when his release under this Section would otherwise be mandatory.

c) Persons released under this Section shall be subject to Sections 3-3-6, 3-3-7, 3-3-9, 3-14-1, 3-14-2, 3-14-2.5, 3-14-3, and 3-14-4.

(Source: P.A. 94-165, eff. 7-11-05; revised 8-29-05.)

(730 ILCS 5/3-5-4)
Sec. 3-5-4. Exchange of information for child support enforcement.

(a) The Department shall exchange with the Illinois Department of Healthcare and Family Services information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

(b) Notwithstanding any provisions in this Code to the contrary, the Department shall not be liable to any person for any disclosure of

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information to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) under subsection (a) or for any other action taken in good faith to comply with the requirements of subsection (a).
(Source: P.A. 90-18, eff. 1-1-97; 91-613, eff. 10-1-99; revised 12-15-05.)

(730 ILCS 5/Ch. III Art. 17 heading)

ARTICLE 17. TRANSITIONAL HOUSING FOR SEX OFFENDERS
(Source: P.A. 94-161, eff. 7-11-05.)

(730 ILCS 5/3-17-1)

Sec. 3-17-1. Transitional housing for sex offenders. This Article may be cited as the Transitional Housing For Sex Offenders Law.
(Source: P.A. 94-161, eff. 7-11-05.)

(730 ILCS 5/3-17-5)

Sec. 3-17-5. Transitional housing; licensing.

(a) The Department of Corrections shall license transitional housing facilities for persons convicted of or placed on supervision for sex offenses as defined in the Sex Offender Management Board Act.

(b) A transitional housing facility must meet the following criteria to be licensed by the Department:

1. The facility shall provide housing to a sex offender who is in compliance with his or her parole, mandatory supervised release, probation, or supervision order for a period not to exceed 90 days, unless extended with approval from the Director or his or her designee. Notice of any extension approved shall be provided to the Prisoner Review Board.

2. The Department of Corrections must approve a treatment plan and counseling for each sex offender residing in the transitional housing.

3. The transitional housing facility must provide security 24 hours each day and 7 days each week as defined and approved by the Department.

4. The facility must notify the police department, public and private elementary and secondary schools, public libraries, and each residential home and apartment complex located within 500

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feet of the transitional housing facility of its initial licensure as a transitional housing facility, and of its continuing operation as a transitional housing facility annually thereafter.

(5) Upon its initial licensure as a transitional housing facility and during its licensure, each facility shall maintain at its main entrance a visible and conspicuous exterior sign identifying itself as, in letters at least 4 inches tall, a "Department of Corrections Licensed Transitional Housing Facility".

(6) Upon its initial licensure as a transitional housing facility, each facility shall file in the office of the county clerk of the county in which such facility is located, a certificate setting forth the name under which the facility is, or is to be, operated, and the true or real full name or names of the person, persons or entity operating the same, with the address of the facility. The certificate shall be executed and duly acknowledged by the person or persons so operating or intending to operate the facility. Notice of the filing of the certificate shall be published in a newspaper of general circulation published within the county in which the certificate is filed. The notice shall be published once a week for 3 consecutive weeks. The first publication shall be within 15 days after the certificate is filed in the office of the county clerk. Proof of publication shall be filed with the county clerk within 50 days from the date of filing the certificate. Upon receiving proof of publication, the clerk shall issue a receipt to the person filing the certificate, but no additional charge shall be assessed by the clerk for giving such receipt. Unless proof of publication is made to the clerk, the notification is void.

(7) Each licensed transitional housing facility shall be identified on the Illinois State Police Sex Offender Registry website, including the address of the facility together with the maximum possible number of sex offenders that the facility could house.

(c) The Department of Corrections shall establish rules consistent with this Section establishing licensing procedures and criteria for

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transitional housing facilities for sex offenders, and may create criteria for, and issue licenses for, different levels of facilities to be licensed. The Department is authorized to set and charge a licensing fee for each application for a transitional housing license. The rules shall be adopted within 60 days after the effective date of this amendatory Act of the 94th General Assembly. Facilities which on the effective date of this amendatory Act of the 94th General Assembly are currently housing and providing sex offender treatment to sex offenders may continue housing more than one sex offender on parole, mandatory supervised release, probation, or supervision for a period of 120 days after the adoption of licensure rules during which time the facility shall apply for a transitional housing license.

(d) The Department of Corrections shall maintain a file on each sex offender housed in a transitional housing facility. The file shall contain efforts of the Department in placing a sex offender in non-transitional housing, efforts of the Department to place the sex offender in a county from which he or she was convicted, the anticipated length of stay of each sex offender in the transitional housing facility, the number of sex offenders residing in the transitional housing facility, and the services to be provided the sex offender while he or she resides in the transitional housing facility.

(e) The Department of Corrections shall, on or before December 31 of each year, file a report with the General Assembly on the number of transitional housing facilities for sex offenders licensed by the Department, the addresses of each licensed facility, how many sex offenders are housed in each facility, and the particular sex offense that each resident of the transitional housing facility committed.

(Source: P.A. 94-161, eff. 7-11-05.)

(730 ILCS 5/Ch. III Art. 18 heading)

ARTICLE 18 17. PROGRAM OF REENTRY INTO COMMUNITY

(730 ILCS 5/3-18-5)

Sec. 3-18-5 3-17-5. Definitions. As used in this Article:
"Board" means the Prisoner Review Board.

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"Department" means the Department of Corrections.
"Director" means the Director of Corrections.
"Offender" means a person who has been convicted of a felony under the laws of this State and sentenced to a term of imprisonment.
"Program" means a program established by a county or municipality under Section 3-18-10 3-17-10 for reentry of persons into the community who have been committed to the Department for commission of a felony.
(Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)
(730 ILCS 5/3-18-10)
Sec. 3-18-10 3-17-10. Establishment of program.
(a) A county with the approval of the county board or a municipality that maintains a jail or house of corrections with the approval of the corporate authorities may establish a program for reentry of offenders into the community who have been committed to the Department for commission of a felony. Any program shall be approved by the Director prior to placement of inmates in a program.
(b) If a county or municipality establishes a program under this Section, the sheriff in the case of a county or the police chief in the case of a municipality shall:
   (1) Determine whether offenders who are referred by the Director of Corrections under Section 3-18-15 3-17-15 should be assigned to participate in a program.
   (2) Supervise offenders participating in the program during their participation in the program.
   (c) A county or municipality shall be liable for the well being and actions of inmates in its custody while in a program and shall indemnify the Department for any loss incurred by the Department caused while an inmate is in a program.
   (d) An offender may not be assigned to participate in a program unless the Director of Corrections, in consultation with the Prisoner Review Board, grants prior approval of the assignment under this Section.
(Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)
(730 ILCS 5/3-18-15)

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Sec. 3-18-15. Referral of person to sheriff or police chief; assignment of person by the Department.

(a) Except as otherwise provided in this Section, if a program has been established in a county or municipality in which an offender was sentenced to imprisonment for a felony, the Director may refer the offender to the county sheriff or municipal police chief if:

(1) The offender qualifies under the standards established by the Director in subsection (c);

(2) The offender has demonstrated a willingness to:

(A) engage in employment or participate in vocational rehabilitation or job skills training; and

(B) meet any existing obligation for restitution to any victim of his or her crime; and

(3) the offender is within one year of his or her probable release from prison, as determined by the Director.

(b) Except as otherwise provided in this Section, if the Director is notified by the sheriff or police chief under Section 3-18-10 that an offender would benefit by being assigned to the custody of the sheriff or police chief to participate in the program, the Director shall review whether the offender should be assigned to participate in a program for not longer than the remainder of his or her sentence.

(c) The Director, by rule, shall adopt standards setting forth which offenders are eligible to be assigned to the custody of the sheriff or police chief to participate in the program under this Section. The standards adopted by the Director must be approved by the Prisoner Review Board and must provide that an offender is ineligible for participation in the program who:

(1) has recently committed a serious infraction of the rules of an institution or facility of the Department;

(2) has not performed the duties assigned to him or her in a faithful and orderly manner;

(3) has, within the immediately preceding 5 years, been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony;

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(4) has ever been convicted of a sex offense as defined in Section 10 of the Sex Offender Management Board Act;
(5) has escaped or attempted to escape from any jail or correctional institution for adults; or
(6) has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director.

(d) The Director shall adopt rules requiring offenders who are assigned to the custody of the sheriff or police chief under this Section to reimburse the Department for the cost of their participation in a program, to the extent of their ability to pay.

(e) The sheriff or police chief may return the offender to the custody of the Department at any time for any violation of the terms and conditions imposed by the Director in consultation with the Prisoner Review Board.

(f) If an offender assigned to the custody of the sheriff or police chief under this Section violates any of the terms or conditions imposed by the Director in consultation with the Prisoner Review Board and is returned to the custody of the Department, the offender forfeits all or part of the credits for good behavior earned by him or her before he or she was returned to the custody of the Department, as determined by the Director. The Director may provide for a forfeiture of credits under this subsection (f) only after proof of the violation and notice is given to the offender. The Director may restore credits so forfeited for such reasons as he or she considers proper. The Director, by rule, shall establish procedures for review of forfeiture of good behavior credit. The decision of the Director regarding such a forfeiture is final.

(g) The assignment of an offender to the custody of the sheriff or police chief under this Section shall be deemed:

(1) a continuation of his or her imprisonment and not a release on parole or mandatory supervised release; and
(2) for the purposes of Section 3-8-1, an assignment to a facility of the Department, except that the offender is not entitled to...
obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

(h) An offender does not have a right to be assigned to the custody of the sheriff or police chief under this Section, or to remain in that custody after such an assignment. It is not intended that the establishment or operation of a program creates any right or interest in liberty or property or establishes a basis for any cause of action against this State or its political subdivisions, agencies, boards, commissions, departments, officers, or employees.

(Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)

(730 ILCS 5/3-18-20)

Sec. 3-18-20 3-17-20. Director to contract for certain services for offenders in program.

(a) The Director may enter into one or more contracts with one or more public or private entities to provide any of the following services, as necessary and appropriate, to offenders participating in a program:

1. transitional housing;
2. treatment pertaining to substance abuse or mental health;
3. training in life skills;
4. vocational rehabilitation and job skills training; and
5. any other services required by offenders who are participating in a program.

(b) The Director shall, as necessary and appropriate, provide referrals and information regarding:

1. any of the services provided pursuant to subsection (a);
2. access and availability of any appropriate self-help groups;
3. social services for families and children; and
4. permanent housing.

(c) The Director may apply for and accept any gift, donation, bequest, grant, or other source of money to carry out the provisions of this Section.

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(d) As used in this Section, training in life skills includes, without limitation, training in the areas of: (1) parenting; (2) improving human relationships; (3) preventing domestic violence; (4) maintaining emotional and physical health; (5) preventing abuse of alcohol and drugs; (6) preparing for and obtaining employment; and (7) budgeting, consumerism, and personal finances.
(Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)

(730 ILCS 5/3-18-25)
Sec. 3-18-25. Monitoring of participant in program. The Department shall retain the authority to monitor each person who is participating in a program under Section 3-17-15. Such authority shall include site inspections, review of program activities, and access to inmate files and records.
(Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)

(730 ILCS 5/Ch. III Art. 19 heading)
ARTICLE 19. METHAMPHETAMINE ABUSERS PILOT PROGRAMS
(Source: P.A. 94-549, eff. 1-1-06; revised 9-21-05.)

(730 ILCS 5/3-19-5)
Sec. 3-19-5. Methamphetamine abusers pilot program; Franklin County Juvenile Detention Center.
(a) There is created the Methamphetamine Abusers Pilot Program at the Franklin County Juvenile Detention Center. The Program shall be established upon adoption of a resolution or ordinance by the Franklin County Board and with the consent of the Secretary of Human Services.
(b) A person convicted of the unlawful possession of methamphetamine under Section 60 of the Methamphetamine Control and Community Protection Act or Section 402 of the Illinois Controlled Substances Act, after an assessment by a designated program licensed under the Alcoholism and Other Drug Abuse and Dependency Act that the person is a methamphetamine abuser or addict and may benefit from treatment for his or her abuse or addiction, may be ordered by the court to be committed to the Program established under this Section.
(c) The Program shall consist of medical and psychiatric treatment for the abuse or addiction for a period of at least 90 days and not to exceed 180 days. A treatment plan for each person participating in the Program shall be approved by the court in consultation with the Department of Human Services. The Secretary of Human Services shall appoint a Program Administrator to operate the Program who shall be licensed to provide residential treatment for alcoholism and other drug abuse and dependency.

(d) Persons committed to the Program who are 17 years of age or older shall be separated from minors under 17 years of age who are detained in the Juvenile Detention Center and there shall be no contact between them.

(e) Upon the establishment of the Pilot Program, the Secretary of Human Services shall inform the chief judge of each judicial circuit of this State of the existence of the Program and its date of termination.

(f) The Secretary of Human Services, after consultation with the Program Administrator, shall determine the effectiveness of the Program in rehabilitating methamphetamine abusers and addicts committed to the Program. The Secretary shall prepare a report based on his or her assessment of the effectiveness of the Program and shall submit the report to the Governor and General Assembly within one year after January 1, 2006 (the effective date of Public Act 94-549) this amendatory Act of the 94th General Assembly and each year thereafter that the Program continues operation.

(Source: P.A. 94-549, eff. 1-1-06; revised 9-29-05.)

(730 ILCS 5/3-19-10)
Sec. 3-19-10. Methamphetamine abusers pilot program; Franklin County Jail.

(a) There is created the Methamphetamine Abusers Pilot Program at the Franklin County Jail. The Program shall be established upon adoption of a resolution or ordinance by the Franklin County Board and with the consent of the Secretary of Human Services.

(b) A person convicted of the unlawful possession of methamphetamine under Section 402 of the Illinois Controlled Substances

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Act, after an assessment by a designated program licensed under the Alcoholism and Other Drug Abuse and Dependency Act that the person is a methamphetamine abuser or addict and may benefit from treatment for his or her abuse or addiction, may be ordered by the court to be committed to the Program established under this Section.

(c) The Program shall consist of medical and psychiatric treatment for the abuse or addiction for a period of at least 90 days and not to exceed 180 days. A treatment plan for each person participating in the Program shall be approved by the court in consultation with the Department of Human Services. The Secretary of Human Services shall appoint a Program Administrator to operate the Program who shall be licensed to provide residential treatment for alcoholism and other drug abuse and dependency.

(d) Upon the establishment of the Pilot Program, the Secretary of Human Services shall inform the chief judge of each judicial circuit of this State of the existence of the Program and its date of termination.

(e) The Secretary of Human Services, after consultation with the Program Administrator, shall determine the effectiveness of the Program in rehabilitating methamphetamine abusers and addicts committed to the Program. The Secretary shall prepare a report based on his or her assessment of the effectiveness of the Program and shall submit the report to the Governor and General Assembly within one year after the effective date of this amendatory Act of the 94th General Assembly and each year thereafter that the Program continues operation.

(Source: P.A. 94-549, eff. 1-1-06; revised 9-21-05.)

(730 ILCS 5/5-2-4) (from Ch. 38, par. 1005-2-4)

Sec. 5-2-4. Proceedings after Acquittal by Reason of Insanity.

(a) After a finding or verdict of not guilty by reason of insanity under Sections 104-25, 115-3 or 115-4 of The Code of Criminal Procedure of 1963, the defendant shall be ordered to the Department of Human Services for an evaluation as to whether he is in need of mental health services. The order shall specify whether the evaluation shall be conducted on an inpatient or outpatient basis. If the evaluation is to be conducted on an inpatient basis, the defendant shall be placed in a secure setting unless

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the Court determines that there are compelling reasons why such placement is not necessary. After the evaluation and during the period of time required to determine the appropriate placement, the defendant shall remain in jail. Upon completion of the placement process the sheriff shall be notified and shall transport the defendant to the designated facility.

The Department shall provide the Court with a report of its evaluation within 30 days of the date of this order. The Court shall hold a hearing as provided under the Mental Health and Developmental Disabilities Code to determine if the individual is: (a) in need of mental health services on an inpatient basis; (b) in need of mental health services on an outpatient basis; (c) a person not in need of mental health services. The Court shall enter its findings.

If the defendant is found to be in need of mental health services on an inpatient care basis, the Court shall order the defendant to the Department of Human Services. The defendant shall be placed in a secure setting unless the Court determines that there are compelling reasons why such placement is not necessary. Such defendants placed in a secure setting shall not be permitted outside the facility's housing unit unless escorted or accompanied by personnel of the Department of Human Services or with the prior approval of the Court for unsupervised on-grounds privileges as provided herein. Any defendant placed in a secure setting pursuant to this Section, transported to court hearings or other necessary appointments off facility grounds by personnel of the Department of Human Services, shall be placed in security devices or otherwise secured during the period of transportation to assure secure transport of the defendant and the safety of Department of Human Services personnel and others. These security measures shall not constitute restraint as defined in the Mental Health and Developmental Disabilities Code. If the defendant is found to be in need of mental health services, but not on an inpatient care basis, the Court shall conditionally release the defendant, under such conditions as set forth in this Section as will reasonably assure the defendant's satisfactory progress and participation in treatment or rehabilitation and the safety of the defendant and others. If the Court finds
the person not in need of mental health services, then the Court shall order the defendant discharged from custody.

(a-1) Definitions. For the purposes of this Section:

(A) (Blank).

(B) "In need of mental health services on an inpatient basis" means: a defendant who has been found not guilty by reason of insanity but who due to mental illness is reasonably expected to inflict serious physical harm upon himself or another and who would benefit from inpatient care or is in need of inpatient care.

(C) "In need of mental health services on an outpatient basis" means: a defendant who has been found not guilty by reason of insanity who is not in need of mental health services on an inpatient basis, but is in need of outpatient care, drug and/or alcohol rehabilitation programs, community adjustment programs, individual, group, or family therapy, or chemotherapy.

(D) "Conditional Release" means: the release from either the custody of the Department of Human Services or the custody of the Court of a person who has been found not guilty by reason of insanity under such conditions as the Court may impose which reasonably assure the defendant's satisfactory progress in treatment or habilitation and the safety of the defendant and others. The Court shall consider such terms and conditions which may include, but need not be limited to, outpatient care, alcoholic and drug rehabilitation programs, community adjustment programs, individual, group, family, and chemotherapy, random testing to ensure the defendant's timely and continuous taking of any medicines prescribed to control or manage his or her conduct or mental state, and periodic checks with the legal authorities and/or the Department of Human Services. The Court may order as a condition of conditional release that the defendant not contact the victim of the offense that resulted in the finding or verdict of not guilty by reason of insanity or any other person. The Court may order the Department of Human Services to provide care to any person conditionally released under this Section. The Department
may contract with any public or private agency in order to discharge any responsibilities imposed under this Section. The Department shall monitor the provision of services to persons conditionally released under this Section and provide periodic reports to the Court concerning the services and the condition of the defendant. Whenever a person is conditionally released pursuant to this Section, the State's Attorney for the county in which the hearing is held shall designate in writing the name, telephone number, and address of a person employed by him or her who shall be notified in the event that either the reporting agency or the Department decides that the conditional release of the defendant should be revoked or modified pursuant to subsection (i) of this Section. Such conditional release shall be for a period of five years. However, the defendant, the person or facility rendering the treatment, therapy, program or outpatient care, the Department, or the State's Attorney may petition the Court for an extension of the conditional release period for an additional 5 years. Upon receipt of such a petition, the Court shall hold a hearing consistent with the provisions of this paragraph (a), this paragraph (a-1), and paragraph (f) of this Section, shall determine whether the defendant should continue to be subject to the terms of conditional release, and shall enter an order either extending the defendant's period of conditional release for an additional 5 year period or discharging the defendant. Additional 5-year periods of conditional release may be ordered following a hearing as provided in this Section. However, in no event shall the defendant's period of conditional release continue beyond the maximum period of commitment ordered by the Court pursuant to paragraph (b) of this Section. These provisions for extension of conditional release shall only apply to defendants conditionally released on or after August 8, 2003, the effective date of this amendatory Act of the 93rd General Assembly. However the extension provisions of Public Act 83-1449 apply only to defendants charged with a forcible felony.
(E) "Facility director" means the chief officer of a mental health or developmental disabilities facility or his or her designee or the supervisor of a program of treatment or habilitation or his or her designee. "Designee" may include a physician, clinical psychologist, social worker, nurse, or clinical professional counselor.

(b) If the Court finds the defendant in need of mental health services on an inpatient basis, the admission, detention, care, treatment or habilitation, treatment plans, review proceedings, including review of treatment and treatment plans, and discharge of the defendant after such order shall be under the Mental Health and Developmental Disabilities Code, except that the initial order for admission of a defendant acquitted of a felony by reason of insanity shall be for an indefinite period of time. Such period of commitment shall not exceed the maximum length of time that the defendant would have been required to serve, less credit for good behavior as provided in Section 5-4-1 of the Unified Code of Corrections, before becoming eligible for release had he been convicted of and received the maximum sentence for the most serious crime for which he has been acquitted by reason of insanity. The Court shall determine the maximum period of commitment by an appropriate order. During this period of time, the defendant shall not be permitted to be in the community in any manner, including but not limited to off-grounds privileges, with or without escort by personnel of the Department of Human Services, unsupervised on-grounds privileges, discharge or conditional or temporary release, except by a plan as provided in this Section. In no event shall a defendant's continued unauthorized absence be a basis for discharge. Not more than 30 days after admission and every 60 days thereafter so long as the initial order remains in effect, the facility director shall file a treatment plan report in writing with the court and forward a copy of the treatment plan report to the clerk of the court, the State's Attorney, and the defendant's attorney, if the defendant is represented by counsel, or to a person authorized by the defendant under the Mental Health and Developmental Disabilities Confidentiality Act to be sent a copy of the report. The report shall include an opinion as to whether the defendant is
currently in need of mental health services on an inpatient basis or in need of mental health services on an outpatient basis. The report shall also summarize the basis for those findings and provide a current summary of the following items from the treatment plan: (1) an assessment of the defendant's treatment needs, (2) a description of the services recommended for treatment, (3) the goals of each type of element of service, (4) an anticipated timetable for the accomplishment of the goals, and (5) a designation of the qualified professional responsible for the implementation of the plan. The report may also include unsupervised on-grounds privileges, off-grounds privileges (with or without escort by personnel of the Department of Human Services), home visits and participation in work programs, but only where such privileges have been approved by specific court order, which order may include such conditions on the defendant as the Court may deem appropriate and necessary to reasonably assure the defendant's satisfactory progress in treatment and the safety of the defendant and others.

(c) Every defendant acquitted of a felony by reason of insanity and subsequently found to be in need of mental health services shall be represented by counsel in all proceedings under this Section and under the Mental Health and Developmental Disabilities Code.

(1) The Court shall appoint as counsel the public defender or an attorney licensed by this State.

(2) Upon filing with the Court of a verified statement of legal services rendered by the private attorney appointed pursuant to paragraph (1) of this subsection, the Court shall determine a reasonable fee for such services. If the defendant is unable to pay the fee, the Court shall enter an order upon the State to pay the entire fee or such amount as the defendant is unable to pay from funds appropriated by the General Assembly for that purpose.

(d) When the facility director determines that:

(1) the defendant is no longer in need of mental health services on an inpatient basis; and
(2) the defendant may be conditionally released because he or she is still in need of mental health services or that the defendant may be discharged as not in need of any mental health services; or

(3) the defendant no longer requires placement in a secure setting;

the facility director shall give written notice to the Court, State's Attorney and defense attorney. Such notice shall set forth in detail the basis for the recommendation of the facility director, and specify clearly the recommendations, if any, of the facility director, concerning conditional release. Any recommendation for conditional release shall include an evaluation of the defendant's need for psychotropic medication, what provisions should be made, if any, to ensure that the defendant will continue to receive psychotropic medication following discharge, and what provisions should be made to assure the safety of the defendant and others in the event the defendant is no longer receiving psychotropic medication.

Within 30 days of the notification by the facility director, the Court shall set a hearing and make a finding as to whether the defendant is:

(i) (blank); or

(ii) in need of mental health services in the form of inpatient care; or

(iii) in need of mental health services but not subject to inpatient care; or

(iv) no longer in need of mental health services; or

(v) no longer requires placement in a secure setting.

Upon finding by the Court, the Court shall enter its findings and such appropriate order as provided in subsection (a) and (a-1) of this Section.

(e) A defendant admitted pursuant to this Section, or any person on his behalf, may file a petition for treatment plan review, transfer to a non-secure setting within the Department of Human Services or discharge or conditional release under the standards of this Section in the Court which rendered the verdict. Upon receipt of a petition for treatment plan review, transfer to a non-secure setting or discharge or conditional release,
the Court shall set a hearing to be held within 120 days. Thereafter, no new petition may be filed for 180 days without leave of the Court.

(f) The Court shall direct that notice of the time and place of the hearing be served upon the defendant, the facility director, the State's Attorney, and the defendant's attorney. If requested by either the State or the defense or if the Court feels it is appropriate, an impartial examination of the defendant by a psychiatrist or clinical psychologist as defined in Section 1-103 of the Mental Health and Developmental Disabilities Code who is not in the employ of the Department of Human Services shall be ordered, and the report considered at the time of the hearing.

(g) The findings of the Court shall be established by clear and convincing evidence. The burden of proof and the burden of going forth with the evidence rest with the defendant or any person on the defendant's behalf when a hearing is held to review a petition filed by or on behalf of the defendant. The evidence shall be presented in open Court with the right of confrontation and cross-examination. Such evidence may include, but is not limited to:

(1) whether the defendant appreciates the harm caused by the defendant to others and the community by his or her prior conduct that resulted in the finding of not guilty by reason of insanity;

(2) Whether the person appreciates the criminality of conduct similar to the conduct for which he or she was originally charged in this matter;

(3) the current state of the defendant's illness;

(4) what, if any, medications the defendant is taking to control his or her mental illness;

(5) what, if any, adverse physical side effects the medication has on the defendant;

(6) the length of time it would take for the defendant's mental health to deteriorate if the defendant stopped taking prescribed medication;

(7) the defendant's history or potential for alcohol and drug abuse;

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(8) the defendant's past criminal history;
(9) any specialized physical or medical needs of the defendant;
(10) any family participation or involvement expected upon release and what is the willingness and ability of the family to participate or be involved;
(11) the defendant's potential to be a danger to himself, herself, or others; and
(12) any other factor or factors the Court deems appropriate.

(h) Before the court orders that the defendant be discharged or conditionally released, it shall order the facility director to establish a discharge plan that includes a plan for the defendant's shelter, support, and medication. If appropriate, the court shall order that the facility director establish a program to train the defendant in self-medication under standards established by the Department of Human Services. If the Court finds, consistent with the provisions of this Section, that the defendant is no longer in need of mental health services it shall order the facility director to discharge the defendant. If the Court finds, consistent with the provisions of this Section, that the defendant is in need of mental health services, and no longer in need of inpatient care, it shall order the facility director to release the defendant under such conditions as the Court deems appropriate and as provided by this Section. Such conditional release shall be imposed for a period of 5 years as provided in paragraph (4) (D) of subsection (a-1) (a) and shall be subject to later modification by the Court as provided by this Section. If the Court finds consistent with the provisions in this Section that the defendant is in need of mental health services on an inpatient basis, it shall order the facility director not to discharge or release the defendant in accordance with paragraph (b) of this Section.

(i) If within the period of the defendant's conditional release the State's Attorney determines that the defendant has not fulfilled the conditions of his or her release, the State's Attorney may petition the Court to revoke or modify the conditional release of the defendant. Upon the
filing of such petition the defendant may be remanded to the custody of the Department, or to any other mental health facility designated by the Department, pending the resolution of the petition. Nothing in this Section shall prevent the emergency admission of a defendant pursuant to Article VI of Chapter III of the Mental Health and Developmental Disabilities Code or the voluntary admission of the defendant pursuant to Article IV of Chapter III of the Mental Health and Developmental Disabilities Code. If the Court determines, after hearing evidence, that the defendant has not fulfilled the conditions of release, the Court shall order a hearing to be held consistent with the provisions of paragraph (f) and (g) of this Section. At such hearing, if the Court finds that the defendant is in need of mental health services on an inpatient basis, it shall enter an order remanding him or her to the Department of Human Services or other facility. If the defendant is remanded to the Department of Human Services, he or she shall be placed in a secure setting unless the Court determines that there are compelling reasons that such placement is not necessary. If the Court finds that the defendant continues to be in need of mental health services but not on an inpatient basis, it may modify the conditions of the original release in order to reasonably assure the defendant's satisfactory progress in treatment and his or her safety and the safety of others in accordance with the standards established in paragraph (4) (D) of subsection (a-1) (a). Nothing in this Section shall limit a Court's contempt powers or any other powers of a Court.

(j) An order of admission under this Section does not affect the remedy of habeas corpus.

(k) In the event of a conflict between this Section and the Mental Health and Developmental Disabilities Code or the Mental Health and Developmental Disabilities Confidentiality Act, the provisions of this Section shall govern.

(l) This amendatory Act shall apply to all persons who have been found not guilty by reason of insanity and who are presently committed to the Department of Mental Health and Developmental Disabilities (now the Department of Human Services).
(m) The Clerk of the Court shall, after the entry of an order of transfer to a non-secure setting of the Department of Human Services or discharge or conditional release, transmit a certified copy of the order to the Department of Human Services, and the sheriff of the county from which the defendant was admitted. The Clerk of the Court shall also transmit a certified copy of the order of discharge or conditional release to the Illinois Department of State Police, to the proper law enforcement agency for the municipality where the offense took place, and to the sheriff of the county into which the defendant is conditionally discharged. The Illinois Department of State Police shall maintain a centralized record of discharged or conditionally released defendants while they are under court supervision for access and use of appropriate law enforcement agencies.

(Source: P.A. 93-78, eff. 1-1-04; 93-473, eff. 8-8-03; revised 9-15-06.)

(730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)
Sec. 5-4-1. Sentencing Hearing.

(a) Except when the death penalty is sought under hearing procedures otherwise specified, after a determination of guilt, a hearing shall be held to impose the sentence. However, prior to the imposition of sentence on an individual being sentenced for an offense based upon a charge for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the individual must undergo a professional evaluation to determine if an alcohol or other drug abuse problem exists and the extent of such a problem. Programs conducting these evaluations shall be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may, in its discretion, accept an evaluation from a program in the state of such individual's residence. The court may in its sentencing order approve an eligible defendant for placement in a Department of Corrections impact incarceration program as provided in Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing order recommend a defendant for placement in a Department of Corrections substance abuse treatment program as provided in paragraph (a) of subsection (1) of Section 3-2-2 conditioned upon the defendant being accepted in a program by the Department of Corrections. At the hearing the court shall:

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(1) consider the evidence, if any, received upon the trial;
(2) consider any presentence reports;
(3) consider the financial impact of incarceration based on the financial impact statement filed with the clerk of the court by the Department of Corrections;
(4) consider evidence and information offered by the parties in aggravation and mitigation;
(4.5) consider substance abuse treatment, eligibility screening, and an assessment, if any, of the defendant by an agent designated by the State of Illinois to provide assessment services for the Illinois courts;
(5) hear arguments as to sentencing alternatives;
(6) afford the defendant the opportunity to make a statement in his own behalf;
(7) afford the victim of a violent crime or a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, or a qualified individual affected by: (i) a violation of Section 405, 405.1, 405.2, or 407 of the Illinois Controlled Substances Act or a violation of Section 55 or Section 65 of the Methamphetamine Control and Community Protection Act, or (ii) a Class 4 felony violation of Section 11-14, 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the Criminal Code of 1961, committed by the defendant the opportunity to make a statement concerning the impact on the victim and to offer evidence in aggravation or mitigation; provided that the statement and evidence offered in aggravation or mitigation must first be prepared in writing in conjunction with the State's Attorney before it may be presented orally at the hearing. Any sworn testimony offered by the victim is subject to the defendant's right to cross-examine. All statements and evidence offered under this paragraph (7) shall become part of the record of the court. For the purpose of this paragraph (7), "qualified individual" means any person who (i) lived or worked within the territorial jurisdiction where the offense took place when the offense took place; and (ii) is familiar with

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various public places within the territorial jurisdiction where the
offense took place when the offense took place. For the purposes of
this paragraph (7), "qualified individual" includes any peace
officer, or any member of any duly organized State, county, or
municipal peace unit assigned to the territorial jurisdiction where
the offense took place when the offense took place;

(8) in cases of reckless homicide afford the victim's spouse,
guardians, parents or other immediate family members an
opportunity to make oral statements; and

(9) in cases involving a felony sex offense as defined under
the Sex Offender Management Board Act, consider the results of
the sex offender evaluation conducted pursuant to Section 5-3-2 of
this Act.

(b) All sentences shall be imposed by the judge based upon his
independent assessment of the elements specified above and any
agreement as to sentence reached by the parties. The judge who presided at
the trial or the judge who accepted the plea of guilty shall impose the
sentence unless he is no longer sitting as a judge in that court. Where the
judge does not impose sentence at the same time on all defendants who are
convicted as a result of being involved in the same offense, the defendant
or the State's Attorney may advise the sentencing court of the disposition
of any other defendants who have been sentenced.

(c) In imposing a sentence for a violent crime or for an offense of
operating or being in physical control of a vehicle while under the
influence of alcohol, any other drug or any combination thereof, or a
similar provision of a local ordinance, when such offense resulted in the
personal injury to someone other than the defendant, the trial judge shall
specify on the record the particular evidence, information, factors in
mitigation and aggravation or other reasons that led to his sentencing
determination. The full verbatim record of the sentencing hearing shall be
filed with the clerk of the court and shall be a public record.

(c-1) In imposing a sentence for the offense of aggravated
kidnapping for ransom, home invasion, armed robbery, aggravated
vehicular hijacking, aggravated discharge of a firearm, or armed violence

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with a category I weapon or category II weapon, the trial judge shall make a finding as to whether the conduct leading to conviction for the offense resulted in great bodily harm to a victim, and shall enter that finding and the basis for that finding in the record.

(c-2) If the defendant is sentenced to prison, other than when a sentence of natural life imprisonment or a sentence of death is imposed, at the time the sentence is imposed the judge shall state on the record in open court the approximate period of time the defendant will serve in custody according to the then current statutory rules and regulations for early release found in Section 3-6-3 and other related provisions of this Code. This statement is intended solely to inform the public, has no legal effect on the defendant's actual release, and may not be relied on by the defendant on appeal.

The judge's statement, to be given after pronouncing the sentence, other than when the sentence is imposed for one of the offenses enumerated in paragraph (a)(3) of Section 3-6-3, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, assuming the defendant receives all of his or her good conduct credit, the period of estimated actual custody is ... years and ... months, less up to 180 days additional good conduct credit for meritorious service. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations, does not receive those credits, the actual time served in prison will be longer. The defendant may also receive an additional one-half day good conduct credit for each day of participation in vocational, industry, substance abuse, and educational programs as provided for by Illinois statute."

When the sentence is imposed for one of the offenses enumerated in paragraph (a)(3) of Section 3-6-3, other than when the sentence is imposed for one of the offenses enumerated in paragraph (a)(2) of Section...
3-6-3 committed on or after June 19, 1998, and other than when the sentence is imposed for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense was committed on or after January 1, 1999, and other than when the sentence is imposed for aggravated arson if the offense was committed on or after July 27, 2001 (the effective date of Public Act 92-176), the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, assuming the defendant receives all of his or her good conduct credit, the period of estimated actual custody is ... years and ... months, less up to 90 days additional good conduct credit for meritorious service. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations, does not receive those credits, the actual time served in prison will be longer. The defendant may also receive an additional one-half day good conduct credit for each day of participation in vocational, industry, substance abuse, and educational programs as provided for by Illinois statute."

When the sentence is imposed for one of the offenses enumerated in paragraph (a)(2) of Section 3-6-3, other than first degree murder, and the offense was committed on or after June 19, 1998, and when the sentence is imposed for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense was committed on or after January 1, 1999, and when the sentence is imposed for aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, and when the sentence is imposed for aggravated arson if the offense was committed on or after July 27, 2001 (the effective date of Public Act 92-176), the judge's statement, to be given after pronouncing the sentence, shall include the following:

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"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant is not entitled to good conduct credit. Therefore, this defendant will serve 100% of his or her sentence."

When the sentencing order recommends placement in a substance abuse program for any offense that results in incarceration in a Department of Corrections facility and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354), the judge's statement, in addition to any other judge's statement required under this Section, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant is not entitled to good conduct credit. Therefore, this defendant will serve 100% of his or her sentence."
Corrections and the Illinois Prisoner Review Board. In this case, the defendant shall receive no good conduct credit under clause (3) of subsection (a) of Section 3-6-3 until he or she participates in and completes a substance abuse treatment program or receives a waiver from the Director of Corrections pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

(d) When the defendant is committed to the Department of Corrections, the State's Attorney shall and counsel for the defendant may file a statement with the clerk of the court to be transmitted to the department, agency or institution to which the defendant is committed to furnish such department, agency or institution with the facts and circumstances of the offense for which the person was committed together with all other factual information accessible to them in regard to the person prior to his commitment relative to his habits, associates, disposition and reputation and any other facts and circumstances which may aid such department, agency or institution during its custody of such person. The clerk shall within 10 days after receiving any such statements transmit a copy to such department, agency or institution and a copy to the other party, provided, however, that this shall not be cause for delay in conveying the person to the department, agency or institution to which he has been committed.

(e) The clerk of the court shall transmit to the department, agency or institution, if any, to which the defendant is committed, the following:

1. the sentence imposed;

2. any statement by the court of the basis for imposing the sentence;

3. any presentence reports;

3.5 any sex offender evaluations;

3.6 any substance abuse treatment eligibility screening and assessment of the defendant by an agent designated by the State of Illinois to provide assessment services for the Illinois courts;

4. the number of days, if any, which the defendant has been in custody and for which he is entitled to credit against the
sentence, which information shall be provided to the clerk by the sheriff;

(4.1) any finding of great bodily harm made by the court with respect to an offense enumerated in subsection (c-1);
(5) all statements filed under subsection (d) of this Section;
(6) any medical or mental health records or summaries of the defendant;
(7) the municipality where the arrest of the offender or the commission of the offense has occurred, where such municipality has a population of more than 25,000 persons;
(8) all statements made and evidence offered under paragraph (7) of subsection (a) of this Section; and
(9) all additional matters which the court directs the clerk to transmit.

(Source: P.A. 93-213, eff. 7-18-03; 93-317, eff. 1-1-04; 93-354, eff. 9-1-03; 93-616, eff. 1-1-04; 94-156, eff. 7-8-05; 94-556, eff. 9-11-05; revised 8-19-05.)

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

Sec. 5-5-3. Disposition.
(a) Except as provided in Section 11-501 of the Illinois Vehicle Code, every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

(1) A period of probation.
(2) A term of periodic imprisonment.
(3) A term of conditional discharge.
(4) A term of imprisonment.
(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961 (now repealed).

(6) A fine.

New matter indicated by italics - deletions by strikeout
(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.

(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.

(9) A term of imprisonment in combination with a term of probation when the offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

   (A) First degree murder where the death penalty is not imposed.
   (B) Attempted first degree murder.
   (C) A Class X felony.
   (D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1) or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin or cocaine or an analog thereof.
   (E) A violation of Section 5.1 or 9 of the Cannabis Control Act.
   (F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the
offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of the Criminal Code of 1961 for which imprisonment is prescribed in those Sections.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault.

(I) Aggravated battery of a senior citizen.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.

New matter indicated by italics - deletions by strikeout

(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 or 20-1.3 of the Criminal Code of 1961.


(S) (Blank).

(T) A second or subsequent violation of the Methamphetamine Control and Community Protection Act.

(3) (Blank).

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) (Blank).

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

New matter indicated by italics - deletions by strikeout
(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:
   (A) a period of conditional discharge;
   (B) a fine;
   (C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

New matter indicated by italics - deletions by strikeout
(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) (Blank).

(11) The court shall impose a minimum fine of $1,000 for a first offense and $2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for battery when the individual harmed was a sports official or coach at any level of competition and the act causing harm to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant of the athletic contest held at the athletic facility. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; "athletic facility" means an indoor or outdoor playing field or recreational area where sports activities are

New matter indicated by italics - deletions by strikeout
conducted; and "coach" means a person recognized as a coach by
the sanctioning authority that conducted the sporting event.

(12) A person may not receive a disposition of court
supervision for a violation of Section 5-16 of the Boat Registration
and Safety Act if that person has previously received a disposition
of court supervision for a violation of that Section.

(d) In any case in which a sentence originally imposed is vacated,
the case shall be remanded to the trial court. The trial court shall hold a
hearing under Section 5-4-1 of the Unified Code of Corrections which may
include evidence of the defendant's life, moral character and occupation
during the time since the original sentence was passed. The trial court shall
then impose sentence upon the defendant. The trial court may impose any
sentence which could have been imposed at the original trial subject to
Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated
on appeal or on collateral attack due to the failure of the trier of fact at trial
to determine beyond a reasonable doubt the existence of a fact (other than
a prior conviction) necessary to increase the punishment for the offense
beyond the statutory maximum otherwise applicable, either the defendant
may be re-sentenced to a term within the range otherwise provided or, if
the State files notice of its intention to again seek the extended sentence,
the defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual
abuse under Section 12-16 of the Criminal Code of 1961 results in
conviction of a defendant who was a family member of the victim at the
time of the commission of the offense, the court shall consider the safety
and welfare of the victim and may impose a sentence of probation only
where:

(1) the court finds (A) or (B) or both are appropriate:
   (A) the defendant is willing to undergo a court
       approved counseling program for a minimum duration of 2
       years; or
   (B) the defendant is willing to participate in a court
       approved plan including but not limited to the defendant's:
       (i) removal from the household;

New matter indicated by italics - deletions by strikeout
(ii) restricted contact with the victim;
(iii) continued financial support of the family;
(iv) restitution for harm done to the victim;
and
(v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily
fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been

New matter indicated by italics - deletions by strikeout
exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, any violation of the Cannabis Control Act, or any violation of the Methamphetamine Control and Community Protection Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act, Section
410 of the Illinois Controlled Substance Act, or Section 70 of the Methamphetamine Control and Community Protection Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner
Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice. Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

New matter indicated by italics - deletions by strikeout
(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and
(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.
(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.
(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.
(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.
(n) The court may sentence a person convicted of a violation of Section 12-19, 12-21, or 16-1.3 of the Criminal Code of 1961 (i) to an impact incarceration program if the person is otherwise eligible for that program under Section 5-8-1.1, (ii) to community service, or (iii) if the person is an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, to a substance or alcohol abuse program licensed under that Act.
(o) Whenever a person is convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act, the defendant's driver's license or permit shall be subject to renewal on an annual basis in
accordance with the provisions of license renewal established by the Secretary of State.
(Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169, eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546, eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800, eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556, eff. 9-11-05; 94-993, eff. 1-1-07.)

(Text of Section after amendment by P.A. 94-1035)
Sec. 5-5-3. Disposition.
(a) Except as provided in Section 11-501 of the Illinois Vehicle Code, every person convicted of an offense shall be sentenced as provided in this Section.
(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:
   (1) A period of probation.
   (2) A term of periodic imprisonment.
   (3) A term of conditional discharge.
   (4) A term of imprisonment.
   (5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961 (now repealed).
   (6) A fine.
   (7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.
   (8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.
   (9) A term of imprisonment in combination with a term of probation when the offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act.
Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.
(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section

New matter indicated by italics - deletions by strikeout
5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.
(B) Attempted first degree murder.
(C) A Class X felony.
(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1) or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin or cocaine or an analog thereof.
(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.
(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
(F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of the Criminal Code of 1961 for which imprisonment is prescribed in those Sections.
(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
(H) Criminal sexual assault.
(I) Aggravated battery of a senior citizen.

New matter indicated by italics - deletions by strikeout
(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.


(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 or 20-1.3 of the Criminal Code of 1961.


(S) (Blank).

New matter indicated by italics - deletions by strikeout
(T) A second or subsequent violation of the Methamphetamine Control and Community Protection Act.

(3) (Blank).

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) (Blank).

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;

(B) a fine;

(C) make restitution to the victim under Section 5-5-6 of this Code.

New matter indicated by italics - deletions by strikeout
(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(5.4) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating Section 3-707 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 3 months and until he or she has paid a reinstatement fee of $100.

(5.5) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating Section 3-707 of the Illinois Vehicle Code during a period in which his or her driver's license, permit, or privileges were suspended for a previous violation of that Section shall have his or her driver's license, permit, or privileges suspended for an additional 6 months after the expiration of the original 3-month suspension and until he or she has paid a reinstatement fee of $100.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony.
committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) (Blank).

(11) The court shall impose a minimum fine of $1,000 for a first offense and $2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for battery when the individual harmed was a sports official or coach at any level of competition and the act causing harm to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant of the athletic contest held at the athletic facility. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; "athletic facility" means an indoor or
outdoor playing field or recreational area where sports activities are conducted; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the sporting event.

(12) A person may not receive a disposition of court supervision for a violation of Section 5-16 of the Boat Registration and Safety Act if that person has previously received a disposition of court supervision for a violation of that Section.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual abuse under Section 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

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(i) removal from the household;
(ii) restricted contact with the victim;
(iii) continued financial support of the family;
(iv) restitution for harm done to the victim;
and
(v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately New matter indicated by italics - deletions by strikeout
licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall
undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, any violation of the Cannabis Control Act, or any violation of the Methamphetamine Control and Community Protection Act results in conviction, a disposition of court supervision, or an order of
probation granted under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substance Act, or Section 70 of the Methamphetamine Control and Community Protection Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational...
training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

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(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(n) The court may sentence a person convicted of a violation of Section 12-19, 12-21, or 16-1.3 of the Criminal Code of 1961 (i) to an impact incarceration program if the person is otherwise eligible for that program under Section 5-8-1.1, (ii) to community service, or (iii) if the person is an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, to a substance or alcohol abuse program licensed under that Act.

(o) Whenever a person is convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act, the defendant's driver's license or permit shall be subject to renewal on an annual basis in
accordance with the provisions of license renewal established by the Secretary of State.
(Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169, eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546, eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800, eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556, eff. 9-11-05; 94-993, eff. 1-1-07; 94-1035, eff. 7-1-07; revised 8-28-06.)

(730 ILCS 5/5-5-6) (from Ch. 38, par. 1005-5-6)

Sec. 5-5-6. In all convictions for offenses in violation of the Criminal Code of 1961 in which the person received any injury to their person or damage to their real or personal property as a result of the criminal act of the defendant, the court shall order restitution as provided in this Section. In all other cases, except cases in which restitution is required under this Section, the court must at the sentence hearing determine whether restitution is an appropriate sentence to be imposed on each defendant convicted of an offense. If the court determines that an order directing the offender to make restitution is appropriate, the offender may be sentenced to make restitution. The court may consider restitution an appropriate sentence to be imposed on each defendant convicted of an offense in addition to a sentence of imprisonment. The sentence of the defendant to a term of imprisonment is not a mitigating factor that prevents the court from ordering the defendant to pay restitution. If the offender is sentenced to make restitution the Court shall determine the restitution as hereinafter set forth:

(a) At the sentence hearing, the court shall determine whether the property may be restored in kind to the possession of the owner or the person entitled to possession thereof; or whether the defendant is possessed of sufficient skill to repair and restore property damaged; or whether the defendant should be required to make restitution in cash, for out-of-pocket expenses, damages, losses, or injuries found to have been proximately caused by the conduct of the defendant or another for whom the defendant is legally accountable under the provisions of Article V of the Criminal Code of 1961.

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(b) In fixing the amount of restitution to be paid in cash, the court shall allow credit for property returned in kind, for property damages ordered to be repaired by the defendant, and for property ordered to be restored by the defendant; and after granting the credit, the court shall assess the actual out-of-pocket expenses, losses, damages, and injuries suffered by the victim named in the charge and any other victims who may also have suffered out-of-pocket expenses, losses, damages, and injuries proximately caused by the same criminal conduct of the defendant, and insurance carriers who have indemnified the named victim or other victims for the out-of-pocket expenses, losses, damages, or injuries, provided that in no event shall restitution be ordered to be paid on account of pain and suffering. If a defendant is placed on supervision for, or convicted of, domestic battery, the defendant shall be required to pay restitution to any domestic violence shelter in which the victim and any other family or household members lived because of the domestic battery. The amount of the restitution shall equal the actual expenses of the domestic violence shelter in providing housing and any other services for the victim and any other family or household members living at the shelter. If a defendant fails to pay restitution in the manner or within the time period specified by the court, the court may enter an order directing the sheriff to seize any real or personal property of a defendant to the extent necessary to satisfy the order of restitution and dispose of the property by public sale. All proceeds from such sale in excess of the amount of restitution plus court costs and the costs of the sheriff in conducting the sale shall be paid to the defendant. The defendant convicted of domestic battery, if a person under 18 years of age was present and witnessed the domestic battery of the victim, is liable to pay restitution for the cost of any counseling required for the child at the discretion of the court.

(c) In cases where more than one defendant is accountable for the same criminal conduct that results in out-of-pocket expenses, losses, damages, or injuries, each defendant shall be

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ordered to pay restitution in the amount of the total actual out-of-pocket expenses, losses, damages, or injuries to the victim proximately caused by the conduct of all of the defendants who are legally accountable for the offense.

(1) In no event shall the victim be entitled to recover restitution in excess of the actual out-of-pocket expenses, losses, damages, or injuries, proximately caused by the conduct of all of the defendants.

(2) As between the defendants, the court may apportion the restitution that is payable in proportion to each co-defendant's culpability in the commission of the offense.

(3) In the absence of a specific order apportioning the restitution, each defendant shall bear his pro rata share of the restitution.

(4) As between the defendants, each defendant shall be entitled to a pro rata reduction in the total restitution required to be paid to the victim for amounts of restitution actually paid by co-defendants, and defendants who shall have paid more than their pro rata share shall be entitled to refunds to be computed by the court as additional amounts are paid by co-defendants.

(d) In instances where a defendant has more than one criminal charge pending against him in a single case, or more than one case, and the defendant stands convicted of one or more charges, a plea agreement negotiated by the State's Attorney and the defendants may require the defendant to make restitution to victims of charges that have been dismissed or which it is contemplated will be dismissed under the terms of the plea agreement, and under the agreement, the court may impose a sentence of restitution on the charge or charges of which the defendant has been convicted that would require the defendant to make restitution to victims of other offenses as provided in the plea agreement.

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(e) The court may require the defendant to apply the balance of the cash bond, after payment of court costs, and any fine that may be imposed to the payment of restitution.

(f) Taking into consideration the ability of the defendant to pay, including any real or personal property or any other assets of the defendant, the court shall determine whether restitution shall be paid in a single payment or in installments, and shall fix a period of time not in excess of 5 years or the period of time specified in subsection (f-1), not including periods of incarceration, within which payment of restitution is to be paid in full. Complete restitution shall be paid in as short a time period as possible. However, if the court deems it necessary and in the best interest of the victim, the court may extend beyond 5 years the period of time within which the payment of restitution is to be paid. If the defendant is ordered to pay restitution and the court orders that restitution is to be paid over a period greater than 6 months, the court shall order that the defendant make monthly payments; the court may waive this requirement of monthly payments only if there is a specific finding of good cause for waiver.

(f-1)(1) In addition to any other penalty prescribed by law and any restitution ordered under this Section that did not include long-term physical health care costs, the court may, upon conviction of any misdemeanor or felony, order a defendant to pay restitution to a victim in accordance with the provisions of this subsection (f-1) if the victim has suffered physical injury as a result of the offense that is reasonably probable to require or has required long-term physical health care for more than 3 months. As used in this subsection (f-1) "long-term physical health care" includes mental health care.

(2) The victim's estimate of long-term physical health care costs may be made as part of a victim impact statement under Section 6 of the Rights of Crime Victims and Witnesses Act or made separately. The court shall enter the long-term physical health care restitution order at the time of sentencing. An order of

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restitution made under this subsection (f-1) shall fix a monthly amount to be paid by the defendant for as long as long-term physical health care of the victim is required as a result of the offense. The order may exceed the length of any sentence imposed upon the defendant for the criminal activity. The court shall include as a special finding in the judgment of conviction its determination of the monthly cost of long-term physical health care.

(3) After a sentencing order has been entered, the court may from time to time, on the petition of either the defendant or the victim, or upon its own motion, enter an order for restitution for long-term physical care or modify the existing order for restitution for long-term physical care as to the amount of monthly payments. Any modification of the order shall be based only upon a substantial change of circumstances relating to the cost of long-term physical health care or the financial condition of either the defendant or the victim. The petition shall be filed as part of the original criminal docket.

(g) In addition to the sentences provided for in Sections 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961, the court may order any person who is convicted of violating any of those Sections or who was charged with any of those offenses and which charge was reduced to another charge as a result of a plea agreement under subsection (d) of this Section to meet all or any portion of the financial obligations of treatment, including but not limited to medical, psychiatric, or rehabilitative treatment or psychological counseling, prescribed for the victim or victims of the offense.

The payments shall be made by the defendant to the clerk of the circuit court and transmitted by the clerk to the appropriate person or agency as directed by the court. Except as otherwise provided in subsection (f-1), the order may require such payments to be made for a period not to exceed 5 years after sentencing, not including periods of incarceration.

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(h) The judge may enter an order of withholding to collect the amount of restitution owed in accordance with Part 8 of Article XII of the Code of Civil Procedure.

(i) A sentence of restitution may be modified or revoked by the court if the offender commits another offense, or the offender fails to make restitution as ordered by the court, but no sentence to make restitution shall be revoked unless the court shall find that the offender has had the financial ability to make restitution, and he has wilfully refused to do so. When the offender's ability to pay restitution was established at the time an order of restitution was entered or modified, or when the offender's ability to pay was based on the offender's willingness to make restitution as part of a plea agreement made at the time the order of restitution was entered or modified, there is a rebuttable presumption that the facts and circumstances considered by the court at the hearing at which the order of restitution was entered or modified regarding the offender's ability or willingness to pay restitution have not materially changed. If the court shall find that the defendant has failed to make restitution and that the failure is not wilful, the court may impose an additional period of time within which to make restitution. The length of the additional period shall not be more than 2 years. The court shall retain all of the incidents of the original sentence, including the authority to modify or enlarge the conditions, and to revoke or further modify the sentence if the conditions of payment are violated during the additional period.

(j) The procedure upon the filing of a Petition to Revoke a sentence to make restitution shall be the same as the procedures set forth in Section 5-6-4 of this Code governing violation, modification, or revocation of Probation, of Conditional Discharge, or of Supervision.

(k) Nothing contained in this Section shall preclude the right of any party to proceed in a civil action to recover for any damages incurred due to the criminal misconduct of the defendant.
(l) Restitution ordered under this Section shall not be subject to disbursement by the circuit clerk under Section 27.5 of the Clerks of Courts Act.

(m) A restitution order under this Section is a judgment lien in favor of the victim that:

1. Attaches to the property of the person subject to the order;
2. May be perfected in the same manner as provided in Part 3 of Article 9 of the Uniform Commercial Code;
3. May be enforced to satisfy any payment that is delinquent under the restitution order by the person in whose favor the order is issued or the person's assignee; and
4. Expires in the same manner as a judgment lien created in a civil proceeding.

When a restitution order is issued under this Section, the issuing court shall send a certified copy of the order to the clerk of the circuit court in the county where the charge was filed. Upon receiving the order, the clerk shall enter and index the order in the circuit court judgment docket.

(n) An order of restitution under this Section does not bar a civil action for:

1. Damages that the court did not require the person to pay to the victim under the restitution order but arise from an injury or property damages that is the basis of restitution ordered by the court; and
2. Other damages suffered by the victim.

The restitution order is not discharged by the completion of the sentence imposed for the offense.

A restitution order under this Section is not discharged by the liquidation of a person's estate by a receiver. A restitution order under this Section may be enforced in the same manner as judgment liens are enforced under Article XII of the Code of Civil Procedure.
The provisions of Section 2-1303 of the Code of Civil Procedure, providing for interest on judgments, apply to judgments for restitution entered under this Section.

(Source: P.A. 94-148, eff. 1-1-06; 94-397, eff. 1-1-06; revised 8-19-05.)

(730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

Sec. 5-6-3. Conditions of Probation and of Conditional Discharge.

(a) The conditions of probation and of conditional discharge shall be that the person:

(1) not violate any criminal statute of any jurisdiction;
(2) report to or appear in person before such person or agency as directed by the court;
(3) refrain from possessing a firearm or other dangerous weapon;
(4) not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer. Transfer of a person's probation or conditional discharge supervision to another state is subject to acceptance by the other state pursuant to the Interstate Compact for Adult Offender Supervision;
(5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;
(6) perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located within the municipality or county in which the violation occurred.

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When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act;

(7) if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a public institution of education to obtain the educational or vocational training required by this clause (7). The court shall revoke the probation or conditional discharge of a person who wilfully fails to comply with this clause (7). The person on probation or conditional discharge shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall resentence the offender whose probation or conditional discharge has been revoked as provided in Section 5-6-4. This clause (7) does not apply to a person who has a high school diploma or has successfully passed the GED test. This clause (7) does not apply to a person who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program;

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of
probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court;

(8.5) if convicted of a felony sex offense as defined in the Sex Offender Management Board Act, the person shall undergo and successfully complete sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act;

(8.6) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense; the provisions of this paragraph do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders; and

(9) if convicted of a felony, physically surrender at a time and place designated by the court, his or her Firearm Owner's Identification Card and any and all firearms in his or her possession; and

(10) if convicted of a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter.

New matter indicated by italics - deletions by strikeout
(b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:

(1) serve a term of periodic imprisonment under Article 7 for a period not to exceed that specified in paragraph (d) of Section 5-7-1;
(2) pay a fine and costs;
(3) work or pursue a course of study or vocational training;
(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;
(5) attend or reside in a facility established for the instruction or residence of defendants on probation;
(6) support his dependents;
(7) and in addition, if a minor:
(i) reside with his parents or in a foster home;
(ii) attend school;
(iii) attend a non-residential program for youth;
(iv) contribute to his own support at home or in a foster home;
(v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is convicted of a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;
(8) make restitution as provided in Section 5-5-6 of this Code;
(9) perform some reasonable public or community service;
(10) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the offender:

New matter indicated by italics - deletions by strikeout
(i) remain within the interior premises of the place designated for his confinement during the hours designated by the court;

(ii) admit any person or agent designated by the court into the offender's place of confinement at any time for purposes of verifying the offender's compliance with the conditions of his confinement; and

(iii) if further deemed necessary by the court or the Probation or Court Services Department, be placed on an approved electronic monitoring device, subject to Article 8A of Chapter V;

(iv) for persons convicted of any alcohol, cannabis or controlled substance violation who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the offender to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code; and

(v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or
no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer, if the defendant has been placed on probation or advance approval by the court, if the defendant was placed on conditional discharge;

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(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug.

(c) The court may as a condition of probation or of conditional discharge require that a person under 18 years of age found guilty of any alcohol, cannabis or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If such person is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(d) An offender sentenced to probation or to conditional discharge shall be given a certificate setting forth the conditions thereof.

(e) Except where the offender has committed a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code, the court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6 month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2. This 6 month limit does not apply to a person sentenced to probation as a result of a conviction of a fourth or subsequent violation of subsection (c-4) of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

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(f) The court may combine a sentence of periodic imprisonment under Article 7 or a sentence to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.

(g) An offender sentenced to probation or to conditional discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, involved in a successful probation program for the county. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of such probation or conditional discharge or supervised community service, a fee of $50 for each month of probation or conditional discharge supervision or supervised community service ordered by the court, unless after
determining the inability of the person sentenced to probation or conditional discharge or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee under this subsection (i) in excess of $25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, up to $5 of that fee collected per month may be used to provide services to crime victims and their families.

This amendatory Act of the 93rd General Assembly deletes the $10 increase in the fee under this subsection that was imposed by Public Act 93-616. This deletion is intended to control over any other Act of the 93rd General Assembly that retains or incorporates that fee increase.

(i-5) In addition to the fees imposed under subsection (i) of this Section, in the case of an offender convicted of a felony sex offense (as defined in the Sex Offender Management Board Act) or an offense that the court or probation department has determined to be sexually motivated (as defined in the Sex Offender Management Board Act), the court or the probation department shall assess additional fees to pay for all costs of treatment, assessment, evaluation for risk and treatment, and monitoring the offender, based on that offender's ability to pay those costs either as they occur or under a payment plan.
(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) Any offender who is sentenced to probation or conditional discharge for a felony sex offense as defined in the Sex Offender Management Board Act or any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(Source: P.A. 93-475, eff. 8-8-03; 93-616, eff. 1-1-04; 93-970, eff. 8-20-04; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; 94-556, eff. 9-11-05; revised 8-19-05.)

(730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)
Sec. 5-6-3.1. Incidents and Conditions of Supervision.

(a) When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of such supervision, and shall defer further proceedings in the case until the conclusion of the period.

(b) The period of supervision shall be reasonable under all of the circumstances of the case, but may not be longer than 2 years, unless the defendant has failed to pay the assessment required by Section 10.3 of the Cannabis Control Act, Section 411.2 of the Illinois Controlled Substances Act, or Section 80 of the Methamphetamine Control and Community Protection Act, in which case the court may extend supervision beyond 2 years. Additionally, the court shall order the defendant to perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, when the offense (1) was related to or in furtherance of the

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criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang; or (2) is a violation of any Section of Article 24 of the Criminal Code of 1961 where a disposition of supervision is not prohibited by Section 5-6-1 of this Code. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by violation of Section 21-1.3 of the Criminal Code of 1961 and similar damages to property located within the municipality or county in which the violation occurred. Where possible and reasonable, the community service should be performed in the offender's neighborhood.

For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the court require that the person:

(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of supervision;
(2) pay a fine and costs;
(3) work or pursue a course of study or vocational training;
(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;
(5) attend or reside in a facility established for the instruction or residence of defendants on probation;
(6) support his dependents;
(7) refrain from possessing a firearm or other dangerous weapon;
(8) and in addition, if a minor:
   (i) reside with his parents or in a foster home;
   (ii) attend school;
   (iii) attend a non-residential program for youth;

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(iv) contribute to his own support at home or in a foster home; or

(v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is placed on supervision for a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;

(9) make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss or make restitution under Section 5-5-6 to a domestic violence shelter. The court shall determine the amount and conditions of payment;

(10) perform some reasonable public or community service;

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory. If the court has ordered the defendant to make a report and appear in person under paragraph (1) of this subsection, a copy of the order of protection shall be transmitted to the person or agency so designated by the court;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

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(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of person, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(17) refrain from operating any motor vehicle not equipped with an ignition interlock device as defined in Section 1-129.1 of the Illinois Vehicle Code. Under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment; and

(18) if placed on supervision for a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter.

(d) The court shall defer entering any judgment on the charges until the conclusion of the supervision.

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(e) At the conclusion of the period of supervision, if the court
determines that the defendant has successfully complied with all of the
conditions of supervision, the court shall discharge the defendant and enter
a judgment dismissing the charges.

(f) Discharge and dismissal upon a successful conclusion of a
disposition of supervision shall be deemed without adjudication of guilt
and shall not be termed a conviction for purposes of disqualification or
disabilities imposed by law upon conviction of a crime. Two years after
the discharge and dismissal under this Section, unless the disposition of
supervision was for a violation of Sections 3-707, 3-708, 3-710, 5-401.3,
or 11-503 of the Illinois Vehicle Code or a similar provision of a local
ordinance, or for a violation of Sections 12-3.2 or 16A-3 of the Criminal
Code of 1961, in which case it shall be 5 years after discharge and
dismissal, a person may have his record of arrest sealed or expunged as
may be provided by law. However, any defendant placed on supervision
before January 1, 1980, may move for sealing or expungement of his arrest
record, as provided by law, at any time after discharge and dismissal under
this Section. A person placed on supervision for a sexual offense
committed against a minor as defined in subsection (g) of Section 5 of the
Criminal Identification Act or for a violation of Section 11-501 of the
Illinois Vehicle Code or a similar provision of a local ordinance shall not
have his or her record of arrest sealed or expunged.

(g) A defendant placed on supervision and who during the period
of supervision undergoes mandatory drug or alcohol testing, or both, or is
assigned to be placed on an approved electronic monitoring device, shall
be ordered to pay the costs incidental to such mandatory drug or alcohol
testing, or both, and costs incidental to such approved electronic
monitoring in accordance with the defendant's ability to pay those costs.
The county board with the concurrence of the Chief Judge of the judicial
circuit in which the county is located shall establish reasonable fees for the
cost of maintenance, testing, and incidental expenses related to the
mandatory drug or alcohol testing, or both, and all costs incidental to
approved electronic monitoring, of all defendants placed on supervision.
The concurrence of the Chief Judge shall be in the form of an

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administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) A disposition of supervision is a final order for the purposes of appeal.

(i) The court shall impose upon a defendant placed on supervision after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of supervision or supervised community service, a fee of $50 for each month of supervision or supervised community service ordered by the court, unless after determining the inability of the person placed on supervision or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon a defendant who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund pursuant to Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee in excess of $25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, not to exceed $5 of that fee collected per month may be used to provide services to crime victims and their families.

New matter indicated by italics - deletions by strikeout
(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) A defendant at least 17 years of age who is placed on supervision for a misdemeanor in a county of 3,000,000 or more inhabitants and who has not been previously convicted of a misdemeanor or felony may as a condition of his or her supervision be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The defendant placed on supervision must attend a public institution of education to obtain the educational or vocational training required by this subsection (k). The defendant placed on supervision shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall revoke the supervision of a person who wilfully fails to comply with this subsection (k). The court shall resentence the defendant upon revocation of supervision as provided in Section 5-6-4. This subsection (k) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (k) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(l) The court shall require a defendant placed on supervision for possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act or a sentence

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of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and after a finding by the court that the person is addicted, to undergo treatment at a substance abuse program approved by the court.

(m) The Secretary of State shall require anyone placed on court supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance to give proof of his or her financial responsibility as defined in Section 7-315 of the Illinois Vehicle Code. The proof shall be maintained by the individual in a manner satisfactory to the Secretary of State for a minimum period of one year after the date the proof is first filed. The proof shall be limited to a single action per arrest and may not be affected by any post-sentence disposition. The Secretary of State shall suspend the driver's license of any person determined by the Secretary to be in violation of this subsection.

(n) Any offender placed on supervision for any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(o) An offender placed on supervision for a sex offense as defined in the Sex Offender Management Board Act shall refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense. The provisions of this subsection (o) do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders.

(Source: P.A. 93-475, eff. 8-8-03; 93-970, eff. 8-20-04; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; 94-556, eff. 9-11-05; revised 8-19-05.)

(730 ILCS 5/5-8-1.3)

Sec. 5-8-1.3. Pilot residential and transition treatment program for women.

New matter indicated by italics - deletions by strikeout
(a) The General Assembly recognizes:

(1) that drug-offending women with children who have been in and out of the criminal justice system for years are a serious problem;

(2) that the intergenerational cycle of women continuously being part of the criminal justice system needs to be broken;

(3) that the effects of drug offending women with children disrupts family harmony and creates an atmosphere that is not conducive to healthy childhood development;

(4) that there is a need for an effective residential community supervision model to provide help to women to become drug free, recover from trauma, focus on healthy mother-child relationships, and establish economic independence and long-term support;

(5) that certain non-violent women offenders with children eligible for sentences of incarceration, may benefit from the rehabilitative aspects of gender responsive treatment programs and services. This Section shall not be construed to allow violent offenders to participate in a treatment program.

(b) Under the direction of the sheriff and with the approval of the county board of commissioners, the sheriff, in any county with more than 3,000,000 inhabitants, may operate a residential and transition treatment program for women established by the Illinois Department of Corrections if funding has been provided by federal, local or private entities. If the court finds during the sentencing hearing conducted under Section 5-4-1 that a woman convicted of a felony meets the eligibility requirements of the sheriff's residential and transition treatment program for women, the court may refer the offender to the sheriff's residential and transition treatment program for women for consideration as a participant as an alternative to incarceration in the penitentiary. The sheriff shall be responsible for supervising all women who are placed in the residential and transition treatment program for women for the 12-month period. In the event that the woman is not accepted for placement in the sheriff's residential and transition treatment program for women, the court shall
proceed to sentence the woman to any other disposition authorized by this Code. If the woman does not successfully complete the residential and transition treatment program for women, the woman's failure to do so shall constitute a violation of the sentence to the residential and transition treatment program for women.

(c) In order to be eligible to be a participant in the pilot residential and transition treatment program for women, the participant shall meet all of the following conditions:

(1) The woman has not been convicted of a violent crime as defined in subsection (c) of Section 3 of the Rights of Crime Victims and Witnesses Act, a Class X felony, first or second degree murder, armed violence, aggravated kidnapping, criminal sexual assault, aggravated criminal sexual abuse or a subsequent conviction for criminal sexual abuse, forcible detention, or arson and has not been previously convicted of any of those offenses.

(2) The woman must undergo an initial assessment evaluation to determine the treatment and program plan.

(3) The woman was recommended and accepted for placement in the pilot residential and transition treatment program for women by the Department of Corrections and has consented in writing to participation in the program under the terms and conditions of the program. The Department of Corrections may consider whether space is available.

(d) The program may include a substance abuse treatment program designed for women offenders, mental health, trauma, and medical treatment; parenting skills and family relationship counseling, preparation for a GED or vocational certificate; life skills program; job readiness and job skill training, and a community transition development plan.

(e) With the approval of the Department of Corrections, the sheriff shall issue requirements for the program and inform the participants who shall sign an agreement to adhere to all rules and all requirements for the pilot residential and transition treatment program.

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(f) Participation in the pilot residential and transition treatment program for women shall be for a period not to exceed 12 months. The period may not be reduced by accumulation of good time.

(g) If the woman successfully completes the pilot residential and transition treatment program for women, the sheriff shall notify the Department of Corrections, the court, and the State's Attorney of the county of the woman's successful completion.

(h) A woman may be removed from the pilot residential and transition treatment program for women for violation of the terms and conditions of the program or in the event she is unable to participate. The failure to complete the program shall be deemed a violation of the conditions of the program. The sheriff shall give notice to the Department of Corrections, the court, and the State's Attorney of the woman's failure to complete the program. The Department of Corrections or its designee shall file a petition alleging that the woman has violated the conditions of the program with the court. The State's Attorney may proceed on the petition under Section 5-4-1 of this Code.

(i) The conditions of the pilot residential and transition treatment program for women shall include that the woman while in the program:
  (1) not violate any criminal statute of any jurisdiction;
  (2) report or appear in person before any person or agency as directed by the court, the sheriff, or Department of Corrections;
  (3) refrain from possessing a firearm or other dangerous weapon;
  (4) consent to drug testing;
  (5) not leave the State without the consent of the court or, in circumstances in which reason for the absence is of such an emergency nature that prior consent by the court is not possible, without prior notification and approval of the Department of Corrections;
  (6) upon placement in the program, must agree to follow all requirements of the program. ;

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(j) The Department of Corrections or the sheriff may terminate the program at any time by mutual agreement or with 30 days prior written notice by either the Department of Corrections or the sheriff.

(k) The Department of Corrections may enter into a joint contract with a county with more than 3,000,000 inhabitants to establish and operate a pilot residential and treatment program for women.

(l) The Director of the Department of Corrections shall have the authority to develop rules to establish and operate a pilot residential and treatment program for women that shall include criteria for selection of the participants of the program in conjunction and approval by the sentencing court. Violent crime offenders are not eligible to participate in the program.

(m) The Department shall report to the Governor and the General Assembly before September 30th of each year on the pilot residential and treatment program for women, including the composition of the program by offenders, sentence, age, offense, and race.

(n) The Department of Corrections or the sheriff may terminate the program with 30 days prior written notice.

(o) A county with more than 3,000,000 inhabitants is authorized to apply for funding from federal, local or private entities to create a Residential and Treatment Program for Women. This sentencing option may not go into effect until the funding is secured for the program and the program has been established.

(Source: P.A. 92-806, eff. 1-1-03; revised 1-20-03.)

(730 ILCS 5/5-9-1.2) (from Ch. 38, par. 1005-9-1.2)

Sec. 5-9-1.2. (a) Twelve and one-half percent of all amounts collected as fines pursuant to Section 5-9-1.1 shall be paid into the Youth Drug Abuse Prevention Fund, which is hereby created in the State treasury, to be used by the Department of Human Services for the funding of programs and services for drug-abuse treatment, and prevention and education services, for juveniles.

(b) Eighty-seven and one-half percent of the proceeds of all fines received pursuant to Section 5-9-1.1 shall be transmitted to and deposited in the treasurer's office at the level of government as follows:

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(1) If such seizure was made by a combination of law enforcement personnel representing differing units of local government, the court levying the fine shall equitably allocate 50% of the fine among these units of local government and shall allocate 37 1/2% to the county general corporate fund. In the event that the seizure was made by law enforcement personnel representing a unit of local government from a municipality where the number of inhabitants exceeds 2 million in population, the court levying the fine shall allocate 87 1/2% of the fine to that unit of local government. If the seizure was made by a combination of law enforcement personnel representing differing units of local government, and at least one of those units represents a municipality where the number of inhabitants exceeds 2 million in population, the court shall equitably allocate 87 1/2% of the proceeds of the fines received among the differing units of local government.

(2) If such seizure was made by State law enforcement personnel, then the court shall allocate 37 1/2% to the State treasury and 50% to the county general corporate fund.

(3) If a State law enforcement agency in combination with a law enforcement agency or agencies of a unit or units of local government conducted the seizure, the court shall equitably allocate 37 1/2% of the fines to or among the law enforcement agency or agencies of the unit or units of local government which conducted the seizure and shall allocate 50% to the county general corporate fund.

(c) The proceeds of all fines allocated to the law enforcement agency or agencies of the unit or units of local government pursuant to subsection (b) shall be made available to that law enforcement agency as expendable receipts for use in the enforcement of laws regulating controlled substances and cannabis. The proceeds of fines awarded to the State treasury shall be deposited in a special fund known as the Drug Traffic Prevention Fund. Monies from this fund may be used by the Department of State Police for use in the enforcement of laws regulating

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controlled substances and cannabis; to satisfy funding provisions of the Intergovernmental Drug Laws Enforcement Act; and to defray costs and expenses associated with returning violators of the Cannabis Control Act, the Illinois Controlled Substances Act, and the Methamphetamine Control and Community Protection Act only, as provided in those Acts, when punishment of the crime shall be confinement of the criminal in the penitentiary. Moneys in the Drug Traffic Prevention Fund deposited from fines awarded as a direct result of enforcement efforts of the Illinois Conservation Police may be used by the Department of Natural Resources Office of Law Enforcement for use in enforcing laws regulating controlled substances and cannabis on Department of Natural Resources regulated lands and waterways. All other monies shall be paid into the general revenue fund in the State treasury.

(d) There is created in the State treasury the Methamphetamine Law Enforcement Fund. Moneys in the Fund shall be equitably allocated to local law enforcement agencies to: (1) reimburse those agencies for the costs of securing and cleaning up sites and facilities used for the illegal manufacture of methamphetamine; (2) defray the costs of employing full-time or part-time peace officers from a Metropolitan Enforcement Group or other local drug task force, including overtime costs for those officers; and (3) defray the costs associated with medical or dental expenses incurred by the county resulting from the incarceration of methamphetamine addicts in the county jail or County Department of Corrections.

(Source: P.A. 94-550, eff. 1-1-06; 94-556, eff. 9-11-05; revised 8-19-05.)

(730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)
Sec. 5-9-1.7. Sexual assault fines.
(a) Definitions. The terms used in this Section shall have the following meanings ascribed to them:

(1) "Sexual assault" means the commission or attempted commission of the following: sexual exploitation of a child, criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, indecent solicitation of a child,
public indecency, sexual relations within families, soliciting for a juvenile prostitute, keeping a place of juvenile prostitution, patronizing a juvenile prostitute, juvenile pimping, exploitation of a child, obscenity, child pornography, harmful material, or ritualized abuse of a child, as those offenses are defined in the Criminal Code of 1961.

(2) "Family member" shall have the meaning ascribed to it in Section 12-12 of the Criminal Code of 1961.

(3) "Sexual assault organization" means any not-for-profit organization providing comprehensive, community-based services to victims of sexual assault. "Community-based services" include, but are not limited to, direct crisis intervention through a 24-hour response, medical and legal advocacy, counseling, information and referral services, training, and community education.

(b) Sexual assault fine; collection by clerk.

(1) In addition to any other penalty imposed, a fine of $200 shall be imposed upon any person who pleads guilty or who is convicted of, or who receives a disposition of court supervision for, a sexual assault or attempt of a sexual assault. Upon request of the victim or the victim's representative, the court shall determine whether the fine will impose an undue burden on the victim of the offense. For purposes of this paragraph, the defendant may not be considered the victim's representative. If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine. The court shall order that the defendant may not use funds belonging solely to the victim of the offense for payment of the fine.

(2) Sexual assault fines shall be assessed by the court imposing the sentence and shall be collected by the circuit clerk. The circuit clerk shall retain 10% of the penalty to cover the costs involved in administering and enforcing this Section. The circuit clerk shall remit the remainder of each fine within one month of its receipt to the State Treasurer for deposit as follows:

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(i) for family member offenders, one-half to the Sexual Assault Services Fund, and one-half to the Domestic Violence Shelter and Service Fund; and
(ii) for other than family member offenders, the full amount to the Sexual Assault Services Fund.

(c) Sexual Assault Services Fund; administration. There is created a Sexual Assault Services Fund. Moneys deposited into the Fund under this Section shall be appropriated to the Department of Public Health. Upon appropriation of moneys from the Sexual Assault Services Fund, the Department of Public Health shall make grants of these moneys from the Fund to sexual assault organizations with whom the Department has contracts for the purpose of providing community-based services to victims of sexual assault. Grants made under this Section are in addition to, and are not substitutes for, other grants authorized and made by the Department.

(Source: P.A. 93-699, eff. 1-1-05; 93-810, eff. 1-1-05; revised 10-14-04.)

(730 ILCS 5/5-9-1.12)
Sec. 5-9-1.12. Arson fines.

(a) In addition to any other penalty imposed, a fine of $500 shall be imposed upon a person convicted of the offense of arson, residential arson, or aggravated arson.

(b) The additional fine shall be assessed by the court imposing sentence and shall be collected by the Circuit Clerk in addition to the fine, if any, and costs in the case. Each such additional fine shall be remitted by the Circuit Clerk within one month after receipt to the State Treasurer for deposit into the Fire Prevention Fund. The Circuit Clerk shall retain 10% of such fine to cover the costs incurred in administering and enforcing this Section. The additional fine may not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing.

(c) The moneys in the Fire Prevention Fund collected as additional fines under this Section shall be distributed by the Office of the State Fire Marshal to the fire department or fire protection district that suppressed or investigated the fire that was set by the defendant and for which the

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defendant was convicted of arson, residential arson, or aggravated arson. If more than one fire department or fire protection district suppressed or investigated the fire, the additional fine shall be distributed equally among those departments or districts.

(d) The moneys distributed to the fire departments or fire protection districts under this Section may only be used to purchase fire suppression or fire investigation equipment.

(Source: P.A. 93-169, eff. 7-10-03.)

(730 ILCS 5/5-9-1.13)

Sec. 5-9-1.13 5-9-1.12. Applications for transfer to other states. A person subject to conditions of probation, parole, or mandatory supervised release who seeks to transfer to another state subject to the Interstate Compact for Adult Offender Supervision must make provisions for the payment of any restitution awarded by the circuit court and pay a fee of $125 to the proper administrative or judicial authorities before being granted the transfer, or otherwise arrange for payment. The fee payment from persons subject to a sentence of probation shall be deposited into the general fund of the county in which the circuit has jurisdiction. The fee payment from persons subject to parole or mandatory supervised release shall be deposited into the General Revenue Fund. The proceeds of this fee shall be used to defray the costs of the Department of Corrections or county sheriff departments, respectively, who will be required to retrieve offenders that violate the terms of their transfers to other states. Upon return to the State of Illinois, these persons shall also be subject to reimbursing either the State of Illinois or the county for the actual costs of returning them to Illinois.

(Source: P.A. 93-475, eff. 8-8-03; revised 9-26-03.)

Section 1075. The Sex Offender Registration Act is amended by changing Sections 2, 6, and 7 as follows:

(730 ILCS 150/2) (from Ch. 38, par. 222)

Sec. 2. Definitions.

(A) As used in this Article, "sex offender" means any person who is:

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(1) charged pursuant to Illinois law, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, with a sex offense set forth in subsection (B) of this Section or the attempt to commit an included sex offense, and:

(a) is convicted of such offense or an attempt to commit such offense; or
(b) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or
(c) is found not guilty by reason of insanity pursuant to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or
(d) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or
(e) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or
(f) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or
(2) certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

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(3) subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act; or

(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(5) adjudicated a juvenile delinquent as the result of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, or found guilty under Article V of the Juvenile Court Act of 1987 of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Article as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Article.

For purposes of this Section, "convicted" shall have the same meaning as "adjudicated". For the purposes of this Article, a person who is defined as a sex offender as a result of being adjudicated a juvenile delinquent under paragraph (5) of this subsection (A) upon attaining 17 years of age shall be considered as having committed the sex offense on or after the sex offender's 17th birthday. Registration of juveniles upon attaining 17 years of age shall not extend the original registration of 10 years from the date of conviction.

(B) As used in this Article, "sex offense" means:

(1) A violation of any of the following Sections of the Criminal Code of 1961:

   11-20.1 (child pornography),
   11-6 (indecent solicitation of a child),

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11-9.1 (sexual exploitation of a child),
11-9.2 (custodial sexual misconduct),
11-9.5 (sexual misconduct with a person with a
disability),
11-15.1 (soliciting for a juvenile prostitute),
11-18.1 (patronizing a juvenile prostitute),
11-17.1 (keeping a place of juvenile prostitution),
11-19.1 (juvenile pimping),
11-19.2 (exploitation of a child),
12-13 (criminal sexual assault),
12-14 (aggravated criminal sexual assault),
12-14.1 (predatory criminal sexual assault of a
child),
12-15 (criminal sexual abuse),
12-16 (aggravated criminal sexual abuse),
12-33 (ritualized abuse of a child).
An attempt to commit any of these offenses.

(1.5) A violation of any of the following Sections of the
Criminal Code of 1961, when the victim is a person under 18 years
of age, the defendant is not a parent of the victim, the offense was
sexually motivated as defined in Section 10 of the Sex Offender
Management Board Act, and the offense was committed on or after
January 1, 1996:
10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint).

(1.6) First degree murder under Section 9-1 of the Criminal
Code of 1961, when the victim was a person under 18 years of age
and the defendant was at least 17 years of age at the time of the
commission of the offense, provided the offense was sexually
motivated as defined in Section 10 of the Sex Offender
Management Board Act.

(1.7) (Blank).

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(1.8) A violation or attempted violation of Section 11-11 (sexual relations within families) of the Criminal Code of 1961, and the offense was committed on or after June 1, 1997.

(1.9) Child abduction under paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 committed by luring or attempting to lure a child under the age of 16 into a motor vehicle, building, house trailer, or dwelling place without the consent of the parent or lawful custodian of the child for other than a lawful purpose and the offense was committed on or after January 1, 1998, provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act.

(1.10) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after July 1, 1999:

10-4 (forcible detention, if the victim is under 18 years of age), provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act,

11-6.5 (indecent solicitation of an adult),

11-15 (soliciting for a prostitute, if the victim is under 18 years of age),

11-16 (pandering, if the victim is under 18 years of age),

11-18 (patronizing a prostitute, if the victim is under 18 years of age),

11-19 (pimping, if the victim is under 18 years of age).

(1.11) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after August 22, 2002:

11-9 (public indecency for a third or subsequent conviction).
(1.12) A violation or attempted violation of Section 5.1 of the Wrongs to Children Act (permitting sexual abuse) when the offense was committed on or after August 22, 2002.

(2) A violation of any former law of this State substantially equivalent to any offense listed in subsection (B) of this Section.

(C) A conviction for an offense of federal law, Uniform Code of Military Justice, or the law of another state or a foreign country that is substantially equivalent to any offense listed in subsections (B), (C), and (E) of this Section shall constitute a conviction for the purpose of this Article. A finding or adjudication as a sexually dangerous person or a sexually violent person under any federal law, Uniform Code of Military Justice, or the law of another state or foreign country that is substantially equivalent to the Sexually Dangerous Persons Act or the Sexually Violent Persons Commitment Act shall constitute an adjudication for the purposes of this Article.

(C-5) A person at least 17 years of age at the time of the commission of the offense who is convicted of first degree murder under Section 9-1 of the Criminal Code of 1961, against a person under 18 years of age, shall be required to register for natural life. A conviction for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (C-5) of this Section shall constitute a conviction for the purpose of this Article. This subsection (C-5) applies to a person who committed the offense before June 1, 1996 only if the person is incarcerated in an Illinois Department of Corrections facility on August 20, 2004 (the effective date of Public Act 93-977).

(D) As used in this Article, "law enforcement agency having jurisdiction" means the Chief of Police in each of the municipalities in which the sex offender expects to reside, work, or attend school (1) upon his or her discharge, parole or release or (2) during the service of his or her sentence of probation or conditional discharge, or the Sheriff of the county, in the event no Police Chief exists or if the offender intends to reside, work, or attend school in an unincorporated area. "Law enforcement agency having jurisdiction" includes the location where

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out-of-state students attend school and where out-of-state employees are employed or are otherwise required to register.

(D-1) As used in this Article, "supervising officer" means the assigned Illinois Department of Corrections parole agent or county probation officer.

(E) As used in this Article, "sexual predator" means any person who, after July 1, 1999, is:

(1) Convicted for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (E) of this Section shall constitute a conviction for the purpose of this Article. Convicted of a violation or attempted violation of any of the following Sections of the Criminal Code of 1961, if the conviction occurred after July 1, 1999:
   11-17.1 (keeping a place of juvenile prostitution),
   11-19.1 (juvenile pimping),
   11-19.2 (exploitation of a child),
   11-20.1 (child pornography),
   12-13 (criminal sexual assault),
   12-14 (aggravated criminal sexual assault),
   12-14.1 (predatory criminal sexual assault of a child),
   12-16 (aggravated criminal sexual abuse),
   12-33 (ritualized abuse of a child); or

(2) (blank); or

(3) certified as a sexually dangerous person pursuant to the Sexually Dangerous Persons Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

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(5) convicted of a second or subsequent offense which requires registration pursuant to this Act. The conviction for the second or subsequent offense must have occurred after July 1, 1999. For purposes of this paragraph (5), "convicted" shall include a conviction under any substantially similar Illinois, federal, Uniform Code of Military Justice, sister state, or foreign country law.

(F) As used in this Article, "out-of-state student" means any sex offender, as defined in this Section, or sexual predator who is enrolled in Illinois, on a full-time or part-time basis, in any public or private educational institution, including, but not limited to, any secondary school, trade or professional institution, or institution of higher learning.

(G) As used in this Article, "out-of-state employee" means any sex offender, as defined in this Section, or sexual predator who works in Illinois, regardless of whether the individual receives payment for services performed, for a period of time of 10 or more days or for an aggregate period of time of 30 or more days during any calendar year. Persons who operate motor vehicles in the State accrue one day of employment time for any portion of a day spent in Illinois.

(H) As used in this Article, "school" means any public or private educational institution, including, but not limited to, any elementary or secondary school, trade or professional institution, or institution of higher education.

(I) As used in this Article, "fixed residence" means any and all places that a sex offender resides for an aggregate period of time of 5 or more days in a calendar year.

(Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04; 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-945, eff. 6-27-06; 94-1053, eff. 7-24-06; revised 8-3-06.)

(730 ILCS 150/6) (from Ch. 38, par. 226)

Sec. 6. Duty to report; change of address, school, or employment; duty to inform. A person who has been adjudicated to be sexually dangerous or is a sexually violent person and is later released, or found to be no longer sexually dangerous or no longer a sexually violent person and

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discharged, or convicted of a violation of this Act after July 1, 2005, shall report in person to the law enforcement agency with whom he or she last registered no later than 90 days after the date of his or her last registration and every 90 days thereafter and at such other times at the request of the law enforcement agency not to exceed 4 times a year. Any person who lacks a fixed residence must report weekly, in person, to the appropriate law enforcement agency where the sex offender is located. Any other person who is required to register under this Article shall report in person to the appropriate law enforcement agency with whom he or she last registered within one year from the date of last registration and every year thereafter and at such other times at the request of the law enforcement agency not to exceed 4 times a year. If any person required to register under this Article lacks a fixed residence or temporary domicile, he or she must notify, in person, the agency of jurisdiction of his or her last known address within 5 days after ceasing to have a fixed residence and if the offender leaves the last jurisdiction of residence, he or she, must within 48 hours after leaving register in person with the new agency of jurisdiction. If any other person required to register under this Article changes his or her residence address, place of employment, or school, he or she shall report in person to the law enforcement agency with whom he or she last registered of his or her new address, change in employment, or school and register, in person, with the appropriate law enforcement agency within the time period specified in Section 3. The law enforcement agency shall, within 3 days of the reporting in person by the person required to register under this Article, notify the Department of State Police of the new place of residence, change in employment, or school.

If any person required to register under this Article intends to establish a residence or employment outside of the State of Illinois, at least 10 days before establishing that residence or employment, he or she shall report in person to the law enforcement agency with which he or she last registered of his or her out-of-state intended residence or employment. The law enforcement agency with which such person last registered shall, within 3 days after the reporting in person of the person required to register under this Article of an address or employment change, notify the
Department of State Police. The Department of State Police shall forward such information to the out-of-state law enforcement agency having jurisdiction in the form and manner prescribed by the Department of State Police.

(Source: P.A. 93-977, eff. 8-20-04; 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; revised 8-19-05.)

(730 ILCS 150/7) (from Ch. 38, par. 227)

Sec. 7. Duration of registration. A person who has been adjudicated to be sexually dangerous and is later released or found to be no longer sexually dangerous and discharged, shall register for the period of his or her natural life. A sexually violent person or sexual predator shall register for the period of his or her natural life after conviction or adjudication if not confined to a penal institution, hospital, or other institution or facility, and if confined, for the period of his or her natural life after parole, discharge, or release from any such facility. Any other person who is required to register under this Article shall be required to register for a period of 10 years after conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility, and if confined, for a period of 10 years after parole, discharge or release from any such facility. A sex offender who is allowed to leave a county, State, or federal facility for the purposes of work release, education, or overnight visitations shall be required to register within 5 days of beginning such a program. Liability for registration terminates at the expiration of 10 years from the date of conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility, and if confined, at the expiration of 10 years from the date of parole, discharge or release from any such facility, providing such person does not, during that period, again become liable to register under the provisions of this Article. Reconfinement due to a violation of parole or other circumstances that relates to the original conviction or adjudication shall extend the period of registration to 10 years after final parole, discharge, or release. The Director of State Police, consistent with administrative rules, shall extend for 10 years the registration period of any sex offender, as defined in Section 2 of this Act, who fails to comply with

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the provisions of this Article. The registration period for any sex offender who fails to comply with any provision of the Act shall extend the period of registration by 10 years beginning from the first date of registration after the violation. If the registration period is extended, the Department of State Police shall send a registered letter to the law enforcement agency where the sex offender resides within 3 days after the extension of the registration period. The sex offender shall report to that law enforcement agency and sign for that letter. One copy of that letter shall be kept on file with the law enforcement agency of the jurisdiction where the sex offender resides and one copy shall be returned to the Department of State Police.
(Source: P.A. 93-979, eff. 8-20-04; 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; revised 8-19-05.)

Section 1080. The Sex Offender Community Notification Law is amended by setting forth and renumbering multiple versions of Section 121 as follows:

(730 ILCS 152/121)
Sec. 121. Notification regarding juvenile offenders.
(a) The Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, only provide the information specified in subsection (b) of Section 120 of this Act, with respect to an adjudicated juvenile delinquent, to any person when that person's safety may be compromised for some reason related to the juvenile sex offender.
(b) The local law enforcement agency having jurisdiction to register the juvenile sex offender shall ascertain from the juvenile sex offender whether the juvenile sex offender is enrolled in school; and if so, shall provide a copy of the sex offender registration form only to the principal or chief administrative officer of the school and any guidance counselor designated by him or her. The registration form shall be kept separately from any and all school records maintained on behalf of the juvenile sex offender.
(Source: P.A. 94-168, eff. 1-1-06.)

(730 ILCS 152/122)

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Sec. 122. Special alerts. A law enforcement agency having jurisdiction may provide to the public a special alert list warning parents to be aware that sex offenders may attempt to contact children during holidays involving children, such as Halloween, Christmas, and Easter and to inform parents that information containing the names and addresses of registered sex offenders are accessible on the Internet by means of a hyperlink labeled "Sex Offender Information" on the Department of State Police's World Wide Web home page and are available for public inspection at the agency's headquarters.

(Source: P.A. 94-159, eff. 7-11-05; revised 9-27-05.)

Section 1085. The Code of Civil Procedure is amended by changing Sections 2-1115.1, 2-1401, 2-1402, 4-201, 12-710, and 15-1201 as follows:

(735 ILCS 5/2-1115.1)
(This Section was added by P.A. 89-7, which has been held unconstitutional)

Sec. 2-1115.1. Limitations on recovery of non-economic damages.

(a) In all common law, statutory or other actions that seek damages on account of death, bodily injury, or physical damage to property based on negligence, or product liability based on any theory or doctrine, recovery of non-economic damages shall be limited to $500,000 per plaintiff. There shall be no recovery for hedonic damages.

(b) Beginning in 1997, every January 20, the liability limit established in subsection (a) shall automatically be increased or decreased, as applicable, by a percentage equal to the percentage change in the consumer price index-u during the preceding 12-month calendar year. "Consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Comptroller and made available to the chief judge of each judicial circuit district.

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(c) The liability limits at the time at which damages subject to such limits are awarded by final judgment or settlement shall be utilized by the courts.

(d) Nothing in this Section shall be construed to create a right to recover non-economic damages.

(e) This amendatory Act of 1995 applies to causes of action accruing on or after its effective date.

(Source: P.A. 89-7, eff. 3-9-95; revised 10-18-05.)

(735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)

Sec. 2-1401. Relief from judgments.

(a) Relief from final orders and judgments, after 30 days from the entry thereof, may be had upon petition as provided in this Section. Writs of error coram nobis and coram vobis, bills of review and bills in the nature of bills of review are abolished. All relief heretofore obtainable and the grounds for such relief heretofore available, whether by any of the foregoing remedies or otherwise, shall be available in every case, by proceedings hereunder, regardless of the nature of the order or judgment from which relief is sought or of the proceedings in which it was entered. Except as provided in Section 6 of the Illinois Parentage Act of 1984, there shall be no distinction between actions and other proceedings, statutory or otherwise, as to availability of relief, grounds for relief or the relief obtainable.

(b) The petition must be filed in the same proceeding in which the order or judgment was entered but is not a continuation thereof. The petition must be supported by affidavit or other appropriate showing as to matters not of record. All parties to the petition shall be notified as provided by rule.

(c) Except as provided in Section 20b of the Adoption Act and Section 2-32 3-32 of the Juvenile Court Act of 1987 or in a petition based upon Section 116-3 of the Code of Criminal Procedure of 1963, the petition must be filed not later than 2 years after the entry of the order or judgment. Time during which the person seeking relief is under legal disability or duress or the ground for relief is fraudulently concealed shall be excluded in computing the period of 2 years.

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(d) The filing of a petition under this Section does not affect the order or judgment, or suspend its operation.

(e) Unless lack of jurisdiction affirmatively appears from the record proper, the vacation or modification of an order or judgment pursuant to the provisions of this Section does not affect the right, title or interest in or to any real or personal property of any person, not a party to the original action, acquired for value after the entry of the order or judgment but before the filing of the petition, nor affect any right of any person not a party to the original action under any certificate of sale issued before the filing of the petition, pursuant to a sale based on the order or judgment.

(f) Nothing contained in this Section affects any existing right to relief from a void order or judgment, or to employ any existing method to procure that relief.

(Source: P.A. 90-18, eff. 7-1-97; 90-27, eff. 1-1-98; 90-141, eff. 1-1-98; 90-655, eff. 7-30-98; revised 11-06-02.)

(735 ILCS 5/2-1402) (from Ch. 110, par. 2-1402)

Sec. 2-1402. Supplementary proceedings.

(a) A judgment creditor, or his or her successor in interest when that interest is made to appear of record, is entitled to prosecute supplementary proceedings for the purposes of examining the judgment debtor or any other person to discover assets or income of the debtor not exempt from the enforcement of the judgment, a deduction order or garnishment, and of compelling the application of non-exempt assets or income discovered toward the payment of the amount due under the judgment. A supplementary proceeding shall be commenced by the service of a citation issued by the clerk. The procedure for conducting supplementary proceedings shall be prescribed by rules. It is not a prerequisite to the commencement of a supplementary proceeding that a certified copy of the judgment has been returned wholly or partly unsatisfied. All citations issued by the clerk shall have the following language, or language substantially similar thereto, stated prominently on the front, in capital letters: "YOUR FAILURE TO APPEAR IN COURT AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND
BROUGHT BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL." The court shall not grant a continuance of the supplementary proceeding except upon good cause shown.

(b) Any citation served upon a judgment debtor or any other person shall include a certification by the attorney for the judgment creditor or the judgment creditor setting forth the amount of the judgment, the date of the judgment, or its revival date, the balance due thereon, the name of the court, and the number of the case, and a copy of the citation notice required by this subsection. Whenever a citation is served upon a person or party other than the judgment debtor, the officer or person serving the citation shall send to the judgment debtor, within three business days of the service upon the cited party, a copy of the citation and the citation notice, which may be sent by regular first-class mail to the judgment debtor's last known address. In no event shall a citation hearing be held sooner than five business days after the mailing of the citation and citation notice to the judgment debtor, except by agreement of the parties. The citation notice need not be mailed to a corporation, partnership, or association. The citation notice shall be in substantially the following form:

"CITATION NOTICE
(Name and address of Court)
Name of Case: (Name of Judgment Creditor),
Judgment Creditor v.
(Name of Judgment Debtor),
Judgment Debtor.
Address of Judgment Debtor: (Insert last known address)
Name and address of Attorney for Judgment
Credit or of Judgment Creditor (If no
attorney is listed): (Insert name and address)
Amount of Judgment: $ (Insert amount)
Name of Person Receiving Citation: (Insert name)
Court Date and Time: (Insert return date and time

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NOTICE: The court has issued a citation against the person named above. The citation directs that person to appear in court to be examined for the purpose of allowing the judgment creditor to discover income and assets belonging to the judgment debtor or in which the judgment debtor has an interest. The citation was issued on the basis of a judgment against the judgment debtor in favor of the judgment creditor in the amount stated above. On or after the court date stated above, the court may compel the application of any discovered income or assets toward payment on the judgment.

The amount of income or assets that may be applied toward the judgment is limited by federal and Illinois law. The JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED ABOVE:

1. Under Illinois or federal law, the exemptions of personal property owned by the debtor include the debtor's equity interest, not to exceed $4,000 in value, in any personal property as chosen by the debtor; Social Security and SSI benefits; public assistance benefits; unemployment compensation benefits; worker's compensation benefits; veteran's benefits; circuit breaker property tax relief benefits; the debtor's equity interest, not to exceed $2,400 in value, in any one motor vehicle, and the debtor's equity interest, not to exceed $1,500 in value, in any implements, professional books, or tools of the trade of the debtor.

2. Under Illinois law, every person is entitled to an estate in homestead, when it is owned and occupied as a residence, to the extent in value of $15,000, which homestead is exempt from judgment.

3. Under Illinois law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 15% of gross weekly wages or (ii) the amount by which disposable earnings for a week exceed the total of 45 times the federal

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minimum hourly wage or, under a wage deduction summons served on or after January 1, 2006, the Illinois minimum hourly wage, whichever is greater.

(4) Under federal law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 25% of disposable earnings for a week or (ii) the amount by which disposable earnings for a week exceed 30 times the federal minimum hourly wage.

(5) Pension and retirement benefits and refunds may be claimed as exempt under Illinois law.

The judgment debtor may have other possible exemptions under the law.

THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. The judgment debtor also has the right to seek a declaration at an earlier date, by notifying the clerk in writing at (insert address of clerk). When so notified, the Clerk of the Court will obtain a prompt hearing date from the court and will provide the necessary forms that must be prepared by the judgment debtor or the attorney for the judgment debtor and sent to the judgment creditor and the judgment creditor's attorney regarding the time and location of the hearing. This notice may be sent by regular first class mail."

(c) When assets or income of the judgment debtor not exempt from the satisfaction of a judgment, a deduction order or garnishment are discovered, the court may, by appropriate order or judgment:

(1) Compel the judgment debtor to deliver up, to be applied in satisfaction of the judgment, in whole or in part, money, choses in action, property or effects in his or her possession or control, so discovered, capable of delivery and to which his or her title or right of possession is not substantially disputed.

(2) Compel the judgment debtor to pay to the judgment creditor or apply on the judgment, in installments, a portion of his or her income, however or whenever earned or acquired, as the court may deem proper, having due regard for the reasonable

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requirements of the judgment debtor and his or her family, if
dependent upon him or her, as well as any payments required to be
made by prior order of court or under wage assignments
outstanding; provided that the judgment debtor shall not be
compelled to pay income which would be considered exempt as
wages under the Wage Deduction Statute. The court may modify
an order for installment payments, from time to time, upon
application of either party upon notice to the other.

(3) Compel any person cited, other than the judgment
debtor, to deliver up any assets so discovered, to be applied in
satisfaction of the judgment, in whole or in part, when those assets
are held under such circumstances that in an action by the
judgment debtor he or she could recover them in specie or obtain a
judgment for the proceeds or value thereof as for conversion or
embezzlement.

(4) Enter any order upon or judgment against the person
cited that could be entered in any garnishment proceeding.

(5) Compel any person cited to execute an assignment of
any chose in action or a conveyance of title to real or personal
property, in the same manner and to the same extent as a court
could do in any proceeding by a judgment creditor to enforce
payment of a judgment or in aid of the enforcement of a judgment.

(6) Authorize the judgment creditor to maintain an action
against any person or corporation that, it appears upon proof
satisfactory to the court, is indebted to the judgment debtor, for the
recovery of the debt, forbid the transfer or other disposition of the
debt until an action can be commenced and prosecuted to
judgment, direct that the papers or proof in the possession or
control of the debtor and necessary in the prosecution of the action
be delivered to the creditor or impounded in court, and provide for
the disposition of any moneys in excess of the sum required to pay
the judgment creditor's judgment and costs allowed by the court.

(d) No order or judgment shall be entered under subsection (c) in
favor of the judgment creditor unless there appears of record a certification

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of mailing showing that a copy of the citation and a copy of the citation
notice was mailed to the judgment debtor as required by subsection (b).

(e) All property ordered to be delivered up shall, except as
otherwise provided in this Section, be delivered to the sheriff to be
collected by the sheriff or sold at public sale and the proceeds thereof
applied towards the payment of costs and the satisfaction of the judgment.

(f) (1) The citation may prohibit the party to whom it is directed
from making or allowing any transfer or other disposition of, or
interfering with, any property not exempt from the enforcement of
a judgment therefrom, a deduction order or garnishment, belonging
to the judgment debtor or to which he or she may be entitled or
which may thereafter be acquired by or become due to him or her,
and from paying over or otherwise disposing of any moneys not so
exempt which are due or to become due to the judgment debtor,
until the further order of the court or the termination of the
proceeding, whichever occurs first. The third party may not be
obliged to withhold the payment of any moneys beyond double the
amount of the balance due sought to be enforced by the judgment
creditor. The court may punish any party who violates the
restraining provision of a citation as and for a contempt, or if the
party is a third party may enter judgment against him or her in the
amount of the unpaid portion of the judgment and costs allowable
under this Section, or in the amount of the value of the property
transferred, whichever is lesser.

(2) The court may enjoin any person, whether or not a party
to the supplementary proceeding, from making or allowing any
transfer or other disposition of, or interference with, the property of
the judgment debtor not exempt from the enforcement of a
judgment, a deduction order or garnishment, or the property or debt
not so exempt concerning which any person is required to attend
and be examined until further direction in the premises. The
injunction order shall remain in effect until vacated by the court or
until the proceeding is terminated, whichever first occurs.
(g) If it appears that any property, chose in action, credit or effect discovered, or any interest therein, is claimed by any person, the court shall, as in garnishment proceedings, permit or require the claimant to appear and maintain his or her right. The rights of the person cited and the rights of any adverse claimant shall be asserted and determined pursuant to the law relating to garnishment proceedings.

(h) Costs in proceedings authorized by this Section shall be allowed, assessed and paid in accordance with rules, provided that if the court determines, in its discretion, that costs incurred by the judgment creditor were improperly incurred, those costs shall be paid by the judgment creditor.

(i) This Section is in addition to and does not affect enforcement of judgments or proceedings supplementary thereto, by any other methods now or hereafter provided by law.

(j) This Section does not grant the power to any court to order installment or other payments from, or compel the sale, delivery, surrender, assignment or conveyance of any property exempt by statute from the enforcement of a judgment thereon, a deduction order, garnishment, attachment, sequestration, process or other levy or seizure.

(k) (Blank).

(l) At any citation hearing at which the judgment debtor appears and seeks a declaration that certain of his or her income or assets are exempt, the court shall proceed to determine whether the property which the judgment debtor declares to be exempt is exempt from judgment. At any time before the return date specified on the citation, the judgment debtor may request, in writing, a hearing to declare exempt certain income and assets by notifying the clerk of the court before that time, using forms as may be provided by the clerk of the court. The clerk of the court will obtain a prompt hearing date from the court and will provide the necessary forms that must be prepared by the judgment debtor or the attorney for the judgment debtor and sent to the judgment creditor, or the judgment creditor's attorney, regarding the time and location of the hearing. This notice may be sent by regular first class mail. At the hearing, the court shall immediately, unless for good cause shown that the hearing is to be

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continued, shall proceed to determine whether the property which the judgment debtor declares to be exempt is exempt from judgment. The restraining provisions of subsection (f) shall not apply to any property determined by the court to be exempt.

(m) The judgment or balance due on the judgment becomes a lien when a citation is served in accordance with subsection (a) of this Section. The lien binds nonexempt personal property, including money, choses in action, and effects of the judgment debtor as follows:

1. When the citation is directed against the judgment debtor, upon all personal property belonging to the judgment debtor in the possession or control of the judgment debtor or which may thereafter be acquired or come due to the judgment debtor to the time of the disposition of the citation.

2. When the citation is directed against a third party, upon all personal property belonging to the judgment debtor in the possession or control of the third party or which thereafter may be acquired or come due the judgment debtor and comes into the possession or control of the third party to the time of the disposition of the citation.

The lien established under this Section does not affect the rights of citation respondents in property prior to the service of the citation upon them and does not affect the rights of bona fide purchasers or lenders without notice of the citation. The lien is effective for the period specified by Supreme Court Rule.

This subsection (m), as added by Public Act 88-48, is a declaration of existing law.

(n) If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect the provisions or applications of the Act that can be given effect without the invalid provision or application.

(Source: P.A. 94-293, eff. 1-1-06; 94-306, eff. 1-1-06; revised 8-19-05.)

(735 ILCS 5/4-201) (from Ch. 110, par. 4-201)

Sec. 4-201. Liens in general. Every sail vessel, steamboat, steam dredge, tug boat, scow, canal boat, barge, lighter, and other water craft of

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above five tons burthen, used or intended to be used in navigating the waters or canals of this State, or used in trade and commerce between ports and places within this State, or having their home port in this State, shall be subject to a lien thereon, which lien shall extend to the tackle, apparel and furniture of such craft, as follows:

1. For all debts contracted by the owner or part owner, master, clerk, steward, agent or ship’s husband of such craft, on account of supplies and provisions furnished for the use of such water craft, on account of work done or services rendered on board of such craft by any seaman, master or other employee thereof, or on account of work done or materials furnished by mechanics, tradesmen or others, in or about the building, repairing, fitting, furnishing or equipping such craft.

2. For all sums due for wharfage, anchorage or dock hire, including the use of dry docks.

3. For sums due for towage, labor at pumping out or raising, when sunk or disabled, and to shipshusband or agent of such water craft, for disbursement due by the owner on account of such water craft.

4. For all damages arising for the nonperformance of any contract of affreightment, or of any contract touching the transportation of property entered into by the master, owner, agent or consignee of such water craft, where any such contract is made in this state.

5. For all damages arising from injuries done to persons or property by such water craft, whether the same are aboard said vessel or not, where the same shall have occurred through the negligence or misconduct of the owner, agent, master or employee thereon; but the craft shall not be liable for any injury or damage received by one of the crew from another member of the crew.

(Source: P.A. 82-280; revised 10-19-05.)

(735 ILCS 5/12-710) (from Ch. 110, par. 12-710)

Sec. 12-710. Adverse claims; Trial.

(a) In the event any indebtedness or other property due from or in the possession of a garnishee is claimed by any other person, the court shall permit the claimant to appear and maintain his or her claim. A claimant not voluntarily appearing shall be served with notice as the court

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shall direct. If a claimant fails to appear after being served with notice in the manner directed, he or she shall be concluded by the judgment entered in the garnishment proceeding.

(b) If the adverse claimant appears and, within the time the court allows, files his or her claim and serves a copy thereof upon the judgment creditor, the judgment debtor, and the garnishee, he or she is then a party to the garnishment proceeding; and his or her claim shall be tried and determined with the other issues in the garnishment action. Upon certification by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) that a person who is receiving support payments under this Section is a public aid recipient, any support payments subsequently received by the clerk of the court shall be transmitted to the Illinois Department of Public Aid until the Department gives notice to cease such transmittal. If the adverse claimant is entitled to all or part of the indebtedness or other property, the court shall enter judgment in accordance with the interests of the parties.

(c) Claims for the support of a spouse or dependent children shall be superior to all other claims for garnishment of property.

(735 ILCS 5/15-1201) (from Ch. 110, par. 15-1201)

Sec. 15-1201. Agricultural Real Estate. "Agricultural real estate" means real estate which is used primarily (i) for the growing and harvesting of crops, (ii) for the feeding, breeding and management of livestock, (iii) for dairying, or (iv) for any other agricultural or horticultural use or combination thereof, including without limitation, aquaculture, silviculture, silviculture and any other activities customarily engaged in by persons engaged in the business of farming.

(735 ILCS 30/10-5-10) (was 735 ILCS 5/7-102)

Sec. 10-5-10. Parties.
(a) When the right (i) to take private property for public use, without the owner's consent, (ii) to construct or maintain any public road, railroad, plankroad, turnpike road, canal, or other public work or improvement, or (iii) to damage property not actually taken has been or is conferred by general law or special charter upon any corporate or municipal authority, public body, officer or agent, person, commissioner, or corporation and when (i) the compensation to be paid for or in respect of the property sought to be appropriated or damaged for the purposes mentioned cannot be agreed upon by the parties interested, (ii) the owner of the property is incapable of consenting, (iii) the owner's name or residence is unknown, or (iv) the owner is a nonresident of the State, then the party authorized to take or damage the property so required, or to construct, operate, and maintain any public road, railroad, plankroad, turnpike road, canal, or other public work or improvement, may apply to the circuit court of the county where the property or any part of the property is situated, by filing with the clerk a complaint. The complaint shall set forth, by reference, (i) the complainant's authority in the premises, (ii) the purpose for which the property is sought to be taken or damaged, (iii) a description of the property, and (iv) the names of all persons interested in the property as owners or otherwise, as appearing of record, if known, or if not known stating that fact; and shall pray the court to cause the compensation to be paid to the owner to be assessed.

(b) If it appears that any person not in being, upon coming into being, is, or may become or may claim to be, entitled to any interest in the property sought to be appropriated or damaged, the court shall appoint some competent and disinterested person as guardian ad litem to appear for and represent that interest in the proceeding and to defend the proceeding on behalf of the person not in being. Any judgment entered in the proceeding shall be as effectual for all purposes as though the person was in being and was a party to the proceeding.

(c) If the proceeding seeks to affect the property of persons under guardianship, the guardians shall be made parties defendant.

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(d) Any interested persons whose names are unknown may be made parties defendant by the same descriptions and in the same manner as provided in other civil cases.

(e) When the property to be taken or damaged is a common element of property subject to a declaration of condominium ownership, pursuant to the Condominium Property Act, or of a common interest community, the complaint shall name the unit owners' association in lieu of naming the individual unit owners and lienholders on individual units. Unit owners, mortgagees, and other lienholders may intervene as parties defendant. For the purposes of this Section, "common interest community" has the same meaning as set forth in subsection (c) of Section 9-102 of the Code of Civil Procedure. "Unit owners' association" or "association" shall refer to both the definition contained in Section 2 of the Condominium Property Act and subsection (c) of Section 9-102 of the Code of Civil Procedure.

(f) When the property is sought to be taken or damaged by the State for the purposes of establishing, operating, or maintaining any State house or State charitable or other institutions or improvements, the complaint shall be signed by the Governor, or the Governor's designee, or as otherwise provided by law.

(g) No property, except property described in Section 3 of the Sports Stadium Act, property to be acquired in furtherance of actions under Article 11, Divisions 124, 126, 128, 130, 135, 136, and 139, of the Illinois Municipal Code, property to be acquired in furtherance of actions under Section 3.1 of the Intergovernmental Cooperation Act, property to be acquired that is a water system or waterworks pursuant to the home rule powers of a unit of local government, and property described as Site B in Section 2 of the Metropolitan Pier and Exposition Authority Act, belonging to a railroad or other public utility subject to the jurisdiction of the Illinois Commerce Commission may be taken or damaged, pursuant to the provisions of this Act, without the prior approval of the Illinois Commerce Commission.

(Source: P.A. 94-1055, eff. 1-1-07; incorporates P.A. 94-1007, eff. 1-1-07; revised 9-13-06.)

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Sec. 10-5-105. Sale of certain property acquired by condemnation.

(a) This Section applies only to property that (i) has been acquired after the effective date of this Act by condemnation or threat of condemnation, (ii) was acquired for public ownership and control by the condemning authority or another public entity, and (iii) has been under the ownership and control of the condemning authority or that other public entity for a total of less than 5 years.

As used in this Section, "threat of condemnation" means that the condemning authority has made an offer to purchase property and has the authority to exercise the power of eminent domain with respect to that property.

(b) Any governmental entity seeking to dispose of property to which this Section applies must dispose of that property in accordance with this Section, unless disposition of that property is otherwise specifically authorized or prohibited by law enacted by the General Assembly before, on, or after the effective date of this Act.

(c) The sale or public auction by the State of property to which this Section applies must be conducted in the manner provided in the State Property Control Act for the disposition of surplus property.

(d) The sale or public auction by a municipality of property to which this Section applies must be conducted in accordance with Section 11-76-4.1 or 11-76-4.2 of the Illinois Municipal Code.

(e) The sale or public auction by any other unit of local government or school district of property to which this Section applies must be conducted in accordance with this subsection (e). The corporate authorities of the the unit of local government or school district, by resolution, may authorize the sale or public auction of the property as surplus public real estate. The value of the real estate shall be determined by a written MAI-certified appraisal or by a written certified appraisal of a State-certified or State-licensed real estate appraiser. The appraisal shall be available for public inspection. The resolution may direct the sale to be conducted by the staff of the unit of local government or school district; by listing with local licensed real estate agencies, in which case the terms of

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the agent's compensation shall be included in the resolution; or by public auction. The resolution shall be published at the first opportunity following its passage in a newspaper or newspapers published in the county or counties in which the unit of local government or school district is located. The resolution shall also contain pertinent information concerning the size, use, and zoning of the real estate and the terms of sale. The corporate authorities of the unit of local government or school district may accept any contract proposal determined by them to be in the best interest of the unit of local government or school district by a vote of two-thirds of the members of the corporate authority of the unit of local government or school district then holding office, but in no event at a price less than 80% of the appraised value.

(f) This Section does not apply to the acquisition or damaging of property under the O'Hare Modernization Act.
(Source: P.A. 94-1055, eff. 1-1-07; revised 9-13-06.)

(735 ILCS 30/25-7-103.3) (was 735 ILCS 5/7-103.3)

Sec. 25-7-103.3. Quick-take; coal development purposes. Quick-take proceedings under Article 20 may be used by the Department of Commerce and Economic Opportunity for the purpose specified in the Illinois Coal Development Bond Act.
(Source: P.A. 94-1055, eff. 1-1-07; incorporates P.A. 94-793, eff. 5-19-06; revised 9-13-06.)

(735 ILCS 30/25-7-103.63) (was 735 ILCS 5/7-103.63)

Sec. 25-7-103.63. Quick-take; City of Peru. Quick-take proceedings under Article 20 may be used for a period of 24 months after July 30, 1998 by the City of Peru for removal of existing residential deed restrictions on the use of property, and the rights of other property owners in the subdivision to enforce those restrictions, as they apply to lots 10, 11, 12, 13, 14, 15, and 16 in Urbanowski's Subdivision to the City of Peru, all of which are owned by the Illinois Valley Community Hospital and adjacent to the existing hospital building, for the limited purpose of allowing the Illinois Valley Community Hospital to expand its hospital facility, including expansion for needed emergency room and outpatient services; under this Section 7-103.63 compensation shall be paid to those

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other property owners for the removal of their rights to enforce the residential deed restrictions on property owned by the Illinois Valley Community Hospital, but no real estate owned by those other property owners may be taken.

(Source: P.A. 94-1055, eff. 1-1-07; revised 10-6-06.)

(735 ILCS 30/25-7-103.125) (was 735 ILCS 5/7-103.113 from P.A. 94-898)

Sec. 25-7-103.125 7-103.113. Quick-take; City of Mount Vernon. Quick-take proceedings under Article 20 Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 94th General Assembly by the City of Mount Vernon for roadway extension purposes for acquisition of the property described in Parcel 4, Parcel 10, and Parcel 12, and for the acquisition of an easement in the property described as Parcel 12TE, each described as follows:

PARCEL 4
A part of the Southwest Quarter of Section 36, Township 2 South, Range 2 East of the Third Principal Meridian, Jefferson County, Illinois, more particularly described as follows:
Commencing at the northwest corner of Lot 5 in Parkway Pointe Subdivision, thence South 00 degrees 44 minutes 12 seconds West along the west line of Lot 5, a distance of 13.84 feet to the Point of Beginning; thence South 03 degrees 01 minutes 34 seconds East, 323.26 feet; thence South 12 degrees 21 minutes 36 seconds East, 177.55 feet; thence South 42 degrees 33 minutes 50 seconds East, 65.08 feet; thence South 84 degrees 41 minutes 25 seconds East, 200.97 feet; thence South 88 degrees 53 minutes 09 seconds East, 475.09 feet; thence South 77 degrees 33 minutes 00 seconds East, 127.43 feet; thence South 87 degrees 51 minutes 48 seconds East, 290.09 feet to a point of the existing north right-of-way of Veteran's Memorial Drive; thence South 01 degree 03 minutes 41 seconds West along the existing north right-of-way line, 5.00 feet; thence North 88 degrees 56 minutes 19 seconds West along the existing north right-of-way line, 1,055.47 feet to the southeast corner of Lot 8 in Parkway Pointe Subdivision; thence continuing

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North 88 degrees 56 minutes 19 seconds West along the existing north right-of-way line and the south line of Lot 8, a distance of 69.90 feet; thence North 44 degrees 02 minutes 40 seconds West along the existing north right-of-way line and the south line of Lot 8, a distance of 99.52 feet to the existing east right-of-way line of South 42nd Street and the Southwest corner of Lot 8; thence North 00 degrees 44 minutes 11 seconds East along the east right-of-way line of South 42nd Street and the west line of Lots 5, 6, 7 and 8, a distance of 523.73 feet to the Point of Beginning, containing 1.11 acres (48,299 square feet), more or less.

PARCEL 10
A part of Lot 9 in the Division of Lands of Paulina E. Davidson, located in the Northwest Quarter of Section 1, Township 3 South, Range 2 East of the Third Principal Meridian and more particularly described as follows:
Beginning at the northwest corner of Lot 9 in the Division of Lands of Paulina E. Davidson; thence South 89 degrees 22 minutes 46 seconds East along the north line of Lot 9, a distance of 220.27 feet to the west right-of-way line of Interstates 57 and 64; thence South 18 degrees 17 minutes 35 seconds East, 198.37 feet; thence South 87 degrees 01 minute 47 seconds West, 234.54 feet; thence North 87 degrees 56 minutes 05 seconds East, 49.82 feet to the west line of Lot 9 in the Division of Lands of Paulina E. Davidson; thence North 00 degrees 25 minutes 29 seconds East, 201.09 feet to the Point of Beginning, containing 1.14 acres (49,727 square feet), more or less.

PARCEL 12
A part of Lot 1 in Charles Starrett Subdivision in the Southeast Quarter of Section 35, Township 2 South, Range 2 East of the Third Principal Meridian, Jefferson County, Illinois and more particularly described as follows:
Beginning at the Southwest corner of Lot 1 in Charles Starrett Subdivision; thence North 00 degrees 37 minutes 30 seconds East along the west line of Lot 1, a distance of 22.91 feet; thence North
83 degrees 02 minutes 40 seconds East, 131.58 feet; thence North 88 degrees 15 minutes 04 seconds East, 198.71 feet to the west right-of-way line of Interstates 57 and 64; thence South 18 degrees 00 minutes 35 seconds East along the west right-of-way line, 29.32 feet to the South line of Lot 1 in Charles Starrett Subdivision; thence North 89 degrees 31 minutes 48 seconds West along the south line of Lot 1, a distance of 207.89 feet; thence South 00 degrees 02 minutes 53 seconds East along the south line of Lot 1, a distance of 19.80 feet; thence North 89 degrees 31 minutes 54 seconds West along the south line of Lot 1, a distance of 130.68 feet to the Point of Beginning, containing 0.21 acres (8,988 square feet), more or less.

PARCEL 12 TE (Easement)
A part of Lot 1 in Charles Starrett Subdivision in the Southeast Quarter of Section 35, Township 2 South, Range 2 East of the Third Principal Meridian, Jefferson County, Illinois and more particularly described as follows:
Beginning at the Southwest corner of Lot 1 in Charles Starrett Subdivision; thence North 00 degrees 37 minutes 32 seconds East along the west line of Lot 1, a distance of 212.31 feet to the Point of Beginning; thence continuing North 00 degrees 37 minutes 32 seconds East along the west line of Lot 1, a distance of 105.00 feet to the northwest corner of Lot 1; thence South 89 degrees 29 minutes 58 seconds East along the north line of Lot 1, a distance of 25.38 feet; thence South 05 degrees 26 minutes 16 seconds West, 105.39 feet; thence North 89 degrees 29 minutes 58 seconds West, 16.54 feet to the Point of Beginning, containing 0.05 acres (2,200 square feet), more or less.

(Source: Incorporates P.A. 94-898, eff. 6-22-06; revised 12-12-06.)

Section 1095. The Crime Victims Compensation Act is amended by changing Section 6.1 as follows:

(740 ILCS 45/6.1) (from Ch. 70, par. 76.1)
Sec. 6.1. Right to compensation. A person is entitled to compensation under this Act if:

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(a) Within 2 years of the occurrence of the crime upon which the claim is based, he files an application, under oath, with the Court of Claims and on a form prescribed in accordance with Section 7.1 furnished by the Attorney General. If the person entitled to compensation is under 18 years of age or under other legal disability at the time of the occurrence or becomes legally disabled as a result of the occurrence, he may file the application required by this subsection within 2 years after he attains the age of 18 years or the disability is removed, as the case may be. Legal disability includes a diagnosis of posttraumatic stress disorder.

(b) For all crimes of violence, except those listed in subsection (b-1) of this Section, the appropriate law enforcement officials were notified within 72 hours of the perpetration of the crime allegedly causing the death or injury to the victim or, in the event such notification was made more than 72 hours after the perpetration of the crime, the applicant establishes that such notice was timely under the circumstances.

(b-1) For victims of offenses defined in Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961, the appropriate law enforcement officials were notified within 7 days of the perpetration of the crime allegedly causing death or injury to the victim or, in the event that the notification was made more than 7 days after the perpetration of the crime, the applicant establishes that the notice was timely under the circumstances. (b-2) If the applicant has obtained an order of protection or a civil no contact order or has presented himself or herself to a hospital for sexual assault evidence collection and medical care, such action shall constitute appropriate notification under this subsection (b-1) or subsection (b) or (b-1) of this Section.

(c) The applicant has cooperated with law enforcement officials in the apprehension and prosecution of the assailant. (c-1) If the applicant has obtained an order of protection or a civil no contact order or has presented himself or herself to a hospital for sexual assault evidence collection and medical care, such action
shall constitute cooperation under this subsection (c) of this Section.

(d) The applicant is not the offender or an accomplice of the offender and the award would not unjustly benefit the offender or his accomplice.

(e) The injury to or death of the victim was not substantially attributable to his own wrongful act and was not substantially provoked by the victim.

(Source: P.A. 94-192, eff. 1-1-06; revised 8-16-05.)

Section 1100. The Mental Health and Developmental Disabilities Confidentiality Act is amended by changing Sections 7.1 and 11 as follows:

(740 ILCS 110/7.1)
Sec. 7.1. Interagency disclosures.

(a) Nothing in this Act shall be construed to prevent the interagency disclosure of the name, social security number, and information concerning services rendered, currently being rendered, or proposed to be rendered regarding a recipient of services. This disclosure may be made only between agencies or departments of the State including, but not limited to: (i) the Department of Human Services, (ii) the Department of Healthcare and Family Services Public Aid, (iii) the Department of Public Health, (iv) the State Board of Education, and (v) the Department of Children and Family Services for the purpose of a diligent search for a missing parent pursuant to Sections 2-15 and 2-16 of the Juvenile Court Act of 1987 if the Department of Children and Family Services has reason to believe the parent is residing in a mental health facility, when one or more agencies or departments of the State have entered into a prior interagency agreement, memorandum of understanding, or similar agreement to jointly provide or cooperate in the provision of or funding of mental health or developmental disabilities services.

The Department of Children and Family Services shall not redisclose the information received under this Section other than for
purposes of service provision or as necessary for proceedings under the

(b) This Section applies to, but is not limited to, interagency
disclosures under interagency agreements entered into in compliance with
the Early Intervention Services System Act.

c) Information disclosed under this Section shall be for the limited
purpose of coordinating State efforts in providing efficient interagency
service systems and avoiding duplication of interagency services.

d) Information disclosed under this Section shall be limited to the
recipient's name, address, social security number or other individually
assigned identifying number, or information generally descriptive of
services rendered or to be rendered. The disclosure of individual clinical or
treatment records or other confidential information is not authorized by
this Section.

(Source: P.A. 89-507, eff. 7-1-97; 90-608, eff. 6-30-98; revised 12-15-05.)
(740 ILCS 110/11) (from Ch. 91 1/2, par. 811)

Sec. 11. Disclosure of records and communications. Records and
communications may be disclosed:

(i) in accordance with the provisions of the Abused and
Neglected Child Reporting Act, subsection (u) of Section 5 of the
Children and Family Services Act, or Section 7.4 of the Child Care
Act of 1969;

(ii) when, and to the extent, a therapist, in his or her sole
discretion, determines that disclosure is necessary to initiate or
continue civil commitment proceedings under the laws of this State
or to otherwise protect the recipient or other person against a clear,
imminent risk of serious physical or mental injury or disease or
death being inflicted upon the recipient or by the recipient on
himself or another;

(iii) when, and to the extent disclosure is, in the sole
discretion of the therapist, necessary to the provision of emergency
medical care to a recipient who is unable to assert or waive his or
her rights hereunder;

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(iv) when disclosure is necessary to collect sums or receive third party payment representing charges for mental health or developmental disabilities services provided by a therapist or agency to a recipient under Chapter V of the Mental Health and Developmental Disabilities Code or to transfer debts under the Uncollected State Claims Act; however, disclosure shall be limited to information needed to pursue collection, and the information so disclosed shall not be used for any other purposes nor shall it be redisclosed except in connection with collection activities;

(v) when requested by a family member, the Department of Human Services may assist in the location of the interment site of a deceased recipient who is interred in a cemetery established under Section 100-26 of the Mental Health and Developmental Disabilities Administrative Act;

(vi) in judicial proceedings under Article VIII of Chapter III and Article V of Chapter IV of the Mental Health and Developmental Disabilities Code and proceedings and investigations preliminary thereto, to the State's Attorney for the county or residence of a person who is the subject of such proceedings, or in which the person is found, or in which the facility is located, to the attorney representing the recipient in the judicial proceedings, to any person or agency providing mental health services that are the subject of the proceedings and to that person's or agency's attorney, to any court personnel, including but not limited to judges and circuit court clerks, and to a guardian ad litem if one has been appointed by the court, provided that the information so disclosed shall not be utilized for any other purpose nor be redisclosed except in connection with the proceedings or investigations;

(vii) when, and to the extent disclosure is necessary to comply with the requirements of the Census Bureau in taking the federal Decennial Census;

(viii) when, and to the extent, in the therapist's sole discretion, disclosure is necessary to warn or protect a specific

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individual against whom a recipient has made a specific threat of violence where there exists a therapist-recipient relationship or a special recipient-individual relationship;

(ix) in accordance with the Sex Offender Registration Act;

(x) in accordance with the Rights of Crime Victims and Witnesses Act;

(xi) in accordance with Section 6 of the Abused and Neglected Long Term Care Facility Residents Reporting Act; and

(xii) in accordance with Section 55 of the Abuse of Adults with Disabilities Intervention Act.

Any person, institution, or agency, under this Act, participating in good faith in the making of a report under the Abused and Neglected Child Reporting Act or in the disclosure of records and communications under this Section, shall have immunity from any liability, civil, criminal or otherwise, that might result by reason of such action. For the purpose of any proceeding, civil or criminal, arising out of a report or disclosure under this Section, the good faith of any person, institution, or agency so reporting or disclosing shall be presumed.

(Source: P.A. 94-852, eff. 6-13-06; 94-1010, eff. 10-1-06; revised 8-3-06.)

Section 1105. The Predator Accountability Act is amended by changing Section 20 as follows:

(740 ILCS 128/20)

Sec. 20. Relief. (a) A prevailing victim of the sex trade shall be entitled to all relief that would make him or her whole. This includes, but is not limited to:

(1) declaratory relief;

(2) injunctive relief;

(3) recovery of costs and attorney fees including, but not limited to, costs for expert testimony and witness fees;

(4) compensatory damages including, but not limited to:

(A) economic loss, including damage, destruction, or loss of use of personal property, and loss of past or future earning capacity; and

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(B) damages for death, personal injury, disease, and mental and emotional harm, including medical, rehabilitation, burial expenses, pain and suffering, and physical impairment;
(5) punitive damages; and
(6) damages in the amount of the gross revenues received by the defendant from, or related to, the sex trade activities of the plaintiff.
(Source: P.A. 94-998, eff. 7-3-06; revised 8-3-06.)

Section 1110. The State Lawsuit Immunity Act is amended by changing Section 1 as follows:
(745 ILCS 5/1) (from Ch. 127, par. 801)
Sec. 1. Except as provided in the Illinois Public Labor Relations Act, the Court of Claims Act, and the State Officials and Employees Ethics Act, and Section 1.5 of this Act, the State of Illinois shall not be made a defendant or party in any court.
(Source: P.A. 93-414, eff. 1-1-04; 93-615, eff. 11-19-03; revised 12-19-03.)

Section 1115. The Federal Law Enforcement Officer Immunity Act is amended by changing Section 5 as follows:
(745 ILCS 22/5)
Sec. 5. Definition. As used in this Act, "federal law enforcement officer" means any officer, agent or employee of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws, including but not limited to, all criminal investigators of:
(a) The United States Department of Justice, The Federal Bureau of Investigation, The Drug Enforcement Agency and The Department of Immigration and Naturalization;
(b) The United States Department of the Treasury, The Secret Service, The Bureau of Alcohol, Tobacco and Firearms and The Customs Service;
(c) The United States Internal Revenue Service;
(d) The United States General Services Administration;
(e) The United States Postal Service; and

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(f) All United States Marshals or Deputy United States Marshals whose duties involve the enforcement of federal criminal laws.

(Source: P.A. 88-677, eff. 12-15-94; revised 10-13-05.)

Section 1120. The Good Samaritan Act is amended by changing Section 20 as follows:

(745 ILCS 49/20)

Sec. 20. Free dental clinic; exemption from civil liability for services performed without compensation. Any person licensed under the Illinois Dental Practice Act to practice dentistry or to practice as a dental hygienist who, in good faith, provides dental treatment, dental services, diagnoses, or advice as part of the services of an established free dental clinic providing care to medically indigent patients which is limited to care which does not require the services of a licensed hospital or ambulatory surgical treatment center, and who receives no fee or compensation from that source shall not, as a result of any acts or omissions, except for willful or wanton misconduct on the part of the licensee, in providing dental treatment, dental services, diagnoses or advice, be liable for civil damages. For purposes of this Section, a "free dental clinic" is an organized program providing, without charge, dental care to individuals unable to pay for their care. For purposes of this Section, an "organized program" is a program sponsored by a community, public health, charitable, voluntary, or organized dental organization. Free dental services provided under this Section may be provided at a clinic or private dental office. A free dental clinic may receive reimbursement from the Illinois Department of Healthcare and Family Services Public Aid or may receive partial reimbursement from a patient based upon ability to pay, provided any such reimbursements shall be used only to pay overhead expenses of operating the free dental clinic and may not be used, in whole or in part, to provide a fee, reimbursement, or other compensation to any person licensed under the Illinois Dental Practice Act who is receiving an exemption under this Section or to any entity that the person owns or controls or in which the person has an ownership interest or from which the person receives a fee, reimbursement, or compensation of any kind. Dental care shall not include...
the use of general anesthesia or require an overnight stay in a health care facility.

The provisions of this Section shall not apply in any case unless the free dental clinic has posted in a conspicuous place on its premises an explanation of the immunity from civil liability provided in this Section.

(Source: P.A. 94-83, eff. 1-1-06; revised 12-15-05.)

Section 1125. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Sections 505, 505.1, 505.2, 505.3, 506, 507, 507.1, 510, 516, 517, 601.5, 602, 704, 705, 709, and 712 as follows:

(750 ILCS 5/505) (from Ch. 40, par. 505)
Sec. 505. Child support; contempt; penalties.
(a) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity of marriage, a proceeding for child support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, a proceeding for modification of a previous order for child support under Section 510 of this Act, or any proceeding authorized under Section 501 or 601 of this Act, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable and necessary for his support, without regard to marital misconduct. The duty of support owed to a child includes the obligation to provide for the reasonable and necessary physical, mental and emotional health needs of the child. For purposes of this Section, the term "child" shall include any child under age 18 and any child under age 19 who is still attending high school.

(1) The Court shall determine the minimum amount of support by using the following guidelines:

<table>
<thead>
<tr>
<th>Number of Children</th>
<th>Percent of Supporting Party's Net Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20%</td>
</tr>
<tr>
<td>2</td>
<td>28%</td>
</tr>
<tr>
<td>3</td>
<td>32%</td>
</tr>
<tr>
<td>4</td>
<td>40%</td>
</tr>
<tr>
<td>5</td>
<td>45%</td>
</tr>
<tr>
<td>6 or more</td>
<td>50%</td>
</tr>
</tbody>
</table>

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(2) The above guidelines shall be applied in each case unless the court makes a finding that application of the guidelines would be inappropriate, after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:

(a) the financial resources and needs of the child;
(b) the financial resources and needs of the custodial parent;
(c) the standard of living the child would have enjoyed had the marriage not been dissolved;
(d) the physical and emotional condition of the child, and his educational needs; and
(e) the financial resources and needs of the non-custodial parent.

If the court deviates from the guidelines, the court's finding shall state the amount of support that would have been required under the guidelines, if determinable. The court shall include the reason or reasons for the variance from the guidelines.

(3) "Net income" is defined as the total of all income from all sources, minus the following deductions:

(a) Federal income tax (properly calculated withholding or estimated payments);
(b) State income tax (properly calculated withholding or estimated payments);
(c) Social Security (FICA payments);
(d) Mandatory retirement contributions required by law or as a condition of employment;
(e) Union dues;
(f) Dependent and individual health/hospitalization insurance premiums;
(g) Prior obligations of support or maintenance actually paid pursuant to a court order;
(h) Expenditures for repayment of debts that represent reasonable and necessary expenses for the

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production of income, medical expenditures necessary to preserve life or health, reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts. The court shall reduce net income in determining the minimum amount of support to be ordered only for the period that such payments are due and shall enter an order containing provisions for its self-executing modification upon termination of such payment period.

(4) In cases where the court order provides for health/hospitalization insurance coverage pursuant to Section 505.2 of this Act, the premiums for that insurance, or that portion of the premiums for which the supporting party is responsible in the case of insurance provided through an employer's health insurance plan where the employer pays a portion of the premiums, shall be subtracted from net income in determining the minimum amount of support to be ordered.

(4.5) In a proceeding for child support following dissolution of the marriage by a court that lacked personal jurisdiction over the absent spouse, and in which the court is requiring payment of support for the period before the date an order for current support is entered, there is a rebuttable presumption that the supporting party's net income for the prior period was the same as his or her net income at the time the order for current support is entered.

(5) If the net income cannot be determined because of default or any other reason, the court shall order support in an amount considered reasonable in the particular case. The final order in all cases shall state the support level in dollar amounts. However, if the court finds that the child support amount cannot be expressed exclusively as a dollar amount because all or a portion of the payor's net income is uncertain as to source, time of payment, or amount, the court may order a percentage amount of support in addition to a specific dollar amount and enter such other orders as

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may be necessary to determine and enforce, on a timely basis, the applicable support ordered.

(6) If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(a-5) In an action to enforce an order for support based on the respondent's failure to make support payments as required by the order, notice of proceedings to hold the respondent in contempt for that failure may be served on the respondent by personal service or by regular mail addressed to the respondent's last known address. The respondent's last known address may be determined from records of the clerk of the court, from the Federal Case Registry of Child Support Orders, or by any other reasonable means.

(b) Failure of either parent to comply with an order to pay support shall be punishable as in other cases of contempt. In addition to other penalties provided by law the Court may, after finding the parent guilty of contempt, order that the parent be:

(1) placed on probation with such conditions of probation as the Court deems advisable;
(2) sentenced to periodic imprisonment for a period not to exceed 6 months; provided, however, that the Court may permit the parent to be released for periods of time during the day or night to:
(A) work; or
(B) conduct a business or other self-employed occupation.

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The Court may further order any part or all of the earnings of a parent during a sentence of periodic imprisonment paid to the Clerk of the Circuit Court or to the parent having custody or to the guardian having custody of the children of the sentenced parent for the support of said children until further order of the Court.

If there is a unity of interest and ownership sufficient to render no financial separation between a non-custodial parent and another person or persons or business entity, the court may pierce the ownership veil of the person, persons, or business entity to discover assets of the non-custodial parent held in the name of that person, those persons, or that business entity. The following circumstances are sufficient to authorize a court to order discovery of the assets of a person, persons, or business entity and to compel the application of any discovered assets toward payment on the judgment for support:

(1) the non-custodial parent and the person, persons, or business entity maintain records together.

(2) the non-custodial parent and the person, persons, or business entity fail to maintain an arms length relationship between themselves with regard to any assets.

(3) the non-custodial parent transfers assets to the person, persons, or business entity with the intent to perpetrate a fraud on the custodial parent.

With respect to assets which are real property, no order entered under this paragraph shall affect the rights of bona fide purchasers, mortgagees, judgment creditors, or other lien holders who acquire their interests in the property prior to the time a notice of lis pendens pursuant to the Code of Civil Procedure or a copy of the order is placed of record in the office of the recorder of deeds for the county in which the real property is located.

The court may also order in cases where the parent is 90 days or more delinquent in payment of support or has been adjudicated in arrears in an amount equal to 90 days obligation or more, that the parent's Illinois driving privileges be suspended until the court determines that the parent is in compliance with the order of support. The court may also order that

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the parent be issued a family financial responsibility driving permit that would allow limited driving privileges for employment and medical purposes in accordance with Section 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit court shall certify the order suspending the driving privileges of the parent or granting the issuance of a family financial responsibility driving permit to the Secretary of State on forms prescribed by the Secretary. Upon receipt of the authenticated documents, the Secretary of State shall suspend the parent's driving privileges until further order of the court and shall, if ordered by the court, subject to the provisions of Section 7-702.1 of the Illinois Vehicle Code, issue a family financial responsibility driving permit to the parent.

In addition to the penalties or punishment that may be imposed under this Section, any person whose conduct constitutes a violation of Section 15 of the Non-Support Punishment Act may be prosecuted under that Act, and a person convicted under that Act may be sentenced in accordance with that Act. The sentence may include but need not be limited to a requirement that the person perform community service under Section 50 of that Act or participate in a work alternative program under Section 50 of that Act. A person may not be required to participate in a work alternative program under Section 50 of that Act if the person is currently participating in a work program pursuant to Section 505.1 of this Act.

A support obligation, or any portion of a support obligation, which becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure. An order for support entered or modified on or after January 1, 2006 shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure. Failure to include the statement in the order for support does not

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not affect the validity of the order or the accrual of interest as provided in this Section.

(c) A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of the Illinois Public Aid Code and shall be enforced by the court upon petition.

(d) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(e) When child support is to be paid through the clerk of the court in a county of 1,000,000 inhabitants or less, the order shall direct the obligor to pay to the clerk, in addition to the child support payments, all fees imposed by the county board under paragraph (3) of subsection (u) of Section 27.1 of the Clerks of Courts Act. Unless paid in cash or pursuant to an order for withholding, the payment of the fee shall be by a separate instrument from the support payment and shall be made to the order of the Clerk.

(f) All orders for support, when entered or modified, shall include a provision requiring the obligor to notify the court and, in cases in which a party is receiving child and spouse services under Article X of the Illinois Public Aid Code, the Illinois Department of Healthcare and Family Services Public Aid, within 7 days, (i) of the name and address of any new employer of the obligor, (ii) whether the obligor has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under

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the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Act, which service shall be sufficient for purposes of due process.

(g) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

(g-5) If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order

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for support entered or modified on or after the effective date of this amendatory Act of the 93rd General Assembly must contain a statement notifying the parties of the requirements of this subsection. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this subsection with regard to the order. This subsection shall not be construed to prevent or affect the establishment or modification of an order for support of a minor child or the establishment or modification of an order for support of a non-minor child or educational expenses under Section 513 of this Act.

(h) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a child, or both, would be seriously endangered by disclosure of the party's address.

(i) The court does not lose the powers of contempt, driver's license suspension, or other child support enforcement mechanisms, including, but not limited to, criminal prosecution as set forth in this Act, upon the emancipation of the minor child or children.

(750 ILCS 5/505.1) (from Ch. 40, par. 505.1)

Sec. 505.1. (a) Whenever it is determined in a proceeding to establish or enforce a child support or maintenance obligation that the
person owing a duty of support is unemployed, the court may order the person to seek employment and report periodically to the court with a diary, listing or other memorandum of his or her efforts in accordance with such order. Additionally, the court may order the unemployed person to report to the Department of Employment Security for job search services or to make application with the local Job Training Partnership Act provider for participation in job search, training or work programs and where the duty of support is owed to a child receiving child support enforcement services under Article X of the Illinois Public Aid Code, as amended, the court may order the unemployed person to report to the Illinois Department of Healthcare and Family Services Public Aid for participation in job search, training or work programs established under Section 9-6 and Article IXA of that Code.

(b) Whenever it is determined that a person owes past-due support for a child or for a child and the parent with whom the child is living, and the child is receiving assistance under the Illinois Public Aid Code, the court shall order at the request of the Illinois Department of Healthcare and Family Services Public Aid:

(1) that the person pay the past-due support in accordance with a plan approved by the court; or

(2) if the person owing past-due support is unemployed, is subject to such a plan, and is not incapacitated, that the person participate in such job search, training, or work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code as the court deems appropriate.

(Source: P.A. 91-357, eff. 7-29-99; 92-590, eff. 7-1-02; revised 12-15-05.)

(750 ILCS 5/505.2) (from Ch. 40, par. 505.2)
Sec. 505.2. Health insurance.

(a) Definitions. As used in this Section:

(1) "Obligee" means the individual to whom the duty of support is owed or the individual's legal representative.

(2) "Obligor" means the individual who owes a duty of support pursuant to an order for support.

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(3) "Public office" means any elected official or any State or local agency which is or may become responsible by law for enforcement of, or which is or may become authorized to enforce, an order for support, including, but not limited to: the Attorney General, the Illinois Department of Healthcare and Family Services Public Aid, the Illinois Department of Human Services, the Illinois Department of Children and Family Services, and the various State's Attorneys, Clerks of the Circuit Court and supervisors of general assistance.

(4) "Child" shall have the meaning ascribed to it in Section 505.

(b) Order.

(1) Whenever the court establishes, modifies or enforces an order for child support or for child support and maintenance the court shall include in the order a provision for the health care coverage of the child which shall, upon request of the obligee or Public Office, require that any child covered by the order be named as a beneficiary of any health insurance plan that is available to the obligor through an employer or labor union or trade union. If the court finds that such a plan is not available to the obligor, or that the plan is not accessible to the obligee, the court may, upon request of the obligee or Public Office, order the obligor to name the child covered by the order as a beneficiary of any health insurance plan that is available to the obligor on a group basis, or as a beneficiary of an independent health insurance plan to be obtained by the obligor, after considering the following factors:

(A) the medical needs of the child;

(B) the availability of a plan to meet those needs;

and

(C) the cost of such a plan to the obligor.

(2) If the employer or labor union or trade union offers more than one plan, the order shall require the obligor to name the child as a beneficiary of the plan in which the obligor is enrolled.

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(3) Nothing in this Section shall be construed to limit the authority of the court to establish or modify a support order to provide for payment of expenses, including deductibles, copayments and any other health expenses, which are in addition to expenses covered by an insurance plan of which a child is ordered to be named a beneficiary pursuant to this Section.

(c) Implementation and enforcement.

(1) When the court order requires that a minor child be named as a beneficiary of a health insurance plan, other than a health insurance plan available through an employer or labor union or trade union, the obligor shall provide written proof to the obligee or Public Office that the required insurance has been obtained, or that application for insurability has been made, within 30 days of receiving notice of the court order. Unless the obligor was present in court when the order was issued, notice of the order shall be given pursuant to Illinois Supreme Court Rules. If an obligor fails to provide the required proof, he may be held in contempt of court.

(2) When the court requires that a child be named as a beneficiary of a health insurance plan available through an employer or labor union or trade union, the court's order shall be implemented in accordance with the Income Withholding for Support Act.

(2.5) The court shall order the obligor to reimburse the obligee for 50% of the premium for placing the child on his or her health insurance policy if:

(i) a health insurance plan is not available to the obligor through an employer or labor union or trade union and the court does not order the obligor to cover the child as a beneficiary of any health insurance plan that is available to the obligor on a group basis or as a beneficiary of an independent health insurance plan to be obtained by the obligor; or

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(ii) the obligor does not obtain medical insurance for the child within 90 days of the date of the court order requiring the obligor to obtain insurance for the child.

The provisions of subparagraph (i) of paragraph 2.5 of subsection (c) shall be applied, unless the court makes a finding that to apply those provisions would be inappropriate after considering all of the factors listed in paragraph 2 of subsection (a) of Section 505.

The court may order the obligor to reimburse the obligee for 100% of the premium for placing the child on his or her health insurance policy.

(d) Failure to maintain insurance. The dollar amount of the premiums for court-ordered health insurance, or that portion of the premiums for which the obligor is responsible in the case of insurance provided under a group health insurance plan through an employer or labor union or trade union where the employer or labor union or trade union pays a portion of the premiums, shall be considered an additional child support obligation owed by the obligor. Whenever the obligor fails to provide or maintain health insurance pursuant to an order for support, the obligor shall be liable to the obligee for the dollar amount of the premiums which were not paid, and shall also be liable for all medical expenses incurred by the child which would have been paid or reimbursed by the health insurance which the obligor was ordered to provide or maintain. In addition, the obligee may petition the court to modify the order based solely on the obligor's failure to pay the premiums for court-ordered health insurance.

(e) Authorization for payment. The signature of the obligee is a valid authorization to the insurer to process a claim for payment under the insurance plan to the provider of the health care services or to the obligee.

(f) Disclosure of information. The obligor's employer or labor union or trade union shall disclose to the obligee or Public Office, upon request, information concerning any dependent coverage plans which would be made available to a new employee or labor union member or trade union member. The employer or labor union or trade union shall
disclose such information whether or not a court order for medical support has been entered.

(g) Employer obligations. If a parent is required by an order for support to provide coverage for a child's health care expenses and if that coverage is available to the parent through an employer who does business in this State, the employer must do all of the following upon receipt of a copy of the order of support or order for withholding:

1. The employer shall, upon the parent's request, permit the parent to include in that coverage a child who is otherwise eligible for that coverage, without regard to any enrollment season restrictions that might otherwise be applicable as to the time period within which the child may be added to that coverage.

2. If the parent has health care coverage through the employer but fails to apply for coverage of the child, the employer shall include the child in the parent's coverage upon application by the child's other parent or the Illinois Department of Healthcare and Family Services. (Public Aid.

3. The employer may not eliminate any child from the parent's health care coverage unless the employee is no longer employed by the employer and no longer covered under the employer's group health plan or unless the employer is provided with satisfactory written evidence of either of the following:

   A. The order for support is no longer in effect.

   B. The child is or will be included in a comparable health care plan obtained by the parent under such order that is currently in effect or will take effect no later than the date the prior coverage is terminated.

The employer may eliminate a child from a parent's health care plan obtained by the parent under such order if the employer has eliminated dependent health care coverage for all of its employees.

(Source: P.A. 94-923, eff. 1-1-07; revised 8-28-06.)

(750 ILCS 5/505.3)
Sec. 505.3. Information to State Case Registry.

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(a) In this Section:
"Order for support", "obligor", "obligee", and "business day" are defined as set forth in the Income Withholding for Support Act.
"State Case Registry" means the State Case Registry established under Section 10-27 of the Illinois Public Aid Code.

(b) Each order for support entered or modified by the circuit court under this Act shall require that the obligor and obligee (i) file with the clerk of the circuit court the information required by this Section (and any other information required under Title IV, Part D of the Social Security Act or by the federal Department of Health and Human Services) at the time of entry or modification of the order for support and (ii) file updated information with the clerk within 5 business days of any change. Failure of the obligor or obligee to file or update the required information shall be punishable as in cases of contempt. The failure shall not prevent the court from entering or modifying the order for support, however.

(c) The obligor shall file the following information: the obligor's name, date of birth, social security number, and mailing address.
If either the obligor or the obligee receives child support enforcement services from the Illinois Department of Healthcare and Family Services under Article X of the Illinois Public Aid Code, the obligor shall also file the following information: the obligor's telephone number, driver's license number, and residential address (if different from the obligor's mailing address), and the name, address, and telephone number of the obligor's employer or employers.

(d) The obligee shall file the following information:
(1) The names of the obligee and the child or children covered by the order for support.
(2) The dates of birth of the obligee and the child or children covered by the order for support.
(3) The social security numbers of the obligee and the child or children covered by the order for support.
(4) The obligee's mailing address.

(e) In cases in which the obligee receives child support enforcement services from the Illinois Department of Healthcare and

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Family Services Public Aid under Article X of the Illinois Public Aid Code, the order for support shall (i) require that the obligee file the information required under subsection (d) with the Illinois Department of Healthcare and Family Services Public Aid for inclusion in the State Case Registry, rather than file the information with the clerk, and (ii) require that the obligee include the following additional information:

1. The obligee's telephone and driver's license numbers.
2. The obligee's residential address, if different from the obligee's mailing address.
3. The name, address, and telephone number of the obligee's employer or employers.

The order for support shall also require that the obligee update the information filed with the Illinois Department of Healthcare and Family Services Public Aid within 5 business days of any change.

(f) The clerk shall provide the information filed under this Section, together with the court docket number and county in which the order for support was entered, to the State Case Registry within 5 business days after receipt of the information.

(g) In a case in which a party is receiving child support enforcement services under Article X of the Illinois Public Aid Code, the clerk shall provide the following additional information to the State Case Registry within 5 business days after entry or modification of an order for support or request from the Illinois Department of Healthcare and Family Services Public Aid:

1. The amount of monthly or other periodic support owed under the order for support and other amounts, including arrearage, interest, or late payment penalties and fees, due or overdue under the order.
2. Any such amounts that have been received by the clerk, and the distribution of those amounts by the clerk.

(h) Information filed by the obligor and obligee under this Section that is not specifically required to be included in the body of an order for support under other laws is not a public record and shall be treated as confidential and subject to disclosure only in accordance with the

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provisions of this Section, Section 10-27 of the Illinois Public Aid Code, and Title IV, Part D of the Social Security Act.

(Source: P.A. 91-212, eff. 7-20-99; 92-16, eff. 6-28-01; 92-463, eff. 8-22-01; 92-651, eff. 7-11-02; revised 12-15-05.)

(750 ILCS 5/506) (from Ch. 40, par. 506)

Sec. 506. Representation of child.

(a) Duties. In any proceedings involving the support, custody, visitation, education, parentage, property interest, or general welfare of a minor or dependent child, the court may, on its own motion or that of any party, appoint an attorney to serve in one of the following capacities to address the issues the court delineates:

(1) Attorney. The attorney shall provide independent legal counsel for the child and shall owe the same duties of undivided loyalty, confidentiality, and competent representation as are due an adult client.

(2) Guardian ad litem. The guardian ad litem shall testify or submit a written report to the court regarding his or her recommendations in accordance with the best interest of the child. The report shall be made available to all parties. The guardian ad litem may be called as a witness for purposes of cross-examination regarding the guardian ad litem's report or recommendations. The guardian ad litem shall investigate the facts of the case and interview the child and the parties.

(3) Child representative. The child representative shall advocate what the child representative finds to be in the best interests of the child after reviewing the facts and circumstances of the case. The child representative shall meet with the child and the parties, investigate the facts of the case, and encourage settlement and the use of alternative forms of dispute resolution. The child representative shall have the same authority and obligation to participate in the litigation as does an attorney for a party and shall possess all the powers of investigation as does a guardian ad litem. The child representative shall consider, but not be bound by, the expressed wishes of the child. A child representative shall have

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received training in child advocacy or shall possess such
experience as determined to be equivalent to such training by the
chief judge of the circuit where the child representative has been
appointed. The child representative shall not disclose confidential
communications made by the child, except as required by law or by
the Rules of Professional Conduct. The child representative shall
not render an opinion, recommendation, or report to the court and
shall not be called as a witness, but shall offer evidence-based legal
arguments. The child representative shall disclose the position as to
what the child representative intends to advocate in a pre-trial
memorandum that shall be served upon all counsel of record prior
to the trial. The position disclosed in the pre-trial memorandum
shall not be considered evidence. The court and the parties may
consider the position of the child representative for purposes of a
settlement conference.

(a-3) Additional appointments. During the proceedings the court
may appoint an additional attorney to serve in the capacity described in
subdivision (a)(1) or an additional attorney to serve in another of the
capacities described in subdivision (a)(2) or (a)(3) on the court's own
motion or that of a party only for good cause shown and when the reasons
for the additional appointment are set forth in specific findings.

(a-5) Appointment considerations. In deciding whether to make an
appointment of an attorney for the minor child, a guardian ad litem, or a
child representative, the court shall consider the nature and adequacy of
the evidence to be presented by the parties and the availability of other
methods of obtaining information, including social service organizations
and evaluations by mental health professions, as well as resources for
payment.

In no event is this Section intended to or designed to abrogate the
decision making power of the trier of fact. Any appointment made under
this Section is not intended to nor should it serve to place any appointed
individual in the role of a surrogate judge.

(b) Fees and costs. The court shall enter an order as appropriate for
costs, fees, and disbursements, including a retainer, when the attorney,

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guardian ad litem, or child's representative is appointed. Any person appointed under this Section shall file with the court within 90 days of his or her appointment, and every subsequent 90-day period thereafter during the course of his or her representation, a detailed invoice for services rendered with a copy being sent to each party. The court shall review the invoice submitted and approve the fees, if they are reasonable and necessary. Any order approving the fees shall require payment by either or both parents, by any other party or source, or from the marital estate or the child's separate estate. The court may not order payment by the Illinois Department of Healthcare and Family Services Public Aid in cases in which the Department is providing child support enforcement services under Article X of the Illinois Public Aid Code. Unless otherwise ordered by the court at the time fees and costs are approved, all fees and costs payable to an attorney, guardian ad litem, or child representative under this Section are by implication deemed to be in the nature of support of the child and are within the exceptions to discharge in bankruptcy under 11 U.S.C.A. 523. The provisions of Sections 501 and 508 of this Act shall apply to fees and costs for attorneys appointed under this Section.

(Source: P.A. 94-640, eff. 1-1-06; revised 12-15-05.)

(750 ILCS 5/507) (from Ch. 40, par. 507)

Sec. 507. Payment of maintenance or support to court.

(a) In actions instituted under this Act, the court shall order that maintenance and support payments be made to the clerk of court as trustee for remittance to the person entitled to receive the payments. However, the court in its discretion may direct otherwise where circumstances so warrant.

(b) The clerk of court shall maintain records listing the amount of payments, the date payments are required to be made and the names and addresses of the parties affected by the order. For those cases in which support is payable to the clerk of the circuit court for transmittal to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) by order of the court or upon notification of the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid), and the Illinois Department of Public Aid

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collects support by assignment, offset, withholding, deduction or other process permitted by law, the Illinois Department shall notify the clerk of the date and amount of such collection. Upon notification, the clerk shall record the collection on the payment record for the case.

(c) The parties affected by the order shall inform the clerk of court of any change of address or of other condition that may affect the administration of the order.

(d) The provisions of this Section shall not apply to cases that come under the provisions of Sections 709 through 712.

(e) To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Section 507.1 of this Act and Section 10-26 of the Illinois Public Aid Code, the requirements pertaining to the State Disbursement Unit shall apply.

(Source: P.A. 94-88, eff. 1-1-06; revised 12-15-05.)

(750 ILCS 5/507.1)

Sec. 507.1. Payment of Support to State Disbursement Unit.

(a) As used in this Section:

"Order for support", "obligor", "obligee", and "payor" mean those terms as defined in the Income Withholding for Support Act, except that "order for support" shall not mean orders providing for spousal maintenance under which there is no child support obligation.

(b) Notwithstanding any other provision of this Act to the contrary, each order for support entered or modified on or after October 1, 1999 shall require that support payments be made to the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code if:

(1) a party to the order is receiving child support enforcement services under Article X of the Illinois Public Aid Code; or

(2) no party to the order is receiving child support enforcement services, but the support payments are made through income withholding.

(c) Support payments shall be made to the State Disbursement Unit if:

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(1) the order for support was entered before October 1, 1999, and a party to the order is receiving child support enforcement services under Article X of the Illinois Public Aid Code; or

(2) no party to the order is receiving child support enforcement services, and the support payments are being made through income withholding.

(c-5) If no party to the order is receiving child support enforcement services under Article X of the Illinois Public Aid Code, and the support payments are not made through income withholding, then support payments shall be made as directed by the order for support.

(c-10) At any time, and notwithstanding the existence of an order directing payments to be made elsewhere, the Department of Healthcare and Family Services Public Aid may provide notice to the obligor and, where applicable, to the obligor's payor:

(1) to make support payments to the State Disbursement Unit if:

(A) a party to the order for support is receiving child support enforcement services under Article X of the Illinois Public Aid Code; or

(B) no party to the order for support is receiving child support enforcement services under Article X of the Illinois Public Aid Code, but the support payments are made through income withholding; or

(2) to make support payments to the State Disbursement Unit of another state upon request of another state's Title IV-D child support enforcement agency, in accordance with the requirements of Title IV, Part D of the Social Security Act and regulations promulgated under that Part D.

The Department of Healthcare and Family Services Public Aid shall provide a copy of the notice to the obligee and to the clerk of the circuit court.

(c-15) Within 15 days after the effective date of this amendatory Act of the 91st General Assembly, the clerk of the circuit court shall

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provide written notice to the obligor to make payments directly to the clerk of the circuit court if no party to the order is receiving child support enforcement services under Article X of the Illinois Public Aid Code, the support payments are not made through income withholding, and the order for support requires support payments to be made directly to the clerk of the circuit court. The clerk shall provide a copy of the notice to the obligee.

(c-20) If the State Disbursement Unit receives a support payment that was not appropriately made to the Unit under this Section, the Unit shall immediately return the payment to the sender, including, if possible, instructions detailing where to send the support payment.

(d) The notices under subsections (c-10) and (c-15) may be sent by ordinary mail, certified mail, return receipt requested, facsimile transmission, or other electronic process, or may be served upon the obligor or payor using any method provided by law for service of a summons.

(750 ILCS 5/510) (from Ch. 40, par. 510)

Sec. 510. Modification and termination of provisions for maintenance, support, educational expenses, and property disposition.

(a) Except as otherwise provided in paragraph (f) of Section 502 and in subsection (b), clause (3) of Section 505.2, the provisions of any judgment respecting maintenance or support may be modified only as to installments accruing subsequent to due notice by the moving party of the filing of the motion for modification. An order for child support may be modified as follows:

(1) upon a showing of a substantial change in circumstances; and

(2) without the necessity of showing a substantial change in circumstances, as follows:

   (A) upon a showing of an inconsistency of at least 20%, but no less than $10 per month, between the amount of the existing order and the amount of child support that

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results from application of the guidelines specified in Section 505 of this Act unless the inconsistency is due to the fact that the amount of the existing order resulted from a deviation from the guideline amount and there has not been a change in the circumstances that resulted in that deviation; or

(B) Upon a showing of a need to provide for the health care needs of the child under the order through health insurance or other means. In no event shall the eligibility for or receipt of medical assistance be considered to meet the need to provide for the child's health care needs.

The provisions of subparagraph (a)(2)(A) shall apply only in cases in which a party is receiving child support enforcement services from the Illinois Department of Healthcare and Family Services Public Aid under Article X of the Illinois Public Aid Code, and only when at least 36 months have elapsed since the order for child support was entered or last modified.

(a-5) An order for maintenance may be modified or terminated only upon a showing of a substantial change in circumstances. In all such proceedings, as well as in proceedings in which maintenance is being reviewed, the court shall consider the applicable factors set forth in subsection (a) of Section 504 and the following factors:

(1) any change in the employment status of either party and whether the change has been made in good faith;

(2) the efforts, if any, made by the party receiving maintenance to become self-supporting, and the reasonableness of the efforts where they are appropriate;

(3) any impairment of the present and future earning capacity of either party;

(4) the tax consequences of the maintenance payments upon the respective economic circumstances of the parties;

(5) the duration of the maintenance payments previously paid (and remaining to be paid) relative to the length of the marriage;

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(6) the property, including retirement benefits, awarded to each party under the judgment of dissolution of marriage, judgment of legal separation, or judgment of declaration of invalidity of marriage and the present status of the property;

(7) the increase or decrease in each party's income since the prior judgment or order from which a review, modification, or termination is being sought;

(8) the property acquired and currently owned by each party after the entry of the judgment of dissolution of marriage, judgment of legal separation, or judgment of declaration of invalidity of marriage; and

(9) any other factor that the court expressly finds to be just and equitable.

(b) The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this State.

(c) Unless otherwise agreed by the parties in a written agreement set forth in the judgment or otherwise approved by the court, the obligation to pay future maintenance is terminated upon the death of either party, or the remarriage of the party receiving maintenance, or if the party receiving maintenance cohabits with another person on a resident, continuing conjugal basis.

(d) Unless otherwise provided in this Act, or as agreed in writing or expressly provided in the judgment, provisions for the support of a child are terminated by emancipation of the child, or if the child has attained the age of 18 and is still attending high school, provisions for the support of the child are terminated upon the date that the child graduates from high school or the date the child attains the age of 19, whichever is earlier, but not by the death of a parent obligated to support or educate the child. An existing obligation to pay for support or educational expenses, or both, is not terminated by the death of a parent. When a parent obligated to pay support or educational expenses, or both, dies, the amount of support or educational expenses, or both, may be enforced, modified, revoked or commuted to a lump sum payment, as equity may require, and that

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determination may be provided for at the time of the dissolution of the marriage or thereafter.

   (e) The right to petition for support or educational expenses, or both, under Sections 505 and 513 is not extinguished by the death of a parent. Upon a petition filed before or after a parent's death, the court may award sums of money out of the decedent's estate for the child's support or educational expenses, or both, as equity may require. The time within which a claim may be filed against the estate of a decedent under Sections 505 and 513 and subsection (d) and this subsection shall be governed by the provisions of the Probate Act of 1975, as a barrable, noncontingent claim.

   (f) A petition to modify or terminate child support, custody, or visitation shall not delay any child support enforcement litigation or supplementary proceeding on behalf of the obligee, including, but not limited to, a petition for a rule to show cause, for non-wage garnishment, or for a restraining order.

   (Source: P.A. 92-289, eff. 8-9-01; 92-590, eff. 7-1-02; 92-651, eff. 7-11-02; 92-876, eff. 6-1-03; 93-353, eff. 1-1-04; revised 12-15-05.)

   (750 ILCS 5/516) (from Ch. 40, par. 516)

Sec. 516. Public Aid collection fee. In all cases instituted by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) on behalf of a child or spouse, other than one receiving a grant of financial aid under Article IV of The Illinois Public Aid Code, on whose behalf an application has been made and approved for child support enforcement services as provided by Section 10-1 of that Code, the court shall impose a collection fee on the individual who owes a child or spouse support obligation in an amount equal to 10% of the amount so owed as long as such collection is required by federal law, which fee shall be in addition to the support obligation. The imposition of such fee shall be in accordance with provisions of Title IV, Part D, of the Social Security Act and regulations duly promulgated thereunder. The fee shall be payable to the clerk of the circuit court for transmittal to the Illinois Department of Healthcare and Family Services Public Aid and

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shall continue until child support enforcement services are terminated by that Department.
(Source: P.A. 92-590, eff. 7-1-02; revised 12-15-05.)

(750 ILCS 5/517)

Sec. 517. Notice of child support enforcement services. The Illinois Department of Healthcare and Family Services Public Aid may provide notice at any time to the parties to an action filed under this Act that child support enforcement services are being provided by the Illinois Department under Article X of the Illinois Public Aid Code. The notice shall be sent by regular mail to the party's last known address on file with the clerk of the court or the State Case Registry established under Section 10-27 of the Illinois Public Aid Code. After notice is provided pursuant to this Section, the Illinois Department shall be entitled, as if it were a party, to notice of any further proceedings brought in the case. The Illinois Department shall provide the clerk of the court with copies of the notices sent to the parties. The clerk shall file the copies in the court file.
(Source: P.A. 94-88, eff. 1-1-06; revised 12-15-05.)

(750 ILCS 5/601.5)

Sec. 601.5. Training. The chief circuit judge or designated presiding judge may approve 3 hours of training for guardians ad litem appointed under Section 601 of this Act, professional personnel appointed under Section 604 of this Act, evaluators appointed under Section 604.5 of this Act, and investigators appointed under Section 605 of this Act. This training shall include a component on the dynamics of domestic violence and its effect on parents and children.
(Source: P.A. 94-377, eff. 7-29-05; revised 9-15-06.)

(750 ILCS 5/602) (from Ch. 40, par. 602)

Sec. 602. Best Interest of Child.

(a) The court shall determine custody in accordance with the best interest of the child. The court shall consider all relevant factors including:

(1) the wishes of the child's parent or parents as to his custody;

(2) the wishes of the child as to his custodian;

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(3) the interaction and interrelationship of the child with his parent or parents, his siblings and any other person who may significantly affect the child's best interest;

(4) the child's adjustment to his home, school and community;

(5) the mental and physical health of all individuals involved;

(6) the physical violence or threat of physical violence by the child's potential custodian, whether directed against the child or directed against another person;

(7) the occurrence of ongoing or repeated abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986, whether directed against the child or directed against another person;

(8) the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child; and

(9) whether one of the parents is a sex offender.

In the case of a custody proceeding in which a stepparent has standing under Section 601, it is presumed to be in the best interest of the minor child that the natural parent have the custody of the minor child unless the presumption is rebutted by the stepparent.

(b) The court shall not consider conduct of a present or proposed custodian that does not affect his relationship to the child.

(c) Unless the court finds the occurrence of ongoing abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986, the court shall presume that the maximum involvement and cooperation of both parents regarding the physical, mental, moral, and emotional well-being of their child is in the best interest of the child. There shall be no presumption in favor of or against joint custody.

(Source: P.A. 94-377, eff. 7-29-05; 94-643, eff. 1-1-06; revised 8-29-05.)

(750 ILCS 5/704) (from Ch. 40, par. 704)

Sec. 704. Public Aid Provisions.) Except as provided in Sections 709 through 712, if maintenance, child support or both, is awarded to

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persons who are recipients of aid under "The Illinois Public Aid Code", the court shall direct the husband or wife, as the case may be, to make the payments to (1) the Illinois Department of Healthcare and Family Services Public Aid if the persons are recipients under Articles III, IV or V of the Code, or (2) the local governmental unit responsible for their support if they are recipients under Article VI or VII of the Code. The order shall permit the Illinois Department of Healthcare and Family Services Public Aid or the local governmental unit, as the case may be, to direct that subsequent payments be made directly to the former spouse, the children, or both, or to some person or agency in their behalf, upon removal of the former spouse or children from the public aid rolls; and upon such direction and removal of the recipients from the public aid rolls, the Illinois Department or local governmental unit, as the case requires, shall give written notice of such action to the court.

(Source: P.A. 81-1474; revised 12-15-05.)

(750 ILCS 5/705) (from Ch. 40, par. 705)
Sec. 705. Support payments; receiving and disbursing agents.
(1) The provisions of this Section shall apply, except as provided in Sections 709 through 712.

(2) In a dissolution of marriage action filed in a county of less than 3 million population in which an order or judgment for child support is entered, and in supplementary proceedings in any such county to enforce or vary the terms of such order or judgment arising out of an action for dissolution of marriage filed in such county, the court, except as it otherwise orders, under subsection (4) of this Section, may direct that child support payments be made to the clerk of the court.

(3) In a dissolution of marriage action filed in any county of 3 million or more population in which an order or judgment for child support is entered, and in supplementary proceedings in any such county to enforce or vary the terms of such order or judgment arising out of an action for dissolution of marriage filed in such county, the court, except as it otherwise orders under subsection (4) of this Section, may direct that child support payments be made either to the clerk of the court or to the Court Service Division of the County Department of Public Aid. After the
effective date of this Act, the court, except as it otherwise orders under subsection (4) of this Section, may direct that child support payments be made either to the clerk of the court or to the Illinois Department of Healthcare and Family Services Public Aid.

(4) In a dissolution of marriage action or supplementary proceedings involving maintenance or child support payments, or both, to persons who are recipients of aid under the Illinois Public Aid Code, the court shall direct that such payments be made to (a) the Illinois Department of Healthcare and Family Services Public Aid if the persons are recipients under Articles III, IV, or V of the Code, or (b) the local governmental unit responsible for their support if they are recipients under Articles VI or VII of the Code. In accordance with federal law and regulations, the Illinois Department of Healthcare and Family Services Public Aid may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X of the Illinois Public Aid Code. The Illinois Department of Healthcare and Family Services Public Aid shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. The order shall permit the Illinois Department of Healthcare and Family Services Public Aid or the local governmental unit, as the case may be, to direct that payments be made directly to the former spouse, the children, or both, or to some person or agency in their behalf, upon removal of the former spouse or children from the public aid rolls or upon termination of services under Article X of the Illinois Public Aid Code; and upon such direction, the Illinois Department or local governmental unit, as the case requires, shall give notice of such action to the court in writing or by electronic transmission.

(5) All clerks of the court and the Court Service Division of a County Department of Public Aid and, after the effective date of this Act, all clerks of the court and the Illinois Department of Healthcare and Family Services Public Aid, receiving child support payments under subsections (2) and (3) of this Section shall disburse the payments to the
person or persons entitled thereto under the terms of the order or judgment. They shall establish and maintain current records of all moneys received and disbursed and of defaults and delinquencies in required payments. The court, by order or rule, shall make provision for the carrying out of these duties.

Payments under this Section to the Illinois Department of Healthcare and Family Services Public Aid pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All payments under this Section to the Illinois Department of Human Services shall be deposited in the DHS Recoveries Trust Fund. Disbursements from these funds shall be as provided in the Illinois Public Aid Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund. Any order of court directing payment of child support to a clerk of court or the Court Service Division of a County Department of Public Aid, which order has been entered on or after August 14, 1961, and prior to the effective date of this Act, may be amended by the court in line with this Act; and orders involving payments of maintenance or child support to recipients of public aid may in like manner be amended to conform to this Act.

(6) No filing fee or costs will be required in any action brought at the request of the Illinois Department of Healthcare and Family Services Public Aid in any proceeding under this Act. However, any such fees or costs may be assessed by the court against the respondent in the court's order of support or any modification thereof in a proceeding under this Act.

(7) For those cases in which child support is payable to the clerk of the circuit court for transmittal to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) by order of court or upon notification by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid), the clerk shall transmit all such payments, within 4 working days of receipt, to insure that funds are available for immediate distribution by the Department to the person or entity entitled thereto in accordance with standards of the Child

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Support Enforcement Program established under Title IV-D of the Social Security Act. The clerk shall notify the Department of the date of receipt and amount thereof at the time of transmittal. Where the clerk has entered into an agreement of cooperation with the Department to record the terms of child support orders and payments made thereunder directly into the Department's automated data processing system, the clerk shall account for, transmit and otherwise distribute child support payments in accordance with such agreement in lieu of the requirements contained herein.

In any action filed in a county with a population of 1,000,000 or less, the court shall assess against the respondent in any order of maintenance or child support any sum up to $36 annually authorized by ordinance of the county board to be collected by the clerk of the court as costs for administering the collection and disbursement of maintenance and child support payments. Such sum shall be in addition to and separate from amounts ordered to be paid as maintenance or child support.

(8) To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Section 507.1 of this Act and Section 10-26 of the Illinois Public Aid Code, the requirements pertaining to the State Disbursement Unit shall apply.

(Source: P.A. 94-88, eff. 1-1-06; revised 12-15-05.)

(750 ILCS 5/709) (from Ch. 40, par. 709)
Sec. 709. Mandatory child support payments to clerk.
(a) As of January 1, 1982, child support orders entered in any county covered by this subsection shall be made pursuant to the provisions of Sections 709 through 712 of this Act. For purposes of these Sections, the term "child support payment" or "payment" shall include any payment ordered to be made solely for the purpose of the support of a child or children or any payment ordered for general support which includes any amount for support of any child or children.

The provisions of Sections 709 through 712 shall be applicable to any county with a population of 2 million or more and to any other county which notifies the Supreme Court of its desire to be included within the
coverage of these Sections and is certified pursuant to Supreme Court Rules.

The effective date of inclusion, however, shall be subject to approval of the application for reimbursement of the costs of the support program by the Department of Healthcare and Family Services Public Aid as provided in Section 712.

(b) In any proceeding for a dissolution of marriage, legal separation, or declaration of invalidity of marriage, or in any supplementary proceedings in which a judgment or modification thereof for the payment of child support is entered on or after January 1, 1982, in any county covered by Sections 709 through 712, and the person entitled to payment is receiving a grant of financial aid under Article IV of the Illinois Public Aid Code or has applied and qualified for child support enforcement services under Section 10-1 of that Code, the court shall direct: (1) that such payments be made to the clerk of the court and (2) that the parties affected shall each thereafter notify the clerk of any change of address or change in other conditions that may affect the administration of the order, including the fact that a party who was previously not on public aid has become a recipient of public aid, within 10 days of such change. All notices sent to the obligor's last known address on file with the clerk shall be deemed sufficient to proceed with enforcement pursuant to the provisions of Sections 709 through 712.

In all other cases, the court may direct that payments be made to the clerk of the court.

(c) Except as provided in subsection (d) of this Section, the clerk shall disburse the payments to the person or persons entitled thereto under the terms of the order or judgment.

(d) The court shall determine, prior to the entry of the support order, if the party who is to receive the support is presently receiving public aid or has a current application for public aid pending and shall enter the finding on the record.

If the person entitled to payment is a recipient of aid under the Illinois Public Aid Code, the clerk, upon being informed of this fact by finding of the court, by notification by the party entitled to payment, by the

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Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) or by the local governmental unit, shall make all payments to: (1) the Illinois Department of Healthcare and Family Services Public Aid if the person is a recipient under Article III, IV, or V of the Code or (2) the local governmental unit responsible for his or her support if the person is a recipient under Article VI or VII of the Code. In accordance with federal law and regulations, the Illinois Department of Healthcare and Family Services Public Aid may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X of the Illinois Public Aid Code. The Illinois Department of Healthcare and Family Services Public Aid shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. Upon termination of public aid payments to such a recipient or termination of services under Article X of the Illinois Public Aid Code, the Illinois Department of Healthcare and Family Services Public Aid or the appropriate local governmental unit shall notify the clerk in writing or by electronic transmission that all subsequent payments are to be sent directly to the person entitled thereto.

Payments under this Section to the Illinois Department of Healthcare and Family Services Public Aid pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All payments under this Section to the Illinois Department of Human Services shall be deposited in the DHS Recoveries Trust Fund. Disbursements from these funds shall be as provided in the Illinois Public Aid Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.

(e) Any order or judgment may be amended by the court, upon its own motion or upon the motion of either party, to conform with the provisions of Sections 709 through 712, either as to the requirement of making payments to the clerk or, where payments are already being made to the clerk, as to the statutory fees provided for under Section 711.

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(f) The clerk may invest in any interest bearing account or in any securities, monies collected for the benefit of a payee, where such payee cannot be found; however, the investment may be only for the period until the clerk is able to locate and present the payee with such monies. The clerk may invest in any interest bearing account, or in any securities, monies collected for the benefit of any other payee; however, this does not alter the clerk's obligation to make payments to the payee in a timely manner. Any interest or capital gains accrued shall be for the benefit of the county and shall be paid into the special fund established in subsection (b) of Section 711.

(g) The clerk shall establish and maintain a payment record of all monies received and disbursed and such record shall constitute prima facie evidence of such payment and non-payment, as the case may be.

(h) For those cases in which child support is payable to the clerk of the circuit court for transmittal to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) by order of court or upon notification by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid), the clerk shall transmit all such payments, within 4 working days of receipt, to insure that funds are available for immediate distribution by the Department to the person or entity entitled thereto in accordance with standards of the Child Support Enforcement Program established under Title IV-D of the Social Security Act. The clerk shall notify the Department of the date of receipt and amount thereof at the time of transmittal. Where the clerk has entered into an agreement of cooperation with the Department to record the terms of child support orders and payments made thereunder directly into the Department's automated data processing system, the clerk shall account for, transmit and otherwise distribute child support payments in accordance with such agreement in lieu of the requirements contained herein.

(i) To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Section 507.1 of this Act and Section 10-26 of the Illinois Public Aid Code, the requirements pertaining to the State Disbursement Unit shall apply.
Sec. 712. (a) The Supreme Court may make Rules concerning the certification of counties for inclusion in the child support enforcement program and the application of the procedures created by Sections 709 through 712 in the various counties.

The Supreme Court shall inform each circuit court and clerk of the court of the availability of the program to reimburse counties desiring to participate in the program of enforcement of child support payments.

The Supreme Court shall also distribute to each circuit court and clerk of the court any materials prepared by the Child and Spouse Support Unit comparing child support enforcement in counties included and not included in this program.

(b) The Illinois Department of Healthcare and Family Services Public Aid, through the Child and Spouse Support Unit provided for by Section 10-3.1 of The Illinois Public Aid Code, shall have general supervision of the child support programs created by Sections 709 through 712 and shall have the powers and duties provided in this Section, including the following:

(1) to make advance payments to any county included in the program for expenses in preparing programs to enforce payment of child support to the clerk from appropriations made for such purposes by the General Assembly;

(2) to make payments to each covered county to pay for its reasonable expenses actually necessary to maintain a continuing program not paid for by fees, penalties, or other monies; provided that, with respect to that portion of the program on behalf of dependent children included in a grant of financial aid under Article IV of The Illinois Public Aid Code the Unit shall pay only such expenses as is its current practice or as it may deem appropriate; provided further that the Unit shall only pay expenses of the entire program subject to the availability of federal monies to pay the majority of expenses of the entire child support enforcement program; provided further that the Unit or Department may set standards relating to enforcement which have to be met by any county seeking to enter a

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contract with the Department for reimbursement of expenses of the entire enforcement program prior to an application for reimbursement being approved and the contract granted; and provided further that such standards may relate to, but are not limited to the following factors: maintenance of the payment record, the definition of delinquency; the period of time in which a delinquency must be determined, the payor notified, the remittance received, the referral to the state's attorney made, and the payment remitted by the clerk to the payee or other party entitled to the payment; the conditions under which referral will not be made to the state's attorney; and the definitions and procedures for other matters necessary for the conduct and operation of the program;

(3) to monitor the various local programs for enforcement of child support payments to the clerk;

(4) to act to encourage enforcement whenever local enforcement procedures are inadequate;

(5) to receive monies from any source for assistance in enforcement of child support; and

(6) to assist any county desirous of assistance in establishing and maintaining a child support enforcement program.

(c) Any county may apply for financial assistance to the Unit to initiate or maintain a program of child support enforcement. Every county which desires such assistance shall apply according to procedures established by the Unit. In its application, it shall state the following: financial needs, personnel requirements, anticipated caseloads, any amounts collected or anticipated in fees or penalties, and any other information required by the Unit.

(d) In the case that any advance money is given to any county under this Section to initiate an enforcement system, the county shall reimburse the state within 2 years from the date such monies are given to it. The Unit may establish an appropriate schedule of reimbursement for any county.

(e) In the event of the unavailability of federal monies to pay for the greater part of the costs to a county of the child support enforcement program under Sections 709 through 712 and the resulting cessation of
state participation, the operation of the child support enforcement program under Sections 709 through 712 shall terminate. The date and the method of termination shall be determined by Supreme Court Rule. 
(Source: P.A. 84-1395; revised 12-15-05.)

Section 1130. The Non-Support Punishment Act is amended by changing Sections 7, 20, 25, 30, 35, and 60 as follows:

(750 ILCS 16/7)

Sec. 7. Prosecutions by Attorney General. In addition to enforcement proceedings by the several State's Attorneys, a proceeding for the enforcement of this Act may be instituted and prosecuted by the Attorney General in cases referred by the Illinois Department of Healthcare and Family Services Public Aid involving persons receiving child support enforcement services under Article X of the Illinois Public Aid Code. Before referring a case to the Attorney General for enforcement under this Act, the Department of Healthcare and Family Services Public Aid shall notify the person receiving child support enforcement services under Article X of the Illinois Public Aid Code of the Department's intent to refer the case to the Attorney General under this Section for prosecution.

(Source: P.A. 91-613, eff. 10-1-99; 92-590, eff. 7-1-02; revised 12-15-05.)

(750 ILCS 16/20)

Sec. 20. Entry of order for support; income withholding.

(a) In a case in which no court or administrative order for support is in effect against the defendant:

(1) at any time before the trial, upon motion of the State's Attorney, or of the Attorney General if the action has been instituted by his office, and upon notice to the defendant, or at the time of arraignment or as a condition of postponement of arraignment, the court may enter such temporary order for support as may seem just, providing for the support or maintenance of the spouse or child or children of the defendant, or both, pendente lite; or

(2) before trial with the consent of the defendant, or at the trial on entry of a plea of guilty, or after conviction, instead of

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imposing the penalty provided in this Act, or in addition thereto, the court may enter an order for support, subject to modification by the court from time to time as circumstances may require, directing the defendant to pay a certain sum for maintenance of the spouse, or for support of the child or children, or both.

(b) The court shall determine the amount of child support by using the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act.

If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(c) The court shall determine the amount of maintenance using the standards set forth in Section 504 of the Illinois Marriage and Dissolution of Marriage Act.

(d) The court may, for violation of any order under this Section, punish the offender as for a contempt of court, but no pendente lite order shall remain in effect longer than 4 months, or after the discharge of any panel of jurors summoned for service thereafter in such court, whichever is sooner.

(e) Any order for support entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support under the judgments, each such judgment to be in the amount of each payment or installment of support and each judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each judgment shall have the full force, effect, and attributes of any other judgment of this State, including the ability to be enforced. Each judgment is subject to
modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(f) An order for support entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of the court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer.

Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment, bond shall be set in the amount of the child support that should have been paid during the period of unreported employment.

An order for support entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or of a minor child, or both, would be seriously endangered by disclosure of the party's address.

(g) An order for support entered or modified in a case in which a party is receiving child support enforcement services under Article X of the Illinois Public Aid Code shall include a provision requiring the noncustodial parent to notify the Illinois Department of Healthcare and Family Services, within 7 days, of the name and address of any new employer of the noncustodial parent, whether the noncustodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy.

(h) In any subsequent action to enforce an order for support entered under this Act, upon sufficient showing that diligent effort has been made
to ascertain the location of the noncustodial parent, service of process or provision of notice necessary in that action may be made at the last known address of the noncustodial parent, in any manner expressly provided by the Code of Civil Procedure or in this Act, which service shall be sufficient for purposes of due process.

(i) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

(i-5) If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified on or after the effective date of this amendatory Act of the 93rd General Assembly must contain a statement notifying the parties of the requirements of this subsection. Failure to
include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this subsection with regard to the order. This subsection shall not be construed to prevent or affect the establishment or modification of an order for support of a minor child or the establishment or modification of an order for support of a non-minor child or educational expenses under Section 513 of the Illinois Marriage and Dissolution of Marriage Act.

(j) A support obligation, or any portion of a support obligation, which becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure. An order for support entered or modified on or after January 1, 2006 shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.

(Source: P.A. 93-1061, eff. 1-1-05; 94-90, eff. 1-1-06; revised 12-15-05.)

(750 ILCS 16/25)

Sec. 25. Payment of support to State Disbursement Unit; clerk of the court.

(a) As used in this Section, "order for support", "obligor", "obligee", and "payor" mean those terms as defined in the Income Withholding for Support Act.

(b) Each order for support entered or modified under Section 20 of this Act shall require that support payments be made to the State Disbursement Unit established under the Illinois Public Aid Code, under the following circumstances:

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(1) when a party to the order is receiving child support enforcement services under Article X of the Illinois Public Aid Code; or

(2) when no party to the order is receiving child support enforcement services, but the support payments are made through income withholding.

(c) When no party to the order is receiving child support enforcement services, and payments are not being made through income withholding, the court shall order the obligor to make support payments to the clerk of the court.

(d) At any time, and notwithstanding the existence of an order directing payments to be made elsewhere, the Department of Healthcare and Family Services Public Aid may provide notice to the obligor and, where applicable, to the obligor's payor:

(1) to make support payments to the State Disbursement Unit if:

(A) a party to the order for support is receiving child support enforcement services under Article X of the Illinois Public Aid Code; or

(B) no party to the order for support is receiving child support enforcement services under Article X of the Illinois Public Aid Code, but the support payments are made through income withholding; or

(2) to make support payments to the State Disbursement Unit of another state upon request of another state's Title IV-D child support enforcement agency, in accordance with the requirements of Title IV, Part D of the Social Security Act and regulations promulgated under that Part D.

The Department of Healthcare and Family Services Public Aid shall provide a copy of the notice to the obligee and to the clerk of the circuit court.

(e) If a State Disbursement Unit as specified by federal law has not been created in Illinois upon the effective date of this Act, then, until the creation of a State Disbursement Unit as specified by federal law, the

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following provisions regarding payment and disbursement of support payments shall control and the provisions in subsections (a), (b), (c), and (d) shall be inoperative. Upon the creation of a State Disbursement Unit as specified by federal law, the payment and disbursement provisions of subsections (a), (b), (c), and (d) shall control, and this subsection (e) shall be inoperative to the extent that it conflicts with those subsections.

(1) In cases in which an order for support is entered under Section 20 of this Act, the court shall order that maintenance and support payments be made to the clerk of the court for remittance to the person or agency entitled to receive the payments. However, the court in its discretion may direct otherwise where exceptional circumstances so warrant.

(2) The court shall direct that support payments be sent by the clerk to (i) the Illinois Department of Healthcare and Family Services Public Aid if the person in whose behalf payments are made is receiving aid under Articles III, IV, or V of the Illinois Public Aid Code, or child support enforcement services under Article X of the Code, or (ii) to the local governmental unit responsible for the support of the person if he or she is a recipient under Article VI of the Code. In accordance with federal law and regulations, the Illinois Department of Healthcare and Family Services Public Aid may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X of the Illinois Public Aid Code. The Illinois Department shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. The order shall permit the Illinois Department of Healthcare and Family Services Public Aid or the local governmental unit, as the case may be, to direct that support payments be made directly to the spouse, children, or both, or to some person or agency in their behalf, upon removal of the spouse or children from the public aid rolls or upon termination of services under Article X of the Illinois Public Aid Code.

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Code; and upon such direction, the \textit{Illinois} Department or the local governmental unit, as the case requires, shall give notice of such action to the court in writing or by electronic transmission.

(3) The clerk of the court shall establish and maintain current records of all moneys received and disbursed and of delinquencies and defaults in required payments. The court, by order or rule, shall make provision for the carrying out of these duties.

(4) (Blank).

(5) Payments under this Section to the \textit{Illinois} Department of \textit{Healthcare and Family Services Public Aid} pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All other payments under this Section to the \textit{Illinois} Department of \textit{Healthcare and Family Services Public Aid} shall be deposited in the Public Assistance Recoveries Trust Fund. Disbursements from these funds shall be as provided in the Illinois Public Aid Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.

(6) For those cases in which child support is payable to the clerk of the circuit court for transmittal to the \textit{Department of Healthcare and Family Services (formerly Illinois Department of Public Aid)} by order of court or upon notification by the \textit{Department of Healthcare and Family Services (formerly Illinois Department of Public Aid)}, the clerk shall transmit all such payments, within 4 working days of receipt, to insure that funds are available for immediate distribution by the Department to the person or entity entitled thereto in accordance with standards of the Child Support Enforcement Program established under Title IV-D of the Social Security Act. The clerk shall notify the Department of the date of receipt and amount thereof at the time of transmittal. Where the clerk has entered into an agreement of cooperation with the Department to record the terms of child support orders and

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payments made thereunder directly into the Department's automated data processing system, the clerk shall account for, transmit and otherwise distribute child support payments in accordance with such agreement in lieu of the requirements contained herein.

(Source: P.A. 94-88, eff. 1-1-06; revised 12-15-05.)

(750 ILCS 16/30)
Sec. 30. Information to State Case Registry.
(a) In this Section:
"Order for support", "obligor", "obligee", and "business day" are defined as set forth in the Income Withholding for Support Act.
"State Case Registry" means the State Case Registry established under Section 10-27 of the Illinois Public Aid Code.
(b) Each order for support entered or modified by the circuit court under this Act shall require that the obligor and obligee (i) file with the clerk of the circuit court the information required by this Section (and any other information required under Title IV, Part D of the Social Security Act or by the federal Department of Health and Human Services) at the time of entry or modification of the order for support and (ii) file updated information with the clerk within 5 business days of any change. Failure of the obligor or obligee to file or update the required information shall be punishable as in cases of contempt. The failure shall not prevent the court from entering or modifying the order for support, however.
(c) The obligor shall file the following information: the obligor's name, date of birth, social security number, and mailing address.
If either the obligor or the obligee receives child support enforcement services from the Illinois Department of Healthcare and Family Services Public Aid under Article X of the Illinois Public Aid Code, the obligor shall also file the following information: the obligor's telephone number, driver's license number, and residential address (if different from the obligor's mailing address), and the name, address, and telephone number of the obligor's employer or employers.
(d) The obligee shall file the following information:

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(1) The names of the obligee and the child or children covered by the order for support.

(2) The dates of birth of the obligee and the child or children covered by the order for support.

(3) The social security numbers of the obligee and the child or children covered by the order for support.

(4) The obligee's mailing address.

(e) In cases in which the obligee receives child support enforcement services from the Illinois Department of Healthcare and Family Services Public Aid under Article X of the Illinois Public Aid Code, the order for support shall (i) require that the obligee file the information required under subsection (d) with the Illinois Department of Healthcare and Family Services Public Aid for inclusion in the State Case Registry, rather than file the information with the clerk, and (ii) require that the obligee include the following additional information:

(1) The obligee's telephone and driver's license numbers.

(2) The obligee's residential address, if different from the obligee's mailing address.

(3) The name, address, and telephone number of the obligee's employer or employers.

The order for support shall also require that the obligee update the information filed with the Illinois Department of Healthcare and Family Services Public Aid within 5 business days of any change.

(f) The clerk shall provide the information filed under this Section, together with the court docket number and county in which the order for support was entered, to the State Case Registry within 5 business days after receipt of the information.

(g) In a case in which a party is receiving child support enforcement services under Article X of the Illinois Public Aid Code, the clerk shall provide the following additional information to the State Case Registry within 5 business days after entry or modification of an order for support or request from the Illinois Department of Healthcare and Family Services Public Aid:

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(1) The amount of monthly or other periodic support owed under the order for support and other amounts, including arrearage, interest, or late payment penalties and fees, due or overdue under the order.

(2) Any such amounts that have been received by the clerk, and the distribution of those amounts by the clerk.

(h) Information filed by the obligor and obligee under this Section that is not specifically required to be included in the body of an order for support under other laws is not a public record and shall be treated as confidential and subject to disclosure only in accordance with the provisions of this Section, Section 10-27 of the Illinois Public Aid Code, and Title IV, Part D of the Social Security Act.

(Source: P.A. 91-613, eff. 10-1-99; 92-463, eff. 8-22-01; revised 12-15-05.)

(750 ILCS 16/35)

Sec. 35. Fine; release of defendant on probation; violation of order for support; forfeiture of recognizance.

(a) Whenever a fine is imposed it may be directed by the court to be paid, in whole or in part, to the spouse, ex-spouse, or if the support of a child or children is involved, to the custodial parent, to the clerk, probation officer, or to the Illinois Department of Healthcare and Family Services Public Aid if a recipient of child support enforcement services under Article X of the Illinois Public Aid Code is involved as the case requires, to be disbursed by such officers or agency under the terms of the order.

(b) The court may also relieve the defendant from custody on probation for the period fixed in the order or judgment upon his or her entering into a recognizance, with or without surety, in the sum as the court orders and approves. The condition of the recognizance shall be such that if the defendant makes his or her personal appearance in court whenever ordered to do so by the court, during such period as may be so fixed, and further complies with the terms of the order for support, or any subsequent modification of the order, then the recognizance shall be void; otherwise it will remain in full force and effect.
(c) If the court is satisfied by testimony in open court, that at any time during the period of one year the defendant has violated the terms of the order for support, it may proceed with the trial of the defendant under the original charge, or sentence him or her under the original conviction, or enforce the suspended sentence, as the case may be. In case of forfeiture of recognizance, and enforcement of recognizance by execution, the sum so recovered may, in the discretion of the court, be paid, in whole or in part, to the spouse, ex-spouse, or if the support of a child or children is involved, to the custodial parent, to the clerk, or to the Illinois Department of Healthcare and Family Services Public Aid if a recipient of child support enforcement services under Article X of the Illinois Public Aid Code is involved as the case requires, to be disbursed by the clerk or the Department under the terms of the order.

(Source: P.A. 91-613, eff. 10-1-99; 92-590, eff. 7-1-02; revised 12-15-05.)

(750 ILCS 16/60)

Sec. 60. Unemployed persons owing duty of support.

(a) Whenever it is determined in a proceeding to establish or enforce a child support or maintenance obligation that the person owing a duty of support is unemployed, the court may order the person to seek employment and report periodically to the court with a diary, listing or other memorandum of his or her efforts in accordance with such order. Additionally, the court may order the unemployed person to report to the Department of Employment Security for job search services or to make application with the local Job Training Partnership Act provider for participation in job search, training, or work programs and where the duty of support is owed to a child receiving child support enforcement services under Article X of the Illinois Public Aid Code the court may order the unemployed person to report to the Illinois Department of Healthcare and Family Services Public Aid for participation in job search, training, or work programs established under Section 9-6 and Article IXA of that Code.

(b) Whenever it is determined that a person owes past due support for a child or for a child and the parent with whom the child is living, and the child is receiving assistance under the Illinois Public Aid Code, the
court shall order at the request of the Illinois Department of Healthcare and Family Services Public Aid:

(1) that the person pay the past-due support in accordance with a plan approved by the court; or

(2) if the person owing past-due support is unemployed, is subject to such a plan, and is not incapacitated, that the person participate in such job search, training, or work programs established under Section 9-6 and Article IIXA of the Illinois Public Aid Code as the court deems appropriate.

(Source: P.A. 91-613, eff. 10-1-99; 92-16, eff. 6-28-01; 92-590, eff. 7-1-02; revised 12-15-05.)

Section 1135. The Uniform Interstate Family Support Act is amended by changing Sections 103, 310, and 320 as follows:

Sec. 103. Tribunal of State. The circuit court is a tribunal of this State. The Illinois Department of Healthcare and Family Services Public Aid is an initiating tribunal. The Illinois Department of Healthcare and Family Services Public Aid is also a responding tribunal of this State to the extent that it can administratively establish paternity and establish, modify, and enforce an administrative child-support order under authority of Article X of the Illinois Public Aid Code.

(Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04; revised 12-15-05.)


(a) The Illinois Department of Healthcare and Family Services Public Aid is the state information agency under this Act.

(b) The state information agency shall:

(1) compile and maintain a current list, including addresses, of the tribunals in this State which have jurisdiction under this Act and any support enforcement agencies in this State and transmit a copy to the state information agency of every other state;

(2) maintain a register of names and addresses of tribunals and support enforcement agencies received from other states;

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(3) forward to the appropriate tribunal in the county in this State in which the obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this Act received from an initiating tribunal or the state information agency of the initiating state; and

(4) obtain information concerning the location of the obligor and the obligor's property within this State not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

(c) The Illinois Department of Healthcare and Family Services Public Aid may determine that a foreign country or political subdivision has established a reciprocal arrangement for child support with Illinois and take appropriate action for notification of this determination.

(750 ILCS 22/320)
Sec. 320. Payment of Support to State Disbursement Unit.
(a) As used in this Section:
"Order for support", "obligor", "obligee", and "payor" mean those terms as defined in the Income Withholding for Support Act, except that "order for support" means an order entered by any tribunal of this State but shall not mean orders providing for spousal maintenance under which there is no child support obligation.

(b) Notwithstanding any other provision of this Act to the contrary, each order for support entered or modified on or after October 1, 1999 shall require that support payments be made to the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code if:

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(1) a party to the order is receiving child support enforcement services under Article X of the Illinois Public Aid Code; or

(2) no party to the order is receiving child support enforcement services, but the support payments are made through income withholding.

(c) Support payments shall be made to the State Disbursement Unit if:

(1) the order for support was entered before October 1, 1999, and a party to the order is receiving child support enforcement services under Article X of the Illinois Public Aid Code; or

(2) no party to the order is receiving child support enforcement services, and the support payments are being made through income withholding.

(c-5) If no party to the order is receiving child support enforcement services under Article X of the Illinois Public Aid Code, and the support payments are not made through income withholding, then support payments shall be made as directed by the order for support.

(c-10) At any time, and notwithstanding the existence of an order directing payments to be made elsewhere, the Department of Healthcare and Family Services Public Aid may provide notice to the obligor and, where applicable, to the obligor's payor:

(1) to make support payments to the State Disbursement Unit if:

(A) a party to the order for support is receiving child support enforcement services under Article X of the Illinois Public Aid Code; or

(B) no party to the order for support is receiving child support enforcement services under Article X of the Illinois Public Aid Code, but the support payments are made through income withholding; or

(2) to make support payments to the State Disbursement Unit of another state upon request of another state's Title IV-D
child support enforcement agency, in accordance with the requirements of Title IV, Part D of the Social Security Act and regulations promulgated under that Part D.

The Department of Healthcare and Family Services Public Aid shall provide a copy of the notice to the obligee and to the clerk of the circuit court.

(c-15) Within 15 days after the effective date of this amendatory Act of the 91st General Assembly, the clerk of the circuit court shall provide written notice to the obligor to make payments directly to the clerk of the circuit court if no party to the order is receiving child support enforcement services under Article X of the Illinois Public Aid Code, the support payments are not made through income withholding, and the order for support requires support payments to be made directly to the clerk of the circuit court. The clerk shall provide a copy of the notice to the obligee.

(c-20) If the State Disbursement Unit receives a support payment that was not appropriately made to the Unit under this Section, the Unit shall immediately return the payment to the sender, including, if possible, instructions detailing where to send the support payments.

(d) The notices under subsections (c-10) and (c-15) may be sent by ordinary mail, certified mail, return receipt requested, facsimile transmission, or other electronic process, or may be served upon the obligor or payor using any method provided by law for service of a summons.

(Source: P.A. 91-677, eff. 1-5-00; 92-590, eff. 7-1-02; revised 12-15-05.)

Section 1140. The Unified Child Support Services Act is amended by changing Section 5 as follows:

(750 ILCS 24/5)

Sec. 5. Definitions. In this Act:

"Child support services" mean any services provided with respect to parentage establishment, support establishment, medical support establishment, support modification, or support enforcement.

"Child support specialist" means a paralegal, attorney, or other staff member with specialized training in child support services.
"Current child support case" means a case that is pending in the IV-D Child Support Program for which any action is being taken by a Unified Child Support Services Program.

"Department" means the Illinois Department of Healthcare and Family Services Public Aid.

"IV-D Child Support Program" means the child support enforcement program established pursuant to Title IV, Part D of the federal Social Security Act and Article X of the Illinois Public Aid Code.

"KIDS" means the Key Information Delivery System that includes a statewide database of all cases in the IV-D Child Support Program.

"Medicaid" means the medical assistance program under Article V of the Illinois Public Aid Code.

"Obligor" and "obligee" mean those terms as defined in the Income Withholding for Support Act.

"Plan" means a plan for a Unified Child Support Services Program.

"Program" means the Unified Child Support Services Program in a county or group of counties.

"State Disbursement Unit" means the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code.

"State's Attorney" means the duly elected State's Attorney of an Illinois county or 2 or more State's Attorneys who have formed a consortium for purposes of managing a Unified Child Support Services Program within a specific region of the State.

"Temporary Assistance for Needy Families" means the Temporary Assistance for Needy Families (TANF) program under Article IV of the Illinois Public Aid Code.

(Source: P.A. 92-876, eff. 6-1-03; revised 12-15-05.)

Section 1145. The Expedited Child Support Act of 1990 is amended by changing Sections 3 and 6 as follows:

(750 ILCS 25/3) (from Ch. 40, par. 2703)

Sec. 3. Definitions. For the purposes of this Act, the following terms shall have the following meaning:

(a) "Administrative Hearing Officer" shall mean the person employed by the Chief Judge of the Circuit Court of each county

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establishing an Expedited Child Support System for the purpose of hearing child support and parentage matters and making recommendations.

(b) "Administrative expenses" shall mean, but not be limited to, the costs of personnel, travel, equipment, telecommunications, postage, space, contractual services, and other related costs necessary to implement the provisions of this Act.

(c) "Arrearage" shall mean the total amount of unpaid child support obligations.

(d) "Department" shall mean the Illinois Department of Healthcare and Family Services Public Aid.

(e) "Expedited child support hearing" shall mean a hearing before an Administrative Hearing Officer pursuant to this Act.

(f) "Federal time frames" shall mean the time frames established for the IV-D program in regulations promulgated by the United States Department of Health and Human Services, Office of Child Support Enforcement, (codified at 45 C.F.R. 303), for the disposition of parentage and child support cases and shall, for purposes of this Act, apply to all parentage and child support matters, whether IV-D or non-IV-D.

(g) "System" shall mean the procedures and personnel created by this Act for the expedited establishment, modification, and enforcement of child support orders, and for the expedited establishment of parentage.

(h) "IV-D program" shall mean the Child Support Enforcement Program established pursuant to Title IV, Part D of the Social Security Act, (42 U.S.C. 651 et seq.) as administered by the Illinois Department of Healthcare and Family Services Public Aid.

(i) "Medical support" shall mean support provided pursuant to Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act.

(j) "Obligee" shall mean the individual to whom a duty of support is owed or that individual's legal representative.

(k) "Obligor" shall mean the individual who owes a duty to make payments under an order of support.

(l) "Plan" shall mean the plan submitted by the Chief Judge of a Judicial Circuit to the Supreme Court for the creation of an Expedited Child Support System in such circuit pursuant to this Act.

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(m) "Pre-hearing motions" shall mean all motions, the disposition of which requires a court order, except motions for the ultimate relief requested in the petition to commence the action.

(n) "Recommendations" shall mean the Administrative Hearing Officer's proposed findings of fact, recommended orders and any other recommendations made by the Administrative Hearing Officer.

(Source: P.A. 86-1401; revised 12-15-05.)

(750 ILCS 25/6) (from Ch. 40, par. 2706)
Sec. 6. Authority of hearing officers.

(a) With the exception of judicial functions exclusively retained by the court in Section 8 of this Act and in accordance with Supreme Court rules promulgated pursuant to this Act, Administrative Hearing Officers shall be authorized to:

   (1) Accept voluntary agreements reached by the parties setting the amount of child support to be paid and medical support liability and recommend the entry of orders incorporating such agreements.

   (2) Accept voluntary acknowledgments of parentage and recommend entry of an order establishing parentage based on such acknowledgement. Prior to accepting such acknowledgment, the Administrative Hearing Officer shall advise the putative father of his rights and obligations in accordance with Supreme Court rules promulgated pursuant to this Act.

   (3) Manage all stages of discovery, including setting deadlines by which discovery must be completed; and directing the parties to submit to appropriate tests pursuant to Section 11 of the Illinois Parentage Act of 1984.

   (4) Cause notices to be issued requiring the Obligor to appear either before the Administrative Hearing Officer or in court.

   (5) Administer the oath or affirmation and take testimony under oath or affirmation.

   (6) Analyze the evidence and prepare written recommendations based on such evidence, including but not limited to: (i) proposed findings as to the amount of the Obligor's

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income; (ii) proposed findings as to the amount and nature of appropriate deductions from the Obligor's income to determine the Obligor's net income; (iii) proposed findings as to the existence of relevant factors as set forth in subsection (a)(2) of Section 505 of the Illinois Marriage and Dissolution of Marriage Act, which justify setting child support payment levels above or below the guidelines; (iv) recommended orders for temporary child support; (v) recommended orders setting the amount of current child support to be paid; (vi) proposed findings as to the existence and amount of any arrearages; (vii) recommended orders reducing any arrearages to judgement and for the payment of amounts towards such arrearages; (viii) proposed findings as to whether there has been a substantial change of circumstances since the entry of the last child support order, or other circumstances justifying a modification of the child support order; and (ix) proposed findings as to whether the Obligor is employed.

(7) With respect to any unemployed Obligor who is not making child support payments or is otherwise unable to provide support, recommend that the Obligor be ordered to seek employment and report periodically of his or her efforts in accordance with such order. Additionally, the Administrative Hearing Officer may recommend that the Obligor be ordered to report to the Department of Employment Security for job search services or to make application with the local Job Training Partnership Act provider for participation in job search, training or work programs and, where the duty of support is owed to a child receiving child support enforcement services under Article X of the Illinois Public Aid Code, the Administrative Hearing Officer may recommend that the Obligor be ordered to report to the Illinois Department of Healthcare and Family Services for participation in the job search, training or work programs established under Section 9-6 of the Illinois Public Aid Code.

(8) Recommend the registration of any foreign support judgments or orders as the judgments or orders of Illinois.
(b) In any case in which the Obligee is not participating in the IV-D program or has not applied to participate in the IV-D program, the Administrative Hearing Officer shall:

(1) inform the Obligee of the existence of the IV-D program and provide applications on request; and
(2) inform the Obligee and the Obligor of the option of requesting payment to be made through the Clerk of the Circuit Court.

If a request for payment through the Clerk is made, the Administrative Hearing Officer shall note this fact in the recommendations to the court.

(c) The Administrative Hearing Officer may make recommendations in addition to the proposed findings of fact and recommended order to which the parties have agreed.

(Source: P.A. 92-16, eff. 6-28-01; 92-590, eff. 7-1-02; revised 12-15-05.)

Section 1150. The Income Withholding for Support Act is amended by changing Sections 15, 22, and 45 as follows:

(750 ILCS 28/15)

Sec. 15. Definitions.

(a) "Order for support" means any order of the court which provides for periodic payment of funds for the support of a child or maintenance of a spouse, whether temporary or final, and includes any such order which provides for:

(1) modification or resumption of, or payment of arrearage, including interest, accrued under, a previously existing order;
(2) reimbursement of support;
(3) payment or reimbursement of the expenses of pregnancy and delivery (for orders for support entered under the Illinois Parentage Act of 1984 or its predecessor the Paternity Act); or
(4) enrollment in a health insurance plan that is available to the obligor through an employer or labor union or trade union.

(b) "Arrearage" means the total amount of unpaid support obligations, including interest, as determined by the court and incorporated into an order for support.

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(b) "Business day" means a day on which State offices are open for regular business.

(c) "Delinquency" means any payment, including a payment of interest, under an order for support which becomes due and remains unpaid after entry of the order for support.

(d) "Income" means any form of periodic payment to an individual, regardless of source, including, but not limited to: wages, salary, commission, compensation as an independent contractor, workers' compensation, disability, annuity, pension, and retirement benefits, lottery prize awards, insurance proceeds, vacation pay, bonuses, profit-sharing payments, interest, and any other payments, made by any person, private entity, federal or state government, any unit of local government, school district or any entity created by Public Act; however, "income" excludes:

(1) any amounts required by law to be withheld, other than creditor claims, including, but not limited to, federal, State and local taxes, Social Security and other retirement and disability contributions;

(2) union dues;

(3) any amounts exempted by the federal Consumer Credit Protection Act;

(4) public assistance payments; and

(5) unemployment insurance benefits except as provided by law.

Any other State or local laws which limit or exempt income or the amount or percentage of income that can be withheld shall not apply.

(e) "Obligor" means the individual who owes a duty to make payments under an order for support.

(f) "Obligee" means the individual to whom a duty of support is owed or the individual's legal representative.

(g) "Payor" means any payor of income to an obligor.

(h) "Public office" means any elected official or any State or local agency which is or may become responsible by law for enforcement of, or which is or may become authorized to enforce, an order for support, including, but not limited to: the Attorney General, the Illinois Department

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Sec. 22. Use of National Medical Support Notice to enforce health insurance coverage.

(a) Notwithstanding the provisions of subdivision (c)(4) of Section 20, when an order for support is being enforced by the Title IV-D Agency under this Act, any requirement for health insurance coverage to be provided through an employer, including withholding of premiums from the income of the obligor, shall be enforced through use of a National Medical Support Notice instead of through provisions in an income withholding notice.

(b) A National Medical Support Notice may be served on the employer in the manner and under the circumstances provided for serving an income withholding notice under this Act, except that an order for support that conditions service of an income withholding notice on the obligor becoming delinquent in paying the order for support, as provided under subdivision (a)(1) of Section 20, shall not prevent immediate service of a National Medical Support Notice by the Title IV-D Agency. The Title IV-D Agency may serve a National Medical Support Notice on an employer in conjunction with service of an income withholding notice. Service of an income withholding notice is not a condition for service of a National Medical Support Notice, however.

(c) At the time of service of a National Medical Support Notice on the employer, the Title IV-D Agency shall serve a copy of the Notice on the obligor by ordinary mail addressed to the obligor's last known address. The Title IV-D Agency shall file a copy of the National Medical Support Notice, together with proofs of service on the employer and the obligor, with the clerk of the circuit court.

(d) Within 20 business days after the date of a National Medical Support Notice, an employer served with the Notice shall transfer the severable notice to plan administrator to the appropriate group health plan providing any health insurance coverage for which the child is eligible. As required in the part of the National Medical Support Notice directed to the employer, the employer shall withhold any employee premium necessary for coverage of the child and shall send any amount withheld directly to the plan. The employer shall commence the withholding no later than the

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next payment of income that occurs 14 days following the date the National Medical Support Notice was mailed, sent by facsimile or other electronic means, or placed for personal delivery to or service on the employer.

Notwithstanding the requirement to withhold premiums from the obligor's income, if the plan administrator informs the employer that the child is enrolled in an option under the plan for which the employer has determined that the obligor's premium exceeds the amount that may be withheld from the obligor's income due to the withholding limitation or prioritization contained in Section 35 of this Act, the employer shall complete the appropriate item in the part of the National Medical Support Notice directed to the employer according to the instructions in the Notice and shall return that part to the Title IV-D Agency.

(e) If one of the following circumstances exists, an employer served with a National Medical Support Notice shall complete the part of the Notice directed to the employer in accordance with the instructions in the Notice and shall return that part to the Title IV-D Agency within 20 business days after the date of the Notice:

   (1) The employer does not maintain or contribute to plans providing dependent or family health insurance coverage.

   (2) The obligor is among a class of employees that is not eligible for family health insurance coverage under any group health plan maintained by the employer or to which the employer contributes.

   (3) Health insurance coverage is not available because the obligor is no longer employed by the employer.

(f) The administrator of a health insurance plan to whom an employer has transferred the severable notice to plan administrator part of a National Medical Support Notice shall complete that part with the health insurance coverage information required under the instructions in the Notice and shall return that part to the Title IV-D Agency within 40 business days after the date of the Notice.

(g) The obligor may contest withholding under this Section based only on a mistake of fact and may contest withholding by filing a petition

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with the clerk of the circuit court within 20 days after service of a copy of the National Medical Support Notice on the obligor. The obligor must serve a copy of the petition on the Title IV-D Agency at the address stated in the National Medical Support Notice. The National Medical Support Notice, including the requirement to withhold any required premium, shall continue to be binding on the employer until the employer is served with a court order resolving the contest or until notified by the Title IV-D Agency.

(h) Whenever the obligor is no longer receiving income from the employer, the employer shall return a copy of the National Medical Support Notice to the Title IV-D Agency and shall provide information for the purpose of enforcing health insurance coverage under this Section.

(i) The Title IV-D Agency shall promptly notify the employer when there is no longer a current order for health insurance coverage in effect which the Title IV-D Agency is responsible for enforcing.

(j) Unless stated otherwise in this Section, all of the provisions of this Act relating to income withholding for support shall pertain to income withholding for health insurance coverage under a National Medical Support Notice, including but not limited to the duties of the employer and obligor, and the penalties contained in Section 35 and Section 50. In addition, an employer who willfully fails to transfer the severable notice to plan administrator part of a National Medical Support Notice to the appropriate group health plan providing health insurance coverage for which the child is eligible, within 20 business days after the date of the Notice, is liable for the full amount of medical expenses incurred by or on behalf of the child which would have been paid or reimbursed by the health insurance coverage had the severable notice to plan administrator part of the Notice been timely transferred to the group health insurance plan. This penalty may be collected in a civil action that may be brought against the employer in favor of the obligee or the Title IV-D Agency.

(k) To the extent that any other State or local law may be construed to limit or prevent compliance by an employer or health insurance plan administrator with the requirements of this Section and federal law and

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regulations pertaining to the National Medical Support Notice, that State or local law shall not apply.

(l) As the Title IV-D Agency, the Department of Healthcare and Family Services Public Aid shall adopt any rules necessary for use of and compliance with the National Medical Support Notice.

(Source: P.A. 92-590, eff. 7-1-02; revised 12-15-05.)

(750 ILCS 28/45)

Sec. 45. Additional duties.

(a) An obligee who is receiving income withholding payments under this Act shall notify the State Disbursement Unit and the Clerk of the Circuit Court of any change of address within 7 days of such change.

(b) An obligee who is a recipient of public aid shall send a copy of any income withholding notice served by the obligee to the Division of Child Support Enforcement of the Illinois Department of Healthcare and Family Services Public Aid.

(c) Each obligor shall notify the obligee, the public office, and the Clerk of the Circuit Court of any change of address within 7 days.

(d) An obligor whose income is being withheld pursuant to this Act shall notify the obligee, the public office, and the Clerk of the Circuit Court of any new payor, within 7 days.

(e) (Blank.)

(f) The obligee or public office shall provide notice to the payor and Clerk of the Circuit Court of any other support payment made, including but not limited to, a set-off under federal and State law or partial payment of the delinquency or arrearage, or both.

(g) The State Disbursement Unit shall maintain complete, accurate, and clear records of all income withholding payments and their disbursements. Certified copies of payment records maintained by the State Disbursement Unit, a public office, or the Clerk of the Circuit Court shall, without further proof, be admitted into evidence in any legal proceedings under this Act.

(h) The Illinois Department of Healthcare and Family Services Public Aid shall design suggested legal forms for proceeding under this Act and shall make available to the courts such forms and informational

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materials which describe the procedures and remedies set forth herein for distribution to all parties in support actions.

(i) At the time of transmitting each support payment, the State Disbursement Unit shall provide the obligee or public office, as appropriate, with any information furnished by the payor as to the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor.

(Source: P.A. 90-673, eff. 1-1-99; incorporates P.A. 90-790, eff. 8-14-98; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99; revised 12-15-05.)

Section 1155. The Illinois Parentage Act of 1984 is amended by changing Sections 4.1, 5, 7, 8, 13.1, 14, 14.1, 15.1, 18, 21, 21.1, 22, 23, and 28 as follows:

(750 ILCS 45/4.1)
Sec. 4.1. Administrative paternity determinations. Notwithstanding any other provision of this Act, the Illinois Department of Healthcare and Family Services Public Aid may make administrative determinations of paternity and nonpaternity in accordance with Section 10-17.7 of the Illinois Public Aid Code. These determinations of paternity or nonpaternity shall have the full force and effect of judgments entered under this Act.

(Source: P.A. 88-687, eff. 1-24-95; revised 12-15-05.)

(750 ILCS 45/5) (from Ch. 40, par. 2505)
Sec. 5. Presumption of Paternity.
(a) A man is presumed to be the natural father of a child if:

(1) he and the child's natural mother are or have been married to each other, even though the marriage is or could be declared invalid, and the child is born or conceived during such marriage;

(2) after the child's birth, he and the child's natural mother have married each other, even though the marriage is or could be declared invalid, and he is named, with his written consent, as the child's father on the child's birth certificate;

(3) he and the child's natural mother have signed an acknowledgment of paternity in accordance with rules adopted by
(4) he and the child's natural mother have signed an acknowledgment of parentage or, if the natural father is someone other than one presumed to be the father under this Section, an acknowledgment of parentage and denial of paternity in accordance with Section 12 of the Vital Records Act.

(b) A presumption under subdivision (a)(1) or (a)(2) of this Section may be rebutted only by clear and convincing evidence. A presumption under subdivision (a)(3) or (a)(4) is conclusive, unless the acknowledgment of parentage is rescinded under the process provided in Section 12 of the Vital Records Act, upon the earlier of:

(1) 60 days after the date the acknowledgment of parentage is signed, or

(2) the date of an administrative or judicial proceeding relating to the child (including a proceeding to establish a support order) in which the signatory is a party;

except that if a minor has signed the acknowledgment of paternity or acknowledgment of parentage and denial of paternity, the presumption becomes conclusive 6 months after the minor reaches majority or is otherwise emancipated.

(Source: P.A. 89-641, eff. 8-9-96; 90-18, eff. 7-1-97; revised 12-15-05.)

(750 ILCS 45/7) (from Ch. 40, par. 2507)
Sec. 7. Determination of Father and Child Relationship; Who May Bring Action; Parties.

(a) An action to determine the existence of the father and child relationship, whether or not such a relationship is already presumed under Section 5 of this Act, may be brought by the child; the mother; a pregnant woman; any person or public agency who has custody of, or is providing or has provided financial support to, the child; the Illinois Department of Healthcare and Family Services Public Aid if it is providing or has provided financial support to the child or if it is assisting with child support collection services; or a man presumed or alleging himself to be

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the father of the child or expected child. The complaint shall be verified and shall name the person or persons alleged to be the father of the child.

(b) An action to declare the non-existence of the parent and child relationship may be brought by the child, the natural mother, or a man presumed to be the father under subdivision (a)(1) or (a)(2) of Section 5 of this Act. Actions brought by the child, the natural mother or a presumed father shall be brought by verified complaint.

After the presumption that a man presumed to be the father under subdivision (a)(1) or (a)(2) of Section 5 has been rebutted, paternity of the child by another man may be determined in the same action, if he has been made a party.

(b-5) An action to declare the non-existence of the parent and child relationship may be brought subsequent to an adjudication of paternity in any judgment by the man adjudicated to be the father pursuant to the presumptions in Section 5 of this Act if, as a result of deoxyribonucleic acid (DNA) tests, it is discovered that the man adjudicated to be the father is not the natural father of the child. Actions brought by the adjudicated father shall be brought by verified complaint. If, as a result of the deoxyribonucleic acid (DNA) tests, the plaintiff is determined not to be the father of the child, the adjudication of paternity and any orders regarding custody, visitation, and future payments of support may be vacated.

(c) If any party is a minor, he or she may be represented by his or her general guardian or a guardian ad litem appointed by the court, which may include an appropriate agency. The court may align the parties.

(d) Regardless of its terms, an agreement, other than a settlement approved by the court, between an alleged or presumed father and the mother or child, does not bar an action under this Section.

(e) If an action under this Section is brought before the birth of the child, all proceedings shall be stayed until after the birth, except for service or process, the taking of depositions to perpetuate testimony, and the ordering of blood tests under appropriate circumstances.

(750 ILCS 45/8) (from Ch. 40, par. 2508)
Sec. 8. Statute of limitations.
(a) (1) An action brought by or on behalf of a child, an action brought by a party alleging that he or she is the child's natural parent, or an action brought by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid), if it is providing or has provided financial support to the child or if it is assisting with child support collection services, shall be barred if brought later than 2 years after the child reaches the age of majority; however, if the action on behalf of the child is brought by a public agency, other than the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) if it is providing or has provided financial support to the child or if it is assisting with child support collection services, it shall be barred 2 years after the agency has ceased to provide assistance to the child.

(2) Failure to bring an action within 2 years shall not bar any party from asserting a defense in any action to declare the non-existence of the parent and child relationship.

(3) An action to declare the non-existence of the parent and child relationship brought under subsection (b) of Section 7 of this Act shall be barred if brought later than 2 years after the petitioner obtains knowledge of relevant facts. The 2-year period for bringing an action to declare the nonexistence of the parent and child relationship shall not extend beyond the date on which the child reaches the age of 18 years. Failure to bring an action within 2 years shall not bar any party from asserting a defense in any action to declare the existence of the parent and child relationship.

(4) An action to declare the non-existence of the parent and child relationship brought under subsection (b-5) of Section 7 of this Act shall be barred if brought more than 6 months after the effective date of this amendatory Act of 1998 or more than 2 years after the petitioner obtains actual knowledge of relevant facts, whichever is later. The 2-year period shall not apply to periods of time where the natural mother or the child refuses to submit to deoxyribonucleic acid (DNA) tests. The 2-year period for bringing
an action to declare the nonexistence of the parent and child relationship shall not extend beyond the date on which the child reaches the age of 18 years. Failure to bring an action within 2 years shall not bar any party from asserting a defense in any action to declare the existence of the parent and child relationship.

(b) The time during which any party is not subject to service of process or is otherwise not subject to the jurisdiction of the courts of this State shall toll the aforementioned periods.

(c) This Act does not affect the time within which any rights under the Probate Act of 1975 may be asserted beyond the time provided by law relating to distribution and closing of decedent's estates or to the determination of heirship, or otherwise.

(Source: P.A. 89-674, eff. 8-14-96; 90-18, eff. 7-1-97; 90-715, eff. 8-7-98; revised 12-15-05.)

(750 ILCS 45/13.1)

Sec. 13.1. Temporary order for child support. Notwithstanding any other law to the contrary, pending the outcome of a judicial determination of parentage, the court shall issue a temporary order for child support, upon motion by a party and a showing of clear and convincing evidence of paternity. In determining the amount of the temporary child support award, the court shall use the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act.

Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect, and attributes of any other judgment of this State, including the ability to be enforced. Any such judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial

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parent for each installment of overdue support owed by the noncustodial parent.

All orders for support, when entered or modified, shall include a provision requiring the non-custodial parent to notify the court, and in cases in which a party is receiving child support enforcement services under Article X of the Illinois Public Aid Code, the Illinois Department of Healthcare and Family Services Public Aid, within 7 days, (i) of the name, address, and telephone number of any new employer of the non-custodial parent, (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage, and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent.

In any subsequent action to enforce a support order, upon sufficient showing that diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in that action may be made at the last known address of the non-custodial parent, in any manner expressly provided by the Code of Civil Procedure or in this Act, which service shall be sufficient for purposes of due process.

An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this paragraph shall be construed to prevent the court from modifying the order.

If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, then the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an

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obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for the enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified on or after the effective date of this amendatory Act of the 93rd General Assembly must contain a statement notifying the parties of the requirements of this paragraph. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this paragraph with regard to the order. This paragraph shall not be construed to prevent or affect the establishment or modification of an order for the support of a minor child or the establishment or modification of an order for the support of a non-minor child or educational expenses under Section 513 of the Illinois Marriage and Dissolution of Marriage Act.

(Source: P.A. 92-590, eff. 7-1-02; 93-1061, eff. 1-1-05; revised 12-15-05.)

(750 ILCS 45/14) (from Ch. 40, par. 2514)


(a) (1) The judgment shall contain or explicitly reserve provisions concerning any duty and amount of child support and may contain provisions concerning the custody and guardianship of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, which the court shall determine in accordance with the relevant factors set forth in the Illinois Marriage and Dissolution of Marriage Act and any other applicable law of Illinois, to guide the court in a finding in the best interests of the child. In determining custody, joint custody, removal, or visitation, the court shall apply the relevant standards of the Illinois Marriage and Dissolution of Marriage Act, including Section 609. Specifically, in determining the amount of any child support award or child health insurance coverage, the court shall use the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of
the Illinois Marriage and Dissolution of Marriage Act. For purposes of Section 505 of the Illinois Marriage and Dissolution of Marriage Act, "net income" of the non-custodial parent shall include any benefits available to that person under the Illinois Public Aid Code or from other federal, State or local government-funded programs. The court shall, in any event and regardless of the amount of the non-custodial parent's net income, in its judgment order the non-custodial parent to pay child support to the custodial parent in a minimum amount of not less than $10 per month, as long as such an order is consistent with the requirements of Title IV, Part D of the Social Security Act. In an action brought within 2 years after a child's birth, the judgment or order may direct either parent to pay the reasonable expenses incurred by either parent related to the mother's pregnancy and the delivery of the child. The judgment or order shall contain the father's social security number, which the father shall disclose to the court; however, failure to include the father's social security number on the judgment or order does not invalidate the judgment or order.

(2) If a judgment of parentage contains no explicit award of custody, the establishment of a support obligation or of visitation rights in one parent shall be considered a judgment granting custody to the other parent. If the parentage judgment contains no such provisions, custody shall be presumed to be with the mother; however, the presumption shall not apply if the father has had physical custody for at least 6 months prior to the date that the mother seeks to enforce custodial rights.

(b) The court shall order all child support payments, determined in accordance with such guidelines, to commence with the date summons is served. The level of current periodic support payments shall not be reduced because of payments set for the period prior to the date of entry of the support order. The Court may order any child support payments to be made for a period prior to the commencement of the action. In determining whether and the extent to which the payments shall be made for any prior period, the court shall consider all relevant facts, including the factors for determining the amount of support specified in the Illinois Marriage and Dissolution of Marriage Act and other equitable factors including but not limited to:

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(1) The father's prior knowledge of the fact and circumstances of the child's birth.
(2) The father's prior willingness or refusal to help raise or support the child.
(3) The extent to which the mother or the public agency bringing the action previously informed the father of the child's needs or attempted to seek or require his help in raising or supporting the child.
(4) The reasons the mother or the public agency did not file the action earlier.
(5) The extent to which the father would be prejudiced by the delay in bringing the action.

For purposes of determining the amount of child support to be paid for any period before the date the order for current child support is entered, there is a rebuttable presumption that the father's net income for the prior period was the same as his net income at the time the order for current child support is entered.

If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(c) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each judgment shall have the full force, effect and attributes of any other judgment of this
State, including the ability to be enforced. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(d) If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued under the Vital Records Act.

(e) On request of the mother and the father, the court shall order a change in the child's name. After hearing evidence the court may stay payment of support during the period of the father's minority or period of disability.

(f) If, upon a showing of proper service, the father fails to appear in court, or otherwise appear as provided by law, the court may proceed to hear the cause upon testimony of the mother or other parties taken in open court and shall enter a judgment by default. The court may reserve any order as to the amount of child support until the father has received notice, by regular mail, of a hearing on the matter.

(g) A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of the Illinois Public Aid Code and shall be enforced by the court upon petition.

(h) All orders for support, when entered or modified, shall include a provision requiring the non-custodial parent to notify the court and, in cases in which party is receiving child support enforcement services under Article X of the Illinois Public Aid Code, the Department of Healthcare and Family Services, within 7 days, (i) of the name and address of any new employer of the non-custodial parent, (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in
the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Act, which service shall be sufficient for purposes of due process.

(i) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

(i-5) If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified on or after the effective date of this amendatory Act of the 93rd General Assembly must contain a statement notifying the parties of the requirements of this subsection. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this subsection with regard
to the order. This subsection shall not be construed to prevent or affect the establishment or modification of an order for support of a minor child or the establishment or modification of an order for support of a non-minor child or educational expenses under Section 513 of the Illinois Marriage and Dissolution of Marriage Act.

(j) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.

(Source: P.A. 93-139, eff. 7-10-03; 93-1061, eff. 1-1-05; 94-923, eff. 1-1-07; 94-1061, eff. 1-1-07; revised 8-3-06.)

(750 ILCS 45/14.1)
Sec. 14.1. Information to State Case Registry.
(a) In this Section:
"Order for support", "obligor", "obligee", and "business day" are defined as set forth in the Income Withholding for Support Act.
"State Case Registry" means the State Case Registry established under Section 10-27 of the Illinois Public Aid Code.
(b) Each order for support entered or modified by the circuit court under this Act shall require that the obligor and obligee (i) file with the clerk of the circuit court the information required by this Section (and any other information required under Title IV, Part D of the Social Security Act).
Act or by the federal Department of Health and Human Services) at the
time of entry or modification of the order for support and (ii) file updated
information with the clerk within 5 business days of any change. Failure of
the obligor or obligee to file or update the required information shall be
punishable as in cases of contempt. The failure shall not prevent the court
from entering or modifying the order for support, however.

(c) The obligor shall file the following information: the obligor's
name, date of birth, social security number, and mailing address.

If either the obligor or the obligee receives child support
enforcement services from the Illinois Department of Healthcare and
Family Services Public Aid under Article X of the Illinois Public Aid
Code, the obligor shall also file the following information: the obligor's
telephone number, driver's license number, and residential address (if
different from the obligor's mailing address), and the name, address, and
telephone number of the obligor's employer or employers.

(d) The obligee shall file the following information:

(1) The names of the obligee and the child or children
covered by the order for support.
(2) The dates of birth of the obligee and the child or
children covered by the order for support.
(3) The social security numbers of the obligee and the child
or children covered by the order for support.
(4) The obligee's mailing address.

(e) In cases in which the obligee receives child support
enforcement services from the Illinois Department of Healthcare and
Family Services Public Aid under Article X of the Illinois Public Aid
Code, the order for support shall (i) require that the obligee file the
information required under subsection (d) with the Illinois Department of
Healthcare and Family Services Public Aid for inclusion in the State Case
Registry, rather than file the information with the clerk, and (ii) require
that the obligee include the following additional information:

(1) The obligee's telephone and driver's license numbers.
(2) The obligee's residential address, if different from the
obligee's mailing address.

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(3) The name, address, and telephone number of the obligee's employer or employers.

The order for support shall also require that the obligee update the information filed with the Illinois Department of Healthcare and Family Services Public Aid within 5 business days of any change.

(f) The clerk shall provide the information filed under this Section, together with the court docket number and county in which the order for support was entered, to the State Case Registry within 5 business days after receipt of the information.

(g) In a case in which a party is receiving child support enforcement services under Article X of the Illinois Public Aid Code, the clerk shall provide the following additional information to the State Case Registry within 5 business days after entry or modification of an order for support or request from the Illinois Department of Healthcare and Family Services Public Aid:

(1) The amount of monthly or other periodic support owed under the order for support and other amounts, including arrearage, interest, or late payment penalties and fees, due or overdue under the order.

(2) Any such amounts that have been received by the clerk, and the distribution of those amounts by the clerk.

(h) Information filed by the obligor and obligee under this Section that is not specifically required to be included in the body of an order for support under other laws is not a public record and shall be treated as confidential and subject to disclosure only in accordance with the provisions of this Section, Section 10-27 of the Illinois Public Aid Code, and Title IV, Part D of the Social Security Act.

(Source: P.A. 91-212, eff. 7-20-99; 92-463, eff. 8-22-01; revised 12-15-05.)

(750 ILCS 45/15.1) (from Ch. 40, par. 2515.1)

Sec. 15.1. (a) Whenever it is determined in a proceeding to establish or enforce a child support obligation that the person owing a duty of support is unemployed, the court may order the person to seek employment and report periodically to the court with a diary, listing or

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other memorandum of his or her efforts in accordance with such order. Additionally, the court may order the unemployed person to report to the Department of Employment Security for job search services or to make application with the local Job Training Partnership Act provider for participation in job search, training or work programs and where the duty of support is owed to a child receiving child support enforcement services under Article X of the Illinois Public Aid Code, as amended, the court may order the unemployed person to report to the Illinois Department of Healthcare and Family Services Public Aid for participation in job search, training or work programs established under Section 9-6 and Article IXA of that Code.

(b) Whenever it is determined that a person owes past-due support for a child, and the child is receiving assistance under the Illinois Public Aid Code, the court shall order the following at the request of the Illinois Department of Healthcare and Family Services Public Aid:

(1) that the person pay the past-due support in accordance with a plan approved by the court; or

(2) if the person owing past-due support is unemployed, is subject to such a plan, and is not incapacitated, that the person participate in such job search, training, or work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code as the court deems appropriate.

(Source: P.A. 91-357, eff. 7-29-99; 92-590, eff. 7-1-02; revised 12-15-05.)

(750 ILCS 45/18) (from Ch. 40, par. 2518)

Sec. 18. Right to Counsel; Free Transcript on Appeal.

(a) Any party may be represented by counsel at all proceedings under this Act.

(a-5) In any proceedings involving the support, custody, visitation, education, parentage, property interest, or general welfare of a minor or dependent child, the court may, on its own motion or that of any party, and subject to the terms or specifications the court determines, appoint an attorney to serve in one of the following capacities:

(1) as an attorney to represent the child;

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(2) as a guardian ad litem to address issues the court delineates;

(3) as a child's representative whose duty shall be to advocate what the representative finds to be in the best interests of the child after reviewing the facts and circumstances of the case. The child's representative shall have the same power and authority to take part in the conduct of the litigation as does an attorney for a party and shall possess all the powers of investigation and recommendation as does a guardian ad litem. The child's representative shall consider, but not be bound by, the expressed wishes of the child. A child's representative shall have received training in child advocacy or shall possess such experience as determined to be equivalent to such training by the chief judge of the circuit where the child's representative has been appointed. The child's representative shall not disclose confidential communications made by the child, except as required by law or by the Rules of Professional Conduct. The child's representative shall not be called as a witness regarding the issues set forth in this subsection.

During the proceedings the court may appoint an additional attorney to serve in another of the capacities described in subdivisions (1), (2), or (3) of the preceding paragraph on its own motion or that of a party only for good cause shown and when the reasons for the additional appointment are set forth in specific findings.

The court shall enter an order as appropriate for costs, fees, and disbursements, including a retainer, when the attorney, guardian ad litem, or child's representative is appointed, and thereafter as necessary. Such orders shall require payment by either or both parents, by any other party or source, or from the marital estate or the child's separate estate. The court may not order payment by the Illinois Department of Healthcare and Family Services Public Aid in cases in which the Department is providing child support enforcement services under Article X of the Illinois Public Aid Code. Unless otherwise ordered by the court at the time fees and costs are approved, all fees and costs payable to an attorney, guardian ad litem,
or child's representative under this Section are by implication deemed to be in the nature of support of the child and are within the exceptions to discharge in bankruptcy under 11 U.S.C.A. 523. The provisions of Sections 501 and 508 of this Act shall apply to fees and costs for attorneys appointed under this Section.

(b) Upon the request of a mother or child seeking to establish the existence of a father and child relationship, the State's Attorney shall represent the mother or child in the trial court. If the child is an applicant for or a recipient of assistance as defined in Section 2-6 of "The Illinois Public Aid Code", approved April 11, 1967, as amended, or has applied to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) for services under Article X of such Code, the Department may file a complaint in the child's behalf under this Act. The Department shall refer the complaint to the Public Aid Claims Enforcement Division of the Office of the Attorney General as provided in Section 12-16 of "The Illinois Public Aid Code" for enforcement by the Attorney General. Legal representation by the State's Attorney or the Attorney General shall be limited to the establishment and enforcement of an order for support, and shall not extend to visitation, custody, property or other matters. If visitation, custody, property or other matters are raised by a party and considered by the court in any proceeding under this Act, the court shall provide a continuance sufficient to enable the mother or child to obtain representation for such matters.

(c) The Court may appoint counsel to represent any indigent defendant in the trial court, except that this representation shall be limited to the establishment of a parent and child relationship and an order for support, and shall not extend to visitation, custody, property, enforcement of an order for support, or other matters. If visitation, custody, property or other matters are raised by a party and considered by the court in any proceeding under this Act, the court shall provide a continuance sufficient to enable the defendant to obtain representation for such matters.

(d) The court shall furnish on request of any indigent party a transcript for purposes of appeal.

(Source: P.A. 91-410, eff. 1-1-00; 92-590, eff. 7-1-02; revised 12-15-05.)
Sec. 21. Support payments; receiving and disbursing agents.

(1) In an action filed in a county of less than 3 million population in which an order for child support is entered, and in supplementary proceedings in such a county to enforce or vary the terms of such order arising out of an action filed in such a county, the court, except in actions or supplementary proceedings in which the pregnancy and delivery expenses of the mother or the child support payments are for a recipient of aid under the Illinois Public Aid Code, shall direct that child support payments be made to the clerk of the court unless in the discretion of the court exceptional circumstances warrant otherwise. In cases where payment is to be made to persons other than the clerk of the court the judgment or order of support shall set forth the facts of the exceptional circumstances.

(2) In an action filed in a county of 3 million or more population in which an order for child support is entered, and in supplementary proceedings in such a county to enforce or vary the terms of such order arising out of an action filed in such a county, the court, except in actions or supplementary proceedings in which the pregnancy and delivery expenses of the mother or the child support payments are for a recipient of aid under the Illinois Public Aid Code, shall direct that child support payments be made either to the clerk of the court or to the Court Service Division of the County Department of Public Aid, or to the clerk of the court or to the Illinois Department of Healthcare and Family Services Public Aid, unless in the discretion of the court exceptional circumstances warrant otherwise. In cases where payment is to be made to persons other than the clerk of the court, the Court Service Division of the County Department of Public Aid, or the Illinois Department of Healthcare and Family Services Public Aid, the judgment or order of support shall set forth the facts of the exceptional circumstances.

(3) Where the action or supplementary proceeding is in behalf of a mother for pregnancy and delivery expenses or for child support, or both, and the mother, child, or both, are recipients of aid under the Illinois Public Aid Code, the court shall order that the payments be made directly
to (a) the Illinois Department of Healthcare and Family Services Public Aid if the mother or child, or both, are recipients under Articles IV or V of the Code, or (b) the local governmental unit responsible for the support of the mother or child, or both, if they are recipients under Articles VI or VII of the Code. In accordance with federal law and regulations, the Illinois Department of Healthcare and Family Services Public Aid may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X of the Illinois Public Aid Code. The Illinois Department of Healthcare and Family Services Public Aid shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. The Illinois Department of Healthcare and Family Services Public Aid or the local governmental unit, as the case may be, may direct that payments be made directly to the mother of the child, or to some other person or agency in the child's behalf, upon the removal of the mother and child from the public aid rolls or upon termination of services under Article X of the Illinois Public Aid Code; and upon such direction, the Illinois Department or the local governmental unit, as the case requires, shall give notice of such action to the court in writing or by electronic transmission.

(4) All clerks of the court and the Court Service Division of a County Department of Public Aid and the Illinois Department of Healthcare and Family Services Public Aid, receiving child support payments under paragraphs (1) or (2) shall disburse the same to the person or persons entitled thereto under the terms of the order. They shall establish and maintain clear and current records of all moneys received and disbursed and of defaults and delinquencies in required payments. The court, by order or rule, shall make provision for the carrying out of these duties.

Payments under this Section to the Illinois Department of Healthcare and Family Services Public Aid pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All

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payments under this Section to the Illinois Department of Human Services shall be deposited in the DHS Recoveries Trust Fund. Disbursement from these funds shall be as provided in the Illinois Public Aid Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.

(5) The moneys received by persons or agencies designated by the court shall be disbursed by them in accordance with the order. However, the court, on petition of the state's attorney, may enter new orders designating the clerk of the court or the Illinois Department of Healthcare and Family Services Public Aid, as the person or agency authorized to receive and disburse child support payments and, in the case of recipients of public aid, the court, on petition of the Attorney General or State's Attorney, shall direct subsequent payments to be paid to the Illinois Department of Healthcare and Family Services Public Aid or to the appropriate local governmental unit, as provided in paragraph (3). Payments of child support by principals or sureties on bonds, or proceeds of any sale for the enforcement of a judgment shall be made to the clerk of the court, the Illinois Department of Healthcare and Family Services Public Aid or the appropriate local governmental unit, as the respective provisions of this Section require.

(6) For those cases in which child support is payable to the clerk of the circuit court for transmittal to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) by order of court or upon notification by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid), the clerk shall transmit all such payments, within 4 working days of receipt, to insure that funds are available for immediate distribution by the Department to the person or entity entitled thereto in accordance with standards of the Child Support Enforcement Program established under Title IV-D of the Social Security Act. The clerk shall notify the Department of the date of receipt and amount thereof at the time of transmittal. Where the clerk has entered into an agreement of cooperation with the Department to record the terms of child support orders and payments made thereunder directly into the Department's automated data processing system, the clerk shall account

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for, transmit and otherwise distribute child support payments in accordance with such agreement in lieu of the requirements contained herein.

(7) To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Section 21.1 of this Act and Section 10-26 of the Illinois Public Aid Code, the requirements pertaining to the State Disbursement Unit shall apply.

(Source: P.A. 94-88, eff. 1-1-06; revised 12-15-05.)

(750 ILCS 45/21.1)

Sec. 21.1. Payment of Support to State Disbursement Unit.

(a) As used in this Section:
"Order for support", "obligor", "obligee", and "payor" mean those terms as defined in the Income Withholding for Support Act, except that "order for support" shall not mean orders providing for spousal maintenance under which there is no child support obligation.

(b) Notwithstanding any other provision of this Act to the contrary, each order for support entered or modified on or after October 1, 1999 shall require that support payments be made to the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code if:

(1) a party to the order is receiving child support enforcement services under Article X of the Illinois Public Aid Code; or

(2) no party to the order is receiving child support enforcement services, but the support payments are made through income withholding.

(c) Support payments shall be made to the State Disbursement Unit if:

(1) the order for support was entered before October 1, 1999, and a party to the order is receiving child support enforcement services under Article X of the Illinois Public Aid Code; or

(2) no party to the order is receiving child support enforcement services, and the support payments are being made through income withholding.

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(c-5) If no party to the order is receiving child support enforcement services under Article X of the Illinois Public Aid Code, and the support payments are not made through income withholding, then support payments shall be made as directed by the order for support.

(c-10) At any time, and notwithstanding the existence of an order directing payments to be made elsewhere, the Department of Healthcare and Family Services Public Aid may provide notice to the obligor and, where applicable, to the obligor's payor:

(1) to make support payments to the State Disbursement Unit if:

(A) a party to the order for support is receiving child support enforcement services under Article X of the Illinois Public Aid Code; or

(B) no party to the order for support is receiving child support enforcement services under Article X of the Illinois Public Aid Code, but the support payments are made through income withholding; or

(2) to make support payments to the State Disbursement Unit of another state upon request of another state's Title IV-D child support enforcement agency, in accordance with the requirements of Title IV, Part D of the Social Security Act and regulations promulgated under that Part D.

The Department of Healthcare and Family Services Public Aid shall provide a copy of the notice to the obligee and to the clerk of the circuit court.

(c-15) Within 15 days after the effective date of this amendatory Act of the 91st General Assembly, the clerk of the circuit court shall provide written notice to the obligor to directly to the clerk of the circuit court if no party to the order is receiving child support enforcement services under Article X of the Illinois Public Aid Code, the support payments are not made through income withholding, and the order for support requires support payments to be made directly to the clerk of the circuit court. The clerk shall provide a copy of the notice to the obligee.

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(c-20) If the State Disbursement Unit receives a support payment that was not appropriately made to the Unit under this Section, the Unit shall immediately return the payment to the sender, including, if possible, instructions detailing where to send the support payments.

(d) The notices under subsections (c-10) and (c-15) may be sent by ordinary mail, certified mail, return receipt requested, facsimile transmission, or other electronic process, or may be served upon the obligor or payor using any method provided by law for service of a summons.

(Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00; 92-590, eff. 7-1-02; revised 12-15-05.)

(750 ILCS 45/22) (from Ch. 40, par. 2522)

Sec. 22. In all cases instituted by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) on behalf of a child or spouse, other than one receiving a grant of financial aid under Article IV of The Illinois Public Aid Code, on whose behalf an application has been made and approved for child support enforcement services as provided by Section 10-1 of that Code, the court shall impose a collection fee on the individual who owes a child or spouse support obligation in an amount equal to 10% of the amount so owed as long as such collection is required by federal law, which fee shall be in addition to the support obligation. The imposition of such fee shall be in accordance with provisions of Title IV, Part D, of the Social Security Act and regulations duly promulgated thereunder. The fee shall be payable to the clerk of the circuit court for transmittal to the Department of Healthcare and Family Services Public Aid and shall continue until support services are terminated by that Department.

(Source: P.A. 92-590, eff. 7-1-02; revised 12-15-05.)

(750 ILCS 45/23) (from Ch. 40, par. 2523)

Sec. 23. Notice to Clerk of Circuit Court of Payment Received by Illinois Department of Healthcare and Family Services Public Aid for Recording. For those cases in which support is payable to the clerk of the circuit court for transmittal to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) by order of court,

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and the Illinois Department of Public Aid collects support by assignment, offset, withhold, deduction or other process permitted by law, the Illinois Department of Public Aid shall notify the clerk of the date and amount of such collection. Upon notification, the clerk shall record the collection on the payment record for the case.

(Source: P.A. 83-1372; revised 12-15-05.)

(750 ILCS 45/28)

Sec. 28. Notice of child support enforcement services. The Illinois Department of Healthcare and Family Services Public Aid may provide notice at any time to the parties to an action filed under this Act that child support enforcement services are being provided by the Illinois Department under Article X of the Illinois Public Aid Code. The notice shall be sent by regular mail to the party's last known address on file with the clerk of the court or the State Case Registry established under Section 10-27 of the Illinois Public Aid Code. After notice is provided pursuant to this Section, the Illinois Department shall be entitled, as if it were a party, to notice of any further proceedings brought in the case. The Illinois Department shall provide the clerk of the court with copies of the notices sent to the parties. The clerk shall file the copies in the court file.

(Source: P.A. 94-88, eff. 1-1-06; revised 12-15-05.)

Section 1160. The Adoption Act is amended by changing Section 18.05 as follows:

(750 ILCS 50/18.05)

Sec. 18.05. The Illinois Adoption Registry and Medical Information Exchange.

(a) General function. Subject to appropriation, the Department of Public Health shall administer the Illinois Adoption Registry and Medical Information Exchange in the manner outlined in subsections (b) and (c) for the purpose of facilitating the voluntary exchange of medical information between mutually consenting members of birth and adoptive families. The Department shall establish rules for the confidential operation of the Illinois Adoption Registry. The Department shall conduct a public information campaign through public service announcements and other forms of media coverage and, until December 31, 2010, through notices

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enclosed with driver's license renewal applications, shall inform the public of the Illinois Adoption Registry and Medical Information Exchange. The Illinois Adoption Registry shall also maintain an informational Internet site where interested parties may access information about the Illinois Adoption Registry and Medical Information Exchange and download all necessary application forms. The Illinois Adoption Registry shall maintain statistical records regarding Registry participation and publish and circulate to the public informational material about the function and operation of the Registry.

(b) Establishment of the Adoption/Surrender Records File. When a person has voluntarily registered with the Illinois Adoption Registry and completed an Illinois Adoption Registry Application or a Registration Identification Form, the Registry shall establish a new Adoption/Surrender Records File. Such file may concern an adoption that was finalized by a court action in the State of Illinois, an adoption of a person born in Illinois finalized by a court action in a state other than Illinois or in a foreign country, a surrender taken in the State of Illinois, or an adoption filed according to Section 16.1 of the Vital Records Act under a Record of Foreign Birth that was not finalized by a court action in the State of Illinois. Such file may be established for adoptions or surrenders finalized prior to as well as after the effective date of this amendatory Act. A file may be created in any manner to preserve documents including but not limited to microfilm, optical imaging, or electronic documents.

(c) Contents of the Adoption/Surrender Records File. An established Adoption/Surrender Records File shall be limited to the following items, to the extent that they are available:

1. The General Information Section and Medical Information Exchange Questionnaire of any Illinois Adoption Registry Application or a Registration Identification Form which has been voluntarily completed by any registered party.

2. Any photographs voluntarily provided by any registrant for any other registered party at the time of registration or any time thereafter. All such photographs shall be submitted in an unsealed envelope no larger than 8 1/2" x 11", and shall not include
identifying information pertaining to any person other than the registrant who submitted them. Any such identifying information shall be redacted by the Department or the information shall be returned for removal of identifying information.

(3) Any Information Exchange Authorization or Denial of Information Exchange which has been filed by a registrant.

(4) For all adoptions finalized after January 1, 2000, copies of the original certificate of live birth and the certificate of adoption.

(5) Any updated address submitted by any registered party about himself or herself.

(6) Any proof of death which has been submitted by a registrant.

(7) Any birth certificate that has been submitted by a registrant.

(8) Any marriage certificate that has been submitted by a registrant.

(9) Any proof of guardianship that has been submitted by a registrant.

(d) An established Adoption/Surrender Records File for an adoption filed in Illinois under a Record of Foreign Birth that was not finalized in a court action in the State of Illinois shall be limited to the following items submitted to the State Registrar of Vital Records under Section 16.1 of the Vital Records Act, to the extent that they are available:

1. Evidence as to the child's birth date and birthplace (including the country of birth and, if available, the city and province of birth) provided by the original birth certificate, or by a certified copy, extract, or translation thereof or by other document essentially equivalent thereto (the records of the U.S. Immigration and Naturalization Service or of the U.S. Department of State to be considered essentially equivalent thereto).

2. A certified copy, extract, or translation of the adoption decree or other document essentially equivalent thereto (the records of the U.S. Immigration and Naturalization Service or of
the U.S. Department of State to be considered essentially equivalent thereto).

(3) A copy of the IR-3 visa.

(4) The name and address of the adoption agency that handled the adoption.

(Source: P.A. 94-173, eff. 1-1-06; 94-430, eff. 8-2-05; revised 8-19-05.)

Section 1165. The Illinois Domestic Violence Act of 1986 is amended by changing Sections 219, 223, 224, and 302 as follows:

(750 ILCS 60/219) (from Ch. 40, par. 2312-19)

Sec. 219. Plenary order of protection. A plenary order of protection shall issue if petitioner has served notice of the hearing for that order on respondent, in accordance with Section 211, and satisfies the requirements of this Section for one or more of the requested remedies. For each remedy requested, petitioner must establish that:

(1) the court has jurisdiction under Section 208;

(2) the requirements of Section 214 are satisfied; and

(3) a general appearance was made or filed by or for respondent or process was served on respondent in the manner required by Section 210; and

(4) respondent has answered or is in default.

(Source: P.A. 84-1305; revised 2-25-02.)

(750 ILCS 60/223) (from Ch. 40, par. 2312-23)

Sec. 223. Enforcement of orders of protection.

(a) When violation is crime. A violation of any order of protection, whether issued in a civil or criminal proceeding, shall be enforced by a criminal court when:

(1) The respondent commits the crime of violation of an order of protection pursuant to Section 12-30 of the Criminal Code of 1961, by having knowingly violated:

(i) remedies described in paragraphs (1), (2), (3), (14), or (14.5) of subsection (b) of Section 214 of this Act; or

(ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (2), (3), (14),

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and (14.5) of subsection (b) of Section 214 of this Act, in a
valid order of protection which is authorized under the laws
of another state, tribe, or United States territory; or

(iii) any other remedy when the act constitutes a
crime against the protected parties as defined by the

Prosecution for a violation of an order of protection shall
not bar concurrent prosecution for any other crime, including any
crime that may have been committed at the time of the violation of
the order of protection; or

(2) The respondent commits the crime of child abduction
pursuant to Section 10-5 of the Criminal Code of 1961, by having
knowingly violated:

(i) remedies described in paragraphs (5), (6) or (8)
of subsection (b) of Section 214 of this Act; or

(ii) a remedy, which is substantially similar to the
remedies authorized under paragraphs (5), (6), or (8) of
subsection (b) of Section 214 of this Act, in a valid order of
protection which is authorized under the laws of another
state, tribe, or United States territory.

(b) When violation is contempt of court. A violation of any valid
Illinois order of protection, whether issued in a civil or criminal
proceeding, may be enforced through civil or criminal contempt
procedures, as appropriate, by any court with jurisdiction, regardless where
the act or acts which violated the order of protection were committed, to
the extent consistent with the venue provisions of this Act. Nothing in this
Act shall preclude any Illinois court from enforcing any valid order of
protection issued in another state. Illinois courts may enforce orders of
protection through both criminal prosecution and contempt proceedings,
unless the action which is second in time is barred by collateral estoppel or
the constitutional prohibition against double jeopardy.

(1) In a contempt proceeding where the petition for a rule to
show cause sets forth facts evidencing an immediate danger that
the respondent will flee the jurisdiction, conceal a child, or inflict

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physical abuse on the petitioner or minor children or on dependent adults in petitioner's care, the court may order the attachment of the respondent without prior service of the rule to show cause or the petition for a rule to show cause. Bond shall be set unless specifically denied in writing.

(2) A petition for a rule to show cause for violation of an order of protection shall be treated as an expedited proceeding.

(c) Violation of custody or support orders. A violation of remedies described in paragraphs (5), (6), (8), or (9) of subsection (b) of Section 214 of this Act may be enforced by any remedy provided by Section 611 of the Illinois Marriage and Dissolution of Marriage Act. The court may enforce any order for support issued under paragraph (12) of subsection (b) of Section 214 in the manner provided for under Parts Articles V and VII of the Illinois Marriage and Dissolution of Marriage Act.

(d) Actual knowledge. An order of protection may be enforced pursuant to this Section if the respondent violates the order after the respondent has actual knowledge of its contents as shown through one of the following means:

(1) By service, delivery, or notice under Section 210.
(2) By notice under Section 210.1 or 211.
(3) By service of an order of protection under Section 222.
(4) By other means demonstrating actual knowledge of the contents of the order.

(e) The enforcement of an order of protection in civil or criminal court shall not be affected by either of the following:

(1) The existence of a separate, correlative order, entered under Section 215.
(2) Any finding or order entered in a conjoined criminal proceeding.

(f) Circumstances. The court, when determining whether or not a violation of an order of protection has occurred, shall not require physical manifestations of abuse on the person of the victim.

(g) Penalties.
(1) Except as provided in paragraph (3) of this subsection, where the court finds the commission of a crime or contempt of court under subsections (a) or (b) of this Section, the penalty shall be the penalty that generally applies in such criminal or contempt proceedings, and may include one or more of the following: incarceration, payment of restitution, a fine, payment of attorneys' fees and costs, or community service.

(2) The court shall hear and take into account evidence of any factors in aggravation or mitigation before deciding an appropriate penalty under paragraph (1) of this subsection.

(3) To the extent permitted by law, the court is encouraged to:

(i) increase the penalty for the knowing violation of any order of protection over any penalty previously imposed by any court for respondent's violation of any order of protection or penal statute involving petitioner as victim and respondent as defendant;

(ii) impose a minimum penalty of 24 hours imprisonment for respondent's first violation of any order of protection; and

(iii) impose a minimum penalty of 48 hours imprisonment for respondent's second or subsequent violation of an order of protection unless the court explicitly finds that an increased penalty or that period of imprisonment would be manifestly unjust.

(4) In addition to any other penalties imposed for a violation of an order of protection, a criminal court may consider evidence of any violations of an order of protection:

(i) to increase, revoke or modify the bail bond on an underlying criminal charge pursuant to Section 110-6 of the Code of Criminal Procedure of 1963;

(ii) to revoke or modify an order of probation, conditional discharge or supervision, pursuant to Section 5-6-4 of the Unified Code of Corrections;

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(iii) to revoke or modify a sentence of periodic imprisonment, pursuant to Section 5-7-2 of the Unified Code of Corrections.

(5) In addition to any other penalties, the court shall impose an additional fine of $20 as authorized by Section 5-9-1.11 of the Unified Code of Corrections upon any person convicted of or placed on supervision for a violation of an order of protection. The additional fine shall be imposed for each violation of this Section.

(Source: P.A. 93-359, eff. 1-1-04; revised 10-11-05.)

(750 ILCS 60/224) (from Ch. 40, par. 2312-24)

Sec. 224. Modification and re-opening of orders.

(a) Except as otherwise provided in this Section, upon motion by petitioner, the court may modify an emergency, interim, or plenary order of protection:

(1) If respondent has abused petitioner since the hearing for that order, by adding or altering one or more remedies, as authorized by Section 214; and

(2) Otherwise, by adding any remedy authorized by Section 214 which was:

(i) reserved in that order of protection;

(ii) not requested for inclusion in that order of protection; or

(iii) denied on procedural grounds, but not on the merits.

(b) Upon motion by petitioner or respondent, the court may modify any prior order of protection's remedy for custody, visitation or payment of support in accordance with the relevant provisions of the Illinois Marriage and Dissolution of Marriage Act. Each order of protection shall be entered in the Law Enforcement Agencies Automated Data System on the same day it is issued by the court.

(c) After 30 days following entry of a plenary order of protection, a court may modify that order only when changes in the applicable law or facts since that plenary order was entered warrant a modification of its terms.

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(d) Upon 2 days' notice to petitioner, in accordance with Section 211 of this Act, or such shorter notice as the court may prescribe, a respondent subject to an emergency or interim order of protection issued under this Act may appear and petition the court to re-hear the original or amended petition. Any petition to re-hear shall be verified and shall allege the following:

(1) that respondent did not receive prior notice of the initial hearing in which the emergency, interim, or plenary order was entered under Sections 211 and 217; and

(2) that respondent had a meritorious defense to the order or any of its remedies or that the order or any of its remedies was not authorized by this Act.

(e) In the event that the emergency or interim order granted petitioner exclusive possession and the petition of respondent seeks to re-open or vacate that grant, the court shall set a date for hearing within 14 days on all issues relating to exclusive possession. Under no circumstances shall a court continue a hearing concerning exclusive possession beyond the 14th day, except by agreement of the parties. Other issues raised by the pleadings may be consolidated for the hearing if neither party nor the court objects.

(f) This Section does not limit the means, otherwise available by law, for vacating or modifying orders of protection.

(Source: P.A. 87-1186; revised 2-17-03.)

(750 ILCS 60/302) (from Ch. 40, par. 2313-2)

Sec. 302. Data maintenance by law enforcement agencies.

(a) All sheriffs shall furnish to the Department of State Police, on the same day as received, in the form and detail the Department requires, copies of any recorded emergency, interim, or plenary orders of protection issued by the court, and any foreign orders of protection filed by the clerk of the court, and transmitted to the sheriff by the clerk of the court pursuant to subsection (b) of Section 222 of this Act. Each order of protection shall be entered in the Law Enforcement Agencies Automated Data System on the same day it is issued by the court. If an emergency order of protection was issued in accordance with subsection (c) of Section
217, the order shall be entered in the Law Enforcement Agencies Automated Data System as soon as possible after receipt from the clerk.

(b) The Department of State Police shall maintain a complete and systematic record and index of all valid and recorded orders of protection issued pursuant to this Act. The data shall be used to inform all dispatchers and law enforcement officers at the scene of an alleged incident of abuse, neglect, or exploitation or violation of an order of protection of any recorded prior incident of abuse, neglect, or exploitation involving the abused, neglected, or exploited party and the effective dates and terms of any recorded order of protection.

(c) The data, records and transmittals required under this Section shall pertain to any valid emergency, interim or plenary order of protection, whether issued in a civil or criminal proceeding or authorized under the laws of another state, tribe, or United States territory.

(Source: P.A. 90-392, eff. 1-1-98; 91-903, eff. 1-1-01; revised 2-17-03.)

Section 1170. The Parental Notice of Abortion Act of 1995 is amended by changing Section 10 as follows:

(750 ILCS 70/10)

Sec. 10. Definitions. As used in this Act:

"Abortion" means the use of any instrument, medicine, drug, or any other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of a child after live birth, or to remove a dead fetus.

"Actual notice" means the giving of notice directly, in person, or by telephone.

"Adult family member" means a person over 21 years of age who is the parent, grandparent, step-parent living in the household, or legal guardian.

"Constructive notice" means notice by certified mail to the last known address of the person entitled to notice with delivery deemed to have occurred 48 hours after the certified notice is mailed.

"Incompetent" means any person who has been adjudged as mentally ill or developmentally disabled and who, because of her mental

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illness or developmental disability, is not fully able to manage her person and for whom a guardian of the person has been appointed under Section 11a-3(a)(1) of the Probate Act of 1975.

"Medical emergency" means a condition that, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function.

"Minor" means any person under 18 years of age who is not or has not been married or who has not been emancipated under the Emancipation of Mature Minors Act.

"Neglect" means the failure of an adult family member to supply a child with necessary food, clothing, shelter, or medical care when reasonably able to do so or the failure to protect a child from conditions or actions that imminently and seriously endanger the child's physical or mental health when reasonably able to do so.

"Physical abuse" means any physical injury intentionally inflicted by an adult family member on a child.

"Physician" means any person licensed to practice medicine in all its branches under the Illinois Medical Practice Act of 1987.

"Sexual abuse" means any sexual conduct or sexual penetration as defined in Section 12-12 of the Criminal Code of 1961 that is prohibited by the criminal laws of the State of Illinois and committed against a minor by an adult family member as defined in this Act.

(Source: P.A. 89-18, eff. 6-1-95; revised 10-9-03.)

Section 1175. The Probate Act of 1975 is amended by changing Sections 6-5 and 11a-18 as follows:

(755 ILCS 5/6-5) (from Ch. 110 1/2, par. 6-5)

Sec. 6-5. Deposition of witness.) When a witness to a will resides outside the county in which the will is offered for probate or is unable to attend court and can be found and is mentally and physically capable of testifying, the court, upon the petition of any person seeking probate of the will and upon such notice of the petition to persons interested as the court directs, may issue a commission with the will or a photographic copy

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thereof attached. The commission shall be directed to any judge, notary public, mayor or other chief magistrate of a city or United States consul, vice-consul, consular agent, secretary of legation or commissioned officer in active service of the armed forces of the United States and shall authorize and require him to cause that witness to come before him at such time and place as he designates and to take the deposition of the witness on oath or affirmation and upon all such written interrogatories and cross-interrogatories as may be enclosed with the commission. With the least possible delay the person taking the deposition shall certify it, the commission, and the interrogatories to the court from which the commission issued. When the deposition of a witness is so taken and returned to the court, his testimony has the same effect as if he testified in the court from which the commission issued. When the commission is issued to the officer by his official title only and not by name, the seal of his office attached to his certificate is sufficient evidence of his identity and official character.

(Source: P.A. 81-213; revised 10-11-05.)

(755 ILCS 5/11a-18) (from Ch. 110 1/2, par. 11a-18)

Sec. 11a-18. Duties of the estate guardian.

(a) To the extent specified in the order establishing the guardianship, the guardian of the estate shall have the care, management and investment of the estate, shall manage the estate frugally and shall apply the income and principal of the estate so far as necessary for the comfort and suitable support and education of the ward, his minor and adult dependent children, and persons related by blood or marriage who are dependent upon or entitled to support from him, or for any other purpose which the court deems to be for the best interests of the ward, and the court may approve the making on behalf of the ward of such agreements as the court determines to be for the ward's best interests. The guardian may make disbursement of his ward's funds and estate directly to the ward or other distributee or in such other manner and in such amounts as the court directs. If the estate of a ward is derived in whole or in part from payments of compensation, adjusted compensation, pension, insurance or other similar benefits made directly to the estate by the
Veterans Administration, notice of the application for leave to invest or expend the ward's funds or estate, together with a copy of the petition and proposed order, shall be given to the Veterans' Administration Regional Office in this State at least 7 days before the hearing on the application.

(a-5) The probate court, upon petition of a guardian, other than the guardian of a minor, and after notice to all other persons interested as the court directs, may authorize the guardian to exercise any or all powers over the estate and business affairs of the ward that the ward could exercise if present and not under disability. The court may authorize the taking of an action or the application of funds not required for the ward's current and future maintenance and support in any manner approved by the court as being in keeping with the ward's wishes so far as they can be ascertained. The court must consider the permanence of the ward's disabling condition and the natural objects of the ward's bounty. In ascertaining and carrying out the ward's wishes the court may consider, but shall not be limited to, minimization of State or federal income, estate, or inheritance taxes; and providing gifts to charities, relatives, and friends that would be likely recipients of donations from the ward. The ward's wishes as best they can be ascertained shall be carried out, whether or not tax savings are involved. Actions or applications of funds may include, but shall not be limited to, the following:

(1) making gifts of income or principal, or both, of the estate, either outright or in trust;
(2) conveying, releasing, or disclaiming his or her contingent and expectant interests in property, including marital property rights and any right of survivorship incident to joint tenancy or tenancy by the entirety;
(3) releasing or disclaiming his or her powers as trustee, personal representative, custodian for minors, or guardian;
(4) exercising, releasing, or disclaiming his or her powers as donee of a power of appointment;
(5) entering into contracts;

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(6) creating for the benefit of the ward or others, revocable or irrevocable trusts of his or her property that may extend beyond his or her disability or life; :

(7) exercising options of the ward to purchase or exchange securities or other property;

(8) exercising the rights of the ward to purchase or exchange securities or other property, to terminate, to change beneficiaries or ownership, to assign rights, to borrow, or to receive cash value in return for a surrender of rights under any one or more of the following:

   (i) life insurance policies, plans, or benefits, :
   (ii) annuity policies, plans, or benefits, :
   (iii) mutual fund and other dividend investment plans, :
   (iv) retirement, profit sharing, and employee welfare plans and benefits;

(9) exercising his or her right to claim or disclaim an elective share in the estate of his or her deceased spouse and to renounce any interest by testate or intestate succession or by inter vivos transfer;

(10) changing the ward's residence or domicile; or

(11) modifying by means of codicil or trust amendment the terms of the ward's will or any revocable trust created by the ward, as the court may consider advisable in light of changes in applicable tax laws.

The guardian in his or her petition shall briefly outline the action or application of funds for which he or she seeks approval, the results expected to be accomplished thereby, and the tax savings, if any, expected to accrue. The proposed action or application of funds may include gifts of the ward's personal property or real estate, but transfers of real estate shall be subject to the requirements of Section 20 of this Act. Gifts may be for the benefit of prospective legatees, devisees, or heirs apparent of the ward or may be made to individuals or charities in which the ward is believed to have an interest. The guardian shall also indicate in the petition that any

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planned disposition is consistent with the intentions of the ward insofar as they can be ascertained, and if the ward's intentions cannot be ascertained, the ward will be presumed to favor reduction in the incidents of various forms of taxation and the partial distribution of his or her estate as provided in this subsection. The guardian shall not, however, be required to include as a beneficiary or fiduciary any person who he has reason to believe would be excluded by the ward. A guardian shall be required to investigate and pursue a ward's eligibility for governmental benefits.

(b) Upon the direction of the court which issued his letters, a guardian may perform the contracts of his ward which were legally subsisting at the time of the commencement of the ward's disability. The court may authorize the guardian to execute and deliver any bill of sale, deed or other instrument.

(c) The guardian of the estate of a ward shall appear for and represent the ward in all legal proceedings unless another person is appointed for that purpose as guardian or next friend. This does not impair the power of any court to appoint a guardian ad litem or next friend to defend the interests of the ward in that court, or to appoint or allow any person as the next friend of a ward to commence, prosecute or defend any proceeding in his behalf. Without impairing the power of the court in any respect, if the guardian of the estate of a ward and another person as next friend shall appear for and represent the ward in a legal proceeding in which the compensation of the attorney or attorneys representing the guardian and next friend is solely determined under a contingent fee arrangement, the guardian of the estate of the ward shall not participate in or have any duty to review the prosecution of the action, to participate in or review the appropriateness of any settlement of the action, or to participate in or review any determination of the appropriateness of any fees awarded to the attorney or attorneys employed in the prosecution of the action.

(d) Adjudication of disability shall not revoke or otherwise terminate a trust which is revocable by the ward. A guardian of the estate shall have no authority to revoke a trust that is revocable by the ward, except that the court may authorize a guardian to revoke a Totten trust or

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similar deposit or withdrawable capital account in trust to the extent necessary to provide funds for the purposes specified in paragraph (a) of this Section. If the trustee of any trust for the benefit of the ward has discretionary power to apply income or principal for the ward's benefit, the trustee shall not be required to distribute any of the income or principal to the guardian of the ward's estate, but the guardian may bring an action on behalf of the ward to compel the trustee to exercise the trustee's discretion or to seek relief from an abuse of discretion. This paragraph shall not limit the right of a guardian of the estate to receive accountings from the trustee on behalf of the ward.

(e) Absent court order pursuant to the "Illinois Power of Attorney Act" enacted by the 85th General Assembly directing a guardian to exercise powers of the principal under an agency that survives disability, the guardian will have no power, duty or liability with respect to any property subject to the agency. This subsection (e) applies to all agencies, whenever and wherever executed.

(f) Upon petition by any interested person (including the standby or short-term guardian), with such notice to interested persons as the court directs and a finding by the court that it is in the best interest of the disabled person, the court may terminate or limit the authority of a standby or short-term guardian or may enter such other orders as the court deems necessary to provide for the best interest of the disabled person. The petition for termination or limitation of the authority of a standby or short-term guardian may, but need not, be combined with a petition to have another guardian appointed for the disabled person.

(Source: P.A. 89-672, eff. 8-14-96; 90-345, eff. 8-8-97; 90-796, eff. 12-15-98; revised 1-20-03.)

Section 1180. The Illinois Living Will Act is amended by changing Sections 2 and 3 as follows:

(755 ILCS 35/2) (from Ch. 110 1/2, par. 702)
Sec. 2. Definitions:
(a) "Attending physician" means the physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

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Public Act 95-0331

(b) "Declaration" means a witnessed document in writing, voluntarily executed by the declarant in accordance with the requirements of Section 3.

(c) "Health-care provider" means a person who is licensed, certified or otherwise authorized by the law of this State to administer health care in the ordinary course of business or practice of a profession.

(d) "Death delaying procedure" means any medical procedure or intervention which, when applied to a qualified patient, in the judgement of the attending physician would serve only to postpone the moment of death. In appropriate circumstances, such procedures include, but are not limited to, assisted ventilation, artificial kidney treatments, intravenous feeding or medication, blood transfusions, tube feeding and other procedures of greater or lesser magnitude that serve only to delay death. However, this Act does not affect the responsibility of the attending physician or other health care provider to provide treatment for a patient's comfort care or alleviation of pain. Nutrition and hydration shall not be withdrawn or withheld from a qualified patient if the withdrawal or withholding would result in death solely from dehydration or starvation rather than from the existing terminal condition.

(e) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, government, governmental subdivision or agency, or any other legal entity.

(f) "Physician" means a person licensed to practice medicine in all its branches.

(g) "Qualified patient" means a patient who has executed a declaration in accordance with this Act and who has been diagnosed and verified in writing to be afflicted with a terminal condition by his or her attending physician who has personally examined the patient. A qualified patient has the right to make decisions regarding death delaying procedures as long as he or she is able to do so.

(h) "Terminal condition" means an incurable and irreversible condition which is such that death is imminent and the application of death delaying procedures serves only to prolong the dying process.

(Source: P.A. 85-860; revised 9-15-06.)

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(755 ILCS 35/3) (from Ch. 110 1/2, par. 703)

Sec. 3. Execution of a Document.

(a) An individual of sound mind and having reached the age of majority or having obtained the status of an emancipated person pursuant to the "Emancipation of Mature Minors Act", as now or hereafter amended, may execute a document directing that if he is suffering from a terminal condition, then death delaying procedures shall not be utilized for the prolongation of his life.

(b) The declaration must be signed by the declarant, or another at the declarant's direction, and witnessed by 2 individuals 18 years of age or older.

(c) The declaration of a qualified patient diagnosed as pregnant by the attending physician shall be given no force and effect as long as in the opinion of the attending physician it is possible that the fetus could develop to the point of live birth with the continued application of death delaying procedures.

(d) If the patient is able, it shall be the responsibility of the patient to provide for notification to his or her attending physician of the existence of a declaration, to provide the declaration to the physician and to ask the attending physician whether he or she is willing to comply with its provisions. An attending physician who is so notified shall make the declaration, or copy of the declaration, a part of the patient's medical records. If the physician is at any time unwilling to comply with its provisions, the physician shall promptly so advise the declarant. If the physician is unwilling to comply with its provisions and the patient is able, it is the patient's responsibility to initiate the transfer to another physician of the patient's choosing. If the physician is unwilling to comply with its provisions and the patient is at any time not able to initiate the transfer, then the attending physician shall without delay notify the person with the highest priority, as set forth in this subsection, who is available, able, and willing to make arrangements for the transfer of the patient and the appropriate medical records to another physician for the effectuation of the patient's declaration. The order of priority is as follows: (1) any person authorized by the patient to make such arrangements, (2) a guardian of the
person of the patient, without the necessity of obtaining a court order to do so, and (3) any member of the patient's family.

(e) The declaration may, but need not, be in the following form, and in addition may include other specific directions. Should any specific direction be determined to be invalid, such invalidity shall not affect other directions of the declaration which can be given effect without the invalid direction, and to this end the directions in the declaration are severable.

DECLARATION

This declaration is made this ............... day of ............... (month, year). I, ....................., being of sound mind, willfully and voluntarily make known my desires that my moment of death shall not be artificially postponed.

If at any time I should have an incurable and irreversible injury, disease, or illness judged to be a terminal condition by my attending physician who has personally examined me and has determined that my death is imminent except for death delaying procedures, I direct that such procedures which would only prolong the dying process be withheld or withdrawn, and that I be permitted to die naturally with only the administration of medication, sustenance, or the performance of any medical procedure deemed necessary by my attending physician to provide me with comfort care.

In the absence of my ability to give directions regarding the use of such death delaying procedures, it is my intention that this declaration shall be honored by my family and physician as the final expression of my legal right to refuse medical or surgical treatment and accept the consequences from such refusal.

Signed .......................

City, County and State of Residence ......................

The declarant is personally known to me and I believe him or her to be of sound mind. I saw the declarant sign the declaration in my presence (or the declarant acknowledged in my presence that he or she had signed the declaration) and I signed the declaration as a witness in the presence of the declarant. I did not sign the declarant's signature above for or at the direction of the declarant. At the date of this instrument, I am not
entitled to any portion of the estate of the declarant according to the laws of intestate succession or, to the best of my knowledge and belief, under any will of declarant or other instrument taking effect at declarant's death, or directly financially responsible for declarant's medical care.
Witness ......................
Witness ......................

(Source: P.A. 85-1209; revised 10-9-03.)

Section 1185. The Health Care Surrogate Act is amended by changing Section 10 as follows:

Sec. 10. Definitions.

"Adult" means a person who is (i) 18 years of age or older or (ii) an emancipated minor under the Emancipation of Mature Minors Act.

"Artificial nutrition and hydration" means supplying food and water through a conduit, such as a tube or intravenous line, where the recipient is not required to chew or swallow voluntarily, including, but not limited to, nasogastric tubes, gastrostomies, jejunostomies, and intravenous infusions. Artificial nutrition and hydration does not include assisted feeding, such as spoon or bottle feeding.

"Available" means that a person is not "unavailable". A person is unavailable if (i) the person's existence is not known, (ii) the person has not been able to be contacted by telephone or mail, or (iii) the person lacks decisional capacity, refuses to accept the office of surrogate, or is unwilling to respond in a manner that indicates a choice among the treatment matters at issue.

"Attending physician" means the physician selected by or assigned to the patient who has primary responsibility for treatment and care of the patient and who is a licensed physician in Illinois. If more than one physician shares that responsibility, any of those physicians may act as the attending physician under this Act.

"Close friend" means any person 18 years of age or older who has exhibited special care and concern for the patient and who presents an affidavit to the attending physician stating that he or she (i) is a close friend of the patient, (ii) is willing and able to become involved in the

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patient's health care, and (iii) has maintained such regular contact with the patient as to be familiar with the patient's activities, health, and religious and moral beliefs. The affidavit must also state facts and circumstances that demonstrate that familiarity.

"Death" means when, according to accepted medical standards, there is (i) an irreversible cessation of circulatory and respiratory functions or (ii) an irreversible cessation of all functions of the entire brain, including the brain stem.

"Decisional capacity" means the ability to understand and appreciate the nature and consequences of a decision regarding medical treatment or forgoing life-sustaining treatment and the ability to reach and communicate an informed decision in the matter as determined by the attending physician.

"Forgo life-sustaining treatment" means to withhold, withdraw, or terminate all or any portion of life-sustaining treatment with knowledge that the patient's death is likely to result.

"Guardian" means a court appointed guardian of the person who serves as a representative of a minor or as a representative of a person under legal disability.

"Health care facility" means a type of health care provider commonly known by a wide variety of titles, including but not limited to, hospitals, medical centers, nursing homes, rehabilitation centers, long term or tertiary care facilities, and other facilities established to administer health care and provide overnight stays in their ordinary course of business or practice.

"Health care provider" means a person that is licensed, certified, or otherwise authorized or permitted by the law of this State to administer health care in the ordinary course of business or practice of a profession, including, but not limited to, physicians, nurses, health care facilities, and any employee, officer, director, agent, or person under contract with such a person.

"Imminent" (as in "death is imminent") means a determination made by the attending physician according to accepted medical standards.
that death will occur in a relatively short period of time, even if life-sustaining treatment is initiated or continued.

"Life-sustaining treatment" means any medical treatment, procedure, or intervention that, in the judgment of the attending physician, when applied to a patient with a qualifying condition, would not be effective to remove the qualifying condition or would serve only to prolong the dying process. Those procedures can include, but are not limited to, assisted ventilation, renal dialysis, surgical procedures, blood transfusions, and the administration of drugs, antibiotics, and artificial nutrition and hydration.

"Minor" means an individual who is not an adult as defined in this Act.

"Parent" means a person who is the natural or adoptive mother or father of the child and whose parental rights have not been terminated by a court of law.

"Patient" means an adult or minor individual, unless otherwise specified, under the care or treatment of a licensed physician or other health care provider.

"Person" means an individual, a corporation, a business trust, a trust, a partnership, an association, a government, a governmental subdivision or agency, or any other legal entity.

"Qualifying condition" means the existence of one or more of the following conditions in a patient certified in writing in the patient's medical record by the attending physician and by at least one other qualified physician:

(1) "Terminal condition" means an illness or injury for which there is no reasonable prospect of cure or recovery, death is imminent, and the application of life-sustaining treatment would only prolong the dying process.

(2) "Permanent unconsciousness" means a condition that, to a high degree of medical certainty, (i) will last permanently, without improvement, (ii) in which thought, sensation, purposeful action, social interaction, and awareness of self and environment are absent, and (iii) for which initiating or continuing
life-sustaining treatment, in light of the patient's medical condition, provides only minimal medical benefit.

(3) "Incurable or irreversible condition" means an illness or injury (i) for which there is no reasonable prospect of cure or recovery, (ii) that ultimately will cause the patient's death even if life-sustaining treatment is initiated or continued, (iii) that imposes severe pain or otherwise imposes an inhumane burden on the patient, and (iv) for which initiating or continuing life-sustaining treatment, in light of the patient's medical condition, provides only minimal medical benefit.

The determination that a patient has a qualifying condition creates no presumption regarding the application or non-application of life-sustaining treatment. It is only after a determination by the attending physician that the patient has a qualifying condition that the surrogate decision maker may consider whether or not to forgo life-sustaining treatment. In making this decision, the surrogate shall weigh the burdens on the patient of initiating or continuing life-sustaining treatment against the benefits of that treatment.

"Qualified physician" means a physician licensed to practice medicine in all of its branches in Illinois who has personally examined the patient.

"Surrogate decision maker" means an adult individual or individuals who (i) have decisional capacity, (ii) are available upon reasonable inquiry, (iii) are willing to make medical treatment decisions on behalf of a patient who lacks decisional capacity, and (iv) are identified by the attending physician in accordance with the provisions of this Act as the person or persons who are to make those decisions in accordance with the provisions of this Act.

(Source: P.A. 90-246, eff. 1-1-98; 90-538, eff. 12-1-97; 90-655, eff. 7-30-98; revised 10-9-03.)

Section 1190. The Illinois Anatomical Gift Act is amended by adding Section 5-27 (incorporating and renumbering Section 3.5 of the Organ Donation Request Act from Public Act 93-888) as follows:

(755 ILCS 50/5-27) (was 755 ILCS 60/3.5)

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Sec. 5-27 3.5: Notification of patient; family rights and options.

(a) In this Section, "donation after cardiac death" means the donation of organs from a ventilated patient without a certification of brain death and with a do-not-resuscitate order, if a decision has been reached by the physician and the family to withdraw life support and if the donation does not occur until after the declaration of cardiac death.

(b) If (i) a potential organ donor, or an individual given authority under subsection (b) of Section 5-25 2 to consent to an organ donation, expresses an interest in organ donation, (ii) there has not been a certification of brain death for the potential donor, and (iii) the potential donor is a patient at a hospital that does not allow donation after cardiac death, then the organ procurement agency shall inform the patient or the individual given authority to consent to organ donation that the hospital does not allow donation after cardiac death.

(c) In addition to providing oral notification, the organ procurement agency shall develop a written form that indicates to the patient or the individual given authority to consent to organ donation, at a minimum, the following information:

(1) That the patient or the individual given authority to consent to organ donation has received literature and has been counseled by (representative's name) of the (organ procurement agency name).

(2) That all organ donation options have been explained to the patient or the individual given authority to consent to organ donation, including the option of donation after cardiac death.

(3) That the patient or the individual given authority to consent to organ donation is aware that the hospital where the potential donor is a patient does not allow donation after cardiac death.

(4) That the patient or the individual given authority to consent to organ donation has been informed of the right to request a patient transfer to a facility allowing donation after cardiac death.

(5) That the patient or the individual given authority to consent to organ donation has been informed of another hospital
that will allow donation after cardiac death and will accept a patient transfer for the purpose of donation after cardiac death; and that the cost of transferring the patient to that other hospital will be covered by the organ procurement agency, with no additional cost to the patient or the individual given authority to consent to organ donation.

The form required under this subsection must include a place for the signatures of the patient or the individual given authority to consent to organ donation and the representative of the organ procurement agency and space to provide the date that the form was signed.

(Source: Incorporates P.A. 93-888, eff. 8-9-04; revised 1-16-05.)

Section 1195. The Cemetery Perpetual Trust Authorization Act is amended by changing Section 2 as follows:

Sec. 2. Any incorporated cemetery association incorporated not for pecuniary profit, may if it elects to do so, receive and hold money, funds and property in perpetual trust pursuant to the provisions of this act. Such election shall be evidenced by a by-law or resolution adopted by the board of directors, or board of trustees of the incorporated cemetery association. Any person is authorized to give, donate or bequeath any sum of money or any funds, securities, or property of any kind to the cemetery association, in perpetual trust, for the maintenance, care, repair, upkeep or ornamentation of the cemetery, or any lot or lots, or grave or graves in the cemetery, specified in the instrument making the gift, donation or legacy. The cemetery association may receive and hold in perpetual trust, any such money, funds, securities and property so given, donated or bequeathed to it, and may convert the property, funds and securities into money and shall invest and keep invested the proceeds thereof and the money so given, donated and bequeathed, in safe and secure income bearing investments, including investments in income producing real estate, provided the purchase price of the real estate shall not exceed the fair market value thereof on the date of its purchase as such value is determined by the board of directors or board of trustees of the association. The principal of the trust fund shall be kept intact and the income arising therefrom shall be

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perpetually applied for the uses and purposes specified in the instrument making the gift, donation or legacy and for no other purpose.

The by-laws of the cemetery association shall provide for a permanent committee to manage and control the trust funds so given, donated and bequeathed to it. The members of the committee shall be appointed by the board of directors, or board of trustees of the cemetery association from among the members of the board of directors or board of trustees. The committee shall choose a chairman, a secretary and a treasurer from among the members, and shall have the management and control of the trust funds of the cemetery association so given, donated and bequeathed in trust, under the supervision of the board of directors or board of trustees. The treasurer of the committee shall execute a bond to the People of the State of Illinois for the use of the cemetery association, in a penal sum of not less than double the amount of the trust funds coming into his possession as treasurer, conditioned for the faithful performance of his duties and the faithful accounting for all money or funds which by virtue of his treasurership come into his possession, and be in such form and with such securities as may be prescribed and approved by the board of directors, or board of trustees, and shall be approved by such board of directors, or board of trustees, and filed with the secretary of the cemetery association.

The treasurer of the committee shall have the custody of all money, funds and property received in trust by the cemetery association and shall invest the same in accordance with the directions of the committee as approved by the board of directors or board of trustees of the cemetery association, and shall receive and have the custody of all of the income arising from such investments and as the income is received by him, he shall pay it to the treasurer of the cemetery association, and he shall keep permanent books of record of all such trust funds and of all receipts arising therefrom and disbursements thereof, and shall annually make a written report to the board of directors or board of trustees of the cemetery association, under oath, showing receipts and disbursements, including a statement showing the amount and principal of trust funds on hand and how invested, which report shall be audited by the board of directors, or

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board of trustees, and if found correct, shall be approved, and filed with the secretary of the cemetery association.

The secretary of the committee shall keep, in a book provided for such purpose, a permanent record of the proceedings of the committee, signed by the president and attested by the secretary, and shall also keep a permanent record of the several trust funds, the amounts thereof, and for what uses and purposes, respectively, and he shall annually, at the time the treasurer makes his report, make a written report under oath, to the board of directors or board of trustees, stating therein substantially the same matter required to be reported by the treasurer of the committee, which report, if found to be correct, shall be approved, and filed with the secretary of the association.

The treasurer shall execute a bond to the People of the State of Illinois, in a penal sum of not less than double the amount of money or funds coming into his possession as such treasurer, conditioned for the faithful performance of his duties and the faithful accounting of all money or funds which by virtue of his office come into his possession and be in such form and with such securities as may be prescribed and approved by the board of directors, or board of trustees, and shall be approved by such board of directors or board of trustees and filed with the secretary of the cemetery association.

The trust funds, gifts and legacies mentioned in this section and the income arising therefrom shall be exempt from taxation and from the operation of all laws of mortmain, and the laws against perpetuities and accumulations.

Where the cemetery is a privately operated cemetery, as defined in section 2 of the Cemetery Care Act, approved July 21, 1947, as amended, or where the lot or lots or grave or graves are in a privately operated cemetery, as defined in section 2 of that Act, then such cemetery association or such committee, shall also comply with the provisions of the Cemetery Care Act. (Source: P.A. 83-388; revised 10-19-05.)

Section 1200. The Drilling Operations Act is amended by changing Section 4 as follows:

(765 ILCS 530/4) (from Ch. 96 1/2, par. 9654)

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Sec. 4. Notice.

(a) Prior to commencement of the drilling of a well, the operator shall give written notice to the surface owner of the operator's intent to commence drilling operations.

(b) The operator shall, for the purpose of giving notice as herein required, secure from the assessor's office within 90 days prior to the giving of the notice, a certification which shall identify the person in whose name the lands on which drilling operations are to be commenced and who is assessed at the time the certification is made. The written certification made by the assessor of the surface owner shall be conclusive evidence of the surface ownership and of the operator's compliance with the provisions of this Act.

(c) The notice required to be given by the operator to the surface owner shall identify the following:

1. The location of the proposed entry on the surface for drilling operations, and the date on or after which drilling operations shall be commenced.

2. A photocopy of the drilling application to the Department of Natural Resources for the well to be drilled.

3. The name, address and telephone number of the operator.

4. An offer to discuss with the surface owner those matters set forth in Section 5 hereof prior to commencement of drilling operations.

5. If the surface owner elects to meet the operator, the surface owner shall request the operator to schedule a meeting at a mutually agreed time and place within the limitations set forth herein. Failure of the surface owner to contact the operator at least 5 days prior to the proposed commencement of drilling operations shall be conclusively deemed a waiver of the right to meet by the surface owner.

6. The meeting shall be scheduled between the hours of 9:00 in the morning and the setting of the sun of the same day and shall be at least 3 days prior to commencement of drilling operations. Unless agreed to otherwise, the place shall be located within the county in which drilling operations are to be commenced.
operations are to be commenced where the operator or his agent shall be available to discuss with the surface owner or his agent those matters set forth in Section 5 hereof.

(7) The notice herein required shall be given to the surface owner by either:

(A) certified mail addressed to the surface owner at the address shown in the certification obtained from the assessor, which shall be postmarked at least 10 days prior to the commencement of drilling operations; or

(B) personal delivery to the surface owner at least 8 days prior to the commencement of drilling operations.

(C) Notice to the surface owner as defined in this Act shall be deemed conclusive notice to the record owners of all interest in the surface.

(Source: P.A. 89-445, eff. 2-7-96; revised 10-19-05.)

Section 1205. The Cemetery Protection Act is amended by changing Section 1 as follows:

(765 ILCS 835/1) (from Ch. 21, par. 15)

Sec. 1. (a) Any person who acts without proper legal authority and who willfully and knowingly destroys or damages the remains of a deceased human being or who desecrates human remains is guilty of a Class 3 felony.

(a-5) Any person who acts without proper legal authority and who willfully and knowingly removes any portion of the remains of a deceased human being from a burial ground where skeletal remains are buried or from a grave, crypt, vault, mausoleum, or other repository of human remains is guilty of a Class 4 felony.

(b) Any person who acts without proper legal authority and who willfully and knowingly:

(1) obliterates, vandalizes, or desecrates a burial ground where skeletal remains are buried or a grave, crypt, vault, mausoleum, or other repository of human remains;

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(2) obliterates, vandalizes, or desecrates a park or other area clearly designated to preserve and perpetuate the memory of a deceased person or group of persons;

(3) obliterates, vandalizes, or desecrates plants, trees, shrubs, or flowers located upon or around a repository for human remains or within a human graveyard or cemetery; or

(4) obliterates, vandalizes, or desecrates a fence, rail, curb, or other structure of a similar nature intended for the protection or for the ornamentation of any tomb, monument, gravestone, or other structure of like character;

is guilty of a Class A misdemeanor if the amount of the damage is less than $500, a Class 4 felony if the amount of the damage is at least $500 and less than $10,000, a Class 3 felony if the amount of the damage is at least $10,000 and less than $100,000, or a Class 2 felony if the damage is $100,000 or more and shall provide restitution to the cemetery authority or property owner for the amount of any damage caused.

(b-5) Any person who acts without proper legal authority and who willfully and knowingly defaces, vandalizes, injures, or removes a gravestone or other memorial, monument, or marker commemorating a deceased person or group of persons, whether located within or outside of a recognized cemetery, memorial park, or battlefield is guilty of a Class 4 felony for damaging at least one but no more than 4 gravestones, a Class 3 felony for damaging at least 5 but no more than 10 gravestones, or a Class 2 felony for damaging more than 10 gravestones and shall provide restitution to the cemetery authority or property owner for the amount of any damage caused.

(b-7) Any person who acts without proper legal authority and who willfully and knowingly removes with the intent to resell a gravestone or other memorial, monument, or marker commemorating a deceased person or group of persons, whether located within or outside a recognized cemetery, memorial park, or battlefield, is guilty of a Class 2 felony.

(c) The provisions of this Section shall not apply to the removal or unavoidable breakage or injury by a cemetery authority of anything placed in or upon any portion of its cemetery in violation of any of the rules and

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regulations of the cemetery authority, nor to the removal of anything placed in the cemetery by or with the consent of the cemetery authority that in the judgment of the cemetery authority has become wrecked, unsightly, or dilapidated.

(d) If an unemancipated minor is found guilty of violating any of the provisions of subsection (b) of this Section and is unable to provide restitution to the cemetery authority or property owner, the parents or legal guardians of that minor shall provide restitution to the cemetery authority or property owner for the amount of any damage caused, up to the total amount allowed under the Parental Responsibility Law.

(d-5) Any person who commits any of the following:

(1) any unauthorized, non-related third party or person who enters any sheds, crematories, or employee areas;

(2) any non-cemetery personnel who solicits cemetery mourners or funeral directors on the grounds or in the offices or chapels of a cemetery before, during, or after a burial;

(3) any person who harasses or threatens any employee of a cemetery on cemetery grounds; or

(4) any unauthorized person who removes, destroys, or disturbs any cemetery devices or property placed for safety of visitors and cemetery employees;

is guilty of a Class A misdemeanor for the first offense and of a Class 4 felony for a second or subsequent offense.

(e) Any person who shall hunt, shoot or discharge any gun, pistol or other missile, within the limits of any cemetery, or shall cause any shot or missile to be discharged into or over any portion thereof, or shall violate any of the rules made and established by the board of directors of such cemetery, for the protection or government thereof, is guilty of a Class C misdemeanor.

(f) Any person who knowingly enters or knowingly remains upon the premises of a public or private cemetery without authorization during hours that the cemetery is posted as closed to the public is guilty of a Class A misdemeanor.

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(g) All fines when recovered, shall be paid over by the court or officer receiving the same to the cemetery authority and be applied, as far as possible in repairing the injury, if any, caused by such offense. Provided, nothing contained in this Act shall deprive such cemetery authority, or the owner of any interment, entombment, or inurement right or monument from maintaining an action for the recovery of damages caused by any injury caused by a violation of the provisions of this Act, or of the rules established by the board of directors of such cemetery authority. Nothing in this Section shall be construed to prohibit the discharge of firearms loaded with blank ammunition as part of any funeral, any memorial observance or any other patriotic or military ceremony.

(Source: P.A. 94-44, eff. 6-17-05; 94-608, eff. 8-16-05; revised 8-29-05.)

Section 1210. The Illinois Human Rights Act is amended by changing Sections 2-104 and 4-101 as follows:

(775 ILCS 5/2-104) (from Ch. 68, par. 2-104)

Sec. 2-104. Exemptions.

(A) Nothing contained in this Act shall prohibit an employer, employment agency or labor organization from:

(1) Bona Fide Qualification. Hiring or selecting between persons for bona fide occupational qualifications or any reason except those civil-rights violations specifically identified in this Article.

(2) Veterans. Giving preferential treatment to veterans and their relatives as required by the laws or regulations of the United States or this State or a unit of local government.

(3) Unfavorable Discharge From Military Service. Using unfavorable discharge from military service as a valid employment criterion when authorized by federal law or regulation or when a position of employment involves the exercise of fiduciary responsibilities as defined by rules and regulations which the Department shall adopt.

(4) Ability Tests. Giving or acting upon the results of any professionally developed ability test provided that such test, its administration, or action upon the results, is not used as a

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subterfuge for or does not have the effect of unlawful discrimination.

(5) Merit and Retirement Systems.

(a) Applying different standards of compensation, or different terms, conditions or privileges of employment pursuant to a merit or retirement system provided that such system or its administration is not used as a subterfuge for or does not have the effect of unlawful discrimination.

(b) Effecting compulsory retirement of any employee who has attained 65 years of age and who, for the 2-year period immediately preceding retirement, is employed in a bona fide executive or a high policymaking position, if such employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of such plans of the employer of such employee, which equals, in the aggregate, at least $44,000. If any such retirement benefit is in a form other than a straight life annuity (with no ancillary benefits) or if the employees contribute to any such plan or make rollover contributions, the retirement benefit shall be adjusted in accordance with regulations prescribed by the Department, so that the benefit is the equivalent of a straight life annuity (with no ancillary benefits) under a plan to which employees do not contribute and under which no rollover contributions are made.

(c) Until January 1, 1994, effecting compulsory retirement of any employee who has attained 70 years of age, and who is serving under a contract of unlimited tenure (or similar arrangement providing for unlimited tenure) at an institution of higher education as defined by Section 1201(a) of the Higher Education Act of 1965.

(6) Training and Apprenticeship programs. Establishing an educational requirement as a prerequisite to selection for a training
or apprenticeship program, provided such requirement does not operate to discriminate on the basis of any prohibited classification except age.

(7) Police and Firefighter/Paramedic Retirement. Imposing a mandatory retirement age for firefighters/paramedics or law enforcement officers and discharging or retiring such individuals pursuant to the mandatory retirement age if such action is taken pursuant to a bona fide retirement plan provided that the law enforcement officer or firefighter/paramedic has attained:

(a) the age of retirement in effect under applicable State or local law on March 3, 1983; or

(b) if the applicable State or local law was enacted after the date of enactment of the federal Age Discrimination in Employment Act Amendments of 1996 (P.L. 104-208), the age of retirement in effect on the date of such discharge under such law.

This paragraph (7) shall not apply with respect to any cause of action arising under the Illinois Human Rights Act as in effect prior to the effective date of this amendatory Act of 1997.

(8) Police and Firefighter/Paramedic Appointment. Failing or refusing to hire any individual because of such individual's age if such action is taken with respect to the employment of an individual as a firefighter/paramedic or as a law enforcement officer and the individual has attained:

(a) the age of hiring or appointment in effect under applicable State or local law on March 3, 1983; or

(b) the age of hiring in effect on the date of such failure or refusal to hire under applicable State or local law enacted after the date of enactment of the federal Age Discrimination in Employment Act Amendments of 1996 (P.L. 104-208).

As used in paragraph (7) or (8):
"Firefighter/paramedic" means an employee, the duties of whose position are primarily to perform work directly connected

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with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment, or to provide emergency medical services, including an employee engaged in this activity who is transferred to a supervisory or administrative position.

"Law enforcement officer" means an employee, the duties of whose position are primarily the investigation, apprehension, or detention of individuals suspected or convicted of criminal offenses, including an employee engaged in this activity who is transferred to a supervisory or administrative position.

(9) Citizenship Status. Making legitimate distinctions based on citizenship status if specifically authorized or required by State or federal law.

(B) With respect to any employee who is subject to a collective bargaining agreement:

(a) which is in effect on June 30, 1986,
(b) which terminates after January 1, 1987,
(c) any provision of which was entered into by a labor organization as defined by Section 6(d)(4) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(4)), and
(d) which contains any provision that would be superseded by this amendatory Act of 1987 (Public Act 85-748), such amendatory Act of 1987 shall not apply until the termination of such collective bargaining agreement or January 1, 1990, whichever occurs first.

(C)(1) For purposes of this Act, the term "handicap" shall not include any employee or applicant who is currently engaging in the illegal use of drugs, when an employer acts on the basis of such use.

(2) Paragraph (1) shall not apply where an employee or applicant for employment:

(a) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;

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(b) is participating in a supervised rehabilitation program and is no longer engaging in such use; or
(c) is erroneously regarded as engaging in such use, but is not engaging in such use.
It shall not be a violation of this Act for an employer to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in subparagraph (a) or (b) is no longer engaging in the illegal use of drugs.

(3) An employer:
(a) may prohibit the illegal use of drugs and the use of alcohol at the workplace by all employees;
(b) may require that employees shall not be under the influence of alcohol or be engaging in the illegal use of drugs at the workplace;
(c) may require that employees behave in conformance with the requirements established under the federal Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.) and the Drug Free Workplace Act;
(d) may hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior that such employer holds other employees, even if any unsatisfactory performance or behavior is related to the drug use or alcoholism of such employee; and
(e) may, with respect to federal regulations regarding alcohol and the illegal use of drugs, require that:
   (i) employees comply with the standards established in such regulations of the United States Department of Defense, if the employees of the employer are employed in an industry subject to such regulations, including complying with regulations (if any) that apply to employment in sensitive positions in such an industry, in the case of employees of the employer who are employed in

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such positions (as defined in the regulations of the Department of Defense);

(ii) employees comply with the standards established in such regulations of the Nuclear Regulatory Commission, if the employees of the employer are employed in an industry subject to such regulations, including complying with regulations (if any) that apply to employment in sensitive positions in such an industry, in the case of employees of the employer who are employed in such positions (as defined in the regulations of the Nuclear Regulatory Commission); and

(iii) employees comply with the standards established in such regulations of the United States Department of Transportation, if the employees of the employer are employed in a transportation industry subject to such regulations, including complying with such regulations (if any) that apply to employment in sensitive positions in such an industry, in the case of employees of the employer who are employed in such positions (as defined in the regulations of the United States Department of Transportation).

(4) For purposes of this Act, a test to determine the illegal use of drugs shall not be considered a medical examination. Nothing in this Act shall be construed to encourage, prohibit, or authorize the conducting of drug testing for the illegal use of drugs by job applicants or employees or making employment decisions based on such test results.

(5) Nothing in this Act shall be construed to encourage, prohibit, restrict, or authorize the otherwise lawful exercise by an employer subject to the jurisdiction of the United States Department of Transportation of authority to:

(a) test employees of such employer in, and applicants for, positions involving safety-sensitive duties for the illegal use of drugs and for on-duty impairment by alcohol; and

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(b) remove such persons who test positive for illegal use of drugs and on-duty impairment by alcohol pursuant to subparagraph (a) from safety-sensitive duties in implementing paragraph (3).
(Source: P.A. 90-481, eff. 8-17-97; revised 10-11-05.)
(775 ILCS 5/4-101) (from Ch. 68, par. 4-101)
Sec. 4-101. Definitions. The following definitions are applicable strictly in the context of this Article:
(A) Credit Card. "Credit card" has the meaning set forth in Section 2.03 of the Illinois Credit Card and Debit Card Act.
(B) Financial Institution. "Financial institution" means any bank, credit union, insurance company, mortgage banking company or savings and loan association which operates or has a place of business in this State.
(C) Loan. "Loan" includes, but is not limited to, the providing of funds, for consideration, which are sought for: (1) the purpose of purchasing, constructing, improving, repairing, or maintaining a housing accommodation as that term is defined in paragraph (C) of Section 3-101; or (2) any commercial or industrial purposes.
(D) Varying Terms. "Varying the terms of a loan" includes, but is not limited to, the following practices:
(1) Requiring a greater down payment than is usual for the particular type of a loan involved.
(2) Requiring a shorter period of amortization than is usual for the particular type of loan involved.
(3) Charging a higher interest rate than is usual for the particular type of loan involved.
(4) An under appraisal of real estate or other item of property offered as security.
(Source: P.A. 84-880; revised 9-15-06.)
Section 1215. The Business Corporation Act of 1983 is amended by changing Sections 1.25, 15.10, and 15.95 as follows:
(805 ILCS 5/1.25) (from Ch. 32, par. 1.25)
Sec. 1.25. List of corporations; exchange of information.

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(a) The Secretary of State shall publish each year a list of corporations filing an annual report for the preceding year in accordance with the provisions of this Act, which report shall state the name of the corporation and the respective names and addresses of the president, secretary, and registered agent thereof and the address of the registered office in this State of each such corporation. The Secretary of State shall furnish without charge a copy of such report to each recorder of this State, and to each member of the General Assembly and to each State agency or department requesting the same. The Secretary of State shall, upon receipt of a written request and a fee as determined by the Secretary, furnish such report to anyone else.

(b) (1) The Secretary of State shall publish daily a list of all newly formed corporations, business and not for profit, chartered by him on that day issued after receipt of the application. The daily list shall contain the same information as to each corporation as is provided for the corporation list published under subsection (a) of this Section. The daily list may be obtained at the Secretary's office by any person, newspaper, State department or agency, or local government for a reasonable charge to be determined by the Secretary. Inspection of the daily list may be made at the Secretary's office during normal business hours without charge by any person, newspaper, State department or agency, or local government.

(2) The Secretary shall compile the daily list mentioned in paragraph (1) of subsection (b) of this Section monthly, or more often at the Secretary's discretion. The compilation shall be immediately mailed free of charge to all local governments requesting in writing receipt of such publication, or shall be automatically mailed by the Secretary without charge to local governments as determined by the Secretary. The Secretary shall mail a copy of the compilations free of charge to all State departments or agencies making a written request. A request for a compilation of the daily list once made by a local government or State department or agency need not be renewed. However, the Secretary may request from time to time whether the local governments or State departments or agencies desire to continue receiving the compilation.
(3) The compilations of the daily list mentioned in paragraph (2) of subsection (b) of this Section shall be mailed to newspapers, or any other person not included as a recipient in paragraph (2) of subsection (b) of this Section, upon receipt of a written application signed by the applicant and accompanied by the payment of a fee as determined by the Secretary.

(c) If a domestic or foreign corporation has filed with the Secretary of State an annual report for the preceding year or has been newly formed or is otherwise and in any manner registered with the Secretary of State, the Secretary of State shall exchange with the Illinois Department of Healthcare and Family Services any information concerning that corporation that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

Notwithstanding any provisions in this Act to the contrary, the Secretary of State shall not be liable to any person for any disclosure of information to the Department of Healthcare and Family Services under this subsection or for any other action taken in good faith to comply with the requirements of this subsection.

(Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99; revised 12-15-05.)

(805 ILCS 5/15.10) (from Ch. 32, par. 15.10)

Sec. 15.10. Fees for filing documents. The Secretary of State shall charge and collect for:

(a) Filing articles of incorporation, $150.

(b) Filing articles of amendment, $50, unless the amendment is a restatement of the articles of incorporation, in which case the fee shall be $150.

(c) Filing articles of merger or consolidation, $100, but if the merger or consolidation involves more than 2 corporations, $50 for each additional corporation.

(d) Filing articles of share exchange, $100.
(e) Filing articles of dissolution, $5.
(f) Filing application to reserve a corporate name, $25.
(g) Filing a notice of transfer of a reserved corporate name, $25.
(h) Filing statement of change of address of registered office or change of registered agent, or both, $25.
(i) Filing statement of the establishment of a series of shares, $25.
(j) Filing an application of a foreign corporation for authority to transact business in this State, $150.
(k) Filing an application of a foreign corporation for amended authority to transact business in this State, $25.
(l) Filing a copy of amendment to the articles of incorporation of a foreign corporation holding authority to transact business in this State, $50, unless the amendment is a restatement of the articles of incorporation, in which case the fee shall be $150.
(m) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in this State, $100, but if the merger involves more than 2 corporations, $50 for each additional corporation.
(n) Filing an application for withdrawal and final report or a copy of articles of dissolution of a foreign corporation, $25.
(o) Filing an annual report, interim annual report, or final transition annual report of a domestic or foreign corporation, $75.
(p) Filing an application for reinstatement of a domestic or a foreign corporation, $200.
(q) Filing an application for use of an assumed corporate name, $150 for each year or part thereof ending in 0 or 5, $120 for each year or part thereof ending in 1 or 6, $90 for each year or part thereof ending in 2 or 7, $60 for each year or part thereof ending in 3 or 8, $30 for each year or part thereof ending in 4 or 9, between the date of filing the application and the date of the renewal of the assumed corporate name; and a renewal fee for each assumed corporate name, $150.
(r) To change an assumed corporate name for the period remaining until the renewal date of the original assumed name, $25.
(s) Filing an application for cancellation of an assumed corporate name, $5.

(t) Filing an application to register the corporate name of a foreign corporation, $50; and an annual renewal fee for the registered name, $50.

(u) Filing an application for cancellation of a registered name of a foreign corporation, $25.

(v) Filing a statement of correction, $50.

(w) Filing a petition for refund or adjustment, $5.

(x) Filing a statement of election of an extended filing month, $25.

(y) Filing any other statement or report, $5.

(Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03; 93-59, eff. 7-1-03; revised 9-5-03.)

(805 ILCS 5/15.95) (from Ch. 32, par. 15.95)

Sec. 15.95. Department of Business Services Special Operations Fund.

(a) A special fund in the State treasury known as the Division of Corporations Special Operations Fund is renamed the Department of Business Services Special Operations Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Department of Business Services of the Office of the Secretary of State, hereinafter "Department", to create and maintain the capability to perform expedited services in response to special requests made by the public for same day or 24 hour service. Moneys deposited into the Fund shall be used for, but not limited to, expenditures for personal services, retirement, social security, contractual services, equipment, electronic data processing, and telecommunications.

(b) The balance in the Fund at the end of any fiscal year shall not exceed $600,000 and any amount in excess thereof shall be transferred to the General Revenue Fund.

(c) All fees payable to the Secretary of State under this Section shall be deposited into the Fund. No other fees or taxes collected under this Act shall be deposited into the Fund.

(d) "Expedited services" means services rendered within the same day, or within 24 hours from the time, the request therefor is submitted by

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the filer, law firm, service company, or messenger physically in person or,
at the Secretary of State's discretion, by electronic means, to the
Department's Springfield Office and includes requests for certified copies,
photocopies, and certificates of good standing or fact made to the
Department's Springfield Office in person or by telephone, or requests for
certificates of good standing or fact made in person or by telephone to the
Department's Chicago Office.

  (e) Fees for expedited services shall be as follows:
Restatement of articles, $200;
Merger, consolidation or exchange, $200;
Articles of incorporation, $100;
Articles of amendment, $100;
Revocation of dissolution, $100;
Reinstatement, $100;
Application for authority, $100;
Cumulative report of changes in issued shares or paid-in capital,
$100;
Report following merger or consolidation, $100;
Certificate of good standing or fact, $20;
All other filings, copies of documents, annual reports filed on or
after January 1, 1984, and copies of documents of dissolved or revoked
corporations having a file number over 5199, $50.

  (f) Expedited services shall not be available for a statement of
correction, a petition for refund or adjustment, or a request involving
annual reports filed before January 1, 1984 or involving dissolved
corporations with a file number below 5200.
(Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 9-1-03; 93-59, eff. 7-1-03;
revised 9-5-03.)

Section 1220. The General Not For Profit Corporation Act of 1986
is amended by changing Section 101.25 as follows:

(805 ILCS 105/101.25) (from Ch. 32, par. 101.25)
Sec. 101.25. Lists of corporations; exchange of information.
  (a) The Secretary of State shall include in his or her daily
publication lists of business corporations formed on that day as provided

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in paragraph (1) of subsection (b) of Section 1.25 of the Business Corporation Act of 1983 all not-for-profit corporations formed on the day of publication of such lists.

(b) The Secretary of State shall include among information to be exchanged with the Illinois Department of Healthcare and Family Services Public Aid, as provided in subsection (c) of Section 1.25 of the Business Corporation Act of 1983, information regarding all not-for-profit corporations formed pursuant to this Act.

(Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)

Section 1225. The Limited Liability Company Act is amended by changing Sections 1-25, 15-3, 50-5, and 50-10 as follows:

(805 ILCS 180/1-25)

Sec. 1-25. Nature of business. A limited liability company may be formed for any lawful purpose or business except:

(1) (blank);

(2) insurance unless, for the purpose of carrying on business as a member of a group including incorporated and individual unincorporated underwriters, the Director of Insurance finds that the group meets the requirements of subsection (3) of Section 86 of the Illinois Insurance Code and the limited liability company, if insolvent, is subject to liquidation by the Director of Insurance under Article XIII of the Illinois Insurance Code;

(3) the practice of dentistry unless all the members and managers are licensed as dentists under the Illinois Dental Practice Act; or

(4) the practice of medicine unless all the managers, if any, are licensed to practice medicine under the Medical Practice Act of 1987 and each member is either:

(A) licensed to practice medicine under the Medical Practice Act of 1987; or

(B) a registered medical corporation or corporations organized pursuant to the Medical Corporation Act; or

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(C) a professional corporation organized pursuant to the Professional Service Corporation Act of physicians licensed to practice medicine in all its branches; or

(D) a limited liability company that satisfies the requirements of subparagraph (A), (B), or (C).

(Source: P.A. 92-144, eff. 7-24-01; 93-59, eff. 7-1-03; 93-561, eff. 1-1-04; revised 9-5-03.)

(805 ILCS 180/15-3)

Sec. 15-3. General standards of member and manager's conduct.

(a) The fiduciary duties a member owes to a member-managed company and its other members include the duty of loyalty and the duty of care referred to in subsections (b) and (c) of this Section.

(b) A member's duty of loyalty to a member-managed company and its other members includes the following:

(1) to account to the company and to hold as trustee for it any property, profit, or benefit derived by the member in the conduct or winding up of the company's business or derived from a use by the member of the company's property, including the appropriation of a company's opportunity;

(2) to act fairly when a member deals with the company in the conduct or winding up of the company's business as or on behalf of a party having an interest adverse to the company; and

(3) to refrain from competing with the company in the conduct of the company's business before the dissolution of the company.

(c) A member's duty of care to a member-managed company and its other members in the conduct of and winding up of the company's business is limited to refraining from engaging in grossly negligent or reckless conduct, intentional misconduct, or a knowing violation of law.

(d) A member shall discharge his or her duties to a member-managed company and its other members under this Act or under the operating agreement and exercise any rights consistent with the obligation of good faith and fair dealing.

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(e) A member of a member-managed company does not violate a duty or obligation under this Act or under the operating agreement merely because the member's conduct furthers the member's own interest.

(f) This Section applies to a person winding up the limited liability company's business as the personal or legal representative of the last surviving member as if the person were a member.

(g) In a manager-managed company:

   (1) a member who is not also a manager owes no duties to the company or to the other members solely by reason of being a member;

   (2) a manager is held to the same standards of conduct prescribed for members in subsections (b), (c), (d), and (e) of this Section;

   (3) a member who pursuant to the operating agreement exercises some or all of the authority of a manager in the management and conduct of the company's business is held to the standards of conduct in subsections (b), (c), (d), and (e) of this Section to the extent that the member exercises the managerial authority vested in a manager by this Act; and

   (4) a manager is relieved of liability imposed by law for violations of the standards prescribed by subsections (b), (c), (d), and (e) to the extent of the managerial authority delegated to the members by the operating agreement.

(Source: P.A. 90-424, eff. 1-1-98; revised 10-18-05.)

(805 ILCS 180/50-5)

Sec. 50-5. List of limited liability companies; exchange of information.

(a) The Secretary of State may publish a list or lists of limited liability companies and foreign limited liability companies, as often, in the format, and for the fees as the Secretary of State may in his or her discretion provide by rule. The Secretary of State may disseminate information concerning limited liability companies and foreign limited liability companies by computer network in the format and for the fees as may be determined by rule.

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(b) Upon written request, any list published under subsection (a) shall be free to each member of the General Assembly, to each State agency or department, and to each recorder in this State. An appropriate fee established by rule to cover the cost of producing the list shall be charged to all others.

(c) If a domestic or foreign limited liability company has filed with the Secretary of State an annual report for the preceding year or has been newly formed or is otherwise and in any manner registered with the Secretary of State, the Secretary of State shall exchange with the Illinois Department of Healthcare and Family Services Public Aid any information concerning that limited liability company that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984.

Notwithstanding any provisions in this Act to the contrary, the Secretary of State shall not be liable to any person for any disclosure of information to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) under this subsection or for any other action taken in good faith to comply with the requirements of this subsection. (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99; revised 12-15-05.)

(805 ILCS 180/50-10)
Sec. 50-10. Fees.

(a) The Secretary of State shall charge and collect in accordance with the provisions of this Act and rules promulgated under its authority all of the following:

(1) Fees for filing documents.
(2) Miscellaneous charges.
(3) Fees for the sale of lists of filings and for copies of any documents.

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(b) The Secretary of State shall charge and collect for all of the following:

(1) Filing articles of organization (domestic), application for admission (foreign), and restated articles of organization (domestic), $500. Notwithstanding the foregoing, the fee for filing articles of organization (domestic), application for admission (foreign), and restated articles of organization (domestic) in connection with a limited liability company with a series pursuant to Section 37-40 of this Act is $750.

(2) Filing amendments (domestic or foreign), $150.

(3) Filing articles of dissolution or application for withdrawal, $100.

(4) Filing an application to reserve a name, $300.

(5) Renewal fee for reserved name, $100.

(6) Filing a notice of a transfer of a reserved name, $100.

(7) Registration of a name, $300.

(8) Renewal of registration of a name, $100.

(9) Filing an application for use of an assumed name under Section 1-20 of this Act, $150 for each year or part thereof ending in 0 or 5, $120 for each year or part thereof ending in 1 or 6, $90 for each year or part thereof ending in 2 or 7, $60 for each year or part thereof ending in 3 or 8, $30 for each year or part thereof ending in 4 or 9, and a renewal for each assumed name, $150.

(10) Filing an application for change of an assumed name, $100.

(11) Filing an annual report of a limited liability company or foreign limited liability company, $250, if filed as required by this Act, plus a penalty if delinquent. Notwithstanding the foregoing, the fee for filing an annual report of a limited liability company or foreign limited liability company is $250 plus $50 for each series for which a certificate of designation has been filed pursuant to Section 37-40 of this Act, plus a penalty if delinquent.

(12) Filing an application for reinstatement of a limited liability company or foreign limited liability company $500.
(13) Filing Articles of Merger, $100 plus $50 for each party to the merger in excess of the first 2 parties.

(14) Filing an Agreement of Conversion or Statement of Conversion, $100.

(15) Filing a statement of change of address of registered office or change of registered agent, or both, or filing a statement of correction, $25.

(16) Filing a petition for refund, $15.

(17) Filing any other document, $100.

(18) Filing a certificate of designation of a limited liability company with a series pursuant to Section 37-40 of this Act, $50.

c (c) The Secretary of State shall charge and collect all of the following:

(1) For furnishing a copy or certified copy of any document, instrument, or paper relating to a limited liability company or foreign limited liability company, or for a certificate, $25.

(2) For the transfer of information by computer process media to any purchaser, fees established by rule.

(Source: P.A. 93-32, eff. 12-1-03; 93-59, eff. 7-1-03; 94-605, eff. 1-1-06; 94-607, eff. 8-16-05; revised 8-29-05.)

Section 1230. The Uniform Commercial Code is amended by changing Section 8-106 as follows:

(810 ILCS 5/8-106) (from Ch. 26, par. 8-106)
Sec. 8-106. Control.
(a) A purchaser has "control" of a certificated security in bearer form if the certificated security is delivered to the purchaser.
(b) A purchaser has "control" of a certificated security in registered form if the certificated security is delivered to the purchaser, and:

(1) the certificate is indorsed to the purchaser or in blank by an effective indorsement; or

(2) the certificate is registered in the name of the purchaser, upon original issue or registration of transfer by the issuer.
(c) A purchaser has "control" of an uncertificated security if:

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(1) the uncertificated security is delivered to the purchaser;

(2) the issuer has agreed that it will comply with instructions originated by the purchaser without further consent by the registered owner; or

(3) another person has control of the security entitlement on behalf of the purchaser or, having previously acquired control of the security entitlement, acknowledges that it has control on behalf of the purchaser.

(d) A purchaser has "control" of a security entitlement if:

(1) the purchaser becomes the entitlement holder; or

(2) the securities intermediary has agreed that it will comply with entitlement orders originated by the purchaser without further consent by the entitlement holder; or

(3) another person has control of the security entitlement on behalf of the purchaser or, having previously acquired control of the security entitlement, acknowledges that it has control on behalf of the purchaser.

(e) If an interest in a security entitlement is granted by the entitlement holder to the entitlement holder's own securities intermediary, the securities intermediary has control.

(f) A purchaser who has satisfied the requirements of subsection (c) or (d) has control even if the registered owner in the case of subsection (c) or the entitlement holder in the case of subsection (d) retains the right to make substitutions for the uncertificated security or security entitlement, to originate instructions or entitlement orders to the issuer or securities intermediary, or otherwise to deal with the uncertificated security or security entitlement.

(g) An issuer or a securities intermediary may not enter into an agreement of the kind described in subsection (c)(2) or (d)(2) without the consent of the registered owner or entitlement holder, but an issuer or a securities intermediary is not required to enter into such an agreement even though the registered owner or entitlement holder so directs. An issuer or securities intermediary that has entered into such an agreement is not

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required to confirm the existence of the agreement to another party unless requested to do so by the registered owner or entitlement holder.
(Source: P.A. 91-893, eff. 7-1-01; revised 2-27-02.)

Section 1235. The Illinois Securities Law of 1953 is amended by changing Section 2.29 as follows:
(815 ILCS 5/2.29)
Sec. 2.29. Covered security. "Covered security" means any security that is a covered security under Section 18(b) of the Federal 1933 Act or rules or regulations promulgated thereunder.
(Source: P.A. 90-70, eff. 7-8-97; revised 9-20-06.)

Section 1240. The Payday Loan Reform Act is amended by renumbering Section 99 as follows:
(815 ILCS 122/99-99) (was 815 ILCS 122/99)
Sec. 99-99 99. Effective date. This Act takes effect 180 days after becoming law.
(Source: P.A. 94-13, eff. 12-6-05; revised 9-22-05.)

Section 1245. The Credit Card Liability Act is amended by changing Section 1 as follows:
(815 ILCS 145/1) (from Ch. 17, par. 6101)
Sec. 1. (a) No person in whose name a credit card is issued without his having requested or applied for the card or for the extension of the credit or establishment of a charge account which that card evidences is liable to the issuer of the card for any purchases made or other amounts owing by a use of that card from which he or a member of his family or household derive no benefit unless he has indicated his acceptance of the card by signing or using the card or by permitting or authorizing use of the card by another. A mere failure to destroy or return an unsolicited card is not such an indication. As used in this Act, "credit card" has the meaning ascribed to it in Section 2.03 of the Illinois Credit Card and Debit Card Act, except that it does not include a card issued by any telephone company that is subject to supervision or regulation by the Illinois Commerce Commission or other public authority.
(b) When an action is brought by an issuer against the person named on the card, the burden of proving the request, application,
authorization, permission, use or benefit as set forth in Section 1 hereof shall be upon plaintiff if put in issue by defendant. In the event of judgment for defendant, the court shall allow defendant a reasonable attorney's fee, to be taxed as costs.
(Source: P.A. 78-777; revised 9-15-06.)

Section 1250. The Interest Act is amended by changing Sections 4 and 4.1 as follows:

(815 ILCS 205/4) (from Ch. 17, par. 6404)

Sec. 4. General interest rate.

(1) Except as otherwise provided in this Section 4.05, in all written contracts it shall be lawful for the parties to stipulate or agree that 9% per annum, or any less sum of interest, shall be taken and paid upon every $100 of money loaned or in any manner due and owing from any person to any other person or corporation in this state, and after that rate for a greater or less sum, or for a longer or shorter time, except as herein provided.

The maximum rate of interest that may lawfully be contracted for is determined by the law applicable thereto at the time the contract is made. Any provision in any contract, whether made before or after July 1, 1969, which provides for or purports to authorize, contingent upon a change in the Illinois law after the contract is made, any rate of interest greater than the maximum lawful rate at the time the contract is made, is void.

It is lawful for a state bank or a branch of an out-of-state bank, as those terms are defined in Section 2 of the Illinois Banking Act, to receive or to contract to receive and collect interest and charges at any rate or rates agreed upon by the bank or branch and the borrower. It is lawful for a savings bank chartered under the Savings Bank Act or a savings association chartered under the Illinois Savings and Loan Act of 1985 to receive or contract to receive and collect interest and charges at any rate agreed upon by the savings bank or savings association and the borrower.

It is lawful to receive or to contract to receive and collect interest and charges as authorized by this Act and as authorized by the Consumer Installment Loan Act and by the "Consumer Finance Act", approved July 10, 1935, as now or hereafter amended, or by the Payday Loan Reform Act.

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Act. It is lawful to charge, contract for, and receive any rate or amount of interest or compensation with respect to the following transactions:

(a) Any loan made to a corporation;

(b) Advances of money, repayable on demand, to an amount not less than $5,000, which are made upon warehouse receipts, bills of lading, certificates of stock, certificates of deposit, bills of exchange, bonds or other negotiable instruments pledged as collateral security for such repayment, if evidenced by a writing;

(c) Any credit transaction between a merchandise wholesaler and retailer; any business loan to a business association or copartnership or to a person owning and operating a business as sole proprietor or to any persons owning and operating a business as joint venturers, joint tenants or tenants in common, or to any limited partnership, or to any trustee owning and operating a business or whose beneficiaries own and operate a business, except that any loan which is secured (1) by an assignment of an individual obligor's salary, wages, commissions or other compensation for services, or (2) by his household furniture or other goods used for his personal, family or household purposes shall be deemed not to be a loan within the meaning of this subsection; and provided further that a loan which otherwise qualifies as a business loan within the meaning of this subsection shall not be deemed as not so qualifying because of the inclusion, with other security consisting of business assets of any such obligor, of real estate occupied by an individual obligor solely as his residence. The term "business" shall be deemed to mean a commercial, agricultural or industrial enterprise which is carried on for the purpose of investment or profit, but shall not be deemed to mean the ownership or maintenance of real estate occupied by an individual obligor solely as his residence;

(d) Any loan made in accordance with the provisions of Subchapter I of Chapter 13 of Title 12 of the United States Code, which is designated as "Housing Renovation and Modernization";
(e) Any mortgage loan insured or upon which a commitment to insure has been issued under the provisions of the National Housing Act, Chapter 13 of Title 12 of the United States Code;

(f) Any mortgage loan guaranteed or upon which a commitment to guaranty has been issued under the provisions of the Veterans' Benefits Act, Subchapter II of Chapter 37 of Title 38 of the United States Code;

(g) Interest charged by a broker or dealer registered under the Securities Exchange Act of 1934, as amended, or registered under the Illinois Securities Law of 1953, approved July 13, 1953, as now or hereafter amended, on a debit balance in an account for a customer if such debit balance is payable at will without penalty and is secured by securities as defined in Uniform Commercial Code-Investment Securities;

(h) Any loan made by a participating bank as part of any loan guarantee program which provides for loans and for the refinancing of such loans to medical students, interns and residents and which are guaranteed by the American Medical Association Education and Research Foundation;

(i) Any loan made, guaranteed, or insured in accordance with the provisions of the Housing Act of 1949, Subchapter III of Chapter 8A of Title 42 of the United States Code and the Consolidated Farm and Rural Development Act, Subchapters I, II, and III of Chapter 50 of Title 7 of the United States Code;

(j) Any loan by an employee pension benefit plan, as defined in Section 3 (2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C.A. Sec. 1002), to an individual participating in such plan, provided that such loan satisfies the prohibited transaction exemption requirements of Section 408 (b) (1) (29 U.S.C.A. Sec. 1108 (b) (1)) or Section 2003 (a) (26 U.S.C.A. Sec. 4975 (d) (1)) of the Employee Retirement Income Security Act of 1974;

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(k) Written contracts, agreements or bonds for deed providing for installment purchase of real estate;
    (1) Loans secured by a mortgage on real estate;
    (m) Loans made by a sole proprietorship, partnership, or corporation to an employee or to a person who has been offered employment by such sole proprietorship, partnership, or corporation made for the sole purpose of transferring an employee or person who has been offered employment to another office maintained and operated by the same sole proprietorship, partnership, or corporation;
    (n) Loans to or for the benefit of students made by an institution of higher education.

(2) Except for loans described in subparagraph (a), (c), (d), (e), (f) or (i) of subsection (1) of this Section, and except to the extent permitted by the applicable statute for loans made pursuant to Section 4a or pursuant to the Consumer Installment Loan Act:
    (a) Whenever the rate of interest exceeds 8% per annum on any written contract, agreement or bond for deed providing for the installment purchase of residential real estate, or on any loan secured by a mortgage on residential real estate, it shall be unlawful to provide for a prepayment penalty or other charge for prepayment.
    (b) No agreement, note or other instrument evidencing a loan secured by a mortgage on residential real estate, or written contract, agreement or bond for deed providing for the installment purchase of residential real estate, may provide for any change in the contract rate of interest during the term thereof. However, if the Congress of the United States or any federal agency authorizes any class of lender to enter, within limitations, into mortgage contracts or written contracts, agreements or bonds for deed in which the rate of interest may be changed during the term of the contract, any person, firm, corporation or other entity not otherwise prohibited from entering into mortgage contracts or written contracts, agreements or bonds for deed in Illinois may enter into mortgage

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contracts or written contracts, agreements or bonds for deed in which the rate of interest may be changed during the term of the contract, within the same limitations.

(3) In any contract or loan which is secured by a mortgage, deed of trust, or conveyance in the nature of a mortgage, on residential real estate, the interest which is computed, calculated, charged, or collected pursuant to such contract or loan, or pursuant to any regulation or rule promulgated pursuant to this Act, may not be computed, calculated, charged or collected for any period of time occurring after the date on which the total indebtedness, with the exception of late payment penalties, is paid in full.

For purposes of this Section, a prepayment shall mean the payment of the total indebtedness, with the exception of late payment penalties if incurred or charged, on any date before the date specified in the contract or loan agreement on which the total indebtedness shall be paid in full, or before the date on which all payments, if timely made, shall have been made. In the event of a prepayment of the indebtedness which is made on a date after the date on which interest on the indebtedness was last computed, calculated, charged, or collected but before the next date on which interest on the indebtedness was to be calculated, computed, charged, or collected, the lender may calculate, charge and collect interest on the indebtedness for the period which elapsed between the date on which the prepayment is made and the date on which interest on the indebtedness was last computed, calculated, charged or collected at a rate equal to $1/360$ of the annual rate for each day which so elapsed, which rate shall be applied to the indebtedness outstanding as of the date of prepayment. The lender shall refund to the borrower any interest charged or collected which exceeds that which the lender may charge or collect pursuant to the preceding sentence. The provisions of this amendatory Act of 1985 shall apply only to contracts or loans entered into on or after the effective date of this amendatory Act, but shall not apply to contracts or loans entered into on or after that date that are subject to Section 4a of this Act, the Consumer Installment Loan Act, the Payday Loan Reform Act, or the Retail Installment Sales Act, or that provide for the refund of precomputed interest on prepayment in the manner provided by such Act.

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Sec. 4.1. The term "revolving credit" means an arrangement, including by means of a credit card as defined in Section 2.03 of the Illinois Credit Card and Debit Card Act between a lender and debtor pursuant to which it is contemplated or provided that the lender may from time to time make loans or advances to or for the account of the debtor through the means of drafts, items, orders for the payment of money, evidences of debt or similar written instruments, whether or not negotiable, signed by the debtor or by any person authorized or permitted so to do on behalf of the debtor, which loans or advances are charged to an account in respect of which account the lender is to render bills or statements to the debtor at regular intervals (hereinafter sometimes referred to as the "billing cycle") the amount of which bills or statements is payable by and due from the debtor on a specified date stated in such bill or statement or at the debtor's option, may be payable by the debtor in installments. A revolving credit arrangement which grants the debtor a line of credit in excess of $5,000 may include provisions granting the lender a security interest in real property or in a beneficial interest in a land trust to secure amounts of credit extended by the lender. Credit extended or available under a revolving credit plan operated in accordance with the Illinois Financial Services Development Act shall be deemed to be "revolving credit" as defined in this Section 4.1 but shall not be subject to Sections 4.1a, 4.2 or 4.3 hereof.

Whenever a lender is granted a security interest in real property or in a beneficial interest in a land trust, the lender shall disclose the existence of such interest to the borrower in compliance with the Federal Truth in Lending Act, amendments thereto, and any regulations issued or which may be issued thereunder, and shall agree to pay all expenses, including recording fees and otherwise, to release any such security interest of record whenever it no longer secures any credit under a revolving credit arrangement. A lender shall not be granted a security interest in any real property or in any beneficial interest in a land trust under a revolving credit arrangement, or if any such security interest

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exists, such interest shall be released, if a borrower renders payment of the total outstanding balance due under the revolving credit arrangement and requests in writing to reduce the line of credit below that amount for which a security interest in real property or in a beneficial interest in a land trust may be required by a lender. Any request by a borrower to release a security interest under a revolving credit arrangement shall be granted by the lender provided the borrower renders payment of the total outstanding balance as required by this Section before the security interest of record may be released.

(Source: P.A. 85-1432; revised 9-15-06.)

Section 1255. The Automotive Collision Repair Act is amended by changing Section 50 as follows:

(815 ILCS 308/50)

Sec. 50. Consumer disclosures; required signs. Every motor vehicle repair facility shall post in a prominent place on the business premises one or more signs, readily visible to customers, in the following form:

YOUR CUSTOMER RIGHTS. UNLESS THE FACILITY PROVIDES A FIRM PRICE QUOTATION, YOU ARE ENTITLED BY LAW TO:

1. A WRITTEN ESTIMATE FOR REPAIRS THAT WILL COST MORE THAN $100 UNLESS ABSENT FACE-TO-FACE CONTACT (SEE ITEM 3 BELOW).

2. AUTHORIZE ORALLY OR IN WRITING ANY REPAIRS THAT EXCEED THE ESTIMATED TOTAL PRE-SALES-TAX COST BY MORE THAN 10% OR THAT EXCEED THE LIMITED PRICE ESTIMATE.

3. AUTHORIZE ANY REPAIRS ORALLY OR IN WRITING IF YOUR MOTOR VEHICLE IS LEFT WITH THE COLLISION REPAIR FACILITY WITHOUT FACE-TO-FACE CONTACT BETWEEN YOU AND THE COLLISION REPAIR FACILITY PERSONNEL.

IF YOU HAVE AUTHORIZED A REPAIR IN ACCORDANCE WITH THE ABOVE INFORMATION, YOU ARE REQUIRED TO PAY FOR THE COSTS OF THE REPAIR PRIOR TO TAKING THE VEHICLE FROM THE PREMISES.

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The first line of each sign shall be in letters not less than 1.5 inches in height, and the remaining lines shall be in letters not less than 0.5 inch in height. (Source: P.A. 93-565, eff. 1-1-04; revised 10-11-05.)

Section 1260. The Telephone Solicitations Act is amended by changing Section 5 as follows:

(815 ILCS 413/5)

Sec. 5. Definitions. For purposes of this Act:
"Caller ID" means the display to the recipient of the call of the caller's telephone number or identity.

"Emergency telephone number" means any telephone number which accesses or calls a fire department, law enforcement agency, ambulance, hospital, medical center, poison control center, rape crisis center, suicide prevention center, rescue service, the 911 emergency access number provided by law enforcement agencies and police departments.

"Subscriber" means:

(1) A person who has subscribed to telephone service from a telephone company; or

(2) Other persons living or residing with the subscribing person.

"Telephone solicitation" means any communication through the use of a telephone by live operators for soliciting the sale of goods or services. (Source: P.A. 90-541, eff. 6-1-98; 91-182, eff. 1-1-00; revised 9-20-06.)

Section 1265. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Sections 1 and 2LL and by setting forth, renumbering, and changing multiple versions of Sections 2MM, 2QQ, 2VV, and 2XX as follows:

(815 ILCS 505/1) (from Ch. 121 1/2, par. 261)

Sec. 1. (a) The term "advertisement" includes the attempt by publication, dissemination, solicitation or circulation to induce directly or indirectly any person to enter into any obligation or acquire any title or interest in any merchandise and includes every work device to disguise any form of business solicitation by using such terms as "renewal", "invoice", "subscription", "subscription renewal", "subscription renewal agreement", "subscription renewal contract", "subscription agreement", or "subscription contract".
(b) The term "merchandise" includes any objects, wares, goods, commodities, intangibles, real estate situated outside the State of Illinois, or services.

(c) The term "person" includes any natural person or his legal representative, partnership, corporation (domestic and foreign), company, trust, business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestui que trust thereof.

(d) The term "sale" includes any sale, offer for sale, or attempt to sell any merchandise for cash or on credit.

(e) The term "consumer" means any person who purchases or contracts for the purchase of merchandise not for resale in the ordinary course of his trade or business but for his use or that of a member of his household.

(f) The terms "trade" and "commerce" mean the advertising, offering for sale, sale, or distribution of any services and any property, tangible or intangible, real, personal or mixed, and any other article, commodity, or thing of value wherever situated, and shall include any trade or commerce directly or indirectly affecting the people of this State.

(g) The term "pyramid sales scheme" includes any plan or operation whereby a person in exchange for money or other thing of value acquires the opportunity to receive a benefit or thing of value, which is primarily based upon the inducement of additional persons, by himself or others, regardless of number, to participate in the same plan or operation and is not primarily contingent on the volume or quantity of goods, services, or other property sold or distributed or to be sold or distributed to persons for purposes of resale to consumers. For purposes of this subsection, "money or other thing of value" shall not include payments made for sales demonstration equipment and materials furnished on a nonprofit basis for use in making sales and not for resale.

(Source: P.A. 83-808; revised 10-18-05.)
(815 ILCS 505/2LL)
Sec. 2LL. Halal food; disclosure.
(a) As used in this Section:
"Dealer" means any establishment that advertises, represents, or holds itself out as growing animals in a halal way or selling, preparing, or maintaining food as halal, including, but not limited to, manufacturers, animals' farms, slaughterhouses, wholesalers, stores, restaurants, hotels, catering facilities, butcher shops, summer camps, bakeries, delicatessens, supermarkets, grocery stores, licensed health care facilities, freezer dealers, and food plan companies. These establishments may also sell, prepare or maintain food not represented as halal.
"Director" means the Director of Agriculture.
"Food" means an animal grown to become food for human consumption, a food, a food product, a food ingredient, a dietary supplement, or a beverage.
"Halal" means prepared under and maintained in strict compliance with the laws and customs of the Islamic religion including but not limited to those laws and customs of zabihazabeeka zabihazebeeka (slaughtered according to appropriate Islamic codes), and as expressed by reliable recognized Islamic entities and scholars.
(b) Any dealer who grows animals represented to be grown in a halal way or who prepares, distributes, sells, or exposes for sale any food represented to be halal shall disclose the basis upon which those representations are made by posting the information required by the Director, in accordance with rules adopted by the Director, on a sign of a type and size specified by the Director, in a conspicuous place upon the premises at which the food is sold or exposed for sale, as required by the Director.
(c) Any person subject to the requirements of subsection (b) does not commit an unlawful practice if the person shows by a preponderance of the evidence that the person relied in good faith upon the representations of an animals' farm, slaughterhouse, manufacturer, processor, packer, or distributor of any food represented to be halal.

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(d) Possession by a dealer of any animal grown to become food for consumption or any food not in conformance with the disclosure required by subsection (b) with respect to that food is presumptive evidence that the person is in possession of that food with the intent to sell.

(e) Any dealer who grows animals represented to be grown in a halal way or who prepares, distributes, sells, or exposes for sale any food represented to be halal shall comply with all requirements of the Director, including, but not limited to, recordkeeping, labeling and filing, in accordance with rules adopted by the Director.

(f) Neither an animal represented to be grown in a halal way to become food for human consumption, nor a food commodity represented as halal, may be offered for sale by a dealer until the dealer has registered, with the Director, documenting information of the certifying Islamic entity specialized in halal food or the supervising Muslim Inspector of Halal Food.

(g) The Director shall adopt rules to carry out this Section in accordance with the Illinois Administrative Procedure Act.

(h) It is an unlawful practice under this Act to violate this Section or the rules adopted by the Director to carry out this Section.

(Source: P.A. 92-394, eff. 1-1-02; 92-651, eff. 7-11-02; revised 10-18-05.)

(815 ILCS 505/2MM)

Sec. 2MM. Verification of accuracy of consumer reporting information used to extend consumers credit and security freeze on credit reports.

(a) A credit card issuer who mails an offer or solicitation to apply for a credit card and who receives a completed application in response to the offer or solicitation which lists an address that is not substantially the same as the address on the offer or solicitation may not issue a credit card based on that application until reasonable steps have been taken to verify the applicant's change of address.

(b) Any person who uses a consumer credit report in connection with the approval of credit based on the application for an extension of credit, and who has received notification of a police report filed with a consumer reporting agency that the applicant has been a victim of financial
identity theft, as defined in Section 16G-15 of the Criminal Code of 1961, may not lend money or extend credit without taking reasonable steps to verify the consumer's identity and confirm that the application for an extension of credit is not the result of financial identity theft.

(c) A consumer may request that a security freeze be placed on his or her credit report by sending a request in writing by certified mail to a consumer reporting agency at an address designated by the consumer reporting agency to receive such requests. This subsection (c) does not prevent a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the consumer's credit report.

(d) A consumer reporting agency shall place a security freeze on a consumer's credit report no later than 5 business days after receiving a written request from the consumer:
   (1) a written request described in subsection (c);
   (2) proper identification; and
   (3) payment of a fee, if applicable.

(e) Upon placing the security freeze on the consumer's credit report, the consumer reporting agency shall send to the consumer within 10 business days a written confirmation of the placement of the security freeze and a unique personal identification number or password or similar device, other than the consumer's Social Security number, to be used by the consumer when providing authorization for the release of his or her credit report for a specific party or period of time.

(f) If the consumer wishes to allow his or her credit report to be accessed for a specific party or period of time while a freeze is in place, he or she shall contact the consumer reporting agency using a point of contact designated by the consumer reporting agency, request that the freeze be temporarily lifted, and provide the following:
   (1) Proper identification;
   (2) The unique personal identification number or password or similar device provided by the consumer reporting agency;
   (3) The proper information regarding the third party or time period for which the report shall be available to users of the credit report; and

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(4) A fee, if applicable.

(g) A consumer reporting agency shall develop a contact method to receive and process a request from a consumer to temporarily lift a freeze on a credit report pursuant to subsection (f) in an expedited manner.

A contact method under this subsection shall include: (i) a postal address; and (ii) an electronic contact method chosen by the consumer reporting agency, which may include the use of telephone, fax, Internet, or other electronic means.

(h) A consumer reporting agency that receives a request from a consumer to temporarily lift a freeze on a credit report pursuant to subsection (f), shall comply with the request no later than 3 business days after receiving the request.

(i) A consumer reporting agency shall remove or temporarily lift a freeze placed on a consumer's credit report only in the following cases:

1. upon consumer request, pursuant to subsection (f) or subsection (l) of this Section; or
2. if the consumer's credit report was frozen due to a material misrepresentation of fact by the consumer.

If a consumer reporting agency intends to remove a freeze upon a consumer's credit report pursuant to this subsection, the consumer reporting agency shall notify the consumer in writing prior to removing the freeze on the consumer's credit report.

(j) If a third party requests access to a credit report on which a security freeze is in effect, and this request is in connection with an application for credit or any other use, and the consumer does not allow his or her credit report to be accessed for that specific party or period of time, the third party may treat the application as incomplete.

(k) If a consumer requests a security freeze, the credit reporting agency shall disclose to the consumer the process of placing and temporarily lifting a security freeze, and the process for allowing access to information from the consumer's credit report for a specific party or period of time while the freeze is in place.

(l) A security freeze shall remain in place until the consumer requests, using a point of contact designated by the consumer reporting agency.
agency, that the security freeze be removed. A credit reporting agency shall remove a security freeze within 3 business days of receiving a request for removal from the consumer, who provides:

(1) Proper identification;
(2) The unique personal identification number or password or similar device provided by the consumer reporting agency; and
(3) A fee, if applicable.

(m) A consumer reporting agency shall require proper identification of the person making a request to place or remove a security freeze.

(n) The provisions of subsections (c) through (m) of this Section do not apply to the use of a consumer credit report by any of the following:

(1) A person or entity, or a subsidiary, affiliate, or agent of that person or entity, or an assignee of a financial obligation owing by the consumer to that person or entity, or a prospective assignee of a financial obligation owing by the consumer to that person or entity in conjunction with the proposed purchase of the financial obligation, with which the consumer has or had prior to assignment an account or contract, including a demand deposit account, or to whom the consumer issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument. For purposes of this subsection, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

(2) A subsidiary, affiliate, agent, assignee, or prospective assignee of a person to whom access has been granted under subsection (f) of this Section for purposes of facilitating the extension of credit or other permissible use.

(3) Any state or local agency, law enforcement agency, trial court, or private collection agency acting pursuant to a court order, warrant, or subpoena.

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(4) A child support agency acting pursuant to Title IV-D of the Social Security Act.

(5) The State or its agents or assigns acting to investigate fraud.

(6) The Department of Revenue or its agents or assigns acting to investigate or collect delinquent taxes or unpaid court orders or to fulfill any of its other statutory responsibilities.

(7) The use of credit information for the purposes of prescreening as provided for by the federal Fair Credit Reporting Act.

(8) Any person or entity administering a credit file monitoring subscription or similar service to which the consumer has subscribed.

(9) Any person or entity for the purpose of providing a consumer with a copy of his or her credit report or score upon the consumer's request.

(10) Any person using the information in connection with the underwriting of insurance.

(n-5) This Section does not prevent a consumer reporting agency from charging a fee of no more than $10 to a consumer for each freeze, removal, or temporary lift of the freeze, regarding access to a consumer credit report, except that a consumer reporting agency may not charge a fee to (i) a consumer 65 years of age or over for placement and removal of a freeze, or (ii) a victim of identity theft who has submitted to the consumer reporting agency a valid copy of a police report, investigative report, or complaint that the consumer has filed with a law enforcement agency about unlawful use of his or her personal information by another person.

(o) If a security freeze is in place, a consumer reporting agency shall not change any of the following official information in a credit report without sending a written confirmation of the change to the consumer within 30 days of the change being posted to the consumer's file: (i) name, (ii) date of birth, (iii) Social Security number, and (iv) address. Written confirmation is not required for technical modifications of a consumer's

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official information, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and to the former address.

(p) The following entities are not required to place a security freeze in a consumer report, however, pursuant to paragraph (3) of this subsection, a consumer reporting agency acting as a reseller shall honor any security freeze placed on a consumer credit report by another consumer reporting agency:

(1) A check services or fraud prevention services company, which issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payment.

(2) A deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding a consumer to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution.

(3) A consumer reporting agency that:
   (A) acts only to resell credit information by assembling and merging information contained in a database of one or more consumer reporting agencies; and
   (B) does not maintain a permanent database of credit information from which new credit reports are produced.

(q) For purposes of this Section:
"Credit report" has the same meaning as "consumer report", as ascribed to it in 15 U.S.C. Sec. 1681a(d).
"Consumer reporting agency" has the meaning ascribed to it in 15 U.S.C. Sec. 1681a(f).
"Security freeze" means a notice placed in a consumer's credit report, at the request of the consumer and subject to certain exceptions, that prohibits the consumer reporting agency from releasing the

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consumer's credit report or score relating to an extension of credit, without
the express authorization of the consumer.

"Extension of credit" does not include an increase in an existing open-end credit plan, as defined in Regulation Z of the Federal Reserve System (12 C.F.R. 226.2), or any change to or review of an existing credit account.

"Proper identification" means information generally deemed sufficient to identify a person. Only if the consumer is unable to reasonably identify himself or herself with the information described above, may a consumer reporting agency require additional information concerning the consumer's employment and personal or family history in order to verify his or her identity.

(r) Any person who violates this Section commits an unlawful practice within the meaning of this Act.

(Source: P.A. 93-195, eff. 1-1-04; 94-74, eff. 1-1-06; 94-799, eff. 1-1-07.)

(815 ILCS 505/2NN)

Sec. 2NN. Receipts; credit card and debit card account numbers.

(a) Definitions. As used in this Section:

"Cardholder" has the meaning ascribed to it in Section 2.02 of the Illinois Credit Card and Debit Card Act.

"Credit card" has the meaning ascribed to it in Section 2.03 of the Illinois Credit Card and Debit Card Act.

"Debit card" has the meaning ascribed to it in Section 2.15 of the Illinois Credit Card and Debit Card Act.

"Issuer" has the meaning ascribed to it in Section 2.08 of the Illinois Credit Card and Debit Card Act.

"Person" has the meaning ascribed to it in Section 2.09 of the Illinois Credit Card and Debit Card Act.

"Provider" means a person who furnishes money, goods, services, or anything else of value upon presentation, whether physically, in writing, verbally, electronically, or otherwise, of a credit card or debit card by the cardholder, or any agent or employee of that person.
(b) Except as otherwise provided in this Section, no provider may print or otherwise produce or reproduce or permit the printing or other production or reproduction of the following: (i) any part of the credit card or debit card account number, other than the last 4 digits or other characters, (ii) the credit card or debit card expiration date on any receipt provided or made available to the cardholder.

(c) This Section does not apply to a credit card or debit card transaction in which the sole means available to the provider of recording the credit card or debit card account number is by handwriting or by imprint of the card.

(d) This Section does not apply to receipts issued for transactions on the electronic benefits transfer card system in accordance with 7 CFR 274.12(g)(3).

(e) A violation of this Section constitutes an unlawful practice within the meaning of this Act.

(f) This Section is operative on January 1, 2005.

(815 ILCS 505/2PP)
Sec. 2PP. Mail; disclosure. It is an unlawful practice under this Act to knowingly mail or send or cause to be mailed or sent a postcard or letter to a recipient in this State if:

   (1) the postcard or letter contains a request that the recipient call a telephone number; and

   (2) the postcard or letter is mailed or sent to induce the recipient to call the telephone number so that goods, services, or other merchandise, as defined in Section 1, may be offered for sale to the recipient; and

   (3) the postcard or letter does not disclose that goods, services, or other merchandise, as defined in Section 1, may be offered for sale if the recipient calls the telephone number.

(815 ILCS 505/2QQ)
Sec. 2QQ. Insurance cards; social security number.
(a) As used in this Section, "insurance card" means a card that a person or entity provides to an individual so that the individual may present the card to establish the eligibility of the individual or his or her dependents to receive health, dental, optical, or accident insurance benefits, prescription drug benefits, or benefits under a managed care plan or a plan provided by a health maintenance organization, a health services plan corporation, or a similar entity.

(b) A person or entity may not print an individual's social security number on an insurance card. A person or entity that provides an insurance card must print on the card an identification number unique to the holder of the card in the format prescribed by Section 15 of the Uniform Prescription Drug Information Card Act.

(c) An insurance card issued to an individual before the effective date of this amendatory Act of the 93rd General Assembly that does not comply with subsection (b) must be replaced by January 1, 2006 with an insurance card that complies with subsection (b) if the individual's eligibility for benefits continues after the effective date of this amendatory Act of the 93rd General Assembly.

(d) A violation of this Section constitutes an unlawful practice within the meaning of this Act.

(815 ILCS 505/2RR)

Sec. 2RR. Use of Social Security numbers.
(a) Except as otherwise provided in this Section, a person may not do any of the following:

(1) Publicly post or publicly display in any manner an individual's social security number. As used in this Section, "publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.

(2) Print an individual's social security number on any card required for the individual to access products or services provided by the person or entity; however, a person or entity that provides an insurance card must print on the card an identification number
unique to the holder of the card in the format prescribed by Section 15 of the Uniform Prescription Drug Information Card Act.

(3) Require an individual to transmit his or her social security number over the Internet, unless the connection is secure or the social security number is encrypted.

(4) Require an individual to use his or her social security number to access an Internet web site, unless a password or unique personal identification number or other authentication device is also required to access the Internet Web site.

(5) Print an individual's social security number on any materials that are mailed to the individual, unless State or federal law requires the social security number to be on the document to be mailed. Notwithstanding any provision in this Section to the contrary, social security numbers may be included in applications and forms sent by mail, including documents sent as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or policy or to confirm the accuracy of the social security number. A social security number that may permissibly be mailed under this Section may not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope or visible without the envelope having been opened.

(b) A person that used, before July 1, 2005, an individual's social security number in a manner inconsistent with subsection (a) may continue using that individual's social security number in the same manner on or after July 1, 2005 if all of the following conditions are met:

(1) The use of the social security number is continuous. If the use is stopped for any reason, subsection (a) shall apply.

(2) The individual is provided an annual disclosure that informs the individual that he or she has the right to stop the use of his or her social security number in a manner prohibited by subsection (a).

A written request by an individual to stop the use of his or her social security number in a manner prohibited by subsection (a) shall be
implemented within 30 days of the receipt of the request. There shall be no
fee or charge for implementing the request. A person shall not deny
services to an individual because the individual makes such a written
request.

(c) This Section does not apply to the collection, use, or release of
a social security number as required by State or federal law or the use of a
social security number for internal verification or administrative purposes.
This Section does not apply to the collection, use, or release of a social
security number by the State, a subdivision of the State, or an individual in
the employ of the State or a subdivision of the State in connection with his
or her official duties.

(d) This Section does not apply to documents that are recorded or
required to be open to the public under State or federal law, applicable
case law, Supreme Court Rule, or the Constitution of the State of Illinois.

(e) If a federal law takes effect requiring the United States
Department of Health and Human Services to establish a national unique
patient health identifier program, any person who complies with the
federal law shall be deemed to be in compliance with this Section.

(f) A person may not encode or embed a social security number in
or on a card or document, including, but not limited to, using a bar code,
chip, magnetic strip, or other technology, in place of removing the social
security number as required by this Section.

(g) Any person who violates this Section commits an unlawful
practice within the meaning of this Act.

(Source: P.A. 93-739, eff. 7-1-06; revised 9-14-06.)

(815 ILCS 505/2SS)
Sec. 2SS. Gift certificates.

(a) "Gift certificate" means a record evidencing a promise, made
for consideration, by the seller or issuer of the record that goods or
services will be provided to the holder of the record for the value shown in
the record and includes, but is not limited to, a record that contains a
microprocessor chip, magnetic stripe or other means for the storage of
information that is prefunded and for which the value is decremented upon
each use, a gift card, an electronic gift card, stored-value card or
certificate, a store card or a similar record or card. For purposes of this Act, the term "gift certificate" does not include any of the following:

(i) prepaid telecommunications and technology cards including, but not limited to, prepaid telephone calling cards, prepaid technical support cards, and prepaid Internet disks that are distributed to or purchased by a consumer;

(ii) prepaid telecommunications and technology cards including, but not limited to, prepaid telephone calling cards, prepaid technical support cards, and prepaid Internet disks that are provided to a consumer pursuant to any award, loyalty, or promotion program without any money or other thing of value being given in exchange for the card; or

(iii) any gift certificate usable with multiple sellers of goods or services.

(b) Any gift certificate subject to a fee must contain a statement clearly and conspicuously printed on the gift certificate stating whether there is a fee, the amount of the fee, how often the fee will occur, that the fee is triggered by inactivity of the gift certificate, and at what point the fee will be charged. The statement may appear on the front or back of the gift certificate in a location where it is visible to any purchaser prior to the purchase.

(c) Any gift certificate subject to an expiration date must contain a statement clearly and conspicuously printed on the gift certificate stating the expiration date. The statement may appear on the front or back of the gift certificate in a location where it is visible to any purchaser prior to the purchase.

(d) Subsection (c) does not apply to any gift certificate that contains a toll free phone number and a statement clearly and conspicuously printed on the gift certificate stating that holders can call the toll free number to find out the balance on the gift certificate, if applicable, and the expiration date. The toll free number and statement may appear on the front or back of the gift certificate in a location where it is visible to any purchaser prior to the purchase.

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(e) This Section does not apply to any of the following gift certificates:

(i) Gift certificates that are distributed by the issuer to a consumer pursuant to an awards, loyalty, or promotional program without any money or thing of value being given in exchange for the gift certificate by the consumer.

(ii) Gift certificates that are sold below face value at a volume discount to employers or to nonprofit and charitable organizations for fundraising purposes if the expiration date on those gift certificates is not more than 30 days after the date of sale.

(iii) Gift certificates that are issued for a food product.

(Source: P.A. 93-945, eff. 1-1-05; revised 11-10-04.)

(815 ILCS 505/2TT)

Sec. 2TT 2QQ. Prepaid calling service.

(a) For purposes of this Section 2QQ, the terms "Prepaid Calling Service", "Prepaid Calling Service Provider", "Prepaid Calling Service Retailer", and "Prepaid Calling Service Reseller" shall have the same definitions as those in Sections 13-230, 13-231, 13-232, and 13-233, respectively, of the Public Utilities Act.

For the purposes of this Section, "international preferred destination" means a prepaid calling service that advertises a specific international destination either on the card, the packaging material accompanying the card, or through an offering of sale of the service.

(b) On and after July 1, 2005, it is an unlawful practice under this Act for any prepaid calling service provider or prepaid calling service reseller to sell or offer to sell prepaid calling service to any prepaid calling service retailer unless the prepaid calling service provider has applied for and received a Certificate of Prepaid Calling Service Provider Authority from the Illinois Commerce Commission pursuant to the Public Utilities Act and the prepaid calling service provider or prepaid calling service reseller shows proof of the prepaid calling service provider's Certificate of Prepaid Calling Service Provider Authority to the prepaid calling service retailer.

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(c) On and after July 1, 2005, it is an unlawful practice under this Act for any prepaid calling service retailer to sell or offer to sell prepaid calling service to any consumer unless the prepaid calling service retailer retains proof of certification of the prepaid calling service provider by the Illinois Commerce Commission pursuant to the Public Utilities Act. The prepaid calling service retailer must retain proof of certification for one year or the duration of the contract with the reseller, whichever is longer. A prepaid calling service retailer with multiple locations selling prepaid calling cards under contract with a prepaid calling service provider may keep the certification at a central location provided, however, that the prepaid calling service retailer make a copy of the certification available upon reasonable request within 48 hours.

(d) On and after July 1, 2005, no prepaid calling service provider or prepaid calling service reseller shall sell or offer to sell prepaid calling service, as those terms are defined in Article XIII of the Public Utilities Act, to any Illinois consumer, either directly or through a prepaid calling service retailer, unless the following disclosures are made clearly and conspicuously:

(1) At a minimum, the following terms and conditions shall be disclosed clearly and conspicuously on the prepaid calling card, if applicable:

(A) the full name of the Prepaid Calling Service Provider as certificated by the Illinois Commerce Commission;
(B) the toll-free customer service number;
(C) an access number that is toll-free or a number local to the prepaid calling retailer; and
(D) the refund policy or a statement that the refund policy is located on the packaging materials.

(2) At a minimum, all the material terms and conditions pertaining to the specific prepaid calling card shall be disclosed clearly and conspicuously on the packaging materials accompanying the prepaid calling card including, but not limited to, the following, if applicable:

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(A) the value of the card in minutes or the domestic rate per minute of the card;
(B) all surcharges and fees applicable to the use of the domestic prepaid calling service;
(C) all applicable rates for international preferred destinations;
(D) all applicable surcharges and fees for international preferred destinations;
(E) a disclosure statement indicating that all rates, surcharges, and fees applicable to international calls are available through the toll-free customer service number and a statement disclosing if international rates vary from domestic rates; and
(F) the expiration policy.

(3) At a minimum, the following information shall be disclosed clearly and conspicuously and accurately through the toll-free customer service telephone number through which the customer is able to speak with a live customer service representative:

(A) the Illinois Commerce Commission certificate number of the Prepaid Calling Service Provider;
(B) all applicable rates, terms, surcharges, and fees for domestic and international calls;
(C) all information necessary to determine the cost of a given call;
(D) the balance of use in the consumer's account; and
(E) the applicable expiration date or period.

The disclosures required under this subsection (d) do not apply to the recharging of dollars or minutes to a previously purchased card allowing prepaid calling service.

(Source: P.A. 93-1002, eff. 1-1-05; revised 11-10-04.)

(815 ILCS 505/2UU)
Sec. 2UU. Internet service; cancellation.

New matter indicated by italics - deletions by strikeout
(a) As used in this Section:
"Internet service provider" means a person who provides a service that combines computer processing, information storage, protocol conversion, and routing with transmission to enable a consumer to access Internet content and services.

(b) This Section applies only to agreements under which an Internet service provider provides service to consumers, for home and personal use, for a one-year term that is automatically renewed for another one-year term unless a consumer cancels the service.

(c) An Internet service provider must give a consumer who is an Illinois resident the following: (1) a secure method at the Internet service provider's web site that the consumer may use to cancel the service, which method shall not require the consumer to make a telephone call or send U.S. Postal Service mail to effectuate the cancellation; and (2) instructions that the consumer may follow to cancel the service at the Internet service provider's web site.

(d) A person who violates this Section commits an unlawful practice within the meaning of this Act.
(Source: P.A. 93-1016, eff. 1-1-05; revised 11-10-04.)
(815 ILCS 505/2VV)

Sec. 2VV. Credit and public utility service; identity theft. It is an unlawful practice for a person to deny credit or public utility service to or reduce the credit limit of a consumer solely because the consumer has been a victim of identity theft as defined in Section 16G-15 of the Criminal Code of 1961, if the consumer:

(1) has provided a copy of an identity theft report as defined under the federal Fair Credit Reporting Act and implementing regulations evidencing the consumer's claim of identity theft;

(2) has provided a properly completed copy of a standardized affidavit of identity theft developed and made available by the Federal Trade Commission pursuant to 15 U.S.C. 1681g or an affidavit of fact that is acceptable to the person for that purpose;

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(3) has obtained placement of an extended fraud alert in his or her file maintained by a nationwide consumer reporting agency, in accordance with the requirements of the federal Fair Credit Reporting Act; and

(4) is able to establish his or her identity and address to the satisfaction of the person providing credit or utility services.

(Source: P.A. 94-37, eff. 6-16-05.)

(815 ILCS 505/2WW)

Sec. 2WW. Wireless telephone service provider; third party billings. A wireless telephone service provider shall provide a contact telephone number and brief description of the service for all third-party billings on the consumer's bill, to the extent allowed by federal law, or through a customer service representative. For purposes of this Section, "third-party billings" means any billing done by a wireless telephone service provider on behalf of a third party where the wireless telephone service provider is merely the billing agent for the third party with no ability to provide refunds, credits, or otherwise adjust the billings.

(Source: P.A. 94-567, eff. 1-1-06; revised 9-22-05.)

(815 ILCS 505/2XX)

Sec. 2XX. Performing groups. (a) As used in this Section:

"Performing group" means a vocal or instrumental group seeking to use the name of another group that has previously released a commercial sound recording under that name.

"Recording group" means a vocal or instrumental group at least one of whose members has previously released a commercial sound recording under that group's name and in which the member or members have a legal right by virtue of use or operation under the group name without having abandoned the name or affiliation with the group.

"Sound recording" means a work that results from the fixation on a material object of a series of musical, spoken, or other sounds regardless of the nature of the material object, such as a disc, tape, or other phono-record, in which the sounds are embodied.

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(b) It is an unlawful practice for a person to advertise or conduct a live musical performance or production in this State through the use of a false, deceptive, or misleading affiliation, connection, or association between the performing group and the recording group. This Section does not apply if:

(1) the performing group is the authorized registrant and owner of a Federal service mark for that group registered in the United States Patent and Trademark Office;
(2) at least one member of the performing group was a member of the recording group and has a legal right by virtue of use or operation under the group name without having abandoned the name or affiliation with the group;
(3) the live musical performance or production is identified in all advertising and promotion as a salute or tribute;
(4) the advertising does not relate to a live musical performance or production taking place in this State; or
(5) the performance or production is expressly authorized by the recording group.

(Source: P.A. 94-854, eff. 1-1-07.)

(815 ILCS 505/2YY)

Sec. 2YY. Work-at-home solicitations. No person shall advertise, represent or imply that any person can earn money working at home by stuffing envelopes, addressing envelopes, mailing circulars, clipping newspaper and magazine articles, assembling products, bill processing, or performing similar work, unless the person making the advertisement or representation:

(1) actually pays the advertised wage, salary, set fee, or commission to others for performing the represented tasks;
(2) at no time requires the person who will perform the represented tasks to purchase instructional booklets, brochures, kits, programs, materials, mailing lists, directories, memberships in cooperative associations, or other similar items or services;
(3) discloses the legal name under which business is conducted and the complete street address from which business is

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actually conducted in all advertising and promotional materials, including order blanks and forms; and

(4) discloses in writing to the person who will perform the represented tasks an exact description of the work to be performed, the amount of any wage, salary, set fee, or commission to be paid for the performance of the represented tasks, and all terms and conditions for earning such wage, salary, set fee, or commission.

No person shall require an individual to solicit or induce other individuals to participate in a work-at-home program.

A person who violates this Section commits an unlawful practice within the meaning of this Act.

(Source: P.A. 94-999, eff. 7-3-06; revised 9-1-06.)

Section 1270. The Prevailing Wage Act is amended by changing Section 4 as follows:

(820 ILCS 130/4) (from Ch. 48, par. 39s-4)

Sec. 4. (a) The public body awarding any contract for public work or otherwise undertaking any public works, shall ascertain the general prevailing rate of hourly wages in the locality in which the work is to be performed, for each craft or type of worker or mechanic needed to execute the contract, and where the public body performs the work without letting a contract therefor, shall ascertain the prevailing rate of wages on a per hour basis in the locality, and such public body shall specify in the resolution or ordinance and in the call for bids for the contract, that the general prevailing rate of wages in the locality for each craft or type of worker or mechanic needed to execute the contract or perform such work, also the general prevailing rate for legal holiday and overtime work, as ascertained by the public body or by the Department of Labor shall be paid for each craft or type of worker needed to execute the contract or to perform such work, and it shall be mandatory upon the contractor to whom the contract is awarded and upon any subcontractor under him, and where the public body performs the work, upon the public body, to pay not less than the specified rates to all laborers, workers and mechanics employed by them in the execution of the contract or such work; provided, however, that if the public body desires that the Department of Labor ascertain the

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prevailing rate of wages, it shall notify the Department of Labor to ascertain the general prevailing rate of hourly wages for work under contract, or for work performed by a public body without letting a contract as required in the locality in which the work is to be performed, for each craft or type of worker or mechanic needed to execute the contract or project or work to be performed. Upon such notification the Department of Labor shall ascertain such general prevailing rate of wages, and certify the prevailing wage to such public body. The public body awarding the contract shall cause to be inserted in the project specifications and the contract a stipulation to the effect that not less than the prevailing rate of wages as found by the public body or Department of Labor or determined by the court on review shall be paid to all laborers, workers and mechanics performing work under the contract.

(b) It shall also be mandatory upon the contractor to whom the contract is awarded to insert into each subcontract and into the project specifications for each subcontract a written stipulation to the effect that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work under the contract. It shall also be mandatory upon each subcontractor to cause to be inserted into each lower tiered subcontract and into the project specifications for each lower tiered subcontract a stipulation to the effect that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work under the contract. A contractor or subcontractor who fails to comply with this subsection (b) is in violation of this Act.

(c) It shall also require in all such contractor's bonds that the contractor include such provision as will guarantee the faithful performance of such prevailing wage clause as provided by contract. All bid specifications shall list the specified rates to all laborers, workers and mechanics in the locality for each craft or type of worker or mechanic needed to execute the contract.

(d) If the Department of Labor revises the prevailing rate of hourly wages to be paid by the public body, the revised rate shall apply to such
contract, and the public body shall be responsible to notify the contractor and each subcontractor, of the revised rate.

(e) Two or more investigatory hearings under this Section on the issue of establishing a new prevailing wage classification for a particular craft or type of worker shall be consolidated in a single hearing before the Department. Such consolidation shall occur whether each separate investigatory hearing is conducted by a public body or the Department. The party requesting a consolidated investigatory hearing shall have the burden of establishing that there is no existing prevailing wage classification for the particular craft or type of worker in any of the localities under consideration.

(f) It shall be mandatory upon the contractor or construction manager to whom a contract for public works is awarded to post, at a location on the project site of the public works that is easily accessible to the workers engaged on the project, the prevailing wage rates for each craft or type of worker or mechanic needed to execute the contract or project or work to be performed. A failure to post a prevailing wage rate as required by this Section is a violation of this Act.

(Source: P.A. 92-783, eff. 8-6-02; 93-15, eff. 6-11-03; 93-16, eff. 1-1-04; 93-38, eff. 6-1-04; revised 10-29-04.)

Section 1275. The Workers' Compensation Act is amended by changing Section 4d as follows:

(820 ILCS 305/4d)

Sec. 4d. Illinois Workers' Compensation Commission Operations Fund Fee.

(a) As of the effective date of this amendatory Act of the 93rd General Assembly, each employer that self-insures its liabilities arising under this Act or Workers' Occupational Diseases Act shall pay a fee measured by the annual actual wages paid in this State of such an employer in the manner provided in this Section. Such proceeds shall be deposited in the Illinois Workers' Compensation Commission Operations Fund. If an employer survives or was formed by a merger, consolidation, reorganization, or reincorporation, the actual wages paid in this State of all employers party to the merger, consolidation, reorganization, or

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reincorporation shall, for purposes of determining the amount of the fee imposed by this Section, be regarded as those of the surviving or new employer.

(b) Beginning on July 30, 2004 (the effective date of Public Act 93-840 this amendatory Act of 2004) and on July 1 of each year thereafter, the Chairman shall charge and collect an annual Illinois Workers' Compensation Commission Operations Fund Fee from every employer subject to subsection (a) of this Section equal to 0.0075% of its annual actual wages paid in this State as reported in each employer's annual self-insurance renewal filed for the previous year as required by Section 4 of this Act and Section 4 of the Workers' Occupational Diseases Act. All sums collected by the Commission under the provisions of this Section shall be paid promptly after the receipt of the same, accompanied by a detailed statement thereof, into the Illinois Workers' Compensation Commission Operations Fund. The fee due pursuant to Public Act 93-840 this amendatory Act of 2004 shall be collected instead of the fee due on July 1, 2004 under Public Act 93-32. Payment of the fee due under Public Act 93-840 this amendatory Act of 2004 shall discharge the employer's obligations due on July 1, 2004.

(c) In addition to the authority specifically granted under Section 16, the Chairman shall have such authority to adopt rules or establish forms as may be reasonably necessary for purposes of enforcing this Section. The Commission shall have authority to defer, waive, or abate the fee or any penalties imposed by this Section if in the Commission's opinion the employer's solvency and ability to meet its obligations to pay workers' compensation benefits would be immediately threatened by payment of the fee due.

(d) When an employer fails to pay the full amount of any annual Illinois Workers' Compensation Commission Operations Fund Fee of $100 or more due under this Section, there shall be added to the amount due as a penalty the greater of $1,000 or an amount equal to 5% of the deficiency for each month or part of a month that the deficiency remains unpaid.

(e) The Commission may enforce the collection of any delinquent payment, penalty or portion thereof by legal action or in any other manner.

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by which the collection of debts due the State of Illinois may be enforced under the laws of this State.

(f) Whenever it appears to the satisfaction of the Chairman that an employer has paid pursuant to this Act an Illinois Workers' Compensation Commission Operations Fund Fee in an amount in excess of the amount legally collectable from the employer, the Chairman shall issue a credit memorandum for an amount equal to the amount of such overpayment. A credit memorandum may be applied for the 2-year period from the date of issuance against the payment of any amount due during that period under the fee imposed by this Section or, subject to reasonable rule of the Commission including requirement of notification, may be assigned to any other employer subject to regulation under this Act. Any application of credit memoranda after the period provided for in this Section is void.

(Source: P.A. 93-32, eff. 6-20-03; 93-721, eff. 1-1-05; 93-840, eff. 7-30-04; revised 10-25-04.)

Section 1280. The Workers' Occupational Diseases Act is amended by changing Section 1 as follows:

(820 ILCS 310/1) (from Ch. 48, par. 172.36)

Sec. 1. This Act shall be known and may be cited as the "Workers' Occupational Diseases Act".

(a) The term "employer" as used in this Act shall be construed to be:

1. The State and each county, city, town, township, incorporated village, school district, body politic, or municipal corporation therein.

2. Every person, firm, public or private corporation, including hospitals, public service, eleemosynary, religious or charitable corporations or associations, who has any person in service or under any contract for hire, express or implied, oral or written.

3. Where an employer operating under and subject to the provisions of this Act loans an employee to another such employer and such loaned employee sustains a compensable occupational disease in the employment of such borrowing employer and where
such borrowing employer does not provide or pay the benefits or payments due such employee, such loaning employer shall be liable to provide or pay all benefits or payments due such employee under this Act and as to such employee the liability of such loaning and borrowing employers shall be joint and several, provided that such loaning employer shall in the absence of agreement to the contrary be entitled to receive from such borrowing employer full reimbursement for all sums paid or incurred pursuant to this paragraph together with reasonable attorneys' fees and expenses in any hearings before the Illinois Workers' Compensation Commission or in any action to secure such reimbursement. Where any benefit is provided or paid by such loaning employer, the employee shall have the duty of rendering reasonable co-operation in any hearings, trials or proceedings in the case, including such proceedings for reimbursement.

Where an employee files an Application for Adjustment of Claim with the Illinois Workers' Compensation Commission alleging that his or her claim is covered by the provisions of the preceding paragraph, and joining both the alleged loaning and borrowing employers, they and each of them, upon written demand by the employee and within 7 days after receipt of such demand, shall have the duty of filing with the Illinois Workers' Compensation Commission a written admission or denial of the allegation that the claim is covered by the provisions of the preceding paragraph and in default of such filing or if any such denial be ultimately determined not to have been bona fide then the provisions of Paragraph K of Section 19 of this Act shall apply.

An employer whose business or enterprise or a substantial part thereof consists of hiring, procuring or furnishing employees to or for other employers operating under and subject to the provisions of this Act for the performance of the work of such other employers and who pays such employees their salary or wage notwithstanding that they are doing the work of such other

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employers shall be deemed a loaning employer within the meaning and provisions of this Section.

(b) The term "employee" as used in this Act, shall be construed to mean:

1. Every person in the service of the State, county, city, town, township, incorporated village or school district, body politic or municipal corporation therein, whether by election, appointment or contract of hire, express or implied, oral or written, including any official of the State, or of any county, city, town, township, incorporated village, school district, body politic or municipal corporation therein and except any duly appointed member of the fire department in any city whose population exceeds 500,000 according to the last Federal or State census, and except any member of a fire insurance patrol maintained by a board of underwriters in this State. One employed by a contractor who has contracted with the State, or a county, city, town, township, incorporated village, school district, body politic or municipal corporation therein, through its representatives, shall not be considered as an employee of the State, county, city, town, township, incorporated village, school district, body politic or municipal corporation which made the contract.

2. Every person in the service of another under any contract of hire, express or implied, oral or written, who contracts an occupational disease while working in the State of Illinois, or who contracts an occupational disease while working outside of the State of Illinois but where the contract of hire is made within the State of Illinois, and any person whose employment is principally localized within the State of Illinois, regardless of the place where the disease was contracted or place where the contract of hire was made, including aliens, and minors who, for the purpose of this Act, except Section 3 hereof, shall be considered the same and have the same power to contract, receive payments and give quittances therefor, as adult employees. An employee or his or her dependents under this Act who shall have a cause of action by
reason of an occupational disease, disablement or death arising out of and in the course of his or her employment may elect or pursue his or her remedy in the State where the disease was contracted, or in the State where the contract of hire is made, or in the State where the employment is principally localized.

(c) "Commission" means the Illinois Workers' Compensation Commission created by the Workers' Compensation Act, approved July 9, 1951, as amended.

(d) In this Act the term "Occupational Disease" means a disease arising out of and in the course of the employment or which has become aggravated and rendered disabling as a result of the exposure of the employment. Such aggravation shall arise out of a risk peculiar to or increased by the employment and not common to the general public.

A disease shall be deemed to arise out of the employment if there is apparent to the rational mind, upon consideration of all the circumstances, a causal connection between the conditions under which the work is performed and the occupational disease. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin or aggravation in a risk connected with the employment and to have flowed from that source as a rational consequence.

An employee shall be conclusively deemed to have been exposed to the hazards of an occupational disease when, for any length of time however short, he or she is employed in an occupation or process in which the hazard of the disease exists; provided however, that in a claim of exposure to atomic radiation, the fact of such exposure must be verified by the records of the central registry of radiation exposure maintained by the Department of Public Health or by some other recognized governmental agency maintaining records of such exposures whenever and to the extent that the records are on file with the Department of Public Health or the agency.

Any injury to or disease or death of an employee arising from the administration of a vaccine, including without limitation smallpox vaccine, to prepare for, or as a response to, a threatened or potential
bioterrorist incident to the employee as part of a voluntary inoculation program in connection with the person's employment or in connection with any governmental program or recommendation for the inoculation of workers in the employee's occupation, geographical area, or other category that includes the employee is deemed to arise out of and in the course of the employment for all purposes under this Act. This paragraph added by Public Act 93-829 this amendatory Act of the 93rd General Assembly is declarative of existing law and is not a new enactment.

The employer liable for the compensation in this Act provided shall be the employer in whose employment the employee was last exposed to the hazard of the occupational disease claimed upon regardless of the length of time of such last exposure, except, in cases of silicosis or asbestosis, the only employer liable shall be the last employer in whose employment the employee was last exposed during a period of 60 days or more after the effective date of this Act, to the hazard of such occupational disease, and, in such cases, an exposure during a period of less than 60 days, after the effective date of this Act, shall not be deemed a last exposure. If a miner who is suffering or suffered from pneumoconiosis was employed for 10 years or more in one or more coal mines there shall, effective July 1, 1973 be a rebuttable presumption that his or her pneumoconiosis arose out of such employment.

If a deceased miner was employed for 10 years or more in one or more coal mines and died from a respirable disease there shall, effective July 1, 1973, be a rebuttable presumption that his or her death was due to pneumoconiosis.

The insurance carrier liable shall be the carrier whose policy was in effect covering the employer liable on the last day of the exposure rendering such employer liable in accordance with the provisions of this Act.

(e) "Disablement" means an impairment or partial impairment, temporary or permanent, in the function of the body or any of the members of the body, or the event of becoming disabled from earning full wages at the work in which the employee was engaged when last exposed to the hazards of the occupational disease by the employer from whom he or she

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claims compensation, or equal wages in other suitable employment; and "disability" means the state of being so incapacitated.

(f) No compensation shall be payable for or on account of any occupational disease unless disablement, as herein defined, occurs within two years after the last day of the last exposure to the hazards of the disease, except in cases of occupational disease caused by berylliosis or by the inhalation of silica dust or asbestos dust and, in such cases, within 3 years after the last day of the last exposure to the hazards of such disease and except in the case of occupational disease caused by exposure to radiological materials or equipment, and in such case, within 25 years after the last day of last exposure to the hazards of such disease.

(Source: P.A. 93-721, eff. 1-1-05; 93-829, eff. 7-28-04; revised 10-25-04.)

Section 1285. The Unemployment Insurance Act is amended by changing Section 1300 as follows:

Sec. 1300. Waiver or transfer of benefit rights - Partial exemption.

(A) Except as otherwise provided herein any agreement by an individual to waive, release or commute his rights under this Act shall be void.

(B) Benefits due under this Act shall not be assigned, pledged, encumbered, released or commuted and shall be exempt from all claims of creditors and from levy, execution and attachment or other remedy for recovery or collection of a debt. However, nothing in this Section shall prohibit a specified or agreed upon deduction from benefits by an individual, or a court or administrative order for withholding of income, for payment of past due child support from being enforced and collected by the Department of Healthcare and Family Services Public Aid on behalf of persons receiving a grant of financial aid under Article IV of the Illinois Public Aid Code, persons for whom an application has been made and approved for child support enforcement services under Section 10-1 of such Code, or persons similarly situated and receiving like services in other states. It is provided that:

(1) The aforementioned deduction of benefits and order for withholding of income apply only if appropriate arrangements have

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been made for reimbursement to the Director by the Department of Healthcare and Family Services Public Aid for any administrative costs incurred by the Director under this Section.

(2) The Director shall deduct and withhold from benefits payable under this Act, or under any arrangement for the payment of benefits entered into by the Director pursuant to the powers granted under Section 2700 of this Act, the amount specified or agreed upon. In the case of a court or administrative order for withholding of income, the Director shall withhold the amount of the order.

(3) Any amount deducted and withheld by the Director shall be paid to the Department of Healthcare and Family Services Public Aid or the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code, as directed by the Department of Healthcare and Family Services Public Aid, on behalf of the individual.

(4) Any amount deducted and withheld under subsection (3) shall for all purposes be treated as if it were paid to the individual as benefits and paid by such individual to the Department of Healthcare and Family Services Public Aid or the State Disbursement Unit in satisfaction of the individual's child support obligations.

(5) For the purpose of this Section, child support is defined as those obligations which are being enforced pursuant to a plan described in Title IV, Part D, Section 454 of the Social Security Act and approved by the Secretary of Health and Human Services.

(6) The deduction of benefits and order for withholding of income for child support shall be governed by Titles III and IV of the Social Security Act and all regulations duly promulgated thereunder.

(C) Nothing in this Section prohibits an individual from voluntarily electing to have federal income tax deducted and withheld from his or her unemployment insurance benefit payments.

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(1) The Director shall, at the time that an individual files his or her claim for benefits that establishes his or her benefit year, inform the individual that:

(a) unemployment insurance is subject to federal, State, and local income taxes;
(b) requirements exist pertaining to estimated tax payments;
(c) the individual may elect to have federal income tax deducted and withheld from his or her payments of unemployment insurance in the amount specified in the federal Internal Revenue Code; and
(d) the individual is permitted to change a previously elected withholding status.

(2) Amounts deducted and withheld from unemployment insurance shall remain in the unemployment fund until transferred to the federal taxing authority as a payment of income tax.

(3) The Director shall follow all procedures specified by the United States Department of Labor and the federal Internal Revenue Service pertaining to the deducting and withholding of income tax.

(4) Amounts shall be deducted and withheld in accordance with the priorities established in rules promulgated by the Director.

(D) Nothing in this Section prohibits an individual from voluntarily electing to have State of Illinois income tax deducted and withheld from his or her unemployment insurance benefit payments.

(1) The Director shall, at the time that an individual files his or her claim for benefits that establishes his or her benefit year, in addition to providing the notice required under subsection C, inform the individual that:

(a) the individual may elect to have State of Illinois income tax deducted and withheld from his or her payments of unemployment insurance; and
(b) the individual is permitted to change a previously elected withholding status.

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(2) Amounts deducted and withheld from unemployment insurance shall remain in the unemployment fund until transferred to the Department of Revenue as a payment of State of Illinois income tax.

(3) Amounts shall be deducted and withheld in accordance with the priorities established in rules promulgated by the Director.

(E) Nothing in this Section prohibits the deduction and withholding of an uncollected overissuance of food stamp coupons from unemployment insurance benefits pursuant to this subsection (E).

(1) At the time that an individual files a claim for benefits that establishes his or her benefit year, that individual must disclose whether or not he or she owes an uncollected overissuance (as defined in Section 13(c)(1) of the federal Food Stamp Act of 1977) of food stamp coupons. The Director shall notify the State food stamp agency enforcing such obligation of any individual who discloses that he or she owes an uncollected overissuance of food stamp coupons and who meets the monetary eligibility requirements of subsection E of Section 500.

(2) The Director shall deduct and withhold from any unemployment insurance benefits payable to an individual who owes an uncollected overissuance of food stamp coupons:

   (a) the amount specified by the individual to the Director to be deducted and withheld under this subsection (E);

   (b) the amount (if any) determined pursuant to an agreement submitted to the State food stamp agency under Section 13(c)(3)(A) of the federal Food Stamp Act of 1977; or

   (c) any amount otherwise required to be deducted and withheld from unemployment insurance benefits pursuant to Section 13(c)(3)(B) of the federal Food Stamp Act of 1977.

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(3) Any amount deducted and withheld pursuant to this subsection (E) shall be paid by the Director to the State food stamp agency.

(4) Any amount deducted and withheld pursuant to this subsection (E) shall for all purposes be treated as if it were paid to the individual as unemployment insurance benefits and paid by the individual to the State food stamp agency as repayment of the individual's uncollected overissuance of food stamp coupons.

(5) For purposes of this subsection (E), "unemployment insurance benefits" means any compensation payable under this Act including amounts payable by the Director pursuant to an agreement under any federal law providing for compensation, assistance, or allowances with respect to unemployment.

(6) This subsection (E) applies only if arrangements have been made for reimbursement by the State food stamp agency for the administrative costs incurred by the Director under this subsection (E) which are attributable to the repayment of uncollected overissuances of food stamp coupons to the State food stamp agency.

(Source: P.A. 94-237, eff. 1-1-06; revised 12-15-05.)

Section 9995. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 9996. No revival or extension. This Act does not revive or extend any Section or Act otherwise repealed.

Section 9999. Effective date. This Act takes effect upon becoming law.

Approved August 21, 2007.
AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Volunteer Emergency Worker Job Protection Act is amended by changing Section 3 as follows:

(50 ILCS 748/3)

Sec. 3. Definitions. As used in this Act:

"Volunteer emergency worker" means a firefighter who does not receive monetary compensation for his or her services to a fire department or fire protection district and who does not work for any other fire department or fire protection district for monetary compensation. "Volunteer emergency worker" also means a person who does not receive monetary compensation for his or her services as a volunteer Emergency Medical Technician (licensed as an EMT-B, EMT-I, or EMT-P under the Emergency Medical Services (EMS) Systems Act), a volunteer ambulance driver or attendant, or a volunteer "First Responder", as defined in Sec. 3.60 of the Emergency Medical Services (EMT) Systems Act, to a fire department, fire protection district, or other governmental entity and who does not work in one of these capacities for any other fire department, fire protection district, or governmental entity for monetary compensation. "Volunteer emergency worker" also means a person who is a volunteer member of a county or municipal emergency services and disaster agency pursuant to the Illinois Emergency Management Agency Act, an auxiliary policeman appointed pursuant to the Municipal Code, or an auxiliary deputy appointed by a county sheriff pursuant to the Counties Code.

"Monetary compensation" does not include a monetary incentive awarded to a firefighter by the board of trustees of a fire protection district under Section 6 of the Fire Protection District Act.

(Source: P.A. 93-1027, eff. 8-25-04; 94-599, eff. 1-1-06.)

Section 99. Effective date. This Act takes effect upon becoming law.
AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Income Tax Act is amended by changing Section 212 as follows:
(35 ILCS 5/212)
Sec. 212. Earned income tax credit.
(a) With respect to the federal earned income tax credit allowed for the taxable year under Section 32 of the federal Internal Revenue Code, 26 U.S.C. 32, each individual taxpayer is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201 in an amount equal to 5% of the federal tax credit for each taxable year beginning on or after January 1, 2000.
For a non-resident or part-year resident, the amount of the credit under this Section shall be in proportion to the amount of income attributable to this State.
(b) For taxable years beginning before January 1, 2003, in no event shall a credit under this Section reduce the taxpayer's liability to less than zero. For each taxable year beginning on or after January 1, 2003, if the amount of the credit exceeds the income tax liability for the applicable tax year, then the excess credit shall be refunded to the taxpayer. The amount of a refund shall not be included in the taxpayer's income or resources for the purposes of determining eligibility or benefit level in any means-tested benefit program administered by a governmental entity unless required by federal law.
(b-5) Refunds authorized by subsection (b) are subject to the availability of funds from the federal Temporary Assistance for Needy

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Families Block Grant and the State’s ability to meet its required Maintenance of Effort.

(c) This Section is exempt from the provisions of Section 250.

(Source: P.A. 93-534, eff. 8-18-03; 93-653, eff. 1-8-04.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 21, 2007.

PUBLIC ACT 95-0334
(Senate Bill No. 0555)

AN ACT concerning insurance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Insurance Code is amended by changing Sections 803.1 and 805.1 as follows:

(215 ILCS 5/803.1)

Sec. 803.1. Establishment of Fund.

(a) There is established a fund to be known as the "Illinois Mine Subsidence Insurance Fund". The Fund shall operate pursuant to this Article. The Fund is authorized to transact business, provide services, enter into contracts and sue or be sued in its own name.

(b) The Fund shall provide reinsurance for mine subsidence losses to all insurers writing mine subsidence insurance pursuant to this Article.

(c) The monies in the Fund shall be derived from premiums for mine subsidence insurance collected on behalf of the Fund pursuant to this Article, from investment income and from receipt of Federal or State funds. No insurer shall have any liability to the Fund or to any creditor of the Fund, except as may be set forth in this Article, in the Articles of Governance which may be adopted by the Fund, in a reinsurance agreement executed pursuant to Section 810.1, in the Plan of Operation

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established by the Fund, or in the rules and procedures adopted by the Fund as authorized by the reinsurance agreement.

(d) The Fund shall establish its rates, rating schedules, deductibles and retentions, minimum premiums, and classifications, and the maximum amount of reinsurance available per residence, commercial building, and living unit for mine subsidence insurance which the Fund shall file with the Director. The Director shall have 30 days from the date of receipt to approve or disapprove a rate filing. If no action is taken by the Director within 30 days, the rate is deemed to be approved. The Director may, in writing, extend the period for an additional 30 days if the Director determines that additional time is needed.

(e) The Fund shall establish its rates, rating schedules, deductibles and retentions, minimum premiums, classifications, and the maximum amount of reinsurance available per residence, commercial building, and living unit in such a manner as to satisfy all reasonably foreseeable claims and expenses the Fund is likely to incur. The Fund shall give due consideration to loss experience and relevant trends, premium and other income and reasonable reserves established for contingencies in establishing the mine subsidence rates.

(f) The Fund shall compile and publish an annual operating report.

(g) The Fund shall develop at least 2 consumer information publications to aid the public in understanding mine subsidence and mine subsidence insurance and shall establish a schedule for the distribution of the publications pursuant to the reinsurance agreement. Topics that shall be addressed shall include but are not limited to:

1. Descriptive information about mine subsidence, and what benefits mine subsidence insurance provides to the property owner.

2. Information that will be useful to a policyholder who has filed a mine subsidence claim, such as information that explains the claim investigation process and claim handling procedures.

(h) The Fund shall be empowered to conduct research programs in an effort to improve the administration of the mine subsidence insurance
program and help reduce and mitigate mine subsidence losses consistent with the public interest.

(i) The Fund may enter into reinsurance agreements with any intergovernmental cooperative that provides joint self-insurance for mine subsidence losses of its members. These reinsurance agreements shall be substantially similar to reinsurance agreements described in Section 810.1.
(Source: P.A. 90-499, eff. 8-19-97; 91-357, eff. 7-29-99.)
(215 ILCS 5/805.1)
Sec. 805.1. Mine Subsidence Coverage.

(a) Beginning January 1, 1994, every policy issued or renewed insuring a residence on a direct basis shall include, at a separately stated premium, residential coverage unless waived in writing by the insured. Beginning January 1, 1994, every policy issued or renewed insuring a commercial building on a direct basis shall include at a separately stated premium, commercial coverage unless waived in writing by the insured. Beginning January 1, 1994, every policy issued or renewed insuring a living unit on a direct basis shall include, at a separately stated premium, living unit coverage unless waived in writing by the insured.

(b) If the insured has previously waived mine subsidence coverage in writing, the insurer or agent need not offer mine subsidence coverage in any renewal or supplementary policy in connection with a policy previously issued to such insured by the same insurer, unless the insured subsequently makes a written request for mine subsidence coverage.

(c) The premium charged for residential, commercial or living unit coverage shall be the premium level set by the Fund. The loss covered shall be the loss in excess of the deductible or retention established by the Fund and contained in a mine subsidence endorsement to the policy. For all policies issued or renewed on or after January 1, 2008, the reinsured loss per residence, per commercial building, and per living unit shall be the amounts established by the Fund and approved by the Director. For all policies issued or renewed on or after January 1, 1994, the reinsured loss shall not exceed $350,000 per residence, $350,000 per commercial building or $15,000 per living unit. For all policies issued or renewed on or after January 1, 1996, the amount of reinsurance available from the

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Fund shall not be less than $200,000 per residence, $200,000 per commercial building, or $15,000 per living unit. The Fund may, from time to time, adjust the amount of reinsurance available as long as the minimum set by this Section is met.

(d) The residential coverage provided pursuant to this Article may also cover the additional living expenses reasonably and necessarily incurred by the owner of a residence who has been temporarily displaced as the direct result of damage to the residence caused by mine subsidence if the underlying policy also covers this type of loss, provided however, that the loss covered under living unit coverage shall be limited to losses to improvements and betterments, and reimbursement of additional living expenses and assessments made against the insured on account of mine subsidence loss.

(e) The total amount of the loss reimbursable to an insurer shall be limited to the amount of insurance reinsured by the Fund in force at the time when the damage first becomes reasonably observable. All damage caused by a single mine subsidence event or several subsidence events which are continuous shall constitute one occurrence.

(f) No insurer shall be required to offer mine subsidence coverage in excess of the reinsured limits.

(Source: P.A. 88-379; 89-206, eff. 7-21-95.)
Approved August 21, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0335
(Senate Bill No. 0557)

AN ACT concerning animals.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Bovine Brucellosis Eradication Act is amended by changing Sections 1.5 and 5 and by adding Section 1.16 as follows:

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Sec. 1.5. The term "infected animal" or "reactor" means an animal which has given positive reaction to an official test for the detection of brucellosis and has been so classified after review by the designated brucellosis epidemiologist, or other State and federally approved designee, or if Brucella microorganisms have been found in the body or in the body discharges. 
(Source: P.A. 76-972.)

Sec. 1.16. Designated brucellosis epidemiologist. The term "designated brucellosis epidemiologist" means an epidemiologist who has demonstrated the knowledge and ability to perform the functions required by the U.S. Department of Agriculture and who has been selected as a designated brucellosis epidemiologist by the State Animal Health Official and the U.S. Department of Agriculture.

Sec. 5. When one or more animals in a herd have been classified as reactors to an official test, the entire herd, except steers, spayed heifers and calves under 6 months of age, shall be quarantined immediately and the owner so notified. An accredited veterinarian or a veterinarian in the employ of the Animal and Plant Health Inspection Service of the United States Department of Agriculture, or any successor agency, shall permanently hot iron brand each animal classified as a reactor, within 15 days after classification of such animal as a reactor, on the left hip with the letter "B", such letter to be not less than 2 nor more than 3 inches in height, and shall place a special identification tag in the left ear of such reactor. The veterinarian applying an official test for brucellosis shall immediately notify the Department of each such reactor on forms furnished by the Department, giving the number of the tag placed in the left ear and the number of any tag in the right ear. Reactors shall be shipped for slaughter within 30 days of test date, except that the Department may, upon request, grant an extension of not more than 30 days. Suspect animals which have a history of having aborted and are from a herd containing reactors may be designated as reactors by the

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veterinarian obtaining the blood samples, when approved by the Department. Suspect animals in herds under quarantine due to brucellosis infection may be designated as reactors by the Department if deemed advisable in the interest of brucellosis eradication. No person shall remove any reactor identification tag.

All animals classified as suspects to an official test shall be positively identified and their movement restricted to the premises where found until they are retested and found negative, or identified as reactors.

Animals with a positive result to an official test at livestock markets may be slaughtered or returned to the herd of origin only by permit and must remain under quarantine for further evaluation.

(Source: P.A. 90-192, eff. 7-24-97.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 21, 2007.

PUBLIC ACT 95-0336
(Senate Bill No. 1253)

AN ACT concerning health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Community Mental Health Act is amended by changing Sections 1, 2, 3a, 3e, 3f, 4, 5, 6, 7, 9, 10, and 11 as follows:

"Direct recipient services" means only those services required to carry out a completed individualized treatment plan that is signed by a service recipient or legal guardian. Crisis assessment and stabilization services are excluded, although these services may be anticipated in a treatment plan.

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(a) "Governmental unit" means any county, city, village, incorporated town, or township.

"Person with a developmental disability" means any person or persons so diagnosed and as defined in the Mental Health and Developmental Disabilities Code. Community mental health boards operating under this Act may in their jurisdiction, by a majority vote, add to the definition of "person with a developmental disability".

"Mental illness" has the meaning ascribed to that term in the Mental Health and Developmental Disabilities Code. Community mental health boards operating under this Act may in their jurisdiction, by a majority vote, add to the definition of "mental illness".

"Substance use disorder" encompasses substance abuse, dependence, and addiction, not inconsistent with federal or State definitions.

(c) "Substance abuse" means the excessive use of alcohol, addiction to a controlled substance, or the habitual use of cannabis.

(Source: P.A. 88-380.)

(405 ILCS 20/2) (from Ch. 91 1/2, par. 302)

Sec. 2. Any county, city, village, incorporated town, township, public health district, county health department, multiple-county health department, school district or any combination thereof, in consultation with and being advised by the Department of Human Services, shall have the power to construct, repair, operate, maintain and regulate community mental health facilities to provide mental health services as defined by the local community mental health board, including services for persons with a developmental disability or substance use disorder and for the substance abuser, for residents thereof and/or to contract therefor with any private or public entity which provides such facilities and services, either in or without such county, city, village, incorporated town, township, public health district, county health department, multiple-county health department, school district or any combination thereof.

(Source: P.A. 88-380; 89-507, eff. 7-1-97.)

(405 ILCS 20/3a) (from Ch. 91 1/2, par. 303a)

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Sec. 3a. Every governmental unit authorized to levy an annual tax under any of the provisions of this Act shall, before it may levy such tax, establish a 7 member community mental health board who shall administer this Act. Such board shall be appointed by the chairman of the governing body of a county, the mayor of a city, the president of a village, the president of an incorporated town, or the supervisor of a township, as the case may be, with the advice and consent of the governing body of such county, city, village, incorporated town or the town board of trustees of any township. Members of the community mental health board shall be residents of the government unit and, as nearly as possible, be representative of interested groups of the community such as local health departments, medical societies, local comprehensive health planning agencies, hospital boards, lay associations concerned with mental health, developmental disabilities and substance abuse, as well as the general public. Only one member shall be a member of the governing body. The chairman of the governing body may, upon the request of the community mental health board, appoint 2 additional members to the community mental health board. No member of the community mental health board may be a full-time or part-time employee of the Department of Human Services or a board member, employee or any other individual receiving compensation from any facility or service operating under contract to the board, except that unpaid members of the board of directors of any not-for-profit corporation operating under contract to community mental health boards of 2 adjacent counties established prior to 1979 may also be members of such community mental health boards. If a successful referendum is held under Section 5 of this Act, all members of such board shall be appointed within 60 days of the referendum.

Home rule units are exempt from this Act. However, they may, by ordinance, adopt the provisions of this Act, or any portion thereof, that they may deem advisable.

The tax rate set forth in Section 4 may be levied by any non-home rule unit only pursuant to the approval by the voters at a referendum. Such referendum may have been held at any time subsequent to the effective date of the Community Mental Health Act.
Sec. 3e. Board's powers and duties.

(1) Every community mental health board shall, immediately after appointment, meet and organize, by the election of one of its number as president and one as secretary and such other officers as it may deem necessary. It shall make rules and regulations concerning the rendition or operation of services and facilities which it directs, supervises or funds, not inconsistent with the provisions of this Act or with the rules and regulations of the Department of Human Services. It shall:

   (a) Hold a meeting prior to July 1 of each year at which officers shall be elected for the ensuing year beginning July 1;
   
   (b) Hold meetings at least quarterly;
   
   (c) Hold special meetings upon a written request signed by at least 2 members and filed with the secretary;
   
   (d) Review and evaluate community mental health services and facilities, including services and facilities for the treatment of alcoholism, drug addiction, developmental disabilities and mental retardation;
   
   (e) Authorize the disbursement of money from the community mental health fund for payment for the ordinary and contingent expenses of the board;
   
   (f) Submit to the appointing officer and the members of the governing body, the Department of Human Services, and the Health Systems Agency a written plan for a program of community mental health services and facilities, including programs for persons adjudicated delinquent minors under the Juvenile Court Act or the Juvenile Court Act of 1987 who are found to be persons with mental illness, for persons with a mental illness, a developmental disability, or a substance use disorder and for the substance abuser. Such plan shall be for the ensuing 12 month period. In addition, a plan shall be developed for the ensuing 3 year period and such plan shall be reviewed at the end of every 12 month period and shall be modified as deemed advisable. The basic

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components of such plans shall be consistent with the regulations of the Department of Human Services.

(g) (f) Within amounts appropriated therefor, execute such programs and maintain such services and facilities as may be authorized under such appropriations, including amounts appropriated under bond issues, if any;

(h) (g) Publish the The board shall cause the publication of its annual budget and report within 120 days after the end of the fiscal year in a newspaper distributed within the jurisdiction of the board, or, if no newspaper is published within the jurisdiction of the board, then one published in the county, or, if no newspaper is published in the county, then in a newspaper having general circulation within the jurisdiction of the board. The report shall show the condition of its trust of that year, the sums of money received from all sources, giving the name of any donor, how all monies have been expended and for what purpose, and such other statistics and program information in regard to the work of the board as it may deem of general interest. A copy of the budget and the annual report shall be made available also be sent to the Department of Human Services and to the regional Health Systems Agency and to members of the General Assembly whose districts include any part of the jurisdiction of such board. The names of all employees, consultants, and other personnel shall be set forth along with the amounts of money received;

(i) (h) Consult with other appropriate local private and public agencies and the Department of Human Services in the development of local plans for the most efficient delivery of mental health, developmental disabilities, alcoholism and substance use disorder abuse services. The Board is authorized to join and to participate in the activities of associations organized for the purpose of promoting more efficient and effective services and programs;

(j) (i) Have the authority to review Review and comment on all applications for grants by any person, corporation, or

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governmental unit providing services within the geographical area of the board which provides mental health facilities and services, when such facilities and services are included in the board's one-year and 3-year plans; including services for the person with a mental illness, a developmental disability, or a substance use disorder and the substance abuser. The board may require funding applicants to send a copy of their funding application to the board at the time such application is submitted to the Department of Human Services or to any other local, State or federal funding source or governmental agency. Within 60 days of the receipt of any application, the board shall submit its review and comments to the Department of Human Services or to any other appropriate local, State or federal funding source or governmental agency. A copy of the review and comments shall be submitted both to the funding grant applicant and to the regional Health Systems Agency. Within 60 days thereafter, the Department of Human Services or any other appropriate local or State governmental agency shall issue a written response to the board and the funding applicant, to the grant applicant and to the federal Health Systems Agency. The Department of Human Services shall supply any community mental health board such information about purchase-of-care funds, State facility utilization, and costs in its geographical area as the board may request provided that the information requested is for the purpose of the Community Mental Health Board complying with the requirements of Section 3f 3-e, subsection (f) (e) of this Act;

(k) (j) Perform such other acts as may be necessary or proper to carry out the purposes of this Act, if not inconsistent with the regulations of the Department of Human Services.

(2) The community mental health board has the following powers:

(a) The board may enter into multiple-year contracts for rendition or operation of services, facilities and educational programs.

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(b) The board may arrange through intergovernmental agreements or intragovernmental agreements or both for the rendition of services and operation of facilities by other agencies or departments of the governmental unit or county in which the governmental unit is located with the approval of the governing body.

(c) To The board may employ, establish compensation for, and set policies for its such personnel, including legal counsel, as may be necessary to carry out the purposes of this Act and prescribe the duties thereof of and establish salaries and provide other compensation for such personnel. The board may enter into multiple-year employment contracts as may be necessary for the recruitment and retention of personnel and the proper functioning of the board.

(d) The board may enter into multiple-year joint agreements, which shall be written, with other contiguous mental health boards and boards of health to provide jointly agreed upon community mental health facilities and services and to pool such funds as may be deemed necessary and available for this purpose.

(e) The board may organize a not-for-profit corporation for the purpose of providing direct recipient services. Such corporations shall have, in addition to all other lawful powers, the power to contract with persons to furnish services for recipients of the corporation's facilities, including psychiatrists and other physicians licensed in this State to practice medicine in all of its branches. Such physicians shall be considered independent contractors, and liability for any malpractice shall not extend to such corporation, nor to the community mental health board, except for gross negligence in entering into such a contract.

(f) The board shall not operate any direct recipient services for more than a 2-year period when such services are being provided in the governmental unit, but shall encourage, by financial support, the development of private agencies to deliver such needed services, pursuant to regulations of the board.

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(g) Where there are multiple boards within the same planning area, as established by the Department of Human Services, services may be purchased through a single delivery system. In such areas, a coordinating body with representation from each board shall be established to carry out the service functions of this Act. In the event any such coordinating body purchases or improves real property, such body shall first obtain the approval of the governing bodies of the governmental units in which the coordinating body is located.

(h) The board may enter into multiple-year joint agreements with other governmental units located within the geographical area of the board. Such agreements shall be written and shall provide for the rendition of services by the board to the residents of such governmental units.

(i) The board may enter into multiple-year joint agreements with federal, State, and local governments, including the Department of Human Services, whereby the board will provide certain services, the costs of which shall be negotiated between the Department and the board. This provision shall not be construed to limit the authority of the board to contract with other federal, State and local agencies. All such joint agreements must provide for the exchange of relevant data. However, nothing in this Act shall be construed to permit the abridgement of the confidentiality of patient records.

(j) The board may receive gifts from private sources for purposes not inconsistent with the provisions of this Act.

(k) The board may receive Federal, State and local funds for purposes not inconsistent with the provisions of this Act.

(l) The board may establish scholarship programs. Such programs shall require equivalent service or reimbursement pursuant to regulations of the board.

(m) The board may sell, rent, or lease real property for purposes consistent with this Act.

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(n) The board may: (i) own real property, lease real property as lessee, or acquire real property by purchase, construction, lease-purchase agreement, or otherwise; (ii) take title to the property in the board's name; (iii) borrow money and issue debt instruments, mortgages, purchase-money mortgages, and other security instruments with respect to the property; and (iv) maintain, repair, remodel, or improve the property. All of these activities must be for purposes consistent with this Act as may be reasonably necessary for the housing and proper functioning of the board. The board may use moneys in the Community Mental Health Fund for these purposes.

(o) The board may organize a not-for-profit corporation (i) for the purpose of raising money to be distributed by the board for providing community mental health services and facilities for the treatment of alcoholism, drug addiction, developmental disabilities, and mental retardation or (ii) for other purposes not inconsistent with this Act.

(Source: P.A. 92-552, eff. 6-24-02.)

(405 ILCS 20/3f) (from Ch. 91 1/2, par. 303f)

Sec. 3f. Annually, each community mental health board shall prepare and submit, for informational purposes in the appropriations process, to the appointing officer and governing body referred to in Section 3a: (a) an annual budget showing the estimated receipts and intended disbursements pursuant to this Act for the fiscal year immediately following the date the budget is submitted, which date must be at least 30 days prior to the start of the fiscal year, and (b) an annual report detailing the income received and disbursements made pursuant to this Act during the fiscal year just preceding the date the annual report is submitted, which date must be within 90 days of the close of that fiscal year. Such report shall also include those matters set forth in Section 8 of this Act.

(Source: P.A. 81-898.)

(405 ILCS 20/4) (from Ch. 91 1/2, par. 304)

Sec. 4. In order to provide the necessary funds or to supplement existing funds for such community mental health facilities and services,
including facilities and services for the person with a developmental disability or a substance use disorder and the substance abuser, the governing body of any governmental unit, subject to the provisions of Section 5, may levy an annual tax of not to exceed .15% upon all of the taxable property in such governmental unit at the value thereof, as equalized or assessed by the Department of Revenue. Such tax shall be levied and collected in the same manner as other governmental unit taxes, but shall not be included in any limitation otherwise prescribed as to the rate or amount of governmental unit taxes, but shall be in addition thereto and in excess thereof.

When collected, such tax shall be paid into a special fund to be designated as the "Community Mental Health Fund" which shall, upon authorization by the appropriate governmental unit, be administered by the community mental health board and used only for the purposes specified in this Act. Nothing contained herein shall in any way preclude the use of other funds available for such purposes under any existing Federal, State or local statute. Interest earned from moneys deposited in this Fund shall only be used for purposes which are authorized by this Act.

In any city, village, incorporated town, or township which levies a tax for the purpose of providing community mental health facilities and services and part or all of such city, village, incorporated town, or township is in a county or township, as the case may be, which levies a tax to provide community mental health facilities and services under the provisions of this Act, such county or township, as the case may be, shall pay to such city, village, incorporated town, or township, as the case may be, the entire amount collected from taxes under this Section on property subject to a tax which any city, village, incorporated town, or township thereof levies to provide community mental health facilities and services.

Whenever any city, village, incorporated town, or township receives any payments from a county or township as provided above, such city, village, incorporated town, or township shall reduce and abate from the tax levied by the authority of this Section a rate which would produce an amount equal to the amount received from such county or township.

(Source: P.A. 88-380.)

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Sec. 5. When the governing body of a governmental unit passes a resolution as provided in Section 4 asking that an annual tax may be levied for the purpose of providing such mental health facilities and services, including facilities and services for the person with a developmental disability or a substance use disorder and the substance abuser, in the community and so instructs the clerk of the governmental unit such clerk shall certify the proposition to the proper election officials for submission at a regular election in accordance with the general election law. The proposition shall be in the following form:

Shall...........(governmental unit) levy an annual tax of not to exceed .15% for the purpose of providing community mental health facilities and services including facilities and services for the person with a developmental disability or a substance use disorder and the substance abuser?

If a majority of all the votes cast upon the proposition are for the levy of such tax, the governing body of such governmental unit shall thereafter annually levy a tax not to exceed the rate set forth in Section 4. Thereafter, the governing body shall in the annual appropriation bill appropriate from such funds such sum or sums of money as may be deemed necessary, based upon the community mental health board's budget, the board's annual mental health report, and the local mental health plan to defray necessary expenses and liabilities in providing for such community mental health facilities and services. (Source: P.A. 88-380.)

Sec. 6. Whenever the governing body of any governmental unit has not provided the community mental health facilities and services provided in Section 2 and levied the tax provided in Section 4 and a petition signed by electors of the governmental unit equal in number to at least 10% of the
total votes cast for the office which received the greatest total number of votes at the last preceding general governmental unit election is presented to the clerk of the governmental unit requesting the establishment and maintenance of such community mental health facilities and services, including facilities and services for the person with a developmental disability or a substance use disorder and the substance abuser, for residents thereof and the levy of such an annual tax therefor, the governing body of the governmental unit, subject to the provisions of Section 7, shall establish and maintain such community mental health facilities and services and shall levy such an annual tax of not to exceed .15% upon all of the taxable property in such governmental unit at the value thereof, as equalized or assessed by the Department of Revenue. Such tax shall be levied and collected in the same manner as other governmental unit taxes, but shall not be included in any limitation otherwise prescribed as to the rate or amount of governmental unit taxes, but shall be in addition thereto and in excess thereof.

When collected, such tax shall be paid into a special fund to be designated as the "Community Mental Health Fund" which shall, upon authorization by the appropriate governmental unit, be administered by the community mental health board and used only for the purposes specified in this Act. Nothing contained herein shall in any way preclude the use of other funds available for such purposes under any existing Federal, State or local statute. Interest earned from moneys deposited in this Fund shall only be used for purposes which are authorized by this Act.

In any city, village, incorporated town, or township which levies a tax for the purpose of providing community mental health facilities and services and part or all of such city, village, incorporated town, or township is in a county or township, as the case may be, which levies a tax to provide community mental health facilities and services under the provisions of this Act, such county or township, as the case may be, shall pay to such city, village, incorporated town, or township, as the case may be, the entire amount collected from taxes under this Section on property subject to a tax which any city, village, incorporated town, or township thereof levies to provide community mental health facilities and services.
Whenever any city, village, incorporated town, or township receives any payments from a county or township as provided above, such city, village, incorporated town, or township shall reduce and abate from the tax levied by the authority of this Section a rate which would produce an amount equal to the amount received from such county or township.  
(Source: P.A. 88-380.)

(405 ILCS 20/7) (from Ch. 91 1/2, par. 307)

Sec. 7. When the petition provided for in Section 6 is presented to the clerk of the governmental unit requesting the establishment and maintenance of such mental health facilities and services for residents of the community and the levy of such an annual tax therefor, the clerk of the governmental unit shall certify to the proper election officials the proposition for the levy of such tax which shall be submitted at a regular election in accordance with the general election law. The proposition shall be in substantially the following form:

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Shall....................
(governmental unit) establish and maintain community mental health facilities and services including facilities and services for the person with a developmental disability or a substance use disorder and the substance abuser and levy therefor an annual tax of not to exceed .15%?
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If a majority of all the votes cast upon the proposition are in favor thereof, the governing governmental body of such governmental unit shall establish and maintain such community mental health facilities and services and shall annually levy such tax. Thereafter, the governing body shall in the annual appropriation bill appropriate from such funds such sum or sums of money as may be deemed necessary, based upon the community mental health board's budget, the board's annual mental health
report, and the board's plan to defray necessary expenses and liabilities in providing for such community mental health facilities and services.
(Source: P.A. 88-380.)

(405 ILCS 20/9) (from Ch. 91 1/2, par. 309)
Sec. 9. Whenever electors, equal in number to at least 10% of the total votes cast for the office on which the greatest total number of votes were cast at the last preceding general governmental unit election, of a governmental unit which has adopted the taxing provisions of this Act, present a petition to the clerk of the governmental unit, requesting that the levying of a tax annually in such governmental unit for the purpose of providing community mental health facilities and services be discontinued, the clerk shall certify the proposition to the proper election officials for submission at a regular election in accordance with the general election law. The proposition shall be substantially in the following form:
------------------------------------------------------------------
Shall.... (governmental unit) YES
discontinue the levying of an annual tax for the purpose of providing community mental health facilities and services including NO
facilities and services for the person with a developmental disability
or a substance use disorder and the substance abuser?
------------------------------------------------------------------
If a majority of all the votes cast upon the proposition are for the discontinuance of the levying of such tax, the governing body of the governmental unit shall not thereafter levy such a tax unless a proposition authorizing such levy again receives a majority of all the votes cast upon the proposition as provided in Sections 5 and 7 of this Act.
(Source: P.A. 88-380.)

(405 ILCS 20/10) (from Ch. 91 1/2, par. 310)
Sec. 10. Whenever the board and the governing body of a governmental unit by resolution determines that it is necessary to issue bonds of the governmental unit to enable it to provide buildings for or to make permanent improvements in the community mental health facilities,

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including facilities for the person with a developmental disability or a substance use disorder and the substance abuser, the governing body shall so instruct the clerk of the governmental unit. Thereupon, such clerk shall certify the proposition to the proper election officials who shall submit the proposition at a regular election in accordance with the general election law. However, before such resolution is adopted, a report must be filed with the board and the governing body by the Department of Human Services, the regional Health Systems Agency and the regional Health Systems Agency and the regional Health Systems Agency as to the advisability of any proposed building or of any proposed permanent improvements in existing facilities.

(405 ILCS 20/11) (from Ch. 91 1/2, par. 311)

Sec. 11. The proposition pursuant to Section 10 shall be in the following form:

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Shall the.... (governmental unit) issue bonds to the amount of.... dollars for the purpose of enabling the governmental unit to.... (purpose to be stated, which shall be either to provide buildings for or to make permanent improvements in the community mental health facilities including facilities for the person with a developmental disability or a substance use disorder and the substance abuser) YES NO
------------------------------------------------------------------------

In case a majority of the votes cast upon the propositions shall be in favor of the issuance of such bonds, the governing body of the governmental unit shall issue the bonds of the governmental unit not exceeding the amount authorized at the referendum. Such bonds shall become due not more than 40 years after their date, shall be in denominations of $100 or any multiple thereof, and shall bear interest, evidenced by coupons, payable semi-annually, as shall be determined by the governing body.

(Source: P.A. 88-380.)

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(405 ILCS 20/8.5 rep.)
Section 10. The Community Mental Health Act is amended by repealing Section 8.5.

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 21, 2007.

PUBLIC ACT 95-0337
(House Bill No. 1080)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Sections 6-103, 6-204, and 6-205 as follows:
(625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)
Sec. 6-103. What persons shall not be licensed as drivers or granted permits. The Secretary of State shall not issue, renew, or allow the retention of any driver's license nor issue any permit under this Code:
1. To any person, as a driver, who is under the age of 18 years except as provided in Section 6-107, and except that an instruction permit may be issued under Section 6-107.1 to a child who is not less than 15 years of age if the child is enrolled in an approved driver education course as defined in Section 1-103 of this Code and requires an instruction permit to participate therein, except that an instruction permit may be issued under the provisions of Section 6-107.1 to a child who is 17 years and 9 months of age without the child having enrolled in an approved driver education course and except that an instruction permit may be issued to a child who is at least 15 years and 6 months of age, is enrolled in school, meets the educational requirements of the

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Driver Education Act, and has passed examinations the Secretary of State in his or her discretion may prescribe;

2. To any person who is under the age of 18 as an operator of a motorcycle other than a motor driven cycle unless the person has, in addition to meeting the provisions of Section 6-107 of this Code, successfully completed a motorcycle training course approved by the Illinois Department of Transportation and successfully completes the required Secretary of State's motorcycle driver's examination;

3. To any person, as a driver, whose driver's license or permit has been suspended, during the suspension, nor to any person whose driver's license or permit has been revoked, except as provided in Sections 6-205, 6-206, and 6-208;

4. To any person, as a driver, who is a user of alcohol or any other drug to a degree that renders the person incapable of safely driving a motor vehicle;

5. To any person, as a driver, who has previously been adjudged to be afflicted with or suffering from any mental or physical disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

6. To any person, as a driver, who is required by the Secretary of State to submit an alcohol and drug evaluation or take an examination provided for in this Code unless the person has successfully passed the examination and submitted any required evaluation;

7. To any person who is required under the provisions of the laws of this State to deposit security or proof of financial responsibility and who has not deposited the security or proof;

8. To any person when the Secretary of State has good cause to believe that the person by reason of physical or mental disability would not be able to safely operate a motor vehicle upon the highways, unless the person shall furnish to the Secretary of State a verified written statement, acceptable to the Secretary of State.
State, from a competent medical specialist to the effect that the
operation of a motor vehicle by the person would not be inimical to
the public safety;

9. To any person, as a driver, who is 69 years of age or
older, unless the person has successfully complied with the
provisions of Section 6-109;

10. To any person convicted, within 12 months of
application for a license, of any of the sexual offenses enumerated
in paragraph 2 of subsection (b) of Section 6-205;

11. To any person who is under the age of 21 years with a
classification prohibited in paragraph (b) of Section 6-104 and to
any person who is under the age of 18 years with a classification
prohibited in paragraph (c) of Section 6-104;

12. To any person who has been either convicted of or
adjudicated under the Juvenile Court Act of 1987 based upon a
violation of the Cannabis Control Act, the Illinois Controlled
Substances Act, or the Methamphetamine Control and Community
Protection Act while that person was in actual physical control of a
motor vehicle. For purposes of this Section, any person placed on
probation under Section 10 of the Cannabis Control Act, Section
410 of the Illinois Controlled Substances Act, or Section 70 of the
Methamphetamine Control and Community Protection Act shall
not be considered convicted. Any person found guilty of this
offense, while in actual physical control of a motor vehicle, shall
have an entry made in the court record by the judge that this
offense did occur while the person was in actual physical control of
a motor vehicle and order the clerk of the court to report the
violation to the Secretary of State as such. The Secretary of State
shall not issue a new license or permit for a period of one year;

13. To any person who is under the age of 18 years and who
has committed the offense of operating a motor vehicle without a
valid license or permit in violation of Section 6-101;

14. To any person who is 90 days or more delinquent in
court ordered child support payments or has been adjudicated in
arrears in an amount equal to 90 days' obligation or more and who has been found in contempt of court for failure to pay the support, subject to the requirements and procedures of Article VII of Chapter 7 of the Illinois Vehicle Code;

15. To any person released from a term of imprisonment for violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide or for violating subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code relating to aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, if the violation was the proximate cause of a death, within 24 months of release from a term of imprisonment;

16. To any person who, with intent to influence any act related to the issuance of any driver's license or permit, by an employee of the Secretary of State's Office, or the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer all or part of a driver's license examination, promises or tenders to that person any property or personal advantage which that person is not authorized by law to accept. Any persons promising or tendering such property or personal advantage shall be disqualified from holding any class of driver's license or permit for 120 consecutive days. The Secretary of State shall establish by rule the procedures for implementing this period of disqualification and the procedures by which persons so disqualified may obtain administrative review of the decision to disqualify;

17. To any person for whom the Secretary of State cannot verify the accuracy of any information or documentation submitted in application for a driver's license; or

18. To any person who has been adjudicated under the Juvenile Court Act of 1987 based upon an offense that is determined by the court to have been committed in furtherance of

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the criminal activities of an organized gang, as provided in Section 5-710 of that Act, and that involved the operation or use of a motor vehicle or the use of a driver's license or permit. The person shall be denied a license or permit for the period determined by the court.

The Secretary of State shall retain all conviction information, if the information is required to be held confidential under the Juvenile Court Act of 1987.  
(Source: P.A. 93-174, eff. 1-1-04; 93-712, eff. 1-1-05; 93-783, eff. 1-1-05; 93-788, eff. 1-1-05; 93-895, eff. 1-1-05; 94-556, eff. 9-11-05.)

(625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204) Sec. 6-204. When Court to forward License and Reports.

(a) For the purpose of providing to the Secretary of State the records essential to the performance of the Secretary's duties under this Code to cancel, revoke or suspend the driver's license and privilege to drive motor vehicles of certain minors adjudicated truant minors in need of supervision, addicted, or delinquent and of persons found guilty of the criminal offenses or traffic violations which this Code recognizes as evidence relating to unfitness to safely operate motor vehicles, the following duties are imposed upon public officials:

(1) Whenever any person is convicted of any offense for which this Code makes mandatory the cancellation or revocation of the driver's license or permit of such person by the Secretary of State, the judge of the court in which such conviction is had shall require the surrender to the clerk of the court of all driver's licenses or permits then held by the person so convicted, and the clerk of the court shall, within 5 days thereafter, forward the same, together with a report of such conviction, to the Secretary.

(2) Whenever any person is convicted of any offense under this Code or similar offenses under a municipal ordinance, other than regulations governing standing, parking or weights of vehicles, and excepting the following enumerated Sections of this Code: Sections 11-1406 (obstruction to driver's view or control), 11-1407 (improper opening of door into traffic), 11-1410 (coasting

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regulations), 27-322 (parking regulations), 27-324 (loading and unloading at an angle), 27-333 (wheel and axle loads), 27-334 (load restrictions in the downtown district), 27-335 (load restrictions in residential areas), 27-338 (width of vehicles), 27-339 (height of vehicles), 27-340 (length of vehicles), 27-352 (reflectors on trailers), 27-353 (mufflers), 27-354 (display of plates), 27-355 (display of city vehicle tax sticker), 27-357 (identification of vehicles), 27-358 (projecting of loads), and also excepting the following enumerated paragraphs of Section 2-201 of the Rules and Regulations of the Illinois State Toll Highway Authority: (l) (driving unsafe vehicle on tollway), (m) (vehicles transporting dangerous cargo not properly indicated), it shall be the duty of the clerk of the court in which such conviction is had within 5 days thereafter to forward to the Secretary of State a report of the conviction and the court may recommend the suspension of the driver's license or permit of the person so convicted.

The reporting requirements of this subsection shall apply to all violations stated in paragraphs (1) and (2) of this subsection when the individual has been adjudicated under the Juvenile Court Act or the Juvenile Court Act of 1987. Such reporting requirements shall also apply to individuals adjudicated under the Juvenile Court Act or the Juvenile Court Act of 1987 who have committed a violation of Section 11-501 of this Code, or similar provision of a local ordinance, or Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide. These reporting requirements also apply to individuals adjudicated under the Juvenile Court Act of 1987 based on any offense determined to have been committed in furtherance of the criminal activities of an organized gang, as provided in Section 5-710 of that Act, and that involved the operation or use of a motor vehicle or the use of a driver's license or permit. The reporting requirements of this subsection shall also apply to a truant minor in need of supervision, an addicted minor, or a delinquent minor and whose driver's license and privilege to drive a motor vehicle has been ordered suspended for such times as determined by the Court, but only until he or she attains 18 years of age. It

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shall be the duty of the clerk of the court in which adjudication is had within 5 days thereafter to forward to the Secretary of State a report of the adjudication and the court order requiring the Secretary of State to suspend the minor's driver's license and driving privilege for such time as determined by the Court, but only until he or she attains the age of 18 years. All juvenile court dispositions reported to the Secretary of State under this provision shall be processed by the Secretary of State as if the cases had been adjudicated in traffic or criminal court. However, information reported relative to the offense of reckless homicide, or Section 11-501 of this Code, or a similar provision of a local ordinance, shall be privileged and available only to the Secretary of State, courts, and police officers.

The reporting requirements of this subsection (a) apply to all violations listed in paragraphs (1) and (2) of this subsection (a), excluding parking violations, when the driver holds a CDL, regardless of the type of vehicle in which the violation occurred, or when any driver committed the violation in a commercial motor vehicle as defined in Section 6-500 of this Code.

(3) Whenever an order is entered vacating the forfeiture of any bail, security or bond given to secure appearance for any offense under this Code or similar offenses under municipal ordinance, it shall be the duty of the clerk of the court in which such vacation was had or the judge of such court if such court has no clerk, within 5 days thereafter to forward to the Secretary of State a report of the vacation.

(4) A report of any disposition of court supervision for a violation of Sections 6-303, 11-401, 11-501 or a similar provision of a local ordinance, 11-503 and 11-504 shall be forwarded to the Secretary of State. A report of any disposition of court supervision for a violation of an offense defined as a serious traffic violation in this Code or a similar provision of a local ordinance committed by a person under the age of 21 years shall be forwarded to the Secretary of State.

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(5) Reports of conviction under this Code and sentencing hearings under the Juvenile Court Act of 1987 in an electronic format or a computer processible medium shall be forwarded to the Secretary of State via the Supreme Court in the form and format required by the Illinois Supreme Court and established by a written agreement between the Supreme Court and the Secretary of State. In counties with a population over 300,000, instead of forwarding reports to the Supreme Court, reports of conviction under this Code and sentencing hearings under the Juvenile Court Act of 1987 in an electronic format or a computer processible medium may be forwarded to the Secretary of State by the Circuit Court Clerk in a form and format required by the Secretary of State and established by written agreement between the Circuit Court Clerk and the Secretary of State. Failure to forward the reports of conviction or sentencing hearing under the Juvenile Court Act of 1987 as required by this Section shall be deemed an omission of duty and it shall be the duty of the several State's Attorneys to enforce the requirements of this Section.

(b) Whenever a restricted driving permit is forwarded to a court, as a result of confiscation by a police officer pursuant to the authority in Section 6-113(f), it shall be the duty of the clerk, or judge, if the court has no clerk, to forward such restricted driving permit and a facsimile of the officer's citation to the Secretary of State as expeditiously as practicable.

(c) For the purposes of this Code, a forfeiture of bail or collateral deposited to secure a defendant's appearance in court when forfeiture has not been vacated, or the failure of a defendant to appear for trial after depositing his driver's license in lieu of other bail, shall be equivalent to a conviction.

(d) For the purpose of providing the Secretary of State with records necessary to properly monitor and assess driver performance and assist the courts in the proper disposition of repeat traffic law offenders, the clerk of the court shall forward to the Secretary of State, on a form prescribed by the Secretary, records of a driver's participation in a driver remedial or rehabilitative program which was required, through a court order or court

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supervision, in relation to the driver's arrest for a violation of Section 11-501 of this Code or a similar provision of a local ordinance. The clerk of the court shall also forward to the Secretary, either on paper or in an electronic format or a computer processible medium as required under paragraph (5) of subsection (a) of this Section, any disposition of court supervision for any traffic violation, excluding those offenses listed in paragraph (2) of subsection (a) of this Section. These reports shall be sent within 5 days after disposition, or, if the driver is referred to a driver remedial or rehabilitative program, within 5 days of the driver's referral to that program. These reports received by the Secretary of State, including those required to be forwarded under paragraph (a)(4), shall be privileged information, available only (i) to the affected driver and (ii) for use by the courts, police officers, prosecuting authorities, and the Secretary of State. In accordance with 49 C.F.R. Part 384, all reports of court supervision, except violations related to parking, shall be forwarded to the Secretary of State for all holders of a CDL or any driver who commits an offense while driving a commercial motor vehicle. These reports shall be recorded to the driver's record as a conviction for use in the disqualification of the driver's commercial motor vehicle privileges and shall not be privileged information.

(Source: P.A. 94-307, eff. 9-30-05; 94-930, eff. 6-26-06.)

(625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

Sec. 6-205. Mandatory revocation of license or permit; Hardship cases.

(a) Except as provided in this Section, the Secretary of State shall immediately revoke the license, permit, or driving privileges of any driver upon receiving a report of the driver's conviction of any of the following offenses:

1. Reckless homicide resulting from the operation of a motor vehicle;
2. Violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence

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of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof;

3. Any felony under the laws of any State or the federal government in the commission of which a motor vehicle was used;

4. Violation of Section 11-401 of this Code relating to the offense of leaving the scene of a traffic accident involving death or personal injury;

5. Perjury or the making of a false affidavit or statement under oath to the Secretary of State under this Code or under any other law relating to the ownership or operation of motor vehicles;

6. Conviction upon 3 charges of violation of Section 11-503 of this Code relating to the offense of reckless driving committed within a period of 12 months;

7. Conviction of any offense defined in Section 4-102 of this Code;

8. Violation of Section 11-504 of this Code relating to the offense of drag racing;

9. Violation of Chapters 8 and 9 of this Code;

10. Violation of Section 12-5 of the Criminal Code of 1961 arising from the use of a motor vehicle;

11. Violation of Section 11-204.1 of this Code relating to aggravated fleeing or attempting to elude a peace officer;

12. Violation of paragraph (1) of subsection (b) of Section 6-507, or a similar law of any other state, relating to the unlawful operation of a commercial motor vehicle;

13. Violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance if the driver has been previously convicted of a violation of that Section or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense.

(b) The Secretary of State shall also immediately revoke the license or permit of any driver in the following situations:

1. Of any minor upon receiving the notice provided for in Section 5-901 of the Juvenile Court Act of 1987 that the minor has
been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of this Code;

2. Of any person when any other law of this State requires either the revocation or suspension of a license or permit;

3. Of any person adjudicated under the Juvenile Court Act of 1987 based on an offense determined to have been committed in furtherance of the criminal activities of an organized gang as provided in Section 5-710 of that Act, and that involved the operation or use of a motor vehicle or the use of a driver's license or permit. The revocation shall remain in effect for the period determined by the court. Upon the direction of the court, the Secretary shall issue the person a judicial driving permit, also known as a JDP. The JDP shall be subject to the same terms as a JDP issued under Section 6-206.1, except that the court may direct that a JDP issued under this subdivision (b)(3) be effective immediately.

(c) Whenever a person is convicted of any of the offenses enumerated in this Section, the court may recommend and the Secretary of State in his discretion, without regard to whether the recommendation is made by the court may, upon application, issue to the person a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow transportation for the petitioner or a household member of the petitioner's family for the receipt of necessary medical care or, if the professional evaluation indicates, provide transportation for the petitioner for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare; provided that the Secretary's discretion shall be limited to cases where undue hardship would result from a failure to issue the restricted driving permit.

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If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary of State may issue a restricted driving permit for a period he deems appropriate, except that the permit shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination thereof, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under

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this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program. However, if an individual's driving privileges have been revoked in accordance with paragraph 13 of subsection (a) of this Section, no restricted driving permit shall be issued until the individual has served 6 months of the revocation period.

(d) Whenever a person under the age of 21 is convicted under Section 11-501 of this Code or a similar provision of a local ordinance, the Secretary of State shall revoke the driving privileges of that person. One year after the date of revocation, and upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle only between the hours of 5 a.m. and 9 p.m. or as otherwise provided by this Section for a period of one year. After this one year period, and upon reapplication for a license as provided in Section 6-106, upon payment of the appropriate reinstatement fee provided under paragraph (b) of Section 6-118, the Secretary of State, in his discretion, may issue the applicant a license, or extend the restricted driving permit as many times as the Secretary of State deems appropriate, by additional periods of not more than 12 months each, until the applicant attains 21 years of age.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

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If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The revocation periods contained in this subparagraph shall apply to similar out-of-state convictions.

(e) This Section is subject to the provisions of the Driver License Compact.

(f) Any revocation imposed upon any person under subsections 2 and 3 of paragraph (b) that is in effect on December 31, 1988 shall be converted to a suspension for a like period of time.

(g) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been revoked under any provisions of this Code.

(h) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense under Section 11-501 of this Code or a
similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(i) The Secretary of State may not issue a restricted driving permit for a period of one year after a second or subsequent revocation of driving privileges under clause (a)(2) of this Section; however, one year after the date of a second or subsequent revocation of driving privileges under clause (a)(2) of this Section, the Secretary of State may, upon application, issue a restricted driving permit under the terms and conditions of subsection (c).

(j) In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been revoked under any provisions of this Code.

(Source: P.A. 93-120, eff. 1-1-04; 94-307, eff. 9-30-05.)

Section 10. The Juvenile Court Act of 1987 is amended by changing Section 5-710 as follows:

Sec. 5-710. Kinds of sentencing orders.

(1) The following kinds of sentencing orders may be made in respect of wards of the court:

(a) Except as provided in Sections 5-805, 5-810, 5-815, a minor who is found guilty under Section 5-620 may be:

(i) put on probation or conditional discharge and released to his or her parents, guardian or legal custodian, provided, however, that any such minor who is not committed to the Department of Juvenile Justice under this subsection and who is found to be a delinquent for an offense which is first degree murder, a Class X felony, or a forcible felony shall be placed on probation;

(ii) placed in accordance with Section 5-740, with or without also being put on probation or conditional discharge;

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(iii) required to undergo a substance abuse assessment conducted by a licensed provider and participate in the indicated clinical level of care;

(iv) placed in the guardianship of the Department of Children and Family Services, but only if the delinquent minor is under 13 years of age;

(v) placed in detention for a period not to exceed 30 days, either as the exclusive order of disposition or, where appropriate, in conjunction with any other order of disposition issued under this paragraph, provided that any such detention shall be in a juvenile detention home and the minor so detained shall be 10 years of age or older. However, the 30-day limitation may be extended by further order of the court for a minor under age 13 committed to the Department of Children and Family Services if the court finds that the minor is a danger to himself or others. The minor shall be given credit on the sentencing order of detention for time spent in detention under Sections 5-501, 5-601, 5-710, or 5-720 of this Article as a result of the offense for which the sentencing order was imposed. The court may grant credit on a sentencing order of detention entered under a violation of probation or violation of conditional discharge under Section 5-720 of this Article for time spent in detention before the filing of the petition alleging the violation. A minor shall not be deprived of credit for time spent in detention before the filing of a violation of probation or conditional discharge alleging the same or related act or acts;

(vi) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Minors Act;

(vii) subject to having his or her driver's license or driving privileges suspended for such time as determined by the court but only until he or she attains 18 years of age;

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(viii) put on probation or conditional discharge and placed in detention under Section 3-6039 of the Counties Code for a period not to exceed the period of incarceration permitted by law for adults found guilty of the same offense or offenses for which the minor was adjudicated delinquent, and in any event no longer than upon attainment of age 21; this subdivision (viii) notwithstanding any contrary provision of the law; or

(ix) ordered to undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body.

(b) A minor found to be guilty may be committed to the Department of Juvenile Justice under Section 5-750 if the minor is 13 years of age or older, provided that the commitment to the Department of Juvenile Justice shall be made only if a term of incarceration is permitted by law for adults found guilty of the offense for which the minor was adjudicated delinquent. The time during which a minor is in custody before being released upon the request of a parent, guardian or legal custodian shall be considered as time spent in detention.

(c) When a minor is found to be guilty for an offense which is a violation of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act and made a ward of the court, the court may enter a disposition order requiring the minor to undergo assessment, counseling or treatment in a substance abuse program approved by the Department of Human Services.

(2) Any sentencing order other than commitment to the Department of Juvenile Justice may provide for protective supervision under Section 5-725 and may include an order of protection under Section 5-730.

(3) Unless the sentencing order expressly so provides, it does not operate to close proceedings on the pending petition, but is subject to modification until final closing and discharge of the proceedings under Section 5-750.

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(4) In addition to any other sentence, the court may order any minor found to be delinquent to make restitution, in monetary or non-monetary form, under the terms and conditions of Section 5-5-6 of the Unified Code of Corrections, except that the "presentencing hearing" referred to in that Section shall be the sentencing hearing for purposes of this Section. The parent, guardian or legal custodian of the minor may be ordered by the court to pay some or all of the restitution on the minor's behalf, pursuant to the Parental Responsibility Law. The State's Attorney is authorized to act on behalf of any victim in seeking restitution in proceedings under this Section, up to the maximum amount allowed in Section 5 of the Parental Responsibility Law.

(5) Any sentencing order where the minor is committed or placed in accordance with Section 5-740 shall provide for the parents or guardian of the estate of the minor to pay to the legal custodian or guardian of the person of the minor such sums as are determined by the custodian or guardian of the person of the minor as necessary for the minor's needs. The payments may not exceed the maximum amounts provided for by Section 9.1 of the Children and Family Services Act.

(6) Whenever the sentencing order requires the minor to attend school or participate in a program of training, the truant officer or designated school official shall regularly report to the court if the minor is a chronic or habitual truant under Section 26-2a of the School Code.

(7) In no event shall a guilty minor be committed to the Department of Juvenile Justice for a period of time in excess of that period for which an adult could be committed for the same act.

(8) A minor found to be guilty for reasons that include a violation of Section 21-1.3 of the Criminal Code of 1961 shall be ordered to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair of the damage that was caused by the violation or similar damage to property located in the municipality or county in which the violation occurred. The order may be in addition to any other order authorized by this Section.

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(8.5) A minor found to be guilty for reasons that include a violation of Section 3.02 or Section 3.03 of the Humane Care for Animals Act or paragraph (d) of subsection (1) of Section 21-1 of the Criminal Code of 1961 shall be ordered to undergo medical or psychiatric treatment rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist. The order may be in addition to any other order authorized by this Section.

(9) In addition to any other sentencing order, the court shall order any minor found to be guilty for an act which would constitute, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, or criminal sexual abuse if committed by an adult to undergo medical testing to determine whether the defendant has any sexually transmissible disease including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agency of acquired immunodeficiency syndrome (AIDS). Any medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the minor's person. Except as otherwise provided by law, the results of the test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the sentencing order was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom the results of the testing may be revealed. The court shall notify the minor of the results of the test for infection with the human immunodeficiency virus (HIV). The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or the legal guardian, of the results of the test for infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at the Department of Public Health facilities to all parties to whom the results of the testing are

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revealed. The court shall order that the cost of any test shall be paid by the county and may be taxed as costs against the minor.

(10) When a court finds a minor to be guilty the court shall, before entering a sentencing order under this Section, make a finding whether the offense committed either: (a) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the minor's membership in or allegiance to an organized gang, or (b) involved a violation of subsection (a) of Section 12-7.1 of the Criminal Code of 1961, a violation of any Section of Article 24 of the Criminal Code of 1961, or a violation of any statute that involved the wrongful use of a firearm. If the court determines the question in the affirmative, and the court does not commit the minor to the Department of Juvenile Justice, the court shall order the minor to perform community service for not less than 30 hours nor more than 120 hours, provided that community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. The community service shall include, but need not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located in the municipality or county in which the violation occurred. When possible and reasonable, the community service shall be performed in the minor's neighborhood. This order shall be in addition to any other order authorized by this Section except for an order to place the minor in the custody of the Department of Juvenile Justice. For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(11) If the court determines that the offense was committed in furtherance of the criminal activities of an organized gang, as provided in subsection (10), and that the offense involved the operation or use of a motor vehicle or the use of a driver's license or permit, the court shall notify the Secretary of State of that determination and of the period for which the minor shall be denied driving privileges. If, at the time of the determination, the minor does not hold a driver's license or permit, the court shall provide that the minor shall not be issued a driver's license or
permit until his or her 18th birthday. If the minor holds a driver's license or permit at the time of the determination, the court shall provide that the minor's driver's license or permit shall be revoked until his or her 21st birthday, or until a later date or occurrence determined by the court. If the minor holds a driver's license at the time of the determination, the court may direct the Secretary of State to issue the minor a judicial driving permit, also known as a JDP. The JDP shall be subject to the same terms as a JDP issued under Section 6-206.1 of the Illinois Vehicle Code, except that the court may direct that the JDP be effective immediately.

(Source: P.A. 94-556, eff. 9-11-05; 94-696, eff. 6-1-06.)

Approved August 21, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0338
(Senate Bill No. 0140)

AN ACT concerning vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 12-610.1 as follows:
(625 ILCS 5/12-610.1)
Sec. 12-610.1. Wireless telephones.
(a) As used in this Section, "wireless telephone" means a device that is capable of transmitting or receiving telephonic communications without a wire connecting the device to the telephone network.
(b) A person under the age of 19 years who holds an instruction permit issued under Section 6-105 or 6-107.1, or a person under the age of 19 years who holds a graduated license issued under Section 6-107, may not drive a vehicle on a roadway while using a wireless phone.
(c) This Section does not apply to a person under the age of 19 years using a wireless telephone for emergency purposes, including, but

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not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity.  
(Source: P.A. 94-240, eff. 7-15-05.)

Approved August 21, 2007.
Effective January 1, 2008.

**PUBLIC ACT 95-0339**  
(Senate Bill No. 1557)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section as follows:

27-24.2 (105 ILCS 5/27-24.2) (from Ch. 122, par. 27-24.2)

Sec. 27-24.2. Driver education course. Any school district which maintains grades 9 through 12 shall offer a driver education course in any such school which it operates. Both the classroom instruction part and the practice driving part of such driver education course shall be open to a resident or non-resident pupil attending a non-public school in the district wherein the course is offered and to each resident of the district who acquires or holds a currently valid driver's license during the term of the course and who is at least 15 but has not reached 21 years of age, without regard to whether any such person is enrolled in any other course offered in any school that the district operates. Each student attending any public or non-public high school in the district must receive a passing grade in at least 8 courses during the previous 2 semesters prior to enrolling in a driver education course, or the student shall not be permitted to enroll in the course; provided that the local superintendent of schools (with respect to a student attending a public high school in the district) or chief school administrator (with respect to a student attending a non-public high school in the district) may waive the requirement if the superintendent or chief school administrator, as the case may be, deems it to be in the best interest

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of the student. Any school district required to offer a driver education course or courses as provided in this Section also is authorized to offer either the classroom instruction part or the practice driving part or both such parts of a driver education course to any resident of the district who is over age 55; provided that any such school district which elects to offer either or both parts of such course to such residents shall be entitled to make either or both parts of such course available to such residents at any attendance center or centers within the district designated by the school board; and provided further that no part of any such driver education course shall be offered to any resident of the district over age 55 unless space therein remains available after all persons to whom such part of the driver education course is required to be open as provided in this Section and who have requested such course have registered therefor, and unless such resident of the district over age 55 is a person who has not previously been licensed as a driver under the laws of this or any other state or country. However, a student may be allowed to commence the classroom instruction part of such driver education course prior to reaching age 15 if such student then will be eligible to complete the entire course within 12 months after being allowed to commence such classroom instruction.

Such a driver education course shall include classroom instruction on distracted driving as a major traffic safety issue. Such a driver education course may include classroom instruction on the safety rules and operation of motorcycles or motor driven cycles.

Such a course may be commenced immediately after the completion of a prior course. Teachers of such courses shall meet the certification requirements of this Act and regulations of the State Board as to qualifications.

(Source: P.A. 88-188.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 21, 2007.

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AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Highway Advertising Control Act of 1971 is amended by changing Section 3.12 as follows:

Sec. 3.12. (a) "Business area" means any part of an area adjacent to and within 660 feet of the right-of-way which is at any time zoned for business, commercial or industrial activities under the authority of any law of this State; or not so zoned, but which constitutes an unzoned commercial or industrial area as defined in Section 3.11. However, as to signs along Interstate highways, the term "business area" includes only areas which are within incorporated limits of any city, village, or incorporated town, as such limits existed on September 21, 1959, and which are zoned for industrial or commercial use, or both, or to portions of Interstate highways which traverse other areas where the land use, as of September 21, 1959, was established by State law as industrial or commercial, or both.

With respect to signs owned or leased by the State or a political subdivision, an area zoned for business, commercial, or industrial activities that is adjacent to and within 660 feet of an Interstate highway and that is in Township 41 North, Range 10 East of the Third Principal Meridian, shall be deemed a "business area" for purposes of this Act. This zoning must have been a part of comprehensive zoning and not have been created primarily to permit outdoor advertising structures as described in 23 CFR 750.

(b) The changes to this Section made by this amendatory Act of the 95th General Assembly are intended to comply with the federal Highway Beautification Act of 1965, 23 U.S.C. 131, and the regulations promulgated thereunder by the Secretary of the United States Department of Transportation. To the extent that the Secretary of the United States

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Department of Transportation or any court finds the changes to this Section made by this amendatory Act to be inconsistent with or preempted by such law or regulations, the changes shall be repealed to the extent necessary to cure such inconsistency or preemption.

(c) The provisions of this amendatory Act of the 95th General Assembly shall not be applicable if such application would impact the receipt, use, or reimbursement of federal funds by the Illinois Department of Transportation.

(Source: P.A. 79-1009.)


Approved August 21, 2007.

Effective January 1, 2008.

AN ACT concerning employment.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Prevailing Wage Act is amended by changing Sections 2 and 3 as follows:

(820 ILCS 130/2) (from Ch. 48, par. 39s-2)

Sec. 2. This Act applies to the wages of laborers, mechanics and other workers employed in any public works, as hereinafter defined, by any public body and to anyone under contracts for public works. This includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

As used in this Act, unless the context indicates otherwise:

"Public works" means all fixed works constructed by any public body, other than work done directly by any public utility company, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" as defined herein includes all projects financed in whole or in part with bonds issued under the Industrial Project Revenue Bond Act (Article 11, Division 74 of the
Illinois Municipal Code), the Industrial Building Revenue Bond Act, the Illinois Finance Authority Act, the Illinois Sports Facilities Authority Act, or the Build Illinois Bond Act, and all projects financed in whole or in part with loans or other funds made available pursuant to the Build Illinois Act. "Public works" also includes all projects financed in whole or in part with funds from the Fund for Illinois' Future under Section 6z-47 of the State Finance Act, funds for school construction under Section 5 of the General Obligation Bond Act, funds authorized under Section 3 of the School Construction Bond Act, funds for school infrastructure under Section 6z-45 of the State Finance Act, and funds for transportation purposes under Section 4 of the General Obligation Bond Act. "Public works" also includes all projects financed in whole or in part with funds from the Department of Commerce and Economic Opportunity under the Illinois Renewable Fuels Development Program Act for which there is no project labor agreement. "Public works" also includes all projects at leased facility property used for airport purposes under Section 35 of the Local Government Facility Lease Act.

"Construction" means all work on public works involving laborers, workers or mechanics. This includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

"Locality" means the county where the physical work upon public works is performed, except (1) that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work and (2) that, with respect to contracts for highway work with the Department of Transportation of this State, "locality" may at the discretion of the Secretary of the Department of Transportation be construed to include two or more adjacent counties from which workers may be accessible for work on such construction.

"Public body" means the State or any officer, board or commission of the State or any political subdivision or department thereof, or any
institution supported in whole or in part by public funds, and includes every county, city, town, village, township, school district, irrigation, utility, reclamation improvement or other district and every other political subdivision, district or municipality of the state whether such political subdivision, municipality or district operates under a special charter or not.

The terms "general prevailing rate of hourly wages", "general prevailing rate of wages" or "prevailing rate of wages" when used in this Act mean the hourly cash wages plus fringe benefits for training and apprenticeship programs approved by the U.S. Department of Labor, Bureau of Apprenticeship and Training, health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character on public works.

(Source: P.A. 93-15, eff. 6-11-03; 93-16, eff. 1-1-04; 93-205, eff. 1-1-04; 94-750, eff. 5-9-06.)

(820 ILCS 130/3) (from Ch. 48, par. 39s-3)

Sec. 3. Not less than the general prevailing rate of hourly wages for work of a similar character on public works in the locality in which the work is performed, and not less than the general prevailing rate of hourly wages for legal holiday and overtime work, shall be paid to all laborers, workers and mechanics employed by or on behalf of any public body engaged in the construction of public works. This includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented. Only such laborers, workers and mechanics as are directly employed by contractors or subcontractors in actual construction work on the site of the building or construction job, and laborers, workers and mechanics engaged in the transportation of materials and equipment to or from the site, but not including the transportation by the sellers and suppliers or the manufacture or processing of materials or equipment, in the execution of any contract or contracts for public works with any public body shall be deemed to be employed upon public works. The wage for a tradesman performing maintenance is equivalent to that of a tradesman engaged in construction.

(Source: P.A. 93-15, eff. 6-11-03; 93-16, eff. 1-1-04.)

New matter indicated by italics - deletions by strikeout
Section 99. Effective date. This Act takes effect upon becoming law.


Approved August 21, 2007.


PUBLIC ACT 95-0342
(House Bill No. 1146)

AN ACT concerning business.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The General Not For Profit Corporation Act of 1986 is amended by changing Section 108.70 as follows:

(805 ILCS 105/108.70) (from Ch. 32, par. 108.70)

Sec. 108.70. Limited Liability of directors, officers, board members, and persons who serve without compensation.

(a) No director or officer serving without compensation, other than reimbursement for actual expenses, of a corporation organized under this Act or any predecessor Act and exempt, or qualified for exemption, from taxation pursuant to Section 501(c) of the Internal Revenue Code of 1986, as amended, shall be liable, and no cause of action may be brought, for damages resulting from the exercise of judgment or discretion in connection with the duties or responsibilities of such director or officer unless the act or omission involved willful or wanton conduct.

(b) No director of a corporation organized under this Act or any predecessor Act for the purposes identified in items (14), (19), (21) and (22) of subsection (a) of Section 103.05 of this Act, and exempt or qualified for exemption from taxation pursuant to Section 501(c) of the Internal Revenue Code of 1986, as amended, shall be liable, and no cause of action may be brought for damages resulting from the exercise of judgment or discretion in connection with the duties or responsibilities of such director, unless: (1) such director earns in excess of $5,000 per year

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from his duties as director, other than reimbursement for actual expenses; or (2) the act or omission involved willful or wanton conduct.

(b-5) Except for willful and wanton conduct, no volunteer board member serving without compensation, other than reimbursement for actual expenses, of a corporation organized under this Act or any predecessor Act and exempt, or qualified for exemption, from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, shall be liable, and no action may be brought, for damages resulting from any action of the executive director concerning the false reporting of or intentional tampering with financial records of the organization, where the actions of the executive director result in legal action.

This subsection (b-5) shall not apply to any action taken by the Attorney General (i) in the exercise of his or her common law or statutory power and duty to protect charitable assets or (ii) in the exercise of his or her authority to enforce the laws of this State that apply to trustees of a charity, as that term is defined in the Charitable Trust Act and the Solicitation for Charity Act.

(c) No person who, without compensation other than reimbursement for actual expenses, renders service to or for a corporation organized under this Act or any predecessor Act and exempt or qualified for exemption from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, shall be liable, and no cause of action may be brought, for damages resulting from an act or omission in rendering such services, unless the act or omission involved willful or wanton conduct.

(d) (Blank). As used in this Section “willful or wanton conduct” means a course of action which shows an actual or deliberate intention to cause harm or which, if not intentional, shows an utter indifference to or conscious disregard for the safety of others or their property.

(e) Nothing in this Section is intended to bar any cause of action against the corporation or change the liability of the corporation arising out of an act or omission of any director, officer or person exempt from liability for negligence under this Section.

New matter indicated by italics - deletions by strikeout
AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 is amended by changing Section 3B-13 as follows:

(225 ILCS 410/3B-13)
(Section scheduled to be repealed on January 1, 2016)

Sec. 3B-13. Rules; refunds. Schools regulated under this Section shall issue refunds based on the following schedule. The refund policy shall provide that:

(1) Schools shall, when a student gives written notice of cancellation, provide a refund in the amount of at least the following:

(a) When notice of cancellation is given within 5 days after the date of enrollment, all application and registration fees, tuition, and any other charges shall be refunded to the student.

(b) When notice of cancellation is given after the fifth day following enrollment but before the completion of the student's first day of class attendance, the school may retain no more than the application and registration fee, plus the cost of any books or materials which have been provided by the school and retained by the student.

(c) When notice of cancellation is given after the student's completion of the first day of class attendance but prior to the student's completion of 5% of the course of instruction, the school may retain the application and registration fee and an amount not to
exceed 10% of the tuition and other instructional charges or $300, whichever is less, plus the cost of any books or materials which have been provided by the school.

(d) When a student has completed 5% or more of the course of instruction, the school may retain the application and registration fee and the cost of any books or materials which have been provided by the school but shall refund a part of the tuition and other instructional charges in accordance with the National Accrediting Commission of Cosmetology Arts and Sciences and rules that the Department shall promulgate for purposes of this Section.

(2) Applicants not accepted by the school shall receive a refund of all tuition and fees paid.

(3) Application and registration fees shall be chargeable at initial enrollment and shall not exceed $100.

(4) Deposits or down payments shall become part of the tuition.

(5) The school shall mail a written acknowledgement of a student's cancellation or written withdrawal to the student within 15 calendar days of the date of notification. Written acknowledgement is not necessary if a refund has been mailed to the student within the 15 calendar days.

(6) If the school cancels or discontinues a course, the student shall be entitled to receive from the school such refund or partial refund of the tuition, fees, and other charges paid by the student or on behalf of the student as is provided under rules promulgated by the Department.

(7) Except as otherwise provided by this Act, all student refunds shall be made by the school within 45 calendar days after from the date of notice of the student's cancellation or the date that the school determines that the student has officially or unofficially withdrawn.

(8) A student shall give notice of cancellation to the school in writing. The unexplained absence of a student from a school for more than 30 consecutive calendar days shall constitute constructive notice of cancellation to the school. For purposes of cancellation, the cancellation date shall be the last day of attendance.
(9) A school may make refunds which exceed those required by this Section.

(10) Each student and former student shall be entitled to receive from the school that the student attends or attended an official transcript of all hours completed by the student at that school for which the applicable tuition, fees, and other charges have been paid, together with the grades earned by the student for those hours, provided that a student who withdraws from or drops out of a school, by written notice of cancellation or otherwise, shall not be entitled to any transcript of completed hours following the expiration of the 7-year period that began on the student's first day of attendance at the school. A reasonable fee, not exceeding $2, may be charged by the school for each transcript after the first free transcript that the school is required to provide to a student or former student under this Section.

(Source: P.A. 94-451, eff. 12-31-05.)

Approved August 21, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0344
(Senate Bill No. 0336)

AN ACT concerning finance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Procurement Code is amended by changing Section 20-60 as follows:

(30 ILCS 500/20-60)

Sec. 20-60. Duration of contracts.

(a) Maximum duration. A contract may be entered into for any period of time deemed to be in the best interests of the State but not exceeding 10 years. The length of a lease for real property or capital improvements shall be in accordance with the provisions of Section 40-25. A contract for bond or mortgage insurance awarded by the Illinois
Housing Development Authority, however, may be entered into for any period of time less than or equal to the maximum period of time that the subject bond or mortgage may remain outstanding.

(b) Subject to appropriation. All contracts made or entered into shall recite that they are subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to make payments under the terms of the contract.
(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

Section 10. The Business Enterprise for Minorities, Females, and Persons with Disabilities Act is amended by changing Section 2 as follows:

(30 ILCS 575/2) (from Ch. 127, par. 132.602)
(Section scheduled to be repealed on September 6, 2008)
Sec. 2. Definitions.
(A) For the purpose of this Act, the following terms shall have the following definitions:

(1) "Minority person" shall mean a person who is a citizen or lawful permanent resident of the United States and who is:
   (a) African American (a person having origins in any of the black racial groups in Africa);
   (b) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race);
   (c) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands); or
   (d) Native American or Alaskan Native (a person having origins in any of the original peoples of North America).

(2) "Female" shall mean a person who is a citizen or lawful permanent resident of the United States and who is of the female gender.

(2.05) "Person with a disability" means a person who is a citizen or lawful resident of the United States and is a person qualifying as being disabled under subdivision (2.1) of this subsection (A).

(2.1) "Disabled" means a severe physical or mental disability that:

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(a) results from:
amputation,
arthritis,
autism,
blindness,
burn injury,
cancer,
cerebral palsy,
cystic fibrosis,
deafness,
head injury,
heart disease,
hemiplegia,
hemophilia,
respiratory or pulmonary dysfunction,
mental retardation,
mental illness,
multiple sclerosis,
muscular dystrophy,
musculoskeletal disorders,
neurological disorders, including stroke and epilepsy,
paraplegia,
quadriplegia and other spinal cord conditions,
sickle cell anemia,
specific learning disabilities, or
end stage renal failure disease; and
(b) substantially limits one or more of the person's major life activities.

Another disability or combination of disabilities may also be considered as a severe disability for the purposes of item (a) of this subdivision (2.1) if it is determined by an evaluation of rehabilitation potential to cause a comparable degree of substantial functional limitation similar to the specific list of disabilities listed in item (a) of this subdivision (2.1).

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(3) "Minority owned business" means a business concern which is at least 51% owned by one or more minority persons, or in the case of a corporation, at least 51% of the stock in which is owned by one or more minority persons; and the management and daily business operations of which are controlled by one or more of the minority individuals who own it.

(4) "Female owned business" means a business concern which is at least 51% owned by one or more females, or, in the case of a corporation, at least 51% of the stock in which is owned by one or more females; and the management and daily business operations of which are controlled by one or more of the females who own it.

(4.1) "Business owned by a person with a disability" means a business concern that is at least 51% owned by one or more persons with a disability and the management and daily business operations of which are controlled by one or more of the persons with disabilities who own it. A not-for-profit agency for persons with disabilities that is exempt from taxation under Section 501 of the Internal Revenue Code of 1986 is also considered a "business owned by a person with a disability".

(4.2) "Council" means the Business Enterprise Council for Minorities, Females, and Persons with Disabilities created under Section 5 of this Act.

(5) "State contracts" shall mean all State contracts, funded exclusively with State funds which are not subject to federal reimbursement, whether competitively bid or negotiated as defined by the Secretary of the Council and approved by the Council.

"State construction contracts" means all State contracts entered into by a State agency or State university for the repair, remodeling, renovation or construction of a building or structure, or for the construction or maintenance of a highway defined in Article 2 of the Illinois Highway Code.

(6) "State agencies" shall mean all departments, officers, boards, commissions, institutions and bodies politic and corporate of the State, but does not include the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of

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Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, municipalities or other local governmental units, or other State constitutional officers.

(7) "State universities" shall mean the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, and the Board of Trustees of Western Illinois University.

(8) "Certification" means a determination made by the Council or by one delegated authority from the Council to make certifications, or by a State agency with statutory authority to make such a certification, that a business entity is a business owned by a minority, female, or person with a disability for whatever purpose.

(9) "Control" means the exclusive or ultimate and sole control of the business including, but not limited to, capital investment and all other financial matters, property, acquisitions, contract negotiations, legal matters, officer-director-employee selection and comprehensive hiring, operating responsibilities, cost-control matters, income and dividend matters, financial transactions and rights of other shareholders or joint partners. Control shall be real, substantial and continuing, not pro forma. Control shall include the power to direct or cause the direction of the management and policies of the business and to make the day-to-day as well as major decisions in matters of policy, management and operations. Control shall be exemplified by possessing the requisite knowledge and expertise to run the particular business and control shall not include simple majority or absentee ownership.

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(10) "Business concern or business" means a business that has average annual gross sales over the 3 most recent calendar years of less than $31,400,000 as evidenced by the federal income tax return of the business. A firm with gross sales in excess of this cap may apply to the Council for certification for a particular contract if the firm can demonstrate that the contract would have significant impact on businesses owned by minorities, females, or persons with disabilities as suppliers or subcontractors or in employment of minorities, females, or persons with disabilities. "Business concern or business" means a business which has annual gross sales for the most recent fiscal year of less than $27,000,000, except that a firm with gross sales in excess of that amount may apply to the Council for certification for a particular contract if the firm can demonstrate that the contract would have significant impact on businesses owned by minorities, females, or persons with disabilities as suppliers or subcontractors or in employment of minorities, females, or persons with disabilities.

(B) When a business concern is owned at least 51% by any combination of minority persons, females, or persons with disabilities, even though none of the 3 classes alone holds at least a 51% interest, the ownership requirement for purposes of this Act is considered to be met. The certification category for the business is that of the class holding the largest ownership interest in the business. If 2 or more classes have equal ownership interests, the certification category shall be determined by the Department of Central Management Services.

(Source: P.A. 92-670, eff. 7-16-02.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 21, 2007.
AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Metropolitan Water Reclamation District Act is amended by changing Section 4.11 as follows:

(70 ILCS 2605/4.11) (from Ch. 42, par. 323.11)

Sec. 4.11. Appointments. Whenever a position classified under this Act is to be filled, except the positions of deputy chief engineer, assistant chief engineers, deputy attorney, head assistant attorneys, assistant director of research and development, assistant director of information technology, comptroller, assistant treasurer, assistant purchasing agent, assistant director of personnel, and laborers, the appointing officer shall make requisition upon the Director, and the Director shall certify to him from the register of eligibles for the position the names and addresses (a) of the five candidates standing highest upon the register of eligibles for the position, or (b) of the candidates within the highest ranking group upon the register of eligibles if the register is by categories such as excellent, well qualified, and qualified, provided, however, that any certification shall consist of at least 5 names, if available. The Director shall certify names from succeeding categories in the order of excellence of the categories until at least 5 names are provided to the appointing officer. The appointing officer shall notify the Director of each position to be filled separately and shall fill the position by appointment of one of the persons certified to him by the Director. Appointments shall be on probation for a period to be fixed by the rules, not exceeding one year. At any time during the period of probation, the appointing officer with the approval of the Director may discharge a person so certified and shall forthwith notify the civil service board in writing of this discharge. If a person is not discharged, his appointment shall be deemed complete.

When there is no eligible list, the appointing officer may, with the authority of the Director, make a temporary appointment to remain in force
only until a permanent appointment from an eligible register or list can be made in the manner specified in the previous provisions of this Section, and examinations to supply an eligible list therefor shall be held and an eligible list established therefrom within one year from the making of such appointment. The acceptance or refusal by an eligible person of a temporary appointment does not affect his standing on the register for permanent appointment.

In employment of an essentially temporary and transitory nature, the appointing officer may, with the authority of the Director of Personnel make temporary appointments to fill a vacancy. No temporary appointment of an essentially temporary and transitory nature may be granted for a period of more than 119 consecutive or non-consecutive working days per calendar year and is not subject to renewal. The Director must include in his annual report, and if required by the commissioners, in any special report, a statement of all temporary authorities granted during the year or period specified by the commissioners, together with a statement of the facts in each case because of which the authority was granted.

The acceptance or refusal by an eligible person of a temporary appointment does not affect his standing on the register for permanent appointment.

All laborers shall be appointed by the General Superintendent and shall be on probation for a period to be fixed by the rules, not exceeding one year.

The deputy chief engineer, assistant chief engineers, deputy attorney, head assistant attorneys, assistant director of research and development, assistant director of information technology, comptroller, assistant treasurer, assistant purchasing agent, and assistant director of personnel shall be appointed by the General Superintendent upon the recommendation of the respective department head and shall be on probation for a period to be fixed by the rules, not exceeding two years. At any time during the period of probation, the General Superintendent on the recommendation of the department head concerned, may discharge a person so appointed and he shall forthwith notify the Civil Service Board

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in writing of such discharge. If a person is not so discharged, his appointment shall be deemed complete under the laws governing the classified civil service.

(Source: P.A. 94-680, eff. 11-3-05.)

Approved August 21, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0346
(Senate Bill No. 0561)

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of

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the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an

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adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels

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must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

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(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

   (A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

   (B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

   (C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.
(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

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(B) The area consists of unused rail yards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.
On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.
(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to
the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States

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Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village, incorporated town, or a township that is located in the unincorporated portion of a county with 3 million or more inhabitants, if the county adopted an ordinance that approved the township's redevelopment plan.

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(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising
from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with

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a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts

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prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002;
50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of

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the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;

(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;

(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;

(D) the sources of funds to pay costs;

(E) the nature and term of the obligations to be issued;

(F) the most recent equalized assessed valuation of the redevelopment project area;

(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;

(H) a commitment to fair employment practices and an affirmative action plan;

(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new

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employees to be employed in the operation of the facilities to be
developed; and

(J) if property is to be annexed to the municipality, the plan
shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not
apply to a municipality that before March 14, 1994 (the effective date of
Public Act 88-537) had fixed, either by its corporate authorities or by a
commission designated under subsection (k) of Section 11-74.4-4, a time
and place for a public hearing as required by subsection (a) of Section 11-
74.4-5. No redevelopment plan shall be adopted unless a municipality
complies with all of the following requirements:

(1) The municipality finds that the redevelopment project
area on the whole has not been subject to growth and development
through investment by private enterprise and would not reasonably
be anticipated to be developed without the adoption of the
redevelopment plan.

(2) The municipality finds that the redevelopment plan and
project conform to the comprehensive plan for the development of
the municipality as a whole, or, for municipalities with a
population of 100,000 or more, regardless of when the
redevelopment plan and project was adopted, the redevelopment
plan and project either: (i) conforms to the strategic economic
development or redevelopment plan issued by the designated
planning authority of the municipality, or (ii) includes land uses
that have been approved by the planning commission of the
municipality.

(3) The redevelopment plan establishes the estimated dates
of completion of the redevelopment project and retirement of
obligations issued to finance redevelopment project costs. Those
dates: shall not be later than December 31 of the year in which the
payment to the municipal treasurer as provided in subsection (b) of
Section 11-74.4-8 of this Act is to be made with respect to ad
valorem taxes levied in the twenty-third calendar year after the year
in which the ordinance approving the redevelopment project area is

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adopted if the ordinance was adopted on or after January 15, 1981; shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area if the ordinance was adopted on May 20, 1985 by the Village of Wheeling; and shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or
(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or
(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or
(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or
(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or
(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or
(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at

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least $250,000 of tax increment bonds were authorized on June 17, 1997, or

(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or

(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or

(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or

(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or

(L) if the ordinance was adopted in September 1988 by Sauk Village, or

(M) if the ordinance was adopted in October 1993 by Sauk Village, or

(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or

(O) if the ordinance was adopted in March 1991 by the City of Centreville, or

(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or

(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or

(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or

(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or

(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or

(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or

(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or

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(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or
(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or
(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or
(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or
(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or
(CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or
/DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or
(EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or
(FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or
(GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or
(HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or
(II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or
(JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or
(KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or
(LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or

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(MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or
(NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or
(OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or
(PP) if the ordinance was adopted on December 23, 1991 by the City of Sullivan, or
(QQ) if the ordinance was adopted on December 31, 1986 by the City of Oglesby, or
(RR) if the ordinance was adopted on July 28, 1987 by the City of Marion, or
(SS) if the ordinance was adopted on April 23, 1990 by the City of Marion, or
(TT) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect, or
(UU) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull, or
(VV) if the ordinance was adopted on April 20, 1993 by the Village of Princeville, or:
(WW) if the ordinance was adopted on July 1, 1986 by the City of Granite City, or:
(XX) if the ordinance was adopted on February 2, 1989 by the Village of Lombard, or
(YY) if the ordinance was adopted on December 29, 1986 by the Village of Gardner, or
(ZZ) if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw, or:
(AAA) if the ordinance was adopted on November 17, 1986 by the Village of Franklin Park, or:
(BBB) if the ordinance was adopted on November 20, 1989 by the Village of South Holland, or:
(CCC) if the ordinance was adopted on May 21, 1990 by the City of West Chicago.

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However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were
established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

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Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the

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federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county,
or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park, conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

1. Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or

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advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an

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existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs

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the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced
by those housing units that have received tax increment finance assistance under this Act; and

   (iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

   (B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

   (i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

   (ii) for elementary school districts, no more than 27% of the total amount of property tax
increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion
of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(7.7) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after January 1, 2005 (the effective date of Public Act 93-961), a public library district’s increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act shall be paid to the library district by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units. This paragraph (7.7) applies only if (i) the library district is located in a county that is subject to the Property Tax Extension Limitation Law or (ii) the library district is not located in a county that is subject to the Property Tax Extension Limitation Law but the district is prohibited by any other law from increasing its tax levy rate without a prior voter referendum.

The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment

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project area by (ii) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a library district under this paragraph (7.7) shall be no more than 2% of the amount produced by the assisted housing units and deposited into the Special Tax Allocation Fund.

A library district is not eligible for any payment under this paragraph (7.7) unless the library district has experienced an increase in the number of patrons from the municipality that created the tax-increment-financing district since the designation of the redevelopment project area.

Any library district seeking payment under this paragraph (7.7) shall, after July 1 and before September 30 of each year, provide the municipality with convincing evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the library district. If the library district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. Library districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.7). By acceptance of such reimbursement, the library district shall forfeit any right to directly or indirectly set aside, modify, or contest in any manner whatsoever the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

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(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

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(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that

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includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses.
located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

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(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received
from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

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(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff. 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 7-19-05; 94-268, eff. 7-19-05; 94-297, eff. 7-21-05; 94-302, eff.

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Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as

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to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published

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within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property

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within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on May 20, 1985 by the Village of Wheeling, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile

New matter indicated by italics - deletions by strikeout
of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of

New matter indicated by italics - deletions by strikeout
Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or (DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or (EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or (FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or (GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or (HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or (II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or (JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or (KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or (LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or (MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or (NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or (OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or (PP) if the ordinance was adopted on December 31, 1986 by the City of Oglesby, or (RR) if the ordinance was adopted on July 28, 1987 by the City of Marion, or (SS) if the ordinance was adopted on April 23, 1990 by the City of Marion, or (TT) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect, or (UU) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull, or (VV) if the ordinance was adopted on April 20, 1993 by the Village of Princeville, or (WW) (VV) if the ordinance was adopted on July 1, 1986 by the City of Granite City, or (XX) (RR) if the ordinance was adopted on February 2, 1989 by the Village of Lombard, or (YY) (VV) if the ordinance was adopted on December 29, 1986 by the Village of Gardner, or (ZZ) (VV) if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw, or (AAA) (VV) if the ordinance was adopted on November 17, 1986 by the Village of Franklin Park; or (BBB) (VV) if the ordinance was adopted on November 20, 1989 by the Village of South Holland, or (CCC)
if the ordinance was adopted on May 21, 1990 by the City of West Chicago and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 93-260, eff. 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff. 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810, eff. 5-26-06; 94-903, eff. 6-22-06; 94-1091, eff. 1-26-07; 94-1092, eff. 1-26-07; revised 1-30-07.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 21, 2007.

New matter indicated by italics - deletions by strikeout
AN ACT concerning criminal law.
WHEREAS, This amendatory Act of the 95th General Assembly may be referred to as Judee's Law; therefore
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 11-401 as follows:
(625 ILCS 5/11-401) (from Ch. 95 1/2, par. 11-401)
Sec. 11-401. Motor vehicle accidents involving death or personal injuries.
   (a) The driver of any vehicle involved in a motor vehicle accident resulting in personal injury to or death of any person shall immediately stop such vehicle at the scene of such accident, or as close thereto as possible and shall then forthwith return to, and in every event shall remain at the scene of the accident until the requirements of Section 11-403 have been fulfilled. Every such stop shall be made without obstructing traffic more than is necessary.
   (b) Any person who has failed to stop or to comply with the requirements of paragraph (a) shall, as soon as possible but in no case later than one-half hour after such motor vehicle accident, or, if hospitalized and incapacitated from reporting at any time during such period, as soon as possible but in no case later than one-half hour after being discharged from the hospital, report the place of the accident, the date, the approximate time, the driver's name and address, the registration number of the vehicle driven, and the names of all other occupants of such vehicle, at a police station or sheriff's office near the place where such accident occurred. No report made as required under this paragraph shall be used, directly or indirectly, as a basis for the prosecution of any violation of paragraph (a).
   (b-1) Any person arrested for violating this Section is subject to chemical testing of his or her blood, breath, or urine for the presence of alcohol, other drug or drugs, intoxicating compound or compounds, or any

New matter indicated by italics - deletions by strikeout
combination thereof, as provided in Section 11-501.1, if the testing occurs within 12 hours of the time of the occurrence of the accident that led to his or her arrest. The person's driving privileges are subject to statutory summary suspension under Section 11-501.1 if he or she fails or refuses to undergo the testing.

For purposes of this Section, personal injury shall mean any injury requiring immediate professional treatment in a medical facility or doctor's office.

(c) Any person failing to comply with paragraph (a) shall be guilty of a Class 4 felony.

(d) Any person failing to comply with paragraph (b) is guilty of a Class 2 felony if the motor vehicle accident does not result in the death of any person. Any person failing to comply with paragraph (b) when the accident results in the death of any person is guilty of a Class 1 felony, for which the person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(e) The Secretary of State shall revoke the driving privilege of any person convicted of a violation of this Section.

(Source: P.A. 93-684, eff. 1-1-05; 94-115, eff. 1-1-06.)

Effective January 1, 2008.

November 8, 2007

Honorable Jesse White
Secretary of State
111 East Monroe
Springfield, IL 62756

Attention: Index Division

Re: House Bill 3866

New matter indicated by italics - deletions by strikeout
Dear Sir:

Attached herewith is the enrolled copy of House Bill 3866.

This bill, having been reduced by the Governor and filed in your office with his objections hereto for transmittal to the House of Representatives upon reconvening on October 2, 2007. The items on Pg 20 Ln 2, Pg 70 Ln 19, 21, Pg 71 Ln 1, 3-10,13, Pg 72 Ln 8, 10, 12, 14, Pg 74 Ln 3, 5, 7, 23, Pg 75 Ln 1, 3, 18, 20, 22, 24, Pg 76 Ln 1-6, 18, 22, Pg 77 Ln 6, 8, 10, 12, 13, 16, Pg 78 Ln 8, 21, Pg 79 Ln 1, 3-6, Pg 80 Ln 2, 6, 8, 9, 11, 13, 14, Pg 147 Ln 7-9, Pg 148 Ln 4, 7, 9, 10, 12, 13, 15, 16, 17, 20, Pg 149 Ln 1 having been restored and passed both Houses by the required constitutional majority of three-fifths of the Members elected to each House, the bill has become law, the item reduction of the Governor notwithstanding.

This corrected letter is intended to replace previous correspondence dated October 30, 2007 and received by your office on November 5, 2007. The previous letter indicated that the item on page 80, line 1-6, 18 and 22 of House Bill 3866 was restored, notwithstanding the item reduction of the Governor. This item, however was not restored, so the letter has been changed to reflect this correction.

Sincerely,

MARK MAHONEY
Chief Clerk of the House
To the Honorable Members of the
Illinois House of Representatives
95th General Assembly

Pursuant to Article IV, Section 9 (d) of the Illinois Constitution of 1970, I hereby veto or reduce, and return several appropriation items included in House Bill 3866, entitled “AN ACT making appropriations,“ having taken the actions set forth below.

This veto message reduces the total appropriation in House Bill 3866 by $463,081,841 for reductions and item vetoes for substantive programs.

Item Vetoes

I hereby veto the appropriations items listed below:

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<td>315,000</td>
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</table>

New matter indicated by italics - deletions by strikeout
In addition to these specific item vetoes and reductions, I hereby approve all other appropriation items in House Bill 3866.

Sincerely,
Rod Blagojevich
Governor

<table>
<thead>
<tr>
<th>Article</th>
<th>Section</th>
<th>Page</th>
<th>Line(s)</th>
<th>Enacted Amount</th>
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<td>1168</td>
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<td>100,000</td>
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</table>
AN ACT making appropriations.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

ARTICLE 1
Section 5. This Act makes appropriations and reappropriations for State fiscal year 2008 and includes those items of appropriation and reappropriation in Public Act 95-11 that correspond to items of appropriation and reappropriation in this Act, with changes and additions as applicable. Expenditures and obligations made under the authority of Public Act 95-11 are deemed to have been expended and obligated under the authority of the corresponding item of appropriation or reappropriation in this Act. This Act supersedes Public Act 95-11. The amounts of expenditure made under the authority of Public Act 95-11 are to be subtracted from the corresponding item of appropriation or reappropriation in this Act in determining the amounts available for expenditure under this Act, except where specifically stated otherwise in this Act. In the event that expenditures approved by the Comptroller pursuant to Public Act 95-11 prior to the effective date of this Act exceed the new appropriation, the appropriation is increased to the amount of those approved expenditures.

ARTICLE 5
Section 5. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2007:

FISCAL SUPPORT SERVICES
From the General Revenue Fund:
For Personal Services......................... 3,291,200
For Employee Retirement Contributions
Paid by Employer................................. 131,600
For Retirement Contributions.................... 178,200
For Social Security Contributions................. 167,500

New matter indicated by italics - deletions by strikeout
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<th>Item</th>
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<td>For Contractual Services</td>
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<td>For Commodities</td>
<td>59,100</td>
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<td>For Printing</td>
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<td>For Equipment</td>
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<td>For Telecommunications</td>
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<td>For Operation of Auto Equipment</td>
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<td><strong>Total</strong></td>
<td><strong>$7,211,000</strong></td>
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**From the Drivers Education Fund:**

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<td>For Personal Services</td>
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<td>For Employee Retirement Contributions</td>
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<tr>
<td>Paid by Employer</td>
<td>2,500</td>
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<tr>
<td>For Retirement Contributions</td>
<td>500</td>
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<tr>
<td>For Social Security Contributions</td>
<td>1,700</td>
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<td>For Group Insurance</td>
<td>17,500</td>
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<td><strong>Total</strong></td>
<td><strong>$78,600</strong></td>
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**From the SBE Federal Department of Agriculture Fund:**

<table>
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<tr>
<th>Item</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Contractual Services</td>
<td>2,200,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>375,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>75,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>100,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>150,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>50,000</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$8,021,400</strong></td>
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**From the SBE Federal Agency Services Fund:**

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<th>Item</th>
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<td>For Travel</td>
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</tr>
<tr>
<td>For Commodities</td>
<td>9,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>7,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0348

For Equipment................................. 11,000
For Telecommunications......................... 9,000
Total........................................... $66,000

From the SBE Federal Department of Education Fund:
For Personal Services........................... 855,600
For Employee Retirement Contributions
  Paid by Employer............................... 35,000
  For Retirement Contributions................ 145,100
  For Social Security Contributions............ 65,400
  For Group Insurance........................... 220,400
  For Contractual Services..................... 3,125,500
  For Travel..................................... 1,375,000
  For Commodities............................... 305,000
  For Printing................................... 341,000
  For Equipment................................ 455,000
  For Telecommunications....................... 400,000
Total........................................... $7,323,000

GENERAL OFFICE

From the General Revenue Fund:
For Personal Services.......................... 1,863,600
For Employee Retirement Contributions
  Paid by Employer............................... 78,900
  For Retirement Contributions................ 135,500
  For Social Security Contributions............ 90,200
  For Contractual Services..................... 815,000
Total........................................... $2,983,200

From the SBE Federal Department of Education Fund:
For Contractual Services....................... 225,000
Total........................................... $225,000

HUMAN RESOURCES

From the General Revenue Fund:
For Personal Services......................... 658,800
For Employee Retirement Contributions
  Paid by Employer............................... 26,400

New matter indicated by italics - deletions by strikeout
For Retirement Contributions.................. 59,800
For Social Security Contributions............. 52,700
For Contractual Services.......................... 50,000
Total $847,700

INTERNAL AUDIT
From the General Revenue Fund:
For Personal Services............................ 163,000
For Employee Retirement Contributions
Paid by Employer.................................. 6,500
For Retirement Contributions....................... 5,600
For Social Security Contributions.................. 7,400
For Contractual Services........................... 3,000
Total $185,500

SCHOOL SUPPORT SERVICES FOR ALL SCHOOLS
From the General Revenue Fund:
For Personal Services.......................... 3,933,600
For Employee Retirement Contributions
Paid by Employer.................................. 157,400
For Retirement Contributions..................... 198,300
For Social Security Contributions................. 195,800
For Contractual Services....................... 1,838,000
Total $6,323,100
From the Teacher Certificate Fee Revolving Fund:
For Personal Services......................... 81,300
For Employee Retirement Contributions
Paid by Employer.................................. 3,500
For Retirement Contributions......................... 500
For Social Security Contributions............... 1,200
For Group Insurance............................. 14,500
Total $101,000
From the SBE Federal Department of Agriculture Fund:
For Contractual Services......................... 500,000
Total $500,000
From the SBE Federal Department of Education Fund:

New matter indicated by italics - deletions by strikeout
For Personal Services.......................... 1,627,800
For Employee Retirement Contributions
  Paid by Employer............................... 87,100
For Retirement Contributions.................... 227,400
For Social Security Contributions................. 96,700
For Group Insurance............................. 394,000
For Contractual Services....................... 2,483,900
Total                                        $4,916,900

From the School Infrastructure Fund:
For Personal Services............................. 86,500
For Employee Retirement Contributions
  Paid by Employer.................................. 3,500
For Retirement Contributions......................... 900
For Social Security Contributions.................. 2,500
For Group Insurance............................... 17,500
Total                                                                                     $110,900

SPECIAL EDUCATION SERVICES
From the SBE Federal Department of Education Fund:
For Personal Services.......................... 3,672,500
For Employee Retirement Contributions
  Paid by Employer............................... 158,100
For Retirement Contributions.................... 512,100
For Social Security Contributions............... 205,800
For Group Insurance............................. 766,000
For Contractual Services....................... 1,850,000
Total                                                                                     $7,164,500

TEACHING AND LEARNING SERVICES FOR ALL CHILDREN
From the General Revenue Fund:
For Personal Services......................... $5,241,200
For Employee Retirement Contributions
  Paid by Employer............................... 164,900
For Retirement Contributions.................... 307,000
For Social Security Contributions............... 242,700
For Contractual Services....................... 726,200

New matter indicated by italics - deletions by strikeout
From the Teacher Certificate Fee Revolving Fund:

- For Personal Services: $699,800
- For Employee Retirement Contributions:
  - Paid by Employer: $20,200
  - For Retirement Contributions: $37,200
  - For Social Security Contributions: $51,700
  - For Group Insurance: $174,000
- Total: $982,900

From the SBE Federal Agency Services Fund:

- For Personal Services: $239,700
- For Employee Retirement Contributions:
  - Paid by Employer: $9,400
  - For Retirement Contributions: $17,800
  - For Social Security Contributions: $15,800
  - For Group Insurance: $58,000
  - For Contractual Services: $500,000
- Total: $840,700

From the SBE Federal Department of Education Fund:

- For Personal Services: $5,250,600
- For Employee Retirement Contributions:
  - Paid by Employer: $222,200
  - For Retirement Contributions: $651,600
  - For Social Security Contributions: $229,800
  - For Group Insurance: $1,144,300
  - For Contractual Services: $5,880,400
- Total: $13,378,900

Section 10. The following amounts or so much thereof as may be necessary, which shall be used by the Illinois State Board of Education exclusively for the foregoing purposes and not, under any circumstances, for personal services expenditures or other operational or administrative costs, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2007:

From the General Revenue Fund:

New matter indicated by italics - deletions by strikeout
For Blind/Dyslexic Persons.......................... 1,018,800
For Charter Schools – Transition Impact Aid.... 3,421,500
For Charter Schools – Start-Up Grants.......... 3,500,000
For Civic Education............................... 150,000
For costs associated with the Chicago
Aerospace Education Initiative.................. 920,000
For Disabled Student Services/Materials...... 420,100,000
For Disabled Student Transportation
Reimbursement...................................... 353,400,000
For Disabled Student Tuition,
Private Tuition................................. 139,400,000
For District Consolidation Costs/
Supplemental Payments to School Districts,
18-8.2, 18-18.3, 18-8.5, 18-8.05(l) of
the School Code................................. 7,850,000
For Extraordinary Special Education,
14-7.02 of the School Code..................... 314,600,000
For Fast Growth Schools as per 18-8.10
of the School Code.............................. 15,000,000
For Gifted Education.............................. 5,000,000
For the Illinois Governmental
Internship Program............................... 129,900
For Agudath Israel of Illinois for
Grants for School Transportation.............. 1,200,000
For Healthy Kids/Healthy Minds/
Expanded Vision................................. 3,000,000
For Jobs for Illinois Grads..................... 4,000,000
For the Metro East Consortium for
Child Advocacy................................. 217,100
For Parental Guardian Programs/
Transportation Reimbursement............... 29,454,700
For the Philip J. Rock Center
and School................................. 3,394,500
For Reimbursement for the Free Breakfast/

New matter indicated by italics - deletions by strikeout
Lunch Program............................... 21,000,000
For the School Breakfast Incentive
Program........................................ 723,500
For Rural Technology Initiatives.......... 4,000,000
For Severely Overcrowded Schools as per
Senate Bill 198................................ 5,000,000
For South Cook Intermediate Service Center...... 300,000
For Statewide Mentoring and Induction
Programs for teachers and
Administrators................................ 5,000,000
For Teacher Mentoring.......................... 7,000,000
For Summer School Payments, 18-4.3
of the School Code.......................... 10,000,000
For Targeted Interventions..................... 4,000,000
For Tax-Equivalent Grants, 18-4.4 of
the School Code............................. 222,600
For Textbook Loans, 18-17 of the
School Code................................. 42,826,500
For Transitional Assistance...................... 5,000,000
For Transition of Minority Students............ 578,800
For Transportation-Regular/Vocational
Common School Transportation
Reimbursement, 29-5 of the School Code..... 317,500,000
For Visually Impaired/Educational
Materials Coordinating Unit, 14-11.01
of the School Code......................... 2,121,000
For Regular Education Reimbursement
Per 18-3 of the School Code.................. 11,500,000
For Special Education Reimbursement
Per 14-7.03 of the School Code............... 79,400,000
For all costs associated with Alternative
Education/Regional Safe Schools.............. 18,535,500
For Truant Alternative and Optional
Education Program............................ 20,078,100

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<td>For costs associated with Teach for America</td>
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<td>For grants to Local Education Agencies to conduct Agriculture Education Programs</td>
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<td>For Career and Technical Education</td>
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<td>For General State Aid</td>
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<td>For General State Aid – Hold Harmless</td>
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<td>For the Reading Improvement Block</td>
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<td>Grant</td>
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<td>For General State Aid</td>
<td>$3,620,940,000</td>
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<td>For Arts and Foreign Language Education, Pursuant to Section 105 ILCS 5/2-3.65a</td>
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<tr>
<td>For Transitional Assistance</td>
<td>$0</td>
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<tr>
<td>For Regional Superintendents’ and Assistants’ Compensation, including amounts due but not paid in fiscal years 2004, 2005, and 2006</td>
<td>$8,950,000</td>
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<td>$3,635,390,000</td>
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<td>From the General Revenue Fund</td>
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<tr>
<td>For Regional Superintendent’s Services</td>
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<tr>
<td>For Regional Superintendents Services – Bus Driver Training</td>
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<tr>
<td>For Regional Superintendents Services – Supervisory Expenses</td>
<td>$102,000</td>
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New matter indicated by italics - deletions by strikeout
From the School District Emergency Financial Assistance Fund:
   For Emergency Financial Assistance, 1B-8 of the School Code............... 1,000,000
From the Drivers Education Fund:
   For Drivers Education....................... 17,929,600
From the Charter Schools Revolving Loan Fund:
   For Charter Schools Loans.................... 20,000
From the School Technology Revolving Loan Fund:
   For School Technology Loans, 2-3.117a of the School Code............... 5,000,000
From the Temporary Relocation Expenses Revolving Grant Fund:
   For Temporary Relocation Expenses, 2-3.77 of the School Code.......... 1,400,000
From the State Board of Education Federal Agency Services Fund:
   For Learn and Serve America.................. 2,500,000
From the State Board of Education Federal Agency Services Fund:
   For Refugee Services.......................... 2,000,000
From the State Board of Education Federal Department of Agriculture Fund:
   For Child Nutrition.......................... 475,000,000
From the State Board of Education Federal Department of Education Fund:
   For Title I.................................... 642,000,000
   For Title I, Reading First..................... 50,000,000
   For Title II, Teacher/Principal Training..... 135,000,000
   For Title III, English Language Acquisition........................................... 40,000,000
   For Title IV, 21st Century/Community Service Programs....................... 45,000,000
   For Title IV, Safe and Drug Free Schools..... 15,000,000

New matter indicated by italics - deletions by strikeout
For Title V, Innovation Programs.............. 8,000,000
For Title VI, Rural and Low Income Students........................................ 1,500,000
For Title X, McKinney Homeless Assistance........................................ 3,250,000
For Enhancing Education through Technology.... 20,000,000
For Individuals with Disabilities Act,
Deaf/Blind........................................ 380,000
For Individuals with Disabilities Act,
IDEA........................................ 550,000,000
For Individuals with Disabilities Act,
Improvement Program.......................... 2,500,000
For Individuals with Disabilities Act,
Model Outreach Program Grants.................. 400,000
For Individuals with Disabilities Act,
Pre-School.................................. 25,000,000
For Grants for Vocational Education – Basic.................. 55,000,000
For Grants for Vocational Education – Technical Preparation........ 5,000,000
For Charter Schools............................ 2,500,000
For Transition to Teaching........................ 1,000,000
For Advanced Placement Fee..................... 2,000,000
For Math/Science Partnerships.................. 9,000,000
For Integration of Mental Health................ 400,000
For ONPAR.................................. 2,000,000
For Special Federal Congressional Projects..... 5,000,000
Total $1,619,930,000

Section 15. The following amounts, or so much thereof as may be necessary, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2007:
From the General Revenue Fund:
For Parental Participation Pilot Project........ 100,000
For Autism Training and Technical

New matter indicated by italics - deletions by strikeout
Assistant..................................... 100,000
For the Principal Mentoring Program............ 3,100,000
For the Children’s Mental Health Partnership....................... 3,000,000
For the Class Size Reduction Pilot Project..... 8,000,000
For Standards, Assessments and Accountability....................... 3,342,700
For Early Childhood Education............... 343,254,500
For Technology for Success...................... 4,169,700
For Classroom Cubed................................ 2,000,000
For Advanced Placement Classes................ 1,500,000
For Grow Your Own Teachers...................... 3,000,000
For the Teacher Mentoring Pilot Project........ 2,000,000
For Growth Model Assessments.................... 3,000,000
For Regional Superintendent Initiatives......... 500,000
Total $377,066,900

Section 20. The amount of $29,126,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 2, Section 20 of Public Act 94-0798, is reappropriated from the General Revenue Fund to the Illinois State Board of Education for Textbook Loans pursuant to Section 18-17 of the School Code.

Section 25. The amount of $541,800, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for all costs associated with the Community Residential Services Authority.

Section 30. The amount of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for costs associated with the Illinois Economic Education program.

Section 35. The amount of $863,336, or so much thereof as may be necessary and remains unexpended at the close of business on August 31, 2006, for appropriations heretofore made for such purpose in Article 82.1,
Section 10 of Public Act 94-0015, is reappropriated from the Common School Fund to the Illinois State Board of Education for Arts Education.

Section 40. The amount of $1,586,336, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 2, Section 40 of Public Act 94-0798, is reappropriated from the General Revenue Fund to the Illinois State Board of Education for all costs associated with Security for Schools.

Section 45. The amount of $1,399,000, or so much thereof as may be necessary, is appropriated from the Teacher Certificate Fee Revolving Fund to the Illinois State Board of Education for Teacher Certificates Processing.

Section 50. The amount of $1,008,900, or so much thereof as may be necessary, is appropriated from the Teacher Certificate Institute Fund to the Illinois State Board of Education.

Section 55. The amount of $8,484,800, or so much of that amount as may be necessary, is appropriated from the State Board of Education Special Purpose Trust Fund to the State Board of Education for expenditures by the Board in accordance with grants, gifts or donations that the Board has received or may receive from any source, public or private, in support of projects that are within the lawful powers of the Board.

Section 57. The amount of $7,015,200, or so much of that amount as may be necessary, is appropriated from the State Board of Education Special Purpose Trust Fund to the State Board of Education for its ordinary and contingent expenses.

Section 60. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund for deposit into the Temporary Relocation Expenses Revolving Grant Fund for use by the State Board of Education, as provided in Section 2-3.77 of the School Code.

Section 62. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois

New matter indicated by italics - deletions by strikeout
State Board of Education for all costs associated with implementation of the State Board of Education Strategic Plan.

Section 61. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for the Technology Immersion Pilot Project pursuant to 105 ILCS 5/2-3.135.

Section 62. The sum of $4,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for costs associated with the Re-Enrollment Student Program of the Alternative Schools Network.

Section 63. The sum of $3,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for costs associated with Hard to Staff Schools incentives pursuant to Senate Bill 198 of the 95th General Assembly.

Section 65. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2007:

From the General Revenue Fund:
- For Bilingual Education (over 500,000 population), 34-18.2 of the School Code..... 40,896,600
- For Bilingual Education (under 500,000 population), 10-22.38a of the School Code.... 33,655,400
- Total $74,552,000

Section 70. The amount of $17,382,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for Student Assessments, including Bilingual Assessments.

Section 75. The amount of $23,780,300, or so much thereof as may be necessary, is appropriated from the State Board of Education Federal Department of Education Fund to the Illinois State Board of Education for Student Assessments.

Section 80. The amount of $65,044,700, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the

New matter indicated by italics - deletions by strikeout
Public School Teachers’ Pension and Retirement Fund of Chicago for the state’s contribution for the fiscal year beginning July 1, 2007.

Section 85. The amount of $10,218,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Public School Teachers’ Pension and Retirement Fund of Chicago for the state’s contribution for retirement contributions under Section 17-127 of the Pension Code for the fiscal year beginning July 1, 2007.

Section 90. The amount of $68,596,000, or so much thereof as may be necessary, is appropriated from the Education Assistance Fund to the Teachers’ Retirement System of the State of Illinois for transfer into the Teachers’ Health Insurance Security Fund as the state’s contribution for teachers’ health insurance.

ARTICLE 10

Section 5. The following amounts, or so much thereof as may be necessary, respectively, are appropriated to the Teachers’ Retirement System of the State of Illinois for the State’s contributions, as provided by law:
Payable from the Common School Fund........ 1,039,195,000

Section 10. The following named amount, or so much thereof as may be necessary, respectively, is appropriated from the Education Assistance Fund to the Teachers’ Retirement System for the objects and purposes hereinafter named:
For additional costs due to the establishment of minimum retirement allowances pursuant to Sections 16-136.2 and 16-136.3 of the "Illinois Pension Code", as amended................. 2,100,000

ARTICLE 15

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Illinois Educational Labor Relations Board for the objects and purposes hereinafter named:
OPERATIONS
For Personal Services.......................... 1,015,800

New matter indicated by italics - deletions by strikeout
For Employee Retirement Contributions
  Paid by Employer...................................... 0
For State Contributions to State
  Employees' Retirement System.................... 117,100
For State Contributions to Social Security.......... 77,300
For Contractual Services............................ 156,000
For Travel........................................ 15,000
For Commodities.................................... 4,500
For Printing....................................... 4,000
For Equipment..................................... 1,000
For Electronic Data Processing...................... 16,000
For Telecommunications Services................... 23,000
For Operation of Automotive Equipment.............. 2,500
Total                                                                                         $1,432,200

ARTICLE 20

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Board of Higher Education to meet ordinary and contingent expenses for the fiscal year ending June 30, 2008:
  For Personal Services............................ 2,100,100
  For State Contributions to Social Security, for Medicare......................... 28,000
  For Contractual Services.......................... 568,500
  For Travel.......................................... 54,400
  For Commodities.................................. 11,800
  For Printing....................................... 10,900
  For Equipment..................................... 16,500
  For Telecommunications........................... 41,900
  For Operation of Automotive Equipment......... 3,200
  Total                                                                                         $2,835,300

Section 10. The following named amount, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Board of Higher Education for distribution as grants authorized by the Higher Education Cooperation Act:

Quad-Cities Graduate Study Center.................. 220,000

Section 15. The following named amount, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants authorized by the Higher Education Cooperation Act:

Access and Diversity........................... 3,787,300

Section 17. The following named sums, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Illinois Board of Higher Education for Science, Technology, Engineering and Math (S.T.E.M.) diversity initiatives to enhance S.T.E.M. programs for students from underrepresented groups:

Chicago Area Health and Medical Careers Program (C.A.H.M.C.P.).................... 900,000
Illinois Mathematics and Science Academy Excellence 2000 Program in Mathematics and Science.................... 100,000
Total $1,000,000

Section 20. The sum of $2,852,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for a grant to the Board of Trustees of the University Center of Lake County for the ordinary and contingent expenses of the Center.

Section 25. The sum of $9,500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as incentive grants to Illinois higher education institutions in the competition for external grants and contracts.

Section 30. The sum of $17,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants authorized by the Health Services Education Grants Act.

Section 35. The sum of $2,750,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Public Health for distribution of medical education scholarships authorized by an Act to provide grants for family practice residency programs and medical student scholarships through the Illinois Department of Public Health.

Section 40. The sum of $5,500,000, or so much thereof as may be necessary, is appropriated from the BHE Federal Grants Fund to the Board of Higher Education to be expended under the terms and conditions associated with the federal contracts and grants moneys received.

Section 45. The sum of $2,800,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for the administration and distribution of grants authorized by the Diversifying Higher Education Faculty in Illinois Program.

Section 50. The sum of $2,100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants for Cooperative Work Study Programs to institutions of higher education.

Section 55. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for competitive grants for nursing schools to increase the number of graduating nurses.

Section 60. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for nurse educator fellowships to supplement nurse faculty salaries.

Section 65. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for the International Center on Deafness and the Arts (ICODA) program.

Section 70. The sum of $147,700, or so much thereof may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for costs and expenses related to or in support of a higher education shared services center.
Section 75. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Illinois Mathematics and Science Academy to meet ordinary and contingent expenses for the fiscal year ending June 30, 2008:

For Personal Services........................ 10,974,200
For State Contributions to Social Security, for Medicare...................... 179,800
For Contractual Services....................... 4,210,500
For Travel....................................... 117,900
For Commodities.................................. 296,700
For Equipment..................................... 819,900
For Telecommunications......................... 356,300
For Operation of Automotive Equipment......... 30,600
For Electronic Data Processing.................. 217,000

Total                                      $17,202,900

Section 80. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Illinois Mathematics and Science Academy Income Fund to the Illinois Mathematics and Science Academy to meet ordinary and contingent expenses for the fiscal year ending June 30, 2008:

For Personal Services........................... 1,598,000
For State Contributions to Social Security, for Medicare.................. 27,400
For Contractual Services......................... 981,100
For Travel....................................... 126,700
For Commodities.................................. 143,200
For Equipment..................................... 65,000
For Telecommunications.......................... 80,000
For Operation of Automotive Equipment......... 1,000
For Refunds....................................... 27,600

Total                                      $3,050,000

New matter indicated by italics - deletions by strikeout
Section 85. The sum of $450,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Mathematics and Science Academy for the Excellence 2000 Program in Mathematics and Science.

Section 90. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Board of Higher Education for costs associated with the Task Force on Higher Education and the Economy.

Section 95. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Board of Higher Education for grants to the Illinois Education Foundation.

ARTICLE 25

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Illinois Community College Board for ordinary and contingent expenses:

- For Personal Services.......................... 1,066,100
- For State Contributions to Social Security, for Medicare..................... 15,500
- For Contractual Services..................... 345,300
- For Travel........................................ 56,600
- For Commodities.................................... 7,500
- For Contractual Services..................... 7,500
- For Contractual Services..................... 9,800
- For Equipment...................................... 2,000
- For Electronic Data Processing............... 435,800
- For Telecommunications....................... 33,900
- For Operation of Automotive Equipment.............. 4,000
- East St. Louis Operations...................... 1,500

Total                                                                 $1,978,000

Section 10. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Community College Board Contracts and Grants Fund to the Illinois Community College Board to be expended under the terms and conditions associated with the moneys being received.

New matter indicated by italics - deletions by strikeout
Section 15. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the ICCB Adult Education Fund to the Illinois Community College Board for operational expenses associated with administration of adult education and literacy activities.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Illinois Community College Board for distribution to qualifying public community colleges for the purposes specified:

<table>
<thead>
<tr>
<th>Grant Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Operating Grants</td>
<td>204,818,000</td>
</tr>
<tr>
<td>Small College Grants</td>
<td>840,000</td>
</tr>
<tr>
<td>Equalization Grants</td>
<td>77,383,700</td>
</tr>
<tr>
<td>Retirees Health Insurance Grants</td>
<td>626,600</td>
</tr>
<tr>
<td>Workforce Development Grants</td>
<td>3,311,300</td>
</tr>
<tr>
<td>Student Success Grants</td>
<td>3,000,000</td>
</tr>
<tr>
<td>P-16 Initiative Grants</td>
<td>2,779,000</td>
</tr>
<tr>
<td>Total</td>
<td>$292,758,600</td>
</tr>
</tbody>
</table>

Section 25. The sum of $1,589,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for grants to operate an educational facility in the former community college district #541 in East St. Louis.

Section 30. The sum of $539,000, or so much thereof as may be necessary, is appropriated from the AFDC Opportunities Fund to the Illinois Community College Board for grants to colleges for workforce training and technology and operating costs of the Board for those purposes.

Section 35. The following named amounts, or so much of those amounts as may be necessary, for the objects and purposes named, are appropriated to the Illinois Community College Board for adult education and literacy activities:

From the General Revenue Fund:
  For payment of costs associated
    with education and educational-related
    services to local eligible providers
    for adult education and

New matter indicated by italics - deletions by strikeout
literacy........................................ 16,026,200
For payment of costs associated
with education and educational-related
services to local eligible providers
for performance-based awards.............. 10,701,600
For operational expenses of and
for payment of costs associated with
education and educational-related
services to recipients of Public
Assistance, and, if any funds remain,
for costs associated with
education and educational-related
services to local eligible providers
for adult education and literacy.......... 8,080,500
From the ICCB Adult Education Fund:
For payment of costs associated with
education and educational-related
services to local eligible providers
and to Support Leadership Activities,
as Defined by U.S.D.O.E.
for adult education and literacy
as provided by the United States
Department of Education............... 25,000,000
Total, this Section.................. $59,808,300

Section 40. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Illinois Community College
Board for all costs associated with career and technical education
activities:
From the General Revenue Fund........... 12,149,900
From the Career and Technical Education Fund.... 23,607,100
Total, this Section.................. $35,757,000

Section 45. The sum of $291,500, or so much thereof as may be
necessary, is appropriated from the ICCB Federal Trust Fund to the Illinois

New matter indicated by italics - deletions by strikeout
Section 50. The sum of $15,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for the City Colleges of Chicago for educational-related expenses.

Section 60. The sum of $120,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for awarding scholarships to qualifying graduates of the Lincoln's Challenge Program.

Section 75. The sum of $807,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to Illinois Community College Board for costs associated with administering GED tests.

Section 80. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the ISBE GED Testing Fund to the Illinois Community College Board for costs associated with administering GED tests.

Section 85. The sum of $550,000, or so much thereof as may be necessary, is appropriated from ICCB Instruction Development and Enhancement Applications Revolving Fund to the Illinois Community College Board for costs associated with maintaining and updating instructional technology.

Section 90. The sum of $174,700, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for costs and expenses related to or in support of a higher education shared services center.

Section 95. The sum of $108,500, or so much thereof as may be necessary, is appropriated from the ICCB Federal Trust Fund to the Illinois Community College Board for costs and expenses related to or in support of a higher education shared services center.

Section 105. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois

New matter indicated by italics - deletions by strikeout
Community College Board for the Lincoln Land Community College medical training program at the Hillsboro campus.

Section 110. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for a grant to Prairie State College for educational-related expenses.

Section 115. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for a grant to the Latino Development and Technology Accelerator Center.

Section 120. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for a grant to the Black United Fund of Illinois to provide assistance to minority students in completing their baccalaureate degrees.

Section 125. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for a grant to South Suburban College for educational-related expenses.

Section 130. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for grants.

Section 135. The sum of $7,261,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board to reimburse colleges up to 50 percent of the costs associated with the Illinois Veterans’ Grant.

Section 140. The sum of $750,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for costs associated with the College and Career Readiness Pilot Program.

ARTICLE 30

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Student

New matter indicated by italics - deletions by strikeout
Assistance Commission from the Student Loan Operating Fund for its ordinary and contingent expenses:

For Administration

For Personal Services......................... 16,935,700
For State Contributions to State
  Employees Retirement System............... 2,811,300
For State Contributions to
  Social Security............................. 1,295,700
For State Contributions for
  Employees Group Insurance............... 4,755,100
For Contractual Services...................... 12,471,800
For Travel.................................. 208,300
For Commodities................................ 265,200
For Printing.................................. 724,200
For Equipment................................ 535,000
For Telecommunications......................... 1,894,900
For Operation of Auto Equipment.............. 37,900
Total .................................... $41,935,100

Section 10. The sum of $381,099,800, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the General Revenue Fund for payment of Monetary Award Program grant awards to students eligible to receive such awards, as provided by law.

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for the following purposes:

Grants and Scholarships
For payment of matching grants to Illinois institutions to supplement scholarship programs, as provided by law.................. 950,000
For the payment of scholarships to students who are children of policemen or firemen killed in the line of duty, or who are

New matter indicated by italics - deletions by strikeout
dependents of correctional officers killed or permanently disabled in the line of duty, as provided by law................. 470,000
For payment of Illinois National Guard and Naval Militia Scholarships at State-controlled universities and public community colleges in Illinois to students eligible to receive such awards, as provided by law.................. 4,480,000
For payment of military Veterans' scholarships at State-controlled universities and at public community colleges for students eligible, as provided by law.............. 19,250,000
For payment of Minority Teacher Scholarships..... 3,100,000
For payment of Illinois Scholars Scholarships.... 3,160,000
For payment of Illinois Incentive for Access grants, as provided by law.................. 8,200,000
For college savings bond grants to students who are eligible to receive such awards.......................... 650,000
Total $40,260,000

Section 20. The following named amount, or so much thereof as may be necessary, is appropriated from the Illinois National Guard and Naval Militia Grant Fund to the Illinois Student Assistance Commission for the following purpose:

Grants and Scholarships
For payment of Illinois National Guard and Naval Militia Scholarships at State-controlled universities and public community colleges in Illinois to students eligible to receive such awards, as provided by law........... 20,000

Section 25. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois...
Student Assistance Commission for the Loan Repayment for Teachers Program.

Section 30. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for scholarships and living expenses grants to increase the number of forensic science students who are pursuing a program to become qualified to perform DNA testing at Illinois State Police forensic science facilities.

Section 35. The sum of $1,350,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for scholarships and living expenses grants for nursing education students who are pursuing their Master’s degree to become nurse faculty.

Section 40. The following named amount, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for the following purpose:

Grants and Scholarships
For payment of Illinois Future Teacher Corps Scholarships, as provided by law........ 4,100,000

Section 45. The following named amount, or so much thereof as may be necessary, is appropriated from the Contracts and Grants Fund to the Illinois Student Assistance Commission for the following purpose:

To support outreach, research, and training activities.............................. 70,000

Section 50. The following named amount, or so much thereof as may be necessary, is appropriated from the Optometric Licensing and Disciplinary Board Fund to the Illinois Student Assistance Commission for the following purpose:

Grants and Scholarships
For payment of scholarships for the Optometric Education Scholarship Program, as provided by law....................... 50,000

Section 55. The sum of $260,000,000, or so much thereof as may be necessary, is appropriated from the Federal Student Loan Fund to the
Illinois Student Assistance Commission for distribution when necessary as a result of the following: for guarantees of loans that are uncollectible, for collection payments to the Student Loan Operating Fund as required under agreements with the United States Secretary of Education, for payment to the Student Loan Operating Fund for Default Aversion Fees, for transfers to the U.S. Treasury, or for other distributions as necessary and provided for under the Federal Higher Education Act.

Section 60. The sum of $21,334,400, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Student Loan Operating Fund for distribution as necessary for the following: for payment of collection agency fees associated with collection activities for Federal Family Education Loans, for Default Aversion Fee reversals, and for distributions as necessary and provided for under the Federal Higher Education Act.

Section 65. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the Student Loan Operating Fund for costs associated with Federal Loan System Development and Maintenance.

Section 66. The following named amount, or so much thereof as may be necessary, is appropriated from the Student Loan Operating Fund to the Illinois Student Assistance Commission for the following purposes: For payments to the Federal Student Loan Fund for payment of the federal default fee on behalf of students, or for any other lawful purpose authorized by the Federal Higher Education Act, as amended.................... 15,000,000

Section 70. The sum of $300,000, or so much of that amount as may be necessary, is appropriated from the Accounts Receivable Fund to the Illinois Student Assistance Commission for costs associated with the collection of delinquent scholarship awards pursuant to the Illinois State Collection Act of 1986.

Section 75. The following named amount, or so much thereof as may be necessary, is appropriated from the Federal Student Assistance

New matter indicated by italics - deletions by strikeout
Scholarship Fund to the Illinois Student Assistance Commission for the following purpose:
For payment of Robert C. Byrd Honors Scholarships ......................... 1,800,000

Section 80. The sum of $70,000, or so much thereof as may be necessary, is appropriated to the Illinois Student Assistance Commission from the University Grant Fund for payment of grants for the Higher Education License Plate Program, as provided by law.

Section 85. The following named amount, or so much thereof as may be necessary, is appropriated from the Federal Student Assistance Scholarship Fund to the Illinois Student Assistance Commission for the following purpose:
For transferring repayment funds collected under the Paul Douglas Teacher Scholarship Program to the U.S. Treasury ...................... 400,000

Section 90. The following named amount, or so much thereof as may be necessary, is appropriated from the Illinois Future Teacher Corps Scholarship Fund to the Illinois Student Assistance Commission for the following purpose:
For payment of scholarships for the Illinois Future Teacher Corps Scholarship Program as provided by law .......... 57,000
For payment for grants to the Golden Apple Foundation for Excellence in Teaching .................. 3,000

Section 95. The following named amount, or so much thereof as may be necessary, is appropriated from the Federal Student Incentive Trust Fund for the Federal Leveraging Educational Assistance and the Supplemental Leveraging Educational Assistance Programs to the Illinois Student Assistance Commission for the following purpose:
Grants
For payment of Monetary Award Program grants to full-time and part-time students eligible to receive such grants, as provided by law .... 3,700,000

New matter indicated by italics - deletions by strikeout
Section 100. The sum of $2,128,100, or so much thereof as may be necessary, is appropriated from the Student Loan Operating Fund to the Illinois Student Assistance Commission for costs and expenses related to or in support of a higher education shared services center.

ARTICLE 35

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the State Universities Civil Service System to meet its ordinary and contingent expenses for the fiscal year ending June 30, 2008:

For Personal Services............................ 932,400
For Social Security............................... 13,520
For Contractual Services......................... 248,300
For Travel........................................ 12,000
For Commodities.................................... 9,000
For Printing....................................... 4,000
For Equipment..................................... 25,500
For Telecommunications Services............... 25,700
For Operation of Automotive Equipment......... 2,800
Total                                                                                         $1,273,220

ARTICLE 40

Section 5. The sum of $4,740,200, or so much thereof as may be necessary, is appropriated to the Community College Health Insurance Security Fund for the State's contribution, as required by law.

Section 10. The sum of $340,320,000, minus the amount transferred to the State Universities Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the State Universities Retirement System of Illinois pursuant to the provisions of Section 8.12 of "AN ACT in relation to State finance", approved June 10, 1919, as amended.

Section 15. The following amounts, or so much thereof as may be necessary, respectively, are appropriated to the Board of Trustees of the
State Universities Retirement System for the State's contribution, as
provided by law:
Payable from the Education Assistance Fund............... 0

ARTICLE 45

Section 5. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to the Board of the Trustees of Chicago State
University to meet ordinary and contingent expenses for the fiscal year
ending June 30, 2008:
Payable from the General Revenue Fund:
For Personal Services, including payment
to the university for personal services
costs incurred during the fiscal year
and salaries accrued but unpaid to academic
personnel for personal services rendered
during the academic year 2007-2008......... 35,502,100
For State Contributions to Social
Security, for Medicare......................... 385,900
For Group Insurance......................... 1,024,000
For Contractual Services..................... 1,992,700
For Travel.................................... 11,000
For Commodities............................. 11,000
For Equipment............................... 168,100
For Telecommunications Services............ 304,400
For Operation of Automotive Equipment...... 1,000
For Awards and Grants........................ 104,400
Total $39,504,600

Section 10. The sum of $400,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Board of
Trustees of Chicago State University for costs associated with the
HIV/AIDS Policy and Research Institute in the College of Health
Sciences.

Section 15. The sum of $150,000 or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to Board of

New matter indicated by italics - deletions by strikeout
Trustees of Chicago State University for costs associated with the Doctor of Education in Educational Leadership Program.

Section 20. The sum of $450,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees at Chicago State University for costs associated with the Financial Assistance Outreach Center.

Section 25. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Chicago State University for operation and maintenance costs for the Convocation Center.

Section 30. The sum of $400,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Chicago State University for collaboration projects to improve retention and graduation rates.

ARTICLE 50

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Eastern Illinois University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2008:
Payable from the General Revenue Fund:
For Personal Services, including payment
to the university for personal services
costs incurred during the fiscal year
and salaries accrued but unpaid to academic
personnel for personal services rendered
during the academic year 2007-2008.......... 47,148,500
For Contractual Services....................... 1,000,000
For Commodities............................... 300,000
For Equipment.................................... 500,000
For Telecommunications Services............... 300,000
Total                                        $49,248,500

Section 10. The sum of $2,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust
Fund to the Board of Trustees of Eastern Illinois University for scholarship grant awards, in accordance with Public Act 91-0083.

ARTICLE 55

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Governors State University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2008:

Payable from the General Revenue Fund:

For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2007-2008........... 22,390,300

For State Contributions to Social Security, for Medicare...................... 94,900
For Contractual Services....................... 3,050,000
For Commodities............................... 150,000
For Equipment................................. 400,000
For Telecommunications Services............. 100,000
For Awards and Grants......................... 100,000
For Permanent Improvements.................. 100,000
Total $26,385,200

Section 10. The sum of $331,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Governors State University for the International Trade Center.

Section 15. The sum of $650,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Governors State University for the Institute for Urban Education.

Section 20. The sum of $325,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of

New matter indicated by italics - deletions by strikeout
Trustees of Governors State University for the Center for Excellence in Health Education.

Section 25. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Governors State University for the Center for Law Enforcement Technology Collaboration.

ARTICLE 60

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Illinois State University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2008:

Payable from the General Revenue Fund:
For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2007-2008........ 74,286,700
For Group Insurance......................... 3,078,300
For Contractual Services....................... 2,721,700
For Commodities.............................. 300,000
For Equipment............................... 2,000,000
For Telecommunications Services............... 200,000
For Permanent Improvements..................... 500,000
Total $83,086,700

Section 10. The amount of $70,000, or so much thereof as may be necessary, is appropriated from the State College and University Fund to the Board of Trustees of Illinois State University for scholarship grant awards from the sale of collegiate license plates.

ARTICLE 65

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Northeastern

New matter indicated by italics - deletions by strikeout
Illinois University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2008:
Payable from the General Revenue Fund:
For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2007-2008........... 37,609,100
For State Contributions to Social Security, for Medicare......................... 437,700
For Group Insurance.................. 1,072,600
For Contractual Services................... 1,030,000
For Equipment............................ 300,000
Total $40,449,400

Section 10. The sum of $170,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Northeastern Illinois University to conduct a pilot program to improve retention and graduation rates for minority students.

Section 15. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Northeastern Illinois University to conduct a study on the North Atlantic Slave Trade.

ARTICLE 70

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Northern Illinois University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2008:
Payable from the General Revenue Fund:
For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2007-2008........... 37,609,100
For State Contributions to Social Security, for Medicare......................... 437,700
For Group Insurance.................. 1,072,600
For Contractual Services................... 1,030,000
For Equipment............................ 300,000
Total $40,449,400

New matter indicated by italics - deletions by strikeout
personnel for personal services rendered
during the academic year 2007-2008........ 90,292,500
For State Contributions to Social
Security, for Medicare..................... 883,500
For Group Insurance........................ 2,337,300
For Contractual Services................... 6,523,000
For Travel................................... 159,500
For Commodities............................ 1,484,800
For Equipment............................... 1,145,800
For Telecommunications Services.......... 797,300
For Operation of Automotive Equipment.... 138,500
For Awards and Grants........................ 185,700
For Permanent Improvements............... 1,343,700
Total                                  $105,291,600

Section 10. The sum of $700,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to Board of
Trustees of Northern Illinois University for the Complete Help and
Assistance Necessary for a College Education (C.H.A.N.C.E.) program.

Section 15. The sum of $10,000, or so much thereof as may be
necessary, is appropriated from the State College and University Trust
Fund to the Board of Trustees of Northern Illinois University for
scholarship grant awards, in accordance with Public Act 91-0083.

ARTICLE 75

Section 5. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to the Board of the Trustees of Southern Illinois
University to meet ordinary and contingent expenses for the fiscal year
ending June 30, 2008:
Payable from the General Revenue Fund:
For Personal Services, including payment
to the university for personal services
costs incurred during the fiscal year
and salaries accrued but unpaid to academic
personnel for personal services rendered

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For State Contributions to Social Security, for Medicare</td>
<td>2,343,400</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>3,662,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>12,345,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>53,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,486,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>2,458,700</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>1,774,900</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>633,100</td>
</tr>
<tr>
<td>For Awards and Grants</td>
<td>355,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$224,580,700</strong></td>
</tr>
</tbody>
</table>

Section 10. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for the Special Services (TRIO) program for improvement of matriculation, retention, and completion rates of minority students at the Edwardsville and Carbondale campuses.

Section 15. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for the Vince Demuzio Governmental Internship Program.

Section 20. The sum of $1,200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for the School of Medicine Lab.

Section 25. The sum of $156,150, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for costs associated with the construction and furnishing of replacement cabins at the SIUC Touch of Nature Center.

Section 30. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for a grant to the School of Dental Medicine.

ARTICLE 80

New matter indicated by italics - deletions by strikeout
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of the University of Illinois to meet ordinary and contingent expenses for the fiscal year ending June 30, 2008:

Payable from the General Revenue Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2007-2008</td>
<td>622,304,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security, for Medicare</td>
<td>9,737,100</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>24,893,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>39,794,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>249,700</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,518,600</td>
</tr>
<tr>
<td>For Equipment</td>
<td>511,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>5,016,800</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>967,000</td>
</tr>
<tr>
<td>For Permanent Improvements</td>
<td>750,000</td>
</tr>
<tr>
<td>For Distributive Purposes as follows:</td>
<td></td>
</tr>
<tr>
<td>For Awards and Grants</td>
<td>6,057,500</td>
</tr>
<tr>
<td>For Claims under Workers’ Compensation and Occupational Disease Acts, other Statutes, and tort claims</td>
<td>3,270,000</td>
</tr>
<tr>
<td>For Hospital and Medical Services and Appliances</td>
<td>5,300,000</td>
</tr>
<tr>
<td>Total</td>
<td>$721,370,000</td>
</tr>
</tbody>
</table>

Section 10. The sum of $3,508,000, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Board of Trustees of the University of Illinois for the purpose of maintaining the Illinois Fire Service Institute, paying the Institute's expenses, and

New matter indicated by italics - deletions by strikeout
providing the facilities and structures incident thereto, including payment to the University for personal services and related costs incurred.

Section 15. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of the University of Illinois for scholarship grant awards, in accordance with Public Act 91-0083.

Section 20. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the University of Illinois for the Complete Help and Assistance Necessary for a College Education (C.H.A.N.C.E) program at the Office of School Relations at the Chicago Campus.

Section 25. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the University of Illinois for costs associated with the Hispanic Center for Excellence at the Chicago campus.

Section 30. The sum of $350,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the University of Illinois for the Pathways to Health Professions Program.

Section 35. The sum of $350,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the University of Illinois for Dixon Springs Agricultural Center.

Section 40. The sum of $350,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the University of Illinois for a grant to the College of Dentistry.

ARTICLE 85

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Western Illinois University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2008:

Payable from the General Revenue Fund:

New matter indicated by italics - deletions by strikeout
For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2007-2008........... 50,570,400
For State Contributions to Social Security, for Medicare.......................... 446,200
For Group Insurance................................. 1,744,800
For Contractual Services............................ 3,346,300
For Commodities................................. 800,000
For Equipment.................................. 1,000,000
For Telecommunications Services.............. 450,000
Total $58,357,700

Section 10. The amount of $10,000, or so much thereof as may be necessary, is appropriated from the State College and University Trust Fund to the Board of Trustees of Western Illinois University for scholarship grant awards from the sale of collegiate license plates.

ARTICLE 90

Section 5. The following sums, or so much thereof as may be necessary, respectively, are appropriated to the President of the Senate and the Speaker of the House of Representatives for furnishing the items provided in Section 4 of the General Assembly Compensation Act to members of their respective houses throughout the year in connection with their legislative duties and responsibilities and not in connection with any political campaign, as prescribed by law:
To the President of the Senate.................. 4,900,750
To the Speaker of the House of Representatives................................. 8,190,300
Total $13,091,050

Section 10. Payments from the amounts appropriated in Section 5 hereof shall be made only upon the delivery of a voucher approved by the member to the State Comptroller. The voucher shall also be approved by

New matter indicated by italics - deletions by strikeout
the President of the Senate or the Speaker of the House of Representatives as the case may be.

Section 15. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Senate:

For the ordinary and incidental expenses of legislative leadership and legislative staff assistants:

- President: 5,290,200
- Minority Leader: 5,290,200

For the ordinary and incidental expenses of committees, the general staff and operations, per diem employees, special and standing committees of the Senate and expenses incurred in transcribing and printing of Senate debate: 4,036,000

For the ordinary and incidental expenses of the Senate, also including the purchasing on contract as required by law of printing, binding, printing paper, stationery and office supplies: 214,200

For allowances for the particular and additional services appertaining to or entailed by the respective officers of the Senate named in and in accordance with the following schedule:

- President: 83,500
- Minority Leader: 83,500

For travel, including expenses to Springfield of members on official legislative business during weeks when the General Assembly is not in session: 57,700

Total: $15,055,300
Section 20. The sum of $2,100,850, or so much thereof as may be necessary, is appropriated for the use of the Senate standing committees for expert witnesses, technical services, consulting assistance and other research assistance associated with special studies and long range research projects which may be requested by the standing committees.

Section 25. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Assembly Operations Revolving Fund to the Office of the President, to meet the ordinary and contingent expenses of the Senate.

Section 30. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary, incidental and contingent expenses of the House Majority and Minority Leadership Staff and Office operations:

- For the Speaker............................. 4,751,550
- For the Minority Leader...................... 4,751,550
- Total $9,503,100

Section 35. The following named sums, or so much thereof as may be necessary, are appropriated to meet the ordinary, incidental and contingent expenses of the House Majority and Minority Leadership Staff and the general staff:

- For the Speaker............................... 357,700
- For the Minority Leader........................ 162,200
- Total $519,900

Section 40. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, relating to the operation of the House of Representatives, are appropriated to meet its ordinary and contingent expenses:

- For the ordinary and incidental expenses of
  - The general staff, operations, and special
  - And standing committees of the House,
  - for per diem employees and for
  - expenses incurred in transcribing and
  - printing of House debates.................... 5,346,100
For the ordinary and incidental expenses of the House, also including the purchasing on contract as required by law of printing, binding, printing paper, stationery and office supplies, no part of which shall be expended for expenses of purchasing, handling or distributing such supplies and against which no indebtedness shall be incurred without the written approval of the Speaker of the House of Representatives........ 95,000

Pursuant to the Legislative Commission Reorganization Act of 1984, to the Speaker of the House for
Standing House Committees......................... 2,382,200
Total .................................................. $8,823,300

Section 45. The following named sum, or so much thereof as may be necessary, for the objects and purposes hereinafter named, relating to House membership, is appropriated to meet the ordinary and contingent expenses of the House:
For travel, including expenses to Springfield of members on official legislative business during weeks when the General Assembly is not in session.............. 30,400

Section 50. The following named sums, or so much thereof as may be necessary and remains unexpended from an appropriation heretofore made for such purposes in Article 19 of Public Act 94-0798 as amended by this Act, are appropriated for expenses in connection with the planning and preparation of redistricting of legislative and representative districts as required by Article IV, Section 3 of the Illinois Constitution of 1970:
For the Speaker................................. 441,600
For the Minority Leader......................... 0
Total ............................................... $441,600

Section 55. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Assembly Operations
Revolving Fund to the Office of the Speaker, to meet the ordinary and contingent expenses of the House.

Section 60. The amount of $341,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the General Assembly to meet ordinary and contingent expenses. Any use of funds appropriated under this Section must be approved jointly by the Clerk of the House of Representatives and the Secretary of the Senate.

Section 65. As used in Sections 30 and 35 hereof, except where the approval of the Speaker of the House of Representatives is expressly required for the expenditure of or the incurring of indebtedness against an appropriation for certain purchases on contract, "Speaker" means the leader of the party having the largest number of members of the House of Representatives as of January 12, 2007, and "Minority Leader" means the leader of the party having the second largest number of members of the House of Representatives as of January 12, 2007.

Section 70. The sum of $328,900, or so much thereof as may be necessary, is appropriated to the Legislative Ethics Commission to meet the ordinary and contingent expenses of the Commission and the Office of the Legislative Inspector General.

ARTICLE 95

Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Commission on Government Forecasting and Accountability:

For Personal Services.............................. 838,530
For Employee Retirement Contributions
  Paid by Employer................................. 33,550
For State Contributions to State Employees'
  Retirement System.............................. 139,200
For State Contribution to Social
  Security......................................... 64,150
For Contractual Services......................... 123,700
For Travel........................................ 7,310

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0348

For Commodities........................................ 2,885
For Printing.............................................. 4,940
For Equipment............................................. 930
For Electronic Data Processing......................... 2,590
For Telecommunications Services..................... 9,065
For additional costs associated with
the assumption of duties of the
Pension Laws Commission.............................. 205,000
Total.................................................................. $1,431,850

Section 7. The amount of $5,000, or so much thereof as may be
necessary, is appropriated to the Commission on Governmental
Forecasting and Accountability for ordinary expenses and operations of
the Compensation Review Board.

Section 8. The amount of $6,000,000, or so much thereof as may
be necessary, is appropriated from the General Revenue Fund to the
Commission on Governmental Forecasting and Accountability for the
purpose of making contributions to the State Employees’ Retirement
System of Illinois in accordance with subsection (c) of Section 14.1 of the
State Finance Act, for affected legislative staff employees.

Section 10. The following named amounts, or so much of those
amounts as may be necessary, respectively, are appropriated for the objects
and purposes hereinafter named to meet the ordinary and contingent
expenses of the Legislative Information System:
For Personal Services..................................... 2,504,800
For Employee Retirement Contributions
  Paid by Employer...................................... 100,200
For State Contribution to State Employees’
  Retirement System.................................... 415,800
For State Contribution to Social
  Security................................................... 191,600
For Contractual Services............................. 480,300
For Travel...................................................... 14,000
For Commodities.......................................... 5,200
For Printing..................................................... 3,000

New matter indicated by italics - deletions by strikeout
For Equipment........................................ 3,200
For Electronic Data Processing.................. 1,203,500
For Purchase, Maintenance, and Rental
  of General Assembly Electronic Data Processing
  Equipment, and any other operational
  purposes of the General Assembly............... 782,000
For Telecommunications Services.............. 152,100
Total                                                                 $5,855,700

Section 15. The following amount, or so much of that amount as
may be necessary, is appropriated to the Legislative Information System:
For Purchase, Maintenance, and
  Rental of Electronic Data Processing
  Equipment and Software relating to the
  development and implementation of legislative
  systems, and for consulting, technical,
  and design services related thereto............... 0

Section 20. The following amount, or so much of that amount as
may be necessary, is appropriated from the General Assembly Computer
  Equipment Revolving Fund to the Legislative Information System:
For Purchase, Maintenance, and Rental of
  General Assembly Electronic Data Processing
  Equipment and for other operational
  purposes of the General Assembly............... 1,600,000

Section 25. The following named amounts, or so much of those
amounts as may be necessary, respectively, are appropriated for the objects
and purposes hereinafter named to meet the ordinary and contingent
expenses of the Legislative Audit Commission:
For Personal Services............................ 189,500
For Employee Retirement Contributions
  Paid by Employer.................................. 7,600
For State Contributions to State Employees'
  Retirement System.............................. 31,500
For State Contribution to Social
  Security.......................................... 14,500

New matter indicated by italics - deletions by strikeout
For Contractual Services............................ 19,900
For Travel........................................... 5,200
For Commodities...................................... 1,000
For Printing.......................................... 2,125
For Equipment........................................ 1,100
For Electronic Data Processing....................... 3,000
For Telecommunications Services.................... 1,700
Total................................................................ $277,125

Section 30. The following named amounts, or so much of those
amounts as may be necessary, respectively, are appropriated for the objects
and purposes hereinafter named to meet the ordinary and contingent
expenses of the Legislative Printing Unit:
For Personal Services............................. 1,389,430
For Employee Retirement Contributions
  Paid by Employer................................. 55,600
For State Contributions to State Employees'
  Retirement System............................... 230,645
For State Contribution to Social
  Security............................................. 106,300
For Contractual Services.......................... 180,000
For Travel............................................. 0
For Commodities.................................... 149,800
For Printing......................................... 85,000
For Equipment....................................... 300,000
For Telecommunications Services............... 7,500
Total................................................................ $2,504,275

Section 35. The following named amounts, or so much of those
amounts as may be necessary, respectively, are appropriated for the objects
and purposes hereinafter named to meet the ordinary and contingent
expenses of the Legislative Research Unit:
For Personal Services............................ 1,269,500
For Employee Retirement Contributions
  Paid by Employer................................. 50,800
For State Contribution to State Employees'

New matter indicated by italics - deletions by strikeout
Retirement System.......................... 210,800
For State Contribution to Social
  Security........................................ 97,150
For Contractual Services................. 689,900
For Travel..................................... 20,200
For Commodities............................ 16,300
For Printing................................. 27,700
For Equipment.............................. 108,200
For Telecommunications Services......... 32,000
For Council of State Governments Conference..... 0
For Model Illinois Government activities.... 0
For New Member Conference................ 0
Total........................................ $2,522,550

Section 40. The following named amounts, or so much of those
amounts as may be necessary, respectively, are appropriated to the Illinois
Legislative Research Unit for the following purposes:
For payment of expenses of the
  Legislative Staff Intern program,
    including stipends, tuition, and
    administration for 20 persons.......... 581,400
For payment of expenses of the Zeke
  Giorgi Memorial Intern Program, including
  stipends, tuition, and administration
  for 4 persons.............................. 113,300
Total..................................... $694,700

Section 45. The following named amounts, or so much of those
amounts as may be necessary, respectively, are appropriated for the objects
and purposes hereinafter named, to meet the ordinary and contingent
expenses of the Legislative Reference Bureau:
For Personal Services..................... 1,845,900
For Employee Retirement Contributions
  Paid by Employer........................... 73,900
For State Contributions to State Employees'
  Retirement System....................... 305,700

New matter indicated by italics - deletions by strikeout
For State Contribution to Social Security.......................... 141,300
For Contractual Services........................................ 145,000
For Travel.................................................. 7,000
For Commodities.............................................. 10,000
For Printing.................................................. 175,400
For Equipment............................................... 210,000
For Telecommunications Services............................... 12,000
Total $2,926,200

Section 50. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Office of the Architect of the Capitol:

For Personal Services........................................... 363,150
For Employee Retirement Contributions
  Paid by Employer............................................. 14,550
For State Contributions to State Employees' Retirement System.......................... 60,300
For State Contribution to Social Security.......................... 35,500
For Contractual Services........................................ 1,101,600
For Travel.................................................. 15,000
For Commodities.............................................. 4,000
For Printing.................................................. 6,000
For Equipment.................................................. 6,300
For Electronic Data Processing................................. 11,700
For Telecommunications Services............................... 10,000
Total $1,628,100

Section 55. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the Joint Committee on Administrative Rules:

For Personal Services........................................... 854,900
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout
Paid by Employer.............................. 34,200
For State Contributions to State Employees'
Retirement System.............................. 141,900
For State Contribution to Social
Security........................................ 65,400
For Contractual Services...................... 64,000
For Travel...................................... 24,000
For Commodities.............................. 14,800
For Equipment.............................. 27,000
For Telecommunications Services........... 11,000
Total........................................ $1,237,200

Section 60. The sum of $113,700, or so much thereof as may be
necessary, is appropriated for the ordinary and contingent expenses of the
Senate Operations Commission including the planning costs, construction
costs, moving expenses and all other costs associated with the construction
and reconstruction of Senate offices in the Capitol Complex area.

ARTICLE 100

Section 5. The following named amounts, or so much of those
amounts as may be necessary, respectively, are appropriated to the Auditor
General to meet the ordinary and contingent expenses of the Office of the
Auditor General, as provided in the Illinois State Auditing Act:
For Personal Services:
For Regular Positions....................... 5,000,000
Employee Contribution to Retirement
System by Employer............................ 0
For State Contribution to State
Employees’ Retirement System........... 830,000
For State Contribution to Social
Security........................................ 382,500
For Contractual Services.................... 1,064,200
For Travel................................... 80,000
For Commodities............................ 22,000
For Printing................................. 25,000
For Equipment.............................. 100,000

New matter indicated by italics - deletions by strikeout
For Electronic Data Processing.................. 120,000
For Telecommunications.......................... 75,000
For Operation of Auto Equipment............... 6,000
Total $7,704,700

Section 10. The sum of $17,513,900, or so much of that amount as may be necessary, is appropriated to the Auditor General from the Audit Expense Fund for audits, studies, and investigations.

ARTICLE 105

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated for the ordinary and contingent expenses of the Office of the Governor:

EXECUTIVE OFFICE

Payable from the General Revenue Fund:
For Personal Services......................... 5,099,300
For State Contributions to State
Employees' Retirement System............... 846,500
For State Contributions to
Social Security................................ 390,100
For Contractual Services....................... 680,600
For Travel...................................... 140,000
For Commodities............................... 75,000
For Printing.................................... 50,000
For Equipment.................................. 5,000
For Electronic Data Processing................. 160,000
For Telecommunications Services.............. 455,000
For Repairs and Maintenance................... 32,000
For Expenses Related to Ethnic Celebrations,
Special Receptions, and Other Events....... 70,000
Total $8,003,500

Section 10. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Governor's Grant Fund to the Office of the Governor to be expended in accordance with the terms and conditions
upon which such funds were received and in the exercise of the powers or performance of the duties of the Office of the Governor.

ARTICLE 110

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Office of the Lieutenant Governor:

GENERAL OFFICE

For Personal Services........................... 953,200
For State Contributions to State
  Employees' Retirement System............... 158,250
For State Contributions to
  Social Security............................... 72,950
For Contractual Services....................... 409,000
For Travel....................................... 70,500
For Commodities............................... 25,000
For Printing.................................... 13,000
For Equipment.................................. 4,400
For Electronic Data Processing............... 15,000
For Telecommunications Services............. 68,000
For Operational and Grant Expenses of the
  Rural Affairs Council....................... 364,000
For Ordinary and Contingent Expenses of
  The Illinois River Coordination Council.... 190,000
Total........................................ 2,343,300

Section 10. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Office of Lieutenant Governor for all costs associated with the Rural Affairs Council including any grants or administration expenses.

Section 15. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Lieutenant Governor's Grant Fund to the Office of Lieutenant Governor to be expended in accordance with the terms and conditions upon which such funds were received and in the

New matter indicated by italics - deletions by strikeout
exercise of the powers or performance of the duties of the Office of the Lieutenant Governor.

ARTICLE 115

Section 5. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Attorney General to meet the ordinary and contingent expenses of the following division of the Office of the Attorney General:

GENERAL OFFICE

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>32,864,000</td>
</tr>
<tr>
<td>For State Contribution to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>5,442,600</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>2,514,100</td>
</tr>
<tr>
<td>For Employees' Retirement Contributions</td>
<td></td>
</tr>
<tr>
<td>Paid by Employer</td>
<td>328,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,935,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>353,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>125,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>120,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>375,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>1,450,000</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>690,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>140,000</td>
</tr>
<tr>
<td>For Operational Expenses, Office of the Inspector General</td>
<td>300,000</td>
</tr>
<tr>
<td>Total</td>
<td>$47,637,500</td>
</tr>
</tbody>
</table>

Section 10. The sum of $1,300,000, or so much thereof as is available for use by the Attorney General, is appropriated to the Attorney General from the Illinois Gaming Law Enforcement Fund for State law enforcement purposes.

Section 15. The following named sums, or so much thereof as may be necessary, respectively, are appropriated from the Asbestos Abatement Fund to the Attorney General to meet the ordinary and contingent expenses of the Environmental Enforcement-Asbestos Litigation Division:

ENVIRONMENTAL ENFORCEMENT-

New matter indicated by italics - deletions by strikeout
ASBESTOS LITIGATION DIVISION

For Personal Services.......................... 1,388,600
For State Contribution to State
  Employees' Retirement System............... 230,000
For State Contribution to Social Security....... 106,200
For Employees' Retirement Contributions
  Paid by the Employer....................... 13,900
For Group Insurance............................ 325,600
For Contractual Services........................ 430,000
For Travel...................................... 45,000
For Operational Expenses....................... 60,000
Total ......................................... $2,599,300

Section 20. The amount of $3,750,000, or so much thereof as may be necessary, is appropriated from the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund to the Office of the Attorney General for use, subject to pertinent court order or agreement, in the performance of any function pertaining to the exercise of the duties of the Attorney General, including State law enforcement and public education.

Section 25. The amount of $1,600,000, or so much thereof as may be necessary, is appropriated from the Illinois Charity Bureau Fund to the Office of the Attorney General to enforce the provisions of the Solicitation for Charity Act and to gather and disseminate information about charitable trustees and organizations to the public.

Section 30. The amount of $2,050,000, or so much thereof as may be necessary, is appropriated from the Attorney General Whistleblower Reward and Protection Fund to the Office of the Attorney General for State law enforcement purposes.

Section 35. The amount of $900,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the Attorney General for financial support under the Capital Crimes Litigation Act.

Section 40. The amount of $955,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to

New matter indicated by italics - deletions by strikeout
the Attorney General for the funding of a unit responsible for oversight, enforcement, and implementation of the Master Settlement Agreement entered in the case of People of the State of Illinois v. Philip Morris, et al. (Circuit Court of Cook County, No. 96L13146), for enforcement of the Tobacco Product Manufacturers' Escrow Act, and for handling remaining tobacco-related litigation.

Section 45. The amount of $3,600,000, or so much thereof as may be necessary, is appropriated from the Attorney General's State Projects and Court Ordered Distribution Fund to the Attorney General for payment of interagency agreements, for court-ordered distributions to third parties, and, subject to pertinent court order, for performance of any function pertaining to the exercise of the duties of the Attorney General, including State law enforcement and public education.

Section 50. The amount of $5,000, or so much thereof as may be necessary, is appropriated from the Attorney General's Grant Fund to the Office of the Attorney General to be expended in accordance with the terms and conditions upon which those funds were received.

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated to the Attorney General to meet the ordinary and contingent expenses of the Attorney General:

OPERATIONS
Payable from the Violent Crime Victims Assistance Fund:
For Personal Services............................                                          851,800
For State Contribution to State Employees' Retirement System..............................                                          141,100
For State Contribution to Social Security............                                          65,200
For Employees' Retirement Contributions
   Paid by the Employer...............................                                          8,500
For Group Insurance.................................                                          251,600
For Operational Expenses,
   Crime Victims Services Division..............                                          110,000
For Operational Expenses,
   Automated Victim Notification System........ 800,000

New matter indicated by italics - deletions by strikeout
For Awards and Grants under the Violent
Crime Victims Assistance Act................. 8,000,000
Total $10,288,200

Section 60. The amount of $290,000, or so much thereof as may be necessary, is appropriated from the Child Support Administrative Fund to the Office of the Attorney General for child support enforcement purposes.

Section 65. The amount of $2,050,000, or so much thereof as may be necessary, is appropriated from the Attorney General Federal Grant Fund to the Office of the Attorney General for funding for federal grants.

Section 70. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the Sex Offender Management Board Fund to the Sex Offender Management Board for the purposes authorized by the Sex Offender Management Board Act including, but not limited to, sex offender evaluation, treatment, and monitoring programs and grants. Funding received from private sources is to be expended in accordance with the terms and conditions placed upon the funding.

Section 75. The amount of $50,000, or so much thereof as may be necessary, is appropriated from the Statewide Grand Jury Prosecution Fund to the Office of the Attorney General for expenses incurred in criminal prosecutions arising under the Statewide Grand Jury Act.

Section 80. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the Attorney General for disbursement to the Illinois Equal Justice Foundation in accordance with the terms of Section 25 of the Illinois Equal Justice Act.

ARTICLE 120

Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Office of the Secretary of State to meet the ordinary, contingent, and distributive expenses of the following organizational units of the Office of the Secretary of State:

EXECUTIVE GROUP

For Personal Services:
For Regular Positions:

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund .......... 5,306,600
Payable from Securities Audit and Enforcement Fund......................... 0
For Extra Help:
Payable from General Revenue Fund .......... 39,100
For Employee Contribution to State Employees' Retirement System:
Payable from General Revenue Fund .......... 1,366,400
Payable from Road Fund ...................... 1,927,000
Payable from Securities Audit and Enforcement Fund ......................... 0
Payable from Vehicle Inspection Fund......................... 0
For State Contribution to State Employees' Retirement System:
Payable from General Revenue Fund......... 885,300
Payable from Securities Audit and Enforcement Fund......................... 0
For Social Security:
Payable from General Revenue Fund.......... 396,000
Payable from Securities Audit and Enforcement Fund......................... 0
For Group Insurance:
Payable from Securities Audit and Enforcement Fund......................... 0
For Contractual Services:
Payable from General Revenue Fund......... 540,400
For Travel Expenses:
Payable from General Revenue Fund.......... 70,000
For Commodities:
Payable from General Revenue Fund.......... 25,500
For Printing:
Payable from General Revenue Fund.......... 13,900

New matter indicated by italics - deletions by strikeout
For Equipment:
Payable from General Revenue Fund.............. 14,000

For Telecommunications:
Payable from General Revenue Fund.............. 132,000

GENERAL ADMINISTRATIVE GROUP
For Personal Services:
For Regular Positions:
Payable from General Revenue Fund.............. 48,025,000
Payable from Road Fund.............................. 0
Payable from Lobbyist Registration Fund......... 351,800
Payable from Registered Limited Liability Partnership Fund.................. 83,600
Payable from Securities Audit and Enforcement Fund.................. 5,127,600
Payable from Department of Business Services Special Operations Fund............... 2,199,400

For Extra Help:
Payable from General Revenue Fund.............. 1,113,000
Payable from Road Fund.............................. 0
Payable from Securities Audit and Enforcement Fund.................. 13,800
Payable from Department of Business Services Special Operations Fund............... 140,100

For Employee Contribution to State Employees' Retirement System:
Payable from Lobbyist Registration Fund......... 6,900
Payable from Registered Limited Liability Partnership Fund.................. 1,700
Payable from Securities Audit and Enforcement Fund.................. 102,800
Payable from Department of Business Services Special Operations Fund............... 46,800

For State Contribution to State Employees' Retirement System:

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund........... 8,137,800
Payable from Road Fund............................ 0
Payable from Lobbyist Registration Fund...... 40,500
Payable from Registered Limited Liability Partnership Fund....................... 9,600
Payable from Securities Audit and Enforcement Fund.......................... 849,200
Payable from Department of Business Services Special Operations Fund.............. 387,500

For State Contribution to Social Security:
Payable from General Revenue Fund............ 3,773,400
Payable from Road Fund............................. 0
Payable from Lobbyist Registration Fund....... 28,400
Payable from Registered Limited Liability Partnership Fund..................... 6,300
Payable from Securities Audit and Enforcement Fund.......................... 393,300
Payable from Department of Business Services Special Operations Fund.............. 179,000

For Group Insurance:
Payable from Lobbyist Registration Fund....... 89,100
Payable from Registered Limited Liability Partnership Fund..................... 28,300
Payable from Securities Audit and Enforcement Fund.......................... 1,430,000
Payable from Department of Business Services Special Operations Fund.............. 659,400

For Contractual Services:
Payable from General Revenue Fund............ 12,290,700
Payable from Road Fund............................. 900,000
Payable from Motor Fuel Tax Fund.............. 1,200,000
Payable from Lobbyist Registration Fund....... 47,500
Payable from Registered Limited

New matter indicated by italics - deletions by strikeout
Liability Partnership Fund
Payable from Securities Audit
and Enforcement Fund
Payable from Department of Business Services
Special Operations Fund
For Travel Expenses:
Payable from General Revenue Fund
Payable from Road Fund
Payable from Lobbyist Registration Fund
Payable from Securities Audit
and Enforcement Fund
Payable from Department of Business Services
Special Operations Fund
For Commodities:
Payable from General Revenue Fund
Payable from Road Fund
Payable from Lobbyist Registration Fund
Payable from Registered Limited
Liability Partnership Fund
Payable from Securities Audit
and Enforcement Fund
Payable from Department of Business Services
Special Operations Fund
For Printing:
Payable from General Revenue Fund
Payable from Road Fund
Payable from Lobbyist Registration Fund
Payable from Securities Audit
and Enforcement Fund
Payable from Department of Business Services
Special Operations Fund
For Equipment:
Payable from General Revenue Fund
Payable from Road Fund

New matter indicated by italics - deletions by strikeout
Payable from Lobbyist Registration Fund.......... 5,000
Payable from Registered Limited Liability Partnership Fund....................... 0
Payable from Securities Audit and Enforcement Fund................................ 175,000
Payable from Department of Business Services Special Operations Fund................. 50,000

For Electronic Data Processing:
Payable from General Revenue Fund.................. 0
Payable from Road Fund................................ 0
Payable from the Secretary of State Special Services Fund......................... 9,000,000

For Telecommunications:
Payable from General Revenue Fund................. 455,800
Payable from Road Fund................................ 0
Payable from Lobbyist Registration Fund............ 4,500
Payable from Registered Limited Liability Partnership Fund.......................... 600
Payable from Securities Audit and Enforcement Fund................................. 100,000
Payable from Department of Business Services Special Operations Fund............... 96,200

For Operation of Automotive Equipment:
Payable from General Revenue Fund............... 429,500
Payable from Securities Audit and Enforcement Fund................................. 150,000
Payable from Department of Business Services Special Operations Fund............... 85,000

For Refunds:
Payable from General Revenue Fund............... 14,000
Payable from Road Fund............................. 2,274,200

MOTOR VEHICLE GROUP

For Personal Services:
For Regular Positions:

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund........... 12,677,800
Payable from Road Fund...................... 88,542,900
Payable from the Secretary of State
   Special License Plate Fund................... 624,200
Payable from Motor Vehicle Review Board Fund.......................... 283,400
Payable from Vehicle Inspection Fund........... 1,486,100
For Extra Help:
   Payable from General Revenue Fund........... 122,300
   Payable from Road Fund...................... 6,491,900
   Payable from Vehicle Inspection Fund........... 44,600
For Employees Contribution to
   State Employees' Retirement System:
      Payable from the Secretary of State
         Special License Plate Fund................... 12,400
      Payable from Motor Vehicle Review Board Fund.... 5,700
      Payable from Vehicle Inspection Fund........... 30,400
For State Contribution to
   State Employees' Retirement System:
      Payable from General Revenue Fund........... 2,119,800
      Payable from Road Fund...................... 10,952,700
      Payable from the Secretary of State
         Special License Plate Fund................... 103,400
      Payable from Motor Vehicle Review Board Fund.... 32,700
      Payable from Vehicle Inspection Fund........... 176,400
For State Contribution to
   Social Security:
      Payable from General Revenue Fund........... 953,700
      Payable from Road Fund...................... 6,827,900
      Payable from the Secretary of State
         Special License Plate Fund................... 46,500
      Payable from Motor Vehicle Review Board Fund.......................... 21,500
      Payable from Vehicle Inspection Fund........... 127,000

New matter indicated by italics - deletions by strikeout
For Group Insurance:
  Payable from the Secretary of State Special License Plate Fund.......................... 204,000
  Payable From Motor Vehicle Review Board Fund.............................................. 103,500
  Payable from Vehicle Inspection Fund.......... 474,400

For Contractual Services:
  Payable from General Revenue Fund............. 3,572,200
  Payable from Road Fund.......................... 10,230,200
  Payable from CDLIS/AAMVAnet Trust Fund Trust Fund........................................ 820,000
  Payable from the Secretary of State Special License Plate Fund.................. 700,000
  Payable from Motor Vehicle Review Board Fund.............................................. 83,000
  Payable from Vehicle Inspection Fund........... 1,050,000

For Travel Expenses:
  Payable from General Revenue Fund............. 151,800
  Payable from Road Fund.......................... 288,900
  Payable from the Secretary of State Special License Plate Fund.................. 10,000
  Payable from Motor Vehicle Review Board Fund.............................................. 4,000
  Payable from Vehicle Inspection Fund.......... 5,000

For Commodities:
  Payable from General Revenue Fund............. 169,600
  Payable from Road Fund.......................... 168,000
  Payable from the Secretary of State Special License Plate Fund.................. 3,000,000
  Payable from Motor Vehicle Review Board Fund.............................................. 800
  Payable from Vehicle Inspection Fund.......... 20,000

For Printing:
  Payable from General Revenue Fund............. 523,900

New matter indicated by italics - deletions by strikeout
Payable from Road Fund......................... 850,000
Payable from the Secretary of State Special License Plate Fund....................... 2,500,000
Payable from Motor Vehicle Review Board Fund........................................... 5,000
Payable from Vehicle Inspection Fund.......... 50,000

For Equipment:
Payable from General Revenue Fund............... 95,000
Payable from Road Fund............................... 230,000
Payable from CDLIS/AAMVAnet Trust Fund........ 243,800
Payable from Vehicle Inspection Fund............ 146,600

For Telecommunications:
Payable from General Revenue Fund............... 900,800
Payable from Road Fund............................... 816,300
Payable from the Secretary of State Special License Plate Fund....................... 300,000
Payable from Vehicle Inspection Fund............ 30,000

For Operation of Automotive Equipment:
Payable from General Revenue Fund............... 554,000

Section 10. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State for any operations, alterations, rehabilitation, and nonrecurring repairs and maintenance of the interior and exterior of the various buildings and facilities under the jurisdiction of the Office of the Secretary of State, including sidewalks, terraces, and grounds and all labor, materials, and other costs incidental to the above work:
From General Revenue Fund....................... 425,000

New matter indicated by italics - deletions by strikeout
Section 15. The sum of $1,000,000, or so much of this amount as may be necessary, is appropriated from the Capital Development Fund to the Office of the Secretary of State for new construction and alterations, and maintenance of the interiors and exteriors of the following facilities under the jurisdiction of the Secretary of State: Chicago West Facility, 5301 N. Lexington Ave., Chicago, Illinois 60644; Roger McAuliffe Facility, 5401 N. Elston Ave., Chicago, Illinois 60630; Charles Chew Jr. Facility, 9901 S. King Drive, Chicago, Illinois 60628; and Capitol Complex buildings located in Springfield Illinois.

Section 25. The amount of $40,000, or so much thereof as may be necessary, is appropriated from the State Parking Facility Maintenance Fund to the Secretary of State for the maintenance of parking facilities owned or operated by the Secretary of State.

Section 30. The following amounts, or so much of these amounts as may be necessary, are appropriated to the Office of the Secretary of State for the following purposes:

For annual equalization grants, per capita and area grants to library systems, and per capita grants to public libraries, under Section 8 of the Illinois Library System Act. This amount is in addition to any amount otherwise appropriated to the Office of the Secretary of State:

From General Revenue Fund....................... 17,668,400
From Live and Learn Fund......................... 16,004,200

Section 35. The following amounts, or so much of these amounts as may be necessary, are appropriated to the Office of the Secretary of State for library services for the blind and physically handicapped:

From General Revenue Fund....................... 2,427,200
From Live and Learn Fund........................ 300,000
From Accessible Electronic Information Service Fund.......................... 40,000

Section 40. The following amounts, or so much of these amounts as may be necessary, are appropriated to the Office of the Secretary of State for the following purposes:

New matter indicated by italics - deletions by strikeout
For annual per capita grants to all school districts of the State for the establishment and operation of qualified school libraries or the additional support of existing qualified school libraries under Section 8.4 of the Illinois Library System Act. This amount is in addition to any amount otherwise appropriated to the Office of the Secretary of State:

- From General Revenue Fund: $375,000
- From Live and Learn Fund: $1,025,000

Section 45. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State for grants to library systems for library computers and new technologies to promote and improve interlibrary cooperation and resource sharing programs among Illinois libraries:

- From Live and Learn Fund: $274,000
- From Secretary of State Special Services Fund: $226,000

Section 50. The following amounts, or so much of these amounts as may be necessary, are appropriated to the Office of the Secretary of State for annual library technology grants and for direct purchase of equipment and services that support library development and technology advancement in libraries statewide:

- From General Revenue Fund: $644,900
- From Live and Learn Fund: $700,000
- From Secretary of State Special Services Fund: $1,600,000

Total: $2,944,900

Section 55. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Live and Learn Fund for the purpose of making grants to libraries for construction and renovation as provided in Section 8 of the Illinois Library System Act. This amount is in addition to any amount otherwise appropriated to the Office of the Secretary of State:

- From Live and Learn Fund: $620,800

Section 60. The sum of $100,000, or so much of this amount as may be necessary and remains unexpended on June 30, 2007 from appropriations heretofore made for such purposes in Section 65 of Article

New matter indicated by italics - deletions by strikeout
25 of Public Act 94-0798, is reappropriated from the Capital Development Fund to the Office of the Secretary of State for a grant to the Chicago Public Library for planning a new library for Grand Crossing.

Section 65. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for the following purposes: For library services under the Federal Library Services and Technology Act, P.L. 104-208, as amended; and the National Foundation on the Arts and Humanities Act of 1965, P.L. 89-209. These amounts are in addition to any amounts otherwise appropriated to the Office of the Secretary of State:

From Federal Library Services Fund:............ 7,000,000

Section 70. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for support and expansion of the Literacy Programs administered by education agencies, libraries, volunteers, or community based organizations or a coalition of any of the above:

From General Revenue Fund:..................... 4,650,000
From Live and Learn Fund:...................... 500,000
From Federal Library Services Fund:
From LSTA Title IA:............................ 1,000,000
From Secretary of State Special Services Fund:............. 1,300,000

Section 75. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State for tuition and fees and other expenses related to the program for Illinois Archival Depository System Interns:

From General Revenue Fund:..................... 45,000

Section 80. The sum of $250,000, or so much of this amount as may be necessary, is appropriated from the General Revenue Fund to the Office of the Secretary of State for the Penny Severns Summer Family Literacy Grants.

Section 85. In addition to any other amounts appropriated for such purposes, the sum of $1,700,000, or so much of this amount as may be

New matter indicated by italics - deletions by strikeout
necessary, is appropriated from the General Revenue Fund to the Office of Secretary of State for a grant to the Chicago Public Library.

Section 90. The sum of $325,000, or so much of this amount as may be necessary, is appropriated from the General Revenue Fund to the Office of the Secretary of State for all expenditures and grants to libraries for the Project Next Generation Program.

Section 95. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Live and Learn Fund for the purpose of promotion of organ and tissue donations:

From Live and Learn Fund....................... 1,750,000

Section 100. The sum of $50,000, or so much of this amount as may be necessary, is appropriated from the Secretary of State Special License Plate Fund to the Office of the Secretary of State for grants to benefit Illinois Veterans Home libraries.

Section 105. The amount of $40,000, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Master Mason Fund to provide grants to the Illinois Masonic Foundation for the Prevention of Drug and Alcohol Abuse Among Children, Inc., a not-for-profit corporation, for the purpose of providing Model Student Assistance Programs in public and private schools in Illinois.

Section 110. The amount of $30,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Illinois Pan Hellenic Trust Fund to provide grants for charitable purposes sponsored by African-American fraternities and sororities.

Section 115. The amount of $15,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Park District Youth Program Fund to provide grants for the Illinois Association of Park Districts: After School Programming.

Section 120. The amount of $50,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Illinois Route 66 Heritage Project Fund to provide grants for the development of tourism, education, preservation and promotion of Route 66.

New matter indicated by italics - deletions by strikeout
Section 125. The sum of $80,000, or so much of this amount as may be necessary, is appropriated from the Police Memorial Committee Fund to the Office of the Secretary of State for grants to the Police Memorial Committee for maintaining a memorial statue, holding an annual memorial commemoration, and giving scholarships to children to police officers killed in the line of duty.

Section 130. The sum of $100,000, or so much of this amount as may be necessary, is appropriated from the Mammogram Fund to the Office of the Secretary of State for grants to the Susan G. Komen Foundation for breast cancer research, education, screening, and treatment.

Section 135. The following amounts, or so much of these amounts as may be necessary, respectively, are appropriated to the Office of the Secretary of State for such purposes in Section 3-646 of the Illinois Vehicle Code (625 ILCS 5), for grants to the Regional Organ Bank of Illinois and to Mid-America Transplant Services for the purpose of promotion of organ and tissue donation awareness. These amounts are in addition to any amounts otherwise appropriated to the Office of the Secretary of State:

From Organ Donor Awareness Fund................. 125,000

Section 140. The amount of $500, or so much thereof as may be necessary, is appropriated to the Secretary of State from the Chicago and Northeast Illinois District Council of Carpenters Fund to provide grants for charitable purposes.

Section 145. The amount of $40,000, or so much thereof as may be necessary, is appropriated to the Secretary of State from the U.S. Marine Corps Scholarship Fund to provide grants for scholarships for Higher Education.

Section 155. The amount of $100,000, or so much of this amount as may be necessary, is appropriated from the SOS Federal Projects Fund to the Office of the Secretary of State for the payment of any operational expenses relating to the cost incident to augmenting the Illinois Commercial Motor Vehicle safety program by assuring and verifying the identity of drivers prior to licensure, including CDL operators; for improved security for Drivers Licenses and Personal Identification Cards;

New matter indicated by italics - deletions by strikeout
and any other related program deemed appropriate by the Office of the Secretary of State.

Section 160. The amount of $1,333,500, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Securities Investors Education Fund for any expenses used to promote public awareness of the dangers of securities fraud.

Section 165. The amount of $10,000, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the Secretary of State Evidence Fund for the purchase of evidence, for the employment of persons to obtain evidence, and for the payment for any goods or services related to obtaining evidence.

Section 170. The amount of $225,000, or so much thereof as may be necessary, is appropriated from the Alternate Fuels Fund to the Office of Secretary of State for the cost of administering the Alternate Fuels Act.

Section 175. The amount of $16,522,200, or so much of this amount as may be necessary, is appropriated from the Secretary of State Special Services Fund to the Office of the Secretary of State for office automation and technology.

Section 180. The amount of $17,000,000, or so much of this amount as may be necessary, is appropriated from the Motor Vehicle License Plate Fund to the Office of the Secretary of State for the cost incident to providing new or replacement plates for motor vehicles.

Section 185. The sum of $2,090,000, or so much of this amount as may be necessary, is appropriated from the Secretary of State DUI Administration Fund to the Office of Secretary of State for operation of the Department of Administrative Hearings of the Office of Secretary of State and for no other purpose.

Section 190. The amount of $60,000, or so much thereof as may be necessary, is appropriated from the Secretary of State Police DUI Fund to the Secretary of State for the payments of goods and services that will assist in the prevention of alcohol-related criminal violence throughout the State.

Section 195. The amount of $100,000 is appropriated from the Secretary of State Police Services Fund to the Secretary of State for

New matter indicated by italics - deletions by strikeout
purposes as indicated by the grantor or contractor or, in the case of money bequeathed or granted for no specific purpose, for any purpose as deemed appropriate by the Director of Police, Secretary of State in administering the responsibilities of the Secretary of State Department of Police.

Section 200. The amount of $700,000, or so much of this amount as may be necessary, is appropriated from the Office of the Secretary of State Grant Fund to the Office of the Secretary of State to be expended in accordance with the terms and conditions upon which such funds were received.

Section 205. The amount of $12,000, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State from the State Library Fund to increase the collection of books, records, and holdings; to hold public forums; to purchase equipment and resource materials for the State Library; and for the upkeep, repair, and maintenance of the State Library building and grounds.

Section 210. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State for any operations, alterations, rehabilitation, new construction, and maintenance of the interior and exterior of the various buildings and facilities under the jurisdiction of the Secretary of State to enhance security measures in the Capitol Complex:

From the General Revenue Fund..................                               3,500,000

Section 215. In addition to any other amounts appropriated for such purposes, the sum of $10,000, or so much of this amount as may be necessary, and remains unexpended on June 30, 2007 from appropriations heretofore made for such purposes in Section 215 of Article 25 of Public Act 94-0798, is reappropriated from the Live and Learn Fund to the Office of Secretary of State for a grant to the Chicago Public Library, South Shore Branch.

Section 220. In addition to any other amounts appropriated for such purposes, the sum of $10,000, or so much of this amount as may be necessary, and remains unexpended on June 30, 2007 from appropriations heretofore made for such purposes in Section 220 of Article 25 of Public Act 94-0798 is reappropriated from the Live and Learn Fund to the Office

New matter indicated by italics - deletions by strikeout
of Secretary of State for a grant to the Chicago Public Library, Black Stone Branch.

Section 225. In addition to any other amounts appropriated for such purposes, the sum of $50,000, or so much of this amount as may be necessary, and remains unexpended on June 30, 2007 from appropriations heretofore made for such purposes in Section 225 of Article 25 of Public Act 94-0798 is reappropriated from the Live and Learn Fund to the Office of Secretary of State for a grant to the Chicago Public Library, Brainerd Branch.

Section 230. The amount of $12,400,000, or so much of that amount as may be necessary, is appropriated from the Secretary of State Identification Security and Theft Prevention Fund to the Office of Secretary of State for all costs related to implementing identification security and theft prevention measures.

Section 235. The amount of $200,000, or so much of that amount as may be necessary, is appropriated to the Illinois Secretary of State, as State Librarian, to fund the partnership between Citizens’ Library of Illinois-Comprehensive Knowledge Service and Health-E Illinois in order to offer Illinois residents quality information via the Internet.

Section 240. The amount of $500,000, or so much of that amount as may be necessary, is appropriated to the Illinois Secretary of State, as State librarian, to fund the Illinois efforts of the Building With Books, Inc.

ARTICLE 125

Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated to the Office of the State Treasurer to meet the ordinary and contingent expenses of the Office of the State Treasurer:

For Personal Services
   From General Revenue Fund....................... 4,895,300
   From State Pensions Fund.......................... 2,737,100

For Employee Retirement Contribution (pickup)
   From General Revenue Fund....................... 195,800
   From State Pensions Fund.......................... 76,000

New matter indicated by italics - deletions by strikeout
For State Contributions to State Employees' Retirement System
   From General Revenue Fund.......................... 812,650
   From State Pensions Fund........................... 454,400

For State Contribution to Social Security
   From General Revenue Fund.......................... 364,200
   From State Pensions Fund........................... 207,300

For Group Insurance
   From State Pensions Fund........................... 873,200

For Contractual Services
   From General Revenue Fund.......................... 881,600
   From State Pensions Fund........................... 2,809,500

For Travel
   From General Revenue Fund.......................... 65,000
   From State Pensions Fund........................... 56,400

For Commodities
   From General Revenue Fund.......................... 47,600
   From State Pensions Fund........................... 35,400

For Printing
   From General Revenue Fund.......................... 15,000
   From State Pensions Fund........................... 15,000

For Equipment
   From General Revenue Fund.......................... 15,000
   From State Pensions Fund........................... 15,000

For Electronic Data Processing
   From General Revenue Fund.......................... 948,000
   From State Pensions Fund........................... 1,019,100

For Telecommunications Services
   From General Revenue Fund.......................... 125,000
   From State Pensions Fund........................... 55,000

For Operation of Automotive Equipment
   From General Revenue Fund.......................... 7,600
   From State Pensions Fund........................... 2,700

New matter indicated by italics - deletions by strikeout
Section 10. The amount of $8,100,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the Bank Services Trust Fund for the purpose of making payments to financial institutions for banking services pursuant to the State Treasurer's Bank Services Trust Fund Act.

Section 15. The amount of $9,000,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the General Revenue Fund for the purpose of making refunds of overpayments of estate tax and accrued interest on those overpayments, if any, and payment of certain statutory costs of assessment.

Section 20. The amount of $6,000,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the General Revenue Fund for the purpose of making refunds of accrued interest on protested tax cases.

Section 25. The amount of $27,000,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the Transfer Tax Collection Distributive Fund for the purpose of making payments to counties pursuant to Section 13b of the Illinois Estate and Generation-Skipping Transfer Tax Act.

Section 30. The amount of $500,000, or so much of that amount as may be necessary, is appropriated to the State Treasurer from the Matured Bond and Coupon Fund for payment of matured bonds and interest coupons pursuant to Section 6u of the State Finance Act.

Section 35. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated to the State Treasurer for the payment of interest on and retirement of State bonded indebtedness:

For payment of principal and interest on any and all bonds issued pursuant to the Anti-Pollution Bond Act, the Transportation Bond Act, the Capital Development Bond Act of 1972, the School Construction Bond Act, the Illinois Coal and Energy Development Bond Act, and the General Obligation Bond Act:

New matter indicated by italics - deletions by strikeout
and Interest Fund:
Principal.................................. 637,770,400
Interest.................................... 1,105,927,800
Total....................................... 1,743,698,200

Section 40. The amount of $450,900, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for the State Treasurer's costs to administer the Capital Litigation Trust Fund in accordance with the Capital Crimes Litigation Act.

Section 45. The amount of $2,941,200, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for a block grant to the Cook County Treasurer for the separate account for payment of expenses of the Cook County State's Attorney in capital cases in Cook County in accordance with the Capital Crimes Litigation Act.

Section 50. The amount of $1,750,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for a block grant to the Cook County Treasurer for the separate account for payment of expenses of the Cook County Public Defender in capital cases in Cook County in accordance with the Capital Crimes Litigation Act.

Section 55. The amount of $2,000,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for a block grant to the Cook County Treasurer for the separate account for payment of compensation and expenses of court appointed defense counsel, other than the Cook County Public Defender, in capital cases in Cook County in accordance with the Capital Crimes Litigation Act.

Section 60. The following named amount of $3,000,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for the separate account held by the State Treasurer for payment of compensation and expenses of court appointed counsel other than Public Defenders incurred in the defense of
capital cases in counties other than Cook County in accordance with the Capital Crimes Litigation Act.

Section 65. The following named amount of $500,000, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the State Treasurer for the separate account held by the State Treasurer for payment of expenses of Public Defenders incurred in the defense of capital cases in counties other than Cook County in accordance with the Capital Crimes Litigation Act.

Section 70. The following named amount of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the State Treasurer for expenses related to an Inspector General position.

Section 75. The following named amount of $5,000,000, or so much thereof as may be necessary, is appropriated from the Hospital Basic Services Preservation Fund to the State Treasurer to collateralize loans from financial institutions for capital projects as stated in the Hospital Basic Services Preservation Act.

ARTICLE 130

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the following divisions of the State Comptroller:

Administration
For Personal Services............................ 4,279,238
For Employee Retirement Contributions
   Paid by the Employer................................. 0
For State Contribution to State
   Employees' Retirement System................. 708,685
For State Contribution to Social Security............... 327,437
For Contractual Services......................... 1,650,060
For Travel........................................ 46,659
For Commodities..................................... 125,763
For Printing......................................... 36,050

New matter indicated by italics - deletions by strikeout
For Equipment.......................... 13,184
For Telecommunications.................. 248,230
For Electronic Data Processing............ 0
For Operation of Auto
  Equipment.................................... 9,167
  Total $7,444,473

Statewide Fiscal Operations
For Personal Services..................... 5,352,601
For Employee Retirement Contributions
  Paid by the Employer....................... 0
For State Contribution to State
  Employees’ Retirement System............. 886,444
For State Contribution to
  Social Security.......................... 409,425
For Contractual Services.................. 195,082
For Travel.................................. 4,429
For Commodities........................... 0
For Printing.................................. 0
For Equipment.............................. 0
For Electronic Data Processing............ 0
  Total $6,847,981

Electronic Data Processing
For Personal Services..................... 4,477,204
For Employee Retirement Contributions
  Paid by the Employer....................... 0
For State Contribution to State
  Employees’ Retirement System............. 741,470
For State Contribution to
  Social Security.......................... 342,475
For Contractual Services.................. 1,046,171
For Travel.................................. 8,240
For Commodities........................... 122,570
For Printing.................................. 348,449

New matter indicated by italics - deletions by strikeout
Section 10. The sum of $1,200,000, or so much thereof as may be necessary, is appropriated to the State Comptroller from the Comptroller's Administrative Fund for the discharge of duties of the office.

Section 15. The amount of $50,300, or so much thereof as may be necessary, is appropriated to the State Comptroller from the State Lottery Fund for expenses in connection with the State Lottery.
Section 20. The amount of $206,000, or so much thereof as may be necessary, is appropriated to the State Comptroller to meet the ordinary and contingent expenses for the Office of Inspector General.

Section 25. The amount of $103,000, or so much thereof as may be necessary, is appropriated to the State Comptroller for expenses and the administration of Section 15-125 of the Pension Code.

ARTICLE 135

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the State Comptroller to pay the elected State officers of the Executive Branch of the State Government, at various rates prescribed by law:

For the Governor.................................. 171,000
For the Lieutenant Governor....................... 130,800
For the Secretary of State......................... 150,900
For the Attorney General......................... 150,900
For the Comptroller................................. 130,800
For the State Treasurer............................. 130,800
Total ............................................ $865,200

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the State Comptroller to pay certain appointed officers of the Executive Branch of the State Government, at the various rates prescribed by law:

From General Revenue Fund

Department on Aging
For the Director.................................. 111,400

Department of Agriculture
For the Director.................................. 128,400
For the Assistant Director......................... 109,000

Department of Central Management Services
For the Director.................................. 137,200
For 2 Assistant Directors......................... 233,200

Department of Children and Family Services
For the Director.................................. 144,800

Department of Corrections

New matter indicated by italics - deletions by strikeout
For the Director................................. 144,800
For the Assistant Director....................... 123,100

Department of Commerce and Economic Opportunities
For the Director................................. 137,200
For the Assistant Director....................... 116,600

Environmental Protection Agency
For the Director................................. 128,400

Department of Financial and Professional Regulation
For the Secretary................................. 130,200
For the Director................................. 111,400
For the Director................................. 128,400
For the Director................................. 119,600

Department of Human Services
For the Secretary................................. 144,800
For 2 Assistant Secretaries....................... 246,200

Department of Juvenile Justice
For the Director................................. 116,900

Department of Labor
For the Director................................. 119,600
For the Assistant Director....................... 109,000
For the Chief Factory Inspector.................... 50,300
For the Superintendent of Safety Inspection
and Education................................. 55,300

Department of State Police
For the Director................................. 127,800
For the Assistant Director....................... 109,000

Department of Military Affairs
For the Adjutant General......................... 112,500
For two Chief Assistants to the
Adjutant General............................... 189,900

Department of Natural Resources
For the Director................................. 128,400
For the Assistant Director....................... 109,000
For six Mine Officers............................ 90,500

New matter indicated by italics - deletions by strikeout
For four Miners' Examining Officers................. 49,800
  Illinois Labor Relations Board
For the Chairman...................................... 100,600
For four State Labor Relations Board
  members........................................... 362,000
For two Local Labor Relations Board
  members........................................... 181,000
Department of Healthcare and Family Services
  For the Director................................ 137,200
  For the Assistant Director.................. 116,600
Department of Public Health
  For the Director................................ 144,800
  For the Assistant Director.................. 123,100
Department of Revenue
  For the Director................................ 137,200
  For the Assistant Director.................. 116,600
Property Tax Appeal Board
  For the Chairman.............................. 62,400
  For four members.............................. 201,100
Department of Veterans' Affairs
  For the Director................................ 111,400
  For the Assistant Director.................. 95,000
Civil Service Commission
  For the Chairman.............................. 29,300
  For four members.............................. 97,600
Commerce Commission
  For the Chairman.............................. 129,200
  For four members.............................. 451,100
Court of Claims
  For the Chief Judge......................... 62,600
  For the six Judges........................... 346,400
State Board of Elections
  For the Chairman.............................. 56,400
  For the Vice-Chairman....................... 46,300

New matter indicated by italics - deletions by strikeout
For six members................................. 217,200

   Illinois Emergency Management Agency
For the Director........................................ 111,400
For the Assistant Director.................. 111,400

   Department of Human Rights
For the Director........................................ 111,400

   Human Rights Commission
For the Chairman................................. 50,300
For twelve members................................. 543,000

   Illinois Workers' Compensation Commission
For the Chairman................................. 120,700
For nine members................................. 1,039,100

   Liquor Control Commission
For the Chairman................................. 37,500
For six members................................. 196,900
For the Secretary................................. 36,200
For the Chairman and one member as
designated by law, $200 per diem
for work on a license appeal
commission................................. 55,000

   Executive Ethics Commission
For nine members................................. 325,800

   Pollution Control Board
For the Chairman................................. 116,700
For four members................................. 451,100

   Prisoner Review Board
For the Chairman................................. 92,400
For fourteen members of the
Prisoner Review Board......................... 1,158,400

   Secretary of State Merit Commission
For the Chairman................................. 16,600
For four members................................. 49,800

   Educational Labor Relations Board
For the Chairman................................. 100,600

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0348

For four members................................. 362,000

Department of State Police
For five members of the State Police
Merit Board, $229 per diem,
whichever is applicable in accordance
with law, for a maximum of 100
days each........................................ 114,400

Department of Transportation
For the Secretary................................. 144,800
For the Assistant Secretary...................... 123,100

Office of Small Business Utility Advocate
For the small business utility advocate......... 0

... Total, General Revenue Fund ............... $12,556,400

Office of the State Fire Marshal
For the State Fire Marshal:
From Fire Prevention Fund....................... 111,400

Illinois Racing Board
For eleven members of the Illinois
Racing Board, $300 per diem to a
maximum $12,069 as prescribed
by law:
From the Horse Racing Fund................. 132,800

Department of Employment Security
Payable from Title III Social Security and
Employment Service Fund:
For the Director................................. 137,200
For five members of the Board of Review..... 75,000
Total........................................ 212,200

Department of Financial and Professional Regulation
Payable from Bank and Trust Company Fund:
For the Director................................. 131,300

Subtotals:
General Revenue............................... 12,556,400
Fire Prevention............................... 111,400

New matter indicated by italics - deletions by strikeout
Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the State Comptroller to pay certain officers of the Legislative Branch of the State Government, at the various rates prescribed by law:

Officer of Auditor General

For the Auditor General

For two Deputy Auditor Generals

Total

Officers and Members of General Assembly

For salaries of the 118 members of the House of Representatives at a base salary of $65,353

For salaries of the 59 members of the Senate at a base salary of $65,353

Total

For additional amounts, as prescribed by law, for party leaders in both chambers as follows:

For the Speaker of the House,

the President of the Senate and Minority Leaders of both Chambers

For the Majority Leader of the House

For the eleven assistant majority and minority leaders in the Senate

For the twelve assistant majority and minority leaders in the House

For the majority and minority caucus chairmen in the Senate

For the majority and minority

New matter indicated by italics - deletions by strikeout
Conference chairmen in the House.................. 34,900
For the two Deputy Majority and the two Deputy Minority leaders in the House.............. 76,300
For chairmen and minority spokesmen of standing committees in the Senate except the Rules Committee, the Committee on Committees and the Committee on the Assignment of Bills.......................... 497,500
For chairmen and minority spokesmen of standing and select committees in the House.................. 1,074,500
Total $2,279,100
For per diem allowances for the members of the Senate, as provided by law.......................... 400,000
For per diem allowances for the members of the House, as provided by law.......................... 800,000
For mileage for all members of the General Assembly, as provided by law.......................... 450,000
Total $1,650,000

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the State Comptroller in connection with the payment of salaries for officers of the Executive and Legislative Branches of State Government:

For State Contribution to State Employees' Retirement System:
From General Revenue Fund.......................... 2,139,400
From Horse Racing Fund.......................... 22,000
From Fire Prevention Fund.......................... 18,500
From Bank and Trust Company Fund.............. 21,800
From Title III Social Security

New matter indicated by italics - deletions by strikeout
and Employment Service Fund................. 35,200
Savings and Residential Finance
Regulatory Fund............................... 0
Real Estate License
Administration Fund......................... 0
Total $2,236,900

For State Contribution to Social Security:
From General Revenue Fund.................... 1,121,200
From Horse Racing Fund......................... 10,200
From Fire Prevention Fund...................... 7,700
From Bank and Trust Company Fund............. 8,000
From Title III Social Security
and Employment Service Fund................. 13,800
From Savings and Residential
Finance Regulatory Fund........................ 0
From Real Estate License
Administration Fund........................... 0
Total $1,160,900

For Group Insurance:
From Fire Prevention Fund...................... 14,800
From Bank and Trust Company Fund............. 14,800
From Title III Social Security and
Employment Service Fund...................... 88,800
Savings and Residential Finance
Regulatory Fund................................. 0
Real Estate License Administration Fund........ 0
Total $118,400

Section 25. The amount of $1,500,500, or so much thereof as may be necessary, is appropriated to the State Comptroller for contingencies in the event that any amounts appropriated in Sections 5 through 20 of this Article are insufficient and other expenses associated with the administration of Sections 5 through 20.

ARTICLE 140

New matter indicated by italics - deletions by strikeout
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Office of the State Comptroller for the fiscal year ending June 30, 2008:

For Personal Services:
  Official Court Reporting.................... 38,017,200
For Employee Retirement Contributions
  Paid by the Employer............................................. 0.00
For State Contributions to the State
  Employees’ Retirement System....................... 6,310,900
For State Contributions to Social Security................................. 2,908,316

For Travel:
  For Official Court Reporting................... 167,900
  For Contractual Services....................... 4,046,700
  For Commodities.................................... 1,000
  For Printing.......................................... 0
  For Equipment........................................... 5,000
  For Telecommunications......................... 2,000
  For Electronic Data Processing...................... 0

Section 10. The amount of $750,000, or so much thereof as may be necessary, is appropriated to the State Comptroller for ordinary and contingent expenses associated with the payment to official court reporters pursuant to law.

ARTICLE 145

Section 5. The following amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the State Board of Elections for its ordinary and contingent expenses as follows:

The Board

For Contractual Services...................... 19,000
For Travel............................................. 19,100
For Equipment........................................... 500
Total...................................................... $38,600

New matter indicated by italics - deletions by strikeout
For Personal Services.............................. 616,700
For Employee Retirement Contributions
  Paid By Employer............................... 24,700
For State Contributions to State Employees'
  Retirement System.............................. 102,200
For State Contributions to
  Social Security............................... 47,200
For Contractual Services........................... 385,500
For Travel.......................................... 18,500
For Commodities..................................... 16,400
For Printing........................................ 10,600
For Equipment........................................ 2,000
For Telecommunications............................. 112,400
For Operation of Automotive Equipment............. 3,700
Total                                                                 $1,339,900

  Elections
For Personal Services.............................. 1,542,400
For Employee Retirement Contributions
  Paid By Employer............................... 61,700
For State Contributions to State
  Employees' Retirement System.................... 256,000
For State Contributions to Social Security........ 110,400
For Contractual Services........................... 22,400
For Travel.......................................... 43,600
For Printing........................................ 22,200
For Equipment........................................ 3,900
For Purchase of Election Codes...................... 15,000
For completion of Phase II of the Census
  2010 Redistricting Program pursuant to
  Public Act 94-171................................ 350,000
For HAVA Maintenance of Effort
  Contribution-State.............................. 550,000
For Reimbursement to Counties for Increased
  Compensation to Judges and other Election

New matter indicated by italics - deletions by strikeout
Officials, as provided in Public Acts 81-850, 81-1149, and 90-672.............. 1,450,000
For Payment of Lump Sum Awards to County Clerks, County Recorders, and Chief Election Clerks as Compensation for Additional Duties required of such officials by consolidation of elections law, as provided in Public Acts 82-691 and 90-713............................. 806,000
For Payment to Election Authorities for expenses in supplying voter registration tapes to the State Board of Elections pursuant to Public Act 85-958............................ 20,250
Total.............................................. $5,253,850

General Counsel
For Personal Services............................. 264,000
For Employee Retirement Contributions Paid By Employer............................. 10,600
For State Contributions to State Employees' Retirement System......................... 43,800
For State Contributions to Social Security............................................ 20,200
For Contractual Services........................... 90,000
For Travel........................................... 10,300
For Equipment....................................... 500
Total................................................ $439,400

Campaign Disclosure
For Personal Services............................. 713,700
For Employee Retirement Contributions Paid By Employer............................. 28,600
For State Contributions to State Employees' Retirement System......................... 118,200
For State Contributions to Social Security............................................ 54,600

New matter indicated by italics - deletions by strikeout
For Contractual Services................................................. 8,100
For Travel............................................................... 9,900
For Printing.............................................................. 11,000
For Equipment............................................................ 9,100
Total                                                                 $953,200

Information Technology

For Personal Services.................................................. 553,300
For Employee Retirement Contributions
    Paid By Employer.................................................... 22,200
For State Contributions to State Employees' Retirement System........................................ 91,700
For State Contributions to Social Security.......... 42,400
For Contractual Services.............................................. 318,700
For Travel................................................................. 11,600
For Commodities......................................................... 15,100
For Printing............................................................... 0
For Equipment............................................................ 103,500
Total                                                                 $1,158,500

Section 10. The following amounts, or so much thereof as may be necessary, are reappropriated from the Help Illinois Vote Fund to the State Board of Elections for Implementation of the Help America Vote Act of 2002:

For distribution to Local Election Authorities under Section 251 of the Help America Vote Act............................ 42,250,000

For the implementation of the Statewide Voter Registration System as required by Section 1A-25 of the Illinois Election Code, including maintenance of the IDEA/VISTA program................................. 6,600,000

For distribution to Local Election Authorities for replacement of punch-card voting systems under Section 102 of the Help America Vote Act............................... 4,250,000

New matter indicated by italics - deletions by strikeout
For administrative costs and discretionary grants to Local Election Authorities under Section 101 of the Help America Vote Act.......................... 5,700,000
Total ........................................ 58,800,000

ARTICLE 150

Section 5. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Supreme Court to pay the ordinary and contingent expenses of certain officers of the court system of Illinois as follows:
For Personal Services:
   Judges' Salaries............................ 155,582,900
For Travel:
   Judicial Officers............................. 1,382,400
For State Contributions
to Social Security......................... 2,258,728
Total, this Section $159,224,028

Section 10. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Supreme Court:
For Personal Services...................... 7,250,400
For State Contributions
to State Employees' Retirement........... 1,203,600
For State Contributions
to Social Security......................... 554,700
For Contractual Services............... 1,289,500
For Travel................................. 17,200
For Commodities.......................... 44,300
For Printing............................... 216,200
For Equipment............................. 923,100
For Electronic Data Processing.......... 104,900
For Telecommunications................... 129,900
For Operation of Automotive Equipment... 9,200

New matter indicated by italics - deletions by strikeout
For Permanent Improvements......................... 35,400
Total, this Section ................................ $11,778,400

Section 15. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Supreme Court to meet the ordinary and contingent expenses of the Judges of the Appellate Courts, and the Clerks of the Appellate Courts, and the Appellate Judges Research Projects:

Administration of the First Appellate District
For Personal Services............................... 7,299,500
For State Contributions
  to State Employees' Retirement................... 1,211,700
For State Contributions
  to Social Security.............................. 558,400
For Contractual Services................. 389,000
For Travel....................................... 1,900
For Commodities................................. 35,900
For Printing.................................... 36,700
For Equipment................................. 186,200
For Telecommunications......................... 87,700
Total ........................................ $9,807,000

Administration of the Second Appellate District
For Personal Services.............................. 2,988,000
For State Contributions
  to State Employees' Retirement................ 496,000
For State Contributions
  to Social Security........................... 228,600
For Contractual Services.......................... 755,500
For Travel..................................... 2,400
For Commodities................................ 20,500
For Printing................................... 6,000
For Equipment.................................. 199,800
For Operation of Automotive Equipment............ 1,300
For Telecommunications.......................... 66,200
Total .......................................... $4,764,300

New matter indicated by italics - deletions by strikeout
Administration of the Third Appellate District
For Personal Services........................... 2,241,900
For State Contributions to
  State Employees' Retirement................... 372,200
For State contributions to Social Security......... 171,500
For Contractual Services.......................... 504,500
For Travel........................................... 1,200
For Commodities................................... 21,500
For Printing.......................................... 7,800
For Equipment....................................... 253,600
For Telecommunications........................... 60,400
  Total                                                                 $3,634,600

Administration of the Fourth Appellate District
For Personal Services........................... 2,315,600
For State Contributions to State Employees' Retirement........... 384,400
For State Contributions to Social Security.............. 177,200
For Contractual Services.......................... 443,100
For Travel........................................... 4,300
For Commodities................................... 16,700
For Printing.......................................... 6,100
For Equipment....................................... 75,600
For Telecommunications........................... 49,800
  Total                                                                 $3,472,800

Administration of the Fifth Appellate District
For Personal Services........................... 2,240,400
For State Contributions to
  State Employees' Retirement................... 371,900
For State Contributions to Social Security.............. 171,400
For Contractual Services.......................... 457,800
For Travel........................................... 4,300

New matter indicated by italics - deletions by strikeout
For Commodities ..................................... 12,200
For Printing ...................................... 13,900
For Equipment .................................. 186,000
For Telecommunications ......................... 54,700
For Operation of Automotive Equipment ...... 1,400
Total $3,514,000

Section 20. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Supreme Court for ordinary and contingent expenses of the Circuit Court:
For Circuit Clerks' Additional Duties .......... 663,000
For Mandatory Arbitration .................... 688,900
For Sexually Violent Persons Commitment Act .... 337,500
For Probation Reimbursements ................ 62,454,600
For Personal Services:
   Circuit Court Personnel .................... 1,652,600
For State Contribution
to State Employees' Retirement ............... 274,300
For State Contribution
to Social Security ............................. 126,400
For Travel:
   Circuit Court Personnel .................... 136,600
For Contractual Services ...................... 561,000
For Equipment ................................. 60,600
For Electronic Data Processing ............... 2,050,100
Total, this Section $69,005,600

Section 25. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Supreme Court for ordinary and contingent expenses of the Administrative Office of the Illinois Courts:
For Personal Services .......................... 6,205,500
For Retirement - Paid by Employer ............ 1,200,000
For State Contributions to State Employees' Retirement ............... 1,030,100
For State Contributions to

New matter indicated by italics - deletions by strikeout
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<th>Item</th>
<th>Amount</th>
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<tr>
<td>Social Security</td>
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<td>For Contractual Services</td>
<td>2,996,800</td>
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<tr>
<td>For Travel</td>
<td>195,400</td>
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<tr>
<td>For Commodities</td>
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<td>For Equipment</td>
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<td>For Electronic Data Processing</td>
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<td>For Telecommunications</td>
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<td>For Operation of Automotive Equipment</td>
<td>18,100</td>
</tr>
<tr>
<td>For Probation Training</td>
<td>0</td>
</tr>
<tr>
<td>For Contractual Services: Judicial Conference and Supreme Court Committees</td>
<td>1,158,700</td>
</tr>
<tr>
<td>For Judges' Out-of-State Educational Programs</td>
<td>0</td>
</tr>
<tr>
<td>For Training of Circuit Court Officers and Personnel</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total, this Section</strong></td>
<td><strong>$17,218,800</strong></td>
</tr>
</tbody>
</table>

**Section 30.** The sum of $56,300, or so much thereof as may be necessary, is appropriated to the Supreme Court for the contingent expenses of the Illinois Courts Commission.

**Section 35.** The sum of $13,839,000, or so much thereof as may be necessary, is appropriated from the Mandatory Arbitration Fund to the Supreme Court for Mandatory Arbitration Programs.

**Section 40.** The sum of $126,400, or so much thereof as may be necessary, is appropriated from the Foreign Language Interpreter Fund to the Supreme Court for the Foreign Language Interpreter Program.

**Section 45.** The sum of $787,400, or so much thereof as may be necessary, is appropriated from the Lawyers' Assistance Program Fund to the Supreme Court for lawyers' assistance programs.

**Section 50.** The sum of $540,800, or so much thereof as may be necessary, is appropriated from the Reviewing Court Alternative Dispute Resolution Fund to the Supreme Court for alternative dispute resolution programs within the reviewing courts.

**ARTICLE 155**

New matter indicated by italics - deletions by strikeout
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Court of Claims for its ordinary and contingent expenses:

CLAIMS ADJUDICATION

Payable from the General Revenue Fund:
For Personal Services............................ 984,700
For State Contribution to State Employees' Retirement System............... 163,500
For Employee Retirement Contributions Paid by Employer....................... 39,400
For State Contribution to Social Security........................................ 75,300
For Contractual Services.......................... 18,000
For Travel........................................ 15,000
For Commodities.................................... 5,000
For Printing....................................... 6,000
For Equipment........................................ 8,200
For Telecommunications Services.................... 5,000
For Refunds........................................ 500
For Reimbursement for Incidental Expenses Incurred by Judges.................. 35,300
Total                                                                                         $1,355,900

Section 10. The amount of $300,000, or so much of that amount as may be necessary, is appropriated from the Court of Claims Administration and Grant Fund to the Court of Claims for administrative expenses under the Crime Victims Compensation Act.

Section 15. The amount of $500,000, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the Court of Claims for payment of awards solely as a result of the lapsing of an appropriation originally made from any funds held by the State Treasurer.

Section 20. The sum of $13,000,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Court of Claims for payment of line of duty awards.
Section 25. The following named amounts, or so much of that amount as may be necessary, are appropriated to the Court of Claims for payment of claims as follows:
For claims under the Crime Victims Compensation Act:
Payable from General Revenue Fund.................. 24,000,000
For claims other than Crime Victims:
Payable from the General Revenue Fund............ 10,000,000
Payable from the Road Fund......................... 1,000,000
Payable from the DCFS Children's Services Fund.......................... 1,500,000
Payable from the State Garage Revolving Fund................................. 50,000
Payable from the Traffic and Criminal Conviction Surcharge Fund.......................... 100,000
Payable from the Vocational Rehabilitation Fund.......................... 125,000
Total $36,775,000

ARTICLE 160
Section 1. The following named amounts are appropriated from the General Revenue Fund to the Court of Claims to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 06-CC-3029, Miner, Barnhill & Galland, P.C.; Mexican-American Legal Defense and Education Fund; and Robins, Kaplan, Miller & Ciresi. Attorney Fees and Costs, or so much thereof as may be necessary, against the State Board of Elections....................... $74,698.05
No. 95-CC-2706, Malcolm Eaton Enterprises, INC. Contract, against the Department of Mental Health.............................................. $302,061.00
No. 01-CC-0914, Linda Zimmerman-Wozniak. Contract, against the Department of Professional Regulation................................. $18,328.65

New matter indicated by italics - deletions by strikeout
No. 01-CC-4776, Healthcare Technology Services Inc. Contract, against the Department of Public Aid........ $375,000.00
No. 02-CC-0240, Alfreida Brock, as Second Successor Plenary Guardian of the person of Raymond O. Cole, a disabled person. Tort, against the Department of Human Services........................ $50,000.00
No. 03-CC-0312 Allstate Insurance a/s/o Patricia Battista. Damages, against the Department of State Police.................................................. $13,208.13
No. 03-CC-0634 Cahokia Nursing and Rehabilitation Center, et. al. Against the Department of Public Aid........ $1,279,810.45
No. 03-CC-4059, Garden View Nursing & Rehabilitation Center, et al. Against the Department of Public Aid ........................................ $68,115.23
No. 03-CC-4224 John D. Henson. Personal Injury, against Illinois State University.......................... $90,000.00
No. 03-CC-4366 Alden North Shore Rehab & HCC. Interest, against the Department of Public Aid.......................... $185,606.51
No. 03-CC-4853 Randy T. Peppers. Tort, against the Department of Corrections................................. $180,000.00
No. 04-CC-0140 North Adams Home, Inc. Interest, against the Department of Public Aid.......................... $65,432.29
No. 04-CC-1212, Josephine Ochoa, as Guardian of the Estate of Ralph Ochoa. Personal Injury, against the Department of Human Services $90,000.00
No. 04-CC-2856, Marcus Food Company. Contract, against the Department of Corrections............................... $32,630.50
No. 06-CC-3128, Jenner & Block LLP. Attorney Fees, against the Department of Natural Resources........ $84,272.28

Section 2. The following named amounts are appropriated to the Court of Claims from Road Fund 011, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 04-CC-4745, David Wegner. Personal Injury, against the Department of Transportation................ $90,000.00

New matter indicated by italics - deletions by strikeout
No. 05-CC-1140, Shawn Depke. Property Damage, against the Department of Transportation.............. $7,510.00
No. 06-CC2422, Robert W. Hunt Co. Debt, against the Department of Transportation...................... $49,128.63
No. 07-CC-0458, B & B Industries Inc. Debt, against the Department of Transportation................. $237,500.00

Section 3. The following named amounts are appropriated to the Court of Claims from State Fund 012, Motor Fuel Tax Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $4,219.29

Section 4. The following named amounts are appropriated to the Court of Claims from Federal Fund 013, Alcoholism and Substance Abuse Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000................................................. $78,918.00

Section 5. The following named amounts are appropriated to the Court of Claims from State Fund 018, Transportation Regulatory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $923.67

Section 6. The following named amounts are appropriated to the Court of Claims from State Fund 022, General Professions Dedicated Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $596.87

Section 7. The following named amounts are appropriated to the Court of Claims from State Fund 039, State Boating Act Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
Section 8. The following named amounts are appropriated to the Court of Claims from State Fund 040, State Parks Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 ........................................ $195.00

Section 9. The following named amounts are appropriated to the Court of Claims from State Fund 041, Wildlife and Fish Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 07-CC-2527, John Deere Co. Debt, against the Department of Natural Resources ........................................ $61,879.76
For payments of awards for lapsed appropriation claims less than $50,000 ........................................ $17,659.93

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 ........................................ $752.76

Section 10. The following named amounts are appropriated to the Court of Claims from State Fund 045, Agricultural Premium Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 ........................................ $6,947.16

Section 11. The following named amounts are appropriated to the Court of Claims from Federal Fund 052, Title III Social Security and Employment Service Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 ........................................ $19,778.21

Section 12. The following named amounts are appropriated to the Court of Claims from State Fund 054, State Pensions Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.................................................. $1,539.60

Section 13. The following named amounts are appropriated to the Court of Claims from State Fund 057, Illinois State Pharmacy Disciplinary Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.................................................. $103.50

Section 14. The following named amounts are appropriated to the Court of Claims from State Fund 059, Public Utility Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.................................................. $1,761.97

Section 15. The following named amounts are appropriated to the Court of Claims from Federal Fund 063, Public Health Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 07-CC-0940, Skokie Health Department. Debt, against the Department of Public Health................................. $79,302.25

For payments of awards for lapsed appropriation claims less than $50,000............................................................... $180,738.15

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.................................................. $42,187.81

Section 16. The following named amounts are appropriated to the Court of Claims from Federal Fund 065, U.S. Environmental Protection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000............................................................... $20,000.00

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.................................................. $2,308.10

Section 17. The following named amounts are appropriated to the Court of Claims from State Fund 072, Underground Storage Tank Fund, to

New matter indicated by italics - deletions by strikeout
pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Section 18. The following named amounts are appropriated to the Court of Claims from State Fund 074, EPA Special State Projects Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $34.95

Section 19. The following named amounts are appropriated to the Court of Claims from State Fund 085, Illinois Gaming Law Enforcement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $886.37

Section 20. The following named amounts are appropriated to the Court of Claims from State Fund 091, Clean Air Act Permit Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...................................... $2,350.13

Section 21. The following named amounts are appropriated to the Court of Claims from State Fund 093, Illinois State Medical Disciplinary Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...................................... $8,392.69

Section 22. The following named amounts are appropriated to the Court of Claims from Federal Fund 117, State Appellate Defender Federal Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $675.00

New matter indicated by italics - deletions by strikeout
Section 23. The following named amounts are appropriated to the Court of Claims from State Fund 129, State Gaming Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $8,400.00

Section 24. The following named amounts are appropriated to the Court of Claims from Federal Fund 131, Council on Developmental Disabilities Federal Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $151.80

Section 25. The following named amounts are appropriated to the Court of Claims from State Fund 151, Registered CPA Administrative and Disciplinary Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $795.00

Section 26. The following named amounts are appropriated to the Court of Claims from State Fund 175, Illinois School Asbestos Abatement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $535.00

Section 27. The following named amounts are appropriated to the Court of Claims from State Fund 215, Capital Development Board Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $264.00

Section 28. The following named amounts are appropriated to the Court of Claims from State Fund 218, Professional Indirect Cost Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
For payments of awards for lapsed appropriation claims less than $50,000........................................ $1,700.00

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $7,859.48

Section 29. The following named amounts are appropriated to the Court of Claims from State Fund 224, Asbestos Abatement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000......................................... $23,834.98

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...................................... $2,750.00

Section 30. The following named amounts are appropriated to the Court of Claims from State Fund 238, Illinois Health Facilities Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000........................................ $23,834.98

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...................................... $2,608.55

Section 31. The following named amounts are appropriated to the Court of Claims from the State Fund 244, Savings and Residential Finance Regulatory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $392.65

Section 32. The following named amounts are appropriated to the Court of Claims from the State Fund 256, Public Health Water Permit Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $153.00

Section 33. The following named amounts are appropriated to the Court of Claims from the State Fund 262, Mandatory Arbitration Fund, to

New matter indicated by italics - deletions by strikeout
pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357............................ $150.00

Section 34. The following named amounts are appropriated to the Court of Claims from the State Fund 270, Water Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357............................ $687.20

Section 35. The following named amounts are appropriated to the Court of Claims from the State Fund 272, LaSalle Veteran’s Home Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357............................ $374.05

Section 36. The following named amounts are appropriated to the Court of Claims from the State Fund 273, Anna Veteran’s Home Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357............................ $237.79

Section 37. The following named amounts are appropriated to the Court of Claims from the State Fund 276, Drunk and Drugged Driving Prevention Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357............................ $380.00

Section 38. The following named amounts are appropriated to the Court of Claims from the State Fund 294, Used Tire Management Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357............................ $2,229.36

New matter indicated by italics - deletions by strikeout
Section 39. The following named amounts are appropriated to the Court of Claims from State Fund 301, Working Capital Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.......................................... $6,564.81

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................... $7,479.54

Section 40. The following named amounts are appropriated to the Court of Claims from State Fund 304, Statistical Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 07-CC-0711, IBM Corp. Debt, against the Department of Central Management Services.................. $151,035.52

No. 07-CC-0799, John A. Logan College. Debt, against the Department of Central Management Services................. $57,113.00

No. 07-CC-2311, IBM Corp. Debt, against the Department of Central Management Services.................. $91,440.00

For payments of awards for lapsed appropriation claims less than $50,000........................................ $102,273.17

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $23,041.12

Section 41. The following named amounts are appropriated to the Court of Claims from the State Fund 310, Used Tire Management Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $75.90

Section 42. The following named amounts are appropriated to the Court of Claims from State Fund 312, Communications Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 07-CC-2844, AT&T, Formerly SBC. Debt, against the Department of Central Management Services............... $337,705.67

New matter indicated by italics - deletions by strikeout
No. 07-CC-2853, AT&T. Debt, against the Department of Central Management Services................................. $174,437.90
No. 07-CC-2950, AT&T. Debt, against the Department of Central Management Services................................. $248,914.63
For payments of awards for lapsed appropriation claims less than $50,000................................................. $76,137.23
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $38,035.82

Section 43. The following named amounts are appropriated to the Court of Claims from State Fund 314, Facilities Management Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000................................................. $86,745.42
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $126,536.00

Section 44. The following named amounts are appropriated to the Court of Claims from State Fund 315, Efficiency Initiatives Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 07-CC-0046, Accenture LLP. Debt, against the Department of Central Management Services................................. $65,397.73
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $791.67

Section 45. The following named amounts are appropriated to the Court of Claims from the State Fund 316, Illinois Prescription Drug Discount Program Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $13,834.44

Section 46. The following named amounts are appropriated to the Court of Claims from the State Fund 317, Professional Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $66.00

Section 47. The following named amounts are appropriated to the Court of Claims from the State Fund 344, Care Provider Fund for Persons with a DD, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $10,366.58

Section 48. The following named amounts are appropriated to the Court of Claims from the State Fund 346, Long Term Care Provider Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $378.00

Section 49. The following named amounts are appropriated to the Court of Claims from the State Fund 362, Securities Audit and Enforcement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $5,753.76

Section 50. The following named amounts are appropriated to the Court of Claims from the State Fund 363, Department of Business Services Special Operations Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $261.20

Section 51. The following named amounts are appropriated to the Court of Claims from the State Fund 376, State Police Motor Vehicle Theft Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $4,992.63

Section 52. The following named amounts are appropriated to the Court of Claims from the Federal Fund 396, Senior Health Insurance

New matter indicated by italics - deletions by strikeout
Program Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 ........................................ $360.82

Section 53. The following named amounts are appropriated to the Court of Claims from the State Fund 397, Trauma Center Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 ........................................ $3,624.80

Section 54. The following named amounts are appropriated to the Court of Claims from the Federal Fund 408, DHS Special Purpose Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000 ........................................ $5,402.11

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 ........................................ $7,793.35

Section 55. The following named amounts are appropriated to the Court of Claims from the Federal Fund 410, SBE Federal Department of Agriculture Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 ........................................ $963.26

Section 56. The following named amounts are appropriated to the Court of Claims from the State Fund 421, Public Aid Recoveries Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000 ........................................ $1,364.75

Section 57. The following named amounts are appropriated to the Court of Claims from the State Fund 438, Illinois State Fair Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 ........................................ $9,376.17

Section 58. The following named amounts are appropriated to the Court of Claims from the Federal Fund 447, GI Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 ........................................ $381.36

Section 59. The following named amounts are appropriated to the Court of Claims from the State Fund 479, State Employee’s Retirement System Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 ........................................ $44.86

Section 60. The following named amounts are appropriated to the Court of Claims from Federal Fund 488, Criminal Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000 ....................................................... $39,190.00
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 ........................................ $8,872.97

Section 61. The following named amounts are appropriated to the Court of Claims from the Federal Fund 495, Old Age Survivors Insurance Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357 ........................................ $12,848.09

Section 62. The following named amounts are appropriated to the Court of Claims from Federal Fund 497, Federal Civil Preparedness Administrative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 07-CC-1388, University of Illinois. Debt, against the Emergency Management Agency ............................... $58,098.16

New matter indicated by italics - deletions by strikeout
No. 07-CC-1388, University of Illinois. Debt, against the Emergency Management Agency............................... $80,595.47
  Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.............................. $1,652.14

Section 63. The following named amounts are appropriated to the Court of Claims from the State Fund 502, Early Intervention Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
  Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.............................. $16,798.41

Section 64. The following named amounts are appropriated to the Court of Claims from the State Fund 523, Department of Corrections Reimbursement and Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
  Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.............................. $2,797.39

Section 65. The following named amounts are appropriated to the Court of Claims from Federal Fund 526, Emergency Management Preparedness Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
  Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.............................. $1,547.06

Section 66. The following named amounts are appropriated to the Court of Claims from the State Fund 534, Illinois Workers’ Compensation Commission Operations Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
  Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357.............................. $12,308.06

Section 67. The following named amounts are appropriated to the Court of Claims from State Fund 537, State Offender DNA Identification System Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
  No. 06-CC-2760, Reimburse State Fund 152, State Crime Laboratory Fund. Against the Department of State

New matter indicated by italics - deletions by strikeout
Police........................................ $10,855.00

Section 68. The following named amounts are appropriated to the Court of Claims from the State Fund 538, Illinois Historic Sites Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................................................. $1,820.13

Section 69. The following named amounts are appropriated to the Court of Claims from the State Fund 550, Supplemental Low Income Energy Assistance Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000................................................................. $9,050.80

Section 70. The following named amounts are appropriated to the Court of Claims from the Federal Fund 561, SBE Federal Department of Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................................................. $11,427.45

Section 71. The following named amounts are appropriated to the Court of Claims from the Federal Fund 566, DCFS Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000................................................................. $1,739.85

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................................................. $5,155.69

Section 72. The following named amounts are appropriated to the Court of Claims from the State Fund 568, School Infrastructure Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000................................................................. $1,292.55

New matter indicated by italics - deletions by strikeout
Section 73. The following named amounts are appropriated to the
Court of Claims from the State Fund 576, Pesticide Control Fund, to pay
claims in conformity with awards and recommendations made by the
Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than
$50,000............................................... $27,882.99
Reimburse the General Revenue Fund for payments of awards
pursuant to P.A. 92-357........................................ $24.01

Section 74. The following named amounts are appropriated to the
Court of Claims from the Federal Fund 592, DHS Federal Projects Fund,
to pay claims in conformity with awards and recommendations made by
the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards
pursuant to P.A. 92-357........................................ $200.00

Section 75. The following named amounts are appropriated to the
Court of Claims from State Fund 614, Capital Litigation Trust Fund, to
pay claims in conformity with awards and recommendations made by the
Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards
pursuant to P.A. 92-357........................................ $23,463.67

Section 76. The following named amounts are appropriated to the
Court of Claims from State Fund 632, Horse Racing Fund, to pay claims
in conformity with awards and recommendations made by the Court of
Claims as follows:

Reimburse the General Revenue Fund for payments of awards
pursuant to P.A. 92-357........................................ $742.73

Section 77. The following named amounts are appropriated to the
Court of Claims from Federal Fund 664, Student Loan Operation Fund, to
pay claims in conformity with awards and recommendations made by the
Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards
pursuant to P.A. 92-357........................................ $61.95

Section 78. The following named amounts are appropriated to the
Court of Claims from State Fund 668, College Savings Pool

New matter indicated by italics - deletions by strikeout
Administration Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $35.09

Section 79. The following named amounts are appropriated to the Court of Claims from the State Fund 711, State Lottery Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 07-CC-1388, Danielle Ashley Communications. Debt, against the Department of Revenue........................... $53,305.12

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...................................... $7,667.75

Section 80. The following named amounts are appropriated to the Court of Claims from the State Fund 731, Illinois Clean Water Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $247.78

Section 81. The following named amounts are appropriated to the Court of Claims from the State Fund 732, Secretary of State DUI Administration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $240.00

Section 82. The following named amounts are appropriated to the Court of Claims from the State Fund 733, Tobacco Settlement Recovery Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000............................................... $11,148.23

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $9,306.22

Section 83. The following named amounts are appropriated to the Court of Claims from the Federal Fund 737, Energy Administration Fund,
to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.............................. $17,488.53

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357............................ $2,953.02

Section 84. The following named amounts are appropriated to the Court of Claims from State Fund 757, Child Support Administrative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357............................ $38,516.85

Section 85. The following named amounts are appropriated to the Court of Claims from Federal Fund 762, Local Initiative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357............................ $2,691.67

Section 86. The following named amounts are appropriated to the Court of Claims from the State Fund 763, Tourism Promotion Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 07-CC-2538, J. Walter Thompson USA Inc. Debt, against the Emergency Management Agency...................... $50,000.00

Section 87. The following named amounts are appropriated to the Court of Claims from Federal Fund 765, Federal Surface Mining Control and Reclamation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357............................ $943.46

Section 88. The following named amounts are appropriated to the Court of Claims from State Fund 768, Illinois Math and Science Academy Income Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

New matter indicated by italics - deletions by strikeout
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $701.96

Section 89. The following named amounts are appropriated to the Court of Claims from the State Fund 776, Presidential Library and Museum Operating Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $6,784.11

Section 90. The following named amounts are appropriated to the Court of Claims from the State Fund 795, Bank & Trust Company Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $411.96

Section 91. The following named amounts are appropriated to the Court of Claims from the State Fund 796, Nuclear Safety Emergency Preparedness Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $11,877.97

Section 92. The following named amounts are appropriated to the Court of Claims from the State Fund 801, AG State Projects and Court Order Distribution Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $1,031.75

Section 93. The following named amounts are appropriated to the Court of Claims from the State Fund 808, Medical Special Purposes Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $300.00

Section 94. The following named amounts are appropriated to the Court of Claims from the State Fund 821, Dram Shop Fund, to pay claims

New matter indicated by italics - deletions by strikeout
in conformity with awards and recommendations made by the Court of Claims as follows:

Section 95. The following named amounts are appropriated to the Court of Claims from the State Fund 823, Illinois State Dental Disciplinary Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...................................... $1,958.51

Section 96. The following named amounts are appropriated to the Court of Claims from the Federal Fund 826, Agriculture Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357......................................... $95.76

Section 97. The following named amounts are appropriated to the Court of Claims from the State Fund 828, Hazardous Waste Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $70.00

Section 98. The following named amounts are appropriated to the Court of Claims from the Federal Fund 855, National Flood Insurance Program Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357...................................... $2,250.00

Section 99. The following named amounts are appropriated to the Court of Claims from the Federal Fund 870, Low Income Home Energy Assistance Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.................................................. $20,754.10

New matter indicated by italics - deletions by strikeout
Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $24,701.96

Section 100. The following named amounts are appropriated to the Court of Claims from Federal Fund 873, Preventive Health and Health Services Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $3,721.09

Section 101. The following named amounts are appropriated to the Court of Claims from Federal Fund 883, Intra Agency Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $1,675.00

Section 102. The following named amounts are appropriated to the Court of Claims from State Fund 888, Design Professional Administration and Investigation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $1,140.44

Section 103. The following named amounts are appropriated to the Court of Claims from Federal Fund 894, DNR Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $5,250.00

Section 104. The following named amounts are appropriated to the Court of Claims from State Fund 896, Public Health Special State Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $163.67

Section 105. The following named amounts are appropriated to the Court of Claims from State Fund 903, State Surplus Property Revolving

New matter indicated by italics - deletions by strikeout
Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $9,762.28

Section 106. The following named amounts are appropriated to the Court of Claims from the Federal Fund 904, Illinois State Police Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $37.70

Section 107. The following named amounts are appropriated to the Court of Claims from the State Fund 905, Illinois Forestry Development Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $4,831.00

Section 108. The following named amounts are appropriated to the Court of Claims from the State Fund 906, State Police Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $4,200.00

Section 109. The following named amounts are appropriated to the Court of Claims from the State Fund 913, Federal Workforce Training Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $996.77

Section 110. The following named amounts are appropriated to the Court of Claims from State Fund 920, Metabolic Screening and Treatment Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $4,261.24

New matter indicated by italics - deletions by strikeout
Section 111. The following named amounts are appropriated to the Court of Claims from the State Fund 921, DHS Recoveries Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.......................................... $7,937.95

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $486.19

Section 112. The following named amounts are appropriated to the Court of Claims from State Fund 940, Self Insured Employers Liability Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $1,018.00

Section 113. The following named amounts are appropriated to the Court of Claims from the State Fund 944, Environmental Protection Permit & Inspection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $600.00

Section 114. The following named amounts are appropriated to the Court of Claims from the State Fund 951, Narcotics Profit Forfeiture Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $2,112.50

Section 115. The following named amounts are appropriated to the Court of Claims from the State Fund 957, Child Support Enforcement Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357........................................ $49.00

Section 116. The following named amounts are appropriated to the Court of Claims from the State Fund 980, Manteno Veteran’s Home Fund,

New matter indicated by italics - deletions by strikeout
to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $364.95

Section 117. The following named amounts are appropriated to the Court of Claims from the State Fund 982, Illinois Beach Marina Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $25.17

Section 118. The following named amounts are appropriated to the Court of Claims from the State Fund 991, Abandoned Mined Lands Reclamation Council Federal Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $387.00

Section 119. The following named amounts are appropriated to the Court of Claims from the State Fund 997, Insurance Financial Regulation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

- Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357................................. $4,081.94

ARTICLE 165

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture:

FOR OPERATIONS

ADMINISTRATIVE SERVICES

Payable from General Revenue Fund:
For Personal Services................................. 785,500
For State Contributions to State Employees' Retirement System.............. 130,400

New matter indicated by italics - deletions by strikeout
Social Security................................. 59,900
For Contractual Services......................... 284,900
For Travel........................................ 6,500
For Commodities................................. 9,300
For Printing.................................... 12,000
For Telecommunications Services............... 10,400
For Operation of Auto Equipment................. 7,300
For Refunds................................... 1,000
Total                                       $1,307,200

Payable from Wholesome Meat Fund:
For Personal Services......................... 332,400
For State Contributions to State
   Employees' Retirement System............... 55,200
For State Contributions to
   Social Security............................ 25,500
For Group Insurance.......................... 117,000
For Contractual Services...................... 110,000
For Travel................................... 10,000
For Commodities............................... 11,100
For Printing................................. 3,100
For Equipment................................. 28,000
For Telecommunications Services............. 20,000
Total                                        $712,300

Payable from the Illinois Rural Rehabilitation Fund:
For Illinois' part in administration
   of Titles I and II of the federal
   Bankhead-Jones Farm Tenant Act:
For Operations................................ 5,000

Section 10. The sum of $737,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for costs and expenses related to or in support of an environment and economic development shared services center.

New matter indicated by italics - deletions by strikeout
Section 15. The sum of $225,700, or so much thereof as may be necessary, is appropriated from the Wholesome Meat Fund to the Department of Agriculture for costs and expenses related to or in support of an environment and economic development shared services center.

Section 20. The sum of $12,800,000, or so much thereof as may be necessary, is appropriated from the Agricultural Premium Fund to the Department of Agriculture for deposit into the State Cooperative Extension Service Trust Fund.

Section 25. The sum of $1,659,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for deposit into the State Cooperative Extension Service Trust Fund.

Section 30. The sum of $5,055,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for deposit into the State Cooperative Extension Service Trust Fund for operational expenses and programs at the University of Illinois Cook County Cooperative Extension Service.

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**COMPUTER SERVICES**

Payable from General Revenue Fund:

- For Personal Services............................ 305,000
- For State Contributions to State Employees' Retirement System.................... 50,600
- For State Contributions to Social Security................................. 23,500
- For Contractual Services............................... 545,400
- For Commodities.......................... 2,400
- For Printing......................................... 100
- For Equipment..................................... 15,100
- For Telecommunications Services............... 20,400

Total $962,500

Payable from Agricultural Premium Fund:

New matter indicated by italics - deletions by strikeout
For Personal Services............................ 248,400
For State Contributions to State
   Employees' Retirement System............... 41,200
For State Contributions to
   Social Security............................. 19,000
For Contractual Services....................... 109,100
For Equipment................................... 29,000
For Telecommunications Services............... 5,000
Total                                      $451,700

Section 40. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to meet the ordinary and contingent expenses of
the Department of Agriculture:

FOR OPERATIONS
AGRICULTURE REGULATION

Payable from General Revenue Fund:
For Personal Services......................... 2,800,000
For State Contributions to State
   Employees' Retirement System.............. 464,800
For State Contributions to
   Social Security........................... 214,200
For Contractual Services..................... 95,300
For Travel.................................... 295,000
For Commodities................................ 20,000
For Printing................................... 3,500
For Equipment.................................. 12,100
For Telecommunications Services............. 21,000
For Operation of Auto Equipment............. 35,000
Total                                      $3,960,900

Payable from the Agricultural
Federal Projects Fund:
For Expenses of Various
   Federal Projects......................... 350,000
Total                                      $350,000

New matter indicated by italics - deletions by strikeout
Section 45. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Fertilizer Control Fund to the Department of Agriculture for Fertilizer Research.

Section 50. The sum of $1,100,000, or so much thereof as may be necessary, is appropriated from the Feed Control Fund to the Department of Agriculture for Feed Control.

Section 55. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture:

MARKETING

Payable from General Revenue Fund:
- For Personal Services: 422,700
- For State Contributions to State Employees' Retirement System: 70,200
- For State Contributions to Social Security: 32,300
- For Contractual Services: 8,600
- For Travel: 5,600
- For Commodities: 1,900
- For Telecommunications Services: 3,500
- For Operation of Auto Equipment: 2,700

Total: $547,500

Payable from Agricultural Premium Fund:
- For Expenses Connected With the Promotion and Marketing of Illinois Agriculture and Agriculture Exports: 1,956,000
- For Implementation of programs and activities to promote, develop and enhance the biotechnology industry in Illinois: 140,000

New matter indicated by italics - deletions by strikeout
Enologist...................................... 150,000
Payable from Agricultural Marketing Services Fund:
For administering Illinois' part under Public Law No. 733, "An Act to provide for further research into basic laws and principles relating to agriculture and to improve and facilitate the marketing and distribution of agricultural products"............ 4,000
Payable from Agriculture Federal Projects Fund:
For expenses of various Federal Projects........ 750,000

Section 60. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for the Agriculture Assembly.

Section 65. The sum of $564,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for the Illinois AgriFIRST Program.

Section 70. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Illinois AgriFIRST Program Fund for AgriFIRST value added economic development grants.

Section 75. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**ANIMAL INDUSTRIES**

Payable from General Revenue Fund:
For Personal Services.......................... 3,246,200
For State Contributions to State Employees' Retirement System................. 538,900
For State Contributions to Social Security................................. 248,300
For Contractual Services......................... 510,000
For Travel........................................... 20,000
For Commodities................................. 325,000

New matter indicated by italics - deletions by strikeout
For Printing....................................... 9,500
For Equipment..................................... 50,000
For Telecommunications Services.............. 65,000
For Operation of Auto Equipment............... 58,000
For Swine Disease Research...................... 35,400
For Bovine Disease Research..................... 16,800
Total $5,123,100

Payable from the Illinois Department of Agriculture Laboratory Services Revolving Fund:
For Expenses Authorized by the Animal Disease Laboratories Act............................ 700,000

Payable from the Agriculture Federal Projects Fund:
For Expenses of Various Federal Projects........................ 1,500,000

Section 80. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

MEAT AND POULTRY INSPECTION

Payable from the General Revenue Fund:
For Personal Services........................... 2,717,900
For State Contributions to State Employees' Retirement System......................... 451,200
For State Contributions to Social Security.......................... 207,900
For Contractual Services........................ 14,700
For Telecommunications Services.............. 15,000
For Operation of Auto Equipment................ 15,000
Total $3,421,700

Payable from Wholesome Meat Fund:
For Personal Services........................... 3,107,900
For State Contributions to State

New matter indicated by italics - deletions by strikeout
Employees' Retirement System................. 515,900
For State Contributions to
   Social Security.............................. 238,400
For Group Insurance......................... 900,000
For Contractual Services...................... 104,700
For Travel.................................. 255,500
For Commodities........................... 25,000
For Printing................................. 3,000
For Equipment................................ 250,000
For Telecommunications Services............. 70,000
For Operation of Auto Equipment.............. 175,000
Total ...................................... $5,645,900

Payable from Agricultural Master Fund:
For Expenses Relating to Inspection of Agricultural Products........ 540,000

Section 85. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

WEIGHTS AND MEASURES

Payable from the General Revenue Fund:
For Personal Services.......................... 410,400
For State Contributions to State
   Employees' Retirement System............... 68,100
For State Contributions to Social Security........... 31,400
For Contractual Services...................... 1,900
For Travel.................................. 2,000
For Commodities........................... 1,000
For Printing................................. 1,000
For Equipment............................. 1,500
For Telecommunications Services............. 2,500
For Operation of Auto Equipment.............. 22,100
For Expenses of a Motor Fuel and Petroleum Standards Program

New matter indicated by italics - deletions by strikeout
pursuant to P.A. 86-0232.......................... 23,700
Total  $565,600

Payable from the Agriculture Federal
Projects Fund:
For Expenses of various
Federal Projects............................... 200,000
Total  $200,000

Payable from the Weights and Measures Fund:
For Personal Services.......................... 1,633,500
For State Contributions to State
Employees’ Retirement System.................. 271,200
For State Contributions to
Social Security............................... 125,300
For Group Insurance............................ 495,000
For Contractual Services........................ 190,600
For Travel......................................... 95,000
For Commodities............................... 15,000
For Printing.................................... 13,000
For Equipment................................. 300,000
For Telecommunications Services.............. 20,000
For Operation of Auto Equipment.............. 240,000
For Refunds..................................... 10,000
Total  $3,408,600

Payable from the Motor Fuel and Petroleum
Standards Fund:
For the regulation of motor fuel quality........ 25,000

Section 90. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Agriculture for:

ENVIRONMENTAL PROGRAMS

Payable from the General Revenue Fund:
For Personal Services........................... 582,700
For State Contributions to State
Employees’ Retirement System............... 96,700

New matter indicated by italics - deletions by strikeout
For State Contributions to Social Security.................. 44,700
For Contractual Services.......................... 1,600
For Travel........................................ 16,800
For Commodities.................................. 800
For Printing......................................... 900
For Equipment........................................ 800
For Telecommunications Services.................... 9,400
For Operation of Automotive Equipment.......... 4,500
For Administration of the Livestock Management Facilities Act.............. 290,000
For the Detection, Eradication, and Control of Exotic Pests, such as the Asian Long-Horned Beetle and Gypsy Moth..................................... 750,000
Total $1,826,900

Payable from Agriculture Pesticide Control Act Fund:
  For Expenses of Pesticide Enforcement Program.... 800,000
Payable from Pesticide Control Fund:
  For Administration and Enforcement of the Pesticide Act of 1979......... 3,075,000
Payable from the Agriculture Federal Projects Fund:
  For expenses of Various Federal Projects...... 5,500,000
Payable from Livestock Management Facilities Fund:
  For Administration of the Livestock Management Facilities Act............. 30,000
Payable from the Used Tire Management Fund:
  For Mosquito Control............................. 40,000

Section 95. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture for:

LAND AND WATER RESOURCES
Payable from the Agricultural Premium Fund:

New matter indicated by italics - deletions by strikeout
For Personal Services............................                                          824,000
For State Contributions to State
  Employees’ Retirement System..................  136,800
For State Contributions to Social
  Security........................................  63,000
For Contractual Services........................ 107,300
For Travel........................................  22,800
For Commodities..................................  5,000
For Printing.....................................  7,500
For Equipment....................................  42,000
For Telecommunications Services................... 20,500
For Operation of Automotive Equipment..........  18,000
For the Ordinary and Contingent
  Expenses of the Natural Resources
  Advisory Board................................  2,000
Total                                                                                         $1,248,900
Payable from the Agriculture Federal Projects Fund:
For Expenses Relating to Various
  Federal Projects...............................  815,000
  Conservation Practices
  Cost Sharing Program...........................  2,300,000
  Sustainable Agriculture Program...............  287,500
  Soil and Water Conservation Grants..........  1,725,000
  Streambank Restoration.......................  287,500
Conservation Practices payable from
  the General Revenue Fund:
  Cost Sharing Program.........................  1,400,000

   Section 100. The sum of $6,000,000, or so much thereof as may be
necessary, is appropriated to the Department of Agriculture from the
Conservation 2000 Fund for the Conservation 2000 Program to implement
agricultural resource enhancement programs for Illinois’ natural resources,
including operational expenses, consisting of the following elements at the
approximate costs set forth below:
  Conservation Practices
  Cost Sharing Program...........................  2,300,000
  Sustainable Agriculture Program...............  287,500
  Soil and Water Conservation Grants..........  1,725,000
  Streambank Restoration.......................  287,500
Conservation Practices payable from
  the General Revenue Fund:
  Cost Sharing Program.........................  1,400,000

New matter indicated by italics - deletions by strikeout
Section 105. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Agriculture for:

**SPRINGFIELD BUILDINGS AND GROUNDS**

Payable from General Revenue Fund:

- For Personal Services
  - 2,390,600
- For State Contributions to State Employees' Retirement System
  - 396,800
- For State Contributions to Social Security
  - 200,900
- For Contractual Services
  - 2,147,000
- For Payment to the City of Springfield for Fire Protection Services at the Illinois State Fairgrounds
  - 127,400
- For Commodities
  - 72,200
- For Equipment
  - 109,400
- For Telecommunications Services
  - 52,800
- For Operation of Auto Equipment
  - 5,800
- For preparation and setup of the 2007 National High School Finals Rodeo
  - 368,200

Total: $5,871,100

Section 110. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the Illinois State Fair Fund to the Department of Agriculture to promote and conduct activities at the Illinois State Fairgrounds at Springfield other than the Illinois State Fair, including administrative expenses. No expenditures from the appropriation shall be authorized until revenues from fairground uses sufficient to offset such expenditures have been collected and deposited into the Illinois State Fair Fund.

Section 115. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**DUQUOIN BUILDINGS AND GROUNDS**

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund:
For Personal Services......................... 1,136,500
For State Contributions to State
   Employees' Retirement System............... 188,700
For State Contributions to
   Social Security................................ 93,500
For Contractual Services.................. 645,200
For Commodities............................... 94,600
For Equipment................................. 104,700
For Telecommunications Services........... 42,300
For Operation of Auto Equipment........... 20,800
Total                                   $2,326,300

Section 120. The sum of $600,000, or so much thereof as may be
necessary, is appropriated from the Agricultural Premium Fund to the
Department of Agriculture to conduct activities at the Illinois State
Fairgrounds at DuQuoin other than the Illinois State Fair, including
administrative expenses. No expenditures from the appropriation shall be
authorized until revenues from fairgrounds uses sufficient to offset such
expenditures have been collected and deposited into the Agricultural
Premium Fund.

Section 125. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Agriculture for:

DUQUOIN STATE FAIR
Payable from General Revenue Fund:
For Personal Services......................... 350,600
For State Contributions to State
   Employees' Retirement System.............. 58,000
For State Contributions to
   Social Security............................ 26,800
For Contractual Services................... 459,400
For Travel...................................... 5,300
For Commodities............................. 21,500
For Printing.................................... 7,600

New matter indicated by italics - deletions by strikeout
For Equipment...................................... 6,100
For Telecommunications Services.............. 31,300
For Operation of Auto Equipment............ 1,000
For Entertainment at the
DuQuoin State Fair............................. 433,200
Total .............................................. $1,401,000

Payable from the Agricultural Premium Fund:
For Financial Assistance for the
DuQuoin State Fair............................. 455,200

Section 130. The following named amount, or so much thereof as
may be necessary, is appropriated to the Department of Agriculture for:

ILLINOIS STATE FAIR

Payable from the Illinois State Fair Fund:
For Operations of the Illinois State Fair
Including Entertainment and the Percentage
Portion of Entertainment Contracts........... 4,000,000
Total .............................................. $4,000,000

Section 135. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Agriculture for:

COUNTY FAIRS AND HORSE RACING

Payable from the Agricultural Premium Fund:
For Personal Services......................... 57,500
For State Contributions to State
Employees' Retirement System............... 9,500
For State Contributions to
Social Security................................. 6,000
For Contractual Services..................... 28,000
For Travel........................................ 2,500
For Commodities.............................. 2,000
For Printing..................................... 3,500
For Equipment................................. 11,300
For Telecommunications Services........... 4,900
For Operation of Auto Equipment......... 3,000

New matter indicated by italics - deletions by strikeout
Section 140. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

**ADMINISTRATIVE SERVICES PROGRAMS**

Payable from the Illinois Rural

New matter indicated by italics - deletions by strikeout
Rehabilitation Fund:
For Illinois’ part in administration of Titles I and II of the federal Bankhead-Jones Farm Tenant Act:
For Programs, Loans and Grants...................                                   20,000
Payable from the General Revenue Fund:
For the Agricultural Leadership Foundation....... 29,400
For distribution of institutional agricultural research grants to public universities authorized by the Food and Agriculture Research Act to include administrative costs incurred by the Department of Agriculture pursuant to Section 15 of the Food and Agriculture Research Act (Public Act 89-182)..................................                                              4,410,000
Payable from the General Revenue Fund:
For a grant to the AgrAbility Program pursuant to Public Act 94-0216.................                                   196,000
Total                                                                                         $4,655,400

Section 145. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Agriculture for:

LAND AND WATER RESOURCES PROGRAMS

Payable from the General Revenue Fund:
For Soil Surveys in Mapping Illinois Soil and operational expenses..................                                     400,000
For grants to Soil and Water Conservation Districts for clerical and other personnel, for education and promotional assistance, and for expenses of Water Conservation District Boards and administrative Expenses................................................. 7,421,800
Total                                                                                         $7,821,800

Section 150. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Agriculture for:

New matter indicated by italics - deletions by strikeout
ILLINOIS STATE FAIR PROGRAMS

Payable from the General Revenue Fund:
For Awards to Livestock Breeders
and related expenses.......................... 151,000
For Awards and Premiums at the
Illinois State Fair
and related expenses.......................... 279,400
For Awards and Premiums for Grand
Circuit Horse Racing at the
Illinois State Fairgrounds
and related expenses.......................... 129,900
Total $560,300

Payable from the Illinois State Fair Fund:
For Awards to Livestock Breeders
and related expenses............................ 48,800
For Awards and Premiums at the
Illinois State Fair
and related expenses............................ 200,100
For Awards and Premiums for Grand
Circuit Horse Racing at the
Illinois State Fairgrounds
and related expenses............................ 54,900
Total $303,800

Section 155. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Agriculture for:

DUQUOIN STATE FAIR PROGRAMS

Payable from General Revenue Fund:
For awards and premiums to the
DuQuoin State Fair and related expenses...... 130,900
For harness racing at the
DuQuoin State Fair and related expenses...... 27,800
Total $158,700

New matter indicated by italics - deletions by strikeout
Section 160. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Agriculture for:

COUNTY FAIRS AND HORSE RACING PROGRAMS

Payable from the Illinois Racing Quarterhorse Breeders Fund:
For promotion of the Illinois horse racing and breeding industry.................... 71,200

Payable from the Illinois Standardbred Breeders Fund:
For grants and other purposes.................. 1,473,200

Payable from the Illinois Thoroughbred Breeders Fund:
For grants and other purposes.................. 2,007,900
Total $3,552,300

Payable from the Agricultural Premium Fund:
For distribution to encourage and aid county fairs and other agricultural societies. This distribution shall be prorated and approved by the Department of Agriculture......................... 2,276,100
For premiums to agricultural extension or 4-H clubs to be distributed at a uniform rate.......................... 1,012,000
For premiums to vocational agriculture fairs.......................... 429,500
For rehabilitation of county fairgrounds....... 2,602,000
For grants and other purposes for county fair and state fair horse racing............. 413,000
Total $6,732,600

Payable from the General Revenue Fund:
For distribution to county fairs for premiums and rehabilitation as set forth in the Agriculture Fair Act............. 626,600
Total $626,600

New matter indicated by italics - deletions by strikeout
Payable from Fair and Exposition Fund:
  For distribution to County Fairs and
  Fair and Exposition Authorities .......... 1,357,400
Total $1,357,400

Section 165. The amount of $245,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for grants, contracts, and administrative expenses associated with the development of the Illinois Grape and Wine Industry, including prior year costs.

ARTICLE 170

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Illinois Arts Council:

Payable from the General Revenue Fund:
  For Personal Services...................... 1,372,100
  For State Contributions to State
    Employees' Retirement Contributions....... 227,800
  For State Contributions to Social Security... 105,000
  For Contractual Services................... 252,200
  For Travel.................................. 33,800
  For Commodities............................ 11,000
  For Printing................................ 70,500
  For Equipment............................. 12,000
  For Electronic Data Processing............. 224,900
  For Telecommunications Services.......... 24,200
  For Travel and Meeting Expenses of Arts Council and Panel Members........... 37,500
Total $2,371,000

Section 10. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Illinois Arts Council to enhance the cultural environment in Illinois:

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund:
For Grants and Financial Assistance for Arts Organizations.................... 8,041,000
For Grants and Financial Assistance for Special Constituencies................... 2,868,200
For Grants and Financial Assistance for International Grant Awards............... 1,000,000
For Grants and Financial Assistance for Arts Education......................... 1,711,400
Total $13,620,600
Payable from Illinois Arts Council Federal Grant Fund:
For Grants and Programs to Enhance the Cultural Environment............... 925,000

Section 15. The sum of $992,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Arts Council for the purpose of funding administrative and grant expenses associated with humanities programs and related activities.

Section 20. The amount of $377,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Arts Council for grants to certain public radio and television stations for operating costs.

Section 25. The amount of $4,860,600, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Illinois Arts Council for grants to certain public radio and television stations and related administrative expenses, pursuant to the Public Radio and Television Grant Act.

Section 30. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Arts Council for a grant to the Illinois Channel.

ARTICLE 175

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter

New matter indicated by italics - deletions by strikeout
named are appropriated to the Department of Central Management Services:

**BUREAU OF ADMINISTRATIVE OPERATIONS**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,585,500</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>263,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>121,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>230,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>30,800</td>
</tr>
<tr>
<td>For Commodities</td>
<td>8,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>17,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>4,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>268,600</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>44,800</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>3,700</td>
</tr>
<tr>
<td>For Refunds</td>
<td>1,700</td>
</tr>
<tr>
<td>Total</td>
<td>$2,579,500</td>
</tr>
</tbody>
</table>

**PAYABLE FROM STATE GARAGE REVOLVING FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>0</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>0</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>0</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>0</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>13,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>2,500</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,200</td>
</tr>
<tr>
<td>For Equipment</td>
<td>2,100</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>1,027,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>1,900</td>
</tr>
<tr>
<td>Total</td>
<td>$1,047,700</td>
</tr>
</tbody>
</table>

**PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND**

New matter indicated by italics - deletions by strikeout
For Personal Services........................... 249,100
For State Contribution to State
  Employees' Retirement Fund..................... 41,400
For State Contributions to Social
  Security......................................... 19,100
For Group Insurance.............................. 59,200
For Contractual Services.......................... 16,500
For Travel......................................... 1,500
For Commodities.................................... 2,600
For Printing....................................... 2,600
For Equipment...................................... 3,100
For Electronic Data Processing..................... 0
For Telecommunications Services................... 4,700
Total                                                                                         $399,800

PAYABLE FROM COMMUNICATIONS REVOLVING FUND
For Personal Services........................... 123,200
For State Contributions to State
  Employees' Retirement System.................... 20,500
For State Contribution to
  Social Security.................................. 9,500
For Group Insurance.............................. 29,600
For Contractual Services.......................... 22,000
For Travel......................................... 800
For Commodities.................................... 4,500
For Printing....................................... 6,700
For Equipment...................................... 5,200
For Electronic Data Processing.................... 3,283,600
For Telecommunications Services................... 2,500
Total                                                                                         $3,508,100

PAYABLE FROM PROFESSIONAL SERVICES FUND
For Personal Services........................... 6,024,400
For State Contributions to State
  Employees' Retirement System.................... 1,000,100
For State Contributions to Social

New matter indicated by italics - deletions by strikeout
Security........................................                                                  461,200
For Group Insurance.........................                                        1,527,400
For Contractual Services.......................                                       2,853,700
For Travel.......................................                                                202,600
For Commodities...................................                                           26,600
For Printing......................................                                                 38,300
For Equipment.....................................                                             75,500
For Electronic Data Processing.................                           108,000
For Telecommunications Services...............                                    87,000
For Operation of Auto Equipment...............                                  4,500
For Professional Services including
    Administrative and Related Costs..............                                 2,580,100
Total                                                                                       $14,989,400

Section 10. In addition to any other amounts appropriated, the
following named amounts, or so much thereof as may be necessary, are
appropriated to the Department of Central Management Services for costs
and expenses associated with or in support of a General and Regulatory
Shared Services Center:
Payable from General Revenue Fund............... 1,023,700
Payable from State Garage Revolving Fund........ 596,200
Payable from Statistical Services
    Revolving Fund............................... 3,206,200
Payable from Communications Revolving Fund...... 1,497,300
Payable from Facilities Management
    Revolving Fund............................... 1,109,300
Payable from Professional Services Fund........ 87,200
Payable from Health Insurance Reserve Fund....... 412,400
Total                                                                                         $7,932,300

Section 15. In addition to any other amounts heretofore
appropriated for such purpose, $700,000, or so much thereof as may be
necessary, is appropriated from the Efficiency Initiatives Revolving Fund
to the Department of Central Management Services for expenses
authorized under Sections 6p-5 and 8.16c of the State Finance Act,
including related operating and administrative costs.
Section 20. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the CMS State Projects Fund to the Department of Central Management Services for purposes authorized under Section 405-25 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois and associated operating and administrative costs.

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Central Management Services:

**ILLINOIS INFORMATION SERVICES**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>519,500</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>86,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>39,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>97,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>1,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,200</td>
</tr>
<tr>
<td>For Printing</td>
<td>300</td>
</tr>
<tr>
<td>For Equipment</td>
<td>36,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>26,800</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>2,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$810,800</strong></td>
</tr>
</tbody>
</table>

**PAYABLE FROM COMMUNICATIONS REVOLVING FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>4,625,600</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>767,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>354,100</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>1,080,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>1,922,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>54,700</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Commodities............................... 87,200
For Printing................................. 90,500
For Equipment............................... 109,700
For Electronic Data Processing.............. 60,300
For Telecommunications Services............. 0
For Operation of Auto Equipment............. 113,700
Total ........................................ $9,266,600

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Central Management Services:

BUREAU OF STRATEGIC SOURCING AND PROCUREMENT
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services....................... 2,037,300
For State Contributions to State Employees' Retirement System................. 338,200
For State Contributions to Social Security............................................. 156,000
For Contractual Services.................... 103,100
For Travel.................................... 32,800
For Commodities........................... 12,200
For Printing.................................. 4,500
For Equipment............................... 7,100
For Telecommunications Services......... 40,800
For Operation of Auto Equipment.......... 0
Total ........................................ $2,732,400
PAYABLE FROM STATE GARAGE REVOLVING FUND
For Personal Services....................... 8,906,000
For State Contributions to State Employees' Retirement System............... 1,478,400
For State Contributions to Social Security............................................. 681,400
For Group Insurance.......................... 2,702,800
For Contractual Services................... 1,130,700

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Travel</td>
<td>39,200</td>
</tr>
<tr>
<td>For Commodities</td>
<td>116,700</td>
</tr>
<tr>
<td>For Printing</td>
<td>34,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>743,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>149,500</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>28,732,800</td>
</tr>
<tr>
<td>For Refunds</td>
<td>10,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$44,725,000</td>
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</table>

**PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,441,200</td>
</tr>
<tr>
<td>For State Contributions to State</td>
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</tr>
<tr>
<td>Employees' Retirement System</td>
<td>239,300</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td></td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>325,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>500,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>30,800</td>
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<tr>
<td>For Commodities</td>
<td>13,100</td>
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<tr>
<td>For Printing</td>
<td>4,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>17,700</td>
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<tr>
<td>For Electronic Data Processing</td>
<td>6,600</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>18,400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$2,708,000</td>
</tr>
</tbody>
</table>

**PAYABLE FROM COMMUNICATIONS REVOLVING FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,122,800</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>186,400</td>
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<tr>
<td>For State Contributions to Social Security</td>
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<tr>
<td>For Group Insurance</td>
<td>207,200</td>
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<tr>
<td>For Contractual Services</td>
<td>5,000</td>
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<tr>
<td>For Travel</td>
<td>12,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>4,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>700</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Equipment..................................... 19,600  
For Electronic Data Processing............. 19,400  
For Telecommunications Services............. 0  
Total........................................... $1,664,400  

PAYABLE FROM HEALTH INSURANCE RESERVE FUND  
For Personal Services.......................... 129,400  
For State Contributions to State  
Employees' Retirement System............... 21,500  
For State Contributions to Social Security........................................ 9,900  
For Contractual Services...................... 8,500  
For Travel...................................... 23,300  
For Commodities................................ 3,000  
For Printing.................................... 700  
For Equipment................................... 11,900  
For Electronic Data Processing............. 14,900  
For Telecommunications Services............. 9,700  
Total........................................... $232,800  

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Central Management Services:

**BUREAU OF BENEFITS**

**PAYABLE FROM GENERAL REVENUE FUND**  
For Group Insurance......................... 29,349,200  
For payment of claims under the  
Representation and Indemnification in Civil Lawsuits Act......................... 1,347,400  
For payment of attorneys’ fees and costs as ordered by the court in *National Foreign Trade Council, Inc., et al. v. Alexi Giannoulias, et al.*, No. 06 C 4251 in the Northern District of Illinois and the 7th Circuit Court of Appeals...................... 400,000  

New matter indicated by italics - deletions by strikeout
For auto liability, adjusting and administration of claims, loss control and prevention services, and auto liability claims........... 1,600,200
Total $32,696,800

PAYABLE FROM GROUP INSURANCE PREMIUM FUND
For expenses of Cost Containment Program....... 288,000
For Life Insurance Coverage As Elected By Members Per The State Employees Group Insurance Act of 1971................. 91,356,300
Total $91,644,300

PAYABLE FROM HEALTH INSURANCE RESERVE FUND
For Expenses of Cost Containment Program....... 158,900
For provisions of Health Care Coverage As Elected by Eligible Members Per The State Employees Group Insurance Act of 1971........................................ 13,752,000
Total $13,910,900

PAYABLE FROM WORKERS’ COMPENSATION REVOLVING FUND
For Personal Services.......................... 1,780,900
For State Contributions to State Employees’ Retirement System.................. 295,700
For State Contributions to Social Security................................. 136,200
For Group Insurance............................. 399,600
For Contractual Services......................... 90,100
For Travel........................................ 15,000
For Commodities.................................. 9,000
For Printing....................................... 3,000
For Equipment................................... 2,000
For Electronic Data Processing.................... 10,900
For Telecommunications Services............... 19,000
For Operation of Auto Equipment................. 400
Total $2,761,800

New matter indicated by italics - deletions by strikeout
For administrative costs of claims services and payment of temporary total disability claims of any state agency or university employee................. 650,000
For payment of Workers’ Compensation Act claims and contractual services in connection with said claims payments........ 124,512,200

PAYABLE FROM LOCAL GOVERNMENT HEALTH INSURANCE RESERVE FUND

For expenses related to the administration and operation of the Local Government Health Program.................................. 869,000

Expenditures from appropriations for treatment and expense may be made after the Department of Central Management Services has certified that the injured person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid to the injured person.

PAYABLE FROM STATE EMPLOYEES DEFERRED COMPENSATION PLAN FUND

For expenses related to the administration of the State Employees’ Deferred Compensation Plan.......................... 1,698,300

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Central Management Services:

BUREAU OF PERSONNEL

PAYABLE FROM GENERAL REVENUE FUND

For Personal Services.............................. 4,571,400
For State Contributions to State Employees' Retirement System....................... 758,900
For State Contributions to Social

New matter indicated by italics - deletions by strikeout
Security.............................................. 349,800
For Contractual Services....................... 181,700
For Travel............................................. 22,300
For Commodities................................. 28,400
For Printing......................................... 28,300
For Equipment....................................... 15,300
For Telecommunications Services.............. 72,100
For Operation of Auto Equipment.............. 1,000
For Wage Claims.................................... 809,500
For Expenses of the Upward Mobility Program... 4,250,000
For Veterans' Job Assistance Program.......... 282,200
For Governor's and Vito Marzullo's
  Internship programs.............................. 695,000
For Nurses' Tuition............................... 70,000
Total $12,135,900

Section 45. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated for the objects and
purposes hereinafter named to meet the ordinary and contingent expenses
of the Department of Central Management Services:

**BUSINESS ENTERPRISE PROGRAM**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>740,100</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>122,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>56,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>301,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>18,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>8,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>17,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>20,200</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>13,900</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>2,300</td>
</tr>
<tr>
<td>Total</td>
<td>$1,300,700</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
PAYABLE FROM MINORITY AND FEMALE BUSINESS ENTERPRISE FUND

For Expenses of the Business Enterprise Program

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Central Management Services:

BUREAU OF PROPERTY MANAGEMENT

PAYABLE FROM GENERAL REVENUE FUND

For Contractual Services

PAYABLE FROM STATE SURPLUS PROPERTY REVOLVING FUND

For expenses related to the administration and operation of surplus property and recycling programs

PAYABLE FROM FACILITIES MANAGEMENT REVOLVING FUND

For Personal Services

For State Contributions to State Employees’ Retirement System

For State Contributions to Social Security

For Group Insurance

For Contractual Services

For Travel

For Commodities

For Printing

For Equipment

For Electronic Data Processing

For Telecommunications Services

New matter indicated by italics - deletions by strikeout
For Operation of Auto Equipment................. 158,200
For Lump Sums.................................. 18,654,800
Total $239,863,800

Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to the Department of Central Management Services:

**BUREAU OF COMMUNICATION AND COMPUTER SERVICES**

**PAYABLE FROM GENERAL REVENUE FUND**

For Deposit into the Communications Revolving Fund for the purpose of Education Technology, including, but not necessarily limited to, operating and administrative costs........... 18,152,600

**PAYABLE FROM STATISTICAL SERVICES REVOLVING FUND**

For Personal Services......................... 45,916,900
For State Contributions to State Employees' Retirement System............. 7,622,200
For State Contributions to Social Security............................... 3,512,700
For Group Insurance............................. 9,708,800
For Contractual Services......................... 2,410,700
For Travel...................................... 271,500
For Commodities................................... 71,000
For Printing..................................... 203,100
For Equipment.................................... 184,500
For Electronic Data Processing................. 90,238,800
For Telecommunications Services............... 3,900,000
For Operation of Auto Equipment............... 60,000
For Refunds..................................... 6,300,000
Total $170,400,200

**PAYABLE FROM COMMUNICATIONS REVOLVING FUND**

For Personal Services......................... 7,675,200
For State Contributions to State Employees' Retirement System............. 1,274,100

New matter indicated by italics - deletions by strikeout
For State Contributions to Social Security...................... 587,200
For Group Insurance............................ 1,731,600
For Contractual Services....................... 3,039,000
For Travel...................................... 130,300
For Commodities................................. 20,400
For Printing.................................... 5,000
For Equipment................................... 30,000
For Telecommunications Services............ 101,503,100
For Operation of Auto Equipment............. 15,000
For Refunds................................... 5,293,400
For Education Technology.................... 18,152,600
Total........................................... $139,456,900

ARTICLE 180
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the State Civil Service Commission:
For Personal Services.......................... 255,800
For State Contributions to State Employees' Retirement System............... 42,500
For State Contributions to Social Security................ 19,600
For Contractual Services...................... 82,500
For Travel..................................... 38,700
For Commodities............................... 4,900
For Printing................................... 1,500
For Equipment.................................. 3,000
For Telecommunications Services........... 7,700
Total........................................... $456,200

ARTICLE 185
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

New matter indicated by italics - deletions by strikeout
GENERAL ADMINISTRATION
OPERATIONS

Payable from the General Revenue Fund:
For Personal Services......................... 2,871,100
For State Contributions to State
   Employees' Retirement System............... 476,600
For State Contributions to
   Social Security............................ 226,900
For Contractual Services..................... 3,419,800
For Travel.................................... 119,900
For Commodities................................ 65,000
For Printing................................... 41,200
For Equipment................................... 70,500
For Electronic Data Processing............... 536,400
For Telecommunications Services............. 150,700
For Operation of Automotive Equipment....... 51,700
Total                                                                 $8,029,800

Payable from the Tourism Promotion Fund:
For Personal Services......................... 545,900
For State Contributions to State
   Employees' Retirement System.............. 90,600
For State Contributions to
   Social Security............................ 41,800
For Group Insurance.......................... 148,000
For Contractual Services..................... 1,246,600
For Travel.................................... 14,100
For Commodities................................ 16,200
For Printing.................................. 30,000
For Equipment................................... 72,900
For Electronic Data Processing............... 194,300
For Telecommunications Services............. 31,300
For Operation of Automotive Equipment....... 11,000
Total                                                                 $2,422,700

Payable from the Intra-Agency Services Fund:

New matter indicated by italics - deletions by strikeout
For Personal Services.......................... 1,795,700
For State Contributions to State Employees’ Retirement System............... 298,100
For State Contributions to Social Security............................... 137,400
For Group Insurance................................. 414,400
For Contractual Services.......................... 3,227,500
For Travel........................................ 34,900
For Commodities................................... 18,400
For Printing...................................... 21,400
For Equipment.................................... 150,000
For Electronic Data Processing................. 559,900
For Telecommunications Services.............. 60,300
For Operation of Automotive Equipment........ 20,000
For Refunds...................................... 500,000
Total.............................................. $7,238,000

Section 10. The sum of $711,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for costs and expenses related to or in support of an environment and economic development shared services center.

Section 15. The sum of $696,000, or so much thereof as may be necessary, is appropriated from the Tourism Promotion Fund to the Department of Commerce and Economic Opportunity for costs and expenses related to or in support of an environment and economic development shared services center.

Section 20. The sum of $1,510,000, or so much thereof as may be necessary, is appropriated from the Intra-Agency Services Fund to the Department of Commerce and Economic Opportunity for costs and expenses related to or in support of an environment and economic development shared services center.

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

New matter indicated by italics - deletions by strikeout
BUREAU OF TOURISM
OPERATIONS

Payable from the Tourism Promotion Fund:
For Personal Services.......................... 1,158,200
For State Contributions to State
  Employees' Retirement System............... 192,300
For State Contributions to
  Social Security.................................. 88,700
For Group Insurance............................ 273,800
For Contractual Services....................... 520,700
For Travel........................................ 70,000
For Commodities................................ 14,300
For Printing...................................... 607,600
For Equipment.................................... 19,300
For Telecommunications Services.............. 35,000
For administrative and grant expenses
  associated with statewide tourism promotion
  and development, including prior year costs... 5,536,500
For Advertising and Promotion of Tourism
  Throughout Illinois Under Subsection (2)
  of Section 4a of the Illinois Promotion Act.. 12,578,700
For Advertising and Promotion of Illinois
  Tourism in International Markets............. 2,740,500
For Illinois State Fair Ethnic
  Village Expenses................................ 61,000
Total ............................................. 23,896,600

Section 30. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Commerce and Economic Opportunity:

BUREAU OF TOURISM

Payable from General Revenue Fund:
For Grants, Contracts and Administrative
  Expenses Associated with the Development
  Of the Illinois Grape and Wine Industry,

New matter indicated by italics - deletions by strikeout
Including Prior Year Costs.......................... 165,000
Payable from the International Tourism Fund:
For Grants, Contracts and Administrative Expenses Associated with the International Tourism Program pursuant to 20 ILCS 605/605-707, Including Prior Year Costs........ 7,275,950

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:
Payable from the Tourism Promotion Fund:
For the Tourism Matching Grant Program Pursuant to 20 ILCS 665/8-1 for Counties under 1,000,000....................... 1,203,400
For the Tourism Matching Grant Program Pursuant to 20 ILCS 665/8-1 for Counties over 1,000,000........................... 721,600
For the Tourism Attraction Development Grant Program Pursuant to 20 ILCS 665/8a........ 2,064,590
For Purposes Pursuant to the Illinois Promotion Act, 20 ILCS 665/4a-1 to Match Funds from Sources in the Private Sector.................................................. 660,000
For Grants to Regional Tourism Development Organizations............................ 792,000
Total ........................................ $5,441,590

The Department, with the consent in writing from the Governor, may reapportion not more than ten percent of the total appropriation of Tourism Promotion Fund, in Section 35 above, among the various purposes therein recommended.
Payable from Local Tourism Fund:
For grants to Convention and Tourism Bureaus-- Chicago Convention and Tourism Bureau......... 2,438,810
Chicago Office of Tourism.............................. 2,072,290
Balance of State........................................ 9,017,580

New matter indicated by italics - deletions by strikeout
For grants, contracts, and administrative expenses associated with the Local Tourism and Convention Bureau Program pursuant to 20 ILCS 605/605-705 including prior year costs...................... 308,000
Total $13,836,680

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF WORKFORCE DEVELOPMENT
GRANTS-IN-AID

Payable from the General Revenue Fund:
For grants to community non-profit agencies or organizations for the operation of a statewide network of outreach services for veterans, as provided for in the Veteran’s Employment Act.................................. 769,400
For Grants, Contracts and Administrative Expenses associated with the Employment Opportunities Grant Program pursuant to 20 ILCS 605/605-812, including prior year costs...................... 6,250,000
For Grants, Contracts and Administrative Expenses Pursuant to the Job Training And Economic Development Grant Program Act of 1997, as amended.......................... 1,392,000
Total $8,411,400

Payable from the Federal Workforce Training Fund:
For Grants, Contracts and Administrative Expenses Associated with the Workforce Investment Act and other workforce training programs, including refunds and prior year costs....................... 275,000,000

New matter indicated by italics - deletions by strikeout
Section 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF TECHNOLOGY AND INDUSTRIAL COMPETITIVENESS OPERATIONS

Payable from the General Revenue Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>992,600</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>164,800</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>75,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>55,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>22,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,200</td>
</tr>
<tr>
<td>For Printing</td>
<td>800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>4,800</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>15,600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,333,300</strong></td>
</tr>
</tbody>
</table>

Payable from the Federal Industrial Services Fund:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,064,000</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>176,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>81,400</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>266,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>274,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>67,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>12,700</td>
</tr>
<tr>
<td>For Printing</td>
<td>20,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>237,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>30,000</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>9,500</td>
</tr>
<tr>
<td>For Other Expenses of the Occupational Safety and Health Administration Program</td>
<td>451,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

**BUREAU OF TECHNOLOGY AND INDUSTRIAL COMPETITIVENESS GRANTS-IN-AID**

Payable from the General Revenue Fund:
- For Grants, Contracts and Administrative Expenses of the Employer Training Investment Program pursuant but not limited to 20 ILCS 605/605-800, and 20 ILCS 605/605-802, including Prior Year Costs........... 17,492,600
- For Grants and Administrative Expenses Pursuant to the High Technology School-to-Work Act, Including Prior Year Costs................................. 942,200
- For Grants and Administrative Expenses for the Illinois Technology Enterprise Corporation Program, including prior year costs.................. 435,800
- For a Grant to the University of Illinois Ventures............................. 750,000
- For grants, investments and contracts associated with technology initiatives........ 750,000
- For the Manufacturing Extension Program........... 500,000
- For Grants, Contracts and Administrative Expenses for the Innovation Challenge Grant Program.............................. 1,000,000
- For Grants, Investments, Contracts and Administrative Expenses associated with the Entrepreneur in Residence Program............................. 1,000,000

**Total** $22,870,600

Payable from the Workforce, Technology,

New matter indicated by italics - deletions by strikeout
and Economic Development Fund:
For Grants, Contracts, and Administrative Expenses Pursuant to 20 ILCS 605/
605-420, Including Prior Year Costs............ 3,000,000
Payable from the Digital Divide Elimination Fund:
For the Community Technology Center Grant Program, Pursuant to 30 ILCS 780,
Including prior year costs..................... 5,500,000

BUREAU OF TECHNOLOGY AND INDUSTRIAL
COMPETITIVENESS REFUNDS
Section 55. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Federal Industrial Services Fund to the Department of Commerce and Economic Opportunity for refunds to the federal government and other refunds.

Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF REGIONAL ECONOMIC DEVELOPMENT OPERATIONS
Payable from General Revenue Fund:
For Personal Services......................... 2,008,300
For State Contributions to State Employees' Retirement System............... 333,400
For State Contributions to Social Security................................. 153,600
For Contractual Services....................... 216,800
For Travel........................................ 96,700
For Commodities.................................... 5,200
For Printing...................................... 4,600
For Equipment...................................... 2,400
For Telecommunications Services............... 110,000
Total $2,931,000

New matter indicated by italics - deletions by strikeout
Section 65. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

**BUREAU OF BUSINESS DEVELOPMENT OPERATIONS**

Payable from General Revenue Fund:

- For Personal Services.......................... 1,737,200
- For State Contributions to State Employees' Retirement System.................. 288,400
- For State Contributions to Social Security.......................... 132,900
- For Contractual Services.......................... 668,300
- For Travel........................................ 54,800
- For Commodities.................................... 7,100
- For Printing......................................... 600
- For Equipment...................................... 5,300
- For Telecommunications Services............. 59,900
- For Advertising and Promotion............... 480,000
- For Administrative and Related Expenses of the Illinois Women's Business Ownership Council.......................... 9,600

Total $3,444,100

Payable from Economic Research and Information Fund:

- For Purposes Set Forth in Section 605-20 of the Civil Administrative Code of Illinois (20 ILCS 605/605-20).......................... 230,000

Payable from the Commerce and Community Affairs Assistance Fund:

- For Personal Services.......................... 791,100
- For State Contributions to State Employees' Retirement System.................. 131,300

New matter indicated by italics - deletions by strikeout
Social Security................................. 60,600
For Group Insurance.......................... 185,000
For Contractual Services....................... 236,800
For Travel..................................... 76,000
For Commodities............................... 14,800
For Printing................................... 19,100
For Equipment.................................. 15,600
For Telecommunications Services.............. 45,400
Total                                                                 $1,575,700

Section 70. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF BUSINESS DEVELOPMENT
GRANTS-IN-AID

Payable from the General Revenue Fund:
For grants, contracts, and administrative expenses associated with the Bureau of Homeland Security Market Development, including prior year costs............ 3,581,500
For Small Business Development Centers, Including Prior Year Costs............. 2,507,500
For grants to Procurement Technical Assistance Centers, including prior year costs............. 524,000
For grants, contracts, and administrative expenses associated with the Entrepreneurship Center Program, including prior year costs............. 5,000,000
For grants and administrative expenses
For NAFTA Opportunity Centers................. 202,100
Total                                                                 $11,815,100

Payable from the Small Business Environmental Assistance Fund:
For grants and administrative

New matter indicated by italics - deletions by strikeout
expenses of the Small Business
Environmental Assistance Program............. 350,000

Payable from the Urban Planning Assistance Fund:
For grants, contracts, administrative
expenses and refunds associated with
the U.S. Department of Defense
Procurement Assistance Program,
Including prior year costs...................... 250,000

Payable from the Commerce and Community
Assistance Fund:
For Grants to Small Business Development
Centers, Including Prior Year Costs........... 3,000,000
For Administration and Grant Expenses
Relating to Small Business Development
Management and Technical Assistance,
Labor Management Programs for New
and Expanding Businesses, and Economic
and Technological Assistance to
Illinois Communities and Units of
Local Government, Including Prior
Year Costs...................................... 3,000,000
For grants, contracts and administrative
expenses of the Procurement Technical
Assistance Center Program, including
prior year costs.................................. 500,000
Total $7,100,000

Payable from the Corporate Headquarters
Relocation Assistance Fund:
For Grants Pursuant to the Corporate
Headquarters Relocation Act, including
prior year costs............................... 1,500,000

Payable from the Illinois Capital
Revolving Loan Fund:
For the Purpose of Contracts, Grants,

New matter indicated by italics - deletions by strikeout
Loans, Investments and Administrative Expenses in Accordance with the Provisions of the Small Business Development Act pursuant to 30 ILCS 750/9.............. 10,500,000

Payable from the Illinois Equity Fund:
For the purpose of Grants, Loans, and Investments in Accordance with the Provisions of the Small Business Development Act....................... 2,500,000

Payable from the Large Business Attraction Fund:
For the purpose of Grants, Loans, Investments, and Administrative Expenses in Accordance with Article 10 of the Build Illinois Act.............. 3,000,000

Payable from the Public Infrastructure Construction Loan Revolving Fund:
For the Purpose of Grants, Loans, Investments, and Administrative Expenses in Accordance with Article 8 of the Build Illinois Act.............. 2,900,000

Section 75. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF BUSINESS DEVELOPMENT

REFUNDS

Payable from Commerce and Community Assistance Fund:
For Refunds to the Federal Government and other refunds.............................. 50,000

Section 80. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Economic Opportunity:

OFFICE OF COAL DEVELOPMENT AND MARKETING

GRANTS-IN-AID

Payable from the Coal Technology Development

New matter indicated by italics - deletions by strikeout
Assistance Fund:
For Grants, Contracts and Administrative
Expenses Under the Provisions of the
Illinois Coal Technology Development
Assistance Act, Including Prior Years
Costs................................. 23,856,100

Section 85. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Commerce and Economic Opportunity:

ILLINOIS FILM OFFICE
Payable from Tourism Promotion Fund:
For Personal Services.................. 533,200
For State Contributions to State Employees'
Retirement System....................... 88,500
For State Contributions to Social Security .... 40,800
For Group Insurance.................... 133,200
For Contractual Services............... 47,100
For Travel.............................. 35,800
For Commodities....................... 13,000
For Printing............................. 20,000
For Equipment.......................... 5,000
For Telecommunications Services........ 24,000
For Operation of Automotive Equipment....... 3,400
For Administrative and Grant
Expenses Associated with
Advertising and Promotion............ 133,200
Total................................ $1,077,200

Section 90. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Commerce and
Economic Opportunity:

OFFICE OF TRADE AND INVESTMENT
OPERATIONS
Payable from General Revenue Fund:
For Personal Services............... 1,790,400

New matter indicated by italics - deletions by strikeout
For State Contributions to State Employees' Retirement System............................... 297,200
For State Contributions to Social Security.................................................. 137,000
For Contractual Services................................................................. 1,293,900
For Travel......................................................................................... 73,400
For Commodities.................................................................................... 7,600
For Printing.......................................................................................... 11,500
For Equipment....................................................................................... 5,800
For Telecommunications Services.......................................................... 106,500
For all costs Associated with New and Expanding International Markets to Increase Export and Reverse Investment Opportunities for Illinois Business and Industries, Including Prior Year Costs.................................................... 1,722,900
Total................................................................................................... $5,446,200

Payable from the International and Promotional Fund:
For Grants, Contracts, Administrative Expenses, and Refunds Pursuant to 20 ILCS 605/605-25, including Including prior year costs................................. 500,000

Section 95. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF COMMUNITY DEVELOPMENT OPERATIONS

Payable from the General Revenue Fund:
For Personal Services................................................................. 911,100
For State Contributions to State Employees' Retirement System.................... 151,200
For State Contributions to Social Security.................................................. 69,800
For Contractual Services................................................................. 104,800
For Travel......................................................................................... 19,400

New matter indicated by italics - deletions by strikeout
For Commodities.................................... 3,600
For Printing......................................... 500
For Equipment...................................... 2,500
For Telecommunications Services............... 18,200
Total                                                                 $1,281,100

Payable from the Federal Moderate Rehabilitation Housing Fund:
For Personal Services......................... 141,400
For State Contributions to State
   Employees' Retirement System.............. 23,500
For State Contributions to Social Security........ 10,900
For Group Insurance........................... 44,400
For Contractual Services..................... 12,400
For Travel....................................... 8,300
For Commodities............................... 1,700
For Printing................................. 300
For Equipment............................... 6,000
For Telecommunications Services........... 4,700
For Operation of Automotive Equipment....... 500
   Total                                                                 $254,100

Payable from the Community Services Block Grant Fund:
For Personal Services......................... 671,500
For State Contributions to State
   Employees' Retirement System.............. 111,500
For State Contributions to Social Security........ 51,400
For Group Insurance........................... 162,800
For Contractual Services..................... 75,700
For Travel....................................... 43,000
For Commodities............................... 2,800
For Printing................................. 1,000
For Equipment............................... 5,000
For Telecommunications Services........... 11,500

New matter indicated by italics - deletions by strikeout
For Operation of Automotive Equipment.............. 1,300
Total $1,137,500
Payable from Community Development/Small Cities Block Grant Fund:
For Personal Services............................ 702,000
For State Contributions to State Employees' Retirement System............ 116,500
For State Contributions to Social Security.................................. 53,800
For Group Insurance.............................. 192,400
For Contractual Services.......................... 21,200
For Travel........................................ 47,900
For Commodities.................................... 4,600
For Printing....................................... 1,300
For Equipment..................................... 13,500
For Telecommunications Services................... 15,000
For Operation of Automotive Equipment.............. 1,100
For Administrative and Grant Expenses Relating to Training, Technical Assistance, and Administration of the Community Development Assistance Programs................................. 500,000
Total $1,669,300

Section 100. The following named amounts, or so much thereof as may be necessary, respectively are appropriated to the Department of Commerce and Economic Opportunity:

BUREAU OF COMMUNITY DEVELOPMENT
GRANTS-IN-AID

Payable from the General Revenue Fund:
For Grants, Contracts and Administrative Expenses Associated with the Illinois Tomorrow Program, Including Prior Year Costs................................. 468,000
For the Northeast DuPage Special

New matter indicated by italics - deletions by strikeout
Recreation Association.......................... 250,000
For Administrative and Grant Expenses
Relating to Research, Planning, Technical
Assistance, Technological Assistance and
Other Financial Assistance to Assist
Businesses, Communities, Regions and
Other Economic Development Purposes,
including prior year costs...................... 682,000
For Grants, Contracts and Administrative
Expenses Associated with the
African American Family Commission............ 250,000
Total $1,650,000

Payable from the Agricultural Premium Fund:
For the Ordinary and Contingent Expenses
of the Rural Affairs Institute at
Western Illinois University..................... 160,000

Payable from the Federal Moderate Rehabilitation
Housing Fund:
For Housing Assistance Payments
Including Reimbursement of Prior
Year Costs..................................... 1,450,000

Payable from the Community Services
Block Grant Fund:
For Grants to Eligible Recipients
as Defined in the Community
Services Block Grant Act, including
prior year costs ............................. 50,000,000

Payable from the Community Development
Small Cities Block Grant Fund:
For Grants to Local Units of Government
or Other Eligible Recipients as Defined
in the Community Development Act
of 1974, as amended, for Illinois Cities with
Populations Under 50,000, Including

New matter indicated by italics - deletions by strikeout
Section 105. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

COMMUNITY DEVELOPMENT
REFUNDS
For refunds to the Federal Government and other refunds:
Payable from Federal Moderate Rehabilitation Housing Fund................................. 250,000
Payable from Community Services Block Grant Fund........................................... 170,000
Payable from Community Development/Small Cities Block Grant Fund....................... 300,000
Total $720,000

Section 110. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

ENERGY AND RECYCLING
GRANTS-IN-AID
Payable from the Solid Waste Management Fund:
For Grants, Contracts and Administrative Expenses Associated with Providing Financial Assistance for Recycling and Reuse in Accordance with Section 22.15 of the Environmental Protection Act, the Illinois Solid Waste Management Act and the Solid Waste Planning and Recycling Act, including prior year costs....................... 9,607,200
Payable from the Alternate Fuels Fund:
For Administration and Grant Expenses of the Ethanol Fuel Research Program, Including Prior Year Costs......................... 500,000
Payable from the Renewable Energy Resources Trust Fund:
For Grants, Loans, Investments and

New matter indicated by italics - deletions by strikeout
Administrative Expenses of the Renewable Energy Resources Program, and the Illinois Renewable Fuels Development Program, Including Prior Year Costs

Payable from the Energy Efficiency Trust Fund:
For Grants and Administrative Expenses Relating to Projects that Promote Energy Efficiency, Including Prior Year Costs

Payable from the DCEO Energy Projects Fund:
For Expenses and Grants Connected with Energy Programs, Including Prior Year Costs

Payable from the Federal Energy Fund:
For Expenses and Grants Connected with the State Energy Program, Including Prior Year Costs

Payable from the Petroleum Violation Fund:
For Expenses and Grants Connected with Energy Programs, Including Prior Year Costs

Section 115. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:
Payable from the General Revenue Fund:
For a grant associated with the United Business Association of Midway
For a grant associated with the ... Brainerd Development Corp

Section 120. The sum of $4,000,000, or so much thereof as may be necessary, is appropriated from the Digital Divide Elimination Infrastructure Fund to the Department of Commerce and Economic Opportunity for grants and awards for the construction of high-speed data transmission facilities.

ARTICLE 190

New matter indicated by italics - deletions by strikeout
Sec. 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Economic Opportunity in connection with the Illinois Global Partnership Act:

From General Revenue Fund...................... 2,500,000
From Agricultural Premium Fund.................. 1,006,200
From International Tourism Fund.................. 2,500,000
Total.................................................. $6,006,200

ARTICLE 195

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses to the Illinois Commerce Commission:

CHAIRMAN AND COMMISSIONER'S OFFICE
Payable from Transportation Regulatory Fund:
  For Personal Services............................ 84,000
  For State Contributions to State
    Employees' Retirement System............... 13,900
    For State Contributions to Social Security.... 6,400
    For Group Insurance........................... 14,800
    For Contractual Services....................... 400
    For Travel...................................... 2,100
    For Equipment.................................. 5,800
    For Telecommunications......................... 7,200
    For Operation of Auto Equipment.............. 1,600
  Total............................................ $136,200
Payable from Public Utility Fund:
  For Personal Services............................ 884,400
  For State Contributions to State
    Employees' Retirement System............... 146,800
    For State Contributions to Social Security.... 67,700
    For Group Insurance........................... 214,900
    For Contractual Services....................... 22,700
    For Travel...................................... 64,900
    For Commodities................................. 2,100

New matter indicated by italics - deletions by strikeout
For Equipment...................................... 2,300
For Telecommunications............................ 20,000
For Operation of Auto Equipment...................... 800
Total                                               $1,426,600

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Public Utility Fund for the ordinary and contingent expenses of the Illinois Commerce Commission.

PUBLIC UTILITIES
For Personal Services......................... 15,480,000
For State Contributions to State
   Employees' Retirement System................. 2,569,700
For State Contributions to Social Security..... 1,184,200
For Group Insurance.............................. 3,255,000
For Contractual Services......................... 1,924,200
For Travel....................................... 240,000
For Commodities................................ 46,700
For Printing...................................... 35,500
For Equipment.................................... 80,000
For Electronic Data Processing.................... 975,800
For Telecommunications.......................... 425,000
For Operation of Auto Equipment............... 60,000
For Refunds..................................... 17,000
Total                                          $26,293,100

Section 15. The sum of $74,000, or so much thereof as may be necessary, is appropriated from the Underground Utility Facilities Damage Prevention Fund to the Illinois Commerce Commission for a grant to the Statewide One-call Notice System, as required in the Illinois Underground Utility Facilities Damage Prevention Act.

Section 20. The sum of $1,000, or so much thereof as may be necessary, is appropriated from the Underground Utility Facilities Damage Prevention Fund to the Illinois Commerce Commission for refunds.

Section 25. The sum of $45,900,000, or so much thereof as may be necessary, is appropriated from the Wireless Service Emergency Fund to

New matter indicated by italics - deletions by strikeout
the Illinois Commerce Commission for grants to emergency telephone system boards, qualified government entities, or the Department of State Police for the design, implementation, operation, maintenance, or upgrade of wireless 9-1-1 or E9-1-1 emergency services and public safety answering points.

Section 30. The sum of $19,500,000, or so much thereof as may be necessary, is appropriated from the Wireless Carrier Reimbursement Fund to the Illinois Commerce Commission for reimbursement of wireless carriers for costs incurred in complying with the applicable provisions of Federal Communications Commission wireless enhanced 9-1-1 services mandates and for administrative costs incurred by the Illinois Commerce Commission related to administering the program.

Section 35. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Digital Divide Elimination Infrastructure Fund to the Illinois Commerce Commission for grants and awards for the construction of high-speed data transmission facilities.

Section 40. The amount of $5,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 40, Section 25 of Public Act 94-0798, is reappropriated from the Digital Divide Elimination Infrastructure Fund to the Illinois Commerce Commission for grants and awards for the construction of high-speed data transmission facilities.

Section 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Transportation Regulatory Fund for ordinary and contingent expenses to the Illinois Commerce Commission:

**TRANSPORTATION**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>$5,282,600</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees’ Retirement System</td>
<td>$876,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>$404,200</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>$1,000,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>$710,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Travel....................................... 177,100  
For Commodities............................... 30,000  
For Printing..................................... 20,000  
For Equipment.................................... 116,000  
For Electronic Data Processing............... 407,200  
For Telecommunications........................ 300,000  
For Operation of Auto Equipment.............. 140,000  
For Refunds...................................... 50,000  
Total                                                                                         9,514,500

Section 50. The sum of $7,000,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to the Illinois Commerce Commission for (1) disbursing funds collected for the Single State Insurance Registration Program and/or Unified Carrier Registration System; (2) for refunds for overpayments; and (3) for administrative expenses.

Section 55. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to the Illinois Commerce Commission for railroad crossing improvement initiatives.

Section 60. The sum of $1,300,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to the Illinois Commerce Commission for the costs associated with the implementation of Senate Bill 435, the Illinois Commercial Safety Towing Law. This section is operative only if Senate Bill 435 of the 95th General Assembly becomes law.

Section 65. The sum of $170,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Commerce Commission for railroad safety and inspection.

ARTICLE 200

Section 5. The sum of $19,212,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund for payment to the Board of the Comprehensive Health Insurance Plan pursuant to subsection (b) of Section 12 of the Comprehensive Health Insurance Plan Act.

New matter indicated by italics - deletions by strikeout
ARTICLE 205
Section 5. The sum of $6,860,000, or so much thereof as may be necessary, is appropriated from the Drycleaner Environmental Response Trust Fund to the Drycleaner Environmental Response Trust Fund Council for use in accordance with the Drycleaner Environmental Response Trust Fund Act.

ARTICLE 210
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Employment Security:

OFFICE OF THE DIRECTOR
Payable from Title III Social Security and Employment Service Fund:
- For Personal Services.......................... 6,740,700
- For Employee Retirement Contributions
  - Paid by Employer..................................... 0
- For State Contributions to State Employees' Retirement System.................. 776,900
- For State Contributions to Social Security.............................. 515,700
- For Group Insurance............................ 1,696,500
- For Contractual Services......................... 501,200
- For Travel....................................... 127,300
- For Telecommunications Services.................. 237,700
Total $10,596,000

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Employment Security:

FINANCE AND ADMINISTRATION BUREAU
Payable from Title III Social Security and Employment Service Fund:
- For Personal Services.......................... 21,040,300

New matter indicated by italics - deletions by strikeout
For State Contributions to State
  Employees' Retirement System.............. 2,424,900
For State Contributions to
  Social Security.......................... 1,609,600
For Group Insurance........................ 5,292,500
For Contractual Services................... 42,909,300
For Travel.................................. 153,300
For Commodities............................ 1,206,300
For Printing................................ 1,939,100
For Equipment.............................. 4,022,400
For Telecommunications Services............ 2,645,700
For Operation of Auto Equipment............ 106,300

Payable from Title III Social Security
and Employment Service Fund:
  For expenses related to America's
  Labor Market Information System.......... 4,500,000

Total                                     $87,849,700

Section 15. The following named sums, or so much thereof as may
be necessary, are appropriated to the Department of Employment Security:

WORKFORCE DEVELOPMENT

Payable from Title III Social Security and
  Employment Service Fund:
  For Personal Services..................... 77,135,500
  For State Contributions to State
    Employees' Retirement System.......... 8,889,900
  For State Contributions to Social
    Security................................. 5,900,900
  For Group Insurance....................... 23,678,500
  For Contractual Services.................. 9,088,900
  For Travel................................ 1,195,600
  For Telecommunications Services.......... 6,247,800
  For Permanent Improvements............... 85,000
  For Refunds.............................. 300,000

For the expenses related to the

New matter indicated by italics - deletions by strikeout
Development of Training Programs.................. 100,000
For the expenses related to Employment Security Automation...................... 5,000,000
For expenses related to a Benefit Information System Redefinition.............. 15,000,000
Total $152,622,100
Payable from the Unemployment Compensation Special Administration Fund:
For expenses related to Legal Assistance as required by law.................... 2,000,000
For deposit into the Title III Social Security and Employment Service Fund.................. 10,000,000
For Interest on Refunds of Erroneously Paid Contributions, Penalties and Interest............................................ 100,000
Total $12,100,000

Section 20. The amount of $1,500,000, or so much thereof as may be necessary, is appropriated from the Title III Social Security and Employment Services Fund to the Department of Employment Security, for all costs, including administrative costs associated with providing community partnerships for enhanced customer service.

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Employment Security:

**WORKFORCE DEVELOPMENT**

Grants-In-Aid
Payable from Title III Social Security and Employment Service Fund:
For Grants.......................................... 500,000
For Tort Claims..................................... 715,000
Total $1,215,000

Section 30. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Employment Security:

New matter indicated by italics - deletions by strikeout
Security, for unemployment compensation benefits, other than benefits provided for in Section 3, to Former State Employees as follows:

TRUST FUND UNIT

Grants-In-Aid

Payable from the Road Fund:
For benefits paid on the basis of wages paid for insured work for the Department of Transportation............................ 1,900,000

Payable from the Illinois Mathematics and Science Academy Income Fund................... 16,700

Payable from Title III Social Security and Employment Service Fund.................... 1,734,300

Payable from the General Revenue Fund........... 14,992,300

Total $18,643,300

ARTICLE 215

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Environmental Protection Agency:

ADMINISTRATION

For Personal Services............................ 709,100
For State Contributions to State Employees' Retirement System............... 117,700
For State Contributions to Social Security............................. 54,200
For Contractual Services.......................... 9,100
For Travel........................................ 6,900
For Commodities................................... 17,600
For Equipment.................................... 2,900
For Telecommunications Services............... 19,000
For Operation of Auto Equipment............... 8,400

Total $944,900

Section 6. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Environmental Protection Agency for a grant to the Addison Creek Restoration Commission for purposes related to floodplain management.

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, for objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency.

Payable from U.S. Environmental Protection Fund:
For Contractual Services...................... 1,534,300
For Electronic Data Processing............... 306,600

Payable from Underground Storage Tank Fund:
For Contractual Services....................... 432,100
For Electronic Data Processing................ 2,500

Payable from Solid Waste Management Fund:
For Contractual Services...................... 337,400
For Electronic Data Processing................. 96,100

Payable from Subtitle D Management Fund:
For Contractual Services...................... 111,200

Payable from CAA Permit Fund:
For Contractual Services..................... 1,571,000
For Electronic Data Processing............... 676,000

Payable from Water Revolving Fund:
For Contractual Services..................... 769,700
For Electronic Data Processing............... 458,300

Payable from Community Water Supply Laboratory Fund:
For Contractual Services...................... 153,600

Payable from Used Tire Management Fund:
For Contractual Services..................... 262,800
For Electronic Data Processing............... 109,000

Payable from Conservation 2000 Fund:
For Contractual Services..................... 31,100

Payable from Hazardous Waste Fund:
For Contractual Services..................... 589,000

Payable from Environmental Protection Permit and Inspection Fund:

New matter indicated by italics - deletions by strikeout
For Contractual Services.........................        474,600
For Electronic Data Processing...................        257,100
Payable from Vehicle Inspection Fund:
For Contractual Services.........................        522,700
For Electronic Data Processing...................        122,400
Payable from the Clean Water Fund:
For Contractual Services.........................        731,000
For Electronic Data Processing...................        132,700
Total                                      $9,681,200

Section 15. The sum of $350,100, or so much thereof as may be necessary, is appropriated from the U. S. Environmental Protection Fund to the Environmental Protection Agency for costs and expenses related to or in support of an environment and economic development shared services center.

Section 20. The sum of $214,500, or so much thereof as may be necessary, is appropriated from the CAA Permit Fund to the Environmental Protection Agency for costs and expenses related to or in support of an environment and economic development shared services center.

Section 25. The sum of $127,300, or so much thereof as may be necessary, is appropriated from the Solid Waste Management Fund to the Environmental Protection Agency for costs and expenses related to or in support of an environment and economic development shared services center.

Section 30. The sum of $63,600, or so much thereof as may be necessary, is appropriated from the Underground Storage Tank Fund to the Environmental Protection Agency for costs and expenses related to or in support of an environment and economic development shared services center.

Section 35. The sum of $55,400, or so much thereof as may be necessary, is appropriated from the Used Tire Management Fund to the Environmental Protection Agency for costs and expenses related to or in support of an environment and economic development shared services center.

New matter indicated by italics - deletions by strikeout
Section 40. The sum of $30,400, or so much thereof as may be necessary, is appropriated from the Subtitle D Management Fund to the Environmental Protection Agency for costs and expenses related to or in support of an environment and economic development shared services center.

Section 45. The sum of $106,500, or so much thereof as may be necessary, is appropriated from the Hazardous Waste Fund to the Environmental Protection Agency for costs and expenses related to or in support of an environment and economic development shared services center.

Section 50. The sum of $142,500, or so much thereof as may be necessary, is appropriated from the Environmental Protection Permit and Inspection Fund to the Illinois Environmental Protection Agency for costs and expenses related to or in support of an environment and economic development shared services center.

Section 55. The sum of $187,000, or so much thereof as may be necessary, is appropriated from the Water Revolving Fund to the Environmental Protection Agency for costs and expenses related to or in support of an environment and economic development shared services center.

Section 60. The sum of $95,500, or so much thereof as may be necessary, is appropriated from the Clean Water Fund to the Environmental Protection Agency for costs and expenses related to or in support of an environment and economic development shared services center.

Section 65. The sum of $102,400, or so much thereof as may be necessary, is appropriated from the Vehicle Inspection Fund to the Environmental Protection Agency for costs and expenses related to or in support of an environment and economic development shared services center.

Section 70. The sum of $300,000, or so much thereof as may be necessary, is appropriated to the Environmental Protection Agency from the EPA Special States Projects Trust Fund for the purpose of funding environmental programs to be funded by advance contributions.

New matter indicated by italics - deletions by strikeout
Section 75. The sum of $685,000, or so much thereof as may be necessary, is appropriated from the U.S. Environmental Protection Fund to the Environmental Protection Agency for all costs associated with environmental projects as defined by federal assistance awards.

Section 80. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the Industrial Hygiene Regulatory and Enforcement Fund to the Environmental Protection Agency for the purpose of administering the industrial hygiene licensing program.

Section 85. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Oil Spill Response Fund to the Environmental Protection Agency for use in accordance with Section 25c-1 of the Environmental Protection Act.

Section 90. The amount of $6,000,000, or so much thereof as may be necessary, is appropriated from the Environmental Protection Trust Fund to the Environmental Protection Agency for awards and grants as directed by the Environmental Protection Trust Fund Commission.

Section 95. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

AIR POLLUTION CONTROL

Payable from U.S. Environmental Protection Fund:

For Personal Services......................... 3,091,600
For State Contributions to State Employee’s Retirement System................. 513,200
For State Contributions to Social Security................................. 236,500
For Group Insurance........................................ 642,600
For Contractual Services......................... 1,425,700
For Travel................................................. 76,100
For Commodities........................................... 132,000
For Printing.................................................. 40,000
For Equipment............................................. 500,000
For Telecommunications Services............... 215,000

New matter indicated by italics - deletions by strikeout
For Operation of Auto Equipment................. 60,000
For Use by the City of Chicago.................... 374,600
For Expenses Related to the Development and Implementation of a Targeted Clean Air Information and Education Program.......................... 900,000
Total $8,207,300

Payable from the Environmental Protection Permit and Inspection Fund for Air Permit and Inspection Activities:
For Personal Services.......................... 2,759,600
For Other Expenses............................. 2,014,600
For Refunds...................................... 100,000
Total $4,874,200

Payable from the Vehicle Inspection Fund:
For Personal Services.......................... 3,638,000
For State Contributions to State Employees' Retirement System...................... 603,900
For State Contributions to Social Security............................. 278,300
For Group Insurance............................ 1,212,000
For Contractual Services, including prior year costs......................... 19,381,000
For Travel........................................ 40,000
For Commodities................................ 15,000
For Printing..................................... 359,000
For Equipment................................. 100,000
For Telecommunications......................... 125,000
For Operation of Auto Equipment.............. 30,000
Total $25,782,200

Section 100. The following named amounts, or so much thereof as may be necessary, is appropriated from the CAA Permit Fund to the Environmental Protection Agency for the purpose of funding Clean Air

New matter indicated by italics - deletions by strikeout
Act Title V activities in accordance with Clean Air Act Amendments of 1990:

For Personal Services and Other Expenses of the Program ................. 16,201,800
For Refunds ............................................... 150,000
Total .................................................................. $16,351,800

Section 105. The named amounts, or so much thereof as may be necessary, is appropriated from the Alternate Fuels Fund to the Environmental Protection Agency for the purpose of administering the Alternate Fuels Rebate Program and the Ethanol Fuel Research Program:

For Personal Services and Other Expenses............................... 225,000
For Grants and Rebates ........................................... 1,500,000
Total .................................................................. $1,725,000

Section 110. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the Alternate Compliance Market Account Fund to the Environmental Protection Agency for all costs associated with the emissions reduction market program.

Section 115. The amount of $1,500,000, or so much thereof as may be necessary, is appropriated from the Special State Projects Trust Fund to the Environmental Protection Agency for all costs associated with the clean air public awareness programs.

LABORATORY SERVICES

Section 120. The following named amount, or so much thereof as may be necessary, is appropriated from the Community Water Supply Laboratory Fund to the Environmental Protection Agency for the purpose of performing laboratory testing of samples from community water supplies and for administrative costs of the Agency and the Community Water Supply Testing Council:

For Personal Services and Other Expenses of the Program .......... 3,003,100

Section 125. The sum of $678,300, or so much thereof as may be necessary, is appropriated from the Environmental Laboratory

New matter indicated by italics - deletions by strikeout
Certification Fund to the Environmental Protection Agency for the purpose of administering the environmental laboratories certification program.

Section 130. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the EPA Special State Projects Trust Fund to the Environmental Protection Agency for the purpose of performing laboratory analytical services for government entities.

Section 135. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

**LAND POLLUTION CONTROL**

Payable from U.S. Environmental Protection Fund:
- For Personal Services.......................... 2,966,500
- For State Contributions to State Employees' Retirement System............ 492,400
- For State Contributions to Social Security................................. 226,900
- For Group Insurance........................................ 716,600
- For Contractual Services........................................ 280,000
- For Travel............................................... 40,000
- For Commodities.............................................. 25,000
- For Printing................................................. 20,000
- For Equipment.............................................. 50,000
- For Telecommunications Services.................. 100,000
- For Operation of Auto Equipment............... 35,000
- For Use by the Office of the Attorney General..... 25,000
- For Underground Storage Tank Program........ 1,994,500
  Total $6,971,900

Section 140. The following named sums, or so much thereof as may be necessary, including prior year costs, are appropriated to the Environmental Protection Agency, payable from the U. S. Environmental Protection Fund, for use of remedial, preventive or corrective action in accordance with the Federal Comprehensive Environmental Response Compensation and Liability Act of 1980 as amended:

New matter indicated by italics - deletions by strikeout
For Personal Services ......................... 1,714,500
For State Contributions to State
  Employees' Retirement System ............... 284,600
For State Contributions to
  Social Security ................................ 131,200
For Group Insurance .............................. 369,700
For Contractual Services ....................... 140,000
For Travel ........................................ 60,000
For Commodities .................................. 50,000
For Printing ...................................... 10,000
For Equipment ................................... 130,000
For Telecommunications Services ............. 50,000
For Operation of Auto Equipment ............. 60,000
For Contractual Expenses Related to
  Remedial, Preventive or Corrective
  Actions in Accordance with the
  Federal Comprehensive and Liability
  Act of 1980, including Costs in
  Prior Years ..................................... 9,355,000
Total                                                                 $12,355,000

Section 145. The following named sums, or so much thereof as
may be necessary, are appropriated to the Environmental Protection
Agency for the purpose of funding the Underground Storage Tank
Program.
Payable from the Underground Storage Tank Fund:
For Personal Services ......................... 2,884,300
For State Contributions to State
  Employees' Retirement System ............... 478,800
For State Contributions to
  Social Security ................................ 220,600
For Group Insurance .............................. 668,100
For Contractual Services ....................... 289,600
For Travel ........................................ 29,500
For Commodities .................................. 25,000

New matter indicated by italics - deletions by strikeout
For Printing.......................... 5,000
For Equipment........................ 105,000
For Telecommunications Services...... 35,000
For Operation of Auto Equipment...... 15,000
For Reimbursements to Eligible Owners/
Operators of Leaking Underground
Storage Tanks, including claims
submitted in prior years and for
costs associated with site remediation..... 53,100,000
Total $57,855,900

Section 150. The following named sums, or so much thereof as
may be necessary, are appropriated to the Environmental Protection
Agency for use in accordance with Section 22.2 of the Environmental
Protection Act:

Payable from the Hazardous Waste Fund:
For Personal Services.................. 4,442,900
For State Contributions to State
Employees' Retirement System......... 737,500
For State Contributions to
Social Security......................... 339,900
For Group Insurance................... 1,043,800
For Contractual Services............... 1,107,000
For Travel............................. 55,500
For Commodities....................... 38,000
For Printing........................... 65,000
For Equipment......................... 102,000
For Telecommunications Services..... 55,000
For Operation of Auto Equipment..... 42,000
For Contractual Services for Site
Remediations, including costs
in Prior Years......................... 20,000,000
Total $28,028,600

Section 155. The following named sums, or so much thereof as
may be necessary, are appropriated from the Environmental Protection
Permit and Inspection Fund to the Environmental Protection Agency for land permit and inspection activities:

For Personal Services.......................... 1,795,900
For State Contributions to State Employees' Retirement System............... 298,100
For State Contributions to Social Security................................. 137,500
For Group Insurance.............................. 451,400
For Contractual Services......................... 170,000
For Travel......................................... 7,500
For Commodities................................... 13,000
For Printing...................................... 11,000
For Equipment...................................... 9,800
For Telecommunications Services............... 18,000
For Operation of Auto Equipment................... 5,500
Total                                                                                         $2,917,700

Section 160. The following named sums, or so much thereof as may be necessary, are appropriated from the Solid Waste Management Fund to the Environmental Protection Agency for use in accordance with Section 22.15 of the Environmental Protection Act:

For Personal Services......................... 4,599,100
For State Contributions to State Employees' Retirement System.............. 763,500
For State Contributions to Social Security................................. 351,900
For Group Insurance.............................. 1,128,800
For Contractual Services......................... 200,000
For Travel......................................... 25,000
For Commodities................................. 15,000
For Printing...................................... 34,900
For Equipment..................................... 35,000
For Telecommunications Services................. 68,600
For Operation of Auto Equipment................. 32,600
For Refunds...................................... 5,000

Total                                                                                         $8,789,700

New matter indicated by italics - deletions by strikeout
For financial assistance to units of local government for operations under delegation agreements.................. 1,750,000
For grants and contracts for removing waste, including costs for demolition, removal and disposal............. 3,000,000
Total $12,009,400

Section 165. The following named sums, or so much therefore as may be necessary, are appropriated to the Environmental Protection Agency for conducting a household hazardous waste collection program, including costs from prior years:
Payable from the Solid Waste Management Fund................................. 3,058,000
Payable from the Special State Projects Trust Fund.............................. 450,000

Section 170. The following named amounts, or so much thereof as may be necessary, are appropriated from the Used Tire Management Fund to the Environmental Protection Agency for purposes as provided for in Section 55.6 of the Environmental Protection Act:
For Personal Services...................... 2,458,300
For State Contributions to State Employees' Retirement System.............. 408,100
For State Contributions to Social Security.................................. 188,100
For Group Insurance.................................. 580,800
For Contractual Services.................. 3,054,400
For Travel................................. 60,000
For Commodities............................... 60,000
For Printing................................. 20,000
For Equipment............................... 195,000
For Telecommunications Services............. 48,900
For Operation of Auto Equipment............... 49,900
Total $7,123,500

New matter indicated by italics - deletions by strikeout
Section 175. The following named amounts, or so much thereof as may be necessary, are appropriated from the Subtitle D Management Fund to the Environmental Protection Agency for the purpose of funding the Subtitle D permit program in accordance with Section 22.44 of the Environmental Protection Act:

For Personal Services............... 1,394,700
For State Contributions to State
   Employees' Retirement System.............. 231,500
For State Contributions to Social
   Security.............................. 106,600
For Group Insurance......................... 319,700
For Contractual Services................... 327,000
For Travel.................................. 27,300
For Commodities........................... 40,000
For Printing............................... 53,000
For Equipment............................. 100,000
For Telecommunications...................... 70,000
For Operation of Auto Equipment........... 20,000
Total ......................................... $2,689,800

Section 180. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Landfill Closure and Post Closure Fund to the Environmental Protection Agency for the purpose of funding closure activities in accordance with Section 22.17 of the Environmental Protection Act.

Section 185. The sum of $95,000, or so much thereof as may be necessary, is appropriated from the Hazardous Waste Occupational Licensing Fund to the Environmental Protection Agency for expenses related to the licensing of Hazardous Waste Laborers and Crane and Hoisting Equipment Operators, as mandated by Public Act 85-1195.

Section 190. The following named amount, or so much thereof as may be necessary, is appropriated to the Environmental Protection Agency for use in accordance with the Brownfields Redevelopment program:
Payable from the Brownfields Redevelopment Fund:
   For Personal Services and Other

New matter indicated by italics - deletions by strikeout
Expenses of the Program ....................... 1,063,000

Section 195. The sum of $14,784,200, or so much thereof as may be necessary, is appropriated from the Brownfields Redevelopment Fund to the Environmental Protection Agency for financial assistance for brownfields redevelopment in accordance with 58.3(5), 58.13 and 58.15 of the Environmental Protection Act, including costs in prior years.

Section 200. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Environmental Protection Agency:

BUREAU OF WATER

Payable from U.S. Environmental Protection Fund:

For Personal Services ....................... 6,682,700
For State Contributions to State Employees' Retirement System .................... 1,109,300
For State Contributions to Social Security ............................................... 511,200
For Group Insurance ................................................. 1,589,800
For Contractual Services ..................... 2,242,600
For Travel ................................................. 113,900
For Commodities ............................................. 30,500
For Printing ............................................... 58,100
For Equipment ................................. 223,400
For Telecommunications Services ........... 106,400
For Operation of Auto Equipment ........... 61,500
For Use by the Department of Public Health ........................................ 703,000

For non-point source pollution management and special water pollution studies including costs in prior years ........... 10,950,000

For all costs associated with the Drinking Water Operator Certification Program, including costs in prior years ..................... 1,300,000

New matter indicated by italics - deletions by strikeout
For Water Quality Planning,
    including costs in prior years.................. 350,000
For Use by the Department of
Agriculture..................................... 100,000
Total                                    $26,132,400

Section 205. The following named sums, or so much thereof as
may be necessary, are appropriated from the Hazardous Waste Fund to the
Environmental Protection Agency for use in accordance with Section 22.2
of the Environmental Protection Act:
For Personal Services......................... 291,300
For State Contribution to State
    Employees' Retirement System............... 48,400
For State Contribution to
    Social Security............................ 22,300
For Group Insurance......................... 74,000
For Contractual Services.................... 29,000
For Travel.................................... 6,000
For Commodities............................. 6,000
For Equipment............................... 27,000
For Telecommunications...................... 9,800
For Operation of Automotive Equipment....... 2,000
Total                                    $515,800

Section 210. The following named sums, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to the Environmental Protection Agency:
Payable from the Environmental Protection Permit
and Inspection Fund:
For Personal Services......................... 1,381,100
For State Contribution to State
    Employees' Retirement System............... 229,300
For State Contribution to
    Social Security............................ 105,700
For Group Insurance......................... 362,500
For Contractual Services.................... 118,500

New matter indicated by italics - deletions by strikeout
For Travel........................................                                                 28,200
For Commodities...................................                                           38,400
For Printing.......................................                                                  6,000
For Equipment.....................................                                             95,400
For Telecommunications Services...............                                 30,500
For Operation of Automotive Equipment......... 22,800
Total                                                                                         $2,418,400

Section 215. The named amounts, or so much thereof as may be necessary, are appropriated from the Conservation 2000 Fund to the Environmental Protection Agency for the purpose of funding lake management activities:
   For Personal Services and Other Expenses of the Program............... 570,600

Section 220. The sum of $4,758,983, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purpose in Article 44, Section 195 Public Act 94-798, is reappropriated from the Conservation 2000 Fund to the Environmental Protection Agency for financial assistance for lake management activities.

Section 225. The amount of $7,046,900, or so much thereof as may be necessary, is appropriated from the Clean Water Fund to the Environmental Protection Agency for all costs associated with clean water activities.

Section 230. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the Clean Water Fund to the Environmental Protection Agency for refunds.

Section 235. The following named amounts, or so much thereof as may be necessary, respectively, for the object and purposes hereinafter named, are appropriated to the Environmental Protection Agency:
Payable from the Water Revolving Fund:
   For Administrative Costs of Water Pollution Control
      Revolving Loan Program................................... 2,140,000
   For Program Support Costs of Water

New matter indicated by italics - deletions by strikeout
Pollution Control Program................. 7,618,000  
For Administrative Costs of the Drinking  
Water Revolving Loan Program............... 1,245,000  
For Program Support Costs of the Drinking  
Water Program.................................. 2,147,900  
For Wellhead Protection, capacity  
development and technical assistance  
to public water supplies...................... 402,000  
Total ........................................... $13,552,900  

Section 240. The sum of $800,000, or so much thereof as may be  
necessary, is appropriated from the Special State Projects Trust Fund to  
the Environmental Protection Agency for all costs associated with  
environmental studies and activities.  

Section 245. The following named amounts, or so much thereof as  
may be necessary, respectively, are appropriated to the Environmental  
Protection Agency for the objects and purposes hereinafter named, to meet  
the ordinary and contingent expenses of the Pollution Control Board  
Division:  

POLLUTION CONTROL BOARD DIVISION  
Payable from Pollution Control Board Fund:  
For Contractual Services...................... 13,200  
For Telecommunications Services............. 4,000  
For Refunds.................................... 1,000  
Total ..................................... $18,200  
Payable from the Environmental Protection Permit  
and Inspection Fund:  
For Personal Services......................... 679,500  
For State Contributions to State Employees'  
Retirement System............................ 112,800  
For State Contributions to Social Security..... 52,000  
For Group Insurance........................... 162,800  
For Contractual Services..................... 9,900  
For Travel.................................... 5,000  
For Electronic Data Processing............... 1,000  

New matter indicated by italics - deletions by strikeout
For Telecommunications Services................. 7,200
Total $1,030,200

Payable from the CAA Permit Fund:
For Personal Services............................. 707,900
For State Contributions to State Employees' Retirement System......................... 117,500
For State Contributions to Social Security............ 54,200
For Group Insurance................................... 207,200
For Contractual Services............................ 10,000
Total $1,096,800

Section 250. The amount of $18,500, or so much thereof as may be necessary, is appropriated from the Used Tire Management Fund to the Environmental Protection Agency for the purposes as provided for in Section 55.6 of the Environmental Protection Act.

ARTICLE 220

Section 5. The sum of $363,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Executive Ethics Commission for its ordinary and contingent expenses.

ARTICLE 225

Section 5. The sum of $6,931,315, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of Executive Inspector General for its ordinary and contingent expenses.

ARTICLE 230

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Financial Institution Fund to the Department of Financial and Professional Regulation:
For Personal Services............................ 2,758,600
For State Contributions to the State Employees' Retirement System.................... 457,900
For State Contributions to Social Security........ 211,100
For Group Insurance............................ 636,400
For Contractual Services......................... 141,700
For Travel.......................................... 190,000

New matter indicated by italics - deletions by strikeout
Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Credit Union Fund to the Department of Financial and Professional Regulation:

**CREDIT UNION**

- For Personal Services: $1,756,100
- For State Contributions to State Employees' Retirement System: $291,500
- For State Contributions to Social Security: $134,400
- For Group Insurance: $370,000
- For Contractual Services: $92,500
- For Travel: $244,000
- For Refunds: $1,000
- Total: $2,889,500

Section 15. In addition to the amounts heretofore appropriated, the following named amount, or so much thereof as may be necessary, is appropriated from the TOMA Consumer Protection Fund to the Department of Financial and Professional Regulation:

**TOMA CONSUMER PROTECTION**

- For Refunds: $20,000

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Insurance Producer Administration Fund to the Department of Financial and Professional Regulation:

**PRODUCER ADMINISTRATION**

- For Personal Services: $5,008,300
- For State Contributions to the State Employees' Retirement System: $831,300
- For State Contributions to Social Security: $383,200
- For Group Insurance: $1,391,200
- For Contractual Services: $325,000
- For Travel: $125,900
- For Refunds: $200,000

New matter indicated by italics - deletions by strikeout
Total $8,264,900

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Insurance Financial Regulation Fund to the Department of Financial and Professional Regulation:

FINANCIAL REGULATION

For Personal Services....................... 7,175,700
For State Contributions to the State
  Employees' Retirement System............ 1,191,100
For State Contributions to Social Security.... 547,800
For Group Insurance....................... 1,746,400
For Contractual Services.................... 325,000
For Travel.................................. 300,000
For Refunds.................................. 50,000
Total $11,336,000

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Financial and Professional Regulation from the Public Pension Regulation Fund:

PENSION DIVISION

For Personal Services....................... 585,500
For State Contributions to the State
  Employees' Retirement System............ 97,200
For State Contributions to Social Security.... 44,800
For Group Insurance....................... 148,000
For Contractual Services.................... 12,600
For Travel.................................. 48,500
Total $936,600

Section 35. The sum of $800,000, or so much thereof as may be necessary, is appropriated from the Senior Health Insurance Program Fund to the Department of Financial and Professional Regulation for the administration of the Senior Health Insurance Program.

Section 40. The sum of $950,000, or so much thereof as may be necessary, is appropriated from the Illinois Workers’ Compensation Fund to the Department of Financial and Professional Regulation.
Commission Operations Fund to the Department of Financial and Professional Regulation for costs associated with the administration and operations of the Insurance Fraud Division of the Illinois Workers’ Compensation Commission’s anti-fraud program.

Section 45. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Bank and Trust Company Fund to the Department of Financial and Professional Regulation:

DOMESTIC AND FOREIGN COMMERCIAL BANK REGULATION

For Personal Services.......................... 9,106,000
For State Contribution to State
   Employees’ Retirement System.............. 1,511,600
For State Contributions to Social Security.... 695,000
For Group Insurance........................... 1,716,800
For Contractual Services....................... 225,000
For Travel....................................... 957,100
For Refunds..................................... 3,000
For Corporate Fiduciary Receivership......... 500,000
Total                                       $14,714,500

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Pawnbroker Regulation Fund to the Department of Financial and Professional Regulation:

PAWNBROKER REGULATION

For Personal Services.......................... 61,200
For State Contributions to State
   Employees’ Retirement System.............. 10,100
For State Contributions to Social Security.... 4,700
For Group Insurance........................... 14,800
For Contractual Services....................... 4,000
For Travel....................................... 3,000
For Refunds..................................... 1,000
Total                                       $98,800

New matter indicated by italics - deletions by strikeout
Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Savings and Residential Finance Regulatory Fund to the Department of Financial and Professional Regulation:

MORTGAGE BANKING AND THRIFT REGULATION

For Personal Services.......................... 3,026,400
For State Contributions to State
  Employees' Retirement System............... 502,300
  For State Contributions to Social Security...... 229,900
  For Group Insurance......................... 725,200
  For Contractual Services...................... 180,100
  For Travel.................................... 150,500
  For Refunds................................... 5,000
Total $4,819,400

Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Real Estate License Administration Fund to the Department of Financial and Professional Regulation:

REAL ESTATE LICENSING AND ENFORCEMENT

For Personal Services.......................... 2,285,100
For State Contributions to State
  Employees' Retirement System............... 379,300
  For State Contributions to Social Security...... 174,100
  For Group Insurance......................... 518,000
  For Contractual Services...................... 216,600
  For Travel.................................... 78,000
  For Refunds................................... 8,000
Total $3,659,100

Section 65. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Appraisal Administration Fund to the Department of Financial and Professional Regulation:

APPRAISAL LICENSING

For Personal Services.......................... 298,700
For State Contributions to State
   Employees' Retirement System.....................  49,500
   For State Contributions to Social Security.......  22,900
   For Group Insurance...............................  74,000
   For Contractual Services.........................  131,800
   For Travel........................................  10,000
For forwarding real estate appraisal fees
to the federal government.......................  230,000
For Refunds........................................  3,000
Total                                                                 $819,900

Section 70. The sum of $70,000, or so much thereof as may be
necessary, is appropriated from the Real Estate Research and Education
Fund to the Department of Financial and Professional Regulation for
research and education in accordance with Section 25-25 of the Real

Section 75. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated from the Auction
Regulation Administration Fund to the Department of Financial and
Professional Regulation:

   AUCTIONEER REGULATION
  
  For Personal Services.............................  58,300
For State Contributions to State
   Employees' Retirement System.....................  9,600
   For State Contributions to Social Security.......  4,500
   For Group Insurance............................... 14,800
   For Contractual Services......................... 46,600
   For Travel.........................................  7,000
   For Refunds......................................  1,000
Total                                                                 $141,800

Section 80. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated from the Home Inspector Administration Fund to
the Department of Financial and Professional Regulation:

   HOME INSPECTOR REGULATION

   New matter indicated by italics - deletions by strikeout
For Personal Services......................... 65,200
For State Contributions to State
   Employees' Retirement System.................. 10,800
For State Contributions to Social Security...... 5,000
For Group Insurance............................ 14,800
For Contractual Services......................... 9,000
For Travel........................................ 8,500
For Refunds....................................... 1,000
Total                                       $114,300

Section 85. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the Real Estate Audit Fund to the Department of Financial and Professional Regulation for operating expenses for Real Estate audits.

Section 90. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Professions Dedicated Fund to the Department of Financial and Professional Regulation:

   GENERAL PROFESSIONS
For Personal Services......................... 2,476,100
For State Contributions to State
   Employees' Retirement System.................. 411,000
For State Contributions to Social Security...... 189,500
For Group Insurance............................ 725,200
For Contractual Services......................... 102,000
For Travel........................................ 65,000
For Refunds....................................... 30,000
Total                                       $3,998,800

Section 95. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Dental Disciplinary Fund to the Department of Financial and Professional Regulation:
For Personal Services......................... 567,300
For State Contributions to State
   Employees' Retirement System.................. 94,100

New matter indicated by italics - deletions by strikeout
For State Contributions to Social Security........ 43,400
For Group Insurance.............................. 133,200
For Contractual Services......................... 60,500
For Travel........................................ 20,000
For Refunds....................................... 2,500
Total $921,000

Section 100. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the Illinois State Dental Disciplinary Fund to the Department of Financial and Professional Regulation for the development, support or administration of a public health study.

Section 105. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Medical Disciplinary Fund to the Department of Financial and Professional Regulation:

For Personal Services......................... 2,579,600
For State Contributions to State
  Employees' Retirement System............... 428,200
  For State Contributions to Social Security...... 193,300
  For Group Insurance.......................... 577,200
  For Contractual Services....................... 231,000
  For Travel................................... 80,000
  For Refunds.................................. 10,000
Total $4,099,300

Section 110. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Optometric Licensing and Disciplinary Committee Fund to the Department of Financial and Professional Regulation:

For Personal Services..................... 176,900
For State Contributions to State
  Employees' Retirement System............... 29,300
  For State Contributions to Social Security...... 13,600
  For Group Insurance.......................... 44,400
  For Contractual Services....................... 75,000
  For Travel................................... 12,000

New matter indicated by italics - deletions by strikeout
Section 115. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Design Professionals Administration and Investigation Fund to the Department of Financial and Professional Regulation:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>452,900</td>
</tr>
<tr>
<td>For State Contributions to State Employees’ Retirement System</td>
<td>75,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>34,700</td>
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<tr>
<td>For Group Insurance</td>
<td>133,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>90,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>55,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>2,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$843,400</strong></td>
</tr>
</tbody>
</table>

Section 120. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Pharmacy Disciplinary Fund to the Department of Financial and Professional Regulation:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>571,900</td>
</tr>
<tr>
<td>For State Contributions to State Employees’ Retirement System</td>
<td>94,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>43,800</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>103,600</td>
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<tr>
<td>For Contractual Services</td>
<td>116,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>30,000</td>
</tr>
<tr>
<td>For Refunds</td>
<td>12,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$972,200</strong></td>
</tr>
</tbody>
</table>

Section 125. The sum of $3,114,000, or so much thereof as may be necessary, is appropriated from the Illinois State Pharmacy Disciplinary Fund to the Department of Financial and Professional Regulation for grants authorized by the State Board of Pharmacy for the development, support or administration of pharmacy practice educational or training programs at institutions of higher education within the State of Illinois.

New matter indicated by italics - deletions by strikeout
Section 130. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Podiatric Disciplinary Fund to the Department of Financial and Professional Regulation:
For Contractual Services...........................  5,000
For Travel.........................................  5,000
For Refunds........................................  1,000
Total                                          $11,000
Section 135. The sum of $473,600, or so much thereof as may be necessary, is appropriated from the Registered CPA Administration and Disciplinary Fund to the Department of Financial and Professional Regulation for the administration of the Registered CPA Program.
Section 140. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Nursing Dedicated and Professional Fund to the Department of Financial and Professional Regulation:
For Personal Services.........................  964,300
For State Contributions to State
  Employees' Retirement System...............  160,000
For State Contributions to Social Security....  73,800
For Group Insurance............................  236,800
For Contractual Services......................  181,000
For Travel......................................  25,000
For Refunds....................................  10,000
Total                                      $1,650,900
Section 145. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Nursing Dedicated and Professional Fund to the Department of Financial and Professional Regulation for the establishment and operation of an Illinois Center for Nursing.
Section 150. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the Professional Regulation Evidence Fund to the Department of Financial and Professional Regulation for the purchase of equipment to conduct covert activities.

New matter indicated by italics - deletions by strikeout
Section 155. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Professions Indirect Cost Fund to the Department of Financial and Professional Regulation:

For Personal Services.......................... 10,619,700
For State Contributions to State Employees' Retirement System............... 1,762,800
For State Contributions to Social Security....... 791,900
For Group Insurance............................... 2,530,800
For Contractual Services......................... 9,805,800
For Travel........................................... 309,900
For Commodities.................................. 255,800
For Printing....................................... 343,500
For Equipment.................................... 295,800
For Electronic Data Processing............... 4,315,700
For Telecommunications Services............. 1,295,400
For Operation of Auto Equipment.............. 243,300
Total $32,570,400

Section 160. The sum of $3,152,500, or so much thereof as may be necessary, is appropriated from the Professions Indirect Cost Fund to the Department of Financial and Professional Regulation for costs and expenses related to or in support of a Regulatory/G&A shared services center.

ARTICLE 235

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
EXECUTIVE OFFICE
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services......................... 1,091,900
For State Contributions to State Employees' Retirement System........... 181,300

New matter indicated by italics - deletions by strikeout
For State Contributions to Social Security ...... 83,100
For Contractual Services.......................... 101,800
For Contractual Services.......................... 60,000
For Travel........................................ 12,900
For Commodities.................................... 6,300
For Printing...................................... 68,900
For Electronic Data Processing.................... 39,800
For Telecommunications Services................... 21,700
For expenses related to or in support of the Amistad Commission....................... 300,000
For expenses related to or in support of the Lincoln Bicentennial....................... 500,000
Total                                                                                         $2,467,700
PAYABLE FROM ILLINOIS HISTORIC SITES FUND
For Contractual Services.......................... 55,000
For Commodities.................................... 1,000
For Printing...................................... 16,300
For Equipment...................................... 1,000
Total                                                                                              $73,300
For historic preservation programs administered by the Executive Office, only to the extent that funds are received through grants, and awards, or gifts........... 90,000

Section 15. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS

PRESERVATION SERVICES DIVISION
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services.............................. 466,600
For State Contributions to State Employees' Retirement System...................... 77,500
For State Contributions to Social Security ...... 35,000

New matter indicated by italics - deletions by strikeout
For Contractual Services.........................              5,200
For Travel........................................             4,500
For Commodities........................................ 2,300
For Telecommunications..............................           6,600
For the Main Street Program..........................   204,000
  Total                                                                                          $801,700

PAYABLE FROM ILLINOIS HISTORIC SITES FUND
For Personal Services...............................             387,200
For State Contributions to State
  Employees' Retirement System.....................             64,300
For State Contributions to Social Security .......             29,600
For Group Insurance..................................             103,600
For Contractual Services..............................             79,000
For Travel............................................             26,000
For Commodities........................................             3,000
For Printing.............................................             1,000
For Equipment...........................................             2,000
For Electronic Data Processing........................             5,000
For Telecommunications Services....................             18,000
For historic preservation programs
made either independently or in
cooperation with the Federal Government
or any agency thereof, any municipal
corporation, or political subdivision
of the State, or with any public or private
corporation, organization, or individual,
or for refunds...........................................   662,800
  Total                                                                                          $1,381,500

Section 20. The sum of $150,000, or so much thereof as may be
necessary, is appropriated from the Illinois Historic Sites Fund to the
Historic Preservation Agency for awards and grants for historic
preservation programs made either independently or in cooperation with
the Federal Government or any agency thereof, any municipal corporation,
or political subdivision of the State, or with any public or private corporation, organization, or individual.

Section 25. The sum of $295,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 48, Sections 20 and 25 of Public Act 94-798, is reappropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for awards and grants for historic preservation programs made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual.

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
ADMINISTRATIVE SERVICES DIVISION
PAYABLE FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>654,000</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>108,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>50,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>304,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>15,200</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>19,800</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>12,000</td>
</tr>
<tr>
<td>Total</td>
<td>$1,166,000</td>
</tr>
</tbody>
</table>

Section 40. The sum of $300,000 or so much thereof as may be necessary is appropriated from the Illinois Historic Sites Fund to the Historic Preservation Agency for the ordinary and contingent expenses of the Administrative Services division for costs associated with but not
limited to Union Station, the Old State Capitol and the Old Journal Register Building.

Section 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
HISTORIC SITES DIVISION

PAYABLE FROM GENERAL REVENUE FUND

For Personal Services.......................... 5,509,200
For State Contributions to State
  Employees' Retirement System............... 914,500
For State Contributions to Social Security ...... 421,500
For Contractual Services...................... 916,400
For Travel...................................... 13,600
For Commodities............................. 146,300
For Equipment.................................. 46,000
For Telecommunications Services............... 52,900
For Operation of Auto Equipment.............. 39,900
Total                                                                 $8,060,300

PAYABLE FROM ILLINOIS HISTORIC SITES FUND

For Personal Services.......................... 38,000
For State Contributions to State
  Employees' Retirement System............... 6,300
For State Contributions to Social Security ...... 3,000
For Group Insurance........................... 14,800
For Contractual Services..................... 180,000
For Travel.................................... 5,000
For Commodities.............................. 35,000
For Equipment.............................. 25,000
For Telecommunications Services.............. 15,000
For Operation of Auto Equipment.............. 10,000

For Historic Preservation Programs Administered by the Historic Sites Division, Only to the

New matter indicated by italics - deletions by strikeout
Extent that Funds are Received Through
Grants, Awards, or Gifts.......................... 350,000
For Permanent Improvements.................... 75,000
Total............................................. $757,100

Section 50. The sum of $600,000, or so much thereof as may be
necessary, is appropriated from the Illinois Historic Sites Fund to the
Historic Preservation Agency for operations, maintenance, repairs,
permanent improvements, special events, and all other costs related to the
operation of Illinois Historic Sites and only to the extent which donations
are received at Illinois State Historic Sites.

Section 55. The sum of $196,300, or so much thereof as may be
necessary, is appropriated to the Historic Preservation Agency from the
General Revenue Fund for programs and purposes including repairing,
maintaining, reconstructing, rehabilitating, replacing, fixed assets,
construction and development, studies, all costs for supplies, materials,
labor, land acquisition and its related costs, services and other expenses at
historic sites.

Section 60. The sum of $246,400, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Historic
Preservation Agency for the operational expenses of the Lewis and Clark
Historic Site in Madison County.

Section 65. The sum of $595,600, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Historic
Preservation Agency for costs and expenses related to or in support of an
environment and economic development shared services center.

Section 70. The sum of $168,100, or so much thereof as may be
necessary, is appropriated from the Abraham Lincoln Presidential Library
and Museum Fund to the Historic Preservation Agency for costs and
expenses related to or in support of an environment and economic
development shared services center.

Section 75. No contract shall be entered into or obligation incurred
for repairs and maintenance and other capital improvements from
appropriations made in Sections 50 and 55 of this Article until after the
purposes and amounts have been approved in writing by the Governor.

New matter indicated by italics - deletions by strikeout
Section 80. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
ABRAHAM LINCOLN PRESIDENTIAL LIBRARY AND MUSEUM DIVISION

PAYABLE FROM GENERAL REVENUE FUND
For Personal Services............................ 839,700
For State Contributions to State
  Employees' Retirement System.............. 139,400
  For State Contributions to Social Security .... 64,200
  For Contractual Services...................... 18,800
  For Travel..................................... 3,600
  For Commodities............................... 12,100
  For Printing................................. 1,200
  For Equipment................................. 0
  For Telecommunications Services............. 9,300
  For On-Line Computer Library Center (OCLC)..... 72,800
  For Purchase and Care of Lincolniana.......... 0
  For Lincoln Legals......................... 135,200
Total $1,296,300

PAYABLE FROM THE
ILLINOIS HISTORIC SITES FUND
For historic preservation programs
  administered by the Executive Office,
  only to the extent that funds are received
  through grants, and awards, or gifts .......... 135,000
For research projects associated with
  Abraham Lincoln......................... 200,000
For microfilming Illinois newspapers
  and manuscripts and performing
  genealogical research....................... 225,000
Total $560,000

New matter indicated by italics - deletions by strikeout
PAYABLE FROM THE
ABRAHAM LINCOLN PRESIDENTIAL LIBRARY AND MUSEUM
FUND
For the ordinary and contingent expenses
of the Abraham Lincoln Presidential
Library and Museum in Springfield............ 12,689,900

Section 85. The sum of $3,000,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Historic
Preservation Agency for a grant to the Illinois Abraham Lincoln
Bicentennial Commission for expenses and activities related to promoting
knowledge and understanding of the life and times of Abraham Lincoln
and observances commemorating Abraham Lincoln’s birthday on February
12, 2009.

ARTICLE 240
Section 5. The following named amounts, or so much thereof as
may be necessary, are appropriated from the General Revenue Fund to the
Illinois Labor Relations Board for the objects and purposes hereinafter
named:

OPERATIONS
For Personal Services......................... 1,222,000
For State Contributions to State
   Employees’ Retirement System............. 202,852
For State Contributions to
   Social Security............................ 93,483
For Contractual Services..................... 228,000
For Travel..................................... 25,000
For Commodities............................. 4,500
For Printing................................... 4,000
For Equipment................................ 25,000
For Electronic Data Processing............... 60,000
For Telecommunications Services............ 48,000
Total........................................... $1,912,835

ARTICLE 245

New matter indicated by italics - deletions by strikeout
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund for the ordinary and contingent expenses of the Governor’s Office of Management and Budget in the Executive Office of the Governor:

GENERAL OFFICE

For Personal Services ............................... 2,022,000
For State Contributions to the State
  Employees’ Retirement System ...................... 335,600
For State Contributions to
  Social Security ................................. 154,100
For Contractual Services .......................... 165,000
For Travel ........................................... 86,400
For Commodities .................................. 5,000
For Printing ....................................... 15,000
For Equipment .................................... 6,000
For Electronic Data Processing .................... 60,000
For Telecommunications Services ............... 81,600

Total $2,930,700

Section 10. The amount of $1,384,600, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Governor’s Office of Management and Budget for ordinary and contingent expenses associated with the sale and administration of General Obligation bonds.

Section 15. The amount of $425,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Governor’s Office of Management and Budget for ordinary and contingent expenses associated with the sale and administration of Build Illinois bonds.

Section 20. The amount of $306,943,500, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Retirement and Interest Fund to the Governor’s Office of Management and Budget for the purpose of making payments to the Trustee under the Master Indenture as defined by and pursuant to the Build Illinois Bond Act.

New matter indicated by italics - deletions by strikeout
Section 25. The amount of $113,400, or so much thereof as may be necessary, is appropriated from the School Infrastructure Fund to the Governor’s Office of Management and Budget for operational expenses related to the School Infrastructure Program.

Section 30. The sum of $14,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Civic Center Bond Retirement and Interest Fund to the Governor’s Office of Management and Budget for the principal and interest and premium, if any, on Limited Obligation Revenue bonds issued pursuant to the Metropolitan Civic Center Support Act.

Section 35. No contract shall be entered into or obligation incurred for any expenditures from the appropriations made in Sections 10, 15, and 20 until after the purposes and amounts have been approved in writing by the Governor.

ARTICLE 250

Section 5. The sum of $6,325,300, new appropriation, is appropriated, and the sum of $14,430,478, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 51, Section 5 of Public Act 94-798, are reappropriated from the Conservation 2000 Fund to the Department of Natural Resources for the Conservation 2000 Program to implement ecosystem-based management for Illinois' natural resources.

Section 10. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

GENERAL OFFICE

For Personal Services:
Payable from General Revenue Fund.............. 1,541,400

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund.............. 255,900

For State Contributions to Social Security:
Payable from General Revenue Fund.............. 117,800

New matter indicated by italics - deletions by strikeout
For Contractual Services:
Payable from General Revenue Fund.............. 420,400
For Contractual Services for DNR Headquarters:
Payable from General Revenue Fund.............. 1,312,400
Payable from State Boating Act Fund.............. 115,000
Payable from Wildlife and Fish Fund.............. 330,100
Payable from Underground Resources Conservation Enforcement Fund.............. 16,900
Payable from Federal Surface Mining Control and Reclamation Fund...................... 44,900
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund...................... 59,100
For Travel:
Payable from General Revenue Fund.............. 57,600
Payable from Wildlife and Fish Fund.............. 1,600
For Commodities:
Payable from General Revenue Fund.............. 22,000
For Printing:
Payable from General Revenue Fund.............. 1,300
For Equipment:
Payable from General Revenue Fund.............. 4,900
Payable from Wildlife and Fish Fund.............. 5,000
For Telecommunications Services:
Payable from General Revenue Fund.............. 235,000
For Telecommunications Services for DNR Headquarters:
Payable from General Revenue Fund.............. 185,800
Payable from Aggregate Operations Regulatory Fund...................... 16,000
Payable from Federal Surface Mining Control and Reclamation Fund...................... 16,900
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund.............. 12,900
For expenses of the Park and Conservation

New matter indicated by italics - deletions by strikeout
Program:
Payable from Park and Conservation Fund...........                          364,300
For expenses of DNR Headquarters:
Payable from Park and Conservation Fund...........                          20,100
Total                                                                                         $5,157,300

Section 15. The sum of $3,124,300, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Natural Resources for costs and expenses related to or in support of an environment and economic development shared services center.

Section 20. The sum of $284,700, or so much thereof as may be necessary, is appropriated from the State Boating Act Fund to the Department of Natural Resources for costs and expenses related to or in support of an environment and economic development shared services center.

Section 25. The sum of $843,700, or so much thereof as may be necessary, is appropriated from the Wildlife and Fish Fund to the Department of Natural Resources for costs and expenses related to or in support of an environment and economic development shared services center.

Section 30. The sum of $74,700, or so much thereof as may be necessary, is appropriated from the Conservation 2000 Fund to the Department of Natural Resources for costs and expenses related to or in support of an environment and economic development shared services center.

Section 35. The sum of $35,200, or so much thereof as may be necessary, is appropriated from the Federal Surface Mining Control and Reclamation Fund to the Department of Natural Resources for costs and expenses related to or in support of an environment and economic development shared services center.

Section 40. The sum of $166,000, or so much thereof as may be necessary, is appropriated from the Park and Conservation Fund to the Department of Natural Resources for costs and expenses related to or in support of an environment and economic development shared services center.

New matter indicated by italics - deletions by strikeout
support of an environment and economic development shared services center.

Section 45. The sum of $142,300, or so much thereof as may be necessary, is appropriated from the Adeline Jay Geo-Karis Illinois Beach Marina Fund to the Department of Natural Resources for costs and expenses related to or in support of an environment and economic development shared services center.

Section 50. The sum of $35,200, or so much thereof as may be necessary, is appropriated from the Abandoned Mined Lands Reclamation Council Federal Trust Fund to the Department of Natural Resources for costs and expenses related to or in support of an environment and economic development shared services center.

ILLINOIS RIVER INITIATIVES

Section 55. The sum of $250,000, new appropriation, is appropriated and the sum of $466,718, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 51, Section 20 of Public Act 94-798, as amended, are appropriated from the Wildlife and Fish Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long-term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United States Department of Agriculture.

Section 60. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

ARCHITECTURE, ENGINEERING AND GRANTS
For Personal Services:
Payable from General Revenue Fund................. 109,200

New matter indicated by italics - deletions by strikeout
Payable from State Boating Act Fund.............. 81,900
For State Contributions to State Employees’ Retirement System:
  Payable from General Revenue Fund.............. 18,100
  Payable from State Boating Act Fund............. 13,600
For State Contributions to Social Security:
  Payable from General Revenue Fund..............  8,300
  Payable from State Boating Act Fund.............  6,200
For Group Insurance:
  Payable from State Boating Act Fund............. 17,600
For Contractual Services:
  Payable from General Revenue Fund.............. 19,300
For Travel:
  Payable from General Revenue Fund..............  7,000
  Payable from Wildlife and Fish Fund.............  3,200
For Commodities:
  Payable from General Revenue Fund..............  2,700
For Printing:
  Payable from General Revenue Fund..............  100
For Equipment:
  Payable from Wildlife and Fish Fund............. 32,000
For Operation of Auto Equipment:
  Payable from General Revenue Fund..............  7,000
For expenses of the Heavy Equipment Dredging Crew:
  Payable from State Boating Act Fund.............  767,000
  Payable from Wildlife and Fish Fund.............  203,700
For expenses of the OSLAD Program:
  Payable from Open Space Lands Acquisition and Development Fund................. 938,600
For Ordinary and Contingent Expenses:
  Payable from Park and Conservation Fund........ 2,397,800
For expenses of the Bikeways Program:
  Payable from Park and Conservation Fund........  123,000
Total                                      $4,756,300

New matter indicated by italics - deletions by strikeout
Section 65. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

**OFFICE OF REAL ESTATE AND ENVIRONMENTAL PLANNING**

For Personal Services:
- Payable from General Revenue Fund.............. 1,510,300
- Payable from Wildlife and Fish Fund.............. 222,800

For State Contributions to State Employees' Retirement System:
- Payable from General Revenue Fund.............. 250,700
- Payable from Wildlife and Fish Fund............... 37,000

For State Contributions to Social Security:
- Payable from General Revenue Fund.............. 115,500
- Payable from Wildlife and Fish Fund............... 17,100

For Group Insurance:
- Payable from Wildlife and Fish Fund............... 39,100

For Contractual Services:
- Payable from General Revenue Fund.............. 520,900

For Travel:
- Payable from General Revenue Fund............... 33,000

For Commodities:
- Payable from Wildlife and Fish Fund............... 8,100

For Printing:
- Payable from General Revenue Fund............... 2,000

For Equipment:
- Payable from Wildlife and Fish Fund............... 26,100

For Electronic Data Processing:
- Payable from General Revenue Fund............... 7,500

For Telecommunications Services:
- Payable from General Revenue Fund............... 20,000

For Operation of Auto Equipment:
- Payable from General Revenue Fund............... 10,000

For expenses of the Environmental Planning Program:

New matter indicated by italics - deletions by strikeout
Payable from the Wildlife and Fish Fund........... 75,000
For expenses of Natural Areas Execution:
  Payable from the Natural Areas Acquisition Fund......................... 245,100
For expenses of the OSLAD Program and the Statewide Comprehensive Outdoor Recreation Plan (SCORP):
  Payable from Open Space Lands Acquisition and Development Fund............... 425,400
For Natural Resources Trustee Program:
  Payable from Natural Resources Restoration Trust Fund...................... 1,400,000
For Ordinary and Contingent Expenses:
  Payable from Park and Conservation Fund........ 1,220,700
For expenses of the Bikeways Program:
  Payable from Park and Conservation Fund........ 354,700
Total $6,541,000

Section 70. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF BUSINESS SERVICES

For Personal Services:
  Payable from General Revenue Fund.............. 1,160,400
  Payable from State Boating Act Fund.............. 412,300
  Payable from Wildlife and Fish Fund.............. 1,256,300
For State Contributions to State Employees’ Retirement System:
  Payable from General Revenue Fund.............. 192,600
  Payable from State Boating Act Fund.............. 68,400
  Payable from Wildlife and Fish Fund.............. 208,500
For State Contributions to Social Security:
  Payable from General Revenue Fund.............. 88,700
  Payable from State Boating Act Fund.............. 31,500

New matter indicated by italics - deletions by strikeout
Payable from Wildlife and Fish Fund.............. 96,100
For Group Insurance:
  Payable from State Boating Act Fund............ 116,100
  Payable from Wildlife and Fish Fund............ 405,100
For Contractual Services:
  Payable from General Revenue Fund............. 750,300
  Payable from State Boating Act Fund............ 161,000
  Payable from Wildlife and Fish Fund............ 397,000
  Payable from Federal Surface Mining Control
  and Reclamation Fund........................... 5,400
  Payable from Abandoned Mined Lands Reclamation
  Council Federal Trust Fund..................... 3,000
For Contractual Services for Postage
Expenses for DNR Headquarters:
  Payable from General Revenue Fund............. 48,700
  Payable from State Boating Act Fund............ 25,000
  Payable from Wildlife and Fish Fund............ 25,000
  Payable from Federal Surface Mining Control
  and Reclamation Fund........................... 12,500
  Payable from Abandoned Mined Lands
  Reclamation Council Federal Trust
  Fund............................................. 12,500
For the purpose of remitting funds
collected from the sale of Federal
Duck Stamps to the U. S. Fish and
Wildlife Service:
  Payable from Wildlife and Fish Fund............ 23,600
For Travel:
  Payable from General Revenue Fund............. 7,000
For Commodities:
  Payable from General Revenue Fund............. 14,000
For Commodities for DNR Headquarters:
  Payable from General Revenue Fund............. 51,600
  Payable from State Boating Act Fund............ 3,300

New matter indicated by italics - deletions by strikeout
Payable from Wildlife and Fish Fund.............. 48,400
Payable from Aggregate Operations
Regulatory Fund...................................... 2,300
Payable from Federal Surface Mining Control
and Reclamation Fund................................. 3,300
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust Fund.......... 1,700
For Printing:
Payable from General Revenue Fund............... 8,800
Payable from State Boating Act Fund.............. 163,400
Payable from Wildlife and Fish Fund.............. 240,600
For Equipment:
Payable from Wildlife and Fish Fund.............. 49,300
For Electronic Data Processing:
Payable from General Revenue Fund.............. 813,000
Payable from State Boating Act Fund.............. 101,600
Payable from State Parks Fund..................... 22,300
Payable from Wildlife and Fish Fund.............. 891,800
Payable from Natural Areas Acquisition Fund... 23,000
Payable from Federal Surface Mining Control
and Reclamation Fund................................. 123,600
Payable from Illinois Forestry Development Fund... 13,200
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust Fund........... 123,600
For Telecommunications Services:
Payable from General Revenue Fund............... 3,000
For Operation of Auto Equipment for DNR Headquarters:
Payable from General Revenue Fund.............. 128,800
Payable from State Boating Act Fund.............. 4,800
For expenses associated with Watercraft Titling:
Payable from the State Boating Act Fund.......... 200,000
For the implementation of the
Camping/Lodging Reservation System:
Payable from the State Parks Fund.............. 130,000

New matter indicated by italics - deletions by strikeout
For the transfer of check-off dollars to the Illinois Conservation Foundation:
  Payable from the Wildlife and Fish Fund.................. 5,000
For expenses incurred for the implementation, education and maintenance of the Point of Sale System:
  Payable from the Wildlife & Fish Fund.................. 3,000,000
For expenses incurred in acquiring salmon stamp designs and printing salmon stamps:
  Payable from Salmon Fund................................. 10,000
For expenses of Business Services:
  Payable from the Natural Areas Acquisition Fund.................. 86,300
For Ordinary and Contingent Expenses:
  Payable from Park and Conservation Fund.................. 219,800
  Total.......................................................... $11,993,500

Section 75. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

PUBLIC SERVICES
For Personal Services:
  Payable from General Revenue Fund.......................... 548,400
  Payable from Wildlife and Fish Fund.......................... 58,000
For State Contributions to State Employees' Retirement System:
  Payable from General Revenue Fund.......................... 91,000
  Payable from Wildlife and Fish Fund.......................... 9,600
For State Contributions to Social Security:
  Payable from General Revenue Fund.......................... 42,000
  Payable from Wildlife and Fish Fund.......................... 4,400
For Group Insurance:
  Payable from Wildlife and Fish Fund.......................... 9,400
For Contractual Services:

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund................ 218,700
Payable from Wildlife and Fish Fund............... 17,000
For Travel:
Payable from General Revenue Fund................ 10,000
Payable from Wildlife and Fish Fund............... 5,000
For Commodities:
Payable from General Revenue Fund................ 30,000
For Printing:
Payable from General Revenue Fund................ 10,000
Payable from Wildlife and Fish Fund............... 10,000
For Expenses of the Environment and Nature
Training Institute for Conservation
Education (E.N.T.I.C.E.):
Payable from General Revenue Fund................ 273,400
For expenses incurred in producing
and distributing site brochures,
public information literature and
other printed materials from revenues
received from the sale of advertising:
Payable from State Boating Act Fund............... 25,000
Payable from State Parks Fund...................... 50,000
Payable from Wildlife and Fish Fund............... 50,000
For operation and maintenance of
new sites and facilities, including Sparta:
Payable from State Parks Fund...................... 50,000
For the purpose of publishing and
distributing a bulletin or magazine
and for purchasing, marketing and
distributing conservation related
products for resale, and refunds for
such purposes:
Payable from Wildlife and Fish Fund............... 602,900
For Educational Publications Services and
Expenses, Contingent upon Revenues

New matter indicated by italics - deletions by strikeout
Section 80. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

**SPECIAL EVENTS**

For Personal Services:
- Payable from General Revenue Fund................. 285,500
- Payable from State Boating Act Fund............... 45,800
- Payable from Wildlife and Fish Fund.............. 552,300

For State Contributions to State Employees' Retirement System:
- Payable from General Revenue Fund................. 47,400
- Payable from State Boating Act Fund............... 7,600
- Payable from Wildlife and Fish Fund............... 91,700

For State Contributions to Social Security:
- Payable from General Revenue Fund................. 21,900
- Payable from State Boating Act Fund............... 3,500
- Payable from Wildlife and Fish Fund............... 42,300

For Group Insurance:
- Payable from State Boating Act Fund............... 10,500
- Payable from Wildlife and Fish Fund............... 147,700

For Contractual Services:
- Payable from General Revenue Fund................. 79,300
- Payable from Wildlife and Fish Fund............... 95,000

For Travel:
- Payable from General Revenue Fund................. 20,500

For Commodities:
- Payable from General Revenue Fund................. 24,000

New matter indicated by italics - deletions by strikeout
Payable from Wildlife and Fish Fund.............  24,000
For Printing:
    Payable from Wildlife and Fish Fund.............  35,000
For Operation of Auto Equipment:
    Payable from General Revenue Fund..............  5,000
    Payable from Wildlife and Fish Fund.............  22,900
For the coordination of public events and promotions from activity fees, donations and vendor revenue:
    Payable from State Parks Fund....................  47,100
    Payable from Wildlife and Fish Fund.............  47,100
For expenses associated with the Sportsman Against Hunger Program:
    Payable from the Wildlife & Fish Fund........... 100,000
For Ordinary and Contingent Expenses of Special Events:
    Payable from Park and Conservation Fund......... 370,100
    Total                                           $2,126,200

Section 85. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF RESOURCE CONSERVATION

For Personal Services:
    Payable from General Revenue Fund............... 2,004,200
    Payable from Wildlife and Fish Fund............. 10,789,100
    Payable from Salmon Fund......................... 202,700
    Payable from Natural Areas Acquisition Fund..... 1,289,800
For State Contributions to State Employees' Retirement System:
    Payable from General Revenue Fund............... 332,700
    Payable from Wildlife and Fish Fund............. 1,791,000
    Payable from Salmon Fund......................... 33,700
    Payable from Natural Areas Acquisition Fund..... 214,100

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0348

For State Contributions to Social Security:
- Payable from General Revenue Fund: $153,300
- Payable from Wildlife and Fish Fund: $825,000
- Payable from Salmon Fund: $15,500
- Payable from Natural Areas Acquisition Fund: $98,700

For Group Insurance:
- Payable from Wildlife and Fish Fund: $2,726,900
- Payable from Salmon Fund: $43,400
- Payable from Natural Areas Acquisition Fund: $306,000

For Contractual Services:
- Payable from General Revenue Fund: $600,500
- Payable from Wildlife and Fish Fund: $1,918,100
- Payable from Salmon Fund: $2,900
- Payable from Natural Areas Acquisition Fund: $64,300

For Travel:
- Payable from General Revenue Fund: $16,200
- Payable from Wildlife and Fish Fund: $76,000
- Payable from Natural Areas Acquisition Fund: $32,200

For Commodities:
- Payable from General Revenue Fund: $174,900
- Payable from Wildlife and Fish Fund: $1,253,600
- Payable from Natural Areas Acquisition Fund: $40,200
- Payable from the Natural Heritage Fund: $16,000

For Printing:
- Payable from General Revenue Fund: $17,700
- Payable from Wildlife and Fish Fund: $133,700
- Payable from Natural Areas Acquisition Fund: $11,600

For Equipment:
- Payable from General Revenue Fund: $9,000
- Payable from Wildlife and Fish Fund: $279,700
- Payable from Natural Areas Acquisition Fund: $109,200
- Payable from Illinois Forestry Development Fund: $108,600

New matter indicated by italics - deletions by strikeout
For Telecommunications Services:
Payable from General Revenue Fund................ 100,800
Payable from Wildlife and Fish Fund.............. 251,800
Payable from Natural Areas Acquisition Fund.... 34,200

For Operation of Auto Equipment:
Payable from General Revenue Fund................ 150,600
Payable from Wildlife and Fish Fund.............. 432,000
Payable from Natural Areas Acquisition Fund.... 57,700

For the Purposes of the "Illinois Non-Game Wildlife Protection Act":
Payable from Illinois Wildlife Preservation Fund.............................. 500,000

For programs beneficial to advancing forests and forestry in this State as provided for in Section 7 of the "Illinois Forestry Development Act", as now or hereafter amended:
Payable from Illinois Forestry Development Fund............................. 1,064,000

For Administration of the "Illinois Natural Areas Preservation Act":
Payable from Natural Areas Acquisition Fund.... 1,378,100

For payment of the expenses of the Illinois Forestry Development Council:
Payable from Illinois Forestry Development Fund.. 118,500

For an Urban Fishing Program in conjunction with the Chicago Park District to provide fishing and resource management at the park district lagoons:
Payable from Wildlife and Fish Fund.............. 247,800

For workshops, training and other activities to improve the administration of fish and wildlife federal aid programs from federal aid administrative grants

New matter indicated by italics - deletions by strikeout
received for such purposes:
  Payable from Wildlife and Fish Fund.............  11,400
For expenses related to the
Conservation of Wildlife Populations
and Habitats:
  Payable from the Wildlife and Fish Fund.........  80,200
For education, outreach, and research
related to Invasive Species Control:
  Payable from the Wildlife and Fish Fund.........  461,800
  Payable from the Natural Areas Acquisition Fund..  472,900
For expenses related to Aquatic Resource
research to develop defensible, science
based water-quality regulations:
  Payable from the Wildlife and Fish Fund.........  56,000
For expenses related to the State
Wildlife Grant for research and
management of non-game organisms:
  Payable from the Wildlife and Fish Fund.........  20,700
For expenses related to the support
and management of the Illinois
Heritage Database:
  Payable from the Natural Areas Acquisition Fund..  176,700
For the support of the Endangered
Species Protection Board:
  Payable from the Natural Areas Acquisition Fund..  196,900
For expenses of the Natural Areas
Stewardship Program:
  Payable from the Natural Areas Acquisition Fund..  260,000
For expenses of the Natural Areas
Stewardship Program:
  Payable from Natural Areas Acquisition Fund....  1,679,200
For evaluating, planning, and implementation
for the updating and modernization of
the inventory and identification

New matter indicated by italics - deletions by strikeout
of natural areas in Illinois:
  Payable from Natural Areas Acquisition Fund.... 2,096,600
For expenses of the Urban Forestry Program:
  Payable from Illinois Forestry Development Fund......................... 462,900
For expenses associated with the Inner City Urban Revitalization program:
  Payable from the Illinois Forestry Development Fund......................... 240,900
For expenses associated with the Nursery Reforestation Program:
  Payable from the Illinois Forestry Development Fund......................... 200,000
  Payable from the Park and Conservation Fund...... 474,000
Total $36,975,300

Section 90. The sum of $1,507,138 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 51, Section 50, page 381, line 23, and Article 51, Section 55 of Public Act 94-798, as amended, is reappropriated from the Illinois Wildlife Preservation Fund to the Department of Natural Resources for purposes associated with the “Illinois Non-Game Wildlife Protection Act.”

Section 95. The sum of $532,580 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 51, Section 50, page 382, line 28, and Article 51, Section 60 of Public Act 94-798, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for the Inner City Urban Revitalization Program.

Section 100. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF LAW ENFORCEMENT

New matter indicated by italics - deletions by strikeout
For Personal Services:
Payable from General Revenue Fund.............. 6,526,600
Payable from State Boating Act Fund.............. 2,203,300
Payable from State Parks Fund.................... 887,900
Payable from Wildlife and Fish Fund.............. 4,030,300

For State Contributions to State Employees' Retirement System:
Payable from General Revenue Fund.............. 1,083,400
Payable from State Boating Act Fund.............. 365,700
Payable from State Parks Fund.................... 147,400
Payable from Wildlife and Fish Fund.............. 669,000

For State Contributions to Social Security:
Payable from General Revenue Fund.............. 144,100
Payable from State Boating Act Fund.............. 28,200
Payable from State Parks Fund.................... 15,300
Payable from Wildlife and Fish Fund.............. 37,000

For Group Insurance:
Payable from State Boating Act Fund.............. 408,500
Payable from State Parks Fund.................... 169,100
Payable from Wildlife and Fish Fund.............. 824,100

For Contractual Services:
Payable from General Revenue Fund.............. 110,600
Payable from State Boating Act Fund.............. 60,200
Payable from Wildlife and Fish Fund.............. 126,500

For Travel:
Payable from General Revenue Fund.............. 61,600
Payable from Wildlife and Fish Fund.............. 34,100

For Commodities:
Payable from General Revenue Fund.............. 106,900
Payable from State Boating Act Fund.............. 14,800
Payable from Wildlife and Fish Fund.............. 45,500

For Printing:
Payable from General Revenue Fund.............. 20,100
Payable from Wildlife and Fish Fund.............. 5,800

New matter indicated by italics - deletions by strikeout
For Equipment:
  Payable from General Revenue Fund...............  36,600
  Payable from State Boating Act Fund............  128,300
  Payable from State Parks Fund..................  159,600
  Payable from Wildlife and Fish Fund.............  207,800
For Telecommunications Services:
  Payable from General Revenue Fund...............  467,400
  Payable from State Boating Act Fund............  142,900
  Payable from Wildlife and Fish Fund.............  197,000
For Operation of Auto Equipment:
  Payable from General Revenue Fund...............  322,900
  Payable from State Boating Act Fund............  178,700
  Payable from Wildlife and Fish Fund.............  181,300
For Snowmobile Programs:
  Payable from State Boating Act Fund...............  32,900
For Payment of Timber Buyers bond forfeitures:
  Payable from Illinois Forestry Development Fund:.........................  25,000
For use in enforcing laws regulating controlled substances and cannabis on Department of Natural Resources regulated lands and waterways to the extent funds are received by the Department:
  Payable from the Drug Traffic Prevention Fund:.........................  25,000
For use in alcohol related enforcement efforts and training to the extent funds are available to the Department:
  Payable from the General Revenue Fund...............  0
  Payable from State Boating Fund..................  20,000
For Operations and Maintenance of Training Facility:
  Payable from Wildlife and Fish Fund...............  50,000
  Total..............................  $20,301,400

New matter indicated by italics - deletions by strikeout
Section 105. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

OFFICE OF LAND MANAGEMENT AND EDUCATION

For Personal Services:
- Payable from General Revenue Fund............ 15,249,100
- Payable from State Boating Act Fund............ 1,683,000
- Payable from State Parks Fund.................. 1,220,800
- Payable from Wildlife and Fish Fund.......... 6,068,400

For State Contributions to State Employee's Retirement System:
- Payable from General Revenue Fund.............. 2,531,400
- Payable from State Boating Act Fund.............. 279,400
- Payable from State Parks Fund.................... 202,700
- Payable from Wildlife and Fish Fund............ 1,007,400

For State Contributions to Social Security:
- Payable from General Revenue Fund.............. 1,247,900
- Payable from State Boating Act Fund.............. 128,800
- Payable from State Parks Fund.................... 93,400
- Payable from Wildlife and Fish Fund............ 464,000

For Group Insurance:
- Payable from State Boating Act Fund.............. 524,100
- Payable from State Parks Fund.................... 389,200
- Payable from Wildlife and Fish Fund............ 1,902,500

For Contractual Services:
- Payable from General Revenue Fund.............. 2,113,200
- Payable from State Boating Act Fund.............. 451,200
- Payable from State Parks Fund.................... 3,766,500
- Payable from Wildlife and Fish Fund............ 893,700

For Travel:
- Payable from General Revenue Fund.............. 44,200
- Payable from State Boating Act Fund............ 5,900
- Payable from State Parks Fund.................... 49,700

New matter indicated by italics - deletions by strikeout
Payable from Wildlife and Fish Fund

For Commodities:
- Payable from General Revenue Fund
- Payable from State Boating Act Fund
- Payable from State Parks Fund
- Payable from Wildlife and Fish Fund

For Printing:
- Payable from General Revenue Fund

For Equipment:
- Payable from General Revenue Fund
- Payable from State Parks Fund
- Payable from Wildlife and Fish Fund

For Telecommunications Services:
- Payable from General Revenue Fund
- Payable from State Parks Fund
- Payable from Wildlife and Fish Fund

For Operation of Auto Equipment:
- Payable from General Revenue Fund
- Payable from State Parks Fund
- Payable from Wildlife and Fish Fund

For Illinois-Michigan Canal:
- Payable from State Parks Fund

For Union County and Horseshoe Lake Conservation Areas, Farming and Wildlife Operations:
- Payable from Wildlife and Fish Fund

For operations and maintenance from revenues derived from the sale of surplus crops and timber harvest:
- Payable from the State Parks Fund
- Payable from the Wildlife and Fish Fund

For Snowmobile Programs:
- Payable from State Boating Act Fund

For expenses related to Pyramid State Park
contingent upon revenues generated at the site:
  Payable from State Parks Fund.....................  40,000
For expenses related to the Illinois Beach Ecosystem Program:
  Payable from the Natural Areas Acquisition Fund.....................  1,080,000
For operating expenses of the North Point Marina at Winthrop Harbor:
  Payable from the Adeline Jay Geo-Karis Illinois Beach Marina Fund...........  1,871,000
For expenses of the Park and Conservation program:
  Payable from Park and Conservation Fund...........  4,573,100
For expenses of the Bikeways program:
  Payable from Park and Conservation Fund...........  1,191,300
For Wildlife Prairie Park Operations and Improvements:
  Payable from General Revenue Fund...............  828,200
  Payable from Wildlife Prairie Park Fund...........  100,000
For Operations and Maintenance, including costs associated with operating new sites and facilities:
  Payable from State Parks Fund.....................  1,571,900
  Total ......................................................................................... $59,745,100

Section 110. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Natural Resources:

  OFFICE OF MINES AND MINERALS
For Personal Services:
  Payable from General Revenue Fund...............  2,683,800
  Payable from Mines and Minerals Underground Injection Control Fund...............  174,600
  Payable from Plugging and Restoration Fund ......  254,400

  New matter indicated by italics - deletions by strikeout
Payable from Underground Resources
Conservation Enforcement Fund.................. 345,400
Payable from Federal Surface Mining Control
and Reclamation Fund............................ 1,481,500
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust Fund........... 1,628,400
For State Contributions to State
Employees’ Retirement System:
Payable from General Revenue Fund............... 445,500
Payable from Mines and Minerals Underground
Injection Control Fund............................. 29,000
Payable from Plugging and Restoration Fund ...... 42,200
Payable from Underground Resources
Conservation Enforcement Fund.................. 57,300
Payable from Federal Surface Mining Control
and Reclamation Fund............................. 245,900
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust Fund............ 270,300
For State Contributions to Social Security:
Payable from General Revenue Fund............... 205,300
Payable from Mines and Minerals Underground
Injection Control Fund............................. 13,400
Payable from Plugging and Restoration Fund ...... 19,500
Payable from Underground Resources
Conservation Enforcement Fund.................. 26,400
Payable from Federal Surface Mining Control
and Reclamation Fund............................. 113,400
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust Fund............ 124,600
For Group Insurance:
Payable from Mines and Minerals Underground
Injection Control Fund............................. 55,900
Payable from Plugging and Restoration Fund ...... 60,500
Payable from Underground Resources

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation Enforcement Fund</td>
<td>121,700</td>
</tr>
<tr>
<td>Payable from Federal Surface Mining Control and Reclamation Fund</td>
<td>378,000</td>
</tr>
<tr>
<td>Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund</td>
<td>336,600</td>
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</table>

**For Contractual Services:**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Payable from General Revenue Fund</td>
<td>80,900</td>
</tr>
<tr>
<td>Payable from Plugging and Restoration Fund</td>
<td>26,500</td>
</tr>
<tr>
<td>Payable from Underground Resources Conservation Enforcement Fund</td>
<td>85,700</td>
</tr>
<tr>
<td>Payable from Federal Surface Mining Control and Reclamation Fund</td>
<td>468,200</td>
</tr>
<tr>
<td>Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund</td>
<td>218,200</td>
</tr>
</tbody>
</table>

**For Travel:**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund</td>
<td>27,000</td>
</tr>
<tr>
<td>Payable from Mines and Minerals Underground Injection Control Fund</td>
<td>5,000</td>
</tr>
<tr>
<td>Payable from Plugging and Restoration Fund</td>
<td>5,000</td>
</tr>
<tr>
<td>Payable from Underground Resources Conservation Enforcement Fund</td>
<td>6,000</td>
</tr>
<tr>
<td>Payable from Federal Surface Mining Control and Reclamation Fund</td>
<td>31,400</td>
</tr>
<tr>
<td>Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund</td>
<td>30,700</td>
</tr>
</tbody>
</table>

**For Commodities:**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund</td>
<td>10,300</td>
</tr>
<tr>
<td>Payable from Plugging and Restoration Fund</td>
<td>5,000</td>
</tr>
<tr>
<td>Payable from Underground Resources Conservation Enforcement Fund</td>
<td>9,600</td>
</tr>
<tr>
<td>Payable from Federal Surface Mining Control and Reclamation Fund</td>
<td>12,400</td>
</tr>
<tr>
<td>Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund</td>
<td>25,800</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Printing:
Payable from General Revenue Fund............... 1,200
Payable from Plugging and Restoration Fund ........ 500
Payable from Underground Resources
Conservation Enforcement Fund...................... 3,300
Payable from Federal Surface Mining Control
and Reclamation Fund................................ 11,200
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust Fund............ 1,000

For Equipment:
Payable from General Revenue Fund............... 51,200
Payable from Mines and Minerals Underground Injection Control Fund............... 20,000
Payable from Plugging and Restoration Fund ...... 38,200
Payable from Underground Resources
Conservation Enforcement Fund...................... 47,800
Payable from Federal Surface Mining Control
and Reclamation Fund............................... 109,600
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust Fund........... 121,300

For Electronic Data Processing:
Payable from General Revenue Fund............... 11,700
Payable from Plugging and Restoration Fund ....... 8,000
Payable from Underground Resources
Conservation Enforcement Fund...................... 31,000
Payable from Federal Surface Mining Control
and Reclamation Fund............................... 119,800
Payable from Abandoned Mined Lands
Reclamation Council Federal Trust Fund........... 82,500

For Telecommunications Services:
Payable from General Revenue Fund............... 37,100
Payable from Plugging and Restoration Fund ....... 18,200
Payable from Underground Resources
Conservation Enforcement Fund...................... 15,600

New matter indicated by italics - deletions by strikeout
Payable from Federal Surface Mining Control and Reclamation Fund................................. 32,000
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund........... 20,000
For Operation of Auto Equipment:
Payable from General Revenue Fund.................. 85,700
Payable from Mines and Minerals Underground Injection Control Fund......................... 28,500
Payable from Plugging and Restoration Fund........ 43,200
Payable from Underground Resources Conservation Enforcement Fund..................... 45,000
Payable from Federal Surface Mining Control and Reclamation Fund......................... 50,300
Payable from Abandoned Mined Lands Reclamation Council Federal Trust Fund........... 54,400
For the purpose of coordinating training and education programs for miners and laboratory analysis and testing of coal samples and mine atmospheres:
Payable from the General Revenue Fund............. 13,700
Payable from the Coal Mining Regulatory Fund..... 32,800
Payable from Federal Surface Mining Control and Reclamation Fund......................... 340,200
For expenses associated with Aggregate Mining Regulation:
Payable from Aggregate Operations Regulatory Fund................................. 272,500
For expenses associated with Explosive Regulation:
Payable from Explosives Regulatory Fund.......... 109,000
For expenses associated with Environmental Mitigation Projects, Studies, Research, and Administrative Support:
Payable from Abandoned Mined Lands

New matter indicated by italics - deletions by strikeout
Reclamation Council Federal
Trust Fund........................................ 400,000
For the purpose of reclaiming surface
mined lands, with respect to which a
bond has been forfeited:
Payable from Land Reclamation Fund.......... 350,000
For expenses associated with
Surface Coal Mining Regulation:
Payable from Coal Mining Regulatory Fund...... 438,500
For the State of Illinois' share of
expenses of Interstate Oil Compact
Commission created under the authority
of "An Act ratifying and approving an
Interstate Compact to Conserve Oil and
Gas", approved July 10, 1935, as amended:
Payable from General Revenue Fund............ 6,600
For expenses associated with litigation of
Mining Regulatory actions:
Payable from Federal Surface Mining
Control and Reclamation Fund.................... 15,000
For Small Operators' Assistance Program:
Payable from Federal Surface Mining
Control and Reclamation Fund.................... 150,000
For Plugging & Restoration Projects:
Payable from Plugging & Restoration Fund...... 1,000,000
For Interest Penalty Escrow:
Payable from General Revenue Fund............. 500
Payable from Underground Resources
Conservation Enforcement Fund.................... 500
Total $14,378,900

Section 115. The following named sums, or so much thereof as
may be necessary, for the objects and purposes hereinafter named, are
appropriated to meet the ordinary and contingent expenses of the
Department of Natural Resources:

New matter indicated by italics - deletions by strikeout
OFFICE OF WATER RESOURCES

For Personal Services:
Payable from General Revenue Fund............... 3,984,100
Payable from State Boating Act Fund............... 308,100

For State Contributions to State Employees’ Retirement System:
Payable from General Revenue Fund............... 661,400
Payable from State Boating Act Fund............... 51,100

For State Contributions to Social Security:
Payable from General Revenue Fund............... 304,700
Payable from State Boating Act Fund............... 23,600

For Group Insurance:
Payable from State Boating Act Fund............... 96,400

For Contractual Services:
Payable from General Revenue Fund............... 253,700
Payable from State Boating Act Fund............... 23,000

For Travel:
Payable from General Revenue Fund............... 98,700
Payable from State Boating Act Fund............... 6,500

For Commodities:
Payable from General Revenue Fund............... 7,000
Payable from State Boating Act Fund............... 14,200

For Printing:
Payable from General Revenue Fund............... 4,600

For Equipment:
Payable from General Revenue Fund............... 10,400
Payable from State Boating Act Fund............... 30,900

For Telecommunications Services:
Payable from General Revenue Fund............... 51,200
Payable from State Boating Act Fund............... 7,800

For Operation of Auto Equipment:
Payable from General Revenue Fund............... 88,200
Payable from State Boating Act Fund............... 2,900

For operating expenses related

New matter indicated by italics - deletions by strikeout
to the Dam Safety Program:
  Payable from the General Revenue Fund............ 143,400
For operating expenses of the state
and regional water supply planning
and management program:
  Payable from the General Revenue Fund............ 473,800
For payment of the Department’s share
of operation and maintenance of statewide
stream gauging network, water data
storage and retrieval system, in
cooperation with the U.S. Geological
Survey:
  Payable from the Wildlife and Fish Fund............ 200,000
For execution of state assistance
programs to improve the administration
of the National Flood Insurance
Program (NFIP) and National Dam
Safety Program as approved by the
Federal Emergency Management Agency
(82 Stat. 572):
  Payable from National Flood Insurance
  Program Fund.................................... 480,700
For Repairs and Modifications to Facilities:
  Payable from State Boating Act Fund............ 53,900
  Total.................................................. 7,380,300

Section 120. Pursuant to Executive Order 2006-01, the sum of
$1,300,000, or so much thereof as may be necessary, is appropriated from
the DNR Special Projects Fund to the Department of Natural Resources
for the Office of Water Resources to develop a comprehensive program for
state and regional water supply planning and management and develop a
plan for its implementation consistent with existing laws, regulations and
property rights, incorporation with local officials and regional planning
committees, and to provide for grants to priority regions to recruit and
assign responsibilities to Regional Water Supply Planning Committees

New matter indicated by italics - deletions by strikeout
formed to assist the State agencies in comparing population forecast with water supply needs, establishing a public participation process for plan formulation and developing management options for meeting long-term water supply needs including conservation strategies.

Section 125. The sum of $6,162,000 or so much thereof as may be necessary, is appropriated from the DNR Federal Projects Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for Floodplain Map Modernization as approved by the Federal Emergency Management Agency.

Section 130. The sum of $1,480,300, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the objects, uses, and purposes specified, including grants for such purposes and electronic data processing expenses, at the approximate costs set forth below:

- Corps of Engineers Studies - To jointly plan local flood protection projects with the U.S. Army Corps of Engineers and to share planning expenses as required by Section 203 of the U.S. Water Resources Development Act of 1996 (P.L. 104-303)............................... 30,000
- Federal Facilities - For payment of the State's share of operation and maintenance costs as local sponsor of the federal Aquatic Nuisance Barrier in the Chicago Sanitary and ship canal and the federal Rend Lake Reservoir and the federal projects on the Kaskaskia River....................... 600,000
- Lake Michigan Management - For studies carrying out the provisions of the Level of Lake Michigan Act, 615 ILCS 50 and the Lake Michigan Shoreline Act,
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>615 ILCS 55..........................</td>
<td>40,000</td>
</tr>
<tr>
<td>National Water Planning - For expenses to participate in national and regional water planning programs including membership in regional and national associations, commissions and compacts........</td>
<td>153,000</td>
</tr>
<tr>
<td>River Basin Studies - For purchase of necessary mapping, surveying, test boring, field work, equipment, studies, legal fees, hearings, archaeological and environmental studies, data, engineering, technical services, appraisals and other related expenses to make water resources reconnaissance and feasibility studies of river basins, to identify drainage and flood problem areas, to determine viable alternatives for flood damage reduction and drainage improvement, and to prepare project plans and specifications...............</td>
<td>137,900</td>
</tr>
<tr>
<td>Design Investigations - For purchase of necessary mapping, equipment test boring, field work for Geotechnical investigations and other design and construction related studies.....................................</td>
<td>2,500</td>
</tr>
<tr>
<td>Rivers and Lakes Management - For purchase of necessary surveying, equipment, obtaining data, field work studies, publications, legal fees, hearings and other expenses in order to expedite the fulfillment of the</td>
<td></td>
</tr>
</tbody>
</table>
provisions of the 1911 Act in relation to the "Regulation of Rivers, Lakes and Streams Act", 615 ILCS 5/4.9 et seq. 3,600

State Facilities - For materials, equipment, supplies, services, field vehicles, and heavy construction equipment required to operate, maintain, repair, construct, modify or rehabilitate facilities controlled or constructed by the Office of Water Resources, and to assist local governments preserve the streams of the State 87,000

State Water Supply and Planning - For data collection, studies, equipment and related expenses for analysis and management of the water resources of the State, implementation of the State Water Plan, and management of state-owned water resources 65,500

USGS Cooperative Program - For payment of the Department's share of operation and maintenance of statewide stream gauging network, water data storage and retrieval system, preparation of topography mapping, and water related studies; all in cooperation with the U.S. Geological Survey 360,800

Total $1,480,300

New matter indicated by italics - deletions by strikeout
Section 135. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Natural Resources:

**WASTE MANAGEMENT AND RESEARCH CENTER**

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>For Personal Services:</td>
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<tr>
<td>Payable from General Revenue Fund:</td>
<td>1,987,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund:</td>
<td>26,800</td>
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<tr>
<td>For Contractual Services:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund:</td>
<td>317,900</td>
</tr>
<tr>
<td>For Travel:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund:</td>
<td>16,500</td>
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<tr>
<td>For Commodities:</td>
<td></td>
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<tr>
<td>Payable from General Revenue Fund:</td>
<td>88,000</td>
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<tr>
<td>For Printing:</td>
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<tr>
<td>Payable from General Revenue Fund:</td>
<td>1,000</td>
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<tr>
<td>For Equipment:</td>
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</tr>
<tr>
<td>Payable from General Revenue Fund:</td>
<td>40,000</td>
</tr>
<tr>
<td>For Telecommunications Services:</td>
<td></td>
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<tr>
<td>Payable from General Revenue Fund:</td>
<td>23,400</td>
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<tr>
<td>For Operation of Auto Equipment:</td>
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<tr>
<td>Payable from General Revenue Fund:</td>
<td>25,000</td>
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<tr>
<td>For Ordinary and Contingent Expenses:</td>
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<tr>
<td>Payable from Toxic Pollution Prevention Fund</td>
<td>89,700</td>
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<td>Payable from Hazardous Waste Research Fund</td>
<td>472,100</td>
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<tr>
<td>Total</td>
<td>$3,088,300</td>
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**STATE GEOLOGICAL SURVEY**

<table>
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<tbody>
<tr>
<td>For Personal Services:</td>
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<tr>
<td>Payable from General Revenue Fund:</td>
<td>6,775,600</td>
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<tr>
<td>For State Contributions to Social Security:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund:</td>
<td>63,800</td>
</tr>
<tr>
<td>For Contractual Services:</td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>262,400</td>
</tr>
<tr>
<td>For Travel:</td>
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<tr>
<td>Payable from General Revenue Fund</td>
<td>51,300</td>
</tr>
<tr>
<td>For Commodities:</td>
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</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>87,200</td>
</tr>
<tr>
<td>For Printing:</td>
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</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>39,800</td>
</tr>
<tr>
<td>For Equipment:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>112,800</td>
</tr>
<tr>
<td>For Telecommunications Services:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>64,400</td>
</tr>
<tr>
<td>For Operation of Auto Equipment:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>55,000</td>
</tr>
<tr>
<td>Total</td>
<td>$7,512,300</td>
</tr>
</tbody>
</table>

**STATE NATURAL HISTORY SURVEY**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payable from General Revenue Fund</td>
<td>3,712,900</td>
</tr>
<tr>
<td>For State Contributions to Social Security:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>39,400</td>
</tr>
<tr>
<td>For Contractual Services:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>203,100</td>
</tr>
<tr>
<td>For Travel:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>10,000</td>
</tr>
<tr>
<td>For Commodities:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>49,000</td>
</tr>
<tr>
<td>For Printing:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>4,200</td>
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<tr>
<td>For Equipment</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>100,000</td>
</tr>
<tr>
<td>For Telecommunications Services:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>58,200</td>
</tr>
<tr>
<td>For Operation of Auto Equipment:</td>
<td></td>
</tr>
<tr>
<td>Payable from General Revenue Fund</td>
<td>30,100</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
including the diseases they spread:
Payable from the Emergency Public Health Fund................................. 200,000
Payable from Used Tire Management Fund....... 200,000
For expenses related to the Lost Mound Field Station:
Payable from the Natural Areas Acquisition Fund................................. 149,000
Total $4,755,900

STATE WATER SURVEY
For Personal Services:
Payable from General Revenue Fund.............. 3,761,700
For State Contributions to Social Security:
Payable from General Revenue Fund.............. 37,800
For Contractual Services:
Payable from General Revenue Fund.............. 176,100
For Travel:
Payable from General Revenue Fund.............. 9,900
For Commodities:
Payable from General Revenue Fund.............. 27,400
For Printing:
Payable from General Revenue Fund.............. 1,800
For Equipment:
Payable from General Revenue Fund.............. 92,200
For Telecommunications Services:
Payable from General Revenue Fund.............. 48,300
For Operation of Auto Equipment:
Payable from General Revenue Fund.............. 27,300
Total $4,182,500

STATE MUSEUMS
For Personal Services:
Payable from General Revenue Fund.............. 3,747,600
For State Contributions to State Employees Retirement System:
PUBLIC ACT 95-0348

Payable from General Revenue Fund................. 622,100
For State Contributions to Social Security:
  Payable from General Revenue Fund................. 286,700
For Contractual Services:
  Payable from General Revenue Fund................. 1,182,300
For Travel:
  Payable from General Revenue Fund................. 29,300
For Commodities:
  Payable from General Revenue Fund................. 110,000
For Printing:
  Payable from General Revenue Fund................. 41,200
For Equipment:
  Payable from General Revenue Fund................. 45,000
For Telecommunications Services:
  Payable from General Revenue Fund................. 81,400
For Operation of Auto Equipment:
  Payable from General Revenue Fund................. 15,700
For expenses related to the Museum Tech Academy:
  Payable from the Natural Areas Acquisition Fund......................... 227,000
  Total .......................................................... $6,388,300

FOR REFUNDS

Section 140. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Natural Resources:

For Payment of Refunds:
  Payable from General Revenue Fund............... 1,500
  Payable from State Boating Act Fund............ 30,000
  Payable from State Parks Fund................. 50,000
  Payable from Wildlife and Fish Fund.......... 1,150,000
  Payable from Plugging and Restoration Fund .... 25,000
  Payable from Underground Resources Conservation Enforcement Fund.................. 25,000
  Payable from Adeline Jay Geo-Karis

  New matter indicated by italics - deletions by strikeout
Illinois Beach Marina Fund........................ 25,000
Total                                     $1,306,500

Section 145. The following named sum, new appropriation, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, is appropriated to the Department of Natural Resources:

Payable from General Revenue Fund:
For Multiple Use Facilities and
Programs for conservation purposes
provided by the Department of
Natural Resources, including
construction and development,
all costs for supplies, material
labor, land acquisition, services,
studies and all other expenses
required to comply with the
intent of this appropriation................. 805,200

Section 150. The sum of $2,487,048, less $1,000,000 to be lapsed from the unexpended appropriation, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:

Payable from the General Revenue Fund:
(From Article 51, Section 100 of Public Act 94-798, as amended and Article 51, Section 105 of Public Act 94-798)
For Multiple use facilities and programs
for conservation purposes provided by
the Department of Natural Resources,
including construction and development,
all costs for supplies, material
labor, land acquisition, services,
studies and all other expenses required
to comply with the intent of this

New matter indicated by italics - deletions by strikeout
Section 155. No contract shall be entered into or obligation incurred or any expenditure made from appropriations herein made in Sections 145 and 150 until after the purpose and amount of such expenditure has been approved in writing by the Governor.

Section 160. The amount of $3,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Natural Resources for contributions of funds to park districts and other entities as provided by the "Illinois Horse Racing Act of 1975" and to public museums and aquariums located in park districts, as provided by "An Act concerning aquariums and museums in public parks" and the "Illinois Horse Racing Act of 1975" as now or hereafter amended.

ARTICLE 255

Section 5. The sum of $313,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Procurement Policy Board for its ordinary and contingent expenses.

ARTICLE 260

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Property Tax Appeal Board:

Payable from the General Revenue Fund:
- For Personal Services.......................... $1,621,600
- For State Contributions to State Employees' Retirement System............... $269,200
- For State Contributions to Social Security................................. $124,100
- For Contractual Services......................... $47,000
- For Travel........................................ $33,600
- For Commodities.................................... $9,600
- For Printing....................................... $5,800
- For Equipment..................................... $4,600
- For Electronic Data Processing...................... $43,200
- For Telecommunication Services.................. $30,000

New matter indicated by italics - deletions by strikeout
For Operation of Auto Equipment.................. 14,000
For Refunds........................................... 200
For Costs Associated with the Appeal Process and the Reestablishment of a Cook County Office.......................... 57,900
Total.................................................. $2,260,800

ARTICLE 265
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Revenue:

GOVERNMENT SERVICES
PAYABLE FROM GENERAL REVENUE FUND:
For Personal Services............................ 3,217,700
For State Contributions to State Employees’ Retirement System............... 534,100
For State Contributions to Social Security........ 246,200
For Contractual Services....................... 194,300
For Travel............................................. 49,600
For Equipment.................................... 64,000
For the State’s share of county supervisors of assessments or county assessors’ salaries, as provided by law.......................... 2,625,000
For additional compensation for local assessors, as provided by Sections 2.3 and 2.6 of the “Revenue Act of 1939”, as amended........................................ 500,000
For additional compensation for local assessors, as provided by Section 2.7 of the “Revenue Act of 1939”, as amended.......................... 702,000
For additional compensation for county treasurers, pursuant to Public Act

New matter indicated by italics - deletions by strikeout
84-1432, as amended................................. 663,000
For the state’s share of state’s attorneys’ and assistant state’s attorneys’ salaries, including prior year costs................................. 12,905,000
For the annual stipend for sheriffs as provided in subsection (d) of Section 4-6300 and Section 4-8002 of the counties code................................. 663,000
For the annual stipend to county coroners pursuant to 55 ILCS 5/4-6002 including prior year costs................................. 663,000
For the state’s share of county public defenders’ salaries pursuant to 55 ILCS 5/3-4007................................. 5,700,000
   Total $28,726,900

PAYABLE FROM MOTOR FUEL TAX FUND
For Personal Services............................. 322,400
For State Contributions to State
   Employees' Retirement System............... 53,500
   For State Contributions to Social Security... 24,700
   For Group Insurance............................ 101,300
   For Contractual Services..................... 33,200
   For Travel....................................... 14,100
   For Equipment.................................. 25,000
   Total $574,200

PAYABLE FROM ILLINOIS TAX INCREMENT FUND
For Personal Services............................. 208,400
For State Contributions to State
   Employees' Retirement System............... 34,600
   For State Contributions to Social Security... 16,000
   For Group Insurance............................ 60,400
   Total $319,400

New matter indicated by italics - deletions by strikeout
PAYABLE FROM PERSONAL PROPERTY TAX REPLACEMENT FUND

For Personal Services............................. 904,700
For State Contributions to State
Employees’ Retirement System...................... 150,200
For State Contributions to Social Security........ 69,200
For Group Insurance............................... 266,400
For Contractual Services........................... 10,000
For Travel........................................... 16,800
For Equipment...................................... 29,400
Total $1,446,700

PAYABLE FROM STATE AND LOCAL SALES TAX REFORM FUND

For allocation to Chicago for additional
1.25% Use Tax pursuant to P.A. 86-0928........ 53,803,700

PAYABLE FROM LOCAL GOVERNMENT DISTRIBUTIVE FUND

For allocation to local governments
for additional 1.25% Use Tax
pursuant to P.A. 86-0928......................... 142,620,700

PAYABLE FROM R.T.A. OCCUPATION AND
USE TAX REPLACEMENT FUND

For allocation to RTA for 10% of the
1.25% Use Tax pursuant to P.A. 86-0928........ 26,901,200

PAYABLE FROM SENIOR CITIZENS’ REAL ESTATE
TAX REVOLVING FUND

For payments to counties as required
by the Senior Citizens Real
Estate Tax Deferral Act......................... 5,900,000

PAYABLE FROM ILLINOIS TAX INCREMENT FUND

For distribution to Local Tax
Increment Finance Districts.................... 22,835,400

PAYABLE FROM RENTAL HOUSING SUPPORT PROGRAM FUND

For administration of the Rental
Housing Support Program....................... 1,100,000
For rental assistance to the Rental

New matter indicated by italics - deletions by strikeout
Housing Support Program, administered
by the Illinois Housing Development
Authority........................................ 31,000,000
PAYABLE FROM ILLINOIS AFFORDABLE HOUSING TRUST FUND
For administration of the Illinois
Affordable Housing Act.......................... 2,500,000

Section 10. The sum of $46,302,000 is appropriated from the
Illinois Affordable Housing Trust Fund to the Department of Revenue for
grants, (down payment assistance, rental subsidies, security deposit
subsidies, technical assistance, outreach, building an organization's
capacity to develop affordable housing projects and other related
purposes), mortgages, loans, or for the purpose of securing bonds pursuant
to the Illinois Affordable Housing Act, administered by the Illinois
Housing Development Authority.

Section 12. The sum of $3,500,000 is appropriated from the
Predatory Lending Database Program Fund to the Department of Revenue
for grants pursuant to the Predatory Lending Database Program,
administered by the Illinois Housing Development Authority.

Section 15. The sum of $6,300,000, or so much thereof as may be
necessary, is appropriated from the Illinois Affordable Housing Trust Fund
to the Department of Revenue for grants to other state agencies for rental
assistance, supportive living and adaptive housing.

Section 20. The sum of $48,900,000, new appropriation, is
appropriated and the sum of $9,000,000, or so much thereof as may be
necessary and as remains unexpended at the close of business on June 30,
2007, from appropriations and reappropriations heretofore made in Article
54, Section 40 of Public Act 94-798 is reappropriated from the Federal
HOME Investment Trust Fund to the Department of Revenue for the
Illinois HOME Investment Partnerships Program administered by the
Illinois Housing Development Authority.

Section 25. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to meet the ordinary and contingent expenses of
the Department of Revenue:

New matter indicated by italics - deletions by strikeout
### TAX ENFORCEMENT

#### PAYABLE FROM GENERAL REVENUE FUND

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>48,104,600</td>
</tr>
<tr>
<td>For State Contributions to State</td>
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<tr>
<td>Employees’ Retirement System</td>
<td>7,985,400</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>3,680,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>541,600</td>
</tr>
<tr>
<td>For Travel</td>
<td>934,700</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$61,246,300</strong></td>
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#### PAYABLE FROM MOTOR FUEL TAX FUND

<table>
<thead>
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<th>Category</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
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<tr>
<td>For State Contributions to State</td>
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<tr>
<td>Employees’ Retirement System</td>
<td>1,325,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>610,800</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>1,539,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>81,900</td>
</tr>
<tr>
<td>For Travel</td>
<td>1,407,200</td>
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<tr>
<td>For Administrative Costs of Joint State/Federal Motor Fuel Tax Enforcement</td>
<td>71,000</td>
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<tr>
<td>Grant from USDOT</td>
<td>159,400</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$13,179,400</strong></td>
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</table>

#### PAYABLE FROM UNDERGROUND STORAGE TANK FUND

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<thead>
<tr>
<th>Category</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
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<tr>
<td>For State Contributions to State</td>
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</tr>
<tr>
<td>Employees’ Retirement System</td>
<td>32,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>14,900</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>44,400</td>
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<tr>
<td>For Travel</td>
<td>30,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$315,900</strong></td>
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</table>

#### PAYABLE FROM ILLINOIS GAMING LAW ENFORCEMENT FUND

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>264,500</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For State Contributions to State
   Employees’ Retirement System.................. 43,900
For State Contributions to Social Security........ 22,200
For Group Insurance............................... 59,200
For Contractual Services.......................... 4,300
For Travel......................................... 50,200

For a Grant for Allocation to Local Law Enforcement Agencies for joint state and local efforts in Administration of the Charitable Games, Pull Tabs and Jar Games Act........................................ 1,300,000

Total                                                                                         $1,744,300

PAYABLE FROM HOME RULE MUNICIPAL RETAILERS OCCUPATION TAX FUND
For Personal Services.............................. 194,300
For State Contributions to State
   Employees’ Retirement System.................. 32,300
For State Contributions to Social Security........ 14,900
For Group Insurance............................... 44,400
For Travel......................................... 50,800

Total                                                                                         $336,700

PAYABLE FROM COUNTY OPTION MOTOR FUEL TAX FUND
For Personal Services.............................. 123,700
For State Contributions to State
   Employees’ Retirement System.................. 20,500
For State Contributions to Social Security........ 9,500
For Group Insurance............................... 29,600
For Travel......................................... 30,300

Total                                                                                         $213,600

PAYABLE FROM CHILD SUPPORT ADMINISTRATIVE FUND
For Personal Services.............................. 1,559,300
For State Contributions to State
   Employees’ Retirement System.................. 258,800
For State Contributions to Social Security........ 119,300

New matter indicated by italics - deletions by strikeout
For Group Insurance........................................ 444,000
Total                                           $2,381,400

PAYABLE FROM PERSONAL PROPERTY TAX REPLACEMENT FUND

For Personal Services................................. 1,119,900
For State Contributions to State
  Employees' Retirement System....................  185,900
  For State Contributions to Social Security.....  85,700
  For Group Insurance...............................  325,600
  For Contractual Services.........................  100,000
  For Travel..........................................  223,100
Total                                           $2,040,200

PAYABLE FROM ILLINOIS DEPARTMENT OF REVENUE FEDERAL TRUST FUND

For Administrative Costs Associated with the Illinois Department of Revenue Federal Trust Fund........  675,000

PAYABLE FROM THE DEBT COLLECTION FUND

For Administrative Costs Associated with Statewide Debt Collection..............................  10,000

PAYABLE FROM TAX COMPLIANCE AND ADMINISTRATION FUND

For Administration of the Dyed Diesel Fuel Roadside Enforcement Plan per PA 91-173, including prior year costs........  29,600
Section 30. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Revenue:

TAX OPERATIONS

PAYABLE FROM GENERAL REVENUE FUND

For Personal Services............................... 32,200,500
For Extra Help........................................  90,000

New matter indicated by italics - deletions by strikeout
For State Contributions to State
  Employees’ Retirement System.......................... 5,345,300
For State Contributions to Social Security........ 2,470,200
For Contractual Services.......................... 7,341,300
For Travel......................................... 129,000
For Commodities..................................... 483,100
For Printing........................................ 1,149,400
For Electronic Data Processing................... 5,022,600
For Telecommunications Services................. 2,363,100
For Operation of Automotive Equipment............ 16,500
For Refund of certain taxes in lieu
  of credit memoranda, where such
   refunds are authorized by law.................... 6,576,500
For costs and expenses related to or in
  support of a Government Services
   shared services center.......................... 6,639,500
Total                                                                 $69,827,000

PAYABLE FROM MOTOR FUEL TAX FUND
For Personal Services.......................... 4,838,700
For State Contributions to State
  Employees’ Retirement System.......................... 803,200
For State Contributions to Social Security........ 370,200
For Group Insurance.............................. 1,095,200
For Contractual Services.......................... 1,770,100
For Travel......................................... 11,900
For Commodities................................. 61,400
For Printing....................................... 225,200
For Electronic Data Processing................... 9,297,000
For Telecommunications Services.................. 330,700
For Operation of Automotive Equipment.......... 50,400
For Refunds...................................... 16,016,200
For costs and expenses related to or in
  support of a Government Services
   shared services center.......................... 652,900

New matter indicated by italics - deletions by strikeout
For Reimbursement to International Fuel Tax Agreement Member States.............. 42,000,000
Total $77,523,100

PAYABLE FROM UNDERGROUND STORAGE TANK FUND
For Personal Services.............................. 389,700
For State Contributions to State
  Employees’ Retirement System..................... 64,700
  For State Contributions to Social Security......... 29,800
  For Group Insurance................................ 133,200
  For Commodities.................................... 2,100
  For Printing........................................ 1,500
  For Electronic Data Processing..................... 17,800
  For Telecommunications Services..................... 34,000
  For Refunds as provided for in Section 13a.8
    of the Motor Fuel Tax Act......................... 12,000
Total $684,800

PAYABLE FROM ILLINOIS GAMING LAW ENFORCEMENT FUND
For Personal Services.............................. 408,700
For State Contributions to State
  Employees’ Retirement System..................... 67,800
  For State Contributions to Social Security......... 31,300
  For Group Insurance................................ 118,400
  For Commodities.................................... 2,900
  For Printing........................................ 1,500
  For Electronic Data Processing..................... 392,400
  For Telecommunications Services..................... 13,500
  For Operation of Automotive Equipment............... 28,600
Total $1,065,100

PAYABLE FROM COUNTY OPTION MOTOR FUEL TAX FUND
For Personal Services.............................. 212,700
For State Contributions to State
  Employees’ Retirement System..................... 35,300
  For State Contributions to Social Security......... 16,300
  For Group Insurance................................ 74,000

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0348

For Commodities................................. 2,400
For Electronic Data Processing................... 34,400
For Telecommunications Services............... 15,500
   Total $390,600
   PAYABLE FROM TAX COMPLIANCE AND ADMINISTRATION FUND
For Personal Services.......................... 293,600
For State Contributions to State
   Employees' Retirement System............... 48,700
For State Contributions to Social Security...... 22,500
For Group Insurance................................ 88,800
For Electronic Data Processing................ 105,000
For Telecommunications Services............... 6,700
For Administration of the Illinois
   Petroleum Education
   and Marketing Act............................ 9,000
For Administration of the Dry
   Cleaners Environmental
   Response Trust Fund Act..................... 67,500
For Administration of the Simplified
   Telecommunications Act...................... 1,646,500
For administrative costs associated
   with the Municipality Sales Tax
as directed in Public Act 93-1053............. 88,700
   Total $2,377,000
   PAYABLE FROM PERSONAL PROPERTY TAX REPLACEMENT FUND
For Personal Services.......................... 3,555,400
For State Contributions to State
   Employees’ Retirement System.............. 590,200
For State Contributions to Social Security.... 272,000
For Group Insurance............................ 1,169,200
For Contractual services....................... 317,300
For Travel........................................ 4,000

New matter indicated by italics - deletions by strikeout
For Commodities..................................... 52,500
For Printing........................................ 24,600
For Electronic Data Processing............... 5,724,000
For Telecommunications Services........... 197,200
For Operation of Automotive Equipment........ 16,000
Total $11,922,400

PAYABLE FROM HOME RULE MUNICIPAL RETAILERS OCCUPATION TAX FUND
For Electronic Data Processing............... 264,000
For Telecommunications Services........... 4,700
Total $268,700

PAYABLE FROM ILLINOIS TAX INCREMENT FUND
For Electronic Data Processing............... 135,000
For Telecommunications Services........... 17,400
Total $152,400

PAYABLE FROM CHILD SUPPORT ADMINISTRATIVE FUND
For Electronic Data Processing............... 8,700
For Telecommunications Services........... 15,600
Total $24,300

PAYABLE FROM THE MUNICIPAL TELECOMMUNICATIONS FUND
For refunds associated with the
Simplified Municipal Telecommunications Act......................... 12,000

ILLINOIS GAMING BOARD
Section 35. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Revenue for the ordinary and contingent expenses of the Illinois Gaming Board:

PAYABLE FROM THE STATE GAMING FUND
For Personal Services......................... 6,088,300
For State Contributions to the
State Employees' Retirement System........... 1,010,700
For State Contributions to

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0348

Social Security................................. 315,800
For Group Insurance............................ 1,291,300
For Contractual Services....................... 1,017,400
For Travel........................................ 78,300
For Commodities............................... 19,600
For Printing..................................... 6,300
For Equipment................................... 135,900
For Electronic Data Processing............... 57,900
For Telecommunications......................... 206,500
For Operation of Auto Equipment.............. 50,000
For Refunds..................................... 50,000
For Expenses Related to the Illinois State Police........ 8,300,000
For costs and expenses related to or in support of a Government Services shared services center............... 153,800
For distributions to local governments for admissions and wagering tax......................... 120,000,000
Total $138,781,800

LIQUOR CONTROL COMMISSION
Section 40. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Revenue:

PAYABLE FROM DRAM SHOP FUND

For Personal Services......................... 2,296,300
For State Contributions to State Employees’ Retirement System............... 381,200
For State Contributions to Social Security................................. 175,700
For Group Insurance............................ 550,000
For Contractual Services....................... 269,100
For Travel........................................ 110,000
For Commodities............................... 11,000

New matter indicated by italics - deletions by strikeout
For Printing................................. 5,000
For Equipment................................. 20,000
For Electronic Data Processing............... 116,500
For Telecommunications Services............ 45,000
For Operation of Automotive Equipment..... 75,000
For Refunds.................................. 5,000
For expenses related to the
Retailer Education Program.................. 194,600
For expenses related to Tobacco Study...... 331,200
For grants to local governmental
units to establish enforcement
programs that will reduce youth
access to tobacco products................... 1,000,000
For costs and expenses related
to or in support of a Government
Services shared services center............ 85,500
For the purpose of operating the
Beverage Alcohol Sellers and
Servers Education and Training
(BASSET) Program........................... 242,100
Total  $5,913,200

LOTTERY

Section 45. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to the Department of Revenue for the ordinary
and contingent expenses for Lottery, including operating expenses related
to Multi-State Lottery games pursuant to the Illinois Lottery Law:

PAYABLE FROM STATE LOTTERY FUND

For Personal Services....................... 8,053,000
For State Contributions for the State
Employees' Retirement System.............. 1,336,800
For State Contributions to
Social Security............................. 616,100
For Group Insurance......................... 2,152,400

New matter indicated by italics - deletions by strikeout
For Contractual Services...................... 27,366,600
For Travel....................................... 110,400
For Commodities................................ 58,600
For Printing.................................... 29,800
For Equipment.................................. 275,000
For Electronic Data Processing................ 4,106,500
For Telecommunications Services............. 8,980,100
For Operation of Auto Equipment.............. 425,000
For Refunds..................................... 48,000
For Expenses of Developing and Promoting Lottery Games............... 7,533,200
For Expenses of the Lottery Board .......... 8,300
For costs and expenses related to or in support of a Government Services shared services center........................................... 491,700
For payment of prizes to holders of winning lottery tickets or shares, including prizes related to Multi-State Lottery games, and payment of promotional or incentive prizes associated with the sale of lottery tickets, pursuant to the provisions of the "Illinois Lottery Law"....................... 315,050,000
Total........................................... $376,641,500

RACING

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Revenue for the ordinary and contingent expenses of the Illinois Racing Board:

PAYABLE FROM THE HORSE RACING FUND
For Personal Services......................... 977,200

New matter indicated by italics - deletions by strikeout
For State Contributions to State Employees' Retirement System............... 162,200
For State Contributions to Social Security................................. 74,700
For Group Insurance....................................................... 251,600
For Contractual Services................................................ 290,400
For Travel................................................................. 32,700
For Commodities.......................................................... 7,500
For Printing............................................................... 10,700
For Equipment............................................................. 18,400
For Electronic Data Processing............................................ 241,300
For Telecommunications Services......................................... 90,600
For Operation of Auto Equipment....................................... 21,500
For Refunds................................................................. 300
For Expenses related to the Laboratory Program.............................. 1,913,100
For Expenses related to the Regulation of Racing Program.................. 3,935,100
For costs and expenses related to or in support of a Government Services shared services center................. 69,200
Total $8,096,500

ARTICLE 270

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the State Employees' Retirement System:

FOR OPERATIONS

FOR THE SOCIAL SECURITY ENABLING ACT

For Personal Services..................................................... 52,800
For Employee Retirement Contributions
Paid by Employer........................................................... 0
For State Contributions to the State Employees' Retirement System............. 8,800

New matter indicated by italics - deletions by strikeout
For State Contributions to
  Social Security.............................. 4,100
  For Contractual Services.................... 17,500
  For Travel.................................. 1,200
  For Commodities............................. 200
  For Printing................................ 0
  For Equipment................................ 0
  For Electronic Data Processing............. 1,500
  For Telecommunications Services........... 400
  Total....................................... $86,500

CENTRAL OFFICE
For Employee Retirement Contributions
  Paid by Employer for Prior Fiscal Year:
    Payable from General Revenue Fund........ 120,800

  Section 10. The sum of $0, minus the amount transferred to the State Employees' Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the State Employees' Retirement System pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

  Section 15. The sum of $46,872,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the Judges' Retirement System for the State's Contribution, as provided by law.

  Section 20. The sum of $0, minus the amount transferred to the Judges' Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the Judges' Retirement System pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

  Section 25. The sum of $6,809,800, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of

New matter indicated by italics - deletions by strikeout
Trustees of the General Assembly Retirement System for the State's Contribution, as provided by law.

Section 30. The sum of $0, minus the amount transferred to the General Assembly Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the General Assembly Retirement System, pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

ARTICLE 275

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF THE EXECUTIVE OFFICE

Payable from General Revenue Fund:
For Personal Services........................... 627,100
For State Contributions to State
Employees' Retirement System.................... 104,100
For State Contributions to Social Security .... 48,000
For Contractual services.......................... 49,500
For Travel........................................ 33,600
For Commodities...................................... 200
For costs associated with the Shared Services Initiative and other operational expenses............... 138,300
Total ........................................... $1,000,800

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF FINANCE AND ADMINISTRATION

Payable from General Revenue Fund:
For Personal Services......................... 665,400
For State Contributions to State
Employees' Retirement System.................... 110,500

New matter indicated by italics - deletions by strikeout
For State Contributions to Social Security ...... 50,900
For Contractual Services ......................... 321,900
For Travel ........................................ 10,000
For Commodities ................................. 20,400
For Electronic Data Processing ................... 120,400
For Equipment .................................... 15,200
For Telecommunications ............................ 66,200
For Operation of Auto Equipment ................. 3,400
For costs associated with the Shared Services Initiative and other operational expenses .................... 663,200
Total $2,047,500

Payable from Services for Older Americans Fund:
For Personal Services ......................... 281,900
For State Contributions to State Employees' Retirement System .................. 46,800
For State Contributions to Social Security ...... 21,600
For Group Insurance ............................ 70,000
For Contractual Services ......................... 76,300
For Travel ........................................ 10,000
For Commodities ................................. 6,500
For Printing ...................................... 12,800
For Equipment ................................... 1,100
For Telecommunications ........................... 14,000
For Operations of Auto Equipment ................. 2,400
For costs associated with the Shared Services Initiative and other operational expenses .................... 389,600
Total $933,000

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF HOME AND COMMUNITY SERVICES

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund:
For Personal Services........................... 651,400
For State Contributions to State
  Employees' Retirement System............... 108,150
  For State Contributions to Social Security .... 49,800
  For Travel........................................ 20,000
  For Commodities...................................... 500
Total                                    $826,850

Payable from Services for Older Americans Fund:
For Personal Services............................ 1,154,000
For State Contributions to State
  Employees' Retirement System............... 191,600
  For State Contributions to Social Security .... 88,300
  For Group Insurance.............................. 272,000
  For Contractual Services.......................... 15,000
  For Travel........................................ 52,100
Total                                    $1,773,000

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF PLANNING RESEARCH AND DEVELOPMENT

Payable from General Revenue Fund:
For Personal Services........................... 203,400
For State Contributions to State
  Employees' Retirement System............... 34,000
  For State Contributions to Social Security .... 15,600
  For Travel........................................ 20,000
  For Commodities...................................... 500
Total                                    $273,500

Payable from Services for Older Americans Fund:
For Personal Services............................ 299,100
For State Contributions to State

New matter indicated by italics - deletions by strikeout
Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DIVISION OF COMMUNICATIONS AND OUTREACH

Payable from General Revenue Fund:
For Personal Services......................... 247,300
For State Contributions to State
  Employees' Retirement System.............. 41,050
For State Contributions to Social Security .... 18,900
For Contractual Services.................... 60,000
For Travel.................................... 24,700
For Commodities................................ 500
For Printing.................................. 23,500
Total ......................................... $415,950

Payable from Services for Older Americans Fund:
For Personal Services......................... 194,500
For State Contributions to State
  Employees' Retirement System............... 32,300
For State Contributions to Social Security .... 14,900
For Group Insurance.......................... 64,000
For Travel.................................... 10,000
Total ......................................... $315,700

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DISTRIBUTIVE ITEMS
OPERATIONS

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund:
For Expenses of the Provisions of the Elder Abuse and Neglect Act........... 11,041,400
For Expenses of the Intergenerational Programs........................................ 60,900
For Expenses of the Illinois Department on Aging for Monitoring and Support Services........................................ 296,900
For Expenses of the Illinois Council on Aging........................................ 12,200
For Expenses of the Alzheimer’s Task Force And Conference.......................... 12,400
For Expenses of the Senior Employment Specialist Program.......................... 264,300
For Expenses of the Grandparents Raising Grandchildren Program.................. 336,500
For expenses associated with Home Delivered Meals (non-formula).................. 2,000,000
For Expenses of the Senior Meal Program........................................ 34,500
For Expenses of the Alzheimer’s Initiative and Related Programs................... 104,700
For Administrative Expenses of the Red Tape Cutter Program.......................... 9,800
For Expenses of the Senior Helpline........................................ 1,468,400
Total $15,642,000

Payable from Services for Older Americans Fund:
For Expenses of Senior Meal Program............................................... 52,100
For Purchase of Training Services................................................................ 148,300
For Expenses of the Discretionary Government Projects.............................. 6,405,000
Total $6,605,400

Payable from the Department on Aging's Special Projects Fund:

New matter indicated by italics - deletions by strikeout
For Expenses of Private Partnership Projects................................................. 45,000

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

**DISTRIBUTIVE ITEMS**

**GRANTS-IN-AID**

Payable from General Revenue Fund:

For grants and for administrative expenses associated with the purchase of services covered by the Community Care Program, including prior year costs.... 330,662,300

For grants for a Needs Assessment Study of the Elderly in the South Suburbs................................................. 0

For Grants and for Administrative Expenses Associated with Comprehensive Care Coordination, including prior year costs................. 43,428,600

For Grants for distribution to the 13 Area Agencies on Aging for costs for home delivered meals and mobile food equipment .... 7,969,600

Grants for Community Based Services including information and referral services, transportation and delivered meals................................................. 3,062,300

Grants for Community Based Services for equal distribution to each of the 13 Area Agencies on Aging......................... 1,955,000

For Grants for Retired Senior Volunteer Program................................. 782,000

For Planning and Service Grants to Area Agencies on Aging................ 2,241,700

For Grants for the Foster

New matter indicated by italics - deletions by strikeout
Grandparent Program.......................... 342,100
For Expenses to the Area Agencies
on Aging for Long-Term Care Systems
Development................................... 276,000
For Grants for Suburban Area Agency
on Aging for the Red
Tape Cutter Program......................... 251,700
For Grants for Chicago Department on Aging
for the Red Tape Cutter Program............. 603,600
For the Ombudsman Program................... 391,000
Total $391,965,900
Payable from the Tobacco Settlement
Recovery Fund:
For Grants and Administrative
Expenses of Senior Health
Assistance Programs......................... 1,600,000
Payable from Services for Older Americans Fund:
For Grants for Social Services.............. 27,164,000
For Grants for Nutrition Services.......... 24,475,800
For Grants for Employment Services........ 3,397,000
For Grants for USDA Adult Day Care........ 1,500,000
For Grants for the USDA Elderly
Feeding Program............................. 6,500,000
Total $63,036,800

Section 40. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department on
Aging for the ordinary and contingent expenses of the Senior Citizens
Circuit Breaker and Pharmaceutical Assistance Program:
Payable from General Revenue Fund......... 44,196,000
Payable from Tobacco Settlement
Recovery Fund............................... 6,490,900

ARTICLE 280
Section 5. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:

**PROGRAM ADMINISTRATION**

<table>
<thead>
<tr>
<th>Payable from General Revenue Fund:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services......................................</td>
<td>14,346,200</td>
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<tr>
<td>For State Contributions to State</td>
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</tr>
<tr>
<td>Employees' Retirement System................................</td>
<td>2,381,500</td>
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<tr>
<td>For State Contributions to Social Security................</td>
<td>1,097,500</td>
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<tr>
<td>For Contractual Services</td>
<td>19,027,500</td>
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<td>For Travel..................................................</td>
<td>320,600</td>
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<td>For Commodities............................................</td>
<td>528,200</td>
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<tr>
<td>For Printing................................................</td>
<td>898,000</td>
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<tr>
<td>For Equipment..............................................</td>
<td>431,800</td>
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<tr>
<td>For Telecommunications Services............................</td>
<td>1,293,500</td>
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<tr>
<td>For Operation of Auto Equipment............................</td>
<td>102,700</td>
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<td><strong>Total</strong></td>
<td><strong>$40,427,500</strong></td>
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</tbody>
</table>

The sum of $3,950,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Healthcare and Family Services for costs and expenses related to or in support of a Healthcare shared services center.

**OFFICE OF INSPECTOR GENERAL**

<table>
<thead>
<tr>
<th>Payable from General Revenue Fund:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services......................................</td>
<td>12,022,600</td>
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<tr>
<td>For State Contributions to State</td>
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<tr>
<td>Employees' Retirement System................................</td>
<td>1,995,750</td>
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<tr>
<td>For State Contributions to Social Security................</td>
<td>919,700</td>
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<tr>
<td>For Contractual Services</td>
<td>4,017,500</td>
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<td>For Travel..................................................</td>
<td>221,300</td>
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<td>For Equipment..............................................</td>
<td>203,800</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$19,380,650</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Payable from Public Aid Recoveries Trust Fund:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Personal Services........................... 795,100
For State Contributions to State
Employees' Retirement System............... 132,000
For State Contributions to
Social Security.................................. 60,800
For Group Insurance............................ 205,300
Total                                      $1,193,200
Payable from Long-Term Care Provider Fund:
For Administrative Expenses.................. 169,800

ENERGY ASSISTANCE
Payable from Energy Administration Fund:
For Personal Services........................... 263,500
For State Contributions to State
Employees' Retirement System............... 43,750
For State Contributions to
Social Security.................................. 20,200
For Group Insurance............................ 64,900
For Contractual Services....................... 255,300
For Travel........................................ 40,100
For Commodities.................. 2,000
For Equipment................................. 8,700
For Telecommunications Services............. 6,100
For Operation of Automotive Equipment........ 1,000
For Administrative and Grant Expenses
Relating to Training, Technical
Assistance, and Administration of the
Weatherization Programs....................... 250,000
Total                                      $955,550
Payable from Low Income Home Energy
Assistance Block Grant Fund:
For Personal Services........................... 1,415,300
For State Contributions to State
Employees' Retirement System............... 235,000

New matter indicated by italics - deletions by strikeout
Social Security................................. 108,300
For Group Insurance......................... 261,100
For Contractual Services.................... 1,538,800
For Travel..................................... 133,300
For Commodities.............................. 8,100
For Printing................................... 65,000
For Equipment............................... 145,000
For Telecommunications Services............. 586,000
For Operation of Automotive Equipment...... 2,900
For Expenses Related to the
Development and Maintenance of
the LIHEAP System............................ 1,037,000
Total                                    $5,535,800

CHILD SUPPORT ENFORCEMENT
Payable from Child Support Administrative Fund:
For Personal Services....................... 56,562,800
For Employee Retirement Contributions
  Paid by Employer........................... 2,262,500
For State Contributions to State
  Employees' Retirement System............ 9,389,425
For State Contributions to
  Social Security........................... 4,327,000
For Group Insurance......................... 14,823,700
For Contractual Services................... 63,194,900
For Travel................................... 529,100
For Commodities............................ 319,400
For Printing.................................. 162,800
For Equipment............................... 818,400
For Telecommunications Services.......... 3,674,400
For Child Support Enforcement
  Demonstration Projects.................... 1,400,000
For Administrative Costs Related to
  Enhanced Collection Efforts including
  Paternity Adjudication Demonstration..... 13,058,700

New matter indicated by italics - deletions by strikeout
For Costs Related to the State Disbursement Unit............... 16,159,400
Total ................. $186,682,525

The sum of $2,596,400, or so much thereof as may be necessary, is appropriated from the Child Support Administrative Fund to the Department of Healthcare and Family Services for costs and expenses related to or in support of a Healthcare shared services center.

The amount of $38,952,500, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the General Revenue Fund for deposit into the Child Support Administrative Fund.

LEGAL REPRESENTATION
Payable from General Revenue Fund:
For Personal Services.......................... 1,614,500
For Employee Retirement Contributions
   Paid by Employer................................ 64,580
For State Contributions to State
   Employees' Retirement System.............. 268,000
For State Contributions to Social Security................................. 123,500
For Contractual Services........................ 395,900
For Travel......................................... 5,900
For Equipment..................................... 29,600
Total .............................................. $2,501,980

PUBLIC AID RECOVERIES
Payable from Public Aid Recoveries Trust Fund:
For Personal Services.......................... 6,885,100
For State Contributions to State
   Employees' Retirement System............ 1,142,925
For State Contributions to Social Security................................. 526,700
For Group Insurance............................... 1,897,100
For Contractual Services........................ 26,081,400
For Travel......................................... 120,000

New matter indicated by italics - deletions by strikeout
For Commodities............................. 50,000
For Printing................................. 25,000
For Equipment............................... 2,304,100
For Telecommunications Services............ 320,000
Total $38,352,325

The sum of $873,700, or so much thereof as may be necessary, is appropriated from the Public Aid Recoveries Trust Fund to the Department of Healthcare and Family Services for costs and expenses related to or in support of a Healthcare shared services center.

MEDICAL

Payable from General Revenue Fund:
For Personal Services....................... 35,513,100
For State Contributions to State
Employees' Retirement System............... 5,895,200
For State Contributions to Social Security........................................ 2,716,800
For Contractual Services.................... 6,191,000
For Travel.................................. 284,300
For Equipment.............................. 61,400
For Telecommunications Services......... 1,430,800
For Purchase of Medical Management Services................................. 8,745,800
For Purchase of Services Relating to and costs associated with the development, implementation and operation of an electronic Medicaid client eligibility verification system.......................... 1,713,400
For Costs Associated with the Development, Implementation and Operation of a Medical Data Warehouse........................................ 3,894,900
For Refunds of Premium Payments Received Pursuant to Section 25(a)(2) of the Children's Health Insurance Program Act,

New matter indicated by italics - deletions by strikeout
or under the provisions of the Health Benefits for Workers with Disabilities Program, or under the provisions of the Covering ALL KIDS Health Insurance Act

Payable from Provider Inquiry Trust Fund:
For expenses associated with providing access and utilization of Department eligibility files

The sum of $64,900, or so much thereof as may be necessary, is appropriated from the Long-Term Care Provider Fund to the Department of Healthcare and Family Services for costs and expenses related to or in support of a Healthcare shared services center.

Section 10. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for Medical Assistance:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE, THE CHILDREN’S HEALTH INSURANCE PROGRAM ACT, AND THE COVERING ALL KIDS HEALTH INSURANCE ACT

Payable from General Revenue Fund:
For Physicians
For Dentists
For Optometrists
For Podiatrists
For Chiropractors
For Hospital In-Patient, Disproportionate Share and Ambulatory Care
For federally defined Institutions for Mental Diseases
For Supportive Living Facilities
For all other Skilled, Intermediate, and Other Related Long Term Care Services

New matter indicated by italics - deletions by strikeout
For Community Health Centers..............  245,107,100
For Hospice Care..............................  62,230,800
For Independent Laboratories...............  44,638,200
For Home Health Care, Therapy, and Nursing Services.........  51,341,000
For Appliances................................  69,753,300
For Transportation.........................  105,137,700
For Other Related Medical Services and for development, implementation, and operation of managed care and children's health programs including operating and administrative costs and related distributive purposes..............  159,830,600
For Medicare Part A Premiums..............  22,170,300
For Medicare Part B Premiums...............  267,363,900
For Medicare Part B Premiums for Qualified Individuals under the Federal Balanced Budget Act of 1997........  16,540,400
For Health Maintenance Organizations and Managed Care Entities..............  155,543,500
For Division of Specialized Care for Children......................  64,908,600
Total ........................................  5,963,838,300

In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Healthcare and Family Services for Medical Assistance under the Illinois Public Aid Code, the Children's Health Insurance Program Act, the Covering ALL KIDS Health Insurance Act, and the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act for Prescribed Drugs, including costs associated with the implementation and operation of the Illinois Cares Rx Program, and costs related to the operation of the Health Benefits for Workers with Disabilities Program:

New matter indicated by italics - deletions by strikeout
Payable from:

General Revenue Fund................................................. 993,666,400
Drug Rebate Fund.................................................. 604,000,000
Tobacco Settlement Recovery Fund.................. 498,000,000
Medicaid Buy-In Program Revolving Fund............ 300,000

Total ................................................................. $2,095,966,400

The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:

FOR MEDICAL ASSISTANCE

Payable from General Revenue Fund:

For Grants for Medical Care for Persons Suffering from Chronic Renal Disease........... 2,759,900
For Grants for Medical Care for Persons Suffering from Hemophilia.................. 11,903,700
For Grants for Medical Care for Sexual Assault Victims.......................... 1,961,800
For Grants to Altgeld Clinic............... 400,000
For Grants to the Rush Alzheimer’s Disease Center............................... 500,000
For Grants to Oak Forest Hospital of Cook County.......................... 12,000,000

Total ................................................................. $29,525,400

The Department, with the consent in writing from the Governor, may reapportion not more than four percent of the total General Revenue Fund appropriations in Section 10 above among the various purposes therein enumerated.

In addition to any amounts heretofore appropriated, the amount of $8,093,200, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the General Revenue Fund for expenses relating to the Children's Health Insurance Program Act, including payments under Section 25 (a)(1) of that Act, and related operating and administrative costs.

New matter indicated by italics - deletions by strikeout
Section 15. In addition to any amounts heretofore appropriated, the amount of $40,000,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Family Care Fund for i) Medical Assistance payments on behalf of individuals eligible for Medical Assistance programs administered by the Department of Healthcare and Family Services, and ii) pursuant to an interagency agreement, medical services and other costs associated with children’s mental health programs administered by another agency of state government, including operating and administrative costs.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:
Payable from Tobacco Settlement Recovery Fund:
For Deposit into the Medical Research and Development Fund.......................... 6,400,000
For Deposit into the Post-Tertiary Clinical Services Fund................................. 6,400,000
For Deposit into the Independent Academic Medical Center Fund...................... 1,000,000
Total                                                                                       $13,800,000

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:
FOR THE PURPOSES ENUMERATED IN THE EXCELLENCE IN ACADEMIC MEDICINE ACT
Payable from:
Independent Academic Medical Center Fund................................. 2,000,000
Medical Research and Development Fund....... 12,800,000
Post-Tertiary Clinical Services Fund........ 12,800,000
Total                                                                                       $27,600,000

Section 30. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary,
respectively, are appropriated to the Department of Healthcare and Family Services for Medical Assistance and Administrative Expenditures:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE, THE CHILDREN’S HEALTH INSURANCE PROGRAM ACT, AND THE COVERING ALL KIDS HEALTH INSURANCE ACT

Payable from Care Provider Fund for Persons
With A Developmental Disability:
For Administrative Expenditures.................... 94,500

Payable from Long-Term Care Provider Fund:
For Skilled, Intermediate, and Other Related Long Term Care Services......................... 979,328,300
For Administrative Expenditures..................... 2,047,900
Total $981,376,200

Payable from Hospital Provider Fund:
For Hospitals........................................ 1,215,200,000
For Medical Assistance Providers..................... 0
Total $1,215,200,000

Section 35. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for Medical Assistance and Administrative Expenditures:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE, THE CHILDREN’S HEALTH INSURANCE PROGRAM ACT, AND THE COVERING ALL KIDS HEALTH INSURANCE ACT

Payable from County Provider Trust Fund:
For Distributive Hospitals......................... 1,981,119,000
For Administrative Expenditures..................... 500,000
Total $1,981,619,000

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:

For Refunds of Overpayments of Assessments or Inter-Governmental Transfers Made by Providers During the Period From July 1, 1991 through

New matter indicated by italics - deletions by strikeout
June 30, 2007:
Payable from:
  Care Provider Fund for Persons
    With A Developmental Disability............ 1,000,000
    Long-Term Care Provider Fund............... 2,750,000
    Hospital Provider Fund...................... 5,000,000
    County Provider Trust Fund.................. 1,000,000
Total  $9,750,000

Section 45. The amount of $15,000,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Trauma Center Fund for adjustment payments to certain Level I and Level II trauma centers.

Section 50. The amount of $245,000,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the University of Illinois Hospital Services Fund to reimburse the University of Illinois Hospital for hospital services.

Section 55. The amount of $8,500,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Juvenile Rehabilitation Services Medicaid Matching Fund for grants to the Department of Juvenile Justice and counties for court-ordered juvenile behavioral health services under the Medicaid Rehabilitation Option and the Children's Health Insurance Program Act.

Section 60. The amount of $8,673,300, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Medical Special Purposes Trust Fund for medical demonstration projects and costs associated with the implementation of federal Health Insurance Portability and Accountability Act mandates.

Section 65. The amount of $200,000,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Special Education Medicaid Matching Fund for grants to local education agencies for medical services and other costs eligible for federal reimbursement under Title XIX or Title XXI of the federal Social Security Act.

New matter indicated by italics - deletions by strikeout
Section 70. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services:

**ENERGY ASSISTANCE**

**GRANTS-IN-AID**

Payable from Supplemental Low-Income Energy Assistance Fund:
- For Grants and Administrative Expenses
  - Pursuant to Section 13 of the Energy Assistance Act of 1989, as Amended,
  - Including Prior Year Costs.......................... 98,184,800

Payable from Energy Administration Fund:
- For Grants and Technical Assistance Services for Nonprofit Community Organizations Including Reimbursement
  - For Costs in Prior Years.......................... 17,500,000

Payable from Low Income Home Energy Assistance Block Grant Fund:
- For Grants to Eligible Recipients
  - Under the Low Income Home Energy Assistance Act of 1981, Including
  - Reimbursement for Costs in Prior Years............... 302,000,000

Payable from Good Samaritan Energy Trust Fund:
- For Grants, Contracts and Administrative Expenses Pursuant to the Good Samaritan Energy Plan Act.................. 2,150,000

Section 75. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services:

**ENERGY ASSISTANCE**

**REFUNDS**

For refunds to the Federal Government and other refunds:
- Payable from Energy Administration

New matter indicated by italics - deletions by strikeout
Fund...........................................                                                   300,000
Payable from Low Income Home
Energy Assistance Block
Grant Fund.....................................                                               600,000
Total                                                                                            $900,000

Section 80. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:

EMPLOYEE HEALTH INSURANCE
FOR GROUP INSURANCE

Payable from:
General Revenue Fund.......................                                   1,065,037,500
Road Fund....................................                                            135,608,400
Total                                                                                  $1,200,645,900

The amount of $1,877,858,400, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Health Insurance Reserve Fund for provisions of health care coverage as elected by eligible members per the State Employees Group Insurance Act of 1971.

Section 85. The amount of $350,000, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services from the Illinois Prescription Drug Discount Program Fund for expenses related to the Illinois Prescription Drug Discount Program.

ARTICLE 285

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Human Services for income assistance and related distributive purposes, including such Federal funds as are made available by the Federal Government for the following purposes:

DISTRIBUTIVE ITEMS
GRANTS-IN-AID
Payable from General Revenue Fund:
For Aid to Aged, Blind or Disabled

New matter indicated by italics - deletions by strikeout
under Article III......................... 28,000,000
For Temporary Assistance for Needy Families under Article IV and other social services including Emergency Assistance for families with Dependent Children............... 113,615,000
For Grants Associated with Child Care Services, Including Operating and Administrative Costs....................... 596,038,800
For Funeral and Burial Expenses under Articles III, IV, and V, including prior year costs.......................... 10,167,500
For Refugees.............................. 1,575,700
For New Americans Initiative.............. 3,000,000
For State Family and Children Assistance..... 1,339,000
For State Transitional Assistance......... 11,500,000
For Immigrant Services pursuant to 305 ILCS 5/12-434.......................... 5,150,000
For grants and for Administrative Expenses associated with Refugee Social Services.......................... 541,000
Total.................................. $770,927,000

The Department, with the consent in writing from the Governor, may reapportion not more than ten percent of the total appropriation of General Revenue Funds in Section 5 above "For Income Assistance and Related Distributive Purposes" among the various purposes therein enumerated.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

ATTORNEY GENERAL REPRESENTATION Payable from General Revenue Fund:
For Personal Services.......................... 162,500
For Employee Retirement Contributions

New matter indicated by italics - deletions by strikeout
Section 30. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

TINLEY PARK MENTAL HEALTH CENTER
For costs associated with the operation
of Tinley Park Mental Health Center or
the Transition of Tinley Park Mental Health
Center Services to alternative community
or state-operated settings.................... 20,527,500
Total ............................................ 20,527,500

Section 35. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

ADMINISTRATIVE AND PROGRAM SUPPORT
Payable from General Revenue Fund:
For Personal Services......................... 12,513,500
For Retirement Contributions.................. 2,077,500
For State Contributions to Social Security..... 957,200
For Group Insurance............................ 100
For Contractual Services....................... 4,417,200
For Contractual Services:
For Leased Property Management............. 42,128,100
For Contractual Services:
For Press Information Officers Management... 823,300
For Contractual Services:
For Graphic Design Management.............. 98,100
For Contractual Services:

New matter indicated by italics - deletions by strikeout
For On-line Legal Services Management............ 72,000
For Travel....................................... 189,600
For Commodities.................................. 1,509,000
For Printing....................................... 983,200
For Equipment..................................... 216,000
For Telecommunications Services...................... 1,542,600
For Operation of Auto Equipment...................... 230,100
For In-Service Training............................ 17,600
For Health Insurance Portability and Accountability Act.......................... 422,600
For Indirect Cost Principles/Interfund Transfer Payable to the Vocational Rehabilitation Fund.......................... 3,329,300
For costs and expenses related to or in support of the Human Services shared services center.......................... 13,990,100
Total $85,516,850

Payable from the DHS Recoveries Trust Fund:
For Contractual Services:
For Leased Property Management........................ 454,100
For costs and expenses related to or in support of the Human Services shared services center.......................... 5,657,800
Total $6,111,900

Payable from Vocational Rehabilitation Fund:
For Personal Services............................... 5,121,800
For Retirement Contributions.......................... 850,200
For State Contributions to Social Security ...... 391,800
For Group Insurance............................... 1,520,000
For Contractual Services............................... 1,331,000
For Contractual Services:
For Leased Property Management........................ 7,204,700
For Travel........................................... 136,000
For Commodities.................................. 136,500

New matter indicated by italics - deletions by strikeout
For Printing................................. 37,000
For Equipment.............................. 198,600
For Telecommunications Services.......... 226,500
For Operation of Auto Equipment.......... 28,500
For In-Service Training.................... 366,700
Total                                    $17,549,300

Payable from Prevention/Treatment – Alcoholism and Substance Abuse Block Grant Fund:
For Contractual Services:
For Leased Property Management............ 219,500

Payable from Federal National Community Services Grant Fund:
For Contractual Services:
For Leased Property Management............ 38,000

Payable from Special Purposes Trust Fund:
For Contractual Services:
For Leased Property Management............ 574,800

Payable from Old Age Survivors’ Insurance Fund:
For Contractual Services:
For Leased Property Management............ 2,878,600

Payable from Early Intervention Services Revolving Fund:
For Contractual Services:
For Leased Property Management............ 77,200

Payable from USDA Women, Infants & Children Fund:
For Contractual Services:
For Leased Property Management............ 399,600

Payable from Local Initiative Fund:
For Contractual Services:
For Leased Property Management............ 125,400

Payable from Domestic Violence Shelter and Service Fund:
For Contractual Services:
For Leased Property Management............ 63,700

New matter indicated by italics - deletions by strikeout
Block Grant Fund:
For Contractual Services:
   For Leased Property Management................. 71,000
Payable from Juvenile Justice Trust Fund:
For Contractual Services:
   For Leased Property Management................. 9,500
Payable from DHS Private Resources Fund:
For Costs associated with the Health 
   and Human Services Reform Activities 
   funded by Private Donations from the 
   Annie E. Casey Foundation....................... 150,000

ADMINISTRATIVE AND PROGRAM SUPPORT

GRANTS-IN-AID

Section 45. The following named sums, or so much thereof as may 
be necessary, respectively, are appropriated to the Department of Human 
Services for the purposes hereinafter named:

GRANTS-IN-AID

For Tort Claims:
   Payable from General Revenue Fund............... 580,900
   Payable from Vocational Rehabilitation Fund..... 10,000
   Total                                     $590,900
Payable from General Revenue Fund............... 12,600
For Reimbursement of Employees for 
   Work-Related Personal Property Damages:
   Payable from General Revenue Fund............... 12,600
For Grants Associated with Systems Change 
   Including Operating and Administrative Costs
   Payable from the DHS Federal Projects Fund..... 450,000
For grants and administrative 
   expenses associated with the 
   Assets to Independence Program:
   Payable from General Revenue Fund............... 250,000
   Payable from the DHS Federal Projects Fund.... 2,000,000
   Total                                     $2,250,000

PERMANENT IMPROVEMENTS

New matter indicated by italics - deletions by strikeout
Section 50. The following named sums, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Department of Human Services for repairs and maintenance, roof repairs and/or replacements and miscellaneous at the Department's various facilities and are to include capital improvements including construction, reconstruction, improvements, repairs and installation of capital facilities, cost of planning, supplies, materials, and all other expenses required for roof and other types of repairs and maintenance, capital improvements and demolition.

No contract shall be entered into or obligations incurred for any expenditures from appropriations made in this Section of the Article until after the purposes and amounts have been approved in writing by the Governor.

For Repair, Maintenance and other Capital Improvements at various facilities............ 1,595,700
For Miscellaneous Permanent Improvements........... 250,700
Total                                           $1,846,400

Section 55. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Human Services as follows:

REFUNDS
Payable from General Revenue Fund....................... 9,000
Payable from Vocational Rehabilitation Fund ........ 5,000
Payable from Youth Drug Abuse Prevention Fund........ 30,000
Payable from DHS Federal Projects Fund................. 25,000
Payable from USDA Women, Infants and Children Fund 200,000
Payable from Maternal and Child Health Services Block Grant Fund....................... 5,000
Payable from Mental Health Fund......................... 100,000
Payable from the Early Intervention Services Revolving Fund......................... 300,000
Payable from Drug Treatment Fund....................... 5,000
Total                                             $679,000

New matter indicated by italics - deletions by strikeout
Section 60. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Human Services for ordinary and contingent expenses:

**MANAGEMENT INFORMATION SERVICES**

Payable from General Revenue Fund:
- For Personal Services
- For Retirement Contributions
- For State Contributions to Social Security
- For Contractual Services
  - For Information Technology Management
  - For Travel
  - For Equipment
  - For Electronic Data Processing
  - For Telecommunications Services
  
Total: $41,226,850

Payable from Vocational Rehabilitation Fund:
- For Personal Services
- For Retirement Contributions
- For State Contributions to Social Security
- For Group Insurance
- For Contractual Services
  - For Information Technology Management
  - For Travel
  - For Commodities
  - For Printing
  - For Equipment
  - For Telecommunications Services
  - For Operation of Auto Equipment
  
Total: $9,329,000

Payable from USDA Women, Infants and Children Fund:
- For Personal Services

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0348

For Retirement Contributions...................... 43,550
For State Contributions to Social Security ....... 20,100
For Group Insurance................................ 44,400
For Contractual Services......................... 325,400
For Contractual Services:
  For Information Technology Management......... 391,900
  For Electronic Data Processing................... 150,000
Total                                                                                         $1,237,650

Payable from Maternal and Child Health Services
  Block Grant Fund:
    For Operational Expenses Associated with
    Support of Maternal and Child Health Programs.............................. 245,700

Payable from the Mental Health Fund:
  For costs related to the provision
  of MIS support services provided to
  Departmental and Non-Departmental organizations............................... 2,057,400

Section 65. The following named sums, or so much thereof as may
be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated from the General Revenue Fund for the ordinary and
contingent expenditures of the Department of Human Services:

JACK MABLEY DEVELOPMENT CENTER
For Personal Services.......................... 7,140,300
For Retirement Contributions............. 1,185,300
For State Contributions to
  Social Security.............................. 546,200
For Contractual Services................. 1,243,200
For Travel..................................... 3,900
For Commodities............................... 405,900
For Printing................................... 4,500
For Equipment................................. 26,300
For Telecommunications Services.......... 55,300
For Operation of Automotive Equipment.... 28,000

New matter indicated by italics - deletions by strikeout
Section 70. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

**ALTON MENTAL HEALTH CENTER**

For Personal Services.......................... 16,549,200
For Retirement Contributions................... 2,747,200
For State Contributions to Social Security.................. 1,266,000
For Contractual Services....................... 1,652,100
For Travel........................................ 29,400
For Commodities.................................. 387,100
For Printing..................................... 12,000
For Equipment..................................... 86,900
For Telecommunications Services............ 109,700
For Operation of Auto Equipment............... 65,000
For Expenses Related to Living Skills Program..... 3,300
For Costs Associated with Behavioral Health Services-Alton Network.................. 5,003,700

Total $10,638,900

Section 75. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

**BUREAU OF DISABILITY DETERMINATION SERVICES**

Payable from Old Age Survivors’ Insurance Fund:
For Personal Services......................... 30,035,500
For Retirement Contributions............... 4,985,900
For State Contributions to Social Security .... 2,297,700
For Group Insurance........................... 7,909,400
For Contractual Services.................... 11,601,800
For Travel....................................... 198,000
For Commodities................................ 379,100
For Printing..................................... 165,000

New matter indicated by italics - deletions by strikeout
For Equipment.................................. 1,819,900
For Telecommunications Services.......... 1,404,700
For Operation of Auto Equipment.......... 100
Total $60,797,100

Section 80. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Human Services:

BUREAU OF DISABILITY DETERMINATION SERVICES
GRANTS-IN-AID
Payable from Old Age Survivors’ Insurance:
For Services to Disabled Individuals......... 19,000,000
For SSI Advocacy Services:
Payable from General Revenue Fund......... 2,428,600
Payable from the Special Purposes Trust Fund.. 627,500

Section 85. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

HOME SERVICES PROGRAM
Payable from General Revenue Fund:
For Personal Services......................... 4,623,300
For Retirement Contributions............... 767,500
For State Contribution to Social Security.... 353,700
For Contractual Services...................... 4,800
For Travel.................................... 117,000
For Commodities.............................. 1,800
For Printing.................................. 3,400
For Equipment............................... 900
For Telecommunications Services............ 2,100
Total $5,874,500

Section 90. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Human Services:

HOME SERVICES PROGRAM
GRANTS-IN-AID
Payable from General Revenue Fund:
For Purchase of Services of the

New matter indicated by italics - deletions by strikeout
Home Services Program, pursuant to 20 ILCS 2405/3, including operating and administrative costs........... 440,873,700

Section 92. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

MENTAL HEALTH GRANTS AND PROGRAM SUPPORT
Payable from General Revenue Fund:
For Personal Services......................... 5,134,900
For Retirement Contributions............... 852,400
For State Contribution to Social Security 392,800
For Contractual Services..................... 2,202,000
For Travel..................................... 98,000
For Commodities................................ 20,800
For Equipment................................ 4,800
For Telecommunications Services............. 211,100
Total $8,916,800
Payable from the Community Mental Health Services Block Grant Fund:
For Personal Services......................... 571,500
For Retirement Contributions............... 94,900
For State Contributions to Social Security 43,700
For Group Insurance.......................... 133,200
For Contractual Services..................... 119,400
For Travel................................... 10,000
For Commodities............................. 5,000
For Equipment............................... 5,000
Total $982,700

Section 95. The following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for Grants-In-Aid and Purchased Care in its various regions pursuant to Sections 3 and 4 of the Community Services Act and the Community Mental Health Act:

New matter indicated by italics - deletions by strikeout
MENTAL HEALTH GRANTS AND PROGRAM SUPPORT
GRANTS-IN-AID AND PURCHASED CARE

For Community Service Grant Programs for Persons with Mental Illness:
Payable from General Revenue Fund........... 220,416,200
Payable from Community Mental Health Services Block Grant Fund............ 13,025,400
Payable from the DHS Federal Projects Fund................................. 16,000,000
Payable from General Revenue Fund:
For Costs Associated with the Purchase and Disbursement of Psychotropic Medications for Mentally Ill Clients in the Community..... 3,000,000
For Psychiatric Services North Central Network............................... 9,607,300
For Supportive MI Housing........................ 14,250,000
For the Children’s Mental Health Partnership... 3,000,000
For Purchase of Care for Children and Adolescents with Mental Illness approved through the Individual Care Grant Program.... 28,112,800
For Costs Associated with Children and Adolescent Mental Health Programs........ 11,493,500

For all costs associated with Mental Health Transportation:
Payable from General Revenue Fund........... 1,200,000
Payable from the Mental Health Transportation Fund........................ 1,200,000

Payable from Community Mental Health Medicaid Trust Fund:
For all costs and administrative expenses associated with Medicaid Services for Persons with Mental Illness, including prior year costs........ 105,689,900

Payable from General Revenue Fund:

New matter indicated by italics - deletions by strikeout
For Emergency Psychiatric Services........... 10,620,400
For Community Service Grant Programs for
Children and Adolescents with Mental Illness:
Payable from General Revenue Fund............. 25,481,900
Payable from Community Mental Health Services
Block Grant Fund.......................... 4,341,800
Payable from Community Mental Health
Services Block Grant Fund:
For Teen Suicide Prevention Including
Provisions Established in Public Act
85-0928.................................................. 206,400
Total $467,645,600

Section 96. The sum of $8,000,000, or so much thereof as may be
necessary, respectively, for the purposes hereinafter named, is appropriated
to the Department of Human Services for the following purposes:
Payable from the General Revenue Fund:
For all costs associated with funding a
“safety net” for mental health community
based providers experiencing a financial
hardship as a result of the transition
to fee-for-service.............................. 2,500,000
For all costs associated with establishing
a grant award of 0.5% of each provider’s
contract for specific allowable fee-for-
service conversion expenses, such as
information technology and staff
development...................................... 2,500,000
For all costs associated with paying
community mental health providers for
Medicaid services above their total
contract amount............................... 3,000,000

Section 98. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Human Services:

New matter indicated by italics - deletions by strikeout
DEVELOPMENTAL DISABILITIES GRANTS AND PROGRAM SUPPORT

Payable from General Revenue Fund:
For Personal Services.................. 5,808,800
For Retirement Contributions........... 964,300
For State Contribution to
Social Security.......................... 444,400
For Contractual Services............... 216,600
For Travel................................ 202,800
For Commodities......................... 20,400
For Equipment............................ 357,700
For Telecommunications Services....... 80,600
For Operation of Automotive Equipment... 23,200
Total $8,118,800

Section 99. The following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for Grants-In-Aid and Purchased Care in its various regions pursuant to Sections 3 and 4 of the Community Services Act and the Community Mental Health Act:

DEVELOPMENTAL DISABILITIES GRANTS AND PROGRAM SUPPORT GRANTS-IN-AID AND PURCHASED CARE

Payable from General Revenue Fund:
For Developmental Disability Quality Assurance Waiver................................. 510,500
For costs associated with the provision of Specialized Services to Persons with Developmental Disabilities............... 9,232,200

New matter indicated by italics - deletions by strikeout
For Family Assistance Program, the
Home Based Support Services Program,
and for costs associated with services for individuals with Developmental Disabilities to enable them to reside in their homes......................... 28,839,500

For a grant to the Autism Program for an Autism Diagnosis Education Program For Young Children......................... 10,000,000

Payable from the Illinois Affordable Housing Trust Fund:
For costs associated with the Home Based Support Services Program and for costs associated with services for individuals with developmental disabilities to enable them to reside in their homes................. 1,300,000

Payable from the Community Developmental Disabilities Services Medicaid Trust Fund.... 12,000,000

Section 100. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the following purposes:
Payable from the General Revenue Fund:
For costs associated with Developmental Disability Community Transitions or State Operated Facilities......................... 2,450,000

For costs associated with young adults Transitioning from the Department of Children and Family Services to the Developmental Disability Service System........................................ 6,512,800

For Intermediate Care Facilities for the Mentally Retarded and Alternative Community Programs including prior year costs.......................... 356,856,200

New matter indicated by italics - deletions by strikeout
Payable from the Care Provider Fund:
For Persons with A Developmental Disability... 43,000,000
Total $408,819,000

Section 101. The sum of $32,950,000, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for the following purposes:
Payable from the Health and Human Services
Medicaid Trust Fund:
For the Home Based Support Services Program for services to additional children........ 3,000,000
For the Home Based Support Services Program for services to additional adults.......... 9,000,000
For additional Community Integrated Living Arrangement Placements for persons with developmental disabilities............. 6,000,000
For Community Based Mobile Crisis Teams for persons with developmental disabilities.......... 2,000,000
For diversion, transition, and For all costs associated with Developmental Disabilities Crisis Assessment Teams.................. 2,200,000
aftercare from institutional settings for persons with a mental illness......... 7,000,000
For the Children’s Mental Health Partnership.......................... 3,000,000
For a Mental Health Housing Stock Database.............................. 750,000

Section 102. The sum of $29,300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services, for all costs associated with a 2.5% cost of living adjustment for community based developmental disability providers.

New matter indicated by italics - deletions by strikeout
Section 105. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Human Services for Payments to Community Providers and Administrative Expenditures, including such Federal funds as are made available by the Federal Government for the following purpose:
Payable from the Autism Research Checkoff Fund:
   For costs associated with autism research........      100,000

Section 110. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

    INSPECTOR GENERAL

Payable from General Revenue Fund:
   For Personal Services..........................            3,514,600
   For Retirement Contributions.....................        583,400
   For State Contributions to Social Security.......     268,900
   For Contractual Services.........................         99,900
   For Travel.......................................           134,100
   For Commodities...................................        23,500
   For Equipment.....................................          38,800
   For Telecommunications Services.................     93,700
Total                                      $4,756,900

Section 115. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

    ADDICTION PREVENTION

Payable from the Youth Alcoholism and Substance Abuse Prevention Fund:
   For Deposit into the Fund which receives all payments under Section 5-3 of Act for Alcoholic Liquors............................    150,000

    ADDICTION PREVENTION
    GRANTS-IN-AID

Payable from General Revenue Fund:

    New matter indicated by italics - deletions by strikeout
For Addiction Prevention and Related Services.. 6,118,600
For Methamphetamine Awareness...................... 1,500,000
Payable from the Youth Alcoholism and Substance Abuse Fund.................... 1,050,000
Payable from Alcoholism and Substance Abuse Fund.......................... 6,009,300
Payable from Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund............................. 16,000,000
Total                                                                                       $30,677,900

Section 118. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

ADDICTION TREATMENT

Payable from General Revenue Fund:
For Personal Services................................. 927,500
For Retirement Contributions.......................... 154,000
For State Contribution to Social Security............ 71,000
For Contractual Services............................... 2,500
For Travel.................................................. 3,800
For Equipment.............................................. 1,400
For Telecommunications Services...................... 31,300
Total                                                                                             1,191,500

Payable from the Prevention/Treatment – Alcoholism and Substance Abuse Block Grant Fund:
For Personal Services................................. 1,981,200
For Retirement Contributions.......................... 328,900
For State Contributions to Social Security........... 151,600
For Group Insurance..................................... 384,800
For Contractual Services............................... 1,227,700
For Travel.................................................. 200,000
For Commodities......................................... 53,800
For Printing............................................... 35,000
For Equipment.............................................. 14,300

New matter indicated by italics - deletions by strikeout
For Electronic Data Processing................. 300,000
For Telecommunications Services............... 117,800
For Operation of Auto Equipment............... 20,000
For Expenses Associated with the Administration
of the Alcohol and Substance Abuse Prevention
and Treatment Programs......................... 215,000
Total ........................................... $5,030,100

Section 120. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated for the objects and
purposes hereinafter named, to the Department of Human Services:

ADDICTION TREATMENT
GRANTS-IN-AID

Payable from the General Revenue Fund:
For Costs Associated with Addiction
Treatment Services for Special Populations.... 9,057,400
For Costs Associated with Community Based
Addiction Treatment to Medicaid Eligible
and KidCare clients, Including Prior Year
Costs.............................................. 52,234,900
For Costs Associated with Community
Based Addiction Treatment Services............. 86,599,700
For Addiction Treatment Services for
DCFS clients....................................... 12,038,900
For Grants and Administrative Expenses Related
to the Welfare Reform Pilot Project............. 2,787,200
For Grants and Administrative Expenses Related
to the Domestic Violence and Substance
Abuse Demonstration Project..................... 641,800
Total ............................................ $163,359,900

Payable from Illinois State Gaming Fund
For Costs Associated with Treatment of
Individuals who are Compulsive Gamblers....... 960,000
Total ............................................. $960,000

For Addiction Treatment and Related Services:

New matter indicated by italics - deletions by strikeout
Payable from Prevention and Treatment
of Alcoholism and Substance Abuse
Block Grant Fund......................... 57,500,000
Payable from Drug Treatment Fund........... 5,000,000
Payable from Youth Drug Abuse
Prevention Fund............................ 530,000
Total........................................... $63,030,000
Payable from Drunk and Drugged Driving
Prevention Fund:
For Grants and Administrative Expenses Related
to Addiction Treatment and Related Services... 3,082,900
Payable from Alcoholism and Substance
Abuse Fund................................. 22,102,900

The Department, with the consent in writing from the Governor,
may reapportion not more than two percent of the total appropriation of
General Revenue Funds in Section 120 above "Addiction Treatment"
among the purposes therein enumerated.

Section 125. The sum of $6,620,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Human Services, for all costs associated with a 3% cost of
doing business adjustment for community based addiction treatment
providers.

Section 130. The following named sums, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated from the General Revenue Fund to meet the
ordinary and contingent expenditures of the Department of Human
Services:

CLYDE L. CHOATE MENTAL HEALTH AND DEVELOPMENTAL
CENTER
For Personal Services..................... 28,988,200
For Retirement Contributions............... 4,812,050
For State Contributions to Social Security..... 2,217,600
For Contractual Services.................... 2,284,400
For Travel.................................. 24,900

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Commodities</td>
<td>1,472,600</td>
</tr>
<tr>
<td>For Printing</td>
<td>19,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>87,400</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>148,300</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>83,300</td>
</tr>
<tr>
<td>For Expenses Related to Living Skills Program</td>
<td>37,400</td>
</tr>
<tr>
<td>For Costs Associated with Behavioral Health Services–Choate Network</td>
<td>42,500</td>
</tr>
<tr>
<td>Total</td>
<td>$40,218,050</td>
</tr>
</tbody>
</table>

Section 135. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from General Revenue Fund to the Department of Human Services:

For Lincoln Developmental Center
Operational Expenses
Total $990,900

Section 140. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

**REHABILITATION SERVICES BUREAUS**

Payable from Illinois Veterans’ Rehabilitation Fund:
For Personal Services
For Retirement Contributions
For State Contributions to Social Security
For Group Insurance
For Travel
For Commodities
For Equipment
For Telecommunications Services
Total $2,225,850

Payable from Vocational Rehabilitation Fund:
For Personal Services
For Retirement Contributions
For State Contributions to Social Security
For Group Insurance

New matter indicated by italics - deletions by strikeout
For Contractual Services................................................. 3,563,800
For Travel............................................................... 1,400,000
For Commodities.......................................................... 306,900
For Printing............................................................... 145,100
For Equipment............................................................. 629,900
For Telecommunications Services................................. 1,476,300
For Operation of Auto Equipment................................. 5,700
For Administrative Expenses of the
Statewide Deaf Evaluation Center................................. 255,300
Total......................................................................... $56,414,350

Section 145. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Human Services:

REHABILITATION SERVICES BUREAUS
GRANTS-IN-AID

For a grant for technology related assistance:
Payable from General Revenue Fund............................ 250,000

For Case Services to Individuals:
Payable from General Revenue Fund......................... 9,513,300
Payable from Illinois Veterans'
Rehabilitation Fund................................................. 2,413,700
Payable from Vocational Rehabilitation Fund........... 46,110,700

For Grants for Multiple Sclerosis:
Payable from the Multiple Sclerosis Fund................. 300,000

For Implementation of Title VI, Part C of the
Vocational Rehabilitation Act of 1973 as
Amended--Supported Employment:
Payable from General Revenue Fund....................... 2,131,700
Payable from Vocational Rehabilitation Fund........ 1,900,000

For Small Business Enterprise Program:
Payable from Vocational Rehabilitation Fund........... 3,527,300

For Grants to Independent Living Centers:
Payable from General Revenue Fund....................... 5,022,800
Payable from Vocational Rehabilitation Fund........ 2,000,000

New matter indicated by italics - deletions by strikeout
For the Illinois Coalition for Citizens
   with Disabilities:
   Payable from General Revenue Fund...............       112,600
   Payable from Vocational Rehabilitation Fund.......       77,200
For Lekotek Services for Children
   with Disabilities:
   Payable from the General Revenue Fund.............       569,500
For Independent Living Older Blind Grant:
   Payable from the Vocational
   Rehabilitation Fund...............................       245,500
   Payable from General Revenue Fund.................       142,600
For Independent Living Older Blind Formula
   Payable from Vocational Rehabilitation Fund....       1,500,000
Project for Individuals of All Ages
   with Disabilities:
   Payable from the Vocational
   Rehabilitation Fund.............................       1,050,000
For Case Services to Migrant Workers:
   Payable from the General Revenue Fund..........       20,000
   Payable from the Vocational Rehabilitation
   Fund............................................       210,000
   Total                                               $77,096,900

Section 150. The sum of $17,000,000, or so much thereof as may
be necessary, and as remains unexpended at the close of business on June
30, 2007, from appropriations heretofore made for such purposes in
Article 83, Section 145 of Public Act 94-0798 is reappropriated from the
Vocational Rehabilitation Fund to the Department of Human Services for
Case Services to Individuals.

Section 155. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Human Services:

CLIENT ASSISTANCE PROJECT
Payable from Vocational Rehabilitation Fund:
   For Personal Services.........................       526,900

New matter indicated by italics - deletions by strikeout
For Retirement Contributions...................... 87,500
For State Contributions to Social Security ....... 40,300
For Group Insurance................................ 131,000
For Contractual Services.......................... 28,500
For Travel........................................ 38,200
For Commodities.................................... 2,700
For Printing......................................... 400
For Equipment..................................... 32,100
For Telecommunications Services............... 12,800
Total $900,400

Section 160. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Vocational Rehabilitation Fund to the Department of Human Services for a grant relating to a Client Assistance Project.

Section 162. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

DIVISION OF REHABILITATION SERVICES PROGRAM
AND ADMINISTRATIVE SUPPORT

Payable from Vocational Rehabilitation Fund:
For Personal Services............................ 635,900
For Retirement Contributions.................. 105,600
For State Contributions to Social Security ....... 48,600
For Group Insurance.............................. 152,000
For Contractual Services.......................... 61,000
For Travel........................................ 50,000
For Commodities.................................... 300
For Equipment..................................... 40,000
For Telecommunications Services............... 16,900
Total $1,110,300

Payable from the Rehabilitation Services
Elementary and Secondary Education Act Fund:
For Federally Assisted Programs................... 1,350,000

New matter indicated by italics - deletions by strikeout
Section 165. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

**CHICAGO-READ MENTAL HEALTH CENTER**

- For Personal Services: $21,498,200
- For Retirement Contributions: $3,568,700
- For State Contributions to Social Security: $1,644,600
- For Contractual Services: $2,345,500
- For Travel: $27,200
- For Commodities: $536,500
- For Printing: $9,900
- For Equipment: $46,400
- For Telecommunications Services: $211,600
- For Operation of Auto Equipment: $27,400
- For Expenses Related to Living Skills Program: $20,000
- For Costs Associated with Behavioral Health Services–Chicago-Read Network: $381,300

Total: $30,307,300

Section 170. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenditures of the Department of Human Services:

**CENTRAL SUPPORT AND CLINICAL SERVICES**

**Payable from General Revenue Fund:**

- For Personal Services: $9,045,900
- For Retirement Contributions: $1,501,600
- For State Contributions to Social Security: $692,000
- For Contractual Services: $565,800
- For Travel: $99,800
- For Commodities: $21,977,700
- For Printing: $27,900

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0348

For Equipment..................................... 66,300
For Telecommunications Services............... 38,400
For Contractual Services:
For Private Hospitals for
Recipients of State Facilities............... 979,900
For all costs associated with
Medicare Part D................................. 500,000
Total $35,495,300

Payable from the DHS Federal Projects Fund:
For Federally Assisted Programs.............. 5,949,200

Payable from the Mental Health Fund:
For Costs Related to Provision of Support
Services Provided to Departmental and Non-
Departmental Organizations............... 4,852,100

Section 175. The following named sums, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to meet the ordinary and contingent expenses of
the Department of Human Services:

SEXUALLY VIOLENT PERSONS PROGRAM

Payable from General Revenue Fund:
For Sexually Violent Persons
Program................................. 29,222,100

Section 180. The following named sums, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated from the General Revenue Fund for the ordinary
and contingent expenditures of the Department of Human Services:

H. DOUGLAS SINGER MENTAL HEALTH AND DEVELOPMENTAL
CENTER

For Personal Services......................... 10,397,100
For Retirement Contributions............... 1,725,900
For State Contributions to Social Security.... 795,400
For Contractual Services..................... 2,385,400
For Travel.................................... 15,600
For Commodities.............................. 359,000

New matter indicated by italics - deletions by strikeout
Section 185. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

**ANN M. KILEY DEVELOPMENTAL CENTER**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>20,442,200</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>3,393,400</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>1,563,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,126,200</td>
</tr>
<tr>
<td>For Travel</td>
<td>7,100</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,029,800</td>
</tr>
<tr>
<td>For Printing</td>
<td>14,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>35,300</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>132,200</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>84,000</td>
</tr>
<tr>
<td>For Expenses Related to Living Skills Program</td>
<td>13,500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$28,841,900</td>
</tr>
</tbody>
</table>

Section 190. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

**ILLINOIS SCHOOL FOR THE DEAF**

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>12,877,700</td>
</tr>
<tr>
<td>For Student, Member or Inmate Compensation</td>
<td>13,400</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Retirement Contributions.................. 2,137,700
For State Contributions to Social Security....... 985,100
For Contractual Services......................... 1,788,100
For Travel............................................... 19,000
For Commodities.................................... 495,500
For Printing............................................... 1,000
For Equipment......................................... 117,900
For Telecommunications Services.................. 113,700
For Operation of Auto Equipment................... 52,600
For Health and Safety Improvement Projects....... 250,000

Total                                                                                       $18,851,700

Payable from Vocational Rehabilitation Fund:
  For Secondary Transitional Experience
  Program.................................................. 50,000

ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED
Payable from General Revenue Fund:
  For Personal Services................................. 7,169,100
  For Student, Member or Inmate Compensation....... 16,400
  For Retirement Contributions......................... 1,190,100
  For State Contributions to Social Security....... 548,400
  For Contractual Services.............................. 668,800
  For Travel.............................................. 13,800
  For Commodities....................................... 238,400
  For Printing............................................. 2,500
  For Equipment.......................................... 80,000
  For Telecommunications Services.................... 50,100
  For Operation of Auto Equipment..................... 16,500
  For Technology Equipment............................. 250,000

Total                                                                                       $10,244,100

Payable from Vocational Rehabilitation Fund:
  For Secondary Transitional Experience Program.... 42,900

New matter indicated by italics - deletions by strikeout
Section 200. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

JOHN J. MADDEN MENTAL HEALTH CENTER

For Personal Services......................... 23,778,700
For Retirement Contributions.................. 3,947,300
For State Contributions to Social Security.................. 1,819,100
For Contractual Services....................... 2,377,400
For Travel........................................ 45,300
For Commodities.................................. 552,400
For Printing...................................... 19,100
For Equipment..................................... 67,700
For Telecommunications Services.............. 196,300
For Operation of Auto Equipment.............. 38,500
For Expenses Related to Living Skills Program..... 19,200
For Costs Associated with Behavioral Health Services–Madden Network.................. 147,400

Total                                                                                       $33,008,400

Section 205. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

WARREN G. MURRAY DEVELOPMENTAL CENTER

For Personal Services......................... 26,545,200
For Retirement Contributions................. 4,406,500
For State Contributions to Social Security..... 2,030,700
For Contractual Services....................... 2,008,000
For Travel........................................ 9,900
For Commodities.................. 1,367,000
For Printing..................................... 9,700
For Equipment................................... 122,300

New matter indicated by italics - deletions by strikeout
For Telecommunications Services .................. 96,800
For Operation of Auto Equipment .................. 60,300
For Expenses Related to Living Skills Program ..... 2,900
Total                                           $36,659,300

Section 210. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

ELGIN MENTAL HEALTH CENTER
For Personal Services.......................... 48,534,500
For Retirement Contributions.................. 8,056,750
For State Contributions to Social Security..... 3,712,900
For Contractual Services ....................... 4,800,800
For Travel ........................................ 32,500
For Commodities ................................. 1,174,800
For Printing ...................................... 26,100
For Equipment .................................... 131,400
For Telecommunications Services ................ 223,700
For Operation of Auto Equipment ................ 130,200
For Expenses Related to Living Skills Program..... 31,200
For Costs Associated with Behavioral Health Services–Elgin Network.......... 7,609,900
Total                                           $74,464,750

Section 215. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

COMMUNITY AND RESIDENTIAL SERVICES
FOR THE BLIND AND VISUALLY IMPAIRED
Payable from General Revenue Fund:
For Personal Services .......................... 1,505,300
For Retirement Contributions .................. 249,900
For State Contributions to Social Security ...... 115,200
For Contractual Services ....................... 30,700

New matter indicated by italics - deletions by strikeout
For Travel........................................  54,900
For Commodities..............................  6,000
For Printing.....................................  200
For Equipment...................................  200
For Telecommunications Services..............  2,000
Total                                      $1,964,400

Section 220. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

CHESTER MENTAL HEALTH CENTER

For Personal Services.........................  32,665,600
For Retirement Contributions...............  5,422,500
For State Contributions to Social Security..  2,498,900
For Contractual Services.....................  3,201,700
For Travel........................................  75,000
For Commodities..............................  707,600
For Printing......................................  10,700
For Equipment...................................  50,300
For Telecommunications Services..............  98,800
For Operation of Auto Equipment..............  49,100
For Expenses Related to Living Skills Program...  4,600
Total                                      $44,784,800

Section 225. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

JACKSONVILLE DEVELOPMENTAL CENTER

For Personal Services.........................  22,320,000
For Retirement Contributions...............  3,705,100
For State Contributions to Social Security..  1,707,500
For Contractual Services.....................  1,660,200

New matter indicated by italics - deletions by strikeout
For Travel................................. 14,600
For Commodities......................... 1,516,900
For Printing............................... 12,400
For Equipment............................. 89,600
For Telecommunications Services........ 105,100
For Operation of Auto Equipment........ 68,700
For Expenses Related to Living Skills Program..... 16,200
Total                                                                 $31,216,300

Section 230. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION

Payable from General Revenue Fund:
For Personal Services............... 3,725,600
For Student, Member or Inmate Compensation .... 2,000
For Retirement Contributions........ 618,450
For State Contributions to Social Security ...... 285,000
For Contractual Services............... 876,300
For Travel.................................. 4,000
For Commodities........................ 62,600
For Printing.............................. 2,700
For Equipment............................ 23,500
For Telecommunications Services......... 40,700
For Operation of Auto Equipment......... 18,400
Total                                                                 $5,659,250

Payable from Vocational Rehabilitation Fund:
For Secondary Transitional Experience Program..... 60,000

Section 235. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

ANDREW McFARLAND MENTAL HEALTH CENTER
For Personal Services..................... 16,150,100

New matter indicated by italics - deletions by strikeout
For Retirement Contributions................. 2,680,900
For State Contributions to Social Security..... 1,235,500
For Contractual Services....................... 2,705,500
For Travel........................................ 11,300
For Commodities................................ 461,300
For Printing....................................... 7,700
For Equipment.................................... 63,600
For Telecommunications Services.................. 177,300
For Operation of Auto Equipment.................. 46,600
For Expenses Related to Living Skills Program..... 11,400
For Costs Associated with Behavioral
Health Services–McFarland Network............... 151,200

Total                                                                                       $23,702,400

Section 250. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

GOVERNOR SAMUEL H. SHAPIRO DEVELOPMENTAL CENTER
For Personal Services......................... 53,913,300
For Retirement Contributions................. 8,949,600
For State Contributions to Social Security..... 4,124,400
For Contractual Services....................... 4,921,000
For Travel........................................ 6,800
For Commodities................................ 3,000,200
For Printing....................................... 32,100
For Equipment.................................... 173,100
For Telecommunications Services.................. 159,100
For Operation of Auto Equipment.................. 182,400

Total                                                                                       $75,462,000

Section 255. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services for the purposes hereinafter named:

HUMAN CAPITAL DEVELOPMENT
Payable from General Revenue Fund:

New matter indicated by italics - deletions by strikeout
For Personal Services........................   179,329,000
For Retirement Contributions...............   29,768,600
For State Contributions to Social Security....   13,718,800
For Contractual Services.....................   25,636,000
For Travel....................................   807,600
For Commodities...............................  22,200
For Equipment................................  1,028,500
For Telecommunications.......................  2,992,600
For TANF Reauthorization Infrastructure.....  4,000,000
Total                                     $257,303,300

Payable from the Special Purposes Trust Fund:
For Operation of Federal
  Employment Programs.......................   10,000,000

Section 260. The following named amounts, or so much thereof as may be necessary, respectively, for the objects hereinafter named, are appropriated to the Department of Human Services for Human Capital Development and related distributive purposes, including such Federal funds as are made available by the Federal government for the following purposes:

HUMAN CAPITAL DEVELOPMENT
GRANTS-IN-AID

Payable from General Revenue Fund:
For a grant to Children's Place for costs associated with specialized child care for families affected by HIV/AIDS...........   752,700
For Grants for Supportive Housing Services.....   3,490,300
For Grants for Crisis Nurseries..................   487,100
For Employability Development Services Including Operating and Administrative Costs and Related Distributive Purposes .....   21,263,100
For Grants Associated with the Great Start Program, including Operation and Administration Costs......................   1,891,400
For Food Stamp Employment and Training

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Emergency Food and Shelter Program, Including Operation and Administrative Costs</td>
<td>9,413,900</td>
</tr>
<tr>
<td>For Emergency Food Program, Including Operation and Administrative Costs</td>
<td>253,600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$48,194,300</strong></td>
</tr>
</tbody>
</table>

Payable from Assistance to the Homeless Fund:
- For Costs Related to Providing Assistance to the Homeless Including Operating and Administrative Costs and Grants: 300,000

Payable from the Illinois Affordable Housing Trust Fund:
- For costs related to the Homelessness Prevention Act, Including Operation and Administrative Costs: 11,000,000

Payable from Employment and Training Fund:
- For grants associated with Employment and Training Programs, income assistance and other social services including operating and administrative costs: 105,955,100

Payable from the Special Purposes Trust Fund:
- For the development and implementation of the Federal Title XX Empowerment Zone and Enterprise Community initiatives: 9,000,000
- For Emergency Food Program Transportation and Distribution, including grants and operations: 5,000,000
- For Federal/State Employment Programs and Related Services: 5,000,000
- For Grants Associated with the Great START Program, Including Operation and Administrative Costs: 5,200,000
- For Grants Associated with Child Care Services, Including Operation

New matter indicated by italics - deletions by strikeout
and administrative Costs.......................... 130,611,100
For Grants Associated with Migrant
Child Care Services, Including Operation
and Administrative Costs....................... 3,142,600
For Refugee Resettlement Purchase
of Service, Including Operation
and Administrative Costs........................ 10,494,800
For Grants Associated with the Head Start
State Collaboration, Including
Operating and Administrative Costs.............. 500,000
Total $168,948,500

Payable from Local Initiative Fund:
For Purchase of Services under the
Donated Funds Initiative Program, Including
Operation and Administrative Costs........... 22,328,000

Section 265. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Human Services:

JUVENILE JUSTICE PROGRAMS

Payable from General Revenue Fund:
For Personal Services......................... 186,600
For Retirement Contributions.................... 31,000
For State Contributions to Social Security........ 14,300
For Contractual Services....................... 51,100
For Travel........................................ 6,500
For Equipment.................................... 100
For Telecommunications Services.............. 2,500
Total $292,100

Section 270. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Human Services for the purposes hereinafter named:

JUVENILE JUSTICE PROGRAMS
GRANTS-IN-AID

Payable from Juvenile Justice Trust Fund:

New matter indicated by italics - deletions by strikeout
For grants and administrative costs
Associated with Juvenile Justice
Planning and Action Grants for Local
Units of Government and Non-Profit
Organizations including Prior
Year Costs.................................. 13,432,100

Section 275. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Human Services
for the objects and purposes hereinafter named:

COMMUNITY HEALTH

Payable from the General Revenue Fund:
For Personal Services......................... 3,339,100
For Retirement Contributions............... 554,300
For State Contributions to Social Security ...... 255,400
For Contractual Services......................... 125,300
For Travel....................................... 123,300
For Commodities............................... 19,200
For Equipment.................................. 32,500
For Telecommunications Services............... 43,200
For Expenses for the Development and
Implementation of Cornerstone............... 774,800
Total                                                                 $5,267,100

Payable from the DHS Federal Projects Fund:
For Expenses Related to Public
Health Programs.............................. 3,752,800

Payable from the USDA Women, Infants
and Children Fund:
For Operational Expenses Associated
with Support of the USDA Women,
Infants and Children Program............... 11,666,900

Payable from the Maternal and Child
Health Services Block Grant Fund:
For Operational Expenses of Maternal and
Child Health Programs...................... 4,223,300

New matter indicated by italics - deletions by strikeout
Payable from the Preventive Health and Health Services Block Grant Fund:
For Expenses of Preventive Health and Health Services Programs............... 55,000

Payable from the DHS State Projects Fund:
For Operational Expenses for Public Health Programs....................... 368,000

Section 280. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Human Services for the objects and purposes hereinafter named:

COMMUNITY HEALTH GRANTS-IN-AID

Payable from the General Revenue Fund:
For Grants to Provide Assistance to Sexual Assault Victims and for Sexual Assault Prevention Activities............... 5,810,800
For Grants for Programs to Reduce Infant Mortality and to Provide Case Management and Outreach Services....... 45,638,700
For Grants for After School Youth Support Programs......................... 19,114,800
For Grants for the Intensive Prenatal Performance Project..................... 5,150,000
For Grants to Family Planning Programs For Contraceptive Services............... 985,500
For Costs Associated with the Domestic Violence Shelters and Services Program........................ 21,827,600
For Costs Associated with Teen Parent Services......................... 7,163,900
For Grants and Administrative Expenses Related to the Healthy Families Program....... 9,977,300
For grants for School Based Health Center Expansions....................... 3,000,000

New matter indicated by italics - deletions by strikeout
Payable from the Sexual Assault Services Fund:
For Grants Related to the Sexual Assault Services Program................. 100,000
Total $118,768,600

Payable from the Special Purposes Trust Fund:
For Costs Associated with Family Violence Prevention Services............. 4,977,500

Payable from the DHS Federal Projects Fund:
For Grants for Public Health Programs............ 2,830,000
For Grants for Maternal and Child Health Special Projects of Regional and National Significance................. 2,300,000
For Grants for Family Planning Programs Pursuant to Title X of the Public Health Service Act.................. 8,000,000
For Grants for the Federal Healthy Start Program............................. 4,000,000
Total $22,107,500

Payable from the Special Purposes Trust Fund:
For Community Grants................................. 5,698,100

Payable from the Domestic Violence Abuser Services Fund:
For Domestic Violence Abuser Services............. 100,000

Payable from the Federal National Community Services Grant Fund:
For Payment for Community Activities, Including Prior Years' Costs........ 12,969,900

Payable from the USDA Women, Infants and Children Fund:
For Grants to Public and Private Agencies for Costs of Administering the USDA Women, Infants, and Children (WIC) Nutrition Program........ 52,000,000
For Grants for the Federal Commodity Supplemental Food Program........ 1,400,000
For Grants for Free Distribution of Food

New matter indicated by italics - deletions by strikeout
Supplies and for grants for Nutrition Program Food Centers under the USDA Women, Infants, and Children (WIC) Nutrition Program................. 226,000,000
For Grants for USDA Farmer's Market Nutrition Program......................... 1,500,000
Total $280,900,000

Payable from the Maternal and Child Health Services Block Grant Fund:
For Grants to the Chicago Department of Health for Maternal and Child Health Services. 5,000,000
For Grants for Maternal and Child Health Programs, Including Programs Appropriated Elsewhere in this Section................. 8,465,200
For Grants to the Board of Trustees of the University of Illinois, Division of Specialized Care for Children................. 7,800,000
For Grants for an Abstinence Education Program including operating and administrative costs.. 2,500,000
Total $23,765,200

Payable from the Preventive Health and Health Services Block Grant Fund:
For Grants to Provide Assistance to Sexual Assault Victims and for Sexual Assault Prevention Activities......................... 500,000
For Grants for Rape Prevention Education Programs, including operating and administrative costs.. 1,000,000
Total $1,500,000

Payable from the DHS State Projects Fund:
For Grants to Establish Health Care Systems for DCFS Wards......................... 2,361,400

Payable from Domestic Violence Shelter and Service Fund:
For Domestic Violence Shelters and

New matter indicated by italics - deletions by strikeout
Services Program................................  952,200
Payable from Tobacco Settlement Recovery Fund:
For all costs associated with Children's Health Programs, including grants, contracts, equipment, vehicles and administrative expenses..................  2,118,500
For a Grant to the Coalition for Technical Assistance and Training..................  250,000
Payable from the Diabetes Research Checkoff Fund:
For diabetes research..........................  100,000

Section 285. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

COMMUNITY YOUTH SERVICES
Payable from General Revenue Fund:
For Personal Services.........................  172,300
For Retirement Contributions..................  28,600
For State Contributions to Social Security.......  13,200
Total $214,100

Section 290. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

COMMUNITY YOUTH SERVICES
GRANTS-IN-AID
Payable from General Revenue Fund:
For Community Services.......................  6,993,600
For Youth Services Grants Associated with Juvenile Justice Reform..................  3,771,500
For Comprehensive Community-Based Service to Youth..................  13,017,200
For Unified Delinquency Intervention Services..........................  3,080,800
For Delinquency Prevention....................  1,579,300
For Early Intervention.........................  71,641,100

New matter indicated by italics - deletions by strikeout
For Redeploy Illinois................. 1,545,000
For Homeless Youth Services........... 4,747,700
For Parents Too Soon Program.......... 7,562,000
Total $113,938,200

Payable from the Gaining Early Awareness And Readiness for Undergraduate Programs Fund:
   For grants and administrative expenses
   Of G.E.A.R.U.P......................... 3,500,000

Payable from the Special Purposes Trust Fund:
   For Parents Too Soon Program,
   including grants and operations........ 3,665,200

Payable from the Early Intervention Services Revolving Fund:
   For Grants Associated with the Early Intervention Services Program,
   including operating and administrative costs in prior years ................. 134,914,300

Section 300. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenditures of the Department of Human Services:

**WILLIAM W. FOX DEVELOPMENTAL CENTER**

For Personal Services.................... 12,813,400
For Retirement Contributions............. 2,127,000
For State Contributions to Social Security...... 980,200
For Contractual Services..................... 1,197,700
For Travel................................... 4,900
For Commodities............................ 803,600
For Printing.................................. 8,400
For Equipment.............................. 33,100
For Telecommunications Services.......... 34,600
For Operation of Auto Equipment.......... 28,200

New matter indicated by italics - deletions by strikeout
For Expenses Related to Living Skills Program...... 1,000
Total $18,032,100

Section 305. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

ELISABETH LUDEMAN DEVELOPMENTAL CENTER
For Personal Services............... 30,858,200
For Retirement Contributions........... 5,122,500
For State Contributions to Social Security..... 2,360,700
For Contractual Services............... 3,038,000
For Travel.................................... 3,500
For Commodities......................... 594,700
For Printing.................................. 9,000
For Equipment................................ 96,900
For Telecommunications Services.......... 138,000
For Operation of Auto Equipment......... 51,500
For Expenses Related to Living Skills Program..... 24,700
Total $42,297,700

Section 310. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Human Services:

WILLIAM A. HOWE DEVELOPMENTAL CENTER
For Personal Services............... 39,683,700
For Retirement Contributions.......... 6,587,500
For State Contributions to Social Security..... 3,035,600
For Contractual Services.............. 4,399,200
For Travel................................. 14,100
For Commodities......................... 946,800
For Printing............................... 18,200
For Equipment............................ 81,300
For Telecommunications Services......... 154,900
For Operation of Auto Equipment........ 247,400

New matter indicated by italics - deletions by strikeout
Section 315. The amount of $3,500,000, is appropriated to the Department of Human Services for a grant from the Priority Capital Grant Program Fund pursuant to Section 6z-69 of the Illinois Finance Act.

Section 320. The amount of $420,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Easter Seals Central Illinois organization.

ARTICLE 290

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Human Rights Commission for the objects and purposes hereinafter enumerated:

GENERAL OFFICE

Payable from General Revenue Fund:

For Personal Services......................... 1,182,500
For State Contributions to State Employees' Retirement System............... 196,200
For State Contributions to Social Security........ 90,400
For Contractual Services....................... 140,000
For Travel........................................ 20,500
For Commodities.................................... 6,300
For Printing....................................... 8,700
For Equipment.................................... 13,600
For Electronic Data Processing................. 9,900
For Telecommunications Services............... 26,300
Total ............................................. $1,694,400

Section 10. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the Special Projects Division Fund to the Human Rights Commission for costs associated with processing and adjudicating cases under Equal Employment Opportunity Commission and U.S. Department of Housing and Urban Development contracts.

ARTICLE 295

New matter indicated by italics - deletions by strikeout
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Department of Human Rights for the objects and purposes hereinafter enumerated:

**ADMINISTRATION**

For Personal Services ............................ 689,700
For State Contributions to State
  Employees' Retirement System .................... 114,500
  For State Contributions to Social Security ........ 52,800
  For Contractual Services .......................... 143,800
  For Travel ........................................ 16,500
  For Commodities ................................... 15,700
  For Printing ....................................... 4,700
  For Equipment ..................................... 26,900
  For Telecommunications Services ................... 22,000
  For Operation of Auto Equipment .................... 3,000
Total                                                                                     $1,089,600

Section 7. The sum of $155,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Rights for the purpose of funding expenses associated with the Commission on Discrimination and Hate Crimes as provided in Senate Bill 1047 of the 95th General Assembly.

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

**DIVISION OF CHARGE PROCESSING**

Payable from General Revenue Fund:
For Personal Services ............................ 4,838,300
For State Contributions to State
  Employees' Retirement System .................... 803,100
  For State Contributions to Social Security ....... 370,100
  For Contractual Services .......................... 39,400
  For Travel ........................................ 29,300
  For Commodities ................................... 13,000

New matter indicated by italics - deletions by strikeout
Section 15. The amount of $1,520,300, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Rights for expenses relating to the investigation and processing of human rights cases.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Department of Human Rights for the objects and purposes hereinafter enumerated:

**COMPLIANCE**

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<th>Object</th>
<th>Amount</th>
</tr>
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<td>For Personal Services</td>
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<tr>
<td>Employees' Retirement System</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>49,000</td>
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<tr>
<td>For Contractual Services</td>
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<tr>
<td>For Travel</td>
<td>12,900</td>
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<tr>
<td>For Commodities</td>
<td>2,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Telecommunications Services................. $3,000
Total

$818,400

ARTICLE 300
Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

DIRECTOR'S OFFICE
Payable from the General Revenue Fund:
For Personal Services......................... $1,916,900
For State Contributions to State
Employees' Retirement System............... $318,200
For State Contributions to Social Security ..... $146,600
For Contractual Services......................... $108,400
For Travel........................................ $62,600
For Commodities.................................... $4,500
For Printing....................................... $1,500
For Equipment........................................ $400
For Telecommunications Services............... $47,100
For Operation of Auto Equipment............... $700
Total

$2,606,900
Payable from the Public Health Services Fund:
For Expenses Associated with
Support of Federally Funded Public
Health Programs................................. $300,000
For Operational Expenses to Support
Refugee Health Care............................. $514,000
Total, Public Health Services Fund

$814,000
Payable from the Public Health Special
State Projects Fund:
For Expenses of Public Health Programs........ $750,000

Section 10. The sum of $4,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for expenses targeted to decrease health disparities in communities of color for Breast and Cervical Cancer.

New matter indicated by italics - deletions by strikeout
Section 15. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Public Health from the Public Health Services Fund for the objects and purposes hereinafter named:

**DIRECTOR'S OFFICE**
For Grants for the Development of  
Refugee Health Care......................... 1,636,000

Section 20. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

**OFFICE OF FINANCE AND ADMINISTRATION**
Payable from the General Revenue Fund:
For Personal Services........................ 3,943,300
For State Contributions to State Employees' Retirement System.............. 654,500
For State Contributions to Social Security ...... 301,600
For Contractual Services...................... 4,411,800
For Travel.................................... 60,100
For Commodities............................. 93,800
For Printing................................ 167,400
For Equipment............................... 5,200
For Telecommunications Services............ 276,500
For Operation of Auto Equipment............ 26,300
For Expenses of the Public Health Information Network....................... 67,800
For Expenses of the Adoption Registry and Medical Information Exchange........... 321,200
For Operational Expenses of Maintaining the Vital Records System.................. 199,500
For Operational Expenses of the Regional Data Base System........................... 29,200
For costs and expenses related to or in support of a Healthcare shared services center................ 2,841,900

New matter indicated by italics - deletions by strikeout
Total $13,400,100

Payable from the Public Health Services Fund:
- For Personal Services........................... 194,500
- For State Contributions to State Employees’ Retirement System..................... 32,200
- For State Contributions to Social Security ...... 14,900
- For Group Insurance............................... 41,000
- For Contractual Services........................ 285,000
- For Travel........................................ 20,000
- For Commodities.................................... 6,000
- For Printing....................................... 1,000
- For Equipment.................................... 300,000
- For Telecommunications Services............... 400,000
- For Operational Expenses of Maintaining the Vital Records System............... 400,000
  Total $1,694,600

Payable from the Lead Poisoning Screening, Prevention, and Abatement Fund:
- For Operational Expenses for Maintaining Billings and Receivables for Lead Testing........ 110,000

Payable from Death Certificate Surcharge Fund:
- For Expenses of Statewide Database of Death Certificates and Distributions of Funds to Governmental Units, Pursuant to Public Act 91-0382.................. 3,082,000

Payable from the Public Health Special State Projects Fund:
- For operational expenses of regional and central office facilities......................... 571,400

Payable from the Metabolic Screening and Treatment Fund:
- For Operational Expenses for Maintaining

New matter indicated by italics - deletions by strikeout
Section 25. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF FINANCE AND ADMINISTRATION

Payable from the General Revenue Fund:
For Grants for Development of Local Health Departments and the Public Health Workforce, including Operational Expenses........ $127,700

Section 30. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF FINANCE AND ADMINISTRATION

For Other Refunds, Payable from the General Revenue Fund......................... $38,400
For Refunds, Payable from the Public Health Services Fund......................... $75,000
For Refunds, Payable from the Maternal and Child Health Services Block Grant Fund........ $5,000
For Refunds, Payable from the Preventive Health and Health Services Block Grant Fund......................... $5,000
Total $123,400

Section 35. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

DIVISION OF INFORMATION TECHNOLOGY

Payable from the General Revenue Fund:
For Personal Services.............................. $932,400
For State Contributions to State Employees' Retirement System.............. $154,700
For State Contributions to Social Security ...... $71,300
For Contractual Services......................... $1,525,800
For Travel........................................... $5,300

New matter indicated by italics - deletions by strikeout
For Commodities.............................. 4,800
For Printing................................. 16,000
For Electronic Data Processing........... 533,500
For Telecommunications Services......... 45,700
For Operational Expenses for Health
   Information Systems Targeted for
   Health Screening Programs.............. 130,100
For Expenses for Public Health
   Prevention Systems....................... 832,100
For Expenses Associated with the Childhood
   Immunization Program..................... 224,000
For expenses associated with development
   and coordination of birth related
   data systems.............................. 500,000
   Total .................................. $4,975,700
Payable from the Public Health Services Fund:
   For Expenses Associated
      with Support of Federally
      Funded Public Health Programs.......... 1,250,000
Payable from the Public Health Special
   State Projects Fund:
   For Expenses of EPSDT and other
      Public Health programs.................. 150,000

Section 40. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Public Health for
the objects and purposes hereinafter named:

OFFICE OF POLICY, PLANNING AND STATISTICS
Payable from the General Revenue Fund:
   For Personal Services..................... 1,807,300
   For State Contributions to State
      Employees’ Retirement System.......... 300,000
   For State Contributions to Social
      Security................................. 138,200
   For Contractual Services................ 25,400

New matter indicated by italics - deletions by strikeout
For Travel........................................ 32,600
For Commodities.................................. 2,600
For Printing........................................ 300
For Equipment..................................... 4,800
For Telecommunications Services................. 29,600
For Expenses to establish program
to provide scholarships to Allied
Health Professionals............................ 91,100
For operating expenses of the Center
for Rural Health................................. 441,700
For expenses pursuant to the Illinois
Rural/Downstate Health Act for the
Rural Medical Education (RMED) program
at the University of Illinois-Rockford....... 700,000
For expenses in support of Electronic Health
Records and related programs and
activities......................................... 500,000
For expenses of the Adverse Pregnancy
Outcomes Reporting Systems (APORS)
Program.......................................... 348,600
For expenses of State Cancer Registry,
including matching funds for National
Cancer Institute grants.......................... 163,200
For expenses of Adverse Health Care
Event Reporting and Patient Safety
Initiative........................................ 952,350
For grants to public and private agencies
for Residency Programs pursuant to the
Family Practice Residency Act............... 776,000
For matching grants to Community Based
Organizations for Comprehensive
Primary Care..................................... 392,600
For grants to assist Community and
Migrant Health Centers to expand service

New matter indicated by italics - deletions by strikeout
capacity and develop additional sites.............. 392,600
For hospital grants to diversify services and convert to facilities that are less dependent on Acute Care Bed capacity......................... 392,600
For grants for the Community Health Center Expansion Program.......................... 5,991,000
Total $13,482,550
Payable from the Long Term Care Provider Fund:
For Expenses of Identified Offenders Assessment and other public health and safety activities............................... 2,000,000
Payable from Rural/Downstate Health Access Fund:
For expenses associated with the Rural/ Downstate Health Access Program................. 100,000
Payable from the Public Health Services Fund:
For expenses related to Epidemiological Health Outcomes Investigations and Database Development....................... 4,130,000
For expenses for Rural Health Center to expand the availability of Primary Health Care........................... 2,000,000
For operational expenses to develop a Health Care Provider Recruitment and Retention Program......................... 300,000
For grants to develop a Health Care Provider Recruitment and Retention Program.............................. 450,000
For grants to develop a Health Professional Educational Loan Repayment Program................. 900,000
Total $7,780,000
Payable from Community Health Center Care Fund:
For expenses for access to Primary Health Care Services Program per Family Practice

New matter indicated by italics - deletions by strikeout
Residency Act................................. 1,000,000
Payable from Illinois Health Facilities Planning Fund:
  For expenses, including refunds, for
  Health Facilities Planning Board.............. 1,734,500
Payable from Nursing Dedicated and Professional Fund:
  For expenses of the Nursing Education
  Scholarship Law.................................. 1,200,000
Payable from the Regulatory Evaluation and Basic
  Enforcement Fund:
  For Expenses of the Alternative Health Care
  Delivery Systems Program...................... 75,000
Payable from the Tobacco Settlement Recovery Fund:
  For grants for the Community Health Center
  Expansion Program.............................. 3,000,000
Payable from the Preventive Health and Health
  Services Block Grant Fund:
  For expenses of Preventive Health and Health
  Services Needs Assessment........................ 1,406,700
Payable from Public Health Special State Projects Fund:
  For expenses associated with Health
  Outcomes Investigations and
  other public health programs................... 500,000
Payable from Illinois State Podiatric Disciplinary Fund:
  For expenses of the Podiatric Scholarship
  And Residency Act............................... 100,000
Payable from the Public Health Federal
  Projects Fund:
  For expenses of Health Outcomes,
  Research, Policy and Surveillance............ 612,000

Section 45. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Public Health for
the objects and purposes hereinafter named:

  OFFICE OF HEALTH PROMOTION

Payable from the General Revenue Fund:

  New matter indicated by italics - deletions by strikeout
For Personal Services............................                                          915,700
For State Contributions to State
    Employees' Retirement System .......................  152,000
For State Contributions to Social Security .......                               70,000
For Contractual Services..........................                                         28,600
For Travel........................................                                                 52,900
For Commodities....................................                                            2,200
For Printing.......................................                                                  2,500
For Equipment.........................................                                               100
For Telecommunications Services..............                               27,500
For Operation of Auto Equipment......................                                   400
For Operational Expenses of Legacy Public Health Programs...............................  335,700
For Expenses of the Prostate Cancer Awareness and Screening Program..............  297,000
For Expenses related to services for Prostate Cancer Public Awareness Initiative..............  1,200,000
For Expenses Associated with Sudden Infant Death Syndrome (SIDS) Program...........  250,000
For Expenses Associated with the Bridget Hartigan Education and Awareness Campaign...............  100,000
For expenses of suicide prevention programs and activities..............................  350,000
For expenses associated with newborn hearing programs................................  150,000
Total                                                     $3,934,600
Payable from the Public Health Services Fund:
For Personal Services..................................  1,205,000
For State Contributions to State
    Employees' Retirement System .......................  200,000
For State Contributions to Social Security .......                               92,200
For Group Insurance...........................................  381,000

New matter indicated by italics - deletions by strikeout
For Contractual Services................. 650,000
For Travel................................... 160,000
For Commodities............................ 13,000
For Printing................................. 44,000
For Equipment............................... 50,000
For Telecommunications Services........ 65,000
Total........................................ $2,860,200

Payable from the Vince Demuzio Memorial Colon Cancer Fund:
For Expenses to establish and maintain a public awareness campaign to target areas in Illinois with high colon cancer mortality rates............................ 100,000

Payable from the Maternal and Child Health Services Block Grant Fund:
For Operational Expenses of Maternal and Child Health Programs.......................... 440,000

Payable from the Preventive Health and Health Services Block Grant Fund:
For Expenses of Preventive Health and Health Services Programs....................... 1,226,800

Payable from the Public Health Special State Projects Fund:
For Expenses for Public Health Programs.......... 750,000

Payable from the Metabolic Screening and Treatment Fund:
For Operational Expenses for Metabolic Screening Follow-up Services............... 2,144,700

Payable from the Hearing Instrument Dispenser Examining and Disciplinary Fund:
For Expenses Pursuant to the Hearing Aid Consumer Protection Act.................... 104,500

New matter indicated by italics - deletions by strikeout
Section 50. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

**OFFICE OF HEALTH PROMOTION**

Payable from the General Revenue Fund:

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<th>Description</th>
<th>Amount</th>
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<tr>
<td>For Grants for Vision and Hearing</td>
<td>662,700</td>
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<tr>
<td>Screening Programs</td>
<td></td>
</tr>
<tr>
<td>For Grants Associated with Donated Dental Services</td>
<td>72,000</td>
</tr>
<tr>
<td>For a Grant to the Amyotrophic Lateral Sclerosis (ALS) Association Greater Chicago Chapter for Research into discovering the cause and Cure for Amyotrophic Lateral Sclerosis</td>
<td>1,000,000</td>
</tr>
<tr>
<td>For grants to Children’s Memorial Hospital for the Illinois Violent Death Reporting System to analyze data, identify risk factors and develop prevention efforts</td>
<td>150,000</td>
</tr>
<tr>
<td>For grants for the extension and provision of perinatal services for premature and high-risk infants and their mothers</td>
<td>2,136,900</td>
</tr>
<tr>
<td>For a grant to the Farm Resource Center</td>
<td>465,600</td>
</tr>
<tr>
<td>For grants to the University of Chicago Transplant Section for Juvenile Diabetes research</td>
<td>4,955,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$9,442,200</td>
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Payable from the Alzheimer's Disease Research Fund:

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<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Grants Pursuant to the Alzheimer's Disease Research Act</td>
<td>350,000</td>
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Payable from the Public Health Services Fund:

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<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Grants for Public Health Programs, Including Operational Expenses</td>
<td>9,530,000</td>
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New matter indicated by italics - deletions by strikeout
Payable from the Maternal and Child Health Services Block Grant Fund:
For Grants for Maternal and Child Health Programs....................................... 495,000
For Grants for the Extension and Provision of Perinatal Services for Premature and High-risk Infants and their Mothers......... 2,401,800
Total $3,046,800

Payable from the Preventive Health and Health Services Block Grant Fund:
For Grants for Prevention Programs including operational expenses........... 1,000,000

Payable from the Metabolic Screening and Treatment Fund:
For Grants for Metabolic Screening Follow-up Services......................... 3,020,000
For Grants for Free Distribution of Medical Preparations and Food Supplies................ 1,370,000
Total $4,390,000

Payable from the Tobacco Settlement Recovery Fund:
For Certified Local Health Department Grants for Anti-Smoking Programs......... 5,000,000
For Grants and Administrative Expenses for the Tobacco Use Prevention Program, BASUAH Program, and Asthma Prevention....... 5,000,000
Total $10,000,000

Payable from the Prostate Cancer Research Fund:
For Grants to Public and Private Entities In Illinois for Prostate Cancer Research...... 200,000

Payable from the Epilepsy Treatment and Education Grants-in-Aid Fund:
For Grants for Epilepsy Treatment and Education Programs............................... 50,000

Payable from the Blindness Prevention Fund:

New matter indicated by italics - deletions by strikeout
For Grants to charitable or educational entities for the prevention of blindness and the providing of eye care......................... 50,000

Payable from the Illinois Brain Tumor Research Fund:
For Grants to public and private entities For the purpose of research dedicated to the elimination of brain tumors................. 50,000

Payable from the Sarcoidosis Research Fund:
For Grants for sarcoidosis research............. 50,000

Payable from Lou Gehrig’s Disease Research Fund:
For grants to the Les Turner ALS foundation for Research on Amyotrophic Lateral Sclerosis (ALS).............................. 100,000

Payable from the Spinal Cord Injury Paralysis Cure Research Trust Fund:
For grants for spinal cord injury research....... 400,000

Section 55. In addition to any amounts previously appropriated, the sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the American Lung Association for operations of the Quitline.

Section 60. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH CARE REGULATION

Payable from the General Revenue Fund:
For Personal Services......................... 13,675,600
For State Contributions to State Employees' Retirement System......................... 2,270,100
For State Contributions to Social Security .... 1,046,100
For Contractual Services......................... 197,600
For Travel....................................... 745,300
For Commodities................................. 13,500
For Printing....................................... 6,200
For Equipment.................................... 300
For Telecommunications Services................. 125,200
For Operation of Auto Equipment................... 1,600
For Expenses of the Assisted Living and Shared Housing Program................. 216,800
Total $18,298,300

Payable from the Public Health Services Fund:
For Personal Services.............................. 6,825,000
For State Contributions to State Employees’ Retirement System......................... 1,133,000
For State Contributions to Social Security ...... 522,100
For Group Insurance................................. 1,400,000
For Contractual Services............................ 800,000
For Travel............................................. 1,100,000
For Commodities...................................... 8,200
For Equipment........................................ 450,000
For Telecommunications............................. 50,000
For Expenses of Monitoring in Long Term Care Facilities.............................. 1,750,000
Total $14,038,300

Payable from Assisted Living and Shared Housing Regulatory Fund:
For operational expenses of the Assisted Living and Shared Housing Program, pursuant to Public Act 91-0656.................................................. 225,000

Payable from the Long Term Care Monitor/Receiver Fund:
For Expenses, Including Refunds, Related to Appointment of Long Term Care Monitors and Receivers........................................... 1,600,000

Payable from the Regulatory Evaluation and Basic Enforcement Fund:
For Expenses of the Alternative Health Care Delivery Systems Program.................. 75,000

New matter indicated by italics - deletions by strikeout
Payable from the Health Facility Plan Review Fund:
For Expenses of Health Facility Plan Review Program and Hospital Network System, including refunds

2,000,000

Payable from the Hospice Fund:
For Grants for hospice services as defined in the Hospice Program Licensing Act

25,000

Payable from Innovations in Long Term Care Quality Demonstration Grants Fund:
For demonstration grants for nursing homes

2,000,000

Payable from the End Stage Renal Disease Facility Licensing Fund:
For expenses of the End Stage Renal Disease Facility Licensing Program

385,000

Section 65. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROTECTION

Payable from the General Revenue Fund:
For Personal Services

6,578,300
For State Contributions to State Employees' Retirement System

1,092,000
For State Contributions to Social Security

503,200
For Contractual Services

106,600
For Travel

204,000
For Commodities

15,900
For Printing

9,200
For Equipment

100
For Telecommunications Services

80,600
For Operation of Auto Equipment

6,900
For Expenses Incurred for the Rapid Investigation and Control of

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0348

Disease or Injury............................... 526,200
For Expenses of Environmental Health
Surveillance and Prevention
Activities, Including Mercury
Hazards and West Nile Virus.................... 451,300
For Expenses for Expanded Lab Capacity
and Enhanced Statewide Communication
Capabilities Associated with
Homeland Security............................... 496,200
For expenses associated with implementing
an integrated pest management program........... 178,000
For Expenses associated with Pandemic
Flu Preparedness............................... 1,183,000
For Deposit into the Lead Poisoning
Screening, Prevention, and
Abatement Fund................................. 1,672,000
Total                                                                 $13,103,500
Payable from the Public Health Services Fund:
For Personal Services........................... 4,192,000
For State Contributions to State
Employees' Retirement System..................... 695,900
For State Contributions to Social Security ...... 320,000
For Group Insurance............................. 1,007,000
For Contractual Services.......................... 3,182,800
For Travel........................................... 345,700
For Commodities................................. 355,000
For Printing......................................... 70,800
For Equipment...................................... 865,000
For Telecommunications Services................. 286,800
For Operation of Auto Equipment................... 20,000
For Expenses of Implementing Federal
Awards, Including Services Performed
by Local Health Providers....................... 4,925,700
For Expenses Related to the Summer Food

New matter indicated by italics - deletions by strikeout
Inspection Program................................. 45,000
Total                                                                                       $16,311,700
Payable from the Food and Drug Safety Fund:
For Expenses of Administering the Food and Drug Safety Program, including Refunds.............. 1,400,000
Payable from the Safe Bottled Water Fund:
For Expenses for the Safe Bottled Water Program.................................................. 75,000
Payable from the Illinois School Asbestos Abatement Fund:
For Expenses, Including Refunds, of Administering and Executing the Asbestos Abatement Act and the Federal Asbestos Hazard Emergency Response Act of 1986 (AHERA)... 952,500
Payable from the Public Health Water Permit Fund:
For Expenses, Including Refunds, of Administering the Groundwater Protection Act.................... 200,000
Payable from the Used Tire Management Fund:
For Expenses of Vector Control Programs, including Mosquito Abatement............................ 500,000
Payable from the Lead Poisoning Screening, Prevention, and Abatement Fund:
For Expenses of the Lead Poisoning Screening, and Prevention Program, Including Refunds........ 2,283,100
Payable from the Tanning Facility Permit Fund:
For Expenses to Administer the Tanning Facility Permit Act, Including Refunds........................ 500,000

New matter indicated by italics - deletions by strikeout
Payable from the Plumbing Licensure and Program Fund:
For Expenses to Administer and Enforce the Illinois Plumbing License Law, including Refunds.......................... 1,346,200

Payable from the Pesticide Control Fund:
For Public Education, Research, and Enforcement of the Structural Pest Control Act............................... 200,000

Payable from the Facility Licensing Fund:
For Expenses, including Refunds, of Environmental Health Programs.......................... 659,900

Payable from the Public Health Special State Projects Fund:
For Expenses of Conducting EPSDT and other Health Protection Programs........... 1,700,000

Payable from the Emergency Public Health Fund:
For expenses of mosquito abatement in an effort to curb the spread of West Nile Virus.......................... 3,413,600

Section 70. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROTECTION

Payable from the General Revenue Fund:
For Grants for Immunizations and Outreach Activities.......................... 4,763,100
For Grants for Sexually Transmitted Disease Medical Services to Individuals................. 10,600
For Local Health Protection Grants to Certified Local Health Departments for Health Protection Programs including, But Not Limited To, Infectious

New matter indicated by italics - deletions by strikeout
Diseases, Food Sanitation, Potable Water and Private Sewage.............. 17,098,500
For grants to support sickle cell disease research, education and outreach as follows:
For a grant to the Comprehensive Sickle-Cell Clinic at the University of Illinois Medical Center at Chicago....................... 600,000
For a grant to the Have a Heart for Sickle Cell Anemia Foundation............. 400,000
Total $22,872,200
Payable from the Public Health Services Fund:
For grants and other expenses related to Childhood Lead Poisoning Prevention Program..... 165,000
Payable from the Lead Poisoning Screening, Prevention, and Abatement Fund:
For Grants for the Lead Poisoning Screening and Prevention Program....................... 1,500,000
Payable from the Tobacco Settlement Recovery Fund:
For a Grant for the University of Illinois for Sickle Cell Research......................... 1,900,000
Payable from the Pet Population Control Fund:
For expenses associated with the Illinois Public Health and Safety Animal Population Control Act....................... 100,000

Section 72. The sum of $5,000,000 is appropriated from the General Revenue Fund to the Department of Public Health for the purpose of distributing grants, in exactly equal amounts, to each of Illinois’ certified local health departments.

Section 75. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for expenses of programs related to Acquired Immunodeficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV):

OFFICE OF HEALTH PROTECTION: AIDS/HIV

New matter indicated by italics - deletions by strikeout
Payable from the General Revenue Fund:
For Personal Services............................ 418,300
For State Contributions to State
Employees' Retirement System............... 69,400
For State Contributions to Social Security .... 32,000
For Contractual Services......................... 25,200
For Travel........................................ 12,400
For Expenses of an AIDS Hotline............... 355,000
For Expenses of Minority AIDS/HIV
Prevention and Outreach....................... 3,150,000
For Expenses of AIDS/HIV Education,
Drugs, Services, Counseling, Testing,
Referral and Partner Notification
(CTRPN), and Patient and Worker
Notification pursuant to Public
Act 87-763.................................... 18,001,200
For expenses associated with HIV in
Correctional facilities......................... 2,000,000
Total $24,063,500

Payable from the African-American
HIV/AIDS Response Fund:
For grants and other expenses for
the prevention and treatment of
HIV/AIDS and the creation of an HIV/AIDS
service delivery system to reduce the
disparity of HIV infection and AIDS cases
between African-Americans and other
population groups......................... 3,000,000

Payable from the Public Health Services Fund:
For Expenses of Programs for Prevention
of AIDS/HIV................................. 4,651,600
For Expenses for Surveillance Programs and
Seroprevalence Studies of AIDS/HIV........ 1,500,000
For Expenses Associated with the

New matter indicated by italics - deletions by strikeout
Ryan White Comprehensive AIDS
Resource Emergency Act of
1990 (CARE) and other AIDS/HIV services... 44,100,000
Total  $50,251,600

Section 80. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Public Health for
the objects and purposes hereinafter named:

SPRINGFIELD LABORATORY
Payable from the General Revenue Fund:
For Personal Services...................... 1,277,100
For State Contributions to State Employees' Retirement System.................. 212,000
For State Contributions to Social Security........................................ 97,700
Total .............................................. $1,586,800

CARBONDALE LABORATORY
Payable from the General Revenue Fund:
For Personal Services........................ 317,600
For State Contributions to State Employees' Retirement System............. 52,700
For State Contributions to Social Security ......... 24,300
Total .............................................. $394,600

CHICAGO LABORATORY
Payable from the General Revenue Fund:
For Personal Services...................... 1,788,200
For State Contributions to State Employees' Retirement System............. 296,800
For State Contributions to Social Security ...... 136,800
Total .............................................. $2,221,800

PUBLIC HEALTH LABORATORIES
Payable from the General Revenue Fund:
For Contractual Services.................. 968,700
For Travel...................................... 23,000
For Commodities............................ 312,200

New matter indicated by italics - deletions by strikeout
For Printing................................. 17,600
For Equipment............................. 3,300
For Telecommunications Services........ 58,000
For Operation of Auto Equipment........ 1,700
For Expenses of Increasing and
Maintaining Laboratory Capacity for
the Rapid Response to Outbreaks or
Incidence of Infectious Diseases
or Injury..................................... 112,300
For Operational Expenses to Provide
Clinical and Environmental Public
Health Laboratory Services............... 3,749,400
Total, General Revenue Fund............. $5,246,200
Payable from the Public Health Services Fund:
For Personal Services..................... 225,000
For State Contributions to State
Employees' Retirement System............ 37,300
For State Contributions to Social Security 17,500
For Group Insurance........................ 65,000
For Contractual Services.................. 185,000
For Travel.................................. 20,000
For Commodities.......................... 324,900
For Printing............................... 10,000
For Equipment............................ 115,000
For Telecommunications Services........ 7,000
Total, Public Health Services Fund...... $1,006,700
Payable from the Public Health Laboratory Services Revolving Fund:
For Expenses, Including
Refunds, to Administer Public
Health Laboratory Programs and
Services................................. 2,024,500
Payable from the Lead Poisoning
Screening, Prevention, and Abatement Fund:

New matter indicated by italics - deletions by strikeout
For Expenses, Including
Refunds, of Lead Poisoning Screening,
Prevention and Abatement Program......... 1,347,100
Payable from the Metabolic Screening
and Treatment Fund:
For Expenses, Including
Refunds, of Testing and Screening
for Metabolic Diseases....................... 5,379,100
Payable from the Public Health Special State
Projects Fund:
For operational expenses of regional and
central office facilities......................... 399,400

Section 85. The following named amounts, or as much thereof as
may be necessary, are appropriated to the Department of Public Health for
the objects and purposes hereinafter named:

OFFICE OF WOMEN'S HEALTH

Payable from the General Revenue Fund:
For Personal Services........................... 347,800
For State Contributions to State
Employees' Retirement System............... 57,700
For State Contributions to
Social Security................................. 26,600
For Contractual Services...................... 48,600
For Travel..................................... 23,500
For Commodities................................ 3,300
For Printing................................... 14,700
For Equipment.................................. 700
For Telecommunications Services.......... 11,400
For Operational Expenses of State-
wide Women's Healthline..................... 86,400
For Operational Expenses for Educational
Programs to Reduce Breast Cancer........... 25,100
For Deposit into the Penny Severns
Breast and Cervical Cancer Research

New matter indicated by italics - deletions by strikeout
### OFFICE OF WOMEN'S HEALTH

**Fund**

- For Expenses for Breast and Cervical Cancer Screenings and other Related Activities: $6,000,000
- For Expenses of the Women's Health Promotion Programs: $902,700
- Total: $7,748,500

Payable from the Public Health Services Fund:
- For Personal Services: $521,200
- For State Contributions to State Employees' Retirement System: $86,500
- For State Contributions to Social Security: $40,000
- For Group Insurance: $119,400
- For Contractual Services: $500,000
- For Travel: $50,000
- For Commodities: $53,200
- For Printing: $34,500
- For Equipment: $50,000
- For Telecommunications Services: $10,000
- For Expenses of Federally Funded Women's Health Program: $2,600,000
- Total: $4,064,800

Payable from the Public Health Special State Projects Fund:
- For Expenses of Women's Health Programs: $200,000

**Section 90.** The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

- **OFFICE OF WOMEN'S HEALTH**

Payable from the General Revenue Fund:
- For Grants Pursuant to the Promotion of Women's Health: $1,127,900
- For Grants Associated with Ovarian

New matter indicated by italics - deletions by strikeout
Cancer Research................................. 100,000
Total  $1,227,900

Payable from the Public Health Services Fund:
For Grants for Breast and Cervical Cancer Screenings in Fiscal Year 2008 and all prior fiscal years............... 6,000,000

Payable from the Penny Severns Breast and Cervical Cancer Research Fund:
For Grants for Breast and Cervical Cancer Research................................. 600,000

Payable from the Ticket for the Cure Fund:
For Grants and related expenses to public or private entities in Illinois for the purpose of funding research concerning breast cancer and for funding services for breast cancer victims.... 5,500,000

Section 95. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF PREPAREDNESS AND RESPONSE

Payable from the General Revenue Fund:
For Personal Services......................... 1,068,900
For State Contributions to State Employees’ Retirement System...................... 177,400
For State Contributions to Social Security................................................. 81,700
For Contractual Services....................... 15,000
For Travel........................................... 45,000
For Commodities................................... 5,000
For operational expenses of three First Aid stations................................. 88,400
For grants to Metro Chicago Hospital Council for the support of the Illinois Poison Control Center......................... 1,901,500
For deposit into the Heartsaver AED Fund........ 100,000
Total  $3,482,900

Payable from the Public Health Services Fund:
For Expenses of Federally Funded
Bioterrorism Preparedness
Activities and other Public Health
Emergency Preparedness....................... 61,000,000

Payable from the Trauma Center Fund:
For Expenses of Administering the
Distribution of Payments to
Trauma Centers.............................. 6,000,000

Payable from the EMS Assistance Fund:
For Expenses of Administering the
Distribution of Payments from the
EMS Assistance Fund, Including Refunds......... 300,000

Payable from the Federal Civil Preparedness
Administrative Fund:
For Costs Associated with Illinois
Terrorism Task Force Approved
Purchases for Homeland Security.............. 2,100,000

Payable from the Heartsaver AED Fund:
For expenses associated with the
Heartsaver AED Program...................... 125,000

Payable from Fire Prevention Fund:
For Expenses of EMS Testing................... 400,000
For Expenses of EMS staffing and
Program Activities..........................

Total  $1,023,000

Section 100. The sum of $400,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Public Health for a grant to HRDI for the purposes of AIDS
Prevention.

Section 105. The sum of $250,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Public Health for the Task Force on Health Planning Reform.

Section 110. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for existing Access to Care programs.

ARTICLE 305

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to the Department of Veterans' Affairs:

**CENTRAL OFFICE**

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,696,400</td>
</tr>
<tr>
<td>For State Contributions to the State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>281,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>129,800</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>463,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>38,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>14,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>5,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>20,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>1,012,100</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>78,900</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>17,800</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,758,400</strong></td>
</tr>
</tbody>
</table>

Section 10. The sum of $862,200, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Veterans’ Affairs for costs and expenses related to or in support of a Healthcare shared services center.

Section 15. The following named sums, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Department of Veterans' Affairs for the objects and purposes and in the amounts set forth as follows:

**GRANTS-IN-AID**

New matter indicated by italics - deletions by strikeout
For Bonus Payments to War Veterans and Peacetime Crisis Survivors............................... 97,800
For Providing Educational Opportunities for Children of Certain Veterans, as provided by law........................................ 163,700
For Cartage and Erection of Veterans’ Headstones........................................ 615,800
For Cartage and Erection of Veterans’ Headstones/Prior Years Claims....................... 34,200
Total                                                                                      $911,500

Section 20. The following named sum, or so much thereof as may be necessary, is appropriated from the Illinois Affordable Housing Trust Fund to the Department of Veterans’ Affairs for the object and purpose and in the amount set forth as follows:
For Specially Adapted Housing for Veterans...... 223,000

Section 25. The sum of $842,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Veterans’ Affairs for the payment of scholarships to students who are dependents of Illinois resident military personnel declared to be prisoners of war, missing in action, killed or permanently disabled, as provided by law.

Section 30. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Illinois Military Family Relief Fund to the Department of Veterans’ Affairs for the payment of benefits authorized under the Survivor’s Compensation Act.

Section 35. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the Illinois Veterans’ Homes Fund to the Department of Veterans’ Affairs to enhance the operations of veterans’ homes in Illinois.

Section 40. The sum of $8,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Veterans’ Assistance Fund to the Department of Veterans’ Affairs for making grants, funding additional services, or conducting additional research projects relating to veterans’ post traumatic stress disorder; veterans’ homelessness; the health

New matter indicated by italics - deletions by strikeout
insurance cost of veterans; veterans’ disability benefits, including but not limited to, disability benefits provided by veterans service organizations and veterans assistance commissions or centers; and the long-term care of veterans.

Section 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for objects and purposes hereinafter named:

**VETERANS’ FIELD SERVICES**

Payable from the General Revenue Fund:

<table>
<thead>
<tr>
<th>Objective</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>3,809,100</td>
</tr>
<tr>
<td>For State Contributions to the State</td>
<td>632,300</td>
</tr>
<tr>
<td>Employees' Retirement system</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>291,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>315,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>107,600</td>
</tr>
<tr>
<td>For Commodities</td>
<td>16,600</td>
</tr>
<tr>
<td>For Printing</td>
<td>8,900</td>
</tr>
<tr>
<td>For Equipment</td>
<td>58,500</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>100</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>136,800</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>30,300</td>
</tr>
<tr>
<td>Total</td>
<td>$5,407,300</td>
</tr>
</tbody>
</table>

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

**ILLINOIS VETERANS' HOME AT ANNA**

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Objective</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>1,980,800</td>
</tr>
<tr>
<td>For State Contributions to the State</td>
<td>328,800</td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td></td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>151,400</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>100</td>
</tr>
</tbody>
</table>
For Commodities...................................................... 100
For Electronic Data Processing.................................. 100
Total........................................................................... $2,461,300

Payable from Anna Veterans Home Fund:
For Personal Services.................................................. 732,500
For State Contributions to the State
Employees' Retirement System.............................. 121,600
For State Contributions to Social Security................... 56,000
For Contractual Services.............................................. 567,500
For Travel................................................................. 5,500
For Commodities....................................................... 275,000
For Printing................................................................. 2,000
For Equipment............................................................ 39,000
For Electronic Data Processing................................... 3,000
For Telecommunications Services......................... 16,800
For Operation of Auto Equipment........................... 8,400
For Refunds............................................................... 13,000
For Permanent Improvements................................. 10,000
Total........................................................................... $1,850,300

Section 55. The sum of $192,800, or so much thereof as may be necessary, is appropriated from the Anna Veterans Home Fund to the Department of Veterans’ Affairs for costs and expenses related to or in support of a Healthcare shared services center.

Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS' HOME AT QUINCY

Payable from General Revenue Fund:
For Personal Services............................................... 15,620,000
For State Contributions to the State
Employees' Retirement System.............................. 2,592,900
For State Contributions to Social Security................... 1,195,000

New matter indicated by italics - deletions by strikeout
For Contractual Services.......................... 72,000
For Commodities...................................... 100
For Electronic Data Processing..................... 100
Total $19,480,100

Payable from Quincy Veterans Home Fund:
For Personal Services.......................... 10,009,700
For Member Compensation......................... 25,000
For State Contributions to the State Employees' Retirement System.............. 1,661,600
For State Contributions to Social Security.................. 765,700
For Contractual Services....................... 2,857,800
For Travel......................................... 4,300
For Commodities................................. 4,728,000
For Printing...................................... 23,700
For Equipment.................................... 112,400
For Electronic Data Processing.................... 25,000
For Telecommunications Services................... 82,400
For Operation of Auto Equipment................... 73,000
For Refunds....................................... 42,200
For Permanent Improvements....................... 140,000
Total $20,550,800

Section 65. The sum of $808,200, or so much thereof as may be necessary, is appropriated from the Quincy Veterans Home Fund to the Department of Veterans’ Affairs for costs and expenses related to or in support of a Healthcare shared services center.

Section 70. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS’ HOME AT LASALLE
Payable from General Revenue Fund:
For Personal Services.......................... 4,793,300
For State Contributions to the State Employees' Retirement System.............. 795,600

New matter indicated by italics - deletions by strikeout
For State Contributions to Social Security ...... 366,600
For Contractual Services........................ 100
For Commodities............................... 100
For Electronic Data Processing............... 100
For the addition of 80 beds................... 2,225,600
Total ........................................... $8,181,400

Payable from LaSalle Veterans Home Fund:
For Personal Services......................... 1,284,400
For State Contributions to the State
  Employees' Retirement System............... 213,200
For State Contributions to
  Social Security............................. 98,300
For Contractual Services.................... 1,658,300
For Travel.................................. 2,700
For Commodities.......................... 704,200
For Printing................................ 9,200
For Equipment............................... 97,400
For Electronic Data Processing................ 5,000
For Telecommunications..................... 24,900
For Operation of Auto Equipment............. 13,200
For Refunds................................ 10,800
For Permanent Improvements................ 25,000
Total ......................................... $4,146,600

Section 75. The sum of $346,200, or so much thereof as may be
necessary, is appropriated from the LaSalle Veterans Home Fund to the
Department of Veterans’ Affairs for costs and expenses related to or in
support of a Healthcare shared services center.

Section 80. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS’ HOME AT MANTENO

Payable from General Revenue Fund:
For Personal Services......................... 11,118,600
For State Contributions to the State

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employees' Retirement System</td>
<td>1,845,600</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>850,600</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>5,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>100</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$13,820,000</strong></td>
</tr>
</tbody>
</table>

Payable from Manteno Veterans Home Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>4,242,300</td>
</tr>
<tr>
<td>For Member Compensation</td>
<td>5,000</td>
</tr>
<tr>
<td>For State Contributions to the State Employees' Retirement System</td>
<td>704,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>324,500</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>4,860,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>6,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>1,614,600</td>
</tr>
<tr>
<td>For Printing</td>
<td>19,500</td>
</tr>
<tr>
<td>For Equipment</td>
<td>130,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>20,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>60,800</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>57,500</td>
</tr>
<tr>
<td>For Refunds</td>
<td>28,900</td>
</tr>
<tr>
<td>For Permanent Improvements</td>
<td>100,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$12,173,700</strong></td>
</tr>
</tbody>
</table>

Section 85. The sum of $683,500, or so much thereof as may be necessary, is appropriated from the Manteno Veterans Home Fund to the Department of Veterans’ Affairs for costs and expenses related to or in support of a Healthcare shared services center.

Section 90. The following named amounts, or so much thereof as may necessary, respectively, are appropriated to the Department of Veterans’ Affairs for costs associated with the operation of a program for homeless veterans at the Illinois Veterans’ Home at Manteno:

Payable from General Revenue Fund: 35,500

New matter indicated by italics - deletions by strikeout
Payable from the Illinois Veterans’ Assistance Fund................................. 214,500
Payable from Veterans’ Affairs Federal Projects Fund................................. 120,000
Total $370,000

Section 95. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

STATE APPROVING AGENCY

Payable from GI Education Fund:
For Personal Services............................... 536,500
For State Contributions to the State Employees' Retirement System......................... 89,000
For State Contributions to Social Security........................................ 41,100
For Group Insurance................................. 128,000
For Contractual Services............................. 112,300
For Travel........................................... 101,200
For Commodities..................................... 57,800
For Printing......................................... 27,600
For Equipment...................................... 93,900
For Electronic Data Processing..................... 59,200
For Telecommunications Services................. 31,600
For Operation of Auto Equipment.................. 34,000
Total $1,312,200

Section 100. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Veterans’ Affairs Federal Projects Fund to the Department of Veterans’ Affairs for operating and administrative costs associated with the Troops to Teachers Program.

Section 105. The sum of $750,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Veterans’ Affairs for costs associated with Post Traumatic Stress Disorder Outpatient Counseling Program.

New matter indicated by italics - deletions by strikeout
Section 110. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Veterans’ Affairs for costs associated with Veterans’ Conservation Corp.

ARTICLE 310

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

CENTRAL ADMINISTRATION
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services.......................... 6,327,000
For Retirement Contributions................... 1,050,282
For State Contributions to Social Security................................. 484,016
For Contractual Services....................... 2,475,000
For Travel....................................... 157,600
For Commodities.................................... 6,800
For Printing....................................... 1,500
For Equipment..................................... 10,000
For Telecommunications........................... 231,300
For Attorney General Representation on Child Welfare Litigation Issues.............. 574,100
Total $11,317,598

PAYABLE FROM DCFS SPECIAL PURPOSES TRUST FUND
For Expenditures of Private Funds for Child Welfare Improvements................... 360,000
Total $360,000

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

INSPECTOR GENERAL
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services......................... 1,030,000

New matter indicated by italics - deletions by strikeout
For Retirement Contributions................. 170,980
For State Contributions to
  Social Security................................. 78,795
For Contractual Services...................... 636,000
For Travel........................................... 12,000
For Commodities.................................. 5,000
For Printing........................................... 200
For Equipment....................................... 1,000
For Telecommunications
  Services............................................ 45,000
Total ................................................ $1,978,975

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

**ADMINISTRATIVE CASE REVIEW**
**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>5,229,200</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>868,047</td>
</tr>
</tbody>
</table>
| For State Contributions to
  Social Security                      | 400,034  |
| For Contractual Services            | 23,000   |
| For Travel                          | 110,000  |
| For Commodities                     | 1,000    |
| For Printing                        | 200      |
| For Equipment                       | 3,000    |
| For Telecommunications Services     | 14,000   |
| Total                               | $6,648,481|

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

**OFFICE OF QUALITY ASSURANCE**
**PAYABLE FROM GENERAL REVENUE FUND**

New matter indicated by italics - deletions by strikeout
For Personal Services ....................... 1,692,300
For Retirement Contributions ............... 280,922
For State Contributions to
Social Security ............................... 129,461
For Contractual Services .................... 245,000
For Travel .................................... 170,000
For Commodities ............................. 8,000
For Printing .................................. 3,400
For Equipment ......................... 3,000
For Telecommunications ..................... 21,000
Total ........................................... $2,534,183

Section 25. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
Children and Family Services:

CHILD WELFARE
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services ....................... 89,045,700
For Retirement Contributions ............... 14,781,586
For State Contributions to
Social Security ............................... 6,811,966
For Contractual Services .................... 2,295,400
For Travel .................................... 4,072,000
For Commodities ............................. 304,800
For Printing .................................. 210,500
For Equipment ......................... 42,000
For Telecommunications Services .......... 3,323,000
For Targeted Case Management ............. 9,307,700
Total ........................................... $130,194,682

PAYABLE FROM DCFS CHILDREN’S SERVICES FUND
For Independent Living Initiative .......... 10,300,000

PAYABLE FROM C&FS FEDERAL PROJECTS FUND
For Federal Child Welfare Projects ......... 2,775,000

New matter indicated by italics - deletions by strikeout
Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

**CHILD PROTECTION**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>63,970,100</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>10,619,037</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>4,893,713</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>219,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>1,537,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>4,800</td>
</tr>
<tr>
<td>For Printing</td>
<td>2,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>22,500</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>494,400</td>
</tr>
<tr>
<td>For Child Death Review Teams</td>
<td>120,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$81,882,549</strong></td>
</tr>
</tbody>
</table>

**PAYABLE FROM C&FS FEDERAL PROJECTS FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Federal Child Protection Projects</td>
<td>5,292,600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$5,292,600</strong></td>
</tr>
</tbody>
</table>

Section 35. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services:

**SUPPORT SERVICES**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>4,034,700</td>
</tr>
<tr>
<td>For Retirement Contributions</td>
<td>669,760</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>308,655</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>25,425,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>111,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>147,600</td>
</tr>
<tr>
<td>For Printing</td>
<td>280,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>6,500</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Electronic Data Processing................. 8,085,000
For Telecommunications Services............... 1,233,000
For Operation of Automotive Equipment........... 70,000
For Refunds........................................ 5,800
For Cook County Referral
Support System.................................... 247,200
For costs and expenses related to
or in support of a Social Services
shared services center......................... 3,913,400
Total .................................................. $44,537,615

PAYABLE FROM DCFS CHILDREN'S SERVICES FUND
For all expenditures related to the
collection and distribution of Title
IV-E reimbursements for counties included
in the Title IV-E Juvenile Justice Pilot
Program to be implemented in one county in
each of the DCFS regions of Cook, Northern,
Central, and Southern in accordance with an
intergovernmental agreement to be developed
with each pilot county......................... 5,000,000
For Title IV-E Reimbursement
Enhancement........................................ 4,128,800
For SSI Reimbursement............................. 1,513,300
For AFCARS/SACWIS Information
System........................................... 20,370,400
Total .................................................. $31,012,500

Section 40. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department
of Children and Family Services:

CLINICAL SERVICES
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services......................... 3,195,200
For Retirement Contributions............... 530,403
For State Contributions to

New matter indicated by italics - deletions by strikeout
Social Security......................... 244,433
For Contractual Services............... 184,500
For Travel................................. 105,000
For Commodities.........................  1,800
For Printing..............................  400
For Equipment............................  2,000
For Telecommunications Services.......  58,400
Total ..................................... $4,322,136

OFFICE OF THE GUARDIAN
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services.................... 3,795,000
For Retirement Contributions............ 629,970
For State Contributions to Social Security...................... 290,318
For Contractual Services............... 416,500
For Travel.................................  50,000
For Commodities.........................  5,000
For Printing..............................  500
For Equipment............................  2,000
For Telecommunications............... 105,000
Total ..................................... $5,294,288

PURCHASE OF SERVICE MONITORING
PAYABLE FROM GENERAL REVENUE FUND
For Personal Services.................... 18,598,400
For Retirement Contributions............ 3,087,334
For State Contributions to Social Security...................... 1,422,788
For Contractual Services............... 1,800,000
For Travel.................................  50,000
For Commodities.........................  5,800
For Printing..............................  1,300
For Equipment............................  6,000
For Telecommunications...............122,700
Total ..................................... $25,094,312

New matter indicated by italics - deletions by strikeout
Section 45. The following named amounts, or so much thereof as may be necessary, respectively, for payments for care of children served by the Department of Children and Family Services:

**GRANTS-IN-AID**

**REGIONAL OFFICES**

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Foster Homes and Specialized Foster Care and Prevention</td>
<td>189,660,000</td>
</tr>
<tr>
<td>For Counseling and Auxiliary Services</td>
<td>12,893,000</td>
</tr>
<tr>
<td>For Institution and Group Home Care and Prevention</td>
<td>125,980,600</td>
</tr>
<tr>
<td>For Services Associated with the Foster Care Initiative</td>
<td>6,812,200</td>
</tr>
<tr>
<td>For Purchase of Adoption and Guardianship Services</td>
<td>202,384,100</td>
</tr>
<tr>
<td>For Health Care Network</td>
<td>4,198,500</td>
</tr>
<tr>
<td>For Cash Assistance and Housing Locator Service to Families in the Class Defined in the Norman Consent Order</td>
<td>1,432,000</td>
</tr>
<tr>
<td>For Youth in Transition Program</td>
<td>944,700</td>
</tr>
<tr>
<td>For MCO Technical Assistance and Program Development</td>
<td>1,650,000</td>
</tr>
<tr>
<td>For Pre Admission/Post Discharge Psychiatric Screening</td>
<td>8,671,800</td>
</tr>
<tr>
<td>For Assisting in the Development of Children’s Advocacy Centers</td>
<td>2,069,500</td>
</tr>
<tr>
<td>For Psychological Assessments including Operations and Administrative Expenses</td>
<td>3,200,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$559,896,400</strong></td>
</tr>
</tbody>
</table>

**PAYABLE FROM DCFS CHILDREN’S SERVICES FUND**

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Foster Homes and Specialized Foster Care and Prevention</td>
<td>141,570,500</td>
</tr>
<tr>
<td>For Cash Assistance and Housing Locator</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Public Act 95-0348

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Children and Family Services:

**Central Administration**  
**Payable from General Revenue Fund**
- For Department Scholarship Program.............. 842,500
- Total                                          $842,500

Section 55. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services for:

**Child Welfare**  
**Payable from General Revenue Fund**
- For Reimbursing Counties......................... 338,500
- Total                                         $338,500

New matter indicated by italics - deletions by strikeout
Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Children and Family Services for:

GRANTS-IN-AID
SUPPORT SERVICES
PAYABLE FROM GENERAL REVENUE FUND
For Tort Claims................................. 233,800
Total $233,800

CHILD PROTECTION
Payable from the General Revenue Fund
For Protective/Family Maintenance
Day Care....................................... 25,928,500
Total $25,928,500
Payable from the Child Abuse Prevention Fund
For Child Abuse Prevention..................... 600,000
Total $600,000

CLINICAL SERVICES
Payable from the DCFS Children’s Services Fund
For Foster Care and Adoption Care Training.... 15,171,500

ARTICLE 315
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Illinois Council on Developmental Disabilities:
Payable from Council on Developmental Disabilities Federal Fund:
For Personal Service............................ 748,900
For State Contributions to the State
Employees’ Retirement System................... 124,300
For State Contributions to
Social Security..................................... 57,300
For Group Insurance.............................. 207,200
For Contractual Services.......................... 469,700
For Travel.......................................... 43,000

New matter indicated by italics - deletions by strikeout
For Commodities................................. 30,000
For Printing........................................ 37,500
For Equipment................................. 15,000
For Electronic Data Processing................. 25,000
For Telecommunications Services............... 45,000
Total ........................................... $1,802,900

Section 10. The amount of $2,500,000, or so much thereof as may be necessary, is appropriated from the Council on Developmental Disabilities Federal Fund to the Illinois Council on Developmental Disabilities for awards and grants to community agencies and other State agencies.

ARTICLE 320

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Deaf and Hard of Hearing Commission:

For Personal Services............................. 327,500
For State Contributions to State Employees' Retirement System................................. 54,300
For State Contributions to Social Security......................................................... 25,000
For Contractual Services.......................... 94,900
For Travel........................................... 26,000
For Commodities................................. 11,600
For Printing........................................ 6,900
For Equipment...................................... 10,000
For Telecommunications Services................. 21,700
For Operation of Automotive Equipment........... 7,900
For Expenses relative to the operation of the Commission.................................... 36,800
Total ................................................ $622,600

Section 10. The sum of $81,300 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Deaf and

New matter indicated by italics - deletions by strikeout
Hard of Hearing Commission for costs and expenses related to or in support of a Social Services shared service center.

ARTICLE 325

Section 5. The following named sums, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Guardianship and Advocacy Commission for the purposes hereinafter named:

For Personal Services.......................... 7,127,800
For State Contributions to the State Employees' Retirement System................. 1,183,200
For State Contributions to Social Security............................................. 545,300
For Contractual Services.......................... 263,200
For Travel........................................ 167,400
For Commodities...................................... 11,700
For Printing........................................ 10,000
For Equipment....................................... 24,000
For Electronic Data Processing.................. 45,000
For Telecommunications Services............. 241,200
For Operation of Auto Equipment.............. 14,000
Total $9,632,800

Section 10. The sum of $187,700, or so much thereof as may be necessary, is appropriated from the Guardianship and Advocacy Fund to the Guardianship and Advocacy Commission for services pursuant to Section 5 of the Guardianship and Advocacy Act.

Section 15. The sum of $279,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Guardianship and Advocacy Commission for costs and expenses related to or in support of a Social Services shared services center.

ARTICLE 330

Section 5. The sum of $184,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Medical District Commission for ordinary and contingent expenses.

ARTICLE 335

New matter indicated by italics - deletions by strikeout
Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the following divisions of the Department of Corrections for the fiscal year ending June 30, 2008:

### FOR OPERATIONS

**GENERAL OFFICE**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>11,710,500</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>1,944,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>895,900</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>6,788,300</td>
</tr>
<tr>
<td>For Travel</td>
<td>271,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>116,100</td>
</tr>
<tr>
<td>For Printing</td>
<td>6,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>18,400</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>3,987,700</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>1,427,000</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>221,900</td>
</tr>
<tr>
<td>For Tort Claims</td>
<td>423,400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$27,811,100</strong></td>
</tr>
</tbody>
</table>

### STATEWIDE SERVICES AND GRANTS

Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Corrections for the objects and purposes hereinafter named:

#### Payable from the General Revenue Fund:

- For Sheriffs’ Fees for Conveying Prisoners: 337,400
- For the State’s share of Assistant State’s Attorney’s salaries – reimbursement to counties pursuant to Chapter 53 of the Illinois Revised Statutes: 376,400
- For Repairs, Maintenance and Other Capital Improvements: 1,087,300

New matter indicated by italics - deletions by strikeout
Total                                                                                             1,801,100
Payable from the Department of Corrections
Reimbursement and Education Fund:
For payment of expenses associated
with School District Programs....................                                  15,000,000
For payment of expenses associated
with federal programs, including,
but not limited to, construction of
additional beds, treatment programs,
and juvenile supervision.......................                                      28,000,000
For payment of expenses associated
with miscellaneous programs, including,
but not limited to, medical costs,
food expenditures, and various
construction costs............................                                           22,000,000
Total                                                                                         65,000,000

Section 15. The sum of $7,500,000, or so much thereof as may be
necessary, is appropriated to the Department of Corrections from the
General Revenue Fund for a grant to the President of the Cook County
Board of Commissioners for expenses associated with the operations of
the Cook County Juvenile Detention Center.

Section 20. The amount of $2,000,000, or so much thereof as may
be necessary, is appropriated from the General Revenue Fund to the
Department of Corrections for a grant to the Cook County Sheriff’s Office
for the expenses of the Cook County Boot Camp.

Section 25. The amounts appropriated for repairs and maintenance,
and other capital improvements in Sections 10 and 50 for repairs and
maintenance, roof repairs and/or replacements, and miscellaneous capital
improvements at the Department’s various institutions are to include
construction, reconstruction, improvements, repairs and installation of
capital facilities, costs of planning, supplies, materials and all other
expenses required for roof and other types of repairs and maintenance,
capital improvements, and purchase of land.

New matter indicated by italics - deletions by strikeout
No contract shall be entered into or obligation incurred for repairs and maintenance and other capital improvements from appropriations made in Sections 10 and 50 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Section 35. The amount of $7,454,700, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for expenses related to Statewide hospitalization services.

Section 40. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Department of Corrections:

**ADULT EDUCATION**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>13,797,400</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>24,000</td>
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<tr>
<td>For State Contributions to State Employees’ Retirement System</td>
<td>2,290,400</td>
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<td>For State Contributions to Teachers’ Retirement System</td>
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<tr>
<td>For State Contributions to Social Security</td>
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<td>For Contractual Services</td>
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<td>For Commodities</td>
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<td>For Equipment</td>
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<tr>
<td>For Telecommunications Services</td>
<td>30,100</td>
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<td>For Operation of Auto Equipment</td>
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**FIELD SERVICES**

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<td>For State Contributions to State</td>
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New matter indicated by italics - deletions by strikeout
Employees' Retirement System .................. 8,829,200
For State Contributions to Social Security ................. 4,069,700
For Contractual Services ....................... 37,145,200
For Travel ....................................... 342,600
For Travel and Allowance for Committed, Paroled and Discharged Prisoners ................. 54,600
For Commodities .................................. 476,000
For Printing ...................................... 28,500
For Equipment..................................... 26,000
For Telecommunications Services .............. 6,760,700
For Operation of Auto Equipment ............... 2,464,200
Total $113,482,900

Section 45. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections from the General Revenue Fund for:

**PUBLIC SAFETY SHARED SERVICES**

For costs and expenses related to or in support of a Public Safety shared services center ............ 7,372,900

**BIG MUDDY RIVER CORRECTIONAL CENTER**

For Personal Services ......................... 18,258,800
For Student, Member and Inmate Compensation .......................... 330,000
For State Contributions to State Employees' Retirement System .................. 3,031,000
For State Contributions to Social Security .......................... 1,396,800
For Contractual Services ....................... 6,118,200
For Travel ....................................... 18,000
For Travel and Allowances for Committed, Paroled and Discharged Prisoners ................. 28,800
For Commodities ............................... 1,925,300
For Printing ................................... 21,000

New matter indicated by italics - deletions by strikeout
For Equipment..................................... 31,000
For Telecommunications Services................. 38,600
For Operation of Auto Equipment................... 73,700
Total                                                                                       $31,271,200

CENTRALIA CORRECTIONAL CENTER
For Personal Services............................. 20,956,700
For Student, Member and Inmate
Compensation........................................ 285,000
For State Contributions to State
Employees' Retirement System..................... 3,478,800
For State Contributions to Social Security........ 1,603,200
For Contractual Services............................ 4,906,900
For Travel............................................ 14,100
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners.................. 40,000
For Commodities...................................... 1,664,000
For Printing............................................ 18,300
For Equipment........................................ 31,600
For Telecommunications Services.................. 62,200
For Operation of Auto Equipment................... 56,100
Total                                                                                       $33,116,900

DANVILLE CORRECTIONAL CENTER
For Personal Services............................... 18,891,600
For Student, Member and Inmate
Compensation.......................................... 326,900
For State Contributions to State
Employees' Retirement System..................... 3,136,000
For State Contributions to Social Security........ 1,445,200
For Contractual Services............................ 5,442,200
For Travel............................................. 14,800
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners.................. 11,200

New matter indicated by italics - deletions by strikeout
For Commodities............................... 1,928,000
For Printing...................................... 20,600
For Equipment..................................... 31,000
For Telecommunications Services.............. 53,000
For Operation of Auto Equipment.............. 111,600
Total                                        $31,412,100

DECATUR WOMEN'S CORRECTIONAL CENTER
For Personal Services......................... 12,919,800
For Student, Member and Inmate
  Compensation.................................... 90,600
For State Contributions to State
  Employees' Retirement System................ 2,144,700
For State Contributions to
  Social Security.................................. 988,400
For Contractual Services...................... 3,311,600
For Travel......................................... 4,500
For Travel and Allowances for
  Committed, Paroled and
  Discharged Prisoners........................... 26,000
For Commodities.................................. 488,300
For Printing...................................... 14,100
For Equipment..................................... 22,000
For Telecommunications Services.............. 21,100
For Operation of Auto Equipment.............. 46,500
Total                                        $20,077,600

DIXON CORRECTIONAL CENTER
For Personal Services......................... 30,498,800
For Student, Member and Inmate
  Compensation.................................... 381,900
For State Contributions to State
  Employees' Retirement System................ 5,062,800
For State Contributions to
  Social Security.................................. 2,333,200
For Contractual Services...................... 13,152,500

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<tr>
<td>For Travel</td>
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<td>18,000</td>
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<td>For Commodities</td>
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<td>For Printing</td>
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<td>For Equipment</td>
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<td>For Telecommunications Services</td>
<td>108,900</td>
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<td>For Operation of Auto Equipment</td>
<td>215,900</td>
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<td><strong>Total</strong></td>
<td><strong>$54,617,700</strong></td>
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**DWIGHT CORRECTIONAL CENTER**

<table>
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<th>Description</th>
<th>Amount</th>
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<tr>
<td>For Personal Services</td>
<td>24,789,900</td>
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<td>For Student, Member and Inmate Compensation</td>
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<td>For State Contributions to Employees' Retirement System</td>
<td>4,115,200</td>
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<td>For State Contributions to Social Security</td>
<td>1,896,400</td>
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<td>For Contractual Services</td>
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<td>For Travel</td>
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<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>21,500</td>
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<td>For Commodities</td>
<td>1,809,600</td>
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<td>For Printing</td>
<td>23,800</td>
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<td>For Equipment</td>
<td>45,300</td>
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<tr>
<td>For Telecommunications Services</td>
<td>119,300</td>
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<tr>
<td>For Operation of Auto Equipment</td>
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<td><strong>Total</strong></td>
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**EAST MOLINE CORRECTIONAL CENTER**

<table>
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<tr>
<td>For Personal Services</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
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<td>For State Contributions to Employees' Retirement System</td>
<td>2,628,600</td>
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New matter indicated by italics - deletions by strikeout
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<th>Item</th>
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<tbody>
<tr>
<td>Social Security</td>
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<td>For Contractual Services</td>
<td>4,005,900</td>
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<td>For Travel</td>
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<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
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<tr>
<td>For Commodities</td>
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<td>For Printing</td>
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<td>For Equipment</td>
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<td>For Telecommunications Services</td>
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<td>For Operation of Auto Equipment</td>
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**SOUTHWESTERN ILLINOIS CORRECTIONAL CENTER**

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<th>Item</th>
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<tbody>
<tr>
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<td>For State Contributions to State Employees' Retirement System</td>
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<td>For State Contributions to Social Security</td>
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<td>For Contractual Services</td>
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<td>For Travel</td>
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<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
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<td>For Commodities</td>
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<td>For Printing</td>
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<td>For Equipment</td>
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<tr>
<td>For Telecommunications Services</td>
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<td>For Operation of Auto Equipment</td>
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<td><strong>Total</strong></td>
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**GRAHAM CORRECTIONAL CENTER**

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<td>Category</td>
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<td>-------------------------------------------------------------------------</td>
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<tr>
<td>Employees' Retirement System</td>
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<td>For State Contributions to Social Security</td>
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<td>6,667,500</td>
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<td>For Travel</td>
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<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>12,500</td>
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<td>For Commodities</td>
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<td>For Equipment</td>
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<td>For Operation of Auto Equipment</td>
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**ILLINOIS RIVER CORRECTIONAL CENTER**

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<td>1,737,800</td>
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<td>For Contractual Services</td>
<td>6,108,900</td>
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<td>For Travel and Allowance for Committed, Paroled and Discharged Prisoners</td>
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<td>For Commodities</td>
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<td>For Equipment</td>
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<td>For Telecommunications Services</td>
<td>39,200</td>
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<td>For Operation of Auto Equipment</td>
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**HILL CORRECTIONAL CENTER**

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<th>Description</th>
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<tbody>
<tr>
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<tr>
<td>For State Contributions to Social Security</td>
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<td>For Contractual Services</td>
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<td>For Travel</td>
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<td>For Travel and Allowance for Committed, Paroled and Discharged Prisoners</td>
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<tr>
<td>For Commodities</td>
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<td>For Equipment</td>
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<tr>
<td>For Telecommunications Services</td>
<td>28,000</td>
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<tr>
<td>For Operation of Auto Equipment</td>
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**JACKSONVILLE CORRECTIONAL CENTER**

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<td>1,979,700</td>
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<tr>
<td>For Travel and Allowance for Committed, Paroled and Discharged Prisoners</td>
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<td>For Commodities</td>
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<td>For Printing</td>
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<td>For Equipment</td>
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<td>For Telecommunications Services</td>
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<td>For Operation of Auto Equipment</td>
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**LAWRENCE CORRECTIONAL CENTER**

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<tr>
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<td>For State Contributions to Social Security</td>
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<tr>
<td>For Contractual Services</td>
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<tr>
<td>For Travel</td>
</tr>
<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
</tr>
<tr>
<td>For Commodities</td>
</tr>
<tr>
<td>For Printing</td>
</tr>
<tr>
<td>For Equipment</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
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**Lincoln Correctional Center**

| For Personal Services | 13,301,600 |
| For Student, Member and Inmate Compensation | 228,200 |
| For State Contributions to State Employees' Retirement System | 2,208,100 |
| For State Contributions to Social Security | 1,017,600 |
| For Contractual Services | 4,789,300 |
| For Travel | 10,300 |
| For Travel and Allowances for Committed, Paroled and Discharged Prisoners | 12,700 |
| For Commodities | 897,600 |
| For Printing | 13,300 |
| For Equipment | 22,700 |
| For Telecommunications Services | 66,400 |
| For Operation of Auto Equipment | 82,600 |
| **Total** | **$22,650,400** |

**Logan Correctional Center**

New matter indicated by italics - deletions by strikeout
<table>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
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<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>3,407,000</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>1,570,100</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>4,159,800</td>
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<td>For Travel</td>
<td>5,800</td>
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<tr>
<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
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<tr>
<td>For Commodities</td>
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<td>For Printing</td>
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<td>For Equipment</td>
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<td>For Telecommunications Services</td>
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<td>For Operation of Auto Equipment</td>
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**MENARD CORRECTIONAL CENTER**

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<td>For State Contributions to Social Security</td>
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<tr>
<td>For Contractual Services</td>
<td>8,309,400</td>
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<td>For Travel</td>
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<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
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<tr>
<td>For Commodities</td>
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<td>For Equipment</td>
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<tr>
<td>For Telecommunications Services</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>168,900</td>
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New matter indicated by italics - deletions by strikeout
Total $74,096,300

PINCKNEYVILLE CORRECTIONAL CENTER
For Personal Services................. 25,344,600
For Student, Member and Inmate
  Compensation............................ 284,000
For State Contributions to State
  Employees' Retirement System........... 4,207,200
For State Contributions to
  Social Security........................ 1,938,900
For Contractual Services.............. 7,098,300
For Travel.................................. 14,600
For Travel and Allowances for Committed,
  Paroled and Discharged Prisoners....... 30,000
For Commodities......................... 2,397,300
For Printing............................... 26,000
For Equipment............................ 26,400
For Telecommunications Services....... 53,000
For Operation of Auto Equipment....... 97,900
Total $41,518,200

PONTIAC CORRECTIONAL CENTER
For Personal Services.................. 36,730,000
For Student, Member and Inmate
  Compensation........................... 221,000
For State Contributions to State
  Employees' Retirement System......... 6,097,200
For State Contributions to
  Social Security........................ 2,809,900
For Contractual Services............. 7,852,900
For Travel................................ 40,000
For Travel and Allowances for Committed,
  Paroled and Discharged Prisoners..... 11,500
For Commodities....................... 2,641,100
For Printing............................ 30,600
For Equipment.......................... 40,000

New matter indicated by italics - deletions by strikeout
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<th>Description</th>
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<tbody>
<tr>
<td>For Telecommunications Services</td>
<td>128,700</td>
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<td><strong>Total</strong></td>
<td><strong>$56,694,200</strong></td>
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**ROBINSON CORRECTIONAL CENTER**

<table>
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<tr>
<td>For Personal Services</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
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<td>1,181,400</td>
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<td>For Contractual Services</td>
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<td>For Travel</td>
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<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
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<td>For Commodities</td>
<td>1,423,600</td>
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<td>For Printing</td>
<td>14,600</td>
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<td>For Equipment</td>
<td>30,800</td>
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<tr>
<td>For Telecommunications Services</td>
<td>23,000</td>
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<tr>
<td>For Operation of Automotive Equipment</td>
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**SHAWNEE CORRECTIONAL CENTER**

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<td>3,629,000</td>
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<td>For State Contributions to Social Security</td>
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<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
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<tr>
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<td>2,444,300</td>
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<td>For Printing</td>
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<td>For Equipment</td>
<td>22,200</td>
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<td>For Operation of Auto Equipment</td>
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**SHERIDAN CORRECTIONAL CENTER**

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<tr>
<td>For Personal Services</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>203,300</td>
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<td>For State Contributions to State Employees' Retirement System</td>
<td>3,096,100</td>
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<td>For State Contributions to Social Security</td>
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<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
<td>6,200</td>
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<td>For Commodities</td>
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<td>For Printing</td>
<td>16,100</td>
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<td>For Equipment</td>
<td>28,500</td>
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<td>For Telecommunications Services</td>
<td>78,500</td>
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<td>For Operation of Auto Equipment</td>
<td>77,400</td>
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<td><strong>Total</strong></td>
<td><strong>41,772,700</strong></td>
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**TAMMMS CORRECTIONAL CENTER**

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<td>For Personal Services</td>
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<td>For State Contributions to State Employees' Retirement System</td>
<td>3,138,600</td>
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<td>For State Contributions to Social Security</td>
<td>1,446,400</td>
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<td>For Contractual Services</td>
<td>4,732,600</td>
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<td>For Travel</td>
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<td><strong>Total</strong></td>
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<td>For Travel and Allowance for Committed,</td>
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<td>Paroled and Discharged Prisoners</td>
<td>888,000</td>
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<td>For Commodities</td>
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<td>For Printing</td>
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<td>For Equipment</td>
<td>81,400</td>
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<td>For Telecommunications Services</td>
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<td><strong>Total</strong></td>
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**STATEVILLE CORRECTIONAL CENTER**

<table>
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<tr>
<td>For Personal Services</td>
<td>66,463,300</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
<td>236,300</td>
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<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>11,032,900</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>5,084,500</td>
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<td>For Contractual Services</td>
<td>15,768,700</td>
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<td>For Travel</td>
<td>154,000</td>
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<tr>
<td>For Travel and Allowances for Committed,</td>
<td>24,000</td>
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<tr>
<td>Paroled and Discharged Prisoners</td>
<td>5,477,700</td>
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<td>For Printing</td>
<td>91,500</td>
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<tr>
<td>For Equipment</td>
<td>55,500</td>
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<tr>
<td>For Telecommunications Services</td>
<td>184,600</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>354,000</td>
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<td><strong>Total</strong></td>
<td><strong>$104,927,000</strong></td>
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**TAYLORVILLE CORRECTIONAL CENTER**

<table>
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<th>Description</th>
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<tr>
<td>For Personal Services</td>
<td>14,531,900</td>
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<tr>
<td>For Student, Member and Inmate Compensation</td>
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<td>For State Contributions to State Employees' Retirement System</td>
<td>2,412,300</td>
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<tr>
<td>For State Contribution to Social Security</td>
<td>1,111,700</td>
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<tr>
<td>For Contractual Services</td>
<td>4,438,400</td>
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New matter indicated by italics - deletions by strikeout
For Travel...........................................  7,800
For Travel and Allowance for
Committed, Paroled and Discharged
Prisoners...........................................  20,900
For Commodities...............................  1,322,900
For Printing......................................  15,600
For Equipment....................................  19,200
For Telecommunications Services..........  45,500
For Operation of Automotive Equipment.....  50,800
Total
                     $24,217,400

VANDALIA CORRECTIONAL CENTER
For Personal Services.........................  22,387,300
For Student, Member and Inmate
Compensation....................................  253,000
For State Contributions to State
Employees' Retirement System...............  3,716,300
For State Contributions to
Social Security..............................  1,712,600
For Contractual Services...................  3,958,500
For Travel......................................  10,100
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners..........  27,400
For Commodities.............................  2,064,900
For Printing...................................  17,200
For Equipment.................................  28,900
For Telecommunications Services..........  52,100
For Operation of Auto Equipment...........  129,300
Total
                     $34,357,600

THOMSON CORRECTIONAL CENTER
For Personal Services.........................  3,792,800
For Student, Member and Inmate
Compensation...................................  41,800
For State Contributions to State
Employees' Retirement System..............  629,600

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<td>Social Security</td>
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<tr>
<td>For Contractual Services</td>
<td>1,561,400</td>
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<td>For Travel</td>
<td>14,100</td>
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<td>For Travel and Allowances for</td>
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<td>Committed, Paroled and</td>
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<tr>
<td>Discharged Prisoners</td>
<td>7,100</td>
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<td>For Commodities</td>
<td>468,400</td>
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<tr>
<td>For Printing</td>
<td>10,200</td>
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<tr>
<td>For Equipment</td>
<td>73,300</td>
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<tr>
<td>For Telecommunications Services</td>
<td>88,500</td>
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<tr>
<td>For Operation of Auto Equipment</td>
<td>48,400</td>
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<tr>
<td>Total</td>
<td>$7,025,800</td>
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**VIENNA CORRECTIONAL CENTER**

| For Personal Services              | 20,487,100 |
| For Student, Member and Inmate     |           |
| Compensation                       | 234,500   |
| For State Contributions to State   |           |
| Employees' Retirement System       | 3,400,900 |
| For State Contributions to Social Security | 1,567,300 |
| For Contractual Services           | 3,136,700 |
| For Travel                         | 5,100    |
| For Travel and Allowances for Committed, Paroled and Discharged Prisoners | 70,000 |
| For Commodities                    | 2,434,400 |
| For Printing                       | 16,900   |
| For Equipment                      | 28,000   |
| For Telecommunications Services    | 43,900   |
| For Operation of Auto Equipment    | 137,600  |
| Total                              | $31,562,400 |

**WESTERN ILLINOIS CORRECTIONAL CENTER**

| For Personal Services              | 22,483,400 |
| For Student, Member and Inmate     |           |

New matter indicated by italics - deletions by strikeout
Compensation................................. 304,900
For State Contributions to State
Employees' Retirement System.............. 3,732,300
For State Contributions to
Social Security.............................. 1,720,000
For Contractual Services.................. 5,223,600
For Travel.................................... 14,400
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners.......... 45,700
For Commodities............................. 2,199,800
For Printing................................... 22,100
For Equipment................................ 14,000
For Telecommunications Services........... 36,400
For Operation of Auto Equipment.......... 112,400
Total $35,909,000

Section 50. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections from the Working Capital Revolving Fund:

ILLINOIS CORRECTIONAL INDUSTRIES

For Personal Services...................... 10,679,600
For the Student, Member and Inmate
Compensation.................................. 1,812,000
For State Contributions to State
Employees' Retirement System.............. 1,773,800
For State Contributions to
Social Security.............................. 817,000
For Group Insurance........................ 2,323,600
For Contractual Services.................. 2,154,600
For Travel.................................... 70,000
For Commodities............................. 20,345,700
For Printing................................... 11,000
For Equipment............................... 516,200
For Telecommunications Services.......... 72,200
For Operation of Auto Equipment......... 1,050,000

New matter indicated by italics - deletions by strikeout
For Repairs, Maintenance and Other Capital Improvements......................... 147,000
For Refunds................................................. 10,500
Total........................................................................... $41,783,200

Section 55. The amount of $6,250,000, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for a grant to Operation Ceasefire to be used in the following locations.

The City of Chicago:
The neighborhood of Auburn/Gresham............... 250,000
The neighborhood of Logan Square............... 250,000
The neighborhood of East Garfield............... 250,000
The neighborhood of Grand Boulevard............. 250,000
The neighborhood of Rogers Park............... 250,000
The neighborhood of Roseland............... 250,000
The neighborhood of Humboldt Park............... 250,000
The neighborhood of Pilsen and Little Village... 250,000
The neighborhood of Lawndale and Garfield...... 250,000
The neighborhood of Woodlawn............... 250,000
The neighborhood of Englewood............... 250,000
The neighborhood of Westlawn............... 250,000
The neighborhood of Chicago Lawn............... 250,000
The neighborhood of Brighton Park............... 250,000
The neighborhood of Albany Park............... 250,000
The neighborhood of Austin............... 250,000
Total........................................................................... $3,750,000

The township of Waukegan......................... 250,000
The City of Decatur......................... 250,000
The City of North Chicago......................... 250,000
The City of Aurora......................... 250,000
The Cities of Cicero and Berwyn......................... 250,000
The City of Rockford......................... 250,000
The City of Maywood......................... 500,000
The City of East St. Louis......................... 250,000

New matter indicated by italics - deletions by strikeout
Section 60. The amount of $790,000, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for re-entry, transitional and related services.

Section 65. The amount of $1,500,000, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for expenses associated with the operation of the Franklin County Juvenile Detention Center, including a juvenile methamphetamine pilot program.

Section 70. The amount of $150,000, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for all costs associated with staff and administrative support for the Long-Term Prisoners Study Committee, pursuant to House Joint Resolution 80 from the 94th General Assembly.

ARTICLE 340

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the following divisions of the Department of Juvenile Justice for the fiscal year ending June 30, 2008:

FOR OPERATIONS
GENERAL OFFICE

For Personal Services............................ 195,900
For State Contributions to State
Employees' Retirement System..................... 32,500
For State Contributions to Social Security.................. 15,000
For Contractual Services ......................... 248,600
For Travel........................................ 3,000
For Commodities.................................. 1,900
For Printing....................................... 400
For Equipment................................. 1,000
For Electronic Data Processing.................. 513,400
For Telecommunications Services............... 1,000

Total $2,500,000

New matter indicated by italics - deletions by strikeout
For Operation of Auto Equipment................. 1,000
For Tort Claims........................................ 47,000
Total..................................................... $1,060,700

SCHOOL DISTRICT
For Personal Services.............................. 5,491,200
For Student, Member and Inmate
  Compensation........................................ 0
For State Contributions to State
  Employees' Retirement System.................... 911,600
For State Contributions to Teachers'
  Retirement System.................................. 2,700
For State Contributions to Social Security ..... 420,100
For Contractual Services......................... 2,904,900
For Travel............................................... 4,000
For Commodities...................................... 48,200
For Printing............................................ 9,100
For Equipment.......................................... 0
For Telecommunications Services.................. 1,900
For Operation of Auto Equipment.................. 5,100
Total..................................................... $9,798,800

AFTERCARE SERVICES
For Personal Services............................. 1,232,400
For State Contributions to State
  Employees' Retirement System..................... 204,600
For State Contributions to
  Social Security..................................... 94,300
For Contractual Services.......................... 3,192,900
For Travel............................................... 10,000
For Travel and Allowance for Committed,
  Paroled and Discharged Prisoners............... 2,400
For Commodities....................................... 4,200
For Printing............................................ 300
For Equipment.......................................... 0
For Telecommunications Services.................. 10,000

New matter indicated by italics - deletions by strikeout
Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Juvenile Justice from the General Revenue Fund:

**ILLINOIS YOUTH CENTER - CHICAGO**

For Personal Services....................... 4,469,700
For Student, Member and Inmate Compensation.............................. 10,200
For State Contributions to State Employees' Retirement System........ 742,000
For State Contributions to Social Security............................... 341,900
For Contractual Services....................... 2,673,600
For Travel......................................... 1,200
For Travel and Allowances for Committed, Paroled and Discharged Prisoners........... 300
For Commodities.................................. 250,500
For Printing....................................... 4,400
For Equipment..................................... 14,000
For Telecommunications Services................ 25,900
For Operation of Auto Equipment................... 24,300
Total $8,558,000

**ILLINOIS YOUTH CENTER - HARRISBURG**

For Personal Services....................... 14,395,600
For Student, Member and Inmate Compensation.............................. 45,000
For State Contributions to State Employees' Retirement System........ 2,389,700
For State Contributions to Social Security............................... 1,101,300
For Contractual Services....................... 2,510,300
For Travel......................................... 9,000
For Travel and Allowances for Committed, New matter indicated by italics - deletions by strikeout
<table>
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<th>Item</th>
<th>Amount</th>
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<tr>
<td>Paroled and Discharged Prisoners</td>
<td>7,500</td>
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<tr>
<td>For Commodities</td>
<td>912,900</td>
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<td>For Printing</td>
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<tr>
<td>For Equipment</td>
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<td>For Telecommunications Services</td>
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<td>For Operation of Auto Equipment</td>
<td>55,000</td>
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<td><strong>Total</strong></td>
<td><strong>$21,544,800</strong></td>
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**ILLINOIS YOUTH CENTER - JOLIET**

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<tr>
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<td>For Student, Member and Inmate Compensation</td>
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<td>For State Contributions to Employees' Retirement System</td>
<td>1,905,500</td>
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<td>For State Contributions to Social Security</td>
<td>878,100</td>
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<td>For Contractual Services</td>
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<td>For Travel and Allowances for Committed, Paroled and Discharged Prisoners</td>
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<td>For Commodities</td>
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<td>For Printing</td>
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<td>For Equipment</td>
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<tr>
<td>For Telecommunications Services</td>
<td>50,000</td>
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<td>For Operation of Auto Equipment</td>
<td>47,000</td>
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<td><strong>Total</strong></td>
<td><strong>$16,871,600</strong></td>
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**ILLINOIS YOUTH CENTER - KEWANEE**

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<td>For State Contributions to Employees' Retirement System</td>
<td>1,760,100</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>811,100</td>
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<tr>
<td>For Contractual Services</td>
<td>4,495,800</td>
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New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0348

For Travel................................. 6,600
For Travel Allowances for Committed, Paroled and Discharged Prisoners............... 0
For Commodities.......................... 382,800
For Printing............................... 8,500
For Equipment............................. 5,000
For Telecommunications Services........ 92,600
For Operation of Auto Equipment......... 33,500
Total $18,215,200

ILLINOIS YOUTH CENTER - MURPHYSBORO
For Personal Services...................... 6,852,200
For Student, Member and Inmate Compensation................................. 11,500
For State Contributions to State Employees' Retirement System........ 1,137,500
For State Contributions to Social Security................................. 524,200
For Contractual Services.................. 1,119,500
For Travel................................. 4,200
For Travel Allowances for Committed, Paroled and Discharged Prisoners......... 2,500
For Commodities.......................... 202,000
For Printing............................... 4,900
For Equipment............................. 25,000
For Telecommunications Services........ 35,100
For Operation of Auto Equipment......... 22,500
Total $9,941,100

ILLINOIS YOUTH CENTER - PERE MARQUETTE
For Personal Services...................... 2,525,900
For Student, Member and Inmate Compensation................................. 12,300
For State Contributions to State Employees' Retirement System........ 419,300
For State Contributions to

New matter indicated by italics - deletions by strikeout
Social Security................................. 193,200
For Contractual Services....................... 481,900
For Travel...................................... 2,000
For Travel and Allowances for Committed,
    Paroled and Discharged Prisoners........... 0
For Commodities................................ 159,300
For Printing.................................... 4,500
For Equipment.................................. 20,000
For Telecommunications Services............... 23,000
For Operation of Auto Equipment.............. 20,000
Total ........................................... $3,861,400

ILLINOIS YOUTH CENTER - ST. CHARLES
For Personal Services......................... 14,349,700
For Student, Member and Inmate
    Compensation.............................. 52,000
For State Contributions to State
    Employees' Retirement System............... 2,382,100
For State Contributions to
    Social Security........................... 1,097,800
For Contractual Services............... 3,862,000
For Travel.................................... 20,000
For Travel and Allowances for Committed,
    Paroled and Discharged Prisoners......... 200
For Commodities.............................. 768,500
For Printing.................................. 16,000
For Equipment................................. 9,000
For Telecommunications Services............. 98,300
For Operation of Auto Equipment............ 150,000
Total ........................................... $22,805,600

ILLINOIS YOUTH CENTER - WARRENVILLE
For Personal Services......................... 5,480,600
For Student, Member and Inmate
    Compensation.............................. 19,500
For State Contributions to State

New matter indicated by italics - deletions by strikeout
Employees' Retirement System.................... 909,800
For State Contributions to
Social Security................................. 419,300
For Contractual Services....................... 1,633,200
For Travel......................................... 5,000
For Travel and Allowances for Committed,
Paroled and Discharged Prisoners............... 100
For Commodities.................................. 175,100
For Printing....................................... 7,200
For Equipment..................................... 21,000
For Telecommunications Services............... 37,300
For Operation of Auto Equipment............... 26,000
Total                                                                                         $8,734,100

STATEWIDE SERVICES AND GRANTS

Section 15. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Department of Juvenile Justice
for the objects and purposes hereinafter named:
Payable from the General Revenue Fund:
For Sheriffs’ Fees for Conveying
Prisoners......................................... 37,500
For the State’s share of Assistant
State’s Attorney’s salaries –
reimbursement to counties pursuant
to Chapter 53 of the Illinois
Revised Statutes................................. 41,800
For Repairs, Maintenance and
Other Capital Improvements.................... 236,000
Total                                                                                           $315,300
Payable from the Department of Corrections
Reimbursement and Education Fund:
For payment of expenses associated
with School District Programs............... 5,000,000
For payment of expenses associated
with federal programs, including,

New matter indicated by italics - deletions by strikeout
but not limited to, construction of additional beds, treatment programs, and juvenile supervision...................... 3,000,000

For payment of expenses associated with miscellaneous programs, including, but not limited to, medical costs, food expenditures, and various construction costs.............................. 5,000,000

Total $13,000,000

Section 20. The amounts appropriated for repairs and maintenance, and other capital improvements in Section 15 for repairs and maintenance, roof repairs and/or replacements and miscellaneous capital improvements at the Department’s various institutions are to include construction, reconstruction, improvements, repairs and installation of capital facilities, costs of planning, supplies, materials and all other expenses required for roof and other types of repairs and maintenance, capital improvements, and purchase of land.

No contract shall be entered into or obligation incurred for repairs and maintenance and other capital improvements from appropriations made in Section 15 of this Article until after the purpose and amounts have been approved in writing by the Governor.

Section 25. The sum of $489,800, or so much thereof as may be necessary, is appropriated to the Department of Juvenile Justice from the General Revenue Fund for costs and expenses associated with payment of statewide hospitalization.

ARTICLE 345

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Labor:

FOR OPERATIONS - GENERAL OFFICE
Payable from General Revenue Fund:
For Personal Services......................... 1,034,450
For State Contributions to State

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0348

<table>
<thead>
<tr>
<th>Employees' Retirement System</th>
<th>171,700</th>
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</thead>
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<tr>
<td>For State Contributions to:</td>
<td></td>
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<tr>
<td>Social Security</td>
<td>79,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>350,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>20,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>6,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>5,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>50,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>25,400</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Administration and operations of Displaced Homemaker Grant Program</td>
<td>50,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,791,550</strong></td>
</tr>
</tbody>
</table>

Section 10. The following named amount of $621,300, or so much thereof as may be necessary, is appropriated to the Department of Labor for Displaced Homemaker Grants.

Section 15. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Labor:

PUBLIC SAFETY

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>For Personal Services</th>
<th>937,850</th>
</tr>
</thead>
<tbody>
<tr>
<td>For State Contributions to State:</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>155,700</td>
</tr>
<tr>
<td>For State Contributions to:</td>
<td></td>
</tr>
<tr>
<td>Social Security</td>
<td>71,750</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>14,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>60,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>4,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>4,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>5,000</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>10,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Section 20. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Labor:

**FAIR LABOR STANDARDS**

Payable from General Revenue Fund:
- For Personal Services.......................... 2,445,900
- For State Contributions to State Employees' Retirement System................... 407,900
- For State Contributions to Social Security.......................... 167,400
- For Contractual Services.......................... 50,000
- For Travel........................................ 77,000
- For Commodities.................................... 9,500
- For Printing...................................... 28,500
- For Equipment..................................... 85,000
- For Telecommunications Services................... 52,500
- For Electronic Data Processing................... 112,000
- Total                                                                                         $3,435,700

Payable From the Child Labor and Day and Temporary Labor Services Enforcement Fund:
- For Administration of the Child Labor Law and Day and Temporary Labor Services Act.................. 200,000

Section 25. In addition to any other funds appropriated for that purpose, the sum of $159,000 is appropriated from the General Revenue Fund to the Department of Labor for all costs associated with promoting and enforcing the Equal Pay Act and the Victims Economic Security and Safety Act.

**ARTICLE 350**

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named,
are appropriated to meet the ordinary and contingent expenses of the Department of Military Affairs:

FOR OPERATIONS
OFFICE OF THE ADJUTANT GENERAL

Payable from General Revenue Fund:
For Personal Services.......................... 833,800
For State Contributions to State
   Employees' Retirement System............... 138,400
For State Contributions to
   Social Security............................. 63,800
For Contractual Services....................... 14,400
For Travel...................................... 23,000
For Commodities................................ 19,800
For Printing.................................... 2,800
For Equipment................................... 4,900
For Electronic Data Processing................. 19,500
For Telecommunications Services............... 31,400
For Operation of Auto Equipment............... 23,800
For State Officer's Candidate School.......... 700
For Lincoln's Challenge....................... 3,116,700
For Lincoln’s Challenge Allowances........... 235,700
Total                                    $4,528,700

Payable from Federal Support Agreement Revolving Fund:
Lincoln's Challenge........................... 4,889,700
Lincoln's Challenge Allowances.............. 1,200,000
Total                                    $6,089,700

FACILITIES OPERATIONS

Payable from General Revenue Fund:
For Personal Services....................... 5,386,000
For State Contributions to State
   Employees' Retirement System.............. 894,000
For State Contributions to
   Social Security............................ 412,000
For Contractual Services.................... 3,192,400

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Commodities</td>
<td>65,200</td>
</tr>
<tr>
<td>For Equipment</td>
<td>24,800</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>9,974,400</strong></td>
</tr>
<tr>
<td>Payable from Federal Support Agreement Revolving Fund:</td>
<td></td>
</tr>
<tr>
<td>Army/Air Reimbursable Positions</td>
<td>9,316,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>9,316,000</strong></td>
</tr>
</tbody>
</table>

Section 7. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Military Affairs for a Lincoln’s Challenge satellite campus which must be no closer than a 100 mile radius from the existing program.

Section 10. The sum of $11,500,000, or so much thereof as may be necessary, is appropriated from the Federal Support Agreement Revolving Fund to the Department of Military Affairs Facilities Division for expenses related to Army National Guard Facilities operations and maintenance as provided for in the Cooperative Funding Agreements, including costs in prior years.

Section 15. The sum of $391,900, or so much thereof as may be necessary, is appropriated from the Federal Support Agreement Revolving Fund to the Department of Military Affairs Facilities Division for expenses related to the Bartonville and Kankakee armories for operations and maintenance according to the Joint-Use Agreement, including costs in prior years.

Section 20. The sum of $43,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Military Affairs Facilities Division for rehabilitation and minor construction at armories and camps.

Section 25. The sum of $7,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Military Affairs Office of the Adjutant General Division for expenses related to the care and preservation of historic artifacts.

Section 30. The sum of $1,432,000, or so much thereof as may be necessary, is appropriated from the Military Affairs Trust Fund to the Department of Military Affairs Office of the Adjutant General Division to

New matter indicated by italics - deletions by strikeout
support youth and other programs, provided such amounts shall not exceed
funds to be made available from public or private sources.

Section 35. The sum of $5,000,000, or so much thereof as may be
necessary, is appropriated from the Illinois Military Family Relief Fund to
the Department of Military Affairs Office of the Adjutant General
Division for the issuance of grants to persons or families of persons who
are members of the Illinois National Guard or Illinois residents who are
members of the armed forces of the United States and who have been
called to active duty as a result of the September 11, 2001 terrorist attacks,
including costs in prior years.

Section 40. The sum of $587,900, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Military Affairs Office of the Adjutant General Division for
costs and expenses related to or in support of a public safety shared
services center.

Section 45. No contract shall be entered into or obligation incurred
for any expenditures made from an appropriation herein made in Section
20 until after the purpose and amounts have been approved in writing by
the Governor.

ARTICLE 355

Section 5. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Department of
State Police for the following purposes:

DIVISION OF ADMINISTRATION

Payable from General Revenue Fund:
For Personal Services.......................... 5,868,000
For State Contributions to State
Employees' Retirement System.................... 974,100
For State Contributions to
Social Security.................................. 379,400
For Contractual Services....................... 3,393,700
For Travel........................................ 33,600
For Commodities............................... 583,600
For Printing...................................... 90,000

New matter indicated by italics - deletions by strikeout
For Equipment.....................................                                             34,700
For Telecommunications Services...............                                249,900
For Operation of Auto Equipment..................                                325,000
For Contractual Services:
  For Payment of Tort Claims.......................                                     28,000
  For Refunds........................................                                                 2,000
For Expenses regarding implementation  
  of the Juvenile Justice Reform               
  provisions.........................................                                                 174,700
For costs and expenses related to  
  or in support of a public safety              
  shared services center........................                                         2,060,500
For Repairs and Maintenance and  
  Permanent Improvements...........................                                     30,000
  Total                                                                                       $14,227,200
Payable from the State Police Wireless 
  Service Emergency Fund:                        
  For costs associated with the                
  administration and fulfillment               
  of its responsibilities under               
  the Wireless Emergency Telephone            
  Safety Act.........................................                                                 1,800,000
Payable from the State Police Vehicle Fund:                   
  For purchase of vehicles and accessories......                            10,000,000
Payable from the State Police Vehicle 
  Maintenance Fund:                                
  For Operation of Auto..........................                                        1,000,000

  Section 10. The sum of $4,500,000, or so much thereof as may be 
  necessary, is appropriated from the State Asset Forfeiture Fund to the 
  Department of State Police for payment of their expenditures as outlined 
  in the Illinois Drug Asset Forfeiture Procedure Act, the Cannabis Control 
  Act, the Controlled Substances Act, and the Environmental Safety Act. 

  Section 15. The sum of $1,500,000, or so much thereof as may be 
  necessary, is appropriated from the Federal Asset Forfeiture Fund to the 

New matter indicated by italics - deletions by strikeout
Department of State Police for payment of their expenditures in accordance with the Federal Equitable Sharing Guidelines.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

INFORMATION SERVICES BUREAU

Payable from General Revenue Fund:

For Personal Services.......................... 5,062,900
For State Contributions to State
  Employees' Retirement System............... 840,400
For State Contributions to
  Social Security............................. 379,700
For Contractual Services..................... 778,800
For Travel...................................... 20,000
For Commodities.............................. 34,000
For Printing.................................... 35,200
For Equipment.................................. 3,100
For Electronic Data Processing.............. 2,497,100
For Telecommunications Services.......... 439,000
Total
      $10,090,200

Payable from LEADS Maintenance Fund:

For Expenses Related to LEADS
  System....................................... 3,500,000

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF OPERATIONS

Payable from General Revenue Fund:

For Personal Services...................... 90,361,500
For State Contributions to State
  Employees' Retirement System........... 15,000,000
For State Contributions to
  Social Security........................... 2,938,800
For Contractual Services................. 5,781,000

New matter indicated by italics - deletions by strikeout
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<tbody>
<tr>
<td>For Travel</td>
<td>568,500</td>
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<tr>
<td>For Commodities</td>
<td>706,900</td>
</tr>
<tr>
<td>For Printing</td>
<td>145,400</td>
</tr>
<tr>
<td>For Equipment</td>
<td>478,400</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>6,287,300</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>8,656,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$130,923,800</strong></td>
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Payable from the Road Fund:

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<tr>
<th>Item</th>
<th>Amount</th>
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<tbody>
<tr>
<td>For Personal Services</td>
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</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>14,977,200</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>884,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$106,085,700</strong></td>
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Payable from the Traffic and Criminal Conviction Surcharge Fund:

<table>
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<tr>
<th>Item</th>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>3,202,700</td>
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<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>531,700</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>96,100</td>
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<tr>
<td>For Group Insurance</td>
<td>651,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>465,400</td>
</tr>
<tr>
<td>For Travel</td>
<td>38,300</td>
</tr>
<tr>
<td>For Commodities</td>
<td>174,600</td>
</tr>
<tr>
<td>For Printing</td>
<td>26,500</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>115,700</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>212,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$5,514,400</strong></td>
</tr>
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Payable from the State Police Services Fund:

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<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Payment of Expenses:</td>
<td></td>
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<tr>
<td>Fingerprint Program</td>
<td>19,000,000</td>
</tr>
<tr>
<td>For Payment of Expenses:</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Federal & IDOT Programs.......................... 7,400,000
For Payment of Expenses:
Riverboat Gambling............................... 1,200,000
For Payment of Expenses:
Miscellaneous Programs.......................... 4,300,000
Total .............................................. $31,900,000

Payable from the Illinois State Police
Federal Projects Fund:
For Payment of Expenses....................... 17,400,000

Payable from the Sex Offender Registration Fund:
For expenses of the Sex Offender Registration Program............................. 20,000

Payable from the Motor Carrier Safety Inspection Fund:
For expenses associated with the enforcement of Federal Motor Carrier Safety Regulations and related Illinois Motor Carrier Safety Laws............................... 2,300,000
Section 30. The sum of $5,500,000, or so much thereof as may be necessary, is appropriated from the Federal Civil Preparedness Administrative Fund to the Department of State Police for Terrorism Task Force Approved Purchases for Homeland Security.

Section 45. The following amounts, or so much thereof as may be necessary for the objects and purposes hereinafter named, are appropriated from the Drug Traffic Prevention Fund to the Department of State Police, Division of Operations, pursuant to the provisions of the "Intergovernmental Drug Laws Enforcement Act" for Grants to Metropolitan Enforcement Groups.
For Grants to Metropolitan Enforcement Groups:
Payable from Drug Traffic Prevention Fund....... 150,000

Section 50. In the event of the receipt of funds from the Motor Vehicle Theft Prevention Council, through a grant from the Criminal Justice Information Authority, the amount of $1,200,000, or so much

New matter indicated by italics - deletions by strikeout
thereof as may be necessary, is appropriated from the State Police Motor Vehicle Theft Prevention Trust Fund to the Department of State Police for payment of expenses.

Section 55. The sum of $1,750,000 or so much thereof as may be necessary, is appropriated from the State Police Whistleblower Reward and Protection Fund to the Department of State Police for payment of their expenditures for state law enforcement purposes in accordance with the State Whistleblower Protection Act.

Section 60. The following amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Department of State Police for the expenses of Fraud Investigations:

DIVISION OF OPERATIONS
FINANCIAL FRAUD AND FORGERY UNIT
For Personal Services..........................                             4,386,500
For State Contributions to State
Employees' Retirement System.............                             728,200
For State Contributions to
Social Security.............................                             77,300
Total                               5,192,000

Section 65. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Medicaid Fraud and Abuse Prevention Fund to the Department of State Police, Division of Operations - Financial Fraud and Forgery Unit for the detection, investigation or prosecution of recipient or vendor fraud.

Section 70. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF FORENSIC SERVICES AND IDENTIFICATION
Payable from the General Revenue Fund:
For Personal Services.......................                             38,897,300
For State Contributions to State
Employees' Retirement System.............                             6,457,000
For State Contributions to
Social Security..............................                             2,735,100

New matter indicated by italics - deletions by strikeout
For Contractual Services....................... $5,735,700
For Travel........................................ 56,000
For Commodities................................ 1,455,600
For Printing...................................... 67,300
For Equipment.................................. 1,178,600
For Telecommunications Services............. 586,300
For Operation of Auto Equipment............. 97,800
For Administration of a Statewide Sexual
Assault Evidence Collection Program........... 87,300
For Operational Expenses Related to the
Combined DNA Index System..................... $3,448,000
Total $60,802,000

For Administration and Operation
of State Crime Laboratories:
Payable from State Crime Laboratory Fund....... 750,000
Payable from State Police DUI Fund....................... 850,000
Payable from State Offender DNA Identification System Fund......... 3,423,500

Section 75. The sum of $300,000, or so much thereof as may be
necessary, is appropriated to the Department of State Police, Division of
Forensic Services and Identification, from the Firearm Owner's Notification Fund for the administration and operation of the Firearm Owner's Identification Card Program.

Section 85. The following amounts, or so much thereof as may be
necessary, respectively, are appropriated to the Department of State Police for Internal Investigation expenses as follows:

DIVISION OF INTERNAL INVESTIGATION
Payable from the General Revenue Fund:
For Personal Services......................... 1,679,700
For State Contributions to State Employees' Retirement System.............. 278,800
For State Contributions to Social Security............................. 31,800

New matter indicated by italics - deletions by strikeout
For Contractual Services
75,300
For Travel
5,000
For Commodities
12,600
For Printing
3,200
For Equipment
8,100
For Telecommunications Services
76,900
For Operation of Auto Equipment
210,000
Total
$2,381,400

ARTICLE 360

Section 5. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to meet the ordinary and contingent expenses of the Department of Transportation:

CENTRAL OFFICES, ADMINISTRATION AND PLANNING OPERATIONS

For Personal Services
14,643,600
For State Contributions to State Employees' Retirement System
2,430,838
For State Contributions to Social Security
1,120,235
For Contractual Services
9,251,300
For Travel
667,700
For Commodities
317,600
For Printing
500,300
For Equipment
107,300
For Equipment:
Purchase of Cars & Trucks
393,400
For Telecommunications Services
369,800
For Operation of Automotive Equipment
305,200
Total
$30,107,273

LUMP SUMS

Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For Planning, Research and Development

New matter indicated by italics - deletions by strikeout
Purposes................................. 500,000
For costs associated with hazardous material abatement....................... 300,000
For metropolitan planning and research purposes as provided by law, provided such amount shall not exceed funds to be made available from the federal government or local sources................. 42,000,000
For metropolitan planning and research purposes as provided by law............... 2,000,000
For federal reimbursement of planning activities as provided by the SAFETEA-LU....... 1,750,000
For the federal share of the IDOT ITS Program, provided expenditures do not exceed funds to be made available by the Federal Government...................... 3,500,000
For the state share of the IDOT ITS Corridor Program............................. 3,500,000
For the Department's share of costs with the Illinois Commerce Commission for monitoring railroad crossing safety................................. 155,000
Total.................................................................................................................. $53,705,000

Section 15. The sum of $9,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for costs associated with the Harry R. Hanley Building cafeteria, provided that expenditures do not exceed revenues accruing to the department pursuant to the concession contract.

Section 20. The sum of $9,600,400 or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for costs and expenses related to or in support of an environment and economic development shared services center.

AWARDS AND GRANTS

New matter indicated by italics - deletions by strikeout
Section 25. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For Tort Claims, including payment pursuant to P.A. 80-1078........................ 540,300

For representation and indemnification for the Department of Transportation, the Illinois State Police and the Secretary of State provided that the representation required resulted from the Road Fund portion of their normal operations................................. 250,000

For Transportation Enhancement, Congestion Mitigation, Air Quality, High Priority and Scenic By-way Projects not eligible for inclusion in the Highway Improvement Program Appropriation provided expenditures do not exceed funds made available by the federal government........................... 10,000,000

For auto liability payments for the Department of Transportation, the Illinois State Police and the Secretary of State provided that the liability resulted from the Road Fund portion of their normal operations................................. 2,200,000

Total $12,990,300

Section 30. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

BUREAU OF INFORMATION PROCESSING OPERATIONS

For Personal Services............................... 5,487,100

For State Contributions to State

New matter indicated by italics - deletions by strikeout
Employees' Retirement System.................. 910,859
For State Contributions to Social Security.... 419,763
For Contractual Services....................... 10,221,000
For Travel....................................... 59,800
For Commodities................................ 25,400
For Equipment.................................. 8,300
For Electronic Data Processing.................. 9,003,925
For Telecommunications......................... 596,700
Total ........................................... $26,732,847

Section 35. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

CENTRAL OFFICES, DIVISION OF HIGHWAYS

OPERATIONS

For Personal Services.......................... 26,382,500
For Extra Help.................................. 1,137,200
For State Contributions to State
  Employees' Retirement System................. 4,568,270
  For State Contributions to Social Security... 2,105,257
  For Contractual Services...................... 5,505,600
  For Travel.................................... 461,700
  For Commodities.............................. 349,300
  For Equipment............................... 265,500
  For Equipment:
    Purchase of Cars and Trucks............... 286,100
  For Telecommunications Services.............. 2,149,800
  For Operation of Automotive Equipment ...... 347,700
Total ........................................... $43,558,927

LUMP SUMS

Section 40. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for repair of damages by motorists to state vehicles and equipment or replacement of state vehicles and equipment, provided such

New matter indicated by italics - deletions by strikeout
amount not exceed funds to be made available from collections from claims filed by the Department to recover the costs of such damages.

Section 45. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for all costs associated with the State Radio Communications for the 21st Century (STARCOM) program.

Section 50. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for costs associated with the Technology Transfer Center, including the purchase of equipment, media initiatives, and training, provided that such expenditures do not exceed funds to be made available by the federal government for this purpose.

Section 55. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the Federal Civil Preparedness Administrative Fund to the Department of Transportation for costs associated with Illinois Terrorism Task Force approved purchases for homeland security.

Section 60. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Transportation Safety Highway Hire-back Fund to the Department of Transportation for agreements with the Illinois Department of State Police to provide patrol officers in highway construction work zones.

AWARDS AND GRANTS

Section 65. The sum of $2,721,300, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for reimbursement to participating counties in the County Engineers Compensation Program, providing such reimbursements do not exceed funds to be made available from their federal highway allocations retained by the Department.

Section 70. The following named sums, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for grants to local governments for the following purposes: For reimbursement of eligible expenses arising from local Traffic Signal

New matter indicated by italics - deletions by strikeout
Maintenance Agreements created by Part 468 of the Illinois Department of Transportation Rules and Regulations........... 3,000,000
For reimbursement of eligible expenses arising from City, County, and other State Maintenance Agreements............ 10,000,000
Total $13,000,000

REFUNDS
Section 75. The following named amount, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:
For Refunds....................................... 40,000

Section 80. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Road Fund to the Department of Transportation for the ordinary and contingent expenses of the Division of Traffic Safety:

DIVISION OF TRAFFIC SAFETY
OPERATIONS
For Personal Services......................... 6,189,100
For State Contributions to State
   Employees' Retirement System................. 1,027,391
For State Contributions to Social Security...... 473,466
For Contractual Services...................... 1,392,000
For Travel......................................... 89,900
For Commodities................................ 142,100
For Printing...................................... 278,000
For Equipment.................................. 7,700
For Equipment:
   Purchase of Cars and Trucks............... 0
   For Telecommunications Services............ 125,000
   For Operation of Automotive Equipment..... 0
Total $9,724,957

LUMP SUMS

New matter indicated by italics - deletions by strikeout
Section 85. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for the expenses of an emissions testing/inspection program for diesel powered vehicles in the counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison, St. Clair and Monroe and the townships of Aux Sable, Goose Lake and Oswego.

Section 90. The sum of $8,252,300, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for improvements to traffic safety, provided such amounts do not exceed funds to be made available from the federal government pursuant to the primary seatbelt enforcement incentive grant.

AWARDS AND GRANTS

Section 95. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the Traffic Control Signal Preemption Devices for Ambulances Fund to the Department of Transportation for grants to municipalities subject to provisions of Public Act 94-373 for the purpose of equipping their ambulances with traffic control signal preemption devices.

REFUNDS

Section 100. The following named amount, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:
   For Refunds........................................                                                 8,800

Section 105. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated from the Cycle Rider Safety Training Fund, as authorized by Public Act 82-0649, to the Department of Transportation for the administration of the Cycle Rider Safety Training Program by the Division of Traffic Safety:

   DIVISION OF TRAFFIC SAFETY
   CYCLE RIDER SAFETY
   OPERATIONS

   For Personal Services........................................ 125,500
   For State Contributions to State

New matter indicated by italics - deletions by strikeout
AWARDS AND GRANTS

Section 110. The sum of $3,600,000, or so much thereof as may be necessary, is appropriated from the Cycle Rider Safety Training Fund, as authorized by Public Act 82-0649, to the Department of Transportation for reimbursement to State and local universities and colleges for Cycle Rider Safety Training Programs.

Section 115. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

**DAY LABOR OPERATIONS**

For Personal Services.......................... 4,706,100
For State Contributions to State Employees' Retirement System............... 781,213
For State Contributions to Social Security........ 360,017
For Contractual Services....................... 1,102,500
For Travel...................................... 222,000
For Commodities................................ 122,900
For Equipment................................... 228,500
For Equipment:
  Purchase of Cars and Trucks.................... 655,300
For Telecommunications Services............... 26,800
For Operation of Automotive Equipment......... 491,000
Total $8,696,329

New matter indicated by italics - deletions by strikeout
Section 120. The following named amounts, or so much thereof as
may be necessary, are appropriated from the Road Fund to the Department
of Transportation for the objects and purposes hereinafter named:

DISTRIBUTION 1, SCHAUMBURG OFFICE
OPERATIONS

For Personal Services......................... $84,826,600
For Extra Help................................. $9,627,700
For State Contributions to State
   Employees' Retirement System.............. $15,679,414
For State Contributions to Social Security..... $7,225,754
For Contractual Services...................... $15,791,300
For Travel....................................... $175,600
For Commodities.............................. $6,735,900
For Equipment................................ $1,447,600
For Equipment:
   Purchase of Cars and Trucks................. $7,673,800
   For Telecommunications Services............ $1,554,500
   For Operation of Automotive Equipment...... $7,516,800
Total                                                                 $158,254,968

Section 125. The following named amounts, or so much thereof as
may be necessary, are appropriated from the Road Fund to the Department
of Transportation for the objects and purposes hereinafter named:

DISTRIBUTION 2, DIXON OFFICE
OPERATIONS

For Personal Services......................... $25,788,700
For Extra Help................................. $2,189,900
For State Contributions to State
   Employees' Retirement System.............. $4,644,414
For State Contributions to Social Security..... $2,140,348
For Contractual Services...................... $3,916,100
For Travel....................................... $212,700
For Commodities.............................. $2,713,300
For Equipment................................ $982,800
For Equipment:

New matter indicated by italics - deletions by strikeout
Section 130. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 3, OTTAWA OFFICE

OPERATIONS

For Personal Services.............................. 23,780,500
For Extra Help...................................... 2,406,200
For State Contributions to State
  Employees' Retirement System.................. 4,346,992
  For State Contributions to Social Security..... 2,003,283
  For Contractual Services........................ 3,160,600
  For Travel...................................... 104,100
  For Commodities............................... 2,720,400
  For Equipment.................................. 775,500
For Equipment:
  Purchase of Cars and Trucks.................... 1,932,600
  For Telecommunications Services............... 283,400
  For Operation of Automotive Equipment......... 3,068,200
  Total........................................... $44,581,775

Section 135. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 4, PEORIA OFFICE

OPERATIONS

For Personal Services.............................. 23,794,700
For Extra Help...................................... 2,604,900
For State Contributions to State
  Employees' Retirement System.................. 4,382,334
  For State Contributions to Social Security..... 2,019,569
  For Contractual Services........................ 4,745,500

New matter indicated by italics - deletions by strikeout
For Travel ........................................ 120,800
For Commodities............................... 1,714,400
For Equipment.................................. 1,030,800
For Equipment:
Purchase of Cars and Trucks............... 1,335,600
For Telecommunications Services.......... 256,000
For Operation of Automotive Equipment... 2,817,300
Total ................................................. $44,821,903

Section 140. The following named amounts, or so much thereof as
may be necessary, are appropriated from the Road Fund to the Department
of Transportation for the objects and purposes hereinafter named:

DISTRICT 5, PARIS OFFICE
OPERATIONS
For Personal Services.......................... 20,113,300
For Extra Help..................................... 2,137,400
For State Contributions to State
Employees' Retirement System.............. 3,693,616
For State Contributions to Social Security 1,702,179
For Contractual Services.................... 2,932,900
For Travel......................................... 79,000
For Commodities............................... 1,857,500
For Equipment................................... 1,055,900
For Equipment:
Purchase of Cars and Trucks............... 1,631,800
For Telecommunications Services.......... 183,600
For Operation of Automotive Equipment... 2,659,100
Total ................................................. $38,046,295

Section 145. The following named amounts, or so much thereof as
may be necessary, are appropriated from the Road Fund to the Department
of Transportation for the objects and purposes hereinafter named:

DISTRICT 6, SPRINGFIELD OFFICE
OPERATIONS
For Personal Services.......................... 25,343,700
For Extra Help..................................... 1,631,900

New matter indicated by italics - deletions by strikeout
For State Contributions to State
  Employees' Retirement System ..................  4,477,950
  For State Contributions to Social Security ....  2,063,633
  For Contractual Services ......................  3,825,800
  For Travel ....................................  116,500
  For Commodities ...............................  2,136,400
  For Equipment .................................  812,800
  For Equipment:
    Purchase of Cars and Trucks ..................  1,672,200
  For Telecommunications Services ...............  260,500
  For Operation of Automotive Equipment .........  3,178,400
Total                                                                 $45,519,783

Section 150. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

  DISTRICT 7, EFFINGHAM OFFICE
  OPERATIONS

For Personal Services ..........................  20,917,700
For Extra Help .................................  1,397,600
For State Contributions to State
  Employees' Retirement System ..................  3,704,340
  For State Contributions to Social Security ....  1,707,120
  For Contractual Services ......................  2,932,800
  For Travel ....................................  143,400
  For Commodities ...............................  1,555,300
  For Equipment .................................  1,007,300
  For Equipment:
    Purchase of Cars and Trucks ..................  2,102,700
  For Telecommunications Services ...............  177,100
  For Operation of Automotive Equipment .........  2,459,200
Total                                                                 $38,104,560

Section 155. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

New matter indicated by italics - deletions by strikeout
DISTRICT 8, COLLINSVILLE OFFICE
OPERATIONS

For Personal Services .................. 33,576,000
For Extra Help ......................... 2,219,900
For State Contributions to State
  Employees' Retirement System .......... 5,942,119
For State Contributions to Social Security .. 2,738,386
For Contractual Services ............... 6,640,300
For Travel ............................. 186,500
For Commodities ........................ 2,038,900
For Equipment .......................... 1,366,700
For Equipment:
  Purchase of Cars and Trucks .......... 1,628,800
For Telecommunications Services ....... 576,500
For Operation of Automotive Equipment .... 3,323,900
Total $60,238,006

Section 160. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

DISTRICT 9, CARBONDALE OFFICE
OPERATIONS

For Personal Services .................. 18,523,900
For Extra Help ......................... 1,670,400
For State Contributions to State
  Employees' Retirement System .......... 3,352,254
For State Contributions to Social Security .. 1,544,864
For Contractual Services ............... 2,973,000
For Travel ............................. 53,100
For Commodities ........................ 1,226,000
For Equipment .......................... 931,500
For Equipment:
  Purchase of Cars and Trucks .......... 938,200
For Telecommunications Services ....... 134,300
For Operation of Automotive Equipment .... 1,907,700

New matter indicated by italics - deletions by strikeout
Section 165. The following named sums, or so much thereof as may be necessary, for the objects and purposes hereinafter named, are appropriated to the Department of Transportation for the ordinary and contingent expenses of Aeronautics Operations:

AERONAUTICS DIVISION
OPERATIONS

For Personal Services:
Payable from the Road Fund......................... 4,947,900

For State Contributions to State
Employees' Retirement System:
Payable from the Road Fund......................... 821,351

For State Contributions to Social Security:
Payable from the Road Fund......................... 378,514

For Contractual Services:
Payable from the Road Fund......................... 3,391,300
Payable from Air Transportation
Revolving Fund................................. 800,000

For Travel:  Executive Air Transportation
Expenses of the General Assembly:
Payable from the General Revenue Fund.......... 130,000

For Travel:  Executive Air Transportation
Expenses of the Governor's Office:
Payable from the General Revenue Fund.......... 130,000

For Travel:
Payable from the Road Fund......................... 112,500

For Commodities:
Payable from the Road Fund......................... 824,900
Payable from Aeronautics Fund....................... 299,500

For Equipment:
Payable from the General Revenue Fund............. 0
Payable from the Road Fund......................... 271,900

For Equipment: Purchase of Cars and Trucks:
Payable from the Road Fund......................... 0

New matter indicated by italics - deletions by strikeout
For Telecommunications Services:
   Payable from the Road Fund.................................  96,700
For Operation of Automotive Equipment:
   Payable from the Road Fund.................................  27,100
   Total..................................................................... $12,771,666

LUMP SUM

Section 170. The sum of $250,000, or so much thereof as may be
necessary, is appropriated from the Tax Recovery Fund to the Department
of Transportation for payments to the Will County Treasurer in lieu of
leasehold taxes lost due to government ownership.

AWARDS AND GRANTS

Section 175. The sum of $350,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Transportation for such purposes as are described in
Sections 31 and 34 of the Illinois Aeronautics Act, as amended.

Section 180. The sum of $1,650,000, or so much thereof as may be
necessary, is appropriated from the I-FLY Fund to the Department of
Transportation for grants to the Quincy Regional Airport, the Decatur
Airport, and the Williamson County Regional Airport, pursuant to the I-
FLY Act.

REFUNDS

Section 185. The following named amount, or so much thereof as
may be necessary, is appropriated from the General Revenue Fund to the
Department of Transportation for the objects and purposes hereinafter
named:
   For Refunds.....................................................  35,000

Section 190. The following named amount, or so much thereof as
may be necessary, is appropriated from the Aeronautics Fund to the
Department of Transportation for the objects and purposes hereinafter
named:
   For Refunds.....................................................  500

Section 195. The following named sums, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated from the Road Fund to the Department of

New matter indicated by italics - deletions by strikeout
Transportation for the ordinary and contingent expenses incident to Public Transportation and Railroads Operations:

PUBLIC AND INTERMODAL TRANSPORTATION DIVISION OPERATIONS

For Personal Services.......................... 2,309,300
For State Contributions to State Employees' Retirement System................. 383,344
For State Contributions to Social Security........................................ 176,661
For Contractual Services.......................... 47,700
For Travel........................................ 34,900
For Commodities.................................... 3,800
For Equipment..................................... 14,700
For Equipment: Purchase of Cars and Trucks............. 0
For Telecommunications Services................... 37,800
For Operation of Automotive Equipment.............. 0
Total                                                                                         $3,008,205

LUMP SUMS

Section 200. The sum of $427,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for public transportation technical studies.

Section 205. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for administrative expenses incurred in connection with the purposes of Section 18 of the Federal Transit Act (Section 5311 of the USC), as amended, provided such amount not exceed funds made available from the Federal government under that Act.

Section 215. The sum of $873,200, or so much thereof as may be necessary, is appropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for federal reimbursement of transit studies as provided by the SAFETEA-LU.

AWARDS AND GRANTS

Section 220. The sum of $342,800, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Transportation for making grants to eligible recipients of funding under Article II of the Downstate Public Transportation Act for the purpose of reimbursing the recipients that provide reduced fares for mass transportation services to students, handicapped persons and the elderly.

Section 225. The sum of $37,318,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for making grants to the Regional Transportation Authority for the purpose of reimbursing the Service Boards for providing reduced fares for mass transportation services to students, handicapped persons, and the elderly to be allocated proportionately among the Service Boards based upon actual costs incurred by each Service Board for such reduced fares.

Section 235. The sum of $54,251,555, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation making a grant to the Regional Transportation Authority for the funding of the Americans with Disabilities Act of 1990 (ADA) paratransit services and for other costs and services.

Section 240. The sum of $193,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for the purpose stated in Section 4.09 of the "Regional Transportation Authority Act", as amended.

Section 245. The sum of $40,000,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the Department of Transportation for making a grant to the Regional Transportation Authority for Additional State Assistance to be used for its purposes as provided in the "Regional Transportation Authority Act", but in no event shall this amount exceed the amount provided for in Sections 4.09 (c) and 4.09 (d) with respect to Strategic Capital Improvement bonds issued by the Regional Transportation Authority pursuant to the Regional Transportation Authority Act as amended in 1989.

Section 250. The sum of $95,300,000, or so much thereof as may be necessary, is appropriated from the Public Transportation Fund to the
Department of Transportation for making a grant to the Regional Transportation Authority for Additional Financial Assistance to be used for its purposes as provided in the "Regional Transportation Authority Act", but in no event shall this amount exceed the amount provided for in Sections 4.09 (c-5) and 4.09 (d) with respect to Strategic Capital Improvement bonds issued by the Regional Transportation Authority pursuant to the Regional Transportation Authority Act as amended in 1999.

Section 255. The following named sums, or so much thereof as may be necessary, are appropriated from the Downstate Public Transportation Fund to the Department of Transportation for operating assistance grants to provide a portion of the eligible operating expenses for the following carriers for the purposes stated in Article II of Public Act 78-1109, as amended:

### URBANIZED AREAS

<table>
<thead>
<tr>
<th>Carrier</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Champaign-Urbana Mass Transit District</td>
<td>12,522,500</td>
</tr>
<tr>
<td>Greater Peoria Mass Transit District</td>
<td>9,227,500</td>
</tr>
<tr>
<td>Rock Island County Metropolitan Mass Transit District</td>
<td>7,895,900</td>
</tr>
<tr>
<td>Rockford Mass Transit District</td>
<td>6,553,800</td>
</tr>
<tr>
<td>Springfield Mass Transit District</td>
<td>6,069,900</td>
</tr>
<tr>
<td>Bloomington-Normal Public Transit System</td>
<td>3,404,600</td>
</tr>
<tr>
<td>City of Decatur</td>
<td>2,981,100</td>
</tr>
<tr>
<td>City of Pekin</td>
<td>447,500</td>
</tr>
<tr>
<td>City of South Beloit</td>
<td>40,600</td>
</tr>
<tr>
<td>River Valley Metro Mass Transit District</td>
<td>1,505,500</td>
</tr>
<tr>
<td>City of Dekalb</td>
<td>1,540,000</td>
</tr>
<tr>
<td>City of Macomb</td>
<td>877,300</td>
</tr>
<tr>
<td>St. Clair County Transit District</td>
<td>17,787,600</td>
</tr>
</tbody>
</table>

**Total, Urbanized Areas**

$70,853,800

### NON-URBANIZED AREAS

<table>
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<tr>
<th>Carrier</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Quincy</td>
<td>1,490,600</td>
</tr>
<tr>
<td>City of Galesburg</td>
<td>677,700</td>
</tr>
<tr>
<td>City of Danville</td>
<td>1,084,300</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
RIDES Mass Transit District...................... 2,341,800
South Central Illinois Mass Transit District..... 2,145,800
Jackson County Mass Transit District............. 153,700
Shawnee Mass Transit District..................... 693,000
West Central Mass Transit District................. 350,000
Monroe-Randolph.................................... 385,000
  Total, Non-Urbanized Areas                   $9,321,900

Section 260. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the Downstate Public Transportation Fund to the Department of Transportation for audit adjustments in accordance with Section 15.1 of the "Downstate Public Transportation Act", as amended.

Section 265. The sum of $10,040,000, or so much thereof as may be necessary, is appropriated from the Metro East Public Transportation Fund to the Department of Transportation for operating assistance grants subject to the provisions of the "Downstate Public Transportation Act", as amended.

RAIL PASSENGER
AWARDS AND GRANTS

Section 270. The sum of $28,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for funding the State's share of intercity rail passenger service and making necessary expenditures for services and other program improvements.

Section 275. The sum of $750,000, or so much thereof as may be necessary, is appropriated from the Intercity Passenger Rail Fund to the Department of Transportation for grants to Amtrak or its successor for the operation of intercity rail services in the state.

Section 280. The following named sums, or so much thereof as may be necessary, are appropriated from the Motor Fuel Tax Fund to the Department of Transportation for the ordinary and contingent expenses incident to the operations and functions of administering the provisions of the "Illinois Highway Code", relating to use of Motor Fuel Tax Funds by the counties, municipalities, road districts and townships:

New matter indicated by italics - deletions by strikeout
MOTOR FUEL TAX ADMINISTRATION
OPERATIONS

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>For Personal Services</td>
<td>7,009,000</td>
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<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees’ Retirement System</td>
<td>1,163,494</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>536,189</td>
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<td>For Group Insurance</td>
<td>1,664,000</td>
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<td>For Contractual Services</td>
<td>41,800</td>
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<td>For Travel</td>
<td>63,300</td>
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<td>For Commodities</td>
<td>7,100</td>
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<tr>
<td>For Printing</td>
<td>27,300</td>
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<tr>
<td>For Equipment</td>
<td>13,800</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>24,400</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>5,100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$10,555,483</strong></td>
</tr>
</tbody>
</table>

AWARDS AND GRANTS

Section 285. The following named sums, or so much thereof as are available for distribution in accordance with Section 8 of the Motor Fuel Tax Law, are appropriated from the Motor Fuel Tax Fund to the Department of Transportation for the purposes stated:

**DISTRIBUTIVE ITEMS**

For apportioning, allotting, and paying as provided by law:

| To Counties                                           | 232,600,000 |
| To Municipalities                                    | 326,300,000 |
| To Counties for Distribution to Road Districts       | 105,600,000 |
| **Total**                                            | **$664,500,000** |

Section 290. The following named sums, or so much thereof as may be necessary for the agencies hereinafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Illinois Highway Safety Program under provisions of the National Highway Safety Act of 1966, as amended:

**FOR THE DIVISION OF TRAFFIC SAFETY**

New matter indicated by italics - deletions by strikeout
<table>
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<th>Category</th>
<th>Amount</th>
</tr>
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<tbody>
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<td>For Personal Services</td>
<td>1,220,200</td>
</tr>
<tr>
<td>For State Contributions to State Employees' Retirement System</td>
<td>202,553</td>
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<td>For State Contributions to Social Security</td>
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<td>For Contractual Services</td>
<td>675,500</td>
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<tr>
<td>For Travel</td>
<td>70,000</td>
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<tr>
<td>For Commodities</td>
<td>308,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>180,000</td>
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<td>For Equipment</td>
<td>60,000</td>
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<tr>
<td>For Telecommunications Services</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$2,809,599</td>
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**FOR THE SECRETARY OF STATE**

<table>
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<th>Category</th>
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<tbody>
<tr>
<td>For Personal Services</td>
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<td>For Employee Retirement</td>
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<td>For State Contributions to State</td>
<td>16,448</td>
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<tr>
<td>For State Contributions to Social Security</td>
<td>7,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>208,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>3,500</td>
</tr>
<tr>
<td>For Commodities</td>
<td>23,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>7,700</td>
</tr>
<tr>
<td>For Equipment</td>
<td>46,800</td>
</tr>
<tr>
<td>For Operation of Automotive Equipment</td>
<td>44,600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$607,938</td>
</tr>
</tbody>
</table>

**FOR THE DEPARTMENT OF STATE POLICE**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>4,139,100</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td>687,091</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>316,641</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>12,700</td>
</tr>
<tr>
<td>For Travel</td>
<td>24,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>44,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>6,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Equipment......................................... 59,100
For Operation of Auto Equipment.................. 239,500
Total $5,528,132

FOR THE ILLINOIS LAW ENFORCEMENT
STANDARDS TRAINING BOARD
For Contractual Services.......................... 95,000
For Printing......................................... 5,000
Total $100,000

FOR LOCAL GOVERNMENTS
For local highway safety projects
by county and municipal governments,
state and private universities and other
private entities................................. 6,700,000

Section 295. The following named sums, or so much thereof as
may be necessary for the agencies hereinafter named, are appropriated
from the Road Fund to the Department of Transportation for
implementation of the Commercial Motor Vehicle Safety Program under
provisions of Title IV of the Surface Transportation Assistance Act of
1982, as amended by the SAFETEA-LU:

FOR THE DIVISION OF TRAFFIC SAFETY
For Personal Services............................ 2,256,100
For State Contributions to State
Employees' Retirement System..................... 374,513
For State Contributions to Social Security...... 172,592
For Contractual Services......................... 1,328,000
For Travel.......................................... 356,500
For Commodities.................................. 60,000
For Printing........................................ 10,000
For Equipment....................................... 96,000
For Equipment: Purchase of Cars and Trucks..... 210,000
For Telecommunications Services............... 73,400
For Operation of Automotive Equipment......... 0
Total $4,937,104

FOR THE DEPARTMENT OF STATE POLICE

New matter indicated by italics - deletions by strikeout
For Personal Services.......................... 6,254,500
For State Contributions to State Employees' Retirement System............. 1,038,247
For State Contributions to Social Security...... 478,469
For Contractual Services......................... 333,100
For Travel....................................... 339,600
For Commodities................................. 296,900
For Printing...................................... 64,500
For Equipment.................................... 612,000
For Equipment:
  Purchase of Cars and Trucks................... 1,300,000
  For Telecommunications Services............... 701,600
  For Operation of Automotive Equipment........ 216,300
Total ................................................................ 12,135,216

Section 300. The following named sums, or so much thereof as may be necessary for the agencies hereafter named, are appropriated from the Road Fund to the Department of Transportation for implementation of the Section 163 Impaired Driving Incentive Grant Program (.08 Alcohol) as authorized by the SAFETEA-LU:

FOR THE DEPARTMENT OF NATURAL RESOURCES (.08)
For Personal Services............................. 90,300
For the State Contribution to State Employees' Retirement System........ 14,990
For the State Contribution to Social Security................................. 6,908
For Equipment........................................ 94,200
Total ................................................................ 206,398

FOR THE DIVISION OF TRAFFIC SAFETY (.08)
For Contractual Services......................... 400,000
For Travel............................................. 50,000
For Commodities...................................... 200,000
For Equipment...................................... 197,100
For Telecommunications.......................... 0
Total ................................................................ 847,100

New matter indicated by italics - deletions by strikeout
FOR THE SECRETARY OF STATE (.08)

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>0</td>
</tr>
<tr>
<td>For the State Contribution to State Employees' Retirement System</td>
<td>0</td>
</tr>
<tr>
<td>For the State Contribution to Social Security</td>
<td>0</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>200,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Printing</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$200,000</td>
</tr>
</tbody>
</table>

FOR THE DEPARTMENT OF PUBLIC HEALTH (.08)

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Contractual Services</td>
<td>87,100</td>
</tr>
</tbody>
</table>

FOR THE DEPARTMENT OF STATE POLICE (.08)

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>0</td>
</tr>
<tr>
<td>For the State Contribution to State Employees' Retirement System</td>
<td>0</td>
</tr>
<tr>
<td>For the State Contribution to Social Security</td>
<td>0</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>150,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>0</td>
</tr>
<tr>
<td>For Commodities</td>
<td>0</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Operation of Auto Equipment</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$150,000</td>
</tr>
</tbody>
</table>

FOR LOCAL GOVERNMENTS (.08)

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For local highway safety projects by county and municipal governments, state and private universities and other private entities</td>
<td>5,700,000</td>
</tr>
</tbody>
</table>

Section 305. The following named sums, or so much thereof as may be necessary for the agencies hereafter named, are appropriated from

New matter indicated by italics - deletions by strikeout
the Road Fund to the Department of Transportation for implementation of the Alcohol Traffic Safety Programs of Title XXIII of the Surface Transportation Assistance Act of 1982, as amended by the SAFETEA-LU:

FOR THE ILLINOIS LIQUOR CONTROL COMMISSION (410)
For Personal Services............................. 45,000
For the State Contribution to State
  Employees’ Retirement System................. 7,470
For the State Contribution to Social
  Security.................................... 3,443
For Contractual Services....................... 16,000
For Travel................................... 16,400
For Printing................................ 15,000
For Telecommunication Services............... 1,300
Total $104,613

FOR THE DIVISION OF TRAFFIC SAFETY (410)
For Contractual Services....................... 1,210,000
For Travel................................... 10,000
For Commodities............................... 60,000
For Printing................................ 60,000
For Equipment................................ 0
Total $1,340,000

FOR THE SECRETARY OF STATE (410)
For Personal Services.......................... 40,000
For Employee Retirement
  Contributions Paid by State............... 6,640
For the State Contribution to State
  Employees’ Retirement System............. 3,060
For the State Contribution to Social
  Security................................ 600
For Contractual Services.................... 500
For Travel.................................. 1,500
For Commodities.................. 41,900
For Printing................................ 1,500
For Equipment............................. 3,400

New matter indicated by italics - deletions by strikeout
For Telecommunication Services....................... 100
For Operation of Auto Equipment....................... 0
Total $99,200

FOR THE DEPARTMENT OF STATE POLICE (410)
For Personal Services.......................... 1,130,400
For the State Contribution to State Employees' Retirement System......................... 187,646
For the State Contribution to Social Security......................................... 86,476
For Contractual Services......................... 0
For Travel............................................. 0
For Commodities................................... 24,000
For Printing....................................... 4,500
For Equipment.......................................... 0
For Operation of Auto Equipment................... 89,000
Total $1,522,022

FOR THE ILLINOIS LAW ENFORCEMENT STANDARDS TRAINING BOARD (410)
For Contractual Services......................... 130,000
For Printing...................................... 20,000
Total $150,000

FOR THE ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS(410)
For Contractual Services......................... 25,000
For Travel........................................ 25,000
For Printing....................................... 5,000
Total $55,000

FOR LOCAL GOVERNMENTS
For local highway safety projects by county and municipal governments, state and private universities and other private entities........................ 4,000,000

Section 310. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the Comprehensive Regional Planning

New matter indicated by italics - deletions by strikeout
Fund to the Department of Transportation for comprehensive regional planning purposes. Each year’s distribution split will be as follows: 70% to the Chicago Metropolitan Agency on Planning, 25% to the State’s other Metropolitan Planning Organizations (exclusive of CMAP), each MPO receiving a percentage equal to the percent of its area population represents to the total population of the areas of all the State’s MPOs (exclusive of CMAP); and 5% to the State’s Rural Planning Agencies, each Agency receiving a percentage equal to the percent of its area population represents to the total population to the area of all the State’s Rural Planning Agencies.

Section 315. No contract shall be entered into or obligation incurred or any expenditure made from an appropriation herein made in this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

ARTICLE 362
CENTRAL ADMINISTRATION AND PLANNING
LUMP SUMS

Section 5. The sum of $2,405,287, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made in the line item, "For Planning, Research and Development Purposes" for the Central Offices, Administration and Planning in Article 61, Section 10 and Article 61A, Section 5 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 10. The sum of $1,676,283, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30,
2007, from the appropriation and reappropriation concerning hazardous material abatement (previously identified as asbestos abatement) heretofore made in Article 61, Section 10 and Article 61A, Section 10 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 15. The sum of $58,373,564, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made for metropolitan planning in Article 61, Section 10 and Article 61A, Section 15 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 20. The sum of $7,291,266, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made in Article 61, Section 10 and Article 61A, Section 20 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for metropolitan planning and research purposes.

Section 25. The sum of $1,861,153, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 61A, Section 30 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for Phase II of the ADVANCE demonstration project for the federal and private share as provided by law.

Section 30. The sum of $1,787,497, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 61A, Section 25 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for Phase II of the ADVANCE demonstration project for the state share as provided by law.

Section 35. The sum of $20,973,608, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made in Article 61, Section 10 and Article 61A, Section 35 of Public Act 94-0798,
as amended, is reappropriated from the Road Fund to the Department of Transportation for the federal share of the IDOT ITS program.

Section 40. The sum of $18,261,287, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made in Article 61, Section 10 and Article 61A, Section 40 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the state share of the IDOT ITS program.

AWARDS AND GRANTS

Section 45. The sum of $64,664,244, or so much thereof as may be necessary, and remains unexpended, less $43,000,000 to be lapsed from the unexpended balance, at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made in Article 61, Section 15 and Article 61A, Section 45 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for Enhancement and Congestion Mitigation and Air Quality Projects.

CENTRAL OFFICE, DIVISION OF HIGHWAYS

LUMP SUM

Section 50. The sum of $1,216,652, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation concerning vehicle damages heretofore made in Article 61, Section 30 and Article 61A, Section 60 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 55. The sum of $960,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation heretofore made in Article 61, Section 35 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for costs associated with the State Radio Communications for the 21st Century (STARCOM) program.

Section 60. The sum of $2,022,668, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 61A, Section 65
of Public Act 94-0798, as amended by the Act, is reappropriated from the Federal Civil Preparedness Administrative Fund to the Illinois Department of Transportation for costs associated with Illinois Terrorism Task Force approved purchases for homeland security.

**AWARDS AND GRANTS**

Section 65. The sum of $42,666,497, or so much thereof as may be necessary, and remains unexpended, less $6,000,000 to be lapsed from the unexpended balance, at the close of business on June 30, 2007, from the appropriations and reappropriation heretofore made for Local Traffic Signal Maintenance Agreements and City, County and other State Maintenance Agreements in Article 61, Section 50 and Article 61A, Section 70 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

**DIVISION OF TRAFFIC SAFETY**

**LUMP SUMS**

Section 70. The sum of $11,669,524, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made in Article 61, Section 65 and Article 61A, Section 73 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for improvements to traffic safety, provided such amount not exceed funds to be made available from the federal government pursuant to the primary seatbelt enforcement incentive grant.

**DIVISION OF TRAFFIC SAFETY - CYCLE RIDER SAFETY AWARDS AND GRANTS**

Section 75. The sum of $4,253,686, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made, in Article 61, Section 80 and Article 61A, Section 75 of Public Act 94-0798, as amended, is reappropriated from the Cycle Rider Safety Training Fund to the Department of Transportation for the same purposes.

**DIVISION OF AERONAUTICS**

**AWARDS AND GRANTS**

New matter indicated by italics - deletions by strikeout
Section 80. The sum of $2,063,204, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation concerning airport improvements heretofore made in Article 61, Section 155 and Article 61A, Section 80 of Public Act 94-0798, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 85. The sum of $1,650,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation heretofore made in Article 61, Section 280 of Public Act 94-0798, as amended, is reappropriated from the I-FLY Fund to the Department of Transportation for grants to the Quincy Regional Airport, the Decatur Airport, and the Williamson County Regional Airport, pursuant to the I-FLY Act.

HIGHWAY SAFETY PROGRAM – DIVISION OF TRAFFIC SAFETY AWARDS AND GRANTS

Section 90. The sum of $10,461,728, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation concerning Highway Safety Grants heretofore made in Article 61, Section 255 and Article 61A, Section 85 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for local highway safety projects by county and municipal governments, state and private universities and other private entities.

Section 95. The sum of $3,092,225, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation concerning Section 163 Impaired Driving Incentive Grants (.08 alcohol) heretofore made in Article 61, Section 265 and Article 61A, Section 90 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for local highway safety projects by county and municipal governments, state and private universities and other private entities.

Section 100. The sum of $5,622,293, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30,
2007 from the appropriation and reappropriation concerning Alcohol Traffic Safety Grants (410) heretofore made in Article 61, Section 260 and Article 61A, Section 95 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for local highway safety projects by county and municipal governments, state and private universities and other private entities.

PUBLIC AND INTERMODAL TRANSPORTATION DIVISION
LUMP SUMS

Section 105. The sum of $1,013,952, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made for public transportation technical studies in Article 61, Section 170 and Article 61A, Section 100 of Public Act 94-0798, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the same purposes.

Section 110. The sum of $356,686, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 61A, Section 103 of Public Act 94-0798, as amended, is reappropriated from the General Revenue Fund to the Department of Transportation for the Intertownship Transportation Program for Northwest Suburban Cook County.

Section 115. The sum of $2,731,762, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made in Article 61, Section 175 and Article 61A, Section 105 of Public Act 94-0798, as amended, is reappropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for federal reimbursement of transit studies as provided by the SAFETEA-LU.

Section 120. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriations heretofore made in Article 61, Sections 25, 90, 95, 100, 105, 110, 115, 120, 125, 130 and 135 of Public

New matter indicated by italics - deletions by strikeout
Act 94-0798, as amended, are reappropriated from the Road Fund to the Department of Transportation for the same purposes as follows:

<table>
<thead>
<tr>
<th>Central Offices, Division of Highways</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For Purchase of Cars and Trucks........</td>
<td>416,000</td>
</tr>
<tr>
<td>Day Labor</td>
<td></td>
</tr>
<tr>
<td>For Purchase of Cars and Trucks........</td>
<td>379,400</td>
</tr>
<tr>
<td>District 1, Schaumburg Office</td>
<td></td>
</tr>
<tr>
<td>For Purchase of Cars and Trucks........</td>
<td>6,674,072</td>
</tr>
<tr>
<td>District 2, Dixon Office</td>
<td></td>
</tr>
<tr>
<td>For Purchase of Cars and Trucks........</td>
<td>2,601,976</td>
</tr>
<tr>
<td>District 3, Ottawa Office</td>
<td></td>
</tr>
<tr>
<td>For Purchase of Cars and Trucks........</td>
<td>2,247,700</td>
</tr>
<tr>
<td>District 4, Peoria Office</td>
<td></td>
</tr>
<tr>
<td>For Purchase of Cars and Trucks........</td>
<td>1,048,900</td>
</tr>
<tr>
<td>District 5, Paris Office</td>
<td></td>
</tr>
<tr>
<td>For Purchase of Cars and Trucks........</td>
<td>2,811,313</td>
</tr>
<tr>
<td>District 6, Springfield Office</td>
<td></td>
</tr>
<tr>
<td>For Purchase of Cars and Trucks........</td>
<td>1,868,000</td>
</tr>
<tr>
<td>District 7, Effingham Office</td>
<td></td>
</tr>
<tr>
<td>For Purchase of Cars and Trucks........</td>
<td>1,375,400</td>
</tr>
<tr>
<td>District 8, Collinsville Office</td>
<td></td>
</tr>
<tr>
<td>For Purchase of Cars and Trucks........</td>
<td>1,569,100</td>
</tr>
<tr>
<td>District 9, Carbondale Office</td>
<td></td>
</tr>
<tr>
<td>For Purchase of Cars and Trucks........</td>
<td>638,064</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$21,629,925</strong></td>
</tr>
</tbody>
</table>

Section 125. No contract shall be entered into or obligation incurred or any expenditure made from a reappropriation herein made in Section 80 GRF Aeronautics of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

**ARTICLE 365**

Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated from the General Revenue Fund to meet the

New matter indicated by italics - deletions by strikeout
ordinary and contingent expenses of the Office of the State Appellate Defender.

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>14,340,000</td>
</tr>
<tr>
<td>For State Contribution to State Employees’ Retirement System</td>
<td>2,374,847</td>
</tr>
<tr>
<td>For Social Security</td>
<td>1,097,010</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>2,202,996</td>
</tr>
<tr>
<td>For Travel</td>
<td>111,800</td>
</tr>
<tr>
<td>For Commodities</td>
<td>40,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>36,100</td>
</tr>
<tr>
<td>For Equipment</td>
<td>54,400</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>621,864</td>
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<tr>
<td>For Telecommunications</td>
<td>154,756</td>
</tr>
<tr>
<td>For Law Student Program</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$21,033,773</td>
</tr>
</tbody>
</table>

Section 10. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated from the General Revenue Fund to the Office of the State Appellate Defender for the ordinary and contingent expenses of the Post Conviction Unit.

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>810,000</td>
</tr>
<tr>
<td>For State Contribution to State Employees’ Retirement System</td>
<td>134,144</td>
</tr>
<tr>
<td>For Social Security</td>
<td>61,965</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>176,942</td>
</tr>
<tr>
<td>For Travel</td>
<td>25,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>3,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>3,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>10,500</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>18,300</td>
</tr>
<tr>
<td>For Telecommunications</td>
<td>16,900</td>
</tr>
<tr>
<td>Total</td>
<td>$1,259,751</td>
</tr>
</tbody>
</table>

Section 15. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated to the office of the State Appellate Defender for
expenses related to federally assisted programs to work on systemic sentencing issues appeals cases to which the agency is appointed.

Payable from State Appellate Defender

Federal Trust Fund............................. 300,000

Required State Match:

Payable from General Revenue Fund............. 65,000

Section 20. The sum of $2,922,843, or so much thereof as may be necessary, is appropriated from the Capital Litigation Trust Fund to the Office of the State Appellate Defender for expenses incurred in providing assistance to trial attorneys under item (c)(5) of Section 10 of the State Appellate Defender Act.

Section 25. The sum of $250,200, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the State Appellate Defender for the ordinary and contingent expenses of the Expungement Program.

Section 30. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the State Appellate Defender to provide statewide training to Public Defenders under the Public Defender Training Program.

ARTICLE 370

Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated to the Office of the State's Attorneys Appellate Prosecutor for the objects and purposes hereinafter named to meet its ordinary and contingent expenses for the fiscal year ending June 30, 2008:

For Personal Services:

Payable from General Revenue Fund for Collective Bargaining Unit......................... 2,568,663
Payable from General Revenue Fund for Administrative Unit................................. 880,060
Payable from State's Attorney Appellate Prosecutor's County Fund....................... 679,600

For State Contribution to the State Employees' Retirement System Pick Up:

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0348

Payable from General Revenue Fund for
Collective Bargaining Unit...................... 103,272
Payable from General Revenue Fund for
Administrative Unit............................. 35,464
Payable from State's Attorneys Appellate
Prosecutor's County Fund......................... 27,200

For State Contribution to the State Employees' Retirement System:
Payable from General Revenue Fund for
Collective Bargaining Unit...................... 333,592
Payable from General Revenue Fund for
Administrative Unit............................. 114,268
Payable from State's Attorneys Appellate
Prosecutor's County Fund......................... 112,600

For State Contribution to Social Security
Payable from General Revenue Fund for
Collective Bargaining Unit...................... 196,502
Payable from General Revenue Fund for
Administrative Unit............................. 67,324
Payable from State's Attorneys Appellate
Prosecutor's County Fund......................... 52,000

For County Reimbursement to State for Group Insurance:
Payable from State's Attorneys Appellate
Prosecutor's County Fund......................... 155,400

For Contractual Services:
Payable from General Revenue Fund.............. 442,807
Payable from State's Attorneys Appellate
Prosecutor's County Fund......................... 614,700

For Contractual Services for Tax Objection Casework:
Payable from General Revenue Fund.............. 70,000
Payable from State's Attorneys Appellate
Prosecutor's County Fund......................... 33,300

For Contractual Services for Rental of Real Property:
Payable from General Revenue Fund.............. 237,848

New matter indicated by italics - deletions by strikeout
Payable from State's Attorneys Appellate Prosecutor's County Fund.......................... 132,700

For Travel:
Payable from General Revenue Fund................... 17,201
Payable from State's Attorneys Appellate Prosecutor's County Fund..................... 9,100

For Commodities:
Payable from General Revenue Fund................... 15,347
Payable from State's Attorneys Appellate Prosecutor's County Fund..................... 9,400

For Printing:
Payable from General Revenue Fund................... 4,900
Payable from State's Attorneys Appellate Prosecutor's County Fund..................... 3,600

For Equipment:
Payable from General Revenue Fund................... 26,368
Payable from State's Attorneys Appellate Prosecutor's County Fund..................... 30,900

For Electronic Data Processing:
Payable from General Revenue Fund................... 16,686
Payable from State's Attorneys Appellate Prosecutor's County Fund..................... 31,400

For Telecommunications:
Payable from General Revenue Fund................... 21,527
Payable from State's Attorneys Appellate Prosecutor's County Fund..................... 34,700

For Operation of Automotive Equipment:
Payable from General Revenue Fund................... 10,918
Payable from State's Attorneys Appellate Prosecutor's County Fund..................... 8,300

For Law Intern Program:
Payable from General Revenue Fund................... 100
Payable from State's Attorneys Appellate Prosecutor's County Fund..................... 27,400

New matter indicated by italics - deletions by strikeout
For Continuing Legal Education:
  Payable from General Revenue Fund.................. 100
  Payable from Continuing Legal Education
  Trust Fund........................................... 150,000

For Legal Publications:
  Payable from General Revenue Fund................. 3,500
  Payable from State's Attorneys Appellate
  Prosecutor's County Fund............................ 13,900

For expenses for assisting County State's Attorneys for services provided
under the Illinois Public Labor Relations Act:
For Personal Services:
  Payable from General Revenue Fund.................. 91,080
  Payable from State's Attorneys Appellate
  Prosecutor's County Fund............................. 51,000

For State Contribution to the State Employees' Retirement System Pick
Up:
  Payable from General Revenue Fund.................. 3,700
  Payable from State's Attorneys Appellate
  Prosecutor's County Fund............................. 2,100

For State Contribution to the State Employees' Retirement System:
  Payable from General Revenue Fund.................. 11,893
  Payable from State's Attorneys Appellate
  Prosecutor's County Fund............................. 8,500

For Contribution to Social Security:
  Payable from General Revenue Fund.................. 6,967
  Payable from State's Attorneys Appellate
  Prosecutor's County Fund............................. 3,900

For County Reimbursement to State for Group Insurance:
  Payable from State's Attorneys Appellate
  Prosecutor's County Fund............................. 14,800

For Contractual Services:
  Payable from General Revenue Fund.................. 6,300
  Payable from State's Attorneys Appellate
  Prosecutor's County Fund............................. 251,300

New matter indicated by italics - deletions by strikeout
For Travel:
Payable from General Revenue Fund .................. 1,200
Payable from State's Attorneys Appellate
Prosecutor's County Fund .......................... 1,200

For Commodities:
Payable from General Revenue Fund .................... 600
Payable from State's Attorneys Appellate
Prosecutor's County Fund ............................ 800

For Equipment:
Payable from General Revenue Fund .................... 600
Payable from State's Attorneys Appellate
Prosecutor's County Fund ......................... 1,200

For Operation of Automotive Equipment:
Payable from General Revenue Fund .................. 1,100
Payable from State's Attorneys Appellate
Prosecutor's County Fund ........................... 1,100

For expenses pursuant to
Narcotics Profit Forfeiture Act:
Payable from Narcotics Profit Forfeiture Fund ........ 0

For Expenses Pursuant to Drug Asset
Forfeiture Procedure Act:
Payable from Narcotics Profit
Forfeiture Fund ................................. 1,350,000

For Expenses Pursuant to P.A. 84-1340,
which requires the Office of the State's
Attorneys Appellate Prosecutor to conduct
training programs for Illinois State's Attorneys,
Assistant State's Attorneys and Law Enforcement
Officers on techniques and methods of
eliminating or reducing the trauma of testifying
in criminal proceedings for children who serve
as witnesses in such proceedings;
and other authorized criminal justice
training programs:

New matter indicated by italics - deletions by strikeout
Payable from General Revenue Fund.............. 80,000
For Expenses Related to federally assisted
Programs to assist local
State's Attorneys including violent crimes,
drug related cases and cases arising under
the Narcotics Profit Forfeiture Act
on the request of the State's Attorney:
Payable from Special Federal Grant
Project Fund........................................ 2,000,000
For Local Matching Purposes:
Payable from State's Attorneys Appellate
Prosecutor's County Fund.......................... 0
For State Matching Purposes:
Payable from General Revenue Fund............ 138,500
For Expenses Pursuant to Grant Agreements
For Training Grant Programs:
Payable from Continuing Legal Education
Trust Fund......................................... 0
For Expenses Pursuant to the Capital
Crimes Litigation Act:
Payable from the Capital Litigation
Trust Fund......................................... 600,000
For Appropriation to the State Treasurer
for Expenses Incurred by State's Attorneys
other than Cook County:
Payable from the Capital Litigation
Trust Fund......................................... 1,000,000
For Appropriation to the State's Attorneys
Appellate Prosecutor for a grant to the
Cook County State's Attorney for expenses
incurred in filing appeals in Cook County...... 3,000,000
(Total, $15,920,487;
General Revenue Fund, $8,508,387;
Office of the State's Attorneys Appellate

New matter indicated by italics - deletions by strikeout
Prosecutor's County Fund, $2,312,100;
Continuing Legal Education Trust Fund, $150,000;
Narcotics Profit Forfeiture Fund, $1,350,000;
Special Federal Grant Project Funds, $2,000,000;
Capital Litigation Trust Fund, $1,600,000)

ARTICLE 375

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

MANAGEMENT AND ADMINISTRATIVE SUPPORT

Payable from General Revenue Fund:

For Personal Services......................... 478,000
For State Contributions to State
  Employees' Retirement System.................. 79,400
For State Contributions to
  Social Security................................ 37,000
For Contractual Services...................... 1,043,000
For Travel...................................... 4,000
For Commodities.............................. 1,000
For Printing................................... 7,000
For Equipment................................. 7,000
For Electronic Data Processing............... 14,000
For Telecommunications....................... 63,000
For Operation of Auto Equipment............. 7,000
For Training and Education................... 207,000
For costs and services related
to ILEAS/MABAS administration............... 125,000
Total $2,461,400

Payable from Radiation Protection Fund:
For Personal Services.......................... 0
For State Contributions to State
  Employees' Retirement System................. 0
For State Contributions to
  Social Security.............................. 0

New matter indicated by italics - deletions by strikeout
For Group Insurance.......................... 0
For Contractual Services...................... 25,000
For Travel....................................... 5,000
For Commodities.............................. 1,000
For Printing.................................... 1,000
For Electronic Data Processing............... 25,000
For Telecommunications Services............ 11,000
For Operation of Auto Equipment............. 5,000
Total $73,000

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services....................... 1,774,500
For State Contributions to State
  Employees' Retirement System.............. 294,600
For State Contributions to
  Social Security............................ 136,000
For Group Insurance......................... 385,000
For Contractual Services.................... 650,000
For Travel..................................... 12,000
For Commodities............................. 6,000
For Printing.................................. 1,000
For Equipment................................ 22,000
For Electronic Data Processing.............. 446,000
For Telecommunications Services.......... 199,000
For Operation of Auto Equipment........... 0
Total $3,926,100

Payable from the Emergency Management Preparedness Fund:
For an Emergency Management Preparedness Program........... 4,059,000

Payable from the Federal Civil Preparedness Administrative Fund:
For Terrorism Preparedness and Training costs in the current

New matter indicated by italics - deletions by strikeout
and prior years............................... 148,200,000
For Terrorism Preparedness and
Training costs in the current
and prior years in the Chicago
Urban Area................................. 179,500,000

Payable from the September 11th Fund:
For grants, contracts, and administrative
expenses pursuant to 625 ILCS 5/3-653,
including prior year costs.................... 100,000

Whenever it becomes necessary for the State or any governmental
unit to furnish in a disaster area emergency services directly related to or
required by a disaster and existing funds are insufficient to provide such
services, the Governor may, when he considers such action in the best
interest of the State, release funds from the General Revenue disaster relief
appropriation in order to provide such services or to reimburse local
governmental bodies furnishing such services. Such appropriation may be
used for payment of the Illinois National Guard when called to active duty
in case of disaster, and for the emergency purchase or renting of
equipment and commodities. Such appropriation shall be used for
emergency services and relief to the disaster area as a whole and shall not
be used to provide private relief to persons sustaining property damages or
personal injury as a result of a disaster.

Payable from General Revenue Fund:
For disaster relief costs incurred
in current and prior years..................... 500,000

Section 10. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated to the Illinois Emergency
Management Agency for grants to local emergency organizations for
objects and purposes hereinafter named:
Payable from the Federal Hardware
Assistance Fund:
For Communications and Warning Systems........ 500,000
For Emergency Operating Centers............... 500,000

New matter indicated by italics - deletions by strikeout
Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

**OPERATIONS**

Payable from General Revenue Fund:
- For Personal Services: 1,062,000
- For State Contributions to State Employees' Retirement System: 176,300
- For State Contributions to Social Security: 81,000
- For Contractual Services: 72,000
- For Travel: 6,000
- For Commodities: 3,000
- For Printing: 5,000
- For Equipment: 101,000
- For Electronic Data Processing: 0
- For Telecommunications: 121,000
- For Operation of Auto Equipment: 50,000
- **Total**: $1,677,300

Payable from Nuclear Safety Emergency Preparedness Fund:
- For Personal Services: 1,210,200
- For State Contributions to State Employees' Retirement System: 200,900
- For State Contributions to Social Security: 92,800
- For Group Insurance: 330,000
- For Contractual Services: 144,000
- For Travel: 31,000
- For Commodities: 24,000
- For Printing: 3,000
- For Equipment: 150,000
- For Electronic Data Processing: 0
- For Telecommunications: 81,000
- For Operation of Auto Equipment: 80,000
- **Total**: $2,346,900

New matter indicated by italics - deletions by strikeout
Payable from the Emergency Management Preparedness Fund:
  For an Emergency Management Preparedness Program........... 4,200,000

Payable from Federal Civil Preparedness Administrative Fund:
  For Training and Education.................. 400,000

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter enumerated:

  RADIATION SAFETY

Payable from Radiation Protection Fund:
  For Personal Services.................. 3,001,600
  For State Contributions to State Employees' Retirement System........... 498,300
  For State Contributions to Social Security......................... 229,100
  For Group Insurance................................. 595,000
  For Contractual Services...................... 229,000
  For Travel...................................... 100,000
  For Commodities.................................. 13,000
  For Printing........................................ 30,000
  For Equipment.................................. 46,000
  For Electronic Data Processing.................. 10,000
  For Telecommunications.......................... 45,000
  For Operation of Auto............................ 4,000
  For Refunds.................................... 100,000
  For reimbursing other governmental agencies for their assistance in responding to radiological emergencies........ 100,000

Total $5,001,000

Section 25. The amount of $1,250,000, or so much thereof as may be necessary, is appropriated from the Indoor Radon Mitigation Fund to the Illinois Emergency Management Agency for current and prior year

New matter indicated by italics - deletions by strikeout
expenses relating to the federally funded State Indoor Radon Abatement Program.

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter enumerated:

**NUCLEAR FACILITY SAFETY**

Payable from Nuclear Safety Emergency Preparedness Fund:

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>4,195,800</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>696,500</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>320,700</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>784,000</td>
</tr>
<tr>
<td>For Travel</td>
<td>100,000</td>
</tr>
<tr>
<td>For Commodities</td>
<td>237,000</td>
</tr>
<tr>
<td>For Printing</td>
<td>1,000</td>
</tr>
<tr>
<td>For Equipment</td>
<td>564,000</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>0</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>633,000</td>
</tr>
<tr>
<td>For Operation of Auto</td>
<td>11,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$8,268,000</strong></td>
</tr>
</tbody>
</table>

Section 35. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

**DISASTER ASSISTANCE AND PREPAREDNESS**

Payable from General Revenue Fund:

<table>
<thead>
<tr>
<th>Object</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>422,000</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees’ Retirement System</td>
<td>70,100</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>32,000</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>3,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Travel................................. 2,000
For Commodities........................... 1,000
For Printing............................... 1,000
For Telecommunications Services......... 8,000
For Operation of Automotive Equipment 0
For State Share of Individual and Household Grant Program for Disaster Declarations in Current and Prior Years.......................... 492,000
Total ....................................... $1,031,100

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services....................... 571,100
For State Contributions to State Employees’ Retirement System........... 94,800
For State Contributions to Social Security........................................... 43,200
For Group Insurance........................ 133,000
For Contractual Services.................... 97,000
For Travel.................................. 35,000
For Commodities........................... 12,000
For Printing............................... 3,000
For Equipment............................. 5,000
For Electronic Data Processing............. 0
For Telecommunications Services......... 13,000
For Operation of Automotive Equipment 0
For compensation to local governments for expenses attributable to implementation and maintenance of plans and programs authorized by the Nuclear Safety Preparedness Act.......................... 650,000
Total ....................................... $1,657,100

Payable from the Federal Aid Disaster Fund:
For Federal Disaster Declarations:
In Current and Prior Years.................. 50,000,000
For State administration of the

New matter indicated by italics - deletions by strikeout
Federal Disaster Relief Program............ 1,000,000
Disaster Relief - Hazard Mitigation in Current and Prior Years.............. 40,000,000
For State administration of the Hazard Mitigation Program............. 1,000,000
Total $92,000,000

Payable from the Emergency Planning and Training Fund:
For Activities as a Result of the Illinois Emergency Planning and Community Right To Know Act........................... 150,000

Payable from the Nuclear Civil Protection Planning Fund:
For Federal Projects.......................... 500,000
For Mitigation Assistance.................. 3,000,000
Total $3,650,000

Payable from the Federal Civil Preparedness Administrative Fund:
For Training and Education............... 2,091,000

Payable from the Emergency Management Preparedness Fund:
For Emergency Management Preparedness............. 4,500,000

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter enumerated:

ENVIRONMENTAL SAFETY

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services...................... 1,817,100
For State Contributions to State Employees' Retirement System........... 301,600
For Social Security......................... 138,800
For Group Insurance......................... 341,000
For Contractual Services.................. 418,000
For Travel................................. 33,000
For Commodities......................... 77,000

New matter indicated by italics - deletions by strikeout
For Printing....................................... 2,000  
For Equipment.................................... 146,000  
For Electronic Data Processing............... 0  
For Telecommunications........................ 13,000  
For Operation of Auto.......................... 13,000  
Total ........................................... $3,300,500  

Payable from Low-Level Radioactive Waste  
Facility Development and Operation Fund:  
For Refunds for Overpayments made by Low-  
Level Waste Generators......................... 5,000  

Section 45. The sum of $1,060,000, or so much thereof as may be  
necessary, is appropriated from the Radiation Protection Fund to the  
Illinois Emergency Management Agency for licensing facilities where  
radioactive uranium and thorium mill tailings are generated or located, and  
related costs for regulating the decontamination and decommissioning of  
such facilities and for identification, decontamination and environmental  
monitoring of unlicensed properties contaminated with such radioactive  
mill tailings.  

Section 50. The sum of $561,000, or so much thereof as may be  
necessary, is appropriated from the Radiation Protection Fund to the  
Illinois Emergency Management Agency for the purpose of funding costs  
related to environmental cleanup of the Ottawa Radiation Areas Superfund  
Project under cooperative agreements with the Federal Government.  

Section 55. The sum of $150,000, or so much thereof as may be  
necessary, is appropriated from the Radiation Protection Fund to the  
Illinois Emergency Management Agency for recovery and remediation of  
radioactive materials and contaminated facilities or properties when such  
expenses cannot be paid by a responsible person or an available surety.  

Section 60. The sum of $150,000, or so much thereof as may be  
necessary, is appropriated from the Radiation Protection Fund to the  
Illinois Emergency Management Agency for local responder training,  
demonstrations, research, studies and investigations under funding  
agreements with the Federal Government.  

New matter indicated by italics - deletions by strikeout
Section 65. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Nuclear Safety Emergency Preparedness Fund to the Illinois Emergency Management Agency for related training and travel expenses and to reimburse the Illinois State Police and the Illinois Commerce Commission for costs incurred for activities related to inspecting and escorting shipments of spent nuclear fuel, high-level radioactive waste, and transuranic waste in Illinois as provided under the rules of the Agency.

Section 70. The sum of $190,000, or so much thereof as may be necessary, is appropriated from the Sheffield Agreed Order Fund to the Illinois Emergency Management Agency for the care, maintenance, monitoring, testing, remediation and insurance of the low-level radioactive waste disposal site near Sheffield, Illinois.

Section 75. The sum of $602,000, or so much thereof as may be necessary, is appropriated from the Low-Level Radioactive Waste Facility Development and Operation Fund to the Illinois Emergency Management Agency for use in accordance with Section 14(a) of the Illinois Low-Level Radioactive Waste Management Act for costs related to establishing a low-level radioactive waste disposal facility.

Section 80. The sum of $389,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Emergency Management Agency for costs and expenses related to or in support of a public safety shared services center.

Section 85. The sum of $156,000, or so much thereof as may be necessary, is appropriated from the Radiation Protection Fund to the Illinois Emergency Management Agency for costs and expenses related to or in support of a public safety shared services center.

Section 90. The sum of $379,000, or so much thereof as may be necessary, is appropriated from the Emergency Management Preparedness Fund to the Illinois Emergency Management Agency for costs and expenses related to or in support of a public safety shared services center.

Section 95. The sum of $963,000, or so much thereof as may be necessary, is appropriated from the Nuclear Safety Emergency Preparedness Fund to the Illinois Emergency Management Agency for
costs and expenses related to or in support of a public safety shared services center.

ARTICLE 380

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Office of the State Fire Marshal, as follows:

GENERAL OFFICE

Payable from the Fire Prevention Fund:
For Personal Services.......................... 8,234,300
For State Contributions to the State
  Employees' Retirement System............... 1,366,900
  For State Contributions to Social Security...... 576,600
  For Group Insurance.......................... 1,999,100
  For Contractual Services....................... 1,030,000
  For Travel....................................... 129,700
  For Commodities................................ 91,000
  For Printing................................... 63,400
  For Equipment.................................. 430,000
  For Electronic Data Processing............... 1,243,000
  For Telecommunications......................... 198,500
  For Operation of Auto Equipment............... 309,000
  For Refunds.................................... 4,000
Total                                                                                       $15,675,500

Payable from the Underground Storage Tank Fund:
For Personal Services.......................... 1,654,400
For State Contributions to the State
  Employees' Retirement System............... 274,600
  For State Contributions to Social Security...... 111,000
  For Group Insurance......................... 414,600
  For Contractual Services.................... 270,900
  For Travel................................... 25,000
  For Commodities.............................. 8,000
  For Printing.................................. 6,000
  For Equipment................................ 161,500

New matter indicated by italics - deletions by strikeout
For Electronic Data Processing...................... 115,000
For Telecommunications.............................. 47,000
For Operation of Auto Equipment.................... 60,000
For Refunds........................................... 10,000
For Expenses of Hearing Officers................... 75,000
Total                                                                                      $3,233,000

Section 10. The sum of $627,900, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for costs and expenses related to or in support of a public safety shared services center.

Section 15. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for administrative expenses of the Elevator Safety and Regulation Act.

Section 20. The sum of $185,000, or so much thereof as may be necessary, is appropriated from the Illinois Firefighters' Memorial Fund to the Office of the State Fire Marshal for expenses related to the maintenance of the Illinois Firefighters' Memorial, holding the annual Fallen Firefighter Ceremony, and other expenses as allowed under Public Act 91-0832.

Section 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Office of the State Fire Marshal as follows:

Payable from the Fire Prevention Fund:
For Fire Prevention Training........................ 69,000
For Expenses of Fire Prevention Awareness Program............................. 80,000
For Expenses of Arson Education and Seminars................................. 42,000
For expenses of new fire chiefs training........ 44,000
For expenses of hearing officers.................... 25,000
Total                                                                 $260,000

Payable from the Fire Prevention Fund:
For Expenses of Life Safety Code Program........ 20,000

New matter indicated by italics - deletions by strikeout
For Expenses of the Risk Watch/Remember
When program................................. 40,000
Payable from the Fire Prevention Division Fund:
For Expenses of the U.S. Resource
Conservation and Recovery Act
Underground Storage Program............... 257,700
Payable from the Emergency Response
Reimbursement Fund:
For Hazardous Material Emergency
Response Reimbursement...................... 5,000

Section 30. The following named amounts, or so much thereof as
may be necessary, respectively, are appropriated for the ordinary and
contingent expenses of the Office of the State Fire Marshal, as follows:

GRANTS
Payable from the Fire Prevention Fund:
For Chicago Fire Department Training Program... 1,950,300
For payment to local governmental agencies
which participate in the State Training
Programs......................................... 1,000,000
For Regional Training Grants..................... 500,000
For payments in accordance with
Public Act 93-0169................................ 25,000
Total........................................... $3,475,300

Section 35. The sum of $1,000, or so much thereof as may be
necessary, is appropriated from the Fire Prevention Fund to the Office of
the State Fire Marshal for grants available for the development of new fire
districts.

Section 40. The sum of $550,000, or so much thereof as may be
necessary, is appropriated from the Underground Storage Tank Fund to the
Office of the State Fire Marshal for a grant to the City of Chicago for
Administrative Costs incurred as a result of the State’s Underground
Storage Program.

Section 45. The sum of $1,000,000, or so much thereof as may be
necessary, is appropriated from the Fire Prevention Fund to the Office of

New matter indicated by italics - deletions by strikeout
the State Fire Marshal for grants available for the development of local
government fire prevention.

Section 50. The sum of $125,000, or so much thereof as may be
necessary, is appropriated from the Fire Prevention Fund to the Office of
the State Fire Marshal for grants available for costs and services related to
ILEAS/MABAS administration.

Section 55. The sum of $430,000, or so much thereof as may be
necessary and remains unexpended at the close of business on June 30,
2007, from an appropriation heretofore made for such purpose in Article
65, Section 5 of Public Act 94-0798, is reappropriated from the Fire
Prevention Fund to the Office of the State Fire Marshal for equipment
purchases.

Section 60. The sum of $714,200, or so much thereof as may be
necessary, is appropriated from the Fire Prevention Fund to the Office of
the State Fire Marshal for grants available for the NITE project.

ARTICLE 385

Section 5. The following named amounts, or so much thereof as
may be necessary, respectively, for the objects and purposes hereinafter
named, are appropriated to the Capital Development Board:

GENERAL OFFICE

Payable from Capital Development Fund:

For Personal Services..........................                                         4,956,300
For State Contributions to State
  Employees' Retirement System.................                                 822,800
For State Contributions to
  Social Security................................                                              366,800
For Group Insurance............................                                        1,124,800
For Contractual Services.........................                                        267,000
For Travel........................................                                                 32,200
For Commodities...................................                                           34,500
For Equipment.....................................                                             10,000
For Telecommunications Services..................                                108,800
For Operation of Auto Equipment...............                                 24,100
For Operational Expenses.........................                                      352,116

New matter indicated by italics - deletions by strikeout
Total $8,099,416

Payable from Capital Development Board Revolving Fund:
For Personal Services ................................ 2,992,300
For State Contributions to State
  Employees' Retirement System .................... 496,700
  For State Contributions to Social Security ..... 221,500
  For Group Insurance ......................... 799,200
  For Contractual Services ...................... 298,100
  For Travel .................................. 210,600
  For Commodities ............................. 11,400
  For Printing ................................. 17,200
  For Equipment ............................... 0
  For Electronic Data Processing ................ 185,200
  For Telecommunications Services ............. 119,500
Total $5,351,700

Payable from the School Infrastructure Fund:
For operational purposes relating to
  the School Infrastructure Program ............. 550,000

Section 10. The sum of $180,600, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Capital Development Board for costs and expenses related to or in support of an environment and economic development shared services enter.

ARTICLE 390

Section 5. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated for the objects and purposes named, to meet the ordinary and contingent expenses of the Judicial Inquiry Board:
For Personal Services ......................... 305,000
For State Contributions to State Employees'
  Retirement System ......................... 48,425
For Retirement - Pension pick-up ............. 11,700
For State Contributions to Social Security .... 22,400
For Contractual Services .................... 315,000
For Travel .................................. 25,000

New matter indicated by italics - deletions by strikeout
For Commodities................................. 2,100
For Printing................................. 7,000
For Equipment................................. 4,500
For EDP............................................ 2,000
For Telecommunications....................... 11,300
For Operations of Auto Equipment............. 4,500
Total.................................................. $758,925

ARTICLE 395
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Law Enforcement Training Standards Board:

OPERATIONS
Payable from the Traffic and Criminal Conviction Surcharge Fund:
For Personal Services.......................... 1,275,700
For State Contributions to State Employees' Retirement System............... 211,800
For State Contributions to Social Security......................... 101,700
For Group Insurance............................. 365,600
For Contractual Services........................ 325,500
For Travel........................................ 34,000
For Commodities.................................. 10,000
For Printing....................................... 5,000
For Equipment................................. 20,000
For Electronic Data Processing............... 68,800
For Telecommunications Services............. 34,900
For Operation of Auto Equipment............. 22,000
For payment of and/or services related to the administration of investigations pursuant to P.A. 93-0655........ 10,000
For costs and expenses related to or in support of a public safety shared services center........ 22,400

New matter indicated by italics - deletions by strikeout
Total $2,507,400

Payable from the Police Training Board Services Fund:
For payment of and/or services related to law enforcement training in accordance with statutory provisions of the Law Enforcement Intern Training Act.................................... 100,000

Payable from the Death Certificate Surcharge Fund:
For payment of and/or services related to death investigation in accordance with statutory provisions of the Vital Records Act.......... 400,000

Payable from the Law Enforcement Camera Grant Fund:
For grants to units of local government in Illinois related to installing video cameras in law enforcement vehicles and training law enforcement officers in the operation of the cameras in accordance with statutory provisions of the Law Enforcement Camera Grant Act........................................ 100,000

Section 10. The following named amount, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, is appropriated to the Law Enforcement Training Standards Board as follows:

GRANTS-IN-AID

Payable from the Traffic and Criminal Conviction Surcharge Fund:
For payment of and/or reimbursement of training and training services in accordance with statutory provisions ..... 11,109,400

ARTICLE 400

New matter indicated by italics - deletions by strikeout
Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to meet the ordinary and contingent expenses of the Prisoner Review Board for the fiscal year ending June 30, 2008:

**PAYABLE FROM GENERAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>867,700</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>144,000</td>
</tr>
<tr>
<td>For State Contributions to</td>
<td></td>
</tr>
<tr>
<td>Social Security</td>
<td>66,300</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>216,500</td>
</tr>
<tr>
<td>For Travel</td>
<td>72,900</td>
</tr>
<tr>
<td>For Commodities</td>
<td>11,400</td>
</tr>
<tr>
<td>For Printing</td>
<td>10,800</td>
</tr>
<tr>
<td>For Equipment</td>
<td>0</td>
</tr>
<tr>
<td>For Electronic Data Processing</td>
<td>17,600</td>
</tr>
<tr>
<td>For Telecommunications Services</td>
<td>14,700</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,421,900</strong></td>
</tr>
</tbody>
</table>

Section 10. The amount of $200,000, or so much thereof as may be necessary, is appropriated from the Prisoner Review Board Vehicle and Equipment Fund to the Prisoner Review Board for all costs associated with the purchase and operation of vehicles and equipment.

**ARTICLE 405**

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the State Police Merit Board:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>403,400</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>67,000</td>
</tr>
<tr>
<td>For State Contributions to Social Security</td>
<td>31,200</td>
</tr>
<tr>
<td>For Contractual Services</td>
<td>386,800</td>
</tr>
<tr>
<td>For Travel</td>
<td>7,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Commodities....................................                                            6,000
For Printing.......................................                                                  6,000
For Equipment..........................................                                                 0
For Electronic Data Processing.....................                                      9,000
For Telecommunications Services.................                                 12,000
For Operation of Automotive Equipment..........                             3,000
Total                                                                                            $931,400

ARTICLE 410

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Illinois Criminal Justice Information Authority:

OPERATIONS

Payable from General Revenue Fund:
For Personal Services..........................                                          1,375,000
For State Contributions to State
  Employees' Retirement System....................                                 228,250
For State Contributions to
  Social Security..................................                                               95,800
For Contractual Services..........................                                    331,700
For Travel........................................                                                 11,200
For Commodities.................................................                              12,000
For Printing...............................................                                        13,500
For Equipment...........................................                                             5,500
For Electronic Data Processing...................                                    165,000
For Telecommunications Services...................                                 44,100
For Operation of Auto Equipment...................                                 13,500
Total                                                                                         $2,295,500

Section 10. The following named sums, or so much thereof as may be necessary, are appropriated from the Illinois Criminal Justice Information Authority for costs and expenses related to or in support of the Public Safety shared services center:
Payable from the General Revenue Fund..............                           170,700
Payable from the Motor Vehicle Theft

New matter indicated by italics - deletions by strikeout
Section 15. The sum of $37,000,000, or so much thereof as may be
necessary, is appropriated from the Criminal Justice Trust Fund to the
Illinois Criminal Justice Information Authority for awards and grants to
local units of government and non-profit organizations.

Section 20. The sum of $12,000,000, or so much thereof as may be
necessary, is appropriated from the Criminal Justice Trust Fund to the
Illinois Criminal Justice Information Authority for awards and grants to
state agencies.

Section 25. The following named sums, or so much thereof as may
be necessary, are appropriated to the Illinois Criminal Justice Information
Authority for activities undertaken in support of federal assistance
programs administered by units of state and local government and non-
profit organizations:

Payable from the General Revenue Fund.............. 810,000
Payable from the Criminal Justice
Trust Fund.................................................. 5,800,000
Total................................................................ 6,610,000

Section 30. The following named amounts, or so much thereof as
may be necessary, are appropriated to the Illinois Criminal Justice
Information Authority for awards and grants and other monies received
from federal agencies, from other units of government, and from
private/not-for-profit organizations for activities undertaken in support of
investigating issues in criminal justice and for undertaking other criminal
justice information projects:

Payable from the Criminal Justice
Trust Fund.................................................. 1,700,000
Payable from the Criminal Justice
Information Projects Fund............................. 400,000
Total................................................................ 2,100,000

New matter indicated by italics - deletions by strikeout
Section 35. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Illinois Criminal Justice Information Authority for awards, grants and operational support to implement the Motor Vehicle Theft Prevention Act:
Payable from the Motor Vehicle Theft Prevention Trust Fund:
For Personal Services............................ 154,800
For other Ordinary and Contingent Expenses ...... 157,400
For Awards and Grants to federal
and state agencies, units of local
government, corporations, and
neighborhood, community and business
organizations to include operational
activities and programs undertaken
by the Authority in support of the
Motor Vehicle Theft Prevention Act.......... 6,500,000
For Refunds....................................... 75,000
Total $6,887,200

Section 40. The sum of $40,000,000, or so much thereof as may be necessary, is appropriated from the Criminal Justice Trust Fund to the Illinois Criminal Justice Information Authority for awards and grants to state agencies and units of local government, to include operational activities and programs undertaken by the Authority, in support of Federal Crime Bill Initiatives.

Section 45. The sum of $4,500,000, or so much thereof as may be necessary, is appropriated from the Juvenile Accountability Incentive Block Grant Trust Fund to the Illinois Criminal Justice Information Authority for awards and grants to state agencies and units of local government, including operational expenses of the Authority in support of the Juvenile Accountability Incentive Block Grant program.

Section 50. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Criminal
Justice Information Authority for costs and expenses related to a capital punishment reform study committee.

Section 55. The sum of $240,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Criminal Justice Information Authority for costs and expenses related to the Downstate Innocence Project.

ARTICLE 415

Section 5. The amount of $240,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the East St. Louis Financial Advisory Authority for the operating expenses of the City of East St. Louis Financial Advisory Authority.

ARTICLE 420

Section 5. The sum of $31,622,778, or so much thereof as may be necessary, is appropriated from the Metropolitan Fair and Exposition Authority Improvement Bond Fund to the Metropolitan Pier and Exposition Authority for debt service on the Authority's Dedicated State Tax Revenue Bonds, issued pursuant to the "Metropolitan Fair and Exposition Authority Act", as amended, and related trustee and legal expenses.

Section 10. The sum of $126,087,776, or so much thereof as may be necessary, is appropriated from the McCormick Place Expansion Project Fund to the Metropolitan Pier and Exposition Authority for debt service on the Authority's McCormick Place Expansion Project Bonds, issued pursuant to the "Metropolitan Pier and Exposition Authority Act", as amended, and related trustee and legal expenses.

ARTICLE 425

Section 5. The sum of $719,313, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Southwestern Illinois Development Authority for replenishment of a draw on the debt service reserve fund backing bonds issued on behalf of Spectrulite Consortium Inc.

Section 10. The sum of $415,655, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Southwestern Illinois Development Authority for replenishment of a draw
on the debt service reserve fund backing bonds issued on behalf of Waste Recovery-Illinois and related trustee and legal expenses.

Section 15. The sum of $1,026,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Southwestern Illinois Development Authority for replenishment of a draw on the debt service reserve fund backing bonds issued on behalf of Alton Business Center Business Park.

Section 20. The sum of $1,441,643, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Southwestern Illinois Development Authority for replenishment of a draw on the debt service reserve fund backing bonds issued on behalf of Laclede Steel-Illinois.

**ARTICLE 430**

Section 5. The sum of $40,782,000, or so much thereof as may be necessary, is appropriated from the Illinois Sports Facilities Fund to the Illinois Sports Facilities Authority for its corporate purposes.

**ARTICLE 435**

Section 5. The sum of $307,200, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Upper Illinois River Valley Development Authority for replenishment of a draw on the Debt Service Reserve Fund backing bonds issued on behalf of Waste Recovery – Illinois and related trustee and legal expenses.

**ARTICLE 440**

Section 5. The following amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes named, to meet the ordinary and contingent expenses of the Illinois Violence Prevention Authority:

Payable from the Violence Prevention Fund:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Personal Services</td>
<td>512,400</td>
</tr>
<tr>
<td>For State Contributions to State</td>
<td></td>
</tr>
<tr>
<td>Employees' Retirement System</td>
<td>85,058</td>
</tr>
<tr>
<td>For State Contribution to Social Security</td>
<td>39,199</td>
</tr>
<tr>
<td>For Group Insurance</td>
<td>118,400</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
For Contractual Services..........................                                         43,000
For Travel........................................                                                 20,000
For Commodities....................................                                            3,000
For Printing......................................                                                 10,000
For Equipment......................................                                              1,000
For Electronic Data Processing.....................                                      2,000
For Telecommunications Services....................                                  2,000
  Total                                                                                            $836,057
Payable from the General Revenue Fund:
  For Contractual Services..........................                                         36,500
  Total                                                                                              $36,500

Section 10. The sum of $1,200,000, or so much thereof as may be necessary, is appropriated from the Violence Prevention Fund to the Illinois Violence Prevention Authority for the purpose of awarding grants under the provisions of the Violence Prevention Act of 1995.

Section 15. The sum of $2,127,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Violence Prevention Authority for the purpose of awarding grants under the provisions of the Violence Prevention Act of 1995.

Section 20. The amount of $849,600, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the Illinois Violence Prevention Authority for the Illinois Family Violence Coordinating Council Program.

Section 25. The amount of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Violence Prevention Authority for all costs associated with Bullying Prevention.

ARTICLE 445

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Illinois Workers’ Compensation Commission Operations Fund to the Illinois Workers’ Compensation Commission:

GENERAL OFFICE

New matter indicated by italics - deletions by strikeout
For Personal Services:
Regular Positions............................. 7,049,900
Arbitrators................................... 3,765,000
For State Contributions to State
Employees’ Retirement System............... 789,300
For Arbitrators’ Retirement System........ 421,500
For State Contributions to Social Security.... 794,900
For Group Insurance.......................... 2,587,200
For Contractual Services...................... 1,459,000
For Travel..................................... 250,000
For Commodities................................ 66,000
For Printing.................................... 35,000
For Equipment.................................. 80,000
For Telecommunications Services.............. 120,000
Total $17,417,800

Section 10. The amount of $118,000, or so much thereof as may be necessary, is appropriated from the Illinois Workers’ Compensation Commission Operations Fund to the Illinois Workers’ Compensation Commission for printing and distribution of Workers’ Compensation handbooks containing information as to the rights and obligations of employers.

Section 15. The amount of $255,000, or so much thereof as may be necessary, is appropriated from the Illinois Workers’ Compensation Commission Operations Fund to the Illinois Workers’ Compensation Commission for the implementation and operation of an accident reporting system.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Illinois Workers’ Compensation Commission Operations Fund to the Illinois Workers’ Compensation Commission:

ELECTRONIC DATA PROCESSING
For Personal Services.......................... 740,000
For State Contributions to State

New matter indicated by italics - deletions by strikeout
Employees' Retirement System..................                                  82,800
For State Contributions to Social Security..........                               59,300
For Group Insurance.............................................                        177,600
For Contractual Services.............................                                        165,000
For Travel..........................................................                                6,000
For Commodities..................................................                                  10,000
For Printing..........................................................                                 2,000
For Equipment......................................................                                        15,000
For Telecommunications Services.....................                                 100,000
Total                                                                                         $1,357,700

Section 25. The amount of $1,085,000, or so much thereof as may
be necessary, is appropriated from the Illinois Workers’ Compensation
Commission Operations Fund to Illinois Workers’ Compensation
Commission for costs associated with the establishment, administration
and operations of the Insurance Compliance Division of the workers’
compensation anti-fraud program administered by Illinois Workers’
Compensation Commission.

Section 30. The amount of $250,000, or so much thereof as may be
necessary, is appropriated from the Illinois Workers’ Compensation
Commission Operations Fund to Illinois Workers’ Compensation
Commission for costs associated with the establishment of the Medical
Fee Schedule and other provisions of the Workers’ Compensation Act.

ARTICLE 450

Section 5. The sum of $1,250,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Illinois
Power Agency for its ordinary and contingent expenses.

ARTICLE 453

Section 5. The amount of $681,400, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Children and Family Services for expenses related to the
hiring of 48 additional frontline staff over the levels appropriated in
Article 310.

Section 10. The amount of $236,700, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Illinois

New matter indicated by italics - deletions by strikeout
Environmental Protection Agency for expenses related to the hiring of 20 additional frontline staff over the levels appropriated in Article 215.

Section 15. The amount of $12,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Corrections for expenses related to the hiring of 500 additional frontline staff over the levels appropriated in Article 335.

Section 20. The amount of $8,589,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for expenses related to the hiring of 175 additional frontline staff in the Division of Human Capital Development local offices and 200 additional frontline staff in state operated facilities over the levels appropriated in Article 285.

Section 25. The amount of $128,200, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Employment Security for expenses related to the hiring of 13 additional frontline staff over the levels appropriated in Article 210.

Section 30. The amount of $496,800, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Natural Resources for expenses related to the hiring of 45 additional frontline staff over the levels appropriated in Article 250.

Section 35. The amount of $180,300, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for expenses related to the hiring of 14 additional frontline staff over the levels appropriated in Article 300.

Section 40. The amount of $382,900, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Veterans Affairs for expenses related to the hiring of 40 additional frontline staff over the levels appropriated in Article 305.

Section 45. The amount of $683,300, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of State Police for expenses related to the hiring of 15 forensic scientists and 5 telecommunicators over the levels appropriated in Article 355.

New matter indicated by italics - deletions by strikeout
Section 50. The amount of $1,606,900, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Juvenile Justice for expenses related to the hiring of 50 additional frontline staff over the levels appropriated in Article 340.

ARTICLE 455
OFFICE OF THE ARCHITECT OF THE CAPITOL
Section 5. The amount of $3,883, or so much of this amount as may be necessary and remains unexpended on June 30, 2007, from a reappropriation heretofore made for such purpose in Section 5 of Article 92 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Office of the Architect of the Capitol for plans, specifications, and continuation of work pursuant to the report and recommendations of the architectural, structural, and mechanical surveys of the State Capitol Building. This is for the continuation of the rehabilitation of the Capitol Building.

Section 10. The sum of $587,367, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purposes in Section 10 of Article 92 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Office of the Architect of the Capitol for remodeling, planning, relocation, permanent equipment, and other related expenses, including architectural and engineering fees associated with construction, for the remodeling of office space and other support areas under the jurisdiction of the House of Representatives and the Senate.

Section 15. No contract shall be entered into or obligation incurred for any expenditures from appropriations in Section 5 and 10 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Total, Article 455 $591,250

ARTICLE 460
DEPARTMENT OF AGRICULTURE
Section 5. The following named amounts, or so much thereof as may be necessary are appropriated to the Department of Agriculture for repairs, maintenance, and capital improvements including construction,

New matter indicated by italics - deletions by strikeout
reconstruction, improvement, repair and installation of capital facilities, cost of planning, supplies, materials, equipment, services and all other expenses required to complete the work:
Payable from Agricultural Premium Fund:
For various projects at the State Fairgrounds................................. 600,000
For various projects at the DuQuoin State Fairgrounds....................... 225,000
Total.................................................................................. $825,000

Section 15. The amount of $2,612,500, or so much thereof as may be necessary, is appropriated from the Conservation 2000 Projects Fund to the Department of Agriculture for the Conservation Practices Cost-Share program.
Total, Article 460 ................................................................... $3,437,500

ARTICLE 465
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
Section 5. The sum of $9,824,959, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 94, Section 5 of Public Act 94-0798, is reappropriated from the Capital Development Fund to the Department of Central Management Services for Information Technology infrastructure expenses including but not limited to related hardware and equipment.
Section 10. No contract shall be entered into or obligation incurred for any expenditures from appropriations in Section 5 of this Article until after the purposes and amounts have been approved in writing by the Governor.
Total, Article 465 .............................................................. $9,824,959

ARTICLE 470
DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY
Section 5. The amount of $3,000,000, or so much thereof as may be necessary, is appropriated from the Port Development Revolving Loan Fund to the Department of Commerce and Economic Opportunity for
grants and loans associated with the Port Development Revolving Loan Program pursuant to 30 ILCS 750/9-11.

Total, Article 470 $3,000,000

ARTICLE 475
DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

Section 10. The amount of $4,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 96, Section 10 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for a grant for planning, design, construction, and all other costs associated with a new Ford Technical Training Center.

Section 30. The sum of $3,360,199, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 96, Section 30 of Public Act 94-798, is reappropriated from the Coal Development Fund to the Department of Commerce and Economic Opportunity for Coal Development Programs.

Section 35. The sum of $50,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 96, Section 35 of Public Act 94-798, is reappropriated from the Coal Development Fund to the Department of Commerce and Economic Opportunity for grants pursuant to 20 ILCS 605/605-332 – Coal Revival Program.

Section 70. The sum of $3,975,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 96, Section 70 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants associated with the Illinois Renewable Fuels Development Act.

Section 75. The sum of $13,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 96, Section 75 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to

New matter indicated by italics - deletions by strikeout
the Department of Commerce and Economic Opportunity for a grant to the Argonne National Laboratory for the Rare Isotope Accelerator for bondable infrastructure improvements. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 120. The amount of $5,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 95, Section 10 of Public Act 94-798, is reappropriated from the Coal Development Fund to the Department of Commerce and Economic Opportunity for the specific purposes of acquisition, development, construction, reconstruction, improvement, financing, architectural and technical planning and installation of capital facilities consisting of buildings, structures, durable equipment, and land for the purpose of capital development of coal resources within the State.

Section 125. The amount of $17,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 95, Section 15 of Public Act 94-798, is reappropriated from the Coal Development Fund to the Department of Commerce and Economic Opportunity for the specific purposes of acquisition, development, construction, reconstruction, improvement, financing, architectural and technical planning and installation of capital facilities consisting of buildings, structures, durable equipment, and land for the purpose of capital development of coal resources within the State, including but not limited to a grant for a commercial scale project that produces electric power and hydrogen and demonstrates underground storage of up to 1 million metric tons annually of carbon dioxide.

Section 130. The amount of $10,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 95, Section 20 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for grants to local governments for the acquisition, financing, architectural

New matter indicated by italics - deletions by strikeout
planning, development, alteration, installation, and construction of capital facilities consisting of buildings, structures, durable equipment, and land as authorized by subsection (l) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 135. The amount of $7,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 95, Section 25 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Argonne National Laboratory for the Advanced Protein Crystallization Facility.

Section 140. The amount of $15,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 95, Section 30 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant for the Illinois Science and Technology Park.

Section 145. The amount of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 95, Section 35 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Illinois Institute of Technology for the biomedical research complex.

Section 150. The amount of $3,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 95, Section 40 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Fermi National Accelerator Laboratory for the Illinois Accelerator Research Center.

Section 160. The amount of $20,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 95, Section 50 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund
to the Department of Commerce and Economic Opportunity for grants associated with the Illinois Renewable Fuels Development Act.

Section 165. The amount of $15,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 95, Section 55 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants associated with the redevelopment of brownfield sites.

Section 170. No contract shall be entered into or obligation incurred or any expenditure made from any appropriation herein made in this Article, except Section 175, until after the purpose and amounts have been approved in writing by the Governor.

Total, Article 475

$168,335,199

ARTICLE 480
DEPARTMENT OF NATURAL RESOURCES
GRANTS AND REIMBURSEMENTS - GENERAL OFFICE

Section 10. The sum of $725,000, or so much thereof as may be necessary, is appropriated from the State Boating Act Fund to the Department of Natural Resources for the administration and payment of grants to local governmental units for the construction, maintenance, and improvement of boat access areas.

Section 15. The sum of $120,000, or so much thereof as may be necessary, is appropriated from the State Boating Act Fund to the Department of Natural Resources for the purposes of the Snowmobile Registration and Safety Act and for the administration and payment of grants to local governmental units for the construction, land acquisition, lease, maintenance and improvement of snowmobile trails and access areas.

Section 20. To the extent federal funds including reimbursements are available for such purposes, the sum of $75,000, or so much thereof as may be necessary, is appropriated from the State Boating Act Fund to the Department of Natural Resources for all costs for construction and development of facilities for transient, non-trailerable recreational boats,
including grants for such purposes and authorized under the Boating Infrastructure Grant Program.

Section 25. The sum of $150,000, new appropriation, is appropriated from the State Boating Act Fund to the Department of Natural Resources for a grant to the Chain O’Lakes – Fox River Waterway Management Agency for the Agency’s operational expenses.

Section 30. The following named sums, new appropriations, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Natural Resources:

Payable from State Boating Act Fund:
For multiple use facilities and programs for boating purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies and all other expenses required to comply with the intent of this appropriation..................                                        1,200,000

Payable from State Parks Fund:
For multiple use facilities and programs for park and trail purposes provided by the Department of Natural Resources, including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies, and all other expenses required to comply with the intent of this appropriation.............                                       150,000

Section 35. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Wildlife and Fish Fund to the Department of Natural Resources for acquisition and development, including grants, for the implementation of the North American Waterfowl
Management Plan within the Dominion of Canada or the United States which specifically provides waterfowl for the Mississippi Flyway.

Section 40. To the extent federal funds including reimbursements are available for such purposes, the sum of $100,000, or so much thereof as may be necessary, is appropriated from the Wildlife and Fish Fund to the Department of Natural Resources for construction and renovation of waste reception facilities for recreational boaters, including grants for such purposes authorized under the Clean Vessel Act.

Section 45. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the Wildlife and Fish Fund to the Department of Natural Resources for wildlife conservation and restoration plans and programs from federal and/or state funds provided for such purposes.

Section 50. The following named sums, or so much thereof as may be necessary, respectively, herein made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, are appropriated to the Department of Natural Resources for refunds and the purposes stated:

Payable from Forest Reserve Fund:
For U.S. Forest Service Program............... 500,000

Section 55. The sum of $110,000, or so much thereof as may be necessary, is appropriated from the Plugging and Restoration Fund to the Department of Natural Resources, Office of Mines and Minerals for the Landowner Grant Program authorized under the Oil and Gas Act, as amended by Public Act 90-0260.

Section 60. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated to the Department of Natural Resources from the Abandoned Mined Lands Set Aside Fund for grants and contracts to conduct research, planning and construction to eliminate hazards created by abandoned mines and any other expenses necessary for emergency response.

New matter indicated by italics - deletions by strikeout
Section 65. The sum of $110,000, or so much thereof as may be necessary, is appropriated to the Department of Natural Resources from the State Furbearer Fund for the conservation of fur bearing mammals in accordance with the provisions of Section 5/1.32 of the "Wildlife Code", as now or hereafter amended.

Section 70. The following named sums, new appropriations, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Natural Resources:

Payable from Natural Areas Acquisition Fund:
For the acquisition, preservation and stewardship of natural areas, including habitats for endangered and threatened species, high quality natural communities, wetlands and other areas with unique or unusual natural heritage qualities..................                   15,000,000

Section 75. The sum of $34,000,000, or so much thereof as may be necessary, is appropriated from the Open Space Lands Acquisition and Development Fund to the Department of Natural Resources for expenses connected with and to make grants to local governments and to distressed communities as provided in the "Open Space Lands Acquisition and Development Act".

Section 80. The sum of $550,000, or so much thereof as may be necessary, is appropriated from the State Pheasant Fund to the Department of Natural Resources for the conservation of pheasants in accordance with the provisions of Section 5/1.31 of the "Wildlife Code", as now or hereafter amended.

FOR ILLINOIS HABITAT FUND PROGRAM

Section 85. The sum of $1,350,000, or so much thereof as may be necessary, is appropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of high quality habitat lands in accordance with the provisions of the "Habitat Endowment Act", as now or hereafter amended.

New matter indicated by italics - deletions by strikeout
Section 90. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of a high quality fish and wildlife habitat and to promote the heritage of outdoor sports in Illinois from revenue derived from the sale of Sportsmen Series license plates.

Section 95. The sum of $700,000, or so much thereof as may be necessary, is appropriated to the Department of Natural Resources for expenditure by the Office of Water Resources from the Flood Control Land Lease Fund for disbursement of monies received pursuant to Act of Congress dated September 3, 1954 (68 Statutes 1266, same as appears in Section 701c-3, Title 33, United States Code Annotated), provided such disbursement shall be in compliance with 15 ILCS 515/1 Illinois Compiled Statutes.

Section 100. The following named sums, or so much thereof as may be necessary, respectively, herein made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, are appropriated to the Department of Natural Resources for refunds and the purposes stated:

Payable from Land and Water Recreation Fund:

For Outdoor Recreation Programs................ 6,200,000

Section 105. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the Off Highway Vehicle Trails Fund to the Department of Natural Resources for grants to units of local governments, not-for-profit organizations, and other groups to operate, maintain and acquire land for off-highway vehicle trails and parks as provided for in the Recreational Trails of Illinois Act, including administration, enforcement, planning and implementation of this Act.

Section 110. The following named sums, or so much thereof as may be necessary, respectively, herein made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any

New matter indicated by italics - deletions by strikeout
public or private corporation, organization, or individual, are appropriated to the Department of Natural Resources for refunds and the purposes stated:

Payable from Federal Title IV Fire Protection Assistance Fund:
- For Rural Community Fire Protection Programs

Section 115. The sum of $80,000, or so much thereof as may be necessary, is appropriated from the Snowmobile Trail Establishment Fund to the Department of Natural Resources for the administration and payment of grants to nonprofit snowmobile clubs and organizations for construction, maintenance, and rehabilitation of snowmobile trails and areas for the use of snowmobiles.

Section 120. The sum of $625,000, or so much thereof as may be necessary, is appropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for the payment of grants to timber growers for implementation of acceptable forestry management practices as provided in the "Illinois Forestry Development Act" as now or hereafter amended.

Section 125. To the extent Federal Funds including reimbursements are made available for such purposes, the sum of $300,000, is appropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for Forest Stewardship Technical Assistance.

Section 130. The sum of $160,000, or so much thereof as may be necessary, is appropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the payment of grants for the implementation of the North American Waterfowl Management Plan within the Dominion of Canada or the United States which specifically provides waterfowl to the Mississippi Flyway as provided in the "Wildlife Code", as amended.

Section 135. The sum of $160,000, or so much thereof as may be necessary, is appropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the payment of grants for

New matter indicated by italics - deletions by strikeout
the development of waterfowl propagation areas within the Dominion of Canada or the United States which specifically provide waterfowl for the Mississippi Flyway as provided in the "Wildlife Code", as amended.

Section 140. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the purpose of attracting waterfowl and improving public migratory waterfowl areas within the State.

Section 145. The sum of $3,000,000, or so much thereof as may be necessary, is appropriated from the Park and Conservation Fund to the Department of Natural Resources for grants to units of local government for the acquisition and development of bike paths.

Section 150. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Park and Conservation Fund to the Department of Natural Resources for land acquisition, development and maintenance of bike paths and all other related expenses connected with the acquisition, development and maintenance of bike paths.

Section 155. The sum of $2,390,000, or so much thereof as may be necessary, is appropriated from the Park and Conservation Fund to the Department of Natural Resources for the development and maintenance, and other related expenses of recreational trails and trail-related projects authorized under the Intermodal Surface Transportation Efficiency Act of 1991, provided such amount shall not exceed funds to be made available for such purposes from state or federal sources.

Section 160. The following named sum, new appropriation, or so much thereof as may be necessary, for the object and purpose hereinafter named, is appropriated to the Department of Natural Resources:
Payable from the Park and Conservation Fund:
For multiple use facilities and programs
for park and trail purposes provided by
the Department of Natural Resources, including
construction and development, all costs
for supplies, materials, labor, land
acquisition, services, studies, and

New matter indicated by italics - deletions by strikeout
all other expenses required to comply with
the intent of this appropriation............... 1,000,000

Section 165. The following named sums, new appropriations, or so
much thereof as may be necessary, respectively, for the objects and
purposes hereinafter named, are appropriated to the Department of Natural
Resources:
Payable from the Adeline Jay Geo-Karis
Illinois Beach Marina Fund:
For rehabilitation, reconstruction, repair,
replacing, fixed assets, and improvement
of facilities at North Point Marina at
Winthrop Harbor................................. 375,000

Section 170. The sum of $6,000,000, or so much thereof as may be
necessary, is appropriated to the Department of Natural Resources from
the Abandoned Mined Lands Reclamation Council Federal Trust Fund for
grants and contracts to conduct research, planning and construction to
eliminate hazards created by abandoned mines, and any other expenses
necessary for emergency response.

Total, Article 480 $65,405,000

ARTICLE 485
DEPARTMENT OF NATURAL RESOURCES

Section 5. The sum of $3,563,301, or so much thereof as may be
necessary and as remains unexpended at the close of business on June 30,
2007, from appropriations heretofore made in Article 97, Section 10 and
Article 98, Section 5, of Public Act 94-798, as amended, is reappropriated
from the State Boating Act Fund to the Department of Natural Resources
for the administration and payment of grants to local governmental units
for the construction, maintenance, and improvement of boat access areas.

Section 15. The sum of $464,912, or so much thereof as may be
necessary and as remains unexpended at the close of business on June 30,
2007, from appropriations heretofore made in Article 97, Section 15, and
Article 98, Section 15, of Public Act 94-798, as amended, is
reappropriated from the State Boating Act Fund to the Department of
Natural Resources for the purposes of the Snowmobile Registration and

New matter indicated by italics - deletions by strikeout
Safety Act and for the administration and payment of grants to local governmental units for the construction, land acquisition, lease, maintenance and improvement of snowmobile trails and access areas.

Section 30. To the extent federal funds including reimbursements are available for such purposes, the sum of $2,080,914, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 20 and Article 98, Section 30 of Public Act 94-798, as amended, is reappropriated from the State Boating Act Fund to the Department of Natural Resources for all costs for construction and development of facilities for transient, non-trailerable recreational boats, including grants for such purposes and authorized under the Boating Infrastructure Grant Program.

Section 35. The following named sums, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:

Payable from State Boating Act Fund:
(From Article 97, Section 25, on page 684, line 25, and Article 98, Section 35, of Public Act 94-798, as amended)
For multiple use facilities and programs for boating purposes provided by the Department of Natural Resources including construction and development, all costs for supplies, materials, labor, land acquisition, services, studies and all other expenses required to comply with the intent of this appropriation.............. 4,336,398
purposes, are reappropriated to the Department of Natural Resources for
the objects and purposes set forth below:
Payable from the State Parks Fund:
   (From Article 97, Section 25 on page 684,
lines 26-32 and page 685, lines 1-2,
and Article 98, Section 45)
For multiple use facilities and programs
for park and trail purposes provided
by the Department of Natural Resources, including
construction and development, all costs
for supplies, materials, labor, land
acquisition, services, studies, and
all other expenses required to comply with
the intent of this appropriation.............  1,042,489
(From Article 97, Section 25 on page 685,
lines 3-10)
For multiple use facilities and
purposes provided by the
Department of Natural Resources, including
construction and development, all costs
for supplies, materials, labor, land
acquisition, services, studies, and
all other expenses required to comply with
the intent of this appropriation.............  750,000
Section 48. The sum of $8,327,755, or so much thereof as may be
necessary and remains unexpended at the close of business on June 30,
2007, from appropriations heretofore made in Article 98, Section 48 of
Public Act 94-798, as amended, is reappropriated from the State Park
Fund to the Department of Natural Resources, in coordination with the
Capital Development Board, for the development of the World Shooting
and Recreation Complex including all construction and debt service
expenses required to comply with this appropriation. Provided further, to
the extent that revenues are received for such purposes, said revenues must
come from non-State sources.

New matter indicated by italics - deletions by strikeout
Section 50. The sum of $8,651,843, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 40 and Article 98, Section 50, of Public Act 94-798, as amended, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for wildlife conservation and restoration plans and programs from federal and/or state funds provided for such purposes.

Section 60. To the extent federal funds including reimbursements are available for such purposes, the sum of $527,947, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 35, and Article 98, Section 60, of Public Act 94-798, as amended, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for construction and renovation of waste reception facilities for recreational boaters, including grants for such purposes authorized under the Clean Vessel Act.

Section 70. The sum of $735,997, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 98, Section 70 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Department of Natural Resources for planning, design and construction of ecosystem rehabilitation, habitat restoration and associated development in cooperation with the U.S. Army Corps of Engineers.

Section 75. The sum of $3,188,964, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 98, Section 75 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Department of Natural Resources for planning, design and construction of ecosystem rehabilitation, habitat restoration and associated development in cooperation with the U.S. Army Corps of Engineers.

Section 80. The sum of $19,096,319, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 98, Section 80, of Public Act 94-798, as amended, is reappropriated from the Capital
Development Fund to the Department of Natural Resources to acquire, protect and preserve open space and natural lands.

Section 85. The sum of $2,784,560, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 98, Section 85 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost-share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United States Department of Agriculture.

Section 90. The sum of $655,484, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 98, Section 90 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for the non-federal cost share of a Conservation Reserve Enhancement Program to establish long-term contracts and permanent conservation easements in the Illinois River Basin; to fund cost-share assistance to landowners to encourage approved conservation practices in environmentally sensitive and highly erodible areas of the Illinois River Basin; and to fund the monitoring of long term improvements of these conservation practices as required in the Memorandum of Agreement between the State of Illinois and the United States Department of Agriculture.

Section 95. The sum of $503,341, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 98, Section 95 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the acquisition of lands,
buildings, and structures, including easements and other property interests, located in the 100-year floodplain in counties or portions of counties authorized to prepare stormwater management plans and for removing such buildings and structures and preparing the site for open space use.

Section 100. The sum of $10,249,777, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 98, Section 100 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for water development projects at the approximate cost set forth below:

Union - McHenry County - for flood control and drainage improvement of unnamed Kishwaukee River tributary........................ 200,000

Flood Hazard Mitigation - For implementation of flood hazard mitigation plans, and acquisition of wetland and tree mitigation sites for state and local joint flood control projects in cooperation with federal agencies, state agencies, and units of local government, in various counties............................. 3,300,000

Fox Chain of Lakes - Lake and McHenry Counties - For the state cost share in implementation of the comprehensive Dredging and Disposal Plan, including beneficial use of dredge material and island creation, for the Fox River and Chain of Lakes.................................. 1,449,777

Fox River Dams - Kane County - For rehabilitation, modification, and reconstruction of Batavia and Yorkville Dams........................................ 2,600,000

Field Service Facility - Sangamon County -

New matter indicated by italics - deletions by strikeout
For site development and construction of a field survey service building and storage facility.......................... 200,000

East St. Louis & Vicinity Flood Control - Madison and St. Clair Counties - For partial payment of the non-federal cost requirement of an interior flood protection project and ecosystem restoration at East St. Louis and Vicinity area......................... 1,800,000

Prairie/Farmers Creeks - Cook County - For costs associated with the implementation of flood damage reduction measures along Prairie/Farmers Creeks and the Des Plaines River, including for partial payment of the non-federal cost requirements of the U.S. Army Corps of Engineers' Upper Des Plaines River Flood Control Project......................... 600,000

Small Drainage and Flood Control Projects - For implementation of small drainage and flood control improvements in accordance with plans developed in cooperation with local governments and school districts, not to exceed $100,000 at any single locality........................................ 100,000

Total $10,249,777

FOR WATERWAY IMPROVEMENTS

Section 105. The sum of $17,673,687, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 98, Section 105 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources for the following projects at the approximate costs set forth below:

New matter indicated by italics - deletions by strikeout
<table>
<thead>
<tr>
<th>Project Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Addison Creek Watershed - Cook and DuPage Counties</td>
<td>214,727</td>
</tr>
<tr>
<td>Asian Carp Barrier – Cook County</td>
<td>10,000</td>
</tr>
<tr>
<td>Chicago Harbor Leakage Control - Cook County - For implementation of a project to identify, measure, control, and eliminate leakage flows through controlling structures at the mouth of the Chicago River in cooperation with federal agencies and units of local government</td>
<td>990,416</td>
</tr>
<tr>
<td>Crisenberry Dam - Jackson County: For complete rehabilitation of the dam and spillway, including the required geotechnical investigation, the preparation of plans and specifications, and the construction of the proposed rehabilitation</td>
<td>422,964</td>
</tr>
<tr>
<td>Crystal Creek - Cook County</td>
<td>2,864,324</td>
</tr>
<tr>
<td>East St. Louis and Vicinity Flood Control - Madison and St. Clair Counties - For partial payment of the non-federal cost requirements of an interior flood protection project and ecosystem restoration at East St. Louis and Vicinity area</td>
<td>500,000</td>
</tr>
<tr>
<td>Flood Mitigation - Disaster Declaration Areas</td>
<td>2,101,826</td>
</tr>
<tr>
<td>Fox Chain O'Lakes - Lake and McHenry Counties</td>
<td>1,420,132</td>
</tr>
<tr>
<td>Fox River Dams - Kane, Kendall and McHenry Counties</td>
<td>3,183,101</td>
</tr>
<tr>
<td>Granite City - Area Groundwater-Madison County</td>
<td>300,000</td>
</tr>
<tr>
<td>Havana Facilities - Mason County</td>
<td>125,212</td>
</tr>
</tbody>
</table>
Hickory Hills - Cook County................. 158,410
Hickory/Spring Creeks Watershed -
Cook and Will Counties..................... 265,816
Indian Creek - Kane County.................. 87,025
Kaskaskia River System - Randolph,
Monroe and St. Clair Counties............. 33,915
Kyte River - Rochelle, Ogle County........ 1,450,863
Little Calumet Watershed -
Cook County................................ 14,154
Loves Park - Winnebago County............ 266,589
Lower Des Plaines River Watershed -
Cook and Lake Counties..................... 712,127
Metro-East Sanitary District -
Madison and St. Clair Counties.......... 60,578
North Branch Chicago River Watershed -
Cook and Lake Counties..................... 25,690
Prairie du Rocher - Randolph County:
For partial payment to implement the
federal flood protection project for
the Village of Prairie du Rocher in
cooperation with local units of
government.................................... 10,000
Prairie/Farmers Creek - Cook County...... 1,800,410
Rock River Dams - Rock Island and
Whiteside Counties......................... 151,081
Small Drainage and Flood Control
Projects - Statewide (not to exceed
$100,000 at any locality)................... 366,017
Union - McHenry County..................... 30,000
Village of Justice - Cook County........... 100,000
W. B. Stratton (McHenry) Lock
and Dam - McHenry County................. 8,310
Total $17,673,687

New matter indicated by italics - deletions by strikeout
Section 110. The sum of $81,279, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 98, Section 110 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for expenditure by the Office of Water Resources in cooperation with federal agencies, state agencies and units of local government in the implementation of flood hazard mitigation plans in counties that received a Presidential Disaster Declaration as a result of flooding in calendar years 1993 and thereafter, in accordance with reports filed under Section 5 of the "Flood Control Act of 1945”.

Section 115. The sum of $4,475,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 98, Section 115 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

Section 120. The sum of $1,573,499, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 98, Section 120 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

Section 125. The amount of $30,115, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 98, Section 125 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

Section 130. The amount of $2,940,287, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 98, Section 130 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

New matter indicated by italics - deletions by strikeout
Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

Section 135. The sum of $206,806, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 60 and Article 98, Section 135, of Public Act 94-798, as amended, is reappropriated to the Department of Natural Resources from the State Furbearer Fund for the conservation of fur bearing mammals in accordance with the provisions of Section 5/1.32 of the "Wildlife Code", as now or hereafter amended.

Section 145. The following named sum, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made for such purposes, is reappropriated to the Department of Natural Resources for the objects and purposes set forth below:

Payable from Natural Areas Acquisition Fund:
  (From Article 97, Section 65 and Article 98, Section 145 of Public Act 94-798, as amended)
For the acquisition, preservation and stewardship of natural areas, including habitats for endangered and threatened species, high quality natural communities, wetlands and other areas with unique or unusual natural heritage qualities......................... 6,492,787

Section 150. The sum of $90,486,480, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 70 and Article 98, Section 150, of Public Act 94-798, as amended, is reappropriated from the Open Space Lands Acquisition and Development Fund to the Department of Natural Resources for expenses connected with and to make grants to local governments as provided in the "Open Space Lands Acquisition and Development Act".

New matter indicated by italics - deletions by strikeout
FOR STATE PHEASANT PROGRAM

Section 160. The sum of $969,734, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 75 and Article 98, Section 160, of Public Act 94-798, as amended, is reappropriated from the State Pheasant Fund to the Department of Natural Resources for the conservation of pheasants in accordance with the provisions of Section 5/1.31 of the "Wildlife Code", as now or hereafter amended.

Section 170. The sum of $2,930,880, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 80 and Article 98, Section 170, of Public Act 94-798, as amended, is reappropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of high quality habitat lands in accordance with the provisions of the "Habitat Endowment Act", as now or hereafter amended.

Section 180. The sum of $861,703, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 85, and Article 98, Section 180, of Public Act 94-798, as amended, is reappropriated from the Illinois Habitat Fund to the Department of Natural Resources for the preservation and maintenance of a high quality fish and wildlife habitat and to promote the heritage of outdoor sports in Illinois from revenue derived from the sale of Sportsmen Series license plates.

Section 190. The following named sum, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 95 and Article 98, Section 190, of Public Act 94-798, as amended, made either independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, is reappropriated to the Department of Natural Resources for refunds and the purposes stated:

New matter indicated by italics - deletions by strikeout
Payable from Land and Water Recreation Fund:

For Outdoor Recreation Programs.................. 24,941,878

Section 195. The sum of $2,372,178, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 100 and Article 98, Section 195, of Public Act 94-798, as amended, is reappropriated from the Off Highway Vehicle Trails Fund to the Department of Natural Resources for grants to units of local governments, not-for-profit organizations, and other groups to operate, maintain and acquire land for off-highway vehicle trails and parks as provided for in the Recreational Trails of Illinois Act, including administration, enforcement, planning and implementation of this Act.

Section 205. The sum of $1,863,576, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made for such purposes in Article 98, Section 205 of Public Act 94-798, as amended, is reappropriated from the Conservation 2000 Projects Fund to the Department of Natural Resources for the acquisition, planning and development of land and long-term easements, and cost-shared natural resource management practices for ecosystem-based management of Illinois' natural resources, including grants for such purposes.

Section 210. The sum of $3,959,195, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made for such purposes in Article 98, Section 210 of Public Act 94-798, as amended, is reappropriated from the Conservation 2000 Projects Fund to the Department of Natural Resources for the acquisition, planning and development of land and long-term easements, and cost-shared natural resource management practices for ecosystem-based management of Illinois' natural resources, including grants for such purposes.

Section 215. The following named sum, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 110 and Article 98, Section 215 of Public Act 94-798, as amended, made either

New matter indicated by italics - deletions by strikeout
independently or in cooperation with the Federal Government or any agency thereof, any municipal corporation, or political subdivision of the State, or with any public or private corporation, organization, or individual, is reappropriated to the Department of Natural Resources for refunds and the purposes stated:

Payable from Federal Title IV Fire Protection Assistance Fund:

For Rural Community Fire Protection Program ........................................ 695,298

Section 225. The sum of $175,510, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 115 and Article 98, Section 225, of Public Act 94-798, as amended, is reappropriated from the Snowmobile Trail Establishment Fund to the Department of Natural Resources for the administration and payment of grants to nonprofit snowmobile clubs and organizations for construction, maintenance, and rehabilitation of snowmobile trails and areas for the use of snowmobiles.

Section 235. The sum of $1,747,274, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 120 and Article 98, Section 235, of Public Act 94-798, as amended, is reappropriated from the Illinois Forestry Development Fund to the Department of Natural Resources for the payment of grants to timber growers for implementation of acceptable forestry management practices as provided in the "Illinois Forestry Development Act" as now or hereafter amended.

Section 245. To the extent Federal Funds including reimbursements are made available for such purposes, the sum of $483,220, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 125, and Article 98, Section 245, of Public Act 94-798, as amended, is reappropriated from the Illinois
Forestry Development Fund to the Department of Natural Resources for Forest Stewardship Technical Assistance.

Section 260. The sum of $2,644,762, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97 Section 140, and Article 98, Section 260, of Public Act 94-798, as amended, is reappropriated from the State Migratory Waterfowl Stamp Fund to the Department of Natural Resources for the purpose of attracting waterfowl and improving public migratory waterfowl areas within the State.

FOR BIKEWAYS PROGRAMS

Section 270. The following named sums, or so much thereof as may be necessary, and is available for expenditure as provided herein, are appropriated from the Park and Conservation Fund to the Department of Natural Resources for the following purposes:

Section 275. The sum of $10,886 or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 98, Section 275 of Public Act 94-798, as amended, is reappropriated for land acquisition, development and grants, for the following bike paths at the approximate costs set forth below:

Great River Road/Vadalabene Bikeway through Grafton................................. 5,300
Super Trail between the Quad Cities and Savannah........................................... 0
Illinois Prairie Path in Cook County..................................................... 5,600

Section 280. The sum of $15,609,032, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 145, and Article 98, Section 280, of Public Act 94-798, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for grants to units of local government for the acquisition and development of bike paths.

New matter indicated by italics - deletions by strikeout
Section 290. The sum of $56,700, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 98, Section 290 of Public Act 94-798, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for land acquisition, development, grants and all other related expenses connected with the acquisition and development of bike paths.

No funds in this Section may be expended in excess of the revenues deposited in the Park and Conservation Fund as provided for in Section 2-119 of the Illinois Vehicle Code.

Section 300. The sum of $686,826, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 98, Section 300 of Public Act 94-798, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for multiple use facilities and programs for conservation purposes provided by the Department of Natural Resources, including repairing, maintaining, reconstructing, rehabilitating, replacing fixed assets, construction and development, marketing and promotions, all costs for supplies, materials, labor, land acquisition and its related costs, services, studies, and all other expenses required to comply with the intent of this appropriation.

Section 305. The sum of $5,379,873, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 150, and Article 98, Section 305, of Public Act 94-798, as amended, is reappropriated from the Park and Conservation Fund to the Department of Natural Resources for land acquisition, development and maintenance of bike paths and all other related expenses connected with the acquisition, development and maintenance of bike paths.

Section 310. The sum of $1,507,940, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 98, Section 310 of Public Act 94-798, as amended, is reappropriated to the Department of Natural Resources from the Park and Conservation Fund for multiple use

New matter indicated by italics - deletions by strikeout
facilities and programs for conservation purposes provided by the
Department of Natural Resources, including repairing, maintaining,
reconstructing, rehabilitating, replacing fixed assets, construction and
development, marketing and promotions, all costs for supplies, materials,
labor, land acquisition and its related costs, services, studies, and all other
expenses required to comply with the intent of this appropriation.

Section 320. The sum of $7,066,627, or so much thereof as may be
necessary and as remains unexpended at the close of business on June 30,
2007, from appropriations heretofore made in Article 97, Section 155, and
Article 98, Section 320, of Public Act 94-798, as amended, is
reappropriated from the Park and Conservation Fund to the Department of
Natural Resources for the development and maintenance of recreational
trails and trail-related projects authorized under the Intermodal Surface
Transportation Efficiency Act of 1991, provided such amount shall not
exceed funds to be made available for such purposes from state or federal
sources.

Section 330. The sum of $435,837, or so much thereof as may be
necessary and remains unexpended at the close of business on June 30,
2007, from an appropriation heretofore made in Article 98, Section 330 of
Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to
the Department of Natural Resources for grants and contracts for well
plugging and restoration projects. The appropriated amount shall be in
addition to any other appropriated amounts which can be expended for
these purposes.

Section 335. The sum of $2,564,367, or so much thereof as may be
necessary and remains unexpended at the close of business on June 30,
2007, from an appropriation heretofore made in Article 98, Section 335 of
Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to
the Department of Natural Resources for grants to museums for permanent
improvements.

Section 345. The sum of $7,348, or so much thereof as may be
necessary and remains unexpended at the close of business on June 30,
2007, from a reappropriation heretofore made in Article 98, Section 345 of
Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to

New matter indicated by italics - deletions by strikeout
the Department of Natural Resources for grants and contracts for well plugging and restoration projects. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 350. The sum of $54,104, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 98, Section 350 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 375. The amount of $189,520, or so much thereof as may be necessary and remains unexpended on June 30, 2007, from a reappropriation heretofore made for such purposes in Article 98, Section 375 of Public Act 94-798, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the completion of the following projects at the approximate costs set forth below:

Lower Des Plaines River at Tributaries Watershed -
  Cook and DuPage Counties - for
  construction of drainage, flood control, recreation and related improvements and facilities in the Lower Des Plaines Watershed; and for necessary land acquisition, relocation, and related expenses, all in general conformance with the Lower Des Plaines River and Tributaries Watershed Work plan in cooperation with the U.S. Soil Conservation Service and local governments sponsoring this Federal Flood Control project.......................... 189,520

Section 380. The amount of $32,507, or so much thereof as may be necessary and remains unexpended on June 30, 2007, from appropriations

New matter indicated by italics - deletions by strikeout
heretofore made for such purposes in Article 98, Section 380 of Public Act 94-798, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the following projects at the approximate costs set forth below:

Indian Creek - Kane County - For implementation of the Indian Creek flood control project in Kane County in cooperation with the City of Aurora ....................................... 18,656

Midlothian Creek - Cook County - Improvement of Midlothian Creek channel to provide flood damage reduction for Fernway Subdivision in cooperation with the Villages of Orland Park and Tinley Park............................. 13,851

Total                                                                                              $32,507

Section 385. The following named sums, or so much thereof as may be necessary, respectively, and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made for such purposes, are reappropriated to the Department of Natural Resources for the objects and purposes set forth below:

Payable from the Illinois Beach Marina Fund:
(From Article 97, Section 160 and Article 98, Section 385, of Public Act 94-798, as amended)
For rehabilitation, reconstruction, repair, replacing, fixed assets, and improvement of facilities at North Point Marina at Winthrop Harbor........................................ 1,206,770

Section 395. The sum of $18,050,982, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 97, Section 165, and Article 98, Section 395, of Public Act 94-798, as amended, is reappropriated to the Department of Natural Resources from the Abandoned Mined Lands Reclamation Council Federal Trust Fund for

New matter indicated by italics - deletions by strikeout
grants and contracts to conduct research, planning and construction to eliminate hazards created by abandoned mines, and any other expenses necessary for emergency response.

Section 405. The sum of $4,535,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 98, Section 405 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Department of Natural Resources to acquire, protect and preserve open space and natural lands.

Section 410. The sum of $14,947,431 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 97, Section 170 of Public Act 94-798, as amended, is reappropriated from the Wildlife and Fish Fund to the Department of Natural Resources for the acquisition, engineering and rehabilitation of dedicated hunting and fishing lands in conjunction with the Illinois Hunting Heritage Protection Act; however, no more than $1,500,000 of the total appropriation may be used for engineering and rehabilitation.

Section 415. The sum of $20,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 98, Section 415 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Department of Natural Resources for water resource management projects as authorized by subsection (g) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 420. The sum of $15,253,790, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 98, Section 420 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Department of Natural Resources for grants to local governments for the acquisition, financing, architectural planning, development, alteration, installation, and construction of capital facilities consisting of buildings, structures, durable equipment, and land as

New matter indicated by italics - deletions by strikeout
authorized by subsection (l) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 425. The sum of $25,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 98, Section 425 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Department of Natural Resources for the Illinois Open Land Trust Program as defined by the Illinois Open Land Trust Act as authorized by subsection (m) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 430. No contract shall be entered into or obligation incurred or any expenditure made from a reappropriation herein made in Sections:
70 through 130,
190, 205, 210,
270 through 380,
405, 410, 415, 420 and 425
until after the purpose and amount of such expenditure has been approved in writing by the Governor.

Total, Article 485 $367,160,689

ARTICLE 490
DEPARTMENT OF MILITARY AFFAIRS
Section 5. The sum of $238,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 99, Section 5 of Public Act 94-0798, is reappropriated from the Illinois National Guard Armory Construction Fund to the Department of Military Affairs for land acquisition and construction of parking facilities at armories.

Total, Article 490 $238,800

ARTICLE 495
DEPARTMENT OF STATE POLICE
Section 10. The sum of $13,990,231, or so much thereof as may be necessary and remains unexpended at the close of business on June 30,
2007, from an appropriation heretofore made for such purposes in Article 100, Section 10 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Department of State Police for the cost associated with a statewide voice communication system.

Section 15. No contract shall be entered into or obligation incurred for any expenditures from appropriations in Section 10 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Total, Article 495 $13,990,231

ARTICLE 500
DEPARTMENT OF TRANSPORTATION

Section 5. The sum of $4,600,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for Permanent Improvements to Illinois Department of Transportation facilities, including but not limited to the purchase of land, construction, repair, alterations and improvements to maintenance and traffic facilities, district and central headquarters facilities, storage facilities, grounds, parking areas and facilities, fencing and underground drainage, including plans, specifications, utilities and fixed equipment installed and all costs and charges incident to the completion thereof at various locations.

Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For costs associated with the identification and disposal of hazardous materials at storage facilities</td>
<td>1,158,600</td>
</tr>
<tr>
<td>For Maintenance, Traffic and Physical Research Purposes (A)</td>
<td>28,129,100</td>
</tr>
<tr>
<td>For repair of damages by motorists to highway guardrails, fencing, lighting units, bridges, underpasses, signs, traffic signals, crash attenuators, landscaping, roadside</td>
<td></td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
shelters, rest areas, fringe parking facilities, sanitary facilities, maintenance facilities including salt storage buildings, vehicle weight enforcement facilities including scale houses, and other highway appurtenances, provided such amount shall not exceed funds to be made available from collections from claims filed by the Department to recover the costs of such damages .......... 5,500,000

For Maintenance, Traffic and Physical Research Purposes (B) ................. 13,150,000

Total $47,937,700

Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated from the Road Fund to the Department of Transportation for the objects and purposes hereinafter named:

For apportionment to counties for construction of township bridges 20 feet or more in length as provided in Section 6-901 through 6-906 of the "Illinois Highway Code" ...................... 15,000,000

For apportionment to needy Townships and Road Districts, as determined by the Department in consultation with the County Superintendents of Highways, Township Highway Commissioners, or Road District Highway Commissioners ...................... 10,014,300

For apportionment to high-growth cities over 5,000 in population, as determined by the Department in consultation with the Illinois Municipal League ...................... 4,000,000

For apportionment to counties under 1,000,000 in population, $8,000,000 of the total apportioned

New matter indicated by italics - deletions by strikeout
in equal amounts to each eligible county, and $13,800,000 apportioned to each eligible county in proportion to the amount of motor vehicle license fees received from the residents of eligible counties.......................... 21,800,000
Total $50,814,300

Section 20. The sum of $358,185,700, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations for the state portion of the Road Improvement Program as approximated below:

District 1, Schaumburg.............. 3,636,000
District 2, Dixon............... 2,460,000
District 3, Ottawa................. 3,350,000
District 4, Peoria................. 2,561,000
District 5, Paris.................. 1,273,000
District 6, Springfield........... 1,677,000
District 7, Effingham............. 2,302,000
District 8, Collinsville.......... 3,174,000
District 9, Carbondale........... 1,983,000
Statewide (including refunds)..... 191,940,700
Engineering....................... 143,829,000

New matter indicated by italics - deletions by strikeout
Section 20a. The sum of $550,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state and local roads and bridges, fringe parking facilities and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control and preservation of natural beauty, in accordance with applicable laws and regulations for the local portion of the Road Improvement Program as approximated below:

District 1, Schaumburg........... 301,311,000
District 2, Dixon.............. 19,975,000
District 3, Ottawa............ 18,729,000
District 4, Peoria............. 21,410,000
District 5, Paris............. 9,133,000
District 6, Springfield........ 23,548,000
District 7, Effingham........ 15,377,000
District 8, Collinsville...... 42,212,000
District 9, Carbondale........ 8,682,000
Statewide (including refunds)... 89,623,000

Section 25. The sum of $916,000,000, or so much thereof as may be necessary, is appropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of State highways, arterial highways, roads, access areas, roadside shelters, rest areas fringe parking facilities and sanitary facilities and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and

New matter indicated by italics - deletions by strikeout
scale houses, in accordance with applicable laws and regulations for the road improvement program as approximated below:

<table>
<thead>
<tr>
<th>District</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>District 1, Schaumburg</td>
<td>378,701,000</td>
</tr>
<tr>
<td>District 2, Dixon</td>
<td>70,362,000</td>
</tr>
<tr>
<td>District 3, Ottawa</td>
<td>95,851,000</td>
</tr>
<tr>
<td>District 4, Peoria</td>
<td>73,285,000</td>
</tr>
<tr>
<td>District 5, Paris</td>
<td>36,423,000</td>
</tr>
<tr>
<td>District 6, Springfield</td>
<td>48,001,000</td>
</tr>
<tr>
<td>District 7, Effingham</td>
<td>65,842,000</td>
</tr>
<tr>
<td>District 8, Collinsville</td>
<td>90,807,000</td>
</tr>
<tr>
<td>District 9, Carbondale</td>
<td>56,728,000</td>
</tr>
<tr>
<td>Statewide (including refunds)</td>
<td>0</td>
</tr>
<tr>
<td>Engineering</td>
<td>0</td>
</tr>
</tbody>
</table>

Section 30. The sum of $28,750,000, or so much thereof as may be necessary, is appropriated from the Grade Crossing Protection Fund to the Department of Transportation for the installation of grade crossing protection or grade separations at places where a public highway crosses a railroad at grade, as ordered by the Illinois Commerce Commission, as provided by law.

Section 35. The sum of $137,000,000 or so much thereof as may be necessary, is appropriated from the Federal/Local Airport Fund to the Department of Transportation for funding the local or federal share of airport improvement projects, including reimbursements and/or refunds, undertaken pursuant to pertinent state or federal laws, provided such amounts shall not exceed funds available from federal and/or local sources.

Section 40. The sum of $25,000,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for grants, road construction and all other costs relating to the Chicago Region Environmental and Transportation Efficiency (CREATE) program, provided such amounts not exceed funds made available by the federal government for this program.

Section 50. The sum of $16,000,000, or so much thereof as may be necessary, is appropriated from the Federal Mass Transit Trust Fund to the
Department of Transportation for the federal share of capital, operating, consultant services, and technical assistance grants, as well as state administration and interagency agreements, provided such amounts shall not exceed funds to be made available from the Federal Government.

Section 55. The sum of $2,700,000, or so much thereof as may be necessary, is appropriated from the State Rail Freight Loan Repayment Fund for funding the State Rail Freight Loan Repayment Program created by Section 49.25g-1 of the Civil Administrative Code of Illinois.

Section 60. The sum of $1,045,000, or so much thereof as may be necessary, is appropriated from the Rail Freight Loan Repayment Fund to the Department of Transportation for the Rail Freight Service Assistance Program, created by Section 49.25a through 49.25g-1 of the Civil Administrative Code of Illinois.

Section 65. The sum of $16,000,000, or so much thereof as may be necessary, is appropriated from the Construction Account Fund to the Department of Transportation for all expenses related to Phase II of the I-57/294 interchange in the County of Cook.

Section 70. No contract shall be entered into or obligation incurred or any expenditure made from an appropriation herein made in

Section 5   Permanent Improvements
Section 55  State Rail Freight Loan Repayment
Section 60  Federal Rail Freight Loan Repayment

of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

Total, Article 500  $2,154,032,700

ARTICLE 505
DEPARTMENT OF TRANSPORTATION
PERMANENT IMPROVEMENTS

Section 5. The sum of $27,082,400, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation concerning Permanent Improvements heretofore made in Article 101, Section 5 and Article 102, Section 5 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

New matter indicated by italics - deletions by strikeout
CONSTRUCTION

Section 10. The sum of $21,465,072, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriations heretofore made in Article 102, Section 20 and Section 25 of Public Act 94-0798, as amended, for Engineering and Consultant Contracts only, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 15. The sum of $13,849,710, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 30 of Public Act 94-0798, as amended, for Engineering and Consultant Contracts only, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 20. The sum of $67,964,891, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 35 of Public Act 94-0798, as amended, for Engineering and Consultant Contracts only, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 25. The sum of $8,206,264, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation concerning hazardous materials made in Article 101, Section 10 and Article 102, Section 40 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 30. The sum of $31,027,324, or so much thereof as may be necessary, and remains unexpended, less $2,000,000 to be lapsed from the unexpended balance, at the close of business on June 30, 2007, from the appropriation and reappropriation made for Formal Contracts in the line item, “For Maintenance, Traffic and Physical Research Purposes (A)” for the Central Offices, Division of Highways, in Article 101, Section 10 and Article 102, Section 45 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

New matter indicated by italics - deletions by strikeout
Section 35. The sum of $8,946,943, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation concerning Highway Damage Claims heretofore made in Article 101, Section 10 and Article 102, Section 50 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 40. The sum of $24,456,199, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 55 of Public Act 94-0798, as amended, for Engineering and Consultant Contracts only, is reappropriated from the State Construction Fund to the Department of Transportation for the same purposes.

Section 45. The sum of $31,130,154, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 60 of Public Act 94-0798, as amended, for Engineering and Consultant Contracts only, is reappropriated from the State Construction Fund to the Department of Transportation for the same purposes.

HIGHWAY CONSTRUCTION AND LAND ACQUISITION AWARDS AND GRANTS

Section 50. The sum of $19,605,291, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made for township bridges in Article 101, Section 15 and Article 102, Section 65 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

CONSTRUCTION

Section 55. The sum of $80,732,469, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 70 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

New matter indicated by italics - deletions by strikeout
Section 60. The sum of $700,458, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 75 of Public Act 94-0798, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 65. The sum of $63,218,108, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 80 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 70. The sum of $43,499,157, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 85 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for the same purposes.

Section 75. The sum of $97,017,919, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 90 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations.

Section 80. The sum of $83,872,425, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 95

New matter indicated by italics - deletions by strikeout
of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations.

Section 85. The sum of $178,854,663, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriations heretofore made in Article 102, Section 100 and Section 115 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program; such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations.

Section 90. The following named sums or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007 from the re appropriations heretofore made in Article 102, Section 105 of Public Act 94-0798, as amended, are reappropriated to the

New matter indicated by italics - deletions by strikeout
Department of Transportation from the Road Fund for the FY04 federal earmarks provided in Conference Report 108-401 which accompanies Public Law 108-199. Expenditures shall not exceed funds to be made available by the federal government.

**BRIDGE DISCRETIONARY**

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>North Avenue Bridge, Chicago</td>
<td>3,768,518</td>
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<tr>
<td>National Corridor Planning &amp; Development</td>
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<tr>
<td>City of Forsyth Frontage Road</td>
<td>11,917</td>
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**FERRY BOATS/TERMINAL FACILITIES**

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<th>Project Description</th>
<th>Amount</th>
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<tr>
<td>Canal Corridor Association-Port of LaSalle Project</td>
<td>400,000</td>
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**TRANSPORTATION & COMMUNITY & SYSTEM PRESERVATION**

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<th>Project Description</th>
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<tr>
<td>Homewood, Illinois railroad station/</td>
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<tr>
<td>platform acquisition and improvement</td>
<td>191,311</td>
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<td>Village of Glencoe, Green Bay</td>
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<td>Trail – North Branch Trail Connection</td>
<td>127,454</td>
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**SECTION 115 MEMBER INITIATIVES**

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Amount</th>
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<tr>
<td>168th and State Streets Intersection</td>
<td>200,000</td>
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<tr>
<td>Annie Glidden Road, DeKalb</td>
<td>227,602</td>
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<td>Convocation Center Roadway</td>
<td>497,696</td>
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<tr>
<td>Grand Avenue Railroad relocation</td>
<td>443,709</td>
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<tr>
<td>Great River Road in Mercer County</td>
<td>31,679</td>
</tr>
<tr>
<td>Illinois Route 38 at Union Pacific</td>
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<tr>
<td>Railroad Grade Separation</td>
<td>250,000</td>
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<tr>
<td>ITS – I-74 in Peoria</td>
<td>750,000</td>
</tr>
<tr>
<td>Kaskaska Regional Port District, access roads</td>
<td>18,449</td>
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<tr>
<td>Long Meadow Parkway Fox River Bridge</td>
<td></td>
</tr>
<tr>
<td>Crossing, Bolz Road</td>
<td>2,820,000</td>
</tr>
<tr>
<td>Milwaukee Avenue Rehabilitation</td>
<td>200,000</td>
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<tr>
<td>Rock Island County, Illinois Milan</td>
<td></td>
</tr>
<tr>
<td>Beltway Construction</td>
<td>500,000</td>
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<tr>
<td>Sauk Trail Reconstruction</td>
<td></td>
</tr>
<tr>
<td>Improvements, Park Forest</td>
<td>330,000</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Sauk Village Industrial Park Access Road........ 600,000
Sheridan Road, Evanston....................... 800,000
St. Charles, Illinois, Fox River
  Crossing at Red Gate Corridor.............. 1,098,092
US 51, Christian/Shelby Counties............. 1,631,424
West Grand Avenue. (from North
  Western to N. California Ave.)............... 800,000
Widen Route 47 from Kreutzer Road
  to Reed Road, Huntley...................... 1,000,000
Total $16,697,851

Section 95. The following named sums or so much thereof as may
be necessary and remain unexpended at the close of business on June 30,
2007, from the reappropriations heretofore made in Article 102, Section
110 of Public Act 94-0798, as amended, are reappropriated to the
Department of Transportation from the Road Fund for the FY05 federal
earmarks provided in Conference Report 108-792 which accompanies
Public Law 108-447. Expenditures shall not exceed funds to be made
available by the federal government.

BRIDGE DISCRETIONARY
North-South Wacker Drive Reconstruction
  in Chicago................................. 1,916,666

INTERSTATE MAINTENANCE DISCRETIONARY
I-55 South Barrier, Darien Illinois........... 1,400,000

SECTION 117 MEMBER INITIATIVES
171st Street reconstruction, East Hazel Crest.... 400,000
67th Street Pedestrian Underpass, Chicago
  Lakefront.................................. 400,000
Camp Street upgrades, East Peoria.............. 2,000,000
Cermak and Kenton Avenues........................ 1,000,000
Cicero Avenue lighting in University Park....... 200,000
Des Plaines, Illinois alley, sidewalk
  improvements................................ 973,930
Fulton County Highway 6.......................... 837,590
I-290 Cap, Oak Park........................... 1,000,000

New matter indicated by italics - deletions by strikeout
KBS Railroad Hazard Elimination, Kankakee County........................................... 300,000  
MacArthur Boulevard Extension, Springfield............ 500,000  
McHenry County / Crystal Lake Road..................... 1,000,000  
Milwaukee Avenue, Grand to Gale, Chicago.............. 1,250,000  
Route 178 relocation, Phase II Engineering................ 876,685  
Sheridan Road Improvements, Evanston.................... 500,000  
Sidewalks near Ford Heights............................... 200,000  
Street improvements and streetlights, Lynnwood........ 150,000  
Street improvements, Bartonville........................ 500,000  
Street improvements, Village of Armington............. 495,787  
Streetlights and salt dome for Markham.................. 300,000  
U.S. 41/I-176 Interchange improvements  
Phase I study............................................... 800,000  
Winfield Pedestrian Tunnel................................. 1,000,000  
Total                                                                                       $18,000,658

Section 100. The sum of $308,108,920, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriations heretofore made in Article 102, Section 120 of Public Act 94-0798, as amended, are reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations.

Section 105. The sum of $60,094,283, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30,
2007, from the reappropriation heretofore made in Article 102, Section 120 of Public Act 94-0798, as amended, are reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations, including refunds.

Section 110. The sum of $915,939,493, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation heretofore made in Article 101, Section 20 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations and scale houses, in accordance with applicable laws and regulations for the state portion of the Road Improvement Program, including refunds.

Section 115. The sum of $519,808,743, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30,
2007, from the appropriation heretofore made in Article 101, Section 20a of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state and local roads and bridges, fringe parking facilities and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; for land acquisition and signboard removal and control and preservation of natural beauty, in accordance with applicable laws and regulations for the local portion of the Road Improvement Program, including refunds.

Section 120. The sum of $2,711,248, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made in Article 101, Section 30 and Article 102, Section 125 of Public Act 94-0798, is reappropriated from the Road Fund to the Department of Transportation for Pavement Preservation Programs.

Section 125. The sum of $304,509,149, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation heretofore made in Article 101, Section 25 of Public Act 94-0798, is reappropriated from the Road Fund to the Department of Transportation for High Priority Projects (HPP) and Transportation Improvement Projects (TI) pertaining to local governments as designated in Public Law 109-59, Title I, Subtitle G, Section 1702 and Subtitle I, Section 1934 of the federal reauthorization act entitled SAFETEA-LU; provided such amounts do not exceed funds made available by the federal government through Congressional designations, annual allocations, obligation limitations, or any other federal limitations. Specific project approximations appear in Article 101, Section 25 of Public Act 94-0798.

Section 125a. The sum of $76,235,151, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation heretofore made in Article 101, Section 25a of Public Act 94-0798, is reappropriated from the Road Fund to the
Department of Transportation for the local match of all other non-federally reimbursed expenses associated with the High Priority Projects (HPP) and Transportation Improvement Projects (TI) specifically identified in Article 101, Section 25 of Public Act 94-0798, provided that such amounts do not exceed funds made available and paid into the Road Fund by local governments.

Section 130. The sum of $64,025, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 130 of Public Act 94-0798, as amended, is reappropriated from the Capital Development Fund to the Department of Transportation for use as matching funds for the Illinois Transportation Enhancement program for the Historic Preservation Agency.

Section 135. The sum of $35,687,484, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriations heretofore made in Article 102, Section 140, Section 145, Section 150, and Section 155 of Public Act 94-0798, as amended, is reappropriated from the State Construction Account Fund to the Department of Transportation for the same purposes.

Section 140. The sum of $29,998,619, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 160 of Public Act 94-0798, as amended, are reappropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits.

New matter indicated by italics - deletions by strikeout
and scale installations, and scale houses, in accordance with applicable laws and regulations.

Section 145. The sum of $107,768,978, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriations heretofore made in Article 102, Section 165 and Section 170 of Public Act 94-0798, as amended, are reappropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations.

Section 150. The sum of $255,842,843, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriations heretofore made in Article 102, Section 175 of Public Act 94-0798, as amended, are reappropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits

New matter indicated by italics - deletions by strikeout
and scale installations, and scale houses, in accordance with applicable laws and regulations.

Section 155. The sum of $235,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation heretofore made in Article 101, Section 55 of Public Act 94-0798, as amended, are reappropriated from the State Construction Account Fund to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including reconstruction, extension and improvement of state highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities and sanitary facilities, and such other purposes as provided by the “Illinois Highway Code”; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0850; for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations.

**BOND FUND CONSTRUCTION**

Section 160. The sum of $49,832,246, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from the reappropriations heretofore made in Article 102, Section 180, Section 185, and Section 190 of Public Act 94-0798, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

Section 162. The sum of $100,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 195 of Public Act 94-0798, as amended, for statewide purposes, is reappropriated from the Transportation Bond Series A Fund to the Department of Transportation for the same purposes.

**GRADE CROSSING PROTECTION**

New matter indicated by italics - deletions by strikeout
CONSTRUCTION

Section 165. The sum of $87,041,538, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made for grade crossing protection or grade separation in Article 101, Section 35 and Article 102, Section 200 of Public Act 94-0798, as amended, is reappropriated from the Grade Crossing Protection Fund to the Department of Transportation for the same purpose.

DIVISION OF AERONAUTICS AWARDS AND GRANTS

Section 170. The sum of $379,947,867, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made in Article 101, Section 40 and Article 102, Section 205 of Public Act 94-0798, as amended, is reappropriated from the Federal/Local Airport Fund to the Department of Transportation for funding the local or federal share of airport improvement projects, including reimbursements and/or refunds, undertaken pursuant to pertinent state or federal laws, provided such amounts shall not exceed funds available from federal and/or local sources.

Section 175. The sum of $23,704,028, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation concerning airport improvements heretofore made in Article 102, Section 210 of Public Act 94-0798, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

Section 177. The sum of $2,200,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation concerning airport improvements heretofore made in Article 101, Section 70 of Public Act 94-0798, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

CONSTRUCTION

Section 180. The sum of $21,137,268, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30,
2007, from the reappropriation heretofore made in Article 102, Section 215 of Public Act 94-0798, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

DIVISION OF PUBLIC AND INTERMODAL TRANSPORTATION
AWARDS AND GRANTS

Section 185. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriations heretofore made in Article 102, Section 220 of Public Act 94-0798, as amended, are reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes as follows:

Pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended................. 72,125
For the counties of Cook, DuPage, Kane, Lake, McHenry and Will, pursuant to Section 4(b)(2) of the General Obligation Bond Act, as amended........................................ 1,064,961
For the counties of the State outside the counties of Cook, DuPage, Kane, Lake, McHenry and Will, pursuant to Section 4(b)(3) of the General Obligation Bond Act, as amended................................. 28,014
Total........................................................................................................ $1,165,100

Section 190. The following named sums, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriations heretofore made in Article 102, Section 225 of Public Act 94-0798, as amended, are reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes as follows:

Pursuant to Section 4(b)(1) of the General Obligation Bond Act,

New matter indicated by italics - deletions by strikeout
as amended................................. 73,531,186
For the counties of the State outside the counties of Cook, DuPage, Kane, McHenry, and Will, pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended......................... 4,377,984
For the Department of Transportation's Greenlight Program pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended............. 16,729,065
To extend the metrolink rail line to Mid-America Airport......................... 5,000,002
Total $99,638,237

Section 195. The sum of $108,586,626, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 230 of Public Act 94-0798, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for construction costs, making grants and providing project assistance to municipalities, special transportation districts, private non-profit carriers, mass transportation carriers and the Intercity rail program for the acquisition, construction, extension, reconstruction, and improvement of mass transportation facilities, including rapid transit, intercity rail, bus and other equipment used in connection therewith, as provided by law, pursuant to Section 4(b)(1) of the General Obligation Bond Act, as amended.

Section 200. The sum of $43,759,496, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made in Article 101, Section 50 and Article 102, Section 235 of Public Act 94-0798, as amended, is reappropriated from the Federal Mass Transit Trust Fund to the Department of Transportation for the federal share of capital, operating, consultant services, and technical assistance grants, as well as

New matter indicated by italics - deletions by strikeout
state administration and interagency agreements, provided such amounts shall not exceed funds to be made available from the Federal Government.

CONSTRUCTION

Section 205. The sum of $55,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation heretofore made in Article 101, Section 65 of Public Act 94-0798, as amended, is reappropriated from the Road Fund to the Department of Transportation for grants, road construction and all other costs relating to the Chicago Region Environmental and Transportation Efficiency (CREATE) program, provided such amounts not exceed funds made available by the federal government for this program.

RAIL PASSENGER AND RAIL FREIGHT

AWARDS AND GRANTS

Section 210. The sum of $13,956,386, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriation heretofore made in Article 101, Section 45 and Article 102, Section 240 of Public Act 94-0798, as amended, is reappropriated from the State Rail Freight Loan Repayment Fund to the Department of Transportation for the same purposes.

Section 215. The sum of $17,840,405, or so much thereof as may be necessary, and remains unexpended, less $7,840,405 to be lapsed from the unexpended balance, at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 245 of Public Act 94-0798, as amended, is reappropriated from the Federal High Speed Rail Trust Fund to the Department of Transportation for the federal share of the High Speed Rail Project.

Section 220. The sum of $31,442,302, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the reappropriation heretofore made in Article 102, Section 250 of Public Act 94-0798, as amended, is reappropriated from the Transportation Bond Series B Fund to the Department of Transportation for the same purposes.

New matter indicated by italics - deletions by strikeout
Section 225. The sum of $4,066,055, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation and reappropriations concerning the federal share of the Rail Freight Loan Repayment Program heretofore made in Article 101, Section 60 and Article 102, Section 255 of Public Act 94-0798, as amended, is reappropriated from the Rail Freight Loan Repayment Fund to the Department of Transportation for the same purposes.

Section 230. No contract shall be entered into or obligation incurred or any expenditure made from a reappropriation herein made in:

- Section 5 Permanent Improvements
- Section 130 CDB – Enhancement
- Section 160 Series A - Road Program
- Section 162 Series A - Road Program
- Section 175 Series B - Aeronautics
- Section 177 Series B - Aeronautics
- Section 180 Series B - Land Acquisition 3rd Airport
- Section 185 Series B - Transit
- Section 190 Series B - Transit
- Section 195 Series B - Transit
- Section 210 State Rail Freight Loan Repayment
- Section 215 FHSRTF High Speed Rail-Federal
- Section 220 Series B - Rail
- Section 225 Federal Rail Freight Loan Repayment

of this Article until after the purpose and the amount of such expenditure has been approved in writing by the Governor.

Total, Article 505 $4,717,574,041

ARTICLE 510

CAPITAL DEVELOPMENT BOARD

Section 5. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 5 of Public Act 94-798, are reappropriated from the

New matter indicated by italics - deletions by strikeout
Capital Development Fund to the Capital Development Board for the Department of Agriculture for the projects hereinafter enumerated:

**ILLINOIS STATE FAIRGROUNDS - DUQUOIN**

(From Article 104, Section 5 of Public Act 94-798)

For completing the upgrade of the electrical distribution system, in addition to funds previously appropriated ..................................... 100,759

For constructing a multi-purpose building.......................................................... 61,710

**ILLINOIS STATE FAIRGROUNDS - SPRINGFIELD**

For renovating comfort stations, in addition to funds previously appropriated .......... 53,481

For renovating the Emmerson Building .............................................. 93,813

Total $309,763

Section 20. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 20 of Public Act 94-798, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

**SPRINGFIELD - SUPREME COURT BUILDING**

(From Article 104, Section 20 of Public Act 94-798)

For replacing the roofing system, in addition to funds previously appropriated .......... 8,895

For replacing the roof .......................................................... 23,575

For renovating the HVAC system on the 3rd Floor ........................................ 140,000

For installing humidifier and water filtration systems ...................................... 1,527,950

**APPELLATE COURT SECOND DISTRICT - ELGIN**

For miscellaneous improvements ................................................. 60,520

Total $1,760,940

New matter indicated by italics - deletions by strikeout
Section 30. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 30 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

**SUPREME COURT BUILDING - SPRINGFIELD**
(From Article 104, Section 30 of Public Act 94-798)
For renovating the Library and completing HVAC, in addition to funds previously appropriated..........................                                        235,000

Section 35. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 35 of Public Act 94-798, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Office of the Architect of the Capitol for the projects hereinafter enumerated:

**CAPITOL BUILDING - SPRINGFIELD**
(From Article 104, Section 35 of Public Act 94-798)
For equipment, remodeling and all other costs related to the maintenance, renovation or restoration of areas located in the Capitol Building...............................                                            1,275,971
For all costs related to asbestos and environmental abatement in the Capitol Building...............................                                            3,446,496
Total                                                                                         $4,722,467

Section 40. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made in Article 104, Section 40, of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

New matter indicated by italics - deletions by strikeout
CAPITOL BUILDING - SPRINGFIELD
(From Article 104, Section 40 of Public Act 94-798)
For planning and design, providing a study, historical analysis, asbestos abatement and all other costs associated with the upgrade of the HVAC system in the Capitol building........................................ 304,891
For all costs related to the planning and design of life safety and fire protection system improvements, hazardous material abatement, historical restoration and construction in the Capitol Building........ 775,024
For upgrading the HVAC systems, in addition to funds previously appropriated........................................ 170,111

CAPITOL COMPLEX - SPRINGFIELD
For completing the stone restoration, in addition to funds previously appropriated........ 911,509
For demolition of 222 S. College, and landscaping of Capitol Complex in addition to funds previously appropriated........................................ 1,200,000
For demolition of 222 South College Building and landscaping of Capitol Complex........................................ 1,393,718

DRIVER'S FACILITY WEST - CHICAGO
For renovating the building................................. 767,789

MOTOR VEHICLE SERVICES FACILITY - SPRINGFIELD
For upgrading the fire alarm and security systems................................. 97,072

STATE POWER PLANT - SPRINGFIELD
For installing new water service and repairing power plant systems................................. 45,262

WILLIAM G. STRATTON BUILDING - SPRINGFIELD

New matter indicated by italics - deletions by strikeout
For the planning, design, reconstruction, and construction to renovate or replace the Stratton Office Building, in addition to funds previously appropriated.............. 11,582,631
Total $17,248,007

Section 45. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made in Article 104, Section 45 of Public Act 94-798, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

CAPITOL COMPLEX – SPRINGFIELD
(From Article 104, Section 45 of Public Act 94-798)
For upgrading fire alarm systems in two buildings................................. 17,992
Total $17,992

Section 50. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from appropriations and reappropriations heretofore made for such purposes in Article 103, Section 15, and Article 104, Section 50 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

STATEWIDE
(From Article 103, Section 15 of Public Act 94-798)
For renovating state owned property.................................................. 2,000,000
(From Article 104, Section 50 of Public Act 94-798)
For upgrading the building security system at the James R. Thompson Center and the State of Illinois building in addition to funds previously appropriated................................. 655,000

OFFICE AND LAB BUILDING, CHICAGO MEDICAL CENTER

New matter indicated by italics - deletions by strikeout
(From Article 104, Section 50 of Public Act 94-798)
For planning and beginning the renovation of the facility...1,382,780

DIXON STATE GARAGE - LEE COUNTY
For upgrading the lighting and replacing the roof...198,674

JAMES R. THOMPSON CENTER - CHICAGO
For installing an emergency generator...3,545,000
For rehabilitating exterior columns, in addition to funds previously appropriated...1,000,000
For upgrading mechanical systems, in addition to funds previously appropriated...649,828

MEDICAL CENTER (DCFS DISTRICT OFFICE) - CHICAGO
For replacing roof and upgrading mechanical and electrical systems...321,956

ROCKFORD REGIONAL OFFICE BUILDING
For replacing Halon and upgrading the air conditioning...296,518

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION (WOOD) - CHICAGO
For upgrading fire and safety systems...105,135

SPRINGFIELD - RESEARCH AND COLLECTION CENTER
For expanding surplus warehouse...415,972

SPRINGFIELD - COMPUTER FACILITY
For upgrading the computer room and the electrical system...300,981
Total $10,871,844

Section 60. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made in Article 104, Section 60, of Public Act 94-798, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION

New matter indicated by italics - deletions by strikeout
Section 65. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 65 Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

**BABE WOODYARD STATE NATURAL AREA - VERMILION COUNTY**
(From Article 104, Section 65 of Public Act 94-798)
For developing the site and associated land acquisition................................. 244,751

**BEAVER DAM STATE PARK - MACOUPIN COUNTY**
For replacing the sewage system..................... 30,008

**CARLYLE LAKE STATE PARKS**
For road and site improvements at Carlyle Lake............................... 1,477,424
For infrastructure and site improvements at Carlyle Lake.......................... 765,485

**EAGLE CREEK STATE PARK - SHELBY COUNTY**
For constructing lake access boat docks at resort................................. 248,793

**FERNE CLYFFE STATE PARK - JOHNSON COUNTY**
For replacing the campground sewage treatment system........................ 367,254

**FOX RIDGE STATE PARK - COLES COUNTY**
For replacing spillway................................. 84,174

**GOOSE LAKE PRAIRIE NATURAL AREA - GRUNDY COUNTY**
For replacing floating boardwalk................. 24,604
HENNEPIN CANAL PARKWAY STATE PARK AND ACCESS AREA
For rehabilitating/repairing railroad  
bridges, in addition to funds  
previously appropriated............................ 853,786
HORSESHOE LAKE CONSERVATION AREA - ALEXANDER  
COUNTY
For dam rehabilitation and the State’s share  
to implement the ecological restoration  
plan in cooperation with the U.S.  
Army Corps of Engineers, and  
land acquisition.................................... 842,605
I & M Canal - CHANNAHON STATE PARK - WILL COUNTY
For improving DuPage River Spillway.............. 79,315
ILLINOIS BEACH STATE PARK - LAKE COUNTY
For replacing sanitary sewer line.................. 79,748
For replacing sanitary sewer lines................. 362,372
RED HILLS STATE PARK - LAWRENCE COUNTY
For miscellaneous improvements................... 44,740
RESEARCH & COLLECTIONS CENTER - SPRINGFIELD
For renovating the interior.......................... 57,365
ROCK CUT STATE PARK - WINNEBAGO COUNTY
For upgrading the sewage system................... 1,616,785
SILOAM SPRINGS STATE PARK - ADAMS COUNTY
For rehabilitating office/service  
area.................................................... 1,119,114
WORLD SHOOTING COMPLEX – SPARTA
For construction of the World Shooting  
Complex in Sparta................................. 284,080
SPRINGFIELD
For constructing an office building and  
interpretive center................................. 166,763
WHITE PINES FOREST STATE PARK - OGLE COUNTY
For completing the replacement of the  

New matter indicated by italics - deletions by strikeout
sewer system, in addition to funds previously appropriated............. 15,982
For planning and beginning sewer system replacement..................... 44,503

WILDLIFE PRAIRIE PARK
For rehabilitating the sewage treatment plant............................ 767,500

STATEWIDE
For replacing/repairing the roofing systems at the following locations at the approximate cost set forth below...................... 245,000
Clinton Lake Recreational Area - DeWitt County.................. 65,000
Ferne Clyffe State Park- Johnson County......................... 20,000
Hennepin Canal Parkway State Park.................................. 26,000
Lake Le-Aqua-Na State Park- Stephenson County.................. 39,000
Mermet Lake Conservation Area- Massac County.................... 95,000
For replacing/repairing the roofing systems at the following locations at the approximate costs set forth below...................... 176,041
Starved Rock State Park & Lodge-LaSalle County................... 60,000
Kaskaskia River Fish & Wildlife Area-Randolph County........... 25,000
Pyramid State Park- Perry County............................... 4,109
Region V Office (Benton)
Franklin County............................... 86,932
For rehabilitating dams and bridges............................... 476,803
For constructing, replacing and

New matter indicated by italics - deletions by strikeout
renovating lodges and concession buildings.............................. 3,019,233
For replacing roofs at the following locations, at the approximate cost set forth below........ 134,931
   Shabbona Lake State Park........................................ 40,850
   Hennepin Canal Parkway State Park............................ 15,750
   Randolph Fish & Wildlife Area................................. 32,271
   Dixon Springs State Park........................................ 46,060
For replacing and constructing vault toilets at the following locations, at the approximate cost set forth below................................................... 167,772
   Hennepin Canal Parkway State Trail.......................... 167,772
For rehabilitating dams at the following locations, at the approximate cost set forth below................. 450,002
   Rock Cut State Park............................................. 450,002
For replacing roofs at the following locations, at the approximate cost set forth below............................. 206,925
   Southern IL Arts & Crafts Center.............................. 412
   Frank Holten State Park....................................... 412
   DNR Geological Survey-Champaign............................ 413
   Sangchris Lake State Park.................................. 5,291
   Illini State Park............................................. 1,692
   Shelbyville Fish &

New matter indicated by italics - deletions by strikeout
Wildlife Area....................... 79,480
Trail of Tears State Forest...................... 3,685
Sanganois Conservation Area............. 413
Rice Lake State Park........... 28,090
Hidden Spring State Park........... 53,740
Siloam Springs State Park....... 2,417
Mississippi Palisades State Park............... 30,880
For replacing vault toilets at the following locations, at the approximate cost set forth below............................................ 289,098
   Anderson Lake Conservation Area - Fulton/Schuyler Counties........ 72,275
   Giant City State Park - Jackson/Union Counties........ 72,274
   Randolph County Conservation Area... 72,275
   Silver Springs State Park - Kendall County........ 72,274
For constructing hazardous material storage buildings........................................ 9,935
For constructing vault toilets at the following locations at the approximate cost set forth below:........................................ 137,897
   Apple River Canyon State Park....... 19,699
   Des Plaines Conservation Area....... 19,700
   Kankakee River State Park......... 19,700
   Lake Le-Aqua-Na State Park........ 19,699
   Marshall County Conservation Area.... 19,700
   Morrison-Rockwood State Park....... 19,699
   Rice Lake Conservation Area........ 19,700
For planning, construction, reconstruction, land acquisition and related costs, utilities, site improvements, and all other

New matter indicated by italics - deletions by strikeout
expenses necessary for various capital
improvements at parks, conservation areas,
and other facilities under the jurisdiction
of the Department of Natural Resources........ 1,269,996
Total $16,160,784

Section 75. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2007, from reappropriations heretofore made in Article 104, Section
75 of Public Act 94-798, are reappropriated from the Build Illinois Bond
Fund to the Capital Development Board for the Department of Natural
Resources for the project hereinafter enumerated:

GOOSE LAKE PRAIRIE NATURAL AREA - GRUNDY COUNTY
(From Article 104, Section 75 of Public Act 94-798)
For rehabilitating visitor's center
exterior................................................. 23,345
Total .................................................. $23,345

Section 80. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2007, from appropriations and reappropriations heretofore made for
such purposes in Article 103, Section 20, and Article 104, Section 80 of
Public Act 94-798, are reappropriated from the Capital Development Fund
to the Capital Development Board for the Department of Corrections for
the projects hereinafter enumerated:

CENTRALIA CORRECTIONAL CENTER
(From Article 104, Section 80 of Public Act 94-798)
For replacing the cooling tower.................... 379,623

DIXON CORRECTIONAL CENTER
For planning the upgrade and expansion
of the medical care facility......................... 48,362

DWIGHT CORRECTIONAL CENTER
For renovating Housing Unit C8, in
addition to funds previously
appropriated.......................................... 270,000
For renovating buildings, in addition

New matter indicated by italics - deletions by strikeout
to funds previously appropriated.............. 274,847
For renovation of buildings.................... 30,261

EAST MOLINE CORRECTIONAL CENTER
For completing replacement of the absorption chiller, in addition to funds previously appropriated........ 68,156
For upgrading the roofing system............... 675,879
For replacing windows, in addition to funds previously appropriated......................... 42,450
For replacing the chiller/absorber............. 31,546

GRAHAM CORRECTIONAL CENTER
For upgrading the cooling tower................ 146,782
For upgrading the mechanical system.......... 35,990
For planning upgrade of building automation system and fire alarm system.................. 34,620

HOPKINS PARK
For infrastructure improvements in connection with the Hopkins Park Correctional Center........ 6,299,444

ILLINOIS YOUTH CENTER - HARRISBURG
For constructing a multi-purpose medical, vocational and confinement building............... 375,000
For utility upgrade, including gas and sewer.................................................. 5,169,684

ILLINOIS YOUTH CENTER - RUSHVILLE
For planning, design, construction, equipment and all other necessary costs to add a cellhouse........................................ 2,652,599

ILLINOIS YOUTH CENTER - ST. CHARLES
For constructing an R & C building and other improvements................................. 1,988,048

LAWRENCE COUNTY CORRECTIONAL CENTER - LAWRENCEVILLE
For constructing two cellhouses, in

New matter indicated by italics - deletions by strikeout
addition to funds previously appropriated....... 158,637

LINCOLN CORRECTIONAL CENTER
For replacing doors and locks....................... 31,592

LOGAN CORRECTIONAL CENTER
For planning and beginning the upgrade
of the power plant............................... 515,960
For renovating the electrical
distribution system............................. 159,995
For constructing a medical building
and dietary building............................ 2,077,170

MENARD CORRECTIONAL CENTER - CHESTER
For replacing the administration building,
in addition to funds previously
appropriated................................ 12,259,441
For replacing the Administration
Building........................................... 879,196
For replacing toilets and waste lines
at E/W Cellhouse and upgrade
North Cellhouse plumbing.......................... 364,351
For renovation or replacement of the
Old Hospital Building, in addition to
funds previously appropriated..................... 56,369
For planning and construction of the
Administration Building.......................... 733,828

PONTIAC CORRECTIONAL CENTER
For replacing doors and frames................... 1,620,000
For replacing the roof on the Training
Center and Industry.............................. 22,409

SHAWNEE CORRECTIONAL CENTER
For replacing the emergency generator............. 49,229

STATEVILLE CORRECTIONAL CENTER - JOLIET
For replacing doors and locks..................... 580,000
For replacing windows in B House............... 126,480
For replacing power plant and

New matter indicated by italics - deletions by strikeout
utility distribution system....................... 17,454
For upgrading electrical system and elevator
and installing HVAC system....................... 1,071,947

VANDALIA CORRECTIONAL CENTER
For constructing a multi-purpose program
building.......................................... 90,656
For converting Administration Building and
planning construction of an Administration/
Health Care Unit..................................... 308,406

VIENNA CORRECTIONAL CENTER
For replacing the cooler and freezer.......... 1,408,055
For upgrading the power plant............... 4,208,871
For upgrading the HVAC system and replacing
water lines in six housing units............... 430,361

STATEWIDE
(From Article 103, Section 20 of Public Act 94-798)
For all costs associated with
a timekeeping and payroll system............... 10,000,000
(From Article 104, Section 80 of Public Act 94-798)
For upgrading roofing systems at the
following locations at the approximate
costs set forth below............................. 183,246
Hardin County Work Camp......................... 8,808
Illinois Youth Center Joliet.................... 44,151
Pontiac Correctional Center.................... 130,287
For replacing doors and locks
at the following locations at the
approximate costs set forth below.............. 1,260,098
Dixon Correctional Center........... 1,224,587
Vienna Correctional Center............ 35,511
For upgrading showers at the following
locations at the approximate
cost set forth below.............................. 545,110
Hill Correctional

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0348

For upgrading water towers at the following locations at the approximate cost set forth below.

- Dixon Correctional Center
  Cost: 1,651,849

- Illinois Youth Center - St. Charles
  Cost: 1,228,853

- Illinois Youth Center - Valley View
  Cost: 9,530

For planning, design, construction, equipment and all other necessary costs for a maximum security facility.

Cost: 87,764,762

For planning a medium security facility and land acquisition.

Cost: 2,629,428

For replacing roofing systems at the following locations at the approximate cost set forth below.

- Menard Correctional Center
  Cost: 155,768

- Vienna Correctional Center
  Cost: 7,353

- Illinois Youth Center - Harrisburg
  Cost: 81,100

- Pontiac Correctional Center
  Cost: 4,138

- Illinois Youth Center - Joliet
  Cost: 63,167

For replacing or upgrading security and monitoring systems at the following locations at the approximate cost set forth below.

- Vienna Correctional Center
  Cost: 373,156

- Pontiac Correctional Center
  Cost: 250,000

- Joliet Correctional Center
  Cost: 94,450

- Joliet Correctional Center
  Cost: 28,706

New matter indicated by italics - deletions by strikeout
For planning and replacing windows at the following locations at the approximate cost set forth below.........................

Vienna Correctional Center.......................... 1,780,000
Sheridan Correctional Center.......................... 314,454
Illinois Youth Center - Valley View..................... 8,310
Illinois Youth Center - Joliet.......................... 74,875
Dixon Correctional Center.......................... 46,073
Shawnee Correctional Center.......................... 3,230

For replacing security fencing at the following locations at the approximate cost set forth below.........................

Hill Correctional Center.......................... 3,547
Western IL Correctional Center.......................... 31,427
Joliet Correctional Center.......................... 49,119
Logan Correctional Center.......................... 172,369
Dixon Correctional Center.......................... 8,752
Shawnee Correctional Center.......................... 5,269
Graham Correctional Center.......................... 24,369
Danville Correctional Center.......................... 35,767

New matter indicated by italics - deletions by strikeout
For planning, design, construction, equipment
and all other necessary costs for a
female multi-security level
correctional center.......................... 59,314,299

For replacing roofing systems at the
following locations at the approximate
cost set forth below............................ 189,284
  Vienna Correctional Center.......  150,261
  Sheridan Correctional Center.......  17,785
  Western Illinois Correctional
  Center - Mt. Sterling..............  21,238

For upgrading fire and safety systems at
the following locations at the approximate
costs set forth below, in addition to
funds previously appropriated.................. 2,037,256
  Menard Correctional Center -
  Chester...............................  1,854,559
  Sheridan Correctional Center......  110,620
  Vienna Correctional Center.......  72,077
  Total  $214,355,515

Section 85. The following named amounts, or so much thereof as
may be necessary and remain unexpended at the close of business on June
30, 2007, from reappropriations heretofore made for such purpose in
Article 104, Section 85, of Public Act 94-798, are reappropriated from the
Build Illinois Bond Fund to the Capital Development Board for the
Department of Corrections for the projects hereinafter enumerated:

BIG MUDDY CORRECTIONAL FACILITY
(From Article 104, Section 85 of Public Act 94-798)
For replacing door locking controls
and intercom systems....................... 2,673,891

STATEVILLE CORRECTIONAL CENTER
For installing fire alarm systems...........  1,600,000
  Total  $4,273,891

New matter indicated by italics - deletions by strikeout
Section 90. The sum of $407,375, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 104, Section 90 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Emergency Management Agency for costs associated with a new State Emergency Operations Center.

Section 95. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 95 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

**BISHOP HILL HISTORIC SITE - HENRY COUNTY**
(From Article 104, Section 95 of Public Act 94-798)
For restoring interior and exterior...................... 50,877

**CAHOKIA MOUNDS HISTORIC SITE - COLLINSVILLE**
For replacement of Monk's Mounds stairs............... 275,954
For restoration of Monk's Mound....................... 1,009,932
For purchasing private land within historic site boundary........................................ 189,979

**DAVID DAVIS HOME**
To acquire a residence to be converted to a Visitors Center....................... 249,400

**JARROT MANSION STATE HISTORICAL SITE**
For restoring the mansion, site improvements and land acquisition, in addition to funds previously appropriated............... 1,455,857

**LINCOLN'S TOMB/VIETNAM MEMORIAL - SPRINGFIELD**
For rehabilitating site and providing irrigation system........................................ 150,532

**LINCOLN'S NEW SALEM HISTORIC SITE - MENARD COUNTY**
For providing electrical at campgrounds................................. 110,444

New matter indicated by italics - deletions by strikeout
LINCOLN PRESIDENTIAL CENTER - SPRINGFIELD
For constructing library and museum complex, in addition to funds previously appropriated........ 6,435,816
For constructing a Lincoln Presidential Library........................................ 151,941

OLD STATE CAPITOL - SPRINGFIELD
For repairing elevators.......................... 387,464

UNION STATION - SPRINGFIELD
For purchasing and rehabilitating............. 497,533

STATEWIDE
For statewide ISTEA 21 Match................ 627,570
For matching ISTEA federal grant funds........ 143,310
Total $11,736,609

Section 105. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made in Article 104, Section 105, of Public Act 94-798, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

MT. PULASKI COURTHOUSE HISTORIC SITE - LOGAN COUNTY
(From Article 104, Section 105 of Public Act 94-798)
For rehabilitating interior & exterior........... 24,118

BISHOP HILL HISTORIC SITE – HENRY COUNTY
For restoring interior and exterior............... 78,538

PULLMAN HISTORIC SITE
For all costs associated with the stabilization and restoration of the Pullman Historic Site........ 2,368,684
Total $2,471,340

Section 110. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 110 of Public Act 94-798, are reappropriated from the

New matter indicated by italics - deletions by strikeout
Capital Development Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

ALTON MENTAL HEALTH CENTER - MADISON COUNTY
(From Article 104, Section 110 of Public Act 94-798)
For renovating the Forensic Complex and constructing two building additions, in addition to funds previously appropriated...... 3,900,000
For renovating the central dietary, Phase II, in addition to funds previously appropriated.......................... 679,378
For constructing two building additions at the Forensic Complex................. 6,809,618
For rehabilitation of the central dietary........... 180,124

CHESTER MENTAL HEALTH CENTER
For completing the replacement of smoke and heat detectors, in addition to funds previously appropriated........ 440,000
For upgrading HVAC systems.......................... 451,883
For replacing smoke/heat detectors.................. 65,032

CHICAGO-READ MENTAL HEALTH CENTER - CHICAGO
For rehabbing absorbers, controls and valves.......................... 398,432

CHOATE MENTAL HEALTH AND DEVELOPMENTAL CENTER - ANNA
For renovating Sycamore Hall......................... 94,930

ELGIN MENTAL HEALTH CENTER - KANE COUNTY
For replacing power plant and engineering building.......................... 7,849,540
For renovating the central dietary and kitchen.......................... 3,704,073
For construction of roads, parking lots and street lights.......................... 133,664

FOX DEVELOPMENTAL CENTER - DWIGHT
For replacing and repairing interior doors,

New matter indicated by italics - deletions by strikeout
flooring and walls, in addition to funds previously appropriated ...................... 380,484
For planning and beginning replacement of interior doors and flooring and repairing walls in the Main and Administration Buildings ..................... 145,561

HOWE DEVELOPMENTAL CENTER - TINLEY PARK
For completing upgrade of tunnels, Phase II, in addition to funds previously appropriated .................................. 366,920
For renovating residences, in addition to funds previously appropriated .............. 193,436

ILLINOIS SCHOOL FOR THE DEAF - JACKSONVILLE
For renovating the High School Building Phase II ........................................ 217,819
For renovating High School Building .......... 123,940

ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED - JACKSONVILLE
For renovating auditorium, classroom and administration buildings .................... 2,254,579
For renovating classrooms in Building 17 ........ 1,250,724
For renovations to the powerhouse, boilers and associated coal and ash equipment .................................. 400,000

JACKSONVILLE DEVELOPMENTAL CENTER - MORGAN COUNTY
For planning and beginning the renovation of the powerhouse .......................... 434,122

KILEY DEVELOPMENTAL CENTER - WAUKEGAN
For converting the facility to natural gas, in addition to funds previously appropriated .................................. 114,552
For renovating homes, Phase II, in addition to funds previously

New matter indicated by italics - deletions by strikeout
appropriated...................................... 77,343

LINCOLN DEVELOPMENTAL CENTER - LOGAN
For various capital improvements,
including planning and construction
of four ten-bed transitional or
residential homes............................. 1,700,521

LUDEMAN DEVELOPMENTAL CENTER - PARK FOREST
For upgrading the electrical panel.......... 1,167,150
For repairing and replacing furnaces and
duct work, in addition to funds previously
appropriated................................. 240,882
For renovating residential and neighborhood
homes, in addition to funds previously
appropriated............................... 144,344
For replacing plumbing, HVAC and
boiler systems............................. 742,685
For renovation of residential buildings,
in addition to funds previously
appropriated............................... 82,963

MABLEY DEVELOPMENTAL CENTER - DIXON
For replacing mechanicals and upgrading
the fire alarm systems....................... 231,479
For planning and beginning renovation
of residential buildings..................... 247,967

MADDEN MENTAL HEALTH CENTER - HINES
For renovating pavilions and
administration building for safety/
security, in addition to
funds previously appropriated.............. 681,098
For renovating dietary...................... 836,600
For renovation of pavilions, in addition
to funds previously appropriated........... 108,142

MURRAY DEVELOPMENTAL CENTER - CENTRALIA
For completing the renovation of

New matter indicated by italics - deletions by strikeout
the boiler house, in addition to
funds previously appropriated..................                                   3,400,000

SHAPIRO DEVELOPMENTAL CENTER - KANKAKEE
For replacing the sewer system in
south campus.............................................. 2,056,004
For planning and beginning renovation
of dietary.................................................. 203,263
For work necessary to remedy fire
damper deficiencies..................................... 284,114
For replacing water mains and valves,
in addition to funds previously
appropriated................................................... 217,217

SINGER MENTAL HEALTH CENTER - ROCKFORD
For upgrading fire alarm systems................. 603,742
For renovating dietary and stores................... 93,631
For renovating mechanicals and
residential areas................................. 691,943

TINLEY PARK MENTAL HEALTH CENTER – COOK COUNTY
For completing the upgrade of fire
and life/safety issues in Oak Hall,
in addition to funds previously
appropriated............................................. 600,000

STATEWIDE
For replacing roofing systems at
the following locations, at the
approximate costs set forth below............... 253,694
Chicago-Read Mental
Health Center - Cook
County............................. 148,645
Fox Developmental
Center - Dwight................. 14,000
Kiley Developmental Center -
Waukegan.......................... 91,049
For replacing and repairing roofing systems
at the following locations, at the approximate cost set forth below.................
1,096,408
Alton Mental Health Center -
Madison............................ 89,139
Shapiro Developmental Center -
Kankakee.......................... 104,883
Ludeman Developmental Center -
Park Forest......................... 17,134
Madden Mental Health Center -
Hines.............................. 690,364
Murray Developmental Center -
Centralia.......................... 103,309
Kiley Developmental Center -
Waukegan.......................... 91,579
For replacing and repairing roofing systems at the following locations, at the approximate cost set forth below.............. 782,838
Chicago-Read Mental Health Center................................. 166,314
Howe Developmental Center -
Tinley Park......................... 562,126
Shapiro Developmental Center -
Kankakee.......................... 39,730
Illinois School for the Deaf - Jacksonville......................... 12,087
Kiley Developmental Center - Waukegan.......................... 2,581
For repairing or replacing roofs at the following locations, at the approximate cost set forth below................. 328,481
Illinois School for the Visually Impaired -
Jacksonville........................ 38,368
Jacksonville Developmental

New matter indicated by italics - deletions by strikeout
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Center - Morgan County.............. 60,000
Lincoln Developmental Center - Logan County................. 7,001
Murray Developmental Center - Centralia......................... 86,136
Shapiro Developmental Center - Kankakee......................... 136,976
For planning and beginning construction
of a facility for sexually violent
persons.......................................... 135,896
For replacing and repairing roofing systems
at the following locations at the approximate
cost set forth below............................. 249,756
Choate Developmental Center - Anna............................... 0
Chicago-Read Mental Health Center.... 3,763
Tinley Park Mental Health Center.... 12,974
Illinois School for the Visually
Impaired - Jacksonville.............. 19,414
Shapiro Developmental Center - Kankakee......................... 25,955
Kiley Developmental Center - Waukegan........................... 8,373
Ludeman Developmental Center - Park Forest....................... 179,277
For replacement of roofing systems at the
following locations at the approximate costs
set forth below:.................................. 147,798
Lincoln Development Center........... 36,950
Murray Developmental Center........... 36,949
Elgin Developmental Center........... 36,950
Shapiro Developmental Center........... 36,949
Total ........................................ $47,994,770

New matter indicated by italics - deletions by strikeout
Section 115. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 115 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED - JACKSONVILLE
(From Article 104, Section 115 of Public Act 94-798)
For renovations to the powerhouse, boilers and associated coal and ash equipment.............................. $191,269
Total $191,269

Section 125. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 125 of Public Act 94-798, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Human Services for the project hereinafter enumerated:

ILLINOIS SCHOOL FOR THE DEAF – JACKSONVILLE
(From Article 104, Section 125 of Public Act 94-798)
For replacing dorm doors.............................. $1,945,671
JACKSONVILLE DEVELOPMENTAL CENTER – MORGAN
For upgrading the mechanicals in the power plant, in addition to funds previously appropriated.................. $1,000,000
SINGER MENTAL HEALTH CENTER
For repair and/or replacement of roofs............... $71,994
FOX DEVELOPMENTAL CENTER - DWIGHT
For renovating the water treatment plant.......... $689,979
Total $3,707,644

Section 130. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriation and reappropriations heretofore made in

New matter indicated by italics - deletions by strikeout
Article 104, Section 130 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Medical District Commission for the projects hereinafter enumerated:

**ILLINOIS MEDICAL DISTRICT COMMISSION - CHICAGO**
(From Article 104, Section 130 of Public Act 94-798)
For upgrading utility and infrastructure,
in addition to funds previously
appropriated.....................................                                               412,685
For upgrading core utilities.......................                                       146,794
For upgrading research center......................                                     346,714
For constructing a Lab and Research
Biotech Grad Facility.............................                                           94,638
Total                                                                                         $1,000,831
Section 140. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 140 of Public Act 94-798, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

**BLOOMINGTON ARMORY - McLEAN COUNTY**
(From Article 104, Section 140 of Public Act 94-798)
For rehabilitating the mechanical/electrical
systems and renovating the interior.............                                           2,839,158

**CAIRO ARMORY**
For replacing roof and renovating the
interior and exterior........................................  136,886

**CAMP LINCOLN - SPRINGFIELD**
For construction of a military academy
facility..................................................  466,295

**ELGIN ARMORY - KANE COUNTY**
For upgrading the interior and exterior............  820,653

**MACOMB ARMORY - McDonough**

New matter indicated by italics - deletions by strikeout
For completing the mechanical/electrical systems upgrade, renovating the interior, and installing a kitchen, in addition to funds previously appropriated........................................... 2,565,000
For replacing the mechanical and electrical systems and installing a kitchen................................. 809,441

NORTH RIVERSIDE ARMORY
For rehabilitating the interior and exterior........................................... 240,667

NORTHWEST ARMORY - CHICAGO
For upgrading the electrical system.......................... 2,815,000
For replacing the mechanical systems.......................... 49,281
For renovation of interior and exterior, in addition to funds previously appropriated for such purposes.......................... 173,481

SYCAMORE ARMORY
For replacing the electrical system, renovating the interior and installing air conditioning.......................... 101,889

Total $11,017,751

Section 145. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made in Article 104, Section 145, of Public Act 94-798, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

LAWRENCEVILLE ARMORY
(From Article 104, Section 145 of Public Act 94-798)
For rehabilitating the exterior and replacing roofing systems.......................... 177,017
Total $177,017

Section 150. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in

New matter indicated by italics - deletions by strikeout
Article 104, Section 150 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Revenue for the projects hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD
(From Article 104, Section 150 of Public Act 94-798)
For completing the upgrade of building management controls, in addition to funds previously appropriated.......................... 400,000
For replacing the dock exhaust system.............. 552,248
For replacing and repairing concrete stairway and completing of parking deck, in addition to funds previously appropriated.......................... 140,973
For upgrading building management controls.......................... 3,495,466
For upgrading the plumbing system.............. 908,359
For upgrading parking lot/parking deck structural repair.......................... 408,483
For renovating the interior and upgrading HVAC.......................... 2,891,317
Total $8,796,846

Section 160. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 160 of Public Act 94-798, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Revenue for the project hereinafter enumerated:

WILLARD ICE BUILDING – SPRINGFIELD
(From Article 104, Section 160 of Public Act 94-798)
For completing the upgrade of the Plumbing System.......................... 600,000
Total $600,000

New matter indicated by italics - deletions by strikeout
Section 165. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 103, Section 10 and Article 104, Section 165 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of State Police for the projects hereinafter enumerated:

**CHICAGO FORENSIC LABORATORY**
(From Article 103, Section 10 of Public Act 94-798)
For planning and beginning the construction of an addition to the Chicago Forensic Laboratory..................................... 1,400,000

**DISTRICT 13 HEADQUARTERS - DuQUOIN**
(From Article 104, Section 165 of Public Act 94-798)
For constructing a district 13 headquarters..................................... 108,590

**SPRINGFIELD ARMORY**
For planning and design of the rehabilitation and site improvements of the Springfield Armory, in addition to funds previously appropriated..................................... 746,906

**STATE POLICE TRAINING ACADEMY - SPRINGFIELD**
(From Article 103, Section 10 of Public Act 94-798)
For planning and beginning the construction of an addition to the CODIS Laboratory..................................... 400,000

**STATEWIDE**
For replacing communications towers equipment and tower buildings...................... 1,681,530
For replacing radio communication towers, equipment buildings and installing emergency power generators at the following locations at the approximate costs

New matter indicated by italics - deletions by strikeout
Section 170. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from appropriations and reappropriations heretofore made for such purposes in Article 104, Section 170 of Public Act 94-798, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of State Police for the project hereinafter enumerated:

STATEWIDE
(From Article 104, Section 170 of Public Act 94-798)
For upgrading firing range facilities.............. \(326,181\)
Total \(326,181\)

Section 175. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 175 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Veterans' Affairs for the projects hereinafter enumerated:

LASALLE VETERANS' HOME
(From Article 104, Section 175 of Public Act 94-798)
For replacing the roofing system.................. \(310,000\)
MANTENO VETERANS' HOME - KANKAKEE COUNTY
For replacing air conditioner chillers.......... \(1,149,002\)
For replacing condensing units............... \(122,241\)
For upgrading or constructing
roads and parking lots.......................... \(28,785\)
For planning and constructing
additional storage and support areas......... \(73,248\)
For upgrading storm sewer..................... \(97,768\)

New matter indicated by italics - deletions by strikeout
QUINCY VETERANS' HOME - ADAMS COUNTY
For constructing a bus and ambulance garage ........................................... 849,073
For improvements to various buildings and replacement of Fletcher Building to meet licensure standards ......................... 2,444,625
Total $5,074,742

Section 185. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 185 of Public Act 94-798, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Veterans' Affairs for the project hereinafter enumerated:

MANTENO VETERANS HOME (From Article 104, Section 185 of Public Act 94-798)
For completing the upgrade of emergency generators ........................................... 600,000
Total $600,000

Section 190. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from appropriations and reappropriations heretofore made for such purposes in Article 103, Sections 15 and 25, and Article 104, Section 190 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the projects hereinafter enumerated:

CHICAGO (From Article 103, Section 15 of Public Act 94-798)
For expanding and renovating the Bio-Safety 3 Laboratory for the Department of Public Health ........................................... 1,000,000

EXECUTIVE MANSION - SPRINGFIELD (From Article 104, Section 190 of Public Act 94-798)
For building improvements ........................................... 33,006

ATTORNEY GENERAL BUILDING - SPRINGFIELD

New matter indicated by italics - deletions by strikeout
For upgrading environmental equipment and HVAC, in addition to funds previously appropriated - Archives Building.......................... $83,265

STATEWIDE
(From Article 103, Section 25 of Public Act 94-798)
For improving energy efficiency.......................... $300,000
(From Article 104, Section 190 of Public Act 94-798)
For the purposes of capital planning and condition assessment and analysis of State capital facilities, to be expended only upon the direction of the Director of the Bureau of the Budget.............................. $3,389,055
For abating hazardous materials......................... $104,421
For retrofitting or upgrading mechanized refrigeration equipment (CFCs)............... $650,000
For surveys and modifications to buildings to meet requirements of the federal Americans with Disabilities Act (ADA)......... $113,816
For surveys and modifications to buildings to meet requirements of the federal Americans with Disabilities Act (ADA)........ $260,805
For abating hazardous materials.......................... $23,279
For retrofitting or upgrading mechanized refrigeration equipment (CFCs)............... $4,000,000
For surveys and modifications to buildings to meet requirements of the federal Americans with Disabilities Act........ $2,100,234
For abating hazardous materials......................... $294,608
For retrofitting or upgrading mechanized refrigeration equipment (CFCs)............... $2,876,007
For upgrading and remediating aboveground and underground storage tanks...... $1,737,052
For retrofitting or upgrading mechanized

New matter indicated by italics - deletions by strikeout
refrigeration equipment (CFCs)....................... 782,922
For surveys and modifications to buildings to meet requirements of the federal Americans with Disabilities Act.......... 122,017
For abatement of hazardous materials.................. 51,315
For upgrading/retrofitting mechanized refrigeration equipment (CFCs).......................... 53,118
For survey for and abatement of asbestos-containing materials.......................... 32,471
For upgrade/retrofit of mechanized refrigeration equipment (CFCs)...................... 28,580
For surveys and modifications to buildings to meet requirements of the federal Americans with Disabilities Act............ 1,090,595
For demolition of buildings............................. 82,050
For retrofitting/upgrading mechanical refrigeration equipment.............................. 30,551
For the planning, upgrade and replacement of potentially hazardous underground storage tanks............... 24,492
Total $19,263,659

Section 195. The amount of $512,042, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 195 of Public Act 94-798, is reappropriated from the Asbestos Abatement Fund to the Capital Development Board for surveying and abating asbestos-containing materials statewide.

Section 200. The amount of $980,322, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 200 of Public Act 94-798, is reappropriated from the Asbestos Abatement Fund to the Capital Development Board for asbestos surveys and emergency abatement in relation to asbestos abatement in state

New matter indicated by italics - deletions by strikeout
governmental buildings or higher education residential and auxiliary enterprise buildings.

Section 210. The following named amount or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 104, Section 210 of Public Act 94-798, is reappropriated from the School Construction Fund to the Capital Development Board for the State Board of Education for the projects hereinafter enumerated:

STATEWIDE
(From Article 104, Section 210 of Public Act 94-798)
Grants for facility construction................                                    27,280,210

Section 215. The sum of $12,583,856, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 215 of Public Act 94-798, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 220. The sum of $7,446,133, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 220 Public Act 94-798, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 225. The sum of $9,363,356, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 225 of Public Act 94-798, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 230. The sum of $363,958, or so much thereof as may be necessary and remains unexpended at the close of business on June 30,
2007, from a reappropriation heretofore made in Article 104, Section 230 of Public Act 94-798, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 240. The amount of $6,143,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 240 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for grants to units of local government and other eligible entities for all costs associated with land acquisition, construction and rehabilitation projects.

Section 245. The sum of $18,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 104, Section 245 of Public Act 94-798, is reappropriated from the School Construction Fund to the Capital Development Board for grants to school districts for school improvement projects authorized by the School Construction Law.

Section 247. The sum of $6,870,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 103, Section 35 of Public Act 94-798, is appropriated from the Capital Development Fund to the Capital Development Board for child care facilities, mental and public health facilities, and facilities for the care of disabled veterans and their spouses as authorized by subsection (d) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 250. The sum of $84,766,118, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 104, Section 250 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for correctional purposes at State prison and correctional centers as authorized by
subsection (b) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 255. The sum of $27,373,564, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 104, Section 255 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for open spaces, recreational and conservation purposes and the protection of land and for deposits into the Conservation 2000 Projects Fund as authorized by subsection (c) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 260. The sum of $23,756,693, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 104, Section 260 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for child care facilities, mental and public health facilities, and facilities for the care of disabled veterans and their spouses as authorized by subsection (d) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 265. The sum of $170,087,561, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 104, Section 265 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for use by the State, its departments, authorities, public corporations, commissions and agencies as authorized by subsection (e) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

Section 270. The sum of $475,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 104, Section 270 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for water resource management projects as authorized by subsection (g) of Section 3 of the

New matter indicated by italics - deletions by strikeout
General Obligation Bond Act or for grants to State agencies for such purposes.

Section 275. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 275 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for the projects hereinafter enumerated:

CITY COLLEGES OF CHICAGO
(From Article 104, Section 275 of Public Act 94-798)
For various bondable capital improvements........ 733,240

CITY COLLEGES OF CHICAGO/KENNEDY KING
For remodeling for Workforce Preparation Centers................................. 3,575,930
For remodeling for a culinary arts educational facility.......................... 10,875,000

CITY COLLEGES OF CHICAGO - MALCOLM X COLLEGE
For remodeling the Allied Health program facilities.............................. 4,304,223

COLLEGE OF DUPAGE
For upgrading the Instructional Center heating, ventilating and air conditioning systems.......................... 90,937

COLLEGE OF LAKE COUNTY
For planning and beginning construction of a technology building - Phase 1........................................ 36,705

KANKAKEE COMMUNITY COLLEGE
For constructing a laboratory/classroom facility................................. 257,578

LAKELAND COLLEGE
Student Services Building addition....................... 6,602,331

MCHENRY COUNTY COLLEGE
For constructing classrooms and a

New matter indicated by italics - deletions by strikeout
student services building and remodeling space, in addition to funds previously appropriated .................................................. 473,076

MORaine VALey COMMunity COLLeGE - PaLoS HiLLS
For constructing a classroom/administration building, providing site improvements and purchasing equipment, in addition to funds previously appropriated .................. 41,635

PRAIRIE StaTe COLLeGE - CHiCAGO HeIGHTS
For constructing an addition to the Adult Training/Outreach Center, in addition to funds previously appropriated .................. 1,005,113

SOUTH SUBURBAN COLLeGE
For improving flood retention .................. 437,000

TRITOn COMMunity COLLeGE - RiVeR GroVe
For rehabilitating the Liberal Arts Building .................. 1,536,546
For rehabilitating the potable water distribution system .................. 70,146

STAteWIdE
For the Illinois Community College Board miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community Colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for this purpose ........ 1,504,506

STAteWIdE
For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses

New matter indicated by italics - deletions by strikeout
required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

STATEWIDE - CONSTRUCTION DEFECTS

For planning, construction and renovation to correct defectively designed or constructed community college facilities, provided that monies recovered based upon claims arising out of such defective design or construction shall be paid to the state as required by Section 105.12 of the Public Community College Act as reimbursement for monies expended pursuant to this appropriation.

Total

Section 280. The amount of $414,264, or so much thereof as may be necessary, and remains unexpended on June 30, 2007, from a reappropriation heretofore made for such purposes in Article 104, Section 280 of Public Act 94-798, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for grants to community colleges repair, renovation, and miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and

New matter indicated by italics - deletions by strikeout
installation of capital facilities, costs of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 285. The sum of $1,391,343, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 104, Section 285 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 290. The sum of $1,712,172, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purposes in Article 104, Section 290 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 295. The sum of $2,559,166, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purposes in Article 104, Section 295 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment,
materials, services and all other expenses required to complete the work at the various community colleges. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 300. The sum of $687,732, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purposes in Article 104, Section 300 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for grants to community colleges for miscellaneous capital improvements including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 305. The sum of $72,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 104, Section 305 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for miscellaneous capital improvements at various educational facilities statewide, in addition to funds previously appropriated.

Section 310. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 310 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

ILLINOIS MATHEMATICS AND SCIENCE ACADEMY - AURORA
(From Article 104, Section 310 of Public Act 94-798)
To plan and begin construction of a space for the delivery of teacher training and development and student enrichment programs.............................. 108,843

New matter indicated by italics - deletions by strikeout
Section 315. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made in Article 104, Section 315 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

**STATEWIDE**

(From Article 104, Section 315 of Public Act 94-798)

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes:

<table>
<thead>
<tr>
<th>Institution</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chicago State University</td>
<td>322,100</td>
</tr>
<tr>
<td>Eastern Illinois University</td>
<td>515,500</td>
</tr>
<tr>
<td>Governors State University</td>
<td>18,040</td>
</tr>
<tr>
<td>Illinois State University</td>
<td>984,871</td>
</tr>
<tr>
<td>Northeastern Illinois University..</td>
<td>383,700</td>
</tr>
<tr>
<td>Northern Illinois University..</td>
<td>1,159,000</td>
</tr>
<tr>
<td>Western Illinois University..</td>
<td>361,092</td>
</tr>
<tr>
<td>Southern Illinois University - Carbondale........</td>
<td>1,237,441</td>
</tr>
<tr>
<td>Southern Illinois University - Edwardsville......</td>
<td>763,100</td>
</tr>
<tr>
<td>University of Illinois - Chicago....................</td>
<td>2,777,300</td>
</tr>
<tr>
<td>University of Illinois - Springfield..............</td>
<td>229,100</td>
</tr>
<tr>
<td>University of Illinois - Urbana/Champaign.........</td>
<td>4,131,963</td>
</tr>
</tbody>
</table>

New matter indicated by italics - deletions by strikeout
Illinois Community
College Board....................... 5,676,077
For miscellaneous capital improvements
including construction, capital
facilities, cost of planning, supplies,
equipment, materials, services and
all other expenses required to complete
the work at the various universities
This appropriated amount shall be in
addition to any other appropriated amounts
which can be expended for these purposes...... 16,394,865
Chicago State University.......... 300,273
Eastern Illinois University....... 515,500
Governors State University....... 73,277
Illinois State University........... 651,449
Northeastern Illinois
University...................... 383,700
Northern Illinois University..... 1,159,000
Western Illinois University........ 41,562
Southern Illinois University -
Carbondale......................... 43,777
Southern Illinois University -
Edwardsville....................... 14,515
University of Illinois -
Chicago........................... 2,777,300
University of Illinois -
Springfield......................... 212,512
University of Illinois -
Urbana/Champaign.................. 4,150,300
Illinois Community
College Board....................... 6,071,700
For miscellaneous capital improvements
including construction, capital
facilities, cost of planning, supplies,
equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes........ 4,755,524
Chicago State University........... 36,022
Eastern Illinois University.......... 515,500
Illinois State University.......... 17,567
Northern Illinois University....... 753,633
Western Illinois University........ 140,157
Southern Illinois University -
Carbondale......................... 139,735
University of Illinois -
Chicago....................... 2,061,465
University of Illinois -
Springfield............... 209,126
University of Illinois -
Urbana/Champaign............. 882,319
For miscellaneous capital improvements, including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes................ 2,891,414
Eastern Illinois University....... 477,768
Illinois State University.......... 128,234
Northern Illinois University...... 1,207,568
Southern Illinois University -
Carbondale....................... 72,892

New matter indicated by italics - deletions by strikeout
University of Illinois -
   Chicago............................ 245,200
University of Illinois -
   Urbana/Champaign............... 759,752

For miscellaneous capital improvements including construction, reconstruction remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes............. 1,837,407

Chicago State University........... 149,156
Eastern Illinois University........ 42,140
Northeastern Illinois University... 32,560
Northern Illinois University....... 698,185
Western Illinois University....... 12,865
University of Illinois -
   Champaign/Urbana Campus......... 902,501

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes....... 888,186

For Eastern Illinois University..... 261,412

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0348

For Northeastern Illinois University ....  3,449
For Northern Illinois University.......  60,517
For University of Illinois -
   Urbana-Champaign..................  562,808
For miscellaneous capital improvements,
   including construction, reconstruction, remodeling, improvement, repair and
   installation of capital facilities, cost of planning, supplies, equipment, materials,
   services and all other expenses
   required to complete the work at the various universities set forth below. This
   appropriation shall be in addition to any other appropriated amounts which
   can be expended for these purposes.............  264,759
For Northern Illinois University.....  151,292
For Southern Illinois University -
   Carbondale.........................  22,188
For Southern Illinois University -
   Edwardsville........................  11,240
For University of Illinois -
   Urbana-Champaign..................  80,039
For miscellaneous capital improvements
   including construction, reconstruction, remodeling, improvement, repair and
   installation of capital facilities, cost of planning, supplies, equipment, materials,
   services and all other expenses
   required to complete the work at the various universities set forth below. This
   appropriation shall be in addition to any other appropriated amounts which
   can be expended for these purposes.............  797,938
For Chicago State University........  21,722

New matter indicated by italics - deletions by strikeout
For Eastern Illinois University...... 150,380
For Governors State University....... 71,798
For Illinois State University........ 85,165
For Northeastern Illinois University . 36,177
For Northern Illinois University..... 207,446
For University of Illinois.......... 225,250

SOUTHERN ILLINOIS UNIVERSITY
For Southern Illinois University
for miscellaneous capital improvements
including construction, reconstruction,
remodeling, improvements, repair and
installation of capital facilities, cost
of planning, supplies, equipment, materials
services and all other expenses
required to complete the work. This
appropriation shall be in addition to any
other appropriated amounts which can
be expended for these purposes............. 120,090

UNIVERSITY OF ILLINOIS
For the Board of Trustees of the University of
Illinois for miscellaneous capital
improvements including construction,
reconstruction, remodeling, improvement,
repair and installation of capital
facilities, cost of planning, supplies,
equipment, materials, services and
all other expenses required for completing
the work at the colleges and
universities. This appropriation shall
be in addition to any other
appropriated amounts which can be
expended for these purposes................. 89,723
For the Board of Higher Education for
miscellaneous capital improvements,

New matter indicated by italics - deletions by strikeout
including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services, and all other expenses required to complete the work at the colleges and universities hereinafter enumerated. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes:

Northern Illinois University........................                                        17,454

Total                                                                                       $46,616,644

Section 320. The sum of $133,306, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purposes in Article 104, Section 320 of Public Act 94-798, is re appropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for miscellaneous capital improvements, including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required for completing the work at the colleges and universities. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 325. The following named amounts, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from reappropriations heretofore made for such purposes in Article 104, Section 325 of Public Act 94-798, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

(From Article 104, Section 325 of Public Act 94-798)
For miscellaneous capital improvements
    including construction, capital facilities, cost of planning, supplies,

New matter indicated by italics - deletions by strikeout
equipment, materials, services and
all other expenses required to complete
the work at the various universities.
This appropriated amount shall be in
addition to any other appropriated amounts
which can be expended for these purposes.

Chicago State University......................... 143,813
Eastern Illinois University....................... 257,800
Governors State University...................... 94,900
Illinois State University....................... 510,700
Northeastern Illinois
   University...................................... 191,800
Northern Illinois University................... 579,500
Western Illinois University..................... 145,143
Southern Illinois University - Carbondale..... 560,973
Southern Illinois University - Edwardsville... 381,500
University of Illinois - Chicago.............. 1,388,600
University of Illinois - Springfield.......... 114,600
University of Illinois - Urbana/Champaign.... 2,075,100
Illinois Community College Board............... 2,888,562
   Total........................................ $9,332,991

For miscellaneous capital improvements
including construction, capital
facilities, cost of planning, supplies,
equipment, materials, services and
all other expenses required to complete
the work at the various universities.
This appropriated amount shall be in
addition to any other appropriated amounts
which can be expended for these purposes.

Chicago State University......................... 161,000
Eastern Illinois University....................... 255,993
Governors State University...................... 79,550
Illinois State University....................... 510,700

New matter indicated by italics - deletions by strikeout
Northeastern Illinois University................... 191,800
Northern Illinois University....................... 579,500
Southern Illinois University - Carbondale......... 22,934
Southern Illinois University - Edwardsville....... 156,094
University of Illinois - Chicago................... 1,388,600
University of Illinois - Springfield............... 114,600
University of Illinois - Urbana/Champaign......... 2,075,100
Illinois Community College Board.................... 2,805,684
  Total                                                                 $8,341,555

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities.
This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.
Chicago State University............................. 16,042
Eastern Illinois University.......................... 185,800
Governors State University.......................... 45,618
Illinois State University............................ 27,282
Northern Illinois University......................... 579,500
Western Illinois University.......................... 9,341
Southern Illinois University - Carbondale........ 37,795
University of Illinois - Chicago.................... 974,174
University of Illinois - Springfield............... 76,866
University of Illinois - Urbana/Champaign........ 1,563,514
  Total                                                                 $3,515,932

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete

New matter indicated by italics - deletions by strikeout
the work at the various universities.
This appropriated amount shall be in
addition to any other appropriated amounts
which can be expended for these purposes.

Eastern Illinois University................. 21,618
Governors State University............... 26,826
Illinois State University................. 121,697
Northeastern Illinois University......... 87,701
Northern Illinois University.......... 448,480
University of Illinois - Chicago....... 103,101
University of Illinois - Springfield.... 30,052
University of Illinois - Urbana/Champaign... 268,540
Total                                      $1,108,015

For miscellaneous capital improvements
including construction, capital
facilities, cost of planning, supplies,
equipment, materials, services and
all other expenses required to complete
the work at the various universities.
This appropriated amount shall be in
addition to any other appropriated amounts
which can be expended for these purposes.

Chicago State University............... 48,214
Eastern Illinois University........... 134,474
Northeastern Illinois University.... 32,547
Northern Illinois University....... 340,000
University of Illinois- Champaign/Urbana... 65,946
Total                                        $621,181

Section 330. The sum of $1,598,774, or so much thereof as may be
necessary and remains unexpended at the close of business on June 30,
2007, from a reappropriation heretofore made in Article 104, Section 330
of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund
to the Capital Development Board for the Illinois Community College
Board for miscellaneous capital improvements including construction,

New matter indicated by italics - deletions by strikeout
capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 335. The sum of $1,311,528, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 335 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 340. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2007, from reappropriations heretofore made in Article 104, Section 340 of Public Act 94-798, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

CHICAGO STATE UNIVERSITY
(From Article 104, Section 340 of Public Act 94-798)
For replacing primary electrical feeder cable.......................... 341,332
For roof replacement projects......................... 1,445,540
For the construction of a conference center.......................... 4,860,186
For the construction of a day care facility.......................... 4,906,554
For the construction of a student financial outreach building........... 4,805,809
For constructing a new library facility, site improvements, utilities, and purchasing equipment, in addition

New matter indicated by italics - deletions by strikeout
to funds previously appropriated.............. 2,800,731
For technology improvements and deferred maintenance...................... 1,186,381
For remodeling Building K, in addition to funds previously appropriated......... 8,534,846
For planning and beginning to remodel Building K and improving site............... 1,000,474
For a grant to Chicago State University for all costs associated with construction of a Convocation Center...................... 512,431
For upgrading campus infrastructure, in addition to the funds previously appropriated........... 573,846
For renovating buildings and upgrading mechanical systems...................... 61,412

**EASTERN ILLINOIS UNIVERSITY**
For upgrading the electrical distribution system.............................. 2,327,480
For renovating and expanding the Fine Arts Center, in addition to funds previously appropriated...................... 11,945,189
For planning and beginning to renovate and expand the Fine Arts Center - Phase 1, in addition to funds previously appropriated...................... 1,001,351
For planning and beginning to renovate and expand the Fine Arts Center............ 39,400
For upgrading campus buildings for health, safety and environmental improvements........... 386,432

**GOVERNORS STATE UNIVERSITY**
For constructing addition and remodeling the teaching & learning complex, in addition to funds previously appropriated...................... 14,563,783

New matter indicated by italics - deletions by strikeout
ILLINOIS STATE UNIVERSITY
For renovating Stevenson and Turner Halls for life/safety......................... 21,139,192
For the upgrade and remodeling of Schroeder Hall................................. 2,459,395
For planning, site improvements, utilities, construction, equipment and other costs necessary for a new facility for the College of Business........................................... 20,480
For remodeling Julian and Moulton Halls.............................................. 406,829

NORTHEASTERN ILLINOIS UNIVERSITY
For renovating Building "C" and remodeling and expanding Building "E" and Building "F"................................. 6,277,078
For planning and beginning to remodel Buildings A, B and E..................... 3,487,633
For remodeling in the Science Building to upgrade heating, ventilating and air conditioning systems................................. 2,021,400
For replacing fire alarm systems, lighting and ceilings............................. 196,611

NORTHERN ILLINOIS UNIVERSITY
For renovating the Founders Library basement, in addition to funds previously appropriated........................................... 648,578
For planning a classroom building and developing site in Hoffman Estates........ 1,314,500
For completing the construction of the Engineering Building, in addition to amounts previously appropriated for such purpose........................................... 326,589
For renovating Altgeld Hall and purchasing equipment................................. 249,268
For upgrading storm waterway controls in

New matter indicated by italics - deletions by strikeout
addition to funds previously appropriated........ 218,606

SOUTHERN ILLINOIS UNIVERSITY
For planning, construction and equipment
for a cancer center............................. 9,863,784

SOUTHERN ILLINOIS UNIVERSITY - CARBONDALE
For renovating and constructing an
addition to the Morris Library, in
addition to funds previously
appropriated...................................... 12,404,172

SIU SCHOOL OF MEDICINE - SPRINGFIELD
For constructing and for equipment for
an addition to the combined laboratory,
in addition to funds previously
appropriated.................................... 68,104

UNIVERSITY OF ILLINOIS AT CHICAGO
Plan, construct, and equip the Chemical
Sciences Building.............................. 57,600,000
For planning, construction and equipment
for a chemical sciences building............. 3,549,048
To plan and begin construction of
a medical imaging research/clinical
facility............................................. 49,753
For remodeling the Clinical
Sciences Building............................. 854,132
For the renovation of the court area and
Lecture Center, in addition to funds
previously appropriated........................ 119,735

UNIVERSITY OF ILLINOIS AT CHAMPAIGN-URBANA
For planning, analysis and design
of Lincoln Hall. Design cannot proceed
beyond Program Analysis/Preliminary
Design unless approved in writing by
the Governor.................................... 2,000,000
Expansion of Microelectronics Lab.......... 2,025,772

New matter indicated by italics - deletions by strikeout
For planning, construction and equipment
for a biotechnology genomic facility...........  6,027,073
For planning, construction and equipment
for a supercomputing application facility........  295,061

UNIVERSITY CENTER OF LAKE COUNTY
For constructing a university center and
purchasing equipment, in addition to
funds previously appropriated....................  242,937
For land, planning, remodeling, construction
and all costs necessary to construct a
facility..............................................  542,946

WESTERN ILLINOIS UNIVERSITY - MACOMB
Plan and construct performing arts center.......  4,000,000
For improvements to Memorial
Hall...........................................  10,718,657
Total                                                                                     $210,420,510

Section 345. The following named amount, or so much thereof as
may be necessary and remains unexpended at the close of business on June
30, 2007, from an appropriation heretofore made in Article 104, Section
345 of Public Act 94-798 is reappropriated from the Capital Development
Fund to the Capital Development Board for Southern Illinois University
School of Medicine, Springfield, for the project hereinafter enumerated:

SOUTHERN ILLINOIS UNIVERSITY SCHOOL
OF MEDICINE – SPRINGFIELD
(From Article 104, Section 345 of Public Act 94-798)
For construction and equipment
for an addition to the combined
laboratory for Illinois State Police
Crime Lab..........................................  21,980

Section 360. The amount of $73,780, or so much thereof as may be
necessary, and remains unexpended on June 30, 2007, from a
reappropriation heretofore made for such purpose in Article 104, Section
360 of Public Act 94-798, as amended, is reappropriated from the Build
Illinois Bond Fund to the Capital Development Board for the University of

New matter indicated by italics - deletions by strikeout
Illinois for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, costs of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 370. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 370 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for the project hereinafter enumerated:

EAST ST. LOUIS COLLEGE CENTER
(From Article 104, Section 370 of Public Act 94-798)
For construction of facilities, remodeling, site improvements, utilities and other costs necessary for adapting the former campus of Metropolitan Community College for a Community College Center and Southern Illinois University, in addition to funds previously appropriated........................ 3,602,045

Section 375. The sum of $35,707,069, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 375 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 380. The sum of $30,625,470, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 380
of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 385. The sum of $11,402,697, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 385 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 390. The sum of $3,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 104, Section 390 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for planning, construction, and equipment for a Nanofabrication and Molecular Center. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 400. The sum of $26,915, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 104, Section 400 of Public Act 94-798, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for miscellaneous capital improvements to state facilities including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at

New matter indicated by italics - deletions by strikeout
the facilities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 405. The sum of $111,982,989, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 104, Section 405 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the development and improvement of educational, scientific, technical and vocational programs and facilities and the expansion of health and human services, and for any other purposes authorized in subsection (c) of Section 4 of the Build Illinois Bond Act and for grants to State agencies for such purposes.

Section 410. The sum of $129,167,335, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 104, Section 410 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Capital Development Board for educational purposes by State universities and colleges, the Illinois Community College Board created by the Public Community College Act and for grants to public community colleges as authorized by Sections 5-11 and 5-12 of the Public Community College Act as authorized by subsection (a) of Section 3 of the General Obligation Bond Act or for grants to State agencies for such purposes.

No contract shall be entered into or obligation incurred for any expenditure made in this Article until after the purpose and amounts have been approved in writing by the Governor.

Total, Article 510 $1,440,268,009

ARTICLE 515
EASTERN ILLINOIS UNIVERSITY

Section 5. The sum of $5,298,718, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 105, Section 5 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Board of Trustees of Eastern Illinois University to purchase equipment for the renovation and expansion of the Fine Arts

New matter indicated by italics - deletions by strikeout
Center. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purpose and amounts have been approved in writing by the Governor.

Section 10. The sum of $95,405, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 105, Section 10 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Board of Trustees of Eastern Illinois University to purchase equipment for the renovation and expansion of Booth Library. No contract shall be entered into or obligation incurred for any expenditure from the appropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Total, Article 515 $5,394,123

ARTICLE 520
NORTHEASTERN ILLINOIS UNIVERSITY

Section 5. The sum of $2,071,805, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 106, Section 5 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Board of Trustees of Northeastern Illinois University to purchase equipment and remodel buildings A, B and E. This appropriation is in addition to any funds previously appropriated.

Section 10. No contract shall be entered into or obligation incurred for any expenditures from appropriations in Section 5 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Total, Article 520 $2,071,805

ARTICLE 525
SOUTHERN ILLINOIS UNIVERSITY

Section 5. The sum of $3,805, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 108, Section 5 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Board of Trustees of Southern Illinois University at Carbondale to

New matter indicated by italics - deletions by strikeout
purchase equipment for Altgeld Hall and the Old Baptist Foundation Building. This appropriation is in addition to any funds previously appropriated.

Section 10. No contract shall be entered into or obligation incurred for any expenditures from appropriations in Section 5 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Total, Article 525 $3,805

ARTICLE 530
UNIVERSITY OF ILLINOIS

Section 5. The sum of $4,702,332, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 109, Section 5 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Board of Trustees of the University of Illinois for all costs associated with the space needs of the Department of Natural Resources, Illinois Natural History Survey Division and State Water Survey Division on the campus of the University of Illinois in Champaign, including construction, capital facilities, planning, relocation, renovation and rehabilitation, mechanical systems, materials, services and all other costs required to complete the work.

Section 10. The sum of $385,026, or so much thereof as may be necessary and remains unexpended on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 109, Section 10 of Public Act 94-798, is reappropriated from the Capital Development Fund to the University of Illinois for digitalization infrastructure for WILL-TV (Urbana-Champaign).

Section 15. The sum of $108,796, or so much thereof as may be necessary and remains unexpended on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 109, Section 15 of Public Act 94-798, is reappropriated from the Capital Development Fund to the University of Illinois at Springfield for constructing a classroom and office building, in addition to funds previously appropriated.

New matter indicated by italics - deletions by strikeout
Section 20. No contract shall be entered into or obligation incurred for any expenditures from appropriations in Sections 5, 10 and 15 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Total, Article 530 $5,196,154

ARTICLE 535

ILLINOIS COMMERCE COMMISSION

Section 5. The sum of $391,315, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 110, Section 5 of Public Act 94-798, is reappropriated from the Capital Development Fund to the Illinois Commerce Commission for train whistle abatement in counties with over 3,000,000 in population, where a public highway crosses a railroad at grade.

Total, Article 535 $391,315

ARTICLE 540

ENVIRONMENTAL PROTECTION AGENCY

Section 5. The sum of $150,000,000, or so much thereof as may be necessary, is appropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government for sewer systems and wastewater treatment facilities pursuant to rules defining the Water Pollution Control Revolving Loan program and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged loan program.

Section 10. The sum of $60,000,000, or so much thereof as may be necessary, is appropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government and privately owned community water supplies for drinking water infrastructure projects pursuant to the Safe Drinking Water Act, as amended, and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged program.
Section 30. The sum of $10,000,000, or so much thereof as may be necessary is appropriated from the Underground Storage Tank Fund to the Environmental Protection Agency for deposit into the Brownfields Redevelopment Fund for use pursuant to Sections 58.13 and 58.15 of the Environmental Protection Act.

Total, Article 540  $220,000,000

ARTICLE 545
ENVIRONMENTAL PROTECTION AGENCY

Section 5. The sum of $540,796,725, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 111, Section 5, and Article 112, Section 5 of Public Act 94-798, as amended, are reappropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government for sewer systems and wastewater treatment facilities pursuant to rules defining the Water Pollution Control Revolving Loan program and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged loan program.

Section 10. The sum of $210,011,080, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from appropriations heretofore made in Article 111, Section 10, and Article 112, Section 10 of Public Act 94-798, as amended, are reappropriated from the Water Revolving Fund to the Environmental Protection Agency for financial assistance to units of local government and privately owned community water supplies for drinking water infrastructure projects pursuant to the Safe Drinking Water Act, as amended, and for transfer of funds to establish reserve accounts, construction accounts or any other necessary funds or accounts in order to implement a leveraged loan program.

Section 15. The sum of $8,942,400, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 112, Section 15 of Public Act 94-798, as amended, is reappropriated from

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the Anti-Pollution Fund to the Environmental Protection Agency for deposit into the Water Revolving Fund.

Section 20. The sum of $1,827,595, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 112, Section 20 of Public Act 94-798, as amended, is reappropriated from the Anti-Pollution Fund to the Environmental Protection Agency for deposit into the Water Revolving Fund.

Section 25. The sum of $4,836,773, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 112, Section 25 of Public Act 94-798, as amended, is reappropriated from the Anti-Pollution Fund to the Environmental Protection Agency for grants to units of local government for wastewater facilities, pursuant to provisions of the "Anti-Pollution Bond Act."

Section 30. The amount of $55,429,959, or so much thereof as may be necessary and remains unexpended on June 30, 2007, from reappropriations heretofore made for such purposes in Article 112, Section 30 of Public Act 94-798, as amended, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for wastewater compliance grants to units of local government or sewer systems and wastewater treatment facilities pursuant to procedures and rules established under the Anti-Pollution Bond Act. These grants are limited to projects for which the local government provides at least 30% of the project cost. There is an approved project compliance plan, and there is an enforceable compliance schedule prior to the grant award. The grant award will be based on eligible project cost contained in the approved compliance plan.

Section 35. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 112, Section 35 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Brownfields New matter indicated by italics - deletions by strikeout
Redevelopment Fund for use pursuant to Sections 58.13 and 58.15 of the Environmental Protection Act.

Section 40. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 112, Section 40 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Brownfields Redevelopment Fund for use pursuant to Sections 58.13 and 58.15 of the Environmental Protection Act.

Section 45. The sum of $10,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 112, Section 45 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Hazardous Waste Fund for use pursuant to Section 22.2 of the Environmental Protection Act.

Section 50. The sum of $748,945, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 112, Section 50 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for grants and contracts for public drinking water infrastructure, including design and construction, where private drinking water wells have been contaminated by a hazardous substance.

Section 55. The sum of $5,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 111, Section 20 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for financial assistance to municipalities with designated River Edge Redevelopment Zones for brownfields redevelopment in accordance with Section 58.13 of the Environmental Protection Act, including costs in prior years.

Section 60. The sum of $8,462,700, or so much thereof as may be necessary and remains unexpended at the close of business on June 30,
2007, from an appropriation heretofore made for such purpose in Article 112, Section 55 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for the protection, preservation, restoration and conservation of environmental and natural resources, for deposits into the Water Revolving Fund, and for any other purposes authorized in subsection (d) of Section 4 of the Build Illinois Bond Act and for grants to State agencies for such purposes.

Section 65. The sum of $16,600,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 111, Section 15 of Public Act 94-798, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for the protection, preservation, restoration and conservation of environmental and natural resources, for deposits into the Water Revolving Fund, and for any other purposes authorized in subsection (d) of Section 4 of the Build Illinois Bond Act and for grants to State Agencies for such purposes.

Section 70. No contract shall be entered into or obligation incurred for any expenditure made in Sections 15 through 65 of this Article until after the purpose and amounts have been approved in writing by the Governor.

Total, Article 545  
$866,656,177

ARTICLE 550  
HISTORIC PRESERVATION AGENCY

Section 5. The sum of $437,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 113, Section 5 of Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for costs associated with the acquisition or improvements of Sugar Loaf and/or Fox Mounds or other properties within the Cahokia Mounds National Historic Landmark Boundary.

Section 10. The sum of $460,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 113, Section 10 of
Public Act 94-798, as amended, is reappropriated from the Capital Development Fund to the Historic Preservation Agency for support facilities, acquisition or improvements for Sugar Loaf and/or Fox Mounds or other properties within the Cahokia Mounds National Historic Landmark Boundary.

Section 15. No contract shall be entered into or obligation incurred for any expenditures from appropriations in Sections 5 and 10 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Total, Article 550 $897,800

ARTICLE 552

ILLINOIS FINANCE AUTHORITY

Section 5. The sum of $2,200,000, or so much thereof as may be necessary, is appropriated from the Fire Truck Revolving Loan Fund to the Illinois Finance Authority for the purpose of making loans to fire departments, fire protection districts, and township fire departments as successor in interest to the Illinois Rural Bond Bank.

Total, Article 552 $2,200,000

ARTICLE 555

ILLINOIS FINANCE AUTHORITY

Section 5. The sum of $500,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made in Article 114, Section 5 of Public Act 94-798, as amended, is reappropriated from the Fire Truck Revolving Loan Fund to the Illinois Finance Authority for the purpose of making loans to fire departments, fire protection districts, and township fire departments as successor in interest to the Illinois Rural Bond Bank, pursuant to Section 845-75 of Public Act 93-0205.

Section 10. The sum of $644,371, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made in Article 115, Section 5 of Public Act 94-798, is reappropriated from the Fire Truck Revolving Loan Fund to the Illinois Finance Authority for loans to fire departments, fire protection districts, and township fire departments as successor in interest
to the Illinois Rural Bond Bank, pursuant to Section 845-75 of Public Act 93-0205.

Total, Article 555 $1,144,371

ARTICLE 560
ILLINOIS COMMUNITY COLLEGE BOARD

Section 5. The sum of $1,606,823, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from a reappropriation heretofore made for such purpose in Article 118, Section 5 of Public Act 94-798, as amended, is reappropriated from the Build Illinois Bond Fund for the Illinois Community College Board for remodeling of facilities for compliance with the Americans with Disabilities Act. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 10. No contract shall be entered into or obligation incurred for any expenditures from appropriations in Section 5 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Total, Article 560 $1,606,823

ARTICLE 565

Section 0.01. In this Article 565, all amounts appropriated for the purposes stated are in addition to all other appropriations for those purposes.

Section 1. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Alton for fence replacement at Gordon Moore Park.

Section 2. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Godfrey for permanent park improvements.

Section 3. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the

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Village of South Roxana for main lift station improvements, and police and record departmental improvements.

Section 4. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Granite City for museum improvements.

Section 5. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Worden for a rescue truck for the Worden Fire Protection District.

Section 6. The sum of $85,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Village of Bethalto for a communications system.

Section 7. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Nameoki Township for pump and control equipment.

Section 8. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the United Way of Greater St. Louis.

Section 9. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Rosewood Heights Sanitary District for the relining of main water lines.

Section 10. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Chouteau/Nameoki/Venice Drainage District for tree removal and ditch improvements.

Section 11. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

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Department of Commerce and Economic Opportunity for a grant to Holiday Shores Fire Department for a natural gas powered generator.

Section 12. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Ponto Beach for a storm warning system.

Section 13. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Christopher House-Logan Square for building rehabilitation.

Section 14. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Puerto Rican Arts Alliance for building rehabilitation.

Section 15. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago International Salsa Congress for community programs.

Section 16. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Voice of the City for programming and operations.

Section 17. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Healthcare Alternative Systems for a telephone system.

Section 18. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Kelvyn Park High School for classroom furniture.

Section 19. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to ACCESS Armitage Family Health Center for equipment.

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Section 20. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Carterville for equipment.

Section 21. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to City of Johnston City for City Hall expansion.

Section 22. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Marion Senior Citizens for construction of a new roof.

Section 23. The sum of $63,640, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Williamson County for community development projects.

Section 24. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to REDCO for a ground leveling project.

Section 25. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Herrin for the purchase of equipment and drainage improvements.

Section 26. The sum of $33,860, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of McLeansboro for community development projects.

Section 27. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Christopher for purchase of a mill machine.

Section 28. The sum of $37,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the City of West Frankfort for community development projects.

Section 29. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Benton for community development projects.

Section 30. The sum of $120,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Franklin County for community development projects.

Section 31. The sum of $80,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Marion for community development projects.

Section 32. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the United Way of Southern Illinois for community programming.

Section 33. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago Park District for a bungalow rehabilitation project at Independence Park.

Section 34. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to St. Viator School for renovation to an outdoor area and interior and exterior repairs.

Section 35. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Luther North High School for interior and exterior repairs.

Section 36. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

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Department of Commerce and Economic Opportunity for a grant to the Chicago Department of Transportation for upgrades to street lighting fixtures in the Historic Villa District of the 30th Ward.

Section 37. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to United Civic Association for area green space and streetscape enhancements.

Section 38. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago Park District for renovation of playground and outdoor areas.

Section 39. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the United Neighborhood Organization for the construction of a new charter school.

Section 40. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Tonti Public Grammar School for construction of a new playground.

Section 41. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Little Village Community Development Corporation for permanent improvements.

Section 42. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Chicago for the purchase and installation of security cameras in the 23rd Ward.

Section 43. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Aurora for a new police station.

New matter indicated by italics - deletions by strikeout
Section 44. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Quad City Urban League for building construction.

Section 45. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Montgomery for costs associated with mass grading and site utilities in preparation for construction of a new village hall.

Section 46. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Carpenters Place for operations.

Section 47. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Mutual Ground, Inc. for operations.

Section 48. The sum of $100,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Southern Kane County Training Association for capital improvements.

Section 49. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Our Lady of Good Council School for parking lot resurfacing.

Section 50. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Aurora Township for costs associated with programs and operations.

Section 51. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Streamwood Park District for security camera system for Sunny Hill Park.

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Section 52. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Centro de Informacion for Latino services.

Section 53. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Hoffman Estates Park District for completion of Canterbury Fields Park.

Section 54. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Hoffman Estates Park District for a playground at Vogelei Park.

Section 55. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Streamwood Park District for Safety Town renovation completion.

Section 56. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Streamwood Park District for a security camera system for Hoosier Park.

Section 57. The sum of $45,666, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Hanover Park Park District for a 15-passenger bus with a wheelchair lift.

Section 58. The sum of $27,884, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Hanover Park Park District for an LED sign system.

Section 59. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Hanover Park for a bike path.

Section 60. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to the Village of Hanover Park for the Irving Park Road Crossing Initiative and a pedestrian traffic signal.

Section 61. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Hoffman Estates Community Resource Center for building construction.

Section 62. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Murray Language Academy for repairs and operations.

Section 63. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Chicago Public Schools for repairs and operations of Powell School.

Section 64. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago Youth Center for Crowne Center permanent improvements.

Section 65. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Blue Gargoyle for employment programs.

Section 66. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Hyde Park Neighborhood Club for building repairs.

Section 67. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Mireles Academy for repairs and operations.

Section 68. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to Chicago Public Schools for repairs and operations to Carnegie school.

Section 69. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Canter Middle School for repairs and operations.

Section 70. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Bradwell Community Arts & Sciences for repairs and operations.

Section 71. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Chicago Public Library for improvements at the Blackstone branch.

Section 72. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Chicago Public Schools for building repairs and operations of the Black Branch Magnet School.

Section 73. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Ada McKinley for building repairs.

Section 74. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the South Chicago Branch Library for improvements.

Section 75. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Parkside Community Academy for repairs and operations.

Section 76. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

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Section 77. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Chicago Public Library for improvements at the South Shore branch.

Section 78. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Chicago Public Schools for repairs and operations at O’Keefe School.

Section 79. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Ninos Hereos Academic Center for repairs and operations.

Section 80. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Bouchet Math and Science Academy for repairs and operations.

Section 81. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Chicago Public Schools for repairs and operations at Sullivan School.

Section 82. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to South Chicago Community Area for repairs and operations.

Section 83. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Wadsworth CPC for repairs and operations.

Section 84. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the...
Department of Commerce and Economic Opportunity for a grant to South Central Community Services for the South Shore campus renovations.

Section 85. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Chicago Public Schools for repairs and operations at Shoesmith School.

Section 86. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to South Shore Chamber of Commerce for building improvements and upgrades.

Section 87. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Russell Park for installation of a scoreboard and other repairs to park facilities.

Section 88. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to South Chicago YMCA for building renovations.

Section 89. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Chicago Public Schools for repairs and operations at Ray School.

Section 90. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Chicago Public Schools for repairs and operations at Harte School.

Section 91. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to South Side YMCA for building renovations.

Section 92. The sum of $85,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the

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Village of Niles for reconstruction of the alley east of School Street between Niles Tr. and Jarvis Avenue.

Section 93. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Morton Grove Park District for construction.

Section 94. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago Park District for Legion Park track improvements.

Section 95. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Irish Heritage Center for a new elevator.

Section 96. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to St. Edward School for gym improvements.

Section 97. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Queen of All Saints School for construction.

Section 98. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to St. Mary of the Woods School for construction.

Section 99. The sum of $225,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago Park District for a play lot in Eugene Field.

Section 100. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Harvey Park District.

New matter indicated by italics - deletions by strikeout
Section 101. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of East Hazel Crest for public works.

Section 102. The sum of $65,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Posen for the Community Center.

Section 103. The sum of $85,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the William Leonard Library.

Section 104. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Midlothian for the Police Department.

Section 105. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Monee Fire Protection District for equipment.

Section 106. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Grant Park for costs associated with a new fire station.

Section 107. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Papineau Fire Protection District for equipment.

Section 108. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Bradley for a command vehicle for the Bradley Fire Department.

New matter indicated by italics - deletions by strikeout
Section 109. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of St. Anne for equipment for the St. Anne Fire Department.

Section 110. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Beaverville Fire Protection District for equipment.

Section 111. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of University Park for equipment for the University Park Fire Department.

Section 112. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Aroma Park for equipment for the Aroma Park Fire Department.

Section 113. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Beecher Fire Protection District for equipment.

Section 114. The sum of $45,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Monee for laptop computers for vehicles for the Monee Police Department.

Section 115. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Bourbonnais for portable radios for the Bourbonnais Police Department.

Section 116. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to Kankakee County Emergency Services to develop a risk analysis database for all county plans.

Section 117. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Bourbonnais Fire Protection District for equipment.

Section 118. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Momence for equipment for the Momence Fire Department.

Section 119. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Kankakee for equipment for the Kankakee Fire Department.

Section 120. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Hopkins Park for repairs to Village Hall.

Section 121. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Pembroke Township for equipment for the Pembroke Fire Department.

Section 122. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Peotone for laptop computers for vehicles for the Peotone Fire Department.

Section 123. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Martinton for park equipment.

Section 124. The sum of $37,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to the Jewish Federation of Metropolitan Chicago for the EZRA tenant support project and group services.

Section 125. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Lovington Community Ambulance for the purchase of a new ambulance.

Section 126. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Windsor for remodeling costs associated with the new City Hall.

Section 127. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Sullivan for a new squad car and related equipment for the Sullivan Police Department.

Section 128. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Oreana for parking lot resurfacing and related improvements.

Section 129. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Salvation Army Corps Community Shelter and Center.

Section 130. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Big Brothers-Big Sisters of Central Illinois for youth mentoring programs.

Section 131. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Soyland Access to Independent Living (SAIL) for operations.

Section 132. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the Good Samaritan Inn Homeless Shelter for costs associated with operations and purchase of a new building.

Section 133. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Findlay for park improvements and sidewalk repairs.

Section 134. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Easter Seals of Central Illinois for operations.

Section 135. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Macon County Fair Association.

Section 136. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Moultrie County Dive and Rescue for a Zodiac boat with motor and dive suits.

Section 138. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Mid-Illinois Chapter American Red Cross for construction of a garage for emergency response vehicles and equipment.

Section 139. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Economic Development Council for the Southwest Suburbs at Moraine Valley Community College to develop a business leadership program for innovation in health care finance administration.

Section 140. The sum of $175,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the

New matter indicated by italics - deletions by strikeout
Roberts Park Fire Protection District to upgrade mobile data equipment and communications technology system.

Section 141. The sum of $45,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the South Austin Coalition for job training.

Section 142. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Austin Chamber of Commerce for job training.

Section 143. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Austin African American Business and Networking Association for job training.

Section 144. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lakeview YMCA for capital repairs and community room development.

Section 145. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Chicago Public Libraries for the Lincoln Park branch.

Section 146. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Chicago Public Libraries for the Lincoln/Belmont branch.

Section 147. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago Park District for Lakeview High School campus playlot renovations.

Section 148. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to Chicago Public Libraries for the Wicker Park/Bucktown branch.

Section 149. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Chicago Public Libraries for the Sulzer Regional branch.

Section 150. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Bloomingdale for a study on expansion of a public works facility.

Section 151. The sum of $22,833, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Hanover Park Park District for a 15-passenger bus.

Section 152. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Rolling Meadows for a fire training tower.

Section 153. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Church of the Holy Spirit for an immigrant welcoming center.

Section 154. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Township of Bloomingdale for construction of a park at Lake Street.

Section 155. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Township of Schaumburg for transportation service out of the township for medical treatment.

Section 156. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to the Autism Society of America NW Suburbs of Illinois ASA for an autism conference.

Section 157. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Schaumburg for an emergency operations center.

Section 158. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Roselle for security cameras for the train station.

Section 159. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Hoffman Estates for a community resource center.

Section 160. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Elk Grove Village Sister Cities for hosting a delegation from Sicily.

Section 161. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Union Avenue Community Outreach.

Section 162. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Sherwood Park.

Section 163. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Lowe Park.

Section 164. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to Imagine Englewood If (Get the Lead Out of Englewood).

Section 165. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Armour Square Park.

Section 166. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago Park District for Hermitage Park.

Section 167. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago Park District for Park #437.

Section 168. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Malus Playlot Park.

Section 169. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Chicago Pro Am for summer jobs for youth.

Section 170. The sum of $120,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Coal City Community Unit School District #1 for infrastructure improvements for the Pre-K school.

Section 171. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Wilmington Community Unit School District 209U for technology lab improvements and expansion.

Section 172. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to the Herscher Community Unit School District #2 for technology lab improvements and expansion.

Section 173. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Marseilles Elementary School for technology lab improvements and expansion.

Section 174. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Mazon for sanitary sewer lines.

Section 175. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Morris for improvements to potable water system.

Section 176. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Cornerstone Services for permanent improvements.

Section 177. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Morris for expansion of U.S. Route 6 for commercial development purposes.

Section 178. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Limestone Township for emergency sirens.

Section 179. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the PCC Wellness Center for permanent improvements.
Section 180. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Rhema Community Development Corp. for performing arts.

Section 181. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to The New Alternative CDL Preparatory Training for job training.

Section 182. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Gwendolyn Brooks Middle School for performing arts.

Section 183. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Sisters Embracing Life for breast examinations.

Section 184. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Hope Community Advent Christian Church for performing arts.

Section 185. The sum of $23,750, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to TaeSue Entertainment for performing arts.

Section 186. The sum of $23,750, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Latinos Unidos Con Voz for immigrant rights.

Section 187. The sum of $23,750, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Chicago West Community Music Center for performing arts.

Section 188. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the...
Department of Commerce and Economic Opportunity for a grant to One Step At a Time Job Referral for job training.

Section 189. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Mothers Against Drunk Driving.

Section 190. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Concerned Citizens, Inc. for Mother House.

Section 191. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to The Austin Peace Center for operating costs.

Section 192. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Austin African American Business and Networking Association for small business grants.

Section 193. The sum of $23,750, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to The Resource and Research Center for operating costs.

Section 194. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Youth Job Center for youth employment.

Section 195. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Housing Opportunities For Women for operating costs.

Section 196. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to the
Staunton Fire Protection District for equipment.

Section 197. The sum of $25,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to
Illinois Valley Economic Development for operations.

Section 198. The sum of $25,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to Unit
#7 Fire Protection District in Gillespie for equipment.

Section 199. The sum of $50,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to
Springfield Medical District for operations.

Section 200. The sum of $65,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to
Network Knowledge Public TV for literacy programs.

Section 201. The sum of $10,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to
Nokomis Township Library for operations.

Section 202. The sum of $25,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the
City of Carlinville for police cars.

Section 203. The sum of $25,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to
Bunker Hill Fire Protection District for equipment.

Section 204. The sum of $25,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to
Raymond Community Fire Protection District for equipment.

New matter indicated by italics - deletions by strikeout
Section 205. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Hillsboro Area Hospital for operations.

Section 206. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Pana for water line improvements.

Section 207. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to First Presbyterian Church of Witt for non-denominational summer programs.

Section 208. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Rosehill Arboretum for planning funds.

Section 209. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Old Town School of Folk Music for expansion planning.

Section 210. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Uptown United for commercial development.

Section 211. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Town of Cicero for recreation equipment for people with disabilities.

Section 212. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Town of Cicero for graffiti removal.

Section 213. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to the City of Belleville for building upgrades and remodeling.

Section 214. The sum of $650,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Black United Fund of Illinois for programmatic costs.

Section 215. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Carroll Fire Protection District for outside egress from the second level of the station.

Section 216. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Rockford Park District.

Section 217. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Booker Washington Community Center for senior programs, tutoring, and computer classes.

Section 218. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Rockford Public Library for expansion.

Section 219. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago Park District for Nathan K. Dombrowski Baseball Field in Crescent Park.

Section 220. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago Park District for playground improvements in Kennedy Park.

New matter indicated by italics - deletions by strikeout
Section 221. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Green Hills Public Library for computer services for software maintenance and installation of equipment.

Section 222. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Green Hills Public Library for print and audio visual materials.

Section 223. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Worth to purchase opticom system.

Section 224. The sum of $70,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Ridge Historical Foundation for building repairs.

Section 225. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Palos Baseball Organization for baseball field improvements.

Section 226. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Merrionette Park Baseball for baseball field improvements.

Section 227. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago Park District for playground improvements in Mt. Greenwood Park.

Section 228. The sum of $58,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the
Village of Morton Grove for a fire department emergency command vehicle.

Section 229. The sum of $57,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Pakistani American Center for community services programming.

Section 230. The sum of $56,650, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Skokie for 911 center upgrades.

Section 231. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Zam’s Hope for a computer literacy program.

Section 232. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Illinois Library Association for Illinois Clicks.

Section 233. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Lincolnwood for sidewalk replacement.

Section 234. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Skokie Park District for sound and lighting of Devonshire Park.

Section 235. The sum of $85,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Grand Ridge for planning and design for water tower and sewage system and arsenic removal system.

Section 236. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the Village of Arlington for demolition of an abandoned school.

Section 237. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Streator for demolition of a city-owned building.

Section 238. The sum of $70,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Peru for the Peru Rescue Station.

Section 239. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of LaSalle for Main Street programs and historic district renovation.

Section 240. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Mendota for development of an industrial park.

Section 241. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of McNabb for fire and ambulance building improvements.

Section 242. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Ottawa for downtown redevelopment.

Section 243. The sum of $45,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to LaMoille Township for infrastructure improvements.

Section 244. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Grandville for infrastructure improvements.

New matter indicated by italics - deletions by strikeout
Section 245. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Seatonville for infrastructure improvements.

Section 246. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Joliet Easter Seals for building improvements.

Section 247. The sum of $45,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Joliet Township for animal control building improvements.

Section 248. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Cornerstone for infrastructure improvements.

Section 249. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Manhattan for infrastructure improvements.

Section 250. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Housing Foundation of Will County – Daybreak Center in Joliet for improvements.

Section 251. The sum of $80,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Union School District #81 for building improvements.

Section 252. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Rialto of Joliet for building improvements.

New matter indicated by italics - deletions by strikeout
Section 253. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Senior Services of Will County for roof and parking lot.

Section 254. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Spanish Coalition for Jobs for job training programs.

Section 255. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to St. Agnes of Bohemia Church for operations.

Section 256. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Chicago Public Schools for structural improvements at Carver Primary School.

Section 257. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Lansing for improvements to Lansing Veterans Municipal Airport.

Section 258. The sum of $52,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Calumet Memorial Park District for 2 security system cameras at Sandridge Center.

Section 259. The sum of $36,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Burnham for park improvements and lighting.

Section 260. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the
Village of Lansing for snow removal equipment at Lansing Veterans Municipal Airport.

Section 261. The sum of $125,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Healthcare Consortium of Illinois for workforce development.

Section 262. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Burnham for various improvements to the fire station and infrastructure improvements for the Burnham Fire Department.

Section 263. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Lynwood for public safety, water, environmental treatment, and other improvements.

Section 264. The sum of $70,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Calumet City for lighting system upgrades for the public library.

Section 265. The sum of $6,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the South Suburban Mayors and Managers Association for police technology upgrades.

Section 266. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of South Holland for firefighting equipment.

Section 267. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of McCook for an ambulance.

New matter indicated by italics - deletions by strikeout
Section 268. The sum of $99,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Summit for building improvements for the water department.

Section 269. The sum of $125,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Berwyn for the Berwyn City Hall HVAC system.

Section 270. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago Park District for volleyball court improvements at Stars and Stripes Park.

Section 271. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Brookfield for a concession stand at Ehlert Park.

Section 272. The sum of $90,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Lyons for New Municipal Park.

Section 273. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Union Pacific Railroad for beautification.

Section 274. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Richton Park for economic development.

Section 275. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Southland Health Care Forum for allied health career training.

New matter indicated by italics - deletions by strikeout
Section 276. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Grande Prairie Library for facility planning, PC equipment, and training.

Section 277. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Rich Township for minority outreach and programming.

Section 278. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Grande Prairie Services for signage, weatherization, and psychosocial services programming.

Section 279. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to South Suburban Mayors and Managers Association for regional plan development.

Section 280. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Rich Township Emergency Service Disaster Agency for replacement of an emergency vehicle.

Section 281. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Homewood for a juvenile diversion project and municipal programming.

Section 282. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Markham for government services.

Section 283. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to the Village of Country Club Hills for park district improvements.

Section 284. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Matteson for disability access improvements at the recreation center.

Section 285. The sum of $80,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Olympia Fields for patrol vehicles and video surveillance cameras.

Section 286. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Hazel Crest for economic development.

Section 287. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Park Forest for library, police, and parks and recreation infrastructure improvements, and tutorial programs.

Section 288. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Blue Island for 911 center permanent improvements and equipment.

Section 289. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Chicago for park equipment in the 9th Ward.

Section 290. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Calumet Park for sidewalks.

New matter indicated by italics - deletions by strikeout
Section 291. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Calumet Park Recreation Center for equipment.

Section 292. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Calumet Township for senior center permanent improvements.

Section 293. The sum of $57,785, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Sauk Village for permanent improvements.

Section 294. The sum of $25,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of South Chicago Heights for permanent improvements.

Section 295. The sum of $35,333, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Homewood-Flossmoor Park District for permanent improvements.

Section 296. The sum of $82,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Chicago Heights Park District for permanent improvements.

Section 297. The sum of $55,250, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Steger for permanent improvements.

Section 298. The sum of $34,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Park Forest for permanent improvements.

Section 299. The sum of $82,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Village of
Department of Commerce and Economic Opportunity for a grant to the City of Chicago Heights for permanent improvements.

Section 300. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Bloom Township for permanent improvements.

Section 301. The sum of $11,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Lansing for permanent improvements.

Section 302. The sum of $52,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Lynwood for permanent improvements.

Section 303. The sum of $18,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Beecher for permanent improvements.

Section 304. The sum of $30,970, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Homewood for permanent improvements.

Section 305. The sum of $38,285, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Crete Park District for permanent improvements.

Section 306. The sum of $65,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Crete for permanent improvements.

Section 307. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Olympia Fields for permanent improvements.

New matter indicated by italics - deletions by strikeout
Section 308. The sum of $27,850, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Glenwood for permanent improvements.

Section 309. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Pekin for construction and repairs of sidewalks.

Section 310. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Spoon River College for technology and security enhancements.

Section 311. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of East Peoria for technology infrastructure for an emergency operation center.

Section 312. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Creve Coeur to repair water mains and hydrants.

Section 313. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Cuba for replacement of emergency sirens.

Section 314. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Marquette Heights for replacement of emergency sirens.

Section 315. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Bartonville for the purchase of new squad cars.

New matter indicated by italics - deletions by strikeout
Section 316. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Farmington for replacement of a water main.

Section 317. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Canton to purchase a new truck for sewer maintenance.

Section 318. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Lewistown Fire Protection District for construction and repair of the fire station.

Section 319. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Seed of Abraham Christian Fellowship Center for a technology program.

Section 320. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Puerto Rican Arts Alliance for operations.

Section 321. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Chicago for infrastructure improvements in the 30th Ward.

Section 322. The sum of $18,750, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to United Leagues of Humboldt Park for operations.

Section 323. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Near Northwest Neighborhood Network.

New matter indicated by italics - deletions by strikeout
Section 324. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Spanish Action Committee of Chicago for a construction project.

Section 325. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Puerto Rican Cultural Center for urban agriculture programs.

Section 326. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Vida Sida Organization.

Section 327. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Erie Neighborhood House for a targeted workforce development program.

Section 328. The sum of $6,250, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Roberto Clemente Little League in Humboldt Park for baseball leagues.

Section 329. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to La Casa Norte.

Section 330. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Black Chamber of Commerce of Lake County.

Section 331. The sum of $70,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Community Action Partners.

Section 332. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to Chicago Botanical Gardens.

Section 333. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Austin Polytechnic Academy for job readiness programs.

Section 334. The sum of $80,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to East St. Louis Leadership Academy for operations.

Section 335. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Lincoln Community Cultural and Training Center for operations.

Section 336. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Anticipatory Design Science Center for operations.

Section 337. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Katherine Dunham Center for the Performing Arts for operations.

Section 338. The sum of $68,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Midway Fire Protection District for a live fire training facility.

Section 339. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lincoln Community and Cultural Training Center for a house building training project.

Section 340. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the Frida Kahlo Community Organization.

Section 341. The sum of $165,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Boys and Girls Town of Chicago.

Section 342. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Pilsen Historic Preservation Program.

Section 343. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to St. Anthony’s Hospital in Chicago.

Section 344. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Forest View for a new public safety building.

Section 345. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Berwyn for infrastructure improvements at the community center, police station, and senior center, and for the Berwyn Centennial Celebration.

Section 346. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Chicago for surveillance cameras in the 14th and 23rd Wards.

Section 347. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Town of Cicero for the purchase of garbage trucks.

Section 348. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to St. Anthony’s Hospital in Chicago.

Section 349. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to the Village of Evergreen Park for police equipment.

Section 350. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Foster Park Fieldhouse for renovations.

Section 351. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Evergreen Park Public Library for operations and related costs.

Section 352. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Oak Lawn Public Library for operations and related costs.

Section 353. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Park Lawn Center for Developmentally Disabled for operations and related costs.

Section 354. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Oak Lawn Park District for operations and related costs.

Section 355. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Village of Hometown for renovations to the Hometown Police Department.

Section 356. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Development for a grant to the Village of Hickory Hills for sidewalk and park improvements.

Section 357. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Advocate Hope Children’s Hospital for construction of Ronald McDonald House in the Village of Oak Lawn.

Section 358. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Village of Oak Lawn for computer network upgrades.

Section 359. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to the Village of Oak Lawn for police equipment and technology upgrades.

Section 360. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to the Chicago Park District for improvements to O’Halloran Park.

Section 361. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to the Decatur Arts Council for costs related to the Arts at the Lake Festival.

Section 362. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Ashunti Transitional Housing for costs related to a re-entry program.

Section 363. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Wings of Hope for costs related to a re-entry program.

Section 364. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Development for a grant to Kankakee County for costs related to a drug court program.

Section 365. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to the Grundy County University of Illinois Extension Office for Unit Educator Youth Development.

Section 366. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Grundy County for costs related to a drug court program.

Section 367. The sum of $80,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to CarePoint for costs related to an ex-offender re-entry program.

Section 368. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Organization of the NorthEast CeaseFire Program for operations and other related costs.

Section 369. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to the Howard Area Community Center for support and training of ex-offenders.

Section 370. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to the City of Madison for police department equipment.

Section 371. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Hales Franciscan High School for refurbishment of biology, chemistry, and physics laboratories.

New matter indicated by italics - deletions by strikeout
Section 372. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to CeaseFire Grand Boulevard for operations and related costs.

Section 373. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Centers for New Horizons for redevelopment of the Melissia Ann Elam Home.

Section 374. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to the Bronzeville Merchants Association Committee for the Bronzeville Obelisk Project.

Section 375. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to CeaseFire Woodlawn for operations and related costs.

Section 376. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Bronzeville Children’s Museum for educational programs.

Section 377. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Teen Living Programs for costs related to a new facility.

Section 378. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Ada S. McKinley for renovation of facilities.

Section 379. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to the Rainbow Push Coalition for educational programs.

New matter indicated by italics - deletions by strikeout
Section 380. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Friends of the Parks for costs associated with DuSable Park Coalition, Chicago Spire Project, and Jean Batiste Pointe Project.

Section 381. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to the Field Museum for development and construction of pedestrian crossings.

Section 382. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to the Institute for Positive Living for advancing technology center initiatives.

Section 383. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to the Black Metropolis Convention and Tourism Council for operations and programs in support of tourism.

Section 384. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to the Harold Washington Institute for educational and training programs.

Section 385. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to POLITICA for job and life skills training for ex-felons.

Section 386. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to the Highwood Recreation Center for operations and related costs.

Section 387. The sum of $65,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to West Deerfield Township for a handicapped accessible van.

New matter indicated by italics - deletions by strikeout
Section 388. The sum of $36,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to the Chicago Park District for a fieldhouse in Valley Forge Park.

Section 389. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Centro Sin Fronteras for a re-entry program.

Section 390. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Changes Martial Arts for the purchase of a van.

Section 391. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Bethel New Life for an ex-offenders re-entry program.

Section 392. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to the Chicago Area Project Horner Association of Men for youth job training.

Section 393. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Hope House Ministries for an ex-offenders re-entry program.

Section 394. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to CTC Digital Divide for technology training.

Section 395. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to North Lawndale Community News for job training.

Section 397. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Development for a grant to A Hand Up Recovery Home for a shelter and counseling program.

Section 398. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to A Shanti Residential Management System for a shelter program.

Section 399. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to the City of Waukegan for costs related to CeaseFire.

Section 400. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to the City of North Chicago for costs related to CeaseFire.

Section 401. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Ahmadiya Muslim Community Interfaith Health and Prison Ministry for costs related to operations.

Section 402. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to HOPE for a re-entry program.

Section 403. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Vision of Restoration for a re-entry program.

Section 404. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Development for a grant to Campaign for a Drug-Free Westside for a re-entry program.

Section 405. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to St. Patrick High School in Chicago for programs.

Section 406. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to St. Constance School in Chicago for programs.

Section 407. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to St. Cornelius School in Chicago for programs.

Section 408. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to St. Edward School in Chicago for programs.

Section 409. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to St. Ladislaus School in Chicago for programs.

Section 410. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Our Lady of Victory School in Chicago for programs.

Section 411. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to St. Pascal School in Chicago for programs.

Section 412. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to St. Robert Bellarmine School in Chicago for programs.

Section 413. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to St. Tarcissus School in Chicago for programs.

New matter indicated by italics - deletions by strikeout
Section 414. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to St. Bartholomew School in Chicago for programs.

Section 415. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Luther North High School in Chicago for programs.

Section 416. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Chicago Public Schools for the park project at Farnsworth School.

Section 417. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to St. John Lutheran School in Chicago for programs.

Section 418. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Franciscan Outreach.

Section 419. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Maryville Crisis Care.

Section 420. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Polish American Association.

Section 421. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the St. John Berchman Senior Club.

Section 422. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to the City of East Moline for water and sewer improvements.

Section 423. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Geneseo for construction of a new library.

Section 424. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Orion for park improvements.

Section 425. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Orion for water treatment.

Section 426. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Erie Township for repair of the township hall.

Section 427. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Port Byron for water system improvements.

Section 428. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to WQPT-TV for public television operations.

Section 429. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to South Moline Township for town hall renovations and debt services.

Section 430. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the South Shore Drill Team for programs.

New matter indicated by italics - deletions by strikeout
Section 431. The sum of $25,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Association for the Wolf Lake Initiative for operations.

Section 432. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Chatham Business Association for operations.

Section 433. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Knowledge Hookup for contracted instructor fees for its GED, ESL, citizenship, and basic computer literacy classes for adults and seniors.

Section 434. The sum of $66,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Fulfilling Our Responsibility Unto Mankind (FORUM) for the Humanology Mobile Classroom.

Section 435. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Marynook Homeowners Association for the historic preservation of monuments marking the first new African American home developments.

Section 436. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Jeffery Manor Community Revitalization Council for neighborhood safety and beautification programs.

Section 437. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Haven of Rest Towers for repaving an existing parking facility.

Section 438. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to Southeast Little League for the continuation of the youth enhancement initiative.

Section 439. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Merrill Avenue Homeowners Association for neighborhood safety and beautification programs.

Section 440. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Decatur Community Foundation for community development projects and operational expenses.

Section 441. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of McCullom Lake for village hall renovations.

Section 442. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Harvard for police and fire equipment.

Section 443. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Harvard for sidewalk improvements.

Section 444. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to City of McHenry for police equipment and infrastructure.

Section 445. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to City of Woodstock for police vehicles.
Section 446. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Opera House.

Section 447. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Johnsburg for police equipment and infrastructure.

Section 448. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Richmond for fire equipment and police equipment.

Section 449. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Spring Grove for a police car and fire equipment.

Section 450. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Union for emergency fire equipment and police equipment.

Section 451. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Northern Illinois Special Recreation Association (NISRA) for equipment and operations.

Section 452. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Youth Service Bureau for equipment and operations.

Section 453. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Hebron for police equipment and infrastructure.

New matter indicated by italics - deletions by strikeout
Section 454. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Senior Services Associated, Inc. for equipment and operations.

Section 455. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Wonder Lake for police equipment and park improvements.

Section 456. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Hospice of Northeastern Illinois for patient room.

Section 457. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Family Alliance, Inc. for equipment and operations.

Section 458. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Adult and Child Rehab Center for equipment and operations.

Section 459. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Hebron-Alden-Greenwood Fire Protection District for fire equipment.

Section 460. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Special Education Districts of McHenry County (SEDOM) for print shop, security system, and therapeutic greenhouse.

Section 461. The sum of $21,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Skokie for an EMS defibrillator.

New matter indicated by italics - deletions by strikeout
Section 462. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Prospect Heights for flood relief.

Section 463. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Chicago Public Schools for renovations of the Nettelhorst Elementary School auditorium.

Section 464. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to The Beloved Community, Inc. for costs associated with the Excellence in Education Preparatory Program, the community hiring program, and the youth entrepreneurship program.

Section 465. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Calumet City for costs associated with continuing the computer modernization program including upgrading hardware and data lines, adding new servers and purchasing software.

Section 466. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Jacksonville Central Illinois Labor Temple for restoration work.

Section 467. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Big Island Conservancy District for construction of a maintenance building.

Section 468. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Illinois City for fire and ambulance building purchase.

New matter indicated by italics - deletions by strikeout
Section 469. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Bowling Township for a new building.

Section 470. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Matherville for painting the water tower.

Section 471. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Windsor for sewer upgrades.

Section 472. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Rock Island County Animal Shelter for dog runs and exercise area.

Section 473. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Rock Ridge School District for playground equipment.

Section 474. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Milan for construction of a fire and municipal building.

Section 475. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Viola for cameras in police cars.

Section 476. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Kane County Sheriff’s Office for a police car.

Section 477. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

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Department of Commerce and Economic Opportunity for a grant to the Village of LaGrange Park for fire stations.

Section 478. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the County of Rock Island for a new nursing home.

Section 479. The sum of $650,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to local governments or not-for-profit organizations for operations or capital improvements.

ARTICLE 570

Section 0.01. In this Article 570, all amounts appropriated for the purposes stated are in addition to all other appropriations for those purposes.

Section 1. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for after school programming at Falconer Elementary School.

Section 2. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for after school programming at Goethe Elementary School.

Section 3. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for after school programming at Avondale Elementary School.

Section 4. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for after school programming at Barry Elementary School.

Section 5. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for after school programming at...
State Board of Education for a grant to Chicago Public Schools for after school programming at Darwin Elementary School.

Section 6. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for after school programming at Logandale Middle School.

Section 7. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for after school programming at Monroe Elementary School.

Section 8. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for after school programming at Schubert Elementary School.

Section 9. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for after school programming at Yates Elementary School.

Section 10. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Aspiras Alternative High School for after school programming.

Section 11. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Puerto Rican Arts Alliance for after school programming.

Section 12. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for after school programming at Chase Elementary School.

Section 13. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Logan Square Neighborhood Association for local school programs.

New matter indicated by italics - deletions by strikeout
Section 14. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for after school programming at Brentano Math and Science Academy.

Section 15. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to The Center: Resources for Teaching and Learning for bilingual, special education, and early childhood programs.

Section 16. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the North River Commission for after school and adult learning programs.

Section 17. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Albany Park Neighborhood Council for after school and adult learning programs.

Section 18. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Albany Park Community Center for after school and adult learning programs.

Section 19. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to St. Richards Catholic School for general operating expenses.

Section 20. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Aurora University for working with East and West Aurora school districts.

Section 21. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Youth Action Network for after school programming.

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Section 22. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Nana Children’s Academy for after school programming.

Section 23. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Divine Praise for after school programming.

Section 24. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to FORUM for after school programming.

Section 25. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Metamorphosis for after school programming.

Section 26. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Passages Alternative Living Programs for after school programming.

Section 27. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Urban Hospitality for after school programming.

Section 28. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Brother Like Me for after school programming.

Section 29. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Teen Enhancement Network and Chicago Area Project for general operational expenses.

Section 30. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois

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State Board of Education for a grant to Woodlawn East Community and Neighbors for after school programming and hunger prevention.

Section 31. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Coalition for Improved Education in South Shore for a community school needs assessment and parent support.

Section 32. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Big Buddies Youth Service for teen mentoring and sports training.

Section 33. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to ABJ Community Services for after school programming.

Section 34. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Harvey Public School District #152 for general operating expenses.

Section 35. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the South Suburban Area Project for general operating expenses.

Section 36. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Lillian Smith Center for Youth Development for general operating expenses.

Section 37. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Gloria Taylor Foundation for general operating expenses.

Section 38. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to...
State Board of Education for a grant to Ultimate Goal Ministry for general operating expenses.

Section 39. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Women’s Resource Assistance Program for general operating expenses.

Section 40. The sum of $70,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Youth with a Positive Direction for after school programming.

Section 41. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Leo High School for after school programming.

Section 42. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools - Chicago High School for the Agricultural Sciences for student leadership and career development in alternative energy fuels and usage.

Section 43. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Chicago Park District for transportation services for children participating in after school park programs.

Section 44. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Rhema Community Development Corporation for youth programming.

Section 45. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Westside Health Authority for youth programming.

Section 46. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Ultimate Goal Ministry for general operating expenses.

New matter indicated by italics - deletions by strikeout
Section 47. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Austin YMCA for youth programming.

Section 48. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Sister Step Up Technology Center for youth programming.

Section 49. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to St. Martin De Porres for youth programming.

Section 50. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Concerned Citizens Who Care for youth programming.

Section 51. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Westside Ministries Coalition for youth programming.

Section 52. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Mandell United Methodist Church for youth programming.

Section 53. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Mad Dads for youth programming.

Section 54. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to S.O.W. Youth Outreach for youth programming.

New matter indicated by italics - deletions by strikeout
Section 55. The sum of $20,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Illinois
State Board of Education for a grant to the West Suburban Special
Recreation Association for youth programming.

Section 56. The sum of $20,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Illinois
State Board of Education for a grant to VOCMA for youth programming.

Section 57. The sum of $25,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Illinois
State Board of Education for a grant to Bethel New Life for youth
programming.

Section 58. The sum of $20,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Illinois
State Board of Education for a grant to Youth Crossroads for youth
programming.

Section 59. The sum of $40,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Illinois
State Board of Education for a grant to the Island Civic Association for
youth programming.

Section 60. The sum of $40,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Illinois
State Board of Education for a grant to Beautiful Angels for youth
programming.

Section 61. The sum of $20,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Illinois
State Board of Education for a grant to Home of Life Community
Development for youth programming.

Section 62. The sum of $30,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Illinois
State Board of Education for a grant to Greater St. John Center of Hope
for youth programming.

Section 63. The sum of $25,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the Illinois
State Board of Education for a grant to Chicago Public Schools for Lane Tech High School.

Section 64. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for Lakeview High School.

Section 65. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for Mayer School.

Section 66. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for Lincoln Park High School.

Section 67. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for Waters School.

Section 68. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for Prescott School.

Section 69. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for Coonley School.

Section 70. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for Jahn School.

Section 71. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for Hamilton School.

New matter indicated by italics - deletions by strikeout
Section 72. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for Abraham Lincoln School.

Section 73. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for Agassiz School.

Section 74. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for Alcott School.

Section 75. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for Drummond School.

Section 76. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for Audubon School.

Section 77. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for Bell School.

Section 78. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for Blaine School.

Section 79. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for Burley School.

Section 80. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois

New matter indicated by italics - deletions by strikeout
State Board of Education for a grant to the Fibromyalgia Support Group for educational material and classes.

Section 81. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for after school programming at Alexander Graham Elementary School.

Section 82. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for after school programming at Charles Earle Elementary School.

Section 83. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Back of the Yards Neighborhood Council for deterring children and youth from negative activities.

Section 84. The sum of $70,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Girls and Boys Town for general operating expenses.

Section 85. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Great True Vine for after school programming.

Section 86. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Rising Sun Missionary Baptist Church for after school programming.

Section 87. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the New Birth Training Institute for after school programming.

Section 88. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois
State Board of Education for a grant to Chicago Public Schools for after school programming at Percy Julian Middle School.

Section 89. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Community Action Council for after school programming.

Section 90. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Greater St. John Bible Church for after school programming.

Section 91. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Concerned Organization Who Cares for after school programming.

Section 92. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Beat the Streets for after school programming.

Section 93. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the City of Evanston for youth projects.

Section 94. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Family Matters for classroom curriculum and tools.

Section 95. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Litchfield Community School District for after school programming.

Section 96. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for computer lab improvements at Amundsen School.

New matter indicated by italics - deletions by strikeout
Section 97. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for security cameras at UPLIFT School.

Section 98. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for library improvements at Ravenswood School.

Section 99. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to All Our Kids for early childhood programs.

Section 100. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Corazon for youth programming.

Section 101. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Vida Abundante for youth programming.

Section 102. The sum of $70,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Youth Crossroads for youth mentoring programs.

Section 103. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Belleville School District 118 for after school programming at Henry Raab School.

Section 104. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Belleville School District 118 for after school programming at Franklin School.

Section 105. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Don Moyer Boys and Girls Club.

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for the 21st Century Program, including after school and Saturday tutoring, mentoring, and test preparation.

Section 106. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Cunningham Children’s Home for an after school program for Circle Academy.

Section 107. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Don Moyer Boys and Girls Club for the smart girls program.

Section 108. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to School District 205 for the gifted school program.

Section 109. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Patriots Gateway Community Center for after school programming and GED courses.

Section 110. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Camaraderie Arts for programs for at risk kids, tutoring, and life skills.

Section 111. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Progressive West Rockford for after school programming and activities.

Section 112. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to La Voz Latino for tutoring for hispanic children, spanish classes, first time mothers programs, and GED programs.

Section 113. The sum of $22,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois

New matter indicated by italics - deletions by strikeout
State Board of Education for a grant to the Morton Grove Park District for after school programming.

Section 114. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Big Brothers-Big Sisters for a mentoring program to be used in Cook County.

Section 115. The sum of $22,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Lincolnwood Park and Recreation for after school programming.

Section 116. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Brighton Park Neighborhood Council for youth programming.

Section 117. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the United Neighborhood Organization for funding for a charter school at 47th and California.

Section 118. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for after school programming at Burroughs Elementary School.

Section 119. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for after school programming at McCormick Elementary School.

Section 120. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Padres-A-Padres for early childhood education programming.

Section 121. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Pope John Paul II Elementary School for after school programming.

New matter indicated by italics - deletions by strikeout
Section 122. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for after school programming at Walter S. Christopher Elementary School.

Section 123. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the South Suburban Area Project for after school programming in South Holland.

Section 124. The sum of $76,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Future Foundations for after school programming in Ford Heights.

Section 125. The sum of $625,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for Edgewater-Rodgers Park Schools.

Section 126. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Southland Ministerial Health Network for youth initiatives and tutoring.

Section 127. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Hillcrest High School District for AVID program and learning communities program.

Section 128. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Irons Oaks Outdoor Center for after school and outdoor exploration programs.

Section 129. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for the Kids Off the Block Organization for Curtis Elementary School after school program.

New matter indicated by italics - deletions by strikeout
Section 130. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for the Brock Social Services Organization for Dunne Elementary School after school program.

Section 131. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Regional Office of Education #22 for technology grants to local schools.

Section 132. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Regional Office of Education #53 for technology grants to local schools.

Section 133. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Regional Office of Education #48 for technology grants to local schools.

Section 134. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Chicago Youth Center for general operating expenses.

Section 135. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for Dr. Pedro Albizu Campos Puerto Rican High School for dual enrollment program.

Section 136. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Rebano Companerismo Church for after school programming.

Section 137. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Block Club Federation for youth programming.

New matter indicated by italics - deletions by strikeout
Section 138. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Youth Conservation Corp for general operating expenses.

Section 139. The sum of $45,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Waukegan Youth Summit Events and Workshops for after school programming.

Section 140. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Bellwood Neighborhood Watch for after school programming.

Section 141. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Neighborhood United Methodist for after school programming.

Section 142. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Introspect Youth Programs for job readiness programs.

Section 143. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Maywood Fine Arts for after school programming.

Section 144. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Pop Warner Little Scholars for after school programming.

Section 145. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the H. McNelty Center for after school programming.

Section 146. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the H. McNelty Center for after school programming.

New matter indicated by italics - deletions by strikeout
State Board of Education for a grant to Operation Safe Child for after school programming.

Section 147. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to East St. Louis Township for summer youth programs.

Section 148. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to The Coalition for United Community Action for apprenticeship and training programs.

Section 149. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Lakeside Community Committee for after school programming.

Section 150. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Kenwood Oakland Community Organization for after school programming.

Section 151. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to CCA – Academy Operations for after school programming.

Section 152. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Celestial Ministries for after school programming.

Section 153. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Family Focus for after school programming.

Section 154. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Introspect Youth Services for after school programming.

New matter indicated by italics - deletions by strikeout
Section 155. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Agrape Youth for after school programming.

Section 156. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to UMOJA for after school programming.

Section 157. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Major Adams Community Committee for youth programs.

Section 158. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to WACA for youth programs.

Section 159. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Greater Gailes “AWANA” for youth programs.

Section 160. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Christian Valley for youth programs.

Section 161. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Chicago Youth Center ABC/BBR for youth programs.

Section 162. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Literature for All of US “Theolene Simpson Academy” for general operating expenses.

Section 163. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Child Link for youth programs.

New matter indicated by italics - deletions by strikeout
Section 164. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Chicago Public Schools for programs at Jacqueline Vaughn Occupational High School.

Section 165. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Teachers Emeritus Corps for the continuation of in-school tutoring programs.

Section 166. The sum of $90,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Hope Organization for after school programs in the Burnside community.

Section 167. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Global Girls, Inc. for after school programs and employment services in the Chatham and Avalon Park communities.

Section 168. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the MR MALO Youth Center for after school and junior dragster programs.

Section 169. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to St. Pius V for after school programs.

Section 170. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Our Lady of Good Counsel for teen reach programs.

Section 171. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Fellowship House for teen reach programs.

New matter indicated by italics - deletions by strikeout
Section 172. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Benton House for after school programs.

Section 173. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the Pilsen Athletic Conference for after school programs.

Section 174. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to Inspituto del Progresso-Latino for after school programs.

Section 175. The sum of $3,300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the United Neighborhood Organization (UNO) for environmental abatement, demolition, structural repair, masonry repair, and structural steel fabrication.

Section 176. The sum of $650,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for a grant to the United Neighborhood Organization (UNO) for concrete repair, installation of a freight elevator, technological infrastructure, and masonry repair.

ARTICLE 575

Section 0.01. In this Article 575, all amounts appropriated for the purposes stated are in addition to all other appropriations for those purposes.

Section 1. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for a grant to Waubonsee Community College for GED and English classes.

Section 2. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for a grant to the University of Illinois for an internship program at Washington Center.

New matter indicated by italics - deletions by strikeout
Section 3. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for a grant to Lincoln Land Community College for outreach programs.

Section 4. The sum of $57,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for a grant to the Indo-American Center for adult education programs.

Section 6. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for a grant to Chicago Public Schools for college prep programs at Clemente Community Academy High School.

Section 7. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for a grant to Erie Neighborhood House for college prep programs.

Section 8. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for a grant to Southern Illinois University - Carbondale for student recruitment program.

Section 9. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for a grant to Chicago State University for historic exhibitions at the student library.

ARTICLE 580

Section 0.01. In this Article 580, all amounts appropriated for the purposes stated are in addition to all other appropriations for those purposes.

Section 1. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Teddy Bear Day Care Nursery School.

Section 2. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Human Services for a grant to Family Focus for English speaking classes.

Section 3. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Community Human Services.

Section 4. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Women’s Treatment Center.

Section 5. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Women in Need Growing Stronger for general operating expenses.

Section 6. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Church of the Holy Spirit for the immigrant welcoming center.

Section 7. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to South East Alcohol and Drug Abuse Center for treatment services.

Section 8. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Excellent Way for outreach and assistance programs for homeless individuals.

Section 9. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Sadie Waterford Mental Health Assessment and Therapy Center.

Section 10. The sum of $70,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to New Mt. Olive Christian Help Center.

New matter indicated by italics - deletions by strikeout
Section 11. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Iroquois Sexual Assault Services for program assistance.

Section 12. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Kankakee County Center Against Sexual Assault for program assistance.

Section 13. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Harbor House for program assistance.

Section 14. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Vital Bridges for food and nutrition services.

Section 15. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Lakeview Pantry for the food pantry and meal completion.

Section 16. The sum of $208,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Illinois Masonic Advocate for the Puentes project for autism services.

Section 17. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Guild for the Blind for blind services.

Section 18. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Clara’s House Shelter for operations and programs for homeless individuals.

Section 19. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Human Services for a grant to the Feed, Clothe and Help
the Needy program.

Section 20. The sum of $20,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Human Services for a grant to the Gordies Foundation for
educational opportunities, job training, and placement programs.

Section 21. The sum of $20,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Human Services for a grant to Delores’ Place for homeless
and ex-offender programs.

Section 22. The sum of $40,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Human Services for a grant to Family Focus for youth
development and pregnancy prevention.

Section 23. The sum of $75,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Human Services for a grant to Asian Human Services for
health services for immigrants and refugees.

Section 24. The sum of $70,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Human Services for a grant to the Chicago House and
Social Service Agency for job training programs.

Section 25. The sum of $100,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Human Services for a grant to One Stop Shop Community
Center for disability services.

Section 26. The sum of $70,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Human Services for a grant to Seguin Building a Better
Life for skill development for people with disabilities.

Section 27. The sum of $350,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Human Services for a grant to Pilsen-Little Village Mental
Health Center for mental health services.

New matter indicated by italics - deletions by strikeout
Section 28. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Cicero Family Service Mental Health for mental health services.

Section 29. The sum of $80,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Restoration Urban Ministries Homeless Shelter for instant hot water heaters.

Section 30. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Champaign-Urbana Area Projects for the Super Star program.

Section 31. The sum of $65,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Planned Parenthood of East Central Illinois for the TAG program.

Section 32. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Restoration Urban Ministries Homeless Shelter for higher efficiency heating/cooling units.

Section 33. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Barbara Olson Center School of Hope for general operating expenses.

Section 34. The sum of $44,350, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Jewish Federation of Metropolitan Chicago for developmental disability programs for Jewish children and family services.

Section 35. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Metropolitan Family Services for an immigrant program in Niles Township.
Section 36. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Shore Community Services for general operating expenses.

Section 37. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Centers for Independent Living in Will and Grundy Counties for general operating expenses.

Section 38. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Glenkirk Next Generation Services.

Section 39. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Boulevard Arts Center.

Section 40. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Greater Auburn-Gresham Development Corporation.

Section 41. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Ashburn Local Development Corporation.

Section 42. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Greater Ashburn Planning Association.

Section 43. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the West Englewood Community Organization.

Section 44. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to PEACE Organization.

New matter indicated by italics - deletions by strikeout
Section 45. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Ministry of Food Organization.

Section 46. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Teamwork Englewood.

Section 47. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to More Power to Youth.

Section 49. The sum of $70,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Rich Township for a food pantry, basic skills training, and community services programming.

Section 50. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to South Suburban PADS for case management and job development programs.

Section 51. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Sertoma Center for program development alternatives to sheltered workshops.

Section 52. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Cornerstone Chicago for halfway house and recovery home services.

Section 53. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Guildhaus of Blue Island for halfway house and recovery home services.

Section 54. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to South Suburban Area Project in Blue Island for delinquency prevention programs.

New matter indicated by italics - deletions by strikeout
Section 55. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to South Suburban Area Project in the Village of Calumet Park for delinquency prevention programs.

Section 56. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to South Suburban Area Project in the Village of Robbins for delinquency prevention programs.

Section 57. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to West Town Leadership Unites for a parent leadership program.

Section 58. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Chicago Coalition for the Homeless at Association House of Chicago for a homeless and workforce development program.

Section 59. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Waukegan Staben House for a homeless men’s shelter.

Section 60. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Vision of Restoration for a job readiness program.

Section 61. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Center for Economic Progress for a job readiness program.

Section 62. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Progress Center for general operating expenses.

New matter indicated by italics - deletions by strikeout
Section 63. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Family Services of Oak Park for mental health services.

Section 64. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Reverend Darris Davis Helping Hands Shelter for general operating expenses.

Section 65. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Pilsen-Little Village Mental Health Center for therapeutic outpatient and family services.

Section 66. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Misericordia for general operating expenses.

Section 67. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Coordinating Action for Children’s Health Care Center for general operating expenses.

Section 68. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Children Home and Aid Society for general operating expenses.

Section 69. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to A Woman’s Fund for children’s advocacy.

Section 70. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Advance Comprehensive Services for general operations.

Section 71. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Human Services for a grant to Amer-I-Can Illinois for mentoring services for at-risk youth.

Section 72. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Community Family Center of Highland Park for general operating expenses.

Section 73. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Keshet Co-op for general programming.

Section 74. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to NSSRA/CEL for the enriched living for adults program.

Section 75. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Adult Community Transition Program – Anixter Center for programming.

Section 76. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Pilsen-Little Village Mental Health Center for therapeutic outpatient and family services.

Section 77. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Misercordia for disability services.

Section 78. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to New Horizon for disability services.

Section 79. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Sunshine Activity Center for disability services.

New matter indicated by italics - deletions by strikeout
Section 80. The sum of $45,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Our Lady of Peace for disability services.

Section 81. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Mujeres Latina In Action for operations and programs.

Section 82. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Sinai Parenting Community Institute.

Section 83. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Jamal’s Place for a youth shelter program.

Section 84. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to I Am Able Family.

ARTICLE 585

Section 0.01. In this Article 585, all amounts appropriated for the purposes stated are in addition to all other appropriations for those purposes.

Section 1. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to House of James for a transitional living facility.

Section 2. The sum of $154,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to Bonaventure House for services for men and women living with AIDS.

Section 3. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

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Department of Public Health for a grant to Englewood United Methodist Church for HIV/AIDS Ministry.

Section 4. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to Free Peoples Clinic for general operations.

Section 5. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to Inman Free Health Clinic for general operations.

Section 6. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to Campaign for a Drug Free Westside for HIV/AIDS services.

Section 7. The sum of $70,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to BEHIV for education outreach on HIV/AIDS.

Section 8. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to Vital Bridges for HIV/AIDS support services.

Section 9. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to Howard Brown Health Center for HIV prevention services.

Section 10. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to Berwyn “Doc on the Block” for health care related services.

Section 11. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to the Town of Cicero for rodent abatement.

New matter indicated by italics - deletions by strikeout
Section 12. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to Prairie Health Systems for general operations.

Section 13. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to Maeve McNicholas Memorial Foundation for Play for Maeve program.

Section 14. The sum of $270,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to Healthcare Alternative System for multicultural and bilingual behavioral care.

Section 15. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to St. Basil Dental Clinic in Chicago to help meet access demands.

Section 17. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to the Illinois Eye Institute.

Section 18. The sum of $145,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to Rush University Medical Center for the Alzheimer Disease Center, Armour Academic Center for advanced research and clinical services for Alzheimer’s disease and related dementia.

Section 19. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to the Biomonitoring Program.

Section 20. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to the Illinois College of Optometry for the Illinois Eye Institute.

ARTICLE 590

New matter indicated by italics - deletions by strikeout
Section 0.01. In this Article 590, all amounts appropriated for the purposes stated are in addition to all other appropriations for those purposes.

Section 1. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Wood River for road resurfacing.

Section 2. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of East Alton for road resurfacing.

Section 3. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to McLeansboro Township for road improvements behind high school.

Section 4. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Old Irving Park Association for pedestrian improvements at viaduct and area beautification and streetscape project.

Section 5. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant at Midway Plaisance (59th & Cornell) for intersection upgrades.

Section 6. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to Streamwood Village to widen Lake Street for left turn lane eastbound to Club Tree Street.

Section 7. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Chicago Department of Transportation for streetscaping in the 9th Ward.

Section 8. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Transportation for a grant to the Chicago Department of Transportation for streetscaping in the 34th Ward.

Section 9. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to Shelby County for rural bridge repair.

Section 10. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Decatur for the West Main Streetscape project.

Section 11. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Chicago for improvement of streets or roads in the 17th Ward.

Section 12. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Chicago for improvement of streets or roads in the 18th Ward.

Section 13. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Chicago for improvement of streets or roads in the 21st Ward.

Section 14. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Hanover Park for the Irving Park Road landscaping project.

Section 15. The sum of $45,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Roselle for Bryn Mawr resurfacing.

Section 16. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to Elk Grove Village for Beisterfield Road improvement.

New matter indicated by italics - deletions by strikeout
Section 17. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Hillsboro for street improvements.

Section 18. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Litchfield for street improvements.

Section 19. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Gillespie for street improvements.

Section 20. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Taylorville for street improvements.

Section 21. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Mt. Olive for street improvements.

Section 22. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Benld for street improvements.

Section 23. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Virden for street improvements.

Section 24. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Girard for street improvements.

Section 25. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Transportation for a grant to the City of Fairview Heights for road and park upgrades and land acquisition.

Section 26. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Caseyville for road and park upgrades and land acquisition.

Section 27. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Swansea for road and park upgrades and land acquisition.

Section 28. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Fairmont City for road and park upgrades and land acquisition.

Section 29. The sum of $125,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Granite City for road upgrades and land acquisition.

Section 30. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Chicago for traffic calming devices in the 19th ward.

Section 31. The sum of $55,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of DePue for road improvements and upgrades.

Section 32. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Chicago for street lighting upgrades on West 67th Street from Damen Avenue to Western Avenue.

Section 33. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Chicago Department of

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Transportation for improvements at 71st street (one block east and west of the Dan Ryan Expressway including overpass) and 69th and Ashland (south/northbound traffic).

Section 34. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Chicago for streetlights and infrastructure improvements in the 9th Ward.

Section 35. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Chicago for streetlights and infrastructure improvements in the 34th Ward.

Section 36. The sum of $20,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Washington Park for street repairs.

Section 37. The sum of $20,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Centreville for street repairs.

Section 38. The sum of $20,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Brooklyn for street repairs.

Section 39. The sum of $20,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Venice for street repairs.

Section 40. The sum of $20,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Cahokia for street repairs.

Section 41. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

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Department of Transportation for a grant to the Village of Chicago Ridge for Ridgeland Avenue improvements.

Section 42. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Chicago Transit Authority for security at the Jefferson Park Station.

Section 43. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Savanna for street improvements.

Section 44. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Heritage Place Homeowners Association for repair of sinkholes in the roadways.

Section 45. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Greenwood for road improvements.

Section 46. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Richmond Township Highway Department for road improvements and building improvements.

Section 47. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to Mercer County for the extension of Knoxville Road to Frye Lake Road.

Section 48. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to Bowling Township for road improvements.

ARTICLE 595

Section 0.01. In this Article 595, all amounts appropriated for the purposes stated are in addition to all other appropriations for those purposes.

New matter indicated by italics - deletions by strikeout
Section 1. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department on Aging for a grant to Williamson County Program on Aging for Meals on Wheels.

Section 2. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department on Aging for a grant to Senior Services Associates for general operations.

Section 3. The sum of $38,225, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department on Aging for a grant to Schaumburg Township Senior Services for general operations.

Section 4. The sum of $38,225, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department on Aging for a grant to Hanover Township Senior Disability Programs for general operations.

Section 5. The sum of $47,167, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department on Aging for a grant to Kenneth Young Center for senior assessment services.

Section 6. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department on Aging for a grant to 21st Century Seniors for a new van.

Section 7. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department on Aging for a grant to Vital Bridges for home delivered meals programming.

Section 9. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Section 10. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department on Aging for a grant to the Village of Crestwood for senior transportation.

Section 11. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department on Aging for a grant to the City of Oak Forest for senior transportation.

Section 12. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department on Aging for a grant to Waukegan Township for senior grandparent program.

Section 13. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department on Aging for a grant to Lawndale Christian Health Center for the Silver Sneakers program.

ARTICLE 600

Section 5. It is the intention of the General Assembly in enacting the appropriations in this article that the full expenditures authorized by these appropriations shall be made by March 1, 2008.

Section 10. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Springfield Medical District for costs associated with planning.

Section 15. The sum of $240,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Pleasant Plains for all costs associated with construction of a wastewater collection and treatment system.

Section 20. The sum of $260,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the
City of Auburn for all costs associated with the renovation of Red Bud Park.

Section 25. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Petersburg for all costs associated with the Petersburg Highway and City Square Historical Enhancement Project.

Section 30. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Athens for all costs associated with water and sewer improvements.

Section 35. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Sycamore Midwest Natural History Museum for reimbursement of all prior incurred costs associated with construction and renovation.

Section 40. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Rochelle Community Hospital for reimbursement of all prior incurred costs associated with emergency room expansion and renovation.

Section 45. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Boone County for all costs associated with infrastructure improvements and roof repair and replacement at the Maple Crest Care Center.

Section 50. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Henry for all costs associated with construction of water lines.

Section 55. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the
City of Princeton for all costs associated with improvements to the Amtrak station and parking lot.

Section 60. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Geneseo Public Library for all costs associated with construction of a new building.

Section 65. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Rock Falls Riverside Opportunity Center for all costs associated with construction of a new building.

Section 70. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Dixon for all costs associated with infrastructure improvements associated with the Riverfront Project.

Section 75. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Milledgeville for all costs associated with water system improvements.

Section 80. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lanark Public Library for all costs associated with construction of a new building.

Section 85. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Batavia for all costs associated with downtown area redevelopment, including, but not limited to, capital investments for road realignment.
Section 90. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Delnor Community Hospital for all costs associated with capital investments in equipment and building, including, but not limited to, emergency room expansion.

Section 95. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Provena Mercy Hospital for all costs associated with capital investments in equipment and building, restricted to Aurora and/or Elgin locations.

Section 100. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Crystal Lake for all costs associated with the purchase of a regional emergency management forward mobile interoperable communication command center.

Section 105. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Family Health Partnership for all costs associated with the purchase of medical, lab, and computer equipment and dental, pharmaceutical, and lab supplies.

Section 110. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Family Services of McHenry County for all costs associated with the purchase of a building, furnishings, and computer equipment.

Section 115. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Hebron for all costs associated with the construction of an addition to the police department and the purchase of equipment.

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Section 120. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Algonquin for all costs associated with design, engineering, and development of Spella Park for recreation and open space purposes.

Section 125. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Marengo for all costs associated with the purchase of computer equipment and software for city billing, administration, and police.

Section 130. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the DuPage County Forest Preserve District for all costs associated with land acquisition and site development for bike path connector to Meacham Grove Forest Preserve and North Central DuPage Regional Trail at Foster Avenue.

Section 135. The sum of $225,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Roselle for all costs associated with infrastructure, public safety, and security improvements.

Section 140. The sum of $225,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Itasca for all costs associated with infrastructure, public safety, and security improvements.

Section 145. The sum of $225,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Wood Dale for all costs associated with infrastructure, public safety, and security improvements.

Section 150. The sum of $225,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

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Department of Commerce and Economic Opportunity for a grant to the Village of Addison for all costs associated with infrastructure, public safety, and security improvements.

Section 155. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to North Central College for the Performing Arts Center.

Section 160. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Robert Crown Center for Health Education for all costs associated with classroom improvements.

Section 165. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Lisle for all costs associated with homeland security emergency management.

Section 170. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Palatine for all costs associated with the purchase of land for a fire station to reduce response time.

Section 175. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to WINGS to reduce the mortgage on the resale store.

Section 180. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Countryside Association for all costs associated with equipment purchases.

Section 185. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to

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Journeys from Pads to Hope for all costs associated with equipment upgrades.

Section 190. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Clinton County Senior Services for all costs associated with remodeling or construction of a new building.

Section 195. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Raccoon Consolidated School District #1 for all costs associated with roof, electrical, and plumbing repairs or replacements.

Section 200. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Olney for all costs associated with the replacement of water mains or fire hydrants.

Section 205. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Breese for all costs associated with replacement of water meters and/or water lines.

Section 210. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Salem for all costs associated with West Main Street water line replacement and/or replacement of other water lines.

Section 215. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Carol Stream Police Department for all costs associated with radio interoperability.

Section 220. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Section 225. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Western Springs for all costs associated with roadway widening, parking, and warning beacons in conjunction with the construction of a satellite fire station.

Section 230. The sum of $350,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Lemont for all costs associated with the Cashe Bowl Drainage Reservoir for flood mitigation.

Section 235. The sum of $350,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Homer Glen for all costs associated with a flood mitigation project.

Section 240. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of LaGrange for all costs associated with pedestrian, vehicular circulation, and safety improvements to the Stone Avenue Train Station and to improve handicap accessibility.

Section 245. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Douglas County Public Health Department for all costs associated with construction of a dental clinic for uninsured and underinsured individuals.

Section 250. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Camp
New Hope for all costs associated with construction and renovation of physical facilities.

Section 255. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Coles County Association for the Retarded/CCAR Industries for all costs associated with renovation of physical facilities.

Section 260. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Coles County Council on Aging for all costs associated with construction of the Life Span Center.

Section 265. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lawrence/Crawford Association for Exceptional Citizens for all costs associated with renovation of physical facilities.

Section 270. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Crawford County Senior Citizens Center Senior Nutrition Program for all costs associated with renovation/purchase of kitchen and meal delivery facilities and equipment.

Section 275. The sum of $175,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Prospect Heights Fire Department for all costs associated with fire hydrant upgrades.

Section 280. The sum of $175,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Buffalo Grove for all costs associated with a lightening warning system.

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Section 285. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Vernon Township for all costs associated with construction of an addition to town hall.

Section 290. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Ela Township for all costs associated with construction of a new town hall.

Section 295. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Lake Zurich for all costs associated with a police department building project.

Section 300. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Port Barrington for all costs associated with sewer and water improvements.

Section 305. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Tower Lakes for all costs associated with the purchase of new police cars and equipment.

Section 310. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Countryside Association for People with Disabilities for all costs associated with building improvements and equipment.

Section 315. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Alternative Behavior and Treatment Centers for all costs associated with fire and security systems improvements.

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Section 320. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Mano a Mano Family Resource Center for all costs associated with building improvements, office equipment, and supplies.

Section 325. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Livingston County for all costs associated with area economic development and job creation.

Section 330. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Central Illinois Agency on Aging, Inc. for all costs associated with senior citizen assistance programs.

Section 335. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the East Central Illinois Area Agency on Aging, Inc. for all costs associated with senior citizen assistance programs.

Section 340. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the LaSalle County Sheriff’s Department for all costs associated with the purchase of vehicles and/or communications equipment.

Section 345. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Putnam County Sheriff’s Department for all costs associated with the purchase of vehicles and/or communications equipment.

Section 350. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the
Bureau County Sheriff’s Department for all costs associated with the purchase of vehicles and/or communications equipment.

Section 355. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Grundy County Sheriff’s Department for all costs associated with the purchase of vehicles and/or communications equipment.

Section 360. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Kankakee County Sheriff’s Department for all costs associated with the purchase of vehicles and/or communications equipment.

Section 365. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Naperville for all costs associated with improvements to downtown and convocation center parking.

Section 370. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Wheaton Kiwanis for all costs associated with building repair and fencing at Safety City.

Section 375. The sum of $130,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the DeWitt/Piatt County Bi-County Public Health Department for all costs associated with the construction of a new building.

Section 380. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Christian County Senior Center for all costs associated with energy efficiency renovations.

Section 385. The sum of $175,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

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Department of Commerce and Economic Opportunity for a grant to the Macon County Salvation Army for all costs associated with building additions/renovations for a shelter.

Section 390. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Logan County Courthouse for all costs associated with the development of a new historical library and safety improvements.

Section 395. The sum of $175,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Hopedale Medical Complex for all costs associated with emergency room renovations.

Section 400. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Mclean County Salvation Army for all costs associated with the construction of a women’s shelter.

Section 405. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Mclean County Community Health Care Clinic for all costs associated with the construction of a building addition.

Section 410. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Rockford Park District for all costs associated with neighborhood park rehabilitation and the Sportscore 2 Project.

Section 415. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Crusader Clinic of Rockford for all costs associated with the purchase of medical equipment and outfitting of women’s health services.

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Section 420. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Rockford School District for all costs associated with capital projects at historic schools.

Section 425. The sum of $700,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Winnebago County for all costs associated with economic development related projects and life safety.

Section 430. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Ray Graham Association for People With Disabilities for all costs associated with renovation and capital improvements for the Hanson Center in Burr Ridge and the group home in Elmhurst.

Section 435. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Elmhurst School District #205 for all costs associated with the purchase of a facility and a vehicle for special needs students at York High School.

Section 440. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Golden Apple Foundation for all costs associated with the acquisition and renovation of the Sessions Building at 605 East 11th Street in Chicago.

Section 445. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Glen Ellyn School District #41 for all costs associated with renovation and capital improvements to ease crowded classrooms.

Section 450. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Aspire

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for all costs associated with renovation and capital improvements for group homes and facilities in Western Cook County.

Section 455. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to DuPage Easter Seals Villa Park for all costs associated with renovation and capital improvements at facilities that serve children with autism and other disabilities.

Section 460. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to PACTT: Parents Allied With Children and Teachers for Tomorrow for all costs associated with renovation and capital improvements to group homes in Oak Park and Elmwood Park.

Section 465. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Joseph Academy for all costs associated with renovation, construction, and acquisition of a facility.

Section 470. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Helping Hands for all costs associated with renovation and construction of facilities for people with disabilities and rehabilitation services.

Section 475. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Northeast DuPage Special Recreation Association for all costs associated with renovation, construction, and acquisition of facilities to serve people with disabilities.

Section 480. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the

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Village of North Riverside for all costs associated with renovation of the Village community center.

Section 485. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Downers Grove School District #58 for all costs associated with renovation and construction of facilities for music, art, and technology.

Section 490. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Westchester School District #92 1/2 for all costs associated with renovation and construction of facilities for music, art, and technology.

Section 495. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Fenwick High School for all costs associated with renovation and construction of facilities for music, art, and technology.

Section 500. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to LaSalle Veterans Home for all costs associated with the purchase of equipment for the new 80 bed addition.

Section 505. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to LaSalle County PADS for all costs associated with the purchase and/or construction of a building for a resale shop.

Section 510. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Utica for all costs associated with the clean-up of the I & M Canal.

Section 515. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

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Department of Commerce and Economic Opportunity for a grant to Jefferson County for all costs associated with the purchase of squad cars or an asphalt patching machine.

Section 520. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Centralia for all costs associated with water and sewer or street repairs.

Section 525. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Keshet for all costs associated with equipment upgrades.

Section 530. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Palatine Township for all costs associated with upgrading the phone system.

Section 535. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Wheeling Community Consolidated School District #21 for all costs associated with renovation of ventilation systems.

Section 540. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to The Bridge Youth and Family Services in Palatine for all costs associated with equipment upgrades.

Section 545. The sum of $80,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Wheeling for all costs associated with the Buffalo Creek Bank Stabilization Project.

Section 550. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

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Department of Commerce and Economic Opportunity for a grant to the Village of Glendale Heights for all costs associated with infrastructure, public safety, and security improvements.

Section 555. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Carol Stream for all costs associated with infrastructure, public safety, and security improvements.

Section 560. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Bloomingdale for all costs associated with infrastructure, public safety, and security improvements.

Section 565. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to White County for all costs associated with infrastructure improvements to roads and bridges or 911 and ambulance services.

Section 570. The sum of $750,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Oreana for all costs associated with the purchase of bulk water from the City of Forsyth and to construct a pipeline between the Village of Oreana and the City of Forsyth.

Section 575. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Lexington Ambulance Service for all costs associated with ambulance purchases.

Section 580. The sum of $87,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of St. Peter for all costs associated with infrastructure and water systems.

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Section 585. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Bond County Senior Center for all costs associated with infrastructure improvements and repairs.

ARTICLE 605

Section 5. It is the intention of the General Assembly in enacting the appropriations in this article that the full expenditures authorized by these appropriations shall be made by March 1, 2008.

Section 10. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of DeKalb for reimbursement of all prior incurred costs associated with the Taylor Street Bridge construction project.

Section 15. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Belvidere for all costs associated with road and street repair and traffic signal modernization.

Section 20. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Rochelle for all costs associated with the Jack Dane Road reconstruction project.

Section 25. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for all costs associated with construction of turn lanes on US 24.

Section 30. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for all costs associated with construction of turn lanes and intersection improvements on Alta Road in Peoria County.

Section 35. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Transportation for all costs associated with flooding correction on IL 17 in Toulon.

Section 40. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Arlington Heights for all costs associated with an engineering study for a pedestrian crossing.

Section 45. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Wayne Township Road District for all costs associated with bridge replacement on St. Charles Road.

Section 50. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Bartlett for the local share of the Schick Road bridge repair project.

Section 55. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of New Lenox for all costs associated with signalization and road improvements at Laraway and Ceder to improve safety and traffic flow.

Section 60. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Long Grove for all costs associated with village road improvements.

Section 65. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for all costs associated with resurfacing DuBois Blacktop Road from Route 127 to Route 51.

Section 70. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Wheaton for all costs associated with downtown road and bridge repair.

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Section 75. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Winfield for all costs associated with road and sewer repair.

Section 80. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Warrenville for all costs associated with road and sewer repair.

Section 85. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Westchester for all costs associated with traffic and parking improvements along Roosevelt Road.

Section 90. The sum of $125,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Mokena for all costs associated with the widening and improvement of 116th Street at the EJ & E railroad crossing.

Section 95. The sum of $125,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Frankfort for all costs associated with the widening and improvement of 116th Street at the EJ & E railroad crossing.

Section 100. The sum of $1,100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Mt. Zion for all costs associated with construction of a bypass connecting Henderson Street to Main Street from the high school complex.

Section 105. The sum of $810,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Decatur for all costs associated with road safety enhancements at Brush College Road and William Street.

NEW MATTER
Section 5. It is the intention of the General Assembly in enacting the appropriations in this article that the full expenditures authorized by these appropriations shall be made by March 1, 2008.

Section 10. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for a grant to Kishwaukee College for all costs associated with construction of an early childhood building.

Section 15. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for a grant to Waubonsee Community College Sugar Grove Campus for all costs associated with capital investments, building and equipment.

Section 20. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for a grant to Elgin Community College for all costs associated with library and textbook purchases, campus security capital investments, and equipment purchases for the Radiological Technology Program.

Section 25. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for a grant to Harper College to recoup losses associated with recent flooding in the Avante Sciences Building.

Section 30. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for a grant to Harper College for all costs associated with the Police Training Academy and the Public Safety Center to initiate a new homeland security program.

Section 35. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for a grant to Illinois Valley Community College for all costs associated with parking lot improvements.

ARTICLE 615
Section 5. It is the intention of the General Assembly in enacting the appropriations in this article that the full expenditures authorized by these appropriations shall be made by March 1, 2008.

Section 10. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for the creation of baccalaureate completion programs on community college campuses located in the Southern Illinois University service area.

Section 15. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for the Small Business Developmental Center at Southern Illinois University at Carbondale for the purpose of providing technical and financial assistance in the creation, development, and retention of small business in southern Illinois.

ARTICLE 620

Section 5. It is the intention of the General Assembly in enacting the appropriations in this article that the full expenditures authorized by these appropriations shall be made by March 1, 2008.

Section 10. The amount of $100,000, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for the purpose of awarding grants to dentists who are participating in the Department’s Dental Loan Repayment Program.

Section 15. The amount of $900,000, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for the purpose of awarding grants to develop local health department dental clinics.

ARTICLE 625

Section 5. It is the intention of the General Assembly in enacting the appropriations in this article that the full expenditures authorized by these appropriations shall be made by March 1, 2008.

Section 10. The amount of $3,000,000, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for grants to community based

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providers serving those with developmental disabilities. Grants awarded from this appropriation shall be used for the transportation needs of developmentally disabled individuals served by community based providers.

Section 15. The amount of $3,000,000, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for grants to community based providers serving those with developmental disabilities. Grants awarded from this appropriation shall be used for utility costs incurred by community based providers serving the developmentally disabled.

Section 20. The amount of $1,500,000, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for grants to community based providers offering residential services to those with developmental disabilities. Grants awarded from this appropriation shall be used to provide crisis intervention and stabilization to address difficulties that could otherwise result in the transfer of a developmentally disabled resident from community based residential care to a state-operated developmental center.

ARTICLE 630

Section 5. The sum of 2,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 2, Section 10 of Public Act 94-0798, is reappropriated from the General Revenue Fund to the Illinois State Board of Education for all costs associated with grants to Non-Profits and Community Organizations.

Section 10. The sum of 2,100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 2, Section 10 of Public Act 94-0798, is reappropriated from the General Revenue Fund to the Illinois State Board of Education for all costs associated with Mentoring, After School, and Student Support Programs.

Section 15. The sum of $5,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30,
2007, from an appropriation heretofore made for such purpose in Article 39, Section 135 of Public Act 94-0798, is reappropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for grants to local governments for infrastructure improvements and economic development purposes.

Section 20. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2007, from an appropriation heretofore made for such purpose in Article 39, Section 135 of Public Act 94-0798, is reappropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for grants to local governments, for profit organizations, not-for-profit organizations, community organizations and educational facilities for all costs associated with operational expenses and infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, equipment, vehicles, other capital and related expenses, and for all costs associated with economic development programs, educational and training programs, social service programs, and public health and safety programs.

Section 25. The sum of $600,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, from the appropriation heretofore made in Article 83, Section 45 of Public Act 94-0798, is reappropriated from the General Revenue Fund the Department of Human Services for grants to units of local government, for profit organizations, community organizations and educational facilities for all costs associated with operational expenses and infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, equipment, vehicles and other capital and related expenses and for all costs associated with economic development programs, educational and training programs, social service programs, and public health and safety programs.

Section 30. The sum of $700,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2007, for appropriations heretofore made for such purpose in Article 37, Section 60 of Public Act 94-0798, is reappropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for grants to local governments, for profit organizations, not-for-profit organizations, community organizations and educational facilities for all costs associated with operational expenses and infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, equipment, vehicles, other capital and related expenses, and for all costs associated with economic development programs, educational and training programs, social service programs, and public health and safety programs.

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Revenue Fund to the Department of Central Management Services for all costs associated with a pilot program to increase access to broadband services in rural areas.

ARTICLE 635

Section 5. The sum of $5,000,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for grants to units of local government, for profit organizations, not-for-profit organizations, community organizations and educational facilities for all costs associated with operational expenses and infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, equipment, vehicles, other capital and related expenses, and for all costs associated with economic development programs, educational and training programs, social service programs, and public health and safety programs.

Section 10. The sum of $5,000,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for grants to units of local government, for profit organizations, not-for-profit organizations, community organizations and educational facilities for all costs associated with operational expenses and infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, equipment, vehicles, other capital and related expenses, and for all costs associated with economic development programs, educational and training programs, social service programs, and public health and safety programs.

Section 15. The sum of $5,000,000, or so much thereof as may be necessary is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for grants to units of local government, for profit organizations, not-for-profit organizations, community organizations and educational facilities for all costs associated with operational expenses and infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, equipment, vehicles, other capital and related expenses, and for all costs associated with economic development programs, educational and training programs, social service programs, and public health and safety programs.

New matter indicated by italics - deletions by strikeout
Section 20. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Coalition for United Community Action for Project Upgrade.

Section 25. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Council for Adult and Experiential Learning for ordinary and contingent expenses related to Public Act 94-1006.

Section 30. The sum of $3,500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Chicago State University for the Chicagoland Regional College Program.

Section 35. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Central Illinois Economic Development Authority for costs associated with its ordinary and contingent expenses.

Section 40. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Southern Illinois Economic Development Authority for costs associated with its ordinary and contingent expenses.

Section 45. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Board of Trustees of Southern Illinois University for the purpose of providing facility operating and research funds for the National Corn-to-Ethanol Research Center at Southern Illinois University at Edwardsville.

Section 50. The sum of $3,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Board of Trustees of Southern Illinois University for construction, expansion, remodeling, equipment, and related costs of the National Corn-
to-Ethanol Research Facility at Southern Illinois University at Edwardsville.

Section 55. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Board of Trustees of Western Illinois University for support of efforts provided through the Illinois Institute for Rural Affairs to promote the advancement of corn kernel to fuel alcohol and value added co-products.

Section 60. In addition to any other funds appropriated for that purpose, the sum of $750,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Illinois Manufacturing Extension Association for the purpose of improving the productivity and competitiveness of Illinois' small and mid-sized Illinois manufacturers.

Section 65. In addition to any other funds appropriated for that purpose the sum of $750,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago Manufacturing Association for the purpose of promoting growth and competitiveness of manufacturing and related industries.

Section 70. The sum of $1,070,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Southern Illinois University for the Presidential Scholarship Fund.

Section 75. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Corrections for all costs associated with providing chaplain services to inmates at correctional facilities.

Section 80. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Police for grants to local law enforcement agencies for costs associated with the reduction of DNA backlog.

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Section 85. The sum of $1,220,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for costs associated with the Veterans’ Home Nurses’ Loan Repayment Program pursuant to and upon the condition of Senate Bill 8 of the 95th General Assembly becoming law.

Section 90. The sum of $1,000,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for grants to eligible nurse educators to use for payment of their educational loan pursuant to Public Act 94-1020.

Section 95. The sum of $15,000, of so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Prisoner Review Board for expenses relating to the victim notification units.

Section 100. The sum of $3,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for the purpose of providing grants to education related Non-Profits and Community Organizations.

Section 105. The sum of $3,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois State Board of Education for the purpose of making grants for Mentoring, After School and Student Support Programs.

Section 110. The sum of $7,427,400, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for grants to units of local government, not for profit organizations, community organizations and educational facilities for all costs associated with operational expenses and infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, equipment, vehicles and other capital and related expenses and for all costs associated with economic development programs, educational and training programs, social service programs, and public health and safety programs.

Section 115. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Best Buddies for costs.

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associated with providing services for children with developmental disabilities.

Section 120. The sum of $750,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Chicagoland Memory Bridge Initiative for all costs associated with providing services to individuals with Alzheimer’s disease and related disorders.

Section 125. In addition to any other funds appropriated, for that purpose, the sum of $750,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Redeploy Illinois for all costs associated with providing services to youth in the community.

Section 130. In addition to any other funds appropriated for that purpose, the sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for Lekotek Services for children with disabilities.

Section 135. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Illinois Coalition for Community Services for all costs associated with community development activities.

Section 140. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Healthcare and Family Services for a grant to the Gilead Outreach and Referral Center for all costs associated with providing community services.

Section 145. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to the Alzheimer’s Association of Illinois for all costs associated with Alzheimer’s and dementia treatment and support programs.

Section 150. The sum of $3,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to the Suburban Primary Health

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Care Council for all costs associated with providing health care services for low income or uninsured persons.

Section 155. In addition to any other funds appropriated for that purpose, the sum of $600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for the Agricultural Leadership Foundation for ordinary and contingent expenses.

Section 160. In addition to any other funds appropriated for that purpose, the sum of $4,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for a grant to the AgrAbility Program for all costs associated with the ordinary and contingent expenses related to Public Act 94-0216.

Section 165. In addition to all other funds appropriated for that purpose, the sum of $90,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for a grant to the Illinois Council on Food and Agricultural Research for distribution of institutional agricultural research grants to public universities authorized by the Food and Agriculture Research Act to include administrative costs incurred by the Department of Agriculture pursuant to Section 15 of the Food and Agriculture Research Act (Public Act 89-182).

Section 170. In addition to all other funds appropriated for that purpose, the sum of $33,900, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for a grant to the University of Illinois Cooperative Extension for deposit into the State Cooperative Extension Service Trust Fund for the purpose of Youth Development Educators and the Unit Youth Development program.

Section 175. In addition to all other funds appropriated for that purpose, the sum of $132,100, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Agriculture for grants to Soil and Water Conservation Districts for clerical and other personnel, for education and promotional assistance, and for
expenses of Water Conservation District Boards and administrative expenses.

Section 180. In addition to all other funds appropriated for that purpose, the sum of $57,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for a grant to the Board of Trustees of the University Center of Lake County for the ordinary and contingent expenses of the Center.

Section 185. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of Chicago State University for all costs associated with the Public Policy Institute.

ARTICLE 640

Section 1. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Hospice of Northeastern Illinois for the purpose of services.

Section 2. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Barrington Area Council on Aging for the purpose of implementing an “Age Friendly” initiative.

Section 3. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Downers Grove Park District for the purpose of supporting the Lincoln Senior Center.

Section 4. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Rural Peoria County Council on Aging for the purpose of supporting senior services.

Section 5. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Indian Prairie Public Library for the purpose of supporting the Lincoln Senior Center.

Section 6. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

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Department of Aging for a grant to Thomas Place in Glenview for the purpose of senior transport.

Section 7. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Oswego Township for the purpose of senior services.

Section 8. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Kendall County Senior Services for the purpose of infrastructure.

Section 9. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to ERBA in Oblong for the purpose of upgrades to support meals on wheels.

Section 10. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Arlington Heights Senior Center for the purpose of services.

Section 11. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Village of Mt. Prospect Human Services Department for the purpose of senior services.

Section 12. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Sheila Ray Adult Center for the purpose of operational services.

Section 13. The sum of $45,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to the Snyder Village Senior Center for the purpose of purchase of a handicap accessible van.

Section 14. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to the Lee County Council on Aging for the purpose of tuckpointing.

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Section 15. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Rainbow Hospice in Park Ridge for the purpose of purchasing equipment for hospice rooms.

Section 16. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Des Plaines Community Senior Center for the purpose of equipment and programs.

Section 17. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Park Ridge Community Senior Center for the purpose of equipment and programs.

Section 18. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Center of Concern in Park Ridge for the purpose of senior services and programs.

Section 19. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Senior Service Associates in Elgin for the purpose of establishing a senior companion program in Kane County.

Section 20. The sum of $6,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to DuPage County Convalescent Center for the purpose of technological improvements for senior programs.

Section 21. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to AID- Dail-A-Ride/Ride in Kane for the purpose of providing transportation for seniors and disabled.

Section 22. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to the DuPage County Convalescent Center for the purpose of an office relocation.

Section 23. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

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Department of Aging for a grant to Effingham Senior Citizens Center for the purpose of equipment upgrades.

Section 24. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Olney Senior Citizens Center for the purpose of equipment upgrades.

Section 25. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to White County Senior Citizens Center in Carmi for the purpose of equipment upgrades.

Section 26. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Jasper County Senior Citizens Center in Newton for the purpose of equipment upgrades.

Section 27. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Wabash County Senior Citizens Center in Mt. Carmel for the purpose of equipment upgrades.

Section 28. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Fairfield Senior Citizens Center for the purpose of equipment upgrades.

Section 29. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Flora Senior Citizens Center for the purpose of equipment upgrades.

Section 30. The sum of $2,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Grayville Senior Citizens Center for the purpose of equipment upgrades.

Section 31. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Coles County Council on Aging for the purpose of sustaining Life Span Center Building Fund.

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Section 32. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Barrington Area Council on Aging for the purpose of computer technology needs.

Section 33. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Ela Township Senior Center for the purpose of eight passenger van.

Section 34. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Libertyville Senior Center for the purpose of purchasing appliances for existing senior lunch program.

Section 35. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Area Agency on Aging for the purpose of financing Brown County Senior Center meals on wheels.

Section 36. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Mundelein Senior Center for the purpose of computer technology at the Mundelein Park District Senior Center.

Section 37. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to McHenry County Senior Services for the purpose of services.

Section 38. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to Boone County Council on Aging for the purpose of equipment and capital improvements.

Section 39. The sum of $45,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Aging for a grant to the Metamora-Snyder Village Senior Center for the costs associated with the purchasing of handicap accessible van.

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ARTICLE 645

Section 1. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Mano a Mano Family Resource Center in Round Lake.

Section 2. The sum of $10,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the City of Elmhurst for the purpose of CILA Group Home.

Section 3. The sum of $40,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Mano A Mano Family Resource Center in Round Lake for the purpose of health education, child care, education, and computer training.

Section 4. The sum of $50,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Youth Services Glenview/Northbrook for the purpose of Hispanic Counseling Program.

Section 5. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Turning Point for the purpose of domestic violence.

Section 6. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to The Pioneer center for Human Services for the purpose of purchasing vans and funding a senior care program.

Section 7. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Family Alliance, Inc. for the purpose of senior mental health programs.

Section 8. The sum of $35,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the...
Department of Human Services for a grant to Shore Community Services for the purpose of purchasing a lift van.

Section 9. The sum of $25,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Shore Community Services for the purpose of purchasing a regular van.

Section 10. The sum of $50,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Barbara Olson Center of Hope for the purpose of purchasing handicap accessible vans.

Section 11. The sum of $10,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Keshet-JUF for the purpose of purchasing vocational training computers.

Section 12. The sum of $22,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Solomon Schechter—Northfield/Skokie campus for the purpose of purchasing a smartboard for the developmentally disabled.

Section 13. The sum of $25,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Ready, Set, Ride for the purpose of infrastructure improvements.

Section 14. The sum of $100,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Will/Grundy Center for Independent Living for the purpose of infrastructure improvements.

Section 15. The sum of $50,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Big Brothers/Big Sisters of Illinois for the purpose of a youth mentoring program.

Section 16. The sum of $100,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

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Department of Human Services for a grant to Easter Seals/Joliet Region for the purpose of purchasing equipment for assisting the disabled.

Section 17. The sum of $10,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Citizen Against Meth Abuse for the purpose of a youth education project.

Section 18. The sum of $18,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Lawrence-Crawford Exceptional Citizens for the purpose of purchasing a van.

Section 19. The sum of $100,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Shady Oaks Cerebral Palsy Camp for the purpose of purchasing handicap accessible playground equipment.

Section 21. The sum of $50,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Avenues to Independence in Park Ridge for the purpose of purchasing group home furnishings.

Section 22. The sum of $25,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Have Dreams in Park Ridge for the purpose of programs that serve autistic children.

Section 23. The sum of $35,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Maine Center for Mental Health in Park Ridge for the purpose of program funding.

Section 24. The sum of $10,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Des Plaines Food Pantry for the purpose of purchasing supplies and equipment.

Section 25. The sum of $5,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Human Services for a grant to Elk Grove Township Food Pantry for the purpose of purchasing supplies and equipment.

Section 26. The sum of $5,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Maine Township Food Pantry for the purpose of purchasing supplies and equipment.

Section 27. The sum of $20,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Park Ridge Teen Center for the purpose of sustaining equipment and programs.

Section 28. The sum of $10,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Park Ridge Youth Campus for the purpose of purchasing equipment.

Section 29. The sum of $100,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to PADS of Elgin-Douglass L. Hoeft Resource Center for the purpose of supporting homeless shelter and services.

Section 30. The sum of $20,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Centro de Information for the purpose of outfitting a computer lab, supporting ESL programs, employment search, and children’s programming.

Section 31. The sum of $50,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Community Crisis Center for the purpose of mortgage payments.

Section 32. The sum of $25,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Community Crisis Center for the purpose of supporting Crisis Intervention Programs.

Section 33. The sum of $15,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Human Services for a grant to the Community Crisis Center for the purpose of meeting technology needs.

Section 34. The sum of $15,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Boys and Girls Club of Dundee for the purpose of an after school program at Perry Elementary School.

Section 35. The sum of $25,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Village of Carpentersville Police Department for the purpose of gang prevention activities.

Section 36. The sum of $7,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Village of Carpentersville Police Department for the purpose of establishing a gang intervention program.

Section 37. The sum of $30,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Bethesda Child Development Center for the purpose of purchasing a security and phone system.

Section 38. The sum of $15,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Boys and Girls Club of Elgin for the purpose of renovating the club house for youth programs.

Section 39. The sum of $24,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Dupage Easter Seals for the purpose of purchasing three new assistive technology devices.

Section 40. The sum of $20,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Peoples Recourse Center for the purpose of operating a computer literacy program.

New matter indicated by italics - deletions by strikeout
Section 41. The sum of $20,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Ray Graham Association for the purpose of replacing the driveway the Grace CILA location, replacing flooring at the Ridge CILA location, and replacing central air conditioning at the Wilson CILA location.

Section 42. The sum of $10,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to DuPage PADS for the purpose of purchasing 200 sleeping pads.

Section 43. The sum of $20,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Family Shelter Services of Glen Ellyn for the purpose of facility improvements.

Section 44. The sum of $20,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Western DuPage Special Recreation Association for the purpose of ADA compliance upgrades.

Section 45. The sum of $20,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Metropolitan Family Services- DuPage for the purpose of maintaining a youth mentoring program.

Section 46. The sum of $8,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the DuPage Center for Independent Living for the purpose of facility improvements, hiring personnel, and technology programming.

Section 47. The sum of $50,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to United Cerebral Palsy of Springfield for the purpose of purchasing therapy equipment.

Section 48. The sum of $5,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Human Services for a grant to the Ray Graham Association in Elmhurst for the purpose of upgrading adult housing.

Section 49. The sum of $5,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Kids In Need of Addison for the purpose of children’s housing improvements.

Section 50. The sum of $100,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the ARC- Disability Center in Teutopolis for the purpose of a roof replacement.

Section 51. The sum of $25,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Peoria Friendship House of Christian Services for the purpose of supporting after school programs and minority outreach.

Section 52. The sum of $25,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Boys and Girls Club of Greater Peoria for the purpose of supporting after school programs.

Section 53. The sum of $175,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Hospice of Northeastern Illinois for the costs associated with capital projects and operations.

Section 54. The sum of $125,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to the Mano a Mano Family Resource Center for the costs associated with operations and programs.

Section 55. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Janet Wattles Mental Health for the purpose of equipment and capital improvements.

Section 56. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Human Services for a grant to Coles County Drug Court for the purpose of new programs.

Section 57. The sum of $540,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for a grant to Illinois Life Span for the costs associated with project funding.

ARTICLE 650

Section 1. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to Village of Woodridge for the purpose of building a bicycle/pedestrian bridge.

Section 2. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Downers Grove for the purpose of establishing a bikeway project.

Section 3. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Downers Grove-VFW for the purpose of resurfacing and improvements.

Section 4. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Villa Park for the purpose of road construction projects.

Section 5. The sum of $47,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Glendale Heights for the purpose of installation of a traffic signal and a sanitary sewer replacement.

Section 6. The sum of $85,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Hainesville for the purpose of an intergovernmental bike path project and public safety.

Section 7. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Transportation for a grant to the Village of Wilmette for the purpose of engineering and design of the Skokie Valley bike trail.

Section 8. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Savoy for the purpose of the installation of a traffic light at Tomoros and Neil.

Section 9. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to Douglass Township for the purpose of installation of Haun Park guard rail and moving a light pole.

Section 10. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to Village of Winfield for the purpose of a pedestrian underpass.

Section 11. The sum of $125,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of West Chicago for the purpose of reconstruction of a pedestrian underpass.

Section 12. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Bolingbrook for the purpose of installing a traffic light.

Section 13. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Romeoville for the purpose of creating a bike trail.

Section 14. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Lockport for the purpose of reconstruction of 13th Street.

Section 15. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Lockport Park District for the purpose of reconstruction of Woods Lane in Dellwood Park.

New matter indicated by italics - deletions by strikeout
Section 16. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Will County Highway Department for the purpose of improvements to the Webber Road and I-55 interchange.

Section 17. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Sugar Grove for the purpose of paving Bastian Road.

Section 18. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to Campton Township for the purpose of paving township parking.

Section 19. The sum of $70,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Big Rock Township Highway Department for the purpose of reconstruction and paving Scott Road.

Section 20. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Newark for the purpose of extending Johnson Road to Routh 97 road project.

Section 21. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Virgil for the purpose of road projects.

Section 22. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Hopedale for the purpose of construction of a paved walking trail for seniors and Hopedale Park.

Section 23. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Transportation for a grant to Boynton Township for the purpose of road improvements.

Section 24. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of West Chicago-Wayne Township Road District for the purpose of replacing a bridge on St. Charles Road.

Section 25. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Bartlett for the purpose of repairing the Shick Road bridge.

Section 26. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of South Elgin for the purpose of a bike path safety realignment.

Section 27. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of St. Charles for the purpose of curb improvement of Route 31 for First Street redevelopment.

Section 28. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Wood Dale for the purpose of maintaining the bridge over Salt Creek.

Section 29. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to Trails and Recreation in Effingham County (TREC) for the purpose of constructing a bike trail.

Section 30. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Wayne County Fair Association in Fairfield for the purpose of fairground road improvements.

Section 31. The sum of $281,586, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Transportation for a grant to the Village of River Grove for the purpose of pedestrian crossing work.

Section 32. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Schiller Park for the purpose of bridge installation.

Section 33. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Schiller Park for the purpose of road improvements.

Section 34. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Franklin Park for the purpose of bridge fabrication.

Section 35. The sum of $370,582, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Rosemont for the purpose of the Willow/Higgins channel improvement project.

Section 36. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Deer Creek for the purpose of street construction and paving.

Section 37. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Eureka for the purpose of construction of streets and sidewalks.

Section 38. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of LeRoy for the purpose of street construction.

Section 39. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Flanagan for the purpose of street construction.

New matter indicated by italics - deletions by strikeout
Section 40. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Chenoa for the purpose of street and sidewalk construction.

Section 41. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Lostant for the purpose of street construction and paving.

Section 42. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Ruthland for the purpose of street/culvert construction.

Section 43. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Leonore for the purpose of street construction and paving.

Section 44. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Morton for the purpose of street construction and paving.

Section 45. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of El Paso for the purpose of street construction and paving.

Section 46. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of East Peoria for the purpose of street construction and paving.

Section 47. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Troy for the purpose of street and road improvements.

Section 48. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Transportation for a grant to the City of Vandalia for the purpose of extending Veterans Ave. from Randolph St. to Main.

Section 49. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Vandalia for the purpose of street and road improvements.

Section 50. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Highland for the purpose of street and road improvements.

Section 51. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Highland for the purpose of reconstruction and upgrade of Popular Street.

Section 52. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Trenton for the purpose of street and road improvements.

Section 53. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Greenville for the purpose of street, road, water, and industrial park improvements.

Section 54. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Fremont School District for the purpose of traffic safety signals in front of the school.

Section 55. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Nunda Township for the purpose of supporting non-dedicated township road funds.

Section 56. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Algonquin Township for the purpose of supporting non-dedicated township road funds.

New matter indicated by italics - deletions by strikeout
Section 57. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the McHenry County for the purpose of a stoplight at Rt. 31 and half mile trail.

Section 58. The sum of $500,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to Danville for the purpose of engineering studies and construction costs to replace bridge over railroad at East Voorhees Street.

Section 59. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Northbrook for the purpose of infrastructure improvements.

Section 60. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Savoy for the purpose of traffic light at Tomoros and Neil.

Section 61. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to Douglas Township for the purpose of moving light poles and installation of guard rails.

Section 62. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the City of Crest Hill for the purpose of water main infrastructure.

Section 63. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to Seward Township for the purpose of road paving of blacktop 7.

Section 64. The sum of $125,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to the Village of Arlington Heights for the purpose of road upgrades.

New matter indicated by italics - deletions by strikeout
Section 65. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to Milton Township for the purpose of road resurfacing and improvements.

Section 66. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for a grant to Village of Franklin Park for the purpose of matching a federal grant for flood issues.

ARTICLE 655

Section 1. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Rolling Meadows for the costs associated with land acquisition and construction of regional training site.

Section 2. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Hoffman Estates Park District for all costs associated with the renovation of Willow Recreation Center.

Section 3. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Palatine for reimbursement of the costs associated with sidewalk construction, in the Plum Grove Road construction project including prior incurred cost.

Section 4. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Algonquin Township for operations and capital costs.

Section 5. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Wauconda Township for operations and capital costs.

New matter indicated by italics - deletions by strikeout
Section 6. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Nunda Township for operations and capital costs.

Section 7. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Hinsdale for the purpose of purchasing a ladder truck.

Section 8. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Bollingbrook for the restoration of village hall library.

Section 9. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Clarendon Hills for the purchase of an ambulance.

Section 10. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Downers Grove public library for costs associated with computer upgrades.

Section 11. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Hinsdale public library for costs associated with computer upgrades.

Section 12. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Woodridge Park District for costs associated with the development of the 75th street park.

Section 13. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Westmont for downtown lighting project.

New matter indicated by italics - deletions by strikeout
Section 14. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Family Shelter Services for the costs associated with a security system.

Section 15. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Giant Steps, of Illinois for the costs associated with equipment purchasing.

Section 16. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Ray Graham Hanson Center for the costs associated with construction.

Section 17. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the DuPage Convalescent Center for the costs associated with office relocation.

Section 18. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Hinsdale Historical Society for the costs associated with restoration of the Zook House.

Section 19. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Berkeley for the costs associated with police equipment and sewer line repair.

Section 20. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Brookfield for the costs associated with upgrade of the phone system.

Section 21. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to the Village of LaGrange for fire station improvements.

Section 22. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of North Riverside for the costs associated with replacing trucks, street sweeper, camera system for police cars, and the village phone system.

Section 23. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Riverside for the costs associated with the purchase of radar speed signs, and a mobile lift platform.

Section 24. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Westchester for the costs associated with repairs to the water system.

Section 25. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Elmhurst for the Elmhurst art museum for costs associated with capital improvements.

Section 26. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Elmhurst for the Elmhurst Historical Museum for costs associated with capital improvements.

Section 27. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Lombard for the costs associated with a veteran’s memorial and street lighting.

New matter indicated by italics - deletions by strikeout
Section 28. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Oakbrook for the costs associated with the sewer system improvement.

Section 29. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Villa Park for the costs associated with fence installation along railroad tracks.

Section 30. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Oakbrook Terrace for the costs associated with sidewalk improvements and storm sewer extensions.

Section 31. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Save the Prairie Society for the costs associated with heating system upgrade.

Section 32. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Proviso for the costs associated with renovation of township offices.

Section 33. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Oakawville for the costs associated with sidewalk and curb construction.

Section 34. The sum of $8,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Vergennes Elementary School for the costs associated with fencing.

New matter indicated by italics - deletions by strikeout
Section 35. The sum of $140,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the John A. Logan Museum for the costs associated with purchase of property and improvements.

Section 36. The sum of $22,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Giant City Stables for the costs associated with new barn and improvements.

Section 37. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Cobden for the costs associated with gas line replacement.

Section 38. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of DeSoto for the costs associated with fire station repair.

Section 39. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Ashley for the costs associated with the community building.

Section 40. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Albers for the costs associated with police and fire equipment.

Section 41. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Damiansville for the costs associated with curbs and sidewalks.

Section 41a. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of New Baden for the costs associated with water and sewer lines.

New matter indicated by italics - deletions by strikeout
Section 42. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Pinckneyville for the costs associated with city improvements.

Section 43. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Elkville for the costs associated with a fire station.

Section 44. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Jonesboro for the costs associated with the library and community center roof.

Section 45. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Murphysboro for the costs associated with the Watson Road bridge and road repairs.

Section 46. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Nashville for the costs associated with curbs and sidewalks.

Section 47. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Kinkaid Township for the costs associated with the township office.

Section 48. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Bloomington High School for capital improvements.

Section 49. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Unit 5 School District for the costs associated with building improvements.

New matter indicated by italics - deletions by strikeout
Section 50. The sum of $275,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Bloomington for the costs associated with a new Westside fire department.

Section 51. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Prairie Aviation Museum for the costs associated with construction of a display gallery.

Section 52. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Western Avenue Community Center for the costs associated with the purchase of an air conditioner.

Section 53. The sum of $80,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Timber Point Charitable Foundation for equipment.

Section 54. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Marc Center Foundation for capital improvements.

Section 55. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Bloomington Township Fire Protection District for the costs associated with the building and equipment.

Section 56. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the University High School for the costs associated with auditorium construction.

New matter indicated by italics - deletions by strikeout
Section 57. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the MET-COM 911 Center for the costs associated with improvements and radio upgrades.

Section 58. The sum of $275,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Normal Transportation Center for the costs associated with operations and capital.

Section 59. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Springfield Children’s Museum for costs associated with infrastructure improvements.

Section 60. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Children’s Safety Committee for costs associated with construction of the Children’s Safety Village.

Section 61. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Logan County Historical Society for costs associated with infrastructure improvements.

Section 62. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Menard County Historical Society for costs associated with infrastructure improvements.

Section 63. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Chatham Jaycees for the costs associated with park improvements.

New matter indicated by italics - deletions by strikeout
Section 64. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Lincoln for the costs associated with infrastructure improvements.

Section 65. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Rochester for the costs associated with the north park.

Section 66. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Petersburg Jaycees for the costs associated with infrastructure improvements.

Section 67. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Sherman for the costs associated with infrastructure improvements.

Section 68. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Williamsville for the costs associated with infrastructure improvements.

Section 69. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of New Berlin for the costs associated with infrastructure improvements.

Section 70. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Jerome for the costs associated with a memorial.

Section 71. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to the City of Pawnee for the costs associated with sidewalk repair.

Section 72. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Davenport for the costs associated with infrastructure improvements.

Section 73. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Broadwell for the costs associated with infrastructure improvements.

Section 74. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Elkhart for the costs associated with infrastructure improvements.

Section 75. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Greenview for the costs associated with infrastructure improvements.

Section 76. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Oakford for the costs associated with infrastructure improvements.

Section 77. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Tallula for the costs associated with infrastructure improvements.

Section 78. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Cantrall for the costs associated with infrastructure improvements.

New matter indicated by italics - deletions by strikeout
Section 79. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Loami for the costs associated with infrastructure improvements.

Section 80. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of T'Haye for the costs associated with infrastructure improvements.

Section 81. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Beta Sigma Phi of Lincoln for the costs associated with school supplies.

Section 82. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Bloomingdale for the costs associated with renovation of the first school house.

Section 83. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Roselle for the costs associated with the Children’s Safety Town program.

Section 84. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Carol Stream for the costs associated with radio operations.

Section 85. The sum of $53,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Glendale Heights for the costs associated with traffic signal installation on Glen Ellyn Road at Marquardt School District #15.

New matter indicated by italics - deletions by strikeout
Section 86. The sum of $47,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Glendale Heights for the costs associated with traffic signal installation and sanitary sewer replacement at the Army Trail Road/Bloomingdale Road project.

Section 87. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Wheaton for the costs associated with a school sidewalk program.

Section 88. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Bloomingdale Township for the costs associated with restoring land into natural habitat.

Section 89. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Wheaton Park District for the costs associated with park renovation.

Section 90. The sum of $80,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Grayslake School District #46 for the costs associated with science classroom and computer equipment.

Section 91. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Wildwood Park District for the costs associated with handicap designed fishing pier and restrooms.

Section 92. The sum of $85,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Round Lake Beach for the costs associated with public works and lift station projects.
Section 93. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Grayslake Youth Center for the costs associated with flooring replacement, for asbestos abatement and other renovations.

Section 94. The sum of $85,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Grandwood Park for capital improvements to the park district community center.

Section 95. The sum of $12,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Round Lake Beach for the costs associated with the cultural and civic center equipment.

Section 96. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Round Lake Area Exchange Club for the costs associated with equipment and school supplies.

Section 97. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Gurnee for the costs associated with police department equipment and radio upgrades.

Section 98. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Gurnee for the costs associated with ATV’s for police patrols.

Section 99. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Long Lake Conservation Association for the costs associated with dam repair.

New matter indicated by italics - deletions by strikeout
Section 100. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Wildwood Presbyterian Church PADS program for the costs associated with equipment.

Section 101. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Skokie for the costs associated with library technology.

Section 102. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Skokie for the costs associated with mobile police computers.

Section 103. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Morton Grove for the costs associated with an emergency weather system.

Section 104. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Wilmette for the costs associated with engineering and design of the Skokie Valley bike trail.

Section 105. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Glenview Park District for the costs associated with the Wagner Farm.

Section 106. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Northfield Township Food Pantry for operations and supplies.

Section 107. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to

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Northfield Park District for the costs associated with streambank stabilization.

Section 108. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago Botanic Gardens for the costs associated with shoreline restoration.

Section 109. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Glenview for the costs associated with planning and engineering.

Section 110. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Northbrook for the costs associated with village infrastructure improvements.

Section 111. The sum of $750,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Plainfield for the costs associated with infrastructure roadway improvements.

Section 112. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Plainfield School District #202 for the costs associated with infrastructure and technology upgrades.

Section 113. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Plainfield Township for the costs associated with a senior shuttle vehicle.

Section 114. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the...
Department of Commerce and Economic Opportunity for a grant to the Plainfield Police Department for the costs associated with equipment.

Section 115. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Plainfield Fire Protection District for the costs associated with fire safety equipment.

Section 116. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Plainfield Humane Society the costs associated with infrastructure for the spay/neuter program.

Section 117. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Botanical Gardens for the purpose of the Children’s Learning Garden.

Section 118. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Plainfield Food Pantry the costs associated with operations and infrastructure improvements.

Section 119. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Plainfield Historical Society the costs associated with building renovations and displays.

Section 120. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Plainfield Public Library the costs associated with equipment and program costs.

Section 121. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to

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Conservation Plainfield for the costs associated with the environmental education programs.

Section 122. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Plainfield Park District for the costs associated with infrastructure improvements.

Section 123. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Oswego School District #308 for the costs associated with infrastructure and upgrades.

Section 124. The sum of $750,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Oswego for the costs associated with infrastructure improvements.

Section 125. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Oswego Fire Protection District for the costs associated with technology and computer system upgrades.

Section 126. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Oswego Public Library for the costs associated with equipment.

Section 127. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Oswego Community School District #308 for the costs associated with high school soccer field and lights.

Section 128. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the

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Oswegoland Park District associated with operations and infrastructure improvements to the Park District.

Section 129. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Oswego Police Department for the costs associated with solar speed limit signs.

Section 130. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Oswego American Legion for the costs associated with infrastructure improvements.

Section 131. The sum of $750,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Shorewood for the costs associated with water and sewer infrastructure improvements.

Section 132. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Shorewood for the costs associated with Troy Public Library District.

Section 133. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Shorewood Police Department for the costs associated with purchase of equipment.

Section 134. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Shorewood Police for the costs associated with equipment.

Section 135. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the

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Troy Township for the costs associated with computer upgrade and equipment.

Section 136. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Troy School District #30 for the costs associated with infrastructure and technology upgrades.

Section 137. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Troy Fire Protection District for the costs associated with operations and capital improvements.

Section 138. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Wheatland Township for the costs associated with infrastructure improvements.

Section 139. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Kendall County Fair Association for the costs associated with infrastructure improvements to the Kendall County fairgrounds.

Section 140. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Kendall County Historical Society for the costs associated with infrastructure improvements.

Section 141. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Kendall County Forest Preserve District for the costs associated with Open Space and infrastructure improvements.

Section 142. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Section 143. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to St. Mary’s Immaculate Parish School for the costs associated with upkeep of facility operations.

Section 144. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to K-Chain Health Access Network for the costs associated with specialty care for the uninsured.

Section 145. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Aurora for the costs associated with infrastructure improvements.

Section 146. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Will County Forest Preserve District for the costs associated with Renwick Lake and land improvements.

Section 147. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Brookfield Zoo for the costs associated with infrastructure improvements.

Section 148. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of North Riverside for the costs associated with infrastructure improvements.

Section 149. The sum of $600,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Kendall County Food Pantry for the costs associated with upkeep of facility operations.
Haymarket Center for the costs associated with land acquisition and building renovations.

Section 150. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Peggy Notebaert Museum for the costs associated with nature trail.

Section 151. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Valley West Community Hospital for the costs associated with infrastructure improvements.

Section 152. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Marklund for the costs associated with infrastructure improvements.

Section 153. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Rochelle Community Hospital for the costs associated with infrastructure improvements.

Section 154. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Rockford Memorial Hospital for the costs associated with infrastructure improvements.

Section 155. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Saint James Community Hospital for the costs associated with infrastructure improvements.

Section 156. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the

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Village of Northbrook for the costs associated with a community bike path.

Section 157. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Plattville for the costs associated with infrastructure improvements.

Section 158. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Effingham for the costs associated with a recreation center.

Section 159. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Kane County Forest Preserve District for the costs associated with infrastructure improvements.

Section 160. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Individual Advocacy Group for the costs associated with the pilot program for the developmentally disabled.

Section 161. The sum of $220,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Illinois Math and Science Academy for the costs associated with operations.

Section 162. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Proviso Township for the costs associated with building and renovation improvements.

Section 163. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the Village of Iroquois for the costs associated with tile repair.

Section 164. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Gibson City for the costs associated with Aero Smith Park renovation.

Section 165. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Paxton for the costs associated with Baltimore Road Drive repairs.

Section 166. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Rossville for the costs associated with the water treatment and arsenic removal study.

Section 167. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Onarga for the costs associated with the operations and infrastructure improvements.

Section 168. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Sell Cast Fairbury for the costs associated with the purchase of a van.

Section 169. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Hoopeston Regional Health Center for the costs associated with ER renovations.

Section 170. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Wheaton Park District for the costs associated with The Seven Gables Park building demolition.
Section 171. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Wheaton School District #200 for the costs associated with Jefferson Pre-School trailer replacement.

Section 172. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Warrenville Park District for the costs associated with equipment.

Section 173. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Batavia for the costs associated with operations and infrastructure improvements.

Section 174. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Batavia Library District for the costs associated with operations and capital improvements.

Section 175. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lockport Park District for the costs associated with reconstruction of Woods Lane in Dellwood Park.

Section 176. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Bolingbrook Park District for the costs associated with the environmental center at Hidden Lakes Park.

Section 177. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Will County Forest Preserve for the costs associated with park development for Prairie Bluff Preserve.

New matter indicated by italics - deletions by strikeout
Section 178. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Homer Glen for the costs associated with flood control.

Section 179. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Homer Township for the costs associated with flood control.

Section 180. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Homer Glen for the costs associated with construction of Healing Garden.

Section 181. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Homer Township Public Library District for the costs associated with facility improvements.

Section 182. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the New Lenox Fire Protection District for the costs associated with the purchase of new equipment.

Section 183. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the New Lenox Public Library District for the costs associated with the purchase of facility improvements.

Section 184. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the New Lenox Park District for the costs associated with construction of a pavilion to honor fallen soldier Pfc. Lowel.

New matter indicated by italics - deletions by strikeout
Section 185. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Frankfort Public Library District for the costs associated with facility improvements.

Section 186. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Frankfort Park District for the costs associated with purchase of equipment.

Section 187. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Frankfort Fire Protection District for the costs associated with purchase of equipment.

Section 188. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Mokena Community Public Library District for the costs associated with facility improvements.

Section 189. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Mokena Fire Protection District for the costs associated with purchase of equipment.

Section 190. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Mokena for the costs associated with Village Hall renovations.

Section 191. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Orland Park Public Library District for the costs associated with facility improvements.
Section 192. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Tinley Park Public Library District for the costs associated with facility improvements.

Section 193. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lincolnway Area Special Education District #843 for the costs associated with handicap accessible equipment.

Section 194. The sum of $115,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lincolnway Special Recreation Association for the costs associated with the purchase of buses.

Section 195. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Williamsfield Fire Protection District for the costs associated with infrastructure improvements.

Section 196. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Clover Township Fire Protection District for the costs associated with infrastructure improvements.

Section 197. The sum of $60,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Aurora Family Counseling Service for the costs associated with building renovations and infrastructure improvements.

Section 198. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the

New matter indicated by italics - deletions by strikeout
Northville Township for the costs associated with infrastructure improvements.

Section 199. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Sheridan for the costs associated with infrastructure improvements.

Section 200. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Fox Valley for the costs associated with infrastructure improvements.

Section 201. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Norridge for the costs associated with renovations to sewer water lines.

Section 202. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Norwood School City of Chicago for the costs associated with capital improvements.

Section 203. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Oriole School City of Chicago for the costs associated with capital improvements.

Section 204. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the John Garvy School City of Chicago for the costs associated with capital improvements.

Section 205. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the

New matter indicated by italics - deletions by strikeout
Ebinger School City of Chicago for the costs associated with capital improvements.

Section 206. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Onahan School City of Chicago for the costs associated with capital improvements.

Section 207. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the John Stock School City of Chicago for the costs associated with capital improvements.

Section 208. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago Park District for the costs associated with landmark restoration of Monument Park.

Section 209. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Harwood Heights for the costs associated with payoff of Eisenhower Public Library loan.

Section 210. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Naperville for the costs associated with improvements to Central Park band seating.

Section 211. The sum of $120,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Lisle for the costs associated with school area sidewalk projects.

Section 212. The sum of $120,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the
Village of Woodridge for the costs associated with police department expansion improvements.

Section 213. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Bollingbrook for the costs associated with Cumberland Pond restoration.

Section 214. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Wheaton for the costs associated with sidewalk restoration.

Section 215. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Delavan for the costs associated with sidewalk restoration.

Section 216. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Tremont for the costs associated with Feeder Road to Culligan Park infrastructure repairs.

Section 217. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Decatur Park District for the costs associated with equipment.

Section 218. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Logan County for the costs associated with land acquisition for law enforcement building.

Section 219. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Atlanta for the costs associated with Main street sewer plant lift station.

New matter indicated by italics - deletions by strikeout
Section 220. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Atlanta for the costs associated with sewer plant restorations.

Section 221. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Warrensburg for the costs associated with water plant building upgrades.

Section 222. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to St. Teresa High School for the costs associated with gym renovations.

Section 223. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Austin Township for the costs associated with water system upgrades.

Section 224. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Clinton for the costs associated with fire department infrastructure improvements.

Section 225. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Weldon Community for the costs associated with fire department infrastructure improvements.

Section 226. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Clear Lake Township for the costs associated with infrastructure improvements.

Section 227. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the
City of Riverton for the costs associated with Field of Dreams Park.

Section 228. The sum of $50,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to
Randolph Township for the costs associated with fire department
improvements.

Section 229. The sum of $100,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the
Amboy School District for the costs associated with infrastructure
improvements.

Section 230. The sum of $100,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the
East Coloma School District for the costs associated with infrastructure
improvements.

Section 231. The sum of $100,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the
Oregon School District for the costs associated with construction and
renovation of classrooms.

Section 232. The sum of $25,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the
Prophetstown Fire Department for the costs associated with infrastructure
improvements.

Section 233. The sum of $75,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the
Rock Falls Community Development Corp. for the costs associated with
land acquisition.

Section 234. The sum of $50,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to the Village of Atkinson for the costs associated with curb and gutter restoration.

Section 235. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Oregon for the costs associated with water line repairs.

Section 236. The sum of $45,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Rock Falls for the costs associated with storm sewer extension.

Section 237. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Bureau County Fair Board for the costs associated with capital improvements.

Section 238. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Henry County Fair Board for the costs associated with capital improvements.

Section 239. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Knox County Fair Board for the costs associated with capital improvements.

Section 240. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Stark County Fair Board for the costs associated with capital improvements.

Section 241. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Section 242. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Bureau County Board for the costs associated with capital improvements.

Section 243. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Henry County Board for the costs associated with capital improvements.

Section 244. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Knox County Board for the costs associated with capital improvements.

Section 245. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Stark County Board for the costs associated with capital improvements.

Section 246. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Abington for the costs associated with capital improvements.

Section 247. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Yates City for the costs associated with capital improvements.

Section 248. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Knoxville for the costs associated with capital improvements.

Section 249. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Oneida for the costs associated with capital improvements.
City of Galesburg for the costs associated with fire department infrastructure improvements.

Section 250. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Oneida-Wataga Fire Protection District for the costs associated with infrastructure improvements.

Section 251. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Maquon Fire Protection District for the costs associated with infrastructure improvements.

Section 252. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Elba-Salem Fire Protection District for the costs associated with infrastructure improvements.

Section 253. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Wyanet Fire Protection District for the costs associated with infrastructure improvements.

Section 254. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Alpha Oxford Fire Protection District for the costs associated with infrastructure improvements.

Section 255. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Princeton Fire Protection District for the costs associated with infrastructure improvements.

Section 256. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the Bradford Community Fire Protection District for the costs associated with infrastructure improvements.

Section 257. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Toulon Fire Protection District for the costs associated with infrastructure improvements.

Section 258. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Wyoming Community Fire Protection District for the costs associated with infrastructure improvements.

Section 259. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lafayette Community Fire Protection District for the costs associated with infrastructure improvements.

Section 260. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Ohio Volunteer Fire Department Protection District for the costs associated with infrastructure improvements.

Section 261. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Sheffield Fire Protection District for the costs associated with infrastructure improvements.

Section 262. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Walnut Fire Department, Inc. for the costs associated with infrastructure improvements.

New matter indicated by italics - deletions by strikeout
Section 263. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Mineral Gold Fire Protection District for the costs associated with infrastructure improvements.

Section 264. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Manlius Fire Protection District for the costs associated with infrastructure improvements.

Section 265. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Buda Fire Department for the costs associated with infrastructure improvements.

Section 266. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Neponset Fire Department for the costs associated with infrastructure improvements.

Section 267. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Abingdon Fire Protection District for the costs associated with infrastructure improvements.

Section 268. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Altona Fire Protection District for the costs associated with infrastructure improvements.

Section 269. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the

New matter indicated by italics - deletions by strikeout
Annawan-Alba Fire Protection District for the costs associated with infrastructure improvements.

Section 270. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Bishop Hill Community Fire Protection District for the costs associated with infrastructure improvements.

Section 271. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Cambridge Fire Protection District for the costs associated with infrastructure improvements.

Section 272. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the East Galesburg Volunteer Fire Protection District for the costs associated with infrastructure improvements.

Section 273. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Galva Community Fire Protection District for the costs associated with infrastructure improvements.

Section 274. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Galva Fire Department for the costs associated with infrastructure improvements.

Section 275. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Henderson Fire Protection District for the costs associated with infrastructure improvements.

Section 276. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to the City of Kewanee Fire Department for the costs associated with infrastructure improvements.

Section 277. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Kewanee Community Fire Protection District for the costs associated with infrastructure improvements.

Section 278. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Knoxville Fire Protection District for the costs associated with infrastructure improvements.

Section 279. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Rio Fire Protection District for the costs associated with infrastructure improvements.

Section 280. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Victoria-Copley Fire Protection District for the costs associated with infrastructure improvements.

Section 281. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Cambridge for the costs associated with capital improvements.

Section 282. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Galesburg for the costs associated with capital improvements.

Section 283. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to the City of Kewanee for the costs associated with capital improvements.

Section 284. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Kewanee Public Library for the costs associated with capital improvements.

Section 285. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Princeton for the costs associated with capital improvements.

Section 286. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Wyoming for the costs associated with capital improvements.

Section 287. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Alpha for the costs associated with public safety equipment and capital improvements.

Section 288. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Manlius for the costs associated with public safety equipment and capital improvements.

Section 289. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Neponset for the costs associated with public safety equipment and capital improvements.

Section 290. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the

New matter indicated by italics - deletions by strikeout
Village of Ohio for the costs associated with public safety equipment and capital improvements.

Section 291. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Walnut for the costs associated with capital improvements and public safety.

Section 292. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Woodhull for the costs associated with public safety and capital improvements.

Section 293. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Wyanet for the costs associated with public safety and capital improvements.

Section 294. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Buda Rescue for the costs associated with capital improvements.

Section 295. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Bradford Rescue for the costs associated with capital improvements.

Section 296. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Community Consolidated School District #64-62 for the costs associated with special programs.

Section 297. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the
Community Consolidated School District #64 for the costs associated with special programs.

Section 298. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Park Ridge Public Library for the costs associated with equipment and programs.

Section 299. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Des Plaines Public Library for the costs associated with equipment and Children’s programs.

Section 300. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Park Ridge Civic Orchestra for the costs associated with capital improvements.

Section 301. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Park Ridge Fine Arts Society for the costs associated with Concerts in the Park Series.

Section 302. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Brickton Art Center for the costs associated with equipment and programs.

Section 303. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Des Plaines Healthy Community Partnership for the costs associated with joint community projects.

Section 304. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the

New matter indicated by italics - deletions by strikeout
Section 305. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Park Ridge Fire Department for the costs associated with equipment.

Section 306. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Park Ridge Police Department for the costs associated with equipment.

Section 307. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Des Plaines Fire Department for the costs associated with equipment.

Section 308. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Des Plaines Police Department for the costs associated with equipment.

Section 309. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Des Plaines Park District for the costs associated with equipment and programs.

Section 310. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Park Ridge Recreation and Park District for the costs associated with equipment and programs.

Section 311. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the Community Consolidated School District #64 or #59 for the costs associated with special programs.

Section 312. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Community Consolidated School District #64 or #63 for the costs associated with special programs.

Section 313. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to High School District #207 for the costs associated with equipment and programs.

Section 314. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to The Harbour, Inc. for the costs associated with equipment and programs.

Section 315. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Mt. Prospect Public Library for the costs associated with equipment.

Section 316. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to K-Chain Health Access Network for the costs associated with services for uninsured.

Section 317. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Carpentersville for the costs associated with street lighting.

Section 318. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Elgin for the costs associated with Community Park renovations.

New matter indicated by italics - deletions by strikeout
Section 319. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Hamilton Wings for the costs associated with gang prevention and youth development.

Section 320. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of East Dundee for the costs associated with equipment and public safety.

Section 321. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Veterans Memorial Park for the costs associated with monument to honor Elgin Veterans.

Section 322. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Winthrop Harbor for the costs associated with infrastructure and capital improvements.

Section 323. The sum of $175,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Zion Park District for the costs associated with infrastructure improvements to multipurpose center.

Section 324. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Butterfield Park District for the costs associated with construction of pavilion and equipment upgrades.

Section 325. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the

New matter indicated by italics - deletions by strikeout
Downers Grove Park District for the costs associated with Lyman Woods stabilization project.

Section 326. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Glen Ellyn Park District for the costs associated with village project in Maryknoll Park.

Section 327. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lisle Park District for the costs associated with technology upgrades.

Section 328. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lombard Park District for the costs associated with infrastructure improvements.

Section 329. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the York Center Park District for the costs associated with infrastructure and capital improvements.

Section 330. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Wheaton Park District for the costs associated with playground upgrades.

Section 331. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Downers Grove Public Library for the costs associated with technology upgrades.

Section 332. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the

New matter indicated by italics - deletions by strikeout
Glen Ellyn Public Library for the costs associated with building mechanics system upgrade.

Section 333. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lisle Library District for the costs associated with technology upgrades for children’s library.

Section 334. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Lombard Helen M. Plum Memorial Library for the costs associated with technology upgrades.

Section 335. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Villa Park Public Library for the costs associated with technology upgrades.

Section 336. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Wheaton Public Library for the costs associated with technology, database, and software upgrades.

Section 337. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Downers Grove for the costs associated with security upgrades for public works.

Section 338. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Lisle for the costs associated with culvert replacement.

Section 339. The sum of $63,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the

New matter indicated by italics - deletions by strikeout
Glen Ellyn Volunteer Fire Company for the costs associated with mobile data terminals for vehicles.

Section 340. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Villa Park Police Department for the costs associated with canine start up program.

Section 341. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Bridge Communities for the costs associated with canine startup program.

Section 342. The sum of $28,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Phillip J. Rock Center and School for the costs associated with infrastructure improvements.

Section 343. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the B.R. Ryall YMCA for the costs associated with infrastructure improvements.

Section 344. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Glen Ellyn Historical Society for the costs associated with facility improvements.

Section 345. The sum of $2,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lombard Historical Society for the costs associated with facility improvements.

Section 346. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the

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Boys and Girls Club of Springfield for the costs associated with infrastructure improvements.

Section 347. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Downtown Springfield Inc. for the costs associated with infrastructure improvements.

Section 348. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Southern View for the costs associated with municipal building improvements.

Section 349. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Enos Park Neighborhood Association for the costs associated with sidewalk renovations.

Section 350. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Grandview for the costs associated with police department building renovations.

Section 351. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Springfield for the costs associated with capital improvements.

Section 352. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Harvard Park Neighborhood Association for the costs associated with building improvements.

Section 353. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the

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Eastside Resident Neighborhood Association for the costs associated with infrastructure improvements.

Section 354. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Addison Center for the Arts for the costs associated with programs.

Section 355. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Serenity House for the costs associated with building construction.

Section 356. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Township of Addison for the costs associated with building construction.

Section 357. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Itasca for the costs associated with construction of Children’s Exploration Park and Historical museum.

Section 358. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Bensenville for the costs associated with technology upgrades.

Section 359. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Bensenville School District #2 for the costs associated with building improvements.

Section 360. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Lombard for the costs associated with building improvements.

Section 361. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to the Village of Villa Park for the costs associated with train safety upgrades and K-9 unit.

Section 362. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Elmhurst for the costs associated with new Cultural Center and Art Museum upgrade.

Section 363. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Jasper County Fair Association for the costs associated with barn replacement.

Section 364. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Bible Grove Township for the costs associated with township building renovations.

Section 365. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the White County Board Coroner for the costs associated with infrastructure improvements.

Section 366. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Ste. Marie for the costs associated with ball park lights.

Section 367. The sum of $45,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Wayne County Board for the costs associated with cameras and radio for sheriff department.

Section 368. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Section 369. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Flora for the costs associated with railroad depot renovations.

Section 370. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Wayne County CDC for the costs associated with bath and parking lot upgrades.

Section 371. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Carmi for the costs associated with capital improvements.

Section 372. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Grayville School District for the costs associated with infrastructure improvements.

Section 373. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Dieterich for the costs associated with sidewalk improvements.

Section 374. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Ashmore for the costs associated with infrastructure improvements.

Section 375. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the

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Monticello Township Library for the costs associated with infrastructure improvements.

Section 376. The sum of $12,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Lerna for the costs associated with infrastructure improvements.

Section 377. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Atwood for the costs associated with infrastructure improvements.

Section 378. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Arcola Fire Department for the costs associated with purchasing of equipment and capital improvements.

Section 379. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Cerro Gordo American Legion for the costs associated with purchasing of equipment and capital improvements.

Section 380. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Landmarks, Inc. for the costs associated with renovations of the Rutherford House.

Section 381. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Brocton Fire Department for the costs associated with equipment and capital improvements.

Section 382. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the

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Hume Fire Department for the costs associated with equipment and capital improvements.

Section 383. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Metcalf Fire Department for the costs associated with equipment and capital improvements.

Section 384. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Moultrie-Douglas Fair Board for the costs associated with equipment and capital improvements.

Section 385. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Mahomet-Seymour Schools for the costs associated with infrastructure improvements.

Section 386. The sum of $12,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Camargo Township for the costs associated with equipment and capital improvements.

Section 387. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Newman Fire Department for the costs associated with equipment and capital improvements.

Section 388. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Humboldt Township for the costs associated with equipment and capital improvements.

Section 389. The sum of $12,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the Village of Ivesdale for the costs associated with infrastructure improvements.

Section 390. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Bement for the costs associated with infrastructure improvements.

Section 390a. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Tolono Fire Department for the costs associated with equipment and capital improvements.

Section 390b. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Sadorus Fire Department for the costs associated with equipment and capital improvements.

Section 391. The sum of $12,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Hammond for the costs associated with infrastructure improvements.

Section 392. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Redmon Fire Department for the costs associated with equipment and capital improvements.

Section 393. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Cisco Fire Protection District for the costs associated with equipment and capital improvements.

New matter indicated by italics - deletions by strikeout
Section 394. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Mid-Piatt Fire District for the costs associated with equipment and capital improvements.

Section 395. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Northern Piatt Fire Protection District for the costs associated with equipment and capital improvements.

Section 396. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Hutton Township for the costs associated with infrastructure improvements.

Section 397. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lincoln Fire Protection District for the costs associated with equipment and capital improvements.

Section 398. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Wabash Fire Protection District for the costs associated with equipment and capital improvements.

Section 399. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Deland Fire Protection District for the costs associated with equipment and capital improvements.

Section 400. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the

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Pesotum Fire Protection District for the costs associated with equipment and capital improvements.

Section 401. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Cornbelt Fire Protection District for the costs associated with equipment and capital improvements.

Section 402. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Scott Fire Protection District for the costs associated with equipment and capital improvements.

Section 403. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Cooks Mills Fire Protection District for the costs associated with equipment and capital improvements.

Section 404. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Hindsboro Fire Protection District for the costs associated with equipment and capital improvements.

Section 405. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Murdock Fire Protection District for the costs associated with equipment and capital improvements.

Section 406. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Oakland Community Fire Protection District for the costs associated with equipment and capital improvements.

Section 407. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

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Department of Commerce and Economic Opportunity for a grant to the Cerro Gordo Fire Protection District for the costs associated with equipment and capital improvements.

Section 408. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Seven-Hickory Morgan Fire Protection District for the costs associated with equipment and capital improvements.

Section 409. The sum of $125,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Apple River Fire Station for the costs associated with capital improvements.

Section 410. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to East Dubuque for the costs associated with sewer renovations.

Section 411. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Forreston for the costs associated with sewer renovations.

Section 412. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Pecatonica for the costs associated with waste facility projects.

Section 413. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Milledgeville for the costs associated with sewer projects.

Section 414. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Lena for the costs associated with sewer projects.

New matter indicated by italics - deletions by strikeout
Section 415. The sum of $550,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Northlake for the costs associated with construction of new police station.

Section 416. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Leyden Township for the costs associated with sewer and water improvements.

Section 417. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lazarus House for the costs associated with infrastructure and capital improvements.

Section 418. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Hampshire for the costs associated with sewer and water treatment plant renovations.

Section 419. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Geneva Park District for the costs associated with land acquisition.

Section 420. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of St. Charles for the costs associated with construction of parking deck.

Section 421. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Southern Kane County Training Association for the costs associated with construction for classroom facility for fire protection training.

New matter indicated by italics - deletions by strikeout
Section 422. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Kane County Sheriff’s Department for the costs associated with training programs for SWAT and K-9.

Section 423. The sum of $525,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Kane County Department of Transportation for the costs associated with infrastructure improvements.

Section 424. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Dream Center Peoria for the costs associated with capital improvements and technology upgrades.

Section 425. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Refuge Community Development Corporation for the costs associated with equipment.

Section 426. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Community Workshop and Training Center Inc. for the costs associated with equipment and vehicles.

Section 427. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Common Place Literacy Programs for the costs associated with equipment and capital improvements.

Section 428. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the

New matter indicated by italics - deletions by strikeout
Methodist Medical Center Foundation for the costs associated with Peoria Cancer Center programs.

Section 429. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Neighborhood House for the costs associated with services and capital improvements.

Section 430. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Peoria Youth Farm for the costs associated with student programs.

Section 431. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Community Builders for the costs associated with outreach programs.

Section 432. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Heartland Community Clinic for the costs associated with programs.

Section 433. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Bartonville for the costs associated with capital improvements.

Section 434. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Danvers for the costs associated with sewer and water system improvements.

Section 435. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Washington for the costs associated with sanitary sewer system renovations.

New matter indicated by italics - deletions by strikeout
Section 436. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Hudson for the costs associated with municipal building construction.

Section 437. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Minonk for the costs associated with storm sewer and water system renovations.

Section 438. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Pontiac for the costs associated with City Hall improvements.

Section 439. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Dana for the costs associated with water system improvements.

Section 440. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Gridley for the costs associated with water system improvements.

Section 441. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Downs for the costs associated with water system improvements.

Section 442. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Ellsworth for the costs associated with water system improvements.

Section 443. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to the City of Lexington for the costs associated with sanitary sewer system renovations.

Section 444. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Stanford the costs associated with sewer system improvements.

Section 445. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Cooksville for the costs associated with water system improvements.

Section 446. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Coanell for the costs associated with waste water system renovations.

Section 447. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Goodfield for the costs associated with water system improvements.

Section 448. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Towanda for the costs associated with water system improvements.

Section 449. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Long Point for the costs associated with water system improvements.

Section 450. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to the Village of Carlock for the costs associated with water system improvements.

Section 451. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Secor for the costs associated with infrastructure improvements.

Section 452. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Congerville for the costs associated with sewer and water system improvements.

Section 453. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Bond County for the costs associated with improving the grounds and building at the American Farm Heritage Museum.

Section 454. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Springfield Figure Skating Club for the costs associated with youth programs.

Section 455. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Kingsbury Park District in Bond County for the costs associated with park improvements.

Section 456. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Cook Library for the costs associated with purchasing audio-visual media shelving.

Section 457. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Section 458. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Fremont Library for the costs associated with computer technology upgrades.

Section 459. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Blessing Hospital for the costs associated with operations of an outreach clinic.

Section 460. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Quincy Community Foundation for the costs associated with operations.

Section 461. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Quincy Park District for the costs associated with construction of the Indian Mounds Pool.

Section 462. The sum of $175,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Brown County for the costs associated with constructing and EMT and Fire Protection building.

Section 463. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Cass County Courthouse for the costs associated with elevator installation.

Section 464. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the
Schuyler County for the costs associated with law enforcement vehicles and purchase of an ambulance.

Section 465. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Payson for the costs associated with sewer and lift station improvements.

Section 466. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Quincy Business and Technology Center for the costs associated with infrastructure improvements.

Section 467. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Grafton Township for the costs associated with building relocation.

Section 468. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Crystal Lake Library District for the costs associated with technology and software upgrades.

Section 469. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Cary Library District for the costs associated with technology and software upgrades.

Section 470. The sum of $12,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Huntley Library District for the costs associated with technology and software upgrades.

Section 471. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the...
Advantage Group for the costs associated with drug and alcohol rehabilitation services.

Section 472. The sum of $45,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lake in the Hills Parks Department for the costs associated with infrastructure and capital improvements.

Section 473. The sum of $12,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Algonquin Library District for the costs associated with technology and software upgrades.

Section 474. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lakeside Legacy Foundation for the costs associated with purchase of historic structure in Crystal Lake.

Section 475. The sum of $450,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Jacksonville High School District #117 for the costs associated with installation of a new sprinkler system.

Section 476. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Jersey County Courthouse for the costs associated with structural/foundation reinforcement.

Section 477. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Pittsfield/Pike County for the costs associated with construction of a EMS building.

Section 478. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to the
Greene County Courthouse for the costs associated with electric rewiring.

Section 479. The sum of $50,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the
Ryan Jury Child Development Center for the costs associated with
construction.

Section 480. The sum of $50,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the
Village of Machesney Park for the costs associated with mall renovations.

Section 481. The sum of $70,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the
City of Loves Park for the costs associated with city hall renovations.

Section 482. The sum of $50,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the
Rockford Health System for the costs associated with emergency
department expansion renovation.

Section 483. The sum of $50,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the
North Suburban Library District for the costs associated with renovations
to the Roscoe Library.

Section 484. The sum of $50,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the
Winnebago County for the costs associated with Rockford Airport
renovations.

Section 485. The sum of $20,000, or so much thereof as may be
necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the

New matter indicated by italics - deletions by strikeout
RAMP-Rockford and Boone Counties for the costs associated with equipment and capital improvements.

Section 486. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Northern Illinois Community Foundation for the costs associated with expansion of Connecting Our Future Museum.

Section 487. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Roscoe for the costs associated with village hall renovations.

Section 488. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of South Beloit for the costs associated with squad car and computer upgrades.

Section 489. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Rockton for the costs associated with purchase of public works equipment.

Section 490. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Algonquin Township for the costs associated with operations and infrastructure improvements.

Section 491. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Wauconda Township for the costs associated with operations and infrastructure improvements.

Section 492. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the

New matter indicated by italics - deletions by strikeout
Nunda Township for the costs associated with operations and infrastructure improvements.

Section 493. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Youth and Family Counseling for the costs associated with capital improvements.

Section 494. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Grant Township for the costs associated with operations and infrastructure improvements.

Section 495. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the McHenry Township for the costs associated with operations and infrastructure improvements.

Section 496. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Avon Township for the costs associated with operations and infrastructure improvements.

Section 497. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Barrington Township for the costs associated with operations and infrastructure improvements.

Section 498. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Cuba Township Road District for the costs associated with purchase of GPS/GIS system.

Section 499. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to the Grass Lake School for the costs associated with purchase of replacement windows.

Section 500. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Zion West School for the costs associated with purchase of new exterior door with key card entry.

Section 501. The sum of $150,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Beach Park School District for the costs associated with infrastructure improvements for Oak Crest and Kenneth Murphy Schools.

Section 502. The sum of $9,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Glen Ellyn for the costs associated with capital and infrastructure improvements to the School and Community Assistance for Recycling and Composting education.

Section 503. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Grayville School District for the costs associated with purchase of new boiler.

Section 504. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Effingham School District #40 for the costs associated with technology improvement grant.

Section 505. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Dieterich School District #30 for the costs associated with technology upgrade grant.

New matter indicated by italics - deletions by strikeout
Section 506. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Teutopolis School District #50 for the costs associated with technology upgrade grant.

Section 507. The sum of $7,500, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Jasper County Community School District for the costs associated with technology upgrade grant.

Section 508. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the East Richland School District for the costs associated with technology upgrade grant.

Section 509. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the West Richland School District for the costs associated with technology upgrade grant.

Section 510. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the North Clay School District for the costs associated with technology upgrade grant.

Section 511. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Flora School District #35 for the costs associated with technology upgrades grant.

Section 512. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the
Wayne City School District for the costs associated with technology upgrade grant.

Section 513. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the North Wayne School District for the costs associated with technology upgrade grant.

Section 514. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Fairfield Public School District #112 for the costs associated with technology upgrade grant.

Section 515. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the New Hope School District for the costs associated with technology upgrade grant.

Section 516. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Jasper School District for the costs associated with technology upgrade grant.

Section 517. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Edwards County School District for the costs associated with technology upgrade grants.

Section 518. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Grayville School District for the costs associated with technology upgrade grant.

Section 519. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the Clay City Community Unit #10 for the costs associated with technology upgrade grant.

Section 520. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Carmi-White County School District #5 for the costs associated with technology upgrade grant.

Section 521. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Fairfield High School District #225 for the costs associated with technology upgrade grant.

Section 522. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Libertyville Grade School for the costs associated with technology upgrades.

Section 523. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Mundelein Elementary for the costs associated with infrastructure improvements.

Section 524. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Diamond Lake School District for the costs associated with technology upgrades.

Section 525. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Kildeer Countyside for the costs associated with replace lighting fixtures.

Section 526. The sum of $55,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to the Lake Zurich Unit District for the costs associated with school facility repairs.

Section 527. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Mundelein High School for the costs associated with technology upgrades.

Section 528. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Mundelein High School for the costs associated with construction of athletic fields.

Section 529. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Libertyville High School for the costs associated with the purchase of security cameras.

Section 530. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Carmel High School for the costs associated with the purchase of microscopes and storage cabinets.

Section 531. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the St. Joseph School for the costs associated with heating and air infrastructure.

Section 532. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Santa Maria del Popolo for the costs associated with infrastructure improvements.

Section 533. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the St.
Francis De Sales School for the costs associated with security needs, technology upgrades, and capital improvements.

Section 534. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the St. Mary’s of the Annunciation for the costs associated with fire safety and security upgrades.

Section 535. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the St. Matthews Lutheran School for the costs associated with technology upgrades.

Section 536. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Belvidere for the costs associated with equipment and capital improvements.

Section 537. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Capron for the costs associated with equipment and capital improvements.

Section 538. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Poplar Grove for the costs associated with equipment and capital improvements.

Section 539. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Timberlane for the costs associated with equipment and capital improvements.

Section 540. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the City of Caledonia for the costs associated with equipment and capital improvements.

Section 541. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Genoa for the costs associated with equipment and capital improvements.

Section 542. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Kingston for the costs associated with equipment and capital improvements.

Section 543. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Kirkland for the costs associated with equipment and capital improvements.

Section 544. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Cherry Valley for the costs associated with equipment and capital improvements.

Section 545. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Roscoe for the costs associated with equipment and capital improvements.

Section 546. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Rockford for the costs associated with equipment and capital improvements.
Section 547. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of South Beloit for the costs associated with equipment and capital improvements.

Section 548. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Boone County for the costs associated with equipment and capital improvements.

Section 549. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to DeKalb County for the costs associated with equipment and capital improvements.

Section 550. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Boone County Fire Department #1 for the costs associated with equipment and capital improvements.

Section 551. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Boone County Fire Department #2 for the costs associated with equipment and capital improvements.

Section 552. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Boone County Fire Department #3 for the costs associated with equipment and capital improvements.

Section 553. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Belvidere Fire Department for the costs associated with equipment and capital improvements.

New matter indicated by italics - deletions by strikeout
Section 554. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Kirkland Fire Department for the costs associated with equipment and capital improvements.

Section 555. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Genoa/Kingston Fire Department for the costs associated with equipment and capital improvements.

Section 556. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Harlem/Roscoe Fire Department for the costs associated with equipment and capital improvements.

Section 557. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Belvidere Park for the costs associated with equipment and capital improvements.

Section 558. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Kirkland Park for the costs associated with equipment and capital improvements.

Section 559. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Genoa/Kingston Park for the costs associated with equipment and capital improvements.

Section 560. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the
Boone County Conservation District for the costs associated with equipment and capital improvements.

Section 561. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Belvidere Township for the costs associated with equipment and capital improvements.

Section 562. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the RAMP–Rockford and Boone Counties for the costs associated with equipment and capital improvements.

Section 563. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Rockford Boys & Girls Club for the costs associated with equipment and capital improvements.

Section 564. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Belvidere YMCA for the costs associated with equipment and capital improvements.

Section 565. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Rockford YMCA for the costs associated with equipment and capital improvements.

Section 566. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Rockford for the costs associated with regional planning and Design Center.

Section 568. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the...
Department of Commerce and Economic Opportunity for a grant to the Shirland Elementary School District for the costs associated with security improvements.

Section 569. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Winnebago County for the costs associated with economic development and infrastructure improvements.

Section 570. The sum of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the University of Illinois College of Medicine at Peoria Cancer Center for the costs associated with operations and infrastructure improvements.

Section 571. The sum of $80,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Spring Bay for the costs associated with a stormwater project.

Section 572. The sum of $45,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Akron/Princeville Ambulance District for the costs associated with the purchase of a new ambulance.

Section 573. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lacon/Sparland Volunteer Fire Department for the costs associated with equipment.

Section 574. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Hanna City/Trivoli Volunteer Fire Department for the costs associated with equipment.

Section 575. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to the Roanoke Volunteer Fire Department for the costs associated with equipment.

Section 576. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Arlington Heights Park District for the costs associated with a new ADA accessible playground.

Section 577. The sum of $125,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Buffalo Grove for the costs associated with purchasing a new ambulance.

Section 578. The sum of $45,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Mt. Prospect for the costs associated with pedestrian signal improvements.

Section 579. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Prospect Heights for the costs associated with City Hall ADA accessible improvements.

Section 580. The sum of $120,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Wheeling Buffalo Creek for the costs associated with steambank stabilization.

Section 581. The sum of $35,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Nechet, Northbrook for the costs associated with purchase of a handicap van.

New matter indicated by italics - deletions by strikeout
Section 582. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Hopedale for the costs associated with construction of paved trail for seniors in Hopedale Park.

Section 583. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Whiteside County Senior Center for the costs associated with land acquisition.

Section 584. The sum of $12,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Elgin for the costs associated with purchase of ATV’s for gang patrol.

Section 585. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the West Central Illinois Education Telecommunications Corp. for the costs associated with operations and infrastructure improvements.

Section 586. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Monmouth for the costs associated with infrastructure improvements and operations.

Section 587. The sum of $125,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Dallas City for the costs associated with facility and infrastructure improvements for the Development Program.

Section 588. The sum of $170,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Carthage for the costs associated with construction of new water line.

New matter indicated by italics - deletions by strikeout
Section 589. The sum of $170,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Western Illinois University for the costs associated with the purchase of portable chillers.

Section 590. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the LaHarpe Senior Citizens for the costs associated with infrastructure improvements.

Section 591. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Oakbrook Terrace Park District for the costs associated with splash pad renovations and a safety fence.

Section 592. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the DuPage-Metropolitan Family Services for the costs associated with the youth mentoring program.

Section 593. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Cortland Community Library for the costs associated with library technology grants.

Section 594. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Creston-Dement Public Library for the costs associated with technology improvement grants.

Section 595. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the
DeKalb Public Library for the costs associated with technology improvement grants.

Section 596. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Rochelle-Flagg Public Library District for the costs associated with technology improvement grants.

Section 597. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Shabbona-Flewelling Memorial Library for the costs associated with technology improvement grants.

Section 598. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Kirkland Public Library for the costs associated with technology improvement grants.

Section 599. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Malta Township Public Library for the costs associated with technology improvement grants.

Section 600. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Maple Park Community Library for the costs associated with technology improvement grants.

Section 601. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Sandwich District Library for the costs associated with technology improvement grants.

Section 602. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to the Hinckley-Squaw Grove Public Library District for the costs associated with technology improvement grants.

Section 603. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Somonauk Public Library for the costs associated with technology improvement grants.

Section 604. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Sycamore Public Library for the costs associated with technology improvement grants.

Section 605. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Waterman Public Library for the costs associated with technology improvement grants.

Section 606. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Earlville CUSD #9 Library for the costs associated with technology improvement grants.

Section 607. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lindenwood-Eswood CCSD #269 Library for the costs associated with technology improvement grants.

Section 608. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Kings CCSD #144 Library for the costs associated with technology improvement grants.

New matter indicated by italics - deletions by strikeout
Section 609. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Leland CUSD #1 Library for the costs associated with technology improvement grants.

Section 610. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Stillman Valley-Meridian CUSD #223 Library for the costs associated with technology improvement grants.

Section 611. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Monroe Center Grade School Library for the costs associated with technology improvement grants.

Section 612. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Creston Opera House for the costs associated with renovation projects.

Section 613. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Sandwich Opera House for the costs associated with renovation projects.

Section 614. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the DeKalb Egyptian Theatre for the costs associated with renovation projects.

Section 615. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Ogle County Metro for the costs associated with building improvements.

Section 616. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

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Department of Commerce and Economic Opportunity for a grant to the DeKalb Women’s Center for the costs associated with infrastructure improvements.

Section 617. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Rochelle Senior Center for the costs associated with infrastructure improvements.

Section 618. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Sandwich Fox Valley Older Adults Center for the costs associated with infrastructure improvements.

Section 619. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the DeKalb Senior Center for the costs associated with infrastructure improvements.

Section 620. The sum of $26,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Oregon Ogle County Hospice for the costs associated with building campaign.

Section 621. The sum of $39,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Steward for the costs associated with new water system.

Section 622. The sum of $40,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Kingston for the costs associated with infrastructure improvements.

Section 623. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to Ashton for the costs associated with purchase of new grader for Reynold Township.

Section 624. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Hinckley for the costs associated with construction of hall renovations.

Section 625. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to DeKalb and Ogle Counties for the costs associated with 4-C technology improvements.

Section 626. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to DeKalb and Ogle Counties for the costs associated with 4-C Literacy projects.

Section 627. The sum of $30,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to DeKalb and Ogle Counties for the costs associated with 4-C education and professional development.

Section 628. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Danville for the costs associated with rehabilitation work to the baseball stadium.

Section 629. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Potomac for the costs associated with the purchase of a new water system.

New matter indicated by italics - deletions by strikeout
Section 630. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Rantoul Public Library for the costs associated with payment of construction loan.

Section 631. The sum of $37,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Darien Public School District #61 for the costs associated with increased security system.

Section 632. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Darien Public School District #61 for the costs associated with classroom renovation and digital learning.

Section 633. The sum of $90,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Darien Public School District #61 for the costs associated with equipment.

Section 634. The sum of $338,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Darien-Cass School District #63 for the costs associated with transportation.

Section 635. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Darien Public School District #61 for the costs associated with academic assistance program.

Section 636. The sum of $50,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Darien Public School District #61 for the costs associated with updated textbooks.
Section 637. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Mt. Carmel CUSD for the costs associated with operations and equipment.

Section 638. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Allendale Elementary School for the costs associated with operations and equipment.

Section 639. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lawrenceville CUSD for the costs associated with operations and equipment.

Section 640. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Red Hill CUSD for the costs associated with operations and equipment.

Section 641. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Oblong CUSD for the costs associated with operations and equipment.

Section 642. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Hutsonville CUSD for the costs associated with operations and equipment.

Section 643. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Palestine CUSD for the costs associated with operations and equipment.

Section 644. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Robinson CUSD for the costs associated with operations and equipment.

New matter indicated by italics - deletions by strikeout
Section 645. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Marshall CUSD for the costs associated with operations and equipment.

Section 646. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Martinsville CUSD for the costs associated with operations and equipment.

Section 647. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Casey-Westfield CUSD for the costs associated with operations and equipment.

Section 648. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Chrisman CUSD for the costs associated with operations and equipment.

Section 649. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Kansas CUSD for the costs associated with operations and equipment.

Section 650. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Paris Crestwood Elementary School for the costs associated with operations and equipment.

Section 651. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Paris CUSD for the costs associated with operations and equipment.

Section 652. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the
Cumberland CUSD for the costs associated with operations and equipment.

Section 653. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Neoga CUSD for the costs associated with operations and equipment.

Section 654. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Shelbyville CUSD for the costs associated with operations and equipment.

Section 655. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Stewardson-Strasburg CUSD for the costs associated with operations and equipment.

Section 656. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Beecher City CUSD for the costs associated with operations and equipment.

Section 657. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lakeland College for the costs associated with operations and renovations.

Section 658. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lincoln Trail College for the costs associated with operations and equipment.

Section 659. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of West Union for the costs associated with operations and equipment.

New matter indicated by italics - deletions by strikeout
Section 660. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Paris for the costs associated with a Kiwanis war memorial.

Section 661. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Robinson for the costs associated with operations and equipment.

Section 662. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Hutsonville for the costs associated with operations and equipment.

Section 663. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Crawford County Humane Society for the costs associated with operations and equipment.

Section 664. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Edgar County Humane Society for the costs associated with operations and equipment.

Section 665. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Marshall for the costs associated with renovations of Harlan Hall.

Section 666. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the West Union Public Library for the costs associated with operations and equipment.

Section 667. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the
Department of Commerce and Economic Opportunity for a grant to the Palestine Public Library for the costs associated with operations and equipment.

Section 668. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Neoga Youth Center for the costs associated with operations and equipment.

Section 669. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Bridgeport Police Department for the costs associated with operations and equipment.

Section 670. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Sumner Police Department for the costs associated with operations and equipment.

Section 671. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Lawrenceville for the costs associated with operations and equipment.

Section 672. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lanterman Park District for the costs associated with operations and infrastructure improvements.

Section 673. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Palestine for the costs associated with construction of park.

Section 674. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the

New matter indicated by italics - deletions by strikeout
Department of Commerce and Economic Opportunity for a grant to the City of Robinson for the costs associated with equipment.

Section 675. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Mt. Carmel for the costs associated with operations and equipment.

Section 676. The sum of $15,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Mt. Carmel for the costs associated with renovations to 4th Street project.

Section 677. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Crawford County for the costs associated with equipment and operations.

Section 678. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Clark County for the costs associated with equipment.

Section 679. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Marshall for the costs associated with police equipment.

Section 680. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Edgar County Sheriff Department for the costs associated with equipment.

Section 681. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Lawrence County Sheriff Department for the costs associated with equipment.

Section 682. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department...
Department of Commerce and Economic Opportunity for a grant to the City of Lawrenceville Police Department for the costs associated with equipment.

Section 683. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Hutsonville Fire Department for the costs associated with operations and equipment.

Section 684. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Casey Police Department for the costs associated with operations and equipment.

Section 685. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Paris Police Department for the costs associated with operations and equipment.

Section 686. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Oblong Police Department for the costs associated with operations and equipment.

Section 687. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Martinsville Police Department for the costs associated with equipment and operations.

Section 688. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Cumberland County Sheriff Department for the costs associated with operations and equipment.
Section 689. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Palestine Police Department for the costs associated with operations and equipment.

Section 690. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Hutsonville Police Department for the costs associated with operations and equipment.

Section 691. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Robinson Fire Department for the costs associated with operations and equipment.

Section 692. The sum of $10,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Clark County Ambulance-West Union for the costs associated with operations and equipment.

Section 693. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Neoga Police Department for the costs associated with equipment.

Section 694. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Greenup Police Department for the costs associated with equipment.

Section 695. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Seigel for the costs associated with equipment.

New matter indicated by italics - deletions by strikeout
Section 696. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Toledo Police Department for the costs associated with equipment.

Section 697. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Hutsonville Park District for the costs associated with operations and equipment.

Section 698. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Chrisman Police Department for the costs associated with equipment.

Section 699. The sum of $5,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Oblong Fire Department for the costs associated with equipment.

Section 700. The sum of $20,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to Riverside Township for the costs associated with ADA compliant handrails.

Section 701. The sum of $54,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Cowden Fire Protection District for the costs associated with purchase of truck and equipment.

Section 702. The sum of $45,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the
Village of Grantfork for the costs associated with extension of water lines to rural areas.

Section 703. The sum of $4,700,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for Grants to county and municipal governments, state and private universities and other private entities for the costs associated with infrastructure, operations, and capital improvements.

Section 704. The sum of $25,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Mackinaw for the costs associated with renovation and construction of sidewalks.

Section 705. The sum of $32,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Edinburg for the costs associated with the tornado sirens.

ARTICLE 999

Section 999. This Act takes effect immediately upon becoming law.

Approved with Reduced and Vetoed Amounts August 23, 2007.
Returned to the General Assembly October 2, 2007.
Final General Assembly action on reduced and vetoed amounts:
The items having been reduced by the Governor and returned to the House of Representatives on October 2, 2007 and having been restored by the House of Representatives October 3, 2007 and the Senate on October 12, 2007, by the vote of the required Constitutional majority of the members elected to each House, the items have been restored as provided for under Article IV, Sections 9 and 10 of the Constitution of the State of Illinois.
AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 27-23.7 as follows:

(105 ILCS 5/27-23.7)
Sec. 27-23.7. Bullying prevention education.
(a) The General Assembly finds that bullying has a negative effect on the social environment of schools, creates a climate of fear among students, inhibits their ability to learn, and leads to other antisocial behavior. Bullying behavior has been linked to other forms of antisocial behavior, such as vandalism, shoplifting, skipping and dropping out of school, fighting, using drugs and alcohol, sexual harassment, and sexual violence.

(b) In this Section, "bullying prevention" means and includes instruction in all of the following:

(1) Intimidation.
(2) Student victimization.
(3) Sexual harassment.
(4) Sexual violence.
(5) Strategies for student-centered problem solving regarding bullying.

(c) Each school district may make suitable provisions for instruction in bullying prevention in all grades and include such instruction in the courses of study regularly taught therein. A school board may collaborate with a community-based agency providing specialized curricula in bullying prevention whose ultimate outcome is to prevent sexual violence. The State Board of Education may assist in the development of instructional materials and teacher training in relation to bullying prevention.

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(d) Beginning 180 days after the effective date of this amendatory Act of the 95th General Assembly, each school district shall create and maintain a policy on bullying, which policy must be filed with the State Board of Education. Each school district must communicate its policy on bullying to its students and their parent or guardian on an annual basis. The policy must be updated every 2 years and filed with the State Board of Education after being updated. The State Board of Education shall monitor the implementation of policies created under this subsection (d).
(Source: P.A. 94-937, eff. 6-26-06.)

Section 90. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.


AN ACT concerning the Internet.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Anti-Phishing Act.

Section 5. Definitions. As used in this Act:
"Electronic mail message" means a message sent to a unique destination, commonly expressed as a string of characters, consisting of a unique user name or mailbox (commonly referred to as the "local part")

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and a reference to an Internet domain (commonly referred to as the "domain part"), whether or not displayed, to which an electronic message can be sent or delivered.

"Identifying information" means, with respect to an individual, any of the following:

1. Social security number.
2. Driver's license number.
3. Bank account number.
4. Credit card or debit card number.
5. Personal identification number (PIN).
6. Automated or electronic signature.
7. Unique biometric data.
8. Account password.
9. Any other piece of information that can be used to access an individual's financial accounts or to obtain goods or services.

"Internet" means the global information system that is logically linked together by a globally unique address space based on the Internet Protocol (IP), or its subsequent extensions, and that is able to support communications using the Transmission Control Protocol/Internet Protocol (TCP/IP) suite, or its subsequent extensions, or other IP-compatible protocols, and that provides, uses, or makes accessible, either publicly or privately, high level services layered on the communications and related infrastructure.

"Web page" means a location that has a single uniform resource locator or other single location with respect to the Internet.

Section 10. Prohibitions. It is unlawful for any person, by means of a Web page, electronic mail message, or otherwise through use of the Internet, to solicit, request, or take any action to induce another person to provide identifying information by representing himself, herself, or itself to be a business without the authority or approval of the business.

Section 15. Actions.

(a) The following persons may bring an action against a person who violates or is in violation of Section 10:

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(1) A person who (A) is engaged in the business of providing Internet access service to the public, owns a Web page, or owns a trademark, and (B) is adversely affected by a violation of Section 10.

An action brought under this paragraph may seek to recover the greater of actual damages or $500,000.

(2) An individual who is adversely affected by a violation of Section 10 may bring an action, but only against a person who has directly violated Section 10.

An action brought under this paragraph may seek to enjoin further violations of Section 10 and to recover the greater of 3 times the amount of actual damages or $5,000 per violation.

(b) The Attorney General or a State's Attorney may bring an action against a person who violates or is in violation of Section 10 to enjoin further violations of Section 10 and to recover a civil penalty of up to $2,500 per violation.

(c) In an action pursuant to this Section, a court may, in addition, do either or both of the following:

(1) Increase the recoverable damages to an amount up to 3 times the damages otherwise recoverable under subsection (a) in cases in which the defendant has engaged in a pattern and practice of violating Section 10.

(2) Award costs of suit and reasonable attorney's fees to a prevailing plaintiff.

(d) The remedies provided in this Section do not preclude the seeking of remedies, including criminal remedies, under any other applicable provision of law.

(e) For purposes of paragraph (1) of subsection (a), multiple violations of Section 10 resulting from any single action or conduct shall constitute one violation.

Effective January 1, 2008.
AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 2-3.25o as follows:

(105 ILCS 5/2-3.25o)

Sec. 2-3.25o. Registration and recognition of non-public elementary and secondary schools.

(a) Findings. The General Assembly finds and declares (i) that the Constitution of the State of Illinois provides that a "fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities" and (ii) that the educational development of every school student serves the public purposes of the State. In order to ensure that all Illinois students and teachers have the opportunity to enroll and work in State-approved educational institutions and programs, the State Board of Education shall provide for the voluntary registration and recognition of non-public elementary and secondary schools.

(b) Registration. All non-public elementary and secondary schools in the State of Illinois may voluntarily register with the State Board of Education on an annual basis. Registration shall be completed in conformance with procedures prescribed by the State Board of Education. Information required for registration shall include assurances of compliance (i) with federal and State laws regarding health examination and immunization, attendance, length of term, and nondiscrimination and (ii) with applicable fire and health safety requirements.

(c) Recognition. All non-public elementary and secondary schools in the State of Illinois may voluntarily seek the status of "Non-public School Recognition" from the State Board of Education. This status may be obtained by compliance with administrative guidelines and review procedures as prescribed by the State Board of Education. The guidelines and procedures must recognize that some of the aims and the financial

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bases of non-public schools are different from public schools and will not be identical to those for public schools, nor will they be more burdensome. The guidelines and procedures must also recognize the diversity of non-public schools and shall not impinge upon the noneducational relationships between those schools and their clientele.

(c-5) Prohibition against recognition. A non-public elementary or secondary school may not obtain "Non-public School Recognition" status unless the school requires all certified and non-certified applicants for employment with the school, after July 1, 2007, to authorize a fingerprint-based criminal history records check as a condition of employment to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses set forth in this subsection (c-5) or have been convicted, within 7 years of the application for employment, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State.

Authorization for the check shall be furnished by the applicant to the school, except that if the applicant is a substitute teacher seeking employment in more than one non-public school, a teacher seeking concurrent part-time employment positions with more than one non-public school (as a reading specialist, special education teacher, or otherwise), or an educational support personnel employee seeking employment positions with more than one non-public school, then only one of the non-public schools employing the individual shall request the authorization. Upon receipt of this authorization, the non-public school shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to the Department of State Police.

The Department of State Police and Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereafter, until expunged, to the president or principal of the non-public school that requested the check. The Department of State Police shall charge that
school a fee for conducting such check, which fee must be deposited into the State Police Services Fund and must not exceed the cost of the inquiry. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse non-public schools for fees paid to obtain criminal history records checks under this Section.

A non-public school may not obtain recognition status unless the school also performs a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, for each applicant for employment, after July 1, 2007, to determine whether the applicant has been adjudicated a sex offender.

Any information concerning the record of convictions obtained by a non-public school's president or principal under this Section is confidential and may be disseminated only to the governing body of the non-public school or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. Upon a check of the Statewide Sex Offender Database, the non-public school shall notify the applicant as to whether or not the applicant has been identified in the Sex Offender Database as a sex offender. Any information concerning the records of conviction obtained by the non-public school's president or principal under this Section for a substitute teacher seeking employment in more than one non-public school, a teacher seeking concurrent part-time employment positions with more than one non-public school (as a reading specialist, special education teacher, or otherwise), or an educational support personnel employee seeking employment positions with more than one non-public school may be shared with another non-public school's principal or president to which the applicant seeks employment. Any person who releases any criminal history record information concerning an applicant for employment is guilty of a Class A misdemeanor and may be subject to prosecution under federal law, unless the release of such information is authorized by this Section.

No non-public school may obtain recognition status that knowingly employs a person, hired after July 1, 2007, for whom a Department of

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State Police and Federal Bureau of Investigation fingerprint-based criminal history records check and a Statewide Sex Offender Database check has not been initiated or who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b), and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; and (iv) any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. No non-public school may obtain recognition status under this Section that knowingly employs a person who has been found to be the perpetrator of sexual or physical abuse of a minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

In order to obtain recognition status under this Section, a non-public school must require compliance with the provisions of this subsection (c-5) from all employees of persons or firms holding contracts with the school, including, but not limited to, food service workers, school bus drivers, and other transportation employees, who have direct, daily contact with pupils. Any information concerning the records of conviction or identification as a sex offender of any such employee obtained by the non-public school principal or president must be promptly reported to the school's governing body.

(d) Public purposes. The provisions of this Section are in the public interest, for the public benefit, and serve secular public purposes.

(e) Definition. For purposes of this Section, a non-public school means any non-profit, non-home-based, and non-public elementary or secondary school that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of this Code.

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PUBLIC ACT 95-0352
(Senate Bill No. 0665)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Section 14-3 as follows:
Sec. 14-3. Exemptions. The following activities shall be exempt from the provisions of this Article:
(a) Listening to radio, wireless and television communications of any sort where the same are publicly made;
(b) Hearing conversation when heard by employees of any common carrier by wire incidental to the normal course of their employment in the operation, maintenance or repair of the equipment of such common carrier by wire so long as no information obtained thereby is used or divulged by the hearer;
(c) Any broadcast by radio, television or otherwise whether it be a broadcast or recorded for the purpose of later broadcasts of any function where the public is in attendance and the conversations are overheard incidental to the main purpose for which such broadcasts are then being made;
(d) Recording or listening with the aid of any device to any emergency communication made in the normal course of operations by any federal, state or local law enforcement agency or institutions dealing in emergency services, including, but not limited to, hospitals, clinics,
ambulance services, fire fighting agencies, any public utility, emergency repair facility, civilian defense establishment or military installation;

(e) Recording the proceedings of any meeting required to be open by the Open Meetings Act, as amended;

(f) Recording or listening with the aid of any device to incoming telephone calls of phone lines publicly listed or advertised as consumer "hotlines" by manufacturers or retailers of food and drug products. Such recordings must be destroyed, erased or turned over to local law enforcement authorities within 24 hours from the time of such recording and shall not be otherwise disseminated. Failure on the part of the individual or business operating any such recording or listening device to comply with the requirements of this subsection shall eliminate any civil or criminal immunity conferred upon that individual or business by the operation of this Section;

(g) With prior notification to the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded under circumstances where the use of the device is necessary for the protection of the law enforcement officer or any person acting at the direction of law enforcement, in the course of an investigation of a forcible felony, a felony violation of the Illinois Controlled Substances Act, a felony violation of the Cannabis Control Act, a felony violation of the Methamphetamine Control and Community Protection Act, or any "streetgang related" or "gang-related" felony as those terms are defined in the Illinois Streetgang Terrorism Omnibus Prevention Act. Any recording or evidence derived as the result of this exemption shall be inadmissible in any proceeding, criminal, civil or administrative, except (i) where a party to the conversation suffers great bodily injury or is killed during such conversation, or (ii) when used as direct impeachment of a witness concerning matters contained in the interception or recording. The Director of the Department of State Police shall issue regulations as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use;

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(g-5) With approval of the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded in the course of an investigation of any offense defined in Article 29D of this Code. In all such cases, an application for an order approving the previous or continuing use of an eavesdropping device must be made within 48 hours of the commencement of such use. In the absence of such an order, or upon its denial, any continuing use shall immediately terminate. The Director of State Police shall issue rules as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use.

Any recording or evidence obtained or derived in the course of an investigation of any offense defined in Article 29D of this Code shall, upon motion of the State's Attorney or Attorney General prosecuting any violation of Article 29D, be reviewed in camera with notice to all parties present by the court presiding over the criminal case, and, if ruled by the court to be relevant and otherwise admissible, it shall be admissible at the trial of the criminal case.

This subsection (g-5) is inoperative on and after January 1, 2005. No conversations recorded or monitored pursuant to this subsection (g-5) shall be inadmissible in a court of law by virtue of the repeal of this subsection (g-5) on January 1, 2005;

(h) Recordings made simultaneously with a video recording of an oral conversation between a peace officer, who has identified his or her office, and a person stopped for an investigation of an offense under the Illinois Vehicle Code;

(i) Recording of a conversation made by or at the request of a person, not a law enforcement officer or agent of a law enforcement officer, who is a party to the conversation, under reasonable suspicion that another party to the conversation is committing, is about to commit, or has committed a criminal offense against the person or a member of his or her

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immediate household, and there is reason to believe that evidence of the criminal offense may be obtained by the recording;

   (j) The use of a telephone monitoring device by either (1) a corporation or other business entity engaged in marketing or opinion research or (2) a corporation or other business entity engaged in telephone solicitation, as defined in this subsection, to record or listen to oral telephone solicitation conversations or marketing or opinion research conversations by an employee of the corporation or other business entity when:

   (i) the monitoring is used for the purpose of service quality control of marketing or opinion research or telephone solicitation, the education or training of employees or contractors engaged in marketing or opinion research or telephone solicitation, or internal research related to marketing or opinion research or telephone solicitation; and

   (ii) the monitoring is used with the consent of at least one person who is an active party to the marketing or opinion research conversation or telephone solicitation conversation being monitored.

No communication or conversation or any part, portion, or aspect of the communication or conversation made, acquired, or obtained, directly or indirectly, under this exemption (j), may be, directly or indirectly, furnished to any law enforcement officer, agency, or official for any purpose or used in any inquiry or investigation, or used, directly or indirectly, in any administrative, judicial, or other proceeding, or divulged to any third party.

When recording or listening authorized by this subsection (j) on telephone lines used for marketing or opinion research or telephone solicitation purposes results in recording or listening to a conversation that does not relate to marketing or opinion research or telephone solicitation; the person recording or listening shall, immediately upon determining that the conversation does not relate to marketing or opinion research or telephone solicitation, terminate the recording or listening and destroy any such recording as soon as is practicable.

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Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide current and prospective employees with notice that the monitoring or recordings may occur during the course of their employment. The notice shall include prominent signage notification within the workplace.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide their employees or agents with access to personal-only telephone lines which may be pay telephones, that are not subject to telephone monitoring or telephone recording.

For the purposes of this subsection (j), "telephone solicitation" means a communication through the use of a telephone by live operators:

(i) soliciting the sale of goods or services;
(ii) receiving orders for the sale of goods or services;
(iii) assisting in the use of goods or services; or
(iv) engaging in the solicitation, administration, or collection of bank or retail credit accounts.

For the purposes of this subsection (j), "marketing or opinion research" means a marketing or opinion research interview conducted by a live telephone interviewer engaged by a corporation or other business entity whose principal business is the design, conduct, and analysis of polls and surveys measuring the opinions, attitudes, and responses of respondents toward products and services, or social or political issues, or both;

(k) Electronic recordings, including but not limited to, a motion picture, videotape, digital, or other visual or audio recording, made of a custodial interrogation of an individual at a police station or other place of detention by a law enforcement officer under Section 5-401.5 of the Juvenile Court Act of 1987 or Section 103-2.1 of the Code of Criminal Procedure of 1963; and

(l) Recording the interview or statement of any person when the person knows that the interview is being conducted by a law enforcement officer or prosecutor and the interview takes place at a police station that is

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currently participating in the Custodial Interview Pilot Program established under the Illinois Criminal Justice Information Act; and:

(m) An electronic recording, including but not limited to, a motion picture, videotape, digital, or other visual or audio recording, made of the interior of a school bus while the school bus is being used in the transportation of students to and from school and school-sponsored activities, when the school board has adopted a policy authorizing such recording, notice of such recording policy is included in student handbooks and other documents including the policies of the school, notice of the policy regarding recording is provided to parents of students, and notice of such recording is clearly posted on the door of and inside the school bus.

Recordings made pursuant to this subsection (m) shall be confidential records and may only be used by school officials (or their designees) and law enforcement personnel for investigations, school disciplinary actions and hearings, proceedings under the Juvenile Court Act of 1987, and criminal prosecutions, related to incidents occurring in or around the school bus.

(Source: P.A. 93-206, eff. 7-18-03; 93-517, eff. 8-6-03; 93-605, eff. 11-19-03; 94-556, eff. 9-11-05.)

Section 99. Effective date. This Act takes effect upon becoming law.

Section 5. The Illinois Vehicle Code is amended by changing Sections 3-609, 3-620, 3-621, 3-622, 3-623, 3-624, 3-806.1, 3-806.4, and 3-806.5 as follows:

(625 ILCS 5/3-609) (from Ch. 95 1/2, par. 3-609)

Sec. 3-609. Disabled Veterans' Plates. Any disabled veteran who has been or declared eligible for funds for the purchase of a motor vehicle of the first division or for a motor vehicle of the second division weighing not more than 8,000 pounds by the United States Federal Government because of his disability, may make application for the registration of one such vehicle, to the Secretary of State without the payment of any registration fee. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. Registration shall be for a multi-year period effective in 1980 and may be issued staggered registration.

Any disabled veteran of World War I, of World War II, of the National Emergency between June 25, 1950 and January 31, 1955 or of the period beginning February 1, 1955 and ending on the day before the first day thereafter in which individuals (other than individuals liable for induction by reason of prior deferment) are no longer liable for induction for training and service into the armed forces under the Military Selective Service Act of 1967, or of any armed conflict involving the armed forces of the United States, who has a service-connected disability of such a nature that it would, if it had been incurred in World War II, have entitled him to be awarded an automobile by the United States Federal Government, or who is receiving compensation from the Veterans Administration for total service-connected disability, may make application to the Secretary of State for the registration of one motor vehicle of the first division without accompanying such application with the payment of any fee.

Renewal of such registration must be accompanied with documentation for eligibility of registration without fee unless the applicant has a permanent qualifying disability, and such registration plates may not be issued to any person not eligible therefor.

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The Illinois Veterans Commission may assist in providing the documentation of disability.
(Source: P.A. 86-444; 87-895.)

(625 ILCS 5/3-620) (from Ch. 95 1/2, par. 3-620)
Sec. 3-620. The Secretary, upon receipt of an application made on the form prescribed by the Secretary of State, may issue special registration plates to United States citizens, who are present or former members of the United States armed forces or any of its allies, and who were prisoners of war of World War I, World War II, the Korean Conflict, and the Vietnamese conflict, or to the widowed spouse of a former member of the United States armed forces, providing that widowed spouse was married to the POW at the time of death, and is a single person at the time of application. The special plates issued pursuant to this Section shall be affixed only to passenger vehicles of the first division subject to the staggered registration system, motorcycles, and vehicles of the second division having a gross weight of 8,000 pounds or less and shall be issued without charge. Only one set of plates may be issued at no fee.
The design and color of the prisoner of war plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code.
(Source: P.A. 92-545, eff. 6-12-02.)

(625 ILCS 5/3-621) (from Ch. 95 1/2, par. 3-621)
Sec. 3-621. The Secretary, upon receipt of an application, made in the form prescribed by the Secretary of State, may issue to members of the Illinois National Guard, and to Illinois residents who are either former members of the Illinois National Guard or the surviving spouses of Illinois National Guard members, special registration plates. The special plates issued pursuant to this Section shall be affixed only to passenger vehicles of the first division, motorcycles, or motor vehicles of the second division weighing not more than 8,000 pounds subject to the staggered registration system.
The design and color of such plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code.

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discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code.

(Source: P.A. 92-545, eff. 6-12-02; 92-699, 1-1-03; revised 8-23-02.)

(625 ILCS 5/3-622) (from Ch. 95 1/2, par. 3-622)

Sec. 3-622. The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue to members of the United States Armed Forces Reserves who reside in Illinois, and to Illinois residents who are either former members of the United States Armed Forces Reserves or the surviving spouses of United States Armed Forces Reserve members who resided in Illinois, special registration plates. The special plates issued pursuant to this Section shall be affixed only to passenger vehicles of the first division, motorcycles, or motor vehicles of the second division weighing not more than 8,000 pounds subject to the staggered registration system. The design and color of such plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code.

(Source: P.A. 92-545, eff. 6-12-02; 92-699, eff. 1-1-03; revised 8-23-02.)

(625 ILCS 5/3-623) (from Ch. 95 1/2, par. 3-623)

Sec. 3-623. Purple Heart Plates. The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue to recipients awarded the Purple Heart by a branch of the armed forces of the United States who reside in Illinois, special registration plates. The Secretary, upon receipt of the proper application, may also issue these special registration plates to an Illinois resident who is the surviving spouse of a person who was killed in a foreign war and was awarded the Purple Heart by a branch of the armed forces of the United States. The special plates issued pursuant to this Section should be affixed only to passenger vehicles of the 1st division, including motorcycles, or motor vehicles of the 2nd division weighing not more than 8,000 pounds. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code.

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The design and color of such plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, and the appropriate registration fee shall accompany the application. However, for an individual who has been issued Purple Heart plates for a vehicle and who has been approved for benefits under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, the annual fee for the registration of the vehicle shall be as provided in Section 3-806.3 of this Code.

(Source: P.A. 93-846, eff. 7-30-04; 94-93, eff. 1-1-06; 94-343, eff. 1-1-06; revised 10-20-05.)

Sec. 3-624. The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue to retired members of the United States Armed Forces who reside in Illinois, special registration plates. The special plates issued pursuant to this Section shall be affixed only to passenger vehicles of the first division, motorcycles, or motor vehicles of the second division weighing not more than 8,000 pounds and subject to the staggered registration system. The design and color of such plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code.

(Source: P.A. 92-545, eff. 6-12-02.)

Sec. 3-625. Pearl Harbor Plates. The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue special registration plates to any Illinois resident who, while a member of the armed forces of the United States, participated in the battle of Pearl Harbor on December 7, 1941, or to the widowed spouse of any Illinois resident who, while a member of the armed forces of the United States, participated in the battle of Pearl Harbor on December 7, 1941, provided that the widowed spouse was married to the battle of Pearl Harbor participant at the time of the participant's death and is a single

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person at the time of application. The special plates issued pursuant to this Section should be affixed only to passenger vehicles of the 1st division, motorcycles, or motor vehicles of the 2nd division weighing not more than 8,000 pounds. *The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code.*

The design and color of such plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, and the appropriate registration fee shall accompany the application.

(Source: P.A. 92-545, eff. 6-12-02; 92-699, eff. 1-1-03; revised 8-23-02.)

(625 ILCS 5/3-806.1) (from Ch. 95 1/2, par. 3-806.1)

Sec. 3-806.1. Additional fees for vanity license plates. In addition to the regular registration fee, an applicant for a vanity license plate, other than a vanity plate in any military series or a vanity plate issued under Section 3-806.4, shall be charged $94 for each set of vanity license plates issued to a motor vehicle of the first division or a motor vehicle of the second division registered at not more than 8,000 pounds or to a recreational vehicle and $50 for each set of vanity plates issued to a motorcycle. In addition to the regular renewal fee, an applicant for a vanity plate, other than a vanity plate in any military series or a vanity plate issued under Section 3-806.4, shall be charged $13 for the renewal of each set of vanity license plates. *There shall be no additional fees for a vanity license plate in any military series of plates or a vanity plate issued under Section 3-806.4.*

(Source: P.A. 91-37, eff. 7-1-99.)

(625 ILCS 5/3-806.4) (from Ch. 95 1/2, par. 3-806.4)

Sec. 3-806.4. Gold Star recipients. Commencing with the 1991 registration year and through the 2006 registration year, upon proper application, the Secretary of State shall issue one pair of registration plates to any Illinois resident, who as the surviving widow or widower, or in the absence thereof, as the surviving parent, is awarded the Gold Star by the United States in recognition of spouses or children who served in the Armed Forces of the United States and lost their lives while in service.

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whether in peacetime or war. Commencing with the 2007 registration year, upon proper application, the Secretary of State shall issue one pair of registration plates to any Illinois resident, who as the surviving widow, widower, or parent, is awarded the Gold Star by the United States in recognition of spouses or children who served in the Armed Forces of the United States and lost their lives while in service whether in peacetime or war. If the parent no longer survives, the Secretary of State shall issue the plates to a surviving sibling, of the person who served in the Armed Forces, who is an Illinois resident. No more than one set of plates shall be issued for each Gold Star awarded, and only one surviving parent, or in the absence of a surviving parent, only one surviving sibling shall be issued a set of registration plates, except for those surviving parents who, as recipients of the Gold Star, have legally separated or divorced, in which case each surviving parent shall be allowed one set of registration plates. Registration plates issued under this Section shall be for first division vehicles and second division vehicles of 8,000 pounds or less. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. Through the 2006 registration year, an applicant shall be charged a $15 fee for the original issuance in addition to the appropriate registration fee which shall be deposited into the Road Fund to help defray the administrative processing costs. Beginning with the 2007 registration year, an applicant shall be charged only the appropriate registration fee.

(Source: P.A. 93-140, eff. 1-1-04; 94-311, eff. 1-1-06; 94-343, eff. 1-1-06; revised 8-19-05.)

(625 ILCS 5/3-806.5)

Sec. 3-806.5. Additional fees for personalized license plates. For registration periods commencing after December 31, 2003, in addition to the regular registration fee, an applicant for a personalized license plate, other than a personalized plate in any military series or a personalized plate issued under Section 3-806.4, shall be charged $47 for each set of personalized license plates issued to a motor vehicle of the first division or a motor vehicle of the second division registered at not more than 8,000 pounds or to a recreational vehicle and $25 for each set of personalized license plates.
plates issued to a motorcycle. In addition to the regular renewal fee, an applicant for a personalized plate other than a personalized plate in any military series or a personalized plate issued under Section 3-806.4, shall be charged $7 for the renewal of each set of personalized license plates. There shall be no additional fees charged for a personalized plate in any military series of plates or a personalized plate issued under Section 3-806.4. Of the money received by the Secretary of State as additional fees for personalized license plates, 50% shall be deposited into the Secretary of State Special License Plate Fund and 50% shall be deposited into the General Revenue Fund.
(Source: P.A. 93-32, eff. 7-1-03.)

Effective January 1, 2008.

PUBLIC ACT 95-0354
(House Bill No. 0411)

AN ACT concerning government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Organ Donor Leave Act is amended by changing Section 20 as follows:
(5 ILCS 327/20)
Sec. 20. Administration of Act.
(a) On request, a participating employee subject to this Act may be entitled to organ donation leave with pay.
(b) An employee may use (i) up to 30 days of organ donation leave in any 12-month period to serve as a bone marrow donor, (ii) up to 30 days of organ donation leave in any 12-month period to serve as an organ donor, (iii) up to one hour or more to donate blood every 56 days, and (iv) up to 2 hours or more to donate blood platelets in accordance with appropriate medical standards established by the American Red Cross, America's Blood Centers, the American Association of Blood Banks, or

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other nationally-recognized standards. Leave under item (iv) may not be granted more than 24 times in a 12-month period.

(c) An employee may use organ donation leave or other leave authorized in subsection (b) of this Section only after obtaining approval from the employee's agency.

(d) An employee may not be required to use accumulated sick or vacation leave time before being eligible for organ donor leave.

(e) The Department must adopt rules governing organ donation leave, including rules that (i) establish conditions and procedures for requesting and approving leave and (ii) require medical documentation of the proposed organ or bone marrow donation before leave is approved by the employing agency.

(Source: P.A. 94-33, eff. 1-1-06.)

Effective January 1, 2008.

PUBLIC ACT 95-0355
(House Bill No. 0624)

AN ACT concerning intoxicants.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-20 as follows:

(235 ILCS 5/6-20) (from Ch. 43, par. 134a)
Sec. 6-20. Transfer, possession, and consumption of alcoholic liquor; restrictions.

(a) Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase, or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession.

(b) If a licensee or his or her agents or employees believes or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the non-age of the prospective recipient, he or she

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shall, before making such sale or delivery demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his or her official duties.

(c) No person shall transfer, alter, or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information.

(d) No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this Section.

(e) The consumption of alcoholic liquor by any person under 21 years of age is forbidden.

(f) Whoever violates any provisions of this Section shall be guilty of a Class A misdemeanor.

(g) The possession and dispensing, or consumption by a person under 21 years of age of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a person under 21 years of age under the direct supervision and approval of the parents or parent or those persons standing in loco parentis of such person under 21 years of age in the privacy of a home, is not prohibited by this Act.

(Source: P.A. 90-432, eff. 1-1-98.)

Section 10. The Illinois Vehicle Code is amended by changing Sections 2-118.1, 6-208, 6-208.1, 6-516, 6-517, 11-500, and 11-501 as follows:

(625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)
Sec. 2-118.1. Opportunity for hearing; statutory summary alcohol or other drug related suspension.

(a) A statutory summary suspension of driving privileges under Section 11-501.1 shall not become effective until the person is notified in writing of the impending suspension and informed that he may request a hearing in the circuit court of venue under paragraph (b) of this Section and the statutory summary suspension shall become effective as provided in Section 11-501.1.

(b) Within 90 days after the notice of statutory summary suspension served under Section 11-501.1, the person may make a written request

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request for a judicial hearing in the circuit court of venue. The request to
the circuit court shall state the grounds upon which the person seeks to
have the statutory summary suspension rescinded. Within 30 days after
receipt of the written request or the first appearance date on the Uniform
Traffic Ticket issued pursuant to a violation of Section 11-501, or a similar
provision of a local ordinance, the hearing shall be conducted by the
circuit court having jurisdiction. This judicial hearing, request, or process
shall not stay or delay the statutory summary suspension. The hearings
shall proceed in the court in the same manner as in other civil proceedings.

The hearing may be conducted upon a review of the law
enforcement officer's own official reports; provided however, that the
person may subpoena the officer. Failure of the officer to answer the
subpoena shall be considered grounds for a continuance if in the court's
discretion the continuance is appropriate.

The scope of the hearing shall be limited to the issues of:

1. Whether the person was placed under arrest for an
offense as defined in Section 11-501, or a similar provision of a
local ordinance, as evidenced by the issuance of a Uniform Traffic
Ticket, or issued a Uniform Traffic Ticket out of state as provided
in subsection (a) of Section 11-501.1; and

2. Whether the officer had reasonable grounds to believe
that the person was driving or in actual physical control of a motor
vehicle upon a highway while under the influence of alcohol, other
drug, or combination of both; and

3. Whether the person, after being advised by the officer
that the privilege to operate a motor vehicle would be suspended if
the person refused to submit to and complete the test or tests, did
refuse to submit to or complete the test or tests to determine the
person's alcohol or drug concentration; or

4. Whether the person, after being advised by the officer
that the privilege to operate a motor vehicle would be suspended if
the person submits to a chemical test, or tests, and the test discloses
an alcohol concentration of 0.08 or more, or any amount of a drug,
substance, or compound in the person's blood or urine resulting

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from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound as listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, and the person did submit to and complete the test or tests that determined an alcohol concentration of 0.08 or more.

Upon the conclusion of the judicial hearing, the circuit court shall sustain or rescind the statutory summary suspension and immediately notify the Secretary of State. Reports received by the Secretary of State under this Section shall be privileged information and for use only by the courts, police officers, and Secretary of State.

(Source: P.A. 92-458, eff. 8-22-01.)

(625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

Sec. 6-208. Period of Suspension - Application After Revocation.

(a) Except as otherwise provided by this Code or any other law of this State, the Secretary of State shall not suspend a driver's license, permit or privilege to drive a motor vehicle on the highways for a period of more than one year.

(b) Any person whose license, permit or privilege to drive a motor vehicle on the highways has been revoked shall not be entitled to have such license, permit or privilege renewed or restored. However, such person may, except as provided under subsection (d) of Section 6-205, make application for a license pursuant to Section 6-106 (i) if the revocation was for a cause which has been removed or (ii) as provided in the following subparagraphs:

1. Except as provided in subparagraphs 2, 3, and 4, the person may make application for a license after the expiration of one year from the effective date of the revocation or, in the case of a violation of paragraph (b) of Section 11-401 of this Code or a similar provision of a local ordinance, after the expiration of 3 years from the effective date of the revocation or, in the case of a violation of Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to the offense of

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reckless homicide or a violation of subparagraph (F) of paragraph 1 of subsection (d) of Section 11-501 of this Code relating to aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, if the violation was the proximate cause of a death, after the expiration of 2 years from the effective date of the revocation or after the expiration of 24 months from the date of release from a period of imprisonment as provided in Section 6-103 of this Code, whichever is later.

2. If such person is convicted of committing a second violation within a 20 year period of:
   (A) Section 11-501 of this Code, or a similar provision of a local ordinance; or
   (B) Paragraph (b) of Section 11-401 of this Code, or a similar provision of a local ordinance; or
   (C) Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide; or
   (D) any combination of the above offenses committed at different instances; then such person may not make application for a license until after the expiration of 5 years from the effective date of the most recent revocation. The 20 year period shall be computed by using the dates the offenses were committed and shall also include similar out-of-state offenses and similar offenses committed on a military installation.

3. However, except as provided in subparagraph 4, if such person is convicted of committing a third, or subsequent, violation or any combination of the above offenses, including similar out-of-state offenses and similar offenses committed on a military installation, contained in subparagraph 2, then such person may not make application for a license until after the expiration of 10 years from the effective date of the most recent revocation.

4. The person may not make application for a license if the person is convicted of committing a fourth or subsequent violation

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of Section 11-501 of this Code or a similar provision of a local ordinance, Section 11-401 of this Code, Section 9-3 of the Criminal Code of 1961, or a combination of these offenses or similar provisions of local ordinances or similar out-of-state offenses or similar offenses committed on a military installation.

Notwithstanding any other provision of this Code, all persons referred to in this paragraph (b) may not have their privileges restored until the Secretary receives payment of the required reinstatement fee pursuant to subsection (b) of Section 6-118.

In no event shall the Secretary issue such license unless and until such person has had a hearing pursuant to this Code and the appropriate administrative rules and the Secretary is satisfied, after a review or investigation of such person, that to grant the privilege of driving a motor vehicle on the highways will not endanger the public safety or welfare.

(c) (Blank).

(Blank).

(Source: P.A. 92-343, eff. 1-1-02; 92-418, eff. 8-17-01; 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 93-712, eff. 1-1-05; 93-788, eff. 1-1-05; revised 10-14-04.)

(625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

Sec. 6-208.1. Period of statutory summary alcohol, other drug, or intoxicating compound related suspension.

(a) Unless the statutory summary suspension has been rescinded, any person whose privilege to drive a motor vehicle on the public highways has been summarily suspended, pursuant to Section 11-501.1, shall not be eligible for restoration of the privilege until the expiration of:

1. Six months from the effective date of the statutory summary suspension for a refusal or failure to complete a test or tests to determine the alcohol, drug, or intoxicating compound concentration, pursuant to Section 11-501.1; or

2. Three months from the effective date of the statutory summary suspension imposed following the person's submission to a chemical test which disclosed an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in such person's breath, blood, or urine resulting from

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the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, pursuant to Section 11-501.1; or

3. Three years from the effective date of the statutory summary suspension for any person other than a first offender who refuses or fails to complete a test or tests to determine the alcohol, drug, or intoxicating compound concentration pursuant to Section 11-501.1; or

4. One year from the effective date of the summary suspension imposed for any person other than a first offender following submission to a chemical test which disclosed an alcohol concentration of 0.08 or more pursuant to Section 11-501.1 or any amount of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act.

(b) Following a statutory summary suspension of the privilege to drive a motor vehicle under Section 11-501.1, full driving privileges shall be restored unless the person is otherwise suspended, revoked, or disqualified by this Code. If the court has reason to believe that the person's driving privilege should not be restored, the court shall notify the Secretary of State prior to the expiration of the statutory summary suspension so appropriate action may be taken pursuant to this Code.

(c) Driving Full driving privileges may not be restored until all applicable reinstatement fees, as provided by this Code, have been paid to the Secretary of State and the appropriate entry made to the driver's record.

(d) Where a driving privilege has been summarily suspended under Section 11-501.1 and the person is subsequently convicted of violating

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Section 11-501, or a similar provision of a local ordinance, for the same incident, any period served on statutory summary suspension shall be credited toward the minimum period of revocation of driving privileges imposed pursuant to Section 6-205.

(e) Following a statutory summary suspension of driving privileges pursuant to Section 11-501.1, for a first offender, the circuit court may, after at least 30 days from the effective date of the statutory summary suspension, issue a judicial driving permit as provided in Section 6-206.1.

(f) Subsequent to an arrest of a first offender, for any offense as defined in Section 11-501 or a similar provision of a local ordinance, following a statutory summary suspension of driving privileges pursuant to Section 11-501.1, for a first offender, the circuit court may issue a court order directing the Secretary of State to issue a judicial driving permit as provided in Section 6-206.1. However, this JDP shall not be effective prior to the 31st day of the statutory summary suspension.

(g) Following a statutory summary suspension of driving privileges pursuant to Section 11-501.1 where the person was not a first offender, as defined in Section 11-500, the Secretary of State may not issue a restricted driving permit.

(h) (Blank).

(625 ILCS 5/6-516) (from Ch. 95 1/2, par. 6-516)

Sec. 6-516. Implied consent requirements for commercial motor vehicle drivers.

(a) Effective April 1, 1992, any person who drives a commercial motor vehicle upon the highways is hereby deemed to have given consent to submit to a test or tests, subject to the provisions of Section 11-501.2 of this Code, of such person's breath, blood or urine for the purpose of determining the presence of alcohol, or other drugs, in such person's system.

(b) A test or tests may be administered at the direction of a law enforcement officer, who after stopping or detaining the commercial motor vehicle driver, has probable cause to believe that driver was driving a commercial motor vehicle while having alcohol or any amount of a drug,
substance, or compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act in such driver's system.

(c) Effective April 1, 1992, any person who operates a school bus at the time of an accident involving the school bus is hereby deemed to have given consent to submit to a test or tests to be administered at the direction of a law enforcement officer, subject to the provisions of Section 11-501.2 of this Code, of the driver's breath, blood or urine for the purpose of determining the presence of alcohol, or other drugs, in the person's system.

(Source: P.A. 88-212.)

(625 ILCS 5/6-517) (from Ch. 95 1/2, par. 6-517)

Sec. 6-517. Commercial driver; implied consent warnings.

(a) Any person driving a commercial motor vehicle who is requested by a police officer, pursuant to Section 6-516, to submit to a chemical test or tests to determine the alcohol concentration or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act in such person's system, must be warned by the police officer requesting the test or tests that a refusal to submit to the test or tests will result in that person being immediately placed out-of-service for a period of 24 hours and being disqualified from operating a commercial motor vehicle for a period of not less than 12 months; the person shall also be warned that if such person submits to testing which discloses an alcohol concentration of greater than 0.00 but less than 0.04 or any amount of a drug, substance, or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act.
Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, such person shall be placed immediately out-of-service for a period of 24 hours; if the person submits to testing which discloses an alcohol concentration of 0.04 or more or any amount of a drug, substance, or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, such person shall be placed immediately out-of-service and disqualified from driving a commercial motor vehicle for a period of at least 12 months; also the person shall be warned that if such testing discloses an alcohol concentration of 0.08, or more or any amount of a drug, substance, or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, in addition to the person being immediately placed out-of-service and disqualified for 12 months as provided in this UCDLA, the results of such testing shall also be admissible in prosecutions for violations of Section 11-501 of this Code, or similar violations of local ordinances, however, such results shall not be used to impose any driving sanctions pursuant to Section 11-501.1 of this Code.

The person shall also be warned that any disqualification imposed pursuant to this Section, shall be for life for any such offense or refusal, or combination thereof; including a conviction for violating Section 11-501 while driving a commercial motor vehicle, or similar provisions of local ordinances, committed a second time involving separate incidents.

(b) If the person refuses or fails to complete testing, or submits to a test which discloses an alcohol concentration of at least 0.04, or any amount of a drug, substance, or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the

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Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer must submit a Sworn Report to the Secretary of State, in a form prescribed by the Secretary, certifying that the test or tests was requested pursuant to paragraph (a); that the person was warned, as provided in paragraph (a) and that such person refused to submit to or failed to complete testing, or submitted to a test which disclosed an alcohol concentration of 0.04 or more, or any amount of a drug, substance, or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act.

(c) The police officer submitting the Sworn Report under this Section shall serve notice of the CDL disqualification on the person and such CDL disqualification shall be effective as provided in paragraph (d). In cases where the blood alcohol concentration of 0.04 or more, or any amount of a drug, substance, or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, is established by subsequent analysis of blood or urine collected at the time of the request, the police officer shall give notice as provided in this Section or by deposit in the United States mail of such notice as provided in this Section or by deposit in the United States mail of such notice in an envelope with postage prepaid and addressed to such person's domiciliary address as shown on the Sworn Report and the CDL disqualification shall begin as provided in paragraph (d).
(d) The CDL disqualification referred to in this Section shall take effect on the 46th day following the date the Sworn Report was given to the affected person.

(e) Upon receipt of the Sworn Report from the police officer, the Secretary of State shall disqualify the person from driving any commercial motor vehicle and shall confirm the CDL disqualification by mailing the notice of the effective date to the person. However, should the Sworn Report be defective by not containing sufficient information or be completed in error, the confirmation of the CDL disqualification shall not be mailed to the affected person or entered into the record, instead the Sworn Report shall be forwarded to the issuing agency identifying any such defect.

(Source: P.A. 90-43, eff. 7-2-97; 91-357, eff. 7-29-99.)

(625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

Sec. 11-500. Definitions. For the purposes of interpreting Sections 6-206.1 and 6-208.1 of this Code, "first offender" shall mean any person who has not had a previous conviction or court assigned supervision for violating Section 11-501, or a similar provision of a local ordinance, or a conviction in any other state for a violation of driving while under the influence or a similar offense where the cause of action is the same or substantially similar to this Code or similar offenses committed on a military installation or any person who has not had a driver's license suspension for violating Section 11-501.1 within 5 years prior to the date of the current offense, except in cases where the driver submitted to chemical testing resulting in an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act and was subsequently found not guilty of violating Section 11-501, or a similar provision of a local ordinance.

(Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99.)

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Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local

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ordinance or a provision of a law of another state or an offense committed on a military installation that is similar to a violation of subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or
suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).
(c-3) (Blank).
(c-4) (Blank).
(c-5)(1) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the

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violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subdivision (c-5)(1) is not subject to suspension, nor is the person eligible for a reduced sentence.

(2) Except as provided in subdivisions (c-5)(3) and (c-5)(4) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subdivision (c-5)(2) is not subject to suspension, nor is the person eligible for a reduced sentence.

(3) Except as provided in subdivision (c-5)(4), any person convicted of violating subdivision (c-5)(2) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subdivision (c-5)(3) is not subject to suspension, nor is the person eligible for a reduced sentence.

(4) Any person convicted of violating subdivision (c-5)(2) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service
community service under this subdivision (c-5)(4) is not subject to suspension, nor is the person eligible for a reduced sentence.

(5) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subdivision (c-5)(5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(6) Any person convicted of violating subdivision (c-5)(5) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subdivision (c-5)(6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(7) Any person convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.
(c-6)(1) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(2) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(3) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(4) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or

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urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or

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permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

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(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

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(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

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(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision
proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; 93-1093, eff. 3-29-05; 94-963, eff. 6-28-06.)

(Text of Section from P.A. 94-110 and 94-963)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating

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Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state or an offense committed on a military installation that is similar to a violation of subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

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(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a

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violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).

(c-3) (Blank).

(c-4) (Blank).

(c-5) Except as provided in subsection (c-5.1), a person 21 years of age or older who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to 6 months of imprisonment, an additional mandatory minimum fine of $1,000, and 25 days of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-5.1) A person 21 years of age or older who is convicted of violating subsection (a) of this Section a first time and who in committing that violation was involved in a motor vehicle accident that resulted in bodily harm to the child under the age of 16 being transported by the person, if the violation was the proximate cause of the injury, is guilty of a Class 4 felony and is subject to one year of imprisonment, a mandatory fine of $2,500, and 25 days of community service in a program benefiting children. The imprisonment or assignment to community service under this subsection (c-5.1) shall not be subject to suspension, nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-6) Except as provided in subsections (c-7) and (c-7.1), a person 21 years of age or older who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to 6 months of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment
of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7) Except as provided in subsection (c-7.1), any person 21 years of age or older convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and, in addition to any other penalty imposed, is subject to one year of imprisonment, 25 days of mandatory community service in a program benefiting children, and a mandatory fine of $2,500. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7.1) A person 21 years of age or older who is convicted of violating subsection (a) of this Section a second time within 10 years and who in committing that violation was involved in a motor vehicle accident that resulted in bodily harm to the child under the age of 16 being transported, if the violation was the proximate cause of the injury, is guilty of a Class 4 felony and is subject to 18 months of imprisonment, a mandatory fine of $5,000, and 25 days of community service in a program benefiting children. The imprisonment or assignment to community service under this subsection (c-7.1) shall not be subject to suspension, nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-8) (Blank).

(c-9) Any person 21 years of age or older convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and is subject to 18 months of imprisonment, a mandatory fine of $2,500, and 25 days of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person 21 years of age or older convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a

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Class 3 felony and, in addition to any other penalty imposed, is subject to 3 years of imprisonment, 25 days of community service in a program benefiting children, and a mandatory fine of $25,000. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-11) Any person 21 years of age or older convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $25,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood,

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breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(c-15) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to

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reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of
one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall
be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received
by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of

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Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; 94-110, eff. 1-1-06; 94-963, eff. 6-28-06.)

(Text of Section from P.A. 94-113, 94-609, and 94-963)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

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(4) under the influence of any other drug or combination of
drugs to a degree that renders the person incapable of safely
driving;

(5) under the combined influence of alcohol, other drug or
drugs, or intoxicating compound or compounds to a degree that
renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound
in the person's breath, blood, or urine resulting from the unlawful
use or consumption of cannabis listed in the Cannabis Control Act,
a controlled substance listed in the Illinois Controlled Substances
Act, or an intoxicating compound listed in the Use of Intoxicating
Compounds Act, or methamphetamine as listed in the
Methamphetamine Control and Community Protection Act.

(b) The fact that any person charged with violating this Section is
or has been legally entitled to use alcohol, other drug or drugs, or
intoxicating compound or compounds, or any combination thereof, shall
not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a
similar provision includes any violation of a provision of a local
ordinance or a provision of a law of another state or an offense
committed on a military installation that is similar to a violation of
subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has
been revoked for a previous violation of subsection (a) of this
Section shall be in addition to the penalty imposed for any
subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person
convicted of violating subsection (a) of this Section is guilty of a Class A
misdemeanor.

(b-3) In addition to any other criminal or administrative sanction
for any second conviction of violating subsection (a) or a similar provision
committed within 5 years of a previous violation of subsection (a) or a
similar provision, the defendant shall be sentenced to a mandatory

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minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony.

(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service.

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service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).
(c-3) (Blank).
(c-4) (Blank).

(c-5) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

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(c-6) Except as provided in subsections (c-7) and (c-8) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7) Except as provided in subsection (c-8), any person convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-8) Any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The
imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-11) Any person convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in

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addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(c-15) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that
resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years.
Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, unless the court determines that extraordinary circumstances exist and require probation, shall be sentenced to:

(A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or

(B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services

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department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related

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criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or

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rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; 94-113, eff. 1-1-06; 94-609, eff. 1-1-06; 94-963, eff. 6-28-06.)

(Text of Section from P.A. 94-114 and 94-963)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

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(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;
(2) under the influence of alcohol;
(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;
(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;
(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or
(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act.
(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.
(b-1) With regard to penalties imposed under this Section:
(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state or an offense committed on a military installation that is similar to a violation of subsection (a) of this Section.
(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).
(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony.

(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation

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or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or fifth time, if the fourth or fifth violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).
(c-3) (Blank).
(c-4) (Blank).
(c-5) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is
subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-6) Except as provided in subsections (c-7) and (c-8) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7) Except as provided in subsection (c-8), any person convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-8) Any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.

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(c-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-11) Any person convicted a fourth or fifth time for violating subsection (a) or a similar provision, if at the time of the fourth or fifth violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.
(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(c-15) Any person convicted of a fourth or fifth violation of subsection (a) or a similar provision, if at the time of the fourth or fifth violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(c-16) Any person convicted of a sixth or subsequent violation of subsection (a) is guilty of a Class X felony.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of

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alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that

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resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the

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Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be
$1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities to

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assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.
Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

1. the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;
2. under the influence of alcohol;
3. under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;
4. under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;
5. under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or
6. there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

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(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state or an offense committed on a military installation that is similar to a violation of subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third violation committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant is guilty of a Class 2 felony, and in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.
(2) A person who violates subsection (a) a third time is guilty of a Class 2 felony.

(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth time is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(4) A person who violates subsection (a) a fifth or subsequent time is guilty of a Class 1 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).
(c-3) (Blank).

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(c-5) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-6) Except as provided in subsections (c-7) and (c-8) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7) Except as provided in subsection (c-8), any person convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-8) Any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection

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(c-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 2 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 2 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-11) Any person convicted a fourth time for violating subsection (a) or a similar provision, if at the time of the fourth violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty

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that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

    (c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

    (c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

    (c-15) Any person convicted of a fourth violation of subsection (a) or a similar provision, if at the time of the fourth violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

    (d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of

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alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that

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resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2) and in paragraphs (3) and (4) of subsection (c-1), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Except as provided in paragraph (4) of subsection (c-1), aggravated driving under the influence of alcohol, other drug, or drugs, intoxicating compounds or compounds, or any combination thereof as defined in subparagraph (A) of paragraph (1) of this subsection (d) is a Class 2 felony. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of
this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be

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fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the

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Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000.
per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; 94-116, eff. 1-1-06; 94-963, eff. 6-28-06.)

(Text of Section from P.A. 94-329 and 94-963)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act.

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(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state or an offense committed on a military installation that is similar to a violation of subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended,
where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and is guilty of a Class 3 felony.

(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are

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revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and is guilty of a Class 2 felony, and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).
(c-3) (Blank).
(c-4) (Blank).
(c-5) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.
(c-6) Except as provided in subsections (c-7) and (c-8) a person who violates subsection (a) a second time, if at the time of the second
violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7) Except as provided in subsection (c-8), any person convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-8) Any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subsection
(c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-11) Any person convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory

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minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(c-15) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or

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disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death;

(G) the person committed the violation while he or she did not possess a driver's license or permit or a restricted driving permit or a judicial driving permit; or

(H) the person committed the violation while he or she knew or should have known that the vehicle he or she was driving was not covered by a liability insurance policy.

(2) Except as provided in this paragraph (2) and in paragraphs (2), (2.1), and (3) of subsection (c-1), a person...
convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years.

Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

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(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection

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(j) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer

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salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; 94-329, eff. 1-1-06; 94-963, eff. 6-28-06.)

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AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Section 10-2.1-17 as follows:

(65 ILCS 5/10-2.1-17) (from Ch. 24, par. 10-2.1-17)

Sec. 10-2.1-17. Removal or discharge; investigation of charges; retirement. Except as hereinafter provided, no officer or member of the fire or police department of any municipality subject to this Division 2.1 shall be removed or discharged except for cause, upon written charges, and after an opportunity to be heard in his own defense. The hearing shall be as hereinafter provided, unless the employer and the labor organization representing the person have negotiated an alternative or supplemental form of due process based upon impartial arbitration as a term of a collective bargaining agreement. Such in non-home-rule units of government, such bargaining shall be permissive rather than mandatory unless the parties mutually agree otherwise. Any such alternative agreement shall be permissive. Such contract term was negotiated by the

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employer and the labor organization prior to or at the time of the effective date of this amendatory Act, in which case such bargaining shall be considered mandatory.

If the chief of the fire department or the chief of the police department or both of them are appointed in the manner provided by ordinance, they may be removed or discharged by the appointing authority. In such case the appointing authority shall file with the corporate authorities the reasons for such removal or discharge, which removal or discharge shall not become effective unless confirmed by a majority vote of the corporate authorities. The board of fire and police commissioners shall conduct a fair and impartial hearing of the charges, to be commenced within 30 days of the filing thereof, which hearing may be continued from time to time. In case an officer or member is found guilty, the board may discharge him, or may suspend him not exceeding 30 days without pay. The board may suspend any officer or member pending the hearing with or without pay, but not to exceed 30 days. If the Board of Fire and Police Commissioners determines that the charges are not sustained, the officer or member shall be reimbursed for all wages withheld, if any. In the conduct of this hearing, each member of the board shall have power to administer oaths and affirmations, and the board shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to the hearing.

The age for retirement of policemen or firemen in the service of any municipality which adopts this Division 2.1 is 65 years, unless the Council or Board of Trustees shall by ordinance provide for an earlier retirement age of not less than 60 years.

The provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the board of fire and police commissioners hereunder. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Nothing in this Section shall be construed to prevent the chief of the fire department or the chief of the police department from suspending

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without pay a member of his department for a period of not more than 5 calendar days, but he shall notify the board in writing of such suspension. The hearing shall be as hereinafter provided, unless the employer and the labor organization representing the person have negotiated an alternative or supplemental form of due process based upon impartial arbitration as a term of a collective bargaining agreement. Such in non-home rule units of government, such bargaining shall be permissive rather than mandatory unless the parties mutually agree otherwise. Any such alternative agreement shall be permissive. such contract term was negotiated by the employer and the labor organization prior to or at the time of the effective date of this amendatory Act, in which case such bargaining shall be considered mandatory.

Any policeman or fireman so suspended may appeal to the board of fire and police commissioners for a review of the suspension within 5 calendar days after such suspension, and upon such appeal, the board may sustain the action of the chief of the department, may reverse it with instructions that the man receive his pay for the period involved, or may suspend the officer for an additional period of not more than 30 days or discharge him, depending upon the facts presented.

(Source: P.A. 91-650, eff. 11-30-99.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0357
(House Bill No. 1554)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 3-634 as follows:

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(625 ILCS 5/3-634)
Sec. 3-634. Illinois Fire Fighters' License Plate.
(a) The Secretary, upon receipt of an application made in the form
prescribed by the Secretary of State, may issue special registration plates
designated to be Illinois Fire Fighters' Memorial license plates. The special
plates issued under this Section shall be affixed only to passenger vehicles
of the first division, motor vehicles of the second division weighing not
more than 8,000 pounds, recreational vehicles as defined in Section 1-169
of this Code, and subject to the staggered registration system. Plates issued
under this Section shall expire according to the multi-year procedure
established by Section 3-414.1 of this Code.
(b) The design and color of the plates shall be wholly within the
discretion of the Secretary of State. The Secretary of State may, in his or
her discretion, allow the plates to be issued as vanity plates or personalized
in accordance with Section 3-405.1 of this Code. The plates are not
required to designate "Land of Lincoln", as prescribed in subsection (b) of
Section 3-412 of this Code. The Secretary of State shall prescribe stickers
or decals as provided under Section 3-412.
(c) An applicant shall be charged a $27 fee for original issuance in
addition to the applicable registration fee. Of this additional fee, $15 shall
be deposited into the Secretary of State Special License Plate Fund and
$12 shall be deposited into the Illinois Fire Fighters' Memorial Fund. For
each registration renewal period, a $17 fee, in addition to the appropriate
registration fee, shall be charged. Of this fee, $2 shall be deposited into the
Secretary of State Special License Plate Fund and $15 shall be deposited
into the Illinois Fire Fighters' Memorial Fund.
(d) In addition to the purpose specified in Section 2-119(n),
moneys in the Illinois Fire Fighters' Memorial Fund shall, except as
otherwise provided in subsection (e) and subject to appropriation by the
General Assembly and approval by the Secretary, be used exclusively for
the following purposes:
(1) maintaining the Illinois Fire Fighters' Memorial;
(2) holding an annual memorial commemoration and Medal
of Honor ceremony and related activities; and

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(3) providing scholarships, for graduate study, undergraduate study, or both, to children and spouses of fire fighters killed in the line of duty.

(e) No more than 10% of the annual proceeds of the Illinois Fire Fighters' Memorial Fund may, subject to appropriation by the General Assembly and approval by the Secretary, be used for exhibits for and the maintenance of the Illinois Fire Fighter Museum.

(Source: P.A. 93-717, eff. 7-13-04; 94-322, eff. 1-1-06.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0358
(House Bill No. 1662)

AN ACT concerning children.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Illinois Children's Savings Accounts Act.

Section 5. Findings. The General Assembly finds that investments in children's education, homeownership, and small business development and entrepreneurship are made possible by family savings, but the family savings rate is at the lowest level since the Great Depression. Illinois has the lowest homeownership rate in the Midwest. Fewer than a third of Illinois households have a checking account, and fewer than 60% have a savings account. The rising cost of post-secondary education decreases access to higher education for low-income and moderate-income Illinoisans, and post-secondary education is beyond the reach of many Illinois families. Increasing the number of Illinois families saving for post-secondary education for their children will increase the number of children who will attain higher education, and increased educational attainment.

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levels will generate a more competitive workforce, more jobs and
innovation, more savings and investment, stronger communities, and a
thriving State economy. The General Assembly also finds that a savings
program tied to financial education can improve family financial
responsibility and encourage saving for education, homeownership, small
business, and entrepreneurship.

Section 10. Public policy. It is the policy of the State to encourage
families' savings, to increase families' financial knowledge, to promote
higher educational aspiration and attainment, to encourage home
ownership, to assist small business development, to promote job creation,
to strengthen communities, and to increase asset building opportunities for
all residents.

Section 15. Children's Savings Account Task Force. There is
hereby created a Children's Savings Account Task Force. The purpose of
the task force shall be to review and make recommendations about
children's savings account program options and to create a strategic
implementation plan to create a savings account at birth for every child
born in Illinois to Illinois residents. The task force shall consist of a
maximum of 30 members, to be appointed within 60 days after the
effective date of this Act. One member shall be appointed by the President
of the Senate, one member appointed by the Senate Minority Leader, one
member appointed by the Speaker of the House, one member appointed by
the House Minority Leader, and one member representing the Office of the
State Treasurer appointed by the State Treasurer. All other members shall
be appointed by the Governor as follows:

(1) A member of the Governor's leadership staff.
(2) Public members with an interest in asset building in
Illinois, including a representative from each of the following types
of organizations or entities:
(A) an operator of an individual development
account or matched savings and financial education
program, or both;
(B) a grassroots organizing entity;
(C) a poverty law center;

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(D) a service-based human rights provider organization;
(E) a business association;
(F) a bankers' professional association;
(G) a child advocacy organization;
(H) a rural economic development entity;
(I) organized labor;
(J) a bank;
(K) a credit union; and
(L) an investment services provider.

In addition, the following officials shall serve as ex-officio members of the task force: (i) the State Treasurer or his or her designee; (ii) the State Superintendent of Education or his or her designee; (iii) the Secretary of Financial and Professional Regulation or his or her designee; (iv) the Director of Commerce and Economic Opportunity or his or her designee; (v) the Secretary of Human Services or his or her designee; (vi) the Director of Healthcare and Family Services or his or her designee; (vii) the Executive Director of the Board of Higher Education or his or her designee; (viii) the Executive Director of the Illinois Community College Board or his or her designee; and (ix) the Director of Children and Family Services or his or her designee. Representatives of the Office of the Governor and the Office of the State Treasurer shall serve as co-chairpersons of the task force. The Governor shall designate one of the public members to serve as a third co-chairperson.

The Office of the State Treasurer shall be responsible for administrative and logistical support of the task force, including coordination of task force member appointments, distribution of meeting notices and minutes, coordination of meeting logistics, providing a staff liaison to the task force, facilitation of public meetings, and drafting and filing of the final report. Task force members, or the staff liaison, or both may confer and collaborate with relevant State and national organizations with expertise in asset building, financial education, college savings, investing, home ownership, and small business development, including the Illinois Asset Building Group.

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Goals of the program shall include increasing the levels of financial literacy and savings in the State, increasing the number of children in Illinois who own assets and who attend post-secondary education or training, purchase a home, or open a small business. The task force shall consider the following factors in its recommendations for the design of the program:

(1) return on investment, safety of the investment and insurance for the account, ease of managing the account, and ease of making various forms of deposits;

(2) the impact on eligibility for student financial aid, public assistance, and other public benefits, and taxation of the account earnings and distributions;

(3) the provision of financial education to children and families, and access to additional financial services;

(4) restrictions on the withdrawal or distribution prior to the child reaching age 18, portability of the account, and limits on permissible uses of the account;

(5) revenue sources for the initial deposit and any savings match for deposits for children in low-income families;

(6) mechanisms for data collection and tracking; and

(7) all other factors that the task force deems important to the program design.

The task force shall hold at least 4 public meetings at a variety of geographic locations throughout the State at times and places established by the task force. The purpose of the public meetings is to gather information from community residents and institutions, families with children, financial education providers, schools, and local financial services providers. The initial meeting of the task force shall be called by the co-chairs and held no later than 30 days after the task force members are appointed. The activities of the task force shall conclude no later than September 1, 2008.

Section 20. Report and implementation plan. The task force shall make a written report of its findings and recommendations, including a strategic implementation plan for an Illinois children's savings account.
program, as well as make any additional reports deemed necessary and appropriate to the Office of the State Treasurer no later than September 1, 2008. On or before November 1, 2008, the Office of the State Treasurer shall present all reports issued by the task force to the Governor and members of the General Assembly. The reports shall be made available to the public.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0359
(House Bill No. 1756)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 3-600 as follows:

 Sec. 3-600. Requirements for issuance of special plates.
 (a) The Secretary of State shall issue only special plates that have been authorized by the General Assembly. The Secretary of State shall not issue a series of special plates unless applications, as prescribed by the Secretary, have been received for 10,000 plates of that series; except that the Secretary of State may prescribe some other required number of applications if that number is sufficient to pay for the total cost of designing, manufacturing and issuing the special license plate.

(b) The Secretary of State, upon issuing a new series of special license plates, shall notify all law enforcement officials of the design, color and other special features of the special license plate series.
(c) This Section shall not apply to special license plate categories in existence on the effective date of this amendatory Act of 1990, or to the Secretary of State's discretion as established in Section 3-611.
(Source: P.A. 86-1207.)
Effective January 1, 2008.

PUBLIC ACT 95-0360
(House Bill No. 3588)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Code of Criminal Procedure of 1963 is amended by adding Section 115-7.4 as follows:
(725 ILCS 5/115-7.4 new)
Sec. 115-7.4. Evidence in domestic violence cases.
(a) In a criminal prosecution in which the defendant is accused of an offense of domestic violence as defined in paragraphs (1) and (3) of Section 103 of the Illinois Domestic Violence Act of 1986, evidence of the defendant's commission of another offense or offenses of domestic violence is admissible, and may be considered for its bearing on any matter to which it is relevant.
(b) In weighing the probative value of the evidence against undue prejudice to the defendant, the court may consider:
   (1) the proximity in time to the charged or predicate offense;
   (2) the degree of factual similarity to the charged or predicate offense; or
   (3) other relevant facts and circumstances.
(c) In a criminal case in which the prosecution intends to offer evidence under this Section, it must disclose the evidence, including statements of witnesses or a summary of the substance of any testimony, at

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a reasonable time in advance of trial, or during trial if the court excuses pretrial notice on good cause shown.

(d) In a criminal case in which evidence is offered under this Section, proof may be made by specific instances of conduct, testimony as to reputation, or testimony in the form of an expert opinion, except that the prosecution may offer reputation testimony only after the opposing party has offered that testimony.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0361
(House Bill No. 3678)

AN ACT concerning children.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Abused and Neglected Child Reporting Act is amended by adding Section 4.4 as follows:

(325 ILCS 5/4.4 new)

Sec. 4.4. DCFS duty to report to State’s Attorney. Whenever the Department receives, by means of its statewide toll-free telephone number established under Section 7.6 for the purpose of reporting suspected child abuse or neglect or by any other means or from any mandated reporter under Section 4, a report of a newborn infant whose blood, urine, or meconium contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or the newborn infant, the Department must immediately report that information to the State’s Attorney of the county in which the infant was born.

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Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 23 2007.

PUBLIC ACT 95-0362
(Senate Bill No. 0115)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Unified Code of Corrections is amended by changing Section 5-5-3.2 as follows:

(730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)
Sec. 5-5-3.2. Factors in Aggravation.
(a) The following factors shall be accorded weight in favor of imposing a term of imprisonment or may be considered by the court as reasons to impose a more severe sentence under Section 5-8-1:

(1) the defendant's conduct caused or threatened serious harm;

(2) the defendant received compensation for committing the offense;

(3) the defendant has a history of prior delinquency or criminal activity;

(4) the defendant, by the duties of his office or by his position, was obliged to prevent the particular offense committed or to bring the offenders committing it to justice;

(5) the defendant held public office at the time of the offense, and the offense related to the conduct of that office;

(6) the defendant utilized his professional reputation or position in the community to commit the offense, or to afford him an easier means of committing it;

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(7) the sentence is necessary to deter others from committing the same crime;
(8) the defendant committed the offense against a person 60 years of age or older or such person's property;
(9) the defendant committed the offense against a person who is physically handicapped or such person's property;
(10) by reason of another individual's actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin, the defendant committed the offense against (i) the person or property of that individual; (ii) the person or property of a person who has an association with, is married to, or has a friendship with the other individual; or (iii) the person or property of a relative (by blood or marriage) of a person described in clause (i) or (ii). For the purposes of this Section, "sexual orientation" means heterosexuality, homosexuality, or bisexuality;
(11) the offense took place in a place of worship or on the grounds of a place of worship, immediately prior to, during or immediately following worship services. For purposes of this subparagraph, "place of worship" shall mean any church, synagogue or other building, structure or place used primarily for religious worship;
(12) the defendant was convicted of a felony committed while he was released on bail or his own recognizance pending trial for a prior felony and was convicted of such prior felony, or the defendant was convicted of a felony committed while he was serving a period of probation, conditional discharge, or mandatory supervised release under subsection (d) of Section 5-8-1 for a prior felony;
(13) the defendant committed or attempted to commit a felony while he was wearing a bulletproof vest. For the purposes of this paragraph (13), a bulletproof vest is any device which is designed for the purpose of protecting the wearer from bullets, shot or other lethal projectiles;

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(14) the defendant held a position of trust or supervision such as, but not limited to, family member as defined in Section 12-12 of the Criminal Code of 1961, teacher, scout leader, baby sitter, or day care worker, in relation to a victim under 18 years of age, and the defendant committed an offense in violation of Section 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 against that victim;

(15) the defendant committed an offense related to the activities of an organized gang. For the purposes of this factor, "organized gang" has the meaning ascribed to it in Section 10 of the Streetgang Terrorism Omnibus Prevention Act;

(16) the defendant committed an offense in violation of one of the following Sections while in a school, regardless of the time of day or time of year; on any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity; on the real property of a school; or on a public way within 1,000 feet of the real property comprising any school: Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2 of the Criminal Code of 1961;

(16.5) the defendant committed an offense in violation of one of the following Sections while in a day care center, regardless of the time of day or time of year; on the real property of a day care center, regardless of the time of day or time of year; or on a public way within 1,000 feet of the real property comprising any day care center, regardless of the time of day or time of year: Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2 of the Criminal Code of 1961;

(17) the defendant committed the offense by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing

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volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 1961;

(18) the defendant committed the offense in a nursing home or on the real property comprising a nursing home. For the purposes of this paragraph (18), "nursing home" means a skilled nursing or intermediate long term care facility that is subject to license by the Illinois Department of Public Health under the Nursing Home Care Act;

(19) the defendant was a federally licensed firearm dealer and was previously convicted of a violation of subsection (a) of Section 3 of the Firearm Owners Identification Card Act and has now committed either a felony violation of the Firearm Owners Identification Card Act or an act of armed violence while armed with a firearm;

(20) the defendant (i) committed the offense of reckless homicide under Section 9-3 of the Criminal Code of 1961 or the offense of driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof under Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code; or

(21) the defendant (i) committed the offense of reckless driving or aggravated reckless driving under Section 11-503 of the Illinois Vehicle Code and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code; or:

(22) the defendant committed the offense against a person that the defendant knew, or reasonably should have known, was a member of the Armed Forces of the United States serving on active duty. For purposes of this clause (22), the term "Armed Forces" means any of the Armed Forces of the United States, including a

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member of any reserve component thereof or National Guard unit called to active duty.

For the purposes of this Section:

"School" is defined as a public or private elementary or secondary school, community college, college, or university.

"Day care center" means a public or private State certified and licensed day care center as defined in Section 2.09 of the Child Care Act of 1969 that displays a sign in plain view stating that the property is a day care center.

(b) The following factors may be considered by the court as reasons to impose an extended term sentence under Section 5-8-2 upon any offender:

(1) When a defendant is convicted of any felony, after having been previously convicted in Illinois or any other jurisdiction of the same or similar class felony or greater class felony, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or

(2) When a defendant is convicted of any felony and the court finds that the offense was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(3) When a defendant is convicted of voluntary manslaughter, second degree murder, involuntary manslaughter or reckless homicide in which the defendant has been convicted of causing the death of more than one individual; or

(4) When a defendant is convicted of any felony committed against:

   (i) a person under 12 years of age at the time of the offense or such person's property;
   (ii) a person 60 years of age or older at the time of the offense or such person's property; or
   (iii) a person physically handicapped at the time of the offense or such person's property; or

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(5) In the case of a defendant convicted of aggravated criminal sexual assault or criminal sexual assault, when the court finds that aggravated criminal sexual assault or criminal sexual assault was also committed on the same victim by one or more other individuals, and the defendant voluntarily participated in the crime with the knowledge of the participation of the others in the crime, and the commission of the crime was part of a single course of conduct during which there was no substantial change in the nature of the criminal objective; or

(6) When a defendant is convicted of any felony and the offense involved any of the following types of specific misconduct committed as part of a ceremony, rite, initiation, observance, performance, practice or activity of any actual or ostensible religious, fraternal, or social group:
   (i) the brutalizing or torturing of humans or animals;
   (ii) the theft of human corpses;
   (iii) the kidnapping of humans;
   (iv) the desecration of any cemetery, religious, fraternal, business, governmental, educational, or other building or property; or
   (v) ritualized abuse of a child; or

(7) When a defendant is convicted of first degree murder, after having been previously convicted in Illinois of any offense listed under paragraph (c)(2) of Section 5-5-3, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or

(8) When a defendant is convicted of a felony other than conspiracy and the court finds that the felony was committed under an agreement with 2 or more other persons to commit that offense and the defendant, with respect to the other individuals, occupied a position of organizer, supervisor, financier, or any other position of management or leadership, and the court further finds that the

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felony committed was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's leadership in an organized gang; or

(9) When a defendant is convicted of a felony violation of Section 24-1 of the Criminal Code of 1961 and the court finds that the defendant is a member of an organized gang; or

(10) When a defendant committed the offense using a firearm with a laser sight attached to it. For purposes of this paragraph (10), "laser sight" has the meaning ascribed to it in Section 24.6-5 of the Criminal Code of 1961; or

(11) When a defendant who was at least 17 years of age at the time of the commission of the offense is convicted of a felony and has been previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a Class X or Class 1 felony when the conviction has occurred within 10 years after the previous adjudication, excluding time spent in custody; or

(12) When a defendant commits an offense involving the illegal manufacture of a controlled substance under Section 401 of the Illinois Controlled Substances Act, the illegal manufacture of methamphetamine under Section 25 of the Methamphetamine Control and Community Protection Act, or the illegal possession of explosives and an emergency response officer in the performance of his or her duties is killed or injured at the scene of the offense while responding to the emergency caused by the commission of the offense. In this paragraph (12), "emergency" means a situation in which a person's life, health, or safety is in jeopardy; and "emergency response officer" means a peace officer, community policing volunteer, fireman, emergency medical technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, other medical assistance or first aid personnel, or hospital emergency room personnel; or

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(13) When a defendant commits any felony and the defendant used, possessed, exercised control over, or otherwise directed an animal to assault a law enforcement officer engaged in the execution of his or her official duties or in furtherance of the criminal activities of an organized gang in which the defendant is engaged.

(b-1) For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of aggravated criminal sexual assault or predatory criminal sexual assault of a child under subsection (a)(1) of Section 12-14.1 of the Criminal Code of 1961 where the victim was under 18 years of age at the time of the commission of the offense.

(d) The court may impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of unlawful use of weapons under Section 24-1 of the Criminal Code of 1961 for possessing a weapon that is not readily distinguishable as one of the weapons enumerated in Section 24-1 of the Criminal Code of 1961.

(Source: P.A. 94-131, eff. 7-7-05; 94-375, eff. 1-1-06; 94-556, eff. 9-11-05; 94-819, eff. 5-31-06.)

Effective January 1, 2008.

PUBLIC ACT 95-0363
(Senate Bill No. 0122)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 14-1.10 as follows:

(105 ILCS 5/14-1.10) (from Ch. 122, par. 14-1.10)

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Sec. 14-1.10. Professional worker. "Professional worker" means a trained specialist, and is limited to speech correctionist, school social worker, *school counselor*, school psychologist, psychologist intern, school nurse intern, school social worker intern, *school counselor intern*, certificated school nurse, special administrator intern, registered therapist, professional consultant, special administrator or supervisor giving full time to special education, behavior analyst, and teacher of any class or program defined in this Article who meets the requirements of this Article, who has the required special training in the understandings, techniques, and special methods of instruction for children who because of their disabling conditions are placed in any program provided for in this Article, and who works in such program.
(Source: P.A. 94-948, eff. 1-1-07.)

Section 99. Effective date. This Act takes effect upon becoming law.

"County" means Madison, St. Clair, Monroe, Clinton, or Jersey, or Macoupin County.

"District" or "Metro-East District" means the Metro-East Park and Recreation District created under this Act.

"Governing body" means a county board.

"Metro-East Park and Recreation Fund" means the fund held by the District that is the repository for all taxes and other moneys raised by or for the District under this Act.

"Metro-East region" means Madison, St. Clair, Monroe, Clinton, Macoupin, and Jersey Counties.

"Park district" means a park district organized under the Park District Code.

(Source: P.A. 91-103, eff. 7-13-99.)

(70 ILCS 1605/10)

Sec. 10. Creation of Metro-East Park and Recreation District.

(a) The Metro-East Park and Recreation District may be created, incorporated, and managed under this Section and may exercise the powers given to the District under this Act. Any county may be included in the Metro-East District if the voters in the county or counties to be included in the District vote to be included in the District. Any recreation system or public park system that exists within the Metro-East District created under this Section shall remain in existence with the same powers and responsibilities it had prior to the creation of the Metro-East District. Nothing in this Section shall be construed in any manner to limit or prohibit:

(1) later establishment or cessation of any park or recreation system provided for by law; or
(2) any powers and responsibilities of any park or recreation system provided for by law.

(b) When the Metro-East District is organized, it shall be a body corporate and a political subdivision of this State, and the District shall be known as the "Metro-East Park and Recreation District", and in that name may sue and be sued, issue general revenue bonds, and impose and collect taxes or fees under this Act.
(c) The Metro-East District shall have as its primary duty the development, operation, and maintenance of a public system of interconnecting trails and parks throughout the counties comprising the District. The Metro-East District shall supplement but shall not substitute for the powers and responsibilities of the other parks and recreation systems within the Metro-East District and shall have the power to contract with the State of Illinois, the United States government, and other parks and recreation systems as well as with the departments or agencies of any of those governmental bodies and with other public and private entities.

(d) All counties and communities comprising the Metro-East Park and Recreation District shall make available upon written request from the District, at no cost to the District, any and all technical information and data necessary for the implementation of the District’s goals.

(70 ILCS 1605/20) Sec. 20. Board of directors.

(a) If the Metro-East District is created by only one county, the District shall be managed by a board of directors consisting of 3 members. Two members shall be appointed by the chief executive officer, with the advice and consent of the county board, of the county in which the District is located, and one member shall be appointed by the minority members of the county board with the advice and consent of the county board. The first appointment shall be made within 90 days and not sooner than 60 days after the District has been organized. Each member of the board so appointed shall be a legal voter in the District. The first directors shall be appointed to hold office for terms of one, 2, and 3 years, and until June 30 thereafter, respectively, as determined by lot. Thereafter, successors shall be appointed in the same manner no later than the first day of the month in which the term of a director expires. All terms expire if another county joins the District.

A vacancy occurring otherwise than by expiration of term shall be filled in the same manner as the original appointment.

(b) If the Metro-East District is created by more than one county, each county that elects to join the District shall be represented by a certain

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number of board members. The board members shall be distributed from the counties electing to join the District as follows:

(1) The chief executive officer, with the advice and consent of the county board, of St. Clair county shall appoint 2 members and the minority members of the county board, with the advice and consent of the county board, shall appoint one member.

(2) The chief executive officer, with the advice and consent of the county board, of Madison County shall appoint 2 members and the minority members of the county board, with the advice and consent of the county board, shall appoint one member.

(3) The chief executive officer, with the advice and consent of the county board, of Clinton County shall appoint one member.

(4) The chief executive officer, with the advice and consent of the county board, of Jersey County shall appoint one member.

(5) The chief executive officer, with the advice and consent of the county board, of Monroe County shall appoint one member.

(6) The chief executive officer, with the advice and consent of the county board, of Macoupin County shall appoint one member.

The board members shall serve 3-year terms, except that board members first appointed shall be appointed to serve terms of one, 2, or 3 years as determined by lot, provided that board members from counties eligible to appoint more than one member may not serve identical initial terms. On the expiration of the initial terms of appointment and on the expiration of any subsequent term, the resulting vacancy shall be filled in the same manner as the original appointment. Board members shall serve until their successors are appointed. Board members are eligible for reappointment.

(c) No board member may hold a public office in any county within the Metro-East District, other than the office of notary public. Board members must be citizens of the United States and they must reside within the county from which they are appointed. No board member may receive compensation for performance of duties as a board member. No
board member may be financially interested directly or indirectly in any contract entered into under this Act.

(d) Promptly after their appointment, the initial board members shall hold an organizational meeting at which they shall elect a president and any other officers that they deem necessary from among their number. The members shall make and adopt any bylaws, rules, and regulations for their guidance and for the government of the parks, neighborhood trails, and recreational grounds and facilities that may be expedient and not inconsistent with this Act.

(e) Board members shall have the exclusive control of the expenditures of all money collected to the credit of the Metro-East Park and Recreation Fund created pursuant to Section 35, and of the supervision, improvement, care, and custody of public parks, neighborhood trails, recreational facilities, and grounds owned, maintained, or managed by the Metro-East District. All moneys received for those purposes shall be deposited in the Metro-East Park and Recreation Fund. The board shall have power to purchase or otherwise secure ground to be used for parks, neighborhood trails, recreational facilities, and grounds; shall have power to appoint suitable persons to maintain the parks, neighborhood trails, recreational grounds, and facilities and to administer recreational programs and to fix their compensation; and shall have power to remove those appointees. The board shall keep accurate records of all its proceedings and actions and shall comply with the provisions of the Open Meetings Act and the Freedom of Information Act.

(Source: P.A. 91-103, eff. 7-13-99.)

Section 99. Effective date. This Act takes effect upon becoming law.


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AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Airport Authorities Act is amended by changing Section 3 and by adding Sections 2.7.1 and 2.7.2 as follows:

(70 ILCS 5/2.7.1 new)

Sec. 2.7.1. Greater Metropolitan Airport Authority.

(a) The Greater Metropolitan Airport Authority is hereby established, the territory of which shall include all of the territory within the corporate limits of Peoria County. Within 30 days after the initial appointments have been made under subsection (c) of this Section, the Authority board shall notify the office of the Secretary of State of the establishment of the Greater Metropolitan Airport Authority, and the Secretary of State shall issue a certificate of incorporation to the Authority. Upon the issuance of a certificate of incorporation, the Greater Metropolitan Airport Authority shall be deemed an organized airport authority under this Act.

(b) If all of the airport facilities of an existing Airport Authority are situated within Peoria County on the effective date of this amendatory Act of the 95th General Assembly, that existing Airport Authority shall be dissolved upon the establishment of the Greater Metropolitan Airport Authority. In such event, the rights to all property, assets, and liabilities, including bonded indebtedness, of the existing Airport Authority shall be assumed by the Greater Metropolitan Airport Authority.

(c) The Board of Commissioners of the Greater Metropolitan Airport Authority shall consist of 9 commissioners who shall reside within its corporate limits, and who shall be appointed as follows:

(1) The Board of Commissioners of an existing Airport Authority referenced in subsection (b) of this Section shall, upon the establishment of the Greater Metropolitan Airport Authority, be reappointed by their respective appointing authorities to serve

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their remaining terms of office. Successor appointments to the existing board members shall be made by the original appointing authority.

(2) Within 20 days after the effective date of this amendatory Act of the 95th General Assembly, one additional commissioner shall be appointed by each mayor, with the advice and consent of the governing body, of a municipality located wholly within the territory of the Greater Metropolitan Airport Authority that has a population of more than 5,000. No appointment shall be made under this subpart by an appointing authority who is entitled to make an appointment under subpart (1) of this subsection.

(3) The members of the General Assembly whose legislative districts encompass any part of the Greater Metropolitan Airport Authority shall appoint any additional commissioners necessary to create a Board of Commissioners consisting of 9 commissioners.

(4) Of the commissioners appointed under subparts (2) and (3) of this subsection, one commissioner shall be appointed for a 3-year term, one commissioner shall be appointed for a 4-year term, and one commissioner shall be appointed for a 5-year term. Initial terms shall be determined by lot. Any successor to a commissioner appointed under subpart (2) or (3) of this subsection shall be appointed for a 5-year term.

(70 ILCS 5/2.7.2 new)
Sec. 2.7.2. Crawford County Airport Authority.

(a) The Crawford County Airport Authority is hereby established, the territory of which shall include all of the territory within the corporate limits of Crawford County. Within 30 days after the initial appointments have been made under subsection (c) of this Section, the Authority board shall notify the office of the Secretary of State of the establishment of the Crawford County Airport Authority, and the Secretary of State shall issue a certificate of incorporation to the Authority. Upon the issuance of a certificate of incorporation, the Crawford County Airport Authority shall be deemed an organized airport authority under this Act.

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(b) If all of the airport facilities of an existing airport authority are situated within Crawford County on the effective date of this amendatory Act of the 95th General Assembly, that existing airport authority shall be dissolved upon the establishment of the Crawford County Airport Authority. In such event, the rights to all property, assets, and liabilities, including bonded indebtedness, of the existing airport authority shall be assumed by the Crawford County Airport Authority.

(c) The Board of Commissioners of the Crawford County Airport Authority shall consist of 7 commissioners who shall reside within its corporate limits, and who shall be appointed as follows:

1. Four commissioners shall be appointed by the county chairman of Crawford County. Of the commissioners appointed under this item, one commissioner shall be appointed for a 3-year term, one commissioner shall be appointed for a 4-year term, and 2 commissioners shall be appointed for 5-year terms, as determined by lot. Their successors shall be appointed for 5-year terms.

2. Three commissioners shall be appointed by the mayor of the City of Robinson. Of the commissioners appointed under this item, one commissioner shall be appointed for a 3-year term, one commissioner shall be appointed for a 4-year term, and one commissioner shall be appointed for a 5-year term, as determined by lot. Their successors shall be appointed for 5-year terms.

(70 ILCS 5/3) (from Ch. 15 1/2, par. 68.3)
Sec. 3. Boards of commissioners. Every authority established under this Act shall be governed by a board of commissioners. For authorities other than Metropolitan Airport Authorities, the Greater Metropolitan Airport Authority, and the Crawford County Airport Authority, in the order finding the results of the election to be favorable to the establishment of the authority, the circuit court shall determine the population of the authority and the population of each municipality within the authority having 5,000 or more inhabitants according to the last census.
(Source: P.A. 84-1473.)

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AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Hospital District Law is amended by adding Section 21.3 as follows:

(70 ILCS 910/21.3 new)
Sec. 21.3. Lines of credit.
(a) A hospital district may enter into a line of credit secured by and payable from one or more of these sources: property taxes, unencumbered accounts receivable, or other revenues, in an amount not to exceed the greater of the following amounts if the source is pledged: (i) 85% of the amount of property taxes most recently levied, (ii) 85% of unencumbered accounts receivable of the district (in substantially the manner set forth in Section 21.1 of this Act), (iii) 85% of other revenues (in substantially the manner set forth in Section 21.2 of this Act), or (iv) 85% of amounts unpaid under third-party reimbursement or payment programs (including but not limited to State or federal Medicare or Medicaid payments or programs). All moneys so borrowed shall be repaid within 24 months.

(b) Before establishing a line of credit under this Section, the hospital district shall authorize the line of credit by ordinance. The ordinance shall set forth facts demonstrating the need for the line of credit, state the amount to be borrowed, establish a maximum interest rate limit not to exceed the maximum rate authorized by the Bond Authorization Act, and provide a date by which the borrowed funds shall be repaid. The ordinance shall authorize and direct the relevant officials to make arrangements to set apart and hold, as applicable, the moneys that will be used to repay the borrowing. In addition, the ordinance may authorize the relevant officials to make partial repayments on the line of credit.
credit as the moneys become available and may contain any other terms, restrictions, or limitations desirable or necessary to give effect to this Section 21.3.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0367
(Senate Bill No. 0305)

AN ACT concerning finance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Funds Statement Publication Act is amended by changing Section 3a as follows:

(30 ILCS 15/3a) (from Ch. 102, par. 7a)
Sec. 3a. In counties having a population of less than 500,000, if any such public officer in the discharge of his or her official duties, receives all or any part of his funds from the county collector, the county treasurer, or the township collector, and if the county treasurer determines, by reviewing documents filed with the county clerk under Section 3 of this Act, that the public officer has failed to comply with Section 2 of this Act, then the county treasurer shall withhold the payment to that public official of any and all funds until the public official has complied with Section 2 of this Act he shall in addition to the duties already imposed by this Act, file with each such officer from whom funds are received, a copy of such published statement or audit accompanied by a certificate showing the date of publication and signed by the publisher of the newspaper in which such publication is made. Unless such certificate and copy of the published statement or audit are filed with the county collector, the county treasurer or the township collector, as the case may require, within 6 months after the expiration of each fiscal year, the county collector, the county treasurer

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or the township collector, or each of them as the case may be, shall withhold payment to such public official of any and all funds until receipt of the certificate and copy of the published statement or audit.

(Source: P.A. 85-161.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0368
(Senate Bill No. 0368)

AN ACT concerning business.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Business Corporation Act of 1983 is amended by changing Section 1.80 and by adding Section 1.11 as follows:

(805 ILCS 5/1.11 new)

Sec. 1.11. Electronic filing. Documents or reports transmitted for filing electronically must include the name of the person making the submission. The inclusion shall constitute the affirmation or acknowledgment of the person, under penalties of perjury, that the instrument is his or her act and deed or the act and deed of the corporation, as the case may be, and that the facts stated therein are true. Compliance with this Section shall satisfy the signature provisions of Section 1.10 of this Act, which shall otherwise apply.

(805 ILCS 5/1.80) (from Ch. 32, par. 1.80)

Sec. 1.80. Definitions. As used in this Act, unless the context otherwise requires, the words and phrases defined in this Section shall have the meanings set forth herein.

(a) "Corporation" or "domestic corporation" means a corporation subject to the provisions of this Act, except a foreign corporation.
(b) "Foreign corporation" means a corporation for profit organized under laws other than the laws of this State, but shall not include a banking corporation organized under the laws of another state or of the United States, a foreign banking corporation organized under the laws of a country other than the United States and holding a certificate of authority from the Commissioner of Banks and Real Estate issued pursuant to the Foreign Banking Office Act, or a banking corporation holding a license from the Commissioner of Banks and Real Estate issued pursuant to the Foreign Bank Representative Office Act.

(c) "Articles of incorporation" means the original articles of incorporation, including the articles of incorporation of a new corporation set forth in the articles of consolidation, and all amendments thereto, whether evidenced by articles of amendment, articles of merger, articles of exchange, statement of correction affecting articles, resolution establishing series of shares or a statement of cancellation under Section 9.05. Restated articles of incorporation shall supersede the original articles of incorporation and all amendments thereto prior to the effective date of filing the articles of amendment incorporating the restated articles of incorporation.

(d) "Subscriber" means one who subscribes for shares in a corporation, whether before or after incorporation.

(e) "Incorporator" means one of the signers of the original articles of incorporation.

(f) "Shares" means the units into which the proprietary interests in a corporation are divided.

(g) "Shareholder" means one who is a holder of record of shares in a corporation.

(h) "Certificate" representing shares means a written instrument executed by the proper corporate officers, as required by Section 6.35 of this Act, evidencing the fact that the person therein named is the holder of record of the share or shares therein described. If the corporation is authorized to issue uncertificated shares in accordance with Section 6.35 of this Act, any reference in this Act to shares represented by a certificate shall also refer to uncertificated shares and any reference to a certificate

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representing shares shall also refer to the written notice in lieu of a certificate provided for in Section 6.35.

(i) "Authorized shares" means the aggregate number of shares of all classes which the corporation is authorized to issue.

(j) "Paid-in capital" means the sum of the cash and other consideration received, less expenses, including commissions, paid or incurred by the corporation, in connection with the issuance of shares, plus any cash and other consideration contributed to the corporation by or on behalf of its shareholders, plus amounts added or transferred to paid-in capital by action of the board of directors or shareholders pursuant to a share dividend, share split, or otherwise, minus reductions as provided elsewhere in this Act. Irrespective of the manner of designation thereof by the laws under which a foreign corporation is or may be organized, paid-in capital of a foreign corporation shall be determined on the same basis and in the same manner as paid-in capital of a domestic corporation, for the purpose of computing license fees, franchise taxes and other charges imposed by this Act.

(k) "Net assets", for the purpose of determining the right of a corporation to purchase its own shares and of determining the right of a corporation to declare and pay dividends and make other distributions to shareholders is equal to the difference between the assets of the corporation and the liabilities of the corporation.

(l) "Registered office" means that office maintained by the corporation in this State, the address of which is on file in the office of the Secretary of State, at which any process, notice or demand required or permitted by law may be served upon the registered agent of the corporation.

(m) "Insolvent" means that a corporation is unable to pay its debts as they become due in the usual course of its business.

(n) "Anniversary" means that day each year exactly one or more years after:

(1) the date of filing the articles of incorporation prescribed by Section 2.10 of this Act, in the case of a domestic corporation;

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(2) the date of filing the application for authority prescribed by Section 13.15 of this Act, in the case of a foreign corporation; or
(3) the date of filing the articles of consolidation prescribed by Section 11.25 of this Act in the case of a consolidation, unless the plan of consolidation provides for a delayed effective date, pursuant to Section 11.40.

(o) "Anniversary month" means the month in which the anniversary of the corporation occurs.

(p) "Extended filing month" means the month (if any) which shall have been established in lieu of the corporation's anniversary month in accordance with Section 14.01.

(q) "Taxable year" means that 12 month period commencing with the first day of the anniversary month of a corporation through the last day of the month immediately preceding the next occurrence of the anniversary month of the corporation, except that in the case of a corporation that has established an extended filing month "taxable year" means that 12 month period commencing with the first day of the extended filing month through the last day of the month immediately preceding the next occurrence of the extended filing month.

(r) "Fiscal year" means the 12 month period with respect to which a corporation ordinarily files its federal income tax return.

(s) "Close corporation" means a corporation organized under or electing to be subject to Article 2A of this Act, the articles of incorporation of which contain the provisions required by Section 2.10, and either the corporation's articles of incorporation or an agreement entered into by all of its shareholders provide that all of the issued shares of each class shall be subject to one or more of the restrictions on transfer set forth in Section 6.55 of this Act.

(t) "Common shares" means shares which have no preference over any other shares with respect to distribution of assets on liquidation or with respect to payment of dividends.

(u) "Delivered", for the purpose of determining if any notice required by this Act is effective, means:

(1) transferred or presented to someone in person; or

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(2) deposited in the United States Mail addressed to the person at his, her or its address as it appears on the records of the corporation, with sufficient first-class postage prepaid thereon.

(v) "Property" means gross assets including, without limitation, all real, personal, tangible, and intangible property.

(w) "Taxable period" means that 12-month period commencing with the first day of the second month preceding the corporation's anniversary month in the preceding year and prior to the first day of the second month immediately preceding its anniversary month in the current year, except that, in the case of a corporation that has established an extended filing month, "taxable period" means that 12-month period ending with the last day of its fiscal year immediately preceding the extended filing month. In the case of a newly formed domestic corporation or a newly registered foreign corporation that had not commenced transacting business in this State prior to obtaining authority, "taxable period" means that period commencing with the filing of the articles of incorporation or, in the case of a foreign corporation, of filing of the application for authority, and prior to the first day of the second month immediately preceding its anniversary month in the next succeeding year.

(x) "Treasury shares" mean (1) shares of a corporation that have been issued, have been subsequently acquired by and belong to the corporation, and have not been cancelled or restored to the status of authorized but unissued shares and (2) shares (i) declared and paid as a share dividend on the shares referred to in clause (1) or this clause (2), or (ii) issued in a share split of the shares referred to in clause (1) or this clause (2). Treasury shares shall be deemed to be "issued" shares but not "outstanding" shares. Treasury shares may not be voted, directly or indirectly, at any meeting or otherwise. Shares converted into or exchanged for other shares of the corporation shall not be deemed to be treasury shares.

(y) "Gross amount of business" means gross receipts, from whatever source derived.

(Source: P.A. 92-33, eff. 7-1-01.)
Section 10. The Professional Service Corporation Act is amended by changing Section 5 as follows:

(805 ILCS 10/5) (from Ch. 32, par. 415-5)

Sec. 5. A professional corporation organized under this Act may consolidate or merge only with another domestic professional corporation organized under this Act to render the same specific professional service or related professional services or with a domestic limited liability company organized under the Limited Liability Company Act to render the same specific professional service or related professional services and a merger or consolidation with any foreign corporation or foreign limited liability company is prohibited. A professional association organized under the "Act to Authorize Professional Associations", approved August 9, 1961, as amended, may merge with a professional corporation formed under this Act by complying with Section 4 of this Act.

(Source: P.A. 78-783.)

Section 15. The General Not For Profit Corporation Act of 1986 is amended by changing Section 108.05 and by adding Section 101.11 as follows:

(805 ILCS 105/101.11 new)

Sec. 101.11. Electronic filing. Documents or reports submitted for filing electronically must include the name of the person making the submission. The inclusion shall constitute the affirmation or acknowledgement of the person, under penalties of perjury, that the instrument is his or her act and deed or the act and deed of the corporation, as the case may be, and that the facts stated therein are true. Compliance with this Section shall satisfy the signature provisions of Section 101.10 of this Act, which shall otherwise apply.

(805 ILCS 105/108.05) (from Ch. 32, par. 108.05)

Sec. 108.05. Board of directors.

(a) Each corporation shall have a board of directors, and except as provided in articles of incorporation or the bylaws, the affairs of the corporation shall be managed by or under the direction of the board of directors.

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(b) The articles of incorporation or bylaws may prescribe qualifications for directors. A director need not be a resident of this State or a member of the corporation unless the articles of incorporation or bylaws so prescribe. The articles of incorporation or the bylaws may prescribe other qualifications for directors.

(c) Unless otherwise provided in the articles of incorporation or bylaws, the board of directors, by the affirmative vote of a majority of the directors then in office, shall have authority to establish reasonable compensation of all directors for services to the corporation as directors, officers or otherwise, notwithstanding the provisions of Section 108.60 of this Act.

(d) No director may act by proxy on any matter.

(Source: P.A. 87-854.)

Section 20. The Limited Liability Company Act is amended by changing Sections 5-25, 5-47, and 37-40 and by adding Section 5-46 as follows:

(805 ILCS 180/5-25)
Sec. 5-25. Articles of amendment. The articles of amendment shall be executed and filed in duplicate and shall set forth the following:

(1) The name of the limited liability company.
(2) The text of each amendment adopted.
(3) A statement that the amendment was approved as required by the operating agreement or this Act, as applicable. When the amendment was adopted by the managers:
   (A) a statement that the amendment was approved by not less than the minimum number of managers necessary to approve the amendment; and
   (B) a statement that member action was not required.
(4) (Blank.) When the amendment was adopted by the members, a statement that the amendment was approved by not less than the minimum number of members necessary to approve the amendment.
(5) The date on which the amendment is to become effective, if the amendment is to become effective after the date on which the articles of
amendment are filed. *The date shall not exceed 30 days after the date of filing by the Secretary of State.*
(Source: P.A. 90-424, eff. 1-1-98.)
(805 ILCS 180/5-46 new)

Sec. 5-46. Electronic filing. Documents or reports transmitted for filing electronically must include the name of the person making the submission. The inclusion shall constitute the affirmation or acknowledgement of the person, under penalties of perjury, that the instrument is his or her act and deed or the act and deed of the limited liability company, as the case may be, and that the facts stated therein are true. Compliance with this Section shall satisfy the signature provisions of Section 5-45 of this Act, which shall otherwise apply.
(805 ILCS 180/5-47)

Sec. 5-47. Statement of correction.
(a) Whenever any instrument authorized to be filed with the Secretary of State under any provision of this Act has been so filed and, as of the date of the action therein referred to, contains any misstatement of fact, typographical error, error of transcription, or any other error or defect or was defectively or erroneously executed, such instrument may be corrected by filing, in accordance with Section 5-45 of this Act, a statement of correction.
(b) A statement of correction shall set forth the following:
   (1) The name of the limited liability company and the state or country under the laws of which it is organized.
   (2) The title of the instrument being corrected and the date it was filed by the Secretary of State.
   (3) The inaccuracy, error, or defect to be corrected and the portion of the instrument in corrected form.
(c) A statement of correction shall be executed in the same manner in which the instrument being corrected was required to be executed.
(d) The corrected instrument shall be effective as of the date the original instrument was filed.
(e) A statement of correction shall not do any of the following:

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(1) Effect any change or amendment of articles which would not in all respects have complied with the requirements of this Act at the time of filing the instrument being corrected.

(2) Take the place of any document, statement, or report otherwise required to be filed by this Act.

(3) Affect any right or liability accrued or incurred before such filing, except that any right or liability accrued or incurred by reason of the error or defect being corrected shall be extinguished by such filing if the person having such right has not detrimentally relied on the original instrument.

(4) Alter the provisions of the articles of organization with respect to the limited liability company name, or purpose, ability to establish series, or and the names and addresses of the organizers, initial manager or managers, and initial member or members.

(5) Alter the provisions of the application for admission to transact business as a foreign limited liability company with respect to the limited liability name or ability to establish series.

(6) Alter the provisions of the application to adopt or change an assumed limited liability company name with respect to the assumed limited liability company name.

(7) Alter the wording of any resolution as filed in any document with the Secretary of State and which was in fact adopted by the members or managers.

(Source: P.A. 93-59, eff. 7-1-03.)

(805 ILCS 180/37-40)

Sec. 37-40. Series of members, managers or limited liability company interests.

(a) An operating agreement may establish or provide for the establishment of designated series of members, managers or limited liability company interests having separate rights, powers or duties with respect to specified property or obligations of the limited liability company or profits and losses associated with specified property or obligations, and to the extent provided in the operating agreement, any such series may have a separate business purpose or investment objective.

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(b) Notwithstanding anything to the contrary set forth in this Section or under other applicable law, in the event that an operating agreement creates one or more series, and if separate and distinct records are maintained for any such series and the assets associated with any such series are held (directly or indirectly, including through a nominee or otherwise) and accounted for separately from the other assets of the limited liability company, or any other series thereof, and if the operating agreement so provides, and notice of the limitation on liabilities of a series as referenced in this subsection is set forth in the articles of organization of the limited liability company and if the limited liability company has filed a certificate of designation for each series which is to have limited liability under this Section, then the debts, liabilities and obligations incurred, contracted for or otherwise existing with respect to a particular series shall be enforceable against the assets of such series only, and not against the assets of the limited liability company generally or any other series thereof, and unless otherwise provided in the operating agreement, none of the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to the limited liability company generally or any other series thereof shall be enforceable against the assets of such series. The fact that the articles of organization contain the foregoing notice of the limitation on liabilities of a series and a certificate of designation for a series is on file in the Office of the Secretary of State shall constitute notice of such limitation on liabilities of a series. A series with limited liability shall be treated as a separate entity to the extent set forth in the articles of organization. Each series with limited liability may, in its own name, contract, hold title to assets, grant security interests, sue and be sued and otherwise conduct business and exercise the powers of a limited liability company under this Act. The limited liability company and any of its series may elect to consolidate their operations as a single taxpayer to the extent permitted under applicable law, elect to work cooperatively, elect to contract jointly or elect to be treated as a single business for purposes of qualification to do business in this or any other state. Such elections shall not affect the limitation of liability set forth in
this Section except to the extent that the series have specifically accepted joint liability by contract.

(c) Except in the case of a foreign limited liability company that has adopted an assumed name pursuant to Section 45-15, the name of the series with limited liability must contain the entire name of the limited liability company and be distinguishable from the names of the other series set forth in the articles of organization. In the case of a foreign limited liability company that has adopted an assumed name pursuant to Section 45-15, the name of the series with limited liability must contain the entire name under which the foreign limited liability company has been admitted to transact business in this State.

(d) Upon the filing of the certificate of designation with the Secretary of State setting forth the name of each series with limited liability, the series' existence shall begin, and each of the duplicate copies stamped "Filed" and marked with the filing date shall be conclusive evidence, except as against the State, that all conditions precedent required to be performed have been complied with and that the series has been or shall be, on a later date if so specified in the articles of organization or certificate of designation, legally organized and formed under this Act. If different from the limited liability company, the certificate of designation for each series shall list the names of the members if the series is member managed or the names of the managers if the series is manager managed.

The name of a series with limited liability under subsection (b) of this Section may be changed by filing with the Secretary of State a certificate of designation identifying the series whose name is being changed and the new name of such series. If not the same as the limited liability company, the names of the members of a member managed series or of the managers of a manager managed series may be changed by filing a new certificate of designation with the Secretary of State. A series with limited liability under subsection (b) of this Section may be dissolved by filing with the Secretary of State a certificate of designation identifying the series being dissolved or by the dissolution of the limited liability company as provided in subsection (m) of this Section. Certificates of designation may be executed filed by the limited liability company or any manager, person or

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entity designated in the operating agreement for the limited liability company.

(e) A series of a limited liability company will be deemed to be in good standing as long as the limited liability company is in good standing.

(f) The registered agent and registered office for the limited liability company in Illinois shall serve as the agent and office for service of process in Illinois for each series.

(g) An operating agreement may provide for classes or groups of members or managers associated with a series having such relative rights, powers and duties as the operating agreement may provide, and may make provision for the future creation of additional classes or groups of members or managers associated with the series having such relative rights, powers and duties as may from time to time be established, including rights, powers and duties senior to existing classes and groups of members or managers associated with the series.

(h) A series may be managed by either the member or members associated with the series or by a manager or managers chosen by the members of such series, as provided in the operating agreement. Unless otherwise provided in an operating agreement, the management of a series shall be vested in the members associated with such series.

(i) An operating agreement may grant to all or certain identified members or managers or a specified class or group of the members or managers associated with a series the right to vote separately or with all or any class or group of the members or managers associated with the series, on any matter. An operating agreement may provide that any member or class or group of members associated with a series shall have no voting rights.

(j) Except to the extent modified in this Section, the provisions of this Act which are generally applicable to limited liability companies, their managers, members and transferees shall be applicable to each particular series with respect to the operation of such series.

(k) Except as otherwise provided in an operating agreement, any event under this Act or in an operating agreement that causes a manager to cease to be a manager with respect to a series shall not, in itself, cause

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such manager to cease to be a manager of the limited liability company or with respect to any other series thereof.

(l) Except as otherwise provided in an operating agreement, any event under this Act or an operating agreement that causes a member to cease to be associated with a series shall not, in itself, cause such member to cease to be associated with any other series or terminate the continued membership of a member in the limited liability company or cause the termination of the series, regardless of whether such member was the last remaining member associated with such series.

(m) Except to the extent otherwise provided in the operating agreement, a series may be dissolved and its affairs wound up without causing the dissolution of the limited liability company. The dissolution of a series established in accordance with subsection (b) of this Section shall not affect the limitation on liabilities of such series provided by subsection (b) of this Section. A series is terminated and its affairs shall be wound up upon the dissolution of the limited liability company under Article Section 35 of this Act.

(n) If a limited liability company with the ability to establish a series does not register to do business in a foreign jurisdiction for itself and certain of its series, a series of a limited liability company may itself register to do business as a limited liability company in the foreign jurisdiction in accordance with the laws of the foreign jurisdiction.

(o) If a foreign limited liability company, as permitted in the jurisdiction of its organization, has established a series having separate rights, powers or duties and has limited the liabilities of such series so that the debts, liabilities and obligations incurred, contracted for or otherwise existing with respect to a particular series are enforceable against the assets of such series only, and not against the assets of the limited liability company generally or any other series thereof, or so that the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to the limited liability company generally or any other series thereof are not enforceable against the assets of such series, then the limited liability company, on behalf of itself or any of its series, or any of its series on their own behalf may register to do business in the

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State in accordance with Section 45-5 of this Act. The limitation of liability shall be so stated on the application for admission as a foreign limited liability company and a certificate of designation shall be filed for each series being registered to do business in the State by the limited liability company. Unless otherwise provided in the operating agreement, the debts, liabilities and obligations incurred, contracted for or otherwise existing with respect to a particular series of such a foreign limited liability company shall be enforceable against the assets of such series only, and not against the assets of the foreign limited liability company generally or any other series thereof and none of the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to such a foreign limited liability company generally or any other series thereof shall be enforceable against the assets of such series.

(Source: P.A. 94-607, eff. 8-16-05.)

Section 25. The Uniform Partnership Act (1997) is amended by changing Sections 101, 1003, 1103, and 1104 and by adding Section 1208 as follows:

(805 ILCS 206/101)
Sec. 101. Definitions. In this Act:
(a) "Business" includes every trade, occupation, and profession.
(b) "Debtor in bankruptcy" means a person who is the subject of:
   (1) an order for relief under Title 11 of the United States Code or a comparable order under a successor statute of general application; or
   (2) a comparable order under federal, state, or foreign law governing insolvency.
(c) "Distribution" means a transfer of money or other property from a partnership to a partner in the partner's capacity as a partner or to the partner's transferee.
(d) "Foreign limited liability partnership" means a partnership that:
   (1) is formed under laws other than the laws of this State; and
   (2) has the status of a limited liability partnership under those laws.

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(e) "Limited liability partnership" means a partnership that has filed a statement of qualification under Section 1001 and does not have a similar statement in effect in any other jurisdiction.

(f) "Partnership" means an association of 2 or more persons to carry on as co-owners a business for profit formed under Section 202 of this Act, predecessor law, or comparable law of another jurisdiction.

(g) "Partnership agreement" means the agreement, whether written, oral, or implied, among the partners concerning the partnership, including amendments to the partnership agreement.

(h) "Partnership at will" means a partnership in which the partners have not agreed to remain partners until the expiration of a definite term or the completion of a particular undertaking.

(i) "Partnership interest" or "partner's interest in the partnership" means all of a partner's interests in the partnership, including the partner's transferable interest and all management and other rights.

(j) "Person" means an individual, corporation, limited liability company, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(k) "Property" means all property, real, personal, or mixed, tangible or intangible, or any interest therein.

(l) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States.

(m) "Statement" means a statement of partnership authority under Section 303 of this Act, a statement of denial under Section 304, a statement of dissolution under Section 704, a statement of dissolution under Section 805, a statement of merger under Section 907 or 908, a statement of qualification under Section 1001, a statement of withdrawal under Section 1001 or 1102, a statement of foreign qualification under Section 1102, or an amendment or cancellation of any of the foregoing.

(n) "Transfer" includes an assignment, conveyance, lease, mortgage, deed, and encumbrance.

(Source: P.A. 92-740, eff. 1-1-03.)
Sec. 1003. Renewal statements.
(a) A limited liability partnership, and a foreign limited liability partnership authorized to transact business in this State, shall file a renewal statement in the Office of the Secretary of State which contains:

1. the name of the partnership;
2. the street address of the partnership's chief executive office and, if different, the street address of an office in this State, if any;
3. the name and street address of the partnership's agent for service of process;
4. if the partnership is a domestic limited liability partnership, the number of partners in the limited liability partnership;
5. a brief statement of the business in which the partnership engages; and
6. if the partnership is a foreign limited liability partnership, a current certificate of status in good standing as a registered limited liability partnership under the laws of that state or jurisdiction.

(b) Qualification as a limited liability partnership, whether pursuant to an original statement or a renewal statement, is renewed if, during the 60 day period preceding the date the initial statement or renewal statement otherwise would have expired, the partnership files with the Secretary of State a renewal statement. A renewal statement expires one year after the date an original statement would have expired if the last renewal of the statement had not occurred.

Proof of the satisfaction of the Secretary of State that, prior to the expiration date, the renewal statement together with all fees prescribed by this Act was deposited in the United States mail in a sealed envelope, properly addressed, with postage prepaid, shall be deemed a compliance with this requirement. If the Secretary of State finds that the report conforms to the requirements of this Act, he or she shall file it. If the Secretary of State finds that it does not conform, he or she shall promptly return it to the limited liability partnership.

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partnership for any necessary corrections, in which event expiration will not occur if the statement is corrected to conform to the requirements of this Act and returned to the Secretary of State within 30 days of the date the report was returned for corrections.

(c) The Secretary of State shall renew the registration of any limited liability partnership of any partnership that timely submits a renewal statement with the required fee.

(Source: P.A. 92-740, eff. 1-1-03.)

(805 ILCS 206/1103)

Sec. 1103. Effect of failure to qualify.

(a) A foreign limited liability partnership transacting business in this State may not maintain an action or proceeding in this State unless it has in effect a statement of foreign qualification.

(b) The failure of a foreign limited liability partnership to have in effect a statement of foreign qualification does not impair the validity of a contract or act of the foreign limited liability partnership or preclude it from defending an action or proceeding in this State.

(c) A limitation on personal liability of a partner is not waived solely by transacting business in this State without a statement of foreign qualification.

(d) If a foreign limited liability partnership transacts business in this State without a statement of foreign qualification, the Secretary of State is its agent for service of process with respect to a right of action arising out of the transaction of business in this State.

(e) Service of any process, notice, or demand on the Secretary of State may be made by delivering to and leaving with the Secretary of State duplicate copies of the process, notice, or demand. If a process, notice, or demand is served on the Secretary of State, the Secretary of State shall forward one of the copies by registered or certified mail, return receipt requested, to the foreign limited liability partnership and its designated office. An affidavit of compliance with this Section in substantially the form that the Secretary of State may prescribe by rule shall be attached to the process, notice, or demand.

(f) Service is effected under subsection (e) at the earliest of:

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(1) the date the foreign limited liability partnership receives the process, notice, or demand;
(2) the date shown on the return receipt, if signed on behalf of the foreign limited liability partnership; or
(3) 5 days after the process, notice, or demand is deposited in the mail if mailed postpaid and correctly addressed.

(g) The Secretary of State shall keep a record of each process, notice, and demand served pursuant to this Section and record the time of, and the action taken, regarding the service.

(h) This Section does not affect the right to serve process, notice, or demand in any other manner provided by law.

(Source: P.A. 92-740, eff. 1-1-03.)

(805 ILCS 206/1104)
Sec. 1104. Activities not constituting transacting business.

(a) Without excluding other activities that may not constitute transacting business in this State, a foreign partnership or registered limited liability partnership shall not be considered to be transacting business in this State, for purposes of this Article 9, by reason of carrying on in this State any one or more of the following activities:

(1) maintaining, defending, or settling any proceeding;
(2) holding meetings of the partners or carrying on other activities concerning internal partnership affairs;
(3) maintaining bank accounts;
(4) maintaining offices or agencies for the transfer, exchange, and registration of the limited liability partnership's own securities or maintaining trustees or depositaries with respect to those securities;
(5) selling through independent contractors;
(6) soliciting or obtaining orders, whether by mail or through employees or agents or otherwise, if orders require acceptance outside this State before they become contracts;
(7) owning, without more, real or personal property;

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(8) conducting an isolated transaction that is completed within 120 days and that is not one in the course of repeated transactions of a like nature; or

(9) having a partner who is a resident of this State.

(b) This Section has no application to the question of whether any partnership or registered limited liability partnership is subject to service of process and suit in this State under any law of this State.

(a) Activities of a foreign limited liability partnership which do not constitute transacting business for the purpose of this Article include:

(1) maintaining, defending, or settling an action or proceeding;

(2) holding meetings of its partners or carrying on any other activity concerning its internal affairs;

(3) maintaining bank accounts;

(4) maintaining offices or agencies for the transfer, exchange, and registration of the partnership's own securities or maintaining trustees or depositories with respect to those securities;

(5) selling through independent contractors;

(6) soliciting or obtaining orders, whether by mail or through employees or agents or otherwise, if the orders require acceptance outside this State before they become contracts;

(7) creating or acquiring indebtedness, with or without a mortgage, or other security interest in property;

(8) collecting debts or foreclosing mortgages or other security interests in property securing the debts, and holding, protecting, and maintaining property so acquired;

(9) conducting an isolated transaction that is completed within 30 days and is not one in the course of similar transactions; and

(10) transacting business in interstate commerce.

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property excluded under subsection (a) of this Section, constitutes transacting business in this State. 

(c) This Section does not apply in determining the contacts or activities that may subject a foreign limited liability partnership to service of process, taxation, or regulation under any other law of this State. 

(Source: P.A. 92-740, eff. 1-1-03.)

(805 ILCS 206/1208 new)

Sec. 1208. Powers of the Secretary of State; rulemaking. 

(a) The Secretary of State shall have the power and authority reasonably necessary to administer this Act efficiently and to perform the duties herein imposed. The Secretary of State’s function under this Act is to be a central depository for the statements of qualification for limited liability partnership and statements of foreign qualification required by this Act.

(b) The Secretary of State shall have the power and authority to promulgate rules, in accordance with the Illinois Administrative Procedure Act, necessary to administer this Act efficiently and to perform the duties therein imposed.

Section 30. The Uniform Limited Partnership Act (2001) is amended by changing Sections 108, 109, 114, 117, 201, 210, 902, 1303, and 1305 as follows:

(805 ILCS 215/108)

Sec. 108. Name. 

(a) The name of a limited partnership may contain the name of any partner.

(b) The name of a limited partnership that is not a limited liability limited partnership must contain the phrase "limited partnership" or the abbreviation "L.P." or "LP" and may not contain the phrase "limited liability limited partnership" or the abbreviation "LLLP" or "L.L.L.P."

(c) The name of a limited liability limited partnership must contain the phrase "limited liability limited partnership" or the abbreviation "LLLP" or "L.L.L.P." and must not contain the abbreviation "L.P." or "LP".

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(d) The name of a limited partnership must be distinguishable upon the records of the Secretary of State from:

(1) the name of any limited partnership other than an individual incorporated, organized; or authorized to transact business in this State under this Act or any other Act; and

(2) the name for which an exclusive right has been reserved in the Office of the Secretary of State under Section 109; and each name reserved under Section 109, assumed name under Section 108.5 or other Illinois law allowing the reservation or registration of business names, including fictitious or assumed name provisions; except for the Assumed Business Name Act, 805 ILCS 405/.

(3) the assumed name of any limited partnership that is registered with the Secretary of State under Section 108.5.

(e) The name of a limited partnership shall not contain any of the following terms: "Corporation", "Corp.", "Incorporated", "Inc.", "Company", "Co.", "Limited Liability Company", "L.L.C.", "LLC", "L.L.P.", or "LLP". A limited partnership may apply to the Secretary of State for authorization to use a name that does not comply with subsection (d). The Secretary of State shall authorize use of the name applied for if, as to each conflicting name:

(1) the present user, registrant, or owner of the conflicting name consents in a signed record to the use and submits an undertaking in a form satisfactory to the Secretary of State to change the conflicting name to a name that complies with subsection (d) and is distinguishable in the records of the Secretary of State from the name applied for; or

(2) the applicant delivers to the Secretary of State a certified copy of the final judgment of a court of competent jurisdiction establishing the applicant's right to use in this State the name applied for; or

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(3) the applicant delivers to the Secretary of State proof satisfactory to the Secretary of State that the present user, registrant, or owner of the conflicting name:

(A) has merged into the applicant;
(B) has been converted into the applicant; or
(C) has transferred substantially all of its assets, including the conflicting name, to the applicant.

(f) Subject to Section 905, this Section applies to any foreign limited partnership transacting business in this State, having a certificate of authority to transact business in this State, or applying for a certificate of authority.

(g) Nothing in this Section shall:

(1) require any limited partnership existing under the "Uniform Limited Partnership Act", filed June 28, 1917, as amended, to modify or otherwise change its name; or
(2) abrogate or limit the common law or statutory law of unfair competition or unfair trade practices, nor derogate from the common law or principles of equity or the statutes of this State or of the United States with respect to the right to acquire and protect copyrights, trade names, trademarks, service marks, service names, or any other right to the exclusive use of names or symbols.

(Source: P.A. 93-967, eff. 1-1-05.)

(805 ILCS 215/109)
Sec. 109. Reservation of name.
(a) The exclusive right to the use of a name that complies with Section 108 may be reserved by:

(1) a person intending to organize a limited partnership under this Act and to adopt the name;
(2) a limited partnership or a foreign limited partnership authorized to transact business in this State intending to adopt the name;
(3) a foreign limited partnership intending to obtain a certificate of authority to transact business in this State and adopt the name;

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(4) a person intending to organize a foreign limited partnership and intending to have it obtain a certificate of authority to transact business in this State and adopt the name;

(5) a foreign limited partnership formed under the name; or

(6) a foreign limited partnership formed under a name that does not comply with Section 108(b) or (c), but the name reserved under this paragraph may differ from the foreign limited partnership’s name only to the extent necessary to comply with Section 108(b) and (c).

(b) A person may apply to reserve a name under subsection (a) by delivering to the Secretary of State for filing an application that states the name to be reserved and the paragraph of subsection (a) which applies. If the Secretary of State finds that the name is available for use by the applicant, the Secretary of State shall file a statement of name reservation and thereby reserve the name for the exclusive use of the applicant for 90-120 days or until surrendered by a written cancellation document signed by the applicant, whichever is sooner.

(c) An applicant that has reserved a name pursuant to subsection (b) may reserve the same name for additional 90-day or 120-day periods. A person having a current reservation for a name may not apply for another 120-day period for the same name until 90 days have elapsed in the current reservation.

(d) A person that has reserved a name under this Section may deliver to the Secretary of State for filing a notice of transfer that states the reserved name, the name and street and mailing address of some other person to which the reservation is to be transferred, and the paragraph of subsection (a) which applies to the other person. Subject to Section 206(c), the transfer is effective when the Secretary of State files the notice of transfer.

(Source: P.A. 93-967, eff. 1-1-05.)

(805 ILCS 215/114)

Sec. 114. Office and agent for service of process.

(a) A limited partnership shall designate and continuously maintain in this State:

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(1) an office, which need not be a place of its activity in this State; and
(2) an agent for service of process.

(b) A foreign limited partnership shall designate and continuously maintain in this State an agent for service of process.

(c) An agent for service of process of a limited partnership or foreign limited partnership must be an individual who is a resident of this State or other person authorized to do business in this State.

(d) If a limited partnership or foreign limited partnership fails to designate and continuously maintain an agent for service of process, the Secretary of State shall:

(1) declare any limited partnership or foreign limited partnership to be delinquent and not in good standing; and
(2) not file any additional documents, amendments, reports, or other papers relating to the limited partnership or foreign limited partnership organized under or subject to the provisions of this Act until the delinquency is satisfied.

(e) If a limited partnership or foreign limited partnership fails to designate and continuously maintain an agent for service of process, the Secretary of State may show the limited partnership or foreign limited partnership as not in good standing in response to inquiries received from any party regarding a limited partnership that is delinquent.

(Source: P.A. 93-967, eff. 1-1-05.)

(805 ILCS 215/117)
Sec. 117. Service of process.

(a) An agent for service of process appointed by a limited partnership or foreign limited partnership is an agent of the limited partnership or foreign limited partnership for service of any process, notice, or demand required or permitted by law to be served upon the limited partnership or foreign limited partnership.

(b) If a limited partnership or foreign limited partnership does not appoint or maintain an agent for service of process in this State or the agent for service of process cannot with reasonable diligence be found at the agent's address, the Secretary of State is an agent of the limited partnership or foreign limited partnership.

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partnership or foreign limited partnership upon whom process, notice, or demand may be served.

(c) Service of any process, notice, or demand on the Secretary of State may be made by delivering to and leaving with the Secretary of State duplicate copies of the process, notice, or demand. If a process, notice, or demand is served on the Secretary of State, the Secretary of State shall forward one of the copies by registered or certified mail, return receipt requested, to the limited partnership or foreign limited partnership at its designated office. An affidavit of compliance with this Section, in substantially the form that the Secretary of State may prescribe by rule, shall be attached to the process, notice, or demand.

(d) Service is effected under subsection (c) at the earliest of:

(1) the date the limited partnership or foreign limited partnership receives the process, notice, or demand;

(2) the date shown on the return receipt, if signed on behalf of the limited partnership or foreign limited partnership; or

(3) five days after the process, notice, or demand is deposited in the mail, if mailed postpaid and correctly addressed.

(e) The Secretary of State shall keep a record of each process, notice, and demand served pursuant to this Section and record the time of, and the action taken regarding, the service.

(f) This Section does not affect the right to serve process, notice, or demand in any other manner provided by law.

(Source: P.A. 93-967, eff. 1-1-05.)

(805 ILCS 215/201)

Sec. 201. Formation of limited partnership; certificate of limited partnership.

(a) In order for a limited partnership to be formed, a certificate of limited partnership must be delivered to the Secretary of State for filing. The certificate must state:

(1) the name of the limited partnership, which must comply with Section 108;

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(2) the street and mailing address of the initial designated office and the name and street and mailing address of the initial agent for service of process;

(3) the name and the street and mailing address of each general partner;

(4) whether the limited partnership is a limited liability limited partnership; and

(5) any additional information required by Article 11; and:

(6) the purpose or purposes for which the limited partnership is organized, which may be stated to be or to include, the transaction of any or all lawful businesses for which limited partnerships may be organized under this Act.

(b) A certificate of limited partnership may also contain any other matters but may not vary or otherwise affect the provisions specified in Section 110(b) in a manner inconsistent with that Section.

(c) If there has been substantial compliance with subsection (a), subject to Section 206(c) a limited partnership is formed when the Secretary of State files the certificate of limited partnership.

(d) Subject to subsection (b), if any provision of a partnership agreement is inconsistent with the filed certificate of limited partnership or with a filed statement of dissociation, termination, or change or filed articles of conversion or merger:

(1) the partnership agreement prevails as to partners and transferees; and

(2) the filed certificate of limited partnership, statement of dissociation, termination, or change or articles of conversion or merger prevail as to persons, other than partners and transferees, that reasonably rely on the filed record to their detriment.

(Source: P.A. 93-967, eff. 1-1-05.)

(805 ILCS 215/210)

Sec. 210. Annual report for Secretary of State.

(a) A limited partnership or a foreign limited partnership authorized to transact business in this State shall deliver to the Secretary of State for filing an annual report that states:

New matter indicated by italics - deletions by strikeout
(1) the name of the limited partnership or foreign limited partnership;

(2) the street and mailing address of its designated office and the name and street and mailing address of its agent for service of process in this State;

(3) in the case of a limited partnership, the street and mailing address of its principal office;

(4) in the case of a foreign limited partnership, the State or other jurisdiction under whose law the foreign limited partnership is formed and any alternate name adopted under Section 905(a);

(5) Additional information that may be necessary or appropriate in order to enable the Secretary of State to administer this Act and to verify the proper amount of fees payable by the limited partnership; and

(6) The annual report shall be made on forms prescribed and furnished by the Secretary of State, and the information therein, required by paragraphs (1) through (4) of subsection (a), both inclusive, shall be given as of the date of signing of the annual report. The annual report shall be signed by a general partner.

(b) Information in an annual report must be current as of the date the annual report is delivered to the Secretary of State for filing.

(c) The annual report, together with all fees and charges prescribed by this Act, shall be delivered to the Secretary of State within 60 days immediately preceding the first day of the anniversary month. Proof to the satisfaction of the Secretary of State that, before the first day of the anniversary month of the limited partnership or the foreign limited partnership, the report, together with all fees and charges as prescribed by this Act, was deposited in the United States mail in a sealed envelope, properly addressed, with postage prepaid, shall be deemed compliance with this requirement.

(d) If an annual report does not contain the information required in subsection (a), the Secretary of State shall promptly notify the reporting limited partnership or foreign limited partnership and return the report to it for correction. If the report is corrected to contain the information required
in subsection (a) and delivered to the Secretary of State within 30 days after the effective date of the notice, it is timely delivered.

(e) If a limited partnership or foreign limited partnership fails to file its annual report and pay the requisite fee as required by this Act before the first day of the anniversary month in the year which it is due, the Secretary of State shall:

(1) declare any limited partnership or foreign limited partnership to be delinquent and not in good standing; and

(2) not file any additional documents, amendments, reports, or other papers relating to the limited partnership or foreign limited partnership organized under or subject to the provisions of this Act until the delinquency is satisfied.

(e) If a limited partnership or foreign limited partnership fails to file its annual report and pay the requisite fee as required by this Act before the first day of the anniversary month in the year in which it is due, the Secretary of State may show the limited partnership or foreign limited partnership as not in good standing in response to inquiries received from any party regarding a limited partnership that is delinquent. If a filed annual report contains an address of a designated office or the name or address of an agent for service of process which differs from the information shown in the records of the Secretary of State immediately before the filing, the differing information in the annual report is considered a statement of change under Section 115.

(Source: P.A. 93-967, eff. 1-1-05.)

(805 ILCS 215/902)

Sec. 902. Application for certificate of authority.

(a) A foreign limited partnership may apply for a certificate of authority to transact business in this State by delivering an application to the Secretary of State for filing. The application must state:

(1) the name of the foreign limited partnership and, if the name does not comply with Section 108, an alternate name adopted pursuant to Section 905(a);

(2) the name of the state or other jurisdiction under whose law the foreign limited partnership is organized;

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(3) the street and mailing address of the foreign limited partnership's principal office and, if the laws of the jurisdiction under which the foreign limited partnership is organized require the foreign limited partnership to maintain an office in that jurisdiction, the street and mailing address of the required office;

(4) the name and street and mailing address of the foreign limited partnership's initial agent for service of process in this State;

(5) the name and street and mailing address of each of the foreign limited partnership's general partners; and

(6) whether the foreign limited partnership is a foreign limited liability limited partnership;

(7) the purpose or purposes for which it was organized and the purpose or purposes that it proposes to conduct in the transaction of business in this State; and

(8) all additional information that may be necessary or appropriate in order to enable the Secretary of State to determine whether the limited partnership is entitled to transact business in this State.

(805 ILCS 215/1303)

Sec. 1303. Powers of the Secretary of State and rulemaking.

(a) The Secretary of State shall have the power and authority reasonably necessary to administer this Act efficiently and to perform the duties herein imposed. The Secretary of State's function under pursuant to this Act is to be a central depository for the certificates of limited partnership and certificates of admission required by this Act and to record the assumed names used by limited partnerships and foreign limited partnerships.

New matter indicated by italics - deletions by strikeout
(b) The Secretary of State shall have the power and authority to promulgate rules, in accordance with pursuant to the Illinois Administrative Procedure Act, as are necessary to administer this Act efficiently and to perform the duties therein herein imposed.
(Source: P.A. 93-967, eff. 1-1-05.)
(805 ILCS 215/1305)
Sec. 1305. Federal Employers Identification Number.
(a) All documents required by this Act to be filed in the Office of the Secretary of State shall contain the Federal Employers Identification Number of the limited partnership or foreign limited partnership with respect to which the document is filed, unless the partnership has not obtained a Federal Employer Identification Number at the time of filing. In the event a limited partnership or foreign limited partnership does not have a Federal Employer Identification Number at the time of such filing, such a number shall be obtained on behalf of such partnership and shall be given to the Secretary of State within 180 days after filing its initial document with the Secretary of State.
(b) If a limited partnership or foreign limited partnership fails to provide the Federal Employer Identification Number within the time period prescribed by this Section, the Secretary of State shall:
   (1) declare any limited partnership or foreign limited partnership to be delinquent and not in good standing; and
   (2) not file any additional documents, amendments, reports, or other papers relating to the limited partnership or foreign limited partnership organized under or subject to the provisions of this Act until the delinquency is satisfied.
(e) If a limited partnership or foreign limited partnership fails to provide the Federal Employer Identification Number within the time period prescribed by this Section, the Secretary of State may show the limited partnership or foreign limited partnership as not in good standing in response to inquiries received from any party regarding a limited partnership that is delinquent.
(Source: P.A. 93-967, eff. 1-1-05.)

New matter indicated by italics - deletions by strikeout
Section 35. The Co-operative Act is amended by changing Section 22 as follows:

(805 ILCS 310/22) (from Ch. 32, par. 326)

Sec. 22. No corporation or association hereafter organized or doing business for profit in this State shall be entitled to use the term "Co-operative" as a part of its corporate or other business name or title unless it has complied with the provisions of this Act, except (1) a corporation or association organized under the Business Corporation Act of 1983 or the General Not For Profit Corporation Act of 1986 for the purpose of ownership or administration of residential property on a cooperative basis, or (2) a cooperative corporation organized under the General Not For Profit Corporation Act of 1986 or its predecessor or successor statutes, or a corporation or association organized under the Business Corporation Act of 1983 for the same purpose. Any corporation or association violating the provision of this Section may be enjoined from doing business under such name at the instance of any shareholder of any association or corporation organized under this Act.

(Source: P.A. 90-233, eff. 7-25-97.)

Section 99. Effective date. This Act takes effect July 1, 2007.

PUBLIC ACT 95-0369
(Senate Bill No. 0377)

AN ACT concerning public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Sections 9-121.6, 9-133, 9-133.1, 9-166, 9-169, 9-179.3, 9-182, 9-199, 9-204, 15-106, and 15-107 and by adding 9-134.5 and 10-104.5 as follows:

(40 ILCS 5/9-121.6) (from Ch. 108 1/2, par. 9-121.6)

New matter indicated by italics - deletions by strikethrough
Sec. 9-121.6. Alternative annuity for county officers. (a) Any county officer elected by vote of the people may elect to establish alternative credits for an alternative annuity by electing in writing to make additional optional contributions in accordance with this Section and procedures established by the board. Such elected county officer may discontinue making the additional optional contributions by notifying the Fund in writing in accordance with this Section and procedures established by the board.

Additional optional contributions for the alternative annuity shall be as follows:

(1) For service after the option is elected, an additional contribution of 3% of salary shall be contributed to the Fund on the same basis and under the same conditions as contributions required under Sections 9-170 and 9-176.

(2) For service before the option is elected, an additional contribution of 3% of the salary for the applicable period of service, plus interest at the effective rate from the date of service to the date of payment. All payments for past service must be paid in full before credit is given. No additional optional contributions may be made for any period of service for which credit has been previously forfeited by acceptance of a refund, unless the refund is repaid in full with interest at the effective rate from the date of refund to the date of repayment.

(b) In lieu of the retirement annuity otherwise payable under this Article, any county officer elected by vote of the people who (1) has elected to participate in the Fund and make additional optional contributions in accordance with this Section, and (2) has attained age 60 with at least 10 years of service credit, or has attained age 65 with at least 8 years of service credit, may elect to have his retirement annuity computed as follows: 3% of the participant's salary at the time of termination of service for each of the first 8 years of service credit, plus 4% of such salary for each of the next 4 years of service credit, plus 5% of such salary for each year of service credit in excess of 12 years, subject to a maximum of 80% of such salary. To the extent such elected county officer has made additional optional contributions with respect to only a
portion of his years of service credit, his retirement annuity will first be
determined in accordance with this Section to the extent such additional
optional contributions were made, and then in accordance with the
remaining Sections of this Article to the extent of years of service credit
with respect to which additional optional contributions were not made.

(c) In lieu of the disability benefits otherwise payable under this
Article, any county officer elected by vote of the people who (1) has
elected to participate in the Fund, and (2) has become permanently
disabled and as a consequence is unable to perform the duties of his office,
and (3) was making optional contributions in accordance with this Section
at the time the disability was incurred, may elect to receive a disability
annuity calculated in accordance with the formula in subsection (b). For
the purposes of this subsection, such elected county officer shall be
considered permanently disabled only if: (i) disability occurs while in
service as an elected county officer and is of such a nature as to prevent
him from reasonably performing the duties of his office at the time; and
(ii) the board has received a written certification by at least 2 licensed
physicians appointed by it stating that such officer is disabled and that the
disability is likely to be permanent.

(d) Refunds of additional optional contributions shall be made on
the same basis and under the same conditions as provided under Section 9-
164, 9-166 and 9-167. Interest shall be credited at the effective rate on the
same basis and under the same conditions as for other contributions.
Optional contributions shall be accounted for in a separate Elected County
Officer Optional Contribution Reserve. Optional contributions under this
Section shall be included in the amount of employee contributions used to
compute the tax levy under Section 9-169.

(e) The effective date of this plan of optional alternative benefits
and contributions shall be January 1, 1988, or the date upon which
approval is received from the U.S. Internal Revenue Service, whichever is
later. The plan of optional alternative benefits and contributions shall not
be available to any former county officer or employee receiving an annuity
from the Fund on the effective date of the plan, unless he re-enters service

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as an elected county officer and renders at least 3 years of additional service after the date of re-entry.
(Source: P.A. 85-964.)

(40 ILCS 5/9-133) (from Ch. 108 1/2, par. 9-133)
Sec. 9-133. Automatic increase in annuity.

(a) An employee who retired or retires from service after December 31, 1959, having attained age 60 or more or, beginning January 1, 1991, having attained 30 or more years of creditable service, shall, in the month of January of the year following the year in which the first anniversary of retirement occurs, have his then fixed and payable monthly annuity increased by 1 1/2%, and such first fixed annuity as granted at retirement increased by a further 1 1/2% in January of each year thereafter. Beginning with January of the year 1972, such increases shall be at the rate of 2% in lieu of the aforesaid specified 1 1/2%. Beginning with January of the year 1982, such increases shall be at the rate of 3% in lieu of the aforesaid specified 2%. Beginning January 1, 1998, these increases shall be at the rate of 3% of the current amount of the annuity, including any previous increases received under this Article, without regard to whether the annuitant is in service on or after the effective date of this amendatory Act of 1997.

An employee who retires on annuity before age 60 and, beginning January 1, 1991, with less than 30 years of creditable service shall receive such increases beginning with January of the year immediately following the year in which he attains the age of 60 years. An employee who retires on annuity before age 60 and before January 1, 1991, with at least 30 years of creditable service, shall be entitled to receive the first increase under this subsection no later than January 1, 1993.

For an employee who, in accordance with the provisions of Section 9-108.1 of this Act, shall have become a member of the State System established under Article 14 on February 1, 1974, the first such automatic increase shall begin in January of 1975.

(b) Subsection (a) is not applicable to an employee retiring and receiving a term annuity, as defined in this Act, nor to any otherwise qualified employee who retires before he makes employee contributions

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(at the 1/2 of 1% rate as provided in this Section) for this additional annuity for not less than the equivalent of one full year. Such employee, however, shall make arrangement to pay to the fund a balance of such contributions, based on his final salary, as will bring such 1/2 of 1% contributions, computed without interest, to the equivalent of one year's contributions.

Beginning with the month of January, 1960, each employee shall contribute by means of salary deductions 1/2 of 1% of each salary payment, concurrently with and in addition to the employee contributions otherwise provided for annuity purposes.

Each such additional contribution shall be credited to an account in the prior service annuity reserve, to be used, together with county contributions, to defray the cost of the specified annuity increments. Any balance in such account as of the beginning of each calendar year shall be credited with interest at the rate of 3% per annum.

Such additional employee contributions are not refundable, except to an employee who withdraws and applies for refund under this Article, or applies for annuity, and also in cases where a term annuity becomes payable. In such cases his contributions shall be refunded, without interest, and charged to the prior service annuity reserve.

(Source: P.A. 90-32, eff. 6-27-97.)

(40 ILCS 5/9-133.1) (from Ch. 108 1/2, par. 9-133.1)

Sec. 9-133.1. Automatic increases in annuity for certain heretofore retired participants. A retired employee retired at age 55 or over and who (a) is receiving annuity based on a service credit of 20 or more years, and (b) does not qualify for the automatic increases in annuity provided for in Sec. 9-133 of this Article, and (c) elects to make a contribution to the Fund at a time and manner prescribed by the Retirement Board, of a sum equal to 1% of the final average monthly salary forming the basis of the calculation of their annuity multiplied by years of credited service, or 1% of their final monthly salary multiplied by years of credited service in any case where the final average salary is not used in the calculation, shall have his original fixed and payable monthly amount of annuity increased in January of the year following the year in which he attains the age of 65

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years, if such age of 65 years is attained in the year 1969 or later, by an amount equal to 1 1/2%, and by an equal additional 1 1/2% in January of each year thereafter. Beginning with January of the year 1972, such increases shall be at the rate of 2% in lieu of the aforesaid specified 1 1/2%. Beginning with January of the year 1982, such increases shall be at the rate of 3% in lieu of the aforesaid specified 2%. Beginning January 1, 1998, these increases shall be at the rate of 3% of the current amount of the annuity, including any previous increases received under this Article, without regard to whether the annuitant is in service on or after the effective date of this amendatory Act of 1997.

In those cases in which the retired employee receiving annuity has attained the age of 66 or more years in the year 1969, he shall have such annuity increased in January of the year 1970 by an amount equal to 1 1/2% multiplied by the number equal to the number of months of January elapsing from and including January of the year immediately following the year he attained the age of 65 years if retired at or prior to age 65, or from and including January of the year immediately following the year of retirement if retired at an age greater than 65 years, to and including January of the year 1970, and by an equal additional 1 1/2% in January of each year thereafter. Beginning with January of the year 1972, such increases shall be at the rate of 2% in lieu of the aforesaid specified 1 1/2%. Beginning with January of the year 1982, such increases shall be at the rate of 3% in lieu of the aforesaid specified 2%. Beginning January 1, 1998, these increases shall be at the rate of 3% of the current amount of the annuity, including any previous increases received under this Article, without regard to whether the annuitant is in service on or after the effective date of this amendatory Act of 1997.

To defray the annual cost of such increases, the annual interest income of the Fund, accruing from investments held by the Fund, exclusive of gains or losses on sales or exchanges of assets during the year, over and above 4% a year, shall be used to the extent necessary and available to finance the cost of such increases for the following year, and such amount shall be transferred as of the end of each year, beginning with the year 1969, to a Fund account designated as the Supplementary

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The sums contributed by annuitants as provided for in this Section shall also be placed in the aforesaid Supplementary Payment Reserve and shall be applied for and used for the purposes of such Fund account, together with the aforesaid interest.

In the event the monies in the Supplementary Payment Reserve in any year arising from: (1) the available interest income as defined hereinbefore and accruing in the preceding year above 4% a year and (2) the contributions by retired persons, as set forth hereinbefore, are insufficient to make the total payments to all persons estimated to be entitled to the annuity increases specified hereinbefore, then (3) any interest earnings over 4% a year beginning with the year 1969 which were not previously used to finance such increases and which were transferred to the Prior Service Annuity Reserve may be used to the extent necessary and available to provide sufficient funds to finance such increases for the current year, and such sums shall be transferred from the Prior Service Annuity Reserve.

In the event the total monies available in the Supplementary Payment Reserve from the preceding indicated sources are insufficient to make the total payments to all persons entitled to such increases for the year, a proportionate amount computed as the ratio of the monies available to the total of the total payments for that year shall be paid to each person for that year.

The Fund shall be obligated for the payment of the increases in annuity as provided for in this Section only to the extent that the assets for such purpose, as specified herein, are available.

(40 ILCS 5/9-134.5 new)

Sec. 9-134.5. Alternative retirement cancellation payment.

(a) To be eligible for the alternative retirement cancellation payment provided in this Section, a person must:

(1) be a member of this Fund who, on December 31, 2006, was (i) in active payroll status as an employee and continuously employed in a position on and after the effective date of this

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Section and (ii) an active contributor to this Fund with respect to that employment;

(2) have not previously received any retirement annuity under this Article;

(3) file with the Board on or before 45 days after the effective date of this Section, a written application requesting the alternative retirement cancellation payment provided in this Section; (4) terminate employment under this Article no later than 60 days after the effective date of this Section.

(4) if there is a QILDRO in effect against the person, file with the Board the written consent of all alternate payees under the QILDRO to the election of an alternative retirement cancellation payment under this Section; and

(b) In lieu of any retirement annuity or other benefit provided under this Article, a person who qualifies for and elects to receive the alternative retirement cancellation payment under this Section shall be entitled to receive a one-time lump sum retirement cancellation payment equal to the amount of his or her contributions to the Fund (including any employee contributions for optional service credit and including any employee contributions paid by the employer or credited to the employee during disability) on the date of termination, with regular interest, multiplied by 1.5.

(c) Notwithstanding any other provision of this Article, a person who receives an alternative retirement cancellation payment under this Section thereby forfeits the right to any other retirement or disability benefit or refund under this Article, and no widow's, survivor's, or death benefit deriving from that person shall be payable under this Article. Upon accepting an alternative retirement cancellation payment under this Section, the person's creditable service and all other rights in the Fund are terminated for all purposes.

(d) To the extent permitted by federal law, a person who receives an alternative retirement cancellation payment under this Section may direct the Fund to pay all or a portion of that payment as a rollover into
another retirement plan or account qualified under the Internal Revenue Code of 1986, as amended.

(e) Notwithstanding any other provision of this Article, a person who has received an alternative retirement cancellation payment under this Section and who reenters service under this Article must first repay to the Fund the amount by which that alternative retirement cancellation payment exceeded the amount of his or her refundable employee contributions with interest at 6% per annum. For the purposes of re-establishing creditable service that was terminated upon election of the alternative retirement cancellation payment, the portion of the alternative retirement cancellation payment representing refundable employee contributions shall be deemed a refund repayable in accordance with Section 9-163.

(f) No individual who receives an alternative retirement cancellation payment under this Section may return to active payroll status within 365 days after separation from service to the employer.

(40 ILCS 5/9-166) (from Ch. 108 1/2, par. 9-166)

Sec. 9-166. Refunds - When paid to beneficiary, children or estate. Whenever the total amount accumulated to the account of a deceased employee from employee contributions for annuity purposes, and from employee contributions applied to any county pension fund superseded by this fund, have not been paid to him, and in the case of a married male employee to the employee and his widow together, in form of annuity or refund before the death of the last of such persons, a refund shall be payable as follows:

An amount equal to the excess of such amounts over the amounts paid on any annuity or annuities or refund, without interest upon either of such amounts, shall be refunded to a beneficiary theretofore designated by the employee in writing, signed by him before an officer authorized to administer oaths, and filed with the board before the employee's death.

If there is no designated beneficiary or the beneficiary does not survive the employee, the amount shall be refunded to the employee's children, in equal parts with the children of a deceased child taking the share of their parent. If there is no designated beneficiary or children, the

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refund shall be paid to the administrator or executor of the employee's estate.

If an administrator or executor of the estate has not been appointed within 90 days from the date the refund became payable the refund may be applied in the discretion of the board toward the payment of the employee's burial expenses. Any remaining balance shall be paid to the heirs of the employee according to the law of descent and distribution of this state but assuming for the purpose of such payment of refund and determination of heirs that the deceased male employee left no widow surviving in those cases where a widow eligible for widow's annuity as his widow survived him and subsequently died; provided,

(a) that if any child or children of the employee are less than age 18, such part or all of any such amount necessary to pay annuities to them shall not be refunded as hereinbefore stated but shall be transferred to the child's annuity reserve and used therein for the payment of such annuities; and provided further,

(b) that if a reversionary annuity becomes payable as provided in Section 9-135 such refund shall not be paid until the death of the reversionary annuitant, and the refund otherwise payable under this section shall then first further be reduced by the total amount of the reversionary annuity paid.

(Source: P.A. 81-1536.)

(40 ILCS 5/9-169) (from Ch. 108 1/2, par. 9-169)

Sec. 9-169. Financing - Tax levy. (a) The county board shall levy a tax annually upon all taxable property in the county at the rate that will produce a sum which, when added to the amounts deducted from the salaries of the employees or otherwise contributed by them is sufficient for the requirements of this Article.

For the years before 1962 the tax rate shall be as provided in "The 1925 Act". For the years 1962 and 1963 the tax rate shall be not more than .0200 per cent; for the years 1964 and 1965 the tax rate shall be not more than .0202 per cent; for the years 1966 and 1967 the tax rate shall be not more than .0207 per cent; for the year 1968 the tax rate shall be not more than .0220 per cent; for the year 1969 the tax rate shall be not more than

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.0233 per cent; for the year 1970 the tax rate shall be not more than .0255 per cent; for the year 1971 the tax rate shall be not more than .0268 per cent of the value, as equalized or assessed by the Department of Revenue upon all taxable property in the county. Beginning with the year 1972 and for each year thereafter the county shall levy a tax annually at a rate on the dollar of the value, as equalized or assessed by the Department of Revenue of all taxable property within the county that will produce, when extended, not to exceed an amount equal to the total amount of contributions made by the employees to the fund in the calendar year 2 years prior to the year for which the annual applicable tax is levied multiplied by .8 for the years 1972 through 1976; by .8 for the year 1977; by .87 for the year 1978; by .94 for the year 1979; by 1.02 for the year 1980 and by 1.10 for the year 1981 and by 1.18 for the year 1982 and by 1.36 for the year 1983 and by 1.54 for the year 1984 and for each year thereafter.

This tax shall be levied and collected in like manner with the general taxes of the county, and shall be in addition to all other taxes which the county is authorized to levy upon the aggregate valuation of all taxable property within the county and shall be exclusive of and in addition to the amount of tax the county is authorized to levy for general purposes under any laws which may limit the amount of tax which the county may levy for general purposes. The county clerk, in reducing tax levies under any Act concerning the levy and extension of taxes, shall not consider this tax as a part of the general tax levy for county purposes, and shall not include it within any limitation of the per cent of the assessed valuation upon which taxes are required to be extended for the county. It is lawful to extend this tax in addition to the general county rate fixed by statute, without being authorized as additional by a vote of the people of the county.

Revenues derived from this tax shall be paid to the treasurer of the county and held by him for the benefit of the fund.

If the payments on account of taxes are insufficient during any year to meet the requirements of this Article, the county may issue tax anticipation warrants against the current tax levy.

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(b) By January 10, annually, the board shall notify the county board of the requirement of this Article that this tax shall be levied. The board shall compute the amounts necessary for the purposes of the fund for that current year to be credited to the reserves established and maintained as provided in this Act, shall make an annual determination of the required county contributions, and shall certify the results thereof to the county board.

(c) The various sums to be contributed by the county board and allocated for the purposes of this Article and any interest to be contributed by the county shall be taken from the revenue derived from this tax and no money of the county derived from any source other than the levy and collection of this tax or the sale of tax anticipation warrants, except state or federal funds contributed for annuity and benefit purposes for employees of a county department of public aid under "The Illinois Public Aid Code", approved April 11, 1967, as now or hereafter amended, may be used to provide revenue for the fund.

If it is not possible or practicable for the county to make contributions for age and service annuity and widow's annuity concurrently with the employee contributions made for such purposes, such county shall make such contributions as soon as possible and practicable thereafter with interest thereon at the effective rate until the time it shall be made.

(d) With respect to employees whose wages are funded as participants under the Comprehensive Employment and Training Act of 1973, as amended (P.L. 93-203, 87 Stat. 839, P.L. 93-567, 88 Stat. 1845), hereinafter referred to as CETA, subsequent to October 1, 1978, and in instances where the board has elected to establish a manpower program reserve, the board shall compute the amounts necessary to be credited to the manpower program reserves established and maintained as herein provided, and shall make a periodic determination of the amount of required contributions from the County to the reserve to be reimbursed by the federal government in accordance with rules and regulations established by the Secretary of the United States Department of Labor or his designee, and certify the results thereof to the County Board. Any such amounts shall become a credit to the County and will be used to reduce the

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amount which the County would otherwise contribute during succeeding years for all employees.

(e) In lieu of establishing a manpower program reserve with respect to employees whose wages are funded as participants under the Comprehensive Employment and Training Act of 1973, as authorized by subsection (d), the board may elect to establish a special County contribution rate for all such employees. If this option is elected, the County shall contribute to the Fund from federal funds provided under the Comprehensive Employment and Training Act program at the special rate so established and such contributions shall become a credit to the County and be used to reduce the amount which the County would otherwise contribute during succeeding years for all employees.

(Source: P.A. 83-1362.)

(40 ILCS 5/9-179.3) (from Ch. 108 1/2, par. 9-179.3)

Sec. 9-179.3. Optional plan of additional benefits and contributions.

(a) While this plan is in effect, an employee may establish additional optional credit for additional optional benefits by electing in writing at any time to make additional optional contributions. The employee may discontinue making the additional optional contributions at any time by notifying the fund in writing.

(b) Additional optional contributions for the additional optional benefits shall be as follows:

(1) For service after the option is elected, an additional contribution of 3% of salary shall be contributed to the fund on the same basis and under the same conditions as contributions required under Sections 9-170 and 9-176.

(2) For service before the option is elected, an additional contribution of 3% of the salary for the applicable period of service, plus interest at the effective rate from the date of service to the date of payment. All payments for past service must be paid in full before credit is given. No additional optional contributions may be made for any period of service for which credit has been previously forfeited by acceptance of a refund, unless the refund is
repaid in full with interest at the effective rate from the date of refund to the date of repayment.

(c) Additional optional benefits shall accrue for all periods of eligible service for which additional contributions are paid in full. The additional benefit shall consist of an additional 1% for each year of service for which optional contributions have been paid, based on the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, to be added to the employee retirement annuity benefits as otherwise computed under this Article. The calculation of these additional benefits shall be subject to the same terms and conditions as are used in the calculation of retirement annuity under Section 9-134. The additional benefit shall be included in the calculation of the automatic annual increase in annuity, and in the calculation of widow's annuity, where applicable. However no additional benefits will be granted which produce a total annuity greater than the applicable maximum established for that type of annuity in this Article, and additional benefits shall not apply to any benefit computed under Section 9-128.1.

(d) Refunds of additional optional contributions shall be made on the same basis and under the same conditions as provided under Sections 9-164, 9-166 and 9-167. Interest shall be credited at the effective rate on the same basis and under the same conditions as for other contributions.

(e) Optional contributions shall be accounted for in a separate Optional Contribution Reserve.

(f) The tax levy, computed under Section 9-169, shall be based on employee contributions including the amount of optional additional employee contributions.

(g) Service eligible under this Section may include only service as an employee of the County as defined in Section 9-108, and subject to Sections 9-219 and 9-220. No service granted under Section 9-121.1, 9-121.4 or 9-179.2 shall be eligible for optional service credit. No optional service credit may be established for any military service, or for any service under any other Article of this Code. Optional service credit may be established for any period of disability paid from this fund, if the

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employee makes additional optional contributions for such periods of disability.

(h) This plan of optional benefits and contributions shall not apply to any former county employee receiving an annuity from the fund, who re-enters service as a County employee, unless he renders at least 3 years of additional service after the date of re-entry.

(i) The effective date of the optional plan of additional benefits and contributions shall be July 1, 1985, or the date upon which approval is received from the Internal Revenue Service, whichever is later.

(j) This plan of additional benefits and contributions shall expire July 1, 2005. No additional contributions may be made after that date, and no additional benefits will accrue after that date.

(Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/9-182) (from Ch. 108 1/2, par. 9-182)

Sec. 9-182. Contributions by county for prior service annuities and pensions under former acts.

(a) The county, State or federal contributions authorized in Section 9-169 shall be applied first for the purposes of this Article 9 other than those stated in this Section.

The balance of the sum produced from such contributions shall be applied for the following purposes:

1. "An Act to provide for the formation and disbursement of a pension fund in counties having a population of 150,000 or more inhabitants, for the benefit of officers and employees in the service of such counties", approved June 29, 1915, as amended;

2. Section 9-225 of this Article;

3. To meet such part of any minimum annuity as shall be in excess of the age and service annuity and prior service annuity, and to meet such part of any minimum widow's annuity in excess of the amount of widow's annuity and widow's prior service annuity also for the purpose of providing the county cost of automatic increases in annuity after retirement in accordance with Section 9-133 and for any other purpose for which moneys are not otherwise provided in this Article;

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4. (Blank) To provide a sufficient balance in the investment and interest reserve to permit a transfer from that reserve to other reserves of the fund;

5. (Blank) To credit to the county contribution reserve such amounts required from the county but not contributed by it for age and service and prior service annuities, and widows’-and widows’ prior service annuities.

(b) (Blank) All such contributions shall be credited to the prior service annuity reserve. When the balance of this reserve equals its liabilities (including in addition to all other liabilities, the present values of all annuities, present or prospective, according to the applicable mortality tables and rates of interest), the county shall cease to contribute the sum stated in this Section. Whenever the balance of the investment and interest reserve is not sufficient to permit a transfer from that reserve to any other reserve, the county shall contribute sums sufficient to make possible such transfer; provided, that if annexation of territory and the employment by the county of any county employee of any such territory at the time of annexation, after the county has ceased to contribute as herein provided results in additional liabilities for prior service annuity and widow's prior service annuity for any such employee, contributions by the county for such purposes shall be resumed.

(Source: P.A. 90-655, eff. 7-30-98.)

(40 ILCS 5/9-199) (from Ch. 108 1/2, par. 9-199)
Sec. 9-199. To submit an annual report.
To submit a report in July of each year to the county board of the county as of the close of business on December 31st of the preceding year. The report shall contain a detailed statement of the affairs of the fund, its income and expenditures, and assets and liabilities, and the status of the several reserves. The county board shall have power to require and compel the board to prepare and submit such reports.
(Source: Laws 1963, p. 161.)

(40 ILCS 5/9-204) (from Ch. 108 1/2, par. 9-204)
Sec. 9-204. Accounting.

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An adequate system of accounts and records shall be established to give effect to the requirements of this Article and to report the financial condition of the fund. Such additional data as is necessary for required calculations, actuarial valuations, and operation of the fund shall be maintained. The reserves designated in Sections 9--205 to 9--214, inclusive, shall be maintained. At the end of each year and at any other time when necessary the amounts in such reserves shall be improved by proper interest accretions.

(Source: Laws 1963, p. 161.)

(40 ILCS 5/10-104.5 new)

Sec. 10-104.5. Alternative retirement cancellation payment.

(a) To be eligible for the alternative retirement cancellation payment provided in this Section, a person must:

(1) be a member of this Fund who, on December 31, 2006, was (i) in active payroll status as an employee and continuously employed in a position on and after the effective date of this Section and (ii) an active contributor to this Fund with respect to that employment;

(2) have not previously received any retirement annuity under this Article;

(3) file with the Board on or before 45 days after the effective date of this Section, a written application requesting the alternative retirement cancellation payment provided in this Section; (4) terminate employment under this Article no later than 60 days after the effective date of this Section.

(4) if there is a QILDRO in effect against the person, file with the Board the written consent of all alternate payees under the QILDRO to the election of an alternative retirement cancellation payment under this Section; and

(b) In lieu of any retirement annuity or other benefit provided under this Article, a person who qualifies for and elects to receive the alternative retirement cancellation payment under this Section shall be entitled to receive a one-time lump sum retirement cancellation payment equal to the amount of his or her contributions to the Fund (including any

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employee contributions for optional service credit and including any
employee contributions paid by the employer or credited to the employee
during disability) on the date of termination, with regular interest,
multiplied by 1.5.

(c) Notwithstanding any other provision of this Article, a person
who receives an alternative retirement cancellation payment under this
Section thereby forfeits the right to any other retirement or disability
benefit or refund under this Article, and no widow's, survivor's, or death
benefit deriving from that person shall be payable under this Article. Upon
accepting an alternative retirement cancellation payment under this
Section, the person's creditable service and all other rights in the Fund
are terminated for all purposes.

(d) To the extent permitted by federal law, a person who receives
an alternative retirement cancellation payment under this Section may
direct the Fund to pay all or a portion of that payment as a rollover into
another retirement plan or account qualified under the Internal Revenue
Code of 1986, as amended.

(e) Notwithstanding any other provision of this Article, a person
who has received an alternative retirement cancellation payment under
this Section and who reenters service under this Article must first repay to
the Fund the amount by which that alternative retirement cancellation
payment exceeded the amount of his or her refundable employee
contributions with interest of 6% per annum. For the purposes of re-
establishing creditable service that was terminated upon election of the
alternative retirement cancellation payment, the portion of the alternative
retirement cancellation payment representing refundable employee
contributions shall be deemed a refund repayable together with interest at
the effective rate from the application date of such refund to the date of
repayment.

(f) No individual who receives an alternative retirement
cancellation payment under this Section may return to active payroll
status within 365 days after separation from service to the employer.

(40 ILCS 5/15-106) (from Ch. 108 1/2, par. 15-106)
Sec. 15-106. Employer. "Employer": The University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the State Board of Higher Education, the Illinois Mathematics and Science Academy, the State Geological Survey Division of the Department of Natural Resources, the State Natural History Survey Division of the Department of Natural Resources, the State Water Survey Division of the Department of Natural Resources, the Waste Management and Research Center of the Department of Natural Resources, the University Civil Service Merit Board, the Board of Trustees of the State Universities Retirement System, the Illinois Community College Board, community college boards, any association of community college boards organized under Section 3-55 of the Public Community College Act, the Board of Examiners established under the Illinois Public Accounting Act, and, only during the period for which employer contributions required under Section 15-155 are paid, the following organizations: the alumni associations, the foundations and the athletic associations which are affiliated with the universities and colleges included in this Section as employers.

A department as defined in Section 14-103.04 is an employer for any person appointed by the Governor under the Civil Administrative Code of Illinois who is a participating employee as defined in Section 15-109. The Department of Central Management Services is an employer with respect to persons employed by the State Board of Higher Education in positions with the Illinois Century Network as of June 30, 2004 who remain continuously employed after that date by the Department of Central Management Services in positions with the Illinois Century Network, the Bureau of Communication and Computer Services, or, if applicable, any successor bureau.

The cities of Champaign and Urbana shall be considered employers, but only during the period for which contributions are required to be made under subsection (b-1) of Section 15-155 and only with respect to individuals described in subsection (h) of Section 15-107.

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Sec. 15-107. Employee.

(a) "Employee" means any member of the educational, administrative, secretarial, clerical, mechanical, labor or other staff of an employer whose employment is permanent and continuous or who is employed in a position in which services are expected to be rendered on a continuous basis for at least 4 months or one academic term, whichever is less, who (A) receives payment for personal services on a warrant issued pursuant to a payroll voucher certified by an employer and drawn by the State Comptroller upon the State Treasurer or by an employer upon trust, federal or other funds, or (B) is on a leave of absence without pay. Employment which is irregular, intermittent or temporary shall not be considered continuous for purposes of this paragraph.

However, a person is not an "employee" if he or she:

(1) is a student enrolled in and regularly attending classes in a college or university which is an employer, and is employed on a temporary basis at less than full time;

(2) is currently receiving a retirement annuity or a disability retirement annuity under Section 15-153.2 from this System;

(3) is on a military leave of absence;

(4) is eligible to participate in the Federal Civil Service Retirement System and is currently making contributions to that system based upon earnings paid by an employer;

(5) is on leave of absence without pay for more than 60 days immediately following termination of disability benefits under this Article;

(6) is hired after June 30, 1979 as a public service employment program participant under the Federal Comprehensive Employment and Training Act and receives earnings in whole or in part from funds provided under that Act; or

(7) is employed on or after July 1, 1991 to perform services that are excluded by subdivision (a)(7)(f) or (a)(19) of Section 210

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of the federal Social Security Act from the definition of employment given in that Section (42 U.S.C. 410).

(b) Any employer may, by filing a written notice with the board, exclude from the definition of "employee" all persons employed pursuant to a federally funded contract entered into after July 1, 1982 with a federal military department in a program providing training in military courses to federal military personnel on a military site owned by the United States Government, if this exclusion is not prohibited by the federally funded contract or federal laws or rules governing the administration of the contract.

(c) Any person appointed by the Governor under the Civil Administrative Code of the State is an employee, if he or she is a participant in this system on the effective date of the appointment.

(d) A participant on lay-off status under civil service rules is considered an employee for not more than 120 days from the date of the lay-off.

(e) A participant is considered an employee during (1) the first 60 days of disability leave, (2) the period, not to exceed one year, in which his or her eligibility for disability benefits is being considered by the board or reviewed by the courts, and (3) the period he or she receives disability benefits under the provisions of Section 15-152, workers' compensation or occupational disease benefits, or disability income under an insurance contract financed wholly or partially by the employer.

(f) Absences without pay, other than formal leaves of absence, of less than 30 calendar days, are not considered as an interruption of a person's status as an employee. If such absences during any period of 12 months exceed 30 work days, the employee status of the person is considered as interrupted as of the 31st work day.

(g) A staff member whose employment contract requires services during an academic term is to be considered an employee during the summer and other vacation periods, unless he or she declines an employment contract for the succeeding academic term or his or her employment status is otherwise terminated, and he or she receives no earnings during these periods.

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(h) An individual who was a participating employee employed in the fire department of the University of Illinois's Champaign-Urbana campus immediately prior to the elimination of that fire department and who immediately after the elimination of that fire department became employed by the fire department of the City of Urbana or the City of Champaign shall continue to be considered as an employee for purposes of this Article for so long as the individual remains employed as a firefighter by the City of Urbana or the City of Champaign. The individual shall cease to be considered an employee under this subsection (h) upon the first termination of the individual's employment as a firefighter by the City of Urbana or the City of Champaign.

(i) An individual who is employed on a full-time basis as an officer or employee of a statewide teacher organization that serves System participants or an officer of a national teacher organization that serves System participants may participate in the System and shall be deemed an employee, provided that (1) the individual has previously earned creditable service under this Article, (2) the individual files with the System an irrevocable election to become a participant, and (3) the individual does not receive credit for that employment under any other Article of this Code. An employee under this subsection (i) is responsible for paying to the System both (A) employee contributions based on the actual compensation received for service with the teacher organization and (B) employer contributions equal to the normal costs (as defined in Section 15-155) resulting from that service; all or any part of these contributions may be paid on the employee's behalf or picked up for tax purposes (if authorized under federal law) by the teacher organization.

A person who is an employee as defined in this subsection (i) may establish service credit for similar employment prior to becoming an employee under this subsection by paying to the System for that employment the contributions specified in this subsection, plus interest at the effective rate from the date of service to the date of payment. However, credit shall not be granted under this subsection for any such prior employment for which the applicant received credit under any other
provision of this Code, or during which the applicant was on a leave of absence under Section 15-113.2.

(j) A person employed by the State Board of Higher Education in a position with the Illinois Century Network as of June 30, 2004 shall be considered to be an employee for so long as he or she remains continuously employed after that date by the Department of Central Management Services in a position with the Illinois Century Network, the Bureau of Communication and Computer Services, or, if applicable, any successor bureau and meets the requirements of subsection (a).

(Source: P.A. 93-347, eff. 7-24-03; 93-839, eff. 7-30-04.)

(40 ILCS 5/9-168 rep.)
(40 ILCS 5/9-205 rep.)
(40 ILCS 5/9-206 rep.)
(40 ILCS 5/9-207 rep.)
(40 ILCS 5/9-208 rep.)
(40 ILCS 5/9-209 rep.)
(40 ILCS 5/9-210 rep.)
(40 ILCS 5/9-211 rep.)
(40 ILCS 5/9-212 rep.)
(40 ILCS 5/9-213 rep.)
(40 ILCS 5/9-214 rep.)
(40 ILCS 5/9-215 rep.)


Section 90. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.

New matter indicated by italics - deletions by strikeout

PUBLIC ACT 95-0370
(Senate Bill No. 0394)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Police Training Institute Act is amended by changing Section 1 as follows:
(110 ILCS 370/1) (from Ch. 144, par. 63a)
Sec. 1. The trustees of the University of Illinois shall establish a school to be called the Police Training Institute for the purpose of training police officers in the State of Illinois in the methods of maintaining police services at a level consistent with the needs of the community. The training offered in the Police Training Institute shall be under the direction of the Office of the Provost and Vice Chancellor for Academic Affairs at Division of University Extension Services of the University of Illinois at Urbana-Champaign.
(Source: Laws 1955, p. 1096.)
Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 95-0371
(Senate Bill No. 0395)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The School Code is amended by changing Section 27-17 as follows:

(105 ILCS 5/27-17) (from Ch. 122, par. 27-17)

Sec. 27-17. Safety education. School boards of public schools and all boards in charge of educational institutions supported wholly or partially by the State may provide instruction in safety education in all grades and include such instruction in the courses of study regularly taught therein.

In this section "safety education" means and includes instruction in the following:

1. automobile safety, including traffic regulations and highway safety;
2. safety in the home;
3. safety in connection with recreational activities;
4. safety in and around school buildings;
5. safety in connection with vocational work or training; and
6. cardio-pulmonary resuscitation for pupils enrolled in grades 9 through 11.

Such boards may make suitable provisions in the schools and institutions under their jurisdiction for instruction in safety education for not less than 16 hours during each school year.

The curriculum in all State universities shall contain an elective course of instruction in safety education for teachers that is appropriate to the grade level of the teaching certificate, comprising at least 48 fifty-minute periods or the equivalent thereof. This instruction may be by specific courses in safety education or may be incorporated in existing subjects taught in the university.
(Source: P.A. 80-1283.)

Section 99. Effective date. This Act takes effect upon becoming law.


New matter indicated by italics - deletions by strikeout
AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by adding Section 14-6.10 as follows:

(105 ILCS 5/14-6.10 new)
Sec. 14-6.10. Transfer of parental rights at the age of majority.
(a) When a student who is eligible for special education under this Article reaches the majority age of 18 years, all rights accorded to the student's parents under this Article transfer to the student, except as provided in this Section. This transfer of rights also applies to students who are incarcerated in an adult or juvenile State or local correctional institution. Nothing in this Section shall be construed to deny a student with a disability who has reached majority age the right to have an adult of his or her choice, including, but not limited to, the student's parent, assist the student in making decisions regarding the student's individualized education program.

(b) The school district must notify the student and the student's parents of the transfer of rights in writing at a meeting convened to review the student's individualized education program during the school year in which the student turns 17 years of age. At that time, the school district must provide the student with a copy of the Delegation of Rights form described in this Section. The school district must mail the notice and a copy of the Delegation of Rights form to the student and to the student's parents, addressed to their last known address, if they do not attend the meeting.

(c) Rights shall not transfer from the parents to the student under this Section if either of the following apply:

(1) The student with a disability who has reached the age of majority has been adjudged incompetent under State law.

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(2) The student has not been adjudged incompetent under State law, but the student has executed a Delegation of Rights to make educational decisions pursuant to this Section for the purpose of appointing the student's parent or other adult to represent the educational interests of the student.

A student may terminate the Delegation of Rights at any time and assume the right to make decisions regarding his or her education. The Delegation of Rights shall meet all of the following requirements:

(A) It shall remain in effect for one year after the date of execution, but may be renewed annually with the written or other formal authorization of the student and the person the student delegates to represent the educational interests of the student.

(B) It shall be signed by the student or verified by other means, such as audio or video or other alternative format compatible with the student's disability showing that the student has agreed to the terms of the delegation.

(C) It shall be signed or otherwise manifest verification that the designee accepts the delegation.

(D) It shall include declarations that the student (i) is 18 years of age or older, (ii) intends to delegate his or her educational rights under federal and State law to a specified individual who is at least 18 years of age, (iii) has not been adjudged incompetent under State law, (iv) is entitled to be present during the development of the student's individualized education program and to raise issues or concerns about the student's individualized education program, (v) will be permitted to terminate the Delegation of Rights at any time, and (vi) will notify the school district immediately if the student terminates the Delegation of Rights.

(E) It shall be identical or substantially the same as the following form:

DELEGATION OF RIGHTS TO MAKE EDUCATIONAL DECISION

I, (insert name), am 18 years of age or older and a student who has the right to make educational decisions for myself under State and federal

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I have not been adjudged incompetent and, as of the date of the execution of this document, I hereby delegate my right to give consent and make decisions concerning my education to (insert name), who will be considered my "parent" for purposes of the Individuals with Disabilities Education Improvement Act of 2004 and Article 14 of the School Code and will exercise all of the rights and responsibilities concerning my education that are conferred on a parent under those laws. I understand and give my consent for (insert name) to make all decisions relating to my education on my behalf. I understand that I have the right to be present at meetings held to develop my individualized education program and that I have the right to raise any issues or concerns I may have and that the school district must consider them.

This delegation will be in effect for one year from the date of execution below and may be renewed by my written or other formal authorization. I also understand that I have the right to terminate this Delegation of Rights at any time and assume the right to make my own decisions regarding my education. I understand that I must notify the school district immediately if I revoke this Delegation of Rights prior to its expiration.

(insert name)
Student
DATE: (insert date)
Accepted by: (insert name)

Designated Representative

Section 99. Effective date. This Act takes effect upon becoming law.

Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Probate Act of 1975 is amended by changing
Section 11a-10 as follows:
(755 ILCS 5/11a-10) (from Ch. 110 1/2, par. 11a-10)
Sec. 11a-10. Procedures preliminary to hearing.
(a) Upon the filing of a petition pursuant to Section 11a-8, the
court shall set a date and place for hearing to take place within 30 days.
The court shall appoint a guardian ad litem to report to the court
concerning the respondent's best interests consistent with the provisions of
this Section, except that the appointment of a guardian ad litem shall not
be required when the court determines that such appointment is not
necessary for the protection of the respondent or a reasonably informed
decision on the petition. If the guardian ad litem is not a licensed attorney,
he or she shall be qualified, by training or experience, to work with or
advocate for the developmentally disabled, mentally ill, physically
disabled, the elderly, or persons disabled because of mental deterioration,
depending on the type of disability that is alleged in the petition. The court
may allow the guardian ad litem reasonable compensation. The guardian
ad litem may consult with a person who by training or experience is
qualified to work with persons with a developmental disability, persons
with mental illness, or physically disabled persons, or persons disabled
because of mental deterioration, depending on the type of disability that is
alleged. The guardian ad litem shall personally observe the respondent
prior to the hearing and shall inform him orally and in writing of the
contents of the petition and of his rights under Section 11a-11. The
guardian ad litem shall also attempt to elicit the respondent's position
concerning the adjudication of disability, the proposed guardian, a
proposed change in residential placement, changes in care that might result
from the guardianship, and other areas of inquiry deemed appropriate by
the court. At or before the hearing, the guardian ad litem shall file a
written report detailing his or her observations of the respondent, the
responses of the respondent to any of the inquires detailed in this Section,
the opinion of the guardian ad litem or other professionals with whom the

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guardian ad litem consulted concerning the appropriateness of guardianship, and any other material issue discovered by the guardian ad litem. The guardian ad litem shall appear at the hearing and testify as to any issues presented in his or her report.

(b) The court (1) may appoint counsel for the respondent, if the court finds that the interests of the respondent will be best served by the appointment, and (2) shall appoint counsel upon respondent's request or if the respondent takes a position adverse to that of the guardian ad litem. The respondent shall be permitted to obtain the appointment of counsel either at the hearing or by any written or oral request communicated to the court prior to the hearing. The summons shall inform the respondent of this right to obtain appointed counsel. The court may allow counsel for the respondent reasonable compensation.

(c) If the respondent is unable to pay the fee of the guardian ad litem or appointed counsel, or both, the court may enter an order for the petitioner to pay all such fees or such amounts as the respondent or the respondent's estate may be unable to pay. However, in cases where the Office of State Guardian is the petitioner, consistent with Section 30 of the Guardianship and Advocacy Act, or where an elder abuse provider agency is the petitioner, pursuant to Section 9 of the Elder Abuse and Neglect Act, or where the Department of Human Services Office of Inspector General is the petitioner, consistent with Section 45(b) of the Abuse of Adults with Disabilities Intervention Act, no guardian ad litem or legal fees shall be assessed against the Office of State Guardian, or the elder abuse provider agency, or the Department of Human Services Office of Inspector General.

(d) The hearing may be held at such convenient place as the court directs, including at a facility in which the respondent resides.

(e) Unless he is the petitioner, the respondent shall be personally served with a copy of the petition and a summons not less than 14 days before the hearing. The summons shall be printed in large, bold type and shall include the following notice:

NOTICE OF RIGHTS OF RESPONDENT

You have been named as a respondent in a guardianship petition asking that you be declared a disabled person. If the court grants the
petition, a guardian will be appointed for you. A copy of the guardianship petition is attached for your convenience.  
The date and time of the hearing are:  
The place where the hearing will occur is:  
The Judge's name and phone number is:  

If a guardian is appointed for you, the guardian may be given the right to make all important personal decisions for you, such as where you may live, what medical treatment you may receive, what places you may visit, and who may visit you. A guardian may also be given the right to control and manage your money and other property, including your home, if you own one. You may lose the right to make these decisions for yourself.

You have the following legal rights:

(1) You have the right to be present at the court hearing.

(2) You have the right to be represented by a lawyer, either one that you retain, or one appointed by the Judge.

(3) You have the right to ask for a jury of six persons to hear your case.

(4) You have the right to present evidence to the court and to confront and cross-examine witnesses.

(5) You have the right to ask the Judge to appoint an independent expert to examine you and give an opinion about your need for a guardian.

(6) You have the right to ask that the court hearing be closed to the public.

(7) You have the right to tell the court whom you prefer to have for your guardian.

You do not have to attend the court hearing if you do not want to be there. If you do not attend, the Judge may appoint a guardian if the Judge finds that a guardian would be of benefit to you. The hearing will not be postponed or canceled if you do not attend.

IT IS VERY IMPORTANT THAT YOU ATTEND THE HEARING IF YOU DO NOT WANT A GUARDIAN OR IF YOU WANT SOMEONE OTHER THAN THE PERSON NAMED IN THE
GUARDIANSHIP PETITION TO BE YOUR GUARDIAN. IF YOU DO NOT WANT A GUARDIAN OR IF YOU HAVE ANY OTHER PROBLEMS, YOU SHOULD CONTACT AN ATTORNEY OR COME TO COURT AND TELL THE JUDGE.

Service of summons and the petition may be made by a private person 18 years of age or over who is not a party to the action.

(f) Notice of the time and place of the hearing shall be given by the petitioner by mail or in person to those persons, including the proposed guardian, whose names and addresses appear in the petition and who do not waive notice, not less than 14 days before the hearing.

(Source: P.A. 89-396, eff. 8-20-95; 90-628, eff. 1-1-99.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0374
(Senate Bill No. 0454)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Section 503 as follows:

(750 ILCS 5/503) (from Ch. 40, par. 503)
Sec. 503. Disposition of property.
(a) For purposes of this Act, "marital property" means all property acquired by either spouse subsequent to the marriage, except the following, which is known as "non-marital property":

1. property acquired by gift, legacy or descent;
2. property acquired in exchange for property acquired before the marriage or in exchange for property acquired by gift, legacy or descent;

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(3) property acquired by a spouse after a judgment of legal separation;
(4) property excluded by valid agreement of the parties;
(5) any judgment or property obtained by judgment awarded to a spouse from the other spouse;
(6) property acquired before the marriage;
(7) the increase in value of property acquired by a method listed in paragraphs (1) through (6) of this subsection, irrespective of whether the increase results from a contribution of marital property, non-marital property, the personal effort of a spouse, or otherwise, subject to the right of reimbursement provided in subsection (c) of this Section; and
(8) income from property acquired by a method listed in paragraphs (1) through (7) of this subsection if the income is not attributable to the personal effort of a spouse.

(b)(1) For purposes of distribution of property pursuant to this Section, all property acquired by either spouse after the marriage and before a judgment of dissolution of marriage or declaration of invalidity of marriage, including non-marital property transferred into some form of co-ownership between the spouses, is presumed to be marital property, regardless of whether title is held individually or by the spouses in some form of co-ownership such as joint tenancy, tenancy in common, tenancy by the entirety, or community property. The presumption of marital property is overcome by a showing that the property was acquired by a method listed in subsection (a) of this Section.

(2) For purposes of distribution of property pursuant to this Section, all pension benefits (including pension benefits under the Illinois Pension Code) acquired by either spouse after the marriage and before a judgment of dissolution of marriage or declaration of invalidity of the marriage are presumed to be marital property, regardless of which spouse participates in the pension plan. The presumption that these pension benefits are marital property is overcome by a showing that the pension benefits were acquired by a method listed in subsection (a) of this Section.

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The right to a division of pension benefits in just proportions under this Section is enforceable under Section 1-119 of the Illinois Pension Code.

The value of pension benefits in a retirement system subject to the Illinois Pension Code shall be determined in accordance with the valuation procedures established by the retirement system.

The recognition of pension benefits as marital property and the division of those benefits pursuant to a Qualified Illinois Domestic Relations Order shall not be deemed to be a diminishment, alienation, or impairment of those benefits. The division of pension benefits is an allocation of property in which each spouse has a species of common ownership.

(3) For purposes of distribution of property under this Section, all stock options granted to either spouse after the marriage and before a judgment of dissolution of marriage or declaration of invalidity of marriage, whether vested or non-vested or whether their value is ascertainable, are presumed to be marital property. This presumption of marital property is overcome by a showing that the stock options were acquired by a method listed in subsection (a) of this Section. The court shall allocate stock options between the parties at the time of the judgment of dissolution of marriage or declaration of invalidity of marriage recognizing that the value of the stock options may not be then determinable and that the actual division of the options may not occur until a future date. In making the allocation between the parties, the court shall consider, in addition to the factors set forth in subsection (d) of this Section, the following:

(i) All circumstances underlying the grant of the stock option including but not limited to whether the grant was for past, present, or future efforts, or any combination thereof.
(ii) The length of time from the grant of the option to the time the option is exercisable.

(c) Commingled marital and non-marital property shall be treated in the following manner, unless otherwise agreed by the spouses:

(1) When marital and non-marital property are commingled by contributing one estate of property into another resulting in a
loss of identity of the contributed property, the classification of the contributed property is transmuted to the estate receiving the contribution, subject to the provisions of paragraph (2) of this subsection; provided that if marital and non-marital property are commingled into newly acquired property resulting in a loss of identity of the contributing estates, the commingled property shall be deemed transmuted to marital property, subject to the provisions of paragraph (2) of this subsection.

(2) When one estate of property makes a contribution to another estate of property, or when a spouse contributes personal effort to non-marital property, the contributing estate shall be reimbursed from the estate receiving the contribution notwithstanding any transmutation; provided, that no such reimbursement shall be made with respect to a contribution which is not retraceable by clear and convincing evidence, or was a gift, or, in the case of a contribution of personal effort of a spouse to non-marital property, unless the effort is significant and results in substantial appreciation of the non-marital property. Personal effort of a spouse shall be deemed a contribution by the marital estate. The court may provide for reimbursement out of the marital property to be divided or by imposing a lien against the non-marital property which received the contribution.

(d) In a proceeding for dissolution of marriage or declaration of invalidity of marriage, or in a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court shall assign each spouse's non-marital property to that spouse. It also shall divide the marital property without regard to marital misconduct in just proportions considering all relevant factors, including:

(1) the contribution of each party to the acquisition, preservation, or increase or decrease in value of the marital or non-marital property, including the contribution of a spouse as a homemaker or to the family unit;

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(2) the dissipation by each party of the marital or non-marital property;
(3) the value of the property assigned to each spouse;
(4) the duration of the marriage;
(5) the relevant economic circumstances of each spouse when the division of property is to become effective, including the desirability of awarding the family home, or the right to live therein for reasonable periods, to the spouse having custody of the children;
(6) any obligations and rights arising from a prior marriage of either party;
(7) any antenuptial agreement of the parties;
(8) the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, and needs of each of the parties;
(9) the custodial provisions for any children;
(10) whether the apportionment is in lieu of or in addition to maintenance;
(11) the reasonable opportunity of each spouse for future acquisition of capital assets and income; and
(12) the tax consequences of the property division upon the respective economic circumstances of the parties.

(e) Each spouse has a species of common ownership in the marital property which vests at the time dissolution proceedings are commenced and continues only during the pendency of the action. Any such interest in marital property shall not encumber that property so as to restrict its transfer, assignment or conveyance by the title holder unless such title holder is specifically enjoined from making such transfer, assignment or conveyance.

(f) In a proceeding for dissolution of marriage or declaration of invalidity of marriage or in a proceeding for disposition of property following dissolution of marriage by a court that lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court, in determining the value of the marital and non-marital

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property for purposes of dividing the property, shall value the property as of the date of trial or some other date as close to the date of trial as is practicable.

(g) The court if necessary to protect and promote the best interests of the children may set aside a portion of the jointly or separately held estates of the parties in a separate fund or trust for the support, maintenance, education, *physical and mental health*, and general welfare of any minor, dependent, or incompetent child of the parties. In making a determination under this subsection, the court may consider, among other things, the conviction of a party of any of the offenses set forth in Section 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 if the victim is a child of one or both of the parties, and there is a need for, and cost of, care, healing and counseling for the child who is the victim of the crime.

(h) Unless specifically directed by a reviewing court, or upon good cause shown, the court shall not on remand consider any increase or decrease in the value of any "marital" or "non-marital" property occurring since the assessment of such property at the original trial or hearing, but shall use only that assessment made at the original trial or hearing.

(i) The court may make such judgments affecting the marital property as may be just and may enforce such judgments by ordering a sale of marital property, with proceeds therefrom to be applied as determined by the court.

(j) After proofs have closed in the final hearing on all other issues between the parties (or in conjunction with the final hearing, if all parties so stipulate) and before judgment is entered, a party's petition for contribution to fees and costs incurred in the proceeding shall be heard and decided, in accordance with the following provisions:

(1) A petition for contribution, if not filed before the final hearing on other issues between the parties, shall be filed no later than 30 days after the closing of proofs in the final hearing or within such other period as the court orders.

(2) Any award of contribution to one party from the other party shall be based on the criteria for division of marital property

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under this Section 503 and, if maintenance has been awarded, on
the criteria for an award of maintenance under Section 504.

(3) The filing of a petition for contribution shall not be
deemed to constitute a waiver of the attorney-client privilege
between the petitioning party and current or former counsel; and
such a waiver shall not constitute a prerequisite to a hearing for
contribution. If either party's presentation on contribution,
however, includes evidence within the scope of the attorney-client
privilege, the disclosure or disclosures shall be narrowly construed
and shall not be deemed by the court to constitute a general waiver
of the privilege as to matters beyond the scope of the presentation.

(4) No finding on which a contribution award is based or
denied shall be asserted against counsel or former counsel for
purposes of any hearing under subsection (c) or (e) of Section 508.

(5) A contribution award (payable to either the petitioning
party or the party's counsel, or jointly, as the court determines) may
be in the form of either a set dollar amount or a percentage of fees
and costs (or a portion of fees and costs) to be subsequently agreed
upon by the petitioning party and counsel or, alternatively,
thereafter determined in a hearing pursuant to subsection (c) of
Section 508 or previously or thereafter determined in an
independent proceeding under subsection (e) of Section 508.

(6) The changes to this Section 503 made by this
amendatory Act of 1996 apply to cases pending on or after June 1,
1997, except as otherwise provided in Section 508.

(Source: P.A. 91-445, eff. 1-1-00; 92-306, eff. 1-1-02.)
Effective January 1, 2008.

PUBLIC ACT 95-0375
(Senate Bill No. 0499)

AN ACT concerning revenue.

New matter indicated by italics - deletions by strikeout
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Economic Development for a Growing Economy Tax Credit Act is amended by changing Sections 5-5 and 5-15 as follows:

(35 ILCS 10/5-5)
Sec. 5-5. Definitions. As used in this Act:
"Agreement" means the Agreement between a Taxpayer and the Department under the provisions of Section 5-50 of this Act.
"Applicant" means a Taxpayer that is operating a business located or that the Taxpayer plans to locate within the State of Illinois and that is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, assembling, warehousing, or distributing products, conducting research and development, providing tourism services, or providing services in interstate commerce, office industries, or agricultural processing, but excluding retail, retail food, health, or professional services. "Applicant" does not include a Taxpayer who closes or substantially reduces an operation at one location in the State and relocates substantially the same operation to another location in the State. This does not prohibit a Taxpayer from expanding its operations at another location in the State, provided that existing operations of a similar nature located within the State are not closed or substantially reduced. This also does not prohibit a Taxpayer from moving its operations from one location in the State to another location in the State for the purpose of expanding the operation provided that the Department determines that expansion cannot reasonably be accommodated within the municipality in which the business is located, or in the case of a business located in an incorporated area of the county, within the county in which the business is located, after conferring with the chief elected official of the municipality or county and taking into consideration any evidence offered by the municipality or county regarding the ability to accommodate expansion within the municipality or county.

"Committee" means the Illinois Business Investment Committee created under Section 5-25 of this Act within the Illinois Economic Development Board.

New matter indicated by italics - deletions by strikeout
"Credit" means the amount agreed to between the Department and Applicant under this Act, but not to exceed the Incremental Income Tax attributable to the Applicant's project.

"Department" means the Department of Commerce and Economic Opportunity.

"Director" means the Director of Commerce and Economic Opportunity.

"Full-time Employee" means an individual who is employed for consideration for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment. An individual for whom a W-2 is issued by a Professional Employer Organization (PEO) is a full-time employee if employed in the service of the Applicant for consideration for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment to Applicant.

"Incremental Income Tax" means the total amount withheld during the taxable year from the compensation of New Employees under Article 7 of the Illinois Income Tax Act arising from employment at a project that is the subject of an Agreement.

"New Employee" means:

(a) A Full-time Employee first employed by a Taxpayer in the project that is the subject of an Agreement and who is hired after the Taxpayer enters into the tax credit Agreement.

(b) The term "New Employee" does not include:

(1) an employee of the Taxpayer who performs a job that was previously performed by another employee, if that job existed for at least 6 months before hiring the employee;

(2) an employee of the Taxpayer who was previously employed in Illinois by a Related Member of the Taxpayer and whose employment was shifted to the Taxpayer after the Taxpayer entered into the tax credit Agreement; or

New matter indicated by italics - deletions by strikeout
(3) a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who has a direct or an indirect ownership interest of at least 5% in the profits, capital, or value of the Taxpayer.

(c) Notwithstanding paragraph (1) of subsection (b), an employee may be considered a New Employee under the Agreement if the employee performs a job that was previously performed by an employee who was:

(1) treated under the Agreement as a New Employee; and

(2) promoted by the Taxpayer to another job.

(d) Notwithstanding subsection (a), the Department may award Credit to an Applicant with respect to an employee hired prior to the date of the Agreement if:

(1) the Applicant is in receipt of a letter from the Department stating an intent to enter into a credit Agreement;

(2) the letter described in paragraph (1) is issued by the Department not later than 15 days after the effective date of this Act; and

(3) the employee was hired after the date the letter described in paragraph (1) was issued.

"Noncompliance Date" means, in the case of a Taxpayer that is not complying with the requirements of the Agreement or the provisions of this Act, the day following the last date upon which the Taxpayer was in compliance with the requirements of the Agreement and the provisions of this Act, as determined by the Director, pursuant to Section 5-65.

"Pass Through Entity" means an entity that is exempt from the tax under subsection (b) or (c) of Section 205 of the Illinois Income Tax Act.

"Professional Employer Organization" (PEO) means an employee leasing company, as defined in Section 206.1(A)(2) of the Illinois Unemployment Insurance Act.
"Related Member" means a person that, with respect to the Taxpayer during any portion of the taxable year, is any one of the following:

(1) An individual stockholder, if the stockholder and the members of the stockholder's family (as defined in Section 318 of the Internal Revenue Code) own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of the Taxpayer's outstanding stock.

(2) A partnership, estate, or trust and any partner or beneficiary, if the partnership, estate, or trust, and its partners or beneficiaries own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the profits, capital, stock, or value of the Taxpayer.

(3) A corporation, and any party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of Section 318 of the Internal Revenue Code, if the Taxpayer owns directly, indirectly, beneficially, or constructively at least 50% of the value of the corporation's outstanding stock.

(4) A corporation and any party related to that corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of Section 318 of the Internal Revenue Code, if the corporation and all such related parties own in the aggregate at least 50% of the profits, capital, stock, or value of the Taxpayer.

(5) A person to or from whom there is attribution of stock ownership in accordance with Section 1563(e) of the Internal Revenue Code, except, for purposes of determining whether a person is a Related Member under this paragraph, 20% shall be substituted for 5% wherever 5% appears in Section 1563(e) of the Internal Revenue Code.

"Taxpayer" means an individual, corporation, partnership, or other entity that has any Illinois Income Tax liability.

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Sec. 5-15. Tax Credit Awards. Subject to the conditions set forth in this Act, a Taxpayer is entitled to a Credit against taxes imposed pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act that may be imposed on the Taxpayer for a taxable year beginning on or after January 1, 1999, if the Taxpayer is awarded a Credit by the Department under this Act for that taxable year.

(a) The Department shall make Credit awards under this Act to foster job creation and retention in Illinois.

(b) A person that proposes a project to create new jobs in Illinois must enter into an Agreement with the Department for the Credit under this Act.

(c) The Credit shall be claimed for the taxable years specified in the Agreement.

(d) The Credit shall not exceed the Incremental Income Tax attributable to the project that is the subject of the Agreement.

(e) Nothing herein shall prohibit a Tax Credit Award to an Applicant that uses a PEO if all other award criteria are satisfied.

Section 99. Effective date. This Act takes effect upon becoming law.

Sec. 10. Powers and duties of State Appellate Defender.

(a) The State Appellate Defender shall represent indigent persons on appeal in criminal and delinquent minor proceedings, when appointed to do so by a court under a Supreme Court Rule or law of this State.

(b) The State Appellate Defender shall submit a budget for the approval of the State Appellate Defender Commission.

(c) The State Appellate Defender may:

(1) maintain a panel of private attorneys available to serve as counsel on a case basis;

(2) establish programs, alone or in conjunction with law schools, for the purpose of utilizing volunteer law students as legal assistants;

(3) cooperate and consult with state agencies, professional associations, and other groups concerning the causes of criminal conduct, the rehabilitation and correction of persons charged with and convicted of crime, the administration of criminal justice, and, in counties of less than 1,000,000 population, study, design, develop and implement model systems for the delivery of trial level defender services, and make an annual report to the General Assembly;

(4) hire investigators to provide investigative services to appointed counsel and county public defenders;

(5) in cases in which a death sentence is an authorized disposition, provide trial counsel with legal advice and the assistance of expert witnesses, investigators, and mitigation specialists from funds appropriated to the State Appellate Defender specifically for that purpose by the General Assembly. The Office of State Appellate Defender shall not be appointed to serve as trial counsel in capital cases;

(6) develop a Juvenile Defender Resource Center to: (i) study, design, develop, and implement model systems for the delivery of trial level defender services for juveniles in the justice system; (ii) in cases in which a sentence of incarceration or an

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adult sentence, or both, is an authorized disposition, provide trial counsel with legal advice and the assistance of expert witnesses and investigators from funds appropriated to the Office of the State Appellate Defender by the General Assembly specifically for that purpose; (iii) develop and provide training to public defenders on juvenile justice issues, utilizing resources including the State and local bar associations, the Illinois Public Defender Association, law schools, the Midwest Juvenile Defender Center, and pro bono efforts by law firms; and (iv) make an annual report to the General Assembly.

Investigators employed by the Death Penalty Trial Assistance and Capital Litigation Division of the State Appellate Defender shall be authorized to inquire through the Illinois State Police or local law enforcement with the Law Enforcement Agencies Data System (LEADS) under Section 2605-375 of the Civil Administrative Code of Illinois to ascertain whether their potential witnesses have a criminal background, including: (i) warrants; (ii) arrests; (iii) convictions; and (iv) officer safety information. This authorization applies only to information held on the State level and shall be used only to protect the personal safety of the investigators. Any information that is obtained through this inquiry may not be disclosed by the investigators.

(d) For each State fiscal year, the State Appellate Defender shall appear before the General Assembly and request appropriations to be made from the Capital Litigation Trust Fund to the State Treasurer for the purpose of providing defense assistance in capital cases outside of Cook County and for expenses incurred by the State Appellate Defender in representing petitioners in capital cases in post-conviction proceedings under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases and for the representation of those petitioners by attorneys approved by or contracted with the State Appellate Defender. The State Appellate Defender may appear before the General Assembly at other times during the State's fiscal year to request supplemental appropriations from the Trust Fund to the State Treasurer.
(e) The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.
(Source: P.A. 93-972, eff. 8-20-04; 93-1011, eff. 1-1-05; 94-340, eff. 1-1-06.)

Section 10. The State's Attorneys Appellate Prosecutor's Act is amended by adding Section 4.11 as follows:
(725 ILCS 210/4.11 new)
Sec. 4.11. Juvenile Justice Resource Center. The Office may develop a Juvenile Justice Resource Center to: (i) study, design, develop, and implement model systems for the adjudication of juveniles in the justice system; (ii) in cases in which a sentence of incarceration or an adult sentence, or both, is an authorized disposition, provide trial counsel with legal advice and the assistance of expert witnesses and investigators from funds appropriated to the Office by the General Assembly specifically for that purpose; (iii) develop and provide training to assistant State's Attorneys on juvenile justice issues, and, (iv) make an annual report to the General Assembly.
Effective January 1, 2008.

PUBLIC ACT 95-0377
(Senate Bill No. 0533)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

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Section 5. The Illinois Vehicle Code is amended by changing Sections 6-205, 6-208 and 6-303 as follows:

(625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

Sec. 6-205. Mandatory revocation of license or permit; Hardship cases.

(a) Except as provided in this Section, the Secretary of State shall immediately revoke the license, permit, or driving privileges of any driver upon receiving a report of the driver's conviction of any of the following offenses:

1. Reckless homicide resulting from the operation of a motor vehicle;
2. Violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof;
3. Any felony under the laws of any State or the federal government in the commission of which a motor vehicle was used;
4. Violation of Section 11-401 of this Code relating to the offense of leaving the scene of a traffic accident involving death or personal injury;
5. Perjury or the making of a false affidavit or statement under oath to the Secretary of State under this Code or under any other law relating to the ownership or operation of motor vehicles;
6. Conviction upon 3 charges of violation of Section 11-503 of this Code relating to the offense of reckless driving committed within a period of 12 months;
7. Conviction of any offense defined in Section 4-102 of this Code;
8. Violation of Section 11-504 of this Code relating to the offense of drag racing;
9. Violation of Chapters 8 and 9 of this Code;
10. Violation of Section 12-5 of the Criminal Code of 1961 arising from the use of a motor vehicle;

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11. Violation of Section 11-204.1 of this Code relating to aggravated fleeing or attempting to elude a peace officer;
12. Violation of paragraph (1) of subsection (b) of Section 6-507, or a similar law of any other state, relating to the unlawful operation of a commercial motor vehicle;
13. Violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance if the driver has been previously convicted of a violation of that Section or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense.

(b) The Secretary of State shall also immediately revoke the license or permit of any driver in the following situations:

1. Of any minor upon receiving the notice provided for in Section 5-901 of the Juvenile Court Act of 1987 that the minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of this Code;
2. Of any person when any other law of this State requires either the revocation or suspension of a license or permit.

(c) Except as provided in subsection (c-5), whenever a person is convicted of any of the offenses enumerated in this Section, the court may recommend and the Secretary of State in his discretion, without regard to whether the recommendation is made by the court may, upon application, issue to the person a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow transportation for the petitioner or a household member of the petitioner's family for the receipt of necessary medical care or, if the professional evaluation indicates, provide transportation for the petitioner for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare; provided that the

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Secretary's discretion shall be limited to cases where undue hardship would result from a failure to issue the restricted driving permit.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, or if a person has been convicted of one violation of Section 6-303 of this Code committed while his or her driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar provision of a law of another state, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary of State may issue a restricted driving permit for a period he deems appropriate, except that the permit shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control.

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of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination thereof, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program. However, if an individual's driving privileges have been revoked in accordance with paragraph 13 of subsection (a) of this Section, no restricted driving permit shall be issued until the individual has served 6 months of the revocation period.

(c-5) The Secretary may not issue a restricted driving permit to any person who has been convicted of a second or subsequent violation of Section 6-303 of this Code committed while his or her driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar provision of a law of another state.

(d) Whenever a person under the age of 21 is convicted under Section 11-501 of this Code or a similar provision of a local ordinance, the Secretary of State shall revoke the driving privileges of that person. One year after the date of revocation, and upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle only between the hours of 5 a.m. and 9 p.m. or as otherwise provided by this Section for a period of one year. After this one year period, and upon reapplication for a license as provided in Section 6-106, upon payment of the appropriate reinstatement fee provided under

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paragraph (b) of Section 6-118, the Secretary of State, in his discretion, may issue the applicant a license, or extend the restricted driving permit as many times as the Secretary of State deems appropriate, by additional periods of not more than 12 months each, until the applicant attains 21 years of age.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The revocation periods contained in this subparagraph shall apply to similar out-of-state convictions.

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(d-5) The revocation of the license, permit, or driving privileges of a person convicted of a third or subsequent violation of Section 6-303 of this Code committed while his or her driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar provision of a law of another state, is permanent. The Secretary may not, at any time, issue a license or permit to that person.

(e) This Section is subject to the provisions of the Driver License Compact.

(f) Any revocation imposed upon any person under subsections 2 and 3 of paragraph (b) that is in effect on December 31, 1988 shall be converted to a suspension for a like period of time.

(g) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been revoked under any provisions of this Code.

(h) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense under Section 11-501 of this Code or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(i) The Secretary of State may not issue a restricted driving permit for a period of one year after a second or subsequent revocation of driving privileges under clause (a)(2) of this Section; however, one year after the date of a second or subsequent revocation of driving privileges under clause (a)(2) of this Section, the Secretary of State may, upon application, issue a restricted driving permit under the terms and conditions of subsection (c).

(j) In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been revoked under any provisions of this Code.

(Source: P.A. 93-120, eff. 1-1-04; 94-307, eff. 9-30-05.)

(625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)
Sec. 6-208. Period of Suspension - Application After Revocation.

(a) Except as otherwise provided by this Code or any other law of this State, the Secretary of State shall not suspend a driver's license, permit or privilege to drive a motor vehicle on the highways for a period of more than one year.

(b) Any person whose license, permit or privilege to drive a motor vehicle on the highways has been revoked shall not be entitled to have such license, permit or privilege renewed or restored. However, such person may, except as provided under subsections (d) and (d-5) of Section 6-205, make application for a license pursuant to Section 6-106 (i) if the revocation was for a cause which has been removed or (ii) as provided in the following subparagraphs:

1. Except as provided in subparagraphs 1.5, 2, 3, and 4, and 5, the person may make application for a license after the expiration of one year from the effective date of the revocation or, in the case of a violation of paragraph (b) of Section 11-401 of this Code or a similar provision of a local ordinance, after the expiration of 3 years from the effective date of the revocation or, in the case of a violation of Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to the offense of reckless homicide or a violation of subparagraph (F) of paragraph 1 of subsection (d) of Section 11-501 of this Code relating to aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, if the violation was the proximate cause of a death, after the expiration of 2 years from the effective date of the revocation or after the expiration of 24 months from the date of release from a period of imprisonment as provided in Section 6-103 of this Code, whichever is later.

1.5. If the person is convicted of a violation of Section 6-303 of this Code committed while his or her driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar provision of a law of another state,
the person may not make application for a license or permit until the expiration of 3 years from the effective date of the most recent revocation.

2. If such person is convicted of committing a second violation within a 20 year period of:
   (A) Section 11-501 of this Code, or a similar provision of a local ordinance; or
   (B) Paragraph (b) of Section 11-401 of this Code, or a similar provision of a local ordinance; or
   (C) Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide; or
   (D) any combination of the above offenses committed at different instances;
   then such person may not make application for a license until after the expiration of 5 years from the effective date of the most recent revocation. The 20 year period shall be computed by using the dates the offenses were committed and shall also include similar out-of-state offenses.

3. However, except as provided in subparagraph 4, if such person is convicted of committing a third, or subsequent, violation or any combination of the above offenses, including similar out-of-state offenses, contained in subparagraph 2, then such person may not make application for a license until after the expiration of 10 years from the effective date of the most recent revocation.

4. The person may not make application for a license if the person is convicted of committing a fourth or subsequent violation of Section 11-501 of this Code or a similar provision of a local ordinance, Section 11-401 of this Code, Section 9-3 of the Criminal Code of 1961, or a combination of these offenses or similar provisions of local ordinances or similar out-of-state offenses.

5. The person may not make application for a license or permit if the person is convicted of a third or subsequent violation of Section 6-303 of this Code committed while his or her driver's
license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar provision of a law of another state.

Notwithstanding any other provision of this Code, all persons referred to in this paragraph (b) may not have their privileges restored until the Secretary receives payment of the required reinstatement fee pursuant to subsection (b) of Section 6-118.

In no event shall the Secretary issue such license unless and until such person has had a hearing pursuant to this Code and the appropriate administrative rules and the Secretary is satisfied, after a review or investigation of such person, that to grant the privilege of driving a motor vehicle on the highways will not endanger the public safety or welfare.

(c) (Blank).

(625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

Sec. 6-303. Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked.

(a) Except as otherwise provided in subsection (a-5), any person who drives or is in actual physical control of a motor vehicle on any highway of this State at a time when such person's driver's license, permit or privilege to do so or the privilege to obtain a driver's license or permit is revoked or suspended as provided by this Code or the law of another state, except as may be specifically allowed by a judicial driving permit, family financial responsibility driving permit, probationary license to drive, or a restricted driving permit issued pursuant to this Code or under the law of another state, shall be guilty of a Class A misdemeanor.

(a-5) Any person who violates this Section as provided in subsection (a) while his or her driver's license, permit or privilege is revoked because of a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide or a similar provision of a law of another state, is guilty of a Class 4 felony. The person shall be required to undergo a professional evaluation, as provided in Section 11-
501 of this Code, to determine if an alcohol, drug, or intoxicating compound problem exists and the extent of the problem, and to undergo the imposition of treatment as appropriate.

(b) The Secretary of State upon receiving a report of the conviction of any violation indicating a person was operating a motor vehicle during the time when said person's driver's license, permit or privilege was suspended by the Secretary, by the appropriate authority of another state, or pursuant to Section 11-501.1; except as may be specifically allowed by a probationary license to drive, judicial driving permit or restricted driving permit issued pursuant to this Code or the law of another state; shall extend the suspension for the same period of time as the originally imposed suspension; however, if the period of suspension has then expired, the Secretary shall be authorized to suspend said person's driving privileges for the same period of time as the originally imposed suspension; and if the conviction was upon a charge which indicated that a vehicle was operated during the time when the person's driving privilege was revoked; except as may be allowed by a restricted driving permit issued pursuant to this Code or the law of another state; the Secretary shall not issue a driver's license for an additional period of one year from the date of such conviction indicating such person was operating a vehicle during such period of revocation.

(b-5) Any person convicted of violating this Section shall serve a minimum term of imprisonment of 30 consecutive days or 300 hours of community service when the person's driving privilege was revoked or suspended as a result of a violation of Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide, or a similar provision of a law of another state.

(c) Any person convicted of violating this Section shall serve a minimum term of imprisonment of 10 consecutive days or 30 days of community service when the person's driving privilege was revoked or suspended as a result of:

(1) a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating

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or being in physical control of a vehicle while under the influence of alcohol, any other drug or any combination thereof; or

(2) a violation of paragraph (b) of Section 11-401 of this Code or a similar provision of a local ordinance relating to the offense of leaving the scene of a motor vehicle accident involving personal injury or death; or

(3) a violation of Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide; or

(4) a statutory summary suspension under Section 11-501.1 of this Code.

Such sentence of imprisonment or community service shall not be subject to suspension in order to reduce such sentence.

(c-1) Except as provided in subsections (c-5) and subsection (d), any person convicted of a second violation of this Section shall be ordered by the court to serve a minimum of 100 hours of community service.

(c-2) In addition to other penalties imposed under this Section, the court may impose on any person convicted a fourth time of violating this Section any of the following:

(1) Seizure of the license plates of the person's vehicle.

(2) Immobilization of the person's vehicle for a period of time to be determined by the court.

(c-5) Any person convicted of a second violation of this Section is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and shall serve a mandatory term of imprisonment, if the revocation or suspension was for a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense.

(d) Any person convicted of a second violation of this Section shall be guilty of a Class 4 felony and shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a

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similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-1) Except as provided in subsection (d-2), (d-2.5), and subsection (d-3), any person convicted of a third or subsequent violation of this Section shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court.

(d-2) Any person convicted of a third violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 30 days if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-2.5) Any person convicted of a third violation of this Section is guilty of a Class 1 felony, is not eligible for probation or conditional discharge, and must serve a mandatory term of imprisonment if the revocation or suspension was for a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense.

(d-3) Any person convicted of a fourth, fifth, sixth, seventh, eighth, or ninth violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 180 days if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-3.5) Any person convicted of a fourth or subsequent violation of this Section is guilty of a Class 1 felony, is not eligible for probation or conditional discharge, and must serve a mandatory term of imprisonment, and is eligible for an extended term, if the revocation or suspension was
for a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense.

(d-4) Any person convicted of a tenth, eleventh, twelfth, thirteenth, or fourteenth violation of this Section is guilty of a Class 3 felony, and is not eligible for probation or conditional discharge, if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-5) Any person convicted of a fifteenth or subsequent violation of this Section is guilty of a Class 2 felony, and is not eligible for probation or conditional discharge, if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(e) Any person in violation of this Section who is also in violation of Section 7-601 of this Code relating to mandatory insurance requirements, in addition to other penalties imposed under this Section, shall have his or her motor vehicle immediately impounded by the arresting law enforcement officer. The motor vehicle may be released to any licensed driver upon a showing of proof of insurance for the vehicle that was impounded and the notarized written consent for the release by the vehicle owner.

(f) For any prosecution under this Section, a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

(g) The motor vehicle used in a violation of this Section is subject to seizure and forfeiture as provided in Sections 36-1 and 36-2 of the Criminal Code of 1961 if the person's driving privilege was revoked or suspended as a result of a violation listed in paragraph (1), (2), or (3) of
subsection (c) of this Section or as a result of a summary suspension as provided in paragraph (4) of subsection (c) of this Section.
(Source: P.A. 94-112, eff. 1-1-06.)

Section 10. The Unified Code of Corrections is amended by changing Sections 5-5-3, 5-6-1, and 5-6-3 as follows:
(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)
Sec. 5-5-3. Disposition.
(a) Except as provided in Section 11-501 of the Illinois Vehicle Code, every person convicted of an offense shall be sentenced as provided in this Section.
(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:
(1) A period of probation.
(2) A term of periodic imprisonment.
(3) A term of conditional discharge.
(4) A term of imprisonment.
(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961 (now repealed).
(6) A fine.
(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.
(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.
(9) A term of imprisonment in combination with a term of probation when the offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act. Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.
(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-
8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.
(B) Attempted first degree murder.
(C) A Class X felony.
(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1) or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin or cocaine or an analog thereof.
(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.
(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
(F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of the Criminal Code of 1961 for which imprisonment is prescribed in those Sections.
(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
(H) Criminal sexual assault.
(I) Aggravated battery of a senior citizen.

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(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.


(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 or 20-1.3 of the Criminal Code of 1961.


(S) (Blank).

New matter indicated by italics - deletions by strikeout
(T) A second or subsequent violation of the Methamphetamine Control and Community Protection Act.

(U) A second or subsequent violation of Section 6-303 of the Illinois Vehicle Code committed while his or her driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar provision of a law of another state.

(3) (Blank).

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) (Blank).

(4.2) Except as provided in paragraphs (4.3) and (4.8) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraphs (4.5), (4.6), and (4.9) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) Except as provided in paragraph (4.10) of this subsection (c), a minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.
(4.7) A minimum term of imprisonment of not less than 30 consecutive days, or 300 hours of community service, shall be imposed for a violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (b-5) of that Section.

(4.8) A mandatory prison sentence shall be imposed for a second violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (c-5) of that Section. The person's driving privileges shall be revoked for a period of not less than 5 years from the date of his or her release from prison.

(4.9) A mandatory prison sentence of not less than 4 and not more than 15 years shall be imposed for a third violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (d-2.5) of that Section. The person's driving privileges shall be revoked for the remainder of his or her life.

(4.10) A mandatory prison sentence for a Class 1 felony shall be imposed, and the person shall be eligible for an extended term sentence, for a fourth or subsequent violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (d-3.5) of that Section. The person's driving privileges shall be revoked for the remainder of his or her life.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;
(B) a fine;
(C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not

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more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(5.4) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating Section 3-707 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 3 months and until he or she has paid a reinstatement fee of $100.

(5.5) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating Section 3-707 of the Illinois Vehicle Code during a period in which his or her driver's license, permit, or privileges were suspended for a previous violation of that Section shall have his or her driver's license, permit, or privileges suspended for an additional 6 months after the expiration of the original 3-month suspension and until he or she has paid a reinstatement fee of $100.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

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(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) (Blank).

(11) The court shall impose a minimum fine of $1,000 for a first offense and $2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for battery when the individual harmed was a sports official or coach at any level of competition and the act causing harm to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant of the athletic contest held at the athletic facility. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; "athletic facility" means an indoor or outdoor playing field or recreational area where sports activities are conducted; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the sporting event.

(12) A person may not receive a disposition of court supervision for a violation of Section 5-16 of the Boat Registration Act.
and Safety Act if that person has previously received a disposition of court supervision for a violation of that Section.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual abuse under Section 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

1. the court finds (A) or (B) or both are appropriate:
   (A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or
   (B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:
      (i) removal from the household;
      (ii) restricted contact with the victim;
      (iii) continued financial support of the family;

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(iv) restitution for harm done to the victim; and

(v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be

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personally delivered in a sealed envelope to the judge of the court in which
the conviction was entered for the judge's inspection in camera. Acting in
accordance with the best interests of the victim and the public, the judge
shall have the discretion to determine to whom, if anyone, the results of
the testing may be revealed. The court shall notify the defendant of the test
results. The court shall also notify the victim if requested by the victim,
and if the victim is under the age of 15 and if requested by the victim's
parents or legal guardian, the court shall notify the victim's parents or legal
guardian of the test results. The court shall provide information on the
availability of HIV testing and counseling at Department of Public Health
facilities to all parties to whom the results of the testing are revealed and
shall direct the State's Attorney to provide the information to the victim
when possible. A State's Attorney may petition the court to obtain the
results of any HIV test administered under this Section, and the court shall
grant the disclosure if the State's Attorney shows it is relevant in order to
prosecute a charge of criminal transmission of HIV under Section 12-16.2
of the Criminal Code of 1961 against the defendant. The court shall order
that the cost of any such test shall be paid by the county and may be taxed
as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable
disease, as determined by the Illinois Department of Public Health
including but not limited to tuberculosis, the results of the test shall be
personally delivered by the warden or his or her designee in a sealed
envelope to the judge of the court in which the inmate must appear for the
judge's inspection in camera if requested by the judge. Acting in
accordance with the best interests of those in the courtroom, the judge
shall have the discretion to determine what if any precautions need to be
taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section
1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall
undergo medical testing to determine whether the defendant has been
exposed to human immunodeficiency virus (HIV) or any other identified
causative agent of acquired immunodeficiency syndrome (AIDS). Except
as otherwise provided by law, the results of such test shall be kept strictly

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confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, any violation of the Cannabis Control Act, or any violation of the Methamphetamine Control and Community Protection Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substance Act, or Section 70 of the Methamphetamine Control and Community Protection Act of a defendant, the court shall determine whether the defendant is employed by a facility
or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has
a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

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(2) the deportation of the defendant would not
depreciate the seriousness of the defendant's conduct and
would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are
subject to the provisions of paragraph (2) of subsection (a) of
Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant
sentenced under this Section returns to the jurisdiction of the
United States, the defendant shall be recommitted to the custody of
the county from which he or she was sentenced. Thereafter, the
defendant shall be brought before the sentencing court, which may
impose any sentence that was available under Section 5-5-3 at the
time of initial sentencing. In addition, the defendant shall not be
eligible for additional good conduct credit for meritorious service
as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under
Section 21-1.3 of the Criminal Code of 1961, in which the property
damage exceeds $300 and the property damaged is a school building, shall
be ordered to perform community service that may include cleanup,
removal, or painting over the defacement.

(n) The court may sentence a person convicted of a violation of
Section 12-19, 12-21, or 16-1.3 of the Criminal Code of 1961 (i) to an
impact incarceration program if the person is otherwise eligible for that
program under Section 5-8-1.1, (ii) to community service, or (iii) if the
person is an addict or alcoholic, as defined in the Alcoholism and Other
Drug Abuse and Dependency Act, to a substance or alcohol abuse program
licensed under that Act.

(o) Whenever a person is convicted of a sex offense as defined in
Section 2 of the Sex Offender Registration Act, the defendant's driver's
license or permit shall be subject to renewal on an annual basis in
accordance with the provisions of license renewal established by the
Secretary of State.

(Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169, eff. 7-10-03;
93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546, eff. 1-1-04; 93-694, eff.

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Sec. 5-6-1. Sentences of Probation and of Conditional Discharge and Disposition of Supervision. The General Assembly finds that in order to protect the public, the criminal justice system must compel compliance with the conditions of probation by responding to violations with swift, certain and fair punishments and intermediate sanctions. The Chief Judge of each circuit shall adopt a system of structured, intermediate sanctions for violations of the terms and conditions of a sentence of probation, conditional discharge or disposition of supervision.

(a) Except where specifically prohibited by other provisions of this Code, the court shall impose a sentence of probation or conditional discharge upon an offender unless, having regard to the nature and circumstance of the offense, and to the history, character and condition of the offender, the court is of the opinion that:

(1) his imprisonment or periodic imprisonment is necessary for the protection of the public; or

(2) probation or conditional discharge would deprecate the seriousness of the offender's conduct and would be inconsistent with the ends of justice; or

(3) a combination of imprisonment with concurrent or consecutive probation when an offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act is necessary for the protection of the public and for the rehabilitation of the offender.

The court shall impose as a condition of a sentence of probation, conditional discharge, or supervision, that the probation agency may invoke any sanction from the list of intermediate sanctions adopted by the chief judge of the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-6-4 of this Act.
(b) The court may impose a sentence of conditional discharge for an offense if the court is of the opinion that neither a sentence of imprisonment nor of periodic imprisonment nor of probation supervision is appropriate.

(b-1) Subsections (a) and (b) of this Section do not apply to a defendant charged with a misdemeanor or felony under the Illinois Vehicle Code or reckless homicide under Section 9-3 of the Criminal Code of 1961 if the defendant within the past 12 months has been convicted of or pleaded guilty to a misdemeanor or felony under the Illinois Vehicle Code or reckless homicide under Section 9-3 of the Criminal Code of 1961.

(c) The court may, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, defer further proceedings and the imposition of a sentence, and enter an order for supervision of the defendant, if the defendant is not charged with: (i) a Class A misdemeanor, as defined by the following provisions of the Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1; paragraph (1) through (5), (8), (10), and (11) of subsection (a) of Section 24-1; (ii) a Class A misdemeanor violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals Act; or (iii) felony. If the defendant is not barred from receiving an order for supervision as provided in this subsection, the court may enter an order for supervision after considering the circumstances of the offense, and the history, character and condition of the offender, if the court is of the opinion that:

(1) the offender is not likely to commit further crimes;
(2) the defendant and the public would be best served if the defendant were not to receive a criminal record; and
(3) in the best interests of justice an order of supervision is more appropriate than a sentence otherwise permitted under this Code.

(c-5) Subsections (a), (b), and (c) of this Section do not apply to a defendant charged with a second or subsequent violation of Section 6-303 of the Illinois Vehicle Code committed while his or her driver's license, permit or privileges were revoked because of a violation of Section 9-3 of...
the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar provision of a law of another state.

(d) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance when the defendant has previously been:

(1) convicted for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or

(2) assigned supervision for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or

(3) pleaded guilty to or stipulated to the facts supporting a charge or a finding of guilty to a violation of Section 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state, and the plea or stipulation was the result of a plea agreement.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(e) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 16A-3 of the Criminal Code of 1961 if said defendant has within the last 5 years been:

(1) convicted for a violation of Section 16A-3 of the Criminal Code of 1961; or

(2) assigned supervision for a violation of Section 16A-3 of the Criminal Code of 1961.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(f) The provisions of paragraph (c) shall not apply to a defendant charged with violating Sections 15-111, 15-112, 15-301, paragraph (b) of Section 6-104, Section 11-605, or Section 11-1414 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(g) Except as otherwise provided in paragraph (i) of this Section, the provisions of paragraph (c) shall not apply to a defendant charged with

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violating Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has within the last 5 years been:

(1) convicted for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance; or

(2) assigned supervision for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(h) The provisions of paragraph (c) shall not apply to a defendant under the age of 21 years charged with violating a serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code:

(1) unless the defendant, upon payment of the fines, penalties, and costs provided by law, agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference of Chief Circuit Judges. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered. The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases when a defendant enters a guilty plea under this provision; or

(2) if the defendant has previously been sentenced under the provisions of paragraph (c) on or after January 1, 1998 for any serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code.

(i) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has been assigned supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance.

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(j) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance when the revocation or suspension was for a violation of Section 11-501 or a similar provision of a local ordinance or a violation of Section 11-501.1 or paragraph (b) of Section 11-401 of the Illinois Vehicle Code, or a violation of Section 9-3 of the Criminal Code of 1961 if the defendant has within the last 10 years been:

(1) convicted for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance; or

(2) assigned supervision for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(k) The provisions of paragraph (c) shall not apply to a defendant charged with violating any provision of the Illinois Vehicle Code or a similar provision of a local ordinance that governs the movement of vehicles if, within the 12 months preceding the date of the defendant's arrest, the defendant has been assigned court supervision on 2 occasions for a violation that governs the movement of vehicles under the Illinois Vehicle Code or a similar provision of a local ordinance.

(l) A defendant charged with violating any provision of the Illinois Vehicle Code who, after a court appearance in the same matter, receives a disposition of supervision under subsection (c) shall pay an additional fee of $20, to be collected as provided in Sections 27.5 and 27.6 of the Clerks of Courts Act. In addition to the $20 fee, the person shall also pay a fee of $5, which, if not waived by the court, shall be collected as provided in Sections 27.5 and 27.6 of the Clerks of Courts Act. The $20 fee shall be disbursed as provided in Section 16-104c of the Illinois Vehicle Code. If the $5 fee is collected, $4.50 of the fee shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court and 50 cents of the fee shall be deposited into the Prisoner Review Board Vehicle and Equipment Fund in the State treasury.

(Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05; 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06; 94-1009, eff. 1-1-07.)


New matter indicated by italics - deletions by strikeout
AN ACT concerning property.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Safe Homes Act is amended by changing Sections 20 and 25 as follows:

(765 ILCS 750/20)

Sec. 20. Change of locks.

(a) (1) Written leases. Upon written notice from all tenants who have signed as lessees under a written lease, the tenants may request that a landlord change the locks of the dwelling unit in which they live if one or more of the tenants reasonably believes that one of the tenants or a member of tenant's household is under a credible imminent threat of domestic or sexual violence at the premises from a person who is not a lessee under the lease. If the threat of violence is from a person who is not a lessee under the written lease, notice to the landlord requesting a change of locks shall be accompanied by at least one form of the following types of evidence to support a claim of domestic or sexual violence: medical, court or police evidence of domestic or sexual violence; or a statement from an employee of a victim services, domestic violence, or rape crisis organization from which the tenant or a member of the tenant's household sought services. If the threat of violence is from a person who is a lessee under a written lease, notice to the landlord requesting a change of locks shall be accompanied by a plenary order of protection pursuant to Section 219 of the Illinois Domestic Violence Act of 1986 or Section 112A-19 of the Code of Criminal Procedure of 1963, or a plenary civil no contact order pursuant to Section 215 of the Civil No Contact Order Act, granting the tenant exclusive possession of the premises. The tenant requesting a change of locks shall not be required to obtain written notice.
from the person posing a threat who is a lessee under the written lease, provided that the notice is accompanied by a plenary order of protection or a plenary civil no contact order granting the tenant exclusive possession of the premises.

(2) Oral leases. Upon written notice from all tenants who are lessees under an oral lease, the tenants may request that a landlord change the locks of the dwelling unit in which they live if one or more of the tenants reasonably believes that one of the tenants or a member of tenant's household is under a credible imminent threat of domestic or sexual violence at the premises. Notice to the landlord requesting a change of locks shall be accompanied by a plenary order of protection pursuant to Section 219 of the Illinois Domestic Violence Act of 1986 or Section 112A-19 of the Code of Criminal Procedure of 1963, or a plenary civil no contact order pursuant to Section 215 of the Civil No Contact Order Act, granting the tenant exclusive possession of the premises. The tenant requesting a change of locks shall not be required to obtain written notice from the person posing a threat who is a lessee under the oral lease, provided that the notice is accompanied by a plenary order of protection or a plenary civil no contact order granting the tenant exclusive possession of the premises.

(b) Once a landlord has received notice of a request for change of locks and has received one form of evidence referred to in Section (a) above, the landlord shall, within 48 hours, change the locks or give the tenant the permission to change the locks. If the landlord changes the locks, the landlord shall make a good faith effort to give a key to the new locks to the tenant as soon as possible or not more than 48 hours of the locks being changed.

(1) The landlord may charge a fee for the expense of changing the locks. That fee must not exceed the reasonable price customarily charged for changing a lock.

(2) If a landlord fails to change the locks within 48 hours after being provided with the notice and evidence referred to in (a) above, the tenant may change the locks without the landlord's permission. If the tenant changes the locks, the tenant shall make a
good faith effort to give a key to the new locks to the landlord within 48 hours of the locks being changed. In the case where a tenant changes the locks without the landlord's permission, the tenant shall do so in a workmanlike manner with locks of similar or better quality than the original lock.

(c) The landlord who changes locks or allows the change of locks under this Act shall not be liable to any third party for damages resulting from a person being unable to access the dwelling.

(Source: P.A. 94-1038, eff. 1-1-07.)

(765 ILCS 750/25)
Sec. 25. Penalty for violation.

(a) If a landlord takes action to prevent the tenant who has complied with Section 20 of this Act from changing his or her locks, the tenant may seek a temporary restraining order, preliminary injunction, or permanent injunction ordering the landlord to refrain from preventing the tenant from changing the locks. A tenant who successfully brings an action pursuant to this Section may be awarded reasonable attorney's fees and costs.

(b) A tenant who changes locks and does not make a good faith effort to provide a copy of a key to the landlord within 48 hours of the tenant changing the locks, shall be liable for any damages to the dwelling or the building in which the dwelling is located that could have been prevented had landlord been able to access the dwelling unit in the event of an emergency.

(b-1) A landlord who changes the locks and does not make a good faith effort to provide a copy of a key to the tenant within 48 hours of the landlord changing the locks shall be liable for any damages to the tenant incurred as a result of not having access to his or her unit.

(c) The remedies provided to landlord and tenant under this Section 25 shall be sole and exclusive.

(Source: P.A. 94-1038, eff. 1-1-07.)

Section 99. Effective date. This Act takes effect upon becoming law.


New matter indicated by italics - deletions by strikeout
AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Unified Code of Corrections is amended by changing Section 5-8-4 as follows:

Sec. 5-8-4. Concurrent and Consecutive Terms of Imprisonment.

(a) When multiple sentences of imprisonment are imposed on a defendant at the same time, or when a term of imprisonment is imposed on a defendant who is already subject to sentence in this State or in another state, or for a sentence imposed by any district court of the United States, the sentences shall run concurrently or consecutively as determined by the court. When one of the offenses for which a defendant was convicted was a violation of Section 32-5.2 of the Criminal Code of 1961 and the offense was committed in attempting or committing a forcible felony, the court may impose consecutive sentences. When a term of imprisonment is imposed on a defendant by an Illinois circuit court and the defendant is subsequently sentenced to a term of imprisonment by another state or by a district court of the United States, the Illinois circuit court which imposed the sentence may order that the Illinois sentence be made concurrent with the sentence imposed by the other state or district court of the United States. The defendant must apply to the circuit court within 30 days after the defendant's sentence imposed by the other state or district of the United States is finalized. The court shall impose consecutive sentences if:

(i) one of the offenses for which defendant was convicted was first degree murder or a Class X or Class 1 felony and the defendant inflicted severe bodily injury, or

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(ii) the defendant was convicted of a violation of Section 12-13, 12-14, or 12-14.1 of the Criminal Code of 1961, or

(iii) the defendant was convicted of armed violence based upon the predicate offense of solicitation of murder, solicitation of murder for hire, heinous battery, aggravated battery of a senior citizen, criminal sexual assault, a violation of subsection (g) of Section 5 of the Cannabis Control Act, cannabis trafficking, a violation of subsection (a) of Section 401 of the Illinois Controlled Substances Act, controlled substance trafficking involving a Class X felony amount of controlled substance under Section 401 of the Illinois Controlled Substances Act, a violation of the Methamphetamine Control and Community Protection Act, calculated criminal drug conspiracy, or streetgang criminal drug conspiracy, or

(iv) the defendant was convicted of the offense of leaving the scene of a motor vehicle accident involving death or personal injuries under Section 11-401 and either: (A) aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof under Section 11-501 of the Illinois Vehicle Code, or (B) reckless homicide under Section 9-3 of the Criminal Code of 1961, or both an offense described in subdivision (A) and an offense described in subdivision (B), or

(v) the defendant was convicted of a violation of Section 9-3.1 (concealment of homicidal death) or Section 12-20.5 (dismembering a human body) of the Criminal Code of 1961, in which event the court shall enter sentences to run consecutively. Sentences shall run concurrently unless otherwise specified by the court.

(b) Except in cases where consecutive sentences are mandated, the court shall impose concurrent sentences unless, having regard to the nature and circumstances of the offense and the history and character of the defendant, it is of the opinion that consecutive sentences are required to protect the public from further criminal conduct by the defendant, the basis for which the court shall set forth in the record.

New matter indicated by italics - deletions by strikeout
(c) (1) For sentences imposed under law in effect prior to February 1, 1978 the aggregate maximum of consecutive sentences shall not exceed the maximum term authorized under Section 5-8-1 for the 2 most serious felonies involved. The aggregate minimum period of consecutive sentences shall not exceed the highest minimum term authorized under Section 5-8-1 for the 2 most serious felonies involved. When sentenced only for misdemeanors, a defendant shall not be consecutively sentenced to more than the maximum for one Class A misdemeanor.

(2) For sentences imposed under the law in effect on or after February 1, 1978, the aggregate of consecutive sentences for offenses that were committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective shall not exceed the sum of the maximum terms authorized under Section 5-8-2 for the 2 most serious felonies involved, but no such limitation shall apply for offenses that were not committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective. When sentenced only for misdemeanors, a defendant shall not be consecutively sentenced to more than the maximum for one Class A misdemeanor.

(d) An offender serving a sentence for a misdemeanor who is convicted of a felony and sentenced to imprisonment shall be transferred to the Department of Corrections, and the misdemeanor sentence shall be merged in and run concurrently with the felony sentence.

(e) In determining the manner in which consecutive sentences of imprisonment, one or more of which is for a felony, will be served, the Department of Corrections shall treat the offender as though he had been committed for a single term with the following incidents:

(1) the maximum period of a term of imprisonment shall consist of the aggregate of the maximums of the imposed indeterminate terms, if any, plus the aggregate of the imposed determinate sentences for felonies plus the aggregate of the

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imposed determinate sentences for misdemeanors subject to paragraph (c) of this Section;

(2) the parole or mandatory supervised release term shall be as provided in paragraph (e) of Section 5-8-1 of this Code for the most serious of the offenses involved;

(3) the minimum period of imprisonment shall be the aggregate of the minimum and determinate periods of imprisonment imposed by the court, subject to paragraph (c) of this Section; and

(4) the offender shall be awarded credit against the aggregate maximum term and the aggregate minimum term of imprisonment for all time served in an institution since the commission of the offense or offenses and as a consequence thereof at the rate specified in Section 3-6-3 of this Code.

(f) A sentence of an offender committed to the Department of Corrections at the time of the commission of the offense shall be served consecutive to the sentence under which he is held by the Department of Corrections. However, in case such offender shall be sentenced to punishment by death, the sentence shall be executed at such time as the court may fix without regard to the sentence under which such offender may be held by the Department.

(g) A sentence under Section 3-6-4 for escape or attempted escape shall be served consecutive to the terms under which the offender is held by the Department of Corrections.

(h) If a person charged with a felony commits a separate felony while on pre-trial release or in pretrial detention in a county jail facility or county detention facility, the sentences imposed upon conviction of these felonies shall be served consecutively regardless of the order in which the judgments of conviction are entered.

(h-1) If a person commits a battery against a county correctional officer or sheriff's employee while serving a sentence or in pretrial detention in a county jail facility, then the sentence imposed upon conviction of the battery shall be served consecutively with the sentence.
imposed upon conviction of the earlier misdemeanor or felony, regardless of the order in which the judgments of conviction are entered.

(i) If a person admitted to bail following conviction of a felony commits a separate felony while free on bond or if a person detained in a county jail facility or county detention facility following conviction of a felony commits a separate felony while in detention, any sentence following conviction of the separate felony shall be consecutive to that of the original sentence for which the defendant was on bond or detained.

(Source: P.A. 93-160, eff. 7-10-03; 93-768, eff. 7-20-04; 94-556, eff. 9-11-05; 94-985, eff. 1-1-07.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0380
(Senate Bill No. 0640)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Nursing Home Care Act is amended by changing Section 1-113 as follows:

(210 ILCS 45/1-113) (from Ch. 111 1/2, par. 4151-113)
Sec. 1-113. "Facility" or "long-term care facility" means a private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code, or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for 3 or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title

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XVIII and Title XIX of the Federal Social Security Act. It also includes homes, institutions, or other places operated by or under the authority of the Illinois Department of Veterans' Affairs.

"Facility" does not include the following:

1. A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois, other than homes, institutions, or other places operated by or under the authority of the Illinois Department of Veterans' Affairs;

2. A hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities therefor, which is required to be licensed under the Hospital Licensing Act;

3. Any "facility for child care" as defined in the Child Care Act of 1969;

4. Any "Community Living Facility" as defined in the Community Living Facilities Licensing Act;

5. Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act;

6. Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;

7. Any facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act;

8. Any "Supportive Residence" licensed under the Supportive Residences Licensing Act;

9. Any "supportive living facility" in good standing with the program established under Section 5-5.01a of the Illinois Public

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Aid Code, except only for purposes of the employment of persons in accordance with Section 3-206.01;

(10) Any assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act, except only for purposes of the employment of persons in accordance with Section 3-206.01; or


(Source: P.A. 94-342, eff. 7-26-05.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0381
(Senate Bill No. 0649)

AN ACT concerning business.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Motor Fuel and Petroleum Standards Act is amended by changing Section 4.1 as follows:

(815 ILCS 370/4.1) (from Ch. 5, par. 1704.1)

Sec. 4.1. (a) Upon any retail motor fuel dispensing device which is used to dispense a motor fuel containing at least 1% by volume of ethanol, of methanol, or of a combination thereof, there shall be displayed a label which identifies the maximum percentage by volume, to the nearest whole percent, of ethanol, of methanol, and of co-solvent contained in the motor fuel. Such labelling shall be done in contrasting colors with block letters at least 1/2 inch in height and 1/4 inch in width, and not more than one inch in height and 1/2 inch in width, and shall be visible to customers. The label shall be located on the front or sides of the dispenser and within the new matter indicated by italics - deletions by strikeout.
top 30 percent of the height of the dispenser. On a dual-faced dispenser, the label shall be affixed on each front or each side in accordance with these requirements. Devices used to dispense only motor fuels which contain a total of less than 1% by volume of methanol and ethanol need not be so labelled.

(a-5) (Blank). Upon any retail motor fuel dispensing device that is used to dispense a motor fuel containing at least 2% by volume of the methanol derivative methyl tertiary butyl ether (MTBE), there shall be displayed a label stating: "CONTAINS METHYL TERTIARY BUTYL ETHER (MTBE)". The label shall be done in contrasting colors with block letters at least 1/2 inch in height and 1/4 inch in width, and not more than one inch in height and 1/2 inch in width, and shall be visible to customers. The label shall be located on the front or sides of the dispenser and within the top 30 percent of the height of the dispenser. On a dual-faced dispenser, the label shall be affixed on each front or each side in accordance with these requirements. Devices used to dispense only motor fuels that contain a total of less than 2% by volume of the methanol derivative MTBE need not be so labeled.

(a-10) Upon any retail motor fuel dispensing device that is used to dispense a motor fuel containing biodiesel or biodiesel blends, the biodiesel and biodiesel blends shall be identified by the capital letter "B" followed by the numerical value representing the volume percentage of biodiesel fuel, such as B10, B20, or B100, as follows:

(1) Upon any retail motor fuel dispensing device that is used to dispense a motor fuel containing between 5% and up to and including 20% of biodiesel, there shall be displayed on each retail dispenser:

(a) the capital letter "B" followed by the numerical value representing the maximum volume percentage of biodiesel fuel and ending with "biodiesel blend", such as B10 biodiesel fuel blend or B20 biodiesel fuel blend; or

(b) the phrase "biodiesel blend between 5% and 20%" or similar words.

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(2) Upon any retail motor fuel dispensing device that is used to dispense a motor fuel containing more than 20% of biodiesel, there shall be displayed on each retail dispenser the capital letter "B" followed by the numerical value representing the volume percentage of biodiesel fuel and ending with either "biodiesel" or "biodiesel blend", such as B100 biodiesel or B60 biodiesel blend.

(3) The label shall be done in contrasting colors with block letters at least 1/2 inch in height and 1/4 inch in width, and not more than one inch in height and 1/2 inch in width, and shall be visible to customers. The label shall be located on the front or sides of the dispenser and within the top 30% of the height of the dispenser. On a dual-faced dispenser, the label shall be affixed on each front or each side in accordance with these requirements. Devices used to dispense only motor fuels that contain a total of 5% or less by volume of biodiesel need not be labeled.

(b) Each seller of a motor fuel which contains methanol, ethanol, or biodiesel the methanol derivative MTBE shall notify the purchaser thereof of the percentage by volume of ethanol, of methanol, of biodiesel the methanol derivative MTBE, and of co-solvent which have been added to such motor fuel, and this information shall appear on the bill of lading, manifest or delivery ticket for such motor fuel. However, this subsection (b) shall not apply to sales at retail.

(c) No motor fuel, whether or not it contains any lead or lead compounds, may contain more ethanol; or methanol, or the methanol derivative MTBE than is permitted, or contain less co-solvent than is required, by the United States Environmental Protection Agency for unleaded motor fuels under Section 211(f) of the federal Clean Air Act.

(d) All motor fuel sold or offered for sale by the distributor shall contain the percentage and type of alcohol as stated on the bill of lading, manifest or delivery ticket.

(e) (Blank). With respect to the methanol derivative MTBE, the labeling and notification requirements in this Section shall be enforced beginning 60 days after the effective date of this amendatory Act of the 91st General Assembly.

New matter indicated by italics - deletions by strikeout
(f) Nothing in this Section shall be construed to require or impose an obligation upon the owner or operator of a retail motor fuel dispensing station, facility, or device to perform a test on or measurement of a shipment of motor fuel received to determine the specific content of ethanol, methanol, or biodiesel the methanol derivative MTBE.

(Source: P.A. 91-718, eff. 6-2-00.)

Section 99. Effective date. This Act takes effect on July 1, 2008.
Effective January 1, 2008.

PUBLIC ACT 95-0382
(Senate Bill No. 0682)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Sections 1-111.6, 6-113, 6-117, 6-201, 6-204, 6-205, 6-206, 6-207, 6-306.6, 6-500, 6-501, 6-506, 6-507, 6-508, 6-509, 6-510, 6-513, 6-514, 6-519, 6-520, 6-521, 6-524, 11-501.1, 11-501.6, and 11-501.8 as follows:

(625 ILCS 5/1-111.6)

Sec. 1-111.6. Commercial driver's license (CDL). A driver's license issued by a state or other jurisdiction, in accordance with the standards contained in 49 C.F.R. Part 383, to an individual which authorizes the individual to operate a certain class of vehicle.

(Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/6-113) (from Ch. 95 1/2, par. 6-113)

Sec. 6-113. Restricted licenses and permits.
(a) The Secretary of State upon issuing a drivers license or permit shall have the authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of, or special mechanical control devices required on, a motor vehicle or vehicles.

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which the licensee may operate or such other restrictions applicable to the
licensee as the Secretary of State may determine to be appropriate to
assure the safe operation of a motor vehicle by the licensee.

(b) The Secretary of State may either issue a special restricted
license or permit or may set forth such restrictions upon the usual license
or permit form.

(c) The Secretary of State may issue a probationary license to a
person whose driving privileges have been suspended pursuant to
subsection (d) of this Section or subsections (a)(2), (a)(19) and (a)(20) of
Section 6-206 of this Code. This subsection (c) does not apply to any
driver required to possess a CDL for the purpose of operating a
commercial motor vehicle. The Secretary of State shall promulgate rules
pursuant to The Illinois Administrative Procedure Act, setting forth the
conditions and criteria for the issuance and cancellation of probationary
licenses.

(d) The Secretary of State may upon receiving satisfactory
evidence of any violation of the restrictions of such license or permit
suspend, revoke or cancel the same without preliminary hearing, but the
licensee or permittee shall be entitled to a hearing as in the case of a
suspension or revocation.

(e) It is unlawful for any person to operate a motor vehicle in any
manner in violation of the restrictions imposed on a restricted license or
permit issued to him.

(f) Whenever the holder of a restricted driving permit is issued a
citation for any of the following offenses including similar local
ordinances, the restricted driving permit is immediately invalidated:

1. Reckless homicide resulting from the operation of a
motor vehicle;

2. Violation of Section 11-501 of this Act relating to the
operation of a motor vehicle while under the influence of
intoxicating liquor or narcotic drugs;

3. Violation of Section 11-401 of this Act relating to the
offense of leaving the scene of a traffic accident involving death or
injury; or

New matter indicated by italics - deletions by strikeout
4. Violation of Section 11-504 of this Act relating to the offense of drag racing;
   The police officer issuing the citation shall confiscate the restricted driving permit and forward it, along with the citation, to the Clerk of the Circuit Court of the county in which the citation was issued.

   (g) The Secretary of State may issue a special restricted license for a period of 12 months to individuals using vision aid arrangements other than standard eyeglasses or contact lenses, allowing the operation of a motor vehicle during nighttime hours. The Secretary of State shall adopt rules defining the terms and conditions by which the individual may obtain and renew this special restricted license. At a minimum, all drivers must meet the following requirements:

   1. Possess a valid driver's license and have operated a motor vehicle during daylight hours for a period of 12 months using vision aid arrangements other than standard eyeglasses or contact lenses.

   2. Have a driving record that does not include any traffic accidents that occurred during nighttime hours, for which the driver has been found to be at fault, during the 12 months before he or she applied for the special restricted license.

   3. Successfully complete a road test administered during nighttime hours.

   At a minimum, all drivers renewing this license must meet the following requirements:

   1. Successfully complete a road test administered during nighttime hours.

   2. Have a driving record that does not include any traffic accidents that occurred during nighttime hours, for which the driver has been found to be at fault, during the 12 months before he or she applied for the special restricted license.

   (h) Any driver issued a special restricted license as defined in subsection (g) whose privilege to drive during nighttime hours has been suspended due to an accident occurring during nighttime hours may request a hearing as provided in Section 2-118 of this Code to contest that
suspension. If it is determined that the accident for which the driver was at fault was not influenced by the driver's use of vision aid arrangements other than standard eyeglasses or contact lenses, the Secretary may reinstate that driver's privilege to drive during nighttime hours.
(Source: P.A. 92-274, eff. 1-1-02.)

(625 ILCS 5/6-117) (from Ch. 95 1/2, par. 6-117)
Sec. 6-117. Records to be kept by the Secretary of State.
(a) The Secretary of State shall file every application for a license or permit accepted under this Chapter, and shall maintain suitable indexes thereof. The records of the Secretary of State shall indicate the action taken with respect to such applications.
(b) The Secretary of State shall maintain appropriate records of all licenses and permits refused, cancelled, disqualified, revoked, or suspended and of the revocation, and suspension, and disqualification of driving privileges of persons not licensed under this Chapter, and such records shall note the reasons for such action.
(c) The Secretary of State shall maintain appropriate records of convictions reported under this Chapter. Records of conviction may be maintained in a computer processible medium.
(d) The Secretary of State may also maintain appropriate records of any accident reports received.
(e) The Secretary of State shall also maintain appropriate records of any disposition of supervision or records relative to a driver's referral to a driver remedial or rehabilitative program, as required by the Secretary of State or the courts. Such records shall only be available for use by the Secretary, the driver licensing administrator of any other state, law enforcement agencies, the courts, and the affected driver or, upon proper verification, such affected driver's attorney.
(f) The Secretary of State shall also maintain or contract to maintain appropriate records of all photographs and signatures obtained in the process of issuing any driver's license, permit, or identification card. The record shall be confidential and shall not be disclosed except to those entities listed under Section 6-110.1 of this Code.
(g) The Secretary of State may establish a First Person Consent organ and tissue donor registry in compliance with subsection (b-1) of Section 5-20 of the Illinois Anatomical Gift Act, as follows:

(1) The Secretary shall offer, to each applicant for issuance or renewal of a driver's license or identification card who is 18 years of age or older, the opportunity to have his or her name included in the First Person Consent organ and tissue donor registry. The Secretary must advise the applicant or licensee that he or she is under no compulsion to have his or her name included in the registry. An individual who agrees to having his or her name included in the First Person Consent organ and tissue donor registry has given full legal consent to the donation of any of his or her organs or tissue upon his or her death. A brochure explaining this method of executing an anatomical gift must be given to each applicant for issuance or renewal of a driver's license or identification card. The brochure must advise the applicant or licensee (i) that he or she is under no compulsion to have his or her name included in this registry and (ii) that he or she may wish to consult with family, friends, or clergy before doing so.

(2) The Secretary of State may establish additional methods by which an individual may have his or her name included in the First Person Consent organ and tissue donor registry.

(3) When an individual has agreed to have his or her name included in the First Person Consent organ and tissue donor registry, the Secretary of State shall note that agreement in the First Person consent organ and tissue donor registry. Representatives of federally designated organ procurement agencies and tissue banks may inquire of the Secretary of State whether a potential organ donor's name is included in the First Person Consent organ and tissue donor registry, and the Secretary of State may provide that information to the representative.

(4) An individual may withdraw his or her consent to be listed in the First Person Consent organ and tissue donor registry maintained by the Secretary of State by notifying the Secretary of State.
State in writing, or by any other means approved by the Secretary, of the individual's decision to have his or her name removed from the registry.

(5) The Secretary of State may undertake additional efforts, including education and awareness activities, to promote organ and tissue donation.

(6) In the absence of gross negligence or willful misconduct, the Secretary of State and his or her employees are immune from any civil or criminal liability in connection with an individual's consent to be listed in the organ and tissue donor registry.

(Source: P.A. 94-75, eff. 1-1-06.)

(625 ILCS 5/6-201) (from Ch. 95 1/2, par. 6-201)

Sec. 6-201. Authority to cancel licenses and permits.

(a) The Secretary of State is authorized to cancel any license or permit upon determining that the holder thereof:

1. was not entitled to the issuance thereof hereunder; or
2. failed to give the required or correct information in his application; or
3. failed to pay any fees, civil penalties owed to the Illinois Commerce Commission, or taxes due under this Act and upon reasonable notice and demand; or
4. committed any fraud in the making of such application; or
5. is ineligible therefor under the provisions of Section 6-103 of this Act, as amended; or
6. has refused or neglected to submit an alcohol, drug, and intoxicating compound evaluation or to submit to examination or re-examination as required under this Act; or
7. has been convicted of violating the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Use of Intoxicating Compounds Act while that individual was in actual physical control of a motor vehicle. For purposes of this Section, any person

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placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. After the cancellation, the Secretary of State shall not issue a new license or permit for a period of one year after the date of cancellation. However, upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety, or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle between the person's residence and person's place of employment or within the scope of the person's employment related duties, or to allow transportation for the person or a household member of the person's family for the receipt of necessary medical care or, if the professional evaluation indicates, provide transportation for the petitioner for alcohol remedial or rehabilitative activity, or for the person to attend classes, as a student, in an accredited educational institution; if the person is able to demonstrate that no alternative means of transportation is reasonably available; provided that the Secretary's discretion shall be limited to cases where undue hardship would result from a failure to issue such restricted driving permit. In each case the Secretary of State may issue such restricted driving permit for such period as he deems appropriate, except that such permit shall expire within one year from the date of issuance. A restricted driving permit issued hereunder shall be subject to cancellation, revocation and suspension by the Secretary of State in like manner and for like cause as a driver's license issued hereunder may be cancelled, revoked or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the

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movement of traffic shall be deemed sufficient cause for the
revocation, suspension or cancellation of a restricted driving
permit. The Secretary of State may, as a condition to the issuance
of a restricted driving permit, require the applicant to participate in
a driver remedial or rehabilitative program. In accordance with 49
C.F.R. 384, the Secretary of State may not issue a restricted
driving permit for the operation of a commercial motor vehicle to
ea person holding a CDL whose driving privileges have been
revoked, suspended, cancelled, or disqualified under this Code; or

8. failed to submit a report as required by Section 6-116.5
of this Code; or

9. has been convicted of a sex offense as defined in the Sex
Offender Registration Act. The driver's license shall remain
cancelled until the driver registers as a sex offender as required by
the Sex Offender Registration Act, proof of the registration is
furnished to the Secretary of State and the sex offender provides
proof of current address to the Secretary; or

10. is ineligible for a license or permit under Section 6-
107, 6-107.1, or 6-108 of this Code; or

11. refused or neglected to appear at a Driver Services
facility to have the license or permit corrected and a new license
or permit issued.

(b) Upon such cancellation the licensee or permittee must
surrender the license or permit so cancelled to the Secretary of State.

(c) Except as provided in Sections 6-206.1 and 7-702.1, the
Secretary of State shall have exclusive authority to grant, issue, deny,
cancel, suspend and revoke driving privileges, drivers' licenses and
restricted driving permits.

(d) The Secretary of State may adopt rules to implement this
Section.
(Source: P.A. 94-556, eff. 9-11-05; 94-916, eff. 7-1-07; 94-993, eff. 1-1-
07; revised 8-3-06.)

(625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)
Sec. 6-204. When Court to forward License and Reports.

New matter indicated by italics - deletions by strikeout
(a) For the purpose of providing to the Secretary of State the records essential to the performance of the Secretary's duties under this Code to cancel, revoke or suspend the driver's license and privilege to drive motor vehicles of certain minors adjudicated truant minors in need of supervision, addicted, or delinquent and of persons found guilty of the criminal offenses or traffic violations which this Code recognizes as evidence relating to unfitness to safely operate motor vehicles, the following duties are imposed upon public officials:

(1) Whenever any person is convicted of any offense for which this Code makes mandatory the cancellation or revocation of the driver's license or permit of such person by the Secretary of State, the judge of the court in which such conviction is had shall require the surrender to the clerk of the court of all driver's licenses or permits then held by the person so convicted, and the clerk of the court shall, within 5 days thereafter, forward the same, together with a report of such conviction, to the Secretary.

(2) Whenever any person is convicted of any offense under this Code or similar offenses under a municipal ordinance, other than regulations governing standing, parking or weights of vehicles, and excepting the following enumerated Sections of this Code: Sections 11-1406 (obstruction to driver's view or control), 11-1407 (improper opening of door into traffic), 11-1410 (coasting on downgrade), 11-1411 (following fire apparatus), 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving vehicle which is in unsafe condition or improperly equipped), 12-201(a) (daytime lights on motorcycles), 12-202 (clearance, identification and side marker lamps), 12-204 (lamp or flag on projecting load), 12-205 (failure to display the safety lights required), 12-401 (restrictions as to tire equipment), 12-502 (mirrors), 12-503 (windshields must be unobstructed and equipped with wipers), 12-601 (horns and warning devices), 12-602 (mufflers, prevention of noise or smoke), 12-603 (seat safety belts), 12-702 (certain vehicles to carry flares or other warning devices), 12-703 (vehicles for oiling roads operated on highways), 12-710 (splash guards and replacements), 13-101

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(safety tests), 15-101 (size, weight and load), 15-102 (width), 15-103 (height), 15-104 (name and address on second division vehicles), 15-107 (length of vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights), 15-112 (weights), 15-301 (weights), 15-316 (weights), 15-318 (weights), and also excepting the following enumerated Sections of the Chicago Municipal Code: Sections 27-245 (following fire apparatus), 27-254 (obstruction of traffic), 27-258 (driving vehicle which is in unsafe condition), 27-259 (coasting on downgrade), 27-264 (use of horns and signal devices), 27-265 (obstruction to driver's view or driver mechanism), 27-267 (dimming of headlights), 27-268 (unattended motor vehicle), 27-272 (illegal funeral procession), 27-273 (funeral procession on boulevard), 27-275 (driving freight hauling vehicles on boulevard), 27-276 (stopping and standing of buses or taxicabs), 27-277 (cruising of public passenger vehicles), 27-305 (parallel parking), 27-306 (diagonal parking), 27-307 (parking not to obstruct traffic), 27-308 (stopping, standing or parking regulated), 27-311 (parking regulations), 27-312 (parking regulations), 27-313 (parking regulations), 27-314 (parking regulations), 27-316 (parking regulations), 27-317 (parking regulations), 27-318 (parking regulations), 27-319 (parking regulations), 27-320 (parking regulations), 27-321 (parking regulations), 27-322 (parking regulations), 27-324 (loading and unloading at an angle), 27-333 (wheel and axle loads), 27-334 (load restrictions in the downtown district), 27-335 (load restrictions in residential areas), 27-338 (width of vehicles), 27-339 (height of vehicles), 27-340 (length of vehicles), 27-352 (reflectors on trailers), 27-353 (mufflers), 27-354 (display of plates), 27-355 (display of city vehicle tax sticker), 27-357 (identification of vehicles), 27-358 (projecting of loads), and also excepting the following enumerated paragraphs of Section 2-201 of the Rules and Regulations of the Illinois State Toll Highway Authority: (l) (driving unsafe vehicle on tollway), (m) (vehicles transporting dangerous cargo not properly indicated), it shall be the duty of the
clerk of the court in which such conviction is had within 5 days thereafter to forward to the Secretary of State a report of the conviction and the court may recommend the suspension of the driver's license or permit of the person so convicted.

The reporting requirements of this subsection shall apply to all violations stated in paragraphs (1) and (2) of this subsection when the individual has been adjudicated under the Juvenile Court Act or the Juvenile Court Act of 1987. Such reporting requirements shall also apply to individuals adjudicated under the Juvenile Court Act or the Juvenile Court Act of 1987 who have committed a violation of Section 11-501 of this Code, or similar provision of a local ordinance, or Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide. The reporting requirements of this subsection shall also apply to a truant minor in need of supervision, an addicted minor, or a delinquent minor and whose driver's license and privilege to drive a motor vehicle has been ordered suspended for such times as determined by the Court, but only until he or she attains 18 years of age. It shall be the duty of the clerk of the court in which adjudication is had within 5 days thereafter to forward to the Secretary of State a report of the adjudication and the court order requiring the Secretary of State to suspend the minor's driver's license and driving privilege for such time as determined by the Court, but only until he or she attains the age of 18 years. All juvenile court dispositions reported to the Secretary of State under this provision shall be processed by the Secretary of State as if the cases had been adjudicated in traffic or criminal court. However, information reported relative to the offense of reckless homicide, or Section 11-501 of this Code, or a similar provision of a local ordinance, shall be privileged and available only to the Secretary of State, courts, and police officers.

The reporting requirements of this subsection (a) apply to all violations listed in paragraphs (1) and (2) of this subsection (a), excluding parking violations, when the driver holds a CDL, regardless of the type of vehicle in which the violation occurred, or when any driver committed the violation in a commercial motor vehicle as defined in Section 6-500 of this Code.

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(3) Whenever an order is entered vacating the forfeiture of any bail, security or bond given to secure appearance for any offense under this Code or similar offenses under municipal ordinance, it shall be the duty of the clerk of the court in which such vacation was had or the judge of such court if such court has no clerk, within 5 days thereafter to forward to the Secretary of State a report of the vacation.

(4) A report of any disposition of court supervision for a violation of Sections 6-303, 11-401, 11-501 or a similar provision of a local ordinance, 11-503 and 11-504 shall be forwarded to the Secretary of State. A report of any disposition of court supervision for a violation of an offense defined as a serious traffic violation in this Code or a similar provision of a local ordinance committed by a person under the age of 21 years shall be forwarded to the Secretary of State.

(5) Reports of conviction under this Code and sentencing hearings under the Juvenile Court Act of 1987 in an electronic format or a computer processible medium shall be forwarded to the Secretary of State via the Supreme Court in the form and format required by the Illinois Supreme Court and established by a written agreement between the Supreme Court and the Secretary of State. In counties with a population over 300,000, instead of forwarding reports to the Supreme Court, reports of conviction under this Code and sentencing hearings under the Juvenile Court Act of 1987 in an electronic format or a computer processible medium may be forwarded to the Secretary of State by the Circuit Court Clerk in a form and format required by the Secretary of State and established by written agreement between the Circuit Court Clerk and the Secretary of State. Failure to forward the reports of conviction or sentencing hearing under the Juvenile Court Act of 1987 as required by this Section shall be deemed an omission of duty and it shall be the duty of the several State's Attorneys to enforce the requirements of this Section.

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(b) Whenever a restricted driving permit is forwarded to a court, as a result of confiscation by a police officer pursuant to the authority in Section 6-113(f), it shall be the duty of the clerk, or judge, if the court has no clerk, to forward such restricted driving permit and a facsimile of the officer's citation to the Secretary of State as expeditiously as practicable.

(c) For the purposes of this Code, a forfeiture of bail or collateral deposited to secure a defendant's appearance in court when forfeiture has not been vacated, or the failure of a defendant to appear for trial after depositing his driver's license in lieu of other bail, shall be equivalent to a conviction.

(d) For the purpose of providing the Secretary of State with records necessary to properly monitor and assess driver performance and assist the courts in the proper disposition of repeat traffic law offenders, the clerk of the court shall forward to the Secretary of State, on a form prescribed by the Secretary, records of a driver's participation in a driver remedial or rehabilitative program which was required, through a court order or court supervision, in relation to the driver's arrest for a violation of Section 11-501 of this Code or a similar provision of a local ordinance. The clerk of the court shall also forward to the Secretary, either on paper or in an electronic format or a computer processible medium as required under paragraph (5) of subsection (a) of this Section, any disposition of court supervision for any traffic violation, excluding those offenses listed in paragraph (2) of subsection (a) of this Section. These reports shall be sent within 5 days after disposition, or, if the driver is referred to a driver remedial or rehabilitative program, within 5 days of the driver's referral to that program. These reports received by the Secretary of State, including those required to be forwarded under paragraph (a)(4), shall be privileged information, available only (i) to the affected driver and (ii) for use by the courts, police officers, prosecuting authorities, and the Secretary of State, and the driver licensing administrator of any other state. In accordance with 49 C.F.R. Part 384, all reports of court supervision, except violations related to parking, shall be forwarded to the Secretary of State for all holders of a CDL or any driver who commits an offense while driving a commercial motor vehicle. These reports shall be recorded to the driver's

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record as a conviction for use in the disqualification of the driver's commercial motor vehicle privileges and shall not be privileged information.

(Source: P.A. 94-307, eff. 9-30-05; 94-930, eff. 6-26-06.)

(625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

Sec. 6-205. Mandatory revocation of license or permit; Hardship cases.

(a) Except as provided in this Section, the Secretary of State shall immediately revoke the license, permit, or driving privileges of any driver upon receiving a report of the driver's conviction of any of the following offenses:

1. Reckless homicide resulting from the operation of a motor vehicle;
2. Violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof;
3. Any felony under the laws of any State or the federal government in the commission of which a motor vehicle was used;
4. Violation of Section 11-401 of this Code relating to the offense of leaving the scene of a traffic accident involving death or personal injury;
5. Perjury or the making of a false affidavit or statement under oath to the Secretary of State under this Code or under any other law relating to the ownership or operation of motor vehicles;
6. Conviction upon 3 charges of violation of Section 11-503 of this Code relating to the offense of reckless driving committed within a period of 12 months;
7. Conviction of any offense defined in Section 4-102 of this Code;
8. Violation of Section 11-504 of this Code relating to the offense of drag racing;
9. Violation of Chapters 8 and 9 of this Code;

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10. Violation of Section 12-5 of the Criminal Code of 1961 arising from the use of a motor vehicle;
11. Violation of Section 11-204.1 of this Code relating to aggravated fleeing or attempting to elude a peace officer;
12. Violation of paragraph (1) of subsection (b) of Section 6-507, or a similar law of any other state, relating to the unlawful operation of a commercial motor vehicle;
13. Violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance if the driver has been previously convicted of a violation of that Section or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense.

(b) The Secretary of State shall also immediately revoke the license or permit of any driver in the following situations:
1. Of any minor upon receiving the notice provided for in Section 5-901 of the Juvenile Court Act of 1987 that the minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of this Code;
2. Of any person when any other law of this State requires either the revocation or suspension of a license or permit.

(c) Whenever a person is convicted of any of the offenses enumerated in this Section, the court may recommend and the Secretary of State in his discretion, without regard to whether the recommendation is made by the court may, upon application, issue to the person a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow transportation for the petitioner or a household member of the petitioner's family for the receipt of necessary medical care or, if the professional evaluation indicates, provide transportation for the petitioner for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare;

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provided that the Secretary's discretion shall be limited to cases where undue hardship would result from a failure to issue the restricted driving permit.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary of State may issue a restricted driving permit for a period he deems appropriate, except that the permit shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination thereof, until the expiration of at least one year from the date of the

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revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program. However, if an individual's driving privileges have been revoked in accordance with paragraph 13 of subsection (a) of this Section, no restricted driving permit shall be issued until the individual has served 6 months of the revocation period.

(d) Whenever a person under the age of 21 is convicted under Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, the Secretary of State shall revoke the driving privileges of that person. One year after the date of revocation, and upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle only between the hours of 5 a.m. and 9 p.m. or as otherwise provided by this Section for a period of one year. After this one year period, and upon reapplication for a license as provided in Section 6-106, upon payment of the appropriate reinstatement fee provided under paragraph (b) of Section 6-118, the Secretary of State, in his discretion, may issue the applicant a license, or extend the restricted driving permit as many times as the Secretary of State deems appropriate, by additional periods of not more than 12 months each, until the applicant attains 21 years of age.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted

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driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The revocation periods contained in this subparagraph shall apply to similar out-of-state convictions.

(e) This Section is subject to the provisions of the Driver License Compact.

(f) Any revocation imposed upon any person under subsections 2 and 3 of paragraph (b) that is in effect on December 31, 1988 shall be converted to a suspension for a like period of time.

(g) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been revoked under any provisions of this Code.
(h) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense under Section 11-501 of this Code or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(i) (Blank). The Secretary of State may not issue a restricted driving permit for a period of one year after a second or subsequent revocation of driving privileges under clause (a)(2) of this Section; however, one year after the date of a second or subsequent revocation of driving privileges under clause (a)(2) of this Section, the Secretary of State may, upon application, issue a restricted driving permit under the terms and conditions of subsection (c).

(j) In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been revoked, suspended, cancelled, or disqualified under any provisions of this Code.

(Source: P.A. 93-120, eff. 1-1-04; 94-307, eff. 9-30-05.)

(625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;

2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

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3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in death or injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;

5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;

6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;

7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;

8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;

9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;

10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;

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11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a judicial driving permit, probationary license to drive, or a restricted driving permit issued under this Code;

12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;

15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a peace officer;

17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in

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damage to a vehicle in excess of $1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act, in which case the person's driving privileges shall be suspended for one year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any

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methamphetamine prohibited under the Methamphetamine Control and Community Protection Act shall be suspended for 5 years. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, or an intoxicating compound as listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

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33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;
34. Has committed a violation of Section 11-1301.5 of this Code;
35. Has committed a violation of Section 11-1301.6 of this Code;
36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;
37. Has committed a violation of subsection (c) of Section 11-907 of this Code;
38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance;
39. Has committed a second or subsequent violation of Section 11-1201 of this Code;
40. Has committed a violation of subsection (a-1) of Section 11-908 of this Code;
41. Has committed a second or subsequent violation of Section 11-605.1 of this Code within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days; or
42. Has committed a violation of subsection (a-1) of Section 11-1301.3 of this Code.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

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(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this
Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to possess a CDL for the purpose of operating a commercial motor vehicle.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship, issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of his employment related duties, or to allow transportation for the petitioner, or a household member of the petitioner's family, to receive necessary medical care and if the professional evaluation indicates, provide transportation for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a

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vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination of those offenses, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a

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conviction upon one or more offenses against laws or ordinances
regulating the movement of traffic shall be deemed sufficient cause
for the revocation, suspension, or cancellation of a restricted
driving permit. The Secretary of State may, as a condition to the
issuance of a restricted driving permit, require the applicant to
participate in a designated driver remedial or rehabilitative
program. The Secretary of State is authorized to cancel a restricted
driving permit if the permit holder does not successfully complete
the program.

(c-5) The Secretary of State may, as a condition of the reissuance
of a driver's license or permit to an applicant whose driver's license or
permit has been suspended before he or she reached the age of 18 years
pursuant to any of the provisions of this Section, require the applicant to
participate in a driver remedial education course and be retested under
Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License
Compact.

(e) The Secretary of State shall not issue a restricted driving permit
to a person under the age of 16 years whose driving privileges have been
suspended or revoked under any provisions of this Code.

(f) In accordance with 49 C.F.R. 384, the Secretary of State may
not issue a restricted driving permit for the operation of a commercial
motor vehicle to a person holding a CDL whose driving privileges have
been suspended, or revoked, cancelled, or disqualified under any
provisions of this Code.

(Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04; 93-788, eff. 1-1-
05; 93-955, eff. 8-19-04; 94-307, eff. 9-30-05; 94-556, eff. 9-11-05; 94-
930, eff. 6-26-06.)

(625 ILCS 5/6-207) (from Ch. 95 1/2, par. 6-207)
Sec. 6-207. Secretary of State may require reexamination or
reissuance of a license.

(a) The Secretary of State, having good cause to believe that a
licensed driver or person holding a permit or applying for a license or
license renewal is incompetent or otherwise not qualified to hold a license

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or permit, may upon written notice of at least 5 days to the person require
the person to submit to an examination as prescribed by the Secretary.

Refusal or neglect of the person to submit an alcohol, drug, or
intoxicating compound evaluation or submit to or failure to successfully
complete the examination is grounds for suspension of the person's license
or permit under Section 6-206 of this Act or cancellation of his license or
permit under Section 6-201 of this Act.

(b) The Secretary of State, having issued a driver's license or
permit in error, may upon written notice of at least 5 days to the person,
require the person to appear at a Driver Services facility to have the license
or permit error corrected and a new license or permit issued.

Refusal or neglect of the person to appear is grounds for
cancellation of the person's license or permit under Section 6-201 of this
Act.

(c) The Secretary of State, having issued a driver's license or
permit to a person who subsequently becomes ineligible to retain that
license or permit as currently issued, may, upon written notice of at least 5
days to the person, require the person to appear at a Driver Services
facility to have the license or permit corrected and a new license or permit
issued.

(Source: P.A. 90-779, eff. 1-1-99.)

(625 ILCS 5/6-306.6) (from Ch. 95 1/2, par. 6-306.6)

Sec. 6-306.6. Failure to pay traffic fines, penalties, or court costs.

(a) Whenever any resident of this State fails to pay any traffic fine,
penalty, or cost imposed for a violation of this Code, or similar provision
of local ordinance, the clerk may notify the Secretary of State, on a report
prescribed by the Secretary, and the Secretary shall prohibit the renewal,
reissue or reinstatement of such resident's driving privileges until such
fine, penalty, or cost has been paid in full. The clerk shall provide notice to
the driver, at the driver's last known address as shown on the court's
records, stating that such action will be effective on the 46th day following
the date of the above notice if payment is not received in full by the court
of venue.

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(a-1) Whenever any resident of this State who has made a partial payment on any traffic fine, penalty, or cost that was imposed under a conviction entered on or after the effective date of this amendatory Act of the 93rd General Assembly, for a violation of this Code or a similar provision of a local ordinance, fails to pay the remainder of the outstanding fine, penalty, or cost within the time limit set by the court, the clerk may notify the Secretary of State, on a report prescribed by the Secretary, and the Secretary shall prohibit the renewal, reissue, or reinstatement of the resident's driving privileges until the fine, penalty, or cost has been paid in full. The clerk shall provide notice to the driver, at the driver's last known address as shown on the court's records, stating that the action will be effective on the 46th day following the date of the notice if payment is not received in full by the court of venue.

(b) Except as provided in subsection (b-1), following receipt of the report from the clerk, the Secretary of State shall make the proper notation to the driver's file to prohibit the renewal, reissue or reinstatement of such driver's driving privileges. Except as provided in paragraph (2) of subsection (d) of this Section, such notation shall not be removed from the driver's record until the driver satisfies the outstanding fine, penalty, or cost and an appropriate notice on a form prescribed by the Secretary is received by the Secretary from the court of venue, stating that such fine, penalty, or cost has been paid in full. Upon payment in full of a traffic fine, penalty, or court cost which has previously been reported under this Section as unpaid, the clerk of the court shall present the driver with a signed receipt containing the seal of the court indicating that such fine, penalty, or cost has been paid in full, and shall forward forthwith to the Secretary of State a notice stating that the fine, penalty, or cost has been paid in full.

(b-1) In a county with a population of 3,000,000 or more, following receipt of the report from the clerk, the Secretary of State shall make the proper notation to the driver's file to prohibit the renewal, reissue or reinstatement of such driver's driving privileges. Such notation shall not be removed from the driver's record until the driver satisfies the outstanding fine, penalty, or cost and an appropriate notice on a form

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prescribed by the Secretary is received by the Secretary directly from the court of venue, stating that such fine, penalty, or cost has been paid in full. Upon payment in full of a traffic fine, penalty, or court cost which has previously been reported under this Section as unpaid, the clerk of the court shall forward forthwith directly to the Secretary of State a notice stating that the fine, penalty, or cost has been paid in full and shall provide the driver with a signed receipt containing the seal of the court, indicating that the fine, penalty, and cost have been paid in full. The receipt may not be used by the driver to clear the driver's record.

(c) The provisions of this Section shall be limited to a single action per arrest and as a post conviction measure only. Fines, penalty, or costs to be collected subsequent to orders of court supervision, or other available court diversions are not applicable to this Section.

(d) (1) Notwithstanding the receipt of a report from the clerk as prescribed in subsections subsection (a) and (e), nothing in this Section is intended to place any responsibility upon the Secretary of State to provide independent notice to the driver of any potential action to disallow the renewal, reissue or reinstatement of such driver's driving privileges.

(2) Except as provided in subsection (b-1), the Secretary of State shall renew, reissue or reinstate a driver's driving privileges which were previously refused pursuant to this Section upon presentation of an original receipt which is signed by the clerk of the court and contains the seal of the court indicating that the fine, penalty, or cost has been paid in full. The Secretary of State shall retain such receipt for his records.

(e) Upon receipt of notification from another state, stating a resident of this State failed to pay a traffic fine, penalty, or cost imposed for a violation that occurs in another state, the Secretary shall make the proper notation to the driver's license file to prohibit the renewal, reissue, or reinstatement of the resident's driving privileges until the fine, penalty, or cost has been paid in full. The Secretary of State shall renew, reissue, or reinstate the driver's driving privileges that were previously refused under this Section upon receipt of notification from the other state that

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indicates that the fine, penalty, or cost has been paid in full. The Secretary of State shall retain the out-of-state receipt for his or her records.
(Source: P.A. 93-788, eff. 1-1-05; 94-618, eff. 1-1-06.)

(625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)
Sec. 6-500. Definitions of words and phrases. Notwithstanding the definitions set forth elsewhere in this Code, for purposes of the Uniform Commercial Driver's License Act (UCDLA), the words and phrases listed below have the meanings ascribed to them as follows:

(1) Alcohol. "Alcohol" means any substance containing any form of alcohol, including but not limited to ethanol, methanol, propanol, and isopropanol.

(2) Alcohol concentration. "Alcohol concentration" means:

   (A) the number of grams of alcohol per 210 liters of breath;
   or

   (B) the number of grams of alcohol per 100 milliliters of blood; or

   (C) the number of grams of alcohol per 67 milliliters of urine.

Alcohol tests administered within 2 hours of the driver being "stopped or detained" shall be considered that driver's "alcohol concentration" for the purposes of enforcing this UCDLA.

(3) (Blank).

(4) (Blank).

(5) (Blank).

(6) Commercial Motor Vehicle.

   (A) "Commercial motor vehicle" or "CMV" means a motor vehicle used in commerce, except those referred to in subdivision (B), designed to transport passengers or property if:

      (i) the vehicle has a GVWR of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations or the Secretary of State; or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or

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(ii) the vehicle is designed to transport 16 or more persons; or

(iii) the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, subpart F.

(B) Pursuant to the interpretation of the Commercial Motor Vehicle Safety Act of 1986 by the Federal Highway Administration, the definition of "commercial motor vehicle" does not include:

(i) recreational vehicles, when operated primarily for personal use;

(ii) United States Department of Defense vehicles owned by or being operated under the direction of the United States Department of Defense or the United States Coast Guard only when operated by non-civilian personnel. This includes any operator on active military duty; members of the Reserves; National Guard; personnel on part-time training; and National Guard military technicians (civilians who are required to wear military uniforms and are subject to the Code of Military Justice); or

(iii) firefighting and other emergency equipment (including, without limitation, equipment owned or operated by a HazMat or technical rescue team authorized by a county board under Section 5-1127 of the Counties Code), with audible and visual signals, owned or operated by or for a governmental entity, which is necessary to the preservation of life or property or the execution of emergency governmental functions which are normally not subject to general traffic rules and regulations.

(7) Controlled Substance. "Controlled substance" shall have the same meaning as defined in Section 102 of the Illinois Controlled Substances Act, and shall also include cannabis as defined in Section 3 of the Cannabis Control Act and methamphetamine as defined in Section 10 of the Methamphetamine Control and Community Protection Act.

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(8) Conviction. "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

(8.5) Day. "Day" means calendar day.

(9) (Blank).

(10) (Blank).

(11) (Blank).

(12) (Blank).

(13) Driver. "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle, any person who is required to hold a CDL, or any person who is a holder of a CDL while operating a non-commercial motor vehicle.

(13.5) Driver applicant. "Driver applicant" means an individual who applies to a state to obtain, transfer, upgrade, or renew a CDL.

(14) Employee. "Employee" means a person who is employed as a commercial motor vehicle driver. A person who is self-employed as a commercial motor vehicle driver must comply with the requirements of this UCDLA pertaining to employees. An owner-operator on a long-term lease shall be considered an employee.

(15) Employer. "Employer" means a person (including the United States, a State or a local authority) who owns or leases a commercial motor vehicle or assigns employees to operate such a vehicle. A person who is self-employed as a commercial motor vehicle driver must comply with the requirements of this UCDLA.

(16) (Blank).

(16.5) Fatality. "Fatality" means the death of a person as a result of a motor vehicle accident.
(17) Foreign jurisdiction. "Foreign jurisdiction" means a sovereign jurisdiction that does not fall within the definition of "State".

(18) (Blank).

(19) (Blank).

(20) Hazardous materials. "Hazardous Material" means any material that has been designated upon a finding by the United States Secretary of Transportation, in his or her discretion, under 49 App. U.S.C. 5103 and is required to be placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73 (a), that the transportation of a particular quantity and form of material in commerce may pose an unreasonable risk to health and safety or property, he or she shall designate the quantity and form of material or group or class of the materials as a hazardous material. The materials so designated may include but are not limited to explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, and compressed gases.

(20.5) Imminent Hazard. "Imminent hazard" means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury or endangerment.

(21) Long-term lease. "Long-term lease" means a lease of a commercial motor vehicle by the owner-lesser to a lessee, for a period of more than 29 days.

(22) Motor Vehicle. "Motor vehicle" means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from over head trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheel chairs.

(22.5) Non-CMV. "Non-CMV" means a motor vehicle or combination of motor vehicles not defined by the term "commercial motor vehicle" or "CMV" in this Section.

New matter indicated by italics - deletions by strikeout
(23) Non-resident CDL. "Non-resident CDL" means a commercial driver's license issued by a state under either of the following two conditions:

(i) to an individual domiciled in a foreign country meeting the requirements of Part 383.23(b)(1) of 49 C.F.R. of the Federal Motor Carrier Safety Administration.

(ii) to an individual domiciled in another state meeting the requirements of Part 383.23(b)(2) of 49 C.F.R. of the Federal Motor Carrier Safety Administration.

(24) (Blank).

(25) (Blank).

(25.5) Railroad-Highway Grade Crossing Violation. "Railroad-highway grade crossing violation" means a violation, while operating a commercial motor vehicle, of any of the following:

- Section 11-1201, 11-1202, or 11-1425 of this Code.

- Any other similar law or local ordinance of any state relating to railroad-highway grade crossing.

(25.7) School Bus. "School bus" means a commercial motor vehicle used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. "School bus" does not include a bus used as a common carrier.

(26) Serious Traffic Violation. "Serious traffic violation" means:

- A conviction when operating a commercial motor vehicle, or when operating a non-CMV while holding a CDL, of:

  - A violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or
  - A violation relating to reckless driving; or
  - A violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; or

New matter indicated by italics - deletions by strikeout
(iv) a violation of Section 6-501, relating to having multiple driver's licenses; or
(v) a violation of paragraph (a) of Section 6-507, relating to the requirement to have a valid CDL; or
(vi) a violation relating to improper or erratic traffic lane changes; or
(vii) a violation relating to following another vehicle too closely; or
(B) any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines by administrative rule to be serious.

(27) State. "State" means a state of the United States, the District of Columbia and any province or territory of Canada.
(28) (Blank).
(29) (Blank).
(30) (Blank).
(31) (Blank).

(625 ILCS 5/6-501) (from Ch. 95 1/2, par. 6-501)
Sec. 6-501. Commercial drivers - permitted only one driver's license. No person who drives a commercial motor vehicle, on the highways, shall have more than one driver's license, except during the 10-day period beginning on the date such person is issued a CDL.
Any person convicted of violating this Section shall be guilty of a Class A misdemeanor.
(Source: P.A. 86-845.)

(625 ILCS 5/6-506) (from Ch. 95 1/2, par. 6-506)
Sec. 6-506. Commercial motor vehicle driver - employer/owner responsibilities.
(a) No employer or commercial motor vehicle owner shall knowingly allow, permit, or authorize, or require an employee to drive a commercial motor vehicle on the highways during any period in which such employee:

New matter indicated by italics - deletions by strikeout
(1) has a driver's license suspended, revoked or cancelled by any state; or 
   (2) has lost the privilege to drive a commercial motor vehicle in any state; or 
   (3) has been disqualified from driving a commercial motor vehicle; or 
   (4) has more than one driver's license, except as provided by this UCDLA; or 
   (5) is subject to or in violation of an "out-of-service" order. 

(b) No employer or commercial motor vehicle owner shall knowingly allow, permit, authorize, or require a driver to operate a commercial motor vehicle in violation of any law or regulation pertaining to railroad-highway grade crossings. 

(b-3) No employer or commercial motor vehicle owner shall knowingly allow, permit, authorize, or require a driver to operate a commercial motor vehicle during any period in which the commercial motor vehicle is subject to an "out-of-service" order. 

(b-5) No employer or commercial motor vehicle owner shall knowingly allow, permit, authorize, or require a driver to operate a commercial motor vehicle during any period in which the motor carrier operation is subject to an "out-of-service" order. 

(c) Any employer convicted of violating subsection (a), (b-3), or (b-5) of this Section, whether individually or in connection with one or more other persons, or as principal agent, or accessory, shall be guilty of a Class A misdemeanor. 

(Source: P.A. 92-249, eff. 1-1-02; 92-834, eff. 8-22-02.) 

(625 ILCS 5/6-507) (from Ch. 95 1/2, par. 6-507) 

Sec. 6-507. Commercial Driver's License (CDL) Required. 

(a) Except as expressly permitted by this UCDLA, or when driving pursuant to the issuance of a commercial driver instruction permit and accompanied by the holder of a CDL valid for the vehicle being driven; no person shall drive a commercial motor vehicle on the highways without: 

   (1) a CDL in the driver's possession; 
   (2) having obtained a CDL; or 

New matter indicated by italics - deletions by strikeout
(3) the proper class of CDL or endorsements or both for the
specific vehicle group being operated or for the passengers or type
of cargo being transported.

(b) Except as otherwise provided by this Code, no person may
drive a commercial motor vehicle on the highways while such person’s
driving privilege, license or permit is:

(1) Suspended, revoked, cancelled, or subject to
disqualification. Any person convicted of violating this provision
or a similar provision of this or any other state shall have their
driving privileges revoked under paragraph 12 of subsection (a) of
Section 6-205 of this Code.

(2) Subject to or in violation of an "out-of-service" order.
Any person who has been issued a CDL and is convicted of
violating this provision or a similar provision of any other state
shall be disqualified from operating a commercial motor vehicle
under subsection (i) of Section 6-514 of this Code.

(3) Subject to or in violation of an "out of service" order
and while transporting passengers or hazardous materials. Any
person who has been issued a CDL and is convicted of violating
this provision or a similar provision of this or any other state shall
be disqualified from operating a commercial motor vehicle under
subsection (i) of Section 6-514 of this Code.

(b-3) Except as otherwise provided by this Code, no person may
drive a commercial motor vehicle on the highways during a period which
the commercial motor vehicle or the motor carrier operation is subject to
an "out-of-service" order. Any person who is convicted of violating this
provision or a similar provision of any other state shall be disqualified
from operating a commercial motor vehicle under subsection (i) of Section
6-514 of this Code.

(b-5) Except as otherwise provided by this Code, no person may
transport passengers or hazardous materials during a period in which the
commercial motor vehicle or the motor carrier operation is subject to an
"out-of-service" order. Any person who is convicted of violating this
provision or a similar provision of any other state shall be disqualified

New matter indicated by italics - deletions by strikeout
from operating a commercial motor vehicle under subsection (i) of Section 6-514 of this Code.

(c) Pursuant to the options provided to the States by FHWA Docket No. MC-88-8, the driver of any motor vehicle controlled or operated by or for a farmer is waived from the requirements of this Section, when such motor vehicle is being used to transport: agricultural products; implements of husbandry; or farm supplies; to and from a farm, as long as such movement is not over 150 air miles from the originating farm. This waiver does not apply to the driver of any motor vehicle being used in a common or contract carrier type operation. However, for those drivers of any truck-tractor semitrailer combination or combinations registered under subsection (c) of Section 3-815 of this Code, this waiver shall apply only when the driver is a farmer or a member of the farmer's family and the driver is 21 years of age or more and has successfully completed any tests the Secretary of State deems necessary.

In addition, the farmer or a member of the farmer's family who operates a truck-tractor semitrailer combination or combinations pursuant to this waiver shall be granted all of the rights and shall be subject to all of the duties and restrictions with respect to Sections 6-514 and 6-515 of this Code applicable to the driver who possesses a commercial driver's license issued under this Code, except that the driver shall not be subject to any additional duties or restrictions contained in Part 382 of the Federal Motor Carrier Safety Regulations that are not otherwise imposed under Section 6-514 or 6-515 of this Code.

For purposes of this subsection (c), a member of the farmer's family is a natural or in-law spouse, child, parent, or sibling.

(c-5) An employee of a township or road district with a population of less than 3,000 operating a vehicle within the boundaries of the township or road district for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting is waived from the requirements of this Section when the employee is needed to operate the vehicle because the employee of the township or road district who ordinarily operates the vehicle and who has a commercial driver's license is unable to operate the vehicle or is in need of additional assistance due to a snow emergency.

New matter indicated by italics - deletions by strikeout
(d) Any person convicted of violating this Section, shall be guilty of a Class A misdemeanor.

(e) Any person convicted of violating paragraph (1) of subsection (b) of this Section, shall have all driving privileges revoked by the Secretary of State.

(f) This Section shall not apply to:

(1) A person who currently holds a valid Illinois driver's license, for the type of vehicle being operated, until the expiration of such license or April 1, 1992, whichever is earlier; or

(2) A non-Illinois domiciliary who is properly licensed in another State, until April 1, 1992. A non-Illinois domiciliary, if such domiciliary is properly licensed in another State or foreign jurisdiction, until April 1, 1992.

(Source: P.A. 94-307, eff. 9-30-05; 94-930, eff. 6-26-06.)

(625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

Sec. 6-508. Commercial Driver's License (CDL) - qualification standards.

(a) Testing.

(1) General. No person shall be issued an original or renewal CDL unless that person is domiciled in this State. The Secretary shall cause to be administered such tests as the Secretary deems necessary to meet the requirements of 49 C.F.R. Part 383, subparts F, G, and H, and J.

(2) Third party testing. The Secretary of state may authorize a "third party tester", pursuant to 49 C.F.R. Part 383.75, to administer the skills test or tests specified by Federal Motor Carrier Safety Highway Administration pursuant to the Commercial Motor Vehicle Safety Act of 1986 and any appropriate federal rule.

(b) Waiver of Skills Test. The Secretary of State may waive the skills test specified in this Section for a driver applicant for a commercial driver license applicant who meets the requirements of 49 C.F.R. Part 383.77 and Part 383.123.

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(c) Limitations on issuance of a CDL. A CDL, or a commercial
driver instruction permit, shall not be issued to a person while the person
is subject to a disqualification from driving a commercial motor vehicle,
or unless otherwise permitted by this Code, while the person's driver's
license is suspended, revoked or cancelled in any state, or any territory or
province of Canada; nor may a CDL be issued to a person who has a CDL
issued by any other state, or foreign jurisdiction, unless the person first
surrenders all such licenses. No CDL shall be issued to or renewed for a
person who does not meet the requirement of 49 CFR 391.41(b)(11). The
requirement may be met with the aid of a hearing aid.

(c-1) The Secretary may issue a CDL with a school bus driver
endorsement to allow a person to drive the type of bus described in
subsection (d-5) of Section 6-104 of this Code. The CDL with a school
bus driver endorsement may be issued only to a person meeting the
following requirements:

(1) the person has submitted his or her fingerprints to the
Department of State Police in the form and manner prescribed by
the Department of State Police. These fingerprints shall be checked
against the fingerprint records now and hereafter filed in the
Department of State Police and Federal Bureau of Investigation
criminal history records databases;

(2) the person has passed a written test, administered by the
Secretary of State, on charter bus operation, charter bus safety, and
certain special traffic laws relating to school buses determined by
the Secretary of State to be relevant to charter buses, and submitted
to a review of the driver applicant's driving habits by the Secretary
of State at the time the written test is given;

(3) the person has demonstrated physical fitness to operate
school buses by submitting the results of a medical examination,
including tests for drug use; and

(4) the person has not been convicted of committing or
attempting to commit any one or more of the following offenses:
(i) those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-
3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6, 10-7, 11-6, 11-9,

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11-9.1, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and subsection (b), clause (1), of Section 12-4 of the Criminal Code of 1961; (ii) those offenses defined in the Cannabis Control Act except those offenses defined in subsections (a) and (b) of Section 4, and subsection (a) of Section 5 of the Cannabis Control Act; (iii) those offenses defined in the Illinois Controlled Substances Act; (iv) those offenses defined in the Methamphetamine Control and Community Protection Act; (v) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State would be punishable as one or more of the foregoing offenses; (vi) the offenses defined in Sections 4.1 and 5.1 of the Wrongs to Children Act; and (vii) those offenses defined in Section 6-16 of the Liquor Control Act of 1934.

The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited into the State Police Services Fund and may not exceed the actual cost of the records check.

(c-2) The Secretary shall issue a CDL with a school bus endorsement to allow a person to drive a school bus as defined in this Section. The CDL shall be issued according to the requirements outlined in 49 C.F.R. 383. A person may not operate a school bus as defined in this Section without a school bus endorsement. The Secretary of State may adopt rules consistent with Federal guidelines to implement this subsection (c-2).

(d) Commercial driver instruction permit. A commercial driver instruction permit may be issued to any person holding a valid Illinois driver's license if such person successfully passes such tests as the Secretary determines to be necessary. A commercial driver instruction permit
permit shall not be issued to a person who does not meet the requirements of 49 CFR 391.41 (b)(11), except for the renewal of a commercial driver instruction permit for a person who possesses a commercial instruction permit prior to the effective date of this amendatory Act of 1999.
(Source: P.A. 93-476, eff. 1-1-04; 93-644, eff. 6-1-04; 94-307, eff. 9-30-05; 94-556, eff. 9-11-05; revised 8-19-05.)
(625 ILCS 5/6-509) (from Ch. 95 1/2, par. 6-509)
Sec. 6-509. Non-resident commercial driver's license.
(a) The Secretary of State may issue a non-resident CDL to a domiciliary of a foreign jurisdiction if the United States Secretary of Transportation has determined that the commercial motor vehicle testing and licensing standards, in that foreign jurisdiction, do not meet the testing standards established in 49 C.F.R. Part 383. The Secretary of State may also issue a non-resident CDL to an individual domiciled in another state while that state is prohibited from issuing CDLs in accordance with 49 C.F.R. Part 384. A non-resident CDL shall be issued in accordance with the testing and licensing standards contained in subparts F, G, and H of 49 C.F.R. Part 383. The word "Non-resident" must appear on the face of the non-resident CDL. A driver applicant must surrender any non-resident CDL, license or permit issued by any other state.
(b) If an individual is domiciled in a state while that state is prohibited from issuing CDLs in accordance with 49 C.F.R. Part 384.405, that individual is eligible to obtain a non-resident CDL from any state that elects to issue a non-resident CDL and which complies with the testing and licensing standards contained in subparts F, G, and H of 49 C.F.R. Part 383.23.
(Source: P.A. 94-307, eff. 9-30-05.)
(625 ILCS 5/6-510) (from Ch. 95 1/2, par. 6-510)
Sec. 6-510. Application for Commercial Driver's License (CDL).
(a) The application for a CDL or commercial driver instruction permit, must include, but not necessarily be limited to, the following:

1. the full legal name and current Illinois domiciliary address (unless the application is for a Non-resident CDL) of the driver applicant;

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(2) a physical description of the driver applicant including sex, height, weight, color of eyes and hair color;
(3) date of birth;
(4) the driver applicant's social security number or other identifying number acceptable to the Secretary of State;
(5) the driver applicant's signature;
(6) certifications required by 49 C.F.R. Part 383.71;
(6.1) the names of all states where the driver applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years pursuant to 49 C.F.R. Part 383; and
(7) any other information required by the Secretary of State.

(Source: P.A. 93-895, eff. 1-1-05; 94-307, eff. 9-30-05.)

(625 ILCS 5/6-513) (from Ch. 95 1/2, par. 6-513)
Sec. 6-513. Commercial Driver's License or CDL. The content of the CDL shall include, but not necessarily be limited to the following:
(a) A CDL shall be distinctly marked "Commercial Driver's License" or "CDL". It must include, but not necessarily be limited to, the following information:
   (1) the legal name and the Illinois domiciliary address (unless it is a Non-resident CDL) of the person to whom the CDL is issued;
   (2) the person's color photograph;
   (3) a physical description of the person including sex, height, and may include weight, color of eyes and hair color;
   (4) date of birth;
   (5) a CDL or file number assigned by the Secretary of State;
   (6) it also may include the applicant's Social Security Number pursuant to Section 6-106;
   (6) (7) the person's signature;
   (7) (8) the class or type of commercial vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions;
   (8) (9) the name of the issuing state; and
   (9) (10) the issuance and expiration dates of the CDL.

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(b) Applicant Record Check.
Prior to the issuance of a CDL, the Secretary of State shall obtain, and maintain upon issuance the driver applicant's driving record as required by 49 C.F.R. Part 383 and Part 384 and the United States Secretary of Transportation.

(c) Notification of Commercial Driver's License (CDL) Issuance.
Within 10 days after issuing a CDL, the Secretary of State must notify the Commercial Driver License Information System of that fact, and provide all information required to ensure identification of the person.

(c-5) Change in driver identification information.
Within 10 days of any change of driver identification information on any CDL holder, the Secretary of State must notify the Commercial Driver License Information System of the change.

(d) Renewal.
Every person applying for a renewal of a CDL must complete the appropriate application form required by this Code and any other test deemed necessary by the Secretary.

(Source: P.A. 93-895, eff. 1-1-05; 94-307, eff. 9-30-05.)

(625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)
Sec. 6-514. Commercial Driver's License (CDL) - Disqualifications.
(a) A person shall be disqualified from driving a commercial motor vehicle for a period of not less than 12 months for the first violation of:

(1) Refusing to submit to or failure to complete a test or tests to determine the driver's blood concentration of alcohol, other drug, or both, while driving a commercial motor vehicle or, if the driver is a CDL holder, while driving a non-CMV; or

(2) Operating a commercial motor vehicle while the alcohol concentration of the person's blood, breath, or urine is at least 0.04, or any amount of a drug, substance, or compound in the person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act, or methamphetamine as listed in the Methamphetamine Control and New matter indicated by italics - deletions by strikeout

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Community Protection Act as indicated by a police officer's sworn report or other verified evidence; or operating a non-commercial motor vehicle while the alcohol concentration of the person's blood, breath, or urine was above the legal limit defined in Section 11-501.1 or 11-501.8 or any amount of a drug, substance, or compound in the person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as indicated by a police officer's sworn report or other verified evidence while holding a commercial driver's license; or

(3) Conviction for a first violation of:
   (i) Driving a commercial motor vehicle or, if the driver is a CDL holder, driving a non-CMV while under the influence of alcohol, or any other drug, or combination of drugs to a degree which renders such person incapable of safely driving; or
   (ii) Knowingly and wilfully leaving the scene of an accident while operating a commercial motor vehicle or, if the driver is a CDL holder, while driving a non-CMV; or
   (iii) Driving a commercial motor vehicle or, if the driver is a CDL holder, driving a non-CMV while committing any felony; or
   (iv) Driving a commercial motor vehicle while the person's driving privileges or driver's license or permit is revoked, suspended, or cancelled or the driver is disqualified from operating a commercial motor vehicle; or
   (v) Causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of motor vehicle manslaughter, homicide by a motor vehicle, and negligent homicide.

As used in this subdivision (a)(3)(v), "motor vehicle manslaughter" means the offense of involuntary

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manslaughter if committed by means of a vehicle; "homicide by a motor vehicle" means the offense of first degree murder or second degree murder, if either offense is committed by means of a vehicle; and "negligent homicide" means reckless homicide under Section 9-3 of the Criminal Code of 1961 and aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof under subdivision (d)(1)(F) of Section 11-501 of this Code.

If any of the above violations or refusals occurred while transporting hazardous material(s) required to be placarded, the person shall be disqualified for a period of not less than 3 years.

(b) A person is disqualified for life for a second conviction of any of the offenses specified in paragraph (a), or any combination of those offenses, arising from 2 or more separate incidents.

(c) A person is disqualified from driving a commercial motor vehicle for life if the person either (i) uses a commercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance or (ii) if the person is a CDL holder, uses a non-CMV in the commission of a felony involving any of those activities.

(d) The Secretary of State may, when the United States Secretary of Transportation so authorizes, issue regulations in which a disqualification for life under paragraph (b) may be reduced to a period of not less than 10 years. If a reinstated driver is subsequently convicted of another disqualifying offense, as specified in subsection (a) of this Section, he or she shall be permanently disqualified for life and shall be ineligible to again apply for a reduction of the lifetime disqualification.

(e) A person is disqualified from driving a commercial motor vehicle for a period of not less than 2 months if convicted of 2 serious traffic violations, committed in a commercial motor vehicle, arising from separate incidents, occurring within a 3 year period. However, a person will be disqualified from driving a commercial motor vehicle for a period

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of not less than 4 months if convicted of 3 serious traffic violations, committed in a commercial motor vehicle, arising from separate incidents, occurring within a 3 year period.

(e-1) A person is disqualified from driving a commercial motor vehicle for a period of not less than 2 months if convicted of 2 serious traffic violations committed in a non-CMV while holding a CDL, arising from separate incidents, occurring within a 3 year period, if the convictions would result in the suspension or revocation of the CDL holder's non-CMV privileges. A person shall be disqualified from driving a commercial motor vehicle for a period of not less than 4 months, however, if he or she is convicted of 3 or more serious traffic violations committed in a non-CMV while holding a CDL, arising from separate incidents, occurring within a 3 year period, if the convictions would result in the suspension or revocation of the CDL holder's non-CMV privileges.

(f) Notwithstanding any other provision of this Code, any driver disqualified from operating a commercial motor vehicle, pursuant to this UCDLA, shall not be eligible for restoration of commercial driving privileges during any such period of disqualification.

(g) After suspending, revoking, or cancelling a commercial driver's license, the Secretary of State must update the driver's records to reflect such action within 10 days. After suspending or revoking the driving privilege of any person who has been issued a CDL or commercial driver instruction permit from another jurisdiction, the Secretary shall originate notification to such issuing jurisdiction within 10 days.

(h) The "disqualifications" referred to in this Section shall not be imposed upon any commercial motor vehicle driver, by the Secretary of State, unless the prohibited action(s) occurred after March 31, 1992.

(i) A person is disqualified from driving a commercial motor vehicle in accordance with the following:

(1) For 6 months upon a first conviction of paragraph (2) of subsection (b) or subsection (b-3) of Section 6-507 of this Code.

(2) For one year upon a second conviction of paragraph (2) of subsection (b) or subsection (b-3) of Section 6-507 of this Code within a 10-year period.
(3) For 3 years upon a third or subsequent conviction of paragraph (2) of subsection (b) or subsection (b-3) of Section 6-507 of this Code within a 10-year period.

(4) For one year upon a first conviction of paragraph (3) of subsection (b) or subsection (b-5) of Section 6-507 of this Code.

(5) For 3 years upon a second conviction of paragraph (3) of subsection (b) or subsection (b-5) of Section 6-507 of this Code within a 10-year period.

(6) For 5 years upon a third or subsequent conviction of paragraph (3) of subsection (b) or subsection (b-5) of Section 6-507 of this Code within a 10-year period.

(j) Disqualification for railroad-highway grade crossing violation.

(1) General rule. A driver who is convicted of a violation of a federal, State, or local law or regulation pertaining to one of the following 6 offenses at a railroad-highway grade crossing must be disqualified from operating a commercial motor vehicle for the period of time specified in paragraph (2) of this subsection (j) if the offense was committed while operating a commercial motor vehicle:

(i) For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train, as described in subsection (a-5) of Section 11-1201 of this Code;

(ii) For drivers who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear, as described in subsection (a) of Section 11-1201 of this Code;

(iii) For drivers who are always required to stop, failing to stop before driving onto the crossing, as described in Section 11-1202 of this Code;

(iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping, as described in subsection (b) of Section 11-1425 of this Code;

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(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement official at the crossing, as described in subdivision (a)2 of Section 11-1201 of this Code;

(vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance, as described in subsection (d-1) of Section 11-1201 of this Code.

(2) Duration of disqualification for railroad-highway grade crossing violation.

   (i) First violation. A driver must be disqualified from operating a commercial motor vehicle for not less than 60 days if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had no convictions for a violation described in paragraph (1) of this subsection (j).

   (ii) Second violation. A driver must be disqualified from operating a commercial motor vehicle for not less than 120 days if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had one other conviction for a violation described in paragraph (1) of this subsection (j) that was committed in a separate incident.

   (iii) Third or subsequent violation. A driver must be disqualified from operating a commercial motor vehicle for not less than one year if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had 2 or more other convictions for violations described in paragraph (1) of this subsection (j) that were committed in separate incidents.
(k) Upon notification of a disqualification of a driver's commercial motor vehicle privileges imposed by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, in accordance with 49 C.F.R. 383.52, the Secretary of State shall immediately record to the driving record the notice of disqualification and confirm to the driver the action that has been taken.
(Source: P.A. 94-307, eff. 9-30-05; 94-930, eff. 6-26-06.)
(625 ILCS 5/6-519) (from Ch. 95 1/2, par. 6-519)
Sec. 6-519. Driving Record Information To Be Furnished. Notwithstanding any other provision of law to the contrary, the Secretary of State shall furnish full information regarding a commercial driver's driving record to: the driver licensing administrator of any other State; the U.S. Department of Transportation; the affected driver or a motor carrier or prospective motor carrier requesting such information, within 10 days of the request; and any other entity or person authorized to receive such information pursuant to Section 2-123 of this Code.
(Source: P.A. 86-845.)
(625 ILCS 5/6-520) (from Ch. 95 1/2, par. 6-520)
Sec. 6-520. CDL disqualification or out-of-service order; hearing.
(a) A disqualification of commercial driving privileges by the Secretary of State, pursuant to this UCDLA, shall not become effective until the person is notified in writing, by the Secretary, of the impending disqualification and advised that a CDL hearing may be requested of the Secretary if the stop or arrest occurred in a commercial motor vehicle.
(b) Upon receipt of: the notice of a CDL disqualification not based upon a conviction; an out-of-service order; or notification that a CDL disqualification is forthcoming, the person may make a written petition in a form, approved by the Secretary of State, for a CDL hearing with the Secretary if the stop or arrest occurred in a commercial motor vehicle. Such petition must state the grounds upon which the person seeks to have the CDL disqualification rescinded or the out-of-service order removed from the person's driving record. Within 10 days after the receipt of such petition, it shall be reviewed by the Director of the Department of Administrative Hearings, Office of the Secretary of State, or by an

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appointed designee. If it is determined that the petition on its face does not state grounds upon which the relief may be based, the petition for a CDL hearing shall be denied and the disqualification shall become effective as if no petition had been filed and the out-of-service order shall be sustained. If such petition is so denied, the person may submit another petition.

(c) The scope of a CDL hearing, for any disqualification imposed pursuant to paragraphs (1) and (2) of subsection (a) of Section 6-514, resulting from the operation of a commercial motor vehicle, shall be limited to the following issues:

1. Whether the person was operating a commercial motor vehicle;
2. Whether, after making the initial stop, the police officer had probable cause to issue a Sworn Report;
3. Whether the person was verbally warned of the ensuing consequences prior to submitting to any type of chemical test or tests to determine such person's blood concentration of alcohol, other drug, or both;
4. Whether the person did refuse to submit to or failed to complete the chemical testing or did submit to such test or tests and such test or tests disclosed an alcohol concentration of at least 0.04 or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act or methamphetamine as listed in the Methamphetamine Control and Community Protection Act in the person's system;
5. Whether the person was warned that if the test or tests disclosed an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, such results could be
admissible in a subsequent prosecution under Section 11-501 of this Code or similar provision of local ordinances; and

6. Whether such results could not be used to impose any driver's license sanctions pursuant to Section 11-501.1.

Upon the conclusion of the above CDL hearing, the CDL disqualification imposed shall either be sustained or rescinded.

(d) The scope of a CDL hearing for any out-of-service sanction, imposed pursuant to Section 6-515, shall be limited to the following issues:

1. Whether the person was driving a commercial motor vehicle;

2. Whether, while driving such commercial motor vehicle, the person had alcohol or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act or methamphetamine as listed in the Methamphetamine Control and Community Protection Act in such person's system;

3. Whether the person was verbally warned of the ensuing consequences prior to being asked to submit to any type of chemical test or tests to determine such person's alcohol, other drug, or both, concentration; and

4. Whether, after being so warned, the person did refuse to submit to or failed to complete such chemical test or tests or did submit to such test or tests and such test or tests disclosed an alcohol concentration greater than 0.00 or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act or methamphetamine as listed in the Methamphetamine Control and Community Protection Act.

Upon the conclusion of the above CDL hearing, the out-of-service sanction shall either be sustained or removed from the person's driving record.
(e) If any person petitions for a hearing relating to any CDL disqualification based upon a conviction, as defined in this UCDLA, said hearing shall not be conducted as a CDL hearing, but shall be conducted as any other driver's license hearing, whether formal or informal, as promulgated in the rules and regulations of the Secretary.

(f) Any evidence of alcohol or other drug consumption, for the purposes of this UCDLA, shall be sufficient probable cause for requesting the driver to submit to a chemical test or tests to determine the presence of alcohol, other drug, or both in the person's system and the subsequent issuance of an out-of-service order or a Sworn Report by a police officer.

(g) For the purposes of this UCDLA, a CDL "hearing" shall mean a hearing before the Office of the Secretary of State in accordance with Section 2-118 of this Code, for the purpose of resolving differences or disputes specifically related to the scope of the issues identified in this Section relating to the operation of a commercial motor vehicle. These proceedings will be a matter of record and a final appealable order issued. The petition for a CDL hearing shall not stay or delay the effective date of the impending disqualification.

(h) The CDL hearing may be conducted upon a review of the police officer's own official reports; provided however, that the petitioner may subpoena the officer. Failure of the officer to answer the subpoena shall be grounds for a continuance.

(i) Any CDL disqualification based upon a statutory summary suspension resulting from an arrest of a CDL holder while operating a non-commercial motor vehicle, may only be contested by filing a petition to contest the statutory summary suspension in the appropriate circuit court as provided for in Section 2-118.1 of this Code.

(Source: P.A. 90-43, eff. 7-2-97; 91-357, eff. 7-29-99.)

(625 ILCS 5/6-521) (from Ch. 95 1/2, par. 6-521)

Sec. 6-521. Rulemaking Authority.

(a) The Secretary of State, using the authority to license motor vehicle operators under this Code, may adopt such rules and regulations as may be necessary to establish standards, policies and procedures for the licensing and sanctioning of commercial motor vehicle drivers in order to
meet the requirements of the Commercial Motor Vehicle Act of 1986 (CMVSA); subsequent federal rulemaking under 49 C.F.R. Part 383 or Part 1572; and administrative and policy decisions of the U.S. Secretary of Transportation and the Federal Motor Carrier Safety Administration. The Secretary may, as provided in the CMVSA, establish stricter requirements for the licensing of commercial motor vehicle drivers than those established by the federal government.

(b) By January 1, 1994, the Secretary of State shall establish rules and regulations for the issuance of a restricted commercial driver's license for farm-related service industries consistent with federal guidelines. The restricted license shall be available for a seasonal period or periods not to exceed a total of 180 days in any 12 month period.

(c) By July 1, 1995, the Secretary of State shall establish rules and regulations, to be consistent with federal guidelines, for the issuance and cancellation or withdrawal of a restricted commercial driver's license that is limited to the operation of a school bus. A driver whose restricted commercial driver's license has been cancelled or withdrawn may contest the sanction by requesting a hearing pursuant to Section 2-118 of this Code. The cancellation or withdrawal of the restricted commercial driver's license shall remain in effect pending the outcome of that hearing.

(d) By July 1, 1995, the Secretary of State shall establish rules and regulations for the issuance and cancellation of a School Bus Driver's Permit. The permit shall be required for the operation of a school bus as provided in subsection (c), a non-restricted CDL with passenger endorsement, or a properly classified driver's license. The permit will establish that the school bus driver has met all the requirements of the application and screening process established by Section 6-106.1 of this Code.

(Source: P.A. 93-667, eff. 3-19-04.)

Sec. 6-524. Penalties.

(a) Every person convicted of violating any provision of this UCDLA for which another penalty is not provided shall for a first offense be guilty of a petty offense; and for a second conviction for any offense

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committed within 3 years of any previous offense, shall be guilty of a Class B misdemeanor.

(b) Any person convicted of violating subsection (b) of Section 6-506 of this Code shall be subject to a civil penalty of not more than $10,000.

(c) Any person or employer convicted of violating paragraph (5) of subsection (a) or subsection (b-3) or (b-5) of Section 6-506 shall be subject to a civil penalty of not less than $2,750 nor more than $11,000.

(d) Any person convicted of violating paragraph (2) or (3) of subsection (b) or subsection (b-3) or (b-5) of Section 6-507 shall be subject to a civil penalty of not less than $1,100 nor more than $2,750.

(Source: P.A. 92-249, eff. 1-1-02.)

(625 ILCS 5/11-501.1) (from Ch. 95 1/2, par. 11-501.1)

Sec. 11-501.1. Suspension of drivers license; statutory summary alcohol, other drug or drugs, or intoxicating compound or compounds related suspension; implied consent.

(a) Any person who drives or is in actual physical control of a motor vehicle upon the public highways of this State shall be deemed to have given consent, subject to the provisions of Section 11-501.2, to a chemical test or tests of blood, breath, or urine for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds or any combination thereof in the person's blood if arrested, as evidenced by the issuance of a Uniform Traffic Ticket, for any offense as defined in Section 11-501 or a similar provision of a local ordinance, or if arrested for violating Section 11-401. The test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. A urine test may be administered even after a blood or breath test or both has been administered. For purposes of this Section, an Illinois law enforcement officer of this State who is investigating the person for any offense defined in Section 11-501 may travel into an adjoining state, where the person has been transported for medical care, to complete an investigation and to request that the person submit to the test or tests set forth in this Section. The requirements
of this Section that the person be arrested are inapplicable, but the officer shall issue the person a Uniform Traffic Ticket for an offense as defined in Section 11-501 or a similar provision of a local ordinance prior to requesting that the person submit to the test or tests. The issuance of the Uniform Traffic Ticket shall not constitute an arrest, but shall be for the purpose of notifying the person that he or she is subject to the provisions of this Section and of the officer's belief of the existence of probable cause to arrest. Upon returning to this State, the officer shall file the Uniform Traffic Ticket with the Circuit Clerk of the county where the offense was committed, and shall seek the issuance of an arrest warrant or a summons for the person.

(b) Any person who is dead, unconscious, or who is otherwise in a condition rendering the person incapable of refusal, shall be deemed not to have withdrawn the consent provided by paragraph (a) of this Section and the test or tests may be administered, subject to the provisions of Section 11-501.2.

(c) A person requested to submit to a test as provided above shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test will result in the statutory summary suspension of the person's privilege to operate a motor vehicle, as provided in Section 6-208.1 of this Code, and will also result in the disqualification of the person's privilege to operate a commercial motor vehicle, as provided in Section 6-514 of this Code, if the person is a CDL holder. The person shall also be warned by the law enforcement officer that if the person submits to the test or tests provided in paragraph (a) of this Section and the alcohol concentration in the person's blood or breath is 0.08 or greater, or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act is detected in the person's blood or urine, a statutory summary suspension of the person's privilege to operate a motor vehicle, as provided in Sections 6-208.1 and 11-501.1 of this Code, and a

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disqualification of the person's privilege to operate a commercial motor vehicle, as provided in Section 6-514 of this Code, if the person is a CDL holder, will be imposed.

A person who is under the age of 21 at the time the person is requested to submit to a test as provided above shall, in addition to the warnings provided for in this Section, be further warned by the law enforcement officer requesting the test that if the person submits to the test or tests provided in paragraph (a) of this Section and the alcohol concentration in the person's blood or breath is greater than 0.00 and less than 0.08, a suspension of the person's privilege to operate a motor vehicle, as provided under Sections 6-208.2 and 11-501.8 of this Code, will be imposed. The results of this test shall be admissible in a civil or criminal action or proceeding arising from an arrest for an offense as defined in Section 11-501 of this Code or a similar provision of a local ordinance or pursuant to Section 11-501.4 in prosecutions for reckless homicide brought under the Criminal Code of 1961. These test results, however, shall be admissible only in actions or proceedings directly related to the incident upon which the test request was made.

(d) If the person refuses testing or submits to a test that discloses an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer shall immediately submit a sworn report to the circuit court of venue and the Secretary of State, certifying that the test or tests was or were requested under paragraph (a) and the person refused to submit to a test, or tests, or submitted to testing that disclosed an alcohol concentration of 0.08 or more.

(e) Upon receipt of the sworn report of a law enforcement officer submitted under paragraph (d), the Secretary of State shall enter the statutory summary suspension and disqualification for the periods
specified in Sections Section 6-208.1 and 6-514, respectively, and effective as provided in paragraph (g).

If the person is a first offender as defined in Section 11-500 of this Code, and is not convicted of a violation of Section 11-501 of this Code or a similar provision of a local ordinance, then reports received by the Secretary of State under this Section shall, except during the actual time the Statutory Summary Suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities or the Secretary of State. However, beginning January 1, 2008, if the person is a CDL holder, the statutory summary suspension shall also be made available to the driver licensing administrator of any other state, the U.S. Department of Transportation, and the affected driver or motor carrier or prospective motor carrier upon request.

(f) The law enforcement officer submitting the sworn report under paragraph (d) shall serve immediate notice of the statutory summary suspension on the person and the suspension and disqualification shall be effective as provided in paragraph (g). In cases where the blood alcohol concentration of 0.08 or greater or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act is established by a subsequent analysis of blood or urine collected at the time of arrest, the arresting officer or arresting agency shall give notice as provided in this Section or by deposit in the United States mail of the notice in an envelope with postage prepaid and addressed to the person at his address as shown on the Uniform Traffic Ticket and the statutory summary suspension and disqualification shall begin as provided in paragraph (g). The officer shall confiscate any Illinois driver's license or permit on the person at the time of arrest. If the person has a valid driver's license or permit, the officer shall issue the person a receipt, in a form prescribed by the Secretary of State, that will allow that person to drive during the periods provided for in paragraph (g). The officer shall
immediately forward the driver's license or permit to the circuit court of venue along with the sworn report provided for in paragraph (d).

(g) The statutory summary suspension and disqualification referred to in this Section shall take effect on the 46th day following the date the notice of the statutory summary suspension was given to the person.

(h) The following procedure shall apply whenever a person is arrested for any offense as defined in Section 11-501 or a similar provision of a local ordinance:

   Upon receipt of the sworn report from the law enforcement officer, the Secretary of State shall confirm the statutory summary suspension by mailing a notice of the effective date of the suspension to the person and the court of venue. The Secretary of State shall also mail notice of the effective date of the disqualification to the person. However, should the sworn report be defective by not containing sufficient information or be completed in error, the confirmation of the statutory summary suspension shall not be mailed to the person or entered to the record; instead, the sworn report shall be forwarded to the court of venue with a copy returned to the issuing agency identifying any defect.

(Source: P.A. 94-115, eff. 1-1-06.)

(625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

Sec. 11-501.6. Driver involvement in personal injury or fatal motor vehicle accident - chemical test.

   (a) Any person who drives or is in actual control of a motor vehicle upon the public highways of this State and who has been involved in a personal injury or fatal motor vehicle accident, shall be deemed to have given consent to a breath test using a portable device as approved by the Department of State Police or to a chemical test or tests of blood, breath, or urine for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds of such person's blood if arrested as evidenced by the issuance of a Uniform Traffic Ticket for any violation of the Illinois Vehicle Code or a similar provision of a local ordinance, with the exception of equipment violations contained in Chapter 12 of this Code, or similar provisions of local ordinances. The test or tests shall be administered at the direction of the arresting officer. The

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law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. A urine test may be administered even after a blood or breath test or both has been administered. Compliance with this Section does not relieve such person from the requirements of Section 11-501.1 of this Code.

(b) Any person who is dead, unconscious or who is otherwise in a condition rendering such person incapable of refusal shall be deemed not to have withdrawn the consent provided by subsection (a) of this Section. In addition, if a driver of a vehicle is receiving medical treatment as a result of a motor vehicle accident, any physician licensed to practice medicine, registered nurse or a phlebotomist acting under the direction of a licensed physician shall withdraw blood for testing purposes to ascertain the presence of alcohol, other drug or drugs, or intoxicating compound or compounds, upon the specific request of a law enforcement officer. However, no such testing shall be performed until, in the opinion of the medical personnel on scene, the withdrawal can be made without interfering with or endangering the well-being of the patient.

(c) A person requested to submit to a test as provided above shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound resulting from the unlawful use or consumption of cannabis, as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as detected in such person's blood or urine, may result in the suspension of such person's privilege to operate a motor vehicle and may result in the disqualification of the person's privilege to operate a commercial motor vehicle, as provided in Section 6-514 of this Code, if the person is a CDL holder. The length of the suspension shall be the same as outlined in Section 6-208.1 of this Code regarding statutory summary suspensions.
(d) If the person refuses testing or submits to a test which discloses an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer shall immediately submit a sworn report to the Secretary of State on a form prescribed by the Secretary, certifying that the test or tests were requested pursuant to subsection (a) and the person refused to submit to a test or tests or submitted to testing which disclosed an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in such person's blood or urine, resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act.

Upon receipt of the sworn report of a law enforcement officer, the Secretary shall enter the suspension and disqualification to the individual's driving record and the suspension and disqualification shall be effective on the 46th day following the date notice of the suspension was given to the person.

The law enforcement officer submitting the sworn report shall serve immediate notice of this suspension and disqualification to the person and such suspension and disqualification shall be effective on the 46th day following the date notice was given.

In cases where the blood alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the
Methamphetamine Control and Community Protection Act, is established by a subsequent analysis of blood or urine collected at the time of arrest, the arresting officer shall give notice as provided in this Section or by deposit in the United States mail of such notice in an envelope with postage prepaid and addressed to such person at his address as shown on the Uniform Traffic Ticket and the suspension and disqualification shall be effective on the 46th day following the date notice was given.

Upon receipt of the sworn report of a law enforcement officer, the Secretary shall also give notice of the suspension and disqualification to the driver by mailing a notice of the effective date of the suspension and disqualification to the individual. However, should the sworn report be defective by not containing sufficient information or be completed in error, the notice of the suspension and disqualification shall not be mailed to the person or entered to the driving record, but rather the sworn report shall be returned to the issuing law enforcement agency.

(e) A driver may contest this suspension of his or her driving privileges and disqualification of his or her CDL privileges by requesting an administrative hearing with the Secretary in accordance with Section 2-118 of this Code. At the conclusion of a hearing held under Section 2-118 of this Code, the Secretary may rescind, continue, or modify the orders of suspension and disqualification. If the Secretary does not rescind the orders of suspension and disqualification, a restricted driving permit may be granted by the Secretary upon application being made and good cause shown. A restricted driving permit may be granted to relieve undue hardship to allow driving for employment, educational, and medical purposes as outlined in Section 6-206 of this Code. The provisions of Section 6-206 of this Code shall apply. In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been suspended, revoked, cancelled, or disqualified.

(f) (Blank).

(g) For the purposes of this Section, a personal injury shall include any type A injury as indicated on the traffic accident report completed by a
law enforcement officer that requires immediate professional attention in either a doctor's office or a medical facility. A type A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.
(Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99; 91-357, eff. 7-29-99; 91-828, eff. 1-1-01.)

(625 ILCS 5/11-501.8)
Sec. 11-501.8. Suspension of driver's license; persons under age 21.

(a) A person who is less than 21 years of age and who drives or is in actual physical control of a motor vehicle upon the public highways of this State shall be deemed to have given consent to a chemical test or tests of blood, breath, or urine for the purpose of determining the alcohol content of the person's blood if arrested, as evidenced by the issuance of a Uniform Traffic Ticket for any violation of the Illinois Vehicle Code or a similar provision of a local ordinance, if a police officer has probable cause to believe that the driver has consumed any amount of an alcoholic beverage based upon evidence of the driver's physical condition or other first hand knowledge of the police officer. The test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. A urine test may be administered even after a blood or breath test or both has been administered.

(b) A person who is dead, unconscious, or who is otherwise in a condition rendering that person incapable of refusal, shall be deemed not to have withdrawn the consent provided by paragraph (a) of this Section and the test or tests may be administered subject to the following provisions:

(i) Chemical analysis of the person's blood, urine, breath, or other bodily substance, to be considered valid under the provisions of this Section, shall have been performed according to standards promulgated by the Department of State Police by an individual possessing a valid permit issued by that Department for this purpose. The Director of State Police is authorized to approve
satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct analyses, to issue permits that shall be subject to termination or revocation at the direction of that Department, and to certify the accuracy of breath testing equipment. The Department of State Police shall prescribe regulations as necessary.

(ii) When a person submits to a blood test at the request of a law enforcement officer under the provisions of this Section, only a physician authorized to practice medicine, a registered nurse, or other qualified person trained in venipuncture and acting under the direction of a licensed physician may withdraw blood for the purpose of determining the alcohol content therein. This limitation does not apply to the taking of breath or urine specimens.

(iii) The person tested may have a physician, qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer a chemical test or tests in addition to any test or tests administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the consideration of the previously performed chemical test.

(iv) Upon a request of the person who submits to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to the person or that person's attorney.

(v) Alcohol concentration means either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(vi) If a driver is receiving medical treatment as a result of a motor vehicle accident, a physician licensed to practice medicine, registered nurse, or other qualified person trained in venipuncture and acting under the direction of a licensed physician shall withdraw blood for testing purposes to ascertain the presence of alcohol upon the specific request of a law enforcement officer. However, that testing shall not be performed until, in the opinion

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of the medical personnel on scene, the withdrawal can be made without interfering with or endangering the well-being of the patient.

(c) A person requested to submit to a test as provided above shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of more than 0.00, may result in the loss of that person's privilege to operate a motor vehicle and may result in the disqualification of the person's privilege to operate a commercial motor vehicle, as provided in Section 6-514 of this Code, if the person is a CDL holder. The loss of driving privileges shall be imposed in accordance with Section 6-208.2 of this Code.

(d) If the person refuses testing or submits to a test that discloses an alcohol concentration of more than 0.00, the law enforcement officer shall immediately submit a sworn report to the Secretary of State on a form prescribed by the Secretary of State, certifying that the test or tests were requested under subsection (a) and the person refused to submit to a test or tests or submitted to testing which disclosed an alcohol concentration of more than 0.00. The law enforcement officer shall submit the same sworn report when a person under the age of 21 submits to testing under Section 11-501.1 of this Code and the testing discloses an alcohol concentration of more than 0.00 and less than 0.08.

Upon receipt of the sworn report of a law enforcement officer, the Secretary of State shall enter the suspension and disqualification driver's license sanction on the individual's driving record and the suspension and disqualification sanctions shall be effective on the 46th day following the date notice of the suspension sanction was given to the person. If this suspension sanction is the individual's first driver's license suspension under this Section, reports received by the Secretary of State under this Section shall, except during the time the suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities, the Secretary of State, or the individual personally. However, beginning January 1, 2008, if the person is a CDL holder, the report of suspension shall also be made available to the driver licensing

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administrator of any other state, the U.S. Department of Transportation, and the affected driver or motor carrier or prospective motor carrier upon request.

The law enforcement officer submitting the sworn report shall serve immediate notice of this suspension driver's license sanction on the person and the suspension and disqualification sanction shall be effective on the 46th day following the date notice was given.

In cases where the blood alcohol concentration of more than 0.00 is established by a subsequent analysis of blood or urine, the police officer or arresting agency shall give notice as provided in this Section or by deposit in the United States mail of that notice in an envelope with postage prepaid and addressed to that person at his last known address and the loss of driving privileges shall be effective on the 46th day following the date notice was given.

Upon receipt of the sworn report of a law enforcement officer, the Secretary of State shall also give notice of the suspension and disqualification driver's license sanction to the driver by mailing a notice of the effective date of the suspension and disqualification sanction to the individual. However, should the sworn report be defective by not containing sufficient information or be completed in error, the notice of the suspension and disqualification shall not be mailed to the person or entered to the driving record, but rather the sworn report shall be returned to the issuing law enforcement agency.

(e) A driver may contest this suspension and disqualification driver's license sanction by requesting an administrative hearing with the Secretary of State in accordance with Section 2-118 of this Code. An individual whose blood alcohol concentration is shown to be more than 0.00 is not subject to this Section if he or she consumed alcohol in the performance of a religious service or ceremony. An individual whose blood alcohol concentration is shown to be more than 0.00 shall not be subject to this Section if the individual's blood alcohol concentration resulted only from ingestion of the prescribed or recommended dosage of medicine that contained alcohol. The petition for that hearing shall not stay

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or delay the effective date of the impending suspension. The scope of this hearing shall be limited to the issues of:

(1) whether the police officer had probable cause to believe that the person was driving or in actual physical control of a motor vehicle upon the public highways of the State and the police officer had reason to believe that the person was in violation of any provision of the Illinois Vehicle Code or a similar provision of a local ordinance; and

(2) whether the person was issued a Uniform Traffic Ticket for any violation of the Illinois Vehicle Code or a similar provision of a local ordinance; and

(3) whether the police officer had probable cause to believe that the driver had consumed any amount of an alcoholic beverage based upon the driver's physical actions or other first-hand knowledge of the police officer; and

(4) whether the person, after being advised by the officer that the privilege to operate a motor vehicle would be suspended if the person refused to submit to and complete the test or tests, did refuse to submit to or complete the test or tests to determine the person's alcohol concentration; and

(5) whether the person, after being advised by the officer that the privileges to operate a motor vehicle would be suspended if the person submits to a chemical test or tests and the test or tests disclose an alcohol concentration of more than 0.00, did submit to and complete the test or tests that determined an alcohol concentration of more than 0.00; and

(6) whether the test result of an alcohol concentration of more than 0.00 was based upon the person's consumption of alcohol in the performance of a religious service or ceremony; and

(7) whether the test result of an alcohol concentration of more than 0.00 was based upon the person's consumption of alcohol through ingestion of the prescribed or recommended dosage of medicine.

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Provided that the petitioner may subpoena the officer, the hearing may be conducted upon a review of the law enforcement officer's own official reports. Failure of the officer to answer the subpoena shall be grounds for a continuance if, in the hearing officer's discretion, the continuance is appropriate. At the conclusion of the hearing held under Section 2-118 of this Code, the Secretary of State may rescind, continue, or modify the suspension and disqualification driver's license sanction. If the Secretary of State does not rescind the suspension and disqualification sanction, a restricted driving permit may be granted by the Secretary of State upon application being made and good cause shown. A restricted driving permit may be granted to relieve undue hardship by allowing driving for employment, educational, and medical purposes as outlined in item (3) of part (c) of Section 6-206 of this Code. The provisions of item (3) of part (c) of Section 6-206 of this Code and of subsection (f) of that Section shall apply. The Secretary of State shall promulgate rules providing for participation in an alcohol education and awareness program or activity, a drug education and awareness program or activity, or both as a condition to the issuance of a restricted driving permit for suspensions imposed under this Section.

(f) The results of any chemical testing performed in accordance with subsection (a) of this Section are not admissible in any civil or criminal proceeding, except that the results of the testing may be considered at a hearing held under Section 2-118 of this Code. However, the results of the testing may not be used to impose driver's license sanctions under Section 11-501.1 of this Code. A law enforcement officer may, however, pursue a statutory summary suspension of driving privileges under Section 11-501.1 of this Code if other physical evidence or first hand knowledge forms the basis of that suspension.

(g) This Section applies only to drivers who are under age 21 at the time of the issuance of a Uniform Traffic Ticket for a violation of the Illinois Vehicle Code or a similar provision of a local ordinance, and a chemical test request is made under this Section.

(h) The action of the Secretary of State in suspending, revoking, cancelling, or disqualifying denying any license or permit, registration, or
certificate of title shall be subject to judicial review in the Circuit Court of Sangamon County or in the Circuit Court of Cook County, and the provisions of the Administrative Review Law and its rules are hereby adopted and shall apply to and govern every action for the judicial review of final acts or decisions of the Secretary of State under this Section.

(Source: P.A. 94-307, eff. 9-30-05.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0383
(Senate Bill No. 0688)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Mobile Home Park Act is amended by changing Sections 6 and 19 as follows:

(210 ILCS 115/6) (from Ch. 111 1/2, par. 716)

Sec. 6. In addition to the application fees provided for herein, the licensee shall pay to the Department on or before March 31 of each year, an annual license fee which shall be $100 plus $4 $3 for each mobile home space in the park. Annual license fees submitted after April 30 shall be subject to a $50 late fee. The licensee shall also complete and return a license renewal application by March 31 of each year.

The licensee shall pay to the Department within 30 days of receipt of notification from the Department $6 for each additional mobile home site added to his park under authority of a written permit to alter the park as provided in Section 4.2 of this Act, payment for the additional mobile home sites to be made and an amended license therefor obtained before any mobile homes are accommodated on the additional mobile home spaces. The Department shall issue an amended license to cover such

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additional mobile home sites, when they are to be occupied before the end of the license year, for which an annual license has been previously issued.

Subsequent to the effective date of this Act, an applicant for an original license to operate a new park constructed under a permit issued by the Department shall only be required to pay 1/4 of the annual fee if such park begins operation after the 31st day of January and before the 1st day of May of such licensing year; or 1/2 of the annual fee if such park begins operation after the 31st day of October and before the 1st day of February of such licensing year or 3/4 of the annual fee if such park begins operation after the 31st day of July and before the 1st day of November of such licensing year; but shall be required to pay the entire annual fee if such park begins operation after the 30th day of April and before the 1st day of August of such licensing year.

Each license fee shall be paid to the Department and any license fee or any part thereof, once paid to and accepted by the Department shall not be refunded.

The Department shall deposit all funds received under this Act into the Facility Licensing Fund. Subject to appropriation, moneys in the Fund shall be used for the enforcement of this Act in the State Treasury.

(Source: P.A. 85-565.)

(210 ILCS 115/19) (from Ch. 111 1/2, par. 729)

Sec. 19. Violations; penalties.

(a) Whoever violates any provision of this Act, shall, except as otherwise provided, be guilty of a Class B misdemeanor. Each day's violation shall constitute a separate offense. The State's Attorney of the county in which the violation occurred, or the Attorney General shall bring such actions in the name of the people of the State of Illinois, or may, in addition to other remedies provided in this Act, bring action for an injunction to restrain such violation, or to enjoin the operation of any such mobile home park.

(b) The Department may also impose an administrative monetary penalty against a person who operates a mobile home park in violation of this Act or the rules adopted under the authority of this Act. The Department shall establish the amount of the penalties by rule.
Department must provide the person with written notification of the alleged violation and allow a minimum of 30 days for correction of the alleged violation before imposing an administrative monetary penalty, unless the alleged violation involves life safety in which case the Department shall allow a minimum of 10 days for correction of the alleged life safety violation before imposing an administrative monetary penalty. The Department shall adopt rules defining violations that involve life safety.

In addition, before imposing an administrative monetary penalty under this subsection, the Department must provide the following to the person operating the mobile home park:

1. Written notice of the person's right to request an administrative hearing on the question of the alleged violation.
2. An opportunity to present evidence, orally or in writing or both, on the question of the alleged violation before an impartial hearing examiner appointed by the Director of Public Health.
3. A written decision from the Director of Public Health, based on the evidence introduced at the hearing and the hearing examiner's recommendations, finding that the person violated this Act.

The Attorney General may bring an action in the circuit court to enforce the collection of an administrative monetary penalty imposed under this subsection.

The Department shall deposit all administrative monetary penalties collected under this subsection into the Facility Licensing Fund. Subject to appropriation, moneys in the Fund shall be used for the enforcement of this Act.

(Source: P.A. 78-255.)

Section 10. The Mobile Home Landlord and Tenant Rights Act is amended by changing Sections 6, 6.5, 8, and 9 and by adding Sections 6.3, 6.4, 8.5, and 9.5 as follows:

(765 ILCS 745/6) (from Ch. 80, par. 206)

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Sec. 6. Obligation of Park Owner to Offer Written Lease. *Except as provided in this Act, no person shall offer a mobile home or lot for rent or sale in a mobile home park without having first exhibited to the prospective tenant or purchaser a copy of the lease applicable to the respective mobile home park, unless the prospective tenant waives this right in writing.*

(a) The park owner shall be required, *on a date before the date on which the lease is signed*, to offer to each present and future tenant a written lease for a term of not less than 24 months, unless the prospective tenant waives that right and the parties agree to a different term subject to existing leases which shall be continued pursuant to their terms.

(b) Tenants in possession on the effective date of this Act shall have 30 days after receipt of the offer for a written lease within which to accept or reject such offer; during which period, the rent may not be increased or any other terms and conditions changed, except as permitted under this Act; providing that if the tenant has not so elected he shall vacate within the 30 day period.

(c) The park owner shall notify his tenants in writing not later than 30 days after the effective date of this Act, that a written lease shall be available to the tenant and that such lease is being offered in compliance with and will conform to the requirements of this Act.

(d) *The park owner shall give 90 days’ notice of any rent increase and no rent increase shall go into effect until 90 days after the notice. Upon receipt of the notice of the rent increase, a tenant shall have 30 days in which to accept or reject the rent increase. If the tenant rejects the rent increase, the tenant must notify the park owner of the date on which the tenant will vacate the premises, which shall be a date before the effective date of the rent increase.*

(e) *The park owner may provide for a specified rent increase between the first and second years of the lease.*

(f) *The park owner may offer a month-to-month tenancy agreement option to a tenant not wishing to make a long-term commitment if the tenant signs a written statement acknowledging that the park owner*
offered the tenant a longer term lease but the tenant chose instead to agree to only a month-to-month tenancy agreement. If the tenant declines to sign either a lease or a statement acknowledging that a lease was offered, the park owner shall sign and deliver to the tenant a statement to that effect. Any month-to-month tenancy agreement must provide a minimum of 90 days' notice to the tenant before any rent increase is effective.

(g) A prospective tenant who executes a lease pursuant to this Section may cancel the lease by notifying the park owner in writing within 3 business days after the prospective tenant's execution of the lease, unless the prospective tenant waives in writing this right to cancel the lease or waives this right by taking possession of the mobile home or the lot. The park owner shall return any security deposit or rent paid by the prospective tenant within 10 days after receiving the written cancellation.

(h) The maximum amount that a park owner may recover as damages for a tenant's early termination of a lease is the amount due under the lease, less any offset or mitigation through a re-lease.

(i) A tenant in possession of a mobile home or lot who is not subject to a current lease on the effective date of this amendatory Act of the 95th General Assembly shall be offered a lease by the park owner within 90 days after the effective date of this amendatory Act of the 95th General Assembly. Tenants in possession on the effective date of this amendatory Act of the 95th General Assembly shall have 30 days after receipt of the offer for a written lease within which to accept or reject the offer, during which period the rent may not be increased or any other terms and conditions changed, except as permitted under this Act; provided that if the tenant has not so elected he or she shall vacate within the 30-day period.

(Source: P.A. 81-1509.)

(765 ILCS 745/6.3 new)

Sec. 6.3. Temporary Tenant. If a tenant suffers from an illness or disability that requires the tenant to temporarily leave the mobile home park, the park owner shall allow a relative or relatives, designated by the tenant or the tenant's legal guardian or representative, to live in the home

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for a period of up to 90 days as temporary occupants if the following conditions are met:

(1) The tenant must provide documentation of the disability or illness by a licensed physician dated within the past 60 days;

(2) The temporary occupant must meet all qualifications other than financial, including age in a community that provides housing for older persons, and the terms of the lease and park rules must continue to be met; as used in this item (2), "housing for older persons" has the meaning ascribed to that term in Section 3-106 of the Illinois Human Rights Act; and

(3) At least 5 days before occupancy, the temporary occupant must submit an application for residency to the park owner by which the temporary occupant provides all information required to confirm that the temporary occupant meets community requirements.

After the 90-day temporary occupancy period, the temporary occupant shall be required to provide documentation of ongoing financial ability to pay the costs relative to occupancy.

(765 ILCS 745/6.4 new)

Sec. 6.4. Rent Deferral Program. A tenant or co-tenants may defer, for up to one year, payment of the amount by which the rent has most recently been increased if the tenant or co-tenants provide proof of inability to pay the increased rent amount by meeting the following requirements within 30 days of the date on which the tenant or co-tenants receive either a new lease or a notice of rent increase:

(1) The tenant or co-tenants attest, by sworn affidavit, that they shall diligently proceed to list their mobile home with a licensed sales entity and market it for sale;

(2) The tenant or co-tenants attest, by sworn affidavit, that the proposed new lease amount will exceed 45% of the tenant's or co-tenants' current taxable and non-taxable income, from whatever source derived; and

(3) The tenant or co-tenants provide verification in the form of a tax return and other such documents as may be required to
independently verify the annual income and assets of the tenant or co-tenants.

If the tenant or co-tenants meet the above requirements, the tenant or co-tenants may continue to reside in the mobile home for a period of up to 12 months or the date on which the tenant or co-tenants sell the mobile home to a new tenant approved by the park owner, whichever date is earlier. The tenant or co-tenants must remain current on all rent payments at the rental amount due before the notice of the rent increase. The tenant or co-tenants shall be required to pay, upon sale of the home, the deferred rent portion which represents the difference between the actual monthly rental amount paid starting from the effective date of the rent increase and the monthly amount due per the rent increase notice without any additional interest or penalty charges.

(765 ILCS 745/6.5)

Sec. 6.5. Disclosure. A park owner must disclose in writing the following with every lease or sale and upon renewal of a lease of a mobile home or lot in a mobile home park:

(1) the rent charged for the mobile home or lot in the past 5 years;
(2) the park owner's responsibilities with respect to the mobile home or lot;
(3) information regarding any fees imposed in addition to the base rent;
(4) information regarding late payments;
(5) information regarding any privilege tax that is applicable; and
(6) information regarding security deposits, including the right to the return of security deposits and interest as provided in Section 18 of this Act; and
(7) information on a 3-year rent increase projection which includes the 2 years of the lease and the year immediately following. The basis for such rent increases may be a fixed amount, a "not to exceed" amount, a formula, an applicable index, or a combination of these methodologies as elected by the park

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owner. These increases may be in addition to all the non-
controllable expenses including, but not limited to, property taxes,
government assessments, utilities, and insurance.

The park owner must update the written disclosure at least once per
year. The park owner must advise tenants who are renewing a lease of any
changes in the disclosure from any prior disclosure.

(Source: P.A. 93-1043, eff. 6-1-05.)
(765 ILCS 745/8) (from Ch. 80, par. 208)
Sec. 8. Renewal of Lease.
(a) Every lease of a mobile home or lot in a mobile home park
shall contain an option which automatically renews the lease; unless:

(1) the tenant shall notify the owners 30 days prior to the
expiration of the lease that he does not intend to renew the lease;

(2) the park owner shall notify the tenant 30 days prior
to the expiration of the lease that the lease will not be renewed and
specify in writing the reasons, such as violations of park rules,
health and safety codes or irregular or non-payment of rent;

(3) the park owner elects to cease the operation of
either all or a portion of the mobile home park; or

(4) the park owner seeks to change the terms of the
agreement pursuant to subsection (b) in which case the procedures
set forth in subsection (b) shall apply, unless the only change is in
the amount of rent, in which case it is sufficient if the park owner
provides a letter notice to the tenant stating the changed rent
amount; any notice of a change in the amount of rent shall advise
the tenant that the tenant will be given a copy of the lease, upon
request, at no charge and that no other changes in the lease are
allowed.

(b) If there is no change in the lease, the park owner must provide
the tenant with a letter notice stating there will be no change in the lease
terms unless a new lease is signed. If there is a change in the rent, the
park owner must offer to provide the tenant a copy of the lease without
charge upon request. The tenants shall be entitled to at least 12 months
notice of such ceasing of operations. If 12 months or more remain on the

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existing lease at the time of notice, the tenant is entitled to the balance of the term of his lease. If there is less than 12 months remaining in the term of his lease, the tenant is entitled to the balance of his lease plus a written month to month tenancy, at the expiring lease rate to provide him with a full 12 months notice:

(c) All notices required under this Section shall be by first class certified mail or personal service. Certified mail shall be deemed to be effective upon the date of mailing:

(Source: P.A. 87-1078.)

(765 ILCS 745/8.5 new)

Sec. 8.5. Park Closure. If a park owner elects to cease the operation of either all or a portion of the mobile home park, the tenants shall be entitled to at least 12 months' notice of such ceasing of operations. If 12 months or more remain on the existing lease at the time of notice, the tenant is entitled to the balance of the term of his or her lease up to the date of the closing. If less than 12 months remain in the term of his or her lease, the tenant is entitled to the balance of his or her lease plus a written month-to-month tenancy and rent must remain at the expiring lease rate to provide him or her with a full 12 months' notice.

(765 ILCS 745/9) (from Ch. 80, par. 209)

Sec. 9. The Terms of Fees and Rents. The terms for payment of rent shall be clearly set forth and all charges for services, ground or lot rent, unit rent, or any other charges shall be specifically itemized in the lease and in all billings of the tenant by the park owner.

The owner shall not change the rental terms nor increase the cost of fees, except as provided herein.

The park owner shall not charge a transfer or selling fee as a condition of sale of a mobile home that is going to remain within the park unless a service is rendered.

Rents charged to a tenant by a park owner may be increased upon the renewal of a lease. Notification of an increase shall be delivered 90 days prior to expiration of the lease.

The park owner shall not charge or impose upon a tenant any fee or increase in rent which reflects the cost to the park owner of any fine,

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forfeiture, penalty, money damages, or fee assessed or awarded by a court of law against the park owner, including any attorney's fees and costs incurred by the park owner in connection therewith unless the fine, forfeiture, penalty, money damages, or fee was incurred as a result of the tenant's actions.
(Source: P.A. 86-851.)

(765 ILCS 745/9.5 new)

Sec. 9.5. Abandoned or Repossessed Properties. In the event of the sale of abandoned or repossessed property, the park owner shall, after payment of all outstanding rent, fees, costs, and expenses to the community, pay any remaining balance to the title holder of the abandoned or repossessed property. If the tenant cannot be found through a diligent inquiry after 90 days, then the funds shall be forfeited. As used in this Section, "diligent inquiry" means sending a notice by certified mail to the last known address.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect January 1, 2008.
Effective January 1, 2008.

PUBLIC ACT 95-0384
(Senate Bill No. 0711)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 111-4 as follows:

(725 ILCS 5/111-4) (from Ch. 38, par. 111-4)

Sec. 111-4. Joinder of offenses and defendants.
(a) Two or more offenses may be charged in the same indictment, information or complaint in a separate count for each offense if the

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offenses charged, whether felonies or misdemeanors or both, are based on the same act or on 2 or more acts which are part of the same comprehensive transaction.

(b) Two or more defendants may be charged in the same indictment, information or complaint if they are alleged to have participated in the same act or in the same comprehensive transaction out of which the offense or offenses arose. Such defendants may be charged in one or more counts together or separately and all of the defendants need not be charged in each count.

(c) Two or more acts or transactions in violation of any provision or provisions of Sections 8A-2, 8A-3, 8A-4, 8A-4A and 8A-5 of the Illinois Public Aid Code, Sections 16-1, 16-2, 16-3, 16-5, 16-7, 16-8, 16-10, 16A-3, 16B-2, 16C-2, 17-1, 17-6, 17-7, 17-8, 17-9 or 17-10 of the Criminal Code of 1961 and Section 118 of Division I of the Criminal Jurisprudence Act, may be charged as a single offense in a single count of the same indictment, information or complaint, if such acts or transactions by one or more defendants are in furtherance of a single intention and design or if the property, labor or services obtained are of the same person or are of several persons having a common interest in such property, labor or services. In such a charge, the period between the dates of the first and the final such acts or transactions may be alleged as the date of the offense and, if any such act or transaction by any defendant was committed in the county where the prosecution was commenced, such county may be alleged as the county of the offense.

(Source: P.A. 87-805.)

Effective January 1, 2008.

PUBLIC ACT 95-0385
(Senate Bill No. 0744)

AN ACT concerning local government.

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Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Counties Code is amended by changing Section 4-2002 as follows:

(55 ILCS 5/4-2002) (from Ch. 34, par. 4-2002)

Sec. 4-2002. State's attorneys fees in counties under 3,000,000 population. This Section applies only to counties with fewer than 3,000,000 inhabitants.

(a) State's attorneys shall be entitled to the following fees, however, the fee requirement of this subsection does not apply to county boards:

For each conviction in prosecutions on indictments for first degree murder, second degree murder, involuntary manslaughter, criminal sexual assault, aggravated criminal sexual assault, aggravated criminal sexual abuse, kidnapping, arson and forgery, $30. All other cases punishable by imprisonment in the penitentiary, $30.

For each conviction in other cases tried before judges of the circuit court, $15; except that if the conviction is in a case which may be assigned to an associate judge, whether or not it is in fact assigned to an associate judge, the fee shall be $10.

For preliminary examinations for each defendant held to bail or recognizance, $10.

For each examination of a party bound over to keep the peace, $10.

For each defendant held to answer in a circuit court on a charge of paternity, $10.

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another county, $25; and the court before whom the case is tried shall make an order specifying the number of days for which said per diem shall be allowed; and it is hereby made the duty of each State's attorney to prepare and try each case of felony arising when so taken by change of venue.

For assisting in a trial of each case on an indictment for felony brought by change of venue to their respective counties, the same fees they would be entitled to if such indictment had been found for an offense committed in his county, and it shall be the duty of the State's attorney of the county to which such cause is taken by change of venue to assist in the trial thereof.

For each case of forfeited recognizance where the forfeiture is set aside at the instance of the defense, in addition to the ordinary costs, $10 for each defendant.

For each proceeding in a circuit court to inquire into the alleged mental illness of any person, $10 for each defendant.

For each proceeding in a circuit court to inquire into the alleged dependency or delinquency of any child, $10.

For each day actually employed in the hearing of a case of habeas corpus in which the people are interested, $25.

*For each violation of the Criminal Code of 1961 and the Illinois Vehicle Code in which a defendant has entered a plea of guilty or a defendant has stipulated to the facts supporting the charge or a finding of guilt and the court has entered an order of supervision, $10.*

All the foregoing fees shall be taxed as costs to be collected from the defendant, if possible, upon conviction. But in cases of inquiry into the mental illness of any person alleged to be mentally ill, in cases on a charge of paternity and in cases of appeal in the Supreme or Appellate Court, where judgment is in favor of the accused, the fees allowed the State's attorney therein shall be retained out of the fines and forfeitures collected by them in other cases.

Ten per cent of all moneys except revenue, collected by them and paid over to the authorities entitled thereto, which per cent together with the fees provided for herein that are not collected from the parties tried or

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examined, shall be paid out of any fines and forfeited recognizances collected by them, provided however, that in proceedings to foreclose the lien of delinquent real estate taxes State's attorneys shall receive a fee, to be credited to the earnings of their office, of 10% of the total amount realized from the sale of real estate sold in such proceedings. Such fees shall be paid from the total amount realized from the sale of the real estate sold in such proceedings.

State's attorneys shall have a lien for their fees on all judgments for fines or forfeitures procured by them and on moneys except revenue received by them until such fees and earnings are fully paid.

No fees shall be charged on more than 10 counts in any one indictment or information on trial and conviction; nor on more than 10 counts against any one defendant on pleas of guilty.

The Circuit Court may direct that of all monies received, by restitution or otherwise, which monies are ordered paid to the Department of Healthcare and Family Services (formerly Department of Public Aid) or the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) as a direct result of the efforts of the State's attorney and which payments arise from Civil or Criminal prosecutions involving the Illinois Public Aid Code or the Criminal Code, the following amounts shall be paid quarterly by the Department of Healthcare and Family Services or the Department of Human Services to the General Corporate Fund of the County in which the prosecution or cause of action took place:

1) where the monies result from child support obligations, not more than 25% of the federal share of the monies received,

2) where the monies result from other than child support obligations, not more than 25% of the State's share of the monies received.

(b) A municipality shall be entitled to a $10 prosecution fee for each conviction for a violation of The Illinois Vehicle Code prosecuted by the municipal attorney pursuant to Section 16-102 of that Code which is tried before a circuit or associate judge and shall be entitled to a $10 prosecution fee for each conviction for a violation of a municipal vehicle
ordinance or nontraffic ordinance prosecuted by the municipal attorney which is tried before a circuit or associate judge. Such fee shall be taxed as costs to be collected from the defendant, if possible, upon conviction. A municipality shall have a lien for such prosecution fees on all judgments or fines procured by the municipal attorney from prosecutions for violations of The Illinois Vehicle Code and municipal vehicle ordinances or nontraffic ordinances.

For the purposes of this subsection (b), "municipal vehicle ordinance" means any ordinance enacted pursuant to Sections 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois Municipal Code or any ordinance enacted by a municipality which is similar to a provision of Chapter 11 of The Illinois Vehicle Code.

(Source: P.A. 88-572, eff. 8-11-94; 89-507, eff. 7-1-97; revised 12-15-05.)

Effective January 1, 2008.

PUBLIC ACT 95-0386
(Senate Bill No. 0745)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Accounting Act is amended by changing Sections 1, 4, 9, 9.01, 9.02, 13, 14, 14.3, and 30.2 and by adding Section 5.2 as follows:

(225 ILCS 450/1) (from Ch. 111, par. 5501)

(Section scheduled to be repealed on January 1, 2014)

Sec. 1. No person shall hold himself or herself out to the public in this State in any manner by using the title "Certified Public Accountant" or use the abbreviation "C.P.A." or "CPA" or any words or letters to indicate that the person using the same is a certified public accountant, unless he or she has been issued a license or registration by the Department under this

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Sec. 4. Transitional language.

(a) The provisions of this Act shall not be construed to invalidate any certificates as certified public accountants issued by the University under "An Act to regulate the profession of public accountants", approved May 15, 1903, as amended, or any certificates as Certified Public Accountants issued by the University or the Board under Section 4 of "An Act to regulate the practice of public accounting and to repeal certain acts therein named", approved July 22, 1943, as amended, which certificates shall be valid and in force as though issued under the provisions of this Act.

(b) Before July 1, 2010, persons who have received a Certified Public Accountant (CPA) Certificate issued by the Board of Examiners or holding similar certifications from other jurisdictions with equivalent educational requirements and examination standards may apply to the Department on forms supplied by the Department for and may be granted a registration as a Registered Certified Public Accountant from the Department upon payment of the required fee.

(c) Beginning with the 2006 renewal, the Department shall cease to issue a license as a Public Accountant. Any person holding a valid license as a Public Accountant prior to September 30, 2006 who meets the conditions for renewal of a license under this Act, shall be issued a license as a Licensed Certified Public Accountant under this Act and shall be subject to continued regulation by the Department under this Act. The Department may adopt rules to implement this Section.

(d) The Department shall not issue any new registrations as a Registered Certified Public Accountant after July 1, 2010. After that date, any applicant for licensure under this Act shall apply for a license as a Licensed Certified Public Accountant and shall meet the requirements set forth in this Act. Any person issued a Certified Public Accountant

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certificate who has been issued a registration as a Registered Certified Public Accountant may renew the registration under the provisions of this Act and that person may continue to renew or restore the registration during his or her lifetime, subject only to the renewal or restoration requirements for the registration under this Act. Such registration shall be subject to the disciplinary provisions of this Act.

(e) On and after October 1, 2006, no person shall hold himself or herself out to the public in this State in any manner by using the title "certified public accountant" or use the abbreviation "C.P.A." or "CPA" or any words or letters to indicate that the person using the same is a certified public accountant unless he or she maintains a current registration or license issued by the Department or is exercising the practice privilege afforded under Section 5.2 of this Act. It shall be a violation of this Act for an individual to assume or use the title "certified public accountant" or use the abbreviation "C.P.A." or "CPA" or any words or letters to indicate that the person using the same is a certified public accountant in this State unless he or she maintains a current registration or license issued by the Department or is exercising the practice privilege afforded under Section 5.2 of this Act.

(Source: P.A. 93-683, eff. 7-2-04.)

(225 ILCS 450/5.2 new)

(Section scheduled to be repealed on January 1, 2014)

Sec. 5.2. Substantial equivalency.

(a) An individual whose principal place of business is not in this State shall have all the privileges of a person licensed under this Act as a licensed certified public accountant without the need to obtain a license or registration from the Department or to file notice with the Department, if the individual:

(1) holds a valid license as a certified public accountant issued by another state that the National Qualification Appraisal Service of the National Association of State Boards of Accountancy has verified to be in substantial equivalence with the CPA licensure requirements of the Uniform Accountancy Act of the

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American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy; or

(2) holds a valid license as a certified public accountant issued by another state and obtains from the National Qualification Appraisal Service of the National Association of State Boards of Accountancy verification that the individual's CPA qualifications are substantially equivalent to the CPA licensure requirements of the Uniform Accountancy Act of the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy; however, any individual who has passed the Uniform CPA Examination and holds a valid license issued by any other state prior to January 1, 2012 shall be exempt from the education requirements of Section 3 of this Act for the purposes of this item (2).

(b) Notwithstanding any other provision of law, an individual who offers or renders professional services under this Section, whether in person or by mail, telephone, or electronic means, shall be granted practice privileges in this State and no notice or other submission must be provided by any such individual.

(c) An individual licensee of another state who is exercising the privilege afforded under this Section and the CPA firm that employs such individual, if any, as a condition of the grant of this privilege, hereby simultaneously consents:

(1) to the personal and subject matter jurisdiction and disciplinary authority of the Department;

(2) to comply with this Act and the Department's rules adopted under this Act;

(3) that in the event that the license from the state of the individual's principal place of business is no longer valid, the individual shall cease offering or rendering professional services in this State individually or on behalf of a CPA firm; and

(4) to the appointment of the state board that issued the individual's or the CPA firm's license as the agent upon which
process may be served in any action or proceeding by the Department against the individual.

(d) An individual licensee who qualifies for practice privileges under this Section who, for any entity headquartered in this State, performs (i) a financial statement audit or other engagement in accordance with Statements on Auditing Standards; (ii) an examination of prospective financial information in accordance with Statements on Standards for Attestation Engagements; or (iii) an engagement in accordance with Public Company Accounting Oversight Board Auditing Standards may only do so through a firm licensed under this Act.  

(225 ILCS 450/9) (from Ch. 111, par. 5510)  
(Section scheduled to be repealed on January 1, 2014)  
Sec. 9. Unlicensed practice.  
No person shall, after the effective date of this amendatory Act of the 93rd General Assembly, begin to practice in this State or hold himself out as being able to practice licensed certified public accounting in this State or hold himself or herself out as being able to practice in this State as a licensed certified public accountant, unless he or she is licensed in accordance with the provisions of this Act or is exercising the practice privilege afforded under Section 5.2 of this Act. Any person who is the holder of a license as a public accountant heretofore issued, under any prior Act licensing or registering public accountants in this State, valid on the effective date of this amendatory Act shall be deemed to be licensed under this Act shall be subject to the same rights and obligations as persons originally licensed under this Act.

No person shall, after the effective date of this amendatory Act of the 93rd General Assembly, begin to hold himself or herself out as a registered certified public accountant unless he or she is registered in accordance with the provisions of this Act.

On and after October 1, 2006, no person may use or incorporate the title "certified public accountant" without holding a license as a licensed certified public accountant or registered certified public accountant under this Act.

(Source: P.A. 93-683, eff. 7-2-04.)

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Sec. 9.01. Unlicensed practice; violation; civil penalty.

(a) Any person or firm that practices, offers to practice, attempts to practice, or holds oneself out to practice as a licensed certified public accountant in this State without being licensed under this Act or qualifying for the practice privilege set forth in Section 5.2 of this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

Sec. 9.02. Unauthorized use of title; violation; civil penalty.

(a) On and after October 1, 2006, any person who holds himself or herself out to the public as a certified public accountant in this State by using shall assume the title "certified public accountant" or use the abbreviation "CPA" or any words or letters to indicate that the person using the same is a certified public accountant without having been issued a registration as a registered certified public accountant or a license as a licensed certified public accountant under the provisions of this Act or without qualifying for the practice privilege under Section 5.2 of this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the
Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all alleged improper use of the certified public accountant title or CPA designation.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 92-457, eff. 7-1-04; 93-683, eff. 7-2-04.)

(225 ILCS 450/13) (from Ch. 111, par. 5514)

Sec. 13. Application for licensure.

(a) A person, partnership, limited liability company, or corporation desiring to practice public accounting in this State shall make application to the Department for licensure as a licensed certified public accountant and shall pay the fee required by rule.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(b) Any firm, whether organized as a partnership, limited liability company, corporation, or other entity, that (i) has an office in this State that uses the title "CPA" or "CPA firm"; (ii) has an office in this State that performs public accounting services, as defined in Section 8 of this Act; or (iii) does not have an office in this State, but performs attest services, as set forth in subsection (d) of Section 5.2 of this Act, for a client that has its home office in this State must hold a license issued under this Act.

(c) A firm that does not have an office in this State may perform a review of a financial statement in accordance with the Statements on Standards for Accounting and Review Services for a client with its home office in this State and may use the title "CPA" or "CPA firm" without obtaining a license under this Act, only if the firm (i) performs such

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services through individuals with practice privileges under Section 5.2 of this Act; (ii) satisfies any peer review requirements in those states in which the individuals with practice privileges under Section 5.2 have their principal place of business; and (iii) meets the qualifications set forth in item (2) of subsection (b) of Section 14 of this Act.

(d) A firm that is not subject to the requirements of subsection (b) or (c) of this Section may perform professional services that are not regulated under subsection (b) or (c) of this Section while using the title "CPA" or "CPA firm" in this State without obtaining a license under this Act if the firm (i) performs such services through individuals with practice privileges under Section 5.2 of this Act and (ii) may lawfully perform such services in the state where those individuals with practice privileges under Section 5.2 of this Act have their principal place of business.

(225 ILCS 450/14) (from Ch. 111, par. 5515)

Sec. 14. Qualifications. The Department may license as licensed certified public accountants the following:

(a) All persons who have received certificates as certified public accountants from the Board or who hereafter receive registrations as registered certified public accountants from the Department who have had at least one year of full-time experience, or its equivalent, providing any type of service or advice involving the use of accounting, attest, management advisory, financial advisory, tax, or consulting skills, which may be gained through employment in government, industry, academia, or public practice.

If the applicant's certificate as a certified public accountant from the Board or the applicant's registration as a registered certified public accountant from the Department was issued more than 4 years prior to the application for a license under this Section, the applicant shall submit any evidence the Department may require showing the applicant has completed not less than 90 hours of continuing professional education acceptable to the Department within the 3 years immediately preceding the date of application.
(b) All partnerships, limited liability companies, or corporations, or other entities engaged in the practice of public accounting in this State and meeting the following requirements:

(1) (Blank).

(2) A majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members, or managers, belongs to persons licensed in some state, and the partners, officers, shareholders, members, or managers whose principal place of business is in this State and who practice public accounting in this State, as defined in Section 8 of this Act, hold a valid license issued by this State. An individual exercising the practice privilege afforded under Section 5.2 who performs services for which a firm license is required under subsection (d) of Section 5.2 shall not be required to obtain an individual license under this Act.

(3) It shall be lawful for a nonprofit cooperative association engaged in rendering an auditing and accounting service to its members only, to continue to render that service provided that the rendering of auditing and accounting service by the cooperative association shall at all times be under the control and supervision of licensed certified public accountants.

(4) The Department may adopt rules and regulations as necessary to provide for the practice of public accounting by business entities that may be otherwise authorized by law to conduct business in Illinois.

(Source: P.A. 92-457, eff. 7-1-04; 93-683, eff. 7-2-04.)

(225 ILCS 450/14.3)

(Section scheduled to be repealed on January 1, 2014)

Sec. 14.3. Additional requirements for firms. In addition to the ownership requirements set forth in subsection (b) of Section 14, all firms licensed under this Act shall meet the following requirements:

(a) All owners of the firm, whether licensed or not, shall be active participants in the firm or its affiliated entities.

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(b) An individual who supervises services for which a license is required under Section 8 of this Act, or who signs or authorizes another to sign any report for which a license is required under Section 8 of this Act, or who supervises services for which a firm license is required under subsection (d) of Section 5.2 of this Act shall hold a valid, active Licensed Certified Public Accountant license from this State or another state and shall comply with such additional experience requirements as may be required by rule of the Department Board.

(c) The firm shall require that all owners of the firm, whether or not certified or licensed under this Act, comply with rules promulgated under this Act.

(d) The firm shall designate to the Department in writing an individual licensed under this Act or, in the case of a firm that must have a license pursuant to subsection (b) of Section 13 of this Act, a licensee of another state who meets the requirements set out in item (1) or (2) of subsection (a) of Section 5.2 of this Act, who shall be responsible for the proper registration of the firm.

(e) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 93-683, eff. 7-2-04; 94-779, eff. 5-19-06.)

(225 ILCS 450/30.2) (from Ch. 111, par. 5535.2)

(Section scheduled to be repealed on January 1, 2014)

Sec. 30.2. Contributory fault. Except in causes of action based on actual fraud or intentional misrepresentation, the principles of liability set forth in Sections 2-1115.05, 2-1116, and 2-1117 of the Code of Civil Procedure shall apply to all claims for civil damages brought against any person, partnership, corporation, or any other entity certified, licensed, or practicing under this Act, or any of its employees, partners, members, officers, or shareholders that are alleged to result from acts, omissions, decisions, or other conduct in connection with professional services.
This Section applies to causes of action accruing on or after the effective date of this amendatory Act of 1992. This amendatory Act of 1995 applies to causes of action accruing on or after its effective date.
(Source: P.A. 89-380, eff. 8-18-95.)
(225 ILCS 450/9.1 rep.)
Section 10. The Illinois Public Accounting Act is amended by repealing Section 9.1.
Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.
Section 99. Effective date. This Act takes effect January 1, 2008.
Effective January 1, 2008.

PUBLIC ACT 95-0387
(Senate Bill No. 0746)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by changing and renumbering Section 5.625, added by Public Acts 93-901 and 93-904, as follows:
(30 ILCS 105/5.635)
(Section scheduled to be repealed on August 31, 2007)
Sec. 5.635 5.625. The Technology Immersion Pilot Project Fund. This Section is repealed on August 31, 2010.
(Source: P.A. 93-901, eff. 8-10-04; 93-904, eff. 8-10-04; revised 11-8-04.)
Section 10. The School Code is amended by changing Section 2-3.135 as follows:
(105 ILCS 5/2-3.135)
(Section scheduled to be repealed on August 31, 2007)
Sec. 2-3.135. Technology immersion pilot project.

New matter indicated by italics - deletions by strikeout
(a) The State Board of Education shall by rule establish a technology immersion pilot project to provide a wireless laptop computer to each student, teacher, and relevant administrator in a participating school and implement the use of software, online courses, and other appropriate learning technologies that have been shown to improve academic achievement and the progress measures listed in subsection (f) of this Section.

(b) The pilot project shall be for a period of at least 6 years. The State Board shall establish a procedure and develop criteria for the administration of the pilot project. In administering the pilot project, the State Board shall:

   (1) select participating school districts or schools;
   (2) define the conditions for the distribution and use of laptop computers and other technologies;
   (3) purchase and distribute laptop computers and other technologies;
   (4) enter into contracts as necessary to implement the pilot project;
   (5) monitor local pilot project implementation; and
   (6) conduct a final evaluation of the pilot project.

(c) The Technology Immersion Pilot Project Fund is created as a special fund in the State treasury. All money in the Technology Immersion Pilot Project Fund shall be used, subject to appropriation, by the State Board for the pilot project. To implement the pilot project, the State Board may use any funds appropriated by the General Assembly for the purposes of the pilot project as well as any gift, grant, or donation given for the pilot project. The State Board may solicit and accept a gift, grant, or donation of any kind from any source, including from a foundation, private entity, governmental entity, or institution of higher education, for the implementation of the pilot project. Funds for the pilot project may not be used for the construction of a building or other facility.

The State Board shall use pilot project funds for the following:

   (1) the purchase of wireless laptop computers so that each student, teacher, and relevant administrator in a participating

New matter indicated by italics - deletions by strikeout
classroom has a wireless laptop computer for use at school and at home;

(2) the purchase of other equipment, including additional computer hardware and software;

(3) the hiring of technical support staff for school districts or schools participating in the pilot project; and

(4) the purchase of technology-based learning materials and resources.

The State Board may not allocate more than $10 million for the pilot project. The pilot project may be implemented only if sufficient funds are available under this Section for that purpose.

(d) A school district may apply to the State Board for the establishment of a technology immersion pilot project for the entire district or for a particular school or group of schools in the district.

The State Board shall select 7 school districts to participate in the pilot project. One school district shall be located in the City of Chicago, 3 school districts shall be located in the area that makes up the counties of DuPage, Kane, Lake, McHenry, Will, and that portion of Cook County that is located outside of the City of Chicago, and 3 school districts shall be located in the remainder of the State.

The State Board shall select the participating districts and schools for the pilot project based on each district's or school's need for the pilot project. In selecting participants, the State Board shall consider the following criteria:

(1) whether the district or school has limited access to educational resources that could be improved through the use of wireless laptop computers and other technologies;

(2) whether the district or school has the following problems and whether those problems can be mitigated through the use of wireless laptop computers and other technologies:

(A) documented teacher shortages in critical areas;

(B) limited access to advanced placement courses;

New matter indicated by italics - deletions by strikeout
(C) low rates of satisfactory performance on assessment instruments under Section 2-3.64 of this Code; and

(D) high dropout rates;

(3) the district's or school's readiness to incorporate technology into its classrooms;

(4) the possibility of obtaining a trained technology support staff and high-speed Internet services for the district or school; and

(5) the methods the district or school will use to measure the progress of the pilot project in the district or school in accordance with subsection (f) of this Section.

The State Board shall if possible select at least 9 schools to participate in the pilot project, with at least 3 from the school district located in the City of Chicago and one from each of the other school districts selected.

(e) Each participating school district or school shall establish a technology immersion committee to assist in developing and implementing the technology immersion pilot project.

The school board of a participating district or of a district in which a participating school is located shall appoint individuals to the committee. The committee may be composed of the following:

(1) educators;

(2) district-level administrators;

(3) community leaders;

(4) parents of students who attend a participating school; and

(5) any other individual the school board finds appropriate.

The committee shall develop an academic improvement plan that details how the pilot project should be implemented in the participating district or school. In developing the academic improvement plan, the committee shall consider (i) the educational problems in the district or school that could be mitigated through the implementation of the pilot project and (ii) the technological and nontechnological resources that are necessary to ensure the successful implementation of the pilot project.
The committee shall recommend to the school board how the pilot project funds should be used to implement the academic improvement plan. The committee may recommend annually any necessary changes in the academic improvement plan to the school board. The State Board must approve the academic improvement plan or any changes in the academic improvement plan before disbursing pilot project funds to the school board.

(f) The school board of each school district participating in the pilot project shall send an annual progress report to the State Board no later than August 1 of each year that the district is participating in the pilot project. The report must state in detail the type of plan being used in the district or school and the effect of the pilot project on the district or school, including the following:

(1) the academic progress of students who are participating in the pilot project, as measured by performance on assessment instruments;

(2) if applicable, a comparison of student progress in a school or classroom that is participating in the pilot project as compared with student progress in the schools or classrooms in the district that are not participating in the pilot project;

(3) any elements of the pilot project that contribute to improved student performance on assessment instruments administered under Section 2-3.64 of this Code or any other assessment instrument required by the State Board;

(4) any cost savings and improved efficiency relating to school personnel and the maintenance of facilities;

(5) any effect on student dropout and attendance rates;

(6) any effect on student enrollment in higher education;

(7) any effect on teacher performance and retention;

(8) any improvement in communications among students, teachers, parents, and administrators;

(9) any improvement in parental involvement in the education of the parent's child;

New matter indicated by italics - deletions by strikeout
(10) any effect on community involvement and support for the district or school; and
(11) any increased student proficiency in technologies that will help prepare the student for becoming a member of the workforce.

(g) Each student participating in the pilot project may retain the wireless laptop computer provided under the pilot project as long as the student is enrolled in a school in a participating school district.

(h) After the expiration of the 6-year 3-year pilot project, the State Board shall review the pilot project based on the annual reports the State Board receives from the school board of participating school districts.

(i) This Section is repealed on August 31, 2010 2007.

(Source: P.A. 93-901, eff. 8-10-04; 93-904, eff. 8-10-04.)

Section 99. Effective date. This Act takes effect August 30, 2007.
Effective August 30, 2007.

PUBLIC ACT 95-0388
(Senate Bill No. 0768)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Director of the Department of Central Management Services, on behalf of the State of Illinois, is authorized to sell, transfer, and convey the building and land (constituting approximately 5,100 square feet on 2.5 acres, more or less) which formerly served as the District 6 regional headquarters for the Illinois State Police in Pontiac, located on Old Route 66 South two miles south of Pontiac, to Livingston County by quit claim deed for $10 and other good and valuable consideration by a Quit Claim Deed to the following described real property, to wit:

PARCEL NO. 1

New matter indicated by italics - deletions by strikeout
Beginning at the Southwest corner of Section thirty-three (33), Township twenty-eight (28) North, Range five (5) East of the Third Principal Meridian, thence North 31 degrees 18 minutes East 2,915.50 feet to a point, thence South 0 degrees 39 minutes East 119.45 feet to the point of beginning. From the said point of beginning, thence South 0 degrees 39 minutes East 554.58 feet to a point, thence North 25 degrees 26 minutes 617.51 feet to a point, thence South 89 degrees 21 minutes West 271.52 feet, more or less to the point of beginning; being 1.728 acres more or less, in the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) of Section thirty-three (33), Township twenty-eight (28) North, Range five (5) East of the Third Principal Meridian.

PARCEL NO. 2

Beginning at the Southwest corner of Section thirty-three (33), Township twenty-eight (28) North, Range five (5) East of the Third Principal Meridian, thence North 31 degrees 18 minutes East 2,915.50 feet to a point, thence South 0 degrees 39 minutes East 119.45 feet to a point, thence North 25 degrees 16 minutes East 133.00 feet to a point, thence South 89 degrees 21 minutes West 330.00 feet, more or less to the point of beginning, being .0825 acres, more or less in the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) of Section thirty-three (33), Township twenty-eight (28) North, Range five (5) East of the Third Principal Meridian.

Area-Parcel 1 - 1.728 acres
Area-Parcel 2 - .0825 acres
TOTAL AREA - 2.553 acres

all situated in the County of Livingston and the State of Illinois. The conveyance shall be made subject to the condition that title to the building and land shall revert to the State of Illinois, Department of Central Management Services, if Livingston County ceases to use the building and land for a public purpose.

Section 90. The Director of the Department of Central Management Services shall obtain a certified copy of the portion of this Act containing the title, enacting clause, the effective date, and the

New matter indicated by italics - deletions by strikeout
appropriate Section containing the land description of the property to be transferred under this Act within 60 days after its effective date and upon receipt of payment required by the Section shall record the certified document in the Recorder's Office in the county in which the land is located.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0389
(Senate Bill No. 0825)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Municipal Code is amended by changing Section 1-2-1 as follows:

(65 ILCS 5/1-2-1) (from Ch. 24, par. 1-2-1)
Sec. 1-2-1. The corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper. No fine or penalty, however, except civil penalties provided for failure to make returns or to pay any taxes levied by the municipality shall exceed $750 and no imprisonment authorized in Section 1-2-9 for failure to pay any fine, penalty or cost shall exceed 6 months for one offense.

A penalty imposed for violation of an ordinance may include, or consist of, a requirement that the defendant perform some reasonable public service work such as but not limited to the picking up of litter in public parks or along public highways or the maintenance of public facilities.

New matter indicated by italics - deletions by strikeout
A default in the payment of a fine or any installment of a fine may be collected by any means authorized for the collection of monetary judgments. The municipal attorney of the municipality in which the fine was imposed may retain attorneys and private collection agents for the purpose of collecting any default in payment of any fine or installment of that fine. Any fees or costs incurred by the municipality with respect to attorneys or private collection agents retained by the municipal attorney under this Section shall be charged to the offender.
(Source: P.A. 89-63, eff. 6-30-95.)

Effective January 1, 2008.

PUBLIC ACT 95-0390
(Senate Bill No. 0843)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by adding Sections 10-20.40 and 34-18.34 as follows:
(105 ILCS 5/10-20.40 new)
Sec. 10-20.40. Wind farm. A school district may own and operate a wind generation turbine farm, either individually or jointly, that directly or indirectly reduces the energy or other operating costs of the school district. The school district may ask for the assistance of any State agency, including without limitation the State Board of Education or the Environmental Protection Agency, in obtaining financing options for a wind generation turbine farm.
(105 ILCS 5/34-18.34 new)
Sec. 34-18.34. Wind farm. The school district may own and operate a wind generation turbine farm, either individually or jointly, that directly or indirectly reduces the energy or other operating costs of the school district. The school district may ask for the assistance of any State
agency, including without limitation the State Board of Education or the Environmental Protection Agency, in obtaining financing options for a wind generation turbine farm.

Section 10. The Public Community College Act is amended by adding Section 3-42.3 as follows:

(110 ILCS 805/3-42.3 new)

Sec. 3-42.3. Wind farm. To own and operate a wind generation turbine farm, either individually or jointly, that directly or indirectly reduces the energy or other operating costs of the community college district. The board may ask for the assistance of any State agency, including without limitation the State Board or the Environmental Protection Agency, in obtaining financing options for a wind generation turbine farm.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0391
(Senate Bill No. 0850)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by adding Section 4-10.5 as follows:

(105 ILCS 5/4-10.5 new)

Sec. 4-10.5. Expenses for life-skills programs. Allow, when the county board deems it proper, reasonable expenses of the regional superintendent of schools to administer life-skills programs related to the healthy social and emotional development of children.

Section 99. Effective date. This Act takes effect July 1, 2007.

New matter indicated by italics - deletions by strikeout
AN ACT concerning the military.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Military Leave of Absence Act is amended by adding Section 1.01 as follows:

(5 ILCS 325/1.01 new)

Sec. 1.01. Violation. A violation of this Act constitutes a civil rights violation under the Illinois Human Rights Act.

Section 10. The Public Employee Armed Services Rights Act is amended by adding Section 5.1 as follows:

(5 ILCS 330/5.1 new)

Sec. 5.1. Violation. A violation of this Act constitutes a civil rights violation under the Illinois Human Rights Act.

Section 15. The Illinois Municipal Code is amended by changing Section 11-117-12.2 as follows:

(65 ILCS 5/11-117-12.2)

Sec. 11-117-12.2. Military personnel on active duty; no stoppage of gas or electricity; arrearage.

(a) In this Section:

"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

"Service member" means a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.

(b) No municipality owning a public utility shall stop gas or electricity from entering the residential premises of which a service member was a primary occupant immediately before the service member

New matter indicated by italics - deletions by strikeout
was deployed on active duty for nonpayment for gas or electricity supplied to the residential premises.

(c) Upon the return from active duty of a residential consumer who is a service member, the municipality shall offer the residential consumer a period equal to at least the period of the residential consumer's deployment on active duty to pay any arrearages incurred during the period of the residential consumer's deployment. The municipality shall inform the residential consumer that, if the period the municipality offers presents a hardship to the consumer, the consumer may request a longer period to pay the arrearages.

(d) In order to be eligible for the benefits granted to service members under this Section, a service member must provide the municipality with a copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member's period of active duty.

(e) A violation of this Section constitutes a civil rights violation under the Illinois Human Rights Act. In addition to any other penalty that may be provided by law, a municipality that willfully violates this Section is subject to a civil penalty of $1,000. The Attorney General may impose a civil penalty under this subsection only after he or she provides the following to the affected municipality:

1. Written notice of the alleged violation.
2. Written notice of the municipality's right to request an administrative hearing on the question of the alleged violation.
3. An opportunity to present evidence, orally or in writing or both, on the question of the alleged violation before an impartial hearing examiner appointed by the Attorney General.
4. A written decision from the Attorney General, based on the evidence introduced at the hearing and the hearing examiner's recommendations, finding that the municipality violated this Section and imposing the civil penalty.

The Attorney General may bring an action in the circuit court to enforce the collection of a civil penalty imposed under this subsection.

New matter indicated by italics - deletions by strikeout
All proceeds from the collection of any civil penalty imposed under this subsection shall be deposited into the Illinois Military Family Relief Fund.

(Source: P.A. 94-635, eff. 8-22-05; 94-802, eff. 5-26-06.)

Section 20. The Illinois Insurance Code is amended by changing Section 224.05 as follows:

(215 ILCS 5/224.05)

Sec. 224.05. Military personnel on active duty; no lapse of life insurance policy.

(a) Except as provided in subsection (b), this Section shall apply to any individual life insurance policy insuring the life of a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard who is on active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor, if the life insurance policy meets both of the following conditions:

(1) The policy has been in force for at least 180 days.
(2) The policy has been brought within the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50 U.S.C. App. 541 and following.

(b) This Section does not apply to any policy that was cancelled or that had lapsed for the nonpayment of premiums prior to the commencement of the insured's period of military service.

(c) An individual life insurance policy described in this Section shall not lapse or be forfeited for the nonpayment of premiums during the military service of a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard or during the 2-year period subsequent to the end of the member's period of military service.

(d) In order to be eligible for the benefits granted to service members under this Section, a service member must provide the life insurance company with a copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member's period of active duty.

New matter indicated by italics - deletions by strikeout
(e) This Section does not limit a life insurance company's enforcement of provisions in the insured's policy relating to naval or military service in time of war.

(f) A violation of this Section constitutes a civil rights violation under the Illinois Human Rights Act. In addition to any other penalty that may be provided by law, an insurance company that violates this Section is subject to a civil penalty of $1,000. The Attorney General may impose a civil penalty under this subsection only after he or she provides the following to the affected insurance company:

1. Written notice of the alleged violation.
2. Written notice of the insurance company's right to request an administrative hearing on the question of the alleged violation.
3. An opportunity to present evidence, orally or in writing or both, on the question of the alleged violation before an impartial hearing examiner appointed by the Attorney General.
4. A written decision from the Attorney General, based on the evidence introduced at the hearing and the hearing examiner's recommendations, finding that the insurance company violated this Section and imposing the civil penalty.

The Attorney General may bring an action in the circuit court to enforce the collection of a civil penalty imposed under this subsection.

All proceeds from the collection of any civil penalty imposed under this subsection shall be deposited into the Illinois Military Family Relief Fund.

(Source: P.A. 94-635, eff. 8-22-05; 94-802, eff. 5-26-06.)

Section 25. The Public Utilities Act is amended by changing Section 8-201.5 as follows:

(220 ILCS 5/8-201.5)
Sec. 8-201.5. Military personnel on active duty; no stoppage of gas or electricity; arrearage.

(a) In this Section:

New matter indicated by italics - deletions by strikeout
"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

"Service member" means a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.

(b) No company or electric cooperative shall stop gas or electricity from entering the residential premises of which a service member was a primary occupant immediately before the service member was deployed on active duty for nonpayment for gas or electricity supplied to the residential premises.

(c) In order to be eligible for the benefits granted to service members under this Section, a service member must provide the company or electric cooperative with a copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member's period of active duty.

(d) Upon the return from active duty of a residential consumer who is a service member, the company or electric cooperative shall offer the residential consumer a period equal to at least the period of deployment on active duty to pay any arrearages incurred during the period of the residential consumer's deployment. The company or electric cooperative shall inform the residential consumer that, if the period that the company or electric cooperative offers presents a hardship to the consumer, the consumer may request a longer period to pay the arrearages and, in the case of a company that is a public utility, may request the assistance of the Illinois Commerce Commission to obtain a longer period. No late payment fees or interest shall be charged to the residential consumer during the period of deployment or the repayment period.

(e) A violation of this Section constitutes a civil rights violation under the Illinois Human Rights Act. In addition to any other penalty that may be provided by law, a company or electric cooperative that willfully violates this Section is subject to a civil penalty of $1,000. The Attorney General may impose a civil penalty under this subsection only after he or she provides the following to the affected company or electric cooperative:
(1) Written notice of the alleged violation:
(2) Written notice of the company or electric cooperative's right to request an administrative hearing on the question of the alleged violation:
(3) An opportunity to present evidence, orally or in writing or both, on the question of the alleged violation before an impartial hearing examiner appointed by the Attorney General:
(4) A written decision from the Attorney General, based on the evidence introduced at the hearing and the hearing examiner's recommendations, finding that the company or electric cooperative violated this Section and imposing the civil penalty.
The Attorney General may bring an action in the circuit court to enforce the collection of a civil penalty imposed under this subsection:
   All proceeds from the collection of any civil penalty imposed under this subsection shall be deposited into the Illinois Military Family Relief Fund.
(Source: P.A. 94-635, eff. 8-22-05; 94-802, eff. 5-26-06.)
Section 30. The Code of Civil Procedure is amended by changing Section 9-107.10 as follows:
(735 ILCS 5/9-107.10)
Sec. 9-107.10. Military personnel on active duty; action for possession.
(a) In this Section:
"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.
"Service member" means a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.
(b) In an action for possession of residential premises of a tenant, including a tenant who is a resident of a mobile home park, who is a service member deployed on active duty, or of any member of the tenant's family who resides with the tenant, if the tenant entered into the rental agreement on or after the effective date of this amendatory Act of the 94th

New matter indicated by italics - deletions by strikeout
General Assembly, the court may, on its own motion, and shall, upon motion made by or on behalf of the tenant, do either of the following if the tenant's ability to pay the agreed rent is materially affected by the tenant's deployment on active duty:

(1) Stay the proceedings for a period of 90 days, unless, in the opinion of the court, justice and equity require a longer or shorter period of time.

(2) Adjust the obligation under the rental agreement to preserve the interest of all parties to it.

(c) In order to be eligible for the benefits granted to service members under this Section, a service member or a member of the service member's family who resides with the service member must provide the landlord or mobile home park operator with a copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member's period of active duty.

(d) If a stay is granted under this Section, the court may grant the landlord or mobile home park operator such relief as equity may require.

(e) A violation of this Section constitutes a civil rights violation under the Illinois Human Rights Act.

(Source: P.A. 94-635, eff. 8-22-05.)

Section 35. The Illinois Human Rights Act is amended by changing Section 1-103 and adding Section 6-102 as follows:

(775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

Sec. 1-103. General Definitions. When used in this Act, unless the context requires otherwise, the term:

(A) Age. "Age" means the chronological age of a person who is at least 40 years old, except with regard to any practice described in Section 2-102, insofar as that practice concerns training or apprenticeship programs. In the case of training or apprenticeship programs, for the purposes of Section 2-102, "age" means the chronological age of a person who is 18 but not yet 40 years old.

(B) Aggrieved Party. "Aggrieved party" means a person who is alleged or proved to have been injured by a civil rights violation or
believes he or she will be injured by a civil rights violation under Article 3 that is about to occur.

(C) Charge. "Charge" means an allegation filed with the Department by an aggrieved party or initiated by the Department under its authority.

(D) Civil Rights Violation. "Civil rights violation" includes and shall be limited to only those specific acts set forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104, 3-104.1, 3-105, 4-102, 4-103, 5-102, 6-101, and 6-102 of this Act.


(F) Complaint. "Complaint" means the formal pleading filed by the Department with the Commission following an investigation and finding of substantial evidence of a civil rights violation.

(G) Complainant. "Complainant" means a person including the Department who files a charge of civil rights violation with the Department or the Commission.

(H) Department. "Department" means the Department of Human Rights created by this Act.

(I) Handicap. "Handicap" means a determinable physical or mental characteristic of a person, including, but not limited to, a determinable physical characteristic which necessitates the person's use of a guide, hearing or support dog, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth or functional disorder and which characteristic:

1. For purposes of Article 2 is unrelated to the person's ability to perform the duties of a particular job or position and, pursuant to Section 2-104 of this Act, a person's illegal use of drugs or alcohol is not a handicap;
2. For purposes of Article 3, is unrelated to the person's ability to acquire, rent or maintain a housing accommodation;
3. For purposes of Article 4, is unrelated to a person's ability to repay;

New matter indicated by italics - deletions by strikeout
(4) For purposes of Article 5, is unrelated to a person's ability to utilize and benefit from a place of public accommodation.

(J) Marital Status. "Marital status" means the legal status of being married, single, separated, divorced or widowed.

(J-1) Military Status. "Military status" means a person's status on active duty in or status as a veteran of the armed forces of the United States, status as a current member or veteran of any reserve component of the armed forces of the United States, including the United States Army Reserve, United States Marine Corps Reserve, United States Navy Reserve, United States Air Force Reserve, and United States Coast Guard Reserve, or status as a current member or veteran of the Illinois Army National Guard or Illinois Air National Guard.

(K) National Origin. "National origin" means the place in which a person or one of his or her ancestors was born.

(L) Person. "Person" includes one or more individuals, partnerships, associations or organizations, labor organizations, labor unions, joint apprenticeship committees, or union labor associations, corporations, the State of Illinois and its instrumentalities, political subdivisions, units of local government, legal representatives, trustees in bankruptcy or receivers.

(M) Public Contract. "Public contract" includes every contract to which the State, any of its political subdivisions or any municipal corporation is a party.

(N) Religion. "Religion" includes all aspects of religious observance and practice, as well as belief, except that with respect to employers, for the purposes of Article 2, "religion" has the meaning ascribed to it in paragraph (F) of Section 2-101.

(O) Sex. "Sex" means the status of being male or female.

(O-1) Sexual orientation. "Sexual orientation" means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person's designated sex at birth. "Sexual orientation" does not include a physical or sexual attraction to a minor by an adult.
(P) Unfavorable Military Discharge. "Unfavorable military discharge" includes discharges from the Armed Forces of the United States, their Reserve components or any National Guard or Naval Militia which are classified as RE-3 or the equivalent thereof, but does not include those characterized as RE-4 or "Dishonorable".

(Q) Unlawful Discrimination. "Unlawful discrimination" means discrimination against a person because of his or her race, color, religion, national origin, ancestry, age, sex, marital status, handicap, military status, sexual orientation, or unfavorable discharge from military service as those terms are defined in this Section.
(Source: P.A. 93-941, eff. 8-16-04; 93-1078, eff. 1-1-06; 94-803, eff. 5-26-06.)

(775 ILCS 5/6-102 new)
Sec. 6-102. Violations of other Acts. A person who violates the Military Leave of Absence Act, the Public Employee Armed Services Rights Act, Section 11-117-12.2 of the Illinois Municipal Code, Section 224.05 of the Illinois Insurance Code, Section 8-201.5 of the Public Utilities Act, Section 9-107.10 of the Code of Civil Procedure, Section 4.05 of the Interest Act, the Military Personnel Cellular Phone Contract Termination Act, or Section 37 of the Motor Vehicle Leasing Act commits a civil rights violation within the meaning of this Act.
Section 40. The Interest Act is amended by changing Section 4.05 as follows:

(815 ILCS 205/4.05)
Sec. 4.05. Military personnel on active duty; limitation on interest rate.

(a) In this Section:
"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor. 
"Obligation" means any retail installment sales contract, other contract for the purchase of goods or services, or bond, bill, note, or other instrument of writing for the payment of money arising out of a contract or other transaction for the purchase of goods or services.

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"Service member" means a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.

(b) Notwithstanding any contrary provision of State law, but subject to the federal Servicemembers Civil Relief Act, no creditor in connection with an obligation entered into on or after the effective date of this amendatory Act of the 94th General Assembly, but prior to a service member's deployment on active duty, shall charge or collect from a service member who is deployed on active duty, or the spouse of that service member, interest or finance charges exceeding 6% per annum during the period that the service member is deployed on active duty.

(c) Notwithstanding any contrary provision of law, interest or finance charges in excess of 6% per annum that otherwise would be incurred but for the prohibition in subsection (b) are forgiven.

(d) The amount of any periodic payment due from a service member who is deployed on active duty, or the spouse of that service member, under the terms of the obligation shall be reduced by the amount of the interest and finance charges forgiven under subsection (c) that is allocable to the period for which the periodic payment is made.

(e) In order for an obligation to be subject to the interest and finance charges limitation of this Section, the service member deployed on active duty, or the spouse of that service member, shall provide the creditor with written notice of and a copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member's period of active duty, not later than 180 days after the date of the service member's termination of or release from active duty.

(f) Upon receipt of the written notice and a copy of the orders referred to in subsection (e), the creditor shall treat the obligation in accordance with subsection (b), effective as of the date on which the service member is deployed to active duty.

(g) A court may grant a creditor relief from the interest and finance charges limitation of this Section, if, in the opinion of the court, the ability of the service member deployed on active duty, or the spouse of that

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service member, to pay interest or finance charges with respect to the obligation at a rate in excess of 6% per annum is not materially affected by reason of the service member's deployment on active duty.

(h) A violation of this Section constitutes a civil rights violation under the Illinois Human Rights Act. In addition to any other penalty that may be provided by law, a creditor that violates this Section is subject to a civil penalty of $1,000. The Attorney General may impose a civil penalty under this subsection only after he or she provides the following to the affected creditor:

(1) Written notice of the alleged violation.
(2) Written notice of the creditor's right to request an administrative hearing on the question of the alleged violation.
(3) An opportunity to present evidence, orally or in writing or both, on the question of the alleged violation before an impartial hearing examiner appointed by the Attorney General.
(4) A written decision from the Attorney General, based on the evidence introduced at the hearing and the hearing examiner's recommendations, finding that the creditor violated this Section and imposing the civil penalty.

The Attorney General may bring an action in the circuit court to enforce the collection of a civil penalty imposed under this subsection.

All proceeds from the collection of any civil penalty imposed under this subsection shall be deposited into the Illinois Military Family Relief Fund.

(Source: P.A. 94-635, eff. 8-22-05; 94-802, eff. 5-26-06.)

Section 45. The Military Personnel Cellular Phone Contract Termination Act is amended by adding Section 22 as follows:

(815 ILCS 633/22 new)

Sec. 22. Violation. A violation of this Act constitutes a civil rights violation under the Illinois Human Rights Act.

(815 ILCS 633/20 rep.)

Section 50. The Military Personnel Cellular Phone Contract Termination Act is amended by repealing Section 20.
Section 55. The Motor Vehicle Leasing Act is amended by changing Section 37 as follows:

(815 ILCS 636/37)

Sec. 37. Military personnel on active duty; termination of lease.
(a) In this Act:
"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.
"Motor vehicle" means any automobile, car minivan, passenger van, sport utility vehicle, pickup truck, or other self-propelled vehicle not operated or driven on fixed rails or track.
"Service member" means a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.

(b) Any service member who is deployed on active duty for a period of not less than 180 days, or the spouse of that service member, may terminate any motor vehicle lease that meets both of the following requirements:

(1) The lease is entered into on or after the effective date of this amendatory Act of the 94th General Assembly.
(2) The lease is executed by or on behalf of the service member who is deployed on active duty.

(c) Termination of the motor vehicle lease shall not be effective until:

(1) the service member who is deployed on active duty, or the service member's spouse, gives the lessor by certified mail, return receipt requested, a notice of the intention to terminate the lease together with a copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member's period of active duty; and
(2) the motor vehicle subject to the lease is returned to the custody or control of the lessor not later than 15 days after the delivery of the written notice.
(d) Lease amounts unpaid for the period preceding the effective date of the lease's termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, costs of summons, and title or registration fees and any other obligation and liability of the lessee under the terms of the lease, including reasonable charges to the lessee for excess wear, use, and mileage, that are due and unpaid at the time of the lease's termination shall be paid by the lessee.

(e) The lessor shall refund to the lessee lease amounts paid in advance for a period after the effective date of the lease's termination within 30 days after the effective date of the lease's termination.

(f) Upon application by the lessor to a court before the effective date of the lease's termination, relief granted by this Section may be modified as justice and equity require.

(g) A violation of this Section constitutes a civil rights violation under the Illinois Human Rights Act. In addition to any other penalty that may be provided by law, a lessor that violates this Section is subject to a civil penalty of $1,000. The Attorney General may impose a civil penalty under this subsection only after he or she provides the following to the affected lessor:

(1) Written notice of the alleged violation;
(2) Written notice of the lessee's right to request an administrative hearing on the question of the alleged violation;
(3) An opportunity to present evidence, orally or in writing or both, on the question of the alleged violation before an impartial hearing examiner appointed by the Attorney General;
(4) A written decision from the Attorney General, based on the evidence introduced at the hearing and the hearing examiner's recommendations, finding that the lessor violated this Section and imposing the civil penalty.

The Attorney General may bring an action in the circuit court to enforce the collection of a civil penalty imposed under this subsection.

All proceeds from the collection of any civil penalty imposed under this subsection shall be deposited into the Illinois Military Family Relief Fund.

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AN ACT concerning motor vehicles.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2ZZ as follows:

(815 ILCS 505/2ZZ new)

Sec. 2ZZ. Payoff of liens on motor vehicles traded in to dealer.

(a) When a motor vehicle dealer, as defined by Sections 5-101 or 5-102 of the Illinois Vehicle Code, enters into a retail transaction where a consumer trades in or sells a vehicle that is subject to a lien, the dealer shall:

(1) within 21 calendar days of the date of sale remit payment to the lien holder to pay off the lien on the traded-in or sold motor vehicle, unless the underlying contract has been rescinded before expiration of 21 calendar days; and

(2) fully comply with Section 2C of this Act.

(b) A motor vehicle dealer who violates this Section commits an unlawful practice within the meaning of this Act.

(c) For the purposes of this Section, the term "date of sale" shall be the date the parties entered into the transaction as evidenced by the date written in the contract executed by the parties, or the date the motor vehicle dealership took possession of the traded-in or sold vehicle. In the event the date of the contract differs from the date the motor vehicle dealership took possession of the traded-in vehicle, the "date of sale" shall

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be the date the motor vehicle dealership took possession of the traded-in vehicle.

Effective January 1, 2008.

PUBLIC ACT 95-0394
(Senate Bill No. 1179)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Metropolitan Water Reclamation District Act is amended by adding Section 9.6d as follows:

(70 ILCS 2605/9.6d new)

Sec. 9.6d. Other Post Employment Benefit Trusts. The Board of Commissioners (the Board) may establish one or more trusts (Other Post Employment Benefit ("OPEB") Trusts) for the purpose of providing for the funding and payment of health and other fringe benefits for retired, disabled, or terminated employees of the District or for their dependents and beneficiaries. Trusts created under this Section are in addition to pension benefits for those persons which are currently funded pursuant to Article 13 of the Illinois Pension Code. The OPEB Trusts may employ such personnel and enter into such investment, advisory, or professional services or similar contracts as deemed appropriate by the trustees and recommended by the Treasurer of the Metropolitan Water Reclamation District of Greater Chicago (the District). The OPEB Trusts may be established in such manner so as to be exempt from taxation under the provisions of applicable federal and State tax laws. The trustee of the OPEB Trusts shall be the District. The Treasurer of the District and the trustee shall be indemnified by the District to the fullest extent permitted by law for their actions taken with respect to the OPEB Trust. The Board may deposit money with the OPEB Trusts derived from the funds of the District from time to time as such money may in the discretion of the

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Board be appropriated for that purpose; and, in addition, the Board may lawfully agree with the OPEB Trusts to a binding level of funding for periods of time not to exceed 5 fiscal years. In addition, the OPEB Trust documents may permit employees of the District to contribute money to provide for such benefits. To the extent participants do not direct the investment of their own account, the assets of the OPEB Trusts shall be managed by the Treasurer of the District in any manner, subject only to the prudent investor standard and any requirements of applicable federal law. The limitations of any other statute affecting the investment of District funds shall not apply to the OPEB Trusts. The trustee shall adopt an investment policy consistent with the standards articulated in Section 2.5 of the Public Funds Investment Act. The investment policy shall also provide for the availability of training for Board members. Funds of the OPEB Trusts may be used to pay for costs of administering the OPEB Trusts and for the benefits for which such trusts have been established in accordance with the terms of the OPEB Trust documents.

Section 99. Effective date. This Act takes effect upon becoming law.


AN ACT concerning insurance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Insurance Code is amended by adding Section 143.13a as follows:

(215 ILCS 5/143.13a new)

Sec. 143.13a. Coverage for permissive drivers. Any policy of private passenger automobile insurance must provide the same limits of bodily injury liability, property damage liability, uninsured and

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underinsured motorist bodily injury, and medical payments coverage to all persons insured under that policy, whether or not an insured person is a named insured or permissive user under the policy. If the policy insures more than one private passenger automobile, the limits available to the permissive user shall be the limits associated with the vehicle used by the permissive user when the loss occurs.

Section 99. Effective date. This Act takes effect January 1, 2008.
Effective January 1, 2008.

PUBLIC ACT 95-0396
(Senate Bill No. 1560)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 10-23.5 as follows:

(105 ILCS 5/10-23.5) (from Ch. 122, par. 10-23.5)

Sec. 10-23.5. Educational support personnel employees. To employ such educational support personnel employees as it deems advisable and to define their employment duties; provided that residency within any school district shall not be considered in determining the employment or the compensation of any such employee, or whether to retain, promote, assign or transfer such employee. If an educational support personnel employee is removed or dismissed or the hours he or she works are reduced as a result of a decision of the school board to decrease the number of educational support personnel employees employed by the board or to discontinue some particular type of educational support service, written notice shall be mailed to the employee and also given to the employee either by certified mail, return receipt requested, or personal delivery with receipt, at least 30 days before the employee is removed or dismissed or the hours he or she works are reduced, together with a statement of honorable dismissal and

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the reason therefor if applicable. However, if a reduction in hours is due to an unforeseen reduction in the student population, then the written notice must be mailed and given to the employee at least 5 days before the hours are reduced. The employee with the shorter length of continuing service with the district, within the respective category of position, shall be dismissed first unless an alternative method of determining the sequence of dismissal is established in a collective bargaining agreement or contract between the board and any exclusive bargaining agent and except that this provision shall not impair the operation of any affirmative action program in the district, regardless of whether it exists by operation of law or is conducted on a voluntary basis by the board. If the board has any vacancies for the following school term or within one calendar year from the beginning of the following school term, the positions thereby becoming available within a specific category of position shall be tendered to the employees so removed or dismissed from that category or any other category of position, so far as they are qualified to hold such positions. Each board shall, in consultation with any exclusive employee representative or bargaining agent, each year establish a list, categorized by positions, showing the length of continuing service of each full time educational support personnel employee who is qualified to hold any such positions, unless an alternative method of determining a sequence of dismissal is established as provided for in this Section, in which case a list shall be made in accordance with the alternative method. Copies of the list shall be distributed to the exclusive employee representative or bargaining agent on or before February 1 of each year. Where an educational support personnel employee is dismissed by the board as a result of a decrease in the number of employees or the discontinuance of the employee's job, the employee shall be paid all earned compensation on or before the third business day following his or her last day of employment.

The provisions of this amendatory Act of 1986 relating to residency within any school district shall not apply to cities having a population exceeding 500,000 inhabitants.

(Source: P.A. 89-618, eff. 8-9-96; 90-548, eff. 1-1-98.)
Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0397
(House Bill No. 0820)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Carnival and Amusement Rides Safety Act is amended by changing Sections 2-2 and 2-6 and by adding Section 2-20 as follows:

(430 ILCS 85/2-2) (from Ch. 111 1/2, par. 4052)
Sec. 2-2. Definitions. As used in this Act, unless the context otherwise requires:
1. "Director" means the Director of Labor or his or her designee.
2. "Department" means Department of Labor.
3. "Amusement Attraction" means an enclosed building or structure, including electrical equipment which is an integral part of the building or structure, through which people walk without the aid of any moving device, that provides amusement, thrills or excitement at a fair or carnival, except any such enclosed building or structure which is subject to the jurisdiction of a local building code.
4. "Amusement ride" means:
   (a) any mechanized device or combination of devices, including electrical equipment which is an integral part of the device or devices, which carries passengers along, around, or over a fixed or restricted course for the primary purpose of giving its passengers amusement, pleasure, thrills, or excitement;
   (b) any ski lift, rope tow, or other device used to transport snow skiers;

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concerned with, but not necessarily limited to, engineering force stresses, safety devices, and preventive maintenance. Whenever such standards are available in suitable form they may be incorporated by reference. The rules shall provide for the reporting of accidents and injuries incurred from the operation of amusement rides or amusement attractions. In addition to the permit fee herein provided, the Director may promulgate rules to establish a schedule of fees for inspections.

Before adopting, modifying or amending any rule consistent with and necessary for the enforcement of this Act, the Director shall hold a public hearing on the proposed rule, modification or amendment to a rule. Any interested person may appear and be heard at the hearing, in person or by agent or counsel. The Director shall give the news media notice of each hearing at least 30 days in advance of the hearing date and shall make available a copy of the proposed rule, or modification or amendment to a rule to any person requesting same. The provisions of this Section are in addition to all other existing requirements pertaining to the promulgation of administrative rules and regulations.

(Source: P.A. 94-801, eff. 5-25-06.)

(430 ILCS 85/2-20 new)

Sec. 2-20. Employment of carnival workers.

(a) Beginning on January 1, 2008, no person, firm, corporation, or other entity that owns or operates a carnival shall employ a carnival worker who (i) has been convicted of any offense set forth in Article 11 of the Criminal Code of 1961, (ii) is a registered sex offender, as defined in the Sex Offender Registration Act, or (iii) has ever been convicted of any offense set forth in Article 9 of the Criminal Code of 1961.

Any person, firm, corporation, or other entity that owns or operates a carnival and knowingly violates the provisions of this subsection (a) shall be assessed a civil penalty in an amount not less than $1,000 and not more than $5,000 for a first offense, and not less than $5,000 and not more than $10,000 for a second or subsequent offense.

(b) In the interest of compliance with the requirements of this Section, a person, firm, corporation, or other entity that owns or operates a carnival must conduct a criminal history records check for each carnival worker.
worker in its employ consistent with the Illinois Uniform Conviction Information Act and perform a check of the Sex Offender Registry maintained by the Department of State Police for each carnival worker in its employ.

In the case of carnival workers who are hired on a temporary basis to work at a specific event, the carnival owner may work with local enforcement agencies in order to expedite the criminal history records check required under this subsection (b).

Individuals who are under the age of 17 are exempt from the criminal history records check requirements set forth in this subsection (b).

(c) Any person, firm, corporation, or other entity that owns or operates a carnival must have a substance abuse policy in place for its workers, which shall include random drug testing of carnival workers.

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 24, 2007.
Effective August 24, 2007.

PUBLIC ACT 95-0398
(House Bill No. 1900)

AN ACT concerning roadside markers, which may be referred to as Tina's Law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Roadside Memorial Act.

Section 5. Purpose of the Roadside Memorial program. The Roadside Memorial program is intended to raise public awareness of impaired driving by emphasizing the dangers while affording families an opportunity to remember the victims of crashes involving impaired drivers.

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Section 10. Definitions. As used in this Act:
"Department" means the Department of Transportation.
"DUI memorial marker" means a marker on a highway in this State commemorating one or more persons who died as a proximate result of a crash caused by a driver under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof.
"Qualified relative" means: an immediate relative of the deceased, by marriage, blood, or adoption, such as his or her spouse, son, daughter, mother, father, sister, or brother; a stepmother, stepfather, stepbrother, or stepsister of the deceased; or a person with whom the deceased was in a domestic partnership or civil union as recognized by a State or local law or ordinance.
"Supporting jurisdiction" means the Department or any municipality, township, or county that establishes a Roadside Memorial program within its jurisdictional area.

Section 15. Participation in the Roadside Memorial program.
(a) A qualified relative of a victim may make a request for the installation of a memorial marker in a supporting jurisdiction using an application developed by the supporting jurisdiction. The supporting jurisdiction shall have sole responsibility for determining whether a request for a DUI memorial marker is rejected or accepted.
(b) An application for a DUI memorial marker may be submitted by a qualified relative with regard to any crash that occurred on or after January 1, 2003.
(c) If there is any opposition to the placement of a DUI memorial marker by any qualified relative of any decedent involved in the crash, the supporting jurisdiction shall deny the request.
(d) The supporting jurisdiction shall deny the request or, if a DUI memorial marker has already been installed, may remove the marker, if the qualified relative has provided false or misleading information in the application.
(e) The qualified relative shall agree not to place or encourage the placement of flowers, pictures, or other items at the crash site.
(f) A DUI memorial marker shall not be erected for a deceased driver involved in a fatal crash who is shown by toxicology reports to have been in violation of State DUI law, unless the next of kin of any other victim or victims killed in the crash consent in writing to the erection of the memorial marker.

Section 20. DUI memorial markers.

(a) A DUI memorial marker shall consist of a white on blue panel bearing the message "Please Don't Drink and Drive". At the request of the qualified relative, a separate panel bearing the words "In Memory of (victim's name)", followed by the date of the crash that was the proximate cause of the loss of the victim's life, shall be mounted below the primary panel.

(b) A DUI memorial marker may memorialize more than one victim who died as a result of the same DUI-related crash. If one or more additional DUI crash deaths subsequently occur in close proximity to an existing DUI memorial marker, the supporting jurisdiction may use the same marker to memorialize the subsequent death or deaths, by adding the names of the additional persons.

(c) A DUI memorial marker shall be maintained for at least 2 years from the date the last person was memorialized on the marker.

(d) The supporting jurisdiction has the right to install a marker at a location other than the location of the crash or to relocate a marker due to restricted room, property owner complaints, interference with essential traffic control devices, safety concerns, or other restrictions. In such cases, the sponsoring jurisdiction may select an alternate location.

(e) The Department shall secure the consent of any municipality before placing a DUI memorial marker within the corporate limits of the municipality.

(f) A fee in an amount to be determined by the supporting jurisdiction may be charged to the qualified relative. The fee shall not exceed the costs associated with the fabrication, installation, and maintenance of the DUI memorial marker.
Section 25. Rules. The Department shall adopt rules regarding implementation of this Act. These rules shall be consistent with this Act and with federal regulations.

Section 99. Effective date. This Act takes effect January 1, 2008.
Approved August 24, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0399
(Senate Bill No. 0214)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Dental Practice Act is amended by changing Sections 8.1 and 45 as follows:

(225 ILCS 25/8.1) (from Ch. 111, par. 2308.1)
(Section scheduled to be repealed on January 1, 2016)
Sec. 8.1. Permit for the administration of anesthesia and sedation.
(a) No licensed dentist shall administer general anesthesia, deep sedation, or conscious sedation without first applying for and obtaining a permit for such purpose from the Department. The Department shall issue such permit only after ascertaining that the applicant possesses the minimum qualifications necessary to protect public safety. A person with a dental degree who administers anesthesia, deep sedation, or conscious sedation in an approved hospital training program under the supervision of either a licensed dentist holding such permit or a physician licensed to practice medicine in all its branches shall not be required to obtain such permit.

(b) In determining the minimum permit qualifications that are necessary to protect public safety, the Department, by rule, shall:

(1) establish the minimum educational and training requirements necessary for a dentist to be issued an appropriate permit;

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(2) establish the standards for properly equipped dental facilities (other than licensed hospitals and ambulatory surgical treatment centers) in which general anesthesia, deep sedation, or conscious sedation is administered, as necessary to protect public safety;

(3) establish minimum requirements for all persons who assist the dentist in the administration of general anesthesia, deep sedation, or conscious sedation, including minimum training requirements for each member of the dental team, monitoring requirements, recordkeeping requirements, and emergency procedures; and

(4) ensure that the dentist and all persons assisting the dentist or monitoring the administration of general anesthesia, deep sedation, or conscious sedation maintain current certification in Basic Life Support (BLS).

(5) establish continuing education requirements in sedation techniques for dentists who possess a permit under this Section.

When establishing requirements under this Section, the Department shall consider the current American Dental Association guidelines on sedation and general anesthesia, the current "Guidelines for Monitoring and Management of Pediatric Patients During and After Sedation for Diagnostic and Therapeutic Procedures" established by the American Academy of Pediatrics and the American Academy of Pediatric Dentistry, and the current parameters of care and Office Anesthesia Evaluation (OAE) Manual established by the American Association of Oral and Maxillofacial Surgeons.

(c) A licensed dentist must hold an appropriate permit issued under this Section in order to perform dentistry while a nurse anesthetist administers conscious sedation, and a valid written practice agreement must exist between the dentist and the nurse anesthetist, in accordance with the Nursing and Advanced Practice Nursing Act.

A licensed dentist must hold an appropriate permit issued under this Section in order to perform dentistry while a nurse anesthetist administers deep sedation or general anesthesia, and a valid written
practice agreement must exist between the dentist and the nurse anesthetist, in accordance with the Nursing and Advanced Practice Nursing Act.

For the purposes of this subsection (c), "nurse anesthetist" means a licensed certified registered nurse anesthetist who holds a license as an advanced practice nurse.

(Source: P.A. 92-280, eff. 1-1-02.)

(225 ILCS 25/45) (from Ch. 111, par. 2345)

(Section scheduled to be repealed on January 1, 2016)

Sec. 45. Advertising. The purpose of this Section is to authorize and regulate the advertisement by dentists of information which is intended to provide the public with a sufficient basis upon which to make an informed selection of dentists while protecting the public from false or misleading advertisements which would detract from the fair and rational selection process.

Any dentist may advertise the availability of dental services in the public media or on the premises where such dental services are rendered. Such advertising shall be limited to the following information:

(a) The dental services available;
(b) Publication of the dentist's name, title, office hours, address and telephone;
(c) Information pertaining to his or her area of specialization, including appropriate board certification or limitation of professional practice;
(d) Information on usual and customary fees for routine dental services offered, which information shall include notification that fees may be adjusted due to complications or unforeseen circumstances;
(e) Announcement of the opening of, change of, absence from, or return to business;
(f) Announcement of additions to or deletions from professional dental staff;
(g) The issuance of business or appointment cards;
(h) Other information about the dentist, dentist's practice or the types of dental services which the dentist offers to perform which a

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reasonable person might regard as relevant in determining whether to seek the dentist's services. However, any advertisement which announces the availability of endodontics, pediatric dentistry, periodontics, prosthodontics, orthodontics and dentofacial orthopedics, oral and maxillofacial surgery, or oral and maxillofacial radiology by a general dentist or by a licensed specialist who is not licensed in that specialty shall include a disclaimer stating that the dentist does not hold a license in that specialty.

It is unlawful for any dentist licensed under this Act to do any of the following:

1. Use testimonials or claims of superior quality of care to entice the public.
2. Advertise in any way to practice dentistry without causing pain.
3. Pay a fee to any dental referral service or other third party who advertises a dental referral service, unless all advertising of the dental referral service makes it clear that dentists are paying a fee for that referral service.
4. Advertise or offer gifts as an inducement to secure dental patronage. Dentists may advertise or offer free examinations or free dental services; it shall be unlawful, however, for any dentist to charge a fee to any new patient for any dental service provided at the time that such free examination or free dental services are provided.
5. Use the term "sedation dentistry" or similar terms in advertising unless the advertising dentist holds a valid and current permit issued by the Department to administer either general anesthesia, deep sedation, or conscious sedation as required under Section 8.1 of this Act.

This Act does not authorize the advertising of dental services when the offeror of such services is not a dentist. Nor shall the dentist use statements which contain false, fraudulent, deceptive or misleading material or guarantees of success, statements which play upon the vanity
or fears of the public, or statements which promote or produce unfair competition.

A dentist shall be required to keep a copy of all advertisements for a period of 3 years. All advertisements in the dentist's possession shall indicate the accurate date and place of publication.

The Department shall adopt rules to carry out the intent of this Section.

(Source: P.A. 92-280, eff. 1-1-02.)


Approved August 24, 2007.

Effective January 1, 2008.

PUBLIC ACT 95-0400
(Senate Bill No. 0300)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by adding Sections 5.675 and 5.676 as follows:

(30 ILCS 105/5.675 new)

Sec. 5.675. The Indigent BAIID Fund.

(30 ILCS 105/5.676 new)

Sec. 5.676. The Monitoring Device Driving Permit Administration Fee Fund.

Section 10. The Illinois Vehicle Code is amended by changing Sections 6-206, 6-206.1, 6-208.1, 6-303, and 11-501 and by adding Section 1-144.5 as follows:

(625 ILCS 5/1-144.5 new)

Sec. 1-144.5. Monitoring device driving permit. A permit that allows a person whose driver's license has been summarily suspended under Section 11-501.1 to drive a vehicle, for the applicable period described in Section 6-206.1, if the vehicle is equipped with an ignition interlock device as defined in Section 1-129.1.

New matter indicated by italics - deletions by strikeout
Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;

2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in death or injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;

5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;

6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-
203.1, which if committed within this State would be grounds for suspension or revocation;

7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;

8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;

9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;

10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;

11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a monitoring device driving permit, judicial driving permit issued prior to the effective date of this amendatory Act of the 95th General Assembly, probationary license to drive, or a restricted driving permit issued under this Code;

12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;

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15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a peace officer;

17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of $1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;

New matter indicated by italics - deletions by strikeout
26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act, in which case the person's driving privileges shall be suspended for one year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act shall be suspended for 5 years. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

New matter indicated by italics - deletions by strikeout
30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, or an intoxicating compound as listed in the Use of Intoxicating Compounds Act, in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

34. Has committed a violation of Section 11-1301.5 of this Code;

35. Has committed a violation of Section 11-1301.6 of this Code;

36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

37. Has committed a violation of subsection (c) of Section 11-907 of this Code;

New matter indicated by italics - deletions by strikeout
38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance;

39. Has committed a second or subsequent violation of Section 11-1201 of this Code;

40. Has committed a violation of subsection (a-1) of Section 11-908 of this Code;

41. Has committed a second or subsequent violation of Section 11-605.1 of this Code within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days; or

42. Has committed a violation of subsection (a-1) of Section 11-1301.3 of this Code.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be
suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to possess a CDL for the purpose of operating a commercial motor vehicle.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue
hardship, issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of his employment related duties, or to allow transportation for the petitioner, or a household member of the petitioner's family, to receive necessary medical care and if the professional evaluation indicates, provide transportation for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DU1 Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply.

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to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination of those offenses, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 18 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

New matter indicated by italics - deletions by strikeout
(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.

(f) In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been suspended or revoked under any provisions of this Code.

(Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04; 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff. 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)

(625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

Sec. 6-206.1. Monitoring Device Driving Judicial Driving Permit.

Declaration of Policy. It is hereby declared a policy of the State of Illinois that the driver who is impaired by alcohol, other drug or drugs, or intoxicating compound or compounds is a threat to the public safety and welfare. Therefore, to provide a deterrent to such practice and to remove problem drivers from the highway, a statutory summary driver's license suspension is appropriate. It is also recognized that driving is a privilege and therefore, that in some cases the granting of limited driving privileges, in a manner consistent with public safety, is warranted during the period of suspension in the form of a monitoring device driving permit. A person who drives and fails to comply with the requirements of the monitoring device driving permit commits a violation of Section 6-303 of this Code and is eligible for a judicial driving permit to drive for the purpose of employment, receiving drug treatment or medical care, and educational pursuits, where no alternative means of transportation is available.

The following procedures shall apply whenever a first offender is arrested for any offense as defined in Section 11-501 or a similar provision of a local ordinance:

(a) Subsequent to a notification of a statutory summary suspension of driving privileges as provided in Section 11-501.1, the court, after informing the first offender, as defined in Section 11-500, of his or her right to a monitoring device driving permit, hereinafter referred to as a MDDP, and of the obligations of the MDDP, shall enter an order

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directing the Secretary of State to issue a MDDP to the offender, unless
the offender has opted, in writing, not to have a MDDP issued. However,
the court shall not enter the order directing the Secretary of State to issue
the MDDP, if the court finds:
(1) The offender's driver's license is otherwise valid;
(2) No death or great bodily harm resulted from the arrest
for Section 11-501;
(3) That the offender has not been previously convicted of
reckless homicide; and
(4) That the offender is not less than 18 years of age.
Any court order for a MDDP shall order the person to pay the Secretary
of State a MDDP Administration Fee an amount not to exceed $30 per
month. The Secretary shall establish by rule the amount and the
procedures, terms, and conditions relating to these fees. The order shall
further specify that the offender must have an ignition interlock device
installed within 14 days of the date the Secretary issues the MDDP, and
shall specify the vehicle in which the device is to be installed. The ignition
interlock device provider must notify the Secretary, in a manner and form
prescribed by the Secretary, of the installation. If the Secretary does not
receive notice of installation, the Secretary shall cancel the MDDP. the
first offender as defined in Section 11-500 may petition the circuit court of
venue for a Judicial Driving Permit, hereinafter referred as a JDP, to
relieve undue hardship. The court may issue a court order, pursuant to the
criteria contained in this Section, directing the Secretary of State to issue
such a JDP to the petitioner. A MDDP JDP shall not become effective
prior to the 31st day of the original statutory summary suspension. and
shall always be subject to the following criteria:
(a-1) A person issued a MDDP may drive for any purpose and at
any time, subject to the rules adopted by the Secretary of State under
subsection (g). The person must, at his or her own expense, drive only
vehicles equipped with an ignition interlock device as defined in Section 1-
129.1, but in no event shall such person drive a commercial motor vehicle.
(a-2) Persons who are issued a MDDP and must drive employer-
owned vehicles in the course of their employment duties may seek

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permission from the court to drive an employer-owned vehicle that does not have an ignition interlock device. The employee shall provide to the court a form, prescribed by the Secretary of State, completed by the employer verifying that the employee must drive an employer-owned vehicle in the course of employment. If approved by the court, the form must be file stamped and must be in the driver's possession while operating an employer-owned vehicle not equipped with an ignition interlock device. No person may use this exemption to drive a school bus, school vehicle, or a vehicle designed to transport more than 15 passengers. No person may use this exemption to drive an employer-owned motor vehicle that is owned by an entity that is wholly or partially owned by the person holding the MDDP, or by a family member of the person holding the MDDP. No person may use this exemption to drive an employer-owned vehicle that is made available to the employee for personal use. No person may drive the exempted vehicle more than 12 hours per day, 6 days per week.

1. If ordered for the purposes of employment, the JDP shall be only for the purpose of providing the petitioner the privilege of driving a motor vehicle between the petitioner's residence and the petitioner's place of employment and return, or within the scope of the petitioner's employment related duties, shall be effective only during and limited to those specific times and routes actually required to commute or perform the petitioner's employment related duties.

2. The court, by a court order, may also direct the Secretary of State to issue a JDP to allow transportation for the petitioner, or a household member of the petitioner's family, to receive alcohol, drug, or intoxicating compound treatment or medical care, if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available. Such JDP shall be effective only during the specific times actually required to commute.

3. The court, by a court order, may also direct the Secretary of State to issue a JDP to allow transportation by the petitioner for educational purposes upon demonstrating that there are no

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alternative means of transportation reasonably available to accomplish those educational purposes. Such JDP shall be only for the purpose of providing transportation to and from the petitioner's residence and the petitioner's place of educational activity, and only during the specific times and routes actually required to commute or perform the petitioner's educational requirement.

4. The Court shall not issue an order granting a JDP to:
   (i) Any person unless and until the court, after considering the results of a current professional evaluation of the person's alcohol or other drug use by an agency pursuant to Section 15-10 of the Alcoholism and Other Drug Abuse and Dependency Act and other appropriate investigation of the person, is satisfied that granting the privilege of driving a motor vehicle on the highways will not endanger the public safety or welfare.
   (ii) Any person who has been convicted of reckless homicide within the previous 5 years.
   (iii) Any person whose privilege to operate a motor vehicle was invalid at the time of arrest for the current violation of Section 11-501, or a similar provision of a local ordinance, except in cases where the cause for a driver's license suspension has been removed at the time a JDP is effective. In any case, should the Secretary of State enter a suspension or revocation of driving privileges pursuant to the provisions of this Code while the JDP is in effect or pending, the Secretary shall take the prescribed action and provide a notice to the person and the court ordering the issuance of the JDP that all driving privileges, including those provided by the issuance of the JDP, have been withdrawn.
   (iv) Any person under the age of 18 years.
   (v) Any person for the operation of a commercial motor vehicle if the person's driving privileges have been

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(b) **(Blank).** Prior to ordering the issuance of a JDP, the Court should consider at least, but not be limited to, the following issues:

1. Whether the person is employed and no other means of commuting to the place of employment is available or that the person must drive as a condition of employment. The employer shall certify the hours of employment and the need and parameters necessary for driving as a condition to employment.

2. Whether the person must drive to secure alcohol or other medical treatment for himself or a family member.

3. Whether the person must drive for educational purposes. The educational institution shall certify the person's enrollment in and academic schedule at the institution.

4. Whether the person has been repeatedly convicted of traffic violations or involved in motor vehicle accidents to a degree which indicates disrespect for public safety.

5. Whether the person has been convicted of a traffic violation in connection with a traffic accident resulting in the death of any person within the last 5 years.

6. Whether the person has any additional traffic violations pending in any court.

For purposes of this Section, programs conducting professional evaluations of a person's alcohol, other drug, or intoxicating compound use must report, to the court of venue, using a form prescribed by the Secretary of State. A copy of such evaluations shall be sent to the Secretary of State by the court. However, the evaluation information shall be privileged and only available to courts and to the Secretary of State, but shall not be admissible in the subsequent trial on the underlying charge.

(c) **(Blank).** The scope of any court order issued for a JDP under this Section shall be limited to the operation of a motor vehicle as provided for in subsection (a) of this Section and shall specify the...
petitioner's residence, place of employment or location of educational institution, and the scope of job related duties, if relevant. The JDP shall also specify days of the week and specific hours of the day when the petitioner is able to exercise the limited privilege of operating a motor vehicle:

(c-1) If the petitioner is issued a citation for a violation of Section 6-303 during the period of a statutory summary suspension entered under Section 11-501.1 of this Code, or if the petitioner is charged with a violation of Section 11-501 or a similar provision of a local ordinance or a similar out of state offense which occurs after the current violation of Section 11-501 or a similar provision of a local ordinance, the court may not grant the petitioner a JDP unless the petitioner is acquitted or the citation or complaint is otherwise dismissed.

If the person petitioner is issued a citation for a violation of Section 6-303 or a violation of Section 11-501 or a similar provision of a local ordinance or a similar out of state offense during the term of the MDDP JDP, the officer issuing the citation, or the law enforcement agency employing that officer, shall confiscate the MDDP JDP and immediately send the MDDP JDP and notice of the citation to the court that ordered the issuance of the MDDP JDP. Within 10 days of receipt, the issuing court, upon notice to the person petitioner, shall conduct a hearing to consider cancellation of the MDDP JDP. If the court enters an order of cancellation, the court shall forward the order to the Secretary of State, and the Secretary shall cancel the MDDP JDP and notify the person petitioner of the cancellation. If, however, the person petitioner is convicted of the offense before the MDDP JDP has been cancelled, the court of venue shall send notice of conviction to the court that ordered issuance of the MDDP JDP. The court receiving the notice shall immediately enter an order of cancellation and forward the order to the Secretary of State. The Secretary shall cancel the JDP and notify the person petitioner of the cancellation.

If the person petitioner is issued a citation for any other traffic related offense during the term of the MDDP JDP, the officer issuing the citation, or the law enforcement agency employing that officer, shall send notice of the citation to the court that ordered issuance of the MDDP JDP.

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Upon receipt and notice to the *person petitioner* and an opportunity for a hearing, the court shall determine whether the violation constitutes grounds for cancellation of the *MDDP JDP*. If the court enters an order of cancellation, the court shall forward the order to the Secretary of State, and the Secretary shall cancel the *MDDP JDP* and shall notify the *person petitioner* of the cancellation.

(c-5) If the court determines that the person seeking the *MDDP* is indigent, the court shall provide the person with a written document, in a form prescribed by the Secretary of State, as evidence of that determination, and the person shall provide that written document to an ignition interlock device provider. The provider shall install an ignition interlock device on that person's vehicle without charge to the person, and seek reimbursement from the Indigent BAIID Fund.

(d) The Secretary of State shall, upon receiving a court order from the court of venue, issue a *MDDP JDP* to a *person who applies successful Petitioner* under this Section. Such court order form shall also contain a notification, which shall be sent to the Secretary of State, providing the name, driver's license number and legal address of the *applicant successful petitioner*, and the full and detailed description of the limitations of the *JDP*. This information shall be available only to the courts, police officers, and the Secretary of State, except during the actual period the *MDDP JDP* is valid, during which time it shall be a public record. The Secretary of State shall design and furnish to the courts an official court order form to be used by the courts when directing the Secretary of State to issue a *MDDP JDP*.

Any submitted court order that contains insufficient data or fails to comply with this Code shall not be utilized for *MDDP JDP* issuance or entered to the driver record but shall be returned to the issuing court indicating why the *MDDP JDP* cannot be so entered. A notice of this action shall also be sent to the *MDDP applicant JDP petitioner* by the Secretary of State.

(e) (Blank). The circuit court of venue may conduct the judicial hearing, as provided in Section 2-118.1, and the *JDP* hearing provided in

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this Section, concurrently. Such concurrent hearing shall proceed in the court in the same manner as in other civil proceedings.

(f) (Blank). The circuit court of venue may, as a condition of the issuance of a JDP, prohibit the person from operating a motor vehicle not equipped with an ignition interlock device.

(g) The Secretary of State shall adopt rules for implementing this Section. The rules adopted shall address issues including, but not limited to: compliance with the requirements of the MDDP; methods for determining compliance with those requirements; the consequences of noncompliance with those requirements; what constitutes a violation of the MDDP; and the duties of a person or entity that supplies the ignition interlock device.

(h) The rules adopted under subsection (g) shall provide, at a minimum, that the person is not in compliance with the requirements of the MDDP if he or she:

(1) tampers or attempts to tamper with or circumvent the proper operation of the ignition interlock device;
(2) provides valid breath samples that register blood alcohol levels in excess of the number of times allowed under the rules;
(3) fails to provide evidence sufficient to satisfy the Secretary that the ignition interlock device has been installed in the designated vehicle or vehicles; or
(4) fails to follow any other applicable rules adopted by the Secretary.

(i) Any person or entity that supplies an ignition interlock device as provided under this Section shall, in addition to supplying only those devices which fully comply with all the rules adopted under subsection (g), provide the Secretary, within 7 days of inspection, all monitoring reports of each person who has had an ignition interlock device installed. These reports shall be furnished in a manner or form as prescribed by the Secretary.

(j) Upon making a determination that a violation of the requirements of the MDDP has occurred, the Secretary shall extend the
summary suspension period for an additional 3 months beyond the originally imposed summary suspension period, during which time the person shall only be allowed to drive vehicles equipped with an ignition interlock device; provided further there are no limitations on the number of times the summary suspension may be extended. Any person whose summary suspension is extended pursuant to this Section shall have the right to contest the extension through an administrative hearing with the Secretary. If the summary suspension has already terminated prior to the Secretary receiving the monitoring report that shows a violation, the Secretary shall be authorized to suspend the person's driving privileges for 3 months. The only permit the person shall be eligible for during this new suspension period is a MDDP.

(k) A person who has had his or her summary suspension extended for the third time shall have his or her vehicle impounded for a period of 30 days, at the person's own expense. A person who has his or her summary suspension extended for the fourth time shall have his or her vehicle subject to seizure and forfeiture. The Secretary shall notify the prosecuting authority of any third or fourth extensions. Upon receipt of the notification, the prosecuting authority shall impound or forfeit the vehicle.

(l) A person whose driving privileges have been suspended under Section 11-501.1 of this Code and who had a MDDP that was cancelled pursuant to subsection (c-1) of this Section, shall not be eligible for reinstatement when the summary suspension is scheduled to terminate, but instead shall be eligible only to apply for a restricted driving permit. If a restricted driving permit is granted, the offender may only operate vehicles equipped with an ignition interlock device, for a period of not less than twice the original summary suspension period.

(m) Any person or entity that supplies an ignition interlock device under this Section shall, for each ignition interlock device installed, pay 5% of the total gross revenue received for the device into the Indigent BAIID Fund. This 5% shall be clearly indicated as a separate surcharge on each invoice that is issued. The Secretary shall conduct an annual review of the fund to determine whether the surcharge is sufficient to
provide for indigent users. The Secretary may increase or decrease this surcharge requirement as needed.

(n) Any person or entity that supplies an ignition interlock device under this Section that is requested to provide an ignition interlock device to a person who presents written documentation of indigency from the court, as provided in subsection (c-5) of this Section, shall install the device on the person's vehicle without charge to the person and shall seek reimbursement from the Indigent BAIID Fund.

(o) The Indigent BAIID Fund is created as a special fund in the State treasury. The Secretary of State shall, subject to appropriation by the General Assembly, use all money in the Indigent BAIID Fund to reimburse ignition interlock device providers who have installed devices in vehicles of indigent persons pursuant to court orders issued under this Section. The Secretary shall make payments to such providers every 3 months. If the amount of money in the fund at the time payments are made is not sufficient to pay all requests for reimbursement submitted during that 3 month period, the Secretary shall make payments on a pro-rata basis, and those payments shall be considered payment in full for the requests submitted.

(p) The Monitoring Device Driving Permit Administration Fee Fund is created as a special fund in the State treasury. The Secretary of State shall, subject to appropriation by the General Assembly, use the money paid into this fund to offset its administrative costs for administering MDDPs.

(Source: P.A. 94-307, eff. 9-30-05; 94-357, eff. 1-1-06; 94-930, eff. 6-26-06.)

(625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

Sec. 6-208.1. Period of statutory summary alcohol, other drug, or intoxicating compound related suspension.

(a) Unless the statutory summary suspension has been rescinded, any person whose privilege to drive a motor vehicle on the public highways has been summarily suspended, pursuant to Section 11-501.1, shall not be eligible for restoration of the privilege until the expiration of:

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1. **Twelve Six** months from the effective date of the statutory summary suspension for a refusal or failure to complete a test or tests to determine the alcohol, drug, or intoxicating compound concentration, pursuant to Section 11-501.1; or

2. **Six Three** months from the effective date of the statutory summary suspension imposed following the person's submission to a chemical test which disclosed an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in such person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, pursuant to Section 11-501.1; or

3. Three years from the effective date of the statutory summary suspension for any person other than a first offender who refuses or fails to complete a test or tests to determine the alcohol, drug, or intoxicating compound concentration pursuant to Section 11-501.1; or

4. One year from the effective date of the summary suspension imposed for any person other than a first offender following submission to a chemical test which disclosed an alcohol concentration of 0.08 or more pursuant to Section 11-501.1 or any amount of a drug, substance or compound in such person's breath or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) Following a statutory summary suspension of the privilege to drive a motor vehicle under Section 11-501.1, full driving privileges shall be restored unless the person is otherwise disqualified by this Code. If the court has reason to believe that the person's driving privilege should not be restored, the court shall notify the Secretary of State prior to the expiration of the statutory summary suspension so appropriate action may be taken pursuant to this Code.

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(c) Full driving privileges may not be restored until all applicable reinstatement fees, as provided by this Code, have been paid to the Secretary of State and the appropriate entry made to the driver's record.

(d) Where a driving privilege has been summarily suspended under Section 11-501.1 and the person is subsequently convicted of violating Section 11-501, or a similar provision of a local ordinance, for the same incident, any period served on statutory summary suspension shall be credited toward the minimum period of revocation of driving privileges imposed pursuant to Section 6-205.

(e) Following a statutory summary suspension of driving privileges pursuant to Section 11-501.1, for a first offender, the circuit court shall, unless the offender has opted in writing not to have a monitoring device driving permit issued, order the Secretary of State to may, after at least 30 days from the effective date of the statutory summary suspension, issue a monitoring device driving permit, as provided in Section 6-206.1. A monitoring device driving permit shall not be effective prior to the 31st day of the statutory summary suspension.

(f) (Blank).

Subsequent to an arrest of a first offender, for any offense as defined in Section 11-501 or a similar provision of a local ordinance, following a statutory summary suspension of driving privileges pursuant to Section 11-501.1, for a first offender, the circuit court may issue a court order directing the Secretary of State to issue a judicial driving permit as provided in Section 6-206.1. However, this JDP shall not be effective prior to the 31st day of the statutory summary suspension.

(g) Following a statutory summary suspension of driving privileges pursuant to Section 11-501.1 where the person was not a first offender, as defined in Section 11-500, the Secretary of State may not issue a restricted driving permit.

(h) (Blank).

(Source: P.A. 91-357, eff. 7-29-99; 92-248, eff. 8-3-01.)

(625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

Sec. 6-303. Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked.

New matter indicated by italics - deletions by strikeout
(a) Any person who drives or is in actual physical control of a motor vehicle on any highway of this State at a time when such person's driver's license, permit or privilege to do so or the privilege to obtain a driver's license or permit is revoked or suspended as provided by this Code or the law of another state, except as may be specifically allowed by a judicial driving permit issued prior to the effective date of this amendatory Act of the 95th General Assembly, monitoring device driving permit, family financial responsibility driving permit, probationary license to drive, or a restricted driving permit issued pursuant to this Code or under the law of another state, shall be guilty of a Class A misdemeanor.

(b) The Secretary of State upon receiving a report of the conviction of any violation indicating a person was operating a motor vehicle during the time when said person's driver's license, permit or privilege was suspended by the Secretary, by the appropriate authority of another state, or pursuant to Section 11-501.1; except as may be specifically allowed by a probationary license to drive, judicial driving permit issued prior to the effective date of this amendatory Act of the 95th General Assembly, monitoring device driving permit, or restricted driving permit issued pursuant to this Code or the law of another state; shall extend the suspension for the same period of time as the originally imposed suspension; however, if the period of suspension has then expired, the Secretary shall be authorized to suspend said person's driving privileges for the same period of time as the originally imposed suspension; and if the conviction was upon a charge which indicated that a vehicle was operated during the time when the person's driver's license, permit or privilege was revoked; except as may be allowed by a restricted driving permit issued pursuant to this Code or the law of another state; the Secretary shall not issue a driver's license for an additional period of one year from the date of such conviction indicating such person was operating a vehicle during such period of revocation.

(c) Except as provided in subsections (c-3) and (c-4), any person convicted of violating this Section shall serve a minimum term of imprisonment of 10 consecutive days or 30 days of community service.

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when the person's driving privilege was revoked or suspended as a result of:

(1) a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, any other drug or any combination thereof; or

(2) a violation of paragraph (b) of Section 11-401 of this Code or a similar provision of a local ordinance relating to the offense of leaving the scene of a motor vehicle accident involving personal injury or death; or

(3) a violation of Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide; or

(4) a statutory summary suspension under Section 11-501.1 of this Code.

Such sentence of imprisonment or community service shall not be subject to suspension in order to reduce such sentence.

(c-1) Except as provided in subsection (d), any person convicted of a second violation of this Section shall be ordered by the court to serve a minimum of 100 hours of community service.

(c-2) In addition to other penalties imposed under this Section, the court may impose on any person convicted a fourth time of violating this Section any of the following:

(1) Seizure of the license plates of the person's vehicle.

(2) Immobilization of the person's vehicle for a period of time to be determined by the court.

(c-3) Any person convicted of a violation of this Section during a period of summary suspension imposed pursuant to Section 11-501.1 when the person was eligible for a MDDP shall be guilty of a Class 4 felony and shall serve a minimum term of imprisonment of 30 days.

(c-4) Any person who has been issued a MDDP and who is convicted of a violation of this Section as a result of operating or being in actual physical control of a motor vehicle not equipped with an ignition interlock device at the time of the offense shall be guilty of a Class 4 felony and shall serve a minimum term of imprisonment of 30 days.
(d) Any person convicted of a second violation of this Section shall be guilty of a Class 4 felony and shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-1) Except as provided in subsection (d-2) and subsection (d-3), any person convicted of a third or subsequent violation of this Section shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court.

(d-2) Any person convicted of a third violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 30 days if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-3) Any person convicted of a fourth, fifth, sixth, seventh, eighth, or ninth violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 180 days if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-4) Any person convicted of a tenth, eleventh, twelfth, thirteenth, or fourteenth violation of this Section is guilty of a Class 3 felony, and is not eligible for probation or conditional discharge, if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code,

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or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-5) Any person convicted of a fifteenth or subsequent violation of this Section is guilty of a Class 2 felony, and is not eligible for probation or conditional discharge, if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(e) Any person in violation of this Section who is also in violation of Section 7-601 of this Code relating to mandatory insurance requirements, in addition to other penalties imposed under this Section, shall have his or her motor vehicle immediately impounded by the arresting law enforcement officer. The motor vehicle may be released to any licensed driver upon a showing of proof of insurance for the vehicle that was impounded and the notarized written consent for the release by the vehicle owner.

(f) For any prosecution under this Section, a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

(g) The motor vehicle used in a violation of this Section is subject to seizure and forfeiture as provided in Sections 36-1 and 36-2 of the Criminal Code of 1961 if the person's driving privilege was revoked or suspended as a result of a violation listed in paragraph (1), (2), or (3) of subsection (c) of this Section or as a result of a summary suspension as provided in paragraph (4) of subsection (c) of this Section.

(Source: P.A. 94-112, eff. 1-1-06.)

(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)
(Text of Section from P.A. 93-1093 and 94-963)
Sec. 11-501. Driving while under the influence of alcohol, other
drug or drugs, intoxicating compound or compounds or any combination
thereof.

(a) A person shall not drive or be in actual physical control of any
vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath
is 0.08 or more based on the definition of blood and breath units in
Section 11-501.2;
(2) under the influence of alcohol;
(3) under the influence of any intoxicating compound or
combination of intoxicating compounds to a degree that renders the
person incapable of driving safely;
(4) under the influence of any other drug or combination of
drugs to a degree that renders the person incapable of safely
driving;
(5) under the combined influence of alcohol, other drug or
drugs, or intoxicating compound or compounds to a degree that
renders the person incapable of safely driving; or
(6) there is any amount of a drug, substance, or compound
in the person's breath, blood, or urine resulting from the unlawful
use or consumption of cannabis listed in the Cannabis Control Act,
a controlled substance listed in the Illinois Controlled Substances
Act, or an intoxicating compound listed in the Use of Intoxicating
Compounds Act.

(b) The fact that any person charged with violating this Section is
or has been legally entitled to use alcohol, other drug or drugs, or
intoxicating compound or compounds, or any combination thereof, shall
not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a
similar provision includes any violation of a provision of a local
ordinance or a provision of a law of another state that is similar to
a violation of subsection (a) of this Section.
(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a

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Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).
(c-3) (Blank).
(c-4) (Blank).
(c-5)(1) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service, as may be determined by the court.

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service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subdivision (c-5)(1) is not subject to suspension, nor is the person eligible for a reduced sentence.

(2) Except as provided in subdivisions (c-5)(3) and (c-5)(4) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subdivision (c-5)(2) is not subject to suspension, nor is the person eligible for a reduced sentence.

(3) Except as provided in subdivision (c-5)(4), any person convicted of violating subdivision (c-5)(2) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subdivision (c-5)(3) is not subject to suspension, nor is the person eligible for a reduced sentence.

(4) Any person convicted of violating subdivision (c-5)(2) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subdivision (c-5)(4) is not subject to suspension, nor is the person eligible for a reduced sentence.

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(5) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subdivision (c-5)(5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(6) Any person convicted of violating subdivision (c-5)(5) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subdivision (c-5)(6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(7) Any person convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-6)(1) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of
blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(2) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(3) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(4) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is
not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

   (A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

   (B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

   (C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

   (D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

   (E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person,
when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of

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this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be

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fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the
Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the

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costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; 93-1093, eff. 3-29-05; 94-963, eff. 6-28-06.)

(Text of Section from P.A. 94-110 and 94-963)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

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(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of

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subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3
of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).

(c-3) (Blank).

(c-4) (Blank).

(c-5) Except as provided in subsection (c-5.1), a person 21 years of age or older who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to 6 months of imprisonment, an additional mandatory minimum fine of $1,000, and 25 days of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-5.1) A person 21 years of age or older who is convicted of violating subsection (a) of this Section a first time and who in committing that violation was involved in a motor vehicle accident that resulted in bodily harm to the child under the age of 16 being transported by the person, if the violation was the proximate cause of the injury, is guilty of a Class 4 felony and is subject to one year of imprisonment, a mandatory fine of $2,500, and 25 days of community service in a program benefiting children. The imprisonment or assignment to community service under this subsection (c-5.1) shall not be subject to suspension, nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-6) Except as provided in subsections (c-7) and (c-7.1), a person 21 years of age or older who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to 6 months of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.
(c-7) Except as provided in subsection (c-7.1), any person 21 years of age or older convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and, in addition to any other penalty imposed, is subject to one year of imprisonment, 25 days of mandatory community service in a program benefiting children, and a mandatory fine of $2,500. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7.1) A person 21 years of age or older who is convicted of violating subsection (a) of this Section a second time within 10 years and who in committing that violation was involved in a motor vehicle accident that resulted in bodily harm to the child under the age of 16 being transported, if the violation was the proximate cause of the injury, is guilty of a Class 4 felony and is subject to 18 months of imprisonment, a mandatory fine of $5,000, and 25 days of community service in a program benefiting children. The imprisonment or assignment to community service under this subsection (c-7.1) shall not be subject to suspension, nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-8) (Blank).

(c-9) Any person 21 years of age or older convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and is subject to 18 months of imprisonment, a mandatory fine of $2,500, and 25 days of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person 21 years of age or older convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 3 felony and, in addition to any other penalty imposed, is subject to 3 years of imprisonment, 25 days of community service in a program
benefiting children, and a mandatory fine of $25,000. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-11) Any person 21 years of age or older convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $25,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be

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subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(c-15) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or

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drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years.

Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of
2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

   (e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

   (f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.
(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used for

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enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence.

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Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; 94-110, eff. 1-1-06; 94-963, eff. 6-28-06.)

(Text of Section from P.A. 94-113, 94-609, and 94-963)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

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(4) under the influence of any other drug or combination of
drugs to a degree that renders the person incapable of safely
driving;
(5) under the combined influence of alcohol, other drug or
drugs, or intoxicating compound or compounds to a degree that
renders the person incapable of safely driving; or
(6) there is any amount of a drug, substance, or compound
in the person's breath, blood, or urine resulting from the unlawful
use or consumption of cannabis listed in the Cannabis Control Act,
a controlled substance listed in the Illinois Controlled Substances
Act, or an intoxicating compound listed in the Use of Intoxicating
Compounds Act.
(b) The fact that any person charged with violating this Section is
or has been legally entitled to use alcohol, other drug or drugs, or
intoxicating compound or compounds, or any combination thereof, shall
not constitute a defense against any charge of violating this Section.
(b-1) With regard to penalties imposed under this Section:
(1) Any reference to a prior violation of subsection (a) or a
similar provision includes any violation of a provision of a local
ordinance or a provision of a law of another state that is similar to
a violation of subsection (a) of this Section.
(2) Any penalty imposed for driving with a license that has
been revoked for a previous violation of subsection (a) of this
Section shall be in addition to the penalty imposed for any
subsequent violation of subsection (a).
(b-2) Except as otherwise provided in this Section, any person
convicted of violating subsection (a) of this Section is guilty of a Class A
misdemeanor.
(b-3) In addition to any other criminal or administrative sanction
for any second conviction of violating subsection (a) or a similar provision
committed within 5 years of a previous violation of subsection (a) or a
similar provision, the defendant shall be sentenced to a mandatory
minimum of 5 days of imprisonment or assigned a mandatory minimum of
240 hours of community service as may be determined by the court.

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(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony.

(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term

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of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).
(c-3) (Blank).
(c-4) (Blank).
(c-5) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-6) Except as provided in subsections (c-7) and (c-8) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is.
subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7) Except as provided in subsection (c-8), any person convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-8) Any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

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(c-10) Any person convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-11) Any person convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

New matter indicated by italics - deletions by strikeout
(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(c-15) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;
(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;
(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

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(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph
(1) of this subsection (d) is a Class 2 felony, for which the defendant, unless the court determines that extraordinary circumstances exist and require probation, shall be sentenced to:

(A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or

(B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall
be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not
limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed
only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; 94-113, eff. 1-1-06; 94-609, eff. 1-1-06; 94-963, eff. 6-28-06.)

(Text of Section from P.A. 94-114 and 94-963)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

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(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;
(2) under the influence of alcohol;
(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;
(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;
(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or
(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.
(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.
(b-1) With regard to penalties imposed under this Section:
(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.
(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).
(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony.

(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation

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or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or fifth time, if the fourth or fifth violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).
(c-3) (Blank).
(c-4) (Blank).
(c-5) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is

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subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-6) Except as provided in subsections (c-7) and (c-8) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7) Except as provided in subsection (c-8), any person convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-8) Any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.

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(c-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-11) Any person convicted a fourth or fifth time for violating subsection (a) or a similar provision, if at the time of the fourth or fifth violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

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(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(c-15) Any person convicted of a fourth or fifth violation of subsection (a) or a similar provision, if at the time of the fourth or fifth violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(c-16) Any person convicted of a sixth or subsequent violation of subsection (a) is guilty of a Class X felony.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of

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alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that

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resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years.

Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the

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Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be

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$1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities to

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assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.
Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

1. the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;
2. under the influence of alcohol;
3. under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;
4. under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;
5. under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or
6. there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

New matter indicated by italics - deletions by strikeout
(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third violation committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant is guilty of a Class 2 felony, and in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time is guilty of a Class 2 felony.
(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth time is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(4) A person who violates subsection (a) a fifth or subsequent time is guilty of a Class 1 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).
(c-3) (Blank).
(c-4) (Blank).

New matter indicated by italics - deletions by strikeout
(c-5) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-6) Except as provided in subsections (c-7) and (c-8) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7) Except as provided in subsection (c-8), any person convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-8) Any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection
(c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 2 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 2 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-11) Any person convicted a fourth time for violating subsection (a) or a similar provision, if at the time of the fourth violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty
that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

   (c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

   (c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

   (c-15) Any person convicted of a fourth violation of subsection (a) or a similar provision, if at the time of the fourth violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

   (d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of
alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that

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resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2) and in paragraphs (3) and (4) of subsection (c-1), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Except as provided in paragraph (4) of subsection (c-1), aggravated driving under the influence of alcohol, other drug, or drugs, intoxicating compounds or compounds, or any combination thereof as defined in subparagraph (A) of paragraph (1) of this subsection (d) is a Class 2 felony. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of

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this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be

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fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the

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Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000.
per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; 94-116, eff. 1-1-06; 94-963, eff. 6-28-06.)

(Text of Section from P.A. 94-329 and 94-963)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or

New matter indicated by italics - deletions by strikeout
intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:
   (1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.
   (2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal

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Code of 1961 is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and is guilty of a Class 3 felony.

(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and is guilty of a Class 3 felony.
drugs, intoxicating compound or compounds, or any combination thereof and shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and is guilty of a Class 2 felony, and is not eligible for a sentence of probation or conditional discharge.

(c-5) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-6) Except as provided in subsections (c-7) and (c-8) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140
hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7) Except as provided in subsection (c-8), any person convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-8) Any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of

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subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-11) Any person convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection

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(a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(c-15) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of

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violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death;

(G) the person committed the violation while he or she did not possess a driver's license or permit or a restricted driving permit or a judicial driving permit or a monitoring device driving permit; or

(H) the person committed the violation while he or she knew or should have known that the vehicle he or she was driving was not covered by a liability insurance policy.

(2) Except as provided in this paragraph (2) and in paragraphs (2), (2.1), and (3) of subsection (c-1), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a
violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court

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to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section,

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including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

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(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; 94-329, eff. 1-1-06; 94-963, eff. 6-28-06.)

Section 15. The Unified Code of Corrections is amended by changing Section 5-6-1 as follows:

(730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

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Sec. 5-6-1. Sentences of Probation and of Conditional Discharge and Disposition of Supervision. The General Assembly finds that in order to protect the public, the criminal justice system must compel compliance with the conditions of probation by responding to violations with swift, certain and fair punishments and intermediate sanctions. The Chief Judge of each circuit shall adopt a system of structured, intermediate sanctions for violations of the terms and conditions of a sentence of probation, conditional discharge or disposition of supervision.

(a) Except where specifically prohibited by other provisions of this Code, the court shall impose a sentence of probation or conditional discharge upon an offender unless, having regard to the nature and circumstance of the offense, and to the history, character and condition of the offender, the court is of the opinion that:

(1) his imprisonment or periodic imprisonment is necessary for the protection of the public; or

(2) probation or conditional discharge would deprecate the seriousness of the offender's conduct and would be inconsistent with the ends of justice; or

(3) a combination of imprisonment with concurrent or consecutive probation when an offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act is necessary for the protection of the public and for the rehabilitation of the offender.

The court shall impose as a condition of a sentence of probation, conditional discharge, or supervision, that the probation agency may invoke any sanction from the list of intermediate sanctions adopted by the chief judge of the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-6-4 of this Act.

(b) The court may impose a sentence of conditional discharge for an offense if the court is of the opinion that neither a sentence of imprisonment nor of periodic imprisonment nor of probation supervision is appropriate.
(b-1) Subsections (a) and (b) of this Section do not apply to a defendant charged with a misdemeanor or felony under the Illinois Vehicle Code or reckless homicide under Section 9-3 of the Criminal Code of 1961 if the defendant within the past 12 months has been convicted of or pleaded guilty to a misdemeanor or felony under the Illinois Vehicle Code or reckless homicide under Section 9-3 of the Criminal Code of 1961.

(c) The court may, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, defer further proceedings and the imposition of a sentence, and enter an order for supervision of the defendant, if the defendant is not charged with: (i) a Class A misdemeanor, as defined by the following provisions of the Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1; paragraph (1) through (5), (8), (10), and (11) of subsection (a) of Section 24-1; (ii) a Class A misdemeanor violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals Act; or (iii) felony. If the defendant is not barred from receiving an order for supervision as provided in this subsection, the court may enter an order for supervision after considering the circumstances of the offense, and the history, character and condition of the offender, if the court is of the opinion that:

(1) the offender is not likely to commit further crimes;
(2) the defendant and the public would be best served if the defendant were not to receive a criminal record; and
(3) in the best interests of justice an order of supervision is more appropriate than a sentence otherwise permitted under this Code.

(d) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance when the defendant has previously been:

(1) convicted for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or

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(2) assigned supervision for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or

(3) pleaded guilty to or stipulated to the facts supporting a charge or a finding of guilty to a violation of Section 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state, and the plea or stipulation was the result of a plea agreement.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(e) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 16A-3 of the Criminal Code of 1961 if said defendant has within the last 5 years been:

(1) convicted for a violation of Section 16A-3 of the Criminal Code of 1961; or

(2) assigned supervision for a violation of Section 16A-3 of the Criminal Code of 1961.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(f) The provisions of paragraph (c) shall not apply to a defendant charged with violating Sections 15-111, 15-112, 15-301, paragraph (b) of Section 6-104, Section 11-605, or Section 11-1414 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(g) Except as otherwise provided in paragraph (i) of this Section, the provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has within the last 5 years been:

(1) convicted for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance; or

(2) assigned supervision for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance.

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The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(h) The provisions of paragraph (c) shall not apply to a defendant under the age of 21 years charged with violating a serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code:

(1) unless the defendant, upon payment of the fines, penalties, and costs provided by law, agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference of Chief Circuit Judges. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered. The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases when a defendant enters a guilty plea under this provision; or

(2) if the defendant has previously been sentenced under the provisions of paragraph (c) on or after January 1, 1998 for any serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code.

(i) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has been assigned supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(j) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance when the revocation or suspension was for a violation of Section 11-501 or a similar provision of a local ordinance, a violation of Section 11-501.1 or paragraph (b) of Section 11-401 of the Illinois Vehicle Code, or a violation of Section 9-3 of the Criminal Code of 1961 if the defendant has within the last 10 years been:

(1) convicted for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance; or
(2) assigned supervision for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(k) The provisions of paragraph (c) shall not apply to a defendant charged with violating any provision of the Illinois Vehicle Code or a similar provision of a local ordinance that governs the movement of vehicles if, within the 12 months preceding the date of the defendant's arrest, the defendant has been assigned court supervision on 2 occasions for a violation that governs the movement of vehicles under the Illinois Vehicle Code or a similar provision of a local ordinance.

(l) A defendant charged with violating any provision of the Illinois Vehicle Code who, after a court appearance in the same matter, receives a disposition of supervision under subsection (c) shall pay an additional fee of $20, to be collected as provided in Sections 27.5 and 27.6 of the Clerks of Courts Act. In addition to the $20 fee, the person shall also pay a fee of $5, which, if not waived by the court, shall be collected as provided in Sections 27.5 and 27.6 of the Clerks of Courts Act. The $20 fee shall be disbursed as provided in Section 16-104c of the Illinois Vehicle Code. If the $5 fee is collected, $4.50 of the fee shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court and 50 cents of the fee shall be deposited into the Prisoner Review Board Vehicle and Equipment Fund in the State treasury.

(m) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance when the suspension was for a violation of Section 11-501.1 of the Illinois Vehicle Code and when:

(1) at the time of the violation of Section 11-501.1 of the Illinois Vehicle Code, the defendant was a first offender pursuant to Section 11-500 of the Illinois Vehicle Code and the defendant failed to obtain a monitoring device driving permit; or

(2) at the time of the violation of Section 11-501.1 of the Illinois Vehicle Code, the defendant was a first offender pursuant to Section 11-500 of the Illinois Vehicle Code, had subsequently obtained a monitoring device driving permit, but was driving a

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vehicle not equipped with a breath alcohol ignition interlock device as defined in Section 1-129.1 of the Illinois Vehicle Code.

(Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05; 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06; 94-1009, eff. 1-1-07.)

Section 99. Effective date. This Act takes effect on January 1, 2009.

Approved August 24, 2007.
Effective January 1, 2009.

PUBLIC ACT 95-0401
(Senate Bill No. 0867)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Hospital Licensing Act is amended by adding Section 10.10 as follows:

(210 ILCS 85/10.10 new)
Sec. 10.10. Nurse Staffing by Patient Acuity.
(a) Findings. The Legislature finds and declares all of the following:

(1) The State of Illinois has a substantial interest in promoting quality care and improving the delivery of health care services.

(2) Evidence-based studies have shown that the basic principles of staffing in the acute care setting should be based on the complexity of patients' care needs aligned with available nursing skills to promote quality patient care consistent with professional nursing standards.

(3) Compliance with this Section promotes an organizational climate that values registered nurses' input in meeting the health care needs of hospital patients.
(b) Definitions. As used in this Section:

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"Acuity model" means an assessment tool selected and implemented by a hospital, as recommended by a nursing care committee, that assesses the complexity of patient care needs requiring professional nursing care and skills and aligns patient care needs and nursing skills consistent with professional nursing standards.

"Department" means the Department of Public Health.

"Direct patient care" means care provided by a registered professional nurse with direct responsibility to oversee or carry out medical regimens or nursing care for one or more patients.

"Nursing care committee" means an existing or newly created hospital-wide committee or committees of nurses whose functions, in part or in whole, contribute to the development, recommendation, and review of the hospital's nurse staffing plan established pursuant to subsection (d).

"Registered professional nurse" means a person licensed as a Registered Nurse under the Nursing and Advanced Practice Nursing Act.

"Written staffing plan for nursing care services" means a written plan for guiding the assignment of patient care nursing staff based on multiple nurse and patient considerations that yield minimum staffing levels for inpatient care units and the adopted acuity model aligning patient care needs with nursing skills required for quality patient care consistent with professional nursing standards.

(c) Written staffing plan.

(1) Every hospital shall implement a written hospital-wide staffing plan, recommended by a nursing care committee or committees, that provides for minimum direct care professional registered nurse-to-patient staffing needs for each inpatient care unit. The written hospital-wide staffing plan shall include, but need not be limited to, the following considerations:

(A) The complexity of complete care, assessment on patient admission, volume of patient admissions, discharges and transfers, evaluation of the progress of a patient's problems, ongoing physical assessments, planning for a patient's discharge, assessment after a change in

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patient condition, and assessment of the need for patient referrals.

(B) The complexity of clinical professional nursing judgment needed to design and implement a patient’s nursing care plan, the need for specialized equipment and technology, the skill mix of other personnel providing or supporting direct patient care, and involvement in quality improvement activities, professional preparation, and experience.

(C) Patient acuity and the number of patients for whom care is being provided.

(D) The ongoing assessments of a unit’s patient acuity levels and nursing staff needed shall be routinely made by the unit nurse manager or his or her designee.

(E) The identification of additional registered nurses available for direct patient care when patients’ unexpected needs exceed the planned workload for direct care staff.

(2) In order to provide staffing flexibility to meet patient needs, every hospital shall identify an acuity model for adjusting the staffing plan for each inpatient care unit.

(3) The written staffing plan shall be posted in a conspicuous and accessible location for both patients and direct care staff, as required under the Hospital Report Card Act.

(d) Nursing care committee.

(1) Every hospital shall have a nursing care committee. A hospital shall appoint members of a committee whereby at least 50% of the members are registered professional nurses providing direct patient care.

(2) A nursing care committee’s recommendations must be given significant regard and weight in the hospital’s adoption and implementation of a written staffing plan.

(3) A nursing care committee or committees shall recommend a written staffing plan for the hospital based on the

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principles from the staffing components set forth in subsection (c).
In particular, a committee or committees shall provide input and
feedback on the following:

(A) Selection, implementation, and evaluation of
minimum staffing levels for inpatient care units.

(B) Selection, implementation, and evaluation of an
acuity model to provide staffing flexibility that aligns
changing patient acuity with nursing skills required.

(C) Selection, implementation, and evaluation of a
written staffing plan incorporating the items described in
subdivisions (c)(1) and (c)(2) of this Section.

(D) Review the following: nurse-to-patient staffing
guidelines for all inpatient areas; and current acuity tools
and measures in use.

(4) A nursing care committee must address the items
described in subparagraphs (A) through (D) of paragraph (3)
semi-annually.

(e) Nothing in this Section 10.10 shall be construed to limit, alter,
or modify any of the terms, conditions, or provisions of a collective
bargaining agreement entered into by the hospital.

Section 99. Effective date. This Act takes effect January 1, 2008.
Approved August 24, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0402
(House Bill No. 0254)

AN ACT concerning aging.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Elder Abuse and Neglect Act is amended by adding
Section 15 as follows:

(320 ILCS 20/15 new)

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Sec. 15. Elder abuse fatality review teams.

(a) In this Section, "review team" means a regional interagency elder abuse fatality review team established under this Section.

(b) The Department, or any other State or county agency with Department approval, may establish regional interagency elder abuse fatality review teams (i) to assist local agencies in identifying and reviewing suspicious deaths of elderly victims of alleged, suspected, or substantiated abuse or neglect in domestic living situations and (ii) to facilitate communications between officials responsible for autopsies and inquests and persons involved in reporting or investigating alleged or suspected cases of abuse, neglect, or financial exploitation of persons 60 years of age or older. Each such team shall be composed of representatives of entities and individuals including, but not limited to, the Department on Aging, coroners or medical examiners (or both), State's Attorneys, local police departments, forensic units, and providers of services for persons 60 years of age or older in domestic living situations.

(c) A review team shall review cases of deaths of persons 60 years of age or older in domestic living situations (i) involving blunt force trauma or an undetermined manner or suspicious cause of death, (ii) if requested by the deceased's attending physician, (iii) upon referral by a health care provider, or (iv) constituting an open or closed case from a senior protective services agency, law enforcement agency, or State's Attorney's office that involves alleged or suspected abuse, neglect, or financial exploitation. A team may also review other cases of deaths of persons 60 years of age or older if the alleged abuse or neglect occurred while the person was residing in a domestic living situation.

A review team shall meet not less than 6 times a year to discuss cases for its possible review. Each review team, with the advice and consent of the Department, shall establish criteria to be used by review teams in discussing cases of alleged, suspected, or substantiated abuse or neglect for review.

(d) Any document or oral or written communication shared within or produced by a review team relating to a case discussed or reviewed by

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the review team is confidential and is not subject to disclosure to or discoverable by another party.

Any document or oral or written communication provided to a review team by an individual or entity, and created by that individual or entity solely for the use of the review team, is confidential and is not subject to disclosure to or discoverable by another party.

Each entity or individual represented on an elder abuse fatality review team may share with other members of the team information in the entity's or individual's possession concerning the decedent who is the subject of the review or concerning any person who was in contact with the decedent, as well as any other information deemed by the entity or individual to be pertinent to the review. Any such information shared by an entity or individual with other members of a team is confidential. The intent of this paragraph is to permit the disclosure to members of a team of any information deemed confidential or privileged or prohibited from disclosure by any other provision of law. Release of confidential communication between domestic violence advocates and a domestic violence victim shall follow subsection (d) of Section 227 of the Illinois Domestic Violence Act of 1986 which allows for the waiver of privilege afforded to guardians, executors, or administrators of the estate of the domestic violence victim. This provision relating to the release of confidential communication between domestic violence advocates and a domestic violence victim shall exclude adult protective service providers.

A coroner's or medical examiner's office may share with a review team medical records that have been made available to the coroner's or medical examiner's office in connection with that office's investigation of a death.

(e) A review team's recommendation in relation to a case discussed or reviewed by the review team, including, but not limited to, a recommendation concerning an investigation or prosecution in relation to such a case, may be disclosed by the review team upon the completion of its review and at the discretion of a majority of its members who reviewed the case.
(f) The Department, in consultation with coroners, medical examiners, and law enforcement agencies, shall use aggregate data gathered by review teams and review teams' recommendations to create an annual report and may use those data and recommendations to develop education, prevention, prosecution, or other strategies designed to improve the coordination of services for persons 60 years of age or older and their families. The Department or other State or county agency, in consultation with coroners, medical examiners, and law enforcement agencies, also may use aggregate data gathered by review teams to create a database of at-risk individuals.

Passed in the General Assembly June 1, 2007.
Approved August 24, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0403
(House Bill No. 0277)

AN ACT concerning safety.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Environmental Protection Act is amended by adding Section 57.8a as follows:

(415 ILCS 5/57.8a new)
Sec. 57.8a. Assignment of payments from the Underground Storage Tank Fund.

(a) If the Agency has formed a priority list for payment under Section 57.8(a)(3) of this Act, an owner or operator on the priority list may assign to any bank, financial institution, lender, or other person that provides factoring or financing to an owner or operator or to a consultant of an owner or operator a full approved payment amount on the priority list for which the owner or operator is awaiting payment. The assignment must be made on an approved payment-by-approved payment basis and must be made on forms prescribed by the Agency. No assignment under this Section prevents or affects the right of the State Comptroller to make

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the deductions and off-sets provided in Section 10.05 of the State Comptroller Act.

(b) The making of an assignment under this Section shall not affect an owner’s or operator’s right to appeal an Agency decision as provided in this Title. No assignee shall have a right to appeal an Agency decision as provided in this Title.

(c) An owner’s or operator’s assignment under this Section is irrevocable and may be made to only one assignee. The State shall pay the assigned amount, subject to right of the State Comptroller to make the deductions and off-sets provided in Section 10.05 of the State Comptroller Act, to this one assignee only and shall not pay the assigned amount to any subsequent assignee of the one assignee.

(d) The State and its officers and employees are discharged of all liability upon payment of the assigned amount to the assignee. The assignor and assignee shall hold harmless and indemnify the State and its officers and employees from all claims, actions, suits, complaints, and liabilities related to the assignment.

(e) An assignee may use funds received for any purpose including, without limitation, paying principal, interest, or other costs due on any financing made by the assignee. To the extent an owner or operator incurs costs associated with making an assignment under this Section, the owner or operator may not seek reimbursement of those costs from the Fund.

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly June 1, 2007.
Approved August 24, 2007.
Effective August 24, 2007.
Section 5. The Property Tax Code is amended by changing Sections 18-135 and 18-185 as follows:

(35 ILCS 200/18-135)

Sec. 18-135. Taxing district in 2 or more counties.
(a) Notwithstanding any other provisions to the contrary, in counties which have an overlapping taxing district or districts that extend into one or more other counties, the county clerk, upon receipt of the assessments from the Board of Review or Board of Appeals, and of the equalization factor from the Department, may use estimated valuations or estimated rates, as provided in subsection (b) of this Section, for the overlapping taxing district or districts if the county clerk in any other county into which the overlapping taxing district or districts extend cannot certify the actual valuations or rates for the district or districts.

(b) If the county clerk of a county which has an overlapping taxing district which extends into another county has not received the certified valuations or rates from the county clerk of any county into which such districts overlap, he or she may subsequent to March 15, make written demand for actual or estimated valuations or rates upon the county clerk of that county. Within 10 days of receiving a written demand, the county clerk receiving the demand shall furnish certified or estimated valuations or rates for the overlapping taxing district, as pertaining to his or her county, to the county clerk who made the request. If no valuations or rates are received, the requesting county may make the estimate.

(c) If the use of estimated valuations or rates results in over or under extension for the overlapping taxing district in the county using estimated valuations or rates, the county clerk shall make appropriate adjustments in the subsequent year. Any adjustments necessitated by the estimation procedure authorized by this Section shall be made by increasing or decreasing the tax extension by fund for each taxing district where the estimation procedures were used.

(d) For taxing districts subject to the Property Tax Extension Limitation Law, the adjustment for paragraph (c) shall be made after the limiting rate has been calculated using the aggregate extension base, as defined in Section 18-185, adjusted for the over or under extension due to
the use of an estimated valuation by the county on the last preceding aggregate extension.
(Source: P.A. 90-291, eff. 1-1-98.)

Sec. 18-185. Short title; definitions. This Division 5 may be cited as the Property Tax Extension Limitation Law. As used in this Division 5:

"Consumer Price Index" means the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor.

"Extension limitation" means (a) the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year or (b) the rate of increase approved by voters under Section 18-205.

"Affected county" means a county of 3,000,000 or more inhabitants or a county contiguous to a county of 3,000,000 or more inhabitants.

"Taxing district" has the same meaning provided in Section 1-150, except as otherwise provided in this Section. For the 1991 through 1994 levy years only, "taxing district" includes only each non-home rule taxing district having the majority of its 1990 equalized assessed value within any county or counties contiguous to a county with 3,000,000 or more inhabitants. Beginning with the 1995 levy year, "taxing district" includes only each non-home rule taxing district subject to this Law before the 1995 levy year and each non-home rule taxing district not subject to this Law before the 1995 levy year having the majority of its 1994 equalized assessed value in an affected county or counties. Beginning with the levy year in which this Law becomes applicable to a taxing district as provided in Section 18-213, "taxing district" also includes those taxing districts made subject to this Law as provided in Section 18-213.

"Aggregate extension" for taxing districts to which this Law applied before the 1995 levy year means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any

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taxing district to pay interest or principal on general obligation bonds issued before October 1, 1991; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before October 1, 1991; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after October 1, 1991 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before October 1, 1991 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before October 1, 1991, to pay for the building project; (g) made for payments due under installment contracts entered into before October 1, 1991; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), (e), and (h) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made by a school district that participates in the Special Education District of Lake County, created by special education joint agreement under Section 10-22.31 of the School Code, for payment of the school district's share of the amounts required to be contributed by the Special Education District of Lake County to the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code; the amount of any extension under this item (k) shall be certified by the school district to the county clerk; (l) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park

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District Code or Section 11-95-14 of the Illinois Municipal Code; (m) made for temporary relocation loan repayment purposes pursuant to Sections 2-3.77 and 17-2.2d of the School Code; (n) made for payment of principal and interest on any bonds issued under the authority of Section 17-2.2d of the School Code; and (o) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Aggregate extension" for the taxing districts to which this Law did not apply before the 1995 levy year (except taxing districts subject to this Law in accordance with Section 18-213) means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before March 1, 1995; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before March 1, 1995; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after March 1, 1995 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before March 1, 1995 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before March 1, 1995 to pay for the building project; (g) made for payments due under installment contracts entered into before March 1, 1995; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (h-4) made for stormwater management purposes.
by the Metropolitan Water Reclamation District of Greater Chicago under Section 12 of the Metropolitan Water Reclamation District Act; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum and bonds described in subsection (h) of this definition; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made for payments of principal and interest on bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium or museum projects; (l) made for payments of principal and interest on bonds authorized by Public Act 87-1191 or 93-601 and (i) issued pursuant to Section 21.2 of the Cook County Forest Preserve District Act, (ii) issued under Section 42 of the Cook County Forest Preserve District Act for zoological park projects, or (iii) issued under Section 44.1 of the Cook County Forest Preserve District Act for botanical gardens projects; (m) made pursuant to Section 34-53.5 of the School Code, whether levied annually or not; (n) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (o) made by the Chicago Park District for recreational programs for the handicapped under subsection (c) of Section 7.06 of the Chicago Park District Act; and (p) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with Section 18-213, except for those taxing districts subject to paragraph (2) of subsection (e) of Section 18-213, means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum;
(b) made for any taxing district to pay interest or principal on general obligation bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the date on which the referendum making this Law applicable to the taxing district is held if the bonds were approved by referendum after the date on which the referendum making this Law applicable to the taxing district is held; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the date on which the referendum making this Law applicable to the taxing district is held for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the date on which the referendum making this Law applicable to the taxing district is held to pay for the building project; (g) made for payments due under installment contracts entered into before the date on which the referendum making this Law applicable to the taxing district is held; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered

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into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); (k) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; and (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with paragraph (2) of subsection (e) of Section 18-213 means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the effective date of this amendatory Act of 1997; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the effective date of this amendatory Act of 1997; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued after the effective date of this amendatory Act of 1997 if the bonds were approved by referendum after the effective date of this amendatory Act of 1997; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the effective date of this amendatory Act of 1997 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the effective date of this amendatory Act of 1997 to pay for the building project; (g) made for payments due under installment contracts entered into before the effective date of this amendatory Act of 1997; (h) made for payments of principal and interest on limited bonds, as

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defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); (k) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; and (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Debt service extension base" means an amount equal to that portion of the extension for a taxing district for the 1994 levy year, or for those taxing districts subject to this Law in accordance with Section 18-213, except for those subject to paragraph (2) of subsection (e) of Section 18-213, for the levy year in which the referendum making this Law applicable to the taxing district is held, or for those taxing districts subject to this Law in accordance with paragraph (2) of subsection (e) of Section 18-213 for the 1996 levy year, constituting an extension for payment of principal and interest on bonds issued by the taxing district without referendum, but not including excluded non-referendum bonds. For park districts (i) that were first subject to this Law in 1991 or 1995 and (ii) whose extension for the 1994 levy year for the payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds) was less than 51% of the amount for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds), "debt
service extension base" means an amount equal to that portion of the extension for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds). The debt service extension base may be established or increased as provided under Section 18-212. "Excluded non-referendum bonds" means (i) bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium and museum projects; (ii) bonds issued under Section 15 of the Local Government Debt Reform Act; or (iii) refunding obligations issued to refund or to continue to refund obligations initially issued pursuant to referendum.

"Special purpose extensions" include, but are not limited to, extensions for levies made on an annual basis for unemployment and workers' compensation, self-insurance, contributions to pension plans, and extensions made pursuant to Section 6-601 of the Illinois Highway Code for a road district's permanent road fund whether levied annually or not. The extension for a special service area is not included in the aggregate extension.

"Aggregate extension base" means the taxing district's last preceding aggregate extension as adjusted under Sections 18-135, 18-215, and through 18-230. An adjustment under Section 18-135 shall be made for the 2007 levy year and all subsequent levy years whenever one or more counties within which a taxing district is located (i) used estimated valuations or rates when extending taxes in the taxing district for the last preceding levy year that resulted in the over or under extension of taxes, or (ii) increased or decreased the tax extension for the last preceding levy year as required by Section 18-135(c). Whenever an adjustment is required under Section 18-135, the aggregate extension base of the taxing district shall be equal to the amount that the aggregate extension of the taxing district would have been for the last preceding levy year if either or both (i) actual, rather than estimated, valuations or rates had been used to calculate the extension of taxes for the last levy year, or (ii) the tax extension for the last preceding levy year had not been adjusted as required by subsection (c) of Section 18-135.

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"Levy year" has the same meaning as "year" under Section 1-155. "New property" means (i) the assessed value, after final board of review or board of appeals action, of new improvements or additions to existing improvements on any parcel of real property that increase the assessed value of that real property during the levy year multiplied by the equalization factor issued by the Department under Section 17-30, (ii) the assessed value, after final board of review or board of appeals action, of real property not exempt from real estate taxation, which real property was exempt from real estate taxation for any portion of the immediately preceding levy year, multiplied by the equalization factor issued by the Department under Section 17-30, including the assessed value, upon final stabilization of occupancy after new construction is complete, of any real property located within the boundaries of an otherwise or previously exempt military reservation that is intended for residential use and owned by or leased to a private corporation or other entity, and (iii) in counties that classify in accordance with Section 4 of Article IX of the Illinois Constitution, an incentive property's additional assessed value resulting from a scheduled increase in the level of assessment as applied to the first year final board of review market value. In addition, the county clerk in a county containing a population of 3,000,000 or more shall include in the 1997 recovered tax increment value for any school district, any recovered tax increment value that was applicable to the 1995 tax year calculations.

"Qualified airport authority" means an airport authority organized under the Airport Authorities Act and located in a county bordering on the State of Wisconsin and having a population in excess of 200,000 and not greater than 500,000.

"Recovered tax increment value" means, except as otherwise provided in this paragraph, the amount of the current year's equalized assessed value, in the first year after a municipality terminates the designation of an area as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, of

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each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. For the taxes which are extended for the 1997 levy year, the recovered tax increment value for a non-home rule taxing district that first became subject to this Law for the 1995 levy year because a majority of its 1994 equalized assessed value was in an affected county or counties shall be increased if a municipality terminated the designation of an area in 1993 as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, by an amount equal to the 1994 equalized assessed value of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. In the first year after a municipality removes a taxable lot, block, tract, or parcel of real property from a redevelopment project area established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, the Industrial Jobs Recovery Law in the Illinois Municipal Code, or the Economic Development Area Tax Increment Allocation Act, "recovered tax increment value" means the amount of the current year's equalized assessed value of each taxable lot, block, tract, or parcel of real property removed from the redevelopment project area over and above the initial equalized assessed value of that real property before removal from the redevelopment project area.

Except as otherwise provided in this Section, "limiting rate" means a fraction the numerator of which is the last preceding aggregate extension base times an amount equal to one plus the extension limitation defined in this Section and the denominator of which is the current year's equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year. For those taxing districts that reduced their aggregate extension for the last preceding levy year, the highest aggregate extension in any of the last 3 preceding levy years shall

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be used for the purpose of computing the limiting rate. The denominator shall not include new property or the recovered tax increment value. If a new rate, a rate decrease, or a limiting rate increase has been approved at an election held after March 21, 2006, then (i) the otherwise applicable limiting rate shall be increased by the amount of the new rate or shall be reduced by the amount of the rate decrease, as the case may be, or (ii) in the case of a limiting rate increase, the limiting rate shall be equal to the rate set forth in the proposition approved by the voters for each of the years specified in the proposition, after which the limiting rate of the taxing district shall be calculated as otherwise provided.

(Source: P.A. 93-601, eff. 1-1-04; 93-606, eff. 11-18-03; 93-612, eff. 11-18-03; 93-689, eff. 7-1-04; 93-690, eff. 7-1-04; 93-1049, eff. 11-17-04; 94-974, eff. 6-30-06; 94-976, eff. 6-30-06; revised 8-3-06.)

Approved August 24, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0405
(House Bill No. 0616)

AN ACT concerning children.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 2. The Child Death Review Team Act is amended by changing Sections 20 and 40 as follows:

(20 ILCS 515/20)

Sec. 20. Reviews of child deaths.

(a) Every child death shall be reviewed by the team in the subregion which has primary case management responsibility. The deceased child must be one of the following:

(1) A ward of the Department.

(2) The subject of an open service case maintained by the Department.

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(3) The subject of a pending child abuse or neglect investigation.

(4) A child who was the subject of an abuse or neglect investigation at any time during the 12 months preceding the child's death.

(5) Any other child whose death is reported to the State central register as a result of alleged child abuse or neglect which report is subsequently indicated.

A child death review team may, at its discretion, review other sudden, unexpected, or unexplained child deaths.

(b) A child death review team's purpose in conducting reviews of child deaths is to do the following:

(1) Assist in determining the cause and manner of the child's death, when requested.

(2) Evaluate means by which the death might have been prevented.

(3) Report its findings to appropriate agencies and make recommendations that may help to reduce the number of child deaths caused by abuse or neglect.

(4) Promote continuing education for professionals involved in investigating, treating, and preventing child abuse and neglect as a means of preventing child deaths due to abuse or neglect.

(5) Make specific recommendations to the Director and the Inspector General of the Department concerning the prevention of child deaths due to abuse or neglect and the establishment of protocols for investigating child deaths.

(c) A child death review team shall review a child death as soon as practical and not later than 90 days following the completion by the Department of the investigation of the death under the Abused and Neglected Child Reporting Act. When there has been no investigation by the Department, the child death review team shall review a child's death within 90 days after obtaining the information necessary to complete the review from the coroner, pathologist, medical examiner, or law enforcement officer who conducted the death investigation.

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enforcement agency, depending on the nature of the case. A child death review team shall meet at least once in each calendar quarter.

(d) The Director shall, within 90 days, review and reply to recommendations made by a team under item (5) of subsection (b). With respect to each recommendation made by a team, the Director shall submit his or her reply both to the chairperson of that team and to the chairperson of the Executive Council. The Director's reply to each recommendation must include a statement as to whether the Director intends to implement the recommendation.

The Director shall implement recommendations as feasible and appropriate and shall respond in writing to explain the implementation or nonimplementation of the recommendations.

(e) Within 90 days after the Director submits a reply with respect to a recommendation as required by subsection (d), the Director must submit an additional report that sets forth in detail the way, if any, in which the Director will implement the recommendation and the schedule for implementing the recommendation. The Director shall submit this report to the chairperson of the team that made the recommendation and to the chairperson of the Executive Council.

(f) Within 180 days after the Director submits a report under subsection (e) concerning the implementation of a recommendation, the Director shall submit a further report to the chairperson of the team that made the recommendation and to the chairperson of the Executive Council. This report shall set forth the specific changes in the Department's policies and procedures that have been made in response to the recommendation.

(Source: P.A. 90-239, eff. 7-28-97; 90-608, eff. 6-30-98.)

(20 ILCS 515/40)
(a) The Illinois Child Death Review Teams Executive Council, consisting of the chairpersons of the 9 child death review teams in Illinois, is the coordinating and oversight body for child death review teams and activities in Illinois. The vice-chairperson of a child death review team, as designated by the chairperson, may serve as a back-up member or an
alternate member of the Executive Council, if the chairperson of the child death review team is unavailable to serve on the Executive Council. The Inspector General of the Department, ex officio, is a non-voting member of the Executive Council. The Director may appoint to the Executive Council any ex-officio members deemed necessary. Persons with expertise needed by the Executive Council may be invited to meetings. The Executive Council must select from its members a chairperson and a vice-chairperson, each to serve a 2-year, renewable term.

The Executive Council must meet at least 4 times during each calendar year. At each such meeting, in addition to any other matters under consideration, the Executive Council shall review all replies and reports received from the Director pursuant to subsections (d), (e), and (f) of Section 20 since the Executive Council's previous meeting. The Executive Council's review must include consideration of the Director's proposed manner of and schedule for implementing each recommendation made by a child death review team.

(b) The Department must provide or arrange for the staff support necessary for the Executive Council to carry out its duties. The Director, in cooperation and consultation with the Executive Council, shall appoint, reappoint, and remove team members.

c) The Executive Council has, but is not limited to, the following duties:

1. To serve as the voice of child death review teams in Illinois.
2. To oversee the regional teams in order to ensure that the teams' work is coordinated and in compliance with the statutes and the operating protocol.
3. To ensure that the data, results, findings, and recommendations of the teams are adequately used to make any necessary changes in the policies, procedures, and statutes in order to protect children in a timely manner.
4. To collaborate with the General Assembly, the Department, and others in order to develop any legislation needed to prevent child fatalities and to protect children.

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(5) To assist in the development of quarterly and annual reports based on the work and the findings of the teams.

(6) To ensure that the regional teams' review processes are standardized in order to convey data, findings, and recommendations in a usable format.

(7) To serve as a link with child death review teams throughout the country and to participate in national child death review team activities.

(8) To develop an annual statewide symposium to update the knowledge and skills of child death review team members and to promote the exchange of information between teams.

(9) To provide the child death review teams with the most current information and practices concerning child death review and related topics.

(10) To perform any other functions necessary to enhance the capability of the child death review teams to reduce and prevent child injuries and fatalities.

(c-5) The Executive Council shall prepare an annual report. The report must include, but need not be limited to, (i) each recommendation made by a child death review team pursuant to item (5) of subsection (b) of Section 20 during the period covered by the report, (ii) the Director's proposed schedule for implementing each such recommendation, and (iii) a description of the specific changes in the Department's policies and procedures that have been made in response to the recommendation. The Executive Council shall send a copy of its annual report to each of the following:

(1) The Governor.

(2) Each member of the Senate or the House of Representatives whose legislative district lies wholly or partly within the region covered by any child death review team whose recommendation is addressed in the annual report.

(3) Each member of each child death review team in the State.

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(d) In any instance when a child death review team does not operate in accordance with established protocol, the Director, in consultation and cooperation with the Executive Council, must take any necessary actions to bring the team into compliance with the protocol. 
(Source: P.A. 92-468, eff. 8-22-01.)

Section 5. The Abused and Neglected Child Reporting Act is amended by changing Section 4.2 as follows:

(325 ILCS 5/4.2)

Sec. 4.2. Departmental report on death or serious life-threatening injury of child.

(a) In the case of the death or serious life-threatening injury of a child whose care and custody or custody and guardianship has been transferred to the Department, or in the case of a child abuse or neglect report made to the central register involving the death of a child, the Department shall (i) investigate or provide for an investigation of the cause of and circumstances surrounding the death or serious life-threatening injury, (ii) review the investigation, and (iii) prepare and issue a report on the death or serious life-threatening injury.

(b) The report shall include (i) the cause of death or serious life-threatening injury, whether from natural or other causes, (ii) identification of child protective or other services provided or actions taken regarding the child and his or her family, (iii) any extraordinary or pertinent information concerning the circumstances of the child's death or serious life-threatening injury, (iii) identification of child protective or other social services provided or actions taken regarding the child or his or her family at the time of the death or serious life-threatening injury or within the preceding 5 years, (iv) whether the child or the child's family had received assistance, care, or services from the social services district prior to the child's death, (v) any action or further investigation undertaken by the Department since the death or serious life-threatening injury of the child, (v) and—(vi) as appropriate, recommendations for State administrative or policy changes, and (vi) whether the alleged perpetrator of the abuse or neglect has been charged with committing a crime related to the report and allegation of abuse or neglect. In any case involving the
death or near death of a child, when a person responsible for the child has been charged with committing a crime that results in the child's death or near death, there shall be a presumption that the best interest of the public will be served by public disclosure of certain information concerning the circumstances of the investigations of the death or near death of the child and any other investigations concerning that child or other children living in the same household.

If the Department receives from the public a request for information relating to a case of child abuse or neglect involving the death or serious life-threatening injury of a child, the Director shall consult with the State's Attorney in the county of venue and release the report related to the case, except for the following, which may be redacted from the information disclosed to the public: any mental health or psychological information that is confidential as otherwise provided in State law; privileged communications of an attorney; the identity of the individual or individuals, if known, who made the report; information that may cause mental or physical harm to a sibling or another child living in the household; information that may undermine an ongoing criminal investigation; and any information prohibited from disclosure by federal law or regulation. Any information provided by an adult subject of a report that is released about the case in a public forum shall be subject to disclosure upon a public information request. Information about the case shall also be subject to disclosure upon consent of an adult subject. Information about the case shall also be subject to disclosure if it has been publicly disclosed in a report by a law enforcement agency or official, a State's Attorney, a judge, or any other State or local investigative agency or official. The report shall contain no information that would identify the name of the deceased child, his or her siblings, the parent or other person legally responsible for the child, or any other members of the child's household, but shall refer instead to the case, which may be denoted in any fashion determined appropriate by the Department. In making a fatality report available to the public pursuant to subsection (c) of this Section, the Department may respond to a child specific request for a report if the Department determines that the disclosure is not contrary to the best
interests of the deceased child's siblings or other children in the household. Except as it may apply directly to the cause of the death or serious life-threatening injury of the child, nothing in this Section shall be deemed to authorize the release or disclosure to the public of the substance or content of any psychological, psychiatric, therapeutic, clinical, or medical reports, evaluation, or like materials or information pertaining to the child or the child's family.

(c) No later than 6 months after the date of the death or serious life-threatening injury of the child, the Department shall complete its report. The Department shall notify the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the members of the Senate and the House of Representatives in whose district the child's death or serious life-threatening injury occurred upon the completion of each report and shall submit an annual cumulative report to the Governor and the General Assembly incorporating cumulative the data about in the above reports and including appropriate findings and recommendations. The reports required by this subsection (c) concerning the death of a child and the cumulative reports shall be made available to the public after completion or submittal.

(d) To enable the Department to prepare the report, the Department may request and shall timely receive from departments, boards, bureaus, or other agencies of the State, or any of its political subdivisions, or any duly authorized agency, or any other agency which provided assistance, care, or services to the deceased or injured child any information they are authorized to provide.

(Source: P.A. 90-15, eff. 6-13-97.)

Section 10. The Juvenile Court Act of 1987 is amended by changing Sections 2-10, 2-13, and 2-25 as follows:

(705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

Sec. 2-10. Temporary custody hearing. At the appearance of the minor before the court at the temporary custody hearing, all witnesses present shall be examined before the court in relation to any matter connected with the allegations made in the petition.

New matter indicated by italics - deletions by strikeout
(1) If the court finds that there is not probable cause to believe that the minor is abused, neglected or dependent it shall release the minor and dismiss the petition.

(2) If the court finds that there is probable cause to believe that the minor is abused, neglected or dependent, the court shall state in writing the factual basis supporting its finding and the minor, his or her parent, guardian, custodian and other persons able to give relevant testimony shall be examined before the court. The Department of Children and Family Services shall give testimony concerning indicated reports of abuse and neglect, of which they are aware of through the central registry, involving the minor’s parent, guardian or custodian. After such testimony, the court may, consistent with the health, safety and best interests of the minor, enter an order that the minor shall be released upon the request of parent, guardian or custodian if the parent, guardian or custodian appears to take custody. If it is determined that a parent’s, guardian’s, or custodian’s compliance with critical services mitigates the necessity for removal of the minor from his or her home, the court may enter an Order of Protection setting forth reasonable conditions of behavior that a parent, guardian, or custodian must observe for a specified period of time, not to exceed 12 months, without a violation; provided, however, that the 12-month period shall begin anew after any violation. Custodian shall include any agency of the State which has been given custody or wardship of the child. If it is consistent with the health, safety and best interests of the minor, the court may also prescribe shelter care and order that the minor be kept in a suitable place designated by the court or in a shelter care facility designated by the Department of Children and Family Services or a licensed child welfare agency; however, a minor charged with a criminal offense under the Criminal Code of 1961 or adjudicated delinquent shall not be placed in the custody of or committed to the Department of Children and Family Services by any court, except a minor less than 13 years of age and committed to the Department of Children and Family Services under Section 5-710 of this Act or a minor for whom an independent basis of abuse, neglect, or dependency exists, which must be defined by departmental rule. In placing the minor, the Department or

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other agency shall, to the extent compatible with the court's order, comply with Section 7 of the Children and Family Services Act. In determining the health, safety and best interests of the minor to prescribe shelter care, the court must find that it is a matter of immediate and urgent necessity for the safety and protection of the minor or of the person or property of another that the minor be placed in a shelter care facility or that he or she is likely to flee the jurisdiction of the court, and must further find that reasonable efforts have been made or that, consistent with the health, safety and best interests of the minor, no efforts reasonably can be made to prevent or eliminate the necessity of removal of the minor from his or her home. The court shall require documentation from the Department of Children and Family Services as to the reasonable efforts that were made to prevent or eliminate the necessity of removal of the minor from his or her home or the reasons why no efforts reasonably could be made to prevent or eliminate the necessity of removal. When a minor is placed in the home of a relative, the Department of Children and Family Services shall complete a preliminary background review of the members of the minor's custodian's household in accordance with Section 4.3 of the Child Care Act of 1969 within 90 days of that placement. If the minor is ordered placed in a shelter care facility of the Department of Children and Family Services or a licensed child welfare agency, the court shall, upon request of the appropriate Department or other agency, appoint the Department of Children and Family Services Guardianship Administrator or other appropriate agency executive temporary custodian of the minor and the court may enter such other orders related to the temporary custody as it deems fit and proper, including the provision of services to the minor or his family to ameliorate the causes contributing to the finding of probable cause or to the finding of the existence of immediate and urgent necessity.

Where the Department of Children and Family Services Guardianship Administrator is appointed as the executive temporary custodian, the Department of Children and Family Services shall file with the court and serve on the parties a parent-child visiting plan, within 10 days, excluding weekends and holidays, after the appointment. The parent-child visiting plan shall set out the time and place of visits, the frequency
of visits, the length of visits, who shall be present at the visits, and where appropriate, the minor's opportunities to have telephone and mail communication with the parents. For good cause, the court may waive the requirement to file the parent-child visiting plan or extend the time for filing the parent-child visiting plan. Any party may, by motion, request the court to review the parent-child visiting plan to determine whether it is reasonably calculated to expeditiously facilitate the achievement of the permanency goal and is consistent with the minor's best interest. The frequency, duration, and locations of visitation shall be measured by the needs of the child and family, and not by the convenience of Department personnel. Child development principles shall be considered by the court in its analysis of how frequent visitation should be, how long it should last, where it should take place, and who should be present. If upon motion of the party to review the plan and after receiving evidence, the court determines that the parent-child visiting plan is not reasonably calculated to expeditiously facilitate the achievement of the permanency goal or that the restrictions placed on parent-child contact are contrary to the child's best interests, the court shall put in writing the factual basis supporting the determination and enter specific findings based on the evidence. The court shall enter an order for the Department to implement changes to the parent-child visiting plan, consistent with the court's findings. At any stage of proceeding, any party may by motion request the court to enter any orders necessary to implement the parent-child visiting plan. Nothing under this subsection (2) shall restrict the court from granting discretionary authority to the Department to increase opportunities for additional parent-child contacts, without further court orders. Nothing in this subsection (2) shall restrict the Department from immediately restricting or terminating parent-child contact, without either amending the parent-child visiting plan or obtaining a court order, where the Department or its assigns reasonably believe that continuation of parent-child contact, as set out in the parent-child visiting plan, would be contrary to the child's health, safety, and welfare. The Department shall file with the court and serve on the parties any amendments to the visitation plan within 10 days, excluding weekends and holidays, of the change of the visitation. Any party may, by motion,
request the court to review the parent-child visiting plan to determine whether the parent-child visiting plan is reasonably calculated to expeditiously facilitate the achievement of the permanency goal, and is consistent with the minor's health, safety, and best interest.

Acceptance of services shall not be considered an admission of any allegation in a petition made pursuant to this Act, nor may a referral of services be considered as evidence in any proceeding pursuant to this Act, except where the issue is whether the Department has made reasonable efforts to reunite the family. In making its findings that it is consistent with the health, safety and best interests of the minor to prescribe shelter care, the court shall state in writing (i) the factual basis supporting its findings concerning the immediate and urgent necessity for the protection of the minor or of the person or property of another and (ii) the factual basis supporting its findings that reasonable efforts were made to prevent or eliminate the removal of the minor from his or her home or that no efforts reasonably could be made to prevent or eliminate the removal of the minor from his or her home. The parents, guardian, custodian, temporary custodian and minor shall each be furnished a copy of such written findings. The temporary custodian shall maintain a copy of the court order and written findings in the case record for the child. The order together with the court's findings of fact in support thereof shall be entered of record in the court.

Once the court finds that it is a matter of immediate and urgent necessity for the protection of the minor that the minor be placed in a shelter care facility, the minor shall not be returned to the parent, custodian or guardian until the court finds that such placement is no longer necessary for the protection of the minor.

If the child is placed in the temporary custody of the Department of Children and Family Services for his or her protection, the court shall admonish the parents, guardian, custodian or responsible relative that the parents must cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions which require the child to be in care, or risk termination of their parental rights.
(3) If prior to the shelter care hearing for a minor described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party is unable to serve notice on the party respondent, the shelter care hearing may proceed ex-parte. A shelter care order from an ex-parte hearing shall be endorsed with the date and hour of issuance and shall be filed with the clerk's office and entered of record. The order shall expire after 10 days from the time it is issued unless before its expiration it is renewed, at a hearing upon appearance of the party respondent, or upon an affidavit of the moving party as to all diligent efforts to notify the party respondent by notice as herein prescribed. The notice prescribed shall be in writing and shall be personally delivered to the minor or the minor's attorney and to the last known address of the other person or persons entitled to notice. The notice shall also state the nature of the allegations, the nature of the order sought by the State, including whether temporary custody is sought, and the consequences of failure to appear and shall contain a notice that the parties will not be entitled to further written notices or publication notices of proceedings in this case, including the filing of an amended petition or a motion to terminate parental rights, except as required by Supreme Court Rule 11; and shall explain the right of the parties and the procedures to vacate or modify a shelter care order as provided in this Section. The notice for a shelter care hearing shall be substantially as follows:

NOTICE TO PARENTS AND CHILDREN
OF SHELTER CARE HEARING

On ................. at ........, before the Honorable ................, (address:) ................., the State of Illinois will present evidence (1) that (name of child or children) ...................... are abused, neglected or dependent for the following reasons: ......................................................... and (2) whether that there is "immediate and urgent necessity" to remove the child or children from the responsible relative.

YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN PLACEMENT of the child or children in foster care until a trial can be held. A trial may not be held for up to 90 days. You will not be entitled to further notices of proceedings in this

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case, including the filing of an amended petition or a motion to
terminate parental rights.

At the shelter care hearing, parents have the following
devotions:

1. To ask the court to appoint a lawyer if they
cannot afford one.
2. To ask the court to continue the hearing to allow
them time to prepare.
3. To present evidence concerning:
   a. Whether or not the child or children were
      abused, neglected or dependent.
   b. Whether or not there is "immediate and
      urgent necessity" to remove the child from home
      (including: their ability to care for the child,
      conditions in the home, alternative means of
      protecting the child other than removal).
   c. The best interests of the child.
4. To cross examine the State's witnesses.

The Notice for rehearings shall be substantially as follows:

NOTICE OF PARENT'S AND CHILDREN'S RIGHTS
TO REHEARING ON TEMPORARY CUSTODY

If you were not present at and did not have adequate notice
of the Shelter Care Hearing at which temporary custody of
.............. was awarded to ................., you have the right to request a
full rehearing on whether the State should have temporary custody
of .............. To request this rehearing, you must file with the
Clerk of the Juvenile Court (address): ................., in person or
by mailing a statement (affidavit) setting forth the following:
1. That you were not present at the shelter care
   hearing.
2. That you did not get adequate notice (explaining
   how the notice was inadequate).
3. Your signature.
4. Signature must be notarized.

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The rehearing should be scheduled within 48 hours of your filing this affidavit.

At the rehearing, your rights are the same as at the initial shelter care hearing. The enclosed notice explains those rights.

At the Shelter Care Hearing, children have the following rights:

1. To have a guardian ad litem appointed.
2. To be declared competent as a witness and to present testimony concerning:
   a. Whether they are abused, neglected or dependent.
   b. Whether there is "immediate and urgent necessity" to be removed from home.
   c. Their best interests.
3. To cross examine witnesses for other parties.
4. To obtain an explanation of any proceedings and orders of the court.

(4) If the parent, guardian, legal custodian, responsible relative, minor age 8 or over, or counsel of the minor did not have actual notice of or was not present at the shelter care hearing, he or she may file an affidavit setting forth these facts, and the clerk shall set the matter for rehearing not later than 48 hours, excluding Sundays and legal holidays, after the filing of the affidavit. At the rehearing, the court shall proceed in the same manner as upon the original hearing.

(5) Only when there is reasonable cause to believe that the minor taken into custody is a person described in subsection (3) of Section 5-105 may the minor be kept or detained in a detention home or county or municipal jail. This Section shall in no way be construed to limit subsection (6).

(6) No minor under 16 years of age may be confined in a jail or place ordinarily used for the confinement of prisoners in a police station. Minors under 17 years of age must be kept separate from confined adults and may not at any time be kept in the same cell, room, or yard with adults confined pursuant to the criminal law.
(7) If the minor is not brought before a judicial officer within the time period as specified in Section 2-9, the minor must immediately be released from custody.

(8) If neither the parent, guardian or custodian appears within 24 hours to take custody of a minor released upon request pursuant to subsection (2) of this Section, then the clerk of the court shall set the matter for rehearing not later than 7 days after the original order and shall issue a summons directed to the parent, guardian or custodian to appear. At the same time the probation department shall prepare a report on the minor. If a parent, guardian or custodian does not appear at such rehearing, the judge may enter an order prescribing that the minor be kept in a suitable place designated by the Department of Children and Family Services or a licensed child welfare agency.

(9) Notwithstanding any other provision of this Section any interested party, including the State, the temporary custodian, an agency providing services to the minor or family under a service plan pursuant to Section 8.2 of the Abused and Neglected Child Reporting Act, foster parent, or any of their representatives, on notice to all parties entitled to notice, may file a motion that it is in the best interests of the minor to modify or vacate a temporary custody order on any of the following grounds:

(a) It is no longer a matter of immediate and urgent necessity that the minor remain in shelter care; or
(b) There is a material change in the circumstances of the natural family from which the minor was removed and the child can be cared for at home without endangering the child's health or safety; or
(c) A person not a party to the alleged abuse, neglect or dependency, including a parent, relative or legal guardian, is capable of assuming temporary custody of the minor; or
(d) Services provided by the Department of Children and Family Services or a child welfare agency or other service provider have been successful in eliminating the need for temporary custody.
and the child can be cared for at home without endangering the child's health or safety.

In ruling on the motion, the court shall determine whether it is consistent with the health, safety and best interests of the minor to modify or vacate a temporary custody order.

The clerk shall set the matter for hearing not later than 14 days after such motion is filed. In the event that the court modifies or vacates a temporary custody order but does not vacate its finding of probable cause, the court may order that appropriate services be continued or initiated in behalf of the minor and his or her family.

(10) When the court finds or has found that there is probable cause to believe a minor is an abused minor as described in subsection (2) of Section 2-3 and that there is an immediate and urgent necessity for the abused minor to be placed in shelter care, immediate and urgent necessity shall be presumed for any other minor residing in the same household as the abused minor provided:

(a) Such other minor is the subject of an abuse or neglect petition pending before the court; and

(b) A party to the petition is seeking shelter care for such other minor.

Once the presumption of immediate and urgent necessity has been raised, the burden of demonstrating the lack of immediate and urgent necessity shall be on any party that is opposing shelter care for the other minor.

(Source: P.A. 94-604, eff. 1-1-06.)

(705 ILCS 405/2-13) (from Ch. 37, par. 802-13)

Sec. 2-13. Petition.

(1) Any adult person, any agency or association by its representative may file, or the court on its own motion, consistent with the health, safety and best interests of the minor may direct the filing through the State's Attorney of a petition in respect of a minor under this Act. The petition and all subsequent court documents shall be entitled "In the interest of ...., a minor".

New matter indicated by italics - deletions by strikeout
(2) The petition shall be verified but the statements may be made upon information and belief. It shall allege that the minor is abused, neglected, or dependent, with citations to the appropriate provisions of this Act, and set forth (a) facts sufficient to bring the minor under Section 2-3 or 2-4 and to inform respondents of the cause of action, including, but not limited to, a plain and concise statement of the factual allegations that form the basis for the filing of the petition; (b) the name, age and residence of the minor; (c) the names and residences of his parents; (d) the name and residence of his legal guardian or the person or persons having custody or control of the minor, or of the nearest known relative if no parent or guardian can be found; and (e) if the minor upon whose behalf the petition is brought is sheltered in custody, the date on which such temporary custody was ordered by the court or the date set for a temporary custody hearing. If any of the facts herein required are not known by the petitioner, the petition shall so state.

(3) The petition must allege that it is in the best interests of the minor and of the public that he be adjudged a ward of the court and may pray generally for relief available under this Act. The petition need not specify any proposed disposition following adjudication of wardship. The petition may request that the minor remain in the custody of the parent, guardian, or custodian under an Order of Protection.

(4) If termination of parental rights and appointment of a guardian of the person with power to consent to adoption of the minor under Section 2-29 is sought, the petition shall so state. If the petition includes this request, the prayer for relief shall clearly and obviously state that the parents could permanently lose their rights as a parent at this hearing.

In addition to the foregoing, the petitioner, by motion, may request the termination of parental rights and appointment of a guardian of the person with power to consent to adoption of the minor under Section 2-29 at any time after the entry of a dispositional order under Section 2-22.

(4.5) (a) With respect to any minors committed to its care pursuant to this Act, the Department of Children and Family Services shall request the State’s Attorney to file a petition or motion for termination of parental...
rights and appointment of guardian of the person with power to consent to adoption of the minor under Section 2-29 if:

(i) a minor has been in foster care, as described in subsection (b), for 15 months of the most recent 22 months; or

(ii) a minor under the age of 2 years has been previously determined to be abandoned at an adjudicatory hearing; or

(iii) the parent is criminally convicted of (A) first degree murder or second degree murder of any child, (B) attempt or conspiracy to commit first degree murder or second degree murder of any child, (C) solicitation to commit murder of any child, solicitation to commit murder for hire of any child, or solicitation to commit second degree murder of any child, (D) aggravated battery, aggravated battery of a child, or felony domestic battery, any of which has resulted in serious injury to the minor or a sibling of the minor, (E) aggravated criminal sexual assault in violation of subdivision (b)(1) of Section 12-14 of the Criminal Code of 1961, or (F) an offense in any other state the elements of which are similar and bear a substantial relationship to any of the foregoing offenses unless:

(i) the child is being cared for by a relative,

(ii) the Department has documented in the case plan a compelling reason for determining that filing such petition would not be in the best interests of the child,

(iii) the court has found within the preceding 12 months that the Department has failed to make reasonable efforts to reunify the child and family, or

(iv) paragraph (c) of this subsection (4.5) provides otherwise.

(b) For purposes of this subsection, the date of entering foster care is defined as the earlier of:

(1) The date of a judicial finding at an adjudicatory hearing that the child is an abused, neglected, or dependent minor; or

(2) 60 days after the date on which the child is removed from his or her parent, guardian, or legal custodian.
(c) With respect to paragraph (a)(i), the following transition rules shall apply:

(1) If the child entered foster care after November 19, 1997 and this amendatory Act of 1998 takes effect before the child has been in foster care for 15 months of the preceding 22 months, then the Department shall comply with the requirements of paragraph (a) of this subsection (4.5) for that child as soon as the child has been in foster care for 15 of the preceding 22 months.

(2) If the child entered foster care after November 19, 1997 and this amendatory Act of 1998 takes effect after the child has been in foster care for 15 of the preceding 22 months, then the Department shall comply with the requirements of paragraph (a) of this subsection (4.5) for that child within 3 months after the end of the next regular session of the General Assembly.

(3) If the child entered foster care prior to November 19, 1997, then the Department shall comply with the requirements of paragraph (a) of this subsection (4.5) for that child in accordance with Department policy or rule.

(d) If the State's Attorney determines that the Department's request for filing of a petition or motion conforms to the requirements set forth in subdivisions (a), (b), and (c) of this subsection (4.5), then the State's Attorney shall file the petition or motion as requested.

(5) The court shall liberally allow the petitioner to amend the petition to set forth a cause of action or to add, amend, or supplement factual allegations that form the basis for a cause of action up until 14 days before the adjudicatory hearing. The petitioner may amend the petition after that date and prior to the adjudicatory hearing if the court grants leave to amend upon a showing of good cause. The court may allow amendment of the petition to conform with the evidence at any time prior to ruling. In all cases in which the court has granted leave to amend based on new evidence or new allegations, the court shall permit the respondent an adequate opportunity to prepare a defense to the amended petition.

(6) At any time before dismissal of the petition or before final closing and discharge under Section 2-31, one or more motions in the best
interests of the minor may be filed. The motion shall specify sufficient
facts in support of the relief requested.
(Source: P.A. 89-704, eff. 8-16-97 (changed from 1-1-98 by P.A. 90-443);
90-28, eff. 1-1-98; 90-608, eff. 6-30-98.)
(705 ILCS 405/2-25) (from Ch. 37, par. 802-25)
Sec. 2-25. Order of protection.
(1) The court may make an order of protection in assistance of or
as a condition of any other order authorized by this Act. The order of
protection shall be based on the health, safety and best interests of the
minor and may set forth reasonable conditions of behavior to be observed
for a specified period. Such an order may require a person:
(a) to stay away from the home or the minor;
(b) to permit a parent to visit the minor at stated periods;
(c) to abstain from offensive conduct against the minor, his
parent or any person to whom custody of the minor is awarded;
(d) to give proper attention to the care of the home;
(e) to cooperate in good faith with an agency to which
custody of a minor is entrusted by the court or with an agency or
association to which the minor is referred by the court;
(f) to prohibit and prevent any contact whatsoever with the
respondent minor by a specified individual or individuals who are
alleged in either a criminal or juvenile proceeding to have caused
injury to a respondent minor or a sibling of a respondent minor;
(g) to refrain from acts of commission or omission that tend
to make the home not a proper place for the minor;
(h) to refrain from contacting the minor and the foster
parents in any manner that is not specified in writing in the case
plan.
(2) The court shall enter an order of protection to prohibit and
prevent any contact between a respondent minor or a sibling of a
respondent minor and any person named in a petition seeking an order of
protection who has been convicted of heinous battery under Section 12-
4.1, aggravated battery of a child under Section 12-4.3, criminal sexual
assault under Section 12-13, aggravated criminal sexual assault under
Section 12-14, predatory criminal sexual assault of a child under Section 12-14.1, criminal sexual abuse under Section 12-15, or aggravated criminal sexual abuse under Section 12-16 of the Criminal Code of 1961, or has been convicted of an offense that resulted in the death of a child, or has violated a previous order of protection under this Section.

(3) When the court issues an order of protection against any person as provided by this Section, the court shall direct a copy of such order to the Sheriff of that county. The Sheriff shall furnish a copy of the order of protection to the Department of State Police within 24 hours of receipt, in the form and manner required by the Department. The Department of State Police shall maintain a complete record and index of such orders of protection and make this data available to all local law enforcement agencies.

(4) After notice and opportunity for hearing afforded to a person subject to an order of protection, the order may be modified or extended for a further specified period or both or may be terminated if the court finds that the health, safety, and best interests of the minor and the public will be served thereby.

(5) An order of protection may be sought at any time during the course of any proceeding conducted pursuant to this Act if such an order is consistent with the health, safety, and best interests of the minor. Any person against whom an order of protection is sought may retain counsel to represent him at a hearing, and has rights to be present at the hearing, to be informed prior to the hearing in writing of the contents of the petition seeking a protective order and of the date, place and time of such hearing, and to cross examine witnesses called by the petitioner and to present witnesses and argument in opposition to the relief sought in the petition.

(6) Diligent efforts shall be made by the petitioner to serve any person or persons against whom any order of protection is sought with written notice of the contents of the petition seeking a protective order and of the date, place and time at which the hearing on the petition is to be held. When a protective order is being sought in conjunction with a temporary custody hearing, if the court finds that the person against whom the protective order is being sought has been notified of the hearing or that

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diligent efforts have been made to notify such person, the court may conduct a hearing. If a protective order is sought at any time other than in conjunction with a temporary custody hearing, the court may not conduct a hearing on the petition in the absence of the person against whom the order is sought unless the petitioner has notified such person by personal service at least 3 days before the hearing or has sent written notice by first class mail to such person's last known address at least 5 days before the hearing.

(7) A person against whom an order of protection is being sought who is neither a parent, guardian, legal custodian or responsible relative as described in Section 1-5 is not a party or respondent as defined in that Section and shall not be entitled to the rights provided therein. Such person does not have a right to appointed counsel or to be present at any hearing other than the hearing in which the order of protection is being sought or a hearing directly pertaining to that order. Unless the court orders otherwise, such person does not have a right to inspect the court file.

(8) All protective orders entered under this Section shall be in writing. Unless the person against whom the order was obtained was present in court when the order was issued, the sheriff, other law enforcement official or special process server shall promptly serve that order upon that person and file proof of such service, in the manner provided for service of process in civil proceedings. The person against whom the protective order was obtained may seek a modification of the order by filing a written motion to modify the order within 7 days after actual receipt by the person of a copy of the order. Any modification of the order granted by the court must be determined to be consistent with the best interests of the minor.

(9) If a petition is filed charging a violation of a condition contained in the protective order and if the court determines that this violation is of a critical service necessary to the safety and welfare of the minor, the court may proceed to findings and an order for temporary custody.
AN ACT concerning public health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-577 as follows:

(20 ILCS 2310/2310-577 new)

Sec. 2310-577. Cord blood stem cell banks.

(a) Subject to appropriation, the Department shall establish a network of human cord blood stem cell banks. The Director shall enter into contracts with qualified cord blood stem cell banks to assist in the establishment, provision, and maintenance of the network.

(b) A cord blood stem cell bank is eligible to enter the network and be a donor bank if it satisfies each of the following:

(1) Has obtained all applicable federal and State licenses, accreditations, certifications, registrations, and other authorizations required to operate and maintain a cord blood stem cell bank.

(2) Has implemented donor screening and cord blood collection practices adequate to protect both donors and transplant recipients and to prevent transmission of potentially harmful infections and other diseases.

(3) Has established a system of strict confidentiality to protect the identity and privacy of patients and donors in accordance with existing federal and State law and consistent with
regulations promulgated under the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, for the release of the identity of donors, the identity of recipients, or identifiable records.

(4) Has established a system for encouraging donation by an ethnically and racially diverse group of donors.

(5) Has developed adequate systems for communication with other cord blood stem cell banks, transplant centers, and physicians with respect to the request, release, and distribution of cord blood units nationally and has developed those systems, consistent with the regulations promulgated under the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, to track recipients' clinical outcomes for distributed units.

(6) Has developed an objective system for educating the public, including patient advocacy organizations, about the benefits of donating and utilizing cord blood stem cells in appropriate circumstances.

(7) Has policies and procedures in place for the procurement of materials for the conduct of stem cell research, including policies and procedures ensuring that persons are empowered to make voluntary and informed decisions to participate or to refuse to participate in the research, and ensuring confidentiality of the decision.

(8) Has policies and procedures in place to ensure the bank is following current best practices with respect to medical ethics, including informed consent of patients and the protection of human subjects.

(c) A donor bank that enters into the network shall do all of the following:

(1) Acquire, tissue-type, test, cryopreserve, and store donated units of human cord blood acquired with the informed consent of the donor, in a manner that complies with applicable federal regulations.
(2) Make cord blood units collected under this Section, or otherwise, available to transplant centers for stem cell transplantation.

(3) Allocate up to 10% of the cord blood inventory each year for peer-reviewed research. This quota may be met by using cord blood units that did not meet the cell count standards necessary for transplantation.

(4) Make agreements with obstetrical health care facilities, consistent with federal regulations, for the collection of donated units of human cord blood.

(d) An advisory committee shall advise the Department concerning the administration of the cord blood stem cell bank network. The committee shall be appointed by the Director and consist of members who represent each of the following:

(1) Cord blood stem cell transplant centers.
(2) Physicians from participating birthing hospitals.
(3) The cord blood stem cell research community.
(4) Recipients of cord blood stem cell transplants.
(5) Family members who have made a donation to a statewide cord blood stem cell bank.
(6) Individuals with expertise in the social sciences.
(7) Members of the general public.
(8) Each network donor bank.
(9) Hospital administration from birthing hospitals.

Except as otherwise provided under this subsection, each member of the committee shall serve for a 3-year term and may be reappointed for one or more additional terms. Appointments for the initial members shall be for terms of 1, 2, and 3 years, respectively, so as to provide for the subsequent appointment of an equal number of members each year. The committee shall elect a chairperson.

(e) A person has a conflict of interest if any action, advice, or recommendation with respect to a matter may directly or indirectly financially benefit any of the following:

(1) That person.

New matter indicated by italics - deletions by strikeout
(2) That person's spouse, immediate family living with that person, or that person's extended family.

(3) Any individual or entity required to be disclosed by that person.

(4) Any other individual or entity with which that person has a business or professional relationship.

An advisory committee member who has a conflict of interest with respect to a matter may not discuss that matter with other committee members and shall not vote upon or otherwise participate in any committee action, advice, or recommendation with respect to that matter. Each recusal occurring during a committee meeting shall be made a part of the minutes or recording of the meeting in accordance with the Open Meetings Act.

The Department shall not allow any Department employee to participate in the processing of, or to provide any advice or recommendation concerning, any matter with which the Department employee has a conflict of interest.

(f) Each advisory committee member shall file with the Secretary of State a written disclosure of the following with respect to the member, the member's spouse, and any immediate family living with the member:

(1) Each source of income.

(2) Each entity in which the member, spouse, or immediate family living with the member has an ownership or distributive income share that is not an income source required to be disclosed under item (1) of this subsection (f).

(3) Each entity in or for which the member, spouse, or immediate family living with the member serves as an executive, officer, director, trustee, or fiduciary.

(4) Each entity with which the member, member's spouse, or immediate family living with the member has a contract for future income.

Each advisory committee member shall file the disclosure required by this subsection (f) at the time the member is appointed and at the time of any reappointment of that member. Each advisory committee member...
shall file an updated disclosure with the Secretary of State promptly after any change in the items required to be disclosed under this subsection with respect to the member, the member's spouse, or any immediate family living with the member.

The requirements of Section 3A-30 of the Illinois Governmental Ethics Act and any other disclosures required by law apply to this Act.

Filed disclosures shall be public records.

(g) The Department shall do each of the following:

1. Ensure that the donor banks within the network meet the requirements of subsection (b) on a continuing basis.

2. Encourage network donor banks to work collaboratively with other network donor banks and encourage network donor banks to focus their resources in their respective local or regional area.

3. Designate one or more established national or international cord blood registries to serve as a statewide cord blood stem cell registry.

4. Coordinate the donor banks in the network.

In performing these duties, the Department may seek the advice of the advisory committee.

(h) Definitions. As used in this Section:

1. "Cord blood unit" means the blood collected from a single placenta and umbilical cord.

2. "Donor" means a mother who has delivered a baby and consents to donate the newborn's blood remaining in the placenta and umbilical cord.

3. "Donor bank" means a qualified cord blood stem cell bank that enters into a contract with the Director under this Section.

4. "Human cord blood stem cells" means hematopoietic stem cells and any other stem cells contained in the neonatal blood collected immediately after the birth from the separated placenta and umbilical cord.

New matter indicated by italics - deletions by strikeout
(5) "Network" means the network of qualified cord blood stem cell banks established under this Section.

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 24, 2007.
Effective August 24, 2007.

PUBLIC ACT 95-0407
(Senate Bill No. 0056)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Sections 4-213, 11-402, 11-404, and 18a-105 as follows:

(625 ILCS 5/4-213) (from Ch. 95 1/2, par. 4-213)

Sec. 4-213. Liability of law enforcement officers, agencies, and towing services.

(a) A law enforcement officer or agency, a department of municipal government designated under Section 4-212.1 or its officers or employees, or a towing service owner, operator, or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, lienholder or any other person legally entitled to the possession of a vehicle when the vehicle was processed and sold or disposed of as provided by this Chapter.

(b) A towing service, and any of its officers or employees, that removes or tows a vehicle as a result of being directed to do so by a law enforcement officer or agency or a department of municipal government or its officers or employees shall not be held to answer or be liable for injury to, loss of, or damages to any real or personal property that occurs in the course of the removal or towing of a vehicle or its contents (i) on a limited access highway in a designated Incident Management Program that uses

New matter indicated by italics - deletions by strikeout
fast lane clearance techniques as defined by the Department of Transportation or (ii) at the direction of a peace officer, a highway authority official, or a representative of local authorities, under Section 11-402 or 11-404 of this Code.

(Source: P.A. 89-433, eff. 12-15-95.)

(625 ILCS 5/11-402) (from Ch. 95 1/2, par. 11-402)

Sec. 11-402. Motor vehicle accident involving damage to vehicle.

(a) The driver of any vehicle involved in a motor vehicle accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such motor vehicle accident or as close thereto as possible, but shall forthwith return to and in every event shall remain at the scene of such motor vehicle accident until the requirements of Section 11-403 have been fulfilled. Every such stop shall be made without obstructing traffic more than is necessary. If a damaged vehicle is obstructing traffic lanes, the driver of the vehicle must make every reasonable effort to move the vehicle or have it moved so as not to block the traffic lanes.

Any person failing to comply with this Section shall be guilty of a Class A misdemeanor.

(b) Upon conviction of a violation of this Section, the court shall make a finding as to whether the damage to a vehicle is in excess of $1,000, and in such case a statement of this finding shall be reported to the Secretary of State with the report of conviction as required by Section 6-204 of this Code. Upon receipt of such report of conviction and statement of finding that the damage to a vehicle is in excess of $1,000, the Secretary of State shall suspend the driver's license or any nonresident's driving privilege.

(c) If any peace officer or highway authority official finds (i) a vehicle standing upon a highway or toll highway in violation of a prohibition, limitation, or restriction on stopping, standing, or parking imposed under this Code or (ii) a disabled vehicle that obstructs the roadway of a highway or toll highway, the peace officer or highway authority official is authorized to move the vehicle or to require the operator of the vehicle to move the vehicle to the shoulder of the road, to a

New matter indicated by italics - deletions by strikeout
position where parking is permitted, or to public parking or storage premises. The removal may be performed by, or under the direction of, the peace officer or highway authority official or may be contracted for by local authorities. After the vehicle has been removed, the peace officer or highway authority official shall follow appropriate procedures, as provided in Section 4-203 of this Code.

(d) A towing service, its officers, and its employees are not liable for loss of or damages to any real or personal property that occurs as the result of the removal or towing of any vehicle under subsection (c), as provided in subsection (b) of Section 4-213.

(Source: P.A. 83-831.)

(625 ILCS 5/11-404) (from Ch. 95 1/2, par. 11-404)

Sec. 11-404. Duty upon damaging unattended vehicle or other property.

(a) The driver of any vehicle which collides with or is involved in a motor vehicle accident with any vehicle which is unattended, or other property, resulting in any damage to such other vehicle or property shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or other property of the driver's name, address, registration number and owner of the vehicle the driver was operating or shall attach securely in a conspicuous place on or in the vehicle or other property struck a written notice giving the driver's name, address, registration number and owner of the vehicle the driver was driving and shall without unnecessary delay notify the nearest office of a duly authorized police authority and shall make a written report of such accident when and as required in Section 11-406. Every such stop shall be made without obstructing traffic more than is necessary. If a damaged vehicle is obstructing traffic lanes, the driver of the vehicle must make every reasonable effort to move the vehicle or have it moved so as not to block the traffic lanes.

(b) Any person failing to comply with this Section shall be guilty of a Class A misdemeanor.

(c) If any peace officer or highway authority official finds (i) a vehicle standing upon a highway or toll highway in violation of a
prohibition, limitation, or restriction on stopping, standing, or parking imposed under this Code or (ii) a disabled vehicle that obstructs the roadway of a highway or toll highway, the peace officer or highway authority official is authorized to move the vehicle or to require the operator of the vehicle to move the vehicle to the shoulder of the road, to a position where parking is permitted, or to public parking or storage premises. The removal may be performed by, or under the direction of, the peace officer or highway authority official or may be contracted for by local authorities. After the vehicle has been removed, the peace officer or highway authority official shall follow appropriate procedures, as provided in Section 4-203 of this Code.

(d) A towing service, its officers, and its employees are not liable for loss of or damages to any real or personal property that occurs as the result of the removal or towing of any vehicle under subsection (c), as provided in subsection (b) of Section 4-213.

(Source: P.A. 83-831.)

(625 ILCS 5/18a-105) (from Ch. 95 1/2, par. 18a-105)

Sec. 18a-105. Exemptions. This Chapter shall not apply to the relocation of motorcycles.

(1) Vehicles registered for a gross weight in excess of 10,000 pounds, or if the vehicle is not registered, with a gross weight in excess of 10,000 pounds including vehicle weight and maximum load, or

(2) Motorcycles:

Such relocation shall be governed by the provisions of Section 4-203 of this Code.

(Source: P.A. 85-923.)


Approved August 24, 2007.

Effective January 1, 2008.

PUBLIC ACT 95-0408

(Senate Bill No. 0126)

AN ACT concerning safety.

New matter indicated by italics - deletions by strikeout
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Environmental Protection Act is amended by changing Section 3.330 as follows:

(415 ILCS 5/3.330) (was 415 ILCS 5/3.32)
Sec. 3.330. Pollution control facility.

(a) "Pollution control facility" is any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act.

The following are not pollution control facilities:

(1) (Blank);
(2) waste storage sites regulated under 40 CFR, Part 761.42;
(3) sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person;
(4) sites or facilities at which the State is performing removal or remedial action pursuant to Section 22.2 or 55.3;
(5) abandoned quarries used solely for the disposal of concrete, earth materials, gravel, or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due to the construction and installation of underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by a public utility;
(6) sites or facilities used by any person to specifically conduct a landscape composting operation;

New matter indicated by italics - deletions by strikeout
(7) regional facilities as defined in the Central Midwest Interstate Low-Level Radioactive Waste Compact;

(8) the portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (r)(2) or (r)(3) of Section 21;

(9) the portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV;

(10) the portion of a site or facility used for treatment of petroleum contaminated materials by application onto or incorporation into the soil surface and any portion of that site or facility used for storage of petroleum contaminated materials before treatment. Only those categories of petroleum listed in Section 57.9(a)(3) are exempt under this subdivision (10);

(11) the portion of a site or facility where used oil is collected or stored prior to shipment to a recycling or energy recovery facility, provided that the used oil is generated by households or commercial establishments, and the site or facility is a recycling center or a business where oil or gasoline is sold at retail;

(11.5) processing sites or facilities that receive only on-specification used oil, as defined in 35 Ill. Admin. Code 739, originating from used oil collectors for processing that is managed under 35 Ill. Admin. Code 739 to produce products for sale to off-site petroleum facilities, if these processing sites or facilities are: (i) located within a home rule unit of local government with a population of at least 30,000 according to the 2000 federal census, that home rule unit of local government has been designated as an Urban Round II Empowerment Zone by the United States Department of Housing and Urban Development, and that home rule unit of local government has enacted an ordinance approving the location of the site or facility and provided funding for the site or facility; and (ii) in compliance with all applicable zoning requirements; 

New matter indicated by italics - deletions by strikeout
(12) the portion of a site or facility utilizing coal combustion waste for stabilization and treatment of only waste generated on that site or facility when used in connection with response actions pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the federal Resource Conservation and Recovery Act of 1976, or the Illinois Environmental Protection Act or as authorized by the Agency;

(13) the portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population over 700,000 as of January 1, 2000, and operated and located in accordance with Section 22.38 of this Act;

(14) the portion of a site or facility, located within a unit of local government that has enacted local zoning requirements, used to accept, separate, and process uncontaminated broken concrete, with or without protruding metal bars, provided that the uncontaminated broken concrete and metal bars are not speculatively accumulated, are at the site or facility no longer than one year after their acceptance, and are returned to the economic mainstream in the form of raw materials or products; and

(15) the portion of a site or facility located in a county with a population over 3,000,000 that has obtained local siting approval under Section 39.2 of this Act for a municipal waste incinerator on or before July 1, 2005 and that is used for a non-hazardous waste transfer station; and:

(16) a transfer station used exclusively for landscape waste, including a transfer station where landscape waste is ground to reduce its volume, where the landscape waste is held no longer than 24 hours from the time it was received.

(b) A new pollution control facility is:

(1) a pollution control facility initially permitted for development or construction after July 1, 1981; or

(2) the area of expansion beyond the boundary of a currently permitted pollution control facility; or

New matter indicated by italics - deletions by strikeout
(3) a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste.

(Source: P.A. 93-998, eff. 8-23-04; 94-94, eff. 7-1-05; 94-249, eff. 7-19-05; 94-824, eff. 6-2-06; revised 8-3-06.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 24, 2007.
Effective August 24, 2007.

PUBLIC ACT 95-0409
(Senate Bill No. 0133)

AN ACT concerning public health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Mercury-Free Vaccine Act is amended by changing Sections 5 and 10 and by adding Section 15 as follows:

(410 ILCS 51/5)

Sec. 5. Banned mercury-containing vaccines.

(a) Commencing January 1, 2006, a person shall not be vaccinated with a mercury-containing vaccine that contains more than 1.25 micrograms of mercury per dose.

(b) Commencing January 1, 2008, no person shall be vaccinated with a vaccine or injected with any product that contains, or prior to dilution, had contained as an additive, any mercury based product, whether at preservative or trace amount levels.

(c) The Department of Public Health shall implement a policy to distribute, preferentially, influenza vaccines that are thimerosal-free or contain only trace amounts of thimerosal for the immunization of children under the age of 3 who are participating in the Vaccines for Children program, provided that the supply of influenza vaccines to health care providers is not impeded by the exercise of this preference. The

New matter indicated by italics - deletions by strikeout
Department shall annually communicate this policy to the General Assembly and health care providers.
(Source: P.A. 94-614, eff. 1-1-06.)

(410 ILCS 51/10)

Sec. 10. Exemption. The Department of Public Health may exempt the use of a vaccine from this Act if the Department finds that an actual or potential bio-terrorist incident or other actual or potential public health emergency, including an epidemic or shortage of supply of a vaccine at a reasonable cost that would prevent a person from receiving the needed vaccine, makes necessary the administration of a vaccine containing more mercury than the maximum level set forth in subsection (a) or subsection (b) of Section 5 in the case of influenza vaccine. The exemption shall meet all of the following conditions:

1. The exemption shall not be issued for more than 12 months.

2. At the end of the effective period of any exemption, the Department may issue another exemption for up to 12 months for the same incident or public health emergency, if the Department makes a determination that any exemption is necessary as set forth in this Section and the Department notifies the legislature and interested parties pursuant to paragraphs (3), (4), and (5).

3. Upon issuing an exemption, the Department shall, within 48 hours, notify the legislature about any exemption and about the Department's findings justifying the exemption's approval.

4. Upon request for an exemption, the Department shall notify an interested party, who has expressed his or her interest to the Department in writing, that an exemption request has been made.

5. Upon issuing an exemption, the Department shall, within 7 days, notify an interested party, who has expressed his or her interest to the Department in writing, about any exemption and about the Department's findings justifying the exemption's approval.

New matter indicated by italics - deletions by strikeout
(6) Upon issuing an exemption, the Department shall remind health care providers to distribute, preferentially, influenza vaccines that are thimerosal-free or contain only trace amounts of thimerosal for the immunization of children under the age of 3, provided that the supply of influenza vaccines to health care providers is not impeded by the exercise of this preference.

(Source: P.A. 94-614, eff. 1-1-06.)

(410 ILCS 51/15 new)

Sec. 15. Notification. The Department of Public Health shall annually notify health care providers about the requirements of this Act and encourage health care providers to increase immunization rates among persons who are recommended to receive influenza immunization, using all licensed vaccines, with preference given to influenza vaccines that are thimerosal-free or contain only trace amounts of thimerosal. The Department shall include this annual notification on its Internet web site. The Department shall annually report to the General Assembly, on or before December 31, on its efforts to inform health care providers about thimerosal-free vaccines. The Department shall notify health care providers about the availability of influenza vaccines and the most effective time for persons to be vaccinated.

Approved August 24, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0410

(Senate Bill No. 0148)

AN ACT concerning courts.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short Title. This Act may be cited as the Supreme Court Historic Preservation Act.

Section 5. Definitions. For the purpose of this Act:

New matter indicated by italics - deletions by strikeout
"Commission" means the Supreme Court Historic Preservation Commission.

"Court" means the Illinois Supreme Court.

Section 10. Supreme Court Historic Preservation Commission; creation; commissioners; appointments; terms; compensation.

(a) The Supreme Court Historic Preservation Commission is created within the Judicial Branch of State government.

(b) The Commission consists of 9 commissioners as follows:

(1) the Administrative Director of the Illinois Courts shall serve as a commissioner ex officio;

(2) Two commissioners appointed by the Court, one of whom shall be designated as the chairperson of the Commission upon appointment;

(3) Two commissioners appointed by the Governor;

(4) Two commissioners appointed by the President of the Senate, one of whom may not belong to the same political party as the President; and

(5) Two commissioners appointed by the Speaker of the House of Representatives, one of whom may not belong to the same political party as the Speaker.

(c) The terms of the initial appointed commissioners shall commence upon qualification. Each appointing authority shall designate one appointee to serve for a 2-year term running through June 30, 2009, and each appointing authority shall designate one appointee to serve for a 4-year term running through June 30, 2011. The commissioner designated as the chairperson by the Court must be appointed for a 4-year term. The initial appointments must be made within 60 days after the effective date of this Act.

(d) After the initial terms, commissioners shall serve for 4-year terms commencing on July 1 of the year of appointment and running through June 30 of the 4th following year. Commissioners may be reappointed to one or more subsequent terms.
(e) Vacancies occurring other than at the end of a term shall be filled by the appointing authority only for the balance of the term of the commissioner whose office is vacant.

(f) Terms shall run regardless of whether the position is filled.

(g) The members of the Commission shall receive no compensation for their service, except for their actual expenses while in the discharge of their official duties.

Section 15. Commission policy, powers, and duties. The Commission shall assist and advise the Court in regard to the acquisition, collection, documentation, preservation, cataloging, and related matters with respect to historic aspects of buildings, objects, artifacts, documents, and information, regardless of form, relating to the Illinois judiciary.

Section 20. Supreme Court Historic Preservation Fund.

(a) The Supreme Court Historic Preservation Fund is created as a special fund in the State treasury. Subject to appropriation, the moneys in the Fund shall be used only by the Commission as deemed appropriate for historic preservation and related purposes, including the hiring of necessary staff.

(b) All moneys received by the Commission, including without limitation, grants, gifts, donations, bequests, fees, admissions, sales, and concessions, from any source, including private, public, governmental, and individual, must be deposited into the Fund. All interest that is attributable to moneys in the Fund must be deposited into the Fund.

(c) On July 1, 2007, or as soon thereafter as may be practical, the State Treasurer shall transfer the amount of $5,000,000 from the General Revenue Fund to the Supreme Court Historic Preservation Fund.

Section 25. Annual report. The Commission shall provide a report of its fiscal and programmatic activities to the Court, the Governor, and the General Assembly, on or before January 31, 2009, and annually thereafter.

Section 90. The State Finance Act is amended by adding Section 5.675 and by changing Section 8h as follows:

(30 ILCS 105/5.675 new)

Sec. 5.675. The Supreme Court Historic Preservation Fund.

New matter indicated by italics - deletions by strikeout
(30 ILCS 105/8h)
Sec. 8h. Transfers to General Revenue Fund.
(a) Except as otherwise provided in this Section and Section 8n of this Act, and (c), (d), or (e), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, the Teacher Health Insurance Security Fund, the Reviewing Court Alternative Dispute Resolution Fund, the Voters' Guide Fund, the Foreign Language Interpreter Fund, the Lawyers' Assistance Program Fund, the Supreme Court Federal Projects Fund, the Supreme Court Special State Projects Fund, the Supplemental Low-Income Energy Assistance Fund, the Good Samaritan Energy Trust Fund, the Low-Level Radioactive Waste Facility Development and Operation Fund, the Horse Racing Equity Trust Fund, or the Hospital Basic Services Preservation Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. No transfers may be made under this Section from the Pet Population Control Fund.

New matter indicated by italics - deletions by strikeout
Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

In determining the available balance in a fund, the Governor may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(a-5) Transfers directed to be made under this Section on or before February 28, 2006 that are still pending on May 19, 2006 (the effective date of Public Act 94-774) this amendatory Act of the 94th General Assembly shall be redirected as provided in Section 8n of this Act.

(b) This Section does not apply to: (i) the Ticket For The Cure Fund; (ii) any fund established under the Community Senior Services and Resources Act; or (iii) on or after January 1, 2006 (the effective date of Public Act 94-511), the Child Labor and Day and Temporary Labor Enforcement Fund.

(c) This Section does not apply to the Demutualization Trust Fund established under the Uniform Disposition of Unclaimed Property Act.

(d) This Section does not apply to moneys set aside in the Illinois State Podiatric Disciplinary Fund for podiatric scholarships and residency programs under the Podiatric Scholarship and Residency Act.

(e) Subsection (a) does not apply to, and no transfer may be made under this Section from, the Pension Stabilization Fund.

(f) This Section does not apply to the Supreme Court Historic Preservation Fund.

New matter indicated by italics - deletions by strikeout
Section 95. The Attorney Act is amended by changing Section 1 as follows:

(705 ILCS 205/1) (from Ch. 13, par. 1)

Sec. 1. No person shall be permitted to practice as an attorney or counselor at law within this State without having previously obtained a license for that purpose from the Supreme Court of this State.

No person shall receive any compensation directly or indirectly for any legal services other than a regularly licensed attorney, nor may an unlicensed person advertise or hold himself or herself out to provide legal services.

A license, as provided for herein, constitutes the person receiving the same an attorney and counselor at law, according to the law and customs thereof, for and during his good behavior in the practice and authorizes him to demand and receive fees for any services which he may render as an attorney and counselor at law in this State. No person shall be granted a license or renewal authorized by this Act who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, a license or renewal may be issued to the aforementioned persons who have established a satisfactory repayment record as determined by the Illinois Student Assistance Commission. No person shall be granted a license or renewal authorized by this Act who is more than 30 days delinquent in complying with a child support order; a license or renewal may be issued, however, if the person has established a satisfactory repayment record as determined (i) by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) for cases being enforced under Article X of the Illinois Public Aid Code or (ii) in all other cases by order of court or by written agreement.
between the custodial parent and non-custodial parent. No person shall be refused a license under this Act on account of sex.

Any person practicing, charging or receiving fees for legal services or advertising or holding himself or herself out to provide legal services within this State, either directly or indirectly, without being licensed to practice as herein required, is guilty of contempt of court and shall be punished accordingly, upon complaint being filed in any Circuit Court of this State. The remedies available include, but are not limited to: (i) appropriate equitable relief; (ii) a civil penalty not to exceed $5,000, which shall be paid to the Illinois Equal Justice Foundation; and (iii) actual damages. Such proceedings shall be conducted in the Courts of the respective counties where the alleged contempt has been committed in the same manner as in cases of indirect contempt and with the right of review by the parties thereto.

The provisions of this Act shall be in addition to other remedies permitted by law and shall not be construed to deprive courts of this State of their inherent right to punish for contempt or to restrain the unauthorized practice of law.

Nothing in this Act shall be construed to conflict with, amend, or modify Section 5 of the Corporation Practice of Law Prohibition Act or prohibit representation of a party by a person who is not an attorney in a proceeding before either panel of the Illinois Labor Relations Board under the Illinois Public Labor Relations Act, as now or hereafter amended, the Illinois Educational Labor Relations Board under the Illinois Educational Labor Relations Act, as now or hereafter amended, the State Civil Service Commission, the local Civil Service Commissions, or the University Civil Service Merit Board, to the extent allowed pursuant to rules and regulations promulgated by those Boards and Commissions or the giving of information, training, or advocacy or assistance in any meetings or administrative proceedings held pursuant to the federal Individuals with Disabilities Education Act, the federal Rehabilitation Act of 1973, the federal Americans with Disabilities Act of 1990, or the federal Social Security Act, to the extent allowed by those laws or the federal regulations or State statutes implementing those laws.

New matter indicated by italics - deletions by strikeout
AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Child Care Act of 1969 is amended by adding Section 3.5 as follows:

(225 ILCS 10/3.5 new)

Sec. 3.5. Group homes for adolescents diagnosed with autism.

(a) Subject to appropriation, the Department of Human Services, Developmental Disabilities Division, shall provide for the establishment of 3 children's group homes for adolescents who have been diagnosed with autism and who are at least 15 years of age and not more than 18 years of age. The homes shall be located in 3 separate geographical areas of the State. The homes shall operate 7 days per week and shall be staffed 24 hours per day. The homes shall feature maximum family involvement based on a service and support agreement signed by the adolescent's family and the provider. An eligible service provider: (i) must have a minimum of 5 years experience serving individuals with autism residentially and have successfully supported individuals with challenging behaviors; (ii) must demonstrate that staff have equal experience in this regard; and (iii) must have a full-time Board-Certified Behavior Analyst on staff.

(b) The provider shall ensure that the staff at each home receives appropriate training in matters that include, but need not be limited to, the following: behavior analysis, skill training, and other methodologies of
teaching such as discreet trial and picture exchange communication system.

(c) The homes shall provide therapeutic and other support services to the adolescents being served there. The therapeutic curriculum shall be based on the principles of applied behavior analysis.

(d) An agreeable rate shall be established by the Department of Children and Family Services and the Department of Human Services, Developmental Disabilities Division.

Section 99. Effective date. This Act takes effect July 1, 2007.
Approved August 24, 2007.
Effective August 24, 2007.

PUBLIC ACT 95-0412
(Senate Bill No. 0374)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Metropolitan Water Reclamation District Act is amended by changing Sections 5.2 and 9.6a as follows:

(70 ILCS 2605/5.2) (from Ch. 42, par. 324L)
Sec. 5.2. Where used in this law, "budget year" shall mean the fiscal year for which a budget is made. "Current year" shall mean the fiscal year in progress, i.e., the fiscal year next preceding the budget year. "Preceding year" shall mean the fiscal year preceding the current year.

The "Clerk" shall mean that officer so designated as provided in Section 4.

"Fund" shall mean a sum of money or other resources set aside for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations. A fund shall be a distinct financial or fiscal entity.

"Accountant" shall mean a public accountant or certified public accountant licensed under the laws of this State.

New matter indicated by italics - deletions by strikeout
"Expenditure" shall mean the amount of obligations incurred either paid or to be paid from the appropriations for the budget year for all purposes, including current expenses, retirement of debt, and capital outlays.

"Disbursement" shall mean the actual payment in cash for any purpose.

"Receipt" shall mean cash actually received and shall include appropriable cash on hand at the beginning of any specified year.

"Estimated receipt" shall mean cash estimated to be received within the budget year and shall include the cash surplus estimated to be appropriable at the beginning of the budget year.

"Cash basis" shall mean that system of accounting wherein revenues are accounted for when received in cash and expenditures are accounted for when paid.

"Accrual basis" shall mean that system of accounting wherein revenues are accounted for when earned or due, even though not collected, and expenditures are accounted for as soon as liabilities are incurred, whether paid or not.

"Function" (activity) of expenditure shall mean the particular purpose or group of services aimed at accomplishing a certain end for which an expenditure is made.

"Line Item" or item shall mean a particular type of expenditure within a class or related group of such expenditures, i.e., testing service, hospital service, towel and laundry service, within the class titled "Impersonal Services."

"Object" of expenditure shall mean specific articles, or classes of things for which an expenditure is made, i.e., personal services, impersonal services, materials and supplies, machinery and equipment, fixed charges and any such other classes of articles or things as may be desirable.

"Character" of expenditure shall refer to the relationship of total expenditures to current, prior, and future fiscal periods, i.e., whether the expenditure is a current expense, provision for the retirement of debt, or a capital outlay.

New matter indicated by italics - deletions by strikeout
"Organization units" shall be the administrative units of the district, i.e., departments, major sewage treatment plants, and such other operating units or groups of operating units as may be deemed desirable by the authorities of the Sanitary District.

The "committee on finance" shall be any committee so appointed and so designated by the board of commissioners for the purpose of considering financial matters affecting the district.

"Sinking Fund Requirements" shall mean the amounts that will be needed to pay interest on and principal of bonds.

"Construction Fund" shall mean the amounts to be used for paying the costs incurred for construction purposes.

"Construction Purposes" shall mean the replacement, remodeling, completion, alteration, construction, and enlargement, including alterations, enlargements and replacements which will add appreciably to the value, utility, or the useful life of sewage treatment works or flood control facilities or water quality improvement projects, and additions thereto, pumping stations, tunnels, conduits and intercepting sewers connecting therewith, and outlet sewers together with the equipment and appurtenances necessary thereto, and for the acquisition of the sites and rights of way necessary thereto, and for engineering expenses for designing and supervising the construction of the works above described, and for removal of the rock ledge in the bed of the Des Plaines River (Illinois Waterway) through the City of Joliet.

Prior to the commencing of work involved in the removal of the rock ledge in the bed of the Des Plaines River formal approval shall be obtained for the design and plans for accomplishing this work from the Corps of Engineers, U. S. Army, and the State of Illinois Department of Natural Resources.

The Metropolitan Sanitary District of Greater Chicago, its agents, successors or assigns shall save the State of Illinois harmless from any and all claims of whatever nature which may arise as a result of or in consequence of any work which may be performed by the District.

New matter indicated by italics - deletions by strikeout
The rights, powers, and authorities granted in this Act shall be subject to the provisions of Section 18 of the Rivers, Lakes, and Streams Act.

It is the intent and purpose of this Act to provide a legal basis which will authorize and require all Sanitary Districts organized under the provisions hereof to make and execute the budgets of their Corporate Funds and Construction Funds in such manner that the budgets may be planned and balanced with receipts on an actual cash basis and expenditures on an accrual basis, and all definitions, terms, provisions and procedures set forth in this Act shall be thus construed as applied to corporate funds and construction funds.

(Source: P.A. 89-445, eff. 2-7-96.)

(70 ILCS 2605/9.6a) (from Ch. 42, par. 328.6a)

Sec. 9.6a. The corporate authorities of a sanitary district, in order to provide funds required for the replacing, remodeling, completing, altering, constructing and enlarging of sewage treatment works, water quality improvement projects, or flood control facilities, and additions therefor, pumping stations, tunnels, conduits, intercepting sewers and outlet sewers, together with the equipment, including air pollution equipment, and appurtenances thereto, to acquire property, real, personal or mixed, necessary for said purposes, for costs and expenses for the acquisition of the sites and rights-of-way necessary thereto, and for engineering expenses for designing and supervising the construction of such works, may issue on or before December 31, 2016, in addition to all other obligations heretofore or herein authorized, bonds, notes or other evidences of indebtedness for such purposes in an aggregate amount at any one time outstanding not to exceed 3.35% of the equalized assessed valuation of all taxable property within the sanitary district, to be ascertained by the last assessment for State and local taxes previous to the issuance of any such obligations. Such obligations shall be issued without submitting the question of such issuance to the legal voters of such sanitary district for approval.

The corporate authorities may sell such obligations at private or public sale and enter into any contract or agreement necessary, appropriate
or incidental to the exercise of the powers granted by this Act, including, without limitation, contracts or agreements for the sale and purchase of such obligations and the payment of costs and expenses incident thereto. The corporate authorities may pay such costs and expenses, in whole or in part, from the corporate fund.

Such obligations shall be issued from time to time only in amounts as may be required for such purposes but the amount of such obligations issued during any one budget year shall not exceed $150,000,000 plus the amount of any obligations authorized by this Act to be issued during the 3 budget years next preceding the year of issuance but which were not issued, provided, however, that this limitation shall not be applicable to the issuance of obligations to refund bonds, notes or other evidences of indebtedness, nor to obligations issued to provide for the repayment of money received from the Water Pollution Control Revolving Fund for the construction or repair of wastewater treatment works. Each ordinance authorizing the issuance of the obligations shall state the general purpose or purposes for which they are to be issued, and the corporate authorities may at any time thereafter pass supplemental appropriations ordinances appropriating the proceeds from the sale of such obligations for such purposes.

The corporate authorities may issue bonds, notes or other evidences of indebtedness in an amount necessary to provide funds to refund outstanding obligations issued pursuant to this Section, including interest accrued or to accrue thereon.

(Source: P.A. 92-726, eff. 7-25-02; 93-279, eff. 7-22-03.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 24, 2007.
Effective August 24, 2007.
PUBLIC ACT 95-0413
(Senate Bill No. 0380)

AN ACT concerning caller identification.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Internet Caller Identification Act.

Section 5. Definition. As used in this Act:
"Caller identification" means the display of the caller's telephone number or identity to the recipient of the call.

Section 10. Internet caller identification. No person, other than the recipient of the call, shall use any Internet caller identification equipment or Internet phone equipment in such a manner as to make a number or name, other than the residential or business phone number or legal or business name of the subscriber or registered user of the Internet phone service, appear on a caller identification system of the recipient of the call.

This Section does not apply to service providers who transmit caller identification information created or supplied by others.

Section 15. Violations. Whenever any person knowingly uses or has knowingly used any Internet caller identification equipment or Internet phone equipment in violation of this Act, that use shall be deemed an unlawful act or practice under the Consumer Fraud and Deceptive Business Practices Act. In the case of the use of Internet caller identification or Internet phone equipment in violation of this Act, all remedies, penalties, and authority available to the Attorney General and the several State's Attorneys under the Consumer Fraud and Deceptive Business Practices Act for the enforcement of that Act shall be available for the enforcement of this Act.

Section 85. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2Z as follows:

(815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

Sec. 2Z. Violations of other Acts. Any person who knowingly violates the Automotive Repair Act, the Automotive Collision Repair Act,
the Home Repair and Remodeling Act, the Dance Studio Act, the Physical Fitness Services Act, the Hearing Instrument Consumer Protection Act, the Illinois Union Label Act, the Job Referral and Job Listing Services Consumer Protection Act, the Travel Promotion Consumer Protection Act, the Credit Services Organizations Act, the Automatic Telephone Dialers Act, the Pay-Per-Call Services Consumer Protection Act, the Telephone Solicitations Act, the Illinois Funeral or Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act, the Payday Loan Reform Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, the Internet Caller Identification Act, paragraph (6) of subsection (k) of Section 6-305 of the Illinois Vehicle Code, Article 3 of the Residential Real Property Disclosure Act, the Automatic Contract Renewal Act, or the Personal Information Protection Act commits an unlawful practice within the meaning of this Act.

(Source: P.A. 93-561, eff. 1-1-04; 93-950, eff. 1-1-05; 94-13, eff. 12-6-05; 94-36, eff. 1-1-06; 94-280, eff. 1-1-06; 94-292, eff. 1-1-06; 94-822, eff. 1-1-07.)

Approved August 24, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0414
(Senate Bill No. 0393)

AN ACT concerning vehicles.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by changing Section 11-1426.1 as follows:

(625 ILCS 5/11-1426.1)

New matter indicated by italics - deletions by strikeout
Sec. 11-1426.1. Operation of neighborhood electric vehicles on streets, roads, and highways.

(a) As used in this Section, "neighborhood electric vehicle" means a self-propelled, electronically powered four-wheeled motor vehicle (or a self-propelled, gasoline-powered four-wheeled motor vehicle with an engine displacement under 1,200 cubic centimeters) which is capable of attaining in one mile a speed of more than 20 miles per hour, but not more than 25 miles per hour, and which conforms to federal regulations under Title 49 C.F.R. Part 571.500.

(b) Except as otherwise provided in this Section, it is unlawful for any person to drive or operate a neighborhood electric vehicle upon any street, highway, or roadway in this State. If the operation of a neighborhood electric vehicle is authorized under subsection (d), the neighborhood electric vehicle may be operated only on streets where the posted speed limit is 35 miles per hour or less. This subsection (b) does not prohibit a neighborhood electric vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(b-5) A person may not operate a neighborhood electric vehicle upon any street, highway, or roadway in this State unless he or she has a valid Illinois driver's license issued in his or her name by the Secretary of State.

(c) No person operating a neighborhood electric vehicle shall make a direct crossing upon or across any highway under the jurisdiction of the State, tollroad, interstate highway, or controlled access highway in this State.

(d) A municipality, township, county, or other unit of local government may authorize, by ordinance or resolution, the operation of neighborhood electric vehicles on roadways under its jurisdiction if the unit of local government determines that the public safety will not be jeopardized. The Department may authorize the operation of neighborhood electric vehicles on the roadways under its jurisdiction if the Department determines that the public safety will not be jeopardized.
Before permitting the operation of neighborhood electric vehicles on its roadways, a municipality, township, county, other unit of local government, or the Department must consider the volume, speed, and character of traffic on the roadway and determine whether neighborhood electric vehicles may safely travel on or cross the roadway. Upon determining that neighborhood electric vehicles may safely operate on a roadway and the adoption of an ordinance or resolution by a municipality, township, county, or other unit of local government, or authorization by the Department, appropriate signs shall be posted.

If a roadway is under the jurisdiction of more than one unit of government, neighborhood electric vehicles may not be operated on the roadway unless each unit of government agrees and takes action as provided in this subsection.

(e) No neighborhood electric vehicle may be operated on a roadway unless, at a minimum, it has the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in Section 12-709 of this Code) on the rear of the neighborhood electric vehicle, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, and turn signals. When operated on a roadway, a neighborhood electric vehicle shall have its headlight and tail lamps lighted as required by Section 12-201 of this Code.

(f) A person who drives or is in actual physical control of a neighborhood electric vehicle on a roadway while under the influence is subject to Sections 11-500 through 11-502 of this Code.

(Source: P.A. 94-298, eff. 1-1-06.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 24, 2007.
Effective August 24, 2007.

New matter indicated by italics - deletions by strikeout
AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The School Code is amended by changing Sections 14-
13.01 and 28-21 as follows:
(105 ILCS 5/14-13.01) (from Ch. 122, par. 14-13.01)
Sec. 14-13.01. Reimbursement payable by State; Amounts.
Reimbursement for furnishing special educational facilities in a recognized
school to the type of children defined in Section 14-1.02 shall be paid to
the school districts in accordance with Section 14-12.01 for each school
year ending June 30 by the State Comptroller out of any money in the
treasury appropriated for such purposes on the presentation of vouchers by
the State Board of Education.

The reimbursement shall be limited to funds expended for
construction and maintenance of special education facilities designed and
utilized to house instructional programs, diagnostic services, other special
education services for children with disabilities and reimbursement as
provided in Section 14-13.01. There shall be no reimbursement for
construction and maintenance of any administrative facility separated from
special education facilities designed and utilized to house instructional
programs, diagnostic services and other special education services for
children with disabilities.
(a) For children who have not been identified as eligible for special
education and for eligible children with physical disabilities, including all
eligible children whose placement has been determined under Section 14-
8.02 in hospital or home instruction, 1/2 of the teacher's salary but not
more than $1,000 annually per child or $8,000 per teacher for the 1985-
1986 school year and thereafter, whichever is less. Children to be included
in any reimbursement under this paragraph must regularly receive a
minimum of one hour of instruction each school day, or in lieu thereof of a
minimum of 5 hours of instruction in each school week in order to qualify

New matter indicated by italics - deletions by strikeout
for full reimbursement under this Section. If the attending physician for such a child has certified that the child should not receive as many as 5 hours of instruction in a school week, however, reimbursement under this paragraph on account of that child shall be computed proportionate to the actual hours of instruction per week for that child divided by 5.

(b) For children described in Section 14-1.02, 4/5 of the cost of transportation for each such child, whom the State Superintendent of Education determined in advance requires special transportation service in order to take advantage of special educational facilities. Transportation costs shall be determined in the same fashion as provided in Section 29-5. For purposes of this subsection (b), the dates for processing claims specified in Section 29-5 shall apply.

(c) For each professional worker excluding those included in subparagraphs (a), (d), (e), and (f) of this Section, the annual sum of $8,000 for the 1985-1986 school year and thereafter.

(d) For one full time qualified director of the special education program of each school district which maintains a fully approved program of special education the annual sum of $8,000 for the 1985-1986 school year and thereafter. Districts participating in a joint agreement special education program shall not receive such reimbursement if reimbursement is made for a director of the joint agreement program.

(e) For each school psychologist as defined in Section 14-1.09 the annual sum of $8,000 for the 1985-1986 school year and thereafter.

(f) For each qualified teacher working in a fully approved program for children of preschool age who are deaf or hard-of-hearing the annual sum of $8,000 for the 1985-1986 school year and thereafter.

(g) For readers, working with blind or partially seeing children 1/2 of their salary but not more than $400 annually per child. Readers may be employed to assist such children and shall not be required to be certified but prior to employment shall meet standards set up by the State Board of Education.

(h) For necessary non-certified employees working in any class or program for children defined in this Article, 1/2 of the salary paid or $2,800 annually per employee, whichever is less.

New matter indicated by italics - deletions by strikeout
The State Board of Education shall set standards and prescribe rules for determining the allocation of reimbursement under this section on less than a full time basis and for less than a school year.

When any school district eligible for reimbursement under this Section operates a school or program approved by the State Superintendent of Education for a number of days in excess of the adopted school calendar but not to exceed 235 school days, such reimbursement shall be increased by \( \frac{1}{180} \) of the amount or rate paid hereunder for each day such school is operated in excess of 180 days per calendar year.

Notwithstanding any other provision of law, any school district receiving a payment under this Section or under Section 14-7.02, 14-7.02b, or 29-5 of this Code may classify all or a portion of the funds that it receives in a particular fiscal year or from general State aid pursuant to Section 18-8.05 of this Code as funds received in connection with any funding program for which it is entitled to receive funds from the State in that fiscal year (including, without limitation, any funding program referenced in this Section), regardless of the source or timing of the receipt. The district may not classify more funds as funds received in connection with the funding program than the district is entitled to receive in that fiscal year for that program. Any classification by a district must be made by a resolution of its board of education. The resolution must identify the amount of any payments or general State aid to be classified under this paragraph and must specify the funding program to which the funds are to be treated as received in connection therewith. This resolution is controlling as to the classification of funds referenced therein. A certified copy of the resolution must be sent to the State Superintendent of Education. The resolution shall still take effect even though a copy of the resolution has not been sent to the State Superintendent of Education in a timely manner. No classification under this paragraph by a district shall affect the total amount or timing of money the district is entitled to receive under this Code. No classification under this paragraph by a district shall in any way relieve the district from or affect any requirements that otherwise would apply with respect to that funding program, including any

New matter indicated by italics - deletions by strikeout
accounting of funds by source, reporting expenditures by original source and purpose, reporting requirements, or requirements of providing services.

(Source: P.A. 92-568, eff. 6-26-02; 93-1022, eff. 8-24-04.)

(105 ILCS 5/28-21) (from Ch. 122, par. 28-21)

Sec. 28-21. The State Board of Education shall require each publisher of any printed textbook that is listed for use by the State Board of Education under this Article or that is furnished at public expense under Sections 28-14 through 28-19 and is first published after July 19, 2006 or that is provided by loan free of charge to any student under Section 18-17 to furnish, as provided in this Section, an accessible electronic file set of contracted print material to the National Instructional Materials Access Center, which shall then be available to the State Board of Education or its authorized user for the purpose of conversion to an accessible format for use by a child with a print disability and for distribution to local education agencies. An "accessible electronic file" means a file that conforms to specifications of the national file format adopted by the United States Department of Education. Other terms used in this Section shall be construed in compliance with the federal Individuals with Disabilities Education Act and related regulations. (i) computer diskettes for literary subjects in the American Standard Code for Information Interchange (ASCII) from which Braille versions of the textbook can be produced, and (ii) a copy of the textbook for those literary subjects with copyright permission to duplicate into Braille, large print, or tape. The copy of the textbook with copyright permission shall be furnished by the publisher to the State Board of Education within 15 days after the publisher receives the request of the State Board of Education for that material. The computer diskettes for literary subjects in ASCII from which Braille versions of the textbook can be produced shall be furnished by the publisher to the State Board of Education or its designee or designees, for those students identified as Braille readers, within 90 days after the publisher receives the request of the State Board of Education for those computer diskettes. Each publisher of any such textbook shall also be required to furnish to the State Board of Education or its designee or

New matter indicated by italics - deletions by strikeout
designees, for those students identified as Braille readers, computer
diskettes in ASCII for nonliterary subjects, including natural sciences,
computer science, mathematics, and music, when Braille specialty code
translation software is available.
(Source: P.A. 87-1071.)
Section 99. Effective date. This Act takes effect July 1, 2007.
Approved August 24, 2007.
Effective August 24, 2007.

PUBLIC ACT 95-0416
(Senate Bill No. 0505)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The School Construction Law is amended by changing
Section 5-40 as follows:
(105 ILCS 230/5-40)
Sec. 5-40. Supervision of school construction projects; green
projects. The Capital Development Board shall exercise general
supervision over school construction projects financed pursuant to this
Article. School districts, however, must be allowed to choose the architect
and engineer for their school construction projects, and no project may be
disapproved by the State Board of Education or the Capital Development
Board solely due to a school district's selection of an architect or engineer.
With respect to those school construction projects for which a
school district first applies for a grant on or after July 1, 2007, the school
construction project must receive certification from the United States
Green Building Council's Leadership in Energy and Environmental
Design Green Building Rating System or the Green Building Initiative's
Green Globes Green Building Rating System or must meet green building
standards of the Capital Development Board and its Green Building
Advisory Committee.

New matter indicated by italics - deletions by strikeout
AN ACT regarding schools.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 26-2 as follows:

(a) Any person having custody or control of a child who is below the age of 7 years or is 17 years of age or above and who is enrolled in any of grades kindergarten + through 12 in the public school shall cause him to attend the public school in the district wherein he resides when it is in session during the regular school term, unless he is excused under paragraph 2, 3, 4, 5, or 6 of Section 26-1.

(b) A school district shall deny reenrollment in its secondary schools to any child 19 years of age or above who has dropped out of school and who could not, because of age and lack of credits, attend classes during the normal school year and graduate before his or her twenty-first birthday. A district may, however, enroll the child in a graduation incentives program under Section 26-16 of this Code or an alternative learning opportunities program established under Article 13B. No child shall be denied reenrollment for the above reasons unless the school district first offers the child due process as required in cases of expulsion under Section 10-22.6. If a child is denied reenrollment after being provided with due process, the school district must provide counseling to that child and must direct that child to alternative

New matter indicated by italics - deletions by strikeout
educational programs, including adult education programs, that lead to graduation or receipt of a GED diploma.

(c) A school or school district may deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum academic standards if all of the following conditions are met:

(1) The student achieved a grade point average of less than "D" (or its equivalent) in the semester immediately prior to the current semester.

(2) The student and the student's parent or guardian are given written notice warning that the student is failing academically and is subject to denial from enrollment for one semester unless a "D" average (or its equivalent) or better is attained in the current semester.

(3) The parent or guardian is provided with the right to appeal the notice, as determined by the State Board of Education in accordance with due process.

(4) The student is provided with an academic improvement plan and academic remediation services.

(5) The student fails to achieve a "D" average (or its equivalent) or better in the current semester.

A school or school district may deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum attendance standards if all of the following conditions are met:

(1) The student was absent without valid cause for 20% or more of the attendance days in the semester immediately prior to the current semester.

(2) The student and the student's parent or guardian are given written notice warning that the student is subject to denial from enrollment for one semester unless the student is absent without valid cause less than 20% of the attendance days in the current semester.

(3) The student's parent or guardian is provided with the right to appeal the notice, as determined by the State Board of Education in accordance with due process.

New matter indicated by italics - deletions by strikeout
(4) The student is provided with attendance remediation services, including without limitation assessment, counseling, and support services.

(5) The student is absent without valid cause for 20% or more of the attendance days in the current semester.

A school or school district may not deny enrollment to a student (or reenrollment to a dropout) who is at least 17 years of age or older but below 19 years for more than one consecutive semester for failure to meet academic or attendance standards.

(d) No child may be denied enrollment or reenrollment under this Section in violation of the Individuals with Disabilities Education Act or the Americans with Disabilities Act.

(e) In this subsection (e), "reenrolled student" means a dropout who has reenrolled full-time in a public school. Each school district shall identify, track, and report on the educational progress and outcomes of reenrolled students as a subset of the district's required reporting on all enrollments. A reenrolled student who again drops out must not be counted again against a district's dropout rate performance measure. The State Board of Education shall set performance standards for programs serving reenrolled students.

(f) The State Board of Education shall adopt any rules necessary to implement the changes to this Section made by Public Act 93-803.

(Source: P.A. 92-42, eff. 1-1-02; 93-803, eff. 7-23-04; 93-858, eff. 1-1-05; 93-1079, eff. 1-21-05.)

Section 99. Effective date. This Act takes effect June 30, 2007.
Approved August 24, 2007.
Effective August 24, 2007.

PUBLIC ACT 95-0418
(Senate Bill No. 0547)

AN ACT concerning State government.

New matter indicated by italics - deletions by strikeout
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-367 as follows:

(20 ILCS 2310/2310-367 new)

Sec. 2310-367. Health Data Task Force; purpose; implementation plan.

(a) In accordance with the recommendations of the 2007 State Health Improvement Plan, it is the policy of the State that, to the extent possible and consistent with privacy and other laws, State public health data and health-related administrative data are to be used to understand and report on the scope of health problems, plan prevention programs, and evaluate program effectiveness at the State and community level. It is a priority to use data to address racial, ethnic, and other health disparities. This system is intended to support State and community level public health planning, and is not intended to supplant or replace data-use agreements between State agencies and academic researchers for more specific research needs.

(b) Within 30 days after the effective date of this amendatory Act of the 95th General Assembly, a Health Data Task Force shall be convened to create a system for public access to integrated health data. The Task Force shall consist of the following: the Director of Public Health or his or her designee; the Director of Healthcare and Family Services or his or her designee; the Secretary of Human Services or his or her designee; the Director of the Department on Aging or his or her designee; the Director of Children and Family Services or his or her designee; the State Superintendent of Education or his or her designee; and other State officials as deemed appropriate by the Governor.

The Task Force shall be advised by a public advisory group consisting of community health data users, minority health advocates, local public health departments, and private data suppliers such as hospitals and other health care providers. Each member of the Task Force shall appoint 3 members of the public advisory group. The public advisory
group shall assist the Task Force in setting goals, articulating user needs, and setting priorities for action.

The Department of Public Health is primarily responsible for providing staff and administrative support to the Task Force. The other State agencies represented on the Task Force shall work cooperatively with the Department of Public Health to provide administrative support to the Task Force. The Department of Public Health shall have ongoing responsibility for monitoring the implementation of the plan and shall have ongoing responsibility to identify new or emerging data or technology needs.

The State agencies represented on the Task Force shall review their health data, data collection, and dissemination policies for opportunities to coordinate and integrate data and make data available within and outside State government in support of this State policy. To the extent possible, existing data infrastructure shall be used to create this system of public access to data. The Illinois Department of Health Care and Family Services data warehouse and the Illinois Department of Public Health IPLAN Data System may be the foundation of this system.

(c) The Task Force shall produce a plan with a phased and prioritized implementation timetable focusing on assuring access to improving the quality of data necessary to understand health disparities. The Task Force shall submit an initial report to the General Assembly no later that July 1, 2008, and shall make annual reports to the General Assembly on or before July 1 of each year through 2011 of the progress toward implementing the plan.

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 24, 2007.
Effective August 24, 2007.
AN ACT concerning health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Diabetes Initiative Act.

Section 5. Diabetes initiative.

(a) The Department of Human Services shall develop a strategic plan to slow the rate of diabetes as a result of obesity and other environmental factors by the year 2010. The Department shall collaborate with the Illinois State Diabetes Commission and may convene work groups as necessary that may include:

(1) health care professionals and researchers specializing in diabetes treatment or research;
(2) diabetes educators;
(3) representatives of medical schools or schools of public health;
(4) high school or college health educators;
(5) representatives from geographic areas or other population groups at higher risk of diabetes;
(6) representatives of community-based organizations involved in providing education, awareness, or support about diabetes; or
(7) other representatives the Department determines are necessary.

(b) In developing the plan, the Department shall:

(1) identify barriers to effective screening compliance and treatment for diabetes, including specific barriers affecting providers and patients;
(2) identify methods to increase the number of beneficiaries who will screen regularly for diabetes;

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(3) review current medical therapies and best clinical practices for diabetes, including the American Diabetes Association clinical measures and recommendations, including the importance of Body Mass Index as a key factor to managing diabetes;

(4) review drugs and biologicals available to control diabetes, including those that are provided upon failure of oral medications and as ancillary to the provision of insulin;

(5) review current screening, treatment, and related activities in this State and identify gaps in service delivery, use of technology, or use of current clinical measures and guidelines, such as those promulgated by the American Diabetes Association;

(6) identify actions to be taken to reduce the morbidity and mortality from diabetes by the year 2010 and a time line for taking those actions; and

(7) make recommendations to the General Assembly on policy changes and funding needed to achieve the strategic plan.

(c) The Department shall deliver the plan to the Governor and to the General Assembly on or before December 31, 2008.

Section 10. Expiration. This Act is repealed on January 1, 2010.

Section 15. The Illinois State Diabetes Commission Act is amended by changing Sections 5 and 10 as follows:

(20 ILCS 4055/5)

(Section scheduled to be repealed on January 1, 2010)

Sec. 5. Illinois State Diabetes Commission. There is hereby established within the Department of Human Services the Illinois State Diabetes Commission. The Commission shall consist of members that are residents of this State and shall include an Executive Committee appointed by the Secretary of Human Services as provided by rule. The members of the Commission shall be appointed by the Secretary of Human Services as follows:

(1) The Secretary of Human Services or the Secretary's designee, who shall serve as chairperson of the Commission.

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(2) Physicians who are board certified in endocrinology, with at least one physician with expertise and experience in the treatment of childhood diabetes and at least one physician with expertise and experience in the treatment of adult onset diabetes.

(3) Health care professionals with expertise and experience in the prevention, treatment, and control of diabetes.

(4) Representatives of organizations or groups that advocate on behalf of persons suffering from diabetes.

(5) Representatives of voluntary health organizations or advocacy groups with an interest in the prevention, treatment, and control of diabetes.

(6) Members of the public who have been diagnosed with diabetes.

The Secretary of Human Services may appoint additional members deemed necessary and appropriate by the Secretary.

(Source: P.A. 94-788, eff. 11-1-06.)

(20 ILCS 4055/10)

(Section scheduled to be repealed on January 1, 2010)

Sec. 10. Members; meetings. Members of the Commission shall be appointed within one year after the effective date of this amendatory Act of the 95th General Assembly by December 1, 2006. A member shall continue to serve until his or her successor is duly appointed and qualified.

Meetings shall be held 3 times per year or at the call of the Commission chairperson.

(Source: P.A. 94-788, eff. 11-1-06.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 24, 2007.
Effective August 24, 2007.
AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Utilities Act is amended by adding Section 16-107.5 as follows:

(220 ILCS 5/16-107.5 new)

Sec. 16-107.5. Net electricity metering.

(a) The Legislature finds and declares that a program to provide net electricity metering, as defined in this Section, for eligible customers can encourage private investment in renewable energy resources, stimulate economic growth, enhance the continued diversification of Illinois' energy resource mix, and protect the Illinois environment.

(b) As used in this Section, (i) "eligible customer" means a retail customer that owns or operates a solar, wind, or other eligible renewable electrical generating facility with a rated capacity of not more than 2,000 kilowatts that is located on the customer's premises and is intended primarily to offset the customer's own electrical requirements; (ii) "electricity provider" means an electric utility or alternative retail electric supplier; (iii) "eligible renewable electrical generating facility" means a generator powered by solar electric energy, wind, dedicated crops grown for electricity generation, anaerobic digestion of livestock or food processing waste, fuel cells or microturbines powered by renewable fuels, or hydroelectric energy; and (iv) "net electricity metering" (or "net metering") means the measurement, during the billing period applicable to an eligible customer, of the net amount of electricity supplied by an electricity provider to the customer's premises or provided to the electricity provider by the customer.

(c) A net metering facility shall be equipped with metering equipment that can measure the flow of electricity in both directions at the same rate. For eligible residential customers, this shall typically be accomplished through use of a single, bi-directional meter. If the eligible

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customer's existing electric revenue meter does not meet this requirement, the electricity provider shall arrange for the local electric utility or a meter service provider to install and maintain a new revenue meter at the electricity provider's expense. For non-residential customers, the electricity provider may arrange for the local electric utility or a meter service provider to install and maintain metering equipment capable of measuring the flow of electricity both into and out of the customer's facility at the same rate and ratio, typically through the use of a dual channel meter. For generators with a nameplate rating of 40 kilowatts and below, the costs of installing such equipment shall be paid for by the electricity provider. For generators with a nameplate rating over 40 kilowatts and up to 2,000 kilowatts capacity, the costs of installing such equipment shall be paid for by the customer. Any subsequent revenue meter change necessitated by any eligible customer shall be paid for by the customer.

(d) An electricity provider shall measure and charge or credit for the net electricity supplied to eligible customers or provided by eligible customers in the following manner:

(1) If the amount of electricity used by the customer during the billing period exceeds the amount of electricity produced by the customer, the electricity provider shall charge the customer for the net electricity supplied to and used by the customer as provided in subsection (e) of this Section.

(2) If the amount of electricity produced by a customer during the billing period exceeds the amount of electricity used by the customer during that billing period, the electricity provider supplying that customer shall apply a 1:1 kilowatt-hour credit to a subsequent bill for service to the customer for the net electricity supplied to the electricity provider. The electricity provider shall continue to carry over any excess kilowatt-hour credits earned and apply those credits to subsequent billing periods to offset any customer-generator consumption in those billing periods until all credits are used or until the end of the annualized period.

New matter indicated by italics - deletions by strikeout
(3) At the end of the year or annualized over the period that service is supplied by means of net metering, or in the event that the retail customer terminates service with the electricity provider prior to the end of the year or the annualized period, any remaining credits in the customer’s account shall expire.

(e) An electricity provider shall provide to net metering customers electric service at non-discriminatory rates that are identical, with respect to rate structure, retail rate components, and any monthly charges, to the rates that the customer would be charged if not a net metering customer. An electricity provider shall not charge net metering customers any fee or charge or require additional equipment, insurance, or any other requirements not specifically authorized by interconnection standards authorized by the Commission, unless the fee, charge, or other requirement would apply to other similarly situated customers who are not net metering customers. The customer will remain responsible for all taxes, fees, and utility delivery charges that would otherwise be applicable to the net amount of electricity used by the customer. Subsections (c) through (e) of this Section shall not be construed to prevent an arms-length agreement between an electricity provider and an eligible customer that sets forth different prices, terms, and conditions for the provision of net metering service, including, but not limited to, the provision of the appropriate metering equipment for non-residential customers.

(f) Notwithstanding the requirements of subsections (c) through (e) of this Section, an electricity provider must require dual-channel metering for non-residential customers operating eligible renewable electrical generating facilities with a nameplate rating over 40 kilowatts and up to 2,000 kilowatts. In such cases, electricity charges and credits shall be determined as follows:

(1) The electricity provider shall assess and the customer remains responsible for all taxes, fees, and utility delivery charges that would otherwise be applicable to the gross amount of kilowatt-hours supplied to the eligible customer by the electricity provider.

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(2) Each month that service is supplied by means of dual-channel metering, the electricity provider shall compensate the eligible customer for any excess kilowatt-hour credits at the electricity provider's avoided cost of electricity supply over the monthly period or as otherwise specified by the terms of a power-purchase agreement negotiated between the customer and electricity provider.

(3) For all eligible net metering customers taking service from an electricity provider under contracts or tariffs employing time of use rates, any monthly consumption of electricity shall be calculated according to the terms of the contract or tariff to which the same customer would be assigned to or be eligible for if the customer was not a net metering customer. When those same customer-generators are net generators during any discrete time of use period, the net kilowatt-hours produced shall be valued at the same price per kilowatt-hour as the electric service provider would charge for retail kilowatt-hour sales during that same time of use period.

(g) For purposes of federal and State laws providing renewable energy credits or greenhouse gas credits, the eligible customer shall be treated as owning and having title to the renewable energy attributes, renewable energy credits, and greenhouse gas emission credits related to any electricity produced by the qualified generating unit. The electricity provider may not condition participation in a net metering program on the signing over of a customer's renewable energy credits; provided, however, this subsection (g) shall not be construed to prevent an arms-length agreement between an electricity provider and an eligible customer that sets forth the ownership or title of the credits.

(h) Within 120 days after the effective date of this amendatory Act of the 95th General Assembly, the Commission shall establish standards for net metering and, if the Commission has not already acted on its own initiative, standards for the interconnection of eligible renewable generating equipment to the utility system. The interconnection standards shall address any procedural barriers, delays, and administrative costs.
associated with the interconnection of customer-generation while ensuring the safety and reliability of the units and the electric utility system. The Commission shall consider the Institute of Electrical and Electronics Engineers (IEEE) Standard 1547 and the issues of (i) reasonable and fair fees and costs, (ii) clear timelines for major milestones in the interconnection process, (iii) nondiscriminatory terms of agreement, and (iv) any best practices for interconnection of distributed generation.

(i) All electricity providers shall begin to offer net metering no later than April 1, 2008.

(j) An electricity provider shall provide net metering to eligible customers until the load of its net metering customers equals 1% of the total peak demand supplied by that electricity provider during the previous year. Electricity providers are authorized to offer net metering beyond the 1% level if they so choose. The number of new eligible customers with generators that have a nameplate rating of 40 kilowatts and below will be limited to 200 total new billing accounts for the utilities (Ameren Companies, ComEd, and MidAmerican) for the period of April 1, 2008 through March 31, 2009.

(k) Each electricity provider shall maintain records and report annually to the Commission the total number of net metering customers served by the provider, as well as the type, capacity, and energy sources of the generating systems used by the net metering customers. Nothing in this Section shall limit the ability of an electricity provider to request the redaction of information deemed by the Commission to be confidential business information. Each electricity provider shall notify the Commission when the total generating capacity of its net metering customers is equal to or in excess of the 1% cap specified in subsection (j) of this Section.

(l) Notwithstanding the definition of "eligible customer" in item (i) of subsection (b) of this Section, each electricity provider shall consider whether to allow meter aggregation for the purposes of net metering on:

(1) properties owned or leased by multiple customers that contribute to the operation of an eligible renewable electrical generating facility, such as a community-owned wind project or a

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(2) individual units, apartments, or properties owned or leased by multiple customers and collectively served by a common eligible renewable electrical generating facility, such as an apartment building served by photovoltaic panels on the roof.

For the purposes of this subsection (l), "meter aggregation" means the combination of reading and billing on a pro rata basis for the types of eligible customers described in this Section.

(m) Nothing in this Section shall affect the right of an electricity provider to continue to provide, or the right of a retail customer to continue to receive service pursuant to a contract for electric service between the electricity provider and the retail customer in accordance with the prices, terms, and conditions provided for in that contract. Either the electricity provider or the customer may require compliance with the prices, terms, and conditions of the contract.

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 24, 2007.
Effective August 24, 2007.

PUBLIC ACT 95-0421
(Senate Bill No. 0730)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Plumbing License Law is amended by changing Section 2.5 as follows:
(225 ILCS 320/2.5)
(Section scheduled to be repealed on January 1, 2013)
(Text of Section before amendment by P.A. 94-101)
Sec. 2.5. Irrigation contractors; lawn sprinkler systems.

New matter indicated by italics - deletions by strikeout
(a) Every irrigation contractor doing business in this State shall annually register with the Department. Every irrigation contractor shall provide to the Department his or her business name and address, telephone number, name of principal, and FEIN number. Every irrigation contractor doing business in this State shall also register with the Department each and every employee who installs or supervises the installation of lawn sprinkler systems. The registration shall include the employee's name, home address, and telephone number. The Department may provide by rule for the administration of registrations under this subsection. The annual registration fee shall be set by the Department pursuant to Section 30 of this Act.

(b) A licensed plumber or licensed apprentice plumber may install a lawn sprinkler system connected to any water source without registration under this Section.

(c) A licensed plumber shall inspect every sprinkler system installed by an irrigation contractor to ensure the provisions of this Section have been met and that the system works mechanically. A licensed plumber shall make the physical connection between a lawn sprinkler system and the backflow prevention device.

Upon the installation of every lawn sprinkler system in this State from the effective date of this amendatory Act of the 91st General Assembly forward, a licensed plumber shall affix to the backflow prevention device a tag certifying that the installation of that system has been completed in compliance with the minimum code of plumbing standards promulgated under this Act. The Department shall provide by rule for the registration of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly, including the means by which the Department shall be able to identify by registration number the identity of the responsible irrigation contractor and by license number the identity of the responsible licensed plumber. No lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly may be operated without the certification tag required under this Section.
The registered irrigation contractor and the licensed plumber whose identifying information is contained on the certification tag shall both be subject to the penalty provisions of this Act for violations for improper installation of a lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly.

(d) An irrigation contractor that has registered with the Department 7 or fewer persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least one licensed plumber who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. The licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor that has registered with the Department 8 to 12 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 2 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor that has registered with the Department 13 to 20 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 3 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor that has registered with the Department 21 to 28 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 4 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

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An irrigation contractor that has registered with the Department 29 to 35 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 5 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor that has registered with the Department 36 or more persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 6 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

The Department may provide by rule for the temporary waiver process for registered irrigation contractors who are unable to comply with the requirements of this subsection. When a temporary waiver is granted, it shall not be for a duration of more than 3 consecutive months. Upon the expiration of a temporary waiver issued by the Department, the registered irrigation contractor shall demonstrate that justifiable reasons exist why he or she is still unable to comply with the requirements of this subsection, despite good faith efforts to comply with the requirements. In no case shall a temporary waiver be granted for an irrigation contractor for more than a total of 6 months in a two-year period. In no case shall an irrigation contractor be relieved of the requirement that a licensed plumber shall inspect every sprinkler system installed by an irrigation contractor to ensure the provisions of this Section have been met and that the system works mechanically and make the physical connection between a sprinkler system and the backflow prevention device.

(e) No person shall attach to a lawn sprinkler system any fixture intended to supply water for human consumption.

No person shall attach to a lawn sprinkler system any fixture other than the backflow prevention device, sprinkler heads, valves, and other
parts integral to the operation of the system, unless the fixture is clearly marked as being for non-potable uses only.

(Source: P.A. 91-678, eff. 1-26-00; 92-778, eff. 8-6-02.)

(Text of Section after amendment by P.A. 94-101)

Sec. 2.5. Irrigation contractors; lawn sprinkler systems.

(a) Every irrigation contractor doing business in this State shall annually register with the Department. Every irrigation contractor shall provide to the Department his or her business name and address, telephone number, name of principal, FEIN number, and an original certificate of insurance documenting that the irrigation contractor carries general liability insurance with a minimum of $100,000 per occurrence, bodily injury insurance with a minimum of $300,000 per occurrence, property damage insurance with a minimum of $50,000, and worker's compensation insurance with a minimum of $500,000. No registration may be issued in the absence of the certificate of insurance. The certificate must be in force at all times for registration to remain valid.

On a form provided by the Department, every irrigation contractor must provide to the Department an indemnification bond in the amount of $20,000 or an irrevocable letter of credit from a financial institution guaranteeing that funds shall be available only to the Department and shall be released upon written notification by the Department in the same amount for any work on lawn sprinkler systems performed by the registered irrigation contractor. The letter of credit shall be printed on the letterhead of the issuing financial institution, be signed by an officer of the same financial institution, name the Department as the sole beneficiary, and expire on February 28 of each year.

Every irrigation contractor doing business in this State shall also register with the Department each and every employee who installs or supervises the installation of lawn sprinkler systems. The registration shall include the employee's name, home address, and telephone number. The Department may provide by rule for the administration of registrations under this subsection. The annual registration fee shall be set by the Department pursuant to Section 30 of this Act. Each registered irrigation contractor must provide proof that he or she employs at least one irrigation

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employee who has completed and passed an approved class in the design and installation of lawn sprinkler systems.

(b) A licensed plumber or licensed apprentice plumber may install a lawn sprinkler system connected to any water source without registration under this Section.

(c) A licensed plumber shall inspect every sprinkler system installed by an irrigation contractor to ensure the provisions of this Section have been met and that the system works mechanically. A licensed plumber shall make the physical connection between a lawn sprinkler system and the backflow prevention device.

Upon the installation of every lawn sprinkler system in this State from the effective date of this amendatory Act of the 91st General Assembly forward, a licensed plumber shall affix to the backflow prevention device a tag certifying that the installation of that system has been completed in compliance with the minimum code of plumbing standards promulgated under this Act. The Department shall provide by rule for the registration of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly, including the means by which the Department shall be able to identify by registration number the identity of the responsible irrigation contractor and by license number the identity of the responsible licensed plumber. No lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly may be operated without the certification tag required under this Section.

The registered irrigation contractor and the licensed plumber whose identifying information is contained on the certification tag shall both be subject to the penalty provisions of this Act for violations for improper installation of a lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly.

(d) An irrigation contractor who has registered with the Department 7 or fewer persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least one licensed plumber who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective
date of this amendatory Act of the 91st General Assembly. The licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor who has registered with the Department 8 to 12 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 2 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor who has registered with the Department 13 to 20 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 3 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor who has registered with the Department 21 to 28 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 4 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor who has registered with the Department 29 to 35 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 5 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor who has registered with the Department 36 or more persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 6 licensed plumbers who shall install or be responsible for the installation of

New matter indicated by italics - deletions by strikeout
every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

The Department may provide by rule for the temporary waiver process for registered irrigation contractors who are unable to comply with the requirements of this subsection. When a temporary waiver is granted, it shall not be for a duration of more than 3 consecutive months. Upon the expiration of a temporary waiver issued by the Department, the registered irrigation contractor shall demonstrate that justifiable reasons exist why he or she is still unable to comply with the requirements of this subsection, despite good faith efforts to comply with the requirements. In no case shall a temporary waiver be granted for an irrigation contractor for more than a total of 6 months in a two-year period. In no case shall an irrigation contractor be relieved of the requirement that a licensed plumber shall inspect every sprinkler system installed by an irrigation contractor to ensure the provisions of this Section have been met and that the system works mechanically and make the physical connection between a sprinkler system and the backflow prevention device.

(e) No person shall attach to a lawn sprinkler system any fixture intended to supply water for human consumption.

No person shall attach to a lawn sprinkler system any fixture other than the backflow prevention device, sprinkler heads, valves, and other parts integral to the operation of the system, unless the fixture is clearly marked as being for non-potable uses only.

(f) A college, university, trade school, vocational school, or association that has established a program providing a course of instruction in lawn sprinkler design and installation may submit a letter to the Department requesting approval of its program or course of instruction.

The request for approval shall include information on the curriculum offered by the program and the qualifications of the organization. The course shall consist of a minimum of 2 days of classroom education and an exam and shall include a provision for continuing education.
The Department shall evaluate the curriculum and organization before making a determination to approve or deny a request for approval.

In addition to providing to the Department the names of licensed plumbers who are employed by or contract with an irrigation contractor, an irrigation contractor must also provide to the Department the names of employees who have successfully completed an approved course on the installation of lawn sprinkler systems and proof that the course was successfully completed and that continuing education is also being completed.

(g) All automatically operated lawn sprinkler systems shall have furnished and installed technology that inhibits or interrupts operation of the landscape irrigation system during periods of sufficient moisture or rainfall. The technology must be adjustable either by the end user or the irrigation contractor.

This subsection (g) does not apply to systems operating on golf courses or agricultural lands.

The requirements of this subsection (g) apply to all landscape irrigation systems installed after January 1, 2009.

(Source: P.A. 94-101, eff. 1-1-08.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99. Effective date. This Act takes effect January 1, 2009.
Approved August 24, 2007.
Effective January 1, 2009.

PUBLIC ACT 95-0422
(Senate Bill No. 0937)

AN ACT concerning health.

New matter indicated by italics - deletions by strikeout
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 6.11 as follows:

(5 ILCS 375/6.11)
Sec. 6.11. Required health benefits; Illinois Insurance Code requirements. The program of health benefits shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t of the Illinois Insurance Code. The program of health benefits shall provide the coverage required under Sections 356u, 356w, 356x, 356z.2, 356z.4, and 356z.6, and 356z.9 of the Illinois Insurance Code. The program of health benefits must comply with Section 155.37 of the Illinois Insurance Code.
(Source: P.A. 92-440, eff. 8-17-01; 92-764, eff. 1-1-03; 93-102, eff. 1-1-04; 93-853, eff. 1-1-05.)

Section 10. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-617 as follows:

(20 ILCS 2310/2310-617 new)
Sec. 2310-617. Human papillomavirus vaccine.
(a) As used in this Section, "eligible individual" means a female child under the age of 18, who is a resident of Illinois who: (1) is not entitled to receive a human papillomavirus (HPV) vaccination at no cost as a benefit under a plan of health insurance, a managed care plan, or a plan provided by a health maintenance organization, a health services plan corporation, or a similar entity, and (2) meets the requirements established by the Department of Public Health by rule.
(b) Subject to appropriation, the Department of Public Health shall establish and administer a program, commencing no later than July 1, 2011, under which any eligible individual shall, upon the eligible individual's request, receive a series of HPV vaccinations as medically indicated, at no cost to the eligible individual.
(c) The Department of Public Health shall adopt rules for the administration and operation of the program, including, but not limited

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to: determination of the HPV vaccine formulation to be administered and the method of administration; eligibility requirements and eligibility determinations; and standards and criteria for acquisition and distribution of the HPV vaccine and related supplies. The Department may enter into contracts or agreements with public or private entities for the performance of such duties under the program as the Department may deem appropriate to carry out this Section and its rules adopted under this Section.

Section 15. The Counties Code is amended by changing Section 5-1069.3 as follows:

(55 ILCS 5/5-1069.3)
Sec. 5-1069.3. Required health benefits. If a county, including a home rule county, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356u, 356w, 356x, and 356z.6, and 356z.9 of the Illinois Insurance Code. The requirement that health benefits be covered as provided in this Section is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule county to which this Section applies must comply with every provision of this Section.
(Source: P.A. 93-853, eff. 1-1-05.)

Section 20. The Illinois Municipal Code is amended by changing Section 10-4-2.3 as follows:

(65 ILCS 5/10-4-2.3)
Sec. 10-4-2.3. Required health benefits. If a municipality, including a home rule municipality, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356u, 356w, 356x, and 356z.6, and 356z.9 of the Illinois Insurance Code. The requirement that health benefits be covered as provided in this is an exclusive power and function of the State and is a

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denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule municipality to which this Section applies must comply with every provision of this Section.
(Source: P.A. 93-853, eff. 1-1-05.)

Section 25. The School Code is amended by changing Sections 27-8.1 and 10-22.3f as follows:

(105 ILCS 5/10-22.3f)

Sec. 10-22.3f. Required health benefits. Insurance protection and benefits for employees shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356u, 356w, 356x, and 356z.6 and 356z.9 of the Illinois Insurance Code.
(Source: P.A. 93-853, eff. 1-1-05.)

(105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

Sec. 27-8.1. Health examinations and immunizations.

(1) In compliance with rules and regulations which the Department of Public Health shall promulgate, and except as hereinafter provided, all children in Illinois shall have a health examination as follows: within one year prior to entering kindergarten or the first grade of any public, private, or parochial elementary school; upon entering the sixth fifth and ninth grades of any public, private, or parochial school; prior to entrance into any public, private, or parochial nursery school; and, irrespective of grade, immediately prior to or upon entrance into any public, private, or parochial school or nursery school, each child shall present proof of having been examined in accordance with this Section and the rules and regulations promulgated hereunder.

A tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis. Additional health examinations of pupils, including vision examinations, may be required when deemed necessary by school authorities. Parents are encouraged to have their children undergo vision examinations at the same points in time required for health examinations.

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(1.5) In compliance with rules adopted by the Department of Public Health and except as otherwise provided in this Section, all children in kindergarten and the second and sixth grades of any public, private, or parochial school shall have a dental examination. Each of these children shall present proof of having been examined by a dentist in accordance with this Section and rules adopted under this Section before May 15th of the school year. If a child in the second or sixth grade fails to present proof by May 15th, the school may hold the child's report card until one of the following occurs: (i) the child presents proof of a completed dental examination or (ii) the child presents proof that a dental examination will take place within 60 days after May 15th. The Department of Public Health shall establish, by rule, a waiver for children who show an undue burden or a lack of access to a dentist. Each public, private, and parochial school must give notice of this dental examination requirement to the parents and guardians of students at least 60 days before May 15th of each school year.

(2) The Department of Public Health shall promulgate rules and regulations specifying the examinations and procedures that constitute a health examination, which shall include the collection of data relating to obesity; (including at a minimum, date of birth, gender, height, weight, blood pressure, and date of exam), and a dental examination and may recommend by rule that certain additional examinations be performed. The rules and regulations of the Department of Public Health shall specify that a tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis. The Department of Public Health shall specify that a diabetes screening as defined by rule shall be included as a required part of each health examination. Diabetes testing is not required.

Physicians licensed to practice medicine in all of its branches, advanced practice nurses who have a written collaborative agreement with a collaborating physician which authorizes them to perform health examinations, or physician assistants who have been delegated the performance of health examinations by their supervising physician shall be

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responsible for the performance of the health examinations, other than
dental examinations and vision and hearing screening, and shall sign all
report forms required by subsection (4) of this Section that pertain to those
portions of the health examination for which the physician, advanced
practice nurse, or physician assistant is responsible. If a registered nurse
performs any part of a health examination, then a physician licensed to
practice medicine in all of its branches must review and sign all required
report forms. Licensed dentists shall perform all dental examinations and
shall sign all report forms required by subsection (4) of this Section that
pertain to the dental examinations. Physicians licensed to practice
medicine in all its branches, or licensed optometrists, shall perform all
vision exams required by school authorities and shall sign all report forms
required by subsection (4) of this Section that pertain to the vision exam.
Vision and hearing screening tests, which shall not be considered
examinations as that term is used in this Section, shall be conducted in
accordance with rules and regulations of the Department of Public Health,
and by individuals whom the Department of Public Health has certified. In
these rules and regulations, the Department of Public Health shall require
that individuals conducting vision screening tests give a child's parent or
guardian written notification, before the vision screening is conducted, that
states, "Vision screening is not a substitute for a complete eye and vision
evaluation by an eye doctor. Your child is not required to undergo this
vision screening if an optometrist or ophthalmologist has completed and
signed a report form indicating that an examination has been administered
within the previous 12 months."

(3) Every child shall, at or about the same time as he or she
receives a health examination required by subsection (1) of this Section,
present to the local school proof of having received such immunizations
against preventable communicable diseases as the Department of Public
Health shall require by rules and regulations promulgated pursuant to this
Section and the Communicable Disease Prevention Act.

(4) The individuals conducting the health examination or dental
examination shall record the fact of having conducted the examination,
and such additional information as required, including for a health

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examination data relating to obesity; (including at a minimum, date of birth, gender, height, weight, blood pressure, and date of exam), on uniform forms which the Department of Public Health and the State Board of Education shall prescribe for statewide use. The examiner shall summarize on the report form any condition that he or she suspects indicates a need for special services, including for a health examination factors relating to obesity. The individuals confirming the administration of required immunizations shall record as indicated on the form that the immunizations were administered.

(5) If a child does not submit proof of having had either the health examination or the immunization as required, then the child shall be examined or receive the immunization, as the case may be, and present proof by October 15 of the current school year, or by an earlier date of the current school year established by a school district. To establish a date before October 15 of the current school year for the health examination or immunization as required, a school district must give notice of the requirements of this Section 60 days prior to the earlier established date. If for medical reasons one or more of the required immunizations must be given after October 15 of the current school year, or after an earlier established date of the current school year, then the child shall present, by October 15, or by the earlier established date, a schedule for the administration of the immunizations and a statement of the medical reasons causing the delay, both the schedule and the statement being issued by the physician, advanced practice nurse, physician assistant, registered nurse, or local health department that will be responsible for administration of the remaining required immunizations. If a child does not comply by October 15, or by the earlier established date of the current school year, with the requirements of this subsection, then the local school authority shall exclude that child from school until such time as the child presents proof of having had the health examination as required and presents proof of having received those required immunizations which are medically possible to receive immediately. During a child's exclusion from school for noncompliance with this subsection, the child's parents or legal guardian shall be considered in violation of Section 26-1 and subject to
any penalty imposed by Section 26-10. This subsection (5) does not apply to dental examinations.

(6) Every school shall report to the State Board of Education by November 15, in the manner which that agency shall require, the number of children who have received the necessary immunizations and the health examination (other than a dental examination) as required, indicating, of those who have not received the immunizations and examination as required, the number of children who are exempt from health examination and immunization requirements on religious or medical grounds as provided in subsection (8). Every school shall report to the State Board of Education by June 30, in the manner that the State Board requires, the number of children who have received the required dental examination, indicating, of those who have not received the required dental examination, the number of children who are exempt from the dental examination on religious grounds as provided in subsection (8) of this Section and the number of children who have received a waiver under subsection (1.5) of this Section. This reported information shall be provided to the Department of Public Health by the State Board of Education.

(7) Upon determining that the number of pupils who are required to be in compliance with subsection (5) of this Section is below 90% of the number of pupils enrolled in the school district, 10% of each State aid payment made pursuant to Section 18-8.05 to the school district for such year shall be withheld by the regional superintendent until the number of students in compliance with subsection (5) is the applicable specified percentage or higher.

(8) Parents or legal guardians who object to health or dental examinations or any part thereof, or to immunizations, on religious grounds shall not be required to submit their children or wards to the examinations or immunizations to which they so object if such parents or legal guardians present to the appropriate local school authority a signed statement of objection, detailing the grounds for the objection. If the physical condition of the child is such that any one or more of the immunizing agents should not be administered, the examining physician,

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advanced practice nurse, or physician assistant responsible for the performance of the health examination shall endorse that fact upon the health examination form. Exempting a child from the health or dental examination does not exempt the child from participation in the program of physical education training provided in Sections 27-5 through 27-7 of this Code.

(9) For the purposes of this Section, "nursery schools" means those nursery schools operated by elementary school systems or secondary level school units or institutions of higher learning.

(Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04; 93-530, eff. 1-1-04; 93-946, eff. 7-1-05; 93-966, eff. 1-1-05; revised 12-1-05.)

Section 30. The Illinois Insurance Code is amended by adding Section 356z.9 as follows:

(215 ILCS 5/356z.9 new)

Sec. 356z.9. Human papillomavirus vaccine. A group or individual policy of accident and health insurance or managed care plan amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 95th General Assembly must provide coverage for a human papillomavirus vaccine (HPV) that is approved for marketing by the federal Food and Drug Administration.

Section 35. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows:

(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

Sec. 5-3. Insurance Code provisions.

(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 355.2, 356m, 356v, 356w, 356x, 356y, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 364.01, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e, 370c, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.

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(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":

(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act;
(2) a corporation organized under the laws of this State; or
(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.

(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;
(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;
(3) the Director shall have the power to require the following information:

(A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;
(B) pro forma financial statements reflecting the combined balance sheets of the acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days

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prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;
(C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and
(D) such other information as the Director shall require.
(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including without limitation the health maintenance organization's right, title, and interest in and to its health care certificates).
(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.
(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:
(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and
(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's

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profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section.

(Source: P.A. 93-102, eff. 1-1-04; 93-261, eff. 1-1-04; 93-477, eff. 8-8-03; 93-529, eff. 8-14-03; 93-853, eff. 1-1-05; 93-1000, eff. 1-1-05; 94-906, eff. 1-1-07; 94-1076, eff. 12-29-06; revised 1-5-07.)

Section 40. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:

(215 ILCS 165/10) (from Ch. 32, par. 604)

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c, 149, 155.37, 354, 355.2, 356r, 356t, 356u, 356v,

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Section 45. The Communicable Disease Prevention Act is amended by adding Section 2e as follows:

Sec. 2e. Cervical cancer prevention.
(a) Notwithstanding the provisions of Section 2 of this Act, beginning August 1, 2007, the Department of Public Health must provide all female students who are entering sixth grade and their parents or legal guardians written information about the link between human papillomavirus (HPV) and cervical cancer and the availability of a HPV vaccine.

(b) The Director of Public Health shall prescribe the content of the information required in subsection (a) of this Section.

(c) In order to provide for the expeditious and timely implementation of the provisions of this amendatory Act of the 95th General Assembly, the Department of Public Health shall adopt emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act to the extent necessary to administer the Department's responsibilities under this amendatory Act of the 95th General Assembly. The adoption of emergency rules authorized by this subsection (c) is deemed to be necessary for the public interest, safety, and welfare.

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 24, 2007.
Effective August 24, 2007.
AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by adding Section 2605-580 as follows:

Sec. 2605-580. Pilot program; Internet Gang Crime Units.

(a) The Department of State Police shall establish a pilot program from moneys available under which Internet Gang Crime Units shall be created in the Cook County Sheriff’s Office, the City of Danville Police Department, and the Village of Round Lake Heights Police Department. Under the pilot program for the operation of Internet Gang Crime Units, 40% shall be allocated to the Cook County Sheriff's Office, 30% shall be allocated to the City of Danville Police Department, and 30% shall be allocated to the Village of Round Lake Heights Police Department.

(b) Under the pilot program, the Internet Gang Crime Units shall investigate criminal activities of organized gangs that involve the use of the Internet. For the duration of the pilot program and in accordance with protocols for inter-jurisdictional cooperation established by the Department of State Police, peace officers in each Internet Gang Crime Unit shall, notwithstanding any other provision of law, have extra-jurisdictional authority to conduct investigations and make arrests anywhere in the State of Illinois regarding criminal activities of organized gangs that involve the use of the Internet.

(c) Notwithstanding any other provision of law, if any criminal statute of this State authorizes the distribution of all or a portion of the proceeds realized from property seized or forfeited under that statute to participating law enforcement agencies or the delivery of property forfeited and seized under that statute to participating law enforcement agencies, a law enforcement agency in which an Internet Gang Crime

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Unit has been created is eligible to receive such a distribution or delivery if that law enforcement agency participated through its Internet Gang Crime Unit, regardless of the jurisdiction in which the seizure or forfeiture occurs.

(d) The Cook County Sheriff’s Office, the City of Danville Police Department, and the Village of Round Lake Heights Police Department shall report to the Department of State Police on a quarterly basis on the activities of their Internet Gang Crime Units in accordance with reporting guidelines established by the Department of State Police. The Department of State Police shall file a consolidated report on a quarterly basis with the General Assembly and the Governor. The Department’s consolidated report may also contain any evaluations or recommendations that the Department deems appropriate.

(e) The pilot program shall terminate on July 1, 2010.

(f) As used in this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

Section 10. The Code of Criminal Procedure of 1963 is amended by changing Section 107-4 as follows:

(725 ILCS 5/107-4) (from Ch. 38, par. 107-4)
Sec. 107-4. Arrest by peace officer from other jurisdiction.
(a) As used in this Section:
   (1) "State" means any State of the United States and the District of Columbia.
   (2) "Peace Officer" means any peace officer or member of any duly organized State, County, or Municipal peace unit, any police force of another State, or any police force whose members, by statute, are granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State.
   (3) "Fresh pursuit" means the immediate pursuit of a person who is endeavoring to avoid arrest.
   (4) "Law enforcement agency" means a municipal police department or county sheriff’s office of this State.

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(a-3) Any peace officer employed by a law enforcement agency of this State may conduct temporary questioning pursuant to Section 107-14 of this Code and may make arrests in any jurisdiction within this State if:
1. if the officer is engaged in the investigation of an offense that occurred in the officer's primary jurisdiction and the temporary questioning is conducted or the arrest is made pursuant to that investigation; or 2. if the officer, while on duty as a peace officer, becomes personally aware of the immediate commission of a felony or misdemeanor violation of the laws of this State; or 3. if the officer, while on duty as a peace officer, is requested by an appropriate State or local law enforcement official to render aid or assistance to the requesting law enforcement agency that is outside the officer's primary jurisdiction; or 4. in accordance with Section 2605-580 of the Department of State Police Law of the Civil Administrative Code of Illinois. While acting pursuant to this subsection, an officer has the same authority as within his or her own jurisdiction.

(a-7) The law enforcement agency of the county or municipality in which any arrest is made under this Section shall be immediately notified of the arrest.

(b) Any peace officer of another State who enters this State in fresh pursuit and continues within this State in fresh pursuit of a person in order to arrest him on the ground that he has committed an offense in the other State has the same authority to arrest and hold the person in custody as peace officers of this State have to arrest and hold a person in custody on the ground that he has committed an offense in this State.

(c) If an arrest is made in this State by a peace officer of another State in accordance with the provisions of this Section he shall without unnecessary delay take the person arrested before the circuit court of the county in which the arrest was made. Such court shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the court determines that the arrest was lawful it shall commit the person arrested, to await for a reasonable time the issuance of an extradition warrant by the Governor of this State, or admit him to bail for such purpose. If the court determines that the arrest was unlawful it shall discharge the person arrested.

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AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Civil Procedure is amended by changing Section 22-105 as follows:

(735 ILCS 5/22-105)

Sec. 22-105. Frivolous lawsuits filed by prisoners.

(a) If a prisoner confined in an Illinois Department of Corrections facility files a pleading, motion, or other filing which purports to be a legal document in a case seeking post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963, pursuant to Section 116-3 of the Code of Criminal Procedure of 1963, in a habeas corpus action under Article X of this Code, in a claim under the Court of Claims Act, or a second or subsequent petition for relief from judgment under Section 2-1401 of this Code or in another action against the State, the Illinois Department of Corrections, or the Prisoner Review Board, or against any of their officers or employees and the Court makes a specific finding that the pleading, motion, or other filing which purports to be a legal document filed by the prisoner is frivolous, the prisoner is responsible for the full payment of filing fees and actual court costs.

On filing the action or proceeding the court shall assess and, when funds exist, collect as a partial payment of any court costs required by law a first time payment of 50% of the average monthly balance of the prisoner's trust fund account for the past 6 months. Thereafter 50% of all deposits into the prisoner's individual account under Sections 3-4-3 and 3-
12-5 of the Unified Code of Corrections administered by the Illinois Department of Corrections shall be withheld until the actual court costs are collected in full. The Department of Corrections shall forward any moneys withheld to the court of jurisdiction. If a prisoner is released before the full costs are collected, the Department of Corrections shall forward the amount of costs collected through the date of release. The court of jurisdiction is responsible for sending the Department of Corrections a copy of the order mandating the amount of court fees to be paid. Nothing in this Section prohibits an applicant from filing an action or proceeding if the applicant is unable to pay the court costs.

(b) In this Section, "frivolous" means that a pleading, motion, or other filing which purports to be a legal document filed by a prisoner in his or her lawsuit meets any or all of the following criteria:

(1) it lacks an arguable basis either in law or in fact;

(2) it is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(3) the claims, defenses, and other legal contentions therein are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(4) the allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; or

(5) the denials of factual contentions are not warranted on the evidence, or if specifically so identified, are not reasonably based on a lack of information or belief.

(Source: P.A. 90-505, eff. 8-19-97.)

Approved August 24, 2007.
Effective January 1, 2008.
AN ACT concerning human rights.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Commission on Discrimination and Hate Crimes Act.

Section 5. Findings. The General Assembly finds as follows:
(1) The population and demographic makeup of the State of Illinois make the appreciation, tolerance, and acceptance of diverse cultures imperative.
(2) No person or group of people should have to live in fear because of their race, ethnicity, culture, sexual orientation, or religious beliefs.
(3) The manifestation of discrimination in the form of violence has a negative impact not only on the victim, but also his or her community, and can have a lasting adverse effect on our society.
(4) Stereotypical thinking and biases still plague our society.
(5) Illinois has a strong tradition of combating discrimination and hate-based violence by statutorily addressing crimes such as aggravated battery, theft, criminal trespassing, disorderly conduct, and telephone harassment committed because of the victim's race, color, creed, religion, ancestry, gender, sexual orientation, or disability.
(6) We must continue to work to build a society that is bias and hate free so that our children are protected against discrimination, punishment, and violence that are based on race, ethnicity, color, creed, religious belief, sexual orientation, or social status.

Section 10. Establishment of Commission.

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(a) The Commission on Discrimination and Hate Crimes is established. The Commission shall consist of a chairperson and 20 additional members appointed by the Governor with the advice and consent of the Senate. The membership may include, but is not limited to, persons who are active in and knowledgeable about the areas of law enforcement, the criminal and civil justice systems, education, human rights, business and industry, arts and culture, social services, and religion. Terms of the members shall be staggered so that 10 of the initial members shall serve until March 1, 2009, 10 of the initial members and the initial chairperson shall serve until March 1, 2011, and thereafter each member shall serve for a term of 4 years. Members shall serve until their successors are appointed and qualified. Any vacancy in the membership of the Council shall be filled by the Governor with the advice and consent of the Senate for the unexpired term. Members shall serve without compensation, but may be reimbursed for expenses.

(b) The Commission shall be provided assistance and necessary staff support services by the agencies of State government involved in the issues to be addressed by it.

Section 15. Purposes of Commission. The purposes of the Commission include, but are not limited to, the following:

(1) To work in partnership with community leaders, educators, religious leaders, social service agencies, elected officials, and the public to identify and uproot sources of discrimination and bias at the source.

(2) To work with local governments, law enforcement officials and prosecutors, educators, and community organizations by assisting with the development of resources, training, and information that allow for a swift and efficient response to hate-motivated crimes and incidents.

(3) To work with educators throughout Illinois on issues concerning discrimination and hate, teaching acceptance, and embracing diversity at academic institutions.

(4) To help ensure that this State's laws addressing discrimination and hate-related violence are widely known and
applied correctly to help eradicate and prevent crimes based on discrimination and intolerance.

(5) To make recommendations to the Governor and the General Assembly for statutory and programmatic changes necessary to eliminate discrimination and hate-based violence.

(6) To help implement recommendations by working with State agencies, the General Assembly, the business community, the social service community, and other organizations.

Section 20. Annual report. The Commission shall submit a report to the Governor and the General Assembly by March 30 of each year.

Section 25. Other laws. Nothing in this Act shall be construed to contravene any federal law or any other State law.

Section 30. Effect on Executive Order. This Act supersedes Executive Order No. 8 (2005).

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 24, 2007.
Effective August 24, 2007.

PUBLIC ACT 95-0426
(Senate Bill No. 1159)

AN ACT concerning property.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Secretary of the Department of Human Services, on behalf of the State of Illinois, is authorized to execute and deliver for $10 and other good and valuable consideration a valid Quit Claim Deed to Edith Gould releasing all right, title, and interest held by the State of Illinois in and to the following described real property:
Lots Forty-One (41), Forty-Two (42), and Forty-Three of "Hall and Wallace's Subdivision of Part of Lot Thirty-Nine (39) Prairie Du Pont Commons of St. Clair County, Illinois; Reference being had to the Plat

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Section 10. The Secretary of the Department of Human Services shall obtain certified copy of this Act within 60 days after its effective date and, upon receipt of payment required by Section 5, shall record the certified document in the recorder's office in the county in which the real property is located.

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 24, 2007.
Effective August 24, 2007.

PUBLIC ACT 95-0427
(Senate Bill No. 1245)

AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Mental Health and Developmental Disabilities Administrative Act is amended by changing Sections 4.3 and 70 as follows:

(20 ILCS 1705/4.3) (from Ch. 91 1/2, par. 100-4.3)
Sec. 4.3. Site visits and inspections.
(a) (Blank).
(b) The Department shall establish a system of regular and ongoing annual on-site inspections that shall occur at least annually of each facility under its jurisdiction. The inspections shall be conducted by the Department's central office to:

(1) Determine facility compliance with Department policies and procedures;
(2) Determine facility compliance with audit recommendations;

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(3) Evaluate facility compliance with applicable federal standards;
(4) Review and follow up on complaints made by community mental health agencies and advocates, and on findings of the Human Rights Authority division of the Guardianship and Advocacy Commission; and
(5) Review administrative and management problems identified by other sources; and
(6) Identify and prevent abuse and neglect.

(Source: P.A. 92-111, eff. 1-1-02.)

(20 ILCS 1705/70)
Sec. 70. Monitoring by closed circuit television. The Department of Human Services as successor to the Department of Mental Health and Developmental Disabilities may install closed circuit televisions in quiet rooms in institutions supervised or operated by the Department to monitor patients in those quiet rooms. The Department shall study current and potential uses of electronic monitoring and recording for the purpose of preventing and identifying abuse and neglect within State-operated developmental centers and developmental disabilities services programs funded, certified, or licensed by the Department of Human Services but not those centers or programs licensed by another State agency, and shall report to the General Assembly on or before January 1, 2008, with recommendations on the feasibility of increasing utilization of electronic monitoring and recording for purposes of preventing and identifying abuse and neglect. Nothing in this Section shall be construed to supersede or interfere with any current provisions in the Mental Health and Developmental Disabilities Code concerning the observation and monitoring of patients.

(Source: P.A. 90-444, eff. 8-16-97; 90-655, eff. 7-30-98.)

Approved August 24, 2007.
Effective January 1, 2008.

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AN ACT concerning courts.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 16-104c as follows:

(625 ILCS 5/16-104c)

Sec. 16-104c. Court supervision fees.

(a) Any person who, after a court appearance in the same matter, receives a disposition of court supervision for a violation of any provision of this Code or a similar provision of a local ordinance shall pay an additional fee of $20, which shall be disbursed as follows:

1. if an officer of the Department of State Police arrested the person for the violation, the $20 fee shall be deposited into the State Police Vehicle Fund in the State treasury; or

2. if an officer of any law enforcement agency in the State other than the Department of State Police arrested the person for the violation, the $20 fee shall be paid to the law enforcement agency that employed the arresting officer and shall be used for the acquisition or maintenance of police vehicles.

(b) In addition to the fee provided for in subsection (a), a person who, after a court appearance in the same matter, receives a disposition of court supervision for any violation of this Code or a similar provision of a local ordinance shall also pay an additional fee of $5, if not waived by the court. Of this $5 fee, $4.50 shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court and 50 cents shall be deposited into the Prisoner Review Board Vehicle and Equipment Fund in the State treasury.

(c) The Prisoner Review Board Vehicle and Equipment Fund is created as a special fund in the State treasury. The Prisoner Review Board shall, subject to appropriation by the General Assembly and approval by the Secretary, use all moneys in the Prisoner Review Board Vehicle and

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Equipment Fund for the purchase and operation of vehicles and equipment.
(Source: P.A. 94-1009, eff. 1-1-07.)

Section 10. The Clerks of Courts Act is amended by changing Sections 27.5 and 27.6 as follows:

(705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

Sec. 27.5. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk that equals an amount less than $55, except restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 11-501 of the Illinois Vehicle Code, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, and except as provided in subsection (b) shall be disbursed within 60 days after receipt by the circuit clerk as follows: 47% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 12% shall be disbursed to the State Treasurer; and 41% shall be disbursed to the county's general corporate fund. Of the 12% disbursed to the State Treasurer, 1/6 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 1/2 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall be deposited into the Drivers Education Fund. For fiscal years 1992 and 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to
the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) The following amounts must be remitted to the State Treasurer for deposit into the Illinois Animal Abuse Fund:

(1) 50% of the amounts collected for felony offenses under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961;

(2) 20% of the amounts collected for Class A and Class B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961; and

(3) 50% of the amounts collected for Class C misdemeanors under Sections 4.01 and 7.1 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961.

(c) Any person who receives a disposition of court supervision for a violation of the Illinois Vehicle Code or a similar provision of a local ordinance shall, in addition to any other fines, fees, and court costs, pay an additional fee of $20, to be disbursed as provided in Section 16-104c of

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the Illinois Vehicle Code. In addition to the fee of $20, the person shall also pay a fee of $5, if not waived by the court. If this $5 fee is collected, $4.50 of the fee shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court and 50 cents of the fee shall be deposited into the Prisoner Review Board Vehicle and Equipment Fund in the State treasury.

(Source: P.A. 93-800, eff. 1-1-05; 94-1009, eff. 1-1-07.)

(705 ILCS 105/27.6)

Sec. 27.6. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk equaling an amount of $55 or more, except the additional fee required by subsections (b) and (c), restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 11-501 of the Illinois Vehicle Code, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, and except as provided in subsection (d) shall be disbursed within 60 days after receipt by the circuit clerk as follows: 44.5% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 16.825% shall be disbursed to the State Treasurer; and 38.675% shall be disbursed to the county's general corporate fund. Of the 16.825% disbursed to the State Treasurer, 2/17 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 5.052/17 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall be deposited into the Drivers Education Fund, and 6.948/17 shall be deposited into the Trauma Center Fund. Of the 6.948/17 deposited into the Trauma Center Fund from the 16.825% disbursed to the State Treasurer, 50% shall be
disbursed to the State Treasurer into the Violent Crime Victims Assistance Fund, 5.052/17 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall be deposited into the Drivers Education Fund, and 6.948/17 shall be deposited into the Trauma Center Fund. Of the 6.948/17 deposited into the Trauma Center Fund from the 16.825% disbursed to the State Treasurer, 50% shall be

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disbursed to the Department of Public Health and 50% shall be disbursed to the Department of Healthcare and Family Services. For fiscal year 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of $100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds

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remitted to the State Treasurer under this subsection during the preceding calendar year.

(b-1) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of $5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c) In addition to any other fines and court costs assessed by the courts, any person convicted for a violation of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a person sentenced for a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act shall pay an additional fee of $100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c-1) In addition to any other fines and court costs assessed by the courts, any person sentenced for a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act shall pay an additional fee of $5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the

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clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(d) The following amounts must be remitted to the State Treasurer for deposit into the Illinois Animal Abuse Fund:

(1) 50% of the amounts collected for felony offenses under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961;

(2) 20% of the amounts collected for Class A and Class B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961; and

(3) 50% of the amounts collected for Class C misdemeanors under Sections 4.01 and 7.1 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961.

(e) Any person who receives a disposition of court supervision for a violation of the Illinois Vehicle Code or a similar provision of a local ordinance shall, in addition to any other fines, fees, and court costs, pay an additional fee of $20, to be disbursed as provided in Section 16-104c of the Illinois Vehicle Code. In addition to the fee of $20, the person shall also pay a fee of $5, if not waived by the court. If this $5 fee is collected, $4.50 of the fee shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court and 50 cents of the fee shall be deposited into the Prisoner Review Board Vehicle and Equipment Fund in the State treasury.

(Source: P.A. 93-800, eff. 1-1-05; 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07.)

Section 15. The Unified Code of Corrections is amended by changing Section 5-6-1 as follows:

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Sec. 5-6-1. Sentences of Probation and of Conditional Discharge and Disposition of Supervision. The General Assembly finds that in order to protect the public, the criminal justice system must compel compliance with the conditions of probation by responding to violations with swift, certain and fair punishments and intermediate sanctions. The Chief Judge of each circuit shall adopt a system of structured, intermediate sanctions for violations of the terms and conditions of a sentence of probation, conditional discharge or disposition of supervision.

(a) Except where specifically prohibited by other provisions of this Code, the court shall impose a sentence of probation or conditional discharge upon an offender unless, having regard to the nature and circumstance of the offense, and to the history, character and condition of the offender, the court is of the opinion that:

(1) his imprisonment or periodic imprisonment is necessary for the protection of the public; or

(2) probation or conditional discharge would deprecate the seriousness of the offender's conduct and would be inconsistent with the ends of justice; or

(3) a combination of imprisonment with concurrent or consecutive probation when an offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act is necessary for the protection of the public and for the rehabilitation of the offender.

The court shall impose as a condition of a sentence of probation, conditional discharge, or supervision, that the probation agency may invoke any sanction from the list of intermediate sanctions adopted by the chief judge of the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-6-4 of this Act.

(b) The court may impose a sentence of conditional discharge for an offense if the court is of the opinion that neither a sentence of imprisonment nor of periodic imprisonment nor of probation supervision is appropriate.
(b-1) Subsections (a) and (b) of this Section do not apply to a defendant charged with a misdemeanor or felony under the Illinois Vehicle Code or reckless homicide under Section 9-3 of the Criminal Code of 1961 if the defendant within the past 12 months has been convicted of or pleaded guilty to a misdemeanor or felony under the Illinois Vehicle Code or reckless homicide under Section 9-3 of the Criminal Code of 1961.

(c) The court may, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, defer further proceedings and the imposition of a sentence, and enter an order for supervision of the defendant, if the defendant is not charged with: (i) a Class A misdemeanor, as defined by the following provisions of the Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1; paragraph (1) through (5), (8), (10), and (11) of subsection (a) of Section 24-1; (ii) a Class A misdemeanor violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals Act; or (iii) felony. If the defendant is not barred from receiving an order for supervision as provided in this subsection, the court may enter an order for supervision after considering the circumstances of the offense, and the history, character and condition of the offender, if the court is of the opinion that:

(1) the offender is not likely to commit further crimes;
(2) the defendant and the public would be best served if the defendant were not to receive a criminal record; and
(3) in the best interests of justice an order of supervision is more appropriate than a sentence otherwise permitted under this Code.

(d) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance when the defendant has previously been:

(1) convicted for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or

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(2) assigned supervision for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or

(3) pleaded guilty to or stipulated to the facts supporting a charge or a finding of guilty to a violation of Section 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state, and the plea or stipulation was the result of a plea agreement.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(e) The provisions of paragraph (e) shall not apply to a defendant charged with violating Section 16A-3 of the Criminal Code of 1961 if said defendant has within the last 5 years been:

(1) convicted for a violation of Section 16A-3 of the Criminal Code of 1961; or

(2) assigned supervision for a violation of Section 16A-3 of the Criminal Code of 1961.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(f) The provisions of paragraph (c) shall not apply to a defendant charged with violating Sections 15-111, 15-112, 15-301, paragraph (b) of Section 6-104, Section 11-605, or Section 11-1414 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(g) Except as otherwise provided in paragraph (i) of this Section, the provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has within the last 5 years been:

(1) convicted for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance; or

(2) assigned supervision for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance.
The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(h) The provisions of paragraph (c) shall not apply to a defendant under the age of 21 years charged with violating a serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code:

(1) unless the defendant, upon payment of the fines, penalties, and costs provided by law, agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference of Chief Circuit Judges. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered. The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases when a defendant enters a guilty plea under this provision; or

(2) if the defendant has previously been sentenced under the provisions of paragraph (c) on or after January 1, 1998 for any serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code.

(i) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has been assigned supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(j) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance when the revocation or suspension was for a violation of Section 11-501 or a similar provision of a local ordinance, a violation of Section 11-501.1 or paragraph (b) of Section 11-401 of the Illinois Vehicle Code, or a violation of Section 9-3 of the Criminal Code of 1961 if the defendant has within the last 10 years been:

(1) convicted for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance; or
(2) assigned supervision for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(k) The provisions of paragraph (c) shall not apply to a defendant charged with violating any provision of the Illinois Vehicle Code or a similar provision of a local ordinance that governs the movement of vehicles if, within the 12 months preceding the date of the defendant's arrest, the defendant has been assigned court supervision on 2 occasions for a violation that governs the movement of vehicles under the Illinois Vehicle Code or a similar provision of a local ordinance.

(l) A defendant charged with violating any provision of the Illinois Vehicle Code or a similar provision of a local ordinance who, after a court appearance in the same matter, receives a disposition of supervision under subsection (c) shall pay an additional fee of $20, to be collected as provided in Sections 27.5 and 27.6 of the Clerks of Courts Act. In addition to the $20 fee, the person shall also pay a fee of $5, which, if not waived by the court, shall be collected as provided in Sections 27.5 and 27.6 of the Clerks of Courts Act. The $20 fee shall be disbursed as provided in Section 16-104c of the Illinois Vehicle Code. If the $5 fee is collected, $4.50 of the fee shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court and 50 cents of the fee shall be deposited into the Prisoner Review Board Vehicle and Equipment Fund in the State treasury.

(Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05; 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06; 94-1009, eff. 1-1-07.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 24, 2007.
Effective August 24, 2007.
AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Sections 12-2 and 12-4 as follows:

(720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

Sec. 12-2. Aggravated assault.
(a) A person commits an aggravated assault, when, in committing an assault, he:

(1) Uses a deadly weapon or any device manufactured and designed to be substantially similar in appearance to a firearm, other than by discharging a firearm in the direction of another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer or a fireman or in the direction of a vehicle occupied by another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer or fireman from performing his official duties, or in retaliation for the officer or fireman performing his official duties;

(2) Is hooded, robed or masked in such manner as to conceal his identity or any device manufactured and designed to be substantially similar in appearance to a firearm;

(3) Knows the individual assaulted to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;

(4) Knows the individual assaulted to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon

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the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;

(5) Knows the individual assaulted to be a caseworker, investigator, or other person employed by the Department of Healthcare and Family Services (formerly State Department of Public Aid), a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient or any other person being interviewed or investigated in the employees' discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;

(6) Knows the individual assaulted to be a peace officer, or a community policing volunteer, or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer, community policing volunteer, or fireman from performing his official duties, or in retaliation for the officer, community policing volunteer, or fireman performing his official duties, and the assault is committed other than by the discharge of a firearm in the direction of the officer or fireman or in the direction of a vehicle occupied by the officer or fireman;

(7) Knows the individual assaulted to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid personnel engaged in the execution of any of his official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his official duties, or in retaliation

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for the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his official duties;

(8) Knows the individual assaulted to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

(9) Or the individual assaulted is on or about a public way, public property, or public place of accommodation or amusement;

(9.5) Is, or the individual assaulted is, in or about a publicly or privately owned sports or entertainment arena, stadium, community or convention hall, special event center, amusement facility, or a special event center in a public park during any 24-hour period when a professional sporting event, National Collegiate Athletic Association (NCAA)-sanctioned sporting event, United States Olympic Committee-sanctioned sporting event, or International Olympic Committee-sanctioned sporting event is taking place in this venue;

(10) Knows the individual assaulted to be an employee of the State of Illinois, a municipal corporation therein or a political subdivision thereof, engaged in the performance of his authorized duties as such employee;

(11) Knowingly and without legal justification, commits an assault on a physically handicapped person;

(12) Knowingly and without legal justification, commits an assault on a person 60 years of age or older;

(13) Discharges a firearm;

(14) Knows the individual assaulted to be a correctional officer, while the officer is engaged in the execution of any of his

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or her official duties, or to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties;

(15) Knows the individual assaulted to be a correctional employee or an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, while the employee is engaged in the execution of any of his or her official duties, or to prevent the employee from performing his or her official duties, or in retaliation for the employee performing his or her official duties, and the assault is committed other than by the discharge of a firearm in the direction of the employee or in the direction of a vehicle occupied by the employee;

(16) Knows the individual assaulted to be an employee of a police or sheriff's department engaged in the performance of his or her official duties as such employee; or

(17) Knows the individual assaulted to be a sports official or coach at any level of competition and the act causing the assault to the sports official or coach occurred within an athletic facility or an indoor or outdoor playing field or within the immediate vicinity of the athletic facility or an indoor or outdoor playing field at which the sports official or coach was an active participant in the athletic contest held at the athletic facility. For the purposes of this paragraph (17), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the athletic contest;

(18) Knows the individual assaulted to be an emergency management worker, while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties, and the assault is committed other than by the discharge of a firearm in the direction of the employee or in the direction of a vehicle occupied by the employee;

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of the emergency management worker or in the direction of a vehicle occupied by the emergency management worker; or:

(19) Knows the individual assaulted to be a utility worker, while the utility worker is engaged in the execution of his or her duties, or to prevent the utility worker from performing his or her duties, or in retaliation for the utility worker performing his or her duties. In this paragraph (19), "utility worker" means a person employed by a public utility as defined in Section 3-105 of the Public Utilities Act and also includes an employee of a municipally owned utility, an employee of a cable television company, an employee of an electric cooperative as defined in Section 3-119 of the Public Utilities Act, an independent contractor or an employee of an independent contractor working on behalf of a cable television company, public utility, municipally owned utility, or an electric cooperative, or an employee of a telecommunications carrier as defined in Section 13-202 of the Public Utilities Act, an independent contractor or an employee of an independent contractor working on behalf of a telecommunications carrier, or an employee of a telephone or telecommunications cooperative as defined in Section 13-212 of the Public Utilities Act, or an independent contractor or an employee of an independent contractor working on behalf of a telephone or telecommunications cooperative.

(a-5) A person commits an aggravated assault when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes near or in the immediate vicinity of any person.

(b) Sentence.

Aggravated assault as defined in paragraphs (1) through (5) and (8) through (12) and (17) and (19) of subsection (a) of this Section is a Class A misdemeanor. Aggravated assault as defined in paragraphs (13), (14), and (15) of subsection (a) of this Section and as defined in subsection (a-5) of this Section is a Class 4 felony. Aggravated assault as defined in

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paragraphs (6), (7), (16), and (18) of subsection (a) of this Section is a Class A misdemeanor if a firearm is not used in the commission of the assault. Aggravated assault as defined in paragraphs (6), (7), (16), and (18) of subsection (a) of this Section is a Class 4 felony if a firearm is used in the commission of the assault.

(Source: P.A. 93-692, eff. 1-1-05; 94-243, eff. 1-1-06; 94-482, eff. 1-1-06; revised 12-15-05.)

(720 ILCS 5/12-4) (from Ch. 38, par. 12-4)
Sec. 12-4. Aggravated Battery.

(a) A person who, in committing a battery, intentionally or knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated battery.

(b) In committing a battery, a person commits aggravated battery if he or she:

(1) Uses a deadly weapon other than by the discharge of a firearm;
(2) Is hooded, robed or masked, in such manner as to conceal his identity;
(3) Knows the individual harmed to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;
(4) (Blank);
(5) (Blank);
(6) Knows the individual harmed to be a community policing volunteer while such volunteer is engaged in the execution of any official duties, or to prevent the volunteer from performing official duties, or in retaliation for the volunteer performing official duties, and the battery is committed other than by the discharge of a firearm;
(7) Knows the individual harmed to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or
hospital personnel engaged in the performance of any of his or her official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital personnel from performing official duties, or in retaliation for performing official duties;

(8) Is, or the person battered is, on or about a public way, public property or public place of accommodation or amusement;

(8.5) Is, or the person battered is, on a publicly or privately owned sports or entertainment arena, stadium, community or convention hall, special event center, amusement facility, or a special event center in a public park during any 24-hour period when a professional sporting event, National Collegiate Athletic Association (NCAA)-sanctioned sporting event, United States Olympic Committee-sanctioned sporting event, or International Olympic Committee-sanctioned sporting event is taking place in this venue;

(9) Knows the individual harmed to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

(10) Knows the individual harmed to be an individual of 60 years of age or older;

(11) Knows the individual harmed is pregnant;

(12) Knows the individual harmed to be a judge whom the person intended to harm as a result of the judge's performance of his or her official duties as a judge;

(13) (Blank);

(14) Knows the individual harmed to be a person who is physically handicapped;

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(15) Knowingly and without legal justification and by any means causes bodily harm to a merchant who detains the person for an alleged commission of retail theft under Section 16A-5 of this Code. In this item (15), "merchant" has the meaning ascribed to it in Section 16A-2.4 of this Code;

(16) Is, or the person battered is, in any building or other structure used to provide shelter or other services to victims or to the dependent children of victims of domestic violence pursuant to the Illinois Domestic Violence Act of 1986 or the Domestic Violence Shelters Act, or the person battered is within 500 feet of such a building or other structure while going to or from such a building or other structure. "Domestic violence" has the meaning ascribed to it in Section 103 of the Illinois Domestic Violence Act of 1986. "Building or other structure used to provide shelter" has the meaning ascribed to "shelter" in Section 1 of the Domestic Violence Shelters Act;

(17) (Blank); or

(18) Knows the individual harmed to be an officer or employee of the State of Illinois, a unit of local government, or school district engaged in the performance of his or her authorized duties as such officer or employee; or

(19) Knows the individual harmed to be an emergency management worker engaged in the performance of any of his or her official duties, or to prevent the emergency management worker from performing official duties, or in retaliation for the emergency management worker performing official duties; or

(20) Knows the individual harmed to be a utility worker, while the utility worker is engaged in the execution of his or her duties, or to prevent the utility worker from performing his or her duties, or in retaliation for the utility worker performing his or her duties. In this paragraph (20), "utility worker" means a person employed by a public utility as defined in Section 3-105 of the Public Utilities Act and also includes an employee of a municipally owned utility, an employee of a cable television company, an

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employee of an electric cooperative as defined in Section 3-119 of the Public Utilities Act, an independent contractor or an employee of an independent contractor working on behalf of a cable television company, public utility, municipally owned utility, or an electric cooperative, or an employee of a telecommunications carrier as defined in Section 13-202 of the Public Utilities Act, an independent contractor or an employee of an independent contractor working on behalf of a telecommunications carrier, or an employee of a telephone or telecommunications cooperative as defined in Section 13-212 of the Public Utilities Act, or an independent contractor or an employee of an independent contractor working on behalf of a telephone or telecommunications cooperative.

For the purpose of paragraph (14) of subsection (b) of this Section, a physically handicapped person is a person who suffers from a permanent and disabiling physical characteristic, resulting from disease, injury, functional disorder or congenital condition.

(c) A person who administers to an individual or causes him to take, without his consent or by threat or deception, and for other than medical purposes, any intoxicating, poisonous, stupefying, narcotic, anesthetic, or controlled substance commits aggravated battery.

(d) A person who knowingly gives to another person any food that contains any substance or object that is intended to cause physical injury if eaten, commits aggravated battery.

(d-3) A person commits aggravated battery when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes upon or against the person of another.

(d-5) An inmate of a penal institution or a sexually dangerous person or a sexually violent person in the custody of the Department of Human Services who causes or attempts to cause a correctional employee of the penal institution or an employee of the Department of Human Services to come into contact with blood, seminal fluid, urine, or feces, by

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throwing, tossing, or expelling that fluid or material commits aggravated battery. For purposes of this subsection (d-5), "correctional employee" means a person who is employed by a penal institution.

(e) Sentence.

(1) Except as otherwise provided in paragraphs (2) and (3), aggravated battery is a Class 3 felony.

(2) Aggravated battery that does not cause great bodily harm or permanent disability or disfigurement is a Class 2 felony when the person knows the individual harmed to be a peace officer, a community policing volunteer, a correctional institution employee, an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, or a fireman while such officer, volunteer, employee, or fireman is engaged in the execution of any official duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee, or fireman from performing official duties, or in retaliation for the officer, volunteer, employee, or fireman performing official duties, and the battery is committed other than by the discharge of a firearm.

(3) Aggravated battery that causes great bodily harm or permanent disability or disfigurement in violation of subsection (a) is a Class 1 felony when the person knows the individual harmed to be a peace officer, a community policing volunteer, a correctional institution employee, an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, or a fireman while such officer, volunteer, employee, or fireman is engaged in the execution of any official duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee, or fireman from performing official duties, or in retaliation for the officer, volunteer, employee, or fireman performing official duties, and the battery is committed other than by the discharge of a firearm.
AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 11-1301.3 as follows:

(625 ILCS 5/11-1301.3) (from Ch. 95 1/2, par. 11-1301.3)

Sec. 11-1301.3. Unauthorized use of parking places reserved for persons with disabilities.

(a) It shall be prohibited to park any motor vehicle which is not properly displaying registration plates or decals issued to a person with disabilities, as defined by Section 1-159.1, pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a disabled veteran pursuant to Section 3-609 of this Act, as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran, in any parking place, including any private or public offstreet parking facility, specifically reserved, by the posting of an official sign as designated under Section 11-301, for motor vehicles displaying such registration plates. It shall be prohibited to park any motor vehicle in a designated access aisle adjacent to any parking place specifically reserved for persons with disabilities, by the posting of an official sign as designated under Section 11-301, for motor vehicles displaying such registration plates. When using the parking privileges for persons with disabilities, the parking decal or device must be displayed properly in the vehicle where it is clearly visible to law enforcement personnel, either hanging from the rearview mirror or placed on the

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dashboard of the vehicle in clear view. Disability license plates and parking decals and devices are not transferable from person to person. Proper usage of the disability license plate or parking decal or device requires the authorized holder to be present and enter or exit the vehicle at the time the parking privileges are being used. It is a violation of this Section to park in a space reserved for a person with disabilities if the authorized holder of the disability license plate or parking decal or device does not enter or exit the vehicle at the time the parking privileges are being used. Any motor vehicle properly displaying a disability license plate or a parking decal or device containing the International symbol of access issued to persons with disabilities by any local authority, state, district, territory or foreign country shall be recognized by State and local authorities as a valid license plate or device and receive the same parking privileges as residents of this State.

(a-1) An individual with a vehicle displaying disability license plates or a parking decal or device issued to a qualified person with a disability under Sections 3-616, 11-1301.1, or 11-1301.2 or to a disabled veteran under Section 3-609 is in violation of this Section if (i) the person using the disability license plate or parking decal or device is not the authorized holder of the disability license plate or parking decal or device or is not transporting the authorized holder of the disability license plate or parking decal or device to or from the parking location and (ii) the person uses the disability license plate or parking decal or device to exercise any privileges granted through the disability license plate or parking decals or devices under this Code.

(b) Any person or local authority owning or operating any public or private offstreet parking facility may, after notifying the police or sheriff's department, remove or cause to be removed to the nearest garage or other place of safety any vehicle parked within a stall or space reserved for use by a person with disabilities which does not display person with disabilities registration plates or a special decal or device as required under this Section.

(c) Any person found guilty of violating the provisions of subsection (a) shall be fined $250 in addition to any costs or charges.

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connected with the removal or storage of any motor vehicle authorized under this Section; but municipalities by ordinance may impose a fine up to $350 and shall display signs indicating the fine imposed. If the amount of the fine is subsequently changed, the municipality shall change the sign to indicate the current amount of the fine. It shall not be a defense to a charge under this Section that either the sign posted pursuant to this Section or the intended accessible parking place does not comply with the technical requirements of Section 11-301, Department regulations, or local ordinance if a reasonable person would be made aware by the sign or notice on or near the parking place that the place is reserved for a person with disabilities.

(c-1) Any person found guilty of violating the provisions of subsection (a-1) a first time shall be fined $500. Any person found guilty of violating subsection (a-1) a second time shall be fined $750, and the Secretary of State may revoke the person's driving privileges or suspend those privileges for a period of time to be determined by the Secretary. Any person found guilty of violating subsection (a-1) a third or subsequent time shall be fined $1,000, and the Secretary of State may revoke the person's driving privileges or suspend those privileges for a period of time to be determined by the Secretary. The Secretary of State may also revoke the disability license plates or parking decal or device of a person violating subsection (a-1) a third or subsequent time or may suspend the person's disability license plates or parking decal or device for a period of time to be determined by the Secretary of State. The circuit clerk shall distribute 50% $250 of the $500 fine imposed on any person who is found guilty of or pleads guilty to violating this Section, including any person placed on court supervision for violating this Section, to the law enforcement agency that issued the citation or made the arrest. If more than one law enforcement agency is responsible for issuing the citation or making the arrest, the 50% of the fine imposed $250 shall be shared equally. If an officer of the Secretary of State Department of Police arrested a person for a violation of this Section, 50% of the fine imposed shall be deposited into the Secretary of State Police Services Fund.
(d) Local authorities shall impose fines as established in subsections (c) and (c-1) for violations of this Section.

(e) As used in this Section, "authorized holder" means an individual issued a disability license plate under Section 3-616 of this Code, an individual issued a parking decal or device under Section 11-1301.2 of this Code, or an individual issued a disabled veteran's license plate under Section 3-609 of this Code.

(f) Any person who commits a violation of subsection (a-1) may have his or her driving privileges suspended or revoked by the Secretary of State for a period of time determined by the Secretary of State. The Secretary of State may also suspend or revoke the disability license plates or parking decal or device for a period of time determined by the Secretary of State.

(Source: P.A. 94-619, eff. 1-1-06; 94-930, eff. 6-26-06.)

Passed in the General Assembly June 1, 2007.

Approved August 24, 2007.

Effective June 1, 2008.

PUBLIC ACT 95-0431
(Senate Bill No. 1365)

AN ACT concerning insurance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Insurance Code is amended by changing Section 356g as follows:

(215 ILCS 5/356g) (from Ch. 73, par. 968g)

Sec. 356g. Mammograms; mastectomies.

(a) Every insurer shall provide in each group or individual policy, contract, or certificate of insurance issued or renewed for persons who are residents of this State, coverage for screening by low-dose mammography for all women 35 years of age or older for the presence of occult breast cancer within the provisions of the policy, contract, or certificate. The coverage shall be as follows:

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(1) A baseline mammogram for women 35 to 39 years of age.
(2) An annual mammogram for women 40 years of age or older.
(3) A mammogram at the age and intervals considered medically necessary by the woman's health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.
(4) A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

These benefits shall be at least as favorable as for other radiological examinations and subject to the same dollar limits, deductibles, and co-insurance factors. For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with radiation exposure delivery of less than 1 rad per breast for 2 views of an average size breast.

(b) No policy of accident or health insurance that provides for the surgical procedure known as a mastectomy shall be issued, amended, delivered, or renewed in this State unless that coverage also provides for prosthetic devices or reconstructive surgery incident to the mastectomy. Coverage for breast reconstruction in connection with a mastectomy shall include:

(1) reconstruction of the breast upon which the mastectomy has been performed;
(2) surgery and reconstruction of the other breast to produce a symmetrical appearance; and
(3) prostheses and treatment for physical complications at all stages of mastectomy, including lymphedemas.

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Care shall be determined in consultation with the attending physician and the patient. The offered coverage for prosthetic devices and reconstructive surgery shall be subject to the deductible and coinsurance conditions applied to the mastectomy, and all other terms and conditions applicable to other benefits. When a mastectomy is performed and there is no evidence of malignancy then the offered coverage may be limited to the provision of prosthetic devices and reconstructive surgery to within 2 years after the date of the mastectomy. As used in this Section, "mastectomy" means the removal of all or part of the breast for medically necessary reasons, as determined by a licensed physician.

Written notice of the availability of coverage under this Section shall be delivered to the insured upon enrollment and annually thereafter. An insurer may not deny to an insured eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan solely for the purpose of avoiding the requirements of this Section. An insurer may not penalize or reduce or limit the reimbursement of an attending provider or provide incentives (monetary or otherwise) to an attending provider to induce the provider to provide care to an insured in a manner inconsistent with this Section.

(Source: P.A. 94-121, eff. 7-6-05.)

Section 10. The Health Maintenance Organization Act is amended by changing Section 4-6.1 as follows:

(215 ILCS 125/4-6.1) (from Ch. 111 1/2, par. 1408.7)
Sec. 4-6.1. Mammograms; mastectomies.
(a) Every contract or evidence of coverage issued by a Health Maintenance Organization for persons who are residents of this State shall contain coverage for screening by low-dose mammography for all women 35 years of age or older for the presence of occult breast cancer. The coverage shall be as follows:

(1) A baseline mammogram for women 35 to 39 years of age.

(2) An annual mammogram for women 40 years of age or older.
(3) A mammogram at the age and intervals considered medically necessary by the woman's health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.

(4) A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

These benefits shall be at least as favorable as for other radiological examinations and subject to the same dollar limits, deductibles, and co-insurance factors. For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with radiation exposure delivery of less than 1 rad per breast for 2 views of an average size breast.

(b) No contract or evidence of coverage issued by a health maintenance organization that provides for the surgical procedure known as a mastectomy shall be issued, amended, delivered, or renewed in this State on or after the effective date of this amendatory Act of the 92nd General Assembly unless that coverage also provides for prosthetic devices or reconstructive surgery incident to the mastectomy, providing that the mastectomy is performed after the effective date of this amendatory Act. Coverage for breast reconstruction in connection with a mastectomy shall include:

(1) reconstruction of the breast upon which the mastectomy has been performed;
(2) surgery and reconstruction of the other breast to produce a symmetrical appearance; and
(3) protheses and treatment for physical complications at all stages of mastectomy, including lymphedemas.

Care shall be determined in consultation with the attending physician and the patient. The offered coverage for prosthetic devices and reconstructive
surgery shall be subject to the deductible and coinsurance conditions applied to the mastectomy and all other terms and conditions applicable to other benefits. When a mastectomy is performed and there is no evidence of malignancy, then the offered coverage may be limited to the provision of prosthetic devices and reconstructive surgery to within 2 years after the date of the mastectomy. As used in this Section, "mastectomy" means the removal of all or part of the breast for medically necessary reasons, as determined by a licensed physician.

Written notice of the availability of coverage under this Section shall be delivered to the enrollee upon enrollment and annually thereafter. A health maintenance organization may not deny to an enrollee eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan solely for the purpose of avoiding the requirements of this Section. A health maintenance organization may not penalize or reduce or limit the reimbursement of an attending provider or provide incentives (monetary or otherwise) to an attending provider to induce the provider to provide care to an insured in a manner inconsistent with this Section.

(Source: P.A. 94-121, eff. 7-6-05.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 24, 2007.
Effective August 24, 2007.
Sec. 1a. Definitions. In this Act:

"Ambulance provider" means an individual or entity that owns and operates a business or service using ambulances or emergency medical services vehicles to transport emergency patients.

"Areawide sexual assault treatment plan" means a plan, developed by the hospitals in the community or area to be served, which provides for hospital emergency services to sexual assault survivors that shall be made available by each of the participating hospitals.

"Department" means the Department of Public Health.

"Emergency contraception" means medication as approved by the federal Food and Drug Administration (FDA) that can significantly reduce the risk of pregnancy if taken within 72 hours after sexual assault.

"Follow-up healthcare" means healthcare services related to a sexual assault, including laboratory services and pharmacy services, rendered within 90 days of the initial visit for hospital emergency services.

"Forensic services" means the collection of evidence pursuant to a statewide sexual assault evidence collection program administered by the Department of State Police, using the Illinois State Police Sexual Assault Evidence Collection Kit.

"Health care professional" means a physician, a physician assistant, or an advanced practice nurse.

"Hospital" has the meaning given to that term in the Hospital Licensing Act.

"Hospital emergency services" means healthcare delivered to outpatients within or under the care and supervision of personnel working in a designated emergency department of a hospital, including, but not limited to, care ordered by such personnel for a sexual assault survivor in the emergency department.

"Illinois State Police Sexual Assault Evidence Collection Kit" means a prepackaged set of materials and forms to be used for the collection of evidence relating to sexual assault. The standardized evidence collection kit for the State of Illinois shall be the Illinois State Police Sexual Assault Evidence Collection Kit.
"Nurse" means a nurse licensed under the Nursing and Advanced Practice Nursing Act.

"Physician" means a person licensed to practice medicine in all its branches.

"Sexual assault" means an act of nonconsensual sexual conduct or sexual penetration, as defined in Section 12-12 of the Criminal Code of 1961, including, without limitation, acts prohibited under Sections 12-13 through 12-16 of the Criminal Code of 1961.

"Sexual assault survivor" means a person who presents for hospital emergency services in relation to injuries or trauma resulting from a sexual assault.

"Sexual assault transfer plan" means a written plan developed by a hospital and approved by the Department, which describes the hospital's procedures for transferring sexual assault survivors to another hospital in order to receive emergency treatment.

"Sexual assault treatment plan" means a written plan developed by a hospital that describes the hospital's procedures and protocols for providing hospital emergency services and forensic services to sexual assault survivors who present themselves for such services, either directly or through transfer from another hospital.

"Transfer services" means the appropriate medical screening examination and necessary stabilizing treatment prior to the transfer of a sexual assault survivor to a hospital that provides hospital emergency services and forensic services to sexual assault survivors pursuant to a sexual assault treatment plan or areawide sexual assault treatment plan.

Sexual assault means an act of forced sexual penetration or sexual conduct, as defined in Section 12-12 of the Criminal Code, including acts prohibited under Sections 12-13 through 12-16 of the Criminal Code of 1961, as amended.

(Source: P.A. 85-577.)

(410 ILCS 70/2) (from Ch. 111 1/2, par. 87-2)

Sec. 2. Hospital requirements. Hospitals to furnish emergency service: Every hospital required to be licensed by the Department of Public Health pursuant to the Hospital Licensing Act, approved July 1, 1953, as
now or hereafter amended, which provides general medical and surgical hospital services shall provide either (i) transfer services or (ii) hospital emergency services and forensic services, in accordance with rules and regulations adopted by the Department of Public Health, to all alleged sexual assault survivors who apply for either (i) transfer services or (ii) hospital emergency services and forensic services such hospital emergency services in relation to injuries or trauma resulting from the sexual assault.

In addition, every such hospital, regardless of whether or not a request is made for reimbursement, except hospitals participating in community or area wide plans in compliance with Section 4 of this Act, shall submit to the Department of Public Health a plan to provide either (i) transfer services or (ii) hospital emergency services and forensic services hospital emergency services to alleged sexual assault survivors which shall be made available by such hospital. Such plan shall be submitted within 60 days after of receipt of the Department's request for this plan, to the Department of Public Health for approval prior to such plan becoming effective. The Department of Public Health shall approve such plan for either (i) transfer services or (ii) hospital emergency services and forensic services emergency service to alleged sexual assault survivors if it finds that the implementation of the proposed plan would provide adequate (i) transfer services or (ii) hospital emergency services and forensic services hospital emergency service for alleged sexual assault survivors and provide sufficient protections from the risk of pregnancy to by sexual assault survivors.

The Department of Public Health shall periodically conduct on site reviews of such approved plans with hospital personnel to insure that the established procedures are being followed.

On January 1, 2007, and each January 1 thereafter, the Department shall submit a report to the General Assembly containing information on the hospitals in this State that have submitted a plan to provide either (i) transfer services or (ii) hospital emergency services and forensic services hospital emergency services to sexual assault survivors. The Department

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shall post on its Internet website the report required in this Section. The report shall include all of the following:

1. A list of all hospitals that have submitted a plan.
2. A list of hospitals whose plans have been found by the Department to be in compliance with this Act.
3. A list of hospitals that have failed to submit an acceptable Plan of Correction within the time required by Section 2.1 of this Act.
4. A list of hospitals at which the periodic site review required by this Act has been conducted.

When a hospital listed as noncompliant under item (3) of this Section submits and implements the required Plan of Correction, the Department shall immediately update the report on its Internet website to reflect that hospital's compliance.

(Source: P.A. 94-762, eff. 5-12-06.)

(410 ILCS 70/2.1) (from Ch. 111 1/2, par. 87-2.1)

Sec. 2.1. Plan of correction; penalties. Plans of correction - Penalties for failure to implement such plans. If the Department of Public Health surveyor determines that the hospital is not in compliance with its approved plan, the surveyor shall provide the hospital with a written list of the specific items of noncompliance within 10 working days after 2 weeks of the conclusion of the on site review. The hospital shall have 10 7 working days to submit to the Department of Public Health a plan of correction which contains the hospital's specific proposals for correcting the items of noncompliance. The Department of Public Health shall review the plan of correction and notify the hospital in writing within 10 working days as to whether the plan is acceptable or unacceptable.

If the Department finds the Plan of Correction unacceptable, the hospital shall have 10 7 working days to resubmit an acceptable Plan of Correction. Upon notification that its Plan of Correction is acceptable, a hospital shall implement the Plan of Correction within 60 days.

The failure to submit an acceptable Plan of Correction or to implement the Plan of Correction, within the time frames required in this

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Section, will subject a hospital to the imposition of a fine by the Department of Public Health. The Department of Public Health may impose a fine of up to $500 per day until a hospital complies with the requirements of this Section.

Before imposing a fine pursuant to this Section, the Department of Public Health shall provide the hospital via certified mail with written notice and an opportunity for an administrative hearing. Such hearing must be requested within 10 working days after receipt of the Department's Notice. All hearings shall be conducted in accordance with the Department's rules in administrative hearings.

(Source: P.A. 94-762, eff. 5-12-06.)

(410 ILCS 70/2.2)
Sec. 2.2. Emergency contraception.
(a) The General Assembly finds:

(1) Crimes of sexual assault and sexual abuse violence cause significant physical, emotional, and psychological trauma to the victims. This trauma is compounded by a victim's fear of becoming pregnant and bearing a child as a result of the sexual assault.

(2) Each year over 32,000 women become pregnant in the United States as the result of rape and approximately 50% of these pregnancies end in abortion.

(3) As approved for use by the Federal Food and Drug Administration (FDA), emergency contraception can significantly reduce the risk of pregnancy if taken within 72 hours after the sexual assault.

(4) By providing emergency contraception to rape victims in a timely manner, the trauma of rape can be significantly reduced.

(b) Within 120 days after the effective date of this amendatory Act of the 92nd General Assembly, every hospital providing services to alleged sexual assault survivors in accordance with a plan approved under Section 2 must develop a protocol that ensures that each survivor of sexual assault will receive medically and factually accurate and written and oral information.

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information about emergency contraception; the indications and counter-indications and risks associated with the use of emergency contraception; and a description of how and when victims may be provided emergency contraception upon the written order of a physician licensed to practice medicine in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes prescription of emergency contraception, or a physician assistant who has been delegated authority to prescribe emergency contraception. The Department shall approve the protocol if it finds that the implementation of the protocol would provide sufficient protection for survivors of an alleged sexual assault.

The hospital shall implement the protocol upon approval by the Department. The Department shall adopt rules and regulations establishing one or more safe harbor protocols and setting minimum acceptable protocol standards that hospitals may develop and implement. The Department shall approve any protocol that meets those standards. The Department may provide a sample acceptable protocol upon request.

(Source: P.A. 92-156, eff. 1-1-02; 93-962, eff. 8-20-04.)

(410 ILCS 70/3) (from Ch. 111 1/2, par. 87-3)

Sec. 3. Areawide sexual assault treatment plans; submission. Hospitals in the area to be served may develop and participate in areawide plans that shall describe the hospital emergency services and forensic services to sexual assault survivors that each participating hospital has agreed to make available. Each hospital participating in such a plan shall provide such services as it is designated to provide in the plan agreed upon by the participants. Areawide plans may include hospital transfer plans. All areawide plans shall be submitted to the Department for approval, prior to becoming effective. The Department shall approve a proposed plan if it finds that the implementation of the plan would provide for appropriate hospital emergency services and forensic services for the people of the area to be served. Community or areawide plan for emergency services to sexual assault survivors. A hospital is authorized to participate, in conjunction with one or more other hospitals or health care facilities, in a community or areawide plan for the furnishing of hospital

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emergency service to alleged sexual assault survivors on a community or areawide basis provided each hospital participating in such a plan shall furnish such hospital emergency services as it is designated to provide in the plan agreed upon by the participating hospitals to any alleged sexual assault survivor who applies for such hospital emergency services in relation to injuries or trauma resulting from the sexual assault.

(Source: P.A. 85-577.)

(410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

Sec. 5. Minimum requirements for hospitals providing hospital emergency services and forensic services emergency service to sexual assault survivors.

(a) Every hospital providing hospital emergency services and forensic services emergency hospital services to an alleged sexual assault survivors survivor under this Act shall, as minimum requirements for such services, provide, with the consent of the alleged sexual assault survivor, and as ordered by the attending physician, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes provision of emergency services, or a physician assistant who has been delegated authority to provide hospital emergency services and forensic services emergency services, the following:

(1) appropriate medical examinations and laboratory tests required to ensure the health, safety, and welfare of a an alleged sexual assault survivor or which may be used as evidence in a criminal proceeding against a person accused of the sexual assault, or both; and records of the results of such examinations and tests shall be maintained by the hospital and made available to law enforcement officials upon the request of the alleged sexual assault survivor;

(2) appropriate oral and written information concerning the possibility of infection, sexually transmitted disease and pregnancy resulting from sexual assault;

(3) appropriate oral and written information concerning accepted medical procedures, medication, and possible
contraindications of such medication available for the prevention or treatment of infection or disease resulting from sexual assault;

(4) an amount of such medication for treatment at the hospital and after discharge as is deemed appropriate by the attending physician, an advanced practice nurse, or a physician assistant and consistent with the hospital's current approved protocol for sexual assault survivors; including HIV prophylaxis;

(5) an evaluation of the sexual assault survivor's risk of contracting human immunodeficiency virus (HIV) from the sexual assault a blood test to determine the presence or absence of sexually transmitted disease;

(6) written and oral instructions indicating the need for follow-up examinations and laboratory tests a second blood test 6 weeks after the sexual assault to determine the presence or absence of sexually transmitted disease; and

(7) referral by hospital personnel for appropriate counseling; and as determined by the hospital, by trained personnel designated by the hospital.

(8) when HIV prophylaxis is deemed appropriate, an initial dose or doses of HIV prophylaxis, along with written and oral instructions indicating the importance of timely follow-up healthcare.

(b) Any minor who is a sexual assault survivor an alleged survivor of sexual assault who seeks emergency hospital services and forensic services or follow-up healthcare emergency services under this Act shall be provided such services without the consent of the parent, guardian or custodian of the minor.

(c) Nothing in this Section creates a physician-patient relationship that extends beyond discharge from the hospital emergency department.

(Source: P.A. 93-962, eff. 8-20-04; 94-434, eff. 1-1-06.)

(410 ILCS 70/5.5 new)

Sec. 5.5. Minimum reimbursement requirements for follow-up healthcare.

New matter indicated by italics - deletions by strikeout
(a) Every hospital, health care professional, laboratory, or pharmacy that provides follow-up healthcare to a sexual assault survivor, with the consent of the sexual assault survivor and as ordered by the attending physician, an advanced practice nurse who has a written collaborative agreement with a collaborating physician, or physician assistant who has been delegated authority by a supervising physician shall be reimbursed for the follow-up healthcare services provided. Follow-up healthcare services include, but are not limited to, the following:

1. a physical examination;
2. laboratory tests to determine the presence or absence of sexually transmitted disease; and
3. appropriate medications, including HIV prophylaxis.

(b) Reimbursable follow-up healthcare is limited to office visits with a physician, advanced practice nurse, or physician assistant within 90 days after an initial visit for hospital emergency services.

(c) Nothing in this Section requires a hospital, health care professional, laboratory, or pharmacy to provide follow-up healthcare to a sexual assault survivor.

(410 ILCS 70/6.1) (from Ch. 111 1/2, par. 87-6.1)

Sec. 6.1. Minimum standards. The Department shall prescribe minimum standards, rules, and regulations necessary to implement this Act, which shall apply to every hospital required to be licensed by the Department that provides general medical and surgical hospital services of Public Health. Such standards shall include, but not be limited to, a uniform system for recording results of medical examinations and all diagnostic tests performed in connection therewith to determine the condition and necessary treatment of alleged sexual assault survivors, which results shall be preserved in a confidential manner as part of the hospital record of the sexual assault survivor patient.
(Source: P.A. 89-507, eff. 7-1-97.)

(410 ILCS 70/6.2) (from Ch. 111 1/2, par. 87-6.2)

Sec. 6.2. Assistance and grants. The Department shall assist in the development and operation of programs which provide hospital

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emergency services and forensic services emergency services to alleged sexual assault survivors, and, where necessary, to provide grants to hospitals for this purpose.
(Source: P.A. 85-577.)
(410 ILCS 70/6.4) (from Ch. 111 1/2, par. 87-6.4)
Sec. 6.4. Sexual assault evidence collection program.
(a) There is created a statewide sexual assault evidence collection program to facilitate the prosecution of persons accused of sexual assault. This program shall be administered by the Illinois State Police. The program shall consist of the following: (1) distribution of sexual assault evidence collection kits which have been approved by the Illinois State Police to hospitals that request them, or arranging for such distribution by the manufacturer of the kits, (2) collection of the kits from hospitals after the kits have been used to collect evidence, (3) analysis of the collected evidence and conducting of laboratory tests, (4) maintaining the chain of custody and safekeeping of the evidence for use in a legal proceeding, and (5) the comparison of the collected evidence with the genetic marker grouping analysis information maintained by the Department of State Police under Section 5-4-3 of the Unified Code of Corrections and with the information contained in the Federal Bureau of Investigation's National DNA database; provided the amount and quality of genetic marker grouping results obtained from the evidence in the sexual assault case meets the requirements of both the Department of State Police and the Federal Bureau of Investigation's Combined DNA Index System (CODIS) policies. The standardized evidence collection kit for the State of Illinois shall be the Illinois State Police Sexual Assault Evidence Kit State Police Evidence Collection Kit, also known as "S.P.E.C.K." A sexual assault evidence collection kit may not be released by a hospital without the written consent of the sexual assault survivor. In the case of a survivor who is a minor 13 years of age or older, evidence and information concerning the alleged sexual assault may be released at the written request of the minor. If the survivor is a minor who is under 13 years of age, evidence and information concerning the alleged sexual assault may be released at the written request of the parent, guardian, investigating law enforcement officer.
enforcement officer, or Department of Children and Family Services. Any health care professional, including any physician, advanced practice nurse, physician assistant, or nurse, sexual assault nurse examiner, and any health care institution, including any hospital, who provides evidence or information to a law enforcement officer pursuant to a written request as specified in this Section is immune from any civil or professional liability that might arise from those actions, with the exception of willful or wanton misconduct. The immunity provision applies only if all of the requirements of this Section are met.

(a-5) All sexual assault evidence collected using the State Police Evidence Collection Kits before January 1, 2005 (the effective date of Public Act 93-781) that have not been previously analyzed and tested by the Department of State Police shall be analyzed and tested within 2 years after receipt of all necessary evidence and standards into the State Police Laboratory if sufficient staffing and resources are available. All sexual assault evidence collected using the State Police Evidence Collection Kits on or after January 1, 2005 (the effective date of Public Act 93-781) shall be analyzed and tested by the Department of State Police within one year after receipt of all necessary evidence and standards into the State Police Laboratory if sufficient staffing and resources are available.

(b) The Illinois State Police shall administer a program to train hospitals and hospital personnel participating in the sexual assault evidence collection program, in the correct use and application of the sexual assault evidence collection kits. A sexual assault nurse examiner may conduct examinations using the sexual assault evidence collection kits, without the presence or participation of a physician. The Department of Public Health shall cooperate with the Illinois State Police in this program as it pertains to medical aspects of the evidence collection.

(c) In this Section, "sexual assault nurse examiner" means a registered nurse who has completed a sexual assault nurse examiner (SANE) training program that meets the Forensic Sexual Assault Nurse

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Examiner Education Guidelines established by the International Association of Forensic Nurses.
(Source: P.A. 92-514, eff. 1-1-02; 93-781, eff. 1-1-05; 93-962, eff. 8-20-04; revised 10-14-04.)

(410 ILCS 70/7) (from Ch. 111 1/2, par. 87-7)
Sec. 7. Charges Hospital charges and reimbursement.
(a) When any ambulance provider furnishes transportation, hospital provides hospital emergency services and forensic services, hospital or health care professional or laboratory provides follow-up healthcare, or pharmacy dispenses prescribed medications hospital or ambulance provider furnishes emergency services to any alleged sexual assault survivor, as defined by the Department of Healthcare and Family Services Public Aid pursuant to Section 6.3 of this Act, who is neither eligible to receive such services under the Illinois Public Aid Code nor covered as to such services by a policy of insurance, the hospital and ambulance provider, hospital, health care professional, or laboratory shall furnish such services to that person without charge and shall be entitled to be reimbursed for its billed charges in providing such services by the Illinois Sexual Assault Emergency Treatment Program under the Department of Healthcare and Family Services Public Aid. Pharmacies shall dispense prescribed medications without charge to the survivor and shall be reimbursed at the Department of Healthcare and Family Services' Medicaid allowable rates.

(b) The hospital is responsible for submitting the request for reimbursement for ambulance services, hospital emergency services, and forensic services to the Illinois Sexual Assault Emergency Treatment Program. Nothing in this Section precludes hospitals from providing follow-up healthcare and receiving reimbursement under this Section.

(c) The health care professional who provides follow-up healthcare and the pharmacy that dispenses prescribed medications to a sexual assault survivor are responsible for submitting the request for reimbursement for follow-up healthcare or pharmacy services to the Illinois Sexual Assault Emergency Treatment Program.

New matter indicated by italics - deletions by strikeout
(d) The Department of Healthcare and Family Services shall establish standards, rules, and regulations to implement this Section. 
(Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised 12-15-05.)
(410 ILCS 70/4 rep.)
(410 ILCS 70/6 rep.)
(410 ILCS 70/6.3 rep.)
Section 10. The Sexual Assault Survivors Emergency Treatment Act is amended by repealing Sections 4, 6, and 6.3.
Approved August 24, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0433
(Senate Bill No. 1665)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Technology Advancement and Development Act is amended by changing Section 2002 as follows:
(20 ILCS 700/2002) (from Ch. 127, par. 3702-2)
Sec. 2002. Grant purposes.
(a) Grants authorized under this Article shall be awarded only for the following purposes: (i) applied innovation research that provides initial grant funding to help serve critical research and development projects to respond to unique, advanced technology projects and which foster the development of Illinois' economy through the advancement of the State's economic, scientific, and technological assets, or which are recognized as technology programs of exemplary and outstanding research in the field of science and technology; or to assist eligible applicants in the State apply for, or qualify for and leverage, federal funds awarded for advanced technology projects concerning research and development, business innovation research or technical development, or the transfer of useful technology to the private sector; (ii) university and industry partnerships

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that create high-skill employment opportunities and internship activities in the communities that enable graduates and faculty to stay in Illinois and university and industry initiatives that strengthen the relationship between industry and academia in Illinois so that applied university research is responsive to the needs of the various state industries and industry clusters; (iii) centers of excellence in technology commercialization, innovation evaluation, and intellectual property management that encourages the growth of new enterprises based on technologies developed at Illinois research centers including technology partnerships, technology consortiums or research centers and industry technology associations that are, or will be, established to perform research and development in present and emerging technologies that can be developed for use by commerce and industry; and (iv) technology transfer projects involving promotion of new or innovative technologies among small and medium-sized Illinois manufacturers where the technologies have immediate commercial application; training and information dissemination that is directly applicable to small and medium-sized Illinois manufacturer needs; or information transfer to Illinois based research institution regarding best practice in industrial commercialization of technology developments; (v) planning and operational support for statewide support that improve practices in technology commercialization including needs assessment and evaluation of the status of technology implementation throughout the State; and (vi) research and testing of products that render the use of anhydrous ammonia inert in the production of methamphetamine.

(b) Grants awarded pursuant to this Article may be used to help subsidize expenses, as approved by the Department, for capital improvements, equipment, contractual services, commodities, personnel, support costs, including telecommunication, electronic data and commodities, or other costs.

(Source: P.A. 91-476, eff. 8-11-99.)

Section 99. Effective date. This Act takes effect July 1, 2007.
Approved August 24, 2007.
Effective August 24, 2007.

New matter indicated by italics - deletions by strikeout
AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-361 as follows:

(20 ILCS 2310/2310-361 new)
Sec. 2310-361. The Lung Cancer Research Fund. The Lung Cancer Research Fund is created as a special fund in the State treasury. From appropriations to the Department from the Fund, the Department shall make grants to public or private not-for-profit entities for the purpose of lung cancer research.

Section 10. The State Finance Act is amended by adding Section 5.675 as follows:

(30 ILCS 105/5.675 new)
Sec. 5.675. The Lung Cancer Research Fund.

Section 15. The Illinois Income Tax Act is amended by adding Section 507OO and by changing Sections 509 and 510 as follows:

(35 ILCS 5/507OO new)
Sec. 507OO. The lung cancer research checkoff. For taxable years ending on or after December 31, 2007, the Department shall print, on its standard individual income tax form, a provision indicating that, if the taxpayer wishes to contribute to the Lung Cancer Research Fund, as authorized by this amendatory Act of the 95th General Assembly, then he or she may do so by stating the amount of the contribution (not less than $1) on the return and indicating that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. The taxpayer's failure to remit any amount of the increased payment reduces the contribution accordingly. This Section does not apply to any amended return.

(35 ILCS 5/509) (from Ch. 120, par. 5-509)

New matter indicated by italics - deletions by strikeout
Sec. 509. Tax checkoff explanations. All individual income tax return forms shall contain appropriate explanations and spaces to enable the taxpayers to designate contributions to the funds to which contributions may be made under this Article 5 following funds: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund (as required by the Illinois Non-Game Wildlife Protection Act), the Alzheimer's Disease Research Fund (as required by the Alzheimer's Disease Research Act), the Assistance to the Homeless Fund (as required by this Act), the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Sarcoidosis Research Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois Military Family Relief Fund, the Blindness Prevention Fund, the Illinois Veterans' Homes Fund, the Epilepsy Treatment and Education Grants-in-Aid Fund, the Diabetes Research Checkoff Fund, the Vince Demuzio Memorial Colon Cancer Fund, the Autism Research Fund, the Heartsaver AED Fund, the Asthma and Lung Research Fund, and the Illinois Brain Tumor Research Fund:

Each form shall contain a statement that the contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly.

If, on October 1 of any year, the total contributions to any one of the funds made under this Article 5 Section do not equal $100,000 or more, the explanations and spaces for designating contributions to the fund shall be removed from the individual income tax return forms for the following and all subsequent years and all subsequent contributions to the fund shall be refunded to the taxpayer.

(Source: P.A. 93-36, eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff. 7-21-04; 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141, eff. 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05;
Sec. 510. Determination of amounts contributed. The Department shall determine the total amount contributed to each of the funds under this Article 5 following: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund, the Assistance to the Homeless Fund, the Alzheimer's Disease Research Fund, the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Illinois Military Family Relief Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Sarcoidosis Research Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois Veterans' Homes Fund, the Epilepsy Treatment and Education Grants-in-Aid Fund, the Diabetes Research Checkoff Fund, the Vince Demuzio Memorial Colon Cancer Fund, the Autism Research Fund, the Blindness Prevention Fund, the Heartsaver AED Fund, the Asthma and Lung Research Fund, and the Illinois Brain Tumor Research Fund; and shall notify the State Comptroller and the State Treasurer of the amounts to be transferred from the General Revenue Fund to each fund, and upon receipt of such notification the State Treasurer and Comptroller shall transfer the amounts.

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly June 1, 2007.
AN ACT concerning revenue.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-361 as follows:

(20 ILCS 2310/2310-361 new)
Sec. 2310-361. The Autoimmune Disease Research Fund.
(a) The Autoimmune Disease Research Fund is created as a special fund in the State treasury. From appropriations to the Department from the Fund, the Department shall make grants to public and private entities in the State for the purpose of funding research for the treatment and cure of autoimmune diseases.

(b) For the purposes of this Section:
"Autoimmune disease" means any disease that results from an aberrant immune response, including, without limitation, rheumatoid arthritis, systemic lupus erythematosus, and scleroderma.
"Research" includes, without limitation, expenditures to develop and advance the understanding, techniques, and modalities effective in the detection, prevention, screening, and treatment of autoimmune disease and may include clinical trials. "Research" does not include institutional overhead costs, indirect costs, other organizational levies, or costs of community-based support services.
(c) Moneys received for the purposes of this Section, including, without limitation, income tax checkoff receipts and gifts, grants, and awards from any public or private entity, must be deposited into the Fund. Any interest earnings that are attributable to moneys in the Fund must be deposited into the Fund.

Section 10. The State Finance Act is amended by adding Section 5.675 as follows:
(30 ILCS 105/5.675 new)

New matter indicated by italics - deletions by strikeout
Sec. 5.675. The Autoimmune Disease Research Fund.

Section 15. The Illinois Income Tax Act is amended by adding Sections 507OO and 509.1 and by changing Sections 509 and 510 as follows:

(35 ILCS 5/507OO new)

Sec. 507OO. The autoimmune disease research checkoff. For taxable years ending on or after December 31, 2007, the Department shall print, on its standard individual income tax form, a provision indicating that, if the taxpayer wishes to contribute to the Autoimmune Disease Research Fund, as authorized by this amendatory Act of the 95th General Assembly, then he or she may do so by stating the amount of the contribution (not less than $1) on the return and indicating that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. The taxpayer's failure to remit any amount of the increased payment reduces the contribution accordingly. This Section does not apply to any amended return.

(35 ILCS 5/509) (from Ch. 120, par. 5-509)

Sec. 509. Tax checkoff explanations. All individual income tax return forms shall contain appropriate explanations and spaces to enable the taxpayers to designate contributions to the funds to which contributions may be made under this Article 5. following funds: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund (as required by the Illinois Non-Game Wildlife Protection Act), the Alzheimer's Disease Research Fund (as required by the Alzheimer's Disease Research Act), the Assistance to the Homeless Fund (as required by this Act), the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Sarcoidosis Research Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois Military Family Relief Fund, the Blindness Prevention Fund, the Illinois Veterans' Homes Fund, the Epilepsy Treatment and Education Grants-in-Aid Fund, the Diabetes Research

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Checkoff Fund, the Vince Demuzio Memorial Colon Cancer Fund, the Autism Research Fund, the Heartsaver AED Fund, the Asthma and Lung Research Fund, and the Illinois Brain Tumor Research Fund.

Each form shall contain a statement that the contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly.

If, on October 1 of any year, the total contributions to any one of the funds made under this Article 5 Section do not equal $100,000 or more, the explanations and spaces for designating contributions to the fund shall be removed from the individual income tax return forms for the following and all subsequent years and all subsequent contributions to the fund shall be refunded to the taxpayer.

(35 ILCS 5/509.1 new)

Sec. 509.1. Removal of excess tax-checkoff funds. Notwithstanding any provisions of this Act to the contrary, beginning on the effective date of this amendatory Act of the 95th General Assembly, there may not be more than 15 tax-checkoff funds contained on the individual tax return form at any one time. Each year, the Department shall determine whether the sum of (i) the number of new tax-checkoff funds created by the General Assembly during that year plus (ii) the number of tax-checkoff funds that collected at least $100,000 during the previous year exceeds 15. If so, then the Department shall remove a number of tax-checkoff funds that were on the return during the previous year that is equal to the sum of items (i) and (ii) minus 15, starting with the tax-checkoff fund that received the least amount of contributions and working upward until a sufficient number of funds have been removed.

(35 ILCS 5/510) (from Ch. 120, par. 5-510)
Sec. 510. Determination of amounts contributed. The Department shall determine the total amount contributed to each of the funds under this Article 5 following: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund, the Assistance to the Homeless Fund, the Alzheimer’s Disease Research Fund, the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Illinois Military Family Relief Fund, the Lou Gehrig’s Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Sarcoidosis Research Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois Veterans’ Homes Fund, the Epilepsy Treatment and Education Grants-in-Aid Fund, the Diabetes Research Checkoff Fund, the Vince Demuzio Memorial Colon Cancer Fund, the Autism Research Fund; the Blindness Prevention Fund, the Heartsaver AED Fund, the Asthma and Lung Research Fund, and the Illinois Brain Tumor Research Fund; and shall notify the State Comptroller and the State Treasurer of the amounts to be transferred from the General Revenue Fund to each fund, and upon receipt of such notification the State Treasurer and Comptroller shall transfer the amounts.

(Source: P.A. 93-36, eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff. 7-21-04; 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141, eff. 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602, eff. 8-16-05; 94-649, eff. 8-22-05; 94-876, eff. 6-19-06; revised 8-3-06.)

Section 99. Effective date. This Act takes effect upon becoming law.


New matter indicated by italics - deletions by strikeout
AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Insurance Code is amended by changing Section 363 as follows:

Sec. 363. Medicare supplement policies; minimum standards.

(1) Except as otherwise specifically provided therein, this Section and Section 363a of this Code shall apply to:

(a) all Medicare supplement policies and subscriber contracts delivered or issued for delivery in this State on and after January 1, 1989; and

(b) all certificates issued under group Medicare supplement policies or subscriber contracts, which certificates are issued or issued for delivery in this State on and after January 1, 1989.

This Section shall not apply to "Accident Only" or "Specified Disease" types of policies. The provisions of this Section are not intended to prohibit or apply to policies or health care benefit plans, including group conversion policies, provided to Medicare eligible persons, which policies or plans are not marketed or purported or held to be Medicare supplement policies or benefit plans.

(2) For the purposes of this Section and Section 363a, the following terms have the following meanings:

(a) "Applicant" means:

(i) in the case of individual Medicare supplement policy, the person who seeks to contract for insurance benefits, and

(ii) in the case of a group Medicare policy or subscriber contract, the proposed certificate holder.
(b) "Certificate" means any certificate delivered or issued for delivery in this State under a group Medicare supplement policy.

(c) "Medicare supplement policy" means an individual policy of accident and health insurance, as defined in paragraph (a) of subsection (2) of Section 355a of this Code, or a group policy or certificate delivered or issued for delivery in this State by an insurer, fraternal benefit society, voluntary health service plan, or health maintenance organization, other than a policy issued pursuant to a contract under Section 1876 of the federal Social Security Act (42 U.S.C. Section 1395 et seq.) or a policy issued under a demonstration project specified in 42 U.S.C. Section 1395ss(g)(1), or any similar organization, that is advertised, marketed, or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical, or surgical expenses of persons eligible for Medicare.

(d) "Issuer" includes insurance companies, fraternal benefit societies, voluntary health service plans, health maintenance organizations, or any other entity providing Medicare supplement insurance, unless the context clearly indicates otherwise.

(e) "Medicare" means the Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965.

(3) No Medicare supplement insurance policy, contract, or certificate, that provides benefits that duplicate benefits provided by Medicare, shall be issued or issued for delivery in this State after December 31, 1988. No such policy, contract, or certificate shall provide lesser benefits than those required under this Section or the existing Medicare Supplement Minimum Standards Regulation, except where duplication of Medicare benefits would result.

(4) Medicare supplement policies or certificates shall have a notice prominently printed on the first page of the policy or attached thereto stating in substance that the policyholder or certificate holder shall have the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded directly to him or her in a timely
manner if, after examination of the policy or certificate, the insured person is not satisfied for any reason.

(5) A Medicare supplement policy or certificate may not deny a claim for losses incurred more than 6 months from the effective date of coverage for a preexisting condition. The policy may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within 6 months before the effective date of coverage.

(6) An issuer of a Medicare supplement policy shall:

(a) not deny coverage to an applicant under 65 years of age who meets any of the following criteria:

(i) becomes eligible for Medicare by reason of disability if the person makes application for a Medicare supplement policy within 6 months of the first day on which the person enrolls for benefits under Medicare Part B; for a person who is retroactively enrolled in Medicare Part B due to a retroactive eligibility decision made by the Social Security Administration, the application must be submitted within a 6-month period beginning with the month in which the person received notice of retroactive eligibility to enroll;

(ii) has Medicare and an employer group health plan (either primary or secondary to Medicare) that terminates or ceases to provide all such supplemental health benefits;

(iii) is insured by a Medicare Advantage plan that includes a Health Maintenance Organization, a Preferred Provider Organization, and a Private Fee-For-Service or Medicare Select plan and the applicant moves out of the plan's service area; the insurer goes out of business, withdraws from the market, or has its Medicare contract terminated; or the plan violates its contract provisions or is misrepresented in its marketing; or

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(iv) is insured by a Medicare supplement policy and
the insurer goes out of business, withdraws from the
market, or the insurance company or agents misrepresent
the plan and the applicant is without coverage;
(b) make available to persons eligible for Medicare by
reason of disability each type of Medicare supplement policy the
issuer makes available to persons eligible for Medicare by reason
of age;
(c) not charge individuals who become eligible for
Medicare by reason of disability and who are under the age of 65
premium rates for any medical supplemental insurance benefit
plan offered by the issuer that exceed the issuer's highest rate on
the current rate schedule filed with the Division of Insurance for
that plan to individuals who are age 65 or older; and
(d) provide the rights granted by items (a) through (d), for
6 months after the effective date of this amendatory Act of the 95th
General Assembly, to any person who had enrolled for benefits
under Medicare Part B prior to this amendatory Act of the 95th
General Assembly who otherwise would have been eligible for
coverage under item (a).

(7) (6) The Director shall issue reasonable rules and regulations for
the following purposes:

(a) To establish specific standards for policy provisions of
Medicare policies and certificates. The standards shall be in
accordance with the requirements of this Code. No requirement of
this Code relating to minimum required policy benefits, other than
the minimum standards contained in this Section and Section 363a,
shall apply to medicare supplement policies and certificates. The
standards may cover, but are not limited to the following:

(A) Terms of renewability.
(B) Initial and subsequent terms of eligibility.
(C) Non-duplication of coverage.
(D) Probationary and elimination periods.
(E) Benefit limitations, exceptions and reductions.

New matter indicated by italics - deletions by strikeout
(F) Requirements for replacement.

(G) Recurrent conditions.

(H) Definition of terms.

(I) Requirements for issuing rebates or credits to policyholders if the policy's loss ratio does not comply with subsection (7) of Section 363a.

(J) Uniform methodology for the calculating and reporting of loss ratio information.

(K) Assuring public access to loss ratio information of an issuer of Medicare supplement insurance.

(L) Establishing a process for approving or disapproving proposed premium increases.

(M) Establishing a policy for holding public hearings prior to approval of premium increases.

(N) Establishing standards for Medicare Select policies.

(O) Prohibited policy provisions not otherwise specifically authorized by statute that, in the opinion of the Director, are unjust, unfair, or unfairly discriminatory to any person insured or proposed for coverage under a medicare supplement policy or certificate.

(b) To establish minimum standards for benefits and claims payments, marketing practices, compensation arrangements, and reporting practices for Medicare supplement policies.

(c) To implement transitional requirements of Medicare supplement insurance benefits and premiums of Medicare supplement policies and certificates to conform to Medicare program revisions.

(Source: P.A. 88-313; 89-484, eff. 6-21-96.)

Passed in the General Assembly June 1, 2007.


Effective June 1, 2008.
AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Collection Agency Act is amended by changing Sections 2, 2.03, and 3 and by adding Sections 9.1, 9.2, 9.3, 9.4, and 9.7 as follows:

(225 ILCS 425/2) (from Ch. 111, par. 2002)
(Section scheduled to be repealed on January 1, 2016)

Sec. 2. Definitions. In this Act:

"Consumer credit transaction" means a transaction between a natural person and another person in which property, service, or money is acquired on credit by that natural person from such other person primarily for personal, family, or household purposes.

"Consumer debt" or "consumer credit" means money, property, or their equivalent, due or owing or alleged to be due or owing from a natural person by reason of a consumer credit transaction.

"Creditor" means a person who extends consumer credit to a debtor.

"Debt" means money, property, or their equivalent which is due or owing or alleged to be due or owing from a natural person to another person.

"Debt collection" means any act or practice in connection with the collection of consumer debts.

"Debt collector", "collection agency", or "agency" means any person who, in the ordinary course of business, regularly, on behalf of himself or herself or others, engages in debt collection.

"Debtor" means a natural person from whom a debt collector seeks to collect a consumer debt that is due and owing or alleged to be due and owing from such person.

"Department" means Division of Professional Regulation within the Department of Financial and Professional Regulation.

New matter indicated by italics - deletions by strikeout
"Director" means the Director of the Division of Professional Regulation within the Department of Financial and Professional Regulation.

"Person" means a natural person, partnership, corporation, limited liability company, trust, estate, cooperative, association, or other similar entity. Unless the context clearly requires otherwise, the following terms have the meanings ascribed to them in Sections 2.01 through 2.02.

(Source: P.A. 78-1248.)

(225 ILCS 425/2.03) (from Ch. 111, par. 2005)
(Section scheduled to be repealed on January 1, 2016)

Sec. 2.03. This Act does not apply to persons whose collection activities are confined to and are directly related to the operation of a business other than that of a collection agency, and specifically does not include the following:

1. Banks, including trust departments, affiliates, and subsidiaries thereof, fiduciaries, and financing and lending institutions (except those who own or operate collection agencies);
2. Abstract companies doing an escrow business;
3. Real estate brokers when acting in the pursuit of their profession;
4. Public officers and judicial officers acting under order of a court;
5. Licensed attorneys at law;
6. Insurance companies;
7. Credit unions, including affiliates and subsidiaries thereof;
8. Loan and finance companies;
9. Retail stores collecting their own accounts;
10. Unit Owner's Associations established under the Condominium Property Act, and their duly authorized agents, when collecting assessments from unit owners; and
11. Any person or business under contract with a creditor to notify the creditor's debtors of a debt using only the creditor's name.

New matter indicated by italics - deletions by strikeout
Sec. 3. A person, association, partnership, corporation, or other legal entity acts as a collection agency when he or it:

(a) Engages in the business of collection for others of any account, bill or other indebtedness;

(b) Receives, by assignment or otherwise, accounts, bills, or other indebtedness from any person owning or controlling 20% or more of the business receiving the assignment, with the purpose of collecting monies due on such account, bill or other indebtedness;

(c) Sells or attempts to sell, or gives away or attempts to give away to any other person, other than one registered under this Act, any system of collection, letters, demand forms, or other printed matter where the name of any person, other than that of the creditor, appears in such a manner as to indicate, directly or indirectly, that a request or demand is being made by any person other than the creditor for the payment of the sum or sums due or asserted to be due;

(d) Buys accounts, bills or other indebtedness with recourse and engages in collecting the same; or

(e) Uses a fictitious name in collecting its own accounts, bills, or debts with the intention of conveying to the debtor that a third party has been employed to make such collection.

Sec. 9.1. Communication with persons other than debtor.

(a) Any debt collector or collection agency communicating with any person other than the debtor for the purpose of acquiring location information about the debtor shall:

(1) identify himself or herself, state that he or she is confirming or correcting location information concerning the

New matter indicated by italics - deletions by strikeout
consumer, and, only if expressly requested, identify his or her employer;

(2) not state that the consumer owes any debt;

(3) not communicate with any person more than once unless requested to do so by the person or unless the debt collector or collection agency reasonably believes that the earlier response of the person is erroneous or incomplete and that the person now has correct or complete location information;

(4) not communicate by postcard;

(5) not use any language or symbol on any envelope or in the contents of any communication effected by mail or telegram that indicates that the debt collector or collection agency is in the debt collection business or that the communication relates to the collection of a debt; and

(6) after the debt collector or collection agency knows the debtor is represented by an attorney with regard to the subject debt and has knowledge of or can readily ascertain the attorney's name and address, not communicate with any person other than the attorney, unless the attorney fails to respond within a reasonable period of time, not less than 30 days, to communication from the debt collector or collection agency.

(225 ILCS 425/9.2 new)
(Section scheduled to be repealed on January 1, 2016)
Sec. 9.2. Communication in connection with debt collection.
(a) Without the prior consent of the debtor given directly to the debt collector or collection agency or the express permission of a court of competent jurisdiction, a debt collector or collection agency may not communicate with a debtor in connection with the collection of any debt in any of the following circumstances:

(1) At any unusual time, place, or manner that is known or should be known to be inconvenient to the debtor. In the absence of knowledge of circumstances to the contrary, a debt collector or collection agency shall assume that the convenient time for
communicating with a debtor is after 8 o'clock a.m. and before 9 o'clock p.m. local time at the debtor's location.

(2) If the debt collector or collection agency knows the debtor is represented by an attorney with respect to such debt and has knowledge of or can readily ascertain, the attorney's name and address, unless the attorney fails to respond within a reasonable period of time to a communication from the debt collector or collection agency or unless the attorney consents to direct communication with the debtor.

(3) At the debtor's place of employment, if the debt collector or collection agency knows or has reason to know that the debtor's employer prohibits the debtor from receiving such communication.

(b) Except as provided in Section 9.1 of this Act, without the prior consent of the debtor given directly to the debt collector or collection agency or the express permission of a court of competent jurisdiction or as reasonably necessary to effectuate a post judgment judicial remedy, a debt collector or collection agency may not communicate, in connection with the collection of any debt, with any person other than the debtor, the debtor's attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the attorney of the creditor, or the attorney of the collection agency.

(c) If a debtor notifies a debt collector or collection agency in writing that the debtor refuses to pay a debt or that the debtor wishes the debt collector or collection agency to cease further communication with the debtor, the debt collector or collection agency may not communicate further with the debtor with respect to such debt, except to perform any of the following tasks:

(1) Advise the debtor that the debt collector's or collection agency's further efforts are being terminated.

(2) Notify the debtor that the collection agency or creditor may invoke specified remedies that are ordinarily invoked by such collection agency or creditor.

New matter indicated by italics - deletions by strikeout
(3) Notify the debtor that the collection agency or creditor intends to invoke a specified remedy. If such notice from the debtor is made by mail, notification shall be complete upon receipt. (d) For the purposes of this Section, "debtor" includes the debtor's spouse, parent (if the debtor is a minor), guardian, executor, or administrator.

(225 ILCS 425/9.3 new)  
(Section scheduled to be repealed on January 1, 2016)

Sec. 9.3. Validation of debts.
(a) Within 5 days after the initial communication with a debtor in connection with the collection of any debt, a debt collector or collection agency shall, unless the following information is contained in the initial communication or the debtor has paid the debt, send the debtor a written notice with each of the following disclosures:

(1) The amount of the debt.
(2) The name of the creditor to whom the debt is owed.
(3) That, unless the debtor, within 30 days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector or collection agency.
(4) That, if the debtor notifies the debt collector or collection agency in writing within the 30-day period that the debt, or any portion thereof, is disputed, the debt collector or collection agency will obtain verification of the debt or a copy of a judgment against the debtor and a copy of the verification or judgment will be mailed to the debtor by the debt collector or collection agency.
(5) That upon the debtor's written request within the 30-day period, the debt collector or collection agency will provide the debtor with the name and address of the original creditor, if different from the current creditor. If the disclosures required under this subsection (a) are placed on the back of the notice, the front of the notice shall contain a statement notifying debtors of that fact.

New matter indicated by italics - deletions by strikeout
(b) If the debtor notifies the debt collector or collection agency in writing within the 30-day period set forth in paragraph (3) of subsection (a) of this Section that the debt, or any portion thereof, is disputed or that the debtor requests the name and address of the original creditor, the debt collector or collection agency shall cease collection of the debt, or any disputed portion thereof, until the debt collector or collection agency obtains verification of the debt or a copy of a judgment or the name and address of the original creditor and mails a copy of the verification or judgment or name and address of the original creditor to the debtor.

(c) The failure of a debtor to dispute the validity of a debt under this Section shall not be construed by any court as an admission of liability by the debtor.

(225 ILCS 425/9.4 new)

(Section scheduled to be repealed on January 1, 2016)

Sec. 9.4. Debt collection as a result of identity theft.

(a) Upon receipt from a debtor of all of the following information, a debt collector or collection agency must cease collection activities until completion of the review provided in subsection (d) of this Section:

(1) A copy of a police report filed by the debtor alleging that the debtor is the victim of an identity theft crime for the specific debt being collected by the debt collector.

(2) The debtor's written statement that the debtor claims to be the victim of identity theft with respect to the specific debt being collected by the debt collector, including (i) a Federal Trade Commission's Affidavit of Identity Theft, (ii) an Illinois Attorney General ID Theft Affidavit, or (iii) a written statement that certifies that the representations are true, correct, and contain no material omissions of fact to the best knowledge and belief of the person submitting the certification. This written statement must contain or be accompanied by, each of the following, to the extent that an item listed below is relevant to the debtor's allegation of identity theft with respect to the debt in question:

(A) A statement that the debtor is a victim of identity theft.

New matter indicated by italics - deletions by strikeout
(B) A copy of the debtor's driver's license or identification card, as issued by this State.

(C) Any other identification document that supports the statement of identity theft.

(D) Specific facts supporting the claim of identity theft, if available.

(E) Any explanation showing that the debtor did not incur the debt.

(F) Any available correspondence disputing the debt after transaction information has been provided to the debtor.

(G) Documentation of the residence of the debtor at the time of the alleged debt, which may include copies of bills and statements, such as utility bills, tax statements, or other statements from businesses sent to the debtor and showing that the debtor lived at another residence at the time the debt was incurred.

(H) A telephone number for contacting the debtor concerning any additional information or questions or direction that further communications to the debtor be in writing only, with the mailing address specified in the statement.

(I) To the extent the debtor has information concerning who may have incurred the debt, the identification of any person whom the debtor believes is responsible.

(J) An express statement that the debtor did not authorize the use of the debtor's name or personal information for incurring the debt.

(b) A written certification submitted pursuant to item (iii) of paragraph (2) of subsection (a) of this Section shall be sufficient if it is in substantially the following form:

"I certify that the representations made are true, correct, and contain no material omissions of fact known to me.

New matter indicated by italics - deletions by strikeout
(c) If a debtor notifies a debt collector or collection agency orally that he or she is a victim of identity theft, the debt collector or collection agency shall notify the debtor orally or in writing, that the debtor's claim must be in writing. If a debtor notifies a debt collector or collection agency in writing that he or she is a victim of identity theft, but omits information required pursuant to this Section, if the debt collector or collection agency does not cease collection activities, the debt collector or collection agency must provide written notice to the debtor of the additional information that is required or send the debtor a copy of the Federal Trade Commission's Affidavit of Identity Theft form.

(d) Upon receipt of the complete statement and information described in subsection (a) of this Section, the debt collector shall review and consider all of the information provided by the debtor and other information available to the debt collector or collection agency in its file or from the creditor. The debt collector or collection agency may recommence debt collection activities only upon making a good faith determination that the information does not establish that the debtor is not responsible for the specific debt in question. The debt collector or collection agency must notify the consumer in writing of that determination and the basis for that determination before proceeding with any further collection activities. The debt collector's or collection agency's determination shall be based on all of the information provided by the debtor and other information available to the debt collector or collection agency in its file or from the creditor.

(e) No inference or presumption that the debt is valid or invalid or that the debtor is liable or not liable for the debt may arise if the debt collector or collection agency decides after the review described in subsection (d) to cease or recommence the debt collection activities. The exercise or non-exercise of rights under this Section is not a waiver of any other right or defense of the debtor or debt collector.

(f) A debt collector or collection agency that (i) ceases collection activities under this Section, (ii) does not recommence those collection

New matter indicated by italics - deletions by strikeout
activities, and (iii) furnishes adverse information to a consumer credit reporting agency, must notify the consumer credit reporting agency to delete that adverse information.

(225 ILCS 425/9.7 new)

Sec. 9.7. Enforcement under the Consumer Fraud and Deceptive Business Practices Act. The Attorney General may enforce the knowing violation of Section 9 (except for items (1) through (9) and (19) of subsection (a)), 9.1, 9.2, 9.3, or 9.4 of this Act as an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act.

(225 ILCS 425/2.01 rep.)
(225 ILCS 425/2.02 rep.)

Section 10. The Collection Agency Act is amended by repealing Sections 2.01 and 2.02.

Section 99. Effective date. This Act takes effect January 1, 2008.

Effective January 1, 2008.

PUBLIC ACT 95-0438
(Senate Bill No. 0765)

AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Disabilities Services Act of 2003 is amended by adding a heading to Article 1 immediately before Section 1 of the Act, by adding a heading to Article 2 immediately before Section 5 of the Act, by adding Article 3 and a heading to Article 99 immediately before Section 90 of the Act as follows:

(20 ILCS 2407/Art. 1 heading new)

ARTICLE 1. SHORT TITLE

(20 ILCS 2407/Art. 2 heading new)

ARTICLE 2. DISABILITIES SERVICES ACT of 2003

(20 ILCS 2407/Art. 3 heading new)

New matter indicated by italics - deletions by strikeout
ARTICLE 3. MONEY FOLLOWS THE PERSON IMPLEMENTATION ACT

(20 ILCS 2407/51 new)

Sec. 51. Legislative intent. It is the intent of the General Assembly to promote the civil rights of persons with disabilities by providing community-based service for persons with disabilities when such services are determined appropriate and desired, as required by Title II of the Americans with Disabilities Act under the United States Supreme Court’s decision in Olmstead v. L.C., 527 U.S. 581 (1999). In accordance with Section 6071 of the Deficit Reduction Act of 2005 (P.L. 109-171), the purpose of this Act is (i) to identify and reduce barriers or mechanisms, whether in State law, the State Medicaid Plan, the State budget, or otherwise, that prevent or restrict the flexible use of public funds to enable individuals with disabilities to receive support for appropriate and necessary long-term care services in settings of their choice; (ii) to increase the use of home and community-based long-term care services, rather than institutions or long-term care facilities; (iii) to increase the ability of the State Medicaid program to assure continued provision of home and community-based long-term care services to eligible individuals who choose to transition from an institution to a community setting; and (iv) to ensure that procedures are in place that are at least comparable to those required under the qualified home and community-based program to provide quality assurance for eligible individuals receiving Medicaid home and community-based long-term care services and to provide for continuous quality improvement in such services. Utilizing the framework created by the "Money Follows the Person" demonstration project, approval received by the State on May 14, 2007, the purpose of this Act is to codify and reinforce the State’s commitment to promote individual choice and control and increase utilization of home and community-based services through:

(a) Increased ability of the State Medicaid program to ensure continued provision of home and community-based long-term care services to eligible individuals who choose to transition from an institution to a community setting.

New matter indicated by italics - deletions by strikeout
(b) Assessment and removal of barriers to community reintegration, including development of a comprehensive housing strategy.

(c) Expand availability of consumer self-directed service options.

(d) Increased use of home and community-based long-term care services, rather than institutions or long-term care facilities, such that the percentage of the State long-term care budget expended for community-based services increases from its current 28.5% to at least 37% in the next 5 years.

(e) Creation and implementation of interagency agreements or budgetary mechanisms to allow for the flexible movement of allocated dollars from institutional budget appropriations to appropriations supporting home and community-based services or Medicaid State Plan options.

(f) Creation of an equitable, clinically sound and cost-effective system for identification and review of community transition candidates across all long-term care systems; including improvement of prescreening, assessment for rapid reintegration and targeted review of longer stay residents, training and outreach education for providers and consumers on community alternatives across all long-term care systems.

(g) Development and implementation of data and information systems to track individuals across service systems and funding streams; support responsive eligibility determination; facilitate placement and care decisions; identify individuals with potential for transition; and drive planning for the development of community-based alternatives.

(h) Establishment of procedures that are at least comparable to those required under the qualified home and community-based program to provide quality assurance for eligible individuals receiving Medicaid home and community-based long-term care services and to provide for continuous quality improvement in such services.

New matter indicated by italics - deletions by strikeout
Nothing in this amendatory Act of the 95th General Assembly shall diminish or restrict the choice of an individual to reside in an institution or the quality of care they receive.

(20 ILCS 2407/52 new)

Sec. 52. Applicability; definitions. In accordance with Section 6071 of the Deficit Reduction Act of 2005 (P.L. 109-171), as used in this Article:

"Departments". The term "Departments" means for the purposes of this Act, the Department of Human Services, the Department on Aging, Department of Healthcare and Family Services and Department of Public Health, unless otherwise noted.

"Home and community-based long-term care services". The term "home and community-based long-term care services" means, with respect to the State Medicaid program, a service aid, or benefit, home and community-based services, including but not limited to home health and personal care services, that are provided to a person with a disability, and are voluntarily accepted, as part of his or her long-term care that: (i) is provided under the State's qualified home and community-based program or that could be provided under such a program but is otherwise provided under the Medicaid program; (ii) is delivered in a qualified residence; and (iii) is necessary for the person with a disability to live in the community.

"Long-term care facility". The term "long-term care facility", for the purposes of this Article, means a skilled nursing or intermediate long-term care facility subject to licensure by the Department of Public Health under the Nursing Home Care Act, an intermediate care facility for the developmentally disabled (ICF-DDs), and a State-operated developmental center or mental health center, whether publicly or privately owned.

"Money Follows the Person" Demonstration. Enacted by the Deficit Reduction Act of 2005, the Money Follows the Person (MFP) Rebalancing Demonstration is part of a comprehensive, coordinated strategy to assist states, in collaboration with stakeholders, to make widespread changes to their long-term care support systems. This initiative will assist states in their efforts to reduce their reliance on institutional care while developing community-based long-term care
opportunities, enabling the elderly and people with disabilities to fully participate in their communities.

"Public funds" mean any funds appropriated by the General Assembly to the Departments of Human Services, on Aging, of Healthcare and Family Services and of Public Health for settings and services as defined in this Article.

"Qualified residence". The term "qualified residence" means, with respect to an eligible individual: (i) a home owned or leased by the individual or the individual's authorized representative (as defined by P.L. 109-171); (ii) an apartment with an individual lease, with lockable access and egress, and which includes living, sleeping, bathing, and cooking areas over which the individual or the individual's family has domain and control; or (iii) a residence, in a community-based residential setting, in which no more than 4 unrelated individuals reside. Where qualified residences are not sufficient to meet the demand of eligible individuals, time-limited exceptions to this definition may be developed through administrative rule.

"Self-directed services". The term "self-directed services" means, with respect to home and community-based long-term services for an eligible individual, those services for the individual that are planned and purchased under the direction and control of the individual or the individual's authorized representative, including the amount, duration, scope, provider, and location of such services, under the State Medicaid program consistent with the following requirements:

(a) Assessment: there is an assessment of the needs, capabilities, and preference of the individual with respect to such services.

(b) Individual service care or treatment plan: based on the assessment, there is development jointly with such individual or individual's authorized representative, a plan for such services for the individual that (i) specifies those services, if any, that the individual or the individual's authorized representative would be responsible for directing; (ii) identifies the methods by which the individual or the individual's authorized representative or an
agency designated by an individual or representative will select, manage, and dismiss providers of such services.
(20 ILCS 2407/53 new)
Sec. 53. Rebalancing benchmarks.
(a) Illinois' long-term care system is in a state of transformation, as evidenced by the creation and subsequent work products of the Disability Services Advisory Committee, Older Adult Services Advisory Committee, Housing Task Force and other executive and legislative branch initiatives.
(b) Illinois' Money Follows the Person demonstration approval capitalizes on this progress and commits the State to transition approximately 3,357 older persons and persons with developmental, physical or psychiatric disabilities from institutional to home and community-based settings, resulting in an increased percentage of long-term care community spending over the next 5 years.
(c) The State will endeavor to increase the percentage of community-based long-term care spending over the next 5 years according to the following timeline:

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<thead>
<tr>
<th>Year</th>
<th>Percentage</th>
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<tr>
<td>Baseline</td>
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<tr>
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<tr>
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<td>Year 3</td>
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<td>Year 4</td>
<td>35%</td>
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<tr>
<td>Year 5</td>
<td>37%</td>
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(d) The Departments will utilize interagency agreements and will seek legislative authority to implement a Money Follows the Person budgetary mechanism to allocate or reallocate funds for the purpose of expanding the availability, quality or stability of home and community-based long-term care services and supports for persons with disabilities.
(e) The allocation of public funds for home and community-based long-term care services shall not have the effect of: (i) diminishing or reducing the quality of services available to residents of long-term care facilities; (ii) forcing any residents of long-term care facilities to involuntarily accept home and community-based long-term care services,
or causing any residents of long-term care facilities to be involuntarily transferred or discharged; (iii) causing reductions in long-term care facility reimbursement rates in effect as of July 1, 2008; or (iv) diminishing access to a full array of long-term care options.

(20 ILCS 2407/54 new)

Sec. 54. Quality assurance and quality improvement.

(a) In accordance with subsection (11) of Section 6071 of the Deficit Reduction Act of 2005 (P.L. 109-171), the Departments shall develop a plan for quality assurance and quality improvement for home and community-based long-term care services under the State Medicaid program, including a plan to assure the health and welfare of eligible individuals under this Act.

(b) This plan shall require the Departments to apply for any available funding to support the intent of this legislation, and to seek any appropriate federal Medicaid approval.

(20 ILCS 2407/55 new)

Sec. 55. Dissemination of reports.

(a) On or before April 1 of each year, in conjunction with their annual report, the Department of Healthcare and Family Services, in cooperation with the other involved agencies, shall report to the Governor and the General Assembly on the implementation of this Act and include, at a minimum, the following data: (i) a description of any interagency agreements, fiscal payment mechanisms or methodologies developed under this Act that effectively support choice; (ii) information concerning the dollar amounts of State Medicaid long-term care expenditures and the percentage of such expenditures that were for institutional long-term care services or were for home and community-based long-term care services; and (iii) documentation that the Departments have met the requirements under Section 54(a) to assure the health and welfare of eligible individuals receiving home and community-based long-term care services. This report must be made available to the general public, including via the Departmental websites.

(20 ILCS 2407/56 new)

Sec. 56. Effect on existing rights.

New matter indicated by italics - deletions by strikeout
(a) This Article does not alter or affect the manner in which persons with disabilities are determined eligible or appropriate for home and community-based long-term care services.

(b) This Article shall not be read to limit in any way the rights of persons with disabilities under the U.S. Constitution, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Social Security Act, or any other federal or State law.

(20 ILCS 2407/57 new)

Sec. 57. Rules. The Departments of Human Services, on Aging, of Healthcare and Family Services and of Public Health shall adopt any rules necessary for the implementation and administration of this Act.


Effective January 1, 2008.

PUBLIC ACT 95-0439
(House Bill No. 0250)

AN ACT concerning children.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Missing Children Records Act is amended by changing Section 5 as follows:

(325 ILCS 50/5) (from Ch. 23, par. 2285)

Sec. 5. Duties of school or other entity.

(a) Upon notification by the Department of a person's disappearance, a school, preschool educational program, child care facility, or day care home or group day care home in which the person is currently or was previously enrolled shall flag the record of that person in such a manner that whenever a copy of or information regarding the record is requested, the school or other entity shall be alerted to the fact that the record is that of a missing person. The school or other entity shall immediately report to the Department any request concerning flagged records or knowledge as to the whereabouts of any missing person. Upon

New matter indicated by italics - deletions by strikeout
notification by the Department that the missing person has been recovered, the school or other entity shall remove the flag from the person's record.

(b) (1) Upon enrollment of a child student for the first time in a particular elementary or secondary school, public or private preschool educational program, public or private child care facility licensed under the Child Care Act of 1969, or day care home or group day care home licensed under the Child Care Act of 1969, that school or other entity shall notify in writing the person enrolling the child student that within 30 days he must provide either (i) a certified copy of the child's student's birth certificate or (ii) other reliable proof, as determined by the Department, of the child's student's identity and age and an affidavit explaining the inability to produce a copy of the birth certificate. Other reliable proof of the child's student's identity and age shall include a passport, visa or other governmental documentation of the child's identity.

(2) Upon the failure of a person enrolling a child student to comply with subsection (b) (1), the school or other entity shall immediately notify the Department or local law enforcement agency of such failure, and shall notify the person enrolling the child student in writing that he has 10 additional days to comply.

(3) The school or other entity shall immediately report to the Department any affidavit received pursuant to this subsection which appears inaccurate or suspicious in form or content.

(c) Within 14 days after enrolling a transfer student, the elementary or secondary school shall request directly from the student's previous school a certified copy of his record. The requesting school shall exercise due diligence in obtaining the copy of the record requested. Any elementary or secondary school requested to forward a copy of a transferring student's record to the new school shall comply within 10 days of receipt of the request unless the record has been flagged pursuant to subsection (a), in which case the copy shall not be forwarded and the requested school shall notify the Department or local law enforcement authority of the request.

(Source: P.A. 84-1430.)


New matter indicated by italics - deletions by strikeout
AN ACT concerning sex offenders.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Election Code is amended by changing Sections 11-4.1, 19-1, 19-2, 19-3, and 19-5 and by adding Section 19A-10.5 as follows:

(10 ILCS 5/11-4.1) (from Ch. 46, par. 11-4.1)

Sec. 11-4.1. (a) In appointing polling places under this Article, the county board or board of election commissioners shall, insofar as they are convenient and available, use schools and other public buildings as polling places.

(b) Upon request of the county board or board of election commissioners, the proper agency of government (including school districts and units of local government) shall make a public building under its control available for use as a polling place on an election day and for a reasonably necessary time before and after election day, without charge. If the county board or board of election commissioners chooses a school to be a polling place, then the school district must make the school available for use as a polling place. However, for the day of the election, a school district may choose to (i) keep the school open or (ii) hold a teachers institute on that day.

(c) A government agency which makes a public building under its control available for use as a polling place shall ensure the portion of the building to be used as the polling place is accessible to handicapped and elderly voters.

(d) If a qualified elector's precinct polling place is a school and the elector will be unable to enter that polling place without violating Section 11-9.3 of the Criminal Code of 1961 because the elector is a child sex

New matter indicated by italics - deletions by strikeout
Sec. 19-1. Any qualified elector of the State of Illinois having duly registered where such registration is required who will be unable to enter his or her precinct polling place without violating Section 11-9.3 of the Criminal Code of 1961 or who expects to be absent from the county in which he is a qualified elector or who because of being appointed a judge of election in a precinct other than the precinct in which he resides or who because of physical incapacity or the tenets of his religion in the observance of a religious holiday or who because of election duties for the office of an Election Authority or the State Board of Elections or who because of election duties for a law enforcement agency, including but not limited to the offices of the Attorney General, a State's Attorney, a United States Attorney, or a State, county, or municipal police department, or who, because he is temporarily abiding outside the precinct in which he is registered to vote due to the fact he is a student attending an institution of higher education or who is serving as a sequestered juror on a State or federal jury, or who because of his or her confinement or detention in a jail pending acquittal or conviction of a crime, will be unable to be present at the polls on the day of holding any special, general or primary election at which any presidential preference is indicated or any candidates are chosen or elected, for any congressional, State, district, county, town, city, village, precinct or judicial offices or at which questions of public policy are submitted, may vote at such election as hereinafter in this Article provided.

Each Election Authority, law enforcement agency, and the State Board of Elections shall compile and keep current a list of his or its officers or employees who are eligible to vote under this Article by reason of election duties.

For purposes of this Article 19, a physically incapacitated voter marks his or her ballot "personally" when the voter exercises his or her
physical abilities to their reasonable limit in marking the ballot, and marking personally may include instructing the person assisting the incapacitated voter when giving such instruction represents the reasonable limit of the physical abilities.

(Source: P.A. 94-637, eff. 1-1-06.)

(10 ILCS 5/19-2) (from Ch. 46, par. 19-2)

Sec. 19-2. Any elector as defined in Section 19-1 who will be unable to enter his or her precinct polling place without violating Section 11-9.3 of the Criminal Code of 1961 or who is expecting to be absent from the county of his residence or any such elector who because of being appointed a judge of election in a precinct other than the precinct in which he resides or who because of physical incapacity or the tenets of his religion in the observance of a religious holiday or who because of election duties for the office of an Election Authority, the State Board of Elections, or a law enforcement agency, or who because of his or her confinement or detention in a jail pending acquittal or conviction of a crime, will be unable to be present at the polls on the day of such election may by mail, not more than 40 nor less than 5 days prior to the date of such election, or by personal delivery not more than 40 nor less than one day prior to the date of such election, make application to the county clerk or to the Board of Election Commissioners for an official ballot for the voter's precinct to be voted at such election.

(Source: P.A. 94-637, eff. 1-1-06.)

(10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

Sec. 19-3. Application for such ballot shall be made on blanks to be furnished by the election authority and duplication of such application for ballot is prohibited, except by the election authority. The application for ballot shall be substantially in the following form:

APPLICATION FOR BALLOT
BY ELECTOR WHO EXPECTS TO BE ABSENT FROM COUNTY

To be voted at the ... election in the County of .... and State of Illinois, in the ... precinct of the (1) *township of .... (2) *City of .... or (3) *.... ward in the City of ....

New matter indicated by italics - deletions by strikeout
I state that I am a resident of the .... precinct of the (1) *township of .... (2) *City of .... or (3) *.... ward in the city of .... residing at .... in such city or town in the county of .... and State of Illinois; that I have lived at such address for .... month(s) last past; that I am lawfully entitled to vote in such precinct at the .... election to be held therein on ....; that I expect to be absent from the county of my residence on the date of holding such election, and that I will have no opportunity to vote in person on that day.

I hereby make application for an official ballot or ballots to be voted by me at such election if I am absent from the county of my residence, and I agree that I shall return such ballot or ballots to the official issuing the same prior to the closing of the polls on the date of the election.

Under penalties as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

   *fill in either (1), (2) or (3).

   Post office address to which ballot is mailed:

   ............................................................

However, if application is made for a primary election ballot, such application shall designate the name of the political party with which the applicant is affiliated.

APPLICATION FOR BALLOT
BY ELECTOR WHO IS JUDGE OF ELECTION
IN A PRECINCT OTHER THAN THE PRECINCT
IN WHICH HE RESIDES

To be voted at the .... election in the County of .... and State of Illinois, in the .... precinct of the (1) *township of .... (2) *City of .... or (3) *.... ward in the City of ....

I state that I am affiliated with the .... party (to be used in primary elections) and that I am a resident of the .... precinct of the (1) *township of .... (2) *City of .... or (3) *.... ward in the city of .... residing at .... in such city or town in the county of .... and State of Illinois; that I have lived at such address for .... month(s) last past; that I am lawfully entitled to vote

New matter indicated by italics - deletions by strikeout
in such precinct at the .... election to be held therein on ....; that I am a judge of election in .... precinct or the (1) *.... ward in the city of .... or (2) *township of .... or (3) *city, village or incorporated town of .... in such county and that I will have no opportunity of voting in person on that day:

I hereby make application for an official ballot or ballots to be voted by me at such election if I serve as a judge of election in such last named precinct, and I agree that I shall return such ballot or ballots to the official issuing the same prior to the closing of the polls on the date of the election.

Under penalties as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

*fill in either (1), (2) or (3).

Post office address to which ballot is mailed:

APPLICATION FOR BALLOT
BY PHYSICALLY INCAPACITATED ELECTOR

To be voted at the .... election in the County of .... and State of Illinois, in the .... precinct of the (1) *township of .... (2) *City of .... or (3) *.... ward in the City of ....

I state that I am affiliated with the .... party (to be used in primary elections) and that I am a resident of the .... precinct of the (1) *township of .... (2) *City of .... or (3) *.... ward in the city of .... in such city or town in the county of .... and State of Illinois; that I have lived at such address for .... month(s) last past; that I am lawfully entitled to vote in such precinct at the .... election to be held therein on ....; that I shall be physically incapable of being present at the polls of such precinct on the date of holding such election for the following reasons:

I hereby make application for an official ballot or ballots to be voted by me at such election if I am so physically incapacitated, and I agree that I shall return such ballot or ballots to the official issuing the same prior to the closing of the polls on the date of election.
Under penalties as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

*fill in either (1), (2) or (3).
Post office address to which ballot is mailed:

............................................................

APPLICATION FOR BALLOT
BY CHILD SEX OFFENDER ELECTOR

To be voted at the .... election in the County of .... and State of Illinois, in the .... precinct of the (1) *township of .... (2) *City of .... or (3) *.... ward in the City of ....

I state that I am affiliated with the .... party (to be used in primary elections) and that I am a resident of the .... precinct of the (1) *township of .... (2) *City of .... or (3) *.... ward in the city of .... residing at .... in such city or town in the county of .... and State of Illinois; that I have lived at such address for .... month(s) last past; that I am lawfully entitled to vote in such precinct at the .... election to be held therein on ....; that my assigned precinct polling place is in a school and I will be unable to enter the polling place without violating Section 11-9.3 of the Criminal Code of 1961.

I hereby make application for an official ballot or ballots to be voted by me at such election because my assigned precinct polling place is in a school and I will be unable to enter the polling place without violating Section 11-9.3 of the Criminal Code of 1961, and I agree that I shall return such ballot or ballots to the official issuing the same prior to the closing of the polls on the date of election.

Under penalties as provided by law pursuant to Section 29-10 of the Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

*fill in either (1), (2), or (3).
Post office address to which ballot is mailed:

............................................................

New matter indicated by italics - deletions by strikeout
APPLICATION FOR BALLOT 
BY ELECTOR OBSERVING RELIGIOUS HOLIDAY

To be voted at the .... election in the county of .... State of Illinois, in the .... precinct (1) *township of .... (2) *City of .... or (3) *.... ward in the City of ....

I state that I am affiliated with the .... party (to be used in primary elections) and that I am a resident of the .... precinct of the (1) *township of .... (2) *City of .... or (3) *.... ward in the city of .... residing at .... in such city or town in the county of .... and State of Illinois; that I have lived at such address for .... month(s) past, that I am lawfully entitled to vote in such precinct at the .... election to be held therein on ....; that I shall be unable to be present at the polls of such precinct on the date of holding such election because of the tenets of my religion in the observance of a religious holiday.

I hereby make application for an official ballot or ballots to be voted by me at such election if I am so unable to be present at the polls of such precinct on the date of the election because of the tenets of my religion in the observance of a religious holiday, and I agree that I shall return the ballot or ballots to the official issuing the same prior to the closing of the polls on the date of the election.

Under penalties as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

*fill in either (1), (2) or (3).

Post office address to which ballot is mailed:

APPLICATION FOR BALLOT 
BY ELECTOR WHO IS AN ELECTION EMPLOYEE 
OF STATE’S ATTORNEY, COUNTY CLERK OR 
BOARD OF ELECTION COMMISSIONERS 

To be voted at the .... election in the County of .... and State of Illinois, in the .... precinct of the (1) *township of .... (2) *City of .... or (3) *.... ward in the City of ....

New matter indicated by italics - deletions by strikeout
I state that I am a resident of the .... precinct of the (1) *township of .... (2) *City of .... or (3) * .... ward in the city of .... residing at .... in such city or town in the county of .... and State of Illinois; that I have lived at such address for .... month(s) last past; that I am lawfully entitled to vote in such precinct at the .... election to be held therein on ....; that I am employed in the office of the (State's Attorney of .... County) (County Clerk of .... County) (Board of Election Commissioners of the (City) (County) of .... and that because of election duties on the date of holding such election I will have no opportunity to vote in person on that day.

I hereby make application for an official ballot or ballots to be voted by me at such election, and I agree that I shall return such ballot or ballots to the official issuing the same prior to the closing of the polls on the date of the election.

Under penalties as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

*fill in either (1), (2) or (3).
Post office address to which ballot is mailed:

Provided, that if application be made for a primary election ballot, such application shall designate the name of the political party with which the applicant is affiliated.

APPLICATION FOR
TEMPORARILY ABSENT STUDENT BALLOT
To be voted at the .... election in the County of .... and State of Illinois, in the .... precinct of the (1) *township of .... (2) *City of .... or (3) * .... ward in the City of ....

I state that I am a resident of the .... precinct of the (1) *township of .... (2) *City of .... or (3) * .... ward in the city of .... residing at .... in such city or town in the county of .... and State of Illinois; that I have lived at such address for .... month(s) last past; that I am lawfully entitled to vote in such precinct at the .... election to be held therein on ....; that I am temporarily abiding outside such precinct in the (1) *township of .... (2)
*City of .... in the county of .... and State of .... due to the fact I am a student attending an institution of higher education, and for that reason do not expect to have an opportunity to vote in person on that day.

I hereby make application for an official ballot or ballots to be voted by me at such election if I am absent from the precinct of my residence, and I agree that I shall return such ballot or ballots to the official issuing the same prior to the closing of the polls on the date of the election.

Under penalties as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

*fill in either (1), (2) or (3).

Post office address to which ballot is mailed:

*fill in address.

However, if application is made for a primary election ballot, such application shall designate the name of the political party with which the applicant is affiliated.

In lieu of the separate application blanks heretofore prescribed, the election authority may adopt a standard application blank in substantially the following form for all categories of absentee voters:

APPLICATION FOR
ABSENT VOTER'S BALLOT

To be voted at the ...... election in the County of ...... and State of Illinois, in the ...... precinct of the (1) *township of ...... (2) *City of ...... or (3) *...... ward in the City of ...........

I state that I am a resident of the ...... precinct of the (1) *township of ...... (2) *City of ...... or (3) *........ ward in the City of ...... residing at ........ in such city or town in the county of ...... and State of Illinois; that I have lived at such address for ...... months last past; that I am lawfully entitled to vote in such precinct at a ...... election to be held therein on ......; and that I will be unable to vote in person at the polls of such precinct for the following reasons:

(Check One)

New matter indicated by italics - deletions by strikeout
I expect to be absent from my county of residence.
I expect to be temporarily absent from the country.
I shall be serving as a judge of election in the ....... precinct which is not my precinct of residence.
I shall be observing a religious holiday in accordance with the tenets of my religion.
I shall be performing official election duties for an Election Authority .................,
       (election authority)
............... or the State Board of Elections.
 (location)
I shall be performing election law enforcement duties in the employment of .................,
       (law enforcement agency)
............... (location)
I am temporarily abiding in the (1) *township of .... (2) *city of .... in the county of .... and State of .... due to the fact I am a student attending an institution of higher education.
I am physically incapacitated.
Reason(s):
I have been called for jury duty on said day by ................
       (court jurisdiction)
I hereby make application for an official ballot or ballots to be voted by me at such election and agree that I shall return the ballot or ballots to the election official issuing the same in sufficient time for such official to deliver the ballot or ballots to the proper polling place prior to the closing of the polls on the date of the election.
Under penalties as provided by law pursuant to Section 29-10 of the Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

*fill in either (1), (2) or (3). Post office address to which ballot is mailed:

New matter indicated by italics - deletions by strikeout
Provided, that if application is made for a primary election, such application shall designate the name of the political party with which applicant is affiliated.
(Source: P.A. 86-873; 86-875; 86-1028.)
(10 ILCS 5/19-5) (from Ch. 46, par. 19-5)
Sec. 19-5. It shall be the duty of the election authority to fold the ballot or ballots in the manner specified by the statute for folding ballots prior to their deposit in the ballot box, and to enclose such ballot or ballots in an envelope unsealed to be furnished by him, which envelope shall bear upon the face thereof the name, official title and post office address of the election authority, and upon the other side if the ballot is to go to an elector who is to be out of the county on the day of the election a printed certification in substantially the following form:

I state that I am a resident of the .... precinct of the (1) *township of .... (2) *City of .... or (3) *.... ward in the city of .... residing at .... in such city or town in the county of .... and State of Illinois, that I have lived at such address for .... months last past; that I am lawfully entitled to vote in such precinct at the .... election to be held on ....; and I expect to be absent from the county of my residence on the date of such election.

*fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret.

Under penalties of perjury as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

..............................

If the ballot is to go to an elector who is physically incapacitated the envelope shall bear upon the back thereof a certification in substantially the following form:

I state that I am a resident of the .... precinct of the (1) *township of .... (2) *City of .... or (3) *.... ward in the city of .... residing at .... in such city or town in the county of .... and State of Illinois, that I have lived at such address for .... months last past; that I am lawfully entitled to vote in such precinct at the .... election to be held on ....; that I shall be physically

New matter indicated by italics - deletions by strikeout
incapable of being present at the polls of such precinct on the date of holding such election.
*fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret. If I received assistance in casting my ballot, I further attest that, due to physical incapacity, I marked the enclosed ballot in secret with the assistance of

............................................
(Individual rendering assistance)
............................................
(Residence Address)

Under penalties of perjury as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

............................................

In the case of a voter who is voting absentee by reason of physical incapacity, marking a ballot in secret includes marking a ballot with the assistance of another individual, other than a candidate whose name appears on the ballot (unless the voter is the spouse or a parent, child, brother, or sister of the candidate), the voter's employer, an agent of that employer or an officer or agent of the voter's union, when the voter's physical incapacity necessitates such assistance.

If the ballot is to go to an elector who will be unable to enter his or her precinct polling place without violating Section 11-9.3 of the Criminal Code of 1961, the envelope shall bear upon the back thereof a certification in substantially the following form:

I state that I am a resident of the .... precinct of the (1) *township of .... (2) *City of .... or (3) *.... ward in the city of .... residing at .... in said city or town in the county of .... and State of Illinois, that I have lived at such address for .... months last past; that I am lawfully entitled to vote in such precinct at the .... election to be held on ....; that my assigned precinct polling place is in a school and I will be unable to enter the polling place without violating Section 11-9.3 of the Criminal Code of 1961. *fill in either (1), (2), or (3).
I further state that I personally marked the enclosed ballot in secret.

Under penalties of perjury as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

If the ballot is to go to an elector who is unable to be present at the polls on the date of the election because of the observance of a religious holiday, the envelope shall bear upon the back thereof a certification in substantially the following form:

I state that I am a resident of the .... precinct of the (1) *township of .... (2) *City of .... or (3) *.... ward in the city of .... residing at .... in said city or town in the county of .... and State of Illinois, that I have lived at such address for .... months last past; that I am lawfully entitled to vote in such precinct at the .... election to be held on ....; that I shall be unable to be present at the polls of such precinct on the date of holding such election because of the tenets of my religion in the observance of a religious holiday. *fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret.

Under penalties of perjury as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

If the ballot is to go to an elector who is unable to be present at the polls on the date of the election because he or she is confined or detained in jail pending acquittal or conviction of a crime, the envelope shall bear upon the back thereof a certification in substantially the following form:

I state that I am a resident of the .... precinct of the (1) *township of .... (2) *City of.... or (3) *.... ward in the city of .... residing at .... in that city or town in the county of .... and State of Illinois, that I have lived at such address for .... months last past; that I am lawfully entitled to vote in such precinct at the .... election to be held on ....; that I shall be unable to be present at the polls of such precinct on the date of holding such election

New matter indicated by italics - deletions by strikeout
because of my confinement or detention in jail pending acquittal or conviction of a crime.
*fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret. Under penalties of perjury as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

If the ballot is to go to an elector who is temporarily abiding outside the precinct in which he is registered to vote due to the fact he is a student attending an institution of higher education the envelope shall bear upon the back thereof a certification in substantially the following form:

I state that I am a resident of the .... precinct of the (1) *township of ...... (2) *City of .... or (3) *.... ward in the city of .... residing at .... in such city or town in the county of .... and State of Illinois, that I have lived at such address for .... months last past; that I am lawfully entitled to vote in such precinct at the .... election to be held on ....; and I expect to be absent from the precinct of my residence on the date of such election because I am temporarily abiding outside such precinct in the (1) *township of .... (2) *city of .... in the county of .... and State of .... due to the fact I am a student attending an institution of higher education.
*fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret. Under penalties of perjury as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

If the election authority adopts the standard absentee ballot application blank provided in Section 19-3, the printed certification on the absentee ballot envelope shall be in substantially the following form:

I state that I am a resident of the ...... precinct of the (1) *township of..... (2) *City of ..... or (3) *....... ward in the city of ...... residing at ..... in said city or town in the county of ...... and State of Illinois, that I have lived at such address for .... months last past; that I shall be unable to be
present at the polls of such precinct on the date of holding such election for the reason indicated on the application for ballot enclosed herein.
*fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret. If I received assistance in casting my ballot, I further attest that, due to physical incapacity, I marked the enclosed ballot in secret with the assistance of

.................................
(Individual rendering assistance)

.................................
(Residence Address)

Under penalties of perjury provided by law pursuant to Section 29-10 of the Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

..............................

In the case of a voter who is voting absentee by reason of physical incapacity, marking a ballot in secret includes marking a ballot with the assistance of another individual, other than a candidate whose name appears on the ballot (unless the voter is the spouse or a parent, child, brother, or sister of the candidate), the voter's employer, an agent of that employer, or an officer or agent of the voter's union, when the voter's physical incapacity necessitates such assistance.

Provided, that if the ballot enclosed is to be voted at a primary election, the certification shall designate the name of the political party with which the voter is affiliated.

In addition to the above, the election authority shall provide printed slips giving full instructions regarding the manner of marking and returning the ballot in order that the same may be counted, and shall furnish one of such printed slips to each of such applicants at the same time the ballot is delivered to him. Such instructions shall include the following statement: "In signing the certification on the absentee ballot envelope, you are attesting that you personally marked this absentee ballot in secret. If you are physically unable to mark the ballot, a friend or relative may assist you after completing the enclosed affidavit. Federal and

New matter indicated by italics - deletions by strikeout
State laws prohibit a candidate whose name appears on the ballot (unless you are the spouse or a parent, child, brother, or sister of the candidate), your employer, your employer's agent or an officer or agent of your union from assisting physically disabled voters."

In addition to the above, if a ballot to be provided to an elector pursuant to this Section contains a public question described in subsection (b) of Section 28-6 and the territory concerning which the question is to be submitted is not described on the ballot due to the space limitations of such ballot, the election authority shall provide a printed copy of a notice of the public question, which shall include a description of the territory in the manner required by Section 16-7. The notice shall be furnished to the elector at the same time the ballot is delivered to the elector.

(Source: P.A. 94-637, eff. 1-1-06.)

(10 ILCS 5/19A-10.5 new)

Sec. 19A-10.5. Child sex offenders. If an election authority designates one or more permanent early voting polling places under this Article, the election authority must designate at least one permanent early voting polling place that a qualified elector who is a child sex offender as defined in Section 11-9.3 or Section 11-9.4 of the Criminal Code of 1961 may enter without violating Section 11-9.3 or Section 11-9.4 of that Code, respectively.

If an election authority designates one or more temporary early voting polling places under this Article, the election authority must designate at least one temporary early voting polling place that a qualified elector who is a child sex offender as defined in Section 11-9.3 or Section 11-9.4 of the Criminal Code of 1961 may enter without violating Section 11-9.3 or Section 11-9.4 of that Code, respectively.

Section 10. The Criminal Code of 1961 is amended by changing Section 11-9.3 as follows:

(720 ILCS 5/11-9.3)

Sec. 11-9.3. Presence within school zone by child sex offenders prohibited.

(a) It is unlawful for a child sex offender to knowingly be present in any school building, on real property comprising any school, or in any...
conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when persons under the age of 18 are present in the building, on the grounds or in the conveyance, unless the offender is a parent or guardian of a student attending the school and the parent or guardian is: (i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion and notifies the principal of the school of his or her presence at the school or unless the offender has permission to be present from the superintendent or the school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Notification includes the nature of the sex offender's visit and the hours in which the sex offender will be present in the school. The sex offender is responsible for notifying the principal's office when he or she arrives on school property and when he or she departs from school property. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official. A child sex offender who violates this provision is guilty of a Class 4 felony.

(a-5) It is unlawful for a child sex offender to knowingly be present within 100 feet of a site posted as a pick-up or discharge stop for a conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when one or more persons under the age of 18 are present at the site.

Nothing in this Section shall be construed to infringe upon the constitutional right of a child sex offender to be present in a school building that is used as a polling place for the purpose of voting.

(1) (Blank; or)
(2) (Blank.)

New matter indicated by italics - deletions by strikeout
(b) It is unlawful for a child sex offender to knowingly loiter within 500 feet of a school building or real property comprising any school while persons under the age of 18 are present in the building or on the grounds, unless the offender is a parent or guardian of a student attending the school and the parent or guardian is: (i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion and notifies the principal of the school of his or her presence at the school or has permission to be present from the superintendent or the school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Notification includes the nature of the sex offender's visit and the hours in which the sex offender will be present in the school. The sex offender is responsible for notifying the principal's office when he or she arrives on school property and when he or she departs from school property. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official. A child sex offender who violates this provision is guilty of a Class 4 felony.

(1) (Blank; or)
(2) (Blank)

(b-5) It is unlawful for a child sex offender to knowingly reside within 500 feet of a school building or the real property comprising any school that persons under the age of 18 attend. Nothing in this subsection (b-5) prohibits a child sex offender from residing within 500 feet of a school building or the real property comprising any school that persons under 18 attend if the property is owned by the child sex offender and was purchased before the effective date of this amendatory Act of the 91st General Assembly.

(c) Definitions. In this Section:

New matter indicated by italics - deletions by strikeout
(1) "Child sex offender" means any person who:

   (i) has been charged under Illinois law, or any substantially similar federal law or law of another state, with a sex offense set forth in paragraph (2) of this subsection (c) or the attempt to commit an included sex offense, and:

      (A) is convicted of such offense or an attempt to commit such offense; or

      (B) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or

      (C) is found not guilty by reason of insanity pursuant to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or

      (D) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

      (E) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

      (F) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or

New matter indicated by italics - deletions by strikeout
(ii) is certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal law or the law of another state, when any conduct giving rise to such certification is committed or attempted against a person less than 18 years of age; or

(iii) is subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Section.

(2) Except as otherwise provided in paragraph (2.5), "sex offense" means:

(i) A violation of any of the following Sections of the Criminal Code of 1961: 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-9 (public indecency when committed in a school, on the real property comprising a school, on a conveyance, owned, leased, or contracted by a school to transport students to or from school or a school-related activity), 11-9.1 (sexual exploitation of a child), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 11-21 (harmful material), 12-14.1 (predatory criminal sexual assault of a child), 12-33 (ritualized abuse of a child), 11-20 (obscenity) (when that offense was committed in any school, on real property comprising any school, in any conveyance owned, leased, or contracted by a school to transport students to or
from school or a school related activity). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-15 (criminal sexual abuse), 12-16 (aggravated criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:

10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint).
An attempt to commit any of these offenses.

(iv) A violation of any former law of this State substantially equivalent to any offense listed in clause (2)(i) of subsection (c) of this Section.

(2.5) For the purposes of subsection (b-5) only, a sex offense means:

(i) A violation of any of the following Sections of the Criminal Code of 1961:

10-5(b)(10) (child luring), 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 12-14.1 (predatory criminal sexual assault of a child), or 12-33 (ritualized abuse

New matter indicated by italics - deletions by strikeout
of a child). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-16 (aggravated criminal sexual abuse), and subsection (a) of Section 12-15 (criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:

- 10-1 (kidnapping),
- 10-2 (aggravated kidnapping),
- 10-3 (unlawful restraint),
- 10-3.1 (aggravated unlawful restraint).

An attempt to commit any of these offenses.

(iv) A violation of any former law of this State substantially equivalent to any offense listed in this paragraph (2.5) of this subsection.

(3) A conviction for an offense of federal law or the law of another state that is substantially equivalent to any offense listed in paragraph (2) of subsection (c) of this Section shall constitute a conviction for the purpose of this Article. A finding or adjudication as a sexually dangerous person under any federal law or law of another state that is substantially equivalent to the Sexually Dangerous Persons Act shall constitute an adjudication for the purposes of this Section.

(4) "School" means a public or private pre-school, elementary, or secondary school.

(5) "Loiter" means:

- (i) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around school property.
(ii) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around school property, for the purpose of committing or attempting to commit a sex offense.

(iii) Entering or remaining in a building in or around school property, other than the offender's residence.

(6) "School official" means the principal, a teacher, or any other certified employee of the school, the superintendent of schools or a member of the school board.

(d) Sentence. A person who violates this Section is guilty of a Class 4 felony.

(Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06; 94-170, eff. 7-11-05; revised 9-15-06.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0441.
(House Bill No. 1753)

AN ACT concerning elections.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Election Code is amended by adding Section 1A-40 as follows:

(10 ILCS 5/1A-40 new)

Sec. 1A-40. Election Day Voter Registration Commission.

(a) The Election Day Voter Registration Commission is created, consisting of four members of the General Assembly and four public members. The President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives shall each appoint one legislative member and one public member.

New matter indicated by italics - deletions by strikeout
The Election Day Voter Registration Commission shall study and report to the State Board of Elections and the General Assembly on the possible implementation of election day voter registration.

(b) The Commission shall designate a chairman from among its number, shall meet as frequently as necessary at the call of the chair, and shall report its findings to the State Board of Elections and the General Assembly as expeditiously as possible.

(c) Commission members shall receive no compensation but shall be reimbursed for expenses incurred in the performance of their duties from funds appropriated to the State Board of Elections for that purpose. The State Board of Elections shall provide the Commission with staff and technical assistance.

(d) The Commission is abolished January 1, 2009. This Section is repealed January 1, 2009.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0442
(Senate Bill No. 0030)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Controlled Substances Act is amended by changing Sections 313, 316, 317, 318, 319, and 320 and by adding Section 321 as follows:

(720 ILCS 570/313) (from Ch. 56 1/2, par. 1313)
Sec. 313. (a) Controlled substances which are lawfully administered in hospitals or institutions licensed under the "Hospital Licensing Act" shall be exempt from the requirements of Sections 312 and 316 except that the prescription for the controlled substance shall be in
writing on the patient's record, signed by the prescriber, dated, and shall state the name, and quantity of controlled substances ordered and the quantity actually administered. The records of such prescriptions shall be maintained for two years and shall be available for inspection by officers and employees of the Department of State Police, and the Department of Professional Regulation.

(b) Controlled substances that can lawfully be administered or dispensed directly to a patient in a long-term care facility licensed by the Department of Public Health as a skilled nursing facility, intermediate care facility, or long-term care facility for residents under 22 years of age, are exempt from the requirements of Section 312 except that a prescription for a Schedule II controlled substance must be either a written prescription signed by the prescriber or a written prescription transmitted by the prescriber or prescriber's agent to the dispensing pharmacy by facsimile. The facsimile serves as the original prescription and must be maintained for 2 years from the date of issue in the same manner as a written prescription signed by the prescriber.

(c) A prescription that is written for a Schedule II controlled substance to be compounded for direct administration by parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion to a patient in a private residence, long-term care facility, or hospice program setting may be transmitted by facsimile by the prescriber or the prescriber's agent to the pharmacy providing the home infusion services. The facsimile serves as the original written prescription for purposes of this paragraph (c) and it shall be maintained in the same manner as the original written prescription.

(c-1) A prescription written for a Schedule II controlled substance for a patient residing in a hospice certified by Medicare under Title XVIII of the Social Security Act or licensed by the State may be transmitted by the practitioner or the practitioner's agent to the dispensing pharmacy by facsimile. The practitioner or practitioner's agent must note on the prescription that the patient is a hospice patient. The facsimile serves as the original written prescription for purposes of this paragraph (c-1) and it

New matter indicated by italics - deletions by strikeout
shall be maintained in the same manner as the original written prescription.

(d) Controlled substances which are lawfully administered and/or dispensed in drug abuse treatment programs licensed by the Department shall be exempt from the requirements of Sections 312 and 316, except that the prescription for such controlled substances shall be issued and authenticated on official prescription logs prepared and supplied by the Department. The official prescription logs issued by the Department shall be printed in triplicate on distinctively marked paper and furnished to programs at reasonable cost. The official prescription logs furnished to the programs shall contain, in preprinted form, such information as the Department may require. The official prescription logs shall be properly endorsed by a physician licensed to practice medicine in all its branches issuing the order, with his own signature and the date of ordering, and further endorsed by the practitioner actually administering or dispensing the dosage at the time of such administering or dispensing in accordance with requirements issued by the Department. The duplicate copy shall be retained by the program for a period of not less than three years nor more than seven years; the original and triplicate copy shall be returned to the Department at its principal office in accordance with requirements set forth by the Department.

(Source: P.A. 91-576, eff. 4-1-00; 91-714, eff. 6-2-00.)

(720 ILCS 570/316)

Sec. 316. Schedule II controlled substance prescription monitoring program.

The Department must provide for a Schedule II controlled substance prescription monitoring program that includes the following components:

(1) The Each time a Schedule II controlled substance is dispensed, the dispenser must transmit to the central repository the following information:

(A) The recipient's name.
(B) The recipient's address.

New matter indicated by italics - deletions by strikeout
(C) The national drug code number of the Schedule II controlled substance dispensed.

(D) The date the Schedule II controlled substance is dispensed.

(E) The quantity of the Schedule II controlled substance dispensed.

(F) The dispenser's United States Drug Enforcement Administration Agency registration number.

(G) The prescriber's United States Drug Enforcement Administration Agency registration number.

(2) The information required to be transmitted under this Section must be transmitted not more than 7 + 5 days after the date on which a Schedule II controlled substance is dispensed.

(3) A dispenser must transmit the information required under this Section by:

(A) an electronic device compatible with the receiving device of the central repository;

(B) a computer diskette;

(C) a magnetic tape; or

(D) a pharmacy universal claim form or Pharmacy Inventory Control form;

that meets specifications prescribed by the Department.

Controlled Schedule II controlled substance prescription monitoring does not apply to Schedule II controlled substance prescriptions as exempted under Section 313.

(Source: P.A. 91-576, eff. 4-1-00; 91-714, eff. 6-2-00.)

(720 ILCS 570/317)

Sec. 317. Central repository for collection of information.

(a) The Department must designate a central repository for the collection of information transmitted under Section 316 and 321.

(b) The central repository must do the following:

(1) Create a database for information required to be transmitted under Section 316 in the form required under rules
adopted by the Department, including search capability for the following:

(A) A recipient's name.
(B) A recipient's address.
(C) The national drug code number of a controlled substance dispensed.
(D) The dates a Schedule II controlled substance is dispensed.
(E) The quantities of a Schedule II controlled substance dispensed.
(F) A dispenser's United States Drug Enforcement Administration Agency registration number.
(G) A prescriber's United States Drug Enforcement Administration Agency registration number.

(2) Provide the Department with a continuing 24 hour a day on-line access to the database maintained by the central repository. The Department of Financial and Professional Regulation must provide the Department with electronic access to the license information of a prescriber or dispenser. The Department of Financial and Professional Regulation may charge a fee for this access not to exceed the actual cost of furnishing the information.

(3) Secure the information collected by the central repository and the database maintained by the central repository against access by unauthorized persons.

No fee shall be charged for access by a prescriber or dispenser.

(Source: P.A. 91-576, eff. 4-1-00.)

(720 ILCS 570/318)
Sec. 318. Confidentiality of information.
(a) Information received by the central repository under Section 316 and 321 is confidential.
(b) The Department must carry out a program to protect the confidentiality of the information described in subsection (a). The Department may disclose the information to another person only under
subsection (c), (d), or (f) and may charge a fee not to exceed the actual cost of furnishing the information.

(c) The Department may disclose confidential information described in subsection (a) to any person who is engaged in receiving, processing, or storing the information.

(d) The Department may release confidential information described in subsection (a) to the following persons:

(1) A governing body that licenses practitioners and is engaged in an investigation, an adjudication, or a prosecution of a violation under any State or federal law that involves a controlled substance.

(2) An investigator for the Consumer Protection Division of the office of the Attorney General, a prosecuting attorney, the Attorney General, a deputy Attorney General, or an investigator from the office of the Attorney General, who is engaged in any of the following activities involving controlled substances:
   (A) an investigation;
   (B) an adjudication; or
   (C) a prosecution of a violation under any State or federal law that involves a controlled substance.

(3) A law enforcement officer who is:
   (A) authorized by the Department of State Police or the office of a county sheriff or State's Attorney or municipal police department of Illinois to receive information of the type requested for the purpose of investigations involving controlled substances; or
   (B) approved by the Department to receive information of the type requested for the purpose of investigations involving controlled substances; and
   (C) engaged in the investigation or prosecution of a violation under any State or federal law that involves a controlled substance.

New matter indicated by italics - deletions by strikeout
(e) Before the Department releases confidential information under subsection (d), the applicant must demonstrate in writing to the Department that:

(1) the applicant has reason to believe that a violation under any State or federal law that involves a Schedule II controlled substance has occurred; and

(2) the requested information is reasonably related to the investigation, adjudication, or prosecution of the violation described in subdivision (1).

(f) The Department may receive and release prescription record information to:

(1) a governing body that licenses practitioners;

(2) an investigator for the Consumer Protection Division of the office of the Attorney General, a prosecuting attorney, the Attorney General, a deputy Attorney General, or an investigator from the office of the Attorney General; or

(3) any Illinois law enforcement officer who is:

(A) authorized by the Department of State Police to receive the type of information released; and

(B) approved by the Department to receive the type of information released; or

(4) prescription monitoring entities in other states per the provisions outlined in subsection (g) and (h) below;

confidential prescription record information collected under Sections 316 and 321 generated from computer records that identifies vendors or practitioners, or both, who are prescribing or dispensing large quantities of Schedule II, III, IV, or V controlled substances outside the scope of their practice, pharmacy, or business, as determined by the Advisory Committee created by Section 320.

(g) The information described in subsection (f) may not be released until it has been reviewed by an employee of the Department who is licensed as a prescriber or a dispenser and until that employee has certified that further investigation is warranted. However, failure to comply with

New matter indicated by italics - deletions by strikeout
this subsection (g) does not invalidate the use of any evidence that is otherwise admissible in a proceeding described in subsection (h).

(h) An investigator or a law enforcement officer receiving confidential information under subsection (c), (d), or (f) may disclose the information to a law enforcement officer or an attorney for the office of the Attorney General for use as evidence in the following:

(1) A proceeding under any State or federal law that involves a Schedule II controlled substance.

(2) A criminal proceeding or a proceeding in juvenile court that involves a Schedule II controlled substance.

(i) The Department may compile statistical reports from the information described in subsection (a). The reports must not include information that identifies, by name, license or address, any practitioner, dispenser, ultimate user, or other person administering a controlled substance.

(j) Based upon federal, initial and maintenance funding, a prescriber and dispenser inquiry system shall be developed to assist the medical community in its goal of effective clinical practice and to prevent patients from diverting or abusing medications.

(1) An inquirer shall have read-only access to a stand-alone database which shall contain records for the previous 6 months.

(2) Dispensers may, upon positive and secure identification, make an inquiry on a patient or customer solely for a medical purpose as delineated within the federal HIPAA law.

(3) The Department shall provide a one-to-one secure link and encrypted software necessary to establish the link between an inquirer and the Department. Technical assistance shall also be provided.

(4) Written inquiries are acceptable but must include the fee and the requestor's Drug Enforcement Administration license number and submitted upon the requestor's business stationary.

(5) No data shall be stored in the database beyond 24 months.

New matter indicated by italics - deletions by strikeout
(6) Tracking analysis shall be established and used per administrative rule.

(7) Nothing in this Act or Illinois law shall be construed to require a prescriber or dispenser to make use of this inquiry system.

(8) If there is an adverse outcome because of a prescriber or dispenser making an inquiry, which is initiated in good faith, the prescriber or dispenser shall be held harmless from any civil liability.

(Source: P.A. 91-576, eff. 4-1-00.)

(720 ILCS 570/319)
Sec. 319. Rules. The Department must adopt rules under the Illinois Administrative Procedure Act to implement Sections 316 through 321, including the following:

(1) Information collection and retrieval procedures for the central repository, including the Schedule II controlled substances to be included in the program required under Section 316 and 321.

(2) Design for the creation of the database required under Section 317.

(3) Requirements for the development and installation of on-line electronic access by the Department to information collected by the central repository.

(Source: P.A. 91-576, eff. 4-1-00.)

(720 ILCS 570/320)
Sec. 320. Advisory committee.

(a) The Secretary of Human Services must appoint an advisory committee to assist the Department in implementing the Schedule II controlled substance prescription monitoring program created by Section 316 and 321 of this Act. The Advisory Committee consists of prescribers and dispensers.

(b) The Secretary of Human Services must determine the number of members to serve on the advisory committee. The Secretary must choose one of the members of the advisory committee to serve as chair of the committee.

New matter indicated by italics - deletions by strikeout
(c) The advisory committee may appoint its other officers as it deems appropriate.

(d) The members of the advisory committee shall receive no compensation for their services as members of the advisory committee but may be reimbursed for their actual expenses incurred in serving on the advisory committee.

(Source: P.A. 91-576, eff. 4-1-00.)

Sec. 321. Schedule III, IV, and V controlled substance prescription monitoring program.

(a) The Department shall provide for a Schedule III, IV, and V controlled substances prescription monitoring program contingent upon full funding from the authorized federal agency less incidental expenses.

(b) Prescription data collected for Schedules III, IV, and V shall include the components listed in Section 316(1), (2), and (3).

(c) The information required to be transmitted under this Section must be transmitted not more than 7 days after the date on which a controlled substance is dispensed.

(d) If federal funding is not provided, the Department shall cease data collection for Schedules III, IV, and V.

(e) All requirements for this Section shall comply with the federal HIPAA statute.

Effective January 1, 2008.

PUBLIC ACT 95-0443
(Senate Bill No. 0108)

AN ACT in relation to children.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Abused and Neglected Child Reporting Act is amended by changing Section 3 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 3. As used in this Act unless the context otherwise requires:

"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services.

"Department" means Department of Children and Family Services.

"Local law enforcement agency" means the police of a city, town, village or other incorporated area or the sheriff of an unincorporated area or any sworn officer of the Illinois Department of State Police.

"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

(a) inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(b) creates a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(c) commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include children under 18 years of age;

(d) commits or allows to be committed an act or acts of torture upon such child;

(e) inflicts excessive corporal punishment;

(f) commits or allows to be committed the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 1961, against the child; or

(g) causes to be sold, transferred, distributed, or given to such child under 18 years of age, a controlled substance as defined in Section 102 of the Illinois Controlled Substances Act in
violation of Article IV of the Illinois Controlled Substances Act or in violation of the Methamphetamine Control and Community Protection Act, except for controlled substances that are prescribed in accordance with Article III of the Illinois Controlled Substances Act and are dispensed to such child in a manner that substantially complies with the prescription.

A child shall not be considered abused for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.

"Neglected child" means any child who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care not provided solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who has been provided with interim crisis intervention services under Section 3-5 of the Juvenile Court Act of 1987 and whose parent, guardian, or custodian refuses to permit the child to return home and no other living arrangement agreeable to the parent, guardian, or custodian can be made, and the parent, guardian, or custodian has not made any other appropriate living arrangement for the child; or who is a newborn infant whose blood, urine, or meconium contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or the newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time. A child shall not be considered neglected for the sole reason that the child has been

New matter indicated by italics - deletions by strikeout
relinquished in accordance with the Abandoned Newborn Infant Protection Act. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of this Act. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of The School Code, as amended.

"Child Protective Service Unit" means certain specialized State employees of the Department assigned by the Director to perform the duties and responsibilities as provided under Section 7.2 of this Act.

"Person responsible for the child's welfare" means the child's parent; guardian; foster parent; relative caregiver; any person responsible for the child's welfare in a public or private residential agency or institution; any person responsible for the child's welfare within a public or private profit or not for profit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, members of the clergy, and volunteers or support personnel in any setting where children may be subject to abuse or neglect.

"Temporary protective custody" means custody within a hospital or other medical facility or a place previously designated for such custody by the Department, subject to review by the Court, including a licensed foster home, group home, or other institution; but such place shall not be a jail or other place for the detention of criminal or juvenile offenders.

"An unfounded report" means any report made under this Act for which it is determined after an investigation that no credible evidence of abuse or neglect exists.

"An indicated report" means a report made under this Act if an investigation determines that credible evidence of the alleged abuse or neglect exists.
"An undetermined report" means any report made under this Act in which it was not possible to initiate or complete an investigation on the basis of information provided to the Department.

"Subject of report" means any child reported to the central register of child abuse and neglect established under Section 7.7 of this Act and his or her parent, guardian or other person responsible who is also named in the report.

"Perpetrator" means a person who, as a result of investigation, has been determined by the Department to have caused child abuse or neglect.

"Member of the clergy" means a clergyman or practitioner of any religious denomination accredited by the religious body to which he or she belongs.

(Source: P.A. 94-556, eff. 9-11-05.)

Section 10. The Juvenile Court Act of 1987 is amended by changing Sections 2-3 and 3-5 as follows:

Sec. 2-3. Neglected or abused minor.
(705 ILCS 405/2-3) (from Ch. 37, par. 802-3)
Sec. 2-3. Neglected or abused minor.
(1) Those who are neglected include:

(a) any minor under 18 years of age who is not receiving the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a minor's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter, or who is abandoned by his or her parents or other person responsible for the minor's welfare, except that a minor shall not be considered neglected for the sole reason that the minor's parent or other person responsible for the minor's welfare has left the minor in the care of an adult relative for any period of time; or

(b) any minor under 18 years of age whose environment is injurious to his or her welfare; or

(c) any newborn infant whose blood, urine, or meconium contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act, as now or hereafter amended, or a metabolite of a controlled

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substance, with the exception of controlled substances or metabolites of such substances, the presence of which in the newborn infant is the result of medical treatment administered to the mother or the newborn infant; or

(d) any minor under the age of 14 years whose parent or other person responsible for the minor's welfare leaves the minor without supervision for an unreasonable period of time without regard for the mental or physical health, safety, or welfare of that minor; or

(e) any minor who has been provided with interim crisis intervention services under Section 3-5 of this Act and whose parent, guardian, or custodian refuses to permit the minor to return home unless the minor is an immediate physical danger to himself, herself, or others living in the home.

Whether the minor was left without regard for the mental or physical health, safety, or welfare of that minor or the period of time was unreasonable shall be determined by considering the following factors, including but not limited to:

1. the age of the minor;
2. the number of minors left at the location;
3. special needs of the minor, including whether the minor is physically or mentally handicapped, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications;
4. the duration of time in which the minor was left without supervision;
5. the condition and location of the place where the minor was left without supervision;
6. the time of day or night when the minor was left without supervision;
7. the weather conditions, including whether the minor was left in a location with adequate protection from the natural elements such as adequate heat or light;

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(8) the location of the parent or guardian at the time the minor was left without supervision, the physical distance the minor was from the parent or guardian at the time the minor was without supervision;
(9) whether the minor's movement was restricted, or the minor was otherwise locked within a room or other structure;
(10) whether the minor was given a phone number of a person or location to call in the event of an emergency and whether the minor was capable of making an emergency call;
(11) whether there was food and other provision left for the minor;
(12) whether any of the conduct is attributable to economic hardship or illness and the parent, guardian or other person having physical custody or control of the child made a good faith effort to provide for the health and safety of the minor;
(13) the age and physical and mental capabilities of the person or persons who provided supervision for the minor;
(14) whether the minor was left under the supervision of another person;
(15) any other factor that would endanger the health and safety of that particular minor.

A minor shall not be considered neglected for the sole reason that the minor has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.

(2) Those who are abused include any minor under 18 years of age whose parent or immediate family member, or any person responsible for the minor's welfare, or any person who is in the same family or household as the minor, or any individual residing in the same home as the minor, or a paramour of the minor's parent:

(i) inflicts, causes to be inflicted, or allows to be inflicted upon such minor physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

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(ii) creates a substantial risk of physical injury to such minor by other than accidental means which would be likely to cause death, disfigurement, impairment of emotional health, or loss or impairment of any bodily function;

(iii) commits or allows to be committed any sex offense against such minor, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include minors under 18 years of age;

(iv) commits or allows to be committed an act or acts of torture upon such minor; or

(v) inflicts excessive corporal punishment.

A minor shall not be considered abused for the sole reason that the minor has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.

(3) This Section does not apply to a minor who would be included herein solely for the purpose of qualifying for financial assistance for himself, his parents, guardian or custodian.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)

(705 ILCS 405/3-5) (from Ch. 37, par. 803-5)

Sec. 3-5. Interim crisis intervention services. (a) Any minor who is taken into limited custody, or who independently requests or is referred for assistance, may be provided crisis intervention services by an agency or association, as defined in this Act, provided the association or agency staff (i) immediately investigate the circumstances of the minor and the facts surrounding the minor being taken into custody and promptly explain these facts and circumstances to the minor, and (ii) make a reasonable effort to inform the minor's parent, guardian or custodian of the fact that the minor has been taken into limited custody and where the minor is being kept, and (iii) if the minor consents, make a reasonable effort to transport, arrange for the transportation of, or otherwise release the minor to the parent, guardian or custodian. Upon release of the child who is believed to need or benefit from medical, psychological, psychiatric or social services, the association or agency may inform the minor and the person to whom the minor is released of the nature and location of these services.

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appropriate services and shall, if requested, assist in establishing contact between the family and other associations or agencies providing such services. If the agency or association is unable by all reasonable efforts to contact a parent, guardian or custodian, or if the person contacted lives an unreasonable distance away, or if the minor refuses to be taken to his or her home or other appropriate residence, or if the agency or association is otherwise unable despite all reasonable efforts to make arrangements for the safe return of the minor, the minor may be taken to a temporary living arrangement which is in compliance with the Child Care Act of 1969 or which is with persons agreed to by the parents and the agency or association.

(b) An agency or association is authorized to permit a minor to be sheltered in a temporary living arrangement provided the agency seeks to effect the minor's return home or alternative living arrangements agreeable to the minor and the parent, guardian or custodian as soon as practicable.

No minor shall be sheltered in a temporary living arrangement for more than 48 hours, excluding Saturdays, Sundays, and court-designated holidays, when the agency has reported the minor as neglected or abused because the parent, guardian, or custodian refuses to permit the child to return home, provided that in all other instances the minor may be sheltered when the agency obtains the consent of the parent, guardian, or custodian or documents its unsuccessful efforts to obtain the consent or authority of the parent, guardian, or custodian, including recording the date and the staff involved in all telephone calls, telegrams, letters, and personal contacts to obtain the consent or authority, in which instances the minor may be so sheltered for not more than 21 days. If the parent, guardian or custodian refuses to permit the minor to return home, and no other living arrangement agreeable to the minor and the parent, guardian, or custodian can be made, and the parent, guardian, or custodian has not made any other appropriate living arrangement for the child, the agency may deem the minor to be neglected and report the neglect to the Department of Children and Family Services as provided in the Abused and Neglected Child Reporting Act. The Child Protective Service Unit of the Department of Children and Family Services shall begin an
investigation of the report within 24 hours after receiving the report and shall determine whether to file a petition alleging that the minor is neglected or abused as described in Section 2-3 of this Act. Subject to appropriation, the Department may take the minor into temporary protective custody at any time after receiving the report, provided that the Department shall take temporary protective custody within 48 hours of receiving the report if its investigation is not completed. If the Department of Children and Family Services determines that the minor is not a neglected minor because the minor is an immediate physical danger to himself, herself, or others living in the home, then the Department shall take immediate steps to either secure the minor's immediate admission to a mental health facility, arrange for law enforcement authorities to take temporary custody of the minor as a delinquent minor, or take other appropriate action to assume protective custody in order to safeguard the minor or others living in the home from immediate physical danger. No minor shall be sheltered in a temporary living arrangement for more than 48 hours, excluding Saturdays, Sundays and court-designated holidays, without parental consent unless the agency documents its unsuccessful efforts to contact a parent or guardian, including recording the date and time and staff involved in all telephone calls, telegrams, letters, and personal contacts to obtain the consent or authority, in which case the minor may be so sheltered for not more than 21 days.

(c) Any agency or association or employee thereof acting reasonably and in good faith in the care of a minor being provided interim crisis intervention services and shelter care shall be immune from any civil or criminal liability resulting from such care.

(Source: P.A. 85-601.)

Approved August 27, 2007
Effective January 1, 2008.

New matter indicated by italics - deletions by strikeout
AN ACT regarding transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by adding Section 5.675 as follows:

(30 ILCS 105/5.675 new)

Sec. 5.675. The Illinois Professional Golfers Association Foundation Junior Golf Fund.

Section 10. The Illinois Vehicle Code is amended by changing Section 3-629 and adding Section 3-664 as follows:

(625 ILCS 5/3-629)

Sec. 3-629. Collegiate license plates; scholarship fund.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue collegiate license plates. The collegiate plates issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds and subject to the staggered registration system. Plates issued under this Section shall expire according to the staggered multi-year procedure established under Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary of State may, at his or her discretion, issue the plates for any public college or university located in this State or for any degree-granting, not-for-profit private college or university located in this State or a contiguous state. If the college or university is located in a contiguous state, there must be not less than 10,000 alumni of the college or university residing in this State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as

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prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements including a minimum level of specialized license plates requests and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $40 fee for original issuance in addition to the applicable registration fee. Of the original issuance fee in the case of a public university or college, $25 shall be deposited into the State College and University Trust Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund to be used by the Secretary of State, subject to appropriation, to help defray the administrative costs of issuing the plate. Of the original issuance fee in the case of a degree-granting, not-for-profit private college or university, $25 shall be deposited into the University Grant Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund to be used by the Secretary of State, subject to appropriation, to help defray the administrative cost of issuing the plate. In addition to the regular renewal fee, an applicant shall be charged $27 for the renewal of each set of license plates issued under this Section; $25 shall be deposited into the State College and University Trust Fund in the case of a public university or college or into the University Grant Fund in the case of a degree-granting, not-for-profit private college or university, and $2 shall be deposited into the Secretary of State Special License Plate Fund plates for all collegiate plates.

(d) The State College and University Trust Fund is created as a special fund in the State treasury. The State Treasurer shall create separate accounts within the State College and University Trust Fund for each public university or college for which collegiate license plates have been issued. Moneys in the State College and University Trust Fund shall be allocated to each account in proportion to the number of plates sold in regard to each public university or college. Moneys deposited into the State College and University Trust Fund during the preceding calendar year shall be distributed, subject to appropriation, to each participating public university or college. This revenue shall be used for the sole purpose of scholarship grant awards to Illinois residents.

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(e) The University Grant Fund is created as a special fund in the State treasury. The State Treasurer shall create separate accounts within the University Grant Fund for each university or college for which collegiate license plates have been issued. Moneys in the University Grant Fund shall be allocated to each account in proportion to the number of plates sold in regard to each university or college. Moneys deposited into these accounts during the preceding calendar year shall, subject to appropriation, be distributed through the Illinois Student Assistance Commission to participating private colleges and universities. This revenue shall be used for the sole purpose of scholarship grant awards to Illinois residents. All moneys in the University Grant Fund shall be appropriated to the Illinois Student Assistance Commission to make reimbursements to participating private colleges and universities under the Higher Education License Plate Grant Program.

(Source: P.A. 90-14, eff. 7-1-97; 90-278, eff. 7-31-97; 90-774, eff. 8-14-98; 91-83, eff. 1-1-00.)

(625 ILCS 5/3-664 new)

Sec. 3-664. Illinois Professional Golfers Association Foundation Junior Golf license plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Illinois Professional Golfers Association Foundation Junior Golf license plates.

The special plates issued under this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds.

Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany each application.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this fee, $25 shall be deposited into the Illinois Professional Golfers
Association Foundation Junior Golf Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $40 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $38 shall be deposited into the Illinois Professional Golfers Association Foundation Junior Golf Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Illinois Professional Golfers Association Foundation Junior Golf Fund is created as a special fund in the State treasury. All moneys in the Illinois Professional Golfers Association Foundation Junior Golf Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, as grants to the Illinois Professional Golfers Association Foundation to help Association members expose Illinois youngsters to the game of golf.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0445
(Senate Bill No. 0264)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Alternative Health Care Delivery Act is amended by changing Sections 30 and 35 as follows:

(210 ILCS 3/30)
Sec. 30. Demonstration program requirements. The requirements set forth in this Section shall apply to demonstration programs.
(a) There shall be no more than:

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(i) 3 subacute care hospital alternative health care models in the City of Chicago (one of which shall be located on a designated site and shall have been licensed as a hospital under the Illinois Hospital Licensing Act within the 10 years immediately before the application for a license);

(ii) 2 subacute care hospital alternative health care models in the demonstration program for each of the following areas:

(1) Cook County outside the City of Chicago.

(2) DuPage, Kane, Lake, McHenry, and Will Counties.

(3) Municipalities with a population greater than 50,000 not located in the areas described in item (i) of subsection (a) and paragraphs (1) and (2) of item (ii) of subsection (a); and

(iii) 4 subacute care hospital alternative health care models in the demonstration program for rural areas.

In selecting among applicants for these licenses in rural areas, the Health Facilities Planning Board and the Department shall give preference to hospitals that may be unable for economic reasons to provide continued service to the community in which they are located unless the hospital were to receive an alternative health care model license.

(a-5) There shall be no more than a total of 12 postsurgical recovery care center alternative health care models in the demonstration program, located as follows:

(1) Two in the City of Chicago.

(2) Two in Cook County outside the City of Chicago. At least one of these shall be owned or operated by a hospital devoted exclusively to caring for children.

(3) Two in Kane, Lake, and McHenry Counties.

(4) Four in municipalities with a population of 50,000 or more not located in the areas described in paragraphs (1), (2), and (3), of which shall be owned or operated by hospitals, at least 2 of which shall be located in counties with a population of less than 175,000, according to the most recent decennial census for which

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data are available, and one of which shall be owned or operated by an ambulatory surgical treatment center.

(5) Two in rural areas, both of which shall be owned or operated by hospitals.

There shall be no postsurgical recovery care center alternative health care models located in counties with populations greater than 600,000 but less than 1,000,000. A proposed postsurgical recovery care center must be owned or operated by a hospital if it is to be located within, or will primarily serve the residents of, a health service area in which more than 60% of the gross patient revenue of the hospitals within that health service area are derived from Medicaid and Medicare, according to the most recently available calendar year data from the Illinois Health Care Cost Containment Council. Nothing in this paragraph shall preclude a hospital and an ambulatory surgical treatment center from forming a joint venture or developing a collaborative agreement to own or operate a postsurgical recovery care center.

(a-10) There shall be no more than a total of 8 children's respite care center alternative health care models in the demonstration program, which shall be located as follows:

(1) One in the City of Chicago.
(2) One in Cook County outside the City of Chicago.
(3) A total of 2 in the area comprised of DuPage, Kane, Lake, McHenry, and Will counties.
(4) A total of 2 in municipalities with a population of 50,000 or more and not located in the areas described in paragraphs (1), (2), or (3).
(5) A total of 2 in rural areas, as defined by the Health Facilities Planning Board.

No more than one children's respite care model owned and operated by a licensed skilled pediatric facility shall be located in each of the areas designated in this subsection (a-10).

(a-15) There shall be an authorized community-based residential rehabilitation center alternative health care model in the demonstration
program. The community-based residential rehabilitation center shall be located in the area of Illinois south of Interstate Highway 70.

(a-20) There shall be an authorized Alzheimer's disease management center alternative health care model in the demonstration program. The Alzheimer's disease management center shall be located in Will County, owned by a not-for-profit entity, and endorsed by a resolution approved by the county board before the effective date of this amendatory Act of the 91st General Assembly.

(a-25) There shall be no more than 10 birth center alternative health care models in the demonstration program, located as follows:

1. Four in the area comprising Cook, DuPage, Kane, Lake, McHenry, and Will counties, one of which shall be owned or operated by a hospital and one of which shall be owned or operated by a federally qualified health center.

2. Three in municipalities with a population of 50,000 or more not located in the area described in paragraph (1) of this subsection, one of which shall be owned or operated by a hospital and one of which shall be owned or operated by a federally qualified health center.

3. Three in rural areas, one of which shall be owned or operated by a hospital and one of which shall be owned or operated by a federally qualified health center.

The first 3 birth centers authorized to operate by the Department shall be located in or predominantly serve the residents of a health professional shortage area as determined by the United States Department of Health and Human Services. There shall be no more than 2 birth centers authorized to operate in any single health planning area for obstetric services as determined under the Illinois Health Facilities Planning Act. If a birth center is located outside of a health professional shortage area, (i) the birth center shall be located in a health planning area with a demonstrated need for obstetrical service beds, as determined by the Illinois Health Facilities Planning Board or (ii) there must be a reduction in the existing number of obstetrical service beds in the planning area so that the establishment of the birth center does not result

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in an increase in the total number of obstetrical service beds in the health planning area.

(b) Alternative health care models, other than a model authorized under subsection (a-20), shall obtain a certificate of need from the Illinois Health Facilities Planning Board under the Illinois Health Facilities Planning Act before receiving a license by the Department. If, after obtaining its initial certificate of need, an alternative health care delivery model that is a community based residential rehabilitation center seeks to increase the bed capacity of that center, it must obtain a certificate of need from the Illinois Health Facilities Planning Board before increasing the bed capacity. Alternative health care models in medically underserved areas shall receive priority in obtaining a certificate of need.

(c) An alternative health care model license shall be issued for a period of one year and shall be annually renewed if the facility or program is in substantial compliance with the Department's rules adopted under this Act. A licensed alternative health care model that continues to be in substantial compliance after the conclusion of the demonstration program shall be eligible for annual renewals unless and until a different licensure program for that type of health care model is established by legislation. The Department may issue a provisional license to any alternative health care model that does not substantially comply with the provisions of this Act and the rules adopted under this Act if (i) the Department finds that the alternative health care model has undertaken changes and corrections which upon completion will render the alternative health care model in substantial compliance with this Act and rules and (ii) the health and safety of the patients of the alternative health care model will be protected during the period for which the provisional license is issued. The Department shall advise the licensee of the conditions under which the provisional license is issued, including the manner in which the alternative health care model fails to comply with the provisions of this Act and rules, and the time within which the changes and corrections necessary for the alternative health care model to substantially comply with this Act and rules shall be completed.
(d) Alternative health care models shall seek certification under Titles XVIII and XIX of the federal Social Security Act. In addition, alternative health care models shall provide charitable care consistent with that provided by comparable health care providers in the geographic area.

(d-5) The *Department of Healthcare and Family Services* (formerly Illinois Department of Public Aid), in cooperation with the Illinois Department of Public Health, shall develop and implement a reimbursement methodology for all facilities participating in the demonstration program. The *Department of Healthcare and Family Services* shall keep a record of services provided under the demonstration program to recipients of medical assistance under the Illinois Public Aid Code and shall submit an annual report of that information to the Illinois Department of Public Health.

(e) Alternative health care models shall, to the extent possible, link and integrate their services with nearby health care facilities.

(f) Each alternative health care model shall implement a quality assurance program with measurable benefits and at reasonable cost.

(Source: P.A. 91-65, eff. 7-9-99; 91-838, eff. 6-16-00; revised 12-15-05.)

(210 ILCS 3/35)

Sec. 35. Alternative health care models authorized. Notwithstanding any other law to the contrary, alternative health care models described in this Section may be established on a demonstration basis.

(1) Alternative health care model; subacute care hospital. A subacute care hospital is a designated site which provides medical specialty care for patients who need a greater intensity or complexity of care than generally provided in a skilled nursing facility but who no longer require acute hospital care. The average length of stay for patients treated in subacute care hospitals shall not be less than 20 days, and for individual patients, the expected length of stay at the time of admission shall not be less than 10 days. Variations from minimum lengths of stay shall be reported to the Department. There shall be no more than 13 subacute care hospitals authorized to operate by the Department. Subacute care hospitals authorized to operate by the Department. Subacute care
includes physician supervision, registered nursing, and physiological monitoring on a continual basis. A subacute care hospital is either a freestanding building or a distinct physical and operational entity within a hospital or nursing home building. A subacute care hospital shall only consist of beds currently existing in licensed hospitals or skilled nursing facilities, except, in the City of Chicago, on a designated site that was licensed as a hospital under the Illinois Hospital Licensing Act within the 10 years immediately before the application for an alternative health care model license. During the period of operation of the demonstration project, the existing licensed beds shall remain licensed as hospital or skilled nursing facility beds as well as being licensed under this Act. In order to handle cases of complications, emergencies, or exigent circumstances, a subacute care hospital shall maintain a contractual relationship, including a transfer agreement, with a general acute care hospital. If a subacute care model is located in a general acute care hospital, it shall utilize all or a portion of the bed capacity of that existing hospital. In no event shall a subacute care hospital use the word "hospital" in its advertising or marketing activities or represent or hold itself out to the public as a general acute care hospital.

(2) Alternative health care delivery model; postsurgical recovery care center. A postsurgical recovery care center is a designated site which provides postsurgical recovery care for generally healthy patients undergoing surgical procedures that require overnight nursing care, pain control, or observation that would otherwise be provided in an inpatient setting. A postsurgical recovery care center is either freestanding or a defined unit of an ambulatory surgical treatment center or hospital. No facility, or portion of a facility, may participate in a demonstration program as a postsurgical recovery care center unless the facility has been licensed as an ambulatory surgical treatment center or hospital for at least 2 years before August 20, 1993 (the effective date of Public Act 88-441). The maximum length of stay for patients in a

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postsurgical recovery care center is not to exceed 48 hours unless the treating physician requests an extension of time from the recovery center's medical director on the basis of medical or clinical documentation that an additional care period is required for the recovery of a patient and the medical director approves the extension of time. In no case, however, shall a patient's length of stay in a postsurgical recovery care center be longer than 72 hours. If a patient requires an additional care period after the expiration of the 72-hour limit, the patient shall be transferred to an appropriate facility. Reports on variances from the 48-hour limit shall be sent to the Department for its evaluation. The reports shall, before submission to the Department, have removed from them all patient and physician identifiers. In order to handle cases of complications, emergencies, or exigent circumstances, every postsurgical recovery care center as defined in this paragraph shall maintain a contractual relationship, including a transfer agreement, with a general acute care hospital. A postsurgical recovery care center shall be no larger than 20 beds. A postsurgical recovery care center shall be located within 15 minutes travel time from the general acute care hospital with which the center maintains a contractual relationship, including a transfer agreement, as required under this paragraph.

No postsurgical recovery care center shall discriminate against any patient requiring treatment because of the source of payment for services, including Medicare and Medicaid recipients.

The Department shall adopt rules to implement the provisions of Public Act 88-441 concerning postsurgical recovery care centers within 9 months after August 20, 1993.

(3) Alternative health care delivery model; children's community-based health care center. A children's community-based health care center model is a designated site that provides nursing care, clinical support services, and therapies for a period of one to 14 days for short-term stays and 120 days to facilitate transitions to home or other appropriate settings for medically fragile children, technology dependent children, and children with

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special health care needs who are deemed clinically stable by a physician and are younger than 22 years of age. This care is to be provided in a home-like environment that serves no more than 12 children at a time. Children's community-based health care center services must be available through the model to all families, including those whose care is paid for through the Department of 

Healthcare and Family Services Public Aid, the Department of Children and Family Services, the Department of Human Services, and insurance companies who cover home health care services or private duty nursing care in the home.

Each children's community-based health care center model location shall be physically separate and apart from any other facility licensed by the Department of Public Health under this or any other Act and shall provide the following services: respite care, registered nursing or licensed practical nursing care, transitional care to facilitate home placement or other appropriate settings and reunite families, medical day care, weekend camps, and diagnostic studies typically done in the home setting.

Coverage for the services provided by the Illinois Department of Healthcare and Family Services Public Aid under this paragraph (3) is contingent upon federal waiver approval and is provided only to Medicaid eligible clients participating in the home and community based services waiver designated in Section 1915(c) of the Social Security Act for medically frail and technologically dependent children or children in Department of Children and Family Services foster care who receive home health benefits.

(4) Alternative health care delivery model; community based residential rehabilitation center. A community-based residential rehabilitation center model is a designated site that provides rehabilitation or support, or both, for persons who have experienced severe brain injury, who are medically stable, and who no longer require acute rehabilitative care or intense medical or nursing services. The average length of stay in a community-based

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residential rehabilitation center shall not exceed 4 months. As an integral part of the services provided, individuals are housed in a supervised living setting while having immediate access to the community. The residential rehabilitation center authorized by the Department may have more than one residence included under the license. A residence may be no larger than 12 beds and shall be located as an integral part of the community. Day treatment or individualized outpatient services shall be provided for persons who reside in their own home. Functional outcome goals shall be established for each individual. Services shall include, but are not limited to, case management, training and assistance with activities of daily living, nursing consultation, traditional therapies (physical, occupational, speech), functional interventions in the residence and community (job placement, shopping, banking, recreation), counseling, self-management strategies, productive activities, and multiple opportunities for skill acquisition and practice throughout the day. The design of individualized program plans shall be consistent with the outcome goals that are established for each resident. The programs provided in this setting shall be accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF). The program shall have been accredited by CARF as a Brain Injury Community-Integrative Program for at least 3 years.

(5) Alternative health care delivery model; Alzheimer's disease management center. An Alzheimer's disease management center model is a designated site that provides a safe and secure setting for care of persons diagnosed with Alzheimer's disease. An Alzheimer's disease management center model shall be a facility separate from any other facility licensed by the Department of Public Health under this or any other Act. An Alzheimer's disease management center model shall conduct and document an assessment of each resident every 6 months. The assessment shall include an evaluation of daily functioning, cognitive status, other medical conditions, and behavioral problems. An Alzheimer's disease management center shall develop and implement an ongoing
treatment plan for each resident. The treatment plan shall have defined goals. The Alzheimer's disease management center shall treat behavioral problems and mood disorders using nonpharmacologic approaches such as environmental modification, task simplification, and other appropriate activities. All staff must have necessary training to care for all stages of Alzheimer's Disease. An Alzheimer's disease management center shall provide education and support for residents and caregivers. The education and support shall include referrals to support organizations for educational materials on community resources, support groups, legal and financial issues, respite care, and future care needs and options. The education and support shall also include a discussion of the resident's need to make advance directives and to identify surrogates for medical and legal decision-making. The provisions of this paragraph establish the minimum level of services that must be provided by an Alzheimer's disease management center. An Alzheimer's disease management center model shall have no more than 100 residents. Nothing in this paragraph (5) shall be construed as prohibiting a person or facility from providing services and care to persons with Alzheimer's disease as otherwise authorized under State law.

(6) Alternative health care delivery model; birth center. A birth center shall be exclusively dedicated to serving the childbirth-related needs of women and their newborns and shall have no more than 10 beds. A birth center is a designated site that is away from the mother's usual place of residence and in which births are planned to occur following a normal, uncomplicated, and low-risk pregnancy. A birth center shall offer prenatal care and community education services and shall coordinate these services with other health care services available in the community.

(A) A birth center shall not be separately licensed if it is one of the following:

(1) A part of a hospital; or

New matter indicated by italics - deletions by strikeout
(2) A freestanding facility that is physically distinct from a hospital but is operated under a license issued to a hospital under the Hospital Licensing Act.

(B) A separate birth center license shall be required if the birth center is operated as:

(1) A part of the operation of a federally qualified health center as designated by the United States Department of Health and Human Services; or

(2) A facility other than one described in subparagraph (A)(1), (A)(2), or (B)(1) of this paragraph (6) whose costs are reimbursable under Title XIX of the federal Social Security Act.

In adopting rules for birth centers, the Department shall consider: the American Association of Birth Centers' Standards for Freestanding Birth Centers; the American Academy of Pediatrics/American College of Obstetricians and Gynecologists Guidelines for Perinatal Care; and the Regionalized Perinatal Health Care Code. The Department's rules shall stipulate the eligibility criteria for birth center admission. The Department's rules shall stipulate the necessary equipment for emergency care according to the American Association of Birth Centers' standards and any additional equipment deemed necessary by the Department. The Department's rules shall provide for a time period within which each birth center not part of a hospital must become accredited by either the Commission for the Accreditation of Freestanding Birth Centers or The Joint Commission.

A birth center shall be certified to participate in the Medicare and Medicaid programs under Titles XVIII and XIX, respectively, of the federal Social Security Act. To the extent necessary, the Illinois Department of Healthcare and Family Services shall apply for a waiver from the United States Health...
Care Financing Administration to allow birth centers to be reimbursed under Title XIX of the federal Social Security Act.

A birth center that is not operated under a hospital license shall be located within a ground travel time distance from the general acute care hospital with which the birth center maintains a contractual relationship, including a transfer agreement, as required under this paragraph, that allows for an emergency caesarian delivery to be started within 30 minutes of the decision a caesarian delivery is necessary. A birth center operating under a hospital license shall be located within a ground travel time distance from the licensed hospital that allows for an emergency caesarian delivery to be started within 30 minutes of the decision a caesarian delivery is necessary.

The services of a medical director physician, licensed to practice medicine in all its branches, who is certified or eligible for certification by the American College of Obstetricians and Gynecologists or the American Board of Osteopathic Obstetricians and Gynecologists or has hospital obstetrical privileges are required in birth centers. The medical director in consultation with the Director of Nursing and Midwifery Services shall coordinate the clinical staff and overall provision of patient care. The medical director or his or her physician designee shall be available on the premises or within a close proximity as defined by rule. The medical director and the Director of Nursing and Midwifery Services shall jointly develop and approve policies defining the criteria to determine which pregnancies are accepted as normal, uncomplicated, and low-risk, and the anesthesia services available at the center. No general anesthesia may be administered at the center.

If a birth center employs certified nurse midwives, a certified nurse midwife shall be the Director of Nursing and Midwifery Services who is responsible for the development of policies and procedures for services as provided by Department rules.

New matter indicated by italics - deletions by strikeout
An obstetrician, family practitioner, or certified nurse midwife shall attend each woman in labor from the time of admission through birth and throughout the immediate postpartum period. Attendance may be delegated only to another physician or certified nurse midwife. Additionally, a second staff person shall also be present at each birth who is licensed or certified in Illinois in a health-related field and under the supervision of the physician or certified nurse midwife in attendance, has specialized training in labor and delivery techniques and care of newborns, and receives planned and ongoing training as needed to perform assigned duties effectively.

The maximum length of stay in a birth center shall be consistent with existing State laws allowing a 48-hour stay or appropriate post-delivery care, if discharged earlier than 48 hours.

A birth center shall participate in the Illinois Perinatal System under the Developmental Disability Prevention Act. At a minimum, this participation shall require a birth center to establish a letter of agreement with a hospital designated under the Perinatal System. A hospital that operates or has a letter of agreement with a birth center shall include the birth center under its maternity service plan under the Hospital Licensing Act and shall include the birth center in the hospital’s letter of agreement with its regional perinatal center.

A birth center may not discriminate against any patient requiring treatment because of the source of payment for services, including Medicare and Medicaid recipients.

No general anesthesia and no surgery may be performed at a birth center. The Department may by rule add birth center patient eligibility criteria or standards as it deems necessary. The Department shall by rule require each birth center to report the information which the Department shall make publicly available, which shall include, but is not limited to, the following:

(i) Birth center ownership.

New matter indicated by italics - deletions by strikeout
(ii) Sources of payment for services.
(iii) Utilization data involving patient length of stay.
(iv) Admissions and discharges.
(v) Complications.
(vi) Transfers.
(vii) Unusual incidents.
(viii) Deaths.
(ix) Any other publicly reported data required under the Illinois Consumer Guide.
(x) Post-discharge patient status data where patients are followed for 14 days after discharge from the birth center to determine whether the mother or baby developed a complication or infection.

Within 9 months after the effective date of this amendatory Act of the 95th General Assembly, the Department shall adopt rules that are developed with consideration of: the American Association of Birth Centers' Standards for Freestanding Birth Centers; the American Academy of Pediatrics/American College of Obstetricians and Gynecologists Guidelines for Perinatal Care; and the Regionalized Perinatal Health Care Code.

The Department shall adopt other rules as necessary to implement the provisions of this amendatory Act of the 95th General Assembly within 9 months after the effective date of this amendatory Act of the 95th General Assembly.

(Source: P.A. 93-402, eff. 1-1-04; revised 12-15-05.)

Effective January 1, 2008.

PUBLIC ACT 95-0446
(Senate Bill No. 0355)

AN ACT concerning business.

New matter indicated by italics - deletions by strikeout
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Uniform Commercial Code is amended by changing Section 9-516 as follows:

(810 ILCS 5/9-516)

Sec. 9-516. What constitutes filing; effectiveness of filing.

(a) What constitutes filing. Except as otherwise provided in subsection (b), communication of a record to a filing office and tender of the filing fee or acceptance of the record by the filing office constitutes filing.

(b) Refusal to accept record; filing does not occur. Filing does not occur with respect to a record that a filing office refuses to accept because:

1. the record is not communicated by a method or medium of communication authorized by the filing office;
2. an amount equal to or greater than the applicable filing fee is not tendered;
3. the filing office is unable to index the record because:
   (A) in the case of an initial financing statement, the record does not provide a name for the debtor;
   (B) in the case of an amendment or correction statement, the record:
      (i) does not identify the initial financing statement as required by Section 9-512 or 9-518, as applicable; or
      (ii) identifies an initial financing statement whose effectiveness has lapsed under Section 9-515;
   (C) in the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's last name; or

New matter indicated by italics - deletions by strikeout
(D) in the case of a record filed or recorded in the filing office described in Section 9-501(a)(1), the record does not provide a sufficient description of the real property to which it relates; or

(E) in the case of a record submitted to the filing office described in Section 9-501(b), the debtor does not meet the definition of a transmitting utility as described in Section 9-102(a)(80);

(3.5) in the case of an initial financing statement or an amendment, if the filing office believes in good faith that a document submitted for filing is being filed for the purpose of defrauding any person or harassing any person in the performance of duties as a public servant;

(4) in the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide a name and mailing address for the secured party of record;

(5) in the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not:

(A) provide a mailing address for the debtor;
(B) indicate whether the debtor is an individual or an organization; or
(C) if the financing statement indicates that the debtor is an organization, provide:
   (i) a type of organization for the debtor;
   (ii) a jurisdiction of organization for the debtor; or
   (iii) an organizational identification number for the debtor or indicate that the debtor has none;

(6) in the case of an assignment reflected in an initial financing statement under Section 9-514(a) or an amendment filed under Section 9-514(b), the record does not provide a name and mailing address for the assignee; or

New matter indicated by italics - deletions by strikeout
(7) in the case of a continuation statement, the record is not filed within the six-month period prescribed by Section 9-515(d).

(c) Rules applicable to subsection (b). For purposes of subsection (b):

(1) a record does not provide information if the filing office is unable to read or decipher the information; and

(2) a record that does not indicate that it is an amendment or identify an initial financing statement to which it relates, as required by Section 9-512, 9-514, or 9-518, is an initial financing statement.

(d) Refusal to accept record; record effective as filed record. A record that is communicated to the filing office with tender of the filing fee, but which the filing office refuses to accept for a reason other than one set forth in subsection (b), is effective as a filed record except as against a purchaser of the collateral which gives value in reasonable reliance upon the absence of the record from the files.

(e) The Secretary of State may refuse to accept a record for filing under subdivision (b)(3)(E) or (b)(3.5) only if the refusal is approved by the Department of Business Services of the Secretary of State and the General Counsel to the Secretary of State.

(Source: P.A. 91-893, eff. 7-1-01.)

Effective January 1, 2008.

PUBLIC ACT 95-0447
(Senate Bill No. 0404)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Emergency Medical Services (EMS) Systems Act is amended by changing Section 3.150 as follows:

(210 ILCS 50/3.150)

New matter indicated by italics - deletions by strikeout
Sec. 3.150. Immunity from civil liability.

(a) Any person, agency or governmental body certified, licensed or authorized pursuant to this Act or rules thereunder, who in good faith provides emergency or non-emergency medical services during a Department approved training course, in the normal course of conducting their duties, or in an emergency, shall not be civilly liable as a result of their acts or omissions in providing such services unless such acts or omissions, including the bypassing of nearby hospitals or medical facilities in accordance with the protocols developed pursuant to this Act, constitute willful and wanton misconduct.

(b) No person, including any private or governmental organization or institution that administers, sponsors, authorizes, supports, finances, educates or supervises the functions of emergency medical services personnel certified, licensed or authorized pursuant to this Act, including persons participating in a Department approved training program, shall be liable for any civil damages for any act or omission in connection with administration, sponsorship, authorization, support, finance, education or supervision of such emergency medical services personnel, where the act or omission occurs in connection with activities within the scope of this Act, unless the act or omission was the result of willful and wanton misconduct.

(c) Exemption from civil liability for emergency care is as provided in the Good Samaritan Act.

(d) No local agency, entity of State or local government, or other public or private organization, nor any officer, director, trustee, employee, consultant or agent of any such entity, which sponsors, authorizes, supports, finances, or supervises the training of persons in the use of a basic cardiopulmonary resuscitation, automated external defibrillators, or first aid in a course which complies with generally recognized standards, shall be liable for damages in any civil action based on the training of such persons unless an act or omission during the course of instruction constitutes willful and wanton misconduct.

(e) No person who is certified to teach the use of basic cardiopulmonary resuscitation, automated external defibrillators, or first aid in a course which complies with generally recognized standards, shall be liable for damages in any civil action based on the training of such persons unless an act or omission during the course of instruction constitutes willful and wanton misconduct.
aid and who teaches a course of instruction which complies with generally recognized standards for the use of basic cardiopulmonary resuscitation, automated external defibrillators, or first aid shall be liable for damages in any civil action based on the acts or omissions of a person who received such instruction, unless an act or omission during the course of such instruction constitutes willful and wanton misconduct.

(f) No member or alternate of the State Emergency Medical Services Disciplinary Review Board or a local System review board who in good faith exercises his responsibilities under this Act shall be liable for damages in any civil action based on such activities unless an act or omission during the course of such activities constitutes willful and wanton misconduct.

(g) No EMS Medical Director who in good faith exercises his responsibilities under this Act shall be liable for damages in any civil action based on such activities unless an act or omission during the course of such activities constitutes willful and wanton misconduct.

(h) Nothing in this Act shall be construed to create a cause of action or any civil liabilities.

(Source: P.A. 89-177, eff. 7-19-95; 89-607, eff. 1-1-97.)

Section 10. The Automated External Defibrillator Act is amended by changing Section 20 as follows:

Sec. 20. Maintenance; oversight.

(a) A person acquiring an automated external defibrillator shall take reasonable measures to ensure that:

(1) (blank) the automated external defibrillator is used only by trained AED users;

(2) the automated external defibrillator is maintained and tested according to the manufacturer's guidelines;

(3) any person considered to be an anticipated rescuer or user will have successfully completed a course of instruction in accordance with the standards of a nationally recognized organization, such as the American Red Cross or the American Heart Association, or a course of instruction in accordance with

New matter indicated by italics - deletions by strikeout
existing rules under this Act to use an automated external
defibrillator and to perform cardiovascular resuscitation (CPR);
the automated external defibrillator is registered with the EMS
system hospital in the vicinity of where the automated external
defibrillator will primarily be located which shall oversee
utilization of the automated external defibrillator and ensure that
training and maintenance requirements are met; and
(4) any person who renders out-of-hospital emergency care
or treatment to a person in cardiac arrest by using an automated
external defibrillator activates the EMS system as soon as possible
and reports any clinical use of the automated external defibrillator.

(b) A person in possession of an automated external defibrillator
shall notify an agent of the local emergency communications or vehicle
dispatch center of the existence, location, and type of the automated
external defibrillator.

(Source: P.A. 91-524, eff. 1-1-00.)

Section 15. The Good Samaritan Act is amended by changing
Section 12 and by adding Section 68 as follows:

(745 ILCS 49/12)
Sec. 12. Use of an automated automatic external defibrillator;
exemption from civil liability for emergency care. As provided in Section
30 of the Automated External Defibrillator Act, any automated external
defibrillator user who Any person who has successfully completed the
training requirements of a course in basic emergency care of a person in
cardiac arrest that:

(i) included training in the operation and use of an
automatic external defibrillator; and

(ii) was conducted in accordance with the standards of the
American Heart Association;
and who, in good faith and without fee or compensation, not for
compensation, renders emergency medical care involving the use of an
automated automatic external defibrillator in accordance with his or her
training is not liable for any civil damages as a result of any act or

New matter indicated by italics - deletions by strikeout
omission, except for willful and wanton misconduct, by that person in rendering that care.
(Source: P.A. 90-746, eff. 8-14-98.)

(745 ILCS 49/68 new)

Sec. 68. Disaster Relief Volunteers. Any firefighter, licensed emergency medical technician (EMT) as defined by Section 3.50 of the Emergency Medical Services (EMS) Systems Act, physician, dentist, podiatrist, optometrist, pharmacist, advanced practice nurse, physician assistant, or nurse who in good faith and without fee or compensation provides health care services as a disaster relief volunteer shall not, as a result of his or her acts or omissions, except willful and wanton misconduct on the part of the person, in providing health care services, be liable to a person to whom the health care services are provided for civil damages. This immunity applies to health care services that are provided without fee or compensation during or within 10 days following the end of a disaster or catastrophic event.

The immunity provided in this Section only applies to a disaster relief volunteer who provides health care services in relief of an earthquake, hurricane, tornado, nuclear attack, terrorist attack, epidemic, or pandemic without fee or compensation for providing the volunteer health care services.

The provisions of this Section shall not apply to any health care facility as defined in Section 8-2001 of the Code of Civil Procedure or to any practitioner, who is not a disaster relief volunteer, providing health care services in a hospital or health care facility.

Section 99. Effective date. This Act takes effect upon becoming law.

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Counties Code is amended by repealing Sections 3-15004, 3-15005, 3-15006, 3-15007, 3-15008, 3-15009, 3-15010, and 3-15011.

Section 10. The Counties Code is amended by changing Section 3-15012 as follows:

Sec. 3-15012. Director. The Sheriff shall appoint a Director to act as the chief executive and administrative officer of the Department. The Director shall be appointed by the Sheriff with the advice and consent of the county board from a list of 3 persons nominated by the members of the Board. He or she shall serve at the pleasure of the Sheriff. If the Director is removed, the Sheriff shall appoint his or her replacement with the advice and consent of the county board. The Board shall nominate 3 persons, one of whom shall be selected by the Sheriff to serve as Director. The Director's compensation is determined by the County Board.

(Source: P.A. 90-447, eff. 8-16-97; 90-511, eff. 8-22-97.)
Passed in the May 30, 2007
Effective January 1, 2008.

New matter indicated by italics - deletions by strikeout
AN ACT concerning teachers.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Teacher Homebuyer Assistance Act.

Section 5. Legislative findings and declarations. The General Assembly finds and declares all of the following:

(1) Attracting and retaining fully qualified teachers is of paramount importance in ensuring that pupils have fair access to a quality education and a fair chance to succeed academically. This is especially critical for schools that have the greatest number and percentage of pupils with the most acute educational needs, who predictably may score lowest on academic achievement examinations.

(2) A high priority should be placed on attracting and retaining quality teaching professionals who have demonstrated exemplary teaching ability, who serve in hard-to-staff schools, and who live in high-cost areas.

(3) Teachers face housing problems that exacerbate school districts' efforts to attract and retain qualified teachers. Many cannot afford to live in the communities in which they teach, making it difficult for them to become active members of their school's community. Providing opportunities for teachers to participate in after-school activities, from tutoring to coaching, benefits the children and community in which the teacher is employed.

Section 10. Definitions. In this Act: "Authority" means the Illinois Housing Development Authority.

"Hard-to-staff position" means a teaching category (such as special education, mathematics, or science) in which statewide data compiled by the State Board of Education indicates a multi-year pattern of substantial

New matter indicated by italics - deletions by strikeout
teacher shortage or that has been identified as a critical need by the school board.

"Hard-to-staff school" means an elementary or secondary school that ranks in the upper third of schools in this State in the number of teachers who leave their positions. The State Board of Education shall rank schools for this purpose based on mobility and teacher attrition over a 5-year average.

"Teacher" means a person who is currently employed as a full-time teacher in a hard-to-staff school or a hard-to-staff position and who is certified in this State in the subject field or grade level for which the teacher is employed.

"Termination of employment" means that for whatever reason, the borrower is no longer a teacher at any time during the first 5 years immediately following the date of recordation of the subordinate mortgage loan deed of trust. However, it shall not be considered termination of employment if the borrower is still employed at the same school at the time of recordation of the subordinate mortgage loan, but the school is no longer considered a hard-to-staff school or the position in which the teacher is employed is no longer considered a hard-to-staff position or if the borrower accepts a teaching position at another public school and his or her departure from the hard-to-staff school was involuntary. The Authority may establish guidelines for consideration of hardship cases in which it may waive this 5-year continuous employment requirement.

Section 15. Teacher homebuyer assistance program.

(a) Subject to appropriation, the Authority shall establish and administer a teacher homebuyer assistance program and allocate funds in accordance with this Act. The purpose of this program is to provide down payment assistance to teachers for purchasing residences within the jurisdiction in which they are employed.

(b) The maximum down payment assistance to a teacher under this Act shall be determined by the median home price in the school district where the teacher is employed, as follows:

New matter indicated by italics - deletions by strikeout
(1) Any teacher employed in a school district with a median home price over $300,000 is eligible for maximum down payment assistance of $20,000.

(2) Any teacher employed in a school district with a median home price from $150,000 to $300,000, inclusive, is eligible for maximum down payment assistance of $15,000.

(3) Any teacher employed in a school district with a median home price below $150,000 is eligible for maximum down payment assistance of $10,000.

(c) Assistance under this Act shall be in the form of a deferred payment, low-interest subordinate mortgage loan with a term not longer than the term of the first mortgage loan. Interest on this subordinate mortgage loan shall accrue at a rate of up to 5% per annum.

(d) The borrower's obligation to repay the loan shall be evidenced by a lien consisting of a deed of trust, subordinate in priority to the borrower's first mortgage loan financing required to purchase the property. If the borrower has continuously been a teacher for the 5-year period immediately following the date of recordation of the subordinate mortgage loan deed of trust and there has been no termination of employment, then repayment of the subordinate mortgage loan shall be forgiven and considered a grant so long as the borrower produces employment records, to the Authority's satisfaction, that the borrower has continuously been a teacher during that 5-year period.

(e) Repayment of the principal and accrued interest is due and payable at the earlier of the following events:

   (1) sale of the residence;

   (2) the borrower's failure to continuously occupy the residence in accordance with paragraph (3) of Section 20 of this Act; or

   (3) satisfaction of the first mortgage loan.

In no event shall this loan be assumable.

(f) In the event of termination of employment by the borrower within the first 5 years following recordation of the subordinate mortgage loan deed of trust, the borrower shall be obligated to repay to the
Authority, in addition to other amounts due on the loan, the pro rata amount of principal and accrued interest on the loan that directly relates to the period of time within that 5-year period in which the borrower was not a teacher. In order to qualify for any pro rata forgiveness of repayment of the loan, the borrower shall produce employment records to the Authority's satisfaction that the borrower was a teacher for the period in which the pro rata forgiveness of loan is sought. If the borrower produces evidence acceptable to the Authority that the borrower has satisfied all of the requirements specified in this Section to qualify for forgiveness of the loan in total, the Authority must execute any documents that may be necessary so that the borrower may clear title.

Section 20. Qualifying for loan. In order to qualify for a loan under this Act, all of the following criteria must be met:

1. The borrower must qualify as a teacher.
2. The borrower's gross household income must not exceed 125% of the area median income, as defined by the U.S. Department of Housing and Urban Development.
3. The residence financed under this Act must be continuously occupied by the borrower as his or her principal residence for at least 5 years following the recordation of the deed of trust securing the subordinate mortgage loan. If the borrower fails to meet this condition, the principal and accrued interest of the loan is immediately due and payable.
4. The residence being financed must be a single-family residence, condominium, or manufactured home located within the boundaries of the school district that employs the borrower.

Section 25. Rules. The State Board of Education and the Authority may adopt any rules necessary to carry out their responsibilities under this Act.

Section 99. Effective date. This Act takes effect upon becoming law.


New matter indicated by italics - deletions by strikeout
AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Regulatory Sunset Act is amended by changing Section 4.18 and by adding Section 4.28 as follows:

(5 ILCS 80/4.18)
(a) The following Acts are repealed on January 1, 2008:

The Acupuncture Practice Act.
The Home Medical Equipment and Services Provider License Act.
The Nursing and Advanced Practice Nursing Act.
The Illinois Speech-Language Pathology and Audiology Practice Act.
The Marriage and Family Therapy Licensing Act.
The Nursing Home Administrators Licensing and Disciplinary Act.
The Structural Pest Control Act.

(b) The following Acts are repealed on December 31, 2008:
The Environmental Health Practitioner Licensing Act.
(Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06; 94-1085, eff. 1-19-07; revised 1-22-07.)

(5 ILCS 80/4.28 new)
Sec. 4.28. Act repealed on January 1, 2018. The following Act is repealed on January 1, 2018:
The Acupuncture Practice Act.

New matter indicated by italics - deletions by strikeout
Section 10. The Acupuncture Practice Act is amended by changing Sections 10, 20.1, 35, 60, 70, 105, 110, 120, 130, 140, 155, 160, 165, 170, 175, 180, 190, and 195 as follows:

(225 ILCS 2/10)

Section scheduled to be repealed on January 1, 2008

Sec. 10. Definitions. As used in this Act:

"Acupuncture" means the evaluation or treatment of persons affected through a method of stimulation of a certain point or points on or immediately below the surface of the body by the insertion of pre-sterilized, single-use, disposable needles, unless medically contraindicated, with or without the application of heat, electronic stimulation, or manual pressure to prevent or modify the perception of pain, to normalize physiological functions, or for the treatment of certain diseases or dysfunctions of the body and includes activities referenced in Section 15 of this Act for which a written referral is not required. Acupuncture does not include radiology, electrosurgery, chiropractic technique, physical therapy, naprapathic technique, use or prescribing of any drugs, medications, herbal preparations, nutritional supplements, serums, or vaccines, or determination of a differential diagnosis. An acupuncturist registered under this Act who is not also licensed as a physical therapist under the Illinois Physical Therapy Act shall not hold himself or herself out as being qualified to provide physical therapy or physiotherapy services. An acupuncturist shall refer to a licensed physician or dentist, any patient whose condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the acupuncturist.

"Acupuncturist" means a person who practices acupuncture and who is licensed by the Department.

"Board" means the Board of Acupuncture.

"Dentist" means a person licensed under the Illinois Dental Practice Act.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of Professional Regulation.

New matter indicated by italics - deletions by strikeout
"Physician" means a person licensed under the Medical Practice Act of 1987.

"Referral by written order" for purposes of this Act means a diagnosis, substantiated by signature of a physician or dentist, identifying a patient's condition and recommending treatment by acupuncture as defined in this Act. The diagnosis shall remain in effect until changed by the physician or dentist who may, through express direction in the referral, maintain management of the patient.

"Secretary" means the Secretary of Financial and Professional Regulation.

"State" includes:

(1) the states of the United States of America;
(2) the District of Columbia; and
(3) the Commonwealth of Puerto Rico.

(Source: P.A. 93-999, eff. 8-23-04.)

(225 ILCS 2/20.1)

(Section scheduled to be repealed on January 1, 2008)

Sec. 20.1. Guest instructors of acupuncture; professional education. The provisions of this Act do not prohibit an acupuncturist from another state or country, who is not licensed under this Act and who is an invited guest of a professional acupuncture association or scientific acupuncture foundation or an acupuncture training program or continuing education provider that is approved by the Department under this Act, from engaging in professional education through lectures, clinics, or demonstrations, provided that the acupuncturist is currently licensed in another state or country, his or her license is active and has not been disciplined, and he or she is currently certified in good standing as an acupuncturist by the National Certification Commission for Acupuncture and Oriental Medicine.

Licensees under this Act may engage in professional education through lectures, clinics, or demonstrations as an invited guest of a professional acupuncture association or scientific acupuncture foundation or an acupuncture training program or continuing education provider approved by the Department under this Act. The Department may, but is
not required to, establish rules concerning this Section. To qualify as a guest instructor of acupuncture, the acupuncturist must have been issued a guest instructor of acupuncture permit by the Department. The Department shall grant a guest instructor of acupuncture permit if the Department determines that the applicant for the permit (i) is currently certified in good standing as an acupuncturist by the National Certification Commission for Acupuncture and Oriental Medicine; or (ii) has sufficient training to qualify as a licensed acupuncturist in Illinois. By rule, the Department may prescribe forms that shall be used to apply for guest instructor of acupuncture permits and charge an application fee to defray expenses borne by the Department in connection with implementation of this amendatory Act of the 92nd General Assembly. The applicant shall submit his or her application for a guest instructor of acupuncture permit to the Department. The Department shall issue a guest instructor of acupuncture permit, or indicate why the Department has refused to issue the permit, within 60 days after the application is complete and on file with the Department. The Department shall maintain a registry of guest instructors of acupuncture. A guest instructor of acupuncture permit shall be valid for 12 months. The guest instructor of acupuncture may engage in the application of acupuncture techniques in conjunction with the lectures, clinics, or demonstrations for a maximum of 12 months, but may not open an office, appoint a place to meet private patients, consult with private patients, or otherwise engage in the practice of acupuncture beyond what is required in conjunction with these lectures, clinics, or demonstrations.

(Source: P.A. 92-70, eff. 7-12-01.)

(225 ILCS 2/35)

(Section scheduled to be repealed on January 1, 2008)

Sec. 35. Board of Acupuncture. The Secretary Director shall appoint a Board of Acupuncture to consist of 7 persons who shall be appointed by and shall serve in an advisory capacity to the Secretary Director. Four members must hold an active license to engage in the practice of acupuncture in this State, one member shall be a chiropractic physician licensed under the Medical Practice Act of 1987 who is actively engaged in the practice of acupuncture, one member shall be a physician
licensed to practice medicine in all of its branches in Illinois, and one member must be a member of the public who is not licensed under this Act or a similar Act of another jurisdiction and who has no connection with the profession. The initial appointees who would otherwise be required to be licensed acupuncturists shall instead be individuals who have been practicing acupuncture for at least 5 years and who are eligible under this Act for licensure as acupuncturists.

Members shall serve 4-year terms and until their successors are appointed and qualified, except that of the initial appointments, one member shall be appointed to serve for 1 year, 2 members shall be appointed to serve for 2 years, 2 members shall be appointed to serve for 3 years, and 2 members shall be appointed to serve for 4 years and until their successors are appointed and qualified. No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 8 consecutive years. Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term. Initial terms shall begin upon the effective date of this amendatory Act of 1997.

The Board may elect a chairperson and a vice-chairperson who shall preside in the absence of the chairperson. The membership of the Board should reasonably reflect representation from the geographic areas in this State. The Secretary Director may terminate the appointment of any member for cause. The Secretary Director may give due consideration to all recommendations of the Board. A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise the right and perform all the duties of the Board. Members of the Board shall have no liability in any action based upon any disciplinary proceeding or other activity performed in good faith as a member of the Board.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)
(225 ILCS 2/60)
(Section scheduled to be repealed on January 1, 2008)
Sec. 60. Exhibition of license upon request; change of address. A holder of a license under this Act shall display the license in a conspicuous place in the office or offices where the holder practices acupuncture. A licensee shall, whenever requested, exhibit his or her license to any representative of the Department and shall notify the Department of the address or addresses, and of every change of address, where the licensee practices acupuncture.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(Section scheduled to be repealed on January 1, 2008)

Sec. 70. Renewal, reinstatement, or restoration of license; continuing education; military service. The expiration date and renewal period for each license issued under this Act shall be set by rule. The holder of a license may renew that license during the month preceding its expiration date by paying the required fee.

In order to renew or restore a license, applicants shall provide proof of having met the requirements of continuing education set forth in the rules of the Department. Continuing education sponsors approved by the Department may not use an individual to engage in clinical demonstration, unless that individual is actively licensed under this Act or licensed by another state or country as set forth in Section 20.1 of this Act.

A person who has permitted his or her license to expire or who has had his or her license on inactive status may have the license restored by submitting an application to the Department, by meeting continuing education requirements, and by filing proof acceptable to the Department of fitness to have the license restored, which may include sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee. If the person has not maintained an active practice in another jurisdiction satisfactory to the Department, the Department shall determine, by an evaluation program established by rule, his or her fitness to resume active status and may require the person to complete a period of evaluated clinical experience and may require successful completion of a practical examination.

New matter indicated by italics - deletions by strikeout
Any acupuncturist whose license expired while he or she was (1) in federal service on active duty with the Armed Forces of the United States or the State Militia called into service or training or (2) in training or education under the supervision of the United States preliminary to induction into the military service, however, may have his or her registration restored without paying any lapsed renewal fees if within 2 years after honorable termination of service, training, or education, he or she furnishes the Department with satisfactory evidence that he or she has been so engaged and that his or her service, training, or education has been terminated.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/105)

(Section scheduled to be repealed on January 1, 2008)

Sec. 105. Unlicensed practice; civil penalty. A person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a licensed acupuncturist without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $10,000 $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(Source: P.A. 90-61, eff. 7-3-97.)

(225 ILCS 2/110)

(Section scheduled to be repealed on January 1, 2008)

Sec. 110. Grounds for disciplinary action.

(a) The Department may refuse to issue or to renew, place on probation, suspend, revoke or take other disciplinary or non-disciplinary action as deemed appropriate including the imposition of fines not to exceed $10,000 $5,000 for each violation, as the Department may deem proper, with regard to a license for any one or combination of the following causes:

(1) Violations of the Act or its rules.

New matter indicated by italics - deletions by strikeout
(2) Conviction or plea of guilty or nolo contendere of any crime under the laws of the United States or any state or territory thereof that is (i) a felony or, (ii) a misdemeanor, an essential element of which is dishonesty or that is, or (iii) directly related to the practice of the profession.

(3) Making any misrepresentation for the purpose of obtaining a license.

(4) Aiding or assisting another person in violating any provision of this Act or its rules.

(5) Failing to provide information within 60 days in response to a written request made by the Department which has been sent by certified or registered mail to the licensee's last known address.

(6) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to one set forth in this Section.

(7) Solicitation of professional services by means other than permitted under this Act.

(8) Failure to provide a patient with a copy of his or her record upon the written request of the patient.

(9) Gross negligence in the practice of acupuncture.

(10) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in an acupuncturist's inability to practice with reasonable judgment, skill, or safety.

(11) A finding that licensure has been applied for or obtained by fraudulent means.

(12) A pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act.

(13) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act and upon proof by clear and convincing evidence that the licensee has caused a child to be an
abused child or a neglected child as defined in the Abused and Neglected Child Reporting Act.

(14) Wilfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(15) The use of any words, abbreviations, figures or letters (such as Acupuncturist, Licensed Acupuncturist, Certified Acupuncturist, C.A., Act., Lic. Act., or Lic. Ac.) with the intention of indicating practice as a licensed acupuncturist without a valid license as an acupuncturist issued under this Act.

(16) Using testimonials or claims of superior quality of care to entice the public or advertising fee comparisons of available services with those of other persons providing acupuncture services.

(17) Advertising of professional services that the offeror of the services is not licensed to render. Advertising of professional services that contains false, fraudulent, deceptive, or misleading material or guarantees of success, statements that play upon the vanity or fears of the public, or statements that promote or produce unfair competition.

(18) Having treated ailments of human beings other than by the practice of acupuncture as defined in this Act, or having treated ailments of human beings as a licensed acupuncturist pursuant to a referral by written order that provides for management of the patient by a physician or dentist without having notified the physician or dentist who established the diagnosis that the patient is receiving acupuncture treatment.

(19) Unethical, unauthorized, or unprofessional conduct as defined by rule.

(20) Physical illness, including but not limited to deterioration through the aging process, mental illness, or other impairment or disability that results in the inability to practice the profession with reasonable judgment, skill, and safety, including
without limitation deterioration through the aging process, mental illness, or disability.

(21) Violation of the Health Care Worker Self-Referral Act.

The entry of an order by a circuit court establishing that any person holding a license under this Act is subject to involuntary admission or judicial admission as provided for in the Mental Health and Developmental Disabilities Code operates as an automatic suspension of that license. That person may have his or her license restored only upon the determination by a circuit court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient and upon the Board's recommendation to the Department that the license be restored. Where the circumstances so indicate, the Board may recommend to the Department that it require an examination prior to restoring a suspended license.

The Department may refuse to issue or renew the license of any person who fails to (i) file a return or to pay the tax, penalty or interest shown in a filed return or (ii) pay any final assessment of the tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue, until the time that the requirements of that tax Act are satisfied.

In enforcing this Section, the Department or Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for
suspension of his or her license until the individual submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department or Board finds an individual unable to practice because of the reasons set forth in this Section, the Department or Board may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file, or the Board may recommend to the Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Secretary Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 30 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 93-999, eff. 8-23-04.)

(225 ILCS 2/120)

(Section scheduled to be repealed on January 1, 2008)

Sec. 120. Checks or orders to Department dishonored because of insufficient funds. Any person who issues or delivers a check or other
order to the Department that is not honored on 2 occasions by the financial institution upon which it is drawn because of insufficient funds on account, the account is closed, or a stop payment has been placed on the check or order shall pay to the Department, in addition to the amount owing upon the check or other order, a fee of $50. If the check or other order was issued or delivered in payment of a renewal or issuance fee and the person whose registration has lapsed continues to practice acupuncture without paying the renewal or issuance fee and the required $50 fee under this Section, an additional fee of $100 shall be imposed. The fees imposed by this Section are in addition to any other disciplinary provision under this Act prohibiting practice on an expired or non-renewed registration. The Department shall mail a registration renewal form to each registrant 60 days before the expiration of the registrant's current registration. The Department shall notify a person whose registration has lapsed, within 30 days after the discovery of the lapse, that the individual is engaged in the unauthorized practice of acupuncture and of the amount due to the Department which shall include the lapsed renewal fee and all other fees required by this Section. If after the expiration of 30 days from the date of the notification a person whose registration has lapsed seeks a current registration, he or she shall thereafter apply to the Department for restoration of the registration and pay all fees due to the Department. The Department may establish a fee for the processing of an application for restoration of a registration that allows the Department to pay all costs and expenses incident to the processing of this application. The Secretary Director may waive the fees due under this Section in individual cases where he or she finds that the fees would be unreasonably or unnecessarily burdensome.

(Source: P.A. 89-706, eff. 1-31-97.)

(Section scheduled to be repealed on January 1, 2008)

Sec. 130. Injunctions; criminal offenses; cease and desist order.

(a) If any person violates the provisions of this Act, the Secretary Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois or the State's Attorney for any

New matter indicated by italics - deletions by strikeout
county in which the action is brought, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or condition, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) Whenever in the opinion of the Department a person violates a provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(c) Other than as provided in Section 20 of this Act, if any person practices as an acupuncturist or holds himself or herself out as a licensed acupuncturist under this Act without being issued a valid existing license by the Department, then any licensed acupuncturist, any interested party, or any person injured thereby may, in addition to the Secretary Director, petition for relief as provided in subsection (a) of this Section.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/140)

Sec. 140. Investigation; notice; hearing. Licenses may be refused, revoked, suspended, or otherwise disciplined in the manner provided by this Act and not otherwise. The Department may upon its own motion or and shall upon the verified complaint in writing of any person setting forth facts that if proven would constitute grounds for refusal to issue or renew or for suspension, or revocation, or other disciplinary action under this Act, investigate the actions of a person applying for, holding, or claiming to hold a license. The Department shall, before refusing to issue or renew, suspending, or revoking, or taking other disciplinary action regarding a

New matter indicated by italics - deletions by strikeout
license or taking other discipline pursuant to Section 110 of this Act, and at least 30 days prior to the date set for the hearing, notify in writing the applicant or licensee of any charges made, shall afford the applicant or licensee an opportunity to be heard in person or by counsel in reference to the charges, and direct the applicant or licensee to file a written answer to the Department under oath within 20 days after the service of the notice and inform the applicant or licensee that failure to file an answer will result in default being taken against the applicant or licensee and that the license may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature, or extent of practice, as the Secretary Director may deem proper. Written notice may be served by personal delivery to the applicant or licensee or by mailing the notice by certified mail to his or her last known place of residence or to the place of business last specified by the applicant or licensee in his or her last notification to the Department. If the person fails to file an answer after receiving notice, his or her license may, in the discretion of the Department, be suspended, revoked, or placed on probationary status or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Department shall proceed to hearing of the charges and both the applicant or licensee and the complainant shall be afforded ample opportunity to present, in person or by counsel, any statements, testimony, evidence, and arguments that may be pertinent to the charges or to their defense. The Department may continue a hearing from time to time. If the Board is not sitting at the time and place fixed in the notice or at the time and place to which the hearing shall have been continued, the Department may continue the hearing for a period not to exceed 30 days.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/155)

(Section scheduled to be repealed on January 1, 2008)
Sec. 155. Subpoena; oaths. The Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition or both with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State. The Department shall also have the power to subpoena the production of documents, papers, files, books, and records in connection with a hearing or investigation.

The Secretary Director and the hearing officer designated by the Secretary Director shall each have power to administer oaths to witnesses at any hearing that the Department is authorized to conduct under this Act and any other oaths required or authorized to be administered by the Department under this Act.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/160)

(Section scheduled to be repealed on January 1, 2008)

Sec. 160. Findings of facts, conclusions of law, and recommendations. At the conclusion of the hearing, the Board hearing officer shall present to the Secretary Director a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Board hearing officer shall specify the nature of the violation or failure to comply and shall make its his or her recommendations to the Secretary Director.

The report of findings of fact, conclusions of law, and recommendations of the Board hearing officer may be the basis of the order of the Department. If the Secretary Director disagrees in any regard with the report of the Board hearing officer, the Secretary Director shall issue an order in contravention of the report. The Secretary Director shall provide notice a written report to the Board hearing officer on any deviation and shall specify with particularity the reasons for the deviation action in the final order. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and

New matter indicated by italics - deletions by strikeout
findings are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/165)

(Section scheduled to be repealed on January 1, 2008)

Sec. 165. Hearing officer. The Secretary Director shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for discipline of a license. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and the Secretary Director. The Board shall have 60 days after receipt of the report to review the report of the hearing officer and to present its findings of fact, conclusions of law, and recommendations to the Secretary Director.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/170)

(Section scheduled to be repealed on January 1, 2008)

Sec. 170. Service of report; rehearing; order. In any case involving the discipline of a license, a copy of the hearing officer's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after the service, the respondent may present to the Department a motion in writing for a rehearing that shall specify the particular grounds for rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing a motion, or if a motion for rehearing is denied, then upon the denial the Secretary Director may enter an order in accordance with this Act. If the respondent orders from the reporting office and pays for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which the motion may be filed shall commence upon the delivery of the transcript to the respondent.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/175)

(Section scheduled to be repealed on January 1, 2008)
Sec. 175. Substantial justice to be done; rehearing. Whenever the Secretary Director is satisfied that substantial justice has not been done in the discipline of a license, the Secretary Director may order a rehearing by the same or another hearing officer.
(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/180)
(Section scheduled to be repealed on January 1, 2008)

Sec. 180. Order or certified copy as prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary Director, shall be prima facie proof:
(1) that the signature is the genuine signature of the Secretary Director;
(2) that such Secretary Director is duly appointed and qualified; and
(3) that the Board and its members are qualified to act.
(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/190)
(Section scheduled to be repealed on January 1, 2008)

Sec. 190. Surrender of registration. Upon the revocation or suspension of any registration, the registrant shall immediately surrender the registration certificate to the Department. If the registrant fails to do so, the Department shall have the right to seize the registration certificate.
(Source: P.A. 89-706, eff. 1-31-97.)

(225 ILCS 2/195)
(Section scheduled to be repealed on January 1, 2008)

Sec. 195. Imminent danger to public; temporary suspension. The Secretary Director may temporarily suspend the license of an acupuncturist without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 140 of this Act, if the Secretary Director finds that evidence in his or her possession indicates that continuation in practice would constitute an imminent danger to the public. In the event that the Secretary Director temporarily suspends a license without a hearing, a hearing by the Department must be held within

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30 days after the suspension has occurred and be concluded without appreciable delay.
(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0451
(Senate Bill No. 1226)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Clinical Psychologist Licensing Act is amended by adding Section 11.5 as follows:
(225 ILCS 15/11.5 new)
Sec. 11.5. Temporary authorization of practice by persons licensed in other jurisdictions.
(a) The Department, in its discretion, may issue a temporary permit authorizing the rendering of clinical psychological services, as defined in Section 2 of this Act, in this State for up to 10 calendar days per year, consecutively or in aggregate. This temporary permit may be issued to an individual who is licensed in good standing to practice psychology independently and at the doctoral level in another state, province, or territory. Any portion of a calendar day in which the psychologist provides services in this State is considered one working day. In no case shall a person practicing pursuant to this subsection (a) establish a permanent office location in Illinois, nor prepare or publish letterhead, business cards, or similar publicity materials listing an Illinois address or Illinois-based phone number. Time devoted to providing testimony in court or in deposition shall not be counted as part of the 10 calendar days allowed under this subsection (a).

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An applicant for a temporary permit under this subsection (a) must apply to the Department on forms and in the manner prescribed by the Department. The application shall require that the applicant submit to the Department (i) satisfactory proof that the applicant is licensed in good standing to practice psychology independently and at the doctoral level in another state, province, or territory, including the sworn statement of the applicant that his or her license is not encumbered in any manner by any licensing authority, (ii) the name of the state, province, or territory in which the applicant is licensed, and (iii) the applicant’s license number or other appropriate identifier issued by the licensing authority to the applicant.

(b) The Secretary may temporarily authorize an individual to practice clinical psychology who (i) holds an active, unencumbered license in good standing in another jurisdiction and (ii) has applied for a license under this Act due to a natural disaster or catastrophic event in the jurisdiction in which he or she is licensed. The temporary authorization granted under this subsection (b) expires upon the issuance of a license under this Act or upon the notification that licensure has been denied by the Department.

(c) Any psychologist practicing pursuant to subsection (a) or (b) of this Section shall conform his or her practice to the mandates of and shall be subject to the prohibitions and sanctions, as well as the provisions on hearings and investigations, contained in this Act and any rules adopted thereunder while he or she is practicing in this State.

Effective January 1, 2008.
Section 5. The Environmental Protection Act is amended by changing Section 22.23b as follows:

(415 ILCS 5/22.23b)

Sec. 22.23b. Mercury and mercury-added products.

(a) Beginning July 1, 2005, no person shall purchase or accept, for use in a primary or secondary school classroom, bulk elemental mercury, chemicals containing mercury compounds, or instructional equipment or materials containing mercury added during their manufacture. This subsection (a) does not apply to: (i) other products containing mercury added during their manufacture that are used in schools and (ii) measuring devices used as teaching aids, including, but not limited to, barometers, manometers, and thermometers, if no adequate mercury-free substitute exists.

(b) Beginning July 1, 2007, no person shall sell, offer to sell, distribute, or offer to distribute a mercury switch or mercury relay individually or as a product component. For a product that contains one or more mercury switches or mercury relays as a component, this subsection (b) is applicable to each component part or parts and not the entire product. This subsection (b) does not apply to the following:

(1) Mercury switches and mercury relays used in medical diagnostic equipment regulated under the federal Food, Drug, and Cosmetic Act.

(2) Mercury switches and mercury relays used at electric generating facilities.

(3) Mercury switches in thermostats used to sense and control room temperature.

(4) Mercury switches and mercury relays required to be used under federal law or federal contract specifications.

(5) A mercury switch or mercury relay used to replace a mercury switch or mercury relay that is a component in a larger product in use prior to July 1, 2007, and one of the following applies:

(A) The larger product is used in manufacturing; or
(B) The mercury switch or mercury relay is integrated and not physically separate from other components of the larger product.

(c) The manufacturer of a mercury switch or mercury relay, or a scientific instrument or piece of instructional equipment containing mercury added during its manufacture, may apply to the Agency for an exemption from the provisions of subsection (a) or (b) of this Section for one or more specific uses of the switch, relay, instrument, or piece of equipment by filing a written petition with the Agency. The Agency may grant an exemption, with or without conditions, if the manufacturer demonstrates the following:

1. A convenient and widely available system exists for the proper collection, transportation, and processing of the switch, relay, instrument, or piece of equipment at the end of its useful life; and

2. The specific use or uses of the switch, relay, instrument, or piece of equipment provides a net benefit to the environment, public health, or public safety when compared to available nonmercury alternatives.

Before approving any exemption under this subsection (c) the Agency must consult with other states to promote consistency in the regulation of products containing mercury added during their manufacture. Exemptions shall be granted for a period of 5 years. The manufacturer may request renewals of the exemption for additional 5-year periods by filing additional written petitions with the Agency. The Agency may renew an exemption if the manufacturer demonstrates that the criteria set forth in paragraphs (1) and (2) of this subsection (c) continue to be satisfied. All petitions for an exemption or exemption renewal shall be submitted on forms prescribed by the Agency.

The Agency must adopt rules for processing petitions submitted pursuant to this subsection (c). The rules shall include, but shall not be limited to, provisions allowing for the submission of written public comments on the petitions.

New matter indicated by italics - deletions by strikeout
(d) No later than January 1, 2005, the Agency must submit to the Governor and the General Assembly a report that includes the following:

1. An evaluation of programs to reduce and recycle mercury from mercury thermostats and mercury vehicle components; and

2. Recommendations for altering the programs to make them more effective.

In preparing the report the Agency may seek information from and consult with, businesses, trade associations, environmental organizations, and other government agencies.

(e) Mercury switches and mercury relays, and scientific instruments and instructional equipment containing mercury added during their manufacture, are hereby designated as categories of universal waste subject to the streamlined hazardous waste rules set forth in Title 35 of the Illinois Administrative Code, Subtitle G, Chapter I, Subchapter c, Part 733 ("Part 733"). Within 60 days of the effective date of this amendatory Act of the 93rd General Assembly, the Agency shall propose, and within 180 days of receipt of the Agency's proposal the Board shall adopt, rules that reflect this designation and that prescribe procedures and standards for the management of such items as universal waste.

If the United States Environmental Protection Agency adopts streamlined hazardous waste regulations pertaining to the management of mercury switches or mercury relays, or scientific instruments or instructional equipment containing mercury added during their manufacture, or otherwise exempts such items from regulation as hazardous waste, the Board shall adopt equivalent rules in accordance with Section 7.2 of this Act within 180 days of adoption of the federal regulations. The equivalent Board rules may serve as an alternative to the rules adopted under subsection (1) of this subsection (e).

(f) Beginning July 1, 2008, no person shall install, sell, offer to sell, distribute, or offer to distribute a mercury thermostat in this State. For purposes of this subsection (f), "mercury thermostat" means a product or device that uses a mercury switch to sense and control room temperature through communication with heating, ventilating, or air

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conditioning equipment. "Mercury thermostat" includes thermostats used to sense and control room temperature in residential, commercial, industrial, and other buildings, but does not include thermostats used to sense and control temperature as a part of a manufacturing or industrial process.

(Source: P.A. 93-964, eff. 8-20-04.)

Section 99. Effective date. This Act takes effect upon becoming law.

Effective August 27, 2007

PUBLIC ACT 95-0453
(Senate Bill No. 1242)

AN ACT concerning climate change.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Illinois Cool Cities Act.

Section 5. Findings. The General Assembly finds that:
Global climate change threatens the State's economy, public health, and environment.
Units of local government across the State are endorsing the U.S. Conference of Mayors Climate Protection Agreement, committing to reduce greenhouse gas emissions by 7% from 1990 levels by the year 2012.

It is in the best interest of the State for units of local government to make this commitment and to achieve these goals.

Section 10. State assistance to local greenhouse gas reduction initiatives. The Environmental Protection Agency shall provide technical assistance, if needed, to units of local government in the State that have endorsed the U.S. Conference of Mayors Climate Protection Agreement. Upon request by a unit of local government, the Agency shall provide:

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(1) assistance in developing an inventory of greenhouse gas emissions; and
(2) assistance in determining the emissions reductions benefits of measures under consideration to reduce greenhouse gas emissions.

Section 15. Cool cities.
(a) Any unit of local government may request designation as an Illinois Cool City if the unit of local government has:
   (1) endorsed the U.S. Conference of Mayors Climate Protection Agreement; and
   (2) prepared and approved a plan to achieve a 7% reduction in greenhouse gas emissions from 1990 levels by the year 2012.
(b) Upon a finding by the Director of the Environmental Protection Agency that (i) the greenhouse gas emissions reduction plan developed by a unit of local government, under subsection (a) of this Section, accurately estimates the emissions reduction benefits of the measures it contains and (ii) there is evidence of commitment by the unit of local government to implement the greenhouse gas emissions reduction plan, then the State shall provide, upon request, to any unit of local government designated as an Illinois Cool City under this Section:
   (1) signs for posting at major entry points to the unit of local government noting its designation as an Illinois Cool City; and
   (2) a graphic image for use by the unit of local government in printed and electronic communications, noting its designation as an Illinois Cool City.

Section 99. Effective date. This Act takes effect upon becoming law.
AN ACT concerning environmental protection.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Income Tax Act is amended by changing Section 201 as follows:

(35 ILCS 5/201) (from Ch. 120, par. 2-201)

Sec. 201. Tax Imposed.

(a) In general. A tax measured by net income is hereby imposed on every individual, corporation, trust and estate for each taxable year ending after July 31, 1969 on the privilege of earning or receiving income in or as a resident of this State. Such tax shall be in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(b) Rates. The tax imposed by subsection (a) of this Section shall be determined as follows, except as adjusted by subsection (d-1):

(1) In the case of an individual, trust or estate, for taxable years ending prior to July 1, 1989, an amount equal to 2 1/2% of the taxpayer's net income for the taxable year.

(2) In the case of an individual, trust or estate, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 2 1/2% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 3% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(3) In the case of an individual, trust or estate, for taxable years beginning after June 30, 1989, an amount equal to 3% of the taxpayer's net income for the taxable year.

(4) (Blank).

(5) (Blank).

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(6) In the case of a corporation, for taxable years ending prior to July 1, 1989, an amount equal to 4% of the taxpayer's net income for the taxable year.

(7) In the case of a corporation, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 4% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 4.8% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(8) In the case of a corporation, for taxable years beginning after June 30, 1989, an amount equal to 4.8% of the taxpayer's net income for the taxable year.

(c) Personal Property Tax Replacement Income Tax. Beginning on July 1, 1979 and thereafter, in addition to such income tax, there is also hereby imposed the Personal Property Tax Replacement Income Tax measured by net income on every corporation (including Subchapter S corporations), partnership and trust, for each taxable year ending after June 30, 1979. Such taxes are imposed on the privilege of earning or receiving income in or as a resident of this State. The Personal Property Tax Replacement Income Tax shall be in addition to the income tax imposed by subsections (a) and (b) of this Section and in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(d) Additional Personal Property Tax Replacement Income Tax Rates. The personal property tax replacement income tax imposed by this subsection and subsection (c) of this Section in the case of a corporation, other than a Subchapter S corporation and except as adjusted by subsection (d-1), shall be an additional amount equal to 2.85% of such taxpayer's net income for the taxable year, except that beginning on January 1, 1981, and thereafter, the rate of 2.85% specified in this subsection shall be reduced to 2.5%, and in the case of a partnership, trust or a Subchapter S corporation shall be an additional amount equal to 1.5% of such taxpayer's net income for the taxable year.

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(d-1) Rate reduction for certain foreign insurers. In the case of a foreign insurer, as defined by Section 35A-5 of the Illinois Insurance Code, whose state or country of domicile imposes on insurers domiciled in Illinois a retaliatory tax (excluding any insurer whose premiums from reinsurance assumed are 50% or more of its total insurance premiums as determined under paragraph (2) of subsection (b) of Section 304, except that for purposes of this determination premiums from reinsurance do not include premiums from inter-affiliate reinsurance arrangements), beginning with taxable years ending on or after December 31, 1999, the sum of the rates of tax imposed by subsections (b) and (d) shall be reduced (but not increased) to the rate at which the total amount of tax imposed under this Act, net of all credits allowed under this Act, shall equal (i) the total amount of tax that would be imposed on the foreign insurer's net income allocable to Illinois for the taxable year by such foreign insurer's state or country of domicile if that net income were subject to all income taxes and taxes measured by net income imposed by such foreign insurer's state or country of domicile, net of all credits allowed or (ii) a rate of zero if no such tax is imposed on such income by the foreign insurer's state of domicile. For the purposes of this subsection (d-1), an inter-affiliate includes a mutual insurer under common management.

(1) For the purposes of subsection (d-1), in no event shall the sum of the rates of tax imposed by subsections (b) and (d) be reduced below the rate at which the sum of:

(A) the total amount of tax imposed on such foreign insurer under this Act for a taxable year, net of all credits allowed under this Act, plus

(B) the privilege tax imposed by Section 409 of the Illinois Insurance Code, the fire insurance company tax imposed by Section 12 of the Fire Investigation Act, and the fire department taxes imposed under Section 11-10-1 of the Illinois Municipal Code, equals 1.25% for taxable years ending prior to December 31, 2003, or 1.75% for taxable years ending on or after December 31, 2003, of the net taxable premiums written for the taxable year, as described

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by subsection (1) of Section 409 of the Illinois Insurance Code. This paragraph will in no event increase the rates imposed under subsections (b) and (d).

(2) Any reduction in the rates of tax imposed by this subsection shall be applied first against the rates imposed by subsection (b) and only after the tax imposed by subsection (a) net of all credits allowed under this Section other than the credit allowed under subsection (i) has been reduced to zero, against the rates imposed by subsection (d).

This subsection (d-1) is exempt from the provisions of Section 250.

(e) Investment credit. A taxpayer shall be allowed a credit against the Personal Property Tax Replacement Income Tax for investment in qualified property.

(1) A taxpayer shall be allowed a credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1984. There shall be allowed an additional credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1986, and the taxpayer's base employment within Illinois has increased by 1% or more over the preceding year as determined by the taxpayer's employment records filed with the Illinois Department of Employment Security. Taxpayers who are new to Illinois shall be deemed to have met the 1% growth in base employment for the first year in which they file employment records with the Illinois Department of Employment Security. The provisions added to this Section by Public Act 85-1200 (and restored by Public Act 87-895) shall be construed as declaratory of existing law and not as a new enactment. If, in any year, the increase in base employment within Illinois over the preceding year is less than 1%, the additional credit shall be limited to that percentage times a fraction, the numerator of which is .5% and the denominator of which is 1%, but shall not exceed .5%. The
investment credit shall not be allowed to the extent that it would reduce a taxpayer's liability in any tax year below zero, nor may any credit for qualified property be allowed for any year other than the year in which the property was placed in service in Illinois. For tax years ending on or after December 31, 1987, and on or before December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years if the taxpayer (i) makes investments which cause the creation of a minimum of 2,000 full-time equivalent jobs in Illinois, (ii) is located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act and (iii) is certified by the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) as complying with the requirements specified in clause (i) and (ii) by July 1, 1986. The Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) shall notify the Department of Revenue of all such certifications immediately. For tax years ending after December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

(2) The term "qualified property" means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings and signs that are real property, but not including land or
improvements to real property that are not a structural component of a building such as landscaping, sewer lines, local access roads, fencing, parking lots, and other appurtenances;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (e);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;

(D) is used in Illinois by a taxpayer who is primarily engaged in manufacturing, or in mining coal or fluorite, or in retailing, or was placed in service on or after July 1, 2006 in a River Edge Redevelopment Zone established pursuant to the River Edge Redevelopment Zone Act; and

(E) has not previously been used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (e) or subsection (f).

(3) For purposes of this subsection (e), "manufacturing" means the material staging and production of tangible personal property by procedures commonly regarded as manufacturing, processing, fabrication, or assembling which changes some existing material into new shapes, new qualities, or new combinations. For purposes of this subsection (e) the term "mining" shall have the same meaning as the term "mining" in Section 613(c) of the Internal Revenue Code. For purposes of this subsection (e), the term "retailing" means the sale of tangible personal property or services rendered in conjunction with the sale of tangible consumer goods or commodities.

(4) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(5) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in
service in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(6) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(7) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the Personal Property Tax Replacement Income Tax for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation and, (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (7), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(8) Unless the investment credit is extended by law, the basis of qualified property shall not include costs incurred after December 31, 2008, except for costs incurred pursuant to a binding contract entered into on or before December 31, 2008.

(9) Each taxable year ending before December 31, 2000, a partnership may elect to pass through to its partners the credits to which the partnership is entitled under this subsection (e) for the taxable year. A partner may use the credit allocated to him or her under this paragraph only against the tax imposed in subsections (c) and (d) of this Section. If the partnership makes that election, those credits shall be allocated among the partners in the partnership in accordance with the rules set forth in Section 704(b) of the Internal Revenue Code, and the rules promulgated under that Section, and the allocated amount of the credits shall be allowed to
the partners for that taxable year. The partnership shall make this election on its Personal Property Tax Replacement Income Tax return for that taxable year. The election to pass through the credits shall be irrevocable.

For taxable years ending on or after December 31, 2000, a partner that qualifies its partnership for a subtraction under subparagraph (I) of paragraph (2) of subsection (d) of Section 203 or a shareholder that qualifies a Subchapter S corporation for a subtraction under subparagraph (S) of paragraph (2) of subsection (b) of Section 203 shall be allowed a credit under this subsection (e) equal to its share of the credit earned under this subsection (e) during the taxable year by the partnership or Subchapter S corporation, determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. This paragraph is exempt from the provisions of Section 250.

(f) Investment credit; Enterprise Zone; River Edge Redevelopment Zone.

(1) A taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service in an Enterprise Zone created pursuant to the Illinois Enterprise Zone Act or, for property placed in service on or after July 1, 2006, a River Edge Redevelopment Zone established pursuant to the River Edge Redevelopment Zone Act. For partners, shareholders of Subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (f) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. The credit shall be .5% of the basis for such property. The credit shall be available only in the taxable year in which the property is placed in service in the Enterprise Zone or River Edge
Redevelopment Zone and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1985, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

(2) The term qualified property means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (f);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;

(D) is used in the Enterprise Zone or River Edge Redevelopment Zone by the taxpayer; and

(E) has not been previously used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (f) or subsection (e).

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in the Enterprise Zone or River Edge Redevelopment Zone

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by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside the Enterprise Zone or River Edge Redevelopment Zone within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(7) There shall be allowed an additional credit equal to 0.5% of the basis of qualified property placed in service during the taxable year in a River Edge Redevelopment Zone, provided such property is placed in service on or after July 1, 2006, and the taxpayer's base employment within Illinois has increased by 1% or more over the preceding year as determined by the taxpayer's employment records filed with the Illinois Department of Employment Security. Taxpayers who are new to Illinois shall be deemed to have met the 1% growth in base employment for the first year in which they file employment records with the Illinois Department of Employment Security. If, in any year, the increase in base employment within Illinois over the preceding year is less than 1%, the additional credit shall be limited to that percentage.
times a fraction, the numerator of which is 0.5% and the denominator of which is 1%, but shall not exceed 0.5%.

(g) Jobs Tax Credit; Enterprise Zone, River Edge Redevelopment Zone, and Foreign Trade Zone or Sub-Zone.

(1) A taxpayer conducting a trade or business in an enterprise zone or a High Impact Business designated by the Department of Commerce and Economic Opportunity or for taxable years ending on or after December 31, 2006, in a River Edge Redevelopment Zone conducting a trade or business in a federally designated Foreign Trade Zone or Sub-Zone shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section in the amount of $500 per eligible employee hired to work in the zone during the taxable year.

(2) To qualify for the credit:

(A) the taxpayer must hire 5 or more eligible employees to work in an enterprise zone, River Edge Redevelopment Zone, or federally designated Foreign Trade Zone or Sub-Zone during the taxable year;

(B) the taxpayer's total employment within the enterprise zone, River Edge Redevelopment Zone, or federally designated Foreign Trade Zone or Sub-Zone must increase by 5 or more full-time employees beyond the total employed in that zone at the end of the previous tax year for which a jobs tax credit under this Section was taken, or beyond the total employed by the taxpayer as of December 31, 1985, whichever is later; and

(C) the eligible employees must be employed 180 consecutive days in order to be deemed hired for purposes of this subsection.

(3) An "eligible employee" means an employee who is:

(A) Certified by the Department of Commerce and Economic Opportunity as "eligible for services" pursuant to regulations promulgated in accordance with Title II of the Job Training Partnership Act, Training Services for the
Disadvantaged or Title III of the Job Training Partnership Act, Employment and Training Assistance for Dislocated Workers Program.

(B) Hired after the enterprise zone, River Edge Redevelopment Zone, or federally designated Foreign Trade Zone or Sub-Zone was designated or the trade or business was located in that zone, whichever is later.

(C) Employed in the enterprise zone, River Edge Redevelopment Zone, or Foreign Trade Zone or Sub-Zone. An employee is employed in an enterprise zone or federally designated Foreign Trade Zone or Sub-Zone if his services are rendered there or it is the base of operations for the services performed.

(D) A full-time employee working 30 or more hours per week.

(4) For tax years ending on or after December 31, 1985 and prior to December 31, 1988, the credit shall be allowed for the tax year in which the eligible employees are hired. For tax years ending on or after December 31, 1988, the credit shall be allowed for the tax year immediately following the tax year in which the eligible employees are hired. If the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

(5) The Department of Revenue shall promulgate such rules and regulations as may be deemed necessary to carry out the purposes of this subsection (g).

(6) The credit shall be available for eligible employees hired on or after January 1, 1986.

(h) Investment credit; High Impact Business.

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(1) Subject to subsections (b) and (b-5) of Section 5.5 of the Illinois Enterprise Zone Act, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service by a Department of Commerce and Economic Opportunity designated High Impact Business. The credit shall be .5% of the basis for such property. The credit shall not be available (i) until the minimum investments in qualified property set forth in subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act have been satisfied or (ii) until the time authorized in subsection (b-5) of the Illinois Enterprise Zone Act for entities designated as High Impact Businesses under subdivisions (a)(3)(B), (a)(3)(C), and (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone Act, and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. The credit applicable to such investments shall be taken in the taxable year in which such investments have been completed. The credit for additional investments beyond the minimum investment by a designated high impact business authorized under subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act shall be available only in the taxable year in which the property is placed in service and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1987, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

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Changes made in this subdivision (h)(1) by Public Act 88-670 restore changes made by Public Act 85-1182 and reflect existing law.

(2) The term qualified property means property which:
   (A) is tangible, whether new or used, including buildings and structural components of buildings;
   (B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (h);
   (C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code; and
   (D) is not eligible for the Enterprise Zone Investment Credit provided by subsection (f) of this Section.

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year ending on or before December 31, 1996, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been
allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(7) Beginning with tax years ending after December 31, 1996, if a taxpayer qualifies for the credit under this subsection (h) and thereby is granted a tax abatement and the taxpayer relocates its entire facility in violation of the explicit terms and length of the contract under Section 18-183 of the Property Tax Code, the tax imposed under subsections (a) and (b) of this Section shall be increased for the taxable year in which the taxpayer relocated its facility by an amount equal to the amount of credit received by the taxpayer under this subsection (h).

(i) Credit for Personal Property Tax Replacement Income Tax. For tax years ending prior to December 31, 2003, a credit shall be allowed against the tax imposed by subsections (a) and (b) of this Section for the tax imposed by subsections (c) and (d) of this Section. This credit shall be computed by multiplying the tax imposed by subsections (c) and (d) of this Section by a fraction, the numerator of which is base income allocable to Illinois and the denominator of which is Illinois base income, and further multiplying the product by the tax rate imposed by subsections (a) and (b) of this Section.

Any credit earned on or after December 31, 1986 under this subsection which is unused in the year the credit is computed because it exceeds the tax liability imposed by subsections (a) and (b) for that year (whether it exceeds the original liability or the liability as later amended) may be carried forward and applied to the tax liability imposed by subsections (a) and (b) of the 5 taxable years following the excess credit year, provided that no credit may be carried forward to any year ending on or after December 31, 2003. This credit shall be applied first to the earliest
If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first.

If, during any taxable year ending on or after December 31, 1986, the tax imposed by subsections (c) and (d) of this Section for which a taxpayer has claimed a credit under this subsection (i) is reduced, the amount of credit for such tax shall also be reduced. Such reduction shall be determined by recomputing the credit to take into account the reduced tax imposed by subsections (c) and (d). If any portion of the reduced amount of credit has been carried to a different taxable year, an amended return shall be filed for such taxable year to reduce the amount of credit claimed.

(j) Training expense credit. Beginning with tax years ending on or after December 31, 1986 and prior to December 31, 2003, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) under this Section for all amounts paid or accrued, on behalf of all persons employed by the taxpayer in Illinois or Illinois residents employed outside of Illinois by a taxpayer, for educational or vocational training in semi-technical or technical fields or semi-skilled or skilled fields, which were deducted from gross income in the computation of taxable income. The credit against the tax imposed by subsections (a) and (b) shall be 1.6% of such training expenses. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (j) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

Any credit allowed under this subsection which is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first computed until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under
this subsection shall be applied first. No carryforward credit may be claimed in any tax year ending on or after December 31, 2003.

(k) Research and development credit.

For tax years ending after July 1, 1990 and prior to December 31, 2003, and beginning again for tax years ending on or after December 31, 2004, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for increasing research activities in this State. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 6 1/2% of the qualifying expenditures for increasing research activities in this State. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

For purposes of this subsection, "qualifying expenditures" means the qualifying expenditures as defined for the federal credit for increasing research activities which would be allowable under Section 41 of the Internal Revenue Code and which are conducted in this State, "qualifying expenditures for increasing research activities in this State" means the excess of qualifying expenditures for the taxable year in which incurred over qualifying expenditures for the base period, "qualifying expenditures for the base period" means the average of the qualifying expenditures for each year in the base period, and "base period" means the 3 taxable years immediately preceding the taxable year for which the determination is being made.

Any credit in excess of the tax liability for the taxable year may be carried forward. A taxpayer may elect to have the unused credit shown on its final completed return carried over as a credit against the tax liability for the following 5 taxable years or until it has been fully used, whichever occurs first; provided that no credit earned in a tax year ending prior to December 31, 2003 may be carried forward to any year ending on or after December 31, 2003.
If an unused credit is carried forward to a given year from 2 or more earlier years, that credit arising in the earliest year will be applied first against the tax liability for the given year. If a tax liability for the given year still remains, the credit from the next earliest year will then be applied, and so on, until all credits have been used or no tax liability for the given year remains. Any remaining unused credit or credits then will be carried forward to the next following year in which a tax liability is incurred, except that no credit can be carried forward to a year which is more than 5 years after the year in which the expense for which the credit is given was incurred.

No inference shall be drawn from this amendatory Act of the 91st General Assembly in construing this Section for taxable years beginning before January 1, 1999.

(l) Environmental Remediation Tax Credit.

   (i) For tax years ending after December 31, 1997 and on or before December 31, 2001, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for certain amounts paid for unreimbursed eligible remediation costs, as specified in this subsection. For purposes of this Section, "unreimbursed eligible remediation costs" means costs approved by the Illinois Environmental Protection Agency ("Agency") under Section 58.14 of the Environmental Protection Act that were paid in performing environmental remediation at a site for which a No Further Remediation Letter was issued by the Agency and recorded under Section 58.10 of the Environmental Protection Act. The credit must be claimed for the taxable year in which Agency approval of the eligible remediation costs is granted. The credit is not available to any taxpayer if the taxpayer or any related party caused or contributed to, in any material respect, a release of regulated substances on, in, or under the site that was identified and addressed by the remedial action pursuant to the Site Remediation Program of the Environmental Protection Act. After the Pollution Control Board rules are adopted pursuant to the Illinois Administrative Procedure Act for the administration and

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enforcement of Section 58.9 of the Environmental Protection Act, determinations as to credit availability for purposes of this Section shall be made consistent with those rules. For purposes of this Section, "taxpayer" includes a person whose tax attributes the taxpayer has succeeded to under Section 381 of the Internal Revenue Code and "related party" includes the persons disallowed a deduction for losses by paragraphs (b), (c), and (f)(1) of Section 267 of the Internal Revenue Code by virtue of being a related taxpayer, as well as any of its partners. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 25% of the unreimbursed eligible remediation costs in excess of $100,000 per site, except that the $100,000 threshold shall not apply to any site contained in an enterprise zone as determined by the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity). The total credit allowed shall not exceed $40,000 per year with a maximum total of $150,000 per site. For partners and shareholders of subchapter S corporations, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

(ii) A credit allowed under this subsection that is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first earned until it is used. The term "unused credit" does not include any amounts of unreimbursed eligible remediation costs in excess of the maximum credit per site authorized under paragraph (i). This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability, the earliest credit arising under this subsection shall be applied first. A credit allowed under this subsection may be sold to a buyer as part of a sale of all or part of the remediation site for which the credit was granted.
The purchaser of a remediation site and the tax credit shall succeed to the unused credit and remaining carry-forward period of the seller. To perfect the transfer, the assignor shall record the transfer in the chain of title for the site and provide written notice to the Director of the Illinois Department of Revenue of the assignor's intent to sell the remediation site and the amount of the tax credit to be transferred as a portion of the sale. In no event may a credit be transferred to any taxpayer if the taxpayer or a related party would not be eligible under the provisions of subsection (i).

(iii) For purposes of this Section, the term "site" shall have the same meaning as under Section 58.2 of the Environmental Protection Act.

(m) Education expense credit. Beginning with tax years ending after December 31, 1999, a taxpayer who is the custodian of one or more qualifying pupils shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for qualified education expenses incurred on behalf of the qualifying pupils. The credit shall be equal to 25% of qualified education expenses, but in no event may the total credit under this subsection claimed by a family that is the custodian of qualifying pupils exceed $500. In no event shall a credit under this subsection reduce the taxpayer's liability under this Act to less than zero. This subsection is exempt from the provisions of Section 250 of this Act.

For purposes of this subsection:
"Qualifying pupils" means individuals who (i) are residents of the State of Illinois, (ii) are under the age of 21 at the close of the school year for which a credit is sought, and (iii) during the school year for which a credit is sought were full-time pupils enrolled in a kindergarten through twelfth grade education program at any school, as defined in this subsection.

"Qualified education expense" means the amount incurred on behalf of a qualifying pupil in excess of $250 for tuition, book fees, and lab fees at the school in which the pupil is enrolled during the regular school year.
"School" means any public or nonpublic elementary or secondary school in Illinois that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of the School Code, except that nothing shall be construed to require a child to attend any particular public or nonpublic school to qualify for the credit under this Section.

"Custodian" means, with respect to qualifying pupils, an Illinois resident who is a parent, the parents, a legal guardian, or the legal guardians of the qualifying pupils.

(n) River Edge Redevelopment Zone site remediation tax credit.

(i) For tax years ending on or after December 31, 2006, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for certain amounts paid for unreimbursed eligible remediation costs, as specified in this subsection. For purposes of this Section, "unreimbursed eligible remediation costs" means costs approved by the Illinois Environmental Protection Agency ("Agency") under Section 58.14a of the Environmental Protection Act that were paid in performing environmental remediation at a site within a River Edge Redevelopment Zone for which a No Further Remediation Letter was issued by the Agency and recorded under Section 58.10 of the Environmental Protection Act. The credit must be claimed for the taxable year in which Agency approval of the eligible remediation costs is granted. The credit is not available to any taxpayer if the taxpayer or any related party caused or contributed to, in any material respect, a release of regulated substances on, in, or under the site that was identified and addressed by the remedial action pursuant to the Site Remediation Program of the Environmental Protection Act. Determinations as to credit availability for purposes of this Section shall be made consistent with rules adopted by the Pollution Control Board pursuant to the Illinois Administrative Procedure Act for the administration and enforcement of Section 58.9 of the Environmental Protection Act. For purposes of this Section, "taxpayer" includes a person whose

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tax attributes the taxpayer has succeeded to under Section 381 of the Internal Revenue Code and "related party" includes the persons disallowed a deduction for losses by paragraphs (b), (c), and (f)(1) of Section 267 of the Internal Revenue Code by virtue of being a related taxpayer, as well as any of its partners. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 25% of the unreimbursed eligible remediation costs in excess of $100,000 per site.

(ii) A credit allowed under this subsection that is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first earned until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability, the earliest credit arising under this subsection shall be applied first. A credit allowed under this subsection may be sold to a buyer as part of a sale of all or part of the remediation site for which the credit was granted. The purchaser of a remediation site and the tax credit shall succeed to the unused credit and remaining carry-forward period of the seller. To perfect the transfer, the assignor shall record the transfer in the chain of title for the site and provide written notice to the Director of the Illinois Department of Revenue of the assignor's intent to sell the remediation site and the amount of the tax credit to be transferred as a portion of the sale. In no event may a credit be transferred to any taxpayer if the taxpayer or a related party would not be eligible under the provisions of subsection (i).

(iii) For purposes of this Section, the term "site" shall have the same meaning as under Section 58.2 of the Environmental Protection Act.

(iv) This subsection is exempt from the provisions of Section 250.

(Source: P.A. 93-29, eff. 6-20-03; 93-840, eff. 7-30-04; 93-871, eff. 8-6-04; 94-1021, eff. 7-12-06.)

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Section 10. The Environmental Protection Act is amended by changing Section 25d-3 and 58.2 and 58.14 and by adding Section 58.14a as follows:

(415 ILCS 5/25d-3)
Sec. 25d-3. Notices.
(a) Beginning January 1, 2006, if the Agency determines that:
   (1) Soil contamination beyond the boundary of the site where the release occurred poses a threat of exposure to the public above the appropriate Tier 1 remediation objectives, based on the current use of the off-site property, adopted by the Board under Title XVII of this Act, the Agency shall give notice of the threat to the owner of the contaminated property; or
   (2) Groundwater contamination poses a threat of exposure to the public above the Class I groundwater quality standards adopted by the Board under this Act and the Groundwater Protection Act, the Agency shall give notice of the threat to the following:
      (A) for any private, semi-private, or non-community water system, the owners of the properties served by the system; and
      (B) for any community water system, the owners and operators of the system.

The Agency's determination must be based on the credible, scientific information available to it, and the Agency is not required to perform additional investigations or studies beyond those required by applicable federal or State laws.

(b) Beginning January 1, 2006, if any of the following actions occur: (i) the Agency refers a matter for enforcement under Section 43(a) of this Act; (ii) the Agency issues a seal order under Section 34(a) of this Act; or (iii) the Agency, the United States Environmental Protection Agency (USEPA), or a third party under Agency or USEPA oversight performs an immediate removal under the federal Comprehensive Environmental Response, Compensation, and Liability Act, as amended, then, within 60 days after the action, the Agency must give notice of the

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action to the owners of all property within 2,500 feet of the subject contamination or any closer or farther distance that the Agency deems appropriate under the circumstances. Within 30 days after a request by the Agency, the appropriate officials of the county in which the property is located must provide to the Agency the names and addresses of all property owners to whom the Agency is required to give notice under this subsection (b), these owners being the persons or entities that appear from the authentic tax records of the county.

(c) The methods by which the Agency gives the notices required under this Section shall be determined in consultation with members of the public and appropriate members of the regulated community and may include, but shall not be limited to, personal notification, public meetings, signs, electronic notification, and print media. For sites at which a responsible party has implemented a community relations plan, the Agency may allow the responsible party to provide Agency-approved notices in lieu of the notices required to be given by the Agency. Notices issued under this Section may contain the following information:

(1) the name and address of the site or facility where the release occurred or is suspected to have occurred;
(2) the identification of the contaminant released or suspected to have been released;
(3) information as to whether the contaminant was released or suspected to have been released into the air, land, or water;
(4) a brief description of the potential adverse health effects posed by the contaminant;
(5) a recommendation that water systems with wells impacted or potentially impacted by the contaminant be appropriately tested; and
(6) the name, business address, and phone number of persons at the Agency from whom additional information about the release or suspected release can be obtained.

(d) Any person who is a responsible party with respect to the release or substantial threat of release for which notice is given under this Section is liable for all reasonable costs incurred by the State in giving the
notice. All moneys received by the State under this subsection (d) for costs related to releases and substantial threats of releases of hazardous substances, pesticides, and petroleum other than releases and substantial threats of releases of petroleum from underground storage tanks subject to Title XVI of this Act must be deposited in and used for purposes consistent with the Hazardous Waste Fund. All moneys received by the State under this subsection (d) for costs related to releases and substantial threats of releases of petroleum from underground storage tanks subject to Title XVI of this Act must be deposited in and used for purposes consistent with the Underground Storage Tank Fund.

(Source: P.A. 94-314, eff. 7-25-05.)

(415 ILCS 5/58.2)

Sec. 58.2. Definitions. The following words and phrases when used in this Title shall have the meanings given to them in this Section unless the context clearly indicates otherwise:

"Agrichemical facility" means a site on which agricultural pesticides are stored or handled, or both, in preparation for end use, or distributed. The term does not include basic manufacturing facility sites.

"ASTM" means the American Society for Testing and Materials.

"Area background" means concentrations of regulated substances that are consistently present in the environment in the vicinity of a site that are the result of natural conditions or human activities, and not the result solely of releases at the site.

"Brownfields site" or "brownfields" means a parcel of real property, or a portion of the parcel, that has actual or perceived contamination and an active potential for redevelopment.

"Class I groundwater" means groundwater that meets the Class I Potable Resource groundwater criteria set forth in the Board rules adopted under the Illinois Groundwater Protection Act.

"Class III groundwater" means groundwater that meets the Class III Special Resource Groundwater criteria set forth in the Board rules adopted under the Illinois Groundwater Protection Act.

"Carcinogen" means a contaminant that is classified as a Category A1 or A2 Carcinogen by the American Conference of Governmental
Industrial Hygienists; or a Category 1 or 2A/2B Carcinogen by the World Health Organizations International Agency for Research on Cancer; or a "Human Carcinogen" or "Anticipated Human Carcinogen" by the United States Department of Health and Human Service National Toxicological Program; or a Category A or B1/B2 Carcinogen by the United States Environmental Protection Agency in Integrated Risk Information System or a Final Rule issued in a Federal Register notice by the USEPA as of the effective date of this amendatory Act of 1995.

"Licensed Professional Engineer" (LPE) means a person, corporation, or partnership licensed under the laws of this State to practice professional engineering.

"Licensed Professional Geologist" means a person licensed under the laws of the State of Illinois to practice as a professional geologist.

"RELPEG" means a Licensed Professional Engineer or a Licensed Professional Geologist engaged in review and evaluation under this Title.

"Man-made pathway" means constructed routes that may allow for the transport of regulated substances including, but not limited to, sewers, utility lines, utility vaults, building foundations, basements, crawl spaces, drainage ditches, or previously excavated and filled areas.

"Municipality" means an incorporated city, village, or town in this State. "Municipality" does not mean a township, town when that term is used as the equivalent of a township, incorporated town that has superseded a civil township, county, or school district, park district, sanitary district, or similar governmental district.

"Natural pathway" means natural routes for the transport of regulated substances including, but not limited to, soil, groundwater, sand seams and lenses, and gravel seams and lenses.

"Person" means individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body including the United States Government and each department, agency, and instrumentality of the United States.
"Regulated substance" means any hazardous substance as defined under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510) and petroleum products including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

"Remedial action" means activities associated with compliance with the provisions of Sections 58.6 and 58.7.

"Remediation Applicant" (RA) means any person seeking to perform or performing investigative or remedial activities under this Title, including the owner or operator of the site or persons authorized by law or consent to act on behalf of or in lieu of the owner or operator of the site.

"Remediation costs" means reasonable costs paid for investigating and remediating regulated substances of concern consistent with the remedy selected for a site.

For purposes of Section 58.14, "remediation costs" shall not include costs incurred prior to January 1, 1998, costs incurred after the issuance of a No Further Remediation Letter under Section 58.10 of this Act, or costs incurred more than 12 months prior to acceptance into the Site Remediation Program.

For the purpose of Section 58.14a, "remediation costs" do not include any costs incurred before January 1, 2007, any costs incurred after the issuance of a No Further Remediation Letter under Section 58.10, or any costs incurred more than 12 months before acceptance into the Site Remediation Program.

"Residential property" means any real property that is used for habitation by individuals and other property uses defined by Board rules such as education, health care, child care and related uses.

"River Edge Redevelopment Zone" has the meaning set forth under the River Edge Redevelopment Zone Act.

"Site" means any single location, place, tract of land or parcel of property, or portion thereof, including contiguous property separated by a public right-of-way.
"Regulated substance of concern" means any contaminant that is expected to be present at the site based upon past and current land uses and associated releases that are known to the Remediation Applicant based upon reasonable inquiry.
(Source: P.A. 92-735, eff. 7-25-02.)
(415 ILCS 5/58.14)

Sec. 58.14. Environmental Remediation Tax Credit review.
(a) Prior to applying for the Environmental Remediation Tax Credit under Section 201 of the Illinois Income Tax Act, Remediation Applicants shall first submit to the Agency an application for review of remediation costs. The Agency shall review the application jointly with the Department of Commerce and Economic Opportunity. The application and review process shall be conducted in accordance with the requirements of this Section and the rules adopted under subsection (g). A preliminary review of the estimated remediation costs for development and implementation of the Remedial Action Plan may be obtained in accordance with subsection (d).

(b) No application for review shall be submitted until a No Further Remediation Letter has been issued by the Agency and recorded in the chain of title for the site in accordance with Section 58.10. The Agency shall review the application to determine whether the costs submitted are remediation costs, and whether the costs incurred are reasonable. The application shall be on forms prescribed and provided by the Agency. At a minimum, the application shall include the following:

(1) information identifying the Remediation Applicant and the site for which the tax credit is being sought and the date of acceptance of the site into the Site Remediation Program;

(2) a copy of the No Further Remediation Letter with official verification that the letter has been recorded in the chain of title for the site and a demonstration that the site for which the application is submitted is the same site as the one for which the No Further Remediation Letter is issued;

(3) a demonstration that the release of the regulated substances of concern for which the No Further Remediation Letter
was issued were not caused or contributed to in any material respect by the Remediation Applicant. After the Pollution Control Board rules are adopted pursuant to the Illinois Administrative Procedure Act for the administration and enforcement of Section 58.9 of the Environmental Protection Act, determinations as to credit availability shall be made consistent with those rules;

(4) an itemization and documentation, including receipts, of the remediation costs incurred;

(5) a demonstration that the costs incurred are remediation costs as defined in this Act and its rules;

(6) a demonstration that the costs submitted for review were incurred by the Remediation Applicant who received the No Further Remediation Letter;

(7) an application fee in the amount set forth in subsection (e) for each site for which review of remediation costs is requested and, if applicable, certification from the Department of Commerce and Economic Opportunity that the site is located in an enterprise zone;

(8) any other information deemed appropriate by the Agency.

(c) Within 60 days after receipt by the Agency of an application meeting the requirements of subsection (b), the Agency shall issue a letter to the applicant approving, disapproving, or modifying the remediation costs submitted in the application. If the remediation costs are approved as submitted, the Agency's letter shall state the amount of the remediation costs to be applied toward the Environmental Remediation Tax Credit. If an application is disapproved or approved with modification of remediation costs, the Agency's letter shall set forth the reasons for the disapproval or modification and state the amount of the remediation costs, if any, to be applied toward the Environmental Remediation Tax Credit.

If a preliminary review of a budget plan has been obtained under subsection (d), the Remediation Applicant may submit, with the application and supporting documentation under subsection (b), a copy of the Agency's final determination accompanied by a certification that the

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actual remediation costs incurred for the development and implementation of the Remedial Action Plan are equal to or less than the costs approved in the Agency's final determination on the budget plan. The certification shall be signed by the Remediation Applicant and notarized. Based on that submission, the Agency shall not be required to conduct further review of the costs incurred for development and implementation of the Remedial Action Plan and may approve costs as submitted.

Within 35 days after receipt of an Agency letter disapproving or modifying an application for approval of remediation costs, the Remediation Applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of this Act.

(d) (1) A Remediation Applicant may obtain a preliminary review of estimated remediation costs for the development and implementation of the Remedial Action Plan by submitting a budget plan along with the Remedial Action Plan. The budget plan shall be set forth on forms prescribed and provided by the Agency and shall include but shall not be limited to line item estimates of the costs associated with each line item (such as personnel, equipment, and materials) that the Remediation Applicant anticipates will be incurred for the development and implementation of the Remedial Action Plan. The Agency shall review the budget plan along with the Remedial Action Plan to determine whether the estimated costs submitted are remediation costs and whether the costs estimated for the activities are reasonable.

(2) If the Remedial Action Plan is amended by the Remediation Applicant or as a result of Agency action, the corresponding budget plan shall be revised accordingly and resubmitted for Agency review.

(3) The budget plan shall be accompanied by the applicable fee as set forth in subsection (e).

(4) Submittal of a budget plan shall be deemed an automatic 60-day waiver of the Remedial Action Plan review deadlines set forth in this Section and its rules.

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(5) Within the applicable period of review, the Agency shall issue a letter to the Remediation Applicant approving, disapproving, or modifying the estimated remediation costs submitted in the budget plan. If a budget plan is disapproved or approved with modification of estimated remediation costs, the Agency's letter shall set forth the reasons for the disapproval or modification.

(6) Within 35 days after receipt of an Agency letter disapproving or modifying a budget plan, the Remediation Applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of this Act.

(e) The fees for reviews conducted under this Section are in addition to any other fees or payments for Agency services rendered pursuant to the Site Remediation Program and shall be as follows:

(1) The fee for an application for review of remediation costs shall be $1,000 for each site reviewed.

(2) The fee for the review of the budget plan submitted under subsection (d) shall be $500 for each site reviewed.

(3) In the case of a Remediation Applicant submitting for review total remediation costs of $100,000 or less for a site located in an enterprise zone or a River Edge Redevelopment Zone (as set forth in paragraph (i) of subsection (l) of Section 201 of the Illinois Income Tax Act), the fee for an application for review of remediation costs shall be $250 for each site reviewed. For those sites, there shall be no fee for review of a budget plan under subsection (d).

The application fee shall be made payable to the State of Illinois, for deposit into the Hazardous Waste Fund.

Pursuant to appropriation, the Agency shall use the fees collected under this subsection for development and administration of the review program.
(f) The Agency shall have the authority to enter into any contracts or agreements that may be necessary to carry out its duties and responsibilities under this Section.

(g) Within 6 months after July 21, 1997, the Agency shall propose rules prescribing procedures and standards for its administration of this Section. Within 6 months after receipt of the Agency's proposed rules, the Board shall adopt on second notice, pursuant to Sections 27 and 28 of this Act and the Illinois Administrative Procedure Act, rules that are consistent with this Section. Prior to the effective date of rules adopted under this Section, the Agency may conduct reviews of applications under this Section and the Agency is further authorized to distribute guidance documents on costs that are eligible or ineligible as remediation costs.

(Source: P.A. 94-793, eff. 5-19-06; 94-1021, eff. 7-12-06.)

(415 ILCS 5/58.14a new)

Sec. 58.14a. River Edge Redevelopment Zone Site Remediation Tax Credit Review.

(a) Prior to applying for the River Edge Redevelopment Zone site remediation tax credit under subsection (n) of Section 201 of the Illinois Income Tax Act, a Remediation Applicant must first submit to the Agency an application for review of remediation costs. The Agency shall review the application in consultation with the Department of Commerce and Economic Opportunity. The application and review process must be conducted in accordance with the requirements of this Section and the rules adopted under subsection (g). A preliminary review of the estimated remediation costs for development and implementation of the Remedial Action Plan may be obtained in accordance with subsection (d).

(b) No application for review may be submitted until a No Further Remediation Letter has been issued by the Agency and recorded in the chain of title for the site in accordance with Section 58.10. The Agency shall review the application to determine whether the costs submitted are remediation costs and whether the costs incurred are reasonable. The application must be on forms prescribed and provided by the Agency. At a minimum, the application must include the following:

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(1) information identifying the Remediation Applicant, the site for which the tax credit is being sought, and the date of acceptance of the site into the Site Remediation Program;

(2) a copy of the No Further Remediation Letter with official verification that the letter has been recorded in the chain of title for the site and a demonstration that the site for which the application is submitted is the same site as the one for which the No Further Remediation Letter is issued;

(3) a demonstration that the release of the regulated substances of concern for which the No Further Remediation Letter was issued were not caused or contributed to in any material respect by the Remediation Applicant. Determinations as to credit availability shall be made consistent with the Pollution Control Board rules for the administration and enforcement of Section 58.9 of this Act;

(4) an itemization and documentation, including receipts, of the remediation costs incurred;

(5) a demonstration that the costs incurred are remediation costs as defined in this Act and its rules;

(6) a demonstration that the costs submitted for review were incurred by the Remediation Applicant who received the No Further Remediation Letter;

(7) an application fee in the amount set forth in subsection (e) for each site for which review of remediation costs is requested and, if applicable, certification from the Department of Commerce and Economic Opportunity that the site is located in a River Edge Redevelopment Zone; and

(8) any other information deemed appropriate by the Agency.

(c) Within 60 days after receipt by the Agency of an application meeting the requirements of subsection (b), the Agency shall issue a letter to the applicant approving, disapproving, or modifying the remediation costs submitted in the application. If the remediation costs are approved as submitted, then the Agency's letter must state the amount of the

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remediation costs to be applied toward the River Edge Redevelopment Zone site remediation tax credit. If an application is disapproved or approved with modification of remediation costs, then the Agency's letter must set forth the reasons for the disapproval or modification and must state the amount of the remediation costs, if any, to be applied toward the River Edge Redevelopment Zone site remediation tax credit.

If a preliminary review of a budget plan has been obtained under subsection (d), then the Remediation Applicant may submit, with the application and supporting documentation under subsection (b), a copy of the Agency's final determination accompanied by a certification that the actual remediation costs incurred for the development and implementation of the Remedial Action Plan are equal to or less than the costs approved in the Agency's final determination on the budget plan. The certification must be signed by the Remediation Applicant and notarized. Based on that submission, the Agency is not required to conduct further review of the costs incurred for development and implementation of the Remedial Action Plan, and it may approve the costs as submitted. Within 35 days after the receipt of an Agency letter disapproving or modifying an application for approval of remediation costs, the Remediation Applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits under Section 40 of this Act.

(d) A Remediation Applicant may obtain a preliminary review of estimated remediation costs for the development and implementation of the Remedial Action Plan by submitting a budget plan along with the Remedial Action Plan. The budget plan must be set forth on forms prescribed and provided by the Agency and must include, without limitation, line-item estimates of the costs associated with each line item (such as personnel, equipment, and materials) that the Remediation Applicant anticipates will be incurred for the development and implementation of the Remedial Action Plan. The Agency shall review the budget plan along with the Remedial Action Plan to determine whether the estimated costs submitted are remediation costs and whether the costs estimated for the activities are reasonable.

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If the Remedial Action Plan is amended by the Remediation Applicant or as a result of Agency action, then the corresponding budget plan must be revised accordingly and resubmitted for Agency review.

The budget plan must be accompanied by the applicable fee as set forth in subsection (e).

The submittal of a budget plan is deemed to be an automatic 60-day waiver of the Remedial Action Plan review deadlines set forth in this Section and its rules.

Within the applicable period of review, the Agency shall issue a letter to the Remediation Applicant approving, disapproving, or modifying the estimated remediation costs submitted in the budget plan. If a budget plan is disapproved or approved with modification of estimated remediation costs, then the Agency's letter must set forth the reasons for the disapproval or modification.

Within 35 days after receipt of an Agency letter disapproving or modifying a budget plan, the Remediation Applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits under Section 40 of this Act.

(e) Any fee for a review conducted under this Section is in addition to any other fees or payments for Agency services rendered under the Site Remediation Program. The fees under this Section are as follows:

(1) the fee for an application for review of remediation costs is $250 for each site reviewed; and

(2) there is no fee for the review of the budget plan submitted under subsection (d).

The application fee must be made payable to the State of Illinois, for deposit into the Hazardous Waste Fund. Pursuant to appropriation, the Agency shall use the fees collected under this subsection for development and administration of the review program.

(f) The Agency has the authority to enter into any contracts or agreements that may be necessary to carry out its duties and responsibilities under this Section.

(g) The Agency shall adopt rules prescribing procedures and standards for its administration of this Section. Prior to the effective date
of rules adopted under this Section, the Agency may conduct reviews of applications under this Section. The Agency may publish informal guidelines concerning this Section to provide guidance.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0455
(Senate Bill No. 1249)

AN ACT concerning employment benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Illinois Fringe Benefit Portability and Continuity Act.

Section 5. Public policy. It is the purpose of this Act that temporary or short-term employees employed by the State of Illinois and its political subdivisions or other public employers shall have continuity of health and welfare insurance, pension, and other fringe benefits for work performed for the State of Illinois, its political subdivisions, and other public employers, and that the State of Illinois and its political subdivisions and other public employers shall have the contractual authority to execute written agreements with employee benefit plans and labor organizations to ensure that temporary and short-term employees have continuity of health and welfare insurance, pension, and other fringe benefits for work performed for the State of Illinois and its political subdivisions or other public employers.

Section 10. Application. This Act applies to the State of Illinois and its political subdivisions and other public employers that employ temporary or short-term employees who are not covered by an employment contract or collective bargaining agreement but who are referred from labor organizations and are receiving a fringe benefit

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allowance directly and in the form of wages from the State of Illinois and its political subdivisions and other public employers.

Section 15. Definitions. As used in this Act, unless the context otherwise requires:

"Employee benefit plan" shall mean an employee benefit plan as defined under the Employee Retirement Income Security Act, 29 U.S.C. 1001, et seq.

"Temporary or short-term employee" shall mean an employee who is not covered by a collective bargaining agreement or an employment contract.

"Written agreement" shall mean a participation agreement or other agreement prescribed by the employee benefit plan or labor organization but shall not be construed as a collective bargaining agreement, except as permitted under the Illinois Public Labor Relations Act.

Section 20. Fringe benefit portability and continuity.

(a) If the State of Illinois, its political subdivisions, or other public employers procure short-term or temporary employees from a labor organization, then the State of Illinois, its political subdivisions, or other public employers shall enter into written agreements with employee benefit plans and labor organizations providing that the State of Illinois, its political subdivisions, or other public employers shall make an employer contribution of the benefit allowance of the applicable wage package to the applicable employee benefit plans for the temporary or short-term employees who are referred from labor organizations, provided that:

(1) The employee benefit plans are employee pension benefit plans or employee welfare benefit plans under the Employee Retirement Income Security Act.

(2) The referred employee, as a condition of referral to the State of Illinois and its political subdivisions or other public employers as a temporary or short-term employee, has entered into an agreement or authorization with a labor organization to have the fringe benefit allowance of the applicable wage rate remitted directly to an employee benefit plan.

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(3) The fringe benefit allowance of the applicable wage package shall be an employer contribution and not an employee wage deduction.

(4) The State of Illinois and its political subdivisions and other public employers agree, in writing, to make contributions subject to the same rules and policies generally applicable to private employers who are making contributions to that employee benefit plan.

(b) The written agreement specified in subsection (a) shall not be construed as a collective bargaining agreement, contract for employment, or an agreement that otherwise guarantees the employment of the temporary or short-term employees used by the State of Illinois and its political subdivisions and other public employers. Nothing in this Act shall be construed to afford temporary or short-term employees any benefit or the right to participate in any retirement system of the State of Illinois, except as specifically provided by the provisions of the Illinois Labor Relations Act, except as specifically provided by the provisions of that Act.

Section 25. Construction of Act. This Act shall be liberally construed to effect the purposes of the Act. By virtue of this Act, the State of Illinois and its political subdivisions or other public employers shall not be considered to be maintaining or administering an employee benefit plan.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect upon becoming law.

AN ACT concerning public safety.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 1. Short title. This Act may be cited as the Mold
Remediation Registration Act.
Section 5. Findings. The General Assembly finds that:
(1) Excessive indoor dampness in buildings is a widespread
problem that warrants action at the local, State, and national levels.
(2) Because of the public's concern about the possible
public health effects of exposure to mold in buildings, as well as
the effects on workers performing remediation work, and the costs
of remediation for the property owner, there is a need to identify
parties performing mold remediation in the State.
(3) Because there is a need to reduce moisture that fosters
mold formation in buildings, the State should review current State
building codes to ensure that they do not foster mold.
(4) Parties providing mold remediation services in
residential, public, and commercial buildings in Illinois should be
required to register with the State and provide proof of financial
responsibility.
(5) Laboratories performing tests to confirm mold
contamination in buildings should be certified by the American
Industrial Hygiene Association using nationally recognized
accreditation standards set under the Environmental Microbiology
Laboratory Accreditation Program.
Section 10. Definitions. As used in this Act:
"Department" means the Department of Public Health.
"Mold remediation" means the removal, cleaning, sanitizing,
demolition, or other treatment, including preventive activities, of mold or
mold-containment matter in buildings.

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"Preventative activities" include those intended to prevent future mold contamination of a remediated area, including applying biocides or anti-microbial compounds.

Section 15. Reporting requirement. The Department must report to the Environment and Energy Committees of the House of Representatives and the Senate, on an annual basis, concerning the implementation of any federal regulations that establish:

(1) scientific evidence concerning any health effects associated with fungi, bacteria, and their byproducts in indoor environments including any indoor air quality standard; and

(2) standards for the training, certification, and licensing of parties providing mold remediation services in residential, public, and commercial buildings.

Section 20. Rules. The Department may adopt rules, under the Illinois Administrative Procedure Act, to implement a program establishing procedures for parties that provide mold remediation services to register with the State and provide evidence of financial responsibility.

Section 25. Exemptions. The provisions of this Act shall not apply to (i) home builders and remodelers performing work on any residential structure, consisting of 4 or fewer residential units, under the period and terms of the written warranty of that residential structure or (ii) persons licensed in accordance with the Structural Pest Control Act.

Section 99. Effective date. This Act takes effect January 1, 2008.
Effective January 1, 2008.

PUBLIC ACT 95-0457
(Senate Bill No. 1304)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

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Section 5. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by changing Section 405-110 as follows:

(20 ILCS 405/405-110) (was 20 ILCS 405/64.2)
Sec. 405-110. Federal tax-exempt benefits in lieu of salary or wages; flexible spending.

(a) The Department may, at the Director's discretion, establish and implement or approve plans whereby State employees and officers, including those of State universities and colleges, may enter into agreements with their employer to elect to receive, in lieu of salary or wages, benefits that are not taxable under the federal Internal Revenue Code. These agreements may include the acceptance of a reduction in earnings or the foregoing of an increase in earnings by an employee and the employer's payment of those amounts as employer contributions for benefits that the employee selects from a list of employee benefits offered by the employer.

(b) Prior to the establishment of such a plan under subsection (a), the Director shall seek the advice of interested State agencies regarding the content and implementation of the plan.

(c) Selection of plan offerings under subsection (a) shall not be subject to the Illinois Purchasing Act.

(d) Benefits selected by employees in plans under subsection (a) shall be included in gross income for determination of pension base.

(e) To the extent allowable under federal law and regulations, the Department of Central Management Services must allow employees of State colleges and universities to participate in the Department's flexible spending program. The flexible spending program includes the dependent care assistance plan and the medical care assistance plan.

(Source: P.A. 91-239, eff. 1-1-00.)
Effective January 1, 2008.

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PUBLIC ACT 95-0458
(Senate Bill No. 1349)

AN ACT concerning public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by changing Section 5-1.2 as follows:

(305 ILCS 5/5-1.2)
Sec. 5-1.2. Recipient eligibility verification.
(a) The Illinois Department shall initiate a statewide system by which providers and sites of medical care can electronically verify recipient eligibility for aid under this Article. High-volume providers and sites of medical care, as defined by the Illinois Department by rule, shall be required to participate in the eligibility verification system. Every non-high-volume provider and site of medical care shall be afforded the opportunity to participate in the eligibility verification system. The Illinois Department shall provide by rule for implementation of the system, which may be accomplished in phases over time and by geographic region, recipient classification, and provider type. The system shall initially be implemented in, but not limited to, the following zip codes in Cook County: 60601, 60602, 60603, 60604, 60605, 60606, 60607, 60608, 60609, 60612, and 60616. The system shall be implemented within 6 months after approval by the federal government. The Illinois Department shall report to the General Assembly by December 31, 1994 on the status of the Illinois Department's application to the federal government for approval of this system. The recipient eligibility verification system may be coordinated with the Electronic Benefits Transfer system established by Section 11-3.1 of this Code and compatible with any of the methods for the delivery of medical care and services authorized by this Article. The system shall make available to providers the history of claims for medical services submitted to the Illinois Department for those services provided to the recipient. The Illinois Department shall develop safeguards to protect

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each recipient's health information from misuse or unauthorized disclosure.

(b) The Illinois Department shall conduct a demonstration project in at least 2 geographic locations for the purpose of assessing the effectiveness of a recipient photo identification card in reducing abuses in the provision of services under this Article. In order to receive medical care, recipients included in this demonstration project must present a Medicaid card and photo identification card. The Illinois Department shall apply for any federal waivers or approvals necessary to conduct this demonstration project. The demonstration project shall become operational (i) 12 months after the effective date of this amendatory Act of 1994 or (ii) after the Illinois Department's receipt of all necessary federal waivers and approvals, whichever occurs later, and shall operate for 12 months.

(c) Effective October 1, 2007, all changes in status of Medicaid recipients residing in Illinois nursing facilities after initial eligibility for Medicaid has been established shall be reported to the Department, using an Internet-based electronic data interchange system, by the nursing facilities, except for those changes made by personnel of the Department. Changes reported using the Internet-based electronic data interchange system shall be deemed valid and shall be used as the basis for future Medicaid payments unless Department approval of the transaction is required, or until such time as any review or audit conducted by the State establishes that the information is incorrect.

(Source: P.A. 88-554, eff. 7-26-94.)

Section 99. Effective date. This Act takes effect upon becoming law.


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AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:

Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

1. If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

   (A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so
serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for

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interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by

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inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban

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Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste,

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hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused rail yards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the

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redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of

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buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper

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window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the

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development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

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(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village, incorporated town, or a township that is located in the unincorporated portion of a county with 3 million or more inhabitants, if the county adopted an ordinance that approved the township's redevelopment plan.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by

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(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the

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Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not
those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.
(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.
Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment
plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;

(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;

(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;

(D) the sources of funds to pay costs;

(E) the nature and term of the obligations to be issued;

(F) the most recent equalized assessed valuation of the redevelopment project area;

(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;

(H) a commitment to fair employment practices and an affirmative action plan;

(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and

(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-
74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

   (1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

   (2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

   (3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates: shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981; shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on May 20, 1985 by the Village of Wheeling; and shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in

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subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or

(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or

(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or

(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or

(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or

(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or

(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or

(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or

(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or

(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or

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(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or
(L) if the ordinance was adopted in September 1988 by Sauk Village, or
(M) if the ordinance was adopted in October 1993 by Sauk Village, or
(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
(O) if the ordinance was adopted in March 1991 by the City of Centreville, or
(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or
(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or
(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or
(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or
(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or
(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or
(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or
(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or
(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or
(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or
(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or

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(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or
(CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or
-DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or
(EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or
(FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or
(GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or
(HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or
(II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or
(JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or
(KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or
(LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or
(MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or
(NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or
(OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or
(PP) if the ordinance was adopted on December 23, 1991 by the City of Sullivan, or
(QQ) if the ordinance was adopted on December 31, 1986 by the City of Oglesby, or

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(RR) if the ordinance was adopted on July 28, 1987 by the City of Marion, or
(SS) if the ordinance was adopted on April 23, 1990 by the City of Marion, or
(TT) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect, or
(UU) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull, or
(VV) if the ordinance was adopted on April 20, 1993 by the Village of Princeville, or:
(WW) if the ordinance was adopted on July 1, 1986 by the City of Granite City, or:
(XX) if the ordinance was adopted on February 2, 1989 by the Village of Lombard, or
(YY) if the ordinance was adopted on December 29, 1986 by the Village of Gardner, or
(ZZ) if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw, or:
(AA) if the ordinance was adopted on November 17, 1986 by the Village of Franklin Park, or:
(BB) if the ordinance was adopted on November 20, 1989 by the Village of South Holland, or:
(CC) if the ordinance was adopted on December 16, 1986 by the City of Oak Forest.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension

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allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

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(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the

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residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is

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located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park.

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conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the
municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is

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required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

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(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced

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by those housing units that have received tax
increment finance assistance under this Act.

(B) For alternate method districts, flat grant
districts, and foundation districts with a district average
1995-96 Per Capita Tuition Charge equal to or more than
$5,900, excluding any school district with a population in
excess of 1,000,000, by multiplying the district's increase in
attendance resulting from the net increase in new students
enrolled in that school district who reside in housing units
within the redevelopment project area that have received
financial assistance through an agreement with the
municipality or because the municipality incurs the cost of
necessary infrastructure improvements within the
boundaries of the housing sites necessary for the
completion of that housing as authorized by this Act since
the designation of the redevelopment project area by the
most recently available per capita tuition cost as defined in
Section 10-20.12a of the School Code less any increase in
general state aid as defined in Section 18-8.05 of the School
Code attributable to these added new students subject to the
following annual limitations:

(i) for unit school districts, no more than
40% of the total amount of property tax increment
revenue produced by those housing units that have
received tax increment finance assistance under this
Act;

(ii) for elementary school districts, no more
than 27% of the total amount of property tax
increment revenue produced by those housing units
that have received tax increment finance assistance
under this Act; and

(iii) for secondary school districts, no more
than 13% of the total amount of property tax
increment revenue produced by those housing units

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that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

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(7.7) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after January 1, 2005 (the effective date of Public Act 93-961), a public library district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act shall be paid to the library district by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units. This paragraph (7.7) applies only if (i) the library district is located in a county that is subject to the Property Tax Extension Limitation Law or (ii) the library district is not located in a county that is subject to the Property Tax Extension Limitation Law but the district is prohibited by any other law from increasing its tax levy rate without a prior voter referendum.

The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by (ii) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may

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deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a library district under this paragraph (7.7) shall be no more than 2% of the amount produced by the assisted housing units and deposited into the Special Tax Allocation Fund.

A library district is not eligible for any payment under this paragraph (7.7) unless the library district has experienced an increase in the number of patrons from the municipality that created the tax-increment-financing district since the designation of the redevelopment project area.

Any library district seeking payment under this paragraph (7.7) shall, after July 1 and before September 30 of each year, provide the municipality with convincing evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the library district. If the library district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. Library districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.7). By acceptance of such reimbursement, the library district shall forfeit any right to directly or indirectly set aside, modify, or contest in any manner whatsoever the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance

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of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;
(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;
(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;
(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any

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property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-
income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and

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municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of
Section 11-74.4-8a the appropriate boundaries eligible for the
determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the
increase in the aggregate amount of taxes paid by retailers and servicemen,
other than retailers and servicemen subject to the Public Utilities Act, on
transactions at places of business located within a State Sales Tax
Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act,
the Service Use Tax Act, and the Service Occupation Tax Act, except such
portion of such increase that is paid into the State and Local Sales Tax
Reform Fund, the Local Government Distributive Fund, the Local
Government Tax Fund and the County and Mass Transit District Fund, for
as long as State participation exists, over and above the Initial Sales Tax
Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales
Tax Amounts for such taxes as certified by the Department of Revenue
and paid under those Acts by retailers and servicemen on transactions at
places of business located within the State Sales Tax Boundary during the
base year which shall be the calendar year immediately prior to the year in
which the municipality adopted tax increment allocation financing, less
3.0% of such amounts generated under the Retailers' Occupation Tax Act,
Use Tax Act and Service Use Tax Act and the Service Occupation Tax
Act, which sum shall be appropriated to the Department of Revenue to
cover its costs of administering and enforcing this Section. For purposes of
computing the aggregate amount of such taxes for base years occurring
prior to 1985, the Department of Revenue shall compute the Initial Sales
Tax Amount for such taxes and deduct therefrom an amount equal to 4%
of the aggregate amount of taxes per year for each year the base year is
prior to 1985, but not to exceed a total deduction of 12%. The amount so
determined shall be known as the "Adjusted Initial Sales Tax Amount".
For purposes of determining the State Sales Tax Increment the Department
of Revenue shall for each period subtract from the tax amounts received
from retailers and servicemen on transactions located in the State Sales
Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial
Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers'
Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the

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Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the
designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff. 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 7-19-05; 94-268, eff. 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff. 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810, eff. 5-26-06; 94-903, eff. 6-22-06; 94-1091, eff. 1-26-07; 94-1092, eff. 1-26-07; revised 1-30-07.)

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Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most
recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the

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specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the

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municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on May 20, 1985 by the Village of Wheeling, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act

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or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was

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adopted on November 11, 1986 by the City of Pekin, or (DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or (EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or (FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or (GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or (HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or (II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or (JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or (KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or (LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or (MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or (NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or (OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or (PP) if the ordinance was adopted on December 23, 1991 by the City of Sullivan, or (QQ) if the ordinance was adopted on December 31, 1986 by the City of Oglesby, or (RR) if the ordinance was adopted on July 28, 1987 by the City of Marion, or (SS) if the ordinance was adopted on April 23, 1990 by the City of Marion, or (TT) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect, or (UU) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull, or (VV) if the ordinance was adopted on April 20, 1993 by the Village of Princeville, or (WW) (VV) if the ordinance was adopted on July 1, 1986 by the City of Granite City, or (XX) (RR) if the ordinance was adopted on February 2, 1989 by the Village of Lombard, or (YY) (VV) if the ordinance was adopted on December 29, 1986 by the Village of Gardner, or (ZZ) (VV) if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw, or (AAA) (VV) if the ordinance was adopted on November 17, 1986 by the Village of Franklin Park, or (BBB) (VV) if the ordinance was adopted on November 20, 1989 by the Village of South Holland, or (CCC) if the ordinance was adopted on December 16, 1986 by the City of Oak Forest and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the

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area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff. 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810, eff. 5-26-06; 94-903, eff. 6-22-06; 94-1091, eff. 1-26-07; 94-1092, eff. 1-26-07; revised 1-30-07.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0460
(Senate Bill No. 1419)

AN ACT concerning safety.

New matter indicated by italics - deletions by strikeout
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Environmental Protection Act is amended by changing Section 10 as follows:

(415 ILCS 5/10) (from Ch. 111 1/2, par. 1010)
Sec. 10. Regulations.

(A) The Board, pursuant to procedures prescribed in Title VII of this Act, may adopt regulations to promote the purposes of this Title. Without limiting the generality of this authority, such regulations may among other things prescribe:

(a) Ambient air quality standards specifying the maximum permissible short-term and long-term concentrations of various contaminants in the atmosphere;

(b) Emission standards specifying the maximum amounts or concentrations of various contaminants that may be discharged into the atmosphere;

(c) Standards for the issuance of permits for construction, installation, or operation of any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution;

(d) Standards and conditions regarding the sale, offer, or use of any fuel, vehicle, or other article determined by the Board to constitute an air-pollution hazard;

(e) Alert and abatement standards relative to air-pollution episodes or emergencies constituting an acute danger to health or to the environment;

(f) Requirements and procedures for the inspection of any equipment, facility, vehicle, vessel, or aircraft that may cause or contribute to air pollution;

(g) Requirements and standards for equipment and procedures for monitoring contaminant discharges at their sources, the collection of samples and the collection, reporting and retention of data resulting from such monitoring.

New matter indicated by italics - deletions by strikeout
(B) The Board may adopt regulations and emission standards that are applicable or that may become applicable to stationary emission sources located in all areas of the State in accordance with any of the following:

The Board shall adopt sulfur dioxide regulations and emission standards for existing fuel combustion stationary emission sources located in all areas of the State of Illinois, except the Chicago, St. Louis (Illinois) and Peoria major metropolitan areas, in accordance with the following requirements:

1. that are required by federal law: Such regulations shall not be more restrictive than necessary to attain and maintain the "Primary National Ambient Air Quality Standards for Sulfur Dioxide" and within a reasonable time attain and maintain the "Secondary National Ambient Air Quality Standards for Sulfur Dioxide."

2. that are otherwise part of the State's attainment plan and are necessary to attain the national ambient air quality standards; or Such regulations shall be based upon ambient air quality monitoring data insofar as possible, consistent with regulations of the United States Environmental Protection Agency. To the extent that air quality modeling techniques are used for setting standards, such techniques shall be fully described and documented in the record of the Board's rulemaking proceeding.

3. that are necessary to comply with the requirements of the federal Clean Air Act. Such regulations shall provide a mechanism for the establishment of emission standards applicable to a specific site as an alternative to a more restrictive general emission standard. The Board shall delegate authority to the Agency to determine such specific site emission standards, pursuant to regulations adopted by the Board.

4. Such regulations and standards shall allow all available alternative air quality control methods consistent with federal law and regulations.

(C) The Board may not adopt any regulation banning the burning of landscape waste throughout the State generally. The Board may, by
regulation, restrict or prohibit the burning of landscape waste within any geographical area of the State if it determines based on medical and biological evidence generally accepted by the scientific community that such burning will produce in the atmosphere of that geographical area contaminants in sufficient quantities and of such characteristics and duration as to be injurious to humans, plant, or animal life, or health.

(D) The Board shall adopt regulations requiring the owner or operator of a gasoline dispensing system that dispenses more than 10,000 gallons of gasoline per month to install and operate a system for the recovery of gasoline vapor emissions arising from the fueling of motor vehicles that meets the requirements of Section 182 of the federal Clean Air Act (42 USC 7511a). These regulations shall apply only in areas of the State that are classified as moderate, serious, severe or extreme nonattainment areas for ozone pursuant to Section 181 of the federal Clean Air Act (42 USC 7511), but shall not apply in such areas classified as moderate nonattainment areas for ozone if the Administrator of the U.S. Environmental Protection Agency promulgates standards for vehicle-based (onboard) systems for the control of vehicle refueling emissions pursuant to Section 202(a)(6) of the federal Clean Air Act (42 USC 7521(a)(6)) by November 15, 1992.

(E) The Board shall not adopt or enforce any regulation requiring the use of a tarpaulin or other covering on a truck, trailer, or other vehicle that is stricter than the requirements of Section 15-109.1 of the Illinois Vehicle Code. To the extent that it is in conflict with this subsection, the Board's rule codified as 35 Ill. Admin. Code, Section 212.315 is hereby superseded.

(F) Any person who prior to June 8, 1988, has filed a timely Notice of Intent to Petition for an Adjusted RACT Emissions Limitation and who subsequently timely files a completed petition for an adjusted RACT emissions limitation pursuant to 35 Ill. Adm. Code, Part 215, Subpart I, shall be subject to the procedures contained in Subpart I but shall be excluded by operation of law from 35 Ill. Adm. Code, Part 215, Subparts PP, QQ and RR, including the applicable definitions in 35 Ill. Adm. Code, Part 211. Such persons shall instead be subject to a separate regulation
which the Board is hereby authorized to adopt pursuant to the adjusted RACT emissions limitation procedure in 35 Ill. Adm. Code, Part 215, Subpart I. In its final action on the petition, the Board shall create a separate rule which establishes Reasonably Available Control Technology (RACT) for such person. The purpose of this procedure is to create separate and independent regulations for purposes of SIP submittal, review, and approval by USEPA.

(G) Subpart FF of Subtitle B, Title 35 Ill. Adm. Code, Sections 218.720 through 218.730 and Sections 219.720 through 219.730, are hereby repealed by operation of law and are rendered null and void and of no force and effect.
(Source: P.A. 88-381; 89-79, eff. 6-30-95.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0461
(Senate Bill No. 1428)

AN ACT concerning children.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Abused and Neglected Child Reporting Act is amended by changing Section 4 as follows:

(325 ILCS 5/4) (from Ch. 23, par. 2054)
Sec. 4. Persons required to report; privileged communications; transmitting false report. Any physician, resident, intern, hospital, hospital administrator and personnel engaged in examination, care and treatment of persons, surgeon, dentist, dentist hygienist, osteopath, chiropractor, podiatrist, physician assistant, substance abuse treatment personnel, funeral home director or employee, coroner, medical examiner, emergency medical technician, acupuncturist, crisis line or hotline personnel, school

New matter indicated by italics - deletions by strikeout
personnel (including administrators and both certified and non-certified school employees), educational advocate assigned to a child pursuant to the School Code, member of a school board or the Chicago Board of Education or the governing body of a private school (but only to the extent required in accordance with other provisions of this Section expressly concerning the duty of school board members to report suspected child abuse), truant officers, social worker, social services administrator, domestic violence program personnel, registered nurse, licensed practical nurse, genetic counselor, respiratory care practitioner, advanced practice nurse, home health aide, director or staff assistant of a nursery school or a child day care center, recreational program or facility personnel, law enforcement officer, licensed professional counselor, licensed clinical professional counselor, registered psychologist and assistants working under the direct supervision of a psychologist, psychiatrist, or field personnel of the Department of Healthcare and Family Services, Public Health, Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities, Rehabilitation Services, or Public Aid), Corrections, Human Rights, or Children and Family Services, supervisor and administrator of general assistance under the Illinois Public Aid Code, probation officer, or any other foster parent, homemaker or child care worker having reasonable cause to believe a child known to them in their professional or official capacity may be an abused child or a neglected child shall immediately report or cause a report to be made to the Department.

Any member of the clergy having reasonable cause to believe that a child known to that member of the clergy in his or her professional capacity may be an abused child as defined in item (c) of the definition of "abused child" in Section 3 of this Act shall immediately report or cause a report to be made to the Department.

If an allegation is raised to a school board member during the course of an open or closed school board meeting that a child who is enrolled in the school district of which he or she is a board member is an abused child as defined in Section 3 of this Act, the member shall direct or cause the school board to direct the superintendent of the school district or
other equivalent school administrator to comply with the requirements of this Act concerning the reporting of child abuse. For purposes of this paragraph, a school board member is granted the authority in his or her individual capacity to direct the superintendent of the school district or other equivalent school administrator to comply with the requirements of this Act concerning the reporting of child abuse.

Whenever such person is required to report under this Act in his capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, or as a member of the clergy, he shall make report immediately to the Department in accordance with the provisions of this Act and may also notify the person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent that such report has been made. Under no circumstances shall any person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent to whom such notification has been made, exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department.

The privileged quality of communication between any professional person required to report and his patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by this Act.

A member of the clergy may claim the privilege under Section 8-803 of the Code of Civil Procedure.

In addition to the above persons required to report suspected cases of abused or neglected children, any other person may make a report if such person has reasonable cause to believe a child may be an abused child or a neglected child.

Any person who enters into employment on and after July 1, 1986 and is mandated by virtue of that employment to report under this Act, shall sign a statement on a form prescribed by the Department, to the effect that the employee has knowledge and understanding of the reporting requirements of this Act. The statement shall be signed prior to

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commencement of the employment. The signed statement shall be retained by the employer. The cost of printing, distribution, and filing of the statement shall be borne by the employer.

The Department shall provide copies of this Act, upon request, to all employers employing persons who shall be required under the provisions of this Section to report under this Act.

Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the "Criminal Code of 1961". Any person who violates this provision a second or subsequent time shall be guilty of a Class 3 felony.

Any person who knowingly and willfully violates any provision of this Section other than a second or subsequent violation of transmitting a false report as described in the preceding paragraph, is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation; except that if the person acted as part of a plan or scheme having as its object the prevention of discovery of an abused or neglected child by lawful authorities for the purpose of protecting or insulating any person or entity from arrest or prosecution, the person is guilty of a Class 4 felony for a first offense and a Class 3 felony for a second or subsequent offense (regardless of whether the second or subsequent offense involves any of the same facts or persons as the first or other prior offense).

A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian or custodian accepts and practices such beliefs.

A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code, as amended.

(Source: P.A. 93-137, eff. 7-10-03; 93-356, eff. 7-24-03; 93-431, eff. 8-5-03; 93-1041, eff. 9-29-04; 94-888, eff. 6-20-06.)

New matter indicated by italics - deletions by strikeout
Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0462
(Senate Bill No. 1433)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Cigarette Tax Act is amended by changing Section 1 as follows:

(35 ILCS 130/1) (from Ch. 120, par. 453.1)
Sec. 1. For the purposes of this Act:
"Cigarette", when used in this Act, shall be construed to mean: Any roll for smoking made wholly or in part of tobacco irrespective of size or shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, and the wrapper or cover of which is made of paper or any other substance or material except tobacco.
"Person" means any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, however formed, limited liability company, or a receiver, executor, administrator, trustee, guardian or other representative appointed by order of any court.
"Prior Continuous Compliance Taxpayer" means any person who is licensed under this Act and who, having been a licensee for a continuous period of 5 years, is determined by the Department not to have been either delinquent or deficient in the payment of tax liability during that period or otherwise in violation of this Act. Also, any taxpayer who has, as verified by the Department, continuously complied with the condition of his bond or other security under provisions of this Act for a period of 5 consecutive years shall be considered to be a "Prior continuous compliance taxpayer".

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In calculating the consecutive period of time described herein for qualification as a "prior continuous compliance taxpayer", a consecutive period of time of qualifying compliance immediately prior to the effective date of this amendatory Act of 1987 shall be credited to any licensee who became licensed on or before the effective date of this amendatory Act of 1987.

"Department" means the Department of Revenue.
"Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person.
"Original Package" means the individual packet, box or other container whatsoever used to contain and to convey cigarettes to the consumer.
"Distributor" means any and each of the following:

(1) Any person engaged in the business of selling cigarettes in this State who brings or causes to be brought into this State from without this State any original packages of cigarettes, on which original packages there is no authorized evidence underneath a sealed transparent wrapper showing that the tax liability imposed by this Act has been paid or assumed by the out-of-State seller of such cigarettes, for sale or other disposition in the course of such business.

(2) Any person who makes, manufactures or fabricates cigarettes in this State for sale in this State, except a person who makes, manufactures or fabricates cigarettes as a part of a correctional industries program for sale to residents incarcerated in penal institutions or resident patients of a State-operated mental health facility.

(3) Any person who makes, manufactures or fabricates cigarettes outside this State, which cigarettes are placed in original packages contained in sealed transparent wrappers, for delivery or shipment into this State, and who elects to qualify and is accepted by the Department as a distributor under Section 4b of this Act.

"Place of business" shall mean and include any place where cigarettes are sold or where cigarettes are manufactured, stored or kept for

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the purpose of sale or consumption, including any vessel, vehicle, airplane, train or vending machine.

"Business" means any trade, occupation, activity or enterprise engaged in for the purpose of selling cigarettes in this State.

"Retailer" means any person who engages in the making of transfers of the ownership of, or title to, cigarettes to a purchaser for use or consumption and not for resale in any form, for a valuable consideration. "Retailer" does not include, except a person:

(1) who transfers to residents incarcerated in penal institutions or resident patients of a State-operated mental health facility ownership of cigarettes made, manufactured, or fabricated as part of a correctional industries program; or

(2) who transfers cigarettes to a not-for-profit research institution that conducts tests concerning the health effects of tobacco products and who does not offer the cigarettes for resale.

"Retailer" shall be construed to include any person who engages in the making of transfers of the ownership of, or title to, cigarettes to a purchaser, for use or consumption by any other person to whom such purchaser may transfer the cigarettes without a valuable consideration, except a person who transfers to residents incarcerated in penal institutions or resident patients of a State-operated mental health facility ownership of cigarettes made, manufactured or fabricated as part of a correctional industries program.

(Source: P.A. 88-480.)

Section 10. The Cigarette Use Tax Act is amended by changing Section 1 as follows:

(35 ILCS 135/1) (from Ch. 120, par. 453.31)

Sec. 1. For the purpose of this Act, unless otherwise required by the context:

"Use" means the exercise by any person of any right or power over cigarettes incident to the ownership or possession thereof, other than the making of a sale thereof in the course of engaging in a business of selling cigarettes and shall include the keeping or retention of cigarettes for use.
"Cigarette" means any roll for smoking made wholly or in part of tobacco irrespective of size or shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, and the wrapper or cover of which is made of paper or any other substance or material except tobacco.

"Person" means any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, however formed, limited liability company, or a receiver, executor, administrator, trustee, guardian or other representative appointed by order of any court.

"Department" means the Department of Revenue.

"Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person.

"Original Package" means the individual packet, box or other container whatsoever used to contain and to convey cigarettes to the consumer.

"Distributor" means any and each of the following:

a. Any person engaged in the business of selling cigarettes in this State who brings or causes to be brought into this State from without this State any original packages of cigarettes, on which original packages there is no authorized evidence underneath a sealed transparent wrapper showing that the tax liability imposed by this Act has been paid or assumed by the out-of-State seller of such cigarettes, for sale in the course of such business.

b. Any person who makes, manufactures or fabricates cigarettes in this State for sale, except a person who makes, manufactures or fabricates cigarettes for sale to residents incarcerated in penal institutions or resident patients or a State-operated mental health facility.

c. Any person who makes, manufactures or fabricates cigarettes outside this State, which cigarettes are placed in original packages contained in sealed transparent wrappers, for delivery or

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shipment into this State, and who elects to qualify and is accepted by the Department as a distributor under Section 7 of this Act.

"Distributor" does not include any person who transfers cigarettes to a not-for-profit research institution that conducts tests concerning the health effects of tobacco products and who does not offer the cigarettes for resale.

"Distributor maintaining a place of business in this State", or any like term, means any distributor having or maintaining within this State, directly or by a subsidiary, an office, distribution house, sales house, warehouse or other place of business, or any agent operating within this State under the authority of the distributor or its subsidiary, irrespective of whether such place of business or agent is located here permanently or temporarily, or whether such distributor or subsidiary is licensed to transact business within this State.

"Business" means any trade, occupation, activity or enterprise engaged in or conducted in this State for the purpose of selling cigarettes.

"Prior Continuous Compliance Taxpayer" means any person who is licensed under this Act and who, having been a licensee for a continuous period of 5 years, is determined by the Department not to have been either delinquent or deficient in the payment of tax liability during that period or otherwise in violation of this Act. Also, any taxpayer who has, as verified by the Department, continuously complied with the condition of his bond or other security under provisions of this Act of a period of 5 consecutive years shall be considered to be a "prior continuous compliance taxpayer". In calculating the consecutive period of time described herein for qualification as a "prior continuous compliance taxpayer", a consecutive period of time of qualifying compliance immediately prior to the effective date of this amendatory Act of 1987 shall be credited to any licensee who became licensed on or before the effective date of this amendatory Act of 1987.

(Source: P.A. 88-480.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 27, 2007

PUBLIC ACT 95-0463
(House Bill No. 0039)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Section 14-3 as follows:

(720 ILCS 5/14-3) (from Ch. 38, par. 14-3)
Sec. 14-3. Exemptions. The following activities shall be exempt from the provisions of this Article:
(a) Listening to radio, wireless and television communications of any sort where the same are publicly made;
(b) Hearing conversation when heard by employees of any common carrier by wire incidental to the normal course of their employment in the operation, maintenance or repair of the equipment of such common carrier by wire so long as no information obtained thereby is used or divulged by the hearer;
(c) Any broadcast by radio, television or otherwise whether it be a broadcast or recorded for the purpose of later broadcasts of any function where the public is in attendance and the conversations are overheard incidental to the main purpose for which such broadcasts are then being made;
(d) Recording or listening with the aid of any device to any emergency communication made in the normal course of operations by any federal, state or local law enforcement agency or institutions dealing in emergency services, including, but not limited to, hospitals, clinics, ambulance services, fire fighting agencies, any public utility, emergency repair facility, civilian defense establishment or military installation;
(e) Recording the proceedings of any meeting required to be open by the Open Meetings Act, as amended;

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(f) Recording or listening with the aid of any device to incoming telephone calls of phone lines publicly listed or advertised as consumer "hotlines" by manufacturers or retailers of food and drug products. Such recordings must be destroyed, erased or turned over to local law enforcement authorities within 24 hours from the time of such recording and shall not be otherwise disseminated. Failure on the part of the individual or business operating any such recording or listening device to comply with the requirements of this subsection shall eliminate any civil or criminal immunity conferred upon that individual or business by the operation of this Section;

(g) With prior notification to the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded under circumstances where the use of the device is necessary for the protection of the law enforcement officer or any person acting at the direction of law enforcement, in the course of an investigation of a forcible felony, a felony violation of the Illinois Controlled Substances Act, a felony violation of the Cannabis Control Act, a felony violation of the Methamphetamine Control and Community Protection Act, or any "streetgang related" or "gang-related" felony as those terms are defined in the Illinois Streetgang Terrorism Omnibus Prevention Act. Any recording or evidence derived as the result of this exemption shall be inadmissible in any proceeding, criminal, civil or administrative, except (i) where a party to the conversation suffers great bodily injury or is killed during such conversation, or (ii) when used as direct impeachment of a witness concerning matters contained in the interception or recording. The Director of the Department of State Police shall issue regulations as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use;

(g-5) With approval of the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has

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consented to it being intercepted or recorded in the course of an investigation of any offense defined in Article 29D of this Code. In all such cases, an application for an order approving the previous or continuing use of an eavesdropping device must be made within 48 hours of the commencement of such use. In the absence of such an order, or upon its denial, any continuing use shall immediately terminate. The Director of State Police shall issue rules as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use.

Any recording or evidence obtained or derived in the course of an investigation of any offense defined in Article 29D of this Code shall, upon motion of the State's Attorney or Attorney General prosecuting any violation of Article 29D, be reviewed in camera with notice to all parties present by the court presiding over the criminal case, and, if ruled by the court to be relevant and otherwise admissible, it shall be admissible at the trial of the criminal case.

This subsection (g-5) is inoperative on and after January 1, 2005. No conversations recorded or monitored pursuant to this subsection (g-5) shall be inadmissible in a court of law by virtue of the repeal of this subsection (g-5) on January 1, 2005;

(g-6) With approval of the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded in the course of an investigation of child pornography. In all such cases, an application for an order approving the previous or continuing use of an eavesdropping device must be made within 48 hours of the commencement of such use. In the absence of such an order, or upon its denial, any continuing use shall immediately terminate. The Director of State Police shall issue rules as are necessary concerning the use of devices, retention of recordings, and reports regarding their use. Any recording or evidence obtained or derived in the course of an investigation of child pornography shall, upon motion of the State's Attorney or Attorney General prosecuting any case

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involving child pornography, be reviewed in camera with notice to all parties present by the court presiding over the criminal case, and, if ruled by the court to be relevant and otherwise admissible, it shall be admissible at the trial of the criminal case. Absent such a ruling, any such recording or evidence shall not be admissible at the trial of the criminal case;

(h) Recordings made simultaneously with a video recording of an oral conversation between a peace officer, who has identified his or her office, and a person stopped for an investigation of an offense under the Illinois Vehicle Code;

(i) Recording of a conversation made by or at the request of a person, not a law enforcement officer or agent of a law enforcement officer, who is a party to the conversation, under reasonable suspicion that another party to the conversation is committing, is about to commit, or has committed a criminal offense against the person or a member of his or her immediate household, and there is reason to believe that evidence of the criminal offense may be obtained by the recording;

(j) The use of a telephone monitoring device by either (1) a corporation or other business entity engaged in marketing or opinion research or (2) a corporation or other business entity engaged in telephone solicitation, as defined in this subsection, to record or listen to oral telephone solicitation conversations or marketing or opinion research conversations by an employee of the corporation or other business entity when:

(i) the monitoring is used for the purpose of service quality control of marketing or opinion research or telephone solicitation, the education or training of employees or contractors engaged in marketing or opinion research or telephone solicitation, or internal research related to marketing or opinion research or telephone solicitation; and

(ii) the monitoring is used with the consent of at least one person who is an active party to the marketing or opinion research conversation or telephone solicitation conversation being monitored.

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No communication or conversation or any part, portion, or aspect of the communication or conversation made, acquired, or obtained, directly or indirectly, under this exemption (j), may be, directly or indirectly, furnished to any law enforcement officer, agency, or official for any purpose or used in any inquiry or investigation, or used, directly or indirectly, in any administrative, judicial, or other proceeding, or divulged to any third party.

When recording or listening authorized by this subsection (j) on telephone lines used for marketing or opinion research or telephone solicitation purposes results in recording or listening to a conversation that does not relate to marketing or opinion research or telephone solicitation; the person recording or listening shall, immediately upon determining that the conversation does not relate to marketing or opinion research or telephone solicitation, terminate the recording or listening and destroy any such recording as soon as is practicable.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide current and prospective employees with notice that the monitoring or recordings may occur during the course of their employment. The notice shall include prominent signage notification within the workplace.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide their employees or agents with access to personal-only telephone lines which may be pay telephones, that are not subject to telephone monitoring or telephone recording.

For the purposes of this subsection (j), "telephone solicitation" means a communication through the use of a telephone by live operators:

(i) soliciting the sale of goods or services;
(ii) receiving orders for the sale of goods or services;
(iii) assisting in the use of goods or services; or
(iv) engaging in the solicitation, administration, or collection of bank or retail credit accounts.

For the purposes of this subsection (j), "marketing or opinion research" means a marketing or opinion research interview conducted by a
live telephone interviewer engaged by a corporation or other business entity whose principal business is the design, conduct, and analysis of polls and surveys measuring the opinions, attitudes, and responses of respondents toward products and services, or social or political issues, or both;

(k) Electronic recordings, including but not limited to, a motion picture, videotape, digital, or other visual or audio recording, made of a custodial interrogation of an individual at a police station or other place of detention by a law enforcement officer under Section 5-401.5 of the Juvenile Court Act of 1987 or Section 103-2.1 of the Code of Criminal Procedure of 1963; and

(l) Recording the interview or statement of any person when the person knows that the interview is being conducted by a law enforcement officer or prosecutor and the interview takes place at a police station that is currently participating in the Custodial Interview Pilot Program established under the Illinois Criminal Justice Information Act.

(Source: P.A. 93-206, eff. 7-18-03; 93-517, eff. 8-6-03; 93-605, eff. 11-19-03; 94-556, eff. 9-11-05.)

Passed in the General Assembly June 1, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0464  
(House Bill No. 0050)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Unified Code of Corrections is amended by changing Sections 3-3-7, 5-6-3, and 5-6-3.1 as follows:
(730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)
Sec. 3-3-7. Conditions of Parole or Mandatory Supervised Release.
(a) The conditions of parole or mandatory supervised release shall be such as the Prisoner Review Board deems necessary to assist the

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subject in leading a law-abiding life. The conditions of every parole and mandatory supervised release are that the subject:

1. not violate any criminal statute of any jurisdiction during the parole or release term;
2. refrain from possessing a firearm or other dangerous weapon;
3. report to an agent of the Department of Corrections;
4. permit the agent to visit him or her at his or her home, employment, or elsewhere to the extent necessary for the agent to discharge his or her duties;
5. attend or reside in a facility established for the instruction or residence of persons on parole or mandatory supervised release;
6. secure permission before visiting or writing a committed person in an Illinois Department of Corrections facility;
7. report all arrests to an agent of the Department of Corrections as soon as permitted by the arresting authority but in no event later than 24 hours after release from custody;
7.5 if convicted of a sex offense as defined in the Sex Offender Management Board Act, the individual shall undergo and successfully complete sex offender treatment conducted in conformance with the standards developed by the Sex Offender Management Board Act by a treatment provider approved by the Board;
7.6 if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense; the provisions of this paragraph do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders, or is in any facility operated or licensed by the Department of

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Children and Family Services or by the Department of Human Services, or is in any licensed medical facility;

(7.7) if convicted for an offense that would qualify the accused as a sexual predator under the Sex Offender Registration Act on or after the effective date of this amendatory Act of the 94th General Assembly, wear an approved electronic monitoring device as defined in Section 5-8A-2 for the duration of the person's parole, mandatory supervised release term, or extended mandatory supervised release term, provided funding is appropriated by the General Assembly;

(7.8) if convicted for an offense committed on or after the effective date of this amendatory Act of the 95th General Assembly that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961, refrain from communicating with or contacting, by means of the Internet, a person who is not related to the accused and whom the accused reasonably believes to be under 18 years of age; for purposes of this paragraph (7.8), "Internet" has the meaning ascribed to it in Section 16J-5 of the Criminal Code of 1961, as added by Public Act 94-179; and a person is not related to the accused if the person is not: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused;

(8) obtain permission of an agent of the Department of Corrections before leaving the State of Illinois;

(9) obtain permission of an agent of the Department of Corrections before changing his or her residence or employment;

(10) consent to a search of his or her person, property, or residence under his or her control;

(11) refrain from the use or possession of narcotics or other controlled substances in any form, or both, or any paraphernalia related to those substances and submit to a urinalysis test as instructed by a parole agent of the Department of Corrections;

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(12) not frequent places where controlled substances are illegally sold, used, distributed, or administered;

(13) not knowingly associate with other persons on parole or mandatory supervised release without prior written permission of his or her parole agent and not associate with persons who are members of an organized gang as that term is defined in the Illinois Streetgang Terrorism Omnibus Prevention Act;

(14) provide true and accurate information, as it relates to his or her adjustment in the community while on parole or mandatory supervised release or to his or her conduct while incarcerated, in response to inquiries by his or her parole agent or of the Department of Corrections;

(15) follow any specific instructions provided by the parole agent that are consistent with furthering conditions set and approved by the Prisoner Review Board or by law, exclusive of placement on electronic detention, to achieve the goals and objectives of his or her parole or mandatory supervised release or to protect the public. These instructions by the parole agent may be modified at any time, as the agent deems appropriate; and

(16) if convicted of a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter.

(b) The Board may in addition to other conditions require that the subject:

(1) work or pursue a course of study or vocational training;

(2) undergo medical or psychiatric treatment, or treatment for drug addiction or alcoholism;

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(3) attend or reside in a facility established for the instruction or residence of persons on probation or parole;
(4) support his dependents;
(5) (blank);
(6) (blank);
(7) comply with the terms and conditions of an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986, enacted by the 84th General Assembly, or an order of protection issued by the court of another state, tribe, or United States territory; and
(7.5) if convicted for an offense committed on or after the effective date of this amendatory Act of the 95th General Assembly that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961, refrain from communicating with or contacting, by means of the Internet, a person who is related to the accused and whom the accused reasonably believes to be under 18 years of age; for purposes of this paragraph (7.5), "Internet" has the meaning ascribed to it in Section 16J-5 of the Criminal Code of 1961, as added by Public Act 94-179; and a person is related to the accused if the person is: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused; and
(8) in addition, if a minor:
   (i) reside with his parents or in a foster home;
   (ii) attend school;
   (iii) attend a non-residential program for youth; or
   (iv) contribute to his own support at home or in a foster home.

(b-1) In addition to the conditions set forth in subsections (a) and (b), persons required to register as sex offenders pursuant to the Sex Offender Registration Act, upon release from the custody of the Illinois Department of Corrections, may be required by the Board to comply with the following specific conditions of release:

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(1) reside only at a Department approved location;
(2) comply with all requirements of the Sex Offender Registration Act;
(3) notify third parties of the risks that may be occasioned by his or her criminal record;
(4) obtain the approval of an agent of the Department of Corrections prior to accepting employment or pursuing a course of study or vocational training and notify the Department prior to any change in employment, study, or training;
(5) not be employed or participate in any volunteer activity that involves contact with children, except under circumstances approved in advance and in writing by an agent of the Department of Corrections;
(6) be electronically monitored for a minimum of 12 months from the date of release as determined by the Board;
(7) refrain from entering into a designated geographic area except upon terms approved in advance by an agent of the Department of Corrections. The terms may include consideration of the purpose of the entry, the time of day, and others accompanying the person;
(8) refrain from having any contact, including written or oral communications, directly or indirectly, personally or by telephone, letter, or through a third party with certain specified persons including, but not limited to, the victim or the victim's family without the prior written approval of an agent of the Department of Corrections;
(9) refrain from all contact, directly or indirectly, personally, by telephone, letter, or through a third party, with minor children without prior identification and approval of an agent of the Department of Corrections;
(10) neither possess or have under his or her control any material that is sexually oriented, sexually stimulating, or that shows male or female sex organs or any pictures depicting children under 18 years of age nude or any written or audio material

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describing sexual intercourse or that depicts or alludes to sexual activity, including but not limited to visual, auditory, telephonic, or electronic media, or any matter obtained through access to any computer or material linked to computer access use;

(11) not patronize any business providing sexually stimulating or sexually oriented entertainment nor utilize "900" or adult telephone numbers;

(12) not reside near, visit, or be in or about parks, schools, day care centers, swimming pools, beaches, theaters, or any other places where minor children congregate without advance approval of an agent of the Department of Corrections and immediately report any incidental contact with minor children to the Department;

(13) not possess or have under his or her control certain specified items of contraband related to the incidence of sexually offending as determined by an agent of the Department of Corrections;

(14) may be required to provide a written daily log of activities if directed by an agent of the Department of Corrections;

(15) comply with all other special conditions that the Department may impose that restrict the person from high-risk situations and limit access to potential victims.

(c) The conditions under which the parole or mandatory supervised release is to be served shall be communicated to the person in writing prior to his release, and he shall sign the same before release. A signed copy of these conditions, including a copy of an order of protection where one had been issued by the criminal court, shall be retained by the person and another copy forwarded to the officer in charge of his supervision.

(d) After a hearing under Section 3-3-9, the Prisoner Review Board may modify or enlarge the conditions of parole or mandatory supervised release.

(e) The Department shall inform all offenders committed to the Department of the optional services available to them upon release and
shall assist inmates in availing themselves of such optional services upon their release on a voluntary basis.

(Source: P.A. 93-616, eff. 1-1-04; 93-865, eff. 1-1-05; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; 94-988, eff. 1-1-07.)

(730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

Sec. 5-6-3. Conditions of Probation and of Conditional Discharge.

(a) The conditions of probation and of conditional discharge shall be that the person:

(1) not violate any criminal statute of any jurisdiction;
(2) report to or appear in person before such person or agency as directed by the court;
(3) refrain from possessing a firearm or other dangerous weapon;
(4) not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer. Transfer of a person's probation or conditional discharge supervision to another state is subject to acceptance by the other state pursuant to the Interstate Compact for Adult Offender Supervision;
(5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;
(6) perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located within the municipality or county in which the violation occurred.

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When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act;

(7) if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a public institution of education to obtain the educational or vocational training required by this clause (7). The court shall revoke the probation or conditional discharge of a person who wilfully fails to comply with this clause (7). The person on probation or conditional discharge shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall resentence the offender whose probation or conditional discharge has been revoked as provided in Section 5-6-4. This clause (7) does not apply to a person who has a high school diploma or has successfully passed the GED test. This clause (7) does not apply to a person who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program;

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of
probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court;

(8.5) if convicted of a felony sex offense as defined in the Sex Offender Management Board Act, the person shall undergo and successfully complete sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act;

(8.6) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense; the provisions of this paragraph do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders; and

(8.7) if convicted for an offense committed on or after the effective date of this amendatory Act of the 95th General Assembly that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961, refrain from communicating with or contacting, by means of the Internet, a person who is not related to the accused and whom the accused reasonably believes to be under 18 years of age; for purposes of this paragraph (8.7), "Internet" has the meaning ascribed to it in Section 16J-5 of the Criminal Code of 1961, as added by Public Act 94-179; and a person is not related to the accused if the person is not: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused;

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(9) if convicted of a felony, physically surrender at a time and place designated by the court, his or her Firearm Owner's Identification Card and any and all firearms in his or her possession; and

(10) if convicted of a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter.

(b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:

(1) serve a term of periodic imprisonment under Article 7 for a period not to exceed that specified in paragraph (d) of Section 5-7-1;

(2) pay a fine and costs;

(3) work or pursue a course of study or vocational training;

(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;

(5) attend or reside in a facility established for the instruction or residence of defendants on probation;

(6) support his dependents;

(7) and in addition, if a minor:

(i) reside with his parents or in a foster home;

(ii) attend school;

(iii) attend a non-residential program for youth;

(iv) contribute to his own support at home or in a foster home;

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(v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is convicted of a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;

(8) make restitution as provided in Section 5-5-6 of this Code;

(9) perform some reasonable public or community service;

(10) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the offender:

   (i) remain within the interior premises of the place designated for his confinement during the hours designated by the court;

   (ii) admit any person or agent designated by the court into the offender's place of confinement at any time for purposes of verifying the offender's compliance with the conditions of his confinement; and

   (iii) if further deemed necessary by the court or the Probation or Court Services Department, be placed on an approved electronic monitoring device, subject to Article 8A of Chapter V;

   (iv) for persons convicted of any alcohol, cannabis or controlled substance violation who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the offender to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall
be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code; and

(v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's
case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer, if the defendant has been placed on probation or advance approval by the court, if the defendant was placed on conditional discharge;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug; and:

(17) if convicted for an offense committed on or after the effective date of this amendatory Act of the 95th General Assembly that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961, refrain from communicating with or contacting, by means of the Internet, a person who is related to the accused and whom the accused reasonably believes to be under 18 years of age; for purposes of this paragraph (17), "Internet" has the meaning ascribed to it in Section 16J-5 of the Criminal Code of 1961, as added by Public Act 94-179; and a person is related to the accused if the person is:

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(i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused.

(c) The court may as a condition of probation or of conditional discharge require that a person under 18 years of age found guilty of any alcohol, cannabis or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If such person is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(d) An offender sentenced to probation or to conditional discharge shall be given a certificate setting forth the conditions thereof.

(e) Except where the offender has committed a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code, the court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6 month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2. This 6 month limit does not apply to a person sentenced to probation as a result of a conviction of a fourth or subsequent violation of subsection (c-4) of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

(f) The court may combine a sentence of periodic imprisonment under Article 7 or a sentence to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.

(g) An offender sentenced to probation or to conditional discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such
approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, involved in a successful probation program for the county. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of such probation or conditional discharge or supervised community service, a fee of $50 for each month of probation or conditional discharge supervision or supervised community service ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the
county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee under this subsection (i) in excess of $25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, up to $5 of that fee collected per month may be used to provide services to crime victims and their families.

This amendatory Act of the 93rd General Assembly deletes the $10 increase in the fee under this subsection that was imposed by Public Act 93-616. This deletion is intended to control over any other Act of the 93rd General Assembly that retains or incorporates that fee increase.

(i-5) In addition to the fees imposed under subsection (i) of this Section, in the case of an offender convicted of a felony sex offense (as defined in the Sex Offender Management Board Act) or an offense that the court or probation department has determined to be sexually motivated (as defined in the Sex Offender Management Board Act), the court or the probation department shall assess additional fees to pay for all costs of treatment, assessment, evaluation for risk and treatment, and monitoring the offender, based on that offender's ability to pay those costs either as they occur or under a payment plan.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) Any offender who is sentenced to probation or conditional discharge for a felony sex offense as defined in the Sex Offender
Management Board Act or any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(Source: P.A. 93-475, eff. 8-8-03; 93-616, eff. 1-1-04; 93-970, eff. 8-20-04; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; 94-556, eff. 9-11-05; revised 8-19-05.)

(730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)
Sec. 5-6-3.1. Incidents and Conditions of Supervision.

(a) When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of such supervision, and shall defer further proceedings in the case until the conclusion of the period.

(b) The period of supervision shall be reasonable under all the circumstances of the case, but may not be longer than 2 years, unless the defendant has failed to pay the assessment required by Section 10.3 of the Cannabis Control Act, Section 411.2 of the Illinois Controlled Substances Act, or Section 80 of the Methamphetamine Control and Community Protection Act, in which case the court may extend supervision beyond 2 years. Additionally, the court shall order the defendant to perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, when the offense (1) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang; or (2) is a violation of any Section of Article 24 of the Criminal Code of 1961 where a disposition of supervision is not prohibited by Section 5-6-1 of this Code. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by violation of Section 21-1.3 of the Criminal Code of 1961 and similar damages to property located within the municipality or county in which the violation occurred. Where possible

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and reasonable, the community service should be performed in the offender's neighborhood.

For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the court require that the person:

(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of supervision;
(2) pay a fine and costs;
(3) work or pursue a course of study or vocational training;
(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;
(5) attend or reside in a facility established for the instruction or residence of defendants on probation;
(6) support his dependents;
(7) refrain from possessing a firearm or other dangerous weapon;
(8) and in addition, if a minor:
   (i) reside with his parents or in a foster home;
   (ii) attend school;
   (iii) attend a non-residential program for youth;
   (iv) contribute to his own support at home or in a foster home; or
   (v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is placed on supervision for a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising
a school, or within 1,000 feet of the real property comprising a school;

(9) make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss or make restitution under Section 5-5-6 to a domestic violence shelter. The court shall determine the amount and conditions of payment;

(10) perform some reasonable public or community service;

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory. If the court has ordered the defendant to make a report and appear in person under paragraph (1) of this subsection, a copy of the order of protection shall be transmitted to the person or agency so designated by the court;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of person,

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including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(17) refrain from operating any motor vehicle not equipped with an ignition interlock device as defined in Section 1-129.1 of the Illinois Vehicle Code. Under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment; and

(18) if placed on supervision for a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter.

(d) The court shall defer entering any judgment on the charges until the conclusion of the supervision.

(e) At the conclusion of the period of supervision, if the court determines that the defendant has successfully complied with all of the conditions of supervision, the court shall discharge the defendant and enter a judgment dismissing the charges.

(f) Discharge and dismissal upon a successful conclusion of a disposition of supervision shall be deemed without adjudication of guilt and shall not be termed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime. Two years after
the discharge and dismissal under this Section, unless the disposition of
supervision was for a violation of Sections 3-707, 3-708, 3-710, 5-401.3,
or 11-503 of the Illinois Vehicle Code or a similar provision of a local
ordinance, or for a violation of Sections 12-3.2 or 16A-3 of the Criminal
Code of 1961, in which case it shall be 5 years after discharge and
dismissal, a person may have his record of arrest sealed or expunged as
may be provided by law. However, any defendant placed on supervision
before January 1, 1980, may move for sealing or expungement of his arrest
record, as provided by law, at any time after discharge and dismissal under
this Section. A person placed on supervision for a sexual offense
committed against a minor as defined in subsection (g) of Section 5 of the
Criminal Identification Act or for a violation of Section 11-501 of the
Illinois Vehicle Code or a similar provision of a local ordinance shall not
have his or her record of arrest sealed or expunged.

(g) A defendant placed on supervision and who during the period
of supervision undergoes mandatory drug or alcohol testing, or both, or is
assigned to be placed on an approved electronic monitoring device, shall
be ordered to pay the costs incidental to such mandatory drug or alcohol
testing, or both, and costs incidental to such approved electronic
monitoring in accordance with the defendant's ability to pay those costs.
The county board with the concurrence of the Chief Judge of the judicial
circuit in which the county is located shall establish reasonable fees for the
cost of maintenance, testing, and incidental expenses related to the
mandatory drug or alcohol testing, or both, and all costs incidental to
approved electronic monitoring, of all defendants placed on supervision.
The concurrence of the Chief Judge shall be in the form of an
administrative order. The fees shall be collected by the clerk of the circuit
court. The clerk of the circuit court shall pay all moneys collected from
these fees to the county treasurer who shall use the moneys collected to
defray the costs of drug testing, alcohol testing, and electronic monitoring.
The county treasurer shall deposit the fees collected in the county working
cash fund under Section 6-27001 or Section 6-29002 of the Counties
Code, as the case may be.

New matter indicated by italics - deletions by strikeout
(h) A disposition of supervision is a final order for the purposes of appeal.

(i) The court shall impose upon a defendant placed on supervision after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of supervision or supervised community service, a fee of $50 for each month of supervision or supervised community service ordered by the court, unless after determining the inability of the person placed on supervision or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon a defendant who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund pursuant to Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee in excess of $25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, not to exceed $5 of that fee collected per month may be used to provide services to crime victims and their families.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

New matter indicated by italics - deletions by strikeout
(k) A defendant at least 17 years of age who is placed on supervision for a misdemeanor in a county of 3,000,000 or more inhabitants and who has not been previously convicted of a misdemeanor or felony may as a condition of his or her supervision be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The defendant placed on supervision must attend a public institution of education to obtain the educational or vocational training required by this subsection (k). The defendant placed on supervision shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall revoke the supervision of a person who wilfully fails to comply with this subsection (k). The court shall resentence the defendant upon revocation of supervision as provided in Section 5-6-4. This subsection (k) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (k) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(l) The court shall require a defendant placed on supervision for possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act or a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and after a finding by the court that the person is addicted, to undergo treatment at a substance abuse program approved by the court.

(m) The Secretary of State shall require anyone placed on court supervision for a violation of Section 3-707 of the Illinois Vehicle Code or
a similar provision of a local ordinance to give proof of his or her financial responsibility as defined in Section 7-315 of the Illinois Vehicle Code. The proof shall be maintained by the individual in a manner satisfactory to the Secretary of State for a minimum period of one year after the date the proof is first filed. The proof shall be limited to a single action per arrest and may not be affected by any post-sentence disposition. The Secretary of State shall suspend the driver's license of any person determined by the Secretary to be in violation of this subsection.

(n) Any offender placed on supervision for any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(o) An offender placed on supervision for a sex offense as defined in the Sex Offender Management Board Act shall refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense. The provisions of this subsection (o) do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders.

(p) An offender placed on supervision for an offense committed on or after the effective date of this amendatory Act of the 95th General Assembly that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 shall refrain from communicating with or contacting, by means of the Internet, a person who is not related to the accused and whom the accused reasonably believes to be under 18 years of age. For purposes of this subsection (p), "Internet" has the meaning ascribed to it in Section 16J-5 of the Criminal Code of 1961, as added by Public Act 94-179; and a person is not related to the accused if the person is not: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a
first or second cousin of the accused; or (iv) a step-child or adopted child of the accused.

(q) An offender placed on supervision for an offense committed on or after the effective date of this amendatory Act of the 95th General Assembly that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 shall, if so ordered by the court, refrain from communicating with or contacting, by means of the Internet, a person who is related to the accused and whom the accused reasonably believes to be under 18 years of age. For purposes of this subsection (q), "Internet" has the meaning ascribed to it in Section 16J-5 of the Criminal Code of 1961, as added by Public Act 94-179; and a person is related to the accused if the person is: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused.

(Source: P.A. 93-475, eff. 8-8-03; 93-970, eff. 8-20-04; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; 94-556, eff. 9-11-05; revised 8-19-05.)
Passed in the General Assembly June 1, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0465
(House Bill No. 0121)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Regulatory Sunset Act is amended by changing Section 4.18 and by adding Section 4.28 as follows:
(5 ILCS 80/4.18)
(a) The following Acts are repealed on January 1, 2008:
The Acupuncture Practice Act.

New matter indicated by italics - deletions by strikeout
The Home Medical Equipment and Services Provider License Act.
The Nursing and Advanced Practice Nursing Act.
The Illinois Speech-Language Pathology and Audiology Practice Act:
The Marriage and Family Therapy Licensing Act.
The Nursing Home Administrators Licensing and Disciplinary Act.
The Structural Pest Control Act.

(b) The following Acts are repealed on December 31, 2008:
The Environmental Health Practitioner Licensing Act.

(Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06; 94-1085, eff. 1-19-07; revised 1-22-07.)
(5 ILCS 80/4.28 new)
Sec. 4.28. Act repealed on January 1, 2018. The following Act is repealed on January 1, 2018:
The Illinois Speech-Language Pathology and Audiology Practice Act.

Section 10. The Illinois Speech-Language Pathology and Audiology Practice Act is amended by changing Sections 3, 5, 7, 8, 8.5, 10, 11, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 28, 28.5, and 29 and by adding Sections 21.1, 21.2, and 24.1 as follows:
(225 ILCS 110/3) (from Ch. 111, par. 7903)
(Section scheduled to be repealed on January 1, 2008)
Sec. 3. Definitions. The following words and phrases shall have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:
(a) "Department" means the Department of Financial and Professional Regulation.

New matter indicated by italics - deletions by strikeout
(b) "Secretary Director" means the Secretary Director of Financial and Professional Regulation.

(c) "Board" means the Board of Speech-Language Pathology and Audiology established under Section 5 of this Act.

(d) "Speech-Language Pathologist" means a person who has received a license pursuant to this Act and who engages in the practice of speech-language pathology.

(e) "Audiologist" means a person who has received a license pursuant to this Act and who engages in the practice of audiology.

(f) "Public member" means a person who is not a health professional. For purposes of board membership, any person with a significant financial interest in a health service or profession is not a public member.

(g) "The practice of audiology" is the application of nonmedical methods and procedures for the identification, measurement, testing, appraisal, prediction, habilitation, rehabilitation, or instruction related to hearing and disorders of hearing. These procedures are for the purpose of counseling, consulting and rendering or offering to render services or for participating in the planning, directing or conducting of programs that are designed to modify communicative disorders involving speech, language or auditory function related to hearing loss. The practice of audiology may include, but shall not be limited to, the following:

1. any task, procedure, act, or practice that is necessary for the evaluation of hearing or vestibular function;
2. training in the use of amplification devices;
3. the fitting, dispensing, or servicing of hearing instruments; and
4. performing basic speech and language screening tests and procedures consistent with audiology training.

(h) "The practice of speech-language pathology" is the application of nonmedical methods and procedures for the identification, measurement, testing, appraisal, prediction, habilitation, rehabilitation, and modification related to communication development, and disorders or disabilities of speech, language, voice, swallowing, and other speech,

New matter indicated by italics - deletions by strikeout
language and voice related disorders. These procedures are for the purpose of counseling, consulting and rendering or offering to render services, or for participating in the planning, directing or conducting of programs that are designed to modify communicative disorders and conditions in individuals or groups of individuals involving speech, language, voice and swallowing function.

"The practice of speech-language pathology" shall include, but shall not be limited to, the following:

(1) hearing screening tests and aural rehabilitation procedures consistent with speech-language pathology training;

(2) tasks, procedures, acts or practices that are necessary for the evaluation of, and training in the use of, augmentative communication systems, communication variation, cognitive rehabilitation, non-spoken language production and comprehension.

(i) "Speech-language pathology assistant" means a person who has received a license pursuant to this Act to assist a speech-language pathologist in the manner provided in this Act.

(Source: P.A. 94-528, eff. 8-10-05.)

(225 ILCS 110/5) (from Ch. 111, par. 7905)

(Section scheduled to be repealed on January 1, 2008)

Sec. 5. Board of Speech-Language Pathology and Audiology.

There is created a Board of Speech-Language Pathology and Audiology to be composed of persons designated from time to time by the Secretary Director, as follows:

(a) Five persons, 2 of whom have been licensed speech-language pathologists for a period of 5 years or more, 2 of whom have been licensed audiologists for a period of 5 years or more, and one public member. The board shall annually elect a chairperson and a vice-chairperson.

(b) Terms for all members shall be for 3 years. A member shall serve until his or her successor is appointed and qualified. Partial terms over 2 years in length shall be considered as full
terms. A member may be reappointed for a successive term, but no member shall serve more than 2 full terms.

(c) The membership of the Board should reasonably reflect representation from the various geographic areas of the State.

(d) In making appointments to the Board, the Secretary shall give due consideration to recommendations by organizations of the speech-language pathology and audiology professions in Illinois, including the Illinois Speech-Language-Hearing Association and the Illinois Academy of Audiology, and shall promptly give due notice to such organizations of any vacancy in the membership of the Board. The Secretary may terminate the appointment of any member for any cause, which in the opinion of the Secretary, reasonably justifies such termination.

(e) A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

(f) The members of the Board may each receive as compensation a reasonable sum as determined by the Secretary for each day actually engaged in the duties of the office, and all legitimate and necessary expenses incurred in attending the meetings of the Board.

(g) Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

(h) The Secretary may consider the recommendations of the Board in establishing guidelines for professional conduct, the conduct of formal disciplinary proceedings brought under this Act, and qualifications of applicants. Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made in the response. The Department, at any time, may seek the expert advice and

New matter indicated by italics - deletions by strikeout
knowledge of the Board on any matter relating to the administration or enforcement of this Act.

(i) Whenever the Secretary Director is satisfied that substantial justice has not been done either in an examination or in the revocation, suspension, or refusal of a license, or other disciplinary action relating to a license, the Secretary Director may order a reexamination or rehearing.

(Source: P.A. 94-528, eff. 8-10-05.)

(225 ILCS 110/7) (from Ch. 111, par. 7907)
(Section scheduled to be repealed on January 1, 2008)
Sec. 7. Licensure requirement.

(a) Except as provided in subsection (b), on or after June 1, 1989, no person shall practice speech-language pathology or audiology without first applying for and obtaining a license for such purpose from the Department. Except as provided in this Section, on or after January 1, 2002, no person shall perform the functions and duties of a speech-language pathology assistant without first applying for and obtaining a license for that purpose from the Department.

(b) A person holding a regular license to practice speech-language pathology or audiology under the laws of another state, a territory of the United States, or the District of Columbia who has made application to the Department for a license to practice speech-language pathology or audiology may practice speech-language pathology or audiology without a license for 90 days from the date of application or until disposition of the license application by the Department, whichever is sooner, if the person (i) holds a Certificate of Clinical Competence from the American Speech-Language-Hearing Association in speech-language pathology or audiology or, in the case of an audiologist, a certificate from the American Board of Audiology and (ii) has not been disciplined and has no disciplinary matters pending in a state, a territory, or the District of Columbia.

A person applying for an initial license to practice audiology who is a recent graduate of a Department-approved audiology program may practice as an audiologist for a period of 60 days after the date of application or until disposition of the license application by the Department.

New matter indicated by italics - deletions by strikeout
Department, whichever is sooner, provided that he or she meets the applicable requirements of Section 8 of this Act.
(Source: P.A. 92-510, eff. 6-1-02; 93-112, eff. 1-1-04.)

(225 ILCS 110/8) (from Ch. 111, par. 7908)

(Section scheduled to be repealed on January 1, 2008)

Sec. 8. Qualifications for licenses to practice speech-language pathology or audiology. The Department shall require that each applicant for a license to practice speech-language pathology or audiology shall:

(a) (Blank);
(b) be at least 21 years of age;
(c) not have violated any provisions of Section 16 of this Act;
(d) for a license as a speech-language pathologist, present satisfactory evidence of receiving a master's or doctoral degree in speech-language pathology or audiology from a program approved by the Department. Nothing in this Act shall be construed to prevent any program from establishing higher standards than specified in this Act;
(d-5) for a license as an audiologist, present satisfactory evidence of having received a master's or doctoral degree in audiology from a program approved by the Department; however, an applicant for licensure as an audiologist whose degree was conferred on or after January 1, 2008, must present satisfactory evidence of having received a doctoral degree in audiology from a program approved by the Department;
(e) pass a national examination recognized by the Department in the theory and practice of the profession;
(f) for a license as a speech-language pathologist, have completed the equivalent of 9 months of supervised experience; and
(g) for a license as an audiologist, have completed a minimum of 1,500 clock hours of supervised experience or present evidence of a Doctor of Audiology (AuD) degree.

New matter indicated by italics - deletions by strikeout
Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 94-528, eff. 8-10-05.)

(225 ILCS 110/8.5)

(Section scheduled to be repealed on January 1, 2008)

Sec. 8.5. Qualifications for licenses as a speech-language pathology assistant. (a) A person is qualified to be licensed as a speech-language pathology assistant if that person has applied in writing on forms prescribed by the Department, has paid the required fees, and meets both of the following criteria:

   (1) Is of good moral character. In determining moral character, the Department may take into consideration any felony conviction or plea of guilty or nolo contendere of the applicant, but such a conviction or plea shall not operate automatically as a complete bar to licensure.

   (2) Has received an associate degree from a speech-language pathology assistant program that has been approved by the Department and that meets the minimum requirements set forth in Section 8.6 or has received, prior to June 1, 2003, an associate degree from a speech-language pathology assistant program approved by the Illinois Community College Board. (b) Until July 1, 2005, a person holding a bachelor's level degree in communication disorders who was employed to assist a speech-language pathologist on June 1, 2002 (the effective date of P.A. 92-510) shall be eligible to receive a license as a speech-language pathology assistant from the Department upon completion of forms prescribed by the Department and the payment of the required fee.

(Source: P.A. 93-1060, eff. 12-23-04; 94-869, eff. 6-16-06.)

(225 ILCS 110/10) (from Ch. 111, par. 7910)

(Section scheduled to be repealed on January 1, 2008)
Sec. 10. Roster list of speech-language pathologists and audiologists. The Department shall maintain a roster list of the names and addresses of the speech-language pathologists, speech-language pathology assistants, and audiologists. Such lists shall also be mailed by the Department to any person upon request and payment of the required fee.
(Source: P.A. 92-510, eff. 6-1-02.)
(225 ILCS 110/11) (from Ch. 111, par. 7911)
(Sec. 11. Expiration, renewal and restoration of licenses.
(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. A speech-language pathologist, speech-language pathology assistant, or audiologist may renew such license during the month preceding the expiration date thereof by paying the required fee.
(a-5) All renewal applicants shall provide proof as determined by the Department of having met the continuing education requirements set forth in the rules of the Department. At a minimum, the rules shall require a renewal applicant for licensure as a speech-language pathologist or audiologist to provide proof of completing at least 20 clock hours of continuing education during the 2-year licensing cycle for which he or she is currently licensed. An audiologist who has met the continuing education requirements of the Hearing Instrument Consumer Protection Act during an equivalent licensing cycle under this Act shall be deemed to have met the continuing education requirements of this Act. At a minimum, the rules shall require a renewal applicant for licensure as a speech-language pathology assistant to provide proof of completing at least 10 clock hours of continuing education during the 2-year period for which he or she currently holds a license. The Department shall provide by rule for an orderly process for the reinstatement of licenses that have not been renewed for failure to meet the continuing education requirements. The continuing education requirements may be waived in cases of extreme hardship as defined by rule of the Department.
The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section.

New matter indicated by italics - deletions by strikeout
verification may be accomplished through audits of records maintained by licensees, by requiring the filing of continuing education certificates with the Department, or by other means established by the Department.

(b) Inactive status.

(1) Any licensee who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

(2) Any licensee requesting restoration from inactive status shall be required to (i) pay the current renewal fee; and (ii) demonstrate that he or she has completed a minimum of 20 hours of continuing education and met any additional continuing education requirements established by the Department by rule if the licensee has been inactive for 5 years or more.

(3) Any licensee whose license is in an inactive status shall not practice in the State of Illinois without first restoring his or her license.

(4) Any licensee who shall engage in the practice while the license is lapsed or inactive shall be considered to be practicing without a license which shall be grounds for discipline under Section 16 of this Act.

(c) Any speech-language pathologist, speech-language pathology assistant, or audiologist whose license has expired may have his or her license restored at any time within 5 years after the expiration thereof, upon payment of the required fee.

(d) Any person whose license has been expired or inactive for 5 years or more may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored, including sworn evidence certifying to active lawful practice in another jurisdiction, and by paying
the required restoration fee. A person practicing on an expired license is deemed to be practicing without a license.

(e) If a person whose license has expired has not maintained active practice in another jurisdiction, the Department shall determine, by an evaluation process established by rule, his or her fitness to resume active status and may require the person to complete a period of evaluated clinical experience, and may require successful completion of an examination.

(f) Any person whose license has expired while he or she has been engaged (1) in federal or State service on active duty, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license restored without paying any lapsed renewal or restoration fee, if within 2 years after termination of such service, training or education he or she furnishes the Department with satisfactory proof that he or she has been so engaged and that his or her service, training or education has been so terminated.

(Source: P.A. 92-510, eff. 6-1-02.)

Sec. 13. Licensing applicants from other states.

Upon payment of the required fee, an applicant who is a speech-language pathologist, speech-language pathology assistant, or audiologist licensed under the laws of another state or territory of the United States, shall without examination be granted a license as a speech-language pathologist, speech-language pathology assistant, or audiologist by the Department:

(a) whenever the requirements of such state or territory of the United States were at the date of licensure substantially equal to the requirements then in force in this State; or

(b) whenever such requirements of another state or territory of the United States together with educational and professional qualifications, as distinguished from practical experience, of the applicant since obtaining a license as speech-language pathologist, speech-language pathology assistant, or audiologist in such state or territory of the United States are
substantially equal to the requirements in force in Illinois at the time of application for licensure as a speech-language pathologist, speech-language pathology assistant, or audiologist.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 92-510, eff. 6-1-02.)

(225 ILCS 110/15) (from Ch. 111, par. 7915)
(Section scheduled to be repealed on January 1, 2008)

Sec. 15. Returned checks; Penalties. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Secretary Director may waive the fines due under this Section in individual cases where the Secretary Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-146, eff. 1-1-02.)

(225 ILCS 110/16) (from Ch. 111, par. 7916)

New matter indicated by italics - deletions by strikeout
Sec. 16. Refusal, revocation or suspension of licenses.

(1) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, censure, reprimand or take other disciplinary or non-disciplinary action as the Department may deem proper, including fines not to exceed $10,000 for each violation, with regard to any license for any one or combination of the following causes:

(a) Fraud in procuring the license.

(b) (Blank). Habitual intoxication or addiction to the use of drugs.

(c) Willful or repeated violations of the rules of the Department of Public Health.

(d) Division of fees or agreeing to split or divide the fees received for speech-language pathology or audiology services with any person for referring an individual, or assisting in the care or treatment of an individual, without the knowledge of the individual or his or her legal representative.

(e) Employing, procuring, inducing, aiding or abetting a person not licensed as a speech-language pathologist or audiologist to engage in the unauthorized practice of speech-language pathology or audiology.

(e-5) Employing, procuring, inducing, aiding, or abetting a person not licensed as a speech-language pathology assistant to perform the functions and duties of a speech-language pathology assistant.

(f) Making any misrepresentations or false promises, directly or indirectly, to influence, persuade or induce patronage.

(g) Professional connection or association with, or lending his or her name to another for the illegal practice of speech-language pathology or audiology by another, or professional connection or association with any person, firm or corporation holding itself out in any manner contrary to this Act.

(h) Obtaining or seeking to obtain checks, money, or any other things of value by false or fraudulent representations,
including but not limited to, engaging in such fraudulent practice to defraud the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid).

(i) Practicing under a name other than his or her own.
(j) Improper, unprofessional or dishonorable conduct of a character likely to deceive, defraud or harm the public.
(k) Conviction of or entry of a plea of guilty or nolo contendere to any crime that in this or another state of any crime which is a felony under the laws of the United States or any state or territory thereof, or that is a misdemeanor of which an essential element is dishonesty, or that is directly related to the practice of the profession this State or conviction of a felony in a federal court, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.
(l) Permitting a person under his or her supervision to perform any function not authorized by this Act.
(m) A violation of any provision of this Act or rules promulgated thereunder.
(n) Discipline Revocation by another state, the District of Columbia, territory, or foreign nation of a license to practice speech-language pathology or audiology or a license to practice as a speech-language pathology assistant in its jurisdiction if at least one of the grounds for that discipline revocation is the same as or the equivalent of one of the grounds for discipline revocation set forth herein.
(o) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.
(p) Gross or repeated malpractice resulting in injury or death of an individual.
(q) Willfully making or filing false records or reports in his or her practice as a speech-language pathologist, speech-language pathology assistant, or audiologist, including, but not limited to,
false records to support claims against the public assistance program of the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid).

(r) Professional incompetence as manifested by poor standards of care or mental incompetence as declared by a court of competent jurisdiction.

(s) Repeated irregularities in billing a third party for services rendered to an individual. For purposes of this Section, "irregularities in billing" shall include:

   (i) reporting excessive charges for the purpose of obtaining a total payment in excess of that usually received by the speech-language pathologist, speech-language pathology assistant, or audiologist for the services rendered;
   (ii) reporting charges for services not rendered; or
   (iii) incorrectly reporting services rendered for the purpose of obtaining payment not earned.

(t) (Blank).

(u) Violation of the Health Care Worker Self-Referral Act.

(v) Inability Physical illness, including but not limited to deterioration through the aging process or loss of motor skill, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, or safety as a result of habitual or excessive use of or addiction to alcohol, narcotics, or stimulants or any other chemical agent or drug or as a result of physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill, mental illness, or disability.

(w) Violation of the Hearing Instrument Consumer Protection Act.

(x) Failure by a speech-language pathology assistant and supervising speech-language pathologist to comply with the supervision requirements set forth in Section 8.8.

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(y) Wilfully exceeding the scope of duties customarily undertaken by speech-language pathology assistants set forth in Section 8.7 that results in, or may result in, harm to the public.

(2) The Department shall deny a license or renewal authorized by this Act to any person who has defaulted on an educational loan guaranteed by the Illinois State Scholarship Commission; however, the Department may issue a license or renewal if the aforementioned persons have established a satisfactory repayment record as determined by the Illinois State Scholarship Commission.

(3) The entry of an order by a circuit court establishing that any person holding a license under this Act is subject to involuntary admission or judicial admission as provided for in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension of that license. That person may have his or her license restored only upon the determination by a circuit court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient, and upon the Board's recommendation to the Department that the license be restored. Where the circumstances so indicate, the Board may recommend to the Department that it require an examination prior to restoring any license automatically suspended under this subsection.

(4) The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of the tax penalty or interest, as required by any tax Act administered by the Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(5) In enforcing this Section, the Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Board. The individual to be examined may have, at his or her own expense, another physician or

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clinical psychologist of his or her choice present during all aspects of this examination. Failure of any individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board finds an individual unable to practice because of the reasons set forth in this Section, the Board may require that individual to submit to care, counseling, or treatment by physicians or clinical psychologists approved or designated by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. Any individual whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Board.

In instances in which the Secretary Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Board within 15 days after the suspension and completed without appreciable delay. The Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 91-949, eff. 2-9-01; 92-510, eff. 6-1-02; revised 12-15-05.)
(225 ILCS 110/17) (from Ch. 111, par. 7917)
Sec. 17. Investigations; notice; hearings of hearing. Licenses may be refused, revoked, or suspended in the manner provided by this Act and not otherwise. The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts that if proven would constitute grounds for refusal to issue, suspend, or revoke under this Act, investigate the actions of any person applying for, holding, or claiming to hold a license.

The Department shall, before refusing to issue or renew or suspending or revoking any license or taking other disciplinary action pursuant to Section 16 of this Act, and at least 30 days prior to the date set for the hearing, notify, in writing, the applicant for or the holder of such license of any charges made, afford the accused person an opportunity to be heard in person or by counsel in reference thereto, and direct the applicant or licensee to file a written answer to the Board under oath within 20 days after the service of the notice and inform the applicant or licensee that failure to file an answer will result in default being taken against the applicant or licensee and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature, or extent of practice, as the Secretary may deem proper. Written notice may be served by delivery of the same personally to the accused person or by mailing the same by certified mail to his or her last known place of residence or to the place of business last specified by the accused person in his or her last notification to the Department. In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person’s practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

At the time and place fixed in the notice, the Board shall proceed to hearing of the charges and both the accused person and the
complainant shall be accorded ample opportunity to present, in person or by counsel, any statements, testimony, evidence, and arguments as may be pertinent to the charges or to their defense. The Board may continue such hearing from time to time. If the Board is not sitting at the time and place fixed in the notice or at the time and place to which the hearing shall have been continued, the Department shall continue such hearing for a period not to exceed 30 days. Upon the motion of either the Department or the Board or upon the verified complaint in writing of any person setting forth facts that if proven would constitute grounds for refusal to issue, suspension, or revocation of a license or for taking any other disciplinary action with regard to a license under this Act, the Department shall investigate the actions of any person, hereinafter called the “licensee”, who holds or represents that he or she holds a license. All such motions or complaints shall be brought to the Board:

The Director shall, before refusing to issue, suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Director may deem proper with regard to any license, at least 30 days prior to the date set for the hearing, notify the licensee in writing of any charges made and the time and place for a hearing of the charges before the Board. The Board shall also direct him to file his or her written answer thereto with the Board under oath within 20 days after the service on him of such notice, and inform him that if he or she fails to file such answer, his or her license may be suspended, revoked, placed on probationary status or other disciplinary action may be taken with regard thereto, including limiting the scope, nature or extent of his or her practice as the Director may deem proper.

Such written notice and any notice in such proceeding thereafter may be served by delivery personally to the licensee, or by registered or certified mail to the address specified by the licensee in his or her last notification to the Director.

(Source: P.A. 90-69, eff. 7-8-97.)

(225 ILCS 110/18) (from Ch. 111, par. 7918)

(Section scheduled to be repealed on January 1, 2008)
Sec. 18. Temporary suspension of license Disciplinary actions. (a) In case the licensee, after receiving notice, fails to file an answer, his or her license may, in the discretion of the Director, having first received the recommendation of the Board, be suspended, revoked, placed on probationary status or the Director may take whatever disciplinary action he or she may deem proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. (b) The Secretary Director may temporarily suspend the license of a speech-language pathologist, speech-language pathology assistant, or audiologist without a hearing, simultaneous to the institution of proceedings for a hearing under this Act, if the Secretary Director finds that evidence in his or her possession indicates that a speech-language pathologist's, speech-language pathology assistant's, or an audiologist's continuation in practice would constitute an immediate danger to the public. In the event that the Secretary Director temporarily suspends the license of a speech-language pathologist, speech-language pathology assistant, or audiologist without a hearing, a hearing by the Board must be held within 15 days after such suspension has occurred and concluded without appreciable delay.  
(Source: P.A. 92-510, eff. 6-1-02.)

(225 ILCS 110/19) (from Ch. 111, par. 7919)

(Section scheduled to be repealed on January 1, 2008)

Sec. 19. Subpoenas; depositions; oaths Hearings. At the time and place fixed in the notice under Section 17, the Board shall proceed to hear the charges and both the licensee and the complainant shall be accorded ample opportunity to present in person, or by counsel, such statements, testimony, evidence and arguments as may be pertinent to the charges or to any defense thereto. The Board may continue such hearing from time to time. If the Board is not sitting at the time and place fixed in the notice or at the time and place to which the hearing has been continued, the Department shall continue such hearing for a period not to exceed 30 days.

The Board and Department has the shall have power to subpoena documents, books, records, or other materials and bring before it the

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Board any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as is prescribed in civil cases in the courts of this State by law pursuant to "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto", approved March 28, 1874, as amended.

The Secretary, the designated hearing officer, Director and every member of the Board has the power to administer oaths to witnesses at any hearing that which the Department or Board is authorized by law to conduct and any other oaths authorized in any Act administered by the Department.

(Source: P.A. 85-1391.)

(225 ILCS 110/20) (from Ch. 111, par. 7920)

Sec. 20. Attendance of Witnesses, Production of Documents. Any circuit court, upon the application of the licensee or complainant or of the Department or designated hearing officer or Board, may enter an order requiring the attendance of witnesses and their testimony and the production of documents, papers, files, books, and records in connection with any hearing or investigation relevant books and papers before the Board in any hearing relative to the application for or refusal, recall, suspension or revocation of a license. The court may compel obedience to its order by proceedings for contempt.

(Source: P.A. 85-1391.)

(225 ILCS 110/21) (from Ch. 111, par. 7921)

Sec. 21. Findings and recommendations Recommendations for disciplinary action. At the conclusion of a hearing, the Board shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding of whether or not the accused person violated this Act or its rules or failed to comply with the conditions required in this Act or its rules. The Board shall specify the nature of any violations or failure to comply and shall make its recommendations to the Secretary.

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In making recommendations for any disciplinary actions, the Board may take into consideration all facts and circumstances bearing upon the reasonableness of the conduct of the accused and the potential for future harm to the public, including, but not limited to, previous discipline of the accused by the Department, intent, degree of harm to the public, likelihood of harm in the future, any restitution made by the accused, and whether the incident or incidents contained in the complaint appear to be isolated or represent a continuing pattern of conduct. In making its recommendations for discipline, the Board shall endeavor to ensure that the severity of the discipline recommended is reasonably related to the severity of the violation.

The report of findings of fact, conclusions of law, and recommendations of the Board shall be the basis for the Department's order refusing to issue, restore, or renew a license, or otherwise disciplining a licensee. If the Secretary disagrees with the recommendations of the Board, the Secretary may issue an order in contravention of the Board recommendations. Board findings are not admissible as evidence against the person in a criminal prosecution brought for a violation of this Act; however, the hearing and findings shall not serve as a bar to criminal prosecution brought for a violation of this Act. The Board may advise the Director that probation be granted or that other disciplinary action, including the limitation of the scope, nature or extent of a person's practice, be taken, as it deems proper. If disciplinary action other than suspension or revocation is taken, the Board may advise the Director to impose reasonable limitations and requirements upon the licensee to insure compliance with the terms of the probation or other disciplinary action, including, but not limited to, regular reporting by the licensee to the Director of his or her actions, or the licensee placing himself under the care of a qualified physician for treatment or limiting his or her practice in such manner as the Director may require.

The Board shall present to the Director a written report of its findings and recommendations. A copy of such report shall be served upon the licensee, either personally or by registered or certified mail. Within 20 days after such service, the licensee may present to the Department his or

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her motion in writing for a rehearing, specifying the particular grounds therefor. If the licensee orders and pays for a transcript of the record, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such 20 days.

At the expiration of the time allowed for filing a motion for rehearing, the Director may take the action recommended by the Board. Upon suspension, revocation, placement on probationary status, or the taking of any other disciplinary action, including the limiting of the scope, nature, or extent of one's practice, deemed proper by the Director, with regard to the license, the licensee shall surrender his or her license to the Department if ordered to do so by the Department and upon his or her failure or refusal to do so, the Department may seize such license.

In all instances under this Act in which the Board has rendered a recommendation to the Director with respect to a particular person, the Director shall notify the Board if he or she disagrees with or takes action contrary to the recommendation of the Board.

Each order of revocation, suspension or other disciplinary action shall contain a brief and concise statement of the ground or grounds upon which the Department's action is based, as well as the specific terms and conditions of such action.

(Source: P.A. 90-69, eff. 7-8-97)

(225 ILCS 110/21.1 new)

Sec. 21.1. Board; rehearing. At the conclusion of the hearing, a copy of the Board's report shall be served upon the applicant or licensee by the Department, either personally or as provided in this Act for the service of a notice of hearing. Within 20 days after service, the applicant or licensee may present to the Department a motion, in writing, for a rehearing, which shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 days after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon denial, the Secretary may enter an order in accordance with recommendations of the Board except as provided in Section 22 of this Act. If the applicant or licensee orders from

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the reporting service and pays for a transcript of the record within the
time for filing a motion for rehearing, the 20-day period within which a
motion may be filed shall commence upon the delivery of the transcript to
the applicant or licensee.

(225 ILCS 110/21.2 new)
Sec. 21.2. Secretary; rehearing. Whenever the Secretary believes
that substantial justice has not been done in the revocation, suspension, or
refusal to issue, restore, or renew a license or other discipline of an
applicant or licensee, he or she may order a rehearing by the same or
other examiners.

(225 ILCS 110/22) (from Ch. 111, par. 7922)
(Section scheduled to be repealed on January 1, 2008)

Sec. 22. Appointment of a hearing officer. The Secretary
shall have the authority to appoint any attorney duly licensed to practice
law in the State of Illinois to serve as the hearing officer for any action for
refusal to issue, renew or discipline of a license. The hearing officer shall
have full authority to conduct the hearing. Board members may attend
hearings. The hearing officer shall report his or her findings and
recommendations to the Board and the Secretary. The Board shall
have 60 days after receipt of the report to review the report of the hearing
officer and present its findings of fact, conclusions of law and
recommendations to the Secretary and to all parties to the proceedings
Director. If the Board fails to present its report within the 60-day period,
the Director may issue an order based on the report of the hearing officer.
If the Secretary disagrees in any regard with the Board's report, he
or she may issue an order in contravention of the Board's report.
(Source: P.A. 90-69, eff. 7-8-97.)

(225 ILCS 110/23) (from Ch. 111, par. 7923)
(Section scheduled to be repealed on January 1, 2008)

Sec. 23. Restoration. At any time after suspension, revocation,
placement on probationary status, or the taking of any other disciplinary
action with regard to any license, the Department may restore the license,
or take any other action to reinstate the license to good standing, without
examination, upon the written recommendation of the Board, unless after
an investigation and a hearing, the Board determines that restoration is not in the public interest.

(Source: P.A. 85-1391.)

(225 ILCS 110/24) (from Ch. 111, par. 7924)

(Section scheduled to be repealed on January 1, 2008)

Sec. 24. Review under the Administrative Review Law - Application.

All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law and all amendments and modifications thereof and rules adopted thereto Article III of the Code of Civil Procedure, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Such proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if such party is not a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court with the complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record, which costs shall be computed at the rate of 20 cents per page of such record. Exhibits shall be certified without cost. Failure on the part of the plaintiff to file such receipt in court shall be grounds for dismissal of the action. During the pendency and hearing of any and all judicial proceedings incident to such disciplinary action, any sanctions imposed upon the licensee by the Department shall remain in full force and effect.

(Source: P.A. 85-1391.)

(225 ILCS 110/24.1 new)

Sec. 24.1. Certifications of record; costs. The Department shall not be required to certify any record to the court, to file an answer in court, or to otherwise appear in any court in a judicial review proceeding unless there is filed in the court, with the complaint, a receipt from the

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Department acknowledging payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. Failure on the part of the plaintiff to file the receipt in court is grounds for dismissal of the action.

(225 ILCS 110/25) (from Ch. 111, par. 7925)
(Section scheduled to be repealed on January 1, 2008)

Sec. 25. Order or certified copy; prima facie proof Revocation Orders. An order of revocation, suspension, placement on probationary status or other formal disciplinary action as the Department may deem proper; or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary Director of the Department, is prima facie proof that:

(a) the such signature is the genuine signature of the Secretary Director;

(b) the Secretary Director is duly appointed and qualified; and

(c) the Board and its the members thereof are qualified to act.

(Source: P.A. 85-1391.)

(225 ILCS 110/28) (from Ch. 111, par. 7928)
(Section scheduled to be repealed on January 1, 2008)

Sec. 28. Injunction. The practice of speech-language pathology or audiology by any person not holding a valid and current license under this Act or a person performing the functions and duties of a speech-language pathology assistant without a valid and current license under this Act, is declared to be inimical to the public welfare, to constitute a public nuisance, and to cause irreparable harm to the public welfare. The Secretary Director, the Attorney General, the State's attorney of any county in the State or any person may maintain an action in the name of the People of the State of Illinois, and may apply for an injunction in any circuit court to enjoin any such person from engaging in such practice. Upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person has been engaged in such practice without a valid and current license, may issue a temporary injunction without notice or bond, enjoining the defendant from any such further practice. Only the showing of nonlicensure, by affidavit

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or otherwise, is necessary in order for a temporary injunction to issue. A copy of the verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases except as modified by this Section. If it is established that the defendant has been, or is engaged in any such unlawful practice, the court, or any judge thereof, may enter an order or judgment perpetually enjoining the defendant from further such practice. In all proceedings hereunder, the court, in its discretion, may apportion the costs among the parties interested in the suit, including cost of filing the complaint, service of process, witness fees and expenses, court reporter charges and reasonable attorneys' fees. In case of violation of any injunction issued under the provisions of this Section, the court or any judge thereof may summarily try and punish the offender for contempt of court. Such injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this Act.

(Section scheduled to be repealed on January 1, 2008)

Sec. 28.5. Cease and desist order. If any person violates the provisions of this Act, the Secretary Director, in the name of the People of the State of Illinois, through the Attorney General or the State's Attorney of the county in which the violation is alleged to have occurred, may petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

Whenever, in the opinion of the Department, a person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 7 days from the date of the rule to file an answer.
satisfactory to the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.  
(Source: P.A. 90-69, eff. 7-8-97.)

(225 ILCS 110/29) (from Ch. 111, par. 7929)  
(Section scheduled to be repealed on January 1, 2008)

Sec. 29. Penalty of unlawful practice - second and subsequent offenses. Any person who practices or offers to practice speech-language pathology or audiology or performs the functions and duties of a speech-language pathology assistant in this State without being licensed for that purpose, or whose license has been suspended or revoked, or who violates any of the provisions of this Act, for which no specific penalty has been provided herein, is guilty of a Class A misdemeanor.

Any person who has been previously convicted under any of the provisions of this Act and who subsequently violates any of the provisions of this Act is guilty of a Class 4 felony. In addition, whenever any person is punished as a subsequent offender under this Section, the Secretary Director shall proceed to obtain a permanent injunction against such person under Section 29 of this Act.  
(Source: P.A. 92-510, eff. 6-1-02.)

(225 ILCS 110/26 rep.)

Section 15. The Illinois Speech-Language Pathology and Audiology Practice Act is amended by repealing Section 26.

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly June 1, 2007.

PUBLIC ACT 95-0466  
(House Bill No. 0328)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

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Section 5. The Criminal Code of 1961 is amended by changing Section 12-9 as follows:

(720 ILCS 5/12-9) (from Ch. 38, par. 12-9)
Sec. 12-9. Threatening public officials.
(a) A person commits the offense of threatening a public official when:

(1) that person knowingly and willfully delivers or conveys, directly or indirectly, to a public official by any means a communication:

   (i) containing a threat that would place the public official or a member of his or her immediate family in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or

   (ii) containing a threat that would place the public official or a member of his or her immediate family in reasonable apprehension that damage will occur to property in the custody, care, or control of the public official or his or her immediate family; and

(2) the threat was conveyed because of the performance or nonperformance of some public duty, because of hostility of the person making the threat toward the status or position of the public official, or because of any other factor related to the official's public existence.

(a-5) For purposes of a threat to a sworn law enforcement officer, the threat must contain specific facts indicative of a unique threat to the person, family or property of the officer and not a generalized threat of harm.

(b) For purposes of this Section:

(1) "Public official" means a person who is elected to office in accordance with a statute or who is appointed to an office which is established, and the qualifications and duties of which are prescribed, by statute, to discharge a public duty for the State or any of its political subdivisions or in the case of an elective office any person who has filed the required documents for nomination or

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election to such office. "Public official" includes a duly appointed assistant State's Attorney and a sworn law enforcement or peace officer.

(2) "Immediate family" means a public official's spouse or child or children.

(c) Threatening a public official is a Class 3 felony for a first offense and a Class 2 felony for a second or subsequent offense.

(Source: P.A. 91-335, eff. 1-1-00; 91-387, eff. 1-1-00; 92-16, eff. 6-28-01.)

Passed in the General Assembly June 1, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0467
(House Bill No. 0508)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 11-503 as follows:

(625 ILCS 5/11-503) (from Ch. 95 1/2, par. 11-503)
Sec. 11-503. Reckless driving; aggravated reckless driving.
(a) A person commits reckless driving if he or she:
(1) drives any vehicle with a willful or wanton disregard for the safety of persons or property; or
(2) knowingly drives a vehicle and uses an incline in a roadway, such as a railroad crossing, bridge approach, or hill, to cause the vehicle to become airborne.

(b) Every person convicted of reckless driving shall be guilty of a Class A misdemeanor, except as provided under subsections (b-1), (c), and (d) of this Section.

(b-1) Except as provided in subsection (d), any person convicted of violating subsection (a), if the violation causes bodily harm to a child or a

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school crossing guard while the school crossing guard is performing his or her official duties, is guilty of a Class 4 felony.

(c) Every person convicted of committing a violation of subsection (a) shall be guilty of aggravated reckless driving if the violation results in great bodily harm or permanent disability or disfigurement to another. Except as provided in subsection (d) of this Section, aggravated reckless driving is a Class 4 felony.

(d) Any person convicted of violating subsection (a), if the violation causes great bodily harm or permanent disability or disfigurement to a child or a school crossing guard while the school crossing guard is performing his or her official duties, is guilty of aggravated reckless driving. Aggravated reckless driving under this subsection (d) is a Class 3 felony.

(Source: P.A. 93-682, eff. 1-1-05.)

Section 10. The Criminal Code of 1961 is amended by changing Section 9-3 as follows:

Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.

(a) A person who unintentionally kills an individual without lawful justification commits involuntary manslaughter if his acts whether lawful or unlawful which cause the death are such as are likely to cause death or great bodily harm to some individual, and he performs them recklessly, except in cases in which the cause of the death consists of the driving of a motor vehicle or operating a snowmobile, all-terrain vehicle, or watercraft, in which case the person commits reckless homicide. A person commits reckless homicide if he or she unintentionally kills an individual while driving a vehicle and using an incline in a roadway, such as a railroad crossing, bridge approach, or hill, to cause the vehicle to become airborne.

(b) (Blank).

(c) (Blank).

(d) Sentence.

(1) Involuntary manslaughter is a Class 3 felony.

(2) Reckless homicide is a Class 3 felony.

(e) (Blank).

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(e-2) Except as provided in subsection (e-3), in cases involving reckless homicide in which the offense is committed upon a public thoroughfare where children pass going to and from school when a school crossing guard is performing official duties, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(e-3) In cases involving reckless homicide in which (i) the offense is committed upon a public thoroughfare where children pass going to and from school when a school crossing guard is performing official duties and (ii) the defendant causes the deaths of 2 or more persons as part of a single course of conduct, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 6 years and not more than 28 years.

(e-5) (Blank).

(e-7) Except as otherwise provided in subsection (e-8), in cases involving reckless homicide in which the defendant was driving in a construction or maintenance zone, as defined in Section 11-605 of the Illinois Vehicle Code, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(e-8) In cases involving reckless homicide in which the defendant was driving in a construction or maintenance zone, as defined in Section 11-605 of the Illinois Vehicle Code, and caused the deaths of 2 or more persons as part of a single course of conduct, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 6 years and not more than 28 years.

(e-9) In cases involving reckless homicide in which the defendant drove a vehicle and used an incline in a roadway, such as a railroad crossing, bridge approach, or hill, to cause the vehicle to become airborne, and caused the deaths of 2 or more persons as part of a single course of conduct, the penalty is a Class 2 felony.

(f) In cases involving involuntary manslaughter in which the victim was a family or household member as defined in paragraph (3) of Section 112A-3 of the Code of Criminal Procedure of 1963, the penalty shall be a
Class 2 felony, for which a person if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(Source: P.A. 92-16, eff. 6-28-01; 93-178, eff. 6-1-04; 93-213, eff. 7-18-03; 93-682, eff. 1-1-05.)

Passed in the General Assembly June 1, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0468
(House Bill No. 0619)

AN ACT in relation to child support.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Income Withholding for Support Act is amended by changing Section 50 as follows:

(750 ILCS 28/50)

Sec. 50. Penalties.

(a) Where a payor wilfully fails to withhold or pay over income pursuant to a properly served income withholding notice, or wilfully discharges, disciplines, refuses to hire or otherwise penalizes an obligor as prohibited by Section 40, or otherwise fails to comply with any duties imposed by this Act, the obligee, public office or obligor, as appropriate, may file a complaint with the court against the payor. The Clerk of the Circuit Court shall notify the obligee or public office, as appropriate, and the obligor and payor of the time and place of the hearing on the complaint. The court shall resolve any factual dispute including, but not limited to, a denial that the payor is paying or has paid income to the obligor. Upon a finding in favor of the complaining party, the court:

(1) shall enter judgment and direct the enforcement thereof for the total amount that the payor wilfully failed to withhold or pay over; and

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(2) may order employment or reinstatement of or restitution to the obligor, or both, where the obligor has been discharged, disciplined, denied employment or otherwise penalized by the payor and may impose a fine upon the payor not to exceed $200.

(b) Any obligee, public office or obligor who wilfully initiates a false proceeding under this Act or who wilfully fails to comply with the requirements of this Act shall be punished as in cases of contempt of court.

(c) Any officer or employee of any payor subject to the provisions of this Act who has the control, supervision, or responsibility for withholding and paying over income pursuant to an income withholding notice properly served on the payor and who wilfully fails to withhold or pay over income as required under the income withholding notice shall be personally liable for a penalty equal to the total amount that was not withheld or paid over by the payor. Only where the employer has incurred sums due under this Section and is unable to pay such amounts may personal liability attach to a responsible officer or employee who has willfully failed to withhold and pay over income as required under the income withholding notice. The personal liability imposed by this subsection shall survive the dissolution of a partnership, limited liability company, or corporation. For the purposes of this subsection, “officer or employee of any payor” includes a partner of a partnership, a manager or member of a limited liability corporation, and a member of a registered limited liability partnership.

(Source: P.A. 90-673, eff. 1-1-99.)

Passed in the General Assembly June 1, 2007.
Approved August 27, 2007
Effective June 1, 2008.

PUBLIC ACT 95-0469
(Senate Bill No. 0015)

AN ACT concerning public health.

New matter indicated by italics - deletions by strikeout
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Perinatal Mental Health Disorders Prevention and Treatment Act.

Section 5. Findings and purposes.
(a) The General Assembly finds all of the following:
   (1) Perinatal mental health disorders, commonly referred to as "postpartum depression", include a wide range of emotional, psychological, and physiological reactions to childbirth, including feelings of hopelessness, excessive guilt, sustained sadness, inability to feel pleasure, low energy, sleep and appetite disturbances, difficulty concentrating, and thoughts of death or suicide, which challenge the stamina of a woman during pregnancy or after childbirth, and impair her ability to function and care for her child.
   (2) Every year, more than 500,000 women experience the anxiety, hopelessness, desolation, and fatigue of perinatal mental health disorders during pregnancy, in the early postpartum months, and into their child's first year of life.
   (3) Women at highest risk for perinatal mental health disorders can be those with previous mental health disorders, such as depression, anxiety or panic disorder, and those with a family member with a history of such mental health disorders. However, perinatal mental health disorders frequently strike without warning in women without any past mental health disorders and with or without any complications in pregnancy.
   (4) Many women suffering from perinatal mental health disorders require counseling and treatment, yet many do not realize that they need help or are unable to find and secure appropriate resources.
   (5) In addition to the mother, the effects of perinatal mental health disorders can also significantly impact the infant, as well as the father, other children, and extended family members. Perinatal mental health disorders can affect the mother's ability to respond
sensitively to her infant's needs and can strain the family relationships.
(b) The purpose of this Act is:
   (1) to provide information to women and their families about perinatal mental health disorders in order to lower the likelihood that new mothers will continue to suffer from this illness in silence;
   (2) to develop procedures for assessing women for perinatal mental health disorders during prenatal and postnatal visits to licensed health care professionals; and
   (3) to promote early detection of perinatal mental health disorders to promote early care and treatment and, when medically appropriate, to avoid medication.
Section 10. Definitions. In this Act:
"Hospital" has the meaning given to that term in the Hospital Licensing Act.
"Licensed health care professional" means a physician licensed to practice medicine in all its branches, an advanced practice nurse who has a collaborative agreement with a collaborating physician that authorizes care, or a physician's assistant who has been delegated authority to provide care.
"Postnatal care" means an office visit to a licensed health care professional occurring after birth, with reference to the infant or mother.
"Prenatal care" means an office visit to a licensed health care professional for pregnancy-related care occurring before birth.
"Questionnaire" means an assessment tool administered by a licensed health care professional to detect perinatal mental health disorders, such as the Edinburgh Postnatal Depression Scale, the Postpartum Depression Screening Scale, the Beck Depression Inventory, the Patient Health Questionnaire, or other validated assessment methods.
Section 15. Perinatal mental health disorders prevention and treatment. The Department of Human Services, in conjunction with the Department of Healthcare and Family Services, the Department of Public Health, and the Department of Financial and Professional Regulation and

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the Medical Licensing Board, shall work with hospitals and licensed health care professionals in this State to develop policies, procedures, information, and educational materials to meet each of the following requirements concerning perinatal mental health disorders:

(1) Licensed health care professionals providing prenatal care to women shall provide education to women and, if possible and with permission, to their families about perinatal mental health disorders in accordance with the formal opinions and recommendations of the American College of Obstetricians and Gynecologists.

(2) All hospitals that provide labor and delivery services in the State shall provide new mothers, prior to discharge following childbirth, and, if possible, shall provide fathers and other family members with complete information about perinatal mental health disorders, including its symptoms, methods of coping with the illness, and treatment resources. The Department of Human Services shall provide written information that hospitals may use to satisfy this subsection (2).

(3) Licensed health care professionals providing prenatal care at a prenatal visit shall invite each pregnant patient to complete a questionnaire and shall review the completed questionnaire in accordance with the formal opinions and recommendations of the American College of Obstetricians and Gynecologists. Assessment for perinatal mental health disorders must be repeated when, in the professional judgment of the licensed health care professional, a reasonable possibility exists that the woman suffers from perinatal mental health disorders.

(4) Licensed health care professionals providing postnatal care to women shall invite each patient to complete a questionnaire and shall review the completed questionnaire in accordance with the formal opinions and recommendations of the American College of Obstetricians and Gynecologists.

(5) Licensed health care professionals providing pediatric care to an infant shall invite the infant's mother to complete a
questionnaire at any well-baby check-up at which the mother is present prior to the infant's first birthday, and shall review the completed questionnaire in accordance with the formal opinions and recommendations of the American College of Obstetricians and Gynecologists, in order to ensure that the health and well-being of the infant are not compromised by an undiagnosed perinatal mental health disorder in the mother. In order to share results from an assessment with the mother's primary licensed health care professional, consent should be obtained from the mother in accordance with the Illinois Health Insurance Portability and Accountability Act. If the mother is determined to present an acute danger to herself or someone else, consent is not required.

Effective January 1, 2008.

PUBLIC ACT 95-0470
(Senate Bill No. 0066)

AN ACT concerning finance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Finance Authority Act is amended by changing Sections 801-40, 825-65, 825-75 and by adding Section 801-50 as follows:

(20 ILCS 3501/801-40)

Sec. 801-40. In addition to the powers otherwise authorized by law and in addition to the foregoing general corporate powers, the Authority shall also have the following additional specific powers to be exercised in furtherance of the purposes of this Act.

(a) The Authority shall have power (i) to accept grants, loans or appropriations from the federal government or the State, or any agency or instrumentality thereof, to be used for the operating expenses of the Authority, or for any purposes of the Authority, including the making of
direct loans of such funds with respect to projects, and (ii) to enter into any agreement with the federal government or the State, or any agency or instrumentality thereof, in relationship to such grants, loans or appropriations.

(b) The Authority shall have power to procure and enter into contracts for any type of insurance and indemnity agreements covering loss or damage to property from any cause, including loss of use and occupancy, or covering any other insurable risk.

(c) The Authority shall have the continuing power to issue bonds for its corporate purposes. Bonds may be issued by the Authority in one or more series and may provide for the payment of any interest deemed necessary on such bonds, of the costs of issuance of such bonds, of any premium on any insurance, or of the cost of any guarantees, letters of credit or other similar documents, may provide for the funding of the reserves deemed necessary in connection with such bonds, and may provide for the refunding or advance refunding of any bonds or for accounts deemed necessary in connection with any purpose of the Authority. The bonds may bear interest payable at any time or times and at any rate or rates, notwithstanding any other provision of law to the contrary, and such rate or rates may be established by an index or formula which may be implemented or established by persons appointed or retained therefor by the Authority, or may bear no interest or may bear interest payable at maturity or upon redemption prior to maturity, may bear such date or dates, may be payable at such time or times and at such place or places, may mature at any time or times not later than 40 years from the date of issuance, may be sold at public or private sale at such time or times and at such price or prices, may be secured by such pledges, reserves, guarantees, letters of credit, insurance contracts or other similar credit support or liquidity instruments, may be executed in such manner, may be subject to redemption prior to maturity, may provide for the registration of the bonds, and may be subject to such other terms and conditions all as may be provided by the resolution or indenture authorizing the issuance of such bonds. The holder or holders of any bonds issued by the Authority may bring suits at law or proceedings in equity to compel the performance

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and observance by any person or by the Authority or any of its agents or employees of any contract or covenant made with the holders of such bonds and to compel such person or the Authority and any of its agents or employees to perform any duties required to be performed for the benefit of the holders of any such bonds by the provision of the resolution authorizing their issuance, and to enjoin such person or the Authority and any of its agents or employees from taking any action in conflict with any such contract or covenant. Notwithstanding the form and tenor of any such bonds and in the absence of any express recital on the face thereof that it is non-negotiable, all such bonds shall be negotiable instruments. Pending the preparation and execution of any such bonds, temporary bonds may be issued as provided by the resolution. The bonds shall be sold by the Authority in such manner as it shall determine. The bonds may be secured as provided in the authorizing resolution by the receipts, revenues, income and other available funds of the Authority and by any amounts derived by the Authority from the loan agreement or lease agreement with respect to the project or projects; and bonds may be issued as general obligations of the Authority payable from such revenues, funds and obligations of the Authority as the bond resolution shall provide, or may be issued as limited obligations with a claim for payment solely from such revenues, funds and obligations as the bond resolution shall provide. The Authority may grant a specific pledge or assignment of and lien on or security interest in such rights, revenues, income, or amounts and may grant a specific pledge or assignment of and lien on or security interest in any reserves, funds or accounts established in the resolution authorizing the issuance of bonds. Any such pledge, assignment, lien or security interest for the benefit of the holders of the Authority's bonds shall be valid and binding from the time the bonds are issued without any physical delivery or further act, and shall be valid and binding as against and prior to the claims of all other parties having claims against the Authority or any other person irrespective of whether the other parties have notice of the pledge, assignment, lien or security interest. As evidence of such pledge, assignment, lien and security interest, the Authority may execute and deliver a mortgage, trust agreement, indenture or security agreement or an assignment thereof. A

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remedy for any breach or default of the terms of any such agreement by the Authority may be by mandamus proceedings in any court of competent jurisdiction to compel the performance and compliance therewith, but the agreement may prescribe by whom or on whose behalf such action may be instituted. It is expressly understood that the Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

(d) With respect to the powers granted by this Act, the Authority may adopt rules and regulations prescribing the procedures by which persons may apply for assistance under this Act. Nothing herein shall be deemed to preclude the Authority, prior to the filing of any formal application, from conducting preliminary discussions and investigations with respect to the subject matter of any prospective application.

(e) The Authority shall have power to acquire by purchase, lease, gift or otherwise any property or rights therein from any person useful for its purposes, whether improved for the purposes of any prospective project, or unimproved. The Authority may also accept any donation of funds for its purposes from any such source. The Authority shall have no independent power of condemnation but may acquire any property or rights therein obtained upon condemnation by any other authority, governmental entity or unit of local government with such power.

(f) The Authority shall have power to develop, construct and improve either under its own direction, or through collaboration with any approved applicant, or to acquire through purchase or otherwise, any project, using for such purpose the proceeds derived from the sale of its bonds or from governmental loans or grants, and to hold title in the name of the Authority to such projects.

(g) The Authority shall have power to lease pursuant to a lease agreement any project so developed and constructed or acquired to the approved tenant on such terms and conditions as may be appropriate to further the purposes of this Act and to maintain the credit of the Authority. Any such lease may provide for either the Authority or the approved tenant to assume initially, in whole or in part, the costs of maintenance, repair and improvements during the leasehold period. In no case, however, shall the total rentals from any project during any initial leasehold period or the

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total loan repayments to be made pursuant to any loan agreement, be less than an amount necessary to return over such lease or loan period (1) all costs incurred in connection with the development, construction, acquisition or improvement of the project and for repair, maintenance and improvements thereto during the period of the lease or loan; provided, however, that the rentals or loan repayments need not include costs met through the use of funds other than those obtained by the Authority through the issuance of its bonds or governmental loans; (2) a reasonable percentage additive to be agreed upon by the Authority and the borrower or tenant to cover a properly allocable portion of the Authority's general expenses, including, but not limited to, administrative expenses, salaries and general insurance, and (3) an amount sufficient to pay when due all principal of, interest and premium, if any on, any bonds issued by the Authority with respect to the project. The portion of total rentals payable under clause (3) of this subsection (g) shall be deposited in such special accounts, including all sinking funds, acquisition or construction funds, debt service and other funds as provided by any resolution, mortgage or trust agreement of the Authority pursuant to which any bond is issued.

(h) The Authority has the power, upon the termination of any leasehold period of any project, to sell or lease for a further term or terms such project on such terms and conditions as the Authority shall deem reasonable and consistent with the purposes of the Act. The net proceeds from all such sales and the revenues or income from such leases shall be used to satisfy any indebtedness of the Authority with respect to such project and any balance may be used to pay any expenses of the Authority or be used for the further development, construction, acquisition or improvement of projects. In the event any project is vacated by a tenant prior to the termination of the initial leasehold period, the Authority shall sell or lease the facilities of the project on the most advantageous terms available. The net proceeds of any such disposition shall be treated in the same manner as the proceeds from sales or the revenues or income from leases subsequent to the termination of any initial leasehold period. (i) The Authority shall have the power to make loans to persons to finance a project, to enter into loan agreements with respect thereto, and to accept
guarantees from persons of its loans or the resultant evidences of obligations of the Authority.

(j) The Authority may fix, determine, charge and collect any premiums, fees, charges, costs and expenses, including, without limitation, any application fees, commitment fees, program fees, financing charges or publication fees from any person in connection with its activities under this Act.

(k) In addition to the funds established as provided herein, the Authority shall have the power to create and establish such reserve funds and accounts as may be necessary or desirable to accomplish its purposes under this Act and to deposit its available monies into the funds and accounts.

(l) At the request of the governing body of any unit of local government, the Authority is authorized to market such local government's revenue bond offerings by preparing bond issues for sale, advertising for sealed bids, receiving bids at its offices, making the award to the bidder that offers the most favorable terms or arranging for negotiated placements or underwritings of such securities. The Authority may, at its discretion, offer for concurrent sale the revenue bonds of several local governments. Sales by the Authority of revenue bonds under this Section shall in no way imply State guarantee of such debt issue. The Authority may require such financial information from participating local governments as it deems necessary in order to carry out the purposes of this subsection (1).

(m) The Authority may make grants to any county to which Division 5-37 of the Counties Code is applicable to assist in the financing of capital development, construction and renovation of new or existing facilities for hospitals and health care facilities under that Act. Such grants may only be made from funds appropriated for such purposes from the Build Illinois Bond Fund.

(n) The Authority may establish an urban development action grant program for the purpose of assisting municipalities in Illinois which are experiencing severe economic distress to help stimulate economic development activities needed to aid in economic recovery. The Authority shall determine the types of activities and projects for which the urban

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development action grants may be used, provided that such projects and activities are broadly defined to include all reasonable projects and activities the primary objectives of which are the development of viable urban communities, including decent housing and a suitable living environment, and expansion of economic opportunity, principally for persons of low and moderate incomes. The Authority shall enter into grant agreements from monies appropriated for such purposes from the Build Illinois Bond Fund. The Authority shall monitor the use of the grants, and shall provide for audits of the funds as well as recovery by the Authority of any funds determined to have been spent in violation of this subsection (n) or any rule or regulation promulgated hereunder. The Authority shall provide technical assistance with regard to the effective use of the urban development action grants. The Authority shall file an annual report to the General Assembly concerning the progress of the grant program.

(o) The Authority may establish a Housing Partnership Program whereby the Authority provides zero-interest loans to municipalities for the purpose of assisting in the financing of projects for the rehabilitation of affordable multi-family housing for low and moderate income residents. The Authority may provide such loans only upon a municipality's providing evidence that it has obtained private funding for the rehabilitation project. The Authority shall provide 3 State dollars for every 7 dollars obtained by the municipality from sources other than the State of Illinois. The loans shall be made from monies appropriated for such purpose from the Build Illinois Bond Fund. The total amount of loans available under the Housing Partnership Program shall not exceed $30,000,000. State loan monies under this subsection shall be used only for the acquisition and rehabilitation of existing buildings containing 4 or more dwelling units. The terms of any loan made by the municipality under this subsection shall require repayment of the loan to the municipality upon any sale or other transfer of the project.

(p) The Authority may award grants to universities and research institutions, research consortia and other not-for-profit entities for the purposes of: remodeling or otherwise physically altering existing laboratory or research facilities, expansion or physical additions to existing laboratory or research facilities.
laboratory or research facilities, construction of new laboratory or research facilities or acquisition of modern equipment to support laboratory or research operations provided that such grants (i) be used solely in support of project and equipment acquisitions which enhance technology transfer, and (ii) not constitute more than 60 percent of the total project or acquisition cost.

(q) Grants may be awarded by the Authority to units of local government for the purpose of developing the appropriate infrastructure or defraying other costs to the local government in support of laboratory or research facilities provided that such grants may not exceed 40% of the cost to the unit of local government.

(r) The Authority may establish a Direct Loan Program to make loans to individuals, partnerships or corporations for the purpose of an industrial project, as defined in Section 801-10 of this Act. For the purposes of such program and not by way of limitation on any other program of the Authority, the Authority shall have the power to issue bonds, notes, or other evidences of indebtedness including commercial paper for purposes of providing a fund of capital from which it may make such loans. The Authority shall have the power to use any appropriations from the State made especially for the Authority's Direct Loan Program for additional capital to make such loans or for the purposes of reserve funds or pledged funds which secure the Authority's obligations of repayment of any bond, note or other form of indebtedness established for the purpose of providing capital for which it intends to make such loans under the Direct Loan Program. For the purpose of obtaining such capital, the Authority may also enter into agreements with financial institutions and other persons for the purpose of selling loans and developing a secondary market for such loans. Loans made under the Direct Loan Program may be in an amount not to exceed $300,000 and shall be made for a portion of an industrial project which does not exceed 50% of the total project. No loan may be made by the Authority unless approved by the affirmative vote of at least 8 members of the board. The Authority shall establish procedures and publish rules which shall provide for the submission, review, and analysis of each direct loan application and which shall preserve the ability
of each board member to reach an individual business judgment regarding the propriety of making each direct loan. The collective discretion of the board to approve or disapprove each loan shall be unencumbered. The Authority may establish and collect such fees and charges, determine and enforce such terms and conditions, and charge such interest rates as it determines to be necessary and appropriate to the successful administration of the Direct Loan Program. The Authority may require such interests in collateral and such guarantees as it determines are necessary to project the Authority's interest in the repayment of the principal and interest of each loan made under the Direct Loan Program.

(s) The Authority may guarantee private loans to third parties up to a specified dollar amount in order to promote economic development in this State.

(i) The Authority may adopt rules and regulations as may be necessary or advisable to implement the powers conferred by this Act.

(u) The Authority shall have the power to issue bonds, notes or other evidences of indebtedness, which may be used to make loans to units of local government which are authorized to enter into loan agreements and other documents and to issue bonds, notes and other evidences of indebtedness for the purpose of financing the protection of storm sewer outfalls, the construction of adequate storm sewer outfalls, and the provision for flood protection of sanitary sewage treatment plans, in counties that have established a stormwater management planning committee in accordance with Section 5-1062 of the Counties Code. Any such loan shall be made by the Authority pursuant to the provisions of Section 820-5 to 820-60 of this Act. The unit of local government shall pay back to the Authority the principal amount of the loan, plus annual interest as determined by the Authority. The Authority shall have the power, subject to appropriations by the General Assembly, to subsidize or buy down a portion of the interest on such loans, up to 4% per annum.

(v) The Authority may accept security interests as provided in Sections 11-3 and 11-3.3 of the Illinois Public Aid Code.

(w) Moral Obligation. In the event that the Authority determines that monies of the Authority will not be sufficient for the payment of the
principal of and interest on its bonds during the next State fiscal year, the
Chairperson, as soon as practicable, shall certify to the Governor the
amount required by the Authority to enable it to pay such principal of and
interest on the bonds. The Governor shall submit the amount so certified to
the General Assembly as soon as practicable, but no later than the end of
the current State fiscal year. This subsection shall apply only to any bonds
or notes as to which the Authority shall have determined, in the resolution
authorizing the issuance of the bonds or notes, that this subsection shall
apply. Whenever the Authority makes such a determination, that fact shall
be plainly stated on the face of the bonds or notes and that fact shall also
be reported to the Governor. In the event of a withdrawal of moneys from
a reserve fund established with respect to any issue or issues of bonds of
the Authority to pay principal or interest on those bonds, the Chairperson
of the Authority, as soon as practicable, shall certify to the Governor the
amount required to restore the reserve fund to the level required in the
resolution or indenture securing those bonds. The Governor shall submit
the amount so certified to the General Assembly as soon as practicable, but
no later than the end of the current State fiscal year. The Authority shall
obtain written approval from the Governor for any bonds and notes to be
issued under this Section. In addition to any other bonds authorized to be
issued under Sections 825-60, 825-65(e), 830-25 and 845-5, the principal
amount of Authority bonds outstanding issued under this Section 801-
40(w) or under 20 ILCS 3850/1-80 or 30 ILCS 360/2-6(c), which have
been assumed by the Authority, shall not exceed $150,000,000.

(x) The Authority may enter into agreements or contracts with any
person necessary or appropriate to place the payment obligations of the
Authority under any of its bonds in whole or in part on any interest rate
basis, cash flow basis, or other basis desired by the Authority, including
without limitation agreements or contracts commonly known as "interest
rate swap agreements", "forward payment conversion agreements", and
"futures", or agreements or contracts to exchange cash flows or a series of
payments, or agreements or contracts, including without limitation
agreements or contracts commonly known as "options", "puts", or "calls",
to hedge payment, rate spread, or similar exposure; provided that any

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such agreement or contract shall not constitute an obligation for borrowed money and shall not be taken into account under Section 845-5 of this Act or any other debt limit of the Authority or the State of Illinois.
(Source: P.A. 93-205, eff. 1-1-04; 94-91, eff. 7-1-05.)
(20 ILCS 3501/801-50 new)
Sec. 801-50. Pledge of revenues by the Authority; non-impairment. Any pledge of revenues or other moneys made by the Authority shall be binding from the time the pledge is made. Revenues and other moneys so pledged shall be held outside of the State treasury and in the custody of either the Treasurer of the Authority or a trustee or a depository appointed by the Authority. Revenues or other moneys so pledged and thereafter received by the Authority or trustee or depository shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of any pledge shall be binding against all parties having claims of any kind in tort, contract, or otherwise against the Authority, irrespective of whether the parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be filed or recorded except in the records of the Authority. The State pledges and agrees with the holders of bonds or other obligations of the Authority that the State will not limit or restrict the rights hereby vested in the Authority to purchase, acquire, hold, sell, or dispose of investments or to establish and collect such fees or other charges as may be convenient or necessary to produce sufficient revenues to meet the expenses of operation to the Authority, and to fulfill the terms of any agreement made with the holders of the bonds or other obligations of the Authority or in any way impair the rights or remedies of the holders of those bonds or other obligations of the Authority until such bonds or other obligations are fully paid and discharged or provision for their payment has been made.
(20 ILCS 3501/825-65)
Sec. 825-65. Clean Coal and Energy Project Financing.
(a) Findings and declaration of policy. It is hereby found and declared that Illinois has abundant coal resources and, in some areas of Illinois, the demand for power exceeds the generating capacity. Incentives

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to encourage the construction of coal-fired electric generating plants in Illinois to ensure power generating capacity into the future and to advance clean coal technology and the use of Illinois coal are in the best interests of all of the citizens of Illinois. The Authority is authorized to issue bonds to help finance Clean Coal and Energy projects pursuant to this Section.

(b) Definition. "Clean Coal and Energy projects" means new electric generating facilities or new gasification facilities, as defined in Section 605-332 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois, which may include mine-mouth power plants, projects that employ the use of clean coal technology, projects to provide scrubber technology for existing energy generating plants, or projects to provide electric transmission facilities or new gasification facilities.

(c) Creation of reserve funds. The Authority may establish and maintain one or more reserve funds to enhance bonds issued by the Authority for Clean Coal and Energy projects to develop alternative energy sources, including renewable energy projects, projects to provide scrubber technology for existing energy generating plants or projects to provide electric transmission facilities. There may be one or more accounts in these reserve funds in which there may be deposited:

1. any proceeds of the bonds issued by the Authority required to be deposited therein by the terms of any contract between the Authority and its bondholders or any resolution of the Authority;
2. any other moneys or funds of the Authority that it may determine to deposit therein from any other source; and
3. any other moneys or funds made available to the Authority. Subject to the terms of any pledge to the owners of any bonds, moneys in any reserve fund may be held and applied to the payment of principal, premium, if any, and interest of such bonds.

(d) Powers and duties. The Authority has the power:

1. To issue bonds in one or more series pursuant to one or more resolutions of the Authority for any Clean Coal and Energy
projects authorized under this Section, within the authorization set forth in subsections (e) and (f).

(2) To provide for the funding of any reserves or other funds or accounts deemed necessary by the Authority in connection with any bonds issued by the Authority.

(3) To pledge any funds of the Authority or funds made available to the Authority that may be applied to such purpose as security for any bonds or any guarantees, letters of credit, insurance contracts or similar credit support or liquidity instruments securing the bonds.

(4) To enter into agreements or contracts with third parties, whether public or private, including, without limitation, the United States of America, the State or any department or agency thereof, to obtain any appropriations, grants, loans or guarantees that are deemed necessary or desirable by the Authority. Any such guarantee, agreement or contract may contain terms and provisions necessary or desirable in connection with the program, subject to the requirements established by the Act.

(5) To exercise such other powers as are necessary or incidental to the foregoing.

(e) Clean Coal and Energy bond authorization and financing limits. In addition to any other bonds authorized to be issued under Sections 801-40(w), 825-60, 830-25 and 845-5, the Authority may have outstanding, at any time, bonds for the purpose enumerated in this Section 825-65 in an aggregate principal amount that shall not exceed $2,700,000,000, of which no more than $300,000,000 may be issued to finance transmission facilities, no more than $500,000,000 may be issued to finance scrubbers at existing generating plants, no more than $500,000,000 may be issued to finance alternative energy sources, including renewable energy projects and no more than $1,400,000,000 may be issued to finance new electric generating facilities or new gasification facilities, as defined in Section 605-332 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois, which may include mine-mouth power plants. An application for a loan financed from bond

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proceeds from a borrower or its affiliates for a Clean Coal and Energy project may not be approved by the Authority for an amount in excess of $450,000,000 for any borrower or its affiliates. These bonds shall not constitute an indebtedness or obligation of the State of Illinois and it shall be plainly stated on the face of each bond that it does not constitute an indebtedness or obligation of the State of Illinois, but is payable solely from the revenues, income or other assets of the Authority pledged therefor.

(f) Additional Clean Coal and Energy bond authorization and financing limits. In addition to any other bonds authorized to be issued under this Act, the Authority may issue bonds for the purpose enumerated in this Section 825-65 in an aggregate principal amount that shall not exceed $300,000,000.

(Source: P.A. 93-205, eff. 1-1-04.)

(20 ILCS 3501/825-75)

Sec. 825-75. Additional Security. In the event that the Authority determines that monies of the Authority will not be sufficient for the payment of the principal of and interest on any bonds issued by the Authority under Sections 825-65 through 825-75 of this Act for new electric generating facilities or new gasification facilities for energy generation projects that advance clean coal technology and the use of Illinois coal during the next State fiscal year, the Chairperson, as soon as practicable, shall certify to the Governor the amount required by the Authority to enable it to pay such principal, premium, if any, and interest on such bonds. The Governor shall submit the amount so certified to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. This subsection shall not apply to any bonds or notes as to which the Authority shall have determined, in the resolution authorizing the issuance of the bonds or notes, that this subsection shall not apply. Whenever the Authority makes such a determination, that fact shall be plainly stated on the face of the bonds or notes and that fact should also be reported to the Governor. In the event of a withdrawal of monies from a reserve fund established with respect to any issue or issues of bonds of the Authority to pay principal, premium, if any, and interest on

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such bonds, the Chairman of the Authority, as soon as practicable, shall
certify to the Governor the amount required to restore the reserve fund to
the level required in the resolution or indenture securing those bonds. The
Governor shall submit the amount so certified to the General Assembly as
soon as practicable, but no later than the end of the current State fiscal
year. The Authority shall obtain written approval from the Governor for
any bonds and notes to be issued under this Section.
(Source: P.A. 93-205, eff. 1-1-04.)

Section 99. Effective date. This Act takes effect upon becoming
law.


AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Counties Code is amended by changing Section 5-41010 as follows:
(55 ILCS 5/5-41010)

Sec. 5-41010. Code hearing unit. The county board in any county
having a population of less than 3,000,000 inhabitants may establish by
ordinance a code hearing unit within an existing code enforcement agency
or as a separate and independent agency in county government. A county
may establish a code hearing unit and administrative adjudication process
only under the provisions of this Division 5-41. The function of the code
hearing unit shall be to expedite the prosecution and correction of code
violations as provided in this Division 5-41.
(Source: P.A. 90-517, eff. 8-22-97.)

Section 99. Effective date. This Act takes effect upon becoming
law.

New matter indicated by italics - deletions by strikeout
AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 1. Short title. This Act may be cited as the Uniform Real
Property Electronic Recording Act.

Section 2. Definitions. In this Act:
(1) "Document" means information that is:
   (A) inscribed on a tangible medium or that is stored
   in an electronic or other medium and is retrievable in
   perceivable form; and
   (B) eligible to be recorded in the land records
   maintained by the county recorder.
(2) "Electronic" means relating to technology having
electrical, digital, magnetic, wireless, optical, electromagnetic, or
similar capabilities.
(3) "Electronic document" means a document that is
received by the recorder in an electronic form.
(4) "Electronic signature" means an electronic sound,
symbol, or process attached to or logically associated with a
document and executed or adopted by a person with the intent to
sign the document.
(5) "Person" means an individual, corporation, business
trust, estate, trust, partnership, limited liability company,
association, joint venture, public corporation, government, or
governmental subdivision, agency, or instrumentality, or any other
legal or commercial entity.

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(6) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(7) "Secretary" means the Secretary of State.

(8) "Commission" means the Illinois Electronic Recording Commission.

Any notifications required by this Act must be made in writing and may be communicated by certified mail, return receipt requested or electronic mail so long as receipt is verified.

Section 3. Validity of electronic documents.

(a) If a law requires, as a condition for recording, that a document be an original, be on paper or another tangible medium, or be in writing, the requirement is satisfied by an electronic document satisfying this Act.

(b) If a law requires, as a condition for recording, that a document be signed, the requirement is satisfied by an electronic signature.

(c) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature.

Section 4. Recording of documents.

(a) In this Section, "paper document" means a document that is received by the county recorder in a form that is not electronic.

(b) A county recorder:

(1) who implements any of the functions listed in this Section shall do so in compliance with standards established by the Illinois Electronic Recording Commission and must follow the procedures of the Local Records Act before destroying any original paper records as part of a conversion process into an electronic or other format.
(2) may receive, index, store, archive, and transmit
electronic documents.
(3) may provide for access to, and for search and retrieval
of, documents and information by electronic means, including the
Internet, and on approval by the county recorder of the form and
amount, the county board may adopt a fee for document detail or
image retrieval on the Internet.
(4) who accepts electronic documents for recording shall
continue to accept paper documents as authorized by State law and
shall place entries for both types of documents in the same index.
(5) may convert paper documents accepted for recording
into electronic form.
(6) may convert into electronic form information recorded
before the county recorder began to record electronic documents.
(7) may accept electronically any fee or tax that the county
recorder is authorized to collect.
(8) may agree with other officials of a state or a political
subdivision thereof, or of the United States, on procedures or
processes to facilitate the electronic satisfaction of prior approvals
and conditions precedent to recording and the electronic payment
of fees and taxes.
Section 5. Administration and standards.
(a) To adopt standards to implement this Act, there is established,
within the Office of the Secretary of State, the Illinois Electronic
Recording Commission consisting of 15 commissioners as follows:
(1) The Secretary of State or the Secretary's designee shall
be a permanent commissioner.
(2) The Secretary of State shall appoint the following
additional 14 commissioners:
(A) Three who are from the land title profession.
(B) Three who are from lending institutions.
(C) One who is an attorney.
(D) Seven who are county recorders, no more than 4
of whom are from one political party, representative of

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counties of varying size, geography, population, and resources.

(3) On the effective date of this Act, the Secretary of State or the Secretary's designee shall become the Acting Chairperson of the Commission. The Secretary shall appoint the initial commissioners within 60 days and hold the first meeting of the Commission within 120 days, notifying commissioners of the time and place of the first meeting with at least 14 days' notice. At its first meeting the Commission shall adopt, by a majority vote, such rules and structure that it deems necessary to govern its operations, including the title, responsibilities, and election of officers. Once adopted, the rules and structure may be altered or amended by the Commission by majority vote. Upon the election of officers and adoption of rules or bylaws, the duties of the Acting Chairperson shall cease.

(4) The Commission shall meet at least once every year within the State of Illinois. The time and place of meetings to be determined by the Chairperson and approved by a majority of the Commission.

(5) Eight commissioners shall constitute a quorum.

(6) Commissioners shall receive no compensation for their services but may be reimbursed for reasonable expenses at current rates in effect at the Office of the Secretary of State, directly related to their duties as commissioners and participation at Commission meetings or while on business or at meetings which have been authorized by the Commission.

(7) Appointed commissioners shall serve terms of 3 years, which shall expire on December 1st. Five of the initially appointed commissioners, including at least 2 county recorders, shall serve terms of one year, 5 of the initially appointed commissioners, including at least 2 county recorders, shall serve terms of 2 years, and 4 of the initially appointed commissioners shall serve terms of 3 years, to be determined by lot. The calculation of the terms in office of the initially appointed commissioners shall begin on the

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first December 1st after the commissioners have served at least 6 months in office.

(8) The Chairperson shall declare a commissioner's office vacant immediately after receipt of a written resignation, death, a recorder commissioner no longer holding the public office, or under other circumstances specified within the rules adopted by the Commission, which shall also by rule specify how and by what deadlines a replacement is to be appointed.

(c) The Commission shall adopt and transmit to the Secretary of State standards to implement this Act and shall be the exclusive entity to set standards for counties to engage in electronic recording in the State of Illinois.

(d) To keep the standards and practices of county recorders in this State in harmony with the standards and practices of recording offices in other jurisdictions that enact substantially this Act and to keep the technology used by county recorders in this State compatible with technology used by recording offices in other jurisdictions that enact substantially this Act, the Commission, so far as is consistent with the purposes, policies, and provisions of this Act, in adopting, amending, and repealing standards shall consider:

1. standards and practices of other jurisdictions;
2. the most recent standards promulgated by national standard-setting bodies, such as the Property Records Industry Association;
3. the views of interested persons and governmental officials and entities;
4. the needs of counties of varying size, population, and resources; and
5. standards requiring adequate information security protection to ensure that electronic documents are accurate, authentic, adequately preserved, and resistant to tampering.

(e) The Commission shall review the statutes related to real property and the statutes related to recording real property documents and

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shall recommend to the General Assembly any changes in the statutes that
the Commission deems necessary or advisable.

(f) Funding. The Secretary of State may accept for the
Commission, for any of its purposes and functions, donations, gifts, grants, and
appropriations of money, equipment, supplies, materials, and services
from the federal government, the State or any of its departments or
agencies, a county or municipality, or from any institution, person, firm, or
corporation. The Commission may authorize a fee payable by counties
engaged in electronic recording to fund its expenses. Any fee shall be
proportional based on county population or number of documents recorded
annually. On approval by a county recorder of the form and amount, a
county board may authorize payment of any fee out of the special fund it
has created to fund document storage and electronic retrieval, as
authorized in Section 3-5018 of the Counties Code. Any funds received by
the Office of the Secretary of State for the Commission shall be used
entirely for expenses approved by and for the use of the Commission.

(g) The Secretary of State shall provide administrative support to
the Commission, including the preparation of the agenda and minutes for
Commission meetings, distribution of notices and proposed rules to
commissioners, payment of bills and reimbursement for expenses of
commissioners.

(h) Standards and rules adopted by the Commission shall be
delivered to the Secretary of State. Within 60 days, the Secretary shall
either promulgate by rule the standards adopted, amended, or repealed or
return them to the Commission, with findings, for changes. The
Commission may override the Secretary by a three-fifths vote, in which
case the Secretary shall publish the Commission's standards.

Section 6. (Blank).

Section 7. Relation to Electronic Signatures in Global and National
Commerce Act. This Act modifies, limits, and supersedes the federal
Electronic Signatures in Global and National Commerce Act (15 U.S.C.
Section 7001, et seq.) but does not modify, limit, or supersedes Section
101(c) of that Act (15 U.S.C. Section 7001(c)) or authorize electronic
delivery of any of the notices described in Section 103(b) of that Act (15 U.S.C. Section 7003(b)).

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0473
(Senate Bill No. 0340)

AN ACT concerning aging.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Act on the Aging is amended by changing Section 4.02 as follows:

(20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

Sec. 4.02. The Department shall establish a program of services to prevent unnecessary institutionalization of persons age 60 and older in need of long term care or who are established as persons who suffer from Alzheimer's disease or a related disorder under the Alzheimer's Disease Assistance Act, thereby enabling them to remain in their own homes or in other living arrangements. Such preventive services, which may be coordinated with other programs for the aged and monitored by area agencies on aging in cooperation with the Department, may include, but are not limited to, any or all of the following:

(a) home health services;
(b) home nursing services;
(c) homemaker services;
(d) chore and housekeeping services;
(e) adult day services;
(f) home-delivered meals;
(g) education in self-care;
(h) personal care services;

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(i) adult day health services;
(j) habilitation services;
(k) respite care;
(k-5) community reintegration services;
(l) other nonmedical social services that may enable the person to become self-supporting; or
(m) clearinghouse for information provided by senior citizen home owners who want to rent rooms to or share living space with other senior citizens.

The Department shall establish eligibility standards for such services taking into consideration the unique economic and social needs of the target population for whom they are to be provided. Such eligibility standards shall be based on the recipient's ability to pay for services; provided, however, that in determining the amount and nature of services for which a person may qualify, consideration shall not be given to the value of cash, property or other assets held in the name of the person's spouse pursuant to a written agreement dividing marital property into equal but separate shares or pursuant to a transfer of the person's interest in a home to his spouse, provided that the spouse's share of the marital property is not made available to the person seeking such services.

Beginning July 1, 2002, the Department shall require as a condition of eligibility that all financially eligible applicants and recipients apply for medical assistance under Article V of the Illinois Public Aid Code in accordance with rules promulgated by the Department.

The Department shall, in conjunction with the Department of Public Aid (now Department of Healthcare and Family Services), seek appropriate amendments under Sections 1915 and 1924 of the Social Security Act. The purpose of the amendments shall be to extend eligibility for home and community based services under Sections 1915 and 1924 of the Social Security Act to persons who transfer to or for the benefit of a spouse those amounts of income and resources allowed under Section 1924 of the Social Security Act. Subject to the approval of such amendments, the Department shall extend the provisions of Section 5-4 of the Illinois Public Aid Code to persons who, but for the provision of home

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or community-based services, would require the level of care provided in
an institution, as is provided for in federal law. Those persons no longer
found to be eligible for receiving noninstitutional services due to changes
in the eligibility criteria shall be given 60 days notice prior to actual
termination. Those persons receiving notice of termination may contact the
Department and request the determination be appealed at any time during
the 60 day notice period. With the exception of the lengthened notice and
time frame for the appeal request, the appeal process shall follow the
normal procedure. In addition, each person affected regardless of the
circumstances for discontinued eligibility shall be given notice and the
opportunity to purchase the necessary services through the Community
Care Program. If the individual does not elect to purchase services, the
Department shall advise the individual of alternative services. The target
population identified for the purposes of this Section are persons age 60
and older with an identified service need. Priority shall be given to those
who are at imminent risk of institutionalization. The services shall be
provided to eligible persons age 60 and older to the extent that the cost of
the services together with the other personal maintenance expenses of the
persons are reasonably related to the standards established for care in a
group facility appropriate to the person's condition. These non-institutional
services, pilot projects or experimental facilities may be provided as part
of or in addition to those authorized by federal law or those funded and
administered by the Department of Human Services. The Departments of
Human Services, Healthcare and Family Services, Public Health, Veterans'
Affairs, and Commerce and Economic Opportunity and other appropriate
agencies of State, federal and local governments shall cooperate with the
Department on Aging in the establishment and development of the non-
institutional services. The Department shall require an annual audit from
all chore/housekeeping and homemaker vendors contracting with the
Department under this Section. The annual audit shall assure that each
audited vendor's procedures are in compliance with Department's financial
reporting guidelines requiring an administrative and employee wage and
benefits cost split as defined in administrative rules. The audit is a public
record under the Freedom of Information Act. The Department shall

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execute, relative to the nursing home prescreening project, written inter-
agency agreements with the Department of Human Services and the
Department of Healthcare and Family Services, to effect the following: (1)
intake procedures and common eligibility criteria for those persons who
are receiving non-institutional services; and (2) the establishment and
development of non-institutional services in areas of the State where they
are not currently available or are undeveloped. On and after July 1, 1996,
all nursing home prescreenings for individuals 60 years of age or older
shall be conducted by the Department.

As part of the Department on Aging's routine training of case
managers and case manager supervisors, the Department may include
information on family futures planning for persons who are age 60 or older
and who are caregivers of their adult children with developmental
disabilities. The content of the training shall be at the Department's
discretion.

The Department is authorized to establish a system of recipient
copayment for services provided under this Section, such copayment to be
based upon the recipient's ability to pay but in no case to exceed the actual
cost of the services provided. Additionally, any portion of a person's
income which is equal to or less than the federal poverty standard shall not
be considered by the Department in determining the copayment. The level
of such copayment shall be adjusted whenever necessary to reflect any
change in the officially designated federal poverty standard.

The Department, or the Department's authorized representative,
shall recover the amount of moneys expended for services provided to or
in behalf of a person under this Section by a claim against the person's
estate or against the estate of the person's surviving spouse, but no
recovery may be had until after the death of the surviving spouse, if any,
and then only at such time when there is no surviving child who is under
age 21, blind, or permanently and totally disabled. This paragraph,
however, shall not bar recovery, at the death of the person, of moneys for
services provided to the person or in behalf of the person under this
Section to which the person was not entitled; provided that such recovery
shall not be enforced against any real estate while it is occupied as a

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homestead by the surviving spouse or other dependent, if no claims by other creditors have been filed against the estate, or, if such claims have been filed, they remain dormant for failure of prosecution or failure of the claimant to compel administration of the estate for the purpose of payment. This paragraph shall not bar recovery from the estate of a spouse, under Sections 1915 and 1924 of the Social Security Act and Section 5-4 of the Illinois Public Aid Code, who precedes a person receiving services under this Section in death. All moneys for services paid to or in behalf of the person under this Section shall be claimed for recovery from the deceased spouse's estate. "Homestead", as used in this paragraph, means the dwelling house and contiguous real estate occupied by a surviving spouse or relative, as defined by the rules and regulations of the Department of Healthcare and Family Services, regardless of the value of the property.

The Department shall develop procedures to enhance availability of services on evenings, weekends, and on an emergency basis to meet the respite needs of caregivers. Procedures shall be developed to permit the utilization of services in successive blocks of 24 hours up to the monthly maximum established by the Department. Workers providing these services shall be appropriately trained.

Beginning on the effective date of this Amendatory Act of 1991, no person may perform chore/housekeeping and homemaker services under a program authorized by this Section unless that person has been issued a certificate of pre-service to do so by his or her employing agency. Information gathered to effect such certification shall include (i) the person's name, (ii) the date the person was hired by his or her current employer, and (iii) the training, including dates and levels. Persons engaged in the program authorized by this Section before the effective date of this amendatory Act of 1991 shall be issued a certificate of all pre- and in-service training from his or her employer upon submitting the necessary information. The employing agency shall be required to retain records of all staff pre- and in-service training, and shall provide such records to the Department upon request and upon termination of the employer's contract with the Department. In addition, the employing agency is responsible for

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the issuance of certifications of in-service training completed to their employees.

The Department is required to develop a system to ensure that persons working as homemakers and chore housekeepers receive increases in their wages when the federal minimum wage is increased by requiring vendors to certify that they are meeting the federal minimum wage statute for homemakers and chore housekeepers. An employer that cannot ensure that the minimum wage increase is being given to homemakers and chore housekeepers shall be denied any increase in reimbursement costs.

The Community Care Program Advisory Committee is created in the Department on Aging. The Director shall appoint individuals to serve in the Committee, who shall serve at their own expense. Members of the Committee must abide by all applicable ethics laws. The Committee shall advise the Department on issues related to the Department's program of services to prevent unnecessary institutionalization. The Committee shall meet on a bi-monthly basis and shall serve to identify and advise the Department on present and potential issues affecting the service delivery network, the program's clients, and the Department and to recommend solution strategies. Persons appointed to the Committee shall be appointed on, but not limited to, their own and their agency's experience with the program, geographic representation, and willingness to serve. The Director shall appoint members to the Committee to represent provider, advocacy, policy research, and other constituencies committed to the delivery of high quality home and community-based services to older adults. Representatives shall be appointed to ensure representation from community care providers including, but not limited to, adult day service providers, homemaker providers, case coordination and case management units, emergency home response providers, statewide trade or labor unions that represent homecare aides and direct care staff, area agencies on aging, adults over age 60, membership organizations representing older adults, and other organizational entities, providers of care, or individuals with demonstrated interest and expertise in the field of home and community care as determined by the Director. The Committee shall

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include, but not be limited to, representatives from the following agencies and organizations:

(a) at least 4 adult day service representatives;
(b) at least 4 case coordination unit representatives;
(c) at least 4 representatives from in-home direct care service agencies;
(d) at least 2 representatives of statewide trade or labor unions that represent in-home direct care service staff;
(e) at least 2 representatives of Area Agencies on Aging;
(f) at least 2 non-provider representatives from a policy, advocacy, research, or other service organization;
(g) at least 2 representatives from a statewide membership organization for senior citizens; and
(h) at least 2 citizen members 60 years of age or older.

Nominations may be presented from any agency or State association with interest in the program. The Director, or his or her designee, shall serve as the permanent co-chair of the advisory committee. One other co-chair shall be nominated and approved by the members of the committee on an annual basis. Committee members' terms of appointment shall be for 4 years with one-quarter of the appointees' terms expiring each year. A member shall continue to serve until his or her replacement is named. At no time may a member serve more than one consecutive term in any capacity on the committee. The Department shall fill vacancies that have a remaining term of over one year, and this replacement shall occur through the annual replacement of expiring terms. The Director shall designate Department staff to provide technical assistance and staff support to the committee. Department representation shall not constitute membership of the committee. All Committee papers, issues, recommendations, reports, and meeting memoranda are advisory only. The Director, or his or her designee, shall make a written report, as requested by the Committee, regarding issues before the Committee.

The Department on Aging and the Department of Human Services shall cooperate in the development and submission of an annual report on programs and services provided under this Section. Such joint report shall
be filed with the Governor and the General Assembly on or before September 30 each year.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

Those persons previously found eligible for receiving non-institutional services whose services were discontinued under the Emergency Budget Act of Fiscal Year 1992, and who do not meet the eligibility standards in effect on or after July 1, 1992, shall remain ineligible on and after July 1, 1992. Those persons previously not required to cost-share and who were required to cost-share effective March 1, 1992, shall continue to meet cost-share requirements on and after July 1, 1992. Beginning July 1, 1992, all clients will be required to meet eligibility, cost-share, and other requirements and will have services discontinued or altered when they fail to meet these requirements.

(Source: P.A. 93-85, eff. 1-1-04; 93-902, eff. 8-10-04; 94-48, eff. 7-1-05; 94-269, eff. 7-19-05; 94-336, eff. 7-26-05; 94-954, eff. 6-27-06.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0474
(Senate Bill No. 0345)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The Counties Code is amended by changing Section 5-1006.5 as follows:

(55 ILCS 5/5-1006.5)

Sec. 5-1006.5. Special County Retailers' Occupation Tax For Public Safety or Transportation.

(a) The county board of any county may impose a tax upon all persons engaged in the business of selling tangible personal property, other than personal property titled or registered with an agency of this State's government, at retail in the county on the gross receipts from the sales made in the course of business to provide revenue to be used exclusively for public safety or transportation purposes in that county, if a proposition for the tax has been submitted to the electors of that county and approved by a majority of those voting on the question. If imposed, this tax shall be imposed only in one-quarter percent increments. By resolution, the county board may order the proposition to be submitted at any election. If the tax is imposed for transportation purposes for expenditures for public highways or as authorized under the Illinois Highway Code, the county board must publish notice of the existence of its long-range highway transportation plan as required or described in Section 5-301 of the Illinois Highway Code and must make the plan publicly available prior to approval of the ordinance or resolution imposing the tax. If the tax is imposed for transportation purposes for expenditures for passenger rail transportation, the county board must publish notice of the existence of its long-range passenger rail transportation plan and must make the plan publicly available prior to approval of the ordinance or resolution imposing the tax. The county clerk shall certify the question to the proper election authority, who shall submit the proposition at an election in accordance with the general election law.

(1) The proposition for public safety purposes shall be in substantially the following form:

"To pay for public safety purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate)?"

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As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail."

The county board may also opt to establish a sunset provision at which time the additional sales tax would cease being collected, if not terminated earlier by a vote of the county board. If the county board votes to include a sunset provision, the proposition for public safety purposes shall be in substantially the following form:

"To pay for public safety purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate) for a period not to exceed (insert number of years)?"

As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail. If imposed, the additional tax would cease being collected at the end of (insert number of years), if not terminated earlier by a vote of the county board."

"Shall (name of county) be authorized to impose a public safety tax at the rate of .... upon all persons engaged in the business of selling tangible personal property at retail in the county on gross receipts from the sales made in the course of their business?"

For the purposes of the paragraph, "public safety purposes" means crime prevention, detention, fire fighting, police, medical, ambulance, or other emergency services.

Votes shall be recorded as "Yes" or "No".

(2) The proposition for transportation purposes shall be in substantially the following form:

"To pay for improvements to roads and other transportation purposes, shall (name of county) be authorized to
impose an increase on its share of local sales taxes by (insert rate)?"

As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail."

The county board may also opt to establish a sunset provision at which time the additional sales tax would cease being collected, if not terminated earlier by a vote of the county board. If the county board votes to include a sunset provision, the proposition for transportation purposes shall be in substantially the following form:

"To pay for road improvements and other transportation purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate) for a period not to exceed (insert number of years)?"

As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail. If imposed, the additional tax would cease being collected at the end of (insert number of years), if not terminated earlier by a vote of the county board."

"Shall (name of county) be authorized to impose a tax at the rate of (insert rate) upon all persons engaged in the business of selling tangible personal property at retail in the county on gross receipts from the sales made in the course of their business to be used for transportation purposes?"

For the purposes of this paragraph, transportation purposes means construction, maintenance, operation, and improvement of public highways, any other purpose for which a county may expend funds under the Illinois Highway Code, and passenger rail transportation.

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The votes shall be recorded as "Yes" or "No". If a majority of the electors voting on the proposition vote in favor of it, the county may impose the tax. A county may not submit more than one proposition authorized by this Section to the electors at any one time. This additional tax may not be imposed on the sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food which has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics. The tax imposed by a county under this Section and all civil penalties that may be assessed as an incident of the tax shall be collected and enforced by the Illinois Department of Revenue and deposited into a special fund created for that purpose. The certificate of registration that is issued by the Department to a retailer under the Retailers' Occupation Tax Act shall permit the retailer to engage in a business that is taxable without registering separately with the Department under an ordinance or resolution under this Section. The Department has full power to administer and enforce this Section, to collect all taxes and penalties due under this Section, to dispose of taxes and penalties so collected in the manner provided in this Section, and to determine all rights to credit memoranda arising on account of the erroneous payment of a tax or penalty under this Section. In the administration of and compliance with this Section, the Department and persons who are subject to this Section shall (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and (iii) employ the same modes of procedure as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-70 (in respect to all provisions contained in those Sections other than the State rate of tax), 2a, 2b, 2c, 3 (except provisions relating to transaction returns and quarter monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act as if those provisions were set forth in this Section.

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Persons subject to any tax imposed under the authority granted in this Section may reimburse themselves for their sellers' tax liability by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the Use Tax Act, pursuant to such bracketed schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the County Public Safety or Transportation Retailers' Occupation Tax Fund.

(b) If a tax has been imposed under subsection (a), a service occupation tax shall also be imposed at the same rate upon all persons engaged, in the county, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the county as an incident to a sale of service. This tax may not be imposed on sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics. The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department of Revenue. The Department has full power to administer and enforce this subsection; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with this subsection, the Department and persons who are subject to this paragraph shall (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties,
exclusions, exemptions, and definitions of terms, and (iii) employ the same modes of procedure as are prescribed in Sections 2 (except that the reference to State in the definition of supplier maintaining a place of business in this State shall mean the county), 2a, 2b, 2c, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the county), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the county), 9 (except as to the disposition of taxes and penalties collected), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the county), Section 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their serviceman's tax liability by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this subsection to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the County Public Safety or Transportation Retailers' Occupation Fund.

Nothing in this subsection shall be construed to authorize the county to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by the State.

(c) The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected under this Section to be deposited into the County Public Safety or Transportation Retailers' Occupation Tax Fund, which shall be an unappropriated trust

New matter indicated by italics - deletions by strikeout
fund held outside of the State treasury. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to the counties from which retailers have paid taxes or penalties to the Department during the second preceding calendar month. The amount to be paid to each county, and deposited by the county into its special fund created for the purposes of this Section, shall be the amount (not including credit memoranda) collected under this Section during the second preceding calendar month by the Department plus an amount the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body, and not including (i) an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of the county and (ii) any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the county. Within 10 days after receipt by the Comptroller of the disbursement certification to the counties provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with directions contained in the certification.

In addition to the disbursement required by the preceding paragraph, an allocation shall be made in March of each year to each county that received more than $500,000 in disbursements under the preceding paragraph in the preceding calendar year. The allocation shall be in an amount equal to the average monthly distribution made to each such county under the preceding paragraph during the preceding calendar year (excluding the 2 months of highest receipts). The distribution made in March of each year subsequent to the year in which an allocation was made pursuant to this paragraph and the preceding paragraph shall be reduced by the amount allocated and disbursed under this paragraph in the preceding calendar year. The Department shall prepare and certify to the Comptroller for disbursement the allocations made in accordance with this paragraph.

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(d) For the purpose of determining the local governmental unit whose tax is applicable, a retail sale by a producer of coal or another mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or another mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the United States Constitution as a sale in interstate or foreign commerce.

(e) Nothing in this Section shall be construed to authorize a county to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by this State.

(e-5) If a county imposes a tax under this Section, the county board may, by ordinance, discontinue or lower the rate of the tax. If the county board lowers the tax rate or discontinues the tax, a referendum must be held in accordance with subsection (a) of this Section in order to increase the rate of the tax or to reimpose the discontinued tax.

(f) Beginning April 1, 1998, the results of any election authorizing a proposition to impose a tax under this Section or effecting a change in the rate of tax, or any ordinance lowering the rate or discontinuing the tax, shall be certified by the county clerk and filed with the Illinois Department of Revenue either (i) on or before the first day of April, whereupon the Department shall proceed to administer and enforce the tax as of the first day of July next following the filing; or (ii) on or before the first day of October, whereupon the Department shall proceed to administer and enforce the tax as of the first day of January next following the filing.

(g) When certifying the amount of a monthly disbursement to a county under this Section, the Department shall increase or decrease the amounts by an amount necessary to offset any miscalculation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a miscalculation is discovered.

(h) This Section may be cited as the "Special County Occupation Tax For Public Safety or Transportation Law".

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(i) For purposes of this Section, "public safety" includes, but is not limited to, crime prevention, detention, fire fighting, police, medical, ambulance, or other emergency services. For the purposes of this Section, "transportation" includes, but is not limited to, the construction, maintenance, operation, and improvement of public highways, any other purpose for which a county may expend funds under the Illinois Highway Code, and passenger rail transportation.
(Source: P.A. 93-556, eff. 8-20-03; 94-781, eff. 5-19-06.)
Approved August 27, 2007
Effective January 1, 2008.

PUBLIC ACT 95-0475
(Senate Bill No. 0382)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Municipal Code is amended by changing Section 11-13-1 as follows:
(65 ILCS 5/11-13-1) (from Ch. 24, par. 11-13-1)
Sec. 11-13-1. To the end that adequate light, pure air, and safety from fire and other dangers may be secured, that the taxable value of land and buildings throughout the municipality may be conserved, that congestion in the public streets may be lessened or avoided, that the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters may be lessened or avoided, and that the public health, safety, comfort, morals, and welfare may otherwise be promoted, and to insure and facilitate the preservation of sites, areas, and structures of historical, architectural and aesthetic importance; the corporate authorities in each municipality have the following powers:
(1) To regulate and limit the height and bulk of buildings hereafter to be erected; (2) to establish, regulate and limit, subject

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to the provisions of Division 14 of this Article 11, the building or set-back lines on or along any street, traffic-way, drive, parkway or storm or floodwater runoff channel or basin; (3) to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of open spaces, within and surrounding such buildings; (4) to classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses; (5) to divide the entire municipality into districts of such number, shape, area, and of such different classes (according to use of land and buildings, height and bulk of buildings, intensity of the use of lot area, area of open spaces, or other classification) as may be deemed best suited to carry out the purposes of this Division 13; (6) to fix standards to which buildings or structures therein shall conform; (7) to prohibit uses, buildings, or structures incompatible with the character of such districts; (8) to prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Division 13; (9) to classify, to regulate and restrict the use of property on the basis of family relationship, which family relationship may be defined as one or more persons each related to the other by blood, marriage or adoption and maintaining a common household; (10) to regulate or forbid any structure or activity which may hinder access to solar energy necessary for the proper functioning of a solar energy system, as defined in Section 1.2 of The Comprehensive Solar Energy Act of 1977; and (11) to require the creation and preservation of affordable housing, including the power to provide increased density or other zoning incentives to developers who are creating, establishing, or preserving affordable housing; and (12) to establish local standards solely for the review of the exterior design of buildings and structures, excluding utility facilities and outdoor off-premises advertising signs, and designate a board or commission to implement the review process.

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The powers enumerated may be exercised within the corporate limits or within contiguous territory not more than one and one-half miles beyond the corporate limits and not included within any municipality. However, if any municipality adopts a plan pursuant to Division 12 of Article 11 which plan includes in its provisions a provision that the plan applies to such contiguous territory not more than one and one-half miles beyond the corporate limits and not included in any municipality, then no other municipality shall adopt a plan that shall apply to any territory included within the territory provided in the plan first so adopted by another municipality. No municipality shall exercise any power set forth in this Division 13 outside the corporate limits thereof, if the county in which such municipality is situated has adopted "An Act in relation to county zoning", approved June 12, 1935, as amended. Nothing in this Section prevents a municipality of more than 112,000 population located in a county of less than 185,000 population that has adopted a zoning ordinance and the county that adopted the zoning ordinance from entering into an intergovernmental agreement that allows the municipality to exercise its zoning powers beyond its territorial limits; provided, however, that the intergovernmental agreement must be limited to the territory within the municipality's planning jurisdiction as defined by law or any existing boundary agreement. The county and the municipality must amend their individual zoning maps in the same manner as other zoning changes are incorporated into revised zoning maps. No such intergovernmental agreement may authorize a municipality to exercise its zoning powers, other than powers that a county may exercise under Section 5-12001 of the Counties Code, with respect to land used for agricultural purposes. This amendatory Act of the 92nd General Assembly is declarative of existing law. No municipality may exercise any power set forth in this Division 13 outside the corporate limits of the municipality with respect to a facility of a telecommunications carrier defined in Section 5-12001.1 of the Counties Code.

Notwithstanding any other provision of law to the contrary, at least 30 days prior to commencing construction of a new telecommunications facility within 1.5 miles of a municipality, the telecommunications carrier

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constructing the facility shall provide written notice of its intent to construct the facility. The notice shall include, but not be limited to, the following information: (i) the name, address, and telephone number of the company responsible for the construction of the facility and (ii) the address and telephone number of the governmental entity that issued the building permit for the telecommunications facility. The notice shall be provided in person, by overnight private courier, or by certified mail to all owners of property within 250 feet of the parcel in which the telecommunications carrier has a leasehold or ownership interest. For the purposes of this notice requirement, "owners" means those persons or entities identified from the authentic tax records of the county in which the telecommunications facility is to be located. If, after a bona fide effort by the telecommunications carrier to determine the owner and his or her address, the owner of the property on whom the notice must be served cannot be found at the owner's last known address, or if the mailed notice is returned because the owner cannot be found at the last known address, the notice requirement of this paragraph is deemed satisfied. For the purposes of this paragraph, "facility" means that term as it is defined in Section 5-12001.1 of the Counties Code.

If a municipality adopts a zoning plan covering an area outside its corporate limits, the plan adopted shall be reasonable with respect to the area outside the corporate limits so that future development will not be hindered or impaired; it is reasonable for a municipality to regulate or prohibit the extraction of sand, gravel, or limestone even when those activities are related to an agricultural purpose. If all or any part of the area outside the corporate limits of a municipality which has been zoned in accordance with the provisions of this Division 13 is annexed to another municipality or municipalities, the annexing unit shall thereafter exercise all zoning powers and regulations over the annexed area.

In all ordinances passed under the authority of this Division 13, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire municipality and the uses to which the property is devoted at the time of the enactment of such an ordinance. The powers
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conferred by this Division 13 shall not be exercised so as to deprive the owner of any existing property of its use or maintenance for the purpose to which it is then lawfully devoted, but provisions may be made for the gradual elimination of uses, buildings and structures which are incompatible with the character of the districts in which they are made or located, including, without being limited thereto, provisions (a) for the elimination of such uses of unimproved lands or lot areas when the existing rights of the persons in possession thereof are terminated or when the uses to which they are devoted are discontinued; (b) for the elimination of uses to which such buildings and structures are devoted, if they are adaptable for permitted uses; and (c) for the elimination of such buildings and structures when they are destroyed or damaged in major part, or when they have reached the age fixed by the corporate authorities of the municipality as the normal useful life of such buildings or structures.

This amendatory Act of 1971 does not apply to any municipality which is a home rule unit.
(Source: P.A. 93-698, eff. 7-9-04; 94-303, eff. 7-21-05.)

Effective January 1, 2008.

**PUBLIC ACT 95-0476**
(Senate Bill No. 0446)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Grow Your Own Teacher Education Act is amended by changing Sections 5, 10, 20 and 25 as follows:

(110 ILCS 48/5)

Sec. 5. Purpose. The Grow Your Own Teacher preparation programs established under this Act shall comprise a major new statewide initiative, known as the Grow Your Own Teacher Education Initiative, to prepare highly skilled, committed teachers who will teach in hard-to-staff
schools and hard-to-staff teaching positions and who will remain in these schools for substantial periods of time.

The Grow Your Own Teacher Education Initiative shall effectively recruit and prepare parent and community leaders and paraeducators to become effective teachers statewide in hard-to-staff schools serving a substantial percentage of low-income students and hard-to-staff teaching positions in schools serving a substantial percentage of low-income students. Further, the Initiative shall increase the diversity of teachers, including diversity based on race, ethnicity, and disability.

The Grow Your Own Teacher Education Initiative shall ensure educational rigor by effectively preparing candidates in accredited bachelor's degree programs in teaching, through which graduates shall meet the requirements to secure an Illinois initial teaching certificate.

The goal of the Grow Your Own Teacher Education Initiative is to add 1,000 teachers to low-income, and other hard-to-staff Illinois schools by 2016 with an average retention period of 7 years, as opposed to the current rate of 2.5 years for new teachers in such areas.

(Source: P.A. 93-802, eff. 1-1-05; 94-979, eff. 6-30-06.)

(110 ILCS 48/10)

Sec. 10. Definitions. In this Act:

"Accredited teacher preparation program" means a State or regionally accredited higher education program authorized to prepare individuals to fulfill all of the requirements to receive an Illinois initial teaching certificate.

"Developmental classes" means classes in basic skill areas, such as mathematics and language arts that are prerequisite to, but not counted towards, degree requirements of a teacher preparation program.

"Eligible school" means a public elementary or secondary school in this State that serves a substantial percentage of low-income students and that is either hard to staff or has hard-to-staff teaching positions.

"Hard-to-staff school" means a public school in this State that, based on data compiled by the State Board of Education, ranks in the upper third among public schools of its type (elementary, middle, or secondary) in terms of rate of attrition of its

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teachers of schools in this State on a combined index measuring the percentage of the school's teachers who are not fully certified and the percentage of the school's teachers who leave their positions annually.

"Hard-to-staff teaching position" means a teaching category (such as special education, mathematics, or science) in which statewide data compiled by the State Board of Education indicates a multi-year pattern of substantial teacher shortage or that has been identified as a critical need by the local school board.

"Initiative" means the Grow Your Own Teacher Education Initiative created under this Act.

"Paraeducators" means individuals with a history of demonstrated accomplishments in school staff positions (such as teacher assistants, school-community liaisons, school clerks, and security aides) in schools serving a substantial percentage of low-income students.

"Parent and community leaders" means individuals with a history of working to improve schools serving a substantial percentage of low-income students, including membership in a community organization.

"Community organization" means a nonprofit organization that has a demonstrated capacity to train, develop, and organize parents and community leaders into a constituency that will hold the school and the school district accountable for achieving high academic standards; in addition to organizations with a geographic focus, "community organization" includes general parent organizations, organizations of special education or bilingual education parents, and school employee unions.

"Program" means a Grow Your Own Teacher preparation program established by a consortium under this Act.

"Schools serving a substantial percentage of low-income students" means schools that maintain any of grades pre-kindergarten through 8, in which at least 35% of the students are eligible to receive free or reduced-price lunches and schools that maintain any of grades 9 through 12, in which at least 25% of the students are eligible to receive free or reduced-price lunches.

"State Board" means the State Board of Education.

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Sec. 20. Selection of grantees. The State Board shall award grants to qualified consortia that reflect the distribution and diversity of hard-to-staff schools and hard-to-staff positions across this State. In awarding grants, the State Board shall select programs that successfully address Initiative criteria and that reflect a diversity of strategies in terms of serving urban areas, serving rural areas, the nature of the participating institutions of higher education, and the nature of hard-to-staff schools and hard-to-staff teaching positions on which a program is focused.

The State Board shall select consortia that meet the following requirements:

1. A consortium shall be composed of at least one 4-year institution of higher education with an accredited teacher preparation program, at least one school district or group of schools, and one or more community organizations. The consortium may also include a 2-year institution of higher education or a school employee union or both.

2. The 4-year institution of higher education participating in the consortium shall have past, demonstrated success in preparing teachers for elementary or secondary schools serving a substantial percentage of low-income students.

3. The consortium shall focus on a clearly defined set of eligible target schools serving a substantial percentage of low-income students that will participate in the program. The consortium shall articulate the steps that it will carry out in preparing teachers for its participating target hard-to-staff schools and in preparing teachers for one or more hard-to-staff teaching positions in those target schools.

4. A candidate in a program under the Initiative must hold a high school diploma or its equivalent and must meet either the definition of "parent and community leaders" or the definition of "paraeducators" contained in Section 10 of this Act.

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(5) The consortium shall employ effective procedures for teaching the skills and knowledge needed to prepare highly competent teachers. Professional preparation shall include ongoing direct experience in target schools and evaluation of this experience.

(6) The consortium shall offer the program to cohorts of candidates who begin by moving through the program together. The program shall be offered on a schedule that enables candidates to work full time while participating in the program and allows paraeducators to continue in their current positions. In any fiscal year in which an appropriation for the Initiative is made, the consortium shall guarantee that support will be available to an admitted cohort for the cohort's training for that fiscal year through the cohort's full period of training. At the beginning of the Initiative, programs that are already operating and existing cohorts of candidates under this model shall be eligible for funding.

(7) The institutions of higher education participating in the consortium shall document and agree to expend the same amount of funds in implementing the program that these institutions spend per student on similar educational programs. Grants received by the consortium shall supplement and not supplant these amounts.

(8) The State Board shall establish additional criteria for review of proposals, including criteria that address the following issues:

   (A) Previous experience of the institutions of higher education in preparing candidates for hard-to-staff schools and positions and in working with students with non-traditional backgrounds.

   (B) The quality of the implementation plan, including strategies for overcoming institutional barriers to the progress of non-traditional candidates.

   (C) If a community college is a participant, the nature and extent of existing articulation agreements and

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guarantees between the community college and the 4-year institution of higher education.

(D) The number of candidates to be trained in the planned cohort or cohorts and the capacity of the consortium for adding cohorts in future cycles.

(E) Experience of the community organization or organizations in organizing parents and community leaders to achieve school improvement and a strong relational school culture.

(F) The qualifications of the person or persons designated by the 4-year institution of higher education to be responsible for cohort support and the development of a shared learning and social environment among candidates.

(G) The consortium's plan for collective consortium decision-making, including mechanisms for community and candidate input.

(H) The consortium's plan for direct impact of the program on the quality of education in the eligible target schools.

(I) The relevance of the curriculum to the needs of the eligible target schools and positions, and the use in curriculum and instructional planning of principles for effective education for adults.

(J) The availability of classes under the program in places and times accessible to the candidates.

(K) Provision of a level of performance to be maintained by candidates as a condition of continuing in the program.

(L) The plan of the 4-year institution of higher education to ensure that candidates take advantage of existing financial aid resources before using the loan funds described in Section 25 of this Act.

(M) The availability of supportive services, including counseling, tutoring, and child care.

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(N) A plan for continued participation of graduates of the program in a program of support for at least 2 years, including mentoring and group meetings.

(O) A plan for testing and qualitative evaluation of candidates' teaching skills that ensures that graduates of the program are as prepared for teaching as other individuals completing the institution of higher education's preparation program for the certificate sought.

(P) A plan for internal evaluation that provides reports at least yearly on the progress of candidates towards graduation and the impact of the program on the target schools and their communities.

(Q) Contributions from schools, school districts, and other consortia members to the program, including stipends for candidates during their student teaching.

(R) Consortium commitment for sustaining the program over time, as evidenced by plans for reduced requirements for external funding in subsequent cycles.

(S) The inclusion in the planned program of strategies derived from community organizing that will help candidates develop tools for working with parents and other community members.

(Source: P.A. 93-802, eff. 1-1-05; 94-979, eff. 6-30-06.)

(110 ILCS 48/25)

Sec. 25. Expenditures under the Initiative.

(a) Every program under the Initiative shall implement a program of forgivable loans to cover any portion of tuition and direct expenses of candidates under the program in excess of grants-in-aid and other forgivable loans received. All students admitted to a cohort shall be eligible for such loans. Loans shall be fully forgiven if a graduate completes 5 years of service in hard-to-staff schools or hard-to-staff teaching positions, with partial forgiveness for shorter periods of service. The State Board shall establish standards for the approval of requests for waivers or deferrals of this obligation for
individual candidates and for deferral of repayment for work interruptions after certification. The State Board shall also define standards for the fiscal management of these loan funds.

(b) Grants under the Initiative shall be awarded in such a way as to provide the required support for a cohort of candidates for any fiscal year in which an appropriation for the Initiative is made the cohort's entire training period. Program budgets must show expenditures and needed funds for the entire period that candidates are expected to be enrolled.

c) No funds under the Initiative may be used to supplant the average per-capita expenditures by the institution of higher education for candidates.

d) Where necessary, program budgets shall include the costs of child care and other indirect expenses, such as transportation, tutoring, technology, and technology support, that are necessary to permit candidates to maintain their a full class schedules schedule. Grant funds may be used by any member of a consortium to offset such costs, whether the needed services are Child care may be provided by the community organization or organizations, are provided by another member of the consortium, or are be independently contracted for.

e) The institution of higher education may expend grant funds to cover the additional costs of offering classes in community settings and for tutoring services.

(f) The community organization or organizations may receive a portion of the grant money for the expenses of recruitment, community orientation, and counseling of potential candidates, for providing space in the community, and for working with school personnel to facilitate individual work experiences and support of candidates.

g) The school district or school employee union or both may receive a portion of the grant money for expenses of supporting the work experiences of candidates and providing mentors for graduates. Notwithstanding the provisions of Section 10-20.15 of the School Code, school districts may also use these or other applicable public funds to pay participants in programs under the Initiative for student teaching required by an accredited teacher preparation program.

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(h) One member of the consortium may expend funds to cover the salary of a site-based cohort coordinator.

(i) Grant funds may also be expended to pay directly for required developmental classes for candidates beginning a program. (Source: P.A. 93-802, eff. 1-1-05; 94-979, eff. 6-30-06.)


Effective January 1, 2008.

PUBLIC ACT 95-0477
(Senate Bill No. 0461)

AN ACT concerning revenue.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by changing Sections 21-260, 22-10, 22-15, 22-20, 22-25, 22-30, 22-40, and 22-45 as follows:

(35 ILCS 200/21-260)

Sec. 21-260. Collector's scavenger sale. Upon the county collector's application under Section 21-145, to be known as the Scavenger Sale Application, the Court shall enter judgment for the general taxes, special taxes, special assessments, interest, penalties and costs as are included in the advertisement and appear to be due thereon after allowing an opportunity to object and a hearing upon the objections as provided in Section 21-175, and order those properties sold by the County Collector at public sale to the highest bidder for cash, notwithstanding the bid may be less than the full amount of taxes, special taxes, special assessments, interest, penalties and costs for which judgment has been entered.

(a) Conducting the sale - Bidding. All properties shall be offered for sale in consecutive order as they appear in the delinquent list. The minimum bid for any property shall be $250 or one-half of the tax if the total liability is less than $500. The successful bidder shall immediately pay the amount of minimum bid to the County Collector in cash, by

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certified or cashier's check, by money order, or, if the successful bidder is a governmental unit, by a check issued by that governmental unit. If the bid exceeds the minimum bid, the successful bidder shall pay the balance of the bid to the county collector in cash, by certified or cashier's check, by money order, or, if the successful bidder is a governmental unit, by a check issued by that governmental unit by the close of the next business day. If the minimum bid is not paid at the time of sale or if the balance is not paid by the close of the next business day, then the sale is void and the minimum bid, if paid, is forfeited to the county general fund. In that event, the property shall be reoffered for sale within 30 days of the last offering of property in regular order. The collector shall make available to the public a list of all properties to be included in any reoffering due to the voiding of the original sale. The collector is not required to serve or publish any other notice of the reoffering of those properties. In the event that any of the properties are not sold upon reoffering, or are sold for less than the amount of the original voided sale, the original bidder who failed to pay the bid amount shall remain liable for the unpaid balance of the bid in an action under Section 21-240. Liability shall not be reduced where the bidder upon reoffering also fails to pay the bid amount, and in that event both bidders shall remain liable for the unpaid balance of their respective bids. A sale of properties under this Section shall not be final until confirmed by the court.

(b) Confirmation of sales. The county collector shall file his or her report of sale in the court within 30 days of the date of sale of each property. No notice of the county collector's application to confirm the sales shall be required except as prescribed by rule of the court. Upon confirmation, except in cases where the sale becomes void under Section 22-85, or in cases where the order of confirmation is vacated by the court, a sale under this Section shall extinguish the in rem lien of the general taxes, special taxes and special assessments for which judgment has been entered and a redemption shall not revive the lien. Confirmation of the sale shall in no event affect the owner's personal liability to pay the taxes, interest and penalties as provided in this Code or prevent institution of a
proceeding under Section 21-440 to collect any amount that may remain
due after the sale.

(c) Issuance of tax sale certificates. Upon confirmation of the sale
the County Clerk and the County Collector shall issue to the purchaser a
certificate of purchase in the form prescribed by Section 21-250 as near as
may be. A certificate of purchase shall not be issued to any person who is
ineligible to bid at the sale or to receive a certificate of purchase under
Section 21-265.

(d) Scavenger Tax Judgment, Sale and Redemption Record - Sale
of parcels not sold. The county collector shall prepare a Scavenger Tax
Judgment, Sale and Redemption Record. The county clerk shall write or
stamp on the scavenger tax judgment, sale, forfeiture and redemption
record opposite the description of any property offered for sale and not
sold, or not confirmed for any reason, the words "offered but not sold".
The properties which are offered for sale under this Section and not sold or
not confirmed shall be offered for sale annually thereafter in the manner
provided in this Section until sold, except in the case of mineral rights,
which after 10 consecutive years of being offered for sale under this
Section and not sold or confirmed shall no longer be required to be offered
for sale. At any time between annual sales the County Collector may
advertise for sale any properties subject to sale under judgments for sale
previously entered under this Section and not executed for any reason. The
advertisement and sale shall be regulated by the provisions of this Code as
far as applicable.

(e) Proceeding to tax deed. The owner of the certificate of purchase
shall give notice as required by Sections 22-5 through 22-30, and may
extend the period of redemption as provided by Section 21-385. At any
time within 6 ½ months prior to expiration of the period of redemption
from a sale under this Code, the owner of a certificate of purchase may file
a petition and may obtain a tax deed under Sections 22-30 through 22-55.
All proceedings for the issuance of a tax deed and all tax deeds for
properties sold under this Section shall be subject to Sections 22-30
through 22-55. Deeds issued under this Section are subject to Section 22-
70. This Section shall be liberally construed so that the deeds provided for in this Section convey merchantable title.

(f) Redemptions from scavenger sales. Redemptions may be made from sales under this Section in the same manner and upon the same terms and conditions as redemptions from sales made under the County Collector's annual application for judgment and order of sale, except that in lieu of penalty the person redeeming shall pay interest as follows if the sale occurs before September 9, 1993:

(1) If redeemed within the first 2 months from the date of the sale, 3% per month or portion thereof upon the amount for which the property was sold;

(2) If redeemed between 2 and 6 months from the date of the sale, 12% of the amount for which the property was sold;

(3) If redeemed between 6 and 12 months from the date of the sale, 24% of the amount for which the property was sold;

(4) If redeemed between 12 and 18 months from the date of the sale, 36% of the amount for which the property was sold;

(5) If redeemed between 18 and 24 months from the date of the sale, 48% of the amount for which the property was sold;

(6) If redeemed after 24 months from the date of sale, the 48% herein provided together with interest at 6% per year thereafter.

If the sale occurs on or after September 9, 1993, the person redeeming shall pay interest on that part of the amount for which the property was sold equal to or less than the full amount of delinquent taxes, special assessments, penalties, interest, and costs, included in the judgment and order of sale as follows:

(1) If redeemed within the first 2 months from the date of the sale, 3% per month upon the amount of taxes, special assessments, penalties, interest, and costs due for each of the first 2 months, or fraction thereof.

(2) If redeemed at any time between 2 and 6 months from the date of the sale, 12% of the amount of taxes, special assessments, penalties, interest, and costs due.

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(3) If redeemed at any time between 6 and 12 months from the date of the sale, 24% of the amount of taxes, special assessments, penalties, interest, and costs due.

(4) If redeemed at any time between 12 and 18 months from the date of the sale, 36% of the amount of taxes, special assessments, penalties, interest, and costs due.

(5) If redeemed at any time between 18 and 24 months from the date of the sale, 48% of the amount of taxes, special assessments, penalties, interest, and costs due.

(6) If redeemed after 24 months from the date of sale, the 48% provided for the 24 months together with interest at 6% per annum thereafter on the amount of taxes, special assessments, penalties, interest, and costs due.

The person redeeming shall not be required to pay any interest on any part of the amount for which the property was sold that exceeds the full amount of delinquent taxes, special assessments, penalties, interest, and costs included in the judgment and order of sale.

Notwithstanding any other provision of this Section, except for owner-occupied single family residential units which are condominium units, cooperative units or dwellings, the amount required to be paid for redemption shall also include an amount equal to all delinquent taxes on the property which taxes were delinquent at the time of sale. The delinquent taxes shall be apportioned by the county collector among the taxing districts in which the property is situated in accordance with law. In the event that all moneys received from any sale held under this Section exceed an amount equal to all delinquent taxes on the property sold, which taxes were delinquent at the time of sale, together with all publication and other costs associated with the sale, then, upon redemption, the County Collector and the County Clerk shall apply the excess amount to the cost of redemption.

(g) Bidding by county or other taxing districts. Any taxing district may bid at a scavenger sale. The county board of the county in which properties offered for sale under this Section are located may bid as trustee for all taxing districts having an interest in the taxes for the nonpayment of taxes.
which the parcels are offered. The County shall apply on the bid the unpaid taxes due upon the property and no cash need be paid. The County or other taxing district acquiring a tax sale certificate shall take all steps necessary to acquire title to the property and may manage and operate the property so acquired.

When a county, or other taxing district within the county, is a petitioner for a tax deed, no filing fee shall be required on the petition. The county as a tax creditor and as trustee for other tax creditors, or other taxing district within the county shall not be required to allege and prove that all taxes and special assessments which become due and payable after the sale to the county have been paid. The county shall not be required to pay the subsequently accruing taxes or special assessments at any time. Upon the written request of the county board or its designee, the county collector shall not offer the property for sale at any tax sale subsequent to the sale of the property to the county under this Section. The lien of taxes and special assessments which become due and payable after a sale to a county shall merge in the fee title of the county, or other taxing district, on the issuance of a deed. The County may sell the properties so acquired, or the certificate of purchase thereto, and the proceeds of the sale shall be distributed to the taxing districts in proportion to their respective interests therein. The presiding officer of the county board, with the advice and consent of the County Board, may appoint some officer or person to attend scavenger sales and bid on its behalf.

(h) Miscellaneous provisions. In the event that the tract of land or lot sold at any such sale is not redeemed within the time permitted by law and a tax deed is issued, all moneys that may be received from the sale of properties in excess of the delinquent taxes, together with all publication and other costs associated with the sale, shall, upon petition of any interested party to the court that issued the tax deed, be distributed by the County Collector pursuant to order of the court among the persons having legal or equitable interests in the property according to the fair value of their interests in the tract or lot. Section 21-415 does not apply to properties sold under this Section. Appeals may be taken from the orders and judgments entered under this Section as in other civil cases. The

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remedy herein provided is in addition to other remedies for the collection of delinquent taxes.

(i) The changes to this Section made by this amendatory Act of the 95th General Assembly apply only to matters in which a petition for tax deed is filed on or after the effective date of this amendatory Act of the 95th General Assembly.

(Source: P.A. 90-514, eff. 8-22-97; 90-655, eff. 7-30-98; 91-189, eff. 1-1-00.)

(35 ILCS 200/22-10)

Sec. 22-10. Notice of expiration of period of redemption. A purchaser or assignee shall not be entitled to a tax deed to the property sold unless, not less than 3 months nor more than 6 ½ months prior to the expiration of the period of redemption, he or she gives notice of the sale and the date of expiration of the period of redemption to the owners, occupants, and parties interested in the property, including any mortgagee of record, as provided below.

The Notice to be given to the parties shall be in at least 10 point type in the following form completely filled in:

TAX DEED NO. .................... FILED .................

TAKE NOTICE

County of ............................................
Date Premises Sold .................................
Certificate No. ............................
Sold for General Taxes of (year) ..............
Sold for Special Assessment of (Municipality) and special assessment number ..............
Warrant No. .............. Inst. No. ..............

THIS PROPERTY HAS BEEN SOLD FOR DELINQUENT TAXES

Property located at ......................................
Legal Description or Property Index No. ..............

.........................................................
.........................................................

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This notice is to advise you that the above property has been sold for delinquent taxes and that the period of redemption from the sale will expire on ......................................................

The amount to redeem is subject to increase at 6 month intervals from the date of sale and may be further increased if the purchaser at the tax sale or his or her assignee pays any subsequently accruing taxes or special assessments to redeem the property from subsequent forfeitures or tax sales. Check with the county clerk as to the exact amount you owe before redeeming.

This notice is also to advise you that a petition has been filed for a tax deed which will transfer title and the right to possession of this property if redemption is not made on or before ......................................................

This matter is set for hearing in the Circuit Court of this county in ...., Illinois on ....

You may be present at this hearing but your right to redeem will already have expired at that time.

YOU ARE URGED TO REDEEM IMMEDIATELY 
TO PREVENT LOSS OF PROPERTY

Redemption can be made at any time on or before .... by applying to the County Clerk of ...., County, Illinois at the County Court House in ...., Illinois.

For further information contact the County Clerk
ADDRESS:....................
TELEPHONE:.................

..........................
Purchaser or Assignee.
Dated (insert date).

In counties with 3,000,000 or more inhabitants, the notice shall also state the address, room number and time at which the matter is set for hearing.

This amendatory Act of 1996 applies only to matters in which a petition for tax deed is filed on or after the effective date of this amendatory Act of 1996.

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The changes to this Section made by this amendatory Act of the 95th General Assembly apply only to matters in which a petition for tax deed is filed on or after the effective date of this amendatory Act of the 95th General Assembly.

(Source: P.A. 94-380, eff. 7-29-05.)

(35 ILCS 200/22-15)

Sec. 22-15. Service of notice. The purchaser or his or her assignee shall give the notice required by Section 22-10 by causing it to be published in a newspaper as set forth in Section 22-20. In addition, the notice shall be served by a sheriff (or if he or she is disqualified, by a coroner) of the county in which the property, or any part thereof, is located upon owners who reside on any part of the property sold by leaving a copy of the notice with those owners personally.

In counties of 3,000,000 or more inhabitants where a taxing district is a petitioner for tax deed pursuant to Section 21-90, in lieu of service by the sheriff or coroner the notice may be served by a special process server appointed by the circuit court as provided in this Section. The taxing district may move prior to filing one or more petitions for tax deed for appointment of such a special process server. The court, upon being satisfied that the person named in the motion is at least 18 years of age and is capable of serving notice as required under this Code, shall enter an order appointing such person as a special process server for a period of one year. The appointment may be renewed for successive periods of one year each by motion and order, and a copy of the original and any subsequent order shall be filed in each tax deed case in which a notice is served by the appointed person. Delivery of the notice to and service of the notice by the special process server shall have the same force and effect as its delivery to and service by the sheriff or coroner.

The same form of notice shall also be served, in the manner set forth under Sections 2-203, 2-204, 2-205, 2-205.1, and 2-211 of the Code of Civil Procedure, upon all other owners and parties interested in the property, if upon diligent inquiry they can be found in the county, and upon the occupants of the property. in the following manner:

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(a) as to individuals, by (1) leaving a copy of the notice with the person personally or (2) by leaving a copy at his or her usual place of residence with a person of the family, of the age of 13 years or more, and informing that person of its contents. The person making the service shall cause a copy of the notice to be sent by registered or certified mail, return receipt requested, to that party at his or her usual place of residence;

(b) as to public and private corporations, municipal, governmental and quasi-municipal corporations, partnerships, receivers and trustees of corporations, by leaving a copy of the notice with the person designated by the Civil Practice Law.

If the property sold has more than 4 dwellings or other rental units, and has a managing agent or party who collects rents, that person shall be deemed the occupant and shall be served with notice instead of the occupants of the individual units. If the property has no dwellings or rental units, but economic or recreational activities are carried on therein, the person directing such activities shall be deemed the occupant. Holders of rights of entry and possibilities of reverter shall not be deemed parties interested in the property.

When a party interested in the property is a trustee, notice served upon the trustee shall be deemed to have been served upon any beneficiary or note holder thereunder unless the holder of the note is disclosed of record.

When a judgment is a lien upon the property sold, the holder of the lien shall be served with notice if the name of the judgment debtor as shown in the transcript, certified copy or memorandum of judgment filed of record is identical, as to given name and surname, with the name of the party interested as it appears of record.

If any owner or party interested, upon diligent inquiry and effort, cannot be found or served with notice in the county as provided in this Section, and the person in actual occupancy and possession is tenant to, or in possession under the owners or the parties interested in the property, then service of notice upon the tenant, occupant or person in possession shall be deemed service upon the owners or parties interested.

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If any owner or party interested, upon diligent inquiry and effort cannot be found or served with notice in the county, then the person making the service shall cause a copy of the notice to be sent by registered or certified mail, return receipt requested, to that party at his or her residence, if ascertainable.

*The changes to this Section made by this amendatory Act of the 95th General Assembly apply only to matters in which a petition for tax deed is filed on or after the effective date of this amendatory Act of the 95th General Assembly.*

(Source: P.A. 91-209, eff. 1-1-00; 91-554, eff. 8-14-99.)

(35 ILCS 200/22-20)

Sec. 22-20. Proof of service of notice; publication of notice. The sheriff or coroner serving notice under Section 22-15 shall endorse his or her return thereon and file it with the Clerk of the Circuit Court and it shall be a part of the court record. A special process server appointed under Section 22-15 shall make his or her return by affidavit and shall file it with the Clerk of the Circuit Court, where it shall be a part of the court record. If a sheriff, special process server, or coroner to whom any notice is delivered for service, neglects or refuses to make the return, the purchaser or his or her assignee may petition the court to enter a rule requiring the sheriff, special process server, or coroner to make return of the notice on a day to be fixed by the court, or to show cause on that day why he or she should not be attached for contempt of the court. The purchaser or assignee shall cause a written notice of the rule to be served upon the sheriff, special process server, or coroner. If good and sufficient cause to excuse the sheriff, special process server, or coroner is not shown, the court shall adjudge him or her guilty of a contempt, and shall proceed to punish him as in other cases of contempt.

If the property is located in a municipality in a county with less than 3,000,000 inhabitants, the purchaser or his or her assignee shall also publish a notice as to the owner or party interested, in some newspaper published in the municipality. If the property is not in a municipality in a county with less than 3,000,000 inhabitants, or if no newspaper is published therein, or if the property is in a county with 3,000,000 or more

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inhabitants, the notice shall be published in some newspaper in the county. If no newspaper is published in the county, then the notice shall be published in the newspaper that is published nearest the county seat of the county in which the property is located. If the owners and parties interested in the property upon diligent inquiry are unknown to the purchaser or his or her assignee, the publication as to such owner or party interested, may be made to unknown owners or parties interested. Any notice by publication given under this Section shall be given 3 times at any time after filing a petition for tax deed, but not less than 3 months nor more than 6 ½ months prior to the expiration of the period of redemption. The publication shall contain (a) notice of the filing of the petition for tax deed, (b) the date on which the petitioner intends to make application for an order on the petition that a tax deed issue, (c) a description of the property, (d) the date upon which the property was sold, (e) the taxes or special assessments for which it was sold and (f) the date on which the period of redemption will expire. The publication shall not include more than one property listed and sold in one description, except as provided in Section 21-90, and except that when more than one property is owned by one person, all of the parcels owned by that person may be included in one notice.

The changes to this Section made by this amendatory Act of the 95th General Assembly apply only to matters in which a petition for tax deed is filed on or after the effective date of this amendatory Act of the 95th General Assembly.

(Source: P.A. 91-209, eff. 1-1-00; 91-554, eff. 8-14-99.)

(35 ILCS 200/22-25)

Sec. 22-25. Mailed notice. In addition to the notice required to be served not less than 3 months nor more than 6 ½ months prior to the expiration of the period of redemption, the purchaser or his or her assignee shall prepare and deliver to the clerk of the Circuit Court of the county in which the property is located, the notice provided for in this Section, together with the statutory costs for mailing the notice by certified mail, return receipt requested. The form of notice to be mailed by the clerk shall be identical in form to that provided by Section 22-10 for service upon

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owners residing upon the property sold, except that it shall bear the signature of the clerk and shall designate the parties to whom it is to be mailed. The clerk may furnish the form. The clerk shall promptly mail the notices delivered to him or her by certified mail, return receipt requested. The certificate of the clerk that he or she has mailed the notices, together with the return receipts, shall be filed in and made a part of the court record. The notices shall be mailed to the owners of the property at their last known addresses, and to those persons who are entitled to service of notice as occupants.

*The changes to this Section made by this amendatory Act of the 95th General Assembly apply only to matters in which a petition for tax deed is filed on or after the effective date of this amendatory Act of the 95th General Assembly.*

(Source: P.A. 86-949; 87-1189; 88-455.)

(35 ILCS 200/22-30)

Sec. 22-30. Petition for deed. At any time within 6 months but not less than 3 months prior to the expiration of the redemption period for property sold pursuant to judgment and order of sale under Sections 21-110 through 21-120 or 21-260, the purchaser or his or her assignee may file a petition in the circuit court in the same proceeding in which the judgment and order of sale were entered, asking that the court direct the county clerk to issue a tax deed if the property is not redeemed from the sale. The petition shall be accompanied by the statutory filing fee.

Notice of filing the petition and the date on which the petitioner intends to apply for an order on the petition that a deed be issued if the property is not redeemed shall be given to occupants, owners and persons interested in the property as part of the notice provided in Sections 22-10 through 22-25, except that only one publication is required. The county clerk shall be notified of the filing of the petition and any person owning or interested in the property may, if he or she desires, appear in the proceeding.

*The changes to this Section made by this amendatory Act of the 95th General Assembly apply only to matters in which a petition for tax*
(35 ILCS 200/22-40)

Sec. 22-40. Issuance of deed; possession.

(a) If the redemption period expires and the property has not been redeemed and all taxes and special assessments which became due and payable subsequent to the sale have been paid and all forfeitures and sales which occur subsequent to the sale have been redeemed and the notices required by law have been given and all advancements of public funds under the police power made by a city, village or town under Section 22-35 have been paid and the petitioner has complied with all the provisions of law entitling him or her to a deed, the court shall so find and shall enter an order directing the county clerk on the production of the certificate of purchase and a certified copy of the order, to issue to the purchaser or his or her assignee a tax deed. The court shall insist on strict compliance with Section 22-10 through 22-25. Prior to the entry of an order directing the issuance of a tax deed, the petitioner shall furnish the court with a report of proceedings of the evidence received on the application for tax deed and the report of proceedings shall be filed and made a part of the court record.

(b) If taxes for years prior to the year or years sold are or become delinquent subsequent to the date of sale, the court shall find that the lien of those delinquent taxes has been or will be merged into the tax deed grantee's title if the court determines that the tax deed grantee or any prior holder of the certificate of purchase, or any person or entity under common ownership or control with any such grantee or prior holder of the certificate of purchase, was at no time the holder of any certificate of purchase for the years sought to be merged. If delinquent taxes are merged into the tax deed pursuant to this subsection, the court shall enter an order declaring which specific taxes have been or will be merged into the tax deed title and directing the county treasurer and county clerk to reflect that declaration in the warrant and judgment records; provided, that no such order shall be effective until a tax deed has been issued and timely
recorded. Nothing contained in this Section shall relieve any owner liable for delinquent property taxes under this Code from the payment of the taxes that have been merged into the title upon issuance of the tax deed.

(c) The county clerk is entitled to a fee of $10 in counties of 3,000,000 or more inhabitants and $5 in counties with less than 3,000,000 inhabitants for the issuance of the tax deed. The clerk may not include in a tax deed more than one property as listed, assessed and sold in one description, except in cases where several properties are owned by one person.

Upon application the court shall, enter an order to place the tax deed grantee or the grantee's successor in interest in possession of the property and may enter orders and grant relief as may be necessary or desirable to maintain the grantee or the grantee's successor in interest in possession.

(d) The court shall retain jurisdiction to enter orders pursuant to subsections (b) and (c) of this Section. This amendatory Act of the 92nd General Assembly and this amendatory Act of the 95th General Assembly shall be construed as being declarative of existing law and not as a new enactment.

(Source: P.A. 91-564, eff. 8-14-99; 92-223, eff. 1-1-02.)

(35 ILCS 200/22-45)

Sec. 22-45. Tax deed incontestable unless order appealed or relief petitioned. Tax deeds issued under Section 22-40 are incontestable except by appeal from the order of the court directing the county clerk to issue the tax deed. However, relief from such order may be had under Sections 2-1203 or Section 2-1401 of the Code of Civil Procedure in the same manner and to the same extent as may be had under those Sections that Section with respect to final orders and judgments in other proceedings. The grounds for relief under Section 2-1401 shall be limited to:

(1) proof that the taxes were paid prior to sale;
(2) proof that the property was exempt from taxation;
(3) proof by clear and convincing evidence that the tax deed had been procured by fraud or deception by the tax purchaser or his or her assignee; or

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(4) proof by a person or party holding a recorded ownership or other recorded interest in the property that he or she was not named as a party in the publication notice as set forth in Section 22-20, and that the tax purchaser or his or her assignee did not make a diligent inquiry and effort to serve that person or party with the notices required by Sections 22-10 through 22-30.

In cases of the sale of homestead property in counties with 3,000,000 or more inhabitants, a tax deed may also be voided by the court upon petition, filed not more than 3 months after an order for tax deed was entered, if the court finds that the property was owner occupied on the expiration date of the period of redemption and that the order for deed was effectuated pursuant to a negligent or willful error made by an employee of the county clerk or county collector during the period of redemption from the sale that was reasonably relied upon to the detriment of any person having a redeemable interest. In such a case, the tax purchaser shall be entitled to the original amount required to redeem the property plus interest from the sale as of the last date of redemption together with costs actually expended subsequent to the expiration of the period of redemption and reasonable attorney's fees, all of which shall be dispensed from the fund created by Section 21-295. In those cases of error where the court vacates the tax deed, it may award the petitioner reasonable attorney's fees and court costs actually expended, payable from that fund. The court hearing a petition filed under this Section or Section 2-1401 of the Code of Civil Procedure may concurrently hear a petition filed under Section 21-295 and may grant relief under any either Section.

This amendatory Act of the 95th General Assembly shall be construed as being declarative of existing law and not as a new enactment.

(Source: P.A. 92-224, eff. 1-1-02.)

Passed in the General Assembly June 1, 2007.
Effective June 1, 2008.

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0478
(Senate Bill No. 0472)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Civil Procedure is amended by changing Sections 8-802, 8-2001, 8-2005, and 8-2006 as follows:

(735 ILCS 5/8-802) (from Ch. 110, par. 8-802)

Sec. 8-802. Physician and patient. No physician or surgeon shall be permitted to disclose any information he or she may have acquired in attending any patient in a professional character, necessary to enable him or her professionally to serve the patient, except only (1) in trials for homicide when the disclosure relates directly to the fact or immediate circumstances of the homicide, (2) in actions, civil or criminal, against the physician for malpractice, (3) with the expressed consent of the patient, or in case of his or her death or disability, of his or her personal representative or other person authorized to sue for personal injury or of the beneficiary of an insurance policy on his or her life, health, or physical condition, (4) in all actions brought by or against the patient, his or her personal representative, a beneficiary under a policy of insurance, or the executor or administrator of his or her estate wherein the patient's physical or mental condition is an issue, (5) upon an issue as to the validity of a document as a will of the patient, (6) in any criminal action where the charge is either first degree murder by abortion, attempted abortion or abortion, (7) in actions, civil or criminal, arising from the filing of a report in compliance with the Abused and Neglected Child Reporting Act, (8) to any department, agency, institution or facility which has custody of the patient pursuant to State statute or any court order of commitment, (9) in prosecutions where written results of blood alcohol tests are admissible pursuant to Section 11-501.4 of the Illinois Vehicle Code, (10) in prosecutions where written results of blood alcohol tests are admissible under Section 5-11a of the Boat Registration and Safety Act, σ (11) in criminal actions arising from the filing of a report of suspected terrorist

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offense in compliance with Section 29D-10(p)(7) of the Criminal Code of 1961, or (12) upon the issuance of a subpoena pursuant to Section 38 of the Medical Practice Act of 1987; the issuance of a subpoena pursuant to Section 25.1 of the Illinois Dental Practice Act; or the issuance of a subpoena pursuant to Section 22 of the Nursing Home Administrators Licensing and Disciplinary Act.

In the event of a conflict between the application of this Section and the Mental Health and Developmental Disabilities Confidentiality Act to a specific situation, the provisions of the Mental Health and Developmental Disabilities Confidentiality Act shall control.

(Source: P.A. 87-803; 92-854, eff. 12-5-02.)

(735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)

Sec. 8-2001. Examination of health care records.

(a) In this Section:

"Health care facility" or "facility" means a public or private hospital, ambulatory surgical treatment center, nursing home, independent practice association, or physician hospital organization, or any other entity where health care services are provided to any person. The term does not include a health care practitioner or an organizational structure whose records are subject to Section 8-2003.

"Health care practitioner" means any health care practitioner, including a physician, dentist, podiatrist, advanced practice nurse, physician assistant, clinical psychologist, or clinical social worker. The term includes a medical office, health care clinic, health department, group practice, and any other organizational structure for a licensed professional to provide health care services. The term does not include a health care facility.

(b) Every private and public health care facility shall, upon the request of any patient who has been treated in such health care facility, or any person, entity, or organization presenting a valid authorization for the release of records signed by the patient or the patient's legally authorized representative, permit the patient, his or her health care practitioner physician, authorized attorney, or any person, entity, or organization presenting a valid authorization for the release of records signed by the
patient or the patient's legally authorized representative to examine the
health care facility patient care records, including but not limited to the
history, bedside notes, charts, pictures and plates, kept in connection with
the treatment of such patient, and permit copies of such records to be made
by him or her or his or her health care practitioner physician or authorized
attorney.

(c) Every health care practitioner shall, upon the request of any
patient who has been treated by the health care practitioner, or any
person, entity, or organization presenting a valid authorization for the
release of records signed by the patient or the patient's legally authorized
representative, permit the patient and the patient's health care practitioner
or authorized attorney, or any person, entity, or organization presenting a
valid authorization for the release of records signed by the patient or the
patient's legally authorized representative, to examine and copy the
patient's records, including but not limited to those relating to the
diagnosis, treatment, prognosis, history, charts, pictures and plates, kept
in connection with the treatment of such patient.

(d) A request for copies of the records shall be in writing and shall
be delivered to the administrator or manager of such health care facility or
to the health care practitioner. The health care facility shall be reimbursed
by the person (including patients, health care practitioners and attorneys)
requesting copies of records shall reimburse the facility or the health care
practitioner at the time of such copying for all reasonable expenses,
including the costs of independent copy service companies, incurred by the
health care facility in connection with such copying not to exceed a $20
handling charge for processing the request for copies; and the actual
postage or shipping charge, if any, plus: (1) for paper copies 75 cents per
page for the first through 25th pages, 50 cents per page for the 26th
through 50th pages, and 25 cents per page for all pages in excess of 50
(except that the charge shall not exceed $1.25 per page for any copies
made from microfiche or microfilm; records retrieved from scanning,
digital imaging, electronic information or other digital format do not
qualify as microfiche or microfilm retrieval for purposes of calculating
charges); and (2) for electronic records, retrieved from a scanning, digital

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imaging, electronic information or other digital format in a electronic document, a charge of 75 cents for each CD Rom, DVD, or other storage media. Records already maintained in an electronic or digital format shall be provided in an electronic format when so requested), and actual shipping costs. If the records system does not allow for the creation or transmission of an electronic or digital record, then the facility or practitioner shall inform the requester in writing of the reason the records can not be provided electronically. These rates shall be automatically adjusted as set forth in Section 8-2006. The health care facility or health care practitioner may, however, charge for the reasonable cost of all duplication of record material or information that cannot routinely be copied or duplicated on a standard commercial photocopy machine such as x-ray films or pictures.

(e) The requirements of this Section shall be satisfied within 30 days of the receipt of a written request by a patient or by his or her legally authorized representative, health care practitioner physician, authorized attorney, or any person, entity, or organization presenting a valid authorization for the release of records signed by the patient or the patient's legally authorized representative. If the health care facility or health care practitioner needs more time to comply with the request, then within 30 days after receiving the request, the facility or health care practitioner must provide the requesting party with a written statement of the reasons for the delay and the date by which the requested information will be provided. In any event, the facility or health care practitioner must provide the requested information no later than 60 days after receiving the request.

(f) A health care facility or health care practitioner must provide the public with at least 30 days prior notice of the closure of the facility or the health care practitioner's practice. The notice must include an explanation of how copies of the facility's records may be accessed by patients. The notice may be given by publication in a newspaper of general circulation in the area in which the health care facility or health care practitioner is located.
(g) Failure to comply with the time limit requirement of this Section shall subject the denying party to expenses and reasonable attorneys' fees incurred in connection with any court ordered enforcement of the provisions of this Section.
(Source: P.A. 93-87, eff. 7-2-03; 94-155, eff. 1-1-06.)

(735 ILCS 5/8-2005)

Sec. 8-2005. Attorney's records. This Section applies only if a client and his or her authorized attorney have complied with all applicable legal requirements regarding examination and copying of client files, including but not limited to satisfaction of expenses and attorney retaining liens.

Upon the request of a client, an attorney shall permit the client's authorized attorney to examine and copy the records kept by the attorney in connection with the representation of the client, with the exception of attorney work product. The request for examination and copying of the records shall be in writing and shall be delivered to the attorney. Within a reasonable time after the attorney receives the written request, the attorney shall comply with the written request at his or her office or any other place designated by him or her. At the time of copying, the person requesting the records shall reimburse the attorney for all reasonable expenses, including the costs of independent copy service companies, incurred by the attorney in connection with the copying not to exceed a $20 handling charge for processing the request for copies, and the actual postage or shipping charges, if any, plus (1) for paper copies 75 cents per page for the first through 25th pages, 50 cents per page for the 26th through 50th pages, and 25 cents per page for all pages in excess of 50 (except that the charge shall not exceed $1.25 per page for any copies made from microfiche or microfilm; records retrieved from scanning, digital imaging, electronic information or other digital format do not qualify as microfiche or microfilm retrieval for purposes of calculating charges); and (2) for electronic records, retrieved from a scanning, digital imaging, electronic information or other digital format in an electronic document, a charge of 75 cents for each CD Rom, DVD, or other storage media. Records already maintained in an electronic or digital format shall be provided in an

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electronic format when so requested), and actual shipping costs. If the records system does not allow for the creation or transmission of an electronic or digital record, then the attorney shall inform the requester in writing of the reason the records cannot be provided electronically. These rates shall be automatically adjusted as set forth in Section 8-2006. The attorney may, however, charge for the reasonable cost of all duplication of record material or information that cannot routinely be copied or duplicated on a standard commercial photocopy machine such as pictures.

An attorney shall satisfy the requirements of this Section within 60 days after he or she receives a request from a client or his or her authorized attorney. An attorney who fails to comply with the time limit requirement of this Section shall be required to pay expenses and reasonable attorney's fees incurred in connection with any court-ordered enforcement of the requirements of this Section.

(Source: P.A. 92-228, eff. 9-1-01.)

(735 ILCS 5/8-2006)

Sec. 8-2006. Copying fees; adjustment for inflation. Beginning in 2003, every January 20, the copying fee limits established in Sections 8-2001, 8-2003, 8-2004, and 8-2005 shall automatically be increased or decreased, as applicable, by a percentage equal to the percentage change in the consumer price index-u during the preceding 12-month calendar year. "Consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Comptroller and made available to the public via the Comptroller's official website by January 31 of every year.

(Source: P.A. 94-982, eff. 6-30-06.)

(735 ILCS 5/8-2003 rep.)

Section 90. The Code of Civil Procedure is amended by repealing Section 8-2003.

Section 99. Effective date. This Act takes effect upon becoming law.

New matter indicated by italics - deletions by strikeout
AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Civil Procedure is amended by adding Section 2-807 as follows:

(735 ILCS 5/2-807 new)

Sec. 2-807. Residual funds in a common fund created in a class action.

(a) Definitions. As used in this Section:

"Eligible organization" means a not-for-profit organization that:

(i) has been in existence for no less than 3 years;

(ii) has been tax exempt for no less than 3 years from the payment of federal taxes under Section 501(c)(3) of the Internal Revenue Code;

(iii) is in compliance with registration and filing requirements applicable pursuant to the Charitable Trust Act and the Solicitation for Charity Act; and

(iv) has a principal purpose of promoting or providing services that would be eligible for funding under the Illinois Equal Justice Act.

"Residual funds" means all unclaimed funds, including uncashed checks or other unclaimed payments, that remain in a common fund created in a class action after court-approved payments are made for the following:

(i) class member claims;

(ii) attorney's fees and costs; and
(iii) any reversions to a defendant agreed upon by the parties.

(b) Settlement. An order approving a proposed settlement of a class action that results in the creation of a common fund for the benefit of the class shall, consistent with the other Sections of this Part, establish a process for the administration of the settlement and shall provide for the distribution of any residual funds to one or more eligible organizations, except that up to 50% of the residual funds may be distributed to one or more other nonprofit charitable organizations or other organizations that serve the public good if the court finds there is good cause to approve such a distribution as part of a settlement.

(c) Judgment. A judgment in favor of the plaintiff in a class action that results in the creation of a common fund for the benefit of the class shall provide for the distribution of any residual funds to one or more eligible organizations.

(d) State and its political subdivisions. This Section does not apply to any class action lawsuit against the State of Illinois or any of its political subdivisions.

(e) Application. This Section applies to all actions commenced on or after the effective date of this amendatory Act of the 95th General Assembly and to all actions pending on the effective date of this amendatory Act of the 95th General Assembly for which no court order has been entered preliminarily approving a proposed settlement for a class of plaintiffs.

Section 99. Effective date. This Act takes effect July 1, 2008.
Effective July 1, 2008.

PUBLIC ACT 95-0480
(House Bill No. 0830)

AN ACT concerning civil law.

New matter indicated by italics - deletions by strikeout
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Civil Procedure is amended, if and only if Senate Bill 472 of the 95th General Assembly becomes law, by changing Sections 8-2001 and 8-2005 as follows:

(735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)
Sec. 8-2001. Examination of health care records.
(a) In this Section:
"Health care facility" or "facility" means a public or private hospital, ambulatory surgical treatment center, nursing home, independent practice association, or physician hospital organization, or any other entity where health care services are provided to any person. The term does not include a health care practitioner.

"Health care practitioner" means any health care practitioner, including a physician, dentist, podiatrist, advanced practice nurse, physician assistant, clinical psychologist, or clinical social worker. The term includes a medical office, health care clinic, health department, group practice, and any other organizational structure for a licensed professional to provide health care services. The term does not include a health care facility.

(b) Every private and public health care facility shall, upon the request of any patient who has been treated in such health care facility, or any person, entity, or organization presenting a valid authorization for the release of records signed by the patient or the patient's legally authorized representative, permit the patient, his or her healthcare practitioner, authorized attorney, or any person, entity, or organization presenting a valid authorization for the release of records signed by the patient or the patient's legally authorized representative to examine the health care facility patient care records, including but not limited to the history, bedside notes, charts, pictures and plates, kept in connection with the treatment of such patient, and permit copies of such records to be made by him or her or his or her healthcare practitioner or authorized attorney.

(c) Every health care practitioner shall, upon the request of any patient who has been treated by the health care practitioner, or any person,
 entity, or organization presenting a valid authorization for the release of records signed by the patient or the patient's legally authorized representative, permit the patient and the patient's health care practitioner or authorized attorney, or any person, entity, or organization presenting a valid authorization for the release of records signed by the patient or the patient's legally authorized representative, to examine and copy the patient's records, including but not limited to those relating to the diagnosis, treatment, prognosis, history, charts, pictures and plates, kept in connection with the treatment of such patient.

(d) A request for copies of the records shall be in writing and shall be delivered to the administrator or manager of such health care facility or to the health care practitioner. The person (including patients, health care practitioners and attorneys) requesting copies of records shall reimburse the facility or the health care practitioner at the time of such copying for all reasonable expenses, including the costs of independent copy service companies, incurred in connection with such copying not to exceed a $20 handling charge for processing the request and the actual postage or shipping charge, if any, plus: (1) for paper copies 75 cents per page for the first through 25th pages, 50 cents per page for the 26th through 50th pages, and 25 cents per page for all pages in excess of 50 (except that the charge shall not exceed $1.25 per page for any copies made from microfiche or microfilm; records retrieved from scanning, digital imaging, electronic information or other digital format do not qualify as microfiche or microfilm retrieval for purposes of calculating charges); and (2) for electronic records, retrieved from a scanning, digital imaging, electronic information or other digital format in an electronic document, a charge of 50% of the per page charge for paper copies under subdivision (d)(1). This per page charge includes the cost of 75 cents for each CD Rom, DVD, or other storage media. Records already maintained in an electronic or digital format shall be provided in an electronic format when so requested. If the records system does not allow for the creation or transmission of an electronic or digital record, then the facility or practitioner shall inform the requester in writing of the reason the records can not be provided electronically. The written explanation may be

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included with the production of paper copies, if the requester chooses to order paper copies. These rates shall be automatically adjusted as set forth in Section 8-2006. The facility or health care practitioner may, however, charge for the reasonable cost of all duplication of record material or information that cannot routinely be copied or duplicated on a standard commercial photocopy machine such as x-ray films or pictures.

(e) The requirements of this Section shall be satisfied within 30 days of the receipt of a written request by a patient or by his or her legally authorized representative, healthcare practitioner, authorized attorney, or any person, entity, or organization presenting a valid authorization for the release of records signed by the patient or the patient's legally authorized representative. If the facility or health care practitioner needs more time to comply with the request, then within 30 days after receiving the request, the facility or health care practitioner must provide the requesting party with a written statement of the reasons for the delay and the date by which the requested information will be provided. In any event, the facility or health care practitioner must provide the requested information no later than 60 days after receiving the request.

(f) A health care facility or health care practitioner must provide the public with at least 30 days prior notice of the closure of the facility or the health care practitioner's practice. The notice must include an explanation of how copies of the facility's records may be accessed by patients. The notice may be given by publication in a newspaper of general circulation in the area in which the health care facility or health care practitioner is located.

(g) Failure to comply with the time limit requirement of this Section shall subject the denying party to expenses and reasonable attorneys' fees incurred in connection with any court ordered enforcement of the provisions of this Section.

(Source: P.A. 93-87, eff. 7-2-03; 94-155, eff. 1-1-06; 09500SB0472ham001.)

(735 ILCS 5/8-2005)

Sec. 8-2005. Attorney's records. This Section applies only if a client and his or her authorized attorney have complied with all applicable
legal requirements regarding examination and copying of client files, including but not limited to satisfaction of expenses and attorney retaining liens.

Upon the request of a client, an attorney shall permit the client's authorized attorney to examine and copy the records kept by the attorney in connection with the representation of the client, with the exception of attorney work product. The request for examination and copying of the records shall be in writing and shall be delivered to the attorney. Within a reasonable time after the attorney receives the written request, the attorney shall comply with the written request at his or her office or any other place designated by him or her. At the time of copying, the person requesting the records shall reimburse the attorney for all reasonable expenses, including the costs of independent copy service companies, incurred by the attorney in connection with the copying not to exceed a $20 handling charge for processing the request, and the actual postage or shipping charges, if any, plus (1) for paper copies 75 cents per page for the first through 25th pages, 50 cents per page for the 26th through 50th pages, and 25 cents per page for all pages in excess of 50 (except that the charge shall not exceed $1.25 per page for any copies made from microfiche or microfilm; records retrieved from scanning, digital imaging, electronic information or other digital format do not qualify as microfiche or microfilm retrieval for purposes of calculating charges); and (2) for electronic records, retrieved from a scanning, digital imaging, electronic information or other digital format in an electronic document, a charge of 50% of the per page charge for paper copies under subdivision (d)(1). This per page charge includes the cost of 75 cents for each CD Rom, DVD, or other storage media. Records already maintained in an electronic or digital format shall be provided in an electronic format when so requested. If the records system does not allow for the creation or transmission of an electronic or digital record, then the attorney shall inform the requester in writing of the reason the records can not be provided electronically. The written explanation may be included with the production of paper copies, if the requester chooses to order paper copies. These rates shall be automatically adjusted as set forth in Section 8-2006. The attorney may, however, charge for the

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reasonable cost of all duplication of record material or information that cannot routinely be copied or duplicated on a standard commercial photocopy machine such as pictures.

An attorney shall satisfy the requirements of this Section within 60 days after he or she receives a request from a client or his or her authorized attorney. An attorney who fails to comply with the time limit requirement of this Section shall be required to pay expenses and reasonable attorney's fees incurred in connection with any court-ordered enforcement of the requirements of this Section.

(Source: P.A. 92-228, eff. 9-1-01; 09500SB0472ham001.)

Section 10. "An Act concerning civil law", Senate Bill 472 of the 95th General Assembly, is amended, if and only if Senate Bill 472 of the 95th General Assembly becomes law, by changing Section 99 as follows:

(SB 472, 95th G.A., Sec. 99)

Sec. 99. Effective date. This Act takes effect upon becoming law, except that the provisions amending the Code of Civil Procedure by changing Sections 8-2001, 8-2005, and 8-2006 and repealing Section 8-2003 take effect on January 1, 2008.

(Source: 09500SB0472ham001.)

Section 99. Effective date. This Act takes effect upon becoming law, except Section 5 takes effect on January 1, 2008.


PUBLIC ACT 95-0481
(Senate Bill No. 1592)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

ARTICLE 1

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Section 1-1. Short title. This Article may be cited as the Illinois Power Agency Act. References in this Article to "this Act" mean this Article.

Section 1-5. Legislative declarations and findings. The General Assembly finds and declares:

(1) The health, welfare, and prosperity of all Illinois citizens require the provision of adequate, reliable, affordable, efficient, and environmentally sustainable electric service at the lowest total cost over time, taking into account any benefits of price stability.

(2) The transition to retail competition is not complete. Some customers, especially residential and small commercial customers, have failed to benefit from lower electricity costs from retail and wholesale competition.

(3) Escalating prices for electricity in Illinois pose a serious threat to the economic well-being, health, and safety of the residents of and the commerce and industry of the State.

(4) To protect against this threat to economic well-being, health, and safety it is necessary to improve the process of procuring electricity to serve Illinois residents, to promote investment in energy efficiency and demand-response measures, and to support development of clean coal technologies and renewable resources.

(5) Procuring a diverse electricity supply portfolio will ensure the lowest total cost over time for adequate, reliable, efficient, and environmentally sustainable electric service.

(6) Including cost-effective renewable resources in that portfolio will reduce long-term direct and indirect costs to consumers by decreasing environmental impacts and by avoiding or delaying the need for new generation, transmission, and distribution infrastructure.

(7) Energy efficiency, demand-response measures, and renewable energy are resources currently underused in Illinois.

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The General Assembly therefore finds that it is necessary to create the Illinois Power Agency and that the goals and objectives of that Agency are to accomplish each of the following:

(A) Develop electricity procurement plans to ensure adequate, reliable, affordable, efficient, and environmentally sustainable electric service at the lowest total cost over time, taking into account any benefits of price stability, for electric utilities that on December 31, 2005 provided electric service to at least 100,000 customers in Illinois. The procurement plan shall be updated on an annual basis and shall include renewable energy resources sufficient to achieve the standards specified in this Act.

(B) Conduct competitive procurement processes to procure the supply resources identified in the procurement plan.

(C) Develop electric generation and co-generation facilities that use indigenous coal or renewable resources, or both, financed with bonds issued by the Illinois Finance Authority.

(D) Supply electricity from the Agency's facilities at cost to one or more of the following: municipal electric systems, governmental aggregators, or rural electric cooperatives in Illinois.

Section 1-10. Definitions.
"Agency" means the Illinois Power Agency.
"Agency loan agreement" means any agreement pursuant to which the Illinois Finance Authority agrees to loan the proceeds of revenue bonds issued with respect to a project to the Agency upon terms providing for loan repayment installments at least sufficient to pay when due all principal of, interest and premium, if any, on those revenue bonds, and providing for maintenance, insurance, and other matters in respect of the project.

"Authority" means the Illinois Finance Authority.
"Commission" means the Illinois Commerce Commission.
"Costs incurred in connection with the development and construction of a facility" means:

(1) the cost of acquisition of all real property and improvements in connection therewith and equipment and other

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property, rights, and easements acquired that are deemed necessary for the operation and maintenance of the facility;

(2) financing costs with respect to bonds, notes, and other evidences of indebtedness of the Agency;

(3) all origination, commitment, utilization, facility, placement, underwriting, syndication, credit enhancement, and rating agency fees;

(4) engineering, design, procurement, consulting, legal, accounting, title insurance, survey, appraisal, escrow, trustee, collateral agency, interest rate hedging, interest rate swap, capitalized interest and other financing costs, and other expenses for professional services; and

(5) the costs of plans, specifications, site study and investigation, installation, surveys, other Agency costs and estimates of costs, and other expenses necessary or incidental to determining the feasibility of any project, together with such other expenses as may be necessary or incidental to the financing, insuring, acquisition, and construction of a specific project and placing that project in operation.

"Department" means the Department of Commerce and Economic Opportunity.

"Director" means the Director of the Illinois Power Agency.

"Demand-response" means measures that decrease peak electricity demand or shift demand from peak to off-peak periods.

"Energy efficiency" means measures that reduce the amount of electricity required to achieve a given end use.

"Electric utility" has the same definition as found in Section 16-102 of the Public Utilities Act.

"Facility" means an electric generating unit or a co-generating unit that produces electricity along with related equipment necessary to connect the facility to an electric transmission or distribution system.

"Governmental aggregator" means one or more units of local government that individually or collectively procure electricity to serve residential retail electrical loads located within its or their jurisdiction.

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"Local government" means a unit of local government as defined in Article VII of Section 1 of the Illinois Constitution.

"Municipality" means a city, village, or incorporated town.

"Person" means any natural person, firm, partnership, corporation, either domestic or foreign, company, association, limited liability company, joint stock company, or association and includes any trustee, receiver, assignee, or personal representative thereof.

"Project" means the planning, bidding, and construction of a facility.

"Public utility" has the same definition as found in Section 3-105 of the Public Utilities Act.

"Real property" means any interest in land together with all structures, fixtures, and improvements thereon, including lands under water and riparian rights, any easements, covenants, licenses, leases, rights-of-way, uses, and other interests, together with any liens, judgments, mortgages, or other claims or security interests related to real property.

"Renewable energy credit" means a tradable credit that represents the environmental attributes of a certain amount of energy produced from a renewable energy resource.

"Renewable energy resources" includes energy and its associated renewable energy credit or renewable energy credits from wind, solar thermal energy, photovoltaic cells and panels, biodiesel, crops and untreated and unadulterated organic waste biomass, trees and tree trimmings, hydropower that does not involve new construction or significant expansion of hydropower dams, and other alternative sources of environmentally preferable energy. For purposes of this Act, landfill gas produced in the State is considered a renewable energy resource. "Renewable energy resources" does not include the incineration, burning, or heating of tires, garbage, general household, institutional, and commercial waste, industrial lunchroom or office waste, landscape waste other than trees and tree trimmings, railroad crossties, utility poles, and construction or demolition debris, other than untreated and unadulterated waste wood.
"Revenue bond" means any bond, note, or other evidence of indebtedness issued by the Authority, the principal and interest of which is payable solely from revenues or income derived from any project or activity of the Agency.

"Total resource cost test" or "TRC test" means a standard that is met if, for an investment in energy efficiency or demand-response measures, the benefit-cost ratio is greater than one. The benefit-cost ratio is the ratio of the net present value of the total benefits of the program to the net present value of the total costs as calculated over the lifetime of the measures. A total resource cost test compares the sum of avoided electric utility costs, representing the benefits that accrue to the system and the participant in the delivery of those efficiency measures, to the sum of all incremental costs of end-use measures that are implemented due to the program (including both utility and participant contributions), plus costs to administer, deliver, and evaluate each demand-side program, to quantify the net savings obtained by substituting the demand-side program for supply resources. In calculating avoided costs of power and energy that an electric utility would otherwise have had to acquire, reasonable estimates shall be included of financial costs likely to be imposed by future regulations and legislation on emissions of greenhouse gases.

Section 1-15. Illinois Power Agency.

(a) For the purpose of effectuating the policy declared in Section 1-5 of this Act, a State agency known as the Illinois Power Agency is created. The Agency shall exercise governmental and public powers, be perpetual in duration, and have the powers and duties enumerated in this Act, together with such others conferred upon it by law.

(b) The Agency is not created or organized, and its operations shall not be conducted, for the purpose of making a profit. No part of the revenues or assets of the Agency shall inure to the benefit of or be distributable to any of its employees or any other private persons, except as provided in this Act for actual services rendered.

Section 1-20. General powers of the Agency.

(a) The Agency is authorized to do each of the following:

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(1) Develop electricity procurement plans to ensure adequate, reliable, affordable, efficient, and environmentally sustainable electric service at the lowest total cost over time, taking into account any benefits of price stability, for electric utilities that on December 31, 2005 provided electric service to at least 100,000 customers in Illinois. The procurement plans shall be updated on an annual basis and shall include electricity generated from renewable resources sufficient to achieve the standards specified in this Act.

(2) Conduct competitive procurement processes to procure the supply resources identified in the procurement plan, pursuant to Section 16-111.5 of the Public Utilities Act.

(3) Develop electric generation and co-generation facilities that use indigenous coal or renewable resources, or both, financed with bonds issued by the Illinois Finance Authority.

(4) Supply electricity from the Agency's facilities at cost to one or more of the following: municipal electric systems, governmental aggregators, or rural electric cooperatives in Illinois.

(b) Except as otherwise limited by this Act, the Agency has all of the powers necessary or convenient to carry out the purposes and provisions of this Act, including without limitation, each of the following:

(1) To have a corporate seal, and to alter that seal at pleasure, and to use it by causing it or a facsimile to be affixed or impressed or reproduced in any other manner.

(2) To use the services of the Illinois Finance Authority necessary to carry out the Agency's purposes.

(3) To negotiate and enter into loan agreements and other agreements with the Illinois Finance Authority.

(4) To obtain and employ personnel and hire consultants that are necessary to fulfill the Agency's purposes, and to make expenditures for that purpose within the appropriations for that purpose.

(5) To purchase, receive, take by grant, gift, devise, bequest, or otherwise, lease, or otherwise acquire, own, hold,

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improve, employ, use, and otherwise deal in and with, real or personal property whether tangible or intangible, or any interest therein, within the State.

(6) To acquire real or personal property, whether tangible or intangible, including without limitation property rights, interests in property, franchises, obligations, contracts, and debt and equity securities, and to do so by the exercise of the power of eminent domain in accordance with Section 1-21; except that any real property acquired by the exercise of the power of eminent domain must be located within the State.

(7) To sell, convey, lease, exchange, transfer, abandon, or otherwise dispose of, or mortgage, pledge, or create a security interest in, any of its assets, properties, or any interest therein, wherever situated.

(8) To purchase, take, receive, subscribe for, or otherwise acquire, hold, make a tender offer for, vote, employ, sell, lend, lease, exchange, transfer, or otherwise dispose of, mortgage, pledge, or grant a security interest in, use, and otherwise deal in and with, bonds and other obligations, shares, or other securities (or interests therein) issued by others, whether engaged in a similar or different business or activity.

(9) To make and execute agreements, contracts, and other instruments necessary or convenient in the exercise of the powers and functions of the Agency under this Act, including contracts with any person, local government, State agency, or other entity; and all State agencies and all local governments are authorized to enter into and do all things necessary to perform any such agreement, contract, or other instrument with the Agency. No such agreement, contract, or other instrument shall exceed 40 years.

(10) To lend money, invest and reinvest its funds in accordance with the Public Funds Investment Act, and take and hold real and personal property as security for the payment of funds loaned or invested.
(11) To borrow money at such rate or rates of interest as the Agency may determine, issue its notes, bonds, or other obligations to evidence that indebtedness, and secure any of its obligations by mortgage or pledge of its real or personal property, machinery, equipment, structures, fixtures, inventories, revenues, grants, and other funds as provided or any interest therein, wherever situated.

(12) To enter into agreements with the Illinois Finance Authority to issue bonds whether or not the income therefrom is exempt from federal taxation.

(13) To procure insurance against any loss in connection with its properties or operations in such amount or amounts and from such insurers, including the federal government, as it may deem necessary or desirable, and to pay any premiums therefor.

(14) To negotiate and enter into agreements with trustees or receivers appointed by United States bankruptcy courts or federal district courts or in other proceedings involving adjustment of debts and authorize proceedings involving adjustment of debts and authorize legal counsel for the Agency to appear in any such proceedings.

(15) To file a petition under Chapter 9 of Title 11 of the United States Bankruptcy Code or take other similar action for the adjustment of its debts.

(16) To enter into management agreements for the operation of any of the property or facilities owned by the Agency.

(17) To enter into an agreement to transfer and to transfer any land, facilities, fixtures, or equipment of the Agency to one or more municipal electric systems, governmental aggregators, or rural electric agencies or cooperatives, for such consideration and upon such terms as the Agency may determine to be in the best interest of the citizens of Illinois.

(18) To enter upon any lands and within any building whenever in its judgment it may be necessary for the purpose of making surveys and examinations to accomplish any purpose authorized by this Act.

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(19) To maintain an office or offices at such place or places in the State as it may determine.

(20) To request information, and to make any inquiry, investigation, survey, or study that the Agency may deem necessary to enable it effectively to carry out the provisions of this Act.

(21) To accept and expend appropriations.

(22) To engage in any activity or operation that is incidental to and in furtherance of efficient operation to accomplish the Agency's purposes.

(23) To adopt, revise, amend, and repeal rules with respect to its operations, properties, and facilities as may be necessary or convenient to carry out the purposes of this Act, subject to the provisions of the Illinois Administrative Procedure Act and Sections 1-22 and 1-35 of this Act.

(24) To establish and collect charges and fees as described in this Act.

Section 1-21. Eminent domain. The Agency may take and acquire possession by eminent domain of any property or interest in property that the Agency is authorized to acquire under this Act for the construction, maintenance, or operation of a facility with the consent in writing of the Governor, after following the provisions of Section 1-85(a) of this Act, to acquire by private purchase, or by condemnation in the manner provided for the exercise of the power of eminent domain under the Eminent Domain Act. The power of condemnation shall be exercised, however, solely for the purposes of one or more of the following: siting, rights of way, and easements appurtenant. The Agency shall not exercise its powers of condemnation until it has used reasonable good faith efforts to acquire the property before filing a petition for condemnation and may thereafter use those powers when it determines that the condemnation of the property rights is necessary to avoid unreasonable delay or economic hardship to the progress of activities carried out in the exercise of powers granted under this Act. Before use of the power of condemnation for projects, the Agency shall hold a public hearing to receive comments on the exercise of the power of condemnation. The Agency shall use the information

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The hearing shall be held in a location reasonably accessible to the public interested in the decision. The Agency shall promulgate guidelines for the conduct of the hearing. The Agency shall conduct a feasibility study showing that the taking is necessary to accomplish the purposes of this Act and that is adequate to meet the environmental standards set forth by the State and the federal governments. The Agency may not exercise the authority provided in Article 20 of the Eminent Domain Act (quick-take procedure) providing for immediate possession in those proceedings. The Agency does not have the power to exercise eminent domain over the property of any public utility or any person owning an electric generating plant.

Section 1-22. Authority of the Illinois Commerce Commission. Nothing in this Act infringes upon the authority granted to the Commission.

Section 1-25. Agency subject to other laws. Unless otherwise stated, the Agency is subject to the provisions of all applicable laws, including but not limited to, each of the following:

(1) The State Records Act.
(2) The Illinois Procurement Code.
(4) The State Property Control Act.
(6) The State Officials and Employees Ethics Act.

Section 1-30.1. Administrative Procedure Act applies. The provisions of the Illinois Administrative Procedure Act are expressly adopted and incorporated into this Act, and apply to all administrative rules and procedures of the Agency.

Section 1-30.2. Administrative Review Law applies. Any final administrative decision of the Agency, or of the Director of the Agency, that is not subject to review by the Commission, is subject to review under the provisions of the Administrative Review Law.

Section 1-30.3. Illinois State Auditing Act applies. For purposes of the Illinois State Auditing Act, the Agency is a "State agency" within the

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meaning of the Act and is subject to the jurisdiction of the Auditor General.

Section 1-35. Agency rules. The Agency shall adopt rules as may be necessary and appropriate for the operation of the Agency. In addition to other rules relevant to the operation of the Agency, the Agency shall adopt rules that accomplish each of the following:

(1) Establish procedures for monitoring the administration of any contract administered directly or indirectly by the Agency; except that the procedures shall not extend to executed contracts between electric utilities and their suppliers.

(2) Establish procedures for the recovery of costs incurred in connection with the development and construction of a facility should the Agency cancel a project, provided that no such costs shall be passed on to public utilities or their customers or paid from the Illinois Power Agency Operations Fund.

(3) Implement accounting rules and a system of accounts, in accordance with State law, permitting all reporting (i) required by the State, (ii) required under this Act, (iii) required by the Authority, or (iv) required under the Public Utilities Act. The Agency shall not adopt any rules that infringe upon the authority granted to the Commission.


(a) The Illinois Power Agency Operations Fund is created as a special fund in the State treasury.

(b) The Illinois Power Agency Operations Fund shall be administered by the Agency for the Agency's operations as specified in this Section.

(c) All moneys used by the Agency from the Illinois Power Agency Operations Fund are subject to appropriation by the General Assembly.

(d) All disbursements from the Illinois Power Agency Operations Fund shall be made only upon warrants of the State Comptroller drawn upon the State Treasurer as custodian of the Fund upon vouchers signed by the Director or by the person or persons designated by the Director for that purpose. The Comptroller is authorized to draw the warrant upon vouchers

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so signed. The State Treasurer shall accept all warrants so signed and shall be released from liability for all payments made on those warrants.


(a) The Illinois Power Agency Facilities Fund is created as a special fund in the State treasury.

(b) The Illinois Power Agency Facilities Fund shall be administered by the Agency for costs incurred in connection with the development and construction of a facility by the Agency as well as costs incurred in connection with the operation and maintenance of an Agency facility.

(c) All moneys used by the Agency from the Illinois Power Agency Facilities Fund are subject to appropriation by the General Assembly.

(d) All disbursements from the Illinois Power Agency Facilities Fund shall be made only upon warrants of the State Comptroller drawn upon the State Treasurer as custodian of the Fund upon vouchers signed by the Director or by the person or persons designated by the Director for that purpose. The Comptroller is authorized to draw the warrant upon vouchers so signed. The State Treasurer shall accept all warrants so signed and shall be released from liability for all payments made on those warrants.


(a) The Illinois Power Agency Debt Service Fund is created as a special fund in the State treasury.

(b) The Illinois Power Agency Debt Service Fund shall be administered by the Agency for retirement of revenue bonds issued for any Agency facility.

Section 1-55. Operations Funding. The Agency shall adopt rules regarding charges and fees it is expressly authorized to collect in order to fund the operations of the Agency. These charges and fees shall be deposited into the Illinois Power Agency Operations Fund.

Section 1-57. Facility financing.

(a) The Agency shall have the power (1) to borrow from the Authority, through one or more Agency loan agreements, the net proceeds of revenue bonds for costs incurred in connection with the development and construction of a facility, provided that the stated maturity date of any

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of those revenue bonds shall not exceed 40 years from their respective issuance dates, (2) to accept prepayments from purchasers of electric energy from a project and to apply the same to costs incurred in connection with the development and construction of a facility, subject to any obligation to refund the same under the circumstances specified in the purchasers' contract for the purchase and sale of electric energy from that project, (3) to enter into leases or similar arrangements to finance the property constituting a part of a project and associated costs incurred in connection with the development and construction of a facility, provided that the term of any such lease or similar arrangement shall not exceed 40 years from its inception, and (4) to enter into agreements for the sale of revenue bonds that bear interest at a rate or rates not exceeding the maximum rate permitted by the Bond Authorization Act. All Agency loan agreements shall include terms making the obligations thereunder subject to redemption before maturity.

(b) The Agency may from time to time engage the services of the Authority, attorneys, appraisers, architects, engineers, accountants, credit analysts, bond underwriters, bond trustees, credit enhancement providers, and other financial professionals and consultants, if the Agency deems it advisable.

(c) The Agency may pledge, as security for the payment of its revenue bonds in respect of a project, (1) revenues derived from the operation of the project in part or whole, (2) the real and personal property, machinery, equipment, structures, fixtures, and inventories directly associated with the project, (3) grants or other revenues or taxes expected to be received by the Agency directly linked to the project, (4) payments to be made by another governmental unit or other entity pursuant to a service, user, or other similar agreement with that governmental unit or other entity that is a result of the project, (5) any other revenues or moneys deposited or to be deposited directly linked to the project, (6) all design, engineering, procurement, construction, installation, management, and operation agreements associated with the project, (7) any reserve or debt service funds created under the agreements governing the indebtedness, (8) the Illinois Power Agency Facilities Fund or the Illinois Power Agency Debt

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Service Fund, or (9) any combination thereof. Any such pledge shall be authorized in a writing, signed by the Director of the Agency, and then signed by the Governor of Illinois. At no time shall the funds contained in the Illinois Power Agency Trust Fund be pledged or used in any way to pay for the indebtedness of the Agency. The Director shall not authorize the issuance or grant of any pledge until he or she has certified that any associated project is in full compliance with Sections 1-85 and 1-86 of this Act. The certification shall be duly attached or referenced in the agreements reflecting the pledge. Any such pledge made by the Agency shall be valid and binding from the time the pledge is made. The revenues, property, or funds that are pledged and thereafter received by the Agency shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act; and, subject only to the provisions of prior liens, the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the Agency irrespective of whether the parties have notice thereof. All bonds issued on behalf of the Agency must be issued by the Authority and must be revenue bonds. These revenue bonds may be taxable or tax-exempt.

(d) All indebtedness issued by or on behalf of the Agency, including, without limitation, any revenue bonds issued by the Authority on behalf of the Agency, shall not be a debt of the State, the Authority, any political subdivision thereof (other than the Agency to the extent provided in agreements governing the indebtedness), any local government, any governmental aggregator as defined in the this Act, or any local government, and none of the State, the Authority, any political subdivision thereof (other than the Agency to the extent provided in agreements governing the indebtedness), any local government, or any governmental aggregator shall be liable thereon. Neither the Authority nor the Agency shall have the power to pledge the credit, the revenues, or the taxing power of the State, any political subdivision thereof (other than the Agency), any governmental aggregator, or of any local government, and neither the credit, the revenues, nor the taxing power of the State, any political subdivision thereof (other than the Agency), any governmental aggregator, or any local government shall be, or shall be deemed to be, pledged to the

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payment of any revenue bonds, notes, or other obligations of the Agency. In addition, the agreements governing any issue of indebtedness shall provide that all holders of that indebtedness, by virtue of their acquisition thereof, have agreed to waive and release all claims and causes of action against the State of Illinois in respect of the indebtedness or any project associated therewith based on any theory of law. However, the waiver shall not prohibit the holders of indebtedness issued on behalf of the Agency from filing any cause of action against or recovering damages from the Agency, recovering from any property or funds pledged to secure the indebtedness, or recovering from any property or funds to which the Agency holds title, provided the property or funds are directly associated with the project for which the indebtedness was specifically issued. Each evidence of indebtedness of the Agency, including the revenue bonds issued by the Authority on behalf of the Agency, shall contain a clear and explicit statement of the provisions of this Section.

(e) The Agency may from time to time enter into an agreement or agreements to defease indebtedness issued on its behalf or to refund, at maturity, at a redemption date or in advance of either, any indebtedness issued on its behalf or pursuant to redemption provisions or at any time before maturity. All such refunding indebtedness shall be subject to the requirements set forth in subsections (a), (c), and (d) of this Section. No revenue bonds issued to refund or advance refund revenue bonds issued under this Section may mature later than the longest maturity date of the series of bonds being refunded. After the aggregate original principal amount of revenue bonds authorized in this Section has been issued, the payment of any principal amount of those revenue bonds does not authorize the issuance of additional revenue bonds (except refunding revenue bonds).

(f) If the Agency fails to pay the principal of, interest, or premium, if any, on any indebtedness as the same becomes due, a civil action to compel payment may be instituted in the appropriate circuit court by the holder or holders of the indebtedness on which the default of payment exists or by any administrative agent, collateral agent, or indenture trustee acting on behalf of those holders. Delivery of a summons and a copy of the
complaint to the Director of the Agency shall constitute sufficient service
to give the circuit court jurisdiction over the subject matter of the suit and
jurisdiction over the Agency and its officers named as defendants for the
purpose of compelling that payment. Any case, controversy, or cause of
action concerning the validity of this Act shall relate to the revenue of the
Agency. Any such claims and related proceedings are subject in all
respects to the provisions of subsection (d) of this Section. The State of
Illinois shall not be liable or in any other way financially responsible for
any indebtedness issued by or on behalf of the Agency or the performance
or non-performance of any covenants associated with any such
indebtedness. The foregoing statement shall not prohibit the holders of any
indebtedness issued on behalf of the Agency from filing any cause of
action against or recovering damages from the Agency recovering from
any property pledged to secure that indebtedness or recovering from any
property or funds to which the Agency holds title provided such property
or funds are directly associated with the project for which the indebtedness
is specifically issued.

(g) Upon each delivery of the revenue bonds authorized to be
issued by the Authority under this Act, the Agency shall compute and
certify to the State Comptroller the total amount of principal of and
interest on the Agency loan agreement supporting the revenue bonds
issued that will be payable in order to retire those revenue bonds and the
amount of principal of and interest on the Agency loan agreement that will
be payable on each payment date during the then current and each
succeeding fiscal year. As soon as possible after the first day of each
month, beginning on the date set forth in the Agency loan agreement
where that date specifies when the Agency shall begin setting aside
revenues and other moneys for repayment of the revenue bonds per the
agreed to schedule, the Agency shall certify to the Comptroller and the
Comptroller shall order transferred and the Treasurer shall transfer from
the Illinois Power Agency Facilities Fund to the Illinois Power Agency
Debt Service Fund for each month remaining in the State fiscal year a sum
of money, appropriated for that purpose, equal to the result of the amount
of principal of and interest on those revenue bonds payable on the next

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payment date divided by the number of full calendar months between the date of those revenue bonds, and the first such payment date, and thereafter divided by the number of months between each succeeding payment date after the first. The Comptroller is authorized and directed to draw warrants on the State Treasurer from the Illinois Power Agency Facilities Fund and the Illinois Power Agency Debt Service Fund for the amount of all payments of principal and interest on the Agency loan agreement relating to the Authority revenue bonds issued under this Act. The State Treasurer or the State Comptroller shall deposit or cause to be deposited any amount of grants or other revenues expected to be received by the Agency that the Agency has pledged to the payment of revenue bonds directly into the Illinois Power Agency Debt Service Fund.

Section 1-60. Moneys made available by private or public entities.
(a) The Agency may apply for, receive, expend, allocate, or disburse funds and moneys made available by public or private entities, including, but not limited to, contracts, private or public financial gifts, bequests, grants, or donations from individuals, corporations, foundations, or public or private institutions of higher learning. All funds received by the Agency from these sources shall be deposited:

(1) into the Illinois Power Agency Operations Fund, if for general Agency operations, to be held by the State Treasurer as ex officio custodian, and subject to the Comptroller-Treasurer, voucher-warrant system; or

(2) into the Illinois Power Agency Facilities Fund, if for costs incurred in connection with the development and construction of a facility by the Agency, to be held by the State Treasurer as ex officio custodian, and subject to the Comptroller-Treasurer, voucher-warrant system.

Any funds received, expended, allocated, or disbursed shall be expended by the Agency for the purposes as indicated by the grantor, donor, or, in the case of funds or moneys given or donated for no specific purposes, for any purpose deemed appropriate by the Director in administering the responsibilities of the Agency as set forth in this Act.

Section 1-65. Appropriations for operations.

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(a) The General Assembly may appropriate moneys from the General Revenue Fund for the operation of the Illinois Power Agency in Fiscal Year 2008 not to exceed $1,250,000 and in Fiscal Year 2009 not to exceed $1,500,000. These appropriated funds shall constitute an advance that the Agency shall repay without interest to the State in Fiscal Year 2010 and in Fiscal Year 2011. Beginning with Fiscal Year 2010, the operation of the Agency shall be funded solely from moneys in the Illinois Power Agency Operations Fund with no liability or obligation imposed on the State by those operations.

Section 1-70. Agency officials.
(a) The Agency shall have a Director who meets the qualifications specified in Section 5-222 of the Civil Administrative Code of Illinois (20 ILCS 5/5-222).
(b) Within the Illinois Power Agency, the Agency shall establish a Planning and Procurement Bureau and a Resource Development Bureau. Each Bureau shall report to the Director.
(c) The Chief of the Planning and Procurement Bureau shall be appointed by the Director and (i) shall have at least 10 years of direct experience in electricity supply planning and procurement and (ii) shall also hold an advanced degree in risk management, law, business, or a related field.
(d) The Chief of the Resource Development Bureau shall be appointed by the Director and (i) shall have at least 10 years of direct experience in electric generating project development and (ii) shall also hold an advanced degree in economics, engineering, law, business, or a related field.
(e) The Director shall receive an annual salary of $100,000 or as set by the Compensation Review Board, whichever is higher. The Bureau Chiefs shall each receive an annual salary of $85,000 or as set by the Compensation Review Board, whichever is higher.
(f) The Director and Bureau Chiefs shall not, for 2 years prior to appointment or for 2 years after he or she leaves his or her position, be employed by an electric utility, independent power producer, power
marketer, or alternative retail electric supplier regulated by the Commission or the Federal Energy Regulatory Commission.

(g) The Director and Bureau Chiefs are prohibited from: (i) owning, directly or indirectly, 5% or more of the voting capital stock of an electric utility, independent power producer, power marketer, or alternative retail electric supplier; (ii) being in any chain of successive ownership of 5% or more of the voting capital stock of any electric utility, independent power producer, power marketer, or alternative retail electric supplier; (iii) receiving any form of compensation, fee, payment, or other consideration from an electric utility, independent power producer, power marketer, or alternative retail electric supplier, including legal fees, consulting fees, bonuses, or other sums. These limitations do not apply to any compensation received pursuant to a defined benefit plan or other form of deferred compensation, provided that the individual has otherwise severed all ties to the utility, power producer, power marketer, or alternative retail electric supplier.

Section 1-75. Planning and Procurement Bureau. The Planning and Procurement Bureau has the following duties and responsibilities:

(a) The Planning and Procurement Bureau shall each year, beginning in 2008, develop procurement plans and conduct competitive procurement processes in accordance with the requirements of Section 16-111.5 of the Public Utilities Act for the eligible retail customers of electric utilities that on December 31, 2005 provided electric service to at least 100,000 customers in Illinois. For the purposes of this Section, the term "eligible retail customers" has the same definition as found in Section 16-111.5(a) of the Public Utilities Act.

(1) The Agency shall each year, beginning in 2008, as needed, issue a request for qualifications for experts or expert consulting firms to develop the procurement plans in accordance with Section 16-111.5 of the Public Utilities Act. In order to qualify an expert or expert consulting firm must have:

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(A) direct previous experience assembling large-scale power supply plans or portfolios for end-use customers;

(B) an advanced degree in economics, mathematics, engineering, risk management, or a related area of study;

(C) 10 years of experience in the electricity sector, including managing supply risk;

(D) expertise in wholesale electricity market rules, including those established by the Federal Energy Regulatory Commission and regional transmission organizations;

(E) expertise in credit protocols and familiarity with contract protocols;

(F) adequate resources to perform and fulfill the required functions and responsibilities; and

(G) the absence of a conflict of interest and inappropriate bias for or against potential bidders or the affected electric utilities.

(2) The Agency shall each year, as needed, issue a request for qualifications for a procurement administrator to conduct the competitive procurement processes in accordance with Section 16-111.5 of the Public Utilities Act. In order to qualify an expert or expert consulting firm must have:

(A) direct previous experience administering a large-scale competitive procurement process;

(B) an advanced degree in economics, mathematics, engineering, or a related area of study;

(C) 10 years of experience in the electricity sector, including risk management experience;

(D) expertise in wholesale electricity market rules, including those established by the Federal

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Energy Regulatory Commission and regional transmission organizations;

(E) expertise in credit and contract protocols;

(F) adequate resources to perform and fulfill the required functions and responsibilities; and

(G) the absence of a conflict of interest and inappropriate bias for or against potential bidders or the affected electric utilities.

(3) The Agency shall provide affected utilities and other interested parties with the lists of qualified experts or expert consulting firms identified through the request for qualifications processes that are under consideration to develop the procurement plans and to serve as the procurement administrator. The Agency shall also provide each qualified expert's or expert consulting firm's response to the request for qualifications. All information provided under this subparagraph shall also be provided to the Commission. The Agency may provide by rule for fees associated with supplying the information to utilities and other interested parties. These parties shall, within 5 business days, notify the Agency in writing if they object to any experts or expert consulting firms on the lists. Objections shall be based on:

(A) failure to satisfy qualification criteria;

(B) identification of a conflict of interest; or

(C) evidence of inappropriate bias for or against potential bidders or the affected utilities.

The Agency shall remove experts or expert consulting firms from the lists within 10 days if there is a reasonable basis for an objection and provide the updated lists to the affected utilities and other interested parties. If the Agency fails to remove an expert or expert consulting firm from a list, an objecting party may seek review by the

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Commission within 5 days thereafter by filing a petition, and the Commission shall render a ruling on the petition within 10 days. There is no right of appeal of the Commission's ruling.

(4) The Agency shall issue requests for proposals to the qualified experts or expert consulting firms to develop a procurement plan for the affected utilities and to serve as procurement administrator.

(5) The Agency shall select an expert or expert consulting firm to develop procurement plans based on the proposals submitted and shall award one-year contracts to those selected with an option for the Agency for a one-year renewal.

(6) The Agency shall select an expert or expert consulting firm, with approval of the Commission, to serve as procurement administrator based on the proposals submitted. If the Commission rejects, within 5 days, the Agency's selection, the Agency shall submit another recommendation within 3 days based on the proposals submitted. The Agency shall award a one-year contract to the expert or expert consulting firm so selected with Commission approval with an option for the Agency for a one-year renewal.

(b) The experts or expert consulting firms retained by the Agency shall, as appropriate, prepare procurement plans, and conduct a competitive procurement process as prescribed in Section 16-111.5 of the Public Utilities Act, to ensure adequate, reliable, affordable, efficient, and environmentally sustainable electric service at the lowest total cost over time, taking into account any benefits of price stability, for eligible retail customers of electric utilities that on December 31, 2005 provided electric service to at least 100,000 customers in the State of Illinois.

(c) Renewable portfolio standard.

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(1) The procurement plans shall include cost-effective renewable energy resources. A minimum percentage of each utility's total supply to serve the load of eligible retail customers, as defined in Section 16-111.5(a) of the Public Utilities Act, procured for each of the following years shall be generated from cost-effective renewable energy resources: at least 2% by June 1, 2008; at least 4% by June 1, 2009; at least 5% by June 1, 2010; at least 6% by June 1, 2011; at least 7% by June 1, 2012; at least 8% by June 1, 2013; at least 9% by June 1, 2014; at least 10% by June 1, 2015; and increasing by at least 1.5% each year thereafter to at least 25% by June 1, 2025. To the extent that it is available, at least 75% of the renewable energy resources used to meet these standards shall come from wind generation. For purposes of this Section, "cost-effective" means that the costs of procuring renewable energy resources do not cause the limit stated in paragraph (2) of this subsection (c) to be exceeded.

(2) For purposes of this subsection (c), the required procurement of cost-effective renewable energy resources for a particular year shall be measured as a percentage of the actual amount of electricity (megawatt-hours) supplied by the electric utility to eligible retail customers in the planning year ending immediately prior to the procurement. For purposes of this subsection (c), the amount per kilowatthour means the total amount paid for electric service expressed on a per kilowatthour basis. For purposes of this subsection (c), the total amount paid for electric service includes without limitation amounts paid for supply, transmission, distribution, surcharges, and add-on taxes.

Notwithstanding the requirements of this subsection (c), the total of renewable energy resources procured pursuant to the procurement plan for any single year shall
be reduced by an amount necessary to limit the annual estimated average net increase due to the costs of these resources included in the amounts paid by eligible retail customers in connection with electric service to:

(A) in 2008, no more than 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007;

(B) in 2009, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2008 or 1% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007;

(C) in 2010, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2009 or 1.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007;

(D) in 2011, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2010 or 2% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007; and

(E) thereafter, the amount of renewable energy resources procured pursuant to the procurement plan for any single year shall be reduced by an amount necessary to limit the estimated average net increase due to the cost of these resources included in the amounts paid by eligible retail customers in connection with electric service to no more than the greater of 2.015% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007 or the

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incremental amount per kilowatt-hour paid for these resources in 2011.

No later than June 30, 2011, the Commission shall review the limitation on the amount of renewable energy resources procured pursuant to this subsection (c) and report to the General Assembly its findings as to whether that limitation unduly constrains the procurement of cost-effective renewable energy resources.

(3) Through June 1, 2011, renewable energy resources shall be counted for the purpose of meeting the renewable energy standards set forth in paragraph (1) of this subsection (c) only if they are generated from facilities located in the State, provided that cost-effective renewable energy resources are available from those facilities. If those cost-effective resources are not available in Illinois, they shall be procured in states that adjoin Illinois and may be counted towards compliance. If those cost-effective resources are not available in Illinois or in states that adjoin Illinois, they shall be purchased elsewhere and shall be counted towards compliance. After June 1, 2011, cost-effective renewable energy resources located in Illinois and in states that adjoin Illinois may be counted towards compliance with the standards set forth in paragraph (1) of this subsection (c). If those cost-effective resources are not available in Illinois or in states that adjoin Illinois, they shall be purchased elsewhere and shall be counted towards compliance.

(4) The electric utility shall retire all renewable energy credits used to comply with the standard.

(d) The draft procurement plans are subject to public comment, as required by Section 16-111.5 of the Public Utilities Act.

(e) The Agency shall submit the final procurement plan to the Commission. The Agency shall revise a procurement plan if the
Commission determines that it does not meet the standards set forth in Section 16-111.5 of the Public Utilities Act.

(f) The Agency shall assess fees to each affected utility to recover the costs incurred in preparation of the annual procurement plan for the utility.

(g) The Agency shall assess fees to each bidder to recover the costs incurred in connection with a competitive procurement process.

Section 1-80. Resource Development Bureau. The Resource Development Bureau has the following duties and responsibilities:

(a) At the Agency's discretion, conduct feasibility studies on the construction of any facility. Funding for a study shall come from either:

(i) fees assessed by the Agency on municipal electric systems, governmental aggregators, unit or units of local government, or rural electric cooperatives requesting the feasibility study; or

(ii) an appropriation from the General Assembly.

(b) If the Agency undertakes the construction of a facility, moneys generated from the sale of revenue bonds by the Authority for the facility shall be used to reimburse the source of the money used for the facility's feasibility study.

(c) The Agency may develop, finance, construct, or operate electric generation and co-generation facilities that use indigenous coal or renewable resources, or both, financed with bonds issued by the Authority on behalf of the Agency. Preference shall be given to technologies that enable carbon capture and sites in locations where the geology is suitable for carbon sequestration.

(i) The Agency may enter into contractual arrangements with private and public entities, including but not limited to municipal electric systems, governmental aggregators, and rural electric cooperatives, to plan, site, construct, improve, rehabilitate, and operate those electric generation and co-generation facilities. No contract shall be

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entered into by the Agency that would jeopardize the tax-exempt status of any bond issued in connection with a project for which the Agency entered into the contract.

(2) The Agency shall hold at least one public hearing before entering into any such contractual arrangements. At least 30-days' notice of the hearing shall be given by publication once in each week during that period in 6 newspapers within the State, at least one of which has a circulation area that includes the location of the proposed facility.

(3) The first facility that the Agency develops, finances, or constructs shall be a facility that uses coal produced in Illinois. The Agency may, however, also develop, finance, or construct renewable energy facilities after work on the first facility has commenced.

(4) The Agency may not develop, finance, or construct a nuclear power plant.

(5) The Agency shall assess fees to applicants seeking to partner with the Agency on projects.

(d) Use of electricity generated by the Agency's facilities. The Agency may supply electricity produced by the Agency's facilities to municipal electric systems, governmental aggregators, or rural electric cooperatives in Illinois. The electricity shall be supplied at cost.

(1) Contracts to supply power and energy from the Agency's facilities shall provide for the effectuation of the policies set forth in this Act.

(2) The contracts shall also provide that, notwithstanding any provision in the Public Utilities Act, entities supplied with power and energy from an Agency facility shall supply the power and energy to retail customers at the same price paid to purchase power and energy from the Agency.
(e) Electric utilities shall not be required to purchase electricity directly or indirectly from facilities developed or sponsored by the Agency.

(f) The Agency may sell excess capacity and excess energy into the wholesale electric market at prevailing market rates; provided, however, the Agency may not sell excess capacity or excess energy through the procurement process described in Section 16-111.5 of the Public Utilities Act.

(g) The Agency shall not directly sell electric power and energy to retail customers. Nothing in this paragraph shall be construed to prohibit sales to municipal electric systems, governmental aggregators, or rural electric cooperatives.

Section 1-85. Construction of facilities. The Agency may begin construction of a facility costing the Agency more than $100,000,000 only if the Agency demonstrates each of the following:

(a) After conducting a study, that the construction and operation of the facility is feasible.

(b) That the project does not materially adversely affect overall real property taxes in the taxing jurisdictions where the facility is to be located.

(c) That the Agency has received all required federal, State, and local government licenses, permits, or approval for the facility.

(d) That the Agency has obtained binding written commitments from municipal electric systems, governmental aggregators, or rural electric cooperatives constituting agreements to purchase, in the aggregate, at least 75% of the anticipated output of the facility for a time period long enough to ensure recovery of:

(1) all costs, including interest, amortization charges, and reserve charges, sufficient to retire revenue bonds issued for costs incurred in connection with the development and construction of a facility; and

(2) all operating, capital, administrative, and general expenses for the continued operation of the facility,

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including fiscal reserves, and any depreciation charges or costs.

(e) That the Agency has a reasonable plan to sell the remaining anticipated output of the facility to municipal electric systems, governmental aggregators, or rural electric cooperatives.

Section 1-86. General Assembly approval. For projects costing the Agency $1,000,000,000 or more, in addition to the provisions of Section 1-85, the General Assembly must adopt a joint resolution of the House of Representatives and the Senate approving the construction of the facility.

Section 1-87. Management and operating agreements. For projects costing the Agency $1,000,000,000 or more, the Agency shall enter into management and operating agreements for the relevant facility or facilities. Solicitation for any such management and operating agreement shall be pursuant to a request for proposals. The agreements must comply with the Internal Revenue Code and its regulations and shall not jeopardize the tax-exempt status of any bond issued in connection with a project for which the Agency entered into the agreement.

Section 1-90. Distribution and transmission facilities. The Agency shall not own or acquire distribution or transmission facilities except as necessary to connect an Agency facility to an electric transmission or distribution system.

Section 1-95. Insurance. Upon the Authority's issuance of revenue bonds for an Agency facility, the Agency shall purchase an insurance policy to cover those construction and operation costs associated with the facility. The policy shall remain in effect for the time period under which the Agency may accrue any liabilities associated with the facility.

Section 1-100. Timely payment to Agency. Any party receiving electricity shall make timely payment on all bills rendered by the Agency. Any violation of contractual terms by a party receiving electricity from an Agency facility is grounds for cancellation and termination of the contract.

Section 1-105. Deposit of revenue. All revenue from contracts described in Section 1-80(d) shall be deposited into the Illinois Power Agency Facilities Fund.

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Section 1-110. State Police reimbursement. The Agency shall reimburse the Department of State Police for any expenses associated with security at facilities from the Illinois Power Agency Facilities Fund.

Section 1-115. Revenue from real estate. All revenue from any sale, conveyance, lease, exchange, transfer, abandonment, or other disposition of real property shall be deposited into the Illinois Power Agency Facilities Fund.

Section 1-120. Protection of confidential and proprietary information. The Agency shall provide adequate protection for confidential and proprietary information furnished, delivered, or filed by any person, corporation, or other entity.

Section 1-125. Agency annual reports. The Agency shall report annually to the Governor and the General Assembly on the operations and transactions of the Agency. The annual report shall include, but not be limited to, each of the following:

1. The quantity, price, and term of all contracts for electricity procured under the procurement plans for electric utilities.
2. The quantity, price, and rate impact of all renewable resources purchased under the electricity procurement plans for electric utilities.
3. The quantity, price, and rate impact of all energy efficiency and demand response measures purchased for electric utilities.
4. The amount of power and energy produced by each Agency facility.
5. The quantity of electricity supplied by each Agency facility to municipal electric systems, governmental aggregators, or rural electric cooperatives in Illinois.
6. The revenues as allocated by the Agency to each facility.
7. The costs as allocated by the Agency to each facility.
8. The accumulated depreciation for each facility.
9. The status of any projects under development.

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(10) Basic financial and operating information specifically detailed for the reporting year and including, but not limited to, income and expense statements, balance sheets, and changes in financial position, all in accordance with generally accepted accounting principles, debt structure, and a summary of funds on a cash basis.

Section 1-127. Minority, female, and disabled persons businesses; reports.

(a) The Director of the Illinois Power Agency, or his or her designee, when offering bids for professional services, shall conduct outreach to minority owned businesses, female owned businesses, and businesses owned by persons with disabilities. Outreach shall include, but is not limited to, advertisements in periodicals and newspapers, mailings, and other appropriate media.

(b) The Director or his or her designee shall, upon request, provide technical assistance to minority owned businesses, female owned businesses, and businesses owned by persons with disabilities seeking to do business with the Agency.

(c) The Director or his or her designee, upon request, shall conduct post-bid reviews with minority owned businesses, female owned businesses, and businesses owned by persons with disabilities whose bids were not selected by the Agency. Post-bid reviews shall provide a business with detailed and specific reasons why the bid of that business was rejected and concrete recommendations to improve its bid application on future Agency professional services opportunities.

(d) The Agency shall report annually to the Governor and the General Assembly by July 1. The report shall identify the businesses that have provided bids to offer professional services to the Agency and shall also include, but not be limited to, the following information:

(1) whether or not the businesses are minority owned businesses, female owned businesses, or businesses owned by persons with disabilities;

(2) the percentage of professional service contracts that were awarded to minority owned businesses, female owned businesses, and businesses owned by persons with disabilities;
businesses, and businesses owned by persons with disabilities as compared to other businesses; and

(3) the actions the Agency has undertaken to increase the use of the minority owned businesses, female owned businesses, and businesses owned by persons with disabilities in professional service contracts.

(e) In this Section, "professional services" means services that use skills that are predominantly mental or intellectual, rather than physical or manual, including, but not limited to, accounting, architecture, consulting, engineering, finance, legal, and marketing. "Professional services" does not include bidders into the competitive procurement process pursuant to Section 16-111.5 of the Public Utilities Act.

Section 1-130. Home rule preemption.

(a) The authorization to impose any new taxes or fees specifically related to the generation of electricity by, the capacity to generate electricity by, or the emissions into the atmosphere by electric generating facilities after the effective date of this Act is an exclusive power and function of the State. A home rule unit may not levy any new taxes or fees specifically related to the generation of electricity by, the capacity to generate electricity by, or the emissions into the atmosphere by electric generating facilities after the effective date of this Act. This Section is a denial and limitation on home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution.

(b) This Section is repealed on January 1, 2019.

ARTICLE 5

Section 5-900. The Freedom of Information Act is amended by changing Section 7 as follows:

(5 ILCS 140/7) (from Ch. 116, par. 207)

Sec. 7. Exemptions.

(1) The following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations adopted under federal or State law.

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(b) Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. Information exempted under this subsection (b) shall include but is not limited to:

(i) files and personal information maintained with respect to clients, patients, residents, students or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from federal agencies or public bodies;

(ii) personnel files and personal information maintained with respect to employees, appointees or elected officials of any public body or applicants for those positions;

(iii) files and personal information maintained with respect to any applicant, registrant or licensee by any public body cooperating with or engaged in professional or occupational registration, licensure or discipline;

(iv) information required of any taxpayer in connection with the assessment or collection of any tax unless disclosure is otherwise required by State statute;

(v) information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies; provided, however, that identification of witnesses to traffic accidents, traffic accident reports, and rescue reports may be provided by agencies of local government, except in a case for which a criminal investigation is ongoing, without constituting a clearly unwarranted per se invasion of personal privacy under this subsection; and

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(vi) the names, addresses, or other personal information of participants and registrants in park district, forest preserve district, and conservation district programs.

c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:

    (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;

    (ii) interfere with pending administrative enforcement proceedings conducted by any public body;

    (iii) deprive a person of a fair trial or an impartial hearing;

    (iv) unavoidably disclose the identity of a confidential source or confidential information furnished only by the confidential source;

    (v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct;

    (vi) constitute an invasion of personal privacy under subsection (b) of this Section;

    (vii) endanger the life or physical safety of law enforcement personnel or any other person; or

    (viii) obstruct an ongoing criminal investigation.

d) Criminal history record information maintained by State or local criminal justice agencies, except the following which shall be open for public inspection and copying:

    (i) chronologically maintained arrest information, such as traditional arrest logs or blotters;

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(ii) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;

(iii) court records that are public;

(iv) records that are otherwise available under State or local law; or

(v) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of this Section.

"Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where

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disclosure of the trade secrets or information may cause competitive harm, including:

(i) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(ii) All trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act.
when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) Test questions, scoring keys and other examination data used to administer an academic examination or determined the qualifications of an applicant for a license or employment.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, but only to the extent that disclosure would compromise security, including but not limited to water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings.

(l) Library circulation and order records identifying library users with specific materials.

(m) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(n) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(o) Information received by a primary or secondary school, college or university under its procedures for the evaluation of faculty members by their academic peers.

(p) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file

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layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

 (q) Documents or materials relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

 (r) Drafts, notes, recommendations and memoranda pertaining to the financing and marketing transactions of the public body. The records of ownership, registration, transfer, and exchange of municipal debt obligations, and of persons to whom payment with respect to these obligations is made.

 (s) The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.

 (t) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool.

 (u) Information concerning a university's adjudication of student or employee grievance or disciplinary cases, to the extent that disclosure would reveal the identity of the student or employee and information concerning any public body's adjudication of

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student or employee grievances or disciplinary cases, except for the final outcome of the cases.

(v) Course materials or research materials used by faculty members.

(w) Information related solely to the internal personnel rules and practices of a public body.

(x) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions or insurance companies, unless disclosure is otherwise required by State law.

(y) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(z) Manuals or instruction to staff that relate to establishment or collection of liability for any State tax or that relate to investigations by a public body to determine violation of any criminal law.

(aa) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(bb) Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.

(cc) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(dd) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.
(ee) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(ff) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.

(gg) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(hh) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act.

(ii) Beginning July 1, 1999, information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act.

(jj) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(kk) Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act.

(II) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community’s population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such

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things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

(mm) Maps and other records regarding the location or security of a utility’s generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility or by the Illinois Power Agency.

(nn) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(oo) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(pp) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(qq) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (qq) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(rr) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

(2) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

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Section 5-905. The Civil Administrative Code of Illinois is amended by changing Sections 5-15 and 5-20 and by adding Section 5-222 as follows:

(20 ILCS 5/5-15) (was 20 ILCS 5/3)
Sec. 5-15. Departments of State government. The Departments of State government are created as follows:
- The Department on Aging.
- The Department of Agriculture.
- The Department of Central Management Services.
- The Department of Children and Family Services.
- The Department of Commerce and Economic Opportunity.
- The Department of Corrections.
- The Department of Employment Security.
- The Emergency Management Agency.
- The Department of Financial Institutions.
- The Department of Healthcare and Family Services.
- The Department of Human Rights.
- The Department of Human Services.
- The Illinois Power Agency.
- The Department of Insurance.
- The Department of Juvenile Justice.
- The Department of Labor.
- The Department of the Lottery.
- The Department of Natural Resources.
- The Department of Professional Regulation.
- The Department of Public Aid.
- The Department of Public Health.
- The Department of Revenue.
- The Department of State Police.

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The Department of Transportation.
The Department of Veterans' Affairs.

(Source: P.A. 93-25, eff. 6-20-03; 93-1029, eff. 8-25-04; 94-696, eff. 6-1-06; revised 9-14-06.)

(20 ILCS 5/5-20) (was 20 ILCS 5/4)
Sec. 5-20. Heads of departments. Each department shall have an officer as its head who shall be known as director or secretary and who shall, subject to the provisions of the Civil Administrative Code of Illinois, execute the powers and discharge the duties vested by law in his or her respective department.

The following officers are hereby created:
Director of Aging, for the Department on Aging.
Director of Agriculture, for the Department of Agriculture.
Director of Central Management Services, for the Department of Central Management Services.
Director of Children and Family Services, for the Department of Children and Family Services.
Director of Commerce and Economic Opportunity, for the Department of Commerce and Economic Opportunity.
Director of Corrections, for the Department of Corrections.
Director of Emergency Management Agency, for the Emergency Management Agency.
Director of Financial Institutions, for the Department of Financial Institutions.

*Director of Healthcare and Family Services, for the Department of Healthcare and Family Services.*
Director of Human Rights, for the Department of Human Rights.
Secretary of Human Services, for the Department of Human Services.

*Director of the Illinois Power Agency, for the Illinois Power Agency.*
Director of Insurance, for the Department of Insurance.

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Director of Juvenile Justice, for the Department of Juvenile Justice.
Director of Labor, for the Department of Labor.
Director of the Lottery, for the Department of the Lottery.
Director of Natural Resources, for the Department of Natural Resources.
Director of Professional Regulation, for the Department of Professional Regulation.
Director of Public Aid, for the Department of Public Aid.
Director of Public Health, for the Department of Public Health.
Director of Revenue, for the Department of Revenue.
Director of State Police, for the Department of State Police.
Secretary of Transportation, for the Department of Transportation.
Director of Veterans' Affairs, for the Department of Veterans' Affairs.

(Source: P.A. 93-25, eff. 6-20-03; 93-1029, eff. 8-25-04; 94-696, eff. 6-1-06; revised 9-14-06.)

Sec. 5-222. Director of the Illinois Power Agency. The Director of the Illinois Power Agency must have at least 15 years of combined experience in the electric industry, electricity policy, or electricity markets and must possess: (i) general knowledge of the responsibilities of being a director, (ii) managerial experience, and (iii) an advanced degree in economics, risk management, law, business, engineering, or a related field.

Section 5-910. The Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997 is amended by changing Sections 6-5 and 6-7 as follows:

(20 ILCS 687/6-5)
(Section scheduled to be repealed on December 16, 2007)

Sec. 6-5. Renewable Energy Resources and Coal Technology Development Assistance Charge.
(a) Notwithstanding the provisions of Section 16-111 of the Public Utilities Act but subject to subsection (e) of this Section, each public utility, electric cooperative, as defined in Section 3.4 of the Electric

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Supplier Act, and municipal utility, as referenced in Section 3-105 of the Public Utilities Act, that is engaged in the delivery of electricity or the distribution of natural gas within the State of Illinois shall, effective January 1, 1998, assess each of its customer accounts a monthly Renewable Energy Resources and Coal Technology Development Assistance Charge. The delivering public utility, municipal electric or gas utility, or electric or gas cooperative for a self-assessing purchaser remains subject to the collection of the fee imposed by this Section. The monthly charge shall be as follows:

(1) $0.05 per month on each account for residential electric service as defined in Section 13 of the Energy Assistance Act;
(2) $0.05 per month on each account for residential gas service as defined in Section 13 of the Energy Assistance Act;
(3) $0.50 per month on each account for nonresidential electric service, as defined in Section 13 of the Energy Assistance Act, which had less than 10 megawatts of peak demand during the previous calendar year;
(4) $0.50 per month on each account for nonresidential gas service, as defined in Section 13 of the Energy Assistance Act, which had distributed to it less than 4,000,000 therms of gas during the previous calendar year;
(5) $37.50 per month on each account for nonresidential electric service, as defined in Section 13 of the Energy Assistance Act, which had 10 megawatts or greater of peak demand during the previous calendar year; and
(6) $37.50 per month on each account for nonresidential gas service, as defined in Section 13 of the Energy Assistance Act, which had 4,000,000 or more therms of gas distributed to it during the previous calendar year.

(b) The Renewable Energy Resources and Coal Technology Development Assistance Charge assessed by electric and gas public utilities shall be considered a charge for public utility service.

(c) Fifty percent of the moneys collected pursuant to this Section shall be deposited in the Renewable Energy Resources Trust Fund by the
Department of Revenue. The remaining 50 percent of the moneys collected pursuant to this Section shall be deposited in the Coal Technology Development Assistance Fund by the Department of Revenue for the exclusive purposes of (1) capturing or sequestering carbon emissions produced by coal combustion; (2) supporting research on the capture and sequestration of carbon emissions produced by coal combustion; and (3) improving coal miner safety use under the Illinois Coal Technology Development Assistance Act.

(d) By the 20th day of the month following the month in which the charges imposed by this Section were collected, each utility and alternative retail electric supplier collecting charges pursuant to this Section shall remit to the Department of Revenue for deposit in the Renewable Energy Resources Trust Fund and the Coal Technology Development Assistance Fund all moneys received as payment of the charge provided for in this Section on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require.

(e) The charges imposed by this Section shall only apply to customers of municipal electric or gas utilities and electric or gas cooperatives if the municipal electric or gas utility or electric or gas cooperative makes an affirmative decision to impose the charge. If a municipal electric or gas utility or an electric or gas cooperative makes an affirmative decision to impose the charge provided by this Section, the municipal electric or gas utility or electric or gas cooperative shall inform the Department of Revenue in writing of such decision when it begins to impose the charge. If a municipal electric or gas utility or electric or gas cooperative does not assess this charge, its customers shall not be eligible for the Renewable Energy Resources Program.

(f) The Department of Revenue may establish such rules as it deems necessary to implement this Section.

(Source: P.A. 92-690, eff. 7-18-02.)

(20 ILCS 687/6-7)

(Section scheduled to be repealed on December 16, 2007)
Sec. 6-7. Repeal. The provisions of this Law are repealed on December 12, 2015, 10 years after the effective date of this amendatory Act of 1997 unless renewed by act of the General Assembly.

(Source: P.A. 90-561, eff. 12-16-97.)

Section 5-915. The Illinois Finance Authority Act is amended by adding Section 825-90 and by changing Sections 801-40 and 845-5 as follows:

(20 ILCS 3501/801-40)

Sec. 801-40. In addition to the powers otherwise authorized by law and in addition to the foregoing general corporate powers, the Authority shall also have the following additional specific powers to be exercised in furtherance of the purposes of this Act.

(a) The Authority shall have power (i) to accept grants, loans or appropriations from the federal government or the State, or any agency or instrumentality thereof, to be used for the operating expenses of the Authority, or for any purposes of the Authority, including the making of direct loans of such funds with respect to projects, and (ii) to enter into any agreement with the federal government or the State, or any agency or instrumentality thereof, in relationship to such grants, loans or appropriations.

(b) The Authority shall have power to procure and enter into contracts for any type of insurance and indemnity agreements covering loss or damage to property from any cause, including loss of use and occupancy, or covering any other insurable risk.

(c) The Authority shall have the continuing power to issue bonds for its corporate purposes. Bonds may be issued by the Authority in one or more series and may provide for the payment of any interest deemed necessary on such bonds, of the costs of issuance of such bonds, of any premium on any insurance, or of the cost of any guarantees, letters of credit or other similar documents, may provide for the funding of the reserves deemed necessary in connection with such bonds, and may provide for the refunding or advance refunding of any bonds or for accounts deemed necessary in connection with any purpose of the Authority. The bonds may bear interest payable at any time or times and at

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any rate or rates, notwithstanding any other provision of law to the contrary, and such rate or rates may be established by an index or formula which may be implemented or established by persons appointed or retained therefor by the Authority, or may bear no interest or may bear interest payable at maturity or upon redemption prior to maturity, may bear such date or dates, may be payable at such time or times and at such place or places, may mature at any time or times not later than 40 years from the date of issuance, may be sold at public or private sale at such time or times and at such price or prices, may be secured by such pledges, reserves, guarantees, letters of credit, insurance contracts or other similar credit support or liquidity instruments, may be executed in such manner, may be subject to redemption prior to maturity, may provide for the registration of the bonds, and may be subject to such other terms and conditions all as may be provided by the resolution or indenture authorizing the issuance of such bonds. The holder or holders of any bonds issued by the Authority may bring suits at law or proceedings in equity to compel the performance and observance by any person or by the Authority or any of its agents or employees of any contract or covenant made with the holders of such bonds and to compel such person or the Authority and any of its agents or employees to perform any duties required to be performed for the benefit of the holders of any such bonds by the provision of the resolution authorizing their issuance, and to enjoin such person or the Authority and any of its agents or employees from taking any action in conflict with any such contract or covenant. Notwithstanding the form and tenor of any such bonds and in the absence of any express recital on the face thereof that it is non-negotiable, all such bonds shall be negotiable instruments. Pending the preparation and execution of any such bonds, temporary bonds may be issued as provided by the resolution. The bonds shall be sold by the Authority in such manner as it shall determine. The bonds may be secured as provided in the authorizing resolution by the receipts, revenues, income and other available funds of the Authority and by any amounts derived by the Authority from the loan agreement or lease agreement with respect to the project or projects; and bonds may be issued as general obligations of the Authority payable from such revenues, funds and obligations of the

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Authority as the bond resolution shall provide, or may be issued as limited obligations with a claim for payment solely from such revenues, funds and obligations as the bond resolution shall provide. The Authority may grant a specific pledge or assignment of and lien on or security interest in such rights, revenues, income, or amounts and may grant a specific pledge or assignment of and lien on or security interest in any reserves, funds or accounts established in the resolution authorizing the issuance of bonds. Any such pledge, assignment, lien or security interest for the benefit of the holders of the Authority's bonds shall be valid and binding from the time the bonds are issued without any physical delivery or further act, and shall be valid and binding as against and prior to the claims of all other parties having claims against the Authority or any other person irrespective of whether the other parties have notice of the pledge, assignment, lien or security interest. As evidence of such pledge, assignment, lien and security interest, the Authority may execute and deliver a mortgage, trust agreement, indenture or security agreement or an assignment thereof. A remedy for any breach or default of the terms of any such agreement by the Authority may be by mandamus proceedings in any court of competent jurisdiction to compel the performance and compliance therewith, but the agreement may prescribe by whom or on whose behalf such action may be instituted. It is expressly understood that the Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

(d) With respect to the powers granted by this Act, the Authority may adopt rules and regulations prescribing the procedures by which persons may apply for assistance under this Act. Nothing herein shall be deemed to preclude the Authority, prior to the filing of any formal application, from conducting preliminary discussions and investigations with respect to the subject matter of any prospective application.

(e) The Authority shall have power to acquire by purchase, lease, gift or otherwise any property or rights therein from any person useful for its purposes, whether improved for the purposes of any prospective project, or unimproved. The Authority may also accept any donation of funds for its purposes from any such source. The Authority shall have no independent power of condemnation but may acquire any property or

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rights therein obtained upon condemnation by any other authority, governmental entity or unit of local government with such power.

(f) The Authority shall have power to develop, construct and improve either under its own direction, or through collaboration with any approved applicant, or to acquire through purchase or otherwise, any project, using for such purpose the proceeds derived from the sale of its bonds or from governmental loans or grants, and to hold title in the name of the Authority to such projects.

(g) The Authority shall have power to lease pursuant to a lease agreement any project so developed and constructed or acquired to the approved tenant on such terms and conditions as may be appropriate to further the purposes of this Act and to maintain the credit of the Authority. Any such lease may provide for either the Authority or the approved tenant to assume initially, in whole or in part, the costs of maintenance, repair and improvements during the leasehold period. In no case, however, shall the total rentals from any project during any initial leasehold period or the total loan repayments to be made pursuant to any loan agreement, be less than an amount necessary to return over such lease or loan period (1) all costs incurred in connection with the development, construction, acquisition or improvement of the project and for repair, maintenance and improvements thereto during the period of the lease or loan; provided, however, that the rentals or loan repayments need not include costs met through the use of funds other than those obtained by the Authority through the issuance of its bonds or governmental loans; (2) a reasonable percentage additive to be agreed upon by the Authority and the borrower or tenant to cover a properly allocable portion of the Authority's general expenses, including, but not limited to, administrative expenses, salaries and general insurance, and (3) an amount sufficient to pay when due all principal of, interest and premium, if any on, any bonds issued by the Authority with respect to the project. The portion of total rentals payable under clause (3) of this subsection (g) shall be deposited in such special accounts, including all sinking funds, acquisition or construction funds, debt service and other funds as provided by any resolution, mortgage or trust agreement of the Authority pursuant to which any bond is issued.
(h) The Authority has the power, upon the termination of any leasehold period of any project, to sell or lease for a further term or terms such project on such terms and conditions as the Authority shall deem reasonable and consistent with the purposes of the Act. The net proceeds from all such sales and the revenues or income from such leases shall be used to satisfy any indebtedness of the Authority with respect to such project and any balance may be used to pay any expenses of the Authority or be used for the further development, construction, acquisition or improvement of projects. In the event any project is vacated by a tenant prior to the termination of the initial leasehold period, the Authority shall sell or lease the facilities of the project on the most advantageous terms available. The net proceeds of any such disposition shall be treated in the same manner as the proceeds from sales or the revenues or income from leases subsequent to the termination of any initial leasehold period.

(i) The Authority shall have the power to make loans to persons to finance a project, to enter into loan agreements with respect thereto, and to accept guarantees from persons of its loans or the resultant evidences of obligations of the Authority.

(j) The Authority may fix, determine, charge and collect any premiums, fees, charges, costs and expenses, including, without limitation, any application fees, commitment fees, program fees, financing charges or publication fees from any person in connection with its activities under this Act.

(k) In addition to the funds established as provided herein, the Authority shall have the power to create and establish such reserve funds and accounts as may be necessary or desirable to accomplish its purposes under this Act and to deposit its available monies into the funds and accounts.

(l) At the request of the governing body of any unit of local government, the Authority is authorized to market such local government's revenue bond offerings by preparing bond issues for sale, advertising for sealed bids, receiving bids at its offices, making the award to the bidder that offers the most favorable terms or arranging for negotiated placements or underwritings of such securities. The Authority may, at its discretion,
offer for concurrent sale the revenue bonds of several local governments. Sales by the Authority of revenue bonds under this Section shall in no way imply State guarantee of such debt issue. The Authority may require such financial information from participating local governments as it deems necessary in order to carry out the purposes of this subsection (1).

(m) The Authority may make grants to any county to which Division 5-37 of the Counties Code is applicable to assist in the financing of capital development, construction and renovation of new or existing facilities for hospitals and health care facilities under that Act. Such grants may only be made from funds appropriated for such purposes from the Build Illinois Bond Fund.

(n) The Authority may establish an urban development action grant program for the purpose of assisting municipalities in Illinois which are experiencing severe economic distress to help stimulate economic development activities needed to aid in economic recovery. The Authority shall determine the types of activities and projects for which the urban development action grants may be used, provided that such projects and activities are broadly defined to include all reasonable projects and activities the primary objectives of which are the development of viable urban communities, including decent housing and a suitable living environment, and expansion of economic opportunity, principally for persons of low and moderate incomes. The Authority shall enter into grant agreements from monies appropriated for such purposes from the Build Illinois Bond Fund. The Authority shall monitor the use of the grants, and shall provide for audits of the funds as well as recovery by the Authority of any funds determined to have been spent in violation of this subsection (n) or any rule or regulation promulgated hereunder. The Authority shall provide technical assistance with regard to the effective use of the urban development action grants. The Authority shall file an annual report to the General Assembly concerning the progress of the grant program.

(o) The Authority may establish a Housing Partnership Program whereby the Authority provides zero-interest loans to municipalities for the purpose of assisting in the financing of projects for the rehabilitation of affordable multi-family housing for low and moderate income residents.
The Authority may provide such loans only upon a municipality's providing evidence that it has obtained private funding for the rehabilitation project. The Authority shall provide 3 State dollars for every 7 dollars obtained by the municipality from sources other than the State of Illinois. The loans shall be made from monies appropriated for such purpose from the Build Illinois Bond Fund. The total amount of loans available under the Housing Partnership Program shall not exceed $30,000,000. State loan monies under this subsection shall be used only for the acquisition and rehabilitation of existing buildings containing 4 or more dwelling units. The terms of any loan made by the municipality under this subsection shall require repayment of the loan to the municipality upon any sale or other transfer of the project.

(p) The Authority may award grants to universities and research institutions, research consortiums and other not-for-profit entities for the purposes of: remodeling or otherwise physically altering existing laboratory or research facilities, expansion or physical additions to existing laboratory or research facilities, construction of new laboratory or research facilities or acquisition of modern equipment to support laboratory or research operations provided that such grants (i) be used solely in support of project and equipment acquisitions which enhance technology transfer, and (ii) not constitute more than 60 percent of the total project or acquisition cost.

(q) Grants may be awarded by the Authority to units of local government for the purpose of developing the appropriate infrastructure or defraying other costs to the local government in support of laboratory or research facilities provided that such grants may not exceed 40% of the cost to the unit of local government.

(r) The Authority may establish a Direct Loan Program to make loans to individuals, partnerships or corporations for the purpose of an industrial project, as defined in Section 801-10 of this Act. For the purposes of such program and not by way of limitation on any other program of the Authority, the Authority shall have the power to issue bonds, notes, or other evidences of indebtedness including commercial paper for purposes of providing a fund of capital from which it may make

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such loans. The Authority shall have the power to use any appropriations from the State made especially for the Authority's Direct Loan Program for additional capital to make such loans or for the purposes of reserve funds or pledged funds which secure the Authority's obligations of repayment of any bond, note or other form of indebtedness established for the purpose of providing capital for which it intends to make such loans under the Direct Loan Program. For the purpose of obtaining such capital, the Authority may also enter into agreements with financial institutions and other persons for the purpose of selling loans and developing a secondary market for such loans. Loans made under the Direct Loan Program may be in an amount not to exceed $300,000 and shall be made for a portion of an industrial project which does not exceed 50% of the total project. No loan may be made by the Authority unless approved by the affirmative vote of at least 8 members of the board. The Authority shall establish procedures and publish rules which shall provide for the submission, review, and analysis of each direct loan application and which shall preserve the ability of each board member to reach an individual business judgment regarding the propriety of making each direct loan. The collective discretion of the board to approve or disapprove each loan shall be unencumbered. The Authority may establish and collect such fees and charges, determine and enforce such terms and conditions, and charge such interest rates as it determines to be necessary and appropriate to the successful administration of the Direct Loan Program. The Authority may require such interests in collateral and such guarantees as it determines are necessary to project the Authority's interest in the repayment of the principal and interest of each loan made under the Direct Loan Program.

(s) The Authority may guarantee private loans to third parties up to a specified dollar amount in order to promote economic development in this State.

(t) The Authority may adopt rules and regulations as may be necessary or advisable to implement the powers conferred by this Act.

(u) The Authority shall have the power to issue bonds, notes or other evidences of indebtedness, which may be used to make loans to units of local government which are authorized to enter into loan agreements

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and other documents and to issue bonds, notes and other evidences of indebtedness for the purpose of financing the protection of storm sewer outfalls, the construction of adequate storm sewer outfalls, and the provision for flood protection of sanitary sewage treatment plans, in counties that have established a stormwater management planning committee in accordance with Section 5-1062 of the Counties Code. Any such loan shall be made by the Authority pursuant to the provisions of Section 820-5 to 820-60 of this Act. The unit of local government shall pay back to the Authority the principal amount of the loan, plus annual interest as determined by the Authority. The Authority shall have the power, subject to appropriations by the General Assembly, to subsidize or buy down a portion of the interest on such loans, up to 4% per annum.

(v) The Authority may accept security interests as provided in Sections 11-3 and 11-3.3 of the Illinois Public Aid Code.

(w) Moral Obligation. In the event that the Authority determines that monies of the Authority will not be sufficient for the payment of the principal of and interest on its bonds during the next State fiscal year, the Chairperson, as soon as practicable, shall certify to the Governor the amount required by the Authority to enable it to pay such principal and interest on the bonds. The Governor shall submit the amount so certified to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. This subsection shall apply only to any bonds or notes as to which the Authority shall have determined, in the resolution authorizing the issuance of the bonds or notes, that this subsection shall apply. Whenever the Authority makes such a determination, that fact shall be plainly stated on the face of the bonds or notes and that fact shall also be reported to the Governor. In the event of a withdrawal of moneys from a reserve fund established with respect to any issue or issues of bonds of the Authority to pay principal or interest on those bonds, the Chairperson of the Authority, as soon as practicable, shall certify to the Governor the amount required to restore the reserve fund to the level required in the resolution or indenture securing those bonds. The Governor shall submit the amount so certified to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. The Authority shall

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obtain written approval from the Governor for any bonds and notes to be issued under this Section. In addition to any other bonds authorized to be issued under Sections 825-60, 825-65(e), 830-25 and 845-5, the principal amount of Authority bonds outstanding issued under this Section 801-40(w) or under 20 ILCS 3850/1-80 or 30 ILCS 360/2-6(c), which have been assumed by the Authority, shall not exceed $150,000,000. This subsection (w) shall in no way be applied to any bonds issued by the Authority on behalf of the Illinois Power Agency under Section 825-90 of this Act.

(Source: P.A. 93-205, eff. 1-1-04; 94-91, eff. 7-1-05.)

(20 ILCS 3501/825-90 new)

Sec. 825-90. Illinois Power Agency Bonds.

(a) In this Section:

"Agency" means the Illinois Power Agency.

"Agency loan agreement" means any agreement pursuant to which the Illinois Finance Authority agrees to loan the proceeds of its revenue bonds issued with respect to a specific Illinois Power Agency project to the Illinois Power Agency upon terms providing for loan repayment installments at least sufficient to pay when due all principal of, interest and premium, if any, on any revenue bonds of the Authority, if any, issued with respect to the Illinois Power Agency project, and providing for maintenance, insurance, and other matters as may be deemed desirable by the Authority.

"Authority" means the Illinois Finance Authority.

"Director" means the Director of the Illinois Power Agency.

"Facility" means an electric generating unit or a co-generating unit that produces electricity along with related equipment necessary to connect the facility to an electric transmission or distribution system.

"Governmental aggregator" means one or more units of local government that individually or collectively procures electricity to serve residential retail electrical loads located within its or their jurisdiction.

"Local government" means a unit of local government as defined in Section 1 of Article VII of the Illinois Constitution of 1970.

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"Project" means any project as defined in the Illinois Power Agency Act.

"Real property" means any interest in land, together with all structures, fixtures, and improvements thereon, including lands under water and riparian rights, any easements, covenants, licenses, leases, rights-of-way, uses, and other interests, together with any liens, judgments, mortgages, or other claims or security interests related to real property.

"Revenue bond" means any bond, note, or other evidence of indebtedness issued by the Illinois Finance Authority on behalf of the Illinois Power Agency, the principal and interest of which is payable solely from revenues or income derived from any project or activity of the Agency.

(b) Powers and duties; Illinois Power Agency Program. The Authority has the power:

(1) To accept from time to time pursuant to an Agency loan agreement any pledge or a pledge agreement by the Agency subject to the requirements and limitations of the Illinois Power Agency Act.

(2) To issue revenue bonds in one or more series pursuant to one or more resolutions of the Authority to loan funds to the Agency pursuant to one or more Agency loan agreements meeting the requirements of the Illinois Power Agency Act and providing for the payment of any interest deemed necessary on those revenue bonds, paying for the cost of issuance of those revenue bonds, providing for the payment of the cost of any guarantees, letters of credit, insurance contracts or other similar credit support or liquidity instruments, or providing for the funding of any reserves deemed necessary in connection with those revenue bonds and refunding or advance refunding of any such revenue bonds and the interest and any premium thereon, pursuant to this Act. Authority for the agreements shall conform to the requirements of the Illinois Power Agency Act. The Authority may issue up to $4,000,000,000 aggregate principal amount of revenue bonds, the net proceeds of

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which shall be loaned to the Agency pursuant to one or more Agency loan agreements. No revenue bonds issued to refund or advance refund revenue bonds issued under this Section may mature later than the longest maturity date of the series of bonds being refunded. After the aggregate original principal amount of revenue bonds authorized in this Section has been issued, the payment of any principal amount of those revenue bonds does not authorize the issuance of additional revenue bonds (except refunding revenue bonds). Such revenue bond authorization is in addition to any other bonds authorized in this Act. All bonds issued on behalf of the Agency must be issued by the Authority and must be revenue bonds. These revenue bonds may be taxable or tax-exempt.

(3) To provide for the funding of any reserves or other funds or accounts deemed necessary by the Authority on behalf of the Agency in connection with its issuance of Agency revenue bonds.

(4) To accept the pledge of any Agency revenue, including any payments thereon, and any other property or funds of the Agency or funds made available to the Authority through the applicable Agency loan agreement with the Agency that may be applied to such purpose, as security for any revenue bonds or any guarantees, letters of credit, insurance contracts, or similar credit support or liquidity instruments securing the revenue bonds.

(5) To enter into agreements or contracts with third parties, whether public or private, including without limitation the United States of America, the State, or any department or agency thereof, to obtain any grants, loans, or guarantees that are deemed necessary or desirable by the Authority. Any such guarantee, agreement, or contract may contain terms and provisions necessary or desirable in connection with the program, subject to the requirements established by this Article.

(6) To charge reasonable fees to defray the cost of obtaining letters of credit, insurance contracts, or other similar
documents, and to charge such other reasonable fees to defray the
cost of trustees, depositaries, paying agents, legal counsel, bond
registrars, escrow agents, and other administrative expenses. Any
such fees shall be payable by the Agency, in such amounts and at
such times as the Authority shall determine.

(7) To obtain and maintain guarantees, letters of credit,
insurance contracts, or similar credit support or liquidity
instruments that are deemed necessary or desirable in connection
with any revenue bonds or other obligations of the Authority for
any Agency revenue bonds.

(8) To provide technical assistance, at the request of the
Agency, with respect to the financing or refinancing for any public
purpose.

(9) To sell, transfer, or otherwise defease revenue bonds
issued on behalf of the Agency at the request and authorization of
the Agency.

(10) To enter into agreements or contracts with any person
necessary or appropriate to place the payment obligations of the
Agency relating to revenue bonds in whole or in part on any
interest rate basis, cash flow basis, or other basis desired by the
Authority, including without limitation agreements or contracts
commonly known as "interest rate swap agreements", "forward
payment conversion agreements", and "futures", or agreements or
contracts to exchange cash flows or a series of payments, or
agreements or contracts, including without limitation agreements
or contracts commonly known as "options", "puts" or "calls", to
hedge payment, rate spread, or similar exposure; provided, that
any such agreement or contract shall not constitute an obligation
for borrowed money, and shall not be taken into account under
Section 845-5 of this Act or any other debt limit of the Authority or
the State of Illinois.

(11) To make and enter into all other agreements and
contracts and execute all instruments necessary or incidental to

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performance of its duties and the execution of its powers under this Article.

(12) To contract for and finance the costs of audits and to contract for and finance the cost of project monitoring. Any such contract shall be executed only after it has been jointly negotiated by the Authority and the Agency.

(13) To exercise such other powers as are necessary or incidental to the foregoing.

(c) Illinois Power Agency participation. The Agency is authorized to voluntarily participate in this program as described in the Illinois Power Agency Act. The Authority may issue revenue bonds on behalf of the Agency pursuant to an Agency loan agreement entered into by the parties as set forth in the Illinois Power Agency Act. Any proceeds from the sale of those revenue bonds shall be deposited into the Illinois Power Agency Facilities Fund to be used by the Agency for the purposes set forth in the Illinois Power Agency Act.

(d) Pledge of revenues by the Agency. Any pledge of revenues or other moneys made by the Agency shall be binding from the time the pledge is made. Revenues and other moneys so pledged shall be held in the Illinois Power Agency Facilities Fund, Illinois Power Agency Debt Service Fund, or other funds as directed by the Agency loan agreement. Revenues or other moneys so pledged and thereafter received by the State Treasurer shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of any pledge shall be binding against all parties having claims of any kind of tort, contract, or otherwise against the Authority, irrespective of whether the parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be filed or recorded except in the records of the Authority. The State pledges to and agrees with the holders of revenue bonds, and the beneficial owners of the revenue bonds issued on behalf of the Agency, that the State shall not limit or restrict the rights hereby vested in the Authority to purchase, acquire, hold, sell, or defease revenue bonds or other investments or to establish and collect such fees or other charges as may be convenient or necessary to produce
sufficient revenues to meet the expenses of operation of the Authority, and to fulfill the terms of any agreement made with the holders of the revenue bonds issued by the Authority on behalf of the Agency or in any way impair the rights or remedies of the holders of those revenue bonds or the beneficial owners of the revenue bonds until those revenue bonds are fully paid and discharged or provision for their payment has been made. The revenue bonds shall not be a debt of the State, the Authority, any political subdivision thereof (other than the Agency to the extent provided therein), any governmental aggregator as defined in the Illinois Power Agency Act, or any local government, and neither the State, the Authority, any political subdivision thereof (other than the Agency to the extent provided therein), any governmental aggregator, nor any local government shall be liable thereon. The Authority shall not have the power to pledge the credit, the revenues, or the taxing power of the State, any political subdivision thereof (other than the Agency to the extent provided in the Agency loan agreement relating to the revenue bonds in question), any governmental aggregator, or of any local government, and neither the credit, the revenues, nor the taxing power of the State, any political subdivision thereof (other than the Agency to the extent provided in the Agency loan agreement relating to the revenue bonds in question), any governmental aggregator, or of any local government shall be, or shall be deemed to be, pledged to the payment of any revenue bonds, or obligations of the Agency.

(e) Exemption from taxation. The creation of the Illinois Power Agency is in all respects for the benefit of the people of Illinois and for the improvement of their health, safety, welfare, comfort, and security, and its purposes are public purposes. In consideration thereof, the revenue bonds issued on behalf of the Agency pursuant to this Act and the income from these revenue bonds may be free from all taxation by the State or its political subdivisions, except for estate, transfer, and inheritance taxes. The exemption from taxation provided by the preceding sentence shall apply to the income on any revenue bonds issued on behalf of the Agency only if the Authority with concurrence of the Agency in its sole judgment determines that the exemption enhances the marketability of the revenue bonds.

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bonds or reduces the interest rates that would otherwise be borne by the revenue bonds and that the project for which the revenue bonds will be issued will be owned by the Agency or another governmental entity and that the project is used for public consumption. For purposes of Section 250 of the Illinois Income Tax Act, the exemption of the Agency shall terminate after all of the revenue bonds have been paid. The amount of the income that shall be added and then subtracted on the Illinois income tax return of a taxpayer, subject to Section 203 of the Illinois Income Tax Act, from federal adjusted gross income or federal taxable income in computing Illinois base income shall be the interest net of any bond premium amortization.

(20 ILCS 3501/845-5)
Sec. 845-5. Bond limitations.

(a) The Authority may not have outstanding at any one time bonds for any of its corporate purposes in an aggregate principal amount exceeding $25,200,000,000, excluding bonds issued to refund the bonds of the Authority or bonds of the Predecessor Authorities.

(b) The Authority may not have outstanding at any one time revenue bonds in an aggregate principal amount exceeding $4,000,000,000 on behalf of the Illinois Power Agency as set forth in Section 825-90. Any such revenue bonds issued on behalf of the Illinois Power Agency pursuant to this Act shall not be counted against the bond authorization limit set forth in subsection (a).

(Source: P.A. 93-205, eff. 1-1-04; 93-1101, eff. 3-31-05; 94-1068, eff. 8-1-06.)

Section 5-920. The State Finance Act is amended by adding Sections 5.680, 5.681, 5.682, 5.683, and 6z-75 and by changing Section 8h as follows:

(30 ILCS 105/5.680 new)
Sec. 5.680. The Illinois Power Agency Operations Fund.

(30 ILCS 105/5.681 new)
Sec. 5.681. The Illinois Power Agency Facilities Fund.

(30 ILCS 105/5.682 new)
Sec. 5.682. The Illinois Power Agency Debt Service Fund.

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Sec. 5.683. The Illinois Power Agency Trust Fund.

(a) Creation. The Illinois Power Agency Trust Fund is created as a special fund in the State treasury. The State Treasurer shall be the custodian of the Fund. Amounts in the Fund, both principal and interest not appropriated, shall be invested as provided by law.

(b) Funding and investment.

(1) The Illinois Power Agency Trust Fund may accept, receive, and administer any grants, loans, or other funds made available to it by any source. Any such funds received by the Fund shall not be considered income, but shall be added to the principal of the Fund.

(2) The investments of the Fund shall be managed by the Illinois State Board of Investment, for the purpose of obtaining a total return on investments for the long term, as provided for under Article 22A of the Illinois Pension Code.

(c) Investment proceeds. Subject to the provisions of subsection (d) of this Section, the General Assembly may annually appropriate from the Illinois Power Agency Trust Fund to the Illinois Power Agency Operations Fund an amount not to exceed 90% of the annual investment income earned by the Fund to the Illinois Power Agency. Any investment income not appropriated by the General Assembly in a given fiscal year shall be added to the principal of the Fund, and thereafter considered a part thereof and not subject to appropriation as income earned by the Fund.

(d) Expenditures.

(1) During Fiscal Year 2008 and Fiscal Year 2009, the General Assembly shall not appropriate any of the investment income earned by the Illinois Power Agency Trust Fund to the Illinois Power Agency.

(2) During Fiscal Year 2010 and Fiscal Year 2011, the General Assembly shall appropriate a portion of the investment income earned by the Illinois Power Agency Trust Fund to repay to
the General Revenue Fund of the State of Illinois those amounts, if any, appropriated from the General Revenue Fund for the operation of the Illinois Power Agency during Fiscal Year 2008 and Fiscal Year 2009, so that at the end of Fiscal Year 2011, the entire amount, if any, appropriated from the General Revenue Fund for the operation of the Illinois Power Agency during Fiscal Year 2008 and Fiscal Year 2009 will be repaid in full to the General Revenue Fund.

(3) In Fiscal Year 2012 and thereafter, the General Assembly shall consider the need to balance its appropriations from the investment income earned by the Fund with the need to provide for the growth of the principal of the Illinois Power Agency Trust Fund in order to ensure that the Fund is able to produce sufficient investment income to fund the operations of the Illinois Power Agency in future years.

(4) If the Illinois Power Agency shall cease operations, then, unless otherwise provided for by law or appropriation, the principal and any investment income earned by the Fund shall be transferred into the Supplemental Low-Income Energy Assistance Program (LIHEAP) Fund under Section 13 of the Energy Assistance Act of 1989.

(e) Implementation. The provisions of this Section shall not be operative until the Illinois Power Agency Trust Fund has accumulated a principal balance of $25,000,000.

(30 ILCS 105/8h)
Sec. 8h. Transfers to General Revenue Fund.

(a) Except as otherwise provided in this Section and Section 8n of this Act, and (e), (d), or (c), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund

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during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, the Teacher Health Insurance Security Fund, the Reviewing Court Alternative Dispute Resolution Fund, the Voters' Guide Fund, the Foreign Language Interpreter Fund, the Lawyers' Assistance Program Fund, the Supreme Court Federal Projects Fund, the Supreme Court Special State Projects Fund, the Supplemental Low-Income Energy Assistance Fund, the Good Samaritan Energy Trust Fund, the Low-Level Radioactive Waste Facility Development and Operation Fund, the Horse Racing Equity Trust Fund, or the Hospital Basic Services Preservation Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. No transfers may be made under this Section from the Pet Population Control Fund. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.
In determining the available balance in a fund, the Governor may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(a-5) Transfers directed to be made under this Section on or before February 28, 2006 that are still pending on May 19, 2006 (the effective date of Public Act 94-774) shall be redirected as provided in Section 8n of this Act.

(b) This Section does not apply to: (i) the Ticket For The Cure Fund; (ii) any fund established under the Community Senior Services and Resources Act; or (iii) on or after January 1, 2006 (the effective date of Public Act 94-511), the Child Labor and Day and Temporary Labor Enforcement Fund.

(c) This Section does not apply to the Demutualization Trust Fund established under the Uniform Disposition of Unclaimed Property Act.

(d) This Section does not apply to moneys set aside in the Illinois State Podiatric Disciplinary Fund for podiatric scholarships and residency programs under the Podiatric Scholarship and Residency Act.

(e) Subsection (a) does not apply to, and no transfer may be made under this Section from, the Pension Stabilization Fund.

(f) Subsection (a) does not apply to, and no transfer may be made under this Section from, the Illinois Power Agency Operations Fund, the Illinois Power Agency Facilities Fund, the Illinois Power Agency Debt Service Fund, and the Illinois Power Agency Trust Fund.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773, eff. 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06; 94-839, eff. 6-6-06; revised 6-19-06.)

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(30 ILCS 500/1-10)
Sec. 1-10. Application.

(a) This Code applies only to procurements for which contractors were first solicited on or after July 1, 1998. This Code shall not be construed to affect or impair any contract, or any provision of a contract, entered into based on a solicitation prior to the implementation date of this Code as described in Article 99, including but not limited to any covenant entered into with respect to any revenue bonds or similar instruments. All procurements for which contracts are solicited between the effective date of Articles 50 and 99 and July 1, 1998 shall be substantially in accordance with this Code and its intent.

(b) This Code shall apply regardless of the source of the funds with which the contracts are paid, including federal assistance moneys. This Code shall not apply to:

(1) Contracts between the State and its political subdivisions or other governments, or between State governmental bodies except as specifically provided in this Code.

(2) Grants, except for the filing requirements of Section 20-80.

(3) Purchase of care.

(4) Hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual.

(5) Collective bargaining contracts.

(6) Purchase of real estate.

(7) Contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Governor shall give his or her prior approval when the procuring agency is one subject to the jurisdiction of the Governor, and provided that the chief legal counsel of any other procuring entity subject to this Code shall give his or her prior

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approval when the procuring entity is not one subject to the jurisdiction of the Governor.

(8) Contracts for services to Northern Illinois University by a person, acting as an independent contractor, who is qualified by education, experience, and technical ability and is selected by negotiation for the purpose of providing non-credit educational service activities or products by means of specialized programs offered by the university.

(9) Procurement expenditures by the Illinois Conservation Foundation when only private funds are used.

(c) This Code does not apply to the electric power procurement process provided for under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act.

(Source: P.A. 91-627, eff. 8-19-99; 91-904, eff. 7-6-00; 92-797, eff. 8-15-02.)

(30 ILCS 500/1-15.15)
Sec. 1-15.15. Chief Procurement Officer. "Chief Procurement Officer" means:

(1) for procurements for construction and construction-related services committed by law to the jurisdiction or responsibility of the Capital Development Board, the executive director of the Capital Development Board.

(2) for procurements for all construction, construction-related services, operation of any facility, and the provision of any service or activity committed by law to the jurisdiction or responsibility of the Illinois Department of Transportation, including the direct or reimbursable expenditure of all federal funds for which the Department of Transportation is responsible or accountable for the use thereof in accordance with federal law, regulation, or procedure, the Secretary of Transportation.

(3) for all procurements made by a public institution of higher education, a representative designated by the Governor.

(4) for all procurements made by the Illinois Power Agency, the Director of the Illinois Power Agency.

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(5) (4) for all other procurements, the Director of the Department of Central Management Services.
(Source: P.A. 90-572, eff. 2-6-98.)

(30 ILCS 500/1-15.25)
Sec. 1-15.25. Construction agency. "Construction agency" means the Capital Development Board for construction or remodeling of State-owned facilities; the Illinois Department of Transportation for construction or maintenance of roads, highways, bridges, and airports; the Illinois Toll Highway Authority for construction or maintenance of toll highways; the Illinois Power Agency for construction, maintenance, and expansion of Agency-owned facilities, as defined in Section 1-10 of the Illinois Power Agency Act; and any other State agency entering into construction contracts as authorized by law or by delegation from the chief procurement officer.
(Source: P.A. 90-572, eff. 2-6-98.)

(30 ILCS 500/15-1)
Sec. 15-1. Publisher. The Department of Central Management Services is the State agency responsible for publishing its volumes of the Illinois Procurement Bulletin. The Capital Development Board is responsible for publishing its volumes of the Illinois Procurement Bulletin. The Department of Transportation is responsible for publishing its volumes of the Illinois Procurement Bulletin. The higher education chief procurement officer is responsible for publishing the higher education volumes of the Illinois Procurement Bulletin. The Illinois Power Agency is the State agency responsible for publishing its volumes of the Illinois Procurement Bulletin.

Each volume of the Illinois Procurement Bulletin shall be available electronically and may be available in print. References in this Code to the publication and distribution of the Illinois Procurement Bulletin include both its print and electronic formats.
(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

(30 ILCS 500/20-10)
Sec. 20-10. Competitive sealed bidding.

New matter indicated by italics - deletions by strikeout
(a) Conditions for use. All contracts shall be awarded by competitive sealed bidding except as otherwise provided in Section 20-5.

(b) Invitation for bids. An invitation for bids shall be issued and shall include a purchase description and the material contractual terms and conditions applicable to the procurement.

(c) Public notice. Public notice of the invitation for bids shall be published in the Illinois Procurement Bulletin at least 14 days before the date set in the invitation for the opening of bids.

(d) Bid opening. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The name of each bidder, the amount of each bid, and other relevant information as may be specified by rule shall be recorded. After the award of the contract, the winning bid and the record of each unsuccessful bid shall be open to public inspection.

(e) Bid acceptance and bid evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Code. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award, such as discounts, transportation costs, and total or life cycle costs, shall be objectively measurable. The invitation for bids shall set forth the evaluation criteria to be used.

(f) Correction or withdrawal of bids. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards of contracts based on bid mistakes, shall be permitted in accordance with rules. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the State or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids based on bid mistakes shall be supported by written determination made by a State purchasing officer.

(g) Award. The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive

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bidder whose bid meets the requirements and criteria set forth in the invitation for bids, except when a State purchasing officer determines it is not in the best interest of the State and by written explanation determines another bidder shall receive the award. The explanation shall appear in the appropriate volume of the Illinois Procurement Bulletin.

(h) Multi-step sealed bidding. When it is considered impracticable to initially prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

(i) Alternative procedures. Notwithstanding any other provision of this Act to the contrary, the Director of the Illinois Power Agency may create alternative bidding procedures to be used in procuring professional services under Section 1-75(a) of the Illinois Power Agency Act and Section 16-111.5(c) of the Public Utilities Act. These alternative procedures shall be set forth together with the other criteria contained in the invitation for bids, and shall appear in the appropriate volume of the Illinois Procurement Bulletin.

(30 ILCS 500/30-20)
Sec. 30-20. Prequalification.

(a) The Capital Development Board shall promulgate rules for the development of prequalified supplier lists for construction and construction-related professional services and the periodic updating of those lists. Construction and construction-related professional services contracts over $25,000 may be awarded to any qualified suppliers.

(b) The Illinois Power Agency shall promulgate rules for the development of prequalified supplier lists for construction and construction-related professional services and the periodic updating of those lists. Construction and construction related professional services contracts over $25,000 may be awarded to any qualified suppliers, pursuant to a competitive bidding process.

(Source: P.A. 90-572, eff. date - See Sec. 99-5.)
Sec. 30-22. Construction contracts; responsible bidder requirements. To be considered a responsible bidder on a construction contract for purposes of this Code, a bidder must comply with all of the following requirements and must present satisfactory evidence of that compliance to the appropriate construction agency:

1. The bidder must comply with all applicable laws concerning the bidder's entitlement to conduct business in Illinois.
2. The bidder must comply with all applicable provisions of the Prevailing Wage Act.
3. The bidder must comply with Subchapter VI ("Equal Employment Opportunities") of Chapter 21 of Title 42 of the United States Code (42 U.S.C. 2000e and following) and with Federal Executive Order No. 11246 as amended by Executive Order No. 11375.
4. The bidder must have a valid Federal Employer Identification Number or, if an individual, a valid Social Security Number.
5. The bidder must have a valid certificate of insurance showing the following coverages: general liability, professional liability, product liability, workers' compensation, completed operations, hazardous occupation, and automobile.
6. The bidder and all bidder's subcontractors must participate in applicable apprenticeship and training programs approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training.
7. For contracts with the Illinois Power Agency, the Director of the Illinois Power Agency may establish additional requirements for responsible bidders. These additional requirements, if established, shall be set forth together with the other criteria contained in the invitation for bids, and shall appear in the appropriate volume of the Illinois Procurement Bulletin.
The provisions of this Section shall not apply to federally funded construction projects if such application would jeopardize the receipt or use of federal funds in support of such a project.
(Source: P.A. 93-642, eff. 6-1-04.)
(30 ILCS 500/30-25)
Sec. 30-25. Retention of a percentage of contract price. Whenever any contract entered into by a construction agency for the repair, remodeling, renovation, or construction of a building or structure, for the construction or maintenance of a highway, as those terms are defined in Article 2 of the Illinois Highway Code, for the construction or maintenance of facilities as that term is defined under Section 1-10 of the Illinois Power Agency Act, or for the reclamation of abandoned lands as those terms are defined in Article I of the Abandoned Mined Lands and Water Reclamation Act provides for the retention of a percentage of the contract price until final completion and acceptance of the work, upon the request of the contractor and with the approval of the construction agency the amount so retained may be deposited under a trust agreement with an Illinois bank or financial institution of the contractor's choice and subject to the approval of the construction agency. The contractor shall receive any interest on the deposited amount. Upon application by the contractor, the trust agreement must contain, at a minimum, the following provisions:
(1) the amount to be deposited subject to the trust;
(2) the terms and conditions of payment in case of default by the contractor;
(3) the termination of the trust agreement upon completion of the contract; and
(4) the contractor shall be responsible for obtaining the written consent of the bank trustee and for any costs or service fees.
The trust agreement may, at the discretion of the construction agency and upon request of the contractor, become effective at the time of the first partial payment in accordance with existing statutes and rules.
(Source: P.A. 90-572, eff. date - See Sec. 99-5.)
(30 ILCS 500/35-15)

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Sec. 35-15. Prequalification.
(a) The Director of Central Management Services, the Illinois Power Agency, and the higher education chief procurement officer shall each develop appropriate and reasonable prequalification standards and categories of professional and artistic services.
(b) The prequalifications and categorizations shall be submitted to the Procurement Policy Board and published for public comment prior to their submission to the Joint Committee on Administrative Rules for approval.
(c) The Director of Central Management Services, the Illinois Power Agency, and the higher education chief procurement officer shall each also assemble and maintain a comprehensive list of prequalified and categorized businesses and persons.
(d) Prequalification shall not be used to bar or prevent any qualified business or person for bidding or responding to invitations for bid or proposal.
(Source: P.A. 90-572, eff. date - See Sec. 99-5.)
(30 ILCS 500/35-20)
Sec. 35-20. Uniformity in procurement.
(a) The Director of Central Management Services, the Illinois Power Agency, and the higher education chief procurement officer shall each develop, cause to be printed, and distribute uniform documents for the solicitation, review, and acceptance of all professional and artistic services.
(b) All chief procurement officers, State purchasing officers, and their designees shall use the appropriate uniform procedures and forms specified in this Code for all professional and artistic services.
(c) These forms shall include in detail, in writing, at least:
   (1) a description of the goal to be achieved;
   (2) the services to be performed;
   (3) the need for the service;
   (4) the qualifications that are necessary; and
   (5) a plan for post-performance review.
(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

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Sec. 35-25. Uniformity in contract.

(a) The Director of Central Management Services, the Illinois Power Agency, and the higher education chief procurement officer shall each develop, cause to be printed, and distribute uniform documents for the contracting of professional and artistic services.

(b) All chief procurement officers, State purchasing officers, and their designees shall use the appropriate uniform contracts and forms in contracting for all professional and artistic services.

(c) These contracts and forms shall include in detail, in writing, at least:

1. the detail listed in subsection (c) of Section 35-20;
2. the duration of the contract, with a schedule of delivery, when applicable;
3. the method for charging and measuring cost (hourly, per day, etc.);
4. the rate of remuneration; and
5. the maximum price.

(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

Sec. 35-30. Awards.

(a) All State contracts for professional and artistic services, except as provided in this Section, shall be awarded using the competitive request for proposal process outlined in this Section.

(b) For each contract offered, the chief procurement officer, State purchasing officer, or his or her designee shall use the appropriate standard solicitation forms available from the Department of Central Management Services, the Illinois Power Agency, or the higher education chief procurement officer.

(c) Prepared forms shall be submitted to the Department of Central Management Services, the Illinois Power Agency, or the higher education chief procurement officer, whichever is appropriate, for publication in its Illinois Procurement Bulletin and circulation to the Department of Central Management Services' or the higher education chief procurement officer's

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list of prequalified vendors. Notice of the offer or request for proposal shall appear at least 14 days before the response to the offer is due.

(d) All interested respondents shall return their responses to the Department of Central Management Services, the Illinois Power Agency, or the higher education chief procurement officer, whichever is appropriate, which shall open and record them. The Department or higher education chief procurement officer then shall forward the responses, together with any information it has available about the qualifications and other State work of the respondents.

(e) After evaluation, ranking, and selection, the responsible chief procurement officer, State purchasing officer, or his or her designee shall notify the Department of Central Management Services, the Illinois Power Agency, or the higher education chief procurement officer, whichever is appropriate, of the successful respondent and shall forward a copy of the signed contract for the Department's, Agency's, or higher education chief procurement officer's file. The Department, Agency, or higher education chief procurement officer shall publish the names of the responsible procurement decision-maker, the agency letting the contract, the successful respondent, a contract reference, and value of the let contract in the next appropriate volume of the Illinois Procurement Bulletin.

(f) For all professional and artistic contracts with annualized value that exceeds $25,000, evaluation and ranking by price are required. Any chief procurement officer or State purchasing officer, but not their designees, may select an offeror other than the lowest bidder by price. In any case, when the contract exceeds the $25,000 threshold and the lowest bidder is not selected, the chief procurement officer or the State purchasing officer shall forward together with the contract notice of who the low bidder was and a written decision as to why another was selected to the Department of Central Management Services, the Illinois Power Agency, or the higher education chief procurement officer, whichever is appropriate. The Department, Agency, or higher education chief procurement officer shall publish as provided in subsection (e) of Section 35-30, but shall include notice of the chief procurement officer's or State purchasing officer's written decision.
(g) The Department of Central Management Services, the Illinois Power Agency, and higher education chief procurement officer may each refine, but not contradict, this Section by promulgating rules for submission to the Procurement Policy Board and then to the Joint Committee on Administrative Rules. Any refinement shall be based on the principles and procedures of the federal Architect-Engineer Selection Law, Public Law 92-582 Brooks Act, and the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act; except that pricing shall be an integral part of the selection process.

(Source: P.A. 90-572, eff. date - See Sec. 99-5; revised 10-19-05.)

(30 ILCS 500/35-35)
Sec. 35-35. Exceptions.

(a) Exceptions to Section 35-30 are allowed for sole source procurements, emergency procurements, and at the discretion of the chief procurement officer or the State purchasing officer, but not their designees, for professional and artistic contracts that are nonrenewable, one year or less in duration, and have a value of less than $20,000.

(b) All exceptions granted under this Article must still be submitted to the Department of Central Management Services, the Illinois Power Agency, or the higher education chief procurement officer, whichever is appropriate, and published as provided for in subsection (f) of Section 35-30, shall name the authorizing chief procurement officer or State purchasing officer, and shall include a brief explanation of the reason for the exception.

(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

(30 ILCS 500/35-40)
Sec. 35-40. Subcontractors.

(a) Any contract granted under this Article shall state whether the services of a subcontractor will be used. The contract shall include the names and addresses of all subcontractors and the expected amount of money each will receive under the contract.

(b) If at any time during the term of a contract, a contractor adds or changes any subcontractors, he or she shall promptly notify, in writing, the Department of Central Management Services, the Illinois Power Agency,

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or the higher education chief procurement officer, whichever is appropriate, and the responsible chief procurement officer, State purchasing officer, or their designee of the names and addresses and the expected amount of money each new or replaced subcontractor will receive.

(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

(30 ILCS 500/50-70)
Sec. 50-70. Additional provisions. This Code is subject to applicable provisions of the following Acts:

(1) Article 33E of the Criminal Code of 1961;
(2) the Illinois Human Rights Act;
(3) the Discriminatory Club Act;
(4) the Illinois Governmental Ethics Act;
(5) the State Prompt Payment Act;
(6) the Public Officer Prohibited Activities Act; and
(7) the Drug Free Workplace Act; and :
(8) the Illinois Power Agency Act.

(Source: P.A. 90-572, eff. 2-6-98.)

Section 5-930. The State Property Control Act is amended by changing Section 1.02 as follows:

(30 ILCS 605/1.02) (from Ch. 127, par. 133b3)
Sec. 1.02. "Property" means State owned property and includes all real estate, with the exception of rights of way for State water resource and highway improvements, traffic signs and traffic signals, and with the exception of common school property; and all tangible personal property with the exception of properties specifically exempted by the administrator, provided that any property originally classified as real property which has been detached from its structure shall be classified as personal property.

"Property" does not include property owned by the Illinois Medical District Commission and leased or occupied by others for purposes permitted under the Illinois Medical District Act. "Property" also does not include property owned and held by the Illinois Medical District Commission for redevelopment.

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"Property" does not include property described under Section 5 of Public Act 92-371 with respect to depositing the net proceeds from the sale or exchange of the property as provided in Section 10 of that Act.

"Property" does not include that property described under Section 5 of Public Act 94-405 this amendatory Act of the 94th General Assembly.

"Property" does not include real property owned or operated by the Illinois Power Agency or any electricity generated on that real property or by the Agency. For purposes of this subsection only, "real property" includes any interest in land, all buildings and improvements located thereon, and all fixtures and equipment used or designed for the production and transmission of electricity located thereon.

(Source: P.A. 94-405, eff. 8-2-05; revised 8-31-05.)

Section 5-935. The Public Utilities Act is amended by changing Sections 3-105, 4-404, 4-502, 8-403, 16-101A, 16-111, and 16-113 and by adding Sections 12-103, 16-103.1, 16-111.5, 16-111.5A, 16-111.6, 16-126.1, and 16-127 as follows:

(220 ILCS 5/3-105) (from Ch. 111 2/3, par. 3-105)
Sec. 3-105. Public utility.

(a) "Public utility" means and includes, except where otherwise expressly provided in this Section, every corporation, company, limited liability company, association, joint stock company or association, firm, partnership or individual, their lessees, trustees, or receivers appointed by any court whatsoever that owns, controls, operates or manages, within this State, directly or indirectly, for public use, any plant, equipment or property used or to be used for or in connection with, or owns or controls any franchise, license, permit or right to engage in:

(1) the production, storage, transmission, sale, delivery or furnishing of heat, cold, power, electricity, water, or light, except when used solely for communications purposes;
(2) the disposal of sewerage; or
(3) the conveyance of oil or gas by pipe line.

(b) "Public utility" does not include, however:

(1) public utilities that are owned and operated by any political subdivision, public institution of higher education or

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municipal corporation of this State, or public utilities that are owned by such political subdivision, public institution of higher education, or municipal corporation and operated by any of its lessees or operating agents;

(2) water companies which are purely mutual concerns, having no rates or charges for services, but paying the operating expenses by assessment upon the members of such a company and no other person;

(3) electric cooperatives as defined in Section 3-119;

(4) the following natural gas cooperatives:

(A) residential natural gas cooperatives that are not-for-profit corporations established for the purpose of administering and operating, on a cooperative basis, the furnishing of natural gas to residences for the benefit of their members who are residential consumers of natural gas. For entities qualifying as residential natural gas cooperatives and recognized by the Illinois Commerce Commission as such, the State shall guarantee legally binding contracts entered into by residential natural gas cooperatives for the express purpose of acquiring natural gas supplies for their members. The Illinois Commerce Commission shall establish rules and regulations providing for such guarantees. The total liability of the State in providing all such guarantees shall not at any time exceed $1,000,000, nor shall the State provide such a guarantee to a residential natural gas cooperative for more than 3 consecutive years; and

(B) natural gas cooperatives that are not-for-profit corporations operated for the purpose of administering, on a cooperative basis, the furnishing of natural gas for the benefit of their members and that, prior to 90 days after the effective date of this amendatory Act of the 94th General Assembly, either had acquired or had entered into an asset purchase agreement to acquire all or substantially all of the

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operating assets of a public utility or natural gas cooperative with the intention of operating those assets as a natural gas cooperative;

(5) sewage disposal companies which provide sewage disposal services on a mutual basis without establishing rates or charges for services, but paying the operating expenses by assessment upon the members of the company and no others;

(6) (Blank);

(7) cogeneration facilities, small power production facilities, and other qualifying facilities, as defined in the Public Utility Regulatory Policies Act and regulations promulgated thereunder, except to the extent State regulatory jurisdiction and action is required or authorized by federal law, regulations, regulatory decisions or the decisions of federal or State courts of competent jurisdiction;

(8) the ownership or operation of a facility that sells compressed natural gas at retail to the public for use only as a motor vehicle fuel and the selling of compressed natural gas at retail to the public for use only as a motor vehicle fuel; and

(9) alternative retail electric suppliers as defined in Article XVI; and

(10) the Illinois Power Agency.

(220 ILCS 5/4-404)
Sec. 4-404. Protection of confidential and proprietary information. The Commission shall provide adequate protection for confidential and proprietary information furnished, delivered or filed by any person, corporation or other entity, including proprietary information provided to the Commission by the Illinois Power Agency.

(220 ILCS 5/4-502)
Sec. 4-502. Small public utility or telecommunications carrier; acquisition by capable utility; Commission determination; procedure.

New matter indicated by italics - deletions by strikeout
(a) The Commission may provide for the acquisition of a small public utility or telecommunications carrier by a capable public utility or telecommunications carrier, if the Commission, after notice and an opportunity to be heard, determines one or more of the following:

(1) the small public utility or telecommunications carrier is failing to provide safe, adequate, or reliable service;

(2) the small public utility or telecommunications carrier no longer possesses sufficient technical, financial, or managerial resources and abilities to provide the service or services for which its certificate was originally granted;

(3) the small public utility or telecommunications carrier has been actually or effectively abandoned by its owners or operators;

(4) the small public utility or telecommunications carrier has defaulted on a bond, note, or loan issued or guaranteed by a department, office, commission, board, authority, or other unit of State government;

(5) the small public utility or telecommunications carrier has wilfully failed to comply with any provision of this Act, any other provision of State or federal law, or any rule, regulation, order, or decision of the Commission; or

(6) the small public utility or telecommunications carrier has wilfully allowed property owned or controlled by it to be used in violation of this Act, any other provision of State or federal law, or any rule, regulation, order, or decision of the Commission.

(b) As used in this Section, "small public utility or telecommunications carrier" means a public utility or telecommunications carrier that regularly provides service to fewer than 7,500 customers.

(c) In making a determination under subsection (a), the Commission shall consider all of the following:

(1) The financial, managerial, and technical ability of the small public utility or telecommunications carrier.

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(2) The financial, managerial, and technical ability of all proximate public utilities or telecommunications carriers providing the same type of service.

(3) The expenditures that may be necessary to make improvements to the small public utility or telecommunications carrier to assure compliance with applicable statutory and regulatory standards concerning the adequacy, efficiency, safety, or reasonableness of utility service.

(4) The expansion of the service territory of the acquiring capable public utility or telecommunications carrier to include the service area of the small public utility or telecommunications carrier to be acquired.

(5) Whether the rates charged by the acquiring capable public utility or telecommunications carrier to its acquisition customers will increase unreasonably because of the acquisition.

(6) Any other matter that may be relevant.

(d) For the purposes of this Section, a "capable public utility or telecommunications carrier" means a public utility, as defined under Section 3-105 of this Act, including those entities listed in items (1) through (5) of subsection (b) subsections 1 through 5 of Section 3-105, or a telecommunications carrier, as defined under Section 13-202 of this Act, including those entities listed in subsections (a) and (b) of Section 13-202, that:

(1) regularly provides the same type of service as the small public utility or telecommunications carrier, to 7,500 or more customers, and provides safe, adequate, and reliable service to those customers; however, public utility or telecommunications carrier that would otherwise be a capable public utility except for the fact that it has fewer than 7,500 customers may elect to be a capable public utility or telecommunications carrier for the purposes of this Section regardless of the number of its customers and regardless of whether or not it is proximate to the small public utility or telecommunications carrier to be acquired;
(2) is not an affiliated interest of the small public utility or telecommunications carrier;
(3) agrees to acquire the small public utility or telecommunications carrier that is the subject of the proceeding, under the terms and conditions contained in the Commission order approving the acquisition; and
(4) is financially, managerially, and technically capable of acquiring and operating the small public utility or telecommunications carrier in compliance with applicable statutory and regulatory standards.

(e) The Commission may, on its own motion or upon petition, initiate a proceeding in order to determine whether an order of acquisition should be entered. Upon the establishment of a prima facie case that the acquisition of the small public utility or telecommunications carrier would be in the public interest and in compliance with the provisions of this Section all of the following apply:

(1) The small public utility or telecommunications carrier that is the subject of the acquisition proceedings has the burden of proving its ability to render safe, adequate, and reliable service at just and reasonable rates.

(2) The small public utility or telecommunications carrier that is the subject of the acquisition proceedings may present evidence to demonstrate the practicality and feasibility of the following alternatives to acquisition:

(A) the reorganization of the small public utility or telecommunications carrier under new management;

(B) the entering of a contract with another public utility, telecommunications carrier, or a management or service company to operate the small public utility or telecommunications carrier;

(C) the appointment of a receiver to operate the small public utility or telecommunications carrier, in accordance with the provisions of Section 4-501 of this Act; or

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(D) the merger of the small public utility or telecommunications carrier with one or more other public utilities or telecommunications carriers.

(3) A public utility or telecommunications carrier that desires to acquire the small public utility or telecommunications carrier has the burden of proving that it is a capable public utility or telecommunications carrier.

(f) Subject to the determinations and considerations required by subsections (a), (b), (c), (d) and (e) of this Section, the Commission shall issue an order concerning the acquisition of the small public utility or telecommunications carrier by a capable public utility or telecommunications carrier. If the Commission finds that the small public utility or telecommunications carrier should be acquired by the capable public utility or telecommunications carrier, the order shall also provide for the extension of the service area of the acquiring capable public utility or telecommunications carrier.

(g) The price for the acquisition of the small public utility or telecommunications carrier shall be determined by agreement between the small public utility or telecommunications carrier and the acquiring capable public utility or telecommunications carrier subject to a determination by the Commission that the price is reasonable. If the small public utility or telecommunications carrier and the acquiring capable public utility or telecommunications carrier are unable to agree on the acquisition price or the Commission disapproves the acquisition price upon which they have agreed, the Commission shall issue an order directing the acquiring capable public utility or telecommunications carrier to acquire the small public utility or telecommunications carrier by following the procedure prescribed for the exercise of the powers of eminent domain under Section 8-509 of this Act.

(h) The Commission may, in its discretion and for a reasonable period of time after the date of acquisition, allow the acquiring capable public utility or telecommunications carrier to charge and collect rates from the customers of the acquired small public utility or telecommunications carrier under a separate tariff.
(i) A capable public utility or telecommunications carrier ordered by the Commission to acquire a small public utility or telecommunications carrier shall submit to the Commission for approval before the acquisition a plan, including a timetable, for bringing the small public utility or telecommunications carrier into compliance with applicable statutory and regulatory standards.

(Source: P.A. 91-357, eff. 7-29-99.)

(220 ILCS 5/8-403) (from Ch. 111 2/3, par. 8-403)

Sec. 8-403. The Commission shall design and implement policies which encourage the economical utilization of cogeneration and small power production, as these terms are defined in Section 3-105, item (7) of subsection (b) paragraph 7, including specifically, but not limited to, the cogeneration or production of heat, steam or electricity by municipal corporations or any other political subdivision of this State. No public utility shall discriminate in any way with respect to the conditions or price for provision of maintenance power, standby power and supplementary power as these terms are defined by current Commission rules, or for any other service. The prices charged by a utility for maintenance power, standby power, supplementary power and all other such services shall be cost-based and just and reasonable.

The Commission shall conduct a study of procedures and policies to encourage the full and economical utilization of cogeneration and small power production including, but not limited to, (1) requiring utilities to pay full avoided costs, including long-term avoided capacity costs to cogenerators and small power producers and (2) requiring utilities to make available upon request of the State or a unit of local government, transmission and distribution services to transmit electrical energy produced by cogeneration or small power production facilities located in any structure or on any real property of the State or unit of local government to other locations of this State or a unit of local government. The Commission shall report on this study, with recommendation for legislative consideration, to the General Assembly by March 1, 1986.

(Source: P.A. 84-1118.)

(220 ILCS 5/12-103 new)

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Sec. 12-103. Energy efficiency and demand-response measures.

(a) It is the policy of the State that electric utilities are required to use cost-effective energy efficiency and demand-response measures to reduce delivery load. Requiring investment in cost-effective energy efficiency and demand-response measures will reduce direct and indirect costs to consumers by decreasing environmental impacts and by avoiding or delaying the need for new generation, transmission, and distribution infrastructure. It serves the public interest to allow electric utilities to recover costs for reasonably and prudently incurred expenses for energy efficiency and demand-response measures. As used in this Section, "cost-effective" means that the measures satisfy the total resource cost test. The low-income measures described in subsection (f)(4) of this Section shall not be required to meet the total resource cost test. For purposes of this Section, the terms "energy-efficiency", "demand-response", "electric utility", and "total resource cost test" shall have the meanings set forth in the Illinois Power Agency Act. For purposes of this Section, the amount per kilowatthour means the total amount paid for electric service expressed on a per kilowatthour basis. For purposes of this Section, the total amount paid for electric service includes without limitation estimated amounts paid for supply, transmission, distribution, surcharges, and add-on-taxes.

(b) Electric utilities shall implement cost-effective energy efficiency measures to meet the following incremental annual energy savings goals:

   (1) 0.2% of energy delivered in the year commencing June 1, 2008;

   (2) 0.4% of energy delivered in the year commencing June 1, 2009;

   (3) 0.6% of energy delivered in the year commencing June 1, 2010;

   (4) 0.8% of energy delivered in the year commencing June 1, 2011;

   (5) 1% of energy delivered in the year commencing June 1, 2012;

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(6) 1.4% of energy delivered in the year commencing June 1, 2013;
(7) 1.8% of energy delivered in the year commencing June 1, 2014; and
(8) 2% of energy delivered in the year commencing June 1, 2015 and each year thereafter.

(c) Electric utilities shall implement cost-effective demand-response measures to reduce peak demand by 0.1% over the prior year for eligible retail customers, as defined in Section 16-111.5 of this Act. This requirement commences June 1, 2008 and continues for 10 years.

(d) Notwithstanding the requirements of subsections (b) and (c) of this Section, an electric utility shall reduce the amount of energy efficiency and demand-response measures implemented in any single year by an amount necessary to limit the estimated average increase in the amounts paid by retail customers in connection with electric service due to the cost of those measures to:

(1) in 2008, no more than 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007;
(2) in 2009, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2008 or 1% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007;
(3) in 2010, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2009 or 1.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007;
(4) in 2011, the greater of an additional 0.5% of the amount paid per kilowatthour by those customers during the year ending May 31, 2010 or 2% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007; and
(5) thereafter, the amount of energy efficiency and demand-response measures implemented for any single year shall be reduced by an amount necessary to limit the estimated average net

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increase due to the cost of these measures included in the amounts paid by eligible retail customers in connection with electric service to no more than the greater of 2.015% of the amount paid per kilowatthour by those customers during the year ending May 31, 2007 or the incremental amount per kilowatthour paid for these measures in 2011.

No later than June 30, 2011, the Commission shall review the limitation on the amount of energy efficiency and demand-response measures implemented pursuant to this Section and report to the General Assembly its findings as to whether that limitation unduly constrains the procurement of energy efficiency and demand-response measures.

(e) Electric utilities shall be responsible for overseeing the design, development, and filing of energy efficiency and demand-response plans with the Commission. Electric utilities shall implement 100% of the demand-response measures in the plans. Electric utilities shall implement 75% of the energy efficiency measures approved by the Commission, and may, as part of that implementation, outsource various aspects of program development and implementation. The remaining 25% of those energy efficiency measures approved by the Commission shall be implemented by the Department of Commerce and Economic Opportunity, and must be designed in conjunction with the utility and the filing process. The Department may outsource development and implementation of energy efficiency measures. A minimum of 10% of the entire portfolio of cost-effective energy efficiency measures shall be procured from units of local government, municipal corporations, school districts, and community college districts. The Department shall coordinate the implementation of these measures.

The apportionment of the dollars to cover the costs to implement the Department's share of the portfolio of energy efficiency measures shall be made to the Department once the Department has executed grants or contracts for energy efficiency measures and provided supporting documentation for those grants and the contracts to the utility.

The details of the measures implemented by the Department shall be submitted by the Department to the Commission in connection with the
utility's filing regarding the energy efficiency and demand-response measures that the utility implements.

A utility providing approved energy efficiency and demand-response measures in the State shall be permitted to recover costs of those measures through an automatic adjustment clause tariff filed with and approved by the Commission. The tariff shall be established outside the context of a general rate case. Each year the Commission shall initiate a review to reconcile any amounts collected with the actual costs and to determine the required adjustment to the annual tariff factor to match annual expenditures.

Each utility shall include, in its recovery of costs, the costs estimated for both the utility's and the Department's implementation of energy efficiency and demand-response measures. Costs collected by the utility for measures implemented by the Department shall be submitted to the Department pursuant to Section 605-323 of the Civil Administrative Code of Illinois and shall be used by the Department solely for the purpose of implementing these measures. A utility shall not be required to advance any moneys to the Department but only to forward such funds as it has collected. The Department shall report to the Commission on an annual basis regarding the costs actually incurred by the Department in the implementation of the measures. Any changes to the costs of energy efficiency measures as a result of plan modifications shall be appropriately reflected in amounts recovered by the utility and turned over to the Department.

The portfolio of measures, administered by both the utilities and the Department, shall, in combination, be designed to achieve the annual savings targets described in subsections (b) and (c) of this Section, as modified by subsection (d) of this Section.

The utility and the Department shall agree upon a reasonable portfolio of measures and determine the measurable corresponding percentage of the savings goals associated with measures implemented by the utility or Department.

No utility shall be assessed a penalty under subsection (f) of this Section for failure to make a timely filing if that failure is the result of a

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lack of agreement with the Department with respect to the allocation of responsibilities or related costs or target assignments. In that case, the Department and the utility shall file their respective plans with the Commission and the Commission shall determine an appropriate division of measures and programs that meets the requirements of this Section.

If the Department is unable to meet incremental annual performance goals for the portion of the portfolio implemented by the Department, then the utility and the Department shall jointly submit a modified filing to the Commission explaining the performance shortfall and recommending an appropriate course going forward, including any program modifications that may be appropriate in light of the evaluations conducted under item (7) of subsection (f) of this Section. In this case, the utility obligation to collect the Department's costs and turn over those funds to the Department under this subsection (e) shall continue only if the Commission approves the modifications to the plan proposed by the Department.

(f) No later than November 15, 2007, each electric utility shall file an energy efficiency and demand-response plan with the Commission to meet the energy efficiency and demand-response standards for 2008 through 2010. Every 3 years thereafter, each electric utility shall file an energy efficiency and demand-response plan with the Commission. If a utility does not file such a plan, it shall face a penalty of $100,000 per day until the plan is filed. Each utility's plan shall set forth the utility's proposals to meet the utility's portion of the energy efficiency standards identified in subsection (b) and the demand-response standards identified in subsection (c) of this Section as modified by subsections (d) and (e), taking into account the unique circumstances of the utility's service territory. The Commission shall seek public comment on the utility's plan and shall issue an order approving or disapproving each plan within 3 months after its submission. If the Commission disapproves a plan, the Commission shall, within 30 days, describe in detail the reasons for the disapproval and describe a path by which the utility may file a revised draft of the plan to address the Commission’s concerns satisfactorily. If the utility does not refile with the Commission within 60 days, the utility
shall be subject to penalties at a rate of $100,000 per day until the plan is filed. This process shall continue, and penalties shall accrue, until the utility has successfully filed a portfolio of energy efficiency and demand-response measures. Penalties shall be deposited into the Energy Efficiency Trust Fund. In submitting proposed energy efficiency and demand-response plans and funding levels to meet the savings goals adopted by this Act the utility shall:

(1) Demonstrate that its proposed energy efficiency and demand-response measures will achieve the requirements that are identified in subsections (b) and (c) of this Section, as modified by subsections (d) and (e).

(2) Present specific proposals to implement new building and appliance standards that have been placed into effect.

(3) Present estimates of the total amount paid for electric service expressed on a per kilowatthour basis associated with the proposed portfolio of measures designed to meet the requirements that are identified in subsections (b) and (c) of this Section, as modified by subsections (d) and (e).

(4) Coordinate with the Department and the Department of Healthcare and Family Services to present a portfolio of energy efficiency measures targeted to households at or below 150% of the poverty level at a level proportionate to those households' share of total annual utility revenues in Illinois.

(5) Demonstrate that its overall portfolio of energy efficiency and demand-response measures, not including programs covered by item (4) of this subsection (f), are cost-effective using the total resource cost test and represent a diverse cross-section of opportunities for customers of all rate classes to participate in the programs.

(6) Include a proposed cost-recovery tariff mechanism to fund the proposed energy efficiency and demand-response measures and to ensure the recovery of the prudently and reasonably incurred costs of Commission-approved programs.
(7) Provide for an annual independent evaluation of the performance of the cost-effectiveness of the utility's portfolio of measures and the Department's portfolio of measures, as well as a full review of the 3-year results of the broader net program impacts and, to the extent practical, for adjustment of the measures on a going-forward basis as a result of the evaluations. The resources dedicated to evaluation shall not exceed 3% of portfolio resources in any given year.

(g) No more than 3% of energy efficiency and demand-response program revenue may be allocated for demonstration of breakthrough equipment and devices.

(h) This Section does not apply to an electric utility that on December 31, 2005 provided electric service to fewer than 100,000 customers in Illinois.

(i) If, after 2 years, an electric utility fails to meet the efficiency standard specified in subsection (b) of this Section, as modified by subsections (d) and (e), it shall make a contribution to the Low-Income Home Energy Assistance Program. The combined total liability for failure to meet the goal shall be $1,000,000, which shall be assessed as follows: a large electric utility shall pay $665,000, and a medium electric utility shall pay $335,000. If, after 3 years, an electric utility fails to meet the efficiency standard specified in subsection (b) of this Section, as modified by subsections (d) and (e), it shall make a contribution to the Low-Income Home Energy Assistance Program. The combined total liability for failure to meet the goal shall be $1,000,000, which shall be assessed as follows: a large electric utility shall pay $665,000, and a medium electric utility shall pay $335,000. In addition, the responsibility for implementing the energy efficiency measures of the utility making the payment shall be transferred to the Illinois Power Agency if, after 3 years, or in any subsequent 3-year period, the utility fails to meet the efficiency standard specified in subsection (b) of this Section, as modified by subsections (d) and (e). The Agency shall implement a competitive procurement program to procure resources necessary to meet the standards specified in this Section as modified by subsections (d) and (e), with costs for those

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resources to be recovered in the same manner as products purchased through the procurement plan as provided in Section 16-111.5. The Director shall implement this requirement in connection with the procurement plan as provided in Section 16-111.5.

For purposes of this Section, (i) a "large electric utility" is an electric utility that, on December 31, 2005, served more than 2,000,000 electric customers in Illinois; (ii) a "medium electric utility" is an electric utility that, on December 31, 2005, served 2,000,000 or fewer but more than 100,000 electric customers in Illinois; and (iii) Illinois electric utilities that are affiliated by virtue of a common parent company are considered a single electric utility.

(j) If, after 3 years, or any subsequent 3-year period, the Department fails to implement the Department's share of energy efficiency measures required by the standards in subsection (b), then the Illinois Power Agency may assume responsibility for and control of the Department's share of the required energy efficiency measures. The Agency shall implement a competitive procurement program to procure resources necessary to meet the standards specified in this Section, with the costs of these resources to be recovered in the same manner as provided for the Department in this Section.

(k) No electric utility shall be deemed to have failed to meet the energy efficiency standards to the extent any such failure is due to a failure of the Department or the Agency.

(220 ILCS 5/16-101A)
Sec. 16-101A. Legislative findings.

(a) The citizens and businesses of the State of Illinois have been well-served by a comprehensive electrical utility system which has provided safe, reliable, and affordable service. The electrical utility system in the State of Illinois has historically been subject to State and federal regulation, aimed at assuring the citizens and businesses of the State of safe, reliable, and affordable service, while at the same time assuring the utility system of a return on its investment.

(b) Competitive forces are affecting the market for electricity as a result of recent federal regulatory and statutory changes and the activities

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of other states. Competition in the electric services market may create opportunities for new products and services for customers and lower costs for users of electricity. Long-standing regulatory relationships need to be altered to accommodate the competition that could fundamentally alter the structure of the electric services market.

(c) With the advent of increasing competition in this industry, the State has a continued interest in assuring that the safety, reliability, and affordability of electrical power is not sacrificed to competitive pressures, and to that end, intends to implement safeguards to assure that the industry continues to operate the electrical system in a manner that will serve the public's interest. Under the existing regulatory framework, the industry has been encouraged to undertake certain investments in its physical plant and personnel to enhance its efficient operation, the cost of which it has been permitted to pass on to consumers. The State has an interest in providing the existing utilities a reasonable opportunity to obtain a return on certain investments on which they depended in undertaking those commitments in the first instance while, at the same time, not permitting new entrants into the industry to take unreasonable advantage of the investments made by the formerly regulated industry.

(d) A competitive wholesale and retail market must benefit all Illinois citizens. The Illinois Commerce Commission should act to promote the development of an effectively competitive electricity market that operates efficiently and is equitable to all consumers. Consumer protections must be in place to ensure that all customers continue to receive safe, reliable, affordable, and environmentally safe electric service.

(e) All consumers must benefit in an equitable and timely fashion from the lower costs for electricity that result from retail and wholesale competition and receive sufficient information to make informed choices among suppliers and services. The use of renewable resources and energy efficiency resources should be encouraged in competitive markets.

(f) The efficiency of electric markets depends both upon the competitiveness of supply and upon the price-responsiveness of the demand for service. Therefore, to ensure the lowest total cost of service and to enhance the reliability of service, all classes of the electricity

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customers of electric utilities should have access to and be able to voluntarily use real-time pricing and other price-response and demand-response mechanisms.

(g) Including cost-effective renewable resources in a diverse electricity supply portfolio will reduce long-term direct and indirect costs to consumers by decreasing environmental impacts and by avoiding or delaying the need for new generation, transmission, and distribution infrastructure. It serves the public interest to allow electric utilities to recover costs for reasonably and prudently incurred expenses for electricity generated by renewable resources.

(Source: P.A. 94-977, eff. 6-30-06.)

(220 ILCS 5/16-103.1 new)

Sec. 16-103.1. Tariffed service to Unit Owners' Associations. An electric utility that serves at least 2,000,000 customers must provide tariffed service to Unit Owners' Associations, as defined by Section 2 of the Condominium Property Act, for condominium properties that are not restricted to nonresidential use at rates that do not exceed on average the rates offered to residential customers on an annual basis. Within 10 days after the effective date of this amendatory Act, the electric utility shall provide the tariffed service to Unit Owners' Associations required by this Section and shall reinstate any residential all-electric discount applicable to any Unit Owners' Association that received such a discount on December 31, 2006. For purposes of this Section, "residential customers" means those retail customers of an electric utility that receive (i) electric utility service for household purposes distributed to a dwelling of 2 or fewer units that is billed under a residential rate or (ii) electric utility service for household purposes distributed to a dwelling unit or units that is billed under a residential rate and is registered by a separate meter for each dwelling unit.

(220 ILCS 5/16-111)

Sec. 16-111. Rates and restructuring transactions during mandatory transition period; restructuring and other transactions.

(a) During the mandatory transition period, notwithstanding any provision of Article IX of this Act, and except as provided in subsections
(b), (d), (e), and (f) of this Section, the Commission shall not (i) initiate, authorize or order any change by way of increase (other than in connection with a request for rate increase which was filed after September 1, 1997 but prior to October 15, 1997, by an electric utility serving less than 12,500 customers in this State), (ii) initiate or, unless requested by the electric utility, authorize or order any change by way of decrease, restructuring or unbundling (except as provided in Section 16-109A), in the rates of any electric utility that were in effect on October 1, 1996, or (iii) in any order approving any application for a merger pursuant to Section 7-204 that was pending as of May 16, 1997, impose any condition requiring any filing for an increase, decrease, or change in, or other review of, an electric utility's rates or enforce any such condition of any such order; provided, however, that this subsection shall not prohibit the Commission from:

(1) approving the application of an electric utility to implement an alternative to rate of return regulation or a regulatory mechanism that rewards or penalizes the electric utility through adjustment of rates based on utility performance, pursuant to Section 9-244;

(2) authorizing an electric utility to eliminate its fuel adjustment clause and adjust its base rate tariffs in accordance with subsection (b), (d), or (f) of Section 9-220 of this Act, to fix its fuel adjustment factor in accordance with subsection (c) of Section 9-220 of this Act, or to eliminate its fuel adjustment clause in accordance with subsection (e) of Section 9-220 of this Act;

(3) ordering into effect tariffs for delivery services and transition charges in accordance with Sections 16-104 and 16-108, for real-time pricing in accordance with Section 16-107, or the options required by Section 16-110 and subsection (n) of 16-112, allowing a billing experiment in accordance with Section 16-106, or modifying delivery services tariffs in accordance with Section 16-109; or

(4) ordering or allowing into effect any tariff to recover charges pursuant to Sections 9-201.5, 9-220.1, 9-221, 9-222

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After December 31, 2004, the provisions of this subsection (a) shall not apply to an electric utility whose average residential retail rate was less than or equal to 90% of the average residential retail rate for the "Midwest Utilities", as that term is defined in subsection (b) of this Section, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, and which served between 150,000 and 250,000 retail customers in this State on January 1, 1995 unless the electric utility or its holding company has been acquired by or merged with an affiliate of another electric utility subsequent to January 1, 2002. This exemption shall be limited to this subsection (a) and shall not extend to any other provisions of this Act.

(b) Notwithstanding the provisions of subsection (a), each Illinois electric utility serving more than 12,500 customers in Illinois shall file tariffs (i) reducing, effective August 1, 1998, each component of its base rates to residential retail customers by 15% from the base rates in effect immediately prior to January 1, 1998 and (ii) if the public utility provides electric service to (A) more than 500,000 customers but less than 1,000,000 customers in this State on January 1, 1999, reducing, effective May 1, 2002, each component of its base rates to residential retail customers by an additional 5% from the base rates in effect immediately prior to January 1, 1998, or (B) at least 1,000,000 customers in this State on January 1, 1999, reducing, effective October 1, 2001, each component of its base rates to residential retail customers by an additional 5% from the base rates in effect immediately prior to January 1, 1998. Provided, however, that (A) if an electric utility's average residential retail rate is less than or equal to the average residential retail rate for a group of Midwest Utilities (consisting of all investor-owned electric utilities with annual system peaks in excess of 1000 megawatts in the States of Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin),
based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, then it shall only be required to file tariffs (i) reducing, effective August 1, 1998, each component of its base rates to residential retail customers by 5% from the base rates in effect immediately prior to January 1, 1998, (ii) reducing, effective October 1, 2000, each component of its base rates to residential retail customers by the lesser of 5% of the base rates in effect immediately prior to January 1, 1998 or the percentage by which the electric utility's average residential retail rate exceeds the average residential retail rate of the Midwest Utilities, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1999, and (iii) reducing, effective October 1, 2002, each component of its base rates to residential retail customers by an additional amount equal to the lesser of 5% of the base rates in effect immediately prior to January 1, 1998 or the percentage by which the electric utility's average residential retail rate exceeds the average residential retail rate of the Midwest Utilities, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 2001; and (B) if the average residential retail rate of an electric utility serving between 150,000 and 250,000 retail customers in this State on January 1, 1995 is less than or equal to 90% of the average residential retail rate for the Midwest Utilities, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, then it shall only be required to file tariffs (i) reducing, effective August 1, 1998, each component of its base rates to residential retail customers by 2% from the base rates in effect immediately prior to January 1, 1998; (ii) reducing, effective October 1, 2000, each component of its base rates to residential retail customers by 2% from the base rate in effect immediately prior to January 1, 1998; and (iii) reducing, effective October 1, 2002, each component of its base rates to residential retail customers by 1% from the base rates in effect immediately prior to January 1, 1998. Provided, further, that any electric utility for which a decrease in base rates has been or is placed into effect between October 1, 1996 and the dates specified in the preceding sentences of this subsection, other than pursuant to the requirements of this subsection, shall be entitled to reduce the

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amount of any reduction or reductions in its base rates required by this subsection by the amount of such other decrease. The tariffs required under this subsection shall be filed 45 days in advance of the effective date. Notwithstanding anything to the contrary in Section 9-220 of this Act, no restatement of base rates in conjunction with the elimination of a fuel adjustment clause under that Section shall result in a lesser decrease in base rates than customers would otherwise receive under this subsection had the electric utility's fuel adjustment clause not been eliminated.

(c) Any utility reducing its base rates by 15% on August 1, 1998 pursuant to subsection (b) shall include the following statement on its bills for residential customers from August 1 through December 31, 1998: "Effective August 1, 1998, your rates have been reduced by 15% by the Electric Service Customer Choice and Rate Relief Law of 1997 passed by the Illinois General Assembly.". Any utility reducing its base rates by 5% on August 1, 1998, pursuant to subsection (b) shall include the following statement on its bills for residential customers from August 1 through December 31, 1998: "Effective August 1, 1998, your rates have been reduced by 5% by the Electric Service Customer Choice and Rate Relief Law of 1997 passed by the Illinois General Assembly.".

Any utility reducing its base rates by 2% on August 1, 1998 pursuant to subsection (b) shall include the following statement on its bills for residential customers from August 1 through December 31, 1998: "Effective August 1, 1998, your rates have been reduced by 2% by the Electric Service Customer Choice and Rate Relief Law of 1997 passed by the Illinois General Assembly.".

(d) (Blank.) During the mandatory transition period, but not before January 1, 2000, and notwithstanding the provisions of subsection (a), an electric utility may request an increase in its base rates if the electric utility demonstrates that the 2-year average of its earned rate of return on common equity, calculated as its net income applicable to common stock divided by the average of its beginning and ending balances of common equity using data reported in the electric utility's Form 1 report to the Federal Energy Regulatory Commission but adjusted to remove the effects of accelerated depreciation or amortization or other transition or mitigation

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measures implemented by the electric utility pursuant to subsection (g) of this Section and the effect of any refund paid pursuant to subsection (e) of this Section, is below the 2-year average for the same 2 years of the monthly average yields of 30-year U.S. Treasury bonds published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication. The Commission shall review the electric utility's request, and may review the justness and reasonableness of all rates for tariffed services, in accordance with the provisions of Article IX of this Act, provided that the Commission shall consider any special or negotiated adjustments to the revenue requirement agreed to between the electric utility and the other parties to the proceeding. In setting rates under this Section, the Commission shall exclude the costs and revenues that are associated with competitive services and any billing or pricing experiments conducted under Section 16-106.

(e) (Blank.) For the purposes of this subsection (e) all calculations and comparisons shall be performed for the Illinois operations of multijurisdictional utilities. During the mandatory transition period, notwithstanding the provisions of subsection (a), if the 2-year average of an electric utility's earned rate of return on common equity, calculated as its net income applicable to common stock divided by the average of its beginning and ending balances of common equity using data reported in the electric utility's Form 1 report to the Federal Energy Regulatory Commission but adjusted to remove the effect of any refund paid under this subsection (e), and further adjusted to include the annual amortization of any difference between the consideration received by an affiliated interest of the electric utility in the sale of an asset which had been sold or transferred by the electric utility to the affiliated interest subsequent to the effective date of this amendatory Act of 1997 and the consideration for which such asset had been sold or transferred to the affiliated interest, with such difference to be amortized ratably from the date of the sale by the affiliated interest to December 31, 2006, exceeds the 2-year average of the Index for the same 2 years by 1.5 or more percentage points, the electric utility shall make refunds to customers beginning the first billing day of
April in the following year in the manner described in paragraph (3) of this subsection. For purposes of this subsection (e), the "Index" shall be the sum of (A) the average for the 12-months ended September 30 of the monthly average yields of 30-year U.S. Treasury bonds published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication for each year 1998 through 2006, and (B) (i) 4.00 percentage points for each of the 12-month periods ending September 30, 1998 through September 30, 1999 or 8.00 percentage points if the electric utility’s average residential retail rate is less than or equal to 90% of the average residential retail rate for the "Midwest Utilities", as that term is defined in subsection (b) of this Section, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, and the electric utility served between 150,000 and 250,000 retail customers on January 1, 1995; (ii) 7.00 percentage points for each of the 12-month periods ending September 30, 2000 through September 30, 2006 if the electric utility was providing service to at least 1,000,000 customers in this State on January 1, 1999, or 9.00 percentage points if the electric utility’s average residential retail rate is less than or equal to 90% of the average residential retail rate for the "Midwest Utilities", as that term is defined in subsection (b) of this Section, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, and the electric utility served between 150,000 and 250,000 retail customers on January 1, 1995; (iii) 11.00 percentage points for each of the 12-month periods ending September 30, 2000 through September 30, 2006, but only if the electric utility’s average residential retail rate is less than or equal to 90% of the average residential retail rate for the "Midwest Utilities", as that term is defined in subsection (b) of this Section, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, the electric utility served between 150,000 and 250,000 retail customers in this State on January 1, 1995, and the electric utility offers delivery services on or before June 1, 2000 to retail customers whose annual electric energy use comprises 33% of the kilowatt hour sales to that group of retail customers that are classified under Division D,
Groups 20 through 39 of the Standard Industrial Classifications set forth in the Standard Industrial Classification Manual published by the United States Office of Management and Budget, excluding the kilowatt-hour sales to those customers that are eligible for delivery services pursuant to Section 16-104(a)(1)(i), and offers delivery services to its remaining retail customers classified under Division D, Groups 20 through 39 on or before October 1, 2000, and, provided further, that the electric utility commits not to petition pursuant to Section 16-108(f) for entry of an order by the Commission authorizing the electric utility to implement transition charges for an additional period after December 31, 2006, or (iv) 5.00 percentage points for each of the 12-month periods ending September 30, 2000 through September 30, 2006 for all other electric utilities or 7.00 percentage points for such utilities for each of the 12-month periods ending September 30, 2000 through September 30, 2006 for any such utility that commits not to petition pursuant to Section 16-108(f) for entry of an order by the Commission authorizing the electric utility to implement transition charges for an additional period after December 31, 2006 or 11.00 percentage points for each of the 12-month periods ending September 30, 2005 and September 30, 2006 for each electric utility providing service to fewer than 6,500, or between 75,000 and 150,000, electric retail customers in this State on January 1, 1995 if such utility commits not to petition pursuant to Section 16-108(f) for entry of an order by the Commission authorizing the electric utility to implement transition charges for an additional period after December 31, 2006:

(1) For purposes of this subsection (e), "excess earnings" means the difference between (A) the 2-year average of the electric utility's earned rate of return on common equity; less (B) the 2-year average of the sum of (i) the Index applicable to each of the 2 years and (ii) 1.5 percentage points; provided, that "excess earnings" shall never be less than zero:

(2) On or before March 31 of each year 2000 through 2007 each electric utility shall file a report with the Commission showing its earned rate of return on common equity, calculated in

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(3) If an electric utility has excess earnings, determined in accordance with paragraphs (1) and (2) of this subsection, the refunds which the electric utility shall pay to its customers beginning the first billing day of April in the following year shall be calculated and applied as follows:

   (i) The electric utility's excess earnings shall be multiplied by the average of the beginning and ending balances of the electric utility's common equity for the 2-year period in which excess earnings occurred:

   (ii) The result of the calculation in (i) shall be multiplied by 0.50 and then divided by a number equal to 1 minus the electric utility's composite federal and State income tax rate:

   (iii) The result of the calculation in (ii) shall be divided by the sum of the electric utility's projected total kilowatt-hour sales to retail customers plus projected kilowatt-hours to be delivered to delivery services customers over a one year period beginning with the first billing date in April in the succeeding year to determine a cents per kilowatt-hour refund factor.

   (iv) The cents per kilowatt-hour refund factor calculated in (iii) shall be credited to the electric utility's customers by applying the factor on the customer's monthly bills to each kilowatt-hour sold or delivered until the total amount calculated in (ii) has been paid to customers.

(f) During the mandatory transition period, an electric utility may file revised tariffs reducing the price of any tariffed service offered by the electric utility for all customers taking that tariffed service, which shall be effective 7 days after filing.

(g) Until all classes of tariffed services are declared competitive During the mandatory transition period, an electric utility may, without obtaining any approval of the Commission other than that provided for in
this subsection and notwithstanding any other provision of this Act or any rule or regulation of the Commission that would require such approval:

(1) implement a reorganization, other than a merger of 2 or more public utilities as defined in Section 3-105 or their holding companies;

(2) retire generating plants from service;

(3) sell, assign, lease or otherwise transfer assets to an affiliated or unaffiliated entity and as part of such transaction enter into service agreements, power purchase agreements, or other agreements with the transferee; provided, however, that the prices, terms and conditions of any power purchase agreement must be approved or allowed into effect by the Federal Energy Regulatory Commission; or

(4) use any accelerated cost recovery method including accelerated depreciation, accelerated amortization or other capital recovery methods, or record reductions to the original cost of its assets.

In order to implement a reorganization, retire generating plants from service, or sell, assign, lease or otherwise transfer assets pursuant to this Section, the electric utility shall comply with subsections (c) and (d) of Section 16-128, if applicable, and subsection (k) of this Section, if applicable, and provide the Commission with at least 30 days notice of the proposed reorganization or transaction, which notice shall include the following information:

(i) a complete statement of the entries that the electric utility will make on its books and records of account to implement the proposed reorganization or transaction together with a certification from an independent certified public accountant that such entries are in accord with generally accepted accounting principles and, if the Commission has previously approved guidelines for cost allocations between the utility and its affiliates, a certification from the chief accounting officer of the utility

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that such entries are in accord with those cost allocation guidelines;

(ii) a description of how the electric utility will use proceeds of any sale, assignment, lease or transfer to retire debt or otherwise reduce or recover the costs of services provided by such electric utility;

(iii) a list of all federal approvals or approvals required from departments and agencies of this State, other than the Commission, that the electric utility has or will obtain before implementing the reorganization or transaction;

(iv) an irrevocable commitment by the electric utility that it will not, as a result of the transaction, impose any stranded cost charges that it might otherwise be allowed to charge retail customers under federal law or increase the transition charges that it is otherwise entitled to collect under this Article XVI; and

(v) if the electric utility proposes to sell, assign, lease or otherwise transfer a generating plant that brings the amount of net dependable generating capacity transferred pursuant to this subsection to an amount equal to or greater than 15% of the electric utility's net dependable capacity as of the effective date of this amendatory Act of 1997, and enters into a power purchase agreement with the entity to which such generating plant is sold, assigned, leased, or otherwise transferred, the electric utility also agrees, if its fuel adjustment clause has not already been eliminated, to eliminate its fuel adjustment clause in accordance with subsection (b) of Section 9-220 for a period of time equal to the length of any such power purchase agreement or successor agreement, or until January 1, 2005, whichever is longer; if the capacity of the generating plant so transferred and related power purchase agreement does not result in the elimination of the fuel adjustment clause under this
subsection, and the fuel adjustment clause has not already been eliminated, the electric utility shall agree that the costs associated with the transferred plant that are included in the calculation of the rate per kilowatt-hour to be applied pursuant to the electric utility's fuel adjustment clause during such period shall not exceed the per kilowatt-hour cost associated with such generating plant included in the electric utility's fuel adjustment clause during the full calendar year preceding the transfer, with such limit to be adjusted each year thereafter by the Gross Domestic Product Implicit Price Deflator.

(vi) In addition, if the electric utility proposes to sell, assign, or lease, (A) either (1) an amount of generating plant that brings the amount of net dependable generating capacity transferred pursuant to this subsection to an amount equal to or greater than 15% of its net dependable capacity on the effective date of this amendatory Act of 1997, or (2) one or more generating plants with a total net dependable capacity of 1100 megawatts, or (B) transmission and distribution facilities that either (1) bring the amount of transmission and distribution facilities transferred pursuant to this subsection to an amount equal to or greater than 15% of the electric utility's total depreciated original cost investment in such facilities, or (2) represent an investment of $25,000,000 in terms of total depreciated original cost, the electric utility shall provide, in addition to the information listed in subparagraphs (i) through (v), the following information: (A) a description of how the electric utility will meet its service obligations under this Act in a safe and reliable manner and (B) the electric utility's projected earned rate of return on common equity, calculated in accordance with subsection (d) of this Section; for each year from the date of the notice through December 31, 2006 both with and without the proposed

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transaction. If the Commission has not issued an order initiating a hearing on the proposed transaction within 30 days after the date the electric utility's notice is filed, the transaction shall be deemed approved. The Commission may, after notice and hearing, prohibit the proposed transaction if it makes either or both of the following findings: (1) that the proposed transaction will render the electric utility unable to provide its tariffed services in a safe and reliable manner, or (2) that there is a strong likelihood that consummation of the proposed transaction will result in the electric utility being entitled to request an increase in its base rates during the mandatory transition period pursuant to subsection (d) of this Section. Any hearing initiated by the Commission into the proposed transaction shall be completed, and the Commission's final order approving or prohibiting the proposed transaction shall be entered, within 90 days after the date the electric utility's notice was filed. Provided, however, that a sale, assignment, or lease of transmission facilities to an independent system operator that meets the requirements of Section 16-126 shall not be subject to Commission approval under this Section.

In any proceeding conducted by the Commission pursuant to this subparagraph (vi), intervention shall be limited to parties with a direct interest in the transaction which is the subject of the hearing and any statutory consumer protection agency as defined in subsection (d) of Section 9-102.1. Notwithstanding the provisions of Section 10-113 of this Act, any application seeking rehearing of an order issued under this subparagraph (vi), whether filed by the electric utility or by an intervening party, shall be filed within 10 days after service of the order.

The Commission shall not in any subsequent proceeding or otherwise, review such a reorganization or other transaction authorized by
this Section, but shall retain the authority to allocate costs as stated in Section 16-111(i). An entity to which an electric utility sells, assigns, leases or transfers assets pursuant to this subsection (g) shall not, as a result of the transactions specified in this subsection (g), be deemed a public utility as defined in Section 3-105. Nothing in this subsection (g) shall change any requirement under the jurisdiction of the Illinois Department of Nuclear Safety including, but not limited to, the payment of fees. Nothing in this subsection (g) shall exempt a utility from obtaining a certificate pursuant to Section 8-406 of this Act for the construction of a new electric generating facility. Nothing in this subsection (g) is intended to exempt the transactions hereunder from the operation of the federal or State antitrust laws. Nothing in this subsection (g) shall require an electric utility to use the procedures specified in this subsection for any of the transactions specified herein. Any other procedure available under this Act may, at the electric utility's election, be used for any such transaction.

(h) During the mandatory transition period, the Commission shall not establish or use any rates of depreciation, which for purposes of this subsection shall include amortization, for any electric utility other than those established pursuant to subsection (c) of Section 5-104 of this Act or utilized pursuant to subsection (g) of this Section. Provided, however, that in any proceeding to review an electric utility's rates for tariffed services pursuant to Section 9-201, 9-202, 9-250 or 16-111(d) of this Act, the Commission may establish new rates of depreciation for the electric utility in the same manner provided in subsection (d) of Section 5-104 of this Act. An electric utility implementing an accelerated cost recovery method including accelerated depreciation, accelerated amortization or other capital recovery methods, or recording reductions to the original cost of its assets, pursuant to subsection (g) of this Section, shall file a statement with the Commission describing the accelerated cost recovery method to be implemented or the reduction in the original cost of its assets to be recorded. Upon the filing of such statement, the accelerated cost recovery method or the reduction in the original cost of assets shall be deemed to be approved by the Commission as though an order had been entered by the Commission.
(i) Subsequent to the mandatory transition period, the Commission, in any proceeding to establish rates and charges for tariffed services offered by an electric utility, shall consider only (1) the then current or projected revenues, costs, investments and cost of capital directly or indirectly associated with the provision of such tariffed services; (2) collection of transition charges in accordance with Sections 16-102 and 16-108 of this Act; (3) recovery of any employee transition costs as described in Section 16-128 which the electric utility is continuing to incur, including recovery of any unamortized portion of such costs previously incurred or committed, with such costs to be equitably allocated among bundled services, delivery services, and contracts with alternative retail electric suppliers; and (4) recovery of the costs associated with the electric utility's compliance with decommissioning funding requirements; and shall not consider any other revenues, costs, investments or cost of capital of either the electric utility or of any affiliate of the electric utility that are not associated with the provision of tariffed services. In setting rates for tariffed services, the Commission shall equitably allocate joint and common costs and investments between the electric utility's competitive and tariffed services. In determining the justness and reasonableness of the electric power and energy component of an electric utility's rates for tariffed services subsequent to the mandatory transition period and prior to the time that the provision of such electric power and energy is declared competitive, the Commission shall consider the extent to which the electric utility's tariffed rates for such component for each customer class exceed the market value determined pursuant to Section 16-112, and, if the electric power and energy component of such tariffed rate exceeds the market value by more than 10% for any customer class, may establish such electric power and energy component at a rate equal to the market value plus 10%. In any such case, the Commission may also elect to extend the provisions of Section 16-111(e) for any period in which the electric utility is collecting transition charges, using information applicable to such period.

(j) During the mandatory transition period, an electric utility may elect to transfer to a non-operating income account under the
Commission's Uniform System of Accounts either or both of (i) an amount of unamortized investment tax credit that is in addition to the ratable amount which is credited to the electric utility's operating income account for the year in accordance with Section 46(f)(2) of the federal Internal Revenue Code of 1986, as in effect prior to P.L. 101-508, or (ii) "excess tax reserves", as that term is defined in Section 203(e)(2)(A) of the federal Tax Reform Act of 1986, provided that (A) the amount transferred may not exceed the amount of the electric utility's assets that were created pursuant to Statement of Financial Accounting Standards No. 71 which the electric utility has written off during the mandatory transition period, and (B) the transfer shall not be effective until approved by the Internal Revenue Service. An electric utility electing to make such a transfer shall file a statement with the Commission stating the amount and timing of the transfer for which it intends to request approval of the Internal Revenue Service, along with a copy of its proposed request to the Internal Revenue Service for a ruling. The Commission shall issue an order within 14 days after the electric utility's filing approving, subject to receipt of approval from the Internal Revenue Service, the proposed transfer.

(k) If an electric utility is selling or transferring to a single buyer 5 or more generating plants located in this State with a total net dependable capacity of 5000 megawatts or more pursuant to subsection (g) of this Section and has obtained a sale price or consideration that exceeds 200% of the book value of such plants, the electric utility must provide to the Governor, the President of the Illinois Senate, the Minority Leader of the Illinois Senate, the Speaker of the Illinois House of Representatives, and the Minority Leader of the Illinois House of Representatives no later than 15 days after filing its notice under subsection (g) of this Section or 5 days after the date on which this subsection (k) becomes law, whichever is later, a written commitment in which such electric utility agrees to expend $2 billion outside the corporate limits of any municipality with 1,000,000 or more inhabitants within such electric utility's service area, over a 6-year period beginning with the calendar year in which the notice is filed, on projects, programs, and improvements within its service area relating to transmission and distribution including, without limitation, infrastructure

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expansion, repair and replacement, capital investments, operations and maintenance, and vegetation management.

(l) Notwithstanding any other provision of this Act or any rule, regulation, or prior order of the Commission, a public utility providing electric and gas service may do any one or more of the following: transfer assets to, reorganize with, or merge with one or more public utilities under common holding company ownership or control in the manner prescribed in subsection (g) of this Section. No merger transaction costs, such as fees paid to attorneys, investment bankers, and other consultants, incurred in connection with a merger pursuant to this subsection (l) shall be recoverable in any subsequent rate proceeding. Approval of a merger pursuant to this subsection (l) shall not constitute approval of, or otherwise require, rate recovery of other costs incurred in connection with, or to implement the merger, such as the cost of restructuring, combining, or integrating debt, assets, or systems. Such other costs may be recovered only to the extent that the surviving utility can demonstrate that the cost savings produced by such restructuring, combination, or integration exceed the associated costs. Nothing in this subsection (l) shall impair the terms or conditions of employment or the collective bargaining rights of any employees of the utilities that are transferring assets, reorganizing, or merging.

(m) If an electric utility that on December 31, 2005 provided electric service to at least 100,000 customers in Illinois transfers assets, reorganizes, or merges under this Section, then the same provisions apply during the mandatory transition period under Section 16-128.

(Source: P.A. 91-50, eff. 6-30-99; 92-537, eff. 6-6-02; 92-690, eff. 7-18-02; revised 9-10-02.)

(220 ILCS 5/16-111.5 new)

Sec. 16-111.5. Provisions relating to procurement.

(a) An electric utility that on December 31, 2005 served at least 100,000 customers in Illinois shall procure power and energy for its eligible retail customers in accordance with the applicable provisions set forth in Section 1-75 of the Illinois Power Agency Act and this Section.

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"Eligible retail customers" for the purposes of this Section means those retail customers that purchase power and energy from the electric utility under fixed-price bundled service tariffs, other than those retail customers whose service is declared or deemed competitive under Section 16-113 and those other customer groups specified in this Section, including self-generating customers, customers electing hourly pricing, or those customers who are otherwise ineligible for fixed-price bundled tariff service. Those customers that are excluded from the definition of "eligible retail customers" shall not be included in the procurement plan load requirements, and the utility shall procure any supply requirements, including capacity, ancillary services, and hourly priced energy, in the applicable markets as needed to serve those customers, provided that the utility may include in its procurement plan load requirements for the load that is associated with those retail customers whose service has been declared or deemed competitive pursuant to Section 16-113 of this Act to the extent that those customers are purchasing power and energy during one of the transition periods identified in subsection (b) of Section 16-113 of this Act.

(b) A procurement plan shall be prepared for each electric utility consistent with the applicable requirements of the Illinois Power Agency Act and this Section. For purposes of this Section, Illinois electric utilities that are affiliated by virtue of a common parent company are considered to be a single electric utility. Each procurement plan shall analyze the projected balance of supply and demand for eligible retail customers over a 5-year period with the first planning year beginning on June 1 of the year following the year in which the plan is filed. The plan shall specifically identify the wholesale products to be procured following plan approval, and shall follow all the requirements set forth in the Public Utilities Act and all applicable State and federal laws, statutes, rules, or regulations, as well as Commission orders. Nothing in this Section precludes consideration of contracts longer than 5 years and related forecast data. Unless specified otherwise in this Section, in the procurement plan or in the implementing tariff, any procurement occurring in accordance with this plan shall be competitively bid through
a request for proposals process. Approval and implementation of the procurement plan shall be subject to review and approval by the Commission according to the provisions set forth in this Section. A procurement plan shall include each of the following components:

(1) Hourly load analysis. This analysis shall include:
   (i) multi-year historical analysis of hourly loads;
   (ii) switching trends and competitive retail market analysis;
   (iii) known or projected changes to future loads; and
   (iv) growth forecasts by customer class.

(2) Analysis of the impact of any demand side and renewable energy initiatives. This analysis shall include:
   (i) the impact of demand response programs, both current and projected;
   (ii) supply side needs that are projected to be offset by purchases of renewable energy resources, if any; and
   (iii) the impact of energy efficiency programs, both current and projected.

(3) A plan for meeting the expected load requirements that will not be met through preexisting contracts. This plan shall include:
   (i) definitions of the different retail customer classes for which supply is being purchased;
   (ii) monthly forecasted system supply requirements, including expected minimum, maximum, and average values for the planning period;
   (iii) the proposed mix and selection of standard wholesale products for which contracts will be executed during the next year, separately or in combination, to meet that portion of its load requirements not met through pre-existing contracts, including but not limited to monthly 5 x 16 peak period block energy, monthly off-peak wrap energy, monthly 7 x 24 energy, annual 5 x 16 energy,

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annua\l off-peak wrap energy, annual 7 x 24 energy, monthly capacity, annual capacity, peak load capacity obligations, capacity purchase plan, and ancillary services;

(iv) proposed term structures for each wholesale product type included in the proposed procurement plan portfolio of products; and

(v) an assessment of the price risk, load uncertainty, and other factors that are associated with the proposed procurement plan; this assessment, to the extent possible, shall include an analysis of the following factors: contract terms, time frames for securing products or services, fuel costs, weather patterns, transmission costs, market conditions, and the governmental regulatory environment; the proposed procurement plan shall also identify alternatives for those portfolio measures that are identified as having significant price risk.

(4) Proposed procedures for balancing loads. The procurement plan shall include, for load requirements included in the procurement plan, the process for (i) hourly balancing of supply and demand and (ii) the criteria for portfolio re-balancing in the event of significant shifts in load.

(c) The procurement process set forth in Section 1-75 of the Illinois Power Agency Act and subsection (e) of this Section shall be administered by a procurement administrator and monitored by a procurement monitor.

(1) The procurement administrator shall:

(i) design the final procurement process in accordance with Section 1-75 of the Illinois Power Agency Act and subsection (e) of this Section following Commission approval of the procurement plan;

(ii) develop benchmarks in accordance with subsection (e)(3) to be used to evaluate bids; these benchmarks shall be submitted to the Commission for review and approval on a confidential basis prior to the procurement event;

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(iii) serve as the interface between the electric utility and suppliers;
(iv) manage the bidder pre-qualification and registration process;
(v) obtain the electric utilities' agreement to the final form of all supply contracts and credit collateral agreements;
(vi) administer the request for proposals process;
(vii) have the discretion to negotiate to determine whether bidders are willing to lower the price of bids that meet the benchmarks approved by the Commission; any post-bid negotiations with bidders shall be limited to price only and shall be completed within 24 hours after opening the sealed bids and shall be conducted in a fair and unbiased manner; in conducting the negotiations, there shall be no disclosure of any information derived from proposals submitted by competing bidders; if information is disclosed to any bidder, it shall be provided to all competing bidders;
(viii) maintain confidentiality of supplier and bidding information in a manner consistent with all applicable laws, rules, regulations, and tariffs;
(ix) submit a confidential report to the Commission recommending acceptance or rejection of bids;
(x) notify the utility of contract counterparties and contract specifics; and
(xi) administer related contingency procurement events.
(2) The procurement monitor, who shall be retained by the Commission, shall:
(i) monitor interactions among the procurement administrator, suppliers, and utility;
(ii) monitor and report to the Commission on the progress of the procurement process;

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(iii) provide an independent confidential report to the Commission regarding the results of the procurement event;

(iv) assess compliance with the procurement plans approved by the Commission for each utility that on December 31, 2005 provided electric service to a least 100,000 customers in Illinois;

(v) preserve the confidentiality of supplier and bidding information in a manner consistent with all applicable laws, rules, regulations, and tariffs;

(vi) provide expert advice to the Commission and consult with the procurement administrator regarding issues related to procurement process design, rules, protocols, and policy-related matters; and

(vii) consult with the procurement administrator regarding the development and use of benchmark criteria, standard form contracts, credit policies, and bid documents.

(d) Except as provided in subsection (j), the planning process shall be conducted as follows:

(1) Beginning in 2008, each Illinois utility procuring power pursuant to this Section shall annually provide a range of load forecasts to the Illinois Power Agency by July 15 of each year, or such other date as may be required by the Commission or Agency. The load forecasts shall cover the 5-year procurement planning period for the next procurement plan and shall include hourly data representing a high-load, low-load and expected-load scenario for the load of the eligible retail customers. The utility shall provide supporting data and assumptions for each of the scenarios.

(2) Beginning in 2008, the Illinois Power Agency shall prepare a procurement plan by August 15th of each year, or such other date as may be required by the Commission. The procurement plan shall identify the portfolio of power and energy products to be procured. Copies of the procurement plan shall be
posted and made publicly available on the Agency's and Commission's websites, and copies shall also be provided to each affected electric utility. An affected utility shall have 30 days following the date of posting to provide comment to the Agency on the procurement plan. Other interested entities also may comment on the procurement plan. All comments submitted to the Agency shall be specific, supported by data or other detailed analyses, and, if objecting to all or a portion of the procurement plan, accompanied by specific alternative wording or proposals. All comments shall be posted on the Agency's and Commission's websites. During this 30-day comment period, the Agency shall hold at least one public hearing within each utility's service area for the purpose of receiving public comment on the procurement plan. Within 14 days following the end of the 30-day review period, the Agency shall revise the procurement plan as necessary based on the comments received and file the procurement plan with the Commission and post the procurement plan on the websites.

(3) Within 5 days after the filing of the procurement plan, any person objecting to the procurement plan shall file an objection with the Commission. Within 10 days after the filing, the Commission shall determine whether a hearing is necessary. The Commission shall enter its order confirming or modifying the procurement plan within 90 days after the filing of the procurement plan by the Illinois Power Agency.

(4) The Commission shall approve the procurement plan, including expressly the forecast used in the procurement plan, if the Commission determines that it will ensure adequate, reliable, affordable, efficient, and environmentally sustainable electric service at the lowest total cost over time, taking into account any benefits of price stability.

(e) The procurement process shall include each of the following components:

(1) Solicitation, pre-qualification, and registration of bidders. The procurement administrator shall disseminate
information to potential bidders to promote a procurement event, notify potential bidders that the procurement administrator may enter into a post-bid price negotiation with bidders that meet the applicable benchmarks, provide supply requirements, and otherwise explain the competitive procurement process. In addition to such other publication as the procurement administrator determines is appropriate, this information shall be posted on the Illinois Power Agency's and the Commission's websites. The procurement administrator shall also administer the prequalification process, including evaluation of credit worthiness, compliance with procurement rules, and agreement to the standard form contract developed pursuant to paragraph (2) of this subsection (e). The procurement administrator shall then identify and register bidders to participate in the procurement event.

(2) Standard contract forms and credit terms and instruments. The procurement administrator, in consultation with the utilities, the Commission, and other interested parties and subject to Commission oversight, shall develop and provide standard contract forms for the supplier contracts that meet generally accepted industry practices. Standard credit terms and instruments that meet generally accepted industry practices shall be similarly developed. The procurement administrator shall make available to the Commission all written comments it receives on the contract forms, credit terms, or instruments. If the procurement administrator cannot reach agreement with the applicable electric utility as to the contract terms and conditions, the procurement administrator must notify the Commission of any disputed terms and the Commission shall resolve the dispute. The terms of the contracts shall not be subject to negotiation by winning bidders, and the bidders must agree to the terms of the contract in advance so that winning bids are selected solely on the basis of price.

(3) Establishment of a market-based price benchmark. As part of the development of the procurement process, the procurement administrator, in consultation with the Commission

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staff, Agency staff, and the procurement monitor, shall establish benchmarks for evaluating the final prices in the contracts for each of the products that will be procured through the procurement process. The benchmarks shall be based on price data for similar products for the same delivery period and same delivery hub, or other delivery hubs after adjusting for that difference. The price benchmarks may also be adjusted to take into account differences between the information reflected in the underlying data sources and the specific products and procurement process being used to procure power for the Illinois utilities. The benchmarks shall be confidential but shall be provided to, and will be subject to Commission review and approval, prior to a procurement event.

(4) Request for proposals competitive procurement process. The procurement administrator shall design and issue a request for proposals to supply electricity in accordance with each utility's procurement plan, as approved by the Commission. The request for proposals shall set forth a procedure for sealed, binding commitment bidding with pay-as-bid settlement, and provision for selection of bids on the basis of price.

(5) A plan for implementing contingencies in the event of supplier default or failure of the procurement process to fully meet the expected load requirement due to insufficient supplier participation, Commission rejection of results, or any other cause.

   (i) Event of supplier default: In the event of supplier default, the utility shall review the contract of the defaulting supplier to determine if the amount of supply is 200 megawatts or greater, and if there are more than 60 days remaining of the contract term. If both of these conditions are met, and the default results in termination of the contract, the utility shall immediately notify the Illinois Power Agency that a request for proposals must be issued to procure replacement power, and the procurement administrator shall run an additional procurement event. If the contracted supply of the defaulting supplier is less than
200 megawatts or there are less than 60 days remaining of
the contract term, the utility shall procure power and
energy from the applicable regional transmission
organization market, including ancillary services, capacity,
and day-ahead or real time energy, or both, for the
duration of the contract term to replace the contracted
supply; provided, however, that if a needed product is not
available through the regional transmission organization
market it shall be purchased from the wholesale market.

(ii) Failure of the procurement process to fully meet
the expected load requirement: If the procurement process
fails to fully meet the expected load requirement due to
insufficient supplier participation or due to a Commission
rejection of the procurement results, the procurement
administrator, the procurement monitor, and the
Commission staff shall meet within 10 days to analyze
potential causes of low supplier interest or causes for the
Commission decision. If changes are identified that would
likely result in increased supplier participation, or that
would address concerns causing the Commission to reject
the results of the prior procurement event, the procurement
administrator may implement those changes and rerun the
request for proposals process according to a schedule
determined by those parties and consistent with Section 1-
75 of the Illinois Power Agency Act and this subsection. In
any event, a new request for proposals process shall be
implemented by the procurement administrator within 90
days after the determination that the procurement process
has failed to fully meet the expected load requirement.

(iii) In all cases where there is insufficient supply
provided under contracts awarded through the
procurement process to fully meet the electric utility's load
requirement, the utility shall meet the load requirement by
procuring power and energy from the applicable regional
transmission organization market, including ancillary services, capacity, and day-ahead or real time energy or both; provided, however, that if a needed product is not available through the regional transmission organization market it shall be purchased from the wholesale market.

(6) The procurement process described in this subsection is exempt from the requirements of the Illinois Procurement Code, pursuant to Section 20-10 of that Code.

(f) Within 2 business days after opening the sealed bids, the procurement administrator shall submit a confidential report to the Commission. The report shall contain the results of the bidding for each of the products along with the procurement administrator's recommendation for the acceptance and rejection of bids based on the price benchmark criteria and other factors observed in the process. The procurement monitor also shall submit a confidential report to the Commission within 2 business days after opening the sealed bids. The report shall contain the procurement monitor's assessment of bidder behavior in the process as well as an assessment of the procurement administrator's compliance with the procurement process and rules. The Commission shall review the confidential reports submitted by the procurement administrator and procurement monitor, and shall accept or reject the recommendations of the procurement administrator within 2 business days after receipt of the reports.

(g) Within 3 business days after the Commission decision approving the results of a procurement event, the utility shall enter into binding contractual arrangements with the winning suppliers using the standard form contracts; except that the utility shall not be required either directly or indirectly to execute the contracts if a tariff that is consistent with subsection (l) of this Section has not been approved and placed into effect for that utility.

(h) The names of the successful bidders and the load weighted average of the winning bid prices for each contract type and for each contract term shall be made available to the public at the time of Commission approval of a procurement event. The Commission, the

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procurement monitor, the procurement administrator, the Illinois Power Agency, and all participants in the procurement process shall maintain the confidentiality of all other supplier and bidding information in a manner consistent with all applicable laws, rules, regulations, and tariffs. Confidential information, including the confidential reports submitted by the procurement administrator and procurement monitor pursuant to subsection (f) of this Section, shall not be made publicly available and shall not be discoverable by any party in any proceeding, absent a compelling demonstration of need, nor shall those reports be admissible in any proceeding other than one for law enforcement purposes.

(i) Within 2 business days after a Commission decision approving the results of a procurement event or such other date as may be required by the Commission from time to time, the utility shall file for informational purposes with the Commission its actual or estimated retail supply charges, as applicable, by customer supply group reflecting the costs associated with the procurement and computed in accordance with the tariffs filed pursuant to subsection (l) of this Section and approved by the Commission.

(j) Within 60 days following the effective date of this amendatory Act, each electric utility that on December 31, 2005 provided electric service to at least 100,000 customers in Illinois shall prepare and file with the Commission an initial procurement plan, which shall conform in all material respects to the requirements of the procurement plan set forth in subsection (b); provided, however, that the Illinois Power Agency Act shall not apply to the initial procurement plan prepared pursuant to this subsection. The initial procurement plan shall identify the portfolio of power and energy products to be procured and delivered for the period June 2008 through May 2009, and shall identify the proposed procurement administrator, who shall have the same experience and expertise as is required of a procurement administrator hired pursuant to Section 1-75 of the Illinois Power Agency Act. Copies of the procurement plan shall be posted and made publicly available on the Commission’s website. The initial procurement plan may include contracts for renewable resources that extend beyond May 2009.

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(i) Within 14 days following filing of the initial procurement plan, any person may file a detailed objection with the Commission contesting the procurement plan submitted by the electric utility. All objections to the electric utility's plan shall be specific, supported by data or other detailed analyses. The electric utility may file a response to any objections to its procurement plan within 7 days after the date objections are due to be filed. Within 7 days after the date the utility's response is due, the Commission shall determine whether a hearing is necessary. If it determines that a hearing is necessary, it shall require the hearing to be completed and issue an order on the procurement plan within 60 days after the filing of the procurement plan by the electric utility.

(ii) The order shall approve or modify the procurement plan, approve an independent procurement administrator, and approve or modify the electric utility's tariffs that are proposed with the initial procurement plan. The Commission shall approve the procurement plan if the Commission determines that it will ensure adequate, reliable, affordable, efficient, and environmentally sustainable electric service at the lowest total cost over time, taking into account any benefits of price stability.

(k) In order to promote price stability for residential and small commercial customers during the transition to competition in Illinois, and notwithstanding any other provision of this Act, each electric utility subject to this Section shall enter into one or more multi-year financial swap contracts that become effective on the effective date of this amendatory Act. These contracts may be executed with generators and power marketers, including affiliated interests of the electric utility. These contracts shall be for a term of no more than 5 years and shall, for each respective utility or for any Illinois electric utilities that are affiliated by virtue of a common parent company and that are thereby considered a single electric utility for purposes of this subsection (k), not exceed in the aggregate 3,000 megawatts for any hour of the year. The contracts shall be financial contracts and not energy sales contracts. The contracts shall

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be executed as transactions under a negotiated master agreement based on the form of master agreement for financial swap contracts sponsored by the International Swaps and Derivatives Association, Inc. and shall be considered pre-existing contracts in the utilities' procurement plans for residential and small commercial customers. Costs incurred pursuant to a contract authorized by this subsection (k) shall be deemed prudently incurred and reasonable in amount and the electric utility shall be entitled to full cost recovery pursuant to the tariffs filed with the Commission.

(l) An electric utility shall recover its costs of procuring power and energy under this Section. The utility shall file with the initial procurement plan its proposed tariffs through which its costs of procuring power that are incurred pursuant to a Commission-approved procurement plan and those other costs identified in this subsection (l), will be recovered. The tariffs shall include a formula rate or charge designed to pass through both the costs incurred by the utility in procuring a supply of electric power and energy for the applicable customer classes with no mark-up or return on the price paid by the utility for that supply, plus any just and reasonable costs that the utility incurs in arranging and providing for the supply of electric power and energy. The formula rate or charge shall also contain provisions that ensure that its application does not result in over or under recovery due to changes in customer usage and demand patterns, and that provide for the correction, on at least an annual basis, of any accounting errors that may occur. A utility shall recover through the tariff all reasonable costs incurred to implement or comply with any procurement plan that is developed and put into effect pursuant to Section 1-75 of the Illinois Power Agency Act and this Section, including any fees assessed by the Illinois Power Agency, costs associated with load balancing, and contingency plan costs. The electric utility shall also recover its full costs of procuring electric supply for which it contracted before the effective date of this Section in conjunction with the provision of full requirements service under fixed-price bundled service tariffs subsequent to December 31, 2006. All such costs shall be deemed to have been prudently incurred. The pass-through tariffs that are filed and
approved pursuant to this Section shall not be subject to review under, or in any way limited by, Section 16-111(i) of this Act.

(m) The Commission has the authority to adopt rules to carry out the provisions of this Section. For the public interest, safety, and welfare, the Commission also has authority to adopt rules to carry out the provisions of this Section on an emergency basis immediately following the effective date of this amendatory Act.

(n) Notwithstanding any other provision of this Act, any affiliated electric utilities that submit a single procurement plan covering their combined needs may procure for those combined needs in conjunction with that plan, and may enter jointly into power supply contracts, purchases, and other procurement arrangements, and allocate capacity and energy and cost responsibility therefor among themselves in proportion to their requirements.

(o) On or before June 1 of each year, the Commission shall hold an informal hearing for the purpose of receiving comments on the prior year's procurement process and any recommendations for change.

(p) An electric utility subject to this Section may propose to invest, lease, own, or operate an electric generation facility as part of its procurement plan, provided the utility demonstrates that such facility is the least-cost option to provide electric service to eligible retail customers. If the facility is shown to be the least-cost option and is included in a procurement plan prepared in accordance with Section 1-75 of the Illinois Power Agency Act and this Section, then the electric utility shall make a filing pursuant to Section 8-406 of the Act, and may request of the Commission any statutory relief required thereunder. If the Commission grants all of the necessary approvals for the proposed facility, such supply shall thereafter be considered as a pre-existing contract under subsection (b) of this Section. The Commission shall in any order approving a proposal under this subsection specify how the utility will recover the prudently incurred costs of investing in, leasing, owning, or operating such generation facility through just and reasonable rates charged to eligible retail customers. Cost recovery for facilities included in the utility's procurement plan pursuant to this subsection shall not be subject

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to review under or in any way limited by the provisions of Section 16-111(i) of this Act. Nothing in this Section is intended to prohibit a utility from filing for a fuel adjustment clause as is otherwise permitted under Section 9-220 of this Act.

(220 ILCS 5/16-111.5A new)

Sec. 16-111.5A. Provisions relating to electric rate relief.

(a) The General Assembly finds that action must be taken in order to mitigate the 2007 electric rate increases approved for residential and certain nonresidential customers served by the State's largest electric utilities in 2007. The General Assembly further finds that although various means of providing rate relief have been proposed, including imposition of a rate freeze on the electric utilities or a tax on generation within the State, the establishment of voluntary rate relief programs provides the most immediate and certain means of providing that rate relief. Accordingly, if the residential customer electric service rates that were charged to residential customers beginning January 2, 2007 by an electric utility that on December 31, 2005 provided electric service to at least 100,000 customers in Illinois resulted in an annual increase of more than 20% in an electric utility's average rate charged to residential customers for bundled electric service, those electric utilities and their holding companies or other affiliates, and any other company owning generation in this State or its affiliates, may, notwithstanding any other provisions of this Act, and without obtaining any approvals from the Commission or any other agency, regardless of whether any such approval would otherwise be required, establish and make payments to provide funds that can be used to provide rate relief beginning on the effective date of this amendatory Act of the 95th General Assembly through July 31, 2011.

(b) For purposes of this Section, the "Ameren Utilities" means Illinois Power Company, Central Illinois Public Service Company, and Central Illinois Light Company.

(c) For purposes of this Section, the "Generators" means Exelon Generation Company, LLC; Ameren Energy Resources Generating Company; Ameren Energy Marketing Company; Ameren Energy Generating Company; MidAmerican Energy Company; Midwest
Generation, LLC; and Dynegy Holdings Inc.; and may include non-utility affiliates of the entities named in this subsection.

(d) For purposes of this Section, "Rate Relief Agreements" means the 2 Rate Relief Funding Agreements, the Escrow Funding Agreement, and the Illinois Power Agency Funding Agreement that Commonwealth Edison Company, the Ameren Utilities, and Generators have entered into with the Illinois Attorney General on behalf of the People of the State of Illinois for the purpose of providing $1,001,000,000 to be used to fund rate relief programs for customers of Commonwealth Edison Company and the Ameren Utilities and for the Illinois Power Agency Trust Fund and that become effective on the effective date of this amendatory Act of the 95th General Assembly. The Rate Relief Agreements have been filed with the Illinois Secretary of State Index Department and designated as "95-GA-C01" through "95-GA-C04" inclusive. The Illinois Attorney General has the right to enforce the provisions of all of the Rate Relief Agreements on behalf of the People of the State of Illinois or the Illinois Power Agency, or both, as appropriate.

(e) Subject to the terms, conditions, and contingencies of the Rate Relief Agreements, Commonwealth Edison Company will apply a total of $488,000,000 in rate relief to residential and certain nonresidential customers from 2007 through 2010. Commonwealth Edison Company will apply bill credits for all of its residential customers in its service territory in the following amounts: $250,000,000 in 2007, $125,500,000 in 2008, and $36,000,000 in 2009. Any undisbursed rate relief funds shall be applied to the targeted programs. Commonwealth Edison Company will provide rate relief for residential and certain nonresidential customers through targeted programs in the following amounts: $33,000,000 in 2007, $18,000,000 in 2008, $15,500,000 in 2009, and $10,000,000 in 2010. Subject to the terms, conditions, and contingencies of the Rate Relief Agreements, the targeted programs for 2007 consist of the following, some of which are already underway and, in the aggregate, therefore total more than $33,000,000:

(1) an electric space heating customer relief program costing approximately $8,000,000 designed to lower the average

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percentage increase of residential electric space heating customers to rate increases similar to other residential customers;

(2) a summer assistance program costing approximately $10,300,000 for working families and low-income customers, including low-income seniors;

(3) a residential rate relief program costing approximately $5,500,000 for working families and low-income customers, including low-income seniors, with higher than average rate increases (over 30%);

(4) a residential special hardship program costing approximately $5,000,000 to address special circumstances and hardships;

(5) a nonresidential special hardship program costing approximately $1,500,000 to address special circumstances and hardships;

(6) a relief program for the common area accounts of apartment building owners and condominium associations costing approximately $4,500,000 designed to reduce rate increases for these customers to rate increases similar to those for residential customers and to mitigate the impact of their rate increase;

(7) a weatherization assistance program for electric space heating low-income customers costing approximately $3,900,000 designed to provide energy efficiency assistance; and

(8) energy efficiency, environmental, education, and assistance programs costing approximately $5,000,000 designed to promote the use of energy efficiency programs and services by residential customers, maintenance and upgrades of a website that allows those customers to analyze their energy usage and provides incentives for the purchase of energy efficient products, the provision of energy efficient light bulbs to residential customers at a discount, and free efficient light bulbs and other assistance to low-income customers.

Based on the outcome of these targeted programs, Commonwealth Edison Company will design and implement, subject to the terms,
(f) Subject to the terms, conditions, and contingencies of the Rate Relief Agreements, the Ameren Utilities will apply a total of $488,000,000 in rate relief to residential and certain nonresidential customers from 2007 through 2010. The Ameren Utilities will apply bill credits for all of their residential customers in their service territories in the following aggregate amounts: $213,000,000 in 2007, $109,000,000 in 2008, and $78,000,000 in 2009. The Ameren Utilities will apply bill credits to certain nonresidential customers in the following aggregate amounts: $26,000,000 in 2007, $11,000,000 in 2008, and $11,000,000 in 2009. Any undisbursed rate relief funds shall be applied to the targeted programs. The Ameren Utilities will provide rate relief for residential and certain nonresidential customers through targeted programs in the following amounts: $13,500,000 in 2007, $13,500,000 in 2008, $7,500,000 in 2009, and $5,500,000 in 2010. Subject to the terms, conditions and contingencies of the Rate Relief Agreements, the targeted programs consist of the following for 2007:

1. A cooling assistance program costing approximately $2,000,000 to provide donations to the Low Income Home Energy Assistance Program;
2. A bill payment assistance program costing approximately $2,000,000 for working families and low-income customers, including low-income seniors;
3. A residential special hardship program costing approximately $2,000,000 to address special circumstances and hardships;
4. A nonresidential special hardship program costing approximately $2,000,000 to address special circumstances and hardships;
5. A percent-of-income payment program pilot costing approximately $2,500,000 that will be designed to determine for low-income electric space heating customers if paying a
percentage of income for their electricity will make electricity more affordable and promote regular paying habits;

(6) a weatherization assistance program for all electric space heating low-income customers costing approximately $1,000,000 designed to provide energy efficiency assistance;

(7) a compact fluorescent light bulb distribution program costing approximately $1,000,000 designed to provide energy efficient light bulbs to residential customers at a discount; and

(8) a municipal street lighting conversion program costing approximately $1,000,000 to convert existing street lights to more efficient lights at a discount.

Based on the outcome of these targeted programs, the Ameren Utilities will design and implement, subject to the terms, conditions, and contingencies of the Rate Relief Agreements, targeted programs for working families, seniors, and other customers in need in 2008, 2009, and 2010.

In addition, the Ameren Utilities voluntarily agree to waive outstanding late payment charges associated with unpaid electric bills for usage on and after January 2, 2007, through the September 2007 billing period.

(g) Programs that use funds that are provided by electric utilities and their holding companies or other affiliates, and any other company owning generation in this State or its affiliates, to reduce utility bills, or to otherwise offset costs incurred by the utilities in mitigating rate increases for certain customer groups, may be implemented through tariffs that are filed with and reviewed by the Commission. If a utility elects to file tariffs with the Commission to implement all or a portion of the programs, those tariffs shall, regardless of the date actually filed, be deemed accepted and approved, and shall become effective, on the effective date of this amendatory Act of the 95th General Assembly. The electric utilities whose customers benefit from the funds that are disbursed as contemplated in this Section shall file annual reports documenting the disbursement of those funds with the Commission and the Illinois Attorney General.

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Commission has the authority to audit disbursement of the funds to ensure they were disbursed consistently with this Section.

(h) Nothing in this Section shall be interpreted to limit the Commission’s general authority over ratemaking.

(i) Subject to the terms, conditions, and contingencies of the Rate Relief Agreements, the Generators are providing a total of $25,000,000 to the Illinois Power Agency Trust Fund.

(j) None of the contributions by Commonwealth Edison Company or the Ameren Utilities pursuant to this Section may be recovered in rates.

(k) Nothing in this Section shall be interpreted to limit the authority or right of the Illinois Attorney General, under the terms of the Rate Relief Agreements, to review or audit documents, make demands, or file suit or to take other action to enforce the provisions of the Rate Relief Agreements.

(220 ILCS 5/16-111.6 new)

Sec. 16-111.6. Termination of utility service to electric space-heating customers. Notwithstanding any other provision of this Act or any other law to the contrary, a public utility that, on December 31, 2005, served more than 100,000 electric customers in Illinois may not, prior to September 1, 2007, terminate electric service to a residential electric space-heating customer for non-payment. For 2007 and every year thereafter, such an electric utility shall not terminate electric service to a residential space-heating customer for non-payment from December 1 through March 31.

(220 ILCS 5/16-113)

Sec. 16-113. Declaration of service as a competitive service.

(a) An electric utility may, by petition, request the Commission to declare a tariffed service that is provided by the electric utility, and that has not otherwise been declared to be competitive, to be a competitive service. The electric utility shall give notice of its petition to the public in the same manner that public notice is provided for proposed general increases in rates for tariffed services, in accordance with rules and regulations prescribed by the Commission. The Commission shall hold a hearing on the petition if a hearing is deemed necessary by the
The Commission shall declare the class of tariffed service to be a competitive service for some identifiable customer segment or group of customers, or some clearly defined geographical area within the electric utility's service area, only after the electric utility demonstrates that at least 33% of the customers in the electric utility's service area that are eligible to take the class of tariffed service instead take service from alternative retail electric suppliers, as defined in Section 16-102, and that at least 3 alternative retail electric suppliers provide service that is comparable to the class of tariffed service to those customers in the electric utility's service area that do not take service from the electric utility. If the service or a reasonably equivalent substitute service is reasonably available to the customer segment or group or in the defined geographical area at a comparable price from one or more providers other than the electric utility or an affiliate of the electric utility, and the electric utility has lost or there is a reasonable likelihood that the electric utility will lose business for the service to the other provider or providers; provided, that the Commission may not declare the provision of electric power and energy to be competitive pursuant to this subsection with respect to (i) any retail customer or group of retail customers that is not eligible pursuant to Section 16-104 to take delivery services provided by the electric utility and (ii) any residential and small commercial retail customers prior to the last date on which such customers are required to pay transition charges. In determining whether to grant or deny a petition to declare the provision of electric power and energy competitive pursuant to this subsection, the Commission shall consider, in applying the above criteria, whether there is adequate transmission capacity into the service area of the petitioning electric utility to make electric power and energy reasonably available to the customer segment or group or in the defined geographical area from one or more providers other than the electric utility or an affiliate of the electric utility, in accordance with this subsection. The Commission shall make its determination and issue its final order declaring or refusing to declare the service to be a competitive service within 180 days following the date that the petition is filed; or otherwise the petition shall be deemed to be granted; provided, that if the petition is deemed to be

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granted by operation of law, the Commission shall not thereby be precluded from finding and ordering, in a subsequent proceeding initiated by the Commission, and after notice and hearing, that the service is not competitive based on the criteria set forth in this subsection.

(b) Except as otherwise set forth in this Section, any customer except a customer identified in subsection (c) of Section 16-103 who is taking a tariffed service that is declared to be a competitive service pursuant to subsection (a) of this Section shall be entitled to continue to take the service from the electric utility on a tariffed basis for a period of 3 years following the date that the service is declared competitive, or such other period as is stated in the electric utility's tariff pursuant to Section 16-110. This subsection shall not require the electric utility to offer or provide on a tariffed basis any service to any customer (except those customers identified in subsection (c) of Section 16-103) that was not taking such service on a tariffed basis on the date the service was declared to be competitive.

Customers of an electric utility that on December 31, 2005 provided electric service to at least 2,000,000 customers in Illinois and (i) whose service is declared to be a competitive service pursuant to subsection (f) of this Section, (ii) that have peak demand of 400 kilowatts and above, and (iii) that were taking that service from the utility on the effective date of this amendatory Act through fixed-price bundled service tariffs, shall be entitled to continue to take the service from the electric utility on a tariffed basis through the end of the May 2008 billing period.

Customers of an electric utility that on December 31, 2005 provided electric service to at least 2,000,000 customers in Illinois and (i) whose service is declared to be a competitive service pursuant to subsection (g) of this Section, (ii) that have peak demand of 100 kilowatts and above but less than 400 kilowatts, and (iii) that were taking that service from the utility on the effective date of this amendatory Act through fixed-price bundled service tariffs, shall be entitled to continue to take the service from the electric utility on a tariffed basis through the end of the May 2010 billing period.

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Customers of an electric utility that on December 31, 2005 provided electric service to 2,000,000 or fewer customers but more than 100,000 customers in Illinois and (i) whose service is declared to be a competitive service pursuant to subsection (f) of this Section, (ii) that have peak demand of one megawatt and above, and (iii) that were taking that service from the utility on the effective date of this amendatory Act through fixed-price bundled service tariffs, shall be entitled to continue to take the service from the electric utility on a tariffed basis through the end of May 2008. Customers of an electric utility that on December 31, 2005 provided electric service to 2,000,000 or fewer customers but more than 100,000 customers in the State of Illinois and (i) whose service is declared to be a competitive service pursuant to subsection (f) of this Section, (ii) that have peak demand of 400 kilowatts and above but less than one megawatt, and (iii) that were taking that service from the utility on the effective date of this amendatory Act through fixed-price bundled service tariffs, shall be entitled to continue to take the service from the electric utility on a tariffed basis through the end of May 2010.

(c) If the Commission denies a petition to declare a service to be a competitive service, or determines in a separate proceeding that a service is not competitive based on the criteria set forth in subsection (a), the electric utility may file a new petition no earlier than 6 months following the date of the Commission's order, requesting, on the basis of additional or different facts and circumstances, that the service be declared to be a competitive service.

(d) The Commission shall not deny a petition to declare a service to be a competitive service, and shall not find that a service is not a competitive service, on the grounds that it has previously denied the petition of another electric utility to declare the same or a similar service to be a competitive service or has previously determined that the same or a similar service provided by another electric utility is not a competitive service.

(e) An electric utility may declare a service, other than delivery services or the provision of electric power or energy, to be competitive by filing with the Commission at least 14 days prior to the date on which the
service is to become competitive a notice describing the service that is being declared competitive and the date on which it will become competitive; provided, that any customer who is taking a tariffed service that is declared to be a competitive service pursuant to this subsection (e) shall be entitled to continue to take the service from the electric utility on a tariffed basis until the electric utility files, and the Commission grants, a petition to declare the service competitive in accordance with subsection (a) of this Section. The Commission shall be authorized to find and order, after notice and hearing in a subsequent proceeding initiated by the Commission, that any service declared to be competitive pursuant to this subsection (e) is not competitive in accordance with the criteria set forth in subsection (a) of this Section.

(f) As of the effective date of this amendatory Act, the provision of electric power and energy, whether through fixed-price bundled service tariffs or otherwise, to those retail customers with peak demands of 400 kilowatts and above that are served by an electric utility that on December 31, 2005 served more than 100,000 customers in its service territory in Illinois shall be deemed to be, and is declared to be, a competitive service.

(g) An electric utility that provided electric service to at least 100,000 customers in its service territory in Illinois as of December 31, 2005 may seek to declare the provision of electric power and energy, whether through fixed-price bundled service tariffs or otherwise, to those retail customers with peak demand of 100 kilowatts and above but less than 400 kilowatts to be competitive by filing with the Commission at least 60 days prior to the date on which the service is to become competitive a petition with attached analyses demonstrating that at least 33% of those customers in the electric utility's service area that are eligible to take the class of tariffed service instead take service from alternative retail electric suppliers, as defined in Section 16-102, and that at least 3 alternative retail electric suppliers provide service that is comparable to that tariffed service to those customers in the electric utility's service area that do not take service from the electric utility. The electric utility shall give notice of its petition to the public in the same manner that public notice is provided for proposed general increases in rates for tariffed services, in accordance

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with rules and regulations prescribed by the Commission. Within 14 days following filing of the petition, any person may file a detailed objection with the Commission contesting the analyses submitted by the electric utility with its petition. All objections to the electric utility's petition shall be specific, supported by data or other detailed analyses, and limited to whether the electric utility has met the standard set forth in this subsection (g). The electric utility may file a response to any objections to its petition within 7 days after the deadline for objections. The Commission shall declare the provision of electric power and energy by the electric utility to those retail customers with peak demand of 100 kilowatts and above but less than 400 kilowatts to be a competitive service within 30 days after the filing of the petition if it finds that the electric utility has met the standard set forth in this subsection (g). If, however, the Commission finds that there are material issues of disputed fact, it may require the parties to submit additional information, including through additional filings or as part of an evidentiary hearing. If the Commission has required the parties to submit additional information, it shall issue an order within 60 days after the filing of the petition stating whether the provision of electric power and energy by the utility to those retail customers with peak demand of 100 kilowatts and above but less than 400 kilowatts has been declared to be a competitive service.

(h) Until July 1, 2012, no electric utility that on December 31, 2005 provided electric service to at least 100,000 customers in its service territory in Illinois may seek to declare the class of tariffed service for residential customers and those non-residential customers with peak demand of less than 100 kilowatts to be a competitive service.

(220 ILCS 5/16-126.1 new)

Sec. 16-126.1. Regional transmission organization memberships. The State shall not directly or indirectly prohibit an electric utility that on December 31, 2005 provided electric service to at least 100,000 customers in Illinois from membership in a Federal Energy Regulatory Commission approved regional transmission organization of its choosing. Nothing in this Section limits any authority the Commission otherwise has to regulate

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that electric utility. This Section ceases to be effective on July 1, 2022 unless extended by the General Assembly by law.

(220 ILCS 5/16-127)
Sec. 16-127. Environmental disclosure.
(a) Effective January 1, 1999, every electric utility and alternative retail electric supplier shall provide the following information, to the maximum extent practicable, with its bills to its customers on a quarterly basis:

(i) the known sources of electricity supplied, broken-out by percentages, of biomass power, coal-fired power, hydro power, natural gas-fired power, nuclear power, oil-fired power, solar power, wind power and other resources, respectively; and

(ii) a pie-chart that graphically depicts the percentages of the sources of the electricity supplied as set forth in subparagraph (i) of this subsection; and:

(iii) a pie-chart that graphically depicts the quantity of renewable energy resources procured pursuant to Section 1-75 of the Illinois Power Agency Act as a percentage of electricity supplied to serve eligible retail customers as defined in Section 16-111.5(a) of this Act.

(b) In addition, every electric utility and alternative retail electric supplier shall provide, to the maximum extent practicable, with its bills to its customers on a quarterly basis, a standardized chart in a format to be determined by the Commission in a rule following notice and hearings which provides the amounts of carbon dioxide, nitrogen oxides and sulfur dioxide emissions and nuclear waste attributable to the known sources of electricity supplied as set forth in subparagraph (i) of subsection (a) of this Section.

(c) The electric utilities and alternative retail electric suppliers may provide their customers with such other information as they believe relevant to the information required in subsections (a) and (b) of this Section.

(d) For the purposes of subsection (a) of this Section, "biomass" means dedicated crops grown for energy production and organic wastes.
(e) All of the information provided in subsections (a) and (b) of this Section shall be presented to the Commission for inclusion in its World Wide Web Site.

(Source: P.A. 90-561, eff. 12-16-97; 90-624, eff. 7-10-98.)

ARTICLE 99

Section 99-97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99-99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0482
(House Bill No. 0574)

AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Social Security Number Protection Task Force Act is amended by changing Section 10 and by adding Section 15 as follows:

(20 ILCS 4040/10)
Sec. 10. Social Security Number Protection Task Force.
(a) The Social Security Number Protection Task Force is created within the Office of the Attorney General. The Attorney General is responsible for administering the activities of the Task Force. The Task Force shall consist of the following members:

(1) Two members One member representing the House of Representatives, appointed by the Speaker of the House of Representatives;

(2) Two members One member representing the House of Representatives, appointed by the Minority Leader of the House of Representatives;

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(3) Two members representing the Senate, appointed by the President of the Senate;

(4) Two members representing the Senate, appointed by the Minority Leader of the Senate;

(5) One member, who shall serve as the chairperson of the Task Force, representing the Office of the Attorney General, appointed by the Attorney General;

(6) One member representing the Office of the Secretary of State, appointed by the Secretary of State;

(7) One member representing the Office of the Governor, appointed by the Governor;

(8) One member representing the Department of Natural Resources, appointed by the Director of Natural Resources;

(9) One member representing the Department of Healthcare and Family Services Public Aid, appointed by the Director of Healthcare and Family Services Public Aid;

(10) One member representing the Department of Revenue, appointed by the Director of Revenue;

(11) One member representing the Department of State Police, appointed by the Director of State Police;

(12) One member representing the Department of Employment Security, appointed by the Director of Employment Security;

(13) One member representing the Illinois Courts, appointed by the Director of the Administrative Office of Illinois Courts; and

(14) One member representing the Department on Aging, appointed by the Director of the Department on Aging;

(15) One member appointed by the Director of Central Management Services;

(16) One member appointed by the Executive Director of the Board of Higher Education;

(17) One member appointed by the Secretary of Human Services;

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(18) Three members appointed by the chairperson of the Task Force, representing local-governmental organizations, who may include representatives of clerks of the circuit court, recorders of deeds, counties, and municipalities;

(19) One member representing the Office of the State Comptroller, appointed by the Comptroller; and

(20) One member representing school administrators, appointed by the State Superintendent of Education.

(b) The Task Force shall examine the procedures used by the State to protect an individual against the unauthorized disclosure of his or her social security number when the State requires the individual to provide his or her social security number to an officer or agency of the State.

(c) The Task Force shall report its findings and recommendations, including its recommendations concerning a unique identification number system under Section 15, to the Governor, the Attorney General, the Secretary of State, and the General Assembly no later than December 31 of each year March 1, 2006. (Source: P.A. 93-813, eff. 7-27-04; 94-611, eff. 8-18-05; revised 12-15-05.)

(20 ILCS 4040/15 new)

Sec. 15. Unique identification numbers.

(a) The Task Force shall explore the technical and procedural changes that are necessary in order to implement a unique identification number system to replace the use of social security numbers by State and local government agencies for identification and record-keeping purposes. The Task Force shall identify other states and local governments that have implemented a unique identification number system and make recommendations and devise procedures for creating a Statewide unique identification number program.

(b) The Task Force shall report its findings on unique identification numbers and recommendations to the Governor, the Attorney General, the Secretary of State, and the General Assembly, by December 31, 2007.

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Section 999. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly June 1, 2007.

PUBLIC ACT 95-0483
(House Bill No. 0804)

AN ACT concerning public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Sections 3-109, 7-139, and 14-104 as follows:

(40 ILCS 5/3-109) (from Ch. 108 1/2, par. 3-109)
Sec. 3-109. Persons excluded.
(a) The following persons shall not be eligible to participate in a fund created under this Article:

(1) part-time police officers, special police officers, night watchmen, temporary employees, traffic guards or so-called auxiliary police officers specially appointed to aid or direct traffic at or near schools or public functions, or to aid in civil defense, municipal parking lot attendants, clerks or other civilian employees of a police department who perform clerical duties exclusively;

(2) any police officer who fails to pay the contributions required under Section 3-125.1, computed (i) for funds established prior to August 5, 1963, from the date the municipality established the fund or the date of a police officer's first appointment (including an appointment on probation), whichever is later, or (ii) for funds established after August 5, 1963, from the date, as determined from the statistics or census provided in Section 3-103, the municipality became subject to this Article by attaining the minimum population or by referendum, or the date of a police officer's first appointment (including an appointment on

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probation), whichever is later, and continuing during his or her entire service as a police officer; and

(3) any person who has elected under Section 3-109.1 to participate in the Illinois Municipal Retirement Fund rather than in a fund established under this Article, without regard to whether the person continues to be employed as chief of police or is employed in some other rank or capacity within the police department, unless the person has lawfully rescinded that election.

(b) A police officer who is reappointed shall, before being declared eligible to participate in the pension fund, repay to the fund as required by Section 3-124 any refund received thereunder.

(c) Any person otherwise qualified to participate who was excluded from participation by reason of the age restriction removed by Public Act 79-1165 may elect to participate by making a written application to the Board before January 1, 1990. Persons so electing shall begin participation on the first day of the month following the date of application. Such persons may also elect to establish creditable service for periods of employment as a police officer during which they did not participate by paying into the police pension fund, before January 1, 1990, the amount that the person would have contributed had deductions from salary been made for such purpose at the time such service was rendered, together with interest thereon at 6% per annum from the time such service was rendered until the date the payment is made.

(d) A person otherwise qualified to participate who was excluded from participation by reason of the fitness requirement removed by this amendatory Act of 1995 may elect to participate by making a written application to the Board before July 1, 1996. Persons so electing shall begin participation on the first day of the month following the month in which the application is received by the Board. These persons may also elect to establish creditable service for periods of employment as a police officer during which they did not participate by paying into the police pension fund, before January 1, 1997, the amount that the person would have contributed had deductions from salary been made for this purpose at the time the service was rendered, together with interest thereon at 6% per annum.
annum, compounded annually, from the time the service was rendered until the date of payment.

(e) A person employed by the Village of Shiloh who is otherwise qualified to participate and was excluded from participation by reason of his or her failure to make written application to the Board within 3 months after receiving his or her first appointment or reappointment as required under Section 3-106 may elect to participate by making a written application to the Board before July 1, 2008. Persons so electing shall begin participation on the first day of the month following the month in which the application is received by the Board. These persons may also elect to establish creditable service for periods of employment as a police officer during which they did not participate by paying into the police pension fund, before January 1, 2009, the amount that the person would have contributed had deductions from salary been made for this purpose at the time the service was rendered, together with interest thereon at 6% per annum, compounded annually, from the time the service was rendered until the date of payment. The Village of Shiloh must pay to the System the corresponding employer contributions, plus interest.

(Source: P.A. 89-52, eff. 6-30-95; 90-460, eff. 8-17-97.)

(40 ILCS 5/7-139) (from Ch. 108 1/2, par. 7-139)
Sec. 7-139. Credits and creditable service to employees.
(a) Each participating employee shall be granted credits and creditable service, for purposes of determining the amount of any annuity or benefit to which he or a beneficiary is entitled, as follows:

1. For prior service: Each participating employee who is an employee of a participating municipality or participating instrumentality on the effective date shall be granted creditable service, but no credits under paragraph 2 of this subsection (a), for periods of prior service for which credit has not been received under any other pension fund or retirement system established under this Code, as follows:

   If the effective date of participation for the participating municipality or participating instrumentality is on or before January 1, 1998, creditable service shall be granted for the entire

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period of prior service with that employer without any employee contribution.

If the effective date of participation for the participating municipality or participating instrumentality is after January 1, 1998, creditable service shall be granted for the last 20% of the period of prior service with that employer, but no more than 5 years, without any employee contribution. A participating employee may establish creditable service for the remainder of the period of prior service with that employer by making an application in writing, accompanied by payment of an employee contribution in an amount determined by the Fund, based on the employee contribution rates in effect at the time of application for the creditable service and the employee's salary rate on the effective date of participation for that employer, plus interest at the effective rate from the date of the prior service to the date of payment. Application for this creditable service may be made at any time while the employee is still in service.

A municipality that (i) has at least 35 employees; (ii) is located in a county with at least 2,000,000 inhabitants; and (iii) maintains an independent defined benefit pension plan for the benefit of its eligible employees may restrict creditable service in whole or in part for periods of prior service with the employer if the governing body of the municipality adopts an irrevocable resolution to restrict that creditable service and files the resolution with the board before the municipality's effective date of participation.

Any person who has withdrawn from the service of a participating municipality or participating instrumentality prior to the effective date, who reenters the service of the same municipality or participating instrumentality after the effective date and becomes a participating employee is entitled to creditable service for prior service as otherwise provided in this subdivision (a)(1) only if he or she renders 2 years of service as a participating employee after the effective date. Application for such service

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must be made while in a participating status. The salary rate to be used in the calculation of the required employee contribution, if any, shall be the employee's salary rate at the time of first reentering service with the employer after the employer's effective date of participation.

2. For current service, each participating employee shall be credited with:

   a. Additional credits of amounts equal to each payment of additional contributions received from him under Section 7-173, as of the date the corresponding payment of earnings is payable to him.

   b. Normal credits of amounts equal to each payment of normal contributions received from him, as of the date the corresponding payment of earnings is payable to him, and normal contributions made for the purpose of establishing out-of-state service credits as permitted under the conditions set forth in paragraph 6 of this subsection (a).

   c. Municipality credits in an amount equal to 1.4 times the normal credits, except those established by out-of-state service credits, as of the date of computation of any benefit if these credits would increase the benefit.

   d. Survivor credits equal to each payment of survivor contributions received from the participating employee as of the date the corresponding payment of earnings is payable, and survivor contributions made for the purpose of establishing out-of-state service credits.

3. For periods of temporary and total and permanent disability benefits, each employee receiving disability benefits shall be granted creditable service for the period during which disability benefits are payable. Normal and survivor credits, based upon the rate of earnings applied for disability benefits, shall also be granted if such credits would result in a higher benefit to any such employee or his beneficiary.
4. For authorized leave of absence without pay: A participating employee shall be granted credits and creditable service for periods of authorized leave of absence without pay under the following conditions:

   a. An application for credits and creditable service is submitted to the board while the employee is in a status of active employment, and within 2 years after termination of the leave of absence period for which credits and creditable service are sought.

   b. Not more than 12 complete months of creditable service for authorized leave of absence without pay shall be counted for purposes of determining any benefits payable under this Article.

   c. Credits and creditable service shall be granted for leave of absence only if such leave is approved by the governing body of the municipality, including approval of the estimated cost thereof to the municipality as determined by the fund, and employee contributions, plus interest at the effective rate applicable for each year from the end of the period of leave to date of payment, have been paid to the fund in accordance with Section 7-173. The contributions shall be computed upon the assumption earnings continued during the period of leave at the rate in effect when the leave began.

   d. Benefits under the provisions of Sections 7-141, 7-146, 7-150 and 7-163 shall become payable to employees on authorized leave of absence, or their designated beneficiary, only if such leave of absence is creditable hereunder, and if the employee has at least one year of creditable service other than the service granted for leave of absence. Any employee contributions due may be deducted from any benefits payable.

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e. No credits or creditable service shall be allowed for leave of absence without pay during any period of prior service.

5. For military service: The governing body of a municipality or participating instrumentality may elect to allow creditable service to participating employees who leave their employment to serve in the armed forces of the United States for all periods of such service, provided that the person returns to active employment within 90 days after completion of full time active duty, but no creditable service shall be allowed such person for any period that can be used in the computation of a pension or any other pay or benefit, other than pay for active duty, for service in any branch of the armed forces of the United States. If necessary to the computation of any benefit, the board shall establish municipality credits for participating employees under this paragraph on the assumption that the employee received earnings at the rate received at the time he left the employment to enter the armed forces. A participating employee in the armed forces shall not be considered an employee during such period of service and no additional death and no disability benefits are payable for death or disability during such period.

Any participating employee who left his employment with a municipality or participating instrumentality to serve in the armed forces of the United States and who again became a participating employee within 90 days after completion of full time active duty by entering the service of a different municipality or participating instrumentality, which has elected to allow creditable service for periods of military service under the preceding paragraph, shall also be allowed creditable service for his period of military service on the same terms that would apply if he had been employed, before entering military service, by the municipality or instrumentality which employed him after he left the military service and the employer costs arising in relation to such grant of

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creditable service shall be charged to and paid by that municipality or instrumentality.

Notwithstanding the foregoing, any participating employee shall be entitled to creditable service as required by any federal law relating to re-employment rights of persons who served in the United States Armed Services. Such creditable service shall be granted upon payment by the member of an amount equal to the employee contributions which would have been required had the employee continued in service at the same rate of earnings during the military leave period, plus interest at the effective rate.

5.1. In addition to any creditable service established under paragraph 5 of this subsection (a), creditable service may be granted for up to 48 months of service in the armed forces of the United States.

In order to receive creditable service for military service under this paragraph 5.1, a participating employee must (1) apply to the Fund in writing and provide evidence of the military service that is satisfactory to the Board; (2) obtain the written approval of the current employer; and (3) make contributions to the Fund equal to (i) the employee contributions that would have been required had the service been rendered as a member, plus (ii) an amount determined by the board to be equal to the employer's normal cost of the benefits accrued for that military service, plus (iii) interest on items (i) and (ii) from the date of first membership in the Fund to the date of payment. If payment is made during the 6-month period that begins 3 months after the effective date of this amendatory Act of 1997, the required interest shall be at the rate of 2.5% per year, compounded annually; otherwise, the required interest shall be calculated at the regular interest rate.

The changes made to this paragraph 5.1 by this amendatory Act of the 95th General Assembly apply only to participating employees in service on or after its effective date.

6. For out-of-state service: Creditable service shall be granted for service rendered to an out-of-state local governmental
body under the following conditions: The employee had participated and has irrevocably forfeited all rights to benefits in the out-of-state public employees pension system; the governing body of his participating municipality or instrumentality authorizes the employee to establish such service; the employee has 2 years current service with this municipality or participating instrumentality; the employee makes a payment of contributions, which shall be computed at 8% (normal) plus 2% (survivor) times length of service purchased times the average rate of earnings for the first 2 years of service with the municipality or participating instrumentality whose governing body authorizes the service established plus interest at the effective rate on the date such credits are established, payable from the date the employee completes the required 2 years of current service to date of payment. In no case shall more than 120 months of creditable service be granted under this provision.

7. For retroactive service: Any employee who could have but did not elect to become a participating employee, or who should have been a participant in the Municipal Public Utilities Annuity and Benefit Fund before that fund was superseded, may receive creditable service for the period of service not to exceed 50 months; however, a current or former elected or appointed official of a participating municipality may establish credit under this paragraph 7 for more than 50 months of service as an official of that municipality, if the excess over 50 months is approved by resolution of the governing body of the affected municipality filed with the Fund before January 1, 2002.

Any employee who is a participating employee on or after September 24, 1981 and who was excluded from participation by the age restrictions removed by Public Act 82-596 may receive creditable service for the period, on or after January 1, 1979, excluded by the age restriction and, in addition, if the governing body of the participating municipality or participating instrumentality elects to allow creditable service for all employees

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excluded by the age restriction prior to January 1, 1979, for service during the period prior to that date excluded by the age restriction. Any employee who was excluded from participation by the age restriction removed by Public Act 82-596 and who is not a participating employee on or after September 24, 1981 may receive creditable service for service after January 1, 1979. Creditable service under this paragraph shall be granted upon payment of the employee contributions which would have been required had he participated, with interest at the effective rate for each year from the end of the period of service established to date of payment.

8. For accumulated unused sick leave: A participating employee who is applying for a retirement annuity shall be entitled to creditable service for that portion of the employee's accumulated unused sick leave for which payment is not received, as follows:
   a. Sick leave days shall be limited to those accumulated under a sick leave plan established by a participating municipality or participating instrumentality which is available to all employees or a class of employees.
   b. Only sick leave days accumulated with a participating municipality or participating instrumentality with which the employee was in service within 60 days of the effective date of his retirement annuity shall be credited; If the employee was in service with more than one employer during this period only the sick leave days with the employer with which the employee has the greatest number of unpaid sick leave days shall be considered.
   c. The creditable service granted shall be considered solely for the purpose of computing the amount of the retirement annuity and shall not be used to establish any minimum service period required by any provision of the Illinois Pension Code, the effective date of the retirement annuity, or the final rate of earnings.

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d. The creditable service shall be at the rate of 1/20 of a month for each full sick day, provided that no more than 12 months may be credited under this subdivision 8.

e. Employee contributions shall not be required for creditable service under this subdivision 8.

f. Each participating municipality and participating instrumentality with which an employee has service within 60 days of the effective date of his retirement annuity shall certify to the board the number of accumulated unpaid sick leave days credited to the employee at the time of termination of service.

9. For service transferred from another system: Credits and creditable service shall be granted for service under Article 3, 4, 5, 14 or 16 of this Act, to any active member of this Fund, and to any inactive member who has been a county sheriff, upon transfer of such credits pursuant to Section 3-110.3, 4-108.3, 5-235, 14-105.6 or 16-131.4, and payment by the member of the amount by which (1) the employer and employee contributions that would have been required if he had participated in this Fund as a sheriff's law enforcement employee during the period for which credit is being transferred, plus interest thereon at the effective rate for each year, compounded annually, from the date of termination of the service for which credit is being transferred to the date of payment, exceeds (2) the amount actually transferred to the Fund. Such transferred service shall be deemed to be service as a sheriff's law enforcement employee for the purposes of Section 7-142.1.

10. For service transferred from an Article 3 system under Section 3-110.8: Credits and creditable service shall be granted for service under Article 3 of this Act as provided in Section 3-110.8, to any active member of this Fund upon transfer of such credits pursuant to Section 3-110.8. If the amount by which (1) the employer and employee contributions that would have been required if he had participated in this Fund during the period for which credit is being transferred, plus interest thereon at the
effective rate for each year, compounded annually, from the date of
termination of the service for which credit is being transferred to
the date of payment, exceeds (2) the amount actually transferred to
the Fund, then the amount of creditable service established under
this paragraph 10 shall be reduced by a corresponding amount in
accordance with the rules and procedures established under this
paragraph 10.

The board shall establish by rule the manner of making the
calculation required under this paragraph 10, taking into account
the appropriate actuarial assumptions; the member's service, age,
and salary history; the level of funding of the employer; and any
other factors that the board determines to be relevant.

(b) Creditable service - amount:

1. One month of creditable service shall be allowed for
each month for which a participating employee made contributions
as required under Section 7-173, or for which creditable service is
otherwise granted hereunder. Not more than 1 month of service
shall be credited and counted for 1 calendar month, and not more
than 1 year of service shall be credited and counted for any
calendar year. A calendar month means a nominal month
beginning on the first day thereof, and a calendar year means a year
beginning January 1 and ending December 31.

2. A seasonal employee shall be given 12 months of
creditable service if he renders the number of months of service
normally required by the position in a 12-month period and he
remains in service for the entire 12-month period. Otherwise a
fractional year of service in the number of months of service
rendered shall be credited.

3. An intermittent employee shall be given creditable
service for only those months in which a contribution is made
under Section 7-173.

(c) No application for correction of credits or creditable service
shall be considered unless the board receives an application for correction
while (1) the applicant is a participating employee and in active

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employment with a participating municipality or instrumentality, or (2) while the applicant is actively participating in a pension fund or retirement system which is a participating system under the Retirement Systems Reciprocal Act. A participating employee or other applicant shall not be entitled to credits or creditable service unless the required employee contributions are made in a lump sum or in installments made in accordance with board rule.

(d) Upon the granting of a retirement, surviving spouse or child annuity, a death benefit or a separation benefit, on account of any employee, all individual accumulated credits shall thereupon terminate. Upon the withdrawal of additional contributions, the credits applicable thereto shall thereupon terminate. Terminated credits shall not be applied to increase the benefits any remaining employee would otherwise receive under this Article.

(Source: P.A. 93-933, eff. 8-13-04; 94-356, eff. 7-29-05.)

(40 ILCS 5/14-104) (from Ch. 108 1/2, par. 14-104)

Sec. 14-104. Service for which contributions permitted. Contributions provided for in this Section shall cover the period of service granted. Except as otherwise provided in this Section, the contributions shall be based upon the employee's compensation and contribution rate in effect on the date he last became a member of the System; provided that for all employment prior to January 1, 1969 the contribution rate shall be that in effect for a noncovered employee on the date he last became a member of the System. Except as otherwise provided in this Section, contributions permitted under this Section shall include regular interest from the date an employee last became a member of the System to the date of payment.

These contributions must be paid in full before retirement either in a lump sum or in installment payments in accordance with such rules as may be adopted by the board.

(a) Any member may make contributions as required in this Section for any period of service, subsequent to the date of establishment, but prior to the date of membership.
(b) Any employee who had been previously excluded from membership because of age at entry and subsequently became eligible may elect to make contributions as required in this Section for the period of service during which he was ineligible.

(c) An employee of the Department of Insurance who, after January 1, 1944 but prior to becoming eligible for membership, received salary from funds of insurance companies in the process of rehabilitation, liquidation, conservation or dissolution, may elect to make contributions as required in this Section for such service.

(d) Any employee who rendered service in a State office to which he was elected, or rendered service in the elective office of Clerk of the Appellate Court prior to the date he became a member, may make contributions for such service as required in this Section. Any member who served by appointment of the Governor under the Civil Administrative Code of Illinois and did not participate in this System may make contributions as required in this Section for such service.

(e) Any person employed by the United States government or any instrumentality or agency thereof from January 1, 1942 through November 15, 1946 as the result of a transfer from State service by executive order of the President of the United States shall be entitled to prior service credit covering the period from January 1, 1942 through December 31, 1943 as provided for in this Article and to membership service credit for the period from January 1, 1944 through November 15, 1946 by making the contributions required in this Section. A person so employed on January 1, 1944 but whose employment began after January 1, 1942 may qualify for prior service and membership service credit under the same conditions.

(f) An employee of the Department of Labor of the State of Illinois who performed services for and under the supervision of that Department prior to January 1, 1944 but who was compensated for those services directly by federal funds and not by a warrant of the Auditor of Public Accounts paid by the State Treasurer may establish credit for such employment by making the contributions required in this Section. An employee of the Department of Agriculture of the State of Illinois, who performed services for and under the supervision of that Department prior
to June 1, 1963, but was compensated for those services directly by federal funds and not paid by a warrant of the Auditor of Public Accounts paid by the State Treasurer, and who did not contribute to any other public employee retirement system for such service, may establish credit for such employment by making the contributions required in this Section.

(g) Any employee who executed a waiver of membership within 60 days prior to January 1, 1944 may, at any time while in the service of a department, file with the board a rescission of such waiver. Upon making the contributions required by this Section, the member shall be granted the creditable service that would have been received if the waiver had not been executed.

(h) Until May 1, 1990, an employee who was employed on a full-time basis by a regional planning commission for at least 5 continuous years may establish creditable service for such employment by making the contributions required under this Section, provided that any credits earned by the employee in the commission's retirement plan have been terminated.

(i) Any person who rendered full time contractual services to the General Assembly as a member of a legislative staff may establish service credit for up to 8 years of such services by making the contributions required under this Section, provided that application therefor is made not later than July 1, 1991.

(j) By paying the contributions otherwise required under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest, but with all of the interest calculated from the date the employee last became a member of the System or November 19, 1991, whichever is later, to the date of payment, an employee may establish service credit for a period of up to 4 2 years spent in active military service for which he does not qualify for credit under Section 14-105, provided that (1) he was not dishonorably discharged from such military service, and (2) the amount of service credit established by a member under this subsection (j), when added to the amount of military service credit granted to the member under subsection (b) of Section 14-105, shall not exceed 5 years. The change in the manner

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of calculating interest under this subsection (j) made by this amendatory Act of the 92nd General Assembly applies to credit purchased by an employee on or after its effective date and does not entitle any person to a refund of contributions or interest already paid. *In compliance with Section 14-152.1 of this Act concerning new benefit increases, any new benefit increase as a result of the changes to this subsection (j) made by this amendatory Act of the 95th General Assembly is funded through the employee contributions provided for in this subsection (j). Any new benefit increase as a result of the changes made to this subsection (j) by this amendatory Act of the 95th General Assembly is exempt from the provisions of subsection (d) of Section 14-152.1.*

(k) An employee who was employed on a full-time basis by the Illinois State's Attorneys Association Statewide Appellate Assistance Service LEAA-ILEC grant project prior to the time that project became the State's Attorneys Appellate Service Commission, now the Office of the State's Attorneys Appellate Prosecutor, an agency of State government, may establish creditable service for not more than 60 months service for such employment by making contributions required under this Section.

(l) By paying the contributions otherwise required under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest, a member may establish service credit for periods of less than one year spent on authorized leave of absence from service, provided that (1) the period of leave began on or after January 1, 1982 and (2) any credit established by the member for the period of leave in any other public employee retirement system has been terminated. A member may establish service credit under this subsection for more than one period of authorized leave, and in that case the total period of service credit established by the member under this subsection may exceed one year. In determining the contributions required for establishing service credit under this subsection, the interest shall be calculated from the beginning of the leave of absence to the date of payment.

(m) Any person who rendered contractual services to a member of the General Assembly as a worker in the member's district office may
establish creditable service for up to 3 years of those contractual services by making the contributions required under this Section. The System shall determine a full-time salary equivalent for the purpose of calculating the required contribution. To establish credit under this subsection, the applicant must apply to the System by March 1, 1998.

(n) Any person who rendered contractual services to a member of the General Assembly as a worker providing constituent services to persons in the member's district may establish creditable service for up to 8 years of those contractual services by making the contributions required under this Section. The System shall determine a full-time salary equivalent for the purpose of calculating the required contribution. To establish credit under this subsection, the applicant must apply to the System by March 1, 1998.

(o) A member who participated in the Illinois Legislative Staff Internship Program may establish creditable service for up to one year of that participation by making the contribution required under this Section. The System shall determine a full-time salary equivalent for the purpose of calculating the required contribution. Credit may not be established under this subsection for any period for which service credit is established under any other provision of this Code.

(p) By paying the contributions otherwise required under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest, a member may establish service credit for a period of up to 8 years during which he or she was employed by the Visually Handicapped Managers of Illinois in a vending program operated under a contractual agreement with the Department of Rehabilitation Services or its successor agency.

This subsection (p) applies without regard to whether the person was in service on or after the effective date of this amendatory Act of the 94th General Assembly. In the case of a person who is receiving a retirement annuity on that effective date, the increase, if any, shall begin to accrue on the first annuity payment date following receipt by the System of the contributions required under this subsection (p).
(q) By paying the required contributions under this Section, plus an amount determined by the Board to be equal to the employer’s normal cost of the benefit plus interest, an employee who was laid off but returned to State employment under circumstances in which the employee is considered to have been in continuous service for purposes of determining seniority may establish creditable service for the period of the layoff, provided that (1) the applicant applies for the creditable service under this subsection (q) within 6 months after the effective date of this amendatory Act of the 94th General Assembly, (2) the applicant does not receive credit for that period under any other provision of this Code, (3) at the time of the layoff, the applicant is not in an initial probationary status consistent with the rules of the Department of Central Management Services, and (4) the total amount of creditable service established by the applicant under this subsection (q) does not exceed 3 years. For service established under this subsection (q), the required employee contribution shall be based on the rate of compensation earned by the employee on the date of returning to employment after the layoff and the contribution rate then in effect, and the required interest shall be calculated from the date of returning to employment after the layoff to the date of payment.

(Source: P.A. 94-612, eff. 8-18-05; 94-1111, eff. 2-27-07.)

Section 90. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.

AN ACT concerning coroners.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Counties Code is amended by changing Section 3-3013 as follows:

(55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)

Sec. 3-3013. Preliminary investigations; blood and urine analysis; summoning jury. Every coroner, whenever, as soon as he knows or is informed that the dead body of any person is found, or lying within his county, whose death is suspected of being:

(a) A sudden or violent death, whether apparently suicidal, homicidal or accidental, including but not limited to deaths apparently caused or contributed to by thermal, traumatic, chemical, electrical or radiational injury, or a complication of any of them, or by drowning or suffocation, or as a result of domestic violence as defined in the Illinois Domestic Violence Act of 1986;

(b) A maternal or fetal death due to abortion, or any death due to a sex crime or a crime against nature;

(c) A death where the circumstances are suspicious, obscure, mysterious or otherwise unexplained or where, in the written opinion of the attending physician, the cause of death is not determined;

(d) A death where addiction to alcohol or to any drug may have been a contributory cause; or

(e) A death where the decedent was not attended by a licensed physician;

shall go to the place where the dead body is, and take charge of the same and shall make a preliminary investigation into the circumstances of the death. In the case of death without attendance by a licensed physician the body may be moved with the coroner's consent from the place of death to a mortuary in the same county. Coroners in their discretion shall notify such
physician as is designated in accordance with Section 3-3014 to attempt to ascertain the cause of death, either by autopsy or otherwise.

In cases of accidental death involving a motor vehicle in which the decedent was (1) the operator or a suspected operator of a motor vehicle, or (2) a pedestrian 16 years of age or older, the coroner shall require that a blood specimen of at least 30 cc., and if medically possible a urine specimen of at least 30 cc. or as much as possible up to 30 cc., be withdrawn from the body of the decedent in a timely fashion after the accident causing his death, by such physician as has been designated in accordance with Section 3-3014, or by the coroner or deputy coroner or a qualified person designated by such physician, coroner, or deputy coroner. If the county does not maintain laboratory facilities for making such analysis, the blood and urine so drawn shall be sent to the Department of State Police or any other accredited or State-certified laboratory for analysis of the alcohol, carbon monoxide, and dangerous or narcotic drug content of such blood and urine specimens. Each specimen submitted shall be accompanied by pertinent information concerning the decedent upon a form prescribed by such laboratory. Any person drawing blood and urine and any person making any examination of the blood and urine under the terms of this Division shall be immune from all liability, civil or criminal, that might otherwise be incurred or imposed.

In all other cases coming within the jurisdiction of the coroner and referred to in subparagraphs (a) through (e) above, blood, and whenever possible, urine samples shall be analyzed for the presence of alcohol and other drugs. When the coroner suspects that drugs may have been involved in the death, either directly or indirectly, a toxicological examination shall be performed which may include analyses of blood, urine, bile, gastric contents and other tissues. When the coroner suspects a death is due to toxic substances, other than drugs, the coroner shall consult with the toxicologist prior to collection of samples. Information submitted to the toxicologist shall include information as to height, weight, age, sex and race of the decedent as well as medical history, medications used by and the manner of death of decedent.

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When the coroner or medical examiner finds that the cause of death is due to homicidal means, the coroner or medical examiner shall cause blood and buccal specimens (tissue may be submitted if no uncontaminated blood or buccal specimen can be obtained), whenever possible, to be withdrawn from the body of the decedent in a timely fashion. Within 45 days after the collection of the specimens, the coroner or medical examiner shall deliver those specimens, dried, to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings to be maintained by the Illinois Department of State Police in the State central repository in the same manner, and subject to the same conditions, as provided in Section 5-4-3 of the Unified Code of Corrections. The requirements of this paragraph are in addition to any other findings, specimens, or information that the coroner or medical examiner is required to provide during the conduct of a criminal investigation.

In all counties, in cases of apparent suicide, homicide, or accidental death or in other cases, within the discretion of the coroner, the coroner may summon 8 persons of lawful age from those persons drawn for petit jurors in the county. The summons shall command these persons to present themselves personally at such a place and time as the coroner shall determine, and may be in any form which the coroner shall determine and may incorporate any reasonable form of request for acknowledgement which the coroner deems practical and provides a reliable proof of service. The summons may be served by first class mail. From the 8 persons so summoned, the coroner shall select 6 to serve as the jury for the inquest. Inquests may be continued from time to time, as the coroner may deem necessary. The 6 jurors selected in a given case may view the body of the deceased. If at any continuation of an inquest one or more of the original jurors shall be unable to continue to serve, the coroner shall fill the vacancy or vacancies. A juror serving pursuant to this paragraph shall receive compensation from the county at the same rate as the rate of compensation that is paid to petit or grand jurors in the county. The coroner shall furnish to each juror without fee at the time of his discharge a certificate of the number of days in attendance at an inquest, and, upon

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being presented with such certificate, the county treasurer shall pay to the juror the sum provided for his services.

In counties which have a jury commission, in cases of apparent suicide or homicide or of accidental death, the coroner may conduct an inquest. The jury commission shall provide at least 8 jurors to the coroner, from whom the coroner shall select any 6 to serve as the jury for the inquest. Inquests may be continued from time to time as the coroner may deem necessary. The 6 jurors originally chosen in a given case may view the body of the deceased. If at any continuation of an inquest one or more of the 6 jurors originally chosen shall be unable to continue to serve, the coroner shall fill the vacancy or vacancies. At the coroner's discretion, additional jurors to fill such vacancies shall be supplied by the jury commission. A juror serving pursuant to this paragraph in such county shall receive compensation from the county at the same rate as the rate of compensation that is paid to petit or grand jurors in the county.

In addition, in every case in which domestic violence is determined to be a contributing factor in a death, the coroner shall report the death to the Department of State Police.

All deaths in State institutions and all deaths of wards of the State in private care facilities or in programs funded by the Department of Human Services under its powers relating to mental health and developmental disabilities or alcoholism and substance abuse or funded by the Department of Children and Family Services shall be reported to the coroner of the county in which the facility is located. If the coroner has reason to believe that an investigation is needed to determine whether the death was caused by maltreatment or negligent care of the ward of the State, the coroner may conduct a preliminary investigation of the circumstances of such death as in cases of death under circumstances set forth in paragraphs (a) through (e) of this Section.

(Source: P.A. 93-1005, eff. 1-1-05; 94-924, eff. 1-1-07.)

Effective June 1, 2008.

New matter indicated by italics - deletions by strikeout
AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Sections 16-7 and 16-8 as follows:

Sec. 16-7. Unlawful use of recorded sounds or images.
(a) A person commits unlawful use of recorded sounds or images when he:

(1) Intentionally, knowingly or recklessly transfers or causes to be transferred without the consent of the owner, any sounds or images recorded on any sound or audio visual recording with the purpose of selling or causing to be sold, or using or causing to be used for profit the article to which such sounds or recordings of sound are transferred.

(2) Intentionally, knowingly or recklessly sells, offers for sale, advertises for sale, uses or causes to be used for profit any such article described in subsection 16-7(a)(1) without consent of the owner.

(3) Intentionally, knowingly or recklessly offers or makes available for a fee, rental or any other form of compensation, directly or indirectly, any equipment or machinery for the purpose of use by another to reproduce or transfer, without the consent of the owner, any sounds or images recorded on any sound or audio visual recording to another sound or audio visual recording or for the purpose of use by another to manufacture any sound or audio visual recording in violation of Section 16-8.

(4) Intentionally, knowingly or recklessly transfers or causes to be transferred without the consent of the owner, any live performance with the purpose of selling or causing to be sold, or

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using or causing to be used for profit the sound or audio visual recording to which the performance is transferred.

(b) As used in this Section and Section 16-8:

(1) "Person" means any individual, partnership, corporation, association or other entity.

(2) "Owner" means the person who owns the master sound recording on which sound is recorded and from which the transferred recorded sounds are directly or indirectly derived, or the person who owns the rights to record or authorize the recording of a live performance.

(3) "Sound or audio visual recording" means any sound or audio visual phonograph record, disc, pre-recorded tape, film, wire, magnetic tape or other object, device or medium, now known or hereafter invented, by which sounds or images may be reproduced with or without the use of any additional machine, equipment or device.

(4) "Master sound recording" means the original physical object on which a given set of sounds were first recorded and which the original object from which all subsequent sound recordings embodying the same set of sounds are directly or indirectly derived.

(5) "Unidentified sound or audio visual recording" means a sound or audio visual recording without the actual name and full and correct street address of the manufacturer, and the name of the actual performers or groups prominently and legibly printed on the outside cover or jacket and on the label of such sound or audio visual recording.

(6) "Manufacturer" means the person who actually makes or causes to be made a sound or audio visual recording. The term manufacturer does not include a person who manufactures the medium upon which sounds or visual images can be recorded or stored, or who manufactures the cartridge or casing itself.

(c) Unlawful use of recorded sounds or images is a Class 4 felony; however:

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(1) If the offense involves more than 100 but not exceeding 1000 unidentified sound recordings or more than 7 but not exceeding 65 unidentified audio visual recordings during any 180 day period the authorized fine is up to $100,000; and

(2) If the offense involves more than 1,000 unidentified sound recordings or more than 65 unidentified audio visual recordings during any 180 day period the authorized fine is up to $250,000.

(d) This Section shall neither enlarge nor diminish the rights of parties in private litigation.

(e) This Section does not apply to any person engaged in the business of radio or television broadcasting who transfers, or causes to be transferred, any sounds (other than from the sound track of a motion picture) solely for the purpose of broadcast transmission.

(f) If any provision or item of this Section or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Section which can be given effect without the invalid provisions, items or applications and to this end the provisions of this Section are hereby declared severable.

(g) Each and every individual manufacture, distribution or sale or transfer for a consideration of such recorded devices in contravention of this Section constitutes a separate violation of this Section.

(h) Any sound or audio visual recordings containing transferred sounds or a performance whose transfer was not authorized by the owner of the master sound recording or performance, in violation of this Section, or in the attempt to commit such violation as defined in Section 8-2, or in a solicitation to commit such offense as defined in Section 8-1, may be confiscated and destroyed upon conclusion of the case or cases to which they are relevant, except that the Court may enter an order preserving them as evidence for use in other cases or pending the final determination of an appeal.

(i) It is an affirmative defense to any charge of unlawful use of recorded sounds or images that the recorded sounds or images so used are public domain material. For purposes of this Section, recorded sounds are
deemed to be in the public domain if the recorded sounds were copyrighted pursuant to the copyright laws of the United States, as the same may be amended from time to time, and the term of the copyright and any extensions or renewals thereof has expired.

(Source: P.A. 86-1210.)

(720 ILCS 5/16-8) (from Ch. 38, par. 16-8)

Sec. 16-8. Unlawful use of unidentified sound or audio visual recordings.

(a) A person commits unlawful use of unidentified sound or audio visual recordings when he intentionally, knowingly, recklessly or negligently for profit manufactures, advertises or offers for sale, sells, distributes, transports, vends, circulates, performs, leases, or possesses for such purposes, or otherwise deals in and with unidentified sound or audio visual recordings or causes the manufacture, advertisement or offer for sale, sale, distribution, transportation, vending, circulation, performance, lease, or possession for such purposes, or other dealing in and with unidentified sound or audio visual recordings.

(b) Unlawful use of unidentified sound or audio visual recordings is a Class 4 felony; however:

(1) If the offense involves more than 100 but not exceeding 1000 unidentified sound recordings or more than 7 but not exceeding 65 unidentified audio visual recordings during any 180 day period the authorized fine is up to $100,000; and

(2) If the offense involves more than 1,000 unidentified sound recordings or more than 65 unidentified audio visual recordings during any 180 day period the authorized fine is up to $250,000.

(c) Each and every individual manufacture, advertisement or offer for sale, sale, distribution, transportation, vending, circulation, performance, lease, or possession for such purposes, or other dealing in and with an unidentified sound or audio visual recording constitutes a separate violation of this Section.

(c-5) Upon conviction of any violation of this Section, the offender shall be sentenced to make restitution to any owner or lawful producer of
a master sound or audio visual recording, or to the trade association representing such owner or lawful producer, that has suffered injury resulting from the crime. The order of restitution shall be based on the aggregate wholesale value of lawfully manufactured and authorized sound or audio visual recordings corresponding to the non-conforming recorded devices involved in the offense, and shall include investigative costs relating to the offense.

(d) If any provision or item of this Section or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Section which can be given effect without the invalid provisions, items or applications and to this end the provisions of this Section are hereby declared severable.

(e) Any unidentified sound or audio visual recording used in violation of this Section, or in the attempt to commit such violation as defined in Section 8-4, or in a conspiracy to commit such violation as defined in Section 8-2, or in a solicitation to commit such offense as defined in Section 8-1, may be confiscated and destroyed upon conclusion of the case or cases to which they are relevant, except that the Court may enter an order preserving them as evidence for use in other cases or pending the final determination of an appeal.

(Source: P.A. 86-1210.)

Effective January 1, 2008.

PUBLIC ACT 95-0486
(Senate Bill No. 0647)

AN ACT concerning public employee benefits.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Section 7-139 as follows:

(40 ILCS 5/7-139) (from Ch. 108 1/2, par. 7-139)

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Sec. 7-139. Credits and creditable service to employees.
(a) Each participating employee shall be granted credits and creditable service, for purposes of determining the amount of any annuity or benefit to which he or a beneficiary is entitled, as follows:

1. For prior service: Each participating employee who is an employee of a participating municipality or participating instrumentality on the effective date shall be granted creditable service, but no credits under paragraph 2 of this subsection (a), for periods of prior service for which credit has not been received under any other pension fund or retirement system established under this Code, as follows:

If the effective date of participation for the participating municipality or participating instrumentality is on or before January 1, 1998, creditable service shall be granted for the entire period of prior service with that employer without any employee contribution.

If the effective date of participation for the participating municipality or participating instrumentality is after January 1, 1998, creditable service shall be granted for the last 20% of the period of prior service with that employer, but no more than 5 years, without any employee contribution. A participating employee may establish creditable service for the remainder of the period of prior service with that employer by making an application in writing, accompanied by payment of an employee contribution in an amount determined by the Fund, based on the employee contribution rates in effect at the time of application for the creditable service and the employee's salary rate on the effective date of participation for that employer, plus interest at the effective rate from the date of the prior service to the date of payment. Application for this creditable service may be made at any time while the employee is still in service.

A municipality that (i) has at least 35 employees; (ii) is located in a county with at least 2,000,000 inhabitants; and (iii) maintains an independent defined benefit pension plan for the

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benefit of its eligible employees may restrict creditable service in whole or in part for periods of prior service with the employer if the governing body of the municipality adopts an irrevocable resolution to restrict that creditable service and files the resolution with the board before the municipality's effective date of participation.

Any person who has withdrawn from the service of a participating municipality or participating instrumentality prior to the effective date, who reenters the service of the same municipality or participating instrumentality after the effective date and becomes a participating employee is entitled to creditable service for prior service as otherwise provided in this subdivision (a)(1) only if he or she renders 2 years of service as a participating employee after the effective date. Application for such service must be made while in a participating status. The salary rate to be used in the calculation of the required employee contribution, if any, shall be the employee's salary rate at the time of first reentering service with the employer after the employer's effective date of participation.

2. For current service, each participating employee shall be credited with:

   a. Additional credits of amounts equal to each payment of additional contributions received from him under Section 7-173, as of the date the corresponding payment of earnings is payable to him.

   b. Normal credits of amounts equal to each payment of normal contributions received from him, as of the date the corresponding payment of earnings is payable to him, and normal contributions made for the purpose of establishing out-of-state service credits as permitted under the conditions set forth in paragraph 6 of this subsection (a).

   c. Municipality credits in an amount equal to 1.4 times the normal credits, except those established by out-

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of-state service credits, as of the date of computation of any benefit if these credits would increase the benefit.

d. Survivor credits equal to each payment of survivor contributions received from the participating employee as of the date the corresponding payment of earnings is payable, and survivor contributions made for the purpose of establishing out-of-state service credits.

3. For periods of temporary and total and permanent disability benefits, each employee receiving disability benefits shall be granted creditable service for the period during which disability benefits are payable. Normal and survivor credits, based upon the rate of earnings applied for disability benefits, shall also be granted if such credits would result in a higher benefit to any such employee or his beneficiary.

4. For authorized leave of absence without pay: A participating employee shall be granted credits and creditable service for periods of authorized leave of absence without pay under the following conditions:

   a. An application for credits and creditable service is submitted to the board while the employee is in a status of active employment, and within 2 years after termination of the leave of absence period for which credits and creditable service are sought.

   b. Not more than 12 complete months of creditable service for authorized leave of absence without pay shall be counted for purposes of determining any benefits payable under this Article.

   c. Credits and creditable service shall be granted for leave of absence only if such leave is approved by the governing body of the municipality, including approval of the estimated cost thereof to the municipality as determined by the fund, and employee contributions, plus interest at the effective rate applicable for each year from the end of the period of leave to date of payment, have been paid to the

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fund in accordance with Section 7-173. The contributions shall be computed upon the assumption earnings continued during the period of leave at the rate in effect when the leave began.

d. Benefits under the provisions of Sections 7-141, 7-146, 7-150 and 7-163 shall become payable to employees on authorized leave of absence, or their designated beneficiary, only if such leave of absence is creditable hereunder, and if the employee has at least one year of creditable service other than the service granted for leave of absence. Any employee contributions due may be deducted from any benefits payable.

e. No credits or creditable service shall be allowed for leave of absence without pay during any period of prior service.

5. For military service: The governing body of a municipality or participating instrumentality may elect to allow creditable service to participating employees who leave their employment to serve in the armed forces of the United States for all periods of such service, provided that the person returns to active employment within 90 days after completion of full time active duty, but no creditable service shall be allowed such person for any period that can be used in the computation of a pension or any other pay or benefit, other than pay for active duty, for service in any branch of the armed forces of the United States. If necessary to the computation of any benefit, the board shall establish municipality credits for participating employees under this paragraph on the assumption that the employee received earnings at the rate received at the time he left the employment to enter the armed forces. A participating employee in the armed forces shall not be considered an employee during such period of service and no additional death and no disability benefits are payable for death or disability during such period.
Any participating employee who left his employment with a municipality or participating instrumentality to serve in the armed forces of the United States and who again became a participating employee within 90 days after completion of full time active duty by entering the service of a different municipality or participating instrumentality, which has elected to allow creditable service for periods of military service under the preceding paragraph, shall also be allowed creditable service for his period of military service on the same terms that would apply if he had been employed, before entering military service, by the municipality or instrumentality which employed him after he left the military service and the employer costs arising in relation to such grant of creditable service shall be charged to and paid by that municipality or instrumentality.

Notwithstanding the foregoing, any participating employee shall be entitled to creditable service as required by any federal law relating to re-employment rights of persons who served in the United States Armed Services. Such creditable service shall be granted upon payment by the member of an amount equal to the employee contributions which would have been required had the employee continued in service at the same rate of earnings during the military leave period, plus interest at the effective rate.

5.1. In addition to any creditable service established under paragraph 5 of this subsection (a), creditable service may be granted for up to 48 months of service in the armed forces of the United States.

In order to receive creditable service for military service under this paragraph 5.1, a participating employee must (1) apply to the Fund in writing and provide evidence of the military service that is satisfactory to the Board; (2) obtain the written approval of the current employer; and (3) make contributions to the Fund equal to (i) the employee contributions that would have been required had the service been rendered as a member, plus (ii) an amount determined by the board to be equal to the employer's normal cost.
of the benefits accrued for that military service, plus (iii) interest on items (i) and (ii) from the date of first membership in the Fund to the date of payment. If payment is made during the 6-month period that begins 3 months after the effective date of this amendatory Act of 1997, the required interest shall be at the rate of 2.5% per year, compounded annually; otherwise, the required interest shall be calculated at the regular interest rate.

The changes made to this paragraph 5.1 by this amendatory Act of the 95th General Assembly apply only to participating employees in service on or after its effective date.

6. For out-of-state service: Creditable service shall be granted for service rendered to an out-of-state local governmental body under the following conditions: The employee had participated and has irrevocably forfeited all rights to benefits in the out-of-state public employees pension system; the governing body of his participating municipality or instrumentality authorizes the employee to establish such service; the employee has 2 years current service with this municipality or participating instrumentality; the employee makes a payment of contributions, which shall be computed at 8% (normal) plus 2% (survivor) times length of service purchased times the average rate of earnings for the first 2 years of service with the municipality or participating instrumentality whose governing body authorizes the service established plus interest at the effective rate on the date such credits are established, payable from the date the employee completes the required 2 years of current service to date of payment. In no case shall more than 120 months of creditable service be granted under this provision.

7. For retroactive service: Any employee who could have but did not elect to become a participating employee, or who should have been a participant in the Municipal Public Utilities Annuity and Benefit Fund before that fund was superseded, may receive creditable service for the period of service not to exceed 50 months; however, a current or former elected or appointed official

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of a participating municipality may establish credit under this paragraph 7 for more than 50 months of service as an official of that municipality, if the excess over 50 months is approved by resolution of the governing body of the affected municipality filed with the Fund before January 1, 2002.

Any employee who is a participating employee on or after September 24, 1981 and who was excluded from participation by the age restrictions removed by Public Act 82-596 may receive creditable service for the period, on or after January 1, 1979, excluded by the age restriction and, in addition, if the governing body of the participating municipality or participating instrumentality elects to allow creditable service for all employees excluded by the age restriction prior to January 1, 1979, for service during the period prior to that date excluded by the age restriction. Any employee who was excluded from participation by the age restriction removed by Public Act 82-596 and who is not a participating employee on or after September 24, 1981 may receive creditable service for service after January 1, 1979. Creditable service under this paragraph shall be granted upon payment of the employee contributions which would have been required had he participated, with interest at the effective rate for each year from the end of the period of service established to date of payment.

8. For accumulated unused sick leave: A participating employee who is applying for a retirement annuity shall be entitled to creditable service for that portion of the employee's accumulated unused sick leave for which payment is not received, as follows:

a. Sick leave days shall be limited to those accumulated under a sick leave plan established by a participating municipality or participating instrumentality which is available to all employees or a class of employees.

b. Only sick leave days accumulated with a participating municipality or participating instrumentality with which the employee was in service within 60 days of the effective date of his retirement annuity shall be credited;

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If the employee was in service with more than one employer during this period only the sick leave days with the employer with which the employee has the greatest number of unpaid sick leave days shall be considered.

c. The creditable service granted shall be considered solely for the purpose of computing the amount of the retirement annuity and shall not be used to establish any minimum service period required by any provision of the Illinois Pension Code, the effective date of the retirement annuity, or the final rate of earnings.

d. The creditable service shall be at the rate of 1/20 of a month for each full sick day, provided that no more than 12 months may be credited under this subdivision 8.

e. Employee contributions shall not be required for creditable service under this subdivision 8.

f. Each participating municipality and participating instrumentality with which an employee has service within 60 days of the effective date of his retirement annuity shall certify to the board the number of accumulated unpaid sick leave days credited to the employee at the time of termination of service.

9. For service transferred from another system: Credits and creditable service shall be granted for service under Article 3, 4, 5, 14 or 16 of this Act, to any active member of this Fund, and to any inactive member who has been a county sheriff, upon transfer of such credits pursuant to Section 3-110.3, 4-108.3, 5-235, 14-105.6 or 16-131.4, and payment by the member of the amount by which (1) the employer and employee contributions that would have been required if he had participated in this Fund as a sheriff's law enforcement employee during the period for which credit is being transferred, plus interest thereon at the effective rate for each year, compounded annually, from the date of termination of the service for which credit is being transferred to the date of payment, exceeds (2) the amount actually transferred to the Fund. Such

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transferred service shall be deemed to be service as a sheriff's law enforcement employee for the purposes of Section 7-142.1.

10. For service transferred from an Article 3 system under Section 3-110.8: Credits and creditable service shall be granted for service under Article 3 of this Act as provided in Section 3-110.8, to any active member of this Fund upon transfer of such credits pursuant to Section 3-110.8. If the amount by which (1) the employer and employee contributions that would have been required if he had participated in this Fund during the period for which credit is being transferred, plus interest thereon at the effective rate for each year, compounded annually, from the date of termination of the service for which credit is being transferred to the date of payment, exceeds (2) the amount actually transferred to the Fund, then the amount of creditable service established under this paragraph 10 shall be reduced by a corresponding amount in accordance with the rules and procedures established under this paragraph 10.

The board shall establish by rule the manner of making the calculation required under this paragraph 10, taking into account the appropriate actuarial assumptions; the member's service, age, and salary history; the level of funding of the employer; and any other factors that the board determines to be relevant.

(b) Creditable service - amount:

1. One month of creditable service shall be allowed for each month for which a participating employee made contributions as required under Section 7-173, or for which creditable service is otherwise granted hereunder. Not more than 1 month of service shall be credited and counted for 1 calendar month, and not more than 1 year of service shall be credited and counted for any calendar year. A calendar month means a nominal month beginning on the first day thereof; and a calendar year means a year beginning January 1 and ending December 31.

2. A seasonal employee shall be given 12 months of creditable service if he renders the number of months of service...
normally required by the position in a 12-month period and he remains in service for the entire 12-month period. Otherwise a fractional year of service in the number of months of service rendered shall be credited.

3. An intermittent employee shall be given creditable service for only those months in which a contribution is made under Section 7-173.

(c) No application for correction of credits or creditable service shall be considered unless the board receives an application for correction while (1) the applicant is a participating employee and in active employment with a participating municipality or instrumentality, or (2) while the applicant is actively participating in a pension fund or retirement system which is a participating system under the Retirement Systems Reciprocal Act. A participating employee or other applicant shall not be entitled to credits or creditable service unless the required employee contributions are made in a lump sum or in installments made in accordance with board rule.

(d) Upon the granting of a retirement, surviving spouse or child annuity, a death benefit or a separation benefit, on account of any employee, all individual accumulated credits shall thereupon terminate. Upon the withdrawal of additional contributions, the credits applicable thereto shall thereupon terminate. Terminated credits shall not be applied to increase the benefits any remaining employee would otherwise receive under this Article.

(Source: P.A. 93-933, eff. 8-13-04; 94-356, eff. 7-29-05.)

Section 90. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.

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AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Controlled Substances Act is amended by changing Sections 406 and 410 and by adding Section 406.2 as follows:
Sec. 406. (a) It is unlawful for any person:
(1) who is subject to Article III knowingly to distribute or dispense a controlled substance in violation of Sections 308 through 314 of this Act; or
(2) who is a registrant, to manufacture a controlled substance not authorized by his registration, or to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person; or
(3) to refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this Act; or
(4) to refuse an entry into any premises for any inspection authorized by this Act; or
(5) knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by a person unlawfully possessing controlled substances, or which is used for possessing, manufacturing, dispensing or distributing controlled substances in violation of this Act.
Any person who violates this subsection (a) is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for each subsequent

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offense. The fine for each subsequent offense shall not be more than $100,000. In addition, any practitioner who is found guilty of violating this subsection (a) is subject to suspension and revocation of his professional license, in accordance with such procedures as are provided by law for the taking of disciplinary action with regard to the license of said practitioner's profession.

(b) It is unlawful for any person knowingly:

(1) to distribute, as a registrant, a controlled substance classified in Schedule I or II, except pursuant to an order form as required by Section 307 of this Act; or

(2) to use, in the course of the manufacture or distribution of a controlled substance, a registration number which is fictitious, revoked, suspended, or issued to another person; or

(3) to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge; or

(4) to furnish false or fraudulent material information in, or omit any material information from, any application, report or other document required to be kept or filed under this Act, or any record required to be kept by this Act; or

(5) to make, distribute or possess any punch, die, plate, stone or other thing designed to print, imprint or reproduce the trademark, trade name or other identifying mark, imprint or device of another, or any likeness of any of the foregoing, upon any controlled substance or container or labeling thereof so as to render the drug a counterfeit substance; or

(6) (blank) to possess without authorization, blank prescription forms or counterfeit prescription forms; or

(7) (Blank).

Any person who violates this subsection (b) is guilty of a Class 4 felony for the first offense and a Class 3 felony for each subsequent offense. The fine for the first offense shall be not more than $100,000. The fine for each subsequent offense shall not be more than $200,000.

(c) A person who knowingly or intentionally violates Section 316, 317, 318, or 319 is guilty of a Class A misdemeanor.
Sec. 406.2. Unauthorized possession of prescription form.  
(a) A person commits the offense of unauthorized possession of prescription form when he or she knowingly:
   (1) alters a properly issued prescription form;
   (2) possesses without authorization a blank prescription form or counterfeit prescription form; or
   (3) possesses a prescription form not issued by a licensed prescriber.
(b) Knowledge shall be determined by an evaluation of all circumstances surrounding possession of a blank prescription or possession of a prescription altered or not issued by a licensed prescriber.
(c) Sentence. Any person who violates subsection (a) is guilty of a Class 4 felony for the first offense and a Class 3 felony for each subsequent offense. The fine for the first offense shall be not more than $100,000. The fine for each subsequent offense shall not be more than $200,000.
(d) For the purposes of this Section, "licensed prescriber" means a prescriber as defined in this Act or an optometrist licensed under the Illinois Optometric Practice Act of 1987.
Sec. 410. (a) Whenever any person who has not previously been convicted of, or placed on probation or court supervision for any offense under this Act or any law of the United States or of any State relating to cannabis or controlled substances, pleads guilty to or is found guilty of possession of a controlled or counterfeit substance under subsection (c) of Section 402 or of unauthorized possession of prescription form under Section 406.2, the court, without entering a judgment and with the consent of such person, may sentence him to probation.
(b) When a person is placed on probation, the court shall enter an order specifying a period of probation of 24 months and shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of probation.

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(c) The conditions of probation shall be that the person: (1) not violate any criminal statute of any jurisdiction; (2) refrain from possessing a firearm or other dangerous weapon; (3) submit to periodic drug testing at a time and in a manner as ordered by the court, but no less than 3 times during the period of the probation, with the cost of the testing to be paid by the probationer; and (4) perform no less than 30 hours of community service, provided community service is available in the jurisdiction and is funded and approved by the county board.

(d) The court may, in addition to other conditions, require that the person:

(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of probation;
(2) pay a fine and costs;
(3) work or pursue a course of study or vocational training;
(4) undergo medical or psychiatric treatment; or treatment or rehabilitation approved by the Illinois Department of Human Services;
(5) attend or reside in a facility established for the instruction or residence of defendants on probation;
(6) support his dependents;
(6-5) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;
(7) and in addition, if a minor:
(i) reside with his parents or in a foster home;
(ii) attend school;
(iii) attend a non-residential program for youth;
(iv) contribute to his own support at home or in a foster home.

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(e) Upon violation of a term or condition of probation, the court may enter a judgment on its original finding of guilt and proceed as otherwise provided.

(f) Upon fulfillment of the terms and conditions of probation, the court shall discharge the person and dismiss the proceedings against him.

(g) A disposition of probation is considered to be a conviction for the purposes of imposing the conditions of probation and for appeal, however, discharge and dismissal under this Section is not a conviction for purposes of this Act or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.

(h) There may be only one discharge and dismissal under this Section, Section 10 of the Cannabis Control Act, or Section 70 of the Methamphetamine Control and Community Protection Act with respect to any person.

(i) If a person is convicted of an offense under this Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act within 5 years subsequent to a discharge and dismissal under this Section, the discharge and dismissal under this Section shall be admissible in the sentencing proceeding for that conviction as evidence in aggravation.

(Source: P.A. 94-556, eff. 9-11-05.)

Effective January 1, 2008.
Section 5. Legislative findings. The General Assembly finds as follows:

(1) Asthma and oral health problems are 2 of the leading causes of absenteeism among Illinois elementary and secondary school students.

(2) Illinois youth must deal with increasing obesity, poor nutrition, substance abuse, and mental health crises.

(3) Many Illinois families lack adequate health insurance or access to health care facilities.

(4) Improving the physical and mental health of Illinois' youth is vital to building an educated workforce for Illinois' future.

(5) School health centers provide quality health care services like immunizations, physical exams, asthma care, mental health counseling, and health in schools, and national and local evaluations have found that school health centers increase access to health care, reduce absenteeism, reduce health care access disparities, and reduce unhealthy behaviors that compromise health and education success.

(6) Illinois school health centers were found to save the State an estimated $2,500,000 each year by reducing emergency room visits, $2,720,000 a year by providing immunizations, and $233,000-$342,000 a year by reducing asthma-related hospitalizations.

Section 10. Eligibility. All students in the school under the age of 18 are eligible for services if they have obtained written parental consent or if they are otherwise permitted under Illinois law to consent on their own behalf to such care. All students 18 years of age or older are eligible for the services.

Section 15. Consent. The school health center shall provide a list of the health care services available. The form shall enumerate the provided services using either a check off or other means. The consent form shall state that a parent, legal guardian, or student who is permitted under Illinois law to consent on his or her own behalf has a right to refuse any health care services.

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Section 20. Department of Human Services to initiate school health centers. Subject to appropriation, the Illinois Department of Human Services shall initiate 20 new school health centers over a 5-year period beginning July 1, 2007, and shall build capacity with existing school health centers in the State of Illinois.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0489
(Senate Bill No. 0731)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Human Services Act is amended by adding Section 10-33 as follows:

(20 ILCS 1305/10-33 new)
Sec. 10-33. Sexual assault education program.
(a) The Department shall conduct a comprehensive study of the needs of women with disabilities who reside in the community as well as structured living environments regarding sexual assault and the threat of sexual violence. The study must include a needs assessment during the first year that gathers input from women with disabilities, service providers, and advocacy organizations. This study must inform the development and implementation of educational programs for women with disabilities, including distribution of information materials during the first year. These materials must include information on indications of possible occurrences of sexual assault, the rights of sexual-assault victims, and any public or private victim-assistance programs and resources available, including resources available through the Office of the Attorney General.

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The Department shall seek to attain any federal grants or other funding that may be available for the purpose of this Section.

(c) The Department shall adopt any rule necessary for the implementation and administration of the program under this Section.

Effective June 1, 2008.

PUBLIC ACT 95-0490
(Senate Bill No. 0834)

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Sections 10-1-14 and 10-2.1-4 as follows:

(65 ILCS 5/10-1-14) (from Ch. 24, par. 10-1-14)

Sec. 10-1-14. The head of the department or office in which a position classified under this Division 1 is to be filled shall notify the commission of that fact, and the commission shall certify to the appointing officer the name and address of the candidate standing highest upon the register for the class or grade to which the position belongs. However, in cases of laborers where a choice by competition is impracticable, the commission may provide by its rules that the selections shall be made by lot from among those candidates proved fit by examination, but laborers who have previously been in the service and were removed because their services were no longer required, shall be preferred, and be reinstated before other laborers are given positions, preference being given to those who have had the longest term of service, and laborers in the employ of the municipality on July 1, 1949, who, as of such date, have been employed under temporary authority for 3 years or more or during parts of 3 or more calendar years, shall be preferred also, and shall be placed upon the register for such positions without examination and shall be certified before other laborers are given positions, preference being given to those

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laborers under temporary authority who have had the longest term of
service in such positions. In making such certification, sex shall be
disregarded. The appointing officer shall notify the commission of each
position to be filled, separately, and shall fill such place by the
appointment of the person certified to him or her by the commission
therefor. Original appointment shall be on probation for a period not to
exceed 6 months to be fixed by the rules but all time spent in attending
training schools and seminars, except on-the-job training conducted by
local Fire Department personnel, shall be excluded in calculating the
probation period; provided that in municipalities with a population of
more than 500,000 inhabitants, original appointment to the police
department shall be on probation for a period not to exceed 9 months to be
fixed by the rules of the department. The commission may strike off names
of candidates from the register after they have remained thereon more than
2 years. At or before the expiration of the period of probation, the head of
the department or office in which a candidate is employed may, by and
with the consent of the commission, discharge him or her upon assigning
in writing his or her reason therefor to the commission. If he or she is not
then discharged, his or her appointment shall be deemed complete. To
prevent the stoppage of public business, or to meet extraordinary
exigencies, the head of any department or office may, with the approval of
the commission, make temporary appointment to remain in force not
exceeding 120 days, and only until regular appointments under the
provisions of this Division 1 can be made. In any municipal fire
department that employs full-time firefighters and is subject to a collective
bargaining agreement, a person who has not qualified for regular
appointment under the provisions of this Division 1 shall not be used as a
temporary or permanent substitute for classified members of a
municipality's fire department or for regular appointment as a classified
member of a municipality's fire department unless mutually agreed to by
the employee's certified bargaining agent. Such agreement shall be
considered a permissive subject of bargaining. Municipal fire departments
covered by the changes made by this amendatory Act of the 95th General
Assembly that are using non-certificated employees as substitutes

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immediately prior to the effective date of this amendatory Act of the 95th General Assembly may, by mutual agreement with the certified bargaining agent, continue the existing practice or a modified practice and that agreement shall be considered a permissive subject of bargaining. A home rule unit may not regulate the hiring of temporary or substitute members of the municipality's fire department in a manner that is inconsistent with this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(Source: P.A. 80-1364.)

(65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

Sec. 10-2.1-4. Fire and police departments; Appointment of members; Certificates of appointments.

The board of fire and police commissioners shall appoint all officers and members of the fire and police departments of the municipality, including the chief of police and the chief of the fire department, unless the council or board of trustees shall by ordinance as to them otherwise provide; except as otherwise provided in this Section, and except that in any municipality which adopts or has adopted this Division 2.1 and also adopts or has adopted Article 5 of this Code, the chief of police and the chief of the fire department shall be appointed by the municipal manager, if it is provided by ordinance in such municipality that such chiefs, or either of them, shall not be appointed by the board of fire and police commissioners.

If the chief of the fire department or the chief of the police department or both of them are appointed in the manner provided by ordinance, they may be removed or discharged by the appointing authority. In such case the appointing authority shall file with the corporate authorities the reasons for such removal or discharge, which removal or discharge shall not become effective unless confirmed by a majority vote of the corporate authorities.

If a member of the department is appointed chief of police or chief of the fire department prior to being eligible to retire on pension, he shall be considered as on furlough from the rank he held immediately prior to
his appointment as chief. If he resigns as chief or is discharged as chief prior to attaining eligibility to retire on pension, he shall revert to and be established in whatever rank he currently holds, except for previously appointed positions, and thereafter be entitled to all the benefits and emoluments of that rank, without regard as to whether a vacancy then exists in that rank.

All appointments to each department other than that of the lowest rank, however, shall be from the rank next below that to which the appointment is made except as otherwise provided in this Section, and except that the chief of police and the chief of the fire department may be appointed from among members of the police and fire departments, respectively, regardless of rank, unless the council or board of trustees shall have by ordinance as to them otherwise provided. A chief of police or the chief of the fire department, having been appointed from among members of the police or fire department, respectively, shall be permitted, regardless of rank, to take promotional exams and be promoted to a higher classified rank than he currently holds, without having to resign as chief of police or chief of the fire department.

The sole authority to issue certificates of appointment shall be vested in the Board of Fire and Police Commissioners and all certificates of appointments issued to any officer or member of the fire or police department of a municipality shall be signed by the chairman and secretary respectively of the board of fire and police commissioners of such municipality, upon appointment of such officer or member of the fire and police department of such municipality by action of the board of fire and police commissioners. In any municipal fire department that employs full-time firefighters and is subject to a collective bargaining agreement, a person who has not qualified for regular appointment under the provisions of this Division 2.1 shall not be used as a temporary or permanent substitute for classified members of a municipality’s fire department or for regular appointment as a classified member of a municipality’s fire department unless mutually agreed to by the employee’s certified bargaining agent. Such agreement shall be considered a permissive subject of bargaining. Municipal fire departments covered by

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the changes made by this amendatory Act of the 95th General Assembly that are using non-certificated employees as substitutes immediately prior to the effective date of this amendatory Act of the 95th General Assembly may, by mutual agreement with the certified bargaining agent, continue the existing practice or a modified practice and that agreement shall be considered a permissive subject of bargaining. A home rule unit may not regulate the hiring of temporary or substitute members of the municipality's fire department in a manner that is inconsistent with this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

The term "policemen" as used in this Division does not include auxiliary police officers except as provided for in Section 10-2.1-6.

Any full time member of a regular fire or police department of any municipality which comes under the provisions of this Division or adopts this Division 2.1 or which has adopted any of the prior Acts pertaining to fire and police commissioners, is a city officer.

Notwithstanding any other provision of this Section, the Chief of Police of a department in a non-homerule municipality of more than 130,000 inhabitants may, without the advice or consent of the Board of Fire and Police Commissioners, appoint up to 6 officers who shall be known as deputy chiefs or assistant deputy chiefs, and whose rank shall be immediately below that of Chief. The deputy or assistant deputy chiefs may be appointed from any rank of sworn officers of that municipality, but no person who is not such a sworn officer may be so appointed. Such deputy chief or assistant deputy chief shall have the authority to direct and issue orders to all employees of the Department holding the rank of captain or any lower rank. A deputy chief of police or assistant deputy chief of police, having been appointed from any rank of sworn officers of that municipality, shall be permitted, regardless of rank, to take promotional exams and be promoted to a higher classified rank than he currently holds, without having to resign as deputy chief of police or assistant deputy chief of police.
Notwithstanding any other provision of this Section, a non-homerule municipality of 130,000 or fewer inhabitants, through its council or board of trustees, may, by ordinance, provide for a position of deputy chief to be appointed by the chief of the police department. The ordinance shall provide for no more than one deputy chief position if the police department has fewer than 25 full-time police officers and for no more than 2 deputy chief positions if the police department has 25 or more full-time police officers. The deputy chief position shall be an exempt rank immediately below that of Chief. The deputy chief may be appointed from any rank of sworn, full-time officers of the municipality's police department, but must have at least 5 years of full-time service as a police officer in that department. A deputy chief shall serve at the discretion of the Chief and, if removed from the position, shall revert to the rank currently held, without regard as to whether a vacancy exists in that rank. A deputy chief of police, having been appointed from any rank of sworn full-time officers of that municipality's police department, shall be permitted, regardless of rank, to take promotional exams and be promoted to a higher classified rank than he currently holds, without having to resign as deputy chief of police.

No municipality having a population less than 1,000,000 shall require that any firefighter appointed to the lowest rank serve a probationary employment period of longer than one year. The limitation on periods of probationary employment provided in this amendatory Act of 1989 is an exclusive power and function of the State. Pursuant to subsection (h) of Section 6 of Article VII of the Illinois Constitution, a home rule municipality having a population less than 1,000,000 must comply with this limitation on periods of probationary employment, which is a denial and limitation of home rule powers. Notwithstanding anything to the contrary in this Section, the probationary employment period limitation may be extended for a firefighter who is required, as a condition of employment, to be a certified paramedic, during which time the sole reason that a firefighter may be discharged without a hearing is for failing to meet the requirements for paramedic certification.
Section 10. The Fire Protection District Act is amended by changing Section 16.06 as follows:

(70 ILCS 705/16.06) (from Ch. 127 1/2, par. 37.06)
Sec. 16.06. Eligibility for positions in fire department; disqualifications.

(a) All applicants for a position in the fire department of the fire protection district shall be under 35 years of age and shall be subjected to examination, which shall be public, competitive, and free to all applicants, subject to reasonable limitations as to health, habits, and moral character; provided that the foregoing age limitation shall not apply in the case of any person having previous employment status as a fireman in a regularly constituted fire department of any fire protection district, and further provided that each fireman or fire chief who is a member in good standing in a regularly constituted fire department of any municipality which shall be or shall have subsequently been included within the boundaries of any fire protection district now or hereafter organized shall be given a preference for original appointment in the same class, grade or employment over all other applicants. The examinations shall be practical in their character and shall relate to those matters which will fairly test the persons examined as to their relative capacity to discharge the duties of the positions to which they seek appointment. The examinations shall include tests of physical qualifications and health. No applicant, however, shall be examined concerning his political or religious opinions or affiliations. The examinations shall be conducted by the board of fire commissioners.

In any fire protection district that employs full-time firefighters and is subject to a collective bargaining agreement, a person who has not qualified for regular appointment under the provisions of this Section shall not be used as a temporary or permanent substitute for certificated members of a fire district’s fire department or for regular appointment as a certificated member of a fire district’s fire department unless mutually agreed to by the employee’s certified bargaining agent. Such agreement shall be considered a permissive subject of bargaining. Fire protection

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districts covered by the changes made by this amendatory Act of the 95th General Assembly that are using non-certificated employees as substitutes immediately prior to the effective date of this amendatory Act of the 95th General Assembly may, by mutual agreement with the certified bargaining agent, continue the existing practice or a modified practice and that agreement shall be considered a permissive subject of bargaining.

(b) No person shall be appointed to the fire department unless he or she is a person of good character and not a person who has been convicted of a felony in Illinois or convicted in another jurisdiction for conduct that would be a felony under Illinois law, or convicted of a crime involving moral turpitude. No person, however, shall be disqualified from appointment to the fire department because of his or her record of misdemeanor convictions, except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections (1), (6), and (8) of Section 24-1 of the Criminal Code of 1961.

(Source: P.A. 93-589, eff. 1-1-04.)

Passed in the General Assembly June 1, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0491
(Senate Bill No. 0841)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The College and Career Success for All Students Act is amended by adding Section 25 as follows:

(105 ILCS 302/25 new)

Sec. 25. AP exam fee waiver program. Subject to appropriation, the State Board of Education shall create, under the College and Career Success for All Students program set forth in this Act, a program in public

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schools where at least 40% of students qualify for free or reduced-price lunches whereby fees charged by the College Board for Advanced Placement exams are waived by the school, but paid for by the State, for those students who do not qualify for a fee waiver provided by federal funds or the College Board.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0492
(Senate Bill No. 0942)

AN ACT concerning health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Comprehensive Lead Education, Reduction, and Window Replacement Program Act.

Section 5. Findings; intent; establishment of program.

(a) The General Assembly finds all of the following:

(1) Lead-based paint poisoning is a potentially devastating, but preventable disease. It is one of the top environmental threats to children's health in the United States.

(2) The number of lead-poisoned children in Illinois is among the highest in the nation, especially in older, more affordable properties.

(3) Lead poisoning causes irreversible damage to the development of a child's nervous system. Even at low and moderate levels, lead poisoning causes learning disabilities, problems with speech, shortened attention span, hyperactivity, and behavioral problems. Recent research links low levels of lead exposure to lower IQ scores and to juvenile delinquency.

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(4) Older housing is the number one risk factor for childhood lead poisoning. Properties built before 1950 are statistically much more likely to contain lead-based paint hazards than buildings constructed more recently.

(5) The State of Illinois ranks 10th out of the 50 states in the age of its housing stock. More than 50% of the housing units in Chicago and in Rock Island, Peoria, Macon, Madison, and Kankakee counties were built before 1960. More than 43% of the housing units in St. Clair, Winnebago, Sangamon, Kane, and Cook counties were built before 1950.

(6) There are nearly 1.4 million households with lead-based paint hazards in Illinois.

(7) Most children are lead poisoned in their own homes through exposure to lead dust from deteriorated lead paint surfaces, like windows, and when lead paint deteriorates or is disturbed through home renovation and repainting.

(8) Less than 25% of children in Illinois age 6 and under have been tested for lead poisoning. While children are lead poisoned throughout Illinois, counties above the statewide average include: Alexander, Cass, Cook, Fulton, Greene, Kane, Kankakee, Knox, LaSalle, Macon, Mercer, Peoria, Perry, Rock Island, Sangamon, St. Clair, Stephenson, Vermilion, Will, and Winnebago.

(9) The control of lead hazards significantly reduces lead-poisoning rates. Other communities, including New York City and Milwaukee, have successfully reduced lead-poisoning rates by removing lead-based paint hazards on windows.

(10) Windows are considered a higher lead exposure risk more often than other components in a housing unit. Windows are a major contributor of lead dust in the home, due to both weathering conditions and friction effects on paint.

(11) There is an insufficient pool of licensed lead abatement workers and contractors to address the problem in some areas of the State.

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(12) Through grants from the U.S. Department of Housing and Urban Development, some communities in Illinois have begun to reduce lead poisoning of children. While this is an ongoing effort, it only addresses a small number of the low-income children statewide in communities with high levels of lead paint in the housing stock.

(b) It is the intent of the General Assembly to:

(1) address the problem of lead poisoning of children by eliminating lead hazards in homes;

(2) provide training within communities to encourage the use of lead paint safe work practices;

(3) create job opportunities for community members in the lead abatement industry;

(4) support the efforts of small business and property owners committed to maintaining lead-safe housing; and

(5) assist in the maintenance of affordable lead-safe housing stock.

(c) The General Assembly hereby establishes the Comprehensive Lead Education, Reduction, and Window Replacement Program to assist residential property owners through loan and grant programs to reduce lead paint hazards through window replacement in pilot area communities. Where there is a lack of workers trained to remove lead-based paint hazards, job-training programs must be initiated. The General Assembly also recognizes that training, insurance, and licensing costs are prohibitively high and hereby establishes incentives for contractors to do lead abatement work.

Section 10. Definitions. In this Act:

"Advisory Council" refers to the Lead Safe Housing Advisory Council established under Public Act 93-0789.

"CLEAR-WIN Program" refers to the Comprehensive Lead Education, Reduction, and Window Replacement Program created pursuant to this Act to assist property owners of single family homes and multi-unit residential properties in pilot area communities, through loan and grant programs that reduce lead paint hazards primarily through

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window replacement and, where necessary, through other lead-based paint hazard control techniques.

"Director" means the Director of Public Health.

"Lead Safe Housing Maintenance Standards" refers to the standards developed by the Lead Safe Housing Advisory Council.

"Low-income" means a household at or below 80% of the median income level for a given county as determined annually by the U.S. Department of Housing and Urban Development.

"Pilot area communities" means the counties or cities selected by the Department, with the advice of the Advisory Council, where properties whose owners are eligible for the assistance provided by this Act are located.

"Window" means the inside, outside, and sides of sashes and mullions and the frames to the outside edge of the frame, including sides, sash guides, and window wells and sills.

Section 15. Grant and loan program.

(a) Subject to appropriation, the Department, in consultation with the Advisory Council, shall establish and operate the CLEAR-WIN Program in two pilot area communities selected by the Department with advice from the Advisory Council. Pilot area communities shall be selected based upon the prevalence of low-income families whose children are lead poisoned, the age of the housing stock, and other sources of funding available to the communities to address lead-based paint hazards.

(b) The Department shall be responsible for administering the CLEAR-WIN grant program. The grant shall be used to correct lead-based paint hazards in residential buildings. Conditions for receiving a grant shall be developed by the Department based on criteria established by the Advisory Council. Criteria, including but not limited to the following program components, shall include (i) income eligibility for receipt of the grants, with priority given to low-income tenants or owners who rent to low-income tenants; (ii) properties to be covered under CLEAR-WIN; and (iii) the number of units to be covered in a property. Prior to making a grant, the Department must provide the grant recipient with a copy of the Lead Safe Housing Maintenance Standards generated by the Advisory Council.

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Council. The property owner must certify that he or she has received the Standards and intends to comply with them; has provided a copy of the Standards to all tenants in the building; will continue to rent to the same tenant or other low-income tenant for a period of not less than 5 years following completion of the work; and will continue to maintain the property as lead-safe. Failure to comply with the grant conditions may result in repayment of grant funds.

(c) The Advisory Council shall also consider development of a loan program to assist property owners not eligible for grants.

(d) All lead-based paint hazard control work performed with these grant or loan funds shall be conducted in conformance with the Lead Poisoning Prevention Act and the Illinois Lead Poisoning Prevention Code. Before contractors are paid for repair work conducted under the CLEAR-WIN Program, each dwelling unit assisted must be inspected by a lead risk assessor or lead inspector licensed in Illinois, and an appropriate number of dust samples must be collected from in and around the work areas for lead analysis, with results in compliance with levels set by the Lead Poisoning Prevention Act and the Illinois Lead Poisoning Prevention Code. All costs of evaluation shall be the responsibility of the property owner who received the grant or loan, but will be provided for by the Department for grant recipients and may be included in the amount of the loan. Additional repairs and clean-up costs associated with a failed clearance test, including follow-up tests, shall be the responsibility of the contractor.

(e) Within 6 months after the effective date of this Act, the Advisory Council shall recommend to the Department Lead Safe Housing Maintenance Standards for purposes of the CLEAR-WIN Program. Except for properties where all lead-based paint has been removed, the standards shall describe the responsibilities of property owners and tenants in maintaining lead-safe housing, including but not limited to, prescribing special cleaning, repair, and maintenance necessary to reduce the chance that properties will cause lead poisoning in child occupants. Recipients of CLEAR-WIN grants and loans shall be required to continue to maintain their properties in compliance with these Lead Safe Housing Maintenance Standards.
Standards. Failure to maintain properties in accordance with these Standards may result in repayment of grant funds or termination of the loan.

Section 20. Lead abatement training. The Advisory Council shall determine whether a sufficient number of lead abatement training programs exist to serve the pilot sites. If it is determined additional programs are needed, the Advisory Council shall work with the Department to establish the additional training programs for purposes of the CLEAR-WIN Program.

Section 25. Insurance assistance. The Department shall make available, for the portion of a policy related to lead activities, 100% insurance subsidies to licensed lead abatement contractors who primarily target their work to the pilot area communities and employ a significant number of licensed lead abatement workers from the pilot area communities. Receipt of the subsidies shall be reviewed annually by the Department. The Department shall adopt rules for implementation of these insurance subsidies within 6 months after the effective date of this Act.

Section 30. Advisory Council. The Advisory Council shall submit an annual written report to the Governor and General Assembly on the operation and effectiveness of the CLEAR-WIN Program. The report must evaluate the program's effectiveness on reducing the prevalence of lead poisoning in children in the pilot area communities and in training and employing persons in the pilot area communities. The report also must describe the numbers of units in which lead-based paint was abated; specify the type of work completed and the types of dwellings and demographics of persons assisted; summarize the cost of lead-based paint hazard control and CLEAR-WIN Program administration; rent increases or decreases in the pilot area communities; rental property ownership changes; and any other CLEAR-WIN actions taken by the Department or the Advisory Council and recommend any necessary legislation or rule-making to improve the effectiveness of the CLEAR-WIN Program.

Effective January 1, 2008.

New matter indicated by italics - deletions by strikeout
AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Drilling Operations Act is amended by changing Sections 4 and 6 as follows:

Sec. 4. Notice.

(a) Prior to commencement of the drilling of a well, the operator shall give a copy of the Act with a written notice to the surface owner of the operator's intent to commence drilling operations.

(b) The operator shall, for the purpose of giving notice as herein required, secure from the assessor's office within 90 days prior to the giving of the notice, a certification which shall identify the person in whose name the lands on which drilling operations are to be commenced and who is assessed at the time the certification is made. The written certification made by the assessor of the surface owner shall be conclusive evidence of the surface ownership and of the operator's compliance with the provisions of this Act.

(c) The notice required to be given by the operator to the surface owner shall identify the following:

(1) The location of the proposed entry on the surface for drilling operations, and the date on or after which drilling operations shall be commenced.

(2) A photocopy of the drilling application to the Department of Natural Resources for the well to be drilled.

(3) The name, address and telephone number of the operator.

(4) An offer to discuss with the surface owner those matters set forth in Section 5 hereof prior to commencement of drilling operations.

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(5) If the surface owner elects to meet the operator, the surface owner shall request the operator to schedule a meeting at a mutually agreed time and place within the limitations set forth herein. Failure of the surface owner to contact the operator at least 5 days prior to the proposed commencement of drilling operations shall be conclusively deemed a waiver of the right to meet by the surface owner.

(6) The meeting shall be scheduled between the hours of 9:00 in the morning and the setting of the sun of the same day and shall be at least 3 days prior to commencement of drilling operations. Unless agreed to otherwise, the place shall be located within the county in which drilling operations are to be commenced where the operator or his agent shall be available to discuss with the surface owner or his agent those matters set forth in Section 5 hereof.

(7) The notice and a copy of the Act as herein required shall be given to the surface owner by either:

   (A) certified mail addressed to the surface owner at the address shown in the certification obtained from the assessor, which shall be postmarked at least 10 days prior to the commencement of drilling operations; or

   (B) personal delivery to the surface owner at least 8 days prior to the commencement of drilling operations.

   (C) Notice to the surface owner as defined in this Act shall be deemed conclusive notice to the record owners of all interest in the surface.

(Source: P.A. 89-445, eff. 2-7-96; revised 10-19-05.)

(765 ILCS 530/6) (from Ch. 96 1/2, par. 9656)
Sec. 6. Compensation of surface owners for drilling and producing operations and duties after cessation of production.

   (A) The surface owner shall be entitled to reasonable compensation from the operator for damages as follows:

   (1) To growing crops, trees, shrubs, fences, roads, structures, improvements, personal property, and livestock thereon caused by the drilling of a new well. The surface owner shall also
be entitled to reasonable compensation from the operator for subsequent damages.

(2) "To growing crops, trees, shrubs, fences, roads, structures, improvements, personal property, and livestock thereon.

(3) For the loss of the value of a commercial crop corresponding to lands taken out of production because of the use thereof by the operator for roads and production equipment. Any recovery shall only be applicable if the area adjacent to said roads and production equipment are planted and harvested. The value of the crop shall be calculated by: (i) determining the average per acre yield for the crop on adjacent lands; (ii) determining the price received for the sale of the crop on adjacent lands less the cost of seed planting, chemicals, fertilizers and harvesting; (iii) determining the acreage of the area utilized for roads and production equipment; and (iv) attributing the determined crop yield to the determined acreage utilized and applying the determined price. The initial determination of the value of the crop shall be determined by the surface owner and submitted to the operator. The surface owner and operator shall mutually agree as to the value of the crop utilizing the above referenced formula for the initial crop year and all caused by subsequent crop years production operations of the operator thereon. The surface owner shall also be entitled to reasonable compensation.

(4) For all negligent acts of operator that cause measurable damage to the productive capacity of the soil.

In addition,

(A-5) The the operator shall not utilize any more of the surface estate than is reasonably necessary for the exploration, production and development of the mineral estate.

(B) The compensation required pursuant to paragraph (A) above shall be paid in any manner mutually agreed upon by the operator and the surface owner, but the failure to agree upon, or make the compensation required, shall not prevent the operator from commencement of drilling.
operations; provided, however, that operator shall tender to the surface owner payment by check or draft in accordance with the provisions herein no later than 90 days after completion of the well. The surface owner's remedy shall be an action for compensation in the circuit court in which the lands or the greater part thereof are located on which drilling operations were conducted; provided, however, that if operator fails to tender payment within the 90-day period or if the tender is not reasonable, surface owner shall be entitled to reasonable compensation as provided herein as well as attorney's fees.

If operator relies on a third party appraiser or fair market value, such amount shall be conclusively deemed to be reasonable, and there shall be no award of attorney's fees.

(C) In conjunction with the plugging and abandonment of any well, the operator shall restore the surface to a condition as near as practicable to the condition of the surface prior to commencement of drilling operations; provided, however, that the surface owner and operator may waive this requirement in writing, subject to the approval of the Department of Natural Resources that the waiver is in accordance with its rules.

(D) Where practicable and absent a written agreement to the contrary with the surface owner, all flow lines and other underground structures must be buried to a depth not less than 36 inches from the surface.

(Source: P.A. 89-445, eff. 2-7-96.)

Effective January 1, 2008.

PUBLIC ACT 95-0494
(Senate Bill No. 1097)

AN ACT concerning economic development.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Section 605-312 as follows:

(20 ILCS 605/605-312 new)

Sec. 605-312. Advanced science and technology study. Subject to appropriation, the Department may conduct a research study regarding the creation of advanced science zones and other innovative policy proposals to encourage the creation of appropriately compensated high-skill and high-technology jobs in Illinois. The purpose of the study is to explore ways and means of stimulating growth, stabilization, and retention of advanced sciences in the State by means of relaxed government controls and tax incentives in those areas. The study shall provide, but not be limited to, detailed information including best practices for the creation and administration of advanced science zones in Illinois. The research study may also include data regarding the creation of financing programs and tax incentives for businesses and institutions located within advanced science zones. In conducting the research and in formulating its recommendations, the Department must be advised by and shall consult with the appropriate committees of the Senate and House of Representatives. The Department shall review and consider strategies, programs, and practices that have been implemented in other states and shall seek and consider the views and recommendations of both the public and private sectors. A copy of the completed research report shall be made available to members of the General Assembly upon their request no later than January 31, 2008.

Section 99. Effective date. This Act takes effect upon becoming law.

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 3-117.1 as follows:

(625 ILCS 5/3-117.1) (from Ch. 95 1/2, par. 3-117.1)

Sec. 3-117.1. When junking certificates or salvage certificates must be obtained.

(a) Except as provided in Chapter 4 of this Code, a person who possesses a junk vehicle shall within 15 days cause the certificate of title, salvage certificate, certificate of purchase, or a similarly acceptable out of state document of ownership to be surrendered to the Secretary of State along with an application for a junking certificate, except as provided in Section 3-117.2, whereupon the Secretary of State shall issue to such a person a junking certificate, which shall authorize the holder thereof to possess, transport, or, by an endorsement, transfer ownership in such junked vehicle, and a certificate of title shall not again be issued for such vehicle.

A licensee who possesses a junk vehicle and a Certificate of Title, Salvage Certificate, Certificate of Purchase, or a similarly acceptable out-of-state document of ownership for such junk vehicle, may transport the junk vehicle to another licensee prior to applying for or obtaining a junking certificate, by executing a uniform invoice. The licensee transferor shall furnish a copy of the uniform invoice to the licensee transferee at the time of transfer. In any case, the licensee transferor shall apply for a junking certificate in conformance with Section 3-117.1 of this Chapter. The following information shall be contained on a uniform invoice:

(1) The business name, address and dealer license number of the person disposing of the vehicle, junk vehicle or vehicle cowl;

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(2) The name and address of the person acquiring the vehicle, junk vehicle or vehicle cowl, and if that person is a dealer, the Illinois or out-of-state dealer license number of that dealer;

(3) The date of the disposition of the vehicle, junk vehicle or vehicle cowl;

(4) The year, make, model, color and description of each vehicle, junk vehicle or vehicle cowl disposed of by such person;

(5) The manufacturer's vehicle identification number, Secretary of State identification number or Illinois Department of State Police number, for each vehicle, junk vehicle or vehicle cowl part disposed of by such person;

(6) The printed name and legible signature of the person or agent disposing of the vehicle, junk vehicle or vehicle cowl; and

(7) The printed name and legible signature of the person accepting delivery of the vehicle, junk vehicle or vehicle cowl.

The Secretary of State may certify a junking manifest in a form prescribed by the Secretary of State that reflects those vehicles for which junking certificates have been applied or issued. A junking manifest may be issued to any person and it shall constitute evidence of ownership for the vehicle listed upon it. A junking manifest may be transferred only to a person licensed under Section 5-301 of this Code as a scrap processor. A junking manifest will allow the transportation of those vehicles to a scrap processor prior to receiving the junk certificate from the Secretary of State.

(b) An application for a salvage certificate shall be submitted to the Secretary of State in any of the following situations:

(1) When an insurance company makes a payment of damages on a total loss claim for a vehicle, the insurance company shall be deemed to be the owner of such vehicle and the vehicle shall be considered to be salvage except that ownership of (i) a vehicle that has incurred only hail damage that does not affect the operational safety of the vehicle or (ii) any vehicle 9 model years of age or older may, by agreement between the registered owner and the insurance company, be retained by the registered owner of such vehicle. The insurance company shall promptly deliver or
mail within 20 days the certificate of title along with proper application and fee to the Secretary of State, and a salvage certificate shall be issued in the name of the insurance company. An insurer making payment of damages on a total loss claim for the theft of a vehicle may exchange the salvage certificate for a certificate of title if the vehicle is recovered without damage. In such a situation, the insurer shall fill out and sign a form prescribed by the Secretary of State which contains an affirmation under penalty of perjury that the vehicle was recovered without damage and the Secretary of State may, by rule or regulation, require photographs to be submitted.

(1.1) When a vehicle of a self-insured company is to be sold in the State of Illinois and has sustained damaged by collision, fire, theft, rust corrosion, or other means so that the self-insured company determines the vehicle to be a total loss, or if the cost of repairing the damage, including labor, would be greater than 50% of its fair market value without that damage, the vehicle shall be considered salvage. The self-insured company shall promptly deliver the certificate of title along with proper application and fee to the Secretary of State, and a salvage certificate shall be issued in the name of the self-insured company. A self-insured company making payment of damages on a total loss claim for the theft of a vehicle may exchange the salvage certificate for a certificate of title if the vehicle is recovered without damage. In such a situation, the self-insured shall fill out and sign a form prescribed by the Secretary of State which contains an affirmation under penalty of perjury that the vehicle was recovered without damage and the Secretary of State may, by rule, require photographs to be submitted.

(2) When a vehicle the ownership of which has been transferred to any person through a certificate of purchase from acquisition of the vehicle at an auction, other dispositions as set forth in Sections 4-208 and 4-209 of this Code, a lien arising under Section 18a-501 of this Code, or a public sale under the
Abandoned Mobile Home Act shall be deemed salvage or junk at the option of the purchaser. The person acquiring such vehicle in such manner shall promptly deliver or mail, within 20 days after the acquisition of the vehicle, the certificate of purchase, the proper application and fee, and, if the vehicle is an abandoned mobile home under the Abandoned Mobile Home Act, a certification from a local law enforcement agency that the vehicle was purchased or acquired at a public sale under the Abandoned Mobile Home Act to the Secretary of State and a salvage certificate or junking certificate shall be issued in the name of that person. The salvage certificate or junking certificate issued by the Secretary of State under this Section shall be free of any lien that existed against the vehicle prior to the time the vehicle was acquired by the applicant under this Code.

(3) A vehicle which has been repossessed by a lienholder shall be considered to be salvage only when the repossessed vehicle, on the date of repossession by the lienholder, has sustained damage by collision, fire, theft, rust corrosion, or other means so that the cost of repairing such damage, including labor, would be greater than 33 1/3% of its fair market value without such damage. If the lienholder determines that such vehicle is damaged in excess of 33 1/3% of such fair market value, the lienholder shall, before sale, transfer or assignment of the vehicle, make application for a salvage certificate, and shall submit with such application the proper fee and evidence of possession. If the facts required to be shown in subsection (f) of Section 3-114 are satisfied, the Secretary of State shall issue a salvage certificate in the name of the lienholder making the application. In any case wherein the vehicle repossessed is not damaged in excess of 33 1/3% of its fair market value, the lienholder shall comply with the requirements of subsections (f), (f-5), and (f-10) of Section 3-114, except that the affidavit of repossession made by or on behalf of the lienholder shall also contain an affirmation under penalty of perjury that the vehicle on the date of sale is not damaged in excess of 33 1/3% of
its fair market value. If the facts required to be shown in subsection (f) of Section 3-114 are satisfied, the Secretary of State shall issue a certificate of title as set forth in Section 3-116 of this Code. The Secretary of State may by rule or regulation require photographs to be submitted.

(4) A vehicle which is a part of a fleet of more than 5 commercial vehicles registered in this State or any other state or registered proportionately among several states shall be considered to be salvage when such vehicle has sustained damage by collision, fire, theft, rust, corrosion or similar means so that the cost of repairing such damage, including labor, would be greater than 33 1/3% of the fair market value of the vehicle without such damage. If the owner of a fleet vehicle desires to sell, transfer, or assign his interest in such vehicle to a person within this State other than an insurance company licensed to do business within this State, and the owner determines that such vehicle, at the time of the proposed sale, transfer or assignment is damaged in excess of 33 1/3% of its fair market value, the owner shall, before such sale, transfer or assignment, make application for a salvage certificate. The application shall contain with it evidence of possession of the vehicle. If the fleet vehicle at the time of its sale, transfer, or assignment is not damaged in excess of 33 1/3% of its fair market value, the owner shall so state in a written affirmation on a form prescribed by the Secretary of State by rule or regulation. The Secretary of State may by rule or regulation require photographs to be submitted. Upon sale, transfer or assignment of the fleet vehicle the owner shall mail the affirmation to the Secretary of State.

(5) A vehicle that has been submerged in water to the point that rising water has reached over the door sill and has entered the passenger or trunk compartment is a "flood vehicle". A flood vehicle shall be considered to be salvage only if the vehicle has sustained damage so that the cost of repairing the damage, including labor, would be greater than 33 1/3% of the fair market value of the vehicle without that damage. The salvage certificate

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issued under this Section shall indicate the word "flood", and the word "flood" shall be conspicuously entered on subsequent titles for the vehicle. A person who possesses or acquires a flood vehicle that is not damaged in excess of 33 1/3% of its fair market value shall make application for title in accordance with Section 3-116 of this Code, designating the vehicle as "flood" in a manner prescribed by the Secretary of State. The certificate of title issued shall indicate the word "flood", and the word "flood" shall be conspicuously entered on subsequent titles for the vehicle.

(c) Any person who without authority acquires, sells, exchanges, gives away, transfers or destroys or offers to acquire, sell, exchange, give away, transfer or destroy the certificate of title to any vehicle which is a junk or salvage vehicle shall be guilty of a Class 3 felony.

(d) Any person who knowingly fails to surrender to the Secretary of State a certificate of title, salvage certificate, certificate of purchase or a similarly acceptable out-of-state document of ownership as required under the provisions of this Section is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a subsequent offense; except that a person licensed under this Code who violates paragraph (5) of subsection (b) of this Section is guilty of a business offense and shall be fined not less than $1,000 nor more than $5,000 for a first offense and is guilty of a Class 4 felony for a second or subsequent violation.

(e) Any vehicle which is salvage or junk may not be driven or operated on roads and highways within this State. A violation of this subsection is a Class A misdemeanor. A salvage vehicle displaying valid special plates issued under Section 3-601(b) of this Code, which is being driven to or from an inspection conducted under Section 3-308 of this Code, is exempt from the provisions of this subsection. A salvage vehicle for which a short term permit has been issued under Section 3-307 of this Code is exempt from the provisions of this subsection for the duration of the permit.

(Source: P.A. 92-751, eff. 8-2-02.)


New matter indicated by italics - deletions by strikeout
Effective January 1, 2008.

PUBLIC ACT 95-0496
(Senate Bill No. 1165)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by adding Section 2-3.142 and by changing Sections 3-9, 3-14.3, 3-14.12, 6-2.1, 10-21.4, 14C-8, 18-9, 18-11, 26-3a, 27-8.1, and 34-8 as follows:

(105 ILCS 5/2-3.142 new)

Sec. 2-3.142. Community college enrollments. The State Board of Education shall annually assemble all data reported to the State Board of Education under Section 10-21.4 or 34-8 of this Code by district superintendents, relating to the number of high school students in the educational service region who are enrolled in accredited courses at any community college, together with the name and number of the course or courses that each such student is taking, assembled both by individual school district and by educational service region totals.

(105 ILCS 5/3-9) (from Ch. 122, par. 3-9)

Sec. 3-9. School funds; apportionment and payment. Whenever the regional superintendent receives amounts due to local school districts, the regional superintendent shall apportion and distribute the moneys to the appropriate local school districts as directed. No part of the State or other school funding, however, shall be paid to any school treasurer or other persons authorized to receive it unless such treasurer has filed the required bond, or if reelected, has renewed the bond and filed it as required by law and unless the publication of the annual fiscal statement required in Section 10-17 has been made and properly certified.

(Source: P.A. 92-121, eff. 7-20-01.)

(105 ILCS 5/3-14.3) (from Ch. 122, par. 3-14.3)

Sec. 3-14.3. Township fund lands. To sell township fund lands, issue certificates of purchase, report to the county board and the Secretary
of State Comptroller in the manner provided in Article 15 of this Code Act, and perform all other duties pertaining thereto.
(Source: P.A. 78-592.)

(105 ILCS 5/3-14.12) (from Ch. 122, par. 3-14.12)
Sec. 3-14.12. Examine evidences of indebtedness. In Class II county school units with respect to townships wherein trustees of schools maintain jurisdiction and in which township funds have not heretofore been liquidated and distributed, to examine all notes, bonds, mortgages, and other evidences of indebtedness which the township or school treasurer holds officially with respect to such fund or funds, and if he or she finds that the papers are not in proper form or that the securities are insufficient, he or she shall so state, in writing, to the trustees of schools or school board.
(Source: P.A. 86-1441.)

(105 ILCS 5/6-2.1) (from Ch. 122, par. 6-2.1)
Sec. 6-2.1. On and after the effective date of this amendatory Act, the provisions of Sections 6-3, 6-4, 6-5, 6-10, 6-11 (now repealed), 6-12, 6-17, 6-18, 6-19, 6-20, and 6-21 of this School Code shall have no application in any educational service region having a population of 2,000,000 or more inhabitants.
(Source: P.A. 87-969.)

(105 ILCS 5/10-21.4) (from Ch. 122, par. 10-21.4)
Sec. 10-21.4. Superintendent - Duties. Except in districts in which there is only one school with less than four teachers, to employ a superintendent who shall have charge of the administration of the schools under the direction of the board of education. In addition to the administrative duties, the superintendent shall make recommendations to the board concerning the budget, building plans, the locations of sites, the selection, retention and dismissal of teachers and all other employees, the selection of textbooks, instructional material and courses of study. However, in districts under a Financial Oversight Panel pursuant to Section 1A-8 for violating a financial plan, the duties and responsibilities of the superintendent in relation to the financial and business operations of the district shall be approved by the Panel. In the event the Board refuses

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or fails to follow a directive or comply with an information request of the Panel, the performance of those duties shall be subject to the direction of the Panel. The superintendent shall also notify the State Board of Education, the board and the chief administrative official, other than the alleged perpetrator himself, in the school where the alleged perpetrator serves, that any person who is employed in a school or otherwise comes into frequent contact with children in the school has been named as a perpetrator in an indicated report filed pursuant to the Abused and Neglected Child Reporting Act, approved June 26, 1975, as amended. The superintendent shall keep or cause to be kept the records and accounts as directed and required by the board, aid in making reports required by the board, and perform such other duties as the board may delegate to him.

In addition, in January of each year, beginning in 1990, each superintendent shall report to the State Board of Education regional superintendent of schools of the educational service region in which the school district served by the superintendent is located, the number of high school students in the district who are enrolled in accredited courses (for which high school credit will be awarded upon successful completion of the courses) at any community college, together with the name and number of the course or courses which each such student is taking.

The provisions of this section shall also apply to board of director districts.

Notice of intent not to renew a contract must be given in writing stating the specific reason therefor by April 1 of the contract year unless the contract specifically provides otherwise. Failure to do so will automatically extend the contract for an additional year. Within 10 days after receipt of notice of intent not to renew a contract, the superintendent may request a closed session hearing on the dismissal. At the hearing the superintendent has the privilege of presenting evidence, witnesses and defenses on the grounds for dismissal. The provisions of this paragraph shall not apply to a district under a Financial Oversight Panel pursuant to Section 1A-8 for violating a financial plan.

(105 ILCS 5/14C-8) (from Ch. 122, par. 14C-8)
Sec. 14C-8. Teacher certification - Qualifications - Issuance of certificates. No person shall be eligible for employment by a school district as a teacher of transitional bilingual education without either (a) holding a valid teaching certificate issued pursuant to Article 21 of this Code and meeting such additional language and course requirements as prescribed by the State Board of Education or (b) meeting the requirements set forth in this Section. The Certification Board shall issue certificates valid for teaching in all grades of the common school in transitional bilingual education programs to any person who presents it with satisfactory evidence that he possesses an adequate speaking and reading ability in a language other than English in which transitional bilingual education is offered and communicative skills in English, and possessed within 5 years previous to his or her applying for a certificate under this Section a valid teaching certificate issued by a foreign country, or by a State or possession or territory of the United States, or other evidence of teaching preparation as may be determined to be sufficient by the Certification Board, or holds a degree from an institution of higher learning in a foreign country which the Certification Board determines to be the equivalent of a bachelor's degree from a recognized institution of higher learning in the United States; provided that any person seeking a certificate under this Section must meet the following additional requirements:

(1) Such persons must be in good health;
(2) Such persons must be of sound moral character;
(3) Such persons must be legally present in the United States and possess legal authorization for employment;
(4) Such persons must not be employed to replace any presently employed teacher who otherwise would not be replaced for any reason.

Certificates issuable pursuant to this Section shall be issuable only during the 5 years immediately following the effective date of this Act and thereafter for additional periods of one year only upon a determination by the State Board of Education that a school district lacks the number of teachers necessary to comply with the mandatory requirements of Sections 14C-2.1 and 14C-3 of this Article for the establishment and maintenance of programs of transitional bilingual education and said certificates issued

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by the Certification Board shall be valid for a period of 6 years following their date of issuance and shall not be renewed, except that one renewal for a period of two years may be granted if necessary to permit the holder of a certificate issued under this Section to acquire a teaching certificate pursuant to Article 21 of this Code. Such certificates and the persons to whom they are issued shall be exempt from the provisions of Article 21 of this Code except that Sections 21-12, 21-13, 21-16, 21-17, 21-19, 21-21, 21-22, 21-23 and 21-24 shall continue to be applicable to all such certificates.

After the effective date of this amendatory Act of 1984, an additional renewal for a period to expire August 31, 1985, may be granted. The State Board of Education shall report to the General Assembly on or before January 31, 1985 its recommendations for the qualification of teachers of bilingual education and for the qualification of teachers of English as a second language. Said qualification program shall take effect no later than August 31, 1985.

Beginning July 1, 2001, the State Board of Education shall implement a test or tests to assess the speaking, reading, writing, and grammar skills of applicants for a certificate issued under this Section in the English language and in the language of the transitional bilingual education program requested by the applicant and shall establish appropriate fees for these tests. The State Board of Education, in consultation with the Certification Board, shall promulgate rules to implement the required tests, including specific provisions to govern test selection, test validation, determination of a passing score, administration of the test or tests, frequency of administration, applicant fees, identification requirements for test takers, frequency of applicants taking the tests, the years for which a score is valid, waiving tests for individuals who have satisfactorily passed other tests, and the consequences of dishonest conduct in the application for or taking of the tests.

If the qualifications of an applicant for a certificate valid for teaching in transitional bilingual education programs in all grades of the common schools do not meet the requirements established for the issuance of that certificate, the Certification Board nevertheless shall issue the

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applicant a substitute teacher's certificate under Section 21-9 whenever it appears from the face of the application submitted for certification as a teacher of transitional bilingual education and the evidence presented in support thereof that the applicant's qualifications meet the requirements established for the issuance of a certificate under Section 21-9; provided, that if it does not appear from the face of such application and supporting evidence that the applicant is qualified for issuance of a certificate under Section 21-9 the Certification Board shall evaluate the application with reference to the requirements for issuance of certificates under Section 21-9 and shall inform the applicant, at the time it denies the application submitted for certification as a teacher of transitional bilingual education, of the additional qualifications which the applicant must possess in order to meet the requirements established for issuance of (i) a certificate valid for teaching in transitional bilingual education programs in all grades of the common schools and (ii) a substitute teacher's certificate under Section 21-9.

(Source: P.A. 91-370, eff. 7-30-99.)

(105 ILCS 5/18-9) (from Ch. 122, par. 18-9)

Sec. 18-9. Requirement for special equalization and supplementary State aid.

(a) Any school district claiming an equalization quota may not increase its annual net cash balance in the educational fund for the fiscal school year by failing to expend for educational purposes the total of (1) the general grant, (2) the equalization quota, and (3) the amount determined by applying the qualifying rate to the equalized assessed valuation of the district. Any district which increases such annual net cash balance by failing to expend the amount received from the sum of (1) the general grant, (2) the equalization quota, and (3) the amount determined by applying the qualifying rate to the equalized assessed valuation of the district, shall have its next claim for an equalization quota reduced in an amount equal to the difference between its expenditures for educational purposes and that sum.
Current expenditures made in any district receiving a special equalization quota and governed by a board of directors must be approved in advance by the regional superintendent.

If, as a result of tax objections based on inequities of assessment, a final decision of any court, entered not more than one year before or 3 years after August 26, 1963, reduces the taxes received by the educational fund of a school district, for any given year, in an amount equal to or more than 3% of the total amount of taxes extended for educational purposes of the district, that district may amend its claim for equalization aid for that year by adding thereto an amount determined by multiplying the deficiency in tax receipts by a percentage computed by dividing the tax rate required in Section 18-8 to receive an equalization quota by the tax rate originally extended for educational purposes. The amended claim including any additional monies to which the district may be entitled shall be filed within three years of the date of such decision and the additional amount paid as supplementary state equalization aid.

(b) Any elementary, high school or unit district which for the year 1971, as compared to the year 1970, has a decrease of more than 40% in the value of all its taxable property as equalized or assessed by the Department of Revenue, shall be entitled to file a claim for supplementary State aid with the Office of the State Superintendent of Education. The amount of such aid shall be determined by multiplying the amount of the decrease in the value of the district's taxable property times the total of the 1972 tax rates for school purposes less the sum of the district's qualifying tax rates for educational and transportation purposes extended by such district. Such claims shall be filed on forms prescribed by the Superintendent, and the Superintendent upon receipt of such claims shall adjust the claim of each such district in accordance with the provisions of this Section.

(c) Where property comprising an aggregate assessed valuation equal to 3% or more of the total assessed valuation of all taxable property in the district is owned by a person or corporation who is the subject of bankruptcy proceedings or has been adjudged a bankrupt and, as a result thereof, has not paid taxes on that property for 2 or more years, that district

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may amend its claim back to the inception of such bankruptcy, not to exceed 6 years, in which time such taxes were not paid and for each succeeding year that such taxes remain unpaid by adding to that claim an amount determined by multiplying the assessed valuation of the property on which taxes have not been paid due to bankruptcy by the tax rate required in Section 18-8 to receive an equalization quota or after July 1, 1973, by the district's operating tax rate for general state aid purposes. If at any time a district which receives additional State aid under the provisions of this paragraph receives tax revenue from such property for the years that taxes were not paid, its next claim for State aid shall be reduced in an amount equal to the taxes paid on such property, not to exceed the additional State aid received under the provisions of this subsection (e). Such claims shall be filed on forms prescribed by the Superintendent, and the Superintendent upon receipt of such claims shall adjust the claim of each such district in accordance with the provisions of this subsection (e).

(d) If property comprising an aggregate assessed valuation equal to 6% or more of the total assessed valuation of all taxable property in a school district is owned by a person or corporation that is the subject of bankruptcy proceedings or that has been adjudged bankrupt and, as a result thereof, has not paid taxes on the property, then the district may amend its general State aid claim (i) back to the inception of the bankruptcy, not to exceed 6 years, in which time those taxes were not paid and (ii) for each succeeding year that those taxes remain unpaid, by adding to the claim an amount determined by multiplying the assessed valuation of the property on which taxes have not been paid due to the bankruptcy by the lesser of the total tax rate for the district for the tax year for which the taxes are unpaid or the applicable rate used in calculating the district's general State aid under paragraph (3) of subsection (D) of Section 18-8.05 of this Code. If at any time a district that receives additional State aid under this Section subsection (d) receives tax revenue from the property for the years that taxes were not paid, the district's next claim for State aid shall be reduced in an amount equal to the taxes paid on the property, not to exceed the additional State aid received under this Section subsection (d). Claims under this Section subsection (d) shall be filed on forms prescribed by the
State Superintendent of Education, and the State Superintendent of Education, upon receipt of a claim, shall adjust the claim in accordance with the provisions of this Section subsection (d). Supplementary State aid for each succeeding year under this Section subsection (d) shall be paid beginning with the first general State aid claim paid after the district has filed a completed claim in accordance with this Section subsection (d).

(Source: P.A. 92-661, eff. 7-16-02.)

Sec. 18-11. Payment of claims.

(a) As Except as provided in subsection (b) of this Section, and except as provided in subsection (c) of this Section with respect to payments made under Sections 18-8 through 18-10 for fiscal year 1994 only, as soon as may be after the 10th and 20th days of each of the months of August through the following July if moneys are available in the common school fund in the State treasury for payments under Sections 18-8.05 through 18-9 through 18-10 the State Comptroller shall draw his warrants upon the State Treasurer as directed by the State Board of Education pursuant to Section 2-3.17b and in accordance with the transfers from the General Revenue Fund to the Common School Fund as specified in Section 8a of the State Finance Act.

Each such semimonthly warrant shall be in an amount equal to 1/24 of the total amount to be distributed to school districts for the fiscal year. The amount of payments made in July of each year shall be considered as payments for claims covering the school year that commenced during the immediately preceding calendar year. If the payments provided for under Sections 18-8.05 through 18-9 through 18-10 have been assigned as security for State aid anticipation certificates pursuant to Section 18-18, the State Board of Education shall pay the appropriate amount of the payment, as specified in the notification required by Section 18-18, directly to the assignee.

(b) (Blank). As soon as may be after the 10th and 20th days of each of the months of June, 1982 through July, 1983, if moneys are available in the Common School Fund in the State treasury for payments under Sections 18-8 through 18-10, the State Comptroller shall draw his warrants

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upon the State Treasurer proportionate for the various counties payable to the regional superintendent of schools in accordance with the transfers from the General Revenue Fund to the Common School Fund as specified in Section 8a of the State Finance Act.

Each such semimonthly warrant for the months of June and July, 1982 shall be in an amount equal to 1/24 of the total amount to be distributed to school districts by the regional superintendent for school year 1981-1982:

Each such semimonthly warrant for the months of August, 1982 through July, 1983 shall be in an amount equal to 1/24 of the total amount to be distributed to school districts by the regional superintendent for school year 1982-1983.

The State Superintendent of Education shall, from monies appropriated for such purpose, compensate districts for interest lost arising from the change in payments in June, 1982 to payments in the months of June and July, 1982, for claims arising from school year 1981-1982. The amount appropriated for such purpose shall be based upon the Prime Commercial Rate in effect May 15, 1982. The amount of such compensation shall be equal to the ratio of the district's net State aid entitlement for school year 1981-1982 divided by the total net State aid entitlement times the funds appropriated for such purpose. Payment in full of the amount of compensation derived from the computation required in the preceding sentence shall be made as soon as may be after July 1, 1982 upon warrants payable to the several regional superintendents of schools.

The State Superintendent of Education shall, from monies appropriated for such purpose, compensate districts for interest lost arising from the change in payments in June, 1983 to payments in the months of June and July, 1983, for claims arising from school year 1982-1983. The amount appropriated for such purpose shall be based upon an interest rate of no less than 15 per cent or the Prime Commercial Rate in effect May 15, 1983, whichever is greater. The amount of such compensation shall be equal to the ratio of the district's net State aid entitlement for school year 1982-1983 divided by the total net State aid entitlement times the funds appropriated for such purpose. Payment in full of the amount of
compensation derived from the computation required in the preceding sentence shall be made as soon as may be after July 1, 1983 upon warrants payable to the several regional superintendents of schools.

The State Superintendent of Education shall, from monies appropriated for such purpose, compensate districts for interest lost arising from the change in payments in June, 1992 and each year thereafter to payments in the months of June and July, 1992 and each year thereafter. The amount appropriated for such purpose shall be based upon the Prime Commercial Rate in effect June 15, 1992 and June 15 annually thereafter. The amount of such compensation shall be equal to the ratio of the district's net State aid entitlement divided by the total net State aid entitlement times the amount of funds appropriated for such purpose. Payment of the compensation shall be made as soon as may be after July 1 upon warrants payable to the several regional superintendents of schools.

The regional superintendents shall make payments to their respective school districts as soon as may be after receipt of the warrants unless the payments have been assigned as security for State aid anticipation certificates pursuant to Section 18-18. If such an assignment has been made, the regional superintendent shall, as soon as may be after receipt of the warrants, pay the appropriate amount of the payment as specified in the notification required by Section 18-18, directly to the assignee.

As used in this Section, "Prime Commercial Rate" means such prime rate as from time to time is publicly announced by the largest commercial banking institution in this State, measured in terms of total assets.

(c) (Blank). With respect to all school districts but for fiscal year 1994 only, as soon as may be after the 10th and 20th days of August, 1993 and as soon as may be after the 10th and 20th days of each of the months of October, 1993 through July, 1994 if moneys are available in the Common School Fund in the State treasury for payments under Sections 18-8 through 18-10, the State Comptroller shall draw his warrants upon the State Treasurer as directed by the State Board of Education in accordance with transfers from the General Revenue Fund to the Common School Fund.
School Fund as specified in Section 8a of the State Finance Act. The warrant for the 10th day of August, 1993 and each semimonthly warrant for the months of October, 1993 through July, 1994 shall be in an amount equal to 1/24 of the total amount to be distributed to that school district for fiscal year 1994, and the warrant for the 20th day of August, 1993 shall be in an amount equal to 3/24 of that total. The amount of payments made in July of 1994 shall be considered as payments for claims covering the school year that commenced during the immediately preceding calendar year.

(Source: P.A. 87-14; 87-887; 87-895; 88-45; 88-89; 88-641, eff. 9-9-94.)

(105 ILCS 5/26-3a) (from Ch. 122, par. 26-3a)

Sec. 26-3a. Report of pupils no longer enrolled in school.

The clerk or secretary of the school board of all school districts shall furnish quarterly on the first school day of October, January, April and July to the regional superintendent a list of pupils, excluding transferes, who have been expelled or have withdrawn or who have left school and have been removed from the regular attendance rolls during the period of time school was in regular session from the time of the previous quarterly report. Such list shall include the names and addresses of pupils formerly in attendance, the names and addresses of persons having custody or control of such pupils, the reason, if known, such pupils are no longer in attendance and the date of removal from the attendance rolls. The regional superintendent shall inform the county or district truant officer who shall investigate to see that such pupils are in compliance with the requirements of this Article.

In addition, the regional superintendent of schools of each educational service region shall report to the State Board of Education, in January of 1992 and in January of each year thereafter, the number and ages of dropouts, as defined in Section 26-2a, in his educational service region during the school year that ended in the immediately preceding calendar year, together with any efforts, activities and programs undertaken, established, implemented or coordinated by the regional

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superintendent of schools that have been effective in inducing dropouts to re-enroll in school.

(Source: P.A. 87-303.)

(Text of Section after amendment by P.A. 94-916)
Sec. 26-3a. Report of pupils no longer enrolled in school.
The clerk or secretary of the school board of all school districts shall furnish quarterly on the first school day of October, January, April and July to the regional superintendent and to the Secretary of State a list of pupils, excluding transferees, who have been expelled or have withdrawn or who have left school and have been removed from the regular attendance rolls during the period of time school was in regular session from the time of the previous quarterly report. Such list shall include the names and addresses of pupils formerly in attendance, the names and addresses of persons having custody or control of such pupils, the reason, if known, such pupils are no longer in attendance and the date of removal from the attendance rolls. The list shall also include the names of: pupils whose withdrawal is due to extraordinary circumstances, including but not limited to economic or medical necessity or family hardship, as determined by the criteria established by the school district; pupils who have re-enrolled in school since their names were removed from the attendance rolls; any pupil certified to be a chronic or habitual truant, as defined in Section 26-2a; and pupils previously certified as chronic or habitual truants who have resumed regular school attendance. The regional superintendent shall inform the county or district truant officer who shall investigate to see that such pupils are in compliance with the requirements of this Article.

Each local school district shall establish, in writing, a set of criteria for use by the local superintendent of schools in determining whether a pupil's failure to attend school is the result of extraordinary circumstances, including but not limited to economic or medical necessity or family hardship.

If a pupil re-enrolls in school after his or her name was removed from the attendance rolls or resumes regular attendance after being certified a chronic or habitual truant, the pupil must obtain and forward to

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the Secretary of State, on a form designated by the Secretary of State, verification of his or her re-enrollment. The verification may be in the form of a signature or seal or in any other form determined by the school board.

In addition, the regional superintendent of schools of each educational service region shall report to the State Board of Education, in January of 1992 and in January of each year thereafter, the number and ages of dropouts, as defined in Section 26-2a, in his educational service region during the school year that ended in the immediately preceding calendar year, together with any efforts, activities and programs undertaken, established, implemented or coordinated by the regional superintendent of schools that have been effective in inducing dropouts to re-enroll in school. The State Board of Education shall, if possible, make available to any person, upon request, a comparison of dropout rates before and after the effective date of this amendatory Act of the 94th General Assembly.

(Source: P.A. 94-916, eff. 7-1-07.)

(105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)
Sec. 27-8.1. Health examinations and immunizations.

(1) In compliance with rules and regulations which the Department of Public Health shall promulgate, and except as hereinafter provided, all children in Illinois shall have a health examination as follows: within one year prior to entering kindergarten or the first grade of any public, private, or parochial elementary school; upon entering the fifth and ninth grades of any public, private, or parochial school; prior to entrance into any public, private, or parochial nursery school; and, irrespective of grade, immediately prior to or upon entrance into any public, private, or parochial school or nursery school, each child shall present proof of having been examined in accordance with this Section and the rules and regulations promulgated hereunder.

A tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis. Additional health examinations of pupils,
including vision examinations, may be required when deemed necessary by school authorities. Parents are encouraged to have their children undergo vision examinations at the same points in time required for health examinations.

(1.5) In compliance with rules adopted by the Department of Public Health and except as otherwise provided in this Section, all children in kindergarten and the second and sixth grades of any public, private, or parochial school shall have a dental examination. Each of these children shall present proof of having been examined by a dentist in accordance with this Section and rules adopted under this Section before May 15th of the school year. If a child in the second or sixth grade fails to present proof by May 15th, the school may hold the child's report card until one of the following occurs: (i) the child presents proof of a completed dental examination or (ii) the child presents proof that a dental examination will take place within 60 days after May 15th. The Department of Public Health shall establish, by rule, a waiver for children who show an undue burden or a lack of access to a dentist. Each public, private, and parochial school must give notice of this dental examination requirement to the parents and guardians of students at least 60 days before May 15th of each school year.

(2) The Department of Public Health shall promulgate rules and regulations specifying the examinations and procedures that constitute a health examination, which shall include the collection of data relating to obesity; (including at a minimum, date of birth, gender, height, weight, blood pressure, and date of exam), and a dental examination and may recommend by rule that certain additional examinations be performed. The rules and regulations of the Department of Public Health shall specify that a tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis. The Department of Public Health shall specify that a diabetes screening as defined by rule shall be included as a required part of each health examination. Diabetes testing is not required.

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Physicians licensed to practice medicine in all of its branches, advanced practice nurses who have a written collaborative agreement with a collaborating physician which authorizes them to perform health examinations, or physician assistants who have been delegated the performance of health examinations by their supervising physician shall be responsible for the performance of the health examinations, other than dental examinations and vision and hearing screening, and shall sign all report forms required by subsection (4) of this Section that pertain to those portions of the health examination for which the physician, advanced practice nurse, or physician assistant is responsible. If a registered nurse performs any part of a health examination, then a physician licensed to practice medicine in all of its branches must review and sign all required report forms. Licensed dentists shall perform all dental examinations and shall sign all report forms required by subsection (4) of this Section that pertain to the dental examinations. Physicians licensed to practice medicine in all its branches, or licensed optometrists, shall perform all vision exams required by school authorities and shall sign all report forms required by subsection (4) of this Section that pertain to the vision exam. Vision and hearing screening tests, which shall not be considered examinations as that term is used in this Section, shall be conducted in accordance with rules and regulations of the Department of Public Health, and by individuals whom the Department of Public Health has certified. In these rules and regulations, the Department of Public Health shall require that individuals conducting vision screening tests give a child's parent or guardian written notification, before the vision screening is conducted, that states, "Vision screening is not a substitute for a complete eye and vision evaluation by an eye doctor. Your child is not required to undergo this vision screening if an optometrist or ophthalmologist has completed and signed a report form indicating that an examination has been administered within the previous 12 months."

(3) Every child shall, at or about the same time as he or she receives a health examination required by subsection (1) of this Section, present to the local school proof of having received such immunizations against preventable communicable diseases as the Department of Public
Health shall require by rules and regulations promulgated pursuant to this Section and the Communicable Disease Prevention Act.

(4) The individuals conducting the health examination or dental examination shall record the fact of having conducted the examination, and such additional information as required, including *for a health examination* data relating to obesity; (including at a minimum, date of birth, gender, height, weight, blood pressure, and date of exam), on uniform forms which the Department of Public Health and the State Board of Education shall prescribe for statewide use. The examiner shall summarize on the report form any condition that he or she suspects indicates a need for special services, including *for a health examination* factors relating to obesity. The individuals confirming the administration of required immunizations shall record as indicated on the form that the immunizations were administered.

(5) If a child does not submit proof of having had either the health examination or the immunization as required, then the child shall be examined or receive the immunization, as the case may be, and present proof by October 15 of the current school year, or by an earlier date of the current school year established by a school district. To establish a date before October 15 of the current school year for the health examination or immunization as required, a school district must give notice of the requirements of this Section 60 days prior to the earlier established date. If for medical reasons one or more of the required immunizations must be given after October 15 of the current school year, or after an earlier established date of the current school year, then the child shall present, by October 15, or by the earlier established date, a schedule for the administration of the immunizations and a statement of the medical reasons causing the delay, both the schedule and the statement being issued by the physician, advanced practice nurse, physician assistant, registered nurse, or local health department that will be responsible for administration of the remaining required immunizations. If a child does not comply by October 15, or by the earlier established date of the current school year, with the requirements of this subsection, then the local school authority shall exclude that child from school until such time as the child
presents proof of having had the health examination as required and presents proof of having received those required immunizations which are medically possible to receive immediately. During a child's exclusion from school for noncompliance with this subsection, the child's parents or legal guardian shall be considered in violation of Section 26-1 and subject to any penalty imposed by Section 26-10. This subsection (5) does not apply to dental examinations.

(6) Every school shall report to the State Board of Education by November 15, in the manner which that agency shall require, the number of children who have received the necessary immunizations and the health examination (other than a dental examination) as required, indicating, of those who have not received the immunizations and examination as required, the number of children who are exempt from health examination and immunization requirements on religious or medical grounds as provided in subsection (8). Every school shall report to the State Board of Education by June 30, in the manner that the State Board requires, the number of children who have received the required dental examination, indicating, of those who have not received the required dental examination, the number of children who are exempt from the dental examination on religious grounds as provided in subsection (8) of this Section and the number of children who have received a waiver under subsection (1.5) of this Section. This reported information shall be provided to the Department of Public Health by the State Board of Education.

(7) Upon determining that the number of pupils who are required to be in compliance with subsection (5) of this Section is below 90% of the number of pupils enrolled in the school district, 10% of each State aid payment made pursuant to Section 18-8.05 to the school district for such year may shall be withheld by the State Board of Education regional superintendent until the number of students in compliance with subsection (5) is the applicable specified percentage or higher.

(8) Parents or legal guardians who object to health or dental examinations or any part thereof, or to immunizations, on religious grounds shall not be required to submit their children or wards to the

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examinations or immunizations to which they so object if such parents or legal guardians present to the appropriate local school authority a signed statement of objection, detailing the grounds for the objection. If the physical condition of the child is such that any one or more of the immunizing agents should not be administered, the examining physician, advanced practice nurse, or physician assistant responsible for the performance of the health examination shall endorse that fact upon the health examination form. Exempting a child from the health or dental examination does not exempt the child from participation in the program of physical education training provided in Sections 27-5 through 27-7 of this Code.

(9) For the purposes of this Section, "nursery schools" means those nursery schools operated by elementary school systems or secondary level school units or institutions of higher learning.

(105 ILCS 5/34-8) (from Ch. 122, par. 34-8)

Sec. 34-8. Powers and duties of general superintendent. The general superintendent of schools shall prescribe and control, subject to the approval of the board and to other provisions of this Article, the courses of study mandated by State law, textbooks, educational apparatus and equipment, discipline in and conduct of the schools, and shall perform such other duties as the board may by rule prescribe. The superintendent shall also notify the State Board of Education, the board and the chief administrative official, other than the alleged perpetrator himself, in the school where the alleged perpetrator serves, that any person who is employed in a school or otherwise comes into frequent contact with children in the school has been named as a perpetrator in an indicated report filed pursuant to the Abused and Neglected Child Reporting Act, approved June 26, 1975, as amended.

The general superintendent may be granted the authority by the board to hire a specific number of employees to assist in meeting immediate responsibilities. Conditions of employment for such personnel shall not be subject to the provisions of Section 34-85.

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The general superintendent may, pursuant to a delegation of authority by the board and Section 34-18, approve contracts and expenditures.

Pursuant to other provisions of this Article, sites shall be selected, schoolhouses located thereon and plans therefor approved, and textbooks and educational apparatus and equipment shall be adopted and purchased by the board only upon the recommendation of the general superintendent of schools or by a majority vote of the full membership of the board and, in the case of textbooks, subject to Article 28 of this Act. The board may furnish free textbooks to pupils and may publish its own textbooks and manufacture its own apparatus, equipment and supplies.

In addition, in January of each year, beginning in 1990, the general superintendent of schools shall report to the State Board of Education regional superintendent of schools of the educational service region in which the school district organized under this Article is located, the number of high school students in the district who are enrolled in accredited courses (for which high school credit will be awarded upon successful completion of the courses) at any community college, together with the name and number of the course or courses which each such student is taking.

The general superintendent shall also have the authority to monitor the performance of attendance centers, to identify and place an attendance center on remediation and probation, and to recommend to the board that the attendance center be placed on intervention and be reconstituted, subject to the provisions of Sections 34-8.3 and 8.4.

The general superintendent, or his or her designee, shall conduct an annual evaluation of each principal in the district pursuant to guidelines promulgated by the Board and the Board approved principal evaluation form. The evaluation shall be based on factors, including the following: (i) student academic improvement, as defined by the school improvement plan; (ii) student absenteeism rates at the school; (iii) instructional leadership; (iv) effective implementation of programs, policies, or strategies to improve student academic achievement; (v) school management; and (vi) other factors, including, without limitation, the
principal's communication skills and ability to create and maintain a student-centered learning environment, to develop opportunities for professional development, and to encourage parental involvement and community partnerships to achieve school improvement.

(Source: P.A. 91-622, eff. 8-19-99.)

(105 ILCS 5/3-14.4 rep.)
(105 ILCS 5/3-14.5 rep.)
(105 ILCS 5/3-14.11 rep.)
(105 ILCS 5/3-14.19 rep.)
(105 ILCS 5/3-14.27 rep.)
(105 ILCS 5/3-15.11 rep.)
(105 ILCS 5/6-11 rep.)
(105 ILCS 5/21-19 rep.)
(105 ILCS 5/29-17 rep.)

Section 10. The School Code is amended by repealing Sections 3-14.4, 3-14.5, 3-14.11, 3-14.19, 3-14.27, 3-15.11, 6-11, 21-19, and 29-17.

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0497
(Senate Bill No. 1244)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The Township Code is amended by adding Section 14a as follows:

(60 ILCS 1/14a new)

Sec. 14a. Reimbursement for specialized rescue services. A township that provides fire protection services may fix, charge, and collect reasonable fees for specialized rescue services provided by the township. The total amount collected may not exceed the reasonable cost of providing those specialized rescue services and may not, in any event, exceed $125 per hour per vehicle and $35 per hour per firefighter. The fee may be charged to any of the following parties, but only after there has been a finding of fault against that party by the Occupational Safety and Health Administration or the Illinois Department of Labor:

(a) the owner of the property on which the specialized rescue services occurred;
(b) any person involved in an activity that caused or contributed to the emergency;
(c) an individual who is rescued during the emergency and his or her employer if the person was acting in furtherance of the employer’s interests;
(d) in cases involving the recovery of property, any person having control or custody of the property at the time of the emergency.

For the purposes of this Section, the term "specialized rescue services" includes, but is not limited to, structural collapse, tactical rescue, high angle rescue, underwater rescue and recovery, confined space rescue, below grade rescue, and trench rescue.

Section 10. The Illinois Municipal Code is amended by adding Section 11-6-5 as follows:

(65 ILCS 5/11-6-5 new)

Sec. 11-6-5. Reimbursement for specialized rescue services. The corporate authorities of a municipality that operates a fire department may fix, charge, and collect reasonable fees for specialized rescue services provided by the department. The total amount collected may not exceed the reasonable cost of providing those specialized rescue services and may
not, in any event, exceed $125 per hour per vehicle and $35 per hour per firefighter. The fee may be charged to any of the following parties, but only after there has been a finding of fault against that party by the Occupational Safety and Health Administration or the Illinois Department of Labor:

(a) the owner of the property on which the specialized rescue services occurred;
(b) any person involved in an activity that caused or contributed to the emergency;
(c) an individual who is rescued during the emergency and his or her employer if the person was acting in furtherance of the employer’s interests;
(d) in cases involving the recovery of property, any person having control or custody of the property at the time of the emergency.

For the purposes of this Section, the term "specialized rescue services" includes, but is not limited to, structural collapse, tactical rescue, high angle rescue, underwater rescue and recovery, confined space rescue, below grade rescue, and trench rescue.

Section 15. The Fire Protection District Act is amended by changing Section 22 and by adding Section 25 as follows:

Sec. 22. The Board of Trustees of any fire protection district incorporated under this Act is authorized under the terms and conditions hereinafter set out, to provide emergency ambulance service to or from points within or without the district; to contract with providers of ambulance service; to combine with other units of governments for the purpose of providing ambulance service; to levy a tax for the provision of such service and to adopt rules and regulations relating to ambulance service within their jurisdiction.

(a) It is declared as a matter of public policy:

(1) That, in order to preserve, protect and promote the public health, safety and general welfare, adequate and continuing
emergency ambulance service should be available to every citizen of Illinois;

(2) That, insofar as it is economically feasible, emergency ambulance service should be provided by private enterprise; and

(3) That, in the event adequate and continuing emergency ambulance services do not exist, fire protection districts should be authorized to provide, and shall cause to be provided, ambulance service as a public responsibility.

(b) Whenever the Board of Trustees of a fire protection district desires to levy a special tax to provide an ambulance service, it shall certify the question to the proper election officials, who shall submit that question at an election to the voters of the district. The result of such referendum shall be entered upon the records of the district. If a majority of the votes on the proposition are in favor of such proposition, the Board of Trustees may thereafter levy a special tax at a rate not to exceed .30% of the value of all taxable property within the district as equalized or assessed by the Department of Revenue. The proposition shall be in substantially the following form:

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Shall the .... Fire Protection
District levy a special tax at a rate not to exceed .30% of the value of all taxable property within the district as equalized or assessed by the Department of Revenue for the purpose of providing an ambulance service?  
YES

Shall the .... Fire Protection
District levy a special tax at a rate not to exceed .30% of the value of all taxable property within the district as equalized or assessed by the Department of Revenue for the purpose of providing an ambulance service?  
YES

Shall the .... Fire Protection
District levy a special tax at a rate not to exceed .30% of the value of all taxable property within the district as equalized or assessed by the Department of Revenue for the purpose of providing an ambulance service?  
YES

Shall the .... Fire Protection
District levy a special tax at a rate not to exceed .30% of the value of all taxable property within the district as equalized or assessed by the Department of Revenue for the purpose of providing an ambulance service?  
YES
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(c) If it appears that a majority of all valid votes cast on the proposition are in favor of levying a special tax to pay for an ambulance, the Board of Trustees may levy and collect an annual tax for the purpose of providing ambulance service under this Act to be extended at a rate not to exceed .30% of the full fair cash value of the taxable property within the governmental unit as assessed or equalized by the Department of Revenue.
Such annual tax shall be in addition to the other taxes a fire protection district may levy for its corporate purposes.

(d) Any Board of trustees may:
1. Provide or operate an emergency ambulance service;
2. Contract with a private person, hospital, corporation or another governmental unit for the provision and operation of emergency ambulance service or subsidize the service thereof;
3. Limit the number of ambulance services;
4. Within its jurisdiction, fix, charge and collect fees for emergency ambulance service within or outside of the fire protection district not exceeding the reasonable cost of the service;
5. Establish necessary regulations not inconsistent with the statutes or regulations of the Department of Public Health relating to ambulance service;
6. The trustees shall have the power identified in paragraphs 3 and 5 only if the district shall have passed the referendum provided for herein.

(e) When any Board of Trustees is authorized prior to January 1, 1978 to levy and collect an annual tax, for the purpose of providing ambulance service, at any rate not exceeding .25% of the full fair cash value of the taxable property within the governmental unit as equalized or assessed by the Department of Revenue, such Board of Trustees may by resolution increase its authority to tax for ambulance purposes to a rate not to exceed .30%. Such resolution shall be effective 30 days after its adoption. Notice of such resolution shall be published twice in a newspaper having a general circulation within the district at least 20 days and again at least 10 days prior to the effective date of the resolution. Such notice shall state that the voters of that fire protection district, which district shall be described in the notice, have until 30 days after the adoption of the resolution to file a petition with the Board of Trustees praying that the question of the adoption of the resolution be submitted to a vote of the electors of such territory, and that, if no such petition is filed, the resolution shall become effective 30 days after its adoption. The notice also shall state the specific number of voters required to sign the petition.
and the date of the prospective referendum. The district secretary shall provide a petition form to any individual requesting one. If such a petition, signed by the voters of the district equal to 10% or more of the registered voters of the district, is so filed with the Board of Trustees, then the question of the adoption of the resolution shall be certified to the proper election officials, who shall submit the question to a vote of the electors of the district at an election in accordance with the general election law. If such a petition is filed, the resolution does not take effect unless a majority of the votes cast upon the question of the adoption of the resolution is in favor of adoption. However, if such a petition is determined to be invalid, the resolution shall take effect.

The result of the election shall be entered upon the records of the district. If a majority of the voters vote in favor of such resolution, the resolution shall be effective immediately. The proposition shall be in substantially the following form:

---------------------------------------------
Shall the Board of Trustees of the .... Fire Protection District be authorized to increase the special tax for ambulance service to a rate not to exceed .30% of the value of all taxable property within the district as equalized or assessed by the Department of Revenue for the purpose of providing such service?
---------------------------------------------

In this Section, "ambulance service" includes, without limitation, pre-hospital medical services. "Pre-hospital medical services" includes emergency services performed by a paramedic or other on-board emergency personnel that are within the scope of the provider's license. This amendatory Act of the 95th General Assembly is declarative of existing law.
(Source: P.A. 86-1253; 87-767.)
(70 ILCS 705/25 new)

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Sec. 25. Reimbursement for specialized rescue services. A fire protection district may fix, charge, and collect reasonable fees for specialized rescue services provided by the district. The total amount collected may not exceed the reasonable cost of providing those specialized rescue services and may not, in any event, exceed $125 per hour per vehicle and $35 per hour per firefighter. The fee may be charged to any of the following parties, but only after there has been a finding of fault against that party by the Occupational Safety and Health Administration or the Illinois Department of Labor:

(a) the owner of the property on which the specialized rescue services occurred;
(b) any person involved in an activity that caused or contributed to the emergency;
(c) an individual who is rescued during the emergency and his or her employer if the person was acting in furtherance of the employer's interests;
(d) in cases involving the recovery of property, any person having control or custody of the property at the time of the emergency.

For the purposes of this Section, the term "specialized rescue services" includes, but is not limited to, structural collapse, tactical rescue, high angle rescue, underwater rescue and recovery, confined space rescue, below grade rescue, and trench rescue.

Effective January 1, 2008.

PUBLIC ACT 95-0498
(Senate Bill No. 1306)

AN ACT concerning government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

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Section 5. The Oaths and Affirmations Act is amended by adding Section 7 as follows:

(5 ILCS 255/7 new)

Sec. 7. Definition of judge. For the purposes of this Act, "judge" means (i) an incumbent judge of the Illinois Supreme, Appellate, or Circuit Court, whether elected or appointed, (ii) a retired judge of the Illinois Supreme, Appellate, or Circuit Court, and (iii) an incumbent or retired associate judge of the Illinois Circuit Court. The term "judge" does not include a judge who has been convicted of a felony or who has been removed from office by the Illinois Courts Commission.

Effective January 1, 2008.

PUBLIC ACT 95-0499
(Senate Bill No. 1314)

AN ACT concerning employment.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Day and Temporary Labor Services Act is amended by changing Sections 5, 12, and 30 as follows:

(820 ILCS 175/5)

Sec. 5. Definitions. As used in this Act:
"Day or temporary laborer" means a natural person who contracts for employment with a day and temporary labor service agency.
"Day and temporary labor" means work performed by a day or temporary laborer at a third party client, the duration of which may be specific or undefined, pursuant to a contract or understanding between the day and temporary labor service agency and the third party client labor or employment that is occasional or irregular at which a person is employed for not longer than the time period required to complete the assignment for which the person was hired and where wage payments are made directly or indirectly by the day and temporary labor service agency or the third party

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client for work undertaken by day or temporary laborers pursuant to a contract between the day and temporary labor service agency with the third party client. "Day and temporary labor" does not include labor or employment of a professional or clerical nature.

"Day and temporary labor service agency" means any person or entity engaged in the business of employing day or temporary laborers to provide services, for a fee, to or for any third party client pursuant to a contract with the day and temporary labor service agency and the third party client.

"Department" means the Department of Labor.

"Third party client" means any person that contracts with a day and temporary labor service agency for obtaining day or temporary laborers.

"Person" means every natural person, firm, partnership, co-partnership, limited liability company, corporation, association, business trust, or other legal entity, or its legal representatives, agents, or assigns.

(820 ILCS 175/12)

Sec. 12. Recordkeeping.

(a) Whenever a day and temporary labor service agency sends one or more persons to work as day or temporary laborers, the day and temporary labor service agency shall keep the following records relating to that transaction:

(1) the name, address and telephone number of each third party client, including each worksite, to which day or temporary laborers were sent by the agency and the date of the transaction;

(2) for each day or temporary laborer: the name and address, the specific location sent to work, the type of work performed, the number of hours worked, the hourly rate of pay and the date sent. The term "hours worked" has the meaning ascribed to that term in 56 Ill. Adm. Code 210.110 and in accordance with all applicable rules or court interpretations under 56 Ill. Adm. Code 210.110. The third party client shall be required to remit all information required under this subsection to the day and temporary labor service agency no later than 7 days following the

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last day of the work week worked by the day or temporary laborer. *Failure of a third party client to remit such information to a day and temporary labor service agency shall not be a defense to the recordkeeping requirement of this Section;*  
(3) the name and title of the individual or individuals at each third party client's place of business responsible for the transaction;  
(4) any specific qualifications or attributes of a day or temporary laborer, requested by each third party client;  
(5) copies of all contracts, if any, with the third party client and copies of all invoices for the third party client;  
(6) copies of all employment notices provided in accordance with subsection (a) of Section 10;  
(7) deductions to be made from each day or temporary laborer's compensation made by either the third party client or by the day and temporary labor service agency for the day or temporary laborer's transportation, food, equipment, withheld income tax, withheld social security payments and every other deduction;  
(8) verification of the actual cost of any equipment or meal charged to a day or temporary laborer;  
(9) the race and gender of each day or temporary laborer sent by the day and temporary labor service agency, as provided by the day or temporary laborer; and  
(10) any additional information required by rules issued by the Department.  
(b) The day and temporary labor service agency shall maintain all records under this Section for a period of 3 years from their creation. The records shall be open to inspection by the Department during normal business hours. Records described in paragraphs (1), (2), (3), (6), (7), and (8) of subsection (a) shall be available for review or copying by that day or temporary laborer during normal business hours within 5 days following a written request. In addition, a day and temporary labor service agency shall make records related to the number of hours billed to a third party client...
for that individual day or temporary laborer's hours of work available for review or copying during normal business hours within 5 days following a written request. The day and temporary labor service agency shall make forms, in duplicate, for such requests available to day or temporary laborers at the dispatch office. The day or temporary laborer shall be given a copy of the request form. It is a violation of this Section to make any false, inaccurate or incomplete entry into any record required by this Section, or to delete required information from any such record. Failure by the third party client to remit time records to the day and temporary labor service agency as provided in paragraph (a)(2) shall constitute a notice violation by a third party client under Section 95 of this Act unless the third party client has been precluded from submitting such time records for reasons beyond its control. A failure by the third party client to provide time records in accordance with this subsection (b) shall not be a notice violation and shall not be the basis for a suit or other action under Section 95 of this Act against the day and temporary labor service agency.

(Source: P.A. 94-511, eff. 1-1-06.)

(820 ILCS 175/30)

Sec. 30. Wage Payment and Notice.

(a) At the time of payment of wages, a day and temporary labor service agency shall provide each day or temporary laborer with a detailed itemized statement, on the day or temporary laborer's paycheck stub or on a form approved by the Department, listing the following:

(1) the name, address, and telephone number of each third party client at which the day or temporary laborer worked. If this information is provided on the day or temporary laborer's paycheck stub, a code for each third party client may be used so long as the required information for each coded third party client is made available to the day or temporary laborer;

(2) the number of hours worked by the day or temporary laborer at each third party client each day during the pay period. If the day or temporary laborer is assigned to work at the same work site of the same third party client for multiple days in the same

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work week, the day and temporary labor service agency may record a summary of hours worked at that third party client's worksite so long as the first and last day of that work week are identified as well. The term "hours worked" has the meaning ascribed to that term in 56 Ill. Adm. Code 210.110 and in accordance with all applicable rules or court interpretations under 56 Ill. Adm. Code 210.110;

(3) the rate of payment for each hour worked, including any premium rate or bonus;

(4) the total pay period earnings;

(5) all deductions made from the day or temporary laborer's compensation made either by the third party client or by the day and temporary labor service agency, and the purpose for which deductions were made, including for the day or temporary laborer's transportation, food, equipment, withheld income tax, withheld social security payments, and every other deduction; and

(6) any additional information required by rules issued by the Department.

(a-1) For each day or temporary laborer who is contracted to work a single day, the third party client shall, at the end of the work day, provide such day or temporary laborer with a Work Verification Form, approved by the Department, which shall contain the date, the day or temporary laborer's name, the work location, and the hours worked on that day. Any third party client who violates this subsection (a-1) may be subject to a civil penalty not to exceed $500 for each violation found by the Department. Such civil penalty may increase to $2,500 for a second or subsequent violation. For purposes of this subsection (a-1), each violation of this subsection (a-1) for each day or temporary laborer and for each day the violation continues shall constitute a separate and distinct violation.

(b) A day and temporary labor service agency shall provide each worker an annual earnings summary within a reasonable time after the preceding calendar year, but in no case later than February 1. A day and temporary labor service agency shall, at the time of each wage payment, give notice to day or temporary laborers of the availability of the annual earnings summary.
earnings summary or post such a notice in a conspicuous place in the public reception area.

(c) At the request of a day or temporary laborer, a day and temporary labor service agency shall hold the daily wages of the day or temporary laborer and make either weekly, bi-weekly, or semi-monthly payments. The wages shall be paid in a single check, or, at the day or temporary laborer's sole option, by direct deposit or other manner approved by the Department, representing the wages earned during the period, either weekly, bi-weekly, or semi-monthly, designated by the day or temporary laborer in accordance with the Illinois Wage Payment and Collection Act. Vouchers or any other method of payment which is not generally negotiable shall be prohibited as a method of payment of wages. Day and temporary labor service agencies that make daily wage payments shall provide written notification to all day or temporary laborers of the right to request weekly, bi-weekly, or semi-monthly checks. The day and temporary labor service agency may provide this notice by conspicuously posting the notice at the location where the wages are received by the day or temporary laborers.

(d) No day and temporary labor service agency shall charge any day or temporary laborer for cashing a check issued by the agency for wages earned by a day or temporary laborer who performed work through that agency.

(e) Day or temporary laborers shall be paid no less than the wage rate stated in the notice as provided in Section 10 of this Act for all the work performed on behalf of the third party client in addition to the work listed in the written description.

(f) The total amount deducted for meals, equipment, and transportation may not cause a day or temporary laborer's hourly wage to fall below the State or federal minimum wage. However, a day and temporary labor service agency may deduct the actual market value of reusable equipment provided to the day or temporary laborer by the day and temporary labor service agency which the day or temporary laborer fails to return, if the day or temporary laborer provides a written authorization for such deduction at the time the deduction is made.

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(g) A day or temporary laborer who is contracted by a day and temporary labor service agency to work at a third party client's worksite but is not utilized by the third party client shall be paid by the day and temporary labor service agency for a minimum of 4 hours of pay at the agreed upon rate of pay. However, in the event the day and temporary labor service agency contracts the day or temporary laborer to work at another location during the same shift, the day or temporary laborer shall be paid by the day and temporary labor service agency for a minimum of 2 hours of pay at the agreed upon rate of pay.

(Source: P.A. 94-511, eff. 1-1-06.)

Section 99. Effective date. This Act takes effect upon becoming law.


**PUBLIC ACT 95-0500**
(Senate Bill No. 1346)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Identification Act is amended by adding Section 9.5 as follows:

(20 ILCS 2630/9.5 new)

Sec. 9.5. Material for DNA fingerprint analysis. Every county medical examiner and coroner shall provide to the Department a sample of dried blood and buccal specimens (tissue may be submitted if no uncontaminated blood or buccal specimens can be obtained) from a dead body for DNA fingerprint analysis if the Department notifies the medical examiner or coroner that the Department has determined that providing that sample may be useful for law enforcement purposes in a criminal investigation. In addition, if a local law enforcement agency notifies a county medical examiner or coroner that such a sample would be useful in

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a criminal examination, the county medical examiner or coroner shall provide a sample to the local law enforcement agency for submission to the Department.

Effective January 1, 2008.

PUBLIC ACT 95-0501
(Senate Bill No. 1350)

AN ACT concerning public aid.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by changing Section 5-4.2 as follows:

(305 ILCS 5/5-4.2) (from Ch. 23, par. 5-4.2)

Sec. 5-4.2. Ambulance services payments. For ambulance services provided to a recipient of aid under this Article on or after January 1, 1993, the Illinois Department shall reimburse ambulance service providers at rates calculated in accordance with this Section. It is the intent of the General Assembly to provide adequate reimbursement for ambulance services so as to ensure adequate access to services for recipients of aid under this Article and to provide appropriate incentives to ambulance service providers to provide services in an efficient and cost-effective manner. Thus, it is the intent of the General Assembly that the Illinois Department implement a reimbursement system for ambulance services that, to the extent practicable and subject to the availability of funds appropriated by the General Assembly for this purpose, is consistent with the payment principles of Medicare. To ensure uniformity between the payment principles of Medicare and Medicaid, the Illinois Department shall follow, to the extent necessary and practicable and subject to the availability of funds appropriated by the General Assembly for this purpose, the statutes, laws, regulations, policies, procedures, principles, definitions, guidelines, and manuals used to determine the amounts paid to

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ambulance service providers under Title XVIII of the Social Security Act (Medicare).

For ambulance services provided to a recipient of aid under this Article on or after January 1, 1996, the Illinois Department shall reimburse ambulance service providers based upon the actual distance traveled if a natural disaster, weather conditions, road repairs, or traffic congestion necessitates the use of a route other than the most direct route.

For purposes of this Section, "ambulance services" includes medical transportation services provided by means of an ambulance, medi-car, service car, or taxi.

This Section does not prohibit separate billing by ambulance service providers for oxygen furnished while providing advanced life support services.

Beginning with services rendered on or after July 1, 2008, all providers of non-emergency medi-car and service car transportation must certify that the driver and employee attendant, as applicable, have completed a safety program approved by the Department to protect both the patient and the driver, prior to transporting a patient. The provider must maintain this certification in its records. The provider shall produce such documentation upon demand by the Department or its representative. Failure to produce documentation of such training shall result in recovery of any payments made by the Department for services rendered by a non-certified driver or employee attendant. Medi-car and service car providers must maintain legible documentation in their records of the driver and, as applicable, employee attendant that actually transported the patient. Providers must recertify all drivers and employee attendants every 3 years.

Notwithstanding the requirements above, any public transportation provider of medi-car and service car transportation that receives federal funding under 49 U.S.C. 5307 and 5311 need not certify its drivers and employee attendants under this Section, since safety training is already federally mandated.

(Source: P.A. 88-104; 89-43, eff. 1-1-96.)
Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 95-0502
(Senate Bill No. 1358)

AN ACT concerning fire safety.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Fire Marshal Act is amended by changing Section 2 as follows:
(20 ILCS 2905/2) (from Ch. 127 1/2, par. 2)
Sec. 2. The Office shall have the following powers and duties:
1. To exercise the rights, powers and duties which have been vested by law in the Department of State Police as the successor of the Department of Public Safety, State Fire Marshal, inspectors, officers and employees of the State Fire Marshal, including arson investigation. *Arson investigations conducted by the State Fire Marshal's Office shall be conducted by State Fire Marshal Arson Investigator Special Agents, who shall be peace officers as provided in the Peace Officer Fire Investigation Act.*
2. To keep a record, as may be required by law, of all fires occurring in the State, together with all facts, statistics and circumstances, including the origin of fires.
3. To exercise the rights, powers and duties which have been vested in the Department of State Police by the "Boiler and Pressure Vessel Safety Act", approved August 7, 1951, as amended.
5. To aid in the establishment and maintenance of the training facilities and programs of the Illinois Fire Service Institute.

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6. To disburse Federal grants for fire protection purposes to units of local government.

7. To pay to or in behalf of the City of Chicago for the maintenance, expenses, facilities and structures directly incident to the Chicago Fire Department training program. Such payments may be made either as reimbursements for expenditures previously made by the City, or as payments at the time the City has incurred an obligation which is then due and payable for such expenditures. Payments for the Chicago Fire Department training program shall be made only for those expenditures which are not claimable by the City under "An Act relating to fire protection training", certified November 9, 1971, as amended.

8. To administer General Revenue Fund grants to areas not located in a fire protection district or in a municipality which provides fire protection services, to defray the organizational expenses of forming a fire protection district.

9. In cooperation with the Illinois Environmental Protection Agency, to administer the Illinois Leaking Underground Storage Tank program in accordance with Section 4 of this Act and Section 22.12 of the Environmental Protection Act.

10. To expend state and federal funds as appropriated by the General Assembly.

11. To provide technical assistance, to areas not located in a fire protection district or in a municipality which provides fire protection service, to form a fire protection district, to join an existing district, or to establish a municipal fire department, whichever is applicable.

12. To exercise such other powers and duties as may be vested in the Office by law.

(Source: P.A. 94-178, eff. 1-1-06.)

Section 10. The Peace Officer Fire Investigation Act is amended by changing Section 1 as follows:

(20 ILCS 2910/1) (from Ch. 127 1/2, par. 501)

Sec. 1. Peace Officer Status.

(a) Any person who is a sworn member of any organized and paid fire department of a political subdivision of this State and is authorized to

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investigate fires or explosions for such political subdivision and who is employed by the Office of the State Fire Marshal to determine the cause, origin and circumstances of such fires or explosions that are suspected to be arson or arson-related crimes, may be classified as a peace officer by the political subdivision or agency employing such person. A person so classified shall possess the same powers of arrest, search and seizure and the securing and service of warrants as sheriffs of counties, and police officers within the jurisdiction of their political subdivision. While in the actual investigation and matters incident thereto, such person may carry weapons as may be necessary, but only if that person has satisfactorily completed (1) a training program offered or approved by the Illinois Law Enforcement Training Standards Board which substantially conforms to standards promulgated pursuant to the Illinois Police Training Act and the Peace Officer Firearm Training Act "An Act in relation to firearms training for peace officers", approved August 29, 1975, as amended; or in the case of employees of the Office of the State Fire Marshal, a training course approved by the Department of State Police which also substantially conforms to standards promulgated pursuant to "An Act in relation to firearms training for peace officers", approved August 29, 1975, as amended; and (2) a course in fire and arson investigation approved by the Office of the State Fire Marshal pursuant to the Illinois Fire Protection Training Act. Such training need not include exposure to vehicle and traffic law, traffic control and accident investigation, or first aid, but shall include training in the law relating to the rights of persons suspected of involvement in criminal activities.

Any person granted the powers enumerated in this subsection (a) may exercise such powers only during the actual investigation of the cause, origin and circumstances of such fires or explosions that are suspected to be arson or arson-related crimes.

(b) Persons employed by the Office of the State Fire Marshal to conduct arson investigations shall be designated State Fire Marshal Arson Investigator Special Agents and shall be peace officers with all of the powers of peace officers in cities and sheriffs in counties, except that they may exercise those powers throughout the State. These Special Agents may
exercise these powers only when engaging in official duties during the actual investigation of the cause, origin, and circumstances of such fires or explosions that are suspected to be arson or arson-related crimes and may carry weapons at all times, but only if they have satisfactorily completed (1) a training course approved by the Illinois Law Enforcement Training Standards Board that substantially conforms to the standards promulgated pursuant to the Peace Officer Firearm Training Act and (2) a course in fire and arson investigation approved by the Office of the State Fire Marshal pursuant to the Illinois Fire Protection Training Act. Such training need not include exposure to vehicle and traffic law, traffic control and accident investigation, or first aid, but shall include training in the law relating to the rights of persons suspected of involvement in criminal activities.

For purposes of this subsection (b), a "State Fire Marshal Arson Investigator Special Agent" does not include any fire investigator, fireman, police officer, or other employee of the federal government; any fire investigator, fireman, police officer, or other employee of any unit of local government; or any fire investigator, fireman, police officer, or other employee of the State of Illinois other than an employee of the Office of the State Fire Marshal assigned to investigate arson.

The State Fire Marshal must authorize to each employee of the Office of the State Fire Marshal who is exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Office of the State Fire Marshal and (ii) contains a unique identifying number. No other badge shall be authorized by the Office of the State Fire Marshal, except that a badge, different from the badge issued to peace officers, may be authorized by the Office of the State Fire Marshal for the use of fire prevention inspectors employed by that Office. Nothing in this subsection prohibits the State Fire Marshal from issuing shields or other distinctive identification to employees not exercising the powers of a peace officer if the State Fire Marshal determines that a shield or distinctive identification is needed by the employee to carry out his or her responsibilities.

(Source: P.A. 92-339, eff. 8-10-01; 93-423, eff. 8-5-03.)

New matter indicated by italics - deletions by strikeout
Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0503
(Senate Bill No. 1375)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Controlled Substance and Cannabis Nuisance Act is amended by changing Section 3 as follows:

(740 ILCS 40/3) (from Ch. 100 1/2, par. 16)

Sec. 3. (a) The Department or the State's Attorney or any citizen of the county in which a nuisance exists may file a complaint in the name of the People of the State of Illinois, to enjoin all persons from maintaining or permitting such nuisance, to abate the same and to enjoin the use of any such place for the period of one year.

(b) Upon the filing of a complaint by the State's Attorney or the Department in which the complaint states that irreparable injury, loss or damage will result to the People of the State of Illinois, the court shall enter a temporary restraining order without notice enjoining the maintenance of such nuisance, upon testimony under oath, affidavit, or verified complaint containing facts sufficient, if sustained, to justify the court in entering a preliminary injunction upon a hearing after notice. Every such temporary restraining order entered without notice shall be endorsed with the date and hour of entry of the order, shall be filed of record, and shall expire by its terms within such time after entry, not to exceed 10 days as fixed by the court, unless the temporary restraining order, for good cause is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period. The reason for extension shall be shown in the order. In

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case a temporary restraining order is entered without notice, the motion for a permanent injunction shall be set down for hearing at the earliest possible time and takes precedence over all matters except older matters of the same character, and when the motion comes on for hearing, the Department or State's Attorney, as the case may be, shall proceed with the application for a permanent injunction, and, if he does not do so, the court shall dissolve the temporary restraining order. On 2 days notice to the Department or State's Attorney, as the case may be, the defendant may appear and move the dissolution or modification of such temporary restraining order and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

(c) Upon the filing of the complaint by a citizen or the Department or the State's Attorney (in cases in which the Department or State's Attorney do not request injunctive relief without notice) in the circuit court, the court, if satisfied that the nuisance complained of exists, shall allow a temporary restraining order, with bond unless the application is filed by the Department or State's Attorney, in such amount as the court may determine, enjoining the defendant from maintaining any such nuisance within the jurisdiction of the court granting the injunctive relief. However, no such injunctive relief shall be granted, except on behalf of an owner or agent, unless it be made to appear to the satisfaction of the court that the owner or agent of such place, knew or had been personally served with a notice signed by the plaintiff and, that such notice has been served upon such owner or such agent of such place at least 5 days prior thereto, that such place, specifically describing the same, was being so used, naming the date or dates of its being so used, and that such owner or agent had failed to abate such nuisance, or that upon diligent inquiry such owner or agent could not be found within Illinois for the service of such preliminary notice. The lessee, if any, of such place shall be made a party defendant to such petition. If the property owner is a corporation and the Department or the State's Attorney sends the preliminary notice to the corporate address registered with the Secretary of State, such action shall create a rebuttable presumption that the parties have acted with due diligence and the court may grant injunctive relief.

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(d) In all cases in which the complaint is filed by a citizen, such complaint shall be verified.

(Source: P.A. 87-765.)

Effective January 1, 2008.

PUBLIC ACT 95-0504
(Senate Bill No. 1380)

AN ACT concerning public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by adding Sections 3-110.9, 8-226.7, and 9-121.17 and by changing Sections 5-146, 5-147, 5-152, and 7-139 as follows:

(40 ILCS 5/3-110.9 new)
Sec. 3-110.9. Transfer to Article 9.
(a) Until 6 months after the effective date of this amendatory Act of the 95th General Assembly, any active member of a pension fund established under Article 9 of this Code may apply for transfer of up to 6 years of his or her creditable service accumulated in any police pension fund under this Article to the Article 9 fund. Such creditable service shall be transferred only upon payment by such police pension fund to the Article 9 fund of an amount equal to:

(1) the amounts accumulated to the credit of the applicant on the books of the fund on the date of transfer; and
(2) employer contributions in an amount equal to the amount determined under subparagraph (1); and
(3) any interest paid by the applicant in order to reinstate service.
Participation in the police pension fund shall terminate on the date of transfer.

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(b) Until 6 months after the effective date of this amendatory Act of the 95th General Assembly, any active member of an Article 9 fund may reinstate service that was terminated by receipt of a refund, by payment to the police pension fund of the amount of the refund with interest thereon at the rate of 6% per year, compounded annually, from the date of refund to the date of payment.

(40 ILCS 5/5-146) (from Ch. 108 1/2, par. 5-146)

Sec. 5-146. Wives and widows not entitled to annuities. The following wives or widows have no right to annuity from the fund:

(a) A wife or widow, married subsequent to the effective date, of a policeman who dies in service, if the marriage occurred less than one year prior to the policeman's death, except with respect to a policeman who dies in the performance of an act of duty, as provided in Section 5-147 in cases where a widow entitled to an annuity remarries after age 60, or when a widow entitled to an annuity remarries prior to attaining age 60 and the marriage is terminated, at any time thereafter, by dissolution of marriage, declaration of invalidity of marriage or the death of the husband; if after an evidentiary hearing, however, the Board, at its sole discretion determines that special circumstances exist warranting payment of a widow's annuity, then and only then shall the Board have authority to grant and award the annuity that would have been otherwise available;

(b) A wife or widow of a policeman who withdraws, whether or not he enters upon annuity, and dies out of service, if the marriage occurred after the effective date and less than one year prior to the policeman's death, and the widow was not his wife while he was in service; if after an evidentiary hearing, however, the Board, at its sole discretion determines that special circumstances exist warranting payment of a widow's annuity, then and only then shall the Board have authority to grant and award the annuity that would have been otherwise available;

(c) A wife or widow of a policeman who (1) has served 10 or more years, (2) dies out of service after he has withdrawn, and (3) has received a refund of the sums to his credit for annuity, and such refund has not been repaid in accordance with the other provisions of this Article;

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(d) A wife or widow of a policeman who dies out of service after he has withdrawn, and who has not served at least 10 years;

(e) A former wife of a policeman who has had a judgment of dissolution of marriage from her policeman husband annulled, vacated or set aside by court proceedings subsequent to the policeman's death, unless (1) the proceedings were filed within 5 years after the date of dissolution of marriage, and within 1 year after the policeman's death, and (2) the board was made a party to the proceedings;

(f) A widow of a policeman who died prior to January 1, 1922, if she had been denied a pension by the board of trustees of any police pension fund existing in the city by operation of any other law;

(g) A widow of a policeman who has been denied a pension or annuity by the board created by this Article and who files a petition for a rehearing, or files a second application for annuity, unless the petition for rehearing or second application is filed within 1 year from the date upon which the annuity was denied by the board; provided, that in the case of legal disability, the year of limitation shall begin on the day after the termination of such disability.

(Source: P.A. 86-272.)

(40 ILCS 5/5-147) (from Ch. 105 1/2, par. 5-147)

Sec. 5-147. Widow's marriage to terminate annuity.

(a) Beginning on the effective date of this amendatory Act of the 95th General Assembly, a widow's annuity shall no longer be subject to termination or suspension under this Section due to remarriage. Any widow's annuity that was previously terminated or suspended under this Section by reason of remarriage shall, upon application, be resumed as of the date of the application, but in no event sooner than the effective date of this amendatory Act. The resumption shall not be retroactive. This subsection (a) applies regardless of whether or not the deceased policeman was in service on or after the effective date of this amendatory Act of the 95th General Assembly.

(b) This subsection (b) does not apply on or after the effective date of this amendatory Act of the 95th General Assembly.
Any annuity granted to a widow shall be suspended when she remarries, unless she remarries after attaining age 60 or the annuity was granted under Section 5-144 and the remarriage takes place after October 31, 1989. Except as otherwise provided by this Section, if a widow remarries before reaching age 60, annuity payment shall be suspended, but the widow's annuity payments shall be resumed if the subsequent marriage ends either by dissolution of marriage, declaration of invalidity of marriage or the death of the husband. If a widow remarries after attaining age 60, or the annuity was granted under Section 5-144 and the remarriage takes place after June 1, 1990, regardless of whether or not the deceased policeman was in service on or after the effective date of this amendatory Act of 1991, the widow's annuity shall continue without interruption.

If when a widow dies she has not received, in form of annuity, an amount equal to the accumulated employee contributions for widow's annuity, the difference between such accumulated contributions and the sum received by her, along with any part of the accumulated contributions for age and service annuity remaining in the fund at her death shall be refunded to the policemen's children, in equal parts to each; provided, if any child is less than age 18, such part of any such amount required to pay annuities to such children shall be transferred to the child's annuity reserve. If no children or descendants thereof survive the policeman, such refund shall be paid to the estate of the policeman. In making refunds under this Section, no interest shall be considered upon either the total of annuity payments made or the amounts subject to refund.

(Source: P.A. 86-1488.)

(40 ILCS 5/5-152) (from Ch. 108 1/2, par. 5-152)

Sec. 5-152. Child's annuity - Conditions - Amount. A child's annuity shall be payable in the following cases of policemen who die on or after the effective date: (a) A policeman whose death results from injury incurred in the performance of an act or acts of duty; (b) a policeman who dies in service from any cause; (c) a policeman who withdraws upon or after attainment of age 50 and who enters upon or is eligible for annuity; (d) a present employee with at least 20 years of service who dies after withdrawal, whether or not he has entered upon annuity.

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A child to be eligible must have been born or legally adopted before the policeman has withdrawn from service. In the case of an adopted child, the policeman shall be married and living with his wife at the time of the adoption, and the proceedings for adoption must have been initiated at least 6 months prior to the policeman's death. The requirement that the proceedings for adoption be initiated at least 6 months prior to the policeman's death does not apply where death occurs as a result of an act of duty.

Only one annuity shall be granted and paid for the benefit of any child if both parents have been policemen.

The annuity shall be paid, without regard to the fact that the death of the deceased policeman parent may have occurred prior to the effective date of this amendatory Act of 1975, in an amount equal to 10% of the annual maximum salary attached to the classified civil service position of a first class patrolman on July 1, 1975, or the date of the policeman's death, whichever is later, for each child while a widow or widower of the deceased policeman survives and in an amount equal to 15% of the annual maximum salary attached to the classified civil service position of a first class patrolman on July 1, 1975, or the date of the policeman's death, whichever is later, while no widow or widower shall survive, provided that if the combined annuities for the widow and children of a policeman who dies on or after September 26, 1969, as the result of an act of duty, or for the children of such policeman in any case wherein a widow or widower does not exist, exceed the salary that would ordinarily have been paid to him if he had been in the active discharge of his duties, all such annuities shall be reduced pro rata so that the combined annuities for the family shall not exceed such limitation. The compensation portion of the annuity of the widow shall not be considered in making such reduction. *No age limitation in this Section or Section 5-151 shall apply to a child who is so physically or mentally handicapped as to be unable to support himself or herself.* Benefits payable under this Section shall not be reduced or terminated by reason of any child's attainment of age 18 if he is then dependent by reason of a physical or mental disability but shall continue to be paid as long as such dependency continues. For the purposes of this

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subsection, "disability" means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

In the case of a family of a policeman who dies on or after September 26, 1969, as the result of any cause other than the performance of an act of duty, in which annuities for such family exceed an amount equal to 60% of the salary that would ordinarily have been paid to him if he had been in the active discharge of his duties, all such annuities shall be reduced pro rata so that the combined annuities shall not exceed such limitation.

Child's annuity shall be paid to the parent providing for the child, unless another person is appointed by a court of law as the child's guardian.

(Source: P.A. 79-699; 79-881; 79-1454.)

(40 ILCS 5/7-139) (from Ch. 108 1/2, par. 7-139)
Sec. 7-139. Credits and creditable service to employees.
(a) Each participating employee shall be granted credits and creditable service, for purposes of determining the amount of any annuity or benefit to which he or a beneficiary is entitled, as follows:

1. For prior service: Each participating employee who is an employee of a participating municipality or participating instrumentality on the effective date shall be granted creditable service, but no credits under paragraph 2 of this subsection (a), for periods of prior service for which credit has not been received under any other pension fund or retirement system established under this Code, as follows:

If the effective date of participation for the participating municipality or participating instrumentality is on or before January 1, 1998, creditable service shall be granted for the entire period of prior service with that employer without any employee contribution.

If the effective date of participation for the participating municipality or participating instrumentality is after January 1,
1998, creditable service shall be granted for the last 20% of the period of prior service with that employer, but no more than 5 years, without any employee contribution. A participating employee may establish creditable service for the remainder of the period of prior service with that employer by making an application in writing, accompanied by payment of an employee contribution in an amount determined by the Fund, based on the employee contribution rates in effect at the time of application for the creditable service and the employee's salary rate on the effective date of participation for that employer, plus interest at the effective rate from the date of the prior service to the date of payment. Application for this creditable service may be made at any time while the employee is still in service.

A municipality that (i) has at least 35 employees; (ii) is located in a county with at least 2,000,000 inhabitants; and (iii) maintains an independent defined benefit pension plan for the benefit of its eligible employees may restrict creditable service in whole or in part for periods of prior service with the employer if the governing body of the municipality adopts an irrevocable resolution to restrict that creditable service and files the resolution with the board before the municipality's effective date of participation.

Any person who has withdrawn from the service of a participating municipality or participating instrumentality prior to the effective date, who reenters the service of the same municipality or participating instrumentality after the effective date and becomes a participating employee is entitled to creditable service for prior service as otherwise provided in this subdivision (a)(1) only if he or she renders 2 years of service as a participating employee after the effective date. Application for such service must be made while in a participating status. The salary rate to be used in the calculation of the required employee contribution, if any, shall be the employee's salary rate at the time of first

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reentering service with the employer after the employer's effective date of participation.

2. For current service, each participating employee shall be credited with:

   a. Additional credits of amounts equal to each payment of additional contributions received from him under Section 7-173, as of the date the corresponding payment of earnings is payable to him.

   b. Normal credits of amounts equal to each payment of normal contributions received from him, as of the date the corresponding payment of earnings is payable to him, and normal contributions made for the purpose of establishing out-of-state service credits as permitted under the conditions set forth in paragraph 6 of this subsection (a).

   c. Municipality credits in an amount equal to 1.4 times the normal credits, except those established by out-of-state service credits, as of the date of computation of any benefit if these credits would increase the benefit.

   d. Survivor credits equal to each payment of survivor contributions received from the participating employee as of the date the corresponding payment of earnings is payable, and survivor contributions made for the purpose of establishing out-of-state service credits.

3. For periods of temporary and total and permanent disability benefits, each employee receiving disability benefits shall be granted creditable service for the period during which disability benefits are payable. Normal and survivor credits, based upon the rate of earnings applied for disability benefits, shall also be granted if such credits would result in a higher benefit to any such employee or his beneficiary.

4. For authorized leave of absence without pay: A participating employee shall be granted credits and creditable

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service for periods of authorized leave of absence without pay under the following conditions:

a. An application for credits and creditable service is submitted to the board while the employee is in a status of active employment, and within 2 years after termination of the leave of absence period for which credits and creditable service are sought.

b. Not more than 12 complete months of creditable service for authorized leave of absence without pay shall be counted for purposes of determining any benefits payable under this Article.

c. Credits and creditable service shall be granted for leave of absence only if such leave is approved by the governing body of the municipality, including approval of the estimated cost thereof to the municipality as determined by the fund, and employee contributions, plus interest at the effective rate applicable for each year from the end of the period of leave to date of payment, have been paid to the fund in accordance with Section 7-173. The contributions shall be computed upon the assumption earnings continued during the period of leave at the rate in effect when the leave began.

d. Benefits under the provisions of Sections 7-141, 7-146, 7-150 and 7-163 shall become payable to employees on authorized leave of absence, or their designated beneficiary, only if such leave of absence is creditable hereunder, and if the employee has at least one year of creditable service other than the service granted for leave of absence. Any employee contributions due may be deducted from any benefits payable.

e. No credits or creditable service shall be allowed for leave of absence without pay during any period of prior service.

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5. For military service: The governing body of a municipality or participating instrumentality may elect to allow creditable service to participating employees who leave their employment to serve in the armed forces of the United States for all periods of such service, provided that the person returns to active employment within 90 days after completion of full time active duty, but no creditable service shall be allowed such person for any period that can be used in the computation of a pension or any other pay or benefit, other than pay for active duty, for service in any branch of the armed forces of the United States. If necessary to the computation of any benefit, the board shall establish municipality credits for participating employees under this paragraph on the assumption that the employee received earnings at the rate received at the time he left the employment to enter the armed forces. A participating employee in the armed forces shall not be considered an employee during such period of service and no additional death and no disability benefits are payable for death or disability during such period.

Any participating employee who left his employment with a municipality or participating instrumentality to serve in the armed forces of the United States and who again became a participating employee within 90 days after completion of full time active duty by entering the service of a different municipality or participating instrumentality, which has elected to allow creditable service for periods of military service under the preceding paragraph, shall also be allowed creditable service for his period of military service on the same terms that would apply if he had been employed, before entering military service, by the municipality or instrumentality which employed him after he left the military service and the employer costs arising in relation to such grant of creditable service shall be charged to and paid by that municipality or instrumentality.

Notwithstanding the foregoing, any participating employee shall be entitled to creditable service as required by any federal law

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relating to re-employment rights of persons who served in the United States Armed Services. Such creditable service shall be granted upon payment by the member of an amount equal to the employee contributions which would have been required had the employee continued in service at the same rate of earnings during the military leave period, plus interest at the effective rate.

5.1. In addition to any creditable service established under paragraph 5 of this subsection (a), creditable service may be granted for up to 24 months of service in the armed forces of the United States.

In order to receive creditable service for military service under this paragraph 5.1, a participating employee must (1) apply to the Fund in writing and provide evidence of the military service that is satisfactory to the Board; (2) obtain the written approval of the current employer; and (3) make contributions to the Fund equal to (i) the employee contributions that would have been required had the service been rendered as a member, plus (ii) an amount determined by the board to be equal to the employer's normal cost of the benefits accrued for that military service, plus (iii) interest on items (i) and (ii) from the date of first membership in the Fund to the date of payment. If payment is made during the 6-month period that begins 3 months after the effective date of this amendatory Act of 1997, the required interest shall be at the rate of 2.5% per year, compounded annually; otherwise, the required interest shall be calculated at the regular interest rate.

6. For out-of-state service: Creditable service shall be granted for service rendered to an out-of-state local governmental body under the following conditions: The employee had participated and has irrevocably forfeited all rights to benefits in the out-of-state public employees pension system; the governing body of his participating municipality or instrumentality authorizes the employee to establish such service; the employee has 2 years current service with this municipality or participating instrumentality; the employee makes a payment of contributions,
which shall be computed at 8% (normal) plus 2% (survivor) times length of service purchased times the average rate of earnings for the first 2 years of service with the municipality or participating instrumentality whose governing body authorizes the service established plus interest at the effective rate on the date such credits are established, payable from the date the employee completes the required 2 years of current service to date of payment. In no case shall more than 120 months of creditable service be granted under this provision.

7. For retroactive service: Any employee who could have but did not elect to become a participating employee, or who should have been a participant in the Municipal Public Utilities Annuity and Benefit Fund before that fund was superseded, may receive creditable service for the period of service not to exceed 50 months; however, a current or former elected or appointed official of a participating municipality may establish credit under this paragraph 7 for more than 50 months of service as an official of that municipality, if the excess over 50 months is approved by resolution of the governing body of the affected municipality filed with the Fund before January 1, 2002.

Any employee who is a participating employee on or after September 24, 1981 and who was excluded from participation by the age restrictions removed by Public Act 82-596 may receive creditable service for the period, on or after January 1, 1979, excluded by the age restriction and, in addition, if the governing body of the participating municipality or participating instrumentality elects to allow creditable service for all employees excluded by the age restriction prior to January 1, 1979, for service during the period prior to that date excluded by the age restriction. Any employee who was excluded from participation by the age restriction removed by Public Act 82-596 and who is not a participating employee on or after September 24, 1981 may receive creditable service for service after January 1, 1979. Creditable service under this paragraph shall be granted upon payment of the

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employee contributions which would have been required had he participated, with interest at the effective rate for each year from the end of the period of service established to date of payment.

8. For accumulated unused sick leave: A participating employee who is applying for a retirement annuity shall be entitled to creditable service for that portion of the employee's accumulated unused sick leave for which payment is not received, as follows:

   a. Sick leave days shall be limited to those accumulated under a sick leave plan established by a participating municipality or participating instrumentality which is available to all employees or a class of employees.

   b. Only sick leave days accumulated with a participating municipality or participating instrumentality with which the employee was in service within 60 days of the effective date of his retirement annuity shall be credited; if the employee was in service with more than one employer during this period only the sick leave days with the employer with which the employee has the greatest number of unpaid sick leave days shall be considered.

   c. The creditable service granted shall be considered solely for the purpose of computing the amount of the retirement annuity and shall not be used to establish any minimum service period required by any provision of the Illinois Pension Code, the effective date of the retirement annuity, or the final rate of earnings.

   d. The creditable service shall be at the rate of 1/20 of a month for each full sick day, provided that no more than 12 months may be credited under this subdivision 8.

   e. Employee contributions shall not be required for creditable service under this subdivision 8.

   f. Each participating municipality and participating instrumentality with which an employee has service within 60 days of the effective date of his retirement annuity shall certify to the board the number of accumulated unpaid sick leave days.

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leave days credited to the employee at the time of termination of service.

9. For service transferred from another system: Credits and creditable service shall be granted for service under Article 3, 4, 5, 8, 14, or 16 of this Act, to any active member of this Fund, and to any inactive member who has been a county sheriff, upon transfer of such credits pursuant to Section 3-110.3, 4-108.3, 5-235, 8-226.7, 14-105.6, or 16-131.4, and payment by the member of the amount by which (1) the employer and employee contributions that would have been required if he had participated in this Fund as a sheriff's law enforcement employee during the period for which credit is being transferred, plus interest thereon at the effective rate for each year, compounded annually, from the date of termination of the service for which credit is being transferred to the date of payment, exceeds (2) the amount actually transferred to the Fund. Such transferred service shall be deemed to be service as a sheriff's law enforcement employee for the purposes of Section 7-142.1.

10. For service transferred from an Article 3 system under Section 3-110.8: Credits and creditable service shall be granted for service under Article 3 of this Act as provided in Section 3-110.8, to any active member of this Fund upon transfer of such credits pursuant to Section 3-110.8. If the amount by which (1) the employer and employee contributions that would have been required if he had participated in this Fund during the period for which credit is being transferred, plus interest thereon at the effective rate for each year, compounded annually, from the date of termination of the service for which credit is being transferred to the date of payment, exceeds (2) the amount actually transferred to the Fund, then the amount of creditable service established under this paragraph 10 shall be reduced by a corresponding amount in accordance with the rules and procedures established under this paragraph 10.

The board shall establish by rule the manner of making the calculation required under this paragraph 10, taking into account

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the appropriate actuarial assumptions; the member's service, age, and salary history; the level of funding of the employer; and any other factors that the board determines to be relevant.

(b) Creditable service - amount:

1. One month of creditable service shall be allowed for each month for which a participating employee made contributions as required under Section 7-173, or for which creditable service is otherwise granted hereunder. Not more than 1 month of service shall be credited and counted for 1 calendar month, and not more than 1 year of service shall be credited and counted for any calendar year. A calendar month means a nominal month beginning on the first day thereof, and a calendar year means a year beginning January 1 and ending December 31.

2. A seasonal employee shall be given 12 months of creditable service if he renders the number of months of service normally required by the position in a 12-month period and he remains in service for the entire 12-month period. Otherwise a fractional year of service in the number of months of service rendered shall be credited.

3. An intermittent employee shall be given creditable service for only those months in which a contribution is made under Section 7-173.

(c) No application for correction of credits or creditable service shall be considered unless the board receives an application for correction while (1) the applicant is a participating employee and in active employment with a participating municipality or instrumentality, or (2) while the applicant is actively participating in a pension fund or retirement system which is a participating system under the Retirement Systems Reciprocal Act. A participating employee or other applicant shall not be entitled to credits or creditable service unless the required employee contributions are made in a lump sum or in installments made in accordance with board rule.

(d) Upon the granting of a retirement, surviving spouse or child annuity, a death benefit or a separation benefit, on account of any
employee, all individual accumulated credits shall thereupon terminate. Upon the withdrawal of additional contributions, the credits applicable thereto shall thereupon terminate. Terminated credits shall not be applied to increase the benefits any remaining employee would otherwise receive under this Article.

(Source: P.A. 93-933, eff. 8-13-04; 94-356, eff. 7-29-05.)

(40 ILCS 5/8-226.7 new)

Sec. 8-226.7. Transfer to Article 7. Until 6 months after the effective date of this amendatory Act of the 95th General Assembly, any member who is a sheriff's law enforcement employee under Article 7 of this Code who is eligible to transfer service credit to that Fund from this Fund under paragraph (9) of subsection (a) of Section 7-139 may apply for transfer of that service credit to the Illinois Municipal Retirement Fund. The credits and creditable service shall be transferred upon application, and shall include payment by this Fund to the Illinois Municipal Retirement Fund of:

(1) the amounts accumulated to the credit of the applicant for that service, including interest, on the books of the Fund on the date of transfer; and

(2) the corresponding employer credits computed and credited for that service under this Article, including interest, on the books of the Fund on the date of transfer.

Participation in this Fund as to the credits transferred under this Section shall terminate on the date of transfer.

(40 ILCS 5/9-121.17 new)

Sec. 9-121.17. Transfer from Article 3. Until 6 months after the effective date, an employee may transfer to this Fund up to 6 years of creditable service accumulated under Article 3 of this Code, upon payment to this Fund of (1) the amount by which the employee and employer contributions that would have been required if the employee had participated in this Fund during the period for which credit is being transferred, plus interest, exceeds the amount actually transferred from the Article 3 fund to this Fund, plus (2) interest on the amount determined

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under item (1) at the rate of 6% per year, compounded annually, from the
date of the transfer to the date of payment.

Section 90. The State Mandates Act is amended by adding Section
8.31 as follows:
(30 ILCS 805/8.31 new)
Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of
this Act, no reimbursement by the State is required for the implementation
of any mandate created by this amendatory Act of the 95th General
Assembly.


PUBLIC ACT 95-0505
(Senate Bill No. 1385)

AN ACT concerning finance.

Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The State Finance Act is amended by changing Section
6z-27 as follows:
(30 ILCS 105/6z-27)
Sec. 6z-27. All moneys in the Audit Expense Fund shall be
transferred, appropriated and used only for the purposes authorized by, and
subject to the limitations and conditions prescribed by, the State Auditing
Act.

Within 30 days after the effective date of this amendatory Act of
2007, 2006, the State Comptroller shall order transferred and the State
Treasurer shall transfer from the following funds moneys in the specified
amounts for deposit into the Audit Expense Fund:

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<td>Capital Litigation Fund</td>
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<td>Fire Truck Revolving Loan Fund</td>
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<td>Illinois Charity Bureau Fund</td>
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<td>Illinois Clean Water Fund</td>
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New matter indicated by italics - deletions by strikeout
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<td>Illinois State Pharmacy Disciplinary Fund</td>
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<td>Large Business Attraction Fund</td>
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<td>LaSalle Veterans Home Fund</td>
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<td>The Local Initiative Fund</td>
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<td>Local Tourism Fund</td>
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New matter indicated by italics - deletions by strikeout
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<td>Long Term Care Monitor/Receiver Fund</td>
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<td>Low Level Radioactive Waste Facility Development and Operation Fund</td>
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<td>Motor Vehicle License Plate Fund</td>
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<td>Nuclear Safety Emergency Preparedness Fund</td>
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<td>Nursing Dedicated and Professional Fund</td>
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<td>Park and Conservation Fund</td>
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<td>Penny Severs Breast, Cervical and Ovarian Cancer Research Fund</td>
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<td>Pesticide Control Fund</td>
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<td>Plumbing Licensure and Program Fund</td>
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<td>Presidential Library and Museum Operating Fund</td>
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<td>Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund</td>
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<td>Professions Indirect Cost Fund</td>
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New matter indicated by italics - deletions by strikeout
Public Pension Regulation Fund .......................... 3,323 2,538  
The Public Transportation Fund ........................... 26,626 23,545  
**Quincy Veterans Home Fund** ........................... 28,403  
*Radiation Protection Fund* ............................... 16,067  
Real Estate License Administration Fund ............... 11,755 11,045  
Registered Certified Public Accountants'  
 Administration and Disciplinary Fund .............. 1,350 526  
*Renewable Energy Resources Trust Fund* ............ 6,544  
The Road Fund ........................................ 223,970 161,107  
Regional Transportation Authority Occupation and  
 Use Tax Replacement Fund ............................. 1,201 1,425  
**Savings and Residential Finance**  
 Regulatory Fund ...................................... 13,738 12,459  
*Secretary of State DUI Administration Fund* ........... 591  
*Secretary of State Special License Plate Fund* ... 2,401  
Secretary of State Special Services Fund .............. 10,974 5,176  
Securities Audit and Enforcement Fund ............... 3,753 1,496  
*Small Business Environmental Assistance Fund* ..... 612  
Solid Waste Management Fund ............................ 22,604  
State and Local Sales Tax Reform Fund ............ 2,401 2,850  
State Boating Act Fund ................................. 855 1,156  
State Construction Account Fund ....................... 95,709 62,923  
The State Gaming Fund ................................ 6,824 8,683  
The State Garage Revolving Fund ....................... 33,349 3,564  
The State Lottery Fund ................................ 19,000 24,611  
The Migratory Waterfowl Stamp Fund ................... 980  
State Parks Fund ...................................... 892 1,280  
State Pheasant Fund ................................... 680  
State Rail Freight Loan Repayment Fund ............... 524  
*State's Attorneys Appellate Prosecutor's County Fund* .. 4,129  
*State Surplus Property Revolving Fund* .............. 1,876  
*State Treasurer's Bank Services Trust Fund* ........ 562  
The Statistical Services Revolving Fund ............. 119,571 92,252  
Subtitle D Management Fund ........................... 4,432  

New matter indicated by italics - deletions by strikeout
Notwithstanding any provision of the law to the contrary, the General Assembly hereby authorizes the use of such funds for the purposes set forth in this Section.

These provisions do not apply to funds classified by the Comptroller as federal trust funds or State trust funds. The Audit Expense Fund may receive transfers from those trust funds only as directed herein, except where prohibited by the terms of the trust fund agreement. The Auditor General shall notify the trustees of those funds of the estimated cost of the audit to be incurred under the Illinois State Auditing Act for the fund. The trustees of those funds shall direct the State Comptroller and Treasurer to transfer the estimated amount to the Audit Expense Fund.

The Auditor General may bill entities that are not subject to the above transfer provisions, including private entities, related organizations and entities whose funds are locally-held, for the cost of audits, studies, and investigations incurred on their behalf. Any revenues received under this provision shall be deposited into the Audit Expense Fund.

In the event that moneys on deposit in any fund are unavailable, by reason of deficiency or any other reason preventing their lawful transfer, the State Comptroller shall order transferred and the State Treasurer shall transfer the amount deficient or otherwise unavailable from the General Revenue Fund for deposit into the Audit Expense Fund.

On or before December 1, 1992, and each December 1 thereafter, the Auditor General shall notify the Governor's Office of Management and
Budget (formerly Bureau of the Budget) of the amount estimated to be necessary to pay for audits, studies, and investigations in accordance with the Illinois State Auditing Act during the next succeeding fiscal year for each State fund for which a transfer or reimbursement is anticipated.

Beginning with fiscal year 1994 and during each fiscal year thereafter, the Auditor General may direct the State Comptroller and Treasurer to transfer moneys from funds authorized by the General Assembly for that fund. In the event funds, including federal and State trust funds but excluding the General Revenue Fund, are transferred, during fiscal year 1994 and during each fiscal year thereafter, in excess of the amount to pay actual costs attributable to audits, studies, and investigations as permitted or required by the Illinois State Auditing Act or specific action of the General Assembly, the Auditor General shall, on September 30, or as soon thereafter as is practicable, direct the State Comptroller and Treasurer to transfer the excess amount back to the fund from which it was originally transferred.

(Source: P.A. 93-452, eff. 8-7-03; 93-880, eff. 8-6-04; 94-505, eff. 8-8-05; 94-958, eff. 6-27-06.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0506
(Senate Bill No. 1434)

AN ACT concerning citizen participation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Citizen Participation Act.

Section 5. Public policy. Pursuant to the fundamental philosophy of the American constitutional form of government, it is declared to be the

New matter indicated by italics - deletions by strikeout
public policy of the State of Illinois that the constitutional rights of citizens and organizations to be involved and participate freely in the process of government must be encouraged and safeguarded with great diligence. The information, reports, opinions, claims, arguments, and other expressions provided by citizens are vital to effective law enforcement, the operation of government, the making of public policy and decisions, and the continuation of representative democracy. The laws, courts, and other agencies of this State must provide the utmost protection for the free exercise of these rights of petition, speech, association, and government participation.

Civil actions for money damages have been filed against citizens and organizations of this State as a result of their valid exercise of their constitutional rights to petition, speak freely, associate freely, and otherwise participate in and communicate with government. There has been a disturbing increase in lawsuits termed "Strategic Lawsuits Against Public Participation" in government or "SLAPPs" as they are popularly called.

The threat of SLAPPs significantly chills and diminishes citizen participation in government, voluntary public service, and the exercise of these important constitutional rights. This abuse of the judicial process can and has been used as a means of intimidating, harassing, or punishing citizens and organizations for involving themselves in public affairs.

It is in the public interest and it is the purpose of this Act to strike a balance between the rights of persons to file lawsuits for injury and the constitutional rights of persons to petition, speak freely, associate freely, and otherwise participate in government; to protect and encourage public participation in government to the maximum extent permitted by law; to establish an efficient process for identification and adjudication of SLAPPs; and to provide for attorney's fees and costs to prevailing movants.

Section 10. Definitions. In this Act:
"Government" includes a branch, department, agency, instrumentality, official, employee, agent, or other person acting under
color of law of the United States, a state, a subdivision of a state, or another public authority including the electorate.

"Person" includes any individual, corporation, association, organization, partnership, 2 or more persons having a joint or common interest, or other legal entity.

"Judicial claim" or "claim" include any lawsuit, cause of action, claim, cross-claim, counterclaim, or other judicial pleading or filing alleging injury.

"Motion" includes any motion to dismiss, for summary judgment, or to strike, or any other judicial pleading filed to dispose of a judicial claim.

"Moving party" means any person on whose behalf a motion described in subsection (a) of Section 20 is filed seeking dismissal of a judicial claim.

"Responding party" means any person against whom a motion described in subsection (a) of Section 20 is filed.

Section 15. Applicability. This Act applies to any motion to dispose of a claim in a judicial proceeding on the grounds that the claim is based on, relates to, or is in response to any act or acts of the moving party in furtherance of the moving party's rights of petition, speech, association, or to otherwise participate in government.

Acts in furtherance of the constitutional rights to petition, speech, association, and participation in government are immune from liability, regardless of intent or purpose, except when not genuinely aimed at procuring favorable government action, result, or outcome.

Section 20. Motion procedure and standards.

(a) On the filing of any motion as described in Section 15, a hearing and decision on the motion must occur within 90 days after notice of the motion is given to the respondent. An appellate court shall expedite any appeal or other writ, whether interlocutory or not, from a trial court order denying that motion or from a trial court's failure to rule on that motion within 90 days after that trial court order or failure to rule.

(b) Discovery shall be suspended pending a decision on the motion. However, discovery may be taken, upon leave of court for good reason.
cause shown, on the issue of whether the movants acts are not immunized from, or are not in furtherance of acts immunized from, liability by this Act.

(c) The court shall grant the motion and dismiss the judicial claim unless the court finds that the responding party has produced clear and convincing evidence that the acts of the moving party are not immunized from, or are not in furtherance of acts immunized from, liability by this Act.

Section 25. Attorney's fees and costs. The court shall award a moving party who prevails in a motion under this Act reasonable attorney's fees and costs incurred in connection with the motion.

(a) Nothing in this Act shall limit or preclude any rights the moving party may have under any other constitutional, statutory, case or common law, or rule provisions.
(b) This Act shall be construed liberally to effectuate its purposes and intent fully.

Section 35. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0507
(Senate Bill No. 1435)

AN ACT concerning business.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Business Corporation Act of 1983 is amended by adding Section 12.43 as follows:
(805 ILCS 5/12.43 new)

New matter indicated by italics - deletions by strikeout
Sec. 12.43. Administrative dissolution; corporate name. The Secretary of State shall not allow another corporation to use the name of a domestic corporation that has been administratively dissolved until 3 years have elapsed following the date of issuance of the certificate of dissolution. If the domestic corporation that has been administratively dissolved is reinstated within 3 years after the date of issuance of the certificate of dissolution, the domestic corporation shall continue under its previous name without impacting its continuous legal status, unless the corporation petitions to change its name upon reinstatement.

Section 10. The General Not For Profit Corporation Act of 1986 is amended by adding Section 112.43 as follows:

(805 ILCS 105/112.43 new)

Sec. 112.43. Administrative dissolution; corporate name. The Secretary of State shall not allow another corporation to use the name of a domestic corporation that has been administratively dissolved until 3 years have elapsed following the date of issuance of the certificate of dissolution. If the domestic corporation that has been administratively dissolved is reinstated within 3 years after the date of issuance of the certificate of dissolution, the domestic corporation shall continue under its previous name without impacting its continuous legal status, unless the corporation petitions to change its name upon reinstatement.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0508
(Senate Bill No. 1464)

AN ACT concerning business.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2ZZ as follows:

(815 ILCS 505/2ZZ new)

Sec. 2ZZ. Mortgage marketing materials.
(a) No person may send marketing materials to a consumer indicating that the person is connected to the consumer's mortgage company, indicating that there is a problem with the consumer's mortgage, or stating that the marketing materials contain information concerning the consumer's mortgage, unless that person sending the marketing materials is actually employed by the consumer's mortgage company or an affiliate of the consumer's mortgage company.

(b) Any person who violates this Section commits an unlawful practice within the meaning of this Act.

Effective January 1, 2008.

PUBLIC ACT 95-0509
(Senate Bill No. 1472)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by adding Section 27-13.3 as follows:

(105 ILCS 5/27-13.3 new)

Sec. 27-13.3. Internet safety education curriculum.
(a) The purpose of this Section is to inform and protect students from inappropriate or illegal communications and solicitation and to encourage school districts to provide education about Internet threats and risks, including without limitation child predators, fraud, and other dangers.

(b) The General Assembly finds and declares the following:

New matter indicated by italics - deletions by strikeout
(1) it is the policy of this State to protect consumers and Illinois residents from deceptive and unsafe communications that result in harassment, exploitation, or physical harm;
(2) children have easy access to the Internet at home, school, and public places;
(3) the Internet is used by sexual predators and other criminals to make initial contact with children and other vulnerable residents in Illinois; and
(4) education is an effective method for preventing children from falling prey to online predators, identity theft, and other dangers.

(c) Each school may adopt an age-appropriate curriculum for Internet safety instruction of students in grades kindergarten through 12. It is hereby recommended that the curriculum provide for a minimum of 2 hours of Internet safety education each school year that includes instruction on each of the following topics:

(1) Safe and responsible use of social networking websites, chat rooms, electronic mail, bulletin boards, instant messaging, and other means of communication on the Internet.
(2) Recognizing, avoiding, and reporting online solicitations of students, their classmates, and their friends by sexual predators.
(3) Risks of transmitting personal information on the Internet.
(4) Recognizing and avoiding unsolicited or deceptive communications received online.
(5) Recognizing and reporting online harassment and cyber-bullying.
(6) Reporting illegal activities and communications on the Internet.
(7) Copyright laws on written materials, photographs, music, and video.

New matter indicated by italics - deletions by strikeout
(d) Curricula devised in accordance with subsection (c) of this Section may be submitted for review to the Office of the Illinois Attorney General.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0510
(Senate Bill No. 1474)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 10. The School Code is amended by changing Sections 24A-2, 24A-4, 24A-5, 24A-7, 34-8.1, 34-85, and 34-85b and by adding Section 34-85c as follows:

(105 ILCS 5/24A-2) (from Ch. 122, par. 24A-2)
Sec. 24A-2. Application. The provisions of this Article shall apply to all public school districts organized and operating pursuant to the provisions of this Code, including special charter districts and those school districts operating in accordance with Article 34, except that this Section does not apply to teachers assigned to schools identified in an agreement entered into between the board of a school district operating under Article 34 and the exclusive representative of the district's teachers in accordance with Section 34-85c of this Code.
(Source: P.A. 84-972.)

(105 ILCS 5/24A-4) (from Ch. 122, par. 24A-4)
Sec. 24A-4. Development and submission of evaluation plan. As used in this and the succeeding Sections, "teacher" means any and all school district employees regularly required to be certified under laws relating to the certification of teachers. Each school district shall develop, in cooperation with its teachers or, where applicable, the exclusive

New matter indicated by italics - deletions by strikeout
bargaining representatives of its teachers, an evaluation plan for all teachers in contractual continued service. The district shall, no later than October 1, 1986, submit a copy of its evaluation plan to the State Board of Education, which shall review the plan and make public its comments thereon, and the district shall at the same time provide a copy to the exclusive bargaining representatives. Whenever any substantive change is made in a district's evaluation plan, the new plan shall be submitted to the State Board of Education for review and comment, and the district shall at the same time provide a copy of any such new plan to the exclusive bargaining representatives. The board of a school district operating under Article 34 of this Code and the exclusive representative of the district's teachers shall submit a certified copy of an agreement entered into under Section 34-85c of this Code to the State Board of Education, and that agreement shall constitute the teacher evaluation plan for teachers assigned to schools identified in that agreement. Whenever any substantive change is made in an agreement entered into under Section 34-85c of this Code by the board of a school district operating under Article 34 of this Code and the exclusive representative of the district's teachers, the new agreement shall be submitted to the State Board of Education.

(Source: P.A. 85-1163.)

(105 ILCS 5/24A-5) (from Ch. 122, par. 24A-5)

Sec. 24A-5. Content of evaluation plans. This Section does not apply to teachers assigned to schools identified in an agreement entered into between the board of a school district operating under Article 34 of this Code and the exclusive representative of the district's teachers in accordance with Section 34-85c of this Code. Each school district to which this Article applies shall establish a teacher evaluation plan which ensures that each teacher in contractual continued service is evaluated at least once in the course of every 2 school years, beginning with the 1986-87 school year.

The evaluation plan shall comply with the requirements of this Section and of any rules adopted by the State Board of Education pursuant to this Section.

New matter indicated by italics - deletions by strikeout
The plan shall include a description of each teacher's duties and responsibilities and of the standards to which that teacher is expected to conform.

The plan may provide for evaluation of personnel whose positions require administrative certification by independent evaluators not employed by or affiliated with the school district. The results of the school district administrators' evaluations shall be reported to the employing school board, together with such recommendations for remediation as the evaluator or evaluators may deem appropriate.

Evaluation of teachers whose positions do not require administrative certification shall be conducted by an administrator qualified under Section 24A-3, or -- in school districts having a population exceeding 500,000 -- by either an administrator qualified under Section 24A-3 or an assistant principal under the supervision of an administrator qualified under Section 24A-3, and shall include at least the following components:

(a) personal observation of the teacher in the classroom (on at least 2 different school days in school districts having a population exceeding 500,000) by a district administrator qualified under Section 24A-3, or -- in school districts having a population exceeding 500,000 -- by either an administrator qualified under Section 24A-3 or an assistant principal under the supervision of an administrator qualified under Section 24A-3, unless the teacher has no classroom duties.

(b) consideration of the teacher's attendance, planning, and instructional methods, classroom management, where relevant, and competency in the subject matter taught, where relevant.

(c) rating of the teacher's performance as "excellent", "satisfactory" or "unsatisfactory".

(d) specification as to the teacher's strengths and weaknesses, with supporting reasons for the comments made.

(e) inclusion of a copy of the evaluation in the teacher's personnel file and provision of a copy to the teacher.

New matter indicated by italics - deletions by strikeout
(f) within 30 days after completion of an evaluation rating a teacher as "unsatisfactory", development and commencement by the district, or by an administrator qualified under Section 24A-3 or an assistant principal under the supervision of an administrator qualified under Section 24A-3 in school districts having a population exceeding 500,000, of a remediation plan designed to correct deficiencies cited, provided the deficiencies are deemed remediable. In all school districts the remediation plan for unsatisfactory, tenured teachers shall provide for 90 school days of remediation within the classroom. In all school districts evaluations issued pursuant to this Section shall be issued within 10 days after the conclusion of the respective remediation plan. However, the school board or other governing authority of the district shall not lose jurisdiction to discharge a teacher in the event the evaluation is not issued within 10 days after the conclusion of the respective remediation plan.

(g) participation in the remediation plan by the teacher rated "unsatisfactory", a district administrator qualified under Section 24A-3 (or -- in a school district having a population exceeding 500,000 -- an administrator qualified under Section 24A-3 or an assistant principal under the supervision of an administrator qualified under Section 24A-3), and a consulting teacher, selected by the participating administrator or by the principal, or -- in school districts having a population exceeding 500,000 -- by an administrator qualified under Section 24A-3 or by an assistant principal under the supervision of an administrator qualified under Section 24A-3, of the teacher who was rated "unsatisfactory", which consulting teacher is an educational employee as defined in the Educational Labor Relations Act, has at least 5 years' teaching experience and a reasonable familiarity with the assignment of the teacher being evaluated, and who received an "excellent" rating on his or her most recent evaluation. Where no teachers who meet these criteria are available within the district, the district shall request and the State Board of Education shall supply, to

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participate in the remediation process, an individual who meets these criteria.

In a district having a population of less than 500,000 with an exclusive bargaining agent, the bargaining agent may, if it so chooses, supply a roster of qualified teachers from whom the consulting teacher is to be selected. That roster shall, however, contain the names of at least 5 teachers, each of whom meets the criteria for consulting teacher with regard to the teacher being evaluated, or the names of all teachers so qualified if that number is less than 5. In the event of a dispute as to qualification, the State Board shall determine qualification.

(h) evaluations and ratings once every 30 school days for the 90 school day remediation period immediately following receipt of a remediation plan provided for under subsections (f) and (g) of this Section; provided that in school districts having a population exceeding 500,000 there shall be monthly evaluations and ratings for the first 6 months and quarterly evaluations and ratings for the next 6 months immediately following completion of the remediation program of a teacher for whom a remediation plan has been developed. These subsequent evaluations shall be conducted by the participating administrator, or in school districts having a population exceeding 500,000 -- by either the principal or by an assistant principal under the supervision of an administrator qualified under Section 24A-3. The consulting teacher shall provide advice to the teacher rated "unsatisfactory" on how to improve teaching skills and to successfully complete the remediation plan. The consulting teacher shall participate in developing the remediation plan, but the final decision as to the evaluation shall be done solely by the administrator, or in school districts having a population exceeding 500,000 -- by either the principal or by an assistant principal under the supervision of an administrator qualified under Section 24A-3, unless an applicable collective bargaining agreement provides to the contrary. Teachers in the remediation process in a school district having a population

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exceeding 500,000 are not subject to the annual evaluations described in paragraphs (a) through (e) of this Section. Evaluations at the conclusion of the remediation process shall be separate and distinct from the required annual evaluations of teachers and shall not be subject to the guidelines and procedures relating to those annual evaluations. The evaluator may but is not required to use the forms provided for the annual evaluation of teachers in the district's evaluation plan.

(i) in school districts having a population of less than 500,000, reinstatement to a schedule of biennial evaluation for any teacher who completes the 90 school day remediation plan with a "satisfactory" or better rating, unless the district's plan regularly requires more frequent evaluations; and in school districts having a population exceeding 500,000, reinstatement to a schedule of biennial evaluation for any teacher who completes the 90 school day remediation plan with a "satisfactory" or better rating and the one year intensive review schedule as provided in paragraph (h) of this Section with a "satisfactory" or better rating, unless such district's plan regularly requires more frequent evaluations.

(j) dismissal in accordance with Section 24-12 or 34-85 of The School Code of any teacher who fails to complete any applicable remediation plan with a "satisfactory" or better rating. Districts and teachers subject to dismissal hearings are precluded from compelling the testimony of consulting teachers at such hearings under Section 24-12 or 34-85, either as to the rating process or for opinions of performances by teachers under remediation.

In a district subject to a collective bargaining agreement as of the effective date of this amendatory Act of 1997, any changes made by this amendatory Act to the provisions of this Section that are contrary to the express terms and provisions of that agreement shall go into effect in that district only upon expiration of that agreement. Thereafter, collectively bargained evaluation plans shall at a minimum meet the standards of this Article. If such a district has an evaluation plan, however, whether
pursuant to the collective bargaining agreement or otherwise, a copy of that plan shall be submitted to the State Board of Education for review and comment, in accordance with Section 24A-4.

Nothing in this Section shall be construed as preventing immediate dismissal of a teacher for deficiencies which are deemed irremediable or for actions which are injurious to or endanger the health or person of students in the classroom or school. Failure to strictly comply with the time requirements contained in Section 24A-5 shall not invalidate the results of the remediation plan.

(Source: P.A. 89-15, eff. 5-30-95; 90-548, eff. 1-1-98; 90-653, eff. 7-29-98.)

(105 ILCS 5/24A-7) (from Ch. 122, par. 24A-7)

Sec. 24A-7. Rules. The State Board of Education is authorized to adopt such rules as are deemed necessary to implement and accomplish the purposes and provisions of this Article, except that these rules shall not apply to teachers assigned to schools identified in an agreement entered into between the board of a school district operating under Article 34 of this Code and the exclusive representative of the district's teachers in accordance with Section 34-85c of this Code.

(Source: P.A. 84-972.)

(105 ILCS 5/34-8.1) (from Ch. 122, par. 34-8.1)

Sec. 34-8.1. Principals. Principals shall be employed to supervise the operation of each attendance center. Their powers and duties shall include but not be limited to the authority (i) to direct, supervise, evaluate, and suspend with or without pay or otherwise discipline all teachers, assistant principals, and other employees assigned to the attendance center in accordance with board rules and policies and (ii) to direct all other persons assigned to the attendance center pursuant to a contract with a third party to provide services to the school system. The right to employ, discharge, and layoff shall be vested solely with the board, provided that decisions to discharge or suspend non-certified employees, including disciplinary layoffs, and the termination of certified employees from employment pursuant to a layoff or reassignment policy are subject to review under the grievance resolution procedure adopted pursuant to
subsection (c) of Section 10 of the Illinois Educational Labor Relations Act. The grievance resolution procedure adopted by the board shall provide for final and binding arbitration, and, notwithstanding any other provision of law to the contrary, the arbitrator's decision may include all make-whole relief, including without limitation reinstatement. The principal shall fill positions by appointment as provided in this Section and may make recommendations to the board regarding the employment, discharge, or layoff of any individual. The authority of the principal shall include the authority to direct the hours during which the attendance center shall be open and available for use provided the use complies with board rules and policies, to determine when and what operations shall be conducted within those hours, and to schedule staff within those hours. Under the direction of, and subject to the authority of the principal, the Engineer In Charge shall be accountable for the safe, economical operation of the plant and grounds and shall also be responsible for orientation, training, and supervising the work of Engineers, Trainees, school maintenance assistants, custodial workers and other plant operation employees under his or her direction.

There shall be established by the board a system of semi-annual evaluations conducted by the principal as to performance of the engineer in charge. Nothing in this Section shall prevent the principal from conducting additional evaluations. An overall numerical rating shall be given by the principal based on the evaluation conducted by the principal. An unsatisfactory numerical rating shall result in disciplinary action, which may include, without limitation and in the judgment of the principal, loss of promotion or bidding procedure, reprimand, suspension with or without pay, or recommended dismissal. The board shall establish procedures for conducting the evaluation and reporting the results to the engineer in charge.

Under the direction of, and subject to the authority of, the principal, the Food Service Manager is responsible at all times for the proper operation and maintenance of the lunch room to which he is assigned and shall also be responsible for the orientation, training, and
supervising the work of cooks, bakers, porters, and lunchroom attendants under his or her direction.

There shall be established by the Board a system of semi-annual evaluations conducted by the principal as to the performance of the food service manager. Nothing in this Section shall prevent the principal from conducting additional evaluations. An overall numerical rating shall be given by the principal based on the evaluation conducted by the principal. An unsatisfactory numerical rating shall result in disciplinary action which may include, without limitation and in the judgment of the principal, loss of promotion or bidding procedure, reprimand, suspension with or without pay, or recommended dismissal. The board shall establish rules for conducting the evaluation and reporting the results to the food service manager.

Nothing in this Section shall be interpreted to require the employment or assignment of an Engineer-In-Charge or a Food Service Manager for each attendance center.

Principals shall be employed to supervise the educational operation of each attendance center. If a principal is absent due to extended illness or leave or absence, an assistant principal may be assigned as acting principal for a period not to exceed 100 school days. Each principal shall assume administrative responsibility and instructional leadership, in accordance with reasonable rules and regulations of the board, for the planning, operation and evaluation of the educational program of the attendance center to which he is assigned. The principal shall submit recommendations to the general superintendent concerning the appointment, dismissal, retention, promotion, and assignment of all personnel assigned to the attendance center; provided, that from and after September 1, 1989: (i) if any vacancy occurs in a position at the attendance center or if an additional or new position is created at the attendance center, that position shall be filled by appointment made by the principal in accordance with procedures established and provided by the Board whenever the majority of the duties included in that position are to be performed at the attendance center which is under the principal's supervision, and each such appointment so made by the principal shall be

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made and based upon merit and ability to perform in that position without regard to seniority or length of service, provided, that such appointments shall be subject to the Board's desegregation obligations, including but not limited to the Consent Decree and Desegregation Plan in U.S. v. Chicago Board of Education; (ii) the principal shall submit recommendations based upon merit and ability to perform in the particular position, without regard to seniority or length of service, to the general superintendent concerning the appointment of any teacher, teacher aide, counselor, clerk, hall guard, security guard and any other personnel which is to be made by the general superintendent whenever less than a majority of the duties of that teacher, teacher aide, counselor, clerk, hall guard, and security guard and any other personnel are to be performed at the attendance center which is under the principal's supervision; and (iii) subject to law and the applicable collective bargaining agreements, the authority and responsibilities of a principal with respect to the evaluation of all teachers and other personnel assigned to an attendance center shall commence immediately upon his or her appointment as principal of the attendance center, without regard to the length of time that he or she has been the principal of that attendance center.

Notwithstanding the existence of any other law of this State, nothing in this Act shall prevent the board from entering into a contract with a third party for services currently performed by any employee or bargaining unit member.

Notwithstanding any other provision of this Article, each principal may approve contracts, binding on the board, in the amount of no more than $10,000, if the contract is endorsed by the Local School Council.

Unless otherwise prohibited by law or by rule of the board, the principal shall provide to local school council members copies of all internal audits and any other pertinent information generated by any audits or reviews of the programs and operation of the attendance center.

Each principal shall hold a valid administrative certificate issued or exchanged in accordance with Article 21 and endorsed as required by that Article for the position of principal. The board may establish or impose academic, educational, examination, and experience requirements and

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criteria that are in addition to those established and required by Article 21 for issuance of a valid certificate endorsed for the position of principal as a condition of the nomination, selection, appointment, employment, or continued employment of a person as principal of any attendance center, or as a condition of the renewal of any principal's performance contract.

The board shall specify in its formal job description for principals, and from and after July 1, 1990 shall specify in the 4 year performance contracts for use with respect to all principals, that his or her primary responsibility is in the improvement of instruction. A majority of the time spent by a principal shall be spent on curriculum and staff development through both formal and informal activities, establishing clear lines of communication regarding school goals, accomplishments, practices and policies with parents and teachers. The principal, with the assistance of the local school council, shall develop a school improvement plan as provided in Section 34-2.4 and, upon approval of the plan by the local school council, shall be responsible for directing implementation of the plan. The principal, with the assistance of the professional personnel leadership committee, shall develop the specific methods and contents of the school's curriculum within the board's system-wide curriculum standards and objectives and the requirements of the school improvement plan. The board shall ensure that all principals are evaluated on their instructional leadership ability and their ability to maintain a positive education and learning climate. It shall also be the responsibility of the principal to utilize resources of proper law enforcement agencies when the safety and welfare of students and teachers are threatened by illegal use of drugs and alcohol, by illegal use or possession of weapons, or by illegal gang activity.

Nothing in this Section shall prohibit the board and the exclusive representative of the district's teachers from entering into an agreement under Section 34-85c of this Code to establish alternative procedures for teacher evaluation, remediation, and removal for cause after remediation, including an alternative system for peer evaluation and recommendations, for teachers assigned to schools identified in that agreement.
On or before October 1, 1989, the Board of Education, in consultation with any professional organization representing principals in the district, shall promulgate rules and implement a lottery for the purpose of determining whether a principal's existing performance contract (including the performance contract applicable to any principal's position in which a vacancy then exists) expires on June 30, 1990 or on June 30, 1991, and whether the ensuing 4 year performance contract begins on July 1, 1990 or July 1, 1991. The Board of Education shall establish and conduct the lottery in such manner that of all the performance contracts of principals (including the performance contracts applicable to all principal positions in which a vacancy then exists), 50% of such contracts shall expire on June 30, 1990, and 50% shall expire on June 30, 1991. All persons serving as principal on May 1, 1989, and all persons appointed as principal after May 1, 1989 and prior to July 1, 1990 or July 1, 1991, in a manner other than as provided by Section 34-2.3, shall be deemed by operation of law to be serving under a performance contract which expires on June 30, 1990 or June 30, 1991; and unless such performance contract of any such principal is renewed (or such person is again appointed to serve as principal) in the manner provided by Section 34-2.2 or 34-2.3, the employment of such person as principal shall terminate on June 30, 1990 or June 30, 1991.

Commencing on July 1, 1990, or on July 1, 1991, and thereafter, the principal of each attendance center shall be the person selected in the manner provided by Section 34-2.3 to serve as principal of that attendance center under a 4 year performance contract. All performance contracts of principals expiring after July 1, 1990, or July 1, 1991, shall commence on the date specified in the contract, and the renewal of their performance contracts and the appointment of principals when their performance contracts are not renewed shall be governed by Sections 34-2.2 and 34-2.3. Whenever a vacancy in the office of a principal occurs for any reason, the vacancy shall be filled by the selection of a new principal to serve under a 4 year performance contract in the manner provided by Section 34-2.3.

The board of education shall develop and prepare, in consultation with the organization representing principals, a performance contract for

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use at all attendance centers, and shall furnish the same to each local school council. The term of the performance contract shall be 4 years, unless the principal is retained by the decision of a hearing officer pursuant to subdivision 1.5 of Section 34-2.3, in which case the contract shall be extended for 2 years. The performance contract of each principal shall consist of the uniform performance contract, as developed or from time to time modified by the board, and such additional criteria as are established by a local school council pursuant to Section 34-2.3 for the performance contract of its principal.

During the term of his or her performance contract, a principal may be removed only as provided for in the performance contract except for cause. He or she shall also be obliged to follow the rules of the board of education concerning conduct and efficiency.

In the event the performance contract of a principal is not renewed or a principal is not reappointed as principal under a new performance contract, or in the event a principal is appointed to any position of superintendent or higher position, or voluntarily resigns his position of principal, his or her employment as a principal shall terminate and such former principal shall not be reinstated to the position from which he or she was promoted to principal, except that he or she, if otherwise qualified and certified in accordance with Article 21, shall be placed by the board on appropriate eligibility lists which it prepares for use in the filling of vacant or additional or newly created positions for teachers. The principal's total years of service to the board as both a teacher and a principal, or in other professional capacities, shall be used in calculating years of experience for purposes of being selected as a teacher into new, additional or vacant positions.

In the event the performance contract of a principal is not renewed or a principal is not reappointed as principal under a new performance contract, such principal shall be eligible to continue to receive his or her previously provided level of health insurance benefits for a period of 90 days following the non-renewal of the contract at no expense to the principal, provided that such principal has not retired.

(Source: P.A. 93-3, eff. 4-16-03; 93-48, eff. 7-1-03; revised 9-11-03.)

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Sec. 34-85. Removal for cause; Notice and hearing; Suspension.

No teacher employed by the board of education shall (after serving the probationary period specified in Section 34-84) be removed except for cause. Teachers (who have completed the probationary period specified in Section 34-84 of this Code) shall be removed for cause in accordance with the procedures set forth in this Section or such other procedures established in an agreement entered into between the board and the exclusive representative of the district's teachers under Section 34-85c of this Code for teachers (who have completed the probationary period specified in Section 34-84 of this Code) assigned to schools identified in that agreement. No principal employed by the board of education shall be removed during the term of his or her performance contract except for cause, which may include but is not limited to the principal's repeated failure to implement the school improvement plan or to comply with the provisions of the Uniform Performance Contract, including additional criteria established by the Council for inclusion in the performance contract pursuant to Section 34-2.3.

The general superintendent must first approve written charges and specifications against the teacher or principal. A local school council may direct the general superintendent to approve written charges against its principal on behalf of the Council upon the vote of 7 members of the Council. The general superintendent must approve those charges within 45 days or provide a written reason for not approving those charges. A written notice of those charges shall be served upon the teacher or principal within 10 days of the approval of the charges. If the teacher or principal cannot be found upon diligent inquiry, such charges may be served upon him by mailing a copy thereof in a sealed envelope by prepaid certified mail, return receipt requested, to the teacher's or principal's last known address. A return receipt showing delivery to such address within 20 days after the date of the approval of the charges shall constitute proof of service.

No hearing upon the charges is required unless the teacher or principal within 10 days after receiving notice requests in writing of the general superintendent that a hearing be scheduled, in which case the

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general superintendent shall schedule a hearing on those charges before a disinterested hearing officer on a date no less than 15 nor more than 30 days after the approval of the charges. The general superintendent shall forward a copy of the notice to the State Board of Education within 5 days from the date of the approval of the charges. Within 10 days after receiving the notice of hearing, the State Board of Education shall provide the teacher or principal and the general superintendent with a list of 5 prospective, impartial hearing officers. Each person on the list must be accredited by a national arbitration organization and have had a minimum of 5 years of experience as an arbitrator in cases involving labor and employment relations matters between educational employers and educational employees or their exclusive bargaining representatives.

The general superintendent and the teacher or principal or their legal representatives within 3 days from receipt of the list shall alternately strike one name from the list until only one name remains. Unless waived by the teacher, the teacher or principal shall have the right to proceed first with the striking. Within 3 days of receipt of the first list provided by the State Board of Education, the general superintendent and the teacher or principal or their legal representatives shall each have the right to reject all prospective hearing officers named on the first list and to require the State Board of Education to provide a second list of 5 prospective, impartial hearing officers, none of whom were named on the first list. Within 5 days after receiving this request for a second list, the State Board of Education shall provide the second list of 5 prospective, impartial hearing officers. The procedure for selecting a hearing officer from the second list shall be the same as the procedure for the first list. Each party shall promptly serve written notice on the other of any name stricken from the list. If the teacher or principal fails to do so, the general superintendent may select the hearing officer from any name remaining on the list. The teacher or principal may waive the hearing at any time prior to the appointment of the hearing officer. Notice of the selection of the hearing officer shall be given to the State Board of Education. The hearing officer shall be notified of his selection by the State Board of Education. A signed acceptance shall be filed with the State Board of Education within 5 days of receipt of notice.

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of the selection. The State Board of Education shall notify the teacher or principal and the board of its appointment of the hearing officer. In the alternative to selecting a hearing officer from the first or second list received from the State Board of Education, the general superintendent and the teacher or principal or their legal representatives may mutually agree to select an impartial hearing officer who is not on a list received from the State Board of Education, either by direct appointment by the parties or by using procedures for the appointment of an arbitrator established by the Federal Mediation and Conciliation Service or the American Arbitration Association. The parties shall notify the State Board of Education of their intent to select a hearing officer using an alternative procedure within 3 days of receipt of a list of prospective hearing officers provided by the State Board of Education. Any person selected by the parties under this alternative procedure for the selection of a hearing officer shall have the same qualifications and authority as a hearing officer selected from a list provided by the State Board of Education. The teacher or principal may waive the hearing at any time prior to the appointment of the hearing officer. The State Board of Education shall promulgate uniform standards and rules of procedure for such hearings, including reasonable rules of discovery.

The per diem allowance for the hearing officer shall be paid by the State Board of Education. The hearing officer shall hold a hearing and render findings of fact and a recommendation to the general superintendent. The teacher or principal has the privilege of being present at the hearing with counsel and of cross-examining witnesses and may offer evidence and witnesses and present defenses to the charges. The hearing officer may issue subpoenas requiring the attendance of witnesses and, at the request of the teacher or principal against whom a charge is made or the general superintendent, shall issue such subpoenas, but the hearing officer may limit the number of witnesses to be subpoenaed in behalf of the teacher or principal or the general superintendent to not more than 10 each. All testimony at the hearing shall be taken under oath administered by the hearing officer. The hearing officer shall cause a record of the proceedings to be kept and shall employ a competent reporter.
to take stenographic or stenotype notes of all the testimony. The costs of
the reporter's attendance and services at the hearing shall be paid by the
State Board of Education. Either party desiring a transcript of the hearing
shall pay for the cost thereof.

Pending the hearing of the charges, the person charged may be
suspended in accordance with rules prescribed by the board but such
person, if acquitted, shall not suffer any loss of salary by reason of the
suspension.

Before service of notice of charges on account of causes that may
be deemed to be remediable, the teacher or principal shall be given
reasonable warning in writing, stating specifically the causes which, if not
removed, may result in charges; however, no such written warning shall be
required if the causes have been the subject of a remediation plan pursuant
to Article 24A or where the board of education and the exclusive
representative of the district's teachers have entered into an agreement
pursuant to Section 34-85c of this Code, pursuant to an alternative system
of remediation. No written warning shall be required for conduct on the
part of a teacher or principal which is cruel, immoral, negligent, or
criminal or which in any way causes psychological or physical harm or
injury to a student as that conduct is deemed to be irremediable. No
written warning shall be required for a material breach of the uniform
principal performance contract as that conduct is deemed to be
irremediable; provided however, that not less than 30 days before the vote
of the local school council to seek the dismissal of a principal for a
material breach of a uniform principal performance contract, the local
school council shall specify the nature of the alleged breach in writing and
provide a copy of it to the principal.

The hearing officer shall consider and give weight to all of the
teacher's evaluations written pursuant to Article 24A.

The hearing officer shall within 45 days from the conclusion of the
hearing report to the general superintendent findings of fact and a
recommendation as to whether or not the teacher or principal shall be
dismissed and shall give a copy of the report to both the teacher or
principal and the general superintendent. The board, within 45 days of

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receipt of the hearing officer's findings of fact and recommendation, shall make a decision as to whether the teacher or principal shall be dismissed from its employ. The failure of the board to strictly adhere to the timeliness contained herein shall not render it without jurisdiction to dismiss the teacher or principal. If the hearing officer fails to render a decision within 45 days, the State Board of Education shall communicate with the hearing officer to determine the date that the parties can reasonably expect to receive the decision. The State Board of Education shall provide copies of all such communications to the parties. In the event the hearing officer fails without good cause to make a decision within the 45 day period, the name of such hearing officer shall be struck for a period not less than 24 months from the master list of hearing officers maintained by the State Board of Education. The board shall not lose jurisdiction to discharge the teacher or principal if the hearing officer fails to render a decision within the time specified in this Section. If a hearing officer fails to render a decision within 3 months after the hearing is declared closed, the State Board of Education shall provide the parties with a new list of prospective, impartial hearing officers, with the same qualifications provided herein, one of whom shall be selected, as provided in this Section, to rehear the charges heard by the hearing officer who failed to render a decision. The parties may also select a hearing officer pursuant to the alternative procedure, as provided in this Section, to rehear the charges heard by the hearing officer who failed to render a decision. A violation of the professional standards set forth in "The Code of Professional Responsibility for Arbitrators of Labor-Management Disputes", of the National Academy of Arbitrators, the American Arbitration Association, and the Federal Mediation and Conciliation Service, or the failure of a hearing officer to render a decision within 3 months after the hearing is declared closed shall be grounds for removal of the hearing officer from the master list of hearing officers maintained by the State Board of Education. The decision of the board is final unless reviewed as provided in Section 34-85b of this Act.

In the event judicial review is instituted, any costs of preparing and filing the record of proceedings shall be paid by the party instituting the

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review. If a decision of the board hearing officer is adjudicated upon review or appeal in favor of the teacher or principal, then the trial court shall order reinstatement and shall determine the amount for which the board is liable including but not limited to loss of income and costs incurred therein. Nothing in this Section affects the validity of removal for cause hearings commenced prior to the effective date of this amendatory Act of 1978.

(Source: P.A. 89-15, eff. 5-30-95.)

(105 ILCS 5/34-85b) (from Ch. 122, par. 34-85b)

Sec. 34-85b. The provisions of the Administrative Review Law, and all amendments and modifications thereof and the rules adopted pursuant thereto, shall apply to and govern all proceedings instituted for the judicial review by either the employee, teacher, or principal or the board of final administrative decisions of the board hearing officer under Sections 34-15 and 34-85 of this Act. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(Source: P.A. 82-783.)

(105 ILCS 5/34-85c new)

Sec. 34-85c. Alternative procedures for teacher evaluation, remediation, and removal for cause after remediation.

(a) Notwithstanding any law to the contrary, the board and the exclusive representative of the district's teachers are hereby authorized to enter into an agreement to establish alternative procedures for teacher evaluation, remediation, and removal for cause after remediation, including an alternative system for peer evaluation and recommendations. Pursuant exclusively to that agreement, teachers assigned to schools identified in that agreement shall be subject to an alternative performance evaluation plan and remediation procedures in lieu of the plan and procedures set forth in Article 24A of this Code and alternative removal for cause standards and procedures in lieu of the removal standards and procedures set forth in Sections 34-85 and 34-85b of this Code. To the extent that the agreement provides a teacher with an opportunity for a hearing on removal for cause before an independent hearing officer in accordance with Sections 34-85 and 34-85b or otherwise, the hearing

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officer shall be governed by the alternative performance evaluation plan, remediation procedures, and removal standards and procedures set forth in the agreement in making findings of fact and a recommendation.

(b) The board and the exclusive representative of the district’s teachers shall submit a certified copy of an agreement as provided under subsection (a) of this Section to the State Board of Education.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0511
(Senate Bill No. 1479)

AN ACT concerning safety.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Radiation Protection Act of 1990 is amended by changing Sections 4 and 31 as follows:

(420 ILCS 40/4) (from Ch. 111 1/2, par. 210-4)
(Section scheduled to be repealed on January 1, 2011)
Sec. 4. Definitions. As used in this Act:
(a) "Accreditation" means the process by which the Agency grants permission to persons meeting the requirements of this Act and the Department's rules and regulations to engage in the practice of administering radiation to human beings.
(a-2) "Agency" means the Illinois Emergency Management Agency.
(a-3) "Assistant Director" means the Assistant Director of the Agency.
(a-5) "By-product material" means: (1) any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to radiation incident to the process of producing or utilizing

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special nuclear material; and (2) the tailings or wastes produced by the
extraction or concentration of uranium or thorium from any ore processed
primarily for its source material content, including discrete surface wastes
resulting from underground solution extraction processes but not including
underground ore bodies depleted by such solution extraction processes.

(b) (Blank).
(c) (Blank).
(d) "General license" means a license, pursuant to regulations
promulgated by the Agency, effective without the filing of an application
to transfer, acquire, own, possess or use quantities of, or devices or
equipment utilizing, radioactive material, including but not limited to by-
product, source or special nuclear materials.

(d-1) "Identical in substance" means the regulations promulgated
by the Agency would require the same actions with respect to ionizing
radiation, for the same group of affected persons, as would federal laws,
regulations, or orders if any federal agency, including but not limited to
the Nuclear Regulatory Commission, Food and Drug Administration, or
Environmental Protection Agency, administered the subject program in
Illinois.

(d-3) "Mammography" means radiography of the breast primarily
for the purpose of enabling a physician to determine the presence, size,
location and extent of cancerous or potentially cancerous tissue in the
breast.

(d-7) "Operator" is an individual, group of individuals, partnership,
firm, corporation, association, or other entity conducting the business or
activities carried on within a radiation installation.

(e) "Person" means any individual, corporation, partnership, firm,
association, trust, estate, public or private institution, group, agency,
political subdivision of this State, any other State or political subdivision
or agency thereof, and any legal successor, representative, agent, or agency
of the foregoing, other than the United States Nuclear Regulatory
Commission, or any successor thereto, and other than federal government
agencies licensed by the United States Nuclear Regulatory Commission, or
any successor thereto. "Person" also includes a federal entity (and its

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contractors) if the federal entity agrees to be regulated by the State or as otherwise allowed under federal law.

(f) "Radiation" or "ionizing radiation" means gamma rays and x-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other nuclear particles or electromagnetic radiations capable of producing ions directly or indirectly in their passage through matter; but does not include sound or radio waves or visible, infrared, or ultraviolet light.

(f-5) "Radiation emergency" means the uncontrolled release of radioactive material from a radiation installation which poses a potential threat to the public health, welfare, and safety.

(g) "Radiation installation" is any location or facility where radiation machines are used or where radioactive material is produced, transported, stored, disposed of, or used for any purpose.

(h) "Radiation machine" is any device that produces radiation when in use.

(i) "Radioactive material" means any solid, liquid, or gaseous substance which emits radiation spontaneously.

(j) "Radiation source" or "source of ionizing radiation" means a radiation machine or radioactive material as defined herein.

(k) "Source material" means (1) uranium, thorium, or any other material which the Agency declares by order to be source material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such; or (2) ores containing one or more of the foregoing materials, in such concentration as the Agency declares by order to be source material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material in such concentration to be source material.

(l) "Special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Agency declares by order to be special nuclear material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.

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(m) "Specific license" means a license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing radioactive materials.
(Source: P.A. 94-104, eff. 7-1-05.)
(420 ILCS 40/31) (from Ch. 111 1/2, par. 210-31)
(Section scheduled to be repealed on January 1, 2011)
Sec. 31. Rulemaking; exemptions.
(a) The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedures of the Agency under this Act, except that in case of conflict between the Illinois Administrative Procedure Act and this Act the provisions of this Act shall control, and except that Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the Agency is precluded by law from exercising any discretion.

(b) The Agency is exempt from rulemaking procedures in the Illinois Administrative Procedure Act when regulations that are identical in substance are necessary to implement, secure, or maintain federal authorization for a program. After consideration of comments from the appropriate federal agency, the Agency may adopt the verbatim text of the laws, regulations, or orders as necessary and appropriate for authorization or maintenance of the program. For purposes of this Section only, the term "order" is defined as a legal directive by a federal agency regarding an issue, situation, or a specific action. In adopting identical in substance regulations, the only changes that may be made by the Agency to the federal laws, regulations, or orders are those changes that are necessary for compliance with the Illinois Administrative Code and technical changes that in no way change the scope or meaning of any portion of the regulations, except as follows:

(1) The Agency shall not adopt the equivalent of federal laws, regulations, or orders that:

(a) are not applicable to persons or facilities in Illinois;

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(b) are appropriate only in federal agency-administered programs; or
(c) govern actions to be taken by other federal agencies or states.

(2) The Agency shall not adopt regulations prescribing things that are outside the Agency’s normal functions.

(3) If a federal agency regulation prescribes the contents of a state regulation without setting forth the regulation itself, which would be an integral part of any regulation required to be adopted as an identical in substance regulation as prescribed, the Agency shall adopt a regulation as prescribed by the federal agency to the extent possible and consistent with other relevant federal agency regulations and existing State law.

(4) The Agency may incorporate federal agency laws, regulations, or orders by reference if it is possible to do so.

(5) The Agency may correct typographical and grammatical errors.

(6) For regulations required by the Nuclear Regulatory Commission, the Agency may substitute the word "radioactive" for the word "by-product" when referring to radioactive material.

(c) For exempt identical in substance rulemakings, the Agency shall: (i) publish first notice of the rulemaking in the Illinois Register in accordance with the Illinois Administrative Procedure Act to provide public notice and opportunity for public comment; (ii) specifically refer to the appropriate federal laws, regulations, or orders; and (iii) follow the format reasonably prescribed by the Secretary of State by rule. The rulemakings adopted under this Section become effective following the first notice period immediately upon filing for adoption with the Secretary of State or at a date required or authorized by the relevant federal laws, regulations, or orders as stated in the notice of the rulemaking, and shall be published in the Illinois Register.

(Source: P.A. 94-104, eff. 7-1-05.)

Section 99. Effective date. This Act takes effect upon becoming law.

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PUBLIC ACT 95-0512
(Senate Bill No. 1508)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Counties Code is amended by adding Section 5-6008 as follows:
(55 ILCS 5/5-6008 new)
Sec. 5-6008. Building permits. Once a building permit is issued, the
applicable building codes of any unit of local government that are in
effect at the time of the issuance of the permit shall be the only building
codes that apply for the duration of the building permit.
Section 10. The Illinois Municipal Code is amended by adding
Section 11-39-4 as follows:
(65 ILCS 5/11-39-4 new)
Sec. 11-39-4. Building permits. Once a building permit is issued, the
applicable building codes of any unit of local government that are in
effect at the time of the issuance of the permit shall be the only building
codes that apply for the duration of the building permit.
Effective January 1, 2008.

PUBLIC ACT 95-0513
(Senate Bill No. 1509)

AN ACT concerning sex offenders.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The Sex Offender Registration Act is amended by changing Section 7 as follows:

(730 ILCS 150/7) (from Ch. 38, par. 227)

Sec. 7. Duration of registration. A person who has been adjudicated to be sexually dangerous and is later released or found to be no longer sexually dangerous and discharged, shall register for the period of his or her natural life. A sexually violent person or sexual predator shall register for the period of his or her natural life after conviction or adjudication if not confined to a penal institution, hospital, or other institution or facility, and if confined, for the period of his or her natural life after parole, discharge, or release from any such facility. Any other person who is required to register under this Article shall be required to register for a period of 10 years after conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility, and if confined, for a period of 10 years after parole, discharge or release from any such facility. A sex offender who is allowed to leave a county, State, or federal facility for the purposes of work release, education, or overnight visitations shall be required to register within 5 days of beginning such a program. Liability for registration terminates at the expiration of 10 years from the date of conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility and if confined, at the expiration of 10 years from the date of parole, discharge or release from any such facility, providing such person does not, during that period, again become liable to register under the provisions of this Article. Reconfinement due to a violation of parole or other circumstances that relates to the original conviction or adjudication shall extend the period of registration to 10 years after final parole, discharge, or release. Reconfinement due to a violation of parole or other circumstances that do not relate to the original conviction or adjudication shall toll the running of the balance of the 10-year period of registration, which shall not commence running until after final parole, discharge, or release. The Director of State Police, consistent with administrative rules, shall extend for 10 years the registration period of any sex offender, as defined in Section 2 of this Act, who fails to comply with the provisions of

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this Article. The registration period for any sex offender who fails to comply with any provision of the Act shall extend the period of registration by 10 years beginning from the first date of registration after the violation. If the registration period is extended, the Department of State Police shall send a registered letter to the law enforcement agency where the sex offender resides within 3 days after the extension of the registration period. The sex offender shall report to that law enforcement agency and sign for that letter. One copy of that letter shall be kept on file with the law enforcement agency of the jurisdiction where the sex offender resides and one copy shall be returned to the Department of State Police.  
(Source: P.A. 93-979, eff. 8-20-04; 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; revised 8-19-05.)
Passed in the General Assembly June 1, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0514
(Senate Bill No. 1545)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Unified Code of Corrections is amended by changing Section 5-9-3 as follows:
(730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)
Sec. 5-9-3. Default.
(a) An offender who defaults in the payment of a fine or any installment of that fine may be held in contempt and imprisoned for nonpayment. The court may issue a summons for his appearance or a warrant of arrest.
(b) Unless the offender shows that his default was not due to his intentional refusal to pay, or not due to a failure on his part to make a good faith effort to pay, the court may order the offender imprisoned for a term not to exceed 6 months if the fine was for a felony, or 30 days if the fine

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was for a misdemeanor, a petty offense or a business offense. Payment of
the fine at any time will entitle the offender to be released, but
imprisonment under this Section shall not satisfy the payment of the fine.

(c) If it appears that the default in the payment of a fine is not
intentional under paragraph (b) of this Section, the court may enter an
order allowing the offender additional time for payment, reducing the
amount of the fine or of each installment, or revoking the fine or the
unpaid portion.

(d) When a fine is imposed on a corporation or unincorporated
organization or association, it is the duty of the person or persons
authorized to make disbursement of assets, and their superiors, to pay the
fine from assets of the corporation or unincorporated organization or
association. The failure of such persons to do so shall render them subject
to proceedings under paragraphs (a) and (b) of this Section.

(e) A default in the payment of a fine, judgment order of forfeiture,
order of restitution, or any installment thereof may be collected by any and
all means authorized for the collection of money judgments. The State's
Attorney of the county in which the fine, judgment order of forfeiture, or
order of restitution was imposed may retain attorneys and private
collection agents for the purpose of collecting any default in payment of
any fine, judgment order of forfeiture, order of restitution, or installment
thereof of that fine. The fees and costs incurred by the State's Attorney in
any such collection and the fees and charges of attorneys and private
collection agents retained by the State's Attorney for those purposes shall
be charged to the offender.

(Source: P.A. 93-693, eff. 1-1-05.)

Effective January 1, 2008.

PUBLIC ACT 95-0515
(Senate Bill No. 1576)

AN ACT concerning business.

New matter indicated by italics - deletions by strikeout
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Business Corporation Act of 1983 is amended by changing Sections 13.50, 13.55, and 13.70 as follows:

(805 ILCS 5/13.50) (from Ch. 32, par. 13.50)

Sec. 13.50. Grounds for revocation of authority. The authority of a foreign corporation to transact business in this State may be revoked by the Secretary of State:

(a) Upon the failure of an officer or director to whom interrogatories have been propounded by the Secretary of State as provided in this Act, to answer the same fully and to file such answer in the office of the Secretary of State.

(b) If the answer to such interrogatories discloses, or if the fact is otherwise ascertained, that the proportion of the sum of the paid-in capital of such corporation represented in this State is greater than the amount on which such corporation has theretofore paid fees and franchise taxes, and the deficiency therein is not paid.

(c) If the corporation for a period of one year has transacted no business and has had no tangible property in this State as revealed by its annual reports.

(d) Upon the failure of the corporation to keep on file in the office of the Secretary of State duly authenticated copies of each amendment to its articles of incorporation.

(e) Upon the failure of the corporation to appoint and maintain a registered agent in this State.

(f) Upon the failure of the corporation to file for record in the office of the recorder of the county in which its registered office is situated, any appointment of registered agent.

(g) Upon the failure of the corporation to file any report after the period prescribed by this Act for the filing of such report.

(h) Upon the failure of the corporation to pay any fees, franchise taxes, or charges prescribed by this Act.

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(i) For misrepresentation of any material matter in any application, report, affidavit, or other document filed by such corporation pursuant to this Act.

(j) Upon the failure of the corporation to renew its assumed name or to apply to change its assumed name pursuant to the provisions of this Act, when the corporation can only transact business within this State under its assumed name in accordance with the provisions of Section 4.05 of this Act.

(k) When under the provisions of the "Consumer Fraud and Deceptive Business Practices Act" a court has found that the corporation substantially and willfully violated such Act.

(l) Upon tender of payment to the Secretary of State which is subsequently returned due to insufficient funds, a closed account, or any other reason, and acceptable payment has not been subsequently tendered.

(m) When the Secretary of State receives a copy of a memorandum of judgment relating to a judgment entered for money owed to a unit of local government or school district, together with a statement filed by its attorney that the judgment has not been satisfied and that no appeal has been filed.

(805 ILCS 5/13.55) (from Ch. 32, par. 13.55)

Sec. 13.55. Procedure for revocation of authority.

(a) After the Secretary of State determines that one or more grounds exist under Section 13.50 for the revocation of authority of a foreign corporation, he or she shall send by regular mail to each delinquent corporation a Notice of Delinquency to its registered office, or, if the corporation has failed to maintain a registered office, then to the president or other principal officer at the last known office of said officer.

(b) If the corporation does not correct the default described in paragraphs (c) through (k), and paragraph (m), of Section 13.50 within 90 days following such notice, the Secretary of State shall thereupon revoke the authority of the corporation by issuing a certificate of revocation that recites the grounds for revocation and its effective date. If the corporation does not correct the default described in paragraph (a), (b), or (l) of
Section 13.50, within 30 days following such notice, the Secretary of State shall thereupon revoke the authority of the corporation by issuing a certificate of revocation as herein prescribed. The Secretary of State shall file the original of the certificate in his or her office, mail one copy to the corporation at its registered office or, if the corporation has failed to maintain a registered office, then to the president or other principal officer at the last known office of said officer, and file one copy for record in the office of the recorder of the county in which the registered office of the corporation in this State is situated, to be recorded by such recorder. The recorder shall submit for payment to the Secretary of State, on a quarterly basis, the amount of filing fees incurred.

(c) Upon the issuance of the certificate of revocation, the authority of the corporation to transact business in this State shall cease and such revoked corporation shall not thereafter carry on any business in this State. (Source: P.A. 92-33, eff. 7-1-01; 93-59, eff. 7-1-03.)

(805 ILCS 5/13.70) (from Ch. 32, par. 13.70)
Sec. 13.70. Transacting business without authority.
(a) No foreign corporation transacting business in this State without authority to do so is permitted to maintain a civil action in any court of this State, until the corporation obtains that authority. Nor shall a civil action be maintained in any court of this State by any successor or assignee of the corporation on any right, claim or demand arising out of the transaction of business by the corporation in this State, until authority to transact business in this State is obtained by the corporation or by a corporation that has acquired all or substantially all of its assets.

(b) The failure of a foreign corporation to obtain authority to transact business in this State does not impair the validity of any contract or act of the corporation, and does not prevent the corporation from defending any action in any court of this State.

(c) A foreign corporation that transacts business in this State without authority is liable to this State, for the years or parts thereof during which it transacted business in this State without authority, in an amount equal to all fees, franchise taxes, penalties and other charges that would have been imposed by this Act upon the corporation had it duly applied for

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and received authority to transact business in this State as required by this Act, but failed to pay the franchise taxes that would have been computed thereon, and thereafter filed all reports required by this Act; and, if a corporation fails to file an application for authority within 60 days after it commences business in this State, in addition thereto it is liable for a penalty of either 10% of the filing fee, license fee and franchise taxes or $200 plus $5.00 for each month or fraction thereof in which it has continued to transact business in this State without authority therefor, whichever penalty is greater. The Attorney General shall bring proceedings to recover all amounts due this State under this Section.

(d) The Attorney General shall bring an action to restrain a foreign corporation from transacting business in this State, if the authority of the foreign corporation to transact business has been revoked under subsection (m) of Section 13.50 of this Act.

(Source: P.A. 92-33, eff. 7-1-01.)

Section 10. The Limited Liability Company Act is amended by changing Sections 45-35 and 45-50 as follows:

(805 ILCS 180/45-35)

Sec. 45-35. Revocation of admission.

(a) The admission of a foreign limited liability company to transact business in this State may be revoked by the Secretary of State upon the occurrence of any of the following events:

(1) The foreign limited company has failed to:
   (A) file its limited liability company annual report within the time required by Section 50-1 or has failed to pay any fees or penalties prescribed by this Article;
   (B) appoint and maintain a registered agent in Illinois within 60 days after a registered agent's notice of resignation under Section 1-35;
   (C) file a report upon any change in the name or business address of the registered agent;
   (D) file in the Office of the Secretary of State any amendment to its application for admission as specified in Section 45-25; or

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(E) renew its assumed name, or to apply to change its assumed name under this Act, when the limited liability company may only transact business within this State under its assumed name.

(2) A misrepresentation has been made of any material matter in any application, report, affidavit, or other document submitted by the foreign limited liability company under this Article.

(3) Receipt by the Secretary of State of a certified copy of a memorandum of judgment relating to a judgment entered for money owed to a unit of local government or school district, together with a statement filed by its attorney that the judgment has not been satisfied and that no appeal has been filed.

(b) The admission of a foreign limited liability company shall not be revoked by the Secretary of State unless all of the following occur:

(1) The Secretary of State has given the foreign limited liability company not less than 60 days' notice thereof by mail addressed to its registered office in this State or, if the foreign limited liability company fails to appoint and maintain a registered agent in this State, addressed to the office required to be maintained under paragraph (5) of subsection (a) of Section 45-5.

(2) During that 60 day period, the foreign limited liability company has failed to file the limited liability company report, to pay fees or penalties, to file a report of change regarding the registered agent, to file any amendment, or to correct any misrepresentation.

(c) Upon the expiration of 120 days after the mailing of the notice, the admission of the foreign limited liability company to transact business in this State shall cease.

(Source: P.A. 93-59, eff. 7-1-03.)

(805 ILCS 180/45-50)

Sec. 45-50. Action to restrain from transaction of business.
(a) The Attorney General may bring an action to restrain a foreign limited liability company from transacting business in this State in violation of this Article.

(b) If the authority of a foreign limited liability company to do business in Illinois ceases because of failure to pay a judgment reported to the Secretary of State under subdivision (a)(3) of Section 45-35, then the Attorney General shall bring an action to restrain a foreign limited liability company from transacting business in this State.

(Source: P.A. 87-1062.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0516
(Senate Bill No. 1663)

AN ACT concerning safety.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Environmental Protection Act is amended by changing Sections 12.5 and 12.6 as follows:

(415 ILCS 5/12.5)
Sec. 12.5. NPDES discharge fees; sludge permit fees.

(a) Beginning July 1, 2003, the Agency shall assess and collect annual fees (i) in the amounts set forth in subsection (e) for all discharges that require an NPDES permit under subsection (f) of Section 12, from each person holding an NPDES permit authorizing those discharges (including a person who continues to discharge under an expired permit pending renewal), and (ii) in the amounts set forth in subsection (f) of this Section for all activities that require a permit under subsection (b) of Section 12, from each person holding a domestic sewage sludge generator or user permit.

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Each person subject to this Section must remit the applicable annual fee to the Agency in accordance with the requirements set forth in this Section and any rules adopted pursuant to this Section.

(b) Within 30 days after the effective date of this Section, and each year thereafter, the Agency shall send a fee notice by mail to each existing permittee subject to a fee under this Section at his or her address of record. The notice shall state the amount of the applicable annual fee and the date by which payment is required.

Except as provided in subsection (c) with respect to initial fees under new permits and certain modifications of existing permits, fees payable under this Section are due by the date specified in the fee notice, which shall be no less than 30 days after the date the fee notice is mailed by the Agency.

(c) The initial annual fee for discharges under a new individual NPDES permit or for activity under a new individual sludge generator or sludge user permit must be remitted to the Agency prior to the issuance of the permit. The Agency shall provide notice of the amount of the fee to the applicant during its review of the application. In the case of a new individual NPDES or sludge permit issued during the months of January through June, the Agency may prorate the initial annual fee payable under this Section.

The initial annual fee for discharges or other activity under a general NPDES permit must be remitted to the Agency as part of the application for coverage under that general permit.

In the case of construction site stormwater discharges for which a new NPDES permit is issued during the months of January through June, no annual fee shall be due for the 12 months beginning July 1 that immediately follow the period for which the initial annual fee was due.

If a requested modification to an existing NPDES permit causes a change in the applicable fee categories under subsection (e) that results in an increase in the required fee, the permittee must pay to the Agency the amount of the increase, prorated for the number of months remaining before the next July 1, before the modification is granted.
(d) Failure to submit the fee required under this Section by the due date constitutes a violation of this Section. Late payments shall incur an interest penalty, calculated at the rate in effect from time to time for tax delinquencies under subsection (a) of Section 1003 of the Illinois Income Tax Act, from the date the fee is due until the date the fee payment is received by the Agency.

(e) The annual fees applicable to discharges under NPDES permits are as follows:

(1) For NPDES permits for publicly owned treatment works, other facilities for which the wastewater being treated and discharged is primarily domestic sewage, and wastewater discharges from the operation of public water supply treatment facilities, the fee is:

   (i) $1,500 for the 12 months beginning July 1, 2003 and $500 for each subsequent year, for facilities with a Design Average Flow rate of less than 100,000 gallons per day;

   (ii) $5,000 for the 12 months beginning July 1, 2003 and $2,500 for each subsequent year, for facilities with a Design Average Flow rate of at least 100,000 gallons per day but less than 500,000 gallons per day;

   (iii) $7,500 for facilities with a Design Average Flow rate of at least 500,000 gallons per day but less than 1,000,000 gallons per day;

   (iv) $15,000 for facilities with a Design Average Flow rate of at least 1,000,000 gallons per day but less than 5,000,000 gallons per day;

   (v) $30,000 for facilities with a Design Average Flow rate of at least 5,000,000 gallons per day but less than 10,000,000 gallons per day; and

   (vi) $50,000 for facilities with a Design Average Flow rate of 10,000,000 gallons per day or more.
(2) For NPDES permits for treatment works or sewer collection systems that include combined sewer overflow outfalls, the fee is:

   (i) $1,000 for systems serving a tributary population of 10,000 or less;
   (ii) $5,000 for systems serving a tributary population that is greater than 10,000 but not more than 25,000; and
   (iii) $20,000 for systems serving a tributary population that is greater than 25,000.

   The fee amounts in this subdivision (e)(2) are in addition to the fees stated in subdivision (e)(1) when the combined sewer overflow outfall is contained within a permit subject to subsection (e)(1) fees.

(3) For NPDES permits for mines producing coal, the fee is $5,000.

(4) For NPDES permits for mines other than mines producing coal, the fee is $5,000.

(5) For NPDES permits for industrial activity where toxic substances are not regulated, other than permits covered under subdivision (e)(3) or (e)(4), the fee is:

   (i) $1,000 for a facility with a Design Average Flow rate that is not more than 10,000 gallons per day;
   (ii) $2,500 for a facility with a Design Average Flow rate that is more than 10,000 gallons per day but not more than 100,000 gallons per day; and
   (iii) $10,000 for a facility with a Design Average Flow rate that is more than 100,000 gallons per day.

(6) For NPDES permits for industrial activity where toxic substances are regulated, other than permits covered under subdivision (e)(3) or (e)(4), the fee is:

   (i) $15,000 for a facility with a Design Average Flow rate that is not more than 250,000 gallons per day; and

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(ii) $20,000 for a facility with a Design Average Flow rate that is more than 250,000 gallons per day.

(7) For NPDES permits for industrial activity classified by USEPA as a major discharge, other than permits covered under subdivision (e)(3) or (e)(4), the fee is:
   (i) $30,000 for a facility where toxic substances are not regulated; and
   (ii) $50,000 for a facility where toxic substances are regulated.

(8) For NPDES permits for municipal separate storm sewer systems, the fee is $1,000.

(9) For NPDES permits for construction site or industrial storm water, the fee is $500.

(f) The annual fee for activities under a permit that authorizes applying sludge on land is $2,500 for a sludge generator permit and $5,000 for a sludge user permit.

(g) More than one of the annual fees specified in subsections (e) and (f) may be applicable to a permit holder. These fees are in addition to any other fees required under this Act.

(h) The fees imposed under this Section do not apply to the State or any department or agency of the State, nor to any school district, or to any private sewage disposal system as defined in the Private Sewage Disposal Licensing Act (225 ILCS 225/).

(i) The Agency may adopt rules to administer the fee program established in this Section. The Agency may include provisions pertaining to invoices, notice of late payment, refunds, and disputes concerning the amount or timeliness of payment. The Agency may set forth procedures and criteria for the acceptance of payments. The absence of such rules does not affect the duty of the Agency to immediately begin the assessment and collection of fees under this Section.

(j) All fees and interest penalties collected by the Agency under this Section shall be deposited into the Illinois Clean Water Fund, which is hereby created as a special fund in the State treasury. Gifts, supplemental environmental project funds, and grants may be deposited into the Fund.

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Investment earnings on moneys held in the Fund shall be credited to the Fund.

Subject to appropriation, the moneys in the Fund shall be used by the Agency to carry out the Agency's clean water activities.

(k) Except as provided in subsection (l) or Agency rules, fees paid to the Agency under this Section are not refundable.

(l) The Agency may refund the difference between (a) the amount paid by any person under subsection (e)(1)(i) or (e)(1)(ii) of this Section for the 12 months beginning July 1, 2004 and (b) the amount due under subsection (e)(1)(i) or (e)(1)(ii) as established by this amendatory Act of the 93rd General Assembly.

(Source: P.A. 93-32, eff. 7-1-03; 93-840, eff. 7-30-04.)

(415 ILCS 5/12.6)
Sec. 12.6. Certification fees.

(a) Beginning July 1, 2003, the Agency shall collect a fee in the amount set forth in subsection (b) from each applicant for a state water quality certification required by Section 401 of the federal Clean Water Act prior to a federal authorization pursuant to Section 404 of that Act; except that the fee does not apply to the State or any department or agency of the State, nor to any school district.

(b) The amount of the fee for a State water quality certification is $350 or 1% of the gross value of the proposed project, whichever is greater, but not to exceed $10,000.

(c) Each applicant seeking a federal authorization of an action requiring a Section 401 state water quality certification by the Agency shall submit the required fee to the Agency prior to the issuance of the certification with the application. The Agency shall provide notice of the amount of the fee to the applicant during its review of the application. The Agency shall not issue a Section 401 state water quality certification until the appropriate fee has been received from the applicant. The Agency shall deny an application for which a fee is required under this Section, if the application does not contain the appropriate fee.

(d) The Agency may establish procedures relating to the collection of fees under this Section. Notwithstanding the adoption of any rules
establishing such procedures, the Agency may begin collecting fees under this Section on July 1, 2003 for all complete applications received on or after that date.

All fees collected by the Agency under this Section shall be deposited into the Illinois Clean Water Fund. Fees paid under this Section are not refundable.

(Source: P.A. 93-32, eff. 7-1-03.)

Section 99. Effective date. This Act takes effect upon becoming law.


**PUBLIC ACT 95-0517**

*(Senate Bill No. 1729)*

AN ACT concerning finance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Local Government Debt Reform Act is amended by changing Section 17.5 as follows:

(30 ILCS 350/17.5)

Sec. 17.5. Bond authorization by referendum. Whenever applicable law provides that the authorization of or the issuance of bonds is subject to either a referendum or backdoor referendum, the approval, once obtained, remains (i) for 5 years after the date of the referendum or (ii) for 3 years after the end of the petition period for a backdoor referendum. However, whenever the applicable law provides that the authorization of or the issuance of bonds under the Water Pollution Control Loan Program or the Public Water Supply Loan Program, under Title IV-A of the Environmental Protection Act, is subject to either a referendum or backdoor referendum, the approval, once obtained, remains (i) for 7 years after the date of the referendum or (ii) for 5 years after the end of the petition period for a backdoor referendum.

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referendum or a backdoor referendum held after the effective date of this amendatory Act of the 91st General Assembly.
(Source: P.A. 91-493, eff. 8-13-99.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0518
(Senate Bill No. 1739)

AN ACT in relation to public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by changing Sections 5-8 and 12-13 as follows:

(305 ILCS 5/5-8) (from Ch. 23, par. 5-8)
Sec. 5-8. Practitioners. In supplying medical assistance, the Illinois Department may provide for the legally authorized services of (i) persons licensed under the Medical Practice Act of 1987, as amended, except as hereafter in this Section stated, whether under a general or limited license, (ii) and of persons licensed or registered under other laws of this State to provide dental, medical, pharmaceutical, optometric, podiatric, or nursing services, or other remedial care recognized under State law, and (iii) persons licensed under other laws of this State as a clinical social worker. The Department may not provide for legally authorized services of any physician who has been convicted of having performed an abortion procedure in a wilful and wanton manner on a woman who was not pregnant at the time such abortion procedure was performed. The utilization of the services of persons engaged in the treatment or care of the sick, which persons are not required to be licensed or registered under the laws of this State, is not prohibited by this Section.
(Source: P.A. 85-1209.)

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Sec. 12-13. Rules and regulations. The Department shall make all rules and regulations and take such action as may be necessary or desirable for carrying out the provisions of this Code, to the end that its spirit and purpose may be achieved and the public aid programs administered efficiently throughout the State. However, the rules and regulations shall not provide that payment for services rendered to a specific recipient by (i) a person licensed under the Medical Practice Act of 1987, whether under a general or limited license, (ii) or a person licensed or registered under other laws of this State to provide dental, optometric, or pediatric care, or (iii) a licensed clinical social worker may be authorized only when services are recommended for that recipient by a person licensed to practice medicine in all its branches.

Whenever a rule of the Department requires that an applicant or recipient verify information submitted to the Department, the rule, in order to make the public fully aware of what information is required for verification, shall specify the acceptable means of verification or shall list examples of acceptable means of verification.

The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and incorporated herein, and shall apply to all administrative rules and procedures of the Illinois Department under this Act, except that Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the Illinois Department is precluded by law from exercising any discretion, and the requirements of the Administrative Procedure Act with respect to contested cases are not applicable to (1) hearings involving eligibility of applicants or recipients of public aid or (2) support hearings involving responsible relatives.

(Source: P.A. 92-111, eff. 1-1-02.)

Section 99. Effective date. This Act takes effect upon becoming law.


New matter indicated by italics - deletions by strikeout
AN ACT concerning health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Stem Cell Research and Human Cloning Prohibition Act.

Section 5. Policy permitting research. The policy of the State of Illinois shall be as follows:

(1) Research involving the derivation and use of human embryonic stem cells, human embryonic germ cells, and human adult stem cells from any source, including somatic cell nuclear transplantation, shall be permitted and the ethical and medical implications of this research shall be given full consideration.

(2) Research involving the derivation and use of human embryonic stem cells, human embryonic germ cells, and human adult stem cells, including somatic cell nuclear transplantation, shall be allowed to receive public funds through a program established specifically for the purpose of supporting stem cell research in Illinois under the Department of Public Health.

(3) Stem cell research is considered valuable to the health and well-being of all and the unhindered distribution of research materials to all qualified investigators engaged in non-commercial research shall be encouraged within the confines of the law.

Section 10. Definitions. As used in this Act:

"Department" means the Department of Public Health.

"Institute" means the Illinois Regenerative Medicine Institute.

"Committee" means the Illinois Regenerative Medicine Institute Oversight Committee.

Section 15. Department grant program.

New matter indicated by italics - deletions by strikeout
(a) The Department of Public Health shall develop and administer the Illinois Regenerative Medicine Institute Program within the Department to provide for the awarding of grants to Illinois medical research institutions.

(b) The purposes of the Institute grant program are:

1. to improve the health of the citizens of Illinois through stem cell research;
2. to support scientific research in Illinois for which funding from the U.S. government is currently restricted, namely human embryonic stem cell research;
3. to improve the national competitive position of Illinois in the field of regenerative medicine; and
4. to promote the translation of stem cell research into clinical practice and the transfer of technology to biomedical and technological industry.

(c) The Department shall adopt rules for the implementation of the Institute grant program, including but not limited to:

1. rules for the solicitation of proposals for grants;
2. rules concerning the eligibility of nonprofit Illinois medical research institutions to receive awards under the Institute grant program;
3. rules for the conduct of competitive and scientific peer review of all proposals submitted under the Institute grant program;
4. rules for the procurement of materials for the conduct of stem cell research, including rules ensuring that persons are empowered to make voluntary and informed decisions to participate or to refuse to participate in such research, and ensuring confidentiality of such decisions; and
5. rules concerning the monitoring of funded research to ensure the researcher is following current best practices with respect to medical ethics, including informed consent of patients and the protection of human subjects.

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Section 20. Illinois Regenerative Medicine Institute Oversight Committee.

(a) The Illinois Regenerative Medicine Institute Oversight Committee shall be established to determine the awards under the Institute grant program. The Committee shall be composed of 7 members appointed by the Governor, with the advice and consent of the Senate.

(b) The Committee shall consist of individuals from:
   1. professional medical organizations;
   2. voluntary health organizations; and
   3. for-profit biomedical or biotechnology industry.

(c) The Committee shall at all times include at least one member from each of the 3 categories listed in subsection (b) of this Section.

(d) No member of the Committee shall be employed by an Illinois medical research institution eligible to receive awards under the Institute grant program.

(e) Upon appointment, the Governor shall designate 3 members to serve a 2-year term and 4 members to serve a 4-year term. The Committee shall designate a Chairperson, Vice-Chairperson, and Secretary. Any vacancy occurring in the membership of the Committee shall be filled in the same manner as the original appointment.

(f) No member of the Committee may receive compensation for his or her services, but each member may be reimbursed for expenses incurred in the performance of his or her duties.

(g) The duties and responsibilities of the Committee shall include, but not be limited to:

   1. determination of awards under the Institute grant program, based on recommendations developed under the competitive and scientific peer review process provided for in subdivision (c) (3) of Section 15 of this Act;
   2. review of the Department's solicitation and scientific peer review processes to ensure that the statutory purposes of the Institute grant program are met;
   3. development, in cooperation with Department staff, general guidelines for the conduct of funded research according to

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current best practices with respect to medical ethics, in consultation with national and international experts such as the International Society for Stem Cell Research, the California Institute for Regenerative Medicine, the Institute of Medicine, and similar organizations; and

(4) advice on the future conduct of the Institute grant program.

(h) All Institute information concerning medical research shall be confidential and privileged and not subject to disclosure to any person other than Institute personnel.

Section 25. Conflict of interest.

(a) A person has a conflict of interest if any Committee action with respect to a matter may directly or indirectly financially benefit any of the following:

(1) That person.

(2) That person's spouse, immediate family living with that person, or that person's extended family.

(3) Any individual or entity required to be disclosed by that person.

(4) Any other individual or entity with which that person has a business or professional relationship.

(b) A Committee member who has a conflict of interest with respect to a matter may not discuss that matter with other Committee members and shall not vote upon or otherwise participate in any Committee action with respect to that matter. Each recusal occurring during a Committee meeting shall be made a part of the minutes or recording of the meeting in accordance with the Open Meetings Act.

(c) A member of a scientific peer review panel or any other advisory committee that may be established by the Department who has a conflict of interest with respect to a matter may not discuss that matter with other peer review panel or advisory committee members or with Committee members and shall not vote or otherwise participate in any peer review panel or advisory committee action with respect to that matter. Each recusal of a peer review panel or advisory committee member

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occurring during a peer review panel or advisory committee meeting shall be made a part of the minutes or recording of the meeting in accordance with the Open Meetings Act.

(d) The Institute shall not allow any Institute employee to participate in the processing of, or to provide any advice concerning, any matter with which the Institute employee has a conflict of interest.

Section 30. Disclosure of Committee, scientific peer review panel, or advisory committee member income and interests.

(a) Each Committee, scientific peer review panel, and any advisory committee member shall file with the Secretary of State a written disclosure of the following with respect to the member, the member's spouse, and any immediate family living with the member:

(1) Each source of income.

(2) Each entity in which the member, spouse, or immediate family living with the member has an ownership or distributive income share that is not an income source required to be disclosed under item (1) of this subsection (a).

(3) Each entity in or for which the member, spouse, or immediate family living with the member serves as an executive, officer, director, trustee, or fiduciary.

(4) Each entity with which the member, member's spouse, or immediate family living with the member has a contract for future income.

(b) Each appointed Committee member and each member of a scientific peer review panel and any advisory committee member shall file the disclosure required by subsection (a) of this Section at the time the member is appointed and at the time of any reappointment of that member.

(c) Each Committee member and each member of a scientific peer review panel and any advisory committee member shall file an updated disclosure with the Secretary of State promptly after any change in the items required to be disclosed under this subsection with respect to the member, the member's spouse, or any immediate family living with the member.
(d) The requirements of Section 3A-30 of the Illinois Governmental Ethics Act and any other disclosures required by law apply to this Act.

(e) Filed disclosures shall be public records.

Section 35. Disclosure of proposed Institute funding recipients.

(a) Each Institute request to the Committee for approval of proposed stem cell research funding must be accompanied by a written disclosure that identifies the proposed funding recipient and any executives, officers, directors, trustees, fiduciaries, owners, parent company, subsidiaries, affiliates, and institutional or organizational host of the proposed funding recipient.

(b) A proposed Institute stem cell research funding request shall not be approved by the Committee unless and until the Committee receives the disclosure.

(c) Disclosures provided to the Committee are public records.

Section 40. Cloning prohibited.

(a) No person may clone or attempt to clone a human being. For purposes of this Section, "clone or attempt to clone a human being" means to transfer to a uterus or attempt to transfer to a uterus anything other than the product of fertilization of an egg of a human female by a sperm of a human male for the purpose of initiating a pregnancy that could result in the creation of a human fetus or the birth of a human being.

(b) A person who violates this Section is guilty of a Class 1 felony.

Section 45. Purchase or sale prohibited.

(a) A person may not knowingly, for valuable consideration, purchase or sell embryonic or cadaveric fetal tissue for research purposes.

(b) For the purpose of this Section, the giving or receiving of reasonable payment for the removal, processing, disposal, preservation, quality control, storage, transplantation, or implantation of the tissue does not constitute purchase or sale. This Section does not prohibit reimbursement for removal, storage, or transportation of embryonic or cadaveric fetal tissue for research purposes pursuant to this Act.

(c) A person who knowingly purchases or sells embryonic or cadaveric fetal tissue for research purposes in violation of subsection (a) of
this Section is guilty of a Class A misdemeanor for the first conviction and a Class 4 felony for subsequent convictions.

Section 50. Severability. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application.

Effective January 1, 2008.

PUBLIC ACT 95-0520
(Senate Bill No. 0935)

AN ACT concerning health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 6.11 as follows:

Sec. 6.11. Required health benefits; Illinois Insurance Code requirements. The program of health benefits shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t of the Illinois Insurance Code. The program of health benefits shall provide the coverage required under Sections 356u, 356w, 356x, 356z.2, 356z.4, and 356z.6, and 356z.9 of the Illinois Insurance Code. The program of health benefits must comply with Section 155.37 of the Illinois Insurance Code. (Source: P.A. 92-440, eff. 8-17-01; 92-764, eff. 1-1-03; 93-102, eff. 1-1-04; 93-853, eff. 1-1-05.)

Section 10. The Counties Code is amended by changing Section 5-1069.3 as follows:

Sec. 5-1069.3. Required health benefits. If a county, including a home rule county, is a self-insurer for purposes of providing health

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insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356u, 356w, 356x, and 356z.6, and 356z.9 of the Illinois Insurance Code. The requirement that health benefits be covered as provided in this Section is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule county to which this Section applies must comply with every provision of this Section.
(Source: P.A. 93-853, eff. 1-1-05.)

Section 15. The Illinois Municipal Code is amended by changing Section 10-4-2.3 as follows:

(65 ILCS 5/10-4-2.3)
Sec. 10-4-2.3. Required health benefits. If a municipality, including a home rule municipality, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356u, 356w, 356x, and 356z.6, and 356z.9 of the Illinois Insurance Code. The requirement that health benefits be covered as provided in this is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule municipality to which this Section applies must comply with every provision of this Section.
(Source: P.A. 93-853, eff. 1-1-05.)

Section 20. The Illinois Insurance Code is amended by adding Section 356z.9 as follows:

(215 ILCS 5/356z.9 new)
Sec. 356z.9. Amino acid-based elemental formulas.
A group or individual major medical accident and health insurance policy or managed care plan amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 95th General Assembly must provide coverage and reimbursement for amino acid-based elemental formulas, regardless of delivery method, for the diagnosis and

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treatment of (i) eosinophilic disorders and (ii) short bowel syndrome when the prescribing physician has issued a written order stating that the amino acid-based elemental formula is medically necessary.

Section 25. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows:

(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

Sec. 5-3. Insurance Code provisions.

(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 355.2, 356m, 356v, 356w, 356x, 356y, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 364.01, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e, 370c, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.

(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":

(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act;
(2) a corporation organized under the laws of this State; or
(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.

(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of

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the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;

(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

(3) the Director shall have the power to require the following information:

(A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;

(B) pro forma financial statements reflecting the combined balance sheets of the acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;

(C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and

(D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including without limitation the health maintenance organization's right, title, and interest in and to its health care certificates).

(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code.
Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's

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profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section.

(Source: P.A. 93-102, eff. 1-1-04; 93-261, eff. 1-1-04; 93-477, eff. 8-8-03; 93-529, eff. 8-14-03; 93-853, eff. 1-1-05; 93-1000, eff. 1-1-05; 94-906, eff. 1-1-07; 94-1076, eff. 12-29-06; revised 1-5-07.)

Section 30. The Limited Health Service Organization Act is amended by changing Section 4003 as follows:

(215 ILCS 130/4003) (from Ch. 73, par. 1504-3)

Sec. 4003. Illinois Insurance Code provisions. Limited health service organizations shall be subject to the provisions of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.37, 355.2, 356v, 356z.9, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1 and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code. For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, limited health service organizations in the following categories are deemed to be domestic companies:

(1) a corporation under the laws of this State; or
(2) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a domestic company under Article VIII 1/2 of the Illinois Insurance Code.

(Source: P.A. 91-549, eff. 8-14-99; 91-605, eff. 12-14-99; 91-788, eff. 6-9-00; 92-440, eff. 8-17-01.)

Section 35. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:

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Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c, 149, 155.37, 354, 355.2, 356r, 356t, 356u, 356v, 356w, 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 364.01, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code.

(Source: P.A. 93-102, eff. 1-1-04; 93-529, eff. 8-14-03; 93-853, eff. 1-1-05; 93-1000, eff. 1-1-05; 94-1076, eff. 12-29-06.)

Section 40. The Illinois Public Aid Code is amended by changing Section 5-5 as follows:

(305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9) clinic services; (10) dental services, including prevention and treatment of periodontal disease and dental caries disease for pregnant women; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services; (14) transportation and such other expenses as may be necessary; (15) medical treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal
proceedings arising from the sexual assault; (16) the diagnosis and
treatment of sickle cell anemia; and (17) any other medical care, and any
other type of remedial care recognized under the laws of this State, but not
including abortions, or induced miscarriages or premature births, unless, in
the opinion of a physician, such procedures are necessary for the
preservation of the life of the woman seeking such treatment, or except an
induced premature birth intended to produce a live viable child and such
procedure is necessary for the health of the mother or her unborn child.
The Illinois Department, by rule, shall prohibit any physician from
providing medical assistance to anyone eligible therefor under this Code
where such physician has been found guilty of performing an abortion
procedure in a wilful and wanton manner upon a woman who was not
pregnant at the time such abortion procedure was performed. The term
"any other type of remedial care" shall include nursing care and nursing
home service for persons who rely on treatment by spiritual means alone
through prayer for healing.

Notwithstanding any other provision of this Section, a
comprehensive tobacco use cessation program that includes purchasing
prescription drugs or prescription medical devices approved by the Food
and Drug administration shall be covered under the medical assistance
program under this Article for persons who are otherwise eligible for
assistance under this Article.

Notwithstanding any other provision of this Code, the Illinois
Department may not require, as a condition of payment for any laboratory
test authorized under this Article, that a physician's handwritten signature
appear on the laboratory test order form. The Illinois Department may,
however, impose other appropriate requirements regarding laboratory test
order documentation.

The Illinois Department of Healthcare and Family Services Public
Aid shall provide the following services to persons eligible for assistance
under this Article who are participating in education, training or
employment programs operated by the Department of Human Services as
successor to the Department of Public Aid:

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(1) dental services, which shall include but not be limited to prosthodontics; and

(2) eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

The Illinois Department, by rule, may distinguish and classify the medical services to be provided only in accordance with the classes of persons designated in Section 5-2.

The Department of Healthcare and Family Services must provide coverage and reimbursement for amino acid-based elemental formulas, regardless of delivery method, for the diagnosis and treatment of (i) eosinophilic disorders and (ii) short bowel syndrome when the prescribing physician has issued a written order stating that the amino acid-based elemental formula is medically necessary.

The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for women 35 years of age or older who are eligible for medical assistance under this Article, as follows: a baseline mammogram for women 35 to 39 years of age and an annual mammogram for women 40 years of age or older. All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-examination and its value as a preventative tool. As used in this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, image receptor, and cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with 2 views for each breast.

Any medical or health care provider shall immediately recommend, to any pregnant woman who is being provided prenatal services and is suspected of drug abuse or is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act, referral to a local substance abuse treatment provider licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Healthcare and Family Services Public Aid shall assure
coverage for the cost of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

All medical providers providing medical assistance to pregnant women under this Code shall receive information from the Department on the availability of services under the Drug Free Families with a Future or any comparable program providing case management services for addicted women, including information on appropriate referrals for other social services that may be needed by addicted women in addition to treatment for addiction.

The Illinois Department, in cooperation with the Departments of Human Services (as successor to the Department of Alcoholism and Substance Abuse) and Public Health, through a public awareness campaign, may provide information concerning treatment for alcoholism and drug abuse and addiction, prenatal health care, and other pertinent programs directed at reducing the number of drug-affected infants born to recipients of medical assistance.

Neither the Illinois Department of Healthcare and Family Services Public Aid nor the Department of Human Services shall sanction the recipient solely on the basis of her substance abuse.

The Illinois Department shall establish such regulations governing the dispensing of health services under this Article as it shall deem appropriate. The Department should seek the advice of formal professional advisory committees appointed by the Director of the Illinois Department for the purpose of providing regular advice on policy and administrative matters, information dissemination and educational activities for medical and health care providers, and consistency in procedures to the Illinois Department.

The Illinois Department may develop and contract with Partnerships of medical providers to arrange medical services for persons eligible under Section 5-2 of this Code. Implementation of this Section may be by demonstration projects in certain geographic areas. The Partnership shall be represented by a sponsor organization. The Department, by rule, shall develop qualifications for sponsors of
Partnerships. Nothing in this Section shall be construed to require that the
sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical
providers for physician services, inpatient and outpatient hospital care,
home health services, treatment for alcoholism and substance abuse, and
other services determined necessary by the Illinois Department by rule for
delivery by Partnerships. Physician services must include prenatal and
obstetrical care. The Illinois Department shall reimburse medical services
delivered by Partnership providers to clients in target areas according to
provisions of this Article and the Illinois Health Finance Reform Act,
except that:

1. Physicians participating in a Partnership and providing
certain services, which shall be determined by the Illinois
Department, to persons in areas covered by the Partnership may
receive an additional surcharge for such services.

2. The Department may elect to consider and negotiate
financial incentives to encourage the development of Partnerships
and the efficient delivery of medical care.

3. Persons receiving medical services through Partnerships
may receive medical and case management services above the level
usually offered through the medical assistance program.

Medical providers shall be required to meet certain qualifications
to participate in Partnerships to ensure the delivery of high quality medical
services. These qualifications shall be determined by rule of the Illinois
Department and may be higher than qualifications for participation in the
medical assistance program. Partnership sponsors may prescribe
reasonable additional qualifications for participation by medical providers,
only with the prior written approval of the Illinois Department.

Nothing in this Section shall limit the free choice of practitioners,
hospitals, and other providers of medical services by clients. In order to
ensure patient freedom of choice, the Illinois Department shall
immediately promulgate all rules and take all other necessary actions so
that provided services may be accessed from therapeutically certified

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optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after the effective date of this amendatory Act of 1984, the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

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The rules and regulations of the Illinois Department shall require that a written statement including the required opinion of a physician shall accompany any claim for reimbursement for abortions, or induced miscarriages or premature births. This statement shall indicate what procedures were used in providing such medical services.

The Illinois Department shall require all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity, surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.

The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

Enrollment of a vendor that provides non-emergency medical transportation, defined by the Department by rule, shall be conditional for 180 days. During that time, the Department of Healthcare and Family Services Public Aid may terminate the vendor's eligibility to participate in the medical assistance program without cause. That termination of eligibility is not subject to the Department's hearing process.

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients without medical authorization; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and

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the requirements and costs for maintaining such equipment. Such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department.

The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped.

The Illinois Department shall develop and operate, in cooperation with other State Departments and agencies and in compliance with applicable federal laws and regulations, appropriate and effective systems of health care evaluation and programs for monitoring of utilization of health care services and facilities, as it affects persons eligible for medical assistance under this Code.

The Illinois Department shall report annually to the General Assembly, no later than the second Friday in April of 1979 and each year thereafter, in regard to:

(a) actual statistics and trends in utilization of medical services by public aid recipients;
(b) actual statistics and trends in the provision of the various medical services by medical vendors;
(c) current rate structures and proposed changes in those rate structures for the various medical vendors; and
(d) efforts at utilization review and control by the Illinois Department.

The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The filing of one copy of the report with the Speaker, one copy with the Minority Leader and one copy with the Clerk of the House of Representatives, one copy

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with the President, one copy with the Minority Leader and one copy with the Secretary of the Senate, one copy with the Legislative Research Unit, and such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act shall be deemed sufficient to comply with this Section.

(Source: P.A. 92-16, eff. 6-28-01; 92-651, eff. 7-11-02; 92-789, eff. 8-6-02; 93-632, eff. 2-1-04; 93-841, eff. 7-30-04; 93-981, eff. 8-23-04; revised 12-15-05.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0521
(Senate Bill No. 1169)

AN ACT concerning finance.

WHEREAS, This amendatory Act of the 95th General Assembly may also be cited as an Act to disassociate from genocide and terrorism in Sudan; therefore

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Deposit of State Moneys Act is amended by reenacting and changing Section 22.5 as follows:

(15 ILCS 520/22.5) (from Ch. 130, par. 41a)

Sec. 22.5. Permitted investments. The State Treasurer may, with the approval of the Governor, invest and reinvest any State money in the treasury which is not needed for current expenditures due or about to become due, in obligations of the United States government or its agencies or of National Mortgage Associations established by or under the National

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Housing Act, 1201 U.S.C. 1701 et seq., or in mortgage participation certificates representing undivided interests in specified, first-lien conventional residential Illinois mortgages that are underwritten, insured, guaranteed, or purchased by the Federal Home Loan Mortgage Corporation or in Affordable Housing Program Trust Fund Bonds or Notes as defined in and issued pursuant to the Illinois Housing Development Act. All such obligations shall be considered as cash and may be delivered over as cash by a State Treasurer to his successor.

The State Treasurer may, with the approval of the Governor, purchase any state bonds with any money in the State Treasury that has been set aside and held for the payment of the principal of and interest on the bonds. The bonds shall be considered as cash and may be delivered over as cash by the State Treasurer to his successor.

The State Treasurer may, with the approval of the Governor, invest or reinvest any State money in the treasury that is not needed for current expenditure due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and the interest on any State bonds, in shares, withdrawable accounts, and investment certificates of savings and building and loan associations, incorporated under the laws of this State or any other state or under the laws of the United States; provided, however, that investments may be made only in those savings and loan or building and loan associations the shares and withdrawable accounts or other forms of investment securities of which are insured by the Federal Deposit Insurance Corporation.

The State Treasurer may not invest State money in any savings and loan or building and loan association unless a commitment by the savings and loan (or building and loan) association, executed by the president or chief executive officer of that association, is submitted in the following form:

The .................. Savings and Loan (or Building and Loan) Association pledges not to reject arbitrarily mortgage loans for residential properties within any specific part of the community served by the savings and loan (or building and loan) association because of the location of the property. The savings and loan (or

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building and loan) association also pledges to make loans available on low and moderate income residential property throughout the community within the limits of its legal restrictions and prudent financial practices.

The State Treasurer may, with the approval of the Governor, invest or reinvest, at a price not to exceed par, any State money in the treasury that is not needed for current expenditures due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and interest on any State bonds, in bonds issued by counties or municipal corporations of the State of Illinois.

The State Treasurer may, with the approval of the Governor, invest or reinvest any State money in the Treasury which is not needed for current expenditure, due or about to become due, or any money in the State Treasury which has been set aside and held for the payment of the principal of and the interest on any State bonds, in participations in loans, the principal of which participation is fully guaranteed by an agency or instrumentality of the United States government; provided, however, that such loan participations are represented by certificates issued only by banks which are incorporated under the laws of this State or any other state or under the laws of the United States, and such banks, but not the loan participation certificates, are insured by the Federal Deposit Insurance Corporation.

The State Treasurer may, with the approval of the Governor, invest or reinvest any State money in the Treasury that is not needed for current expenditure, due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and the interest on any State bonds, in any of the following:

1. Bonds, notes, certificates of indebtedness, Treasury bills, or other securities now or hereafter issued that are guaranteed by the full faith and credit of the United States of America as to principal and interest.

2. Bonds, notes, debentures, or other similar obligations of the United States of America, its agencies, and instrumentalities.

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(2.5) Bonds, notes, debentures, or other similar obligations of a foreign government, other than the Republic of the Sudan, that are guaranteed by the full faith and credit of that government as to principal and interest, but only if the foreign government has not defaulted and has met its payment obligations in a timely manner on all similar obligations for a period of at least 25 years immediately before the time of acquiring those obligations.

(3) Interest-bearing savings accounts, interest-bearing certificates of deposit, interest-bearing time deposits, or any other investments constituting direct obligations of any bank as defined by the Illinois Banking Act.

(4) Interest-bearing accounts, certificates of deposit, or any other investments constituting direct obligations of any savings and loan associations incorporated under the laws of this State or any other state or under the laws of the United States.

(5) Dividend-bearing share accounts, share certificate accounts, or class of share accounts of a credit union chartered under the laws of this State or the laws of the United States; provided, however, the principal office of the credit union must be located within the State of Illinois.

(6) Bankers' acceptances of banks whose senior obligations are rated in the top 2 rating categories by 2 national rating agencies and maintain that rating during the term of the investment.

(7) Short-term obligations of corporations organized in the United States with assets exceeding $500,000,000 if (i) the obligations are rated at the time of purchase at one of the 3 highest classifications established by at least 2 standard rating services and mature not later than 180 days from the date of purchase, (ii) the purchases do not exceed 10% of the corporation's outstanding obligations, (iii) no more than one-third of the public agency's funds are invested in short-term obligations of corporations, and (iv) the corporation has not been identified as a forbidden entity, as that term is defined in Section 1-110.6 of the Illinois Pension Code, by an independent researching firm that specializes in global

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security risk that has been engaged by the State Treasurer is not a forbidden entity, as defined in Section 22.6 of the Deposit of State Moneys Act.

(8) Money market mutual funds registered under the Investment Company Act of 1940, provided that the portfolio of the money market mutual fund is limited to obligations described in this Section and to agreements to repurchase such obligations.

(9) The Public Treasurers' Investment Pool created under Section 17 of the State Treasurer Act or in a fund managed, operated, and administered by a bank.

(10) Repurchase agreements of government securities having the meaning set out in the Government Securities Act of 1986 subject to the provisions of that Act and the regulations issued thereunder.

(11) Investments made in accordance with the Technology Development Act.

For purposes of this Section, "agencies" of the United States Government includes:

(i) the federal land banks, federal intermediate credit banks, banks for cooperatives, federal farm credit banks, or any other entity authorized to issue debt obligations under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) and Acts amendatory thereto;

(ii) the federal home loan banks and the federal home loan mortgage corporation;

(iii) the Commodity Credit Corporation; and

(iv) any other agency created by Act of Congress.

The Treasurer may, with the approval of the Governor, lend any securities acquired under this Act. However, securities may be lent under this Section only in accordance with Federal Financial Institution Examination Council guidelines and only if the securities are collateralized at a level sufficient to assure the safety of the securities, taking into account market value fluctuation. The securities may be collateralized by cash or collateral acceptable under Sections 11 and 11.1.
Section 10. The State Treasurer Act is amended by changing Section 16.5 as follows:

(15 ILCS 505/16.5)

Sec. 16.5. College Savings Pool. The State Treasurer may establish and administer a College Savings Pool to supplement and enhance the investment opportunities otherwise available to persons seeking to finance the costs of higher education. The State Treasurer, in administering the College Savings Pool, may receive moneys paid into the pool by a participant and may serve as the fiscal agent of that participant for the purpose of holding and investing those moneys.

"Participant", as used in this Section, means any person who makes investments in the pool. "Designated beneficiary", as used in this Section, means any person on whose behalf an account is established in the College Savings Pool by a participant. Both in-state and out-of-state persons may be participants and designated beneficiaries in the College Savings Pool.

New accounts in the College Savings Pool shall be processed through participating financial institutions. "Participating financial institution", as used in this Section, means any financial institution insured by the Federal Deposit Insurance Corporation and lawfully doing business in the State of Illinois and any credit union approved by the State Treasurer and lawfully doing business in the State of Illinois that agrees to process new accounts in the College Savings Pool. Participating financial institutions may charge a processing fee to participants to open an account in the pool that shall not exceed $30 until the year 2001. Beginning in 2001 and every year thereafter, the maximum fee limit shall be adjusted by the Treasurer based on the Consumer Price Index for the North Central Region as published by the United States Department of Labor, Bureau of Labor Statistics for the immediately preceding calendar year. Every contribution received by a financial institution for investment in the College Savings Pool shall be transferred from the financial institution to a location selected by the State Treasurer within one business day following the day that the funds must be made available in accordance with federal

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law. All communications from the State Treasurer to participants shall reference the participating financial institution at which the account was processed.

The Treasurer may invest the moneys in the College Savings Pool in the same manner, in the same types of investments, and subject to the same limitations provided for the investment of moneys by the Illinois State Board of Investment. To enhance the safety and liquidity of the College Savings Pool, to ensure the diversification of the investment portfolio of the pool, and in an effort to keep investment dollars in the State of Illinois, the State Treasurer shall make a percentage of each account available for investment in participating financial institutions doing business in the State. The State Treasurer shall deposit with the participating financial institution at which the account was processed the following percentage of each account at a prevailing rate offered by the institution, provided that the deposit is federally insured or fully collateralized and the institution accepts the deposit: 10% of the total amount of each account for which the current age of the beneficiary is less than 7 years of age, 20% of the total amount of each account for which the beneficiary is at least 7 years of age and less than 12 years of age, and 50% of the total amount of each account for which the current age of the beneficiary is at least 12 years of age. The State Treasurer shall adjust each account at least annually to ensure compliance with this Section. The Treasurer shall develop, publish, and implement an investment policy covering the investment of the moneys in the College Savings Pool. The policy shall be published (i) at least once each year in at least one newspaper of general circulation in both Springfield and Chicago and (ii) each year as part of the audit of the College Savings Pool by the Auditor General, which shall be distributed to all participants. The Treasurer shall notify all participants in writing, and the Treasurer shall publish in a newspaper of general circulation in both Chicago and Springfield, any changes to the previously published investment policy at least 30 calendar days before implementing the policy. Any investment policy adopted by the Treasurer shall be reviewed and updated if necessary within 90 days following the date that the State Treasurer takes office.

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Participants shall be required to use moneys distributed from the College Savings Pool for qualified expenses at eligible educational institutions. "Qualified expenses", as used in this Section, means the following: (i) tuition, fees, and the costs of books, supplies, and equipment required for enrollment or attendance at an eligible educational institution and (ii) certain room and board expenses incurred while attending an eligible educational institution at least half-time. "Eligible educational institutions", as used in this Section, means public and private colleges, junior colleges, graduate schools, and certain vocational institutions that are described in Section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088) and that are eligible to participate in Department of Education student aid programs. A student shall be considered to be enrolled at least half-time if the student is enrolled for at least half the full-time academic work load for the course of study the student is pursuing as determined under the standards of the institution at which the student is enrolled. Distributions made from the pool for qualified expenses shall be made directly to the eligible educational institution, directly to a vendor, or in the form of a check payable to both the beneficiary and the institution or vendor. Any moneys that are distributed in any other manner or that are used for expenses other than qualified expenses at an eligible educational institution shall be subject to a penalty of 10% of the earnings unless the beneficiary dies, becomes disabled, or receives a scholarship that equals or exceeds the distribution. Penalties shall be withheld at the time the distribution is made.

The Treasurer shall limit the contributions that may be made on behalf of a designated beneficiary based on an actuarial estimate of what is required to pay tuition, fees, and room and board for 5 undergraduate years at the highest cost eligible educational institution. The contributions made on behalf of a beneficiary who is also a beneficiary under the Illinois Prepaid Tuition Program shall be further restricted to ensure that the contributions in both programs combined do not exceed the limit established for the College Savings Pool. The Treasurer shall provide the Illinois Student Assistance Commission each year at a time designated by the Commission, an electronic report of all participant accounts in the

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Treasurer's College Savings Pool, listing total contributions and disbursements from each individual account during the previous calendar year. As soon thereafter as is possible following receipt of the Treasurer's report, the Illinois Student Assistance Commission shall, in turn, provide the Treasurer with an electronic report listing those College Savings Pool participants who also participate in the State's prepaid tuition program, administered by the Commission. The Commission shall be responsible for filing any combined tax reports regarding State qualified savings programs required by the United States Internal Revenue Service. The Treasurer shall work with the Illinois Student Assistance Commission to coordinate the marketing of the College Savings Pool and the Illinois Prepaid Tuition Program when considered beneficial by the Treasurer and the Director of the Illinois Student Assistance Commission. The Treasurer's office shall not publicize or otherwise market the College Savings Pool or accept any moneys into the College Savings Pool prior to March 1, 2000. The Treasurer shall provide a separate accounting for each designated beneficiary to each participant, the Illinois Student Assistance Commission, and the participating financial institution at which the account was processed. No interest in the program may be pledged as security for a loan.

The assets of the College Savings Pool and its income and operation shall be exempt from all taxation by the State of Illinois and any of its subdivisions. The accrued earnings on investments in the Pool once disbursed on behalf of a designated beneficiary shall be similarly exempt from all taxation by the State of Illinois and its subdivisions, so long as they are used for qualified expenses. Contributions to a College Savings Pool account during the taxable year may be deducted from adjusted gross income as provided in Section 203 of the Illinois Income Tax Act. The provisions of this paragraph are exempt from Section 250 of the Illinois Income Tax Act.

The Treasurer shall adopt rules he or she considers necessary for the efficient administration of the College Savings Pool. The rules shall provide whatever additional parameters and restrictions are necessary to ensure that the College Savings Pool meets all of the requirements for a
qualified state tuition program under Section 529 of the Internal Revenue Code (26 U.S.C. 529). The rules shall provide for the administration expenses of the pool to be paid from its earnings and for the investment earnings in excess of the expenses and all moneys collected as penalties to be credited or paid monthly to the several participants in the pool in a manner which equitably reflects the differing amounts of their respective investments in the pool and the differing periods of time for which those amounts were in the custody of the pool. Also, the rules shall require the maintenance of records that enable the Treasurer's office to produce a report for each account in the pool at least annually that documents the account balance and investment earnings. Notice of any proposed amendments to the rules and regulations shall be provided to all participants prior to adoption. Amendments to rules and regulations shall apply only to contributions made after the adoption of the amendment.

Upon creating the College Savings Pool, the State Treasurer shall give bond with 2 or more sufficient sureties, payable to and for the benefit of the participants in the College Savings Pool, in the penal sum of $1,000,000, conditioned upon the faithful discharge of his or her duties in relation to the College Savings Pool.

(Source: P.A. 92-16, eff. 6-28-01; 92-439, eff. 8-17-01; 92-626, eff. 7-11-02; 93-812, eff. 1-1-05.)

Section 15. The Illinois Pension Code is amended by adding Sections 1-110.6 and 1-110.10 as follows:

(40 ILCS 5/1-110.6 new)

Sec. 1-110.6. Transactions prohibited by retirement systems; Republic of the Sudan.

(a) The Government of the United States has determined that Sudan is a nation that sponsors terrorism and genocide. The General Assembly finds that acts of terrorism have caused injury and death to Illinois and United States residents who serve in the United States military, and pose a significant threat to safety and health in Illinois. The General Assembly finds that public employees and their families, including police officers and firefighters, are more likely than others to be affected by acts of terrorism. The General Assembly finds that Sudan
continues to solicit investment and commercial activities by forbidden entities, including private market funds. The General Assembly finds that investments in forbidden entities are inherently and unduly risky, not in the interests of public pensioners and Illinois taxpayers, and against public policy. The General Assembly finds that Sudan's capacity to sponsor terrorism and genocide depends on or is supported by the activities of forbidden entities. The General Assembly further finds and re-affirms that the people of the State, acting through their representatives, do not want to be associated with forbidden entities, genocide, and terrorism.

(b) For purposes of this Section:

"Business operations" means maintaining, selling, or leasing equipment, facilities, personnel, or any other apparatus of business or commerce in the Republic of the Sudan, including the ownership or possession of real or personal property located in the Republic of the Sudan.

"Certifying company" means a company that (1) directly provides asset management services or advice to a retirement system or (2) as directly authorized or requested by a retirement system (A) identifies particular investment options for consideration or approval; (B) chooses particular investment options; or (C) allocates particular amounts to be invested. If no company meets the criteria set forth in this paragraph, then "certifying company" shall mean the retirement system officer who, as designated by the board, executes the investment decisions made by the board, or, in the alternative, the company that the board authorizes to complete the certification as the agent of that officer.

"Company" is any entity capable of affecting commerce, including but not limited to (i) a government, government agency, natural person, legal person, sole proprietorship, partnership, firm, corporation, subsidiary, affiliate, franchisor, franchisee, joint venture, trade association, financial institution, utility, public franchise, provider of financial services, trust, or enterprise; and (ii) any association thereof.

"Department" means the Public Pension Division of the Department of Financial and Professional Regulation.
"Forbidden entity" means any of the following:

(1) The government of the Republic of the Sudan and any of its agencies, including but not limited to political units and subdivisions;

(2) Any company that is wholly or partially managed or controlled by the government of the Republic of the Sudan and any of its agencies, including but not limited to political units and subdivisions;

(3) Any company (i) that is established or organized under the laws of the Republic of the Sudan or (ii) whose principal place of business is in the Republic of the Sudan;

(4) Any company (i) identified by the Office of Foreign Assets Control in the United States Department of the Treasury as sponsoring terrorist activities in the Republic of the Sudan; or (ii) fined, penalized, or sanctioned by the Office of Foreign Assets Control in the United States Department of the Treasury for any violation of any United States rules and restrictions relating to the Republic of the Sudan that occurred at any time following the effective date of this Act;

(5) Any publicly traded company that is individually identified by an independent researching firm that specializes in global security risk and that has been retained by a certifying company as provided in subsection (c) of this Section as being a company that owns or controls property or assets located in, has employees or facilities located in, provides goods or services to, obtains goods or services from, has distribution agreements with, issues credits or loans to, purchases bonds or commercial paper issued by, or invests in (A) the Republic of the Sudan; or (B) any company domiciled in the Republic of the Sudan; and

(6) Any private market fund that fails to satisfy the requirements set forth in subsections (d) and (e) of this Section.

Notwithstanding the foregoing, the term "forbidden entity" shall exclude (A) mutual funds that meet the requirements of item (iii) of paragraph (13) of Section 1-113.2 and (B) companies that transact

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business in the Republic of the Sudan under the law, license, or permit of the United States, including a license from the United States Department of the Treasury, and companies, except agencies of the Republic of the Sudan, who are certified as Non-Government Organizations by the United Nations, or who engage solely in (i) the provision of goods and services intended to relieve human suffering or to promote welfare, health, religious and spiritual activities, and education or humanitarian purposes; or (ii) journalistic activities.

"Private market fund" means any private equity fund, private equity fund of funds, venture capital fund, hedge fund, hedge fund of funds, real estate fund, or other investment vehicle that is not publicly traded.

"Republic of the Sudan" means those geographic areas of the Republic of Sudan that are subject to sanction or other restrictions placed on commercial activity imposed by the United States Government due to an executive or congressional declaration of genocide.

"Retirement system" means the State Employees' Retirement System of Illinois, the Judges Retirement System of Illinois, the General Assembly Retirement System, the State Universities Retirement System, and the Teachers' Retirement System of the State of Illinois.

(c) A retirement system shall not transfer or disburse funds to, deposit into, acquire any bonds or commercial paper from, or otherwise loan to or invest in any entity unless, as provided in this Section, a certifying company certifies to the retirement system that, (1) with respect to investments in a publicly traded company, the certifying company has relied on information provided by an independent researching firm that specializes in global security risk and (2) 100% of the retirement system's assets for which the certifying company provides services or advice are not and have not been invested or reinvested in any forbidden entity at any time after 4 months after the effective date of this Section.

The certifying company shall make the certification required under this subsection (c) to a retirement system 6 months after the effective date of this Section and annually thereafter. A retirement system shall submit the certifications to the Department, and the Department shall notify the

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Secretary of Financial and Professional Regulation if a retirement system fails to do so.

(d) With respect to a commitment or investment made pursuant to a written agreement executed prior to the effective date of this Section, each private market fund shall submit to the appropriate certifying company, at no additional cost to the retirement system:

(1) an affidavit sworn under oath in which an expressly authorized officer of the private market fund avers that the private market fund (A) does not own or control any property or asset located in the Republic of the Sudan and (B) does not conduct business operations in the Republic of the Sudan; or

(2) a certificate in which an expressly authorized officer of the private market fund certifies that the private market fund, based on reasonable due diligence, has determined that, other than direct or indirect investments in companies certified as Non-Government Organizations by the United Nations, the private market fund has no direct or indirect investment in any company (A) organized under the laws of the Republic of the Sudan; (B) whose principal place of business is in the Republic of the Sudan; or (C) that conducts business operations in the Republic of the Sudan. Such certificate shall be based upon the periodic reports received by the private market fund, and the private market fund shall agree that the certifying company, directly or through an agent, or the retirement system, as the case may be, may from time to time review the private market fund’s certification process.

(e) With respect to a commitment or investment made pursuant to a written agreement executed after the effective date of this Section, each private market fund shall, at no additional cost to the retirement system:

(1) submit to the appropriate certifying company an affidavit or certificate consistent with the requirements pursuant to subsection (d) of this Section; or

(2) enter into an enforceable written agreement with the retirement system that provides for remedies consistent with those set forth in subsection (g) of this Section if any of the assets of the

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retirement system shall be transferred, loaned, or otherwise invested in any company that directly or indirectly (A) has facilities or employees in the Republic of the Sudan or (B) conducts business operations in the Republic of the Sudan.

(f) In addition to any other penalties and remedies available under the law of Illinois and the United States, any transaction, other than a transaction with a private market fund that is governed by subsections (g) and (h) of this Section, that violates the provisions of this Act shall be against public policy and voidable, at the sole discretion of the retirement system.

(g) If a private market fund fails to provide the affidavit or certification required in subsections (d) and (e) of this Section, then the retirement system shall, within 90 days, divest, or attempt in good faith to divest, the retirement system's interest in the private market fund, provided that the Board of the retirement system confirms through resolution that the divestment does not have a material and adverse impact on the retirement system. The retirement system shall immediately notify the Department, and the Department shall notify all other retirement systems, as soon as practicable, by posting the name of the private market fund on the Department's Internet website or through e-mail communications. No other retirement system may enter into any agreement under which the retirement system directly or indirectly invests in the private market fund unless the private market fund provides that retirement system with the affidavit or certification required in subsections (d) and (e) of this Section and complies with all other provisions of this Section.

(h) If a private market fund fails to fulfill its obligations under any agreement provided for in paragraph (2) of subsection (e) of this Section, the retirement system shall immediately take legal and other action to obtain satisfaction through all remedies and penalties available under the law and the agreement itself. The retirement system shall immediately notify the Department, and the Department shall notify all other retirement systems, as soon as practicable, by posting the name of the private market fund on the Department's Internet website or through e-mail communications, and no other retirement system may enter into any
agreement under which the retirement system directly or indirectly invests in the private market fund.

(i) This Section shall have full force and effect during any period in which the Republic of the Sudan, or the officials of the government of that Republic, are subject to sanctions authorized under any statute or executive order of the United States or until such time as the State Department of the United States confirms in the federal register or through other means that the Republic of the Sudan is no longer subject to sanctions by the government of the United States.

(j) If any provision of this Section or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this Section that can be given effect without the invalid provision or application.

(40 ILCS 5/1-110.10 new)
Sec. 1-110.10. Servicer certification.
(a) For the purposes of this Section:
"Illinois finance entity" means any entity chartered under the Illinois Banking Act, the Savings Bank Act, the Illinois Credit Union Act, or the Illinois Savings and Loan Act of 1985 and any person or entity licensed under the Residential Mortgage License Act of 1987, the Consumer Installment Loan Act, or the Sales Finance Agency Act.
"Retirement system or pension fund" means a retirement system or pension fund established under this Code.
(b) In order for an Illinois finance entity to be eligible for investment or deposit of retirement system or pension fund assets, the Illinois finance entity must annually certify that it complies with the requirements of the High Risk Home Loan Act and the rules adopted pursuant to that Act that are applicable to that Illinois finance entity. For Illinois finance entities with whom the retirement system or pension fund is investing or depositing assets on the effective date of this Section, the initial certification required under this Section shall be completed within 6 months after the effective date of this Section. For Illinois finance entities with whom the retirement system or pension fund is not investing or depositing assets on the effective date of this Section, the initial
certification required under this Section must be completed before the
retirement system or pension fund may invest or deposit assets with the
Illinois finance entity.

(c) A retirement system or pension fund shall submit the
certifications to the Public PENSION Division of the Department of
Financial and Professional Regulation, and the Division shall notify the
Secretary of Financial and Professional Regulation if a retirement system
or pension fund fails to do so.

(d) If an Illinois finance entity fails to provide an initial
certification within 6 months after the effective date of this Section or fails
to submit an annual certification, then the retirement system or pension
fund shall notify the Illinois finance entity. The Illinois finance entity shall,
within 30 days after the date of notification, either (i) notify the retirement
system or pension fund of its intention to certify and complete certification
or (ii) notify the retirement system or pension fund of its intention to not
complete certification. If an Illinois finance entity fails to provide
certification, then the retirement system or pension fund shall, within 90
days, divest, or attempt in good faith to divest, the retirement system's or
pension fund's assets with that Illinois finance entity. The retirement
system or pension fund shall immediately notify the Department of the
Illinois finance entity's failure to provide certification.

(e) If any provision of this Section or its application to any person
or circumstance is held invalid, the invalidity of that provision or
application does not affect other provisions or applications of this Section
that can be given effect without the invalid provision or application.

(15 ILCS 520/22.6 rep.)
Section 90. The Deposit of State Moneys Act is amended by
repealing Section 22.6.

(40 ILCS 5/1-110.5 rep.)
Section 95. The Illinois Pension Code is amended by repealing
Section 1-110.5.

Section 96. The State Mandates Act is amended by adding Section
8.31 as follows:

(30 ILCS 805/8.31 new)

New matter indicated by italics - deletions by strikeout
Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

Section 97. Severability. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0522
(House Bill No. 0032)

AN ACT concerning the Adeline Jay Geo-Karis Illinois Beach Marina.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Natural Resources Act is amended by adding Section 1-40 as follows:

(20 ILCS 801/1-40 new)

Sec. 1-40. Adeline Jay Geo-Karis Illinois Beach Marina; maintenance. The Department shall formulate and implement a 10-year program for the maintenance and reconstruction of the Adeline Jay Geo-Karis Illinois Beach Marina. The program shall be in place no later than January 1, 2008, and shall be known as the Adeline Jay Geo-Karis Illinois Beach Marina Program.

Section 10. The State Finance Act is amended by changing Section 8.25c as follows:

(30 ILCS 105/8.25c) (from Ch. 127, par. 144.25c)

New matter indicated by italics - deletions by strikeout
Sec. 8.25c. (a) Beginning in fiscal year 1991 and continuing through the third quarter of fiscal year 1993, the State Comptroller shall order transferred and the State Treasurer shall transfer from the Illinois Beach Marina Fund (now known as the Adeline Jay Geo-Karis Illinois Beach Marina Fund) to the General Revenue Fund 50% of the revenue deposited into the Illinois Beach Marina Fund. Beginning in the fourth quarter of fiscal year 1993 and thereafter until the sum of $31,200,000 is paid to the General Revenue Fund, the State Comptroller shall order transferred and the State Treasurer shall transfer from the Adeline Jay Geo-Karis Illinois Beach Marina Fund (formerly known as the Illinois Beach Marina Fund) to the General Revenue Fund 35% of the first $2,000,000 of revenue deposited into the Adeline Jay Geo-Karis Illinois Beach Marina Fund (formerly known as the Illinois Beach Marina Fund) in any fiscal year, and 75% of the revenue deposited into the Adeline Jay Geo-Karis Illinois Beach Marina Fund (formerly known as the Illinois Beach Marina Fund) in excess of $2,000,000 in any fiscal year, however, such transfers shall not exceed $2,000,000 in any fiscal year. In addition, beginning in fiscal year 1991 and thereafter until the sum of $8,000,000 is paid to the State Boating Act Fund the State Comptroller shall order transferred and the State Treasurer shall transfer from the Adeline Jay Geo-Karis Illinois Beach Marina Fund (formerly known as the Illinois Beach Marina Fund) to the State Boating Act Fund 15% of the revenue deposited into the Adeline Jay Geo-Karis Illinois Beach Marina Fund (formerly known as the Illinois Beach Marina Fund). Beginning in fiscal year 1992, the transfers from the Adeline Jay Geo-Karis Illinois Beach Marina Fund (formerly known as the Illinois Beach Marina Fund) to the State Boating Act Fund shall be made only at the direction of and in the amount authorized by the Department of Natural Resources. Moneys transferred under authorization of this Section to the State Boating Act Fund in fiscal year 1992 before the effective date of this amendatory Act of 1991 may be transferred to the Illinois Beach Marina Fund (now known as the Adeline Jay Geo-Karis Illinois Beach Marina Fund) at the direction of the Department of Natural Resources. The transfers required under this Section shall be made within 30 days after the end of each quarter based

New matter indicated by italics - deletions by strikeout
on the State Comptroller's record of receipts for the quarter. The initial transfers shall be made within 30 days after June 30, 1990 based on revenues received in the preceding quarter. Additional transfers in excess of the limits established under this Section may be authorized by the Department of Natural Resources for accelerated payback of the amount due.

(b) The Department may, subject to appropriations by the General Assembly, use monies in the Adeline Jay Geo-Karis Illinois Beach Marina Fund (formerly known as the Illinois Beach Marina Fund) to pay for operation, maintenance, repairs, or improvements to the marina project; provided, however, that payment of the amounts due under the terms of subsection (a) shall have priority on all monies deposited in this Fund.

(c) Monies on deposit in excess of that needed for payments to the General Revenue Fund and the State Boating Fund and in excess of those monies needed for the operation, maintenance, repairs, or improvements to the Adeline Jay Geo-Karis Illinois Beach Marina as determined by the Department of Natural Resources may be transferred at the discretion of the Department to the State Parks Fund.

(Source: P.A. 94-1042, eff. 7-24-06.)

Section 99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly June 1, 2007.

PUBLIC ACT 95-0523
(House Bill No. 0133)

AN ACT in relation to transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Human Services (Mental Health and Developmental Disabilities) Law of the Civil Administrative Code of Illinois is amended by changing Section 1710-100 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 1710-100. Grants to Illinois Special Olympics Illinois. The Department shall make grants to the Illinois Special Olympics Illinois for area and statewide athletic competitions from appropriations to the Illinois Special Olympics Illinois Checkoff Fund, a special fund created in the State treasury.

(Source: P.A. 91-239, eff. 1-1-00.)

Section 10. The State Finance Act is amended by changing Section 5.361 and adding Section 5.675 as follows:

(30 ILCS 105/5.361)

Sec. 5.361. The Illinois Special Olympics Illinois Checkoff Fund.

(Source: P.A. 88-459; 88-670, eff. 12-2-94.)

(30 ILCS 105/5.675 new)

Sec. 5.675. The Rotary Club Fund.

Section 15. The Illinois Vehicle Code is amended by adding Sections 3-664 and 3-665 as follows:

(625 ILCS 5/3-664 new)

Sec. 3-664. Rotary Club plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Rotary Club license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds.

Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany each application.

(c) An applicant for the special plate shall be charged a $25 fee for original issuance in addition to the appropriate registration fee. Of this fee, $10 shall be deposited into the Rotary Club Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

New matter indicated by italics - deletions by strikeout
For each registration renewal period, a $25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $23 shall be deposited into the Rotary Club Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Rotary Club Fund is created as a special fund in the State treasury. All moneys in the Rotary Club Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, as grants for charitable purposes sponsored by the Rotary Club.

(625 ILCS 5/3-665 new)

Sec. 3-665. Law Enforcement Torch Run For Special Olympics license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue special registration plates designated to be Law Enforcement Torch Run For Special Olympics license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined by Section 1-169 of this Code. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, shall accompany the application. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code.

(c) An applicant shall be charged a $45 fee for original issuance in addition to the appropriate registration fee, if applicable. Of this fee, $30 shall be deposited into the Special Olympics Illinois Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund. For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be deposited into the Special Olympics Illinois Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.
AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Youthbuild Act is amended by changing Sections 15, 25, 30, 35, and 40 and by adding Section 45 as follows:

(20 ILCS 1315/15)

Sec. 15. Program requirements. The Secretary shall, subject to appropriation, be authorized to make grants to applicants for the purpose of carrying out Youthbuild programs as approved under this Section. All programs funded pursuant to the provisions of this Section shall reflect strong youth and community involvement. In addition, funding provided under this Section shall be used by each Youthbuild program to provide, at a minimum, the following services:

(a) Acquisition, rehabilitation, acquisition and rehabilitation, or construction of housing and related facilities to be used for the purpose of providing home ownership for disadvantaged persons, residential housing for homeless individuals, and low-income and very low-income families, or transitional housing for persons who are homeless, have disabilities, are ill, are deinstitutionalized, or have special needs, and rehabilitation or construction of community facilities owned by not-for-profit or public agencies.

(b) Integrated education and job skills training services and activities which are evenly divided within the program, with 50% of students' time spent in classroom-based instruction, counseling, and leadership development instruction and 50% of their time spent in experiential training on the construction site. The programs shall include, at a minimum, the following elements:

New matter indicated by italics - deletions by strikeout
(1) An education component which includes basic skills instruction, secondary education services, and other activities designed to lead to the attainment of a high school diploma or its equivalent. The curriculum for this component shall include math, language arts, vocational education, life skills training, social studies related to the cultural and community history of the students, leadership skills, and other topics at the discretion of the programs. Bilingual services shall be available for individuals with limited-English proficiency. The desired minimum teacher to student ratio shall be one teacher for every 18 students.

(2) A work experience and skills training component apprenticeship program that includes the construction and rehabilitation activities described in subsection (a). The process of construction must be coupled with skills training and with close on-site supervision by experienced trainers. The curriculum for this component shall contain a set of locally agreed upon skills and competencies that are systematically taught, with a student's mastery assessed individually on a regular, ongoing basis. Safety skills shall be taught at the outset. The desired trainer to student ratio shall be one trainer for every 7 students. The work experience and skills training component shall be coordinated to the maximum extent feasible with preapprenticeship and apprenticeship programs.

(3) Assistance in attaining post secondary education and required financial aid shall be made available to participants prior to graduation.

(c) Counseling services designed to assist participants to positively participate in society, which should include all of the following if necessary: outreach, assessment, and orientation; individual and peer counseling; life skills training, drug and alcohol abuse education and prevention; and referral to appropriate drug rehabilitation, medical, mental health, legal, housing, and other services and resources in the community. The desired counselor to participant ratio shall be one counselor for every 28 students.

New matter indicated by italics - deletions by strikeout
(d) Leadership development training that provides participants with meaningful opportunities to develop leadership skills such as decision making, problem solving, and negotiating. The program must also encourage participants to develop strong peer group ties that support their mutual pursuit of skills and values.

All programs must establish a youth council in which participants are afforded opportunities to develop public speaking and negotiating skills, and management and policy making participation in specific aspects of the program.

(e) Stipends and wages. A training subsidy, living allowance, or stipend that will be no less than minimum wage must be provided to program participants for the time spent at the worksite in construction training. For those participants who receive public assistance, this training subsidy, living allowance, or stipend will not affect their housing benefits, medical benefits, child care benefits or food stamp benefits. Stipends and wages may be distributed in a manner that offers incentives for good performance.

(f) Full time participation in a Youthbuild program shall be offered for a period of not less than 6 months and not more than 24 months.

(g) A concentrated effort shall be made to find construction, construction-related, and nonconstruction jobs for all graduates of the program who have performed well. The skills training curriculum shall provide participants with basic preparation for seeking and maintaining a job. Follow-up counseling and assistance in job-seeking shall also be provided to participants for at least the 12 months following graduation from the program.

(h) All programs serving 28 trainees or more are required to have a full-time director responsible for the coordination of all aspects of the Youthbuild program.

(20 ILCS 1315/25)

Sec. 25. Eligible participants. Eligible participants are youth 16 to 24 years old who are economically disadvantaged as defined in United
States Code, Title 29, Section 1503, and who are part of one of the following groups:

(a) Persons who are not attending any school and have not received a secondary school diploma or its equivalent.

(b) Persons currently enrolled in a traditional or alternative school setting or a GED program and who are in danger of dropping out of school.

(c) A member of a low-income family, a youth in foster care (including a youth aging-out of foster care), a youth offender, a youth with a disability, a child of incarcerated parents, or a migrant youth very low-income persons.

Not more than up to 25% of the participants in the program may be individuals who do not meet the requirements of subsections (a) or (b), and (c), but who are deficient in basic skills despite having attained a secondary school diploma, General Educational Development (GED) certificate, or other State-recognized equivalent, or who have been referred by a local secondary school for participation in a Youthbuild program leading to the attainment of a secondary school diploma have educational needs despite the attainment of a high school diploma.

(Source: P.A. 90-247, eff. 1-1-98.)

(20 ILCS 1315/30)

Sec. 30. Selection criteria. Priority in the awarding of funds under this Act shall be given to applicants with experience in operating Youthbuild programs. Organizations claiming to have operated Youthbuild programs must be licensed by Youthbuild USA or be organizations that have received federal HUD Youthbuild funding.

(Source: P.A. 90-247, eff. 1-1-98.)

(20 ILCS 1315/35)

Sec. 35. Eligible entities. Those eligible to be awarded funds under this Act are not-for-profit private agencies, or public agencies with experience operating a Youthbuild program or with a plan to incubate a Youthbuild program until it can be established as a program applicant not-for-profit private agency.

(Source: P.A. 90-247, eff. 1-1-98.)
Sec. 40. Application requirements. The Secretary shall require that an application for Youthbuild funds under this Act contain at a minimum:

(1) a request for an implementation grant, specifying the amount of the grant requested and its proposed uses;

(2) a description of the applicant and a statement of its qualifications, including a description of the applicant's past experience running a Youthbuild program, and with housing rehabilitation or construction and with youth and youth education, youth leadership development and employment training programs, and its relationship with local unions and youth apprenticeship programs, and other community groups;

(3) a description of the proposed construction site for the program and evidence of site control;

(4) a description of the educational and job training activities, work opportunities, and other services that will be provided to participants;

(5) a description of the proposed construction or rehabilitation activities to be undertaken and the anticipated schedule for carrying out such activities;

(6) a description of the manner in which eligible youths will be recruited and selected, including a description of the arrangements which will be made with community-based organizations, local educational agencies, including agencies of Native American nations, public assistance agencies, the courts of jurisdiction for status and youth offenders, shelters for homeless individuals and other agencies that serve homeless youth, foster care agencies, and other appropriate public and private agencies;

(7) a description of the special efforts that will be undertaken to recruit eligible young women (including young women with dependent children) with appropriate supports, especially childcare;

(8) a description of how the proposed program will be coordinated with other federal, State, and local activities and activities conducted by Native American nations, including public schools, national service, crime prevention programs, vocational, adult, and bilingual education programs, and job training;

New matter indicated by italics - deletions by strikeout
(9) assurances that there will be a sufficient number of adequately trained supervisory personnel in the program who have attained the level of journeyman or its equivalent;

(10) a description of the applicant's relationship with any local building trade unions which may exist, regarding their involvement in training, and the relationship of the Youthbuild program with registered apprenticeship programs;

(11) a description of activities that will be undertaken to develop the leadership skills of participants, including their role in decision making;

(12) a detailed budget and a description of the system of fiscal controls and auditing and accountability procedures that will be used to ensure fiscal soundness;

(13) a description of any contracts and arrangements entered into between the applicant and other agencies and entities including all in-kind donations and grants from both public and private entities that will serve to augment Illinois Youthbuild Act funds;

(14) identification and description of the financing proposed for any:

   (A) acquisition of the property;
   (B) rehabilitation; or
   (C) construction;

(15) identification and description of the entity that will operate and manage the property;

(16) a certification that the applicant will comply with the requirements of the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing; and

(17) the qualifications and past experience of the person who will fill the full-time program director position.

(Source: P.A. 90-247, eff. 1-1-98.)

(20 ILCS 1315/45 new)

New matter indicated by italics - deletions by strikeout
Sec. 45. Annual report. The Department of Human Services shall prepare an annual report summarizing costs and outcome data associated with the Youthbuild programs. The report must include, but not be limited to, the following information: (i) the number of participants in the program, (ii) the average cost per participant, (iii) the number of participants who achieve a high school diploma or its equivalent, and (iv) the number of projects completed by Youthbuild participants during that year. The Department must submit the report to the General Assembly by July 1, 2008 and by July 1 of each year thereafter.

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly June 1, 2007.

PUBLIC ACT 95-0525
(House Bill No. 0369)

AN ACT concerning business.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by changing and renumbering Section 2QQ, as added by Public Act 93-945, as follows:

(815 ILCS 505/2SS)
Sec. 2SS 2QQ. Gift certificates.
(a) "Gift certificate" means a record evidencing a promise, made for consideration, by the seller or issuer of the record that goods or services will be provided to the holder of the record for the value shown in the record and includes, but is not limited to, a record that contains a microprocessor chip, magnetic stripe or other means for the storage of information that is prefunded and for which the value is decremented upon each use, a gift card, an electronic gift card, stored-value card or

New matter indicated by italics - deletions by strikeout
certificate, a store card or a similar record or card. For purposes of this Act, the term "gift certificate" does not include any of the following:

(i) prepaid telecommunications and technology cards including, but not limited to, prepaid telephone calling cards, prepaid technical support cards, and prepaid Internet disks that are distributed to or purchased by a consumer;

(ii) prepaid telecommunications and technology cards including, but not limited to, prepaid telephone calling cards, prepaid technical support cards, and prepaid Internet disks that are provided to a consumer pursuant to any award, loyalty, or promotion program without any money or other thing of value being given in exchange for the card; or

(iii) any gift certificate usable with multiple sellers of goods or services.

(b) On or after January 1, 2008, no person shall sell a gift certificate that is subject to: (1) an expiration date earlier than 5 years after the date of issuance; or (2) a post-purchase fee. Any gift certificate issued prior to January 1, 2008 that is subject to a fee must contain a statement clearly and conspicuously printed on the gift certificate stating whether there is a fee, the amount of the fee, how often the fee will occur, that the fee is triggered by inactivity of the gift certificate, and at what point the fee will be charged. The statement may appear on the front or back of the gift certificate in a location where it is visible to any purchaser prior to the purchase.

(c) The face value of a gift certificate issued on or after January 1, 2008 may not be reduced in value and the holder of a gift certificate issued after January 1, 2008 may not be penalized in any way for non-use or untimely redemption of the gift certificate. Any gift certificate issued prior to January 1, 2008 that is subject to an expiration date must contain a statement clearly and conspicuously printed on the gift certificate stating the expiration date. The statement may appear on the front or back of the gift certificate in a location where it is visible to any purchaser prior to the purchase.

New matter indicated by italics - deletions by strikeout
(d) Subsection (c) does not apply to any gift certificate *issued prior to January 1, 2008* that contains a toll free phone number and a statement clearly and conspicuously printed on the gift certificate stating that holders can call the toll free number to find out the balance on the gift certificate, if applicable, and the expiration date. The toll free number and statement may appear on the front or back of the gift certificate in a location where it is visible to any purchaser prior to the purchase.

(e) This Section does not apply to any of the following gift certificates:

(i) Gift certificates that are distributed by the issuer to a consumer pursuant to an awards, loyalty, or promotional program without any money or thing of value being given in *direct exchange* or *solely* for the gift certificate by the consumer.

(ii) Gift certificates that are sold below face value at a volume discount to employers or to nonprofit and charitable organizations for fundraising purposes if the expiration date on those gift certificates is not more than 30 days after the date of sale.

(iii) Gift certificates that are issued for a food product.

(Source: P.A. 93-945, eff. 1-1-05; revised 11-10-04.)

Section 99. Effective date. This Act takes effect January 1, 2008.
Passed in the General Assembly June 1, 2007.
Effective January 1, 2008.
Sec. 21.5. Prohibition against establishment of branches on or near the premises of certain affiliates.

(a) For purposes of this Section:
"Affiliate" has the meaning ascribed to that term in item (1) of subsection (b) of Section 35.2 of this Act, except that for purposes of this Section, the provisions in item (1) of subsection (b) of Section 35.2 shall apply to all banks.

"Bank" has the meaning ascribed to that term in the Federal Deposit Insurance Act and includes any out-of-state bank.

"Bank holding company" and "financial holding company" have the meanings ascribed to those terms in the federal Bank Holding Company Act of 1956.

(b) Notwithstanding any other law of this State, no bank may establish or maintain a branch that accepts deposits on or adjacent to the premises of an affiliate of the bank if the affiliate engages in any commercial activity that could not lawfully be conducted by a bank holding company, a financial holding company, or a subsidiary of the bank holding company or financial holding company, pursuant to federal law.

(c) This Section shall not apply to an affiliate that operates solely for the purpose of owning or leasing the real estate on which the branch that accepts deposits is located.

(d) This Section shall not be construed to prohibit the maintenance of a branch that was established prior to May 10, 2007, or the conduct of any transactions that were lawfully being conducted at the branch prior to May 10, 2007.

(e) The Commissioner may make and enforce reasonable rules, regulations, directions, orders, decisions, and findings as the execution and enforcement of the provisions of this Section require.

Section 10. The Savings Bank Act is amended by adding Section 1006.10 as follows:

(205 ILCS 205/1006.10 new)

Sec. 1006.10. Prohibition against establishment of offices or branches on or adjacent to the premises of certain affiliates.

New matter indicated by italics - deletions by strikeout
(a) For purposes of this Section:

"Affiliate" has the meaning ascribed to that term in item (1) of subsection (b) of Section 35.2 of the Illinois Banking Act, except that for purposes of this Section, the provisions in item (1) of subsection (b) of Section 35.2 shall apply to all savings banks.

"Savings bank" means a savings bank operating under this Act, an out-of-state savings bank as defined under this Act, or a savings association defined in the Federal Deposit Insurance Act.

"Savings bank holding company" has the meaning ascribed in this Act.

(b) Notwithstanding any other law of this State, no savings bank may establish or maintain a branch that accepts deposits on or adjacent to the premises of an affiliate of the savings bank if the affiliate engages in any commercial activity that could not lawfully be conducted by a savings bank holding company or a subsidiary of the savings bank holding company pursuant to federal law.

(c) This Section shall not apply to an affiliate that operates solely for the purpose of owning or leasing the real estate on which the branch that accepts deposits is located.

(d) This Section shall not be construed to prohibit the maintenance of a branch that was established prior to May 10, 2007, or the conduct of any transactions that were lawfully being conducted at the branch prior to May 10, 2007.

(e) The Commissioner may make and enforce such reasonable rules, regulations, directions, orders, decisions, and findings as the execution and enforcement of the provisions of this Section require.

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly June 1, 2007.
AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Children and Family Services Act is amended by changing Section 35.5 and by adding Section 35.7 as follows:

Sec. 35.5. Inspector General.
(a) The Governor shall appoint, and the Senate shall confirm, an Inspector General who shall have the authority to conduct investigations into allegations of or incidents of possible misconduct, misfeasance, malfeasance, or violations of rules, procedures, or laws by any employee, foster parent, service provider, or contractor of the Department of Children and Family Services. The Inspector General shall make recommendations to the Director of Children and Family Services concerning sanctions or disciplinary actions against Department employees or providers of service under contract to the Department. The Director of Children and Family Services shall provide the Inspector General with an implementation report on the status of any corrective actions taken on recommendations under review and shall continue sending updated reports until the corrective action is completed. The Director shall provide a written response to the Inspector General indicating the status of any sanctions or disciplinary actions against employees or providers of service involving any investigation subject to review. In any case, information included in the reports to the Inspector General and Department responses shall be subject to the public disclosure requirements of the Abused and Neglected Child Reporting Act. Any investigation conducted by the Inspector General shall be independent and separate from the investigation mandated by the Abused and Neglected Child Reporting Act. The Inspector General shall be appointed for a term of 4 years. The Inspector General shall function independently within the Department of Children and Family Services with respect to the operations of...
the Office of Inspector General, including the performance of investigations and issuance of findings and recommendations, and shall report to the Director of Children and Family Services and the Governor and perform other duties the Director may designate. The Inspector General shall adopt rules as necessary to carry out the functions, purposes, and duties of the office of Inspector General in the Department of Children and Family Services, in accordance with the Illinois Administrative Procedure Act and any other applicable law.

(b) The Inspector General shall have access to all information and personnel necessary to perform the duties of the office. To minimize duplication of efforts, and to assure consistency and conformance with the requirements and procedures established in the B.H. v. Suter consent decree and to share resources when appropriate, the Inspector General shall coordinate his or her activities with the Bureau of Quality Assurance within the Department.

(c) The Inspector General shall be the primary liaison between the Department and the Department of State Police with regard to investigations conducted under the Inspector General's auspices. If the Inspector General determines that a possible criminal act has been committed, or that special expertise is required in the investigation, he or she shall immediately notify the Department of State Police. All investigations conducted by the Inspector General shall be conducted in a manner designed to ensure the preservation of evidence for possible use in a criminal prosecution.

(d) The Inspector General may recommend to the Department of Children and Family Services, the Department of Public Health, or any other appropriate agency, sanctions to be imposed against service providers under the jurisdiction of or under contract with the Department for the protection of children in the custody or under the guardianship of the Department who received services from those providers. The Inspector General may seek the assistance of the Attorney General or any of the several State's Attorneys in imposing sanctions.
(e) The Inspector General shall at all times be granted access to any foster home, facility, or program operated for or licensed or funded by the Department.

(f) Nothing in this Section shall limit investigations by the Department of Children and Family Services that may otherwise be required by law or that may be necessary in that Department's capacity as the central administrative authority for child welfare.

(g) The Inspector General shall have the power to subpoena witnesses and compel the production of books and papers pertinent to an investigation authorized by this Act. The power to subpoena or to compel the production of books and papers, however, shall not extend to the person or documents of a labor organization or its representatives insofar as the person or documents of a labor organization relate to the function of representing an employee subject to investigation under this Act. Any person who fails to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to an investigation under this Act, except as otherwise provided in this Section, or who knowingly gives false testimony in relation to an investigation under this Act is guilty of a Class A misdemeanor.

(h) The Inspector General shall provide to the General Assembly and the Governor, no later than January 1 of each year, a summary of reports and investigations made under this Section for the prior fiscal year. The summaries shall detail the imposition of sanctions and the final disposition of those recommendations. The summaries shall not contain any confidential or identifying information concerning the subjects of the reports and investigations. The summaries also shall include detailed recommended administrative actions and matters for consideration by the General Assembly.

(Source: P.A. 90-512, eff. 8-22-97.)

(20 ILCS 505/35.7 new)

Sec. 35.7. Error Reduction Implementations Plans; Inspector General.

(a) The Inspector General of the Department of Children and Family Services shall develop Error Reduction Implementation Plans, as

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necessary, to remedy patterns of errors or problematic practices that compromise or threaten the safety of children as identified in the DCFS Office of the Inspector General (OIG) death or serious injury investigations and Child Death Review Teams recommendations. The Error Reduction Implementation Plans shall include both training and on-site components. The Inspector General shall submit proposed Error Reduction Implementation Plans to the Director for review. The Director may approve the plans submitted, or approve plans amended by the Office of the Inspector General, taking into consideration polices and procedures that govern the function and performance of any affected frontline staff. The Director shall document the basis for disapproval of any submitted or amended plan. The Department shall deploy Error Reduction Safety Teams to implement the Error Reduction Implementation Plans. The Error Reduction Safety Teams shall be composed of Quality Assurance and Division of Training staff to implement hands-on training and Error Reduction Implementation Plans. The teams shall work in the offices of the Department or of agencies, or both, as required by the Error Reduction Implementation Plans, and shall work to ensure that systems are in place to continue reform efforts after the departure of the teams. The Director shall develop a method to ensure consistent compliance with any Error Reduction Implementation Plans, the provisions of which shall be incorporated into the plan.

(b) Quality Assurance shall prepare public reports annually detailing the following: the substance of any Error Reduction Implementation Plan approved; any deviations from the Error Reduction Plan; whether adequate staff was available to perform functions necessary to the Error Reduction Implementation Plan, including identification and reporting of any staff needs; other problems noted or barriers to implementing the Error Reduction Implementation Plan; and recommendations for additional training, amendments to rules and procedures, or other systemic reform identified by the teams. Quality Assurance shall work with affected frontline staff to implement provisions of the approved Error Reduction Implementation Plans related to staff function and performance.

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(c) The Error Reduction Teams shall implement training and reform protocols through incubating change in each region, Department office, or purchase of service office, as required. The teams shall administer hands-on assistance, supervision, and management while ensuring that the office, region, or agency develops the skills and systems necessary to incorporate changes on a permanent basis. For each Error Reduction Implementation Plan, the Team shall determine whether adequate staff is available to fulfill the Error Reduction Implementation Plan, provide case-by-case supervision to ensure that the plan is implemented, and ensure that management puts systems in place to enable the reforms to continue. Error Reduction Teams shall work with affected frontline staff to ensure that provisions of the approved Error Reduction Implementation Plans relating to staff functions and performance are achieved to effect necessary reforms.

(d) The OIG shall develop and submit new Error Reduction Implementation Plans as necessary. To implement each Error Reduction Implementation Plan, as approved by the Director, the OIG shall work with Quality Assurance members of the Error Reduction Teams designated by the Department. The teams shall be comprised of staff from Quality Assurance and Training. Training shall work with the OIG and with the child death review teams to develop a curriculum to address errors identified that compromise the safety of children. Following the training roll-out, the Teams shall work on-site in identified offices. The Teams shall review and supervise all work relevant to the Error Reduction Implementation Plan. Quality Assurance shall identify outcome measures and track compliance with the training curriculum. Each quarter, Quality Assurance shall prepare a report detailing compliance with the Error Reduction Implementation Plan and alert the Director to staffing needs or other needs to accomplish the goals of the Error Reduction Implementation Plan. The report shall be transmitted to the Director, the OIG, and all management staff involved in the Error Reduction Implementation Plan.

New matter indicated by italics - deletions by strikeout
(e) The Director shall review quarterly Quality Assurance reports and determine adherence to the Error Reduction Implementation Plan using criteria and standards developed by the Department.

Section 10. The Child Death Review Team Act is amended by changing Sections 15, 20, 25, and 40 and by adding Section 45 as follows:

(20 ILCS 515/15)

Sec. 15. Child death review teams; establishment.

(a) The Director, in consultation with the Executive Council, law enforcement, and other professionals who work in the field of investigating, treating, or preventing child abuse or neglect in that subregion, shall appoint members to a child death review team in each of the Department's administrative subregions of the State outside Cook County and at least one child death review team in Cook County. The members of a team shall be appointed for 2-year terms and shall be eligible for reappointment upon the expiration of the terms. The Director must fill any vacancy in a team within 60 days after that vacancy occurs.

(b) Each child death review team shall consist of at least one member from each of the following categories:

(1) Pediatrician or other physician knowledgeable about child abuse and neglect.
(2) Representative of the Department.
(3) State's attorney or State's attorney's representative.
(4) Representative of a local law enforcement agency.
(5) Psychologist or psychiatrist.
(6) Representative of a local health department.
(7) Representative of a school district or other education or child care interests.
(8) Coroner or forensic pathologist.
(9) Representative of a child welfare agency or child advocacy organization.
(10) Representative of a local hospital, trauma center, or provider of emergency medical services.

(11) Representative of the Department of State Police.

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Each child death review team may make recommendations to the Director concerning additional appointments.

Each child death review team member must have demonstrated experience and an interest in investigating, treating, or preventing child abuse or neglect.

(c) Each child death review team shall select a chairperson from among its members. The chairperson shall also serve on the Illinois Child Death Review Teams Executive Council.

(d) The child death review teams shall be funded under a separate line item in the Department's annual budget.

(Source: P.A. 92-468, eff. 8-22-01.)

(20 ILCS 515/20)

Sec. 20. Reviews of child deaths.

(a) Every child death shall be reviewed by the team in the subregion which has primary case management responsibility. The deceased child must be one of the following:

1. A ward of the Department.
2. The subject of an open service case maintained by the Department.
3. The subject of a pending child abuse or neglect investigation.
4. A child who was the subject of an abuse or neglect investigation at any time during the 12 months preceding the child's death.
5. Any other child whose death is reported to the State central register as a result of alleged child abuse or neglect which report is subsequently indicated.

A child death review team may, at its discretion, review other sudden, unexpected, or unexplained child deaths, and cases of serious or fatal injuries to a child identified under the Child Advocacy Center Act.

(b) A child death review team's purpose in conducting reviews of child deaths is to do the following:

1. Assist in determining the cause and manner of the child's death, when requested.
(2) Evaluate means by which the death might have been prevented.

(3) Report its findings to appropriate agencies and make recommendations that may help to reduce the number of child deaths caused by abuse or neglect.

(4) Promote continuing education for professionals involved in investigating, treating, and preventing child abuse and neglect as a means of preventing child deaths due to abuse or neglect.

(5) Make specific recommendations to the Director and the Inspector General of the Department concerning the prevention of child deaths due to abuse or neglect and the establishment of protocols for investigating child deaths.

(c) A child death review team shall review a child death as soon as practical and not later than 90 days following the completion by the Department of the investigation of the death under the Abused and Neglected Child Reporting Act. When there has been no investigation by the Department, the child death review team shall review a child's death within 90 days after obtaining the information necessary to complete the review from the coroner, pathologist, medical examiner, or law enforcement agency, depending on the nature of the case. A child death review team shall meet at least once in each calendar quarter.

(d) The Director shall, within 90 days, review and reply to recommendations made by a team under item (5) of subsection (b). The Director shall implement recommendations as feasible and appropriate and shall respond in writing to explain the implementation or nonimplementation of the recommendations.

(Source: P.A. 90-239, eff. 7-28-97; 90-608, eff. 6-30-98.)

(20 ILCS 515/25)
Sec. 25. Team access to information.

(a) The Department shall provide to a child death review team, on the request of the team chairperson, all records and information in the Department's possession that are relevant to the team's review of a child death.
death, including records and information concerning previous reports or investigations of suspected child abuse or neglect.

(b) A child death review team shall have access to all records and information that are relevant to its review of a child death and in the possession of a State or local governmental agency, including, but not limited to, information gained through the Child Advocacy Center protocol for cases of serious or fatal injury to a child. These records and information include, without limitation, birth certificates, all relevant medical and mental health records, records of law enforcement agency investigations, records of coroner or medical examiner investigations, records of the Department of Corrections concerning a person's parole, records of a probation and court services department, and records of a social services agency that provided services to the child or the child's family.

(Source: P.A. 91-812, eff. 6-13-00.)

(20 ILCS 515/40)


(a) The Illinois Child Death Review Teams Executive Council, consisting of the chairpersons of the 9 child death review teams in Illinois, is the coordinating and oversight body for child death review teams and activities in Illinois. The vice-chairperson of a child death review team, as designated by the chairperson, may serve as a back-up member or an alternate member of the Executive Council, if the chairperson of the child death review team is unavailable to serve on the Executive Council. The Inspector General of the Department, ex officio, is a non-voting member of the Executive Council. The Director may appoint to the Executive Council any ex-officio members deemed necessary. Persons with expertise needed by the Executive Council may be invited to meetings. The Executive Council must select from its members a chairperson and a vice-chairperson, each to serve a 2-year, renewable term.

The Executive Council must meet at least 4 times during each calendar year.

(b) The Department must provide or arrange for the staff support necessary for the Executive Council to carry out its duties. The Director, in

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cooperation and consultation with the Executive Council, shall appoint, reappoint, and remove team members. *From funds available, the Director may select from a list of 2 or more candidates recommended by the Executive Council to serve as the Child Death Review Teams Executive Director. The Child Death Review Teams Executive Director shall oversee the operations of the child death review teams and shall report directly to the Executive Council.*

(c) The Executive Council has, but is not limited to, the following duties:

(1) To serve as the voice of child death review teams in Illinois.

(2) To oversee the regional teams in order to ensure that the teams' work is coordinated and in compliance with the statutes and the operating protocol.

(3) To ensure that the data, results, findings, and recommendations of the teams are adequately used to make any necessary changes in the policies, procedures, and statutes in order to protect children in a timely manner.

(4) To collaborate with the General Assembly, the Department, and others in order to develop any legislation needed to prevent child fatalities and to protect children.

(5) To assist in the development of quarterly and annual reports based on the work and the findings of the teams.

(6) To ensure that the regional teams' review processes are standardized in order to convey data, findings, and recommendations in a usable format.

(7) To serve as a link with child death review teams throughout the country and to participate in national child death review team activities.

(8) To develop an annual statewide symposium to update the knowledge and skills of child death review team members and to promote the exchange of information between teams.

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(9) To provide the child death review teams with the most current information and practices concerning child death review and related topics.

(10) To perform any other functions necessary to enhance the capability of the child death review teams to reduce and prevent child injuries and fatalities.

(d) In any instance when a child death review team does not operate in accordance with established protocol, the Director, in consultation and cooperation with the Executive Council, must take any necessary actions to bring the team into compliance with the protocol.

(Source: P.A. 92-468, eff. 8-22-01.)

(20 ILCS 515/45 new)

Sec. 45. Child Death Investigation Task Force; pilot program. The Child Death Review Teams Executive Council may, from funds appropriated by the Illinois General Assembly to the Department and provided to the Child Death Review Teams Executive Council for this purpose, or from funds that may otherwise be provided for this purpose from other public or private sources, establish a 3-year pilot program in the Southern Region of the State, as designated by the Department, under which a special Child Death Investigation Task Force will be created by the Child Death Review Teams Executive Council to develop and implement a plan for the investigation of sudden, unexpected, or unexplained deaths of children under 18 years of age occurring within that region. The plan shall include a protocol to be followed by child death review teams in the review of child deaths authorized under paragraph (a)(5) of Section 20 of this Act. The plan must include provisions for local or State law enforcement agencies, hospitals, or coroners to promptly notify the Task Force of a death or serious life-threatening injury to a child, and for the Child Death Investigation Task Force to review the death and submit a report containing findings and recommendations to the Child Death Review Teams Executive Council, the Director, the Department of Children and Family Services Inspector General, the appropriate State’s Attorney, and the State Representative and State Senator in whose legislative districts the case arose. The plan

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may include coordination with any investigation conducted under the Children's Advocacy Center Act. By January 1, 2010, the Child Death Review Teams Executive Council shall submit a report to the Director, the General Assembly, and the Governor summarizing the results of the pilot program together with any recommendations for statewide implementation of a protocol for the investigating all sudden, unexpected, or unexplained child deaths.

Section 15. The Children's Advocacy Center Act is amended by changing Sections 3 and 4 as follows:

(55 ILCS 80/3) (from Ch. 23, par. 1803)
Sec. 3. Child Advocacy Advisory Board.
(a) Each county in the State of Illinois shall establish a Child Advocacy Advisory Board ("Advisory Board").

Each of the following county officers or State agencies shall designate a representative to serve on the Advisory Board: the sheriff, the Illinois Department of Children and Family Services, the State's attorney, and the county mental health department, and the Department of State Police.

The chairman may appoint additional members of the Advisory Board as is deemed necessary to accomplish the purposes of this Act, the additional members to include but not be limited to representatives of local law enforcement agencies, and the Circuit Courts.

(b) The Advisory Board shall organize itself and elect from among its members a chairman and such other officers as are deemed necessary. Until a chairman is so elected, the State's attorney shall serve as interim chairman.

(c) The Advisory Board shall adopt, by a majority of the members, a written child sexual abuse protocol within one year after the effective date of this Act. An Advisory Board adopting a protocol after the effective date of this amendatory Act of 1996 shall, prior to finalization, submit its draft to the Illinois Child Advocacy Commission for review and comments. After considering the comments of the Illinois Child Advocacy Commission and upon finalization of its protocol, the Advisory Board shall file the protocol with the Department of Children and Family Services.
Services. A copy shall be furnished to the Illinois Child Advocacy Commission and to each agency in the county or counties which has any involvement with the cases of sexually abused children.

The Illinois Child Advocacy Commission shall consist of the Attorney General and the Directors of the Illinois State Police and the Department of Children and Family Services or their designees. Additional members may be appointed to the Illinois Child Advocacy Commission as deemed necessary by the Attorney General and the Directors of the Illinois State Police and the Department of Children and Family Services. The Illinois Child Advocacy Commission may also provide technical assistance and guidance to the Advisory Boards.

(d) The purpose of the protocol shall be to ensure coordination and cooperation among all agencies involved in child sexual abuse cases so as to increase the efficiency and effectiveness of those agencies, to minimize the stress created for the child and his or her family by the investigatory and judicial process, and to ensure that more effective treatment is provided for the child and his or her family.

(e) The protocol shall be a written document outlining in detail the procedures to be used in investigating and prosecuting cases arising from alleged child sexual abuse and in coordinating treatment referrals for the child and his or her family. In preparing the written protocol, the Advisory Board shall consider the following:

(1) An interdisciplinary, coordinated systems approach to the investigation of child sexual abuse which shall include, at a minimum;

   (i) an interagency notification procedure;
   (ii) a dispute resolution process between the involved agencies when a conflict arises on how to proceed with the investigation of a case;
   (iii) a policy on interagency decision-making; and
   (iv) a description of the role each agency has in the investigation of the case;

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(2) A safe, separate space with assigned personnel designated for the investigation and coordination of child sexual abuse cases;

(3) An interdisciplinary case review process for purposes of decision-making, problem solving, systems coordination, and information sharing;

(4) A comprehensive tracking system to receive and coordinate information concerning child sexual abuse cases from each participating agency;

(5) Interdisciplinary specialized training for all professionals involved with the victims and families of child sexual abuse cases; and

(6) A process for evaluating the implementation and effectiveness of the protocol.

(f) The Advisory Board shall evaluate the implementation and effectiveness of the protocol required under subsection (c) of this Section on an annual basis, and shall propose appropriate modifications to the protocol to maximize its effectiveness. A report of the Advisory Board's review, along with proposed modifications, shall be submitted to the Illinois Child Advocacy Commission for its review and comments. After considering the comments of the Illinois Child Advocacy Commission and adopting modifications, the Advisory Board shall file its amended protocol with the Department of Children and Family Services. A copy of the Advisory Board's review and amended protocol shall be furnished to the Illinois Child Advocacy Commission and to each agency in the county or counties having any involvement with the cases covered by the protocol.

(g) The Advisory Board shall may adopt, by a majority of the members, a written protocol for coordinating cases of serious or fatal injury to a child physical abuse cases, following the procedures and purposes described in subsections (c), (d), (e), and (f) of this Section. The protocol shall be a written document outlining in detail the procedures that will be used by all of the agencies involved in investigating and prosecuting cases arising from alleged cases of serious or fatal injury to a
child physical abuse and in coordinating treatment referrals for the child and his or her family.

(Source: P.A. 89-543, eff. 1-1-97.)

(55 ILCS 80/4) (from Ch. 23, par. 1804)

Sec. 4. Children's Advocacy Center.

(a) A Children's Advocacy Center ("Center") may be established to coordinate the activities of the various agencies involved in the investigation, prosecution and treatment referral of child sexual abuse. The Advisory Board shall serve as the governing board for the Center. The operation of the Center may be funded through grants, contracts, or any other available sources. In counties in which a referendum has been adopted under Section 5 of this Act, the Advisory Board, by the majority vote of its members, shall submit a proposed annual budget for the operation of the Center to the county board, which shall appropriate funds and levy a tax sufficient to operate the Center. The county board in each county in which a referendum has been adopted shall establish a Children's Advocacy Center Fund and shall deposit the net proceeds of the tax authorized by Section 6 of this Act in that Fund, which shall be kept separate from all other county funds and shall only be used for the purposes of this Act.

(b) The Advisory Board shall pay from the Children's Advocacy Center Fund or from other available funds the salaries of all employees of the Center and the expenses of acquiring a physical plant for the Center by construction or lease and maintaining the Center, including the expenses of administering the coordination of the investigation, prosecution and treatment referral of child sexual abuse under the provisions of the protocol adopted pursuant to this Act.

(c) Every Center shall include at least the following components:

   (1) An interdisciplinary, coordinated systems approach to the investigation of child sexual abuse which shall include, at a minimum;

       (i) an interagency notification procedure;

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(ii) a dispute resolution process between the involved agencies when a conflict arises on how to proceed with the investigation of a case;

(iii) a policy on interagency decision-making; and

(iv) a description of the role each agency has in the investigation of the case;

(2) A safe, separate space with assigned personnel designated for the investigation and coordination of child sexual abuse cases;

(3) An interdisciplinary case review process for purposes of decision-making, problem solving, systems coordination, and information sharing;

(4) A comprehensive tracking system to receive and coordinate information concerning child sexual abuse cases from each participating agency;

(5) Interdisciplinary specialized training for all professionals involved with the victims and families of child sexual abuse cases; and

(6) A process for evaluating the effectiveness of the Center and its operations.

(d) In the event that a Center has been established as provided in this Section, the Advisory Board of that Center may, by a majority of the members, authorize the Center to coordinate the activities of the various agencies involved in the investigation, prosecution, and treatment referral in cases of serious or fatal injury to a child physical abuse cases. The Advisory Board shall provide for the financial support of these activities in a manner similar to that set out in subsections (a) and (b) of this Section and shall be allowed to submit a budget that includes support for physical abuse and neglect activities to the County Board, which shall appropriate funds that may be available under Section 5 of this Act. In cooperation with the Department of Children and Family Services Child Death Review Teams, the Department of Children and Family Services Office of the Inspector General, the Department of State Police, and other stakeholders, this protocol must be initially implemented in selected locations.

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counties to the extent that State appropriations or funds from other sources for this purpose allow.

(e) The Illinois Child Advocacy Commission may also provide technical assistance and guidance to the Advisory Boards and shall make a single annual grant for the purpose of providing technical support and assistance for advocacy center development in Illinois whenever an appropriation is made by the General Assembly specifically for that purpose. The grant may be made only to an Illinois not-for-profit corporation that qualifies for tax treatment under Section 501(c)(3) of the Internal Revenue Code and that has a voting membership consisting of children's advocacy centers. The grant may be spent on staff, office space, equipment, and other expenses necessary for the development of resource materials and other forms of technical support and assistance. The grantee shall report to the Commission on the specific uses of grant funds by no later than October 1 of each year and shall retain supporting documentation for a period of at least 5 years after the corresponding report is filed.

(Source: P.A. 91-158, eff. 7-16-99; 92-785, eff. 8-6-02.)

Passed in the General Assembly June 1, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0528
(House Bill No. 0811)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Use Tax Act is amended by changing Section 3-61 as follows:

(35 ILCS 105/3-61)
Sec. 3-61. Motor vehicles; trailers; use as rolling stock definition.
(a) Through June 30, 2003, "use as rolling stock moving in interstate commerce" in subsections (b) and (c) of Section 3-55 means for

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motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, and trailers, as defined in Section 1-209 of the Illinois Vehicle Code, when on 15 or more occasions in a 12-month period the motor vehicle and trailer has carried persons or property for hire in interstate commerce, even just between points in Illinois, if the motor vehicle and trailer transports persons whose journeys or property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof.

(b) On and after July 1, 2003 and through June 30, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (b) and (c) of Section 3-55 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for 51% of its total trips and transports persons whose journeys or property whose shipments originate or terminate outside Illinois. Trips that are only between points in Illinois shall not be counted as interstate trips when calculating whether the tangible personal property qualifies for the exemption but such trips shall be included in total trips taken.

(c) Beginning July 1, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (b) and (c) of Section 3-55 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for greater than 50% of its total trips for that period or for greater than 50% of its total miles for that period. The person claiming the exemption shall make an election at the time of purchase to use either the trips or mileage method. Persons who purchased motor vehicles prior to July 1, 2004 shall make an election to use either the trips or mileage method and document that election in their books and records. If no election is made under this subsection to use the trips or mileage method, the person shall be deemed to have chosen the mileage method. Any election to use either the trips or mileage method will remain in effect for that motor vehicle for any period for which the Department may issue a notice of tax liability under this Act.

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For purposes of determining qualifying trips or miles, motor vehicles that carry persons or property for hire, even just between points in Illinois, will be considered used for hire in interstate commerce if the motor vehicle transports persons whose journeys or property whose shipments originate or terminate outside Illinois. The exemption for motor vehicles used as rolling stock moving in interstate commerce may be claimed only for the following vehicles: (i) motor vehicles whose gross vehicle weight rating exceeds 16,000 pounds; and (ii) limousines, as defined in Section 1-139.1 of the Illinois Vehicle Code. This definition applies to all property purchased for the purpose of being attached to those motor vehicles as a part thereof.

(d) Beginning July 1, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (b) and (c) of Section 3-55 occurs for trailers, as defined in Section 1-209 of the Illinois Vehicle Code, semitrailers as defined in Section 1-187 of the Illinois Vehicle Code, and pole trailers as defined in Section 1-161 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for greater than 50% of its total trips for that period or for greater than 50% of its total miles for that period. The person claiming the exemption for a trailer or trailers that will not be dedicated to a motor vehicle or group of motor vehicles shall make an election at the time of purchase to use either the trips or mileage method. Persons who purchased trailers prior to July 1, 2004 that are not dedicated to a motor vehicle or group of motor vehicles shall make an election to use either the trips or mileage method and document that election in their books and records. If no election is made under this subsection to use the trips or mileage method, the person shall be deemed to have chosen the mileage method. Any election to use either the trips or mileage method will remain in effect for that trailer for any period for which the Department may issue a notice of tax liability under this Act.

For purposes of determining qualifying trips or miles, trailers, semitrailers, or pole trailers that carry property for hire, even just between points in Illinois, will be considered used for hire in interstate commerce if the trailers, semitrailers, or pole trailers transport property whose

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shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those trailers, semitrailers, or pole trailers as a part thereof. In lieu of a person providing documentation regarding the qualifying use of each individual trailer, semitrailer, or pole trailer, that person may document such qualifying use by providing documentation of the following:

(1) If a trailer, semitrailer, or pole trailer is dedicated to a motor vehicle that qualifies as rolling stock moving in interstate commerce under subsection (c) of this Section, then that trailer, semitrailer, or pole trailer qualifies as rolling stock moving in interstate commerce under this subsection.

(2) If a trailer, semitrailer, or pole trailer is dedicated to a group of motor vehicles that all qualify as rolling stock moving in interstate commerce under subsection (c) of this Section, then that trailer, semitrailer, or pole trailer qualifies as rolling stock moving in interstate commerce under this subsection.

(3) If one or more trailers, semitrailers, or pole trailers are dedicated to a group of motor vehicles and not all of those motor vehicles in that group qualify as rolling stock moving in interstate commerce under subsection (c) of this Section, then the percentage of those trailers, semitrailers, or pole trailers that qualifies as rolling stock moving in interstate commerce under this subsection is equal to the percentage of those motor vehicles in that group that qualify as rolling stock moving in interstate commerce under subsection (c) of this Section to which those trailers, semitrailers, or pole trailers are dedicated. However, to determine the qualification for the exemption provided under this item (3), the mathematical application of the qualifying percentage to one or more trailers, semitrailers, or pole trailers under this subpart shall not be allowed as to any fraction of a trailer, semitrailer, or pole trailer.

(Source: P.A. 93-23, eff. 6-20-03; 93-1033, eff. 9-3-04.)

Section 10. The Service Use Tax Act is amended by changing Section 3-51 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 3-51. Motor vehicles; trailers; use as rolling stock definition.

(a) Through June 30, 2003, "use as rolling stock moving in interstate commerce" in subsection (b) of Section 3-45 means for motor vehicles, as defined in Section 1-46 of the Illinois Vehicle Code, and trailers, as defined in Section 1-209 of the Illinois Vehicle Code, when on 15 or more occasions in a 12-month period the motor vehicle and trailer has carried persons or property for hire in interstate commerce, even just between points in Illinois, if the motor vehicle and trailer transports persons whose journeys or property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof.

(b) On and after July 1, 2003 and through June 30, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (4) and (4a) of the definition of "sale of service" in Section 2 and subsection (b) of Section 3-45 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for 51% of its total trips and transports persons whose journeys or property whose shipments originate or terminate outside Illinois. Trips that are only between points in Illinois shall not be counted as interstate trips when calculating whether the tangible personal property qualifies for the exemption but such trips shall be included in total trips taken.

(c) Beginning July 1, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (4) and (4a) of the definition of "sale of service" in Section 2 and subsection (b) of Section 3-45 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for greater than 50% of its total trips for that period or for greater than 50% of its total miles for that period. The person claiming the exemption shall make an election at the time of purchase to use either the trips or mileage method. Persons who purchased motor vehicles prior to July 1, 2004 shall make an election to

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use either the trips or mileage method and document that election in their books and records. If no election is made under this subsection to use the trips or mileage method, the person shall be deemed to have chosen the mileage method. Any election to use either the trips or mileage method will remain in effect for that motor vehicle for any period for which the Department may issue a notice of tax liability under this Act.

For purposes of determining qualifying trips or miles, motor vehicles that carry persons or property for hire, even just between points in Illinois, will be considered used for hire in interstate commerce if the motor vehicle transports persons whose journeys or property whose shipments originate or terminate outside Illinois. The exemption for motor vehicles used as rolling stock moving in interstate commerce may be claimed only for the following vehicles: (i) motor vehicles whose gross vehicle weight rating exceeds 16,000 pounds; and (ii) limousines, as defined in Section 1-139.1 of the Illinois Vehicle Code. This definition applies to all property purchased for the purpose of being attached to those motor vehicles as a part thereof.

(d) Beginning July 1, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (4) and (4a) of the definition of "sale of service" in Section 2 and subsection (b) of Section 3-45 occurs for trailers, as defined in Section 1-209 of the Illinois Vehicle Code, semitrailers as defined in Section 1-187 of the Illinois Vehicle Code, and pole trailers as defined in Section 1-161 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for greater than 50% of its total trips for that period or for greater than 50% of its total miles for that period. The person claiming the exemption for a trailer or trailers that will not be dedicated to a motor vehicle or group of motor vehicles shall make an election at the time of purchase to use either the trips or mileage method. Persons who purchased trailers prior to July 1, 2004 that are not dedicated to a motor vehicle or group of motor vehicles shall make an election to use either the trips or mileage method and document that election in their books and records. If no election is made under this subsection to use the trips or mileage method, the person shall be deemed to have chosen the
mileage method. Any election to use either the trips or mileage method will remain in effect for that trailer for any period for which the Department may issue a notice of tax liability under this Act.

For purposes of determining qualifying trips or miles, trailers, semitrailers, or pole trailers that carry property for hire, even just between points in Illinois, will be considered used for hire in interstate commerce if the trailers, semitrailers, or pole trailers transport property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those trailers, semitrailers, or pole trailers as a part thereof. In lieu of a person providing documentation regarding the qualifying use of each individual trailer, semitrailer, or pole trailer, that person may document such qualifying use by providing documentation of the following:

(1) If a trailer, semitrailer, or pole trailer is dedicated to a motor vehicle that qualifies as rolling stock moving in interstate commerce under subsection (c) of this Section, then that trailer, semitrailer, or pole trailer qualifies as rolling stock moving in interstate commerce under this subsection.

(2) If a trailer, semitrailer, or pole trailer is dedicated to a group of motor vehicles that all qualify as rolling stock moving in interstate commerce under subsection (c) of this Section, then that trailer, semitrailer, or pole trailer qualifies as rolling stock moving in interstate commerce under this subsection.

(3) If one or more trailers, semitrailers, or pole trailers are dedicated to a group of motor vehicles and not all of those motor vehicles in that group qualify as rolling stock moving in interstate commerce under subsection (c) of this Section, then the percentage of those trailers, semitrailers, or pole trailers that qualifies as rolling stock moving in interstate commerce under this subsection is equal to the percentage of those motor vehicles in that group that qualify as rolling stock moving in interstate commerce under subsection (c) of this Section to which those trailers, semitrailers, or pole trailers are dedicated. However, to determine the qualification for the exemption provided under this item (3), the
mathematical application of the qualifying percentage to one or more trailers, semitrailers, or pole trailers under this subpart shall not be allowed as to any fraction of a trailer, semitrailer, or pole trailer.

(Source: P.A. 93-23, eff. 6-20-03; 93-1033, eff. 9-3-04.)

Section 15. The Service Occupation Tax Act is amended by changing Section 2d as follows:

(35 ILCS 115/2d)

Sec. 2d. Motor vehicles; trailers; use as rolling stock definition.

(a) Through June 30, 2003, "use as rolling stock moving in interstate commerce" in subsections (d) and (d-1) of the definition of "sale of service" in Section 2 means for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, and trailers, as defined in Section 1-209 of the Illinois Vehicle Code, when on 15 or more occasions in a 12-month period the motor vehicle and trailer has carried persons or property for hire in interstate commerce, even just between points in Illinois, if the motor vehicle and trailer transports persons whose journeys or property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof.

(b) On and after July 1, 2003 and through June 30, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (d) and (d-1) of the definition of "sale of service" in Section 2 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for 51% of its total trips and transports persons whose journeys or property whose shipments originate or terminate outside Illinois. Trips that are only between points in Illinois will not be counted as interstate trips when calculating whether the tangible personal property qualifies for the exemption but such trips will be included in total trips taken.

(c) Beginning July 1, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (d) and (d-1) of the definition of "sale of service" in Section 2 occurs for motor vehicles, as defined in Section 1-
146 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for greater than 50% of its total trips for that period or for greater than 50% of its total miles for that period. The person claiming the exemption shall make an election at the time of purchase to use either the trips or mileage method. Persons who purchased motor vehicles prior to July 1, 2004 shall make an election to use either the trips or mileage method and document that election in their books and records. If no election is made under this subsection to use the trips or mileage method, the person shall be deemed to have chosen the mileage method. Any election to use either the trips or mileage method will remain in effect for that motor vehicle for any period for which the Department may issue a notice of tax liability under this Act.

For purposes of determining qualifying trips or miles, motor vehicles that carry persons or property for hire, even just between points in Illinois, will be considered used for hire in interstate commerce if the motor vehicle transports persons whose journeys or property whose shipments originate or terminate outside Illinois. The exemption for motor vehicles used as rolling stock moving in interstate commerce may be claimed only for the following vehicles: (i) motor vehicles whose gross vehicle weight rating exceeds 16,000 pounds; and (ii) limousines, as defined in Section 1-139.1 of the Illinois Vehicle Code. This definition applies to all property purchased for the purpose of being attached to those motor vehicles as a part thereof.

(d) Beginning July 1, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (d) and (d-1) of the definition of "sale of service" in Section 2 occurs for trailers, as defined in Section 1-209 of the Illinois Vehicle Code, semitrailers as defined in Section 1-187 of the Illinois Vehicle Code, and pole trailers as defined in Section 1-161 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for greater than 50% of its total trips for that period or for greater than 50% of its total miles for that period. The person claiming the exemption for a trailer or trailers that will not be dedicated to a motor vehicle or group of motor vehicles.
vehicles shall make an election at the time of purchase to use either the trips or mileage method. Persons who purchased trailers prior to July 1, 2004 that are not dedicated to a motor vehicle or group of motor vehicles shall make an election to use either the trips or mileage method and document that election in their books and records. If no election is made under this subsection to use the trips or mileage method, the person shall be deemed to have chosen the mileage method. Any election to use either the trips or mileage method will remain in effect for that trailer for any period for which the Department may issue a notice of tax liability under this Act.

For purposes of determining qualifying trips or miles, trailers, semitrailers, or pole trailers that carry property for hire, even just between points in Illinois, will be considered used for hire in interstate commerce if the trailers, semitrailers, or pole trailers transport property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those trailers, semitrailers, or pole trailers as a part thereof. In lieu of a person providing documentation regarding the qualifying use of each individual trailer, semitrailer, or pole trailer, that person may document such qualifying use by providing documentation of the following:

1. If a trailer, semitrailer, or pole trailer is dedicated to a motor vehicle that qualifies as rolling stock moving in interstate commerce under subsection (c) of this Section, then that trailer, semitrailer, or pole trailer qualifies as rolling stock moving in interstate commerce under this subsection.

2. If a trailer, semitrailer, or pole trailer is dedicated to a group of motor vehicles that all qualify as rolling stock moving in interstate commerce under subsection (c) of this Section, then that trailer, semitrailer, or pole trailer qualifies as rolling stock moving in interstate commerce under this subsection.

3. If one or more trailers, semitrailers, or pole trailers are dedicated to a group of motor vehicles and not all of those motor vehicles in that group qualify as rolling stock moving in interstate commerce under subsection (c) of this Section, then the percentage

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of those trailers, semitrailers, or pole trailers that qualifies as rolling stock moving in interstate commerce under this subsection is equal to the percentage of those motor vehicles in that group that qualify as rolling stock moving in interstate commerce under subsection (c) of this Section to which those trailers, semitrailers, or pole trailers are dedicated. However, to determine the qualification for the exemption provided under this item (3), the mathematical application of the qualifying percentage to one or more trailers, semitrailers, or pole trailers under this subpart shall not be allowed as to any fraction of a trailer, semitrailer, or pole trailer.

(Source: P.A. 93-23, eff. 6-20-03; 93-1033, eff. 9-3-04.)

Section 20. The Retailers' Occupation Tax Act is amended by changing Section 2-51 as follows:

(35 ILCS 120/2-51)

Sec. 2-51. Motor vehicles; trailers; use as rolling stock definition.

(a) Through June 30, 2003, "use as rolling stock moving in interstate commerce" in paragraphs (12) and (13) of Section 2-5 means for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, and trailers, as defined in Section 1-209 of the Illinois Vehicle Code, when on 15 or more occasions in a 12-month period the motor vehicle and trailer has carried persons or property for hire in interstate commerce, even just between points in Illinois, if the motor vehicle and trailer transports persons whose journeys or property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof.

(b) On and after July 1, 2003 and through June 30, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (12) and (13) of Section 2-5 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for 51% of its total trips and transports persons whose journeys or property whose shipments originate or terminate outside Illinois. Trips that are only
between points in Illinois shall not be counted as interstate trips when calculating whether the tangible personal property qualifies for the exemption but such trips shall be included in total trips taken.

(c) Beginning July 1, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (12) and (13) of Section 2-5 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for greater than 50% of its total trips for that period or for greater than 50% of its total miles for that period. The person claiming the exemption shall make an election at the time of purchase to use either the trips or mileage method. Persons who purchased motor vehicles prior to July 1, 2004 shall make an election to use either the trips or mileage method and document that election in their books and records. If no election is made under this subsection to use the trips or mileage method, the person shall be deemed to have chosen the mileage method. Any election to use either the trips or mileage method will remain in effect for that motor vehicle for any period for which the Department may issue a notice of tax liability under this Act.

For purposes of determining qualifying trips or miles, motor vehicles that carry persons or property for hire, even just between points in Illinois, will be considered used for hire in interstate commerce if the motor vehicle transports persons whose journeys or property whose shipments originate or terminate outside Illinois. The exemption for motor vehicles used as rolling stock moving in interstate commerce may be claimed only for the following vehicles: (i) motor vehicles whose gross vehicle weight rating exceeds 16,000 pounds; and (ii) limousines, as defined in Section 1-139.1 of the Illinois Vehicle Code. This definition applies to all property purchased for the purpose of being attached to those motor vehicles as a part thereof.

(d) Beginning July 1, 2004, "use as rolling stock moving in interstate commerce" in paragraphs (12) and (13) of Section 2-5 occurs for trailers, as defined in Section 1-209 of the Illinois Vehicle Code, semitrailers as defined in Section 1-187 of the Illinois Vehicle Code, and pole trailers as defined in Section 1-161 of the Illinois Vehicle Code, when

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during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for greater than 50% of its total trips for that period or for greater than 50% of its total miles for that period. The person claiming the exemption for a trailer or trailers that will not be dedicated to a motor vehicle or group of motor vehicles shall make an election at the time of purchase to use either the trips or mileage method. Persons who purchased trailers prior to July 1, 2004 that are not dedicated to a motor vehicle or group of motor vehicles shall make an election to use either the trips or mileage method and document that election in their books and records. If no election is made under this subsection to use the trips or mileage method, the person shall be deemed to have chosen the mileage method. Any election to use either the trips or mileage method will remain in effect for that trailer for any period for which the Department may issue a notice of tax liability under this Act.

For purposes of determining qualifying trips or miles, trailers, semitrailers, or pole trailers that carry property for hire, even just between points in Illinois, will be considered used for hire in interstate commerce if the trailers, semitrailers, or pole trailers transport property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those trailers, semitrailers, or pole trailers as a part thereof. In lieu of a person providing documentation regarding the qualifying use of each individual trailer, semitrailer, or pole trailer, that person may document such qualifying use by providing documentation of the following:

(1) If a trailer, semitrailer, or pole trailer is dedicated to a motor vehicle that qualifies as rolling stock moving in interstate commerce under subsection (c) of this Section, then that trailer, semitrailer, or pole trailer qualifies as rolling stock moving in interstate commerce under this subsection.

(2) If a trailer, semitrailer, or pole trailer is dedicated to a group of motor vehicles that all qualify as rolling stock moving in interstate commerce under subsection (c) of this Section, then that trailer, semitrailer, or pole trailer qualifies as rolling stock moving in interstate commerce under this subsection.

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(3) If one or more trailers, semitrailers, or pole trailers are dedicated to a group of motor vehicles and not all of those motor vehicles in that group qualify as rolling stock moving in interstate commerce under subsection (c) of this Section, then the percentage of those trailers, semitrailers, or pole trailers that qualifies as rolling stock moving in interstate commerce under this subsection is equal to the percentage of those motor vehicles in that group that qualify as rolling stock moving in interstate commerce under subsection (c) of this Section to which those trailers, semitrailers, or pole trailers are dedicated. However, to determine the qualification for the exemption provided under this item (3), the mathematical application of the qualifying percentage to one or more trailers, semitrailers, or pole trailers under this subpart shall not be allowed as to any fraction of a trailer, semitrailer, or pole trailer.

(Source: P.A. 93-23, eff. 6-20-03; 93-1033, eff. 9-3-04.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly June 1, 2007.

PUBLIC ACT 95-0529
(House Bill No. 3425)

AN ACT concerning wildlife.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Wildlife Code is amended by adding Section 2.39 as follows:

(520 ILCS 5/2.39 new)
Sec. 2.39. Local control of deer population. A municipality or other unit of local government that conducts a scientific study, of at least 4 years and approved by the Department, on controlling the deer

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population, using a method in addition to taking of the deer, in that municipality or other unit of local government and concludes, as a result of that study, that the deer population of the municipality or other unit of local government may be managed, using that alternative method, in a way that results in sustainable deer populations, then the Department must permit the municipality or other unit of local government to implement the alternative method of deer population control on the lands of that municipality or other unit of local government at the municipality's or unit of local government's own expense. The municipality or unit of local government must report to the Department, on an annual basis, the local deer population count, as required by administrative rule.

This Section is repealed on January 1, 2014.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0530
(Senate Bill No. 0065)

AN ACT concerning public employee benefits.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Sections 3-110.6, 3-110.8, 3-125, 5-236, 7-139.8, 7-139.11, 9-121.10, 14-110, and 15-134.4 and by adding Sections 3-110.9 and 7-138.12 as follows:

(40 ILCS 5/3-110.6) (from Ch. 108 1/2, par. 3-110.6)
Sec. 3-110.6. Transfer to Article 14 System.
(a) Any active member of the State Employees' Retirement System who is a State policeman, an investigator for the Secretary of State, a conservation police officer, an investigator for the Office of the State's Attorneys Appellate Prosecutor, or a controlled substance inspector may

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apply for transfer of some or all of his or her creditable service accumulated in any police pension fund under this Article to the State Employees' Retirement System in accordance with Section 14-110. The creditable service shall be transferred only upon payment by the police pension fund to the State Employees' Retirement System of an amount equal to:

1. the amounts accumulated to the credit of the applicant for the service to be transferred on the books of the fund on the date of transfer; and
2. employer contributions in an amount equal to the amount determined under subparagraph (1); and
3. any interest paid by the applicant in order to reinstate service to be transferred.

Participation in the police pension fund with respect to the service to be transferred shall terminate on the date of transfer.

(b) Any person applying to transfer service under this Section such investigator or inspector may reinstate service that which was terminated by receipt of a refund, by paying to the police pension fund the amount of the refund with interest thereon at the rate of 6% per year, compounded annually, from the date of refund to the date of payment.

(Source: P.A. 90-32, eff. 6-27-97.)

Sec. 3-110.8. Transfer to IMRF.

(a) Until January 1, 2008, any active member of the Illinois Municipal Retirement Fund who has less than 8 years of creditable service in a police pension fund under this Article, may apply for transfer of his or her creditable service accumulated in that fund to the Illinois Municipal Retirement Fund. The creditable service shall be transferred upon payment by the police pension fund to the Illinois Municipal Retirement Fund of an amount equal to:

1. the amounts accumulated to the credit of the applicant on the books of the fund on the date of transfer; and
2. employer contributions in an amount equal to the amount determined under subparagraph (1); and

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(3) any interest paid by the applicant in order to reinstate service.

Participation in this Fund shall terminate on the date of transfer.

(b) Until January 1, 2008, any member under subsection (a) may reinstate service which was terminated by receipt of a refund, by payment to the police pension fund of the amount of the refund with interest thereon at the rate of 6% per year, compounded annually, from the date of refund to the date of payment.

(Source: P.A. 94-356, eff. 7-29-05.)

(40 ILCS 5/3-110.9 new)

Sec. 3-110.9. Transfer from Article 7. Until January 1, 2008, a person may transfer to a fund established under this Article up to 8 years of creditable service accumulated under Article 7 of this Code upon payment to the fund of an amount to be determined by the board, equal to (i) the difference between the amount of employee and employer contributions transferred to the fund under Section 7-139.11 and the amounts that would have been contributed had such contributions been made at the rates applicable to an employee under this Article, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(40 ILCS 5/3-125) (from Ch. 108 1/2, par. 3-125)

Sec. 3-125. Financing. The city council or the board of trustees of the municipality shall annually levy a tax upon all the taxable property of the municipality at the rate on the dollar which will produce an amount which, when added to the deductions from the salaries or wages of police officers, and revenues available from other sources, will equal a sum sufficient to meet the annual requirements of the police pension fund. The annual requirements to be provided by such tax levy are equal to (1) the normal cost of the pension fund for the year involved, plus (2) the amount necessary to amortize the fund's unfunded accrued liabilities as provided in Section 3-127. The tax shall be levied and collected in the same manner as the general taxes of the municipality, and in addition to all other taxes now or hereafter authorized to be levied upon all property within the municipality, and shall be in addition to the amount authorized to be levied.

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for general purposes as provided by Section 8-3-1 of the Illinois Municipal Code, approved May 29, 1961, as amended. The tax shall be forwarded directly to the treasurer of the board within 30 business days after receipt by the county.

The police pension fund shall consist of the following moneys which shall be set apart by the treasurer of the municipality:

(1) All moneys derived from the taxes levied hereunder;
(2) Contributions by police officers under Section 3-125.1;
(3) All moneys accumulated by the municipality under any previous legislation establishing a fund for the benefit of disabled or retired police officers;
(4) Donations, gifts or other transfers authorized by this Article.

(Source: P.A. 83-1440.)

(40 ILCS 5/5-236) (from Ch. 108 1/2, par. 5-236)
Sec. 5-236. Transfer to Article 14.

(a) Until January 31, 1994; Any active member of the State Employees' Retirement System who is a State policeman, conservation police officer, or investigator for the Secretary of State may apply for transfer of some or all of his or her creditable service accumulated under this Article to the State Employees' Retirement System in accordance with Section 14-110. At the time of the transfer the Fund shall pay to the State Employees' Retirement System an amount equal to:

(1) the amounts accumulated to the credit of the applicant for the service to be transferred on the books of the Fund on the date of transfer; and
(2) the corresponding municipality credits, including interest, on the books of the Fund on the date of transfer; and
(3) any interest paid by the applicant in order to reinstate service to be transferred.

Participation in this Fund with respect to the service to be transferred shall terminate on the date of transfer.

(b) Until January 31, 1994; Any such State policeman, conservation police officer, or investigator for the Secretary of State may reinstate service that was terminated by receipt of a refund, by paying to

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the Fund the amount of the refund with interest thereon at the rate of 6% per year, compounded annually, from the date of refund to the date of payment.

(c) Within 30 days after the effective date of this amendatory Act of 1993, any active member of the State Employees' Retirement System who was earning eligible creditable service under subdivision (b)(12) of Section 14-110 on January 1, 1992 and who has at least 17 years of creditable service under this Article may apply for transfer of his creditable service accumulated under this Article to the State Employees' Retirement System. At the time of the transfer the Fund shall pay to the State Employees' Retirement System an amount equal to:

1) the amounts accumulated to the credit of the applicant on the books of the Fund on the date of transfer; and
2) the corresponding municipality credits, including interest, on the books of the Fund on the date of transfer.

Participation in this Fund shall terminate on the date of transfer.

(Source: P.A. 86-1488; 87-1265.)

(40 ILCS 5/7-139.8) (from Ch. 108 1/2, par. 7-139.8)

Sec. 7-139.8. Transfer to Article 14 System.

(a) Any active member of the State Employees' Retirement System who is a State policeman, an investigator for the Secretary of State, a conservation police officer, an investigator for the Office of the State's Attorneys Appellate Prosecutor, or a controlled substance inspector may apply for transfer of some or all of his or her credits and creditable service accumulated in this Fund for service as a sheriff's law enforcement employee to the State Employees' Retirement System in accordance with Section 14-110. The creditable service shall be transferred only upon payment by this Fund to the State Employees' Retirement System of an amount equal to:

1) the amounts accumulated to the credit of the applicant for the service to be transferred as a sheriff's law enforcement employee, including interest; and
2) municipality credits based on such service, including interest; and

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Participation in this Fund as to any credits transferred under this Section shall terminate on the date of transfer.

(b) Any person applying to transfer service under this Section may reinstate service terminated upon receipt of a separation benefit, by paying to the Fund the amount of the separation benefit plus interest thereon at the rate of 6% per year to the date of payment.

(Source: P.A. 90-32, eff. 6-27-97.)

(40 ILCS 5/7-139.11)

Sec. 7-139.11. Transfer to Article 3 pension fund.

(a) Until January 1, 2008, a person who has less than 8 years of creditable service under this Article and who has become an active participant in a police pension fund established under Article 3 of this Code may apply for transfer to that Article 3 fund of his or her creditable service accumulated under this Article. At the time of the transfer the Fund shall pay to the police pension fund an amount equal to:

1. the amounts accumulated to the credit of the applicant under this Article, including interest; and
2. the municipality credits based on that service, including interest; and
3. any interest paid by the applicant in order to reinstate that service.

Participation in this Fund with respect to the transferred credits shall terminate on the date of transfer.

(b) An active member of a pension fund established under Article 3 of this Code may reinstate creditable service under this Article that was terminated by receipt of a refund, by paying to the Fund the amount of the refund plus interest thereon at the rate of 6% per year, compounded annually, from the date of refund to the date of payment.

(Source: P.A. 94-356, eff. 7-29-05.)

(40 ILCS 5/7-139.12 new)
Sec. 7-139.12. Transfer from Article 3. Until January 1, 2008, a person may transfer to the Illinois Municipal Retirement Systems up to 8 years of creditable service accumulated under Article 3 of this Code upon payment to the Fund of an amount to be determined by the board, equal to (i) the difference between the amount of employee and employer contributions transferred to the Fund under Section 3-110.8 and the amounts that would have been contributed had such contributions been made at the rates applicable to an employee under this Article, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(40 ILCS 5/9-121.10) (from Ch. 108 1/2, par. 9-121.10)

Sec. 9-121.10. Transfer to Article 14.

(a) Until July 1, 1993, Any active member of the State Employees' Retirement System who is a State policeman, investigator for the Secretary of State, or conservation police officer may apply for transfer of some or all of his creditable service as a member of the County Police Department accumulated under this Article to the State Employees' Retirement System in accordance with Section 14-110. At the time of the transfer the Fund shall pay to the State Employees' Retirement System an amount equal to:

1. the amounts accumulated to the credit of the applicant on the books of the Fund on the date of transfer for the service to be transferred; and
2. the corresponding municipality credits, including interest, on the books of the Fund on the date of transfer; and
3. any interest paid by the applicant in order to reinstate such service.

Participation in this Fund with respect to the credits transferred shall terminate on the date of transfer.

(b) Any person applying to transfer service under this Section Until July 1, 1993, any such State policeman may reinstate credit for service as a member of the County Police Department that was terminated by receipt of a refund, by paying to the Fund the amount of the refund with interest

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thereon at the rate of 6% per year, compounded annually, from the date of refund to the date of payment.
(Source: P.A. 87-1265.)

(40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)
Sec. 14-110. Alternative retirement annuity.
(a) Any member who has withdrawn from service with not less than 20 years of eligible creditable service and has attained age 55, and any member who has withdrawn from service with not less than 25 years of eligible creditable service and has attained age 50, regardless of whether the attainment of either of the specified ages occurs while the member is still in service, shall be entitled to receive at the option of the member, in lieu of the regular or minimum retirement annuity, a retirement annuity computed as follows:

(i) for periods of service as a noncovered employee: if retirement occurs on or after January 1, 2001, 3% of final average compensation for each year of creditable service; if retirement occurs before January 1, 2001, 2 1/4% of final average compensation for each of the first 10 years of creditable service, 2 1/2% for each year above 10 years to and including 20 years of creditable service, and 2 3/4% for each year of creditable service above 20 years; and

(ii) for periods of eligible creditable service as a covered employee: if retirement occurs on or after January 1, 2001, 2.5% of final average compensation for each year of creditable service; if retirement occurs before January 1, 2001, 1.67% of final average compensation for each of the first 10 years of such service, 1.90% for each of the next 10 years of such service, 2.10% for each year of such service in excess of 20 but not exceeding 30, and 2.30% for each year in excess of 30.

Such annuity shall be subject to a maximum of 75% of final average compensation if retirement occurs before January 1, 2001 or to a maximum of 80% of final average compensation if retirement occurs on or after January 1, 2001.

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These rates shall not be applicable to any service performed by a member as a covered employee which is not eligible creditable service. Service as a covered employee which is not eligible creditable service shall be subject to the rates and provisions of Section 14-108.

(b) For the purpose of this Section, "eligible creditable service" means creditable service resulting from service in one or more of the following positions:

(1) State policeman;
(2) fire fighter in the fire protection service of a department;
(3) air pilot;
(4) special agent;
(5) investigator for the Secretary of State;
(6) conservation police officer;
(7) investigator for the Department of Revenue;
(8) security employee of the Department of Human Services;
(9) Central Management Services security police officer;
(10) security employee of the Department of Corrections or the Department of Juvenile Justice;
(11) dangerous drugs investigator;
(12) investigator for the Department of State Police;
(13) investigator for the Office of the Attorney General;
(14) controlled substance inspector;
(15) investigator for the Office of the State's Attorneys Appellate Prosecutor;
(16) Commerce Commission police officer;
(17) arson investigator;
(18) State highway maintenance worker.

A person employed in one of the positions specified in this subsection is entitled to eligible creditable service for service credit earned under this Article while undergoing the basic police training course approved by the Illinois Law Enforcement Training Standards Board, if completion of that training is required of persons serving in that position. For the purposes of this Code, service during the required basic police

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training course shall be deemed performance of the duties of the specified position, even though the person is not a sworn peace officer at the time of the training.

(c) For the purposes of this Section:

(1) The term "state policeman" includes any title or position in the Department of State Police that is held by an individual employed under the State Police Act.

(2) The term "fire fighter in the fire protection service of a department" includes all officers in such fire protection service including fire chiefs and assistant fire chiefs.

(3) The term "air pilot" includes any employee whose official job description on file in the Department of Central Management Services, or in the department by which he is employed if that department is not covered by the Personnel Code, states that his principal duty is the operation of aircraft, and who possesses a pilot's license; however, the change in this definition made by this amendatory Act of 1983 shall not operate to exclude any noncovered employee who was an "air pilot" for the purposes of this Section on January 1, 1984.

(4) The term "special agent" means any person who by reason of employment by the Division of Narcotic Control, the Bureau of Investigation or, after July 1, 1977, the Division of Criminal Investigation, the Division of Internal Investigation, the Division of Operations, or any other Division or organizational entity in the Department of State Police is vested by law with duties to maintain public order, investigate violations of the criminal law of this State, enforce the laws of this State, make arrests and recover property. The term "special agent" includes any title or position in the Department of State Police that is held by an individual employed under the State Police Act.

(5) The term "investigator for the Secretary of State" means any person employed by the Office of the Secretary of State and vested with such investigative duties as render him ineligible for
coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

A person who became employed as an investigator for the Secretary of State between January 1, 1967 and December 31, 1975, and who has served as such until attainment of age 60, either continuously or with a single break in service of not more than 3 years duration, which break terminated before January 1, 1976, shall be entitled to have his retirement annuity calculated in accordance with subsection (a), notwithstanding that he has less than 20 years of credit for such service.

(6) The term "Conservation Police Officer" means any person employed by the Division of Law Enforcement of the Department of Natural Resources and vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act. The term "Conservation Police Officer" includes the positions of Chief Conservation Police Administrator and Assistant Conservation Police Administrator.

(7) The term "investigator for the Department of Revenue" means any person employed by the Department of Revenue and vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(8) The term "security employee of the Department of Human Services" means any person employed by the Department of Human Services who (i) is employed at the Chester Mental Health Center and has daily contact with the residents thereof, (ii) is employed within a security unit at a facility operated by the Department and has daily contact with the residents of the security unit, (iii) is employed at a facility operated by the Department that includes a security unit and is regularly scheduled to work at least 50% of his or her working hours within that security unit, or (iv) is a mental health police officer. "Mental health police officer" means any person employed by the Department of Human Services in a

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position pertaining to the Department's mental health and developmental disabilities functions who is vested with such law enforcement duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. "Security unit" means that portion of a facility that is devoted to the care, containment, and treatment of persons committed to the Department of Human Services as sexually violent persons, persons unfit to stand trial, or persons not guilty by reason of insanity. With respect to past employment, references to the Department of Human Services include its predecessor, the Department of Mental Health and Developmental Disabilities.

The changes made to this subdivision (c)(8) by Public Act 92-14 apply to persons who retire on or after January 1, 2001, notwithstanding Section 1-103.1.

(9) "Central Management Services security police officer" means any person employed by the Department of Central Management Services who is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(10) For a member who first became an employee under this Article before July 1, 2005, the term "security employee of the Department of Corrections or the Department of Juvenile Justice" means any employee of the Department of Corrections or the Department of Juvenile Justice or the former Department of Personnel, and any member or employee of the Prisoner Review Board, who has daily contact with inmates or youth by working within a correctional facility or Juvenile facility operated by the Department of Juvenile Justice or who is a parole officer or an employee who has direct contact with committed persons in the performance of his or her job duties. For a member who first becomes an employee under this Article on or after July 1, 2005, the term means an employee of the Department of Corrections or
the Department of Juvenile Justice who is any of the following: (i) officially headquartered at a correctional facility or Juvenile facility operated by the Department of Juvenile Justice, (ii) a parole officer, (iii) a member of the apprehension unit, (iv) a member of the intelligence unit, (v) a member of the sort team, or (vi) an investigator.

(11) The term "dangerous drugs investigator" means any person who is employed as such by the Department of Human Services.

(12) The term "investigator for the Department of State Police" means a person employed by the Department of State Police who is vested under Section 4 of the Narcotic Control Division Abolition Act with such law enforcement powers as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(13) "Investigator for the Office of the Attorney General" means any person who is employed as such by the Office of the Attorney General and is vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. For the period before January 1, 1989, the term includes all persons who were employed as investigators by the Office of the Attorney General, without regard to social security status.

(14) "Controlled substance inspector" means any person who is employed as such by the Department of Professional Regulation and is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. The term "controlled substance inspector" includes the Program Executive of Enforcement and the Assistant Program Executive of Enforcement.

(15) The term "investigator for the Office of the State's Attorneys Appellate Prosecutor" means a person employed in that

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capacity on a full time basis under the authority of Section 7.06 of the State's Attorneys Appellate Prosecutor's Act.

(16) "Commerce Commission police officer" means any person employed by the Illinois Commerce Commission who is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act.

(17) "Arson investigator" means any person who is employed as such by the Office of the State Fire Marshal and is vested with such law enforcement duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act. A person who was employed as an arson investigator on January 1, 1995 and is no longer in service but not yet receiving a retirement annuity may convert his or her creditable service for employment as an arson investigator into eligible creditable service by paying to the System the difference between the employee contributions actually paid for that service and the amounts that would have been contributed if the applicant were contributing at the rate applicable to persons with the same social security status earning eligible creditable service on the date of application.

(18) The term "State highway maintenance worker" means a person who is either of the following:

(i) A person employed on a full-time basis by the Illinois Department of Transportation in the position of highway maintainer, highway maintenance lead worker, highway maintenance lead/lead worker, heavy construction equipment operator, power shovel operator, or bridge mechanic; and whose principal responsibility is to perform, on the roadway, the actual maintenance necessary to keep the highways that form a part of the State highway system in serviceable condition for vehicular traffic.

(ii) A person employed on a full-time basis by the Illinois State Toll Highway Authority in the position of
equipment operator/laborer H-4, equipment operator/laborer H-6, welder H-4, welder H-6, mechanical/electrical H-4, mechanical/electrical H-6, water/sewer H-4, water/sewer H-6, sign maker/hanger H-4, sign maker/hanger H-6, roadway lighting H-4, roadway lighting H-6, structural H-4, structural H-6, painter H-4, or painter H-6; and whose principal responsibility is to perform, on the roadway, the actual maintenance necessary to keep the Authority's tollways in serviceable condition for vehicular traffic.

(d) A security employee of the Department of Corrections or the Department of Juvenile Justice, and a security employee of the Department of Human Services who is not a mental health police officer, shall not be eligible for the alternative retirement annuity provided by this Section unless he or she meets the following minimum age and service requirements at the time of retirement:

(i) 25 years of eligible creditable service and age 55; or
(ii) beginning January 1, 1987, 25 years of eligible creditable service and age 54, or 24 years of eligible creditable service and age 55; or
(iii) beginning January 1, 1988, 25 years of eligible creditable service and age 53, or 23 years of eligible creditable service and age 55; or
(iv) beginning January 1, 1989, 25 years of eligible creditable service and age 52, or 22 years of eligible creditable service and age 55; or
(v) beginning January 1, 1990, 25 years of eligible creditable service and age 51, or 21 years of eligible creditable service and age 55; or
(vi) beginning January 1, 1991, 25 years of eligible creditable service and age 50, or 20 years of eligible creditable service and age 55.

Persons who have service credit under Article 16 of this Code for service as a security employee of the Department of Corrections or the

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Department of Juvenile Justice, or the Department of Human Services in a position requiring certification as a teacher may count such service toward establishing their eligibility under the service requirements of this Section; but such service may be used only for establishing such eligibility, and not for the purpose of increasing or calculating any benefit.

(e) If a member enters military service while working in a position in which eligible creditable service may be earned, and returns to State service in the same or another such position, and fulfills in all other respects the conditions prescribed in this Article for credit for military service, such military service shall be credited as eligible creditable service for the purposes of the retirement annuity prescribed in this Section.

(f) For purposes of calculating retirement annuities under this Section, periods of service rendered after December 31, 1968 and before October 1, 1975 as a covered employee in the position of special agent, conservation police officer, mental health police officer, or investigator for the Secretary of State, shall be deemed to have been service as a noncovered employee, provided that the employee pays to the System prior to retirement an amount equal to (1) the difference between the employee contributions that would have been required for such service as a noncovered employee, and the amount of employee contributions actually paid, plus (2) if payment is made after July 31, 1987, regular interest on the amount specified in item (1) from the date of service to the date of payment.

For purposes of calculating retirement annuities under this Section, periods of service rendered after December 31, 1968 and before January 1, 1982 as a covered employee in the position of investigator for the Department of Revenue shall be deemed to have been service as a noncovered employee, provided that the employee pays to the System prior to retirement an amount equal to (1) the difference between the employee contributions that would have been required for such service as a noncovered employee, and the amount of employee contributions actually paid, plus (2) if payment is made after January 1, 1990, regular interest on the amount specified in item (1) from the date of service to the date of payment.

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(g) A State policeman may elect, not later than January 1, 1990, to establish eligible creditable service for up to 10 years of his service as a policeman under Article 3, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.5, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a State policeman may elect, not later than July 1, 1993, to establish eligible creditable service for up to 10 years of his service as a member of the County Police Department under Article 9, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 9-121.10 and the amounts that would have been contributed had those contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(h) Subject to the limitation in subsection (i), a State policeman or investigator for the Secretary of State may elect to establish eligible creditable service for up to 12 years of his service as a policeman under Article 5, by filing a written election with the Board on or before January 31, 1992, and paying to the System by January 31, 1994 an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 5-236, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a State policeman, conservation police officer, or investigator for the Secretary of State may
elect to establish eligible creditable service for up to 10 years of service as a sheriff's law enforcement employee under Article 7, by filing a written election with the Board on or before January 31, 1993, and paying to the System by January 31, 1994 an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 7-139.7, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a State policeman, conservation police officer, or investigator for the Secretary of State may elect to establish eligible creditable service for up to 5 years of service as a police officer under Article 3, a policeman under Article 5, a sheriff's law enforcement employee under Article 7, a member of the county police department under Article 9, or a police officer under Article 15 by filing a written election with the Board and paying to the System an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4 and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(i) The total amount of eligible creditable service established by any person under subsections (g), (h), (j), (k), and (l) of this Section shall not exceed 12 years.

(j) Subject to the limitation in subsection (i), an investigator for the Office of the State's Attorneys Appellate Prosecutor or a controlled substance inspector may elect to establish eligible creditable service for up to 10 years of his service as a policeman under Article 3 or a sheriff's law enforcement employee under Article 7, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (1) the difference between the amount of employee and

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employer contributions transferred to the System under Section 3-110.6 or 7-139.8, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (2) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(k) Subject to the limitation in subsection (i) of this Section, an alternative formula employee may elect to establish eligible creditable service for periods spent as a full-time law enforcement officer or full-time corrections officer employed by the federal government or by a state or local government located outside of Illinois, for which credit is not held in any other public employee pension fund or retirement system. To obtain this credit, the applicant must file a written application with the Board by March 31, 1998, accompanied by evidence of eligibility acceptable to the Board and payment of an amount to be determined by the Board, equal to (1) employee contributions for the credit being established, based upon the applicant's salary on the first day as an alternative formula employee after the employment for which credit is being established and the rates then applicable to alternative formula employees, plus (2) an amount determined by the Board to be the employer's normal cost of the benefits accrued for the credit being established, plus (3) regular interest on the amounts in items (1) and (2) from the first day as an alternative formula employee after the employment for which credit is being established to the date of payment.

(l) Subject to the limitation in subsection (i), a security employee of the Department of Corrections may elect, not later than July 1, 1998, to establish eligible creditable service for up to 10 years of his or her service as a policeman under Article 3, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.5, and the amounts that would have been contributed had such contributions been made at the rates applicable to security employees of the Department of Corrections, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

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(m) The amendatory changes to this Section made by this amendatory Act of the 94th General Assembly apply only to: (1) security employees of the Department of Juvenile Justice employed by the Department of Corrections before the effective date of this amendatory Act of the 94th General Assembly and transferred to the Department of Juvenile Justice by this amendatory Act of the 94th General Assembly; and (2) persons employed by the Department of Juvenile Justice on or after the effective date of this amendatory Act of the 94th General Assembly who are required by subsection (b) of Section 3-2.5-15 of the Unified Code of Corrections to have a bachelor's or advanced degree from an accredited college or university with a specialization in criminal justice, education, psychology, social work, or a closely related social science or, in the case of persons who provide vocational training, who are required to have adequate knowledge in the skill for which they are providing the vocational training.

(Source: P.A. 94-4, eff. 6-1-05; 94-696, eff. 6-1-06.)

(40 ILCS 5/15-134.4) (from Ch. 108 1/2, par. 15-134.4)

Sec. 15-134.4. Transfer of creditable service to the Article 5 Pension Fund or Article 14 System.

(a) An active member of the Pension Fund established under Article 5 of this Code may apply, not later than January 1, 1990, to transfer his or her credits and creditable service accumulated under this System for service with the City Colleges of Chicago teaching in the Criminal Justice Program, to the Article 5 Fund. Such credits and creditable service shall be transferred forthwith.

Payment by this System to the Article 5 Fund shall be made at the same time and shall consist of:

(1) the amounts credited to the applicant for such service through employee contributions, including interest, as of the date of transfer; and

(2) employer contributions equal in amount to the accumulated employee contributions as determined in item (1).

Participation in this System with respect to such credits shall terminate on the date of transfer.

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(b) Any active member of the State Employees' Retirement System who is a State policeman, an investigator for the Secretary of State, or a conservation police officer may apply for transfer of some or all of his or her creditable service accumulated in this System for service as a police officer to the State Employees' Retirement System in accordance with Section 14-110. The creditable service shall be transferred only upon payment by this System to the State Employees' Retirement System of an amount equal to:

1. the amounts accumulated to the credit of the applicant for the service to be transferred, including interest, as of the date of transfer; and
2. employer contributions equal in amount to the accumulated employee contributions as determined in item (1); and
3. any interest paid by the applicant to reinstate such service.

Participation in this System as to any credits transferred under this Section shall terminate on the date of transfer.

(c) Any person applying to transfer service under subsection (b) may reinstate credits and creditable service terminated upon receipt of a refund by paying to the System the amount of the refund plus interest thereon at the rate of 6% per year from the date of the refund to the date of payment.

(Source: P.A. 86-273; 86-1028.)

Section 90. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.


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AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by adding Section 5.663 as follows:

(30 ILCS 105/5.663 new)

Sec. 5.663. The Sheet Metal Workers International Association of Illinois Fund.

Section 10. The Illinois Vehicle Code is amended by adding Section 3-664 as follows:

(625 ILCS 5/3-664 new)

Sec. 3-664. Sheet Metal Workers International Association license plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Sheet Metal Workers International Association license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany each application. The Secretary may allow the plates to be issued as vanity plates or personalized plates under Section 3-405.1 of this Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

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(c) An applicant for the special plate shall be charged a $25 fee for original issuance in addition to the appropriate registration fee. Of this fee, $10 shall be deposited into the Sheet Metal Workers International Association of Illinois Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $23 shall be deposited into the Sheet Metal Workers International Association of Illinois Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Sheet Metal Workers International Association of Illinois Fund is created as a special fund in the State treasury. All moneys in the Sheet Metal Workers International Association of Illinois Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, as grants for charitable purposes sponsored by Illinois local chapters of the Sheet Metal Workers International Association.

Effective January 1, 2008.

PUBLIC ACT 95-0532
(Senate Bill No. 0175)

AN ACT concerning public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Energy Assistance Act is amended by changing Section 4 as follows:

(305 ILCS 20/4) (from Ch. 111 2/3, par. 1404)
Sec. 4. Energy Assistance Program.
(a) The Department of Healthcare and Family Services Economic Opportunity is hereby authorized to institute a program to ensure the availability and affordability of heating and electric service to low income

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citizens. The Department shall implement the program by rule promulgated pursuant to The Illinois Administrative Procedure Act. The program shall be consistent with the purposes and objectives of this Act and with all other specific requirements provided herein. The Department may enter into such contracts and other agreements with local agencies as may be necessary for the purpose of administering the energy assistance program.

(b) Nothing in this Act shall be construed as altering or limiting the authority conferred on the Illinois Commerce Commission by the Public Utilities Act to regulate all aspects of the provision of public utility service, including but not limited to the authority to make rules and adjudicate disputes between utilities and customers related to eligibility for utility service, deposits, payment practices, discontinuance of service, and the treatment of arrearages owing for previously rendered utility service.

(c) The Department of Healthcare and Family Services is authorized to institute an outreach program directed at low-income minority heads of households and heads of households age 60 or older. The Department shall implement the program through rules adopted pursuant to the Illinois Administrative Procedure Act. The program shall be consistent with the purposes and objectives of this Act and with all other specific requirements set forth in this subsection (c).

(Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06; revised 8-3-06.)

Section 99. Effective date. This Act takes effect upon becoming law.

Section 5. The Illinois Insurance Code is amended by changing Section 143.17a as follows:

(215 ILCS 5/143.17a) (from Ch. 73, par. 755.17a)

Sec. 143.17a. Notice of intention not to renew.

(a) A company intending to nonrenew any policy of insurance to which Section 143.11 applies, except for those defined in subsections (a), (b), (c), and (h) of Section 143.13, must mail written notice to the named insured at least 60 days prior to the expiration date of the current policy. In all notices of intention not to renew any policy of insurance, as defined in Section 143.11, the company shall provide a specific explanation of the reasons for nonrenewal. A company may not extend the current policy period for purposes of providing notice of its intention not to renew required under this subsection (a).

(b) A company intending to renew any policy of insurance to which Section 143.11 applies, except for those defined in subsections (a), (b), (c), and (h) of Section 143.13, with an increase in premium of 30% or more or with changes in deductibles or coverage that materially alter the policy must mail or deliver to the named insured written notice of such increase or change in deductible or coverage at least 60 days prior to the renewal or anniversary date. If a company has failed to provide notice of intention to renew required under this subsection (b) at least 60 days prior to the renewal or anniversary date, but does so no less than 31 days prior to the

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renewal or anniversary date, the company may extend the current policy at the current terms and conditions for the period of time needed to equal the 60 day time period required to provide notice of intention to renew by this subsection (b). The increase in premium shall be the renewal premium based on the known exposure as of the date of the quotation compared to the premium as of the last day of coverage for the current year's policy, annualized. The premium on the renewal policy may be subsequently amended to reflect any change in exposure or reinsurance costs not considered in the quotation. b. This Section does not apply if the company has manifested its willingness to renew directly to the named insured.

Provided, however, that no company may increase the renewal premium on any policy of insurance to which Section 143.11 applies, except for those defined in subsections (a), (b), (c), and (h) of Section 143.13, by 30% or more, nor impose changes in deductibles or coverage that materially alter the policy, unless the company shall have mailed or delivered to the named insured written notice of such increase or change in deductible or coverage at least 60 days prior to the renewal or anniversary date. The increase in premium shall be the renewal premium based on the known exposure as of the date of the quotation compared to the premium as of the last day of coverage for the current year's policy, annualized. The premium on the renewal policy may be subsequently amended to reflect any change in exposure or reinsurance costs not considered in the quotation. An exact and unaltered copy of such notice shall also be sent to the insured's broker, if known, or the agent of record. If an insurer fails to provide the notice required by this subsection, then the company must extend the current policy under the same terms, conditions, and premium to allow 60 days notice of renewal and provide the actual renewal premium quotation and any change in coverage or deductible on the policy. Proof of mailing or proof of receipt may be proven by a sworn affidavit by the insurer as to the usual and customary business practices of mailing notice pursuant to this Section or may be proven consistent with Illinois Supreme Court Rule 236:

(c) A company that has failed to provide notice of intention to nonrenew under subsection (a) of this Section and has failed to provide
notice of intention to renew as prescribed under subsection (b) of this Section must renew the expiring policy under the same terms and conditions for an additional year or until the effective date of any similar insurance is procured by the insured, whichever is earlier. The company may increase the renewal premium. However, such increase must be less than 30% of the expiring term’s premium and notice of such increase must be delivered to the named insured on or before the date of expiration of the current policy period.

e. Should a company fail to comply with the non-renewal notice requirements of subsection a., the policy shall be extended for an additional year or until the effective date of any similar insurance procured by the insured; whichever is less, on the same terms and conditions as the policy sought to be terminated, unless the insurer has manifested its intention to renew at a different premium that represents an increase not exceeding 30%.

(d) Under subsection (a), the company shall maintain proof of mailing of the notice of intention not to renew to the named insured on one of the following forms: a recognized U.S. Post Office form or a form acceptable to the U.S. Post Office or other commercial mail delivery service. Under subsections (b) and (c), proof of mailing or proof of receipt of the notice of intention to renew to the named insured may be proven by a sworn affidavit by the company as to the usual and customary business practices of mailing notice pursuant to this Section or may be proven consistent with Illinois Supreme Court Rule 236. For all notice requirements under this Section, an exact and unaltered copy of the notice to the named insured shall also be sent to the named insured’s producer, if known, or the producer of record. For notices of intention to not renew, an exact and unaltered copy of the notice to the named insured shall also be sent to the mortgagee or lien holder at the last mailing address known by the company. d. Renewal of a policy does not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal.

(e) Renewal of a policy does not constitute a waiver or estoppel with respect to grounds for cancellation that existed before the effective date of such renewal. e. In all notices of intention not to renew any policy
of insurance, as defined in Section 143.11 the company shall provide a specific explanation of the reasons for nonrenewal.

(f) For purposes of this Section, the named insured's producer, if known, or the producer of record and the mortgagee or lien holder may opt to accept notification electronically. f. For purposes of this Section, the insured's broker, if known, or the agent of record and the mortgagee or lien holder may opt to accept notification electronically.

(Source: P.A. 93-477, eff. 8-8-03; 93-713, eff. 1-1-05.)

Passed in the General Assembly June 1, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0534
(Senate Bill No. 0489)

AN ACT concerning vehicles.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by adding Section 5.675 as follows:

(30 ILCS 105/5.675 new)

Sec. 5.675. The Support Our Troops Fund.

Section 10. The Illinois Vehicle Code is amended by adding Section 3-664 as follows:

(625 ILCS 5/3-664 new)

Sec. 3-664. Support Our Troops license plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Support Our Troops license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

New matter indicated by italics - deletions by strikeout
(b) The design and color of the special plates shall be wholly within the discretion of the Secretary, except that the emblem of the organization Illinois Support Our Troops, Inc., and its "Support Our Troops!" mark shall appear on the plate. The address of the organization's Internet website may appear on the plate, and the organization may alternate the mark to "Salute our Heroes!" in a manner that respects inventory. The field of the plate may be colored. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this fee, $25 shall be deposited into the Support Our Troops Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be deposited into the Support Our Troops Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Support Our Troops Fund is created as a special fund in the State treasury. All moneys in the Support Our Troops Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, as grants to Illinois Support Our Troops, Inc., a not-for-profit public purpose charity under Internal Revenue Code Section 501(c)(3), for charitable assistance to the troops and their families in accordance with its Articles of Incorporation.

Section 99. Effective date. This Act takes effect upon becoming law.


New matter indicated by italics - deletions by strikeout
AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Illinois Act on the Aging is amended by adding
Section 4.08 as follows:

(20 ILCS 105/4.08 new)

Sec. 4.08. Medication management program. Subject to
appropriation, the Department shall establish a program to assist persons
60 years of age or older in managing their medications. The Department
shall establish guidelines and standards for the program by rule.

Section 99. Effective date. This Act takes effect upon becoming
law.


AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Illinois Procurement Code is amended by changing
the heading of Article 15 and Section 15-25 and by
adding Section 15-30 as follows:

(30 ILCS 500/Art. 15 heading)

ARTICLE 15

PROCUREMENT INFORMATION BULLETIN

(30 ILCS 500/15-25)

New matter indicated by italics - deletions by strikeout
(a) Invitations for bids. Notice of each and every contract that is offered, including renegotiated contracts and change orders, shall be published in the Bulletin. The applicable chief procurement officer may provide by rule an organized format for the publication of this information, but in any case it must include at least the date first offered, the date submission of offers is due, the location that offers are to be submitted to, the purchasing State agency, the responsible State purchasing officer, a brief purchase description, the method of source selection, information of how to obtain a comprehensive purchase description and any disclosure and contract forms, and encouragement to prospective vendors to hire qualified veterans, as defined by Section 45-67 of this Code, and Illinois residents discharged from any Illinois adult correctional center.

(b) Contracts let or awarded. Notice of each and every contract that is let or awarded, including renegotiated contracts and change orders, shall be published in the next available subsequent Bulletin, and the applicable chief procurement officer may provide by rule an organized format for the publication of this information, but in any case it must include at least all of the information specified in subsection (a) as well as the name of the successful responsible bidder or offeror, the contract price, the number of unsuccessful responsive bidders, and any other disclosure specified in any Section of this Code. This notice must be posted in the online electronic Bulletin prior to execution of the contract.

(c) Emergency purchase disclosure. Any chief procurement officer, State purchasing officer, or designee exercising emergency purchase authority under this Code shall publish a written description and reasons and the total cost, if known, or an estimate if unknown and the name of the responsible chief procurement officer and State purchasing officer, and the business or person contracted with for all emergency purchases in the next timely, practicable Bulletin. This notice must be posted in the online electronic Bulletin within 3 business days after the execution of the contract.
(d) Other required disclosure. The applicable chief procurement officer shall provide by rule for the organized publication of all other disclosure required in other Sections of this Code in a timely manner.
(Source: P.A. 94-1067, eff. 8-1-06.)
(30 ILCS 500/15-30 new)
(a) The Procurement Policy Board shall maintain on its official website a searchable database containing all information required to be included in the Illinois Procurement Bulletin under subsections (b) and (c) of Section 15-25. The posting of procurement information on the website is subject to the same posting requirements as the online electronic Bulletin.
(b) For the purposes of this Section, searchable means searchable and sortable by successful responsible bidder or offeror or, for emergency purchases, business or person contracted with; the contract price or total cost; the service or good; the purchasing State agency; and the date first offered or announced.
(c) The Department of Central Management Services, the Capital Development Board, the Department of Transportation, and the higher education chief procurement officer shall provide the Procurement Policy Board the information and resources necessary, and in a manner, to effectuate the purpose of this Section.
Effective January 1, 2008.

PUBLIC ACT 95-0537
(Senate Bill No. 1354)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Property Tax Code is amended by changing Section 21-220 as follows:
(35 ILCS 200/21-220)

New matter indicated by italics - deletions by strikeout
Sec. 21-220. Letter of credit or bond in counties of 3,000,000 or more; registration in other counties. In counties with 3,000,000 or more inhabitants, no person shall make an offer to pay the amount due on any property and the collector shall not accept or acknowledge an offer from any person who has not deposited with the collector, not less than 10 days prior to making such offer, an irrevocable and unconditional letter of credit or such other unconditional bond payable to the order of the collector in an amount not less than 1.5 times the amount of any tax or special assessment due upon the property, provided that in no event shall the irrevocable and unconditional letter of credit or such other unconditional bond be in an amount less than $1,000. The collector may without notice draw upon the letter of credit or bond in the event payment of the amount due together with interest and costs thereon is not made forthwith by the person purchasing any property. At all times during the sale, any person making an offer or offers to pay the amount or amounts due on any properties shall maintain the letter of credit or bond with the collector in an amount not less than 1.5 times the amount due on the properties which he or she has purchased and for which he or she has not paid.

In counties with less than 3,000,000 inhabitants, unless the county board provides otherwise, no person shall be eligible to bid who did not register with the county collector at least 10 business days prior to the first day of sale authorized under Section 21-115. The registration must be accompanied by a deposit in an amount determined by the county collector, but not to exceed $250 in counties of less than 50,000 inhabitants or $500 in all other counties, which must be applied to the amount due on the properties that the registrant has purchased. If the registrant cannot participate in the tax sale, then he or she may notify the tax collector, no later than 5 business days prior to the sale, of the name of the substitute person who will participate in the sale in the registrant’s place, and an additional deposit is not required for any such substitute person. If the registrant does not attend the sale, then the deposit is forfeited to the Tax Sale Automation Fund established under Section 21-245. If the registrant does attend the sale and attempts, but fails, to

New matter indicated by italics - deletions by strikeout
purchas any parcels offered for sale, then the deposit must be refunded to
the registrant.
(Source: P.A. 92-640, eff. 7-11-02.)
Section 99. Effective date. This Act takes effect upon becoming
law.

PUBLIC ACT 95-0538
(Senate Bill No. 1360)

AN ACT concerning revenue.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Use Tax Act is amended by changing Section 3-5 as
follows:
(35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)
Sec. 3-5. Exemptions. Use of the following tangible personal
property is exempt from the tax imposed by this Act:
(1) Personal property purchased from a corporation, society,
association, foundation, institution, or organization, other than a limited
liability company, that is organized and operated as a not-for-profit service
enterprise for the benefit of persons 65 years of age or older if the personal
property was not purchased by the enterprise for the purpose of resale by
the enterprise.
(2) Personal property purchased by a not-for-profit Illinois county
fair association for use in conducting, operating, or promoting the county
fair.
(3) Personal property purchased by a not-for-profit arts or cultural
organization that establishes, by proof required by the Department by rule,
that it has received an exemption under Section 501(c)(3) of the Internal
Revenue Code and that is organized and operated primarily for the
presentation or support of arts or cultural programming, activities, or

New matter indicated by italics - deletions by strikeout
services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Personal property purchased by a governmental body, by a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or by a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active exemption identification number issued by the Department.

(5) Until July 1, 2003, a passenger car that is a replacement vehicle to the extent that the purchase price of the car is subject to the Replacement Vehicle Tax.

(6) Until July 1, 2003 and beginning again on September 1, 2004, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order, certified by the purchaser to be used primarily for graphic arts production, and including machinery and equipment purchased for lease. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(7) Farm chemicals.
(8) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(9) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(10) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(11) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (11). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers,
planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (11) is exempt from the provisions of Section 3-90.

(12) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(13) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages purchased at retail from a retailer, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(14) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(15) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for
photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(16) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(17) Until July 1, 2003, distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(18) Manufacturing and assembling machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether that sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether that sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(19) Personal property delivered to a purchaser or purchaser's donee inside Illinois when the purchase order for that personal property was received by a florist located outside Illinois who has a florist located inside Illinois deliver the personal property.

(20) Semen used for artificial insemination of livestock for direct agricultural production.

(21) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(22) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or
treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(23) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.
(24) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(25) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(26) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-90.

(27) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or

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technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(28) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-90.

(29) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-90.

(30) Beginning January 1, 2001 and through June 30, 2011, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

New matter indicated by italics - deletions by strikeout
(31) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(32) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act.
Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(33) On and after July 1, 2003 and through June 30, 2004, the use in this State of motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds and that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. Beginning on July 1, 2004 and through June 30, 2005, the use in this State of motor vehicles of the second division: (i) with a gross vehicle weight rating in excess of 8,000 pounds; (ii) that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code; and (iii) that are primarily used for commercial purposes. Through June 30, 2005, this exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act. For purposes of this paragraph, the term "used for commercial purposes" means the transportation of persons or property in furtherance of any commercial or industrial enterprise, whether for-hire or not.

(34) Beginning January 1, 2008, tangible personal property used in the construction or maintenance of a community water supply, as defined under Section 3.145 of the Environmental Protection Act, that is operated by a not-for-profit corporation that holds a valid water supply permit issued under Title IV of the Environmental Protection Act. This paragraph is exempt from the provisions of Section 3-90.

(Source: P.A. 93-23, eff. 6-20-03; 93-24, eff. 6-20-03; 93-840, eff. 7-30-04; 93-1033, eff. 9-3-04; 94-1002, eff. 7-3-06.)

Section 10. The Service Use Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 110/3-5) (from Ch. 120, par. 439.33-5)
Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a non-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Until July 1, 2003 and beginning again on September 1, 2004, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.
(6) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-75.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or

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storage in the conduct of its business as an air common carrier, for a flight
destined for or returning from a location or locations outside the United
States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on
customers’ bills for the purchase and consumption of food and beverages
acquired as an incident to the purchase of a service from a serviceman, to
the extent that the proceeds of the service charge are in fact turned over as
tips or as a substitute for tips to the employees who participate directly in
preparing, serving, hosting or cleaning up the food or beverage function
with respect to which the service charge is imposed.

(10) Until July 1, 2003, oil field exploration, drilling, and
production equipment, including (i) rigs and parts of rigs, rotary rigs, cable
tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing
and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and
flow lines, (v) any individual replacement part for oil field exploration,
drilling, and production equipment, and (vi) machinery and equipment
purchased for lease; but excluding motor vehicles required to be registered
under the Illinois Vehicle Code.

(11) Proceeds from the sale of photoprocessing machinery and
equipment, including repair and replacement parts, both new and used,
including that manufactured on special order, certified by the purchaser to
be used primarily for photoprocessing, and including photoprocessing
machinery and equipment purchased for lease.

(12) Until July 1, 2003, coal exploration, mining, offhighway
hauling, processing, maintenance, and reclamation equipment, including
replacement parts and equipment, and including equipment purchased for
lease, but excluding motor vehicles required to be registered under the

(13) Semen used for artificial insemination of livestock for direct
agricultural production.

(14) Horses, or interests in horses, registered with and meeting the
requirements of any of the Arabian Horse Club Registry of America,
Appaloosa Horse Club, American Quarter Horse Association, United

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States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(15) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(16) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects

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any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(17) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(19) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-75.

(20) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all

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tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(21) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-75.

(22) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-75.

(23) Beginning August 23, 2001 and through June 30, 2011, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine
testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(24) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

(25) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act.
Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

(26) Beginning January 1, 2008, tangible personal property used in the construction or maintenance of a community water supply, as defined under Section 3.145 of the Environmental Protection Act, that is operated by a not-for-profit corporation that holds a valid water supply permit issued under Title IV of the Environmental Protection Act. This paragraph is exempt from the provisions of Section 3-75.

(Source: P.A. 93-24, eff. 6-20-03; 93-840, eff. 7-30-04; 94-1002, eff. 7-3-06.)

Section 15. The Service Occupation Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 115/3-5) (from Ch. 120, par. 439.103-5)
Sec. 3-5. Exemptions. The following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by any not-for-profit arts or cultural organization that establishes, by proof required by the Department

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by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Until July 1, 2003 and beginning again on September 1, 2004, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses

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or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-55.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and

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flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Beginning January 1, 1992 and through June 30, 2011, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(14) Semen used for artificial insemination of livestock for direct agricultural production.

(15) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(16) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the

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purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(17) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(19) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(20) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-55.

(21) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined

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by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(22) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-55.

(23) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-55.
(24) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(25) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(26) Beginning on January 1, 2002 and through June 30, 2011, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (26). The permit issued under this paragraph (26) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and

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consumption of all such tangible personal property outside of the State of Illinois.

(27) Beginning January 1, 2008, tangible personal property used in the construction or maintenance of a community water supply, as defined under Section 3.145 of the Environmental Protection Act, that is operated by a not-for-profit corporation that holds a valid water supply permit issued under Title IV of the Environmental Protection Act. This paragraph is exempt from the provisions of Section 3-55.
(Source: P.A. 93-24, eff. 6-20-03; 93-840, eff. 7-30-04; 94-1002, eff. 7-3-06.)

Section 20. The Retailers' Occupation Tax Act is amended by changing Section 2-5 as follows:
(35 ILCS 120/2-5) (from Ch. 120, par. 441-5)
Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:
(1) Farm chemicals.
(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

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Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 2-70.

(3) Until July 1, 2003, distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) Until July 1, 2003 and beginning again September 1, 2004, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(5) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

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(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Until July 1, 2003, proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption

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under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Tangible personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(12-5) On and after July 1, 2003 and through June 30, 2004, motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. Beginning on July 1, 2004 and through June 30, 2005, the use in this State of motor vehicles of the second division: (i) with a gross vehicle weight rating in excess of 8,000 pounds; (ii) that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code; and (iii) that are primarily used for commercial purposes. Through June 30, 2005, this exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act. For purposes of this paragraph, "used for commercial purposes" means the transportation of persons or property in furtherance of any commercial or industrial enterprise whether for-hire or not.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

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(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

(17) Tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(19) Until July 1 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment

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purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(21) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(22) Fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) Except as provided in item (25-5) of this Section, a motor vehicle sold in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a drive-away permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the drive-away permit or having the out-of-state registration plates to be

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transferred is prima facie evidence that the motor vehicle will not be titled in this State.

(25-5) The exemption under item (25) does not apply if the state in which the motor vehicle will be titled does not allow a reciprocal exemption for a motor vehicle sold and delivered in that state to an Illinois resident but titled in Illinois. The tax collected under this Act on the sale of a motor vehicle in this State to a resident of another state that does not allow a reciprocal exemption shall be imposed at a rate equal to the state's rate of tax on taxable property in the state in which the purchaser is a resident, except that the tax shall not exceed the tax that would otherwise be imposed under this Act. At the time of the sale, the purchaser shall execute a statement, signed under penalty of perjury, of his or her intent to title the motor vehicle in the state in which the purchaser is a resident within 30 days after the sale and of the fact of the payment to the State of Illinois of tax in an amount equivalent to the state's rate of tax on taxable property in his or her state of residence and shall submit the statement to the appropriate tax collection agency in his or her state of residence. In addition, the retailer must retain a signed copy of the statement in his or her records. Nothing in this item shall be construed to require the removal of the vehicle from this state following the filing of an intent to title the vehicle in the purchaser's state of residence if the purchaser titles the vehicle in his or her state of residence within 30 days after the date of sale. The tax collected under this Act in accordance with this item (25-5) shall be proportionately distributed as if the tax were collected at the 6.25% general rate imposed under this Act.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or

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treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 2-70.

(33) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability
company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 2-70.

(35) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 2-70.

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(35-5) Beginning August 23, 2001 and through June 30, 2011, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(36) Beginning August 2, 2001, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(37) Beginning August 2, 2001, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(38) Beginning on January 1, 2002 and through June 30, 2011, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in
good standing with the Department who is eligible for the exemption under this paragraph (38). The permit issued under this paragraph (38) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(39) Beginning January 1, 2008, tangible personal property used in the construction or maintenance of a community water supply, as defined under Section 3.145 of the Environmental Protection Act, that is operated by a not-for-profit corporation that holds a valid water supply permit issued under Title IV of the Environmental Protection Act. This paragraph is exempt from the provisions of Section 2-70.
(Source: P.A. 93-23, eff. 6-20-03; 93-24, eff. 6-20-03; 93-840, eff. 7-30-04; 93-1033, eff. 9-3-04; 93-1068, eff. 1-15-05; 94-1002, eff. 7-3-06.)
Effective January 1, 2008.

PUBLIC ACT 95-0539
(Senate Bill No. 1391)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Unified Code of Corrections is amended by changing Section 3-3-7 as follows:
(730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)
Sec. 3-3-7. Conditions of Parole or Mandatory Supervised Release.
(a) The conditions of parole or mandatory supervised release shall be such as the Prisoner Review Board deems necessary to assist the subject in leading a law-abiding life. The conditions of every parole and mandatory supervised release are that the subject:

New matter indicated by italics - deletions by strikeout
(1) not violate any criminal statute of any jurisdiction during the parole or release term;

(2) refrain from possessing a firearm or other dangerous weapon;

(3) report to an agent of the Department of Corrections;

(4) permit the agent to visit him or her at his or her home, employment, or elsewhere to the extent necessary for the agent to discharge his or her duties;

(5) attend or reside in a facility established for the instruction or residence of persons on parole or mandatory supervised release;

(6) secure permission before visiting or writing a committed person in an Illinois Department of Corrections facility;

(7) report all arrests to an agent of the Department of Corrections as soon as permitted by the arresting authority but in no event later than 24 hours after release from custody;

(7.5) if convicted of a sex offense as defined in the Sex Offender Management Board Act, the individual shall undergo and successfully complete sex offender treatment conducted in conformance with the standards developed by the Sex Offender Management Board Act by a treatment provider approved by the Board;

(7.6) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense; the provisions of this paragraph do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders, or is in any facility operated or licensed by the Department of Children and Family Services or by the Department of Human Services, or is in any licensed medical facility;

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(7.7) if convicted for an offense that would qualify the accused as a sexual predator under the Sex Offender Registration Act on or after the effective date of this amendatory Act of the 94th General Assembly, wear an approved electronic monitoring device as defined in Section 5-8A-2 for the duration of the person's parole, mandatory supervised release term, or extended mandatory supervised release term, provided funding is appropriated by the General Assembly;

(8) obtain permission of an agent of the Department of Corrections before leaving the State of Illinois;

(9) obtain permission of an agent of the Department of Corrections before changing his or her residence or employment;

(10) consent to a search of his or her person, property, or residence under his or her control;

(11) refrain from the use or possession of narcotics or other controlled substances in any form, or both, or any paraphernalia related to those substances and submit to a urinalysis test as instructed by a parole agent of the Department of Corrections;

(12) not frequent places where controlled substances are illegally sold, used, distributed, or administered;

(13) not knowingly associate with other persons on parole or mandatory supervised release without prior written permission of his or her parole agent and not associate with persons who are members of an organized gang as that term is defined in the Illinois Streetgang Terrorism Omnibus Prevention Act;

(14) provide true and accurate information, as it relates to his or her adjustment in the community while on parole or mandatory supervised release or to his or her conduct while incarcerated, in response to inquiries by his or her parole agent or of the Department of Corrections;

(15) follow any specific instructions provided by the parole agent that are consistent with furthering conditions set and approved by the Prisoner Review Board or by law, exclusive of placement on electronic detention, to achieve the goals and

New matter indicated by italics - deletions by strikeout
objectives of his or her parole or mandatory supervised release or to protect the public. These instructions by the parole agent may be modified at any time, as the agent deems appropriate; and

(16) if convicted of a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter.

(b) The Board may in addition to other conditions require that the subject:

(1) work or pursue a course of study or vocational training;
(2) undergo medical or psychiatric treatment, or treatment for drug addiction or alcoholism;
(3) attend or reside in a facility established for the instruction or residence of persons on probation or parole;
(4) support his dependents;
(5) (blank);
(6) (blank);
(7) comply with the terms and conditions of an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986, enacted by the 84th General Assembly, or an order of protection issued by the court of another state, tribe, or United States territory; and
(8) in addition, if a minor:
   (i) reside with his parents or in a foster home;
   (ii) attend school;
   (iii) attend a non-residential program for youth; or
   (iv) contribute to his own support at home or in a foster home.

New matter indicated by italics - deletions by strikeout
(b-1) In addition to the conditions set forth in subsections (a) and (b), persons required to register as sex offenders pursuant to the Sex Offender Registration Act, upon release from the custody of the Illinois Department of Corrections, may be required by the Board to comply with the following specific conditions of release:

1. reside only at a Department approved location;
2. comply with all requirements of the Sex Offender Registration Act;
3. notify third parties of the risks that may be occasioned by his or her criminal record;
4. obtain the approval of an agent of the Department of Corrections prior to accepting employment or pursuing a course of study or vocational training and notify the Department prior to any change in employment, study, or training;
5. not be employed or participate in any volunteer activity that involves contact with children, except under circumstances approved in advance and in writing by an agent of the Department of Corrections;
6. be electronically monitored for a minimum of 12 months from the date of release as determined by the Board;
7. refrain from entering into a designated geographic area except upon terms approved in advance by an agent of the Department of Corrections. The terms may include consideration of the purpose of the entry, the time of day, and others accompanying the person;
8. refrain from having any contact, including written or oral communications, directly or indirectly, personally or by telephone, letter, or through a third party with certain specified persons including, but not limited to, the victim or the victim's family without the prior written approval of an agent of the Department of Corrections;
9. refrain from all contact, directly or indirectly, personally, by telephone, letter, or through a third party, with minor

New matter indicated by italics - deletions by strikeout
children without prior identification and approval of an agent of the Department of Corrections;

(10) neither possess or have under his or her control any material that is sexually oriented, sexually stimulating, or that shows male or female sex organs or any pictures depicting children under 18 years of age nude or any written or audio material describing sexual intercourse or that depicts or alludes to sexual activity, including but not limited to visual, auditory, telephonic, or electronic media, or any matter obtained through access to any computer or material linked to computer access use;

(11) not patronize any business providing sexually stimulating or sexually oriented entertainment nor utilize "900" or adult telephone numbers;

(12) not reside near, visit, or be in or about parks, schools, day care centers, swimming pools, beaches, theaters, or any other places where minor children congregate without advance approval of an agent of the Department of Corrections and immediately report any incidental contact with minor children to the Department;

(13) not possess or have under his or her control certain specified items of contraband related to the incidence of sexually offending as determined by an agent of the Department of Corrections;

(14) may be required to provide a written daily log of activities if directed by an agent of the Department of Corrections;

(15) comply with all other special conditions that the Department may impose that restrict the person from high-risk situations and limit access to potential victims.

(c) The conditions under which the parole or mandatory supervised release is to be served shall be communicated to the person in writing prior to his release, and he shall sign the same before release. A signed copy of these conditions, including a copy of an order of protection where one had been issued by the criminal court, shall be retained by the person and another copy forwarded to the officer in charge of his supervision.

New matter indicated by italics - deletions by strikeout
(d) After a hearing under Section 3-3-9, the Prisoner Review Board may modify or enlarge the conditions of parole or mandatory supervised release.

(e) The Department shall inform all offenders committed to the Department of the optional services available to them upon release and shall assist inmates in availing themselves of such optional services upon their release on a voluntary basis.

(f) When the subject is in compliance with all conditions of his or her parole or mandatory supervised release, the subject shall receive a reduction of the period of his or her parole or mandatory supervised release of 90 days upon passage of the high school level Test of General Educational Development during the period of his or her parole or mandatory supervised release. This reduction in the period of a subject's term of parole or mandatory supervised release shall be available only to subjects who have not previously earned a high school diploma or who have not previously passed the high school level Test of General Educational Development.

(Source: P.A. 93-616, eff. 1-1-04; 93-865, eff. 1-1-05; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; 94-988, eff. 1-1-07.)

Effective January 1, 2008.

PUBLIC ACT 95-0540
(Senate Bill No. 1438)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 6-115 as follows:

(625 ILCS 5/6-115) (from Ch. 95 1/2, par. 6-115)
Sec. 6-115. Expiration of driver's license.

New matter indicated by italics - deletions by strikeout
(a) Except as provided elsewhere in this Section, every driver's license issued under the provisions of this Code shall expire 4 years from the date of its issuance, or at such later date, as the Secretary of State may by proper rule and regulation designate, not to exceed 12 calendar months; in the event that an applicant for renewal of a driver's license fails to apply prior to the expiration date of the previous driver's license, the renewal driver's license shall expire 4 years from the expiration date of the previous driver's license, or at such later date as the Secretary of State may by proper rule and regulation designate, not to exceed 12 calendar months.

The Secretary of State may, however, issue to a person not previously licensed as a driver in Illinois a driver's license which will expire not less than 4 years nor more than 5 years from date of issuance, except as provided elsewhere in this Section.

The Secretary of State is authorized to issue driver's licenses during the years 1984 through 1987 which shall expire not less than 3 years nor more than 5 years from the date of issuance, except as provided elsewhere in this Section, for the purpose of converting all driver's licenses issued under this Code to a 4 year expiration. Provided that all original driver's licenses, except as provided elsewhere in this Section, shall expire not less than 4 years nor more than 5 years from the date of issuance.

(b) Before the expiration of a driver's license, except those licenses expiring on the individual's 21st birthday, or 3 months after the individual's 21st birthday, the holder thereof may apply for a renewal thereof, subject to all the provisions of Section 6-103, and the Secretary of State may require an examination of the applicant. A licensee whose driver's license expires on his 21st birthday, or 3 months after his 21st birthday, may not apply for a renewal of his driving privileges until he reaches the age of 21.

(c) The Secretary of State shall, 30 days prior to the expiration of a driver's license, forward to each person whose license is to expire a notification of the expiration of said license which may be presented at the time of renewal of said license.

There may be included with such notification information explaining the anatomical gift and Emergency Medical Information Card
provisions of Section 6-110. The format and text of such information shall be prescribed by the Secretary.

There shall be included with such notification, for a period of 4 years beginning January 1, 2000 information regarding the Illinois Adoption Registry and Medical Information Exchange established in Section 18.1 of the Adoption Act.

(d) The Secretary may defer the expiration of the driver's license of a licensee, spouse, and dependent children who are living with such licensee while on active duty, serving in the Armed Forces of the United States outside of the State of Illinois, and 90 days thereafter, upon such terms and conditions as the Secretary may prescribe.

(e) The Secretary of State may decline to process a renewal of a driver's license of any person who has not paid any fee or tax due under this Code and is not paid upon reasonable notice and demand.

(f) The Secretary shall provide that each original or renewal driver's license issued to a licensee under 21 years of age shall expire 3 months after the licensee's 21st birthday. Persons whose current driver's licenses expire on their 21st birthday on or after January 1, 1986 shall not renew their driver's license before their 21st birthday, and their current driver's license will be extended for an additional term of 3 months beyond their 21st birthday. Thereafter, the expiration and term of the driver's license shall be governed by subsection (a) hereof.

(g) The Secretary shall provide that each original or renewal driver's license issued to a licensee 81 years of age through age 86 shall expire 2 years from the date of issuance, or at such later date as the Secretary may by rule and regulation designate, not to exceed an additional 12 calendar months. The Secretary shall also provide that each original or renewal driver's license issued to a licensee 87 years of age or older shall expire 12 months from the date of issuance, or at such later date as the Secretary may by rule and regulation designate, not to exceed an additional 12 calendar months.

(h) The Secretary of State shall provide that each special restricted driver's license issued under subsection (g) of Section 6-113 of this Code...
shall expire 12 months from the date of issuance. The Secretary shall adopt rules defining renewal requirements.

(i) The Secretary of State shall provide that each driver's license issued to a person convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act shall expire 12 months from the date of issuance or at such date as the Secretary may by rule designate, not to exceed an additional 12 calendar months. The Secretary may adopt rules defining renewal requirements.
(Source: P.A. 94-993, eff. 1-1-07.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0541
(Senate Bill No. 1467)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Civil Rights Act of 2003 is amended by changing Section 5 as follows:

(740 ILCS 23/5)
Sec. 5. Discrimination prohibited.
(a) No unit of State, county, or local government in Illinois shall:

(1) exclude a person from participation in, deny a person the benefits of, or subject a person to discrimination under any program or activity on the grounds of that person's race, color, or national origin, or gender; or

(2) utilize criteria or methods of administration that have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or gender.

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(b) Any party aggrieved by conduct that violates subsection (a) may bring a civil lawsuit, in a federal district court or State circuit court, against the offending unit of government. Any State claim brought in federal district court shall be a supplemental claim to a federal claim. This lawsuit must be brought not later than 2 years after the violation of subsection (a). If the court finds that a violation of paragraph (1) or (2) of subsection (a) has occurred, the court may award to the plaintiff actual damages. The court, as it deems appropriate, may grant as relief any permanent or preliminary negative or mandatory injunction, temporary restraining order, or other order.

(c) Upon motion, a court shall award reasonable attorneys' fees and costs, including expert witness fees and other litigation expenses, to a plaintiff who is a prevailing party in any action brought:

  (1) pursuant to subsection (b); or
  (2) to enforce a right arising under the Illinois Constitution.

In awarding reasonable attorneys' fees, the court shall consider the degree to which the relief obtained relates to the relief sought.

(d) For the purpose of this Act, the term "prevailing party" includes any party:

  (1) who obtains some of his or her requested relief through a judicial judgment in his or her favor;
  (2) who obtains some of his or her requested relief through any settlement agreement approved by the court; or
  (3) whose pursuit of a non-frivolous claim was a catalyst for a unilateral change in position by the opposing party relative to the relief sought.

(Source: P.A. 93-425, eff. 1-1-04; 93-750, eff. 1-1-05.)

Effective January 1, 2008.
AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by adding Sections 3-664 and 3-665 as follows:

(625 ILCS 5/3-664 new)
Sec. 3-664. Iraq Campaign license plates.
(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Iraq Campaign license plates to residents of Illinois who have earned the Iraq Campaign Medal from the United States Armed Forces. The special Iraq Campaign plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall, in his or her discretion, approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $15 fee for original issuance in addition to the applicable registration fee. This additional fee shall be deposited into the Secretary of State Special License Plate Fund.

(625 ILCS 5/3-665 new)
Sec. 3-665. Afghanistan Campaign license plates.

New matter indicated by italics - deletions by strikeout
(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Afghanistan Campaign license plates to residents of Illinois who have earned the Afghanistan Campaign Medal from the United States Armed Forces. The special Afghanistan Campaign plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall, in his or her discretion, approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a $15 fee for original issuance in addition to the applicable registration fee. This additional fee shall be deposited into the Secretary of State Special License Plate Fund.

Section 99. Effective date. This Act takes effect upon becoming law.

Section 5. The Illinois Health Facilities Planning Act is amended by changing Sections 3 and 14.1 as follows:

(20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)
(Section scheduled to be repealed on April 1, 2007)

Sec. 3. Definitions. As used in this Act:
"Health care facilities" means and includes the following facilities and organizations:

1. An ambulatory surgical treatment center required to be licensed pursuant to the Ambulatory Surgical Treatment Center Act;

2. An institution, place, building, or agency required to be licensed pursuant to the Hospital Licensing Act;

3. Skilled and intermediate long term care facilities licensed under the Nursing Home Care Act;

4. Hospitals, nursing homes, ambulatory surgical treatment centers, or kidney disease treatment centers maintained by the State or any department or agency thereof;

5. Kidney disease treatment centers, including a free-standing hemodialysis unit required to be licensed under the End Stage Renal Disease Facility Act; and

6. An institution, place, building, or room used for the performance of outpatient surgical procedures that is leased, owned, or operated by or on behalf of an out-of-state facility.

No federally owned facility shall be subject to the provisions of this Act, nor facilities used solely for healing by prayer or spiritual means.

No facility licensed under the Supportive Residences Licensing Act or the Assisted Living and Shared Housing Act shall be subject to the provisions of this Act.

A facility designated as a supportive living facility that is in good standing with the program established under Section 5-5.01a of the Illinois Public Aid Code shall not be subject to the provisions of this Act.

New matter indicated by italics - deletions by strikeout
This Act does not apply to facilities granted waivers under Section 3-102.2 of the Nursing Home Care Act. However, if a demonstration project under that Act applies for a certificate of need to convert to a nursing facility, it shall meet the licensure and certificate of need requirements in effect as of the date of application.

This Act does not apply to a dialysis facility that provides only dialysis training, support, and related services to individuals with end stage renal disease who have elected to receive home dialysis. This Act does not apply to a dialysis unit located in a licensed nursing home that offers or provides dialysis-related services to residents with end stage renal disease who have elected to receive home dialysis within the nursing home. The Board, however, may require these dialysis facilities and licensed nursing homes to report statistical information on a quarterly basis to the Board to be used by the Board to conduct analyses on the need for proposed kidney disease treatment centers.

This Act shall not apply to the closure of an entity or a portion of an entity licensed under the Nursing Home Care Act, with the exceptions of facilities operated by a county or Illinois Veterans Homes, that elects to convert, in whole or in part, to an assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act.

This Act does not apply to any change of ownership of a healthcare facility that is licensed under the Nursing Home Care Act, with the exceptions of facilities operated by a county or Illinois Veterans Homes. Changes of ownership of facilities licensed under the Nursing Home Care Act must meet the requirements set forth in Sections 3-101 through 3-119 of the Nursing Home Care Act.

With the exception of those health care facilities specifically included in this Section, nothing in this Act shall be intended to include facilities operated as a part of the practice of a physician or other licensed health care professional, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional group. Further, this Act shall not apply to physicians or other licensed health care professional's practices where such practices are carried out in a portion of

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a health care facility under contract with such health care facility by a physician or by other licensed health care professionals, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional groups. This Act shall apply to construction or modification and to establishment by such health care facility of such contracted portion which is subject to facility licensing requirements, irrespective of the party responsible for such action or attendant financial obligation.

"Person" means any one or more natural persons, legal entities, governmental bodies other than federal, or any combination thereof.

"Consumer" means any person other than a person (a) whose major occupation currently involves or whose official capacity within the last 12 months has involved the providing, administering or financing of any type of health care facility, (b) who is engaged in health research or the teaching of health, (c) who has a material financial interest in any activity which involves the providing, administering or financing of any type of health care facility, or (d) who is or ever has been a member of the immediate family of the person defined by (a), (b), or (c).

"State Board" means the Health Facilities Planning Board.

"Construction or modification" means the establishment, erection, building, alteration, reconstruction, modernization, improvement, extension, discontinuation, change of ownership, of or by a health care facility, or the purchase or acquisition by or through a health care facility of equipment or service for diagnostic or therapeutic purposes or for facility administration or operation, or any capital expenditure made by or on behalf of a health care facility which exceeds the capital expenditure minimum; however, any capital expenditure made by or on behalf of a health care facility for (i) the construction or modification of a facility licensed under the Assisted Living and Shared Housing Act or (ii) a conversion project undertaken in accordance with Section 30 of the Older Adult Services Act shall be excluded from any obligations under this Act.

"Establish" means the construction of a health care facility or the replacement of an existing facility on another site.
"Major medical equipment" means medical equipment which is used for the provision of medical and other health services and which costs in excess of the capital expenditure minimum, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of Section 1861(s) of such Act. In determining whether medical equipment has a value in excess of the capital expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included.

"Capital Expenditure" means an expenditure: (A) made by or on behalf of a health care facility (as such a facility is defined in this Act); and (B) which under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part; and which exceeds the capital expenditure minimum.

For the purpose of this paragraph, the cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall be included in determining if such expenditure exceeds the capital expenditures minimum. Donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to review under this Act shall be considered capital expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure for purposes of this Act if a transfer of the equipment or facilities at fair market value would be subject to review.

"Capital expenditure minimum" means $6,000,000, which shall be annually adjusted to reflect the increase in construction costs due to inflation, for major medical equipment and for all other capital expenditures; provided, however, that when a capital expenditure is for the

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construction or modification of a health and fitness center, "capital expenditure minimum" means the capital expenditure minimum for all other capital expenditures in effect on March 1, 2000, which shall be annually adjusted to reflect the increase in construction costs due to inflation.

"Non-clinical service area" means an area (i) for the benefit of the patients, visitors, staff, or employees of a health care facility and (ii) not directly related to the diagnosis, treatment, or rehabilitation of persons receiving services from the health care facility. "Non-clinical service areas" include, but are not limited to, chapels; gift shops; news stands; computer systems; tunnels, walkways, and elevators; telephone systems; projects to comply with life safety codes; educational facilities; student housing; patient, employee, staff, and visitor dining areas; administration and volunteer offices; modernization of structural components (such as roof replacement and masonry work); boiler repair or replacement; vehicle maintenance and storage facilities; parking facilities; mechanical systems for heating, ventilation, and air conditioning; loading docks; and repair or replacement of carpeting, tile, wall coverings, window coverings or treatments, or furniture. Solely for the purpose of this definition, "non-clinical service area" does not include health and fitness centers.

"Areawide" means a major area of the State delineated on a geographic, demographic, and functional basis for health planning and for health service and having within it one or more local areas for health planning and health service. The term "region", as contrasted with the term "subregion", and the word "area" may be used synonymously with the term "areawide".

"Local" means a subarea of a delineated major area that on a geographic, demographic, and functional basis may be considered to be part of such major area. The term "subregion" may be used synonymously with the term "local".

"Areawide health planning organization" or "Comprehensive health planning organization" means the health systems agency designated by the Secretary, Department of Health and Human Services or any successor agency.

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"Local health planning organization" means those local health planning organizations that are designated as such by the areawide health planning organization of the appropriate area.

"Physician" means a person licensed to practice in accordance with the Medical Practice Act of 1987, as amended.

"Licensed health care professional" means a person licensed to practice a health profession under pertinent licensing statutes of the State of Illinois.

"Director" means the Director of the Illinois Department of Public Health.

"Agency" means the Illinois Department of Public Health.

"Comprehensive health planning" means health planning concerned with the total population and all health and associated problems that affect the well-being of people and that encompasses health services, health manpower, and health facilities; and the coordination among these and with those social, economic, and environmental factors that affect health.

"Alternative health care model" means a facility or program authorized under the Alternative Health Care Delivery Act.

"Out-of-state facility" means a person that is both (i) licensed as a hospital or as an ambulatory surgery center under the laws of another state or that qualifies as a hospital or an ambulatory surgery center under regulations adopted pursuant to the Social Security Act and (ii) not licensed under the Ambulatory Surgical Treatment Center Act, the Hospital Licensing Act, or the Nursing Home Care Act. Affiliates of out-of-state facilities shall be considered out-of-state facilities. Affiliates of Illinois licensed health care facilities 100% owned by an Illinois licensed health care facility, its parent, or Illinois physicians licensed to practice medicine in all its branches shall not be considered out-of-state facilities. Nothing in this definition shall be construed to include an office or any part of an office of a physician licensed to practice medicine in all its branches in Illinois that is not required to be licensed under the Ambulatory Surgical Treatment Center Act.

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"Change of ownership of a health care facility" means a change in the person who has ownership or control of a health care facility's physical plant and capital assets. A change in ownership is indicated by the following transactions: sale, transfer, acquisition, lease, change of sponsorship, or other means of transferring control.

"Related person" means any person that: (i) is at least 50% owned, directly or indirectly, by either the health care facility or a person owning, directly or indirectly, at least 50% of the health care facility; or (ii) owns, directly or indirectly, at least 50% of the health care facility.

"Charity care" means care provided by a health care facility for which the provider does not expect to receive payment from the patient or a third-party payer.

(Source: P.A. 93-41, eff. 6-27-03; 93-766, eff. 7-20-04; 93-935, eff. 1-1-05; 93-1031, eff. 8-27-04; 94-342, eff. 7-26-05; revised 8-21-06.)

(20 ILCS 3960/14.1)

(Section scheduled to be repealed on April 1, 2007)

Sec. 14.1. Denial of permit; other sanctions.

(a) The State Board may deny an application for a permit or may revoke or take other action as permitted by this Act with regard to a permit as the State Board deems appropriate, including the imposition of fines as set forth in this Section, for any one or a combination of the following:

(1) The acquisition of major medical equipment without a permit or in violation of the terms of a permit.

(2) The establishment, construction, or modification of a health care facility without a permit or in violation of the terms of a permit.

(3) The violation of any provision of this Act or any rule adopted under this Act.

(4) The failure, by any person subject to this Act, to provide information requested by the State Board or Agency within 30 days after a formal written request for the information.

(5) The failure to pay any fine imposed under this Section within 30 days of its imposition.

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(a-5) For facilities licensed under the Nursing Home Care Act, no permit shall be denied on the basis of prior operator history, other than for actions specified under item (2), (4), or (5) of Section 3-117 of the Nursing Home Care Act.

(b) Persons shall be subject to fines as follows:

(1) A permit holder who fails to comply with the requirements of maintaining a valid permit shall be fined an amount not to exceed 1% of the approved permit amount plus an additional 1% of the approved permit amount for each 30-day period, or fraction thereof, that the violation continues.

(2) A permit holder who alters the scope of an approved project or whose project costs exceed the allowable permit amount without first obtaining approval from the State Board shall be fined an amount not to exceed the sum of (i) the lesser of $25,000 or 2% of the approved permit amount and (ii) in those cases where the approved permit amount is exceeded by more than $1,000,000, an additional $20,000 for each $1,000,000, or fraction thereof, in excess of the approved permit amount.

(3) A person who acquires major medical equipment or who establishes a category of service without first obtaining a permit or exemption, as the case may be, shall be fined an amount not to exceed $10,000 for each such acquisition or category of service established plus an additional $10,000 for each 30-day period, or fraction thereof, that the violation continues.

(4) A person who constructs, modifies, or establishes a health care facility without first obtaining a permit shall be fined an amount not to exceed $25,000 plus an additional $25,000 for each 30-day period, or fraction thereof, that the violation continues.

(5) A person who discontinues a health care facility or a category of service without first obtaining a permit shall be fined an amount not to exceed $10,000 plus an additional $10,000 for each 30-day period, or fraction thereof, that the violation continues. For purposes of this subparagraph (5), facilities licensed under the Nursing Home Care Act, with the exceptions of facilities operated
by a county or Illinois Veterans Homes, are exempt from this permit requirement. However, facilities licensed under the Nursing Home Care Act must comply with Section 3-423 of that Act and must provide the Board with 30-days' written notice of its intent to close.

(6) A person subject to this Act who fails to provide information requested by the State Board or Agency within 30 days of a formal written request shall be fined an amount not to exceed $1,000 plus an additional $1,000 for each 30-day period, or fraction thereof, that the information is not received by the State Board or Agency.

(c) Before imposing any fine authorized under this Section, the State Board shall afford the person or permit holder, as the case may be, an appearance before the State Board and an opportunity for a hearing before a hearing officer appointed by the State Board. The hearing shall be conducted in accordance with Section 10.

(d) All fines collected under this Act shall be transmitted to the State Treasurer, who shall deposit them into the Illinois Health Facilities Planning Fund.

(Source: P.A. 88-18.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly June 1, 2007.

PUBLIC ACT 95-0544
(House Bill No. 3091)

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Section 8-11-6a and by adding Section 8-11-6c as follows:

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(65 ILCS 5/8-11-6a) (from Ch. 24, par. 8-11-6a)

Sec. 8-11-6a. Home rule municipalities; preemption of certain taxes. Except as provided in Sections 8-11-1, 8-11-5, 8-11-6, 8-11-6b, 8-11-6c, and 11-74.3-6 on and after September 1, 1990, no home rule municipality has the authority to impose, pursuant to its home rule authority, a retailer's occupation tax, service occupation tax, use tax, sales tax or other tax on the use, sale or purchase of tangible personal property based on the gross receipts from such sales or the selling or purchase price of said tangible personal property. Notwithstanding the foregoing, this Section does not preempt any home rule imposed tax such as the following: (1) a tax on alcoholic beverages, whether based on gross receipts, volume sold or any other measurement; (2) a tax based on the number of units of cigarettes or tobacco products (provided, however, that a home rule municipality that has not imposed a tax based on the number of units of cigarettes or tobacco products before July 1, 1993, shall not impose such a tax after that date); (3) a tax, however measured, based on the use of a hotel or motel room or similar facility; (4) a tax, however measured, on the sale or transfer of real property; (5) a tax, however measured, on lease receipts; (6) a tax on food prepared for immediate consumption and on alcoholic beverages sold by a business which provides for on-premise consumption of said food or alcoholic beverages; or (7) other taxes not based on the selling or purchase price or gross receipts from the use, sale or purchase of tangible personal property. This Section is not intended to affect any existing tax on food and beverages prepared for immediate consumption on the premises where the sale occurs, or any existing tax on alcoholic beverages, or any existing tax imposed on the charge for renting a hotel or motel room, which was in effect January 15, 1988, or any extension of the effective date of such an existing tax by ordinance of the municipality imposing the tax, which extension is hereby authorized, in any non-home rule municipality in which the imposition of such a tax has been upheld by judicial determination, nor is this Section intended to preempt the authority granted by Public Act 85-1006. This Section is a limitation, pursuant to

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subsection (g) of Section 6 of Article VII of the Illinois Constitution, on the power of home rule units to tax.

(Source: P.A. 93-1053, eff. 1-1-05.)

(65 ILCS 5/8-11-6c new)

Sec. 8-11-6c. Home Rule food and beverage tax to support parking facilities.

(a) In addition to any other tax that it is authorized to impose, a home rule municipality that has not imposed a tax under Section 8-11-1 or 8-11-5 may impose a tax, as limited by this Section, on the gross receipts from the sale of alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption.

(b) If imposed, the tax may be imposed only for a defined and limited period of time and must be limited to a defined geographic area within the municipality. The defined geographic area must be a contiguous area of no more than one square mile. The tax may be imposed only in 0.25% increments, and the rate of tax may not exceed 2%. At the time that the ordinance imposing the tax is adopted, the municipality must have obtained the certified written consent of at least three-fourths of the operators of the businesses upon which the tax will be imposed. This tax may not be imposed for longer than 25 years after the municipality first levies the tax.

(c) The municipality must maintain the proceeds of the tax in a separate account and may use those moneys only for the costs associated with land acquisition, design, construction, and maintenance of parking facilities within the defined geographic area.

(d) The tax shall be administered by the municipality imposing it.

Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 95-0545
(Senate Bill No. 1368)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Department of Human Services Act is amended by
adding Section 1-17 as follows:
(20 ILCS 1305/1-17 new)
Sec. 1-17. Inspector General.
(a) Appointment; powers and duties. The Governor shall appoint,
and the Senate shall confirm, an Inspector General. The Inspector
General shall be appointed for a term of 4 years and shall function
within the Department of Human Services and report to the Secretary of Human
Services and the Governor. The Inspector General shall function
independently within the Department of Human Services with respect to
the operations of the office, including the performance of investigations
and issuance of findings and recommendations. The appropriation for the
Office of Inspector General shall be separate from the overall
appropriation for the Department of Human Services. The Inspector
General shall investigate reports of suspected abuse or neglect (as those
terms are defined by the Department of Human Services) of patients or
residents in any mental health or developmental disabilities facility
operated by the Department of Human Services and shall have authority
to investigate and take immediate action on reports of abuse or neglect of
recipients, whether patients or residents, in any mental health or
developmental disabilities facility or program that is licensed or certified
by the Department of Human Services (as successor to the Department of
Mental Health and Developmental Disabilities) or that is funded by the
Department of Human Services (as successor to the Department of Mental
Health and Developmental Disabilities) and is not licensed or certified by
any agency of the State. The Inspector General shall also have the
authority to investigate alleged or suspected cases of abuse, neglect, and
exploitation of adults with disabilities living in domestic settings in the

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community pursuant to the Abuse of Adults with Disabilities Intervention Act (20 ILCS 2435/). At the specific, written request of an agency of the State other than the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities), the Inspector General may cooperate in investigating reports of abuse and neglect of persons with mental illness or persons with developmental disabilities. The Inspector General shall have no supervision over or involvement in routine, programmatic, licensure, or certification operations of the Department of Human Services or any of its funded agencies.

The Inspector General shall promulgate rules establishing minimum requirements for reporting allegations of abuse and neglect and initiating, conducting, and completing investigations. The promulgated rules shall clearly set forth that in instances where 2 or more State agencies could investigate an allegation of abuse or neglect, the Inspector General shall not conduct an investigation that is redundant to an investigation conducted by another State agency. The rules shall establish criteria for determining, based upon the nature of the allegation, the appropriate method of investigation, which may include, but need not be limited to, site visits, telephone contacts, or requests for written responses from agencies. The rules shall also clarify how the Office of the Inspector General shall interact with the licensing unit of the Department of Human Services in investigations of allegations of abuse or neglect. Any allegations or investigations of reports made pursuant to this Act shall remain confidential until a final report is completed. The resident or patient who allegedly was abused or neglected and his or her legal guardian shall be informed by the facility or agency of the report of alleged abuse or neglect. Final reports regarding unsubstantiated or unfounded allegations shall remain confidential, except that final reports may be disclosed pursuant to Section 6 of the Abused and Neglected Long Term Care Facility Residents Reporting Act.

For purposes of this Section, "required reporter" means a person who suspects, witnesses, or is informed of an allegation of abuse and neglect at a State-operated facility or a community agency and who is

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either: (i) a person employed at a State-operated facility or a community agency on or off site who is providing or monitoring services to an individual or individuals or is providing services to the State-operated facility or the community agency; or (ii) any person or contractual agent of the Department of Human Services involved in providing, monitoring, or administering mental health or developmental services, including, but not limited to, payroll personnel, contractors, subcontractors, and volunteers. A required reporter shall report the allegation of abuse or neglect, or cause a report to be made, to the Office of the Inspector General (OIG) Hotline no later than 4 hours after the initial discovery of the incident of alleged abuse or neglect. A required reporter as defined in this paragraph who willfully fails to comply with the reporting requirement is guilty of a Class A misdemeanor.

For purposes of this Section, "State-operated facility" means a mental health facility or a developmental disability facility as defined in Sections 1-114 and 1-107 of the Mental Health and Developmental Disabilities Code.

For purposes of this Section, "community agency" or "agency" means any community entity or program providing mental health or developmental disabilities services that is licensed, certified, or funded by the Department of Human Services and is not licensed or certified by an other human services agency of the State (for example, the Department of Public Health, the Department of Children and Family Services, or the Department of Healthcare and Family Services).

When the Office of the Inspector General has substantiated a case of abuse or neglect, the Inspector General shall include in the final report any mitigating or aggravating circumstances that were identified during the investigation. Upon determination that a report of neglect is substantiated, the Inspector General shall then determine whether such neglect rises to the level of egregious neglect.

(b) Department of State Police. The Inspector General shall, within 24 hours after determining that a reported allegation of suspected abuse or neglect indicates that any possible criminal act has been committed or that special expertise is required in the investigation, immediately notify

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the Department of State Police or the appropriate law enforcement entity. The Department of State Police shall investigate any report from a State-operated facility indicating a possible murder, rape, or other felony. All investigations conducted by the Inspector General shall be conducted in a manner designed to ensure the preservation of evidence for possible use in a criminal prosecution.

(b-5) Preliminary report of investigation; facility or agency response. The Inspector General shall make a determination to accept or reject a preliminary report of the investigation of alleged abuse or neglect based on established investigative procedures. Notice of the Inspector General's determination must be given to the person who claims to be the victim of the abuse or neglect, to the person or persons alleged to have been responsible for abuse or neglect, and to the facility or agency. The facility or agency or the person or persons alleged to have been responsible for the abuse or neglect and the person who claims to be the victim of the abuse or neglect may request clarification or reconsideration based on additional information. For cases where the allegation of abuse or neglect is substantiated, the Inspector General shall require the facility or agency to submit a written response. The written response from a facility or agency shall address in a concise and reasoned manner the actions that the agency or facility will take or has taken to protect the resident or patient from abuse or neglect, prevent reoccurrences, and eliminate problems identified and shall include implementation and completion dates for all such action.

(c) Inspector General's report; facility's or agency's implementation reports. The Inspector General shall, within 10 calendar days after the transmittal date of a completed investigation where abuse or neglect is substantiated or administrative action is recommended, provide a complete report on the case to the Secretary of Human Services and to the agency in which the abuse or neglect is alleged to have happened. The complete report shall include a written response from the agency or facility operated by the State to the Inspector General that addresses in a concise and reasoned manner the actions that the agency or facility will take or has taken to protect the resident or patient from

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abuse or neglect, prevent reoccurrences, and eliminate problems identified and shall include implementation and completion dates for all such action. The Secretary of Human Services shall accept or reject the response and establish how the Department will determine whether the facility or program followed the approved response. The Secretary may require Department personnel to visit the facility or agency for training, technical assistance, programmatic, licensure, or certification purposes. Administrative action, including sanctions, may be applied should the Secretary reject the response or should the facility or agency fail to follow the approved response. Within 30 days after the Secretary has approved a response, the facility or agency making the response shall provide an implementation report to the Inspector General on the status of the corrective action implemented. Within 60 days after the Secretary has approved the response, the facility or agency shall send notice of the completion of the corrective action or shall send an updated implementation report. The facility or agency shall continue sending updated implementation reports every 60 days until the facility or agency sends a notice of the completion of the corrective action. The Inspector General shall review any implementation plan that takes more than 120 days. The Inspector General shall monitor compliance through a random review of completed corrective actions. This monitoring may include, but need not be limited to, site visits, telephone contacts, or requests for written documentation from the facility or agency to determine whether the facility or agency is in compliance with the approved response. The facility or agency shall inform the resident or patient and the legal guardian whether the reported allegation was substantiated, unsubstantiated, or unfounded. There shall be an appeals process for any person or agency that is subject to any action based on a recommendation or recommendations.

(d) Sanctions. The Inspector General may recommend to the Departments of Public Health and Human Services sanctions to be imposed against mental health and developmental disabilities facilities under the jurisdiction of the Department of Human Services for the protection of residents, including appointment of on-site monitors or

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receivers, transfer or relocation of residents, and closure of units. The Inspector General may seek the assistance of the Attorney General or any of the several State's Attorneys in imposing such sanctions. Whenever the Inspector General issues any recommendations to the Secretary of Human Services, the Secretary shall provide a written response.

(e) Training programs. The Inspector General shall establish and conduct periodic training programs for Department of Human Services employees and community agency employees concerning the prevention and reporting of neglect and abuse.

(f) Access to facilities. The Inspector General shall at all times be granted access to any mental health or developmental disabilities facility operated by the Department of Human Services, shall establish and conduct unannounced site visits to those facilities at least once annually, and shall be granted access, for the purpose of investigating a report of abuse or neglect, to the records of the Department of Human Services and to any facility or program funded by the Department of Human Services that is subject under the provisions of this Section to investigation by the Inspector General for a report of abuse or neglect.

(g) Other investigations. Nothing in this Section shall limit investigations by the Department of Human Services that may otherwise be required by law or that may be necessary in that Department's capacity as the central administrative authority responsible for the operation of State mental health and developmental disability facilities.

(g-5) Health care worker registry. After notice and an opportunity for a hearing that is separate and distinct from the Office of the Inspector General's appeals process as implemented under subsection (c) of this Section, the Inspector General shall report to the Department of Public Health's health care worker registry under Section 3-206.01 of the Nursing Home Care Act the identity of individuals against whom there has been a substantiated finding of physical or sexual abuse or egregious neglect of a service recipient.

Nothing in this subsection shall diminish or impair the rights of a person who is a member of a collective bargaining unit pursuant to the Illinois Public Labor Relations Act or pursuant to any federal labor

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statute. An individual who is a member of a collective bargaining unit as described above shall not be reported to the Department of Public Health’s health care worker registry until the exhaustion of that individual's grievance and arbitration rights, or until 3 months after the initiation of the grievance process, whichever occurs first, provided that the Department of Human Services’ hearing under this subsection regarding the reporting of an individual to the Department of Public Health’s health care worker registry has concluded. Notwithstanding anything hereinafter or previously provided, if an action taken by an employer against an individual as a result of the circumstances that led to a finding of physical or sexual abuse or egregious neglect is later overturned under a grievance or arbitration procedure provided for in Section 8 of the Illinois Public Labor Relations Act or under a collective bargaining agreement, the report must be removed from the registry.

The Department of Human Services shall promulgate or amend rules as necessary or appropriate to establish procedures for reporting to the registry, including the definition of egregious neglect, procedures for notice to the individual and victim, appeal and hearing procedures, and petition for removal of the report from the registry. The portion of the rules pertaining to hearings shall provide that, at the hearing, both parties may present written and oral evidence. The Department shall be required to establish by a preponderance of the evidence that the Office of the Inspector General's finding of physical or sexual abuse or egregious neglect warrants reporting to the Department of Public Health’s health care worker registry under Section 3-206.01 of the Nursing Home Care Act.

Notice to the individual shall include a clear and concise statement of the grounds on which the report to the registry is based and notice of the opportunity for a hearing to contest the report. The Department of Human Services shall provide the notice by certified mail to the last known address of the individual. The notice shall give the individual an opportunity to contest the report in a hearing before the Department of Human Services or to submit a written response to the findings instead of requesting a hearing. If the individual does not request a hearing or if
after notice and a hearing the Department of Human Services finds that the report is valid, the finding shall be included as part of the registry, as well as a brief statement from the reported individual if he or she chooses to make a statement. The Department of Public Health shall make available to the public information reported to the registry. In a case of inquiries concerning an individual listed in the registry, any information disclosed concerning a finding of abuse or neglect shall also include disclosure of the individual’s brief statement in the registry relating to the reported finding or include a clear and accurate summary of the statement.

At any time after the report of the registry, an individual may petition the Department of Human Services for removal from the registry of the finding against him or her. Upon receipt of such a petition, the Department of Human Services shall conduct an investigation and hearing on the petition. Upon completion of the investigation and hearing, the Department of Human Services shall report the removal of the finding to the registry unless the Department of Human Services determines that removal is not in the public interest.

(h) Quality Care Board. There is created, within the Office of the Inspector General, a Quality Care Board to be composed of 7 members appointed by the Governor with the advice and consent of the Senate. One of the members shall be designated as chairman by the Governor. Of the initial appointments made by the Governor, 4 Board members shall each be appointed for a term of 4 years and 3 members shall each be appointed for a term of 2 years. Upon the expiration of each member's term, a successor shall be appointed for a term of 4 years. In the case of a vacancy in the office of any member, the Governor shall appoint a successor for the remainder of the unexpired term.

Members appointed by the Governor shall be qualified by professional knowledge or experience in the area of law, investigatory techniques, or in the area of care of the mentally ill or developmentally disabled. Two members appointed by the Governor shall be persons with a disability or a parent of a person with a disability. Members shall serve

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without compensation, but shall be reimbursed for expenses incurred in connection with the performance of their duties as members.

The Board shall meet quarterly, and may hold other meetings on the call of the chairman. Four members shall constitute a quorum. The Board may adopt rules and regulations it deems necessary to govern its own procedures.

(i) Scope and function of the Quality Care Board. The Board shall monitor and oversee the operations, policies, and procedures of the Inspector General to assure the prompt and thorough investigation of allegations of neglect and abuse. In fulfilling these responsibilities, the Board may do the following:

(1) Provide independent, expert consultation to the Inspector General on policies and protocols for investigations of alleged neglect and abuse.

(2) Review existing regulations relating to the operation of facilities under the control of the Department of Human Services.

(3) Advise the Inspector General as to the content of training activities authorized under this Section.

(4) Recommend policies concerning methods for improving the intergovernmental relationships between the Office of the Inspector General and other State or federal agencies.

(j) Investigators. The Inspector General shall establish a comprehensive program to ensure that every person employed or newly hired to conduct investigations shall receive training on an on-going basis concerning investigative techniques, communication skills, and the appropriate means of contact with persons admitted or committed to the mental health or developmental disabilities facilities under the jurisdiction of the Department of Human Services.

(k) Subpoenas; testimony; penalty. The Inspector General shall have the power to subpoena witnesses and compel the production of books and papers pertinent to an investigation authorized by this Act, provided that the power to subpoena or to compel the production of books and papers shall not extend to the person or documents of a labor organization or its representatives insofar as the person or documents of a labor
organization relate to the function of representing an employee subject to investigation under this Act. Mental health records of patients shall be confidential as provided under the Mental Health and Developmental Disabilities Confidentiality Act. Any person who fails to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to an investigation under this Act, except as otherwise provided in this Section, or who knowingly gives false testimony in relation to an investigation under this Act is guilty of a Class A misdemeanor.

(l) Annual report. The Inspector General shall provide to the General Assembly and the Governor, no later than January 1 of each year, a summary of reports and investigations made under this Act for the prior fiscal year with respect to residents of institutions under the jurisdiction of the Department of Human Services. The report shall detail the imposition of sanctions and the final disposition of those recommendations. The summaries shall not contain any confidential or identifying information concerning the subjects of the reports and investigations. The report shall also include a trend analysis of the number of reported allegations and their disposition, for each facility and Department-wide, for the most recent 3-year time period and a statement, for each facility, of the staffing-to-patient ratios. The ratios shall include only the number of direct care staff. The report shall also include detailed recommended administrative actions and matters for consideration by the General Assembly.

(m) Program audit. The Auditor General shall conduct a biennial program audit of the Office of the Inspector General in relation to the Inspector General's compliance with this Act. The audit shall specifically include the Inspector General's effectiveness in investigating reports of alleged neglect or abuse of residents in any facility operated by the Department of Human Services and in making recommendations for sanctions to the Departments of Human Services and Public Health. The Auditor General shall conduct the program audit according to the provisions of the Illinois State Auditing Act and shall report its findings to the General Assembly no later than January 1 of each odd-numbered year.
Section 7. The Mental Health and Developmental Disabilities Administrative Act is amended by changing Section 7.3 as follows:

(20 ILCS 1705/7.3)
Sec. 7.3. Health care worker Nurse aide registry; finding of abuse or neglect. The Department shall require that no facility, service agency, or support agency providing mental health or developmental disability services that is licensed, certified, operated, or funded by the Department shall employ a person, in any capacity, who is identified by the health care worker nurse aide registry as having been subject of a substantiated finding of abuse or neglect of a service recipient. Any owner or operator of a community agency who is identified by the health care worker nurse aide registry as having been the subject of a substantiated finding of abuse or neglect of a service recipient is prohibited from any involvement in any capacity with the provision of Department funded mental health or developmental disability services. The Department shall establish and maintain the rules that are necessary or appropriate to effectuate the intent of this Section. The provisions of this Section shall not apply to any facility, service agency, or support agency licensed or certified by a State agency other than the Department, unless operated by the Department of Human Services.
(Source: P.A. 94-934, eff. 6-26-06.)

Section 10. The Abused and Neglected Long Term Care Facility Residents Reporting Act is amended by changing Section 6 as follows:

(210 ILCS 30/6) (from Ch. 111 1/2, par. 4166)
Sec. 6. All reports of suspected abuse or neglect made under this Act shall be made immediately by telephone to the Department's central register established under Section 14 on the single, State-wide, toll-free telephone number established under Section 13, or in person or by telephone through the nearest Department office. No long term care facility administrator, agent or employee, or any other person, shall screen reports or otherwise withhold any reports from the Department, and no long term care facility, department of State government, or other agency shall establish any rules, criteria, standards or guidelines to the contrary. Every long term care facility, department of State government and other

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agency whose employees are required to make or cause to be made reports under Section 4 shall notify its employees of the provisions of that Section and of this Section, and provide to the Department documentation that such notification has been given. The Department of Human Services shall train all of its mental health and developmental disabilities employees in the detection and reporting of suspected abuse and neglect of residents. Reports made to the central register through the State-wide, toll-free telephone number shall be transmitted to appropriate Department offices and municipal health departments that have responsibility for licensing long term care facilities under the Nursing Home Care Act. All reports received through offices of the Department shall be forwarded to the central register, in a manner and form described by the Department. The Department shall be capable of receiving reports of suspected abuse and neglect 24 hours a day, 7 days a week. Reports shall also be made in writing deposited in the U.S. mail, postage prepaid, within 24 hours after having reasonable cause to believe that the condition of the resident resulted from abuse or neglect. Such reports may in addition be made to the local law enforcement agency in the same manner. However, in the event a report is made to the local law enforcement agency, the reporter also shall immediately so inform the Department. The Department shall initiate an investigation of each report of resident abuse and neglect under this Act, whether oral or written, as provided for in Section 3-702 of the Nursing Home Care Act, except that reports of abuse which indicate that a resident's life or safety is in imminent danger shall be investigated within 24 hours of such report. The Department may delegate to law enforcement officials or other public agencies the duty to perform such investigation.

With respect to investigations of reports of suspected abuse or neglect of residents of mental health and developmental disabilities institutions under the jurisdiction of the Department of Human Services, the Department shall transmit copies of such reports to the Department of State Police, the Department of Human Services, and the Inspector General appointed under Section 1-17 of the Department of Human Services Act 6-2. If the Department receives a report of suspected abuse or neglect of a recipient of services as defined in Section 1-123 of the Mental

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Health and Developmental Disabilities Code, the Department shall transmit copies of such report to the Inspector General and the Directors of the Guardianship and Advocacy Commission and the agency designated by the Governor pursuant to the Protection and Advocacy for Developmentally Disabled Persons Act. When requested by the Director of the Guardianship and Advocacy Commission, the agency designated by the Governor pursuant to the Protection and Advocacy for Developmentally Disabled Persons Act, or the Department of Financial and Professional Regulation, the Department, the Department of Human Services and the Department of State Police shall make available a copy of the final investigative report regarding investigations conducted by their respective agencies on incidents of suspected abuse or neglect of residents of mental health and developmental disabilities institutions or individuals receiving services at community agencies under the jurisdiction of the Department of Human Services. Such final investigative report shall not contain witness statements, investigation notes, draft summaries, results of lie detector tests, investigative files or other raw data which was used to compile the final investigative report. Specifically, the final investigative report of the Department of State Police shall mean the Director's final transmittal letter. The Department of Human Services shall also make available a copy of the results of disciplinary proceedings of employees involved in incidents of abuse or neglect to the Directors. All identifiable information in reports provided shall not be further disclosed except as provided by the Mental Health and Developmental Disabilities Confidentiality Act. Nothing in this Section is intended to limit or construe the power or authority granted to the agency designated by the Governor pursuant to the Protection and Advocacy for Developmentally Disabled Persons Act, pursuant to any other State or federal statute.

With respect to investigations of reported resident abuse or neglect, the Department shall effect with appropriate law enforcement agencies formal agreements concerning methods and procedures for the conduct of investigations into the criminal histories of any administrator, staff assistant or employee of the nursing home or other person responsible for the residents care, as well as for other residents in the nursing home who

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may be in a position to abuse, neglect or exploit the patient. Pursuant to
the formal agreements entered into with appropriate law enforcement
agencies, the Department may request information with respect to whether
the person or persons set forth in this paragraph have ever been charged
with a crime and if so, the disposition of those charges. Unless the
criminal histories of the subjects involved crimes of violence or resident
abuse or neglect, the Department shall be entitled only to information
limited in scope to charges and their dispositions. In cases where prior
crimes of violence or resident abuse or neglect are involved, a more
detailed report can be made available to authorized representatives of the
Department, pursuant to the agreements entered into with appropriate law
enforcement agencies. Any criminal charges and their disposition
information obtained by the Department shall be confidential and may not
be transmitted outside the Department, except as required herein, to
authorized representatives or delegates of the Department, and may not be
transmitted to anyone within the Department who is not duly authorized to
handle resident abuse or neglect investigations.

The Department shall effect formal agreements with appropriate
law enforcement agencies in the various counties and communities to
courage cooperation and coordination in the handling of resident abuse
or neglect cases pursuant to this Act. The Department shall adopt and
implement methods and procedures to promote statewide uniformity in the
handling of reports of abuse and neglect under this Act, and those methods
and procedures shall be adhered to by personnel of the Department
involved in such investigations and reporting. The Department shall also
make information required by this Act available to authorized personnel
within the Department, as well as its authorized representatives.

The Department shall keep a continuing record of all reports made
pursuant to this Act, including indications of the final determination of any
investigation and the final disposition of all reports.

The Department shall report annually to the General Assembly on
the incidence of abuse and neglect of long term care facility residents, with
special attention to residents who are mentally disabled. The report shall
include but not be limited to data on the number and source of reports of

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suspected abuse or neglect filed under this Act, the nature of any injuries to residents, the final determination of investigations, the type and number of cases where abuse or neglect is determined to exist, and the final disposition of cases.

(Source: P.A. 94-852, eff. 6-13-06.)

(210 ILCS 30/6.2 rep.)
(210 ILCS 30/6.3 rep.)
(210 ILCS 30/6.4 rep.)
(210 ILCS 30/6.5 rep.)
(210 ILCS 30/6.6 rep.)
(210 ILCS 30/6.7 rep.)
(210 ILCS 30/6.8 rep.)

Section 15. The Abused and Neglected Long Term Care Facility Residents Reporting Act is amended by repealing Sections 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, and 6.8.

Section 20. The Nursing Home Care Act is amended by changing Section 3-206.01 as follows:

(210 ILCS 45/3-206.01) (from Ch. 111 1/2, par. 4153-206.01)

Sec. 3-206.01. Health care worker Nurse aide registry.

(a) The Department shall establish and maintain a registry of all individuals who have satisfactorily completed the training required by Section 3-206. The registry shall include the name of the nursing assistant, habilitation aide, or child care aide, his or her current address, Social Security number, and the date and location of the training course completed by the individual, and the date of the individual's last criminal records check. Any individual placed on the registry is required to inform the Department of any change of address within 30 days. A facility shall not employ an individual as a nursing assistant, habilitation aide, or child care aide unless the facility has inquired of the Department as to information in the registry concerning the individual and shall not employ anyone not on the registry unless the individual is enrolled in a training program under paragraph (5) of subsection (a) of Section 3-206 of this Act.

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If the Department finds that a nursing assistant, habilitation aide, or child care aide has abused a resident, neglected a resident, or misappropriated resident property in a facility, the Department shall notify the individual of this finding by certified mail sent to the address contained in the registry. The notice shall give the individual an opportunity to contest the finding in a hearing before the Department or to submit a written response to the findings in lieu of requesting a hearing. If, after a hearing or if the individual does not request a hearing, the Department finds that the individual abused a resident, neglected a resident, or misappropriated resident property in a facility, the finding shall be included as part of the registry as well as a brief statement from the individual, if he or she chooses to make such a statement. The Department shall make information in the registry available to the public. In the case of inquiries to the registry concerning an individual listed in the registry, any information disclosed concerning such a finding shall also include disclosure of any statement in the registry relating to the finding or a clear and accurate summary of the statement.

(b) The Department shall add to the health care worker nurse aide registry records of findings as reported by the Inspector General or remove from the health care worker nurse aide registry records of findings as reported by the Department of Human Services, under subsection (g-5) of Section 1-17 of the Department of Human Services Act Section 6.2 of the Abused and Neglected Long-Term Care Facility Residents Reporting Act. (Source: P.A. 91-598, eff. 1-1-00; 92-473, eff. 1-1-02; 92-651, eff. 7-11-02.)

Section 25. The Health Care Worker Background Check Act is amended by changing Sections 30 and 40 as follows:

(225 ILCS 46/30)
Sec. 30. Non-fingerprint based UCIA criminal records check.
(a) Beginning on January 1, 1997, an educational entity, other than a secondary school, conducting a nurse aide training program must initiate a UCIA criminal history records check prior to entry of an individual into the training program. A nurse aide seeking to be included on the health care worker nurse aide registry shall authorize the Department of Public

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Health or its designee that tests nurse aides or the health care employer or its designee to request a criminal history record check pursuant to the Uniform Conviction Information Act (UCIA) for each nurse aide applying for inclusion on the State health care worker nurse aide registry. Any nurse aide not submitting the required authorization and information for the record check will not be added to the State health care worker nurse aide registry. A nurse aide will not be entered on the State health care worker nurse aide registry if the report from the Department of State Police indicates that the nurse aide has a record of conviction of any of the criminal offenses enumerated in Section 25 unless the nurse aide's identity is validated and it is determined that the nurse aide does not have a disqualifying criminal history record based upon a fingerprint-based records check pursuant to Section 35 or the nurse aide receives a waiver pursuant to Section 40.

(b) The Department of Public Health shall notify each health care employer inquiring as to the information on the State health care worker nurse aide registry of the date of the nurse aide's last UCIA criminal history record check. If it has been more than one year since the records check, the health care employer must initiate or have initiated on his or her behalf a UCIA criminal history record check for the nurse aide pursuant to this Section. The health care employer must send a copy of the results of the record check to the State health care worker nurse aide registry for an individual employed as a nurse aide.

(c) Beginning January 1, 1996, a health care employer who makes a conditional offer of employment to an applicant other than a nurse aide for position with duties that involve direct care for clients, patients, or residents must initiate or have initiated on his or her behalf a UCIA criminal history record check for that applicant.

(d) No later than January 1, 1997, a health care employer must initiate or have initiated on his or her behalf a UCIA criminal history record check for all employees other than those enumerated in subsections (a), (b), and (c) of this Section with duties that involve direct care for clients, patients, or residents. A health care employer having actual knowledge from a source other than a non-fingerprint check that an

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employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of this Act must initiate a fingerprint-based background check within 10 working days of acquiring that knowledge. The employer may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received.

(d-5) Beginning January 1, 2006, each long-term care facility operating in the State must initiate, or have initiated on its behalf, a criminal history record check for all employees hired on or after January 1, 2006 with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents.

(e) The request for a UCIA criminal history record check must be in the form prescribed by the Department of State Police.

(f) The applicant or employee must be notified of the following whenever a non-fingerprint check is made:

(i) that the health care employer shall request or have requested on his or her behalf a UCIA criminal history record check pursuant to this Act;

(ii) that the applicant or employee has a right to obtain a copy of the criminal records report from the health care employer, challenge the accuracy and completeness of the report, and request a waiver under Section 40 of this Act;

(iii) that the applicant, if hired conditionally, may be terminated if the criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in Section 25 unless the applicant's identity is validated and it is determined that the applicant does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to Section 35.

(iv) that the applicant, if not hired conditionally, shall not be hired if the criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses

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enumerated in Section 25 unless the applicant's record is cleared based on a fingerprint-based records check pursuant to Section 35.

(v) that the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in Section 25 unless the employee's record is cleared based on a fingerprint-based records check pursuant to Section 35.

(g) A health care employer may conditionally employ an applicant for up to 3 months pending the results of a UCIA criminal history record check.

(Source: P.A. 94-665, eff. 1-1-06.)

(225 ILCS 46/40)

Sec. 40. Waiver.

(a) An applicant, employee, or nurse aide may request a waiver of the prohibition against employment by submitting the following information to the entity responsible for inspecting, licensing, certifying, or registering the health care employer within 5 working days after the receipt of the criminal records report:

(1) Information necessary to initiate a fingerprint-based UCIA criminal records check in a form and manner prescribed by the Department of State Police; and

(2) The fee for a fingerprint-based UCIA criminal records check, which shall not exceed the actual cost of the record check.

(a-5) The entity responsible for inspecting, licensing, certifying, or registering the health care employer may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by paragraphs (1) and (2) of subsection (a).

(b) The entity responsible for inspecting, licensing, certifying, or registering the health care employer may grant a waiver based upon any mitigating circumstances, which may include, but need not be limited to:

(1) The age of the individual at which the crime was committed;

(2) The circumstances surrounding the crime;

(3) The length of time since the conviction;

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(4) The applicant or employee's criminal history since the conviction;

(5) The applicant or employee's work history;

(6) The applicant or employee's current employment references;

(7) The applicant or employee's character references;

(8) Health care worker Nurse aide registry records; and

(9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents, patients, or clients.

(c) The entity responsible for inspecting, licensing, certifying, or registering a health care employer must inform the health care employer if a waiver is being sought and must act upon the waiver request within 30 days of receipt of all necessary information, as defined by rule.

(d) An individual shall not be employed from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with Section 35.

(e) The entity responsible for inspecting, licensing, certifying, or registering the health care employer shall be immune from liability for any waivers granted under this Section.

(f) A health care employer is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver under this Section.

(Source: P.A. 94-665, eff. 1-1-06.)

Section 99. Effective date. This Act takes effect upon becoming law.


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AN ACT concerning public aid.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by changing Section 5-2 as follows:

(305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

Sec. 5-2. Classes of Persons Eligible. Medical assistance under this Article shall be available to any of the following classes of persons in respect to whom a plan for coverage has been submitted to the Governor by the Illinois Department and approved by him:

1. Recipients of basic maintenance grants under Articles III and IV.

2. Persons otherwise eligible for basic maintenance under Articles III and IV but who fail to qualify thereunder on the basis of need, and who have insufficient income and resources to meet the costs of necessary medical care, including but not limited to the following:

   (a) All persons otherwise eligible for basic maintenance under Article III but who fail to qualify under that Article on the basis of need and who meet either of the following requirements:

      (i) their income, as determined by the Illinois Department in accordance with any federal requirements, is equal to or less than 70% in fiscal year 2001, equal to or less than 85% in fiscal year 2002 and until a date to be determined by the Department by rule, and equal to or less than 100% beginning on the date determined by the Department

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by rule, of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget and revised annually in accordance with Section 673(2) of the Omnibus Budget Reconciliation Act of 1981, applicable to families of the same size; or

(ii) their income, after the deduction of costs incurred for medical care and for other types of remedial care, is equal to or less than 70% in fiscal year 2001, equal to or less than 85% in fiscal year 2002 and until a date to be determined by the Department by rule, and equal to or less than 100% beginning on the date determined by the Department by rule, of the nonfarm income official poverty line, as defined in item (i) of this subparagraph (a).

(b) All persons who would be determined eligible for such basic maintenance under Article IV by disregarding the maximum earned income permitted by federal law.

3. Persons who would otherwise qualify for Aid to the Medically Indigent under Article VII.

4. Persons not eligible under any of the preceding paragraphs who fall sick, are injured, or die, not having sufficient money, property or other resources to meet the costs of necessary medical care or funeral and burial expenses.

5.(a) Women during pregnancy, after the fact of pregnancy has been determined by medical diagnosis, and during the 60-day period beginning on the last day of the pregnancy, together with their infants and children born after September 30, 1983, whose income and resources are insufficient to meet the costs of necessary medical care to the maximum extent possible under Title XIX of the Federal Social Security Act.

(b) The Illinois Department and the Governor shall provide a plan for coverage of the persons eligible under paragraph 5(a) by

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April 1, 1990. Such plan shall provide ambulatory prenatal care to pregnant women during a presumptive eligibility period and establish an income eligibility standard that is equal to 133% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget and revised annually in accordance with Section 673(2) of the Omnibus Budget Reconciliation Act of 1981, applicable to families of the same size, provided that costs incurred for medical care are not taken into account in determining such income eligibility.

(c) The Illinois Department may conduct a demonstration in at least one county that will provide medical assistance to pregnant women, together with their infants and children up to one year of age, where the income eligibility standard is set up to 185% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget. The Illinois Department shall seek and obtain necessary authorization provided under federal law to implement such a demonstration. Such demonstration may establish resource standards that are not more restrictive than those established under Article IV of this Code.

6. Persons under the age of 18 who fail to qualify as dependent under Article IV and who have insufficient income and resources to meet the costs of necessary medical care to the maximum extent permitted under Title XIX of the Federal Social Security Act.

7. Persons who are under 21 years of age and would qualify as disabled as defined under the Federal Supplemental Security Income Program, provided medical service for such persons would be eligible for Federal Financial Participation, and provided the Illinois Department determines that:

   (a) the person requires a level of care provided by a hospital, skilled nursing facility, or intermediate care facility, as determined by a physician licensed to practice medicine in all its branches;

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(b) it is appropriate to provide such care outside of an institution, as determined by a physician licensed to practice medicine in all its branches;
(c) the estimated amount which would be expended for care outside the institution is not greater than the estimated amount which would be expended in an institution.

8. Persons who become ineligible for basic maintenance assistance under Article IV of this Code in programs administered by the Illinois Department due to employment earnings and persons in assistance units comprised of adults and children who become ineligible for basic maintenance assistance under Article VI of this Code due to employment earnings. The plan for coverage for this class of persons shall:
   (a) extend the medical assistance coverage for up to 12 months following termination of basic maintenance assistance; and
   (b) offer persons who have initially received 6 months of the coverage provided in paragraph (a) above, the option of receiving an additional 6 months of coverage, subject to the following:
      (i) such coverage shall be pursuant to provisions of the federal Social Security Act;
      (ii) such coverage shall include all services covered while the person was eligible for basic maintenance assistance;
      (iii) no premium shall be charged for such coverage; and
      (iv) such coverage shall be suspended in the event of a person's failure without good cause to file in a timely fashion reports required for this coverage under the Social Security Act and coverage shall be reinstated upon the filing of such reports if the person remains otherwise eligible.

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9. Persons with acquired immunodeficiency syndrome (AIDS) or with AIDS-related conditions with respect to whom there has been a determination that but for home or community-based services such individuals would require the level of care provided in an inpatient hospital, skilled nursing facility or intermediate care facility the cost of which is reimbursed under this Article. Assistance shall be provided to such persons to the maximum extent permitted under Title XIX of the Federal Social Security Act.

10. Participants in the long-term care insurance partnership program established under the Partnership for Long-Term Care Act who meet the qualifications for protection of resources described in Section 25 of that Act. 11. Persons with disabilities who are employed and eligible for Medicaid, pursuant to Section 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as provided by the Illinois Department by rule. In establishing eligibility standards under this paragraph 11, the Department shall, subject to federal approval:

(a) set the income eligibility standard at not lower than 350% of the federal poverty level;

(b) exempt retirement accounts that the person cannot access without penalty before the age of 59 1/2, and medical savings accounts established pursuant to 26 U.S.C. 220;

(c) allow non-exempt assets up to $25,000 as to those assets accumulated during periods of eligibility under this paragraph 11; and

(d) continue to apply subparagraphs (b) and (c) in determining the eligibility of the person under this Article even if the person loses eligibility under this paragraph 11.

12. Subject to federal approval, persons who are eligible for medical assistance coverage under applicable provisions of the federal Social Security Act and the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000. Those eligible

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persons are defined to include, but not be limited to, the following persons:

(1) persons who have been screened for breast or cervical cancer under the U.S. Centers for Disease Control and Prevention Breast and Cervical Cancer Program established under Title XV of the federal Public Health Services Act in accordance with the requirements of Section 1504 of that Act as administered by the Illinois Department of Public Health; and

(2) persons whose screenings under the above program were funded in whole or in part by funds appropriated to the Illinois Department of Public Health for breast or cervical cancer screening.

"Medical assistance" under this paragraph 12 shall be identical to the benefits provided under the State's approved plan under Title XIX of the Social Security Act. The Department must request federal approval of the coverage under this paragraph 12 within 30 days after the effective date of this amendatory Act of the 92nd General Assembly.

13. Subject to appropriation and to federal approval, persons living with HIV/AIDS who are not otherwise eligible under this Article and who qualify for services covered under Section 5-5.04 as provided by the Illinois Department by rule.

14. Subject to the availability of funds for this purpose, the Department may provide coverage under this Article to persons who reside in Illinois who are not eligible under any of the preceding paragraphs and who meet the income guidelines of paragraph 2(a) of this Section and (i) have an application for asylum pending before the federal Department of Homeland Security or on appeal before a court of competent jurisdiction and are represented either by counsel or by an advocate accredited by the federal Department of Homeland Security and employed by a not-for-profit organization in regard to that application or appeal, or (ii) are receiving services through a federally funded torture
treatment center. Medical coverage under this paragraph 14 may be provided for up to 24 continuous months from the initial eligibility date so long as an individual continues to satisfy the criteria of this paragraph 14. If an individual has an appeal pending regarding an application for asylum before the Department of Homeland Security, eligibility under this paragraph 14 may be extended until a final decision is rendered on the appeal. The Department may adopt rules governing the implementation of this paragraph 14.

The Illinois Department and the Governor shall provide a plan for coverage of the persons eligible under paragraph 7 as soon as possible after July 1, 1984.

The eligibility of any such person for medical assistance under this Article is not affected by the payment of any grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act. The Department shall by rule establish the amounts of assets to be disregarded in determining eligibility for medical assistance, which shall at a minimum equal the amounts to be disregarded under the Federal Supplemental Security Income Program. The amount of assets of a single person to be disregarded shall not be less than $2,000, and the amount of assets of a married couple to be disregarded shall not be less than $3,000.

To the extent permitted under federal law, any person found guilty of a second violation of Article VIIIA shall be ineligible for medical assistance under this Article, as provided in Section 8A-8.

The eligibility of any person for medical assistance under this Article shall not be affected by the receipt by the person of donations or benefits from fundraisers held for the person in cases of serious illness, as long as neither the person nor members of the person's family have actual control over the donations or benefits or the disbursement of the donations or benefits.

(Source: P.A. 93-20, eff. 6-20-03; 94-629, eff. 1-1-06; 94-1043, eff. 7-24-06.)

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Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0547  
(Senate Bill No. 0144)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Comprehensive Health Insurance Plan Act is amended by changing Sections 7 and 8 as follows:

(215 ILCS 105/7) (from Ch. 73, par. 1307)

Sec. 7. Eligibility.

a. Except as provided in subsection (e) of this Section or in Section 15 of this Act, any person who is either a citizen of the United States or an alien lawfully admitted for permanent residence and who has been for a period of at least 180 days and continues to be a resident of this State shall be eligible for Plan coverage under this Section if evidence is provided of:

(1) A notice of rejection or refusal to issue substantially similar individual health insurance coverage for health reasons by a health insurance issuer; or

(2) A refusal by a health insurance issuer to issue individual health insurance coverage except at a rate exceeding the applicable Plan rate for which the person is responsible.

A rejection or refusal by a group health plan or health insurance issuer offering only stop-loss or excess of loss insurance or contracts, agreements, or other arrangements for reinsurance coverage with respect to the applicant shall not be sufficient evidence under this subsection.

b. The board shall promulgate a list of medical or health conditions for which a person who is either a citizen of the United States or an alien lawfully admitted for permanent residence and a resident of this State

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would be eligible for Plan coverage without applying for health insurance coverage pursuant to subsection a. of this Section. Persons who can demonstrate the existence or history of any medical or health conditions on the list promulgated by the board shall not be required to provide the evidence specified in subsection a. of this Section. The list shall be effective on the first day of the operation of the Plan and may be amended from time to time as appropriate.

c. Family members of the same household who each are covered persons are eligible for optional family coverage under the Plan.

d. For persons qualifying for coverage in accordance with Section 7 of this Act, the board shall, if it determines that such appropriations as are made pursuant to Section 12 of this Act are insufficient to allow the board to accept all of the eligible persons which it projects will apply for enrollment under the Plan, limit or close enrollment to ensure that the Plan is not over-subscribed and that it has sufficient resources to meet its obligations to existing enrollees. The board shall not limit or close enrollment for federally eligible individuals.

e. A person shall not be eligible for coverage under the Plan if:

   (1) He or she has or obtains other coverage under a group health plan or health insurance coverage substantially similar to or better than a Plan policy as an insured or covered dependent or would be eligible to have that coverage if he or she elected to obtain it. Persons otherwise eligible for Plan coverage may, however, solely for the purpose of having coverage for a pre-existing condition, maintain other coverage only while satisfying any pre-existing condition waiting period under a Plan policy or a subsequent replacement policy of a Plan policy.

   (1.1) His or her prior coverage under a group health plan or health insurance coverage, provided or arranged by an employer of more than 10 employees was discontinued for any reason without the entire group or plan being discontinued and not replaced, provided he or she remains an employee, or dependent thereof, of the same employer.

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(2) He or she is a recipient of or is approved to receive medical assistance, except that a person may continue to receive medical assistance through the medical assistance no grant program, but only while satisfying the requirements for a preexisting condition under Section 8, subsection f. of this Act. Payment of premiums pursuant to this Act shall be allocable to the person's spenddown for purposes of the medical assistance no grant program, but that person shall not be eligible for any Plan benefits while that person remains eligible for medical assistance. If the person continues to receive or be approved to receive medical assistance through the medical assistance no grant program at or after the time that requirements for a preexisting condition are satisfied, the person shall not be eligible for coverage under the Plan. In that circumstance, coverage under the plan shall terminate as of the expiration of the preexisting condition limitation period. Under all other circumstances, coverage under the Plan shall automatically terminate as of the effective date of any medical assistance.

(3) Except as provided in Section 15, the person has previously participated in the Plan and voluntarily terminated Plan coverage, unless 12 months have elapsed since the person's latest voluntary termination of coverage.

(4) The person fails to pay the required premium under the covered person's terms of enrollment and participation, in which event the liability of the Plan shall be limited to benefits incurred under the Plan for the time period for which premiums had been paid and the covered person remained eligible for Plan coverage.

(5) The Plan (i) until 3 years after the effective date of this amendatory Act of the 95th General Assembly has paid a total of $2,000,000 in benefits on behalf of the covered person or (ii) 3 years or more after the effective date of this amendatory Act of the 95th General Assembly has paid a total of $1,500,000 in benefits on behalf of the covered person.

(6) The person is a resident of a public institution.

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(7) The person's premium is paid for or reimbursed under any government sponsored program or by any government agency or health care provider, except as an otherwise qualifying full-time employee, or dependent of such employee, of a government agency or health care provider or, except when a person's premium is paid by the U.S. Treasury Department pursuant to the federal Trade Act of 2002.

(8) The person has or later receives other benefits or funds from any settlement, judgement, or award resulting from any accident or injury, regardless of the date of the accident or injury, or any other circumstances creating a legal liability for damages due that person by a third party, whether the settlement, judgment, or award is in the form of a contract, agreement, or trust on behalf of a minor or otherwise and whether the settlement, judgment, or award is payable to the person, his or her dependent, estate, personal representative, or guardian in a lump sum or over time, so long as there continues to be benefits or assets remaining from those sources in an amount in excess of $300,000.

(9) Within the 5 years prior to the date a person's Plan application is received by the Board, the person's coverage under any health care benefit program as defined in 18 U.S.C. 24, including any public or private plan or contract under which any medical benefit, item, or service is provided, was terminated as a result of any act or practice that constitutes fraud under State or federal law or as a result of an intentional misrepresentation of material fact; or if that person knowingly and willfully obtained or attempted to obtain, or fraudulently aided or attempted to aid any other person in obtaining, any coverage or benefits under the Plan to which that person was not entitled.

f. The board or the administrator shall require verification of residency and may require any additional information or documentation, or statements under oath, when necessary to determine residency upon initial application and for the entire term of the policy.

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g. Coverage shall cease (i) on the date a person is no longer a resident of Illinois, (ii) on the date a person requests coverage to end, (iii) upon the death of the covered person, (iv) on the date State law requires cancellation of the policy, or (v) at the Plan's option, 30 days after the Plan makes any inquiry concerning a person's eligibility or place of residence to which the person does not reply.

h. Except under the conditions set forth in subsection g of this Section, the coverage of any person who ceases to meet the eligibility requirements of this Section shall be terminated at the end of the current policy period for which the necessary premiums have been paid.

(Source: P.A. 93-33, eff. 6-23-03; 93-34, eff. 6-23-03; 94-17, eff. 1-1-06; 94-737, eff. 5-3-06.)

(215 ILCS 105/8) (from Ch. 73, par. 1308)
Sec. 8. Minimum benefits.

a. Availability. The Plan shall offer in an annually renewable policy major medical expense coverage to every eligible person who is not eligible for Medicare. Major medical expense coverage offered by the Plan shall pay an eligible person's covered expenses, subject to limit on the deductible and coinsurance payments authorized under paragraph (4) of subsection d of this Section, up to a lifetime benefit limit of $2,000,000 until 3 years after the effective date of this amendatory Act of the 95th General Assembly, and $1,500,000 in benefits 3 years or more after the effective date of this amendatory Act of the 95th General Assembly per covered individual. The maximum limit under this subsection shall not be altered by the Board, and no actuarial equivalent benefit may be substituted by the Board. Any person who otherwise would qualify for coverage under the Plan, but is excluded because he or she is eligible for Medicare, shall be eligible for any separate Medicare supplement policy or policies which the Board may offer.

b. Outline of benefits. Covered expenses shall be limited to the usual and customary charge, including negotiated fees, in the locality for the following services and articles when prescribed by a physician and determined by the Plan to be medically necessary for the following areas of services, subject to such separate deductibles, co-payments, exclusions,

New matter indicated by italics - deletions by strikeout
and other limitations on benefits as the Board shall establish and approve, and the other provisions of this Section:

(1) Hospital services, except that any services provided by a hospital that is located more than 75 miles outside the State of Illinois shall be covered only for a maximum of 45 days in any calendar year. With respect to covered expenses incurred during any calendar year ending on or after December 31, 1999, inpatient hospitalization of an eligible person for the treatment of mental illness at a hospital located within the State of Illinois shall be subject to the same terms and conditions as for any other illness.

(2) Professional services for the diagnosis or treatment of injuries, illnesses or conditions, other than dental and mental and nervous disorders as described in paragraph (17), which are rendered by a physician, or by other licensed professionals at the physician's direction. This includes reconstruction of the breast on which a mastectomy was performed; surgery and reconstruction of the other breast to produce a symmetrical appearance; and prostheses and treatment of physical complications at all stages of the mastectomy, including lymphedemas.

(2.5) Professional services provided by a physician to children under the age of 16 years for physical examinations and age appropriate immunizations ordered by a physician licensed to practice medicine in all its branches.

(3) (Blank).

(4) Outpatient prescription drugs that by law require a prescription written by a physician licensed to practice medicine in all its branches subject to such separate deductible, copayment, and other limitations or restrictions as the Board shall approve, including the use of a prescription drug card or any other program, or both.

(5) Skilled nursing services of a licensed skilled nursing facility for not more than 120 days during a policy year.

(6) Services of a home health agency in accord with a home health care plan, up to a maximum of 270 visits per year.

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(7) Services of a licensed hospice for not more than 180
days during a policy year.
(8) Use of radium or other radioactive materials.
(9) Oxygen.
(10) Anesthetics.
(11) Orthoses and prostheses other than dental.
(12) Rental or purchase in accordance with Board policies
or procedures of durable medical equipment, other than eyeglasses
or hearing aids, for which there is no personal use in the absence of
the condition for which it is prescribed.
(13) Diagnostic x-rays and laboratory tests.
(14) Oral surgery (i) for excision of partially or completely
unerupted impacted teeth when not performed in connection with
the routine extraction or repair of teeth; (ii) for excision of tumors
or cysts of the jaws, cheeks, lips, tongue, and roof and floor of the
mouth; (iii) required for correction of cleft lip and palate and other
craniofacial and maxillofacial birth defects; or (iv) for treatment of
injuries to natural teeth or a fractured jaw due to an accident.
(15) Physical, speech, and functional occupational therapy
as medically necessary and provided by appropriate licensed
professionals.
(16) Emergency and other medically necessary
transportation provided by a licensed ambulance service to the
nearest health care facility qualified to treat a covered illness,
injury, or condition, subject to the provisions of the Emergency
Medical Systems (EMS) Act.
(17) Outpatient services for diagnosis and treatment of
mental and nervous disorders provided that a covered person shall
be required to make a copayment not to exceed 50% and that the
Plan's payment shall not exceed such amounts as are established by
the Board.
(18) Human organ or tissue transplants specified by the
Board that are performed at a hospital designated by the Board as a

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participating transplant center for that specific organ or tissue transplant.

(19) Naprapathic services, as appropriate, provided by a licensed naprapathic practitioner.

c. Exclusions. Covered expenses of the Plan shall not include the following:

(1) Any charge for treatment for cosmetic purposes other than for reconstructive surgery when the service is incidental to or follows surgery resulting from injury, sickness or other diseases of the involved part or surgery for the repair or treatment of a congenital bodily defect to restore normal bodily functions.

(2) Any charge for care that is primarily for rest, custodial, educational, or domiciliary purposes.

(3) Any charge for services in a private room to the extent it is in excess of the institution's charge for its most common semiprivate room, unless a private room is prescribed as medically necessary by a physician.

(4) That part of any charge for room and board or for services rendered or articles prescribed by a physician, dentist, or other health care personnel that exceeds the reasonable and customary charge in the locality or for any services or supplies not medically necessary for the diagnosed injury or illness.

(5) Any charge for services or articles the provision of which is not within the scope of licensure of the institution or individual providing the services or articles.

(6) Any expense incurred prior to the effective date of coverage by the Plan for the person on whose behalf the expense is incurred.

(7) Dental care, dental surgery, dental treatment, any other dental procedure involving the teeth or periodontium, or any dental appliances, including crowns, bridges, implants, or partial or complete dentures, except as specifically provided in paragraph (14) of subsection b of this Section.

(8) Eyeglasses, contact lenses, hearing aids or their fitting.

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(9) Illness or injury due to acts of war.

(10) Services of blood donors and any fee for failure to replace the first 3 pints of blood provided to a covered person each policy year.

(11) Personal supplies or services provided by a hospital or nursing home, or any other nonmedical or nonprescribed supply or service.

(12) Routine maternity charges for a pregnancy, except where added as optional coverage with payment of an additional premium for pregnancy resulting from conception occurring after the effective date of the optional coverage.

(13) (Blank).

(14) Any expense or charge for services, drugs, or supplies that are: (i) not provided in accord with generally accepted standards of current medical practice; (ii) for procedures, treatments, equipment, transplants, or implants, any of which are investigational, experimental, or for research purposes; (iii) investigative and not proven safe and effective; or (iv) for, or resulting from, a gender transformation operation.

(15) Any expense or charge for routine physical examinations or tests except as provided in item (2.5) of subsection b of this Section.

(16) Any expense for which a charge is not made in the absence of insurance or for which there is no legal obligation on the part of the patient to pay.

(17) Any expense incurred for benefits provided under the laws of the United States and this State, including Medicare, Medicaid, and other medical assistance, maternal and child health services and any other program that is administered or funded by the Department of Human Services, Department of Healthcare and Family Services, or Department of Public Health, military service-connected disability payments, medical services provided for members of the armed forces and their dependents or employees of

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the armed forces of the United States, and medical services financed on behalf of all citizens by the United States.

(18) Any expense or charge for in vitro fertilization, artificial insemination, or any other artificial means used to cause pregnancy.

(19) Any expense or charge for oral contraceptives used for birth control or any other temporary birth control measures.

(20) Any expense or charge for sterilization or sterilization reversals.

(21) Any expense or charge for weight loss programs, exercise equipment, or treatment of obesity, except when certified by a physician as morbid obesity (at least 2 times normal body weight).

(22) Any expense or charge for acupuncture treatment unless used as an anesthetic agent for a covered surgery.

(23) Any expense or charge for or related to organ or tissue transplants other than those performed at a hospital with a Board approved organ transplant program that has been designated by the Board as a preferred or exclusive provider organization for that specific organ or tissue transplant.

(24) Any expense or charge for procedures, treatments, equipment, or services that are provided in special settings for research purposes or in a controlled environment, are being studied for safety, efficiency, and effectiveness, and are awaiting endorsement by the appropriate national medical specialty college for general use within the medical community.

d. Deductibles and coinsurance.

The Plan coverage defined in Section 6 shall provide for a choice of deductibles per individual as authorized by the Board. If 2 individual members of the same family household, who are both covered persons under the Plan, satisfy the same applicable deductibles, no other member of that family who is also a covered person under the Plan shall be required to meet any deductibles for the balance of that calendar year. The deductibles must be applied first to the authorized amount of covered

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expenses incurred by the covered person. A mandatory coinsurance requirement shall be imposed at the rate authorized by the Board in excess of the mandatory deductible, the coinsurance in the aggregate not to exceed such amounts as are authorized by the Board per annum. At its discretion the Board may, however, offer catastrophic coverages or other policies that provide for larger deductibles with or without coinsurance requirements. The deductibles and coinsurance factors may be adjusted annually according to the Medical Component of the Consumer Price Index.

e. Scope of coverage.

(1) In approving any of the benefit plans to be offered by the Plan, the Board shall establish such benefit levels, deductibles, coinsurance factors, exclusions, and limitations as it may deem appropriate and that it believes to be generally reflective of and commensurate with health insurance coverage that is provided in the individual market in this State.

(2) The benefit plans approved by the Board may also provide for and employ various cost containment measures and other requirements including, but not limited to, preadmission certification, prior approval, second surgical opinions, concurrent utilization review programs, individual case management, preferred provider organizations, health maintenance organizations, and other cost effective arrangements for paying for covered expenses.

f. Preexisting conditions.

(1) Except for federally eligible individuals qualifying for Plan coverage under Section 15 of this Act or eligible persons who qualify for the waiver authorized in paragraph (3) of this subsection, plan coverage shall exclude charges or expenses incurred during the first 6 months following the effective date of coverage as to any condition for which medical advice, care or treatment was recommended or received during the 6 month period immediately preceding the effective date of coverage.

(2) (Blank).

New matter indicated by italics - deletions by strikeout
(3) Waiver: The preexisting condition exclusions as set forth in paragraph (1) of this subsection shall be waived to the extent to which the eligible person (a) has satisfied similar exclusions under any prior individual health insurance policy that was involuntarily terminated because of the insolvency of the issuer of the policy and (b) has applied for Plan coverage within 90 days following the involuntary termination of that individual health insurance coverage.

g. Other sources primary; nonduplication of benefits.

(1) The Plan shall be the last payor of benefits whenever any other benefit or source of third party payment is available. Subject to the provisions of subsection e of Section 7, benefits otherwise payable under Plan coverage shall be reduced by all amounts paid or payable by Medicare or any other government program or through any health insurance coverage or group health plan, whether by insurance, reimbursement, or otherwise, or through any third party liability, settlement, judgment, or award, regardless of the date of the settlement, judgment, or award, whether the settlement, judgment, or award is in the form of a contract, agreement, or trust on behalf of a minor or otherwise and whether the settlement, judgment, or award is payable to the covered person, his or her dependent, estate, personal representative, or guardian in a lump sum or over time, and by all hospital or medical expense benefits paid or payable under any worker's compensation coverage, automobile medical payment, or liability insurance, whether provided on the basis of fault or nonfault, and by any hospital or medical benefits paid or payable under or provided pursuant to any State or federal law or program.

(2) The Plan shall have a cause of action against any covered person or any other person or entity for the recovery of any amount paid to the extent the amount was for treatment, services, or supplies not covered in this Section or in excess of benefits as set forth in this Section.
(3) Whenever benefits are due from the Plan because of sickness or an injury to a covered person resulting from a third party's wrongful act or negligence and the covered person has recovered or may recover damages from a third party or its insurer, the Plan shall have the right to reduce benefits or to refuse to pay benefits that otherwise may be payable by the amount of damages that the covered person has recovered or may recover regardless of the date of the sickness or injury or the date of any settlement, judgment, or award resulting from that sickness or injury.

During the pendency of any action or claim that is brought by or on behalf of a covered person against a third party or its insurer, any benefits that would otherwise be payable except for the provisions of this paragraph (3) shall be paid if payment by or for the third party has not yet been made and the covered person or, if incapable, that person's legal representative agrees in writing to pay back promptly the benefits paid as a result of the sickness or injury to the extent of any future payments made by or for the third party for the sickness or injury. This agreement is to apply whether or not liability for the payments is established or admitted by the third party or whether those payments are itemized.

Any amounts due the plan to repay benefits may be deducted from other benefits payable by the Plan after payments by or for the third party are made.

(4) Benefits due from the Plan may be reduced or refused as an offset against any amount otherwise recoverable under this Section.

h. Right of subrogation; recoveries.

(1) Whenever the Plan has paid benefits because of sickness or an injury to any covered person resulting from a third party's wrongful act or negligence, or for which an insurer is liable in accordance with the provisions of any policy of insurance, and the covered person has recovered or may recover damages from a third party that is liable for the damages, the Plan shall have the right to recover the benefits it paid from any amounts that the

New matter indicated by italics - deletions by strikeout
covered person has received or may receive regardless of the date of the sickness or injury or the date of any settlement, judgment, or award resulting from that sickness or injury. The Plan shall be subrogated to any right of recovery the covered person may have under the terms of any private or public health care coverage or liability coverage, including coverage under the Workers' Compensation Act or the Workers' Occupational Diseases Act, without the necessity of assignment of claim or other authorization to secure the right of recovery. To enforce its subrogation right, the Plan may (i) intervene or join in an action or proceeding brought by the covered person or his personal representative, including his guardian, conservator, estate, dependents, or survivors, against any third party or the third party's insurer that may be liable or (ii) institute and prosecute legal proceedings against any third party or the third party's insurer that may be liable for the sickness or injury in an appropriate court either in the name of the Plan or in the name of the covered person or his personal representative, including his guardian, conservator, estate, dependents, or survivors.

(2) If any action or claim is brought by or on behalf of a covered person against a third party or the third party's insurer, the covered person or his personal representative, including his guardian, conservator, estate, dependents, or survivors, shall notify the Plan by personal service or registered mail of the action or claim and of the name of the court in which the action or claim is brought, filing proof thereof in the action or claim. The Plan may, at any time thereafter, join in the action or claim upon its motion so that all orders of court after hearing and judgment shall be made for its protection. No release or settlement of a claim for damages and no satisfaction of judgment in the action shall be valid without the written consent of the Plan to the extent of its interest in the settlement or judgment and of the covered person or his personal representative.

New matter indicated by italics - deletions by strikeout
(3) In the event that the covered person or his personal representative fails to institute a proceeding against any appropriate third party before the fifth month before the action would be barred, the Plan may, in its own name or in the name of the covered person or personal representative, commence a proceeding against any appropriate third party for the recovery of damages on account of any sickness, injury, or death to the covered person. The covered person shall cooperate in doing what is reasonably necessary to assist the Plan in any recovery and shall not take any action that would prejudice the Plan's right to recovery. The Plan shall pay to the covered person or his personal representative all sums collected from any third party by judgment or otherwise in excess of amounts paid in benefits under the Plan and amounts paid or to be paid as costs, attorneys fees, and reasonable expenses incurred by the Plan in making the collection or enforcing the judgment.

(4) In the event that a covered person or his personal representative, including his guardian, conservator, estate, dependents, or survivors, recovers damages from a third party for sickness or injury caused to the covered person, the covered person or the personal representative shall pay to the Plan from the damages recovered the amount of benefits paid or to be paid on behalf of the covered person.

(5) When the action or claim is brought by the covered person alone and the covered person incurs a personal liability to pay attorney's fees and costs of litigation, the Plan's claim for reimbursement of the benefits provided to the covered person shall be the full amount of benefits paid to or on behalf of the covered person under this Act less a pro rata share that represents the Plan's reasonable share of attorney's fees paid by the covered person and that portion of the cost of litigation expenses determined by multiplying by the ratio of the full amount of the expenditures to the full amount of the judgement, award, or settlement.

New matter indicated by italics - deletions by strikeout
(6) In the event of judgment or award in a suit or claim against a third party or insurer, the court shall first order paid from any judgment or award the reasonable litigation expenses incurred in preparation and prosecution of the action or claim, together with reasonable attorney's fees. After payment of those expenses and attorney's fees, the court shall apply out of the balance of the judgment or award an amount sufficient to reimburse the Plan the full amount of benefits paid on behalf of the covered person under this Act, provided the court may reduce and apportion the Plan's portion of the judgement proportionate to the recovery of the covered person. The burden of producing evidence sufficient to support the exercise by the court of its discretion to reduce the amount of a proven charge sought to be enforced against the recovery shall rest with the party seeking the reduction. The court may consider the nature and extent of the injury, economic and non-economic loss, settlement offers, comparative negligence as it applies to the case at hand, hospital costs, physician costs, and all other appropriate costs. The Plan shall pay its pro rata share of the attorney fees based on the Plan's recovery as it compares to the total judgment. Any reimbursement rights of the Plan shall take priority over all other liens and charges existing under the laws of this State with the exception of any attorney liens filed under the Attorneys Lien Act.

(7) The Plan may compromise or settle and release any claim for benefits provided under this Act or waive any claims for benefits, in whole or in part, for the convenience of the Plan or if the Plan determines that collection would result in undue hardship upon the covered person.

(Source: P.A. 94-737, eff. 5-3-06.)

Section 99. Effective date. This Act takes effect upon becoming law.


New matter indicated by italics - deletions by strikeout
AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Section 3-6 as follows:

(720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

Sec. 3-6. Extended limitations. The period within which a prosecution must be commenced under the provisions of Section 3-5 or other applicable statute is extended under the following conditions:

(a) A prosecution for theft involving a breach of a fiduciary obligation to the aggrieved person may be commenced as follows:

(1) If the aggrieved person is a minor or a person under legal disability, then during the minority or legal disability or within one year after the termination thereof.

(2) In any other instance, within one year after the discovery of the offense by an aggrieved person, or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense, and is not himself or herself a party to the offense; or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

(b) A prosecution for any offense based upon misconduct in office by a public officer or employee may be commenced within one year after discovery of the offense by a person having a legal duty to report such offense, or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.
(c) Except as otherwise provided in subsection (a) of Section 3-5 of this Code and subdivision (i) or (j) of this Section, a prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 12-12 of this Code, where the victim and defendant are family members, as defined in Section 12-12 of this Code, may be commenced within one year of the victim attaining the age of 18 years.

(d) A prosecution for child pornography, indecent solicitation of a child, soliciting for a juvenile prostitute, juvenile pimping or exploitation of a child may be commenced within one year of the victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense. When the victim is under 18 years of age, a prosecution for criminal sexual abuse may be commenced within one year of the victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense.

(e) Except as otherwise provided in subdivision (j), a prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 12-12 of this Code, where the defendant was within a professional or fiduciary relationship or a purported professional or fiduciary relationship with the victim at the time of the commission of the offense may be commenced within one year after the discovery of the offense by the victim.

(f) A prosecution for any offense set forth in Section 44 of the "Environmental Protection Act", approved June 29, 1970, as amended, may be commenced within 5 years after the discovery of such an offense by a person or agency having the legal duty to report the offense or in the absence of such discovery, within 5 years after the proper prosecuting officer becomes aware of the offense.

(f-5) A prosecution for any offense set forth in Section 16G-15 or 16G-20 of this Code may be commenced within 5 years after the discovery of the offense by the victim of that offense.

(g) (Blank).

(h) (Blank).

New matter indicated by italics - deletions by strikeout
(i) Except as otherwise provided in subdivision (j), a prosecution for criminal sexual assault, aggravated criminal sexual assault, or aggravated criminal sexual abuse may be commenced within 10 years of the commission of the offense if the victim reported the offense to law enforcement authorities within 3 years after the commission of the offense.

Nothing in this subdivision (i) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section.

(j) When the victim is under 18 years of age at the time of the offense, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or aggravated criminal sexual abuse or a prosecution for failure of a person who is required to report an alleged or suspected commission of any of these offenses under the Abused and Neglected Child Reporting Act may be commenced within 20 years after the child victim attains 18 years of age.

Nothing in this subdivision (j) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section.

(k) A prosecution for theft involving real property exceeding $100,000 in value under Section 16-1, identity theft under Section 16G-15, aggravated identity theft under Section 16G-20, or any offense set forth in Article 16H may be commenced within 7 years of the last act committed in furtherance of the crime.
(Source: P.A. 93-356, eff. 7-24-03; 94-253, eff. 1-1-06; 94-990, eff. 1-1-07.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 30, 2007.
Effective August 30, 2007.
AN ACT concerning children.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Abandoned Newborn Infant Protection Act is amended by adding Section 37 as follows:

(325 ILCS 2/37 new)

Sec. 37. Public disclosure of information prohibited. Emergency medical professionals, employees, or other persons engaged in the administration or operation of a fire station, police station, hospital, emergency medical facility, child placing agency, or the Department where a baby has been relinquished or transferred under this Act, are prohibited from publicly disclosing any information concerning the relinquishment of the infant and the individuals involved, except as otherwise provided by law.

Approved August 30, 2007.
Effective June 1, 2008.

AN ACT concerning animals.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Animal Welfare Act is amended by changing Section 2 and adding Section 20.5 as follows:

(225 ILCS 605/2) (from Ch. 8, par. 302)

Sec. 2. Definitions. As used in this Act unless the context otherwise requires:

"Department" means the Illinois Department of Agriculture.

New matter indicated by italics - deletions by strikeout
"Director" means the Director of the Illinois Department of Agriculture.

"Pet shop operator" means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets in this State. However, a person who sells only such animals that he has produced and raised shall not be considered a pet shop operator under this Act, and a veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 shall not be considered a pet shop operator under this Act.

"Dog dealer" means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs in this State. However, a person who sells only dogs that he has produced and raised shall not be considered a dog dealer under this Act, and a veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 shall not be considered a dog dealer under this Act.

"Secretary of Agriculture" or "Secretary" means the Secretary of Agriculture of the United States Department of Agriculture.

"Person" means any person, firm, corporation, partnership, association or other legal entity, any public or private institution, the State of Illinois, or any municipal corporation or political subdivision of the State.

"Kennel operator" means any person who operates an establishment, other than an animal control facility, veterinary hospital, or animal shelter, where dogs or dogs and cats are maintained for boarding, training or similar purposes for a fee or compensation; or who sells, offers to sell, exchange, or offers for adoption with or without charge dogs or dogs and cats which he has produced and raised. A person who owns, has possession of, or harbors 5 or less females capable of reproduction shall not be considered a kennel operator.

"Cattery operator" means any person who operates an establishment, other than an animal control facility or animal shelter, where cats are maintained for boarding, training or similar purposes for a
fee or compensation; or who sells, offers to sell, exchange, or offers for adoption with or without charges cats which he has produced and raised. A person who owns, has possession of, or harbors 5 or less females capable of reproduction shall not be considered a cattery operator.

"Animal control facility" means any facility operated by or under contract for the State, county, or any municipal corporation or political subdivision of the State for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs, cats, and other animals. "Animal control facility" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 which operates for the above mentioned purpose in addition to its customary purposes.

"Animal shelter" means a facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. "Animal shelter" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 which operates for the above mentioned purpose in addition to its customary purposes.

"Foster home" means an entity that accepts the responsibility for stewardship of animals that are the obligation of an animal shelter, not to exceed 4 animals at any given time. Permits to operate as a "foster home" shall be issued through the animal shelter.

"Guard dog service" means an entity that, for a fee, furnishes or leases guard or sentry dogs for the protection of life or property. A person is not a guard dog service solely because he or she owns a dog and uses it to guard his or her home, business, or farmland.

"Guard dog" means a type of dog used primarily for the purpose of defending, patrolling, or protecting property or life at a commercial establishment other than a farm. "Guard dog" does not include stock dogs used primarily for handling and controlling livestock or farm animals, nor does it include personally owned pets that also provide security.

New matter indicated by italics - deletions by strikeout
"Sentry dog" means a dog trained to work without supervision in a fenced facility other than a farm, and to deter or detain unauthorized persons found within the facility.

"Probationary status" means the 12-month period following a series of violations of this Act during which any further violation shall result in an automatic 12-month suspension of licensure.

(Source: P.A. 93-281, eff. 12-31-03.)

(225 ILCS 605/20.5 new)

Sec. 20.5. Administrative fines. The following administrative fines shall be imposed by the Department upon any person or entity who violates any provision of this Act or any rule adopted by the Department under this Act:

(1) For the first violation, a fine of $200.
(2) For a second violation that occurs within 3 years after the first violation, a fine of $500.
(3) For a third violation that occurs within 3 years after the first violation, mandatory probationary status and a fine of $1,000.

Section 10. The Animal Control Act is amended by changing Sections 9, 11, and 15.3 and by adding Sections 2.17c and 15.4 as follows:

(510 ILCS 5/2.17c new)

Sec. 2.17c. "Potentially dangerous dog" means a dog that is unsupervised and found running at large with 3 or more other dogs.

(510 ILCS 5/9) (from Ch. 8, par. 359)

Sec. 9. Any dog found running at large contrary to provisions of this Act may be apprehended and impounded. For this purpose, the Administrator shall utilize any existing or available animal control facility or licensed animal shelter. The dog's owner shall pay a $25 public safety fine, $20 of which shall be deposited into the Pet Population Control Fund and $5 of which shall be retained by the county or municipality. A dog found running at large contrary to the provisions of this Act a second or subsequent time must be spayed or neutered within 30 days after being reclaimed unless already spayed or neutered; failure to comply shall result in impoundment.

New matter indicated by italics - deletions by strikeout
A dog that is actively engaged in a legal hunting activity, including training, is not considered to be running at large if the dog is on land that is open to hunting or on land on which the person has obtained permission to hunt or to train a dog. A dog that is in a dog-friendly area or dog park is not considered to be running at large if the dog is monitored or supervised by a person.

(Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

Sec. 11. When not redeemed by the owner, agent, or caretaker, a dog or cat must be scanned for a microchip. If a microchip is present, the registered owner must be notified. After contact has been made or attempted, dogs or cats deemed adoptable by the animal control facility shall be offered for adoption, or made available to a licensed humane society or rescue group. If no placement is available, it shall be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act. An animal pound or animal shelter shall not adopt or release any dog or cat to anyone other than the owner when not redeemed by the owner unless the animal has been rendered incapable of reproduction and microchipped, or the person wishing to adopt an animal prior to the surgical procedures having been performed shall have executed a written agreement promising to have such service performed, including microchipping, within a specified period of time not to exceed 30 days. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal and any offspring by the animal pound or shelter, and any monies which have been deposited shall be forfeited and submitted to the Pet Population Control Fund on a yearly basis. This Act shall not prevent humane societies from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Act and other existing laws. No animal shelter or animal control facility shall release dogs or cats to an individual representing a rescue group, unless the group has been licensed or has a foster care permit issued by the Illinois Department of Agriculture or is a representative of a not-for-profit out-of-state organization. The Department may suspend or revoke the license of any animal shelter or animal control facility that fails to comply with the
requirements set forth in this Section or that fails to report its intake and euthanasia statistics each year.
(Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)
(510 ILCS 5/15.3)
Sec. 15.3. Dangerous dog; appeal.
(a) The owner of a dog found to be a dangerous dog pursuant to this Act by an Administrator may file a complaint against the Administrator in the circuit court within 35 days of receipt of notification of the determination, for a de novo hearing on the determination. The proceeding shall be conducted as a civil hearing pursuant to the Illinois Rules of Evidence and the Code of Civil Procedure, including the discovery provisions. After hearing both parties' evidence, the court may make a determination of dangerous dog if the Administrator meets his or her burden of proof of clear and convincing evidence. The final order of the circuit court may be appealed pursuant to the civil appeals provisions of the Illinois Supreme Court Rules.

(b) The owner of a dog found to be a dangerous dog pursuant to this Act by the Director may, within 14 days of receipt of notification of the determination, request an administrative hearing to appeal the determination. The administrative hearing shall be conducted pursuant to the Department of Agriculture's rules applicable to formal administrative proceedings, 8 Ill. Adm. Code Part 1, SubParts A and B. An owner desiring a hearing shall make his or her request for a hearing to the Illinois Department of Agriculture. The final administrative decision of the Department may be reviewed judicially by the circuit court of the county wherein the person resides or, in the case of a corporation, the county where its registered office is located. If the plaintiff in a review proceeding is not a resident of Illinois, the venue shall be in Sangamon County. The Administrative Review Law and all amendments and modifications thereof, and the rules adopted thereto, apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder.
(c) Until the order has been reviewed and at all times during the appeal process, the owner shall comply with the requirements set forth by the Administrator, the court, or the Director.

(d) At any time after a final order has been entered, the owner may petition the circuit court to reverse the designation of dangerous dog.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/15.4 new)

Sec. 15.4. Potentially dangerous dog. A dog found running at large and unsupervised with 3 or more other dogs may be deemed a potentially dangerous dog by the animal control warden or administrator. Potentially dangerous dogs shall be spayed or neutered and microchipped within 14 days of reclaim. The designation of "potentially dangerous dog" shall expire 12 months after the most recent violation of this Section. Failure to comply with this Section will result in impoundment of the dog or a fine of $500.

Approved August 30, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0551
(House Bill No. 0845)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Section 9-3 as follows:

(720 ILCS 5/9-3) (from Ch. 38, par. 9-3)
Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.

(a) A person who unintentionally kills an individual without lawful justification commits involuntary manslaughter if his acts whether lawful or unlawful which cause the death are such as are likely to cause death or great bodily harm to some individual, and he performs them recklessly, except in cases in which the cause of the death consists of the driving of a

New matter indicated by italics - deletions by strikeout
motor vehicle or operating a snowmobile, all-terrain vehicle, or watercraft, in which case the person commits reckless homicide. A person commits reckless homicide if he or she unintentionally kills an individual while driving a vehicle and using an incline in a roadway, such as a railroad crossing, bridge approach, or hill, to cause the vehicle to become airborne.

(b) (Blank).
(c) (Blank).
(d) Sentence.
   
   (1) Involuntary manslaughter is a Class 3 felony.
   (2) Reckless homicide is a Class 3 felony.
(e) (Blank).
(e-5) (Blank).
(e-7) Except as otherwise provided in subsection (e-8), in cases involving reckless homicide in which the defendant was driving in a construction or maintenance zone, as defined in Section 11-605 of the Illinois Vehicle Code, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.
(e-8) In cases involving reckless homicide in which the defendant was driving in a construction or maintenance zone, as defined in Section 11-605 of the Illinois Vehicle Code, and caused the deaths of 2 or more persons as part of a single course of conduct, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 6 years and not more than 28 years.
(e-9) In cases involving reckless homicide in which the defendant drove a vehicle and used an incline in a roadway, such as a railroad crossing, bridge approach, or hill, to cause the vehicle to become airborne, and caused the deaths of 2 or more persons as part of a single course of conduct, the penalty is a Class 2 felony.
(e-10) In cases involving involuntary manslaughter or reckless homicide resulting in the death of a peace officer killed in the performance of his or her duties as a peace officer, the penalty is a Class 2 felony.
(f) In cases involving involuntary manslaughter in which the victim was a family or household member as defined in paragraph (3) of Section
112A-3 of the Code of Criminal Procedure of 1963, the penalty shall be a Class 2 felony, for which a person if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(Source: P.A. 92-16, eff. 6-28-01; 93-178, eff. 6-1-04; 93-213, eff. 7-18-03; 93-682, eff. 1-1-05.)

Approved August 20, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0552
(House Bill No. 0903)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by adding Section 5.675 as follows:

(30 ILCS 105/5.675 new)
Sec. 5.675. The Ovarian Cancer Awareness Fund.
Section 10. The Illinois Vehicle Code is amended by adding Section 3-664 as follows:

(625 ILCS 5/3-664 new)
Sec. 3-664. Ovarian Cancer Awareness license plates.
(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Ovarian Cancer Awareness license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary. The Secretary may allow the plates to be

New matter indicated by italics - deletions by strikeout
issued as vanity or personalized plates under Section 3-405.1 of this Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a $25 fee for original issuance in addition to the appropriate registration fee. Of this fee, $10 shall be deposited into the Ovarian Cancer Awareness Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $23 shall be deposited into the Ovarian Cancer Awareness Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Ovarian Cancer Awareness Fund is created as a special fund in the State treasury. All moneys in the Ovarian Cancer Awareness Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, as grants to the National Ovarian Cancer Coalition, Inc. for ovarian cancer research, education, screening, and treatment.

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 30, 2007.
Effective August 30, 2007.

PUBLIC ACT 95-0553
(House Bill No. 0977)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Sections 21-1 and 21-1.3 as follows:

(720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

New matter indicated by italics - deletions by strikeout
Sec. 21-1. Criminal damage to property.
(1) A person commits an illegal act when he:
   (a) knowingly damages any property of another without his consent; or
   (b) recklessly by means of fire or explosive damages property of another; or
   (c) knowingly starts a fire on the land of another without his consent; or
   (d) knowingly injures a domestic animal of another without his consent; or
   (e) knowingly deposits on the land or in the building of another, without his consent, any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building; or
   (f) damages any property, other than as described in subsection (b) of Section 20-1, with intent to defraud an insurer; or
   (g) knowingly shoots a firearm at any portion of a railroad train.

When the charge of criminal damage to property exceeding a specified value is brought, the extent of the damage is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

   It is an affirmative defense to a violation of item (a), (c), or (e) of this Section that the owner of the property or land damaged consented to such damage.

(2) The acts described in items (a), (b), (c), (e), and (f) are Class A misdemeanors if the damage to property does not exceed $300. The acts described in items (a), (b), (c), (e), and (f) are Class 4 felonies if the damage to property does not exceed $300 if the damage occurs to property of a school or place of worship or to farm equipment or immovable items of agricultural production, including but not limited to grain elevators, grain bins, and barns. The act described in item (d) is a Class 4 felony if the damage to property does not exceed $10,000. The act described in item (g) is a Class 4 felony. The acts described in items (a), (b), (c), (e), and (f)
are Class 4 felonies if the damage to property exceeds $300 but does not exceed $10,000. The acts described in items (a) through (f) are Class 3 felonies if the damage to property exceeds $300 but does not exceed $10,000 if the damage occurs to property of a school or place of worship or to farm equipment or immovable items of agricultural production, including but not limited to grain elevators, grain bins, and barns. The acts described in items (a) through (f) are Class 3 felonies if the damage to property exceeds $10,000 but does not exceed $100,000. The acts described in items (a) through (f) are Class 2 felonies if the damage to property exceeds $10,000 but does not exceed $100,000 if the damage occurs to property of a school or place of worship or to farm equipment or immovable items of agricultural production, including but not limited to grain elevators, grain bins, and barns. The acts described in items (a) through (f) are Class 2 felonies if the damage to property exceeds $100,000. The acts described in items (a) through (f) are Class 1 felonies if the damage to property exceeds $100,000 and the damage occurs to property of a school or place of worship or to farm equipment or immovable items of agricultural production, including but not limited to grain elevators, grain bins, and barns. If the damage to property exceeds $10,000, the court shall impose upon the offender a fine equal to the value of the damages to the property.

For the purposes of this subsection (2), "farm equipment" means machinery or other equipment used in farming.

(3) In addition to any other sentence that may be imposed, a court shall order any person convicted of criminal damage to property to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned upon the performance of the community service.

This subsection does not apply when the court imposes a sentence of incarceration.

(Source: P.A. 94-509, eff. 8-9-05.)

New matter indicated by italics - deletions by strikeout
(720 ILCS 5/21-1.3)  
Sec. 21-1.3. Criminal defacement of property.  
(a) A person commits criminal defacement of property when the person knowingly damages the property of another \textit{without his or her consent} by defacing, deforming, or otherwise damaging the property by the use of paint or any other similar substance, or by the use of a writing instrument, etching tool, or any other similar device. \textit{It is an affirmative defense to a violation of this Section that the owner of the property damaged consented to such damage.}

(b) Criminal defacement of property is a Class A misdemeanor for a first offense if the damage to the property does not exceed $300. Criminal defacement of property is a Class 4 felony if the damage to property does not exceed $300 and the property damaged is a school building or place of worship. Criminal defacement of property is a Class 4 felony for a second or subsequent conviction or if the damage to the property exceeds $300. Criminal defacement of property is a Class 3 felony if the damage to property exceeds $300 and the property damaged is a school building or place of worship. In addition to any other sentence that may be imposed for a violation of this Section that is chargeable as a Class 3 or Class 4 felony, a person convicted of criminal defacement of property shall be subject to a mandatory minimum fine of $500 plus the actual costs incurred by the property owner or the unit of government to abate, remediate, repair, or remove the effect of the damage to the property. To the extent permitted by law, reimbursement for the costs of abatement, remediation, repair, or removal shall be payable to the person who incurred the costs. In addition to any other sentence that may be imposed, a court shall order any person convicted of criminal defacement of property to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair of the damage to property that was caused by the offense, or similar damage to property located in the municipality or county in which the offense occurred. If the property damaged is a school building, the community service may include cleanup, removal, or painting

New matter indicated by italics - deletions by strikeout
over the defacement. In addition, whenever any person is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned upon the performance of the community service.
(Source: P.A. 90-685, eff. 1-1-99; 91-360, eff. 7-29-99; 91-931, eff. 6-1-01.)

Effective June 1, 2008.

PUBLIC ACT 95-0554
(House Bill No. 1019)

AN ACT concerning animals.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Meat and Poultry Inspection Act is amended by changing Section 5.2 as follows:

(225 ILCS 650/5.2)

Sec. 5.2. Type II licenses.

(a) Type II establishments licensed under this Act for custom slaughtering and custom processing shall:

(1) Be permitted to receive, for processing, meat products and poultry products from animals and poultry slaughtered by the owner or for the owner for his or her own personal use or for use by his or her household.

(2) Be permitted to receive live animals and poultry presented by the owner to be slaughtered and processed for the owner's own personal use or for use by his or her household.

(3) Be permitted to receive, for processing, inspected meat products and inspected poultry products for the owner's own personal use or for use by his or her household.

(4) Stamp the words "NOT FOR SALE-NOT INSPECTED" in letters at least 3/8 inches in height on all carcasses of animals and immediate poultry product containers for

New matter indicated by italics - deletions by strikeout
poultry slaughtered in such establishment and on all meat products and immediate poultry product containers for poultry products processed in that establishment.

(5) Conspicuously display a license issued by the Department and bearing the words "NO SALES PERMITTED".

(6) Keep a record of the name and address of the owner of each carcass or portion thereof received in such licensed establishment, the date received, and the dressed weight. Such records shall be maintained for at least one year and shall be available, during reasonable hours, for inspection by Department personnel.

(b) No custom slaughterer or custom processor shall engage in the business of buying or selling any poultry or meat products capable of use as human food, or slaughter of any animals or poultry intended for sale.

(c) Each Type II licensee shall develop, implement, and maintain written standard operating procedures for sanitation, which shall be known as Sanitation SOPs, in accordance with all of the following requirements:

(1) The Sanitation SOPs must describe all procedures that a Type II licensee shall conduct daily, before and during operations, sufficient to prevent direct contamination or adulteration of products.

(2) The Sanitation SOPs must be signed and dated by the individual with overall authority on-site or a higher level official of the establishment. This signature shall signify that the establishment shall implement the Sanitation SOPs as specified and maintain the Sanitation SOPs in accordance with the requirements of this subsection (c). The Sanitation SOPs must be signed and dated upon the initial implementation of the Sanitation SOPs and upon any modification to the Sanitation SOPs.

(3) Procedures set forth in the Sanitation SOPs that are to be conducted prior to operations must be identified as such and must address, at a minimum, the cleaning of food contact surfaces of facilities, equipment, and utensils.
(4) The Sanitation SOPs must specify the frequency with which each procedure in the Sanitation SOPs shall be conducted and identify the establishment employees responsible for the implementation and maintenance of the procedures.

(5) Prior to the start of operations, each licensee must conduct the pre-operational procedures in the Sanitation SOPs. All other procedures set forth in the Sanitation SOPs must be conducted at the frequencies specified.

(6) The implementation of the procedures set forth in the Sanitation SOPs must be monitored daily by the licensee.

(7) A licensee must routinely evaluate the effectiveness of the Sanitation SOPs and the procedures set forth therein in preventing direct contamination or adulteration of products and shall revise both as necessary to keep the Sanitation SOPs and the procedures set forth therein effective and current with respect to changes in facilities, equipment, utensils, operations, or personnel.

(8) A licensee must take appropriate corrective action when either the establishment itself or the Department determines that the Sanitation SOPs or the procedures specified therein or the implementation or maintenance of the Sanitation SOPs may have failed to prevent direct contamination or adulteration of products. Corrective actions include procedures to ensure appropriate disposition of products that may be contaminated, restore sanitary conditions, and prevent the recurrence of direct contamination or adulteration of products, such as appropriate reevaluation and modification of the Sanitation SOPs and the procedures specified therein or appropriate improvements in the execution of the Sanitation SOPs or the procedures specified therein.

(9) A licensee must maintain daily records sufficient to document the implementation and monitoring of the Sanitation SOPs and any corrective actions taken. The establishment employees specified in the Sanitation SOPs as being responsible for the implementation and monitoring of the procedures set forth in the Sanitation SOPs must authenticate these records with their
initials and the date. The records required to be maintained under this item (9) may be maintained on computers, provided that the establishment implements appropriate controls to ensure the integrity of the electronic data. Records must be maintained for at least 6 months and made available to the Department upon request. All records must be maintained at the licensed establishment for 48 hours following completion, after which the records may be maintained off-site, provided that the records may be made available to the Department within 24 hours of request.

(10) The Department shall verify the adequacy and effectiveness of the Sanitation SOPs and the procedures specified therein by determining that they meet the requirements of this subsection (c). This verification may include the following:

(A) reviewing the Sanitation SOPs;
(B) reviewing the daily records documenting the implementation of the Sanitation SOPs and the procedures set forth therein and any corrective actions taken or required to be taken;
(C) direct observation of the implementation of the Sanitation SOPs and the procedures specified therein and any corrective actions taken or required to be taken; and
(D) direct observation or testing to assess the sanitary conditions within the establishment.

(d) Each Type II licensee that slaughters livestock must test for Escherichia coli Biotype 1 (E. coli). Licensees that slaughter more than one type of livestock or both livestock and poultry must test the type of livestock or poultry slaughtered in the greatest number. The testing required under this subsection (d) must meet all of the following requirements:

(1) A licensee must prepare written specimen collection procedures that identify the employees designated to collect samples and must address (i) locations of sampling, (ii) the ways in which sampling randomness is achieved, and (iii) the handling of
samples to ensure sample integrity. This written procedure must be made available to the Department upon request.

(2) Livestock samples must be collected from all chilled livestock carcasses, except those boned before chilling (hot-boned), which must be sampled after the final wash. Samples must be collected in the following manner:

(A) for cattle, establishments must sponge or excise tissue from the flank, brisket, and rump, except for hide-on calves, in which case establishments must take samples by sponging from inside the flank, inside the brisket, and inside the rump;

(B) for sheep and goats, establishments must sponge from the flank, brisket, and rump, except for hide-on carcasses, in which case establishments must take samples by sponging from inside the flank, inside the brisket, and inside the rump;

(C) for swine carcasses, establishments must sponge or excise tissue from the ham, belly, and jowl areas.

(3) A licensee must collect at least one sample per week, starting the first full week of operation after June 1 of each year, and continue sampling at a minimum of once each week in which the establishment operates until June 1 of the following year or until 13 samples have been collected, whichever is sooner.

(4) Upon a licensee’s meeting the requirements of item (3) of this subsection (d), weekly sampling and testing shall be optional, unless changes are made in establishment facilities, equipment, personnel, or procedures that may affect the adequacy of existing process control measures, as determined by the licensee or the Department. Determinations made by the Department that changes have been made requiring the resumption of weekly testing must be provided to the licensee in writing.

(5) Laboratories may use any quantitative method for the analysis of E. coli that is approved as an AOAC Official Method of the AOAC International (formerly the Association of Official

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Analytical Chemists) or approved and published by a scientific body and based on the results of a collaborative trial conducted in accordance with an internationally recognized protocol on collaborative trials and compared against the 3 tube Most Probable Number (MPN) method and agreeing with the 95% upper and lower confidence limit of the appropriate MPN index.

(6) A licensee must maintain accurate records of all test results, in terms of CFU/cm$^2$ of surface area sponged or excised. Results must be recorded onto a process control chart or table showing at least the most recent 13 test results, by type of livestock slaughtered. Records shall be retained at the establishment for a period of 12 months and made available to the Department upon request.

(7) Licensees must meet the following criteria for the evaluation of test results:

(A) A licensee excising samples from carcasses shall be deemed as operating within the criteria of this item (7) when the most recent E. coli test result does not exceed the upper limit (M), and the number of samples, if any, testing positive at levels above (m) is 3 or fewer out of the most recent 13 samples (n) taken, as follows:

<table>
<thead>
<tr>
<th>Evaluation of E. Coli Test Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Livestock</td>
</tr>
<tr>
<td>Cattle</td>
</tr>
<tr>
<td>Swine</td>
</tr>
</tbody>
</table>

a Negative is defined by the sensitivity of the method used in the baseline study with a limit of sensitivity of at least 5 CFU/cm$^2$ carcass surface area.

(B) A licensee sponging carcasses shall evaluate E. coli test results using statistical process control techniques.

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(8) Test results that do not meet the criteria set forth in item (7) of this subsection (d) are an indication that the establishment may not be maintaining process controls sufficient to prevent fecal contamination. The Department shall take further action as appropriate to ensure that all applicable provisions of this Section are being met.

(e) Each Type II licensee that slaughters poultry shall test for Escherichia coli Biotype 1 (E. coli). Licensees that slaughter more than one type of poultry or poultry and livestock, shall test the type of poultry or livestock slaughtered in the greatest number. The testing required under this subsection (e) must meet all of the following requirements:

(1) A licensee must prepare written specimen collection procedures that identify the employees designated to collect samples and must address (i) locations of sampling, (ii) the ways in which sampling randomness is achieved, and (iii) the handling of samples to ensure sample integrity. This written procedure must be made available to the Department upon request.

(2) When collecting poultry samples, a whole bird must be taken from the end of the slaughter line. Samples must be collected by rinsing the whole carcass in an amount of buffer appropriate for that type of bird. Samples from turkeys or ratites also may be collected by sponging the carcass on the back and thigh.

(3) Licensees that slaughter turkeys, ducks, geese, guineas, squabs, or ratites in the largest number must collect at least one sample during each week of operation after June 1 of each year, and continue sampling at a minimum of once each week that the establishment operates until June 1 of the following year or until 13 samples have been collected, whichever is sooner.

(4) Upon a licensee’s meeting the requirements of item (3) of this subsection (e), weekly sampling and testing shall be optional, unless changes are made in establishment facilities, equipment, personnel, or procedures that may affect the adequacy of existing process control measures, as determined by the licensee or by the Department. Determinations by the Department that

New matter indicated by italics - deletions by strikeout
changes have been made requiring the resumption of weekly
testing must be provided to the licensee in writing.

(5) Laboratories may use any quantitative method for the
analysis of E. coli that is approved as an AOAC Official Method of
the AOAC International (formerly the Association of Official
Analytical Chemists) or approved and published by a scientific
body and based on the results of a collaborative trial conducted in
accordance with an internationally recognized protocol on
collaborative trials and compared against the 3 tube Most
Probable Number (MPN) method and agreeing with the 95%
upper and lower confidence limit of the appropriate MPN index.

(6) A licensee must maintain accurate records of all test
results, in terms of CFU/ml of rinse fluid. Results must be recorded
onto a process control chart or table showing the most recent 13
test results, by type of poultry slaughtered. Records must be
retained at the establishment for a period of 12 months and made
available to the Department upon request.

(7) A licensee excising samples under this subsection (e)
shall be deemed as operating within the criteria of this item (7)
when the most recent E. coli test result does not exceed the upper
limit (M), and the number of samples, if any, testing positive at
levels above (m) is 3 or fewer out of the most recent 13 samples (n)
taken, as follows:

<table>
<thead>
<tr>
<th>Type of poultry</th>
<th>Lower limit</th>
<th>Upper limit</th>
<th>Number of samples</th>
<th>Number permitted in marginal range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chickens</td>
<td>100 CFU/ml</td>
<td>1,000 CFU/ml</td>
<td>13</td>
<td>3</td>
</tr>
</tbody>
</table>

(8) Test results that do not meet the criteria set forth in item
(7) of this subsection (e) are an indication that the establishment
may not be maintaining process controls sufficient to prevent fecal
contamination. The Department shall take further action as

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appropriate to ensure that all applicable provisions of this Section are being met.

(Source: P.A. 94-1052, eff. 1-1-07.)

Section 10. The Illinois Diseased Animals Act is amended by changing Sections 1, 2, 3, 4, 6, 9, 10, 13, 20, 21, 22, and 24 as follows:

(510 ILCS 50/1) (from Ch. 8, par. 168)

Sec. 1. For the purposes of this Act:
"Department" means the Department of Agriculture of the State of Illinois.

"Director" means the Director of the Illinois Department of Agriculture, or his duly appointed representative.

"Contagious or infectious disease" means a specific disease designated by the Department as contagious or infectious under rules pertaining to this Act.

"Contaminated" or "contamination" means for an animal to come into contact with a chemical or radiological substance at a level which may be considered to be harmful to humans or other animals if they come into contact with the contaminated animal or consume parts of the contaminated animal.

"Reportable disease" means a specific disease designated by the Department as reportable under rules pertaining to this Act.

"Animals" means domestic animals, poultry, and wild animals in captivity.

"Exposed to" means for an animal to come in contact with another animal or an environment that is capable of transmitting a contagious, infectious, or reportable disease. An animal will no longer be considered as "exposed to" when it is beyond the standard incubation time for the disease and the animal has been tested negative for the specific disease or there is no evidence that the animal is contagious, except for animals exposed to Johne's disease. Animals originating from a herd where Johne's disease has been diagnosed will be considered no longer "exposed to" with a negative test. The negative test must have been conducted within 30 days prior to the sale or movement.
"Swap meet" means an organized event where animals including, but not limited to, dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets, are sold, traded, or exchange hands. (Source: P.A. 93-980, eff. 8-20-04.)

(510 ILCS 50/2) (from Ch. 8, par. 169)

Sec. 2. It is the duty of the Department to investigate all cases or alleged cases coming to its knowledge of contamination or contagious and infectious diseases among animals within the State and to provide for the suppression, prevention, and extirpation of contamination or infectious and contagious diseases of such animals.

The Department may make and adopt reasonable rules and regulations for the administration and enforcement of the provisions of this Act. No rule or regulation made, adopted or issued by the Department pursuant to the provisions of this Act shall be effective unless such rule or regulation has been submitted to the Advisory Board of Livestock Commissioners for approval. All rules of the Department, and all amendments or revocations of existing rules, shall be recorded in an appropriate book or books, shall be adequately indexed, shall be kept in the office of the Department, and shall constitute a public record. Such rules shall be printed in pamphlet form and furnished, upon request, to the public free of cost. (Source: P.A. 77-108.)

(510 ILCS 50/3) (from Ch. 8, par. 170)

Sec. 3. Upon its becoming known to the Department that any animals are infected, or suspected of being infected, with any contagious or infectious disease, or contaminated with any chemical or radiological substance, the Department shall have the authority to quarantine and to cause proper examination thereof to be made. If such disease is found to be of a dangerously contagious or dangerously infectious nature, or the contamination level is such that may be harmful to humans or other animals, the Department shall order such diseased or contaminated animals and such as have been exposed to such disease or contamination, and the premises in or on which they are, or have recently occupied, to be quarantined. The Department shall also have the authority to issue area-
wide quarantines on animals and premises in order to control the spread of the dangerously contagious or infectious disease and to reduce the spread of contamination. The Department may, in connection with any such quarantine, order that no animal which has been or is so diseased, contaminated, or exposed to such disease or contamination, may be removed from the premises so quarantined and that no animal susceptible to such disease or contamination may be brought therein or thereon, except under such rules as the Department may prescribe.

(Source: P.A. 90-385, eff. 8-15-97.)

(510 ILCS 50/4) (from Ch. 8, par. 171)

Sec. 4. The Department may order the slaughter of any or all of such diseased, contaminated, or exposed animals.

The Department may disinfect, and, if they cannot be properly disinfected, may destroy, all barns, stables, outbuildings, premises and personal property contaminated or infected with any such contaminant or contagious or infectious disease as in its judgment is necessary to prevent the spread of any such contaminant or disease; and may order the disinfection of all cars, boats or other vehicles used in transporting animals affected with any such contaminant or disease, or that have been exposed to the contaminant, contagion, or infection thereof, and the disinfection of all yards, pens and chutes that may have been used in handling such contaminated, diseased, or exposed animals.

(Source: Laws 1961, p. 3164.)

(510 ILCS 50/6) (from Ch. 8, par. 173)

Sec. 6. Whenever quarantine is established in accordance with the provisions of this Act, notice shall be given by delivery in person or by mailing by registered or certified mail, postage prepaid, to the owner or occupant of any premises so quarantined. Such notice shall be written or printed, or partly written and partly printed, with an explanation of the contents thereof. Such notice shall be sufficiently proved in any court by the production of a true copy of such notice of quarantine together with an affidavit, sworn to by the officer or employee of the Department who delivered or mailed such notice, containing a statement that the original thereof was delivered or mailed in the manner herein prescribed.

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Every quarantine so established shall remain in effect until removed by order of the Department. Any person aggrieved by any quarantine may appeal to the Department which shall thereupon sustain, modify or annul the quarantine as it may deem proper. *Quarantines will be removed when epidemiological evidence indicates that the disease or contamination threat to humans or other animals no longer exists.*

(Source: Laws 1967, p. 905.)

(510 ILCS 50/9) (from Ch. 8, par. 176)

Sec. 9. The Department may promulgate and adopt reasonable rules and regulations to prevent the spread of any contamination or contagious or infectious disease within this State. If the condition so warrants, the Director may request the Governor to issue a proclamation quarantining an affected municipality or geographical district whereby all animals of the kind diseased or contaminated would not be permitted to be moved from one premises to another within the municipality or geographical district, or over any public highway, or any unfenced lot or piece of ground, or from being brought into, or taken from the infected or contaminated municipality or geographical district, except by a special permit, signed by the Director. Any such proclamation shall, from the time of its publication, bind all persons. Within one week after the publication of any such proclamation, every person who owns, or who is in charge of animals of the kind diseased or contaminated within the municipality or geographical district, shall report to the Department the number and description of such animals, their location, and the name and address of the owner or person in charge, and during the continuance of the quarantine to report to the Department all cases of sickness, deaths or births among such animals.

(Source: P.A. 81-196.)

(510 ILCS 50/10) (from Ch. 8, par. 177)

Sec. 10. The Department may promulgate and adopt reasonable rules and regulations to prevent the entry into Illinois of any animals which may be contaminated or infected with, or which may have been exposed to, any contaminant or contagious or infectious disease. If the condition so warrants, the Director may request the Governor to issue a proclamation

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whereby any animals contaminated or diseased or those exposed to disease and any carcasses or portions of carcasses, feed, seed, bedding, equipment or other material capable of conveying contamination or infection will be prohibited from entering Illinois.
(Source: P.A. 81-196.)

(510 ILCS 50/13) (from Ch. 8, par. 180)

Sec. 13. The Department shall cooperate with any commissioner or other officer appointed by the United States authorities, in connection with carrying out any provision of any United States Statute providing for the suppression and prevention of contamination or contagious and infectious diseases among animals, in suppression and preventing the spread of contamination or contagious and infectious diseases among animals in this State.

The inspectors of the Animal Health Division of the United States Department of Agriculture and the Illinois Department of Agriculture have the right of inspection, quarantine and condemnation of animals affected with any contamination or contagious or infectious disease, or suspected to be so affected, or that have been exposed to any such contamination or disease, and for these purposes are authorized to enter upon any ground or premises. Such inspectors may call on sheriffs and peace officers to assist them in the discharge of their duties in carrying out the provisions of any such statute, referred to in the preceding paragraph, and the sheriffs and peace officers shall assist such inspectors when so requested. Such inspectors shall have the same powers and protection as peace officers while engaged in the discharge of their duties.
(Source: P.A. 91-457, eff. 1-1-00.)

(510 ILCS 50/20) (from Ch. 8, par. 187)

Sec. 20. Any person who knowingly transports, receives or conveys into this State any animals, carcasses or portions of carcasses, feed, seed, bedding, equipment, or other material capable of conveying contamination or infection as defined and prohibited in a proclamation issued by the Governor under the provisions of Section 10 of this Act is guilty of a business offense, and upon conviction thereof shall be fined not less than $1,000 nor more than $10,000, for each offense, and shall be

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liable for all damages or loss that may be sustained by any person by reason of such importation of such prohibited animals, or prohibited materials, which penalty may be recovered in the circuit court in any county in this State into or through which such animals or materials are brought.

(Source: P.A. 81-196.)

(510 ILCS 50/21) (from Ch. 8, par. 188)

Sec. 21. Any person who, knowing that any contamination or contagious or infectious disease exists among his animals, conceals such fact, or knowing of the existence of such disease, sells any animal or animals so contaminated or diseased, or any exposed animal, or knowing the same, removes any such contaminated, diseased, or exposed animal from his premises to the premises of another, or along any public highway, or knowing of the existence of such contamination, disease, or exposure thereto, transports, drives, leads or ships any animal so contaminated, diseased, or exposed, by any motor vehicle, car or steamboat, to any place in or out of this State; and any person who brings any such contaminated or diseased, or knowingly, brings any such contaminated or exposed animals into this State from another state; and any person who knowingly buys, receives, sells, conveys, or engages in the traffic of such contaminated, diseased, or exposed stock, and any person who violates any quarantine regulation established under the provisions of this or any other Act, for each, either, any or all acts above mentioned in this Section, is guilty of a petty offense and shall forfeit all right to any compensation for any animal or property destroyed under the provisions of this Act.

(Source: P.A. 91-457, eff. 1-1-00.)

(510 ILCS 50/22) (from Ch. 8, par. 189)

Sec. 22. Any veterinarian having information of the existence of any contamination or reportable disease among animals in this State, who fails to promptly report such knowledge to the Department, shall be guilty of a business offense and shall be fined in any sum not exceeding $1,000 for each offense.

(Source: P.A. 90-385, eff. 8-15-97.)

(510 ILCS 50/24) (from Ch. 8, par. 191)
Sec. 24. Any owner or person having charge of any animal and having knowledge of, or reasonable grounds to suspect the existence among them of any contamination or contagious or infectious disease and who does not use reasonable means to prevent the spread of such contamination or disease or violates any quarantine; or who conveys upon or along any public highway or other public grounds or any private lands, any contaminated or diseased animal, or animal known to have died of, or been slaughtered on account of, any contamination or contagious or infectious disease, except in the case of transportation for medical treatment or diagnosis, shall be liable in damages to the person or persons who may have suffered loss on account thereof.

(Source: P.A. 90-385, eff. 8-15-97; 91-457, eff. 1-1-00.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 30, 2007.
Effective August 30, 2007.

PUBLIC ACT 95-0555
(House Bill No. 1030)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by adding Section 2-3.142 as follows:

(105 ILCS 5/2-3.142 new)

Sec. 2-3.142. Special education expenditure and receipt report. The State Board of Education shall issue an annual report to the General Assembly and Governor identifying each school district's special education expenditures; receipts received from State, federal, and local sources; and net special education expenditures over receipts received, if applicable. Expenditures and receipts shall be calculated in a manner specified by the State Board using data obtained from the Annual

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Financial Report, the Funding and Child Tracking System, and district enrollment information. This report must be issued on or before May 1, 2008 and on or before each May 1 thereafter.

Section 99. Effective date. This Act takes effect July 1, 2007.
Approved August 30, 2007.
Effective August 30, 2007.

PUBLIC ACT 95-0556
(House Bill No. 1116)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Vehicle Code is amended by adding Section 3-611.5 as follows:

(625 ILCS 5/3-611.5 new)
Sec. 3-611.5. Fire Chief license plates.
(a) The Secretary, upon receipt of a request from a municipality or fire protection district that operates a fire department, accompanied by an application and the appropriate fee, may issue, to a fire chief of each municipal fire department or fire protection district, special registration plates designated as Fire Chief license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds, owned by the fire department or the chief officer of the fire department. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. The plates are not required to designate "Land of Lincoln" as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary may prescribe rules governing the requirements and approval of the special plates. The fee for this plate

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shall be the same as the fee prescribed for first division vehicles in Section 3-806 of this Code.

Approved August 30, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0557
(House Bill No. 1259)

AN ACT concerning community revitalization.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Community Self-Revitalization Act.

Section 5. Findings and purpose.
(a) The General Assembly finds that:
   (1) There is a great need for economic revitalization in many communities throughout this State.
   (2) Each community has valuable resources at its fingertips that can be tapped in the revitalization process.
   (3) With adequate support and assistance from the State and other resources, each community can participate in and shepherd its own economic renewal.
   (4) Successful redevelopment plans are based on policy that is responsive to the existing composition and character of the economically distressed community and that allows and compels the community to participate in the redevelopment planning process.
   (5) A successful redevelopment initiative creates and maintains a capable and adaptable workforce, has access to capital, has a sound fiscal base, has adequate infrastructure, has well-managed natural resources, and has an attractive quality of life.
(b) It is the purpose of this legislation to provide a mechanism for an economically distressed community to use in its efforts to revitalize the community.

Section 10. Definitions. As used in this Section:

"Community" means a municipality or a county with respect to the unincorporated areas of a county.

"Department" means the Department of Commerce and Economic Opportunity.

"Economically distressed community" means (i) in the case of a municipality with a population of 25,000 or more, the municipality is certified by the Department as being in the highest 10% of all municipalities of 25,000 or more in the State in its average annual total unemployment rate for the last completed calendar year and its poverty rate, pursuant to the most recent U.S. census data available or (ii) in the case of a municipality with a population of less than 25,000 or an unincorporated area, a municipality or unincorporated area that is located at least partly in a county that is certified by the Department as being in the highest 10% of all counties in its average annual total unemployment rate for the last completed calendar year and its poverty rate, pursuant to the most recent U.S. census data available.

Section 15. Certification; Board of Economic Advisors.

(a) In order to receive the assistance as provided in this Act, a community shall first, by ordinance passed by its corporate authorities, request that the Department certify that it is an economically distressed community. The community must submit a certified copy of the ordinance to the Department. After review of the ordinance, if the Department determines that the community meets the requirements for certification, the Department may certify the community as an economically distressed community.

(b) A community that is certified by the Department as an economically distressed community may appoint a Board of Economic Advisors to create and implement a revitalization plan for the community. The Board shall consist of 18 members of the community, appointed by the mayor or the presiding officer of the county or jointly by the presiding
officers of each municipality and county that have joined to form a community for the purposes of this Act. Up to 18 Board members may be appointed from the following vital sectors:

(1) A member representing households and families.
(2) A member representing religious organizations.
(3) A member representing educational institutions.
(4) A member representing daycare centers, care centers for the handicapped, and care centers for the disadvantaged.
(5) A member representing community based organizations such as neighborhood improvement associations.
(6) A member representing federal and State employment service systems, skill training centers, and placement referrals.
(7) A member representing Masonic organizations, fraternities, sororities, and social clubs.
(8) A member representing hospitals, nursing homes, senior citizens, public health agencies, and funeral homes.
(9) A member representing organized sports, parks, parties, and games of chance.
(10) A member representing political parties, clubs, and affiliations, and election related matters concerning voter education and participation.
(11) A member representing the cultural aspects of the community, including cultural events, lifestyles, languages, music, visual and performing arts, and literature.
(12) A member representing police and fire protection agencies, prisons, weapons systems, and the military industrial complex.
(13) A member representing local businesses.
(14) A member representing the retail industry.
(15) A member representing the service industry.
(16) A member representing the industrial, production, and manufacturing sectors.
(17) A member representing the advertising and marketing industry.

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(18) A member representing the technology services industry.

The Board shall meet initially within 30 days of its appointment, shall select one member as chairperson at its initial meeting, and shall thereafter meet at the call of the chairperson. Members of the Board shall serve without compensation.

(c) One third of the initial appointees shall serve for 2 years, one third shall serve for 3 years, and one third shall serve for 4 years, as determined by lot. Subsequent appointees shall serve terms of 5 years.

(d) The Board shall create a 3-year to 5-year revitalization plan for the community. The plan shall contain distinct, measurable objectives for revitalization. The objectives shall be used to guide ongoing implementation of the plan and to measure progress during the 3-year to 5-year period. The Board shall work in a dynamic manner defining goals for the community based on the strengths and weaknesses of the individual sectors of the community as presented by each member of the Board. The Board shall meet periodically and revise the plan in light of the input from each member of the Board concerning his or her respective sector of expertise. The process shall be a community driven revitalization process, with community-specific data determining the direction and scope of the revitalization.

Section 20. Action by the Board.

(a) Organize. The Board shall first assess the needs and the resources of the community operating from the basic premise that the family unit is the primary unit of community and that the demand for goods and services from this residential sector is the main source of recovery and growth for the redevelopment of a community. The Board shall inventory community assets, including the condition of the family with respect to the role of the family as workers, consumers, and investors. The Board shall inventory the type and viability of businesses and industries currently in the community. In compiling the inventory, the Board shall rely on the input of each Board member with respect to his or her expertise in a given sector of the revitalization plan.

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(b) Revitalize. In implementing the revitalization plan, the Board shall focus on and build from existing resources in the community, growing existing businesses rather than luring business into the community from the outside. The Board shall also focus on the residents themselves rather than jobs. The Board shall promote investment in training residents in areas that will lead to employment and in turn will bring revenue into the community.

(c) Mobilize. The Board shall engage in the dynamic process of community self-revitalization through a continuous reassessment of the needs of the community in the revitalization process. As each goal of the 3-year to 5-year plan is achieved, the Board shall draw from the resources of its members to establish new goals and implement new strategies employing the lessons learned in the earlier stages of revitalization.

(d) Advise. The Board shall act as the liaison between the community and the local, county, and State Government. The Board shall make use of the resources of these governmental entities and shall provide counsel to each of these bodies with respect to economic development.

The Board shall also act as a liaison between private business entities located in the community and the community itself. The Board shall offer advice and assistance to these entities when requested and provide incentives and support, both economic and otherwise, to facilitate expansion and further investment in the community by the businesses.

The Board shall annually submit a report to the General Assembly and the Governor summarizing the accomplishments of the community concerning revitalization and the goals of the community for future revitalization.

Section 25. Funding sources. Subject to appropriation, the Department may make grants to communities that are certified as economically distressed communities under this Act and that create a Board of Economic Advisors under this Act for the operational expenses of the Board. The procedures for grant application shall be established by the Department by rule.

Section 99. Effective date. This Act takes effect upon becoming law.

New matter indicated by italics - deletions by strikeout
AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by adding Section 2-3.142 and by changing Section 10-22.39 as follows:
(105 ILCS 5/2-3.142 new)
Sec. 2-3.142. The Ensuring Success in School Task Force.
(a) In this Section:
"Domestic violence" means abuse by a family or household member, as "abuse" and "family or household members" are defined in Section 103 of the Illinois Domestic Violence Act of 1986.
"Sexual violence" means sexual assault, abuse, or stalking of an adult or minor child proscribed in the Criminal Code of 1961 in Sections 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14, 12-14.1, 12-15, and 12-16, including sexual violence committed by perpetrators who are strangers to the victim and sexual violence committed by perpetrators who are known or related by blood or marriage to the victim.
(b) The State Board of Education shall convene an Ensuring Success in School Task Force to develop policies, procedures, and protocols to be adopted by school districts for addressing the educational and related needs of children and youth who are parents, expectant parents, or victims of domestic or sexual violence to ensure their ability to stay in school, stay safe while in school, and successfully complete their education. The State Board of Education shall be the agency responsible for providing staff and administrative support to the task force.
(c) The Ensuring Success in School Task Force shall do all of the following:

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(1) Conduct a thorough examination of the barriers to school attendance, safety, and completion for children and youth who are parents, expectant parents, or victims of domestic or sexual violence.

(2) Conduct a discovery process that includes relevant research and the identification of effective policies, protocols, and programs within this State and elsewhere.

(3) Conduct meetings and public hearings in geographically diverse locations throughout the State to ensure the maximum input from area advocates and service providers, from local education agencies, and from children and youth who are parents, expectant parents, or victims of domestic or sexual violence and their parents or guardians.

(4) Establish and adhere to procedures and protocols to allow children and youth who are parents, expectant parents, or victims of domestic or sexual violence, their parents or guardians, and advocates who work on behalf of such children and youth to participate in the task force anonymously and confidentially.

(5) Invite the testimony of and confer with experts on relevant topics.

(6) Produce a report of the task force's findings on best practices and policies, which shall include a plan with a phased and prioritized implementation timetable with focus on ensuring the successful and safe completion of school for children and youth who are parents, expectant parents, or victims of domestic or sexual violence. The task force shall submit a report to the General Assembly on or before January 1, 2009 on its findings, recommendations, and implementation plan. Any task force reports shall be published on the State Board of Education's Internet website on the date the report is delivered to the General Assembly.

(7) Recommend new legislation or proposed rules developed by the task force.
(d) The President of the Senate and the Speaker of the House of Representatives shall each appoint one co-chairperson of the Ensuring Success in School Task Force. In addition to the 2 co-chairpersons, the task force shall be comprised of each of the following members, appointed by the State Board of Education, and shall be representative of the geographic, racial, ethnic, and cultural diversity of this State:

(1) A representative of a statewide nonprofit, nongovernmental domestic violence organization.
(2) A domestic violence victims’ advocate or service provider from a different nonprofit, nongovernmental domestic violence organization.
(3) A representative of a statewide nonprofit, nongovernmental sexual assault organization.
(4) A sexual assault victims’ advocate or service provider from a different nonprofit, nongovernmental sexual assault organization.
(5) A teen parent advocate or service provider from a nonprofit, nongovernmental organization.
(6) A school social worker.
(7) A school psychologist.
(8) A school counselor.
(9) A representative of a statewide professional teachers’ organization.
(10) A representative of a different statewide professional teachers' organization.
(11) A representative of a statewide organization that represents school boards.
(12) A representative of a statewide organization representing principals.
(13) A representative of City of Chicago School District 299.
(14) A representative of a nonprofit, nongovernmental youth services provider.

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(15) A representative of a statewide nonprofit, nongovernmental multi-issue advocacy organization with expertise in a cross-section of relevant issues.
(16) An alternative education service provider.
(17) A representative from a regional office of education.
(18) A truancy intervention services provider.
(19) A youth who is a parent or expectant parent directly affected by the issues, problems, and concerns of staying in school and successfully completing his or her education through high school.
(20) A youth who is a victim of domestic or sexual violence directly affected by the issues, problems, and concerns of staying in school and successfully completing his or her education.
(21) A parent or guardian of a child or youth who is a parent or expectant parent directly affected by the issues, problems, and concerns of staying in school and successfully completing his or her education.
(22) A parent or guardian of a child or youth who is a victim of domestic or sexual violence directly affected by the issues, problems, and concerns of staying in school and successfully completing his or her education.

The task force shall also consist of one member appointed by the Minority Leader of the Senate, one member appointed by the Minority Leader of the House of Representatives, the State Superintendent of Education, the Secretary of Human Services, the Director of Healthcare and Family Services, the Director of Children and Family Services, and the Director of Public Health or their designees.

(e) Members of the Ensuring Success in School Task Force shall receive no compensation for their participation, but may be reimbursed by the State Board of Education for expenses in connection with their participation, including travel, if funds are available. However, members of the task force who are youth who are parents, expectant parents, or victims of domestic or sexual violence and the parents or guardians of

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such youth shall be reimbursed for their travel expenses connected to their participation in the task force.

(105 ILCS 5/10-22.39) (from Ch. 122, par. 10-22.39)
Sec. 10-22.39. In-service training programs.
(a) To conduct in-service training programs for teachers.
(b) In addition to other topics at in-service training such programs, school guidance counselors, teachers and other school personnel who work with pupils in grades 7 through 12 shall be trained to identify the warning signs of suicidal behavior in adolescents and teens and shall be taught appropriate intervention and referral techniques.
(c) School guidance counselors, nurses, teachers and other school personnel who work with pupils may be trained to have a basic knowledge of matters relating to acquired immunodeficiency syndrome (AIDS), including the nature of the disease, its causes and effects, the means of detecting it and preventing its transmission, and the availability of appropriate sources of counseling and referral, and any other information that may be appropriate considering the age and grade level of such pupils. The School Board shall supervise such training. The State Board of Education and the Department of Public Health shall jointly develop standards for such training.
(d) In this subsection (d):
"Domestic violence" means abuse by a family or household member, as "abuse" and "family or household members" are defined in Section 103 of the Illinois Domestic Violence Act of 1986.
"Sexual violence" means sexual assault, abuse, or stalking of an adult or minor child proscribed in the Criminal Code of 1961 in Sections 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14, 12-14.1, 12-15, and 12-16, including sexual violence committed by perpetrators who are strangers to the victim and sexual violence committed by perpetrators who are known or related by blood or marriage to the victim.
At least once every 2 years, an in-service training program for school personnel who work with pupils, including, but not limited to, school and school district administrators, teachers, school guidance counselors, school social workers, school counselors, school
psychologists, and school nurses, must be conducted by persons with expertise in domestic and sexual violence and the needs of expectant and parenting youth and shall include training concerning (i) communicating with and listening to youth victims of domestic or sexual violence and expectant and parenting youth, (ii) connecting youth victims of domestic or sexual violence and expectant and parenting youth to appropriate in-school services and other agencies, programs, and services as needed, and (iii) implementing the school district’s policies, procedures, and protocols with regard to such youth, including confidentiality. At a minimum, school personnel must be trained to understand, provide information and referrals, and address issues pertaining to youth who are parents, expectant parents, or victims of domestic or sexual violence.
(Source: P.A. 86-900.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 30, 2007.
Effective August 30, 2007.

PUBLIC ACT 95-0559
(House Bill No. 1384)

AN ACT concerning energy efficiency.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Agency Energy Efficiency Act.

Section 5. Legislative findings; purpose. The State government is one of the largest consumers of energy in the State. As a result, the General Assembly finds that:
(1) a 10% reduction in energy use by all State agencies would result in a decreased demand on the citizens of the State;

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(2) the use of energy for electricity, heating, and cooling of State buildings and transportation in State vehicles has a significant impact on public health and the environment; and

(3) State agencies should set a strong example in energy efficiency, water conservation, recycling, and waste reduction to demonstrate cost-effective solutions to citizens, businesses, and other government jurisdictions.

Section 10. Energy use; goal. All executive branch State agencies shall make it a goal to reduce energy use in State facilities by 10% within 10 years after the effective date of this Act.

Section 15. Administration. All State agencies shall work with the Department of Central Management Services in achieving the goal set out in Section 10. The Department shall:

(1) ensure that all existing State energy efficiency measures are achieved;

(2) provide State agencies with the technical expertise necessary to implement policies adopted under this Act;

(3) implement an energy information system to measure progress toward the goal set out in Section 10; and

(4) report to the Governor on a quarterly basis, beginning January 2008, regarding the progress on implementing the policies of this Act and achieving the goal set out in Section 10.

For purposes of this Act, "Department" means the Department of Central Management Services.

Section 25. Agency duties. All executive branch State agencies shall:

(1) implement an energy information system to track its energy and water usage;

(2) purchase Energy Star equipment, including air conditioners, computers, appliances, and office equipment, unless justification is provided and the Department approves a waiver of this requirement; and

(3) form an internal committee to assess the environmental impacts of that agency's activities and identify practical alternatives

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for incorporating pollution prevention and resource conservation into agency management and operational practices. Each internal committee shall consist of representatives from different departments and program areas of the agency, including purchasing, maintenance, and facility management.

A chairperson shall be appointed to coordinate the internal committee's activities and act as liaison to the Department. The chairperson shall report to the Department, on a quarterly basis beginning December 2007, regarding the progress on implementing the policies of this Act and achieving the goal set out in Section 10.

Section 30. Termination. On or before January 1, 2009, the Department shall evaluate the reports submitted by each executive branch State agency and determine whether the costs of implementing the provisions of this Act exceed the energy savings achieved. If the Department finds that implementation costs exceed energy savings, the Department shall request approval from the General Assembly to terminate implementation of the provisions under this Act.

Approved August 30, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0560
(House Bill No. 3614)

AN ACT concerning animals.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Humane Care for Animals Act is amended by changing Sections 3.04, 4.01, and 4.04 and by adding Section 17 as follows:

(510 ILCS 70/3.04)
Sec. 3.04. Arrests and seizures; penalties.
(a) Any law enforcement officer making an arrest for an offense involving one or more companion animals under Section 3.01, 3.02, or

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3.03 of this Act may lawfully take possession of some or all of the companion animals in the possession of the person arrested. The officer, after taking possession of the companion animals, must file with the court before whom the complaint is made against any person so arrested an affidavit stating the name of the person charged in the complaint, a description of the condition of the companion animal or companion animals taken, and the time and place the companion animal or companion animals were taken, together with the name of the person from whom the companion animal or companion animals were taken and name of the person who claims to own the companion animal or companion animals if different from the person from whom the companion animal or companion animals were seized. He or she must at the same time deliver an inventory of the companion animal or companion animals taken to the court of competent jurisdiction. The officer must place the companion animal or companion animals in the custody of an animal control or animal shelter and the agency must retain custody of the companion animal or companion animals subject to an order of the court adjudicating the charges on the merits and before which the person complained against is required to appear for trial. The State's Attorney may, within 14 days after the seizure, file a "petition for forfeiture prior to trial" before the court having criminal jurisdiction over the alleged charges, asking for permanent forfeiture of the companion animals seized. The petition shall be filed with the court, with copies served on the impounding agency, the owner, and anyone claiming an interest in the animals. In a "petition for forfeiture prior to trial", the burden is on the prosecution to prove by a preponderance of the evidence that the person arrested violated Section 3.01, 3.02, 3.03, or 4.01 of this Act or Section 26-5 of the Criminal Code of 1961.

(b) An owner whose companion animal or companion animals are removed by a law enforcement officer under this Section must be given written notice of the circumstances of the removal and of any legal remedies available to him or her. The notice must be posted at the place of seizure, or delivered to a person residing at the place of seizure or, if the address of the owner is different from the address of the person from

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whom the companion animal or companion animals were seized, delivered by registered mail to his or her last known address.

(c) In addition to any other penalty provided by law, upon conviction for violating Sections 3, 3.01, 3.02, or 3.03 the court may order the convicted person to forfeit to an animal control or animal shelter the animal or animals that are the basis of the conviction. Upon an order of forfeiture, the convicted person is deemed to have permanently relinquished all rights to the animal or animals that are the basis of the conviction. The forfeited animal or animals shall be adopted or humanely euthanized. In no event may the convicted person or anyone residing in his or her household be permitted to adopt the forfeited animal or animals. The court, additionally, may order that the convicted person and persons dwelling in the same household as the convicted person who conspired, aided, or abetted in the unlawful act that was the basis of the conviction, or who knew or should have known of the unlawful act, may not own, harbor, or have custody or control of any other animals for a period of time that the court deems reasonable.

(Source: P.A. 92-454, eff. 1-1-02; 92-650, eff. 7-11-02.)

(510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

Sec. 4.01. Animals in entertainment. This Section does not apply when the only animals involved are dogs. (Section 26-5 of the Criminal Code of 1961, rather than this Section, applies when the only animals involved are dogs.)

(a) No person may own, capture, breed, train, or lease any animal which he or she knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between such animal and any other animal or human, or the intentional killing of any animal for the purpose of sport, wagering, or entertainment.

(b) No person shall promote, conduct, carry on, advertise, collect money for or in any other manner assist or aid in the presentation for purposes of sport, wagering, or entertainment, any show, exhibition, program, or other activity involving a fight between 2 or more animals or any animal and human, or the intentional killing of any animal.
(c) No person shall sell or offer for sale, ship, transport, or otherwise move, or deliver or receive any animal which he or she knows or should know has been captured, bred, or trained, or will be used, to fight another animal or human or be intentionally killed, for the purpose of sport, wagering, or entertainment.

(d) No person shall manufacture for sale, shipment, transportation or delivery any device or equipment which that person knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more animals, or any human and animal, or the intentional killing of any animal for purposes of sport, wagering or entertainment.

(e) No person shall own, possess, sell or offer for sale, ship, transport, or otherwise move any equipment or device which such person knows or should know is intended for use in connection with any show, exhibition, program, or activity featuring or otherwise involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal for purposes of sport, wagering or entertainment.

(f) No person shall make available any site, structure, or facility, whether enclosed or not, which he or she knows or should know is intended to be used for the purpose of conducting any show, exhibition, program, or other activity involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal.

(g) No person shall attend or otherwise patronize any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal for the purposes of sport, wagering or entertainment.

(h) (Blank).

(i) Any animals or equipment involved in a violation of this Section shall be immediately seized and impounded under Section 12 by the Department when located at any show, exhibition, program, or other activity featuring or otherwise involving an animal fight for the purposes of sport, wagering, or entertainment.

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(j) Any vehicle or conveyance other than a common carrier that is used in violation of this Section shall be seized, held, and offered for sale at public auction by the sheriff's department of the proper jurisdiction, and the proceeds from the sale shall be remitted to the general fund of the county where the violation took place.

(k) Any veterinarian in this State who is presented with an animal for treatment of injuries or wounds resulting from fighting where there is a reasonable possibility that the animal was engaged in or utilized for a fighting event for the purposes of sport, wagering, or entertainment shall file a report with the Department and cooperate by furnishing the owners' names, dates, and descriptions of the animal or animals involved. Any veterinarian who in good faith complies with the requirements of this subsection has immunity from any liability, civil, criminal, or otherwise, that may result from his or her actions. For the purposes of any proceedings, civil or criminal, the good faith of the veterinarian shall be rebuttably presumed.

(l) No person shall solicit a minor to violate this Section.

(m) The penalties for violations of this Section shall be as follows:
   
   (1) A person convicted of violating subsection (a), (b), or (c) of this Section or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class 4 felony. A second or subsequent offense involving the violation of subsection (a), (b), or (c) of this Section or any rule, regulation, or order of the Department pursuant thereto is a Class 3 felony.

   (2) A person convicted of violating subsection (d), (e), or (f) of this Section or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

   (3) A person convicted of violating subsection (g) of this Section or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class C misdemeanor.
(4) A person convicted of violating subsection (l) of this Section is guilty of a Class A misdemeanor.
(Source: P.A. 92-425, eff. 1-1-02; 92-454, eff. 1-1-02; 92-650, eff. 7-11-02; 92-651, eff. 7-11-02; revised 11-21-02.)

(510 ILCS 70/4.04) (from Ch. 8, par. 704.04)
Sec. 4.04. Injuring or killing police animals, service animals, or search and rescue dogs prohibited. It shall be unlawful for any person to willfully or maliciously torture, mutilate, injure, disable, poison, or kill (i) any animal used by a law enforcement department or agency in the performance of the functions or duties of the department or agency or when placed in confinement off duty, (ii) any service animal, (iii) any search and rescue dog, or (iv) any law enforcement, service, or search and rescue animal in training. However, a police officer or veterinarian may perform euthanasia in emergency situations when delay would cause the animal undue suffering and pain.

A person convicted of violating this Section is guilty of a Class 4 felony if the animal is not killed or totally disabled; if the animal is killed or totally disabled, the person is guilty of a Class 3 felony.
(Source: P.A. 91-357, eff. 7-29-99; 92-454, eff. 1-1-02; 92-650, eff. 7-11-02; incorporates 92-723, eff. 1-1-03; revised 10-3-02.)

(510 ILCS 70/17 new)
Sec. 17. Penalties.
(a) Any person convicted of any act of abuse or neglect or of violating any other provision of this Act, for which a penalty is not otherwise provided, or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class B misdemeanor. A second or subsequent violation is a Class 4 felony with every day that a violation continues constituting a separate offense.

(b) The Department may enjoin a person from a continuing violation of this Act.
(510 ILCS 70/16 rep.)

Section 10. The Humane Care for Animals Act is amended by repealing Section 16.

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Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 30, 2007.
Effective August 30, 2007.

PUBLIC ACT 95-0561
(Senate Bill No. 0337)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Probate Act of 1975 is amended by changing Section 11a-2 as follows:

(755 ILCS 5/11a-2) (from Ch. 110 1/2, par. 11a-2)
Sec. 11a-2. "Disabled person" defined.) "Disabled person" means a person 18 years or older who (a) because of mental deterioration or physical incapacity is not fully able to manage his person or estate, or (b) is a person with mental illness or a person with a developmental disability and who because of his mental illness or developmental disability is not fully able to manage his person or estate, or (c) because of gambling, idleness, debauchery or excessive use of intoxicants or drugs, so spends or wastes his estate as to expose himself or his family to want or suffering, or (d) is diagnosed with fetal alcohol syndrome or fetal alcohol effects.
(Source: P.A. 88-380.)

Section 99. Effective date. This Act takes effect January 1, 2008.
Approved August 30, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0562
(Senate Bill No. 0435)

AN ACT concerning transportation.

New matter indicated by italics - deletions by strikeout
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing
Sections 1-100, 4-203, and 18a-105 and by adding Chapter 18d as follows:

(625 ILCS 5/1-100) (from Ch. 95 1/2, par. 1-100)
Sec. 1-100. Short Title. This Act may be cited as the Illinois
Vehicle Code.

Portions of this Act may likewise be cited by a short title as
follows:

Chapters 2, 3, 4 and 5: the Illinois Vehicle Title & Registration
Law.


Chapter 7: the Illinois Safety and Family Financial Responsibility
Law.


Chapter 15: the Illinois Size and Weight Law.

Chapter 17: the Illinois Highway Safety Law.

Chapter 18a: the Illinois Commercial Relocation of Trespassing
Vehicles Law.


Chapter 18c: the Illinois Commercial Transportation Law.

Chapter 18d: The Illinois Commercial Safety Towing Law.

(Source: P.A. 89-92, eff. 7-1-96.)

(625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)
Sec. 4-203. Removal of motor vehicles or other vehicles; Towing
or hauling away.

(a) When a vehicle is abandoned, or left unattended, on a toll
highway, interstate highway, or expressway for 2 hours or more, its
removal by a towing service may be authorized by a law enforcement
agency having jurisdiction.

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(b) When a vehicle is abandoned on a highway in an urban district 10 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(c) When a vehicle is abandoned or left unattended on a highway other than a toll highway, interstate highway, or expressway, outside of an urban district for 24 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(d) When an abandoned, unattended, wrecked, burned or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by a law enforcement agency having jurisdiction.

(e) Whenever a peace officer reasonably believes that a person under arrest for a violation of Section 11-501 of this Code or a similar provision of a local ordinance is likely, upon release, to commit a subsequent violation of Section 11-501, or a similar provision of a local ordinance, the arresting officer shall have the vehicle which the person was operating at the time of the arrest impounded for a period of not more than 12 hours after the time of arrest. However, such vehicle may be released by the arresting law enforcement agency prior to the end of the impoundment period if:

   (1) the vehicle was not owned by the person under arrest, and the lawful owner requesting such release possesses a valid operator's license, proof of ownership, and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner, or who would otherwise, by operating such motor vehicle, be in violation of this Code; or

   (2) the vehicle is owned by the person under arrest, and the person under arrest gives permission to another person to operate such vehicle, provided however, that the other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to
operate a motor vehicle in a safe manner or who would otherwise, by operating such motor vehicle, be in violation of this Code.

(e-5) Whenever a registered owner of a vehicle is taken into custody for operating the vehicle in violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code, a law enforcement officer may have the vehicle immediately impounded for a period not less than:

1. 24 hours for a second violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code or a combination of these offenses; or
2. 48 hours for a third violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code or a combination of these offenses.

The vehicle may be released sooner if the vehicle is owned by the person under arrest and the person under arrest gives permission to another person to operate the vehicle and that other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or would otherwise, by operating the motor vehicle, be in violation of this Code.

(f) Except as provided in Chapter 18a of this Code, the owner or lessor of privately owned real property within this State, or any person authorized by such owner or lessor, or any law enforcement agency in the case of publicly owned real property may cause any motor vehicle abandoned or left unattended upon such property without permission to be removed by a towing service without liability for the costs of removal, transportation or storage or damage caused by such removal, transportation or storage. The towing or removal of any vehicle from private property without the consent of the registered owner or other legally authorized person in control of the vehicle is subject to compliance with the following conditions and restrictions:

1. Any towed or removed vehicle must be stored at the site of the towing service's place of business. The site must be open during business hours, and for the purpose of redemption of
vehicles, during the time that the person or firm towing such vehicle is open for towing purposes.

2. The towing service shall within 30 minutes of completion of such towing or removal, notify the law enforcement agency having jurisdiction of such towing or removal, and the make, model, color and license plate number of the vehicle, and shall obtain and record the name of the person at the law enforcement agency to whom such information was reported.

3. If the registered owner or legally authorized person entitled to possession of the vehicle shall arrive at the scene prior to actual removal or towing of the vehicle, the vehicle shall be disconnected from the tow truck and that person shall be allowed to remove the vehicle without interference, upon the payment of a reasonable service fee of not more than one half the posted rate of the towing service as provided in paragraph 6 of this subsection, for which a receipt shall be given.

4. The rebate or payment of money or any other valuable consideration from the towing service or its owners, managers or employees to the owners or operators of the premises from which the vehicles are towed or removed, for the privilege of removing or towing those vehicles, is prohibited. Any individual who violates this paragraph shall be guilty of a Class A misdemeanor.

5. Except for property appurtenant to and obviously a part of a single family residence, and except for instances where notice is personally given to the owner or other legally authorized person in control of the vehicle that the area in which that vehicle is parked is reserved or otherwise unavailable to unauthorized vehicles and they are subject to being removed at the owner or operator's expense, any property owner or lessor, prior to towing or removing any vehicle from private property without the consent of the owner or other legally authorized person in control of that vehicle, must post a notice meeting the following requirements:

   a. Except as otherwise provided in subparagraph a.1 of this subdivision (f)5, the notice must be prominently

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placed at each driveway access or curb cut allowing vehicular access to the property within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the sign must be posted not less than one sign each 100 feet of lot frontage.

a.1. In a municipality with a population of less than 250,000, as an alternative to the requirement of subparagraph a of this subdivision (f)5, the notice for a parking lot contained within property used solely for a 2-family, 3-family, or 4-family residence may be prominently placed at the perimeter of the parking lot, in a position where the notice is visible to the occupants of vehicles entering the lot.

b. The notice must indicate clearly, in not less than 2 inch high light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense.

c. The notice must also provide the name and current telephone number of the towing service towing or removing the vehicle.

d. The sign structure containing the required notices must be permanently installed with the bottom of the sign not less than 4 feet above ground level, and must be continuously maintained on the property for not less than 24 hours prior to the towing or removing of any vehicle.

6. Any towing service that tows or removes vehicles and proposes to require the owner, operator, or person in control of the vehicle to pay the costs of towing and storage prior to redemption of the vehicle must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services, and post at the storage site an identical rate schedule and any written contracts with property owners, lessors, or persons in control of property which authorize them to remove vehicles as provided in this Section. The towing and

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storage charges, however, shall not exceed the maximum allowed by the Illinois Commerce Commission under Section 18a-200.

7. No person shall engage in the removal of vehicles from private property as described in this Section without filing a notice of intent in each community where he intends to do such removal, and such notice shall be filed at least 7 days before commencing such towing.

8. No removal of a vehicle from private property shall be done except upon express written instructions of the owners or persons in charge of the private property upon which the vehicle is said to be trespassing.

9. Vehicle entry for the purpose of removal shall be allowed with reasonable care on the part of the person or firm towing the vehicle. Such person or firm shall be liable for any damages occasioned to the vehicle if such entry is not in accordance with the standards of reasonable care.

10. When a vehicle has been towed or removed pursuant to this Section, it must be released to its owner or custodian within one half hour after requested, if such request is made during business hours. Any vehicle owner or custodian or agent shall have the right to inspect the vehicle before accepting its return, and no release or waiver of any kind which would release the towing service from liability for damages incurred during the towing and storage may be required from any vehicle owner or other legally authorized person as a condition of release of the vehicle. A detailed, signed receipt showing the legal name of the towing service must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

This Section shall not apply to law enforcement, firefighting, rescue, ambulance, or other emergency vehicles which are marked as such or to property owned by any governmental entity.

When an authorized person improperly causes a motor vehicle to be removed, such person shall be liable to the owner or lessee of the vehicle for the cost or removal, transportation and storage, any damages
resulting from the removal, transportation and storage, attorney's fee and court costs.

Any towing or storage charges accrued shall be payable by the use of any major credit card, in addition to being payable in cash.

11. Towing companies shall also provide insurance coverage for areas where vehicles towed under the provisions of this Chapter will be impounded or otherwise stored, and shall adequately cover loss by fire, theft or other risks.

Any person who fails to comply with the conditions and restrictions of this subsection shall be guilty of a Class C misdemeanor and shall be fined not less than $100 nor more than $500.

(g) When a vehicle is determined to be a hazardous dilapidated motor vehicle pursuant to Section 11-40-3.1 of the Illinois Municipal Code, its removal and impoundment by a towing service may be authorized by a law enforcement agency with appropriate jurisdiction.

When a vehicle removal from either public or private property is authorized by a law enforcement agency, the owner of the vehicle shall be responsible for all towing and storage charges.

Vehicles removed from public or private property and stored by a commercial vehicle relocator or any other towing service in compliance with this Section and Sections 4-201 and 4-202 of this Code, or at the request of the vehicle owner or operator, shall be subject to a possessor lien for services pursuant to the Labor and Storage Lien (Small Amount) Act. The provisions of Section 1 of that Act relating to notice and implied consent shall be deemed satisfied by compliance with Section 18a-302 and subsection (6) of Section 18a-300. In no event shall such lien be greater than the rate or rates established in accordance with subsection (6) of Section 18a-200 of this Code. In no event shall such lien be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Act. Every such lien shall be payable by use of any major credit card, in addition to being payable in cash.

Any personal property belonging to the vehicle owner in a vehicle subject to a lien under this subsection (g) shall likewise be subject to that lien, excepting only: food; medicine; perishable property; any operator's
licenses; any cash, credit cards, or checks or checkbooks; and any wallet, purse, or other property containing any operator's license or other identifying documents or materials, cash, credit cards, checks, or checkbooks.

No lien under this subsection (g) shall: exceed $2,000 in its total amount; or be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Act. 

(Source: P.A. 94-522, eff. 8-10-05; 94-784, eff. 1-1-07.)

(625 ILCS 5/18a-105) (from Ch. 95 1/2, par. 18a-105)

Sec. 18a-105. Exemptions. This Chapter shall not apply to the relocation of motorcycles.

(1) Vehicles registered for a gross weight in excess of 10,000 pounds, or if the vehicle is not registered, with a gross weight in excess of 10,000 pounds including vehicle weight and maximum load; or

(2) Motorcycles.

Such relocation shall be governed by the provisions of Section 4-203 of this Code.

(Source: P.A. 85-923.)

(625 ILCS 5/Chapter 18d heading new)

CHAPTER 18d. ILLINOIS COMMERCIAL SAFETY TOWING LAW

(625 ILCS 5/18d-101 new)

Sec. 18d-101. Short title. This Chapter may be cited as the Illinois Commercial Safety Towing Law.

(625 ILCS 5/18d-105 new)

Sec. 18d-105. Definitions. As used in this Chapter:

(1) "Commercial vehicle safety relocator" or "safety relocator" means any person or entity engaged in the business of removing damaged or disabled vehicles from public or private property by means of towing or otherwise, and thereafter relocating and storing such vehicles.

(2) "Commission" means the Illinois Commerce Commission.

(625 ILCS 5/18d-110 new)

Sec. 18d-110. The General Assembly finds and declares that commercial vehicle towing service in the State of Illinois fundamentally affects the public interest and public welfare. It is the intent of the General

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Assembly, in this amendatory Act of the 95th General Assembly, to promote the public interest and the public welfare by requiring similar basic consumer protections and fraud prevention measures that are required of other marketplace participants, including the disclosure of material terms and conditions of the service to consumers before consumers accept the terms and conditions. The General Assembly also intends that the provisions in this amendatory Act of the 95th General Assembly promote safety for all persons and vehicles that travel or otherwise use the public highways of this State. The General Assembly finds that it is in the public interest that persons whose vehicles are towed from the public highways know important basic information, such as where they can retrieve their vehicles and the cost to retrieve their vehicles, so that they can avoid vehicle deterioration and arrange for a prompt repair of the vehicles.

Sec. 18d-115. It shall be unlawful for any commercial vehicle safety relocator to operate in any county in which this Chapter is applicable without a valid, current safety relocator's registration certificate issued by the Illinois Commerce Commission. The Illinois Commerce Commission shall issue safety relocator's registration certificates in accordance with administrative rules adopted by the Commission. The Commission may, at any time during the term of the registration certificate, make inquiry, into the licensee's management or conduct of business or otherwise, to determine that the provisions of this Chapter and the rules of the Commission adopted under this Chapter are being observed.

Sec. 18d-120. Disclosure to vehicle owner or operator before towing of damaged or disabled vehicle commences.

(a) A commercial vehicle safety relocator shall not commence the towing of a damaged or disabled vehicle without specific authorization from the vehicle owner or operator after the disclosures set forth in this Section.

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(b) Every commercial vehicle safety relocator shall, before towing a damaged or disabled vehicle, give to each vehicle owner or operator a written disclosure providing:

(1) The formal business name of the commercial vehicle safety relocator, as registered with the Illinois Secretary of State, and its business address and telephone number.

(2) The address of the location to which the vehicle shall be relocated.

(3) The cost of all relocation, storage, and any other fees, without limitation, that the commercial vehicle safety relocator will charge for its services.

(4) An itemized description of the vehicle owner or operator's rights under this Code, as follows:

"As a customer, you also have the following rights under Illinois law:

(1) This written disclosure must be provided to you before your vehicle is towed, providing the business name, business address, address where the vehicle will be towed, and a reliable telephone number;

(2) Before towing, you must be advised of the price of all services;

(3) Upon your demand, a final invoice itemizing all charges, as well as any damage to the vehicle upon its receipt and return to you, must be provided;

(4) Upon your demand, your vehicle must be returned during business hours, upon your prompt payment of all reasonable fees;

(5) You have the right to pay all charges in cash or by major credit card;

(6) Upon your demand, you must be provided with proof of the existence of mandatory insurance insuring against all risks associated with the transportation and storage of your vehicle."

(c) The commercial vehicle safety relocator shall provide a copy of the completed disclosure required by this Section to the vehicle owner or operator.
operator, before towing the damaged or disabled vehicle, and shall maintain an identical copy of the completed disclosure in its records for a minimum of 5 years after the transaction concludes.

(d) If the vehicle owner or operator is incapacitated, incompetent, or otherwise unable to knowingly accept receipt of the disclosure described in this Section, the commercial vehicle safety relocator shall provide a completed copy of the disclosure to local law enforcement and, if known, the vehicle owner or operator's automobile insurance company.

(e) If the commercial vehicle safety relocator fails to comply with the requirements of this Section, the commercial vehicle safety relocator shall be prohibited from seeking any compensation whatsoever from the vehicle owner or operator, including but not limited to any towing, storage, or other incidental fees. Furthermore, if the commercial vehicle safety relocator or operator fails to comply with the requirements of this Section, any contracts entered into by the commercial vehicle safety relocator and the vehicle owner or operator shall be deemed null, void, and unenforceable.

(625 ILCS 5/18d-125 new)

Sec. 18d-125. Disclosures to vehicle owners or operators; invoices.

(a) Upon demand of the vehicle owner or operator, the commercial vehicle safety relocator shall provide an itemized final invoice that fairly and accurately documents the charges owed by the vehicle owner or operator for relocation of damaged or disabled vehicles. The final estimate or invoice shall accurately record in writing all of the items set forth in this Section.

(b) The final invoice shall show the formal business name of the commercial vehicle safety relocator, as registered with the Illinois Secretary of State, its business address and telephone number, the date of the invoice, the odometer reading at the time the final invoice was prepared, the name of the vehicle owner or operator, and the description of the motor vehicle, including the motor vehicle identification number. In addition, the invoice shall describe any modifications made to the vehicle by the commercial vehicle safety relocator, any observable damage to the

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vehicle upon its initial receipt by the commercial vehicle safety relocator, and any observable damage to the vehicle at the time of its release to the vehicle owner or operator. The invoice shall itemize any additional charges and include those charges in the total presented to the vehicle owner or operator.

(c) A legible copy of the invoice shall be given to the vehicle owner or operator, and a legible copy shall be retained by the commercial vehicle safety relocator for a period of 5 years from the date of release of the vehicle. The copy may be retained in electronic format. Records may be stored at a separate location.

(d) Disclosure forms required in accordance with this Section 18d-120 must be approved by the Commission.

(625 ILCS 5/18d-130 new)

Sec. 18d-130. Disclosures to vehicle owners or operators; required signs. Every commercial vehicle safety relocator's storage facility that relocates or stores damaged or disabled vehicles shall post, in a prominent place on the business premises, one or more signs, readily visible to customers, in the following form:

YOUR CUSTOMER RIGHTS. YOU ARE ENTITLED BY LAW TO:

1. BEFORE TOWING, A WRITTEN DISCLOSURE STATING THE NAME OF THE TOWING AND STORAGE SERVICE, ITS BUSINESS ADDRESS AND TELEPHONE NUMBER, AND THE ADDRESS WHERE THE VEHICLE WAS TO BE TOWED.

2. BEFORE TOWING, THE PRICE OF ALL CHARGES FOR THE TOWING AND STORAGE OF YOUR VEHICLE.

3. UPON YOUR DEMAND FOR THE RETURN OF YOUR VEHICLE, A FINAL INVOICE ITEMIZING ALL CHARGES FOR TOWING, STORAGE, OR ANY OTHER SERVICES PROVIDED, AS WELL AS ANY DAMAGE IDENTIFIED TO THE VEHICLE AT THE TIME IT WAS TAKEN BY THE TOWING AND STORAGE FACILITY, AS WELL AS ANY DAMAGE TO THE VEHICLE IDENTIFIED UPON ITS RELEASE TO YOU.
4. THE RETURN OF YOUR VEHICLE, UPON YOUR
DEMAND FOR ITS RETURN DURING BUSINESS HOURS AND
YOUR PROMPT PAYMENT OF ALL REASONABLE FEES.

5. PAY ALL CHARGES IN CASH OR BY MAJOR CREDIT
CARD.

6. UPON YOUR DEMAND, PROOF OF THE EXISTENCE
OF INSURANCE, WHICH THE COMMERCIAL VEHICLE
SAFETY RELOCATOR MUST MAINTAIN TO INSURE AGAINST
RISK OF DAMAGE TO YOUR VEHICLE IN TRANSIT AND
WHILE IN STORAGE. IF THE COMMERCIAL VEHICLE
SAFETY RELOCATOR HAS COMPLIED WITH THE ABOVE
RIGHTS, YOU ARE REQUIRED, BEFORE TAKING THE
VEHICLE FROM THE PREMISES, TO PAY FOR THE SERVICES
PROVIDED BY THE COMMERCIAL VEHICLE RELOCATOR.

The first line of each sign shall be in letters not less than 1.5 inches
in height, and the remaining lines shall be in letters not less than one-half
inch in height.

(625 ILCS 5/18d-135 new)

Sec. 18d-135. Record keeping. Every commercial vehicle safety
relocator engaged in relocation or storage of damaged or disabled
vehicles shall maintain copies of (i) all disclosures provided to vehicle
owners or operators as required under this Chapter and (ii) all invoices
provided to vehicle owners or operators as required under this Chapter.
The copies may be maintained in an electronic format, shall be kept for 5
years, and shall be available for inspection by the Illinois Commerce
Commission.

Failure to provide requested documentation to the Illinois
Commerce Commission within 3 business days of a request received from
the Illinois Commerce Commission shall subject the commercial vehicle
safety relocator to penalties imposed by the Illinois Commerce
Commission. Penalties may include suspension of registration certificate
and monetary fines up to $1,000 for each violation.

(625 ILCS 5/18d-140 new)

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Sec. 18d-140. Any vehicle used in connection with any commercial vehicle safety relocation service must have painted or firmly affixed to the vehicle on both sides of the vehicle in a color or colors vividly contrasting to the color of the vehicle the name, address, and telephone number of the safety relocate. The Commission shall prescribe reasonable rules and regulations pertaining to insignia to be painted or firmly affixed to vehicles.

(625 ILCS 5/18d-145 new)

Sec. 18d-145. Any vehicle used in connection with any commercial vehicle safety relocation service must carry in the power unit of the vehicle a certified copy of the currently effective safety relocate’s registration certificate. Copies may be photographed, photocopied, or reproduced or printed by any other legible and durable process. Any person guilty of not causing to be displayed a copy of the safety relocate’s registration certificate may in any hearing concerning the violation be excused from the payment of the penalty hereinafter provided upon a showing that the registration certificate was issued by the Commission, but was subsequently lost or destroyed.

(625 ILCS 5/18d-150 new)

Sec. 18d-150. Waiver or limitation of liability prohibited.

(a) Commercial vehicle safety relocators engaged in the relocation or storage of damaged or disabled vehicles shall be prohibited from including a clause in contracts for the relocation or storage of vehicles purporting to waive or limit the commercial vehicle safety relocate’s liability under this Code, in tort or contract, or under any other cognizable cause of action available to the vehicle owner or operator.

(b) Commercial vehicle safety relocators are prohibited from requiring the vehicle owner or operator to sign or agree to any document purporting to waive or limit the commercial vehicle safety relocate’s liability under this Code, in tort or contract, or under any other cognizable cause of action available to the vehicle owner or operator.

(c) Any contract, release, or other document purporting to waive or limit the commercial vehicle safety relocate’s liability under this Code, in tort or contract, or under any other cognizable cause of action available to the vehicle owner or operator.

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available to the vehicle owner or operator, shall be deemed null, void, and unenforceable.

(625 ILCS 5/18d-155 new)

Sec. 18d-155. The Illinois Commerce Commission may request documentation or investigate business practices by a commercial vehicle safety relocator to determine compliance with this Chapter. Failure to comply with any Section of this Chapter, as determined by the Illinois Commerce Commission shall subject a commercial vehicle safety relocator to penalties imposed by the Illinois Commerce Commission. Penalties may include suspension of registration certificate and monetary fines up to $1,000 for each violation.

(625 ILCS 5/18d-160 new)

Sec. 18d-160. Unlawful practice. Any commercial vehicle safety relocator engaged in the relocation or storage of damaged or disabled vehicles who fails to comply with Sections 18d-115, 18d-120, 18d-125, 18d-130, 18d-135, or 18d-150 of this Code commits an unlawful practice within the meaning of the Consumer Fraud and Deceptive Business Practices Act.

(625 ILCS 5/18d-165 new)

Sec. 18d-165. Charges payable in cash or by major credit card. Any towing or storage charges accrued by the vehicle owner or operator shall be payable by the use of any major credit card, in addition to being payable in cash.

(625 ILCS 5/18d-170 new)

Sec. 18d-170. Mandatory insurance coverage. 
(a) A commercial vehicle safety relocator shall provide insurance coverage for all risks associated with the transportation of vehicles towed under this Chapter, as well as for areas where vehicles towed under this Chapter are impounded or otherwise stored, and shall adequately cover loss by fire, theft, or other risks.

(b) Upon the demand of the vehicle owner or operator, a commercial vehicle safety relocator shall promptly supply proof of the existence of this insurance.
(c) Any person who fails to comply with the conditions and restrictions of this subsection shall be fined not less than $100 nor more than $500.

(625 ILCS 5/18d-175 new)
Sec. 18d-175. Disposition of funds. All fees and fines collected by the Commission under this Chapter shall be paid into the Transportation Regulatory Fund in the State treasury. The money in that fund shall be used to defray the expenses of the administration of this Chapter.

(625 ILCS 5/18d-180 new)
Sec. 18d-180. The provisions of this Chapter apply to all the activities of safety relocators in any jurisdiction to which Chapter 18a of this Code applies in accordance with Section 18a-700.

Section 10. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2Z as follows:

(815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

Sec. 2Z. Violations of other Acts. Any person who knowingly violates the Automotive Repair Act, the Automotive Collision Repair Act, the Home Repair and Remodeling Act, the Dance Studio Act, the Physical Fitness Services Act, the Hearing Instrument Consumer Protection Act, the Illinois Union Label Act, the Job Referral and Job Listing Services Consumer Protection Act, the Travel Promotion Consumer Protection Act, the Credit Services Organizations Act, the Automatic Telephone Dialers Act, the Pay-Per-Call Services Consumer Protection Act, the Telephone Solicitations Act, the Illinois Funeral or Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act, the Payday Loan Reform Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, paragraph (6) of subsection (k) of Section 6-305 of the Illinois Vehicle Code, Section 18d-115, 18d-120, 18d-125, 18d-135, or 18d-150 of the Illinois Vehicle Code, Article 3 of the Residential Real Property Disclosure Act, the Automatic Contract Renewal Act, or the Personal

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Information Protection Act commits an unlawful practice within the meaning of this Act.
(Source: P.A. 93-561, eff. 1-1-04; 93-950, eff. 1-1-05; 94-13, eff. 12-6-05; 94-36, eff. 1-1-06; 94-280, eff. 1-1-06; 94-292, eff. 1-1-06; 94-822, eff. 1-1-07.)

Section 99. Effective date. This Act takes effect July 1, 2008.
Approved August 31, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0563
(Senate Bill No. 0158)

AN ACT concerning liquor.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-16 as follows:

(235 ILCS 5/6-16) (from Ch. 43, par. 131)
Sec. 6-16. Prohibited sales and possession.
(a) (i) No licensee nor any officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years or to any intoxicated person, except as provided in Section 6-16.1. (ii) No express company, common carrier, or contract carrier nor any representative, agent, or employee on behalf of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State shall knowingly give or knowingly deliver to a residential address any shipping container clearly labeled as containing alcoholic liquor and labeled as requiring signature of an adult of at least 21 years of age to any person in this State under the age of 21 years. An express company, common carrier, or contract carrier that carries or transports such alcoholic liquor for delivery within this State shall obtain a signature at the time of delivery acknowledging receipt of the alcoholic liquor by an

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adult who is at least 21 years of age. At no time while delivering alcoholic beverages within this State may any representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State deliver the alcoholic liquor to a residential address without the acknowledgment of the consignee and without first obtaining a signature at the time of the delivery by an adult who is at least 21 years of age. A signature of a person on file with the express company, common carrier, or contract carrier does not constitute acknowledgement of the consignee. Any express company, common carrier, or contract carrier that transports alcoholic liquor for delivery within this State that violates this item (ii) of this subsection (a) by delivering alcoholic liquor without the acknowledgement of the consignee and without first obtaining a signature at the time of the delivery by an adult who is at least 21 years of age is guilty of a business offense for which the express company, common carrier, or contract carrier that transports alcoholic liquor within this State shall be fined not more than $1,001 for a first offense, not more than $5,000 for a second offense, and not more than $10,000 for a third or subsequent offense. An express company, common carrier, or contract carrier shall be held vicariously liable for the actions of its representatives, agents, or employees. For purposes of this Act, in addition to other methods authorized by law, an express company, common carrier, or contract carrier shall be considered served with process when a representative, agent, or employee alleged to have violated this Act is personally served. Each shipment of alcoholic liquor delivered in violation of this item (ii) of this subsection (a) constitutes a separate offense. (iii) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give, or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service. Except as otherwise provided in item (ii), any express company, common carrier, or contract carrier that transports alcoholic liquor within this State that violates the provisions of item (i), (ii), or (iii) of this paragraph of this subsection (a) is guilty of a Class A misdemeanor and the sentence shall include, but shall not be limited to, a fine of not less than $500. Any person who violates the

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provisions of item (iii) of this paragraph of this subsection (a) is guilty of a Class A misdemeanor and the sentence shall include, but shall not be limited to a fine of not less than $500 for a first offense and not less than $2,000 for a second or subsequent offense. Any person who knowingly violates the provisions of item (iii) of this paragraph of this subsection (a) is guilty of a Class 4 felony if a death occurs as the result of the violation.

If a licensee or officer, associate, member, representative, agent, or employee of the licensee, or a representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State, is prosecuted under this paragraph of this subsection (a) for selling, giving, or delivering alcoholic liquor to a person under the age of 21 years, the person under 21 years of age who attempted to buy or receive the alcoholic liquor may be prosecuted pursuant to Section 6-20 of this Act, unless the person under 21 years of age was acting under the authority of a law enforcement agency, the Illinois Liquor Control Commission, or a local liquor control commissioner pursuant to a plan or action to investigate, patrol, or conduct any similar enforcement action.

For the purpose of preventing the violation of this Section, any licensee, or his agent or employee, or a representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State, shall refuse to sell, deliver, or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years, if requested by the licensee, agent, employee, or representative.

Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. Proof that the defendant-licensee, or his employee or agent, or the representative, agent, or employee of the express company, common carrier, or contract carrier that carries or transports alcoholic liquor for

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delivery within this State demanded, was shown and reasonably relied upon such written evidence in any transaction forbidden by this Section is an affirmative defense in any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon. It shall not, however, be an affirmative defense if the agent or employee accepted the written evidence knowing it to be false or fraudulent. If a false or fraudulent Illinois driver's license or Illinois identification card is presented by a person less than 21 years of age to a licensee or the licensee's agent or employee for the purpose of ordering, purchasing, attempting to purchase, or otherwise obtaining or attempting to obtain the serving of any alcoholic beverage, the law enforcement officer or agency investigating the incident shall, upon the conviction of the person who presented the fraudulent license or identification, make a report of the matter to the Secretary of State on a form provided by the Secretary of State.

However, no agent or employee of the licensee or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State shall be disciplined or discharged for selling or furnishing liquor to a person under 21 years of age if the agent or employee demanded and was shown, before furnishing liquor to a person under 21 years of age, adequate written evidence of age and identity of the person issued by a federal, state, county or municipal government, or subdivision or agency thereof, including but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. This paragraph, however, shall not apply if the agent or employee accepted the written evidence knowing it to be false or fraudulent.

Any person who sells, gives, or furnishes to any person under the age of 21 years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of 21 years evidence of age and identification of any other person is guilty of a Class A misdemeanor and
the person's sentence shall include, but shall not be limited to, a fine of not less than $500.

Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity that is false, fraudulent, or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, who falsely states in writing that he or she is at least 21 years of age when receiving alcoholic liquor from a representative, agent, or employee of an express company, common carrier, or contract carrier, or who has in his or her possession any false or fraudulent written, printed, or photostatic evidence of age and identity, is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, the following: a fine of not less than $500 and at least 25 hours of community service. If possible, any community service shall be performed for an alcohol abuse prevention program.

Any person under the age of 21 years who has any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public is guilty of a Class A misdemeanor. This Section does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment.

(a-1) It is unlawful for any parent or guardian to knowingly permit his or her residence to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under the age of 21, in a manner that constitutes a violation of this Section. A parent or guardian is deemed to have knowingly permitted his or her residence to be used in violation of this Section if he or she knowingly authorizes, enables, or permits consumption of alcoholic liquor by underage invitees. Such use to occur by failing to control access to either the residence or the alcoholic liquor maintained in the residence. Any person who violates this subsection (a-1) is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than $500. Where a violation

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of this subsection (a-1) directly or indirectly results in great bodily harm
or death to any person, the person violating this subsection shall be guilty
of a Class 4 felony. Nothing in this subsection (a-1) shall be construed to
prohibit the giving of alcoholic liquor to a person under the age of 21 years
in the performance of a religious ceremony or service in observation of a
religious holiday.

(b) Except as otherwise provided in this Section whoever violates
this Section shall, in addition to other penalties provided for in this Act, be
guilty of a Class A misdemeanor.

(c) Any person shall be guilty of a Class A misdemeanor where he
or she knowingly permits a gathering at a residence which he or she
occupies of two or more persons where any one or more of the persons is
under 21 years of age and the following factors also apply:
   (1) the person occupying the residence knows that any such
       person under the age of 21 is in possession of or is consuming any
       alcoholic beverage; and
   (2) the possession or consumption of the alcohol by the
       person under 21 is not otherwise permitted by this Act; and
   (3) the person occupying the residence knows that the
       person under the age of 21 leaves the residence in an intoxicated
       condition.

   For the purposes of this subsection (c) where the residence has an
owner and a tenant or lessee, there is a rebuttable presumption that the
residence is occupied only by the tenant or lessee.

(d) Any person who rents a hotel or motel room from the proprietor
or agent thereof for the purpose of or with the knowledge that such room
shall be used for the consumption of alcoholic liquor by persons under the
age of 21 years shall be guilty of a Class A misdemeanor.

(e) Except as otherwise provided in this Act, any person who has
alcoholic liquor in his or her possession on public school district property
on school days or at events on public school district property when
children are present is guilty of a petty offense, unless the alcoholic liquor
(i) is in the original container with the seal unbroken and is in the
possession of a person who is not otherwise legally prohibited from

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possessing the alcoholic liquor or (ii) is in the possession of a person in or for the performance of a religious service or ceremony authorized by the school board.
(Source: P.A. 92-380, eff. 1-1-02; 92-503, eff. 1-1-02; 92-507, eff. 1-1-02; 92-651, eff. 7-11-02; 92-687, eff. 1-1-03.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 31, 2007.

PUBLIC ACT 95-0564
(Senate Bill No. 0940)

AN ACT concerning health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Firearm Owners Identification Card Act is amended by changing Section 3.1 as follows:

(430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)
Sec. 3.1. Dial up system.
(a) The Department of State Police shall provide a dial up telephone system or utilize other existing technology which shall be used by any federally licensed firearm dealer, gun show promoter, or gun show vendor who is to transfer a firearm, stun gun, or taser under the provisions of this Act. The Department of State Police may utilize existing technology which allows the caller to be charged a fee not to exceed $2. Fees collected by the Department of State Police shall be deposited in the State Police Services Fund and used to provide the service.
(b) Upon receiving a request from a federally licensed firearm dealer, gun show promoter, or gun show vendor, the Department of State Police shall immediately approve, or within the time period established by Section 24-3 of the Criminal Code of 1961 regarding the delivery of firearms, stun guns, and tasers notify the inquiring dealer, gun show

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promoter, or gun show vendor of any objection that would disqualify the transferee from acquiring or possessing a firearm, stun gun, or taser. In conducting the inquiry, the Department of State Police shall initiate and complete an automated search of its criminal history record information files and those of the Federal Bureau of Investigation, including the National Instant Criminal Background Check System, and of the files of the Department of Human Services relating to mental health and developmental disabilities to obtain any felony conviction or patient hospitalization information which would disqualify a person from obtaining or require revocation of a currently valid Firearm Owner's Identification Card.

(c) If receipt of a firearm would not violate Section 24-3 of the Criminal Code of 1961, federal law, or this Act the Department of State Police shall:

(1) assign a unique identification number to the transfer;

and

(2) provide the licensee, gun show promoter, or gun show vendor with the number.

(d) Approvals issued by the Department of State Police for the purchase of a firearm are valid for 30 days from the date of issue.

(e) (1) The Department of State Police must act as the Illinois Point of Contact for the National Instant Criminal Background Check System.

(2) The Department of State Police and the Department of Human Services shall, in accordance with State and federal law regarding confidentiality, enter into a memorandum of understanding with the Federal Bureau of Investigation for the purpose of implementing the National Instant Criminal Background Check System in the State. The Department of State Police shall report the name, date of birth, and physical description of any person prohibited from possessing a firearm pursuant to the Firearm Owners Identification Card Act or 18 U.S.C. 922(g) and (n) to the National Instant Criminal Background Check System Index, Denied Persons Files.

(f) The Department of State Police shall promulgate rules not inconsistent with this Section to implement this system.

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Section 10. The Mental Health and Developmental Disabilities Confidentiality Act is amended by changing Section 12 as follows:

(740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

Sec. 12. (a) If the United States Secret Service or the Department of State Police requests information from a mental health or developmental disability facility, as defined in Section 1-107 and 1-114 of the Mental Health and Developmental Disabilities Code, relating to a specific recipient and the facility director determines that disclosure of such information may be necessary to protect the life of, or to prevent the infliction of great bodily harm to, a public official, or a person under the protection of the United States Secret Service, only the following information may be disclosed: the recipient's name, address, and age and the date of any admission to or discharge from a facility; and any information which would indicate whether or not the recipient has a history of violence or presents a danger of violence to the person under protection. Any information so disclosed shall be used for investigative purposes only and shall not be publicly disseminated. Any person participating in good faith in the disclosure of such information in accordance with this provision shall have immunity from any liability, civil, criminal or otherwise, if such information is disclosed relying upon the representation of an officer of the United States Secret Service or the Department of State Police that a person is under the protection of the United States Secret Service or is a public official.

For the purpose of this subsection (a), the term "public official" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, State Comptroller, State Treasurer or member of the General Assembly. The term shall also include the spouse, child or children of a public official.

(b) The Department of Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities) and all public or private hospitals and mental health facilities are required, as hereafter described in this subsection, to furnish the Department of State Police only such information as may be required for the sole purpose of

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determining whether an individual who may be or may have been a patient is disqualified because of that status from receiving or retaining a Firearm Owner's Identification Card under subsection (e) or (f) of Section 8 of the Firearm Owners Identification Card Act or 18 U.S.C. 922(g) and (n). All public or private hospitals and mental health facilities shall, in the form and manner required by the Department, provide such information as shall be necessary for the Department to comply with the reporting requirements to the Department of State Police. Such information shall be furnished within 730 days after admission to a public or private hospital or mental health facility or the provision of services to a patient described in clause (2) of this subsection (b). Any such information disclosed under this subsection shall remain privileged and confidential, and shall not be redisclosed, except as required by clause (e)(2) of Section 3.1 of the Firearm Owners Identification Card Act, nor utilized for any other purpose. The method of requiring the providing of such information shall guarantee that no information is released beyond what is necessary for this purpose. In addition, the information disclosed shall be provided by the Department within the time period established by Section 24-3 of the Criminal Code of 1961 regarding the delivery of firearms. The method used shall be sufficient to provide the necessary information within the prescribed time period, which may include periodically providing lists to the Department of Human Services or any public or private hospital or mental health facility of Firearm Owner's Identification Card applicants on which the Department or hospital shall indicate the identities of those individuals who are to its knowledge disqualified from having a Firearm Owner's Identification Card for reasons described herein. The Department may provide for a centralized source of information for the State on this subject under its jurisdiction.

Any person, institution, or agency, under this Act, participating in good faith in the reporting or disclosure of records and communications otherwise in accordance with this provision or with rules, regulations or guidelines issued by the Department shall have immunity from any liability, civil, criminal or otherwise, that might result by reason of the action. For the purpose of any proceeding, civil or criminal, arising out of

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a report or disclosure in accordance with this provision, the good faith of
any person, institution, or agency so reporting or disclosing shall be
presumed. The full extent of the immunity provided in this subsection (b)
shall apply to any person, institution or agency that fails to make a report
or disclosure in the good faith belief that the report or disclosure would
violate federal regulations governing the confidentiality of alcohol and

For purposes of this subsection (b) only, the following terms shall
have the meaning prescribed:

(1) "Hospital" means only that type of institution which is
providing full-time residential facilities and treatment. for in-
patients and excludes institutions, such as community clinics,
which only provide treatment to out-patients.

(2) "Patient" shall include only: (i) a person who is an in-
patient or resident of any public or private hospital or mental
health facility or (ii) a person who is an out-patient or provided
services by a public or private hospital or mental health facility
whose mental condition is of such a nature that it is manifested by
violent, suicidal, threatening, or assaultive behavior or reported
behavior, for which there is a reasonable belief by a physician,
clinical psychologist, or qualified examiner that the condition
poses a clear and present or imminent danger to the patient, any
other person or the community meaning the patient's condition
poses a clear and present danger in accordance with subsection (f)
of Section 8 of the Firearm Owners Identification Card Act. The
terms physician, clinical psychologist, and qualified examiner are
defined in Sections 1-120, 1-103, and 1-122 of the Mental Health and
Developmental Disabilities Code. mean only a person who is
an in-patient or resident of any hospital, not an out-patient or client
seen solely for periodic consultation.

(3) "Mental health facility" is defined by Section 1-114 of
the Mental Health and Developmental Disabilities Code.

(c) Upon the request of a peace officer who takes a person into
custody and transports such person to a mental health or developmental
disability facility pursuant to Section 3-606 or 4-404 of the Mental Health and Developmental Disabilities Code or who transports a person from such facility, a facility director shall furnish said peace officer the name, address, age and name of the nearest relative of the person transported to or from the mental health or developmental disability facility. In no case shall the facility director disclose to the peace officer any information relating to the diagnosis, treatment or evaluation of the person's mental or physical health.

For the purposes of this subsection (c), the terms "mental health or developmental disability facility", "peace officer" and "facility director" shall have the meanings ascribed to them in the Mental Health and Developmental Disabilities Code.

(d) Upon the request of a peace officer or prosecuting authority who is conducting a bona fide investigation of a criminal offense, or attempting to apprehend a fugitive from justice, a facility director may disclose whether a person is present at the facility. Upon request of a peace officer or prosecuting authority who has a valid forcible felony warrant issued, a facility director shall disclose: (1) whether the person who is the subject of the warrant is present at the facility and (2) the date of that person's discharge or future discharge from the facility. The requesting peace officer or prosecuting authority must furnish a case number and the purpose of the investigation or an outstanding arrest warrant at the time of the request. Any person, institution, or agency participating in good faith in disclosing such information in accordance with this subsection (d) is immune from any liability, civil, criminal or otherwise, that might result by reason of the action.
(Source: P.A. 92-738, eff. 7-25-02.)

Approved August 31, 2007.
Effective June 1, 2008.
AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Act on the Aging is amended by changing Section 4.02 as follows:

(20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

Sec. 4.02. Community Care Program. The Department shall establish a program of services to prevent unnecessary institutionalization of persons age 60 and older in need of long term care or who are established as persons who suffer from Alzheimer's disease or a related disorder under the Alzheimer's Disease Assistance Act, thereby enabling them to remain in their own homes or in other living arrangements. Such preventive services, which may be coordinated with other programs for the aged and monitored by area agencies on aging in cooperation with the Department, may include, but are not limited to, any or all of the following:

(a) (blank); home health services;
(b) (blank); home nursing services;
(c) homemaker services;
(d) personal assistant services chore and housekeeping services;
(e) adult day services;
(f) home-delivered meals;
(g) education in self-care;
(h) personal care services;
(i) adult day health services;
(j) habilitation services;
(k) respite care;
(k-5) community reintegration services;
(k-6) flexible senior services;
(k-7) medication management;

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(k-8) emergency home response;
(l) other nonmedical social services that may enable the person to become self-supporting; or
(m) clearinghouse for information provided by senior citizen home owners who want to rent rooms to or share living space with other senior citizens.

The Department shall establish eligibility standards for such services taking into consideration the unique economic and social needs of the target population for whom they are to be provided. Such eligibility standards shall be based on the recipient's ability to pay for services; provided, however, that in determining the amount and nature of services for which a person may qualify, consideration shall not be given to the value of cash, property or other assets held in the name of the person's spouse pursuant to a written agreement dividing marital property into equal but separate shares or pursuant to a transfer of the person's interest in a home to his spouse, provided that the spouse's share of the marital property is not made available to the person seeking such services.

Beginning July 1, 2002, the Department shall require as a condition of eligibility that all financially eligible applicants and recipients apply for medical assistance under Article V of the Illinois Public Aid Code in accordance with rules promulgated by the Department.

Beginning January 1, 2008, the Department shall require as a condition of eligibility that all new financially eligible applicants apply for and enroll in medical assistance under Article V of the Illinois Public Aid Code in accordance with rules promulgated by the Department.

The Department shall, in conjunction with the Department of Public Aid (now Department of Healthcare and Family Services), seek appropriate amendments under Sections 1915 and 1924 of the Social Security Act. The purpose of the amendments shall be to extend eligibility for home and community based services under Sections 1915 and 1924 of the Social Security Act to persons who transfer to or for the benefit of a spouse those amounts of income and resources allowed under Section 1924 of the Social Security Act. Subject to the approval of such amendments, the Department shall extend the provisions of Section 5-4 of
the Illinois Public Aid Code to persons who, but for the provision of home or community-based services, would require the level of care provided in an institution, as is provided for in federal law. Those persons no longer found to be eligible for receiving noninstitutional services due to changes in the eligibility criteria shall be given 60 days notice prior to actual termination. Those persons receiving notice of termination may contact the Department and request the determination be appealed at any time during the 60 day notice period. With the exception of the lengthened notice and time frame for the appeal request, the appeal process shall follow the normal procedure. In addition, each person affected regardless of the circumstances for discontinued eligibility shall be given notice and the opportunity to purchase the necessary services through the Community Care Program. If the individual does not elect to purchase services, the Department shall advise the individual of alternative services. The target population identified for the purposes of this Section are persons age 60 and older with an identified service need. Priority shall be given to those who are at imminent risk of institutionalization. The services shall be provided to eligible persons age 60 and older to the extent that the cost of the services together with the other personal maintenance expenses of the persons are reasonably related to the standards established for care in a group facility appropriate to the person's condition. These non-institutional services, pilot projects or experimental facilities may be provided as part of or in addition to those authorized by federal law or those funded and administered by the Department of Human Services. The Departments of Human Services, Healthcare and Family Services, Public Health, Veterans' Affairs, and Commerce and Economic Opportunity and other appropriate agencies of State, federal and local governments shall cooperate with the Department on Aging in the establishment and development of the non-institutional services. The Department shall require an annual audit from all chore/housekeeping and homemaker vendors contracting with the Department under this Section. The annual audit shall assure that each audited vendor's procedures are in compliance with Department's financial reporting guidelines requiring an administrative and employee wage and benefits cost split as defined in administrative rules. The audit is a public

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record under the Freedom of Information Act. The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department of Healthcare and Family Services, to effect the following: (1) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (2) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped. On and after July 1, 1996, all nursing home prescreenings for individuals 60 years of age or older shall be conducted by the Department.

As part of the Department on Aging's routine training of case managers and case manager supervisors, the Department may include information on family futures planning for persons who are age 60 or older and who are caregivers of their adult children with developmental disabilities. The content of the training shall be at the Department's discretion.

The Department is authorized to establish a system of recipient copayment for services provided under this Section, such copayment to be based upon the recipient's ability to pay but in no case to exceed the actual cost of the services provided. Additionally, any portion of a person's income which is equal to or less than the federal poverty standard shall not be considered by the Department in determining the copayment. The level of such copayment shall be adjusted whenever necessary to reflect any change in the officially designated federal poverty standard.

The Department, or the Department's authorized representative, shall recover the amount of moneys expended for services provided to or in behalf of a person under this Section by a claim against the person's estate or against the estate of the person's surviving spouse, but no recovery may be had until after the death of the surviving spouse, if any, and then only at such time when there is no surviving child who is under age 21, blind, or permanently and totally disabled. This paragraph, however, shall not bar recovery, at the death of the person, of moneys for services provided to the person or in behalf of the person under this Section to which the person was not entitled; provided that such recovery
shall not be enforced against any real estate while it is occupied as a homestead by the surviving spouse or other dependent, if no claims by other creditors have been filed against the estate, or, if such claims have been filed, they remain dormant for failure of prosecution or failure of the claimant to compel administration of the estate for the purpose of payment. This paragraph shall not bar recovery from the estate of a spouse, under Sections 1915 and 1924 of the Social Security Act and Section 5-4 of the Illinois Public Aid Code, who precedes a person receiving services under this Section in death. All moneys for services paid to or in behalf of the person under this Section shall be claimed for recovery from the deceased spouse's estate. "Homestead", as used in this paragraph, means the dwelling house and contiguous real estate occupied by a surviving spouse or relative, as defined by the rules and regulations of the Department of Healthcare and Family Services, regardless of the value of the property.

The Department shall increase the effectiveness of the existing Community Care Program by:

(1) ensuring that in-home services included in the care plan are available on evenings and weekends;

(2) ensuring that care plans contain the services that eligible participants' need based on the number of days in a month, not limited to specific blocks of time, as identified by the comprehensive assessment tool selected by the Department for use statewide, not to exceed the total monthly service cost maximum allowed for each service. The Department shall develop administrative rules to implement this item (2);

(3) ensuring that the participants have the right to choose the services contained in their care plan and to direct how those services are provided, based on administrative rules established by the Department;

(4) ensuring that the determination of need tool is accurate in determining the participants' level of need; to achieve this, the Department, in conjunction with the Older Adult Services Advisory Committee, shall institute a study of the relationship between the

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Determination of Need scores, level of need, Service Cost Maximums and the development and utilization of service plans no later than May 1, 2008; findings and recommendations shall be presented to the Governor and the General Assembly no later than January 1, 2009; recommendations shall include all needed changes to the service cost maximums schedule and additional covered services;

(5) ensuring that homemakers can provide personal care services that may or may not involve contact with clients, including but not limited to:
   (A) bathing;
   (B) grooming;
   (C) toileting;
   (D) nail care;
   (E) transferring;
   (F) respiratory services;
   (G) exercise; or
   (H) positioning;

(6) ensuring that homemaker program vendors are not restricted from hiring homemakers who are family members of clients or recommended by clients; the Department may not, by rule or policy, require homemakers who are family members of clients or recommended by clients to accept assignments in homes other than the client; and

(7) ensuring that the State may access maximum federal matching funds by seeking approval for the Centers for Medicare and Medicaid Services for modifications to the State's home and community based services waiver and additional waiver opportunities in order to maximize federal matching funds; this shall include, but not be limited to, modification that reflects all changes in the Community Care Program services and all increases in the Services Cost Maximum.

By January 1, 2009 or as soon after the end of the Cash and Counseling Demonstration Project as is practicable, the Department may,
based on its evaluation of the demonstration project, promulgate rules concerning personal assistant services to include, but need not be limited to, qualifications, employment screening, rights under fair labor standards, training, fiduciary agent, and supervision requirements. All applicants shall be subject to the provisions of the Health Care Worker Background Check Act.

The Department shall develop procedures to enhance availability of services on evenings, weekends, and on an emergency basis to meet the respite needs of caregivers. Procedures shall be developed to permit the utilization of services in successive blocks of 24 hours up to the monthly maximum established by the Department. Workers providing these services shall be appropriately trained.

Beginning on the effective date of this Amendatory Act of 1991, no person may perform chore/housekeeping and homemaker services under a program authorized by this Section unless that person has been issued a certificate of pre-service to do so by his or her employing agency. Information gathered to effect such certification shall include (i) the person's name, (ii) the date the person was hired by his or her current employer, and (iii) the training, including dates and levels. Persons engaged in the program authorized by this Section before the effective date of this amendatory Act of 1991 shall be issued a certificate of all pre- and in-service training from his or her employer upon submitting the necessary information. The employing agency shall be required to retain records of all staff pre- and in-service training, and shall provide such records to the Department upon request and upon termination of the employer's contract with the Department. In addition, the employing agency is responsible for the issuance of certifications of in-service training completed to their employees.

The Department is required to develop a system to ensure that persons working as homemakers and chore housekeepers receive increases in their wages when the federal minimum wage is increased by requiring vendors to certify that they are meeting the federal minimum wage statute for homemakers and chore housekeepers. An employer that cannot ensure

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that the minimum wage increase is being given to homemakers and chore housekeepers shall be denied any increase in reimbursement costs.

The Community Care Program Advisory Committee is created in the Department on Aging. The Director shall appoint individuals to serve in the Committee, who shall serve at their own expense. Members of the Committee must abide by all applicable ethics laws. The Committee shall advise the Department on issues related to the Department's program of services to prevent unnecessary institutionalization. The Committee shall meet on a bi-monthly basis and shall serve to identify and advise the Department on present and potential issues affecting the service delivery network, the program's clients, and the Department and to recommend solution strategies. Persons appointed to the Committee shall be appointed on, but not limited to, their own and their agency's experience with the program, geographic representation, and willingness to serve. The Committee shall include, but not be limited to, representatives from the following agencies and organizations:

(a) at least 4 adult day service representatives;
(b) at least 4 case coordination unit representatives;
(c) at least 4 representatives from in-home direct care service agencies;
(d) at least 2 representatives of statewide trade or labor unions that represent in-home direct care service staff;
(e) at least 2 representatives of Area Agencies on Aging;
(f) at least 2 non-provider representatives from a policy, advocacy, research, or other service organization;
(g) at least 2 representatives from a statewide membership organization for senior citizens; and
(h) at least 2 citizen members 60 years of age or older.

Nominations may be presented from any agency or State association with interest in the program. The Director, or his or her designee, shall serve as the permanent co-chair of the advisory committee. One other co-chair shall be nominated and approved by the members of the committee on an annual basis. Committee members' terms of appointment shall be for 4 years with one-quarter of the appointees' terms...
expiring each year. At no time may a member serve more than one consecutive term in any capacity on the committee. The Department shall fill vacancies that have a remaining term of over one year, and this replacement shall occur through the annual replacement of expiring terms. The Director shall designate Department staff to provide technical assistance and staff support to the committee. Department representation shall not constitute membership of the committee. All Committee papers, issues, recommendations, reports, and meeting memoranda are advisory only. The Director, or his or her designee, shall make a written report, as requested by the Committee, regarding issues before the Committee.

The Department on Aging and the Department of Human Services shall cooperate in the development and submission of an annual report on programs and services provided under this Section. Such joint report shall be filed with the Governor and the General Assembly on or before September 30 each year.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

Those persons previously found eligible for receiving non-institutional services whose services were discontinued under the Emergency Budget Act of Fiscal Year 1992, and who do not meet the eligibility standards in effect on or after July 1, 1992, shall remain ineligible on and after July 1, 1992. Those persons previously not required to cost-share and who were required to cost-share effective March 1, 1992, shall continue to meet cost-share requirements on and after July 1, 1992. Beginning July 1, 1992, all clients will be required to meet eligibility, cost-share, and other requirements and will have services discontinued or altered when they fail to meet these requirements.

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For the purposes of this Section, "flexible senior services" refers to services that require one-time or periodic expenditures including, but not limited to, respite care, home modification, assistive technology, housing assistance, and transportation.

(Source: P.A. 93-85, eff. 1-1-04; 93-902, eff. 8-10-04; 94-48, eff. 7-1-05; 94-269, eff. 7-19-05; 94-336, eff. 7-26-05; 94-954, eff. 6-27-06.)

Approved August 31, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0566
(House Bill No. 0668)

AN ACT concerning veterans.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Veterans Preference Act is amended by changing Sections 1 and 3 as follows:

(330 ILCS 55/1) (from Ch. 126 1/2, par. 23)
Sec. 1. In the employment and appointment to fill positions in the construction, addition to, or alteration of all public works undertaken or contracted for by the State, or by any political subdivision thereof, preference shall be given to persons who have been members of the armed forces of the United States or who, while citizens of the United States, were members of the armed forces of allies of the United States in time of hostilities with a foreign country, and have served under one or more of the following conditions:

(1) The veteran served a total of at least 6 months, or
(2) The veteran served for the duration of hostilities regardless of the length of engagement, or
(3) The veteran served in the theater of operations but was discharged on the basis of a hardship, or
(4) The veteran was released from active duty because of a service connected disability and was honorably discharged. But

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such preference shall be given only to those persons who are found to possess the business capacity necessary for the proper discharge of the duties of such employment. No political subdivision or person contracting for such public works is required to give preference to veterans, not residents of such district, over residents thereof, who are not veterans. As used in this Section:

"Time of hostilities with a foreign country" means any period of time in the past, present, or future during which a declaration of war by the United States Congress has been or is in effect or during which an emergency condition has been or is in effect that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.

"Armed forces of the United States" means the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, United States Reserve Forces, or Illinois National Guard. Service in the Merchant Marine that constitutes active duty under Section 401 of federal Public Law 95-202 shall also be considered service in the Armed Forces of the United States for purposes of this Section.

(330 ILCS 55/3) (from Ch. 126 1/2, par. 25)
Sec. 3. Any person who knowingly and wilfully violates the provisions of this Act, is guilty of a petty offense and shall be fined not less than $75, nor more than $300 for each offense.

(330 ILCS 55/3) (from Ch. 126 1/2, par. 25)
Sec. 3. Any person who knowingly and wilfully violates the provisions of this Act, is guilty of a petty offense and shall be fined not less than $75, nor more than $300 for each offense.

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(330 ILCS 55/3) (from Ch. 126 1/2, par. 25)
Sec. 3. Any person who knowingly and wilfully violates the provisions of this Act, is guilty of a petty offense and shall be fined not less than $75, nor more than $300 for each offense.

Approved August 31, 2007.
AN ACT concerning construction contracts.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Contractor Prompt Payment Act.

Section 5. Definitions. In this Act:

(a) "Payment application" means, in accordance with the terms and definitions of the applicable contract, any invoice, bill or other request for periodic payment, final payment, payment of change order or request for release of retainage from the contractor to the owner.

(b) "Construction contract" means a contract or subcontract, entered into after the effective date of this Act, for the design, construction, alteration, improvement, or repair of Illinois real property, except for contracts that require the expenditure of public funds and contracts for the design, construction, alteration, improvement, or repair of single family residences or multiple family residences with 12 or fewer units in a single building.

(c) "Contractor" and "subcontractor" shall have the meanings ascribed to them by the Illinois Mechanics Lien Act and cases decided under that Act.

Section 10. Construction contracts. All construction contracts shall be deemed to provide the following:

(1) If a contractor has performed in accordance with the provisions of a construction contract and the payment application has been approved by the owner or the owner's agent, the owner shall pay the amount due to the contractor pursuant to the payment application not more than 15 calendar days after the approval. The payment application shall be deemed approved 25 days after the owner receives it unless the owner provides, before the end of the 25-day period, a written statement of the amount withheld and the reason for withholding payment. If the owner finds that a portion of the work not in accordance with the contract, payment may be

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withheld for the reasonable value of that portion only. Payment shall be made for any portion of the contract for which the work has been performed in accordance with the provisions of the contract. Instructions or notification from an owner to his or her lender or architect to process or pay a payment application does not constitute approval of the payment application under this Act.

(2) If a subcontractor has performed in accordance with the provisions of his or her contract with the contractor or subcontractor and the work has been accepted by the owner, the owner's agent, or the contractor, the contractor shall pay to his or her subcontractor and the subcontractor shall pay to his or her subcontractor, within 15 calendar days of the contractor's receipt from the owner or the subcontractor's receipt from the contractor of each periodic payment, final payment, or receipt of retainage monies, the full amount received for the work of the subcontractor based on the work completed or the services rendered under the construction contract.

Section 15. Interest; suspension of performance.

(a) If a payment due pursuant to the provisions of this Act is not made in a timely manner, the delinquent party shall be liable for the amount of that payment, plus interest at a rate equal to 10% per annum.

(b) A contractor or subcontractor who is not paid as required by this Act may, after providing 7 calendar days' written notice to the party failing to make the required payment, suspend performance of a construction contract without penalty for breach of contract, until the payment required pursuant to this Act is made.

(c) The interest imposed by this Act shall not be duplicative of the interest charged under the Mechanics Lien Act.

Section 99. Effective date. This Act shall take effect upon becoming law.

Approved August 31, 2007.
AN ACT concerning guardianship.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 10. The Probate Act of 1975 is amended by changing Sections 11-5.4 and 11-13.2 as follows:

(755 ILCS 5/11-5.4)

Sec. 11-5.4. Short-term guardian.

(a) A parent, adoptive parent, or adjudicated parent whose parental rights have not been terminated, or the guardian of the person of a minor may appoint in writing, without court approval, a short-term guardian of an unmarried minor or a child likely to be born. The written instrument appointing a short-term guardian shall be dated and shall identify the appointing parent or guardian, the minor, and the person appointed to be the short-term guardian. The written instrument shall be signed by, or at the direction of, the appointing parent in the presence of at least 2 credible witnesses at least 18 years of age, neither of whom is the person appointed as the short-term guardian. The person appointed as the short-term guardian shall also sign the written instrument, but need not sign at the same time as the appointing parent.

(b) A parent or guardian shall not appoint a short-term guardian of a minor if the minor has another living parent, adoptive parent or adjudicated parent, whose parental rights have not been terminated, whose whereabouts are known, and who is willing and able to make and carry out day-to-day child care decisions concerning the minor, unless the nonappointing parent consents to the appointment by signing the written instrument of appointment.

(c) The appointment of the short-term guardian is effective immediately upon the date the written instrument is executed, unless the written instrument provides for the appointment to become effective upon a later specified date or event. The short-term guardian shall have authority to act as guardian of the minor as provided in Section 11-13.2 for a period
of 365 60 days from the date the appointment is effective, unless the
written instrument provides for the appointment to terminate upon an
earlier specified date or event. Only one written instrument appointing a
short-term guardian may be in force at any given time.

(d) Every appointment of a short-term guardian may be amended or
revoked by the appointing parent or by the appointing guardian of the
person of the minor at any time and in any manner communicated to the
short-term guardian or to any other person. Any person other than the
short-term guardian to whom a revocation or amendment is communicated
or delivered shall make all reasonable efforts to inform the short-term
 guardian of that fact as promptly as possible.

(e) The appointment of a short-term guardian or successor short-
term guardian does not affect the rights of the other parent in the minor.

(f) The written instrument appointing a short-term guardian may, but need not, be in the following form:

APPOINTMENT OF SHORT-TERM GUARDIAN

[IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

By properly completing this form, a parent or the guardian of the
person of the child is appointing a guardian of a child of the parent (or a
minor ward of the guardian, as the case may be) for a period of up to 365
60 days. A separate form should be completed for each child. The person
appointed as the guardian must sign the form, but need not do so at the
same time as the parent or parents or guardian.

This form may not be used to appoint a guardian if there is a
guardian already appointed for the child, except that if a guardian of the
person of the child has been appointed, that guardian may use this form to
appoint a short-term guardian. Both living parents of a child may together
appoint a guardian of the child, or the guardian of the person of the child
may appoint a guardian of the child, for a period of up to 365 60 days
through the use of this form. If the short-term guardian is appointed by
both living parents of the child, the parents need not sign the form at the
same time.]

1. Parent (or guardian) and Child. I, (insert name of
appointing parent or guardian), currently residing at (insert address

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of appointing parent or guardian), am a parent (or the guardian of
the person) of the following child (or of a child likely to be born):
(insert name and date of birth of child, or insert the words "not yet
born" to appoint a short-term guardian for a child likely to be born
and the child's expected date of birth).

2. Guardian. I hereby appoint the following person as the
short-term guardian for the child: (insert name and address of
appointed person).

3. Effective date. This appointment becomes effective:
(check one if you wish it to be applicable)

( ) On the date that I state in writing that I am no
longer either willing or able to make and carry out day-to-
day child care decisions concerning the child.

( ) On the date that a physician familiar with my
condition certifies in writing that I am no longer willing or
able to make and carry out day-to-day child care decisions
concerning the child.

( ) On the date that I am admitted as an in-patient to
a hospital or other health care institution.

( ) On the following date: (insert date).

( ) Other: (insert other).

[NOTE: If this item is not completed, the appointment is effective
immediately upon the date the form is signed and dated below.]

4. Termination. This appointment shall terminate 365 60
days after the effective date, unless it terminates sooner as
determined by the event or date I have indicated below: (check one
if you wish it to be applicable)

( ) On the date that I state in writing that I am
willing and able to make and carry out day-to-day child
care decisions concerning the child.

( ) On the date that a physician familiar with my
condition certifies in writing that I am willing and able to
make and carry out day-to-day child care decisions
concerning the child.

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( ) On the date that I am discharged from the hospital or other health care institution where I was admitted as an in-patient, which established the effective date.

( ) On the date which is (state a number of days, but no more than 365 60 days) days after the effective date.

( ) Other: (insert other).

[NOTE: If this item is not completed, the appointment will be effective for a period of 365 60 days, beginning on the effective date.]

5. Date and signature of appointing parent or guardian.
This appointment is made this (insert day) day of (insert month and year).

Signed: (appointing parent)

6. Witnesses. I saw the parent (or the guardian of the person of the child) sign this instrument or I saw the parent (or the guardian of the person of the child) direct someone to sign this instrument for the parent (or the guardian). Then I signed this instrument as a witness in the presence of the parent (or the guardian). I am not appointed in this instrument to act as the short-term guardian for the child. (Insert space for names, addresses, and signatures of 2 witnesses)

7. Acceptance of short-term guardian. I accept this appointment as short-term guardian on this (insert day) day of (insert month and year).

Signed: (short-term guardian)

8. Consent of child's other parent. I, (insert name of the child's other living parent), currently residing at (insert address of child's other living parent), hereby consent to this appointment on this (insert day) day of (insert month and year).

Signed: (consenting parent)

[NOTE: The signature of a consenting parent is not necessary if one of the following applies: (i) the child's other parent has died; or (ii) the whereabouts of the child's other parent are not known; or (iii) the child's other parent is not willing or able to make and carry out day-to-day child care responsibilities.]
care decisions concerning the child; or (iv) the child's parents were never
married and no court has issued an order establishing parentage.]
(Source: P.A. 90-796, eff. 12-15-98.)

(755 ILCS 5/11-13.2)
Sec. 11-13.2. Duties of short-term guardian of a minor.
(a) Immediately upon the effective date of the appointment of a
short-term guardian, the short-term guardian shall assume all duties as
short-term guardian of the minor as provided in this Section. The short-
term guardian of the person shall have authority to act as short-term
guardian, without direction of court, for the duration of the appointment,
which in no case shall exceed a period of 365 60 days. The authority of the
short-term guardian may be limited or terminated by a court of competent
jurisdiction.

(b) Unless further specifically limited by the instrument appointing
the short-term guardian, a short-term guardian shall have the authority to
act as a guardian of the person of a minor as prescribed in Section 11-13,
but shall not have any authority to act as guardian of the estate of a minor,
except that a short-term guardian shall have the authority to apply for and
receive on behalf of the minor benefits to which the child may be entitled
from or under federal, State, or local organizations or programs.
(Source: P.A. 88-529.)

Approved August 31, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0569
(House Bill No. 1289)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Unified Code of Corrections is amended by
changing Section 5-5-3.2 as follows:
(730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

New matter indicated by italics - deletions by strikeout
Sec. 5-5-3.2. Factors in Aggravation.
(a) The following factors shall be accorded weight in favor of imposing a term of imprisonment or may be considered by the court as reasons to impose a more severe sentence under Section 5-8-1:

(1) the defendant's conduct caused or threatened serious harm;

(2) the defendant received compensation for committing the offense;

(3) the defendant has a history of prior delinquency or criminal activity;

(4) the defendant, by the duties of his office or by his position, was obliged to prevent the particular offense committed or to bring the offenders committing it to justice;

(5) the defendant held public office at the time of the offense, and the offense related to the conduct of that office;

(6) the defendant utilized his professional reputation or position in the community to commit the offense, or to afford him an easier means of committing it;

(7) the sentence is necessary to deter others from committing the same crime;

(8) the defendant committed the offense against a person 60 years of age or older or such person's property;

(9) the defendant committed the offense against a person who is physically handicapped or such person's property;

(10) by reason of another individual's actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin, the defendant committed the offense against (i) the person or property of that individual; (ii) the person or property of a person who has an association with, is married to, or has a friendship with the other individual; or (iii) the person or property of a relative (by blood or marriage) of a person described in clause (i) or (ii). For the purposes of this Section, "sexual orientation" means heterosexuality, homosexuality, or bisexuality;

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(11) the offense took place in a place of worship or on the grounds of a place of worship, immediately prior to, during or immediately following worship services. For purposes of this subparagraph, "place of worship" shall mean any church, synagogue or other building, structure or place used primarily for religious worship;

(12) the defendant was convicted of a felony committed while he was released on bail or his own recognizance pending trial for a prior felony and was convicted of such prior felony, or the defendant was convicted of a felony committed while he was serving a period of probation, conditional discharge, or mandatory supervised release under subsection (d) of Section 5-8-1 for a prior felony;

(13) the defendant committed or attempted to commit a felony while he was wearing a bulletproof vest. For the purposes of this paragraph (13), a bulletproof vest is any device which is designed for the purpose of protecting the wearer from bullets, shot or other lethal projectiles;

(14) the defendant held a position of trust or supervision such as, but not limited to, family member as defined in Section 12-12 of the Criminal Code of 1961, teacher, scout leader, baby sitter, or day care worker, in relation to a victim under 18 years of age, and the defendant committed an offense in violation of Section 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 against that victim;

(15) the defendant committed an offense related to the activities of an organized gang. For the purposes of this factor, "organized gang" has the meaning ascribed to it in Section 10 of the Streetgang Terrorism Omnibus Prevention Act;

(16) the defendant committed an offense in violation of one of the following Sections while in a school, regardless of the time of day or time of year; on any conveyance owned, leased, or contracted by a school to transport students to or from school or a

New matter indicated by italics - deletions by strikeout
school related activity; on the real property of a school; or on a public way within 1,000 feet of the real property comprising any school: Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2 of the Criminal Code of 1961;

(16.5) the defendant committed an offense in violation of one of the following Sections while in a day care center, regardless of the time of day or time of year; on the real property of a day care center, regardless of the time of day or time of year; or on a public way within 1,000 feet of the real property comprising any day care center, regardless of the time of day or time of year: Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2 of the Criminal Code of 1961;

(17) the defendant committed the offense by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 1961;

(18) the defendant committed the offense in a nursing home or on the real property comprising a nursing home. For the purposes of this paragraph (18), "nursing home" means a skilled nursing or intermediate long term care facility that is subject to license by the Illinois Department of Public Health under the Nursing Home Care Act;

(19) the defendant was a federally licensed firearm dealer and was previously convicted of a violation of subsection (a) of Section 3 of the Firearm Owners Identification Card Act and has now committed either a felony violation of the Firearm Owners Identification Card Act or an act of armed violence while armed with a firearm;

New matter indicated by italics - deletions by strikeout
(20) the defendant (i) committed the offense of reckless homicide under Section 9-3 of the Criminal Code of 1961 or the offense of driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof under Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code; or

(21) the defendant (i) committed the offense of reckless driving or aggravated reckless driving under Section 11-503 of the Illinois Vehicle Code and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code; or

(22) the defendant committed the offense against a person who was elderly, disabled, or infirm by taking advantage of a family or fiduciary relationship with the elderly, disabled, or infirm person.

For the purposes of this Section:
"School" is defined as a public or private elementary or secondary school, community college, college, or university.
"Day care center" means a public or private State certified and licensed day care center as defined in Section 2.09 of the Child Care Act of 1969 that displays a sign in plain view stating that the property is a day care center.

(b) The following factors may be considered by the court as reasons to impose an extended term sentence under Section 5-8-2 upon any offender:

(1) When a defendant is convicted of any felony, after having been previously convicted in Illinois or any other jurisdiction of the same or similar class felony or greater class felony, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such
charges are separately brought and tried and arise out of different series of acts; or

(2) When a defendant is convicted of any felony and the court finds that the offense was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(3) When a defendant is convicted of voluntary manslaughter, second degree murder, involuntary manslaughter or reckless homicide in which the defendant has been convicted of causing the death of more than one individual; or

(4) When a defendant is convicted of any felony committed against:

(i) a person under 12 years of age at the time of the offense or such person's property;
(ii) a person 60 years of age or older at the time of the offense or such person's property; or
(iii) a person physically handicapped at the time of the offense or such person's property; or

(5) In the case of a defendant convicted of aggravated criminal sexual assault or criminal sexual assault, when the court finds that aggravated criminal sexual assault or criminal sexual assault was also committed on the same victim by one or more other individuals, and the defendant voluntarily participated in the crime with the knowledge of the participation of the others in the crime, and the commission of the crime was part of a single course of conduct during which there was no substantial change in the nature of the criminal objective; or

(6) When a defendant is convicted of any felony and the offense involved any of the following types of specific misconduct committed as part of a ceremony, rite, initiation, observance, performance, practice or activity of any actual or ostensible religious, fraternal, or social group:

(i) the brutalizing or torturing of humans or animals;
(ii) the theft of human corpses;
(iii) the kidnapping of humans;

New matter indicated by italics - deletions by strikeout
(iv) the desecration of any cemetery, religious, fraternal, business, governmental, educational, or other building or property; or
(v) ritualized abuse of a child; or

(7) When a defendant is convicted of first degree murder, after having been previously convicted in Illinois of any offense listed under paragraph (c)(2) of Section 5-5-3, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or

(8) When a defendant is convicted of a felony other than conspiracy and the court finds that the felony was committed under an agreement with 2 or more other persons to commit that offense and the defendant, with respect to the other individuals, occupied a position of organizer, supervisor, financier, or any other position of management or leadership, and the court further finds that the felony committed was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's leadership in an organized gang; or

(9) When a defendant is convicted of a felony violation of Section 24-1 of the Criminal Code of 1961 and the court finds that the defendant is a member of an organized gang; or

(10) When a defendant committed the offense using a firearm with a laser sight attached to it. For purposes of this paragraph (10), "laser sight" has the meaning ascribed to it in Section 24.6-5 of the Criminal Code of 1961; or

(11) When a defendant who was at least 17 years of age at the time of the commission of the offense is convicted of a felony and has been previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a Class X or Class 1 felony when the conviction has occurred within 10 years after the previous adjudication, excluding time spent in custody; or

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(12) When a defendant commits an offense involving the illegal manufacture of a controlled substance under Section 401 of the Illinois Controlled Substances Act, the illegal manufacture of methamphetamine under Section 25 of the Methamphetamine Control and Community Protection Act, or the illegal possession of explosives and an emergency response officer in the performance of his or her duties is killed or injured at the scene of the offense while responding to the emergency caused by the commission of the offense. In this paragraph (12), "emergency" means a situation in which a person's life, health, or safety is in jeopardy; and "emergency response officer" means a peace officer, community policing volunteer, fireman, emergency medical technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, other medical assistance or first aid personnel, or hospital emergency room personnel; or

(13) When a defendant commits any felony and the defendant used, possessed, exercised control over, or otherwise directed an animal to assault a law enforcement officer engaged in the execution of his or her official duties or in furtherance of the criminal activities of an organized gang in which the defendant is engaged.

(b-1) For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of aggravated criminal sexual assault or predatory criminal sexual assault of a child under subsection (a)(1) of Section 12-14.1 of the Criminal Code of 1961 where the victim was under 18 years of age at the time of the commission of the offense.

(d) The court may impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of unlawful use of weapons under Section 24-1 of the Criminal Code of 1961 for possessing a weapon

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that is not readily distinguishable as one of the weapons enumerated in Section 24-1 of the Criminal Code of 1961.
(Source: P.A. 94-131, eff. 7-7-05; 94-375, eff. 1-1-06; 94-556, eff. 9-11-05; 94-819, eff. 5-31-06.)

Approved August 31, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0570
(House Bill No. 1319)

AN ACT concerning insurance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Title Insurance Act is amended by changing Section 3 and by adding Section 18.1 as follows:

(215 ILCS 155/3) (from Ch. 73, par. 1403)

Sec. 3. As used in this Act, the words and phrases following shall have the following meanings unless the context requires otherwise:

(1) "Title insurance business" or "business of title insurance" means:

(A) Issuing as insurer or offering to issue as insurer title insurance; and
(B) Transacting or proposing to transact one or more of the following activities when conducted or performed in contemplation of or in conjunction with the issuance of title insurance;

(i) soliciting or negotiating the issuance of title insurance;

(ii) guaranteeing, warranting, or otherwise insuring the correctness of title searches for all instruments affecting titles to real property, any interest in real property, cooperative units and proprietary leases, and for all liens or charges affecting the same;

New matter indicated by italics - deletions by strikeout
(iii) handling of escrows, settlements, or closings;
(iv) executing title insurance policies;
(v) effecting contracts of reinsurance;
(vi) abstracting, searching, or examining titles; or
(vii) issuing insured closing letters or closing protection letters;

(C) Guaranteeing, warranting, or insuring searches or examinations of title to real property or any interest in real property, with the exception of preparing an attorney's opinion of title; or

(D) Guaranteeing or warranting the status of title as to ownership of or liens on real property and personal property by any person other than the principals to the transaction; or

(E) Doing or proposing to do any business substantially equivalent to any of the activities listed in this subsection, provided that the preparation of an attorney's opinion of title pursuant to paragraph (1)(C) is not intended to be within the definition of "title insurance business" or "business of title insurance".

(1.5) "Title insurance" means insuring, guaranteeing, warranting, or indemnifying owners of real or personal property or the holders of liens or encumbrances thereon or others interested therein against loss or damage suffered by reason of liens, encumbrances upon, defects in, or the unmarketability of the title to the property; the invalidity or unenforceability of any liens or encumbrances thereon; or doing any business in substance equivalent to any of the foregoing. "Warranting" for purpose of this provision shall not include any warranty contained in instruments of encumbrance or conveyance. Title insurance is a single line form of insurance, also known as monoline. An attorney's opinion of title pursuant to paragraph (1)(C) is not intended to be within the definition of "title insurance".

(2) "Title insurance company" means any domestic company organized under the laws of this State for the purpose of conducting the business of title insurance and any title insurance company organized under the laws of another State, the District of Columbia or foreign
government and authorized to transact the business of title insurance in this State.

(3) "Title insurance agent" means a person, firm, partnership, association, corporation or other legal entity registered by a title insurance company and authorized by such company to determine insurability of title in accordance with generally acceptable underwriting rules and standards in reliance on either the public records or a search package prepared from a title plant, or both, and authorized in addition to do any of the following: act as an escrow agent, solicit title insurance, collect premiums, issue title reports, binders or commitments to insure and policies in its behalf, provided, however, the term "title insurance agent" shall not include officers and salaried employees of any title insurance company.

(4) "Producer of title business" is any person, firm, partnership, association, corporation or other legal entity engaged in this State in the trade, business, occupation or profession of (i) buying or selling interests in real property, (ii) making loans secured by interests in real property, or (iii) acting as broker, agent, attorney, or representative of natural persons or other legal entities that buy or sell interests in real property or that lend money with such interests as security.

(5) "Associate" is any firm, association, partnership, corporation or other legal entity organized for profit in which a producer of title business is a director, officer, or partner thereof, or owner of a financial interest, as defined herein, in such entity; any legal entity that controls, is controlled by, or is under common control with a producer of title business; and any natural person or legal entity with whom a producer of title business has any agreement, arrangement, or understanding or pursues any course of conduct the purpose of which is to evade the provisions of this Act.

(6) "Financial interest" is any ownership interest, legal or beneficial, except ownership of publicly traded stock.

(7) "Refer" means to place or cause to be placed, or to exercise any power or influence over the placing of title business, whether or not the consent or approval of any other person is sought or obtained with respect to the referral.
(8) "Escrow Agent" means any title insurance company or any title insurance agent, including independent contractors of either, acting on behalf of a title insurance company which receives deposits, in trust, of funds or documents, or both, for the purpose of effecting the sale, transfer, encumbrance or lease of real property to be held by such escrow agent until title to the real property that is the subject of the escrow is in a prescribed condition. An escrow agent conducting closings shall be subject to the provisions of paragraphs (1) through (4) of subsection (e) of Section 16 of this Act.

(9) "Independent Escrowee" means any firm, person, partnership, association, corporation or other legal entity, other than a title insurance company or a title insurance agent, which receives deposits, in trust, of funds or documents, or both, for the purpose of effecting the sale, transfer, encumbrance or lease of real property to be held by such escrowee until title to the real property that is the subject of the escrow is in a prescribed condition. Federal and State chartered banks, savings and loan associations, credit unions, mortgage bankers, banks or trust companies authorized to do business under the Illinois Corporate Fiduciary Act, licensees under the Consumer Installment Loan Act, real estate brokers licensed pursuant to the Real Estate License Act of 2000, as such Acts are now or hereafter amended, and licensed attorneys when engaged in the attorney-client relationship are exempt from the escrow provisions of this Act. "Independent Escrowee" does not include employees or independent contractors of a title insurance company or title insurance agent authorized by a title insurance company to perform closing, escrow, or settlement services.

(10) "Single risk" means the insured amount of any title insurance policy, except that where 2 or more title insurance policies are issued simultaneously covering different estates in the same real property, "single risk" means the sum of the insured amounts of all such title insurance policies. Any title insurance policy insuring a mortgage interest, a claim payment under which reduces the insured amount of a fee or leasehold title insurance policy, shall be excluded in computing the amount of a single risk to the extent that the insured amount of the mortgage title insurance

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policy does not exceed the insured amount of the fee or leasehold title insurance policy.

(11) "Department" means the Department of Financial and Professional Regulation.

(12) "Secretary" means the Secretary of Financial and Professional Regulation.

(13) "Insured closing letter" or "closing protection letter" means an indemnification or undertaking to a party to a real estate transaction, from a principal such as a title insurance company or similar entity, setting forth in writing the extent of the principal's responsibility for intentional misconduct or errors in closing the real estate transaction on the part of a settlement agent, such as a title insurance agent or other settlement service provider.

(14) "Residential real property" means a building or buildings consisting of one to 4 residential units or a residential condominium unit where at least one of the residential units or condominium units is occupied or intended to be occupied as a residence by the purchaser or borrower, or in the event that the purchaser or borrower is the trustee of a trust, by a beneficiary of that trust.

(Source: P.A. 94-893, eff. 6-20-06.)

(215 ILCS 155/18.1 new)

Sec. 18.1. Choice of title insurance company. It is declared to be the public policy of this State that parties to a contract for the sale of residential real property who are obligated to provide and pay for title insurance have the right to choose the title insurance company and title insurance agent that will provide such title insurance. No lender or producer of title business, as the term is defined in this Act, shall, as a condition of making a loan, providing services of any kind, including, but not limited to, services as a broker, agent, lender, attorney, or otherwise, require a party to a contract for the sale of residential real property who is obligated by that contract to furnish and pay for title insurance at their expense, to procure title insurance from a title insurance company or title insurance agent other than a title insurance company or title insurance agent that is chosen by the party paying for the title insurance.

New matter indicated by italics - deletions by strikeout
Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 31, 2007.

PUBLIC ACT 95-0571
(House Bill No. 1403)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Methamphetamine Control and Community Protection Act is amended by changing Section 15 as follows:

(720 ILCS 646/15)
Sec. 15. Participation in methamphetamine manufacturing.
(a) Participation in methamphetamine manufacturing.
(1) It is unlawful to knowingly participate in the manufacture of methamphetamine with the intent that methamphetamine or a substance containing methamphetamine be produced.
(2) A person who violates paragraph (1) of this subsection (a) is subject to the following penalties:
(A) A person who participates in the manufacture of less than 15 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class 1 felony.
(B) A person who participates in the manufacture of 15 or more grams but less than 100 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 6 years and not more than 30 years, and subject to a fine not to exceed $100,000 or the street value of the methamphetamine manufactured, whichever is greater.

New matter indicated by italics - deletions by strikeout
(C) A person who participates in the manufacture of 100 or more grams but less than 400 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 9 years and not more than 40 years, and subject to a fine not to exceed $200,000 or the street value of the methamphetamine manufactured, whichever is greater.

(D) A person who participates in the manufacture of 400 or more grams but less than 900 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 12 years and not more than 50 years, and subject to a fine not to exceed $300,000 or the street value of the methamphetamine manufactured, whichever is greater.

(E) A person who participates in the manufacture of 900 grams or more of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 15 years and not more than 60 years, and subject to a fine not to exceed $400,000 or the street value of the methamphetamine, whichever is greater.

(b) Aggravated participation in methamphetamine manufacturing.

(1) It is unlawful to engage in aggravated participation in the manufacture of methamphetamine. A person engages in aggravated participation in the manufacture of methamphetamine when the person violates paragraph (1) of subsection (a) and:

(A) the person knowingly does so in a multi-unit dwelling;

(B) the person knowingly does so in a structure or vehicle where a child under the age of 18, a person with a disability, or a person 60 years of age or older who is incapable of adequately providing for his or her own health

New matter indicated by italics - deletions by strikeout
and personal care resides, is present, or is endangered by
the manufacture of methamphetamine;

(C) the person does so in a structure or vehicle
where a woman the person knows to be pregnant (including
but not limited to the person herself) resides, is present, or
is endangered by the methamphetamine manufacture;

(D) the person knowingly does so in a structure or
vehicle protected by one or more firearms, explosive
devices, booby traps, alarm systems, surveillance systems,
guard dogs, or dangerous animals;

(E) the methamphetamine manufacturing in which
the person participates is a contributing cause of the death,
serious bodily injury, disability, or disfigurement of another
person, including but not limited to an emergency service
provider;

(F) the methamphetamine manufacturing in which
the person participates is a contributing cause of a fire or
explosion that damages property belonging to another
person; or

(G) the person knowingly organizes, directs, or
finances the methamphetamine manufacturing or activities
carried out in support of the methamphetamine
manufacturing; or:

(H) the methamphetamine manufacturing occurs
within 1,000 feet of a place of worship or parsonage.

(2) A person who violates paragraph (1) of this subsection
(b) is subject to the following penalties:

(A) A person who participates in the manufacture of
less than 15 grams of methamphetamine or a substance
containing methamphetamine is guilty of a Class X felony,
subject to a term of imprisonment of not less than 6 years
and not more than 30 years, and subject to a fine not to
exceed $100,000 or the street value of the
methamphetamine, whichever is greater.
(B) A person who participates in the manufacture of 15 or more grams but less than 100 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 9 years and not more than 40 years, and subject to a fine not to exceed $200,000 or the street value of the methamphetamine, whichever is greater.

(C) A person who participates in the manufacture of 100 or more grams but less than 400 grams of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 12 years and not more than 50 years, and subject to a fine not to exceed $300,000 or the street value of the methamphetamine, whichever is greater.

(D) A person who participates in the manufacture of 400 grams or more of methamphetamine or a substance containing methamphetamine is guilty of a Class X felony, subject to a term of imprisonment of not less than 15 years and not more than 60 years, and subject to a fine not to exceed $400,000 or the street value of the methamphetamine, whichever is greater.

(Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

Approved August 31, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0572
(House Bill No. 1406)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout

(225 ILCS 407/5-10)
(Section scheduled to be repealed on January 1, 2010)
Sec. 5-10. Definitions. As used in this Act:
"Advertisement" means any written, oral, or electronic communication that contains a promotion, inducement, or offer to conduct an auction or offer to provide an auction service, including but not limited to brochures, pamphlets, radio and television scripts, telephone and direct mail solicitations, electronic media, and other means of promotion.
"Advisory Board" means the Auctioneer Advisory Board.
"Associate auctioneer" means a person who conducts an auction, but who is under the direct supervision of, and is sponsored by, a licensed auctioneer or auction firm.
"Auction" means the sale or lease of property, real or personal, by means of exchanges between an auctioneer or associate auctioneer and prospective purchasers or lessees, which consists of a series of invitations for offers made by the auctioneer or associate auctioneer and offers by prospective purchasers or lessees for the purpose of obtaining an acceptable offer for the sale or lease of the property, including the sale or lease of property via mail, telecommunications, or the Internet.
"Auction contract" means a written agreement between an auctioneer, associate auctioneer, or auction firm and a seller or sellers.
"Auction firm" means any corporation, partnership, or limited liability company that acts as an auctioneer and provides an auction service.
"Auction school" means any educational institution, public or private, which offers a curriculum of auctioneer education and training approved by the Department of Banks and Real Estate.
"Auction service" means the service of arranging, managing, advertising, or conducting auctions.

New matter indicated by italics - deletions by strikeout
"Auctioneer" means a person or entity who, for another, for a fee, compensation, commission, or any other valuable consideration at auction or with the intention or expectation of receiving valuable consideration by the means of or process of an auction or sale at auction or providing an auction service, offers, negotiates, or attempts to negotiate an auction contract, sale, purchase, or exchange of goods, chattels, merchandise, personal property, real property, or any commodity that may be lawfully kept or offered for sale by or at auction.

"Commissioner" means the Commissioner of the Office of Banks and Real Estate or his or her designee.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of Auction Regulation.

"Goods" means chattels, movable goods, merchandise, or personal property or commodities of any form or type that may be lawfully kept or offered for sale.

"Licensee" means any person licensed under this Act.

"Managing auctioneer" means any person licensed as an auctioneer who manages and supervises licensees sponsored by an auction firm or auctioneer.

"OBRE" means the Office of Banks and Real Estate.

"Person" means an individual, association, partnership, corporation, or limited liability company or the officers, directors, or employees of the same.

"Pre-renewal period" means the 24 months prior to the expiration date of a license issued under this Act.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation or his or her designee.

"Sponsoring auctioneer" means the auctioneer or auction firm who has issued a sponsor card to a licensed associate auctioneer or auctioneer.

"Sponsor card" means the temporary permit issued by the sponsoring auctioneer certifying that the licensee named thereon is employed by or associated with the sponsoring auctioneer and the...
sponsoring auctioneer shall be responsible for the actions of the sponsored licensee.
(Source: P.A. 91-603, eff. 1-1-00; 92-16, eff. 6-28-01.)
(225 ILCS 407/10-1)
(Section scheduled to be repealed on January 1, 2010)
Sec. 10-1. Necessity of license; exemptions.
(a) It is unlawful for any person, corporation, limited liability company, partnership, or other entity to conduct an auction, provide an auction service, hold himself or herself out as an auctioneer, or advertise his or her services as an auctioneer in the State of Illinois without a license issued by the Department of Commerce and Economic Opportunity under this Act, except at:
(1) an auction conducted solely by or for a not-for-profit organization for charitable purposes;
(2) an auction conducted by the owner of the property, real or personal;
(3) an auction for the sale or lease of real property conducted by a licensee under the Real Estate License Act, or its successor Acts, in accordance with the terms of that Act;
(4) an auction conducted by a business registered as a market agency under the federal Packers and Stockyards Act (7 U.S.C. 181 et seq.) or under the Livestock Auction Market Law;
(5) an auction conducted by an agent, officer, or employee of a federal agency in the conduct of his or her official duties; and
(6) an auction conducted by an agent, officer, or employee of the State government or any political subdivision thereof performing his or her official duties.
(b) Nothing in this Act shall be construed to apply to a new or used vehicle dealer or a vehicle auctioneer licensed by the Secretary of State of Illinois, or to any employee of the licensee, who is a resident of the State of Illinois, while the employee is acting in the regular scope of his or her employment for the licensee while conducting an auction that is not open to the public, provided that only new or used vehicle dealers, rebuilders, automotive parts recyclers, scrap processors, or out-of-state salvage vehicle buyers licensed by the Secretary of State or licensed by another
jurisdiction may buy property at the auction, or to sales by or through the licensee.

(c) Nothing in this Act shall be construed to prohibit a person under the age of 18 from selling property under $250 in value while under the direct supervision of a licensed auctioneer.

(d) Nothing in this Act, except Section 10-27, shall be construed to apply to a person while providing an Internet auction listing service as defined in Section 10-27.

(Source: P.A. 91-603, eff. 1-1-00; 92-798, eff. 8-15-02.)

(225 ILCS 407/10-5)
(Section scheduled to be repealed on January 1, 2010)

Sec. 10-5. Requirements for auctioneer license; application. Every person who desires to obtain an auctioneer license under this Act shall:

(1) apply to the Department of Business Regulation on forms provided by the Department OBRE accompanied by the required fee;

(2) be at least 18 years of age;

(3) have attained a high school diploma or successfully completed an equivalent course of study determined by an examination conducted by the Illinois State Board of Education;

(4) personally take and pass a written examination authorized by the Department OBRE to prove competence, including but not limited to general knowledge of Illinois and federal laws pertaining to personal property contracts, auctions, real property, relevant provisions of Article 4 of the Uniform Commercial Code, ethics, and other topics relating to the auction business; and

(5) submit to the Department OBRE a properly completed 45-Day Permit Sponsor Card on forms provided by the Department OBRE.

(Source: P.A. 91-603, eff. 1-1-00.)
(225 ILCS 407/10-15)
(Section scheduled to be repealed on January 1, 2010)
Sec. 10-15. Requirements for associate auctioneer license; application. Every person who desires to obtain an associate auctioneer license under this Act shall:

(1) apply to the Department of Real Estate on forms provided by the Department of Real Estate accompanied by the required fee;
(2) be at least 18 years of age;

(3) have attained a high school diploma or successfully completed an equivalent course of study determined by an examination conducted by the Illinois State Board of Education;

(4) personally take and pass a written examination authorized by the Department of Real Estate to prove competence, including but not limited to general knowledge of Illinois and federal laws pertaining to personal property contracts, auctions, real property, relevant provisions of Article 4 of the Uniform Commercial Code, ethics, and other topics relating to the auction business; and

(5) submit to the Department of Real Estate a properly completed 45-day permit sponsor card on forms provided by the Department of Real Estate.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/10-20)
(Section scheduled to be repealed on January 1, 2010)

Sec. 10-20. Requirements for auction firm license; application. Any corporation, limited liability company, or partnership who desires to obtain an auction firm license shall:

(1) apply to the Department of Real Estate on forms provided by the Department of Real Estate accompanied by the required fee; and

(2) provide evidence to the Department of Real Estate that the auction firm has a properly licensed managing auctioneer.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/10-27)
(Section scheduled to be repealed on January 1, 2010)

Sec. 10-27. Registration of Internet Auction Listing Service.
(a) For the purposes of this Section:

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(1) "Internet Auction Listing Service" means a website on the Internet, or other interactive computer service that is designed to allow or advertised as a means of allowing users to offer personal property or services for sale or lease to a prospective buyer or lessee through an on-line bid submission process using that website or interactive computer service and that does not examine, set the price, or prepare the description of the personal property or service to be offered, or in any way utilize the services of a natural person as an auctioneer.

(2) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet.

(b) It is unlawful for any person, corporation, limited liability company, partnership, or other entity to provide an Internet auction listing service in the State of Illinois for compensation without being registered with the Department Office of Banks and Real Estate (OBRE) when:

(1) the person, corporation, limited liability company, partnership, or other entity providing the Internet auction listing service is located in the State of Illinois;

(2) the prospective seller or seller, prospective lessor or lessor, or prospective purchaser or purchaser is located in the State of Illinois and is required to agree to terms with the person, corporation, limited liability company, partnership, or other entity providing the Internet auction listing service, no matter where that person, corporation, limited liability company, partnership, or other entity is located; or

(3) the personal property or services offered for sale or lease are located or will be provided in the State of Illinois.

(c) Any person, corporation, limited liability company, partnership, or other entity that provides an Internet auction listing service in the State of Illinois for compensation under any of the circumstances listed in subsection (b) shall register with the Department OBRE on forms

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provided by the Department of Business Regulation and Enforceability accompanied by the required fee as provided by rule. Such registration shall include information as required by the Department of Business Regulation and established by rule as the Department of Business Regulation deems necessary to enable users of the Internet auction listing service in Illinois to identify the entity providing the service and to seek redress or further information from such entity. The fee shall be sufficient to cover the reasonable costs of the Department of Business Regulation in administering and enforcing the provisions of this Section. The registrant shall be required to certify:

(1) that the registrant does not act as the agent of users who sell items on its website, and acts only as a venue for user transactions;

(2) that the registrant requires sellers and bidders to register with the website and provide their name, address, telephone number and e-mail address;

(3) that the registrant retains such information for a period of at least 2 years;

(4) that the registrant retains transactional information consisting of at least seller identification, high bidder identification, and item sold for at least 2 years from the close of a transaction, and has a mechanism to identify all transactions involving a particular seller or buyer;

(5) that the registrant has a mechanism to receive complaints or inquiries from users;

(6) that the registrant adopts and reasonably implements a policy of suspending, in appropriate circumstances, the accounts of users who, based on the registrant's investigation, are proven to have engaged in a pattern of activity that appears to be deliberately designed to defraud consumers on the registrant's website; and

(7) that the registrant will comply with the Department of Business Regulation and law enforcement requests for stored data in its possession, subject to the requirements of applicable law.

(d) The Department of Business Regulation may refuse to accept a registration which is incomplete or not accompanied by the required fee. The

New matter indicated by italics - deletions by strikeout
The Department of Real Estate may impose a civil penalty not to exceed $10,000 upon any Internet auction listing service that intentionally fails to register as required by this Section, and may impose such penalty or revoke, suspend, or place on probation or administrative supervision the registration of any Internet auction listing service that:

1. intentionally makes a false or fraudulent material representation or material misstatement or misrepresentation to the Department of Real Estate in connection with its registration, including in the certification required under subsection (c);
2. is convicted of any crime, an essential element of which is dishonesty, fraud, larceny, embezzlement, or obtaining money, property, or credit by false pretenses or by means of a confidence game; or is convicted in this or another state of a crime that is a felony under the laws of this State; or is convicted of a felony in a federal court;
3. is adjudged to be a person under legal disability or subject to involuntary admission or to meet the standard for judicial admission as provided in the Mental Health and Developmental Disabilities Code;
4. has been subject to discipline by another state, the District of Columbia, a territory of the United States, a foreign nation, a governmental agency, or any other entity authorized to impose discipline if at least one of the grounds for that discipline is the same as or equivalent to one of the grounds for discipline set forth in this Section or for failing to report to the Department of Real Estate, within 30 days, any adverse final action taken against the registrant by any other licensing or registering jurisdiction, government agency, law enforcement agency, or court, or liability for conduct that would constitute grounds for action as set forth in this Section;
5. fails to make available to the Department of Real Estate personnel during normal business hours all records and related documents maintained in connection with the activities subject to registration under this Section;

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(6) makes or files false records or reports in connection with activities subject to registration, including but not limited to false records or reports filed with State agencies;

(7) fails to provide information within 30 days in response to a written request made by the Department of OBRE to a person designated in the registration for receipt of such requests; or

(8) fails to perform any act or procedure described in subsection (c) of this Section.

(e) Registrations issued pursuant to this Section shall expire on September 30 of odd-numbered years. A registrant shall submit a renewal application to the Department of OBRE on forms provided by the Department of OBRE along with the required fee as established by rule.

(f) Operating an Internet auction listing service under any of the circumstances listed in subsection (b) without being currently registered under this Section is declared to be adverse to the public welfare, to constitute a public nuisance, and to cause irreparable harm to the public welfare. The Secretary Commissioner of OBRE, the Attorney General of the State of Illinois, the State's Attorney of any county in the State, or any other person may maintain an action and apply for injunctive relief in any circuit court to enjoin the person or entity from engaging in such practice.

(g) The provisions of Sections 20-25, 20-30, 20-35, 20-40, 20-45, 20-50, 20-55, 20-60 and 20-75 of this Act shall apply to any actions of the Department of OBRE exercising its authority under subsection (d) as if a person required to register under this Section were a person holding or claiming to hold a license under this Act.

(h) The Department of OBRE shall have the authority to adopt such rules as may be necessary to implement or interpret the provisions of this Section.

(Source: P.A. 92-798, eff. 8-15-02.)

(225 ILCS 407/10-30)

(Section scheduled to be repealed on January 1, 2010)

Sec. 10-30. Expiration, renewal, and continuing education.

(a) License expiration dates, renewal periods, renewal fees, and procedures for renewal of licenses issued under this Act shall be set by
rule of the Department. An entity may renew its license by paying the required fee and by meeting the renewal requirements adopted by the Department under this Section. A license issued under this Act shall expire every 2 years beginning on September 30, 2001. The OBRE shall issue a renewal license without examination to an applicant upon submission of a completed renewal application and payment of the required fee:

(b) All renewal applicants must provide proof as determined by the Department of having met the continuing education requirements set forth by the Department by rule. At a minimum, the rules shall require an applicant for renewal licensure as an auctioneer or associate auctioneer to provide proof of the completion of at least 12 hours of continuing education during the pre-renewal period preceding the expiration date of the license from schools approved by the Department, as established by rule. The OBRE shall develop a program for continuing education as established in Article 25 of this Act. No auctioneer or associate auctioneer shall receive a renewal license without completing 12 hours of approved continuing education course work during the pre-renewal period prior to the expiration date of the license from continuing education schools that are approved by the OBRE, as established in Article 25 of this Act. The applicant shall verify on the application that he or she:

(1) has complied with the continuing education requirements; or

(2) is exempt from the continuing education requirements because it is his or her first renewal and he or she was initially licensed as an auctioneer or associate auctioneer during the pre-renewal period prior to the expiration date.

(c) The Department, in its discretion, may waive enforcement of the continuing education requirements of this Section and shall adopt rules defining the standards and criteria for such waiver. A renewal applicant may request a waiver of the continuing education requirements under subsection (d) of this Section, but shall not practice as an auctioneer or associate auctioneer until such waiver is granted and a renewal license is issued.

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(d) (Blank). The Commissioner, with the recommendation of the Advisory Board, may grant a renewal applicant a waiver from all or part of the continuing education requirements for the pre-renewal period if the applicant was not able to fulfill the requirements as a result of the following conditions:

(1) Service in the armed forces of the United States during a substantial part of the pre-renewal period.
(2) Service as an elected State or federal official.
(3) Service as a full-time employee of the OBRE.
(4) Other extreme circumstances as recommended by the Advisory Board.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/10-35)
(Section scheduled to be repealed on January 1, 2010)
Sec. 10-35. Completed 45-day permit sponsor card; termination by sponsoring auctioneer; inoperative status.

(a) No auctioneer or associate auctioneer shall conduct an auction or provide an auction service without being properly sponsored by a licensed auctioneer or auction firm.

(b) The sponsoring auctioneer or sponsoring auction firm shall prepare upon forms provided by the Department OBRE and deliver to each auctioneer or associate auctioneer employed by or associated with the sponsoring auctioneer or sponsoring auction firm a properly completed duplicate 45-day permit sponsor card certifying that the person whose name appears thereon is in fact employed by or associated with said sponsoring auctioneer or sponsoring auction firm. The sponsoring auctioneer or sponsoring auction firm shall send the original 45-day permit sponsor card, along with a valid terminated license or other authorization as provided by rule and the appropriate fee, to the Department OBRE within 24 hours after the issuance of the sponsor card. It is a violation of this Act for any sponsoring auctioneer or sponsoring auction firm to issue a sponsor card to any auctioneer, associate auctioneer, or applicant, unless the auctioneer, associate auctioneer, or applicant presents in hand a valid terminated license or other authorization, as provided by rule.

New matter indicated by italics - deletions by strikeout
(c) An auctioneer may be self-sponsored or may be sponsored by another licensed auctioneer or auction firm.

(d) An associate auctioneer must be sponsored by a licensed auctioneer or auction firm.

(e) When an auctioneer or associate auctioneer terminates his or her employment or association with a sponsoring auctioneer or sponsoring auction firm or the employment or association is terminated by the sponsoring auctioneer or sponsoring auction firm, the terminated licensee shall obtain from that sponsoring auctioneer or sponsoring auction firm his or her license endorsed by the sponsoring auctioneer or sponsoring auction firm indicating the termination. The terminating sponsoring auctioneer or sponsoring auction firm shall send a copy of the terminated license within 5 days after the termination to the Department of Business Regulation or shall notify the Department of Business Regulation in writing of the termination and explain why a copy of the terminated license was not surrendered.

(f) The license of any auctioneer or associate auctioneer whose association with a sponsoring auctioneer or sponsoring auction firm has terminated shall automatically become inoperative immediately upon such termination, unless the terminated licensee accepts employment or becomes associated with a new sponsoring auctioneer or sponsoring auction firm pursuant to subsection (g) of this Section. An inoperative licensee under this Act shall not conduct an auction or provide auction services while the license is in inoperative status.

(g) When a terminated or inoperative auctioneer or associate auctioneer accepts employment or becomes associated with a new sponsoring auctioneer or sponsoring auction firm, the new sponsoring auctioneer or sponsoring auction firm shall send to the Department of Business Regulation a properly completed 45-day permit sponsor card, the terminated license, and the appropriate fee.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/10-40)

(Section scheduled to be repealed on January 1, 2010)

Sec. 10-40. Restoration.

New matter indicated by italics - deletions by strikeout
(a) A licensee whose license has lapsed or expired shall have 2 years from the expiration date to restore his or her license without examination. The expired licensee shall make application to the Department on forms provided by the Department, including a properly completed 45-day permit sponsor card, provide evidence of successful completion of 12 hours of approved continuing education during the period of time the license had lapsed, and pay all lapsed fees and penalties as established by administrative rule.

(b) Notwithstanding any other provisions of this Act to the contrary, any licensee whose license under this Act has expired is eligible to restore such license without paying any lapsed fees and penalties provided that the license expired while the licensee was:

1. on active duty with the United States Army, United States Marine Corps, United States Navy, United States Air Force, United States Coast Guard, the State Militia called into service or training;
2. engaged in training or education under the supervision of the United States prior to induction into military service; or
3. serving as an employee of the Department, while the employee was required to surrender his or her license due to a possible conflict of interest.

A licensee shall be eligible to restore a license under the provisions of this subsection for a period of 2 years following the termination of the service, education, or training by providing a properly completed application and 45-day permit sponsor card, provided that the termination was by other than dishonorable discharge and provided that the licensee furnishes the Department with an affidavit specifying that the licensee has been so engaged.

(c) At any time after the suspension, revocation, placement on probationary status, or other disciplinary action taken under this Act with reference to any license, the Department may restore the license to the licensee without examination upon the order of the Secretary, if the licensee submits a properly completed application.
and 45-day permit sponsor card, pays appropriate fees, and otherwise complies with the conditions of the order.
(Source: P.A. 91-603, eff. 1-1-00; revised 10-11-05.)
(225 ILCS 407/10-45)
(Section scheduled to be repealed on January 1, 2010)
Sec. 10-45. Nonresident auctioneer reciprocity.
(a) A person holding a license to engage in auctions issued to him or her by the proper authority of a state, territory, or possession of the United States of America or the District of Columbia that has licensing requirements equal to or substantially equivalent to the requirements of this State and that otherwise meets the requirements of this Act may obtain a license under this Act without examination, provided:

(1) that the Department of Business Regulation has entered into a valid reciprocal agreement with the proper authority of the state, territory, or possession of the United States of America or the District of Columbia from which the nonresident applicant has a valid license;

(2) that the applicant provides the Department of Business Regulation with a certificate of good standing from the applicant's resident state;

(3) that the applicant completes and submits an application as provided by the Department of Business Regulation; and

(4) that the applicant pays all applicable fees required under this Act.

(b) A nonresident applicant shall file an irrevocable consent with the Department of Business Regulation that actions may be commenced against the applicant or nonresident licensee in a court of competent jurisdiction in this State by the service of summons, process, or other pleading authorized by the law upon the Secretary Commissioner. The consent shall stipulate and agree that service of the process, summons, or pleading upon the Secretary Commissioner shall be taken and held in all courts to be valid and binding as if actual service had been made upon the applicant in Illinois. If a summons, process, or other pleading is served upon the Secretary Commissioner, it shall be by duplicate copies, one of which shall be retained by the Department of Business Regulation and the other immediately

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forwarded by certified or registered mail to the last known business address of the applicant or nonresident licensee against whom the summons, process, or other pleading may be directed.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/10-50)

(Section scheduled to be repealed on January 1, 2010)

Sec. 10-50. Fees. Fees shall be determined by rule and shall be non-refundable. The OBRE shall provide by administrative rule for fees to be paid by applicants, licensees, and schools to cover the reasonable costs of the OBRE in administering and enforcing the provisions of this Act. The Department OBRE shall provide by administrative rule for fees to be collected from licensees and applicants to cover the statutory requirements for funding the Auctioneer Recovery Fund. The Department OBRE may also provide by administrative rule for general fees to cover the reasonable expenses of carrying out other functions and responsibilities under this Act.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-5)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-5. Unlicensed practice; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as an auctioneer, an associate auctioneer, an auction firm, or any other licensee under this Act without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty fine to the Department OBRE in an amount not to exceed $10,000 for each offense as determined by the Department OBRE. The civil penalty fine shall be assessed by the Department OBRE after a hearing is held in accordance with the provisions set forth in this Act regarding a hearing for the discipline of a license.

(b) The Department OBRE has the authority and power to investigate any and all unlicensed activity pursuant to this Act.

(c) The civil penalty fine shall be paid within 60 days after the effective date of the order imposing the civil penalty fine. The order shall

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constitute a *judgment* and may be filed and execution had thereon in the same manner from any court of record.

(d) Conducting an auction or providing an auction service in Illinois without holding a valid and current license under this Act is declared to be adverse to the public welfare, to constitute a public nuisance, and to cause irreparable harm to the public welfare. The *Secretary Commissioner*, the Attorney General, the State's Attorney of any county in the State, or any other person may maintain an action in the name of the People of the State of Illinois and may apply for injunctive relief in any circuit court to enjoin the person or entity from engaging in such practice.

Upon the filing of a verified petition in a circuit court, the court, if satisfied by affidavit or otherwise that the person or entity has been engaged in the practice of auctioning without a valid and current license, may enter a temporary restraining order without notice or bond enjoining the defendant from further practice. Only the showing of non-licensure, by affidavit or otherwise, is necessary in order for a temporary injunction to be issued. A copy of the verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases except as modified by this Section. If it is established that the defendant has been or is engaged in unlawful practice, the court may enter an order or judgment perpetually enjoining the defendant from further practice. In all proceedings hereunder, the court, in its discretion, may apportion the costs among the parties interested in the action, including cost of filing the complaint, service of process, witness fees and expenses, court reporter charges, and reasonable attorneys' fees. In case of violation of any injunctive order entered under the provisions of this Section, the court may summarily try and punish the offender for contempt of court. These injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this Act.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-15)

(Section scheduled to be repealed on January 1, 2010)
Sec. 20-15. Disciplinary actions; grounds. The Department of Behavioral Health, Developmental Disabilities, and Intellectual Disabili
may refuse to issue or renew a license, may place on probation or administrative supervision, suspend, or revoke any license or may reprimand or take other disciplinary or non-disciplinary action as the Department may deem proper, including the imposition of fines otherwise discipline or impose a civil fine not to exceed $10,000 for each violation upon anyone licensed under this Act for any of the following reasons upon any licensee hereunder for any one or any combination of the following causes:

(1) False or fraudulent representation or material misstatement in furnishing information to the Department in obtaining or seeking to obtain a license.

(2) Violation of any provision of this Act or the rules promulgated pursuant to this Act.

(3) Conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony, an essential element of which is dishonesty or fraud, or larceny, embezzlement, or obtaining money, property, or credit by false pretenses or by means of a confidence game, conviction in this or another state of a crime that is a felony under the laws of this State, or conviction of a felony in a federal court.

(4) Being adjudged to be a person under legal disability or subject to involuntary admission or to meet the standard for judicial admission as provided in the Mental Health and Developmental Disabilities Code.

(5) Discipline of a licensee by another state, the District of Columbia, a territory of the United States, a foreign nation, a governmental agency, or any other entity authorized to impose discipline if at least one of the grounds for that discipline is the same as or the equivalent to one of the grounds for discipline set forth in this Act or for failing to report to the Department, within 30 days, any adverse final action taken against the licensee by any other licensing jurisdiction, government agency, law enforcement agency, or other such entity.
enforcement agency, or court, or liability for conduct that would constitute grounds for action as set forth in this Act.

(6) Engaging in the practice of auctioneering, conducting an auction, or providing an auction service without a license or after the license was expired, revoked, suspended, or terminated or while the license was inoperative.

(7) Attempting to subvert or cheat on the auctioneer exam or any continuing education exam, or aiding or abetting another to do the same.

(8) Directly or indirectly giving to or receiving from a person, firm, corporation, partnership, or association a fee, commission, rebate, or other form of compensation for professional service not actually or personally rendered.

(9) Making any substantial misrepresentation or untruthful advertising.

(10) Making any false promises of a character likely to influence, persuade, or induce.

(11) Pursuing a continued and flagrant course of misrepresentation or the making of false promises through a licensee, agent, employee, advertising, or otherwise.

(12) Any misleading or untruthful advertising, or using any trade name or insignia of membership in any auctioneer association or organization of which the licensee is not a member.

(13) Commingling funds of others with his or her own funds or failing to keep the funds of others in an escrow or trustee account.

(14) Failure to account for, remit, or return any moneys, property, or documents coming into his or her possession that belong to others, acquired through the practice of auctioneering, conducting an auction, or providing an auction service within 30 days of the written request from the owner of said moneys, property, or documents.

(15) Failure to maintain and deposit into a special account, separate and apart from any personal or other business accounts, all

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moneys belonging to others entrusted to a licensee while acting as an auctioneer, associate auctioneer, auction firm, or as a temporary custodian of the funds of others.

(16) Failure to make available to Department OBRE personnel during normal business hours all escrow and trustee records and related documents maintained in connection with the practice of auctioneering, conducting an auction, or providing an auction service within 24 hours after a request from Department OBRE personnel.

(17) Making or filing false records or reports in his or her practice, including but not limited to false records or reports filed with State agencies.

(18) Failing to voluntarily furnish copies of all written instruments prepared by the auctioneer and signed by all parties to all parties at the time of execution.

(19) Failing to provide information within 30 days in response to a written request made by the Department OBRE.

(20) Engaging in any act that constitutes a violation of Section 2-102, 3-103, or 3-105 of the Illinois Human Rights Act.

(21) Causing a payment from the Auction Recovery Fund.

(22) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(23) Offering or advertising real estate for sale or lease at auction without a valid broker or salesperson's license under the Real Estate License Act of 1983, or any successor Act, unless exempt from licensure under the terms of the Real Estate License Act of 2001 or 1983, or any successor Act.

(24) Physical illness, mental illness, or other impairment including without limitation deterioration through the aging process, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, and safety.
(25) A pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act.

(26) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or a neglected child as defined in the Abused and Neglected Child Reporting Act.

(27) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in a licensee's inability to practice with reasonable judgment, skill, or safety.

(28) Wilfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

The entry of an order by a circuit court establishing that any person holding a license under this Act is subject to involuntary admission or judicial admission, as provided for in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension of that license. That person may have his or her license restored only upon the determination by a circuit court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient and upon the Board's recommendation to the Department that the license be restored. Where circumstances so indicate, the Board may recommend to the Department that it require an examination prior to restoring a suspended license.

If the Department or Board finds an individual unable to practice because of the reasons set forth in this Section, the Department or Board may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file, or the Board may recommend to the Department to

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file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department. In instances in which the Secretary immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 21 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

In enforcing this Section, the Department or Board, upon a showing of a possible violation, may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. Failure of an individual to submit to a mental or physical examination when directed shall be grounds for

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suspension of his or her license until the individual submits to the examination, if the Department finds that, after notice and hearing, the refusal to submit to the examination was without reasonable cause.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-20)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-20. Termination without hearing for failure to pay taxes, child support, or a student loan. The Department OBRE may terminate or otherwise discipline any license issued under this Act without hearing if the appropriate administering agency provides adequate information and proof that the licensee has:

(1) failed to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax act administered by the Illinois Department of Revenue until the requirements of the tax act are satisfied;

(2) failed to pay any court ordered child support as determined by a court order or by referral from the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid); or

(3) failed to repay any student loan or assistance as determined by the Illinois Student Assistance Commission. If a license is terminated or otherwise disciplined pursuant to this Section, the licensee may request a hearing as provided by this Act within 30 days of notice of termination or discipline.

(Source: P.A. 91-603, eff. 1-1-00; revised 12-15-05.)

(225 ILCS 407/20-25)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-25. Investigation. The Department OBRE may investigate the actions or qualifications of any person or persons holding or claiming to hold a license under this Act, who shall hereinafter be called the respondent.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-30)

New matter indicated by italics - deletions by strikeout
Sec. 20-30. Consent orders. Notwithstanding any provisions concerning the conduct of hearings and recommendations for disciplinary actions, the Department has the authority to negotiate agreements with licensees and applicants resulting in disciplinary consent orders. The consent orders may provide for any form of discipline provided for in this Act. The consent orders shall provide that they were not entered into as a result of any coercion by the Department. Any consent order shall be accepted by or rejected by the Secretary in a timely manner.

(Source: P.A. 91-603, eff. 1-1-00.)

Sec. 20-35. Subpoenas; attendance of witnesses; oaths.

(a) The Department shall have the power to issue subpoenas ad testificandum (subpoena for documents) and to bring before it any persons and to take testimony, either orally or by deposition or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State. The Department shall have the power to issue subpoenas duces tecum and to bring before it any documents, papers, files, books, and records with the same costs and in the same manner as prescribed in civil cases in the courts of this State.

(b) Any circuit court may, upon application of the Department or its designee or of the applicant, licensee, or person holding a certificate of licensure against whom proceedings under this Act are pending, enter an order compelling the enforcement of any Department subpoena issued in connection with any hearing or investigation.

(c) The Secretary or his or her designee or the Board shall have power to administer oaths to witnesses at any hearing that the Department is authorized to conduct and any other oaths authorized in any Act administered by the Department.

(Source: P.A. 91-603, eff. 1-1-00.)
Sec. 20-40. Hearings; record of hearings.

(a) The Department OBRE shall have the authority to conduct hearings before the Advisory Board on proceedings to revoke, suspend, place on probation or administrative review, reprimand, or refuse to issue or renew any license under this Act or to impose a civil penalty not to exceed $10,000 upon any licensee under this Act.

(b) The Department OBRE, at its expense, shall preserve a record of all proceedings at the formal hearing of any case involving the discipline of any license under this Act. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, and the order of the Department OBRE shall be the record of proceeding. At all hearings or prehearing conference, the Department OBRE and the respondent shall be entitled to have a court reporter in attendance for purposes of transcribing the proceeding or prehearing conference.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-45)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-45. Notice. The Department OBRE shall (i) notify the respondent in writing at least 30 days prior to the date set for the hearing of any charges made and the time and place for the hearing of the charges to be heard under oath and (ii) inform the respondent that, upon failure to file an answer before the date originally set for the hearing, default will be taken against the respondent and the respondent's license may be suspended, revoked, or otherwise disciplined as the Department OBRE may deem proper before taking any disciplinary action with regard to any license under this Act.

If the respondent fails to file an answer after receiving notice, the respondent's license may, in the discretion of the Department OBRE, be revoked, suspended, or otherwise disciplined as deemed proper, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

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At the time and place fixed in the notice, the Department shall proceed to hearing of the charges and both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence, and argument as may be pertinent to the charges or any defense thereto.
(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-50)
(Section scheduled to be repealed on January 1, 2010)

Sec. 20-50. Board's findings of fact, conclusions of law, and recommendation to the Secretary. At the conclusion of the hearing, the Advisory Board shall present to the Secretary a written report of its findings of facts, conclusions of law, and recommendations regarding discipline or a fine. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Advisory Board shall specify the nature of the violation or failure to comply and shall make its recommendations to the Secretary.

If the Secretary disagrees in any regard with the report of the Advisory Board, the Secretary may issue an order in contravention of the report. The Secretary shall provide a written report to the Advisory Board on any deviation and shall specify with particularity the reasons for that action in the final order.
(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-55)
(Section scheduled to be repealed on January 1, 2010)

Sec. 20-55. Motion for rehearing; rehearing. In any hearing involving the discipline of a license, a copy of the Advisory Board's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after the service, the respondent may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for rehearing.

If no motion for rehearing is filed, then upon the expiration of the time specified for filing a motion, or if a motion for rehearing is denied, New matter indicated by italics - deletions by strikeout
then upon denial, the Secretary Commissioner may enter an order in accordance with the recommendations of the Advisory Board, except as provided for in this Act. If the respondent orders a transcript of the record from the reporting service and pays for it within the time for filing a motion for rehearing, the 20 calendar day period within which a motion for rehearing may be filed shall commence upon the delivery of the transcript to the respondent.

Whenever the Secretary Commissioner is not satisfied that substantial justice has been done in the hearing or in the Advisory Board's report, the Secretary Commissioner may order a rehearing by the same. (Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/20-60)
(Section scheduled to be repealed on January 1, 2010)
Sec. 20-60. Order; certified copy. An order or a certified copy of an order, over the seal of the Department OBRE and purporting to be signed by the Secretary Commissioner or his or her designee, shall be prima facie proof that:

(1) the signature is the genuine signature of the Secretary Commissioner or his or her designee;
(2) the Secretary Commissioner is duly appointed and qualified; and
(3) the Advisory Board is duly appointed and qualified. (Source: P.A. 91-603, eff. 1-1-00.)
(225 ILCS 407/20-65)
(Section scheduled to be repealed on January 1, 2010)
Sec. 20-65. Restoration of license. At any time after the suspension or revocation of any license, the Department OBRE may restore the license to the accused person upon the written recommendation of the Advisory Board, unless after an investigation and a hearing the Advisory Board determines that restoration is not in the public interest. (Source: P.A. 91-603, eff. 1-1-00.)
(225 ILCS 407/20-70)
(Section scheduled to be repealed on January 1, 2010)
Sec. 20-70. Surrender of license. Upon the revocation or suspension of any license the licensee shall immediately surrender the license to the Department OBRE. If the licensee fails to do so, the Department OBRE shall have the right to seize the license.  
(Source: P.A. 91-603, eff. 1-1-00.)
(225 ILCS 407/20-75)  
(Section scheduled to be repealed on January 1, 2010)
Sec. 20-75. Administrative Review Law. All final administrative decisions of the Department OBRE are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.
Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of this State, the venue shall be in Cook or Sangamon County.
Pending final decision on the review, the acts, orders, sanctions, and rulings of the Department OBRE regarding any license shall remain in full force and effect, unless modified or suspended by a court order pending final judicial decision. The Department OBRE shall not be required to certify any record to the court, file any answer in court, or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court, with the complaint, a receipt from the Department OBRE acknowledging payment of the costs of furnishing and certifying the record. Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.  
(Source: P.A. 91-603, eff. 1-1-00.)
(225 ILCS 407/20-80)  
(Section scheduled to be repealed on January 1, 2010)
Sec. 20-80. Summary suspension. The Secretary Commissioner may temporarily suspend any license pursuant to this Act, without hearing, simultaneously with the institution of proceedings for a hearing provided for in this Act, if the Secretary Commissioner finds that the evidence indicates that the public interest, safety, or welfare requires emergency action. In the event that the Secretary Commissioner temporarily suspends
any license without a hearing, a hearing shall be held within 30 calendar days after the suspension has begun. The suspended licensee may seek a continuance of the hearing during which the suspension shall remain in effect. The proceeding shall be concluded without appreciable delay.
(Source: P.A. 91-603, eff. 1-1-00.)
(225 ILCS 407/20-90)

Sec. 20-90. Cease and desist orders. The Department 
may issue cease and desist orders to persons who engage in activities prohibited by this Act. Any person in violation of a cease and desist order obtained by the Department is subject to all of the remedies provided by law.
(Source: P.A. 91-603, eff. 1-1-00.)
(225 ILCS 407/20-95)

Sec. 20-95. Returned checks; fine. A person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fee of $50. The Department shall notify the person that his or her check has been returned and that the person shall pay to the Department by certified check or money order the amount of the returned check plus the $50 fee within 30 calendar days after the date of the notification. If, after the expiration of 30 calendar days of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application without a hearing. If, after termination or denial, the person seeks a license, he or she shall petition the Department for restoration and he or she may be subject to additional discipline or fines. The Secretary Commissioner may waive the fines due under this Section in individual cases where the Secretary Commissioner finds that the fines would be unreasonable or unnecessarily burdensome.
(Source: P.A. 91-603, eff. 1-1-00; 92-146, eff. 1-1-02.)
(225 ILCS 407/20-100 new)

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Sec. 20-100. Violations. A person who is found to have violated any provision of this Act is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for the second and any subsequent offense.

(225 ILCS 407/30-5)

Sec. 30-5. The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensing acts and shall exercise such other powers and duties as prescribed by this Act. The Department may contract with third parties for services necessary for the proper administration of this Act.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/30-10)

Sec. 30-10. Rules. The Department, after notifying and considering the recommendations of the Advisory Board, if any, shall adopt any rules that may be necessary for the administration, implementation and enforcement of this Act.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/30-15)

Sec. 30-15. Auction Regulation Administration Fund. A special fund to be known as the Auction Regulation Administration Fund is created in the State Treasury. All fees received by the Department under this Act shall be deposited into the Auction Regulation Administration Fund. Subject to appropriation, the moneys deposited into the Auction Regulation Administration Fund shall be used by the Department for the administration of this Act. Moneys in the Auction Regulation Administration Fund may be invested and reinvested in the same manner as authorized for pension funds in Article 14 of the Illinois Pension Code. All earnings, interest, and dividends received from investment of funds in the Auction Regulation Administration Fund shall be deposited into the Auction Regulation Administration Fund and shall

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be used for the same purposes as other moneys deposited in the Auction Regulation Administration Fund.

This fund shall be created on July 1, 1999. The State Treasurer shall cause a transfer of $300,000 to the Auction Regulation Administration Fund from the Real Estate License Administration Fund on August 1, 1999. The State Treasurer shall cause a transfer of $200,000 on August 1, 2000 and a transfer of $100,000 on January 1, 2002 from the Auction Regulation Administration Fund to the Real Estate License Administration Fund, or if there is a sufficient fund balance in the Auction Regulation Administration Fund to properly administer this Act, the Department of Real Estate may recommend to the State Treasurer to cause a transfer from the Auction Regulation Administration Fund to the Real Estate License Administration Fund on a date and in an amount which is accelerated, but not less than set forth in this Section. In addition to the license fees required under this Act, each initial applicant for licensure under this Act shall pay to the Department of Real Estate an additional $100 for deposit into the Auction Regulation Administration Fund for a period of 2 years or until such time the original transfer amount to the Auction Regulation Administration Fund from the Real Estate License Administration Fund is repaid.

Moneys in the Auction Regulation Administration Fund may be transferred to the Professions Indirect Cost Fund, as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

Upon completion of any audit of the Department of Real Estate as prescribed by the Illinois State Auditing Act, which includes an audit of the Auction Regulation Administration Fund, the Department of Real Estate shall make the audit open to inspection by any interested party.

(Source: P.A. 94-91, eff. 7-1-05.)

(225 ILCS 407/30-20)

(Section scheduled to be repealed on January 1, 2010)

Sec. 30-20. Auction Recovery Fund. A special fund to be known as the Auction Recovery Fund is created in the State Treasury. The moneys in the Auction Recovery Fund shall be used by the Department of Real Estate
exclusively for carrying out the purposes established pursuant to the provisions of Section 30-35 of this Act.

The sums received by the Department OBRE pursuant to the provisions of Sections 20-5 through Sections 20-20 of this Act shall be deposited into the State Treasury and held in the Auction Recovery Fund. In addition to the license fees required under this Act, each initial and renewal applicant shall pay to the Department OBRE an additional $25 for deposit into the Auction Recovery Fund for a period of 2 years after the effective date of this Act. After such time the Auction Regulation Administration Fund has totally repaid the Real Estate License Administration Fund, the State Treasurer shall cause a transfer of $50,000 from the Auction Regulation Administration Fund to the Auction Recovery Fund annually on January 1 so as to sustain a minimum balance of $400,000 in the Auction Recovery Fund. If the fund balance in the Auction Recovery Fund on January 1 of any year after 2002 is less than $100,000, in addition to the renewal license fee required under this Act, each renewal applicant shall pay the Department OBRE an additional $25 fee for deposit into the Auction Recovery Fund.

The funds held in the Auction Recovery Fund may be invested and reinvested in the same manner as funds in the Auction Regulation Administration Fund. All earnings received from investment may be deposited into the Auction Recovery Fund and may be used for the same purposes as other moneys deposited into the Auction Recovery Fund or may be deposited into the Auction Education Fund as provided in Section 30-25 of this Act and as established by rule.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/30-25)

(Sec. 30-25. Auction Education Fund. A special fund to be known as the Auction Education Fund is created in the State Treasury. The Auction Education Fund shall be administered by the Department OBRE. Subject to appropriation, moneys deposited into the Auction Education Fund may be used for the advancement of education in the auction industry, as established by rule. The moneys deposited in the Auction

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Education Fund may be invested and reinvested in the same manner as funds in the Auction Regulation Administration Fund. All earnings received from investment shall be deposited into the Auction Education Fund and may be used for the same purposes as other moneys deposited into the Auction Education Fund. 
(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/30-30) 
(Section scheduled to be repealed on January 1, 2010) 
Sec. 30-30. Auction Advisory Board. 

(a) There is hereby created the Auction Advisory Board. The Advisory Board shall consist of 7 members and shall be appointed by the Secretary Commissioner. In making the appointments, the Secretary Commissioner shall give due consideration to the recommendations by members and organizations of the industry, including but not limited to the Illinois State Auctioneers Association. Five members of the Advisory Board shall be licensed auctioneers, except that for the initial appointments, these members may be persons without a license, but who have been auctioneers for at least 5 years preceding their appointment to the Advisory Board. One member shall be a public member who represents the interests of consumers and who is not licensed under this Act or the spouse of a person licensed under this Act or who has any responsibility for management or formation of policy of or any financial interest in the auctioneering profession or any other connection with the profession. One member shall be actively engaged in the real estate industry and licensed as a broker or salesperson. \textit{The Advisory Board shall annually elect one of its members to serve as Chairperson.} One member shall be the Director of Auction Regulation, ex-officio, and shall serve as the Chairperson of the Advisory Board. 

(b) Members shall be appointed for a term of 4 years, except that of the initial appointments, 3 members shall be appointed to serve a term of 3 years and 4 members shall be appointed to serve a term of 4 years; including the Director. The Secretary Commissioner shall fill a vacancy for the remainder of any unexpired term. Each member shall serve on the Advisory Board until his or her successor is appointed and qualified. No

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person shall be appointed to serve more than 2 terms, including the unexpired portion of a term due to vacancy. To the extent practicable, the Secretary Commissioner shall appoint members to insure that the various geographic regions of the State are properly represented on the Advisory Board.

(c) A majority of the Advisory Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Advisory Board shall not impair the right of a quorum to exercise all of the rights and perform all the duties of the Board.

(d) Each member of the Advisory Board shall receive a per diem stipend in an amount to be determined by the Secretary Commissioner. Each member shall be paid his or her necessary expenses while engaged in the performance of his or her duties.

(e) Members of the Advisory Board shall be immune from suit in an action based upon any disciplinary proceedings or other acts performed in good faith as members of the Advisory Board.

(f) The Advisory Board shall meet monthly or as convened by the Chairperson.

(g) The Advisory Board shall advise the Department OBRE on matters of licensing and education and make recommendations to the Department OBRE on those matters and shall hear and make recommendations to the Secretary Commissioner on disciplinary matters that require a formal evidentiary hearing.

(h) The Secretary Commissioner shall give due consideration to all recommendations of the Advisory Board.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/30-40)

(Section scheduled to be repealed on January 1, 2010)

Sec. 30-40. Auction Recovery Fund; recovery; actions; procedures. The Department OBRE shall maintain an Auction Recovery Fund from which any person aggrieved by an act, representation, transaction, or the conduct of a duly licensed auctioneer, associate auctioneer or auction firm that constitutes a violation of this Act or the regulations promulgated pursuant thereto or that constitutes embezzlement of money or property or

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results in money or property being unlawfully obtained from any person by false pretenses, artifice, trickery, or forgery or by reason of any fraud, misrepresentation, discrimination or deceit by or on the part of any licensee or the unlicensed employee of any auctioneer, associate auctioneer, or auction firm and that results in a loss of actual cash money as opposed to losses in market value, may recover. The aggrieved person may recover, by order of the circuit court of the county where the violation occurred, an amount of not more than $10,000 from the fund for damages sustained by the act, representation, transaction, or conduct, together with the costs of suit and attorneys' fees incurred in connection therewith of not to exceed 15% of the amount of the recovery ordered paid from the Fund. However, no licensed auctioneer, associate auctioneer, or auction firm may recover from the Fund, unless the court finds that the person suffered a loss resulting from intentional misconduct. The court order shall not include interest on the judgment.

The maximum liability against the Fund arising out of any one act by any auctioneer, associate auctioneer, or auction firm shall be $50,000, and the judgment order shall spread the award equitably among all aggrieved persons.

(Source: P.A. 91-603, eff. 8-16-99.)

(225 ILCS 407/30-45)

(Sec. 30-45. Auction Recovery Fund; collection.

(a) No action for a judgment that subsequently results in an order for collection from the Auction Recovery Fund shall be started later than 2 years after the date on which the aggrieved person knew or, through the use of reasonable diligence, should have known of the acts or omissions giving rise to a right of recovery from the Auction Recovery Fund.

(b) When any aggrieved person commences action for a judgment that may result in collection from the Auction Recovery Fund, the aggrieved person must name as parties to that action any and all individual auctioneers, associate auctioneers, auction firms, or their employees or agents who allegedly committed or are responsible for acts or omissions giving rise to a right of recovery from the Auction Recovery Fund. Failure

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to name these individuals as parties shall preclude recovery from the Auction Recovery Fund of any portion of the judgment received in the action.

(c) When any aggrieved person commences action for a judgment that may result in collection from the Auction Recovery Fund, the aggrieved person must notify the Department OBRE in writing to this effect at the time of the commencement of the action. Failure to so notify the Department OBRE shall preclude recovery from the Auction Recovery Fund of any portion of the judgment received in the action. After receiving notice of the commencement of such an action, the Department OBRE, upon timely application, shall be permitted to intervene as a party to that action.

(d) When an aggrieved party commences action for a judgment that may result in collection from the Auction Recovery Fund and the court in which the action is commenced enters judgment by default against the defendant and in favor of the aggrieved party, the court shall, upon motion of the Department OBRE, set aside that judgment by default. After a judgment by default has been set aside, the Department OBRE shall appear as a party to that action and thereafter the court shall require proof of the allegations in the pleading upon which relief is sought.

(e) The aggrieved person shall give written notice to the Department OBRE within 30 days after the entry of any judgment that may result in collection from the Auction Recovery Fund. That aggrieved person shall provide the Department OBRE 20 days written notice of all supplementary proceeding so as to allow the Department OBRE to participate in all efforts to collect on the judgment.

(f) When any aggrieved person recovers a valid judgment in any court of competent jurisdiction against any licensee or an unlicensed employee or agent of any licensee on the grounds of fraud, misrepresentation, discrimination, or deceit, the aggrieved person may, upon the termination of all proceedings, including review and appeals in connection with the judgment, file a verified claim in the court in which the judgment was entered and, upon 30 days written notice to the Department OBRE and to the person against whom the judgment was

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obtained, may apply to the court for an order directing payment out of the Auction Recovery Fund of the amount unpaid upon the judgment, not including interest on the judgment, and subject to the limitation stated in Section 30-40 of this Act. The aggrieved person must set out in that verified claim and at an evidentiary hearing to be held by the court that the aggrieved person:

(1) is not the spouse of the debtor or the personal representative of the spouse;

(2) has complied with all the requirements of this Section;

(3) has obtained a judgment stating the amount thereof and the amount owing thereon, not including interest thereon, at the date of the application;

(4) has made all reasonable searches and inquiries to ascertain whether the judgment debtor possesses real or personal property or other assets which may be sold or applied in satisfaction of the judgment;

(5) has discovered no personal or real property or other assets liable to be sold or applied, or has discovered certain of them, describing them owned by the judgment debtor and liable to be so applied, and has taken all necessary action and proceeding for the realization thereof, and the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized;

(6) has diligently pursued all remedies against all the judgment debtors and all other persons liable to the aggrieved person in the transaction for which recovery is sought from the Auction Recovery Fund;

(7) has filed an adversary action to have the debts declared non-dischargeable in any bankruptcy petition matter filed by any judgment debtor or person liable to the aggrieved person. The aggrieved person shall also be required to prove the amount of attorney's fees sought to be recovered and the reasonableness of

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those fees up to the maximum allowed pursuant to Section 30-40 of this Act.

(g) The court shall make an order directed to the Department of Revenue requiring payment from the Auction Recovery Fund of whatever sum it finds to be payable upon the claim, pursuant to and in accordance with the limitations contained in Section 30-40 of this Act, if the court is satisfied, upon the hearing, of the truth of all matters required to be shown by the aggrieved person by subsection (f) of this Section and that the aggrieved person has fully pursued and exhausted all remedies available for recovering the amount awarded by the judgment of the court.

(h) If the Department of Revenue pays from the Auction Recovery Fund any amount in settlement of a claim or toward satisfaction of a judgment against any licensee, or employee or agent of any licensee, the license of said licensee shall be automatically terminated without hearing upon the issuance of a court order authorizing payment from the Auction Recovery Fund. No petition for restoration of the license shall be heard until repayment of the amount paid from the Auction Recovery Fund on their account has been made in full, plus interest at the rate prescribed in Section 12-109 of the Code of Civil Procedure. A discharge in bankruptcy shall not relieve a person from the penalties and disabilities provided in this subsection.

(i) If, at any time, the money deposited in the Auction Recovery Fund is insufficient to satisfy any duly authorized claim or portion thereof, the Department of Revenue shall, when sufficient money has been deposited in the Auction Recovery Fund, satisfy such unpaid claims or portions thereof, in the order that the claims or portions thereof were originally filed, plus accumulated interest at the rate prescribed in Section 12-109 of the Code of Civil Procedure.

(Source: P.A. 91-603, eff. 1-1-00.)

(225 ILCS 407/30-50)

(Section scheduled to be repealed on January 1, 2010)

Sec. 30-50. Contractual agreements. The Department of Revenue may enter into contractual agreements with third parties to carry out the provisions of this Act.

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Sec. 30-55. Reciprocal agreements. The Department of Business Enterprise shall have the authority to enter into reciprocal licensing agreements with the proper authority of a state, territory, or possession of the United States or the District of Columbia having licensing requirements equal to or substantially equivalent to the requirements of this State.

Approved August 31, 2007.
Effective June 1, 2008.
(1) Hoisting and lowering mechanisms equipped with a car or platform, which move between 2 or more landings. This equipment includes, but is not limited to, the following (also see ASME A17.1, ASME A17.3, and ASME A18.1; and ANSI A10.4):

(A) Elevators.
(B) Platform lifts and stairway chair lifts.

(2) Power driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, the following (also see ASME A17.1 and ASME A17.3):

(A) Escalators.
(B) Moving walks.

(3) Hoisting and lowering mechanisms equipped with a car, which serves 2 or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, the following (also see ASME A17.1 and ASME A17.3):

(A) Dumbwaiters.
(B) Material lifts and dumbwaiters with automatic transfer devices.

(b) This Act covers the design, construction, operation, inspection, maintenance, alteration, and repair of automatic guided transit vehicles on guideways with an exclusive right-of-way. This equipment includes, but is not limited to, automated people movers (also see ASCE 21).

(c) This Act does not apply to the following equipment:

(1) Material hoists within the scope of ANSI A10.5.
(2) Belt manlifts within the scope of ASME A90.1.
(3) Mobile scaffolds, towers, and platforms within the scope of ANSI A92, except those covered by ANSI A10.4.
(4) Powered platforms and equipment for exterior and interior maintenance within the scope of ANSI 120.1.
(5) Conveyors and related equipment within the scope of ASME B20.1.

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(6) Cranes, derricks, hoists, hooks, jacks, and slings within the scope of ASME B30.

(7) Industrial trucks within the scope of ASME B56.

(8) Portable equipment, except for portable escalators that are covered by ANSI A17.1.

(9) Tiering or piling machines used to move materials to and from storage located and operating entirely within one story.

(10) Equipment for feeding or positioning materials at machine tools, printing presses, etc.

(11) Skip or furnace hoists.

(12) Wharf ramps.

(13) Railroad car lifts or dumpers.

(14) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this State.


(17) (Blank). Special purpose personnel elevators.

(d) This Act does not apply to a municipality with a population over 500,000.

(Source: P.A. 94-698, eff. 11-22-05.)

(225 ILCS 312/15)

(Section scheduled to be repealed on January 1, 2013)

Sec. 15. Definitions. For the purpose of this Act:

"Administrator" means the Office of the State Fire Marshal.

"ANSI A10.4" means the safety requirements for personnel hoists, an American National Standard.

"ASCE 21" means the American Society of Civil Engineers Automated People Mover Standards.


"ASME A17.3" means the Safety Code for Existing Elevators and Escalators, an American National Standard.

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"Automated people mover" means an installation as defined as an "automated people mover" in ASCE 21.

"Board" means the Elevator Safety Review Board.

"Certificate of operation" means a certificate issued by the Administrator that indicates that the conveyance has passed the required safety inspection and tests and fees have been paid as set forth in this Act. The Administrator may issue a temporary certificate of operation that permits the temporary use of a non-compliant conveyance by the general public for a limited time of 30 days while minor repairs are being completed.

"Conveyance" means any elevator, dumbwaiter, escalator, moving sidewalk, platform lifts, stairway chairlifts and automated people movers.

"Elevator" means an installation defined as an "elevator" in ASME A17.1.

"Elevator contractor" means any person, firm, or corporation who possesses an elevator contractor's license in accordance with the provisions of Sections 40 and 55 of this Act and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyance covered by this Act.

"Elevator contractor's license" means a license issued to an elevator contractor who has proven his or her qualifications and ability and has been authorized by the Elevator Safety Review Board to work on conveyance equipment possess this type of license. It shall entitle the holder thereof to engage in the business of erecting, constructing, installing, altering, servicing, testing, repairing, or maintaining and performing electrical work on elevators or related conveyances covered by this Act within any building or structure, including, but not limited to, private residences. The Administrator may issue a limited elevator contractor's license authorizing a firm or company that employs individuals to carry on a business of erecting, constructing, installing, altering, servicing, repairing, or maintaining platform lifts and

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stairway chairlifts within any building or structure, excluding private residences.

"Elevator helper" means an individual registered with the Administrator who works as an elevator helper. Elevator helpers must work under the general direction of a licensed elevator mechanic. Licensure is not required for an elevator helper.

"Elevator industry apprentice" means an individual who is enrolled in an apprenticeship program approved by the Bureau of Apprenticeship and Training of the U.S. Department of Labor and who is registered by the Administrator and works to perform work within the elevator industry under the general direction of a licensed elevator mechanic. Licensure is not required for an elevator industry apprentice.

"Elevator inspector" means any person who is an elevator inspector, as that term is defined in ASME QEI, who possesses an elevator inspector's license in accordance with the provisions of this Act.

"Elevator mechanic" means any person who possesses an elevator mechanic's license in accordance with the provisions of Sections 40 and 45 of this Act and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyance covered by this Act.

"Elevator mechanic's license" means a license issued to a person who has proven his or her qualifications and ability and has been authorized by the Elevator Safety Review Board to work on conveyance equipment. It shall entitle the holder thereof to install, construct, alter, service, repair, test, maintain, and perform electrical work on elevators or related conveyance covered by this Act. The Administrator may issue a limited elevator mechanic's license authorizing an individual to carry on a business of erecting, constructing, installing, altering, servicing, repairing, or maintaining platform lifts and stairway chairlifts within any building or structure.

"Escalator" means an installation defined as an "escalator" in ASME A17.1.

"Existing installation" means an installation defined as an "installation, existing" in ASME A17.1.

New matter indicated by italics - deletions by strikeout
"Inspector's license" or "inspection company license" means a license issued to an ASME QE1 certified elevator inspector or inspection company that has proven the inspector's or the company's qualifications and ability and has been authorized by the Elevator Safety Review Board to possess this type of license. It shall entitle the holder thereof to engage in the business of inspecting elevators or related conveyance covered by this Act.

"License" means a written license, duly issued by the Administrator, authorizing a person, firm, or company to carry on the business of erecting, constructing, installing, altering, servicing, repairing, maintaining, or performing inspections of elevators or related conveyance covered by this Act.

"Material alteration" means an "alteration", as defined in the referenced standards by the Board.

"Moving walk" means an installation defined as a "moving walk" in ASME A17.1.

"Private residence" means a separate dwelling or a separate apartment or condominium unit in a multiple-family dwelling that is occupied by members of a single-family unit.

"Repair" has the meaning set forth in the referenced standards. "Repair" defined by the Board, which does not require a permit.

"Special purpose personnel elevator" means an elevator that is limited in size, capacity, and speed and that is permanently installed in certain structures, including, but not limited to, grain elevators, radio antenna, bridge towers, underground facilities, dams, and power plants, to provide vertical transportation of authorized personnel and their tools and equipment only.

"Temporarily dormant" means an elevator, dumbwaiter, or escalator:

(1) with a power supply that has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "off" position;

(2) with a car that is parked and hoistway doors that are in the closed and latched position;

New matter indicated by italics - deletions by strikeout
(3) with a wire seal on the mainline disconnect switch installed by a licensed elevator inspector;
(4) that shall not be used again until it has been put in safe running order and is in condition for use;
(5) requiring annual inspections for the duration of the temporarily dormant status by a licensed elevator inspector;
(6) that has a "temporarily dormant" status that is renewable on an annual basis, not to exceed a 5-year one-year period;
(7) requiring the inspector to file a report with the Administrator describing the current conditions; and
(8) with a wire seal and padlock that shall not be removed for any purpose without permission from the elevator inspector.

"Temporary certificate of operation" means a temporary certificate of operation issued by the Administrator that permits the temporary use of a non-compliant conveyance by the general public for a limited time of 30 days while minor repairs are being completed.

All other building transportation terms are as defined in the latest edition of ASME A17.1 and ASME A18.1.

(Source: P.A. 94-698, eff. 11-22-05.)

(225 ILCS 312/20)
(Section scheduled to be repealed on January 1, 2013)
Sec. 20. License or registration required.

(a) After July 1, 2003 through the effective date of this amendatory Act of the 94th General Assembly and after July 1, 2006, no person shall erect, construct, wire, alter, replace, maintain, remove, or dismantle any conveyance contained within buildings or structures in the jurisdiction of this State unless he or she possesses an elevator mechanic's license under this Act and unless he or she works under the direct supervision of a person, firm, or company having an elevator contractor's license in accordance with Section 40 of this Act or exempted by that Section. A licensed or limited licensed elevator mechanic employed by an entity exempted from contractor licensure under subsection (a) of Section 40 of this Act is exempt, with respect to work performed for that employer, from the requirement that he or she work under the direct supervision of an employer.

New matter indicated by italics - deletions by strikeout
A licensed elevator contractor is not required for removal or dismantling of conveyances that are destroyed as a result of a complete demolition of a secured building or structure or where the hoistway or wellway is demolished back to the basic support structure and where no access is permitted that would endanger the safety and welfare of a person.

(b) After July 1, 2003 through the effective date of this amendatory Act of the 94th General Assembly and after July 1, 2006, no person shall inspect any conveyance within buildings or structures, including, but not limited; to, private residences, unless he or she has an inspector's license or an inspection company license.

(c) After January 1, 2006, a person who is not licensed under subsection (a) may not work in the jurisdiction of this State as an elevator industry apprentice or helper unless he or she is registered as an elevator industry apprentice or helper by the Administrator and works under the direct supervision of an individual licensed under this Act as an elevator mechanic. The Administrator shall set elevator industry apprentice and helper qualifications and registration procedure by rule.

(225 ILCS 312/25)
(Section scheduled to be repealed on January 1, 2013)
Sec. 25. Elevator Safety Review Board.

(a) There is hereby created within the Office of the State Fire Marshal the Elevator Safety Review Board, consisting of 14 members. The Administrator shall appoint 3 members who shall be representatives of fire service communities. The Governor shall appoint the remaining 11 members of the Board as follows: one representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator servicing company; one representative of the architectural design profession; one representative of the general public; one representative of an advocacy group for people with physical disabilities; one representative of the senior citizen population; one representative of a municipality in this State with a population under 25,000; one representative of a municipality in this State with a population under 25,000;
of 25,000 or over but under 50,000; one representative of a municipality in this State with a population of 50,000 or over but under 500,000; one representative of a building owner or manager; and one representative of labor involved in the installation, maintenance, and repair of elevators.

(b) The members constituting the Board shall be appointed for initial terms as follows:

(1) Of the members appointed by the Administrator, 2 shall serve for a term of 2 years, and one for a term of 4 years.

(2) Of the members appointed by the Governor, 2 shall serve for a term of one year, 2 for terms of 2 years, 2 for terms of 3 years, and 4 for terms of 4 years. The representative of the senior citizen population shall serve an initial term of 4 years.

At the expiration of their initial terms of office, the members or their successors shall be appointed for terms of 4 years each. Upon the expiration of a member's term of office, the officer who appointed that member shall reappoint that member or appoint a successor who is a representative of the same interests with which his or her predecessor was identified. The Administrator and the Governor may at any time remove any of their respective appointees for inefficiency or neglect of duty in office. Upon the death or incapacity of a member, the officer who appointed that member shall fill the vacancy for the remainder of the vacated term by appointing a member who is a representative of the same interests with which his or her predecessor was identified. The members shall serve without salary, but shall receive from the State expenses necessarily incurred by them in performance of their duties. The Governor shall appoint one of the members to serve as chairperson. The chairperson shall be the deciding vote in the event of a tie vote.

(Source: P.A. 94-698, eff. 11-22-05.)

(225 ILCS 312/35)

(Section scheduled to be repealed on January 1, 2013)

Sec. 35. Powers and duties of the Board.

(a) The Board shall consult with engineering authorities and organizations and adopt rules consistent with the provisions of this Act for the administration and enforcement of this Act. The Board may prescribe
forms to be issued in connection with the administration and enforcement of this Act. The rules shall establish standards and criteria consistent with this Act for licensing of elevator mechanics, inspectors, and installers of elevators, including the provisions of the Safety Code for Elevators and Escalators (ASME A17.1), the Safety Code for Existing Elevators (ASME A17.3), the Standard for the Qualification of Elevator Inspectors (ASME QEI-1), the Automated People Mover Standards (ASCE 21), the Safety Requirements for Personnel Hoists and Employee Elevators (ANSI A10.4), and the Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1). The Board shall adopt the latest editions of the standards referenced in this subsection (a) within 6 months after the effective date of the standards.

(b) The Board shall have the authority to grant exceptions and variances from the literal requirements of applicable State codes, standards, and regulations in cases where such variances would not jeopardize the public safety and welfare. The Board shall have the authority to hear appeals, hold hearings, and decide upon such within 30 days of the appeal.

(c) The Board shall establish fee schedules for licenses, permits, certificates, and inspections. The fees shall be set at an amount necessary to cover the actual costs and expenses to operate the Board and to conduct the duties as described in this Act.

(d) The Board shall be authorized to recommend the amendments of applicable legislation, when appropriate, to legislators.

(e) The Administrator may solicit the advice and expert knowledge of the Board on any matter relating to the administration and enforcement of this Act.

(f) The Administrator may employ professional, technical, investigative, or clerical help, on either a full-time or part-time basis, as may be necessary for the enforcement of this Act.

(g) (Blank).

(Source: P.A. 94-698, eff. 11-22-05.)
(225 ILCS 312/40)
(Section scheduled to be repealed on January 1, 2013)
Sec. 40. Application for contractor's license.

(a) Any person, firm, or company wishing to engage in the business of installing, altering, repairing, servicing, replacing, or maintaining elevators, dumbwaiters, escalators, or moving walks within this State shall make application for a license with the Administrator. However, if the State, a unit of local government, or an institution of higher education maintains in its employ licensed or limited licensed elevator mechanics who maintain only conveyances owned or leased by that entity, the employing entity is not required to be licensed as a contractor under this Section and none of the provisions of this Act concerning licensed contractors shall apply to these entities.

(b) All applications shall contain the following information:

(1) if the applicant is a person, the name, residence, and business address of the applicant;

(2) if the applicant is a partnership, the name, residence, and business address of each partner;

(3) if the applicant is a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of the corporation;

(4) if the applicant is a corporation other than a domestic corporation, the name and address of an agent locally located who shall be authorized to accept service of process and official notices;

(5) the number of years the applicant has engaged in the business of installing, inspecting, maintaining, or servicing elevators or platform lifts or both;

(6) if applying for an elevator contractor's license, the approximate number of persons, if any, to be employed by the elevator contractor applicant and, if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance;

(7) satisfactory evidence that the applicant is or will be covered by general liability, personal injury, and property damage insurance;

(8) any criminal record of convictions; and
(9) any other information as the Administrator may require.

(c) (Blank).

(Source: P.A. 94-698, eff. 11-22-05.)

(225 ILCS 312/45)

(Section scheduled to be repealed on January 1, 2013)

Sec. 45. Qualifications for elevator mechanic's license; emergency and temporary licensure.

(a) No license shall be granted to any person who has not paid the required application fee.

(b) No license shall be granted to any person who has not proven his or her qualifications and abilities.

(c) Applicants for an elevator mechanic's license must demonstrate one of the following qualifications:

(1) an acceptable combination of documented experience and education credits consisting of: (A) not less than 3 years work experience in the elevator industry, in construction, maintenance, or service and repair, as verified by current and previous employers licensed to do business in this State or in another state if the Board deems that out-of-State experience equivalent; and (B) satisfactory completion of a written examination administered by the Elevator Safety Review Board or its designated provider on the adopted rules and referenced codes, and standards for the equipment the licensee is authorized to install;

(2) acceptable proof that he or she has worked as an elevator constructor, maintenance, or repair person for the equipment the licensee is authorized to install; acceptable proof shall consist of documentation that he or she worked without direct and immediate supervision for an elevator contractor who has worked on elevators in this State for a period of not less than 3 years immediately preceding the effective date of the initial rules adopted by the Board under Section 35 of this Act that implement this Act; the person must make application by December 31, 2007; however, all licenses issued under the provisions of this item (2) between May 1, 2006 and the effective
date of this amendatory Act of the 95th General Assembly are deemed valid;

(3) a certificate of successful completion of the mechanic examination of a nationally recognized training program for the elevator industry, such as the National Elevator Industry Educational Program or its equivalent based on the codes applicable to the type of license (elevator mechanic's license or limited elevator mechanic's license) for which the individual is applying;

(4) a certificate of completion of an elevator mechanic apprenticeship program with standards substantially equal to those of this Act and registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor, or a State apprenticeship council; or

(5) a valid license from a state having standards substantially equal to those of this State.

(d) Whenever an emergency exists in the State due to a disaster, act of God, or work stoppage and the number of persons in the State holding licenses granted by the Board is insufficient to cope with the emergency, the licensed elevator contractor shall respond as necessary to ensure the safety of the public. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic's license from the Administrator within 5 business days after commencing work requiring a license. The Administrator shall issue emergency elevator mechanic's licenses. The applicant shall furnish proof of competency as the Administrator may require. Each license shall recite that it is valid for a period of 60-30 days from the date thereof and for such particular elevators or geographical areas as the Administrator may designate and otherwise shall entitle the licensee to the rights and privileges of an elevator mechanic's license issued under this Act. The Administrator shall renew an emergency elevator mechanic's license during the existence of an

New matter indicated by italics - deletions by strikeout
emergency. No fee may be charged for any emergency elevator mechanic's license or renewal thereof.

(e) A licensed elevator contractor shall notify the Administrator when there are no licensed personnel available to perform elevator work. The licensed elevator contractor may request that the Administrator issue temporary elevator mechanic's licenses to persons certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall immediately seek a temporary elevator mechanic's license from the Administrator and shall pay such fee as the Board shall determine. The applicant for temporary licensure shall furnish proof of competency as the Administrator may require and for such particular elevators or geographical areas as the Administrator may designate. Each license shall recite that it is valid for a period of 30 days from the date of issuance and while employed by the licensed elevator contractor that certified the individual as qualified. It shall be renewable as long as the shortage of license holders continues.

(Source: P.A. 94-698, eff. 11-22-05.)

(225 ILCS 312/55)

(Section scheduled to be repealed on January 1, 2013)

Sec. 55. Qualifications for elevator contractor's license.

(a) No license shall be granted to any person or firm unless the appropriate application fee is paid.

(b) No license shall be granted to any person or firm who has not proven the required qualifications and abilities. An applicant must be individually licensed as an elevator mechanic under this Act, perform the work set forth in subsection (a) of Section 20 of this Act, and have proof of compliance with the insurance requirements set forth in Section 100 of this Act or, in the case of a firm, employ a person who is individually licensed as an elevator mechanic under this Act, perform the work set forth in subsection (a) of Section 20 of this Act, and have proof of
compliance with the insurance requirements set forth in Section 100 of this Act. demonstrate one of the following qualifications:

(1) five years work experience in the elevator industry in construction, maintenance, and service or repair, as verified by such documentation as the Board may require by rule;

(1.5) satisfactory completion of a written examination administered by the Elevator Safety Review Board or its designated provider on the most recent referenced codes and standards; or

(2) proof that the individual or firm holds a valid license from a state having standards substantially equal to those of this State.

(c) (Blank).

(Source: P.A. 94-698, eff. 11-22-05.)
(225 ILCS 312/70)
(Section scheduled to be repealed on January 1, 2013)
Sec. 70. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, or continuation or renewal of the license, is specifically excluded. For the purposes of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.

(Source: P.A. 92-873, eff. 6-1-03.)
(225 ILCS 312/80)
(Section scheduled to be repealed on January 1, 2013)
Sec. 80. Registration of existing elevators, platform lifts, dumbwaiters, escalators, moving walks, and any other conveyance. Within 6 months after the date of the adoption of the final initial rules that implement this Act, the owner or lessee of every existing conveyance shall register with the Administrator each elevator, dumbwaiter, platform lift,

New matter indicated by italics - deletions by strikeout
escalator, or other device described in Section 10 of this Act and provide
the type, rated load and speed, name of manufacturer, its location, the
purpose for which it is used, and such additional information as the
Administrator may require. Elevators, dumbwaiters, platform lifts,
escalators, moving walks, or other conveyances of which construction has
begun subsequent to the date of the creation of the Board shall be
registered at the time they are completed and placed in service.
(Source: P.A. 94-698, eff. 11-22-05.)

(225 ILCS 312/85)
(Section scheduled to be repealed on January 1, 2013)
Sec. 85. Compliance. It shall be the responsibility of individuals,
firms, or companies licensed as described in this Act to ensure that
installation or service and maintenance of elevators and devices described
in Section 10 of this Act is performed in compliance with the provisions
contained in this Act and applicable fire and building codes local
regulations.
(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/90)
(Section scheduled to be repealed on January 1, 2013)
Sec. 90. Permits.
(a) No conveyance covered by this Act shall be erected,
constructed, installed, or altered within buildings or structures within this
State unless a permit has been obtained from the Administrator or a
municipality or other unit of local government before the work is
commenced. If the permit is obtained from a municipality or other unit of
local government, the municipality or other unit of local government that
issued the permit shall keep the permit on file for a period of not less than
one year from the date of issuance and send a copy to the Administrator
for inspection. Where any material alteration is made, the device shall
conform to applicable requirements in ASME A17.1, ASME A18.1, or
ASCE 21, or ANSI A10.4. No permit required under this Section shall be
issued except to a person, firm, or corporation holding a current elevator
contractor's license, duly issued pursuant to this Act, except that a permit
to alter a conveyance may be issued to an entity exempted from licensure

New matter indicated by italics - deletions by strikeout
under subsection (a) of Section 40 of this Act. A copy of the permit shall be kept at the construction site at all times while the work is in progress.

(b) The permit fee shall be as set by the Board. Permit fees collected are non-refundable.

(c) Each application for a permit shall be accompanied by applicable fees and by copies of specifications and accurately scaled and fully dimensioned plans showing the location of the installation in relation to the plans and elevation of the building, the location of the machinery room and the equipment to be installed, relocated, or altered, and all structural supporting members thereof, including foundations. The applicant shall also specify all materials to be employed and all loads to be supported or conveyed. These plans and specifications shall be sufficiently complete to illustrate all details of construction and design.

(d) Permits may be revoked for the following reasons:

1. Any false statements or misrepresentation as to the material facts in the application, plans, or specifications on which the permit was based.

2. The permit was issued in error and should not have been issued in accordance with the code.

3. The work detailed under the permit is not being performed in accordance with the provisions of the application, plans, or specifications or with the code or conditions of the permit.

4. The elevator contractor to whom the permit was issued fails or refuses to comply with a "stop work" order.

5. If the work authorized by a permit is not commenced within 6 months after the date of issuance, or within a shorter period of time as the Administrator or his or her duly authorized representative in his or her discretion may specify at the time the permit is issued.

6. If the work is suspended or abandoned for a period of 60 days, or shorter period of time as the Administrator or his or her duly authorized representative in his or her discretion may specify at the time the permit is issued, after the work has been started. For
good cause, the Administrator or his or her representative may allow an extension of this period at his or her discretion.

(e) (Blank).

(Source: P.A. 94-698, eff. 11-22-05.)

(225 ILCS 312/100)

(Section scheduled to be repealed on January 1, 2013)

Sec. 100. Insurance requirements.

(a) Elevator contractors shall submit to the Administrator an insurance policy or certified copy thereof, issued by an insurance company authorized to do business in the State, to provide general liability coverage of at least $1,000,000 $2,000,000 for injury or death of any one person and

$2,000,000 for injury or death of any number of persons in any one occurrence, with coverage of at least $500,000 $1,000,000 for property damage in any one occurrence and statutory workers compensation insurance coverage.

(b) Private elevator inspectors shall submit to the Administrator an insurance policy or certified copy thereof, issued by an insurance company authorized to do business in the State, to provide general liability coverage of at least $1,000,000 $2,000,000 for injury or death of any one person and

$2,000,000 for injury or death of any number of persons in any one occurrence, with coverage of at least $500,000 $1,000,000 for property damage in any one occurrence and statutory workers compensation insurance coverage.

(c) These policies, or duly certified copies thereof, or an appropriate certificate of insurance, approved as to form by the Department of Insurance, shall be delivered to the Administrator before or at the time of the issuance of a license. In the event of a material alteration or cancellation of a policy, at least 10 days notice thereof shall be given to the Administrator.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/105)

(Section scheduled to be repealed on January 1, 2013)

Sec. 105. Enforcement.

New matter indicated by italics - deletions by strikeout
(a) It shall be the duty of the Elevator Safety Review Board to
develop an enforcement program to ensure compliance with rules and
requirements referenced in this Act. This shall include, but shall not be
limited to, rules for identification of property locations that are subject to
the rules and requirements; issuing notifications to violating property
owners or operators, random on-site inspections, policies for
administrative penalties, and tests on existing installations; witnessing
periodic inspections and testing in order to ensure satisfactory performance
by licensed persons, firms, or companies; and assisting in development of
public awareness programs.

(b) Any person may make a request for an investigation into an
alleged violation of this Act by giving notice to the Administrator of such
violation or danger. The notice shall be in writing, shall set forth with
reasonable particularity the grounds for the notice, and shall be signed by
the person making the request. Upon the request of any person signing the
notice, the person's name shall not appear on any copy of the notice or any
record published, released, or made available.

(c) If, upon receipt of such notification, the Administrator
determines that there are reasonable grounds to believe that such violation
or danger exists, the Administrator shall cause to be made an investigation
in accordance with the provisions of this Act as soon as practicable to
determine if such violation or danger exists. If the Administrator
determines that there are no reasonable grounds to believe that a violation
or danger exists, he or she shall notify the party in writing of such
determination.

(d) (Blank).

(Source: P.A. 94-698, eff. 11-22-05.)
(225 ILCS 312/110)
(Section scheduled to be repealed on January 1, 2013)
Sec. 110. Liability.
(a) This Act shall not be construed to relieve or lessen the
responsibility or liability of any person, firm, or corporation owning,
operating, controlling, maintaining, erecting, constructing, installing,
altering, inspecting, testing, or repairing any elevator or other related
mechanisms covered by this Act for damages to person or property caused by any defect therein, nor does the State or any unit of local government assume any such liability or responsibility therefore or any liability to any person for whatever reason whatsoever by the adoption of this Act or any acts or omissions arising under this Act.

(b) Any owner or lessee who violates any of the provisions of this Act is guilty of a Class C misdemeanor shall be fined in an amount not to exceed $1,500 per violation, per day.

(c) (Blank). Compliance with this Act is not a defense to a legal proceeding.

(Source: P.A. 94-698, eff. 11-22-05.)

(225 ILCS 312/120)
(Section scheduled to be repealed on January 1, 2013)
Sec. 120. Inspection and testing.
(a) It shall be the responsibility of the owner of all new and existing conveyances located in any building or structure to have the conveyance inspected annually, at intervals determined by the Board, by a person, firm, or company to which a license to inspect conveyances has been issued. Subsequent to inspection, the licensed person, firm, or company must supply the property owner or lessee and the Administrator with a written inspection report describing any and all code violations. Property owners shall have 30 days from the date of the published inspection report to be in full compliance by correcting the violations. The Administrator shall determine whether such violations have been corrected and may extend the compliance dates for good cause, provided that such violations are minor and pose no threat to public safety.

(b) It shall be the responsibility of the owner of all conveyances to have a licensed elevator contractor, as defined in this Act, ensure that the required tests are performed at intervals in compliance with the ASME A 17.1, ASME A 18.1 and ASCE 21 (Blank).

(c) All tests shall be performed by a licensed elevator mechanic or licensed limited elevator mechanic who is licensed to perform work on that particular type of conveyance.

(Source: P.A. 94-698, eff. 11-22-05.)

New matter indicated by italics - deletions by strikeout
Section 10. The Elevator Safety and Regulation Act is amended by repealing Section 130.

Approved August 31, 2007.

PUBLIC ACT 95-0574
(House Bill No. 1491)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 11-604 as follows:

(a) Subject to the limitations set forth in this Section, the county board of a county may establish absolute maximum speed limits on all county highways, township roads and district roads as defined in the Illinois Highway Code, except those under the jurisdiction of the Department or of the Illinois State Toll Highway Authority, as described in Sections 11-602 and 11-603 of this Chapter; and any park district, city, village, or incorporated town may establish absolute maximum speed limits on all streets which are within its corporate limits and which are not under the jurisdiction of the Department or of such Authority, and for which the county or a highway commissioner of such county does not have maintenance responsibility.

(b) Whenever any such park district, city, village, or incorporated town determines, upon the basis of an engineering or traffic investigation concerning a highway or street on which it is authorized by this Section to establish speed limits, that a maximum speed limit prescribed in Section

New matter indicated by italics - deletions by strikeout
11-601 of this Chapter is greater or less than is reasonable or safe with respect to the conditions found to exist at any place or along any part or zone of such highway or street, the local authority or park district shall determine and declare by ordinance a reasonable and safe absolute maximum speed limit at such place or along such part or zone, which:

(1) Decreases the limit within an urban district, but not to less than 20 miles per hour; or
(2) Increases the limit within an urban district, but not to more than 55 miles per hour; or
(3) Decreases the limit outside of an urban district, but not to less than 35 miles per hour, except as otherwise provided in subparagraph 4 of this paragraph; or
(4) Decreases the limit within a residence district, but not to less than 25 miles per hour, except as otherwise provided in subparagraph 1 of this paragraph.

The park district, city, village, or incorporated town may make such limit applicable at all times or only during certain specified times. Not more than 6 such alterations shall be made per mile along a highway or street; and the difference in limit between adjacent altered speed zones shall not be more than 10 miles per hour.

A limit so determined and declared by a park district, city, village, or incorporated town becomes effective, and suspends the application of the limit prescribed in Section 11-601 of this Chapter, when appropriate signs giving notice of the limit are erected at the proper place or along the proper part or zone of the highway or street. Electronic speed-detecting devices shall not be used within 500 feet beyond any such sign in the direction of travel; if so used in violation of this Section evidence obtained thereby shall be inadmissible in any prosecution for speeding. However, nothing in this Section prohibits the use of such electronic speed-detecting devices within 500 feet of a sign within a special school speed zone indicating such zone, conforming to the requirements of Section 11-605 of this Act, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding provided the use of such device shall apply only to the enforcement of the speed limit in such special school speed zone.

New matter indicated by italics - deletions by strikeout
(c) A county engineer or superintendent of highways may submit to the Department for approval, a county policy for establishing altered speed zones on township and county highways based upon engineering and traffic investigations.

(d) Whenever the county board of a county determines that a maximum speed limit is greater or less than is reasonable or safe with respect to the conditions found to exist at any place or along any part or zone of the highway or road, the county board shall determine and declare by ordinance a reasonable and safe absolute maximum speed limit at that place or along that part or zone. However, the maximum speed limit shall not exceed 55 miles per hour. Upon receipt of an engineering study for the part or zone of highway in question from the county engineer, and notwithstanding any other provision of law, the county board of a county may determine and declare by ordinance a reduction in the maximum speed limit at any place or along any part or zone of a county highway whenever the county board, in its sole discretion, determines that the reduction in the maximum speed limit is reasonable and safe. The limit becomes effective, and suspends the application of the limit prescribed in Section 11-601 of this Chapter, when appropriate signs giving notice of the limit are erected at the proper place or along the proper part of the zone of the highway. Electronic speed-detecting devices shall not be used within 500 feet beyond any such sign in the direction of travel; if so used in violation of this Section, evidence obtained thereby shall be inadmissible in any prosecution for speeding. However, nothing in this Section prohibits the use of such electronic speed-detecting devices within 500 feet of a sign within a special school speed zone indicating such zone, conforming to the requirements of Section 11-605 of this Act, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding provided the use of such device shall apply only to the enforcement of the speed limit in such special school speed zone.

(Source: P.A. 89-444, eff. 1-25-96.)

Approved August 31, 2007.
Effective June 1, 2008.

New matter indicated by italics - deletions by strikeout
AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Sections 11-1426 and 11-1426.1 as follows:

(625 ILCS 5/11-1426) (from Ch. 95 1/2, par. 11-1426)
Sec. 11-1426. Operation of all-terrain vehicles and off-highway motorcycles on streets, roads and highways.

(a) Except as provided under this Section, it shall be unlawful for any person to drive or operate any all-terrain vehicle or off-highway motorcycle upon any street, highway or roadway in this State.

(a-1) It shall not be unlawful for any person to drive or operate any all-terrain vehicle upon any county roadway or township roadway for the purpose of conducting farming operations to and from the home, farm, farm buildings, and any adjacent or nearby farm land. An all-terrain vehicle that is operated on a county or township roadway at any time between one-half hour before sunset and one-half hour after sunrise must be equipped with head lamps and tail lamps, and the head lamps and tail lamps must be lighted.

(b) Except as provided under subsection (c) of this Section, all-terrain vehicles and off-highway motorcycles may make a direct crossing provided:

(1) The crossing is made at an angle of approximately 90 degrees to the direction of the street, road or highway and at a place where no obstruction prevents a quick and safe crossing; and

(2) The all-terrain vehicle or off-highway motorcycle is brought to a complete stop before attempting a crossing; and

(3) The operator of the all-terrain vehicle or off-highway motorcycle yields the right of way to all pedestrian and vehicular traffic which constitutes a hazard; and
(4) That when crossing a divided highway, the crossing is made only at an intersection of the highway with another public street, road, or highway; and

(5) That when accessing township roadways in counties which contain a tract of the Shawnee National Forest, the accessing complies with rules promulgated by the Department of Natural Resources to govern the accessing.

(c) No person operating an all-terrain vehicle or off-highway motorcycle shall make a direct crossing upon or across any tollroad, interstate highway, or controlled access highway in this State.

(d) The corporate authorities of a county, road district, township, city, village, or incorporated town may adopt ordinances or resolutions allowing all-terrain vehicles and off-highway motorcycles to be operated on roadways under their jurisdiction, designated by signs as may be prescribed by the Department, when it is necessary to cross a bridge or culvert or when it is impracticable to gain immediate access to an area adjacent to a highway where an all-terrain vehicle or off-highway motorcycle is to be operated. The crossing shall be made in the same direction as traffic.

(e) The corporate authorities of a county, road district, township, city, village, or incorporated town may adopt ordinances or resolutions designating one or more specific public highways or streets under their jurisdiction as egress and ingress routes for the use of all-terrain vehicles and off-highway motorcycles. Operation of all-terrain vehicles and off-highway motorcycles on the routes shall be in the same direction as traffic. Corporate authorities acting under the authority of this subsection (e) shall erect and maintain signs, as may be prescribed by the Department, giving proper notice of the designation.

(Source: P.A. 89-445, eff. 2-7-96; 90-287, eff. 1-1-98.)

(625 ILCS 5/11-1426.1)

Sec. 11-1426.1. Operation of neighborhood electric vehicles on streets, roads, and highways.

(a) As used in this Section, "neighborhood electric vehicle" means a self-propelled, electronically powered four-wheeled motor vehicle (or a

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self-propelled, gasoline-powered four-wheeled motor vehicle with an engine displacement under 1,200 cubic centimeters) which is capable of attaining in one mile a speed of more than 20 miles per hour, but not more than 25 miles per hour, and which conforms to federal regulations under Title 49 C.F.R. Part 571.500.

(b) Except as otherwise provided in this Section, it is unlawful for any person to drive or operate a neighborhood electric vehicle upon any street, highway, or roadway in this State. If the operation of a neighborhood electric vehicle is authorized under subsection (d), the neighborhood electric vehicle may be operated only on streets where the posted speed limit is 35 miles per hour or less. This subsection (b) does not prohibit a neighborhood electric vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(b-5) A person may not operate a neighborhood electric vehicle upon any street, highway, or roadway in this State unless he or she has a valid Illinois driver's license issued in his or her name by the Secretary of State.

(c) No person operating a neighborhood electric vehicle shall make a direct crossing upon or across any highway under the jurisdiction of the State, tollroad, interstate highway, or controlled access highway in this State.

(d) A municipality, township, county, or other unit of local government may authorize, by ordinance or resolution, the operation of neighborhood electric vehicles on roadways under its jurisdiction if the unit of local government determines that the public safety will not be jeopardized. The Department may authorize the operation of neighborhood electric vehicles on the roadways under its jurisdiction if the Department determines that the public safety will not be jeopardized.

Before permitting the operation of neighborhood electric vehicles on its roadways, a municipality, township, county, other unit of local government, or the Department must consider the volume, speed, and character of traffic on the roadway and determine whether neighborhood electric vehicles may safely travel on or cross the roadway. Upon
determining that neighborhood electric vehicles may safely operate on a roadway and the adoption of an ordinance or resolution by a municipality, township, county, or other unit of local government, or authorization by the Department, appropriate signs shall be posted.

If a roadway is under the jurisdiction of more than one unit of government, neighborhood electric vehicles may not be operated on the roadway unless each unit of government agrees and takes action as provided in this subsection.

(e) No neighborhood electric vehicle may be operated on a roadway unless, at a minimum, it has the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in Section 12-709 of this Code) on the rear of the neighborhood electric vehicle, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, and turn signals. When operated on a roadway, a neighborhood electric vehicle shall have its headlight and tail lamps lighted as required by Section 12-201 of this Code.

(f) A person who drives or is in actual physical control of a neighborhood electric vehicle on a roadway while under the influence is subject to Sections 11-500 through 11-502 of this Code.

(Source: P.A. 94-298, eff. 1-1-06.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 31, 2007.

PUBLIC ACT 95-0576
(Senate Bill No. 0008)

AN ACT concerning veterans.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 1. Short title. This Act may be cited as the Veterans' Home Nurses' Loan Repayment Act.

Section 5. Nurse Loan Repayment Program. There is created, beginning July 1, 2007, the Nurse Loan Repayment Program to be administered by the Illinois Student Assistance Commission in consultation with the Department of Veterans' Affairs. The program shall provide assistance, subject to appropriation, to eligible nurses.

Section 10. Award; maximum time period; maximum amount. Subject to appropriation, the Commission shall award a grant to each applicant who qualifies under this Act. An individual may receive a grant under this Act each year for up to 4 years. The amount of this grant may not exceed $5,000 per recipient per year. The Commission shall require the recipient of a grant awarded under the program to use the grant award for payment of the recipient's educational loan.

Section 15. Application. All applications for grant assistance under the program must be made to the Commission in a form and manner prescribed by the Commission. Applicants shall also submit any supporting documents deemed necessary by the Commission at the time of application.

Section 20. Eligibility.
(a) The Commission shall, on an annual basis, receive and consider applications for grant assistance under the program. An applicant is eligible for a grant under the program if the Commission finds that the applicant:

(1) is a United States citizen or permanent resident;
(2) is a resident of Illinois;
(3) is working as a registered professional nurse or licensed practical nurse in a State veterans' home;
(4) is a borrower with an outstanding balance due on an educational loan; and
(5) has not defaulted on an educational loan.

(b) Preference may be given to previous recipients of a grant under the program, provided that the recipient continues to meet the eligibility requirements set forth in this Section.
(c) For each year during which an individual receives a grant under this program, he or she must fulfill a separate 12-month period as a registered professional nurse or licensed practical nurse in a State veterans' home.

Section 900. The Department of Veterans Affairs Act is amended by adding Sections 8 and 9 as follows:

(20 ILCS 2805/8 new)

Sec. 8. Post-Traumatic Stress Disorder Outpatient Counseling Program. Subject to appropriations for that purpose, the Department, in consultation with the Department of Human Services, shall contract with professional counseling specialists to provide a range of confidential counseling and direct treatment services to war-affected Southwest Asia combat veterans and their family members, and to provide additional treatment services to Viet Nam War veterans for post-traumatic stress disorder, particularly those Viet Nam veterans whose post-traumatic stress disorder has intensified or initially emerged due to the war in the Middle East. Any such contracts entered into by the Department must be with individuals and entities pre-approved by the U.S. Department of Veterans Affairs and must be for the provision of services pre-approved by the U.S. Department of Veterans Affairs. In consultation with the Department of Human Services, the Department shall:

(1) develop an educational program designed to inform and train primary health care professionals, including mental health professionals, about the effects of war-related stress and trauma;

(2) provide informational and counseling services for the purpose of establishing and fostering peer-support networks throughout the State for families of deployed members of the reserves and the Illinois National Guard; and

(3) provide for veterans' families a referral network of mental health providers who are skilled in treating deployment stress, combat stress, and post-traumatic stress.

As used in this Section, "Southwest Asia combat veteran" means an Illinois resident who is, or who was honorably discharged as, a member of the Armed Forces of the United States, a member of the Illinois National
Guard, or a member of any reserve component of the Armed Forces of the United States and who served on active duty in connection with Operation Desert Storm, Operation Enduring Freedom, or Operation Iraqi Freedom.

(20 ILCS 2805/9 new)

Sec. 9. Veterans Conservation Corps. Subject to appropriations for that purpose, the Department shall create a list of honorably discharged veterans, particularly those with post-traumatic stress disorder and related conditions, who are interested in working on a volunteer basis on projects that restore Illinois' natural habitat. The list is referred to as the Veterans Conservation Corps. The Department shall promote the opportunity to volunteer for the Veterans Conservation Corps through its field offices and through cooperating veterans organizations. Only veterans who grant their approval may be included on the list. The Department shall consult with the Department of Natural Resources to determine the most effective way to market the Veterans Conservation Corps to State agencies and local governmental or not-for-profit sponsors of habitat restoration projects.

Section 999. Effective date. This Act takes effect upon becoming law.


Approved August 31, 2007.

Sec. 12. Nursing services. Subject to appropriation, the Department shall adjust its rate methodology for community-integrated living arrangements using as a guide the findings and recommendations of the CILA nursing services reimbursement working group established by Senate Resolution 514 of the 94th General Assembly in order to improve the efficient and effective utilization of nursing personnel, to increase the levels of nursing services, and to improve access and availability of nursing services for residents of community-integrated living arrangements.

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 31, 2007.

PUBLIC ACT 95-0578
(Senate Bill No. 0607)

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Sections 6-101, 6-206.2, 6-303, and 11-501 and by adding Section 11-501.01 as follows:

(625 ILCS 5/6-101) (from Ch. 95 1/2, par. 6-101)
Sec. 6-101. Drivers must have licenses or permits.
(a) No person, except those expressly exempted by Section 6-102, shall drive any motor vehicle upon a highway in this State unless such person has a valid license or permit, or a restricted driving permit, issued under the provisions of this Act.
(b) No person shall drive a motor vehicle unless he holds a valid license or permit, or a restricted driving permit issued under the provisions of Section 6-205, 6-206, or 6-113 of this Act. Any person to whom a license is issued under the provisions of this Act must surrender to the

New matter indicated by italics - deletions by strikeout
Secretary of State all valid licenses or permits. No drivers license shall be issued to any person who holds a valid Foreign State license, identification card, or permit unless such person first surrenders to the Secretary of State any such valid Foreign State license, identification card, or permit.

(b-5) Any person who commits a violation of subsection (a) or (b) of this Section is guilty of a Class A misdemeanor, if at the time of the violation the person's driver's license or permit was cancelled under clause (a)9 of Section 6-201 of this Code.

c) Any person licensed as a driver hereunder shall not be required by any city, village, incorporated town or other municipal corporation to obtain any other license to exercise the privilege thereby granted.

(d) In addition to other penalties imposed under this Section, any person in violation of this Section who is also in violation of Section 7-601 of this Code relating to mandatory insurance requirements shall have his or her motor vehicle immediately impounded by the arresting law enforcement officer. The motor vehicle may be released to any licensed driver upon a showing of proof of insurance for the motor vehicle that was impounded and the notarized written consent for the release by the vehicle owner.

(e) In addition to other penalties imposed under this Section, the vehicle of any person in violation of this Section who is also in violation of Section 7-601 of this Code relating to mandatory insurance requirements and who, in violating this Section, has caused death or personal injury to another person is subject to forfeiture under Sections 36-1 and 36-2 of the Criminal Code of 1961. For the purposes of this Section, a personal injury shall include any type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or a medical facility. A type A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

(Source: P.A. 93-187, eff. 7-11-03; 93-895, eff. 1-1-05; 94-993, eff. 1-1-07.)

(625 ILCS 5/6-206.2)

New matter indicated by italics - deletions by strikeout
Sec. 6-206.2. Violations relating to an ignition interlock device.

(a) It is unlawful for any person whose driving privilege is restricted by being prohibited from operating a motor vehicle not equipped with an ignition interlock device to request or solicit any other person to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing the person so restricted with an operable motor vehicle.

(b) It is unlawful to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing an operable motor vehicle to a person whose driving privilege is restricted by being prohibited from operating a motor vehicle not equipped with an ignition interlock device.

(c) It is unlawful to tamper with, or circumvent the operation of, an ignition interlock device.

(d) Except as provided in subsection (c)(17) of Section 5-6-3.1 of the Unified Code of Corrections or by rule, no person shall knowingly rent, lease, or lend a motor vehicle to a person known to have his or her driving privilege restricted by being prohibited from operating a vehicle not equipped with an ignition interlock device, unless the vehicle is equipped with a functioning ignition interlock device. Any person whose driving privilege is so restricted shall notify any person intending to rent, lease, or loan a motor vehicle to the restricted person of the driving restriction imposed upon him or her.

A person convicted of a violation of this subsection shall be punished by imprisonment for not more than 6 months or by a fine of not more than $5,000, or both.

(e) If a person prohibited under Section 11-501.01 paragraph (2) or paragraph (3) of subsection (c-4) of Section 11-501 from driving any vehicle not equipped with an ignition interlock device nevertheless is convicted of driving a vehicle that is not equipped with the device, that person is prohibited from driving any vehicle not equipped with an ignition interlock device for an additional period of time equal to the initial time period that the person was required to use an ignition interlock device.

New matter indicated by italics - deletions by strikeout
Sec. 6-303. Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked.

(a) Any person who drives or is in actual physical control of a motor vehicle on any highway of this State at a time when such person's driver's license, permit or privilege to do so or the privilege to obtain a driver's license or permit is revoked or suspended as provided by this Code or the law of another state, except as may be specifically allowed by a judicial driving permit, family financial responsibility driving permit, probationary license to drive, or a restricted driving permit issued pursuant to this Code or under the law of another state, shall be guilty of a Class A misdemeanor.

(b) The Secretary of State upon receiving a report of the conviction of any violation indicating a person was operating a motor vehicle during the time when said person's driver's license, permit or privilege was suspended by the Secretary, by the appropriate authority of another state, or pursuant to Section 11-501.1; except as may be specifically allowed by a probationary license to drive, judicial driving permit or restricted driving permit issued pursuant to this Code or the law of another state; shall extend the suspension for the same period of time as the originally imposed suspension; however, if the period of suspension has then expired, the Secretary shall be authorized to suspend said person's driving privileges for the same period of time as the originally imposed suspension; and if the conviction was upon a charge which indicated that a vehicle was operated during the time when the person's driver's license, permit or privilege was revoked; except as may be allowed by a restricted driving permit issued pursuant to this Code or the law of another state; the Secretary shall not issue a driver's license for an additional period of one year from the date of such conviction indicating such person was operating a vehicle during such period of revocation.

(c) Any person convicted of violating this Section shall serve a minimum term of imprisonment of 10 consecutive days or 30 days of
community service when the person's driving privilege was revoked or suspended as a result of:

(1) a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, any other drug or any combination thereof; or

(2) a violation of paragraph (b) of Section 11-401 of this Code or a similar provision of a local ordinance relating to the offense of leaving the scene of a motor vehicle accident involving personal injury or death; or

(3) a violation of Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide; or

(4) a statutory summary suspension under Section 11-501.1 of this Code.

Such sentence of imprisonment or community service shall not be subject to suspension in order to reduce such sentence.

(c-1) Except as provided in subsection (d), any person convicted of a second violation of this Section shall be ordered by the court to serve a minimum of 100 hours of community service.

(c-2) In addition to other penalties imposed under this Section, the court may impose on any person convicted a fourth time of violating this Section any of the following:

(1) Seizure of the license plates of the person's vehicle.

(2) Immobilization of the person's vehicle for a period of time to be determined by the court.

(d) Any person convicted of a second violation of this Section shall be guilty of a Class 4 felony and shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

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(d-1) Except as provided in subsection (d-2) and subsection (d-3), any person convicted of a third or subsequent violation of this Section shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court.

(d-2) Any person convicted of a third violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 30 days if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-3) Any person convicted of a fourth, fifth, sixth, seventh, eighth, or ninth violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 180 days if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-4) Any person convicted of a tenth, eleventh, twelfth, thirteenth, or fourteenth violation of this Section is guilty of a Class 3 felony, and is not eligible for probation or conditional discharge, if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-5) Any person convicted of a fifteenth or subsequent violation of this Section is guilty of a Class 2 felony, and is not eligible for probation or conditional discharge, if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

New matter indicated by italics - deletions by strikeout
state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(e) Any person in violation of this Section who is also in violation of Section 7-601 of this Code relating to mandatory insurance requirements, in addition to other penalties imposed under this Section, shall have his or her motor vehicle immediately impounded by the arresting law enforcement officer. The motor vehicle may be released to any licensed driver upon a showing of proof of insurance for the vehicle that was impounded and the notarized written consent for the release by the vehicle owner.

(f) For any prosecution under this Section, a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

(g) The motor vehicle used in a violation of this Section is subject to seizure and forfeiture as provided in Sections 36-1 and 36-2 of the Criminal Code of 1961 if the person's driving privilege was revoked or suspended as a result of a violation listed in paragraph (1), (2), or (3) of subsection (c) of this Section or as a result of a summary suspension as provided in paragraph (4) of subsection (c) of this Section.

(Source: P.A. 94-112, eff. 1-1-06.)

(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

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(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person’s breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(c) Penalties.

(1) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(2) A person who violates subsection (a) or a similar provision a second time shall be sentenced to a mandatory minimum term of either 5 days of imprisonment or 240 hours of community service in addition to any other criminal or administrative sanction.

(3) A person who violates subsection (a) is subject to 6 months of imprisonment, an additional mandatory minimum fine of $1,000, and 25 days of community service in a program benefiting children if the person was transporting a person under the age of 16 at the time of the violation.

New matter indicated by italics - deletions by strikeout
(4) A person who violates subsection (a) a first time, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(5) A person who violates subsection (a) a second time, if at the time of the second violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(d) Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof.

(1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:
   
   (A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;
   
   (B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;
   
   (C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;
   
   (D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a

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similar provision of a law of another state relating to
reckless homicide in which the person was determined to
have been under the influence of alcohol, other drug or
drugs, or intoxicating compound or compounds as an
element of the offense or the person has previously been
convicted under subparagraph (C) or subparagraph (F) of
this paragraph (1);

(E) the person, in committing a violation of
subsection (a) while driving at any speed in a school speed
zone at a time when a speed limit of 20 miles per hour was
in effect under subsection (a) of Section 11-605 of this
Code, was involved in a motor vehicle accident that
resulted in bodily harm, other than great bodily harm or
permanent disability or disfigurement, to another person,
when the violation of subsection (a) was a proximate cause
of the bodily harm;

(F) the person, in committing a violation of
subsection (a), was involved in a motor vehicle,
snowmobile, all-terrain vehicle, or watercraft accident that
resulted in the death of another person, when the violation
of subsection (a) was a proximate cause of the death;

(G) the person committed a violation of subsection
(a) during a period in which the defendant's driving
privileges are revoked or suspended, where the revocation
or suspension was for a violation of subsection (a), Section
11-501.1, paragraph (b) of Section 11-401, or for reckless
homicide as defined in Section 9-3 of the Criminal Code of
1961;

(H) the person committed the violation while he or
she did not possess a driver's license or permit or a
restricted driving permit or a judicial driving permit;

(I) the person committed the violation while he or
she knew or should have known that the vehicle he or she
was driving was not covered by a liability insurance policy;

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(J) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in bodily harm, but not great bodily harm, to the child under the age of 16 being transported by the person, if the violation was the proximate cause of the injury; or

(K) the person in committing a second violation of subsection (a) or a similar provision was transporting a person under the age of 16.

(2)(A) Except as provided otherwise, a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony.

(B) A third violation of this Section or a similar provision is a Class 2 felony. If at the time of the third violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500 shall be imposed in addition to any other criminal or administrative sanction. If at the time of the third violation, the defendant was transporting a person under the age of 16, a mandatory fine of $25,000 and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

(C) A fourth violation of this Section or a similar provision is a Class 2 felony, for which a sentence of probation or conditional discharge may not be imposed. If at the time of the violation, the alcohol concentration in the defendant's blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, a mandatory minimum fine of $5,000 shall be imposed in addition to any other criminal or administrative sanction. If at the time of the fourth violation, the defendant was transporting a person under the age of 16 a mandatory fine of $25,000 and 25 days of community service in a
program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

(D) A fifth violation of this Section or a similar provision is a Class 1 felony, for which a sentence of probation or conditional discharge may not be imposed. If at the time of the violation, the alcohol concentration in the defendant's blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, a mandatory minimum fine of $5,000 shall be imposed in addition to any other criminal or administrative sanction. If at the time of the fifth violation, the defendant was transporting a person under the age of 16, a mandatory fine of $25,000, and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

(E) A sixth or subsequent violation of this Section or similar provision is a Class X felony. If at the time of the violation, the alcohol concentration in the defendant's blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, a mandatory minimum fine of $5,000 shall be imposed in addition to any other criminal or administrative sanction. If at the time of the violation, the defendant was transporting a person under the age of 16, a mandatory fine of $25,000 and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

(F) For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years.

(G) A violation of subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, unless the court determines that extraordinary circumstances exist and require probation, shall be sentenced to: (i) a term of imprisonment of not less than 3 years and not more than 14 years
if the violation resulted in the death of one person; or (ii) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons.

(H) For a violation of subparagraph (J) of paragraph (1) of this subsection (d), a mandatory fine of $2,500, and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

(I) A violation of subparagraph (K) of paragraph (1) of this subsection (d), is a Class 2 felony and a mandatory fine of $2,500, and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction. If the child being transported suffered bodily harm, but not great bodily harm, in a motor vehicle accident, and the violation was the proximate cause of that injury, a mandatory fine of $5,000 and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction.

(3) Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge in addition to any other criminal or administrative sanction.

(e) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.

(f) The imposition of a mandatory term of imprisonment or assignment of community service for a violation of this Section shall not be suspended or reduced by the court.

(g) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be
in addition to the penalty imposed for any subsequent violation of subsection (a).

(h) For any prosecution under this Section, a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

(Text of Section from P.A. 93-1093 and 94-963)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof:

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

New matter indicated by italics - deletions by strikeout
(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

c) (Blank):

d) (Blank):

e) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

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(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank);  
(e-3) (Blank);  

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(c-4) (Blank).

(c-5)(1) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subdivision (c-5)(1) is not subject to suspension, nor is the person eligible for a reduced sentence.

(2) Except as provided in subdivisions (c-5)(3) and (c-5)(4) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subdivision (c-5)(2) is not subject to suspension, nor is the person eligible for a reduced sentence.

(3) Except as provided in subdivision (c-5)(4), any person convicted of violating subdivision (c-5)(2) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subdivision (c-5)(3) is not subject to suspension, nor is the person eligible for a reduced sentence.

(4) Any person convicted of violating subdivision (c-5)(2) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service.

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community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subdivision (c-5)(4) is not subject to suspension, nor is the person eligible for a reduced sentence.

(5) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000; an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subdivision (c-5)(5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(6) Any person convicted of violating subdivision (c-5)(5) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subdivision (c-5)(6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(7) Any person convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is

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guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-6)(1) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(2) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(3) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(4) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar

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provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

   (A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

   (B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on-board;

   (C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

   (D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

   (E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when

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(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(c) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of

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this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be

New matter indicated by italics - deletions by strikeout
fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to D.U.I. training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police D.U.I. Fund and shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to D.U.I. training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(k) The Secretary of State Police D.U.I. Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the
Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual’s state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000

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per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; 93-1093, eff. 3-29-05; 94-963, eff. 6-28-06.)

(Text of Section from P.A. 94-110 and 94-963)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof:

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of driving safely;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of driving safely; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or

New matter indicated by italics - deletions by strikeout
intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section:

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section:

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a):

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence:

(c)(Blank):

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401;
or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

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(c-2) (Blank).
(c-3) (Blank).
(c-4) (Blank).
(c-5) Except as provided in subsection (c-5.1), a person 21 years of age or older who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to 6 months of imprisonment, an additional mandatory minimum fine of $1,000, and 25 days of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-5.1) A person 21 years of age or older who is convicted of violating subsection (a) of this Section a first time and who in committing that violation was involved in a motor vehicle accident that resulted in bodily harm to the child under the age of 16 being transported by the person, if the violation was the proximate cause of the injury, is guilty of a Class 4 felony and is subject to one year of imprisonment, a mandatory fine of $2,500, and 25 days of community service in a program benefiting children. The imprisonment or assignment to community service under this subsection (c-5.1) shall not be subject to suspension, nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-6) Except as provided in subsections (c-7) and (c-7.1), a person 21 years of age or older who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to 6 months of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(e-7) Except as provided in subsection (e-7.1), any person 21 years of age or older convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a
similar provision is guilty of a Class 4 felony and, in addition to any other penalty imposed, is subject to one year of imprisonment, 25 days of mandatory community service in a program benefiting children, and a mandatory fine of $2,500. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7.1) A person 21 years of age or older who is convicted of violating subsection (a) of this Section a second time within 10 years and who in committing that violation was involved in a motor vehicle accident that resulted in bodily harm to the child under the age of 16 being transported, if the violation was the proximate cause of the injury, is guilty of a Class 4 felony and is subject to 18 months of imprisonment, a mandatory fine of $5,000, and 25 days of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-7.1) shall not be subject to suspension, nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-8) (Blank).

(c-9) Any person 21 years of age or older convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and is subject to 18 months of imprisonment, a mandatory fine of $2,500, and 25 days of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person 21 years of age or older convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 3 felony and, in addition to any other penalty imposed, is subject to 3 years of imprisonment, 25 days of community service in a program benefiting children, and a mandatory fine of $25,000. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

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(c-11) Any person 21 years of age or older convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $25,000:

(1-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500:

(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250:

(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

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(e-15) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been

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convicted under subparagraph (E) or subparagraph (F) of this paragraph (1):

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death:

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be

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admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.
(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol-related criminal violence throughout the State; police officer training and education in areas related to alcohol-related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited

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to the purchase of law enforcement equipment and commodities that will
assist in the prevention of alcohol related criminal violence throughout the
State; police officer training and education in areas related to alcohol
related crime, including but not limited to DUI training; and police officer
salaries, including but not limited to salaries for hire back funding for
safety checkpoints, saturation patrols, and liquor store sting operations.

(k) The Secretary of State Police DUI Fund is created as a special
fund in the State treasury. All moneys received by the Secretary of State
Police under subsection (j) of this Section shall be deposited into the
Secretary of State Police DUI Fund and, subject to appropriation, shall be
used for enforcement and prevention of driving while under the influence
of alcohol, other drug or drugs, intoxicating compound or compounds or
any combination thereof, as defined by this Section, including but not
limited to the purchase of law enforcement equipment and commodities to
assist in the prevention of alcohol related criminal violence throughout the
State; police officer training and education in areas related to alcohol
related crime, including but not limited to DUI training; and police officer
salaries, including but not limited to salaries for hire back funding for
safety checkpoints, saturation patrols, and liquor store sting operations.

(l) Whenever an individual is sentenced for an offense based upon
an arrest for a violation of subsection (a) or a similar provision of a local
ordinance, and the professional evaluation recommends remedial or
rehabilitative treatment or education, neither the treatment nor the
education shall be the sole disposition and either or both may be imposed
only in conjunction with another disposition. The court shall monitor
compliance with any remedial education or treatment recommendations
contained in the professional evaluation. Programs conducting alcohol or
other drug evaluation or remedial education must be licensed by the
Department of Human Services. If the individual is not a resident of
Illinois, however, the court may accept an alcohol or other drug evaluation
or remedial education program in the individual's state of residence.
Programs providing treatment must be licensed under existing applicable
alcoholism and drug treatment licensure standards.

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(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

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(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section:

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section:

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a

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mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed:

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence:
(e) (Blank)

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony.

(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court:
(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(c-5) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-6) Except as provided in subsections (c-7) and (c-8) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service.
hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(e-7) Except as provided in subsection (e-8), any person convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(e-8) Any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.

(e-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subsection (e-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(e-10) Any person convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of
subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence:

(c-11) Any person convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person’s 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000:

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection

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(a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision, the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(c-15) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of

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violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (E) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person; when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person; when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, unless the court determines that extraordinary
circumstances exist and require probation, shall be sentenced to:
(A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or
(B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

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(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol-related criminal violence throughout the State; police officer training and education in areas related to alcohol-related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire-back funding for safety checkpoints, saturation

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patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol-related criminal violence throughout the State; police officer training and education in areas related to alcohol-related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol-related criminal violence throughout the State; police officer training and education in areas related to alcohol-related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations.

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contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; 94-113, eff. 1-1-06; 94-609, eff. 1-1-06; 94-963, eff. 6-28-06.)

(Text of Section from P.A. 94-114 and 94-963)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof:

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

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(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a

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similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony.

(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be

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assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or fifth time, if the fourth or fifth violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge:

(c-2) (Blank):

(c-3) (Blank):

(c-4) (Blank):

(e-5) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

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(c-6) Except as provided in subsections (c-7) and (c-8) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7) Except as provided in subsection (c-8), any person convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-8) Any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The

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imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-11) Any person convicted a fourth or fifth time for violating subsection (a) or a similar provision, if at the time of the fourth or fifth violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in

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addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(c-15) Any person convicted of a fourth or fifth violation of subsection (a) or a similar provision, if at the time of the fourth or fifth violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(c-16) Any person convicted of a sixth or subsequent violation of subsection (a) is guilty of a Class X felony.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

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(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection

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(d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a
County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court:

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections:

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance:

(h) (Blank):

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system:

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any monies received by a law enforcement agency under this subsection (j) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drugs or compounds of intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment.
and commodities that will assist in the prevention of alcohol-related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local

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ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; 94-114, eff. 1-1-06; 94-963, eff. 6-28-06.)

(Text of Section from P.A. 94-116 and 94-963)

See. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof:

New matter indicated by italics - deletions by strikeout
(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section:

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a):

New matter indicated by italics - deletions by strikeout
(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third violation committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant is guilty of a Class 2 felony, and in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time is guilty of a Class 2 felony.

(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a
mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth time is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(4) A person who violates subsection (a) a fifth or subsequent time is guilty of a Class 1 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).

(c-3) (Blank).

(c-4) (Blank).

(c-5) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

New matter indicated by italics - deletions by strikeout
(c-6) Except as provided in subsections (c-7) and (c-8), a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7) Except as provided in subsection (c-8), any person convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-8) Any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.

(e-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 2 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The
imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 2 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-11) Any person convicted a fourth time for violating subsection (a) or a similar provision, if at the time of the fourth violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(e-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(e-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in
addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(c-15) Any person convicted of a fourth violation of subsection (a) or a similar provision, if at the time of the fourth violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d)(1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or

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disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2) and in paragraphs (3) and (4) of subsection (c-1), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Except
as provided in paragraph (4) of subsection (c-1), aggravated driving under the influence of alcohol, other drug, or drugs; intoxicating compounds or compounds, or any combination thereof as defined in subparagraph (A) of paragraph (1) of this subsection (d) is a Class 2 felony. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of

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court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-2 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance;

(h) (Blank);

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or

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compounds or any combination thereof, as defined by this Section; including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

New matter indicated by italics - deletions by strikeout
(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; 94-116, eff. 1-1-06; 94-963, eff. 6-28-06.)

(Text of Section from P.A. 94-329 and 94-963)
Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof:

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section:

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(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or
suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and is guilty of a Class 3 felony.

(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and is guilty of a Class 3 felony; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

New matter indicated by italics - deletions by strikeout
(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof and is guilty of a Class 2 felony, and is not eligible for a sentence of probation or conditional discharge:

(c-2) (Blank).

(c-3) (Blank).

(c-4) (Blank).

(c-5) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-5) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-6) Except as provided in subsections (c-7) and (c-8) a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subsection (c-6) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-7) Except as provided in subsection (c-8), any person convicted of violating subsection (c-6) or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in
addition to any other penalty imposed, a mandatory minimum 12-day imprisonment, an additional 40 hours of mandatory community service in a program benefitting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-7) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-8) Any person convicted of violating subsection (c-6) or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefitting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subsection (c-8) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-9) Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-9) is not subject to suspension, nor is the person eligible for a reduced sentence.

(c-10) Any person convicted of violating subsection (c-9) or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subsection (c-10) is not subject to suspension, nor is the person eligible for a reduced sentence.

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(c-11) Any person convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-12) Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(c-13) Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision, if at the time of the second violation of subsection (a) the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(c-14) Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

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(e-15) Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been

New matter indicated by italics - deletions by strikeout
(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death;

(G) the person committed the violation while he or she did not possess a driver's license or permit or a restricted driving permit or a judicial driving permit; or

(H) the person committed the violation while he or she knew or should have known that the vehicle he or she was driving was not covered by a liability insurance policy.

(2) Except as provided in this paragraph (2) and in paragraphs (2), (2.1), and (3) of subsection (c-1), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the
defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.
(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol-related criminal violence throughout the State; police officer training and education in areas related to alcohol-related crime, including but not limited to DUl training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation

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patrols, and liquor store sting operations. Equipment and commodities shall include, but are not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations:

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by this Section, including but not limited to the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations:

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations.

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contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(625 ILCS 5/11-501.01 new)
Sec. 11-501.01. Additional administrative sanctions.
(a) After a finding of guilt and prior to any final sentencing or an order for supervision, for an offense based upon an arrest for a violation of Section 11-501 or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional

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evaluation shall be paid for by the individual required to undergo the professional evaluation.

(b) Any person who is found guilty of or pleads guilty to violating Section 11-501, including any person receiving a disposition of court supervision for violating that Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a county State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(c) Every person found guilty of violating Section 11-501, whose operation of a motor vehicle while in violation of that Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided in subsection (i) of this Section.

(d) The Secretary of State shall revoke the driving privileges of any person convicted under Section 11-501 or a similar provision of a local ordinance.

(e) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of Section 11-501 or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(f) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating Section 11-501, including any person placed on court supervision for violating Section 11-501, shall be assessed $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest, and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating Section 11-501 or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be

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shared equally. Any moneys received by a law enforcement agency under this subsection (f) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (f) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(g) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (f) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used to purchase law enforcement equipment to assist in the prevention of alcohol related criminal violence throughout the State.

(h) Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(i) In addition to any other fine or penalty required by law, an individual convicted of a violation of Section 11-501, Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of Section 11-
501, Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (i), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

Section 10. If and only if Senate Bill 300 of the 95th General Assembly becomes law and the changes to Section 6-206.1 of the Illinois Vehicle Code in that bill become law in the form in which they appear in House Amendment No. 1 to that bill, the Illinois Vehicle Code is amended by changing Section 6-206.1 as follows:

(625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

Sec. 6-206.1. Monitoring Device Driving Permit. Declaration of Policy. It is hereby declared a policy of the State of Illinois that the driver who is impaired by alcohol, other drug or drugs, or intoxicating compound or compounds is a threat to the public safety and welfare. Therefore, to provide a deterrent to such practice and to remove problem drivers from the highway, a statutory summary driver's license suspension is appropriate. It is also recognized that driving is a privilege and therefore, that the granting of driving privileges, in a manner consistent with public safety, is warranted during the period of suspension in the form of a monitoring device driving permit. A person who drives and fails to comply with the requirements of the monitoring device driving permit commits a violation of Section 6-303 of this Code.

The following procedures shall apply whenever a first offender is arrested for any offense as defined in Section 11-501 or a similar provision of a local ordinance:

(a) Subsequent to a notification of a statutory summary suspension of driving privileges as provided in Section 11-501.1, the court, after informing the first offender, as defined in Section 11-500, of his or her right to a monitoring device driving permit, hereinafter referred to as a

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MDDP, and of the obligations of the MDDP, shall enter an order directing
the Secretary of State to issue a MDDP to the offender, unless the offender
has opted, in writing, not to have a MDDP issued. However, the court
shall not enter the order directing the Secretary of State to issue the
MDDP, if the court finds:

(1) The offender's driver's license is otherwise invalid;
(2) Death or no death or great bodily harm resulted from the
arrest for Section 11-501;
(3) That the offender has not been previously convicted of
reckless homicide; or
(4) That the offender is not less than 18 years of age.

Any court order for a MDDP shall order the person to pay the Secretary of
State a MDDP Administration Fee an amount not to exceed $30 per
month. The Secretary shall establish by rule the amount and the
procedures, terms, and conditions relating to these fees. The order shall
further specify that the offender must have an ignition interlock device
installed within 14 days of the date the Secretary issues the MDDP, and
shall specify the vehicle in which the device is to be installed. The ignition
interlock device provider must notify the Secretary, in a manner and form
prescribed by the Secretary, of the installation. If the Secretary does not
receive notice of installation, the Secretary shall cancel the MDDP.
A MDDP shall not become effective prior to the 31st day of the original
statutory summary suspension.

(a-1) A person issued a MDDP may drive for any purpose and at
any time, subject to the rules adopted by the Secretary of State under
subsection (g). The person must, at his or her own expense, drive only
vehicles equipped with an ignition interlock device as defined in Section
1-129.1, but in no event shall such person drive a commercial motor
vehicle.

(a-2) Persons who are issued a MDDP and must drive employer-
owned vehicles in the course of their employment duties may seek
permission from the court to drive an employer-owned vehicle that does
not have an ignition interlock device. The employee shall provide to the
court a form, prescribed by the Secretary of State, completed by the

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employer verifying that the employee must drive an employer-owned vehicle in the course of employment. If approved by the court, the form must be file stamped and must be in the driver's possession while operating an employer-owned vehicle not equipped with an ignition interlock device. No person may use this exemption to drive a school bus, school vehicle, or a vehicle designed to transport more than 15 passengers. No person may use this exemption to drive an employer-owned motor vehicle that is owned by an entity that is wholly or partially owned by the person holding the MDDP, or by a family member of the person holding the MDDP. No person may use this exemption to drive an employer-owned vehicle that is made available to the employee for personal use. No person may drive the exempted vehicle more than 12 hours per day, 6 days per week.

(b) (Blank).
(c) (Blank).
(c-1)

If the person is issued a citation for a violation of Section 6-303 or a violation of Section 11-501 or a similar provision of a local ordinance or a similar out of state offense during the term of the MDDP, the officer issuing the citation, or the law enforcement agency employing that officer, shall confiscate the MDDP and immediately send the MDDP and notice of the citation to the court that ordered the issuance of the MDDP. Within 10 days of receipt, the issuing court, upon notice to the person, shall conduct a hearing to consider cancellation of the MDDP. If the court enters an order of cancellation, the court shall forward the order to the Secretary of State, and the Secretary shall cancel the MDDP and notify the person of the cancellation. If, however, the person is convicted of the offense before the MDDP has been cancelled, the court of venue shall send notice of conviction to the court that ordered issuance of the MDDP. The court receiving the notice shall immediately enter an order of cancellation and forward the order to the Secretary of State. The Secretary shall cancel the MDDP and notify the person of the cancellation.

If the person is issued a citation for any other traffic related offense during the term of the MDDP, the officer issuing the citation, or the law enforcement agency shall:

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enforcement agency employing that officer, shall send notice of the
citation to the court that ordered issuance of the MDDP. Upon receipt and
notice to the person and an opportunity for a hearing, the court shall
determine whether the violation constitutes grounds for cancellation of the
MDDP. If the court enters an order of cancellation, the court shall forward
the order to the Secretary of State, and the Secretary shall cancel the
MDDP and shall notify the person of the cancellation.

(c-5) If the court determines that the person seeking the MDDP is
indigent, the court shall provide the person with a written document, in a
form prescribed by the Secretary of State, as evidence of that
determination, and the person shall provide that written document to an
ignition interlock device provider. The provider shall install an ignition
interlock device on that person's vehicle without charge to the person, and
seek reimbursement from the Indigent BAIID Fund.

(d) The Secretary of State shall, upon receiving a court order from
the court of venue, issue a MDDP to a person who applies under this
Section. Such court order form shall also contain a notification, which
shall be sent to the Secretary of State, providing the name, driver's license
number and legal address of the applicant. This information shall be
available only to the courts, police officers, and the Secretary of State,
except during the actual period the MDDP is valid, during which time it
shall be a public record. The Secretary of State shall design and furnish to
the courts an official court order form to be used by the courts when
directing the Secretary of State to issue a MDDP.

Any submitted court order that contains insufficient data or fails to
comply with this Code shall not be utilized for MDDP issuance or entered
to the driver record but shall be returned to the issuing court indicating
why the MDDP cannot be so entered. A notice of this action shall also be
sent to the MDDP applicant by the Secretary of State.

(e) (Blank).

(f) (Blank).

(g) The Secretary of State shall adopt rules for implementing this
Section. The rules adopted shall address issues including, but not limited
to: compliance with the requirements of the MDDP; methods for

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determining compliance with those requirements; the consequences of noncompliance with those requirements; what constitutes a violation of the MDDP; and the duties of a person or entity that supplies the ignition interlock device.

(h) The rules adopted under subsection (g) shall provide, at a minimum, that the person is not in compliance with the requirements of the MDDP if he or she:

(1) tampers or attempts to tamper with or circumvent the proper operation of the ignition interlock device;

(2) provides valid breath samples that register blood alcohol levels in excess of the number of times allowed under the rules;

(3) fails to provide evidence sufficient to satisfy the Secretary that the ignition interlock device has been installed in the designated vehicle or vehicles; or

(4) fails to follow any other applicable rules adopted by the Secretary.

(i) Any person or entity that supplies an ignition interlock device as provided under this Section shall, in addition to supplying only those devices which fully comply with all the rules adopted under subsection (g), provide the Secretary, within 7 days of inspection, all monitoring reports of each person who has had an ignition interlock device installed. These reports shall be furnished in a manner or form as prescribed by the Secretary.

(j) Upon making a determination that a violation of the requirements of the MDDP has occurred, the Secretary shall extend the summary suspension period for an additional 3 months beyond the originally imposed summary suspension period, during which time the person shall only be allowed to drive vehicles equipped with an ignition interlock device; provided further there are no limitations on the number of times the summary suspension may be extended. Any person whose summary suspension is extended pursuant to this Section shall have the right to contest the extension through an administrative hearing with the Secretary. If the summary suspension has already terminated prior to the
Secretary receiving the monitoring report that shows a violation, the Secretary shall be authorized to suspend the person's driving privileges for 3 months. The only permit the person shall be eligible for during this new suspension period is a MDDP.

(k) A person who has had his or her summary suspension extended for the third time shall have his or her vehicle impounded for a period of 30 days, at the person's own expense. A person who has his or her summary suspension extended for the fourth time shall have his or her vehicle subject to seizure and forfeiture. The Secretary shall notify the prosecuting authority of any third or fourth extensions. Upon receipt of the notification, the prosecuting authority shall impound or forfeit the vehicle.

(l) A person whose driving privileges have been suspended under Section 11-501.1 of this Code and who had a MDDP that was cancelled pursuant to subsection (c-1) of this Section, shall not be eligible for reinstatement when the summary suspension is scheduled to terminate, but instead shall be eligible only to apply for a restricted driving permit. If a restricted driving permit is granted, the offender may only operate vehicles equipped with an ignition interlock device, for a period of not less than twice the original summary suspension period.

(m) Any person or entity that supplies an ignition interlock device under this Section shall, for each ignition interlock device installed, pay 5% of the total gross revenue received for the device into the Indigent BAIID Fund. This 5% shall be clearly indicated as a separate surcharge on each invoice that is issued. The Secretary shall conduct an annual review of the fund to determine whether the surcharge is sufficient to provide for indigent users. The Secretary may increase of decrease this surcharge requirement as needed.

(n) Any person or entity that supplies an ignition interlock device under this Section that is requested to provide an ignition interlock device to a person who presents written documentation of indigency from the court, as provided in subsection (c-5) of this Section, shall install the device on the person's vehicle without charge to the person and shall seek reimbursement from the Indigent BAIID Fund.
(o) The Indigent BAIID Fund is created as a special fund in the State treasury. The Secretary of State shall, subject to appropriation by the General Assembly, use all money in the Indigent BAIID Fund to reimburse ignition interlock device providers who have installed devices in vehicles of indigent persons pursuant to court orders issued under this Section. The Secretary shall make payments to such providers every 3 months. If the amount of money in the fund at the time payments are made is not sufficient to pay all requests for reimbursement submitted during that 3 month period, the Secretary shall make payments on a pro-rata basis, and those payments shall be considered payment in full for the requests submitted.

(p) The Monitoring Device Driving Permit Administration Fee Fund is created as a special fund in the State treasury. The Secretary of State shall, subject to appropriation by the General Assembly, use the money paid into this fund to offset its administrative costs for administering MDDPs.
(Source: P.A. 94-307, eff. 9-30-05; 94-357, eff. 1-1-06; 94-930, eff. 6-26-06; 09500SB0300ham001.)

Section 15. The Unified Code of Corrections is amended by changing Sections 5-6-3 and 5-8-7 as follows:

(730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)
Sec. 5-6-3. Conditions of Probation and of Conditional Discharge.
(a) The conditions of probation and of conditional discharge shall be that the person:

(1) not violate any criminal statute of any jurisdiction;
(2) report to or appear in person before such person or agency as directed by the court;
(3) refrain from possessing a firearm or other dangerous weapon;
(4) not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer. Transfer of a person's probation or conditional

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discharge supervision to another state is subject to acceptance by the other state pursuant to the Interstate Compact for Adult Offender Supervision;

(5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;

(6) perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act;

(7) if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a public institution of education to obtain the educational or vocational training required by this clause (7). The court shall revoke the probation or conditional discharge of a person who wilfully fails to comply with this clause (7). The

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person on probation or conditional discharge shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall resentence the offender whose probation or conditional discharge has been revoked as provided in Section 5-6-4. This clause (7) does not apply to a person who has a high school diploma or has successfully passed the GED test. This clause (7) does not apply to a person who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program;

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court;

(8.5) if convicted of a felony sex offense as defined in the Sex Offender Management Board Act, the person shall undergo and successfully complete sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act;

(8.6) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense; the provisions of this paragraph do not apply to a person

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convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders; and

(9) if convicted of a felony, physically surrender at a time and place designated by the court, his or her Firearm Owner's Identification Card and any and all firearms in his or her possession; and

(10) if convicted of a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter.

(b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:

(1) serve a term of periodic imprisonment under Article 7 for a period not to exceed that specified in paragraph (d) of Section 5-7-1;

(2) pay a fine and costs;

(3) work or pursue a course of study or vocational training;

(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;

(5) attend or reside in a facility established for the instruction or residence of defendants on probation;

(6) support his dependents;

(7) and in addition, if a minor:

(i) reside with his parents or in a foster home;

(ii) attend school;

(iii) attend a non-residential program for youth;

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(iv) contribute to his own support at home or in a foster home;
(v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is convicted of a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;
(8) make restitution as provided in Section 5-5-6 of this Code;
(9) perform some reasonable public or community service;
(10) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the offender:
   (i) remain within the interior premises of the place designated for his confinement during the hours designated by the court;
   (ii) admit any person or agent designated by the court into the offender's place of confinement at any time for purposes of verifying the offender's compliance with the conditions of his confinement; and
   (iii) if further deemed necessary by the court or the Probation or Court Services Department, be placed on an approved electronic monitoring device, subject to Article 8A of Chapter V;
(iv) for persons convicted of any alcohol, cannabis or controlled substance violation who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the offender to pay the fee, the court assesses a lesser fee or no fee as the case may be.
This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code; and

(v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any
reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer, if the defendant has been placed on probation or advance approval by the court, if the defendant was placed on conditional discharge;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug.

(c) The court may as a condition of probation or of conditional discharge require that a person under 18 years of age found guilty of any alcohol, cannabis or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If such person is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.
(d) An offender sentenced to probation or to conditional discharge shall be given a certificate setting forth the conditions thereof.

(e) Except where the offender has committed a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code, the court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6 month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2. This 6 month limit does not apply to a person sentenced to probation as a result of a conviction of a fourth or subsequent violation of subsection (c-4) of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

(f) The court may combine a sentence of periodic imprisonment under Article 7 or a sentence to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.

(g) An offender sentenced to probation or to conditional discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, involved in a successful probation program for the county. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol

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testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of such probation or conditional discharge or supervised community service, a fee of $50 for each month of probation or conditional discharge supervision or supervised community service ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee under this subsection (i) in excess of $25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation

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fee, up to $5 of that fee collected per month may be used to provide services to crime victims and their families.

This amendatory Act of the 93rd General Assembly deletes the $10 increase in the fee under this subsection that was imposed by Public Act 93-616. This deletion is intended to control over any other Act of the 93rd General Assembly that retains or incorporates that fee increase.

(i-5) In addition to the fees imposed under subsection (i) of this Section, in the case of an offender convicted of a felony sex offense (as defined in the Sex Offender Management Board Act) or an offense that the court or probation department has determined to be sexually motivated (as defined in the Sex Offender Management Board Act), the court or the probation department shall assess additional fees to pay for all costs of treatment, assessment, evaluation for risk and treatment, and monitoring the offender, based on that offender's ability to pay those costs either as they occur or under a payment plan.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) Any offender who is sentenced to probation or conditional discharge for a felony sex offense as defined in the Sex Offender Management Board Act or any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(Source: P.A. 93-475, eff. 8-8-03; 93-616, eff. 1-1-04; 93-970, eff. 8-20-04; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; 94-556, eff. 9-11-05; revised 8-19-05.)

(730 ILCS 5/5-8-7) (from Ch. 38, par. 1005-8-7)
Sec. 5-8-7. Calculation of Term of Imprisonment.

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(a) A sentence of imprisonment shall commence on the date on which the offender is received by the Department or the institution at which the sentence is to be served.

(b) The offender shall be given credit on the determinate sentence or maximum term and the minimum period of imprisonment for time spent in custody as a result of the offense for which the sentence was imposed, at the rate specified in Section 3-6-3 of this Code. Except when prohibited by subsection (d), the trial court may give credit to the defendant for time spent in home detention, or when the defendant has been confined for psychiatric or substance abuse treatment prior to judgment, if the court finds that the detention or confinement was custodial.

(c) An offender arrested on one charge and prosecuted on another charge for conduct which occurred prior to his arrest shall be given credit on the determinate sentence or maximum term and the minimum term of imprisonment for time spent in custody under the former charge not credited against another sentence.

(d) An offender sentenced to a term of imprisonment for an offense listed in paragraph (2) of subsection (c) of Section 5-5-3 of this Code, or for an offense listed in subdivision (d)(2)(c) in paragraph (3) of subsection (e-1) of Section 11-501 of the Illinois Vehicle Code that was committed while the offender's driving privileges were revoked or suspended as provided in subdivision (d)(1)(G) of that Section, shall not receive credit for time spent in home detention prior to judgment.

(Source: P.A. 93-800, eff. 1-1-05.)

Section 99. Effective date. Section 10 of this Act takes effect on January 1, 2009.

Approved August 31, 2007.
Effective June 1, 2008 and January 1, 2009.
AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Section 11-20.1A and by adding Section 11-20.3 as follows:

(720 ILCS 5/11-20.1A) (from Ch. 38, par. 11-20.1A)

Sec. 11-20.1A. Forfeitures.

(a) A person who commits the offense of keeping a place of juvenile prostitution, exploitation of a child, or child pornography under Section 11-17.1, 11-19.2, or 11-20.1, or 11-20.3 of this Code shall forfeit to the State of Illinois:

(1) Any profits or proceeds and any interest or property he or she has acquired or maintained in violation of Section 11-17.1, 11-19.2, or 11-20.1, or 11-20.3 of this Code that the sentencing court determines, after a forfeiture hearing, to have been acquired or maintained as a result of keeping a place of juvenile prostitution, exploitation of a child, or child pornography, or aggravated child pornography.

(2) Any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over any enterprise that he or she has established, operated, controlled, or conducted in violation of Section 11-17.1, 11-19.2, or 11-20.1, or 11-20.3 of this Code that the sentencing court determines, after a forfeiture hearing, to have been acquired or maintained as a result of keeping a place of juvenile prostitution, exploitation of a child, or child pornography, or aggravated child pornography.

(3) Any computer that contains a depiction of child pornography in any encoded or decoded format in violation of Section 11-20.1 of this Code. For purposes of this paragraph (3), "computer" has the meaning ascribed to it in Section 16D-2 of this Code.

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(b) (1) The court shall, upon petition by the Attorney General or State's Attorney at any time following sentencing, conduct a hearing to determine whether any property or property interest is subject to forfeiture under this Section. At the forfeiture hearing the people shall have the burden of establishing, by a preponderance of the evidence, that property or property interests are subject to forfeiture under this Section.

(2) In any action brought by the People of the State of Illinois under this Section, wherein any restraining order, injunction or prohibition or any other action in connection with any property or interest subject to forfeiture under this Section is sought, the circuit court presiding over the trial of the person or persons charged with keeping a place of juvenile prostitution, exploitation of a child or child pornography shall first determine whether there is probable cause to believe that the person or persons so charged have committed the offense of keeping a place of juvenile prostitution, exploitation of a child or child pornography and whether the property or interest is subject to forfeiture pursuant to this Section. In order to make such a determination, prior to entering any such order, the court shall conduct a hearing without a jury, wherein the People shall establish that there is: (i) probable cause that the person or persons so charged have committed the offense of keeping a place of juvenile prostitution, exploitation of a child or child pornography and (ii) probable cause that any property or interest may be subject to forfeiture pursuant to this Section. Such hearing may be conducted simultaneously with a preliminary hearing, if the prosecution is commenced by information or complaint, or by motion of the People, at any stage in the proceedings. The court may accept a finding of probable cause at a preliminary hearing following the filing of an information charging the offense of keeping a place of juvenile prostitution, exploitation of a child or child pornography or the return of an indictment by a grand jury charging the offense of keeping a place of juvenile prostitution, exploitation of a child

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or child pornography as sufficient evidence of probable cause as provided in item (i) above. Upon such a finding, the circuit court shall enter such restraining order, injunction or prohibition, or shall take such other action in connection with any such property or other interest subject to forfeiture, as is necessary to insure that such property is not removed from the jurisdiction of the court, concealed, destroyed or otherwise disposed of by the owner of that property or interest prior to a forfeiture hearing under this Section. The Attorney General or State's Attorney shall file a certified copy of such restraining order, injunction or other prohibition with the recorder of deeds or registrar of titles of each county where any such property of the defendant may be located. No such injunction, restraining order or other prohibition shall affect the rights of any bona fide purchaser, mortgagee, judgment creditor or other lienholder arising prior to the date of such filing. The court may, at any time, upon verified petition by the defendant or an innocent owner or innocent bona fide third party lienholder who neither had knowledge of, nor consented to, the illegal act or omission, conduct a hearing to release all or portions of any such property or interest which the court previously determined to be subject to forfeiture or subject to any restraining order, injunction, or prohibition or other action. The court may release such property to the defendant or innocent owner or innocent bona fide third party lienholder who neither had knowledge of, nor consented to, the illegal act or omission for good cause shown and within the sound discretion of the court.

A forfeiture under this Section may be commenced by the Attorney General or a State's Attorney.

(3) Upon conviction of a person of keeping a place of juvenile prostitution, exploitation of a child or child pornography, the court shall authorize the Attorney General to seize all property or other interest declared forfeited under this Section upon such terms and conditions as the court shall deem proper.
(4) The Attorney General is authorized to sell all property forfeited and seized pursuant to this Section, unless such property is required by law to be destroyed or is harmful to the public, and, after the deduction of all requisite expenses of administration and sale, shall distribute the proceeds of such sale, along with any moneys forfeited or seized, in accordance with subsection (c) of this Section.

(c) All monies forfeited and the sale proceeds of all other property forfeited and seized under this Section shall be distributed as follows:

(1) One-half shall be divided equally among all State agencies and units of local government whose officers or employees conducted the investigation which resulted in the forfeiture; and

(2) One-half shall be deposited in the Violent Crime Victims Assistance Fund.

(Source: P.A. 91-229, eff. 1-1-00; 92-175, eff. 1-1-02.)

(720 ILCS 5/11-20.3 new)

Sec. 11-20.3. Aggravated child pornography.

(a) A person commits the offense of aggravated child pornography who:

(1) films, videotapes, photographs, or otherwise depicts or portrays by means of any similar visual medium or reproduction or depicts by computer any child whom he or she knows or reasonably should know to be under the age of 13 years where such child is:

(i) actually or by simulation engaged in any act of sexual penetration or sexual conduct with any person or animal; or

(ii) actually or by simulation engaged in any act of sexual penetration or sexual conduct involving the sex organs of the child and the mouth, anus, or sex organs of another person or animal; or which involves the mouth, anus or sex organs of the child and the sex organs of another person or animal; or

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(iii) actually or by simulation engaged in any act of masturbation; or

(iv) actually or by simulation portrayed as being the object of, or otherwise engaged in, any act of lewd fondling, touching, or caressing involving another person or animal; or

(v) actually or by simulation engaged in any act of excretion or urination within a sexual context; or

(vi) actually or by simulation portrayed or depicted as bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in any sexual context; or

(vii) depicted or portrayed in any pose, posture or setting involving a lewd exhibition of the unclothed or transparently clothed genitals, pubic area, buttocks, or, if such person is female, a fully or partially developed breast of the child or other person; or

(2) with the knowledge of the nature or content thereof, reproduces, disseminates, offers to disseminate, exhibits or possesses with intent to disseminate any film, videotape, photograph or other similar visual reproduction or depiction by computer of any child whom the person knows or reasonably should know to be under the age of 13 engaged in any activity described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(3) with knowledge of the subject matter or theme thereof, produces any stage play, live performance, film, videotape or other similar visual portrayal or depiction by computer which includes a child whom the person knows or reasonably should know to be under the age of 13 engaged in any activity described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(4) solicits, uses, persuades, induces, entices, or coerces any child whom he or she knows or reasonably should know to be under the age of 13 to appear in any stage play, live presentation,
film, videotape, photograph or other similar visual reproduction or depiction by computer in which the child or severely or profoundly mentally retarded person is or will be depicted, actually or by simulation, in any act, pose or setting described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(5) is a parent, step-parent, legal guardian or other person having care or custody of a child whom the person knows or reasonably should know to be under the age of 13 and who knowingly permits, induces, promotes, or arranges for such child to appear in any stage play, live performance, film, videotape, photograph or other similar visual presentation, portrayal or depiction by computer of any act or activity described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(6) with knowledge of the nature or content thereof, possesses any film, videotape, photograph or other similar visual reproduction or depiction by computer of any child whom the person knows or reasonably should know to be under the age of 13 engaged in any activity described in subparagraphs (i) through (vii) of paragraph (1) of this subsection; or

(7) solicits, or knowingly uses, persuades, induces, entices, or coerces a person to provide a child under the age of 13 to appear in any videotape, photograph, film, stage play, live presentation, or other similar visual reproduction or depiction by computer in which the child will be depicted, actually or by simulation, in any act, pose, or setting described in subparagraphs (i) through (vii) of paragraph (1) of this subsection.

(b)(1) It shall be an affirmative defense to a charge of aggravated child pornography that the defendant reasonably believed, under all of the circumstances, that the child was 13 years of age or older, but only where, prior to the act or acts giving rise to a prosecution under this Section, he or she took some affirmative action or made a bonafide inquiry designed to ascertain whether the child was 13 years of age or older and his or her reliance upon the information so obtained was clearly reasonable.

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(2) The charge of aggravated child pornography shall not apply to the performance of official duties by law enforcement or prosecuting officers or persons employed by law enforcement or prosecuting agencies, court personnel or attorneys, nor to bonafide treatment or professional education programs conducted by licensed physicians, psychologists or social workers.

(3) If the defendant possessed more than 3 of the same film, videotape or visual reproduction or depiction by computer in which aggravated child pornography is depicted, then the trier of fact may infer that the defendant possessed such materials with the intent to disseminate them.

(4) The charge of aggravated child pornography does not apply to a person who does not voluntarily possess a film, videotape, or visual reproduction or depiction by computer in which aggravated child pornography is depicted. Possession is voluntary if the defendant knowingly procures or receives a film, videotape, or visual reproduction or depiction for a sufficient time to be able to terminate his or her possession.

(c) Sentence: (1) A person who commits a violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) is guilty of a Class X felony with a mandatory minimum fine of $2,000 and a maximum fine of $100,000.

(2) A person who commits a violation of paragraph (6) of subsection (a) is guilty of a Class 2 felony with a mandatory minimum fine of $1000 and a maximum fine of $100,000.

(3) A person who commits a violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) where the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses, is

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guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 9 years with a mandatory minimum fine of $2,000 and a maximum fine of $100,000.

(4) A person who commits a violation of paragraph (6) of subsection (a) where the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses, is guilty of a Class 1 felony with a mandatory minimum fine of $1000 and a maximum fine of $100,000.

(d) If a person is convicted of a second or subsequent violation of this Section within 10 years of a prior conviction, the court shall order a presentence psychiatric examination of the person. The examiner shall report to the court whether treatment of the person is necessary.

(e) Any film, videotape, photograph or other similar visual reproduction or depiction by computer which includes a child under the age of 13 engaged in any activity described in subparagraphs (i) through (vii) of paragraph (1) of subsection (a), and any material or equipment used or intended for use in photographing, filming, printing, producing, reproducing, manufacturing, projecting, exhibiting, depiction by computer, or disseminating such material shall be seized and forfeited in the manner, method and procedure provided by Section 36-1 of this Code for the seizure and forfeiture of vessels, vehicles and aircraft.

(e-5) Upon the conclusion of a case brought under this Section, the court shall seal all evidence depicting a victim or witness that is sexually explicit. The evidence may be unsealed and viewed, on a motion of the party seeking to unseal and view the evidence, only for good cause shown and in the discretion of the court. The motion must expressly set forth the purpose for viewing the material. The State's attorney and the victim, if possible, shall be provided reasonable notice of the hearing on the motion.
to unseal the evidence. Any person entitled to notice of a hearing under this subsection (e-5) may object to the motion.

(f) Definitions. For the purposes of this Section:

(1) "Disseminate" means (i) to sell, distribute, exchange or transfer possession, whether with or without consideration or (ii) to make a depiction by computer available for distribution or downloading through the facilities of any telecommunications network or through any other means of transferring computer programs or data to a computer.

(2) "Produce" means to direct, promote, advertise, publish, manufacture, issue, present or show.

(3) "Reproduce" means to make a duplication or copy.

(4) "Depict by computer" means to generate or create, or cause to be created or generated, a computer program or data that, after being processed by a computer either alone or in conjunction with one or more computer programs, results in a visual depiction on a computer monitor, screen, or display.

(5) "Depiction by computer" means a computer program or data that, after being processed by a computer either alone or in conjunction with one or more computer programs, results in a visual depiction on a computer monitor, screen, or display.

(6) "Computer", "computer program", and "data" have the meanings ascribed to them in Section 16D-2 of this Code.

(7) For the purposes of this Section, "child" means a person, either in part or in total, under the age of 13, regardless of the method by which the film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer is created, adopted, or modified to appear as such.

(8) "Sexual penetration" and "sexual conduct" have the meanings ascribed to them in Section 12-12 of this Code.

(g) When a charge of aggravated child pornography is brought, the age of the child is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the age in question. The trier
of fact can rely on its own everyday observations and common experiences in making this determination.

Section 10. The Unified Code of Corrections is amended by changing Sections 3-3-7 and 5-5-3 and by adding Section 5-4-3.2 as follows:

(730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)
Sec. 3-3-7. Conditions of Parole or Mandatory Supervised Release. (a) The conditions of parole or mandatory supervised release shall be such as the Prisoner Review Board deems necessary to assist the subject in leading a law-abiding life. The conditions of every parole and mandatory supervised release are that the subject:

(1) not violate any criminal statute of any jurisdiction during the parole or release term;
(2) refrain from possessing a firearm or other dangerous weapon;
(3) report to an agent of the Department of Corrections;
(4) permit the agent to visit him or her at his or her home, employment, or elsewhere to the extent necessary for the agent to discharge his or her duties;
(5) attend or reside in a facility established for the instruction or residence of persons on parole or mandatory supervised release;
(6) secure permission before visiting or writing a committed person in an Illinois Department of Corrections facility;
(7) report all arrests to an agent of the Department of Corrections as soon as permitted by the arresting authority but in no event later than 24 hours after release from custody;

(7.5) if convicted of a sex offense as defined in the Sex Offender Management Board Act, the individual shall undergo and successfully complete sex offender treatment conducted in conformance with the standards developed by the Sex Offender Management Board Act by a treatment provider approved by the Board;

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(7.6) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense; the provisions of this paragraph do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders, or is in any facility operated or licensed by the Department of Children and Family Services or by the Department of Human Services, or is in any licensed medical facility;

(7.7) if convicted for an offense that would qualify the accused as a sexual predator under the Sex Offender Registration Act on or after the effective date of this amendatory Act of the 94th General Assembly, wear an approved electronic monitoring device as defined in Section 5-8A-2 for the duration of the person's parole, mandatory supervised release term, or extended mandatory supervised release term, provided funding is appropriated by the General Assembly;

(7.8) if convicted under Section 11-6, 11-20.1, 11-20.3, or 11-21 of the Criminal Code of 1961, consent to search of computers, PDAs, cellular phones, and other devices under his or her control that are capable of accessing the Internet or storing electronic files, in order to confirm Internet protocol addresses reported in accordance with the Sex Offender Registration Act and compliance with conditions in this Act;

(8) obtain permission of an agent of the Department of Corrections before leaving the State of Illinois;

(9) obtain permission of an agent of the Department of Corrections before changing his or her residence or employment;

(10) consent to a search of his or her person, property, or residence under his or her control;

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(11) refrain from the use or possession of narcotics or other controlled substances in any form, or both, or any paraphernalia related to those substances and submit to a urinalysis test as instructed by a parole agent of the Department of Corrections;

(12) not frequent places where controlled substances are illegally sold, used, distributed, or administered;

(13) not knowingly associate with other persons on parole or mandatory supervised release without prior written permission of his or her parole agent and not associate with persons who are members of an organized gang as that term is defined in the Illinois Streetgang Terrorism Omnibus Prevention Act;

(14) provide true and accurate information, as it relates to his or her adjustment in the community while on parole or mandatory supervised release or to his or her conduct while incarcerated, in response to inquiries by his or her parole agent or of the Department of Corrections;

(15) follow any specific instructions provided by the parole agent that are consistent with furthering conditions set and approved by the Prisoner Review Board or by law, exclusive of placement on electronic detention, to achieve the goals and objectives of his or her parole or mandatory supervised release or to protect the public. These instructions by the parole agent may be modified at any time, as the agent deems appropriate; and

(16) if convicted of a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter.

(b) The Board may in addition to other conditions require that the subject:

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(1) work or pursue a course of study or vocational training;
(2) undergo medical or psychiatric treatment, or treatment for drug addiction or alcoholism;
(3) attend or reside in a facility established for the instruction or residence of persons on probation or parole;
(4) support his dependents;
(5) (blank);
(6) (blank);
(7) comply with the terms and conditions of an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986, enacted by the 84th General Assembly, or an order of protection issued by the court of another state, tribe, or United States territory; and
(8) in addition, if a minor:
   (i) reside with his parents or in a foster home;
   (ii) attend school;
   (iii) attend a non-residential program for youth; or
   (iv) contribute to his own support at home or in a foster home.

(b-1) In addition to the conditions set forth in subsections (a) and (b), persons required to register as sex offenders pursuant to the Sex Offender Registration Act, upon release from the custody of the Illinois Department of Corrections, may be required by the Board to comply with the following specific conditions of release:
(1) reside only at a Department approved location;
(2) comply with all requirements of the Sex Offender Registration Act;
(3) notify third parties of the risks that may be occasioned by his or her criminal record;
(4) obtain the approval of an agent of the Department of Corrections prior to accepting employment or pursuing a course of study or vocational training and notify the Department prior to any change in employment, study, or training;

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(5) not be employed or participate in any volunteer activity that involves contact with children, except under circumstances approved in advance and in writing by an agent of the Department of Corrections;

(6) be electronically monitored for a minimum of 12 months from the date of release as determined by the Board;

(7) refrain from entering into a designated geographic area except upon terms approved in advance by an agent of the Department of Corrections. The terms may include consideration of the purpose of the entry, the time of day, and others accompanying the person;

(8) refrain from having any contact, including written or oral communications, directly or indirectly, personally or by telephone, letter, or through a third party with certain specified persons including, but not limited to, the victim or the victim's family without the prior written approval of an agent of the Department of Corrections;

(9) refrain from all contact, directly or indirectly, personally, by telephone, letter, or through a third party, with minor children without prior identification and approval of an agent of the Department of Corrections;

(10) neither possess or have under his or her control any material that is sexually oriented, sexually stimulating, or that shows male or female sex organs or any pictures depicting children under 18 years of age nude or any written or audio material describing sexual intercourse or that depicts or alludes to sexual activity, including but not limited to visual, auditory, telephonic, or electronic media, or any matter obtained through access to any computer or material linked to computer access use;

(11) not patronize any business providing sexually stimulating or sexually oriented entertainment nor utilize "900" or adult telephone numbers;

(12) not reside near, visit, or be in or about parks, schools, day care centers, swimming pools, beaches, theaters, or any other

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places where minor children congregate without advance approval of an agent of the Department of Corrections and immediately report any incidental contact with minor children to the Department;

(13) not possess or have under his or her control certain specified items of contraband related to the incidence of sexually offending as determined by an agent of the Department of Corrections;

(14) may be required to provide a written daily log of activities if directed by an agent of the Department of Corrections;

(15) comply with all other special conditions that the Department may impose that restrict the person from high-risk situations and limit access to potential victims.

(c) The conditions under which the parole or mandatory supervised release is to be served shall be communicated to the person in writing prior to his release, and he shall sign the same before release. A signed copy of these conditions, including a copy of an order of protection where one had been issued by the criminal court, shall be retained by the person and another copy forwarded to the officer in charge of his supervision.

(d) After a hearing under Section 3-3-9, the Prisoner Review Board may modify or enlarge the conditions of parole or mandatory supervised release.

(e) The Department shall inform all offenders committed to the Department of the optional services available to them upon release and shall assist inmates in availing themselves of such optional services upon their release on a voluntary basis.

(Source: P.A. 93-616, eff. 1-1-04; 93-865, eff. 1-1-05; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; 94-988, eff. 1-1-07.)

Sec. 5-4-3.2. Collection and storage of Internet protocol addresses.

(a) Cyber-crimes Location Database. The Attorney General is hereby authorized to establish and maintain the "Illinois Cyber-crimes Location Database" (ICLD) to collect, store, and use Internet protocol

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(IP) addresses for purposes of investigating and prosecuting child exploitation crimes on the Internet.

(b) "Internet protocol address" means the string of numbers by which a location on the Internet is identified by routers or other computers connected to the Internet.

(c) Collection of Internet Protocol addresses.

(1) Collection upon commitment under the Sexually Dangerous Persons Act. Upon motion for a defendant's confinement under the Sexually Dangerous Persons Act for criminal charges under Section 11-6, 11-20.1, 11-20.3, or 11-21 of the Criminal Code of 1961, the State's Attorney or Attorney General shall record all Internet protocol (IP) addresses which the defendant may access from his or her residence or place of employment, registered in his or her name, or otherwise has under his or her control or custody.

(2) Collection upon conviction. Upon conviction for crimes under Section 11-6, 11-20.1, 11-20.3, or 11-21 of the Criminal Code of 1961, a State's Attorney shall record from defendants all Internet protocol (IP) addresses which the defendant may access from his or her residence or place of employment, registered in his or her name, or otherwise has under his or her control or custody, regardless of the sentence or disposition imposed.

(d) Storage and use of the Database. Internet protocol (IP) addresses recorded pursuant to this Section shall be submitted to the Attorney General for storage and use in the Illinois Cyber-crimes Location Database. The Attorney General and its designated agents may access the database for the purpose of investigation and prosecution of crimes listed in this Section. In addition, the Attorney General is authorized to share information stored in the database with the National Center for Missing and Exploited Children (NCMEC) and any federal, state, or local law enforcement agencies for the investigation or prosecution of child exploitation crimes.

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)
Sec. 5-5-3. Disposition.

New matter indicated by italics - deletions by strikeout
(a) Except as provided in Section 11-501 of the Illinois Vehicle Code, every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

1. A period of probation.
2. A term of periodic imprisonment.
3. A term of conditional discharge.
4. A term of imprisonment.
5. An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961 (now repealed).
6. A fine.
7. An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.
8. A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.
9. A term of imprisonment in combination with a term of probation when the offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

New matter indicated by italics - deletions by strikeout
(A) First degree murder where the death penalty is not imposed.

(B) Attempted first degree murder.

(C) A Class X felony.

(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1) or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin or cocaine or an analog thereof.

(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of the Criminal Code of 1961 for which imprisonment is prescribed in those Sections.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault.

(I) Aggravated battery of a senior citizen.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

New matter indicated by italics - deletions by strikeout
Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.


(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 or 20-1.3 of the Criminal Code of 1961.


(S) (Blank).

(T) A second or subsequent violation of the Methamphetamine Control and Community Protection Act.

(U) A violation of paragraph (4) of subsection (c) of Section 11-20.3 of the Criminal Code of 1961.

(3) (Blank).

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

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(4.1) (Blank).

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;

(B) a fine;

(C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

New matter indicated by italics - deletions by strikeout
(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(5.4) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating Section 3-707 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 3 months and until he or she has paid a reinstatement fee of $100.

(5.5) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating Section 3-707 of the Illinois Vehicle Code during a period in which his or her driver's license, permit, or privileges were suspended for a previous violation of that Section shall have his or her driver's license, permit, or privileges suspended for an additional 6 months after the expiration of the original 3-month suspension and until he or she has paid a reinstatement fee of $100.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in
any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) (Blank).

(11) The court shall impose a minimum fine of $1,000 for a first offense and $2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for battery when the individual harmed was a sports official or coach at any level of competition and the act causing harm to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant of the athletic contest held at the athletic facility. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; "athletic facility" means an indoor or outdoor playing field or recreational area where sports activities are conducted; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the sporting event.

(12) A person may not receive a disposition of court supervision for a violation of Section 5-16 of the Boat Registration and Safety Act if that person has previously received a disposition of court supervision for a violation of that Section.

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(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual abuse under Section 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

1. the court finds (A) or (B) or both are appropriate:
   (A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or
   (B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:
      (i) removal from the household;
      (ii) restricted contact with the victim;
      (iii) continued financial support of the family;
      (iv) restitution for harm done to the victim;

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(v) compliance with any other measures that the court may deem appropriate; and
(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in
accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which
the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, any violation of the Cannabis Control Act, or any violation of the Methamphetamine Control and Community Protection Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substance Act, or Section 70 of the Methamphetamine Control and Community Protection Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under

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18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the

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court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

1. a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and
2. the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

1. a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and
2. the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

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(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(n) The court may sentence a person convicted of a violation of Section 12-19, 12-21, or 16-1.3 of the Criminal Code of 1961 (i) to an impact incarceration program if the person is otherwise eligible for that program under Section 5-8-1.1, (ii) to community service, or (iii) if the person is an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, to a substance or alcohol abuse program licensed under that Act.

(o) Whenever a person is convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act, the defendant's driver's license or permit shall be subject to renewal on an annual basis in accordance with the provisions of license renewal established by the Secretary of State.

(Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169, eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546, eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800, eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556, eff. 9-11-05; 94-993, eff. 1-1-07; 94-1035, eff. 7-1-07; revised 8-28-06.)
Section 15. The Sex Offender Registration Act is amended by changing Section 2, 3, 8-5, and 10 as follows:

(730 ILCS 150/2) (from Ch. 38, par. 222)

Sec. 2. Definitions.

(A) As used in this Article, "sex offender" means any person who is:

(1) charged pursuant to Illinois law, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, with a sex offense set forth in subsection (B) of this Section or the attempt to commit an included sex offense, and:

(a) is convicted of such offense or an attempt to commit such offense; or
(b) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or
(c) is found not guilty by reason of insanity pursuant to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or
(d) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or
(e) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or
(f) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(a) of
the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or

(2) certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(3) subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act; or

(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(5) adjudicated a juvenile delinquent as the result of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, or found guilty under Article V of the Juvenile Court Act of 1987 of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Article as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Article.

For purposes of this Section, "convicted" shall have the same meaning as "adjudicated". For the purposes of this Article, a person who is defined as a sex offender as a result of being adjudicated a juvenile delinquent under paragraph (5) of this subsection (A) upon attaining 17 years of age shall be considered as having committed the sex offense on or after the sex offender's 17th birthday. Registration of juveniles upon

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attaining 17 years of age shall not extend the original registration of 10 years from the date of conviction.

(B) As used in this Article, "sex offense" means:

(1) A violation of any of the following Sections of the Criminal Code of 1961:

- 11-20.1 (child pornography),
- 11-20.3 (aggravated child pornography),
- 11-6 (indecent solicitation of a child),
- 11-9.1 (sexual exploitation of a child),
- 11-9.2 (custodial sexual misconduct),
- 11-9.5 (sexual misconduct with a person with a disability),
- 11-15.1 (soliciting for a juvenile prostitute),
- 11-18.1 (patronizing a juvenile prostitute),
- 11-17.1 (keeping a place of juvenile prostitution),
- 11-19.1 (juvenile pimping),
- 11-19.2 (exploitation of a child),
- 12-13 (criminal sexual assault),
- 12-14 (aggravated criminal sexual assault),
- 12-14.1 (predatory criminal sexual assault of a child),
- 12-15 (criminal sexual abuse),
- 12-16 (aggravated criminal sexual abuse),
- 12-33 (ritualized abuse of a child).

An attempt to commit any of these offenses.

(1.5) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age, the defendant is not a parent of the victim, the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act, and the offense was committed on or after January 1, 1996:

- 10-1 (kidnapping),
- 10-2 (aggravated kidnapping),
- 10-3 (unlawful restraint),

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10-3.1 (aggravated unlawful restraint).

(1.6) First degree murder under Section 9-1 of the Criminal Code of 1961, when the victim was a person under 18 years of age and the defendant was at least 17 years of age at the time of the commission of the offense, provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act.

(1.7) (Blank).

(1.8) A violation or attempted violation of Section 11-11 (sexual relations within families) of the Criminal Code of 1961, and the offense was committed on or after June 1, 1997.

(1.9) Child abduction under paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 committed by luring or attempting to lure a child under the age of 16 into a motor vehicle, building, house trailer, or dwelling place without the consent of the parent or lawful custodian of the child for other than a lawful purpose and the offense was committed on or after January 1, 1998, provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act.

(1.10) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after July 1, 1999:

10-4 (forcible detention, if the victim is under 18 years of age), provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act,

11-6.5 (indecent solicitation of an adult),

11-15 (soliciting for a prostitute, if the victim is under 18 years of age),

11-16 (pandering, if the victim is under 18 years of age),

11-18 (patronizing a prostitute, if the victim is under 18 years of age),

New matter indicated by italics - deletions by strikeout
11-19 (pimping, if the victim is under 18 years of age).

(1.11) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after August 22, 2002:

11-9 (public indecency for a third or subsequent conviction).

(1.12) A violation or attempted violation of Section 5.1 of the Wrongs to Children Act (permitting sexual abuse) when the offense was committed on or after August 22, 2002.

(2) A violation of any former law of this State substantially equivalent to any offense listed in subsection (B) of this Section.

(C) A conviction for an offense of federal law, Uniform Code of Military Justice, or the law of another state or foreign country substantially equivalent to any offense listed in subsections (B), (C), and (E) of this Section shall constitute a conviction for the purpose of this Article. A finding or adjudication as a sexually dangerous person or a sexually violent person under any federal law, Uniform Code of Military Justice, or the law of another state or foreign country substantially equivalent to the Sexually Dangerous Persons Act or Sexually Violent Persons Commitment Act shall constitute an adjudication for the purposes of this Article.

(C-5) A person at least 17 years of age at the time of the commission of the offense who is convicted of first degree murder under Section 9-1 of the Criminal Code of 1961, against a person under 18 years of age, shall be required to register for natural life. A conviction for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law substantially equivalent to any offense listed in subsection (C-5) of this Section shall constitute a conviction for the purpose of this Article. This subsection (C-5) applies to a person who committed the offense before June 1, 1996 only if the person is incarcerated in an Illinois Department of Corrections facility on August 20, 2004 (the effective date of Public Act 93-977).
(D) As used in this Article, "law enforcement agency having jurisdiction" means the Chief of Police in each of the municipalities in which the sex offender expects to reside, work, or attend school (1) upon his or her discharge, parole or release or (2) during the service of his or her sentence of probation or conditional discharge, or the Sheriff of the county, in the event no Police Chief exists or if the offender intends to reside, work, or attend school in an unincorporated area. "Law enforcement agency having jurisdiction" includes the location where out-of-state students attend school and where out-of-state employees are employed or are otherwise required to register.

(D-1) As used in this Article, "supervising officer" means the assigned Illinois Department of Corrections parole agent or county probation officer.

(E) As used in this Article, "sexual predator" means any person who, after July 1, 1999, is:

(1) Convicted for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (E) of this Section shall constitute a conviction for the purpose of this Article. Convicted of a violation or attempted violation of any of the following Sections of the Criminal Code of 1961, if the conviction occurred after July 1, 1999:

11-17.1 (keeping a place of juvenile prostitution),
11-19.1 (juvenile pimping),
11-19.2 (exploitation of a child),
11-20.1 (child pornography),
11-20.3 (aggravated child pornography),
12-13 (criminal sexual assault),
12-14 (aggravated criminal sexual assault),
12-14.1 (predatory criminal sexual assault of a child),
12-16 (aggravated criminal sexual abuse),
12-33 (ritualized abuse of a child); or

(2) (blank); or

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(3) certified as a sexually dangerous person pursuant to the Sexually Dangerous Persons Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(5) convicted of a second or subsequent offense which requires registration pursuant to this Act. The conviction for the second or subsequent offense must have occurred after July 1, 1999. For purposes of this paragraph (5), "convicted" shall include a conviction under any substantially similar Illinois, federal, Uniform Code of Military Justice, sister state, or foreign country law.

(F) As used in this Article, "out-of-state student" means any sex offender, as defined in this Section, or sexual predator who is enrolled in Illinois, on a full-time or part-time basis, in any public or private educational institution, including, but not limited to, any secondary school, trade or professional institution, or institution of higher learning.

(G) As used in this Article, "out-of-state employee" means any sex offender, as defined in this Section, or sexual predator who works in Illinois, regardless of whether the individual receives payment for services performed, for a period of time of 10 or more days or for an aggregate period of time of 30 or more days during any calendar year. Persons who operate motor vehicles in the State accrue one day of employment time for any portion of a day spent in Illinois.

(H) As used in this Article, "school" means any public or private educational institution, including, but not limited to, any elementary or secondary school, trade or professional institution, or institution of higher education.

(I) As used in this Article, "fixed residence" means any and all places that a sex offender resides for an aggregate period of time of 5 or more days in a calendar year.

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(J) As used in this Article, "Internet protocol address" means the string of numbers by which a location on the Internet is identified by routers or other computers connected to the Internet.
(Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04; 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-945, eff. 6-27-06; 94-1053, eff. 7-24-06; revised 8-3-06.)

(730 ILCS 150/3) (from Ch. 38, par. 223)
Sec. 3. Duty to register.
(a) A sex offender, as defined in Section 2 of this Act, or sexual predator shall, within the time period prescribed in subsections (b) and (c), register in person and provide accurate information as required by the Department of State Police. Such information shall include a current photograph, current address, current place of employment, the employer's telephone number, school attended, extensions of the time period for registering as provided in this Article and, if an extension was granted, the reason why the extension was granted and the date the sex offender was notified of the extension. The information shall also include the county of conviction, license plate numbers for every vehicle registered in the name of the sex offender, the age of the sex offender at the time of the commission of the offense, the age of the victim at the time of the commission of the offense, and any distinguishing marks located on the body of the sex offender. A sex offender convicted under Section 11-6, 11-20.1, 11-20.3, or 11-21 of the Criminal Code of 1961 shall provide all Internet protocol (IP) addresses in his or her residence, registered in his or her name, accessible at his or her place of employment, or otherwise under his or her control or custody. A person who has been adjudicated a juvenile delinquent for an act which, if committed by an adult, would be a sex offense shall register as an adult sex offender within 10 days after attaining 17 years of age. The sex offender or sexual predator shall register:

(1) with the chief of police in the municipality in which he or she resides or is temporarily domiciled for a period of time of 5 or more days, unless the municipality is the City of Chicago, in

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which case he or she shall register at the Chicago Police Department Headquarters; or

(2) with the sheriff in the county in which he or she resides or is temporarily domiciled for a period of time of 5 or more days in an unincorporated area or, if incorporated, no police chief exists.

If the sex offender or sexual predator is employed at or attends an institution of higher education, he or she shall register:

(i) with the chief of police in the municipality in which he or she is employed at or attends an institution of higher education, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(ii) with the sheriff in the county in which he or she is employed or attends an institution of higher education located in an unincorporated area, or if incorporated, no police chief exists.

For purposes of this Article, the place of residence or temporary domicile is defined as any and all places where the sex offender resides for an aggregate period of time of 5 or more days during any calendar year. Any person required to register under this Article who lacks a fixed address or temporary domicile must notify, in person, the agency of jurisdiction of his or her last known address within 5 days after ceasing to have a fixed residence.

Any person who lacks a fixed residence must report weekly, in person, with the sheriff's office of the county in which he or she is located in an unincorporated area, or with the chief of police in the municipality in which he or she is located. The agency of jurisdiction will document each weekly registration to include all the locations where the person has stayed during the past 7 days.

The sex offender or sexual predator shall provide accurate information as required by the Department of State Police. That information shall include the sex offender's or sexual predator's current place of employment.

(a-5) An out-of-state student or out-of-state employee shall, within 5 days after beginning school or employment in this State, register in

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person and provide accurate information as required by the Department of State Police. Such information will include current place of employment, school attended, and address in state of residence. A sex offender convicted under Section 11-6, 11-20.1, 11-20.3, or 11-21 of the Criminal Code of 1961 shall provide all Internet protocol (IP) addresses in his or her residence, registered in his or her name, accessible at his or her place of employment, or otherwise under his or her control or custody. The out-of-state student or out-of-state employee shall register:

1. with the chief of police in the municipality in which he or she attends school or is employed for a period of time of 5 or more days or for an aggregate period of time of more than 30 days during any calendar year, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters;

2. with the sheriff in the county in which he or she attends school or is employed for a period of time of 5 or more days or for an aggregate period of time of more than 30 days during any calendar year in an unincorporated area or, if incorporated, no police chief exists.

The out-of-state student or out-of-state employee shall provide accurate information as required by the Department of State Police. That information shall include the out-of-state student's current place of school attendance or the out-of-state employee's current place of employment.

(a-10) Any law enforcement agency registering sex offenders or sexual predators in accordance with subsections (a) or (a-5) of this Section shall forward to the Attorney General a copy of sex offender registration forms from persons convicted under Section 11-6, 11-20.1, 11-20.3, or 11-21 of the Criminal Code of 1961, including periodic and annual registrations under Section 6 of this Act.

(b) Any sex offender, as defined in Section 2 of this Act, or sexual predator, regardless of any initial, prior, or other registration, shall, within 5 days of beginning school, or establishing a residence, place of employment, or temporary domicile in any county, register in person as set forth in subsection (a) or (a-5).

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(c) The registration for any person required to register under this Article shall be as follows:

(1) Any person registered under the Habitual Child Sex Offender Registration Act or the Child Sex Offender Registration Act prior to January 1, 1996, shall be deemed initially registered as of January 1, 1996; however, this shall not be construed to extend the duration of registration set forth in Section 7.

(2) Except as provided in subsection (c)(4), any person convicted or adjudicated prior to January 1, 1996, whose liability for registration under Section 7 has not expired, shall register in person prior to January 31, 1996.

(2.5) Except as provided in subsection (c)(4), any person who has not been notified of his or her responsibility to register shall be notified by a criminal justice entity of his or her responsibility to register. Upon notification the person must then register within 5 days of notification of his or her requirement to register. If notification is not made within the offender's 10 year registration requirement, and the Department of State Police determines no evidence exists or indicates the offender attempted to avoid registration, the offender will no longer be required to register under this Act.

(3) Except as provided in subsection (c)(4), any person convicted on or after January 1, 1996, shall register in person within 5 days after the entry of the sentencing order based upon his or her conviction.

(4) Any person unable to comply with the registration requirements of this Article because he or she is confined, institutionalized, or imprisoned in Illinois on or after January 1, 1996, shall register in person within 5 days of discharge, parole or release.

(5) The person shall provide positive identification and documentation that substantiates proof of residence at the registering address.

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(6) The person shall pay a $20 initial registration fee and a $10 annual renewal fee. The fees shall be used by the registering agency for official purposes. The agency shall establish procedures to document receipt and use of the funds. The law enforcement agency having jurisdiction may waive the registration fee if it determines that the person is indigent and unable to pay the registration fee. Ten dollars for the initial registration fee and $5 of the annual renewal fee shall be used by the registering agency for official purposes. Ten dollars of the initial registration fee and $5 of the annual fee shall be deposited into the Sex Offender Management Board Fund under Section 19 of the Sex Offender Management Board Act. Money deposited into the Sex Offender Management Board Fund shall be administered by the Sex Offender Management Board and shall be used to fund practices endorsed or required by the Sex Offender Management Board Act including but not limited to sex offenders evaluation, treatment, or monitoring programs that are or may be developed, as well as for administrative costs, including staff, incurred by the Board.

(d) Within 5 days after obtaining or changing employment and, if employed on January 1, 2000, within 5 days after that date, a person required to register under this Section must report, in person to the law enforcement agency having jurisdiction, the business name and address where he or she is employed. If the person has multiple businesses or work locations, every business and work location must be reported to the law enforcement agency having jurisdiction.

(730 ILCS 150/8-5)

Sec. 8-5. Verification requirements.

(a) Address verification. The agency having jurisdiction shall verify the address of sex offenders, as defined in Section 2 of this Act, or sexual predators required to register with their agency at least once per year. The verification must be documented in LEADS in the form and manner required by the Department of State Police.
(a-5) Internet Protocol address verification. The agency having jurisdiction may verify the Internet protocol (IP) address of sex offenders, as defined in Section 2 of this Act, who are required to register with their agency under Section 3 of this Act. A copy of any such verification must be sent to the Attorney General for entrance in the Illinois Cyber-crimes Location Database pursuant to Section 5-4-3.2 of the Unified Code of Corrections.

(b) Registration verification. The supervising officer shall, within 15 days of sentencing to probation or release from an Illinois Department of Corrections facility, contact the law enforcement agency in the jurisdiction in which the sex offender or sexual predator designated as his or her intended residence and verify compliance with the requirements of this Act. Revocation proceedings shall be immediately commenced against a sex offender or sexual predator on probation, parole, or mandatory supervised release who fails to comply with the requirements of this Act.

(c) In an effort to ensure that sexual predators and sex offenders who fail to respond to address-verification attempts or who otherwise abscond from registration are located in a timely manner, the Department of State Police shall share information with local law enforcement agencies. The Department shall use analytical resources to assist local law enforcement agencies to determine the potential whereabouts of any sexual predator or sex offender who fails to respond to address-verification attempts or who otherwise absconds from registration. The Department shall review and analyze all available information concerning any such predator or offender who fails to respond to address-verification attempts or who otherwise absconds from registration and provide the information to local law enforcement agencies in order to assist the agencies in locating and apprehending the sexual predator or sex offender.

(Source: P.A. 93-979, eff. 8-20-04; 94-988, eff. 1-1-07.)

(730 ILCS 150/10) (from Ch. 38, par. 230)
Sec. 10. Penalty.

(a) Any person who is required to register under this Article who violates any of the provisions of this Article and any person who is required to register under this Article who seeks to change his or her name

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under Article 21 of the Code of Civil Procedure is guilty of a Class 3 felony. Any person who is convicted for a violation of this Act for a second or subsequent time is guilty of a Class 2 felony. Any person who is required to register under this Article who knowingly or wilfully gives material information required by this Article that is false is guilty of a Class 3 felony. Any person convicted of a violation of any provision of this Article shall, in addition to any other penalty required by law, be required to serve a minimum period of 7 days confinement in the local county jail. The court shall impose a mandatory minimum fine of $500 for failure to comply with any provision of this Article. These fines shall be deposited in the Sex Offender Registration Fund. Any sex offender, as defined in Section 2 of this Act, or sexual predator who violates any provision of this Article may be arrested and tried in any Illinois county where the sex offender can be located. The local police department or sheriff's office is not required to determine whether the person is living within its jurisdiction.

(b) Any person, not covered by privilege under Part 8 of Article VIII of the Code of Civil Procedure or the Illinois Supreme Court's Rules of Professional Conduct, who has reason to believe that a sexual predator is not complying, or has not complied, with the requirements of this Article and who, with the intent to assist the sexual predator in eluding a law enforcement agency that is seeking to find the sexual predator to question the sexual predator about, or to arrest the sexual predator for, his or her noncompliance with the requirements of this Article is guilty of a Class 3 felony if he or she:

(1) provides false information to the law enforcement agency having jurisdiction about the sexual predator's noncompliance with the requirements of this Article, and, if known, the whereabouts of the sexual predator;

(2) harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual predator; or

(3) conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual predator.

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(c) Subsection (b) does not apply if the sexual predator is incarcerated in or is in the custody of a State correctional facility, a private correctional facility, a county or municipal jail, a State mental health facility or a State treatment and detention facility, or a federal correctional facility.

(d) Subsections (a) and (b) do not apply if the sex offender accurately registered his or her Internet protocol address under this Act, and the address subsequently changed without his or her knowledge or intent.

(Source: P.A. 93-979, eff. 8-20-04; 94-168, eff. 1-1-06; 94-988, eff. 1-1-07.)

Section 99. Effective date. This Section and Section 5-4-3.2 of the Unified Code of Corrections take effect upon becoming law.


Approved August 31, 2007.

Effective August 31, 2007 and June 1, 2008.

PUBLIC ACT 95-0580
(Senate Bill No. 0729)

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the College Campus Press Act.

Section 5. Definitions. For purposes of this Act:
"Campus media" means any matter that is prepared, substantially written, published, or broadcast by students at State-sponsored institutions of higher learning, that is distributed or generally made available, either free of charge or for a fee, to members of the student body, and that is prepared under the direction of a student media adviser. "Campus media" does not include media that is intended for distribution or transmission solely in the classrooms in which it is produced.

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"Campus policy" means the views and positions of State-sponsored institutions of higher learning promulgated by administrators, officials, or other agents of these institutions.

"Collegiate media adviser" means a person who is employed, appointed, or designated by the State-sponsored institution of higher learning to supervise or provide instruction relating to campus media.

"Collegiate student editor" means a student at a State-sponsored institution of higher learning who edits information prepared by collegiate student journalists for dissemination in campus media.

"Collegiate student journalist" means a student at a State-sponsored institution of higher learning who gathers, compiles, writes, photographs, records, or prepares information for dissemination in campus media.

"Prevailing party" includes any party who obtains some of his or her requested relief through judicial judgment in his or her favor, who obtains some of his or her requested relief through a settlement agreement approved by the court, or whose pursuit of a non-frivolous claim was a catalyst for a unilateral change in position by the opposing party relative to the relief sought.

"State-sponsored institution of higher learning" means the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, and public community colleges subject to the Public Community College Act.

Section 10. Public forum. All campus media produced primarily by students at a State-sponsored institution of higher learning is a public forum for expression by the student journalists and editors at the particular institution. Campus media, whether campus-sponsored or noncampus-sponsored, is not subject to prior review by public officials of a State-sponsored institution of higher learning.

Section 15. Grammar and journalism standards. Collegiate student editors of campus media are responsible for determining the news, opinions, feature content, and advertising content of campus media. This Section does not prevent a collegiate media adviser from teaching

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professional standards of grammar and journalism to collegiate student journalists. A collegiate media adviser must not be terminated, transferred, removed, otherwise disciplined, or retaliated against for refusing to suppress protected free expression rights of collegiate student journalists and of collegiate student editors.

Section 20. Injunction and declaratory relief. A collegiate student enrolled in a State-sponsored institution of higher learning or a collegiate media advisor of a State-sponsored institution of higher learning may commence a civil action to obtain appropriate injunctive and declaratory relief as determined by a court for violation of Section 10 of this Act by such State-sponsored institution of higher learning. Upon motion, a court may award attorney's fees to a prevailing party in a civil action brought under this Section.

Section 25. Campus policy and speech distinguished. Expression made by a collegiate student journalist, collegiate student editor, or other contributor in campus media is neither an expression of campus policy nor speech attributable to a State-sponsored institution of higher learning.

Section 30. Discipline; unprotected speech. Nothing in this Act prohibits the imposition of discipline for harassment, threats, or intimidation, unless constitutionally protected, or for speech that is not constitutionally protected, including obscenity or incitement.

Section 35. Immunity. A State-sponsored institution of higher learning shall be immune from any lawsuit arising from expression actually made in campus media, with the exception of the institution's own expression.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Approved August 31, 2007.
Effective June 1, 2008.
PUBLIC ACT 95-0581
(Senate Bill No. 1094)

AN ACT concerning firearms.

Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Firearm Owners Identification Card Act is amended
by changing Sections 1.1, 4, 5, 7, 8, and 8.1 as follows:

(430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

Sec. 1.1. For purposes of this Act:

"Has been adjudicated as a mental defective" means the person is
the subject of a determination by a court, board, commission or other
lawful authority that a person, as a result of marked subnormal
intelligence, or mental illness, mental impairment, incompetency,
condition, or disease:

(1) is a danger to himself, herself, or to others;
(2) lacks the mental capacity to manage his or her own
affairs;
(3) is not guilty in a criminal case by reason of insanity,
mental disease or defect;
(4) is incompetent to stand trial in a criminal case;
(5) is not guilty by reason of lack of mental responsibility
pursuant to Articles 50a and 72b of the Uniform Code of Military
Justice, 10 U.S.C. 850a, 876b.

"Counterfeit" means to copy or imitate, without legal authority,
with intent to deceive.

"Federally licensed firearm dealer" means a person who is licensed
as a federal firearms dealer under Section 923 of the federal Gun Control

"Firearm" means any device, by whatever name known, which is
designed to expel a projectile or projectiles by the action of an explosion,
expansion of gas or escape of gas; excluding, however:

(1) any pneumatic gun, spring gun, paint ball gun or B-B
gun which either expels a single globular projectile not exceeding
.18 inch in diameter and which has a maximum muzzle velocity of less than 700 feet per second or breakable paint balls containing washable marking colors;

(2) any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;

(3) any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; and

(4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

(1) any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; and

(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

"Gun show" means an event or function:

(1) at which the sale and transfer of firearms is the regular and normal course of business and where 50 or more firearms are displayed, offered, or exhibited for sale, transfer, or exchange; or

(2) at which not less than 10 gun show vendors display, offer, or exhibit for sale, sell, transfer, or exchange firearms.

"Gun show" includes the entire premises provided for an event or function, including parking areas for the event or function, that is sponsored to facilitate the purchase, sale, transfer, or exchange of firearms as described in this Section.

"Gun show" does not include training or safety classes, competitive shooting events, such as rifle, shotgun, or handgun matches, trap, skeet, or

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sporting clays shoots, dinners, banquets, raffles, or any other event where
the sale or transfer of firearms is not the primary course of business.

"Gun show promoter" means a person who organizes or operates a gun show.

"Gun show vendor" means a person who exhibits, sells, offers for sale, transfers, or exchanges any firearms at a gun show, regardless of whether the person arranges with a gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange any firearm.

"Sanctioned competitive shooting event" means a shooting contest officially recognized by a national or state shooting sport association, and includes any sight-in or practice conducted in conjunction with the event.

"Stun gun or taser" has the meaning ascribed to it in Section 24-1 of the Criminal Code of 1961.

(Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; revised 8-19-05.)

(430 ILCS 65/4) (from Ch. 38, par. 83-4)

Sec. 4. (a) Each applicant for a Firearm Owner's Identification Card must:

(1) Make application on blank forms prepared and furnished at convenient locations throughout the State by the Department of State Police, or by electronic means, if and when made available by the Department of State Police; and

(2) Submit evidence to the Department of State Police that:

   (i) He or she is 21 years of age or over, or if he or she is under 21 years of age that he or she has the written consent of his or her parent or legal guardian to possess and acquire firearms and firearm ammunition and that he or she has never been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, provided, however, that such parent or legal guardian is not an individual prohibited from having a Firearm Owner's Identification Card and files an affidavit with the Department as prescribed by the Department stating that he or she is not an individual prohibited from having a Card;

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(ii) He or she has not been convicted of a felony under the laws of this or any other jurisdiction;

(iii) He or she is not addicted to narcotics;

(iv) He or she has not been a patient in a mental institution within the past 5 years and he or she has not been adjudicated as a mental defective;

(v) He or she is not mentally retarded;

(vi) He or she is not an alien who is unlawfully present in the United States under the laws of the United States;

(vii) He or she is not subject to an existing order of protection prohibiting him or her from possessing a firearm;

(viii) He or she has not been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

(ix) He or she has not been convicted of domestic battery or a substantially similar offense in another jurisdiction committed on or after the effective date of this amendatory Act of 1997;

(x) He or she has not been convicted within the past 5 years of domestic battery or a substantially similar offense in another jurisdiction committed before the effective date of this amendatory Act of 1997;

(xi) He or she is not an alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), or that he or she is an alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:

(1) admitted to the United States for lawful hunting or sporting purposes;

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(2) an official representative of a foreign government who is:
   (A) accredited to the United States Government or Government's mission to an international organization having its headquarters in the United States; or
   (B) en route to or from another country to which that alien is accredited;
(3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;
(4) a foreign law enforcement officer of a friendly foreign government entering the United States on official business; or
(5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);
(xii) He or she is not a minor subject to a petition filed under Section 5-520 of the Juvenile Court Act of 1987 alleging that the minor is a delinquent minor for the commission of an offense that if committed by an adult would be a felony; and
(xiii) He or she is not an adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 for the commission of an offense that if committed by an adult would be a felony; and
(3) Upon request by the Department of State Police, sign a release on a form prescribed by the Department of State Police waiving any right to confidentiality and requesting the disclosure to the Department of State Police of limited mental health institution admission information from another state, the District of Columbia, any other territory of the United States, or a foreign nation concerning the applicant for the sole purpose of determining whether the applicant is or was a patient in a mental health institution.
institution and disqualified because of that status from receiving a Firearm Owner's Identification Card. No mental health care or treatment records may be requested. The information received shall be destroyed within one year of receipt.

(a-5) Each applicant for a Firearm Owner's Identification Card who is over the age of 18 shall furnish to the Department of State Police either his or her driver's license number or Illinois Identification Card number.

(a-10) Each applicant for a Firearm Owner's Identification Card, who is employed as an armed security officer at a nuclear energy, storage, weapons, or development facility regulated by the Nuclear Regulatory Commission and who is not an Illinois resident, shall furnish to the Department of State Police his or her driver's license number or state identification card number from his or her state of residence. The Department of State Police may promulgate rules to enforce the provisions of this subsection (a-10).

(b) Each application form shall include the following statement printed in bold type: "Warning: Entering false information on an application for a Firearm Owner's Identification Card is punishable as a Class 2 felony in accordance with subsection (d-5) of Section 14 of the Firearm Owners Identification Card Act."

(c) Upon such written consent, pursuant to Section 4, paragraph (a)(2)(i), the parent or legal guardian giving the consent shall be liable for any damages resulting from the applicant's use of firearms or firearm ammunition.

(Source: P.A. 92-442, eff. 8-17-01; 92-839, eff. 8-22-02; 92-854, eff. 12-5-02; 93-367, eff. 1-1-04.)

(430 ILCS 65/5) (from Ch. 38, par. 83-5)

Sec. 5. The Department of State Police shall either approve or deny all applications within 30 days from the date they are received, and every applicant found qualified pursuant to Section 8 of this Act by the Department shall be entitled to a Firearm Owner's Identification Card upon the payment of a $10 $5 fee. $6 $3 of each fee derived from the issuance of Firearm Owner's Identification Cards, or renewals thereof, shall be deposited in the Wildlife and Fish Fund in the State Treasury; $1 of such

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fee shall be deposited in the State Police Services Fund and $3 of such fee shall be deposited in the Firearm Owner's Notification Fund. Monies in the Firearm Owner's Notification Fund shall be used exclusively to pay for the cost of sending notices of expiration of Firearm Owner's Identification Cards under Section 13.2 of this Act. Excess monies in the Firearm Owner's Notification Fund shall be used to ensure the prompt and efficient processing of applications received under Section 4 of this Act.

(Source: P.A. 94-353, eff. 7-29-05.)

(430 ILCS 65/7) (from Ch. 38, par. 83-7)

Sec. 7. Except as provided in Section 8 of this Act, a Firearm Owner's Identification Card issued under the provisions of this Act shall be valid for the person to whom it is issued for a period of 10 years from the date of issuance.

(Source: Laws 1967, p. 2600.)

(430 ILCS 65/8) (from Ch. 38, par. 83-8)

Sec. 8. The Department of State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Act only if the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance:

(a) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(b) A person under 21 years of age who does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not qualify to have a Firearm Owner's Identification Card;

(c) A person convicted of a felony under the laws of this or any other jurisdiction;

(d) A person addicted to narcotics;

(e) A person who has been a patient of a mental institution within the past 5 years or has been adjudicated as a mental defective;

New matter indicated by italics - deletions by strikeout
(f) A person whose mental condition is of such a nature that it poses a clear and present danger to the applicant, any other person or persons or the community;

For the purposes of this Section, "mental condition" means a state of mind manifested by violent, suicidal, threatening or assaultive behavior.

(g) A person who is mentally retarded;

(h) A person who intentionally makes a false statement in the Firearm Owner's Identification Card application;

(i) An alien who is unlawfully present in the United States under the laws of the United States;

(i-5) An alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), except that this subsection (i-5) does not apply to any alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:

(1) admitted to the United States for lawful hunting or sporting purposes;

(2) an official representative of a foreign government who is:

(A) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

(B) en route to or from another country to which that alien is accredited;

(3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;

(4) a foreign law enforcement officer of a friendly foreign government entering the United States on official business; or

(5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);

(j) A person who is subject to an existing order of protection prohibiting him or her from possessing a firearm;

New matter indicated by italics - deletions by strikeout
(k) A person who has been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

(l) A person who has been convicted of domestic battery or a substantially similar offense in another jurisdiction committed on or after January 1, 1998;

(m) A person who has been convicted within the past 5 years of domestic battery or a substantially similar offense in another jurisdiction committed before January 1, 1998;

(n) A person who is prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois State statute or by federal law;

(o) A minor subject to a petition filed under Section 5-520 of the Juvenile Court Act of 1987 alleging that the minor is a delinquent minor for the commission of an offense that if committed by an adult would be a felony; or

(p) An adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 for the commission of an offense that if committed by an adult would be a felony.

(430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

Sec. 8.1. Circuit Clerk to notify Department of State Police.

(a) The Circuit Clerk shall, in the form and manner required by the Supreme Court, notify the Department of State Police of all final dispositions of cases for which the Department has received information reported to it under Section 2.1 of the Criminal Identification Act.

(b) Upon adjudication of any individual as a mental defective, as defined in Section 1.1, the court shall direct the circuit court clerk to immediately notify the Department of State Police, Firearm Owner's Identification (FOID) department, and shall forward a copy of the court order to the Department.

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(430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)
AN ACT concerning revenue.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by changing Section 20-160 as follows:

(35 ILCS 200/20-160)
Sec. 20-160. Office may be declared vacant. If any county collector fails to account and pay over as required in Sections 20-140 and 20-150, the office may be declared vacant by the circuit county board, or by any court of the judicial circuit in which the county seat is located and in which suit is brought on his or her official bond. If such a suit is brought in the circuit court and, based on preliminary evidence, the court determines that it is necessary that a temporary county collector be appointed, then the county board may, subject to the consent of the court, appoint an interim county collector to serve for the duration of the suit.
(Source: P.A. 90-655, eff. 7-30-98.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 31, 2007.
Section 5. The Illinois Pension Code is amended by changing Section 14-104 as follows:

(40 ILCS 5/14-104) (from Ch. 108 1/2, par. 14-104)

Sec. 14-104. Service for which contributions permitted. Contributions provided for in this Section shall cover the period of service granted. Except as otherwise provided in this Section, the contributions shall be based upon the employee's compensation and contribution rate in effect on the date he last became a member of the System; provided that for all employment prior to January 1, 1969 the contribution rate shall be that in effect for a noncovered employee on the date he last became a member of the System. Except as otherwise provided in this Section, contributions permitted under this Section shall include regular interest from the date an employee last became a member of the System to the date of payment.

These contributions must be paid in full before retirement either in a lump sum or in installment payments in accordance with such rules as may be adopted by the board.

(a) Any member may make contributions as required in this Section for any period of service, subsequent to the date of establishment, but prior to the date of membership.

(b) Any employee who had been previously excluded from membership because of age at entry and subsequently became eligible may elect to make contributions as required in this Section for the period of service during which he was ineligible.

(c) An employee of the Department of Insurance who, after January 1, 1944 but prior to becoming eligible for membership, received salary from funds of insurance companies in the process of rehabilitation, liquidation, conservation or dissolution, may elect to make contributions as required in this Section for such service.

(d) Any employee who rendered service in a State office to which he was elected, or rendered service in the elective office of Clerk of the Appellate Court prior to the date he became a member, may make contributions for such service as required in this Section. Any member who served by appointment of the Governor under the Civil

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Administrative Code of Illinois and did not participate in this System may make contributions as required in this Section for such service.

(e) Any person employed by the United States government or any instrumentality or agency thereof from January 1, 1942 through November 15, 1946 as the result of a transfer from State service by executive order of the President of the United States shall be entitled to prior service credit covering the period from January 1, 1942 through December 31, 1943 as provided for in this Article and to membership service credit for the period from January 1, 1944 through November 15, 1946 by making the contributions required in this Section. A person so employed on January 1, 1944 but whose employment began after January 1, 1942 may qualify for prior service and membership service credit under the same conditions.

(f) An employee of the Department of Labor of the State of Illinois who performed services for and under the supervision of that Department prior to January 1, 1944 but who was compensated for those services directly by federal funds and not by a warrant of the Auditor of Public Accounts paid by the State Treasurer may establish credit for such employment by making the contributions required in this Section. An employee of the Department of Agriculture of the State of Illinois, who performed services for and under the supervision of that Department prior to June 1, 1963, but was compensated for those services directly by federal funds and not paid by a warrant of the Auditor of Public Accounts paid by the State Treasurer, and who did not contribute to any other public employee retirement system for such service, may establish credit for such employment by making the contributions required in this Section.

(g) Any employee who executed a waiver of membership within 60 days prior to January 1, 1944 may, at any time while in the service of a department, file with the board a rescission of such waiver. Upon making the contributions required by this Section, the member shall be granted the creditable service that would have been received if the waiver had not been executed.

(h) Until May 1, 1990, an employee who was employed on a full-time basis by a regional planning commission for at least 5 continuous years may establish creditable service for such employment by making the
contributions required under this Section, provided that any credits earned by the employee in the commission's retirement plan have been terminated.

(i) Any person who rendered full time contractual services to the General Assembly as a member of a legislative staff may establish service credit for up to 8 years of such services by making the contributions required under this Section, provided that application therefor is made not later than July 1, 1991.

(j) By paying the contributions otherwise required under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest, but with all of the interest calculated from the date the employee last became a member of the System or November 19, 1991, whichever is later, to the date of payment, an employee may establish service credit for a period of up to 2 years spent in active military service for which he does not qualify for credit under Section 14-105, provided that (1) he was not dishonorably discharged from such military service, and (2) the amount of service credit established by a member under this subsection (j), when added to the amount of military service credit granted to the member under subsection (b) of Section 14-105, shall not exceed 5 years. The change in the manner of calculating interest under this subsection (j) made by this amendatory Act of the 92nd General Assembly applies to credit purchased by an employee on or after its effective date and does not entitle any person to a refund of contributions or interest already paid.

(k) An employee who was employed on a full-time basis by the Illinois State's Attorneys Association Statewide Appellate Assistance Service LEAA-ILEC grant project prior to the time that project became the State's Attorneys Appellate Service Commission, now the Office of the State's Attorneys Appellate Prosecutor, an agency of State government, may establish creditable service for not more than 60 months service for such employment by making contributions required under this Section.

(l) By paying the contributions otherwise required under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest, a member may
establish service credit for periods of less than one year spent on
authorized leave of absence from service, provided that (1) the period of
leave began on or after January 1, 1982 and (2) any credit established by
the member for the period of leave in any other public employee
retirement system has been terminated. A member may establish service
credit under this subsection for more than one period of authorized leave,
and in that case the total period of service credit established by the
member under this subsection may exceed one year. In determining the
contributions required for establishing service credit under this subsection,
the interest shall be calculated from the beginning of the leave of absence
to the date of payment.

(l-5) By paying the contributions otherwise required under this
Section, plus an amount determined by the Board to be equal to the
employer's normal cost of the benefit plus interest, a member may
establish service credit for periods of up to 2 years spent on authorized
leave of absence from service, provided that during that leave the member
represented or was employed as an officer or employee of a statewide
labor organization that represents members of this System. In determining
the contributions required for establishing service credit under this
subsection, the interest shall be calculated from the beginning of the leave
of absence to the date of payment.

(m) Any person who rendered contractual services to a member of
the General Assembly as a worker in the member's district office may
establish creditable service for up to 3 years of those contractual services
by making the contributions required under this Section. The System shall
determine a full-time salary equivalent for the purpose of calculating the
required contribution. To establish credit under this subsection, the
applicant must apply to the System by March 1, 1998.

(n) Any person who rendered contractual services to a member of
the General Assembly as a worker providing constituent services to
persons in the member's district may establish creditable service for up to
8 years of those contractual services by making the contributions required
under this Section. The System shall determine a full-time salary
equivalent for the purpose of calculating the required contribution. To

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establish credit under this subsection, the applicant must apply to the System by March 1, 1998.

(o) A member who participated in the Illinois Legislative Staff Internship Program may establish creditable service for up to one year of that participation by making the contribution required under this Section. The System shall determine a full-time salary equivalent for the purpose of calculating the required contribution. Credit may not be established under this subsection for any period for which service credit is established under any other provision of this Code.

(p) By paying the contributions otherwise required under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest, a member may establish service credit for a period of up to 8 years during which he or she was employed by the Visually Handicapped Managers of Illinois in a vending program operated under a contractual agreement with the Department of Rehabilitation Services or its successor agency.

This subsection (p) applies without regard to whether the person was in service on or after the effective date of this amendatory Act of the 94th General Assembly. In the case of a person who is receiving a retirement annuity on that effective date, the increase, if any, shall begin to accrue on the first annuity payment date following receipt by the System of the contributions required under this subsection (p).

(q) By paying the required contributions under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest, an employee who was laid off but returned to State employment under circumstances in which the employee is considered to have been in continuous service for purposes of determining seniority may establish creditable service for the period of the layoff, provided that (1) the applicant applies for the creditable service under this subsection (q) within 6 months after the effective date of this amendatory Act of the 94th General Assembly, (2) the applicant does not receive credit for that period under any other provision of this Code, (3) at the time of the layoff, the applicant is not in an initial probationary status consistent with the rules of the Department of Central Management Services, and (4)
the total amount of creditable service established by the applicant under this subsection (q) does not exceed 3 years. For service established under this subsection (q), the required employee contribution shall be based on the rate of compensation earned by the employee on the date of returning to employment after the layoff and the contribution rate then in effect, and the required interest shall be calculated from the date of returning to employment after the layoff to the date of payment.

(r) A member who worked as a nurse under a contractual agreement for the Department of Public Aid, or its successor agency, the Department of Human Services, in the Client Assessment Unit and was subsequently determined to be a State employee by the United States Internal Revenue Service and the Illinois Labor Relations Board may establish creditable service for those contractual services by making the contributions required under this Section. To establish credit under this subsection, the applicant must apply to the System by July 1, 2008.

The Department of Human Services shall pay an employer contribution based upon an amount determined by the Board to be equal to the employer's normal cost of the benefit, plus interest.

In compliance with Section 14-152.1 added by Public Act 94-4, the cost of the benefits provided by this amendatory Act of the 95th General Assembly are offset by the required employee and employer contributions.

(Source: P.A. 94-612, eff. 8-18-05; 94-1111, eff. 2-27-07.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 31, 2007.

PUBLIC ACT 95-0584
(Senate Bill No. 1579)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The Illinois Health Facilities Planning Act is amended by changing Section 3 and adding Section 5.1a as follows:

(20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)
(Section scheduled to be repealed on May 31, 2007)
Sec. 3. Definitions. As used in this Act:
"Health care facilities" means and includes the following facilities and organizations:

1. An ambulatory surgical treatment center required to be licensed pursuant to the Ambulatory Surgical Treatment Center Act;
2. An institution, place, building, or agency required to be licensed pursuant to the Hospital Licensing Act;
3. Skilled and intermediate long term care facilities licensed under the Nursing Home Care Act;

5. Kidney disease treatment centers, including a free-standing hemodialysis unit required to be licensed under the End Stage Renal Disease Facility Act; and
6. An institution, place, building, or room used for the performance of outpatient surgical procedures that is leased, owned, or operated by or on behalf of an out-of-state facility.

No federally owned facility shall be subject to the provisions of this Act, nor facilities used solely for healing by prayer or spiritual means.

No facility licensed under the Supportive Residences Licensing Act or the Assisted Living and Shared Housing Act shall be subject to the provisions of this Act.

A facility designated as a supportive living facility that is in good standing with the program established under Section 5-5.01a of the Illinois Public Aid Code shall not be subject to the provisions of this Act.

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This Act does not apply to facilities granted waivers under Section 3-102.2 of the Nursing Home Care Act. However, if a demonstration project under that Act applies for a certificate of need to convert to a nursing facility, it shall meet the licensure and certificate of need requirements in effect as of the date of application.

This Act does not apply to a dialysis facility that provides only dialysis training, support, and related services to individuals with end stage renal disease who have elected to receive home dialysis. This Act does not apply to a dialysis unit located in a licensed nursing home that offers or provides dialysis-related services to residents with end stage renal disease who have elected to receive home dialysis within the nursing home. The Board, however, may require these dialysis facilities and licensed nursing homes to report statistical information on a quarterly basis to the Board to be used by the Board to conduct analyses on the need for proposed kidney disease treatment centers.

This Act shall not apply to the closure of an entity or a portion of an entity licensed under the Nursing Home Care Act that elects to convert, in whole or in part, to an assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act.

With the exception of those health care facilities specifically included in this Section, nothing in this Act shall be intended to include facilities operated as a part of the practice of a physician or other licensed health care professional, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional group. Further, this Act shall not apply to physicians or other licensed health care professional's practices where such practices are carried out in a portion of a health care facility under contract with such health care facility by a physician or by other licensed health care professionals, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional groups. This Act shall apply to construction or modification and to establishment by such health care facility of such contracted portion

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which is subject to facility licensing requirements, irrespective of the party responsible for such action or attendant financial obligation.

"Person" means any one or more natural persons, legal entities, governmental bodies other than federal, or any combination thereof.

"Consumer" means any person other than a person (a) whose major occupation currently involves or whose official capacity within the last 12 months has involved the providing, administering or financing of any type of health care facility, (b) who is engaged in health research or the teaching of health, (c) who has a material financial interest in any activity which involves the providing, administering or financing of any type of health care facility, or (d) who is or ever has been a member of the immediate family of the person defined by (a), (b), or (c).

"State Board" means the Health Facilities Planning Board.

"Construction or modification" means the establishment, erection, building, alteration, reconstruction, modernization, improvement, extension, discontinuation, change of ownership, of or by a health care facility, or the purchase or acquisition by or through a health care facility of equipment or service for diagnostic or therapeutic purposes or for facility administration or operation, or any capital expenditure made by or on behalf of a health care facility which exceeds the capital expenditure minimum; however, any capital expenditure made by or on behalf of a health care facility for (i) the construction or modification of a facility licensed under the Assisted Living and Shared Housing Act or (ii) a conversion project undertaken in accordance with Section 30 of the Older Adult Services Act shall be excluded from any obligations under this Act.

"Establish" means the construction of a health care facility or the replacement of an existing facility on another site.

"Major medical equipment" means medical equipment which is used for the provision of medical and other health services and which costs in excess of the capital expenditure minimum, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act to meet the

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requirements of paragraphs (10) and (11) of Section 1861(s) of such Act. In determining whether medical equipment has a value in excess of the capital expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included.

"Capital Expenditure" means an expenditure: (A) made by or on behalf of a health care facility (as such a facility is defined in this Act); and (B) which under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part; and which exceeds the capital expenditure minimum.

For the purpose of this paragraph, the cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall be included in determining if such expenditure exceeds the capital expenditures minimum. Donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to review under this Act shall be considered capital expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure for purposes of this Act if a transfer of the equipment or facilities at fair market value would be subject to review.

"Capital expenditure minimum" means $6,000,000, which shall be annually adjusted to reflect the increase in construction costs due to inflation, for major medical equipment and for all other capital expenditures; provided, however, that when a capital expenditure is for the construction or modification of a health and fitness center, "capital expenditure minimum" means the capital expenditure minimum for all other capital expenditures in effect on March 1, 2000, which shall be annually adjusted to reflect the increase in construction costs due to inflation.

"Non-clinical service area" means an area (i) for the benefit of the patients, visitors, staff, or employees of a health care facility and (ii) not

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directly related to the diagnosis, treatment, or rehabilitation of persons receiving services from the health care facility. "Non-clinical service areas" include, but are not limited to, chapels; gift shops; news stands; computer systems; tunnels, walkways, and elevators; telephone systems; projects to comply with life safety codes; educational facilities; student housing; patient, employee, staff, and visitor dining areas; administration and volunteer offices; modernization of structural components (such as roof replacement and masonry work); boiler repair or replacement; vehicle maintenance and storage facilities; parking facilities; mechanical systems for heating, ventilation, and air conditioning; loading docks; and repair or replacement of carpeting, tile, wall coverings, window coverings or treatments, or furniture. Solely for the purpose of this definition, "non-clinical service area" does not include health and fitness centers.

"Areawide" means a major area of the State delineated on a geographic, demographic, and functional basis for health planning and for health service and having within it one or more local areas for health planning and health service. The term "region", as contrasted with the term "subregion", and the word "area" may be used synonymously with the term "areawide".

"Local" means a subarea of a delineated major area that on a geographic, demographic, and functional basis may be considered to be part of such major area. The term "subregion" may be used synonymously with the term "local".

"Areawide health planning organization" or "Comprehensive health planning organization" means the health systems agency designated by the Secretary, Department of Health and Human Services or any successor agency.

"Local health planning organization" means those local health planning organizations that are designated as such by the areawide health planning organization of the appropriate area.

"Physician" means a person licensed to practice in accordance with the Medical Practice Act of 1987, as amended.
"Licensed health care professional" means a person licensed to practice a health profession under pertinent licensing statutes of the State of Illinois.

"Director" means the Director of the Illinois Department of Public Health.

"Agency" means the Illinois Department of Public Health.

"Comprehensive health planning" means health planning concerned with the total population and all health and associated problems that affect the well-being of people and that encompasses health services, health manpower, and health facilities; and the coordination among these and with those social, economic, and environmental factors that affect health.

"Alternative health care model" means a facility or program authorized under the Alternative Health Care Delivery Act.

"Out-of-state facility" means a person that is both (i) licensed as a hospital or as an ambulatory surgery center under the laws of another state or that qualifies as a hospital or an ambulatory surgery center under regulations adopted pursuant to the Social Security Act and (ii) not licensed under the Ambulatory Surgical Treatment Center Act, the Hospital Licensing Act, or the Nursing Home Care Act. Affiliates of out-of-state facilities shall be considered out-of-state facilities. Affiliates of Illinois licensed health care facilities 100% owned by an Illinois licensed health care facility, its parent, or Illinois physicians licensed to practice medicine in all its branches shall not be considered out-of-state facilities. Nothing in this definition shall be construed to include an office or any part of an office of a physician licensed to practice medicine in all its branches in Illinois that is not required to be licensed under the Ambulatory Surgical Treatment Center Act.

"Change of ownership of a health care facility" means a change in the person who has ownership or control of a health care facility's physical plant and capital assets. A change in ownership is indicated by the following transactions: sale, transfer, acquisition, lease, change of sponsorship, or other means of transferring control.
"Related person" means any person that: (i) is at least 50% owned, directly or indirectly, by either the health care facility or a person owning, directly or indirectly, at least 50% of the health care facility; or (ii) owns, directly or indirectly, at least 50% of the health care facility.

"Charity care" means care provided by a health care facility for which the provider does not expect to receive payment from the patient or a third-party payer.

"Freestanding emergency center" means a facility subject to licensure under Section 32.5 of the Emergency Medical Services (EMS) Systems Act.

(Source: P.A. 93-41, eff. 6-27-03; 93-766, eff. 7-20-04; 93-935, eff. 1-1-05; 93-1031, eff. 8-27-04; 94-342, eff. 7-26-05; revised 4-3-07.)

(20 ILCS 3960/5.1a new)

Sec. 5.1a. No person shall construct, modify, or establish a freestanding emergency center in Illinois, or acquire major medical equipment or make capital expenditures in relation to such a facility in excess of the capital expenditure minimum, as defined by this Act, without first obtaining a permit from the State Board in accordance with criteria, standards, and procedures adopted by the State Board for freestanding emergency centers that ensure the availability of and community access to essential emergency medical services.

Section 10. The Emergency Medical Services (EMS) Systems Act is amended by changing Sections 3.20 and 32.5 as follows:

(210 ILCS 50/3.20)

Sec. 3.20. Emergency Medical Services (EMS) Systems.

(a) "Emergency Medical Services (EMS) System" means an organization of hospitals, vehicle service providers and personnel approved by the Department in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS, ILS and/or ALS level pursuant to a System program plan submitted to and approved by the Department, and pursuant to the EMS Region Plan adopted for the EMS Region in which the System is located.

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(b) One hospital in each System program plan must be designated as the Resource Hospital. All other hospitals which are located within the geographic boundaries of a System and which have standby, basic or comprehensive level emergency departments must function in that EMS System as either an Associate Hospital or Participating Hospital and follow all System policies specified in the System Program Plan, including but not limited to the replacement of drugs and equipment used by providers who have delivered patients to their emergency departments. All hospitals and vehicle service providers participating in an EMS System must specify their level of participation in the System Program Plan.

(c) The Department shall have the authority and responsibility to:

(1) Approve BLS, ILS and ALS level EMS Systems which meet minimum standards and criteria established in rules adopted by the Department pursuant to this Act, including the submission of a Program Plan for Department approval. Beginning September 1, 1997, the Department shall approve the development of a new EMS System only when a local or regional need for establishing such System has been identified. This shall not be construed as a needs assessment for health planning or other purposes outside of this Act. Following Department approval, EMS Systems must be fully operational within one year from the date of approval.

(2) Monitor EMS Systems, based on minimum standards for continuing operation as prescribed in rules adopted by the Department pursuant to this Act, which shall include requirements for submitting Program Plan amendments to the Department for approval.

(3) Renew EMS System approvals every 4 years, after an inspection, based on compliance with the standards for continuing operation prescribed in rules adopted by the Department pursuant to this Act.

(4) Suspend, revoke, or refuse to renew approval of any EMS System, after providing an opportunity for a hearing, when findings show that it does not meet the minimum standards for
continuing operation as prescribed by the Department, or is found to be in violation of its previously approved Program Plan.

(5) Require each EMS System to adopt written protocols for the bypassing of or diversion to any hospital, trauma center or regional trauma center, which provide that a person shall not be transported to a facility other than the nearest hospital, regional trauma center or trauma center unless the medical benefits to the patient reasonably expected from the provision of appropriate medical treatment at a more distant facility outweigh the increased risks to the patient from transport to the more distant facility, or the transport is in accordance with the System's protocols for patient choice or refusal.

(6) Require that the EMS Medical Director of an ILS or ALS level EMS System be a physician licensed to practice medicine in all of its branches in Illinois, and certified by the American Board of Emergency Medicine or the American Board of Osteopathic Emergency Medicine, and that the EMS Medical Director of a BLS level EMS System be a physician licensed to practice medicine in all of its branches in Illinois, with regular and frequent involvement in pre-hospital emergency medical services. In addition, all EMS Medical Directors shall:

(A) Have experience on an EMS vehicle at the highest level available within the System, or make provision to gain such experience within 12 months prior to the date responsibility for the System is assumed or within 90 days after assuming the position;

(B) Be thoroughly knowledgeable of all skills included in the scope of practices of all levels of EMS personnel within the System;

(C) Have or make provision to gain experience instructing students at a level similar to that of the levels of EMS personnel within the System; and
(D) For ILS and ALS EMS Medical Directors, successfully complete a Department-approved EMS Medical Director's Course.

(7) Prescribe statewide EMS data elements to be collected and documented by providers in all EMS Systems for all emergency and non-emergency medical services, with a one-year phase-in for commencing collection of such data elements.

(8) Define, through rules adopted pursuant to this Act, the terms "Resource Hospital", "Associate Hospital", "Participating Hospital", "Basic Emergency Department", "Standby Emergency Department", "Comprehensive Emergency Department", "EMS Medical Director", "EMS Administrative Director", and "EMS System Coordinator".

(A) Upon the effective date of this amendatory Act of 1995, all existing Project Medical Directors shall be considered EMS Medical Directors, and all persons serving in such capacities on the effective date of this amendatory Act of 1995 shall be exempt from the requirements of paragraph (7) of this subsection;

(B) Upon the effective date of this amendatory Act of 1995, all existing EMS System Project Directors shall be considered EMS Administrative Directors.

(9) Investigate the circumstances that caused a hospital in an EMS system to go on bypass status to determine whether that hospital's decision to go on bypass status was reasonable. The Department may impose sanctions, as set forth in Section 3.140 of the Act, upon a Department determination that the hospital unreasonably went on bypass status in violation of the Act.

(10) Evaluate the capacity and performance of any freestanding emergency center established under Section 32.5 of this Act in meeting emergency medical service needs of the public, including compliance with applicable emergency medical standards and assurance of the availability of and immediate access to the highest quality of medical care possible.

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Sec. 32.5. Freestanding Emergency Center.

(a) Until June 30, 2009, the Department shall issue an annual Freestanding Emergency Center (FEC) license to any facility that:

(1) is located: (A) in a municipality with a population of 75,000 or fewer inhabitants; (B) within 20 miles of the hospital that owns or controls the FEC; and (C) within 20 miles of the Resource Hospital affiliated with the FEC as part of the EMS System; or (ii) (A) in a municipality that has a hospital that has been providing emergency services but is expected to close by the end of 1997 and (B) in a county with a population of more than 350,000 but less than 525,000 inhabitants;

(2) is wholly owned or controlled by an Associate or Resource Hospital, but is not a part of the hospital's physical plant;

(3) meets the standards for licensed FECs, adopted by rule of the Department, including, but not limited to:

   (A) facility design, specification, operation, and maintenance standards;

   (B) equipment standards; and

   (C) the number and qualifications of emergency medical personnel and other staff, which must include at least one board certified emergency physician present at the FEC 24 hours per day.

(4) limits its participation in the EMS System strictly to receiving a limited number of BLS runs by emergency medical vehicles according to protocols developed by the Resource Hospital within the FEC's designated EMS System and approved by the Project Medical Director and the Department;

(5) provides comprehensive emergency treatment services, as defined in the rules adopted by the Department pursuant to the Hospital Licensing Act, 24 hours per day, on an outpatient basis;

(6) provides an ambulance and maintains on site ambulance services staffed with paramedics 24 hours per day;

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(7) maintains helicopter landing capabilities approved by appropriate State and federal authorities;

(8) complies with all State and federal patient rights provisions, including, but not limited to, the Emergency Medical Treatment Act and the federal Emergency Medical Treatment and Active Labor Act;

(9) maintains a communications system that is fully integrated with its Resource Hospital within the FEC's designated EMS System;

(10) reports to the Department any patient transfers from the FEC to a hospital within 48 hours of the transfer plus any other data determined to be relevant by the Department;

(11) submits to the Department, on a quarterly basis, the FEC's morbidity and mortality rates for patients treated at the FEC and other data determined to be relevant by the Department;

(12) does not describe itself or hold itself out to the general public as a full service hospital or hospital emergency department in its advertising or marketing activities;

(13) complies with any other rules adopted by the Department under this Act that relate to FECs;

(14) passes the Department's site inspection for compliance with the FEC requirements of this Act;

(15) submits a copy of the certificate of need or other permit issued by the Illinois Health Facilities Planning Board indicating that the facility has complied with the Illinois Health Facilities Planning Act with respect to the health services to be provided at the facility that will house the proposed FEC complies with State health planning laws; provided, however, that the Illinois Health Facilities Planning Board shall waive this certificate of need or permit requirement for any proposed FEC that, as of the effective date of this amendatory Act of 1996, meets the criteria for providing comprehensive emergency treatment services, as defined by the rules promulgated under the Hospital Licensing Act, but is not a licensed hospital;

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(16) submits an application for designation as an FEC in a manner and form prescribed by the Department by rule; and
(17) pays the annual license fee as determined by the Department by rule; and
(18) participated in the demonstration program.

(b) The Department shall:
(1) annually inspect facilities of initial FEC applicants and licensed FECs, and issue annual licenses to or annually relicense FECs that satisfy the Department's licensure requirements as set forth in subsection (a);
(2) suspend, revoke, refuse to issue, or refuse to renew the license of any FEC, after notice and an opportunity for a hearing, when the Department finds that the FEC has failed to comply with the standards and requirements of the Act or rules adopted by the Department under the Act;
(3) issue an Emergency Suspension Order for any FEC when the Director or his or her designee has determined that the continued operation of the FEC poses an immediate and serious danger to the public health, safety, and welfare. An opportunity for a hearing shall be promptly initiated after an Emergency Suspension Order has been issued; and
(4) adopt rules as needed to implement this Section.

(Source: P.A. 93-372, eff. 1-1-04.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 31, 2007.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Unified Code of Corrections is amended by
changing Section 3-6-3 as follows:

(730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)
Sec. 3-6-3. Rules and Regulations for Early Release.

(a) (1) The Department of Corrections shall prescribe rules
and regulations for the early release on account of good conduct of
persons committed to the Department which shall be subject to
review by the Prisoner Review Board.

(2) The rules and regulations on early release shall provide,
with respect to offenses listed in clause (i), (ii), or (iii) of this
paragraph (2) committed on or after June 19, 1998 or with respect
to the offense listed in clause (iv) of this paragraph (2) committed
on or after June 23, 2005 (the effective date of Public Act 94-71) or
with respect to the offense of being an armed habitual criminal
committed on or after August 2, 2005 (the effective date of Public
Act 94-398), the following:

(i) that a prisoner who is serving a term of
imprisonment for first degree murder or for the offense of
terrorism shall receive no good conduct credit and shall
serve the entire sentence imposed by the court;

(ii) that a prisoner serving a sentence for attempt to
commit first degree murder, solicitation of murder,
solicitation of murder for hire, intentional homicide of an
unborn child, predatory criminal sexual assault of a child,
aggravated criminal sexual assault, criminal sexual assault,
aggravated kidnapping, aggravated battery with a firearm,
heinous battery, being an armed habitual criminal,
aggravated battery of a senior citizen, or aggravated battery
of a child shall receive no more than 4.5 days of good
conduct credit for each month of his or her sentence of
imprisonment;

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(iii) that a prisoner serving a sentence for home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has made and entered a finding, pursuant to subsection (c-1) of Section 5-4-1 of this Code, that the conduct leading to conviction for the enumerated offense resulted in great bodily harm to a victim, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment; and

(iv) that a prisoner serving a sentence for aggravated discharge of a firearm, whether or not the conduct leading to conviction for the offense resulted in great bodily harm to the victim, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.1) For all offenses, other than those enumerated in subdivision (a)(2)(i), (ii), or (iii) committed on or after June 19, 1998 or subdivision (a)(2)(iv) committed on or after June 23, 2005 (the effective date of Public Act 94-71), and other than the offense of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, the rules and regulations shall provide that a prisoner who is serving a term of imprisonment shall receive one day of good conduct credit for each day of his or her sentence of imprisonment or recommitment under Section 3-3-9. Each day of good conduct credit shall reduce by one day the prisoner's period of imprisonment or recommitment under Section 3-3-9.
(2.2) A prisoner serving a term of natural life imprisonment or a prisoner who has been sentenced to death shall receive no good conduct credit.

(2.3) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.4) The rules and regulations on early release shall provide with respect to the offenses of aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm or aggravated discharge of a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm, committed on or after July 15, 1999 (the effective date of Public Act 91-121), that a prisoner serving a sentence for any of these offenses shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.5) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for aggravated arson committed on or after July 27, 2001 (the effective date of Public Act 92-176) shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(3) The rules and regulations shall also provide that the Director may award up to 180 days additional good conduct credit for meritorious service in specific instances as the Director deems proper; except that no more than 90 days of good conduct credit for meritorious service shall be awarded to any prisoner who is serving

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a sentence for conviction of first degree murder, reckless homicide while under the influence of alcohol or any other drug, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, aggravated kidnapping, kidnapping, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, deviate sexual assault, aggravated criminal sexual abuse, aggravated indecent liberties with a child, indecent liberties with a child, child pornography, heinous battery, aggravated battery of a spouse, aggravated battery of a spouse with a firearm, stalking, aggravated stalking, aggravated battery of a child, endangering the life or health of a child, cruelty to a child, or narcotic racketeering. Notwithstanding the foregoing, good conduct credit for meritorious service shall not be awarded on a sentence of imprisonment imposed for conviction of: (i) one of the offenses enumerated in subdivision (a)(2)(i), (ii), or (iii) when the offense is committed on or after June 19, 1998 or subdivision (a)(2)(iv) when the offense is committed on or after June 23, 2005 (the effective date of Public Act 94-71), (ii) reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 when the offense is committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, (iii) one of the offenses enumerated in subdivision (a)(2.4) when the offense is committed on or after July 15, 1999 (the effective date of Public Act 91-121), or (iv) aggravated arson when the offense is committed on or after July 27, 2001 (the effective date of Public Act 92-176).

(4) The rules and regulations shall also provide that the good conduct credit accumulated and retained under paragraph

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(2.1) of subsection (a) of this Section by any inmate during specific periods of time in which such inmate is engaged full-time in substance abuse programs, correctional industry assignments, or educational programs provided by the Department under this paragraph (4) and satisfactorily completes the assigned program as determined by the standards of the Department, shall be multiplied by a factor of 1.25 for program participation before August 11, 1993 and 1.50 for program participation on or after that date. However, no inmate shall be eligible for the additional good conduct credit under this paragraph (4) or (4.1) of this subsection (a) while assigned to a boot camp or electronic detention, or if convicted of an offense enumerated in subdivision (a)(2)(i), (ii), or (iii) of this Section that is committed on or after June 19, 1998 or subdivision (a)(2)(iv) of this Section that is committed on or after June 23, 2005 (the effective date of Public Act 94-71), or if convicted of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense is committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, or if convicted of an offense enumerated in paragraph (a)(2.4) of this Section that is committed on or after July 15, 1999 (the effective date of Public Act 91-121), or first degree murder, a Class X felony, criminal sexual assault, felony criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery with a firearm, or any predecessor or successor offenses with the same or substantially the same elements, or any inchoate offenses relating to the foregoing offenses. No inmate shall be eligible for the additional good conduct credit under this paragraph (4) who (i) has previously received increased good conduct credit under this paragraph (4) and has subsequently been convicted of a felony, or (ii) has previously served more than one

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prior sentence of imprisonment for a felony in an adult correctional facility.

Educational, vocational, substance abuse and correctional industry programs under which good conduct credit may be increased under this paragraph (4) and paragraph (4.1) of this subsection (a) shall be evaluated by the Department on the basis of documented standards. The Department shall report the results of these evaluations to the Governor and the General Assembly by September 30th of each year. The reports shall include data relating to the recidivism rate among program participants.

Availability of these programs shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. Eligible inmates who are denied immediate admission shall be placed on a waiting list under criteria established by the Department. The inability of any inmate to become engaged in any such programs by reason of insufficient program resources or for any other reason established under the rules and regulations of the Department shall not be deemed a cause of action under which the Department or any employee or agent of the Department shall be liable for damages to the inmate.

(4.1) The rules and regulations shall also provide that an additional 60 days of good conduct credit shall be awarded to any prisoner who passes the high school level Test of General Educational Development (GED) while the prisoner is incarcerated. The good conduct credit awarded under this paragraph (4.1) shall be in addition to, and shall not affect, the award of good conduct under any other paragraph of this Section, but shall also be pursuant to the guidelines and restrictions set forth in paragraph (4) of subsection (a) of this Section. The good conduct credit provided for in this paragraph shall be available only to those prisoners who have not previously earned a high school diploma or a GED. If, after an award of the GED good conduct credit has been made and the Department determines that the prisoner was not eligible, then the award shall be revoked.

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(4.5) The rules and regulations on early release shall also provide that when the court's sentencing order recommends a prisoner for substance abuse treatment and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354), the prisoner shall receive no good conduct credit awarded under clause (3) of this subsection (a) unless he or she participates in and completes a substance abuse treatment program. The Director may waive the requirement to participate in or complete a substance abuse treatment program and award the good conduct credit in specific instances if the prisoner is not a good candidate for a substance abuse treatment program for medical, programming, or operational reasons. Availability of substance abuse treatment shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. If treatment is not available and the requirement to participate and complete the treatment has not been waived by the Director, the prisoner shall be placed on a waiting list under criteria established by the Department. The Director may allow a prisoner placed on a waiting list to participate in and complete a substance abuse education class or attend substance abuse self-help meetings in lieu of a substance abuse treatment program. A prisoner on a waiting list who is not placed in a substance abuse program prior to release may be eligible for a waiver and receive good conduct credit under clause (3) of this subsection (a) at the discretion of the Director.

(5) Whenever the Department is to release any inmate earlier than it otherwise would because of a grant of good conduct credit for meritorious service given at any time during the term, the Department shall give reasonable advance notice of the impending release to the State's Attorney of the county where the prosecution of the inmate took place.

(b) Whenever a person is or has been committed under several convictions, with separate sentences, the sentences shall be construed under Section 5-8-4 in granting and forfeiting of good time.

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(c) The Department shall prescribe rules and regulations for revoking good conduct credit, or suspending or reducing the rate of accumulation of good conduct credit for specific rule violations, during imprisonment. These rules and regulations shall provide that no inmate may be penalized more than one year of good conduct credit for any one infraction.

When the Department seeks to revoke, suspend or reduce the rate of accumulation of any good conduct credits for an alleged infraction of its rules, it shall bring charges therefor against the prisoner sought to be so deprived of good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(4) of Section 3-3-2 of this Code, if the amount of credit at issue exceeds 30 days or when during any 12 month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In those cases, the Department of Corrections may revoke up to 30 days of good conduct credit. The Board may subsequently approve the revocation of additional good conduct credit, if the Department seeks to revoke good conduct credit in excess of 30 days. However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of good conduct credit within any calendar year for any prisoner or to increase any penalty beyond the length requested by the Department.

The Director of the Department of Corrections, in appropriate cases, may restore up to 30 days good conduct credits which have been revoked, suspended or reduced. Any restoration of good conduct credits in excess of 30 days shall be subject to review by the Prisoner Review Board. However, the Board may not restore good conduct credit in excess of the amount requested by the Director.

Nothing contained in this Section shall prohibit the Prisoner Review Board from ordering, pursuant to Section 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the sentence imposed by the court that was not served due to the accumulation of good conduct credit.

(d) If a lawsuit is filed by a prisoner in an Illinois or federal court against the State, the Department of Corrections, or the Prisoner Review Board.
Board, or against any of their officers or employees, and the court makes a
specific finding that a pleading, motion, or other paper filed by the
prisoner is frivolous, the Department of Corrections shall conduct a
hearing to revoke up to 180 days of good conduct credit by bringing
charges against the prisoner sought to be deprived of the good conduct
credits before the Prisoner Review Board as provided in subparagraph
(a)(8) of Section 3-3-2 of this Code. If the prisoner has not accumulated
180 days of good conduct credit at the time of the finding, then the
Prisoner Review Board may revoke all good conduct credit accumulated
by the prisoner.

For purposes of this subsection (d):

(1) "Frivolous" means that a pleading, motion, or other
filing which purports to be a legal document filed by a prisoner in
his or her lawsuit meets any or all of the following criteria:

(A) it lacks an arguable basis either in law or in fact;
(B) it is being presented for any improper purpose,
such as to harass or to cause unnecessary delay or needless
increase in the cost of litigation;
(C) the claims, defenses, and other legal contentions
therein are not warranted by existing law or by a
nonfrivolous argument for the extension, modification, or
reversal of existing law or the establishment of new law;
(D) the allegations and other factual contentions do
not have evidentiary support or, if specifically so identified,
are not likely to have evidentiary support after a reasona-
ble opportunity for further investigation or discovery; or
(E) the denials of factual contentions are not
warranted on the evidence, or if specifically so identified,
are not reasonably based on a lack of information or belief.

(2) "Lawsuit" means a petition for post-conviction relief
under Article 122 of the Code of Criminal Procedure of 1963, a
motion pursuant to Section 116-3 of the Code of Criminal
Procedure of 1963, a habeas corpus action under Article X of the
Code of Civil Procedure or under federal law (28 U.S.C. 2254), a

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petition for claim under the Court of Claims Act, or an action under the federal Civil Rights Act (42 U.S.C. 1983), or a second or subsequent petition for post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963 whether filed with or without leave of court or a second or subsequent petition for relief from judgment under Section 2-1401 of the Code of Civil Procedure.

(e) Nothing in Public Act 90-592 or 90-593 affects the validity of Public Act 89-404.

(Source: P.A. 93-213, eff. 7-18-03; 93-354, eff. 9-1-03; 94-71, eff. 6-23-05; 94-128, eff. 7-7-05; 94-156, eff. 7-8-05; 94-398, eff. 8-2-05; 94-491, eff. 8-8-05; 94-744, eff. 5-8-06.)

Approved August 31, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0586
(Senate Bill No. 1653)

AN ACT concerning public employee benefits.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Sections 13-215, 13-216, 13-309, 13-502, 13-601, and 13-706 as follows:

(40 ILCS 5/13-215) (from Ch. 108 1/2, par. 13-215)

Sec. 13-215. "Retirement annuity": A benefit payable as an annuity for service as an employee. The annuity shall be payable in equal monthly installments for life, except as otherwise provided in this Article, beginning in the one month after the effective date of the annuity as fixed by the Board, which shall not be prior to the date of withdrawal nor more than one year prior to the date of the employee's application for the annuity. A pro rata amount of the annuity shall be paid for part of a month when the annuity begins after the first day of the month or ends before the last day of the month.

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Notwithstanding the above, all retirement annuity payments first payable on or after January 1, 2008, shall begin the first of the month following the effective date of retirement.

Effective January 1, 2008, benefits are payable for the full month if the annuitant was alive on the first day of the month.

(Source: P.A. 87-794.)

(40 ILCS 5/13-216) (from Ch. 108 1/2, par. 13-216)
Sec. 13-216. "Surviving spouse's annuity": The amount payable as a surviving spouse annuity commencing on the date of the employee's or retiree's death. The annuity shall be payable in equal monthly installments for life, except as otherwise provided in this Article, in the month after the effective date of the annuity beginning one month after the effective date of the annuity. A pro rata amount of the annuity shall be paid for part of a month when the annuity begins after the first day of the month or ends before the last day of the month.

Notwithstanding the above, all surviving spouse annuity payments first payable on or after January 1, 2008, shall begin the first of the month following the employee's or annuitant's date of death.

Effective January 1, 2008, benefits are payable for the full month if the annuitant was alive on the first day of the month.

(Source: P.A. 87-794.)

(40 ILCS 5/13-309) (from Ch. 108 1/2, par. 13-309)
Sec. 13-309. Duty disability benefit.
(a) Any employee who becomes disabled, which disability is the result of an injury or illness compensable under the Illinois Workers' Compensation Act or the Illinois Workers' Occupational Diseases Act, is entitled to a duty disability benefit during the period of disability for which the employee does not receive any part of salary, or any part of a retirement annuity under this Article; except that in the case of an employee who first enters service on or after June 13, 1997 and becomes disabled before the effective date of this amendatory Act of the 94th General Assembly, a duty disability benefit is not payable for the first 3 days of disability that would otherwise be payable under this Section if the disability does not continue for at least 11 additional days. The changes

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made to this Section by this amendatory Act of the 94th General Assembly are prospective only and do not entitle an employee to a duty disability benefit for the first 3 days of any disability that occurred before that effective date and did not continue for at least 11 additional days. This benefit shall be 75% of salary at the date disability begins. However, if the disability in any measure resulted from any physical defect or disease which existed at the time such injury was sustained or such illness commenced, the duty disability benefit shall be 50% of salary.

Unless the employer acknowledges that the disability is a result of injury or illness compensable under the Workers' Compensation Act or the Workers' Occupational Diseases Act, the duty disability benefit shall not be payable until the issue of compensability under those Acts is finally adjudicated. The period of disability shall be as determined by the Illinois Workers' Compensation Commission or acknowledged by the employer.

An employee in service before June 13, 1997 shall also receive a child's disability benefit during the period of disability of $10 per month for each unmarried natural or adopted child of the employee under 18 years of age.

The first payment shall be made not later than one month after the benefit is granted, and subsequent payments shall be made at least monthly. The Board shall by rule prescribe for the payment of such benefits on the basis of the amount of salary lost during the period of disability.

(b) The benefit shall be allowed only if the following requirements are met by the employee:

1. Application is made to the Board within 90 days from the date disability begins;
2. A medical report is submitted by at least one licensed and practicing physician as part of the employee's application; and
3. The employee is examined by at least one licensed and practicing physician appointed by the Board and found to be in a disabled physical condition, and shall be re-examined at least annually thereafter during the continuance of disability. The employee need not be re-examined by a licensed and practicing physician.

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physician if the attorney for the district certifies in writing that the employee is entitled to receive compensation under the Workers' Compensation Act or the Workers' Occupational Diseases Act.  

(c) The benefit shall terminate when:  

(1) The employee returns to work or receives a retirement annuity paid wholly or in part under this Article;  

(2) The disability ceases;  

(3) The employee attains age 65, but if the employee becomes disabled at age 60 or later, benefits may be extended for a period of no more than 5 years after disablement;  

(4) The employee (i) refuses to submit to reasonable examinations by physicians or other health professionals appointed by the Board, (ii) fails or refuses to consent to and sign an authorization allowing the Board to receive copies of or to examine the employee's medical and hospital records, or (iii) fails or refuses to provide complete information regarding any other employment for compensation he or she has received since becoming disabled; or  

(5) The employee willfully and continuously refuses to follow medical advice and treatment to enable the employee to return to work. However this provision does not apply to an employee who relies in good faith on treatment by prayer through spiritual means alone in accordance with the tenets and practice of a recognized church or religious denomination, by a duly accredited practitioner thereof.

In the case of a duty disability recipient who returns to work, the employee must make application to the Retirement Board within 2 years from the date the employee last received duty disability benefits in order to become again entitled to duty disability benefits based on the injury for which a duty disability benefit was theretofore paid.

(Source: P.A. 93-721, eff. 1-1-05; 94-621, eff. 8-18-05.)

(40 ILCS 5/13-502) (from Ch. 108 1/2, par. 13-502)

Sec. 13-502. Employee contributions; deductions from salary.

New matter indicated by italics - deletions by strikeout
(a) Retirement annuity and child's annuity. There shall be deducted from each payment of salary an amount equal to 7% of salary as the employee's contribution for the retirement annuity, including annual increases therefore and child's annuity, and 0.5% of salary as the employee's contribution for annual increases to the retirement annuity.

(b) Surviving spouse's annuity. There shall be deducted from each payment of salary an amount equal to 1 1/2% of salary as the employee's contribution for the surviving spouse's annuity and annual increases therefor.

(c) Pickup of employee contributions. The Employer may pick up employee contributions required under subsections (a) and (b) of this Section. If contributions are picked up they shall be treated as Employer contributions in determining tax treatment under the United States Internal Revenue Code, and shall not be included as gross income of the employee until such time as they are distributed. The Employer shall pay these employee contributions from the same source of funds used in paying salary to the employee. The Employer may pick up these contributions by a reduction in the cash salary of the employee or by an offset against a future salary increase or by a combination of a reduction in salary and offset against a future salary increase. If employee contributions are picked up they shall be treated for all purposes of this Article 13, including Sections 13-503 and 13-601, in the same manner and to the same extent as employee contributions made prior to the date picked up.

(d) Subject to the requirements of federal law, the Employer shall pick up optional contributions that the employee has elected to pay to the Fund under Section 13-304.1, and the contributions so picked up shall be treated as employer contributions for the purposes of determining federal tax treatment. The Employer shall pick up the contributions by a reduction in the cash salary of the employee and shall pay the contributions from the same fund that is used to pay earnings to the employee. The Employer shall, however, continue to withhold federal and State income taxes based upon contributions made under Section 13-304.1 until the Internal Revenue Service or the federal courts rule that pursuant to Section 414(h) of the U.S. Internal Revenue Code of 1986, as amended, these

New matter indicated by italics - deletions by strikeout
contributions shall not be included as gross income of the employee until such time as they are distributed or made available.

(e) Each employee is deemed to consent and agree to the deductions from compensation provided for in this Article.

(f) Subject to the requirements of federal law, the Employer shall pick up contributions that a commissioner has elected to pay to the Fund under Section 13-314, and the contributions so picked up shall be treated as Employer contributions for the purposes of determining federal tax treatment. The Employer shall pick up the contributions by a reduction in the cash salary of the commissioner and shall pay the contributions from the same fund as is used to pay earnings to the commissioner. The Employer shall, however, continue to withhold federal and State income taxes based upon contributions made under Section 13-314 until the U.S. Internal Revenue Service or the federal courts rule that pursuant to Section 414(h) of the Internal Revenue Code of 1986, as amended, these contributions shall not be included as gross income of the employee until such time as they are distributed or made available.

(Source: P.A. 94-621, eff. 8-18-05.)

(40 ILCS 5/13-601) (from Ch. 108 1/2, par. 13-601)
Sec. 13-601. Refunds.

(a) Withdrawal from service. Upon withdrawal from service, an employee under age 55 (age 50 if the employee first entered service before June 13, 1997), or an employee age 55 (age 50 if the employee first entered service before June 13, 1997) or over but less than 60 having less than 20 years of service, or an employee age 60 or over having less than 5 years of service shall be entitled, upon application, to a refund of total contributions from salary deductions or amounts otherwise paid under this Article by the employee. The refund shall not include interest credited to the contributions. The Board may, in its discretion, withhold payment of a refund for a period not to exceed one year from the date of filing an application for refund.

(b) Surviving spouse's annuity contributions. A refund of all amounts deducted from salary or otherwise contributed by an employee for the surviving spouse's annuity shall be paid upon retirement to any

New matter indicated by italics - deletions by strikeout
employee who on the date of retirement is either not married or is married but whose spouse is not eligible for a surviving spouse's annuity paid wholly or in part under this Article. The refund shall include interest on each contribution at the rate of 3% per annum compounded annually from the date of the contribution to the date of the refund.

(c) Payment of Refunds After Death. Whenever any refund is payable after the death of the annuitant as provided for in this Article, the refund shall be paid as follows: to the employee's surviving spouse, but if there is no surviving spouse then in accordance with the employee's written designation of beneficiary filed with the Board on the prescribed form before the employee's death. If there is no such designation of beneficiary, then to the employee's surviving children in equal parts to each. If there are no such children, the refund shall be paid to the heirs of the employee according to the law of descent and distribution of the State of Illinois. When paid to children, estate or beneficiary. Whenever the total accumulations, to the account of an employee from employee contributions, including interest to the employee's date of withdrawal, have not been paid to the employee and surviving spouse as a retirement or spouse's annuity before the death of the survivor of the employee and spouse, a refund shall be paid as follows: an amount equal to the excess of such amounts over the amounts paid on such annuities without interest on either such amount, shall be paid to the children of the employee, in equal parts to each, unless the employee has directed in writing, signed by him before an officer authorized to administer oaths, and filed with the Board before the employee's death, that any such amount shall be refunded and paid to any one or more of such children; and if there are not children, such other beneficiary or beneficiaries as might be designated by the employee. If there are no such children or designation of beneficiary, the refund shall be paid to the personal representative of the employee's estate:

If a personal representative of the estate has not been appointed within 90 days from the date on which a refund became payable, the refund may be applied, in the discretion of the Board, toward the payment of the employee's or the surviving spouse's burial expenses. Any remaining
balance shall be paid to the heirs of the employee according to the law of
descent and distribution of the State of Illinois.

Whenever the total accumulations to the account of an employee
from employee contributions other than the contribution for the cost of
living increase, including interest to the employee's date of withdrawal,
have not been paid to the employee and surviving spouse as a retirement
or spouse's annuity before the death of the employee and spouse, a refund
shall be paid as follows: an amount equal to the excess of such amounts
over the amounts paid on such annuities without interest on either such
amount.

If a reversionary annuity becomes payable under Section 13-303,
the refund provided in this section shall not be paid until the death of the
reversionary annuitant and the refund otherwise payable under this section
shall be then further reduced by the amount of the reversionary annuity
paid.

(d) In lieu of annuity. Notwithstanding the provisions set forth in
subsection (a) of this section, whenever an employee's or surviving
spouse's annuity will be less than $200 per month, the employee or
surviving spouse, as the case may be, may elect to receive a refund of
accumulated employee contributions; provided, however, that if the
election is made by a surviving spouse the refund shall be reduced by any
amounts theretofore paid to the employee in the form of an annuity.

(e) Forfeiture of rights. An employee or surviving spouse who
receives a refund forfeits the right to receive an annuity or any other
benefit payable under this Article except that if the refund is to a surviving
spouse, any child or children of the employee shall not be deprived of the
right to receive a child's annuity as provided in Section 13-308 of this
Article, and the payment of a child's annuity shall not reduce the amount
refundable to the surviving spouse.
(Source: P.A. 94-621, eff. 8-18-05.)

(40 ILCS 5/13-706) (from Ch. 108 1/2, par. 13-706)
Sec. 13-706. Board powers and duties. The Board shall have the
powers and duties set forth in this Section, in addition to such other
powers and duties as may be provided in this Article and in this Code:

New matter indicated by italics - deletions by strikeout
(a) To supervise collections. To see that all amounts specified in
this Article to be applied to the Fund, from any source, are collected and
applied.

(b) To notify of deductions. To notify the Clerk of the Water
Reclamation District of the deductions to be made from the salaries of
employees.

(c) To accept gifts. To accept by gift, grant, bequest or otherwise
any money or property of any kind and use the same for the purposes of
the Fund.

(d) To invest the reserves. To invest the reserves of the Fund in
accordance with the provisions set forth in Section 1-109, 1-109.1, 1-
109.2, 1-110, 1-111, 1-114, and 1-115 of this Code. Investments made in
accordance with Section 1-113 of Article 1 of this Code shall be deemed
prudent. The Board is also authorized to transfer securities to the Illinois
State Board of Investment for the purpose of participation in any
commingled investment fund as provided in Article 22A of this Code.

(e) To authorize payments. To consider and pass upon all
applications for annuities and benefits; to authorize or suspend the
payment of any annuity or benefit; to inquire into the validity and legality
of any grant of annuity or benefit paid from or payable out of the Fund; to
increase, reduce, or suspend any such annuity or benefit whenever the
annuity or benefit, or any part thereof, was secured or granted, or the
amount thereof fixed, as the result of misrepresentation, fraud, or error. No
such annuity or benefit shall be permanently reduced or suspended until
the affected annuitant or beneficiary is first notified of the proposed action
and given an opportunity to be heard. No trustee of the Board shall vote
upon that trustee's own personal claim for annuity, benefit or refund, or
participate in the deliberations of the Board as to the validity of any such
claim. The Board shall have exclusive original jurisdiction in all matters of
claims for annuities, benefits and refunds.

(f) To submit an annual report. To submit a report in July of each
year to the Board of Commissioners of the Water Reclamation District as
of the close of business on December 31st of the preceding year. The
report shall include the following:

New matter indicated by italics - deletions by strikeout
(1) A balance sheet, showing the financial and actuarial condition of the Fund as of the end of the calendar year;
(2) A statement of receipts and disbursements during such year;
(3) A statement showing changes in the asset, liability, reserve and surplus accounts during such year;
(4) A detailed statement of investments as of the end of the year; and
(5) Any additional information as is deemed necessary for proper interpretation of the condition of the Fund.

(g) To subpoena witnesses. To compel witnesses to attend and testify before it upon any matter concerning the Fund and allow witness fees not in excess of $6 for attendance upon any one day. The President and other members of the Board may administer oaths to witnesses.

(h) To appoint employees and consultants. To appoint such actuarial, medical, legal, investigational, clerical or financial employees and consultants as are necessary, and fix their compensation.

(i) To make rules. To make rules and regulations necessary for the administration of the affairs of the Fund.

(j) To waive guardianship. To waive the requirement of legal guardianship of any minor unmarried beneficiary of the Fund living with a parent or grandparent, and legal guardianship of any beneficiary under legal disability whose husband, wife, or parent is managing such beneficiary's affairs, whenever the Board deems such waiver to be in the best interest of the beneficiary.

(k) To collect amounts due. To collect any amounts due to the Fund from any participant or beneficiary prior to payment of any annuity, benefit or refund.

(l) To invoke rule of offset. To offset against any amount payable to an employee or to any other person such sums as may be due to the Fund or may have been paid by the Fund due to misrepresentation, fraud or error.

(m) To assess and collect interest on amounts due to the Fund using the annual rate as shall from time to time be determined by the

New matter indicated by italics - deletions by strikeout
Board, compounded annually from the date of notification to the date of payment.
(Source: P.A. 94-621, eff. 8-18-05.)

Section 90. The State Mandates Act is amended by adding Section 8.31 as follows:
(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.

Approved August 31, 2007.

PUBLIC ACT 95-0587
(Senate Bill No. 0363)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Section 9-3 as follows:
(720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.
(a) A person who unintentionally kills an individual without lawful justification commits involuntary manslaughter if his acts whether lawful or unlawful which cause the death are such as are likely to cause death or great bodily harm to some individual, and he performs them recklessly, except in cases in which the cause of the death consists of the driving of a motor vehicle or operating a snowmobile, all-terrain vehicle, or watercraft, in which case the person commits reckless homicide. A person commits reckless homicide if he or she unintentionally kills an individual while

New matter indicated by italics - deletions by strikeout
driving a vehicle and using an incline in a roadway, such as a railroad crossing, bridge approach, or hill, to cause the vehicle to become airborne.

(b) (Blank).

c) (Blank).

d) Sentence.

(1) Involuntary manslaughter is a Class 3 felony.

(2) Reckless homicide is a Class 3 felony.

e) (Blank).

e-5) (Blank).

e-7) Except as otherwise provided in subsection (e-8), in cases involving reckless homicide in which the defendant was driving in a construction or maintenance zone, as defined in Section 11-605.1 of the Illinois Vehicle Code, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

e-8) In cases involving reckless homicide in which the defendant was driving in a construction or maintenance zone, as defined in Section 11-605.1 of the Illinois Vehicle Code, and caused the deaths of 2 or more persons as part of a single course of conduct, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 6 years and not more than 28 years.

e-9) In cases involving reckless homicide in which the defendant drove a vehicle and used an incline in a roadway, such as a railroad crossing, bridge approach, or hill, to cause the vehicle to become airborne, and caused the deaths of 2 or more persons as part of a single course of conduct, the penalty is a Class 2 felony.

e-10) In cases involving reckless homicide in which the defendant unintentionally kills an individual while driving in a posted school zone, as defined in Section 11-605 of the Illinois Vehicle Code, while children are present or in a construction or maintenance zone, as defined in Section 11-605.1 of the Illinois Vehicle Code, when construction or maintenance workers are present the trier of fact may infer that the defendant's actions were performed recklessly where he or she was also

New matter indicated by italics - deletions by strikeout
either driving at a speed of more than 20 miles per hour in excess of the posted speed limit or violating Section 11-501 of the Illinois Vehicle Code.

(f) In cases involving involuntary manslaughter in which the victim was a family or household member as defined in paragraph (3) of Section 112A-3 of the Code of Criminal Procedure of 1963, the penalty shall be a Class 2 felony, for which a person if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(Source: P.A. 92-16, eff. 6-28-01; 93-178, eff. 6-1-04; 93-213, eff. 7-18-03; 93-682, eff. 1-1-05.)

Effective June 1, 2008.

PUBLIC ACT 95-0588
(Senate Bill No. 1617)

AN ACT concerning conservation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Finance Authority Act is amended by adding Section 825-90 as follows:

(20 ILCS 3501/825-90 new)

Sec. 825-90. Emerald ash borer revolving loan program.

(a) The Illinois Finance Authority shall administer an emerald ash borer revolving loan program. The program shall provide low-interest or zero-interest loans to units of local government for the replanting of trees on public lands that are within emerald ash borer quarantine areas as established by the Illinois Department of Agriculture. The Authority shall make loans based on the recommendation of the Department of Agriculture.

(b) The loan funds, subject to appropriation, must be paid out of the Emerald Ash Borer Revolving Loan Fund, a special fund created in the State treasury. The moneys in the Fund consist of any moneys transferred

New matter indicated by italics - deletions by strikeout
or appropriated into the Fund as well as all repayments of loans made under this program. Moneys in the Fund may be used only for loans to units of local government for the replanting of trees within emerald ash borer quarantine areas established by the Department of Agriculture and for no other purpose. All interest earned on moneys in the Fund must be deposited into the Fund.

(c) A loan for the replanting of trees on public lands within emerald ash borer quarantine areas established by the Department of Agriculture may not exceed $5,000,000 to any one unit of local government. The repayment period for the loan may not exceed 20 years. The unit of local government shall repay, each year, at least 5% of the principal amount borrowed or the remaining balance of the loan, whichever is less. All repayments of loans must be deposited into the Emerald Ash Borer Revolving Loan Fund.

(d) Any loan under this Section to a unit of local government may not exceed the moneys that the unit of local government expends or dedicates for the reforestation project for which the loan is made.

(e) The Department of Agriculture may enter into agreements with a unit of local government under which the unit of local government is authorized to assist the Department in carrying out its duties in a quarantined area, including inspection and eradication of any dangerous insect or dangerous plant disease, and including the transportation, processing, and disposal of diseased material. The Department is authorized to provide compensation or financial assistance to the unit of local government for its costs.

(f) The Authority, with the assistance of the Department of Agriculture and the Department of Natural Resources, shall adopt rules to administer the program under this Section.

Section 10. The State Finance Act is amended by adding Section 5.675 as follows:

(30 ILCS 105/5.675 new)
Sec. 5.675. The Emerald Ash Borer Revolving Loan Fund.

Section 99. Effective date. This Act takes effect upon becoming law.

New matter indicated by italics - deletions by strikeout
AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Code of Civil Procedure is amended by adding Section 13-202.3 as follows:

(735 ILCS 5/13-202.3 new)

Sec. 13-202.3. For an action arising out of an injury caused by "sexual conduct" or "sexual penetration" as defined in Section 12-12 of the Criminal Code of 1961, the limitation period in Section 13-202 does not run during a time period when the person injured is subject to threats, intimidation, manipulation, or fraud perpetrated by the perpetrator or by a person the perpetrator knew or should have known was acting in the interest of the perpetrator. This Section applies to causes of action arising on or after the effective date of this amendatory Act of the 95th General Assembly or to causes of action for which the limitation period has not yet expired.

Section 99. Effective date. This Act takes effect January 1, 2008.

Effective January 1, 2008.

PUBLIC ACT 95-0590
(House Bill No. 1611)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The Assisted Living and Shared Housing Act is amended by changing Sections 35 and 45 as follows:

(210 ILCS 9/35)

Sec. 35. Issuance of license.
(a) Upon receipt and review of an application for a license and review of the applicant establishment, the Director may issue a license if he or she finds:

(1) that the individual applicant, or the corporation, partnership, or other entity if the applicant is not an individual, is a person responsible and suitable to operate or to direct or participate in the operation of an establishment by virtue of financial capacity, appropriate business or professional experience, a record of lawful compliance with lawful orders of the Department and lack of revocation of a license issued under this Act or the Nursing Home Care Act during the previous 5 years;

(2) that the establishment is under the supervision of a full-time director who is at least 21 years of age with ability, training, and education appropriate to meet the needs of the residents and to manage the operations of the establishment and who participates in ongoing training for these purposes;

(3) that the establishment has staff sufficient in number with qualifications, adequate skills, education, and experience to meet the 24 hour scheduled and unscheduled needs of residents and who participate in ongoing training to serve the resident population;

(4) that direct care staff meet the requirements of the Health Care Worker Background Check Act;

(5) that the applicant is in substantial compliance with this Act and such other requirements for a license as the Department by rule may establish under this Act;

(6) that the applicant pays all required fees;

(7) that the applicant has provided to the Department an accurate disclosure document in accordance with the Alzheimer's

New matter indicated by italics - deletions by strikeout
Special Care Disclosure Act and in substantial compliance with Section 150 of this Act.

Any license issued by the Director shall state the physical location of the establishment, the date the license was issued, and the expiration date. All licenses shall be valid for one year, except as provided in Sections Section 40 and 45. Each license shall be issued only for the premises and persons named in the application, and shall not be transferable or assignable.

(Source: P.A. 93-141, eff. 7-10-03.)

(210 ILCS 9/45)

Sec. 45. Renewal of licenses. At least 120 days, but not more than 150 days prior to license expiration, the licensee shall submit an application for renewal of the license in such form and containing such information as the Department requires. If the application is approved, and if the licensee (i) has not committed a Type 1 violation in the preceding 24 months, (ii) has not committed a Type 2 violation in the preceding 24 months, (iii) has not had an inspection, review, or evaluation that resulted in a finding of 10 or more Type 3 violations in the preceding 24 months, and (iv) the licensee has not admitted or retained a resident in violation of Section 75 of this Act in the preceding 24 months, the Department may renew the license for an additional period of 2 years. If a licensee whose license has been renewed for 2 years under this Section subsequently fails to meet any of the conditions set forth in items (i), (ii), and (iii), then, in addition to any other sanctions that the Department may impose under this Act, the Department shall revoke the 2-year license and replace it with a one-year license until the licensee again meets all of the conditions set forth in items (i), (ii), and (iii) the license shall be renewed for an additional one-year period. If appropriate, the renewal application shall not be approved unless the applicant has provided to the Department an accurate disclosure document in accordance with the Alzheimer's Special Care Disclosure Act. If the application for renewal is not timely filed, the Department shall so inform the licensee.

(Source: P.A. 91-656, eff. 1-1-01.)

New matter indicated by italics - deletions by strikeout
Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0591
(House Bill No. 1641)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 2. The Criminal Code of 1961 is amended by changing Sections 9-3 and 12-2 as follows:

Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.
(a) A person who unintentionally kills an individual without lawful justification commits involuntary manslaughter if his acts whether lawful or unlawful which cause the death are such as are likely to cause death or great bodily harm to some individual, and he performs them recklessly, except in cases in which the cause of the death consists of the driving of a motor vehicle or operating a snowmobile, all-terrain vehicle, or watercraft, in which case the person commits reckless homicide. A person commits reckless homicide if he or she unintentionally kills an individual while driving a vehicle and using an incline in a roadway, such as a railroad crossing, bridge approach, or hill, to cause the vehicle to become airborne.
(b) (Blank).
(c) (Blank).
(d) Sentence.
   (1) Involuntary manslaughter is a Class 3 felony.
   (2) Reckless homicide is a Class 3 felony.
(e) (Blank).
(e-5) (Blank).

New matter indicated by italics - deletions by strikeout
(e-7) Except as otherwise provided in subsection (e-8), in cases involving reckless homicide in which the defendant: (1) was driving in a construction or maintenance zone, as defined in Section 11-605 of the Illinois Vehicle Code, or (2) was operating a vehicle while failing or refusing to comply with any lawful order or direction of any authorized police officer or traffic control aide engaged in traffic control, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(e-8) In cases involving reckless homicide in which the defendant caused the deaths of 2 or more persons as part of a single course of conduct and: (1) was driving in a construction or maintenance zone, as defined in Section 11-605 of the Illinois Vehicle Code, or (2) was operating a vehicle while failing or refusing to comply with any lawful order or direction of any authorized police officer or traffic control aide engaged in traffic control and caused the deaths of 2 or more persons as part of a single course of conduct, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 6 years and not more than 28 years.

(e-9) In cases involving reckless homicide in which the defendant drove a vehicle and used an incline in a roadway, such as a railroad crossing, bridge approach, or hill, to cause the vehicle to become airborne, and caused the deaths of 2 or more persons as part of a single course of conduct, the penalty is a Class 2 felony.

(f) In cases involving involuntary manslaughter in which the victim was a family or household member as defined in paragraph (3) of Section 112A-3 of the Code of Criminal Procedure of 1963, the penalty shall be a Class 2 felony, for which a person if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(Source: P.A. 92-16, eff. 6-28-01; 93-178, eff. 6-1-04; 93-213, eff. 7-18-03; 93-682, eff. 1-1-05.)

(720 ILCS 5/12-2) (from Ch. 38, par. 12-2)
Sec. 12-2. Aggravated assault.

New matter indicated by italics - deletions by strikeout
(a) A person commits an aggravated assault, when, in committing an assault, he:

(1) Uses a deadly weapon or any device manufactured and designed to be substantially similar in appearance to a firearm, other than by discharging a firearm in the direction of another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer or a fireman or in the direction of a vehicle occupied by another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer or fireman from performing his official duties, or in retaliation for the officer or fireman performing his official duties;

(2) Is hooded, robed or masked in such manner as to conceal his identity or any device manufactured and designed to be substantially similar in appearance to a firearm;

(3) Knows the individual assaulted to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;

(4) Knows the individual assaulted to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;

(5) Knows the individual assaulted to be a caseworker, investigator, or other person employed by the Department of Healthcare and Family Services (formerly State Department of Public Aid), a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon

New matter indicated by italics - deletions by strikeout
the grounds of a home of a public aid applicant, recipient or any other person being interviewed or investigated in the employees' discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;

(6) Knows the individual assaulted to be a peace officer, or a community policing volunteer, or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer, community policing volunteer, or fireman from performing his official duties, or in retaliation for the officer, community policing volunteer, or fireman performing his official duties, and the assault is committed other than by the discharge of a firearm in the direction of the officer or fireman or in the direction of a vehicle occupied by the officer or fireman;

(7) Knows the individual assaulted to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid personnel engaged in the execution of any of his official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his official duties, or in retaliation for the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his official duties;

(8) Knows the individual assaulted to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation

New matter indicated by italics - deletions by strikeout
facility or system as a vehicle boarding, departure, or transfer location;

(9) Or the individual assaulted is on or about a public way, public property, or public place of accommodation or amusement;

(9.5) Is, or the individual assaulted is, in or about a publicly or privately owned sports or entertainment arena, stadium, community or convention hall, special event center, amusement facility, or a special event center in a public park during any 24-hour period when a professional sporting event, National Collegiate Athletic Association (NCAA)-sanctioned sporting event, United States Olympic Committee-sanctioned sporting event, or International Olympic Committee-sanctioned sporting event is taking place in this venue;

(10) Knows the individual assaulted to be an employee of the State of Illinois, a municipal corporation therein or a political subdivision thereof, engaged in the performance of his authorized duties as such employee;

(11) Knowingly and without legal justification, commits an assault on a physically handicapped person;

(12) Knowingly and without legal justification, commits an assault on a person 60 years of age or older;

(13) Discharges a firearm;

(14) Knows the individual assaulted to be a correctional officer, while the officer is engaged in the execution of any of his or her official duties, or to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties;

(15) Knows the individual assaulted to be a correctional employee or an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, while the employee is engaged in the execution of any of his or her official duties, or to prevent the employee from performing his or her official duties, or in retaliation for the employee performing his or her official duties, and the assault is

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committed other than by the discharge of a firearm in the direction of the employee or in the direction of a vehicle occupied by the employee;

(16) Knows the individual assaulted to be an employee of a police or sheriff's department, or a person who is employed by a municipality and whose duties include traffic control, engaged in the performance of his or her official duties as such employee; or

(17) Knows the individual assaulted to be a sports official or coach at any level of competition and the act causing the assault to the sports official or coach occurred within an athletic facility or an indoor or outdoor playing field or within the immediate vicinity of the athletic facility or an indoor or outdoor playing field at which the sports official or coach was an active participant in the athletic contest held at the athletic facility. For the purposes of this paragraph (17), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the athletic contest; or

(18) Knows the individual assaulted to be an emergency management worker, while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties, and the assault is committed other than by the discharge of a firearm in the direction of the emergency management worker or in the direction of a vehicle occupied by the emergency management worker.

(a-5) A person commits an aggravated assault when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes near or in the immediate vicinity of any person.

(b) Sentence.
Aggravated assault as defined in paragraphs (1) through (5) and (8) through (12) and (17) of subsection (a) of this Section is a Class A misdemeanor. Aggravated assault as defined in paragraphs (13), (14), and (15) of subsection (a) of this Section and as defined in subsection (a-5) of this Section is a Class 4 felony. Aggravated assault as defined in paragraphs (6), (7), (16), and (18) of subsection (a) of this Section is a Class A misdemeanor if a firearm is not used in the commission of the assault. Aggravated assault as defined in paragraphs (6), (7), (16), and (18) of subsection (a) of this Section is a Class 4 felony if a firearm is used in the commission of the assault.

(Source: P.A. 93-692, eff. 1-1-05; 94-243, eff. 1-1-06; 94-482, eff. 1-1-06; revised 12-15-05.)

Section 5. The Rights of Crime Victims and Witnesses Act is amended by changing Sections 3, 4, and 6 as follows:

(725 ILCS 120/3) (from Ch. 38, par. 1403)

Sec. 3. The terms used in this Act, unless the context clearly requires otherwise, shall have the following meanings:

(a) "Crime victim" means (1) a person physically injured in this State as a result of a violent crime perpetrated or attempted against that person or (2) a person who suffers injury to or loss of property as a result of a violent crime perpetrated or attempted against that person or (3) a single representative who may be the spouse, parent, child or sibling of a person killed as a result of a violent crime perpetrated against the person killed or the spouse, parent, child or sibling of any person granted rights under this Act who is physically or mentally incapable of exercising such rights, except where the spouse, parent, child or sibling is also the defendant or prisoner or (4) any person against whom a violent crime has been committed or (5) any person who has suffered personal injury as a result of a violation of Section 11-501 of the Illinois Vehicle Code, or of a similar provision of a local ordinance, or of Section 9-3 of the Criminal Code of 1961, as amended or (6) in proceedings under the Juvenile Court Act of 1987, both parents, legal guardians, foster parents, or a single adult representative of a deceased minor or disabled person who is a crime victim;

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(b) "Witness" means any person who personally observed the commission of a violent crime and who will testify on behalf of the State of Illinois in the criminal prosecution of the violent crime;

(c) "Violent Crime" means any felony in which force or threat of force was used against the victim, or any offense involving sexual exploitation, sexual conduct or sexual penetration, domestic battery, violation of an order of protection, stalking, or any misdemeanor which results in death or great bodily harm to the victim or any violation of Section 9-3 of the Criminal Code of 1961, or Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, if the violation resulted in personal injury or death, and includes any action committed by a juvenile that would be a violent crime if committed by an adult. For the purposes of this paragraph, "personal injury" shall include any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or medical facility. A type A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene;

(d) "Sentencing Hearing" means any hearing where a sentence is imposed by the court on a convicted defendant and includes hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2 and 5-7-7 of the Unified Code of Corrections except those cases in which both parties have agreed to the imposition of a specific sentence.

(e) "Court proceedings" includes the preliminary hearing, any hearing the effect of which may be the release of the defendant from custody or to alter the conditions of bond, the trial, sentencing hearing, notice of appeal, any modification of sentence, probation revocation hearings or parole hearings.

(Source: P.A. 94-271, eff. 1-1-06.)

(725 ILCS 120/4) (from Ch. 38, par. 1404)
Sec. 4. Rights of crime victims.

(a) Crime victims shall have the following rights:

(1) The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.
(2) The right to notification of court proceedings.
(3) The right to communicate with the prosecution.
(4) The right to make a statement to the court at sentencing.
(5) The right to information about the conviction, sentence, imprisonment and release of the accused.
(6) The right to the timely disposition of the case following the arrest of the accused.
(7) The right to be reasonably protected from the accused through the criminal justice process.
(8) The right to be present at the trial and all other court proceedings on the same basis as the accused, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial.
(9) The right to have present at all court proceedings, including proceedings under the Juvenile Court Act of 1987, subject to the admonition of the rules of confidentiality and subject to the rules of evidence, a victim-witness specialist, an advocate or other support person of the victim's choice.
(10) The right to restitution.

(b) A statement and explanation of the rights of crime victims set forth in paragraph (a) of this Section shall be given to a crime victim at the initial contact with the criminal justice system by the appropriate authorities and shall be conspicuously posted in all court facilities.

(Source: P.A. 87-224; 88-489.)

(725 ILCS 120/6) (from Ch. 38, par. 1406)
Sec. 6. Rights to present victim impact statement.

(a) In any case where a defendant has been convicted of a violent crime or a juvenile has been adjudicated a delinquent for a violent crime and a victim of the violent crime or the victim's spouse, guardian, parent, grandparent, or other immediate family or household member is present in the courtroom at the time of the sentencing or the disposition hearing, the victim or his or her representative shall have the right and the victim's spouse, guardian, parent, grandparent, and other immediate family or

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household member upon his, her, or their request may be permitted by the court to address the court regarding the impact that the defendant's criminal conduct or the juvenile's delinquent conduct has had upon them and the victim. The court has discretion to determine the number of oral presentations of victim impact statements. Any impact statement must have been prepared in writing in conjunction with the Office of the State's Attorney prior to the initial hearing or sentencing, before it can be presented orally or in writing at the sentencing hearing. In conjunction with the Office of the State's Attorney, a victim impact statement that is presented orally may be done so by the victim or the victim's spouse, guardian, parent, grandparent, or other immediate family or household member or his, her, or their representative. At the sentencing hearing, the prosecution may introduce that evidence either in its case in chief or in rebuttal. The court shall consider any impact statement admitted along with all other appropriate factors in determining the sentence of the defendant or disposition of such juvenile.

(b) The crime victim has the right to prepare a victim impact statement and present it to the Office of the State's Attorney at any time during the proceedings. Any written victim impact statement submitted to the Office of the State's Attorney shall be considered by the court during its consideration of aggravation and mitigation in plea proceedings under Supreme Court Rule 402.

(c) This Section shall apply to any victims of a violent crime during any dispositional hearing under Section 5-705 of the Juvenile Court Act of 1987 which takes place pursuant to an adjudication or trial or plea of delinquency for any such offense.

(Source: P.A. 92-412, eff. 1-1-02; 93-819, eff. 7-27-04.)

Section 99. Effective date. Section 2 and this Section take effect upon becoming law.

AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 21-25 as follows:

(a) For purposes of this Section, "school service personnel" means persons employed and performing appropriate services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control or a charter school operating in compliance with the Charter Schools Law in a position requiring a school service personnel certificate.

Subject to the provisions of Section 21-1a, a school service personnel certificate shall be issued to those applicants of good character, good health, a citizen of the United States and at least 19 years of age who have a Bachelor's degree with not fewer than 120 semester hours from a regionally accredited institution of higher learning and who meets the requirements established by the State Superintendent of Education in consultation with the State Teacher Certification Board. A school service personnel certificate with a school nurse endorsement may be issued to a person who holds a bachelor of science degree from an institution of higher learning accredited by the North Central Association or other comparable regional accrediting association. Persons seeking any other endorsement on the school service personnel certificate shall be recommended for the endorsement by a recognized teacher education institution as having completed a program of preparation approved by the State Superintendent of Education in consultation with the State Teacher Certification Board.

(b) Until August 30, 2002, a school service personnel certificate endorsed for school social work may be issued to a student who has
completed a school social work program that has not been approved by the State Superintendent of Education, provided that each of the following conditions is met:

(1) The program was offered by a recognized, public teacher education institution that first enrolled students in its master's degree program in social work in 1998;

(2) The student applying for the school service personnel certificate was enrolled in the institution's master's degree program in social work on or after May 11, 1998;

(3) The State Superintendent verifies that the student has completed coursework that is substantially similar to that required in approved school social work programs, including (i) not fewer than 600 clock hours of a supervised internship in a school setting or (ii) if the student has completed part of a supervised internship in a school setting prior to the effective date of this amendatory Act of the 92nd General Assembly and receives the prior approval of the State Superintendent, not fewer than 300 additional clock hours of supervised work in a public school setting under the supervision of a certified school social worker who certifies that the supervised work was completed in a satisfactory manner; and

(4) The student has passed a test of basic skills and the test of subject matter knowledge required by Section 21-1a. This subsection (b) does not apply after August 29, 2002.

(c) A school service personnel certificate shall be endorsed with the area of Service as determined by the State Superintendent of Education in consultation with the State Teacher Certification Board.

The holder of such certificate shall be entitled to all of the rights and privileges granted holders of a valid teaching certificate, including teacher benefits, compensation and working conditions.

When the holder of such certificate has earned a master's degree, including 8 semester hours of graduate professional education from a recognized institution of higher learning, and has at least 2 years of successful school experience while holding such certificate, the certificate may be endorsed for supervision.

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(d) Persons who have successfully achieved National Board certification through the National Board for Professional Teaching Standards shall be issued a Master School Service Personnel Certificate, valid for 10 years and renewable thereafter every 10 years through compliance with requirements set forth by the State Board of Education, in consultation with the State Teacher Certification Board. However, each holder of a Master School Service Personnel Certificate shall be eligible for a corresponding position in this State in the areas for which he or she holds a Master Certificate without satisfying any other requirements of this Code, except for those requirements pertaining to criminal background checks.

(e) School service personnel certificates are renewable every 5 years and may be renewed as provided in this Section. Requests for renewals must be submitted, in a format prescribed by the State Board of Education, to the regional office of education responsible for the school where the holder is employed.

Upon completion of at least 80 hours of continuing professional development as provided in this subsection (e), a person who holds a valid school service personnel certificate shall have his or her certificate renewed for a period of 5 years. A person who (i) holds an active license issued by the State as a clinical professional counselor, a professional counselor, a clinical social worker, a social worker, or a speech-language pathologist; (ii) holds national certification as a Nationally Certified School Psychologist from the National School Psychology Certification Board; (iii) is nationally certified as a National Certified School Nurse from the National Board for Certification of School Nurses; (iv) is nationally certified as a National Certified Counselor or National Certified School Counselor from the National Board for Certified Counselors; or (v) holds a Certificate of Clinical Competence from the American Speech-Language-Hearing Association shall be deemed to have satisfied the continuing professional development requirements established by the State Board of Education and the State Teacher Certification Board to renew a school service personnel certificate.
School service personnel certificates may be renewed by the State Teacher Certification Board based upon proof of continuing professional development. The State Board of Education shall (i) establish a procedure for renewing school service personnel certificates, which shall include without limitation annual timelines for the renewal process and the components set forth in this Section; (ii) approve or disapprove the providers of continuing professional development activities; and (iii) provide, on a timely basis to all school service personnel certificate holders, regional superintendents of schools, school districts, and others with an interest in continuing professional development, information about the standards and requirements established pursuant to this subsection (e).

Any school service personnel certificate held by an individual employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control in a certificated school service personnel position or in a charter school in compliance with the Charter Schools Law must be maintained Valid and Active through certificate renewal activities specified in the certificate renewal procedure established pursuant to this Section, provided that a holder of a Valid and Active certificate who is only employed on either a part-time basis or day-to-day basis as a substitute shall pay only the required registration fee to renew his or her certificate and maintain it as Valid and Active. All other school service personnel certificates held may be maintained as Valid and Exempt through the registration process provided for in the certificate renewal procedure established pursuant to Section 21-14 of this Code. A Valid and Exempt certificate must be immediately activated, through procedures developed by the State Board of Education upon the certificate holder becoming employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control in a certificated school service personnel position or in a charter school operating in compliance with the Charter Schools Law. A holder of a Valid and Exempt certificate may activate his or her certificate through
procedures provided for in the certificate renewal procedure established pursuant to this Section.

A school service personnel certificate that has been maintained as Valid and Active for the 5 years of the certificate’s validity shall be renewed as Valid and Active upon the certificate holder (i) completing the National Board for Professional Teaching Standards process in an area of concentration comparable to the holder’s school service personnel certificate of endorsement or (ii) earning 80 continuing professional development units as described in this Section. If, however, the certificate holder has maintained the certificate as Valid and Exempt for a portion of the 5-year period of validity, the number of continuing professional development units needed to renew the certificate as Valid and Active must be proportionately reduced by the amount of time the certificate was Valid and Exempt. If a certificate holder is employed and performs services requiring the holder’s school service personnel certificate on a part-time basis for all or a portion of the certificate’s 5-year period of validity, the number of continuing professional development units needed to renew the certificate as Valid and Active shall be reduced by 50% for the amount of time the certificate holder has been employed and performing such services on a part-time basis. “Part-time” means less than 50% of the school day or school term.

Beginning July 1, 2008, in order to satisfy the requirements for continuing professional development provided for in this Section, each Valid and Active school service personnel certificate holder shall complete professional development activities that address the certificate or those certificates that are required of his or her certificated position, if the certificate holder is employed and performing services in an Illinois public or State operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, or that certificate or those certificates most closely related to his or her teaching position, if the certificate holder is employed in a charter school. Except as otherwise provided in this subsection (e), the certificate holder’s activities must address and must reflect the following continuing professional development purposes:

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(1) Advance both the certificate holder's knowledge and skills consistent with the Illinois Standards for the service area in which the certificate is endorsed in order to keep the certificate holder current in that area.

(2) Develop the certificate holder's knowledge and skills in areas determined by the State Board of Education to be critical for all school service personnel.

(3) Address the knowledge, skills, and goals of the certificate holder's local school improvement plan, if the certificate holder is employed in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control.

(4) Address the needs of serving students with disabilities, including adapting and modifying clinical or professional practices to meet the needs of students with disabilities and serving such students in the least restrictive environment.

The coursework or continuing professional development units ("CPDU") required under this subsection (e) must total 80 CPDUs or the equivalent and must address 3 of the 4 purposes described in items (1) through (4) of this subsection (e). Holders of school service personnel certificates may fulfill this obligation with any combination of semester hours or CPDUs as follows:

(A) Collaboration and partnership activities related to improving the school service personnel certificate holder's knowledge and skills, including (i) participating on collaborative planning and professional improvement teams and committees; (ii) peer review and coaching; (iii) mentoring in a formal mentoring program, including service as a consulting teacher participating in a remediation process formulated under Section 24A-5 of this Code; (iv) participating in site-based management or decision-making teams, relevant committees, boards, or task forces directly related to school improvement plans; (v) coordinating community resources in schools, if the project is a specific goal of the school improvement plan; (vi) facilitating parent education programs for

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a school, school district, or regional office of education directly related to student achievement or school improvement plans; (vii) participating in business, school, or community partnerships directly related to student achievement or school improvement plans; or (viii) supervising a student teacher (student services personnel) or teacher education candidate in clinical supervision, provided that the supervision may be counted only once during the course of 5 years.

(B) Coursework from a regionally accredited institution of higher learning related to one of the purposes listed in items (1) through (4) of this subsection (e), which shall apply at the rate of 15 continuing professional development units per semester hour of credit earned during the previous 5-year period when the status of the holder's school service personnel certificate was Valid and Active. Proportionate reductions shall apply when the holder's status was Valid and Active for less than the 5-year period preceding the renewal.

(C) Teaching college or university courses in areas relevant to the certificate area being renewed, provided that the teaching may be counted only once during the course of 5 years.

(D) Conferences, workshops, institutes, seminars, or symposiums designed to improve the certificate holder's knowledge and skills in the service area and applicable to the purposes listed in items (1) through (4) of this subsection (e). One CPDU shall be awarded for each hour of attendance. No one shall receive credit for conferences, workshops, institutes, seminars, or symposiums that are designed for entertainment, promotional, or commercial purposes or that are solely inspirational or motivational. The State Superintendent of Education and regional superintendents of schools are authorized to review the activities and events provided or to be provided under this subdivision (D) and to investigate complaints regarding those activities and events. Either the State Superintendent of Education or a regional superintendent of schools may recommend that the State Board of Education
disapprove those activities and events considered to be inconsistent with this subdivision (D).

(E) Completing non-university credit directly related to student achievement, school improvement plans, or State priorities.

(F) Participating in or presenting at workshops, seminars, conferences, institutes, or symposiums.

(G) Training as external reviewers for quality assurance.

(H) Training as reviewers of university teacher preparation programs.

(I) Other educational experiences related to improving the school service personnel's knowledge and skills as a teacher, including (i) participating in action research and inquiry projects; (ii) traveling related to one's assignment and directly related to school service personnel achievement or school improvement plans and approved by the regional superintendent of schools or his or her designee at least 30 days prior to the travel experience, provided that the traveling shall not include time spent commuting to destinations where the learning experience will occur; (iii) participating in study groups related to student achievement or school improvement plans; (iv) serving on a statewide education-related committee, including without limitation the State Teacher Certification Board, State Board of Education strategic agenda teams, or the State Advisory Council on Education of Children with Disabilities; (v) participating in work/learn programs or internships; or (vi) developing a portfolio of student and teacher work.

(J) Professional leadership experiences related to improving the teacher's knowledge and skills as a teacher, including (i) participating in curriculum development or assessment activities at the school, school district, regional office of education, State, or national level; (ii) participating in team or department leadership in a school or school district; (iii) participating on external or internal school or school district review teams; (iv) publishing educational articles, columns, or

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books relevant to the certificate area being renewed; or (v) participating in non-strike-related professional association or labor organization service or activities related to professional development.

(Source: P.A. 94-105, eff. 7-1-05.)

Section 99. Effective date. This Act takes effect July 1, 2008.
Effective July 1, 2008.

PUBLIC ACT 95-0593
(House Bill No. 1947)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Professional Boxing Act is amended by changing Sections 0.05, 1, 6, 7, 8, 10, 10.5, 11, 12, 13, 15, 16, 17.9, 25.1, and 26 and by adding Sections 0.10 and 1.5 as follows:

(225 ILCS 105/0.05)
Sec. 0.05. Declaration of public policy. Professional boxing and other contests in the State of Illinois are hereby declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that boxing and other contests, as defined in this Act, merit and receive the confidence of the public and that only qualified persons be authorized to participate in boxing and other contests in the State of Illinois. This Act shall be liberally construed to best carry out these objects and purposes.
(Source: P.A. 91-408, eff. 1-1-00; 92-499, eff. 1-1-02.)

(225 ILCS 105/0.10 new)
(Section scheduled to be repealed on January 1, 2012)
Sec. 0.10. References to Department or Director of Professional Regulation. References in this Act (i) to the Department of Professional Regulation are deemed, in appropriate contexts, to be references to the Department of Financial and Professional Regulation and (ii) to the Director of Professional Regulation are deemed, in appropriate contexts, to be references to the Secretary of Financial and Professional Regulation.

(225 ILCS 105/1.5 new)

Sec. 1.5. Exemption. This Act does not apply to any organized sanctioning body or accredited school competing in amateur kick-boxing, mixed martial arts, or boxing that is approved by the Department.

(225 ILCS 105/1) (from Ch. 111, par. 5001)

(Section scheduled to be repealed on January 1, 2012)

Sec. 1. Short title and definitions.

(a) This Act may be cited as the Professional Boxing Act.

(b) As used in this Act:

1. "Department" means the Department of Financial and Professional Regulation.

2. "Secretary" "Director" means the Secretary Director of Financial and Professional Regulation.

3. "Board" means the State Professional Boxing Board appointed by the Secretary Director.

4. "License" means the license issued for boxing promoters, contestants, or officials in accordance with this Act.

5. (Blank).

6. "Contest" means a "Boxing Contests" include professional boxing, martial art, or mixed martial art match or exhibition matches and exhibitions.

7. (Blank).

8. (Blank).

9. "Permit" means the authorization from the Department to a promoter to conduct professional boxing contests.

10. "Promoter" means a person who is licensed and who holds a permit to conduct professional boxing contests.

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11. Unless the context indicates otherwise, "person" includes an association, partnership, corporation, gymnasium, or club.

12. (Blank).

13. (Blank). "Ultimate fighting exhibition" has the meaning given by rule adopted by the Department in accordance with Section 7.5.

14. (Blank). "Professional boxer" means a person licensed by the Department who competes for a money prize, purse, or other type of compensation in a boxing contest, exhibition, or match held in Illinois.

15. "Judge" means a person licensed by the Department who is at ringside during a boxing match and who has the responsibility of scoring the performance of the participants in the contest.

16. "Referee" means a person licensed by the Department who has the general supervision of a boxing contest and is present inside of the ring during the contest.

17. "Amateur" means a person who has never received or competed for any purse or other article of value, either for participating in any boxing contest or for the expenses of training therefor, other than a prize that does not exceed $50 in value.

18. "Contestant" means a person licensed by the Department who competes for a money prize, purse, or other type of compensation in a contest, exhibition, or match held in Illinois an individual who participates in a boxing contest.

19. "Second" means a person licensed by the Department who is present at any boxing contest to provide assistance or advice to a contestant boxer during the contest.

20. "Matchmaker" means a person licensed by the Department who brings together contestants professional boxers or procures matches or contests for contestants professional boxers.

21. "Manager" means a person licensed by the Department who is not a promoter and who, under contract, agreement, or other

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arrangement with any contestant boxer, undertakes to, directly or indirectly, control or administer the boxing affairs of contestants boxers.

22. "Timekeeper" means a person licensed by the Department who is the official timer of the length of rounds and the intervals between the rounds.

23. "Purse" means the financial guarantee or any other remuneration for which contestants are participating in a boxing contest.


25. "Martial arts" means a discipline such as, but not limited to, Karate, Kung Fu, Jujitsu, Muay Thai, Tae Kwon Do, and Kick-boxing.

26. "Mixed martial arts" means the use of a combination of techniques from different disciplines of the martial arts, including without limitation grappling, kicking, and striking.

(Section scheduled to be repealed on January 1, 2012)

Sec. 6. Prohibitions. All boxing matches, contests, or exhibits in which physical contact is made, including, but not limited to, "ultimate fighting exhibitions", are prohibited in Illinois unless authorized by the Department. This provision does not apply to the following:

1. Boxing contests or wrestling exhibitions conducted by accredited secondary schools, colleges or universities, although a fee may be charged. Institutions organized to furnish instruction in athletics are not included in this exemption.

2. Amateur boxing matches sanctioned by the United States Amateur Boxing Federation, Inc., or Golden Gloves of America, or other amateur sanctioning body, as determined by rule, and amateur wrestling exhibitions, and amateur or professional martial arts or kickboxing.

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(3) Amateur martial art matches sanctioned by a sanctioning body approved by the Department, as determined by rule.

(4) Martial art instruction conducted by a martial art school and contests occurring within or amongst martial art schools, provided that (i) the contestants do not receive anything of value for participating other than an award, trophy, other item of recognition, or a prize that does not exceed $50 in value and (ii) no entrance fee is charged to participate or watch the school contests.

The Department shall have the authority to determine whether a contest or exhibition is an exempt martial arts or kick boxing event for purposes of this Section. In determining whether a contest or exhibition is an exempt martial arts or kick boxing event the Department shall consider, but not be limited to, the following factors:

(i) whether the event is sanctioned by a body independent of the promoters of the contest or exhibition;
(ii) whether the sanctioning body is exclusively or primarily dedicated to advancing the sport of kick boxing or martial arts;
(iii) whether the sanctioning body limits participation in its events to its registered members;
(iv) whether the sanctioning body has a record of enforcing the rules governing a contest or exhibition;
(v) the record for safety of the sanctioning body;
(vi) the record for safety of the promoters of the contest or exhibition;
(vii) whether the promoter of the contest or exhibition has a record of enforcing and abiding by the rules governing a contest or exhibition; and
(viii) whether the rules for the contest or exhibition provide substantially similar protections for the health, safety and welfare of the contestants and spectators as this Act and its rules.

(Source: P.A. 93-978, eff. 8-20-04.)

(225 ILCS 105/7) (from Ch. 111, par. 5007)

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Sec. 7. In order to conduct a boxing contest in this State, a promoter shall obtain a permit issued by the Department in accordance with this Act and the rules and regulations adopted pursuant thereto. This permit shall authorize one or more contests or exhibitions. A permit issued under this Act is not transferable.

(Source: P.A. 92-499, eff. 1-1-02.)

(Section scheduled to be repealed on January 1, 2012)

Sec. 8. Permits.

(a) A promoter who desires to obtain a permit to conduct a boxing contest shall apply to the Department at least 20 days prior to the event, in writing, on forms furnished by the Department. The application shall be accompanied by the required fee and shall contain at least the following information:

(1) the names and addresses of the promoter;
(2) the name of the matchmaker;
(3) the time and exact location of the boxing contest;
(4) the seating capacity of the building where the event is to be held;
(5) a copy of the lease or proof of ownership of the building where the event is to be held;
(6) the admission charge or charges to be made; and
(7) proof of adequate security measures and adequate medical supervision, as determined by Department rule, to ensure the protection of the health and safety of the general public while attending boxing contests and the contestants' safety while participating in the events and any other information that the Department may determine by rule in order to issue a permit.

(b) After the initial application and within 10 days of a scheduled event, a promoter shall submit to the Department all of the following information:

(1) The amount of compensation to be paid to each participant.

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(2) The names of the contestants.
(3) Proof of insurance for not less than $50,000 for each contestant participating in a boxing contest or exhibition. Insurance required under this subsection shall cover (i) hospital, medication, physician, and other such expenses as would accrue in the treatment of an injury as a result of the boxing contest or exhibition and (ii) payment to the estate of the contestant in the event of his or her death as a result of his or her participation in the boxing contest or exhibition.

(c) All boxing promoters shall provide to the Department, at least 24 hours prior to commencement of the event, the amount of the purse to be paid for the event. The Department shall promulgate rules for payment of the purse.

(d) The boxing contest shall be held in an area where adequate neurosurgical facilities are immediately available for skilled emergency treatment of an injured contestant boxer. It is the responsibility of the promoter to ensure that the building to be used for the event complies with all laws, ordinances, and regulations in the city, town, or village where the boxing contest is to be held. The Department may issue a permit to any promoter who meets the requirements of this Act and the rules. The permit shall only be issued for a specific date and location of a boxing contest and shall not be transferable. In an emergency, the Department may allow a promoter to amend a permit application to hold a boxing contest in a different location than the application specifies and may allow the promoter to substitute contestants.

(e) The Department shall be responsible for assigning the judges, timekeepers, referees, physicians, and medical personnel for a boxing contest. It shall be the responsibility of the promoter to cover the cost of the individuals utilized at a boxing contest.

(Source: P.A. 91-408, eff. 1-1-00; 92-499, eff. 1-1-02.)
(225 ILCS 105/10) (from Ch. 111, par. 5010)
(Section scheduled to be repealed on January 1, 2012)

Sec. 10. Who must be licensed. In order to participate in boxing contests the following persons must each be licensed and in good standing:

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with the Department: (a) promoters, (b) contestants, (c) seconds, (d) referees, (e) judges, (f) managers, (g) matchmakers, and (h) timekeepers.

Announcers may participate in boxing contests without being licensed under this Act. It shall be the responsibility of the promoter to ensure that announcers comply with the Act, and all rules and regulations promulgated pursuant to this Act.

A licensed promoter may not act as, and cannot be licensed as, a second, contestant boxer, referee, timekeeper, judge, or manager. If he or she is so licensed, he or she must relinquish any of these licenses to the Department for cancellation. A person possessing a valid promoter's license may act as a matchmaker.

(Source: P.A. 91-408, eff. 1-1-00; 92-499, eff. 1-1-02.)

(225 ILCS 105/10.5)
(Section scheduled to be repealed on January 1, 2012)
Sec. 10.5. Unlicensed practice; violation; civil penalty.
(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a promoter, professional boxer, contestant, second, referee, judge, manager, matchmaker, or timekeeper without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 91-408, eff. 1-1-00.)

(225 ILCS 105/11) (from Ch. 111, par. 5011)
(Section scheduled to be repealed on January 1, 2012)

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Sec. 11. Qualifications for license. The Department shall grant licenses to the following persons if the following qualifications are met:

(A) An applicant for licensure as a contestant in a boxing contest must: (1) be 18 years old, (2) be of good moral character, (3) file an application stating the applicant's correct name (and no assumed or ring name may be used unless such name is registered with the Department along with the applicant's correct name), date and place of birth, place of current residence, and a sworn statement that he is not currently in violation of any federal, State or local laws or rules governing boxing, martial arts, or mixed martial arts, (4) file a certificate of a physician licensed to practice medicine in all of its branches which attests that the applicant is physically fit and qualified to participate in boxing contests, and (5) pay the required fee and meet any other requirements. Applicants over age 35 who have not competed in a contest within the last 36 months may be required to appear before the Board to determine their fitness to participate in a contest. A picture identification card shall be issued to all contestants licensed by the Department who are residents of Illinois or who are residents of any jurisdiction, state, or country that does not regulate professional boxing, martial arts, or mixed martial arts. The identification card shall be presented to the Department or its representative upon request at weigh-ins.

(B) An applicant for licensure as a boxing referee, judge, manager, second, matchmaker, or timekeeper must: (1) be of good moral character, (2) file an application stating the applicant's name, date and place of birth, and place of current residence along with a certifying statement that he is not currently in violation of any federal, State, or local laws or rules governing boxing, martial arts, or mixed martial arts, (3) have had satisfactory experience in his field, (4) pay the required fee, and (5) meet any other requirements as determined by rule.

(C) An applicant for licensure as a boxing promoter must: (1) be of good moral character, (2) file an application with the Department stating the applicant's name, date and place of birth, place of current residence along with a certifying statement that he is not currently in violation of any federal, State, or local laws or rules governing boxing, martial arts, or
mixed martial arts, (3) provide proof of a surety bond of no less than $5,000 to cover financial obligations pursuant to this Act, payable to the Department and conditioned for the payment of the tax imposed by this Act and compliance with this Act and the rules promulgated pursuant to this Act, (4) provide a financial statement, prepared by a certified public accountant, showing liquid working capital of $10,000 or more, or a $10,000 performance bond guaranteeing payment of all obligations relating to the promotional activities, and (5) pay the required fee and meet any other requirements.

In determining good moral character, the Department may take into consideration any violation of any of the provisions of Section 16 of this Act and any felony conviction of the applicant, but such a conviction shall not operate as a bar to licensure. No license issued under this Act is transferable.

The Department may issue temporary licenses as provided by rule.

(Source: P.A. 91-408, eff. 1-1-00; 92-499, eff. 1-1-02.)

(225 ILCS 105/12) (from Ch. 111, par. 5012)

(Section scheduled to be repealed on January 1, 2012)

Sec. 12. Contests. Each boxing contestant shall be examined before entering the ring and immediately after each contest by a physician licensed to practice medicine in all of its branches. The physician shall determine, prior to the contest, if each contestant is physically fit to engage in the contest. After the contest the physician shall examine the contestant to determine possible injury. If the contestant's physical condition so indicates, the physician shall recommend to the Department immediate medical suspension. The physician may, at any time during the contest, stop the contest to examine a contestant boxer, and terminate the contest when, in the physician's opinion, continuing the contest could result in serious injury to the contestant boxer. The physician shall certify to the condition of the contestant in writing, over his signature on blank forms provided by the Department. Such reports shall be submitted to the Department in a timely manner. The physician shall be paid by the promoter a fee fixed by the Department. No boxing contest shall be held
unless a physician licensed to practice medicine in all of its branches is in attendance.

No contest shall be allowed to begin unless at least one physician and 2 trained paramedics or 2 nurses who are trained to administer emergency medical care and at least one ambulance dedicated solely for the care of contestants are present.

No boxing contest shall be more than 12 rounds in length. The rounds shall not be more than 3 minutes each with a one minute interval between them, and no boxer shall be allowed to participate in more than 12 rounds within 72 consecutive hours. The number and length for all other contests shall be established by rule. At each boxing contest there shall be a referee in attendance who shall direct and control the contest. The referee, before each contest, shall learn the name of the contestant's chief second and shall hold the chief second responsible for the conduct of his assistant during the progress of the contest.

There shall be 2 judges in attendance at all boxing contests who shall render a decision at the end of each contest. The decision of the judges, taken together with the decision of the referee, is final; or, 3 judges shall score the contest with the referee not scoring. The method of scoring shall be set forth in rules. The number of judges required and the manner of scoring for all other contests shall be set by rule.

Judges, referees, or timekeepers for contests shall be assigned by the Department. The Department or its representative shall have discretion to declare a price, remuneration, or purse or any part of it belonging to the contestant withheld if in the judgment of the Department or its representative the contestant is not honestly competing. The Department shall have the authority to prevent a contest or exhibition from being held and shall have the authority to stop a contest or exhibition for noncompliance with any part of this Act or rules or when, in the judgment of the Department, or its representative, continuation of the event would endanger the health, safety, and welfare of the contestants or spectators. The Department's authority to stop a contest or exhibition on the basis that the contest or exhibition would endanger the health, safety, and welfare of the contestants or spectators shall extend to any contest or exhibition, regardless of

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whether that fight contest or exhibition is exempted from the prohibition in Section 6 of this Act.

(Source: P.A. 92-499, eff. 1-1-02; 93-978, eff. 8-20-04.)

(225 ILCS 105/13) (from Ch. 111, par. 5013)
(Section scheduled to be repealed on January 1, 2012)

Sec. 13. Tickets; tax. Tickets to boxing contests, other than a boxing contest conducted at premises with an indoor seating capacity of more than 17,000, shall be printed in such form as the Department shall prescribe. A certified inventory of all tickets printed for any boxing contest shall be mailed to the Department by the promoter not less than 7 days before the boxing contest. The total number of tickets printed shall not exceed the total seating capacity of the premises in which the boxing contest is to be held. No tickets of admission to any boxing contest, other than a boxing contest conducted at premises with an indoor seating capacity of more than 17,000, shall be sold except those declared on an official ticket inventory as described in this Section.

A promoter who conducts a boxing contest under this Act; other than a boxing contest conducted at premises with an indoor seating capacity of more than 17,000, shall, within 24 hours after a boxing contest: (1) furnish to the Department a written report verified by the promoter or his authorized designee showing the number of tickets sold for the boxing contest or the actual ticket stubs of tickets sold and the amount of the gross proceeds thereof; and (2) pay to the Department a tax of 3% of the first $500,000 of gross receipts from the sale of admission tickets, to be placed in the General Revenue Fund.

(Source: P.A. 91-408, eff. 1-1-00; 92-499, eff. 1-1-02.)

(225 ILCS 105/15) (from Ch. 111, par. 5015)
(Section scheduled to be repealed on January 1, 2012)

Sec. 15. Inspectors. The Director may appoint boxing inspectors to assist the Department staff in the administration of the Act. Each inspector appointed by the Director shall receive compensation for each day he or she is engaged in the transacting of business of the Department. Each inspector shall carry a card issued by the Department to authorize him or her to act in such capacity. The inspector or inspectors

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shall supervise each contest to ensure that the provisions of the Act are strictly enforced. The inspectors shall also be present at the counting of the gross receipts and shall immediately deliver to the Department the official box office statement as required by Section 13.

(Source: P.A. 91-408, eff. 1-1-00; 92-499, eff. 1-1-02.)

(225 ILCS 105/16) (from Ch. 111, par. 5016)
(Section scheduled to be repealed on January 1, 2012)
Sec. 16. Discipline and sanctions.
(a) The Department may refuse to issue a permit or license, refuse to renew, suspend, revoke, reprimand, place on probation, or take such other disciplinary action as the Department may deem proper, including the imposition of fines not to exceed $5,000 for each violation, with regard to any license for one or any combination of the following reasons:

1. gambling, betting or wagering on the result of or a contingency connected with a boxing contest or permitting such activity to take place;
2. participating in or permitting a sham or fake boxing contest;
3. holding the boxing contest at any other time or place than is stated on the permit application;
4. permitting any contestant other than those stated on the permit application to participate in a boxing contest, except as provided in Section 9;
5. violation or aiding in the violation of any of the provisions of this Act or any rules or regulations promulgated thereto;
6. violation of any federal, State or local laws of the United States or other jurisdiction governing boxing contests or any regulation promulgated pursuant thereto;
7. charging a greater rate or rates of admission than is specified on the permit application;
8. failure to obtain all the necessary permits, registrations, or licenses as required under this Act;

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(9) failure to file the necessary bond or to pay the gross receipts tax as required by this Act;

(10) engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public, or which is detrimental to honestly conducted boxing contests;

(11) employment of fraud, deception or any unlawful means in applying for or securing a permit or license under this Act;

(12) permitting a physician making the physical examination to knowingly certify falsely to the physical condition of a contestant;

(13) permitting contestants of widely disparate weights or abilities to engage in boxing contests;

(14) participating in a contest as a contestant boxing while under medical suspension in this State or in any other state, territory or country;

(15) physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skills which results in the inability to participate in boxing contests with reasonable judgment, skill, or safety;

(16) allowing one's license or permit issued under this Act to be used by another person;

(17) failing, within a reasonable time, to provide any information requested by the Department as a result of a formal or informal complaint;

(18) professional incompetence;

(19) failure to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied;

(20) (blank); holding or promoting an ultimate fighting exhibition, or participating in an ultimate fighting exhibition as a

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promoter, contestant, referee, judge, scorer, manager, trainer, announcer, or timekeeper;

(21) habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in an inability to participate in an event; or

(22) failure to stop a contest or exhibition when requested to do so by the Department.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission, issuance of an order so finding and discharging the licensee, and upon the recommendation of the Board to the Director that the licensee be allowed to resume his or her practice.

(c) In enforcing this Section, the Board, upon a showing of a possible violation, may compel any individual licensed to practice under this Act, or who has applied for licensure pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Board. The Board or the Department may order the examining physician or clinical psychologist to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician or clinical psychologist. Eye examinations may be provided by a licensed and certified therapeutic optometrist. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until such time as the individual submits to the examination if the Board finds, after notice and

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hearing, that the refusal to submit to the examination was without reasonable cause.

(d) If the Board finds an individual unable to practice because of the reasons set forth in this Section, the Board shall require the individual to submit to care, counseling, or treatment by physicians or clinical psychologists approved or designated by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure, or in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. Any individual whose license was granted pursuant to this Act, or continued, reinstated, renewed, disciplined, or supervised, subject to such conditions, terms, or restrictions, who shall fail to comply with such conditions, terms, or restrictions, shall be referred to the Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Board.

(Source: P.A. 91-408, eff. 1-1-00; 92-499, eff. 1-1-02.)

(225 ILCS 105/17.9)

Sec. 17.9. Summary suspension of a license. The Director may summarily suspend a license without a hearing if the Director finds that evidence in the Director's possession indicates that the continuation of practice would constitute an imminent danger to the public, participants, including any contest officials, or the individual involved or cause harm to the profession. If the Director summarily suspends the license without a hearing, a hearing must be commenced within 30 days after the suspension has occurred and concluded as expeditiously as practical.

(Source: P.A. 91-408, eff. 1-1-00; 92-499, eff. 1-1-02.)

(225 ILCS 105/25.1)

Sec. 25.1. Medical Suspension. A licensee who is determined by the examining physician to be unfit to compete or officiate shall be immediately suspended until it is shown that he or she is fit for further competition or officiating. If the licensee disagrees with a medical

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suspension set at the discretion of the ringside physician, he or she may request a hearing to show proof of fitness. The hearing shall be provided at the earliest opportunity after the Department receives a written request from the licensee.

If the referee has rendered a decision of technical knockout against a boxing contestant or if the contestant is knocked out other than by a blow to the head, the boxing contestant shall be immediately suspended for a period of not less than 30 days. In a mixed martial art contest, if the contestant has tapped out or has submitted, the referee shall stop the contest and the ringside physician shall determine the length of suspension.

If the boxing contestant has been knocked out by a blow to the head, he or she shall be suspended immediately for a period of not less than 45 days.

Prior to reinstatement, any boxing contestant suspended for his or her medical protection shall satisfactorily pass a medical examination upon the direction of the Department. The examining physician may require any necessary medical procedures during the examination.

(Source: P.A. 91-408, eff. 1-1-00.)

(225 ILCS 105/26) (from Ch. 111, par. 5026)

(Section scheduled to be repealed on January 1, 2012)

Sec. 26. Home rule pre-emption. It is declared to be the public policy of this State, pursuant to subsection (h) of Section 6 of Article VII of the Illinois Constitution of 1970, that any power or function set forth in this Act to be exercised by the State, including the regulation of ultimate fighting exhibitions, is an exclusive State power or function. Such power or function shall not be exercised concurrently, either directly or indirectly, by any unit of local government, including home rule units, except as otherwise provided in this Act.

(Source: P.A. 89-578, eff. 7-30-96.)

(225 ILCS 105/7.5 rep.)

Section 10. The Professional Boxing Act is amended by repealing Section 7.5.


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AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The School Code is amended by changing Section 19-1 as follows:
(105 ILCS 5/19-1) (from Ch. 122, par. 19-1)
Sec. 19-1. Debt limitations of school districts.
(a) School districts shall not be subject to the provisions limiting their indebtedness prescribed in "An Act to limit the indebtedness of counties having a population of less than 500,000 and townships, school districts and other municipal corporations having a population of less than 300,000", approved February 15, 1928, as amended.
No school districts maintaining grades K through 8 or 9 through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 6.9% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.
No school districts maintaining grades K through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 13.8% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

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No partial elementary unit district, as defined in Article 11E of this Code, shall become indebted in any manner or for any purpose in an amount, including existing indebtedness, in the aggregate exceeding 6.9% of the value of the taxable property of the entire district, to be ascertained by the last assessment for State and county taxes, plus an amount, including existing indebtedness, in the aggregate exceeding 6.9% of the value of the taxable property of that portion of the district included in the elementary and high school classification, to be ascertained by the last assessment for State and county taxes. Moreover, no partial elementary unit district, as defined in Article 11E of this Code, shall become indebted on account of bonds issued by the district for high school purposes in the aggregate exceeding 6.9% of the value of the taxable property of the entire district, to be ascertained by the last assessment for State and county taxes, nor shall the district become indebted on account of bonds issued by the district for elementary purposes in the aggregate exceeding 6.9% of the value of the taxable property for that portion of the district included in the elementary and high school classification, to be ascertained by the last assessment for State and county taxes.

Notwithstanding the provisions of any other law to the contrary, in any case in which the voters of a school district have approved a proposition for the issuance of bonds of such school district at an election held prior to January 1, 1979, and all of the bonds approved at such election have not been issued, the debt limitation applicable to such school district during the calendar year 1979 shall be computed by multiplying the value of taxable property therein, including personal property, as ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness, by the percentage limitation applicable to such school district under the provisions of this subsection (a).

(b) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, additional indebtedness may be incurred in an amount not to exceed the estimated cost of acquiring or improving school sites or constructing and equipping additional building facilities under the following conditions:

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(1) Whenever the enrollment of students for the next school year is estimated by the board of education to increase over the actual present enrollment by not less than 35% or by not less than 200 students or the actual present enrollment of students has increased over the previous school year by not less than 35% or by not less than 200 students and the board of education determines that additional school sites or building facilities are required as a result of such increase in enrollment; and

(2) When the Regional Superintendent of Schools having jurisdiction over the school district and the State Superintendent of Education concur in such enrollment projection or increase and approve the need for such additional school sites or building facilities and the estimated cost thereof; and

(3) When the voters in the school district approve a proposition for the issuance of bonds for the purpose of acquiring or improving such needed school sites or constructing and equipping such needed additional building facilities at an election called and held for that purpose. Notice of such an election shall state that the amount of indebtedness proposed to be incurred would exceed the debt limitation otherwise applicable to the school district. The ballot for such proposition shall state what percentage of the equalized assessed valuation will be outstanding in bonds if the proposed issuance of bonds is approved by the voters; or

(4) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if the school board determines that additional facilities are needed to provide a quality educational program and not less than 2/3 of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose; or

(5) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if (i) the school district has previously availed itself of the provisions of paragraph (4) of this subsection (b) to enable it to issue bonds, (ii) the voters of the

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school district have not defeated a proposition for the issuance of bonds since the referendum described in paragraph (4) of this subsection (b) was held, (iii) the school board determines that additional facilities are needed to provide a quality educational program, and (iv) a majority of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose.

In no event shall the indebtedness incurred pursuant to this subsection (b) and the existing indebtedness of the school district exceed 15% of the value of the taxable property therein to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979.

The indebtedness provided for by this subsection (b) shall be in addition to and in excess of any other debt limitation.

(c) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, in any case in which a public question for the issuance of bonds of a proposed school district maintaining grades kindergarten through 12 received at least 60% of the valid ballots cast on the question at an election held on or prior to November 8, 1994, and in which the bonds approved at such election have not been issued, the school district pursuant to the requirements of Section 11A-10 (now repealed) may issue the total amount of bonds approved at such election for the purpose stated in the question.

(d) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) and (2) of this subsection (d) may incur an additional indebtedness in an amount not to exceed $4,500,000, even though the amount of the additional indebtedness authorized by this subsection (d), when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this subsection (d), causes the aggregate

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indebtedness of the district to exceed the debt limitation otherwise applicable to that district under subsection (a):

(1) The additional indebtedness authorized by this subsection (d) is incurred by the school district through the issuance of bonds under and in accordance with Section 17-2.11a for the purpose of replacing a school building which, because of mine subsidence damage, has been closed as provided in paragraph (2) of this subsection (d) or through the issuance of bonds under and in accordance with Section 19-3 for the purpose of increasing the size of, or providing for additional functions in, such replacement school buildings, or both such purposes.

(2) The bonds issued by the school district as provided in paragraph (1) above are issued for the purposes of construction by the school district of a new school building pursuant to Section 17-2.11, to replace an existing school building that, because of mine subsidence damage, is closed as of the end of the 1992-93 school year pursuant to action of the regional superintendent of schools of the educational service region in which the district is located under Section 3-14.22 or are issued for the purpose of increasing the size of, or providing for additional functions in, the new school building being constructed to replace a school building closed as the result of mine subsidence damage, or both such purposes.

(e) (Blank).

(f) Notwithstanding the provisions of subsection (a) of this Section or of any other law, bonds in not to exceed the aggregate amount of $5,500,000 and issued by a school district meeting the following criteria shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness:

(1) At the time of the sale of such bonds, the board of education of the district shall have determined by resolution that the enrollment of students in the district is projected to increase by not less than 7% during each of the next succeeding 2 school years.

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(2) The board of education shall also determine by resolution that the improvements to be financed with the proceeds of the bonds are needed because of the projected enrollment increases.

(3) The board of education shall also determine by resolution that the projected increases in enrollment are the result of improvements made or expected to be made to passenger rail facilities located in the school district.

Notwithstanding the provisions of subsection (a) of this Section or of any other law, a school district that has availed itself of the provisions of this subsection (f) prior to July 22, 2004 (the effective date of Public Act 93-799) may also issue bonds approved by referendum up to an amount, including existing indebtedness, not exceeding 25% of the equalized assessed value of the taxable property in the district if all of the conditions set forth in items (1), (2), and (3) of this subsection (f) are met.

(g) Notwithstanding the provisions of subsection (a) of this Section or any other law, bonds in not to exceed an aggregate amount of 25% of the equalized assessed value of the taxable property of a school district and issued by a school district meeting the criteria in paragraphs (i) through (iv) of this subsection shall not be considered indebtedness for purposes of any statutory limitation and may be issued pursuant to resolution of the school board in an amount or amounts, including existing indebtedness, in excess of any statutory limitation of indebtedness heretofore or hereafter imposed:

(i) The bonds are issued for the purpose of constructing a new high school building to replace two adjacent existing buildings which together house a single high school, each of which is more than 65 years old, and which together are located on more than 10 acres and less than 11 acres of property.

(ii) At the time the resolution authorizing the issuance of the bonds is adopted, the cost of constructing a new school building to replace the existing school building is less than 60% of the cost of repairing the existing school building.

(iii) The sale of the bonds occurs before July 1, 1997.
(iv) The school district issuing the bonds is a unit school district located in a county of less than 70,000 and more than 50,000 inhabitants, which has an average daily attendance of less than 1,500 and an equalized assessed valuation of less than $29,000,000.

(h) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27.6% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $24,000,000;

(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which buildings were originally constructed not less than 40 years ago;

(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after March 19, 1996; and

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(i) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $44,600,000;

(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which existing buildings were originally constructed not less than 80 years ago;

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(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after December 31, 1996; and

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(j) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than $140,000,000 and a best 3 months average daily attendance for the 1995-96 school year of at least 2,800;

(ii) The bonds are issued to purchase a site and build and equip a new high school, and the school district's existing high school was originally constructed not less than 35 years prior to the sale of the bonds;

(iii) At the time of the sale of the bonds, the board of education determines by resolution that a new high school is needed because of projected enrollment increases;

(iv) At least 60% of those voting in an election held after December 31, 1996 approve a proposition for the issuance of the bonds; and

(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(k) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) through (4) of this subsection (k) may issue bonds to incur an additional indebtedness in an amount not to exceed $4,000,000 even though the amount of the additional indebtedness authorized by this subsection (k), when incurred and added to the aggregate amount of indebtedness of the school district existing immediately prior to the school

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district incurring such additional indebtedness, causes the aggregate indebtedness of the school district to exceed or increases the amount by which the aggregate indebtedness of the district already exceeds the debt limitation otherwise applicable to that school district under subsection (a):

(1) the school district is located in 2 counties, and a referendum to authorize the additional indebtedness was approved by a majority of the voters of the school district voting on the proposition to authorize that indebtedness;

(2) the additional indebtedness is for the purpose of financing a multi-purpose room addition to the existing high school;

(3) the additional indebtedness, together with the existing indebtedness of the school district, shall not exceed 17.4% of the value of the taxable property in the school district, to be ascertained by the last assessment for State and county taxes; and

(4) the bonds evidencing the additional indebtedness are issued, if at all, within 120 days of the effective date of this amendatory Act of 1998.

(1) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 2000, a school district maintaining grades kindergarten through 8 may issue bonds up to an amount, including existing indebtedness, not exceeding 15% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) the district has an equalized assessed valuation for calendar year 1996 of less than $10,000,000;

(ii) the bonds are issued for capital improvement, renovation, rehabilitation, or replacement of one or more school buildings of the district, which buildings were originally constructed not less than 70 years ago;

(iii) the voters of the district approve a proposition for the issuance of the bonds at a referendum held on or after March 17, 1998; and

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(iv) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(m) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, an elementary school district maintaining grades K through 8 may issue bonds up to an amount, excluding existing indebtedness, not exceeding 18% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 or less than $7,700,000;

(ii) The school district operates 2 elementary attendance centers that until 1976 were operated as the attendance centers of 2 separate and distinct school districts;

(iii) The bonds are issued for the construction of a new elementary school building to replace an existing multi-level elementary school building of the school district that is not handicapped accessible at all levels and parts of which were constructed more than 75 years ago;

(iv) The voters of the school district approve a proposition for the issuance of the bonds at a referendum held after July 1, 1998; and

(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(n) Notwithstanding the debt limitation prescribed in subsection (a) of this Section or any other provisions of this Section or of any other law, a school district that meets all of the criteria set forth in paragraphs (i) through (vi) of this subsection (n) may incur additional indebtedness by the issuance of bonds in an amount not exceeding the amount certified by the Capital Development Board to the school district as provided in paragraph (iii) of this subsection (n), even though the amount of the additional indebtedness so authorized, when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this

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subsection (n), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable by law to that district:

(i) The school district applies to the State Board of Education for a school construction project grant and submits a district facilities plan in support of its application pursuant to Section 5-20 of the School Construction Law.

(ii) The school district's application and facilities plan are approved by, and the district receives a grant entitlement for a school construction project issued by, the State Board of Education under the School Construction Law.

(iii) The school district has exhausted its bonding capacity or the unused bonding capacity of the district is less than the amount certified by the Capital Development Board to the district under Section 5-15 of the School Construction Law as the dollar amount of the school construction project's cost that the district will be required to finance with non-grant funds in order to receive a school construction project grant under the School Construction Law.

(iv) The bonds are issued for a "school construction project", as that term is defined in Section 5-5 of the School Construction Law, in an amount that does not exceed the dollar amount certified, as provided in paragraph (iii) of this subsection (n), by the Capital Development Board to the school district under Section 5-15 of the School Construction Law.

(v) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after the criteria specified in paragraphs (i) and (iii) of this subsection (n) are met.

(vi) The bonds are issued pursuant to Sections 19-2 through 19-7 of the School Code.

(o) Notwithstanding any other provisions of this Section or the provisions of any other law, until November 1, 2007, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 20% of the...
equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) the school district has an equalized assessed valuation for calendar year 2001 of at least $737,000,000 and an enrollment for the 2002-2003 school year of at least 8,500;

(ii) the bonds are issued to purchase school sites, build and equip a new high school, build and equip a new junior high school, build and equip 5 new elementary schools, and make technology and other improvements and additions to existing schools;

(iii) at the time of the sale of the bonds, the board of education determines by resolution that the sites and new or improved facilities are needed because of projected enrollment increases;

(iv) at least 57% of those voting in a general election held prior to January 1, 2003 approved a proposition for the issuance of the bonds; and

(v) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(p) Notwithstanding any other provisions of this Section or the provisions of any other law, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 2001 of at least $295,741,187 and a best 3 months' average daily attendance for the 2002-2003 school year of at least 2,394.

(ii) The bonds are issued to build and equip 3 elementary school buildings; build and equip one middle school building; and alter, repair, improve, and equip all existing school buildings in the district.

(iii) At the time of the sale of the bonds, the board of education determines by resolution that the project is needed.
because of expanding growth in the school district and a projected enrollment increase.

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(p-5) Notwithstanding any other provisions of this Section or the provisions of any other law, bonds issued by a community unit school district maintaining grades K through 12 shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness, if all of the following conditions are met:

(i) For each of the 4 most recent years, residential property comprises more than 80% of the equalized assessed valuation of the district.

(ii) At least 2 school buildings that were constructed 40 or more years prior to the issuance of the bonds will be demolished and will be replaced by new buildings or additions to one or more existing buildings.

(iii) Voters of the district approve a proposition for the issuance of the bonds at a regularly scheduled election.

(iv) At the time of the sale of the bonds, the school board determines by resolution that the new buildings or building additions are needed because of an increase in enrollment projected by the school board.

(v) The principal amount of the bonds, including existing indebtedness, does not exceed 25% of the equalized assessed value of the taxable property in the district.

(vi) The bonds are issued prior to January 1, 2007, pursuant to Sections 19-2 through 19-7 of this Code.

(p-10) Notwithstanding any other provisions of this Section or the provisions of any other law, bonds issued by a community consolidated school district maintaining grades K through 8 shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any

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heretofore or hereafter imposed statutory limitation as to indebtedness, if all of the following conditions are met:

(i) For each of the 4 most recent years, residential and farm property comprises more than 80% of the equalized assessed valuation of the district.

(ii) The bond proceeds are to be used to acquire and improve school sites and build and equip a school building.

(iii) Voters of the district approve a proposition for the issuance of the bonds at a regularly scheduled election.

(iv) At the time of the sale of the bonds, the school board determines by resolution that the school sites and building additions are needed because of an increase in enrollment projected by the school board.

(v) The principal amount of the bonds, including existing indebtedness, does not exceed 20% of the equalized assessed value of the taxable property in the district.

(vi) The bonds are issued prior to January 1, 2007, pursuant to Sections 19-2 through 19-7 of this Code.

(p-15) In addition to all other authority to issue bonds, the Oswego Community Unit School District Number 308 may issue bonds with an aggregate principal amount not to exceed $450,000,000, but only if all of the following conditions are met:

(i) The voters of the district have approved a proposition for the bond issue at the general election held on November 7, 2006.

(ii) At the time of the sale of the bonds, the school board determines, by resolution, that: (A) the building and equipping of the new high school building, new junior high school buildings, new elementary school buildings, early childhood building, maintenance building, transportation facility, and additions to existing school buildings, the altering, repairing, equipping, and provision of technology improvements to existing school buildings, and the acquisition and improvement of school sites, as the case may be, are required as a result of a projected increase in

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the enrollment of students in the district; and (B) the sale of bonds for these purposes is authorized by legislation that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(iii) The bonds are issued, in one or more bond issues, on or before November 7, 2011, but the aggregate principal amount issued in all such bond issues combined must not exceed $450,000,000.

(iv) The bonds are issued in accordance with this Article 19.

(v) The proceeds of the bonds are used only to accomplish those projects approved by the voters at the general election held on November 7, 2006.

The debt incurred on any bonds issued under this subsection (p-15) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-20) In addition to all other authority to issue bonds, the Lincoln-Way Community High School District Number 210 may issue bonds with an aggregate principal amount not to exceed $225,000,000, but only if all of the following conditions are met:

(i) The voters of the district have approved a proposition for the bond issue at the general primary election held on March 21, 2006. (ii) At the time of the sale of the bonds, the school board determines, by resolution, that: (A) the building and equipping of the new high school buildings, the altering, repairing, and equipping of existing school buildings, and the improvement of school sites, as the case may be, are required as a result of a projected increase in the enrollment of students in the district; and (B) the sale of bonds for these purposes is authorized by legislation that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(iii) The bonds are issued, in one or more bond issues, on or before March 21, 2011, but the aggregate principal amount issued in all such bond issues combined must not exceed $225,000,000.

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(iv) The bonds are issued in accordance with this Article 19.

(v) The proceeds of the bonds are used only to accomplish those projects approved by the voters at the primary election held on March 21, 2006.

The debt incurred on any bonds issued under this subsection (p-20) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-25) In addition to all other authority to issue bonds, Rochester Community Unit School District 3A may issue bonds with an aggregate principal amount not to exceed $15,000,000, but only if all of the following conditions are met:

(i) The voters of the district approve a proposition for the bond issuance at the general primary election held in 2008.

(ii) At the time of the sale of the bonds, the school board determines, by resolution, that: (A) the building and equipping of a new high school building; the addition of classrooms and support facilities at the high school, middle school, and elementary school; the altering, repairing, and equipping of existing school buildings; and the improvement of school sites, as the case may be, are required as a result of a projected increase in the enrollment of students in the district; and (B) the sale of bonds for these purposes is authorized by a law that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(iii) The bonds are issued, in one or more bond issues, on or before December 31, 2012, but the aggregate principal amount issued in all such bond issues combined must not exceed $15,000,000.

(iv) The bonds are issued in accordance with this Article 19.

(v) The proceeds of the bonds are used to accomplish only those projects approved by the voters at the primary election held in 2008.

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The debt incurred on any bonds issued under this subsection (p-25) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-30) In addition to all other authority to issue bonds, Prairie Grove Consolidated School District 46 may issue bonds with an aggregate principal amount not to exceed $30,000,000, but only if all of the following conditions are met:

(i) The voters of the district approve a proposition for the bond issuance at an election held in 2008.

(ii) At the time of the sale of the bonds, the school board determines, by resolution, that (A) the building and equipping of a new school building and additions to existing school buildings are required as a result of a projected increase in the enrollment of students in the district and (B) the altering, repairing, and equipping of existing school buildings are required because of the age of the existing school buildings.

(iii) The bonds are issued, in one or more bond issuances, on or before December 31, 2012; however, the aggregate principal amount issued in all such bond issuances combined must not exceed $30,000,000.

(iv) The bonds are issued in accordance with this Article.

(v) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held in 2008.

The debt incurred on any bonds issued under this subsection (p-30) shall not be considered indebtedness for purposes of any statutory debt limitation.

(p-35) In addition to all other authority to issue bonds, Prairie Hill Community Consolidated School District 133 may issue bonds with an aggregate principal amount not to exceed $13,900,000, but only if all of the following conditions are met:

(i) The voters of the district approved a proposition for the bond issuance at an election held on April 17, 2007.

(ii) At the time of the sale of the bonds, the school board determines, by resolution, that (A) the improvement of the site of

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and the building and equipping of a school building are required as a result of a projected increase in the enrollment of students in the district and (B) the repairing and equipping of the Prairie Hill Elementary School building is required because of the age of that school building.

(iii) The bonds are issued, in one or more bond issuances, on or before December 31, 2011, but the aggregate principal amount issued in all such bond issuances combined must not exceed $13,900,000.

(iv) The bonds are issued in accordance with this Article.

(v) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on April 17, 2007.

The debt incurred on any bonds issued under this subsection (p-35) shall not be considered indebtedness for purposes of any statutory debt limitation.

(q) A school district must notify the State Board of Education prior to issuing any form of long-term or short-term debt that will result in outstanding debt that exceeds 75% of the debt limit specified in this Section or any other provision of law.

(Source: P.A. 93-13, eff. 6-9-03; 93-799, eff. 7-22-04; 93-1045, eff. 10-15-04; 94-234, eff. 7-1-06; 94-721, eff. 1-6-06; 94-952, eff. 6-27-06; 94-1019, eff. 7-10-06; 94-1078, eff. 1-9-07.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0595
(House Bill No. 3490)

AN ACT concerning local government.

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Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Building Commission Act is amended by changing Sections 3 and 20 and by adding Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20, and 20.25 as follows:

(50 ILCS 20/2.5 new)

Sec. 2.5. Legislative policy; conditions for use of design-build. It is the intent of the General Assembly that a commission be allowed to use the design-build delivery method for public projects if it is shown to be in the commission's best interest for that particular project.

It shall be the policy of the commission in the procurement of design-build services to publicly announce all requirements for design-build services and to procure these services on the basis of demonstrated competence and qualifications and with due regard for the principles of competitive selection.

The commission shall, prior to issuing requests for proposals, promulgate and publish procedures for the solicitation and award of contracts pursuant to this Act.

The commission shall, for each public project or projects permitted under this Act, make a written determination, including a description as to the particular advantages of the design-build procurement method, that it is in the best interests of the commission to enter into a design-build contract for the project or projects.

In making that determination, the following factors shall be considered:

(1) The probability that the design-build procurement method will be in the best interests of the commission by providing a material savings of time or cost over the design-bid-build or other delivery system.

(2) The type and size of the project and its suitability to the design-build procurement method.

(3) The ability of the design-build entity to define and provide comprehensive scope and performance criteria for the project.

New matter indicated by italics - deletions by strikeout
The commission shall require the design-build entity to comply with the utilization goals established by the corporate authorities of the commission for minority and women business enterprises and to comply with Section 2-105 of the Illinois Human Rights Act.

This Section is repealed 5 years after the effective date of this amendatory Act of the 95th General Assembly.

(50 ILCS 20/3) (from Ch. 85, par. 1033)

Sec. 3. The following terms, wherever used, or referred to in this Act, mean unless the context clearly requires a different meaning:

(a) "Commission" means a Public Building Commission created pursuant to this Act.

(b) "Commissioner" or "Commissioners" means a Commissioner or Commissioners of a Public Building Commission.

(c) "County seat" means a city, village or town which is the county seat of a county.

(d) "Municipality" means any city, village or incorporated town of the State of Illinois.

(e) "Municipal corporation" includes a county, city, village, town, (including a county seat), park district, school district in a county of 3,000,000 or more population, board of education of a school district in a county of 3,000,000 or more population, sanitary district, airport authority contiguous with the County Seat as of July 1, 1969 and any other municipal body or governmental agency of the State, and until July 1, 2011, a school district that (i) was organized prior to 1860, (ii) is located in part in a city originally incorporated prior to 1840, and (iii) entered into a lease with a Commission prior to 1993, and its board of education, but does not include a school district in a county of less than 3,000,000 population, a board of education of a school district in a county of less than 3,000,000 population, or a community college district in a county of less than 3,000,000 population, except that until July 1, 2011, a school district that (i) was organized prior to 1860, (ii) is located in part in a city originally incorporated prior to 1840, and (iii) entered into a lease with a Commission prior to 1993, and its board of education, are included.

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(f) "Governing body" includes a city council, county board, or any other body or board, by whatever name it may be known, charged with the governing of a municipal corporation.

(g) "Presiding officer" includes the mayor or president of a city, village or town, the presiding officer of a county board, or the presiding officer of any other board or commission, as the case may be.

(h) "Oath" means oath or affirmation.

(i) "Building" means an improvement to real estate to be made available for use by a municipal corporation for the furnishing of governmental services to its citizens, together with any land or interest in land necessary or useful in connection with the improvement.

(j) "Delivery system" means the design and construction approach used to develop and construct a project.

(k) "Design-bid-build" means the traditional delivery system used on public projects that incorporates the Local Government Professional Services Selection Act (50 ILCS 510/) and the principles of competitive selection.

(l) "Design-build" means a delivery system that provides responsibility within a single contract for the furnishing of architecture, engineering, land surveying and related services as required, and the labor, materials, equipment, and other construction services for the project.

(m) "Design-build contract" means a contract for a public project under this Act between the Commission and a design-build entity to furnish architecture, engineering, land surveying, and related services as required, and to furnish the labor, materials, equipment, and other construction services for the project. The design-build contract may be conditioned upon subsequent refinements in scope and price and may allow the Commission to make modifications in the project scope without invalidating the design-build contract.

(n) "Design-build entity" means any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity that proposes to design and construct any public project under this Act. A design-build entity and associated design-

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build professionals shall conduct themselves in accordance with the laws of this State and the related provisions of the Illinois Administrative Code, as referenced by the licensed design professionals Acts of this State.


(p) "Evaluation criteria" means the requirements for the separate phases of the selection process for design-build proposals as defined in this Act and may include the specialized experience, technical qualifications and competence, capacity to perform, past performance, experience with similar projects, assignment of personnel to the project, and other appropriate factors. Price may not be used as a factor in the evaluation of Phase I proposals.

(q) "Proposal" means the offer to enter into a design-build contract as submitted by a design-build entity in accordance with this Act.

(r) "Request for proposal" means the document used by the Commission to solicit proposals for a design-build contract.

(s) "Scope and performance criteria" means the requirements for the public project, including but not limited to, the intended usage, capacity, size, scope, quality and performance standards, life-cycle costs, and other programmatic criteria that are expressed in performance-oriented and quantifiable specifications and drawings that can be reasonably inferred and are suited to allow a design-build entity to develop a proposal.

(t) "Guaranteed maximum price" means a form of contract in which compensation may vary according to the scope of work involved but in any case may not exceed an agreed total amount.

Definitions in this Section with respect to design-build shall have no effect beginning 5 years after the effective date of this amendatory Act of the 95th General Assembly.

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Sec. 20. Contracts let to lowest responsible bidder; competitive bidding; advertisement for bids; design-build contracts.

(a) All contracts to be let for the construction, alteration, improvement, repair, enlargement, demolition or removal of any buildings or other facilities, or for materials or supplies to be furnished, where the amount thereof is in excess of $5,000, shall be awarded as a design-build contract in accordance with Sections 20.3 through 20.20 or shall be let to the lowest responsible bidder, or bidders on open competitive bidding.;

(b) A contract awarded on the basis of competitive bidding shall be awarded after public advertisement published at least once in each week for three consecutive weeks prior to the opening of bids, in a daily newspaper of general circulation in the county where the commission is located. Nothing contained in this Section shall be construed to prohibit the Board of Commissioners from placing additional advertisements in recognized trade journals. Advertisements for bids shall describe the character of the proposed contract in sufficient detail to enable the bidders thereon to know what their obligation will be, either in the advertisement itself, or by reference to detailed plans and specifications on file in the office of the Public Building Commission at the time of the publication of the first announcement. Such advertisement shall also state the date, time, and place assigned for the opening of bids. No and no bids shall be received at any time subsequent to the time indicated in said advertisement.

(c) In addition to the requirements of Section 20.3, the Commission shall advertise a design-build solicitation at least once in a daily newspaper of general circulation in the county where the Commission is located. The date that Phase I submissions by design-build entities are due must be at least 14 calendar days after the date the newspaper advertisement for design-build proposals is first published. The advertisement shall identify the design-build project, the due date, the place and time for Phase I submissions, and the place where proposers can obtain a complete copy of the request for design-build proposals,
including the criteria for evaluation and the scope and performance criteria. The Commission is not precluded from using other media or from placing advertisements in addition to the one required under this subsection.

(d) The Board of Commissioners may reject any and all bids and proposals received and may readvertise for bids or issue a new request for design-build proposals.

(e) All bids shall be open to public inspection in the office of the Public Building Commission for a period of at least forty-eight (48) hours before award is made. The successful bidder for such work shall enter into contracts furnished and prescribed by the Board of Commissioners and in addition to any other bonds required under this Act the successful bidder shall execute and give bond, payable to and to be approved by the Commission, with a corporate surety authorized to do business under the laws of the State of Illinois, in an amount to be determined by the Board of Commissioners, conditioned upon the payment of all labor furnished and materials supplied in the prosecution of the contracted work. If the bidder whose bid has been accepted shall neglect or refuse to accept the contract within five (5) days after written notice that the same has been awarded to him, or if he accepts but does not execute the contract and give the proper security, the Commission may accept the next lowest bidder, or readvertise and relet in manner above provided.

(f) In case any work shall be abandoned by any contractor or design-build entity, the Commission may, if the best interests of the Commission be thereby served, adopt on behalf of the Commission all subcontracts made by such contractor or design-build entity for such work and all such sub-contractors shall be bound by such adoption if made; and the Commission shall, in the manner provided in this Act herein, readvertise and relet, or request proposals and award design-build contracts for, the work specified in the original contract exclusive of so much thereof as shall be accepted. Every contract when made and entered into, as herein provided in this Section or Section 20.20 for, shall be executed in duplicate, one copy of which shall be held by the Commission,

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and filed in its records, and one copy of which shall be given to the contractor or design-build entity.

(g) The provisions of this Section with respect to design-build shall have no effect beginning 5 years after the effective date of this amendatory Act of the 95th General Assembly.

(Source: P.A. 84-249.)

(50 ILCS 20/20.3 new)

Sec. 20.3. Solicitation of design-build proposals.

(a) When the Commission elects to use the design-build delivery method, it must issue a notice of intent to receive proposals for the project at least 14 days before issuing the request for the proposal. The Commission must publish the advance notice in a daily newspaper of general circulation in the county where the Commission is located. The Commission is encouraged to use publication of the notice in related construction industry service publications. A brief description of the proposed procurement must be included in the notice. The Commission must provide a copy of the request for proposal to any party requesting a copy.

(b) The request for proposal shall be prepared for each project and must contain, without limitation, the following information:

(1) The name of the Commission.

(2) A preliminary schedule for the completion of the contract.

(3) The proposed budget for the project, the source of funds, and the currently available funds at the time the request for proposal is submitted.

(4) Prequalification criteria for design-build entities wishing to submit proposals. The Commission shall include, at a minimum, its normal prequalification, licensing, registration, and other requirements, but nothing contained herein precludes the use of additional prequalification criteria by the Commission.

(5) Material requirements of the contract, including but not limited to, the proposed terms and conditions, required performance and payment bonds, insurance, and the entity's plan...
to comply with the utilization goals established by the corporate authorities of the Commission for minority and women business enterprises and to comply with Section 2-105 of the Illinois Human Rights Act.

(6) The performance criteria.

(7) The evaluation criteria for each phase of the solicitation.

(8) The number of entities that will be considered for the technical and cost evaluation phase.

(c) The Commission may include any other relevant information that it chooses to supply. The design-build entity shall be entitled to rely upon the accuracy of this documentation in the development of its proposal.

(d) The date that proposals are due must be at least 21 calendar days after the date of the issuance of the request for proposal. In the event the cost of the project is estimated to exceed $12,000,000, then the proposal due date must be at least 28 calendar days after the date of the issuance of the request for proposal. The Commission shall include in the request for proposal a minimum of 30 days to develop the Phase II submissions after the selection of entities from the Phase I evaluation is completed.

(e) This Section is repealed 5 years after the effective date of this amendatory Act of the 95th General Assembly.

(50 ILCS 20/20.4 new)

Sec. 20.4. Development of design-build scope and performance criteria.

(a) The Commission shall develop, with the assistance of a licensed design professional, a request for proposal, which shall include scope and performance criteria. The scope and performance criteria must be in sufficient detail and contain adequate information to reasonably apprise the qualified design-build entities of the Commission’s overall programmatic needs and goals, including criteria and preliminary design plans, general budget parameters, schedule, and delivery requirements.

New matter indicated by italics - deletions by strikeout
(b) Each request for proposal shall also include a description of the level of design to be provided in the proposals. This description must include the scope and type of renderings, drawings, and specifications that, at a minimum, will be required by the Commission to be produced by the design-build entities.

(c) The scope and performance criteria shall be prepared by a design professional who is an employee of the Commission, or the Commission may contract with an independent design professional selected under the Local Government Professional Services Selection Act (50 ILCS 510/) to provide these services.

(d) The design professional that prepares the scope and performance criteria is prohibited from participating in any design-build entity proposal for the project.

(e) This Section is repealed 5 years after the effective date of this amendatory Act of the 95th General Assembly.

(50 ILCS 20/20.5 new)

Sec. 20.5. Procedures for design-build selection.

(a) The Commission must use a two-phase procedure for the selection of the successful design-build entity. Phase I of the procedure will evaluate and shortlist the design-build entities based on qualifications, and Phase II will evaluate the technical and cost proposals.

(b) The Commission shall include in the request for proposal the evaluating factors to be used in Phase I. These factors are in addition to any prequalification requirements of design-build entities that the Commission has set forth. Each request for proposal shall establish the relative importance assigned to each evaluation factor and subfactor, including any weighting of criteria to be employed by the Commission. The Commission must maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

The Commission shall include the following criteria in every Phase I evaluation of design-build entities: (1) experience of personnel; (2) successful experience with similar project types; (3) financial capability; (4) timeliness of past performance; (5) experience with similarly sized projects; (6) successful reference checks of the firm; (7) commitment to
assign personnel for the duration of the project and qualifications of the entity's consultants; and (8) ability or past performance in meeting or exhausting good faith efforts to meet the utilization goals for minority and women business enterprises established by the corporate authorities of the Commission and in complying with Section 2-105 of the Illinois Human Rights Act. The Commission may include any additional relevant criteria in Phase I that it deems necessary for a proper qualification review. The Commission may include any additional relevant criteria in Phase I that it deems necessary for a proper qualification review.

The Commission may not consider any design-build entity for evaluation or award if the entity has any pecuniary interest in the project or has other relationships or circumstances, including but not limited to, long-term leasehold, mutual performance, or development contracts with the Commission, that may give the design-build entity a financial or tangible advantage over other design-build entities in the preparation, evaluation, or performance of the design-build contract or that create the appearance of impropriety. No design-build proposal shall be considered that does not include an entity's plan to comply with the requirements established in the minority and women business enterprises and economically disadvantaged firms established by the corporate authorities of the Commission and with Section 2-105 of the Illinois Human Rights Act.

Upon completion of the qualifications evaluation, the Commission shall create a shortlist of the most highly qualified design-build entities. The Commission, in its discretion, is not required to shortlist the maximum number of entities as identified for Phase II evaluation, provided however, no less than 2 design-build entities nor more than 6 are selected to submit Phase II proposals.

The Commission shall notify the entities selected for the shortlist in writing. This notification shall commence the period for the preparation of the Phase II technical and cost evaluations. The Commission must allow sufficient time for the shortlist entities to prepare their Phase II submittals considering the scope and detail requested by the Commission.

New matter indicated by italics - deletions by strikeout
(c) The Commission shall include in the request for proposal the evaluating factors to be used in the technical and cost submission components of Phase II. Each request for proposal shall establish, for both the technical and cost submission components of Phase II, the relative importance assigned to each evaluation factor and subfactor, including any weighting of criteria to be employed by the Commission. The Commission must maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

The Commission shall include the following criteria in every Phase II technical evaluation of design-build entities: (1) compliance with objectives of the project; (2) compliance of proposed services to the request for proposal requirements; (3) quality of products or materials proposed; (4) quality of design parameters; (5) design concepts; (6) innovation in meeting the scope and performance criteria; and (7) constructability of the proposed project. The Commission may include any additional relevant technical evaluation factors it deems necessary for proper selection.

The Commission shall include the following criteria in every Phase II cost evaluation: the guaranteed maximum project cost and the time of completion. The Commission may include any additional relevant technical evaluation factors it deems necessary for proper selection. The guaranteed maximum project cost criteria weighing factor shall not exceed 30%.

The Commission shall directly employ or retain a licensed design professional to evaluate the technical and cost submissions to determine if the technical submissions are in accordance with generally accepted industry standards.

Upon completion of the technical submissions and cost submissions evaluation, the Commission may award the design-build contract to the highest overall ranked entity.

(d) This Section is repealed 5 years after the effective date of this amendatory Act of the 95th General Assembly.

(50 ILCS 20/20.10 new)
Sec. 20.10. Small design-build projects. In any case where the total overall cost of the project is estimated to be less than $12,000,000, the Commission may combine the two-phase procedure for design-build selection described in Section 20.5 into one combined step, provided that all the requirements of evaluation are performed in accordance with Section 20.5.

This Section is repealed 5 years after the effective date of this amendatory Act of the 95th General Assembly.

(50 ILCS 20/20.15 new)

Sec. 20.15. Submission of design-build proposals. Design-build proposals must be properly identified and sealed. Proposals may not be reviewed until after the deadline for submission has passed as set forth in the request for proposals. All design-build entities submitting proposals shall be disclosed after the deadline for submission, and all design-build entities who are selected for Phase II evaluation shall also be disclosed at the time of that determination.

Phase II design-build proposals shall include a bid bond in the form and security as designated in the request for proposals. Proposals shall also contain a separate sealed envelope with the cost information within the overall proposal submission. Proposals shall include a list of all design professionals and other entities to which any work identified in Section 30-30 of the Illinois Procurement Code as a subdivision of construction work may be subcontracted during the performance of the contract.

Proposals must meet all material requirements of the request for proposal or they may be rejected as non-responsive. The Commission shall have the right to reject any and all proposals.

The drawings and specifications of any unsuccessful design-build proposal shall remain the property of the design-build entity.

The Commission shall review the proposals for compliance with the performance criteria and evaluation factors.

Proposals may be withdrawn prior to the due date and time for submissions for any cause. After evaluation begins by the Commission, clear and convincing evidence of error is required for withdrawal.

New matter indicated by italics - deletions by strikeout
This Section is repealed 5 years after the effective date of this amendatory Act of the 95th General Assembly.

(50 ILCS 20/20.20 new)

Sec. 20.20. Design-build award. The Commission may award a design-build contract to the highest overall ranked entity. Notice of award shall be made in writing. Unsuccessful entities shall also be notified in writing. The Commission may not request a best and final offer after the receipt of proposals. The Commission may negotiate with the selected design-build entity after award but prior to contract execution for the purpose of securing better terms than originally proposed, provided that the salient features of the request for proposal are not diminished.

This Section is repealed 5 years after the effective date of this amendatory Act of the 95th General Assembly.

(50 ILCS 20/20.25 new)

Sec. 20.25. Minority and female owned enterprises; total construction budget.

(a) Each year, within 60 days following the end of a commission’s fiscal year, the commission shall provide a report to the General Assembly addressing the utilization of minority and female owned business enterprises on design-build projects.

(b) The payments for design-build projects by any commission in one fiscal year shall not exceed 25% of the moneys spent on construction projects during the same fiscal year.

(c) This Section is repealed 5 years after the effective date of this amendatory Act of the 95th General Assembly.

Effective June 1, 2008.

PUBLIC ACT 95-0596
(House Bill No. 3618)

AN ACT concerning government.

New matter indicated by italics - deletions by strikeout
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Flag Display Act is amended by adding Section 10 as follows:

(5 ILCS 465/10 new)

Sec. 10. Death of resident military member or law enforcement officer.

(a) The Governor shall issue an official notice to fly the following flags at half-staff upon the death of a resident of this State killed (i) by hostile fire as a member of the United States armed forces or (ii) in the line of duty as a law enforcement officer: the United States national flag, the State flag of Illinois, and, in the case of the death of the member of the United States armed forces, the appropriate military flag as defined in subsection (b) of Section 18.6 of the Condominium Property Act. Upon the Governor’s notice, each person or entity required by this Act to ensure the display of the United States national flag on a flagstaff shall ensure that the flags described in the notice are displayed at half-staff on the day designated for the resident's funeral and the 2 days preceding that day.

(b) The Department of Veterans' Affairs shall notify the Governor of the death by hostile fire of an Illinois resident member of the United States armed forces. The Department of State Police shall notify the Governor of the death in the line of duty of an Illinois resident law enforcement officer. Notice to the Governor shall include at least the resident's name and Illinois address, the date designated for the funeral, and the circumstances of the death.

(c) For the purpose of this Section, the United States armed forces includes: (i) the United States Army, Navy, Marine Corps, Air Force, and Coast Guard; (ii) any reserve component of each of the forces listed in item (i); and (iii) the National Guard.

(d) Nothing in this Section requires the removal or relocation of any existing flags currently displayed in the State. This Section does not apply to a State facility if the requirements of this Section cannot be satisfied without a physical modification to that facility.

New matter indicated by italics - deletions by strikeout
Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0597
(Senate Bill No. 0597)

AN ACT concerning veterans.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the National Guard Veterans Exposure to Hazardous Materials Act.

Section 5. Definitions. In this Act:
"Depleted uranium" means uranium containing less uranium-235 than the naturally occurring distribution of uranium isotopes.
"Eligible member" means a member of the Illinois National Guard who served in the Persian Gulf War, as defined in 38 U.S.C. 101, or in an area designated as a combat zone by the President of the United States during Operation Enduring Freedom or Operation Iraqi Freedom.
"Military physician" includes a physician who is under contract with the United States Department of Defense to provide physician services to members of the armed forces.
"Veteran" means any person honorably discharged from, or released under honorable conditions from active service in, the armed forces who served as an eligible member.

Section 10. Assistance in obtaining information on treatment. On and after October 1, 2007, the Department of Veterans' Affairs shall assist any eligible member or veteran who (i) has been assigned a risk level I, II, or III for depleted uranium exposure by his or her branch of service, (ii) is referred by a military physician, or (iii) has reason to believe that he or she was exposed to depleted uranium during such service, in obtaining information on available federal treatment services, including a best
practice health screening test for exposure to depleted uranium using a bioassay procedure involving sensitive methods capable of detecting depleted uranium at low levels and the use of equipment with the capacity to discriminate between different radioisotopes in naturally occurring levels of uranium and the characteristic ratio and marker for depleted uranium. No State funds shall be used to pay for such tests or other federal treatment services.

Section 15. Certification concerning National Guard information. On or before October 1, 2007, the Adjutant General shall certify to the General Assembly that members of the Illinois National Guard are informed of possible health risks associated with exposure to depleted uranium. The certification shall apply to both predeployment and post-mobilization information activities and post-deployment health screening.

Section 20. Task force.
(a) There is established a task force within the Department of Veterans' Affairs to study the possible health effects of the exposure to hazardous materials, including, but not limited to, depleted uranium, as they relate to military service. The task force shall do the following:

(1) Consider initiation of a health registry for veterans returning from Afghanistan, Iraq, or other countries in which depleted uranium or other hazardous materials may be found.

(2) Develop a plan for an outreach plan to ensure that veterans and military personnel are informed of available resources.

(3) Prepare a report for service members concerning potential exposure to depleted uranium and other toxic chemical substances and the precautions recommended under combat and noncombat conditions while in a combat zone.

(4) Make any other recommendations the task force considers appropriate.

(b) The task force shall consist of the following members:

(1) The Adjutant General or his or her designee.

(2) The Director of Veterans' Affairs or his or her designee.

(3) The Director of Public Health or his or her designee.
(4) Eight members who are members of the General Assembly, appointed 2 each by the President of the Senate and the Speaker of the House of Representatives and 2 each by the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

(5) Two members who are veterans with knowledge of or experience with exposure to hazardous materials, appointed one each by the President of the Senate and the Speaker of the House of Representatives.

(6) Four members who are physicians or scientists with knowledge of or experience in the detection or health effects of exposure to depleted uranium or other hazardous materials, appointed one each by the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

(c) All appointments to the task force shall be made no later than 30 days after the effective date of this Act. Any vacancy shall be filled by the appointing authority.

(d) The members of the task force shall select as chairpersons of the task force one Senator and one Representative from among the members appointed under paragraph (4) of subsection (b) of this Section. The chairpersons shall schedule the first meeting of the task force, which shall be held no later than 60 days after the effective date of this Act.

(e) Not later than January 31, 2008, the task force shall submit a report on its findings and recommendations to the General Assembly. The task force shall terminate on the date that it submits the report or on January 31, 2008, whichever is earlier.

Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 95-0598  
(AN ACT concerning transportation.)  
Be it enacted by the People of the State of Illinois, represented in  
the General Assembly:  
Section 1. Short title. This Act may be cited as the Taxi Safety Act  
of 2007.  
Section 5. Requirements for the operation of taxicabs.  
(a) The taxi driver's picture, the taxi driver's license or registration  
number, and the taxicab medallion number or an exterior identification  
number must be posted in a visible location in each cab.  
(b) There must be posted in a visible location in each taxi cab a  
telephone number for a passenger to call if the taxi driver is operating the  
taxicab in a reckless manner.  
(c) If a taxi driver collides with a pedestrian while operating a  
taxicab, resulting in bodily injury, then any responding law enforcement  
officers must test the taxi driver for drug and alcohol use.  
Section 20. Home rule. A home rule unit may not regulate the  
operation of taxicabs in a manner that is less restrictive than the regulation  
by the State of the operation of taxicabs under this Act. This Section is a  
limitation under subsection (i) of Section 6 of Article VII of the Illinois  
Constitution on the concurrent exercise by home rule units of powers and  
functions exercised by the State.  
Effective June 1, 2008.  

PUBLIC ACT 95-0599  
(AN ACT concerning criminal law.)  
Be it enacted by the People of the State of Illinois, represented in  
the General Assembly:  
New matter indicated by italics - deletions by strikeout
Section 5. The Privacy of Child Victims of Criminal Sexual Offenses Act is amended by changing Section 3 as follows:

(725 ILCS 190/3) (from Ch. 38, par. 1453)

Sec. 3. Confidentiality of Law Enforcement and Court Records. notwithstanding any other law to the contrary, inspection and copying of law enforcement records maintained by any law enforcement agency or circuit court records maintained by any circuit clerk relating to any investigation or proceeding pertaining to a criminal sexual offense, by any person, except a judge, state's attorney, assistant state's attorney, psychologist, psychiatrist, social worker, doctor, parent, defendant or defendant's attorney in any criminal proceeding or investigation related thereto, shall be restricted to exclude the identity of any child who is a victim of such criminal sexual offense or alleged criminal sexual offense. A court may for the child's protection and for good cause shown, prohibit any person or agency present in court from further disclosing the child's identity.

When a criminal sexual offense is committed or alleged to have been committed by a school district employee or any individual contractually employed by a school district on the premises under the jurisdiction of a public school district or during an official school sponsored activity, a copy of the criminal history record information law enforcement records maintained by any law enforcement agency or circuit court records maintained by any circuit clerk relating to the investigation of the offense or alleged offense shall be transmitted to made available for inspection and copying by the superintendent of schools of the district immediately upon request or if the law enforcement agency knows that a school district employee or any individual contractually employed by a school district has committed or is alleged to have committed a criminal sexual offense, the superintendent of schools of the district shall be immediately provided a copy of the criminal history record information. The superintendent shall be restricted from specifically revealing the name of the victim without written consent of the victim or victim's parent or guardian.

New matter indicated by italics - deletions by strikeout
A court may prohibit such disclosure only after giving notice and a hearing to all affected parties. In determining whether to prohibit disclosure of the minor's identity the court shall consider:
(a) the best interest of the child; and
(b) whether such nondisclosure would further a compelling State interest.

For the purposes of this Act, "criminal history record information” means:
(i) chronologically maintained arrest information, such as traditional arrest logs or blotters;
(ii) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;
(iii) court records that are public;
(iv) records that are otherwise available under State or local law; or
(v) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of Section 7 of the Freedom of Information Act.

(Source: P.A. 87-553.)
Effective June 1, 2008.
Section 10. The Clerks of Courts Act is amended by changing Section 27.6 as follows:

(705 ILCS 105/27.6)

Sec. 27.6. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk equaling an amount of $55 or more, except the fine imposed by Section 5-9-1.14 of the Unified Code of Corrections, the additional fee required by subsections (b) and (c), restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 11-501 of the Illinois Vehicle Code, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, and except as provided in subsection (d) shall be disbursed within 60 days after receipt by the circuit clerk as follows: 44.5% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 16.825% shall be disbursed to the State Treasurer; and 38.675% shall be disbursed to the county's general corporate fund. Of the 16.825% disbursed to the State Treasurer, 2/17 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 5.052/17 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall be deposited into the Drivers Education Fund, and 6.948/17 shall be deposited into the Trauma Center Fund. Of the 6.948/17 deposited into the Trauma Center Fund from the 16.825% disbursed to the State Treasurer, 50% shall be disbursed to the Department of Public Health and 50% shall be disbursed to the Department of Healthcare and Family Services. For fiscal year 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund.
Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of $100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(b-1) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for

New matter indicated by italics - deletions by strikeout
driving under the influence of alcohol or drugs shall pay an additional fee of $5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c) In addition to any other fines and court costs assessed by the courts, any person convicted for a violation of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a person sentenced for a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act shall pay an additional fee of $100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c-1) In addition to any other fines and court costs assessed by the courts, any person sentenced for a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act shall pay an additional fee of $5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not
later than March 1 of each year the Circuit Clerk shall submit a report of
the amount of funds remitted to the State Treasurer under this subsection
during the preceding calendar year.

(d) The following amounts must be remitted to the State Treasurer
for deposit into the Illinois Animal Abuse Fund:

(1) 50% of the amounts collected for felony offenses under
Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.5,
7.15, and 16 of the Humane Care for Animals Act and Section 26-5
of the Criminal Code of 1961;

(2) 20% of the amounts collected for Class A and Class B
misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04, 5, 5.01,
6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care for Animals Act
and Section 26-5 of the Criminal Code of 1961; and

(3) 50% of the amounts collected for Class C
misdemeanors under Sections 4.01 and 7.1 of the Humane Care for

(e) Any person who receives a disposition of court supervision for
a violation of the Illinois Vehicle Code shall, in addition to any other fines,
fees, and court costs, pay an additional fee of $20, to be disbursed as
provided in Section 16-104c of the Illinois Vehicle Code. In addition to
the fee of $20, the person shall also pay a fee of $5, if not waived by the
court. If this $5 fee is collected, $4.50 of the fee shall be deposited into the
Circuit Court Clerk Operation and Administrative Fund created by the
Clerk of the Circuit Court and 50 cents of the fee shall be deposited into
the Prisoner Review Board Vehicle and Equipment Fund in the State
treasury.

(Source: P.A. 93-800, eff. 1-1-05; 94-556, eff. 9-11-05; 94-1009, eff. 1-1-
07.)

Section 15. The Unified Code of Corrections is amended by adding
Section 5-9-1.14 as follows:

(730 ILCS 5/5-9-1.14 new)
Sec. 5-9-1.14. Sex offender fines.

(a) There shall be added to every penalty imposed in sentencing for
a sex offense as defined in Section 2 of the Sex Offender Registration Act

New matter indicated by italics - deletions by strikeout
an additional fine in the amount of $500 to be imposed upon a plea of guilty, stipulation of facts or finding of guilty resulting in a judgment of conviction or order of supervision.

(b) Such additional amount shall be assessed by the court imposing sentence and shall be collected by the circuit clerk in addition to the fine, if any, and costs in the case. Each such additional penalty shall be remitted by the circuit clerk within one month after receipt to the State Treasurer for deposit into the Sex Offender Investigation Fund. The circuit clerk shall retain 10% of such penalty for deposit into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court to cover the costs incurred in administering and enforcing this Section. Such additional penalty shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing.

(c) Not later than March 1 of each year the clerk of the circuit court shall submit to the State Comptroller a report of the amount of funds remitted by him or her to the State Treasurer under this Section during the preceding calendar year. Except as otherwise provided by Supreme Court Rules, if a court in sentencing an offender levies a gross amount for fine, costs, fees and penalties, the amount of the additional penalty provided for herein shall be collected from the amount remaining after deducting from the gross amount levied all fees of the circuit clerk, the State's Attorney, and the sheriff. After deducting from the gross amount levied the fees and additional penalty provided for herein, less any other additional penalties provided by law, the clerk shall remit $100 of each $500 additional fine imposed under this Section to the State's Attorney of the county which prosecuted the case or the local law enforcement agency that investigated the case leading to the defendant's judgment of conviction or order of supervision and after such remission the net balance remaining to the entity authorized by law to receive the fine imposed in the case. For purposes of this Section "fees of the circuit clerk" shall include, if applicable, the fee provided for under Section 27.3a of the Clerks of Courts Act and the fee, if applicable, payable to the county in which the violation occurred under Section 5-1101 of the Counties Code.
(d) Subject to appropriation, moneys in the Sex Offender Investigation Fund shall be used by the Department of State Police to investigate alleged sex offenses and to make grants to local law enforcement agencies to investigate alleged sex offenses as such grants are awarded by the Director of State Police under rules established by the Director of State Police.

Effective June 1, 2008.

PUBLIC ACT 95-0601
(Senate Bill No. 0068)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Children and Family Services Act is amended by changing Section 5 as follows:

(20 ILCS 505/5) (from Ch. 23, par. 5005)

Sec. 5. Direct child welfare services; Department of Children and Family Services. To provide direct child welfare services when not available through other public or private child care or program facilities.

(a) For purposes of this Section:

(1) "Children" means persons found within the State who are under the age of 18 years. The term also includes persons under age 19 who:

(A) were committed to the Department pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987, as amended, prior to the age of 18 and who continue under the jurisdiction of the court; or

(B) were accepted for care, service and training by the Department prior to the age of 18 and whose best interest in the discretion of the Department would be served by continuing that care, service and training because of

New matter indicated by italics - deletions by strikeout
severe emotional disturbances, physical disability, social adjustment or any combination thereof, or because of the need to complete an educational or vocational training program.

(2) "Homeless youth" means persons found within the State who are under the age of 19, are not in a safe and stable living situation and cannot be reunited with their families.

(3) "Child welfare services" means public social services which are directed toward the accomplishment of the following purposes:

(A) protecting and promoting the health, safety and welfare of children, including homeless, dependent or neglected children;

(B) remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation or delinquency of children;

(C) preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing the breakup of the family where the prevention of child removal is desirable and possible when the child can be cared for at home without endangering the child's health and safety;

(D) restoring to their families children who have been removed, by the provision of services to the child and the families when the child can be cared for at home without endangering the child's health and safety;

(E) placing children in suitable adoptive homes, in cases where restoration to the biological family is not safe, possible or appropriate;

(F) assuring safe and adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. At the time of placement, the Department shall consider concurrent

New matter indicated by italics - deletions by strikeout
planning, as described in subsection (l-1) of this Section so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child;

(G) (blank);

(H) (blank); and

(I) placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, in a licensed shelter facility, or secure child care facility. The Department is not required to place or maintain children:

(i) who are in a foster home, or

(ii) who are persons with a developmental disability, as defined in the Mental Health and Developmental Disabilities Code, or

(iii) who are female children who are pregnant, pregnant and parenting or parenting, or

(iv) who are siblings, in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age.

(b) Nothing in this Section shall be construed to authorize the expenditure of public funds for the purpose of performing abortions.

(c) The Department shall establish and maintain tax-supported child welfare services and extend and seek to improve voluntary services throughout the State, to the end that services and care shall be available on an equal basis throughout the State to children requiring such services.

(d) The Director may authorize advance disbursements for any new program initiative to any agency contracting with the Department. As a prerequisite for an advance disbursement, the contractor must post a surety
bond in the amount of the advance disbursement and have a purchase of service contract approved by the Department. The Department may pay up to 2 months operational expenses in advance. The amount of the advance disbursement shall be prorated over the life of the contract or the remaining months of the fiscal year, whichever is less, and the installment amount shall then be deducted from future bills. Advance disbursement authorizations for new initiatives shall not be made to any agency after that agency has operated during 2 consecutive fiscal years. The requirements of this Section concerning advance disbursements shall not apply with respect to the following: payments to local public agencies for child day care services as authorized by Section 5a of this Act; and youth service programs receiving grant funds under Section 17a-4.

(e) (Blank).

(f) (Blank).

(g) The Department shall establish rules and regulations concerning its operation of programs designed to meet the goals of child safety and protection, family preservation, family reunification, and adoption, including but not limited to:

1. adoption;
2. foster care;
3. family counseling;
4. protective services;
5. (blank);
6. homemaker service;
7. return of runaway children;
8. (blank);
9. placement under Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile Court Act of 1987 in accordance with the federal Adoption Assistance and Child Welfare Act of 1980; and
10. interstate services.

Rules and regulations established by the Department shall include provisions for training Department staff and the staff of Department grantees, through contracts with other agencies or resources, in alcohol

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and drug abuse screening techniques approved by the Department of Human Services, as a successor to the Department of Alcoholism and Substance Abuse, for the purpose of identifying children and adults who should be referred to an alcohol and drug abuse treatment program for professional evaluation.

(h) If the Department finds that there is no appropriate program or facility within or available to the Department for a ward and that no licensed private facility has an adequate and appropriate program or none agrees to accept the ward, the Department shall create an appropriate individualized, program-oriented plan for such ward. The plan may be developed within the Department or through purchase of services by the Department to the extent that it is within its statutory authority to do.

(i) Service programs shall be available throughout the State and shall include but not be limited to the following services:

1. case management;
2. homemakers;
3. counseling;
4. parent education;
5. day care; and
6. emergency assistance and advocacy.

In addition, the following services may be made available to assess and meet the needs of children and families:

1. comprehensive family-based services;
2. assessments;
3. respite care; and
4. in-home health services.

The Department shall provide transportation for any of the services it makes available to children or families or for which it refers children or families.

(j) The Department may provide categories of financial assistance and education assistance grants, and shall establish rules and regulations concerning the assistance and grants, to persons who adopt physically or mentally handicapped, older and other hard-to-place children who (i) immediately prior to their adoption were legal wards of the Department or

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(ii) were determined eligible for financial assistance with respect to a prior adoption and who become available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died. The Department may, subject to federal financial participation in the cost, continue to provide financial assistance and education assistance grants for a child who was determined eligible for financial assistance under this subsection (j) in the interim period beginning when the child's adoptive parents died and ending with the finalization of the new adoption of the child by another adoptive parent or parents. The Department may also provide categories of financial assistance and education assistance grants, and shall establish rules and regulations for the assistance and grants, to persons appointed guardian of the person under Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile Court Act of 1987 for children who were wards of the Department for 12 months immediately prior to the appointment of the guardian.

The amount of assistance may vary, depending upon the needs of the child and the adoptive parents, as set forth in the annual assistance agreement. Special purpose grants are allowed where the child requires special service but such costs may not exceed the amounts which similar services would cost the Department if it were to provide or secure them as guardian of the child.

Any financial assistance provided under this subsection is inalienable by assignment, sale, execution, attachment, garnishment, or any other remedy for recovery or collection of a judgment or debt.

(j-5) The Department shall not deny or delay the placement of a child for adoption if an approved family is available either outside of the Department region handling the case, or outside of the State of Illinois.

(k) The Department shall accept for care and training any child who has been adjudicated neglected or abused, or dependent committed to it pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987.

(l) Before July 1, 2000, the Department may provide, and beginning July 1, 2000, the Department shall offer family preservation

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services, as defined in Section 8.2 of the Abused and Neglected Child Reporting Act, to help families, including adoptive and extended families. Family preservation services shall be offered (i) to prevent the placement of children in substitute care when the children can be cared for at home or in the custody of the person responsible for the children's welfare, (ii) to reunite children with their families, or (iii) to maintain an adoptive placement. Family preservation services shall only be offered when doing so will not endanger the children's health or safety. With respect to children who are in substitute care pursuant to the Juvenile Court Act of 1987, family preservation services shall not be offered if a goal other than those of subdivisions (A), (B), or (B-1) of subsection (2) of Section 2-28 of that Act has been set. Nothing in this paragraph shall be construed to create a private right of action or claim on the part of any individual or child welfare agency.

The Department shall notify the child and his family of the Department's responsibility to offer and provide family preservation services as identified in the service plan. The child and his family shall be eligible for services as soon as the report is determined to be "indicated". The Department may offer services to any child or family with respect to whom a report of suspected child abuse or neglect has been filed, prior to concluding its investigation under Section 7.12 of the Abused and Neglected Child Reporting Act. However, the child's or family's willingness to accept services shall not be considered in the investigation. The Department may also provide services to any child or family who is the subject of any report of suspected child abuse or neglect or may refer such child or family to services available from other agencies in the community, even if the report is determined to be unfounded, if the conditions in the child's or family's home are reasonably likely to subject the child or family to future reports of suspected child abuse or neglect. Acceptance of such services shall be voluntary.

The Department may, at its discretion except for those children also adjudicated neglected or dependent, accept for care and training any child who has been adjudicated addicted, as a truant minor in need of supervision or as a minor requiring authoritative intervention, under the
Juvenile Court Act or the Juvenile Court Act of 1987, but no such child shall be committed to the Department by any court without the approval of the Department. A minor charged with a criminal offense under the Criminal Code of 1961 or adjudicated delinquent shall not be placed in the custody of or committed to the Department by any court, except a minor less than 13 years of age committed to the Department under Section 5-710 of the Juvenile Court Act of 1987.

(l-1) The legislature recognizes that the best interests of the child require that the child be placed in the most permanent living arrangement as soon as is practically possible. To achieve this goal, the legislature directs the Department of Children and Family Services to conduct concurrent planning so that permanency may occur at the earliest opportunity. Permanent living arrangements may include prevention of placement of a child outside the home of the family when the child can be cared for at home without endangering the child's health or safety; reunification with the family, when safe and appropriate, if temporary placement is necessary; or movement of the child toward the most permanent living arrangement and permanent legal status.

When determining reasonable efforts to be made with respect to a child, as described in this subsection, and in making such reasonable efforts, the child's health and safety shall be the paramount concern.

When a child is placed in foster care, the Department shall ensure and document that reasonable efforts were made to prevent or eliminate the need to remove the child from the child's home. The Department must make reasonable efforts to reunify the family when temporary placement of the child occurs unless otherwise required, pursuant to the Juvenile Court Act of 1987. At any time after the dispositional hearing where the Department believes that further reunification services would be ineffective, it may request a finding from the court that reasonable efforts are no longer appropriate. The Department is not required to provide further reunification services after such a finding.

A decision to place a child in substitute care shall be made with considerations of the child's health, safety, and best interests. At the time of placement, consideration should also be given so that if reunification
fails or is delayed, the placement made is the best available placement to provide permanency for the child.

The Department shall adopt rules addressing concurrent planning for reunification and permanency. The Department shall consider the following factors when determining appropriateness of concurrent planning:

1. the likelihood of prompt reunification;
2. the past history of the family;
3. the barriers to reunification being addressed by the family;
4. the level of cooperation of the family;
5. the foster parents' willingness to work with the family to reunite;
6. the willingness and ability of the foster family to provide an adoptive home or long-term placement;
7. the age of the child;
8. placement of siblings.

The Department may assume temporary custody of any child if:

1. it has received a written consent to such temporary custody signed by the parents of the child or by the parent having custody of the child if the parents are not living together or by the guardian or custodian of the child if the child is not in the custody of either parent, or
2. the child is found in the State and neither a parent, guardian nor custodian of the child can be located.

If the child is found in his or her residence without a parent, guardian, custodian or responsible caretaker, the Department may, instead of removing the child and assuming temporary custody, place an authorized representative of the Department in that residence until such time as a parent, guardian or custodian enters the home and expresses a willingness and apparent ability to ensure the child's health and safety and resume permanent charge of the child, or until a relative enters the home and is willing and able to ensure the child's health and safety and assume charge.
of the child until a parent, guardian or custodian enters the home and expresses such willingness and ability to ensure the child's safety and resume permanent charge. After a caretaker has remained in the home for a period not to exceed 12 hours, the Department must follow those procedures outlined in Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile Court Act of 1987.

The Department shall have the authority, responsibilities and duties that a legal custodian of the child would have pursuant to subsection (9) of Section 1-3 of the Juvenile Court Act of 1987. Whenever a child is taken into temporary custody pursuant to an investigation under the Abused and Neglected Child Reporting Act, or pursuant to a referral and acceptance under the Juvenile Court Act of 1987 of a minor in limited custody, the Department, during the period of temporary custody and before the child is brought before a judicial officer as required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile Court Act of 1987, shall have the authority, responsibilities and duties that a legal custodian of the child would have under subsection (9) of Section 1-3 of the Juvenile Court Act of 1987.

The Department shall ensure that any child taken into custody is scheduled for an appointment for a medical examination.

A parent, guardian or custodian of a child in the temporary custody of the Department who would have custody of the child if he were not in the temporary custody of the Department may deliver to the Department a signed request that the Department surrender the temporary custody of the child. The Department may retain temporary custody of the child for 10 days after the receipt of the request, during which period the Department may cause to be filed a petition pursuant to the Juvenile Court Act of 1987. If a petition is so filed, the Department shall retain temporary custody of the child until the court orders otherwise. If a petition is not filed within the 10 day period, the child shall be surrendered to the custody of the requesting parent, guardian or custodian not later than the expiration of the 10 day period, at which time the authority and duties of the Department with respect to the temporary custody of the child shall terminate.

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(m-1) The Department may place children under 18 years of age in a secure child care facility licensed by the Department that cares for children who are in need of secure living arrangements for their health, safety, and well-being after a determination is made by the facility director and the Director or the Director's designee prior to admission to the facility subject to Section 2-27.1 of the Juvenile Court Act of 1987. This subsection (m-1) does not apply to a child who is subject to placement in a correctional facility operated pursuant to Section 3-15-2 of the Unified Code of Corrections, unless the child is a ward who was placed under the care of the Department before being subject to placement in a correctional facility and a court of competent jurisdiction has ordered placement of the child in a secure care facility.

(n) The Department may place children under 18 years of age in licensed child care facilities when in the opinion of the Department, appropriate services aimed at family preservation have been unsuccessful and cannot ensure the child's health and safety or are unavailable and such placement would be for their best interest. Payment for board, clothing, care, training and supervision of any child placed in a licensed child care facility may be made by the Department, by the parents or guardians of the estates of those children, or by both the Department and the parents or guardians, except that no payments shall be made by the Department for any child placed in a licensed child care facility for board, clothing, care, training and supervision of such a child that exceed the average per capita cost of maintaining and of caring for a child in institutions for dependent or neglected children operated by the Department. However, such restriction on payments does not apply in cases where children require specialized care and treatment for problems of severe emotional disturbance, physical disability, social adjustment, or any combination thereof and suitable facilities for the placement of such children are not available at payment rates within the limitations set forth in this Section. All reimbursements for services delivered shall be absolutely inalienable by assignment, sale, attachment, garnishment or otherwise.

(o) The Department shall establish an administrative review and appeal process for children and families who request or receive child care services.
welfare services from the Department. Children who are wards of the Department and are placed by private child welfare agencies, and foster families with whom those children are placed, shall be afforded the same procedural and appeal rights as children and families in the case of placement by the Department, including the right to an initial review of a private agency decision by that agency. The Department shall insure that any private child welfare agency, which accepts wards of the Department for placement, affords those rights to children and foster families. The Department shall accept for administrative review and an appeal hearing a complaint made by (i) a child or foster family concerning a decision following an initial review by a private child welfare agency or (ii) a prospective adoptive parent who alleges a violation of subsection (j-5) of this Section. An appeal of a decision concerning a change in the placement of a child shall be conducted in an expedited manner.

(p) There is hereby created the Department of Children and Family Services Emergency Assistance Fund from which the Department may provide special financial assistance to families which are in economic crisis when such assistance is not available through other public or private sources and the assistance is deemed necessary to prevent dissolution of the family unit or to reunite families which have been separated due to child abuse and neglect. The Department shall establish administrative rules specifying the criteria for determining eligibility for and the amount and nature of assistance to be provided. The Department may also enter into written agreements with private and public social service agencies to provide emergency financial services to families referred by the Department. Special financial assistance payments shall be available to a family no more than once during each fiscal year and the total payments to a family may not exceed $500 during a fiscal year.

(q) The Department may receive and use, in their entirety, for the benefit of children any gift, donation or bequest of money or other property which is received on behalf of such children, or any financial benefits to which such children are or may become entitled while under the jurisdiction or care of the Department.

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The Department shall set up and administer no-cost, interest-bearing accounts in appropriate financial institutions for children for whom the Department is legally responsible and who have been determined eligible for Veterans' Benefits, Social Security benefits, assistance allotments from the armed forces, court ordered payments, parental voluntary payments, Supplemental Security Income, Railroad Retirement payments, Black Lung benefits, or other miscellaneous payments. Interest earned by each account shall be credited to the account, unless disbursed in accordance with this subsection.

In disbursing funds from children's accounts, the Department shall:

(1) Establish standards in accordance with State and federal laws for disbursing money from children's accounts. In all circumstances, the Department's "Guardianship Administrator" or his or her designee must approve disbursements from children's accounts. The Department shall be responsible for keeping complete records of all disbursements for each account for any purpose.

(2) Calculate on a monthly basis the amounts paid from State funds for the child's board and care, medical care not covered under Medicaid, and social services; and utilize funds from the child's account, as covered by regulation, to reimburse those costs. Monthly, disbursements from all children's accounts, up to 1/12 of $13,000,000, shall be deposited by the Department into the General Revenue Fund and the balance over 1/12 of $13,000,000 into the DCFS Children's Services Fund.

(3) Maintain any balance remaining after reimbursing for the child's costs of care, as specified in item (2). The balance shall accumulate in accordance with relevant State and federal laws and shall be disbursed to the child or his or her guardian, or to the issuing agency.

(r) The Department shall promulgate regulations encouraging all adoption agencies to voluntarily forward to the Department or its agent names and addresses of all persons who have applied for and have been approved for adoption of a hard-to-place or handicapped child and the

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names of such children who have not been placed for adoption. A list of such names and addresses shall be maintained by the Department or its agent, and coded lists which maintain the confidentiality of the person seeking to adopt the child and of the child shall be made available, without charge, to every adoption agency in the State to assist the agencies in placing such children for adoption. The Department may delegate to an agent its duty to maintain and make available such lists. The Department shall ensure that such agent maintains the confidentiality of the person seeking to adopt the child and of the child.

(s) The Department of Children and Family Services may establish and implement a program to reimburse Department and private child welfare agency foster parents licensed by the Department of Children and Family Services for damages sustained by the foster parents as a result of the malicious or negligent acts of foster children, as well as providing third party coverage for such foster parents with regard to actions of foster children to other individuals. Such coverage will be secondary to the foster parent liability insurance policy, if applicable. The program shall be funded through appropriations from the General Revenue Fund, specifically designated for such purposes.

(t) The Department shall perform home studies and investigations and shall exercise supervision over visitation as ordered by a court pursuant to the Illinois Marriage and Dissolution of Marriage Act or the Adoption Act only if:

(1) an order entered by an Illinois court specifically directs the Department to perform such services; and

(2) the court has ordered one or both of the parties to the proceeding to reimburse the Department for its reasonable costs for providing such services in accordance with Department rules, or has determined that neither party is financially able to pay.

The Department shall provide written notification to the court of the specific arrangements for supervised visitation and projected monthly costs within 60 days of the court order. The Department shall send to the court information related to the costs incurred except in cases where the

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court has determined the parties are financially unable to pay. The court may order additional periodic reports as appropriate.

(u) In addition to other information that must be provided, whenever the Department places a child with a prospective adoptive parent or parents or in a licensed foster home, group home, child care institution, or in a relative home, the Department shall provide to the prospective adoptive parent or parents or other caretaker:

(1) available detailed information concerning the child's educational and health history, copies of immunization records (including insurance and medical card information), a history of the child's previous placements, if any, and reasons for placement changes excluding any information that identifies or reveals the location of any previous caretaker;

(2) a copy of the child's portion of the client service plan, including any visitation arrangement, and all amendments or revisions to it as related to the child; and

(3) information containing details of the child's individualized educational plan when the child is receiving special education services.

The caretaker shall be informed of any known social or behavioral information (including, but not limited to, criminal background, fire setting, perpetuation of sexual abuse, destructive behavior, and substance abuse) necessary to care for and safeguard the children to be placed or currently in the home. The Department may prepare a written summary of the information required by this paragraph, which may be provided to the foster or prospective adoptive parent in advance of a placement. The foster or prospective adoptive parent may review the supporting documents in the child's file in the presence of casework staff. In the case of an emergency placement, casework staff shall at least provide known information verbally, if necessary, and must subsequently provide the information in writing as required by this subsection.

The information described in this subsection shall be provided in writing. In the case of emergency placements when time does not allow prior review, preparation, and collection of written information, the

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Department shall provide such information as it becomes available. Within 10 business days after placement, the Department shall obtain from the prospective adoptive parent or parents or other caretaker a signed verification of receipt of the information provided. Within 10 business days after placement, the Department shall provide to the child's guardian ad litem a copy of the information provided to the prospective adoptive parent or parents or other caretaker. The information provided to the prospective adoptive parent or parents or other caretaker shall be reviewed and approved regarding accuracy at the supervisory level.

(u-5) Effective July 1, 1995, only foster care placements licensed as foster family homes pursuant to the Child Care Act of 1969 shall be eligible to receive foster care payments from the Department. Relative caregivers who, as of July 1, 1995, were approved pursuant to approved relative placement rules previously promulgated by the Department at 89 Ill. Adm. Code 335 and had submitted an application for licensure as a foster family home may continue to receive foster care payments only until the Department determines that they may be licensed as a foster family home or that their application for licensure is denied or until September 30, 1995, whichever occurs first.

(v) The Department shall access criminal history record information as defined in the Illinois Uniform Conviction Information Act and information maintained in the adjudicatory and dispositional record system as defined in Section 2605-355 of the Department of State Police Law (20 ILCS 2605/2605-355) if the Department determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and Family Services Act. The Department shall provide for interactive computerized communication and processing equipment that permits direct on-line communication with the Department of State Police's central criminal history data repository. The Department shall comply with all certification requirements and provide certified operators who have been trained by personnel from the Department of State Police. In addition, one Office of the Inspector General investigator shall have training in the use of the criminal history information access system and
have access to the terminal. The Department of Children and Family Services and its employees shall abide by rules and regulations established by the Department of State Police relating to the access and dissemination of this information.

(w) Within 120 days of August 20, 1995 (the effective date of Public Act 89-392), the Department shall prepare and submit to the Governor and the General Assembly, a written plan for the development of in-state licensed secure child care facilities that care for children who are in need of secure living arrangements for their health, safety, and well-being. For purposes of this subsection, secure care facility shall mean a facility that is designed and operated to ensure that all entrances and exits from the facility, a building or a distinct part of the building, are under the exclusive control of the staff of the facility, whether or not the child has the freedom of movement within the perimeter of the facility, building, or distinct part of the building. The plan shall include descriptions of the types of facilities that are needed in Illinois; the cost of developing these secure care facilities; the estimated number of placements; the potential cost savings resulting from the movement of children currently out-of-state who are projected to be returned to Illinois; the necessary geographic distribution of these facilities in Illinois; and a proposed timetable for development of such facilities.

(Source: P.A. 94-215, eff. 1-1-06; 94-1010, eff. 10-1-06.)

Section 10. The Adoption Act is amended by changing Section 14b as follows:

(750 ILCS 50/14b)

Sec. 14b. Death of intended adoptive parent prior to entry of judgment. After any court has acquired jurisdiction over the person of any intended adoptive parent in an adoption proceeding, if the intended adoptive parent dies before entry of final judgment, upon petition by the other intended adoptive parent or the child's guardian ad litem suggesting the death of the intended adoptive parent and asking that the court proceed in absence of the deceased intended adoptive parent to enter a final judgment, in the presence of the other intended adoptive parent or the child to be adopted who is a party to the record, the court shall proceed to

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hearing and final judgment to enable the child to have the intended name by adoption. Otherwise the court may dismiss the proceeding.

This amendatory Act of the 91st General Assembly shall apply to all cases in which the court acquired jurisdiction of the person of any intended adoptive parent in an adoption proceeding, if such jurisdiction was acquired on or after November 1, 1997.

(Source: P.A. 91-573, eff. 1-1-00.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0602
(Senate Bill No. 0234)

AN ACT concerning health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Mental Health and Developmental Disabilities Code is amended by changing Section 1-119 and by adding Section 1-104.5 as follows:

(405 ILCS 5/1-104.5 new)

Sec. 1-104.5. "Dangerous conduct" means threatening behavior or conduct that places another individual in reasonable expectation of being harmed, or a person's inability to provide, without the assistance of family or outside help, for his or her basic physical needs so as to guard himself or herself from serious harm.

(405 ILCS 5/1-119) (from Ch. 91 1/2, par. 1-119)

Sec. 1-119. "Person subject to involuntary admission" means:

(1) A person with mental illness and who because of his or her illness is reasonably expected to engage in dangerous conduct inflict serious physical harm upon himself or herself or another in the near future which may include threatening behavior or conduct

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that places that person or another individual in reasonable expectation of being harmed; or

(2) A person with mental illness and who because of his or her illness is unable to provide for his or her basic physical needs so as to guard himself or herself from serious harm without the assistance of family or outside help; or

(3) A person with mental illness who, because of the nature of his or her illness, is unable to understand his or her need for treatment and who, if not treated, is reasonably expected to suffer or continue to suffer mental deterioration or emotional deterioration, or both, to the point that the person is reasonably expected to engage in dangerous conduct.

In determining whether a person meets the criteria specified in paragraph (1), (2), or (3) or (2), the court may consider evidence of the person's repeated past pattern of specific behavior and actions related to the person's illness.

(Source: P.A. 93-573, eff. 8-21-03.)

Effective June 1, 2008.

PUBLIC ACT 95-0603
(Senate Bill No. 0333)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title; purpose. This Act may be cited as the State of Illinois Recreational Use of Leased Land Act.

The purpose of this Act is to encourage owners of land through nominal leases to the State of Illinois Department of Natural Resources to make land and water areas available to members of the general public for recreational uses by limiting their liability toward persons entering thereon for such uses.

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Section 5. Definitions. As used in this Act, unless the context otherwise requires:

"Land" includes roads, water, watercourses, private ways and buildings, and structures, but does not include residential buildings or residential property.

"Owner-lessee" means the owner of land that is leased to the State of Illinois Department of Natural Resources pursuant to a nominal lease.

"Nominal lease" means any lease between an owner-lessee and the State of Illinois Department of Natural Resources under which the total rent for the term of the lease is less than $5.

"Leased land" means any land leased by an owner-lessee to the State of Illinois Department of Natural Resources pursuant to a nominal lease.

"Recreational use" means any activity undertaken for conservation, resource management, exercise, or recreation on leased land.

"Charge" means an admission fee for permission to go upon leased land, but does not include: the sharing of game, fish, or other products of recreational use; or benefits to or arising from the recreational use; or contributions in kind, services or cash made for the purpose of properly conserving the leased land.

"Person" means any person who is a member of the general public, regardless of age, maturity, or experience.

Section 10. No duty. Except as specifically recognized by or provided in Section 15 of this Act, an owner-lessee of leased land shall not be liable for injury of any kind to any person who enters the leased land for a recreational use, except for willful and wanton misconduct. The owner-lessee of leased land owes no duty of ordinary care to keep leased land safe for entry or use by any person for recreational uses, as defined by this Act, or to give any warning of a natural or artificial dangerous condition, use, structure, or activity on the leased land to persons entering for such uses.

Section 15. Willful and wanton failure; charge for entry. Nothing in this Act limits in any way any liability which otherwise exists:

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(a) For willful and wanton failure by an owner-lessee to guard or warn against a dangerous condition, use, structure, or activity on leased land.

(b) For injury suffered by a person in any case where the owner-lessee of leased land assesses a charge against that person who enters or goes on the leased land for recreational use.

Section 20. Construction. Nothing in this Act shall be construed to:
(a) Create a duty of ordinary care owed by an owner-lessee to any person on the leased land for a recreational use or to establish the basis for liability of an owner-lessee for injury to persons or property.
(b) Relieve any person using leased land for recreational uses from any obligation which he or she may have in the absence of this Act to exercise care in his or her use of such leased land and in his or her activities thereon, or from the legal consequences of failure to employ such care.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0604
(Senate Bill No. 0434)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Director of Central Management Services is authorized to convey by Quit Claim Deed for $1 to the City of Chicago the following described real property: surplus property located within the area bordered by Oak Park Avenue, West Irving Park Road, North Narragansett Avenue, West Montrose Avenue, and Forest Preserve Drive, Chicago, Illinois; provided, however, that should the property fail to be used for any public purpose within the first 10 years after the effective date of this

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amendatory Act of the 95th General Assembly or fail to be used at any
time by the Grantee for public purposes, then title shall revert to the State
of Illinois.

Section 10. "An Act in relation to certain land", approved June 13,
2000, Public Act 91-824, is amended by changing Section 20-10 as
follows:

(P.A. 91-824, Sec. 20-10)
Sec. 20-10. The Director of Central Management Services is
authorized to:

(a) convey by quit claim deed for $1 buildings A & B of the
former Henry Horner School property located on Oak Park Ave,
Chicago, Illinois to Maryville Academy, provided however that
should the property fail to be used by Maryville Academy for
charitable or educational purposes, the title shall revert to the State
of Illinois;

(b) convey by quit claim deed for $1 upon identification
and survey of a site mutually agreeable to the parties to New
Horizon Center for the Developmentally Disabled, provided that
should the property fail to be used by New Horizon Center for the
Developmentally Disabled for charitable or educational purposes,
title shall revert to the State of Illinois;

(c) convey by Quit Claim Deed for $1 to the City of
Chicago the following described real property:
A PARCEL OF LAND, APPROXIMATELY 16,000
SQUARE FEET ON AND ALONG THE NORTH SIDE
OF WEST IRVING PARK ROAD, HAVING
APPROXIMATELY 135 FEET OF FRONTAGE ON
SAID WEST IRVING PARK ROAD AND A DEPTH OF
APPROXIMATELY 125 FEET, HAVING ITS
EASTERLY BOUNDARY PARALLEL TO AND
APPROXIMATELY 1,111 FEET WEST OF THE WEST
PROPERTY LINE OF NORTH NARRAGANSETT
AVENUE, AND ITS WESTERLY BOUNDARY BEING
PARALLEL TO AND 135 FEET WEST OF THE
EASTERLY BOUNDARY LINE, ALL IN THE COUNTY OF COOK AND STATE OF ILLINOIS.

Provided however, should the property fail to be used by the Grantee for public purposes, title shall revert to the State of Illinois;

(d) take steps to preserve, landscape, memorialize and protect unmarked historic cemetery grounds located by archeological survey on the grounds of Chicago Read Mental Health Center. This subsection shall also allow the relocation of the remains pursuant to regulations and procedures established by the Historic Preservation Agency when deemed necessary by the Director of Central Management Services. For the purpose of the relocation of such remains, the Secretary of Human Services is designated next of kin when it is not possible to definitively establish the identity of any such remains;

(e) (the General Assembly finds and declares that the authorization under this subsection (e) as originally enacted by Public Act 91-824 was never acted upon; and, therefore, the provisions of that originally enacted subsection (e) are rescinded by this amendatory Act of the 95th General Assembly) in order to facilitate the conveyances referenced in subsections (a) and (b) after consultation with the Secretary of Transportation, the Secretary of Human Services, and the Director of Commerce and Community Affairs and upon obtaining necessary appraisals, surveys, and environmental reports, and in accordance with and in coordination with any pre-existing redevelopment agreement; convey title by quit claim deed to Chicago Read Joint Venture, Limited Partnership to surplus property located within the area bordered by Harlem Avenue, West Irving Park Road, North Narragansett Avenue, West Montrose Avenue, and Forest Preserve Drive, Chicago, Illinois, but excluding the area comprised of the property of the former Henry Horner School and the property referred to as the “Phase Three Property” under the Chicago Read-Dunning Redevelopment Agreement, at fair market value and on

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such terms and conditions necessary to bring about the orderly redevelopment of such surplus property, provided however that "surplus property" as described in this Section shall not include buildings and grounds currently under the jurisdiction of the Department of Human Services unless specifically consented to by the Secretary of Human Services; and

(f) accept replacement State facilities constructed in order to relocate State operations located in facilities to be replaced or otherwise transferred to coordinate with necessary redevelopment.

(Source: P.A. 91-824, eff. 1-1-01.)

Section 15. The Director of Central Management Services shall obtain a certified copy of this Act within 60 days after its effective date, and shall record the certified document in the Recorder's Office in the county in which the land is located.

Section 20. The Metropolitan Water Reclamation District Act is amended by changing Sections 8 and 8c as follows:

(70 ILCS 2605/8) (from Ch. 42, par. 327)

Sec. 8. Except as otherwise in this Act provided, the sanitary district may acquire by lease, purchase or otherwise within or without its corporate limits, or by condemnation within its corporate limits, any and all real and personal property, right of way and privilege that may be required for its corporate purposes. All moneys for the purchase and condemnation of any property must be paid before possession is taken, or any work done on the premises. In case of an appeal from the Court in which the condemnation proceedings are pending, taken by either party, whereby the amount of damages is not finally determined, the amount of the judgment in the court shall be deposited with the county treasurer of the county in which the judgment is rendered, subject to the payment of damages on orders signed by the judge whenever the amount of damages is finally determined.

Upon recommendation of the general superintendent and upon the approval of the board of trustees when any real or personal property, right of way or privilege or any interest therein, or any part thereof of such sanitary district is no longer required for the corporate purposes of the
sanitary district it may be sold, vacated or released. Such sales, vacations, or releases may be made subject to such conditions and the retention of such interest therein as may be deemed for the best interest of such sanitary district as recommended by the general superintendent and approved by the board of trustees.

However, the sanitary district may enter into a lease of a building or a part thereof, or acquire title to a building already constructed or to be constructed, for the purpose of securing office space for its administrative corporate functions, the period of such lease not to exceed 15 years except as authorized by the provisions of Section 8b of this Act. In the event of the purchase of such property for administrative corporate functions, the sanitary district may execute a mortgage or other documents of indebtedness as may be required for the unpaid balance, to be paid in not more than 15 annual installments. Annual installments on the mortgage or annual payment on the lease shall be considered a current corporate expense of the year in which they are to be paid, and the amount of such annual installment or payment shall be included in the Annual Appropriation and Corporate Tax Levy Ordinances. Such expense may be incurred, notwithstanding the provisions, if any applicable, contained in any other Sections of this Act.

The sanitary district may dedicate to the public for highway purposes any of its real property and the dedications may be made subject to such conditions and the retention of such interests therein as considered in the best interests of the sanitary district by the board of trustees upon recommendation of the general superintendent.

The sanitary district may lease to others for any period of time, not to exceed 99 years, upon the terms as its board of trustees upon recommendation of the general superintendent may determine, any such real property, right-of-way or privilege, or any interest therein or any part thereof, which is in the opinion of the board of trustees and general superintendent of the sanitary district no longer required for its corporate purposes or which may not be immediately needed for such purposes. The leases may contain such terms and conditions, including restrictions as to permissible use of the real property, and retain such interests therein as

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considered in the best interests of the sanitary district by the board of trustees upon recommendation of the general superintendent. Negotiations and execution of such leases and preparatory activities in connection therewith must comply with Section 8c of this Act. The sanitary district may grant easements and permits for the use of any such real property, right-of-way, or privilege, which will not in the opinion of the board of trustees and general superintendent of the sanitary district interfere with the use thereof by the sanitary district for its corporate purposes. Such easements and permits may contain such conditions and retain such interests therein as considered in the best interests of the sanitary district by the board of trustees upon recommendation of the general superintendent.

No sales, vacations, dedications for highway purposes, or leases for periods in excess of 5 years, of the following described real estate, may be made or granted by the sanitary district without the approval in writing of the Director of Natural Resources of the State of Illinois:

All the right-of-way of the Calumet-Sag Channel of the sanitary district extending from the Little Calumet River near Blue Island, Illinois, to the right-of-way of the main channel of the sanitary district near Sag, Illinois.

Lots 1, 3, 5, 21, 30, 31, 32, 33, 46, 48, 50, 52, 88, 89, 89a, 90, 91, 130, 132, 133, those parts of Lots 134 and 139 lying northeasterly of a tract of land leased to the Corn Products Manufacturing Company from January 1, 1908, to December 31, 2006; 1000 feet of Lot 141 lying southwesterly of and adjoining the above mentioned leased tract measured parallel with the main channel of the sanitary district; Lots 166, 168, 207, 208, and part of Lot 211 lying northeasterly of a line 1500 feet southwesterly of the center line of Stephen Street, Lemont, Illinois, and parallel with said street measured parallel with said main channel; and Lot 212 of the Sanitary District Trustees Subdivision of right-of-way from the north and south center line of Section 30, Township 39 North, Range 14 East of the Third Principal Meridian, to Will County line.

That part of the right-of-way of the main channel of the sanitary district in Section 14, Township 37 North, Range 11 East of the Third
Principal Meridian, lying southerly of said main channel, northerly of the Northerly Reserve Line of the Illinois and Michigan Canal, and westerly of the Center line of the old channel of the Des Plaines River.

That part of said main channel right-of-way in Section 35, Township 37 North, Range 10 East of the Third Principal Meridian, lying east of said main channel and south of a line 1,319.1 feet north of and parallel with the south line of said Section 35.

That part of said main channel right-of-way in the northeast quarter of the northwest quarter of Section 2, Township 36 North, Range 10 East of the Third Principal Meridian, lying east of said main channel.

That part of said main channel right-of-way lying south of Ninth Street in Lockport, Illinois.

Notwithstanding any other law, if any surplus real estate is located in an unincorporated territory and if that real estate is contiguous to only one municipality, 60 days before the sale of that real estate, the sanitary district shall notify in writing the contiguous municipality of the proposed sale. Prior to the sale of the real estate, the municipality shall notify in writing the sanitary district that the municipality will or will not annex the surplus real estate. If the contiguous municipality will annex such surplus real estate, then coincident with the completion of the sale of that real estate by the sanitary district, that real estate shall be automatically annexed to the contiguous municipality.

All sales of real estate by the sanitary district must be for cash, to the highest bidder upon open competitive bids, and the proceeds of the sales may be used only for the construction and equipment of sewage disposal plants, pumping stations and intercepting sewers and appurtenances thereto, the acquisition of sites and easements therefor, and the financing of the Local Government Assistance Program established under Section 9.6c.

However, the sanitary district may:

(a) Remise, release, quit claim and convey, without the approval of the Department of Natural Resources of the State of Illinois acting by and through its Director, to the United States of America without any consideration to be paid therefor, in aid of the widening of the Calumet-

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Sag Channel of the sanitary district by the United States of America, all those certain lands, tenements and hereditaments of every kind and nature of that portion of the established right-of-way of the Calumet-Sag Channel lying east of the east line of Ashland Avenue, in Blue Island, Illinois, and south of the center line of the channel except such portion thereof as is needed for the operation and maintenance of and access to the controlling works lock of the sanitary district;

(b) Without the approval of the Department of Natural Resources of the State of Illinois acting by and through its Director, give and grant to the United States of America without any consideration to be paid therefor the right, privilege and authority to widen the Calumet-Sag Channel and for that purpose to enter upon and use in the work of such widening and for the disposal of spoil therefrom all that part of the right-of-way of the Calumet-Sag Channel owned by the sanitary district lying south of the center line of the Calumet-Sag Channel from its connection with the main channel of the sanitary district to the east line of Ashland Avenue in Blue Island, Illinois;

(c) Make alterations to any structure made necessary by such widening and to construct, reconstruct or otherwise alter the existing highway bridges of the sanitary district across the Calumet-Sag Channel;

(d) Give and grant to the United States of America without any consideration to be paid therefor the right to maintain the widened Calumet-Sag Channel without the occupation or use of or jurisdiction over any property of the sanitary district adjoining and adjacent to such widened channel;

(e) Acquire by lease, purchase, condemnation or otherwise, whatever land, easements or rights of way, not presently owned by it, that may be required by the United States of America in constructing the Calumet-Sag Navigation Project, as approved in Public Law 525, 79th Congress, Second Session as described in House Document No. 677 for widening and dredging the Calumet-Sag Channel, in improving the Little Calumet River between the eastern end of the Sag Channel and Turning Basin No. 5, and in improving the Calumet River between Calumet Harbor and Lake Calumet;

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(f) Furnish free of cost to the United States all lands, easements, rights-of-way and soil disposal areas necessary for the new work and for subsequent maintenance by the United States;

(g) Provide for the necessary relocations of all utilities.

Whatever land acquired by the sanitary district may thereafter be determined by the Board of Trustees upon recommendation of the general superintendent as not being needed by the United States for the purposes of constructing and maintaining the Calumet-Sag Navigation Project as above described, shall be retained by the sanitary district for its corporate purposes, or be sold, with all convenient speed, vacated or released (but not leased) as its Board of Trustees upon recommendation of the general superintendent may determine: All sales of such real estate must be for cash, to the highest bidder upon open, competitive bids, and the proceeds of the sales may be used only for the purpose of paying principal and interest upon the bonds authorized by this Act, and if no bonds are then outstanding, for the purpose of paying principal and interest upon any general obligation bonds of the sanitary district, and for corporate purposes of the sanitary district. When the proceeds are used to pay bonds and interest, proper abatement shall be made in the taxes next extended for such bonds and interest.

(Source: P.A. 89-445, eff. 2-7-96; 89-502, eff. 6-28-96; 90-568, eff. 1-1-99; 90-690, eff. 7-31-98.)

(70 ILCS 2605/8c) (from Ch. 42, par. 327c)

Sec. 8c. Every lease of property no longer or not immediately required for corporate purposes of a sanitary district, from such district to others for a term not to exceed 99 years, in accordance with Section 8 of this Act, shall be negotiated, created and executed in the following manner:

(1) Notice of such proposed leasing shall be published for 3 consecutive weeks in a newspaper of general circulation published in such sanitary district, if any, and otherwise in the county containing such district.

(2) Prior to receipt of bids for the lease under this Section, the fair market value of every parcel of real property to be leased must be
determined by 2 professional appraisers who are members of the American Institute of Real Estate Appraisers or a similar, equivalently recognized professional organization. The sanitary district acting through the general superintendent may select and engage an additional appraiser for such determination of fair market value. Every appraisal report must contain an affidavit certifying the absence of any collusion involving the appraiser and relating to the lease of such property.

(3) No lease must be awarded to the highest responsible bidder (including established commercial or industrial concerns and financially responsible individuals) upon free and open competitive bids, except that no lease may be awarded unless the bid of such highest responsible bidder provides for an annual rental payment to the sanitary district of at least 6% of the parcel's fair market value determined under this Section, provided however, if the sanitary district determines that a parcel contains a special development impediment, defined as any condition that constitutes a material impediment to the development or lease of a parcel, and includes, but is not limited to: environmental contamination, obsolescence, or advanced disrepair of improvements or structures, or accumulation of large quantities of non-indigenous materials, the sanitary district may establish a minimum acceptable initial annual rental of less than 6% of the parcel's fair market value for the initial 10 years of the lease. In no event will the annual rental payment for each 10-year period after the initial 10 years of the lease be less than the 6% of the parcel's fair market value determined under this Section. Every lease must be awarded to the highest responsible bidder (including established commercial or industrial concerns and financially responsible individuals) upon free and open competitive bids. In determining the responsibility of any bidder, the sanitary district may consider, in addition to financial responsibility, any past records of transactions with the bidder and any other pertinent factors, including but not limited to, the bidder's performance or past record with respect to any lease, use, occupancy, or trespass of sanitary district or other lands.

(4) Prior to acceptance of the bid of the highest responsible bidder and before execution of the lease the bidder shall submit to the board of

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commissioners and general superintendent, for incorporation in the lease, a
detailed plan and description of improvements to be constructed upon the
leased property, the time within which the improvements will be
completed, and the intended uses of the leased property. If there is more
than one responsible bid, the board of commissioners may authorize and
direct the general superintendent to solicit from the 2 highest responsible
bidders written amendments to their prior bids, increasing their rental bid
proposal by at least 5% in excess of their prior written bid, or otherwise
amending the financial terms of their bid so as to maximize the financial
return to the sanitary district during the term of the proposed lease. Upon
the general superintendent's tentative agreement with one or more
amended bids, the bids may be submitted to the board of commissioners
with the recommendation of the general superintendent for acceptance of
one or rejection of all. The amendments may not result in a diminution of
the terms of the transaction and must result in an agreement that is equal to
or greater in value than the highest responsible bid initially received.
(5) The execution of such lease must be contemporaneous to the
execution by the lessee, each member of the board of commissioners and
the general superintendent of an affidavit certifying the absence of any
collusion involving the lessee, the members and the general superintendent
and relating to such lease.
(6) No later than 30 days after the effective date of the lease, the
lessee must deliver to the sanitary district a certified statement of the
County Assessor, Township Assessor or the county clerk of the county
wherein the property is situated that such property is presently contained in
the official list of lands and lots to be assessed for taxes for the several
towns or taxing districts in his county.
(7) Such lease shall provide for a fixed annual rental payment for
the first year not less than 6% of the fair market value as determined under
this Section and may be subject to annual adjustments based on changes in
the Consumer Price Index published by the United States Department of
Labor, Bureau of Labor Statistics, or some other well known economic
governmental activity index. Any lease, the term of which will extend for
15 years or more, shall provide for a redetermination of the fair market

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value (independent of improvements to the property subsequent to the effective date of the lease) after the initial 10 years and every 10 years thereafter, in the manner set forth in paragraph (2) of this Section, which redetermination shall be referred to as the decennial adjustment. Where the property rental is less than 6% of fair market value due to the existence of a special development impediment, the first decennial adjustment shall not occur until the twentieth year of the lease. Such said redetermination shall be as of the first day of each succeeding 10 year period, and annual rental payments shall be adjusted so that the ratio of annual rental to fair market value shall be the same as that ratio for the first year of the preceding 10 year period. The decennial adjustment shall not exceed 100% of the rental in effect on the last day of the preceding 10-year period, except when the property rental is less than 6% of fair market value due to the existence of a special development impediment, in which case, the decennial adjustment shall not be so limited until the twentieth year of the lease. The rental payment for the first year of the new 10 year period may be subject to Consumer Price Index or other allowable index adjustments for each of the next 9 years, or until the end of the lease term if there are less than 9 years remaining.

(8) A sanitary district may require compensation to be paid in addition to rent, based on a reasonable percentage of revenues derived from a lessee's business operations on the leasehold premises or subleases, or may require additional compensation from the lessee or any sublessee in the form of services, including but not limited to solid waste disposal; provided, however, that such additional compensation shall not be considered in determining the highest responsible bid, said highest responsible bid to be determined only on the initial annual rental payment as set forth in paragraph (3) of this Section.

(9) No assignment of such lease or sublease of such property is effective unless approved in writing by the general superintendent and the board of commissioners of the sanitary district. The district may consider, for any assignment or sublease, all pertinent factors including the assignee's or sublessee's responsibility in accordance with subparagraph (3) of this Section. The sanitary district may also condition its consent

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upon the redetermination of the annual rental required to be paid under any lease initially executed on or before January 1, 1983, for which the annual rent being paid thereunder is less than 6% of the current appraised fair market value of the leased property. The redetermination of any annual rental under this Section shall be consistent with the requirements of subparagraphs (2) and (3) of this Section. No assignment or sublease is effective if the assignee or sublessee is a trust constituted by real property of which the trustee has title but no power of management or control, unless the identity of the beneficiaries of the trust is revealed, upon demand, to the general superintendent and the board of commissioners of the sanitary district.

(10) Failure by the lessee to comply with a provision in the lease relating to improvements upon the leased property or any other provision constitutes grounds for forfeiture of the lease, and upon such failure the sanitary district acting through the general superintendent shall serve the lessee with a notice to terminate the lease and deliver possession of the property to the sanitary district within a particular period.

(11) If the general superintendent and the board of commissioners conclude that it would be in the public interest, said sanitary district may lease without complying with the prior provisions of this Section, in accordance with an Act concerning “Transfer of Real Estate between Municipal Corporations”, approved July 2, 1925, as amended, to the following, upon such terms as may be mutually agreeable: (a) the United States of America and the State of Illinois, County of Cook, any municipal corporation, with provisions that the property is to be applied exclusively for public recreational purposes or other public purposes; (b) or any academic institution of learning which has been in existence for 5 years prior to said lease, provided that such lease limit the institution's use of the leased land to only those purposes relating to the operation of such institution's academic or physical educational programs; or (c) any lease involving land located in a county with a population of 100,000 or less and which is leased solely for agricultural or commercial recreational uses. Any lease issued in accordance with this paragraph shall contain the provisions without complying with the prior provisions of this section,
upon such terms as may be mutually agreed upon, in accordance with an act concerning "Transfer of Real Estate between Municipal Corporations", approved July 2, 1925, as amended, with provisions that such property is to be applied exclusively to public recreational purposes or other public purposes and that such lease is terminable in accordance with service of a one-year notice to terminate after determination by the board of commissioners and the general superintendent that such property (or part thereof) has become essential to the corporate purposes of the sanitary district.

(Source: P.A. 92-16, eff. 6-28-01; 93-988, eff. 8-23-04.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0605
(Senate Bill No. 0531)

AN ACT concerning trusts.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Trusts and Trustees Act is amended by changing Section 4 and adding Section 4.26 as follows:

(760 ILCS 5/4) (from Ch. 17, par. 1654)

Sec. 4. Powers of Trustee. The trustee has the powers specified in the Sections following this Section and preceding Section 5 4.01 through 4.25.

(Source: P.A. 88-367.)

(760 ILCS 5/4.26 new)

Sec. 4.26. Small trust termination. To terminate the trust and distribute the trust estate, including principal and accrued and undistributed income, if the trustee determines, in the trustee's sole discretion with the consent of the recipients, that the market value of a

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trust is less than $100,000 and that the costs of continuing the trust will substantially impair accomplishment of the purpose of the trust.

Distribution shall be made to the persons then entitled to receive or eligible to have the benefit of the income from the trust in the proportions in which they are entitled thereto, or if their interests are indefinite, to those persons per stirpes if they have a common ancestor, or if not, then in equal shares. The trustee shall give notice to the persons at least 30 days prior to the effective date of the termination.

If a particular trustee is an income beneficiary of the trust or is legally obligated to an income beneficiary, then that particular trustee may not participate as a trustee in the exercise of this termination power; provided, however, that if the trust has one or more co-trustees who are not so disqualified from participating, the co-trustee or co-trustees may exercise this power.

This Section shall not apply to the extent that it would cause a trust otherwise qualifying for a federal or State tax benefit or other benefit not to so qualify, nor shall it apply to trusts for domestic or pet animals.

The provisions of this amendatory Act of the 95th General Assembly apply to all trusts created before, on, or after its effective date.

Effective June 1, 2008.

PUBLIC ACT 95-0606
(Senate Bill No. 0677)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Mental Health Court Treatment Act.

Section 5. Purposes. The General Assembly recognizes that a large percentage of criminal defendants have a diagnosable mental illness and that mental illnesses have a dramatic effect on the criminal justice system

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in the State of Illinois. The General Assembly also recognizes that mental illness and substance abuse problems co-occur in a substantial percentage of criminal defendants. There is a critical need for a criminal justice system program that will reduce the number of persons with mental illnesses and with co-occurring mental illness and substance abuse problems in the criminal justice system, reduce recidivism among persons with mental illness and with co-occurring mental illness and substance abuse problems, provide appropriate treatment to persons with mental illnesses and co-occurring mental illness and substance abuse problems and reduce the incidence of crimes committed as a result of mental illnesses or co-occurring mental illness and substance abuse problems. It is the intent of the General Assembly to create specialized mental health courts with the necessary flexibility to meet the problems of criminal defendants with mental illnesses and co-occurring mental illness and substance abuse problems in the State of Illinois.

Section 10. Definitions. As used in this Act:

"Mental health court", "mental health court program", or "program" means a structured judicial intervention process for mental health treatment of eligible defendants that brings together mental health professionals, local social programs, and intensive judicial monitoring.

"Mental health court professional" means a judge, prosecutor, defense attorney, probation officer, or treatment provider involved with the mental health court program.

"Pre-adjudicatory mental health court program" means a program that allows the defendant, with the consent of the prosecution, to expedite the defendant's criminal case before conviction or before filing of a criminal case and requires successful completion of the mental health court program as part of the agreement.

"Post-adjudicatory mental health court program" means a program in which the defendant has admitted guilt or has been found guilty and agrees, along with the prosecution, to enter a mental health court program as part of the defendant's sentence.
"Combination mental health court program" means a mental health court program that includes a pre-adjudicatory mental health court program and a post-adjudicatory mental health court program.

"Co-occurring mental health and substance abuse court program" means a program that includes persons with co-occurring mental illness and substance abuse problems. Such programs shall include professionals with training and experience in treating persons with substance abuse problems and mental illness.

Section 15. Authorization. The Chief Judge of each judicial circuit may establish a mental health court program, including the format under which it operates under this Act.

Section 20. Eligibility.

(a) A defendant may be admitted into a mental health court program only upon the agreement of the prosecutor and the defendant and with the approval of the court.

(b) A defendant shall be excluded from a mental health court program if any one of the following applies:

   (1) The crime is a crime of violence as set forth in clause (3) of this subsection (b).

   (2) The defendant does not demonstrate a willingness to participate in a treatment program.

   (3) The defendant has been convicted of a crime of violence within the past 10 years excluding incarceration time, specifically first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnapping, kidnapping, stalking, aggravated stalking, or any offense involving the discharge of a firearm.

   (4) The defendant has previously completed or has been discharged from a mental health court program within 3 years of completion or discharge.

Section 25. Procedure.

(a) The court shall require an eligibility screening and an assessment of the defendant. An assessment need not be ordered if the
court finds a valid assessment related to the present charge pending against
the defendant has been completed within the previous 60 days.

(b) The judge shall inform the defendant that if the defendant fails
to meet the requirements of the mental health court program, eligibility to
participate in the program may be revoked and the defendant may be
sentenced or the prosecution continued, as provided in the Unified Code of
Corrections, for the crime charged.

(c) The defendant shall execute a written agreement as to his or her
participation in the program and shall agree to all of the terms and
conditions of the program, including but not limited to the possibility of
sanctions or incarceration for failing to abide or comply with the terms of
the program.

(d) In addition to any conditions authorized under the Pretrial
Services Act and Section 5-6-3 of the Unified Code of Corrections, the
court may order the defendant to complete mental health or substance
abuse treatment in an outpatient, inpatient, residential, or jail-based
custodial treatment program. Any period of time a defendant shall serve in
a jail-based treatment program may not be reduced by the accumulation of
good time or other credits and may be for a period of up to 120 days.

(e) The mental health court program may include a regimen of
graduated requirements and rewards and sanctions, including but not
limited to: fines, fees, costs, restitution, incarceration of up to 180 days,
individual and group therapy, medication, drug analysis testing, close
monitoring by the court and supervision of progress, educational or
vocational counseling as appropriate and other requirements necessary to
fulfill the mental health court program.

(a) The mental health court program may maintain or collaborate
with a network of mental health treatment programs and, if it is a co-
occurring mental health and substance abuse court program, a network of
substance abuse treatment programs representing a continuum of treatment
options commensurate with the needs of defendants and available
resources.

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(b) Any substance abuse treatment program to which defendants are referred must meet all of the rules and governing programs in Parts 2030 and 2060 of Title 77 of the Illinois Administrative Code.

(c) The mental health court program may, at its discretion, employ additional services or interventions, as it deems necessary on a case by case basis.

Section 35. Violation; termination; discharge.
(a) If the court finds from the evidence presented, including but not limited to the reports or proffers of proof from the mental health court professionals that:

(1) the defendant is not performing satisfactorily in the assigned program;
(2) the defendant is not benefiting from education, treatment, or rehabilitation;
(3) the defendant has engaged in criminal conduct rendering him or her unsuitable for the program; or
(4) the defendant has otherwise violated the terms and conditions of the program or his or her sentence or is for any reason unable to participate;

the court may impose reasonable sanctions under prior written agreement of the defendant, including but not limited to imprisonment or dismissal of the defendant from the program; and the court may reinstate criminal proceedings against him or her or proceed under Section 5-6-4 of the Unified Code of Corrections for a violation of probation, conditional discharge, or supervision hearing. No defendant may be dismissed from the program unless, prior to such dismissal, the defendant is informed in writing: (i) of the reason or reasons for the dismissal; (ii) the evidentiary basis supporting the reason or reasons for the dismissal; (iii) that the defendant has a right to a hearing at which he or she may present evidence supporting his or her continuation in the program. Based upon the evidence presented, the court shall determine whether the defendant has violated the conditions of the program and whether the defendant should be dismissed from the program or whether some other alternative may be appropriate in the interests of the defendant and the public.

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(b) Upon successful completion of the terms and conditions of the program, the court may dismiss the original charges against the defendant or successfully terminate the defendant's sentence or otherwise discharge him or her from the program or from any further proceedings against him or her in the original prosecution.

Section 105. The Unified Code of Corrections is amended by changing Section 5-9-3 as follows:

(730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)

Sec. 5-9-3. Default.

(a) An offender who defaults in the payment of a fine or any installment of that fine may be held in contempt and imprisoned for nonpayment. The court may issue a summons for his appearance or a warrant of arrest.

(b) Unless the offender shows that his default was not due to his intentional refusal to pay, or not due to a failure on his part to make a good faith effort to pay, the court may order the offender imprisoned for a term not to exceed 6 months if the fine was for a felony, or 30 days if the fine was for a misdemeanor, a petty offense or a business offense. Payment of the fine at any time will entitle the offender to be released, but imprisonment under this Section shall not satisfy the payment of the fine.

(c) If it appears that the default in the payment of a fine is not intentional under paragraph (b) of this Section, the court may enter an order allowing the offender additional time for payment, reducing the amount of the fine or of each installment, or revoking the fine or the unpaid portion.

(d) When a fine is imposed on a corporation or unincorporated organization or association, it is the duty of the person or persons authorized to make disbursement of assets, and their superiors, to pay the fine from assets of the corporation or unincorporated organization or association. The failure of such persons to do so shall render them subject to proceedings under paragraphs (a) and (b) of this Section.

(e) A default in the payment of a fine, fee, cost, restitution, or judgment of bond forfeiture or any installment may be collected by any and all means authorized for the collection of money judgments. The

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State's Attorney of the county in which the fine, fee, cost, restitution, or judgment of bond forfeiture was imposed may retain attorneys and private collection agents for the purpose of collecting any default in payment of any fine, fee, cost, restitution, or judgment of bond forfeiture or installment of that fine, fee, cost, restitution, or judgment of bond forfeiture. An additional fee of 30% of the delinquent amount is to be charged to the offender for any amount of the fine, fee, cost, restitution, or judgment of bond forfeiture or installment of the fine, fee, cost, restitution, or judgment of bond forfeiture that remains unpaid after the time fixed for payment of the fine, fee, cost, restitution, or judgment of bond forfeiture by the court. The additional fee shall be payable to the State's Attorney in order to compensate the State's Attorney for costs incurred in collecting the delinquent amount. The State's Attorney may enter into agreements assigning any portion of the fee to the retained attorneys or the private collection agent retained by the State's Attorney. Any agreement between the State's Attorney and the retained attorneys or collection agents shall require the approval of the Circuit Clerk of that county. A default in payment of a fine, fee, cost, restitution, or judgment of bond forfeiture shall draw interest at the rate of 9% per annum. The fees and costs incurred by the State's Attorney in any such collection and the fees and charges of attorneys and private collection agents retained by the State's Attorney for those purposes shall be charged to the offender.

(Source: P.A. 93-693, eff. 1-1-05.)

Effective June 1, 2008.
Section 5. The North Shore Sanitary District Act is amended by changing Sections 3, 4, 5, 8.1, and 11 as follows:

(70 ILCS 2305/3) (from Ch. 42, par. 279)

Sec. 3. The corporate authority of the North Shore Sanitary District shall consist of 5 trustees.

Within 20 days after the adoption of the Act, as provided in Section 1, the county governing body shall proceed to divide the sanitary district into 5 wards for the purpose of electing trustees. One trustee shall be elected for each ward on the date of the next regular county election. In each sanitary district organized pursuant to the provisions of this Act prior to the effective date of this amendatory Act of 1975, one trustee shall be elected for each ward on the date of the regular county election in the year 1976. However, the population in no one ward shall be less than 1/6 of the population of the whole district and the territory in each of the wards shall be composed of contiguous territory in as compact form as practicable. A portion of each ward shall abut the west shore of Lake Michigan and the boundaries of the respective wards shall coincide with precinct boundaries and the boundaries of existing municipalities as nearly as practicable. In the year 1981, and every 10 years thereafter, the sanitary district board of trustees shall reapportion the district, so that the respective wards shall conform as nearly as practicable with the above requirements as to population, shape and territory.

The trustees shall hold office respectively for 4 years from the first Monday of May after their election and until their successors are appointed and qualified, except that the term of office of 2 of the trustees first elected shall be for 2 years. Which of the trustees first elected shall serve a term of 2 years shall be determined by lot at their first meeting. Notwithstanding the foregoing provisions, all trustees elected in 1994 or thereafter shall assume office on the first Monday in December following the general election instead of the first Monday in May of the following year.

In the year 1982, and every 10 years thereafter, following each decennial Federal census, all 5 trustees shall be elected. Immediately following each decennial redistricting, the sanitary district board of trustees shall divide the wards into 2 groups, one of which shall consist of
3 wards and the other shall consist of 2 wards. Trustees from one group shall serve terms of 4 years, 4 years and 2 years; and trustees from the other group shall serve terms of 2 years, 4 years and 4 years.

Each of the trustees, upon entering the duties of their respective offices, shall execute a bond with security, in the amount and form to be approved by the corporate authorities, payable to the district, in the penal sum of not less than $10,000.00, as directed by resolution or ordinance, conditioned upon the faithful performance of the duties of the office. Each bond shall be filed with and preserved by the board secretary. shall enter

into bond, in a sum determined by the circuit court, with security to be approved by the circuit court.

When a vacancy exists in the office of trustees of any sanitary district organized under the provisions of this Act, the vacancy shall be filled by appointment by the president of the sanitary district board of trustees, with the advice and consent of the sanitary district board of trustees, until the next regular election at which trustees of the sanitary district are elected, and shall be made a matter of record in the office of the county clerk in the county in which the district is located.

A majority of the board of trustees shall constitute a quorum, but a smaller number may adjourn from day to day. No trustee or employee of the district shall be directly or indirectly interested in any contract, work or business of the district, or the sale of any article, the expense, price or consideration of which is paid by the district; nor in the purchase of any real estate or other property belonging to the district, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the district. The trustees have the power to provide and adopt a corporate seal for the district.

(Source: P.A. 87-937.)

(70 ILCS 2305/4) (from Ch. 42, par. 280)

Sec. 4. Board of trustees; powers; compensation. The trustees shall constitute a board of trustees for the district. The board of trustees is the corporate authority of the district, and shall exercise all the powers and manage and control all the affairs and property of the district. The board shall elect a president and vice-president from among their own number.

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In case of the death, resignation, absence from the state, or other disability of the president, the powers, duties and emoluments of the office of the president shall devolve upon the vice-president, until the disability is removed or until a successor to the president is appointed and chosen in the manner provided in this Act. The board may select a secretary, treasurer, chief engineer, superintendent and attorney, and may provide by ordinance for the employment of such clerks and other employees as the board may deem necessary for the municipality. The board may appoint such other officers and hire such employees to manage and control the operations of the district as it deems necessary; provided, however, that the board shall not employ an individual as a wastewater operator whose Certificate of Technical Competency is suspended or revoked under rules adopted by the Pollution Control Board under item (4) of subsection (a) of Section 13 of the Environmental Protection Act. All employees selected by the board shall hold their respective offices during the pleasure of the board, and give such bond as may be required by the board. The board may prescribe the duties and fix the compensation of all the officers and employees of the sanitary district. However, the president of the board of trustees shall not receive more than $10,000 per year and the other members of the board shall not receive more than $7,000 per year. However, beginning with the commencement of the new term of each board member in 1993, the president shall not receive more than $11,000 per year and each other member of the board shall not receive more than $8,000 per year. Beginning with the commencement of the first new term after the effective date of this amendatory Act of the 95th General Assembly, the president of the board shall not receive more than $14,000 per year, and each other member of the board shall not receive more than $11,000 per year. The board of trustees has full power to pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of the board and of the corporation, and for carrying into effect the objects for which the sanitary district was formed. The ordinances may provide for a fine for each offense of not less than $100 or more than $1,000. Each day's continuance of a violation shall be a separate offense. Fines under this Section are recoverable by the sanitary
district in a civil action. The sanitary district is authorized to apply to the
circuit court for injunctive relief or mandamus when, in the opinion of the
chief administrative officer, the relief is necessary to protect the sewerage
system of the sanitary district.

The board of trustees shall have the authority to change the name
of the District, by ordinance, to the North Shore Water Reclamation
District. If an ordinance is passed pursuant to this paragraph, all
provisions of this Act shall apply to the newly renamed district.
(Source: P.A. 89-143, eff. 7-14-95.)

(70 ILCS 2305/5) (from Ch. 42, par. 281)
Sec. 5. Ordinance enactment and rulemaking procedures.
(a) No ordinance or rule imposing a penalty, or assessing a charge
under Section 7.1, shall take effect until the board of trustees has complied
with the requirements of this Section. As used in this Section, "rule"
means a rule, regulation, order, or resolution.

(1) Not less than 30 days before the effective date of a
proposed ordinance or rule imposing a penalty or assessing a
charge under Section 7.1, the board of trustees shall publish a
general notice of the proposed ordinance or rule imposing a penalty
or assessing a charge under Section 7.1 in a newspaper of general
circulation in the district or, if no such newspaper exists, shall post
copies of the notice in 3 public places in the district, unless persons
subject to the proposed ordinance or rule are named and either
personally served or otherwise have actual notice in accordance
with the law. The notice shall include the following:

(A) A statement of the time, place, and nature of
public proceedings to consider or adopt the proposed
ordinance or rule.

(B) Reference to the legal authority under which the
ordinance or rule is proposed.

(C) Either the terms or substance of the proposed
ordinance or rule or a description of the subjects and issues
involved.
(2) After publication or service of the notice of the proposed ordinance or rule *imposing a penalty or assessing a charge under Section 7.1.* required by this Section, the board of trustees shall give interested persons a meaningful opportunity to participate in the process through submission of written data, views, or arguments with or without the opportunity for oral presentation. After consideration of the relevant matter presented, the board of trustees shall incorporate in the adopted ordinance or rule a concise general statement of its basis and purpose and in an accompanying explanatory notice shall specifically address each comment received by the board.

(3) The board of trustees shall make the required publication or service of notice of a final ordinance or rule *imposing a penalty or assessing a charge under Section 7.1;* not less than 30 days before its effective date.

(b) Except as otherwise provided in this Section, no other ordinance or rule shall take effect until 10 days after it is published. However, notwithstanding the provisions of this Section, any ordinance or rule which contains a statement of its urgency in the preamble or body thereof, may take effect immediately upon its passage provided that the corporate authorities, by a vote of two-thirds of all the members then holding office, so direct. The decision of the corporate authorities as to the urgency of any ordinance shall not be subject to judicial review except for an abuse of discretion. Within 30 days after the adoption by the board of trustees of all other ordinances and rules, the board of trustees shall publish at least once in a newspaper of general circulation in the district or, if no such newspaper exists, shall post copies of the notice in 3 public places in the district, and no ordinance or rule shall take effect until 10 days after it is published.

(c) Except as otherwise provided in this Section, all ordinances, rules, or resolutions shall be (1) printed or published in book or pamphlet form, published by authority of the corporate authorities, or (2) published at least once, within 30 days after passage, in one or more newspapers published in the district, or, if no newspaper is published therein, then in

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one or more newspapers with a general circulation within the district. Publication shall be satisfied by either subsection (1) or (2) notwithstanding any other provision in this Act. If there is an error in printing, the publishing requirement of this Act shall be satisfied if those portions of the ordinance or rule that were erroneously printed are republished, correctly, within 30 days after the original publication that contained the error. The fact that an error occurred in publication shall not affect the effective date of the ordinance or rule so published. If the error in printing is not corrected within 30 days after the date of the original publication that contained the error, as provided in the preceding sentence, the corporate authorities may, by ordinance, declare the ordinance or rule that was erroneously published to be nevertheless valid and in effect no sooner than 10 days after the date of the original publication, notwithstanding the error in publication, and shall order the original ordinance or rule to be published once more within 30 days after the passage of the validating ordinance.

(d) The board of trustees shall give an interested person the right to petition for the issuance, amendment, or repeal of an ordinance or a rule.

(Source: P.A. 88-649, eff. 9-16-94.)

(70 ILCS 2305/8.1) (from Ch. 42, par. 284.1)

Sec. 8.1. Every such sanitary district shall also have the power to lease to others for any period of time, not exceeding 20 years, upon such terms as its board of trustees may determine, any real estate, right-of-way, or privilege, or any interest therein, or any part thereof, acquired by it which is in the opinion of the board of trustees of such sanitary district, no longer required for its corporate purposes or which may not be immediately needed for such purposes, and such leases may contain such conditions and retain such interests therein as may be deemed for the best interest of such sanitary district by such board of trustees; also any such sanitary district shall have the right to grant easements and permits for the use of any such real property, right-of-way, or privilege, which will not in the opinion of the board of trustees of such sanitary district, interfere with the use thereof by such sanitary district for its corporate purposes, and

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such easements and permits may contain such conditions and retain such interests therein as may be deemed for the best interests of such sanitary district by such board of trustees.

(Source: Laws 1961, p. 551.)

(70 ILCS 2305/11) (from Ch. 42, par. 287)

Sec. 11. Except as otherwise provided in this Section, all contracts for purchases or sales by the municipality, the expense of which will exceed the mandatory competitive bid threshold, shall be let to the lowest responsible bidder therefor upon not less than 14 days' public notice of the terms and conditions upon which the contract is to be let, having been given by publication in a newspaper of general circulation published in the district, and the board may reject any and all bids and readvertise. In determining the lowest responsible bidder, the board shall take into consideration the qualities and serviceability of the articles supplied, their conformity with specifications, their suitability to the requirements of the district, the availability of support services, the uniqueness of the service, materials, equipment, or supplies as it applies to network integrated computer systems, the compatibility of the service, materials, equipment or supplies with existing equipment, and the delivery terms. Contracts for services in excess of the mandatory competitive bid threshold may, subject to the provisions of this Section, be let by competitive bidding at the discretion of the district board of trustees. All contracts for purchases or sales that will not exceed the mandatory competitive bid threshold may be made in the open market without publication in a newspaper as above provided, but whenever practical shall be based on at least 3 competitive bids. For purposes of this Section, the "mandatory competitive bid threshold" is a dollar amount equal to 0.1% of the total general fixed assets of the district as reported in the most recent required audit report. In no event, however, shall the mandatory competitive bid threshold dollar amount be less than $10,000, nor more than $40,000.

Cash, a cashier's check, a certified check, or a bid bond with adequate surety approved by the board of trustees as a deposit of good faith, in a reasonable amount, but not in excess of 10% of the contract amount, may be required of each bidder by the district on all bids

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involving amounts in excess of the mandatory competitive bid threshold and, if so required, the advertisement for bids shall so specify.

Contracts which by their nature are not adapted to award by competitive bidding, including, without limitation, contracts for the services of individuals, groups or firms possessing a high degree of professional skill where the ability or fitness of the individual or organization plays an important part, contracts for financial management services undertaken pursuant to "An Act relating to certain investments of public funds by public agencies", approved July 23, 1943, as now or hereafter amended, contracts for the purchase or sale of utilities, contracts for materials economically procurable only from a single source of supply, contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, or services, contracts for duplicating machines and supplies, contracts for goods or services procured from another governmental agency, purchases of equipment previously owned by an entity other than the district itself, and leases of real property where the sanitary district is the lessee shall not be subject to the competitive bidding requirements of this Section.

In the case of an emergency affecting the public health or safety so declared by the Board of Trustees of the municipality at a meeting thereof duly convened, which declaration shall require the affirmative vote of four of the five Trustees elected, and shall set forth the nature of the danger to the public health or safety, contracts totaling not more than the emergency contract cap may be let to the extent necessary to resolve such emergency without public advertisement or competitive bidding. For purposes of this Section, the "emergency contract cap" is a dollar amount equal to 0.4% of the total general fixed assets of the district as reported in the most recent required audit report. In no event, however, shall the emergency contract cap dollar amount be less than $40,000, nor more than $250,000. The Resolution or Ordinance in which such declaration is embodied shall fix the date upon which such emergency shall terminate which date may be extended or abridged by the Board of Trustees as in their judgment the circumstances require. A full written account of any such emergency,
together with a requisition for the materials, supplies, labor or equipment required therefor shall be submitted immediately upon completion and shall be open to public inspection for a period of at least one year subsequent to the date of such emergency purchase. Within 30 days after the passage of the resolution or ordinance declaring an emergency affecting the public health or safety, the municipality shall submit to the Illinois Environmental Protection Agency the full written account of any such emergency along with a copy of the resolution or ordinance declaring the emergency, in accordance with requirements as may be provided by rule.

To address operating emergencies not affecting the public health or safety, the Board of Trustees shall authorize, in writing, officials or employees of the sanitary district to purchase in the open market and without advertisement any supplies, materials, equipment, or services for immediate delivery to meet the bona fide operating emergency, without filing a requisition or estimate therefor, in an amount not in excess of $100,000; provided that the Board of Trustees must be notified of the operating emergency. A full, written account of each operating emergency and a requisition for the materials, supplies, equipment, and services required to meet the operating emergency must be immediately submitted by the officials or employees authorized to make purchases to the Board of Trustees. The account must be available for public inspection for a period of at least one year after the date of the operating emergency purchase. The exercise of authority with respect to purchases for a bona fide operating emergency is not dependent on a declaration of an operating emergency by the Board of Trustees.

No Trustee shall be interested, directly or indirectly, in any contract, work or business of the municipality, or in the sale of any article, whenever the expense, price or consideration of the contract work, business or sale is paid either from the treasury or by any assessment levied by any Statute or Ordinance. No Trustee shall be interested, directly or indirectly, in the purchase of any property which (1) belongs to the municipality, or (2) is sold for taxes or assessments of the municipality, or (3) is sold by virtue of legal process in the suit of the municipality.

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A contract for any work or other public improvement, to be paid for in whole or in part by special assessment or special taxation, shall be entered into and the performance thereof controlled by the provisions of Division 2 of Article 9 of the "Illinois Municipal Code", approved May 29, 1961, as heretofore or hereafter amended, as near as may be. However, contracts may be let for making proper and suitable connections between the mains and outlets of the respective sanitary sewers in the district with any conduit, conduits, main pipe or pipes that may be constructed by such sanitary district.

(Source: P.A. 91-921, eff. 1-1-01; 92-195, eff. 1-1-02.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 095-0608
(Senate Bill No. 0833)

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Sanitary District Act of 1917 is amended by changing Section 3 as follows:

(70 ILCS 2405/3) (from Ch. 42, par. 301)

Sec. 3. A board of trustees shall be created, consisting of 5 members in any sanitary district which includes one or more municipalities with a population of over 90,000 but less than 500,000 according to the most recent Federal census, and consisting of 3 members in any other district. However, the board of trustees for the Fox River Water Reclamation District and for the Northern Moraine Wastewater Reclamation District shall each consist of 5 members. Each board of trustees shall be created for the government,
control and management of the affairs and business of each sanitary district organized under this Act shall be created in the following manner:

(1) If the district is located wholly within a single county, the presiding officer of the county board, with the advice and consent of the county board, shall appoint the trustees for the district;

(2) If the district is located in more than one county, the members of the General Assembly whose legislative districts encompass any portion of the district shall appoint the trustees for the district.

In any sanitary district which shall have a 3 member board of trustees, within 60 days after the adoption of such act, the appropriate appointing authority shall appoint three trustees not more than 2 of whom shall be from one incorporated city, town or village in districts in which are included 2 or more incorporated cities, towns or villages, or parts of 2 or more incorporated cities, towns or villages, who shall hold their office respectively for 1, 2 and 3 years, from the first Monday of May next after their appointment and until their successors are appointed and have qualified, and thereafter on or before the second Monday in April of each year the appropriate appointing authority shall appoint one trustee whose term shall be for 3 years commencing the first Monday in May of the year in which he is appointed. The length of the term of the first trustees shall be determined by lot at their first meeting.

In the case of any sanitary district created after January 1, 1978 in which a 5 member board of trustees is required, the appropriate appointing authority shall appoint 5 trustees, one of whom shall hold office for one year, two of whom shall hold office for 2 years, and 2 of whom shall hold office for 3 years from the first Monday of May next after their respective appointments and until their successors are appointed and have qualified. Thereafter, on or before the second Monday in April of each year the appropriate appointing authority shall appoint one trustee or 2 trustees, as shall be necessary to maintain a 5 member board of trustees, whose terms shall be for 3 years commencing the first Monday in May of the year in
which they are respectively appointed. The length of the terms of the first
trustees shall be determined by lot at their first meeting.

In any sanitary district created prior to January 1, 1978 in which a 5
member board of trustees is required as of January 1, 1978, the two
trustees already serving terms which do not expire on May 1, 1978 shall
continue to hold office for the remainders of their respective terms, and 3
trustees shall be appointed by the appropriate appointing authority by April
10, 1978 and shall hold office for terms beginning May 1, 1978. Of the
three new trustees, one shall hold office for 2 years and 2 shall hold office
for 3 years from May 1, 1978 and until their successors are appointed and
have qualified. Thereafter, on or before the second Monday in April of
each year the appropriate appointing authority shall appoint one trustee or
2 trustees, as shall be necessary to maintain a 5 member board of trustees,
whose terms shall be for 3 years commencing the first Monday in May of
the year in which they are respectively appointed. The lengths of the terms
of the trustees who are to hold office beginning May 1, 1978 shall be
determined by lot at their first meeting after May 1, 1978.

No more than 3 members of a 5 member board of trustees may be
of the same political party; except that in any sanitary district which
otherwise meets the requirements of this Section and which lies within 4
counties of the State of Illinois or, prior to April 30, 2008, in the Fox
River Water Reclamation District; the appointments of the 5 members of
the board of trustees shall be made without regard to political party.
Beginning with the appointments made on April 30, 2008, all
appointments to the board of trustees of the Fox River Water Reclamation
District shall be made so that no more than 3 of the 5 members are from
the same political party.

Within 60 days after the release of Federal census statistics
showing that a sanitary district having a 3 member board of trustees
contains one or more municipalities with a population over 90,000 but less
than 500,000, or, for the Northern Moraine Wastewater Reclamation
District, within 60 days after the effective date of this amendatory Act of
the 95th General Assembly, the appropriate appointing authority shall
appoint 2 additional trustees to the board of trustees, one to hold office for

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2 years and one to hold office for 3 years from the first Monday of May next after their appointment and until their successors are appointed and have qualified. The lengths of the terms of these two additional members shall be determined by lot at the first meeting of the board of trustees held after the additional members take office. The three trustees already holding office in the sanitary district shall continue to hold office for the remainders of their respective terms. Thereafter, on or before the second Monday in April of each year the appropriate appointing authority shall appoint one trustee or 2 trustees, as shall be necessary to maintain a 5 member board of trustees, whose terms shall be for 3 years commencing the first Monday in May of the year in which they are respectively appointed.

If any sanitary district having a 5 member board of trustees shall cease to contain one or more municipalities with a population over 90,000 but less than 500,000 according to the most recent Federal census, then, for so long as that sanitary district does not contain one or more such municipalities, on or before the second Monday in April of each year the appropriate appointing authority shall appoint one trustee whose term shall be for 3 years commencing the first Monday in May of the year in which he is appointed. In districts which include 2 or more incorporated cities, towns, or villages, or parts of 2 or more incorporated cities, towns, or villages, all of the trustees shall not be from one incorporated city, town or village.

If a vacancy occurs on any board of trustees, the appropriate appointing authority shall within 60 days appoint a trustee who shall hold office for the remainder of the vacated term.

The appointing authority shall require each of the trustees to enter into bond, with security to be approved by the appointing authority, in such sum as the appointing authority may determine.

A majority of the board of trustees shall constitute a quorum but a smaller number may adjourn from day to day. No trustee or employee of such district shall be directly or indirectly interested in any contract, work or business of the district, or the sale of any article, the expense, price or consideration of which is paid by such district; nor in the purchase of any

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real estate or property belonging to the district, or which shall be sold for
taxes or assessments, or by virtue of legal process at the suit of the district.
Provided, that nothing herein shall be construed as prohibiting the
appointment or selection of any person as trustee or employee whose only
interest in the district is as owner of real estate in the district or of
contributing to the payment of taxes levied by the district. The trustees
shall have the power to provide and adopt a corporate seal for the district.

Notwithstanding any other provision in this Section, in any sanitary
district created prior to the effective date of this amendatory Act of 1985,
in which a five member board of trustees has been appointed and which
currently includes one or more municipalities with a population of over
90,000 but less than 500,000, the board of trustees shall consist of five
members.
(Source: P.A. 91-547, eff. 8-14-99.)

Section 99. Effective date. This Act takes effect upon becoming
law.


PUBLIC ACT 95-0609
(Senate Bill No. 0853)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The School Code is amended by changing Section 3-
15.12 as follows:

(105 ILCS 5/3-15.12) (from Ch. 122, par. 3-15.12)
Sec. 3-15.12. High school equivalency testing program. The
regional superintendent of schools shall make available for qualified
individuals residing within the region a High School Equivalency Testing
Program. For that purpose the regional superintendent alone or with other
regional superintendents may establish and supervise a testing center or

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centers to administer the secure forms of the high school level Test of General Educational Development to qualified persons. Such centers shall be under the supervision of the regional superintendent in whose region such centers are located, subject to the approval of the President of the Illinois Community College Board.

An individual is eligible to apply to the regional superintendent of schools for the region in which he or she resides if he or she is: (a) a person who is 17 or 18 years of age or older, has maintained residence in the State of Illinois, and is not a high school graduate, but whose high school class has graduated; (b) a member of the armed forces of the United States on active duty who is 17 years of age or older and who is stationed in Illinois or is a legal resident of Illinois; (c) a ward of the Department of Corrections who is 17 years of age or older or an inmate confined in any branch of the Illinois State Penitentiary or in a county correctional facility who is 17 years of age or older; (d) a female who is 17 years of age or older who is unable to attend school because she is either pregnant or the mother of one or more children; (e) a male 17 years of age or older who is unable to attend school because he is a father of one or more children; (f) a person who is successfully completing an alternative education program under Section 2-3.81, Article 13A, or Article 13B; or (g) a person who is enrolled in a youth education program sponsored by the Illinois National Guard; or (h) a person who is 17 years of age or older who has been a dropout for a period of at least one year. For purposes of this Section, residence is that abode which the applicant considers his or her home. Applicants may provide as sufficient proof of such residence and as an acceptable form of identification a driver's license, valid passport, military ID, or other form of government-issued national or foreign identification that shows the applicant's name, address, date of birth, signature, and photograph or other acceptable identification as may be allowed by law or as regulated by the Illinois Community College Board picture identification card and two pieces of correctly addressed and postmarked mail. Such regional superintendent shall determine if the applicant meets statutory and regulatory state standards. If qualified the applicant shall at the time of such application pay a fee established by the Illinois

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Community College Board, which fee shall be paid into a special fund under the control and supervision of the regional superintendent. Such moneys received by the regional superintendent shall be used, first, for the expenses incurred in administering and scoring the examination, and next for other educational programs that are developed and designed by the regional superintendent of schools to assist those who successfully complete the high school level test of General Education Development in furthering their academic development or their ability to secure and retain gainful employment, including programs for the competitive award based on test scores of college or adult education scholarship grants or similar educational incentives. Any excess moneys shall be paid into the institute fund.

Any applicant who has achieved the minimum passing standards as established by the Illinois Community College Board shall be notified in writing by the regional superintendent and shall be issued a high school equivalency certificate on the forms provided by the Illinois Community College Board. The regional superintendent shall then certify to the Illinois Community College Board the score of the applicant and such other and additional information that may be required by the Illinois Community College Board. The moneys received therefrom shall be used in the same manner as provided for in this Section.

Any applicant who has attained the age of 17 years and maintained residence in the State of Illinois and is not a high school graduate, any person who has enrolled in a youth education program sponsored by the Illinois National Guard, but whose high school class has graduated, any ward of the Department of Corrections who has attained the age of 17 years, any inmate confined in any branch of the Illinois State Penitentiary or in a county correctional facility who has attained the age of 17 years, any member of the armed forces of the United States on active duty who has attained the age of 17 years and who is stationed in Illinois or is a legal resident of Illinois, any female who has attained the age of 17 years and is either pregnant or the mother of one or more children, any male who has attained the age of 17 years and is the father of one or more children, or any person who has successfully completed an alternative

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education program under Section 2-3.81, Article 13A, or Article 13B is eligible to apply for a high school equivalency certificate (if he or she meets the requirements prescribed by the Illinois Community College Board) upon showing evidence that he or she has completed, successfully, the high school level General Educational Development Tests, administered by the United States Armed Forces Institute, official GED Centers established in other states, or at Veterans' Administration Hospitals or the office of the State Superintendent of Education administered for the Illinois State Penitentiary System and the Department of Corrections. Such applicant shall apply to the regional superintendent of the region wherein he has maintained residence, and upon payment of a fee established by the Illinois Community College Board the regional superintendent shall issue a high school equivalency certificate, and immediately thereafter certify to the Illinois Community College Board the score of the applicant and such other and additional information as may be required by the Illinois Community College Board.

Notwithstanding the provisions of this Section, any applicant who has been out of school for at least one year may request the regional superintendent of schools to administer the restricted GED test upon written request of: The director of a program who certifies to the Chief Examiner of an official GED center that the applicant has completed a program of instruction provided by such agencies as the Job Corps, the Postal Service Academy or apprenticeship training program; an employer or program director for purposes of entry into apprenticeship programs; another State Department of Education in order to meet regulations established by that Department of Education, a post high school educational institution for purposes of admission, the Department of Professional Regulation for licensing purposes, or the Armed Forces for induction purposes. The regional superintendent shall administer such test and the applicant shall be notified in writing that he is eligible to receive the Illinois High School Equivalency Certificate upon reaching age 17 18, provided he meets the standards established by the Illinois Community College Board.

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Any test administered under this Section to an applicant who does not speak and understand English may at the discretion of the administering agency be given and answered in any language in which the test is printed. The regional superintendent of schools may waive any fees required by this Section in case of hardship.

In counties of over 3,000,000 population a GED certificate shall contain the signatures of the President of the Illinois Community College Board, the superintendent, president or other chief executive officer of the institution where GED instruction occurred and any other signatures authorized by the Illinois Community College Board.

The regional superintendent of schools shall furnish the Illinois Community College Board with any information that the Illinois Community College Board requests with regard to testing and certificates under this Section.

(Source: P.A. 94-108, eff. 7-1-05.)

Effective June 1, 2008.

PUBLIC ACT 95-0610
(Senate Bill No. 0996)

AN ACT concerning courts.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Circuit Courts Act is amended by changing Sections 2f, 2f-2, 2f-4, 2f-5, 2f-6, and 2f-9 as follows:

(705 ILCS 35/2f) (from Ch. 37, par. 72.2f)

Sec. 2f. (a) The Circuit of Cook County shall be divided into 15 units to be known as subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly shall create the subcircuits by law on or before July 1, 1991, using population data as determined by the 1990 Federal census.

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(b) The 165 resident judges to be elected from the Circuit of Cook County shall be determined under paragraph (4) of subsection (a) of Section 2 of the Judicial Vacancies Act.

(c) The Supreme Court shall allot (i) the additional resident judgeships provided by paragraph (4) of subsection (a) of Section 2 of the Judicial Vacancies Act and (ii) all vacancies in resident judgeships existing on or occurring on or after the effective date of this amendatory Act of 1990, with respect to the other resident judgeships of the Circuit of Cook County, for election from the various subcircuits until there are 11 resident judges to be elected from each of the 15 subcircuits (for a total of 165). A resident judgeship authorized before the effective date of this amendatory Act of 1990 that became vacant and was filled by appointment by the Supreme Court before that effective date shall be filled by election at the general election in November of 1992 from the unit of the Circuit of Cook County within Chicago or the unit of that Circuit outside Chicago, as the case may be, in which the vacancy occurred.

(d) As soon as practicable after the subcircuits are created by law, the Supreme Court shall determine by lot a numerical order for the 15 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. After the first round of assignments, the second and all later rounds shall be based on the same numerical order. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(e) A resident judge elected from a subcircuit shall continue to reside in that subcircuit as long as he or she holds that office. A resident judge elected from a subcircuit after January 1, 2008, must retain residency as a registered voter in the subcircuit to run for retention from the circuit at large thereafter.

(Source: P.A. 86-1478.)

(705 ILCS 35/2f-2)

Sec. 2f-2. 19th judicial circuit; subcircuits.

(a) The 19th circuit shall be divided into 6 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly by law shall create the subcircuits,

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using population data as determined by the 2000 federal census, and shall
determine a numerical order for the 6 subcircuits. That numerical order
shall be the basis for the order in which resident judgeships are assigned to
the subcircuits. Once a resident judgeship is assigned to a subcircuit, it
shall continue to be assigned to that subcircuit for all purposes.

(b) The 19th circuit shall have a total of 6 resident judgeships. The
number of resident judgeships allotted to subcircuits of the 19th judicial
circuit pursuant to this Section shall constitute all the resident judgeships
of the 19th judicial circuit.

(c) The Supreme Court shall allot (i) all vacancies in resident
judgeships of the 19th circuit existing on or occurring on or after the
effective date of this amendatory Act of the 93rd General Assembly and
not filled at the 2004 general election and (ii) the resident judgeships of
the 19th circuit filled at the 2004 general election as those judgeships
thereafter become vacant, for election from the various subcircuits until
there is one resident judge to be elected from each subcircuit. No resident
judge of the 19th circuit serving on the effective date of this amendatory
Act of the 93rd General Assembly shall be required to change his or her
residency in order to continue serving in office or to seek retention in
office as resident judgeships are allotted by the Supreme Court in
accordance with this Section.

(d) A resident judge elected from a subcircuit shall continue to
reside in that subcircuit as long as he or she holds that office. A resident
judge elected from a subcircuit after January 1, 2008, must retain
residency as a registered voter in the subcircuit to run for retention from
the circuit at large thereafter.

(e) Vacancies in resident judgeships of the 19th circuit shall be
filled in the manner provided in Article VI of the Illinois Constitution.
(Source: P.A. 93-541, eff. 8-18-03; 93-1040, eff. 9-28-04; 93-1102, eff. 4-
7-05; 94-727, eff. 2-14-06.)

Sec. 2f-4. 12th circuit; subcircuits; additional judges.

(a) The 12th circuit shall be divided into 5 subcircuits. The
subcircuits shall be compact, contiguous, and substantially equal in
population. The General Assembly by law shall create the subcircuits, using population data as determined by the 2000 federal census, and shall determine a numerical order for the 5 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(a-10) The first vacancy in the 12th judicial circuit's 10 existing circuit judgeships (8 at large and 2 resident), but not in the additional judgeships described in subsections (b) and (b-5), that exists on or after the effective date of this amendatory Act of the 94th General Assembly shall not be filled, by appointment or election, and that judgeship is eliminated. Of the 12th judicial circuit's 10 existing circuit judgeships (8 at large and 2 resident), but not the additional judgeships described in subsections (b) and (b-5), the second to be vacant or become vacant on or after the effective date of this amendatory Act of the 94th General Assembly shall be allotted as a 12th circuit resident judgeship under subsection (c). As used in this subsection, a vacancy does not include the expiration of a term of an at large or resident judge who seeks retention in that office at the next term.

(b) The 12th circuit shall have 3 additional resident judgeships, as well as its existing resident judgeship or judgeships, and existing at large judgeships, for a total of 12 judgeships available to be allotted under subsection (c) to the 5 subcircuit resident judgeships. The additional resident judgeship created by Public Act 93-541 shall be filled by election beginning at the general election in 2006. The 2 additional resident judgeships created by this amendatory Act of 2004 shall be filled by election beginning at the general election in 2008. After the subcircuits are created by law, the Supreme Court may fill by appointment the additional resident judgeships created by Public Act 93-541 and this amendatory Act of 2004 until the 2006 or 2008 general election, as the case may be.

(b-5) In addition to the number of circuit judges and resident judges otherwise authorized by law, and notwithstanding any other provision of law, beginning on April 1, 2006 there shall be one additional resident judge who is a resident of and elected from the fourth judicial

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subcircuit of the 12th judicial circuit. That additional resident judgeship may be filled by appointment by the Supreme Court until filled by election at the general election in 2008, regardless of whether the judgeships for subcircuits 1, 2, and 3 have been filled.

(c) The Supreme Court shall allot (i) the additional resident judgeships of the 12th circuit created by Public Act 93-541 and this amendatory Act of 2004, and (ii) the second vacancy in the at large and resident judgeships of the 12th circuit as provided in subsection (a-10), for election from the various subcircuits until, with the additional judge of the fourth subcircuit described in subsection (b-5), there is one resident judge to be elected from each subcircuit. No at large or resident judge of the 12th circuit serving on August 18, 2003 shall be required to change his or her residency in order to continue serving in office or to seek retention in office as at large or resident judgeships are allotted by the Supreme Court in accordance with this Section.

(d) A resident judge elected from a subcircuit shall continue to reside in that subcircuit as long as he or she holds that office. A resident judge elected from a subcircuit after January 1, 2008, must retain residency as a registered voter in the subcircuit to run for retention from the circuit at large thereafter.

(e) Vacancies in resident judgeships of the 12th circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

(705 ILCS 35/2f-5)
Sec. 2f-5. 22nd circuit; subcircuits; additional resident judgeship.
(a) The 22nd circuit shall be divided into 4 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly by law shall create the subcircuits, using population data as determined by the 2000 federal census, and shall determine a numerical order for the 4 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

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(b) The 22nd circuit shall have one additional resident judgeship, as well as its 3 existing resident judgeships, for a total of 4 resident judgeships to be allotted to the 4 subcircuit resident judgeships. The additional resident judgeship created by this amendatory Act of the 93rd General Assembly shall be filled by election beginning at the general election in 2006 and shall not be filled by appointment before the general election in 2006. The number of resident judgeships allotted to subcircuits of the 22nd judicial circuit pursuant to this Section shall constitute all the resident judgeships of the 22nd judicial circuit.

(c) The Supreme Court shall allot (i) all vacancies in resident judgeships of the 22nd circuit existing on or occurring on or after August 18, 2003 and not filled at the 2004 general election, (ii) the resident judgeships of the 22nd circuit filled at the 2004 general election as those judgeships thereafter become vacant, and (iii) the additional resident judgeship of the 22nd circuit created by this amendatory Act of the 93rd General Assembly, for election from the various subcircuits until there is one resident judge to be elected from each subcircuit. No resident judge of the 22nd circuit serving on August 18, 2003 shall be required to change his or her residency in order to continue serving in office or to seek retention in office as resident judgeships are allotted by the Supreme Court in accordance with this Section.

(d) A resident judge elected from a subcircuit shall continue to reside in that subcircuit as long as he or she holds that office. A resident judge elected from a subcircuit after January 1, 2008, must retain residency as a registered voter in the subcircuit to run for retention from the circuit at large thereafter.

(e) Vacancies in resident judgeships of the 22nd circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

(Source: P.A. 93-541, eff. 8-18-03; 93-1040, eff. 9-28-04; 93-1102, eff. 4-7-05; 94-727, eff. 2-14-06.)

(705 ILCS 35/2f-6)

Sec. 2f-6. 17th judicial circuit; subcircuits.

(a) The 17th circuit shall be divided into 4 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in
population. The General Assembly by law shall create the subcircuits, using population data as determined by the 2000 federal census, and shall determine a numerical order for the 4 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(a-10) Of the 17th circuit's 9 existing circuit judgeships (6 at large and 3 resident), the 3 resident judgeships shall be allotted as 17th circuit resident judgeships under subsection (c) as those resident judgeships are or become vacant on or after the effective date of this amendatory Act of the 93rd General Assembly. Of the 17th circuit's associate judgeships, the first associate judgeship that is or becomes vacant on or after the effective date of this amendatory Act of the 93rd General Assembly shall become a resident judgeship of the 17th circuit to be allotted by the Supreme Court under subsection (c) as a resident subcircuit judgeship. These resident judgeships shall constitute all of the resident judgeships of the 17th circuit. As used in this subsection, a vacancy does not include the expiration of a term of a resident judge who seeks retention in that office at the next term. A vacancy does not exist or occur at the expiration of an associate judge's term if the associate judge is reappointed.

(b) The 17th circuit shall have a total of 4 judgeships (3 resident and one associate) available to be allotted to the 4 subcircuit resident judgeships.

(c) The Supreme Court shall allot (i) the 3 resident judgeships of the 17th circuit as they are or become vacant as provided in subsection (a-10) and (ii) the one associate judgeship converted into a resident judgeship of the 17th circuit as it is or becomes vacant as provided in subsection (a-10), for election from the various subcircuits until there is one resident judge to be elected from each subcircuit. No resident or associate judge of the 17th circuit serving on the effective date of this amendatory Act of the 93rd General Assembly shall be required to change his or her residency in order to continue serving in office or to seek retention or reappointment in office as resident judgeships are allotted by the Supreme Court in accordance with this Section.

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(d) A resident judge elected from a subcircuit shall continue to reside in that subcircuit as long as he or she holds that office. A resident judge elected from a subcircuit after January 1, 2008, must retain residency as a registered voter in the subcircuit to run for retention from the circuit at large thereafter.

(e) Vacancies in resident judgeships of the 17th circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

(Source: P.A. 93-1102, eff. 4-7-05.)

(705 ILCS 35/2f-9)

Sec. 2f-9. 16th judicial circuit; subcircuits.

(a) The 16th circuit shall be divided into 5 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly by law shall create the subcircuits, using population data as determined by the 2000 federal census, and shall determine a numerical order for the 5 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(b) Of the 16th circuit's 16 existing circuit judgeships (7 at large and 9 resident), 5 of the 9 resident judgeships shall be allotted as 16th circuit resident judgeships under subsection (c) as (i) the first resident judgeship of DeKalb County, (ii) the first resident judgeship of Kendall County, and (iii) the first 2 resident judgeships of Kane County are or become vacant on or after the effective date of this amendatory Act of the 93rd General Assembly, and (iv) the first resident judgeship of Kane County (in addition to the 2 vacancies under item (iii)) is or becomes vacant after the effective date of this amendatory Act of the 94th General Assembly. These 5 resident subcircuit judgeships and the remaining 4 resident judgeships shall constitute all of the resident judgeships of the 16th circuit. As used in this subsection, a vacancy does not include the expiration of a term of a resident judge who seeks retention in that office at the next term.

(c) The Supreme Court shall allot the first DeKalb County vacancy, the first Kendall County vacancy, and the first 3 Kane County vacancies in
resident judgeships of the 16th circuit as provided in subsection (b), for election from the various subcircuits. The judgeships shall be assigned to the subcircuits based upon the numerical order of the 5 subcircuits. No resident judge of the 16th circuit serving on the effective date of this amendatory Act of the 93rd General Assembly shall be required to change his or her residency in order to continue serving in office or to seek retention in office as judgeships are allotted by the Supreme Court in accordance with this Section.

(d) A resident judge elected from a subcircuit shall continue to reside in that subcircuit as long as he or she holds that office. A resident judge elected from a subcircuit after January 1, 2008, must retain residency as a registered voter in the subcircuit to run for retention from the circuit at large thereafter.

(e) Vacancies in resident judgeships of the 16th circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

(Source: P.A. 93-1102, eff. 4-7-05; 94-3, eff. 5-31-05.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0611
(Senate Bill No. 1042)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Eminent Domain Act is amended by adding Section 25-7-103.150 as follows:

(735 ILCS 30/25-7-103.150 new)

Sec. 25-7-103.150. Quick-take; City of Champaign, Village of Savoy and County of Champaign. Quick-take proceedings under Article 20 may be used for a period of no more than one year after the effective
date of this amendatory Act of the 95th General Assembly by the City of Champaign, the Village of Savoy, and the County of Champaign, for the acquisition of the following described properties for the purpose of road construction right-of-way, permanent easements, and temporary easements:

Alexander C. Lo, as Trustee - Parcel 040

Right-of-Way:
A part of the South Half of Section 26, and the North Half of Section 35, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;

Beginning at the southwest corner of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian; thence along the west line of said Section 26, North 00 degrees 50 minutes 27 seconds West 887.52 feet; thence North 89 degrees 09 minutes 33 seconds East 45.00 feet; thence South 00 degrees 50 minutes 27 seconds East 50.00 feet; thence South 03 degrees 42 minutes 12 seconds East 300.37 feet; thence along a line parallel to and 60.00 feet offset easterly from said west line of Section 26, South 00 degrees 50 minutes 27 seconds East 200.00 feet; thence South 06 degrees 25 minutes 24 seconds East 185.04 feet; thence along a line parallel to and 155.00 feet offset northerly from the south line of said Section 26, South 89 degrees 36 minutes 45 seconds East 349.35 feet; thence South 86 degrees 45 minutes 01 seconds East 100.12 feet; thence along a line parallel to and 150.00 feet offset northerly from said south line of Section 26, South 89 degrees 36 minutes 45 seconds East 850.00 feet; thence South 85 degrees 56 minutes 46 seconds East 703.70 feet; thence along a line parallel to and 105.00 feet offset northerly from said south line of Section 26, South 89 degrees 36 minutes 45 seconds East 322.03 feet; thence South 00 degrees 23 minutes 15 seconds West 22.00 feet; thence along a line parallel to and 83.00 feet offset northerly from said south line of Section 26, South 89 degrees 36 minutes 45 seconds East 237.29 feet; thence North 00 degrees 38 minutes 43 seconds West 30.00 feet; thence along a line parallel to and 113.00 feet offset northerly from said south line of Section 26, South 89 degrees 36 minutes 56 seconds East

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88.24 feet; thence South 87 degrees 19 minutes 30 seconds East 300.24 feet; thence along a line parallel to and 101.00 feet offset northerly from said south line of Section 26, South 89 degrees 36 minutes 56 seconds East 700.00 feet; thence South 87 degrees 54 minutes 06 seconds East 228.20 feet, to the east line of the west half of the southeast Quarter of aforesaid Section 26; thence along said east line, South 00 degrees 39 minutes 19 seconds East 94.19 feet, to the south line of said Section 26; thence along said south line of Section 26, South 89 degrees 36 minutes 56 seconds East 1316.02 feet, to a point being the southeast corner of said Section 26, said point also being the northeast corner of Section 35, Township 19 North, Range 8 East of the Third Principal Meridian; thence along the east line of said Section 35, South 00 degrees 27 minutes 33 seconds East 920.45 feet; thence South 89 degrees 32 minutes 27 seconds West 275.00 feet; thence North 00 degrees 27 minutes 33 seconds West 600.00 feet; thence North 89 degrees 32 minutes 27 seconds West 235.00 feet; thence along a line parallel to and 40.00 feet offset westerly from aforesaid east line of Section 35, North 00 degrees 27 minutes 33 seconds West 218.02 feet; thence along a line parallel to and 103.00 feet offset southerly from the north line of said Section 35, North 89 degrees 36 minutes 56 seconds West 158.05 feet; thence North 87 degrees 19 minutes 30 seconds West 150.12 feet; thence along a line parallel to and 97.00 feet offset southerly from said north line of Section 35, North 89 degrees 36 minutes 56 seconds West 401.25 feet; thence North 85 degrees 58 minutes 01 seconds West 502.84 feet; thence North 88 degrees 27 minutes 19 seconds West 296.29 feet; thence along a line parallel to and 59.00 feet offset southerly from said north line of Section 35, North 89 degrees 36 minutes 56 seconds West 700.00 feet; thence South 88 degrees 28 minutes 31 seconds West 300.17 feet; thence along a line parallel to and 69.00 feet offset southerly from said north line of Section 35, North 89 degrees 36 minutes 56 seconds West 85.23 feet, to the west line of the northeast Quarter of said Section 35; thence along a line parallel to and 69.00 feet offset southerly from said north line of Section 35, North 89 degrees 36 minutes 45 seconds West 114.77 feet; thence North 87 degrees 54 minutes 07 seconds West 804.04 feet; thence along a line parallel to and 45.00 feet

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offset southerly from said north line of Section 35, North 89 degrees 36 minutes 45 seconds West 397.76 feet; thence North 00 degrees 20 minutes 35 seconds West 45.00 feet, to the northerly line of said Section 35; thence along said northerly line of Section 35, North 89 degrees 36 minutes 45 seconds West 1315.81 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 22.351 acres, more or less (Part of PIN #03-20-26-300-020; Part of PIN #03-20-26-300-021; Part of PIN #03-20-26-400-001; Part of PIN #03-20-35-100-002 and Part of PIN #03-20-35-200-001)

Permanent Easement #1:
A part of the southeast quarter of the southwest quarter of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;
Commencing at the southeast corner or the southwest quarter of Section 16, Township 19 North, Range 8 East of the Third Principal Meridian; thence along the easterly line of said southwest quarter of Section 26, North 00 degrees 38 minutes 43 seconds West 83.01 feet, to the Point of Beginning; thence North 89 degrees 36 minutes 45 seconds West 237.29 feet; thence North 00 degrees 23 minutes 15 seconds East 15.00 feet; thence South 89 degrees 36 degrees 45 seconds East 237.02 feet; thence South 00 degrees 38 minutes 43 seconds East 15.00 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 0.082 of an acre, more or less (Part of PIN #03-20-26-300-021)

Permanent Easement #2:
A part of the west half of the southwest quarter of Section 26, and a part of the west half of the northwest quarter of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;
Commencing at the southwest corner of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian; thence along the southerly line of said Section 26, South 89 degrees 36 minutes 45 seconds East 1166.28 feet; thence North 00 degrees 23 minutes 15 seconds East 150.00 feet

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feet, to the Point of Beginning; thence along a curve to the left having a radius of 300.00 feet, an arc length of 49.50 feet, a chord bearing of North 11 degrees 23 minutes 05 seconds West and a chord length of 49.45 feet; thence North 16 degrees 06 minutes 44 seconds West 1098.24 feet; thence along a curve to the right having a radius of 840.00 feet, an arc length of 285.88 feet, a chord bearing of North 06 degrees 21 minutes 44 seconds West and a chord length of 284.51 feet; thence North 03 degrees 23 minutes 16 seconds East 1031.54 feet; thence along a curve to the left having a radius of 760.00 feet, an arc length of 134.77 feet, a chord bearing of North 01 degrees 41 minutes 32 seconds West and a chord length of 134.59 feet; thence South 89 degrees 42 minutes 45 seconds East 80.55 feet; thence along a curve to the right having a radius of 840.00 feet, an arc length of 139.06 feet, a chord bearing of South 01 degrees 21 minutes 17 seconds East and a chord length of 138.90 feet; thence South 03 degrees 23 minutes 16 seconds West 1031.54 feet; thence along a curve to the left having a radius of 760.00 feet, an arc length of 258.66 feet, a chord bearing of South 06 degrees 21 minutes 44 seconds East and a chord length of 257.41 feet; thence South 16 degrees 06 minutes 44 seconds East 1098.24 feet; thence along a curve to the right having a radius of 380.00 feet, an arc length of 72.58 feet, a chord bearing of South 10 degrees 38 minutes 26 seconds East and a chord length of 72.47 feet; thence North 89 degrees 36 minutes 45 seconds West 80.48 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 4.775 acres or 208,000 square feet, more or less. (Part of PIN #03-20-26-300-019 and #03-20-26-300-020)

Temporary Easement #1:
A part of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone; Beginning at a point being 91.50 feet normally offset northerly from FAP Route 807 (Curtis Road) centerline station 112+31.76; thence North 89 degrees 36 minutes 56 seconds West 20.00 feet; thence South 00 degrees 38 minutes 43 seconds East 15.00 feet; thence North 89 degrees 36 minutes 45 seconds West 137.02 feet; thence North 00 degrees 31 minutes

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33 seconds West 113.51 feet; thence North 89 degrees 36 minutes 45 seconds West 80.00 feet; thence South 00 degrees 23 minutes 15 seconds West 10.00 feet; thence North 89 degrees 36 minutes 45 seconds West 50.00 feet; thence North 00 degrees 23 minutes 15 seconds East 60.00 feet; thence South 89 degrees 36 minutes 45 seconds East 50.00 feet; thence South 00 degrees 23 minutes 15 seconds West 10.00 feet; thence South 89 degrees 36 minutes 45 seconds East 236.07 feet; thence South 00 degrees 43 minutes 43 seconds East 138.52 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 0.688 of an acre or 29,966 square feet, more or less. (Part of PIN #03-20-26-300-021)

Temporary Easement #2:
A part of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;
Beginning at a point being 102.49 feet normally offset northerly from FAP Route 807 (Curtis Road) centerline station 87+50.00; thence North 00 degrees 23 minutes 16 seconds East 46.18 feet; thence South 89 degrees 09 minutes 33 seconds West 99.13 feet; thence North 06 degrees 25 minutes 24 seconds West 90.43 feet; thence North 89 degrees 09 minutes 33 seconds East 210.11 feet; thence South 00 degrees 34 minutes 28 seconds West 70.84 feet; thence South 89 degrees 36 minutes 44 seconds East 100.00 feet; thence South 00 degrees 23 minutes 16 seconds West 67.51 feet; thence North 89 degrees 36 minutes 45 seconds West 200.00 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 0.686 of an acre or 29,891 square feet more or less. (Part of PIN #03-20-26-300-020)

Temporary Easement #3:
A part of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;
Beginning at a point being 97.50 feet normally offset northerly from FAP Route 807 (Curtis Road) centerline station 97+00.00; thence North 35 degrees 20 minutes 49 seconds East 57.33 feet; thence North 16 degrees 06 minutes 44 seconds West 1098.24 feet; thence along a curve to the right

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having a radius of 845.00 feet, an arc length of 287.59 feet, a chord bearing of North 06 degrees 21 minutes 44 seconds West and a chord length of 286.20 feet; thence North 03 degrees 23 minutes 16 seconds East 1031.54 feet; thence along a curve to the left having a radius of 755.00 feet, an arc length of 134.50 feet, a chord bearing of North 01 degrees 42 minutes 57 seconds West and a chord length of 134.33 feet; thence South 89 degrees 42 minutes 45 seconds East 5.04 feet; thence along a curve to the right having a radius of 760.00 feet, an arc length of 134.77 feet, a chord bearing of South 01 degrees 41 minutes 32 seconds East and a chord length of 134.59 feet; thence South 03 degrees 23 minutes 16 seconds West 1031.54 feet; thence along a curve to the left having a radius of 840.00 feet, an arc length of 285.88 feet, a chord bearing of South 06 degrees 21 minutes 44 seconds East and a chord length of 284.51 feet; thence South 16 degrees 06 minutes 44 seconds East 1098.24 feet; thence along a curve to the right having a radius of 300.00 feet, an arc length of 49.50 feet, a chord bearing of South 11 degrees 23 minutes 05 seconds East and a chord length of 49.45 feet; thence North 89 degrees 36 minutes 45 seconds West 47.73 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 0.322 acres or 14,034 square feet, more or less. (Part of PIN 03-20-26-300-019 & 03-20-26-300-020)

Temporary Easement #4:
A part of Sections 26 and 35, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone Beginning at a point being 97.50 feet normally offset northerly from FAP Route 807 (Curtis Road) centerline station 98+75.00; thence North 89 degrees 36 minutes 45 seconds West 46.79 feet; thence along a curve to the left having a radius of 380.00 feet, an arc length of 72.58 feet, a chord bearing of North 10 degrees 38 minutes 26 seconds West and a chord length of 72.47 feet; thence North 16 degrees 06 minutes 44 seconds West 1098.24 feet; thence along a curve to the right having a radius of 760.00 feet, an arc length of 258.66 feet, a chord bearing of North 06 degrees 21 minutes 44 seconds West and a chord length of 257.41 feet; thence North 03 degrees 23 minutes 16 seconds East 1031.54 feet; thence along a curve

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to the left having a radius of 840.00 feet, an arc length of 139.06 feet, a chord bearing of North 01 degrees 21 minutes 17 seconds West and a chord length of 138.90 feet; thence South 89 degrees 42 minutes 45 seconds East 5.03 feet; thence along a curve to the right having a radius of 845.00 feet, an arc length of 139.33 feet, a chord bearing of South 01 degrees 20 minutes 08 seconds East and a chord length of 139.17 feet; thence South 03 degrees 23 minutes 16 seconds West 1031.54 feet; thence along a curve to the left having a radius of 755.00 feet, an arc length of 256.96 feet, a chord bearing of South 06 degrees 21 minutes 44 seconds East and a chord length of 255.72 feet; thence South 16 degrees 06 minutes 44 seconds West 1098.24 feet; thence South 37 degrees 12 minutes 15 seconds East 91.56 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 0.331 acres or 14,428 square feet, more or less. (Part of PIN 03-20-26-300-019 & 03-20-26-300-020)

Temporary Easement #5:
A part of Sections 26 and 35, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;
Beginning at a point being 94.00 feet normally offset southerly from FAP Route 807 (Curtis Road) centerline station 137+93.04: thence South 00 degrees 27 minutes 33 seconds East 218.80 feet; thence North 89 degrees 32 minutes 27 seconds East 15.00 feet; thence North 00 degrees 27 minutes 33 seconds West 208.58 feet; thence North 45 degrees 02 minutes 15 seconds West 14.25 feet; thence North 89 degrees 36 minutes 56 seconds West 5.00 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 0.074 of an acre or 3230 square feet, more or less. (Part of PIN #03-20-35-200-001)

Adolf M. Lo - Parcel 041

Permanent Easement:
A part of Sections 26 and 35, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;
Beginning at a point being 94.00 feet normally offset southerly from FAP Route 807 (Curtis Road) centerline station 137+93.04: thence South 00

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degrees 27 minutes 33 seconds East 218.80 feet; thence North 89 degrees 32 minutes 27 seconds East 15.00 feet; thence North 00 degrees 27 minutes 33 seconds West 208.58 feet; thence North 45 degrees 02 minutes 15 seconds West 14.25 feet; thence North 89 degrees 36 minutes 56 seconds West 5.00 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 0.074 of an acre or 3230 square feet, more or less. (Part of PIN #03-20-35-200-001)

Temporary Easement #1:
A part of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;
Commencing at the southwest corner of the northwest quarter of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian; thence along the west line of said northwest quarter, North 00 degrees 32 minutes 29 seconds West 60.01 feet; thence along the north line of the south 60 feet of the south half of the southwest quarter of the northwest quarter of said Section 26, South 89 degrees 42 minutes 45 seconds East 917.47 feet, to the Point of Beginning; thence along a curve to the left having a radius of 760.00 feet, an arc length of 57.56 feet, a chord bearing of North 08 degrees 56 minutes 32 seconds West and a chord length of 57.55 feet; thence North 11 degrees 06 minutes 44 seconds West 466.55 feet; thence along a curve to the left having a radius of 760.00 feet, an arc length of 93.84 feet, a chord bearing of North 14 degrees 38 minutes 58 seconds West and a chord length of 93.78 feet, to the north line of the south half of the southwest quarter of the northwest quarter of aforesaid Section 26; thence along said north line, North 89 degrees 49 minutes 23 seconds West 5.27 feet; thence along a curve to the right having a radius of 755.00 feet, an arc length of 94.89 feet, a chord bearing of South 14 degrees 42 minutes 45 seconds East and a chord length of 94.83 feet; thence South 11 degrees 06 minutes 44 seconds East 466.55 feet; thence along a curve to the right having a radius of 755.00 feet, an arc length of 56.57 feet, a chord bearing of South 08 degrees 57 minutes 57 seconds East and a chord length of 56.55 feet; thence South 89 degrees 42 minutes 45 seconds East 5.04 feet, to the Point of Beginning, situated in
Champaign County, Illinois and containing 0.071 of an acre or 3090 square feet, more or less. (Part of PIN 03-20-26-100-005)

Temporary Easement #2:
A part of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;
Commencing at the southwest corner of the northwest quarter of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian; thence along the west line of said northwest quarter, North 00 degrees 32 minutes 29 seconds West 60.01 feet; thence along the north line of the south 60 feet of the south half of the southwest quarter of the northwest quarter of said Section 26, South 89 degrees 42 minutes 45 seconds East 917.47 feet; thence South 89 degrees 42 minutes 45 seconds East 80.55 feet, to the Point of Beginning; thence South 89 degrees 42 minutes 45 seconds East 5.03 feet; thence along a curve to the left having a radius of 845.00 feet, an arc length of 74.52 feet, a chord bearing of North 08 degrees 35 minutes 08 seconds West and a chord length of 74.50 feet; thence North 11 degrees 06 minutes 44 seconds West 466.55 feet; thence along a curve to the left having a radius of 845.00 feet, an arc length of 76.27 feet, a chord bearing of North 13 degrees 41 minutes 53 seconds West and a chord length of 76.25 feet, to the north line of the south half of the southwest quarter of the northwest quarter of aforesaid Section 26; thence along said north line, North 89 degrees 49 minutes 23 seconds West 5.22 feet; thence along a curve to the right having a radius of 840.00 feet, an arc length of 77.30 feet, a chord bearing of South 13 degrees 44 minutes 54 seconds East and a chord length of 77.27 feet; thence South 11 degrees 06 minutes 44 seconds East 466.55 feet; thence along a curve to the right having a radius of 840.00 feet, an arc length of 73.52 feet, a chord bearing of South 08 degrees 36 minutes 17 seconds East and a chord length of 73.50 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 0.071 acres or 3087 square feet more or less. (Part of PIN 03-20-26-100-005)

Adolf M. & Renee C. Lo - Parcel 044

Right-of-Way:

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A part of the southeast quarter of the southeast quarter of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;
Beginning at the southwest corner of W. W. Young's Fourth Subdivision as per plat recorded in Book "O" at Page 55, Champaign County, Illinois; thence along the south line of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian, North 89 degrees 36 minutes 56 seconds West 1127.29 feet; thence North 00 degrees 39 minutes 19 seconds West 94.19 feet; thence South 87 degrees 54 minutes 06 seconds East 473.99 feet; thence along a line parallel to and offset 80.00 feet northerly from aforesaid southerly line of Section 26, South 89 degrees 36 minutes 56 seconds East 187.22 feet; thence South 00 degrees 33 minutes 07 seconds East 40.51 feet; thence along a line parallel to and 39.50 feet northerly offset from said south line of Section 26, South 89 degrees 36 minutes 56 seconds East 466.69 feet, to the westerly line of aforesaid W.W. Young's Fourth Subdivision; thence along said westerly line, South 00 degrees 33 minutes 07 seconds East 39.51 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 1.714 acres, more or less. (Part of PIN #03-20-26-476-002 and Part of PIN #03-20-26-476-003)
Temporary Easement:
A part of the southeast quarter of the southeast quarter of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;
Beginning at the southwest corner of Lot 16 of W. W. Young's Fourth Subdivision as per plat recorded in Book "O" at Page 55, Champaign County, Illinois; thence along the westerly line of said Lot 16, North 00 degrees 33 minutes 07 seconds West 6.50 feet, to the Point of Beginning; thence North 89 degrees 36 minutes 56 seconds West 466.69 feet; thence North 00 degrees 33 minutes 07 seconds West 2.00 feet; thence South 89 degrees 55 minutes 43 seconds East 274.58 feet; thence North 00 degrees 23 minutes 04 seconds East 18.00 feet; thence South 89 degrees 36

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minutes 56 seconds East 50.00 feet; thence South 00 degrees 23 minutes 04 seconds West 17.50 feet; thence South 89 degrees 49 minutes 02 seconds East 142.08 feet, to aforesaid westerly line of Lot 16; thence along said westerly line of Lot 16, South 00 degrees 33 minutes 07 seconds East 4.50 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 0.056 of an acre, more or less. (Part of PIN #03-20-26-476-002 and Part of PIN #03-20-26-476-003)

John R. Thompson - Parcel 034

Right of Way:
A part of the Northeast Quarter of Section 34, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;
Beginning at the northeast corner of Section 34, Township 19 North, Range 8 East of the Third Principal Meridian; thence along the east line of said Section 34, South 00 degrees 18 minutes 04 seconds East 1812.48 feet; thence South 89 degrees 41 minutes 56 seconds West 45.00 feet; thence North 03 degrees 32 minutes 40 seconds West 300.48 feet; thence along a line being parallel to and 62.00 feet offset westerly from the aforesaid east line of Section 34, North 00 degrees 18 minutes 04 seconds West 200.00 feet, thence South 89 degrees 41 minutes 56 seconds West 8.00 feet; thence along a line parallel to and 70.00 feet offset westerly from said east line of Section 34, North 00 degrees 18 minutes 04 seconds West 300.00 feet; thence North 89 degrees 41 minutes 56 seconds East 8.00 feet; thence along a line being parallel to and offset 62.00 feet westerly from said east line of Section 34, North 00 degrees 18 minutes 04 seconds West 600.00 feet; thence North 01 degrees 49 minutes 43 seconds West 300.11 feet; thence North 14 degrees 05 minutes 31 seconds West 62.93 feet; thence North 89 degrees 11 minutes 38 seconds West 47.85 feet; thence North 86 degrees 08 minutes 27 seconds West 150.21 feet; thence along a line being parallel to and offset 45.00 feet southerly from the north line of aforesaid Section 34, North 89 degrees 11 minutes 38 seconds West 750.00 feet; thence North 82 degrees 21 minutes 04 seconds West 100.72 feet, to a point on the existing southerly Curtis Road right-of-

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way line; thence along said southerly right-of-way line, North 89 degrees 11 minutes 38 seconds West 647.89 feet; thence South 88 degrees 01 minutes 07 seconds West 246.74 feet; thence along a line parallel to and offset 45.00 feet southerly from aforesaid north line of Section 34, North 89 degrees 11 minutes 38 seconds West 412.04 feet; thence North 00 degrees 48 minutes 22 seconds East 45.00 feet, to said north line of Section 34; thence along said north line of Section 34, South 89 degrees 11 minutes 38 seconds East 2438.21 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 4.882 acres or 212,664 square feet, more or less. (Part of PIN #03-20-34-200-001 and part of PIN #03-20-34-200-002).

Temporary Easement:
A part of the Northeast Quarter of Section 34, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;
Beginning at a point being 47.00 feet normally distant southerly from centerline Station 61+40.88 of FAP Route 807 (Curtis Road); thence South 00 degrees 48 minutes 22 seconds West 12.00 feet; thence North 89 degrees 33 minutes 09 seconds West 91.29 feet; thence North 00 degrees 24 minutes 07 seconds West 10.00 feet, to a point on the southerly existing Curtis Road right-of-way line; thence along said southerly right-of-way line, being a curve to the left having a radius of 6507.00 feet, an arc length of 91.54 feet, a chord bearing of North 89 degrees 11 minutes 42 seconds East and a chord length of 91.54 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 0.023 acres or 996 square feet, more or less. (Part of PIN 03-20-34-200-001)

JOHN E. CROSS - PARCEL 52

Right of Way
Part of Lot 8 in Arbours Subdivision No. 10, as per plat recorded in book "Y" at page 253 in Champaign County, Illinois, with bearing datum based on Illinois State Plane Coordinate System, East Zone;
Beginning at the southeast corner of the above described Lot 8; thence along the southerly line of said Lot 8, North 89 degrees 27 minutes 54

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seconds West 10.59 feet; thence North 24 degrees 20 minutes 36 seconds East 25.14 feet, to the easterly line of said Lot 8; thence along said easterly line, South 00 degrees 34 minutes 33 seconds East 23.00 feet, to the Point of Beginning, containing 0.003 acres or 122 square feet, more or less.

PROSPECT POINT PARTNERS - PARCEL 53

Right of Way
A part of Lot 401 of the Arbour Subdivision No. 4, as per plat recorded as Document Number 92R37248, Champaign County, Illinois, with bearing datum based on Illinois State Plane Coordinate System, East Zone; Beginning at the northwest corner of the above described Lot 401 of Arbour Subdivision No. 4, thence along the northerly line of said Lot 401, South 89 degrees 27 minutes 54 seconds East 310.00 feet; thence North 00 degrees 32 minutes 06 seconds East 10.00 feet; thence continuing along the northerly line of aforesaid Lot 401, South 89 degrees 27 minutes 54 seconds East 60.00 feet, to the northeast corner of said Lot 401; thence along the easterly line of said Lot 401, South 00 degrees 35 minutes 41 seconds West 11.00 feet; thence North 89 degrees 27 minutes 54 seconds West 282.46 feet; thence South 89 degrees 53 minutes 41 seconds West 89.50 feet, to the northwesterly line of aforesaid Lot 401; thence along said northwesterly line, North 45 degrees 02 minutes 16 seconds East 2.80 feet, to the Point of Beginning, containing 0.023 of an acre, more or less.

Temporary Easement
A part of Lot 401 of the Arbour Subdivision No. 4, as per plat recorded as Document Number 92R37248, Champaign County, Illinois, with bearing datum based on Illinois State Plane Coordinate System, East Zone; Commencing at the northeast corner of the above described Lot 401 of Arbour Subdivision No. 4, thence along the easterly line of said Lot 401, South 00 degrees 35 minutes 41 seconds West 11.00 feet, to the Point of Beginning; thence North 89 degrees 27 minutes 54 seconds West 282.46 feet; thence South 89 degrees 53 minutes 41 seconds West 89.50 feet, to the westerly line of said Lot 401; thence along said westerly line, South 45 degrees 02 minutes 16 seconds West 11.22 feet; thence South 89 degrees 27 minutes 54 seconds East 277.36 feet; thence South 00 degrees 32
minutes 06 seconds West 10.00 feet; thence South 89 degrees 27 minutes 54 seconds East 102.44 feet, to aforesaid easterly line of Lot 401; thence along said easterly line, North 00 degrees 35 minutes 41 seconds East 19.00 feet, to the Point of Beginning, containing 0.100 acres or 4359 square feet, more or less.

PROSPECT POINT LLC - PARCEL 54

Right of Way
A part of Lot 402 of the Arbour Subdivision No. 4, as per plat recorded as Document Number 92R37248, Champaign County, Illinois, with bearing datum based on Illinois State Plane Coordinate System, East Zone;
Beginning at the northeast corner of the above described Lot 402 of Arbour Subdivision No. 4, thence along the easterly line of said Lot 402, South 00 degrees 31 minutes 44 seconds West 40.00 feet; thence North 23 degrees 44 minutes 15 seconds West 28.52 feet; thence North 83 degrees 07 minutes 30 seconds West 27.17 feet; thence along a line being parallel to and 11.00 feet offset southerly from the northerly line of said Lot 402, North 89 degrees 27 minutes 54 seconds West 242.54 feet, to the westerly line of said Lot 402; thence along said westerly line, North 00 degrees 35 minutes 41 seconds East 11.00 feet, to the northwest corner of said Lot 402; thence along the northerly line of said Lot 402, South 89 degrees 27 minutes 54 seconds East 281.25 feet, to the Point of Beginning, containing 0.076 of an acre or 3322 square feet, more or less.

Temporary Easement
A part of Lot 402 of the Arbour Meadows Subdivision No. 4, as per plat recorded as Document Number 92R37248, Champaign County, Illinois, with bearing datum based on Illinois State Plane Coordinate System, East Zone:

TE-1
Beginning at the northeast corner of the above described Lot 402; thence along the easterly line of said Lot 402, South 00 degrees 35 minutes 44 seconds West 40.00 feet, to the Point of Beginning; thence North 23 degrees 44 minutes 15 seconds West 28.52 feet; thence North 83 degrees 07 minutes 30 seconds West 27.17 feet; thence North 89 degrees 27 minutes 54 seconds West 242.54 feet, to the westerly line of aforesaid Lot

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402; thence along said westerly line, South 00 degrees 35 minutes 41 seconds West 19.00 feet; thence South 89 degrees 27 minutes 54 seconds East 17.56 feet; thence North 00 degrees 32 minutes 06 seconds East 10.00 feet; thence South 89 degrees 27 minutes 54 seconds East 250.00 feet; thence South 00 degrees 32 minutes 06 seconds West 24.00 feet; thence South 89 degrees 27 minutes 54 seconds East 13.72 feet, to the aforesaid easterly line of Lot 402; thence along said easterly line, North 00 degrees 31 minutes 44 seconds East 4.00 feet, to the Point of Beginning, containing 0.064 of an acre or 2808 square feet, more or less.

TE-2
Beginning at a point on the easterly line of the above described Lot 402, said point being offset 196.00 feet normally distant southerly from FAP Route 807 (Curtis Road) centerline; thence along said easterly line of Lot 402, South 00 degrees 31 minutes 44 seconds West 40.00 feet; thence North 89 degrees 28 minutes 16 seconds West 60.00 feet; thence North 00 degrees 31 minutes 44 seconds East 40.00 feet; thence South 89 degrees 28 minutes 16 seconds East 60.00 feet, to the Point of Beginning, containing 0.055 of an acre or 2400 square feet, more or less.

Tracts TE-1 and TE-2 totaling 0.119 of an acre or 5208 square feet, more or less.

MAIN STREET BANK, TRUSTEE - PARCEL 55
Right of Way
All of the Commons area of the Arbour Meadows Subdivision No. 4, as per plat recorded December 24, 1992 in Book "BB" at Page 213 as Document 92R 37248, in the Village of Savoy, Champaign County, Illinois, containing 0.529 of an acre, more or less.

PROSPECT POINT EAST, LLC - PARCEL 56
Temporary Easement
A part of Lot 201 of the Arbour Meadows Subdivision No. 2, as per plat recorded in Plat Book "AA" at Page 251, Champaign County, Illinois, with bearing datum based on Illinois State Plane Coordinate System, East Zone:
Beginning at the northwest corner of the above described Lot 201 of the Arbour Meadows Subdivision No. 2; thence along the northerly line of

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said Lot 201, South 89 degrees 27 minutes 54 seconds East 15.11 feet; thence South 45 degrees 44 minutes 50 seconds West 21.29 feet, to the westerly line of said Lot 201; thence along said westerly line, North 00 degrees 31 minutes 44 seconds East 15.00 feet, to the Point of Beginning, containing 0.003 of an acre or 113 square feet, more or less.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0612
(Senate Bill No. 1183)

AN ACT concerning energy conservation.

WHEREAS, Units of local government, public community college districts, public universities, and public school districts should be encouraged to enter into guaranteed energy savings contracts for the purchase and installation of energy conservation measures, when and where appropriate; and

WHEREAS, It is desirable for units of local government, public community college districts, public universities, and public school districts to have flexibility in choosing the most appropriate means by which to pay for the costs of purchasing and installing energy conservation measures, including without limitation entering into installment payment contracts or lease purchase agreements with qualified providers or other third-party lenders, as authorized by law; therefore

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 3. The Local Government Energy Conservation Act is amended by changing Section 25 as follows:

(50 ILCS 515/25)

Sec. 25. Installment payment contract; lease purchase agreement; or other agreement. A unit of local government, or units of local

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government in combination, may enter into an installment payment contract, or lease purchase agreement, or other agreement with a qualified provider or with a third party, as authorized by law, for the funding or financing of the purchase and installation of energy conservation measures by a qualified provider. Every unit of local government may issue certificates evidencing the indebtedness incurred pursuant to the contracts or agreements. Any such contract or agreement shall be valid whether or not an appropriation with respect thereto is first included in any annual or supplemental budget adopted by the unit of local government. Each contract or agreement entered into by a unit of local government pursuant to this Section shall be authorized by official action resolution of the unit of local government's governing body. The authority granted under this Section is in addition to any other authority granted by law.

(Source: P.A. 88-173.)

Section 5. The School Code is amended by changing Sections 19b-1.1, 19b-1.4, 19b-2, 19b-3, and 19b-5 and by adding Sections 19b-15 and 19b-20 as follows:

(105 ILCS 5/19b-1.1) (from Ch. 122, par. 19b-1.1)

Sec. 19b-1.1. Energy conservation measure. "Energy conservation measure" means any improvement, repair, alteration, or betterment of any building or facility owned or operated by a school district or area vocational center or any equipment, fixture, or furnishing to be added to or used in any such building or facility, subject to the building code authorized in Section 2-3.12 of this Code, that is designed to reduce energy consumption or operating costs, and may include, without limitation, one or more of the following:

(1) Insulation of the building structure or systems within the building.

(2) Storm windows or doors, caulking or weatherstripping, multiglazed windows or doors, heat absorbing or heat reflective glazed and coated window or door systems, additional glazing, reductions in glass area, or other window and door system modifications that reduce energy consumption.

(3) Automated or computerized energy control systems.

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(4) Heating, ventilating, or air conditioning system modifications or replacements.

(5) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable State or local building code for the lighting system after the proposed modifications are made.

(6) Energy recovery systems.

(7) Energy conservation measures that provide long-term operating cost reductions.

(Source: P.A. 92-767, eff. 8-6-02.)

(105 ILCS 5/19b-1.4) (from Ch. 122, par. 19b-1.4)

Sec. 19b-1.4. Request for proposals. "Request for proposals" means a competitive selection achieved by negotiated procurement. The request for proposals shall be announced in the Illinois Procurement Bulletin and through at least one public notice, at least 14 days before the request date in a newspaper published in the district or vocational center area, or if no newspaper is published in the district or vocational center area, in a newspaper of general circulation in the area of the district or vocational center, from a school district or area vocational center that will administer the program, requesting innovative solutions and proposals for energy conservation measures. Proposals submitted shall be sealed. The request for proposals shall include all of the following:

(1) The name and address of the school district or area vocational center.

(2) The name, address, title, and phone number of a contact person.

(3) Notice indicating that the school district or area vocational center is requesting qualified providers to propose energy conservation measures through a guaranteed energy savings contract.

(4) The date, time, and place where proposals must be received.

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(5) The evaluation criteria for assessing the proposals.
(6) Any other stipulations and clarifications the school district or area vocational center may require.
(Source: P.A. 92-767, eff. 8-6-02.)

(105 ILCS 5/19b-2) (from Ch. 122, par. 19b-2)

Sec. 19b-2. Evaluation of proposal. Before entering into a guaranteed energy savings contract under Section 19b-3, a school district or area vocational center shall submit a request for proposals. The school district or area vocational center shall evaluate any sealed proposal from a qualified provider. The evaluation shall analyze the estimates of all costs of installations, modifications or remodeling, including, without limitation, costs of a pre-installation energy audit or analysis, design, engineering, installation, maintenance, repairs, debt service, conversions to a different energy or fuel source, or post-installation project monitoring, data collection, and reporting. The evaluation shall include a detailed analysis of whether either the energy consumed or the operating costs, or both, will be reduced. If technical assistance is not available by a licensed architect or registered professional engineer on the school district or area vocational center staff, then the evaluation of the proposal shall be done by a registered professional engineer or architect, who is retained by the school district or area vocational center. A licensed architect or registered professional engineer evaluating a proposal under this Section must not have any financial or contractual relationship with a qualified provider or other source that would constitute a conflict of interest. The school district or area vocational center may pay a reasonable fee for evaluation of the proposal or include the fee as part of the payments made under Section 19b-4.
(Source: P.A. 92-767, eff. 8-6-02.)

(105 ILCS 5/19b-3) (from Ch. 122, par. 19b-3)

Sec. 19b-3. Award of guaranteed energy savings contract. Sealed proposals must be opened by a member or employee of the school board or governing board of the area vocational center, whichever is applicable, at a public opening at which the contents of the proposals must be announced. Each person or entity submitting a sealed proposal must receive at least 13

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days notice of the time and place of the opening. The school district or area vocational center shall select the qualified provider that best meets the needs of the district or area vocational center. The school district or area vocational center shall provide public notice of the meeting at which it proposes to award a guaranteed energy savings contract of the names of the parties to the proposed contract and of the purpose of the contract. The public notice shall be made at least 10 days prior to the meeting. After evaluating the proposals under Section 19b-2, a school district or area vocational center may enter into a guaranteed energy savings contract with a qualified provider if it finds that the amount it would spend on the energy conservation measures recommended in the proposal would not exceed the amount to be saved in either energy or operational costs, or both, within a 20-year period from the date of installation, if the recommendations in the proposal are followed. Contracts let or awarded must be published in the next available subsequent Illinois Procurement Bulletin.

(Source: P.A. 92-767, eff. 8-6-02.)

(105 ILCS 5/19b-5) (from Ch. 122, par. 19b-5)

Sec. 19b-5. Installment payment; lease purchase. A school district or school districts in combination or an area vocational center may enter into an installment payment contract or lease purchase agreement with a qualified provider or with a third-party lender, as authorized by law, for the purchase and installation of energy conservation measures by a qualified provider. Every school district or area vocational center may issue certificates evidencing the indebtedness incurred pursuant to the contracts or agreements. Any such contract or agreement shall be valid whether or not an appropriation with respect thereto is first included in any annual or supplemental budget adopted by the school district or area vocational center. Each contract or agreement entered into by a school district or area vocational center pursuant to this Section shall be authorized by resolution of the school board or governing board of the area vocational center, whichever is applicable.

(Source: P.A. 92-767, eff. 8-6-02.)

(105 ILCS 5/19b-15 new)
Sec. 19b-15. Applicable laws. Other State laws and related administrative requirements apply to this Article, including, but not limited to, the following laws and related administrative requirements: the Illinois Human Rights Act, the Prevailing Wage Act, the Public Construction Bond Act, the Public Works Preference Act, the Employment of Illinois Workers on Public Works Act, the Freedom of Information Act, the Open Meetings Act, the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989, the Structural Engineering Practice Act of 1989, the Local Government Professional Services Selection Act, and the Contractor Unified License and Permit Bond Act.

(105 ILCS 5/19b-20 new)

Sec. 19b-20. Historic preservation. In order to protect the integrity of historic buildings, no provision of this Article shall be interpreted to require the implementation of energy conservation measures that conflict with respect to any property eligible for, nominated to, or entered on the National Register of Historic Places, pursuant to the National Historic Preservation Act of 1966, or the Illinois Register of Historic Places, pursuant to the Illinois Historic Preservation Act.

Section 10. The Public University Energy Conservation Act is amended by changing Section 25 as follows:

(110 ILCS 62/25)

Sec. 25. Installment payment; lease purchase. A public university or 2 or more public universities in combination may enter into an installment payment contract or lease purchase agreement with a qualified provider or with a third-party lender, as authorized by law, for the purchase and installation of energy conservation measures by a qualified provider. Each public university may issue certificates evidencing the indebtedness incurred pursuant to the contracts or agreements. Any such contract or agreement shall be valid whether or not an appropriation with respect thereto is first included in any annual or additional or supplemental budget proposal, request, or recommendation submitted by or made with respect to a public university under Section 8 of the Board of Higher Education Act or as otherwise provided by law. Each contract or

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agreement entered into by a public university pursuant to this Section shall be authorized by resolution of the board of trustees of that university.  
(Source: P.A. 90-486, eff. 8-17-97.)

Section 15. The Public Community College Act is amended by changing Section 5A-45 as follows:
(110 ILCS 805/5A-45)

Sec. 5A-45. Installment payment; lease purchase. A community college district or 2 or more such districts in combination may enter into an installment payment contract or lease purchase agreement with a qualified provider or with a third-party lender, as authorized by law, for the purchase and installation of energy conservation measures by a qualified provider. Every community college district may issue certificates evidencing the indebtedness incurred pursuant to the contracts or agreements. Any such contract or agreement shall be valid whether or not an appropriation with respect thereto is first included in any annual or additional or supplemental budget adopted by the community college district. Each contract or agreement entered into by a community college district pursuant to this Section shall be authorized by resolution of the community college board.  
(Source: P.A. 88-173.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0613  
(Senate Bill No. 1424)

AN ACT concerning regulation.  
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Regulatory Sunset Act is amended by changing Section 4.24 as follows:

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Sec. 4.24. Acts repealed on January 1, 2014. The following Acts are repealed on January 1, 2014:

The Electrologist Licensing Act.
The Illinois Occupational Therapy Practice Act.
The Illinois Public Accounting Act.
The Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act.
The Veterinary Medicine and Surgery Practice Act of 2004.

(Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03; 93-280, eff. 7-1-04; 93-281, eff. 12-31-03; 93-438, eff. 8-5-03; 93-460, eff. 8-8-03; 93-461, eff. 8-8-03; revised 10-29-04.)

Section 10. The Criminal Identification Act is amended by changing Section 3.1 as follows:

Sec. 3.1. (a) The Department may furnish, pursuant to positive identification, records of convictions to the Department of Professional Regulation for the purpose of meeting registration or licensure requirements under The Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

(b) The Department may furnish, pursuant to positive identification, records of convictions to policing bodies of this State for the purpose of assisting local liquor control commissioners in carrying out their duty to refuse to issue licenses to persons specified in paragraphs (4), (5) and (6) of Section 6-2 of The Liquor Control Act of 1934.

(c) The Department shall charge an application fee, based on actual costs, for the dissemination of records pursuant to this Section. Fees received for the dissemination of records pursuant to this Section shall be deposited in the State Police Services Fund. The Department is empowered to establish this fee and to prescribe the form and manner for requesting and furnishing conviction information pursuant to this Section.

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(d) Any dissemination of any information obtained pursuant to this Section to any person not specifically authorized hereby to receive or use it for the purpose for which it was disseminated shall constitute a violation of Section 7.
(Source: P.A. 93-438, eff. 8-5-03.)

Section 15. The Service Contract Act is amended by changing Section 10 as follows:

(215 ILCS 152/10)
Sec. 10. Exemptions. Service contract providers and related service contract sellers and administrators complying with this Act are not required to comply with and are not subject to any provision of the Illinois Insurance Code. A service contract provider who is the manufacturer or a wholly-owned subsidiary of the manufacturer of the product or the builder, seller, or lessor of the product that is the subject of the service contract is required to comply only with Sections 30, 35, 45, and 50 of this Act; except that, a service contract provider who sells a motor vehicle, excluding a motorcycle as defined in Section 1-147 of the Illinois Vehicle Code, or who leases, but is not the manufacturer of, the motor vehicle, excluding a motorcycle as defined in Section 1-147 of the Illinois Vehicle Code, that is the subject of the service contract, must comply with this Act in its entirety. Contracts for the repair and monitoring of private alarm or private security systems regulated under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 are not required to comply with this Act and are not subject to any provision of the Illinois Insurance Code.
(Source: P.A. 92-16, eff. 6-28-01; 93-438, eff. 8-5-03.)

Section 20. The Massage Licensing Act is amended by changing Section 20 as follows:

(225 ILCS 57/20)
(Section scheduled to be repealed on January 1, 2012)
Sec. 20. Grandfathering provision.
(a) For a period of one year after the effective date of the rules adopted under this Act, the Department may issue a license to an individual who, in addition to meeting the requirements set forth in

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paragraphs (1) and (2) of subsection (a) and subsection (b) of Section 15, produces proof that he or she has met at least one of the following requirements before the effective date of this Act:

(1) has been an active member, for a period of at least one year prior to the application for licensure, of a national professional massage therapy organization established prior to the year 2000, which offers professional liability insurance and a code of ethics;

(2) has passed the National Certification Exam of Therapeutic Massage and Bodywork and has kept his or her certification current;

(3) has practiced massage therapy an average of at least 10 hours per week for at least 10 years; or

(4) has practiced massage therapy an average of at least 10 hours per week for at least one year prior to the effective date of this Act and has completed at least 100 hours of formal training in massage therapy.

(a-5) The Department may issue a license to an individual who failed to apply for licensure under subsection (a) of this Section before October 31, 2005 (one year after the effective date of the rules adopted under this Act), but who otherwise meets the qualifications set forth in subsection (a) of this Section, provided that the individual submits a completed application for licensure as required under subsection (a) of this Section within 10 days after the effective date of this amendatory Act of the 95th General Assembly.

(b) An applicant who can show proof of having engaged in the practice of massage therapy for at least 10 hours per week for a minimum of one year prior to the effective date of this Act and has less than 100 hours of formal training or has been practicing for less than one year with 100 hours of formal training must complete at least 100 additional hours of formal training consisting of at least 25 hours in anatomy and physiology by January 1, 2005.

(c) An applicant who has training from another state or country may qualify for a license under subsection (a) by showing proof of meeting the requirements of that state or country and demonstrating that those
requirements are substantially the same as the requirements in this Section.

(d) For purposes of this Section, "formal training" means a massage therapy curriculum approved by the Illinois State Board of Education or the Illinois Board of Higher Education or course work provided by continuing education sponsors approved by the Department.

(Source: P.A. 92-860, eff. 6-1-03; 93-524, eff. 8-12-03; 93-908, eff. 8-11-04.)


(225 ILCS 447/5-3 new)

(Section scheduled to be repealed on January 1, 2014)

Sec. 5-3. References to Department or Director of Professional Regulation. References in this Act (i) to the Department of Professional Regulation are deemed, in appropriate contexts, to be references to the Department of Financial and Professional Regulation and (ii) to the Director of Professional Regulation are deemed, in appropriate contexts, to be references to the Secretary of Financial and Professional Regulation.

(225 ILCS 447/5-5)

(Section scheduled to be repealed on January 1, 2014)


(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/5-10)

(Section scheduled to be repealed on January 1, 2014)

New matter indicated by italics - deletions by strikeout
Sec. 5-10. Definitions. As used in this Act:

"Advertisement" means any printed material that is published in a phone book, newspaper, magazine, pamphlet, newsletter, or other similar type of publication that is intended to either attract business or merely provide contact information to the public for an agency or licensee. Advertisement shall include any material disseminated by printed or electronic means or media, but shall not include a licensee's or an agency's letterhead, business cards, or other stationery used in routine business correspondence or customary name, address, and number type listings in a telephone directory.

"Alarm system" means any system, including an electronic access control system, a surveillance video system, a security video system, a burglar alarm system, a fire alarm system, or any other electronic system, that activates an audible, visible, remote, or recorded signal that is designed for the protection or detection of intrusion, entry, theft, fire, vandalism, escape, or trespass.

"Armed employee" means a licensee or registered person who is employed by an agency licensed or an armed proprietary security force registered under this Act who carries a weapon while engaged in the performance of official duties within the course and scope of his or her employment during the hours and times the employee is scheduled to work or is commuting between his or her home or place of employment, provided that commuting is accomplished within one hour from departure from home or place of employment.

"Armed proprietary security force" means a security force made up of 5 or more armed individuals employed by a private, commercial, or industrial operation or one or more armed individuals employed by a financial institution as security officers for the protection of persons or property.

"Board" means the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Board.

"Branch office" means a business location removed from the place of business for which an agency license has been issued, including, but not limited to, locations where active employee records that are required to be

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maintained under this Act are kept, where prospective new employees are processed, or where members of the public are invited in to transact business. A branch office does not include an office or other facility located on the property of an existing client that is utilized solely for the benefit of that client and is not owned or leased by the agency.

"Canine handler" means a person who uses or handles a trained dog to protect persons or property or to conduct investigations.

"Canine handler authorization card" means a card issued by the Department that authorizes the holder to use or handle a trained dog to protect persons or property or to conduct investigations during the performance of his or her duties as specified in this Act.

"Canine trainer" means a person who acts as a dog trainer for the purpose of training dogs to protect persons or property or to conduct investigations.

"Canine trainer authorization card" means a card issued by the Department that authorizes the holder to train a dog to protect persons or property or to conduct investigations during the performance of his or her duties as specified in this Act.

"Canine training facility" means a facility operated by a licensed private detective agency or private security agency wherein dogs are trained for the purposes of protecting persons or property or to conduct investigations.

"Corporation" means an artificial person or legal entity created by or under the authority of the laws of a state, including without limitation a corporation, limited liability company, or any other legal entity.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of Professional Regulation.

"Employee" means a person who works for a person or agency that has the right to control the details of the work performed and is not dependent upon whether or not federal or state payroll taxes are withheld.

"Fingerprint vendor" means a person that offers, advertises, or provides services to fingerprint individuals, through electronic or other means, for the purpose of providing fingerprint images and associated

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demographic data to the Department of State Police for processing fingerprint based criminal history record information inquiries.

"Fingerprint vendor agency" means a person, firm, corporation, or other legal entity that engages in the fingerprint vendor business and employs, in addition to the fingerprint vendor licensee-in-charge, at least one other person in conducting that business.

"Fingerprint vendor licensee-in-charge" means a person who has been designated by a fingerprint vendor agency to be the licensee-in-charge of an agency who is a full-time management employee or owner who assumes sole responsibility for maintaining all records required by this Act and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act. The Department shall adopt rules mandating licensee-in-charge participation in agency affairs.

"Fire alarm system" means any system that is activated by an automatic or manual device in the detection of smoke, heat, or fire that activates an audible, visible, or remote signal requiring a response.

"Firearm control authorization card" means a card issued by the Department that authorizes the holder, who has complied with the training and other requirements of this Act, to carry a weapon during the performance of his or her duties as specified in this Act.

"Firm" means an unincorporated business entity, including but not limited to proprietorships and partnerships.

"Locksmith" means a person who engages in a business or holds himself out to the public as providing a service that includes, but is not limited to, the servicing, installing, originating first keys, re-coding, repairing, maintaining, manipulating, or bypassing of a mechanical or electronic locking device, access control or video surveillance system at premises, vehicles, safes, vaults, safe deposit boxes, or automatic teller machines.

"Locksmith agency" means a person, firm, corporation, or other legal entity that engages in the locksmith business and employs, in addition to the locksmith licensee-in-charge, at least one other person in conducting such business.

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"Locksmith licensee-in-charge" means a person who has been designated by agency to be the licensee-in-charge of an agency, who is a full-time management employee or owner who assumes sole responsibility for maintaining all records required by this Act, and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act. The Department shall adopt rules mandating licensee-in-charge participation in agency affairs.

"Peace officer" or "police officer" means a person who, by virtue of office or public employment, is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses. Officers, agents, or employees of the federal government commissioned by federal statute to make arrests for violations of federal laws are considered peace officers.

"Permanent employee registration card" means a card issued by the Department to an individual who has applied to the Department and meets the requirements for employment by a licensed agency under this Act.

"Person" means a natural person.

"Private alarm contractor" means a person who engages in a business that individually or through others undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to sell, install, design, monitor, maintain, alter, repair, replace, or service alarm and other security-related systems or parts thereof, including fire alarm systems, at protected premises or premises to be protected or responds to alarm systems at a protected premises on an emergency basis and not as a full-time security officer. "Private alarm contractor" does not include a person, firm, or corporation that manufactures or sells alarm systems only from its place of business and does not sell, install, monitor, maintain, alter, repair, replace, service, or respond to alarm systems at protected premises or premises to be protected.

"Private alarm contractor agency" means a person, corporation, or other entity that engages in the private alarm contracting business and employs, in addition to the private alarm contractor-in-charge, at least one other person in conducting such business.
"Private alarm contractor licensee-in-charge" means a person who has been designated by an agency to be the licensee-in-charge of an agency, who is a full-time management employee or owner who assumes sole responsibility for maintaining all records required by this Act, and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act. The Department shall adopt rules mandating licensee-in-charge participation in agency affairs.

"Private detective" means any person who by any means, including, but not limited to, manual, canine odor detection, or electronic methods, engages in the business of, accepts employment to furnish, or agrees to make or makes investigations for a fee or other consideration to obtain information relating to:

1. Crimes or wrongs done or threatened against the United States, any state or territory of the United States, or any local government of a state or territory.
2. The identity, habits, conduct, business occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movements, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person, firm, or other entity by any means, manual or electronic.
3. The location, disposition, or recovery of lost or stolen property.
4. The cause, origin, or responsibility for fires, accidents, or injuries to individuals or real or personal property.
5. The truth or falsity of any statement or representation.
6. Securing evidence to be used before any court, board, or investigating body.
7. The protection of individuals from bodily harm or death (bodyguard functions).
8. Service of process in criminal and civil proceedings without court order.

"Private detective agency" means a person, firm, corporation, or other legal entity that engages in the private detective business and

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employs, in addition to the licensee-in-charge, one or more persons in conducting such business.

"Private detective licensee-in-charge" means a person who has been designated by an agency to be the licensee-in-charge of an agency, who is a full-time management employee or owner who assumes sole responsibility for maintaining all records required by this Act, and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act. The Department shall adopt rules mandating licensee-in-charge participation in agency affairs.

"Private security contractor" means a person who engages in the business of providing a private security officer, watchman, patrol, guard dog, canine odor detection, or a similar service by any other title or name on a contractual basis for another person, firm, corporation, or other entity for a fee or other consideration and performing one or more of the following functions:

1. The prevention or detection of intrusion, entry, theft, vandalism, abuse, fire, or trespass on private or governmental property.
2. The prevention, observation, or detection of any unauthorized activity on private or governmental property.
3. The protection of persons authorized to be on the premises of the person, firm, or other entity for which the security contractor contractually provides security services.
4. The prevention of the misappropriation or concealment of goods, money, bonds, stocks, notes, documents, or papers.
5. The control, regulation, or direction of the movement of the public for the time specifically required for the protection of property owned or controlled by the client.
6. The protection of individuals from bodily harm or death (bodyguard functions).

"Private security contractor agency" means a person, firm, corporation, or other legal entity that engages in the private security contractor business and that employs, in addition to the licensee-in-charge, one or more persons in conducting such business.

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"Private security contractor licensee-in-charge" means a person who has been designated by an agency to be the licensee-in-charge of an agency, who is a full-time management employee or owner who assumes sole responsibility for maintaining all records required by this Act, and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act. The Department shall adopt rules mandating licensee-in-charge participation in agency affairs.

"Public member" means a person who is not a licensee or related to a licensee, or who is not an employer or employee of a licensee. The term "related to" shall be determined by the rules of the Department.

"Secretary" means the Secretary of Financial and Professional Regulation.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/10-5)

(Section scheduled to be repealed on January 1, 2014)

Sec. 10-5. Requirement of license.

(a) It is unlawful for a person to act as or provide the functions of a private detective, private security contractor, private alarm contractor, fingerprint vendor, or locksmith or to advertise or to assume to act as any one of these, or to use these or any other title implying that the person is engaged in any of these activities unless licensed as such by the Department. An individual or sole proprietor who does not employ any employees other than himself or herself may operate under a "doing business as" or assumed name certification without having to obtain an agency license, so long as the assumed name is first registered with the Department.

(b) It is unlawful for a person, firm, corporation, or other legal entity to act as an agency licensed under this Act, to advertise, or to assume to act as a licensed agency or to use a title implying that the person, firm, or other entity is engaged in the practice as a private detective agency, private security contractor agency, private alarm contractor agency, fingerprint vendor agency, or locksmith agency unless licensed by the Department.

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(c) No agency shall operate a branch office without first applying for and receiving a branch office license for each location.

(d) Beginning 12 months after the adoption of rules providing for the licensure of fingerprint vendors under this Act, it is unlawful for a person to operate live scan fingerprint equipment or other equipment designed to obtain fingerprint images for the purpose of providing fingerprint images and associated demographic data to the Department of State Police, unless he or she has successfully completed a fingerprint training course conducted or authorized by the Department of State Police and is licensed as a fingerprint vendor.

(e) Beginning 12 months after the adoption of rules providing for the licensure of canine handlers and canine trainers under this Act, no person shall operate a canine training facility unless licensed as a private detective agency or private security contractor agency under this Act, and no person shall act as a canine trainer unless he or she is licensed as a private detective or private security contractor or is a registered employee of a private detective agency or private security contractor agency approved by the Department.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/10-10)

(Section scheduled to be repealed on January 1, 2014)

Sec. 10-10. General exemptions. This Act does not apply to any of the following:

(1) A person, firm, or corporation engaging in fire protection engineering, including the design, testing, and inspection of fire protection systems.

(2) The practice of professional engineering as defined in the Professional Engineering Practice Act of 1989.


(5) The activities of persons or firms licensed under the Illinois Public Accounting Act if performed in the course of their professional practice.

(6) An attorney licensed to practice in Illinois while engaging in the practice of law.

(7) A person engaged exclusively and employed by a person, firm, association, or corporation in the business of transporting persons or property in interstate commerce and making an investigation related to the business of that employer.

(8) A person who provides canine odor detection services to a unit of federal, State, or local government on an emergency call-out or volunteer and not-for-hire basis.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/10-25)

(Section scheduled to be repealed on January 1, 2014)

Sec. 10-25. Issuance of license; renewal; fees.

(a) The Department shall, upon the applicant's satisfactory completion of the requirements set forth in this Act and upon receipt of the fee, issue the license indicating the name and business location of the licensee and the date of expiration.

(b) An applicant may, upon satisfactory completion of the requirements set forth in this Act and upon receipt of fees related to the application and testing for licensure, elect to defer the issuance of the applicant's initial license for a period not longer than 6 years. An applicant who fails to request issuance of his or her initial license or agency license and to remit the fees required for that license within 6 years shall be required to resubmit an application together with all required fees.

(c) The expiration date, renewal period, and conditions for renewal and restoration of each license, permanent employee registration card, canine handler authorization card, canine trainer authorization card, and firearm control authorization card shall be set by rule. The holder may renew the license, permanent employee registration card, canine handler authorization card, canine trainer authorization card, or firearm control authorization card during the 30 days preceding its expiration by paying
the required fee and by meeting conditions that the Department may specify. Any license holder who notifies the Department on forms prescribed by the Department may place his or her license on inactive status for a period of not longer than 6 years and shall, subject to the rules of the Department, be excused from payment of renewal fees until the license holder notifies the Department, in writing, of an intention to resume active status. Practice while on inactive status constitutes unlicensed practice. A non-renewed license that has lapsed for less than 6 years may be restored upon payment of the restoration fee and all lapsed renewal fees. A license that has lapsed for more than 6 years may be restored by paying the required restoration fee and all lapsed renewal fees and by providing evidence of competence to resume practice satisfactory to the Department and the Board, which may include passing a written examination. All restoration fees and lapsed renewal fees shall be waived for an applicant whose license lapsed while on active duty in the armed forces of the United States if application for restoration is made within 12 months after discharge from the service.

Any person seeking renewal or restoration under this subsection (c) shall be subject to the continuing education requirements established pursuant to Section 10-27 of this Act.

(d) Any permanent employee registration card expired for less than one year may be restored upon payment of lapsed renewal fees. Any permanent employee registration card expired for one year or more may be restored by making application to the Department and filing proof acceptable to the Department of the licensee's fitness to have the permanent employee registration card restored, including verification of fingerprint processing through the Department of State Police and Federal Bureau of Investigation and paying the restoration fee.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/10-27 new)

(Section scheduled to be repealed on January 1, 2014)

Sec. 10-27. Continuing education. The Department may adopt rules of continuing education for persons licensed under this Act. The

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Department shall consider the recommendations of the Board in establishing guidelines for the continuing education requirements.

(225 ILCS 447/10-30)
(Section scheduled to be repealed on January 1, 2014)
Sec. 10-30. Unlawful acts. It is unlawful for a licensee or an employee of a licensed agency:

(1) Upon termination of employment by the agency, to fail to return upon demand or within 72 hours of termination of employment any firearm issued by the employer together with the employee's firearm control authorization card.

(2) Upon termination of employment by the agency, to fail to return within 72 hours of termination of employment any uniform, badge, identification card, or equipment issued, but not sold, to the employee by the agency.

(3) To falsify the employee's statement required by this Act.

(4) To have a badge, shoulder patch, or any other identification that contains the words "law enforcement". In addition, no license holder or employee of a licensed agency shall in any manner imply that the person is an employee or agent of a governmental agency or display a badge or identification card, emblem, or uniform citing the words "police", "sheriff", "highway patrol trooper", or "law enforcement".

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/15-10)
(Section scheduled to be repealed January 1, 2014)
Sec. 15-10. Qualifications for licensure as a private detective.
(a) A person is qualified for licensure as a private detective if he or she meets all of the following requirements:

(1) Is at least 21 years of age.

(2) Has not been convicted of any felony in any jurisdiction or at least 10 years have elapsed since the time of full discharge from a sentence imposed for a felony conviction.

(3) Is of good moral character. Good character is a continuing requirement of licensure. Conviction of crimes other than

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than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure.

(4) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared him or her to be competent.

(5) Is not suffering from dependence on alcohol or from narcotic addiction or dependence.

(6) Has a minimum of 3 years experience of the 5 years immediately preceding application working full-time for a licensed private detective agency as a registered private detective agency employee or with 3 years experience of the 5 years immediately preceding his or her application employed as a full-time investigator for a licensed attorney or in a law enforcement agency of a federal or state political subdivision, which shall include a state's attorney's office or a public defender's office. The Board and the Department shall approve such full-time investigator experience. An applicant who has a baccalaureate degree, or higher, in law enforcement or a related field or a business degree from an accredited college or university shall be given credit for 2 of the 3 years of the required experience. An applicant who has an associate degree in law enforcement or in a related field or in business from an accredited college or university shall be given credit for one of the 3 years of the required experience.

(7) Has not been dishonorably discharged from the armed forces of the United States or has not been discharged from a law enforcement agency of the United States or of any state or of any political subdivision thereof, which shall include a state's attorney's office, for reasons relating to his or her conduct as an employee of that law enforcement agency.

(8) Has passed an examination authorized by the Department.
(9) Submits his or her fingerprints, proof of having general liability insurance required under subsection (b), and the required license fee.

(10) Has not violated Section 10-5 of this Act.

(b) It is the responsibility of the applicant to obtain general liability insurance in an amount and coverage appropriate for the applicant's circumstances as determined by rule. The applicant shall provide evidence of insurance to the Department before being issued a license. Failure to maintain general liability insurance and to provide the Department with written proof of the insurance shall result in cancellation of the license.

(c) Any person who has been providing canine odor detection services for hire prior to January 1, 2005 is exempt from the requirements of item (6) of subsection (a) of this Section and may be granted a private detective license if (i) he or she meets the requirements of items (1) through (5) and items (7) through (10) of subsection (a) of this Section, (ii) pays all applicable fees, and (iii) presents satisfactory evidence to the Department of the provision of canine odor detection services for hire since January 1, 2005.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/15-15)

(Section scheduled to be repealed on January 1, 2014)

Sec. 15-15. Qualifications for licensure as a private detective agency.

(a) Upon receipt of the required fee and proof that the applicant has a full-time Illinois licensed private detective-in-charge, which is a continuing requirement for agency licensure, the Department shall issue a license as a private detective agency to any of the following:

(1) An individual who submits an application and is a licensed private detective under this Act.

(2) A firm that submits an application and all of the members of the firm are licensed private detectives under this Act.

(3) A corporation or limited liability company doing business in Illinois that is authorized by its articles of incorporation or organization to engage in the business of conducting a private

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detective agency, provided at least one full-time executive employee is licensed as a private detective under this Act and all unlicensed officers and directors of the corporation or limited liability company are determined by the Department to be persons of good moral character.

(b) No private detective may be the licensee-in-charge for more than one private detective agency. Upon written request by a representative of an agency, within 10 days after the loss of a licensee-in-charge of an agency because of the death of that individual or because of the termination of the employment of that individual, the Department shall issue a temporary certificate of authority allowing the continuing operation of the licensed agency. No temporary certificate of authority shall be valid for more than 90 days. An extension of an additional 90 days may be granted upon written request by the representative of the agency. Not more than 2 extensions may be granted to any agency. No temporary permit shall be issued for a loss of the licensee-in-charge because of disciplinary action by the Department related to his or her conduct on behalf of the agency.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/15-25)

(Section scheduled to be repealed on January 1, 2014)

Sec. 15-25. Training; private detective and employees.

(a) Registered employees of a private detective agency shall complete, within 30 days of their employment, a minimum of 20 hours of training provided by a qualified instructor. The substance of the training shall be related to the work performed by the registered employee and shall include relevant information as to the identification of terrorists, acts of terrorism, and terrorist organizations, as defined by federal and State statutes.

(b) It is the responsibility of the employer to certify, on a form provided by the Department, that the employee has successfully completed the training. The form shall be a permanent record of training completed by the employee and shall be placed in the employee's file with the employer for the period the employee remains with the employer. An

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agency may place a notarized copy of the Department form in lieu of the original into the permanent employee registration card file. The original form shall be given to the employee when his or her employment is terminated. Failure to return the original form to the employee is grounds for disciplinary action. The employee shall not be required to repeat the required training once the employee has been issued the form. An employer may provide or require additional training.

(c) Any certification of completion of the 20-hour basic training issued under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 or any prior Act shall be accepted as proof of training under this Act.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/20-10)

(Section scheduled to be repealed on January 1, 2014)

Sec. 20-10. Qualifications for licensure as a private alarm contractor.

(a) A person is qualified for licensure as a private alarm contractor if he or she meets all of the following requirements:

(1) Is at least 21 years of age.

(2) Has not been convicted of any felony in any jurisdiction or at least 10 years have elapsed since the time of full discharge from a sentence imposed for a felony conviction.

(3) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure.

(4) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared him or her to be competent.

(5) Is not suffering from dependence on alcohol or from narcotic addiction or dependence.

(6) Has (i) a minimum of 3 years experience of the 5 years immediately preceding application working as a full-time manager

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for a licensed private alarm contractor agency or for an entity that designs, sells, installs, services, or monitors alarm systems that, in the judgment of the Board, satisfies the standards of alarm industry competence or (ii) has a minimum of 10 years experience working for a licensed private alarm contractor agency or for an entity that designs, sells, installs, services, or monitors alarm systems that, in the judgment of the Board, satisfies the standards of alarm industry competence, has successfully completed a National Institute for Certification of Engineering Technologies (NICET) level 2 certification examination, and applies on or before July 1, 2007. An applicant who has received a 4-year degree or higher in electrical engineering or a related field from a program approved by the Board shall be given credit for 2 years of the required experience. An applicant who has successfully completed a national certification program approved by the Board shall be given credit for one year of the required experience.

(7) Has not been dishonorably discharged from the armed forces of the United States.

(8) Has passed an examination authorized by the Department.

(9) Submits his or her fingerprints, proof of having general liability insurance required under subsection (c), and the required license fee.

(10) Has not violated Section 10-5 of this Act.

(b) (Blank). A person is qualified to receive a license as a private alarm contractor without meeting the requirement of item (8) of subsection (a) if he or she:

(1) applies for a license between September 2, 2003 and September 5, 2003 in writing on forms supplied by the Department;

(2) provides proof of ownership of a licensed alarm contractor agency; and

(3) provides proof of at least 7 years of experience in the installation, design, sales, repair, maintenance, alteration, or
service of alarm systems or any other low voltage electronic systems.

(c) It is the responsibility of the applicant to obtain general liability insurance in an amount and coverage appropriate for the applicant's circumstances as determined by rule. The applicant shall provide evidence of insurance to the Department before being issued a license. Failure to maintain general liability insurance and to provide the Department with written proof of the insurance shall result in cancellation of the license.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/20-20)
Section scheduled to be repealed on January 1, 2014

Sec. 20-20. Training; private alarm contractor and employees.

(a) Registered employees of the private alarm contractor agency who carry a firearm and respond to alarm systems shall complete, within 30 days of their employment, a minimum of 20 hours of classroom training provided by a qualified instructor and shall include all of the following subjects:

(1) The law regarding arrest and search and seizure as it applies to the private alarm industry.
(2) Civil and criminal liability for acts related to the private alarm industry.
(3) The use of force, including but not limited to the use of nonlethal force (i.e., disabling spray, baton, stungun, or similar weapon).
(4) Arrest and control techniques.
(5) The offenses under the Criminal Code of 1961 that are directly related to the protection of persons and property.
(6) The law on private alarm forces and on reporting to law enforcement agencies.
(7) Fire prevention, fire equipment, and fire safety.
(8) Civil rights and public relations.
(9) The identification of terrorists, acts of terrorism, and terrorist organizations, as defined by federal and State statutes.

New matter indicated by italics - deletions by strikeout
(b) All other employees of a private alarm contractor agency shall complete a minimum of 20 hours of training provided by a qualified instructor within 30 days of their employment. The substance of the training shall be related to the work performed by the registered employee.

(c) It is the responsibility of the employer to certify, on forms provided by the Department, that the employee has successfully completed the training. The form shall be a permanent record of training completed by the employee and shall be placed in the employee's file with the employer for the term the employee is retained by the employer. A private alarm contractor agency may place a notarized copy of the Department form in lieu of the original into the permanent employee registration card file. The form shall be returned to the employee when his or her employment is terminated. Failure to return the form to the employee is grounds for discipline. The employee shall not be required to complete the training required under this Act once the employee has been issued a form.

(d) Nothing in this Act prevents any employer from providing or requiring additional training beyond the required 20 hours that the employer feels is necessary and appropriate for competent job performance.

(e) Any certification of completion of the 20-hour basic training issued under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 or any prior Act shall be accepted as proof of training under this Act.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/25-10)

(Section scheduled to be repealed on January 1, 2014)

Sec. 25-10. Qualifications for licensure as a private security contractor.

(a) A person is qualified for licensure as a private security contractor if he or she meets all of the following requirements:

(1) Is at least 21 years of age.

(2) Has not been convicted of any felony in any jurisdiction or at least 10 years have elapsed since the time of full discharge from a sentence imposed for a felony conviction.

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(3) Is of good moral character. Good character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure.

(4) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared him or her to be competent.

(5) Is not suffering from dependence on alcohol or from narcotic addiction or dependence.

(6) Has a minimum of 3 years experience of the 5 years immediately preceding application working as a full-time manager for a licensed private security contractor agency or a manager of a proprietary security force of 30 or more persons registered with the Department or with 3 years experience of the 5 years immediately preceding his or her application employed as a full-time supervisor in a law enforcement agency of a federal or state political subdivision, which shall include a state's attorney's office or public defender's office. The Board and the Department shall approve such full-time supervisory experience. An applicant who has a baccalaureate degree or higher in police science or a related field or a business degree from an accredited college or university shall be given credit for 2 of the 3 years of the required experience. An applicant who has an associate degree in police science or in a related field or in business from an accredited college or university shall be given credit for one of the 3 years of the required experience.

(7) Has not been dishonorably discharged from the armed forces of the United States.

(8) Has passed an examination authorized by the Department.

(9) Submits his or her fingerprints, proof of having general liability insurance required under subsection (b), and the required license fee.

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(10) Has not violated Section 10-5 of this Act.

(b) It is the responsibility of the applicant to obtain general liability insurance in an amount and coverage appropriate for the applicant's circumstances as determined by rule. The applicant shall provide evidence of insurance to the Department before being issued a license. Failure to maintain general liability insurance and to provide the Department with written proof of the insurance shall result in cancellation of the license.

(c) Any person who has been providing canine odor detection services for hire prior to January 1, 2005 is exempt from the requirements of item (6) of subsection (a) of this Section and may be granted a private security contractor license if (i) he or she meets the requirements of items (1) through (5) and items (7) through (10) of subsections (a) of this Section, (ii) pays all applicable fees, and (iii) presents satisfactory evidence to the Department of the provision of canine odor detection services for hire since January 1, 2005.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/25-15)

(Section scheduled to be repealed on January 1, 2014)

Sec. 25-15. Qualifications for licensure as a private security contractor agency.

(a) Upon receipt of the required fee and proof that the applicant has a full-time Illinois licensed private security contractor-in-charge, which is a continuing requirement for agency licensure, the Department shall issue a license as a private security contractor agency to any of the following:

(1) An individual who submits an application and is a licensed private security contractor under this Act.

(2) A firm that submits an application and all of the members of the firm are licensed private security contractors under this Act.

(3) A corporation or limited liability company doing business in Illinois that is authorized by its articles of incorporation or organization to engage in the business of conducting a private security contractor agency if at least one officer or executive employee is licensed as a private security contractor under this Act.
and all unlicensed officers and directors of the corporation or limited liability company are determined by the Department to be persons of good moral character.

(b) No private security contractor may be the private security contractor licensee-in-charge for more than one private security contractor agency. Upon written request by a representative of the agency, within 10 days after the loss of a private security contractor licensee-in-charge of an agency because of the death of that individual or because of the termination of the employment of that individual, the Department shall issue a temporary certificate of authority allowing the continuing operation of the licensed agency. No temporary certificate of authority shall be valid for more than 90 days. An extension of an additional 90 days may be granted upon written request by the representative of the agency. Not more than 2 extensions may be granted to any agency. No temporary permit shall be issued for loss of the licensee-in-charge because of disciplinary action by the Department related to his or her conduct on behalf of the agency.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/25-20)

(Section scheduled to be repealed on January 1, 2014)

Sec. 25-20. Training; private security contractor and employees.

(a) Registered employees of the private security contractor agency who provide traditional guarding or other private security related functions or who respond to alarm systems shall complete, within 30 days of their employment, a minimum of 20 hours of classroom basic training provided by a qualified instructor, which shall include the following subjects:

(1) The law regarding arrest and search and seizure as it applies to private security.

(2) Civil and criminal liability for acts related to private security.

(3) The use of force, including but not limited to the use of nonlethal force (i.e., disabling spray, baton, stun gun or similar weapon).

(4) Arrest and control techniques.

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(5) The offenses under the Criminal Code of 1961 that are directly related to the protection of persons and property.
(6) The law on private security forces and on reporting to law enforcement agencies.
(7) Fire prevention, fire equipment, and fire safety.
(8) The procedures for service of process and for report writing.
(9) Civil rights and public relations.
(10) The identification of terrorists, acts of terrorism, and terrorist organizations, as defined by federal and State statutes.

(b) All other employees of a private security contractor agency shall complete a minimum of 20 hours of training provided by the qualified instructor within 30 days of their employment. The substance of the training shall be related to the work performed by the registered employee.

(c) Registered employees of the private security contractor agency who provide guarding or other private security related functions, in addition to the classroom training required under subsection (a), within 6 months of their employment, shall complete an additional 8 hours of training on subjects to be determined by the employer, which training may be site-specific and may be conducted on the job.

(d) In addition to the basic training provided for in subsections (a) and (c), registered employees of the private security contractor agency who provide guarding or other private security related functions shall complete an additional 8 hours of refresher training on subjects to be determined by the employer each calendar year commencing with the calendar year following the employee's first employment anniversary date, which refresher training may be site-specific and may be conducted on the job.

(e) It is the responsibility of the employer to certify, on a form provided by the Department, that the employee has successfully completed the basic and refresher training. The form shall be a permanent record of training completed by the employee and shall be placed in the employee's file with the employer for the period the employee remains with the employer. An agency may place a notarized copy of the Department form

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in lieu of the original into the permanent employee registration card file. The original form shall be given to the employee when his or her employment is terminated. Failure to return the original form to the employee is grounds for disciplinary action. The employee shall not be required to repeat the required training once the employee has been issued the form. An employer may provide or require additional training.

(f) Any certification of completion of the 20-hour basic training issued under the Private Detective, Private Alarm, Private Security and Locksmith Act of 1993 or any prior Act shall be accepted as proof of training under this Act.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/25-30)

(Section scheduled to be repealed on January 1, 2014)

Sec. 25-30. Uniforms.

(a) No licensee under this Act or any employee of a licensed agency shall wear or display a badge, shoulder patch or other identification that contains the words "law enforcement". No license holder or employee of a licensed agency shall imply in any manner that the person is an employee or agent of a governmental entity, display a badge or identification card, emblem, or uniform using the words "police", "sheriff", "highway patrol", "trooper", "law enforcement" or any similar term.

(b) All military-style uniforms, if worn, by employees of a licensed private security contractor agency, must bear the name of the private security contractor agency, which shall be plainly visible on a patch, badge, or other insignia.

(c) All uniforms, if worn by employees of a licensed private security contractor agency, may only be worn in the performance of their duties or while commuting directly to or from the employee's place or places of employment, provided this is accomplished within one hour from departure from home or place of employment.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/30-15)

(Section scheduled to be repealed on January 1, 2014)
Sec. 30-15. Qualifications for licensure as a locksmith agency.
(a) Upon receipt of the required fee and proof that the applicant is an Illinois licensed locksmith who shall assume responsibility for the operation of the agency and the directed actions of the agency's employees, which is a continuing requirement for agency licensure, the Department shall issue a license as a locksmith agency to any of the following:

   (1) An individual who submits an application and is a licensed locksmith under this Act.

   (2) A firm that submits an application and all of the members of the firm are licensed locksmiths under this Act.

   (3) A corporation or limited liability company doing business in Illinois that is authorized by its articles of incorporation or organization to engage in the business of conducting a locksmith agency if at least one officer or executive employee is a licensed locksmith under this Act and all unlicensed officers and directors of the corporation or limited liability company are determined by the Department to be persons of good moral character.

(b) An individual licensed as a locksmith operating under a business name other than the licensed locksmith's own name shall not be required to obtain a locksmith agency license if that licensed locksmith does not employ any persons to engage in the practice of locksmithing and registers under the Assumed Business Name Act.

(c) No locksmith may be the locksmith licensee in-charge for more than one locksmith agency. Upon written request by a representative of the agency, within 10 days after the loss of a locksmith-in-charge of an agency because of the death of that individual or because of the termination of the employment of that individual, the Department shall issue a temporary certificate of authority allowing the continuing operation of the licensed agency. No temporary certificate of authority shall be valid for more than 90 days. An extension of an additional 90 days may be granted upon written request by the representative of the agency. Not more than 2 extensions may be granted to any agency. No temporary permit shall be issued for loss of the licensee-in-charge because of disciplinary action by the Department related to his or her conduct on behalf of the agency.

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ARTICLE 31. FINGERPRINT VENDORS.

Sec. 31-5. Exemptions. The provisions of this Act regarding fingerprint vendors do not apply to any of the following, if the person performing the service does not hold himself or herself out as a fingerprint vendor or fingerprint vendor agency:

(1) An employee of the United States, Illinois, or a political subdivision, including public school districts, of either while the employee is engaged in the performance of his or her official duties within the scope of his or her employment. However, any such person who offers his or her services as a fingerprint vendor or uses a similar title when these services are performed for compensation or other consideration, whether received directly or indirectly, is subject to this Act.

(2) A person employed exclusively by only one employer in connection with the exclusive activities of that employer, provided that person does not hold himself or herself out to the public as a fingerprint vendor.

Sec. 31-10. Qualifications for licensure as a fingerprint vendor.

(a) A person is qualified for licensure as a fingerprint vendor if he or she meets all of the following requirements:

(1) Is at least 18 years of age.

(2) Has not been convicted of any felony in any jurisdiction or at least 10 years have elapsed since the time of full discharge from a sentence imposed for a felony conviction.

(3) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but

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shall not constitute an absolute bar to licensure, except where the applicant is a registered sex offender.

(4) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared him or her to be competent.

(5) Is not suffering from dependence on alcohol or from narcotic addiction or dependence.

(6) Has not been dishonorably discharged from the armed forces of the United States.

(7) Submits certification issued by the Department of State Police that the applicant has successfully completed a fingerprint vendor training course conducted or authorized by the Department of State Police.

(8) Submits his or her fingerprints, in accordance with subsection (b) of this Section.

(9) Has not violated any provision of this Act or any rule adopted under this Act.

(10) Provides evidence satisfactory to the Department that the applicant has obtained general liability insurance in an amount and with coverage as determined by rule. Failure to maintain general liability insurance and failure to provide the Department with written proof of the insurance, upon request, shall result in cancellation of the license without hearing. A fingerprint vendor employed by a licensed fingerprint vendor agency may provide proof that his or her actions as a fingerprint vendor are covered by the liability insurance of his or her employer.

(11) Pays the required licensure fee.

(12) Submits certification issued by the Department of State Police that the applicant's fingerprinting equipment and software meets all specifications required by the Department of State Police. Compliance with Department of State Police fingerprinting

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equipment and software specifications is a continuing requirement for licensure.

(13) Submits proof that the applicant maintains a business office located in the State of Illinois.

(b) Each applicant for a fingerprint vendor license shall have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Department of State Police. These fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Department of State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department may require applicants to pay a separate fingerprinting fee, either to the Department or directly to the vendor. The Department, in its discretion, may allow an applicant who does not have reasonable access to a designated vendor to provide his or her fingerprints in an alternative manner. The Department, in its discretion, may also use other procedures in performing or obtaining criminal background checks of applicants. Instead of submitting his or her fingerprints, an individual may submit proof that is satisfactory to the Department that an equivalent security clearance has been conducted. Also, an individual who has retired as a peace officer within 12 months of application may submit verification, on forms provided by the Department and signed by his or her employer, of his or her previous full-time employment as a peace officer.

(225 ILCS 447/31-15 new)

(Section scheduled to be repealed on January 1, 2014)

Sec. 31-15. Qualifications for licensure as a fingerprint vendor agency.

(a) Upon receipt of the required fee and proof that the applicant is an Illinois licensed fingerprint vendor who shall assume responsibility for
the operation of the agency and the directed actions of the agency's employees, which is a continuing requirement for agency licensure, the Department may issue a license as a fingerprint vendor agency to any of the following:

(1) An individual who submits an application and is a licensed fingerprint vendor under this Act.

(2) A firm that submits an application and all of the members of the firm are licensed fingerprint vendors under this Act.

(3) A corporation or limited liability company doing business in Illinois that is authorized to engage in the business of conducting a fingerprint vendor agency if at least one officer or executive employee is a licensed fingerprint vendor under this Act and all unlicensed officers and directors of the corporation or limited liability company are determined by the Department to be persons of good moral character.

(b) An individual licensed as a fingerprint vendor operating under a business name other than the licensed fingerprint vendor's own name shall not be required to obtain a fingerprint vendor agency license if that licensed fingerprint vendor does not employ any persons to provide fingerprinting services.

(c) No fingerprint vendor may be the fingerprint vendor licensee-in-charge for more than one fingerprint vendor agency. Upon written request by a representative of the agency, within 10 days after the loss of a fingerprint vendor licensee-in-charge of an agency because of the death of that individual or because of the termination of the employment of that individual, the Department shall issue a temporary certificate of authority allowing the continuing operation of the licensed agency. No temporary certificate of authority shall be valid for more than 90 days. An extension of an additional 90 days may be granted upon written request by the representative of the agency. Not more than one extension may be granted to any agency. No temporary permit shall be issued for loss of the licensee-in-charge because of disciplinary action by the Department related to his or her conduct on behalf of the agency.

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Sec. 31-20. Training; fingerprint vendor and employees.

(a) Registered employees of a licensed fingerprint vendor agency shall complete a minimum of 20 hours of training provided by a qualified instructor within 30 days of their employment. The substance of the training shall be prescribed by rule.

(b) It is the responsibility of the employer to certify, on a form provided by the Department, that the employee has successfully completed the training. The form shall be a permanent record of training completed by the employee and shall be placed in the employee’s file with the employer for the period the employee remains with the employer. An agency may place a notarized copy of the Department form, in lieu of the original, into the permanent employee registration card file. The original form shall be given to the employee when his or her employment is terminated. Failure to return the original form to the employee is grounds for disciplinary action. The employee shall not be required to repeat the required training once the employee has been issued the form. An employer may provide or require additional training.

(c) Any certification of completion of the 20-hour basic training issued under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 or any prior Act shall be accepted as proof of training under this Act.

(d) No registered employee of a licensed fingerprint vendor agency may operate live scan fingerprint equipment or other equipment designed to obtain fingerprint images for the purpose of providing fingerprint images and associated demographic data to the Department of State Police.
number, and driver's license number or other identification number of the person requesting the service to be done, the signature of that person, the routing number and any other information or documentation as provided by rule. All work orders shall be kept by the licensed fingerprint vendor for a period of 2 years from the date of service and shall include the name and license number of the fingerprint vendor and, if applicable, the name and identification number of the registered employee who performed the services. Work order forms required to be kept under this Section shall be available for inspection by the Department or by the Department of State Police.

(225 ILCS 447/31-30 new)
(Section scheduled to be repealed on January 1, 2014)
Sec. 31-30. Restrictions on firearms.
(a) Nothing in this Act or the rules adopted under this Act shall authorize a person licensed as a fingerprint vendor or any employee of a licensed fingerprint vendor agency to possess or carry a firearm in the course of providing fingerprinting services.
(b) Nothing in this Act or the rules adopted under this Act shall grant or authorize the issuance of a firearm authorization card to a fingerprint vendor or any employee of a licensed fingerprint vendor agency.

(225 ILCS 447/35-10)
(Section scheduled to be repealed on January 1, 2014)
Sec. 35-10. Inspection of facilities. Each licensee shall permit his or her office facilities, canine training facilities, and registered employee files to be audited or inspected at reasonable times and in a reasonable manner upon at least 24 hours notice by the Department.
(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/35-25)
(Section scheduled to be repealed on January 1, 2014)
Sec. 35-25. Duplicate licenses. If a license, permanent employee registration card, or firearm control authorization card is lost, a duplicate shall be issued upon proof of such loss together with the payment of the required fee. If a licensee decides to change his or her name, the

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Department shall issue a license in the new name upon proof that the change was done pursuant to law and payment of the required fee. Notification of a name change shall be made to the Department within 30 days after the change.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/35-30)

(Section scheduled to be repealed on January 1, 2014)

Sec. 35-30. Employee requirements. All employees of a licensed agency, other than those exempted, shall apply for a permanent employee registration card. The holder of an agency license issued under this Act, known in this Section as "employer", may employ in the conduct of his or her business employees under the following provisions:

(a) No person shall be issued a permanent employee registration card who:

   (1) Is younger than 18 years of age.

   (2) Is younger than 21 years of age if the services will include being armed.

   (3) Has been determined by the Department to be unfit by reason of conviction of an offense in this or another state, other than a traffic offense. The Department shall adopt rules for making those determinations that shall afford the applicant due process of law.

   (4) Has had a license or permanent employee registration card denied, suspended, or revoked under this Act within one year before the date the person's application for permanent employee registration card is received by the Department; and (ii) that refusal, denial, suspension, or revocation was based on any provision of this Act other than Section 40-50, item (6) or (8) of subsection (a) of Section 15-10, subsection (b) of Section 15-10, item (6) or (8) of subsection (a) of Section 20-10, subsection (b) of Section 20-10, item (6) or (8) of subsection (a) of Section 25-10, subsection (b) of Section 25-10, item (7) of subsection (a) of Section 30-10, subsection (b) of Section 30-10, or Section 10-40.

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(5) (E) Has been declared incompetent by any court of competent jurisdiction by reason of mental disease or defect and has not been restored.

(6) (F) Has been dishonorably discharged from the armed services of the United States.

(b) (2) No person may be employed by a private detective agency, private security contractor agency, private alarm contractor agency, fingerprint vendor agency, or locksmith agency under this Section until he or she has executed and furnished to the employer, on forms furnished by the Department, a verified statement to be known as "Employee's Statement" setting forth:

(1) (A) The person's full name, age, and residence address.

(2) (B) The business or occupation engaged in for the 5 years immediately before the date of the execution of the statement, the place where the business or occupation was engaged in, and the names of employers, if any.

(3) (C) That the person has not had a license or employee registration denied, revoked, or suspended under this Act (i) within one year before the date the person's application for permanent employee registration card is received by the Department; and (ii) that refusal, denial, suspension, or revocation was based on any provision of this Act other than Section 40-50, item (6) or (8) of subsection (a) of Section 15-10, subsection (b) of Section 15-10, item (6) or (8) of subsection (a) of Section 20-10, subsection (b) of Section 20-10, item (6) or (8) of subsection (a) of Section 25-10, subsection (b) of Section 25-10, item (7) of subsection (a) of Section 30-10, subsection (b) of Section 30-10, or Section 10-40.

(4) (D) Any conviction of a felony or misdemeanor.

(5) (E) Any declaration of incompetence by a court of competent jurisdiction that has not been restored.

(6) (F) Any dishonorable discharge from the armed services of the United States.
(7) (c) Any other information as may be required by any rule of the Department to show the good character, competency, and integrity of the person executing the statement.

(c) Each applicant for a permanent employee registration card shall have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Department of State Police. These fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Department of State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department may require applicants to pay a separate fingerprinting fee, either to the Department or directly to the vendor. The Department, in its discretion, may allow an applicant who does not have reasonable access to a designated vendor to provide his or her fingerprints in an alternative manner. The Department, in its discretion, may also use other procedures in performing or obtaining criminal background checks of applicants. Instead of submitting his or her fingerprints, an individual may submit proof that is satisfactory to the Department that an equivalent security clearance has been conducted. Also, an individual who has retired as a peace officer within 12 months of application may submit verification, on forms provided by the Department and signed by his or her employer, of his or her previous full-time employment as a peace officer.

(d) The Department shall issue a permanent employee registration card, in a form the Department prescribes, to all qualified applicants. The holder of a permanent employee registration card shall carry the card at all times while actually engaged in the performance of the duties of his or her employment. Expiration and requirements for renewal of permanent employee registration cards shall be established by rule of the Department. Possession of a permanent employee registration card does not in any way
imply that the holder of the card is employed by an agency unless the permanent employee registration card is accompanied by the employee identification card required by subsection (f) of this Section.

(e) Each employer shall maintain a record of each employee that is accessible to the duly authorized representatives of the Department. The record shall contain the following information:

1. A photograph taken within 10 days of the date that the employee begins employment with the employer. The photograph shall be replaced with a current photograph every 3 calendar years.
2. The Employee's Statement specified in subsection (b) of this Section.
3. All correspondence or documents relating to the character and integrity of the employee received by the employer from any official source or law enforcement agency.
4. In the case of former employees, the employee identification card of that person issued under subsection (f) of this Section. Each employee record shall duly note if the employee is employed in an armed capacity. Armed employee files shall contain a copy of an active firearm owner's identification card and a copy of an active firearm control authorization card. Each employer shall maintain a record for each armed employee of each instance in which the employee's weapon was discharged during the course of his or her professional duties or activities. The record shall be maintained on forms provided by the Department, a copy of which must be filed with the Department within 15 days of an instance. The record shall include the date and time of the occurrence, the circumstances involved in the occurrence, and any other information as the Department may require. Failure to provide this information to the Department or failure to maintain the record as a part of each armed employee's permanent file is grounds for disciplinary action. The Department, upon receipt of a report, shall have the authority to make any investigation it considers appropriate into any occurrence in which an employee's

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weapon was discharged and to take disciplinary action as may be appropriate.

(5) The Department may, by rule, prescribe further record requirements.

(f) Every employer shall furnish an employee identification card to each of his or her employees. This employee identification card shall contain a recent photograph of the employee, the employee's name, the name and agency license number of the employer, the employee's personal description, the signature of the employer, the signature of that employee, the date of issuance, and an employee identification card number.

(g) No employer may issue an employee identification card to any person who is not employed by the employer in accordance with this Section or falsely state or represent that a person is or has been in his or her employ. It is unlawful for an applicant for registered employment to file with the Department the fingerprints of a person other than himself or herself.

(h) Every employer shall obtain the identification card of every employee who terminates employment with him or her.

(i) Every employer shall maintain a separate roster of the names of all employees currently working in an armed capacity and submit the roster to the Department on request.

(j) No agency may employ any person to perform a licensed activity under this Act unless the person possesses a valid permanent employee registration card or a valid license under this Act, or is exempt pursuant to subsection (n).

(k) Notwithstanding the provisions of subsection (j), an agency may employ a person in a temporary capacity if all of the following conditions are met:

(1) The agency completes in its entirety and submits to the Department an application for a permanent employee registration card, including the required fingerprint receipt and fees.

(2) The agency has verification from the Department that the applicant has no record of any criminal conviction pursuant to the criminal history check conducted by the Department of State
Police. The agency shall maintain the verification of the results of the Department of State Police criminal history check as part of the employee record as required under subsection (e) of this Section.

(3) The agency exercises due diligence to ensure that the person is qualified under the requirements of the Act to be issued a permanent employee registration card.

(4) The agency maintains a separate roster of the names of all employees whose applications are currently pending with the Department and submits the roster to the Department on a monthly basis. Rosters are to be maintained by the agency for a period of at least 24 months.

An agency may employ only a permanent employee applicant for which it either submitted a permanent employee application and all required forms and fees or it confirms with the Department that a permanent employee application and all required forms and fees have been submitted by another agency, licensee or the permanent employee and all other requirements of this Section are met.

The Department shall have the authority to revoke, without a hearing, the temporary authority of an individual to work upon receipt of Federal Bureau of Investigation fingerprint data or a report of another official authority indicating a criminal conviction. If the Department has not received a temporary employee's Federal Bureau of Investigation fingerprint data within 120 days of the date the Department received the Department of State Police fingerprint data, the Department may, at its discretion, revoke the employee's temporary authority to work with 15 days written notice to the individual and the employing agency.

An agency may not employ a person in a temporary capacity if it knows or reasonably should have known that the person has been convicted of a crime under the laws of this State, has been convicted in another state of any crime that is a crime under the laws of this State, has been convicted of any crime in a federal court, or has been posted as an unapproved applicant by the Department. Notice by the Department to the agency, via certified mail, personal delivery, electronic mail, or posting on the Department's Internet site accessible to the agency that the person has

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been convicted of a crime shall be deemed constructive knowledge of the conviction on the part of the agency. The Department may adopt rules to implement this subsection (k).

(l) No person may be employed under this Section in any capacity if:

(1) the person, while so employed, is being paid by the United States or any political subdivision for the time so employed in addition to any payments he or she may receive from the employer; or

(2) the person wears any portion of his or her official uniform, emblem of authority, or equipment while so employed.

(m) If information is discovered affecting the registration of a person whose fingerprints were submitted under this Section, the Department shall so notify the agency that submitted the fingerprints on behalf of that person.

(n) Peace officers shall be exempt from the requirements of this Section relating to permanent employee registration cards. The agency shall remain responsible for any peace officer employed under this exemption, regardless of whether the peace officer is compensated as an employee or as an independent contractor and as further defined by rule.

(o) Persons who have no access to confidential or security information and who otherwise do not provide traditional security services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of ushers, directors, ticket takers, cashiers, drivers, and reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts, or technical security and alarm data.

(Source: P.A. 93-438, eff. 8-5-03; revised 10-18-05.)

(225 ILCS 447/35-35)

(Section scheduled to be repealed on January 1, 2014)

Sec. 35-35. Requirement of a firearm control authorization card.

(a) No person shall perform duties that include the use, carrying, or possession of a firearm in the performance of those duties without
complying with the provisions of this Section and having been issued a valid firearm control authorization card by the Department.

(b) No employer shall employ any person to perform the duties for which employee registration is required and allow that person to carry a firearm unless that person has complied with all the firearm training requirements of this Section and has been issued a firearm control authorization card. This Act permits only the following to carry firearms while actually engaged in the performance of their duties or while commuting directly to or from their places of employment: persons licensed as private detectives and their registered employees; persons licensed as private security contractors and their registered employees; persons licensed as private alarm contractors and their registered employees; and employees of a registered armed proprietary security force.

(c) Possession of a valid firearm control authorization card allows an employee to carry a firearm not otherwise prohibited by law while the employee is engaged in the performance of his or her duties or while the employee is commuting directly to or from the employee's place or places of employment, provided that this is accomplished within one hour from departure from home or place of employment.

(d) The Department shall issue a firearm control authorization card to a person who has passed an approved firearm training course, who is currently employed by an agency licensed by this Act and has met all the requirements of this Act, and who possesses a valid firearm owner identification card. Application for the firearm control authorization card shall be made by the employer to the Department on forms provided by the Department. The Department shall forward the card to the employer who shall be responsible for its issuance to the employee. The firearm control authorization card shall be issued by the Department and shall identify the person holding it and the name of the course where the employee received firearm instruction and shall specify the type of weapon or weapons the person is authorized by the Department to carry and for which the person has been trained.

(e) Expiration and requirements for renewal of firearm control authorization cards shall be determined by rule.
(f) The Department may, in addition to any other disciplinary action permitted by this Act, refuse to issue, suspend, or revoke a firearm control authorization card if the applicant or holder has been convicted of any felony or crime involving the illegal use, carrying, or possession of a deadly weapon or for a violation of this Act or rules promulgated under this Act. The Department shall refuse to issue or shall revoke a firearm control authorization card if the applicant or holder fails to possess a valid firearm owners identification card. The Director shall summarily suspend a firearm control authorization card if the Director finds that its continued use would constitute an imminent danger to the public. A hearing shall be held before the Board within 30 days if the Director summarily suspends a firearm control authorization card.

(g) Notwithstanding any other provision of this Act to the contrary, all requirements relating to firearms control authorization cards do not apply to a peace officer.

(h) The Department may issue a temporary firearm control card pending issuance of a new firearm control card upon an agency's acquiring of an established armed account. An agency that has acquired armed employees as a result of acquiring an established armed account may, on forms supplied by the Department, request the issuance of a temporary firearm control card for each acquired employee who held a valid firearm control card under his or her employment with the newly acquired established armed account immediately preceding the acquiring of the account and who continues to meet all of the qualifications for issuance of a firearm control card set forth in this Act and any rules adopted under this Act. The Department shall, by rule, set the fee for issuance of a temporary firearm control card.

(i) The Department may not issue a firearm control card to employees of a licensed fingerprint vendor agency.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/35-40)

(Section scheduled to be repealed on January 1, 2014)

Sec. 35-40. Firearm control authorization; training requirements.
(a) The Department shall, pursuant to rule, approve or disapprove training programs for the firearm training course, which shall be taught by a qualified instructor. Qualifications for instructors shall be set by rule. The firearm training course shall be conducted by entities, by a licensee, or by an agency licensed by this Act, provided the course is approved by the Department. The firearm course shall consist of the following minimum requirements:

1. 40 hours of training, 20 hours of which shall be as described in Sections 15-20, 20-20, or 25-20, as applicable, and 20 hours of which shall include all of the following:
   (A) Instruction in the dangers of and misuse of firearms, their storage, safety rules, and care and cleaning of firearms.
   (B) Practice firing on a range with live ammunition.
   (C) Instruction in the legal use of firearms.
   (D) A presentation of the ethical and moral considerations necessary for any person who possesses a firearm.
   (E) A review of the laws regarding arrest, search, and seizure.
   (F) Liability for acts that may be performed in the course of employment.
2. An examination shall be given at the completion of the course. The examination shall consist of a firearms qualification course and a written examination. Successful completion shall be determined by the Department.

(b) The firearm training requirement may be waived for an employee who has completed training provided by the Illinois Law Enforcement Training Standards Board or the equivalent public body of another state, provided documentation showing requalification with the weapon on the firing range is submitted to the Department.

(Source: P.A. 93-438, eff. 8-5-03.)
(225 ILCS 447/35-41 new)
(Section scheduled to be repealed on January 1, 2014)

New matter indicated by italics - deletions by strikeout
Sec. 35-41. Requirement of a canine handler authorization card.

(a) No person shall perform duties that include the use or handling of a canine to protect persons or property or to conduct investigations without having been issued a valid canine handler authorization card by the Department. An agency may subcontract out its canine odor detection services to another licensed agency or may use the employees of another licensed agency as subcontractors, provided that all employees who provide canine odor detection services in either arrangement are properly registered under this Act and are otherwise in compliance with the requirements of this Section. It is the responsibility of each agency participating in a subcontracting arrangement to ensure compliance with all employees so utilized.

(b) No agency shall employ any person to perform the duties for which employee registration is required and allow that person to use or handle a canine to protect persons or property or to conduct investigations unless that person has been issued a canine handler authorization card.

(c) The Department shall issue a canine handler authorization card to a person who (i) has passed an approved canine handler training course, (ii) is currently employed by an agency licensed under this Act, and (iii) has met all of the applicable requirements of this Act. Application for the canine handler authorization card shall be made by the employer to the Department on forms provided by the Department. The Department shall forward the card to the employer who shall be responsible for its issuance to the employee. The canine handler authorization card shall be issued by the Department and must identify the person holding it and the name of the canine training facility where the employee received canine handler instruction.

(d) The Department may, in addition to any other disciplinary action permitted by this Act, refuse to issue, suspend, or revoke a canine handler authorization card if the applicant or holder has been convicted of any felony or misdemeanor involving cruelty to animals or for a violation of this Act or rules adopted under this Act.
(e) Notwithstanding any other provision of this Section, an agency may employ a person in a temporary capacity as a canine handler if each of the following conditions are met:

(1) The agency completes in its entirety and submits to the Department an application for a canine handler registration card, including the required fees.

(2) The agency exercises due diligence to ensure that the person is qualified under the requirements of the Act to be issued a canine handler registration card.

(225 ILCS 447/35-42 new)

(Section scheduled to be repealed on January 1, 2014)

Sec. 35-42. Canine handler authorization; training requirements.

The Department shall, pursuant to rule, approve or disapprove training programs for the canine handler training course, which shall be taught by a qualified instructor. Qualifications for instructors shall be set by rule. The canine handler training course must be conducted by a licensee under this Act and approved by the Department. A canine handler course must consist of each of the following minimum requirements:

(1) One hundred hours of basic training, which shall include the following subjects:
   (A) canine handling safety procedures;
   (B) basic veterinary health and wellness principles, including canine first aid;
   (C) principles of canine conditioning;
   (D) canine obedience techniques;
   (E) search patterns and techniques; and
   (F) legal guidelines affecting canine odor detection operations.

(2) Eighty hours of additional training related to the particular canine discipline in which the canine and canine handler are to be trained, including without limitation patrol, narcotics odor detection, explosives odor detection, and cadaver odor detection.
(3) An examination given at the completion of the course, which shall consist of a canine practical qualification course and a written examination. Successful completion of the examination shall be determined by the canine training facility.

(Section scheduled to be repealed on January 1, 2014)

Sec. 35-43. Requirement of a canine trainer authorization card; qualifications.

(a) No person may perform duties that include the training of canine handlers and canines to protect persons or property or to conduct investigations without having been issued a valid canine trainer authorization card by the Department.

(b) No employer shall employ any person to perform the duties for which employee registration is required under this Act and allow that person to train canine handlers and canines unless that person has been issued a canine trainer authorization card.

(c) The Department shall issue a canine trainer authorization card to a person who (i) has passed an approved canine trainer training course, (ii) is currently employed by an agency licensed under this Act, and (iii) has met all of the applicable requirements of this Act. Application for the canine trainer authorization card shall be made by the employer to the Department on forms provided by the Department. The Department shall forward the card to the employer who shall be responsible for its issuance to the employee.

(d) The Department may, in addition to any other disciplinary action permitted by this Act, refuse to issue, suspend, or revoke a canine trainer authorization card if the applicant or holder has been convicted of any felony or misdemeanor involving cruelty to animals or for a violation of this Act or rules promulgated under this Act.

(e) Qualifications for canine trainers shall be set by the Department by rule. Any person who has been engaged in the provision of canine trainer services prior to January 1, 2005, shall be granted a canine trainer authorization card upon the submission of a completed
application, the payment of applicable fees, and the demonstration satisfactory to the Department of the provision of such services.

(225 ILCS 447/35-45)
(Section scheduled to be repealed on January 1, 2014)
Sec. 35-45. Armed proprietary security force.

(a) All financial institutions that employ one or more armed employees and all commercial or industrial operations that employ 5 or more persons as armed employees shall register their security forces with the Department on forms provided by the Department.

(b) All armed employees of the registered proprietary security force must complete a 20-hour basic training course and 20-hour firearm training.

(c) Every proprietary security force is required to apply to the Department, on forms supplied by the Department, for a firearm control authorization card for each armed employee.

(d) The Department may provide rules for the administration of this Section.
(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/40-5)
(Section scheduled to be repealed on January 1, 2014)
Sec. 40-5. Injunctive relief. The practice of a private detective, private security contractor, private alarm contractor, fingerprint vendor, locksmith, private detective agency, private security contractor agency, private alarm contractor agency, fingerprint vendor agency, or locksmith agency by any person, firm, corporation, or other legal entity that has not been issued a license by the Department or whose license has been suspended, revoked, or not renewed is hereby declared to be inimical to the public safety and welfare and to constitute a public nuisance. The Director, through the Attorney General, the State's Attorney of any county, any resident of the State, or any legal entity within the State may apply for injunctive relief in any court to enjoin any person, firm, or other entity that has not been issued a license or whose license has been suspended, revoked, or not renewed from conducting a licensed activity. Upon the filing of a verified petition in court, if satisfied by affidavit or otherwise

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that the person, firm, corporation, or other legal entity is or has been conducting activities in violation of this Act, the court may enter a temporary restraining order or preliminary injunction, without bond, enjoining the defendant from further activity. A copy of the verified complaint shall be served upon the defendant and the proceedings shall be conducted as in civil cases. If it is established the defendant has been or is conducting activities in violation of this Act, the court may enter a judgment enjoining the defendant from that activity. In case of violation of any injunctive order or judgment entered under this Section, the court may punish the offender for contempt of court. Injunctive proceedings shall be in addition to all other penalties under this Act.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/40-10)

(Section scheduled to be repealed on January 1, 2014)

Sec. 40-10. Disciplinary sanctions.

(a) The Department may deny issuance, refuse to renew, or restore or may reprimand, place on probation, suspend, or revoke, or take other disciplinary or non-disciplinary action against any license, registration, permanent employee registration card, canine handler authorization card, canine trainer authorization card, or firearm control authorization card, and it may impose a fine not to exceed $10,000 for each first violation and not to exceed $5,000 for a second or subsequent violation for any of the following:

(1) Fraud or deception in obtaining or renewing of a license or registration.

(2) Professional incompetence as manifested by poor standards of service.

(3) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(4) Conviction of or entry of a plea of guilty or nolo contendere in Illinois or another state of any crime that is a felony under the laws of Illinois; a felony in a federal court; a

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misdemeanor, an essential element of which is dishonesty; or directly related to professional practice.

(5) Performing any services in a grossly negligent manner or permitting any of a licensee's employees to perform services in a grossly negligent manner, regardless of whether actual damage to the public is established.

(6) Continued practice, although the person has become unfit to practice due to any of the following:

(A) Physical illness, mental illness, or other impairment, including, but not limited to, deterioration through the aging process or loss of motor skills that results in the inability to serve the public with reasonable judgment, skill, or safety.

(B) Mental disability demonstrated by the entry of an order or judgment by a court that a person is in need of mental treatment or is incompetent.

(C) Addiction to or dependency on alcohol or drugs that is likely to endanger the public. If the Department has reasonable cause to believe that a person is addicted to or dependent on alcohol or drugs that may endanger the public, the Department may require the person to undergo an examination to determine the extent of the addiction or dependency.

(7) Receiving, directly or indirectly, compensation for any services not rendered.

(8) Willfully deceiving or defrauding the public on a material matter.

(9) Failing to account for or remit any moneys or documents coming into the licensee's possession that belong to another person or entity.

(10) Discipline by another United States jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.
(11) Giving differential treatment to a person that is to that person's detriment because of race, color, creed, sex, religion, or national origin.

(12) Engaging in false or misleading advertising.

(13) Aiding, assisting, or willingly permitting another person to violate this Act or rules promulgated under it.

(14) Performing and charging for services without authorization to do so from the person or entity serviced.

(15) Directly or indirectly offering or accepting any benefit to or from any employee, agent, or fiduciary without the consent of the latter's employer or principal with intent to or the understanding that this action will influence his or her conduct in relation to his or her employer's or principal's affairs.

(16) Violation of any disciplinary order imposed on a licensee by the Department.

(17) Failing to comply with any provision of this Act or rule promulgated under it.

(18) Conducting an agency without a valid license.

(19) Revealing confidential information, except as required by law, including but not limited to information available under Section 2-123 of the Illinois Vehicle Code.

(20) Failing to make available to the Department, upon request, any books, records, or forms required by this Act.

(21) Failing, within 30 days, to respond to a written request for information from the Department.

(22) Failing to provide employment information or experience information required by the Department regarding an applicant for licensure.

(23) Failing to make available to the Department at the time of the request any indicia of licensure or registration issued under this Act.

(24) Purporting to be a licensee-in-charge of an agency without active participation in the agency.

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(b) The Department shall seek to be consistent in the application of disciplinary sanctions.

c) The Department shall adopt rules that set forth standards of service for the following: (i) acceptable error rate in the transmission of fingerprint images and other data to the Department of State Police; (ii) acceptable error rate in the collection and documentation of information used to generate fingerprint work orders; and (iii) any other standard of service that affects fingerprinting services as determined by the Department.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/45-50)

Section scheduled to be repealed on January 1, 2014

Sec. 45-50. Unlicensed practice; fraud in obtaining a license.

(a) A person who violates any of the following provisions shall be guilty of a Class A misdemeanor; a person who commits a second or subsequent violation of these provisions is guilty of a Class 4 felony:

1) The practice of or attempted practice of or holding out as available to practice as a private detective, private security contractor, private alarm contractor, fingerprint vendor, or locksmith without a license.

2) Operation of or attempt to operate a private detective agency, private security contractor agency, private alarm contractor agency, fingerprint vendor agency, or locksmith agency without ever having been issued a valid agency license.

3) The obtaining of or the attempt to obtain any license or authorization issued under this Act by fraudulent misrepresentation.

(b) Whenever a licensee is convicted of a felony related to the violations set forth in this Section, the clerk of the court in any jurisdiction shall promptly report the conviction to the Department and the Department shall immediately revoke any license as a private detective, private security contractor, private alarm contractor, fingerprint vendor, or locksmith held by that licensee. The individual shall not be eligible for licensure under this Act until at least 10 years have elapsed since the time

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of full discharge from any sentence imposed for a felony conviction. If any person in making any oath or affidavit required by this Act swears falsely, the person is guilty of perjury and may be punished accordingly.

(c) In addition to any other penalty provided by law, a person, licensed or unlicensed, who violates any provision of this Section shall pay a civil penalty to the Department in an amount not to exceed $10,000 $5,000 for each offense, as determined by the Department. The civil penalty shall be imposed in accordance with this Act.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/45-55)
(Section scheduled to be repealed on January 1, 2014)
Sec. 45-55. Subpoenas.

(a) The Department, with the approval of a member of the Board, may subpoena and bring before it any person to take the oral or written testimony or compel the production of any books, papers, records, or any other documents that the Secretary or his or her designee deems relevant or material to any such investigation or hearing conducted by the Department with the same fees and in the same manner as prescribed in civil cases.

(b) Any circuit court, upon the application of the licensee, the Department, or the Board, may order the attendance of witnesses and the production of relevant books and papers before the Board in any hearing under this Act. The circuit court may compel obedience to its order by proceedings for contempt.

(c) The Director, the hearing officer or a certified shorthand court reporter may administer oaths at any hearing the Department conducts. Notwithstanding any other statute or Department rule to the contrary, all requests for testimony, production of documents or records shall be in accordance with this Act.

(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/50-10)
(Section scheduled to be repealed on January 1, 2014)
Sec. 50-10. The Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Board.

New matter indicated by italics - deletions by strikeout
(a) The Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Board shall consist of 13 members appointed by the Director and comprised of 2 licensed private detectives, 3 licensed private security contractors, one licensed private detective or licensed private security contractor who provides canine odor detection services, 2 licensed private alarm contractors, one licensed fingerprint vendor, 2 licensed locksmiths, one public member who is not licensed or registered under this Act and who has no connection with a business licensed under this Act, and one member representing the employees registered under this Act. Each member shall be a resident of Illinois. Except for the initial appointment of a licensed fingerprint vendor after the effective date of this amendatory Act of the 95th General Assembly, each licensed member shall have at least 5 years experience as a licensee in the professional area in which the person is licensed and be in good standing and actively engaged in that profession. In making appointments, the Director shall consider the recommendations of the professionals and the professional organizations representing the licensees. The membership shall reasonably reflect the different geographic areas in Illinois.

(b) Members shall serve 4 year terms and may serve until their successors are appointed. No member shall serve for more than 2 successive terms. Appointments to fill vacancies shall be made in the same manner as the original appointments for the unexpired portion of the vacated term. Members of the Board in office on the effective date of this Act pursuant to the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 shall serve for the duration of their terms and may be appointed for one additional term.

(c) A member of the Board may be removed for cause. A member subject to formal disciplinary proceedings shall disqualify himself or herself from all Board business until the charge is resolved. A member also shall disqualify himself or herself from any matter on which the member cannot act objectively.

(d) Members shall receive compensation as set by law. Each member shall receive reimbursement as set by the Governor's Travel

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Control Board for expenses incurred in carrying out the duties as a Board member.

(e) A majority of Board members constitutes a quorum. A majority vote of the quorum is required for a decision.
(f) The Board shall elect a chairperson and vice chairperson.
(g) Board members are not liable for their acts, omissions, decisions, or other conduct in connection with their duties on the Board, except those determined to be willful, wanton, or intentional misconduct.
(h) The Board may recommend policies, procedures, and rules relevant to the administration and enforcement of this Act.
(Source: P.A. 93-438, eff. 8-5-03.)

(225 ILCS 447/50-25)
(Section scheduled to be repealed on January 1, 2014)

Sec. 50-25. Home rule. Pursuant to paragraph (h) of Section 6 of Article VII of the Illinois Constitution of 1970, the power to regulate the private detective, private security, private alarm, fingerprint vending, or locksmith business or their employees shall be exercised exclusively by the State and may not be exercised by any unit of local government, including home rule units.
(Source: P.A. 93-438, eff. 8-5-03.)

Section 30. The Animal Welfare Act is amended by changing Section 3 as follows:

(225 ILCS 605/3) (from Ch. 8, par. 303)

Sec. 3. (a) Except as provided in subsection (b) of this Section, no person shall engage in business as a pet shop operator, dog dealer, kennel operator, cattery operator, or operate a guard dog service, an animal control facility or animal shelter or any combination thereof, in this State without a license therefor issued by the Department. Only one license shall be required for any combination of businesses at one location, except that a separate license shall be required to operate a guard dog service. Guard dog services that are located outside this State but provide services within this State are required to obtain a license from the Department. Out-of-state guard dog services are required to comply with the requirements of

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this Act with regard to guard dogs and sentry dogs transported to or used within this State.

(b) This Act does not apply to a private detective agency or private security agency licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 that provides guard dog or canine odor detection services and does not otherwise operate a kennel for hire.

(Source: P.A. 89-178, eff. 7-19-95.)

Section 35. The Illinois Public Aid Code is amended by changing Section 10-4 as follows:

(305 ILCS 5/10-4) (from Ch. 23, par. 10-4)
Sec. 10-4. Notification of Support Obligation. The administrative enforcement unit within the authorized area of its operation shall notify each responsible relative of an applicant or recipient, or responsible relatives of other persons given access to the child support enforcement services of this Article, of his legal obligation to support and shall request such information concerning his financial status as may be necessary to determine whether he is financially able to provide such support, in whole or in part. In cases involving a child born out of wedlock, the notification shall include a statement that the responsible relative has been named as the biological father of the child identified in the notification.

In the case of applicants, the notification shall be sent as soon as practical after the filing of the application. In the case of recipients, the notice shall be sent at such time as may be established by rule of the Illinois Department.

The notice shall be accompanied by the forms or questionnaires provided in Section 10-5. It shall inform the relative that he may be liable for reimbursement of any support furnished from public aid funds prior to determination of the relative's financial circumstances, as well as for future support. In the alternative, when support is sought on behalf of applicants for or recipients of financial aid under Article IV of this Code and other persons who are given access to the child support enforcement services of this Article as provided in Section 10-1, the notice shall inform the relative

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that the relative may be required to pay support for a period before the date
an administrative support order is entered, as well as future support.

Neither the mailing nor receipt of such notice shall be deemed a
jurisdictional requirement for the subsequent exercise of the investigative
procedures undertaken by an administrative enforcement unit or the entry
of any order or determination of paternity or support or reimbursement by
the administrative enforcement unit; except that notice shall be served by
certified mail addressed to the responsible relative at his or her last known
address, return receipt requested, or by a person who is licensed or
registered as a private detective under the Private Detective, Private
Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004
or by a registered employee of a private detective agency certified under
that Act, or in counties with a population of less than 2,000,000 by any
method provided by law for service of summons, in cases where a
determination of paternity or support by default is sought on behalf of
applicants for or recipients of financial aid under Article IV of this Act and
other persons who are given access to the child support enforcement
services of this Article as provided in Section 10-1.
(Source: P.A. 94-92, eff. 6-30-05.)

Section 40. The Illinois Vehicle Code is amended by changing
Section 2-123 as follows:

(625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)
Sec. 2-123. Sale and Distribution of Information.
(a) Except as otherwise provided in this Section, the Secretary may
make the driver's license, vehicle and title registration lists, in part or in
whole, and any statistical information derived from these lists available to
local governments, elected state officials, state educational institutions,
and all other governmental units of the State and Federal Government
requesting them for governmental purposes. The Secretary shall require
any such applicant for services to pay for the costs of furnishing such
services and the use of the equipment involved, and in addition is
empowered to establish prices and charges for the services so furnished
and for the use of the electronic equipment utilized.

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(b) The Secretary is further empowered to and he may, in his discretion, furnish to any applicant, other than listed in subsection (a) of this Section, vehicle or driver data on a computer tape, disk, other electronic format or computer processable medium, or printout at a fixed fee of $250 for orders received before October 1, 2003 and $500 for orders received on or after October 1, 2003, in advance, and require in addition a further sufficient deposit based upon the Secretary of State's estimate of the total cost of the information requested and a charge of $25 for orders received before October 1, 2003 and $50 for orders received on or after October 1, 2003, per 1,000 units or part thereof identified or the actual cost, whichever is greater. The Secretary is authorized to refund any difference between the additional deposit and the actual cost of the request. This service shall not be in lieu of an abstract of a driver's record nor of a title or registration search. This service may be limited to entities purchasing a minimum number of records as required by administrative rule. The information sold pursuant to this subsection shall be the entire vehicle or driver data list, or part thereof. The information sold pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section. Commercial purchasers of driver and vehicle record databases shall enter into a written agreement with the Secretary of State that includes disclosure of the commercial use of the information to be purchased.

(b-1) The Secretary is further empowered to and may, in his or her discretion, furnish vehicle or driver data on a computer tape, disk, or other electronic format or computer processible medium, at no fee, to any State or local governmental agency that uses the information provided by the Secretary to transmit data back to the Secretary that enables the Secretary to maintain accurate driving records, including dispositions of traffic cases. This information may be provided without fee not more often than once every 6 months.

(c) Secretary of State may issue registration lists. The Secretary of State shall compile and publish, at least annually, a list of all registered vehicles. Each list of registered vehicles shall be arranged serially

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according to the registration numbers assigned to registered vehicles and shall contain in addition the names and addresses of registered owners and a brief description of each vehicle including the serial or other identifying number thereof. Such compilation may be in such form as in the discretion of the Secretary of State may seem best for the purposes intended.

(d) The Secretary of State shall furnish no more than 2 current available lists of such registrations to the sheriffs of all counties and to the chiefs of police of all cities and villages and towns of 2,000 population and over in this State at no cost. Additional copies may be purchased by the sheriffs or chiefs of police at the fee of $500 each or at the cost of producing the list as determined by the Secretary of State. Such lists are to be used for governmental purposes only.

(e) (Blank).

(e-1) (Blank).

(f) The Secretary of State shall make a title or registration search of the records of his office and a written report on the same for any person, upon written application of such person, accompanied by a fee of $5 for each registration or title search. The written application shall set forth the intended use of the requested information. No fee shall be charged for a title or registration search, or for the certification thereof requested by a government agency. The report of the title or registration search shall not contain personally identifying information unless the request for a search was made for one of the purposes identified in subsection (f-5) of this Section. The report of the title or registration search shall not contain highly restricted personal information unless specifically authorized by this Code.

The Secretary of State shall certify a title or registration record upon written request. The fee for certification shall be $5 in addition to the fee required for a title or registration search. Certification shall be made under the signature of the Secretary of State and shall be authenticated by Seal of the Secretary of State.

The Secretary of State may notify the vehicle owner or registrant of the request for purchase of his title or registration information as the Secretary deems appropriate.

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No information shall be released to the requestor until expiration of a 10 day period. This 10 day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the Illinois Vehicle Code, the vehicle owner or registrant or other entities as the Secretary may exempt by rule and regulation.

Any misrepresentation made by a requestor of title or vehicle information shall be punishable as a petty offense, except in the case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary sanctions under Section 40-10 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

(f-5) The Secretary of State shall not disclose or otherwise make available to any person or entity any personally identifying information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless the information is disclosed for one of the following purposes:

(1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, State, or local agency in carrying out its functions.

(2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; and removal of non-owner records from the original owner records of motor vehicle manufacturers.
(3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:

   (A) to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors; and

   (B) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(4) For use in research activities and for use in producing statistical reports, if the personally identifying information is not published, redisclosed, or used to contact individuals.

(5) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, State, or local court.

(6) For use by any insurer or insurance support organization or by a self-insured entity or its agents, employees, or contractors in connection with claims investigation activities, antifraud activities, rating, or underwriting.

(7) For use in providing notice to the owners of towed or impounded vehicles.

(8) For use by any person licensed as a private detective or firm licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 or 1993, private investigative agency or security service licensed in Illinois for any purpose permitted under this subsection.

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license.
license that is required under chapter 313 of title 49 of the United States Code.

(10) For use in connection with the operation of private toll transportation facilities.

(11) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.

(12) For use by members of the news media, as defined in Section 1-148.5, for the purpose of newsgathering when the request relates to the operation of a motor vehicle or public safety.

(13) For any other use specifically authorized by law, if that use is related to the operation of a motor vehicle or public safety.

(f-6) The Secretary of State shall not disclose or otherwise make available to any person or entity any highly restricted personal information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless specifically authorized by this Code.

(g) 1. The Secretary of State may, upon receipt of a written request and a fee of $6 before October 1, 2003 and a fee of $12 on and after October 1, 2003, furnish to the person or agency so requesting a driver's record. Such document may include a record of: current driver's license issuance information, except that the information on judicial driving permits shall be available only as otherwise provided by this Code; convictions; orders entered revoking, suspending or cancelling a driver's license or privilege; and notations of accident involvement. All other information, unless otherwise permitted by this Code, shall remain confidential. Information released pursuant to a request for a driver's record shall not contain personally identifying information, unless the request for the driver's record was made for one of the purposes set forth in subsection (f-5) of this Section.

2. The Secretary of State shall not disclose or otherwise make available to any person or entity any highly restricted personal information obtained by the Secretary of State in

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connection with a driver's license, vehicle, or title registration record unless specifically authorized by this Code. The Secretary of State may certify an abstract of a driver's record upon written request therefor. Such certification shall be made under the signature of the Secretary of State and shall be authenticated by the Seal of his office.

3. All requests for driving record information shall be made in a manner prescribed by the Secretary and shall set forth the intended use of the requested information.

The Secretary of State may notify the affected driver of the request for purchase of his driver's record as the Secretary deems appropriate.

No information shall be released to the requester until expiration of a 10 day period. This 10 day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the Illinois Vehicle Code, the affected driver or other entities as the Secretary may exempt by rule and regulation.

Any misrepresentation made by a requestor of driver information shall be punishable as a petty offense, except in the case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary sanctions under Section 40-10 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

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4. The Secretary of State may furnish without fee, upon the written request of a law enforcement agency, any information from a driver's record on file with the Secretary of State when such information is required in the enforcement of this Code or any other law relating to the operation of motor vehicles, including records of dispositions; documented information involving the use of a motor vehicle; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record.

5. Except as otherwise provided in this Section, the Secretary of State may furnish, without fee, information from an individual driver's record on file, if a written request therefor is submitted by any public transit system or authority, public defender, law enforcement agency, a state or federal agency, or an Illinois local intergovernmental association, if the request is for the purpose of a background check of applicants for employment with the requesting agency, or for the purpose of an official investigation conducted by the agency, or to determine a current address for the driver so public funds can be recovered or paid to the driver, or for any other purpose set forth in subsection (f-5) of this Section.

The Secretary may also furnish the courts a copy of an abstract of a driver's record, without fee, subsequent to an arrest for a violation of Section 11-501 or a similar provision of a local ordinance. Such abstract may include records of dispositions; documented information involving the use of a motor vehicle as contained in the current file; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record.

6. Any certified abstract issued by the Secretary of State or transmitted electronically by the Secretary of State pursuant to this Section, to a court or on request of a law enforcement agency, for the record of a named person as to the status of the person's driver's license shall be prima facie evidence of the facts therein stated and

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if the name appearing in such abstract is the same as that of a person named in an information or warrant, such abstract shall be prima facie evidence that the person named in such information or warrant is the same person as the person named in such abstract and shall be admissible for any prosecution under this Code and be admitted as proof of any prior conviction or proof of records, notices, or orders recorded on individual driving records maintained by the Secretary of State.

7. Subject to any restrictions contained in the Juvenile Court Act of 1987, and upon receipt of a proper request and a fee of $6 before October 1, 2003 and a fee of $12 on or after October 1, 2003, the Secretary of State shall provide a driver's record to the affected driver, or the affected driver's attorney, upon verification. Such record shall contain all the information referred to in paragraph 1 of this subsection (g) plus: any recorded accident involvement as a driver; information recorded pursuant to subsection (e) of Section 6-117 and paragraph (4) of subsection (a) of Section 6-204 of this Code. All other information, unless otherwise permitted by this Code, shall remain confidential.

(h) The Secretary shall not disclose social security numbers or any associated information obtained from the Social Security Administration except pursuant to a written request by, or with the prior written consent of, the individual except: (1) to officers and employees of the Secretary who have a need to know the social security numbers in performance of their official duties, (2) to law enforcement officials for a lawful, civil or criminal law enforcement investigation, and if the head of the law enforcement agency has made a written request to the Secretary specifying the law enforcement investigation for which the social security numbers are being sought, (3) to the United States Department of Transportation, or any other State, pursuant to the administration and enforcement of the Commercial Motor Vehicle Safety Act of 1986, (4) pursuant to the order of a court of competent jurisdiction, or (5) to the Department of Healthcare and Family Services (formerly Department of Public Aid) for utilization in the child support enforcement duties assigned to that Department.
Department under provisions of the Illinois Public Aid Code after the individual has received advanced meaningful notification of what redisclosure is sought by the Secretary in accordance with the federal Privacy Act.

(i) (Blank).

(j) Medical statements or medical reports received in the Secretary of State's Office shall be confidential. No confidential information may be open to public inspection or the contents disclosed to anyone, except officers and employees of the Secretary who have a need to know the information contained in the medical reports and the Driver License Medical Advisory Board, unless so directed by an order of a court of competent jurisdiction.

(k) All fees collected under this Section shall be paid into the Road Fund of the State Treasury, except that (i) for fees collected before October 1, 2003, $3 of the $6 fee for a driver's record shall be paid into the Secretary of State Special Services Fund, (ii) for fees collected on and after October 1, 2003, of the $12 fee for a driver's record, $3 shall be paid into the Secretary of State Special Services Fund and $6 shall be paid into the General Revenue Fund, and (iii) for fees collected on and after October 1, 2003, 50% of the amounts collected pursuant to subsection (b) shall be paid into the General Revenue Fund.

(l) (Blank).

(m) Notations of accident involvement that may be disclosed under this Section shall not include notations relating to damage to a vehicle or other property being transported by a tow truck. This information shall remain confidential, provided that nothing in this subsection (m) shall limit disclosure of any notification of accident involvement to any law enforcement agency or official.

(n) Requests made by the news media for driver's license, vehicle, or title registration information may be furnished without charge or at a reduced charge, as determined by the Secretary, when the specific purpose for requesting the documents is deemed to be in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health,
safety, and welfare or the legal rights of the general public and is not for the principal purpose of gaining a personal or commercial benefit. The information provided pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section.

(o) The redisclosure of personally identifying information obtained pursuant to this Section is prohibited, except to the extent necessary to effectuate the purpose for which the original disclosure of the information was permitted.

(p) The Secretary of State is empowered to adopt rules to effectuate this Section.

(Source: P.A. 93-32, eff. 7-1-03; 93-438, eff. 8-5-03; 93-895, eff. 1-1-05; 94-56, eff. 6-17-05; revised 12-15-05.)

Section 45. The Criminal Code of 1961 is amended by changing Section 24-2 as follows:

(720 ILCS 5/24-2) (from Ch. 38, par. 24-2)
Sec. 24-2. Exemptions.
(a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10) and Section 24-1.6 do not apply to or affect any of the following:

1. Peace officers, and any person summoned by a peace officer to assist in making arrests or preserving the peace, while actually engaged in assisting such officer.

2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty, or while commuting between their homes and places of employment.

3. Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.

4. Special agents employed by a railroad or a public utility to perform police functions, and guards of armored car companies, while actually engaged in the performance of the duties of their

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employment or commuting between their homes and places of employment; and watchmen while actually engaged in the performance of the duties of their employment.

(5) Persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by an agency certified by the Department of Professional Regulation, if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, *Fingerprint Vendor*, and Locksmith Act of 2004, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment, provided that such commuting is accomplished within one hour from departure from home or place of employment, as the case may be. Persons exempted under this subdivision (a)(5) shall be required to have completed a course of study in firearms handling and training approved and supervised by the Department of Professional Regulation as prescribed by Section 28 of the Private Detective, Private Alarm, Private Security, *Fingerprint Vendor*, and Locksmith Act of 2004, prior to becoming eligible for this exemption. The Department of Professional Regulation shall provide suitable documentation demonstrating the successful completion of the prescribed firearms training. Such documentation shall be carried at all times when such persons are in possession of a concealable weapon.

(6) Any person regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to such commercial or industrial operation, while actually engaged in the performance of his or her duty or traveling between sites or properties belonging to the employer, and who, as a security guard, is a member of a security force of at least 5 persons registered with the Department of Professional Regulation; provided that such security guard has successfully completed a course of study, approved by and supervised by the Department of Professional Regulation,

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consisting of not less than 40 hours of training that includes the theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm control authorization card by the Department of Professional Regulation. Conditions for the renewal of firearm control authorization cards issued under the provisions of this Section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Such firearm control authorization card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon.

(7) Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry the weapons specified in subsections 24-1(a)(3) and 24-1(a)(4), while on duty in the course of any investigation for the Commission.

(8) Persons employed by a financial institution for the protection of other employees and property related to such financial institution, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by such financial institution, provided that any person so employed has successfully completed a course of study, approved by and supervised by the Department of Professional Regulation, consisting of not less than 40 hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered to be eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm control authorization card by the Department of Professional Regulation. Conditions for
renewal of firearm control authorization cards issued under the provisions of this Section shall be the same as for those issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Such firearm control authorization card shall be carried by the person so trained at all times when such person is in possession of a concealable weapon. For purposes of this subsection, "financial institution" means a bank, savings and loan association, credit union or company providing armored car services.

(9) Any person employed by an armored car company to drive an armored car, while actually engaged in the performance of his duties.

(10) Persons who have been classified as peace officers pursuant to the Peace Officer Fire Investigation Act.

(11) Investigators of the Office of the State's Attorneys Appellate Prosecutor authorized by the board of governors of the Office of the State's Attorneys Appellate Prosecutor to carry weapons pursuant to Section 7.06 of the State's Attorneys Appellate Prosecutor's Act.

(12) Special investigators appointed by a State's Attorney under Section 3-9005 of the Counties Code.

(12.5) Probation officers while in the performance of their duties, or while commuting between their homes, places of employment or specific locations that are part of their assigned duties, with the consent of the chief judge of the circuit for which they are employed.

(13) Court Security Officers while in the performance of their official duties, or while commuting between their homes and places of employment, with the consent of the Sheriff.

(13.5) A person employed as an armed security guard at a nuclear energy, storage, weapons or development site or facility regulated by the Nuclear Regulatory Commission who has completed the background screening and training mandated by the rules and regulations of the Nuclear Regulatory Commission.

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(14) Manufacture, transportation, or sale of weapons to persons authorized under subdivisions (1) through (13.5) of this subsection to possess those weapons.

(b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section 24-1.6 do not apply to or affect any of the following:

(1) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, and patrons of such ranges, while such members or patrons are using their firearms on those target ranges.

(2) Duly authorized military or civil organizations while parading, with the special permission of the Governor.

(3) Hunters, trappers or fishermen with a license or permit while engaged in hunting, trapping or fishing.

(4) Transportation of weapons that are broken down in a non-functioning state or are not immediately accessible.

(c) Subsection 24-1(a)(7) does not apply to or affect any of the following:

(1) Peace officers while in performance of their official duties.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under subdivisions (1) through (3) of this subsection to possess machine guns, if the machine guns are broken down in a non-functioning state or are not immediately accessible.

(5) Persons licensed under federal law to manufacture any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, or ammunition for such weapon.

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weapons, and actually engaged in the business of manufacturing such weapons or ammunition, but only with respect to activities which are within the lawful scope of such business, such as the manufacture, transportation, or testing of such weapons or ammunition. This exemption does not authorize the general private possession of any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, but only such possession and activities as are within the lawful scope of a licensed manufacturing business described in this paragraph.

During transportation, such weapons shall be broken down in a non-functioning state or not immediately accessible.

(6) The manufacture, transport, testing, delivery, transfer or sale, and all lawful commercial or experimental activities necessary thereto, of rifles, shotguns, and weapons made from rifles or shotguns, or ammunition for such rifles, shotguns or weapons, where engaged in by a person operating as a contractor or subcontractor pursuant to a contract or subcontract for the development and supply of such rifles, shotguns, weapons or ammunition to the United States government or any branch of the Armed Forces of the United States, when such activities are necessary and incident to fulfilling the terms of such contract.

The exemption granted under this subdivision (c)(6) shall also apply to any authorized agent of any such contractor or subcontractor who is operating within the scope of his employment, where such activities involving such weapon, weapons or ammunition are necessary and incident to fulfilling the terms of such contract.

During transportation, any such weapon shall be broken down in a non-functioning state, or not immediately accessible.

(d) Subsection 24-1(a)(1) does not apply to the purchase, possession or carrying of a black-jack or slung-shot by a peace officer.

(e) Subsection 24-1(a)(8) does not apply to any owner, manager or authorized employee of any place specified in that subsection nor to any law enforcement officer.

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(f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and Section 24-1.6 do not apply to members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while using their firearms on those target ranges.

(g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply to:

1. Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

2. Bonafide collectors of antique or surplus military ordinance.

3. Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordinance.

4. Commerce, preparation, assembly or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by subdivision (g)(1) of this Section, or like organizations and persons outside this State, or the transportation of explosive bullets to any organization or person exempted in this Section by a common carrier or by a vehicle owned or leased by an exempted manufacturer.

(g-5) Subsection 24-1(a)(6) does not apply to or affect persons licensed under federal law to manufacture any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, firearms, or ammunition for those firearms equipped with those devices, and actually engaged in the business of manufacturing those devices, firearms, or ammunition, but only with respect to activities that are within the lawful scope of that business, such as the manufacture, transportation, or testing of those devices, firearms, or ammunition. This exemption does not authorize the general private possession of any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, but only such possession and activities as are within the lawful scope of a licensed manufacturing business described in

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this subsection (g-5). During transportation, those devices shall be detached from any weapon or not immediately accessible.

(h) An information or indictment based upon a violation of any subsection of this Article need not negative any exemptions contained in this Article. The defendant shall have the burden of proving such an exemption.

(i) Nothing in this Article shall prohibit, apply to, or affect the transportation, carrying, or possession, of any pistol or revolver, stun gun, taser, or other firearm consigned to a common carrier operating under license of the State of Illinois or the federal government, where such transportation, carrying, or possession is incident to the lawful transportation in which such common carrier is engaged; and nothing in this Article shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm, not the subject of and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of this Article, which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container, by the possessor of a valid Firearm Owners Identification Card.

(Source: P.A. 92-325, eff. 8-9-01; 93-438, eff. 8-5-03; 93-439, eff. 8-5-03; 93-576, eff. 1-1-04; revised 9-15-03.)

Section 50. The Code of Civil Procedure is amended by changing Section 2-202 as follows:

(735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

Sec. 2-202. Persons authorized to serve process; Place of service; Failure to make return.

(a) Process shall be served by a sheriff, or if the sheriff is disqualified, by a coroner of some county of the State. A sheriff of a county with a population of less than 1,000,000 may employ civilian personnel to serve process. In counties with a population of less than 1,000,000, process may be served, without special appointment, by a person who is licensed or registered as a private detective under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 or by a registered employee of a private detective agency certified under that Act. A private detective or licensed
employee must supply the sheriff of any county in which he serves process with a copy of his license or certificate; however, the failure of a person to supply the copy shall not in any way impair the validity of process served by the person. The court may, in its discretion upon motion, order service to be made by a private person over 18 years of age and not a party to the action. It is not necessary that service be made by a sheriff or coroner of the county in which service is made. If served or sought to be served by a sheriff or coroner, he or she shall endorse his or her return thereon, and if by a private person the return shall be by affidavit.

(a-5) Upon motion and in its discretion, the court may appoint as a special process server a private detective agency certified under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Under the appointment, any employee of the private detective agency who is registered under that Act may serve the process. The motion and the order of appointment must contain the number of the certificate issued to the private detective agency by the Department of Professional Regulation under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

(b) Summons may be served upon the defendants wherever they may be found in the State, by any person authorized to serve process. An officer may serve summons in his or her official capacity outside his or her county, but fees for mileage outside the county of the officer cannot be taxed as costs. The person serving the process in a foreign county may make return by mail.

(c) If any sheriff, coroner, or other person to whom any process is delivered, neglects or refuses to make return of the same, the plaintiff may petition the court to enter a rule requiring the sheriff, coroner, or other person, to make return of the process on a day to be fixed by the court, or to show cause on that day why that person should not be attached for contempt of the court. The plaintiff shall then cause a written notice of the rule to be served on the sheriff, coroner, or other person. If good and sufficient cause be not shown to excuse the officer or other person, the

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court shall adjudge him or her guilty of a contempt, and shall impose punishment as in other cases of contempt.

(d) If process is served by a sheriff or coroner, the court may tax the fee of the sheriff or coroner as costs in the proceeding. If process is served by a private person or entity, the court may establish a fee therefor and tax such fee as costs in the proceedings.

(e) In addition to the powers stated in Section 8.1a of the Housing Authorities Act, in counties with a population of 3,000,000 or more inhabitants, members of a housing authority police force may serve process for forcible entry and detainer actions commenced by that housing authority and may execute orders of possession for that housing authority.

(f) In counties with a population of 3,000,000 or more, process may be served, with special appointment by the court, by a private process server or a law enforcement agency other than the county sheriff in proceedings instituted under the Forcible Entry and Detainer Article of this Code as a result of a lessor or lessor's assignee declaring a lease void pursuant to Section 11 of the Controlled Substance and Cannabis Nuisance Act.

(Source: P.A. 93-438, eff. 8-5-03.)

Section 55. The Uniform Disposition of Unclaimed Property Act is amended by changing Section 20 as follows:

(765 ILCS 1025/20) (from Ch. 141, par. 120)

Sec. 20. Determination of claims.

(a) The State Treasurer shall consider any claim filed under this Act and may, in his discretion, hold a hearing and receive evidence concerning it. Such hearing shall be conducted by the State Treasurer or by a hearing officer designated by him. No hearings shall be held if the payment of the claim is ordered by a court, if the claimant is under court jurisdiction, or if the claim is paid under Article XXV of the Probate Act of 1975. The State Treasurer or hearing officer shall prepare a finding and a decision in writing on each hearing, stating the substance of any evidence heard by him, his findings of fact in respect thereto, and the reasons for his decision. The State Treasurer shall review the findings and decision of each hearing conducted by a hearing officer and issue a final

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written decision. The final decision shall be a public record. Any claim of
an interest in property that is filed pursuant to this Act shall be considered
and a finding and decision shall be issued by the Office of the State
Treasurer in a timely and expeditious manner.

(b) If the claim is allowed, and after deducting an amount not to exceed $20 to cover the cost of notice publication and related clerical
expenses, the State Treasurer shall make payment forthwith.

(c) In order to carry out the purpose of this Act, no person or
company shall be entitled to a fee for discovering presumptively
abandoned property until it has been in the custody of the Unclaimed
Property Division of the Office of the State Treasurer for at least 24
months. Fees for discovering property that has been in the custody of that
division for more than 24 months shall be limited to not more than 10% of
the amount collected.

(d) A person or company attempting to collect a contingent fee for
discovering, on behalf of an owner, presumptively abandoned property
must be licensed as a private detective pursuant to the Private Detective,
Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act

(e) This Section shall not apply to the fees of an attorney at law
duly appointed to practice in a state of the United States who is employed
by a claimant with regard to probate matters on a contractual basis.
(Source: P.A. 93-531, eff. 8-14-03.)

Section 99. Effective date. This Act takes effect upon becoming
law.


PUBLIC ACT 95-0614
(Senate Bill No. 1453)

AN ACT concerning local government.

New matter indicated by italics - deletions by strikeout
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Building Commission Act is amended by changing Sections 14, 14.2, and 20 as follows:

(50 ILCS 20/14) (from Ch. 85, par. 1044)

Sec. 14. A Public Building Commission is a municipal corporation and constitutes a body both corporate and politic separate and apart from any other municipal corporation or any other public or governmental agency. It may sue and be sued, plead and be impleaded, and have a seal and alter such at pleasure, have perpetual succession, make and execute contracts, leases, deeds and other instruments necessary or convenient to the exercise of its powers, and make and from time to time amend and repeal its by-laws, rules and regulations not inconsistent with this Act. In addition, it has and shall exercise the following public and essential governmental powers and functions and all other powers incidental or necessary, to carry out and effectuate such express powers:

(a) To select, locate and designate, at any time and from time to time, one or more areas lying wholly within the territorial limits of the municipality or of the county seat of the county in which the Commission is organized, or within the territorial limits of the county if the site is to be used for county purposes, or (in the case of a county having a population of at least 20,000 but not more than 21,000 as determined by the 1980 federal census) within the territorial limits of the county if the site is to be used for municipal purposes, as the site or sites to be acquired for the erection, alteration or improvement of a building or buildings, public improvement or other facilities for the purposes set forth in this Section. The site or sites selected shall be conveniently located within such county, municipality or county seat and of an area in size sufficiently large to accomplish and effectuate the purpose of this Act and sufficient to provide for proper architectural setting and adequate landscaping for such building or buildings, public improvement or other facilities.

(1) Where the governing body of the county seat or the governing body of any municipality with 3,000 or more inhabitants has adopted the original resolution for the creation of the Commission, the site or sites
selected, and in the case of a project for an Airport Authority, the site or sites selected, the project and any lease agreements, are subject to approval by a majority of the members of the governing body of the county seat or by a majority of the members of the governing body of the municipality. However, where the site is for a county project and is outside the limits of a municipality, the approval of the site shall be by the county board.

(2) Where the original resolution for the creation of the Commission has been adopted by the governing body of the county, the site or sites selected, and in the case of a project for an Airport Authority, the site or sites selected, the project and any lease agreements, are subject to approval by a majority of the members of the governing body of the county and to approval by 3/4 of the members of the governing body of the county seat, except that approval of 3/4 of the members of the governing body of the county seat is not required where the site is for a county or (in the case of a county having a population of at least 20,000 but not more than 21,000 as determined by the 1980 federal census) a municipal project and is outside the limits of the county seat, in which case approval by 3/4 of the members of the governing body of any municipality where the site or sites will be located is required; and, if such site or sites so selected, and in the case of a project for an Airport Authority, the site or sites selected, the project and any lease agreements, are not approved by 3/4 of the members of the governing body of the county seat the Commission may by resolution request that the approval of the site or sites so selected, and in the case of a project for an Airport Authority, the site or sites selected, the project and any lease agreements, be submitted to a referendum at the next general election in accordance with the general election law, and shall present such resolution to the county clerk. Upon receipt of such resolution the county clerk shall immediately notify the board of election commissioners, if any; however, referenda pursuant to such resolution shall not be called more frequently than once in 4 years. The proposition shall be in substantially the following form:

---------------------------------------------
Shall ......... be acquired for the
erection, alteration or improvement of

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a building or buildings pursuant to
the Public Building Commission Act,
approved July 5, 1955, which project
it is estimated will cost $..........., 
including the cost of the site
acquisition and for the payment of which
revenue bonds in the amount of $....,
maturing .... and bearing interest at
the rate of .....% per annum, may be
issued?

If a majority of the electors voting on the proposition vote in favor
of the proposition, the site or sites so selected, and in the case of a project
for an Airport Authority, the site or sites selected, the project and any lease
agreements, shall be approved. Except where approval of the site or sites
has been obtained by referendum, the area or areas may be enlarged by the
Board of Commissioners, from time to time, as the need therefor arises.
The selection, location and designation of more than one area may, but
need not, be made at one time but may be made from time to time.

(b) To acquire the fee simple title to or any lesser interest in the
real property located within such area or areas, including easements and
reversionary interests in the streets, alleys and other public places and
personal property required for its purposes, by purchase, gift, legacy, or by
the exercise of the power of eminent domain, and title thereto shall be
taken in the corporate name of the Commission. Eminent domain
proceedings shall be in all respects in the manner provided for the exercise
of the right of eminent domain under the Eminent Domain Act. All land
and appurtenances thereto, acquired or owned by the Commission are to
be deemed acquired or owned for a public use or public purpose.

Any municipal corporation which owns fee simple title to or any
lesser interest in real property located within such an area, may convey
such real property, or any part thereof or interest therein, to the
Commission with a provision in such conveyance for the reverter of such
real property or interest therein to the transferor municipal corporation at

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such time as all revenue bonds and other obligations of the Commission incident to the real property or interest therein so conveyed, have been paid in full, and such Commission is hereby authorized to accept such a conveyance.

(c) To demolish, repair, alter or improve any building or buildings within the area or areas and to erect a new building or buildings, improvement and other facilities within the area or areas to provide space for the conduct of the executive, legislative and judicial functions of government, its various branches, departments and agencies thereof and to provide buildings, improvements and other facilities for use by local government in the furnishing of essential governmental, health, safety and welfare services to its citizens; to furnish and equip such building or buildings, improvements and other facilities, and maintain and operate them so as to effectuate the purposes of this Act.

(d) To pave and improve streets within such area or areas, and to construct, repair and install sidewalks, sewers, waterpipes and other similar facilities and site improvements within such area or areas and to provide for adequate landscaping essential to the preparation of such site or sites in accordance with the purposes of this Act.

(e) To make provisions for offstreet parking facilities.

(f) To operate, maintain, manage and to make and enter into contracts for the operation, maintenance and management of such buildings and other facilities and to provide rules and regulations for the operation, maintenance and management thereof.

(g) To employ and discharge without regard to any Civil Services Act, engineering, architectural, construction, legal and financial experts and such other employees as may be necessary in its judgment to carry out the purposes of this Act and to fix compensation for such employees, and enter into contracts for the employment of any person, firm, or corporation, and for professional services necessary or desirable for the accomplishment of the objects and purposes of the Commission and the proper administration, management, protection and control of its property.

(h) To rent all or any part or parts of such building, buildings, or other facilities to any municipal corporation that organized or joined in the

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organization of the Public Building Commission or to any branch, department, or agency thereof, or to any branch, department, or agency of the State or Federal government, or to any other state or any agency or political subdivision of another state with which the Commission has entered into an intergovernmental agreement or contract under the Intergovernmental Cooperation Act, or to any municipal corporation with which the Commission has entered into an intergovernmental agreement or contract under the Intergovernmental Cooperation Act, or to any other municipal corporation, quasi municipal corporation, political subdivision or body politic, or agency thereof, doing business, maintaining an office, or rendering a public service in such county for any period of time, not to exceed 30 years.

(i) To rent such space in such building or buildings as from time to time may not be needed by any governmental agency for such other purposes as the Board of Commissioners may determine will best serve the comfort and convenience of the occupants of such building or buildings, and upon such terms and in such manner as the Board of Commissioners may determine.

(j) To execute written leases evidencing the rental agreements authorized in paragraphs (h) and (i) of this Section.

(k) To procure and enter into contracts for any type of insurance or indemnity against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employer's liability, against any act of any member, officer or employee of the Public Building Commission in the performance of the duties of his office or employment or any other insurable risk, as the Board of Commissioners in its discretion may deem necessary.

(l) To accept donations, contributions, capital grants or gifts from any individuals, associations, municipal and private corporations and the United States of America, or any agency or instrumentality thereof, for or in aid of any of the purposes of this Act and to enter into agreements in connection therewith.

(m) To borrow money from time to time and in evidence thereof to issue and sell revenue bonds in such amount or amounts as the Board of

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Commissioners may determine to provide funds for the purpose of acquiring, erecting, demolishing, improving, altering, equipping, repairing, maintaining and operating buildings and other facilities and to acquire sites necessary and convenient therefor and to pay all costs and expenses incident thereto, including, but without in any way limiting the generality of the foregoing, architectural, engineering, legal and financing expense, which may include an amount sufficient to meet the interest charges on such revenue bonds during such period or periods as may elapse prior to the time when the project or projects may become revenue producing and for one year in addition thereto; and to refund and refinance, from time to time, revenue bonds so issued and sold, as often as may be deemed to be advantageous by the Board of Commissioners.

(n) To enter into any agreement or contract with any lessee, who, pursuant to the terms of this Act, is renting or is about to rent from the Commission all or part of any building or buildings or facilities, whereby under such agreement or contract such lessee obligates itself to pay all or part of the cost of maintaining and operating the premises so leased. Such agreement may be included as a provision of any lease entered into pursuant to the terms of this Act or may be made the subject of a separate agreement or contract between the Commission and such lessee.

(Source: P.A. 94-1055, eff. 1-1-07.)

(50 ILCS 20/14.2) (from Ch. 85, par. 1044.2)

Sec. 14.2. Relocation assistance payment. In addition to all other powers authorized under this Act, a public building commission shall have the power to make the following relocation assistance payments where such relocation assistance payments are not available from Federal funds or otherwise:

(a) A public building commission is authorized to pay, as part of the cost of acquisition of any site, to a person displaced by a public building commission project, the actual reasonable expenses in moving said person, his family, his business, or his farm operation, including the moving of personal property. The allowable expenses for transportation shall not exceed the cost of moving 50 miles from the point from which such person, family, business or farm is being displaced.

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A public building commission is authorized to adopt rules and regulations as may be determined necessary to implement the payments as authorized by this section.

(b) In lieu of the actual moving expenses heretofore authorized to be paid, a public building commission may pay any person displaced from a dwelling, who elects to accept such payment, a moving expense allowance determined according to a schedule to be established by a public building commission, not to exceed $1,000, and a further dislocation allowance of $500.

(c) In lieu of the actual moving expenses heretofore authorized to be paid, a public building commission may pay any person who moves or discontinues his business or farm operation, who elects to accept such payment, a fixed relocation payment in an amount equal to the average annual net earnings of the business or the farm operation, or $10,000, whichever is the lesser. In the case of a business, no payment shall be made unless the public building commission is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not part of a commercial enterprise having at least one other establishment not being acquired for a project by a public building commission which is engaged in the same or similar business. The term "average annual net earnings" means one-half of any net earnings of the business or farm operation before Federal, State and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property being acquired for such project, and includes any compensation paid by the business or farm operation to the owner, his spouse or his dependents during such two-year period.

(d) In addition to the amounts heretofore authorized to be paid by a public building commission, a public building commission may, as part of the cost of acquisition of any site, make a payment to the owner of real property acquired for a public building commission project which is improved by a single, two or three-family dwelling actually owned and occupied by the owner for not less than one year prior to the initiation of negotiations for the acquisition of such property, an amount which, when

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added to the acquisition payment, equals the average price required for a comparable dwelling determined in accordance with standards established by the city, village or town in which the dwelling is located, to be a decent, safe and sanitary dwelling adequate to accommodate the displaced owner, reasonably accessible to public services and places of employment and available on the private market. Such payment shall not exceed the sum of $25,000 $5,000, and shall be made only to a displaced owner who purchases and occupies a dwelling that meets the standards established by the city, village or town in which the dwelling is located, within one year subsequent to the date on which he is required to move from the dwelling acquired for the public building commission project. Any individual or family not eligible to receive such payment, who is displaced from any dwelling, which dwelling was actually and lawfully occupied by such individual and family for not less than ninety days prior to the initiation of negotiations for acquisition of such property, may be paid by a public building commission an amount necessary to enable such individual or family to lease or rent for a period not to exceed two years, or to make the down payment on the purchase of a decent, safe and sanitary dwelling of standards adequate to accommodate such individual or family in areas not generally less desirable in regard to public utilities and public and commercial facilities. Such payment shall not exceed the sum of $2,000 $1,500.

(e) In addition to the amounts heretofore authorized to be paid, a public building commission may reimburse the owner of real property acquired for a public building commission project the reasonable and necessary expenses incurred for (1) recording fees, transfer taxes, and similar expenses incidental to conveying such property; and (2) penalty costs for prepayment of any mortgages entered into in good faith encumbering such real property, if such mortgage is on record or has been filed for record under applicable State law on the date of the selection, location and designation of the site by a public building commission for such project.

(f) Nothing contained in this amendatory Act creates in any proceedings brought under the power of eminent domain any element of
Sec. 20. All contracts to be let for the construction, alteration, improvement, repair, enlargement, demolition or removal of any buildings or other facilities, or for materials or supplies to be furnished, where the amount thereof is in excess of $20,000, shall be let to the lowest responsible bidder, or bidders, on open competitive bidding after public advertisement published at least once in each week for three consecutive weeks prior to the opening of bids, in a daily newspaper of general circulation in the county where the commission is located, except in the case of an emergency situation, as determined by the chief executive officer. If a contract is awarded in an emergency situation, (i) the contract accepted must be based on the lowest responsible proposal after the commission has made a diligent effort to solicit multiple proposals by telephone, facsimile, or other efficient means and (ii) the chief executive officer must submit a report at the next regular meeting of the Board, to be ratified by the Board and entered into the official record, that states the chief executive officer's reason for declaring an emergency situation, the names of all parties solicited for proposals, and their proposals and that includes a copy of the contract awarded. Nothing contained in this Section shall be construed to prohibit the Board of Commissioners from placing additional advertisements in recognized trade journals. Advertisements for bids shall describe the character of the proposed contract in sufficient detail to enable the bidders thereon to know what their obligation will be, either in the advertisement itself, or by reference to detailed plans and specifications on file in the office of the Public Building Commission at the time of the publication of the first announcement. Such advertisement shall also state the date, time, and place assigned for the opening of bids and no bids shall be received at any time subsequent to the time indicated in said advertisement. The Board of Commissioners may reject any and all bids received and readvertise for bids. All bids shall be open to public inspection in the office of the Public Building Commission after an award.

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or final selection has been made for a period of at least forty-eight (48) hours before award is made. The successful bidder for such work shall enter into contracts furnished and prescribed by the Board of Commissioners and in addition to any other bonds required under this Act the successful bidder shall execute and give bond, payable to and to be approved by the Commission, with a corporate surety authorized to do business under the laws of the State of Illinois, in an amount to be determined by the Board of Commissioners, conditioned upon the payment of all labor furnished and materials supplied in the prosecution of the contracted work. If the bidder whose bid has been accepted shall neglect or refuse to accept the contract within five (5) days after written notice that the same has been awarded to him, or if he accepts but does not execute the contract and give the proper security, the Commission may accept the next lowest bidder, or readvertise and relet in manner above provided. In case any work shall be abandoned by any contractor the Commission may, if the best interests of the Commission be thereby served, adopt on behalf of the Commission all subcontracts made by such contractor for such work and all such sub-contractors shall be bound by such adoption if made; and the Commission shall, in the manner provided herein, readvertise and relet the work specified in the original contract exclusive of so much thereof as shall be accepted. Every contract when made and entered into, as herein provided for, shall be executed, in duplicate, one copy of which shall be held by the Commission, and filed in its records, and one copy of which shall be given to the contractor.

(Source: P.A. 84-249.)

Section 99. Effective date. This Act takes effect upon becoming law.


New matter indicated by italics - deletions by strikeout
AN ACT concerning finance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Procurement Code is amended by changing Section 1-10 as follows:

(30 ILCS 500/1-10)
Sec. 1-10. Application.

(a) This Code applies only to procurements for which contractors were first solicited on or after July 1, 1998. This Code shall not be construed to affect or impair any contract, or any provision of a contract, entered into based on a solicitation prior to the implementation date of this Code as described in Article 99, including but not limited to any covenant entered into with respect to any revenue bonds or similar instruments. All procurements for which contracts are solicited between the effective date of Articles 50 and 99 and July 1, 1998 shall be substantially in accordance with this Code and its intent.

(b) This Code shall apply regardless of the source of the funds with which the contracts are paid, including federal assistance moneys. This Code shall not apply to:

(1) Contracts between the State and its political subdivisions or other governments, or between State governmental bodies except as specifically provided in this Code.
(2) Grants, except for the filing requirements of Section 20-80.
(3) Purchase of care.
(4) Hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual.
(5) Collective bargaining contracts.
(6) Purchase of real estate, except that notice of this type of contract with a value of more than $25,000 must be published in

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the Procurement Bulletin within 7 days after the deed is recorded in the county of jurisdiction. The notice shall identify the real estate purchased, the names of all parties to the contract, the value of the contract, and the effective date of the contract.

(7) Contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Governor shall give his or her prior approval when the procuring agency is one subject to the jurisdiction of the Governor, and provided that the chief legal counsel of any other procuring entity subject to this Code shall give his or her prior approval when the procuring entity is not one subject to the jurisdiction of the Governor.

(8) Contracts for services to Northern Illinois University by a person, acting as an independent contractor, who is qualified by education, experience, and technical ability and is selected by negotiation for the purpose of providing non-credit educational service activities or products by means of specialized programs offered by the university.

(9) Procurement expenditures by the Illinois Conservation Foundation when only private funds are used.

(Source: P.A. 91-627, eff. 8-19-99; 91-904, eff. 7-6-00; 92-797, eff. 8-15-02.)

Section 99. Effective date. This Act takes effect July 1, 2007.

AN ACT concerning finance.
WHEREAS, A resolution of the United Nations Security Council imposes sanctions on Iran for its failure to suspend its uranium-enrichment activities; and

New matter indicated by italics - deletions by strikeout
WHEREAS, The United Nations Security Council voted unanimously for an additional embargo on Iranian arms exports, which is a freeze on assets abroad of an expanded list of individuals and companies involved in Iran's nuclear and ballistic missile programs and calls for nations and institutions to bar new grants or loans to Iran except for humanitarian and developmental purposes; and

WHEREAS, Iran's financial ability to pay its debts to foreign entities involved in the petroleum-energy sector amounting to more than $20 million is put at risk by the Iran and Libya Sanctions Act embargo and sanctions; and

WHEREAS, Foreign entities have invested in Iran's petroleum-energy sector despite United States and United Nations sanctions against Iran; and

WHEREAS, All United States and foreign entities that have invested more than $20 million in Iran's energy sector since August 5, 1996, are subject to sanctions under United States law pursuant to the Iran and Libya Sanctions Act of 1996; and

WHEREAS, The United States renewed the Iran and Libya Sanctions Act of 1996 in 2001 and 2006; and

WHEREAS, While divestiture should be considered with the intent to improve investment performance and, by the rules of prudence, fiduciaries must take into account all relevant substantive factors in arriving at an investment decision; and

WHEREAS, Divestiture from markets that are vulnerable to embargo, loan restrictions, and sanctions from the United States and the international community, including the United Nations Security Council, is in accordance with the rules of prudence; and

WHEREAS, The State of Illinois is deeply concerned about investments in publicly traded companies that have business activities in and ties to Iran's petroleum-energy sector as a financial risk to the shareholders; and

WHEREAS, By investing in publicly traded companies having ties to Iran's petroleum-energy sector, retirement systems are putting the funds they oversee at substantial financial risk; and

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WHEREAS, To protect Illinois' assets, it is in the best interest of the State to enact a statutory prohibition regarding investments in or with Iran's petroleum-energy sector; therefore

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Procurement Code is amended by adding Section 50-36 as follows:

(30 ILCS 500/50-36 new)

Sec. 50-36. Disclosure of business in Iran.

(a) As used in this Section:

"Business operations" means engaging in commerce in any form in Iran, including, but not limited to, acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

"Company" means any sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those entities or business associations, that exists for the purpose of making profit.

"Mineral-extraction activities" include exploring, extracting, processing, transporting, or wholesale selling or trading of elemental minerals or associated metal alloys or oxides (ore), including gold, copper, chromium, chromite, diamonds, iron, iron ore, silver, tungsten, uranium, and zinc.

"Oil-related activities" include, but are not limited to, owning rights to oil blocks; exporting, extracting, producing, refining, processing, exploring for, transporting, selling, or trading of oil; and constructing, maintaining, or operating a pipeline, refinery, or other oil-field infrastructure. The mere retail sale of gasoline and related consumer products is not considered an oil-related activity.

"Petroleum resources" means petroleum, petroleum byproducts, or natural gas.

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"Substantial action" means adopting, publicizing, and implementing a formal plan to cease scrutinized business operations within one year and to refrain from any such new business operations.

(b) Each bid, offer, or proposal submitted for a State contract, other than a small purchase defined in Section 20-20, shall include a disclosure of whether or not the bidder, offeror, or proposing entity, or any of its corporate parents or subsidiaries, within the 24 months before submission of the bid, offer, or proposal had business operations that involved contracts with or provision of supplies or services to the Government of Iran, companies in which the Government of Iran has any direct or indirect equity share, consortiums or projects commissioned by the Government of Iran, or companies involved in consortiums or projects commissioned by the Government of Iran and:

(1) more than 10% of the company's revenues produced in or assets located in Iran involve oil-related activities or mineral-extraction activities; less than 75% of the company's revenues produced in or assets located in Iran involve contracts with or provision of oil-related or mineral-extraction products or services to the Government of Iran or a project or consortium created exclusively by that government; and the company has failed to take substantial action; or

(2) the company has, on or after August 5, 1996, made an investment of $20 million or more, or any combination of investments of at least $10 million each that in the aggregate equals or exceeds $20 million in any 12-month period, that directly or significantly contributes to the enhancement of Iran's ability to develop petroleum resources of Iran.

(c) A bid, offer, or proposal that does not include the disclosure required by subsection (b) shall not be considered responsive. A chief procurement officer may consider the disclosure when evaluating the bid, offer, or proposal or awarding the contract.

(d) Each chief procurement officer shall provide the State Comptroller with the name of each entity disclosed under subsection (b) as
Section 10. The Illinois Pension Code is amended by adding Section 1-110.10 as follows:

Sec. 1-110.10. Transactions prohibited by retirement systems; Iran.

(a) As used in this Section:
"Active business operations" means all business operations that are not inactive business operations.
"Business operations" means engaging in commerce in any form in Iran, including, but not limited to, acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.
"Company" means any sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those entities or business associations, that exists for the purpose of making profit.
"Direct holdings" in a company means all securities of that company that are held directly by the retirement system or in an account or fund in which the retirement system owns all shares or interests.
"Inactive business operations" means the mere continued holding or renewal of rights to property previously operated for the purpose of generating revenues but not presently deployed for that purpose.
"Indirect holdings" in a company means all securities of that company which are held in an account or fund, such as a mutual fund, managed by one or more persons not employed by the retirement system, in which the retirement system owns shares or interests together with other investors not subject to the provisions of this Section.
"Mineral-extraction activities" include exploring, extracting, processing, transporting, or wholesale selling or trading of elemental
minerals or associated metal alloys or oxides (ore), including gold, copper, chromium, chromite, diamonds, iron, iron ore, silver, tungsten, uranium, and zinc.

"Oil-related activities" include, but are not limited to, owning rights to oil blocks; exporting, extracting, producing, refining, processing, exploring for, transporting, selling, or trading of oil; and constructing, maintaining, or operating a pipeline, refinery, or other oil-field infrastructure. The mere retail sale of gasoline and related consumer products is not considered an oil-related activity.

"Petroleum resources" means petroleum, petroleum byproducts, or natural gas.

"Private market fund" means any private equity fund, private equity fund of funds, venture capital fund, hedge fund, hedge fund of funds, real estate fund, or other investment vehicle that is not publicly traded.

"Retirement system" means the State Employees' Retirement System of Illinois, the Judges Retirement System of Illinois, the General Assembly Retirement System, the State Universities Retirement System, and the Teachers' Retirement System of the State of Illinois.

"Scrutinized business operations" means business operations that have caused a company to become a scrutinized company.

"Scrutinized company" means the company has business operations that involve contracts with or provision of supplies or services to the Government of Iran, companies in which the Government of Iran has any direct or indirect equity share, consortiums or projects commissioned by the Government of Iran, or companies involved in consortiums or projects commissioned by the Government of Iran and:

(1) more than 10% of the company's revenues produced in or assets located in Iran involve oil-related activities or mineral-extraction activities; less than 75% of the company's revenues produced in or assets located in Iran involve contracts with or provision of oil-related or mineral-extraction products or services to the Government of Iran or a project or consortium created exclusively by that government; and the company has failed to take substantial action; or

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(2) the company has, on or after August 5, 1996, made an investment of $20 million or more, or any combination of investments of at least $10 million each that in the aggregate equals or exceeds $20 million in any 12-month period, that directly or significantly contributes to the enhancement of Iran's ability to develop petroleum resources of Iran.

"Substantial action" means adopting, publicizing, and implementing a formal plan to cease scrutinized business operations within one year and to refrain from any such new business operations.

(b) Within 90 days after the effective date of this Section, a retirement system shall make its best efforts to identify all scrutinized companies in which the retirement system has direct or indirect holdings.

These efforts shall include the following, as appropriate in the retirement system's judgment:

(1) reviewing and relying on publicly available information regarding companies having business operations in Iran, including information provided by nonprofit organizations, research firms, international organizations, and government entities;

(2) contacting asset managers contracted by the retirement system that invest in companies having business operations in Iran; and

(3) Contacting other institutional investors that have divested from or engaged with companies that have business operations in Iran.

The retirement system may retain an independent research firm to identify scrutinized companies in which the retirement system has direct or indirect holdings. By the first meeting of the retirement system following the 90-day period described in this subsection (b), the retirement system shall assemble all scrutinized companies identified into a scrutinized companies list.

The retirement system shall update the scrutinized companies list annually based on evolving information from, among other sources, those listed in this subsection (b).
(c) The retirement system shall adhere to the following procedures for companies on the scrutinized companies list:

(1) The retirement system shall determine the companies on the scrutinized companies list in which the retirement system owns direct or indirect holdings.

(2) For each company identified in item (1) of this subsection (c) that has only inactive business operations, the retirement system shall send a written notice informing the company of this Section and encouraging it to continue to refrain from initiating active business operations in Iran until it is able to avoid scrutinized business operations. The retirement system shall continue such correspondence semiannually.

(3) For each company newly identified in item (1) of this subsection (c) that has active business operations, the retirement system shall send a written notice informing the company of its scrutinized company status and that it may become subject to divestment by the retirement system. The notice must inform the company of the opportunity to clarify its Iran-related activities and encourage the company, within 90 days, to cease its scrutinized business operations or convert such operations to inactive business operations in order to avoid qualifying for divestment by the retirement system.

(4) If, within 90 days after the retirement system's first engagement with a company pursuant to this subsection (c), that company ceases scrutinized business operations, the company shall be removed from the scrutinized companies list and the provisions of this Section shall cease to apply to it unless it resumes scrutinized business operations. If, within 90 days after the retirement system's first engagement, the company converts its scrutinized active business operations to inactive business operations, the company is subject to all provisions relating thereto.

(d) If, after 90 days following the retirement system's first engagement with a company pursuant to subsection (c), the company...
continues to have scrutinized active business operations, and only while such company continues to have scrutinized active business operations, the retirement system shall sell, redeem, divest, or withdraw all publicly traded securities of the company, except as provided in paragraph (f), from the retirement system's assets under management within 12 months after the company's most recent appearance on the scrutinized companies list.

If a company that ceased scrutinized active business operations following engagement pursuant to subsection (c) resumes such operations, this subsection (d) immediately applies, and the retirement system shall send a written notice to the company. The company shall also be immediately reintroduced onto the scrutinized companies list.

(e) The retirement system may not acquire securities of companies on the scrutinized companies list that have active business operations, except as provided in subsection (f).

(f) A company that the United States Government affirmatively declares to be excluded from its present or any future federal sanctions regime relating to Iran is not subject to divestment or the investment prohibition pursuant to subsections (d) and (e).

(g) Notwithstanding the provisions of this Section, paragraphs (d) and (e) do not apply to indirect holdings in a private market fund. However, the retirement system shall submit letters to the managers of those investment funds containing companies that have scrutinized active business operations requesting that they consider removing the companies from the fund or create a similar actively managed fund having indirect holdings devoid of the companies. If the manager creates a similar fund, the retirement system shall replace all applicable investments with investments in the similar fund in an expedited timeframe consistent with prudent investing standards.

(h) The retirement system shall file a report with the Public Pension Division of the Department of Financial and Professional Regulation that includes the scrutinized companies list within 30 days after the list is created. This report shall be made available to the public.

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The retirement system shall file an annual report with the Public Pension Division, which shall be made available to the public, that includes all of the following:

(1) A summary of correspondence with companies engaged by the retirement system under items (2) and (3) of subsection (c).
(2) All investments sold, redeemed, divested, or withdrawn in compliance with subsection (d).
(3) All prohibited investments under subsection (e).
(4) A summary of correspondence with private market funds notified under subsection (g).
(i) This Section expires upon the occurrence of any of the following:
(1) The United States revokes all sanctions imposed against the Government of Iran.
(2) The Congress or President of the United States declares that the Government of Iran has ceased to acquire weapons of mass destruction and to support international terrorism.
(3) The Congress or President of the United States, through legislation or executive order, declares that mandatory divestment of the type provided for in this Section interferes with the conduct of United States foreign policy.
(j) With respect to actions taken in compliance with this Act, including all good-faith determinations regarding companies as required by this Act, the retirement system is exempt from any conflicting statutory or common law obligations, including any fiduciary duties under this Article and any obligations with respect to choice of asset managers, investment funds, or investments for the retirement system's securities portfolios.
(k) Notwithstanding any other provision of this Section to the contrary, the retirement system may cease divesting from scrutinized companies pursuant to subsection (d) or reinvest in scrutinized companies from which it divested pursuant to subsection (d) if clear and convincing evidence shows that the value of investments in scrutinized companies with active scrutinized business operations becomes equal to or less than 0.5%
of the market value of all assets under management by the retirement system. Cessation of divestment, reinvestment, or any subsequent ongoing investment authorized by this Section is limited to the minimum steps necessary to avoid the contingency set forth in this subsection (k). For any cessation of divestment, reinvestment, or subsequent ongoing investment authorized by this Section, the retirement system shall provide a written report to the Public Pension Division in advance of initial reinvestment, updated semiannually thereafter as applicable, setting forth the reasons and justification, supported by clear and convincing evidence, for its decisions to cease divestment, reinvest, or remain invested in companies having scrutinized active business operations. This Section does not apply to reinvestment in companies on the grounds that they have ceased to have scrutinized active business operations.

(l) If any provision of this Section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Section are severable.

Section 99. Effective date. This Act takes effect on January 1, 2008.

Effective January 1, 2008.

PUBLIC ACT 95-0617
(Senate Bill No. 0259)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Interpreter for the Deaf Licensure Act of 2007.

Section 5. Purpose. The practice of interpreting for the deaf in the State of Illinois is hereby declared to affect the public health, safety, and
welfare and to be subject to regulation in the public interest. It is further declared to be a matter of public interest and concern that the practice of interpreting for the deaf merit and receive the confidence of the public by permitting only qualified persons to practice the profession in the State of Illinois.

The purpose of this Act is to protect and benefit the public by setting standards of qualifications, education, training, and experience for those who seek to engage in the practice of interpreting, to promote high standards of professional performance for those licensed as interpreters for the deaf, and to protect deaf and hard of hearing consumers from unprofessional conduct by persons licensed to practice.

Section 7. Applicability of Act. Nothing contained in this Act shall be construed to limit the means in which effective communication is achieved under the federal Americans with Disabilities Act (ADA).

This Act requires that when effective communication under the ADA is achieved through a sign language interpreter, the sign language interpreter must be licensed under this Act, unless covered by an exemption.

Nothing in this Act shall be construed to prohibit the use of technology or other forms of effective communication when accepted by the consumer.

Section 10. Definitions. The following words and phrases have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise:

"Accepted certificate" means a certificate required for licensure that is issued by the Commission, National Association for the Deaf, Registry of Interpreters for the Deaf, Testing Evaluation and Certification Unit Inc. (TECUnit), or any other certifying entities authorized by rule.

"American Sign Language (ASL)" means a visual-gestural language that is recognized and accepted as linguistically independent from English language and has its own syntax, rhetoric, and grammar that is recognized, accepted, and used by many deaf Americans.

"Board" means the Illinois Board of Interpreters for the Deaf as established within the Illinois Deaf and Hard of Hearing Commission.

"Consumer" means any individual with or without a hearing loss who is the recipient of interpreter services.

"Cued speech" means a phonetically based hand supplement to speech reading that is independent of all sign language modalities. It is a system of hand shapes that represents groups of consonant sounds, combined with hand placements that represent groups of vowel sounds, used with natural speech to represent a visual model of spoken language.

"Deaf" means any person who, because of the severity of a hearing loss, is not able to discriminate speech when spoken in a normal conversational tone regardless of the use of amplification devices and whose primary means of receiving spoken communication is through visual input, including but not limited to, American Sign Language, speech reading, sign systems, tactile sign, fingerspelling, reading, or writing.

"Department" means the Illinois Department of Financial and Professional Regulation.

"Director" means the Director of the Illinois Deaf and Hard of Hearing Commission.

"Educational interpreter" means any person, including those with a hearing loss, who provides deaf or hard of hearing interpreting services in all educational environments under the regulatory authority of the State Board of Education.

"Hard of hearing" means any person who, because of a hearing loss, finds hearing difficult, but does not preclude the understanding of spoken communication through the ear alone, regardless of the use of amplification devices or assistive devices, and whose primary means of receiving spoken communication is through visual or auditory input, including, but not limited to, assistive devices, speech reading, sign language, fingerspelling, reading, or writing.

"Hearing" means any person who does not have a hearing loss.

"Interpreter for the deaf" means any person who offers to render deaf or hard of hearing interpreting services implying that he or she is

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trained and experienced in interpreting for the deaf and holds a license to practice interpreting for the deaf in this State.

"Interpreting" means the interpreting or transliterating of English language concepts to any communication modes of the deaf or hard of hearing consumer or the interpreting or transliterating of the communication modes of the deaf and hard of hearing consumers to English language concepts. Communication modes include, but are not limited to, American Sign Language, cued speech, oral, tactile sign, and persons with language deficient skills.

"Language deficient" means modes of communication used by deaf individuals who lack crucial language components, including, but not limited to, vocabulary, language concepts, expressive skills, language skills, and receptive skills.

"License" or "licensure" means the authorization to practice interpreting by the Commission under the provisions of this Act.

"Oral" means the mode of communication having characteristics of speech, speech reading, and residual hearing as a primary means of communication using situational and culturally appropriate gestures, without the use of sign language.

"Practice of interpreting" means rendering or offering to render or supervise those who render to individuals, couples, groups, organizations, institutions, corporations, schools, government agencies, or the general public any interpreting service involving the interpreting of any mode of communication used by a deaf or hard of hearing consumer to English language concepts or of an English language consumer to a mode of communication used by a deaf or hard of hearing consumer.

"Secretary" means the Secretary of Financial and Professional Regulation.

"Tactile sign" means mode of communication, used by deaf and blind individuals, using any one or a combination of tactile sign or constricted space signing.

"Transliterating" means the process of conveying a message from either spoken language into a manually coded language or from a manually coded language into a spoken language.

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Section 15. Licensure requirement.
(a) On or after January 1, 2009, no person shall practice as an interpreter for the deaf, hold himself or herself out as a licensed interpreter for the deaf, or use the title "Licensed Interpreter for the Deaf", "Licensed Transliterator for the Deaf", or any other title or abbreviation to indicate that the person is a licensed interpreter, unless he or she is licensed in accordance with the provisions of this Act.
(b) On or before January 1, 2011, a person who, as of July 1, 2007, maintained valid and unencumbered registration under the Interpreters for the Deaf Act, may be issued a license as an interpreter for the deaf upon filing an application and paying the required fees. A person licensed under this subsection (b) must meet all applicable licensure requirements of this Act on or before January 1, 2011.

Section 20. Unlicensed practice; violation; civil penalty.
(a) On or after January 1, 2009, any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as an interpreter for the deaf without being licensed or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Commission in an amount not to exceed $2,500 for each offense as determined by the Commission. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee and shall be deposited in the Interpreters for the Deaf Fund.
(b) The Commission has the authority and power to investigate any and all actual, alleged, or suspected unlicensed activity.
(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and executed in the same manner as any judgment from any court of record.

Section 25. Exemptions. The following do not constitute violations of this Act:
(1) Persons interpreting in religious activities.
(2) Notwithstanding other State or federal laws or rules regarding emergency treatment, persons interpreting in an

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emergency situation involving health care services in which the consumer and a health care provider or professional agree that the delay necessary to obtain a licensed interpreter is likely to cause injury or loss to the consumer, until such time as the services of a licensed interpreter can be obtained, where there is continued need for an interpreter.

(3) Persons currently enrolled in a course of study leading to a certificate or degree in interpreting, provided that such persons engage only in activities and services that constitute a part of a supervised course of study and clearly designate themselves as student, trainee, or intern.

(4) Persons working as an educational interpreter in compliance with the rules established by the State Board of Education.

(5) Persons interpreting at the request of a deaf or hard of hearing individual, provided that the person providing the service informs the deaf or hard of hearing individual that he or she is not licensed under this Act.

(6) Persons who do not reside in Illinois and hold either an accepted certificate or an interpreting license from another state and who either:

(A) engage in interpreting in this State for a period of time not to exceed 14 days in a calendar year; services provided during declared State or national emergencies shall not count towards the limitation set forth in this subparagraph (A); or

(B) engage in interpreting by teleconference, video conference, or other use of technological means of communication.

(7) Instances in which sign language interpreters for the deaf are necessary for effective communication for the provision of services to the consumer and in which teleconference, video conference, or other use of technological means of communication or an interpreter are unavailable.

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Section 30. Application for licensure.
(a) An application for licensure as an interpreter for the deaf shall be made to the Commission on forms prescribed by the Commission and accompanied by the appropriate documentation and the required nonrefundable fee. All applications shall contain information that, in the judgment of the Commission, shall enable the Commission to determine an applicant's qualifications.
(b) Applicants have one year from the date the application is initially submitted to the Commission to complete the application process. If the process has not been completed in the one-year period, the application shall be denied and the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.
(c) A license shall not be denied to an applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or disability.

Section 35. Examination and evaluation.
(a) The Commission, by rule, may establish a written examination and performance evaluation of applicants for licensure as interpreters for the deaf at such times and places as it may determine. The written examination shall test knowledge of interpreting and the performance evaluation shall test the competence and skills of interpreting and transliterating.
(b) Applicants for examination or evaluation shall pay to the Commission a fee covering the cost of providing the examination or evaluation. Failure to appear for the examination or evaluation on the scheduled date at the time and place specified shall result in the forfeiture of the examination or evaluation fee.

Section 40. Social Security number. In addition to any other information required to be contained in the application, every application for an original, renewal, or restored license under this Act shall include the applicant's Social Security number.

Section 45. Qualifications for licensure. A person shall be qualified to be licensed as an interpreter for the deaf and the Commission shall issue a license to an applicant who:

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(1) has applied in writing on the prescribed forms and paid the required fees;
(2) is of good moral character; in determining good moral character, the Commission shall take into consideration whether the applicant has engaged in conduct or activities that would constitute grounds for discipline under Section 115 of this Act;
(3) is an accepted certificate holder;
(4) has a high school diploma or equivalent; and
(5) has met any other requirements established by the Commission by rule.

Section 50. Powers and duties of the Commission.
(a) The Commission shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensing Acts that are consistent with its duties, as set forth in this Act.
(b) The Commission shall adopt rules consistent with its duties, as set forth in this Act, for the administration and enforcement of this Act, and for the payment of fees connected therewith, and may prescribe forms, which shall be issued in connection therewith.
(c) The Commission may seek the advice and the expert knowledge of the Board on any matter relating to the administration of this Act.
(d) Prior to January 1, 2009, the Commission shall conduct statewide training to interpreters and deaf and hard of hearing consumers regarding the rights and obligations affected by this Act and shall continue to conduct statewide outreach, education, and training annually thereafter.
(e) The Commission may develop, contract, purchase, or authorize examination and evaluation materials necessary to license interpreters for the deaf that are cost-effective and accessible.
(f) Beginning on January 1, 2011 and concluding January 1, 2017, the Commission shall file a biannual report with the General Assembly on the impact of the Act with data including, but not limited to, the following:
(1) the number of licensed interpreters by level and geographic location;

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(2) the number of new applicants;
(3) the number of renewed licenses; and
(4) the number of formal training programs for sign language interpreters for the deaf.

Section 55. Powers and duties of the Department.
(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensing Acts that are consistent with its duties, as set forth in this Act.
(b) The Department shall adopt rules consistent with its duties, as set forth in this Act, for the enforcement and disciplinary provisions of this Act.
(c) The Department may seek the advice and expert knowledge of the Board and the Director on any matter related to the administration of this Act.
(d) The Department shall conduct hearings on proceedings to refuse to issue or renew or to revoke a license or to suspend, place on probation, censure, or reprimand a person licensed under this Act.
(e) The Department shall provide the Commission with the names and addresses of all persons whose licenses have been suspended, revoked, or denied renewal for cause on a monthly basis.

Section 60. Interpreter Coordinator. The Director may employ, pursuant to the Personnel Code, an Interpreter Coordinator and any other necessary staff. The Interpreter Coordinator shall be a professional interpreter for the deaf licensed in this State. The Interpreter Coordinator hired initially must hold an accepted certification and must qualify for and obtain licensure on or before July 1, 2009. All Interpreter Coordinators hired thereafter must be licensed at the time of hire. The Interpreter Coordinator shall perform such administrative functions as may be delegated by the Director. The Interpreter Coordinator must keep all personal information obtained during the performance of his or her duties confidential.

Section 65. Illinois Board of Interpreters.
(a) The Director shall appoint an Illinois Board of Interpreters for the Deaf consisting of 7 voting members who shall serve in an advisory

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capacity to the Commission and to the Department. The Director shall consider recommendations by consumer and professional groups related to the interpreting profession and deaf and hard of hearing community. The Board shall be composed of 4 licensed interpreters for the deaf, 3 deaf or hard of hearing consumers, and the Interpreter Coordinator who shall serve as a non-voting member.

(b) The initial Board shall be appointed no later than January 31, 2008.

(c) The Board shall meet no less than 2 times per year and may hold additional meetings as required in the performance of its duties.

(d) The members shall be appointed to serve 4-year terms and shall serve until successors are appointed and qualified, except that initial appointments shall be staggered with one member appointed to serve for one year, 2 members appointed to serve for 2 years, 2 members appointed to serve for 3 years, and 2 members appointed to serve for 4 years. No member shall be eligible to serve more than 2 consecutive terms. A vacancy in the Board shall be filled by appointment by the Director for the remainder of the unexpired term. Those interpreter members appointed initially must qualify for and obtain licensure under this Act on or before July 1, 2009.

(e) In making appointments, the Director shall attempt to ensure that various ethnic and geographic regions of the State are properly represented.

(f) The membership of the Board shall reflect the differences in certification, experience, education, and background and knowledge of interpreting for the deaf and evaluation.

(g) The Director may terminate the appointment of any member for misconduct, inefficiency, incompetence, or neglect of his or her official duties.

(h) The Board shall make recommendations to the Director in establishing guidelines for policies and procedures under this Act. Notice of proposed rulemaking shall be transmitted to the Board and the Director shall review the response, with the exception of the need for emergency rulemaking.

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(i) The Director shall consider the recommendation of the Board on all matters and questions relating to this Act.

(j) The Board shall annually elect from its membership a chairperson, vice chairperson, and a secretary.

(k) Members of the Board shall be reimbursed for all authorized legitimate and necessary expenses incurred in attending the meetings of the Board.

(l) A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to perform all of the duties of the Board.

(m) Except in cases of willful and wanton misconduct, members shall be immune from suit in any action based upon any disciplinary proceedings or other acts performed in good faith as members of the Board.

Section 70. Privileged communications. Interpreters for the deaf licensed under this Act shall be subject to the provisions concerning privileged communications between interpreters for the deaf and hard of hearing and consumers set forth in Section 8-912 of the Code of Civil Procedure.

Section 75. Provisional licensure. The Commission may, at its discretion, issue a provisional license to an applicant who has not met all of the requirements for full licensure under this Act, but has met the requirements for provisional licensure, as established by the Commission.

Provisional licenses must be renewed as set by rule and shall not be renewed for a period exceeding 2 years. If, at the end of 2 years, a provisional licensee still does not meet the requirements for full licensure under this Act, he or she shall be unable to practice interpreting under this Act until granted a license by the Commission.

Section 80. Expiration, renewal, and restoration of license.

(a) The expiration date and renewal period for each license issued under this Act shall be determined by the Commission and set by rule. Every holder of a license under this Act may renew his or her license during the 60-day period preceding the expiration date thereof upon payment of the required renewal fees.

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(b) Any person who has practiced in another jurisdiction and has permitted his or her license to expire or had his or her license placed on inactive status may have his or her license restored by making application to the Commission and filing proof acceptable to the Commission, as defined by the Commission by rule, of his or her fitness to have the license restored, including evidence attesting to active practice in another jurisdiction satisfactory to the Commission and by paying the required restoration fee.

(c) If a person has not maintained an active practice in another jurisdiction satisfactory to the Commission and has permitted his or her license to expire or has had his or her license placed on inactive status, the Commission shall determine his or her fitness to resume active status and may require satisfactory evaluation of his or her skills.

(d) Any person whose license expires while he or she is (i) in federal service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (ii) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license renewed or restored without paying any lapsed renewal fees, provided that he or she furnishes the Commission with satisfactory evidence to the effect that he or she has been so engaged.

(e) Any person whose license is expired or on inactive status and who practices interpreting without being exempt under this Act shall be considered to be practicing without a license, which constitutes grounds for discipline under this Act.

Section 85. Inactive status. Any interpreter for the deaf who notifies the Commission, on forms prescribed by the Commission, may place his or her license on inactive status and shall be exempt from payment of renewal fees until he or she notifies the Commission, in writing, of the intention to restore his or her license, pays the current renewal fee, and demonstrates compliance with any requisite continuing education.

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Any interpreter for the deaf requesting restoration from inactive status must pay the current renewal fee and restore his or her license as provided in Section 80 of this Act.

Section 90. Continuing education. The Commission may adopt rules of continuing education for persons licensed under this Act. These rules shall be consistent with the requirements of relevant professional associations and training programs and address variances for illness or hardship. In establishing these rules, the Commission may consider continuing education requirements as a condition of membership in organizations in order to assure that licensees are given the opportunity to participate in those programs sponsored by or through the professional associations or interpreter training programs that are relevant to their practice.

The Commission shall establish by rule a means for verifying the completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by licensees, the filing of continuing education certificates with the Commission, or any other means established by the Commission.

Section 95. Roster. The Commission shall maintain a list of licensed interpreters for the deaf authorized to practice in the State. The list shall show the name of every licensee, type of certification, county, and a form of contact. This list shall be posted for public review on the Internet website of the Commission.

The Commission shall maintain rosters of the names of all persons whose licenses have been suspended, revoked, or denied renewal for cause, as provided by the Department within the previous calendar year. This list shall be posted for review on the Internet website of the Commission.

Section 100. Fees. The Commission may charge fees for the administration and enforcement of this Act, including, but not limited to, application, administration of an examination or evaluation, licensure renewal and restoration, and provision of duplicate licenses. The fees shall be in an amount sufficient to cover the cost of the licensure program and set by rule and shall be nonrefundable.

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Section 105. Checks or order dishonored. Any person who delivers a check or other payment to the Commission that is returned to the Commission unpaid by the financial institution upon which it is drawn shall pay to the Commission, in addition to the amount already owed, a fine of $50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Commission shall notify the person that payment of fees and fines shall be paid to the Commission by certified check or money order within 30 calendar days after the notification. If, after the expiration of 30 days after the date of the notification, the person has failed to submit the necessary remittance, the Commission shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Commission for restoration or issuance of the license and pay all fees and fines due to the Commission. The Commission may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing the application. The Director may waive the fines due under this Section in individual cases where the Commission finds that the fines would be unreasonable or unnecessarily burdensome.

Section 110. Interpreters for the Deaf Fund. The moneys received as fees and fines by the Commission under this Act shall be deposited in the Interpreters for the Deaf Fund, which is hereby created as a special fund in the State treasury, and shall be used only for the administration and enforcement of this Act, including (i) for costs directly related to the regulating of persons under this Act, (ii) by the Board and Commission in the exercise of its powers and performance of its duties, and (iii) for direct and allocable indirect cost related to the public purposes of the Commission. All moneys deposited in the Fund shall be appropriated to the Commission for expenses of the Commission and the Board in the administration and enforcement of this Act. Moneys in the Fund may be invested and reinvested, with all earnings deposited in the Fund and used

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for the purposes set forth in this Act. The Fund shall comply with the Illinois State Auditing Act.

Section 115. Grounds for disciplinary action.
(a) The Commission may refuse to issue or renew any license and the Department may suspend or revoke any license or may place on probation, censure, reprimand, or take other disciplinary action deemed appropriate by the Department, including the imposition of fines not to exceed $2,500 for each violation, with regard to any license issued under this Act for any one or more of the following reasons:

(1) Material deception in furnishing information to the Commission or the Department.
(2) Violations or negligent or intentional disregard of any provision of this Act or its rules.
(3) Conviction of any crime under the laws of any jurisdiction of the United States that is a felony or a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of interpreting.
(4) A pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act.
(5) Knowingly aiding or assisting another person in violating any provision of this Act or rules adopted thereunder.
(6) Failing, within 60 days, to provide a response to a request for information in response to a written request made by the Commission or the Department by certified mail.
(7) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.
(8) Habitual use of or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in a licensee's inability to practice with reasonable judgment, skill, or safety.
(9) Discipline by another jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(10) A finding that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

(11) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or a neglected child, as defined in the Abused and Neglected Child Reporting Act.

(12) Gross negligence in the practice of interpreting.

(13) Holding oneself out to be a practicing interpreter for the deaf under any name other than one's own.

(14) Knowingly allowing another person or organization to use the licensee's license to deceive the public.

(15) Attempting to subvert or cheat on an interpreter-related examination or evaluation.

(16) Immoral conduct in the commission of an act, such as sexual abuse, sexual misconduct, or sexual exploitation, related to the licensee's practice.

(17) Willfully violating State or federal confidentiality laws or the confidentiality between an interpreter and client, except as required by State or federal law.

(18) Practicing or attempting to practice interpreting under a name other than one's own.

(19) The use of any false, fraudulent, or deceptive statement in any document connected with the licensee's practice.

(20) Failure of a licensee to report to the Commission any adverse final action taken against him or her by another licensing jurisdiction, any peer review body, any professional deaf or hard of hearing interpreting association, any governmental Commission, by law enforcement Commission, or any court for a deaf or hard of hearing

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hearing interpreting liability claim related to acts or conduct similar to acts or conduct that would constitute grounds for action as provided in this Section.

(21) Failure of a licensee to report to the Commission surrender by the licensee of his or her license or authorization to practice interpreting in another state or jurisdiction or current surrender by the licensee of membership in any deaf or hard of hearing interpreting association or society while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct that would constitute grounds for action as provided by this Section.

(22) Physical illness or injury including, but not limited to, deterioration through the aging process or loss of motor skill, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(23) Gross and willful overcharging for interpreter services, including filing false statements for collection of fees for which services have not been rendered.

(b) The Commission may refuse to issue or the Department may suspend the license of any person who fails to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of the tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(c) In enforcing this Section, the Commission, upon a showing of a possible violation, may compel an individual licensed under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Commission. The Commission may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The Commission shall specifically designate the examining physicians. The individual to be

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examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Commission finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Commission finds an individual unable to practice because of the reasons set forth in this subsection (c), the Commission may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Commission as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice or, in lieu of care, counseling, or treatment, the Commission may file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Director immediately suspends a person's license under this subsection (c), a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Commission or the Department shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable State and federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this subsection (c) shall be afforded an opportunity to demonstrate to the Commission that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

Section 120. Violations; injunction; cease and desist order.

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(a) If any person violates the provisions of this Act, the Attorney General may petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to all other remedies and penalties provided by this Act.

(b) If any person holds himself or herself out as being a licensed interpreter for the deaf under this Act and is not licensed to do so, then any licensed interpreter for the deaf, interested party, or any person injured thereby may petition for relief as provided in subsection (a) of this Section.

(c) Whenever, in the opinion of the Commission, a person violates any provision of this Act, the Commission may issue an order to show cause why an order to cease and desist should not be entered against that person. The order shall clearly set forth the grounds relied upon by the Commission and shall allow at least 7 days from the date of the order to file an answer satisfactory to the Commission. Failure to answer to the satisfaction of the Commission shall cause an order to cease and desist to be issued.

Section 125. Investigations; notice and hearing. The Commission may investigate the actions of any applicant or any person holding or claiming to hold a license under this Act. Before revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary action under Section 115 of this Act, the Commission shall refer the findings of its investigation to the Department. The Department shall, at least 30 days prior to the date set for the hearing, (i) notify the accused, in writing, of any charges made and the time and place for the hearing, (ii) direct him or her to file a written answer to the charges with the Department under oath within 20 days after the service on him or her of the notice, and (iii) inform the accused that, if he or she fails to answer, default will be taken against him or her or that his or her license may be suspended, revoked, placed on probationary status, or other disciplinary action taken with

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regard to the license, including limiting the scope, nature, or extent of his or her practice, as the Department may deem proper. In case the person, after receiving notice, fails to file an answer, his or her license may, in the discretion of the Department, be suspended, revoked, placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to represent such statements, testimony, evidence, and argument as may be pertinent to the charges or to their defense. The Secretary may continue the hearing if the Board is unavailable or for another just cause.

Section 130. Disposition by consent order or settlement agreement. Disposition may be made of any charge by consent order or settlement agreement between the Commission and the licensee. Disposition may include restrictions upon the interpreter's ability to practice and monetary penalties not to exceed the maximum disciplinary fines allowed under this Act. The Board shall be apprised of the consent order or settlement agreement at its next meeting.

Section 135. Record of proceedings; transcript. The Commission, at its expense, shall preserve a record of all proceedings at any formal hearing of any case. The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, the report of the hearing officer, and the orders of the Commission shall be the record of the proceedings.

Section 140. Subpoenas; depositions; oaths. The Department shall have power to subpoena and bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in courts in this State. The Secretary, the designated hearing officer, and any member of the Board shall each have
power to administer oaths to witnesses at any hearings which the Department is authorized to conduct and any other oaths authorized in the Act.

Section 145. Compelling testimony. Any circuit court, upon the application of the Department, designated hearing officer, applicant, or licensee against whom proceedings under Section 115 of the Act are pending, may enter an order requiring the attendance of witnesses and their testimony and the production of documents, papers, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

Section 150. Findings and recommendations. At the conclusion of the hearing, the Board shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding of whether the licensee violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Director of the Department. The report of findings of fact, conclusions of law, and recommendation of the Board shall be the basis for the Department's order for discipline, refusal or for the granting of the license. If the Secretary disagrees with the recommendations of the Board, the Secretary may issue an order in contravention of the Board recommendations. The Secretary shall provide a written report to the Board on any disagreement and shall specify the reasons for the action in the final order. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings is not a bar to a criminal prosecution brought for the violation of this Act.

Section 155. Appointment of hearing officer. The Secretary shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for discipline of a license. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and the Secretary. The Board shall have 60 days after receipt of the report to

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review the report of the hearing officer and to present its findings of fact, conclusions of law and recommendations to the Secretary. If the Board fails to present its report within the 60-day period, the Secretary may issue an order based on the report of the hearing officer.

Section 160. Board; rehearing. At the conclusion of the hearing, a copy of the Board's report shall be served upon the applicant or licensee by the Commission, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the applicant or licensee may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for rehearing. If no motion for a rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the Secretary may enter an order in accordance with recommendations of the Board, except as provided in Section 175 of this Act. If the applicant or licensee requests and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which a motion may be filed shall commence upon the delivery of the transcript to the applicant or licensee.

Section 165. Director; rehearing. Whenever the Secretary believes justice has not been done in the revocation, suspension, or refusal to issue or renew a license or the discipline of a licensee, he or she may order a rehearing.

Section 170. Order or certified copy; prima facie proof. An order of revocation, suspension, placing the license on probationary status, or other formal disciplinary action as the Department may deem proper, or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary, is prima facie proof that:

(1) the signature is the genuine signature of the Secretary;
(2) the Secretary is duly appointed and qualified; and
(3) the Board and the members thereof are qualified to act.

Section 175. Restoration of suspended or revoked license. At any time after the suspension or revocation of any license, the Commission may restore it to the licensee upon the written recommendation of the

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Board, unless after an investigation and hearing the Board determines that restoration is not in the public interest.

Section 180. Surrender of license. Upon the revocation or suspension of a license, the licensee shall immediately surrender his or her license to the Commission. If the licensee fails to do so, the Commission has the right to seize the license.

Section 185. Summary suspension of license. The Director may summarily suspend the license of an interpreter for the deaf without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 115 of this Act, if the Director finds that evidence in the possession of the Director indicates that the continuation of practice by the interpreter for the deaf would constitute an imminent danger to the public. In the event that the Director summarily suspends the license of an individual without a hearing, a hearing must be held by the Department within 30 days after the suspension has occurred.

Section 190. Administrative review; venue.

(a) All final administrative decisions of the Department are subject to judicial review pursuant to the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(b) Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of Illinois, the venue shall be in Sangamon County.

Section 195. Certification of record; costs. The Department shall not be required to certify any record to the court, to file an answer in court, or to otherwise appear in any court in a judicial review proceeding, unless there is filed in the court, with the complaint, a receipt from the Commission acknowledging payment of the costs of furnishing and certifying the record. Failure on the part of the plaintiff to file the receipt in court is grounds for dismissal of the action.

Section 200. Offenses and punishment. Unless otherwise specified, any person found to have violated any provision of this Act is guilty of a Class A misdemeanor.

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Section 205. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated in this Act as if all of the provisions of such Act were included in this Act.

Section 210. Home rule. The regulation and licensing of the practice of interpreting are exclusive powers and functions of the State. A home rule unit may not regulate or license interpreters for the deaf. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

Section 215. Savings provision.
(a) This Act is intended to replace the Interpreters for the Deaf Act in all respects.
(b) The provisions of this Act shall not be construed to invalidate the requirement that interpreters continue to register pursuant to the Interpreters for the Deaf Act prior to the effective date of this Act.
(c) Beginning January 1, 2009, the Commission shall cease to register interpreters pursuant to the interpreters for the Deaf Act. After that date, applicants shall apply for a license to practice as an interpreter for the deaf and shall meet the requirements set forth in this Act.
(d) Beginning on January 1, 2009, the rights, powers, and duties exercised by the Deaf and Hard of Hearing Commission under the Interpreters for the Deaf Act shall continue to be vested in, be the obligation of, and shall be exercised by the Deaf and Hard of Hearing Commission under the provisions of this Act.
(e) This Act does not affect any act done, ratified, or cancelled, or any right occurring or established, or any action or proceeding had or commenced in an administrative, civil, or criminal cause before the effective date of this Act, by the Deaf and Hard of Hearing Commission under the Interpreters for the Deaf Act, and those actions or proceedings may be prosecuted and continued by the Deaf and Hard of Hearing Commission under this Act.
(f) The rules adopted by the Deaf and Hard of Hearing Commission relating to the Interpreters for the Deaf Act, unless inconsistent with the provisions of this Act, are not affected by this Act.

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and on the effective date of this Act, those rules become the rules under this Act. The Deaf and Hard of Hearing Commission shall, as soon as practicable, adopt new or amended rules consistent with the provisions of this Act.

Section 900. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 905. The Regulatory Sunset Act is amended by adding Sections 4.19b and 4.28 as follows:

(5 ILCS 80/4.19b new)  
Sec. 4.19b. Act repealed on January 1, 2009. The following Act is repealed on January 1, 2009:  
The Interpreter for the Deaf Act.

(5 ILCS 80/4.28 new)  
Sec. 4.28. Act repealed on January 1, 2018. The following Act is repealed on January 1, 2018:  

Section 910. The State Finance Act is amended by adding Section 5.675 as follows:

(30 ILCS 105/5.675 new)  
Sec. 5.675. The Interpreters for the Deaf Fund.

Section 915. The Code of Civil Procedure is amended by changing Section 8-911 and by adding Section 8-912 as follows:

(735 ILCS 5/8-911) (from Ch. 110, par. 8-911)  
Sec. 8-911. Language interpreter's privilege.  
(a) A "language interpreter" is a person who aids a communication when at least one party to the communication has a hearing or speaking impairment or a language difficulty.

(b) If a communication is otherwise privileged, that underlying privilege is not waived because of the presence of the language interpreter.

(c) The language interpreter shall not disclose the communication without the express consent of the person who has the right to claim the underlying privilege.

(Source: P.A. 87-409.)  
(735 ILCS 5/8-912 new)

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Sec. 8-912. Interpreter for the deaf and hard of hearing's privilege.

(a) An "interpreter for the deaf and hard of hearing" is a person who aids communication when at least one party to the communication has a hearing loss.

(b) An interpreter for the deaf and hard of hearing who interprets a conversation between a hearing person and a deaf person is deemed a conduit for the conversation and may not disclose or be compelled to disclose by subpoena the contents of the conversation that he or she facilitated without the written consent of all persons involved who received his or her professional services.

(c) All communications that are recognized by law as privileged shall remain privileged even in cases where an interpreter for the deaf and hard of hearing is utilized to facilitate such communications.

(d) Communications may be voluntarily disclosed under the following circumstances:

1. the formal reporting, conferring, or consulting with administrative superiors, colleagues, or consultants who share similar professional responsibility, in which instance all recipients of such information are similarly bound to regard the communication as privileged;

2. a person waives the privilege by bringing any public charges against an interpreter for the deaf and hard of hearing, including a person licensed under the Interpreter for the Deaf Licensure Act of 2007; and

3. a communication reveals the intended commission of a crime or harmful act and such disclosure is judged necessary by the interpreter for the deaf and hard of hearing to protect any person from a clear, imminent risk of serious mental or physical harm or injury or to forestall a serious threat to public safety.

(e) Nothing in this Section shall be construed to prohibit a person licensed under the Interpreter for the Deaf Licensure Act of 2007 from voluntarily testifying in court hearings concerning matters of adoption, child abuse, child neglect, or other matters pertaining to children, except as provided under the Abused and Neglected Child Reporting Act.

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Section 999. Effective date. This Act takes effect upon becoming law.

Approved September 12, 2007.
Effective September 12, 2007.

PUBLIC ACT 95-0618
(Senate Bill No. 1625)

AN ACT concerning liquor.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Liquor Control Act of 1934 is amended by adding Section 6-35 as follows:

(235 ILCS 5/6-35 new)
Sec. 6-35. Alcopop advertising.
(a) For purposes of this Section, "alcopop" means a flavored alcoholic beverage or flavored malt beverage that includes (i) a malt beverage containing a malt base or beer and added natural or artificial blending material, such as fruit juices, flavors, flavorings, colorings, or preservatives where such blending material constitutes .5% or more of the alcohol by volume contained in the finished beverage; (ii) a beverage containing wine and more than 15% added natural or artificial blending material, such as fruit juices, flavors, flavorings, or adjuncts, water (plain, carbonated, or sparkling), colorings, or preservatives; or (iii) a beverage containing distilled alcohol and added natural or artificial blending material, such as fruit juices, flavors, flavorings, colorings, or preservatives.

(b) No entity may advertise, promote, or market any alcopop beverages toward children. Advertise, promote, or market includes, but is not limited to the following:

(1) the use of cartoons and youth-orientated photos in advertising, promotion, packaging, or labeling of alcohol products;

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(2) sponsorships of athletic events where the intended audience is primarily children;
(3) billboards advertising alcopops placed within 500 feet of schools, public parks, amusement parks, and places of worship; and
(4) the display of any alcopop beverage in any videogame, theater production, or other live performances where the intended audience is primarily children.

(c) Any person who violates this Section is guilty of a business offense and shall be fined $500 for a first offense and $1,000 for a second or subsequent offense.

Approved September 14, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0619
(Senate Bill No. 1746)

AN ACT concerning Latino families.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Illinois Latino Family Commission Act.

Section 5. Legislative Findings. It is the policy of this State to promote family preservation and to strengthen families.

Latinos are well represented among the families of Illinois. The Illinois Latino population is the fifth largest in the nation. Over 14% of the estimated 12,000,000 people that live in Illinois are Latinos. According to the 2000 Census figures, more than 1,750,000 Latinos make Illinois their home. This figure represents a 69.2% increase from the 1990 Census figures compared to about 3.5% for non-Latinos. The Latino population explosion accounted for two-thirds of the total population change in Illinois and it is visible throughout the State.

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In Cook County alone, the Latino population has increased to about 1,071,740. In the 6 county region including Cook County, nearly 69% of new residents were Hispanic. Roughly 23.7% of Kane County residents are Latino. In Lake County, Latinos make up 14.4% of the total county population.

Latinos are not only the fastest growing ethnic group in the State, they are also the youngest. The median age for Latinos in Illinois is 25, compared to 36 for non-Latinos. Despite unprecedented population growth, Latinos lag behind in major indicators of well-being relative to education, health, employment, and child welfare, as well as representation throughout the State. Moreover, Latino children and families present unique linguistic, cultural, and immigration issues for the State.

Latinos have a well-established presence in the child welfare system. Of the total 86,973 children that were reported abused or neglected in Fiscal Year 2001, about 8,442 or 9.7% were Hispanic children. About 25% of these hotline reports were indicated, for a total of 2,155 Latino children in Fiscal Year 2001. As of August 2003, there were about 1,367 open Latino child abuse cases in Illinois. This figure is only slightly lower than the 1,491 open Latino child cases reported for the previous fiscal year. Hispanic cases make up about 6% of all open child cases (excluding adoption assistance and home of parent living arrangement). Latino families receiving services make up about 16% of all intact family cases. It is estimated that between 60% and 80% of all Latino families involved with the Illinois Department of Child and Family Services (IDCFS) will need bilingual services at some point during the time their case is open. However, IDCFS struggles to meet the demand for bilingual services. There are similar examples throughout the State demonstrating that Illinois lacks a unified and comprehensive strategy for addressing the unique needs of Latino families.

Latinas families remain outside of the margins of opportunities in the State. There are tremendous challenges faced by Latino families and children in the State. Clearly, the growing Latino presence demands that government, child and family advocates, and other key stakeholders come together to identify and implement policy strategies that can create an

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infrastructure of support for Latino families in the State. Building this needed infrastructure of policies must involve multiple State agencies. The Illinois Latino Family Commission shall lead the effort, advising the Governor and assisting State agencies with this task.

Section 10. Established. The Illinois Latino Family Commission is established.

Section 15. Purpose and objectives.
(a) The purpose of the Illinois Latino Family Commission is to advise the Governor and General Assembly, as well as work directly with State agencies to improve and expand existing policies, services, programs, and opportunities for Latino families. Subject to appropriation, the Illinois Latino Family Commission shall guide the efforts of and collaborate with State agencies, including: the Department on Aging, the Department of Children and Family Services, the Department of Commerce and Economic Opportunity, the Department of Corrections, the Department of Human Services, the Department of Public Aid, the Department of Public Health, the Department of Transportation, the Department of Employment Security, and others. This shall be achieved primarily by:

(1) monitoring and commenting on existing and proposed legislation and programs designed to address the needs of Latinos in Illinois;

(2) assisting State agencies in developing programs, services, public policies, and research strategies that will expand and enhance the social and economic well-being of Latino children and families;

(3) facilitating the participation and representation of Latinos in the development, implementation, and planning of policies, programs, and services; and

(4) promoting research efforts to document the impact of policies and programs on Latino families.

The work of the Illinois Latino Family Commission shall include the use of existing reports, research, and planning efforts, procedures, and programs.

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Section 20. Appointment; terms. The Illinois Latino Family Commission shall be comprised of 15 members. The Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives shall each appoint 3 members to the Commission. Each member shall have working knowledge of human services, community development, and economic public policies in Illinois. The Governor shall appoint the chairperson or chairpersons.

The members shall reflect regional representation to ensure that the needs of Latino families and children throughout the State are met. The members shall be selected from a variety of disciplines. They shall represent a partnership and collaborative effort between public and private agencies, the business sector, and community-based human services organizations.

Members shall serve 3-year terms, except in the case of initial appointments. Five members, as determined by lot, shall be appointed to one-year terms; 5 members shall be appointed to 2-year terms; and 5 members shall be appointed to 3-year terms, so that the terms are staggered. Members shall serve without compensation, but shall be reimbursed for Commission-related expenses.

The Department on Aging, the Department of Children and Family Services, the Department of Commerce and Economic Opportunity, the Department of Corrections, the Department of Employment Security, the Department of Human Services, the Department of Public Aid, the Department of Public Health, and the Department of Transportation shall each appoint a liaison to serve ex-officio on the Commission. The Office of the Governor, in cooperation with the State agencies appointing liaisons to the Commission under this paragraph, shall provide administrative support to the Commission.

Section 25. Funding. The Illinois Latino Family Commission may receive funding through specific appropriations available for its purposes made to the Department on Aging, the Department of Children and Family Services, the Department of Commerce and Economic Opportunity, the Department of Corrections, the Department of Human Services, the
Department of Public Aid, the Department of Public Health, and the Department of Transportation. The funding allocation for the Commission shall be no less than $500,000.

Section 30. Reporting. The Illinois Latino Family Commission shall annually report to the Governor and the General Assembly on the Commission's progress towards its goals and objectives.

Section 99. Effective date. This Act takes effect upon becoming law.

Approved September 14, 2007.
Effective September 14, 2007.

PUBLIC ACT 95-0620
(House Bill No. 1301)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Act on the Aging is amended by changing Section 4.04 as follows:

(20 ILCS 105/4.04) (from Ch. 23, par. 6104.04)
Sec. 4.04. Long Term Care Ombudsman Program.
(a) Long Term Care Ombudsman Program. The Department shall establish a Long Term Care Ombudsman Program, through the Office of State Long Term Care Ombudsman ("the Office"), in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended.

(b) Definitions. As used in this Section, unless the context requires otherwise:

(1) "Access" has the same meaning as in Section 1-104 of the Nursing Home Care Act, as now or hereafter amended; that is, it means the right to:

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(i) Enter any long term care facility or assisted living or shared housing establishment or supportive living facility;

(ii) Communicate privately and without restriction with any resident, regardless of age, who consents to the communication;

(iii) Seek consent to communicate privately and without restriction with any resident, regardless of age;

(iv) Inspect the clinical and other records of a resident, regardless of age, with the express written consent of the resident;

(v) Observe all areas of the long term care facility or supportive living facilities, assisted living or shared housing establishment except the living area of any resident who protests the observation.

(2) "Long Term Care Facility" means (i) any facility as defined by Section 1-113 of the Nursing Home Care Act, as now or hereafter amended; and (ii) any skilled nursing facility or a nursing facility which meets the requirements of Section 1819(a), (b), (c), and (d) or Section 1919(a), (b), (c), and (d) of the Social Security Act, as now or hereafter amended (42 U.S.C. 1395i-3(a), (b), (c), and (d) and 42 U.S.C. 1396r(a), (b), (c), and (d)).

(2.5) "Assisted living establishment" and "shared housing establishment" have the meanings given those terms in Section 10 of the Assisted Living and Shared Housing Act.

(2.7) "Supportive living facility" means a facility established under Section 5-5.01a of the Illinois Public Aid Code.

(3) "State Long Term Care Ombudsman" means any person employed by the Department to fulfill the requirements of the Office of State Long Term Care Ombudsman as required under the Older Americans Act of 1965, as now or hereafter amended, and Departmental policy.

(3.1) "Ombudsman" means any designated representative of a regional long term care ombudsman program; provided that the

New matter indicated by italics - deletions by strikeout
representative, whether he is paid for or volunteers his ombudsman services, shall be qualified and designated by the Office to perform the duties of an ombudsman as specified by the Department in rules and in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended.

(c) Ombudsman; rules. The Office of State Long Term Care Ombudsman shall be composed of at least one full-time ombudsman and shall include a system of designated regional long term care ombudsman programs. Each regional program shall be designated by the State Long Term Care Ombudsman as a subdivision of the Office and any representative of a regional program shall be treated as a representative of the Office.

The Department, in consultation with the Office, shall promulgate administrative rules in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended, to establish the responsibilities of the Department and the Office of State Long Term Care Ombudsman and the designated regional Ombudsman programs. The administrative rules shall include the responsibility of the Office and designated regional programs to investigate and resolve complaints made by or on behalf of residents of long term care facilities, supportive living facilities, and assisted living and shared housing establishments, including the option to serve residents under the age of 60, relating to actions, inaction, or decisions of providers, or their representatives, of long term care facilities, of supported living facilities, of assisted living and shared housing establishments, of public agencies, or of social services agencies, which may adversely affect the health, safety, welfare, or rights of such residents. The Office and designated regional programs may represent all residents, but are not required by this Act to represent persons under 60 years of age, except to the extent required by federal law. When necessary and appropriate, representatives of the Office shall refer complaints to the appropriate regulatory State agency. The Department, in consultation with the Office, shall cooperate with the Department of Human Services and other State agencies in providing information and training to designated regional long term care ombudsman programs about the appropriate

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assessment and treatment (including information about appropriate supportive services, treatment options, and assessment of rehabilitation potential) of the residents they serve, including children, persons with mental illness (other than Alzheimer's disease and related disorders), and persons with developmental disabilities.

The State Long Term Care Ombudsman and all other ombudsmen, as defined in paragraph (3.1) of subsection (b) must submit to background checks under the Health Care Worker Background Check Act and receive training, as prescribed by the Illinois Department on Aging, before visiting facilities. The training must include information specific to assisted living establishments, supportive living facilities, and shared housing establishments and to the rights of residents guaranteed under the corresponding Acts and administrative rules.

(d) Access and visitation rights.

(1) In accordance with subparagraphs (A) and (E) of paragraph (3) of subsection (c) of Section 1819 and subparagraphs (A) and (E) of paragraph (3) of subsection (c) of Section 1919 of the Social Security Act, as now or hereafter amended (42 U.S.C. 1395i-3 (c)(3)(A) and (E) and 42 U.S.C. 1396r (c)(3)(A) and (E)), and Section 712 of the Older Americans Act of 1965, as now or hereafter amended (42 U.S.C. 3058f), a long term care facility, supportive living facility, assisted living establishment, and shared housing establishment must:

(i) permit immediate access to any resident, regardless of age, by a designated ombudsman; and

(ii) permit representatives of the Office, with the permission of the resident's legal representative or legal guardian, to examine a resident's clinical and other records, regardless of the age of the resident, and if a resident is unable to consent to such review, and has no legal guardian, permit representatives of the Office appropriate access, as defined by the Department, in consultation with the Office, in administrative rules, to the resident's records.
(2) Each long term care facility, supportive living facility, assisted living establishment, and shared housing establishment shall display, in multiple, conspicuous public places within the facility accessible to both visitors and residents and in an easily readable format, the address and phone number of the Office of the Long Term Care Ombudsman, in a manner prescribed by the Office.

(e) Immunity. An ombudsman or any representative of the Office participating in the good faith performance of his or her official duties shall have immunity from any liability (civil, criminal or otherwise) in any proceedings (civil, criminal or otherwise) brought as a consequence of the performance of his official duties.

(f) Business offenses.
   (1) No person shall:
      (i) Intentionally prevent, interfere with, or attempt to impede in any way any representative of the Office in the performance of his official duties under this Act and the Older Americans Act of 1965; or
      (ii) Intentionally retaliate, discriminate against, or effect reprisals against any long term care facility resident or employee for contacting or providing information to any representative of the Office.
   (2) A violation of this Section is a business offense, punishable by a fine not to exceed $501.
   (3) The Director of Aging, in consultation with the Office, shall notify the State's Attorney of the county in which the long term care facility, supportive living facility, or assisted living or shared housing establishment is located, or the Attorney General, of any violations of this Section.

(g) Confidentiality of records and identities. The Department shall establish procedures for the disclosure by the State Ombudsman or the regional ombudsmen entities of files maintained by the program. The procedures shall provide that the files and records may be disclosed only at the discretion of the State Long Term Care Ombudsman or the person

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designated by the State Ombudsman to disclose the files and records, and the procedures shall prohibit the disclosure of the identity of any complainant, resident, witness, or employee of a long term care provider unless:

(1) the complainant, resident, witness, or employee of a long term care provider or his or her legal representative consents to the disclosure and the consent is in writing;

(2) the complainant, resident, witness, or employee of a long term care provider gives consent orally; and the consent is documented contemporaneously in writing in accordance with such requirements as the Department shall establish; or

(3) the disclosure is required by court order.

(h) Legal representation. The Attorney General shall provide legal representation to any representative of the Office against whom suit or other legal action is brought in connection with the performance of the representative's official duties, in accordance with the State Employee Indemnification Act.

(i) Treatment by prayer and spiritual means. Nothing in this Act shall be construed to authorize or require the medical supervision, regulation or control of remedial care or treatment of any resident in a long term care facility operated exclusively by and for members or adherents of any church or religious denomination the tenets and practices of which include reliance solely upon spiritual means through prayer for healing.

(Source: P.A. 93-241, eff. 7-22-03; 93-878, eff. 1-1-05.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly June 20, 2007.
Approved September 17, 2007.
Effective September 17, 2007.

PUBLIC ACT 95-0621
(House Bill No. 0841)

AN ACT concerning transportation.

New matter indicated by italics - deletions by strikeout
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing
Sections 4-203 and 4-214.1 as follows:

(625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

Sec. 4-203. Removal of motor vehicles or other vehicles; Towing
or hauling away.

(a) When a vehicle is abandoned, or left unattended, on a toll
highway, interstate highway, or expressway for 2 hours or more, its
removal by a towing service may be authorized by a law enforcement
agency having jurisdiction.

(b) When a vehicle is abandoned on a highway in an urban district
10 hours or more, its removal by a towing service may be authorized by a
law enforcement agency having jurisdiction.

(c) When a vehicle is abandoned or left unattended on a highway
other than a toll highway, interstate highway, or expressway, outside of an
urban district for 24 hours or more, its removal by a towing service may be
authorized by a law enforcement agency having jurisdiction.

(d) When an abandoned, unattended, wrecked, burned or partially
dismantled vehicle is creating a traffic hazard because of its position in
relation to the highway or its physical appearance is causing the impeding
of traffic, its immediate removal from the highway or private property
adjacent to the highway by a towing service may be authorized by a law
enforcement agency having jurisdiction.

(e) Whenever a peace officer reasonably believes that a person
under arrest for a violation of Section 11-501 of this Code or a similar
provision of a local ordinance is likely, upon release, to commit a
subsequent violation of Section 11-501, or a similar provision of a local
ordinance, the arresting officer shall have the vehicle which the person
was operating at the time of the arrest impounded for a period of not more
than 12 hours after the time of arrest. However, such vehicle may be
released by the arresting law enforcement agency prior to the end of the
impoundment period if:

New matter indicated by italics - deletions by strikeout
(1) the vehicle was not owned by the person under arrest, and the lawful owner requesting such release possesses a valid operator's license, proof of ownership, and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner, or who would otherwise, by operating such motor vehicle, be in violation of this Code; or

(2) the vehicle is owned by the person under arrest, and the person under arrest gives permission to another person to operate such vehicle, provided however, that the other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or who would otherwise, by operating such motor vehicle, be in violation of this Code.

(e-5) Whenever a registered owner of a vehicle is taken into custody for operating the vehicle in violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code, a law enforcement officer may have the vehicle immediately impounded for a period not less than:

(1) 24 hours for a second violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code or a combination of these offenses; or

(2) 48 hours for a third violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code or a combination of these offenses.

The vehicle may be released sooner if the vehicle is owned by the person under arrest and the person under arrest gives permission to another person to operate the vehicle and that other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or would otherwise, by operating the motor vehicle, be in violation of this Code.

(f) Except as provided in Chapter 18a of this Code, the owner or lessor of privately owned real property within this State, or any person

New matter indicated by italics - deletions by strikeout
authorized by such owner or lessor, or any law enforcement agency in the
case of publicly owned real property may cause any motor vehicle
abandoned or left unattended upon such property without permission to be
removed by a towing service without liability for the costs of removal,
transportation or storage or damage caused by such removal, transportation
or storage. The towing or removal of any vehicle from private property
without the consent of the registered owner or other legally authorized
person in control of the vehicle is subject to compliance with the following
conditions and restrictions:

1. Any towed or removed vehicle must be stored at the site
of the towing service's place of business. The site must be open
during business hours, and for the purpose of redemption of
vehicles, during the time that the person or firm towing such
vehicle is open for towing purposes.

2. The towing service shall within 30 minutes of
completion of such towing or removal, notify the law enforcement
agency having jurisdiction of such towing or removal, and the
make, model, color and license plate number of the vehicle, and
shall obtain and record the name of the person at the law
enforcement agency to whom such information was reported.

3. If the registered owner or legally authorized person
entitled to possession of the vehicle shall arrive at the scene prior
to actual removal or towing of the vehicle, the vehicle shall be
disconnected from the tow truck and that person shall be allowed
to remove the vehicle without interference, upon the payment of a
reasonable service fee of not more than one half the posted rate of
the towing service as provided in paragraph 6 of this subsection,
for which a receipt shall be given.

4. The rebate or payment of money or any other valuable
consideration from the towing service or its owners, managers or
employees to the owners or operators of the premises from which
the vehicles are towed or removed, for the privilege of removing or
towing those vehicles, is prohibited. Any individual who violates
this paragraph shall be guilty of a Class A misdemeanor.

New matter indicated by italics - deletions by strikeout
5. Except for property appurtenant to and obviously a part of a single family residence, and except for instances where notice is personally given to the owner or other legally authorized person in control of the vehicle that the area in which that vehicle is parked is reserved or otherwise unavailable to unauthorized vehicles and they are subject to being removed at the owner or operator's expense, any property owner or lessor, prior to towing or removing any vehicle from private property without the consent of the owner or other legally authorized person in control of that vehicle, must post a notice meeting the following requirements:

   a. Except as otherwise provided in subparagraph a.1 of this subdivision (f)5, the notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the sign must be posted not less than one sign each 100 feet of lot frontage.

   a.1. In a municipality with a population of less than 250,000, as an alternative to the requirement of subparagraph a of this subdivision (f)5, the notice for a parking lot contained within property used solely for a 2-family, 3-family, or 4-family residence may be prominently placed at the perimeter of the parking lot, in a position where the notice is visible to the occupants of vehicles entering the lot.

   b. The notice must indicate clearly, in not less than 2 inch high light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense.

   c. The notice must also provide the name and current telephone number of the towing service towing or removing the vehicle.

   d. The sign structure containing the required notices must be permanently installed with the bottom of the sign

New matter indicated by italics - deletions by strikeout
not less than 4 feet above ground level, and must be continuously maintained on the property for not less than 24 hours prior to the towing or removing of any vehicle.

6. Any towing service that tows or removes vehicles and proposes to require the owner, operator, or person in control of the vehicle to pay the costs of towing and storage prior to redemption of the vehicle must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services, and post at the storage site an identical rate schedule and any written contracts with property owners, lessors, or persons in control of property which authorize them to remove vehicles as provided in this Section.

7. No person shall engage in the removal of vehicles from private property as described in this Section without filing a notice of intent in each community where he intends to do such removal, and such notice shall be filed at least 7 days before commencing such towing.

8. No removal of a vehicle from private property shall be done except upon express written instructions of the owners or persons in charge of the private property upon which the vehicle is said to be trespassing.

9. Vehicle entry for the purpose of removal shall be allowed with reasonable care on the part of the person or firm towing the vehicle. Such person or firm shall be liable for any damages occasioned to the vehicle if such entry is not in accordance with the standards of reasonable care.

10. When a vehicle has been towed or removed pursuant to this Section, it must be released to its owner or custodian within one half hour after requested, if such request is made during business hours. Any vehicle owner or custodian or agent shall have the right to inspect the vehicle before accepting its return, and no release or waiver of any kind which would release the towing service from liability for damages incurred during the towing and storage may be required from any vehicle owner or other legally

New matter indicated by italics - deletions by strikeout
authorized person as a condition of release of the vehicle. A
detailed, signed receipt showing the legal name of the towing
service must be given to the person paying towing or storage
charges at the time of payment, whether requested or not.
This Section shall not apply to law enforcement, firefighting,
rescue, ambulance, or other emergency vehicles which are marked as such
or to property owned by any governmental entity.
When an authorized person improperly causes a motor vehicle to
be removed, such person shall be liable to the owner or lessee of the
vehicle for the cost or removal, transportation and storage, any damages
resulting from the removal, transportation and storage, attorney's fee and
court costs.

Any towing or storage charges accrued shall be payable by the use
of any major credit card, in addition to being payable in cash.

11. Towing companies shall also provide insurance
coverage for areas where vehicles towed under the provisions of
this Chapter will be impounded or otherwise stored, and shall
adequately cover loss by fire, theft or other risks.
Any person who fails to comply with the conditions and
restrictions of this subsection shall be guilty of a Class C misdemeanor and
shall be fined not less than $100 nor more than $500.

(g) When a vehicle is determined to be a hazardous dilapidated
motor vehicle pursuant to Section 11-40-3.1 of the Illinois Municipal
Code, its removal and impoundment by a towing service may be
authorized by a law enforcement agency with appropriate jurisdiction.
When a vehicle removal from either public or private property is
authorized by a law enforcement agency, the owner of the vehicle shall be
responsible for all towing and storage charges.

Vehicles removed from public or private property and stored by a
commercial vehicle relocator or any other towing service authorized by a
law enforcement agency in compliance with this Section and Sections 4-
201 and 4-202 of this Code, or at the request of the vehicle owner or
operator, shall be subject to a possessor lien for services pursuant to the
Labor and Storage Lien (Small Amount) Act. The provisions of Section 1
of that Act relating to notice and implied consent shall be deemed satisfied by compliance with Section 18a-302 and subsection (6) of Section 18a-300. In no event shall such lien be greater than the rate or rates established in accordance with subsection (6) of Section 18a-200 of this Code. In no event shall such lien be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Act. Every such lien shall be payable by use of any major credit card, in addition to being payable in cash.

Any personal property belonging to the vehicle owner in a vehicle subject to a lien under this subsection (g) shall likewise be subject to that lien, excepting only: food; medicine; perishable property; any operator's licenses; any cash, credit cards, or checks or checkbooks; and any wallet, purse, or other property containing any operator's license or other identifying documents or materials, cash, credit cards, checks, or checkbooks.

No lien under this subsection (g) shall: exceed $2,000 in its total amount; or be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Act.

(Source: P.A. 94-522, eff. 8-10-05; 94-784, eff. 1-1-07.)

(625 ILCS 5/4-214.1)
Sec. 4-214.1. Failure to pay fines, charges, and costs on an abandoned vehicle.

(a) Whenever any resident of this State fails to pay any fine, charge, or cost imposed for a violation of Section 4-201 of this Code, or a similar provision of a local ordinance, the clerk shall notify the Secretary of State, on a report prescribed by the Secretary, and the Secretary shall prohibit the renewal, reissue, or reinstatement of the resident's driving privileges until the fine, charge, or cost has been paid in full. The clerk shall provide notice to the owner, at the owner's last known address as shown on the court's records, stating that the action will be effective on the 46th day following the date of the above notice if payment is not received in full by the court of venue.

(b) Following receipt of the report from the clerk, the Secretary of State shall make the proper notation to the owner's file to prohibit the
renewal, reissue, or reinstatement of the owner's driving privileges. Except as provided in subsection (d) of this Section, the notation shall not be removed from the owner's record until the owner satisfies the outstanding fine, charge, or cost and an appropriate notice on a form prescribed by the Secretary is received by the Secretary from the court of venue, stating that the fine, charge, or cost has been paid in full. Upon payment in full of a fine, charge, or court cost which has previously been reported under this Section as unpaid, the clerk of the court shall present the owner with a signed receipt containing the seal of the court indicating that the fine, charge, or cost has been paid in full, and shall forward immediately to the Secretary of State a notice stating that the fine, charge, or cost has been paid in full.

(c) Notwithstanding the receipt of a report from the clerk as prescribed in subsection (a), nothing in this Section is intended to place any responsibility upon the Secretary of State to provide independent notice to the owner of any potential action to disallow the renewal, reissue, or reinstatement of the owner's driving privileges.

(d) The Secretary of State shall renew, reissue, or reinstate an owner's driving privileges which were previously refused under this Section upon presentation of an original receipt which is signed by the clerk of the court and contains the seal of the court indicating that the fine, charge, or cost has been paid in full. The Secretary of State shall retain the receipt for his or her records.

(Source: P.A. 92-654, eff. 1-1-03; 93-86, eff. 1-1-04.)

Passed in the General Assembly June 20, 2007.
Approved September 17, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0622
(House Bill No. 0982)

AN ACT concerning public aid.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The Department of Human Services Act is amended by adding Section 10-55 as follows:

(20 ILCS 1305/10-55 new)

Sec. 10-55. Report; children with developmental disabilities, severe mental illness, or severe emotional disorders. On or before March 1, 2008, the Department shall submit a report to the Governor and to the General Assembly regarding the extent to which children (i) with developmental disabilities, mental illness, severe emotional disorders, or more than one of these disabilities, and (ii) who are currently being provided services in an institution, could otherwise be served in a less-restrictive community or home-based setting for the same cost or for a lower cost. The Department shall submit bi-annual updated reports to the Governor and the General Assembly no later than March 1 of every even-numbered year beginning in 2010.

Section 10. The Illinois Public Aid Code is amended by changing Sections 5-2.05 and 12-4.36 as follows:

(305 ILCS 5/5-2.05)

Sec. 5-2.05. Disabled children. Disabled children.

(a) The Department of Healthcare and Family Services, in conjunction with the Department of Human Services, Public Aid may offer, to children with developmental disabilities or children with severe mental illness or severe emotional disorders and severely mentally ill or emotionally disturbed children who otherwise would not qualify for medical assistance under this Article due to family income, home-based and community-based services instead of institutional placement, as allowed under paragraph 7 of Section 5-2.

(b) The Department of Healthcare and Family Services Public Aid, in conjunction with the Department of Human Services and the Division of Specialized Care for Children, University of Illinois-Chicago, shall submit a bi-annual report to the Governor and the General Assembly no later than January 1 of every even-numbered year, beginning in 2008, 2004 regarding the status of existing services offered under paragraph 7 of Section 5-2. This report shall include, but not be limited to, the following information:

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(1) The number of persons eligible for these services.
(2) The number of persons who applied for these services.
(1) (3) The number of persons who currently receive these services.
(2) (4) The nature, scope, and cost of services provided under paragraph 7 of Section 5-2.
(3) (5) The comparative cost of providing those services in a hospital, skilled nursing facility, or intermediate care facility.
(4) (6) The funding sources for the provision of services, including federal financial participation.
(5) (7) The qualifications, skills, and availability of caregivers for children receiving services.
(6) The number of children who have aged out of the services offered under paragraph 7 of Section 5-2 during the 2 years immediately preceding the report.

The report shall also include information regarding the extent to which the existing programs could provide coverage for mentally disabled children who are currently being provided services in an institution who could otherwise be served in a less-restrictive, community-based setting for the same or a lower cost.

(Source: P.A. 93-599, eff. 8-26-03; revised 12-15-05.)

(305 ILCS 5/12-4.36)

Sec. 12-4.36. Pilot program for persons who are medically fragile and technology-dependent.

(a) Subject to appropriations for the first fiscal year of the pilot program beginning July 1, 2006, the Department of Human Services, in cooperation with the Department of Healthcare and Family Services, shall adopt rules to initiate a 3-year pilot program to (i) test a standardized assessment tool for persons who are medically fragile and technology-dependent who may be provided home and community-based services to meet their medical needs rather than be provided care in an institution not solely because of a severe mental or developmental impairment and (ii) provide appropriate home and community-based medical services for such persons as provided in subsection (c) of this Section. The Department of

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Public Act 95-0622

Human Services may administer the pilot program until June 30, 2010 if the General Assembly annually appropriates funds for this purpose.

(b) Notwithstanding any other provisions of this Code, the rules implementing the pilot program shall provide for criteria, standards, procedures, and reimbursement for services that are not otherwise being provided in scope, duration, or amount through any other program administered by any Department of Human Services or any other agency of the State for these medically fragile, technology-dependent persons. At a minimum, the rules shall include the following:

1. A requirement that a pilot program participant be eligible for medical assistance under this Code, a citizen of the United States, or an individual who is lawfully residing permanently in the United States, and a resident of Illinois.

2. A requirement that a standardized assessment for medically fragile, technology-dependent persons will establish the level of care and the service-cost maximums.

3. A requirement for a determination by a physician licensed to practice medicine in all its branches (i) that, except for the provision of home and community-based care, these individuals would require the level of care provided in an institutional setting and (ii) that the necessary level of care can be provided safely in the home and community through the provision of medical support services.

4. A requirement that the services provided be medically necessary and appropriate for the level of functioning of the persons who are participating in the pilot program.

5. Provisions for care coordination and family support services that will enable the person to receive services in the most integrated setting possible appropriate to his or her medical condition and level of functioning.

6. The frequency of assessment and plan-of-care reviews.

7. The family or guardian's active participation as care givers in meeting the individual's medical needs.

New matter indicated by italics - deletions by strikeout
(8) The estimated cost to the State for in-home care, as compared to the institutional level of care appropriate to the individual's medical needs, may not exceed 100% of the institutional care as indicated by the standardized assessment tool.

(9) When determining the hours of medically necessary support services needed to maintain the individual at home, consideration shall be given to the availability of other services, including direct care provided by the individual's family or guardian that can reasonably be expected to meet the medical needs of the individual.

(c) During the pilot program, an individual who has received services pursuant to paragraph 7 of Section 5-2 of this Code, but who no longer receives such services because he or she has reached the age of 21, may be provided additional services pursuant to rule if the Department of Human Services, Division of Rehabilitation Services, determines from completion of the assessment tool for that individual that the exceptional care rate established by the Department of Healthcare and Family Services under Section 5-5.8a of this Code is not sufficient to cover the medical needs of the individual under the home and community-based services (HCBS) waivers for persons with disabilities.

(d) The Department of Human Services is authorized to lower the payment levels established under this Section or take such other actions, including, without limitation, cessation of enrollment, reduction of available medical services, and changing standards for eligibility, that are deemed necessary by the Department during a State fiscal year to ensure that payments under this Section do not exceed available funds. These changes may be accomplished by emergency rulemaking under Section 5-45 of the Illinois Administrative Procedure Act, except that the limitation on the number of emergency rules that may be adopted in a 24-month period shall not apply.

(e) The Department of Human Services must make an annual report to the Governor and the General Assembly with respect to the persons eligible for medical assistance under this pilot program. The report must cover the State fiscal year ending on June 30 of the preceding year.

New matter indicated by italics - deletions by strikeout
The first report is due by January 1, 2008. The report must include the following information for the fiscal year covered by the report:

1. The number of persons who were evaluated through the assessment tool under this pilot program.
2. The number of persons who received services not available under the home and community-based services (HCBS) waivers for persons with disabilities under this pilot program.
3. The number of persons whose services were reduced under this pilot program.
4. The nature, scope, and cost of services provided under this pilot program.
5. The comparative costs of providing those services in other institutions.
6. The Department's progress in establishing an objective, standardized assessment tool for the HCBS waiver that assesses the medical needs of medically fragile, technology-dependent adults.
7. Recommendations for the funding needed to expand this pilot program to all medically fragile, technology-dependent individuals in HCBS waivers.
8. Subject to appropriation or the availability of other funds for this purpose, participant experience survey information for persons with disabilities who are participating in this pilot program and for persons with disabilities who are not participating in the pilot program but who are currently receiving services under the home and community-based services (HCBS) waiver and who have received services under paragraph 7 of Section 5-2 of this Code.

This report may be submitted as part of the report required by subsection (b) of section 5-2.05 of this Code.

(Source: P.A. 94-838, eff. 6-6-06.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly June 20, 2007.
Approved September 17, 2007.
Effective September 17, 2007.

PUBLIC ACT 95-0623
(House Bill No. 1911)

AN ACT concerning employment.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Safety Inspection and Education Act is amended by changing Sections .02, 1, 2, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.10, 8, 10, and 11 and by adding Section 12 as follows:

Sec. .02. Definitions. As used in this Act:
"Department" means the Department of Labor.
"Director" means the Director of Labor.
"Division" means the Division of Safety Inspection and Education of the Department of Labor.
"Employee" means every person in the service of: the State, including members of the General Assembly, members of the Illinois Commerce Commission, members of the Workers' Compensation Commission, and all persons in the service of the public universities and colleges in Illinois; an Illinois county, including deputy sheriffs and assistant State's attorneys; or an Illinois city, township, incorporated village or school district, body politic, or municipal corporation; whether by election, under appointment or contract, or hire, express or implied, oral or written.
"Public employer" or "employer" means the State of Illinois and all political subdivisions.

(820 ILCS 220/.02) (from Ch. 48, par. 59.02)
Sec. .02. Definitions. As used in this Act:
"Department" means the Department of Labor.
"Director" means the Director of Labor.
"Division" means the Division of Safety Inspection and Education of the Department of Labor.
"Employee" means every person in the service of: the State, including members of the General Assembly, members of the Illinois Commerce Commission, members of the Workers' Compensation Commission, and all persons in the service of the public universities and colleges in Illinois; an Illinois county, including deputy sheriffs and assistant State's attorneys; or an Illinois city, township, incorporated village or school district, body politic, or municipal corporation; whether by election, under appointment or contract, or hire, express or implied, oral or written.
"Public employer" or "employer" means the State of Illinois and all political subdivisions.

(820 ILCS 220/1) (from Ch. 48, par. 59.1)
Sec. 1. For the purpose of assisting in the administration of the provisions of this Act, the Director of Labor may authorize his representatives in the Department of Labor or other agencies of the Department of Labor or other agencies or political subdivisions of the State of Illinois to perform any necessary inspections

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or investigations. The Department of Labor, hereinafter called the Department, shall maintain a division to be known as the Division of Safety Inspection and Education, hereinafter called the Division.
(Source: P.A. 78-868.)

(820 ILCS 220/2) (from 820 ILCS 220/2, in part)
Sec. 2. Powers and duties; inspections.
(a) The Director of Labor shall enforce the occupational safety and health standards and rules promulgated under the Health and Safety Act and any occupational health and safety laws relating to inspection of places of employment, and shall visit and inspect, as often as practicable, the places of employment covered by this Act.
(b) The Director of Labor or his or her authorized representatives upon presenting appropriate credentials to the owner, operator or agent in charge is authorized to have the right of entry and inspections of all places of public employment in the State as follows:

(1) To enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of a public employer in order to enforce such occupational safety and health standards.

(2) If the public employer refuses entry upon being presented proper credentials or allows entry but then refuses to permit or hinders the inspection in some way, the inspector shall leave the premises and immediately report the refusal to authorized management. Authorized management shall notify the Director of Labor to initiate the compulsory legal process or obtain a warrant for entry, or both.

(3) To inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent or employee.

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(4) The owner, operator, manager or lessees of any place affected by the provisions of this Act and his or her agent, superintendent, subordinate or employee, and any employer affected by such provisions shall when requested by the Division of Safety Inspection and Education, or any duly authorized agent thereof, furnish any information in his or her possession or under his control which the Department of Labor is authorized to require, and shall answer truthfully all questions required to be put to him, and shall cooperate in the making of a proper inspection.

(5) (Blank) A person who gives advance notice of an inspection to be conducted under the authority of this Act without authority from the Director of Labor, or his or her authorized representative, commits a Class B misdemeanor.

(6) Subject to regulations issued by the Director of Labor, a representative of the employer and a representative authorized by his or her employees shall be given an opportunity to accompany the Director of Labor or his or her authorized representative during the physical inspection of any workplace under this Section for the purpose of aiding such inspection. Where there is no authorized employee representative the Director of Labor or his or her authorized agent shall consult with a reasonable number of employees concerning matters of health and safety in the workplace.

(7)(A) Whenever and as soon as an inspector concludes that an imminent danger exists in any place of employment, the inspector shall inform the affected employees or their authorized representatives and employers of the danger and that the inspector is recommending to the Director of Labor that relief be sought.

(B) Whenever the Director is of the opinion that imminent danger exists in the working conditions of any public employee in this State, which condition may reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act and the

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Health and Safety Act, the Director may file a complaint in the circuit court for appropriate relief against an employer and employee, including an order that may require such steps to be taken as may be necessary to abate, avoid, correct, or remove the imminent danger and prohibit the employment or presence of any individual in locations or under conditions where such imminent danger exists, except those individuals whose presence is necessary to abate, avoid, correct, or remove the imminent danger or to maintain the capacity of a continuous process operation to assume normal operations without a complete cessation of operations, or where a cessation of operations is necessary to permit the cessation to be accomplished in a safe and orderly manner directing the employer or employee to cease and desist from the practice creating the imminent danger and to obtain immediate abatement of the hazard.

(C) If the Director of Labor arbitrarily or capriciously fails to seek relief under this Section, any employee who may be injured by reason of such failure, or the representative of the employee, may bring an action against the Director of Labor in the circuit court for the circuit in which the imminent danger is alleged to exist or the employer has his or her principal office, for relief by mandamus to compel the Director of Labor to seek such an order and for such further relief as may be appropriate.

(c) In making his or her inspections and investigations under this Act and the Health and Safety Act, the Director of Labor has the power to require the attendance and testimony of witnesses and the production of evidence under oath.

(Source: P.A. 94-477, eff. 1-1-06.)

(820 ILCS 220/2.2)

Sec. 2.2. Discrimination prohibited.

(a) A person may not discharge or in any way discriminate against any employee because the employee has filed a complaint or instituted or caused to be instituted any proceeding under or related to this Act or the Health and Safety Act or has testified or is about to testify in any such
proceeding or because of the exercise by the employee on behalf of himself or herself or others of any right afforded by this Act or the Health and Safety Act.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person in violation of this Section may, within 30 calendar days after the violation occurs, file a complaint with the Director of Labor alleging the discrimination. Upon request, the Director of Labor shall withhold the name of the complainant from the employer. Upon receipt of the complaint, the Director of Labor shall cause such investigation to be made as the Director deems appropriate. If, after the investigation, the Director of Labor determines that the provisions of this Section have been violated, the Director shall, within 120 days after receipt of the complaint, bring an action in the circuit court for appropriate relief, including rehiring or reinstatement of the employee to his or her former position with back pay, after taking into account any interim earnings of the employee.

(c) (Blank). Within 90 days of the receipt of a complaint filed under this Section, the Director of Labor shall notify the complainant of the Director’s determination under subsection (b) of this Section.

(Source: P.A. 94-477, eff. 1-1-06.)

(820 ILCS 220/2.3) (from 820 ILCS 220/2, in part)
Sec. 2.3. Methods of compelling compliance.
(a) Citations.

(1) If, upon inspection or investigation, the Director of Labor or his or her authorized representative believes that an employer has violated a requirement of this Act, the Health and Safety Act, or a standard, rule, regulation or order promulgated pursuant to this Act or the Health and Safety Act, he or she shall with reasonable promptness issue a citation to the employer. Each citation shall be in writing; describe with particularity the nature of the violation and include a reference to the provision of the Act, standard, rule, regulation, or order alleged to have been violated; and fix a reasonable time for the abatement of the violation.

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(2) The Director of Labor may prescribe procedures for the issuance of a notice of de minimis violations which have no direct or immediate relationship to safety or health.

(3) Each citation issued under this Section, or a copy or copies thereof, shall be prominently posted as prescribed in regulations issued by the Director of Labor at or near the place at which the violation occurred.

(4) Citations shall be served on the employer, owner, operator, manager, or agent by delivering an exact copy to the person upon whom the service is to be had, or by leaving a copy at his or her usual place of business or abode, or by sending a copy thereof by certified registered mail to his place of business.

(5) No citation may be issued under this Section after the expiration of 6 months following the occurrence of any violation.

(6) If, after an inspection, the Director of Labor issues a citation, he or she shall within 5 days after the issuance of the citation, notify the employer by certified mail of the penalty, if any, proposed to be assessed for the violation set forth in the citation.

(7) If the Director of Labor has reason to believe that an employer has failed to correct a violation for which a citation has been issued within the period permitted for its correction, the Director of Labor shall notify the employer by certified mail of such failure and of the monetary penalty proposed to be assessed by reason of such failure.

(8) The public entity may submit in writing data relating to the abatement of a hazard to be considered by an authorized representative of the Director of Labor. The authorized representative of the Director of Labor shall notify the interested parties if such data will be used to modify an abatement order.

(b) Proposed penalties violations.

(1) Civil penalties. Civil penalties under subparagraphs (A) through (E) may be assessed by the Director of Labor as part of the citation procedure as follows:

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(A) Any public employer who repeatedly violates the requirements of this Act, the Health and Safety Act or any standard, or rule, or order pursuant to either that Act and this Act may be assessed a civil penalty of not more than $10,000 per violation.

(B) Any employer who has received a citation for a serious violation of the requirements of this Act, the Health and Safety Act or any standard, or rule, or order pursuant to either that Act and this Act may shall be assessed a civil penalty up to $1,000 for each such violation.

For purposes of this Section, a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use in such place of employment unless the employer did not know and could not, with the exercise of reasonable diligence, have known of the presence of the violation as specifically determined.

(C) Any public employer who has received a citation for violations of this Act, the Health and Safety Act, or any standard, or rule, or order pursuant to either Act not of a serious nature may be assessed a civil penalty of up to $1,000 for each such violation.

(D) Any public employer who fails to correct a violation for which a citation has been issued within the period permitted may be assessed a civil penalty of up to $1,000 for each day the violation continues.

(E) Any public employer who intentionally violates the requirements of this Act, the Health and Safety Act or any standard, or rule, or order pursuant to either this Act or demonstrates plain indifference to any of those its requirements shall be issued a willful violation and may be assessed a civil penalty of not more than $10,000.

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(2) Criminal penalty. Any public employer who willfully violates any standard, rule, or order promulgated pursuant to this Act or the Health and Safety Act shall be charged with is guilty of a Class 4 felony if that violation causes death to any employee.

(3) Assessment and reduction of penalties. The Director of Labor shall have the authority to assess all civil penalties provided in this Section, giving due consideration to the appropriateness of the penalty. Any penalty may be reduced by the Director of Labor or the Director's authorized representative based by as much as 95% depending upon the public employer's "good faith", "size of business", and "history of previous violations". Up to 60% reduction is permitted for size, up to 25% reduction is permitted for good faith, and up to 10% reduction is permitted for history.

(820 ILCS 220/2.4) (from 820 ILCS 220/2, in part)
Sec. 2.4. Contested cases.
(a) (1) An employer, firm or corporation, or an agent, manager or superintendent thereof or a person for himself or herself or for other such person, firm or corporation, after receiving a citation, a proposed assessment of penalty, or a notification of failure to correct violation from the Director of Labor or his or her authorized agent that he or she is in violation of this Act, the Health and Safety Act, or any occupational safety or health standard, or rule, or order pursuant to either Act, may within 15 working days from receipt of the notice of citation or penalty request in writing a hearing before the Director for an appeal from the citation order, notice of penalty, or abatement period.

(2) An informal review may be requested by the aforementioned parties within those 15 days for an authorized representative of the Director of Labor to review abatement dates, to reclassify violations (such as willful to serious, serious to other than serious), and/or to modify or withdraw a penalty, a citation, or a citation item if the employer presents evidence during the informal conference which convinces the authorized representative that the changes are justified.

New matter indicated by italics - deletions by strikeout
(3) If, within 15 working days from the receipt of the notice issued by the Director, the employer fails to notify the Director that he or she intends to contest the citation or proposed assessment of penalty, and no notice is filed by any employee or employee representative under subsection (b) within such time, the citation and the assessment, as proposed, shall be deemed a final order and not subject to review by any court or agency.

(b) Any employee or representative of an employee may within 15 working days of the issuance of a citation file a request in writing for a hearing before the Director for an appeal from the citation on the ground that the period of time fixed in the citation for the abatement of the violation is unreasonable.

(c)(1) (Blank). The Director shall schedule a hearing within 15 calendar days after receipt of such request for an appeal from the citation order and shall notify all interested parties of such hearing. Such hearing shall be held no later than 45 calendar days after the date of receipt of such appeal request.

(2) If an employer or his or her representatives notifies the Director that he intends to contest a citation or notification or if, within 15 working days of the issuance of the citation, any employee or representative of employees files a notice with the Director alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable, the Director shall afford an opportunity for a hearing before an Administrative Law Judge designated pursuant to subsection (b) of Section 2.10. At the hearing the employer or employee shall state his or her objections to such citation and provide evidence why such citation shall not stand as entered. The Director of Labor or his or her representative shall be given the opportunity to state his or her reasons for entering such violation citation. Affected employees shall be provided an opportunity to participate as parties to hearings under the rules of procedure prescribed by the Director (56 Ill. Admin. Code, Part 120).

(3) The Administrative Law Judge on behalf of the Director, in consideration of the evidence presented at the formal hearing, shall in
accordance with his rules enter a final decision and order within a reasonable time no later than 15 calendar days after such hearing affirming, modifying or vacating the Director's citation or proposed penalty, or directing other appropriate relief.

(4) (Blank). An informal review may be conducted by an authorized representative of the Director of Labor who is authorized to change abatement dates, to reclassify violations (such as willful to serious; serious to other-than-serious); and to modify or withdraw a penalty, a citation, or a citation item if the employer presents evidence during the informal conference which convinces the authorized representative of the Director of Labor that the changes are justified.

(5) Appeal.

(A) Any party adversely affected by a final violation order or determination of the Administrative Law Judge on behalf of the Director may obtain judicial review by filing a complaint for review within 35 days after the entry of the order or other final action complained of, pursuant to the provisions of the Administrative Review Law, all amendments and modifications thereof, and the rules adopted pursuant thereto.

(B) If no appeal is taken within 35 days the order of the Director shall become final.

(C) Judicial reviews filed under this Section shall be heard expeditiously.

(6) The Director of Labor and/or the Administrative Law Judge on behalf of the Director of Labor has the power:

(A) To issue subpoenas for and compel the attendance of witnesses and the production of pertinent books, papers, documents or other evidence.

(B) To hear testimony and receive evidence.

(C) To order testimony of a witness and to take or cause to be taken, depositions of witnesses residing within or without this State to be taken by deposition in the manner prescribed by law for depositions in civil cases in the circuit court in any proceedings pending before him or her at any state of such proceeding.

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Subpoenas and commissions to take testimony shall be under seal of the Director of Labor.

Service of subpoenas may be made by any sheriff or any other person. The circuit court for the county where any hearing is pending, upon application of the Director of Labor, may, in the court's discretion, compel the attendance of witnesses, the production of pertinent books, papers, records, or documents and the giving of testimony before the Director of Labor or an Administrative Law Judge by an attachment proceeding, as for contempt, in the same manner as the production of evidence may be compelled before the court.

(Source: P.A. 94-477, eff. 1-1-06.)

(820 ILCS 220/2.5)

Sec. 2.5. Employee access to information.

(a) The Director of Labor shall issue rules regulations requiring employers to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured under this Act or the Health and Safety Act.

(1) The rules regulations shall provide employees or their representatives with an opportunity to observe such monitoring or measuring, and to have access to the records thereof.

(2) The rules regulations shall also make appropriate provisions for each employee or former employee to have access to such records as will indicate his or her own exposure to toxic materials or harmful physical agents.

(3) Each employer shall promptly notify any employee who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by an occupational safety and health standard and shall inform any employee who is being thus exposed of the corrective action being taken.

(b) The Director of Labor shall also issue rules regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protections and obligations under these Acts, including the provisions of applicable standards.

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Sec. 2.6. Other prohibited actions and sanctions.

(a) Advance notice. A person who gives advance notice of any inspection to be conducted under the authority of this Act or the Health and Safety Act without authority from the Director of Labor, or his or her authorized representative, commits a Class B misdemeanor.

(b) False statements. A person who knowingly makes a false statement, representation, or certification in any application, record, report, plan, or other document required pursuant to this Act, the Health and Safety Act, or any rule, standard, or order pursuant to either Act commits a Class 4 felony.

(c) Violation of posting requirements. A public employer who violates any of the required posting requirements of Sections 2.3 and 2.5 of this Act is subject to the following citations and proposed penalty structure:

1. Job Safety & Health Poster: an other-than-serious citation with a proposed penalty of $1,000.
2. Annual Summary of Injuries/Illnesses: an other-than-serious citation and a proposed penalty of $1,000 even if there are no recordable injuries or illnesses.
3. Citation: an other-than-serious citation and a proposed penalty of $1,000.

(d) All information reported to or otherwise obtained by the Director of Labor or the Director's authorized representative in connection with any inspection or proceeding under this Act or the Health and Safety Act or any standard, rule, or order pursuant to either Act which contains or might reveal a trade secret shall be considered confidential, except that such information may be disclosed confidentially to other officers or employees concerned with carrying out this Act or the Health and Safety Act or when relevant to any proceeding under this Act or the Health and Safety Act. In any such proceeding, the Director of Labor or the court shall issue such orders as may be appropriate, including the impoundment of files or portions of files, to protect the confidentiality of trade secrets. A
person who violates the confidentiality of trade secrets commits a Class B misdemeanor.
(Source: P.A. 94-477, eff. 1-1-06.)
(820 ILCS 220/2.7)
Sec. 2.7. Inspection scheduling system.
(a) In general, the priority of accomplishment and assignment of staff resources for inspection categories shall be as follows:
   (1) Imminent Danger.
   (2) Fatality/Catastrophe Investigations.
   (3) Complaints/Referrals Investigation.
   (4) Programmed Inspections - general, advisory, monitoring and follow-up.
(b) The priority for assignment of staff resources for hazard categories shall be the responsibility of an authorized representative of the Director of Labor based upon the inspection category, the type of hazard, the perceived severity of hazard, and the availability of resources.
(Source: P.A. 94-477, eff. 1-1-06.)
(820 ILCS 220/2.8) (from 820 ILCS 220/2, in part)
Sec. 2.8. Voluntary compliance program.
(a) The Department shall encourage employers and organizations and groups of employees to institute and maintain safety education programs for employees and promote the observation of safety practices.
(b) The Department shall provide and conduct qualified and quality educational programs specifically designed to meet the regulatory requirements and the needs of the public employer.
(c) (Blank). The educational programs and advisory inspections shall be scheduled secondary to the unprogrammed inspections by priority.
(d) Regular public information programs shall be conducted to inform the public employers of changes to the regulations or updates as necessary.
(e) The Department shall provide support services for any public employer who needs assistance with the public employer's self-inspection programs.
(Source: P.A. 94-477, eff. 1-1-06.)

New matter indicated by italics - deletions by strikeout
(820 ILCS 220/2.10) (from 820 ILCS 220/2, in part)
Sec. 2.10. Adoption of rules; designation of personnel to hear evidence in disputed matters.
(a) The Director of Labor shall adopt such rules and regulations as he or she may deem necessary to implement the provisions of this Act or the Health and Safety Act, including, but not limited to, rules and regulations dealing with: (1) the inspection of an employer's establishment and (2) the designation of proper parties, pleadings, notice, discovery, the issuance of subpoenas, transcripts, and oral argument.
(b) The Director of Labor may designate personnel to hear evidence in disputed matters.
(Source: P.A. 94-477, eff. 1-1-06.)

(820 ILCS 220/8) (from Ch. 48, par. 59.8)
Sec. 8. Before any prosecution is instituted based upon the laboratory findings of any industrial hygiene unit of the Department, any person dissatisfied with such findings shall be entitled to have an independent review thereof made.
The Attorney General and state's attorneys, upon request of the Department, shall prosecute any violation of any law which the Department has the duty to administer and enforce.
(Source: P.A. 77-1899.)

(820 ILCS 220/10) (from Ch. 48, par. 59.10)
Sec. 10. All fines collected pursuant to this Act or the Health and Safety Act shall be deposited in the general revenue fund of the State of Illinois.
(Source: P.A. 77-1899.)

(820 ILCS 220/11) (from Ch. 48, par. 59.11)
Sec. 11. Nothing in this Act or the Health and Safety Act shall be construed to supersede or in any manner affect any workers' compensation or occupational diseases law or any other common law or statutory rights, duties or liabilities, or create any private right of action.
(Source: P.A. 81-992.)

(820 ILCS 220/12 new)

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Sec. 12. It shall be the duty of the Division under the Director of Labor to ensure that the health and safety of the public employees in Illinois are protected by a program at least as effective as the federal Occupational Safety and Health Administration (OSHA) program.

Section 10. The Health and Safety Act is amended by changing Sections .01, 2, 3, 4, 4.1, 4.2, 7, 7.01, 7.02, 7.04, 7.05, 7.07, 7.10, 7.11, 7.12, 7.18, 8, 9, 12, 14, 15, 17, and 22 as follows:
(820 ILCS 225/.01) (from Ch. 48, par. 137.01)
Sec. .01. As used in this Act:
"Department" means the Department of Labor.
"Director" means the Director of Labor.
"Employee" means every person in the service of: the State, including members of the General Assembly, members of the Illinois Commerce Commission, members of the Workers' Compensation Commission, and all persons in the service of the public universities and colleges in Illinois; an Illinois county, including deputy sheriffs and assistant State's attorneys; or an Illinois city, township, incorporated village or school district, body politic, or municipal corporation; whether by election, under appointment or contract, or hire, express or implied, oral or written.
"Public employer" or "employer" means the State of Illinois and all political subdivisions.
(Source: P.A. 87-245.)
(820 ILCS 225/2) (from Ch. 48, par. 137.2)
Sec. 2. This Act shall apply to all public employers engaged in any occupation, business or enterprise in this State, and their employees, including the State of Illinois and its employees and all political subdivisions and its employees, except that nothing in this Act shall apply to working conditions of employees with respect to which Federal agencies, and State agencies acting under Section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021), exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health. Any regulations in excess of applicable

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Federal standards shall, before being promulgated, be the subject of hearings as required by this Act.
(Source: P.A. 94-477, eff. 1-1-06.)

(820 ILCS 225/3) (from Ch. 48, par. 137.3)

Sec. 3. (a) It shall be the duty of every employer under this Act to provide reasonable protection to the lives, health and safety and to furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.

(b) It shall be the duty of each employer under this Act to comply with occupational health and safety standards promulgated under this Act and the Safety Inspection and Education Act.

(c) It shall be the duty of every employer to keep his employees informed of their protections and obligations under this Act and the Safety Inspection and Education Act, including the provisions of applicable standards.

(d) It shall be the duty of every employer to furnish its employees with information regarding hazards in the work-place, including information about suitable precautions, relevant symptoms and emergency treatment.

(e) It shall be the duty of every employee to comply with such rules as are promulgated from time to time by the Director pursuant to this Act or the Safety Inspection and Education Act, which are applicable to his own actions and conduct.

(f) The Director shall, from time to time, make, promulgate and publish such reasonable rules as will effectuate such purposes. Such rules shall be clear, plain and intelligible as to those affected thereby and that which is required of them, and each such rule shall be, by its terms, uniform and general in its application wherever the subject matter of such rule shall exist in any worksite business, occupation or enterprise having public employees, and which rules, when applicable to products which are distributed or used in interstate commerce, are required by compelling local conditions and do not unduly burden interstate commerce.
(Source: P.A. 87-245.)

New matter indicated by italics - deletions by strikeout
(820 ILCS 225/4) (from 820 ILCS 225/4, in part)

Sec. 4. Records and reports; work-related deaths, injuries, and illnesses.

(a) The Director shall prescribe rules requiring employers to maintain accurate records of, and to make reports on, work-related deaths, injuries and illnesses, other than minor injuries requiring only first aid treatment which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job. Such rules shall specifically include all of the reporting provisions of Section 6 of the Workers' Compensation Act and Section 6 of the Workers' Occupational Diseases Act.

(b) Such records shall be available to any State agency requiring such information.

(c) (Blank).

All reports filed hereunder shall be confidential and any person having access to such records filed with the Director as herein required, who shall release any information therein contained including the names or otherwise identify any persons sustaining injuries or disabilities, or give access to such information to any unauthorized person, shall be subject to discipline or discharge, and in addition shall be guilty of a Class B misdemeanor.

(Source: P.A. 94-477, eff. 1-1-06.)

(820 ILCS 225/4.1) (from 820 ILCS 225/4, in part)

Sec. 4.1. Adoption of federal safety and health standards as rules.

(a) All federal occupational safety and health standards which the United States Secretary of Labor has heretofore promulgated or modified or revoked in accordance with the Federal Occupational Safety and Health Act of 1970, shall be and are hereby made rules of the Director unless the Director shall make, promulgate, and publish an alternate rule at least as effective in providing safe and healthful employment and places of employment as a federal standard. Prior to the development and promulgation of alternate standards or the modification or revocation of existing standards, the Director must consider factual information including:

(1) Expert technical knowledge.

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(2) Input from interested persons including employers, employees, recognized standards-producing organizations, and the public.

(b) All federal occupational safety and health standards which the United States Secretary of Labor shall hereafter promulgate, modify or revoke in accordance with the Federal Occupational Safety and Health Act of 1970 shall become the rules of the Department within 6 months after their federal promulgation effective date, unless there shall have been in effect in this State at the time of the promulgation, modification or revocation of such rule an alternate State rule at least as effective in providing safe and healthful employment and places of employment as a federal standard. However, such rule shall not become effective until the following requirement has been met:

1. The Department shall within 45 days after the federal promulgation effective date of such rule, file with the office of the Secretary of State in Springfield, Illinois, a certified copy of such rule as provided in "The Illinois Administrative Procedure Act", approved August 22, 1975, as amended. Or

2. In the event of the Department's failure to file a certified copy with the Secretary of State, any resident of the State of Illinois may upon 5 days written notice to the Director publish such rule in one or more newspapers of general circulation and file a certified copy thereof with the office of the Secretary of State in Springfield, Illinois, whereupon such rule shall become effective provided that in no event shall such effective date be less than 60 days after the federal effective date.

(c) The Director of Labor may promulgate emergency temporary standards or rules to take effect immediately by filing such rule or rules with the Illinois Secretary of State providing that the Director of Labor shall first expressly determine:

1. that the employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards; and

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(2) that such emergency standard is necessary to protect employees from such danger.

The Director of Labor shall adopt emergency temporary standards promulgated by the federal Occupational Safety and Health Administration within 30 days of federal notice. Such temporary emergency standards shall be effective until superseded by a permanent standard but in no event for more than 6 months from the date of its publication. The publication of such temporary emergency standards shall be deemed to be a petition to the Director of Labor for the promulgation of a permanent standard and shall be deemed to be filed with the Director of Labor on the date of its publication and the proceeding for the permanent promulgation of the rule shall be pursued in accordance with the provisions of this Act.

(d)(1) Any standard promulgated under this Act shall prescribe the use of labels or other appropriate forms of warning as are necessary to ensure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure.

(2) Where appropriate, such standard shall also prescribe suitable protective equipment and control or technological procedures to be used in connection with such hazards and shall provide for monitoring or measuring employee exposure at such locations and intervals, and in such manner as may be necessary for the protection of employees.

(3) In addition, where appropriate, any such standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available, by the employer or at the employer's cost, to employees exposed to such hazards in order to most effectively determine whether the health of such employees is adversely affected by such exposure. The results of such examinations or tests shall be furnished by the employer only to the Department of Labor, or at the direction of the Department to authorized medical personnel and at the request of the employee to the employee's physician.

(4) The Director of Labor, in promulgating standards dealing with toxic materials or harmful physical agents under this subsection, shall set the standard which most adequately ensures, to the extent feasible, on the
basis of the best available evidence, that no employee will suffer material
impairment of health or functional capacity even if such employee has
regular exposure to the hazard dealt with by such standard for the period of
the employee's working life.

(5) Development of standards under this subsection shall be based
upon research, demonstrations, experiments, and such other information as
may be appropriate. In addition to the attainment of the highest degree of
health and safety protection for the employee, other considerations shall be
the latest available scientific data in the field, the feasibility of the
standards, and experience gained under this and other health and safety
laws. Whenever practicable, the standard promulgated shall be expressed
in terms of objective criteria and of the performance desired.
(Source: P.A. 94-477, eff. 1-1-06.)

(820 ILCS 225/4.2) (from 820 ILCS 225/4, in part)
Sec. 4.2. Variances.

(a) The Director of Labor has the authority to grant either
temporary or permanent variances from any of the State standards upon
application by a public employer. Any variance from a State health and
safety standard may have only future effect.

(b) Any public employer may apply to the Director of Labor for a
temporary order granting a variance from a standard or any provision
thereof promulgated under this Act or the Safety Inspection and Education
Act.

(1) Such temporary order shall be granted only if the
employer files an application which meets the requirements of this
subsection (b) and establishes:

(A) that he is unable to comply with a standard by
its effective date because of unavailability of professional
or technical personnel or of materials and equipment
needed to come into compliance with the standard or
because necessary construction or alteration of facilities
cannot be completed by the effective date;
(B) that he is taking all available steps to safeguard his employees against the hazards covered by the standard; and

(C) that he has an effective program for coming into compliance with a standard as quickly as practicable.

Any temporary order issued under this Section shall prescribe the practices, means, methods, operations and processes which the employer must adopt and use while the order is in effect and state in detail his program for coming into compliance with the standard.

(2) Such a temporary order may be granted only after notice to employees and an opportunity for a hearing. However, in cases involving only documentary evidence in support of the application for a temporary variance and in which no objection is made or hearing requested by the employees or their representative, the Director of Labor may issue a temporary variance in accordance with this Act.

(3) In the event the application is contested or a hearing requested, the application shall be heard and determined by the Director.

(4) No order for a temporary variance may be in effect for longer than the period needed by the employer to achieve compliance with the standard or one year, whichever is shorter, except that such an order may be renewed not more than twice, so long as the requirements of this paragraph are met and if an application for renewal is filed at least 90 days prior to the expiration date of the order. No interim renewal of an order may remain in effect for longer than 180 days.

(5) An application for a temporary order as herein provided shall contain:

(A) a specification of the standard or portion thereof from which the employer seeks a variance;

(B) a representation by the employer, supported by representations from qualified persons having first-hand

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knowledge of the facts represented, that he is unable to comply with a standard or portion thereof and a detailed statement of the reasons therefor;

(C) a statement of the steps he has taken and will take (with specific dates) to protect employees against a hazard covered by the standard;

(D) a statement of when he expects to be able to comply with the standard (with dates specified); and

(E) a certification that he has informed his employees of the application by giving a copy thereof to their authorized representatives, posting a statement at the place or places where notices to employees are normally posted, summarizing the application and specifying where a copy may be examined, and by other appropriate means employees may examine a copy of such application.

A description of how employees have been informed shall be contained in the certification. The information to employees shall also inform them of their right to petition the Director for a hearing.

(6) The Director of Labor is authorized to grant a variance from any standard or portion thereof whenever the Director of Labor determines that such variance is necessary to permit an employer to participate in an experiment approved by the Director of Labor designed to demonstrate or validate new and improved techniques to safeguard the health or safety of workers.

(c) Any affected employer may apply to the Director of Labor for a rule or order for a permanent variance from a standard or rule promulgated under this Act or the Safety Inspection and Education Act. Affected employees shall be given notice of each such application and an opportunity to participate in a hearing. The Director of Labor shall issue such rule or order if he determines on the record, after opportunity for an inspection where appropriate and a hearing, that the proponent of the variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations or processes used or

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proposed to be used by an employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an employer, employees, or the Director of Labor on his own motion, in the manner prescribed for its issuance under this Section at any time after 6 months from its issuance.

(Source: P.A. 94-477, eff. 1-1-06.)

(820 ILCS 225/7) (from Ch. 48, par. 137.7)

Sec. 7. Rulemaking proceedings. The Director of Labor may, on his own initiative, or upon written petition, make, modify or repeal any rule or rules as provided in this Act, conforming with the procedure prescribed in this Act or the Safety Inspection and Education Act.

(Source: P.A. 87-245.)

(820 ILCS 225/7.01) (from Ch. 48, par. 137.7-01)

Sec. 7.01. If the Director of Labor resolves to institute such proceedings on his own initiative, he shall propose a rule stating in simple terms the subject matter and purpose of such hearing, and shall place such rule on file with the Illinois Secretary of State in the Illinois Register, and the matter shall proceed to hearing and disposition upon such rule as hereinafter provided.

(Source: P.A. 87-245.)

(820 ILCS 225/7.02) (from Ch. 48, par. 137.7-02)

Sec. 7.02. Every petition for hearing upon rules filed with the Director of Labor shall state, in simple terms, the subject matter and purpose for which such hearing is requested. Such petition shall be signed by a minimum of 5 public employees or 5 public employers, or by a majority of employers, in a specified industry. When such a petition is filed, the matter shall proceed to hearing and disposition upon such petition as hereinafter provided.

(Source: P.A. 87-245.)

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Sec. 7.04. When the Director of Labor on his own initiative determines to consider any rule or rules, or when such a petition is filed, the Director shall set a date for a public hearing on such cause, not less than 30 nor more than 90 days after the date of the proposed promulgation of the rule by the Director of his intention to proceed on his own initiative, or after the filing of a petition, as the case may be.  
(Source: P.A. 87-245.)

Sec. 7.05. Notice of such hearing shall be given at least 30 days prior to the date of the hearing by publication in a newspaper of general circulation within the county in which the hearing is to be held, in the Illinois Register, and by mailing notice thereof to any employer, and to any association of public employers and to any association of public employees who have filed with the Director of Labor their names and addresses, requesting notice of such hearings; and stating the particular industry or industries concerning which they desire such notice. The notice of hearing shall state the time, place and subject matter of the hearing.  
(Source: P.A. 87-245.)

Sec. 7.07. Upon the conclusion of the hearing, the Director of Labor shall enter in writing, his decision upon the subject matter of such hearing. Copies of the decision, rule, or rules shall be mailed to interested parties whose names are on file with the Director of Labor, as hereinbefore provided, and a certified copy thereof shall be filed in the office of the Secretary of State at Springfield to be published in the Illinois Register.  
(Source: P.A. 87-245.)

Sec. 7.10. The Director of Labor shall certify the record of the proceedings to the court. For the purpose of a writ of certiorari, the record of the Director of Labor shall consist of a transcript of all testimony taken at the hearing, together with all exhibits, or copies thereof, introduced in evidence, and all information secured by the Director of Labor on his own initiative which was introduced in evidence at the hearing; a copy of the
rule or petition filed with the Director of Labor which initiated the investigation, and a copy of the decision filed in the cause, together with all objections filed with the Director of Labor, if any.  
(Source: P.A. 87-245.)

(820 ILCS 225/7.11) (from Ch. 48, par. 137.7-11)

Sec. 7.11. On such certiorari proceedings, the court may confirm or reverse the decision as a whole, or may reverse and remand the decision as a whole, or may confirm any of the rules contained in such decision, and reverse or reverse and remand with respect to other rules in said decision. The order of the court shall be a final and appealable order except as to such portion of the decision of the Director commission, or as to such rule or rules therein as may be remanded by the court.

The purpose of any such remanding order shall be for the further consideration of the subject matter of the particular decision, rule or rules remanded.

(Source: Laws 1967, p. 3855.)

(820 ILCS 225/7.12) (from Ch. 48, par. 137.7-12)

Sec. 7.12. No new or additional evidence may be introduced in the court in such proceeding but the cause shall be heard on the record of the Director of Labor as certified by him. The court shall review all questions of law and fact presented by such record, and shall review questions of fact in the same manner as questions of fact are reviewed by the court to determine the reasonableness or lawfulness of the decision on certiorari proceedings under the Workers' Compensation Act.

(Source: P.A. 87-245.)

(820 ILCS 225/7.18) (from Ch. 48, par. 137.7-18)

Sec. 7.18. In all reviews or appeals under this Act or the Safety Inspection and Education Act, it is the duty of the Attorney General to represent the Director and defend his decisions and rules.

(Source: P.A. 87-245.)

(820 ILCS 225/8) (from Ch. 48, par. 137.8)

Sec. 8. The Director shall, in his decision, rule or rules, fix the effective date thereof; provided, no such decision, rule or rules shall become effective until 90 days after the entry thereof by the Director, nor

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shall any such decision, rule or rules shall not become effective during the pendency of any proceedings for review or appeal thereof instituted pursuant to the provisions of this Act in which case such decision, rule or rules shall not become effective until such review or appeal, including appeal to the Supreme Court, if any, has been disposed of by final order and the mandate shall have been filed with the Director, and until a period of time has elapsed after the filing of such mandate equal to the period of time between the date of the entry of such decision, rule or rules by the Director and the effective date as originally fixed by the Director.

(Source: P.A. 87-245.)

(820 ILCS 225/9) (from Ch. 48, par. 137.9)

Sec. 9. The Director of Labor under the Illinois Administrative Procedure Act shall make and publish rules as to his practice and procedure in carrying out the duties imposed upon the Department of Labor by this Act or the Safety Inspection and Education Act, which rules shall be deemed prima facie, reasonable and valid.

(Source: P.A. 87-245.)

(820 ILCS 225/12) (from Ch. 48, par. 137.12)

Sec. 12. The Director of Labor shall make an annual report of his work under the provisions of this Act and the Safety Inspection and Education Act to the Governor on or before the first day of February of each year; and a biennial report to the Legislature on or before the first day of February of each odd-numbered year.

(Source: P.A. 87-245.)

(820 ILCS 225/14) (from Ch. 48, par. 137.14)

Sec. 14. The Director of Labor shall keep a full and complete record of all proceedings had before him or any of his designees, and all testimony shall be transcribed into written form taken by a stenographer appointed by the Director. The Director shall also keep records which will enable any employer, employee or their agents, to determine all action taken by the Director with respect to the subject matter in which such employer and employee is interested. Such all such records shall be purged of personal data that is otherwise required to be held confidential, and the remaining records shall be open to public inspection.

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Sec. 15. The Director of Labor shall, at least once each year, publish on a regular basis, in printed form, all of his rules made pursuant to Section 4 of this Act and the Safety Inspection and Education Act which are in full force and effect at the time of such publication.

Sec. 17. (a) It shall be the duty of the Department of Labor to enforce the rules of the Director of Labor promulgated by virtue of this Act and the Safety Inspection and Education Act.

(b) Any employees or representatives of them who believe that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, upon which the Department of Labor has failed to issue a notice of violation or take another enforcement action within a reasonable time after a complaint has been made to the Department of Labor may request a hearing before the Director of Labor by filing a written petition, setting forth the details and providing a copy to the employer or his agent. The Attorney General or state's attorney upon request of the Director of Labor shall prosecute any violation of any law which probable cause shall be determined to exist after hearing on the aforesaid petition.

Sec. 22. All information reported to or otherwise obtained by the Director of Labor or his authorized representative in connection with any inspection or proceeding under this Act or the Safety Inspection and Education Act which contains or might reveal a trade secret shall be considered confidential, except that such information may be disclosed confidentially to other officers or employees concerned with carrying out this Act or the Safety Inspection and Education Act or when relevant to any proceeding under this Act or the Safety Inspection and Education Act. In any such proceeding, the Director of Labor or the court shall issue such
orders as may be appropriate, including the impoundment of files, or portions of files, to protect the confidentiality of trade secrets.

Any person who shall violate the confidentiality of trade secrets is guilty of a Class B misdemeanor.

(Source: P.A. 87-245.)

Section 15. The Toxic Substances Disclosure to Employees Act is amended by adding Section 1.5 as follows:

(820 ILCS 255/1.5 new)

Sec. 1.5. Federal regulations; operation of Act.

(a) Except as provided in subsection (b), Sections 2 through 17 of this Act are inoperative on and after the effective date of this amendatory Act of the 95th General Assembly, and the Department of Labor shall instead enforce the Occupational Safety and Health Administration Hazard Communication standards at 29 CFR 1910.1200, as amended.

(b) If at any time the Occupational Safety and Health Administration Hazard Communication standard at 29 CFR 1910.1200 is repealed or revoked, the Director of Labor shall adopt a rule setting forth a determination that this Act should be reviewed and reinstated in order to protect the health and safety of Illinois' public sector workers. On the date such a rule is adopted, this Act shall again become operative.

Section 99. Effective date. This Act takes effect upon becoming law.

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Statutes amended in order of appearance

820 ILCS 220/.02 from Ch. 48, par. 59.02
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820 ILCS 220/2 from 820 ILCS 220/2, in part
820 ILCS 220/2.2
820 ILCS 220/2.3 from 820 ILCS 220/2, in part
820 ILCS 220/2.4 from 820 ILCS 220/2, in part
820 ILCS 220/2.5
820 ILCS 220/2.6
820 ILCS 220/2.7
820 ILCS 220/2.8 from 820 ILCS 220/2, in part

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820 ILCS 220/2.10 from 820 ILCS 220/2, in part
820 ILCS 220/8 from Ch. 48, par. 59.8
820 ILCS 220/10 from Ch. 48, par. 59.10
820 ILCS 220/11 from Ch. 48, par. 59.11
820 ILCS 220/12 new from Ch. 48, par. 137.01
820 ILCS 225/.01 from Ch. 48, par. 137.2
820 ILCS 225/2 from Ch. 48, par. 137.3
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820 ILCS 225/15 from Ch. 48, par. 137.15
820 ILCS 225/17 from Ch. 48, par. 137.17
820 ILCS 225/22 from Ch. 48, par. 137.22
820 ILCS 225/1.5 new

Approved September 17, 2007.
Effective September 17, 2007.

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AN ACT concerning property.

Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Condominium Property Act is amended by
changing Section 18 as follows:

Sec. 18. Contents of bylaws. The bylaws shall provide for at least the following:

(a) (1) The election from among the unit owners of a board of
managers, the number of persons constituting such board, and that
the terms of at least one-third of the members of the board shall expire annually and that all members of the board shall be elected at large. If there are multiple owners of a single unit, only one of the multiple owners shall be eligible to serve as a member of the board at any one time.

(2) the powers and duties of the board;

(3) the compensation, if any, of the members of the board;

(4) the method of removal from office of members of the board;

(5) that the board may engage the services of a manager or managing agent;

(6) that each unit owner shall receive, at least 30 days prior to the adoption thereof by the board of managers, a copy of the proposed annual budget together with an indication of which portions are intended for reserves, capital expenditures or repairs or payment of real estate taxes;

(7) that the board of managers shall annually supply to all unit owners an itemized accounting of the common expenses for the preceding year actually incurred or paid, together with an indication of which portions were for reserves, capital expenditures or repairs or payment of real estate taxes and with a tabulation of

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the amounts collected pursuant to the budget or assessment, and showing the net excess or deficit of income over expenditures plus reserves;

(8) (i) that each unit owner shall receive notice, in the same manner as is provided in this Act for membership meetings, of any meeting of the board of managers concerning the adoption of the proposed annual budget and regular assessments pursuant thereto or to adopt a separate (special) assessment, (ii) that except as provided in subsection (iv) below, if an adopted budget or any separate assessment adopted by the board would result in the sum of all regular and separate assessments payable in the current fiscal year exceeding 115% of the sum of all regular and separate assessments payable during the preceding fiscal year, the board of managers, upon written petition by unit owners with 20 percent of the votes of the association delivered to the board within 14 days of the board action, shall call a meeting of the unit owners within 30 days of the date of delivery of the petition to consider the budget or separate assessment; unless a majority of the total votes of the unit owners are cast at the meeting to reject the budget or separate assessment, it is ratified, (iii) that any common expense not set forth in the budget or any increase in assessments over the amount adopted in the budget shall be separately assessed against all unit owners, (iv) that separate assessments for expenditures relating to emergencies or mandated by law may be adopted by the board of managers without being subject to unit owner approval or the provisions of item (ii) above or item (v) below. As used herein, "emergency" means an immediate danger to the structural integrity of the common elements or to the life, health, safety or property of the unit owners, (v) that assessments for additions and alterations to the common elements or to association-owned property not included in the adopted annual budget, shall be separately assessed and are subject to approval of two-thirds of the total votes of all unit owners, (vi) that the board of managers may adopt separate assessments payable over more than one fiscal year. With respect

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to multi-year assessments not governed by items (iv) and (v), the entire amount of the multi-year assessment shall be deemed considered and authorized in the first fiscal year in which the assessment is approved;

(9) that meetings of the board of managers shall be open to any unit owner, except for the portion of any meeting held (i) to discuss litigation when an action against or on behalf of the particular association has been filed and is pending in a court or administrative tribunal, or when the board of managers finds that such an action is probable or imminent, (ii) to consider information regarding appointment, employment or dismissal of an employee, or (iii) to discuss violations of rules and regulations of the association or a unit owner's unpaid share of common expenses; that any vote on these matters shall be taken at a meeting or portion thereof open to any unit owner; that any unit owner may record the proceedings at meetings or portions thereof required to be open by this Act by tape, film or other means; that the board may prescribe reasonable rules and regulations to govern the right to make such recordings, that notice of such meetings shall be mailed or delivered at least 48 hours prior thereto, unless a written waiver of such notice is signed by the person or persons entitled to such notice pursuant to the declaration, bylaws, other condominium instrument, or provision of law other than this subsection before the meeting is convened, and that copies of notices of meetings of the board of managers shall be posted in entranceways, elevators, or other conspicuous places in the condominium at least 48 hours prior to the meeting of the board of managers except where there is no common entranceway for 7 or more units, the board of managers may designate one or more locations in the proximity of these units where the notices of meetings shall be posted;

(10) that the board shall meet at least 4 times annually;

(11) that no member of the board or officer shall be elected for a term of more than 2 years, but that officers and board members may succeed themselves;

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(12) the designation of an officer to mail and receive all notices and execute amendments to condominium instruments as provided for in this Act and in the condominium instruments;

(13) the method of filling vacancies on the board which shall include authority for the remaining members of the board to fill the vacancy by two-thirds vote until the next annual meeting of unit owners or for a period terminating no later than 30 days following the filing of a petition signed by unit owners holding 20% of the votes of the association requesting a meeting of the unit owners to fill the vacancy for the balance of the term, and that a meeting of the unit owners shall be called for purposes of filling a vacancy on the board no later than 30 days following the filing of a petition signed by unit owners holding 20% of the votes of the association requesting such a meeting, and the method of filling vacancies among the officers that shall include the authority for the members of the board to fill the vacancy for the unexpired portion of the term;

(14) what percentage of the board of managers, if other than a majority, shall constitute a quorum;

(15) provisions concerning notice of board meetings to members of the board;

(16) the board of managers may not enter into a contract with a current board member or with a corporation or partnership in which a board member or a member of the board member's immediate family has 25% or more interest, unless notice of intent to enter the contract is given to unit owners within 20 days after a decision is made to enter into the contract and the unit owners are afforded an opportunity by filing a petition, signed by 20% of the unit owners, for an election to approve or disapprove the contract; such petition shall be filed within 20 days after such notice and such election shall be held within 30 days after filing the petition; for purposes of this subsection, a board member's immediate family means the board member's spouse, parents, and children;

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(17) that the board of managers may disseminate to unit owners biographical and background information about candidates for election to the board if (i) reasonable efforts to identify all candidates are made and all candidates are given an opportunity to include biographical and background information in the information to be disseminated; and (ii) the board does not express a preference in favor of any candidate;

(18) any proxy distributed for board elections by the board of managers gives unit owners the opportunity to designate any person as the proxy holder, and gives the unit owner the opportunity to express a preference for any of the known candidates for the board or to write in a name;

(19) that special meetings of the board of managers can be called by the president or 25% of the members of the board; and

(20) that the board of managers may establish and maintain a system of master metering of public utility services and collect payments in connection therewith, subject to the requirements of the Tenant Utility Payment Disclosure Act.

(b) (1) What percentage of the unit owners, if other than 20%, shall constitute a quorum provided that, for condominiums with 20 or more units, the percentage of unit owners constituting a quorum shall be 20% unless the unit owners holding a majority of the percentage interest in the association provide for a higher percentage;

(2) that the association shall have one class of membership;

(3) that the members shall hold an annual meeting, one of the purposes of which shall be to elect members of the board of managers;

(4) the method of calling meetings of the unit owners;

(5) that special meetings of the members can be called by the president, board of managers, or by 20% of unit owners;

(6) that written notice of any membership meeting shall be mailed or delivered giving members no less than 10 and no more than 30 days notice of the time, place and purpose of such meeting;

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(7) that voting shall be on a percentage basis, and that the percentage vote to which each unit is entitled is the percentage interest of the undivided ownership of the common elements appurtenant thereto, provided that the bylaws may provide for approval by unit owners in connection with matters where the requisite approval on a percentage basis is not specified in this Act, on the basis of one vote per unit;

(8) that, where there is more than one owner of a unit, if only one of the multiple owners is present at a meeting of the association, he is entitled to cast all the votes allocated to that unit, if more than one of the multiple owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the multiple owners, unless the declaration expressly provides otherwise, that there is majority agreement if any one of the multiple owners cast the votes allocated to that unit without protest being made promptly to the person presiding over the meeting by any of the other owners of the unit;

(9) (A) that unless the Articles of Incorporation or the bylaws otherwise provide, and except as provided in subparagraph (B) of this paragraph (9) in connection with board elections, a unit owner may vote by proxy executed in writing by the unit owner or by his duly authorized attorney in fact; that the proxy must bear the date of execution and, unless the condominium instruments or the written proxy itself provide otherwise, is invalid after 11 months from the date of its execution;

(B) that if a rule adopted at least 120 days before a board election or the declaration or bylaws provide for balloting as set forth in this subsection, unit owners may not vote by proxy in board elections, but may vote only (i) by submitting an association-issued ballot in person at the election meeting or (ii) by submitting an association-issued ballot to the association or its designated agent by mail or other means of delivery specified in the declaration, bylaws, or rule; that the ballots shall be mailed or
otherwise distributed to unit owners not less than 10 and not more than 30 days before the election meeting, and the board shall give unit owners not less than 21 days' prior written notice of the deadline for inclusion of a candidate's name on the ballots; that the deadline shall be no more than 7 days before the ballots are mailed or otherwise distributed to unit owners; that every such ballot must include the names of all candidates who have given the board or its authorized agent timely written notice of their candidacy and must give the person casting the ballot the opportunity to cast votes for candidates whose names do not appear on the ballot; that a ballot received by the association or its designated agent after the close of voting shall not be counted; that a unit owner who submits a ballot by mail or other means of delivery specified in the declaration, bylaws, or rule may request and cast a ballot in person at the election meeting, and thereby void any ballot previously submitted by that unit owner;

(C) that if a written petition by unit owners with at least 20% of the votes of the association is delivered to the board within 14 days after the board's approval of a rule adopted pursuant to subparagraph (B) of this paragraph (9), the board shall call a meeting of the unit owners within 30 days after the date of delivery of the petition; that unless a majority of the total votes of the unit owners are cast at the meeting to reject the rule, the rule is ratified;

(10) that the association may, upon adoption of the appropriate rules by the board of managers, conduct elections by secret ballot whereby the voting ballot is marked only with the percentage interest for the unit and the vote itself, provided that the board further adopt rules to verify the status of the unit owner issuing a proxy or casting a ballot; and further, that a candidate for election to the board of managers or such candidate's representative shall have the right to be present at the counting of ballots at such election;

(11) that in the event of a resale of a condominium unit the purchaser of a unit from a seller other than the developer pursuant
to an installment contract for purchase shall during such times as he or she resides in the unit be counted toward a quorum for purposes of election of members of the board of managers at any meeting of the unit owners called for purposes of electing members of the board, shall have the right to vote for the election of members of the board of managers and to be elected to and serve on the board of managers unless the seller expressly retains in writing any or all of such rights. In no event may the seller and purchaser both be counted toward a quorum, be permitted to vote for a particular office or be elected and serve on the board. Satisfactory evidence of the installment contact shall be made available to the association or its agents. For purposes of this subsection, "installment contact" shall have the same meaning as set forth in Section 1 (e) of "An Act relating to installment contracts to sell dwelling structures", approved August 11, 1967, as amended;

(12) the method by which matters subject to the approval of unit owners set forth in this Act, or in the condominium instruments, will be submitted to the unit owners at special membership meetings called for such purposes; and

(13) that matters subject to the affirmative vote of not less than 2/3 of the votes of unit owners at a meeting duly called for that purpose, shall include, but not be limited to:

(i) merger or consolidation of the association;

(ii) sale, lease, exchange, or other disposition (excluding the mortgage or pledge) of all, or substantially all of the property and assets of the association; and

(iii) the purchase or sale of land or of units on behalf of all unit owners.

(c) Election of a president from among the board of managers, who shall preside over the meetings of the board of managers and of the unit owners.

(d) Election of a secretary from among the board of managers, who shall keep the minutes of all meetings of the board of managers and of the

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unit owners and who shall, in general, perform all the duties incident to the office of secretary.

(e) Election of a treasurer from among the board of managers, who shall keep the financial records and books of account.

(f) Maintenance, repair and replacement of the common elements and payments therefor, including the method of approving payment vouchers.

(g) An association with 30 or more units shall obtain and maintain fidelity insurance covering persons who control or disburse funds of the association for the maximum amount of coverage available to protect funds in the custody or control of the association plus the association reserve fund. All management companies which are responsible for the funds held or administered by the association shall maintain and furnish to the association a fidelity bond for the maximum amount of coverage available to protect funds in the custody of the management company at any time. The association shall bear the cost of the fidelity insurance and fidelity bond, unless otherwise provided by contract between the association and a management company. The association shall be the direct obligee of any such fidelity bond. A management company holding reserve funds of an association shall at all times maintain a separate account for each association, provided, however, that for investment purposes, the Board of Managers of an association may authorize a management company to maintain the association's reserve funds in a single interest bearing account with similar funds of other associations. The management company shall at all times maintain records identifying all moneys of each association in such investment account. The management company may hold all operating funds of associations which it manages in a single operating account but shall at all times maintain records identifying all moneys of each association in such operating account. Such operating and reserve funds held by the management company for the association shall not be subject to attachment by any creditor of the management company.

For the purpose of this subsection a management company shall be defined as a person, partnership, corporation, or other legal entity entitled

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to transact business on behalf of others, acting on behalf of or as an agent for a unit owner, unit owners or association of unit owners for the purpose of carrying out the duties, responsibilities, and other obligations necessary for the day to day operation and management of any property subject to this Act. For purposes of this subsection, the term "fiduciary insurance coverage" shall be defined as both a fidelity bond and directors and officers liability coverage, the fidelity bond in the full amount of association funds and association reserves that will be in the custody of the association, and the directors and officers liability coverage at a level as shall be determined to be reasonable by the board of managers, if not otherwise established by the declaration or by laws.

Until one year after the effective date of this amendatory Act of 1985, if a condominium association has reserves plus assessments in excess of $250,000 and cannot reasonably obtain 100% fidelity bond coverage for such amount, then it must obtain a fidelity bond coverage of $250,000.

(h) Method of estimating the amount of the annual budget, and the manner of assessing and collecting from the unit owners their respective shares of such estimated expenses, and of any other expenses lawfully agreed upon.

(i) That upon 10 days notice to the manager or board of managers and payment of a reasonable fee, any unit owner shall be furnished a statement of his account setting forth the amount of any unpaid assessments or other charges due and owing from such owner.

(j) Designation and removal of personnel necessary for the maintenance, repair and replacement of the common elements.

(k) Such restrictions on and requirements respecting the use and maintenance of the units and the use of the common elements, not set forth in the declaration, as are designed to prevent unreasonable interference with the use of their respective units and of the common elements by the several unit owners.

(l) Method of adopting and of amending administrative rules and regulations governing the operation and use of the common elements.
(m) The percentage of votes required to modify or amend the bylaws, but each one of the particulars set forth in this section shall always be embodied in the bylaws.

(n) (i) The provisions of this Act, the declaration, bylaws, other condominium instruments, and rules and regulations that relate to the use of the individual unit or the common elements shall be applicable to any person leasing a unit and shall be deemed to be incorporated in any lease executed or renewed on or after the effective date of this amendatory Act of 1984. (ii) With regard to any lease entered into subsequent to the effective date of this amendatory Act of 1989, the unit owner leasing the unit shall deliver a copy of the signed lease to the board or if the lease is oral, a memorandum of the lease, not later than the date of occupancy or 10 days after the lease is signed, whichever occurs first. In addition to any other remedies, by filing an action jointly against the tenant and the unit owner, an association may seek to enjoin a tenant from occupying a unit or seek to evict a tenant under the provisions of Article IX of the Code of Civil Procedure for failure of the lessor-owner to comply with the leasing requirements prescribed by this Section or by the declaration, bylaws, and rules and regulations. The board of managers may proceed directly against a tenant, at law or in equity, or under the provisions of Article IX of the Code of Civil Procedure, for any other breach by tenant of any covenants, rules, regulations or bylaws.

(o) The association shall have no authority to forbear the payment of assessments by any unit owner.

(p) That when 30% or fewer of the units, by number, possess over 50% in the aggregate of the votes in the association, any percentage vote of members specified herein or in the condominium instruments shall require the specified percentage by number of units rather than by percentage of interest in the common elements allocated to units that would otherwise be applicable. For purposes of this subsection (p), when making a determination of whether 30% or fewer of the units, by number, possess over 50% in the aggregate of the votes in the association, a unit shall not include a garage unit or a storage unit.
(q) That a unit owner may not assign, delegate, transfer, surrender, or avoid the duties, responsibilities, and liabilities of a unit owner under this Act, the condominium instruments, or the rules and regulations of the Association; and that such an attempted assignment, delegation, transfer, surrender, or avoidance shall be deemed void.

The provisions of this Section are applicable to all condominium instruments recorded under this Act. Any portion of a condominium instrument which contains provisions contrary to these provisions shall be void as against public policy and ineffective. Any such instrument which fails to contain the provisions required by this Section shall be deemed to incorporate such provisions by operation of law.
(Source: P.A. 93-243, eff. 1-1-04.)

Passed in the General Assembly June 20, 2007.
Approved September 17, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0625
(House Bill No. 1979)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Criminal Code of 1961 is amended by changing Section 32-5 and by adding Section 10-5.1 as follows:
(720 ILCS 5/10-5.1 new)
Sec. 10-5.1. Luring of a minor.
(a) A person commits the offense of luring of a minor when the offender is 21 years of age or older and knowingly contacts or communicates electronically to the minor:
   (1) knowing the minor is under 15 years of age;
   (2) with the intent to persuade, lure or transport the minor away from his or her home, or other location known by the minor’s parent or legal guardian to be the place where the minor is to be located;

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(3) for an unlawful purpose;
(4) without the express consent of the person's parent or legal guardian;
(5) with the intent to avoid the express consent of the person's parent or legal guardian;
(6) after so communicating, commits any act in furtherance of the intent described in clause (a)(2); and
(7) is a stranger to the parents or legal guardian of the minor.

(b) A person commits the offense of luring of a minor when the offender is at least 18 years of age but under 21 years of age and knowingly contacts or communicates electronically to the minor:

(1) knowing the minor is under 15 years of age;
(2) with the intent to persuade, lure, or transport the minor away from his or her home or other location known by the minor's parent or legal guardian, to be the place where the minor is to be located;
(3) for an unlawful purpose;
(4) without the express consent of the person's parent or legal guardian;
(5) with the intent to avoid the express consent of the person's parent or legal guardian;
(6) after so communicating, commits any act in furtherance of the intent described in clause (b)(2); and
(7) is a stranger to the parents or legal guardian of the minor.

(c) Definitions. For purposes of this Section:

(1) "Emergency situation" means a situation in which the minor is threatened with imminent bodily harm, emotional harm or psychological harm.

(2) "Express consent" means oral or written permission that is positive, direct, and unequivocal, requiring no inference or implication to supply its meaning.

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(3) "Contacts or communicates electronically" includes but is not limited to, any attempt to make contact or communicate telephonically or through the Internet or text messages.

(4) "Luring" shall mean any knowing act to solicit, entice, tempt, or attempt to attract the minor.

(5) "Minor" shall mean any person under the age of 15.

(6) "Stranger" shall have its common and ordinary meaning, including but not limited to, a person that is either not known by the parents of the minor or does not have any association with the parents of the minor.

(7) "Unlawful purpose" shall mean any misdemeanor or felony violation of State law or a similar federal or sister state law or local ordinance.

(d) This Section may not be interpreted to criminalize an act or person contacting a minor within the scope and course of his employment, or status as a volunteer of a recognized civic, charitable or youth organization.

(e) This Section is intended to protect minors and to help parents and legal guardians exercise reasonable care, supervision, protection, and control over minor children.

(f) Affirmative defenses.

(1) It shall be an affirmative defense to any offense under this Section 10-5.1 that the accused reasonably believed that the minor was over the age of 15.

(2) It shall be an affirmative defense to any offense under this Section 10-5.1 that the accused is assisting the minor in an emergency situation.

(3) It shall not be a defense to the prosecution of any offense under this Section 10-5.1 if the person who is contacted by the offender is posing as a minor and is in actuality an adult law enforcement officer.

(g) Penalties.

(1) A first offense of luring of a minor under subsection (a) shall be a Class 4 felony. A person convicted of luring of a minor

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under subsection (a) shall undergo a sex offender evaluation prior to a sentence being imposed. An offense of luring of a minor under subsection (a) when a person has a prior conviction in Illinois of a sex offense as defined in the Sex Offender Registration Act, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign government offense, is guilty of a Class 2 felony.

(2) A first offense of luring of a minor under subsection (b) is a Class B misdemeanor.

(3) A second or subsequent offense of luring of a minor under subsection (a) is a Class 3 felony. A second or subsequent offense of luring of a minor under subsection (b) is a Class 4 felony. A second or subsequent offense when a person has a prior conviction in Illinois of a sex offense as defined in the Sex Offender Registration Act, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign government offense, is a Class 1 felony. A defendant convicted a second time of an offense under subsection (a) or (b) shall register as a sexual predator of children pursuant to the Sex Offender Registration Act.

(4) A third or subsequent offense is a Class 1 felony. A third or subsequent offense when a person has a prior conviction in Illinois of a sex offense as defined in the Sex Offender Registration Act, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign government offense, is a Class X felony.

(h) For violations of subsection (a), jurisdiction shall be established if the transmission that constitutes the offense either originates in this State or is received in this State and does not apply to emergency situations. For violations of subsection (b), jurisdiction shall be established in any county where the act in furtherance of the commission of the offense is committed, in the county where the minor resides, or in the county where the offender resides.

(720 ILCS 5/32-5) (from Ch. 38, par. 32-5)
Sec. 32-5. False personation of attorney, judicial, or governmental officials.

(a) A person who falsely represents himself or herself to be an attorney authorized to practice law for purposes of compensation or consideration commits a Class 4 felony. This subsection (a) does not apply to a person who unintentionally fails to pay attorney registration fees established by Supreme Court Rule.

(b) A person who falsely represents himself or herself to be a public officer or a public employee or an official or employee of the federal government commits a Class B misdemeanor.

(c) A person who falsely represents himself or herself to be a public officer or a public employee commits a Class 4 felony if that false representation was for the purpose of effectuating identity theft as defined in Section 16G-15 of this Code.

(Source: P.A. 94-985, eff. 1-1-07.)

Section 10. The Unified Code of Corrections is amended by changing Section 3-6-3 as follows:

(730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

Sec. 3-6-3. Rules and Regulations for Early Release.

(a) (1) The Department of Corrections shall prescribe rules and regulations for the early release on account of good conduct of persons committed to the Department which shall be subject to review by the Prisoner Review Board.

(2) The rules and regulations on early release shall provide, with respect to offenses listed in clause (i), (ii), or (iii) of this paragraph (2) committed on or after June 19, 1998 or with respect to the offense listed in clause (iv) of this paragraph (2) committed on or after June 23, 2005 (the effective date of Public Act 94-71) or with respect to offense listed in clause (v) committed on or after the effective date of this amendatory Act of the 95th General Assembly or with respect to the offense of being an armed habitual criminal committed on or after August 2, 2005 (the effective date of Public Act 94-398), the following:

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(i) that a prisoner who is serving a term of imprisonment for first degree murder or for the offense of terrorism shall receive no good conduct credit and shall serve the entire sentence imposed by the court;

(ii) that a prisoner serving a sentence for attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm, heinous battery, being an armed habitual criminal, aggravated battery of a senior citizen, or aggravated battery of a child shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment;

(iii) that a prisoner serving a sentence for home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has made and entered a finding, pursuant to subsection (c-1) of Section 5-4-1 of this Code, that the conduct leading to conviction for the enumerated offense resulted in great bodily harm to a victim, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment; and

(iv) that a prisoner serving a sentence for aggravated discharge of a firearm, whether or not the conduct leading to conviction for the offense resulted in great bodily harm to the victim, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment; and

(v) that a prisoner serving a sentence for a second or subsequent offense of luring a minor shall receive no

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more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.1) For all offenses, other than those enumerated in subdivision (a)(2)(i), (ii), or (iii) committed on or after June 19, 1998 or subdivision (a)(2)(iv) committed on or after June 23, 2005 (the effective date of Public Act 94-71) or subdivision (a)(2)(v) committed on or after the effective date of this amendatory Act of the 95th General Assembly, and other than the offense of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, the rules and regulations shall provide that a prisoner who is serving a term of imprisonment shall receive one day of good conduct credit for each day of his or her sentence of imprisonment or recommitment under Section 3-3-9. Each day of good conduct credit shall reduce by one day the prisoner's period of imprisonment or recommitment under Section 3-3-9.

(2.2) A prisoner serving a term of natural life imprisonment or a prisoner who has been sentenced to death shall receive no good conduct credit.

(2.3) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.
(2.4) The rules and regulations on early release shall provide with respect to the offenses of aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm or aggravated discharge of a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm, committed on or after July 15, 1999 (the effective date of Public Act 91-121), that a prisoner serving a sentence for any of these offenses shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.5) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for aggravated arson committed on or after July 27, 2001 (the effective date of Public Act 92-176) shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(3) The rules and regulations shall also provide that the Director may award up to 180 days additional good conduct credit for meritorious service in specific instances as the Director deems proper; except that no more than 90 days of good conduct credit for meritorious service shall be awarded to any prisoner who is serving a sentence for conviction of first degree murder, reckless homicide while under the influence of alcohol or any other drug, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, aggravated kidnapping, kidnapping, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, deviate sexual assault, aggravated criminal sexual abuse, aggravated indecent liberties with a child, indecent liberties with a child, child pornography, heinous battery, aggravated battery of a spouse, aggravated battery of a spouse with a firearm, stalking, aggravated stalking, aggravated battery of a

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child, endangering the life or health of a child, cruelty to a child, or narcotic racketeering. Notwithstanding the foregoing, good conduct credit for meritorious service shall not be awarded on a sentence of imprisonment imposed for conviction of: (i) one of the offenses enumerated in subdivision (a)(2)(i), (ii), or (iii) when the offense is committed on or after June 19, 1998 or subdivision (a)(2)(iv) when the offense is committed on or after June 23, 2005 (the effective date of Public Act 94-71) or subdivision (a)(2)(v) when the offense is committed on or after the effective date of this amendatory Act of the 95th General Assembly, (ii) reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 when the offense is committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, (iii) one of the offenses enumerated in subdivision (a)(2.4) when the offense is committed on or after July 15, 1999 (the effective date of Public Act 91-121), or (iv) aggravated arson when the offense is committed on or after July 27, 2001 (the effective date of Public Act 92-176).

(4) The rules and regulations shall also provide that the good conduct credit accumulated and retained under paragraph (2.1) of subsection (a) of this Section by any inmate during specific periods of time in which such inmate is engaged full-time in substance abuse programs, correctional industry assignments, or educational programs provided by the Department under this paragraph (4) and satisfactorily completes the assigned program as determined by the standards of the Department, shall be multiplied by a factor of 1.25 for program participation before August 11, 1993 and 1.50 for program participation on or after that date. However, no inmate shall be eligible for the additional good conduct credit under this paragraph (4) or (4.1) of this subsection (a) while assigned to a boot camp or electronic detention, or if

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convicted of an offense enumerated in subdivision (a)(2)(i), (ii), or (iii) of this Section that is committed on or after June 19, 1998 or subdivision (a)(2)(iv) of this Section that is committed on or after June 23, 2005 (the effective date of Public Act 94-71) or subdivision (a)(2)(v) of this Section that is committed on or after the effective date of this amendatory Act of the 95th General Assembly, or if convicted of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense is committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, or if convicted of an offense enumerated in paragraph (a)(2.4) of this Section that is committed on or after July 15, 1999 (the effective date of Public Act 91-121), or first degree murder, a Class X felony, criminal sexual assault, felony criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery with a firearm, or any predecessor or successor offenses with the same or substantially the same elements, or any inchoate offenses relating to the foregoing offenses. No inmate shall be eligible for the additional good conduct credit under this paragraph (4) who (i) has previously received increased good conduct credit under this paragraph (4) and has subsequently been convicted of a felony, or (ii) has previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility.

Educational, vocational, substance abuse and correctional industry programs under which good conduct credit may be increased under this paragraph (4) and paragraph (4.1) of this subsection (a) shall be evaluated by the Department on the basis of documented standards. The Department shall report the results of these evaluations to the Governor and the General Assembly by September 30th of each year. The reports shall include data relating to the recidivism rate among program participants.

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Availability of these programs shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. Eligible inmates who are denied immediate admission shall be placed on a waiting list under criteria established by the Department. The inability of any inmate to become engaged in any such programs by reason of insufficient program resources or for any other reason established under the rules and regulations of the Department shall not be deemed a cause of action under which the Department or any employee or agent of the Department shall be liable for damages to the inmate.

(4.1) The rules and regulations shall also provide that an additional 60 days of good conduct credit shall be awarded to any prisoner who passes the high school level Test of General Educational Development (GED) while the prisoner is incarcerated. The good conduct credit awarded under this paragraph (4.1) shall be in addition to, and shall not affect, the award of good conduct under any other paragraph of this Section, but shall also be pursuant to the guidelines and restrictions set forth in paragraph (4) of subsection (a) of this Section. The good conduct credit provided for in this paragraph shall be available only to those prisoners who have not previously earned a high school diploma or a GED. If, after an award of the GED good conduct credit has been made and the Department determines that the prisoner was not eligible, then the award shall be revoked.

(4.5) The rules and regulations on early release shall also provide that when the court's sentencing order recommends a prisoner for substance abuse treatment and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354), the prisoner shall receive no good conduct credit awarded under clause (3) of this subsection (a) unless he or she participates in and completes a substance abuse treatment program. The Director may waive the requirement to participate in or complete a substance abuse treatment program and award the good conduct credit in specific instances if the prisoner is not a
good candidate for a substance abuse treatment program for medical, programming, or operational reasons. Availability of substance abuse treatment shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. If treatment is not available and the requirement to participate and complete the treatment has not been waived by the Director, the prisoner shall be placed on a waiting list under criteria established by the Department. The Director may allow a prisoner placed on a waiting list to participate in and complete a substance abuse education class or attend substance abuse self-help meetings in lieu of a substance abuse treatment program. A prisoner on a waiting list who is not placed in a substance abuse program prior to release may be eligible for a waiver and receive good conduct credit under clause (3) of this subsection (a) at the discretion of the Director.

(5) Whenever the Department is to release any inmate earlier than it otherwise would because of a grant of good conduct credit for meritorious service given at any time during the term, the Department shall give reasonable advance notice of the impending release to the State's Attorney of the county where the prosecution of the inmate took place.

(b) Whenever a person is or has been committed under several convictions, with separate sentences, the sentences shall be construed under Section 5-8-4 in granting and forfeiting of good time.

(c) The Department shall prescribe rules and regulations for revoking good conduct credit, or suspending or reducing the rate of accumulation of good conduct credit for specific rule violations, during imprisonment. These rules and regulations shall provide that no inmate may be penalized more than one year of good conduct credit for any one infraction.

When the Department seeks to revoke, suspend or reduce the rate of accumulation of any good conduct credits for an alleged infraction of its rules, it shall bring charges therefor against the prisoner sought to be so deprived of good conduct credits before the Prisoner Review Board as

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provided in subparagraph (a)(4) of Section 3-3-2 of this Code, if the amount of credit at issue exceeds 30 days or when during any 12 month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In those cases, the Department of Corrections may revoke up to 30 days of good conduct credit. The Board may subsequently approve the revocation of additional good conduct credit, if the Department seeks to revoke good conduct credit in excess of 30 days. However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of good conduct credit within any calendar year for any prisoner or to increase any penalty beyond the length requested by the Department.

The Director of the Department of Corrections, in appropriate cases, may restore up to 30 days good conduct credits which have been revoked, suspended or reduced. Any restoration of good conduct credits in excess of 30 days shall be subject to review by the Prisoner Review Board. However, the Board may not restore good conduct credit in excess of the amount requested by the Director.

Nothing contained in this Section shall prohibit the Prisoner Review Board from ordering, pursuant to Section 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the sentence imposed by the court that was not served due to the accumulation of good conduct credit.

(d) If a lawsuit is filed by a prisoner in an Illinois or federal court against the State, the Department of Corrections, or the Prisoner Review Board, or against any of their officers or employees, and the court makes a specific finding that a pleading, motion, or other paper filed by the prisoner is frivolous, the Department of Corrections shall conduct a hearing to revoke up to 180 days of good conduct credit by bringing charges against the prisoner sought to be deprived of the good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(8) of Section 3-3-2 of this Code. If the prisoner has not accumulated 180 days of good conduct credit at the time of the finding, then the Prisoner Review Board may revoke all good conduct credit accumulated by the prisoner.
For purposes of this subsection (d):

(1) "Frivolous" means that a pleading, motion, or other filing which purports to be a legal document filed by a prisoner in his or her lawsuit meets any or all of the following criteria:

(A) it lacks an arguable basis either in law or in fact;
(B) it is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;
(C) the claims, defenses, and other legal contentions therein are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
(D) the allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; or
(E) the denials of factual contentions are not warranted on the evidence, or if specifically so identified, are not reasonably based on a lack of information or belief.

(2) "Lawsuit" means a petition for post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963, a motion pursuant to Section 116-3 of the Code of Criminal Procedure of 1963, a habeas corpus action under Article X of the Code of Civil Procedure or under federal law (28 U.S.C. 2254), a petition for claim under the Court of Claims Act or an action under the federal Civil Rights Act (42 U.S.C. 1983).

(e) Nothing in Public Act 90-592 or 90-593 affects the validity of Public Act 89-404.

(Source: P.A. 93-213, eff. 7-18-03; 93-354, eff. 9-1-03; 94-71, eff. 6-23-05; 94-128, eff. 7-7-05; 94-156, eff. 7-8-05; 94-398, eff. 8-2-05; 94-491, eff. 8-8-05; 94-744, eff. 5-8-06.)

Section 15. The Sex Offender Registration Act is amended by changing Section 2 as follows:

(730 ILCS 150/2) (from Ch. 38, par. 222)

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Sec. 2. Definitions.  
(A) As used in this Article, "sex offender" means any person who is:

(1) charged pursuant to Illinois law, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, with a sex offense set forth in subsection (B) of this Section or the attempt to commit an included sex offense, and:

(a) is convicted of such offense or an attempt to commit such offense; or

(b) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or

(c) is found not guilty by reason of insanity pursuant to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or

(d) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

(e) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

(f) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or

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(2) certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(3) subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act; or

(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(5) adjudicated a juvenile delinquent as the result of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, or found guilty under Article V of the Juvenile Court Act of 1987 of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Article as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Article.

For purposes of this Section, "convicted" shall have the same meaning as "adjudicated". For the purposes of this Article, a person who is defined as a sex offender as a result of being adjudicated a juvenile delinquent under paragraph (5) of this subsection (A) upon attaining 17 years of age shall be considered as having committed the sex offense on or after the sex offender's 17th birthday. Registration of juveniles upon attaining 17 years of age shall not extend the original registration of 10 years from the date of conviction.

(B) As used in this Article, "sex offense" means:

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(1) A violation of any of the following Sections of the Criminal Code of 1961:
   11-20.1 (child pornography),
   11-6 (indecent solicitation of a child),
   11-9.1 (sexual exploitation of a child),
   11-9.2 (custodial sexual misconduct),
   11-9.5 (sexual misconduct with a person with a disability),
   11-15.1 (soliciting for a juvenile prostitute),
   11-18.1 (patronizing a juvenile prostitute),
   11-17.1 (keeping a place of juvenile prostitution),
   11-19.1 (juvenile pimping),
   11-19.2 (exploitation of a child),
   12-13 (criminal sexual assault),
   12-14 (aggravated criminal sexual assault),
   12-14.1 (predatory criminal sexual assault of a child),
   12-15 (criminal sexual abuse),
   12-16 (aggravated criminal sexual abuse),
   12-33 (ritualized abuse of a child).
   An attempt to commit any of these offenses.
(1.5) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age, the defendant is not a parent of the victim, the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act, and the offense was committed on or after January 1, 1996:
   10-1 (kidnapping),
   10-2 (aggravated kidnapping),
   10-3 (unlawful restraint),
   10-3.1 (aggravated unlawful restraint).
(1.6) First degree murder under Section 9-1 of the Criminal Code of 1961, when the victim was a person under 18 years of age and the defendant was at least 17 years of age at the time of the crime.
commission of the offense, provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act.

(1.7) (Blank).

(1.8) A violation or attempted violation of Section 11-11 (sexual relations within families) of the Criminal Code of 1961, and the offense was committed on or after June 1, 1997.

(1.9) Child abduction under paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 committed by luring or attempting to lure a child under the age of 16 into a motor vehicle, building, house trailer, or dwelling place without the consent of the parent or lawful custodian of the child for other than a lawful purpose and the offense was committed on or after January 1, 1998, provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act.

(1.10) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after July 1, 1999:

10-4 (forcible detention, if the victim is under 18 years of age), provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act,

11-6.5 (indecent solicitation of an adult),

11-15 (soliciting for a prostitute, if the victim is under 18 years of age),

11-16 (pandering, if the victim is under 18 years of age),

11-18 (patronizing a prostitute, if the victim is under 18 years of age),

11-19 (pimping, if the victim is under 18 years of age).

(1.11) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after August 22, 2002:

New matter indicated by italics - deletions by strikeout
11-9 (public indecency for a third or subsequent conviction).

(1.12) A violation or attempted violation of Section 5.1 of the Wrongs to Children Act (permitting sexual abuse) when the offense was committed on or after August 22, 2002.

(2) A violation of any former law of this State substantially equivalent to any offense listed in subsection (B) of this Section.

(C) A conviction for an offense of federal law, Uniform Code of Military Justice, or the law of another state or a foreign country that is substantially equivalent to any offense listed in subsections (B), (C), and (E) of this Section shall constitute a conviction for the purpose of this Article. A finding or adjudication as a sexually dangerous person or a sexually violent person under any federal law, Uniform Code of Military Justice, or the law of another state or foreign country that is substantially equivalent to the Sexually Dangerous Persons Act or the Sexually Violent Persons Commitment Act shall constitute an adjudication for the purposes of this Article.

(C-5) A person at least 17 years of age at the time of the commission of the offense who is convicted of first degree murder under Section 9-1 of the Criminal Code of 1961, against a person under 18 years of age, shall be required to register for natural life. A conviction for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (C-5) of this Section shall constitute a conviction for the purpose of this Article. This subsection (C-5) applies to a person who committed the offense before June 1, 1996 only if the person is incarcerated in an Illinois Department of Corrections facility on August 20, 2004 (the effective date of Public Act 93-977).

(D) As used in this Article, "law enforcement agency having jurisdiction" means the Chief of Police in each of the municipalities in which the sex offender expects to reside, work, or attend school (1) upon his or her discharge, parole or release or (2) during the service of his or her sentence of probation or conditional discharge, or the Sheriff of the county, in the event no Police Chief exists or if the offender intends to
reside, work, or attend school in an unincorporated area. "Law enforcement agency having jurisdiction" includes the location where out-of-state students attend school and where out-of-state employees are employed or are otherwise required to register.

(D-1) As used in this Article, "supervising officer" means the assigned Illinois Department of Corrections parole agent or county probation officer.

(E) As used in this Article, "sexual predator" means any person who, after July 1, 1999, is:

(1) Convicted for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (E) of this Section shall constitute a conviction for the purpose of this Article. Convicted of a violation or attempted violation of any of the following Sections of the Criminal Code of 1961, if the conviction occurred after July 1, 1999:
   11-17.1 (keeping a place of juvenile prostitution),
   11-19.1 (juvenile pimpring),
   11-19.2 (exploitation of a child),
   11-20.1 (child pornography),
   12-13 (criminal sexual assault),
   12-14 (aggravated criminal sexual assault),
   12-14.1 (predatory criminal sexual assault of a child),
   12-16 (aggravated criminal sexual abuse),
   12-33 (ritualized abuse of a child); or
(2) (blank); or
(3) certified as a sexually dangerous person pursuant to the Sexually Dangerous Persons Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or
(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially
similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(5) convicted of a second or subsequent offense which requires registration pursuant to this Act. The conviction for the second or subsequent offense must have occurred after July 1, 1999. For purposes of this paragraph (5), "convicted" shall include a conviction under any substantially similar Illinois, federal, Uniform Code of Military Justice, sister state, or foreign country law; or.

(6) convicted of a second or subsequent offense of luring a minor under Section 10-5.1 of the Criminal Code of 1961.

(F) As used in this Article, "out-of-state student" means any sex offender, as defined in this Section, or sexual predator who is enrolled in Illinois, on a full-time or part-time basis, in any public or private educational institution, including, but not limited to, any secondary school, trade or professional institution, or institution of higher learning.

(G) As used in this Article, "out-of-state employee" means any sex offender, as defined in this Section, or sexual predator who works in Illinois, regardless of whether the individual receives payment for services performed, for a period of time of 10 or more days or for an aggregate period of time of 30 or more days during any calendar year. Persons who operate motor vehicles in the State accrue one day of employment time for any portion of a day spent in Illinois.

(H) As used in this Article, "school" means any public or private educational institution, including, but not limited to, any elementary or secondary school, trade or professional institution, or institution of higher education.

(I) As used in this Article, "fixed residence" means any and all places that a sex offender resides for an aggregate period of time of 5 or more days in a calendar year.

(Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04; 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-945, eff. 6-27-06; 94-1053, eff. 7-24-06; revised 8-3-06.)

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New matter indicated by italics - deletions by strikeout
AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 1A-4 and adding Section 22-45 as follows:

(105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)
Sec. 1A-4. Powers and duties of the Board.
A. (Blank).
B. The Board shall determine the qualifications of and appoint a chief education officer, to be known as the State Superintendent of Education, who may be proposed by the Governor and who shall serve at the pleasure of the Board and pursuant to a performance-based contract linked to statewide student performance and academic improvement within Illinois schools. Upon expiration or buyout of the contract of the State Superintendent of Education in office on the effective date of this amendatory Act of the 93rd General Assembly, a State Superintendent of Education shall be appointed by a State Board of Education that includes the 7 new Board members who were appointed to fill seats of members whose terms were terminated on the effective date of this amendatory Act of the 93rd General Assembly. Thereafter, a State Superintendent of Education must, at a minimum, be appointed at the beginning of each term of a Governor after that Governor has made appointments to the Board. A
performance-based contract issued for the employment of a State Superintendent of Education entered into on or after the effective date of this amendatory Act of the 93rd General Assembly must expire no later than February 1, 2007, and subsequent contracts must expire no later than February 1 each 4 years thereafter. No contract shall be extended or renewed beyond February 1, 2007 and February 1 each 4 years thereafter, but a State Superintendent of Education shall serve until his or her successor is appointed. Each contract entered into on or before January 8, 2007 with a State Superintendent of Education must provide that the State Board of Education may terminate the contract for cause, and the State Board of Education shall not thereafter be liable for further payments under the contract. With regard to this amendatory Act of the 93rd General Assembly, it is the intent of the General Assembly that, beginning with the Governor who takes office on the second Monday of January, 2007, a State Superintendent of Education be appointed at the beginning of each term of a Governor after that Governor has made appointments to the Board. The State Superintendent of Education shall not serve as a member of the State Board of Education. The Board shall set the compensation of the State Superintendent of Education who shall serve as the Board's chief executive officer. The Board shall also establish the duties, powers and responsibilities of the State Superintendent, which shall be included in the State Superintendent's performance-based contract along with the goals and indicators of student performance and academic improvement used to measure the performance and effectiveness of the State Superintendent. The State Board of Education may delegate to the State Superintendent of Education the authority to act on the Board's behalf, provided such delegation is made pursuant to adopted board policy or the powers delegated are ministerial in nature. The State Board may not delegate authority under this Section to the State Superintendent to (1) nonrecognize school districts, (2) withhold State payments as a penalty, or (3) make final decisions under the contested case provisions of the Illinois Administrative Procedure Act unless otherwise provided by law.

C. The powers and duties of the State Board of Education shall encompass all duties delegated to the Office of Superintendent of Public

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Instruction on January 12, 1975, except as the law providing for such powers and duties is thereafter amended, and such other powers and duties as the General Assembly shall designate. The Board shall be responsible for the educational policies and guidelines for public schools, pre-school through grade 12 and Vocational Education in the State of Illinois. The Board shall analyze the present and future aims, needs, and requirements of education in the State of Illinois and recommend to the General Assembly the powers which should be exercised by the Board. The Board shall recommend the passage and the legislation necessary to determine the appropriate relationship between the Board and local boards of education and the various State agencies and shall recommend desirable modifications in the laws which affect schools.

D. Two members of the Board shall be appointed by the chairperson to serve on a standing joint Education Committee, 2 others shall be appointed from the Board of Higher Education, 2 others shall be appointed by the chairperson of the Illinois Community College Board, and 2 others shall be appointed by the chairperson of the Human Resource Investment Council. The Committee shall be responsible for making recommendations concerning the submission of any workforce development plan or workforce training program required by federal law or under any block grant authority. The Committee will be responsible for developing policy on matters of mutual concern to elementary, secondary and higher education such as Occupational and Career Education, Teacher Preparation and Certification, Educational Finance, Articulation between Elementary, Secondary and Higher Education and Research and Planning. The joint Education Committee shall meet at least quarterly and submit an annual report of its findings, conclusions, and recommendations to the State Board of Education, the Board of Higher Education, the Illinois Community College Board, the Human Resource Investment Council, the Governor, and the General Assembly. All meetings of this Committee shall be official meetings for reimbursement under this Act. On the effective date of this amendatory Act of the 95th General Assembly, the Joint Education Committee is abolished.
E. Five members of the Board shall constitute a quorum. A majority vote of the members appointed, confirmed and serving on the Board is required to approve any action, except that the 7 new Board members who were appointed to fill seats of members whose terms were terminated on the effective date of this amendatory act of the 93rd General Assembly may vote to approve actions when appointed and serving.

The Board shall prepare and submit to the General Assembly and the Governor on or before January 14, 1976 and annually thereafter a report or reports of its findings and recommendations. Such annual report shall contain a separate section which provides a critique and analysis of the status of education in Illinois and which identifies its specific problems and recommends express solutions therefor. Such annual report also shall contain the following information for the preceding year ending on June 30: each act or omission of a school district of which the State Board of Education has knowledge as a consequence of scheduled, approved visits and which constituted a failure by the district to comply with applicable State or federal laws or regulations relating to public education, the name of such district, the date or dates on which the State Board of Education notified the school district of such act or omission, and what action, if any, the school district took with respect thereto after being notified thereof by the State Board of Education. The report shall also include the statewide high school dropout rate by grade level, sex and race and the annual student dropout rate of and the number of students who graduate from, transfer from or otherwise leave bilingual programs. The Auditor General shall annually perform a compliance audit of the State Board of Education's performance of the reporting duty imposed by this amendatory Act of 1986. A regular system of communication with other directly related State agencies shall be implemented.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Council, as required by Section 3.1 of the General Assembly Organization Act, and filing such additional copies with the State Government Report

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Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

F. Upon appointment of the 7 new Board members who were appointed to fill seats of members whose terms were terminated on the effective date of this amendatory Act of the 93rd General Assembly, the Board shall review all of its current rules in an effort to streamline procedures, improve efficiency, and eliminate unnecessary forms and paperwork.

(Source: P.A. 93-1036, eff. 9-14-04.)

(105 ILCS 5/22-45 new)

Sec. 22-45. Illinois P-20 Council.

(a) The General Assembly finds that preparing Illinoisans for success in school and the workplace requires a continuum of quality education from preschool through graduate school. This State needs a framework to guide education policy and integrate education at every level. A statewide coordinating council to study and make recommendations concerning education at all levels can avoid fragmentation of policies, promote improved teaching and learning, and continue to cultivate and demonstrate strong accountability and efficiency. Establishing an Illinois P-20 Council will develop a statewide agenda that will move the State towards the common goals of improving academic achievement, increasing college access and success, improving use of existing data and measurements, developing improved accountability, promoting lifelong learning, easing the transition to college, and reducing remediation. A pre-kindergarten through grade 20 agenda will strengthen this State’s economic competitiveness by producing a highly-skilled workforce. In addition, lifelong learning plans will enhance this State’s ability to leverage funding.

(b) There is created the Illinois P-20 Council. The Illinois P-20 Council shall include all of the following members:

(1) The Governor or his or designee, to serve as chairperson.

(2) Four members of the General Assembly, one appointed by the Speaker of the House of Representatives, one appointed by

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the Minority Leader of the House of Representatives, one appointed by the President of the Senate, and one appointed by the Minority Leader of the Senate.

(3) Six at-large members appointed by the Governor as follows:

   (A) one representative of civic leaders;
   (B) one representative of local government;
   (C) one representative of trade unions;
   (D) one representative of nonprofit organizations or foundations;
   (E) one representative of parents' organizations; and
   (F) one education research expert.

(4) Five members appointed by statewide business organizations and business trade associations.

(5) Six members appointed by statewide professional organizations and associations representing pre-kindergarten through grade 20 teachers, community college faculty, and public university faculty.

(6) Two members appointed by associations representing local school administrators and school board members.

(7) One member representing community colleges, appointed by the Illinois Council of Community College Presidents.

(8) One member representing 4-year independent colleges and universities, appointed by a statewide organization representing private institutions of higher learning.

(9) One member representing public 4-year universities, appointed jointly by the university presidents and chancellors.

(10) Ex-officio members from the following State agencies, boards, commissions, and councils:

   (A) The State Superintendent of Education or his or her designee.
(B) The Executive Director of the Board of Higher Education or his or her designee.
(C) The President and Chief Executive Officer of the Illinois Community College Board or his or her designee.
(D) The Executive Director of the Illinois Student Assistance Commission or his or her designee.
(E) The Co-chairpersons of the Illinois Workforce Investment Board or their designee.
(F) The Director of Commerce and Economic Opportunity or his or her designee.
(G) The Chairperson of the Illinois Early Learning Council or his or her designee.
(H) The President of the Illinois Mathematics and Science Academy or his or her designee.

Ex-officio members shall have no vote on the Illinois P-20 Council.

Appointed members shall serve for staggered terms expiring on July 1 of the first, second, or third calendar year following their appointments or until their successors are appointed and have qualified. Staggered terms shall be determined by lot at the organizing meeting of the Illinois P-20 Council.

Vacancies shall be filled in the same manner as original appointments, and any member so appointed shall serve during the remainder of the term for which the vacancy occurred.

(c) The Illinois P-20 Council shall be funded through State appropriations to support staff activities, research, data-collection, and dissemination. The Illinois P-20 Council shall be staffed by the Office of the Governor, in coordination with relevant State agencies, boards, and commissions. The Illinois Education Research Council shall provide research and coordinate research collection activities for the Illinois P-20 Council.

(d) The Illinois P-20 Council shall have all of the following duties:
   (1) To make recommendations to do all of the following:

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(A) Coordinate pre-kindergarten through grade 20 (graduate school) education in this State through working at the intersections of educational systems to promote collaborative infrastructure.

(B) Coordinate and leverage strategies, actions, legislation, policies, and resources of all stakeholders to support fundamental and lasting improvement in this State's public schools, community colleges, and universities.

(C) Better align the high school curriculum with postsecondary expectations.

(D) Better align assessments across all levels of education.

(E) Reduce the need for students entering institutions of higher education to take remedial courses.

(F) Smooth the transition from high school to college.

(G) Improve high school and college graduation rates.

(H) Improve the rigor and relevance of academic standards for college and workforce readiness.

(I) Better align college and university teaching programs with the needs of Illinois schools.

(2) To advise the Governor, the General Assembly, the State's education and higher education agencies, and the State's workforce and economic development boards and agencies on policies related to lifelong learning for Illinois students and families.

(3) To articulate a framework for systemic educational improvement that will enable every student to meet or exceed Illinois learning standards and be well-prepared to succeed in the workforce and community.

(4) To provide an estimated fiscal impact for implementation of all Council recommendations.

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(e) The chairperson of the Illinois P-20 Council may authorize the creation of working groups focusing on areas of interest to Illinois educational and workforce development, including without limitation the following areas:

(1) Preparation, recruitment, and certification of highly qualified teachers.
(2) Mentoring and induction of highly qualified teachers.
(3) The diversity of highly qualified teachers.
(4) Funding for highly qualified teachers, including developing a strategic and collaborative plan to seek federal and private grants to support initiatives targeting teacher preparation and its impact on student achievement.
(5) Highly effective administrators.
(6) Illinois birth through age 3 education, pre-kindergarten, and early childhood education.
(7) The assessment, alignment, outreach, and network of college and workforce readiness efforts.
(8) Alternative routes to college access.
(9) Research data and accountability.

The chairperson of the Illinois P-20 Council may designate Council members to serve as working group chairpersons. Working groups may invite organizations and individuals representing pre-kindergarten through grade 20 interests to participate in discussions, data collection, and dissemination.

(110 ILCS 205/9.10 rep.)

Section 10. The Board of Higher Education Act is amended by repealing Section 9.10.
Approved September 25, 2007.
Effective June 1, 2008.
AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Sections 2-118, 6-201, 6-205, 6-206, and 11-501.8 as follows:

(625 ILCS 5/2-118) (from Ch. 95 1/2, par. 2-118)

Sec. 2-118. Hearings.

(a) Upon the suspension, revocation or denial of the issuance of a license, permit, registration or certificate of title under this Code of any person the Secretary of State shall immediately notify such person in writing and upon his written request shall, within 20 days after receipt thereof, set a date for a hearing to commence within 90 calendar days from the date of the written request for all requests related to a suspension, revocation, or the denial of the issuance of a license, permit, registration, or certificate of title occurring after July 1, 2002, in the County of Sangamon, the County of Jefferson, or the County of Cook, as such person may specify, unless both parties agree that such hearing may be held in some other county. The Secretary may require the payment of a fee of not more than $50 for the filing of any petition, motion, or request for hearing conducted pursuant to this Section. These fees must be deposited into the Secretary of State DUI Administration Fund, a special fund created in the State treasury, and, subject to appropriation and as directed by the Secretary of State, shall be used for operation of the Department of Administrative Hearings of the Office of the Secretary of State and for no other purpose. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.

(b) At any time after the suspension, revocation or denial of a license, permit, registration or certificate of title of any person as hereinbefore referred to, the Secretary of State, in his or her discretion and without the necessity of a request by such person, may hold such a hearing,
upon not less than 10 days' notice in writing, in the Counties of Sangamon, Jefferson, or Cook or in any other county agreed to by the parties.

(c) Upon any such hearing, the Secretary of State, or his authorized agent may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and records and may require an examination of such person. Upon any such hearing, the Secretary of State shall either rescind or, good cause appearing therefor, continue, change or extend the Order of Revocation or Suspension, or upon petition therefore and subject to the provisions of this Code, issue a restricted driving permit or reinstate the license or permit of such person.

(d) All hearings and hearing procedures shall comply with requirements of the Constitution, so that no person is deprived of due process of law nor denied equal protection of the laws. All hearings shall be held before the Secretary of State or before such persons as may be designated by the Secretary of State and appropriate records of such hearings shall be kept. Where a transcript of the hearing is taken, the person requesting the hearing shall have the opportunity to order a copy thereof at his own expense. The Secretary of State shall enter an order upon any hearing conducted under this Section, related to a suspension, revocation, or the denial of the issuance of a license, permit, registration, or certificate of title occurring after July 1, 2002, within 90 days of its conclusion and shall immediately notify the person in writing of his or her action.

(d-5) Any hearing over which the Secretary of State has jurisdiction because of a person's implied consent to testing of the person's blood, breath, or urine for the presence of alcohol, drugs, or intoxicating compounds may be conducted upon a review of the official police reports. Either party, however, may subpoena the arresting officer and any other law enforcement officer who was involved in the petitioner's arrest or processing after arrest, as well as any other person whose testimony may be probative to the issues at the hearing. The failure of a law enforcement officer to answer the subpoena shall be considered grounds for a continuance if, in the hearing officer's discretion, the continuance is appropriate. The failure of the arresting officer to answer a
subpoena shall not, in and of itself, be considered grounds for the rescission of an implied consent suspension. Rather, the hearing shall proceed on the basis of the other evidence available, and the hearing officer shall assign this evidence whatever probative value is deemed appropriate. The decision to rescind shall be based upon the totality of the evidence.

(e) The action of the Secretary of State in suspending, revoking or denying any license, permit, registration, or certificate of title shall be subject to judicial review in the Circuit Court of Sangamon County, in the Circuit Court of Jefferson County, or in the Circuit Court of Cook County, and the provisions of the Administrative Review Law, and all amendments and modifications thereto, and the rules adopted pursuant thereto, are hereby adopted and shall apply to and govern every action for the judicial review of final acts or decisions of the Secretary of State hereunder. (Source: P.A. 91-823, eff. 1-1-01; 92-418, eff. 8-17-01.)

(625 ILCS 5/6-201) (from Ch. 95 1/2, par. 6-201)
Sec. 6-201. Authority to cancel licenses and permits.
(a) The Secretary of State is authorized to cancel any license or permit upon determining that the holder thereof:
1. was not entitled to the issuance thereof hereunder; or
2. failed to give the required or correct information in his application; or
3. failed to pay any fees, civil penalties owed to the Illinois Commerce Commission, or taxes due under this Act and upon reasonable notice and demand; or
4. committed any fraud in the making of such application; or
5. is ineligible therefor under the provisions of Section 6-103 of this Act, as amended; or
6. has refused or neglected to submit an alcohol, drug, and intoxicating compound evaluation or to submit to examination or re-examination as required under this Act; or
7. has been convicted of violating the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine

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Control and Community Protection Act, or the Use of Intoxicating Compounds Act while that individual was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. After the cancellation, the Secretary of State shall not issue a new license or permit for a period of one year after the date of cancellation. However, upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety, or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow transportation for the petitioner or a household member of the petitioner's family for the receipt of necessary medical care or, if the professional evaluation indicates, provide transportation for the petitioner to and from for alcohol or drug remedial or rehabilitative activity recommended by a licensed service provider, or for the petitioner to attend classes, as a student, in an accredited educational institution. The petitioner must, if the person is able to demonstrate that no alternative means of transportation is reasonably available; provided that the Secretary's discretion shall be limited to cases where undue hardship, as defined by the rules of the Secretary of State, would result from a failure to issue such restricted driving permit. In each case the Secretary of State may issue such restricted driving permit for such period as he deems appropriate, except that such permit

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shall expire within one year from the date of issuance. A restricted driving permit issued hereunder shall be subject to cancellation, revocation and suspension by the Secretary of State in like manner and for like cause as a driver's license issued hereunder may be cancelled, revoked or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a driver remedial or rehabilitative program; or

8. failed to submit a report as required by Section 6-116.5 of this Code; or

9. has been convicted of a sex offense as defined in the Sex Offender Registration Act. The driver's license shall remain cancelled until the driver registers as a sex offender as required by the Sex Offender Registration Act, proof of the registration is furnished to the Secretary of State and the sex offender provides proof of current address to the Secretary; or:

10. has not been convicted of a sex offense as defined in the Sex Offender Registration Act. The driver's license shall remain cancelled until the driver registers as a sex offender as required by the Sex Offender Registration Act, proof of the registration is furnished to the Secretary of State and the sex offender provides proof of current address to the Secretary; or:

(b) Upon such cancellation the licensee or permittee must surrender the license or permit so cancelled to the Secretary of State.

(c) Except as provided in Sections 6-206.1 and 7-702.1, the Secretary of State shall have exclusive authority to grant, issue, deny, cancel, suspend and revoke driving privileges, drivers' licenses and restricted driving permits.

(d) The Secretary of State may adopt rules to implement this Section.

(Source: P.A. 94-556, eff. 9-11-05; 94-916, eff. 7-1-07; 94-993, eff. 1-1-07; revised 8-3-06.)

(625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)
Sec. 6-205. Mandatory revocation of license or permit; Hardship cases.

New matter indicated by italics - deletions by strikeout
(a) Except as provided in this Section, the Secretary of State shall immediately revoke the license, permit, or driving privileges of any driver upon receiving a report of the driver's conviction of any of the following offenses:

1. Reckless homicide resulting from the operation of a motor vehicle;
2. Violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof;
3. Any felony under the laws of any State or the federal government in the commission of which a motor vehicle was used;
4. Violation of Section 11-401 of this Code relating to the offense of leaving the scene of a traffic accident involving death or personal injury;
5. Perjury or the making of a false affidavit or statement under oath to the Secretary of State under this Code or under any other law relating to the ownership or operation of motor vehicles;
6. Conviction upon 3 charges of violation of Section 11-503 of this Code relating to the offense of reckless driving committed within a period of 12 months;
7. Conviction of any offense defined in Section 4-102 of this Code;
8. Violation of Section 11-504 of this Code relating to the offense of drag racing;
9. Violation of Chapters 8 and 9 of this Code;
10. Violation of Section 12-5 of the Criminal Code of 1961 arising from the use of a motor vehicle;
11. Violation of Section 11-204.1 of this Code relating to aggravated fleeing or attempting to elude a peace officer;
12. Violation of paragraph (1) of subsection (b) of Section 6-507, or a similar law of any other state, relating to the unlawful operation of a commercial motor vehicle;

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13. Violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance if the driver has been previously convicted of a violation of that Section or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense.

(b) The Secretary of State shall also immediately revoke the license or permit of any driver in the following situations:

1. Of any minor upon receiving the notice provided for in Section 5-901 of the Juvenile Court Act of 1987 that the minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of this Code;

2. Of any person when any other law of this State requires either the revocation or suspension of a license or permit.

(c)(1) Whenever a person is convicted of any of the offenses enumerated in this Section, the court may recommend and the Secretary of State in his discretion, without regard to whether the recommendation is made by the court may, upon application, issue to the person a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow transportation for the petitioner or a household member of the petitioner's family for the receipt of necessary medical care or, if the professional evaluation indicates, provide transportation for the petitioner to and from for alcohol or drug remedial or rehabilitative activity recommended by a licensed service provider, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and that the petitioner will not endanger the public safety or welfare; provided that the Secretary's discretion shall be limited to cases where undue hardship, as defined by the rules of the Secretary of State, would result from a failure to issue the restricted driving permit. Those multiple offenders identified in subdivision (b)4 of

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Section 6-208 of this Code, however, shall not be eligible for the issuance of a restricted driving permit.

(2) If a person's license or permit is has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense, or a combination of these offenses, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(3) If a person's license or permit is has been revoked or suspended 2 or more times within a 10 year period due to any combination of:

   (A) a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense; or,

   (B) a statutory summary suspension under Section 11-501.1; or

   (C) a suspension pursuant to Section 6-203.1, 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(4) The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.

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(5) If the restricted driving permit is was issued for employment purposes, then the prohibition against operating a motor vehicle that is not equipped with an ignition interlock device this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer when used solely for employment purposes.

(6) In each case the Secretary of State may issue a restricted driving permit for a period he deems appropriate, except that the permit shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drugs or drugs, intoxicating compound or compounds; or any similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961, where the use of alcohol or other drugs is recited as an element of the offense, or any similar out-of-state offense, or any combination of these offenses, or any combination thereof, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the petitioner applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program. However, if an individual's driving privileges have

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been revoked in accordance with paragraph 13 of subsection (a) of this Section, no restricted driving permit shall be issued until the individual has served 6 months of the revocation period.

(d)(1) Whenever a person under the age of 21 is convicted under Section 11-501 of this Code or a similar provision of a local ordinance, or a similar out-of-state offense, the Secretary of State shall revoke the driving privileges of that person. One year after the date of revocation, and upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle only between the hours of 5 a.m. and 9 p.m. or as otherwise provided by this Section for a period of one year. After this one year period, and upon reapplication for a license as provided in Section 6-106, upon payment of the appropriate reinstatement fee provided under paragraph (b) of Section 6-118, the Secretary of State, in his discretion, may reinstate the petitioner's driver's license and driving privileges issue the applicant a license, or extend the restricted driving permit as many times as the Secretary of State deems appropriate, by additional periods of not more than 12 months each, until the applicant attains 21 years of age.

(2) If a person's license or permit is has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense, or a combination of these offenses, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(3) If a person's license or permit is has been revoked or suspended 2 or more times within a 10 year period due to any combination of:

New matter indicated by italics - deletions by strikeout
(A) a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense; or

(B) a statutory summary suspension under Section 11-501.1; or

(C) a suspension pursuant to Section 6-203.1, 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(4) The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.

(5) If the restricted driving permit is issued for employment purposes, then the prohibition against driving a vehicle that is not equipped with an ignition interlock device this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer when used solely for employment purposes.

(6) A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The revocation periods

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contained in this subparagraph shall apply to similar out-of-state convictions.

(e) This Section is subject to the provisions of the Driver License Compact.

(f) Any revocation imposed upon any person under subsections 2 and 3 of paragraph (b) that is in effect on December 31, 1988 shall be converted to a suspension for a like period of time.

(g) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been revoked under any provisions of this Code.

(h) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense under Section 11-501 of this Code or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(i) The Secretary of State may not issue a restricted driving permit for a period of one year after a second or subsequent revocation of driving privileges under clause (a)(2) of this Section; however, one year after the date of a second or subsequent revocation of driving privileges under clause (a)(2) of this Section, the Secretary of State may, upon application, issue a restricted driving permit under the terms and conditions of subsection (c).

(j) In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been revoked under any provisions of this Code.

(Source: P.A. 93-120, eff. 1-1-04; 94-307, eff. 9-30-05.)

(625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a
showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;

2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in death or injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;

5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;

6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;

7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;

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8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;

9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;

10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;

11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a judicial driving permit, probationary license to drive, or a restricted driving permit issued under this Code;

12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;

15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a peace officer;

17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

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18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of $1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the
Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act, in which case the person's driving privileges shall be suspended for one year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act shall be suspended for 5 years. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled

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substance as listed in the Illinois Controlled Substances Act, or an
intoxicating compound as listed in the Use of Intoxicating
Compounds Act, in which case the penalty shall be as prescribed in
Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal
Code of 1961 relating to the aggravated discharge of a firearm if
the offender was located in a motor vehicle at the time the firearm
was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on
the date of the offense, been convicted a first time of a violation of
paragraph (a) of Section 11-502 of this Code or a similar provision
of a local ordinance;

34. Has committed a violation of Section 11-1301.5 of this
Code;

35. Has committed a violation of Section 11-1301.6 of this
Code;

36. Is under the age of 21 years at the time of arrest and has
been convicted of not less than 2 offenses against traffic
regulations governing the movement of vehicles committed within
any 24 month period. No revocation or suspension shall be entered
more than 6 months after the date of last conviction;

37. Has committed a violation of subsection (c) of Section
11-907 of this Code;

38. Has been convicted of a violation of Section 6-20 of the
Liquor Control Act of 1934 or a similar provision of a local
ordinance;

39. Has committed a second or subsequent violation of
Section 11-1201 of this Code;

40. Has committed a violation of subsection (a-1) of
Section 11-908 of this Code;

41. Has committed a second or subsequent violation of
Section 11-605.1 of this Code within 2 years of the date of the
previous violation, in which case the suspension shall be for 90
days; or

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42. Has committed a violation of subsection (a-1) of Section 11-1301.3 of this Code; or:

43. Has, in connection with or during the course of a formal hearing conducted under Section 2-118 of this Code: (i) committed perjury; (ii) submitted fraudulent or falsified documents; (iii) submitted documents that have been materially altered; or (iv), submitted as his or her own, documents that were in fact prepared or composed for another person.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving

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privileges shall be suspended by the Secretary of State. Any driver
prior to operating a vehicle for occupational purposes only must
submit the affidavit on forms to be provided by the Secretary of
State setting forth the facts of the person's occupation. The
affidavit shall also state the number of offenses committed while
operating a vehicle in connection with the driver's regular
occupation. The affidavit shall be accompanied by the driver's
license. Upon receipt of a properly completed affidavit, the
Secretary of State shall issue the driver a permit to operate a
vehicle in connection with the driver's regular occupation only.
Unless the permit is issued by the Secretary of State prior to the
date of suspension, the privilege to drive any motor vehicle shall be
suspended as set forth in the notice that was mailed under this
Section. If an affidavit is received subsequent to the effective date
of this suspension, a permit may be issued for the remainder of the
suspension period.

The provisions of this subparagraph shall not apply to any
driver required to possess a CDL for the purpose of operating a
commercial motor vehicle.

Any person who falsely states any fact in the affidavit
required herein shall be guilty of perjury under Section 6-302 and
upon conviction thereof shall have all driving privileges revoked
without further rights.

3. At the conclusion of a hearing under Section 2-118 of
this Code, the Secretary of State shall either rescind or continue an
order of revocation or shall substitute an order of suspension; or,
good cause appearing therefor, rescind, continue, change, or extend
the order of suspension. If the Secretary of State does not rescind
the order, the Secretary may upon application, to relieve undue
hardship (as defined by the rules of the Secretary of State), issue a
restricted driving permit granting the privilege of driving a motor
vehicle between the petitioner's residence and petitioner's place of
employment or within the scope of the petitioner's employment
related duties, or to allow transportation for the petitioner, or a

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household member of the petitioner's family, to receive necessary medical care and if the professional evaluation indicates, provide transportation to and from for alcohol or drug remedial or rehabilitative activity recommended by a licensed service provider, or for the petitioner to attend classes, as a student, in an accredited educational institution. The if the petitioner must is able to demonstrate that no alternative means of transportation is reasonably available and that the petitioner will not endanger the public safety or welfare. Those multiple offenders identified in subdivision (b)4 of Section 6-208 of this Code, however, shall not be eligible for the issuance of a restricted driving permit.

(A) If a person's license or permit is has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense, or a combination of these offenses, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(B) If a person's license or permit is has been revoked or suspended 2 or more times within a 10 year period due to any combination of:

(i) a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense; or

(ii) a statutory summary suspension under Section 11-501.1; or

(iii) a suspension under Section 6-203.1, 2 or more statutory summary suspensions, or combination of 2

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offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(C) The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.

(D) If the restricted driving permit is issued for employment purposes, then the prohibition against operating a motor vehicle that is not equipped with an ignition interlock device this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer when used solely for employment purposes.

(E) In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961, where the use of alcohol or other drugs is recited as an element of the offense, or any similar out-of-state offense, or any combination of those offenses, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses

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against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 18 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.

(f) In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been suspended or revoked under any provisions of this Code.

(Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04; 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff. 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)

(625 ILCS 5/11-501.8) Sec. 11-501.8. Suspension of driver's license; persons under age 21.

(a) A person who is less than 21 years of age and who drives or is in actual physical control of a motor vehicle upon the public highways of this State shall be deemed to have given consent to a chemical test or tests of blood, breath, or urine for the purpose of determining the alcohol content of the person's blood if arrested, as evidenced by the issuance of a

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Uniform Traffic Ticket for any violation of the Illinois Vehicle Code or a similar provision of a local ordinance, if a police officer has probable cause to believe that the driver has consumed any amount of an alcoholic beverage based upon evidence of the driver's physical condition or other first hand knowledge of the police officer. The test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. A urine test may be administered even after a blood or breath test or both has been administered.

(b) A person who is dead, unconscious, or who is otherwise in a condition rendering that person incapable of refusal, shall be deemed not to have withdrawn the consent provided by paragraph (a) of this Section and the test or tests may be administered subject to the following provisions:

(i) Chemical analysis of the person's blood, urine, breath, or other bodily substance, to be considered valid under the provisions of this Section, shall have been performed according to standards promulgated by the Department of State Police by an individual possessing a valid permit issued by that Department for this purpose. The Director of State Police is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct analyses, to issue permits that shall be subject to termination or revocation at the direction of that Department, and to certify the accuracy of breath testing equipment. The Department of State Police shall prescribe regulations as necessary.

(ii) When a person submits to a blood test at the request of a law enforcement officer under the provisions of this Section, only a physician authorized to practice medicine, a registered nurse, or other qualified person trained in venipuncture and acting under the direction of a licensed physician may withdraw blood for the purpose of determining the alcohol content therein. This limitation does not apply to the taking of breath or urine specimens.
(iii) The person tested may have a physician, qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer a chemical test or tests in addition to any test or tests administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the consideration of the previously performed chemical test.

(iv) Upon a request of the person who submits to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to the person or that person's attorney.

(v) Alcohol concentration means either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(vi) If a driver is receiving medical treatment as a result of a motor vehicle accident, a physician licensed to practice medicine, registered nurse, or other qualified person trained in venipuncture and acting under the direction of a licensed physician shall withdraw blood for testing purposes to ascertain the presence of alcohol upon the specific request of a law enforcement officer. However, that testing shall not be performed until, in the opinion of the medical personnel on scene, the withdrawal can be made without interfering with or endangering the well-being of the patient.

(c) A person requested to submit to a test as provided above shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of more than 0.00, may result in the loss of that person's privilege to operate a motor vehicle. The loss of driving privileges shall be imposed in accordance with Section 6-208.2 of this Code.

(d) If the person refuses testing or submits to a test that discloses an alcohol concentration of more than 0.00, the law enforcement officer shall immediately submit a sworn report to the Secretary of State on a form prescribed by the Secretary of State, certifying that the test or tests

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were requested under subsection (a) and the person refused to submit to a
test or tests or submitted to testing which disclosed an alcohol
concentration of more than 0.00. The law enforcement officer shall submit
the same sworn report when a person under the age of 21 submits to
testing under Section 11-501.1 of this Code and the testing discloses an
alcohol concentration of more than 0.00 and less than 0.08.

Upon receipt of the sworn report of a law enforcement officer, the
Secretary of State shall enter the driver's license sanction on the
individual's driving record and the sanctions shall be effective on the 46th
day following the date notice of the sanction was given to the person. If
this sanction is the individual's first driver's license suspension under this
Section, reports received by the Secretary of State under this Section shall,
except during the time the suspension is in effect, be privileged
information and for use only by the courts, police officers, prosecuting
authorities, the Secretary of State, or the individual personally.

The law enforcement officer submitting the sworn report shall
serve immediate notice of this driver's license sanction on the person and
the sanction shall be effective on the 46th day following the date notice
was given.

In cases where the blood alcohol concentration of more than 0.00 is
established by a subsequent analysis of blood or urine, the police officer or
arresting agency shall give notice as provided in this Section or by deposit
in the United States mail of that notice in an envelope with postage
prepaid and addressed to that person at his last known address and the loss
of driving privileges shall be effective on the 46th day following the date
notice was given.

Upon receipt of the sworn report of a law enforcement officer, the
Secretary of State shall also give notice of the driver's license sanction to
the driver by mailing a notice of the effective date of the sanction to the
individual. However, should the sworn report be defective by not
containing sufficient information or be completed in error, the notice of
the driver's license sanction may not be mailed to the person or entered to
the driving record, but rather the sworn report shall be returned to the
issuing law enforcement agency.

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(e) A driver may contest this driver's license sanction by requesting an administrative hearing with the Secretary of State in accordance with Section 2-118 of this Code. An individual whose blood alcohol concentration is shown to be more than 0.00 is not subject to this Section if he or she consumed alcohol in the performance of a religious service or ceremony. An individual whose blood alcohol concentration is shown to be more than 0.00 shall not be subject to this Section if the individual's blood alcohol concentration resulted only from ingestion of the prescribed or recommended dosage of medicine that contained alcohol. The petition for that hearing shall not stay or delay the effective date of the impending suspension. The scope of this hearing shall be limited to the issues of:

1. whether the police officer had probable cause to believe that the person was driving or in actual physical control of a motor vehicle upon the public highways of the State and the police officer had reason to believe that the person was in violation of any provision of the Illinois Vehicle Code or a similar provision of a local ordinance; and

2. whether the person was issued a Uniform Traffic Ticket for any violation of the Illinois Vehicle Code or a similar provision of a local ordinance; and

3. whether the police officer had probable cause to believe that the driver had consumed any amount of an alcoholic beverage based upon the driver's physical actions or other first-hand knowledge of the police officer; and

4. whether the person, after being advised by the officer that the privilege to operate a motor vehicle would be suspended if the person refused to submit to and complete the test or tests, did refuse to submit to or complete the test or tests to determine the person's alcohol concentration; and

5. whether the person, after being advised by the officer that the privileges to operate a motor vehicle would be suspended if the person submits to a chemical test or tests and the test or tests disclose an alcohol concentration of more than 0.00, did submit to
and complete the test or tests that determined an alcohol concentration of more than 0.00; and

(6) whether the test result of an alcohol concentration of more than 0.00 was based upon the person's consumption of alcohol in the performance of a religious service or ceremony; and

(7) whether the test result of an alcohol concentration of more than 0.00 was based upon the person's consumption of alcohol through ingestion of the prescribed or recommended dosage of medicine.

Provided that the petitioner may subpoena the officer, the hearing may be conducted upon a review of the law enforcement officer's own official reports. Failure of the officer to answer the subpoena shall be grounds for a continuance if, in the hearing officer's discretion, the continuance is appropriate. At the conclusion of the hearing held under Section 2-118 of this Code, the Secretary of State may rescind, continue, or modify the driver's license sanction. If the Secretary of State does not rescind the sanction, a restricted driving permit may be granted by the Secretary of State upon application being made and good cause shown. A restricted driving permit may be granted to relieve undue hardship by allowing driving for employment, educational, and medical purposes as outlined in item (3) of part (c) of Section 6-206 of this Code. The provisions of item (3) of part (c) of Section 6-206 of this Code and of subsection (f) of that Section shall apply. The Secretary of State shall promulgate rules providing for participation in an alcohol education and awareness program or activity, a drug education and awareness program or activity, or both as a condition to the issuance of a restricted driving permit for suspensions imposed under this Section.

(f) The results of any chemical testing performed in accordance with subsection (a) of this Section are not admissible in any civil or criminal proceeding, except that the results of the testing may be considered at a hearing held under Section 2-118 of this Code. However, the results of the testing may not be used to impose driver's license sanctions under Section 11-501.1 of this Code. A law enforcement officer may, however, pursue a statutory summary suspension of driving

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privileges under Section 11-501.1 of this Code if other physical evidence or first hand knowledge forms the basis of that suspension.

(g) This Section applies only to drivers who are under age 21 at the time of the issuance of a Uniform Traffic Ticket for a violation of the Illinois Vehicle Code or a similar provision of a local ordinance, and a chemical test request is made under this Section.

(h) The action of the Secretary of State in suspending, revoking, or denying any license, permit, registration, or certificate of title shall be subject to judicial review in the Circuit Court of Sangamon County or in the Circuit Court of Cook County, and the provisions of the Administrative Review Law and its rules are hereby adopted and shall apply to and govern every action for the judicial review of final acts or decisions of the Secretary of State under this Section.

(Source: P.A. 94-307, eff. 9-30-05.)

Approved September 25, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0628
(House Bill No. 1775)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Assisted Living and Shared Housing Act is amended by changing Sections 35 and 125 as follows:

(210 ILCS 9/35)

Sec. 35. Issuance of license.

(a) Upon receipt and review of an application for a license and review of the applicant establishment, the Director may issue a license if he or she finds:

(1) that the individual applicant, or the corporation, partnership, or other entity if the applicant is not an individual, is a person responsible and suitable to operate or to direct or participate

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in the operation of an establishment by virtue of financial capacity, appropriate business or professional experience, a record of lawful compliance with lawful orders of the Department and lack of revocation of a license issued under this Act or the Nursing Home Care Act during the previous 5 years;

(2) that the establishment is under the supervision of a full-time director who is at least 21 years of age and has a high school diploma or equivalent plus either:

(A) 2 years of management experience or 2 years of experience in positions of progressive responsibility in health care, housing with services, or adult day care or providing similar services to the elderly; or

(B) 2 years of management experience or 2 years of experience in positions of progressive responsibility in hospitality and training in health care and housing with services management as defined by rule with ability, training, and education appropriate to meet the needs of the residents and to manage the operations of the establishment and who participates in ongoing training for these purposes;

(3) that the establishment has staff sufficient in number with qualifications, adequate skills, education, and experience to meet the 24 hour scheduled and unscheduled needs of residents and who participate in ongoing training to serve the resident population;

(4) that direct care staff meet the requirements of the Health Care Worker Background Check Act;

(5) that the applicant is in substantial compliance with this Act and such other requirements for a license as the Department by rule may establish under this Act;

(6) that the applicant pays all required fees;

(7) that the applicant has provided to the Department an accurate disclosure document in accordance with the Alzheimer's Special Care Disclosure Act and in substantial compliance with Section 150 of this Act.

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In addition to any other requirements set forth in this Act, as a condition of licensure under this Act, the director of an establishment must participate in at least 20 hours of training every 2 years to assist him or her in better meeting the needs of the residents of the establishment and manage the operation of the establishment.

Any license issued by the Director shall state the physical location of the establishment, the date the license was issued, and the expiration date. All licenses shall be valid for one year, except as provided in Section 40. Each license shall be issued only for the premises and persons named in the application, and shall not be transferable or assignable.

(Source: P.A. 93-141, eff. 7-10-03.)

(210 ILCS 9/125)

Sec. 125. Assisted Living and Shared Housing Standards and Quality of Life Advisory Board.

(a) The Director shall appoint the Assisted Living and Shared Housing Standards and Quality of Life Advisory Board which shall be responsible for advising the Director in all aspects of the administration of the Act. The Board shall give advice to the Department concerning activities of the assisted living ombudsman and all other matters deemed relevant by the Director and to the Director concerning the delivery of personal care services, the unique needs and concerns of seniors residing in housing projects, and all other issues affecting the quality of life of residents.

(b) The Board shall be comprised of the following persons:

(1) the Director who shall serve as chair, ex officio and nonvoting;

(2) the Director of Aging who shall serve as vice-chair, ex officio and nonvoting;

(3) one representative each of the Departments of Public Health, Healthcare and Family Services, Public Aid, and Human Services, the Office of the State Fire Marshal, and the Illinois Housing Development Authority, and 2 representatives of the Department on Aging, all nonvoting members;

(4) the State Ombudsman or his or her designee;

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(5) one representative of the Association of Area Agencies on Aging;
(6) four members selected from the recommendations by provider organizations whose membership consist of nursing care or assisted living establishments;
(7) one member selected from the recommendations of provider organizations whose membership consists of home health agencies;
(8) two residents of assisted living or shared housing establishments;
(9) three members selected from the recommendations of consumer organizations which engage solely in advocacy or legal representation on behalf of the senior population;
(10) one member who shall be a physician;
(11) one member who shall be a registered professional nurse selected from the recommendations of professional nursing associations;
(12) two citizen members with expertise in the area of gerontology research or legal research regarding implementation of assisted living statutes;
(13) two members representing providers of community care services; and
(14) one member representing agencies providing case coordination services.

(c) Members of the Board appointed under paragraphs (5) through (14) of subsection (b) shall be appointed to serve for terms of 3 years except as otherwise provided in this Section. All members shall be appointed by January 1, 2001, except that the 2 members representing the Department on Aging appointed under paragraph (3) of subsection (b) and the members appointed under paragraphs (13) and (14) of subsection (b) shall be appointed by January 1, 2005. One third of the Board members' initial terms shall expire in one year; one third in 2 years, and one third in 3 years. Of the 3 members appointed under paragraphs (13) and (14) of subsection (b), one shall serve for an initial term of one year, one shall

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serve for an initial term of 2 years, and one shall serve for an initial term of 3 years. A member's term does not expire until a successor is appointed by the Director Governor. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of that term. The Board shall meet at the call of the Director. The affirmative vote of 10 members of the Board shall be necessary for Board action. Members of this Board shall receive no compensation for their services, however, resident members shall be reimbursed for their actual expenses.

(d) The Board shall be provided copies of all administrative rules and changes to administrative rules for review and comment prior to notice being given to the public. If the Board, having been asked for its review, fails to advise the Department within 90 days, the rules shall be considered acted upon.

(Source: P.A. 93-1003, eff. 8-23-04; revised 12-15-05.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved September 25, 2007.

PUBLIC ACT 95-0629
(Senate Bill No. 0082)

AN ACT in relation to veterans.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Department of Veterans Affairs Act is amended by adding Section 20 as follows:

(20 ILCS 2805/20 new)
Sec. 20. Payments to veterans service organizations.
(a) In this Section:

New matter indicated by italics - deletions by strikeout
"Veterans service officer" means an individual employed by a veterans service organization and accredited by the United States Department of Veterans Affairs to process claims and other benefits for veterans and their spouses and beneficiaries.

"Veterans service organization" means an organization that meets all of the following criteria:

1. It is formed by and for United States military veterans.
2. It is chartered by the United States Congress and incorporated in the State of Illinois.
3. It maintained a state headquarters office in Illinois for the 10-year period immediately preceding July 1, 2006.
4. It maintains at least one office in this State staffed by a veterans service officer.
5. It is capable of preparing a power of attorney for a veteran and processing claims for veterans services.
6. It is not funded by the State of Illinois or by any county in this State.

"Veterans services" means the representation of veterans in federal hearings to secure benefits for veterans and their spouses and beneficiaries:

1. Disability compensation benefits.
2. Disability pension benefits.
3. Dependents' indemnity compensation.
5. Burial benefits.
6. Confirmed and continued claims.
7. Vocational rehabilitation and education.
8. Waivers of indebtedness.

(b) The Veterans Service Organization Reimbursement Fund is created as a special fund in the State treasury. Subject to appropriation, the Department shall use moneys appropriated from the Fund to make payments to a veterans service organization for veterans services rendered on behalf of veterans and their spouses and beneficiaries by a veterans service officer.
service officer employed by the organization. The payment shall be computed at the rate of $0.010 for each dollar of benefits obtained for veterans or their spouses or beneficiaries residing in Illinois as a result of the efforts of the veterans service officer. There shall be no payment under this Section for the value of health care received in a health care facility under the jurisdiction of the United States Veterans Administration. A veterans service organization may receive compensation under this Fund or it may apply for grants from the Illinois Veterans Assistance Fund, but in no event may a veterans service organization receive moneys from both funds during the same fiscal year. Funding for each applicant is subject to renewal by the Department on an annual basis.

(c) To be eligible for a payment under this Section, a veterans service organization must document the amount of moneys obtained for veterans and their spouses and beneficiaries in the form and manner required by the Department. The documentation must include the submission to the Department of a copy of the organization's report or reports to the United States Department of Veterans Affairs stating the amount of moneys obtained by the organization for veterans and their spouses and beneficiaries in the State fiscal year for which payment under this Section is requested. The organization must submit the copy of the report or reports to the Department no later than July 31 following the end of the State fiscal year for which payment is requested.

(d) The Department shall make the payment under this Section to a veterans service organization in a single annual payment for each State fiscal year, beginning with the State fiscal year that begins on July 1, 2007. The Department must make the payment for a State fiscal year on or before December 31 of the succeeding State fiscal year.

(e) A veterans service organization shall use moneys received under this Section only for the purpose of paying the salary and expenses of one or more veterans service officers and the organization's related expenses incurred in employing the officer or officers for the processing of claims and other benefits for veterans and their spouses and beneficiaries.

Section 10. The State Finance Act is amended by changing Section 8h and by adding Section 5.675 as follows:

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Sec. 5.675. The Veterans Service Organization Reimbursement Fund.

Sec. 8h. Transfers to General Revenue Fund.

(a) Except as otherwise provided in this Section and Section 8n of this Act, and (c), (d), or (e), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, the Teacher Health Insurance Security Fund, the Reviewing Court Alternative Dispute Resolution Fund, the Voters' Guide Fund, the Foreign Language Interpreter Fund, the Lawyers' Assistance Program Fund, the Supreme Court Federal Projects Fund, the Supreme Court Special State Projects Fund, the Supplemental Low-Income Energy Assistance Fund, the Good Samaritan Energy Trust Fund, the Low-Level Radioactive Waste Facility Development and Operation Fund, the Horse Racing Equity Trust Fund, or the Hospital Basic Services Preservation

New matter indicated by italics - deletions by strikeout
Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. No transfers may be made under this Section from the Pet Population Control Fund. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

In determining the available balance in a fund, the Governor may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(a-5) Transfers directed to be made under this Section on or before February 28, 2006 that are still pending on May 19, 2006 (the effective date of this amendatory Act of the 94th General Assembly) shall be redirected as provided in Section 8n of this Act.

(b) This Section does not apply to: (i) the Ticket For The Cure Fund; (ii) any fund established under the Community Senior Services and Resources Act; or (iii) on or after January 1, 2006 (the effective date of Public Act 94-511), the Child Labor and Day and Temporary Labor Enforcement Fund.

(c) This Section does not apply to the Demutualization Trust Fund established under the Uniform Disposition of Unclaimed Property Act.

(d) This Section does not apply to moneys set aside in the Illinois State Podiatric Disciplinary Fund for podiatric scholarships and residency programs under the Podiatric Scholarship and Residency Act.

(e) Subsection (a) does not apply to, and no transfer may be made under this Section from, the Pension Stabilization Fund.

New matter indicated by italics - deletions by strikeout
(f) This Section does not apply to the Veterans Service Organization Reimbursement Fund.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773, eff. 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06; 94-839, eff. 6-6-06; revised 6-19-06.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved September 25, 2007.

PUBLIC ACT 95-0630
(Senate Bill No. 0545)

AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 216 as follows:

(20 ILCS 2310/216 new)
Sec. 216. Culturally Competent Healthcare Demonstration Program.

(a) Research demonstrates that racial and ethnic minorities generally receive health care that is of a lesser quality than the majority population and have poorer health outcomes on a number of measures. The 2007 State Health Improvement Plan calls for increased cultural competence in Illinois health care settings, based on national standards that indicate cultural competence is an important aspect of the quality of health care delivered to racial, ethnic, religious, and other minorities.

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Based on the research and national standards, the General Assembly finds that increasing cultural competence among health care providers will improve the quality of health care delivered to minorities in Illinois.

(b) Subject to appropriation for this purpose, the Department shall establish the Culturally Competent Health Care Demonstration Program. For purposes of this Section, "culturally competent health care" means the ability of health care providers to understand and respond to the cultural and linguistic needs brought by patients to the health care encounter. The Program shall establish models that reflect best practices in culturally competent health care and that expand the delivery of culturally competent health care in Illinois.

(c) The Program shall consist of (i) demonstration grants awarded by the Department to public or private health care entities geographically distributed around the State; (ii) an ongoing collaborative learning project among the grantees; and (iii) an evaluation of the effect of the demonstration grants in improving the quality of health care for racial and ethnic minorities. The Department may contract with a vendor with experience in racial and ethnic health disparities and cultural competency to conduct the evaluation and provide support for the collaborative learning project. The vendor shall be a not-for-profit organization that represents a partnership of public, private, and voluntary health organizations that focuses on prevention, development of the public health system, and the reduction of racial and ethnic health disparities, and that engages health disparities stakeholders in its efforts.

Section 99. Effective date. This Act takes effect upon becoming law.

Approved September 25, 2007.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. Upon the payment of the sum of $8,700 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in St. Clair County, Illinois, to Brad Joseph.

Parcel No. 800XC01
Part of the Southeast Quarter of Section 19, Township 1 North, Range 8 West of the Third Principal Meridian, County of St. Clair, State of Illinois and being more particularly described as follows:
Commencing at the northeast corner of said Southeast Quarter of Section 19; thence on an assumed bearing of North 89 degrees 09 minutes 02 seconds West, on the north line of said Southeast Quarter of Section 19, a distance of 1,722.14 feet to the northeasterly right of way line of Illinois Route 15; thence on said northeasterly right of way line of Illinois Route 15 the following two (2) courses and distances: 1) South 17 degrees 22 minutes 19 seconds West, 185.18 feet; 2) South 47 degrees 37 minutes 41 seconds East, 1,141.37 feet to the former northerly right of way line of the Illinois Central Gulf Railroad and the Point of Beginning.
From said Point of Beginning; thence South 58 degrees 53 minutes 02 seconds East, on said northeasterly right of way line of Illinois Route 15, a distance of 358.62 feet to the former southerly right of way line of said Illinois Central Gulf Railroad; thence North 70 degrees 57 minutes 20 seconds West, on said former southerly right of way line of said Illinois Central Gulf Railroad, 252.53 feet to a bend in the northeasterly right of way line of Illinois Route 15 being 100.00 feet northeasterly of the centerline of Illinois Route 15; thence North 33 degrees 34 minutes 23 seconds West, 123.53 feet to the Point of Beginning.
Said Parcel 800XC01 contains 0.2174 acre or 9,470 square feet, more or less.
The Grantee, their legal representatives, successors and assigns as a part of the consideration hereof does hereby covenant and agree that there is no existing right of access nor will the Grantor permit access in the future, to,
from, or over the above described premises from and to the public highway lying adjacent to said premises, said public highway being known as FAP Route 103 (IL 15), previously declared a freeway.

Section 10. Upon the payment of the sum of $530 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Effingham County, Illinois.

Parcel No. 7501126
A part of Lot 1 of Joseph Leturno's Subdivision of part of the Southeast Quarter of the Northeast Quarter of Section 32, Township 9 North, Range 5 East of the 3rd Principal Meridian, Effingham County, Illinois, described as follows:
Commencing at an iron pin with an IDOT cap at the southeast corner of said Northeast Quarter (Recorded in Vol. 2084, Page 243); thence North 00 degrees 02 minutes 59 seconds East (bearings are referenced to the Illinois State Plane Coordinate System East Zone Datum 1983(97)) along the east line of said Northeast Quarter, a distance of 434.89 feet to the Centerline of F.A. 174 (IL 33); thence North 58 degrees 08 minutes 03 seconds West along said Centerline, a distance of 1,296.49 feet; thence North 89 degrees 36 minutes 17 seconds West a distance of 76.62 feet to the southwestwardly right-of-way of F.A. 174 (IL 33) and the Point of Beginning; thence North 89 degrees 36 minutes 17 seconds West a distance of 148.67 feet to the west line of said Southeast Quarter; thence North 00 degrees 02 minutes 59 seconds East along said west line, a distance of 91.34 feet to said southwestwardly right-of-way; thence South 58 degree 08 minutes 03 seconds East along said southwestwardly right-of-way, a distance of 174.96 feet to the Point of Beginning, containing 6,790 square feet, more or less.

Section 15. Upon the payment of the sum of $53,892 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Champaign County, Illinois:

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Parcel No. 5X01001  
Commencing at the northeast corner of Lot 35 of Hiram Shepherd's Addition as filed for record in Deed Book 32 Page 52 in the Office of the Recorder of Champaign County, Illinois; thence South 00 degrees 05 minutes 57 seconds East along the east line of said Lot 35, a distance of 17.24 feet to the intersection of the east line of said Lot 35 and the north right-of-way line of University Avenue (S.B.I. Route 10); thence South 89 degrees 28 minutes 59 seconds West 50.26 feet along said north right-of-way line to the True Point of Beginning; thence South 00 degrees 05 minutes 57 seconds East 52.10 feet to the easterly extension of the southerly line of a parcel of land identified as Parcel 5X70703 on a Plat of Survey prepared by Edward L. Clancy, Illinois Professional Land Surveyor Number 2207 dated September 10, 2003 and certified to Champaign County, Illinois; thence South 89 degrees 49 minutes 14 seconds West along said easterly extension of the south line of said Parcel 5X70703, 00 degrees 07 minutes 46 seconds West along the east line of said Parcel 5X70703 a distance of 51.75 feet to the northeast corner of said Parcel 5X70703 and the aforesaid north right-of-way line of University Avenue (SBI Route 10); thence North 89 degrees 28 minutes 59 seconds East along said north right-of-way line, 59.53 feet to the True Point of Beginning, encompassing 3090 square feet (0.071 acres), more or less, all being situated in the City of Urbana, Champaign County, Illinois.

Section 20. Upon the payment of the sum of $3,500 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in DeWitt County, Illinois:
Parcel No. 5X03703  
Part of Lots 4, 5 and 6 of the Wapella Commercial Subdivision as shown on plat recorded in Book "K" on Page 132 as document number 189264 on November 17, 1999, in the DeWitt County Recorder's Office and also being part of Dedications of Right of Way referenced as Tract 36 and Tract 37 in Condemnation Case No. 5044 in the month of March 1926, and more particularly described as follows:

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Commencing at the intersection of the east right of way line of S.B.I. Route 2 (U.S. Route 51 as located in 1926) and the north right of way line of Hickory Street in the Village of Wapella, Illinois, said point also being 157.16 feet easterly on an extended line of said north right of way line of Hickory Street from the easterly right of way line of F.A.P. Route 412 (U.S. Route 51); thence on an assumed bearing of South 77 degrees 16 minutes 07 seconds West, along the north right of way line of Hickory Street, 30.00 feet to the centerline of S.B.I. Route 2; thence North 12 degrees 12 minutes 54 seconds West, on the centerline of said S.B.I. Route 2, 356.99 feet; thence northwesterly, on said centerline, 391.46 feet on a curve to the left having a radius of 1000.00 feet, the chord of said curve bears North 23 degrees 25 minutes 46 seconds West, 388.97 feet to the west right of way line of Walnut Street as shown in said Wapella Commercial Subdivision, said point also being the Point of Beginning.

From said Point of Beginning; thence South 19 degrees 42 minutes 15 seconds East, on the west right of way line of said Walnut Street, 171.99 feet; thence northwesterly, on the west right of way line of said S.B.I. Route 2, a distance of 674.18 feet on a nontangential curve to the left having a radius of 970.00 feet, the chord of said curve bears North 44 degrees 41 minutes 26 seconds West, 660.69 feet to the west line of said Lot 4; thence North 05 degrees 57 minutes 25 seconds West, on the west line of said Lot 4, a distance of 69.52 feet to the east right of way line of said S.B.I. Route 2; thence southeasterly, on said east right of way line, 490.61 feet on a nontangential curve to the right having a radius of 1030.00 feet, the chord of said curve bears South 52 degrees 58 minutes 07 seconds East, 485.99 feet to the west right of way line of said Walnut Street; thence southeasterly, on said west right of way line, 72.61 feet on a nontangential curve to the left having a radius of 657.17 feet, the chord of said curve bears South 16 degrees 32 minutes 18 seconds East, 72.58 feet; thence South 19 degrees 42 minutes 15 seconds East, on said west right of way line, 15.56 feet to the Point of Beginning.

Said parcel contains 0.7614 acres or 33,165 square feet, more or less.

Section 25. Upon the payment of the sum of $24,533 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act,

New matter indicated by italics - deletions by strikeout
the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Tazewell County, Illinois, to Joan Avis.

Parcel No. 409576V

A part of the East Half of the Northeast Quarter of Section 5, Township 22 North, Range 3 West of the Third Principal Meridian, more particularly described as follows:
Commencing at the northwest corner of said East Half of the Northeast Quarter and running thence easterly 206.2 feet, more or less, along the north line of said Section 5 to a point in said line, said point being 150.0 feet normally distant northwesterly from the Survey Line of Federal Aid Route 406 and the Point of Beginning.
From the Point of Beginning running thence easterly 317.3 feet, more or less, along the north line of Section 5 to a point, said point being 150.0 feet normally distant southeasterly from said Survey Line; thence southwesterly and parallel with said Survey Line 1,651.3 feet, more or less, to a point on the west line of said East Half of the Northeast Quarter; thence northerly along said west line 946.3 feet, more or less, to a point, said point being 150.0 feet normally distant northwesterly from said Survey Line; thence westerly and parallel with said Survey Line 650.4 feet, more or less, to the Point of Beginning, said real estate containing 7.926 acres, more or less, of which 0.182 acres is existing public road right of way.

Section 30. Upon the payment of the sum of $44,670 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Effingham County, Illinois:

Parcel No. 7105E04

A part of Lot 2 in Block Number 28 in Addition "B" to Railroad Addition to the City of Effingham, reference being made in a plat of the said subdivision of the said Block, recorded in Book 29, Page 114, in the Office of the Clerk of the Circuit Court and the Recorder of Effingham.
County, Effingham, Illinois, lying East of US Route 45, more particularly
described as follows:
Commencing at a concrete monument with bronze tablet being the
southwest corner of Section 21, Township 8 North, Range 6 East of the
Third Principal Meridian, (Monument Record Book 1, Page 21) situated in
Effingham County, Illinois; thence South 87 degrees 15 minutes 43
seconds East along the south line of said Section 21, 379.82 feet to
intersection of said south line and the centerline of Federal Aid Primary
Route 328 (US 45); thence North 00 degrees 40 minutes 00 seconds East
along said centerline, 97.26 feet; thence South 88 degrees 06 minutes 39
seconds East, 46.62 feet to the intersection of Federal Primary Route 328
(US 45) east right-of-way line and the north line of Lot 2 in Block Number
28 in Addition "B" to Railroad Addition to the City of Effingham,
reference being made in a plat of the said subdivision of the said Block,
recorded in Book 29, Page 114, in the Office of the Clerk of the Circuit
Court and the Recorder of Effingham County, Effingham, Illinois, lying
east of US Route 45, being the Point of Beginning; thence South 88
degrees 38 minutes 44 seconds East along the north line of said Lot 2,
120.14 feet to the northeast corner of said Lot 2; thence South 00 degrees
54 minutes 16 seconds West along the east line of said Lot 2, 66.24 feet to
the northerly right-of-way line of Fayette Avenue; thence North 87 degrees
17 minutes 35 seconds West along said northerly right-of-way line 65.52
feet; thence North 57 degrees 46 minutes 13 seconds West along said
northerly right-of-way to the easterly right-of-way of Federal Aid Primary
Route 328 (US 45) 39.90 feet; thence North 23 degrees 57 minutes 32
seconds West along said easterly right-of-way 48.91 feet to the Point of
Beginning.

Section 35. Upon the payment of the sum of $300 to the State of
Illinois and subject to the conditions set forth in Section 900 of this Act,
the rights or easements of access, crossing, light, air and view from, to and
over the following described line and FA 5 (Old US 66) are restored
subject to permit requirements of the State of Illinois, Department of
Transportation.
Parcel No. 3LR0096

New matter indicated by italics - deletions by strikeout
That part of Block 6 in Scott, Humphrey and Pickett's Subdivision to Chenoa in the West Half of the Southeast Quarter of Section 2, Township 26 North, Range 4 East of the Third Principal Meridian, City Of Chenoa, McLean County, Illinois, more particularly described as follows with assumed bearings given for description purposes only:

Commencing at the intersection of the north right of way line of the T. P. & W. Railroad and the southeasterly right of way line of FA 5 (Old US 66); thence northeasterly 95.11 feet on said right of way line along a 4,639.65 foot radius curve to the right whose chord bears North 34 degrees 08 minutes 25 seconds East, 95.11 feet to the Point of Beginning of Release of Access Control on the west line of Block 6 in Scott, Humphrey and Pickett's Subdivision to Chenoa; thence continuing northeasterly 317.96 feet on said right of way line along a 4,639.65 foot radius curve to the right whose chord bears North 36 degrees 41 minutes 27 seconds East, 317.90 feet to the Point of Termination of Release of Access Control on the north line of said Block 6.

The total length of release of access control is 317.96 feet, more or less.

Section 40. Upon the payment of the sum of $4,600 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Woodford County, Illinois:

Parcel No. 409590V

A part of the Southeast Quarter of Section 15, Township 28 North, Range 3 West of the Third Principal Meridian, Woodford County, State of Illinois, more particularly described as follows.

Commencing at the southeast corner of the Northeast Quarter of the Southeast Quarter of said Section 15; thence South 87 degrees 56 minutes 40 seconds West, along the south line of the Northeast Quarter of the Southeast Quarter of said Section 15, 1,209.56 feet to a point on the existing southeasterly right of way of State Route 26, being the Point of Beginning; thence continuing along said south line South 87 degrees 56 minutes 40 seconds West 35.98 feet; thence North 30 degrees 27 minutes 42 seconds East 664.53 feet; thence along a 1,492.70 foot radius curve to

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the right whose chord bears North 23 degrees 12 minutes 34 seconds East a distance of 376.86 feet to a point on the existing southeasterly right of way of State Route 26; thence South 14 degrees 24 minutes 30 seconds West 389.01 feet; thence South 15 degrees 32 minutes 28 seconds West 116.51 feet; thence South 30 degrees 27 minutes 42 seconds West 90.00 feet; thence South 38 degrees 08 minutes 20 seconds West 446.61 feet to the Point of Beginning; said described tract containing 1.19 acres, more or less.

Section 45. Upon the payment of the sum of $154,000 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and IL Route 132 are restored subject to permit requirements of the State of Illinois, Department of Transportation:
Parcel No. 1WY0989
That part of Lot A of Greystone Commercial, being a subdivision of part of Lot 1 of the Northwest Quarter of Section 18, Township 45 North, Range 11 East of the Third Principal Meridian, Lake County, Illinois, described as follows:
Commencing at the northeast corner of said Lot A; thence on an assumed bearing of North 89 degrees 32 minutes 08 seconds West, 51.10 feet along the north line of said Lot A to the Point of Beginning of Access Control to be released; thence continuing North 89 degrees 32 minutes 08 seconds West, 70.00 feet along said north line to the end of said Access Control release.

Section 50. Upon the payment of the sum of $250,000 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed, all right, title and interest in and to the following described land in Cook County, Illinois, to the City of Chicago.
Parcel No. 0ZZ1012
That part of Lots 1, 2, and 3 in Block 4 of the Subdivision of Blocks 4 and 5 of Koester and Zander's Addition to Irving Park, being a subdivision of part of Section 23, Township 40 North, Range 13 East of the Third
Principal Meridian, according to the plat thereof recorded July 25, 1912 as Document No. 5012087, in Cook County, Illinois, described as follows:
Beginning at the northeast corner of said Lot 1; thence on an assumed bearing of South 00 degrees 00 minutes 47 seconds West, on the east line of said Block 4, a distance of 55.99 feet; thence South 35 degrees 39 minutes 58 seconds West, 37.64 feet; thence North 54 degrees 20 minutes 02 seconds West, 127.61 feet to the west line of said Lot 1; thence North 00 degrees 00 minutes 09 seconds East, on said west line, 12.69 feet to the northwest corner of said Lot 1; thence South 54 degrees 20 minutes 02 seconds East, 134.78 feet; thence South 35 degrees 39 minutes 58 seconds West, 10.00 feet to the Point of Beginning.
Said parcel contains 0.030 acre, more or less.
And reserving a permanent easement for roadway purposes as described below.
Parcel No. 0ZZ1012PE
That part of Lots 1, 2, and 3 in Block 4 of the Subdivision of Blocks 4 and 5 of Koester and Zander's Addition to Irving Park, being a subdivision of part of Section 23, Township 40 North, Range 13 East of the Third Principal Meridian, according to the plat thereof recorded July 25, 1912 as Document No. 5012087, in Cook County, Illinois, described as follows:
Commencing at the northeast corner of said Lot 1; thence on an assumed bearing of South 00 degrees 00 minutes 47 seconds West, on the east line of said Block 4, a distance of 55.99 feet; thence South 35 degrees 39 minutes 58 seconds West, 37.64 feet to the Point of Beginning; thence North 54 degrees 20 minutes 02 seconds West, 127.61 feet to the west line of said Lot 1; thence North 00 degrees 00 minutes 09 seconds East, on said west line, 12.31 feet; thence South 54 degrees 20 minutes 02 seconds East, 134.78 feet; thence South 35 degrees 39 minutes 58 seconds West, 10.00 feet to the Point of Beginning.
Said parcel contains 0.030 acre, more or less.
It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises below described to and from FAI Route 90/94, previously declared a freeway.

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Parcel No. 0ZZ1012AC
A line for the control of access of that part of lots 1, 2, and 3 in Block 4 of the subdivision of Blocks 4 and 5 of Koester and Zander's Addition to Irving Park, being a subdivision of part of Section 23, Township 40 North, Range 13 East of the Third Principal Meridian, according to the plat thereof recorded July 25, 1912 as Document No. 5012087, in Cook County, Illinois, described as follows: Commencing at the northeast corner of said Lot 1; thence on an assumed bearing of South 00 degrees 00 minutes 47 seconds West, on the east line of said Block 4, a distance of 55.99 feet; thence South 35 degrees 39 minutes 58 seconds West, 37.64 feet to the Point of Beginning of the access control line being described; thence North 54 degrees 20 minutes 02 seconds West, 127.61 feet to the west line of said Lot 1, and there said access control line terminates.

Section 55. Upon the payment of the sum of $168,666 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Cook County, Illinois, to the City of Chicago.

Parcel No. 0ZZ0864
That part of Lots 34, 35, and 36 in Block 16 of Mason's Subdivision of the East Half of the Northwest Quarter of Section 23, Township 40 North, Range 13 East of the Third Principal Meridian, according to the plat thereof recorded in Book 77, page 22 and 23 on May 15, 1899 in Cook County, Illinois, described as follows: Beginning at the northeast corner of said Lot 36; thence on an assumed bearing of South 00 degrees 00 minutes 34 seconds East, on the east line of said Block 16, a distance of 66.86 feet; thence South 89 degrees 59 minutes 26 seconds West, 5.00 feet; thence North 54 degrees 48 minutes 20 seconds West, 111.51 feet; thence North 00 degrees 14 minutes 28 seconds East, 3.00 feet to the north line of said Lot 36; thence South 89 degrees 45 minutes 32 seconds East, on said north line, 96.10 feet to the Point of Beginning.
Said parcel contains 0.081 acre, more or less.
It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of

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Transportation, from or over the premises below described to and from FAI Route 90/94, previously declared a freeway.
Parcel No. 0ZZ0864AC
A line for the control of access in that part of Lots 32, 33, 34, 35, and 36 in Block 16 of Mason's Subdivision of the East Half of the Northwest Quarter of Section 23, Township 40 North, Range 13 East of the Third Principal Meridian, according to the plat thereof recorded in Book 77, page 122 and 23 on May 15, 1899 in Cook County, Illinois, described as follows: Commencing at the northeast corner of said Lot 36; thence on an assumed bearing of South 00 degrees 00 minutes 34 seconds East, on the east line of said Block 16, a distance of 107.88 feet to the Point of Beginning of the access control line being described; thence North 55 degrees 02 minutes 28 seconds West, on the northerly face of a concrete wall, 153.24 feet to the west line of said Block 16, and there said access control line terminates.

Section 60. Upon the payment of the sum of $6,776 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Rock Island County, Illinois:
Parcel No. 2DRIX98
A part of Lots 1, 4, 5, 8 and 9 in Block 4 of Warner's Park Addition to the City of East Moline, a subdivision of the Northwest Quarter of Section 31, Township 18 North, Range 1 East of the Fourth Principal Meridian, the plat of said subdivision is recorded in Plat Book 12 at Page 62 in the Recorder's Office of Rock Island County, Illinois, described as follows: Commencing at the northwest corner of said Lot 1, said point being 111.938 meters [367.25 feet] radially distant northwesterly from the Survey Line of existing pavement in place of FA Route 308 (19th Street); thence South 79 degrees 46 minutes 44 seconds East, 91.520 meters [300.26 feet] along the southerly right of way line of 20th Avenue to a point on the westerly right of way line of said FA Route 308 (19th Street), said point being 20.421 meters [67.00 feet] radially distant northwesterly from said Survey Line and the Point of Beginning.

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From the Point of Beginning thence South 11 degrees 35 minutes 46 seconds West, 211.277 meters [693.17 feet] to a point on said westerly right of way line, said point being 14.935 meters [49.00 feet] distant northwesterly from said Survey Line; thence North 6 degrees 40 minutes 08 seconds West, 32.088 meters [105.28 feet] along said westerly right of way line to a point 25.908 meters [85.00 feet] distant northwesterly from said Survey Line; thence North 5 degrees 21 minutes 23 seconds East, 15.389 meters [50.49 feet] along said westerly right of way line to a point 28.042 meters [92.00 feet] distant northwesterly from said Survey Line; thence North 13 degrees 19 minutes 39 seconds East, 106.680 meters [350.00 feet] along said westerly right of way line to a point 28.042 meters [92.00 feet] distant northwesterly from said Survey Line; thence North 19 degrees 49 minutes 03 seconds East, 59.488 meters [195.17 feet] along said westerly right of way line to the Point of Beginning, containing 1649 square meters [17,750 square feet], more or less.

Section 65. Upon the payment of the sum of $186,333 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Cook County, Illinois, to City of Chicago.

Parcel No. 0ZZ1042
That part of Lot 201 in Givin's and Gilbert's Subdivision being a Subdivision of the Southeast Quarter of the Northwest Quarter in Section 25, Township 40 North, Range 13 East of the Third Principal Meridian bounded and described as follows: Beginning at the northwest corner of said Lot 201; thence South 89 degrees 17 minutes 41 seconds East being an assumed bearing on the north line of said Lot 201, a distance of 80.59 feet; thence South 47 degrees 41 minutes 33 seconds East, 47.52 feet to the south line of said Lot 201; thence North 89 degrees 22 minutes 01 second West on the south line of said Lot 201, a distance of 115.73 feet to the southwest corner of said Lot 201; thence North 00 degrees 00 minutes 00 seconds East on the west line of said Lot 201, a distance of 31.70 feet to the Point of Beginning, all in Cook County, Illinois.
Said parcel contains 0.0713 acre more or less.

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It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FAI Route 90/94, previously declared a freeway.

Section 70. Upon the payment of the sum of $20,200 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Sangamon County, Illinois:
Parcel No. 675X294
Part of the Southwest Quarter of Section 3, Township 14 North, Range 5 West of the Third Principal Meridian, more particularly described as follows:
Beginning at the southwest corner of the aforementioned Section 3, thence North 00 degrees 49 minutes 32 seconds West along the westerly section line of said Section 3, a distance of 115.33 feet to the beginning of a line described in the right-of-way dedication found in Volume 261 of Deeds on Page 258 in the office of the Sangamon County Recorder of Deeds, thence North 12 degrees 15 minutes 08 seconds East along said right-of-way line a distance of 95.73 feet to the beginning of a 1472.4 foot radius curve to the right, thence continuing northeasterly along said right-of-way line and curve having a long chord with a course of North 17 degrees 34 minutes 34 seconds East and a distance of 312.04 feet to a point on the property line of CWLP as described in Document Number 2001R01609 in Cabinet Number H80B in the office of the Sangamon County Recorder of Deeds, thence North 80 degrees 27 minutes 44 seconds East along said property line a distance of 286.56 feet, thence continuing along said property line South 15 degrees 46 minutes 38 seconds West a distance of 243.56 feet, thence continuing along said property line South 00 degrees 10 minutes 06 seconds East a distance of 56.12 feet to a point on the northwesterly Access Control line as shown on the Right-of-Way Plat for Lucy Baker Labarre dated September 5, 1967, said point being the beginning of a 1255.92 foot radius curve to the left, thence southwesterly along said curve having a long chord with a course of South 37 degrees 36 minutes 28 seconds...
seconds West and a distance of 328.92 feet to a point on the southerly section line of the aforementioned Section 3, thence South 88 degrees 42 minutes 06 seconds West along said southerly section line a distance of 128.92 feet to the Point of Beginning, containing 2.991 acres, more or less.

Section 75. Upon the payment of the sum of $46,541.67 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Grundy County, Illinois:

Parcel No. 3LR0101
Part of the Northeast Quarter and part of the Southeast Quarter of Section 8, Township 31 North, Range 8 East of the Third Principal Meridian described as follows:

Commencing at the southeast corner of the Northeast Quarter of said Section 8; thence North 01 degree 50 minutes 02 seconds West, 579.95 feet along the east line of the Northeast Quarter of said Section 8; thence South 88 degrees 09 minutes 58 seconds West, 24.92 feet to the west right of way line of Maher Road, and being the Point of Beginning; thence southwesterly 645.92 feet along the arc of a curve concave to the northwest having a radius of 5678.78 feet and chord bearing and distance of South 27 degrees 52 minutes 14 seconds West, 645.57 feet; said curve being parallel with and 50 feet northwesterly of the centerline of Illinois Route 129, to a point of tangency; thence South 31 degrees 07 minutes 45 seconds West, 96.36 feet parallel with and 50 feet northwesterly of the said centerline to a point of curvature; thence southwesterly 865.72 feet along the arc of a curve concave to the northwest having a radius of 3994.79 feet and a chord bearing and distance of South 37 degrees 20 minutes 15 seconds West, 864.02 feet to a point of tangency; said curve being parallel with and 50 feet northwesterly of the said centerline; thence South 43 degrees 32 minutes 45 seconds West, 88.03 feet parallel with and 50 feet northwesterly of said centerline; thence North 46 degrees 27 the plat thereof recorded in Road Plat Book 1 at Pages 58 and 59 in the Grundy County Recorder's Office; thence northeasterly 1394.56 feet along the said westerly right of way line along the arc of a curve concave to the

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northwest having a radius of 5694.75 feet and a chord bearing and distance of North 34 degrees 56 minutes 14 seconds East, 1391.03 feet; thence northwesterly on a radial line North 62 degrees 08 minutes 03 seconds West, 67.00 feet along the said westerly right of way line; thence northeasterly 595.53 feet along the said westerly right of way line along the arc of a curve that is concave to the northwest having a radius of 5582.75 feet and a chord bearing and distance of North 24 degrees 48 minutes 35 seconds East, 595.25 feet to the west right of way line of Maher Road; thence South 01 degree 34 minutes 23 seconds East, 366.05 feet along the west right of way line of Maher Road to the Point of Beginning, containing 4.573 acres, more or less, located in Garfield Township, Grundy County, Illinois.

Section 80. Upon the payment of the sum of $9,825 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Sangamon County, Illinois:

Parcel No. 675X300

Part of the Northeast Quarter of Section 11, Township 16 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, further described as follows:

Commencing at stone marking the northeast corner of said Section 11; thence South 00 degrees 11 minutes 47 seconds East, 20.50 feet along the east line of said Northeast Quarter, Section 11 to the Point of Beginning; thence continuing South 00 degrees 11 minutes 47 seconds East, 129.42 feet along said east line to a point on the existing easterly right-of-way line of the original S.B.I. Route 24 (Sand Hill Road); thence along said easterly right-of-way line, along a curve to the left having a radius of 162.80 feet, an arc length of 18.42 feet and a chord bearing South 21 degrees 47 minutes 57 seconds West, 18.41 feet; thence South 18 degrees 33 minutes 26 seconds West, 57.98 feet along said existing easterly right-of-way line; thence North 89 degrees 22 minutes 56 seconds West, 80.41 feet to a point on the existing westerly right-of-way line of said original S.B.I. Route 24 (Sand Hill Road); thence North 18 degrees 09 minutes 46 seconds East,
220.54 feet along said existing westerly right-of-way line; thence South 76
degrees 13 minutes 50 seconds East, 37.59 feet to the Point of Beginning.
Containing 13862 square feet, or 0.318 acres, more or less.

Section 85. Upon the payment of the sum of $4,766,666 to the
State of Illinois, Grantor, and subject to the conditions set forth in Section
900 of this Act, the Secretary of the Department of Transportation is
authorized to convey by quitclaim deed all right, title and interest in and to
the following described land in Cook County, Illinois, to the City of
Chicago, Grantee.

Parcel No. 0ZZ0737
A parcel of land comprising parts of Lots 6, 7, 8, 9, 11, 22, 24 and all of
Lots 10 and 23 in Elijah K. Hubbard's Subdivision of Block 16, and parts
of Lots 6, 8 and all of Lot 7 in Elijah K. Hubbard's Subdivision of Block
15, together with part of Vacated Cabrini Street and Vacated Arthington
Street, all in Section 16, Township 39 North, Range 14 East of the Third
Principal Meridian, described as follows: Commencing at a Iron Pipe
Found at the Northwest corner of Lot 11 in Elijah K. Hubbard's
Subdivision of Block 15; thence South 89 degrees 43 minutes 02 seconds
East along said South line of Vacated Arthington Street, 30.00 feet; thence
North 00 degrees 35 minutes 07 seconds East along a line 30 feet East of
and Parallel to the West line of Lot 6 in Elijah K. Hubbard's Subdivision
of Block 15 extended southerly to a point on the centerline of Vacated
Arthington Street also being the Point of Beginning; thence continuing
North 00 degrees 35 minutes 07 seconds East along a line 30 feet East of
and Parallel to the West line of said Lots 6 and 22 in Elijah K. Hubbard's
Subdivision of Block 15 and the West line of said Lots 6 and 11 in Elijah
K. Hubbard's Subdivision of Block 16, 500.53 feet to a Point on the South
line of Polk Street being 30 feet East of the Northwest corner of Lot 6 in
Elijah K. Hubbard's Subdivision of Block 16; thence South 89 degrees 02
minutes 29 seconds East along the South line of Polk Street, 100.00 feet to
the intersection with the West line of South Des Plaines Street (as
widened); thence South 00 degrees 35 minutes 07 seconds West, 499.35
feet to a point on the centerline of Vacated Arthington Street; thence North
89 degrees 43 minutes 02 seconds West along the centerline of Vacated

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Arthington Street, 100.00 feet to the Point of Beginning, in Cook County, Illinois.
Containing 1.148 acres, more or less.
It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FAI Route 90/94, previously declared a freeway.
and,
The Property is conveyed AS-IS, WHERE-IS, WITH ALL FAULTS, AND WITHOUT ANY REPRESENTATION OR WARRANTY WHATSOEVER, EXPRESS OR IMPLIED, AS TO ITS CONDITION, ENVIRONMENTAL OR OTHERWISE, OR ITS SUITABILITY OR SUFFICIENCY FOR THE GRANTEE'S INTENDED USES AND PURPOSES. Grantee acknowledges that adverse physical, economic or other conditions (including without limitation, adverse environmental soils and ground-water conditions), either latent or patent, may exist on the property and assumes the Grantor's responsibility for all environmental conditions of the property, known or unknown, including but not limited to responsibility, if any, for investigation, removal or remediation actions relating to the presence, release or threatened release of any hazardous substance or other environmental contamination relating to the property. The Grantee also releases, covenants not to sue, and shall indemnify, defend, and hold the Grantor and its past, present and future officials, employees, and agents, harmless from and against any and all claims, demands, penalties, fees, damages, losses, expenses (including but not limited to fees and costs of regulatory agencies, attorneys, contractors and consultants), and liabilities arising out of, or in any way connected with, the condition of the property including but not limited to any alleged or actual past, present or future presence, release or threatened release of any hazardous substance in, on, under or emanating from the property, or any portion thereof or improvement thereon, from any cause whatsoever; it being intended that the Grantee shall so indemnify the Grantor and such personnel without regard to any fault or responsibility of the Grantor or the Grantee. The obligation to complete all environmental investigation,
removal or remediation of the property and the acknowledgements, releases, and covenants herein touch and concern the property, are intended to run with the land and bind the Grantee and Grantee's successors and assigns, and inure to the benefit of the Grantor and its successors and assigns.

For purposes of this COVENANT, the term "Hazardous Substance" shall mean petroleum products and compounds containing them; flammable materials; radioactive materials; polychlorinated biphenyls ("PCBs") and compounds containing them; lead; asbestos or asbestos-containing materials in any friable form; underground or above-ground storage tanks; and any substance or material that is now or hereafter becomes regulated under any federal, State, or local statute, ordinance, rule, regulation, or other law relating to environmental protection, contamination or cleanup.

The Grantee's release and covenant not to sue shall include both claims by the Grantee as original plaintiff against the Grantor and any cross-claims, third-party claims or other claims against the Grantor by the Grantee based upon claims made against the Grantee by any third parties. The obligation to indemnify and defend shall include, but not be limited to, any liability of the Grantor to any and all federal, State or local regulatory agencies or other persons or entities for remedial action costs and natural resources damages claims. This COVENANT means that the Grantee accepts the property "as-is, where-is and with-all-faults," and that the Grantee assumes all responsibility of the Grantor to investigate, remove and remediate any contamination and other adverse environmental conditions on the property, and has no recourse against the Grantor or any of its officers, employees or agents for any claim or liability with respect to the property. This COVENANT shall apply regardless of whether or not the Grantee is culpable, negligent or in violation of any law, ordinance, rule or regulation. Nothing herein shall release, discharge or affect any rights or causes of action that the Grantor or the Grantee may have against any other person or entity, except as otherwise expressly stated herein, and each of the parties reserves all such rights including, but not limited to, claims for contribution or cost recovery relating to any hazardous substance in, on, under or emanating from the property.

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Section 95. Upon the payment of the sum of $2,200 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Madison County, Illinois, to WR Acquisitions, LLC:
Parcel No. 800XC17
A tract of ground in the S. E. 1/4, S. E. 1/4, Section 22-5-9 described as follows:
Beginning at the intersection at the east right of way line of State Aid Route 44 and the north right of way line of Miland Avenue (Old Vaughn Road); thence North 35 degrees 29 minutes East along the east right of way line of State Aid Route 44 a distance of twenty-eight and no tenths (28.0') feet to a point, thence South 54 degrees 31 minutes East a distance of forty-four and thirty-two hundredths (44.32') feet to a point on the north right of way line of Miland Avenue (Old Vaughn Road); thence North 86 degrees 48 minutes West along the north right of way line of Miland Avenue (Old Vaughn Road) to the Point of Beginning.
Containing 0.014 Acres, more or less.

Section 100. Upon the payment of the sum of $25,434 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Madison County, Illinois, to WR Acquisitions, LLC:
Parcel No. 800XC04
That part of the Southeast Quarter of the Southeast Quarter of Section 22, Township 5 North, Range 9 West of the Third Principal Meridian, City of Wood River, Madison County, Illinois, described as follows: Commencing at southwesterly corner of lot 4 of "Woodriver Crossing as recorded in Plat Book 65, Page 56; thence northeasterly 201.26 feet on a curve to the right, having a radius of 1372.69 feet, the chord of said curve bears North 42 degrees 08 minutes 53 seconds East, 201.08 feet to the Point of Beginning; From said Point of Beginning; thence northeasterly 88.41 feet on a curve to the right and concentric with centerline of Illinois Route 111 (FAS 762 [SA 44]) as recorded in Road Record 7, Page 108, having a radius of

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1,372.69 feet, the chord of said curve bears North 48 degrees 11 minutes 37 seconds East, 88.39 feet to a point on said easterly right of way line of said Route 111; thence on said easterly right of way line the following (2) courses and distances: 1) South 06 degrees 24 minutes 45 seconds East, parallel and 16.5 feet perpendicular distant from the east line of said Section 22, 106.68 feet; 2) thence North 58 degrees 49 minutes 05 seconds West, 90.94 feet to the Point of Beginning.Parcel 800XC04 contains 0.0892 acre or 3,885 square feet, more or less.

Section 105. Upon the payment of the sum of $2,900 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Brown County, Illinois:
Parcel No. 675X269
A part of the Northwest Quarter of the Southwest Quarter of Section 16, Township 1 South, Range 3 West of the Fourth Principal Meridian, Brown County, Illinois, described as follows:
Commencing at a pin at the southwest corner of said Section 16; thence along the west line of said Section 16, North 00 degrees 13 minutes 30 seconds East, 1312.94 feet; thence South 89 degrees 12 minutes 43 seconds East, 13.95 feet to a point on the old centerline of Illinois Route 107 (which has been removed) and the Point of Beginning; thence North 00 degrees 47 minutes 17 seconds East, 198.28 feet; thence North 73 degrees 27 minutes 36 seconds East, 41.90 feet; thence South 00 degrees 47 minutes 17 seconds West, 210.76 feet; thence North 89 degrees 12 minutes 43 seconds West, 40.00 feet to the Point of Beginning, containing 0.188 acre, more or less.
Subject to a permanent easement being a 10 feet wide strip being 5 feet on either side of an existing 18" storm sewer pipe located between Station 25+20.66 at 69.62 feet right to Station 27+03.77 at 134.58 feet right and as shown on the excess land plat 675X269.

Section 110. Upon the payment of the sum of $6,767 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Brown County, Illinois:
Parcel No. 675X269
A part of the Northwest Quarter of the Southwest Quarter of Section 16, Township 1 South, Range 3 West of the Fourth Principal Meridian, Brown County, Illinois, described as follows:
Commencing at a pin at the southwest corner of said Section 16; thence along the west line of said Section 16, North 00 degrees 13 minutes 30 seconds East, 1312.94 feet; thence South 89 degrees 12 minutes 43 seconds East, 13.95 feet to a point on the old centerline of Illinois Route 107 (which has been removed) and the Point of Beginning; thence North 00 degrees 47 minutes 17 seconds East, 198.28 feet; thence North 73 degrees 27 minutes 36 seconds East, 41.90 feet; thence South 00 degrees 47 minutes 17 seconds West, 210.76 feet; thence North 89 degrees 12 minutes 43 seconds West, 40.00 feet to the Point of Beginning, containing 0.188 acre, more or less.
Subject to a permanent easement being a 10 feet wide strip being 5 feet on either side of an existing 18" storm sewer pipe located between Station 25+20.66 at 69.62 feet right to Station 27+03.77 at 134.58 feet right and as shown on the excess land plat 675X269.

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Illinois is released over and through the following described land in Brown County, Illinois:
Parcel No. 675X260
A part of the Northeast Quarter of the Southeast Quarter of Section 17 and a part of the Northwest Quarter of the Southwest Quarter of Section 16, all in Township 1 South, Range 3 West of the Fourth Principal Meridian, Brown County, Illinois described as follows:
Commencing at a pin at the southeast corner of said Section 17; thence along the east line of said Section 17, North 00 degrees 13 minutes 30 seconds East, 1312.94 feet to the Point of Beginning; thence North 89 degrees 12 minutes 43 seconds West, 31.36 feet; thence North 00 degrees 25 seconds East, 356.35 feet; thence South 89 degrees 41 minutes 35 seconds East, 45.00 feet to the old centerline of Illinois Route 107 (which has been removed); thence South 00 degrees 29 minutes 19 seconds West, 76.73 feet; thence South 00 degrees 47 minutes 17 seconds West, 280.00 feet; thence North 89 degrees 12 minutes 43 seconds West, 13.95 feet to the Point of Beginning, containing 0.371 acre, more or less. Subject to a permanent easement being a 10 feet wide strip being 5 feet on either side of an existing 24' storm sewer pipe located between Station 23+66.64 at 71.32 feet right to Station 26+90.03 at 172.75 feet right and as shown on the excess land plat 675X260.

Section 115. Upon the payment of the sum of $10,717 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Christian County, Illinois:
Parcel No. 675X291
A part of the Northwest Quarter of Section 24, Township 11 North, Range 1 East of the Third Principal Meridian, Christian County, Illinois, described as follows:
Commencing at a pin found at the northwest corner of said Section 24; thence along the west line of said Section 24, South 00 degrees 28 minutes 53 seconds East, 49.31 feet; thence North 88 degrees 28 minutes 19 seconds East, 3.28 feet to a point on the east existing right of way line of
S.B.I. Route 16 (U.S. Route 51) being the Point of Beginning; thence southeasterly along the existing right of way line on a curve having a radius of 510.70 feet, an arc length of 439.77 feet and a chord bearing South 45 degrees 55 minutes 10 seconds East, 426.31 feet to a point 60 feet normal distance from the centerline of Illinois Route 16; thence along a line 60 feet north and parallel with said centerline, South 89 degrees 48 minutes 11 seconds West, 143.49 feet; thence North 86 degrees 29 minutes 10 seconds West, 154.50 feet; thence North 01 degree 42 minutes 03 seconds West, 287.72 feet to the Point of Beginning, containing 0.691 acre, more or less.

Section 120. Upon the payment of the sum of $2,500 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in LaSalle County, Illinois:

Parcel No. 3LR0109
That part of Section 24, Township 33 North, Range 1 East of the Third Principal Meridian, described as follows:
Commencing at the southwest corner of said Section 24; thence North 00 degrees 18 minutes 30 seconds West, 1,174.76 feet on the west line of said Section 24 to the existing centerline of IL 71; thence North 67 degrees 12 minutes 17 seconds East, 1,574.47 feet on said existing centerline; thence South 22 degrees 47 minutes 43 seconds East, 103.22 feet to the northerly line of "Old" Route 71 and the Point Of Beginning; thence continuing South 22 degrees 47 minutes 43 seconds East, 66.47 feet to the southerly line of "Old" Route 71; thence South 41 degrees 42 minutes 59 seconds West, 263.78 feet on said southerly line of "Old" Route 71; thence southwesterly 337.12 feet along a 724.70 foot radius curve to the right having a chord of South 55 degrees 03 minutes 28 seconds West, 334.09 feet on said southerly line; thence South 67 degrees 29 minutes 04 seconds West, 119.79 feet on said southerly line; thence South 73 degrees 51 minutes 59 seconds West, 250.00 feet on said southerly line; thence North 16 degrees 08 minutes 01 second West, 100.00 feet to the northerly line of "Old" Route 71; thence North 73 degrees 51 minutes 59 seconds East,

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250.00 feet on said northerly line; thence South 83 degrees 48 minutes 01 second East, 139.95 feet on said northerly line; thence northeasterly 284.51 feet along a 664.70 foot radius curve to the left having a chord of North 53 degrees 59 minutes 35 seconds East, 282.34 feet on said northerly line; thence North 41 degrees 42 minutes 59 seconds East, 292.36 feet on said northerly line to the Point Of Beginning, containing 1.626 acres, more or less, and all being situated in Deer Park Township, LaSalle County, Illinois.

Section 125. Upon the payment of the sum of $2,000 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights of easement of access, crossing, light, air and view from, to and over the following described line and US Route 40 (FA-12) are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 800XC10
A line on the existing southeasterly right-of-way line of F.A.P. Route 12 (U.S. Route 40), in the East half of the Southeast Quarter of Section 22, Township 4 North, Range 5 West of the Third Principal Meridian in Madison County, State of Illinois, described as follows:

Commencing at the southeast corner of the Southeast Quarter of said Section 22; thence on an assumed bearing of North 02 degrees, 14 minutes, 02 seconds West, on the east line of said Southeast quarter, 1,968.24 feet to the Point of Beginning, said Point of Beginning being on the southeasterly right-of-way line of F.A.P. Route 12 (U.S. Route 40) as established according to the dedication of right-of-way for a freeway recorded November 17, 1948 in Book 1096 on Page 283.

From said Point of Beginning; thence North 81 degrees, 36 minutes, 38 seconds West on said existing southeasterly right-of-way line, 38.27 feet to the southeasterly right-of-way line of F.A.P. Route 12 (U.S. Route 40) as established according to the warranty deed recorded May 27, 1940 in Book 810 on Page 7; thence southerly 744.38 feet on said southeasterly right-of-way line as established according to said warranty deed recorded May 27, 1940 in Book 810 on Page 7, being a non-tangent curve to the right, having a radius of 9,624.30 feet, the chord of said curve

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bears South 48 degrees, 54 minutes, 50 seconds West, 744.20 feet to the northwest corner of the tract of land described in Warranty Deed recorded July 15, 1998 in book 4252 on page 2192, said northwest corner being the Point of Terminus of said line.

Section 130. Upon payment of the sum of $78,666 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and US Route 51 (FA 2) in Macon County are restored subject to permit requirements of the State of Illinois, Department of Transportation:
Parcel No. 5X71001
Direct access to F.A. Route 2 (U.S. Route 51) shall be restored to 81 feet of a tract of land abutting the westerly right of way line of said highway; commencing at the intersection of the south line of the North Half (N 1/2) Northeast Quarter, Northeast Quarter of Section 34, Township 17 North, Range 2 East, 3rd P.M. with the existing westerly right of way line of F.A. 2 and being 68.00 feet left of centerline station 86+09.06; thence North 01 degree 21 minutes 38 seconds East (Assumed Bearing) along said westerly right of way line 211.94 feet to the Point of Beginning, said point being 68.00 feet left of centerline station 88+21; thence 81.00 feet northerly along said west right of way line to a point 68.00 feet left of centerline station 89+02.

Section 135. Upon the payment of the sum of $1,500 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and FAP Route 12 (US 40) are restored subject to permit requirements of the State of Illinois, Department of Transportation:
Parcel No. 800XC20
A line in a part of the Southwest Quarter of Section 34, situated in Township 5 North, Range 4 West of the Third Principal Meridian, Bond County, Illinois, said line being described as follows: Commencing at the southwest corner of said Section 34; thence on the south line of the Southwest quarter of Section 34 on an assumed bearing of

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South 89 degrees 01 minute 01 second East, a distance of 353.34 feet; thence North 01 degree 04 minutes 48 seconds West on a line parallel with the west line of the Southwest Quarter of Section 34, a distance 85.45 feet to the north right of way line of U.S. Route 40 (150 feet wide) to a set iron rod at the Point of Beginning; From said Point of Beginning; thence on said north right of way line South 88 degrees 25 minutes 10 seconds East, 421.13 feet to a set iron rod at the Point of Terminus.

Section 140. Upon the payment of the sum of $1,000 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in St. Clair County, Illinois, to Benjamin R. Brown.

Parcel No. 800XB67
A part of Lot 28E of the Subdivision of Lot 28 in Brackett's Subdivision of Lot 1 in Section 21, Township 1 North, Range 8 West of the Third Principal Meridian, St. Clair County, Illinois, according to the plat recorded in the Recorder's Office of St. Clair County, Illinois, in Book of Deeds 203, on page 462, and described as follows:
Commencing at a stone found at the northwest corner of Lot 28D in the Subdivision of Lot 28 in Brackett's Subdivision of Lot 1 in Section 21, Township 1 North, Range 8 West of the Third Principal Meridian, St. Clair County, Illinois, according to the plat recorded in the Recorder's Office of St. Clair County, Illinois, in Book of Deeds 203, on page 462; thence on an assumed bearing of South 83 degrees 07 minutes 33 seconds East on the southerly line of "J" Street, 99.83 feet to the existing westerly right of way line of FA Route 600 (a/k/a/ Illinois Route 159 and North Illinois Street); thence South 84 degrees 10 minutes 50 seconds East, 83.65 feet to a point on the southerly right of way line of "J" Street, said point being the northwesterly corner of a tract of land described in the Warranty Deed to the State of Illinois, recorded in St. Clair County in Book 3199, on page 1430 on October 24, 1997; thence South 83 degrees 34 minutes 59 seconds East on the southerly right of way line of "J" Street,
also being the northerly line of the aforesaid tract of land, 10.00 feet to the Point of Beginning.
From said Point of Beginning; thence continuing South 83 degrees 34 minutes 59 seconds East on said southerly right of way line of "J" Street, 45.00 feet; thence South 44 degrees 59 minutes 41 seconds West, 70.34 feet; thence North 05 degrees 13 minutes 51 seconds East, 55.00 feet to the Point of Beginning.
Parcel 800XB67 herein described contains 0.0284 acre or 1,237 square feet, more or less.

Section 145. Upon the payment of the sum of $787 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Winnebago County, Illinois:
 Parcel No. 2DWIX24
A parcel of land in the Southeast Quarter of Section 19, Township 45 North, Range 2 East of the Third Principal Meridian, Winnebago County, State of Illinois, described as follows:
Commencing at a 3/4" iron pin at the northeast corner of the Southeast Quarter of said Section 19; thence South 1 degree 32 minutes 58 seconds East, 1,117.51 feet on the east line of said Southeast Quarter, to the north line of the premises conveyed to Earl D. Owens, Sr. and Sandra Lou Owens from Earl D. Owens, Sr. and Sandra Lou Owens by Warranty Deed dated January 7, 1987 and recorded as Document No. 87 01 2357 in the Recorder's Office of Winnebago County; thence South 87 degrees 59 minutes 13 seconds West, 538.30 feet on the north line of said premise so conveyed, to the northeast corner of the premises conveyed to the State of Illinois Department of Public Works from William L. Grayum and Beulah Mae Grayum by Instrument dated October 14, 1955 and recorded in Book 984 of Deeds on Page 513 in said Recorder's Office, and the Point of Beginning.
From the Point of Beginning thence South 1 degree 38 minutes 05 seconds East, 74.97 feet on the east line of said premises so conveyed, to the southeast corner thereof; thence South 87 degrees 57 minutes 47 seconds

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West, 71.21 feet on the south line of said premises so conveyed, to the easterly right of way line of a public highway designated FA Route 188 (IL 251); thence North 31 degrees 29 minutes 57 seconds East, 89.95 feet on said easterly right of way line and the extension thereof, to the north line of said premises so conveyed; thence North 87 degrees 59 minutes 13 seconds East, 22.04 feet, to the Point of Beginning, containing 3,496 square feet (0.080 acre), more or less.

Section 150. Upon the payment of the sum of $116,500 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Champaign County, Illinois:
Parcel No. 5X00121A
Part of the East Half of the Northwest Quarter of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian, also being part of a tract described in dedication of right-of-way for freeway recorded in book 520 at page 547 as document number 544635 in the Champaign County Recorder's Office, all in the City of Urbana, Champaign County, Illinois, more particularly described as follows:
Commencing at the southeast corner of the Northeast Quarter of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian; thence North 00 degrees 43 minutes 06 seconds West, along the east line of said Northeast Quarter of Section 5, 17.3 feet to the surveyed centerline of Federal Aid Route 29 (FAI 74); thence southeasterly, along said surveyed centerline, a curve to the right, convex to the north, with a radius of 11,854.3 feet and an initial tangent bearing South 80 degrees 28 minutes 48 seconds East, a distance of 1,475.60 feet to a point on the centerline of State Bond Issue Route 25 (U.S. Route 45); thence North 24 degrees 24 minutes 43 seconds East, along said centerline of State Bond Issue Route 25, 1,530.3 feet to a point at station 53+32.37 on said centerline, said point referenced as point "A" of a tract described in dedication of right-of-way for freeway recorded in book 520 at page 547 as document number 544635 in the Champaign County Recorder's Office; thence South 89 degrees 39 minutes 13 seconds West, 110.13 feet to a point on the proposed west

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right-of-way line of said Route 45, said point lying 100.00 feet normal distance west of station 52+86.39 on said centerline, said point also being the true Point of Beginning; thence continuing South 89 degrees 39 minutes 13 seconds West, along said proposed west right-of-way line, 11.98 feet to a point lying 110.88 feet normal distance west of station 52+81.37 on said centerline, said point also lying on the proposed east right-of-way line of Anthony Drive; thence northerly, along said proposed east right-of-way line of Anthony Drive, a curve to the left, convex to the east with a radius of 383.00 feet, and an initial tangent bearing North 02 degrees 16 minutes 56 seconds West, a distance of 99.49 feet to a point on the existing west right-of-way line of aforesaid U.S. Route 45, said point lying 159.85 feet normal distance west of station 53+67.67 on said centerline; thence North 24 degrees 23 minutes 31 seconds East, along said existing west right-of-way line, 181.82 feet to a point lying 159.92 feet normal distance west of station 55+49.49 on said centerline, said point referenced as point "C" of said tract described in said dedication of right-of-way for freeway; thence South 65 degrees 36 minutes 29 seconds East, along the north line of said tract and south line of a tract conveyed to the people of the State of Illinois by warranty deed recorded in book 1005 at page 199 as document number 73R6765 in the Champaign County Recorder's Office, 59.91 feet to a point on the proposed west right-of-way line of said U.S. Route 45, said point lying 100.00 feet normal distance west of station 55+49.51 on said centerline; thence South 24 degrees 43 seconds West, along said proposed west right-of-way line, 263.13 feet to the Point of Beginning, containing 13,685 square feet, (0.314 acres), more or less, all situated in the City of Urbana, Champaign County, Illinois.

AND:
The Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Champaign County, Illinois, to City of Urbana.
Parcel No. 5X00121B
Part of the East Half of the Northwest Quarter of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian, also being part of a
tract conveyed to the people of the State of Illinois by warranty deed recorded in book 1005 at page 199 as document number 73R6765 in the Champaign County Recorder's Office, all in the City of Urbana, Champaign County, Illinois, more particularly described as follows:

Commencing at the northeast corner of the Northwest Quarter of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian; thence North 89 degrees 29 minutes 49 seconds East, along the north line of the Northeast Quarter of said Section 4, 96.11 feet to a point on the existing west right-of-way line of State Bond Issue Route 25 (U.S. Route 45); thence South 24 degrees 23 minutes 31 seconds West, along said existing westerly right-of-way line, 1,096.26 feet; thence South 89 degrees 33 minutes 30 seconds West, along said existing west right-of-way line, 40.97 feet; thence southerly, along said existing west right-of-way line, a curve to the right, convex to the east with a radius of 468.00 feet and an initial tangent bearing South 28 degrees 26 minutes 14 seconds West, a distance of 73.62 feet to a point of tangency; thence South 39 degrees 28 minutes 39 seconds West, along said existing west right-of-way line, 66.27 feet to a point lying 125.37 feet normal distance west of station 57+99.25 on the centerline of said State Bond Issue Route 25 (U.S. Route 45), said point also being the true Point of Beginning; thence South 21 degrees 52 minutes 51 seconds East, along the proposed south right-of-way line of O'Brien Drive, 35.09 feet to a point on the proposed west right-of-way line of said U.S. Route 45, said point lying 100.00 feet normal distance west of station 57+75.00 on said centerline; thence South 24 degrees 24 minutes 43 seconds West, along said proposed west right-of-way line, 225.49 feet to a point lying 100.00 feet normal distance west of station 55+49.51 on said centerline, said point also lying on the south line of a tract conveyed to the people of the State of Illinois by warranty deed recorded in book 1005 at page 199 as document number 73R6765 in the Champaign County Recorder's Office; thence North 65 degrees 36 minutes 29 seconds West, along said south line and north line of a tract described in dedication of right-of-way for freeway recorded in book 520 at page 547 as document number 544635 in the Champaign County Recorder's Office, 59.91 feet to a point on the aforesaid existing west right-of-way line of U.S. Route 45,

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said point lying 159.92 feet normal distance west of station 55+49.49 on said centerline; thence North 24 degrees 23 minutes 31 seconds East, along said existing west right-of-way line, 44.64 feet to a point on curve, said point lying 159.93 feet normal distance west of station 55+94.13 on said centerline; thence northerly, along said existing west right-of-way line, a curve to the right, convex to the west, with a radius of 332.00 feet and an initial tangent bearing North 19 degrees 31 minutes 02 seconds East, a distance of 115.93 feet to a point of tangency, said point lying 149.66 feet normal distance west of station 57+09.01 on said centerline; thence North 39 degrees 28 minutes 39 seconds East, along said existing west right-of-way line, 93.45 feet to the Point of Beginning, containing 12,436 square feet, (0.285 acres), more or less, all situated in the City of Urbana, Champaign County, Illinois.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from US Route 45, previously declared a freeway.

Section 155. Upon the payment of the sum of $188,666.67 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and US Route 30 are restored subject to permit requirements of the State of Illinois, Department of Transportation:
Parcel No. 1WY1015
RELEASE OF ACCESS CONTROL
That part of the Northwest Quarter of Section 2, Township 37 North, Range 7 East of the Third Principal Meridian in Kendall County, Illinois, described as follows:
Commencing at the northwest corner of Lakewood Creek West - Unit 2, being a subdivision of part of the North Half of said Section 2, according to the plat thereof recorded August 15, 2003, as Document No. 200300028799; thence on an assumed bearing of North 89 degrees 29 minutes 55 seconds West, 575.00 feet along the southerly right-of-way line of U.S. Route 30 per Document No. 116443 to the Point of Beginning of

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Access Control to be released; thence continuing North 89 degrees 29 minutes 55 seconds West, 70.00 feet along said southerly right-of-way line to the end of said Access Control Release.

Section 160. Upon the payment of the sum of $253,416.67 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and US Route 30 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 1WY1050
That part of Section 2, Township 37 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at a point on the north line of the Northwest Quarter of said Section 2, distance of 594.00 feet east of the northwest corner thereof, point also being the northerly end of a monumented line of occupation and as described in a deed in trust recorded as Document 921002; thence South 43 degrees 59 minutes 53 seconds East along said monumented line, 4309.44 feet to the westerly line of U.S. Route 34; thence North 88 degrees 38 minutes 28 seconds West along said westerly line, 156.39 feet; thence North 65 degrees 19 minutes 53 seconds West along the north line of U.S. Route 30, a distance of 500.00 feet; thence North 67 degrees 54 minutes 28 seconds West along said north line, 80.36 feet to the Point of Beginning of the Access Control Release; thence continuing North 67 degrees 54 minutes 28 seconds West along said north line, 91.00 feet to the End of the Access Control Release, Kendall County, Illinois.

Section 900. The Secretary of Transportation shall obtain a certified copy of the portion of this Act containing the title, enacting clause, the effective date, the appropriate Section containing the land description of the property to be transferred or otherwise affected under this Act within 69 days after its effective date and, upon receipt of payment required by the Section shall record the certified document in the Recorder's Office in the county in which the land is located.

Section 999. Effective date. This Act takes effect upon becoming law.

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Approved September 25, 2007.

PUBLIC ACT 95-0632
(Senate Bill No. 1523)

AN ACT concerning government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 3. House Bill 938 of the 95th General Assembly is amended, if and only if that bill becomes law, by adding Section 99 as follows:

(H.B. 938, 95th G.A., Sec. 99 new)

Sec. 99. This Act (House Bill 938 of the 95th General Assembly) takes effect on the effective date of this amendatory Act of the 95th General Assembly (Senate Bill 1523 of the 95th General Assembly).

Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Sections 3, 6.5, 6.10, 10, 12, 13, and 13.1 as follows:

(5 ILCS 375/3) (from Ch. 127, par. 523)

Sec. 3. Definitions. Unless the context otherwise requires, the following words and phrases as used in this Act shall have the following meanings. The Department may define these and other words and phrases separately for the purpose of implementing specific programs providing benefits under this Act.

(a) "Administrative service organization" means any person, firm or corporation experienced in the handling of claims which is fully qualified, financially sound and capable of meeting the service requirements of a contract of administration executed with the Department.

(b) "Annuitant" means (1) an employee who retires, or has retired, on or after January 1, 1966 on an immediate annuity under the provisions of Articles 2, 14 (including an employee who has elected to receive an
alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code in lieu of an annuity), 15 (including an employee who has retired under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code; (2) any person who was receiving group insurance coverage under this Act as of March 31, 1978 by reason of his status as an annuitant, even though the annuity in relation to which such coverage was provided is a proportional annuity based on less than the minimum period of service required for a retirement annuity in the system involved; (3) any person not otherwise covered by this Act who has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code; (4) the spouse of any person who is receiving a retirement annuity under Article 18 of the Illinois Pension Code and who is covered under a group health insurance program sponsored by a governmental employer other than the State of Illinois and who has irrevocably elected to waive his or her coverage under this Act and to have his or her spouse considered as the "annuitant" under this Act and not as a "dependent"; or (5) an employee who retires, or has retired, from a qualified position, as determined according to rules promulgated by the Director, under a qualified local government, a qualified rehabilitation facility, a qualified domestic violence shelter or service, or a qualified child advocacy center. (For definition of "retired employee", see (p) post).

(b-5) "New SERS annuitant" means a person who, on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 14 of the Illinois Pension Code (including an employee who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of that Code in lieu of an annuity), and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-6) "New SURS annuitant" means a person who (1) on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 15 of the Illinois Pension Code, (2) has not made the election authorized under
Section 15-135.1 of the Illinois Pension Code, and (3) is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-7) "New TRS State annuitant" means a person who, on or after July 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 16 of the Illinois Pension Code based on service as a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of that Code, and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(c) "Carrier" means (1) an insurance company, a corporation organized under the Limited Health Service Organization Act or the Voluntary Health Services Plan Act, a partnership, or other nongovernmental organization, which is authorized to do group life or group health insurance business in Illinois, or (2) the State of Illinois as a self-insurer.

(d) "Compensation" means salary or wages payable on a regular payroll by the State Treasurer on a warrant of the State Comptroller out of any State, trust or federal fund, or by the Governor of the State through a disbursing officer of the State out of a trust or out of federal funds, or by any Department out of State, trust, federal or other funds held by the State Treasurer or the Department, to any person for personal services currently performed, and ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, or benefits payable under the Workers' Compensation or Occupational Diseases Act or benefits payable under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Compensation" also means salary or wages paid to an employee of any qualified local government, qualified rehabilitation facility, qualified domestic violence shelter or service, or qualified child advocacy center.

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(e) "Commission" means the State Employees Group Insurance Advisory Commission authorized by this Act. Commencing July 1, 1984, "Commission" as used in this Act means the Commission on Government Forecasting and Accountability as established by the Legislative Commission Reorganization Act of 1984.

(f) "Contributory", when referred to as contributory coverage, shall mean optional coverages or benefits elected by the member toward the cost of which such member makes contribution, or which are funded in whole or in part through the acceptance of a reduction in earnings or the foregoing of an increase in earnings by an employee, as distinguished from noncontributory coverage or benefits which are paid entirely by the State of Illinois without reduction of the member's salary.

(g) "Department" means any department, institution, board, commission, officer, court or any agency of the State government receiving appropriations and having power to certify payrolls to the Comptroller authorizing payments of salary and wages against such appropriations as are made by the General Assembly from any State fund, or against trust funds held by the State Treasurer and includes boards of trustees of the retirement systems created by Articles 2, 14, 15, 16 and 18 of the Illinois Pension Code. "Department" also includes the Illinois Comprehensive Health Insurance Board, the Board of Examiners established under the Illinois Public Accounting Act, and the Illinois Finance Authority.

(h) "Dependent", when the term is used in the context of the health and life plan, means a member's spouse and any unmarried child (1) from birth to age 19 including an adopted child, a child who lives with the member from the time of the filing of a petition for adoption until entry of an order of adoption, a stepchild or recognized child who lives with the member in a parent-child relationship, or a child who lives with the member if such member is a court appointed guardian of the child, or (2) age 19 to 23 enrolled as a full-time student in any accredited school, financially dependent upon the member, and eligible to be claimed as a dependent for income tax purposes, or (3) age 19 or over who is mentally or physically handicapped. For the purposes of item (2), an unmarried

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child age 19 to 23 who is a member of the United States Armed Services, including the Illinois National Guard, and is mobilized to active duty shall qualify as a dependent beyond the age of 23 and until the age of 25 and while a full-time student for the amount of time spent on active duty between the ages of 19 and 23. The individual attempting to qualify for this additional time must submit written documentation of active duty service to the Director. The changes made by this amendatory Act of the 94th General Assembly apply only to individuals mobilized to active duty in the United States Armed Services, including the Illinois National Guard, on or after January 1, 2002. For the health plan only, the term "dependent" also includes any person enrolled prior to the effective date of this Section who is dependent upon the member to the extent that the member may claim such person as a dependent for income tax deduction purposes; no other such person may be enrolled. For the health plan only, the term "dependent" also includes any person who has received after June 30, 2000 an organ transplant and who is financially dependent upon the member and eligible to be claimed as a dependent for income tax purposes.

(i) "Director" means the Director of the Illinois Department of Central Management Services or of any successor agency designated to administer this Act.

(j) "Eligibility period" means the period of time a member has to elect enrollment in programs or to select benefits without regard to age, sex or health.

(k) "Employee" means and includes each officer or employee in the service of a department who (1) receives his compensation for service rendered to the department on a warrant issued pursuant to a payroll certified by a department or on a warrant or check issued and drawn by a department upon a trust, federal or other fund or on a warrant issued pursuant to a payroll certified by an elected or duly appointed officer of the State or who receives payment of the performance of personal services on a warrant issued pursuant to a payroll certified by a Department and drawn by the Comptroller upon the State Treasurer against appropriations made by the General Assembly from any fund or against trust funds held by the State Treasurer, and (2) is employed full-time or part-time in a position

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normally requiring actual performance of duty during not less than 1/2 of a normal work period, as established by the Director in cooperation with each department, except that persons elected by popular vote will be considered employees during the entire term for which they are elected regardless of hours devoted to the service of the State, and (3) except that "employee" does not include any person who is not eligible by reason of such person's employment to participate in one of the State retirement systems under Articles 2, 14, 15 (either the regular Article 15 system or the optional retirement program established under Section 15-158.2) or 18, or under paragraph (2), (3), or (5) of Section 16-106, of the Illinois Pension Code, but such term does include persons who are employed during the 6 month qualifying period under Article 14 of the Illinois Pension Code. Such term also includes any person who (1) after January 1, 1966, is receiving ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, (2) receives total permanent or total temporary disability under the Workers' Compensation Act or Occupational Disease Act as a result of injuries sustained or illness contracted in the course of employment with the State of Illinois, or (3) is not otherwise covered under this Act and has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code. However, a person who satisfies the criteria of the foregoing definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code is also an "employee" for the purposes of this Act. "Employee" also includes any person receiving or eligible for benefits under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Employee" also includes (i) each officer or employee in the service of a qualified local government, including persons appointed as trustees of sanitary districts regardless of hours devoted to the service of the sanitary

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district, (ii) each employee in the service of a qualified rehabilitation facility, (iii) each full-time employee in the service of a qualified domestic violence shelter or service, and (iv) each full-time employee in the service of a qualified child advocacy center, as determined according to rules promulgated by the Director.

(l) "Member" means an employee, annuitant, retired employee or survivor.

(m) "Optional coverages or benefits" means those coverages or benefits available to the member on his or her voluntary election, and at his or her own expense.

(n) "Program" means the group life insurance, health benefits and other employee benefits designed and contracted for by the Director under this Act.

(o) "Health plan" means a health benefits program offered by the State of Illinois for persons eligible for the plan.

(p) "Retired employee" means any person who would be an annuitant as that term is defined herein but for the fact that such person retired prior to January 1, 1966. Such term also includes any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant but for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code.

(q) "Survivor" means a person receiving an annuity as a survivor of an employee or of an annuitant. "Survivor" also includes: (1) the surviving dependent of a person who satisfies the definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; (2) the surviving dependent of any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant except for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; and (3) the surviving dependent of a person who was an...
annuitant under this Act by virtue of receiving an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code.

(q-2) "SERS" means the State Employees' Retirement System of Illinois, created under Article 14 of the Illinois Pension Code.

(q-3) "SURS" means the State Universities Retirement System, created under Article 15 of the Illinois Pension Code.

(q-4) "TRS" means the Teachers' Retirement System of the State of Illinois, created under Article 16 of the Illinois Pension Code.

(q-5) "New SERS survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 14 of the Illinois Pension Code and is based on the death of (i) an employee whose death occurs on or after January 1, 1998, or (ii) a new SERS annuitant as defined in subsection (b-5). "New SERS survivor" includes the surviving dependent of a person who was an annuitant under this Act by virtue of receiving an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code.

(q-6) "New SURS survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 15 of the Illinois Pension Code and is based on the death of (i) an employee whose death occurs on or after January 1, 1998, or (ii) a new SURS annuitant as defined in subsection (b-6).

(q-7) "New TRS State survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 16 of the Illinois Pension Code and is based on the death of (i) an employee who is a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of that Code and whose death occurs on or after July 1, 1998, or (ii) a new TRS State annuitant as defined in subsection (b-7).

(r) "Medical services" means the services provided within the scope of their licenses by practitioners in all categories licensed under the Medical Practice Act of 1987.

(s) "Unit of local government" means any county, municipality, township, school district (including a combination of school districts under the Intergovernmental Cooperation Act), special district or other unit, designated as a unit of local government by law, which exercises limited

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governmental powers or powers in respect to limited governmental subjects, any not-for-profit association with a membership that primarily includes townships and township officials, that has duties that include provision of research service, dissemination of information, and other acts for the purpose of improving township government, and that is funded wholly or partly in accordance with Section 85-15 of the Township Code; any not-for-profit corporation or association, with a membership consisting primarily of municipalities, that operates its own utility system, and provides research, training, dissemination of information, or other acts to promote cooperation between and among municipalities that provide utility services and for the advancement of the goals and purposes of its membership; the Southern Illinois Collegiate Common Market, which is a consortium of higher education institutions in Southern Illinois; the Illinois Association of Park Districts; and any hospital provider that is owned by a county that has 100 or fewer hospital beds and has not already joined the program. "Qualified local government" means a unit of local government approved by the Director and participating in a program created under subsection (i) of Section 10 of this Act.

(t) "Qualified rehabilitation facility" means any not-for-profit organization that is accredited by the Commission on Accreditation of Rehabilitation Facilities or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) to provide services to persons with disabilities and which receives funds from the State of Illinois for providing those services, approved by the Director and participating in a program created under subsection (j) of Section 10 of this Act.

(u) "Qualified domestic violence shelter or service" means any Illinois domestic violence shelter or service and its administrative offices funded by the Department of Human Services (as successor to the Illinois Department of Public Aid), approved by the Director and participating in a program created under subsection (k) of Section 10.

(v) "TRS benefit recipient" means a person who:

(1) is not a "member" as defined in this Section; and

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(2) is receiving a monthly benefit or retirement annuity under Article 16 of the Illinois Pension Code; and
(3) either (i) has at least 8 years of creditable service under Article 16 of the Illinois Pension Code, or (ii) was enrolled in the health insurance program offered under that Article on January 1, 1996, or (iii) is the survivor of a benefit recipient who had at least 8 years of creditable service under Article 16 of the Illinois Pension Code or was enrolled in the health insurance program offered under that Article on the effective date of this amendatory Act of 1995, or (iv) is a recipient or survivor of a recipient of a disability benefit under Article 16 of the Illinois Pension Code.

(w) "TRS dependent beneficiary" means a person who:
   (1) is not a "member" or "dependent" as defined in this Section; and
   (2) is a TRS benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the TRS benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the TRS benefit recipient, eligible to be claimed as a dependent for income tax purposes, and either is under age 24 or was, on January 1, 1996, participating as a dependent beneficiary in the health insurance program offered under Article 16 of the Illinois Pension Code, or (iii) age 19 or over who is mentally or physically handicapped.

(x) "Military leave with pay and benefits" refers to individuals in basic training for reserves, special/advanced training, annual training, emergency call up, or activation by the President of the United States with approved pay and benefits.

(y) "Military leave without pay and benefits" refers to individuals who enlist for active duty in a regular component of the U.S. Armed Forces or other duty not specified or authorized under military leave with pay and benefits.

(z) "Community college benefit recipient" means a person who:
   (1) is not a "member" as defined in this Section; and
(2) is receiving a monthly survivor's annuity or retirement annuity under Article 15 of the Illinois Pension Code; and

(3) either (i) was a full-time employee of a community college district or an association of community college boards created under the Public Community College Act (other than an employee whose last employer under Article 15 of the Illinois Pension Code was a community college district subject to Article VII of the Public Community College Act) and was eligible to participate in a group health benefit plan as an employee during the time of employment with a community college district (other than a community college district subject to Article VII of the Public Community College Act) or an association of community college boards, or (ii) is the survivor of a person described in item (i).

(aa) "Community college dependent beneficiary" means a person who:

(1) is not a "member" or "dependent" as defined in this Section; and

(2) is a community college benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the community college benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the community college benefit recipient, eligible to be claimed as a dependent for income tax purposes and under age 23, or (iii) age 19 or over and mentally or physically handicapped.

(bb) "Qualified child advocacy center" means any Illinois child advocacy center and its administrative offices funded by the Department of Children and Family Services, as defined by the Children's Advocacy Center Act (55 ILCS 80/), approved by the Director and participating in a program created under subsection (n) of Section 10.

(Source: P.A. 93-205, eff. 1-1-04; 93-839, eff. 7-30-04; 93-1067, eff. 1-15-05; 94-32, eff. 6-15-05; 94-82, eff. 1-1-06; 94-860, eff. 6-16-06; revised 8-3-06.)

(5 ILCS 375/6.5)

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Sec. 6.5. Health benefits for TRS benefit recipients and TRS dependent beneficiaries.

(a) Purpose. It is the purpose of this amendatory Act of 1995 to transfer the administration of the program of health benefits established for benefit recipients and their dependent beneficiaries under Article 16 of the Illinois Pension Code to the Department of Central Management Services.

(b) Transition provisions. The Board of Trustees of the Teachers' Retirement System shall continue to administer the health benefit program established under Article 16 of the Illinois Pension Code through December 31, 1995. Beginning January 1, 1996, the Department of Central Management Services shall be responsible for administering a program of health benefits for TRS benefit recipients and TRS dependent beneficiaries under this Section. The Department of Central Management Services and the Teachers' Retirement System shall cooperate in this endeavor and shall coordinate their activities so as to ensure a smooth transition and uninterrupted health benefit coverage.

(c) Eligibility. All persons who were enrolled in the Article 16 program at the time of the transfer shall be eligible to participate in the program established under this Section without any interruption or delay in coverage or limitation as to pre-existing medical conditions. Eligibility to participate shall be determined by the Teachers' Retirement System. Eligibility information shall be communicated to the Department of Central Management Services in a format acceptable to the Department.

A TRS dependent beneficiary who is an unmarried child age 19 or over and mentally or physically disabled does not become ineligible to participate by reason of (i) becoming ineligible to be claimed as a dependent for Illinois or federal income tax purposes or (ii) receiving earned income, so long as those earnings are insufficient for the child to be fully self-sufficient.

(d) Coverage. The level of health benefits provided under this Section shall be similar to the level of benefits provided by the program previously established under Article 16 of the Illinois Pension Code.

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Group life insurance benefits are not included in the benefits to be provided to TRS benefit recipients and TRS dependent beneficiaries under this Act.

The program of health benefits under this Section may include any or all of the benefit limitations, including but not limited to a reduction in benefits based on eligibility for federal medicare benefits, that are provided under subsection (a) of Section 6 of this Act for other health benefit programs under this Act.

(e) Insurance rates and premiums. The Director shall determine the insurance rates and premiums for TRS benefit recipients and TRS dependent beneficiaries, and shall present to the Teachers’ Retirement System of the State of Illinois, by April 15 of each calendar year, the rate-setting methodology (including but not limited to utilization levels and costs) used to determine the amount of the health care premiums.

For Fiscal Year 1996, the premium shall be equal to the premium actually charged in Fiscal Year 1995; in subsequent years, the premium shall never be lower than the premium charged in Fiscal Year 1995.

For Fiscal Year 2003, the premium shall not exceed 110% of the premium actually charged in Fiscal Year 2002.

For Fiscal Year 2004, the premium shall not exceed 112% of the premium actually charged in Fiscal Year 2003.

For Fiscal Year 2005, the premium shall not exceed a weighted average of 106.6% of the premium actually charged in Fiscal Year 2004.

For Fiscal Year 2006, the premium shall not exceed a weighted average of 109.1% of the premium actually charged in Fiscal Year 2005.

For Fiscal Year 2007, the premium shall not exceed a weighted average of 103.9% of the premium actually charged in Fiscal Year 2006.

For Fiscal Year 2008 and thereafter, the premium in each fiscal year shall not exceed 105% of the premium actually charged in the previous fiscal year.

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Rates and premiums may be based in part on age and eligibility for federal medicare coverage. However, the cost of participation for a TRS dependent beneficiary who is an unmarried child age 19 or over and mentally or physically disabled shall not exceed the cost for a TRS dependent beneficiary who is an unmarried child under age 19 and participates in the same major medical or managed care program.

The cost of health benefits under the program shall be paid as follows:

(1) For a TRS benefit recipient selecting a managed care program, up to 75% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund. Effective with Fiscal Year 2007 and thereafter, for a TRS benefit recipient selecting a managed care program, 75% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund.

(2) For a TRS benefit recipient selecting the major medical coverage program, up to 50% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is accessible, as determined by the Teachers' Retirement System. Effective with Fiscal Year 2007 and thereafter, for a TRS benefit recipient selecting the major medical coverage program, 50% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is accessible, as determined by the Department of Central Management Services.

(3) For a TRS benefit recipient selecting the major medical coverage program, up to 75% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is not accessible, as determined by the Teachers' Retirement System. Effective with Fiscal Year 2007 and thereafter, for a TRS benefit recipient selecting the major medical coverage program, 75% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is not accessible, as determined by the Department of Central Management Services.

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(3.1) For a TRS dependent beneficiary who is Medicare primary and enrolled in a managed care plan, or the major medical coverage program if a managed care plan is not available, 25% of the total insurance rate shall be paid from the Teacher Health Security Fund as determined by the Department of Central Management Services. For the purpose of this item (3.1), the term "TRS dependent beneficiary who is Medicare primary" means a TRS dependent beneficiary who is participating in Medicare Parts A and B.

(4) Except as otherwise provided in item (3.1), the balance of the rate of insurance, including the entire premium of any coverage for TRS dependent beneficiaries that has been elected, shall be paid by deductions authorized by the TRS benefit recipient to be withheld from his or her monthly annuity or benefit payment from the Teachers' Retirement System; except that (i) if the balance of the cost of coverage exceeds the amount of the monthly annuity or benefit payment, the difference shall be paid directly to the Teachers' Retirement System by the TRS benefit recipient, and (ii) all or part of the balance of the cost of coverage may, at the school board's option, be paid to the Teachers' Retirement System by the school board of the school district from which the TRS benefit recipient retired, in accordance with Section 10-22.3b of the School Code. The Teachers' Retirement System shall promptly deposit all moneys withheld by or paid to it under this subdivision (e)(4) into the Teacher Health Insurance Security Fund. These moneys shall not be considered assets of the Retirement System.

(f) Financing. Beginning July 1, 1995, all revenues arising from the administration of the health benefit programs established under Article 16 of the Illinois Pension Code or this Section shall be deposited into the Teacher Health Insurance Security Fund, which is hereby created as a nonappropriated trust fund to be held outside the State Treasury, with the State Treasurer as custodian. Any interest earned on moneys in the Teacher Health Insurance Security Fund shall be deposited into the Fund.
Moneys in the Teacher Health Insurance Security Fund shall be used only to pay the costs of the health benefit program established under this Section, including associated administrative costs, and the costs associated with the health benefit program established under Article 16 of the Illinois Pension Code, as authorized in this Section. Beginning July 1, 1995, the Department of Central Management Services may make expenditures from the Teacher Health Insurance Security Fund for those costs.

After other funds authorized for the payment of the costs of the health benefit program established under Article 16 of the Illinois Pension Code are exhausted and until January 1, 1996 (or such later date as may be agreed upon by the Director of Central Management Services and the Secretary of the Teachers' Retirement System), the Secretary of the Teachers' Retirement System may make expenditures from the Teacher Health Insurance Security Fund as necessary to pay up to 75% of the cost of providing health coverage to eligible benefit recipients (as defined in Sections 16-153.1 and 16-153.3 of the Illinois Pension Code) who are enrolled in the Article 16 health benefit program and to facilitate the transfer of administration of the health benefit program to the Department of Central Management Services.

The Department of Healthcare and Family Services, or any successor agency designated to procure healthcare contracts pursuant to this Act, is authorized to establish funds, separate accounts provided by any bank or banks as defined by the Illinois Banking Act, or separate accounts provided by any savings and loan association or associations as defined by the Illinois Savings and Loan Act of 1985 to be held by the Director, outside the State treasury, for the purpose of receiving the transfer of moneys from the Teacher Health Insurance Security Fund. The Department may promulgate rules further defining the methodology for the transfers. Any interest earned by moneys in the funds or accounts shall inure to the Teacher Health Insurance Security Fund. The transferred moneys, and interest accrued thereon, shall be used exclusively for transfers to administrative service organizations or their financial institutions for payments of claims to claimants and providers under the

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self-insurance health plan. The transferred moneys, and interest accrued thereon, shall not be used for any other purpose including, but not limited to, reimbursement of administration fees due the administrative service organization pursuant to its contract or contracts with the Department.

(g) Contract for benefits. The Director shall by contract, self-insurance, or otherwise make available the program of health benefits for TRS benefit recipients and their TRS dependent beneficiaries that is provided for in this Section. The contract or other arrangement for the provision of these health benefits shall be on terms deemed by the Director to be in the best interest of the State of Illinois and the TRS benefit recipients based on, but not limited to, such criteria as administrative cost, service capabilities of the carrier or other contractor, and the costs of the benefits.

(g-5) Committee. A Teacher Retirement Insurance Program Committee shall be established, to consist of 10 persons appointed by the Governor.

The Committee shall convene at least 4 times each year, and shall consider and make recommendations on issues affecting the program of health benefits provided under this Section. Recommendations of the Committee shall be based on a consensus of the members of the Committee.

If the Teacher Health Insurance Security Fund experiences a deficit balance based upon the contribution and subsidy rates established in this Section and Section 6.6 for Fiscal Year 2008 or thereafter, the Committee shall make recommendations for adjustments to the funding sources established under these Sections.

(h) Continuation of program. It is the intention of the General Assembly that the program of health benefits provided under this Section be maintained on an ongoing, affordable basis.

The program of health benefits provided under this Section may be amended by the State and is not intended to be a pension or retirement benefit subject to protection under Article XIII, Section 5 of the Illinois Constitution.

(i) Repeal. (Blank).

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Sec. 6.10. Contributions to the Community College Health Insurance Security Fund.

(a) Beginning January 1, 1999, every active contributor of the State Universities Retirement System (established under Article 15 of the Illinois Pension Code) who (1) is a full-time employee of a community college district (other than a community college district subject to Article VII of the Public Community College Act) or an association of community college boards and (2) is not an employee as defined in Section 3 of this Act shall make contributions toward the cost of community college annuitant and survivor health benefits at the rate of 0.50% of salary.

These contributions shall be deducted by the employer and paid to the State Universities Retirement System as service agent for the Department of Central Management Services. The System may use the same processes for collecting the contributions required by this subsection that it uses to collect the contributions received from those employees under Section 15-157 of the Illinois Pension Code. An employer may agree to pick up or pay the contributions required under this subsection on behalf of the employee; such contributions shall be deemed to have been paid by the employee.

The State Universities Retirement System shall promptly deposit all moneys collected under this subsection (a) into the Community College Health Insurance Security Fund created in Section 6.9 of this Act. The moneys collected under this Section shall be used only for the purposes authorized in Section 6.9 of this Act and shall not be considered to be assets of the State Universities Retirement System. Contributions made under this Section are not transferable to other pension funds or retirement systems and are not refundable upon termination of service.

(b) Beginning January 1, 1999, every community college district (other than a community college district subject to Article VII of the Public Community College Act) or association of community college boards that is an employer under the State Universities Retirement System

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shall contribute toward the cost of the community college health benefits provided under Section 6.9 of this Act an amount equal to 0.50% of the salary paid to its full-time employees who participate in the State Universities Retirement System and are not members as defined in Section 3 of this Act.

These contributions shall be paid by the employer to the State Universities Retirement System as service agent for the Department of Central Management Services. The System may use the same processes for collecting the contributions required by this subsection that it uses to collect the contributions received from those employers under Section 15-155 of the Illinois Pension Code.

The State Universities Retirement System shall promptly deposit all moneys collected under this subsection (b) into the Community College Health Insurance Security Fund created in Section 6.9 of this Act. The moneys collected under this Section shall be used only for the purposes authorized in Section 6.9 of this Act and shall not be considered to be assets of the State Universities Retirement System. Contributions made under this Section are not transferable to other pension funds or retirement systems and are not refundable upon termination of service.

The Department of Healthcare and Family Services, or any successor agency designated to procure healthcare contracts pursuant to this Act, is authorized to establish funds, separate accounts provided by any bank or banks as defined by the Illinois Banking Act, or separate accounts provided by any savings and loan association or associations as defined by the Illinois Savings and Loan Act of 1985 to be held by the Director, outside the State treasury, for the purpose of receiving the transfer of moneys from the Community College Health Insurance Security Fund. The Department may promulgate rules further defining the methodology for the transfers. Any interest earned by moneys in the funds or accounts shall inure to the Community College Health Insurance Security Fund. The transferred moneys, and interest accrued thereon, shall be used exclusively for transfers to administrative service organizations or their financial institutions for payments of claims to claimants and providers under the self-insurance health plan. The

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transferred moneys, and interest accrued thereon, shall not be used for any other purpose including, but not limited to, reimbursement of administration fees due the administrative service organization pursuant to its contract or contracts with the Department.

(c) On or before November 15 of each year, the Board of Trustees of the State Universities Retirement System shall certify to the Governor, the Director of Central Management Services, and the State Comptroller its estimate of the total amount of contributions to be paid under subsection (a) of this Section for the next fiscal year. Beginning in fiscal year 2008, the amount certified shall be decreased or increased each year by the amount that the actual active employee contributions either fell short of or exceeded the estimate used by the Board in making the certification for the previous fiscal year. The State Universities Retirement System shall calculate the amount of actual active employee contributions in fiscal years 1999 through 2005. Based upon this calculation, the fiscal year 2008 certification shall include an amount equal to the cumulative amount that the actual active employee contributions either fell short of or exceeded the estimate used by the Board in making the certification for those fiscal years. The certification shall include a detailed explanation of the methods and information that the Board relied upon in preparing its estimate. As soon as possible after the effective date of this Section, the Board shall submit its estimate for fiscal year 1999.

(d) Beginning in fiscal year 1999, on the first day of each month, or as soon thereafter as may be practical, the State Treasurer and the State Comptroller shall transfer from the General Revenue Fund to the Community College Health Insurance Security Fund 1/12 of the annual amount appropriated for that fiscal year to the State Comptroller for deposit into the Community College Health Insurance Security Fund under Section 1.4 of the State Pension Funds Continuing Appropriation Act.

(e) Except where otherwise specified in this Section, the definitions that apply to Article 15 of the Illinois Pension Code apply to this Section.

(Source: P.A. 94-839, eff. 6-6-06.)

(5 ILCS 375/10) (from Ch. 127, par. 530)
Sec. 10. Payments by State; premiums.
(a) The State shall pay the cost of basic non-contributory group life insurance and, subject to member paid contributions set by the Department or required by this Section, the basic program of group health benefits on each eligible member, except a member, not otherwise covered by this Act, who has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code, and part of each eligible member's and retired member's premiums for health insurance coverage for enrolled dependents as provided by Section 9. The State shall pay the cost of the basic program of group health benefits only after benefits are reduced by the amount of benefits covered by Medicare for all members and dependents who are eligible for benefits under Social Security or the Railroad Retirement system or who had sufficient Medicare-covered government employment, except that such reduction in benefits shall apply only to those members and dependents who (1) first become eligible for such Medicare coverage on or after July 1, 1992; or (2) are Medicare-eligible members or dependents of a local government unit which began participation in the program on or after July 1, 1992; or (3) remain eligible for, but no longer receive Medicare coverage which they had been receiving on or after July 1, 1992. The Department may determine the aggregate level of the State's contribution on the basis of actual cost of medical services adjusted for age, sex or geographic or other demographic characteristics which affect the costs of such programs.

The cost of participation in the basic program of group health benefits for the dependent or survivor of a living or deceased retired employee who was formerly employed by the University of Illinois in the Cooperative Extension Service and would be an annuitant but for the fact that he or she was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code shall not be greater than the cost of participation that would otherwise apply to that dependent or survivor if he or she were the dependent or survivor of an annuitant under the State Universities Retirement System.

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(a-1) Beginning January 1, 1998, for each person who becomes a new SERS annuitant and participates in the basic program of group health benefits, the State shall contribute toward the cost of the annuitant's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of creditable service upon which the annuitant's retirement annuity is based, up to a maximum of 100% for an annuitant with 20 or more years of creditable service. The remainder of the cost of a new SERS annuitant's coverage under the basic program of group health benefits shall be the responsibility of the annuitant. In the case of a new SERS annuitant who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code in lieu of an annuity, for the purposes of this subsection the annuitant shall be deemed to be receiving a retirement annuity based on the number of years of creditable service that the annuitant had established at the time of his or her termination of service under SERS.

(a-2) Beginning January 1, 1998, for each person who becomes a new SERS survivor and participates in the basic program of group health benefits, the State shall contribute toward the cost of the survivor's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of the deceased employee's or deceased annuitant's creditable service in the State Employees' Retirement System of Illinois on the date of death, up to a maximum of 100% for a survivor of an employee or annuitant with 20 or more years of creditable service. The remainder of the cost of the new SERS survivor's coverage under the basic program of group health benefits shall be the responsibility of the survivor. In the case of a new SERS survivor who was the dependent of an annuitant who elected to receive an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code in lieu of an annuity, for the purposes of this subsection the deceased annuitant's creditable service shall be determined as of the date of termination of service rather than the date of death.

(a-3) Beginning January 1, 1998, for each person who becomes a new SURS annuitant and participates in the basic program of group health benefits, the State shall contribute toward the cost of the annuitant's

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coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of creditable service upon which the annuitant's retirement annuity is based, up to a maximum of 100% for an annuitant with 20 or more years of creditable service. The remainder of the cost of a new SURS annuitant's coverage under the basic program of group health benefits shall be the responsibility of the annuitant.

(a-4) (Blank).

(a-5) Beginning January 1, 1998, for each person who becomes a new SURS survivor and participates in the basic program of group health benefits, the State shall contribute toward the cost of the survivor's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of the deceased employee's or deceased annuitant's creditable service in the State Universities Retirement System on the date of death, up to a maximum of 100% for a survivor of an employee or annuitant with 20 or more years of creditable service. The remainder of the cost of the new SURS survivor's coverage under the basic program of group health benefits shall be the responsibility of the survivor.

(a-6) Beginning July 1, 1998, for each person who becomes a new TRS State annuitant and participates in the basic program of group health benefits, the State shall contribute toward the cost of the annuitant's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of creditable service as a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of the Illinois Pension Code upon which the annuitant's retirement annuity is based, up to a maximum of 100%; except that the State contribution shall be 12.5% per year (rather than 5%) for each full year of creditable service as a regional superintendent or assistant regional superintendent of schools. The remainder of the cost of a new TRS State annuitant's coverage under the basic program of group health benefits shall be the responsibility of the annuitant.

(a-7) Beginning July 1, 1998, for each person who becomes a new TRS State survivor and participates in the basic program of group health benefits, the State shall contribute toward the cost of the survivor's coverage under the basic program of group health benefits an amount

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equal to 5% of that cost for each full year of the deceased employee's or deceased annuitant's creditable service as a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of the Illinois Pension Code on the date of death, up to a maximum of 100%; except that the State contribution shall be 12.5% per year (rather than 5%) for each full year of the deceased employee's or deceased annuitant's creditable service as a regional superintendent or assistant regional superintendent of schools. The remainder of the cost of the new TRS State survivor's coverage under the basic program of group health benefits shall be the responsibility of the survivor.

(a-8) A new SERS annuitant, new SERS survivor, new SERS annuitant, new SERS survivor, new SURS annuitant, new SURS survivor, new TRS State annuitant, or new TRS State survivor may waive or terminate coverage in the program of group health benefits. Any such annuitant or survivor who has waived or terminated coverage may enroll or re-enroll in the program of group health benefits only during the annual benefit choice period, as determined by the Director; except that in the event of termination of coverage due to nonpayment of premiums, the annuitant or survivor may not re-enroll in the program.

(a-9) No later than May 1 of each calendar year, the Director of Central Management Services shall certify in writing to the Executive Secretary of the State Employees' Retirement System of Illinois the amounts of the Medicare supplement health care premiums and the amounts of the health care premiums for all other retirees who are not Medicare eligible.

A separate calculation of the premiums based upon the actual cost of each health care plan shall be so certified.

The Director of Central Management Services shall provide to the Executive Secretary of the State Employees' Retirement System of Illinois such information, statistics, and other data as he or she may require to review the premium amounts certified by the Director of Central Management Services.

The Department of Healthcare and Family Services, or any successor agency designated to procure healthcare contracts pursuant to

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this Act, is authorized to establish funds, separate accounts provided by any bank or banks as defined by the Illinois Banking Act, or separate accounts provided by any savings and loan association or associations as defined by the Illinois Savings and Loan Act of 1985 to be held by the Director, outside the State treasury, for the purpose of receiving the transfer of moneys from the Local Government Health Insurance Reserve Fund. The Department may promulgate rules further defining the methodology for the transfers. Any interest earned by moneys in the funds or accounts shall inure to the Local Government Health Insurance Reserve Fund. The transferred moneys, and interest accrued thereon, shall be used exclusively for transfers to administrative service organizations or their financial institutions for payments of claims to claimants and providers under the self-insurance health plan. The transferred moneys, and interest accrued thereon, shall not be used for any other purpose including, but not limited to, reimbursement of administration fees due the administrative service organization pursuant to its contract or contracts with the Department.

(b) State employees who become eligible for this program on or after January 1, 1980 in positions normally requiring actual performance of duty not less than 1/2 of a normal work period but not equal to that of a normal work period, shall be given the option of participating in the available program. If the employee elects coverage, the State shall contribute on behalf of such employee to the cost of the employee's benefit and any applicable dependent supplement, that sum which bears the same percentage as that percentage of time the employee regularly works when compared to normal work period.

(c) The basic non-contributory coverage from the basic program of group health benefits shall be continued for each employee not in pay status or on active service by reason of (1) leave of absence due to illness or injury, (2) authorized educational leave of absence or sabbatical leave, or (3) military leave with pay and benefits. This coverage shall continue until expiration of authorized leave and return to active service, but not to exceed 24 months for leaves under item (1) or (2). This 24-month limitation and the requirement of returning to active service shall not apply.

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to persons receiving ordinary or accidental disability benefits or retirement benefits through the appropriate State retirement system or benefits under the Workers' Compensation or Occupational Disease Act.

(d) The basic group life insurance coverage shall continue, with full State contribution, where such person is (1) absent from active service by reason of disability arising from any cause other than self-inflicted, (2) on authorized educational leave of absence or sabbatical leave, or (3) on military leave with pay and benefits.

(e) Where the person is in non-pay status for a period in excess of 30 days or on leave of absence, other than by reason of disability, educational or sabbatical leave, or military leave with pay and benefits, such person may continue coverage only by making personal payment equal to the amount normally contributed by the State on such person's behalf. Such payments and coverage may be continued: (1) until such time as the person returns to a status eligible for coverage at State expense, but not to exceed 24 months, (2) until such person's employment or annuitant status with the State is terminated, or (3) for a maximum period of 4 years for members on military leave with pay and benefits and military leave without pay and benefits (exclusive of any additional service imposed pursuant to law).

(f) The Department shall establish by rule the extent to which other employee benefits will continue for persons in non-pay status or who are not in active service.

(g) The State shall not pay the cost of the basic non-contributory group life insurance, program of health benefits and other employee benefits for members who are survivors as defined by paragraphs (1) and (2) of subsection (q) of Section 3 of this Act. The costs of benefits for these survivors shall be paid by the survivors or by the University of Illinois Cooperative Extension Service, or any combination thereof. However, the State shall pay the amount of the reduction in the cost of participation, if any, resulting from the amendment to subsection (a) made by this amendatory Act of the 91st General Assembly.

(h) Those persons occupying positions with any department as a result of emergency appointments pursuant to Section 8b.8 of the
Personnel Code who are not considered employees under this Act shall be given the option of participating in the programs of group life insurance, health benefits and other employee benefits. Such persons electing coverage may participate only by making payment equal to the amount normally contributed by the State for similarly situated employees. Such amounts shall be determined by the Director. Such payments and coverage may be continued until such time as the person becomes an employee pursuant to this Act or such person's appointment is terminated.

(i) Any unit of local government within the State of Illinois may apply to the Director to have its employees, annuitants, and their dependents provided group health coverage under this Act on a non-insured basis. To participate, a unit of local government must agree to enroll all of its employees, who may select coverage under either the State group health benefits plan or a health maintenance organization that has contracted with the State to be available as a health care provider for employees as defined in this Act. A unit of local government must remit the entire cost of providing coverage under the State group health benefits plan or, for coverage under a health maintenance organization, an amount determined by the Director based on an analysis of the sex, age, geographic location, or other relevant demographic variables for its employees, except that the unit of local government shall not be required to enroll those of its employees who are covered spouses or dependents under this plan or another group policy or plan providing health benefits as long as (1) an appropriate official from the unit of local government attests that each employee not enrolled is a covered spouse or dependent under this plan or another group policy or plan, and (2) at least 85% of the employees are enrolled and the unit of local government remits the entire cost of providing coverage to those employees, except that a participating school district must have enrolled at least 85% of its full-time employees who have not waived coverage under the district's group health plan by participating in a component of the district's cafeteria plan. A participating school district is not required to enroll a full-time employee who has waived coverage under the district's health plan, provided that an appropriate official from the participating school district attests that the
full-time employee has waived coverage by participating in a component of the district's cafeteria plan. For the purposes of this subsection, "participating school district" includes a unit of local government whose primary purpose is education as defined by the Department's rules.

Employees of a participating unit of local government who are not enrolled due to coverage under another group health policy or plan may enroll in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period. A participating unit of local government may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with the costs paid by the unit of local government, its employees, or some combination of the two as determined by the unit of local government. The unit of local government shall be responsible for timely collection and transmission of dependent premiums.

The Director shall annually determine monthly rates of payment, subject to the following constraints:

(1) In the first year of coverage, the rates shall be equal to the amount normally charged to State employees for elected optional coverages or for enrolled dependents coverages or other contributory coverages, or contributed by the State for basic insurance coverages on behalf of its employees, adjusted for differences between State employees and employees of the local government in age, sex, geographic location or other relevant demographic variables, plus an amount sufficient to pay for the additional administrative costs of providing coverage to employees of the unit of local government and their dependents.

(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the unit of local government.

In the case of coverage of local government employees under a health maintenance organization, the Director shall annually determine for each participating unit of local government the maximum monthly amount the unit may contribute toward that coverage, based on an analysis of (i) the age, sex, geographic location, and other relevant demographic variables.

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variables of the unit's employees and (ii) the cost to cover those employees under the State group health benefits plan. The Director may similarly determine the maximum monthly amount each unit of local government may contribute toward coverage of its employees' dependents under a health maintenance organization.

Monthly payments by the unit of local government or its employees for group health benefits plan or health maintenance organization coverage shall be deposited in the Local Government Health Insurance Reserve Fund.

The Local Government Health Insurance Reserve Fund shall be a continuing fund not subject to fiscal year limitations. All revenues arising from the administration of the health benefits program established under this Section shall be deposited into the Local Government Health Insurance Reserve Fund. All expenditures from this Fund shall be used for payments for health care benefits for local government and rehabilitation facility employees, annuitants, and dependents, and to reimburse the Department or its administrative service organization for all expenses incurred in the administration of benefits. No other State funds may be used for these purposes.

A local government employer's participation or desire to participate in a program created under this subsection shall not limit that employer's duty to bargain with the representative of any collective bargaining unit of its employees.

(j) Any rehabilitation facility within the State of Illinois may apply to the Director to have its employees, annuitants, and their eligible dependents provided group health coverage under this Act on a non-insured basis. To participate, a rehabilitation facility must agree to enroll all of its employees and remit the entire cost of providing such coverage for its employees, except that the rehabilitation facility shall not be required to enroll those of its employees who are covered spouses or dependents under this plan or another group policy or plan providing health benefits as long as (1) an appropriate official from the rehabilitation facility attests that each employee not enrolled is a covered spouse or dependent under this plan or another group policy or plan, and (2) at least

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85% of the employees are enrolled and the rehabilitation facility remits the entire cost of providing coverage to those employees. Employees of a participating rehabilitation facility who are not enrolled due to coverage under another group health policy or plan may enroll in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period. A participating rehabilitation facility may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with the costs paid by the rehabilitation facility, its employees, or some combination of the 2 as determined by the rehabilitation facility. The rehabilitation facility shall be responsible for timely collection and transmission of dependent premiums.

The Director shall annually determine quarterly rates of payment, subject to the following constraints:

1. In the first year of coverage, the rates shall be equal to the amount normally charged to State employees for elected optional coverages or for enrolled dependents coverages or other contributory coverages on behalf of its employees, adjusted for differences between State employees and employees of the rehabilitation facility in age, sex, geographic location or other relevant demographic variables, plus an amount sufficient to pay for the additional administrative costs of providing coverage to employees of the rehabilitation facility and their dependents.

2. In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the rehabilitation facility.

Monthly payments by the rehabilitation facility or its employees for group health benefits shall be deposited in the Local Government Health Insurance Reserve Fund.

(k) Any domestic violence shelter or service within the State of Illinois may apply to the Director to have its employees, annuitants, and their dependents provided group health coverage under this Act on a non-insured basis. To participate, a domestic violence shelter or service must agree to enroll all of its employees and pay the entire cost of providing

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such coverage for its employees. A participating domestic violence shelter may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with employees, or some combination of the 2 as determined by the domestic violence shelter or service. The domestic violence shelter or service shall be responsible for timely collection and transmission of dependent premiums.

The Director shall annually determine rates of payment, subject to the following constraints:

(1) In the first year of coverage, the rates shall be equal to the amount normally charged to State employees for elected optional coverages or for enrolled dependents coverages or other contributory coverages on behalf of its employees, adjusted for differences between State employees and employees of the domestic violence shelter or service in age, sex, geographic location or other relevant demographic variables, plus an amount sufficient to pay for the additional administrative costs of providing coverage to employees of the domestic violence shelter or service and their dependents.

(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the domestic violence shelter or service.

Monthly payments by the domestic violence shelter or service or its employees for group health insurance shall be deposited in the Local Government Health Insurance Reserve Fund.

(I) A public community college or entity organized pursuant to the Public Community College Act may apply to the Director initially to have only annuitants not covered prior to July 1, 1992 by the district's health plan provided health coverage under this Act on a non-insured basis. The community college must execute a 2-year contract to participate in the Local Government Health Plan. Any annuitant may enroll in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period.

The Director shall annually determine monthly rates of payment subject to the following constraints: for those community colleges with
annuitants only enrolled, first year rates shall be equal to the average cost to cover claims for a State member adjusted for demographics, Medicare participation, and other factors; and in the second year, a further adjustment of rates shall be made to reflect the actual first year's claims experience of the covered annuitants.

(l-5) The provisions of subsection (l) become inoperative on July 1, 1999.

(m) The Director shall adopt any rules deemed necessary for implementation of this amendatory Act of 1989 (Public Act 86-978).

(n) Any child advocacy center within the State of Illinois may apply to the Director to have its employees, annuitants, and their dependents provided group health coverage under this Act on a non-insured basis. To participate, a child advocacy center must agree to enroll all of its employees and pay the entire cost of providing coverage for its employees. A participating child advocacy center may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with the costs paid by the child advocacy center, its employees, or some combination of the 2 as determined by the child advocacy center. The child advocacy center shall be responsible for timely collection and transmission of dependent premiums.

The Director shall annually determine rates of payment, subject to the following constraints:

(1) In the first year of coverage, the rates shall be equal to the amount normally charged to State employees for elected optional coverages or for enrolled dependents coverages or other contributory coverages on behalf of its employees, adjusted for differences between State employees and employees of the child advocacy center in age, sex, geographic location, or other relevant demographic variables, plus an amount sufficient to pay for the additional administrative costs of providing coverage to employees of the child advocacy center and their dependents.

(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the child advocacy center.
Monthly payments by the child advocacy center or its employees for group health insurance shall be deposited into the Local Government Health Insurance Reserve Fund.

(Source: P.A. 93-839, eff. 7-30-04; 94-839, eff. 6-6-06; 94-860, eff. 6-16-06; revised 8-3-06.)

(5 ILCS 375/12) (from Ch. 127, par. 532)

Sec. 12. (a) Any surplus resulting from favorable experience of those portions of the group life insurance and group health program shall be refunded to the State of Illinois for deposit, respectively, in the Group Insurance Premium Fund or Health Insurance Reserve Fund established under this Act. Such funds may be applied to reduce member premiums, charges or fees or increase benefits, or both, in accordance with Subsection (b) of this Section.

(b) Surplus resulting from favorable experience may be applied to any current or future contract made under authority of this Act. With respect to any surplus relating to the Group Insurance Premium Fund, the surplus shall be deposited into the Group Insurance Premium Fund and may be applied either towards the reduction of the cost of optional life insurance or the provision of additional life insurance as determined by the Director. With respect to any surplus relating to the Health Insurance Reserve Fund, the surplus shall be deposited into the Health Insurance Reserve Fund and may be applied towards contributions to the program of health benefits or other employee benefits or towards providing additional life insurance or health or other benefits, or both, as determined by the Director.

(Source: P.A. 85-848.)

(5 ILCS 375/13) (from Ch. 127, par. 533)

Sec. 13. There is established a Group Insurance Premium Fund administered by the Director which shall include: (1) amounts paid by covered members for optional life insurance or health benefits coverages, and (2) refunds which may be received from (a) the group carrier or carriers which may result from favorable experience as described in Section 12 herein or (b) from any other source from which the State is reasonably and properly entitled to refund as a result of the life insurance

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group health benefits program. The Group Insurance Premium Fund shall be a continuing fund not subject to fiscal year limitations.

The State of Illinois shall at least once each month make payment on behalf of each member, except one who is a member by virtue of participation in a program created under subsection (i), (j), (k), or (l) of Section 10 of this Act, to the appropriate carrier or, if applicable, carriers insuring State members under the contracted group life insurance and group health benefits program authorized by this Act.

Refunds to members for premiums paid for coverage may be paid from the Group Insurance Premium Fund without regard to the fact that the premium being refunded may have been paid in a different fiscal year.

(Source: P.A. 91-390, eff. 7-30-99.)

(5 ILCS 375/13.1) (from Ch. 127, par. 533.1)

Sec. 13.1. (a) All contributions, appropriations, interest, and dividend payments to fund the program of health benefits and other employee benefits, and all other revenues arising from the administration of any employee health benefits program, shall be deposited in a trust fund outside the State Treasury, with the State Treasurer as ex-officio custodian, to be known as the Health Insurance Reserve Fund.

(b) Upon the adoption of a self-insurance health plan, any monies attributable to the group health insurance program shall be deposited in or transferred to the Health Insurance Reserve Fund for use by the Department. As of the effective date of this amendatory Act of 1986, the Department shall certify to the Comptroller the amount of money in the Group Insurance Premium Fund attributable to the State group health insurance program and the Comptroller shall transfer such money from the Group Insurance Premium Fund to the Health Insurance Reserve Fund. Contributions by the State to the Health Insurance Reserve Fund to meet the requirements of this Act, as established by the Director, from the General Revenue Fund and the Road Fund to the Health Insurance Reserve Fund shall be by annual appropriations, and all other contributions to meet the requirements of the programs of health benefits or other employee benefits shall be deposited in the Health Insurance Reserve Fund. The Department shall draw the appropriation from the General Revenue Fund.
and the Road Fund from time to time as necessary to make expenditures authorized under this Act.

The Director may employ such assistance and services and may purchase such goods as may be necessary for the proper development and administration of any of the benefit programs authorized by this Act. The Director may promulgate rules and regulations in regard to the administration of these programs.

All monies received by the Department for deposit in or transfer to the Health Insurance Reserve Fund, through appropriation or otherwise, shall be used to provide for the making of payments to claimants and providers and to reimburse the Department for all expenses directly incurred relating to Department development and administration of the program of health benefits and other employee benefits.

Any administrative service organization administering any self-insurance health plan and paying claims and benefits under authority of this Act may receive, pursuant to written authorization and direction of the Director, an initial transfer and periodic transfers of funds from the Health Insurance Reserve Fund in amounts determined by the Director who may consider the amount recommended by the administrative service organization. Notwithstanding any other statute, such transferred funds shall be retained by the administrative service organization in a separate account provided by any bank as defined by the Illinois Banking Act. The Department may promulgate regulations further defining the banks authorized to accept such funds and all methodology for transfer of such funds. Any interest earned by monies in such account shall inure to the Health Insurance Reserve Fund, shall remain in such account and shall be used exclusively to pay claims and benefits under this Act. Such transferred funds shall be used exclusively for administrative service organization payment of claims to claimants and providers under the self-insurance health plan by the drawing of checks against such account. The administrative service organization may not use such transferred funds, or interest accrued thereon, for any other purpose including, but not limited to, reimbursement of administrative expenses or payments of

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administration fees due the organization pursuant to its contract or contracts with the Department of Central Management Services.

The account of the administrative service organization established under this Section, any transfers from the Health Insurance Reserve Fund to such account and the use of such account and funds shall be subject to (1) audit by the Department or private contractor authorized by the Department to conduct audits, and (2) post audit pursuant to the Illinois State Auditing Act.

The Department of Healthcare and Family Services, or any successor agency designated to procure healthcare contracts pursuant to this Act, is authorized to establish funds, separate accounts provided by any bank or banks as defined by the Illinois Banking Act, or separate accounts provided by any savings and loan association or associations as defined by the Illinois Savings and Loan Act of 1985 to be held by the Director, outside the State treasury, for the purpose of receiving the transfer of moneys from the Health Insurance Reserve Fund. The Department may promulgate rules further defining the methodology for the transfers. Any interest earned by moneys in the funds or accounts shall inure to the Health Insurance Reserve Fund. The transferred moneys, and interest accrued thereon, shall be used exclusively for transfers to administrative service organizations or their financial institutions for payments of claims to claimants and providers under the self-insurance health plan. The transferred moneys, and interest accrued thereon, shall not be used for any other purpose including, but not limited to, reimbursement of administration fees due the administrative service organization pursuant to its contract or contracts with the Department.

(c) The Director, with the advice and consent of the Commission, shall establish premiums for optional coverage for dependents of eligible members for the health plans. The eligible members shall be responsible for their portion of such optional premium. The State shall contribute an amount per month for each eligible member who has enrolled one or more dependents under the health plans. Such contribution shall be made directly to the Health Insurance Reserve Fund. Those employees described in subsection (b) of Section 9 of this Act shall be allowed to continue in

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the health plan by making personal payments with the premiums to be deposited in the Health Insurance Reserve Fund.

(d) The Health Insurance Reserve Fund shall be a continuing fund not subject to fiscal year limitations. All expenditures from that fund shall be at the direction of the Director and shall be only for the purpose of:

(1) the payment of administrative expenses incurred by the Department for the program of health benefits or other employee benefit programs, including but not limited to the costs of audits or actuarial consultations, professional and contractual services, electronic data processing systems and services, and expenses in connection with the development and administration of such programs;

(2) the payment of administrative expenses incurred by the Administrative Service Organization;

(3) the payment of health benefits;

(4) refunds to employees for erroneous payments of their selected dependent coverage;

(5) payment of premium for stop-loss or re-insurance;

(6) payment of premium to health maintenance organizations pursuant to Section 6.1 of this Act;

(7) payment of adoption program benefits; and

(8) payment of other benefits offered to members and dependents under this Act.

(Source: P.A. 94-839, eff. 6-6-06.)

Section 10. The Illinois Insurance Code is amended by adding Section 5.5 as follows:

(215 ILCS 5/5.5 new)

Sec. 5.5. Compliance with the Department of Healthcare and Family Services. A company authorized to do business in this State or accredited by the State to issue policies of health insurance, including but not limited to, self-insured plans, group health plans (as defined in Section 607(1) of the Employee Retirement Income Security Act of 1974), service benefit plans, managed care organizations, pharmacy benefit managers, or other parties that are by statute, contract, or agreement legally

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responsible for payment of a claim for a health care item or service as a condition of doing business in the State must:

(1) provide to the Department of Healthcare and Family Services, or any successor agency, upon request information to determine during what period any individual may be, or may have been, covered by a health insurer and the nature of the coverage that is or was provided by the health insurer, including the name, address, and identifying number of the plan;

(2) accept the State's right of recovery and the assignment to the State of any right of an individual or other entity to payment from the party for an item or service for which payment has been made under the medical programs of the Department of Healthcare and Family Services, or any successor agency, under this Code or the Illinois Public Aid Code;

(3) respond to any inquiry by the Department of Healthcare and Family Services regarding a claim for payment for any health care item or service that is submitted not later than 3 years after the date of the provision of such health care item or service; and

(4) agree not to deny a claim submitted by the Department of Healthcare and Family Services solely on the basis of the date of submission of the claim, the type or format of the claim form, or a failure to present proper documentation at the point-of-sale that is the basis of the claim if (i) the claim is submitted by the Department of Healthcare and Family Services within the 3-year period beginning on the date on which the item or service was furnished and (ii) any action by the Department of Healthcare and Family Services to enforce its rights with respect to such claim is commenced within 6 years of its submission of such claim.

Section 99. Effective date. This Act takes effect upon becoming law.

Approved September 25, 2007.
AN ACT concerning revenue.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Property Tax Code is amended by adding Divisions 16 and 17 to Article 10 as follows:

(35 ILCS 200/Art. 10 Div. 16 heading new)

DIVISION 16. CONSERVATION STEWARDSHIP LAW

(35 ILCS 200/10-400 new)

Sec. 10-400. Short title; findings and policy.

(a) This Division may be cited as the Conservation Stewardship Law.

(b) The General Assembly finds that it is in the best interest of this State to maintain, preserve, conserve, and manage unimproved land to assure the protection of these limited and unique environmental resources for the economic and social well-being of the State and its citizens.

The General Assembly further finds that, to maximize voluntary taxpayer participation in conservation programs, conservation should be recognized as a legitimate land use and taxpayers should have a full range of incentive programs from which to choose.

Therefore, the General Assembly declares that it is in the public interest to prevent the forced conversion of unimproved land to more intensive uses as a result of economic pressures caused by the property tax system at values incompatible with their preservation and management as unimproved land, and that a program should be designed to permit the continued availability of this land for these purposes.

The General Assembly further declares that the following provisions are intended to allow for the conservation, management, and assessment of unimproved land generally suitable for the perpetual growth and preservation of such land in this State.

(35 ILCS 200/10-405 new)

Sec. 10-405. Definitions. As used in this Division:

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"Unimproved land" means woodlands, prairie, wetlands, or other vacant and undeveloped land that is not used for any residential or commercial purpose that materially disturbs the land.

"Conservation management plan" means a plan approved by the Department of Natural Resources that specifies conservation and management practices, including uses that will be conducted to preserve and restore unimproved land.

"Managed land" means unimproved land of 5 contiguous acres or more that is subject to a conservation management plan.

Sec. 10-410. Conservation management plan; rules. The Department of Natural Resources shall adopt rules specifying the form and content of a conservation management plan sufficient for managed land to be valued under this Division. The rules adopted under this Section must require a description of the managed land and must specify the conservation and management practices that are appropriate to preserve and maintain unimproved land in this State and any other conservation practices.

Sec. 10-415. Plan submission and review; approval.

(a) A taxpayer requesting special valuation of unimproved land under this Division must first submit a conservation management plan for that land to the Department of Natural Resources for review. The Department of Natural Resources shall review each submitted plan for compliance with the standards and criteria set forth in its rules.

(b) Upon approval, the Department of Natural Resources shall issue to the taxpayer a written declaration that the land is subject to a conservation management plan approved by the Department of Natural Resources.

(c) The Department of Natural Resources shall reapprove the plan every 10 years and revise it when necessary or appropriate.

(d) If a plan is not approved, then the Department of Natural Resources shall state the reasons for the denial and provide the taxpayer an opportunity to amend the plan to conform to the requirements of this
Division. If the application is denied a second time, the taxpayer may appeal the decision to an independent 3-member panel to be established within the Department of Natural Resources.

(e) The submission of an application for a conservation management plan under this Section or of a forestry management plan under Section 10-150 shall be treated as compliance with the requirements of that plan until the Department of Natural Resources can review the application. The Department of Natural Resources shall certify, to the Department, these applications as being approved plans for the purpose of this Division.

(35 ILCS 200/10-420 new)
Sec. 10-420. Special valuation of managed land; exceptions.
(a) In all counties, except for Cook County, beginning with assessments made in 2008 and thereafter, managed land for which an application has been approved under Section 10-415 that contains 5 or more contiguous acres is valued at 5% of its fair cash value.

(b) The special valuation under this Section does not apply to (i) any land that has been assessed as farmland under Sections 10-110 through 10-145, (ii) land valued under Section 10-152 or 10-153, (iii) land valued as open space under Section 10-155, (iv) land certified under Section 10-167, or (v) any property dedicated as a nature preserve or a nature preserve buffer under the Illinois Natural Areas Preservation Act and assessed in accordance with subsection (e) of Section 9-145.

(35 ILCS 200/10-425 new)
Sec. 10-425. Certification.
(a) The Department of Natural Resources shall certify to the Department a list of applications approved under Section 10-415. This list must contain the following information for each approved application:
(1) the name and address of the taxpayer;
(2) the county in which the land is located;
(3) the size and each property index number or legal description of the land that was approved; and
(4) copies of the taxpayer's approved conservation management plan.

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(b) Within 30 days after the receipt of this information, the Department shall notify in writing the chief county assessment officer of each parcel of land covered by an approved conservation management plan and application. The chief county assessment officer shall determine the valuation of the land as otherwise permitted by law and as required under Section 10-420 of this Division, and shall list them separately.

(35 ILCS 200/10-430 new)
Sec. 10-430. Withdrawal from special valuation.
(a) If any of the following events occur, then the Department of Natural Resources shall withdraw all or a portion of the land from special valuation:

(1) the Department of Natural Resources determines, based on field inspections or from any other reasonable evidence, that the land no longer meets the criteria under this Division; or

(2) the failure of the taxpayer to respond to a request from the Department of Natural Resources or the chief county assessment officer of each county in which the property is located for data regarding the use of the land or other similar information pertinent to the continued special valuation of the land.

(b) A determination by the Department of Natural Resources to withdraw land from the special valuation under this Act is effective on the following January 1 of the assessment year in which the withdrawal occurred.

(c) The Department of Natural Resources shall notify the chief county assessment officer and the Department in writing of any land withdrawn from special valuation. Upon withdrawal, additional taxes must be calculated as provided in Section 10-445.

(35 ILCS 200/10-435 new)
Sec. 10-435. Recapture.
(a) If, in any taxable year that the taxpayer receives a special valuation under Section 10-470, the taxpayer does not comply with the conservation management plan, then the taxpayer shall, by the following September 1, pay to the county treasurer the difference between: (i) the
taxes paid for that year and; (ii) what the taxes for that year would have been based on a valuation otherwise permitted by law.

(b) If the amount under subsection (a) is not paid by the following September 1, then that amount is considered to be delinquent property taxes.

(c) If a taxpayer who currently owns land in (i) a forestry management plan under Section 10-150 or (ii) land registered or encumbered by conservation rights under Section 10-166 that would qualify for the tax assessment under this Division, then the taxpayer may apply for reassessment under this Division and shall not be penalized for doing so.

(35 ILCS 200/10-440 new)

Sec. 10-440. Sale or transfer of unimproved land. The sale or transfer of unimproved land does not affect the valuation of the land, unless there is a change in the use of the land or the acreage requirement is no longer met. Any tract of land containing less than 5 acres after a sale or transfer may be reclassified by the chief county assessment officer and valued as otherwise permitted by law. The taxpayer and the Department of Natural Resources may revise a conservation management plan whenever there is a change in the ownership of the affected land.

(35 ILCS 200/10-445 new)

Sec. 10-445. Rules. The Department of Natural Resources shall adopt rules to implement and administer this Act.

(35 ILCS 200/Art. 10 Div. 17 heading new)

DIVISION 17. WOODED ACREAGE ASSESSMENT TRANSITION LAW

(35 ILCS 200/10-500 new)

Sec. 10-500. Short title. This Division may be cited as the Wooded Acreage Assessment Transition Law.

(35 ILCS 200/10-505 new)

Sec. 10-505. Wooded acreage defined. For the purposes of this Division 17, "wooded acreage" means any parcel of unimproved real property that:

(1) can be defined as "wooded acreage" by the United States Department of Labor Bureau of Land Management;

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(2) is at least 5 contiguous acres;
(3) does not qualify as cropland, permanent pasture, other farmland, or wasteland under Section 10-125 of this Code;
(4) is not managed under a forestry management plan and considered to be other farmland under Section 10-150 of this Code;
(5) does not qualify for another preferential assessment under this Code; and
(6) is owned by the taxpayer on October 1, 2007.

(35 ILCS 200/10-510 new)

Sec. 10-510. Assessment of wooded acreage.
(a) If wooded acreage was classified as farmland during the 2006 assessment year, then the property shall be assessed by multiplying the current fair cash value of the property by the transition percentage. The chief county assessment officer shall determine the transition percentage for the property by dividing (i) the property's 2006 equalized assessed value as farmland by (ii) the 2006 fair cash value of the property.
(b) The wooded acreage shall continue to be assessed under the provisions of this Section through any assessment year in which the property is transferred or no longer qualifies as wooded acreage under Section 10-505, and the property must be assessed as otherwise permitted by law beginning the following assessment year.

(35 ILCS 200/10-515 new)

Sec. 10-515. Notice requirement. If the owner of property subject to this Division is a corporation, partnership, limited liability company, trust, or other similar entity, then it shall report to the chief county assessment officer any change in ownership interest or beneficial interest. If, after October 1, 2007, the ownership interests or beneficial interests in such an entity change by more than 50% from those interests as they existed on October 1, 2007, then the property no longer qualifies to receive the preferential assessment treatment of the wooded acreage under this Division, and the property must be assessed as otherwise permitted by law beginning the following assessment year.

(35 ILCS 200/10-520 new)
Sec. 10-520. Cook County exempt. This Division 17 does not apply to any property located within Cook County.

Section 99. Effective date. This Act takes effect upon becoming law.

Approved October 1, 2007.
Effective October 1, 2007.

PUBLIC ACT 95-0634
(House Bill No. 0429)

AN ACT concerning liquor.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Liquor Control Act of 1934 is amended by changing Sections 3-12, 5-1, 5-3, 6-4, 6-29, and 6-29.1 as follows:

(235 ILCS 5/3-12) (from Ch. 43, par. 108)
Sec. 3-12. Powers and duties of State Commission.
(a) The State commission shall have the following powers, functions and duties:

(1) To receive applications and to issue licenses to manufacturers, foreign importers, importing distributors, distributors, non-resident dealers, on premise consumption retailers, off premise sale retailers, special event retailer licensees, special use permit licenses, auction liquor licenses, brew pubs, caterer retailers, non-beverage users, railroads, including owners and lessees of sleeping, dining and cafe cars, airplanes, boats, brokers, and wine maker's premises licensees in accordance with the provisions of this Act, and to suspend or revoke such licenses upon the State commission's determination, upon notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation. Except in the case of an action taken pursuant to a violation of Section 6-3, 6-5, or 6-9, any action by the

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State Commission to suspend or revoke a licensee's license may be limited to the license for the specific premises where the violation occurred.

In lieu of suspending or revoking a license, the commission may impose a fine, upon the State commission's determination and notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation. The fine imposed under this paragraph may not exceed $500 for each violation. Each day that the activity, which gave rise to the original fine, continues is a separate violation. The maximum fine that may be levied against any licensee, for the period of the license, shall not exceed $20,000. The maximum penalty that may be imposed on a licensee for selling a bottle of alcoholic liquor with a foreign object in it or serving from a bottle of alcoholic liquor with a foreign object in it shall be the destruction of that bottle of alcoholic liquor for the first 10 bottles so sold or served from by the licensee. For the eleventh bottle of alcoholic liquor and for each third bottle thereafter sold or served from by the licensee with a foreign object in it, the maximum penalty that may be imposed on the licensee is the destruction of the bottle of alcoholic liquor and a fine of up to $50.

(2) To adopt such rules and regulations consistent with the provisions of this Act which shall be necessary to carry on its functions and duties to the end that the health, safety and welfare of the People of the State of Illinois shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted and to distribute copies of such rules and regulations to all licensees affected thereby.

(3) To call upon other administrative departments of the State, county and municipal governments, county and city police departments and upon prosecuting officers for such information and assistance as it deems necessary in the performance of its duties.

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(4) To recommend to local commissioners rules and regulations, not inconsistent with the law, for the distribution and sale of alcoholic liquors throughout the State.

(5) To inspect, or cause to be inspected, any premises in this State where alcoholic liquors are manufactured, distributed, warehoused, or sold.

(5.1) Upon receipt of a complaint or upon having knowledge that any person is engaged in business as a manufacturer, importing distributor, distributor, or retailer without a license or valid license, to notify the local liquor authority, file a complaint with the State's Attorney's Office of the county where the incident occurred, or initiate an investigation with the appropriate law enforcement officials.

(5.2) To issue a cease and desist notice to persons shipping alcoholic liquor into this State from a point outside of this State if the shipment is in violation of this Act.

(5.3) To receive complaints from licensees, local officials, law enforcement agencies, organizations, and persons stating that any licensee has been or is violating any provision of this Act or the rules and regulations issued pursuant to this Act. Such complaints shall be in writing, signed and sworn to by the person making the complaint, and shall state with specificity the facts in relation to the alleged violation. If the Commission has reasonable grounds to believe that the complaint substantially alleges a violation of this Act or rules and regulations adopted pursuant to this Act, it shall conduct an investigation. If, after conducting an investigation, the Commission is satisfied that the alleged violation did occur, it shall proceed with disciplinary action against the licensee as provided in this Act.

(6) To hear and determine appeals from orders of a local commission in accordance with the provisions of this Act, as hereinafter set forth. Hearings under this subsection shall be held in Springfield or Chicago, at whichever location is the more

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convenient for the majority of persons who are parties to the hearing.

(7) The commission shall establish uniform systems of accounts to be kept by all retail licensees having more than 4 employees, and for this purpose the commission may classify all retail licensees having more than 4 employees and establish a uniform system of accounts for each class and prescribe the manner in which such accounts shall be kept. The commission may also prescribe the forms of accounts to be kept by all retail licensees having more than 4 employees, including but not limited to accounts of earnings and expenses and any distribution, payment, or other distribution of earnings or assets, and any other forms, records and memoranda which in the judgment of the commission may be necessary or appropriate to carry out any of the provisions of this Act, including but not limited to such forms, records and memoranda as will readily and accurately disclose at all times the beneficial ownership of such retail licensed business. The accounts, forms, records and memoranda shall be available at all reasonable times for inspection by authorized representatives of the State commission or by any local liquor control commissioner or his or her authorized representative. The commission, may, from time to time, alter, amend or repeal, in whole or in part, any uniform system of accounts, or the form and manner of keeping accounts.

(8) In the conduct of any hearing authorized to be held by the commission, to appoint, at the commission's discretion, hearing officers to conduct hearings involving complex issues or issues that will require a protracted period of time to resolve, to examine, or cause to be examined, under oath, any licensee, and to examine or cause to be examined the books and records of such licensee; to hear testimony and take proof material for its information in the discharge of its duties hereunder; to administer or cause to be administered oaths; for any such purpose to issue subpoena or subpoenas to require the attendance of witnesses and the

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production of books, which shall be effective in any part of this State, and to adopt rules to implement its powers under this paragraph (8).

Any Circuit Court may by order duly entered, require the attendance of witnesses and the production of relevant books subpoenaed by the State commission and the court may compel obedience to its order by proceedings for contempt.

(9) To investigate the administration of laws in relation to alcoholic liquors in this and other states and any foreign countries, and to recommend from time to time to the Governor and through him or her to the legislature of this State, such amendments to this Act, if any, as it may think desirable and as will serve to further the general broad purposes contained in Section 1-2 hereof.

(10) To adopt such rules and regulations consistent with the provisions of this Act which shall be necessary for the control, sale or disposition of alcoholic liquor damaged as a result of an accident, wreck, flood, fire or other similar occurrence.

(11) To develop industry educational programs related to responsible serving and selling, particularly in the areas of overserving consumers and illegal underage purchasing and consumption of alcoholic beverages.

(11.1) To license persons providing education and training to alcohol beverage sellers and servers under the Beverage Alcohol Sellers and Servers Education and Training (BASSET) programs and to develop and administer a public awareness program in Illinois to reduce or eliminate the illegal purchase and consumption of alcoholic beverage products by persons under the age of 21. Application for a license shall be made on forms provided by the State Commission.

(12) To develop and maintain a repository of license and regulatory information.

(13) On or before January 15, 1994, the Commission shall issue a written report to the Governor and General Assembly that is to be based on a comprehensive study of the impact on and

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implications for the State of Illinois of Section 1926 of the Federal ADAMHA Reorganization Act of 1992 (Public Law 102-321). This study shall address the extent to which Illinois currently complies with the provisions of P.L. 102-321 and the rules promulgated pursuant thereto.

As part of its report, the Commission shall provide the following essential information:

(i) the number of retail distributors of tobacco products, by type and geographic area, in the State;
(ii) the number of reported citations and successful convictions, categorized by type and location of retail distributor, for violation of the Sale of Tobacco to Minors Act and the Smokeless Tobacco Limitation Act;
(iii) the extent and nature of organized educational and governmental activities that are intended to promote, encourage or otherwise secure compliance with any Illinois laws that prohibit the sale or distribution of tobacco products to minors; and
(iv) the level of access and availability of tobacco products to individuals under the age of 18.

To obtain the data necessary to comply with the provisions of P.L. 102-321 and the requirements of this report, the Commission shall conduct random, unannounced inspections of a geographically and scientifically representative sample of the State's retail tobacco distributors.

The Commission shall consult with the Department of Public Health, the Department of Human Services, the Illinois State Police and any other executive branch agency, and private organizations that may have information relevant to this report.

The Commission may contract with the Food and Drug Administration of the U.S. Department of Health and Human Services to conduct unannounced investigations of Illinois tobacco vendors to determine compliance with federal laws relating to the

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illegal sale of cigarettes and smokeless tobacco products to persons under the age of 18.

(14) On or before April 30, 2008 and every 2 years thereafter, the Commission shall present a written report to the Governor and the General Assembly that shall be based on a study of the impact of this amendatory Act of the 95th General Assembly on the business of soliciting, selling, and shipping wine from inside and outside of this State directly to residents of this State. As part of its report, the Commission shall provide all of the following information:

(A) The amount of State excise and sales tax revenues generated.
(B) The amount of licensing fees received.
(C) The number of cases of wine shipped from inside and outside of this State directly to residents of this State.
(D) The number of alcohol compliance operations conducted.
(E) The number of winery shipper's licenses issued.
(F) The number of each of the following: reported violations; cease and desist notices issued by the Commission; notices of violations issued by the Commission and to the Department of Revenue; and notices and complaints of violations to law enforcement officials, including, without limitation, the Illinois Attorney General and the U.S. Department of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

(15) As a means to reduce the underage consumption of alcoholic liquors, the Commission shall conduct alcohol compliance operations to investigate whether businesses that are soliciting, selling, and shipping wine from inside or outside of this State directly to residents of this State are licensed by this State or are selling or attempting to sell wine to persons under 21 years of age in violation of this Act.
(16) The Commission shall, in addition to notifying any appropriate law enforcement agency, submit notices of complaints or violations of Sections 6-29 and 6-29.1 by persons who do not hold a winery shipper’s license under this amendatory Act to the Illinois Attorney General and to the U.S. Department of Treasury’s Alcohol and Tobacco Tax and Trade Bureau.

(17) (A) A person licensed to make wine under the laws of another state who has a winery shipper’s license under this amendatory Act and annually produces less than 25,000 gallons of wine or a person who has a first-class or second-class wine manufacturer’s license, a first-class or second-class wine-maker’s license, or a limited wine manufacturer’s license under this Act and annually produces less than 25,000 gallons of wine may make application to the Commission for a self-distribution exemption to allow the sale of not more than 5,000 gallons of the exemption holder’s wine to retail licensees per year.

(B) In the application, which shall be sworn under penalty of perjury, such person shall state (1) the date it was established; (2) its volume of production and sales for each year since its establishment; (3) its efforts to establish distributor relationships; (4) that a self-distribution exemption is necessary to facilitate the marketing of its wine; and (5) that it will comply with the liquor and revenue laws of the United States, this State, and any other state where it is licensed.

(C) The Commission shall approve the application for a self-distribution exemption if such person: (1) is in compliance with State revenue and liquor laws; (2) is not a member of any affiliated group that produces more than 25,000 gallons of wine per annum or produces any other alcoholic liquor; (3) will not annually produce for sale more than 25,000 gallons of wine; and (4) will not annually sell more than 5,000 gallons of its wine to retail licensees.
(D) A self-distribution exemption holder shall annually certify to the Commission its production of wine in the previous 12 months and its anticipated production and sales for the next 12 months. The Commission may fine, suspend, or revoke a self-distribution exemption after a hearing if it finds that the exemption holder has made a material misrepresentation in its application, violated a revenue or liquor law of Illinois, exceeded production of 25,000 gallons of wine in any calendar year, or become part of an affiliated group producing more than 25,000 gallons of wine or any other alcoholic liquor.

(E) Except in hearings for violations of this Act or amendatory Act or a bona fide investigation by duly sworn law enforcement officials, the Commission, or its agents, the Commission shall maintain the production and sales information of a self-distribution exemption holder as confidential and shall not release such information to any person.

(F) The Commission shall issue regulations governing self-distribution exemptions consistent with this Section and this Act.

(G) Nothing in this subsection (17) shall prohibit a self-distribution exemption holder from entering into or simultaneously having a distribution agreement with a licensed Illinois distributor.

(H) It is the intent of this subsection (17) to promote and continue orderly markets. The General Assembly finds that in order to preserve Illinois' regulatory distribution system it is necessary to create an exception for smaller makers of wine as their wines are frequently adjusted in varietals, mixes, vintages, and taste to find and create market niches sometimes too small for distributor or importing distributor business strategies. Limited self-distribution rights will afford and allow smaller makers of

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wine access to the marketplace in order to develop a customer base without impairing the integrity of the 3-tier system.

(b) On or before April 30, 1999, the Commission shall present a written report to the Governor and the General Assembly that shall be based on a study of the impact of this amendatory Act of 1998 on the business of soliciting, selling, and shipping alcoholic liquor from outside of this State directly to residents of this State.

As part of its report, the Commission shall provide the following information:

(i) the amount of State excise and sales tax revenues generated as a result of this amendatory Act of 1998;
(ii) the amount of licensing fees received as a result of this amendatory Act of 1998;
(iii) the number of reported violations, the number of cease and desist notices issued by the Commission, the number of notices of violations issued to the Department of Revenue, and the number of notices and complaints of violations to law enforcement officials.

(Source: P.A. 92-378, eff. 8-16-01; 92-813, eff. 8-21-02; 93-1057, eff. 12-2-04.)

(235 ILCS 5/5-1) (from Ch. 43, par. 115)
Sec. 5-1. Licenses issued by the Illinois Liquor Control Commission shall be of the following classes:
(b) Distributor's license,
(c) Importing Distributor's license,
(d) Retailer's license,
(e) Special Event Retailer's license (not-for-profit),
(f) Railroad license,
(g) Boat license,

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(h) Non-Beverage User's license,
(i) Wine-maker's premises license,
(j) Airplane license,
(k) Foreign importer's license,
(l) Broker's license,
(m) Non-resident dealer's license,
(n) Brew Pub license,
(o) Auction liquor license,
(p) Caterer retailer license,
(q) Special use permit license,
(r) Winery shipper's license.

No person, firm, partnership, corporation, or other legal business entity that is engaged in the manufacturing of wine may concurrently obtain and hold a wine-maker's license and a wine manufacturer's license.

(a) A manufacturer's license shall allow the manufacture, importation in bulk, storage, distribution and sale of alcoholic liquor to persons without the State, as may be permitted by law and to licensees in this State as follows:

Class 1. A Distiller may make sales and deliveries of alcoholic liquor to distillers, rectifiers, importing distributors, distributors and non-beverage users and to no other licensees.

Class 2. A Rectifier, who is not a distiller, as defined herein, may make sales and deliveries of alcoholic liquor to rectifiers, importing distributors, distributors, retailers and non-beverage users and to no other licensees.

Class 3. A Brewer may make sales and deliveries of beer to importing distributors, distributors, and to non-licensees, and to retailers provided the brewer obtains an importing distributor's license or distributor's license in accordance with the provisions of this Act.

Class 4. A first class wine-manufacturer may make sales and deliveries of up to 50,000 gallons of wine to manufacturers, importing distributors and distributors, and to no other licensees.
Class 5. A second class Wine manufacturer may make sales and deliveries of more than 50,000 gallons of wine to manufacturers, importing distributors and distributors and to no other licensees.

Class 6. A first-class wine-maker's license shall allow the manufacture of up to 50,000 gallons of wine per year, and the storage and sale of such wine to distributors in the State and to persons without the State, as may be permitted by law. A person who, prior to the effective date of this amendatory Act of the 95th General Assembly, is a holder of a first-class wine-maker's license and annually produces more than 25,000 gallons of its own wine and who distributes its wine to licensed retailers shall cease this practice on or before July 1, 2008 in compliance with this amendatory Act of the 95th General Assembly. A first-class wine-maker's license shall allow the sale of no more than 5,000 gallons of the licensee's wine to retailers. The State Commission shall issue only one first-class wine-maker's license to any person, firm, partnership, corporation, or other legal business entity that is engaged in the making of less than 50,000 gallons of wine annually that applies for a first-class wine-maker's license. No subsidiary or affiliate thereof, nor any officer, associate, member, partner, representative, employee, agent, or shareholder may be issued an additional wine-maker's license by the State Commission.

Class 7. A second-class wine-maker's license shall allow the manufacture of between 50,000 and 100,000 gallons of wine per year, and the storage and sale of such wine to distributors in this State and to persons without the State, as may be permitted by law. A person who, prior to the effective date of this amendatory Act of the 95th General Assembly, is a holder of a second-class wine-maker's license and annually produces more than 25,000 gallons of its own wine and who distributes its wine to licensed retailers shall cease this practice on or before July 1, 2008 in compliance with this amendatory Act of the 95th General Assembly. A second-class wine-maker's license shall allow the sale of no more than 10,000 gallons of the licensee's wine directly to retailers. The State Commission shall issue only one second-class wine-maker's license to any person, firm, partnership, corporation, or other legal business entity that is engaged in the making of less than 100,000 gallons of wine annually that applies for a second-class wine-maker's license.
annually that applies for a second-class wine-maker's license. No subsidiary or affiliate thereof, or any officer, associate, member, partner, representative, employee, agent, or shareholder may be issued an additional wine-maker's license by the State Commission.

Class 8. A limited wine-manufacturer may make sales and deliveries not to exceed 40,000 gallons of wine per year to distributors, and to non-licensees in accordance with the provisions of this Act.

(a-1) A manufacturer which is licensed in this State to make sales or deliveries of alcoholic liquor and which enlists agents, representatives, or individuals acting on its behalf who contact licensed retailers on a regular and continual basis in this State must register those agents, representatives, or persons acting on its behalf with the State Commission.

Registration of agents, representatives, or persons acting on behalf of a manufacturer is fulfilled by submitting a form to the Commission. The form shall be developed by the Commission and shall include the name and address of the applicant, the name and address of the manufacturer he or she represents, the territory or areas assigned to sell to or discuss pricing terms of alcoholic liquor, and any other questions deemed appropriate and necessary. All statements in the forms required to be made by law or by rule shall be deemed material, and any person who knowingly misstates any material fact under oath in an application is guilty of a Class B misdemeanor. Fraud, misrepresentation, false statements, misleading statements, evasions, or suppression of material facts in the securing of a registration are grounds for suspension or revocation of the registration.

(b) A distributor's license shall allow the wholesale purchase and storage of alcoholic liquors and sale of alcoholic liquors to licensees in this State and to persons without the State, as may be permitted by law.

(c) An importing distributor's license may be issued to and held by those only who are duly licensed distributors, upon the filing of an application by a duly licensed distributor, with the Commission and the Commission shall, without the payment of any fee, immediately issue such importing distributor's license to the applicant, which shall allow the importation of alcoholic liquor by the licensee into this State from any point in the United States outside this State, and the purchase of alcoholic

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liquor in barrels, casks or other bulk containers and the bottling of such alcoholic liquors before resale thereof, but all bottles or containers so filled shall be sealed, labeled, stamped and otherwise made to comply with all provisions, rules and regulations governing manufacturers in the preparation and bottling of alcoholic liquors. The importing distributor's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers and foreign importers only.

(d) A retailer's license shall allow the licensee to sell and offer for sale at retail, only in the premises specified in the license, alcoholic liquor for use or consumption, but not for resale in any form. Nothing in this amendatory Act of the 95th General Assembly shall deny, limit, remove, or restrict the ability of a holder of a retailer's license to transfer, deliver, or ship alcoholic liquor to the purchaser for use or consumption subject to any applicable local law or ordinance. Any . Provided that any retail license issued to a manufacturer shall only permit the manufacturer to sell beer at retail on the premises actually occupied by the manufacturer. For the purpose of further describing the type of business conducted at a retail licensed premises, a retailer's licensee may be designated by the State Commission as (i) an on premise consumption retailer, (ii) an off premise sale retailer, or (iii) a combined on premise consumption and off premise sale retailer.

Notwithstanding any other provision of this subsection (d), a retail licensee may sell alcoholic liquors to a special event retailer licensee for resale to the extent permitted under subsection (e).

(e) A special event retailer's license (not-for-profit) shall permit the licensee to purchase alcoholic liquors from an Illinois licensed distributor (unless the licensee purchases less than $500 of alcoholic liquors for the special event, in which case the licensee may purchase the alcoholic liquors from a licensed retailer) and shall allow the licensee to sell and offer for sale, at retail, alcoholic liquors for use or consumption, but not for resale in any form and only at the location and on the specific dates designated for the special event in the license. An applicant for a special event retailer license must (i) furnish with the application: (A) a resale number issued under Section 2c of the Retailers' Occupation Tax Act or
evidence that the applicant is registered under Section 2a of the Retailers' Occupation Tax Act, (B) a current, valid exemption identification number issued under Section 1g of the Retailers' Occupation Tax Act, and a certification to the Commission that the purchase of alcoholic liquors will be a tax-exempt purchase, or (C) a statement that the applicant is not registered under Section 2a of the Retailers' Occupation Tax Act, does not hold a resale number under Section 2c of the Retailers' Occupation Tax Act, and does not hold an exemption number under Section 1g of the Retailers' Occupation Tax Act, in which event the Commission shall set forth on the special event retailer's license a statement to that effect; (ii) submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance in the maximum limits; and (iii) show proof satisfactory to the State Commission that the applicant has obtained local authority approval.

(f) A railroad license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on a club, buffet, lounge or dining car operated on an electric, gas or steam railway in this State; and provided further, that railroad licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. A railroad license shall also permit the licensee to sell or dispense alcoholic liquors on any club, buffet, lounge or dining car operated on an electric, gas or steam railway regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A license shall be obtained for each car in which such sales are made.

(g) A boat license shall allow the sale of alcoholic liquor in individual drinks, on any passenger boat regularly operated as a common
carrier on navigable waters in this State or on any riverboat operated under
the Riverboat Gambling Act, which boat or riverboat maintains a public
dining room or restaurant thereon.

(h) A non-beverage user's license shall allow the licensee to
purchase alcoholic liquor from a licensed manufacturer or importing
distributor, without the imposition of any tax upon the business of such
licensed manufacturer or importing distributor as to such alcoholic liquor
to be used by such licensee solely for the non-beverage purposes set forth
in subsection (a) of Section 8-1 of this Act, and such licenses shall be
divided and classified and shall permit the purchase, possession and use of
limited and stated quantities of alcoholic liquor as follows:

Class 1, not to exceed .............................. 500 gallons
Class 2, not to exceed .............................. 1,000 gallons
Class 3, not to exceed .............................. 5,000 gallons
Class 4, not to exceed .............................. 10,000 gallons
Class 5, not to exceed .............................. 50,000 gallons

(i) A wine-maker's premises license shall allow a licensee that
concurrently holds a first-class wine-maker's license to sell and offer for
sale at retail in the premises specified in such license not more than 50,000
gallons of the first-class wine-maker's wine that is made at the first-class
wine-maker's licensed premises per year for use or consumption, but not
for resale in any form. A wine-maker's premises license shall allow a
licensee who concurrently holds a second-class wine-maker's license to
sell and offer for sale at retail in the premises specified in such license up
to 100,000 gallons of the second-class wine-maker's wine that is made at
the second-class wine-maker's licensed premises per year for use or
consumption but not for resale in any form. A wine-maker's premises
license shall allow a licensee that concurrently holds a first-class wine-
maker's license or a second-class wine-maker's license to sell and offer for
sale at retail at the premises specified in the wine-maker's premises
license, for use or consumption but not for resale in any form, any beer,
wine, and spirits purchased from a licensed distributor. Upon approval
from the State Commission, a wine-maker's premises license shall allow
the licensee to sell and offer for sale at (i) the wine-maker's licensed

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premises and (ii) at up to 2 additional locations for use and consumption and not for resale. Each location shall require additional licensing per location as specified in Section 5-3 of this Act. A **wine-maker's premises licensee** shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection (a) of Section 6-21 of this Act.

(j) An airplane license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on an airplane; and provided further, that airplane licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. An airplane licensee shall also permit the sale or dispensing of alcoholic liquors on any passenger airplane regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A single airplane license shall be required of an airline company if liquor service is provided on board aircraft in this State. The annual fee for such license shall be as determined in Section 5-3.

(k) A **foreign importer's license** shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers only, and to import alcoholic liquor other than in bulk from any point outside the United States and to sell such alcoholic liquor to Illinois licensed importing distributors and to no one else in Illinois; provided that the foreign importer registers with the State Commission every brand of alcoholic liquor that it proposes to sell to Illinois licensees during the license period and provided further that the foreign importer complies with all of the provisions of Section 6-9 of this Act with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale.

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(l) (i) A broker's license shall be required of all persons who solicit orders for, offer to sell or offer to supply alcoholic liquor to retailers in the State of Illinois, or who offer to retailers to ship or cause to be shipped or to make contact with distillers, rectifiers, brewers or manufacturers or any other party within or without the State of Illinois in order that alcoholic liquors be shipped to a distributor, importing distributor or foreign importer, whether such solicitation or offer is consummated within or without the State of Illinois.

No holder of a retailer's license issued by the Illinois Liquor Control Commission shall purchase or receive any alcoholic liquor, the order for which was solicited or offered for sale to such retailer by a broker unless the broker is the holder of a valid broker's license.

The broker shall, upon the acceptance by a retailer of the broker's solicitation of an order or offer to sell or supply or deliver or have delivered alcoholic liquors, promptly forward to the Illinois Liquor Control Commission a notification of said transaction in such form as the Commission may by regulations prescribe.

(ii) A broker's license shall be required of a person within this State, other than a retail licensee, who, for a fee or commission, promotes, solicits, or accepts orders for alcoholic liquor, for use or consumption and not for resale, to be shipped from this State and delivered to residents outside of this State by an express company, common carrier, or contract carrier. This Section does not apply to any person who promotes, solicits, or accepts orders for wine as specifically authorized in Section 6-29 of this Act.

A broker's license under this subsection (l) (i) shall not entitle the holder to buy or sell any alcoholic liquors for his own account or to take or deliver title to such alcoholic liquors.

This subsection (l) (i) shall not apply to distributors, employees of distributors, or employees of a manufacturer who has registered the trademark, brand or name of the alcoholic liquor pursuant to Section 6-9 of this Act, and who regularly sells such alcoholic liquor in the State of Illinois only to its registrants thereunder.
Any agent, representative, or person subject to registration pursuant to subsection (a-1) of this Section shall not be eligible to receive a broker's license.

(m) A non-resident dealer's license shall permit such licensee to ship into and warehouse alcoholic liquor into this State from any point outside of this State, and to sell such alcoholic liquor to Illinois licensed foreign importers and importing distributors and to no one else in this State; provided that said non-resident dealer shall register with the Illinois Liquor Control Commission each and every brand of alcoholic liquor which it proposes to sell to Illinois licensees during the license period; and further provided that it shall comply with all of the provisions of Section 6-9 hereof with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale.

(n) A brew pub license shall allow the licensee to manufacture beer only on the premises specified in the license, to make sales of the beer manufactured on the premises to importing distributors, distributors, and to non-licensees for use and consumption, to store the beer upon the premises, and to sell and offer for sale at retail from the licensed premises, provided that a brew pub licensee shall not sell for off-premises consumption more than 50,000 gallons per year.

(o) A caterer retailer license shall allow the holder to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on or off-site whether licensed or unlicensed.

(p) An auction liquor license shall allow the licensee to sell and offer for sale at auction wine and spirits for use or consumption, or for resale by an Illinois liquor licensee in accordance with provisions of this Act. An auction liquor license will be issued to a person and it will permit the auction liquor licensee to hold the auction anywhere in the State. An auction liquor license must be obtained for each auction at least 14 days in advance of the auction date.

(q) A special use permit license shall allow an Illinois licensed retailer to transfer a portion of its alcoholic liquor inventory from its retail licensed premises to the premises specified in the license hereby created,
and to sell or offer for sale at retail, only in the premises specified in the license hereby created, the transferred alcoholic liquor for use or consumption, but not for resale in any form. A special use permit license may be granted for the following time periods: one day or less; 2 or more days to a maximum of 15 days per location in any 12 month period. An applicant for the special use permit license must also submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance to the maximum limits and have local authority approval.

(r) A winery shipper's license shall allow a person with a first-class or second-class wine manufacturer's license, a first-class or second-class wine-maker's license, or a limited wine manufacturer's license or who is licensed to make wine under the laws of another state to ship wine made by that licensee directly to a resident of this State who is 21 years of age or older for that resident's personal use and not for resale. Prior to receiving a winery shipper's license, an applicant for the license must provide the Commission with a true copy of its current license in any state in which it is licensed as a manufacturer of wine. An applicant for a winery shipper's license must also complete an application form that provides any other information the Commission deems necessary. The application form shall include an acknowledgement consenting to the jurisdiction of the Commission, the Illinois Department of Revenue, and the courts of this State concerning the enforcement of this Act and any related laws, rules, and regulations, including authorizing the Department of Revenue and the Commission to conduct audits for the purpose of ensuring compliance with this amendatory Act.

A winery shipper licensee must pay to the Department of Revenue the State liquor gallonage tax under Section 8-1 for all wine that is sold by the licensee and shipped to a person in this State. For the purposes of Section 8-1, a winery shipper licensee shall be taxed in the same manner as a manufacturer of wine. A licensee who is not otherwise required to register under the Retailers' Occupation Tax Act must register under the Use Tax Act to collect and remit use tax to the Department of Revenue for all gallons of wine that are sold by the licensee and shipped to persons in
this State. If a licensee fails to remit the tax imposed under this Act in accordance with the provisions of Article VIII of this Act, the winery shipper's license shall be revoked in accordance with the provisions of Article VII of this Act. If a licensee fails to properly register and remit tax under the Use Tax Act or the Retailers' Occupation Tax Act for all wine that is sold by the winery shipper and shipped to persons in this State, the winery shipper's license shall be revoked in accordance with the provisions of Article VII of this Act.

A winery shipper licensee must collect, maintain, and submit to the Commission on a semi-annual basis the total number of cases per resident of wine shipped to residents of this State. A winery shipper licensed under this subsection (r) must comply with the requirements of Section 6-29 of this amendatory Act.

(Source: P.A. 92-105, eff. 1-1-02; 92-378, eff. 8-16-01; 92-651, eff. 7-11-02; 92-672, eff. 7-16-02; 93-923, eff. 8-12-04; 93-1057, eff. 12-2-04; revised 12-6-04.)

(235 ILCS 5/5-3) (from Ch. 43, par. 118)

Sec. 5-3. License fees. Except as otherwise provided herein, at the time application is made to the State Commission for a license of any class, the applicant shall pay to the State Commission the fee hereinafter provided for the kind of license applied for.

The fee for licenses issued by the State Commission shall be as follows:

For a manufacturer's license:
Class 1. Distiller ......................... $3,600
Class 2. Rectifier ......................... 3,600
Class 3. Brewer ............................... 900
Class 4. First-class Wine Manufacturer ....... 600
Class 5. Second-class
Wine Manufacturer .......................... 1,200
Class 6. First-class wine-maker .......... 600
Class 7. Second-class wine-maker .......... 1,200
Class 8. Limited Wine Manufacturer .......... 120
For a Brew Pub License ....................... 1,050

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For a caterer retailer's license................ 200
For a foreign importer's license ............ 25
For an importing distributor's license ....... 25
For a distributor's license .................... 270
For a non-resident dealer's license
  (500,000 gallons or over) ................. 270
For a non-resident dealer's license
  (under 500,000 gallons) ................. 90
For a wine-maker's premises license ....... 100
For a winery shipper's license
  (under 250,000 gallons)................... 150
For a winery shipper's license
  (250,000 or over, but under 500,000 gallons). 500
For a winery shipper's license
  (500,000 gallons or over) .............. 1,000
For a wine-maker's premises license,
  second location .......................... 350
For a wine-maker's premises license,
  third location ........................... 350
For a retailer's license ..................... 500
For a special event retailer's license,
  (not-for-profit) .......................... 25
For a special use permit license,
  one day only ............................ 50
  2 days or more ........................... 100
For a railroad license ...................... 60
For a boat license ........................... 180
For an airplane license, times the
  licensee's maximum number of aircraft
  in flight, serving liquor over the
  State at any given time, which either
  originate, terminate, or make
  an intermediate stop in the State ....... 60
For a non-beverage user's license:

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Class 1 ................................. 24
Class 2 ................................. 60
Class 3 ................................. 120
Class 4 ................................. 240
Class 5 ................................. 600
For a broker's license .................. 600
For an auction liquor license ........... 50

Fees collected under this Section shall be paid into the Dram Shop Fund. On and after July 1, 2003, of the funds received for a retailer's license, in addition to the first $175, an additional $75 shall be paid into the Dram Shop Fund, and $250 shall be paid into the General Revenue Fund. Beginning June 30, 1990 and on June 30 of each subsequent year through June 29, 2003, any balance over $5,000,000 remaining in the Dram Shop Fund shall be credited to State liquor licensees and applied against their fees for State liquor licenses for the following year. The amount credited to each licensee shall be a proportion of the balance in the Dram Fund that is the same as the proportion of the license fee paid by the licensee under this Section for the period in which the balance was accumulated to the aggregate fees paid by all licensees during that period.

No fee shall be paid for licenses issued by the State Commission to the following non-beverage users:

(a) Hospitals, sanitariums, or clinics when their use of alcoholic liquor is exclusively medicinal, mechanical or scientific.
(b) Universities, colleges of learning or schools when their use of alcoholic liquor is exclusively medicinal, mechanical or scientific.
(c) Laboratories when their use is exclusively for the purpose of scientific research.

(Source: P.A. 92-378, eff. 8-16-01; 93-22, eff. 6-20-03.)
(235 ILCS 5/6-4) (from Ch. 43, par. 121)
Sec. 6-4. (a) No person licensed by any licensing authority as a distiller, or a wine manufacturer, or any subsidiary or affiliate thereof, or any officer, associate, member, partner, representative, employee, agent or shareholder owning more than 5% of the outstanding shares of such
person shall be issued an importing distributor's or distributor's license, nor shall any person licensed by any licensing authority as an importing distributor, distributor or retailer, or any subsidiary or affiliate thereof, or any officer or associate, member, partner, representative, employee, agent or shareholder owning more than 5% of the outstanding shares of such person be issued a distiller's license or a wine manufacturer's license; and no person or persons licensed as a distiller by any licensing authority shall have any interest, directly or indirectly, with such distributor or importing distributor.

However, an importing distributor or distributor, which on January 1, 1985 is owned by a brewer, or any subsidiary or affiliate thereof or any officer, associate, member, partner, representative, employee, agent or shareholder owning more than 5% of the outstanding shares of the importing distributor or distributor referred to in this paragraph, may own or acquire an ownership interest of more than 5% of the outstanding shares of a wine manufacturer and be issued a wine manufacturer's license by any licensing authority.

(b) The foregoing provisions shall not apply to any person licensed by any licensing authority as a distiller or wine manufacturer, or to any subsidiary or affiliate of any distiller or wine manufacturer who shall have been heretofore licensed by the State Commission as either an importing distributor or distributor during the annual licensing period expiring June 30, 1947, and shall actually have made sales regularly to retailers.

(c) Provided, however, that in such instances where a distributor's or importing distributor's license has been issued to any distiller or wine manufacturer or to any subsidiary or affiliate of any distiller or wine manufacturer who has, during the licensing period ending June 30, 1947, sold or distributed as such licensed distributor or importing distributor alcoholic liquors and wines to retailers, such distiller or wine manufacturer or any subsidiary or affiliate of any distiller or wine manufacturer holding such distributor's or importing distributor's license may continue to sell or distribute to retailers such alcoholic liquors and wines which are manufactured, distilled, processed or marketed by distillers and wine manufacturers whose products it sold or distributed to retailers during the

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whole or any part of its licensing periods; and such additional brands and additional products may be added to the line of such distributor or importing distributor, provided, that such brands and such products were not sold or distributed by any distributor or importing distributor licensed by the State Commission during the licensing period ending June 30, 1947, but can not sell or distribute to retailers any other alcoholic liquors or wines.

(d) It shall be unlawful for any distiller licensed anywhere to have any stock ownership or interest in any distributor's or importing distributor's license wherein any other person has an interest therein who is not a distiller and does not own more than 5% of any stock in any distillery. Nothing herein contained shall apply to such distillers or their subsidiaries or affiliates, who had a distributor's or importing distributor's license during the licensing period ending June 30, 1947, which license was owned in whole by such distiller, or subsidiaries or affiliates of such distiller.

(e) Any person having been licensed as a manufacturer shall be permitted to receive one retailer's license for the premises in which he actually conducts such business, permitting the sale of beer only on such premises, but no such person shall be entitled to more than one retailer's license in any event, and, other than a manufacturer of beer as stated above, no manufacturer or distributor or importing distributor, excluding airplane licensees exercising powers provided in paragraph (i) of Section 5-1 of this Act, or any subsidiary or affiliate thereof, or any officer, associate, member, partner, representative, employee or agent, or shareholder shall be issued a retailer's license, nor shall any person having a retailer's license, excluding airplane licensees exercising powers provided in paragraph (i) of Section 5-1 of this Act, or any subsidiary or affiliate thereof, or any officer, associate, member, partner, representative or agent, or shareholder be issued a manufacturer's license, importing distributor's license.

(f) However, the foregoing prohibitions against any person licensed as a distiller or wine manufacturer being issued a retailer's license shall not apply:

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(i) to any hotel, motel or restaurant whose principal business is not the sale of alcoholic liquors if said retailer's sales of any alcoholic liquors manufactured, sold, distributed or controlled, directly or indirectly, by any affiliate, subsidiary, officer, associate, member, partner, representative, employee, agent or shareholder owning more than 5% of the outstanding shares of such person does not exceed 10% of the total alcoholic liquor sales of said retail licensee; and

(ii) where the Commission determines, having considered the public welfare, the economic impact upon the State and the entirety of the facts and circumstances involved, that the purpose and intent of this Section would not be violated by granting an exemption.

(g) Notwithstanding any of the foregoing prohibitions, a limited wine manufacturer may sell at retail at its manufacturing site for on or off premises consumption and may sell to distributors. A limited wine manufacturer licensee shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection (a) of Section 6-21 of this Act.

(Source: P.A. 86-858.)

(235 ILCS 5/6-29) (from Ch. 43, par. 144e)

Sec. 6-29. Winery shipper's license. Interstate reciprocal wine shipments.

(a) The General Assembly declares that the following is the intent of this Section:

(1) To authorize direct shipment of wine by an out-of-state maker of wine on the same basis permitted an in-state maker of wine pursuant to the authority of the State under the provisions of Section 2 of the Twenty-First Amendment to the United States Constitution and in conformance with the United States Supreme Court decision decided on May 16, 2005 in Granholm v. Heald.

(2) To reaffirm that the General Assembly's findings and declarations that selling alcoholic liquor through various direct marketing means such as catalogs, newspapers, mailings, and the Internet directly to consumers of this State poses a serious threat to the State's efforts to further temperance and prevent youth from...
accessing alcoholic liquor and the expansion of youth access to additional types of alcoholic liquors.

(3) To maintain the State's broad powers granted by Section 2 of the Twenty-First Amendment to the United States Constitution to control the importation or sale of alcoholic liquor and its right to structure its alcoholic liquor distribution system.

(4) To ensure that the General Assembly, by authorizing limited direct shipment of wine to meet the directives of the United States Supreme Court, does not intend to impair or modify the State's distribution of wine through distributors or importing distributors, but only to permit limited shipment of wine for personal use.

(5) To provide that, in the event that a court of competent jurisdiction declares or finds that this Section, which is enacted to conform Illinois law to the United States Supreme Court decision, is invalid or unconstitutional, the Illinois General Assembly at its earliest general session shall conduct hearings and study methods to conform to any directive or order of the court consistent with the temperance and revenue collection purposes of this Act.

(b) Notwithstanding any other provision of law, a wine shipper licensee may ship, for personal use and not for resale, not more than 12 cases of wine per year to any resident of this State who is 21 years of age or older.

(b-3) Notwithstanding any other provision of law, sale and shipment by a winery shipper licensee pursuant to this Section shall be deemed to constitute a sale in this State.

(b-5) The shipping container of any wine shipped under this Section shall be clearly labeled with the following words: "CONTAINS ALCOHOL. SIGNATURE OF A PERSON 21 YEARS OF AGE OR OLDER REQUIRED FOR DELIVERY. PROOF OF AGE AND IDENTITY MUST BE SHOWN BEFORE DELIVERY.". This warning must be prominently displayed on the packaging. A licensee shall require the transporter or common carrier that delivers the wine to obtain the signature of a person 21 years of age or older at the delivery address at

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the time of delivery. At the expense of the licensee, the licensee shall receive a delivery confirmation from the express company, common carrier, or contract carrier indicating the location of the delivery, time of delivery, and the name and signature of the individual 21 years of age or older who accepts delivery. The Commission shall design and create a label or approve a label that must be affixed to the shipping container by the licensee.

(a) Notwithstanding any other provision of law, an adult resident or holder of an alcoholic beverage license in a state which affords Illinois licensees or adult residents an equal reciprocal shipping privilege may ship, for personal use and not for resale, not more than 2 cases of wine (each case containing not more than 9 liters) per year to any adult resident of this State. Delivery of a shipment pursuant to this Section shall not be deemed to constitute a sale in this State:

(b) The shipping container of any wine sent into or out of this State under this Section shall be clearly labeled to indicate that the package cannot be delivered to a person under the age of 21 years.

(c) No broker within this State shall solicit consumers to engage in direct interstate reciprocal wine shipments under this Section. No shipper located outside this State may advertise such interstate reciprocal wine shipments in this State:

(d) It is not the intent of this Section to impair the distribution of wine through distributors or importing distributors, but only to permit shipments of wine for personal use.

(Source: P.A. 86-1483.)

(235 ILCS 5/6-29.1)

Sec. 6-29.1. Direct shipments of alcoholic liquor.

(a) The General Assembly makes the following findings:

(1) The General Assembly of Illinois, having reviewed this Act in light of the United States Supreme Court's 2005 decision in Granholm v. Heald, has determined to conform that law to the constitutional principles enunciated by the Court in a manner that best preserves the temperance, revenue, and orderly distribution values of this Act.

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(2) Minimizing automobile accidents and fatalities, domestic violence, health problems, loss of productivity, unemployment, and other social problems associated with dependency and improvident use of alcoholic beverages remains the policy of Illinois.

(3) To the maximum extent constitutionally feasible, Illinois desires to collect sufficient revenue from excise and use taxes on alcoholic beverages for the purpose of responding to such social problems.

(4) Combined with family education and individual discipline, retail validation of age, and assessment of the capacity of the consumer remains the best pre-sale social protection against the problems associated with the abuse of alcoholic liquor.

(5) Therefore, the paramount purpose of this amendatory Act is to continue to carefully limit direct shipment sales of wine produced by makers of wine and to continue to prohibit such direct shipment sales for spirits and beer.

For these reasons, the Commission shall establish a system to notify the out-of-state trade of this prohibition and to detect violations. The Commission shall request the Attorney General to extradite any offender.

(b) Pursuant to the Twenty-First Amendment of the United States Constitution allowing states to regulate the distribution and sale of alcoholic liquor and pursuant to the federal Webb-Kenyon Act declaring that alcoholic liquor shipped in interstate commerce must comply with state laws, the General Assembly hereby finds and declares that selling alcoholic liquor from a point outside this State through various direct marketing means, such as catalogs, newspapers, mailers, and the Internet, directly to residents of this State poses a serious threat to the State's efforts to prevent youths from accessing alcoholic liquor; to State revenue collections; and to the economy of this State.

Any person manufacturing, distributing, or selling alcoholic liquor who knowingly ships or transports or causes the shipping or transportation of any alcoholic liquor from a point outside this State to a person in this

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State who does not hold a manufacturer's, distributor's, importing distributor's, or non-resident dealer's license issued by the Liquor Control Commission, other than a shipment of sacramental wine to a bona fide religious organization, a shipment authorized by Section 6-29, subparagraph (17) of Section 3-12, or any other shipment authorized by this Act, is in violation of this Act.

The Commission, upon determining, after investigation, that a person has violated this Section, shall give notice to the person by certified mail to cease and desist all shipments of alcoholic liquor into this State and to withdraw from this State within 5 working days after receipt of the notice all shipments of alcoholic liquor then in transit.

Whenever the Commission has reason to believe that a person has failed to comply with the Commission notice under this Section, it shall notify the Department of Revenue and file a complaint with the State's Attorney of the county where the alcoholic liquor was delivered or with appropriate law enforcement officials.

Failure to comply with the notice issued by the Commission under this Section constitutes a business offense for which the person shall be fined not more than $1,000 for a first offense, not more than $5,000 for a second offense, and not more than $10,000 for a third or subsequent offense. Each shipment of alcoholic liquor delivered in violation of the cease and desist notice shall constitute a separate offense.

(Source: P.A. 90-739, eff. 8-13-98.)

Section 90. Severability. The General Assembly recognizes that courts established pursuant to the Constitution of the United States and the Constitution of the State of Illinois construe statutory provisions dealing with judicial interpretation, severability, and partial invalidity by determining whether the legislative intent was to enforce the remainder of the law enacted in the event of a judicial determination of partial invalidity. For the purpose of explaining such intent, if any provision, application, exemption, exception, or authorization of this amendatory Act, the Retailer's Occupation Tax Act, Section 3-7 of the Uniform Penalty and Interest Act, or the Liquor Control Act of 1934 is held invalid, then all other constitutional provisions, exemptions, exceptions, and

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authorizations of this amendatory Act are severable and shall be given effect.

Effective June 1, 2008.

PUBLIC ACT 95-0635
(House Bill No. 1855)

AN ACT concerning employment.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Substance Abuse Prevention on Public Works Projects Act.

Section 5. Definitions. As used in this Act:
"Accident" means an incident caused, contributed to, or otherwise involving an employee that resulted in death, personal injury, or property damage and that occurred while the employee was performing work on a public works project.

"Alcohol" means any substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol, and isopropanol.

"Alcohol concentration" means: (1) the number of grams of alcohol per 210 liters of breath; or (2) the number of grams of alcohol per 100 milliliters of blood.

"Drug" means a controlled substance as defined in the Illinois Controlled Substances Act or cannabis as defined in the Cannabis Control Act for which testing is required by an employer under its substance abuse prevention program under this Act. The term "drug" includes prescribed medications not used in accordance with a valid prescription.

"Employee" means a laborer, mechanic, or other worker employed in any public works by anyone under a contract for public works.

"Employer" means a contractor or subcontractor performing a public works project.

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"Public works" and "public body" have the meanings ascribed to those terms in the Prevailing Wage Act.

Section 10. Substance abuse prohibited. No employee may use, possess, distribute, deliver, or be under the influence of a drug, or use or be under the influence of alcohol, while performing work on a public works project. An employee is considered to be under the influence of alcohol for purposes of this Act if the alcohol concentration in his or her blood or breath at the time alleged as shown by analysis of the employee's blood or breath is at or above 0.02.

Section 15. Substance abuse prevention programs required.

(1) Before an employer commences work on a public works project, the employer shall have in place a written program which meets or exceeds the program requirements in this Act, to be filed with the public body engaged in the construction of the public works and made available to the general public, for the prevention of substance abuse among its employees. The testing must be performed by a laboratory that is certified for Federal Workplace Drug Testing Programs by the Substance Abuse and Mental Health Service Administration of the U.S. Department of Health and Human Services. At a minimum, the program shall include all of the following:

(A) A minimum requirement of a 9 panel urine drug test plus a test for alcohol. Testing an employee's blood may only be used for post-accident testing, however, blood testing is not mandatory for the employer where a urine test is sufficient.

(B) A prohibition against the actions or conditions specified in Section 10.

(C) A requirement that employees performing the work on a public works project submit to pre-hire, random, reasonable suspicion, and post-accident drug and alcohol testing. Testing of an employee before commencing work on a public works project is not required if the employee has been participating in a random testing program during
the 90 days preceding the date on which the employee commenced work on the public works project.

(D) A procedure for notifying an employee who violates Section 10, who tests positive for the presence of a drug in his or her system, or who refuses to submit to drug or alcohol testing as required under the program that the employee may not perform work on a public works project until the employee meets the conditions specified in subdivisions (2)(A) and (2)(B) of Section 20.

(2) Reasonable suspicion testing. An employee whose supervisor has reasonable suspicion to believe the employee is under the influence of alcohol or a drug is subject to discipline up to and including suspension, and be required to undergo an alcohol or drug test. "Reasonable suspicion" means a belief, based on behavioral observations or other evidence, sufficient to lead a prudent or reasonable person to suspect an employee is under the influence and exhibits slurred speech, erratic behavior, decreased motor skills, or other such traits. Circumstances, both physical and psychological, shall be given consideration. Whenever possible before an employee is required to submit to testing based on reasonable suspicion, the employee shall be observed by more than one supervisory or managerial employee. It is encouraged that observation of an employee should be performed by a supervisory or managerial employee who has successfully completed a certified training program to recognize drug and alcohol abuse. The employer who is requiring an employee to be tested based upon reasonable suspicion shall provide transportation for the employee to the testing facility and may send a representative to accompany the employee to the testing facility. Under no circumstances may an employee thought to be under the influence of alcohol or a drug be allowed to operate a vehicle or other equipment for any purpose. The employee shall be removed from the job site and placed on inactive status pending the employer's receipt of notice of the test results. The employee shall have the right to request a

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representative or designee to be present at the time he or she is directed to provide a specimen for testing based upon reasonable suspicion. If the test result is positive for drugs or alcohol, the employee shall be subject to termination. The employer shall pay all costs related to this testing. If the test result is negative, the employee shall be placed on active status and shall be put back to work by the employer. The employee shall be paid for all lost time to include all time needed to complete the drug or alcohol test and any and all overtime according to the employee's contract.

(3) An employer is responsible for the cost of developing, implementing, and enforcing its substance abuse prevention program, including the cost of drug and alcohol testing of its employees under the program, except when these costs are covered under provisions in a collective bargaining agreement. The testing must be performed by a laboratory that is certified for Federal Workplace Drug Testing Programs by the Substance Abuse and Mental Health Service Administration of the U.S. Department of Health and Human Services. The contracting agency is not responsible for that cost, for the cost of any medical review of a test result, or for any rehabilitation provided to an employee.

Section 20. Employee access to project.

(1) An employer may not permit an employee who violates Section 10, who tests positive for the presence of a drug in his or her system, or who refuses to submit to drug or alcohol testing as required under the employer's substance abuse prevention program under Section 15 to perform work on a public works project until the employee meets the conditions specified in subdivisions (2)(A) and (2)(B). An employer shall immediately remove an employee from work on a public works project if any of the following occurs:

(A) The employee violates Section 10, tests positive for the presence of a drug in his or her system, or refuses to submit to drug or alcohol testing as required under the employer's substance abuse prevention program.
(B) An officer or employee of the contracting agency, preferably one trained to recognize drug and alcohol abuse, has a reasonable suspicion that the employee is in violation of Section 10 and requests the employer to immediately remove the employee from work on the public works project for reasonable suspicion testing.

(2) An employee who is barred or removed from work on a public works project under subsection (1) may commence or return to work on the public works project upon his or her employer providing to the contracting agency documentation showing all of the following:

(A) That the employee has tested negative for the presence of drugs in his or her system and is not under the influence of alcohol as described in Section 10.

(B) That the employee has been approved to commence or return to work on the public works project in accordance with the employer's substance abuse prevention program.

(C) Testing for the presence of drugs or alcohol in an employee's system and the handling of test specimens was conducted in accordance with guidelines for laboratory testing procedures and chain-of-custody procedures established by the Substance Abuse and Mental Health Service Administration of the U.S. Department of Health and Human Services.

(3) Upon successfully completing a rehabilitation program, an employee shall be reinstated to his or her former employment status if work for which he or she is qualified exists.

Section 25. Applicability. This Act applies to a contract to perform work on a public works project for which bids are opened on or after January 1, 2008, or, if bids are not solicited for the contract, to a contract to perform such work entered into on or after January 1, 2008. The provisions of this Act apply only to the extent there is no collective bargaining agreement in effect dealing with the subject matter of this Act.

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AN ACT concerning health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Developmental Disability and Mental Disability Services Act is amended by adding the heading of Article VI and Sections 6-1 and 6-5 as follows:

(405 ILCS 80/Art. VI heading new)

ARTICLE VI. COMMUNITY RESIDENTIAL CHOICES PROGRAM

(405 ILCS 80/6-1 new)

Sec. 6-1. Community Residential Choices Program.

(a) The purpose of this Article is to promote greater compatibility among individuals with developmental disabilities who live together by allowing individuals with developmental disabilities who meet either the emergency or critical need criteria of the Department of Human Services as defined under the Department's developmental disabilities cross-disability database (as required by Section 10-26 of the Department of Human Services Act), and who also meet the Department's developmental disabilities priority population criteria for residential services as defined in the Department's developmental disabilities Community Services Agreement and whose parents are over the age of 60, to choose to live together in a community-based residential program.

(b) For purposes of this Article:

"Community-based residential program" means one of a variety of living arrangements for persons with developmental disabilities, including existing settings such as community-integrated living arrangements, and

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may also include newly developed settings that are consistent with this definition.

"Developmental disability" may include an autism spectrum disorder.

(c) A person diagnosed with an autism spectrum disorder may be assessed for eligibility for services under Home and Community-Based Services Waivers for persons with developmental disabilities without regard to whether that person is also diagnosed with mental retardation, so long as the person otherwise meets applicable level-of-care criteria under those waivers. This provision does not create any new entitlement to a service, program, or benefit, but shall not affect any entitlement to a service, program, or benefit created by any other law.

(405 ILCS 80/6-5 new)
Sec. 6-5. Placements. Commencing with the State fiscal year beginning on July 1, 2007, subject to appropriation, the Department of Human Services shall fund residential capacities in geographic locations in the State with the goal of placing no fewer than 80 individuals who meet the emergency or critical need criteria of the Department's developmental disabilities cross-disabilities database, and who also meet the Department's developmental disabilities priority population criteria for residential services as defined in the Department's developmental disabilities Community Services Agreement and whose parents are over the age of 60, in community-based residential programs with chosen housemates. Priority in the allocation of funds for this program shall be given to individuals who choose to reside with 3 or fewer individuals.

Section 99. Effective date. This Act takes effect upon becoming law.

Effective October 5, 2007.
AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

ARTICLE 5. CONVEYANCE TO CITY OF MONMOUTH

Section 5-5. The Adjutant General, on behalf of the State of Illinois and
the Department of Military Affairs, is authorized to convey by
Quitclaim Deed all right, title, and interest of the State of Illinois and the
Department of Military Affairs in and to the real estate described in
Section 5-10 to the City of Monmouth, subject to the conditions and
restrictions described in Section 5-15.

Section 5-10. The Adjutant General is authorized to convey the
following described real property:

Parcel 1: All of Lot Three (3) in Block Twenty-Six (26) of the Old
Town Plat of the City of Monmouth, Illinois.

Parcel 2: Thirty-eight and sixty-three hundredths (38.63) feet off
the West end of Lot Four (4) in Block Twenty-Six (26) of the Old Town
Plat of the City of Monmouth, Illinois.

Parcel 3: A part of Lot Two (2) of Lot Five (5) in Block Twenty-
Six (26) of the Old Town Plat of the City of Monmouth, Illinois, described
as follows:
Commencing at the Northwest corner of Lot Two (2) of the subdivision of
Lot Five (5) of Block Twenty-Six (26) of the Old Town Plat of the City of
Monmouth, running thence east along the north line of said Lot Two (2) to
the Northeast corner of said Lot Two (2), about two hundred three and
twenty-eight hundredths (203.28) feet, thence south to the south line of
said Lot Two (2), thence west seventy-one and twenty-eight hundredths
(71.28) feet, thence north sixty (60) feet, thence west to the west line of
said Lot Two (2), thence north to the place of beginning, as shown by Plat
of said subdivision recorded in Vol. 27 on page 58 of Deed records of
Warren County, Illinois.

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Parcel 4: The East half of the East half of Lot One (1) in Block Twenty-Six (26) of the Old Town Plat of the City of Monmouth, Illinois; subject to and including an easement, the terms of which are recorded in Book 91, page 497 of the records in the Recorder's Office of Warren County, Illinois, and subject to any rights to maintain sewers under said premises.

Parcel 5: The West half of the East half of Lot One (1) in Block Twenty-Six (26) of the Old Town Plat of the City of Monmouth, Illinois; with perpetual right of ingress and egress for a driveway, as shown by deed dated February 23, 1898 and recorded in Volume 91, page 497, of the Deed Records of Warren County, Illinois.

Parcel 6: Lot Four (4) in Block Twenty-Six (26) of the Old Town Plat of the City of Monmouth, Illinois, except thirty-eight and sixty-three hundredths (38.63) feet off of the West end of said Lot 4, and except fifteen (15) feet off of the North side of said Lot 4, situated in the City of Monmouth, Warren County, Illinois.

Section 5-15. The Adjutant General shall not convey the above real property to the City of Monmouth until the Adjutant General determines that the property is no longer required for military purposes. In this regard, construction of the new Readiness Center in Galesburg must be completed, and all military units with associated equipment must have been transferred from the armory property described in Section 5-10 to the new Readiness Center in Galesburg. Conveyance of the above real property will be in an "as is" condition, subject to a Historic Preservation Covenant on the armory buildings as approved by the Illinois Historic Preservation Agency, and the City of Monmouth will pay all required costs and expenses of the conveyance, as determined by the Adjutant General.

Section 5-20. The Adjutant General shall obtain a certified copy of this Act from the Secretary of State within 60 days after its effective date and, upon conveyance of the real estate described in Section 5-10 being made, shall cause the certified copy of this Act to be recorded in the office of the recorder of Warren County, Illinois.

ARTICLE 10. CONVEYANCE TO CITY OF GALESBURG

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Section 10-5. The Adjutant General, on behalf of the State of Illinois and the Department of Military Affairs, is authorized to convey by Quitclaim Deed all right, title, and interest of the State of Illinois and the Department of Military Affairs in and to the real estate described in Section 10-10 to the City of Galesburg, subject to the conditions and restrictions described in Section 10-15.

Section 10-10. The Adjutant General is authorized to convey the following described real property:

Parcel 1:
Thirty-two (32) feet off of the entire North side of Sublot Eight (8), in a subdivision of original Lots Seven (7) and Eight (8) of Block Eleven (11), in the City of Galesburg, as shown by a plat recorded on page 36 in volume 78 of Knox County Deed Records; and otherwise described as the North 32 feet of the West one-half of original Lot 7 of Block 11, in the City of Galesburg.

Parcel 2:
Thirty-two (32) feet off of the entire North side of Sublot Seven (7) in a subdivision of original Lots Seven (7) and Eight (8) of Block Eleven (11), in the City of Galesburg, as shown by a plat recorded on page 36 in volume 78 of Knox County Deed Records; and otherwise described as the North 32 feet of the East one-half of original Lot 7 of Block 11, in the City of Galesburg.

Parcel 3:
Sublots Fifteen (15) and Sixteen (16) in the subdivision of the South six (6) feet of Lot Three (3), and all of Lots Four (4), Five (5) and Six (6) in original Block Eleven (11) in the City of Galesburg, as shown by Commissioners Plat in volume 28 Chancery Records, page 410, Knox County Records.

Section 10-15. The Adjutant General shall not convey the above real property to the City of Galesburg until the Adjutant General determines that the property is no longer required for military purposes. In this regard, construction of the new Readiness Center in Galesburg must be completed, and all military units with associated equipment must have been transferred from the armory property described in Section 10-10 to
the new Readiness Center in Galesburg. Conveyance of the above real property will be in an "as is" condition, subject to an Historic Preservation Covenant on the armory buildings as approved by the Illinois Historic Preservation Agency, and the City of Galesburg will pay all required costs and expenses of the conveyance, as determined by the Adjutant General.

Section 10-20. The Adjutant General shall obtain a certified copy of this Act from the Secretary of State within 60 days after its effective date and, upon conveyance of the real estate described in Section 10-10 being made, shall cause the certified copy of this Act to be recorded in the office of the recorder of Knox County, Illinois.

ARTICLE 99. EFFECTIVE DATE

Section 99-99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly August 9, 2007.
Effective October 5, 2007.

PUBLIC ACT 95-0638
(Senate Bill No. 1446)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Public Community College Act is amended by adding Section 2-24 as follows:
(110 ILCS 805/2-24 new)
Sec. 2-24. We Want to Learn English Initiative.
(a) Subject to appropriation and Section 7 of the Board of Higher Education Act, the State Board may establish and administer a We Want to Learn English Initiative to provide resources for immigrants and refugees in this State to learn English in order to move towards becoming full members of American society.
(b) Each fiscal year, the State Board may include, as a separate line item, in its budget proposal $15,000,000 or less in funding for the We

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Want to Learn English Initiative, to be disbursed by the State Board. If the State Board decides to disburse the funds appropriated for this Initiative, then it must disburse no less than half of the funds appropriated each fiscal year to community-based, not-for-profit organizations, immigrant social service organizations, faith-based organizations, and on-site job training programs so that immigrants and refugees can learn English where they live, work, pray, and socialize and where their children go to school.

(c) Funds for the We Want to Learn English Initiative may be used only to provide programs that teach English to United States citizens, lawful permanent residents, and other persons residing in this State who are in lawful immigration status.

Effective June 1, 2008.

PUBLIC ACT 95-0639
(Senate Bill No. 0360)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Regulatory Sunset Act is amended by changing Section 4.18 and by adding Section 4.28 as follows:

(5 ILCS 80/4.18)
(a) The following Acts are repealed on January 1, 2008:
   The Acupuncture Practice Act.
   The Home Medical Equipment and Services Provider License Act.
   The Nursing and Advanced Practice Nursing Act.
   The Illinois Speech-Language Pathology and Audiology Practice Act.

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The Marriage and Family Therapy Licensing Act.
The Nursing Home Administrators Licensing and Disciplinary Act.
The Structural Pest Control Act.

(b) The following Acts are repealed on December 31, 2008:
The Environmental Health Practitioner Licensing Act.

(Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06; 94-1085, eff. 1-19-07; revised 1-22-07.)

(5 ILCS 80/4.28 new)

Sec. 4.28. Act repealed on January 1, 2018. The following Act is repealed on January 1, 2018:
The Nurse Practice Act.

Section 10. The Mental Health and Developmental Disabilities Administrative Act is amended by changing Section 56 as follows:

(20 ILCS 1705/56) (from Ch. 91 1/2, par. 100-56)

Sec. 56. The Secretary, upon making a determination based upon information in the possession of the Department, that continuation in practice of a licensed health care professional would constitute an immediate danger to the public, shall submit a written communication to the Director of Professional Regulation indicating such determination and additionally providing a complete summary of the information upon which such determination is based, and recommending that the Director of Professional Regulation immediately suspend such person's license. All relevant evidence, or copies thereof, in the Department's possession may also be submitted in conjunction with the written communication. A copy of such written communication, which is exempt from the copying and inspection provisions of the Freedom of Information Act, shall at the time of submittal to the Director of Professional Regulation be simultaneously mailed to the last known business address of such licensed health care professional by certified or registered postage, United States Mail, return

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receipt requested. Any evidence, or copies thereof, which is submitted in conjunction with the written communication is also exempt from the copying and inspection provisions of the Freedom of Information Act.

For the purposes of this Section, "licensed health care professional" means any person licensed under the Illinois Dental Practice Act, the Nurse Practice Act, the Medical Practice Act of 1987, the Pharmacy Practice Act of 1987, the Podiatric Medical Practice Act of 1987, and the Illinois Optometric Practice Act of 1987.

(Source: P.A. 89-507, eff. 7-1-97; 90-742, eff. 8-13-98.)

Section 15. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Sections 2310-140 and 2310-210 as follows:

(20 ILCS 2310/2310-140) (was 20 ILCS 2310/55.37a)
Sec. 2310-140. Recommending suspension of licensed health care professional. The Director, upon making a determination based upon information in the possession of the Department that continuation in practice of a licensed health care professional would constitute an immediate danger to the public, shall submit a written communication to the Director of Professional Regulation indicating that determination and additionally (i) providing a complete summary of the information upon which the determination is based and (ii) recommending that the Director of Professional Regulation immediately suspend the person's license. All relevant evidence, or copies thereof, in the Department's possession may also be submitted in conjunction with the written communication. A copy of the written communication, which is exempt from the copying and inspection provisions of the Freedom of Information Act, shall at the time of submittal to the Director of Professional Regulation be simultaneously mailed to the last known business address of the licensed health care professional by certified or registered postage, United States Mail, return receipt requested. Any evidence, or copies thereof, that is submitted in conjunction with the written communication is also exempt from the copying and inspection provisions of the Freedom of Information Act.

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For the purposes of this Section, "licensed health care professional" means any person licensed under the Illinois Dental Practice Act, the Nurse Practice Act, the Medical Practice Act of 1987, the Pharmacy Practice Act of 1987, the Podiatric Medical Practice Act of 1987, or the Illinois Optometric Practice Act of 1987.

(Source: P.A. 90-742, eff. 8-13-98; 91-239, eff. 1-1-00.)

(20 ILCS 2310/2310-210) (was 20 ILCS 2310/55.62a)
(a) In this Section:
"Health profession" means any health profession regulated under the laws of this State, including, without limitation, professions regulated under the Illinois Athletic Trainers Practice Act, the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, the Illinois Dental Practice Act, the Dietetic and Nutrition Services Practice Act, the Marriage and Family Therapy Licensing Act, the Medical Practice Act of 1987, the Naprapathic Practice Act, the Nursing and Advanced Practice Nursing Act, the Illinois Occupational Therapy Practice Act, the Illinois Optometric Practice Act of 1987, the Illinois Physical Therapy Act, the Physician Assistant Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Professional Counselor and Clinical Professional Counselor Licensing Act, and the Illinois Speech-Language Pathology and Audiology Practice Act.
"Minority" has the same meaning as in Section 2310-215.
(b) The General Assembly finds as follows:
(1) The health status of individuals from ethnic and racial minorities in this State is significantly lower than the health status of the general population of the State.
(2) Minorities suffer disproportionately high rates of cancer, stroke, heart disease, diabetes, sickle-cell anemia, lupus, substance abuse, acquired immune deficiency syndrome, other diseases and disorders, unintentional injuries, and suicide.
(3) The incidence of infant mortality among minorities is almost double that for the general population.
(4) Minorities suffer disproportionately from lack of access to health care and poor living conditions.
(5) Minorities are under-represented in the health care professions.
(6) Minority participation in the procurement policies of the health care industry is lacking.
(7) Minority health professionals historically have tended to practice in low-income areas and to serve minorities.
(8) National experts on minority health report that access to health care among minorities can be substantially improved by increasing the number of minority health professionals.
(9) Increasing the number of minorities serving on the facilities of health professional schools is an important factor in attracting minorities to pursue a career in health professions.
(10) Retaining minority health professionals currently practicing in this State and those receiving training and education in this State is an important factor in maintaining and increasing the number of minority health professionals in Illinois.
(11) An Advisory Panel on Minority Health is necessary to address the health issues affecting minorities in this State.

(c) The General Assembly's intent is as follows:
   (1) That all Illinoisans have access to health care.
   (2) That the gap between the health status of minorities and other Illinoisans be closed.
   (3) That the health issues that disproportionately affect minorities be addressed to improve the health status of minorities.
   (4) That the number of minorities in the health professions be increased.

(d) The Advisory Panel on Minority Health is created. The Advisory Panel shall consist of 25 members appointed by the Director of Public Health. The members shall represent health professions and the General Assembly.

(e) The Advisory Panel shall assist the Department in the following manner:

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(1) Examination of the following areas as they relate to minority health:
   (A) Access to health care.
   (B) Demographic factors.
   (C) Environmental factors.
   (D) Financing of health care.
   (E) Health behavior.
   (F) Health knowledge.
   (G) Utilization of quality care.
   (H) Minorities in health care professions.

(2) Development of monitoring, tracking, and reporting mechanisms for programs and services with minority health goals and objectives.

(3) Communication with local health departments, community-based organizations, voluntary health organizations, and other public and private organizations statewide, on an ongoing basis, to learn more about their services to minority communities, the health problems of minority communities, and their ideas for improving minority health.

(4) Promotion of communication among all State agencies that provide services to minority populations.

(5) Building coalitions between the State and leadership in minority communities.

(6) Encouragement of recruitment and retention of minority health professionals.

(7) Improvement in methods for collecting and reporting data on minority health.

(8) Improvement in accessibility to health and medical care for minority populations in under-served rural and urban areas.

(9) Reduction of communication barriers for non-English speaking residents.

(10) Coordination of the development and dissemination of culturally appropriate and sensitive education material, public

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awareness messages, and health promotion programs for minorities.

(f) On or before January 1, 1997 the Advisory Panel shall submit an interim report to the Governor and the General Assembly. The interim report shall include an update on the Advisory Panel's progress in performing its functions under this Section and shall include recommendations, including recommendations for any necessary legislative changes.

On or before January 1, 1998 the Advisory Panel shall submit a final report to the Governor and the General Assembly. The final report shall include the following:

1. An evaluation of the health status of minorities in this State.
2. An evaluation of minority access to health care in this State.
3. Recommendations for improving the health status of minorities in this State.
4. Recommendations for increasing minority access to health care in this State.
5. Recommendations for increasing minority participation in the procurement policies of the health care industry.
6. Recommendations for increasing the number of minority health professionals in this State.
7. Recommendations that will ensure that the health status of minorities in this State continues to be addressed beyond the expiration of the Advisory Panel.

(Source: P.A. 90-742, eff. 8-13-98; 91-239, eff. 1-1-00.)

Section 20. The Department of Veterans Affairs Act is amended by changing Section 2.07 as follows:

Sec. 2.07. The Department shall employ and maintain sufficient and qualified staff at the veterans' homes to fulfill the requirements of this Act. The Department shall report to the General Assembly, by January 1 and July 1 of each year, the number of staff employed in providing direct

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patient care at their veterans' homes, the compliance or noncompliance with staffing standards established by the United States Department of Veterans Affairs for such care, and in the event of noncompliance with such standards, the number of staff required for compliance. For purposes of this Section, a nurse who has a license application pending with the State shall not be deemed unqualified by the Department if the nurse is in compliance with Section 50-15 of the Nurse Practice Act 225 ILCS 65/5-15(g) or 225 ILCS 5-15(i) of the Nursing and Advanced Practice Nursing Act.

All contracts between the State and outside contractors to provide workers to staff and service the Anna Veterans Home shall be canceled in accordance with the terms of those contracts. Upon cancellation, each worker or staff member shall be offered certified employment status under the Illinois Personnel Code with the State of Illinois. To the extent it is reasonably practicable, the position offered to each person shall be at the same facility and shall consist of the same duties and hours as previously existed under the canceled contract or contracts.

(Section: P.A. 93-597, eff. 8-26-03; 94-703, eff. 6-1-06; revised 9-15-06.)

Section 25. The Geriatric Medicine Assistance Act is amended by changing Section 2 as follows:

(20 ILCS 3945/2) (from Ch. 144, par. 2002)

Sec. 2. There is created the Geriatric Medicine Assistance Commission. The Commission shall receive and approve applications for grants from schools, recognized by the Department of Professional Regulation as being authorized to confer doctor of medicine, doctor of osteopathy, doctor of chiropractic or registered professional nursing degrees in the State, to help finance the establishment of geriatric medicine programs within such schools. In determining eligibility for grants, the Commission shall give preference to those programs which exhibit the greatest potential for directly benefiting the largest number of elderly citizens in the State. The Commission may not approve the application of any institution which is unable to demonstrate its current financial stability and reasonable prospects for future stability. No institution which fails to possess and maintain an open policy with respect to race, creed, color and

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sex as to admission of students, appointment of faculty and employment of staff shall be eligible for grants under this Act. The Commission shall establish such rules and standards as it deems necessary for the implementation of this Act.

The Commission shall be composed of 8 members selected as follows: 2 physicians licensed to practice under the Medical Practice Act of 1987 and specializing in geriatric medicine; a registered professional nurse licensed under the Nurse Practice Act and specializing in geriatric health care; 2 representatives of organizations interested in geriatric medicine or the care of the elderly; and 3 individuals 60 or older who are interested in geriatric health care or the care of the elderly. The members of the Commission shall be selected by the Governor from a list of recommendations submitted to him by organizations concerned with geriatric medicine or the care of the elderly.

The terms of the members of the Commission shall be 4 years, except that of the members initially appointed, 2 shall be designated to serve until January 1, 1986, 3 until January 1, 1988, and 2 until January 1, 1990. Members of the Commission shall receive no compensation, but shall be reimbursed for actual expenses incurred in carrying out their duties.

(Source: P.A. 90-742, eff. 8-13-98.)

Section 30. The State Finance Act is amended by changing Section 8h as follows:

Sec. 8h. Transfers to General Revenue Fund.

(a) Except as otherwise provided in this Section and Section 8n of this Act, and (c), (d), or (e), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund

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during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, the Teacher Health Insurance Security Fund, the Reviewing Court Alternative Dispute Resolution Fund, the Voters' Guide Fund, the Foreign Language Interpreter Fund, the Lawyers' Assistance Program Fund, the Supreme Court Federal Projects Fund, the Supreme Court Special State Projects Fund, the Supplemental Low-Income Energy Assistance Fund, the Good Samaritan Energy Trust Fund, the Low-Level Radioactive Waste Facility Development and Operation Fund, the Horse Racing Equity Trust Fund, or the Hospital Basic Services Preservation Fund, or to any funds to which Section 70-50 of the Nurse Practice Act subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. No transfers may be made under this Section from the Pet Population Control Fund. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

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In determining the available balance in a fund, the Governor may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(a-5) Transfers directed to be made under this Section on or before February 28, 2006 that are still pending on May 19, 2006 (the effective date of Public Act 94-774) shall be redirected as provided in Section 8n of this Act.

(b) This Section does not apply to: (i) the Ticket For The Cure Fund; (ii) any fund established under the Community Senior Services and Resources Act; or (iii) on or after January 1, 2006 (the effective date of Public Act 94-511), the Child Labor and Day and Temporary Labor Enforcement Fund.

(c) This Section does not apply to the Demutualization Trust Fund established under the Uniform Disposition of Unclaimed Property Act.

(d) This Section does not apply to moneys set aside in the Illinois State Podiatric Disciplinary Fund for podiatric scholarships and residency programs under the Podiatric Scholarship and Residency Act.

(e) Subsection (a) does not apply to, and no transfer may be made under this Section from, the Pension Stabilization Fund.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773, eff. 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06; 94-839, eff. 6-6-06; revised 6-19-06.)

Section 40. The Nurse Educator Assistance Act is amended by changing Section 5-15 as follows:

(110 ILCS 967/5-15)

Sec. 5-15. Definitions. In this Act:

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"Approved program of professional nursing education" and "approved program of practical nursing education" mean programs of professional or practical nursing, respectively, approved by the Department of Financial and Professional Regulation under the provisions of the Nurse Practice Act and the Nursing and Advanced Practice Nursing Act.

"Commission" means the Illinois Student Assistance Commission. (Source: P.A. 94-1020, eff. 7-11-06.)

Section 45. The Nursing Education Scholarship Law is amended by changing Section 3 as follows:

(110 ILCS 975/3) (from Ch. 144, par. 2753)
Sec. 3. Definitions.
The following terms, whenever used or referred to, have the following meanings except where the context clearly indicates otherwise:

1) "Board" means the Board of Higher Education created by the Board of Higher Education Act.
2) "Department" means the Illinois Department of Public Health.
3) "Approved institution" means a public community college, private junior college, hospital-based diploma in nursing program, or public or private college or university located in this State that has approval by the Department of Professional Regulation for an associate degree in nursing program, associate degree in applied sciences in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program, or certificate in practical nursing program.
4) "Baccalaureate degree in nursing program" means a program offered by an approved institution and leading to a bachelor of science degree in nursing.
5) "Enrollment" means the establishment and maintenance of an individual's status as a student in an approved institution, regardless of the terms used at the institution to describe such status.
6) "Academic year" means the period of time from September 1 of one year through August 31 of the next year or as otherwise defined by the academic institution.

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(7) "Associate degree in nursing program or hospital-based diploma in nursing program" means a program offered by an approved institution and leading to an associate degree in nursing, associate degree in applied sciences in nursing, or hospital-based diploma in nursing.

(8) "Graduate degree in nursing program" means a program offered by an approved institution and leading to a master of science degree in nursing or a doctorate of philosophy or doctorate of nursing degree in nursing.

(9) "Director" means the Director of the Illinois Department of Public Health.

(10) "Accepted for admission" means a student has completed the requirements for entry into an associate degree in nursing program, associate degree in applied sciences in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program, or certificate in practical nursing program at an approved institution, as documented by the institution.

(11) "Fees" means those mandatory charges, in addition to tuition, that all enrolled students must pay, including required course or lab fees.

(12) "Full-time student" means a student enrolled for at least 12 hours per term or as otherwise determined by the academic institution.

(13) "Law" means the Nursing Education Scholarship Law.

(14) "Nursing employment obligation" means employment in this State as a registered professional nurse or licensed practical nurse in direct patient care or as a nurse educator in the case of a graduate degree in nursing program recipient for at least one year for each year of scholarship assistance received through the Nursing Education Scholarship Program.

(15) "Part-time student" means a person who is enrolled for at least one-third of the number of hours required per term by a school for its full-time students.

(16) "Practical nursing program" means a program offered by an approved institution leading to a certificate in practical nursing.

(17) "Registered professional nurse" means a person who is currently licensed as a registered professional nurse by the Department of Public Health.
Professional Regulation under the *Nurse Practice Act* **Nursing and Advanced Practice Nursing Act**.

(18) "Licensed practical nurse" means a person who is currently licensed as a licensed practical nurse by the Department of Professional Regulation under the *Nurse Practice Act* **Nursing and Advanced Practice Nursing Act**.

(19) "School term" means an academic term, such as a semester, quarter, trimester, or number of clock hours, as defined by an approved institution.

(20) "Student in good standing" means a student maintaining a cumulative grade point average equivalent to at least the academic grade of a "C".

(21) "Total and permanent disability" means a physical or mental impairment, disease, or loss of a permanent nature that prevents nursing employment with or without reasonable accommodation. Proof of disability shall be a declaration from the social security administration, Illinois Workers' Compensation Commission, Department of Defense, or an insurer authorized to transact business in Illinois who is providing disability insurance coverage to a contractor.

(22) "Tuition" means the established charges of an institution of higher learning for instruction at that institution.

(23) "Nurse educator" means a person who is currently licensed as a registered nurse by the Department of Professional Regulation under the *Nurse Practice Act* **Nursing and Advanced Practice Nursing Act**, who has a graduate degree in nursing, and who is employed by an approved academic institution to educate registered nursing students, licensed practical nursing students, and registered nurses pursuing graduate degrees.

(Source: P.A. 92-43, eff. 1-1-02; 93-721, eff. 1-1-05; 93-879, eff. 1-1-05; revised 10-25-04.)

Section 50. The Academic Degree Act is amended by changing Section 11 as follows:

(110 ILCS 1010/11) (from Ch. 144, par. 241)

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Sec. 11. Exemptions. This Act shall not apply to any school or educational institution regulated or approved under the Nurse Practice Act and Advanced Practice Nursing Act.

This Act shall not apply to any of the following:
(a) in-training programs by corporations or other business organizations for the training of their personnel;
(b) education or other improvement programs by business, trade and similar organizations and associations for the benefit of their members only; or
(c) apprentice or other training programs by labor unions.
(Source: P.A. 90-742, eff. 8-13-98.)

Section 55. The Ambulatory Surgical Treatment Center Act is amended by changing Section 6.5 as follows:
(210 ILCS 5/6.5)

Sec. 6.5. Clinical privileges; advanced practice nurses. All ambulatory surgical treatment centers (ASTC) licensed under this Act shall comply with the following requirements:
(1) No ASTC policy, rule, regulation, or practice shall be inconsistent with the provision of adequate collaboration and consultation, including medical direction of licensed advanced practice nurses, in accordance with Section 54.5 of the Medical Practice Act of 1987.
(2) Operative surgical procedures shall be performed only by a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987, a dentist licensed under the Illinois Dental Practice Act, or a podiatrist licensed under the Podiatric Medical Practice Act of 1987, with medical staff membership and surgical clinical privileges granted by the consulting committee of the ASTC. A licensed physician, dentist, or podiatrist may be assisted by a physician licensed to practice medicine in all its branches, dentist, dental assistant, podiatrist, licensed advanced practice nurse, licensed physician assistant, licensed registered nurse, licensed practical nurse, surgical assistant, surgical technician, or other individuals granted clinical privileges to assist in surgery by the consulting committee of the ASTC. Payment for services rendered by an assistant in surgery who is not an ambulatory surgical

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treatment center employee shall be paid at the appropriate non-physician modifier rate if the payor would have made payment had the same services been provided by a physician.

(2.5) A registered nurse licensed under the Nurse Practice Act and qualified by training and experience in operating room nursing shall be present in the operating room and function as the circulating nurse during all invasive or operative procedures. For purposes of this paragraph (2.5), "circulating nurse" means a registered nurse who is responsible for coordinating all nursing care, patient safety needs, and the needs of the surgical team in the operating room during an invasive or operative procedure.

(3) An advanced practice nurse is not required to possess prescriptive authority or a written collaborative agreement meeting the requirements of the Nurse Practice Act to provide advanced practice nursing services in an ambulatory surgical treatment center. An advanced practice nurse must possess clinical privileges granted by the consulting medical staff committee and ambulatory surgical treatment center in order to provide services. Individual advanced practice nurses may also be granted clinical privileges to order, select, and administer medications, including controlled substances, to provide delineated care. The attending physician must determine the advance practice nurse's role in providing care for his or her patients, except as otherwise provided in the consulting staff policies. The consulting medical staff committee shall periodically review the services of advanced practice nurses granted privileges.

(4) (3) The anesthesia service shall be under the direction of a physician licensed to practice medicine in all its branches who has had specialized preparation or experience in the area or who has completed a residency in anesthesiology. An anesthesiologist, Board certified or Board eligible, is recommended. Anesthesia services may only be administered pursuant to the order of a physician licensed to practice medicine in all its branches, licensed dentist, or licensed podiatrist.

(A) The individuals who, with clinical privileges granted by the medical staff and ASTC, may administer anesthesia services are limited to the following:

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(i) an anesthesiologist; or
(ii) a physician licensed to practice medicine in all its branches; or
(iii) a dentist with authority to administer anesthesia under Section 8.1 of the Illinois Dental Practice Act; or
(iv) a licensed certified registered nurse anesthetist.

(B) For anesthesia services, an anesthesiologist shall participate through discussion of and agreement with the anesthesia plan and shall remain physically present and be available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions. In the absence of 24-hour availability of anesthesiologists with clinical privileges, an alternate policy (requiring participation, presence, and availability of a physician licensed to practice medicine in all its branches) shall be developed by the medical staff consulting committee in consultation with the anesthesia service and included in the medical staff consulting committee policies.

(C) A certified registered nurse anesthetist is not required to possess prescriptive authority or a written collaborative agreement meeting the requirements of Section 65-35 of the Nurse Practice Act 15-15 of the Nursing and Advanced Practice Nursing Act to provide anesthesia services ordered by a licensed physician, dentist, or podiatrist. Licensed certified registered nurse anesthetists are authorized to select, order, and administer drugs and apply the appropriate medical devices in the provision of anesthesia services under the anesthesia plan agreed with by the anesthesiologist or, in the absence of an available anesthesiologist with clinical privileges, agreed with by the operating physician, operating dentist, or operating podiatrist in accordance with the medical staff consulting committee policies of a licensed ambulatory surgical treatment center.

(Source: P.A. 93-352, eff. 1-1-04; 94-915, eff. 1-1-07.)
Section 60. The Illinois Clinical Laboratory and Blood Bank Act is amended by changing Section 7-101 as follows:

(210 ILCS 25/7-101) (from Ch. 111 1/2, par. 627-101)

Sec. 7-101. Examination of specimens. A clinical laboratory shall examine specimens only at the request of (i) a licensed physician, (ii) a licensed dentist, (iii) a licensed podiatrist, (iv) a therapeutic optometrist for diagnostic or therapeutic purposes related to the use of diagnostic topical or therapeutic ocular pharmaceutical agents, as defined in subsections (e) and (d) of Section 15.1 of the Illinois Optometric Practice Act of 1987, (v) a licensed physician assistant in accordance with the written guidelines required under subdivision (3) of Section 4 and under Section 7.5 of the Physician Assistant Practice Act of 1987, (v-A) an advanced practice nurse in accordance with the written collaborative agreement required under Section 65-35 of the Nurse Practice Act of the Nursing and Advanced Practice Nursing Act, or (vi) an authorized law enforcement agency or, in the case of blood alcohol, at the request of the individual for whom the test is to be performed in compliance with Sections 11-501 and 11-501.1 of the Illinois Vehicle Code. If the request to a laboratory is oral, the physician or other authorized person shall submit a written request to the laboratory within 48 hours. If the laboratory does not receive the written request within that period, it shall note that fact in its records. For purposes of this Section, a request made by electronic mail or fax constitutes a written request.

(Source: P.A. 90-116, eff. 7-14-97; 90-322, eff. 1-1-98; 90-655, eff. 7-30-98; 90-666, eff. 7-30-98; 90-742, eff. 8-13-98; 91-357, eff. 7-29-99.)

Section 65. The Life Care Facilities Act is amended by changing Section 2 as follows:

(210 ILCS 40/2) (from Ch. 111 1/2, par. 4160-2)

Sec. 2. As used in this Act, unless the context otherwise requires:
(a) "Department" means the Department of Public Health.
(b) "Director" means the Director of the Department.
(c) "Life care contract" means a contract to provide to a person for the duration of such person's life or for a term in excess of one year, nursing services, medical services or personal care services, in addition to

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maintenance services for such person in a facility, conditioned upon the transfer of an entrance fee to the provider of such services in addition to or in lieu of the payment of regular periodic charges for the care and services involved.

(d) "Provider" means a person who provides services pursuant to a life care contract.

(e) "Resident" means a person who enters into a life care contract with a provider, or who is designated in a life care contract to be a person provided with maintenance and nursing, medical or personal care services.

(f) "Facility" means a place or places in which a provider undertakes to provide a resident with nursing services, medical services or personal care services, in addition to maintenance services for a term in excess of one year or for life pursuant to a life care contract. The term also means a place or places in which a provider undertakes to provide such services to a non-resident.

(g) "Living unit" means an apartment, room or other area within a facility set aside for the exclusive use of one or more identified residents.

(h) "Entrance fee" means an initial or deferred transfer to a provider of a sum of money or property, made or promised to be made by a person entering into a life care contract, which assures a resident of services pursuant to a life care contract.

(i) "Permit" means a written authorization to enter into life care contracts issued by the Department to a provider.

(j) "Medical services" means those services pertaining to medical or dental care that are performed in behalf of patients at the direction of a physician licensed under the Medical Practice Act of 1987 or a dentist licensed under the Illinois Dental Practice Act by such physicians or dentists, or by a registered or licensed practical nurse as defined in the Nurse Practice Act or by other professional and technical personnel.

(k) "Nursing services" means those services pertaining to the curative, restorative and preventive aspects of nursing care that are performed at the direction of a physician licensed under the Medical Practice Act of 1987 by or under the supervision of a registered or licensed
practical nurse as defined in the *Nurse Practice Act Nursing and Advanced Practice Nursing Act*.

(l) "Personal care services" means assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual, who is incapable of maintaining a private, independent residence or who is incapable of managing his person whether or not a guardian has been appointed for such individual.

(m) "Maintenance services" means food, shelter and laundry services.

(n) "Certificates of Need" means those permits issued pursuant to the Illinois Health Facilities Planning Act as now or hereafter amended.

(o) "Non-resident" means a person admitted to a facility who has not entered into a life care contract.

(Source: P.A. 90-742, eff. 8-13-98.)

Section 70. The Nursing Home Care Act is amended by changing Section 1-118 as follows:

(210 ILCS 45/1-118) (from Ch. 111 1/2, par. 4151-118)

Sec. 1-118. "Nurse" means a registered nurse or a licensed practical nurse as defined in the *Nurse Practice Act Nursing and Advanced Practice Nursing Act*.

(Source: P.A. 90-742, eff. 8-13-98.)

Section 75. The Emergency Medical Services (EMS) Systems Act is amended by changing Section 3.80 as follows:

(210 ILCS 50/3.80)

Sec. 3.80. Pre-Hospital RN and Emergency Communications Registered Nurse.

(a) Emergency Communications Registered Nurse or "ECRN" means a registered professional nurse; licensed under the *Nurse Practice Act Nursing and Advanced Practice Nursing Act* who has successfully completed supplemental education in accordance with rules adopted by the Department, and who is approved by an EMS Medical Director to monitor telecommunications from and give voice orders to EMS System personnel,

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under the authority of the EMS Medical Director and in accordance with System protocols.

Upon the effective date of this amendatory Act of 1995, all existing Registered Professional Nurse/MICNs shall be considered ECRNs.

(b) "Pre-Hospital Registered Nurse" or "Pre-Hospital RN" means a registered professional nurse, licensed under the Nurse Practice Act Nursing and Advanced Practice Nursing Act who has successfully completed supplemental education in accordance with rules adopted by the Department pursuant to this Act, and who is approved by an EMS Medical Director to practice within an EMS System as emergency medical services personnel for pre-hospital and inter-hospital emergency care and non-emergency medical transports.

Upon the effective date of this amendatory Act of 1995, all existing Registered Professional Nurse/Field RNs shall be considered Pre-Hospital RNs.

(c) The Department shall have the authority and responsibility to:

(1) Prescribe education and continuing education requirements for Pre-Hospital RN and ECRN candidates through rules adopted pursuant to this Act:

   (A) Education for Pre-Hospital RN shall include extrication, telecommunications, and pre-hospital cardiac and trauma care;

   (B) Education for ECRN shall include telecommunications, System standing medical orders and the procedures and protocols established by the EMS Medical Director;

   (C) A Pre-Hospital RN candidate who is fulfilling clinical training and in-field supervised experience requirements may perform prescribed procedures under the direct supervision of a physician licensed to practice medicine in all of its branches, a qualified registered professional nurse or a qualified EMT, only when authorized by the EMS Medical Director;

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(D) An EMS Medical Director may impose in-field supervised field experience requirements on System ECRNs as part of their training or continuing education, in which they perform prescribed procedures under the direct supervision of a physician licensed to practice medicine in all of its branches, a qualified registered professional nurse or qualified EMT, only when authorized by the EMS Medical Director;

(2) Require EMS Medical Directors to reapprove Pre-Hospital RNs and ECRNs every 4 years, based on compliance with continuing education requirements prescribed by the Department through rules adopted pursuant to this Act;

(3) Allow EMS Medical Directors to grant inactive status to any Pre-Hospital RN or ECRN who qualifies, based on standards and procedures established by the Department in rules adopted pursuant to this Act;

(4) Require a Pre-Hospital RN to honor Do Not Resuscitate (DNR) orders and powers of attorney for health care only in accordance with rules adopted by the Department pursuant to this Act and protocols of the EMS System in which he or she practices.

(Source: P.A. 89-177, eff. 7-19-95; 90-742, eff. 8-13-98.)

Section 80. The Home Health, Home Services, and Home Nursing Agency Licensing Act is amended by changing Section 2.09 as follows:

(210 ILCS 55/2.09)

Sec. 2.09. "Home services" or "in-home services" means assistance with activities of daily living, housekeeping, personal laundry, and companionship provided to an individual in his or her personal residence, which are intended to enable that individual to remain safely and comfortably in his or her own personal residence. "Home services" or "in-home services" does not include services that would be required to be performed by an individual licensed under the Nurse Practice Act Nursing and Advanced Practice Nursing Act.

(Source: P.A. 94-379, eff. 1-1-06.)

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Section 85. The Home Health, Home Services, and Home Nursing Agency Licensing Act is amended by changing Section 6.3 as follows:

(210 ILCS 55/6.3)

Sec. 6.3. Home services agencies; standards; fees.

(a) Before January 1, 2008, the Department shall adopt standards for the licensure and operation of home services agencies operated in this State. The structure of the standards shall be based on the concept of home services and its focus on assistance with activities of daily living, housekeeping, personal laundry, and companionship being provided to an individual intended to enable that individual to remain safely and comfortably in his or her own personal residence. As home services do not include services that would be required to be performed by an individual licensed under the Nurse Practice Act Nursing and Advanced Practice Nursing Act, the standards shall be developed from a similar concept. After consideration and recommendations by the Home Health and Home Services Advisory Committee, the Department shall adopt such rules and regulations as are necessary for the proper regulation of home services agencies. Requirements for licensure as a home services agency shall include the following:

(1) Compliance with the requirements of the Health Care Worker Background Check Act.

(2) Notification, in a form and manner established by the Department by rule, to home services workers and consumers as to the party or parties responsible under State and federal laws for payment of employment taxes, social security taxes, and workers' compensation, liability, the day-to-day supervision of workers, and the hiring, firing, and discipline of workers with the placement arrangement for home services.

(3) Compliance with rules, as adopted by the Department, in regard to (i) reporting by the licensee of any known or suspected incidences of abuse, neglect, or financial exploitation of an eligible adult, as defined in the Elder Abuse and Neglect Act, by a home services worker employed by or placed by the licensee or (ii)
reports to a law enforcement agency in connection with any other individual protected under the laws of the State of Illinois.

(4) Compliance with rules, as adopted by the Department, addressing the health, safety, and well-being of clients receiving home services.

(b) The Department may establish fees for home services agency licensure in rules in a manner that will make the program self-supporting. The amount of the licensure fees shall be based on the funding required for operation of the licensure program.

(Source: P.A. 94-379, eff. 1-1-06.)

Section 90. The End Stage Renal Disease Facility Act is amended by changing Section 5 as follows:

(210 ILCS 62/5)

Sec. 5. Definitions. As used in this Act:

"Committee" means the End Stage Renal Disease Advisory Committee.

"Department" means the Department of Public Health.

"Dialysis" means a process by which dissolved substances are removed from a patient's body by diffusion from one fluid compartment to another across a semipermeable membrane.

"Dialysis technician" means an individual who is not a registered nurse or physician and who provides dialysis care under the supervision of a registered nurse or physician.

"Director" means the Director of Public Health.

"End stage renal disease" means that stage of renal impairment that appears irreversible and permanent and that requires a regular course of dialysis or kidney transplantation to maintain life.

"End stage renal disease facility" or "ESRDF" means a facility that provides dialysis treatment or dialysis training to individuals with end stage renal disease.

"Licensee" means an individual or entity licensed by the Department to operate an end stage renal disease facility.

"Nurse" means an individual who is licensed to practice nursing under the Nurse Practice Act.

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"Patient" means any individual receiving treatment from an end stage renal disease facility.

"Person" means any individual, firm, partnership, corporation, company, association, or other legal entity.

"Physician" means an individual who is licensed to practice medicine in all of its branches under the Medical Practice Act of 1987.

(Source: P.A. 92-794, eff. 7-1-03.)

Section 95. The Hospital Licensing Act is amended by changing Sections 10, 10.7, and 10.9 as follows:

(210 ILCS 85/10) (from Ch. 111 1/2, par. 151)

Sec. 10. Board creation; Department rules.

(a) The Governor shall appoint a Hospital Licensing Board composed of 14 persons, which shall advise and consult with the Director in the administration of this Act. The Secretary of Human Services (or his or her designee) shall serve on the Board, along with one additional representative of the Department of Human Services to be designated by the Secretary. Four appointive members shall represent the general public and 2 of these shall be members of hospital governing boards; one appointive member shall be a registered professional nurse or advanced practice, nurse as defined in the Nurse Practice Act Nursing and Advanced Practice Nursing Act, who is employed in a hospital; 3 appointive members shall be hospital administrators actively engaged in the supervision or administration of hospitals; 2 appointive members shall be practicing physicians, licensed in Illinois to practice medicine in all of its branches; and one appointive member shall be a physician licensed to practice podiatric medicine under the Podiatric Medical Practice Act of 1987; and one appointive member shall be a dentist licensed to practice dentistry under the Illinois Dental Practice Act. In making Board appointments, the Governor shall give consideration to recommendations made through the Director by professional organizations concerned with hospital administration for the hospital administrative and governing board appointments, registered professional nurse organizations for the registered professional nurse appointment, professional medical

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organizations for the physician appointments, and professional dental
organizations for the dentist appointment.

(b) Each appointive member shall hold office for a term of 3 years,
except that any member appointed to fill a vacancy occurring prior to the
expiration of the term for which his predecessor was appointed shall be
appointed for the remainder of such term and the terms of office of the
members first taking office shall expire, as designated at the time of
appointment, 2 at the end of the first year, 2 at the end of the second year,
and 3 at the end of the third year, after the date of appointment. The initial
terms of office of the 2 additional members representing the general public
provided for in this Section shall expire at the end of the third year after
the date of appointment. The term of office of each original appointee
shall commence July 1, 1953; the term of office of the original registered
professional nurse appointee shall commence July 1, 1969; the term of
office of the original licensed podiatrist appointee shall commence July 1,
1981; the term of office of the original dentist appointee shall commence
July 1, 1987; and the term of office of each successor shall commence on
July 1 of the year in which his predecessor's term expires. Board members,
while serving on business of the Board, shall receive actual and necessary
travel and subsistence expenses while so serving away from their places of
residence. The Board shall meet as frequently as the Director deems
necessary, but not less than once a year. Upon request of 5 or more
members, the Director shall call a meeting of the Board.

(c) The Director shall prescribe rules, regulations, standards, and
statements of policy needed to implement, interpret, or make specific the
provisions and purposes of this Act. The Department shall adopt rules
which set forth standards for determining when the public interest, safety
or welfare requires emergency action in relation to termination of a
research program or experimental procedure conducted by a hospital
licensed under this Act. No rule, regulation, or standard shall be adopted
by the Department concerning the operation of hospitals licensed under
this Act which has not had prior approval of the Hospital Licensing Board,
nor shall the Department adopt any rule, regulation or standard relating to

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the establishment of a hospital without consultation with the Hospital Licensing Board.

(d) Within one year after the effective date of this amendatory Act of 1984, all hospitals licensed under this Act and providing perinatal care shall comply with standards of perinatal care promulgated by the Department. The Director shall promulgate rules or regulations under this Act which are consistent with "An Act relating to the prevention of developmental disabilities", approved September 6, 1973, as amended.

(Source: P.A. 89-507, eff. 7-1-97; 90-742, eff. 8-13-98.)

(210 ILCS 85/10.7)

Sec. 10.7. Clinical privileges; advanced practice nurses. All hospitals licensed under this Act shall comply with the following requirements:

(1) No hospital policy, rule, regulation, or practice shall be inconsistent with the provision of adequate collaboration and consultation, including medical direction of licensed advanced practice nurses, in accordance with Section 54.5 of the Medical Practice Act of 1987.

(2) Operative surgical procedures shall be performed only by a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987, a dentist licensed under the Illinois Dental Practice Act, or a podiatrist licensed under the Podiatric Medical Practice Act of 1987, with medical staff membership and surgical clinical privileges granted at the hospital. A licensed physician, dentist, or podiatrist may be assisted by a physician licensed to practice medicine in all its branches, dentist, dental assistant, podiatrist, licensed advanced practice nurse, licensed physician assistant, licensed registered nurse, licensed practical nurse, surgical assistant, surgical technician, or other individuals granted clinical privileges to assist in surgery at the hospital. Payment for services rendered by an assistant in surgery who is not a hospital employee shall be paid at the appropriate non-physician modifier rate if the payor would have made payment had the same services been provided by a physician.

(2.5) A registered nurse licensed under the Nurse Practice Act and qualified by training and
experience in operating room nursing shall be present in the operating room and function as the circulating nurse during all invasive or operative procedures. For purposes of this paragraph (2.5), "circulating nurse" means a registered nurse who is responsible for coordinating all nursing care, patient safety needs, and the needs of the surgical team in the operating room during an invasive or operative procedure.

(3) An advanced practice nurse is not required to possess prescriptive authority or a written collaborative agreement meeting the requirements of the Nurse Practice Act to provide advanced practice nursing services in a hospital. An advanced practice nurse must possess clinical privileges recommended by the medical staff and granted by the hospital in order to provide services. Individual advanced practice nurses may also be granted clinical privileges to order, select, and administer medications, including controlled substances, to provide delineated care. The attending physician must determine the advance practice nurse's role in providing care for his or her patients, except as otherwise provided in medical staff bylaws. The medical staff shall periodically review the services of advanced practice nurses granted privileges. This review shall be conducted in accordance with item (2) of subsection (a) of Section 10.8 of this Act for advanced practice nurses employed by the hospital.

(4) The anesthesia service shall be under the direction of a physician licensed to practice medicine in all its branches who has had specialized preparation or experience in the area or who has completed a residency in anesthesiology. An anesthesiologist, Board certified or Board eligible, is recommended. Anesthesia services may only be administered pursuant to the order of a physician licensed to practice medicine in all its branches, licensed dentist, or licensed podiatrist.

(A) The individuals who, with clinical privileges granted at the hospital, may administer anesthesia services are limited to the following:

(i) an anesthesiologist; or
(ii) a physician licensed to practice medicine in all its branches; or

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(iii) a dentist with authority to administer anesthesia under Section 8.1 of the Illinois Dental Practice Act; or

(iv) a licensed certified registered nurse anesthetist.

(B) For anesthesia services, an anesthesiologist shall participate through discussion of and agreement with the anesthesia plan and shall remain physically present and be available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions. In the absence of 24-hour availability of anesthesiologists with medical staff privileges, an alternate policy (requiring participation, presence, and availability of a physician licensed to practice medicine in all its branches) shall be developed by the medical staff and licensed hospital in consultation with the anesthesia service.

(C) A certified registered nurse anesthetist is not required to possess prescriptive authority or a written collaborative agreement meeting the requirements of Section 65-35 of the Nurse Practice Act or Section 15-15 of the Nursing and Advanced Practice Nursing Act to provide anesthesia services ordered by a licensed physician, dentist, or podiatrist. Licensed certified registered nurse anesthetists are authorized to select, order, and administer drugs and apply the appropriate medical devices in the provision of anesthesia services under the anesthesia plan agreed with by the anesthesiologist or, in the absence of an available anesthesiologist with clinical privileges, agreed with by the operating physician, operating dentist, or operating podiatrist in accordance with the hospital's alternative policy.

(Source: P.A. 93-352, eff. 1-1-04; 94-915, eff. 1-1-07.)

(210 ILCS 85/10.9)

Sec. 10.9. Nurse mandated overtime prohibited.

(a) Definitions. As used in this Section:

"Mandated overtime" means work that is required by the hospital in excess of an agreed-to, predetermined work shift. Time spent by nurses required to be available as a condition of employment in specialized units,
such as surgical nursing services, shall not be counted or considered in calculating the amount of time worked for the purpose of applying the prohibition against mandated overtime under subsection (b).

"Nurse" means any advanced practice nurse, registered professional nurse, or licensed practical nurse, as defined in the *Nurse Practice Act*, **Nursing and Advanced Practice Nursing Act**, who receives an hourly wage and has direct responsibility to oversee or carry out nursing care. For the purposes of this Section, "advanced practice nurse" does not include a certified registered nurse anesthetist who is primarily engaged in performing the duties of a nurse anesthetist.

"Unforeseen emergent circumstance" means (i) any declared national, State, or municipal disaster or other catastrophic event, or any implementation of a hospital's disaster plan, that will substantially affect or increase the need for health care services or (ii) any circumstance in which patient care needs require specialized nursing skills through the completion of a procedure. An "unforeseen emergent circumstance" does not include situations in which the hospital fails to have enough nursing staff to meet the usual and reasonably predictable nursing needs of its patients.

(b) Mandated overtime prohibited. No nurse may be required to work mandated overtime except in the case of an unforeseen emergent circumstance when such overtime is required only as a last resort. Such mandated overtime shall not exceed 4 hours beyond an agreed-to, predetermined work shift.

(c) Off-duty period. When a nurse is mandated to work up to 12 consecutive hours, the nurse must be allowed at least 8 consecutive hours of off-duty time immediately following the completion of a shift.

(d) Retaliation prohibited. No hospital may discipline, discharge, or take any other adverse employment action against a nurse solely because the nurse refused to work mandated overtime as prohibited under subsection (b).

(e) Violations. Any employee of a hospital that is subject to this Act may file a complaint with the Department of Public Health regarding an alleged violation of this Section. The complaint must be filed within 45 days of the alleged violation.
days following the occurrence of the incident giving rise to the alleged violation. The Department must forward notification of the alleged violation to the hospital in question within 3 business days after the complaint is filed. Upon receiving a complaint of a violation of this Section, the Department may take any action authorized under Section 7 or 9 of this Act.

(f) Proof of violation. Any violation of this Section must be proved by clear and convincing evidence that a nurse was required to work overtime against his or her will. The hospital may defeat the claim of a violation by presenting clear and convincing evidence that an unforeseen emergent circumstance, which required overtime work, existed at the time the employee was required or compelled to work.

(Source: P.A. 94-349, eff. 7-28-05.)

Section 100. The Hospital Report Card Act is amended by changing Section 10 as follows:

Sec. 10. Definitions. For the purpose of this Act:

"Average daily census" means the average number of inpatients receiving service on any given 24-hour period beginning at midnight in each clinical service area of the hospital.

"Clinical service area" means a grouping of clinical services by a generic class of various types or levels of support functions, equipment, care, or treatment provided to inpatients. Hospitals may have, but are not required to have, the following categories of service: behavioral health, critical care, maternal-child care, medical-surgical, pediatrics, perioperative services, and telemetry.

"Department" means the Department of Public Health.

"Direct-care nurse" and "direct-care nursing staff" includes any registered nurse, licensed practical nurse, or assistive nursing personnel with direct responsibility to oversee or carry out medical regimens or nursing care for one or more patient.

"Hospital" means a health care facility licensed under the Hospital Licensing Act.
"Nursing care" means care that falls within the scope of practice set forth in the Nurse Practice Act or is otherwise encompassed within recognized professional standards of nursing practice, including assessment, nursing diagnosis, planning, intervention, evaluation, and patient advocacy.

"Retaliate" means to discipline, discharge, suspend, demote, harass, deny employment or promotion, lay off, or take any other adverse action against direct-care nursing staff as a result of that nursing staff taking any action described in this Act.

"Skill mix" means the differences in licensing, specialty, and experiences among direct-care nurses.

"Staffing levels" means the numerical nurse to patient ratio by licensed nurse classification within a nursing department or unit.

"Unit" means a functional division or area of a hospital in which nursing care is provided.

(Source: P.A. 93-563, eff. 1-1-04.)

Section 105. The Illinois Dental Practice Act is amended by changing Section 4 as follows:

(225 ILCS 25/4) (from Ch. 111, par. 2304)
(Section scheduled to be repealed on January 1, 2016)
Sec. 4. Definitions. As used in this Act:
(a) "Department" means the Illinois Department of Professional Regulation.
(b) "Director" means the Director of Professional Regulation.
(c) "Board" means the Board of Dentistry established by Section 6 of this Act.
(d) "Dentist" means a person who has received a general license pursuant to paragraph (a) of Section 11 of this Act and who may perform any intraoral and extraoral procedure required in the practice of dentistry and to whom is reserved the responsibilities specified in Section 17.
(e) "Dental hygienist" means a person who holds a license under this Act to perform dental services as authorized by Section 18.

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(f) "Dental assistant" means an appropriately trained person who, under the supervision of a dentist, provides dental services as authorized by Section 17.

(g) "Dental laboratory" means a person, firm or corporation which:
    (i) engages in making, providing, repairing or altering dental prosthetic appliances and other artificial materials and devices which are returned to a dentist for insertion into the human oral cavity or which come in contact with its adjacent structures and tissues; and
    (ii) utilizes or employs a dental technician to provide such services; and
    (iii) performs such functions only for a dentist or dentists.

(h) "Supervision" means supervision of a dental hygienist or a dental assistant requiring that a dentist authorize the procedure, remain in the dental facility while the procedure is performed, and approve the work performed by the dental hygienist or dental assistant before dismissal of the patient, but does not mean that the dentist must be present at all times in the treatment room.

(i) "General supervision" means supervision of a dental hygienist requiring that the patient be a patient of record, that the dentist examine the patient in accordance with Section 18 prior to treatment by the dental hygienist, and that the dentist authorize the procedures which are being carried out by a notation in the patient's record, but not requiring that a dentist be present when the authorized procedures are being performed. The issuance of a prescription to a dental laboratory by a dentist does not constitute general supervision.

(j) "Public member" means a person who is not a health professional. For purposes of board membership, any person with a significant financial interest in a health service or profession is not a public member.

(k) "Dentistry" means the healing art which is concerned with the examination, diagnosis, treatment planning and care of conditions within the human oral cavity and its adjacent tissues and structures, as further specified in Section 17.

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(l) "Branches of dentistry" means the various specialties of dentistry which, for purposes of this Act, shall be limited to the following: endodontics, oral and maxillofacial surgery, orthodontics and dentofacial orthopedics, pediatric dentistry, periodontics, prosthodontics, and oral and maxillofacial radiology.

(m) "Specialist" means a dentist who has received a specialty license pursuant to Section 11(b).

(n) "Dental technician" means a person who owns, operates or is employed by a dental laboratory and engages in making, providing, repairing or altering dental prosthetic appliances and other artificial materials and devices which are returned to a dentist for insertion into the human oral cavity or which come in contact with its adjacent structures and tissues.

(o) "Impaired dentist" or "impaired dental hygienist" means a dentist or dental hygienist who is unable to practice with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination or written consent based on clinical evidence, including deterioration through the aging process, loss of motor skills, abuse of drugs or alcohol, or a psychiatric disorder, of sufficient degree to diminish the person's ability to deliver competent patient care.

(p) "Nurse" means a registered professional nurse, a certified registered nurse anesthetist licensed as an advanced practice nurse, or a licensed practical nurse licensed under the Nurse Practice Act Nursing and Advanced Practice Nursing Act.

(q) "Patient of record" means a patient for whom the patient's most recent dentist has obtained a relevant medical and dental history and on whom the dentist has performed an examination and evaluated the condition to be treated.

(r) "Dental emergency responder" means a dentist or dental hygienist who is appropriately certified in emergency medical response, as defined by the Department of Public Health.

(Source: P.A. 93-821, eff. 7-28-04; 94-409, eff. 12-31-05.)
Section 106. If and only if Senate Bill 214 of the 95th General Assembly becomes law, the Illinois Dental Practice Act is amended by changing Section 8.1 as follows:

(225 ILCS 25/8.1) (from Ch. 111, par. 2308.1)
(Section scheduled to be repealed on January 1, 2016)
Sec. 8.1. Permit for the administration of anesthesia and sedation.
(a) No licensed dentist shall administer general anesthesia, deep sedation, or conscious sedation without first applying for and obtaining a permit for such purpose from the Department. The Department shall issue such permit only after ascertaining that the applicant possesses the minimum qualifications necessary to protect public safety. A person with a dental degree who administers anesthesia, deep sedation, or conscious sedation in an approved hospital training program under the supervision of either a licensed dentist holding such permit or a physician licensed to practice medicine in all its branches shall not be required to obtain such permit.

(b) In determining the minimum permit qualifications that are necessary to protect public safety, the Department, by rule, shall:
   (1) establish the minimum educational and training requirements necessary for a dentist to be issued an appropriate permit;
   (2) establish the standards for properly equipped dental facilities (other than licensed hospitals and ambulatory surgical treatment centers) in which general anesthesia, deep sedation, or conscious sedation is administered, as necessary to protect public safety;
   (3) establish minimum requirements for all persons who assist the dentist in the administration of general anesthesia, deep sedation, or conscious sedation, including minimum training requirements for each member of the dental team, monitoring requirements, recordkeeping requirements, and emergency procedures; and
   (4) ensure that the dentist and all persons assisting the dentist or monitoring the administration of general anesthesia, deep
sedation, or conscious sedation maintain current certification in Basic Life Support (BLS).

(5) establish continuing education requirements in sedation techniques for dentists who possess a permit under this Section. When establishing requirements under this Section, the Department shall consider the current American Dental Association guidelines on sedation and general anesthesia, the current "Guidelines for Monitoring and Management of Pediatric Patients During and After Sedation for Diagnostic and Therapeutic Procedures" established by the American Academy of Pediatrics and the American Academy of Pediatric Dentistry, and the current parameters of care and Office Anesthesia Evaluation (OAE) Manual established by the American Association of Oral and Maxillofacial Surgeons.

(c) A licensed dentist must hold an appropriate permit issued under this Section in order to perform dentistry while a nurse anesthetist administers conscious sedation, and a valid written collaborative practice agreement must exist between the dentist and the nurse anesthetist, in accordance with the Nursing and Advanced Practice Nursing Act.

A licensed dentist must hold an appropriate permit issued under this Section in order to perform dentistry while a nurse anesthetist administers deep sedation or general anesthesia, and a valid written collaborative practice agreement must exist between the dentist and the nurse anesthetist, in accordance with the Nursing and Advanced Practice Nursing Act.

For the purposes of this subsection (c), "nurse anesthetist" means a licensed certified registered nurse anesthetist who holds a license as an advanced practice nurse.

(Source: 95SB0214enr.)

Section 110. The Health Care Worker Background Check Act is amended by changing Section 25 as follows:

(225 ILCS 46/25)

Sec. 25. Persons ineligible to be hired by health care employers and long-term care facilities.
(a) After January 1, 1996, January 1, 1997, or the effective date of this amendatory Act of the 94th General Assembly, as applicable, no health care employer shall knowingly hire, employ, or retain any individual in a position with duties involving direct care for clients, patients, or residents, and no long-term care facility shall knowingly hire, employ, or retain any individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents, who has been convicted of committing or attempting to commit one or more of the offenses defined in Sections 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, 9-3.3, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-7, 11-6, 11-9.1, 11-9.5, 11-19.2, 11-20.1, 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32, 12-33, 16-1, 16-1.3, 16A-3, 17-3, 18-1, 18-2, 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, or 33A-2 of the Criminal Code of 1961; those provided in Section 4 of the Wrongs to Children Act; those provided in Section 53 of the Criminal Jurisprudence Act; those defined in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control Act; those defined in the Methamphetamine Control and Community Protection Act; or those defined in Sections 401, 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances Act, unless the applicant or employee obtains a waiver pursuant to Section 40.

(a-1) After January 1, 2004, no health care employer shall knowingly hire any individual in a position with duties involving direct care for clients, patients, or residents, and no long-term care facility shall knowingly hire any individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents, who has (i) been convicted of committing or attempting to commit one or more of the offenses defined in Section 12-3.3, 12-4.2-5, 16-2, 16G-15, 16G-20, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3 of the Criminal Code of 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card and Debit Card Act; or Section 5.1 of the Wrongs to Children Act; or (ii) violated

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A UCIA criminal history record check need not be redone for health care employees who have been continuously employed by a health care employer since January 1, 2004, but nothing in this Section prohibits a health care employer from initiating a criminal history check for these employees.

A health care employer is not required to retain an individual in a position with duties involving direct care for clients, patients, or residents, and no long-term care facility is required to retain an individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents, who has been convicted of committing or attempting to commit one or more of the offenses enumerated in this subsection.

(b) A health care employer shall not hire, employ, or retain any individual in a position with duties involving direct care of clients, patients, or residents, and no long-term care facility shall knowingly hire, employ, or retain any individual in a position with duties that involve or may involve contact with residents or access to the living quarters or the financial, medical, or personal records of residents, if the health care employer becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsection (a) or (a-1), as verified by court records, records from a state agency, or an FBI criminal history record check. This shall not be construed to mean that a health care employer has an obligation to conduct a criminal history records check in other states in which an employee has resided.

(Source: P.A. 93-224, eff. 7-18-03; 94-556, eff. 9-11-05; 94-665, eff. 1-1-06; 94-1053, eff. 7-24-06.)

Section 115. The Health Care Worker Self-Referral Act is amended by changing Section 15 as follows:

(225 ILCS 47/15)
Sec. 15. Definitions. In this Act:
(a) "Board" means the Health Facilities Planning Board.

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(b) "Entity" means any individual, partnership, firm, corporation, or other business that provides health services but does not include an individual who is a health care worker who provides professional services to an individual.

(c) "Group practice" means a group of 2 or more health care workers legally organized as a partnership, professional corporation, not-for-profit corporation, faculty practice plan or a similar association in which:

(1) each health care worker who is a member or employee or an independent contractor of the group provides substantially the full range of services that the health care worker routinely provides, including consultation, diagnosis, or treatment, through the use of office space, facilities, equipment, or personnel of the group;

(2) the services of the health care workers are provided through the group, and payments received for health services are treated as receipts of the group; and

(3) the overhead expenses and the income from the practice are distributed by methods previously determined by the group.

(d) "Health care worker" means any individual licensed under the laws of this State to provide health services, including but not limited to: dentists licensed under the Illinois Dental Practice Act; dental hygienists licensed under the Illinois Dental Practice Act; nurses and advanced practice nurses licensed under the Nurse Practice Act Nursing and Advanced Practice Nursing Act; occupational therapists licensed under the Illinois Occupational Therapy Practice Act; optometrists licensed under the Illinois Optometric Practice Act of 1987; pharmacists licensed under the Pharmacy Practice Act of 1987; physical therapists licensed under the Illinois Physical Therapy Act; physicians licensed under the Medical Practice Act of 1987; physician assistants licensed under the Physician Assistant Practice Act of 1987; podiatrists licensed under the Podiatric Medical Practice Act of 1987; clinical psychologists licensed under the Clinical Psychologist Licensing Act; clinical social workers licensed under the Clinical Social Work and Social Work Practice Act; speech-language

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pathologists and audiologists licensed under the Illinois Speech-Language Pathology and Audiology Practice Act; or hearing instrument dispensers licensed under the Hearing Instrument Consumer Protection Act, or any of their successor Acts.

(e) "Health services" means health care procedures and services provided by or through a health care worker.

(f) "Immediate family member" means a health care worker's spouse, child, child's spouse, or a parent.

(g) "Investment interest" means an equity or debt security issued by an entity, including, without limitation, shares of stock in a corporation, units or other interests in a partnership, bonds, debentures, notes, or other equity interests or debt instruments except that investment interest for purposes of Section 20 does not include interest in a hospital licensed under the laws of the State of Illinois.

(h) "Investor" means an individual or entity directly or indirectly owning a legal or beneficial ownership or investment interest, (such as through an immediate family member, trust, or another entity related to the investor).

(i) "Office practice" includes the facility or facilities at which a health care worker, on an ongoing basis, provides or supervises the provision of professional health services to individuals.

(j) "Referral" means any referral of a patient for health services, including, without limitation:

(1) The forwarding of a patient by one health care worker to another health care worker or to an entity outside the health care worker's office practice or group practice that provides health services.

(2) The request or establishment by a health care worker of a plan of care outside the health care worker's office practice or group practice that includes the provision of any health services.

(Source: P.A. 89-72, eff. 12-31-95; 90-742, eff. 8-13-98.)

Section 120. The Medical Practice Act of 1987 is amended by changing Sections 23 and 54.5 and by adding Section 8.1 as follows:

(225 ILCS 60/8.1 new)

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Sec. 8.1. Matters concerning advanced practice nurses. Any proposed rules, amendments, second notice materials and adopted rule or amendment materials, and policy statements concerning advanced practice nurses shall be presented to the Medical Licensing Board for review and comment. The recommendations of both the Board of Nursing and the Medical Licensing Board shall be presented to the Secretary for consideration in making final decisions. Whenever the Board of Nursing and the Medical Licensing Board disagree on a proposed rule or policy, the Secretary shall convene a joint meeting of the officers of each Board to discuss the resolution of any such disagreements.

(225 ILCS 60/23) (from Ch. 111, par. 4400-23)
(Section scheduled to be repealed on December 31, 2008)

Sec. 23. Reports relating to professional conduct and capacity. (A) Entities required to report.

(1) Health care institutions. The chief administrator or executive officer of any health care institution licensed by the Illinois Department of Public Health shall report to the Disciplinary Board when any person's clinical privileges are terminated or are restricted based on a final determination, in accordance with that institution's by-laws or rules and regulations, that a person has either committed an act or acts which may directly threaten patient care, and not of an administrative nature, or that a person may be mentally or physically disabled in such a manner as to endanger patients under that person's care. Such officer also shall report if a person accepts voluntary termination or restriction of clinical privileges in lieu of formal action based upon conduct related directly to patient care and not of an administrative nature, or in lieu of formal action seeking to determine whether a person may be mentally or physically disabled in such a manner as to endanger patients under that person's care. The Medical Disciplinary Board shall, by rule, provide for the reporting to it of all instances in which a person, licensed under this Act, who is impaired by reason of age, drug or alcohol abuse or physical or mental impairment, is under supervision and, where appropriate, is

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in a program of rehabilitation. Such reports shall be strictly confidential and may be reviewed and considered only by the members of the Disciplinary Board, or by authorized staff as provided by rules of the Disciplinary Board. Provisions shall be made for the periodic report of the status of any such person not less than twice annually in order that the Disciplinary Board shall have current information upon which to determine the status of any such person. Such initial and periodic reports of impaired physicians shall not be considered records within the meaning of The State Records Act and shall be disposed of, following a determination by the Disciplinary Board that such reports are no longer required, in a manner and at such time as the Disciplinary Board shall determine by rule. The filing of such reports shall be construed as the filing of a report for purposes of subsection (C) of this Section.

(2) Professional associations. The President or chief executive officer of any association or society, of persons licensed under this Act, operating within this State shall report to the Disciplinary Board when the association or society renders a final determination that a person has committed unprofessional conduct related directly to patient care or that a person may be mentally or physically disabled in such a manner as to endanger patients under that person's care.

(3) Professional liability insurers. Every insurance company which offers policies of professional liability insurance to persons licensed under this Act, or any other entity which seeks to indemnify the professional liability of a person licensed under this Act, shall report to the Disciplinary Board the settlement of any claim or cause of action, or final judgment rendered in any cause of action, which alleged negligence in the furnishing of medical care by such licensed person when such settlement or final judgment is in favor of the plaintiff.

(4) State's Attorneys. The State's Attorney of each county shall report to the Disciplinary Board all instances in which a
person licensed under this Act is convicted or otherwise found guilty of the commission of any felony. The State's Attorney of each county may report to the Disciplinary Board through a verified complaint any instance in which the State's Attorney believes that a physician has willfully violated the notice requirements of the Parental Notice of Abortion Act of 1995.

(5) State agencies. All agencies, boards, commissions, departments, or other instrumentalities of the government of the State of Illinois shall report to the Disciplinary Board any instance arising in connection with the operations of such agency, including the administration of any law by such agency, in which a person licensed under this Act has either committed an act or acts which may be a violation of this Act or which may constitute unprofessional conduct related directly to patient care or which indicates that a person licensed under this Act may be mentally or physically disabled in such a manner as to endanger patients under that person's care.

(B) Mandatory reporting. All reports required by items (34), (35), and (36) of subsection (A) of Section 22 and by Section 23 shall be submitted to the Disciplinary Board in a timely fashion. The reports shall be filed in writing within 60 days after a determination that a report is required under this Act. All reports shall contain the following information:

(1) The name, address and telephone number of the person making the report.

(2) The name, address and telephone number of the person who is the subject of the report.

(3) The name and date of birth of any patient or patients whose treatment is a subject of the report, if available, or other means of identification if such information is not available, identification of the hospital or other healthcare facility where the care at issue in the report was rendered, provided, however, no medical records may be revealed.

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(4) A brief description of the facts which gave rise to the issuance of the report, including the dates of any occurrences deemed to necessitate the filing of the report.

(5) If court action is involved, the identity of the court in which the action is filed, along with the docket number and date of filing of the action.

(6) Any further pertinent information which the reporting party deems to be an aid in the evaluation of the report.

The Disciplinary Board or Department may also exercise the power under Section 38 of this Act to subpoena copies of hospital or medical records in mandatory report cases alleging death or permanent bodily injury. Appropriate rules shall be adopted by the Department with the approval of the Disciplinary Board.

When the Department has received written reports concerning incidents required to be reported in items (34), (35), and (36) of subsection (A) of Section 22, the licensee's failure to report the incident to the Department under those items shall not be the sole grounds for disciplinary action.

Nothing contained in this Section shall act to in any way, waive or modify the confidentiality of medical reports and committee reports to the extent provided by law. Any information reported or disclosed shall be kept for the confidential use of the Disciplinary Board, the Medical Coordinators, the Disciplinary Board's attorneys, the medical investigative staff, and authorized clerical staff, as provided in this Act, and shall be afforded the same status as is provided information concerning medical studies in Part 21 of Article VIII of the Code of Civil Procedure, except that the Department may disclose information and documents to a federal, State, or local law enforcement agency pursuant to a subpoena in an ongoing criminal investigation. Furthermore, information and documents disclosed to a federal, State, or local law enforcement agency may be used by that agency only for the investigation and prosecution of a criminal offense.

(C) Immunity from prosecution. Any individual or organization acting in good faith, and not in a wilful and wanton manner, in complying
with this Act by providing any report or other information to the Disciplinary Board or a peer review committee, or assisting in the investigation or preparation of such information, or by voluntarily reporting to the Disciplinary Board or a peer review committee information regarding alleged errors or negligence by a person licensed under this Act, or by participating in proceedings of the Disciplinary Board or a peer review committee, or by serving as a member of the Disciplinary Board or a peer review committee, shall not, as a result of such actions, be subject to criminal prosecution or civil damages.

(D) Indemnification. Members of the Disciplinary Board, the Medical Coordinators, the Disciplinary Board's attorneys, the medical investigative staff, physicians retained under contract to assist and advise the medical coordinators in the investigation, and authorized clerical staff shall be indemnified by the State for any actions occurring within the scope of services on the Disciplinary Board, done in good faith and not wilful and wanton in nature. The Attorney General shall defend all such actions unless he or she determines either that there would be a conflict of interest in such representation or that the actions complained of were not in good faith or were wilful and wanton.

Should the Attorney General decline representation, the member shall have the right to employ counsel of his or her choice, whose fees shall be provided by the State, after approval by the Attorney General, unless there is a determination by a court that the member's actions were not in good faith or were wilful and wanton.

The member must notify the Attorney General within 7 days of receipt of notice of the initiation of any action involving services of the Disciplinary Board. Failure to so notify the Attorney General shall constitute an absolute waiver of the right to a defense and indemnification.

The Attorney General shall determine within 7 days after receiving such notice, whether he or she will undertake to represent the member.

(E) Deliberations of Disciplinary Board. Upon the receipt of any report called for by this Act, other than those reports of impaired persons licensed under this Act required pursuant to the rules of the Disciplinary Board, the Disciplinary Board shall notify in writing, by certified mail, the

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person who is the subject of the report. Such notification shall be made within 30 days of receipt by the Disciplinary Board of the report.

The notification shall include a written notice setting forth the person's right to examine the report. Included in such notification shall be the address at which the file is maintained, the name of the custodian of the reports, and the telephone number at which the custodian may be reached. The person who is the subject of the report shall submit a written statement responding, clarifying, adding to, or proposing the amending of the report previously filed. The person who is the subject of the report shall also submit with the written statement any medical records related to the report. The statement and accompanying medical records shall become a permanent part of the file and must be received by the Disciplinary Board no more than 30 days after the date on which the person was notified by the Disciplinary Board of the existence of the original report.

The Disciplinary Board shall review all reports received by it, together with any supporting information and responding statements submitted by persons who are the subject of reports. The review by the Disciplinary Board shall be in a timely manner but in no event, shall the Disciplinary Board's initial review of the material contained in each disciplinary file be less than 61 days nor more than 180 days after the receipt of the initial report by the Disciplinary Board.

When the Disciplinary Board makes its initial review of the materials contained within its disciplinary files, the Disciplinary Board shall, in writing, make a determination as to whether there are sufficient facts to warrant further investigation or action. Failure to make such determination within the time provided shall be deemed to be a determination that there are not sufficient facts to warrant further investigation or action.

Should the Disciplinary Board find that there are not sufficient facts to warrant further investigation, or action, the report shall be accepted for filing and the matter shall be deemed closed and so reported to the Secretary. The Secretary shall then have 30 days to accept the Medical Disciplinary Board's decision or request further investigation. The Secretary shall inform the Board in writing of the decision to request

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further investigation, including the specific reasons for the decision. The individual or entity filing the original report or complaint and the person who is the subject of the report or complaint shall be notified in writing by the Secretary of any final action on their report or complaint.

(F) Summary reports. The Disciplinary Board shall prepare, on a timely basis, but in no event less than once every other month, a summary report of final actions taken upon disciplinary files maintained by the Disciplinary Board. The summary reports shall be made available to the public upon request and payment of the fees set by the Department. This publication may be made available to the public on the Department’s Internet website sent by the Disciplinary Board to every health care facility licensed by the Illinois Department of Public Health, every professional association and society of persons licensed under this Act functioning on a statewide basis in this State, the American Medical Association, the American Osteopathic Association, the American Chiropractic Association, all insurers providing professional liability insurance to persons licensed under this Act in the State of Illinois, the Federation of State Medical Licensing Boards, and the Illinois Pharmacists Association.

(G) Any violation of this Section shall be a Class A misdemeanor.

(H) If any such person violates the provisions of this Section an action may be brought in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, for an order enjoining such violation or for an order enforcing compliance with this Section. Upon filing of a verified petition in such court, the court may issue a temporary restraining order without notice or bond and may preliminarily or permanently enjoin such violation, and if it is established that such person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this paragraph shall be in addition to, and not in lieu of, all other remedies and penalties provided for by this Section.

(Source: P.A. 94-677, eff. 8-25-05.)

(225 ILCS 60/54.5)

(Section scheduled to be repealed on December 31, 2008)

Sec. 54.5. Physician delegation of authority.

New matter indicated by italics - deletions by strikeout
(a) Physicians licensed to practice medicine in all its branches may delegate care and treatment responsibilities to a physician assistant under guidelines in accordance with the requirements of the Physician Assistant Practice Act of 1987. A physician licensed to practice medicine in all its branches may enter into supervising physician agreements with no more than 2 physician assistants.

(b) A physician licensed to practice medicine in all its branches in active clinical practice may collaborate with an advanced practice nurse in accordance with the requirements of the Nurse Practice Act Title 15 of the Nursing and Advanced Practice Nursing Act. Collaboration is for the purpose of providing medical consultation direction, and no employment relationship is required. A written collaborative agreement shall conform to the requirements of Section 65-35 of the Nurse Practice Act Sections 15-15 and 15-20 of the Nursing and Advanced Practice Nursing Act. The written collaborative agreement shall be for services the collaborating physician generally provides to his or her patients in the normal course of clinical medical practice. A written collaborative agreement Physician medical direction shall be adequate with respect to collaboration with advanced practice nurses certified nurse practitioners, certified nurse midwives, and clinical nurse specialists if all of the following apply a collaborating physician:

1. The agreement is written to promote the exercise of professional judgment by the advanced practice nurse commensurate with his or her education and experience. The agreement need not describe the exact steps that an advanced practice nurse must take with respect to each specific condition, disease, or symptom, but must specify those procedures that require a physician's presence as the procedures are being performed. participates in the joint formulation and joint approval of orders or guidelines with the advanced practice nurse and periodically reviews such orders and the services provided patients under such orders in accordance with accepted standards of medical practice and advanced practice nursing practice;

New matter indicated by italics - deletions by strikeout
(2) Practice guidelines and orders are developed and approved jointly by the advanced practice nurse and collaborating physician, as needed, based on the practice of the practitioners. Such guidelines and orders and the patient services provided thereunder are periodically reviewed by the collaborating physician. is on site at least once a month to provide medical direction and consultation; and

(3) The advanced practice nurse provides services the collaborating physician generally provides to his or her patients in the normal course of clinical practice, except as set forth in subsection (b-5) of this Section. With respect to labor and delivery, the collaborating physician must provide delivery services in order to participate with a certified nurse midwife. is available through telecommunications for consultation on medical problems, complications, or emergencies or patient referral.

(4) The collaborating physician and advanced practice nurse meet in person at least once a month to provide collaboration and consultation.

(5) Methods of communication are available with the collaborating physician in person or through telecommunications for consultation, collaboration, and referral as needed to address patient care needs.

(6) The agreement contains provisions detailing notice for termination or change of status involving a written collaborative agreement, except when such notice is given for just cause.

(b-5) An anesthesiologist or physician licensed to practice medicine in all its branches may collaborate with a certified registered nurse anesthetist in accordance with Section 65-35 of the Nurse Practice Act for the provision of anesthesia services. With respect to the provision of anesthesia services, the collaborating anesthesiologist or physician shall have training and experience in the delivery of anesthesia services consistent with Department rules. Collaboration Section 15-25 of the Nursing and Advanced Practice Nursing Act. Medical direction for a certified registered nurse anesthetist shall be adequate if:

New matter indicated by italics - deletions by strikeout
(1) an anesthesiologist or a physician participates in the joint formulation and joint approval of orders or guidelines and periodically reviews such orders and the services provided patients under such orders; and

(2) for anesthesia services, the anesthesiologist or physician participates through discussion of and agreement with the anesthesia plan and is physically present and available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions. Anesthesia services in a hospital shall be conducted in accordance with Section 10.7 of the Hospital Licensing Act and in an ambulatory surgical treatment center in accordance with Section 6.5 of the Ambulatory Surgical Treatment Center Act.

(b-10) The anesthesiologist or operating physician must agree with the anesthesia plan prior to the delivery of services.

(c) The supervising physician shall have access to the medical records of all patients attended by a physician assistant. The collaborating physician shall have access to the medical records of all patients attended to by an advanced practice nurse.

(d) Nothing in this Act shall be construed to limit the delegation of tasks or duties by a physician licensed to practice medicine in all its branches to a licensed practical nurse, a registered professional nurse, or other persons personnel.

(e) A physician shall not be liable for the acts or omissions of a physician assistant or advanced practice nurse solely on the basis of having signed a supervision agreement or guidelines or a collaborative agreement, an order, a standing medical order, a standing delegation order, or other order or guideline authorizing a physician assistant or advanced practice nurse to perform acts, unless the physician has reason to believe the physician assistant or advanced practice nurse lacked the competency to perform the act or acts or commits willful and wanton misconduct.

(Source: P.A. 90-742, eff. 8-13-98; 91-414, eff. 8-6-99.)
Section 125. The Nursing and Advanced Practice Nursing Act is amended by changing and renumbering Titles 5, 10, 15, 17, and 20 as follows:

(225 ILCS 65/Art. 50 heading new) (was 225 ILCS 65/Tit. 5 heading)

ARTICLE 50  TITLE 5 . GENERAL PROVISIONS
(225 ILCS 65/50-1 new) (was 225 ILCS 65/5-1)
(Section scheduled to be repealed on January 1, 2008)
Sec. 50-1 5-1. This Act Article may be cited as the Nurse Nursing and Advanced Practice Nursing Act, and throughout this Article, references to this Act shall mean this Article.
(Source: P.A. 90-742, eff. 8-13-98.)

(225 ILCS 65/50-5 new) (was 225 ILCS 65/5-5)
(Section scheduled to be repealed on January 1, 2008)
Sec. 50-5 5-5. Legislative purpose. The practice of professional and practical nursing in the State of Illinois is hereby declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the practice of nursing, as defined in this Act, merit and receive the confidence of the public and that only qualified persons be authorized to so practice in the State of Illinois. This Act shall be liberally construed to best carry out these subjects and purposes.
(Source: P.A. 90-742, eff. 8-13-98.)

(225 ILCS 65/50-10 new) (was 225 ILCS 65/5-10)
(Section scheduled to be repealed on January 1, 2008)
Sec. 50-10 5-10. Definitions. Each of the following terms, when used in this Act, shall have the meaning ascribed to it in this Section, except where the context clearly indicates otherwise:
(a) "Department" means the Department of Professional Regulation:
(b) "Director" means the Director of Professional Regulation:
(c) "Board" means the Board of Nursing appointed by the Director.

New matter indicated by italics - deletions by strikeout
(d) "Academic year" means the customary annual schedule of courses at a college, university, or approved school, customarily regarded as the school year as distinguished from the calendar year.

"Advanced practice nurse" or "APN" means a person who has met the qualifications for a (i) certified nurse midwife (CNM); (ii) certified nurse practitioner (CNP); (iii) certified registered nurse anesthetist (CRNA); or (iv) clinical nurse specialist (CNS) and has been licensed by the Department. All advanced practice nurses licensed and practicing in the State of Illinois shall use the title APN and may use specialty credentials after their name.

(e) "Approved program of professional nursing education" and "approved program of practical nursing education" are programs of professional or practical nursing, respectively, approved by the Department under the provisions of this Act.

"Board" means the Board of Nursing appointed by the Secretary.

"Collaboration" means a process involving 2 or more health care professionals working together, each contributing one's respective area of expertise to provide more comprehensive patient care.

"Consultation" means the process whereby an advanced practice nurse seeks the advice or opinion of another health care professional.

"Credentialed" means the process of assessing and validating the qualifications of a health care professional.

"Current nursing practice update course" means a planned nursing education curriculum approved by the Department consisting of activities that have educational objectives, instructional methods, content or subject matter, clinical practice, and evaluation methods, related to basic review and updating content and specifically planned for those nurses previously licensed in the United States or its territories and preparing for reentry into nursing practice.

"Dentist" means a person licensed to practice dentistry under the Illinois Dental Practice Act.

"Department" means the Department of Financial and Professional Regulation.

New matter indicated by italics - deletions by strikeout
"Impaired nurse" means a nurse licensed under this Act who is unable to practice with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination or written consent based on clinical evidence, including loss of motor skills, abuse of drugs or alcohol, or a psychiatric disorder, of sufficient degree to diminish his or her ability to deliver competent patient care.

"License-pending advanced practice nurse" means a registered professional nurse who has completed all requirements for licensure as an advanced practice nurse except the certification examination and has applied to take the next available certification exam and received a temporary license from the Department.

"License-pending registered nurse" means a person who has passed the Department-approved registered nurse licensure exam and has applied for a license from the Department. A license-pending registered nurse shall use the title "RN lic pend" on all documentation related to nursing practice.

"Physician" means a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987.

"Podiatrist" means a person licensed to practice podiatry under the Podiatric Medical Practice Act of 1987.

(f) "Nursing Act Coordinator" means a registered professional nurse appointed by the Director to carry out the administrative policies of the Department.

(g) "Assistant Nursing Act Coordinator" means a registered professional nurse appointed by the Director to assist in carrying out the administrative policies of the Department.

(h) "Registered" is the equivalent of "licensed".

(i) "Practical nurse" or "licensed practical nurse" means a person who is licensed as a practical nurse under this Act and practices practical nursing as defined in paragraph (j) of this Act Section. Only a practical nurse licensed under this Act is entitled to use the title "licensed practical nurse" and the abbreviation "L.P.N."

(j) "Practical nursing" means the performance of nursing acts requiring the basic nursing knowledge, judgement, and skill acquired by
means of completion of an approved practical nursing education program. Practical nursing includes assisting in the nursing process as delegated by and under the direction of a registered professional nurse or an advanced practice nurse. The practical nurse may work under the direction of a licensed physician, dentist, podiatrist, or other health care professional determined by the Department.

"Privileged" means the authorization granted by the governing body of a healthcare facility, agency, or organization to provide specific patient care services within well-defined limits, based on qualifications reviewed in the credentialing process.

(k) "Registered Nurse" or "Registered Professional Nurse" means a person who is licensed as a professional nurse under this Act and practices nursing as defined in paragraph (l) of this Act Section. Only a registered nurse licensed under this Act is entitled to use the titles "registered nurse" and "registered professional nurse" and the abbreviation, "R.N.".

(l) "Registered professional nursing practice" is a scientific process founded on a professional body of knowledge; it is a learned profession based on the understanding of the human condition across the life span and environment and includes all nursing specialties and means the performance of any nursing act based upon professional knowledge, judgment, and skills acquired by means of completion of an approved registered professional nursing education program. A registered professional nurse provides holistic nursing care emphasizing the importance of the whole and the interdependence of its parts through the nursing process to individuals, groups, families, or communities, that includes but is not limited to: (1) the assessment of healthcare needs, nursing diagnosis, planning, implementation, and nursing evaluation; (2) the promotion, maintenance, and restoration of health; (3) counseling, patient education, health education, and patient advocacy; (4) the administration of medications and treatments as prescribed by a physician licensed to practice medicine in all of its branches, a licensed dentist, a licensed podiatrist, or a licensed optometrist or as prescribed by a physician assistant in accordance with written guidelines required under the Physician Assistant Practice Act of 1987 or by an advanced practice
nurse in accordance with Article 65 of this act, written collaborative agreement required under the Nursing and Advanced Practice Nursing Act; (5) the coordination and management of the nursing plan of care; (6) the delegation to and supervision of individuals who assist the registered professional nurse implementing the plan of care; and (7) teaching and supervision of nursing students. The foregoing shall not be deemed to include those acts of medical diagnosis or prescription of therapeutic or corrective measures that are properly performed only by physicians licensed in the State of Illinois.

(m) "Current nursing practice update course" means a planned nursing education curriculum approved by the Department consisting of activities that have educational objectives, instructional methods, content or subject matter, clinical practice, and evaluation methods, related to basic review and updating content and specifically planned for those nurses previously licensed in the United States or its territories and preparing for reentry into nursing practice.

(n) "Professional assistance program for nurses" means a professional assistance program that meets criteria established by the Board of Nursing and approved by the Secretary Director, which provides a non-disciplinary treatment approach for nurses licensed under this Act whose ability to practice is compromised by alcohol or chemical substance addiction.

"Secretary" means the Secretary of Financial and Professional Regulation.

"Unencumbered license" means a license issued in good standing.

"Written collaborative agreement" means a written agreement between an advanced practice nurse and a collaborating physician, dentist, or podiatrist pursuant to Section 65-35.

(Source: P.A. 90-61, eff. 12-30-97; 90-248, eff. 1-1-98; 90-655, eff. 7-30-98; 90-742, eff. 8-13-98.)

(225 ILCS 65/50-15 new) (was 225 ILCS 65/5-15)
(Section scheduled to be repealed on January 1, 2008)
Sec. 50-15. Policy; application of Act.

New matter indicated by italics - deletions by strikeout
(a) For the protection of life and the promotion of health, and the prevention of illness and communicable diseases, any person practicing or offering to practice advanced, professional, or practical nursing in Illinois shall submit evidence that he or she is qualified to practice, and shall be licensed as provided under this Act. No person shall practice or offer to practice advanced, professional, or practical nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional or practical nursing unless such person has been licensed under the provisions of this Act.

(b) This Act does not prohibit the following:

(1) The practice of nursing in Federal employment in the discharge of the employee's duties by a person who is employed by the United States government or any bureau, division or agency thereof and is a legally qualified and licensed nurse of another state or territory and not in conflict with Sections 50-50, 55-10, 60-10, and 70-5 of this Act.

(2) Nursing that is included in the program of study by students enrolled in programs of nursing or in current nurse practice update courses approved by the Department.

(3) The furnishing of nursing assistance in an emergency.

(4) The practice of nursing by a nurse who holds an active license in another state when providing services to patients in Illinois during a bonafide emergency or in immediate preparation for or during interstate transit.

(5) The incidental care of the sick by members of the family, domestic servants or housekeepers, or care of the sick where treatment is by prayer or spiritual means.

(6) Persons from being employed as unlicensed assistive personnel nursing aides, attendants, orderlies, and other auxiliary workers in private homes, long term care facilities, nurseries, hospitals or other institutions.

(g) The practice of practical nursing by one who has applied in writing to the Department in form and substance satisfactory to
the Department, for a license as a licensed practical nurse and who has complied with all the provisions under Section 10-30, except the passing of an examination to be eligible to receive such license; until: the decision of the Department that the applicant has failed to pass the next available examination authorized by the Department or has failed, without an approved excuse, to take the next available examination authorized by the Department or until the withdrawal of the application, but not to exceed 3 months. An applicant practicing practical nursing under this Section who passes the examination, however, may continue to practice under this Section until such time as he or she receives his or her license to practice or until the Department notifies him or her that the license has been denied. No applicant for licensure practicing under the provisions of this paragraph shall practice practical nursing except under the direct supervision of a registered professional nurse licensed under this Act or a licensed physician, dentist or podiatrist. In no instance shall any such applicant practice or be employed in any supervisory capacity.

(7) The practice of practical nursing by one who is a licensed practical nurse under the laws of another U.S. jurisdiction and has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as a licensed practical nurse and who is qualified to receive such license under Section 10-30, until (i) the expiration of 6 months after the filing of such written application, (ii) the withdrawal of such application, or (iii) the denial of such application by the Department.

(i) The practice of professional nursing by one who has applied in writing to the Department in form and substance satisfactory to the Department for a license as a registered professional nurse and has complied with all the provisions under Section 10-30 except the passing of an examination to be eligible to receive such license, until the decision of the Department that the applicant has failed to pass the next available examination.

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authorized by the Department or has failed, without an approved excuse, to take the next available examination authorized by the Department or until the withdrawal of the application, but not to exceed 3 months. An applicant practicing professional nursing under this Section who passes the examination, however, may continue to practice under this Section until such time as he or she receives his or her license to practice or until the Department notifies him or her that the license has been denied. No applicant for licensure practicing under the provisions of this paragraph shall practice professional nursing except under the direct supervision of a registered professional nurse licensed under this Act. In no instance shall any such applicant practice or be employed in any supervisory capacity.

(8) The practice of advanced practice nursing by one who is an advanced practice nurse under the laws of another state, territory of the United States, or country and has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as an advanced practice nurse and who is qualified to receive such license under this Act, until (i) the expiration of 6 months after the filing of such written application, (ii) the withdrawal of such application, or (iii) the denial of such application by the Department.

(9) The practice of professional nursing by one who is a registered professional nurse under the laws of another state, territory of the United States or country and has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as a registered professional nurse and who is qualified to receive such license under Section 55-10-30, until (1) the expiration of 6 months after the filing of such written application, (2) the withdrawal of such application, or (3) the denial of such application by the Department.

(10) The practice of professional nursing that is included in a program of study by one who is a registered professional nurse under the laws of another state or territory of the

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United States or foreign country, territory or province and who is enrolled in a graduate nursing education program or a program for the completion of a baccalaureate nursing degree in this State, which includes clinical supervision by faculty as determined by the educational institution offering the program and the health care organization where the practice of nursing occurs. The educational institution will file with the Department each academic term a list of the names and origin of license of all professional nurses practicing nursing as part of their programs under this provision.

(11) Any person licensed in this State under any other Act from engaging in the practice for which she or he is licensed.

(12) Delegation to authorized direct care staff trained under Section 15.4 of the Mental Health and Developmental Disabilities Administrative Act consistent with the policies of the Department.

(13) Nothing in this Act shall be construed to limit the delegation of tasks or duties by a physician, dentist, or podiatrist to a licensed practical nurse, a registered professional nurse, or other persons.

An applicant for license practicing under the exceptions set forth in subparagraphs (g), (h), (i), and (j) of this Section shall use the title R.N. Lic. Pend. or L.P.N. Lic. Pend. respectively and no other.

(Source: P.A. 93-265, eff. 7-22-03.)

(225 ILCS 65/50-20 new) (was 225 ILCS 65/5-20)

Sec. 50-20. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice nursing without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $10,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

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(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 89-474, eff. 6-18-96; 90-742, eff. 8-13-98.)

(225 ILCS 65/50-25 new) (was 225 ILCS 65/5-21)

(Section scheduled to be repealed on January 1, 2008)

Sec. 50-25. No registered nurse or licensed practical nurse may perform refractions and other determinations of visual function or eye health diagnosis. A registered nurse or licensed practical nurse may participate in these activities with the direct on-site supervision of an optometrist licensed under the Illinois Optometric Practice Act of 1987 or a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987.

(Source: P.A. 92-367, eff. 8-15-01.)

(225 ILCS 65/50-30 new) (was 225 ILCS 65/5-22)

(Section scheduled to be repealed on January 1, 2008)

Sec. 50-30. Social Security Number on license application. In addition to any other information required to be contained in an application for licensure under this Act, every application for an original, renewal, or restored license under this Act shall include the applicant's Social Security Number.

(Source: P.A. 90-144, eff. 7-23-97; 90-742, eff. 8-13-98.)

(225 ILCS 65/50-35 new) (was 225 ILCS 65/5-23)

(Section scheduled to be repealed on January 1, 2008)

Sec. 50-35. Criminal history records background check. Each applicant for licensure by examination or restoration shall have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Department of State Police. These fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation.

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criminal history record databases now and hereafter filed. The Department of State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department may require applicants to pay a separate fingerprinting fee, either to the Department or to a vendor. The Department, in its discretion, may allow an applicant who does not have reasonable access to a designated vendor to provide his or her fingerprints in an alternative manner. The Department may adopt any rules necessary to implement this Section. After the effective date of this amendatory Act of the 91st General Assembly, the Department shall require an applicant for initial licensure under this Act to submit to a criminal background check by the Illinois State Police and the Federal Bureau of Investigation as part of the qualification for licensure. If an applicant's criminal background check indicates criminal conviction, the applicant must further submit to a fingerprint-based criminal background check. The applicant's name, sex, race, date of birth, and social security number shall be forwarded to the Illinois State Police to be searched against the Illinois criminal history records database in the form and manner prescribed by the Illinois State Police. The Illinois State Police shall charge a fee for conducting the search, which shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry. If a search of the Illinois criminal history records database indicates that the applicant has a conviction record, a fingerprint based criminal history records check shall be required. Each applicant requiring a fingerprint based search shall submit his or her fingerprints to the Illinois State Police in the form and manner prescribed by the Illinois State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases. The Illinois State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Illinois State
Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department shall adopt rules to implement this section.

(Source: P.A. 92-744, eff. 7-25-02; 93-418, eff. 1-1-04.)

Sec. 50-40. Emergency care; civil liability. Exemption from civil liability for emergency care is as provided in the Good Samaritan Act.

(Source: P.A. 89-607, eff. 1-1-97; 90-742, eff. 8-13-98.)

Sec. 50-45. Services rendered without compensation; civil liability. Exemption from civil liability for services rendered without compensation is as provided in the Good Samaritan Act.

(Source: P.A. 89-607, eff. 1-1-97; 90-742, eff. 8-13-98.)

Sec. 50-50. Prohibited acts.
   (a) No person shall:
      (1) Practice as an advanced practice nurse without a valid license as an advanced practice nurse, except as provided in Section 50-15 of this Act;
      (2) Practice professional nursing without a valid license as a registered professional nurse except as provided in paragraphs (i) and (j) of Section 50-15 of this Act;
      (3) Practice practical nursing without a valid license as a licensed practical nurse; or practice practical nursing other than under the direction of a licensed physician, licensed dentist, or registered professional nurse; except as provided in paragraphs (g), (h), and (j) of Section 50-15 of this Act;
      (4) Practice nursing under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

New matter indicated by italics - deletions by strikeout
(5) (d) Practice nursing during the time her or his license is suspended, revoked, expired or on inactive status;

(6) (e) Use any words, abbreviations, figures, letters, title, sign, card, or device tending to imply that she or he is a registered professional nurse, including the titles or initials, "Nurse," "Registered Nurse," "Professional Nurse," "Registered Professional Nurse," "Certified Nurse," "Trained Nurse," "Graduate Nurse," "P.N.," or "R.N.,” or "R.P.N.,” or similar titles or initials with intention of indicating practice without a valid license as a registered professional nurse;

(7) Use any words, abbreviations, figures, letters, titles, signs, cards, or devices tending to imply that she or he is an advanced practice nurse, including the titles or initials "Advanced Practice Nurse", "A.P.N.", or similar titles or initials, with the intention of indicating practice as an advanced practice nurse without a valid license as an advanced practice nurse under this Act.

(8) (f) Use any words, abbreviations figures, letters, title, sign, card, or device tending to imply that she or he is a licensed practical nurse including the titles or initials "Practical Nurse," "Licensed Practical Nurse," "P.N.,” or "L.P.N.,” or similar titles or initials with intention of indicated practice as a licensed practical nurse without a valid license as a licensed practical nurse under this Act;

(9) (f-5) Advertise services regulated under this Act without including in every advertisement his or her title as it appears on the license or the initials authorized under this Act;

(10) (g) Obtain or furnish a license by or for money or any other thing of value other than the fees required under this Act by Section 20-35, or by any fraudulent representation or act;

(11) (h) Make any wilfully false oath or affirmation required by this Act;

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(12) (f) Conduct a nursing education program preparing persons for licensure that has not been approved by the Department;

(13) (j) Represent that any school or course is approved or accredited as a school or course for the education of registered professional nurses or licensed practical nurses unless such school or course is approved by the Department under the provisions of this Act;

(14) (k) Attempt or offer to do any of the acts enumerated in this Section, or knowingly aid, abet, assist in the doing of any such acts or in the attempt or offer to do any of such acts;

(l) Seek employment as a registered professional nurse under the terms of paragraphs (i) and (j) of Section 5-15 of this Act without possessing a written authorization which has been issued by the Department or designated testing service and which evidences the filing of the written application referred to in paragraphs (i) and (j) of Section 5-15 of this Act;

(m) Seek employment as a licensed practical nurse under the terms of paragraphs (g) and (h) of Section 5-15 of this Act without possessing a written authorization which has been issued by the Department or designated testing service and which evidences the filing of the written application referred to in paragraphs (g) and (h) of Section 5-15 of this Act;

(15) (n) Employ or utilize persons not licensed under this Act to practice professional nursing or practical nursing; and

(16) (o) Otherwise intentionally violate any provision of this Act.

(17) Retaliate against any nurse who reports unsafe, unethical, or illegal health care practices or conditions.

(18) Be deemed a supervisor when delegating nursing activities or tasks as authorized under this Act.

(b) Any person, including a firm, association or corporation who violates any provision of this Section shall be guilty of a Class A misdemeanor.

New matter indicated by italics - deletions by strikeout
Sec. 50-55. Department powers and duties.

(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for administration of licensing acts and shall exercise other powers and duties necessary for effectuating the purpose of this Act. None of the functions, powers, or duties of the Department with respect to licensure and examination shall be exercised by the Department except upon review by the Board. The Department shall adopt rules to implement, interpret, or make specific the provisions and purposes of this Act; however no such rules shall be adopted by the Department except upon review by the Board.

(b) The Department shall:

(1) prepare and maintain a list of approved programs of professional nursing education and programs of practical nursing education in this State, whose graduates, if they have the other necessary qualifications provided in this Act, shall be eligible to apply for a license to practice nursing in this State;

(2) promulgate rules defining what constitutes an approved program of professional nursing education and what constitutes an approved program of practical nursing education; and

(3) adopt rules for examination of candidates for licenses and for issuance of licenses authorizing candidates upon passing an examination to practice under this Act.

(c) The Department may act upon the recommendations of the Center for Nursing Advisory Board.

Sec. 50-60. Nursing Act Coordinator; Assistant Nursing Coordinator. The Secretary Department shall appoint an Assistant Nursing Coordinator. The Secretary Department shall appoint an Assistant Nursing Coordinator assistant. The Nursing Coordinator and Assistant Nursing Coordinator assistant shall be registered professional nurses licensed in
this State who have graduated from an approved school of nursing and each shall have been actively engaged in nursing education not less than one year prior to appointment. The Nursing Act Coordinator shall hold at least a master's degree in nursing from an accredited college or university and shall have at least 5 years experience since graduation in progressively responsible positions in nursing education. Each assistant shall hold at least a master's degree in nursing from an approved college or university and shall have at least 3 years experience since graduation in progressively responsible positions in nursing education. The Nursing Act Coordinator and assistants shall perform such administrative functions as may be delegated to them by the Director. 
(Source: P.A. 90-742, eff. 8-13-98.)

(225 ILCS 65/50-65 new) (was 225 ILCS 65/10-25)
(Section scheduled to be repealed on January 1, 2008)
Sec. 50-65 10-25. Board.

(a) The term of each member of the Board of Nursing and the Advanced Practice Nursing Board serving before the effective date of this amendatory Act of the 95th General Assembly shall terminate on the effective date of this amendatory Act of the 95th General Assembly. Beginning on the effective date of this amendatory Act of the 95th General Assembly, the Secretary shall solicit recommendations from nursing organizations and appoint the Board of Nursing, which, beginning January 1, 2000, shall consist of 13 members, one of whom shall be a practical nurse; one of whom shall be a practical nurse educator; one of whom shall be a registered professional nurse in practice; one of whom shall be an associate degree nurse educator; one of whom shall be a baccalaureate degree nurse educator; one of whom shall be a nurse who is actively engaged in direct care; one of whom shall be a registered professional nurse actively engaged in direct care; one of whom shall be a nursing administrator; 4 of whom shall be advanced practice nurses representing CNS, CNP, CNM, and CRNA practice; and one of whom shall be a public member who is not employed in and has no material

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interest in any health care field. The Board shall receive actual and necessary expenses incurred in the performance of their duties.

Members of the Board of Nursing and the Advanced Practice Nursing Board whose terms were terminated by this amendatory Act of the 95th General Assembly shall be considered for membership positions on the Board.

All nursing members of the Board must be (i) residents of this State, (ii) licensed in good standing to practice nursing in this State, (iii) graduates of an approved nursing program, with a minimum of 5 years experience in the field of nursing, and (iv) at the time of appointment to the Board, actively engaged in nursing or work related to nursing.

Membership terms shall be for 3 years, except that in making initial appointments, the Secretary shall appoint all members for initial terms of 2, 3, and 4 years and these terms shall be staggered as follows: 3 shall be appointed for terms of 2 years; 4 shall be appointed for terms of 3 years; and 6 shall be appointed for terms of 4 years. No member shall be appointed to more than 2 consecutive terms. In the case of a vacated position, an individual may be appointed to serve the unexpired portion of that term; if the term is less than half of a full term, the individual is eligible to serve 2 full terms. be composed of 7 registered professional nurses, 2 licensed practical nurses and one public member who shall also be a voting member and who is not a licensed health care provider. Two registered nurses shall hold at least a master's degree in nursing and be educators in professional nursing programs, one representing baccalaureate nursing education, one representing associate degree nursing education; one registered nurse shall hold at least a bachelor's degree with a major in nursing and be an educator in a licensed practical nursing program; one registered nurse shall hold a master's degree in nursing and shall represent nursing service administration; 2 registered nurses shall represent clinical nursing practice, one of whom shall have at least a master's degree in nursing; and, until January 1, 2000, 2 registered nurses shall represent advanced specialty practice. Each of the nurses shall have had a minimum of 5 years experience in nursing, 3 of which shall be in the area they represent on the Board and be actively engaged in the area of nursing they
represent at the time of appointment and during their tenure on the Board. Members shall be appointed for a term of 3 years. No member shall be eligible for appointment to more than 2 consecutive terms and any appointment to fill a vacancy shall be for the unexpired portion of the term. In making Board appointments, the Director shall give consideration to recommendations submitted by nursing organizations. Consideration shall be given to equal geographic representation. The Board shall receive actual and necessary expenses incurred in the performance of their duties.

In making the initial appointments, the Director shall appoint all new members for terms of 2, 3, and 4 years and such terms shall be staggered as follows: 3 shall be appointed for terms of 2 years; 3 shall be appointed for terms of 3 years; and 3 shall be appointed for terms of 4 years.

The Secretary Director may remove any member of the Board for misconduct, incapacity, or neglect of duty. The Secretary Director shall reduce to writing any causes for removal.

The Board shall meet annually to elect a chairperson and vice chairperson. The Board may hold regularly scheduled such meetings during the year as may be necessary to conduct its business. A simple majority Six voting members of the Board shall constitute a quorum at any meeting. Any action taken by the Board must be on the affirmative vote of a simple majority of 6 members. Voting by proxy shall not be permitted. In the case of an emergency where all Board members cannot meet in person, the Board may convene a meeting via an electronic format in accordance with the Open Meetings Act.

The Board shall submit an annual report to the Director. The members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other acts performed in good faith as members of the Board.

(b) The Board may perform each of the following activities is authorized to:

(1) Recommend to the Department recommend the adoption and, from time to time, the revision of such rules that may be

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necessary for the administration to carry out the provisions of this Act;

(2) conduct hearings and disciplinary conferences upon charges calling for discipline of a licensee as provided in Section 10-45;

(3) report to the Department, upon completion of a hearing, the disciplinary actions recommended to be taken against persons violating this Act;

(2) Recommend (4) recommend the approval, denial of approval, withdrawal of approval, or discipline of nursing education programs;

(5) participate in a national organization of state boards of nursing; and

(6) recommend a list of the registered nurses to serve as Nursing Act Coordinator and Assistant Nursing Act Coordinator, respectively.

(c) The Board shall participate in disciplinary conferences and hearings and make recommendations to the Department regarding disciplinary action taken against a licensee as provided under this Act. Disciplinary conference hearings and proceedings regarding scope of practice issues shall be conducted by a Board member at the same or higher licensure level as the respondent. Participation in an informal conference shall not bar members of the Board from future participation or decisions relating to that matter.

(d) With the exception of emergency rules, any proposed rules, amendments, second notice materials, and adopted rule or amendment materials or policy statements concerning advanced practice nurses shall be presented to the Medical Licensing Board for review and comment. The recommendations of both the Board of Nursing and the Medical Licensing Board shall be presented to the Secretary for consideration in making final decisions. Whenever the Board of Nursing and Medical Licensing Board disagree on a proposed rule or policy, the Secretary shall convene a joint meeting of the officers of each Board to discuss resolution of any disagreements.

New matter indicated by italics - deletions by strikeout
Sec. 50-70 Concurrent theory and clinical practice education requirements of this Act. The educational requirements of Sections 55-10 and 60-10 of this Act relating to registered professional nursing and licensed practical nursing shall not be deemed to have been satisfied by the completion of any correspondence course or any program of nursing that does not require coordinated or concurrent theory and clinical practice. The Department may, upon recommendation of the Board, grant an Illinois license to those applicants who have received advanced graduate degrees in nursing from an approved program with concurrent theory and clinical practice or to those applicants who are currently licensed in another state and have been actively practicing clinical nursing for a minimum of 2 years.

Sec. 50-75 Nursing delegation.
(a) For the purposes of this Section:
"Delegation" means transferring to an individual the authority to perform a selected nursing activity or task, in a selected situation.
"Nursing activity" means any work requiring the use of knowledge acquired by completion of an approved program for licensure, including advanced education, continuing education, and experience as a licensed practical nurse or professional nurse, as defined by the Department by rule.
"Task" means work not requiring nursing knowledge, judgment, or decision-making, as defined by the Department by rule.
(b) Nursing shall be practiced by licensed practical nurses, registered professional nurses, and advanced practice nurses. In the delivery of nursing care, nurses work with many other licensed professionals and other persons. An advanced practice nurse may

New matter indicated by italics - deletions by strikeout
delegate to registered professional nurses, licensed practical nurses, and others persons.

(c) A registered professional nurse shall not delegate any nursing activity requiring the specialized knowledge, judgment, and skill of a licensed nurse to an unlicensed person, including medication administration. A registered professional nurse may delegate nursing activities to other registered professional nurses or licensed practical nurses.

A registered nurse may delegate tasks to other licensed and unlicensed persons. A licensed practical nurse who has been delegated a nursing activity shall not re-delegate the nursing activity. A registered professional nurse or advanced practice nurse retains the right to refuse to delegate or to stop or rescind a previously authorized delegation.

(225 ILCS 65/Art. 55 heading new) (was 225 ILCS 65/Tit. 10 heading)

ARTICLE 55 TITLE 10. NURSING LICENSURE-LICENSED PRACTICAL NURSES REGISTERED NURSES AND LICENSED PRACTICAL NURSES

(225 ILCS 65/55-5 new)

Sec. 55-5. LPN education program requirements.

(a) All Illinois practical nurse education programs must be reviewed by the Board and approved by the Department before the successful completion of such a program may be applied toward meeting the requirements for practical nurse licensure under this Act. Any program changing the level of educational preparation or the relationship with or to the parent institution or establishing an extension of an existing program must request a review by the Board and approval by the Department. The Board shall review and make a recommendation for the approval or disapproval of a program by the Department based on the following criteria:

(1) a feasibility study that describes the need for the program and the facilities used, the potential of the program to recruit faculty and students, financial support for the program, and other criteria, as established by rule;

New matter indicated by italics - deletions by strikeout
(2) program curriculum that meets all State requirements;
(3) the administration of the program by a Nurse Administrator and the involvement of a Nurse Administrator in the development of the program; and
(4) the occurrence of a site visit prior to approval.

(b) In order to obtain initial Department approval and to maintain Department approval, a practical nursing program must meet all of the following requirements:

(1) The program must continually be administered by a Nurse Administrator.

(2) The institution responsible for conducting the program and the Nurse Administrator must ensure that individual faculty members are academically and professionally competent.

(3) The program curriculum must contain all applicable requirements established by rule, including both theory and clinical components.

(4) The passage rates of the program's graduating classes on the State-approved licensure exam must be deemed satisfactory by the Department.

(c) Program site visits to an institution conducting or hosting a practical nursing program may be made at the discretion of the Nursing Coordinator or upon recommendation of the Board.

(d) Any institution conducting a practical nursing program that wishes to discontinue the program must do each of the following:

(1) Notify the Department, in writing, of its intent to discontinue the program.

(2) Continue to meet the requirements of this Act and the rules adopted thereunder until the official date of termination of the program.

(3) Notify the Department of the date on which the last student shall graduate from the program and the program shall terminate.

New matter indicated by italics - deletions by strikeout
(4) Assist remaining students in the continuation of their education in the event of program termination prior to the graduation of the program's final student.

(5) Upon the closure of the program, notify the Department, in writing, of the location of student and graduate records storage.

(225 ILCS 65/55-10 new) (was 225 ILCS 65/10-30)

Sec. 55-10 10-30. Qualifications for LPN licensure.

(a) Each applicant who successfully meets the requirements of this Section shall be entitled to licensure as a Registered Nurse or Licensed Practical Nurse, whichever is applicable.

(b) An applicant for licensure by examination to practice as a registered nurse or licensed practical nurse must do each of the following shall:

(1) Submit a completed written application, on forms provided by the Department and fees as established by the Department;

(2) Have graduated from a practical nursing education program approved by the Department or have been granted a certificate of completion of pre-licensure requirements from another United States jurisdiction.

(3) Successfully complete a licensure examination approved by the Department. For registered nurse licensure, have graduated from a professional nursing education program approved by the Department;

(2.5) For licensed practical nurse licensure, have graduated from a practical nursing education program approved by the Department;

(4) Have not violated the provisions of Section 10-45 of this Act concerning the grounds for disciplinary action. The Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as an absolute bar to licensure.

New matter indicated by italics - deletions by strikeout
(5) Submit to the criminal history records check required under Section 50-35 of this Act.

(4) Meet all other requirements as established by rule;

(6) Submit (5) pay, either to the Department or its designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date at the time and place specified after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service shall result in the forfeiture of the examination fee.

(7) Meet all other requirements established by rule.

An applicant for licensure by examination may take the Department-approved examination in another jurisdiction.

(b-5) If an applicant for licensure by examination neglects, fails, or refuses to take an examination or fails to pass an examination for a license under this Act within 3 years after filing the application, the application shall be denied. However, the applicant must enroll in and complete an approved practical nursing education program prior to submitting an additional application for the licensure examination accompanied by the required fee and provide evidence of meeting the requirements in force at the time of the new application.

An applicant may take and successfully complete a Department-approved examination in another jurisdiction. However, an applicant who has never been licensed previously in any jurisdiction that utilizes a Department-approved examination and who has taken and failed to pass the examination within 3 years after filing the application must submit proof of successful completion of a Department-authorized nursing education program or recompletion of an approved registered nurse program or licensed practical nursing program, as appropriate, prior to re-application.

(c) An applicant for licensure by examination shall have one year from the date of notification of successful completion of the examination to apply to the Department for a license. If an applicant fails to apply within one year, the applicant shall be required to retake and
pass the examination unless licensed in another jurisdiction of the United States within one year of passing the examination.

(d) A licensed practical nurse applicant who passes the Department-approved licensure examination and has applied to the Department for licensure may obtain employment as a license-pending practical nurse and practice as delegated by a registered professional nurse or an advanced practice nurse or physician. An individual may be employed as a license-pending practical nurse if all of the following criteria are met:

(1) He or she has completed and passed the Department-approved licensure exam and presents to the employer the official written notification indicating successful passage of the licensure examination.

(2) He or she has completed and submitted to the Department an application for licensure under this Section as a practical nurse.

(3) He or she has submitted the required licensure fee.

(4) He or she has met all other requirements established by rule, including having submitted to a criminal history records check.

(e) The privilege to practice as a license-pending practical nurse shall terminate with the occurrence of any of the following:

(1) Three months have passed since the official date of passing the licensure exam as inscribed on the formal written notification indicating passage of the exam. This 3-month period may be extended as determined by rule.

(2) Receipt of the practical nurse license from the Department.

(3) Notification from the Department that the application for licensure has been denied.

(4) A request by the Department that the individual terminate practicing as a license-pending practical nurse until an official decision is made by the Department to grant or deny a practical nurse license.

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(f) (c) An applicant for licensure by endorsement who is a registered professional nurse or a licensed practical nurse licensed by examination under the laws of another state or territory of the United States or a foreign country, jurisdiction, territory, or province must do each of the following:

1. Submit a completed written application, on forms supplied by the Department, and fees as established by the Department.

2. Have graduated from a practical nursing education program approved by the Department. For registered nurse licensure, have graduated from a professional nursing education program approved by the Department.

(2.5) For licensed practical nurse licensure, have graduated from a practical nursing education program approved by the Department.

3. Submit verification of licensure status directly from the United States jurisdiction of licensure, if applicable, as defined by rule.

4. Submit to the criminal history records check required under Section 50-35 of this Act. Have passed the examination authorized by the Department.

5. Meet all other requirements as established by the Department by rule.

(g) (d) All applicants for practical registered nurse licensure by examination or endorsement pursuant to item (2) of subsection (b) and item (2) of subsection (c) of this Section who are graduates of nursing educational programs in a country other than the United States or its territories shall have their nursing education credentials evaluated by a Department-approved nursing credentialing evaluation service. No such applicant may be issued a license under this Act unless the applicant's program is deemed by the nursing credentialing evaluation service to be equivalent to a professional nursing education program approved by the Department. An applicant who has graduated from a nursing educational program outside of the United States or its territories and whose first

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language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL), as defined by rule. The Department may, upon recommendation from the nursing evaluation service, waive the requirement that the applicant pass the TOEFL examination if the applicant submits verification of the successful completion of a nursing education program conducted in English. The requirements of this subsection (d) may be satisfied by the showing of proof of a certificate from the Certificate Program or the VisaScreen Program of the Commission on Graduates of Foreign Nursing Schools.

(h) (d-5) An applicant licensed in another state or territory who is applying for licensure and has received her or his education in a country other than the United States or its territories shall have her or his nursing education credentials evaluated by a Department-approved nursing credentialing evaluation service. No such applicant may be issued a license under this Act unless the applicant's program is deemed by the nursing credentialing evaluation service to be equivalent to a professional nursing education program approved by the Department. An applicant who has graduated from a nursing educational program outside of the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL), as defined by rule. The Department may, upon recommendation from the nursing evaluation service, waive the requirement that the applicant pass the TOEFL examination if the applicant submits verification of the successful completion of a nursing education program conducted in English or the successful passage of an approved licensing examination given in English. The requirements of this subsection (d-5) may be satisfied by the showing of proof of a certificate from the Certificate Program or the VisaScreen Program of the Commission on Graduates of Foreign Nursing Schools.

(e) (Blank).

(i) A (f) Pending the issuance of a license under subsection (c) of this Section, the Department may grant an applicant a temporary license to practice nursing as a registered nurse or as a licensed practical nurse who if the Department is satisfied that the applicant holds an active,

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unencumbered license in good standing in another United States jurisdiction and who has applied for practical nurse licensure under this Act by endorsement may be issued a temporary license, if satisfactory proof of such licensure in another jurisdiction is presented to the Department. The Department shall not issue an applicant a temporary practical nurse license until it is satisfied that each current active license held by the applicant is unencumbered license in good standing in another jurisdiction. If the applicant holds more than one current active license or one or more active temporary licenses from another jurisdiction, the Department may not issue a temporary license until the Department is satisfied that each current active license held by the applicant is unencumbered. The temporary license, which shall be issued no later than 14 working days following receipt by the Department of an application for the temporary license, shall be granted upon the submission of all of the following to the Department:

(1) A signed and completed application for licensure under subsection (a) of this Section as a registered nurse or a licensed practical nurse.

(2) Proof of a current, active license in at least one other jurisdiction of the United States and proof that each current active license or temporary license held by the applicant within the last 5 years is unencumbered.

(3) A signed and completed application for a temporary license.

(4) The required temporary license fee.

(j) The Department may refuse to issue an applicant a temporary license authorized pursuant to this Section if, within 14 working days following its receipt of an application for a temporary license, the Department determines that:

(1) the applicant has been convicted of a crime under the laws of a jurisdiction of the United States that is: (i) which is a
felony; or (ii) which is a misdemeanor directly related to the practice of the profession, within the last 5 years;

(2) within the last 5 years the applicant has had a license or permit related to the practice of practical nursing revoked, suspended, or placed on probation by another jurisdiction within the last 5 years and if at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds in Illinois; or

(3) the Department it intends to deny licensure by endorsement.

For purposes of this Section, an "unencumbered license" means a license against which no disciplinary action has been taken or is pending and for which all fees and charges are paid and current.

(k) (h) The Department may revoke a temporary license issued pursuant to this Section if it determines any of the following:

(1) That it determines that the applicant has been convicted of a crime under the law of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor directly related to the practice of the profession, within the last 5 years.

(2) That it determines that within the last 5 years the applicant has had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction, and if at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds for disciplinary action under this Act in Illinois; or

(3) That the Department it determines that it intends to deny licensure by endorsement.

(l) A temporary license shall expire 6 months from the date of issuance. Further renewal may be granted by the Department in hardship cases, as defined by rule and upon approval of the Secretary Director. However, a temporary license shall automatically expire upon issuance of a valid Illinois license under this Act or upon notification that the Department intends to deny licensure, whichever occurs first.

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(m) All applicants for practical nurse licensure have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years from the date of application, the application shall be denied, the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 94-352, eff. 7-28-05; 94-932, eff. 1-1-07.)

(225 ILCS 65/55-15 new)

Sec. 55-15. LPN license expiration; renewal. The expiration date and renewal period for each license to practice practical nursing issued under this Act shall be set by rule. The holder of a license may renew the license during the month preceding the expiration date of the license by paying the required fee. It is the responsibility of the licensee to notify the Department in writing of a change of address.

(225 ILCS 65/55-20 new)

Sec. 55-20. Restoration of LPN license; temporary permit.

(a) Any license to practice practical nursing issued under this Act that has expired or that is on inactive status may be restored by making application to the Department and filing proof of fitness acceptable to the Department, as specified by rule, to have the license restored, and by paying the required restoration fee. Such proof of fitness may include evidence certifying active lawful practice in another jurisdiction.

(b) A practical nurse licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, and submit the restoration or renewal fees set forth by the Department. The licensee must also submit proof of fitness to practice, including one of the following:

(1) certification of active practice in another jurisdiction, which may include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice;

(2) proof of the successful completion of a Department-approved licensure examination; or

New matter indicated by italics - deletions by strikeout
(3) an affidavit attesting to military service as provided in subsection (c) of this Section; however, if application is made within 2 years after discharge and if all other provisions of subsection (c) of this Section are satisfied, the applicant shall be required to pay the current renewal fee.

(c) Notwithstanding any other provision of this Act, any license to practice practical nursing issued under this Act that expired while the licensee was (i) in federal service on active duty with the Armed Forces of the United States or in the State Militia and called into service or training or (ii) in training or education under the supervision of the United States preliminary to induction into the military service may have the license restored without paying any lapsed renewal fees if, within 2 years after honorable termination of such service, training, or education, the applicant furnishes the Department with satisfactory evidence to the effect that the applicant has been so engaged and that the individual's service, training, or education has been so terminated.

(d) Any practical nurse licensee who shall engage in the practice of practical nursing with a lapsed license or while on inactive status shall be considered to be practicing without a license, which shall be grounds for discipline under Section 70-5 of this Act.

(e) Pending restoration of a license under this Section, the Department may grant an applicant a temporary permit to practice as a practical nurse if the Department is satisfied that the applicant holds an active, unencumbered license in good standing in another jurisdiction. If the applicant holds more than one current active license or one or more active temporary licenses from another jurisdiction, the Department shall not issue a temporary permit until it is satisfied that each current active license held by the applicant is unencumbered. The temporary permit, which shall be issued no later than 14 working days after receipt by the Department of an application for the permit, shall be granted upon the submission of all of the following to the Department:

(1) A signed and completed application for restoration of licensure under this Section as a licensed practical nurse.
(2) Proof of (i) a current, active license in at least one other jurisdiction and proof that each current, active license or temporary permit held by the applicant is unencumbered or (ii) fitness to practice nursing in this State, as specified by rule.

(3) A signed and completed application for a temporary permit.

(4) The required permit fee.

(f) The Department may refuse to issue to an applicant a temporary permit authorized under this Section if, within 14 working days after its receipt of an application for a temporary permit, the Department determines that:

(1) the applicant has been convicted within the last 5 years of any crime under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor directly related to the practice of the profession;

(2) within the last 5 years, the applicant has had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction, if at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds for disciplinary action under this Act; or

(3) the Department intends to deny restoration of the license.

(g) The Department may revoke a temporary permit issued under this Section if:

(1) the Department determines that the applicant has been convicted within the last 5 years of any crime under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor directly related to the practice of the profession;

(2) within the last 5 years, the applicant had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction and at least one of the grounds for revoking, suspending, or placing on probation is the

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same or substantially equivalent to grounds for disciplinary action under this Act; or

(3) the Department intends to deny restoration of the license.

(h) A temporary permit or renewed temporary permit shall expire (i) upon issuance of a valid license under this Act or (ii) upon notification that the Department intends to deny restoration of licensure. Except as otherwise provided in this Section, the temporary permit shall expire 6 months after the date of issuance. Further renewal may be granted by the Department in hardship cases that shall automatically expire upon issuance of a valid license under this Act or upon notification that the Department intends to deny licensure, whichever occurs first. No extensions shall be granted beyond the 6-month period, unless approved by the Secretary. Notification by the Department under this Section must be by certified or registered mail.

(225 ILCS 65/55-25 new)

Sec. 55-25. Inactive status of a LPN license. Any licensed practical nurse who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until notice is given to the Department, in writing, of his or her intent to restore the license.

Any practical nurse requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore his or her license, as provided by rule of the Department.

Any practical nurse whose license is on an inactive status shall not practice nursing as defined by this Act in the State of Illinois.

(225 ILCS 65/55-30 new)

Sec. 55-30. LPN scope of practice.

(a) Practice as a licensed practical nurse means a scope of basic nursing practice, with or without compensation, as delegated by a registered professional nurse or an advanced practice nurse or as directed by a physician assistant, physician, dentist, or podiatrist, and includes, but is not limited to, all of the following:

New matter indicated by italics - deletions by strikeout
(1) Collecting data and collaborating in the assessment of the health status of a patient.
(2) Collaborating in the development and modification of the registered professional nurse's or advanced practice nurse's comprehensive nursing plan of care for all types of patients.
(3) Implementing aspects of the plan of care as delegated.
(4) Participating in health teaching and counseling to promote, attain, and maintain the optimum health level of patients, as delegated.
(5) Serving as an advocate for the patient by communicating and collaborating with other health service personnel, as delegated.
(6) Participating in the evaluation of patient responses to interventions.
(7) Communicating and collaborating with other health care professionals as delegated.
(8) Providing input into the development of policies and procedures to support patient safety.

Sec. 55-35. Continuing education for LPN licensees. The Department may adopt rules of continuing education for licensed practical nurses that require 20 hours of continuing education per 2-year license renewal cycle. The rules shall address variances in part or in whole for good cause, including without limitation illness or hardship. The continuing education rules must ensure that licensees are given the opportunity to participate in programs sponsored by or through their State or national professional associations, hospitals, or other providers of continuing education. Each licensee is responsible for maintaining records of completion of continuing education and shall be prepared to produce the records when requested by the Department.

New matter indicated by italics - deletions by strikeout
Sec. 60-5. RN education program requirements; out-of-State programs.

(a) All registered professional nurse education programs must be reviewed by the Board and approved by the Department before the successful completion of such a program may be applied toward meeting the requirements for registered professional nurse licensure under this Act. Any program changing the level of educational preparation or the relationship with or to the parent institution or establishing an extension of an existing program must request a review by the Board and approval by the Department. The Board shall review and make a recommendation for the approval or disapproval of a program by the Department based on the following criteria:

(1) a feasibility study that describes the need for the program and the facilities used, the potential of the program to recruit faculty and students, financial support for the program, and other criteria, as established by rule;

(2) program curriculum that meets all State requirements;

(3) the administration of the program by a Nurse Administrator and the involvement of a Nurse Administrator in the development of the program; and

(4) the occurrence of a site visit prior to approval.

(b) In order to obtain initial Department approval and to maintain Department approval, a registered professional nursing program must meet all of the following requirements:

(1) The institution responsible for conducting the program and the Nurse Administrator must ensure that individual faculty members are academically and professionally competent.

(2) The program curriculum must contain all applicable requirements established by rule, including both theory and clinical components.

(3) The passage rates of the program's graduating classes on the State-approved licensure exam must be deemed satisfactory by the Department.

New matter indicated by italics - deletions by strikeout
(c) Program site visits to an institution conducting or hosting a professional nursing program may be made at the discretion of the Nursing Coordinator or upon recommendation of the Board. Full routine site visits shall be conducted by the Department for periodic evaluation. The visits shall be used to determine compliance with this Act. Full routine site visits must be announced and may be waived at the discretion of the Department if the program maintains accreditation with the National League for Nursing Accrediting Commission (NLNAC) or the Commission on Collegiate Nursing Education (CCNE).

(d) Any institution conducting a registered professional nursing program that wishes to discontinue the program must do each of the following:

1. Notify the Department, in writing, of its intent to discontinue the program.
2. Continue to meet the requirements of this Act and the rules adopted thereunder until the official date of termination of the program.
3. Notify the Department of the date on which the last student shall graduate from the program and the program shall terminate.
4. Assist remaining students in the continuation of their education in the event of program termination prior to the graduation of the program's final student.
5. Upon the closure of the program, notify the Department, in writing, of the location of student and graduate records' storage.

(e) Out-of-State registered professional nursing education programs planning to offer clinical practice experiences in this State must meet the requirements set forth in this Section and must meet the clinical and faculty requirements for institutions outside of this State, as established by rule. The institution responsible for conducting an out-of-State registered professional nursing education program and the administrator of the program shall be responsible for ensuring that the
individual faculty and preceptors overseeing the clinical experience are academically and professionally competent.

(225 ILCS 65/60-10 new)

Sec. 60-10. Qualifications for RN licensure.

(a) Each applicant who successfully meets the requirements of this Section shall be entitled to licensure as a registered professional nurse.

(b) An applicant for licensure by examination to practice as a registered professional nurse must do each of the following:

(1) Submit a completed written application, on forms provided by the Department, and fees, as established by the Department.

(2) Have graduated from a professional nursing education program approved by the Department or have been granted a certificate of completion of pre-licensure requirements from another United States jurisdiction.

(3) Successfully complete a licensure examination approved by the Department.

(4) Have not violated the provisions of this Act concerning the grounds for disciplinary action. The Department may take into consideration any felony conviction of the applicant, but such a conviction may not operate as an absolute bar to licensure.

(5) Submit to the criminal history records check required under Section 50-35 of this Act.

(6) Submit, either to the Department or its designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date at the time and place specified after the applicant’s application for examination has been received and acknowledged by the Department or the designated testing service shall result in the forfeiture of the examination fee.

(7) Meet all other requirements established by the Department by rule. An applicant for licensure by examination may take the Department-approved examination in another jurisdiction.

New matter indicated by italics - deletions by strikeout
(b-5) If an applicant for licensure by examination neglects, fails, or refuses to take an examination or fails to pass an examination for a license within 3 years after filing the application, the application shall be denied. The applicant may make a new application accompanied by the required fee, evidence of meeting the requirements in force at the time of the new application, and proof of the successful completion of at least 2 additional years of professional nursing education.

(c) An applicant for licensure by examination shall have one year after the date of notification of the successful completion of the examination to apply to the Department for a license. If an applicant fails to apply within one year, the applicant shall be required to retake and pass the examination unless licensed in another jurisdiction of the United States.

(d) An applicant for licensure by examination who passes the Department-approved licensure examination for professional nursing may obtain employment as a license-pending registered nurse and practice under the direction of a registered professional nurse or an advanced practice nurse until such time as he or she receives his or her license to practice or until the license is denied. In no instance shall any such applicant practice or be employed in any management capacity. An individual may be employed as a license-pending registered nurse if all of the following criteria are met:

1. He or she has completed and passed the Department-approved licensure exam and presents to the employer the official written notification indicating successful passage of the licensure examination.

2. He or she has completed and submitted to the Department an application for licensure under this Section as a registered professional nurse.

3. He or she has submitted the required licensure fee.

4. He or she has met all other requirements established by rule, including having submitted to a criminal history records check.

New matter indicated by italics - deletions by strikeout
(e) The privilege to practice as a license-pending registered nurse shall terminate with the occurrence of any of the following:

(1) Three months have passed since the official date of passing the licensure exam as inscribed on the formal written notification indicating passage of the exam. The 3-month license pending period may be extended if more time is needed by the Department to process the licensure application.

(2) Receipt of the registered professional nurse license from the Department.

(3) Notification from the Department that the application for licensure has been refused.

(4) A request by the Department that the individual terminate practicing as a license-pending registered nurse until an official decision is made by the Department to grant or deny a registered professional nurse license.

(f) An applicant for registered professional nurse licensure by endorsement who is a registered professional nurse licensed by examination under the laws of another state or territory of the United States must do each of the following:

(1) Submit a completed written application, on forms supplied by the Department, and fees as established by the Department.

(2) Have graduated from a registered professional nursing education program approved by the Department.

(3) Submit verification of licensure status directly from the United States jurisdiction of licensure, if applicable, as defined by rule.

(4) Submit to the criminal history records check required under Section 50-35 of this Act.

(5) Meet all other requirements as established by the Department by rule.

(g) Pending the issuance of a license under this Section, the Department may grant an applicant a temporary license to practice nursing as a registered professional nurse if the Department is satisfied
that the applicant holds an active, unencumbered license in good standing in another U.S. jurisdiction. If the applicant holds more than one current active license or one or more active temporary licenses from another jurisdiction, the Department may not issue a temporary license until the Department is satisfied that each current active license held by the applicant is unencumbered. The temporary license, which shall be issued no later than 14 working days after receipt by the Department of an application for the temporary license, shall be granted upon the submission of all of the following to the Department:

(1) A completed application for licensure as a registered professional nurse.

(2) Proof of a current, active license in at least one other jurisdiction of the United States and proof that each current active license or temporary license held by the applicant within the last 5 years is unencumbered.

(3) A completed application for a temporary license.

(4) The required temporary license fee.

(h) The Department may refuse to issue an applicant a temporary license authorized pursuant to this Section if, within 14 working days after its receipt of an application for a temporary license, the Department determines that:

(1) the applicant has been convicted of a crime under the laws of a jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor directly related to the practice of the profession, within the last 5 years;

(2) the applicant has had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction within the last 5 years, if at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds for disciplinary action under this Act; or

(3) the Department intends to deny licensure by endorsement.

New matter indicated by italics - deletions by strikeout
(i) The Department may revoke a temporary license issued pursuant to this Section if it determines any of the following:

(1) That the applicant has been convicted of a crime under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor directly related to the practice of the profession, within the last 5 years.

(2) That within the last 5 years, the applicant has had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction, if at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds for disciplinary action under this Act.

(3) That it intends to deny licensure by endorsement.

(j) A temporary license issued under this Section shall expire 6 months after the date of issuance. Further renewal may be granted by the Department in hardship cases, as defined by rule and upon approval of the Secretary. However, a temporary license shall automatically expire upon issuance of the Illinois license or upon notification that the Department intends to deny licensure, whichever occurs first.

(k) All applicants for registered professional nurse licensure have 3 years after the date of application to complete the application process. If the process has not been completed within 3 years after the date of application, the application shall be denied, the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(l) All applicants for registered nurse licensure by examination or endorsement who are graduates of practical nursing educational programs in a country other than the United States and its territories shall have their nursing education credentials evaluated by a Department-approved nursing credentialing evaluation service. No such applicant may be issued a license under this Act unless the applicant's program is deemed by the nursing credentialing evaluation service to be equivalent to a professional nursing education program approved by the Department. An applicant who has graduated from a nursing educational program

New matter indicated by italics - deletions by strikeout
outside of the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL), as defined by rule. The Department may, upon recommendation from the nursing evaluation service, waive the requirement that the applicant pass the TOEFL examination if the applicant submits verification of the successful completion of a nursing education program conducted in English. The requirements of this subsection (l) may be satisfied by the showing of proof of a certificate from the Certificate Program or the VisaScreen Program of the Commission on Graduates of Foreign Nursing Schools.

(m) An applicant licensed in another state or territory who is applying for licensure and has received her or his education in a country other than the United States or its territories shall have her or his nursing education credentials evaluated by a Department-approved nursing credentialing evaluation service. No such applicant may be issued a license under this Act unless the applicant's program is deemed by the nursing credentialing evaluation service to be equivalent to a professional nursing education program approved by the Department. An applicant who has graduated from a nursing educational program outside of the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL), as defined by rule. The Department may, upon recommendation from the nursing evaluation service, waive the requirement that the applicant pass the TOEFL examination if the applicant submits verification of the successful completion of a nursing education program conducted in English or the successful passage of an approved licensing examination given in English. The requirements of this subsection (m) may be satisfied by the showing of proof of a certificate from the Certificate Program or the VisaScreen Program of the Commission on Graduates of Foreign Nursing Schools.

(225 ILCS 65/60-15 new) (was 225 ILCS 65/10-37)
(Section scheduled to be repealed on January 1, 2008)
Sec. 60-15 +0>37. Registered nurse Nurse externship permit.
(a) The Department shall establish a 2-year program under which the Department may issue a nurse externship permit to a registered nurse who is licensed under the laws of another state or territory of the United States and who has not taken the National Council Licensure Examination (NCLEX). A nurse who is issued a permit shall be allowed to practice as a nurse extern under the direct, on-site supervision of a registered professional nurse licensed under this Act. There shall be one supervising registered professional nurse for every one nurse extern.

(b) An applicant shall be qualified to receive a nurse externship permit if that applicant:

   (1) Has submitted a completed written application to the Department, on forms provided by the Department, and submitted paid any fees established by the Department.

   (2) Has graduated from a professional nursing education program approved by the Department.

   (3) Is licensed as a professional nurse in another state or territory of the United States and has submitted a verification of active and unencumbered licensure in all of the states and territories in which the applicant is licensed.

   (4) Has submitted verification of an offer of employment in Illinois as a nurse extern. The Department may prescribe the information necessary to determine if this employment meets the requirements of the permit program. This information shall include a copy of the written employment offer.

   (5) Has submitted a written statement from the applicant's prospective employer stating that the prospective employer agrees to pay the full tuition for the Bilingual Nurse Consortium course or other course approved by rule.

   (6) Has submitted proof of taking the Test of English as a Foreign Language (TOEFL) with a minimum score as set by rule. Applicants with the highest TOEFL scores shall be given first consideration to entrance into an extern program.

   (7) Has submitted written verification that the applicant has been enrolled in the Bilingual Nurse Consortium course or other

New matter indicated by italics - deletions by strikeout
course approved by rule. This verification must state that the applicant shall be able to complete the course within the year for which the permit is issued.

(8) Has agreed to submit to the Department a mid-year exam as determined by rule that demonstrates proficiency towards passing the NCLEX.

(9) Has not violated the provisions of Section 70-5-10-45 of this Act. The Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as an absolute bar to licensure.

(10) Has met all other requirements established by rule.

(c) A nurse extern shall be issued no more than one permit in a lifetime. The permit shall expire one calendar year after it is issued. Before being issued a license under this Act, the nurse extern must submit proof of the successful completion of the Bilingual Nurse Consortium course or other course approved by rule and successful passage of the NCLEX. The nurse extern shall not practice autonomous, professional nursing until he or she is licensed under this Act. The nurse extern shall carry out progressive nursing skills under the direct supervision of a registered nurse licensed under this Act and shall not be employed in a supervisory capacity. The nurse extern shall work only in the sponsoring facility. A nurse extern may work for a period not to exceed one calendar year from the date of issuance of the permit or until he or she fails the NCLEX. While working as a nurse extern, the nurse extern is subject to the provisions of this Act and all rules adopted by the Department for the administration of this Act.

(d) The Secretary shall convene a task force within 2 months after the effective date of this amendatory Act of the 94th General Assembly to establish clinical guidelines that allow for the gradual progression of nursing skills in culturally diverse practice settings. The Nursing Act Coordinator or his or her designee shall serve as chairperson of the task force. The task force shall include, but not be limited to, 2 representatives of the Illinois Nurses Association, 2 representatives of the Illinois Hispanic Nurses Association, a nurse engaged in nursing education who...
possesses a master's degree or higher, one representative from the Humboldt Park Vocational Educational Center, 2 registered nurses from United States territories who each hold a current State nursing license, one representative from the Chicago Bilingual Nurse Consortium, and one member of the Illinois Hospital Association. The task force shall complete this work no longer than 4 months after convening. After the nurse externship permit program has been in effect for 2 years, the task force shall evaluate the effectiveness of the program and make appropriate recommendations to the Secretary.

(Source: P.A. 94-351, eff. 7-28-05.)

(225 ILCS 65/60-20 new)

Sec. 60-20. Expiration of RN license; renewal. The expiration date and renewal period for each registered professional nurse license issued under this Act shall be set by rule. The holder of a license may renew the license during the month preceding the expiration date of the license by paying the required fee. It is the responsibility of the licensee to notify the Department in writing of a change of address.

(225 ILCS 65/60-25 new)

Sec. 60-25. Restoration of RN license; temporary permit.

(a) Any license to practice professional nursing issued under this Act that has expired or that is on inactive status may be restored by making application to the Department and filing proof of fitness acceptable to the Department as specified by rule to have the license restored and by paying the required restoration fee. Such proof of fitness may include evidence certifying active lawful practice in another jurisdiction.

(b) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, and submit the restoration or renewal fees set forth by the Department. The licensee shall also submit proof of fitness to practice, including one of the following:

(1) Certification of active practice in another jurisdiction, which may include a statement from the appropriate board or
licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice.

(2) Proof of the successful completion of a Department-approved licensure examination.

(3) An affidavit attesting to military service as provided in subsection (c) of this Section; however, if application is made within 2 years after discharge and if all other provisions of subsection (c) of this Section are satisfied, the applicant shall be required to pay the current renewal fee.

(c) Any registered professional nurse license issued under this Act that expired while the licensee was (1) in federal service on active duty with the Armed Forces of the United States or in the State Militia called into service or training or (2) in training or education under the supervision of the United States preliminary to induction into the military service may have the license restored without paying any lapsed renewal fees if, within 2 years after honorable termination of such service, training, or education, the applicant furnishes the Department with satisfactory evidence to the effect that the applicant has been so engaged and that the individual's service, training, or education has been so terminated.

(d) Any licensee who engages in the practice of professional nursing with a lapsed license or while on inactive status shall be considered to be practicing without a license, which shall be grounds for discipline under Section 70-5 of this Act.

(e) Pending restoration of a registered professional nurse license under this Section, the Department may grant an applicant a temporary permit to practice as a registered professional nurse if the Department is satisfied that the applicant holds an active, unencumbered license in good standing in another jurisdiction. If the applicant holds more than one current active license or one or more active temporary licenses from another jurisdiction, the Department shall not issue a temporary permit until it is satisfied that each current active license held by the applicant is unencumbered. The temporary permit, which shall be issued no later than 14 working days after receipt by the Department of an application for the

New matter indicated by italics - deletions by strikeout
permit, shall be granted upon the submission of all of the following to the Department:

(1) A signed and completed application for restoration of licensure under this Section as a registered professional nurse.
(2) Proof of (i) a current, active license in at least one other jurisdiction and proof that each current, active license or temporary permit held by the applicant is unencumbered or (ii) fitness to practice nursing in Illinois, as specified by rule.
(3) A signed and completed application for a temporary permit.
(4) The required permit fee.

(f) The Department may refuse to issue to an applicant a temporary permit authorized under this Section if, within 14 working days after its receipt of an application for a temporary permit, the Department determines that:

(1) the applicant has been convicted within the last 5 years of any crime under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor directly related to the practice of the profession;
(2) within the last 5 years the applicant had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction if at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds for disciplinary action under this Act; or
(3) the Department intends to deny restoration of the license.

(g) The Department may revoke a temporary permit issued under this Section if:

(1) the Department determines that the applicant has been convicted within the last 5 years of any crime under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor directly related to the practice of the profession;
(2) within the last 5 years, the applicant had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction, if at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds in Illinois; or

(3) the Department intends to deny restoration of the license.

(h) A temporary permit or renewed temporary permit shall expire (i) upon issuance of an Illinois license or (ii) upon notification that the Department intends to deny restoration of licensure. A temporary permit shall expire 6 months from the date of issuance. Further renewal may be granted by the Department, in hardship cases, that shall automatically expire upon issuance of the Illinois license or upon notification that the Department intends to deny licensure, whichever occurs first. No extensions shall be granted beyond the 6-month period unless approved by the Secretary. Notification by the Department under this Section must be by certified or registered mail.

(225 ILCS 65/60-30 new)

Sec. 60-30. Inactive status of a RN license. Any registered professional nurse, who notifies the Department in writing on forms prescribed by the Department, may elect to place his or her license on inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until notice is given to the Department, in writing, of his or her intent to restore the license.

Any registered professional nurse requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore his or her license, as provided by rule of the Department.

Any registered professional nurse whose license is on inactive status shall not practice professional nursing as defined by this Act in the State of Illinois.

(225 ILCS 65/60-35 new)

Sec. 60-35. RN scope of practice.

New matter indicated by italics - deletions by strikeout
(a) Practice as a registered professional nurse means the full scope of nursing, with or without compensation, that incorporates caring for all patients in all settings, through nursing standards recognized by the Department, and includes, but is not limited to, all of the following:

(1) The comprehensive nursing assessment of the health status of patients that addresses changes to patient conditions.

(2) The development of a plan of nursing care to be integrated within the patient-centered health care plan that establishes nursing diagnoses, and setting goals to meet identified health care needs, determining nursing interventions, and implementation of nursing care through the execution of nursing strategies and regimens ordered or prescribed by authorized healthcare professionals.

(3) The administration of medication or delegation of medication administration to licensed practical nurses.

(4) Delegation of nursing interventions to implement the plan of care.

(5) The provision for the maintenance of safe and effective nursing care rendered directly or through delegation.

(6) Advocating for patients.

(7) The evaluation of responses to interventions and the effectiveness of the plan of care.

(8) Communicating and collaborating with other health care professionals.

(9) The procurement and application of new knowledge and technologies.

(10) The provision of health education and counseling.

(11) Participating in development of policies, procedures, and systems to support patient safety.

New matter indicated by italics - deletions by strikeout
address variances in part or in whole for good cause, including without limitation illness or hardship. The continuing education rules must ensure that licensees are given the opportunity to participate in programs sponsored by or through their State or national professional associations, hospitals, or other providers of continuing education. Each licensee is responsible for maintaining records of completion of continuing education and shall be prepared to produce the records when requested by the Department.

(225 ILCS 65/Art. 65 heading new) (was 225 ILCS 65/Tit. 15 heading)

ARTICLE 65 TITLE 15. ADVANCED PRACTICE NURSES

(Section scheduled to be repealed on January 1, 2008)

Sec. 65-5 15-10. Qualifications for APN licensure Advanced practice nurse; qualifications; roster.

(a) Each applicant who successfully meets the requirements of this Section shall be entitled to licensure as an advanced practice nurse.

(b) An applicant for licensure to practice as an advanced practice nurse must do each of the following: A person shall be qualified for licensure as an advanced practice nurse if that person:

(1) Submit a completed application and any fees as established by the Department. has applied in writing in form and substance satisfactory to the Department and has not violated a provision of this Act or the rules adopted under this Act. The Department may take into consideration any felony conviction of the applicant but a conviction shall not operate as an absolute bar to licensure;

(2) Hold holds a current license to practice as a registered professional nurse under this Act. in Illinois;

(3) Have has successfully completed requirements to practice as, and holds a current, national certification as, a nurse midwife, clinical nurse specialist, nurse practitioner, or certified registered nurse anesthetist from the appropriate national certifying body as determined by rule of the Department. ;

New matter indicated by italics - deletions by strikeout
(4) has paid the required fees as set by rule; and

(4) Have (5) has obtained a graduate degree appropriate for national certification in a clinical advanced practice nursing specialty or a graduate degree or post-master's certificate from a graduate level program in a clinical advanced practice nursing specialty.

(5) Have not violated the provisions of this Act concerning the grounds for disciplinary action. The Department may take into consideration any felony conviction of the applicant, but such a conviction may not operate as an absolute bar to licensure.

(6) Submit to the criminal history records check required under Section 50-35 of this Act.

(c) (b) Those applicants seeking licensure in more than one advanced practice nursing specialty category need not possess multiple graduate degrees. Applicants may be eligible for licenses for multiple advanced practice nurse licensure specialties categories, provided that the applicant (i) has met the requirements for at least one advanced practice nursing specialty under paragraphs (3) and (5) of subsection (a) of this Section, (ii) possesses an additional graduate education that results in a certificate for another clinical advanced practice nurse specialty category and that meets the requirements for the national certification from the appropriate nursing specialty, and (iii) holds a current national certification from the appropriate national certifying body for that additional advanced practice nursing specialty category.

(b-5) A registered professional nurse seeking licensure as an advanced practice nurse in the category of certified registered nurse anesthetist who applies on or before December 31, 2006 and does not have a graduate degree as described in subsection (b) shall be qualified for licensure if that person:

(1) submits evidence of having successfully completed a nurse anesthesia program described in item (5) of subsection (a) of this Section prior to January 1, 1999;

New matter indicated by italics - deletions by strikeout
(2) submits evidence of certification as a registered nurse anesthetist by an appropriate national certifying body, as determined by rule of the Department; and

(3) has continually maintained active, up-to-date recertification status as a certified registered nurse anesthetist by an appropriate national recertifying body, as determined by rule of the Department.

(e) The Department shall provide by rule for APN licensure of registered professional nurses who (1) apply for licensure before July 1, 2001 and (2) submit evidence of completion of a program described in item (5) of subsection (a) or in subsection (b) and evidence of practice for at least 10 years as a nurse practitioner.

(d) Any person who holds a valid license as an advanced practice nurse issued under this Act as this Act existed before the effective date of this amendatory Act of the 95th General Assembly shall be subject only to the advanced practice nurse license renewal requirements of this Act as this Act exists on and after the effective date of this amendatory Act of the 95th General Assembly upon the expiration of that license. The Department shall maintain a separate roster of advanced practice nurses licensed under this Title and their licenses shall indicate "Registered Nurse/Advanced Practice Nurse".

(Source: P.A. 93-296, eff. 7-22-03; 94-348, eff. 7-28-05.)

(225 ILCS 65/15-13) (was 225 ILCS 65/15-13)

(Section scheduled to be repealed on January 1, 2008)

Sec. 65-10. APN license pending status.

(a) A graduate of an advanced practice nursing program may practice in the State of Illinois in the role of certified clinical nurse specialist, certified nurse midwife, certified nurse practitioner, or certified registered nurse anesthetist for not longer than 6 months provided he or she submits all of the following:

(1) An application for licensure as an advanced practice nurse in Illinois and all fees established by rule.

(2) Proof of an application to take the national certification examination in the specialty.

New matter indicated by italics - deletions by strikeout
(3) Proof of completion of a graduate advanced practice education program that allows the applicant to be eligible for national certification in a clinical advanced practice nursing specialty and that allows the applicant to be eligible for licensure in Illinois in the area of his or her specialty.

(4) Proof that he or she is licensed in Illinois as a registered professional nurse.

(5) Proof that he or she has a completed proposed collaborative agreement or practice agreement as required under Section 15-15 or 15-25 of this Act.

(b) License pending status shall preclude delegation of prescriptive authority.

(c) A graduate practicing in accordance with this Section must use the title "license pending certified clinical nurse specialist", "license pending certified nurse midwife", "license pending certified nurse practitioner", or "license pending certified registered nurse anesthetist", whichever is applicable.

(225 ILCS 65/65-15 new)

Sec. 65-15. Expiration of APN license; renewal. The expiration date and renewal period for each advanced practice nurse license issued under this Act shall be set by rule. The holder of a license may renew the license during the month preceding the expiration date of the license by paying the required fee. It is the responsibility of the licensee to notify the Department in writing of a change of address. Each advanced practice nurse is required to show proof of continued, current national certification in the specialty.

(225 ILCS 65/65-20 new)

Sec. 65-20. Restoration of APN license; temporary permit.

(a) Any license issued under this Act that has expired or that is on inactive status may be restored by making application to the Department and filing proof of fitness acceptable to the Department as specified by rule to have the license restored and by paying the required restoration fee.
fee. Such proof of fitness may include evidence certifying active lawful practice in another jurisdiction.

(b) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, and submit the restoration or renewal fees set forth by the Department. The licensee shall also submit proof of fitness to practice, including one of the following:

(1) Certification of active practice in another jurisdiction, which may include a statement from the appropriate board or licensing authority in the other jurisdiction in which the licensee was authorized to practice during the term of said active practice.

(2) Proof of the successful completion of a Department-approved licensure examination.

(3) An affidavit attesting to military service as provided in subsection (c) of this Section; however, if application is made within 2 years after discharge and if all other provisions of subsection (c) of this Section are satisfied, the applicant shall be required to pay the current renewal fee.

(4) Other proof as established by rule.

(c) Any advanced practice nurse license issued under this Act that expired while the licensee was (1) in federal service on active duty with the Armed Forces of the United States or in the State Militia called into service or training or (2) in training or education under the supervision of the United States preliminary to induction into the military service may have the license restored without paying any lapsed renewal fees if, within 2 years after honorable termination of such service, training, or education, the applicant furnishes the Department with satisfactory evidence to the effect that the applicant has been so engaged and that the individual's service, training, or education has been so terminated.

(d) Any licensee who engages in the practice of advanced practice nursing with a lapsed license or while on inactive status shall be considered to be practicing without a license, which shall be grounds for discipline under Section 70-5 of this Act.
(e) Pending restoration of an advanced practice nurse license under this Section, the Department may grant an applicant a temporary permit to practice as an advanced practice nurse if the Department is satisfied that the applicant holds an active, unencumbered license in good standing in another jurisdiction. If the applicant holds more than one current active license or one or more active temporary licenses from another jurisdiction, the Department shall not issue a temporary permit until it is satisfied that each current active license held by the applicant is unencumbered. The temporary permit, which shall be issued no later than 14 working days after receipt by the Department of an application for the permit, shall be granted upon the submission of all of the following to the Department:

(1) A signed and completed application for restoration of licensure under this Section as an advanced practice nurse.

(2) Proof of (i) a current, active license in at least one other jurisdiction and proof that each current, active license or temporary permit held by the applicant is unencumbered or (ii) fitness to practice nursing in Illinois, as specified by rule.

(3) A signed and completed application for a temporary permit.

(4) The required permit fee.

(5) Other proof as established by rule.

(f) The Department may refuse to issue to an applicant a temporary permit authorized under this Section if, within 14 working days after its receipt of an application for a temporary permit, the Department determines that:

(1) the applicant has been convicted within the last 5 years of any crime under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor directly related to the practice of the profession;

(2) within the last 5 years, the applicant had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction if at least one of the grounds for revoking, suspending, or placing on probation is the

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same or substantially equivalent to grounds for disciplinary action under this Act; or

(3) the Department intends to deny restoration of the license.

(g) The Department may revoke a temporary permit issued under this Section if:

(1) the Department determines that the applicant has been convicted within the last 5 years of any crime under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor directly related to the practice of the profession;

(2) within the last 5 years, the applicant had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction, if at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds in Illinois; or

(3) the Department intends to deny restoration of the license.

(h) A temporary permit or renewed temporary permit shall expire (i) upon issuance of an Illinois license or (ii) upon notification that the Department intends to deny restoration of licensure. Except as otherwise provided in this Section, a temporary permit shall expire 6 months from the date of issuance. Further renewal may be granted by the Department in hardship cases that shall automatically expire upon issuance of the Illinois license or upon notification that the Department intends to deny licensure, whichever occurs first. No extensions shall be granted beyond the 6-month period unless approved by the Secretary. Notification by the Department under this Section must be by certified or registered mail.

(225 ILCS 65/65-25 new)

Sec. 65-25. Inactive status of a APN license. Any advanced practice nurse who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until notice is given to the Department in writing of his or her intent to restore the license.

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Any advanced practice nurse requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore his or her license, as provided by rule of the Department.

Any advanced practice nurse whose license is on inactive status shall not practice advanced practice nursing, as defined by this Act in the State of Illinois.

(225 ILCS 65/65-30 new)
Sec. 65-30. APN scope of practice.
(a) Advanced practice nursing by certified nurse practitioners, certified nurse anesthetists, certified nurse midwives, or clinical nurse specialists is based on knowledge and skills acquired throughout an advanced practice nurse’s nursing education, training, and experience.
(b) Practice as an advanced practice nurse means a scope of nursing practice, with or without compensation, and includes the registered nurse scope of practice.
(c) The scope of practice of an advanced practice nurse includes, but is not limited to, each of the following:
   (1) Advanced nursing patient assessment and diagnosis.
   (2) Ordering diagnostic and therapeutic tests and procedures, performing those tests and procedures when using health care equipment, and interpreting and using the results of diagnostic and therapeutic tests and procedures ordered by the advanced practice nurse or another health care professional.
   (3) Ordering treatments, ordering or applying appropriate medical devices, and using nursing medical, therapeutic, and corrective measures to treat illness and improve health status.
   (4) Providing palliative and end-of-life care.
   (5) Providing advanced counseling, patient education, health education, and patient advocacy.
   (6) Prescriptive authority as defined in Section 65-40 of this Act.

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(7) Delegating selected nursing activities or tasks to a licensed practical nurse, a registered professional nurse, or other personnel.
(225 ILCS 65/65-35 new) (was 225 ILCS 65/15-15)
(Section scheduled to be repealed on January 1, 2008)

(a) A written collaborative agreement is required for all advanced practice nurses engaged in clinical practice, except for advanced practice nurses who are authorized to practice in a hospital or ambulatory surgical treatment center.

(a-5) If an advanced practice nurse engages in clinical practice outside of a hospital or ambulatory surgical treatment center in which he or she is authorized to practice, the advanced practice nurse must have a written collaborative agreement. Except as provided in Section 15-25, no person shall engage in the practice of advanced practice nursing except when licensed under this Title and pursuant to a written collaborative agreement with a collaborating physician.

(b) A written collaborative agreement shall describe the working relationship of the advanced practice nurse with the collaborating physician or podiatrist and shall authorize the categories of care, treatment, or procedures to be performed by the advanced practice nurse. A collaborative agreement with a dentist must be in accordance with subsection (c-10) of this Section. Collaboration does not require an employment relationship between the collaborating physician and advanced practice nurse. Collaboration means the relationship under which an advanced practice nurse works with a collaborating physician or podiatrist in an active clinical practice to deliver health care services in accordance with (i) the advanced practice nurse's training, education, and experience and (ii) collaboration and consultation medical direction as documented in a jointly developed written collaborative agreement.

The agreement shall be defined to promote the exercise of professional judgment by the advanced practice nurse commensurate with his or her education and experience. The services to be provided by the advanced practice nurse shall be services that the collaborating physician

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or podiatrist is authorized to and generally provides to his or her patients in the normal course of his or her clinical medical practice, except as set forth in subsection (c-5) of this Section. The agreement need not describe the exact steps that an advanced practice nurse must take with respect to each specific condition, disease, or symptom but must specify which authorized procedures require the presence of the collaborating physician or podiatrist as the procedures are being performed. The collaborative relationship under an agreement shall not be construed to require the personal presence of a physician or podiatrist at all times at the place where services are rendered. Methods of communication shall be available for consultation with the collaborating physician or podiatrist in person or by telecommunications in accordance with established written guidelines as set forth in the written agreement.

(c) Collaboration and consultation

Physician medical direction under all collaboration agreements shall be adequate if a collaborating physician or podiatrist does each of the following:

(1) Participates in the joint formulation and joint approval of orders or guidelines with the advanced practice nurse and he or she periodically reviews such orders and the services provided patients under such orders in accordance with accepted standards of medical practice and advanced practice nursing practice.

(2) Meets in person with the advanced practice nurse on site at least once a month to provide collaboration medical direction and consultation. In the case of anesthesia services provided by a certified registered nurse anesthetist, an anesthesiologist, physician, dentist, or podiatrist must participate through discussion of and agreement with the anesthesia plan and remain physically present and available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions.

(3) Is available through telecommunications for consultation on medical problems, complications, or emergencies or patient referral. In the case of anesthesia services provided by a
certified registered nurse anesthetist, an anesthesiologist, physician, dentist, or podiatrist must participate through discussion of and agreement with the anesthesia plan and remain physically present and available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions.

The agreement must contain provisions detailing notice for termination or change of status involving a written collaborative agreement, except when such notice is given for just cause.

(c-5) A certified registered nurse anesthetist, who provides anesthesia services outside of a hospital or ambulatory surgical treatment center shall enter into a written collaborative agreement with an anesthesiologist or the physician licensed to practice medicine in all its branches or the podiatrist performing the procedure. Outside of a hospital or ambulatory surgical treatment center, the certified registered nurse anesthetist may provide only those services that the collaborating podiatrist is authorized to provide pursuant to the Podiatric Medical Practice Act of 1987 and rules adopted thereunder. A certified registered nurse anesthetist may select, order, and administer medication, including controlled substances, and apply appropriate medical devices for delivery of anesthesia services under the anesthesia plan agreed with by the anesthesiologist or the operating physician or operating podiatrist.

(c-10) A certified registered nurse anesthetist who provides anesthesia services in a dental office shall enter into a written collaborative agreement with an anesthesiologist or the physician licensed to practice medicine in all its branches or the operating dentist performing the procedure. The agreement shall describe the working relationship of the certified registered nurse anesthetist and dentist and shall authorize the categories of care, treatment, or procedures to be performed by the certified registered nurse anesthetist. In a collaborating dentist’s office, the certified registered nurse anesthetist may only provide those services that the operating dentist with the appropriate permit is authorized to provide pursuant to the Illinois Dental Practice Act and rules adopted thereunder. For anesthesia services, an anesthesiologist,
physician, or operating dentist shall participate through discussion of and agreement with the anesthesia plan and shall remain physically present and be available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions. A certified registered nurse anesthetist may select, order, and administer medication, including controlled substances, and apply appropriate medical devices for delivery of anesthesia services under the anesthesia plan agreed with by the operating dentist.

(d) A copy of the signed, written collaborative agreement must be available to the Department upon request from both the advanced practice nurse and the collaborating physician or podiatrist and shall be annually updated.

(e) Nothing in this Act shall be construed to limit the delegation of tasks or duties by a physician to a licensed practical nurse, a registered professional nurse, or other persons.

(f) An advanced practice nurse shall inform each collaborating physician, dentist, or podiatrist of all collaborative agreements he or she has signed and provide a copy of these to any collaborating physician, dentist, or podiatrist upon request.

(Source: P.A. 90-742, eff. 8-13-98; 91-414, eff. 8-6-99.)

(225 ILCS 65/65-40 new) (was 225 ILCS 65/15-20)

Sec. 65-40. Prescriptive authority.

(a) A collaborating physician or podiatrist may, but is not required to, delegate limited prescriptive authority to an advanced practice nurse as part of a written collaborative agreement. This authority may, but is not required to, include prescription of, selection of, orders for, administration of, storage of, acceptance of samples of, and dispensing over the counter medications, legend drugs, medical gases, and dispensing of legend drugs and legend controlled substances categorized as Schedule III, III-N, IV, or V controlled substances, as defined in Article II of the Illinois Controlled Substances Act, and other preparations, including, but not limited to, botanical and herbal remedies. The collaborating physician or podiatrist must have a valid current Illinois controlled substance license and federal

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registration to delegate authority to prescribe delegated controlled substances.

(b) To prescribe Schedule III, IV, or V controlled substances under this Section, an advanced practice nurse must obtain a mid-level practitioner controlled substance license. Medication orders shall be reviewed periodically by the collaborating physician or podiatrist.

(c) The collaborating physician or podiatrist shall file with the Department notice of delegation of prescriptive authority and termination of such delegation, in accordance with rules of the Department. Upon receipt of this notice delegating authority to prescribe Schedule III, III-N, IV, or V controlled substances, the licensed advanced practice nurse shall be eligible to register for a mid-level practitioner controlled substance license under Section 303.05 of the Illinois Controlled Substances Act.

(d) In addition to the requirements of subsections (a), (b), and (c) of this Section, a collaborating physician may, but is not required to, delegate authority to an advanced practice nurse to prescribe Schedule II or II-N controlled substances, if all of the following conditions apply:

1) No more than 5 Schedule II or II-N controlled substances by oral dosage may be delegated.

2) Any delegation must be controlled substances that the collaborating physician prescribes.

3) Any prescription must be limited to no more than a 30-day oral dosage, with any continuation authorized only after prior approval of the collaborating physician.

4) The advanced practice nurse must discuss the condition of any patients for whom a controlled substance is prescribed monthly with the delegating physician.

(e) (d) Nothing in this Act shall be construed to limit the delegation of tasks or duties by a physician to a licensed practical nurse, a registered professional nurse, or other persons personnel.

(Source: P.A. 90-742, eff. 8-13-98; 90-818, eff. 3-23-99.)

(225 ILCS 65/65-45 new) (was 225 ILCS 65/15-25)

(Section scheduled to be repealed on January 1, 2008)
Sec. 65-45 15-25. Advanced practice nursing in hospitals or ambulatory surgical treatment centers. Certified registered nurse anesthetists.

(a) An advanced practice nurse. A licensed certified registered nurse anesthetist may provide anesthesia services pursuant to the order of a licensed physician, licensed dentist, or licensed podiatrist in a licensed hospital or a licensed ambulatory surgical treatment center without prescriptive authority or a written collaborative agreement pursuant to Section 65-35 of this Act, or the office of a licensed physician, the office of a licensed dentist, or the office of a licensed podiatrist. An advanced practice nurse must possess clinical privileges recommended by the hospital medical staff and granted by the hospital or the consulting medical staff committee and ambulatory surgical treatment center in order to provide services. The medical staff or consulting medical staff committee shall periodically review the services of advanced practice nurses granted clinical privileges. Authority may also be granted to individual advanced practice nurses to select, order, and administer medications, including controlled substances, to provide delineated care. The attending physician shall determine an advanced practice nurse's role in providing care for his or her patients, except as otherwise provided in the medical staff bylaws or consulting committee policies.

(a-5) For anesthesia services provided by a certified registered nurse anesthetist, an anesthesiologist, physician, dentist, or podiatrist shall participate through discussion of and agreement with the anesthesia plan and shall remain physically present and be available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions, unless hospital policy adopted pursuant to clause (B) of subdivision (3) of Section 10.7 of the Hospital Licensing Act or ambulatory surgical treatment center policy adopted pursuant to clause (B) of subdivision (3) of Section 6.5 of the Ambulatory Surgical Treatment Center Act provides otherwise. A certified registered nurse anesthetist may select, order, and administer medication for anesthesia services under the anesthesia plan agreed to by the anesthesiologist or the physician, in accordance with hospital alternative

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policy or the medical staff consulting committee policies of a licensed ambulatory surgical treatment center.

(b) An advanced practice A certified registered nurse anesthetist who provides anesthesia services in a hospital shall do so in accordance with Section 10.7 of the Hospital Licensing Act and, in an ambulatory surgical treatment center, in accordance with Section 6.5 of the Ambulatory Surgical Treatment Center Act.

(c) A certified registered nurse anesthetist who provides anesthesia services in a physician office, dental office, or podiatric office shall enter into a written practice agreement with an anesthesiologist or the physician licensed to practice medicine in all its branches, the dentist, or the podiatrist performing the procedure. The agreement shall describe the working relationship of the certified registered nurse anesthetist and anesthesiologist, physician, dentist, or podiatrist and shall authorize the categories of care, treatment, or procedures to be performed by the certified registered nurse anesthetist. In a dentist's office, the certified registered nurse anesthetist may only provide those services the dentist is authorized to provide pursuant to the Illinois Dental Practice Act and rules. In a podiatrist's office, the certified registered nurse anesthetist may only provide those services the podiatrist is authorized to provide pursuant to the Podiatric Medical Practice Act of 1987 and rules. For anesthesia services, an anesthesiologist, physician, dentist, or podiatrist shall participate through discussion of and agreement with the anesthesia plan and shall remain physically present and be available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions:

(d) A certified registered nurse anesthetist is not required to possess prescriptive authority or a written collaborative agreement meeting the requirements of Section 15-15 to provide anesthesia services ordered by a licensed physician, dentist, or podiatrist. Certified registered nurse anesthetists are authorized to select, order, and administer drugs and apply the appropriate medical devices in the provision of anesthesia services under the anesthesia plan agreed with by the anesthesiologist or the physician in accordance with hospital alternative policy or the medical

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staff consulting committee policies of a licensed ambulatory surgical treatment center. In a physician's office, dentist's office, or podiatrist's office, the anesthesiologist, operating physician, operating dentist, or operating podiatrist shall agree with the anesthesia plan, in accordance with the written practice agreement.

(e) A certified registered nurse anesthetist may be delegated limited prescriptive authority under Section 15-20 in a written collaborative agreement meeting the requirements of Section 15-15.
(Source: P.A. 91-414, eff. 8-6-99.)

(225 ILCS 65/65-50 new) (was 225 ILCS 65/15-30)
(Section scheduled to be repealed on January 1, 2008)
Sec. 65-50 15-30. APN title. Title.

(a) No person shall use any words, abbreviations, figures, letters, title, sign, card, or device tending to imply that he or she is an advanced practice nurse, including but not limited to using the titles or initials "Advanced Practice Nurse", "Certified Nurse Midwife", "Certified Nurse Practitioner", "Certified Registered Nurse Anesthetist", "Clinical Nurse Specialist", "A.P.N.", "C.N.M.", "C.N.P.", "C.R.N.A.", "C.N.S.", or similar titles or initials, with the intention of indicating practice as an advanced practice nurse without meeting the requirements of this Act.
(b) No advanced practice nurse shall indicate to other persons that he or she is qualified to engage in the practice of medicine. No advanced practice nurse shall use the title of doctor or associate with his or her name or any other term to indicate to other persons that he or she is qualified to engage in the general practice of medicine.
(c) (b) An advanced practice nurse shall verbally identify himself or herself as an advanced practice nurse, including specialty certification, to each patient.
(d) (e) Nothing in this Act shall be construed to relieve a physician of professional or legal responsibility for the care and treatment of persons attended by him or her or to relieve an advanced practice nurse of the professional or legal responsibility for the care and treatment of persons attended by him or her.
(Source: P.A. 90-742, eff. 8-13-98; 91-414, eff. 8-6-99.)

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(225 ILCS 65/65-55 new) (was 225 ILCS 65/15-40)
Section scheduled to be repealed on January 1, 2008

Sec. 65-55-15-40. Advertising as an APN.
(a) A person licensed under this Act as an advanced practice nurse Title... may advertise the availability of professional services in the public media or on the premises where the professional services are rendered. The advertising shall be limited to the following information:

(1) publication of the person's name, title, office hours, address, and telephone number;

(2) information pertaining to the person's areas of specialization, including but not limited to appropriate board certification or limitation of professional practice;

(3) publication of the person's collaborating physician's, dentist's, or podiatrist's name, title, and areas of specialization;

(4) information on usual and customary fees for routine professional services offered, which shall include notification that fees may be adjusted due to complications or unforeseen circumstances;

(5) announcements of the opening of, change of, absence from, or return to business;

(6) announcement of additions to or deletions from professional licensed staff; and

(7) the issuance of business or appointment cards.

(b) It is unlawful for a person licensed under this Act as an advanced practice nurse Title to use testimonials or claims of superior quality of care to entice the public. It shall be unlawful to advertise fee comparisons of available services with those of other licensed persons.

(c) This Article Title does not authorize the advertising of professional services that the offeror of the services is not licensed or authorized to render. Nor shall the advertiser use statements that contain false, fraudulent, deceptive, or misleading material or guarantees of success, statements that play upon the vanity or fears of the public, or statements that promote or produce unfair competition.

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(d) It is unlawful and punishable under the penalty provisions of this Act for a person licensed under this Article Title to knowingly advertise that the licensee will accept as payment for services rendered by assignment from any third party payor the amount the third party payor covers as payment in full, if the effect is to give the impression of eliminating the need of payment by the patient of any required deductible or copayment applicable in the patient's health benefit plan.

(e) (d-5) A licensee shall include in every advertisement for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act.

(f) (e) As used in this Section, "advertise" means solicitation by the licensee or through another person or entity by means of handbills, posters, circulars, motion pictures, radio, newspapers, or television or any other manner.

(Source: P.A. 90-742, eff. 8-13-98; 91-310, eff. 1-1-00.)

(225 ILCS 65/65-60 new) (was 225 ILCS 65/15-45)

(Section scheduled to be repealed on January 1, 2008)

Sec. 65-60 ¶5-45. Continuing education. The Department shall adopt rules of continuing education for persons licensed under this Article Title that require 50 hours of continuing education per 2-year license renewal cycle. Completion of the 50 hours of continuing education shall be deemed to satisfy the continuing education requirements for renewal of a registered professional nurse license as required by this Act. The rules shall not be inconsistent with requirements of relevant national certifying bodies or State or national professional associations. The rules shall also address variances in part or in whole for good cause, including but not limited to illness or hardship. The continuing education rules shall assure that licensees are given the opportunity to participate in programs sponsored by or through their State or national professional associations, hospitals, or other providers of continuing education. Each licensee is responsible for maintaining records of completion of continuing education and shall be prepared to produce the records when requested by the Department.

(Source: P.A. 92-750, eff. 1-1-03.)

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(225 ILCS 65/65-65 new) (was 225 ILCS 65/15-55)

Section scheduled to be repealed on January 1, 2008

Sec. 65-65 15-55. Reports relating to APN professional conduct and capacity.

(a) Entities Required to Report.

(1) Health Care Institutions. The chief administrator or executive officer of a health care institution licensed by the Department of Public Health, which provides the minimum due process set forth in Section 10.4 of the Hospital Licensing Act, shall report to the APN Board when an advanced practice nurse's professional staff clinical privileges are terminated or are restricted based on a final determination, in accordance with that institution's bylaws or rules and regulations, that (i) a person has either committed an act or acts that may directly threaten patient care and that are not of an administrative nature or (ii) that a person may be mentally or physically disabled in a manner that may endanger patients under that person's care. The chief administrator or officer shall also report if an advanced practice nurse accepts voluntary termination or restriction of clinical privileges in lieu of formal action based upon conduct related directly to patient care and not of an administrative nature, or in lieu of formal action seeking to determine whether a person may be mentally or physically disabled in a manner that may endanger patients under that person's care. The APN Board shall provide by rule for the reporting to it of all instances in which a person licensed under this Article Title, who is impaired by reason of age, drug, or alcohol abuse or physical or mental impairment, is under supervision and, where appropriate, is in a program of rehabilitation. Reports submitted under this subsection shall be strictly confidential and may be reviewed and considered only by the members of the APN Board or authorized staff as provided by rule of the APN Board. Provisions shall be made for the periodic report of the status of any such reported person not less than twice annually in order that the APN Board shall have

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current information upon which to determine the status of that person. Initial and periodic reports of impaired advanced practice nurses shall not be considered records within the meaning of the State Records Act and shall be disposed of, following a determination by the APN Board that such reports are no longer required, in a manner and at an appropriate time as the APN Board shall determine by rule. The filing of reports submitted under this subsection shall be construed as the filing of a report for purposes of subsection (c) of this Section.

(2) Professional Associations. The President or chief executive officer of an association or society of persons licensed under this Article Title, operating within this State, shall report to the APN Board when the association or society renders a final determination that a person licensed under this Article Title has committed unprofessional conduct related directly to patient care or that a person may be mentally or physically disabled in a manner that may endanger patients under the person's care.

(3) Professional Liability Insurers. Every insurance company that offers policies of professional liability insurance to persons licensed under this Article Title, or any other entity that seeks to indemnify the professional liability of a person licensed under this Article Title, shall report to the APN Board the settlement of any claim or cause of action, or final judgment rendered in any cause of action, that alleged negligence in the furnishing of patient care by the licensee when the settlement or final judgment is in favor of the plaintiff.

(4) State's Attorneys. The State's Attorney of each county shall report to the APN Board all instances in which a person licensed under this Article Title is convicted or otherwise found guilty of the commission of a felony.

(5) State Agencies. All agencies, boards, commissions, departments, or other instrumentalities of the government of this State shall report to the APN Board any instance arising in connection with the operations of the agency, including the

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administration of any law by the agency, in which a person licensed under this Article Title has either committed an act or acts that may constitute a violation of this Article Title, that may constitute unprofessional conduct related directly to patient care, or that indicates that a person licensed under this Article Title may be mentally or physically disabled in a manner that may endanger patients under that person's care.

(b) Mandatory Reporting. All reports required under items (16) and (17) of subsection (a) of Section 70-5 15-50 and under this Section shall be submitted to the APN Board in a timely fashion. The reports shall be filed in writing within 60 days after a determination that a report is required under this Article Title. All reports shall contain the following information:

1. The name, address, and telephone number of the person making the report.
2. The name, address, and telephone number of the person who is the subject of the report.
3. The name or other means of identification of any patient or patients whose treatment is a subject of the report, except that no medical records may be revealed without the written consent of the patient or patients.
4. A brief description of the facts that gave rise to the issuance of the report, including but not limited to the dates of any occurrences deemed to necessitate the filing of the report.
5. If court action is involved, the identity of the court in which the action is filed, the docket number, and date of filing of the action.
6. Any further pertinent information that the reporting party deems to be an aid in the evaluation of the report.

Nothing contained in this Section shall be construed to in any way waive or modify the confidentiality of medical reports and committee reports to the extent provided by law. Any information reported or disclosed shall be kept for the confidential use of the APN Board, the APN Board's attorneys, the investigative staff, and authorized clerical staff and...
shall be afforded the same status as is provided information concerning medical studies in Part 21 of Article VIII of the Code of Civil Procedure.

(c) Immunity from Prosecution. An individual or organization acting in good faith, and not in a willful and wanton manner, in complying with this Section Title by providing a report or other information to the APN Board, by assisting in the investigation or preparation of a report or information, by participating in proceedings of the APN Board, or by serving as a member of the Board shall not, as a result of such actions, be subject to criminal prosecution or civil damages.

(d) Indemnification. Members of the APN Board, the APN Board's attorneys, the investigative staff, advanced practice nurses or physicians retained under contract to assist and advise in the investigation, and authorized clerical staff shall be indemnified by the State for any actions (i) occurring within the scope of services on the APN Board, (ii) performed in good faith, and (iii) not willful and wanton in nature. The Attorney General shall defend all actions taken against those persons unless he or she determines either that there would be a conflict of interest in the representation or that the actions complained of were not performed in good faith or were willful and wanton in nature. If the Attorney General declines representation, the member shall have the right to employ counsel of his or her choice, whose fees shall be provided by the State, after approval by the Attorney General, unless there is a determination by a court that the member's actions were not performed in good faith or were willful and wanton in nature. The member shall notify the Attorney General within 7 days of receipt of notice of the initiation of an action involving services of the APN Board. Failure to so notify the Attorney General shall constitute an absolute waiver of the right to a defense and indemnification. The Attorney General shall determine within 7 days after receiving the notice whether he or she will undertake to represent the member.

(e) Deliberations of APN Board. Upon the receipt of a report called for by this Section Title, other than those reports of impaired persons licensed under this Article Title required pursuant to the rules of the APN Board, the APN Board shall notify in writing by certified mail the person who is the subject of the report. The notification shall be made within 30

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days of receipt by the APN Board of the report. The notification shall include a written notice setting forth the person's right to examine the report. Included in the notification shall be the address at which the file is maintained, the name of the custodian of the reports, and the telephone number at which the custodian may be reached. The person who is the subject of the report shall submit a written statement responding to, clarifying, adding to, or proposing to amend the report previously filed. The statement shall become a permanent part of the file and shall be received by the APN Board no more than 30 days after the date on which the person was notified of the existence of the original report. The APN Board shall review all reports received by it and any supporting information and responding statements submitted by persons who are the subject of reports. The review by the APN Board shall be in a timely manner but in no event shall the APN Board's initial review of the material contained in each disciplinary file be less than 61 days nor more than 180 days after the receipt of the initial report by the APN Board. When the APN Board makes its initial review of the materials contained within its disciplinary files, the APN Board shall, in writing, make a determination as to whether there are sufficient facts to warrant further investigation or action. Failure to make that determination within the time provided shall be deemed to be a determination that there are not sufficient facts to warrant further investigation or action. Should the APN Board find that there are not sufficient facts to warrant further investigation or action, the report shall be accepted for filing and the matter shall be deemed closed and so reported. The individual or entity filing the original report or complaint and the person who is the subject of the report or complaint shall be notified in writing by the APN Board of any final action on their report or complaint.

(f) Summary Reports. The APN Board shall prepare, on a timely basis, but in no event less than one every other month, a summary report of final actions taken upon disciplinary files maintained by the APN Board. The summary reports shall be made available to the public upon request and payment of the fees set by the Department. This publication may be made available to the public on the Department's Internet website.

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sent by the APN Board to every health care facility licensed by the Department of Public Health, every professional association and society of persons licensed under this Title functioning on a statewide basis in this State, all insurers providing professional liability insurance to persons licensed under this Title in this State, and the Illinois Pharmacists Association.

(g) Any violation of this Section shall constitute a Class A misdemeanor.

(h) If a person violates the provisions of this Section, an action may be brought in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, for an order enjoining the violation or for an order enforcing compliance with this Section. Upon filing of a verified petition in court, the court may issue a temporary restraining order without notice or bond and may preliminarily or permanently enjoin the violation, and if it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this subsection shall be in addition to, and not in lieu of, all other remedies and penalties provided for by this Section.

(Source: P.A. 90-742, eff. 8-13-98.)

(225 ILCS 65/Art. 70 heading new) (was 225 ILCS 65/Tit. 20 heading)

ARTICLE 70 TITLE 20 . ADMINISTRATION AND ENFORCEMENT

(225 ILCS 65/70-5 new) (was 225 ILCS 65/10-45)

(Section scheduled to be repealed on January 1, 2008)

Sec. 70-5 10-45. Grounds for disciplinary action.

(a) The Department may, upon recommendation of the Board, refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action as the Department may deem appropriate, including fines not to exceed $10,000 per violation, with regard to a license for any one or combination of the causes set forth in subsection (b) below. Fines up to $2,500 may be imposed in conjunction with other forms of disciplinary action for those violations that result in monetary gain for the licensee. Fines shall not be
the exclusive disposition of any disciplinary action arising out of conduct resulting in death or injury to a patient. Fines shall not be assessed in disciplinary actions involving mental or physical illness or impairment. All fines collected under this Section shall be deposited in the Nursing Dedicated and Professional Fund.

(b) Grounds for disciplinary action include the following:

   (1) Material deception in furnishing information to the Department.

   (2) Material violations of any provision of this Act or violation of the rules of or final administrative action of the Secretary, after consideration of the recommendation of the Board.

   (3) Conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, of any crime under the laws of any jurisdiction of the United States: (i) that which is a felony; or (ii) that which is a misdemeanor, an essential element of which is dishonesty, or that (iii) of any crime which is directly related to the practice of the profession.

   (4) A pattern of practice or other behavior which demonstrates incapacity or incompetency to practice under this Act.

   (5) Knowingly aiding or assisting another person in violating any provision of this Act or rules.

   (6) Failing, within 90 days, to provide a response to a request for information in response to a written request made by the Department by certified mail.

   (7) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public, as defined by rule.

   (8) Unlawful taking, theft, selling, distributing, or manufacturing sale or distribution of any drug, narcotic, or

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prescription device, or unlawful conversion of any drug, narcotic or prescription device.

(9) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that could result in a licensee's inability to practice with reasonable judgment, skill or safety.

(10) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(11) A finding that the licensee, after having her or his license placed on probationary status or subject to conditions or restrictions, has violated the terms of probation or failed to comply with such terms or conditions.

(12) Being named as a perpetrator in an indicated report by the Department of Children and Family Services and under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(13) Willful omission to file or record, or willfully impeding the filing or recording or inducing another person to omit to file or record medical reports as required by law or willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(14) Gross negligence in the practice of practical, professional, or advanced practice nursing.

(15) Holding oneself out to be practicing nursing under any name other than one's own.

(16) Failure of a licensee to report to the Department any adverse final action taken against him or her by another licensing jurisdiction of the United States or any foreign state or country, any peer review body, any health care institution, any professional or nursing society or association, any governmental agency, any law enforcement agency, or any court or a nursing liability claim.

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related to acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this Section.

(17) Failure of a licensee to report to the Department surrender by the licensee of a license or authorization to practice nursing or advanced practice nursing in another state or jurisdiction or current surrender by the licensee of membership on any nursing staff or in any nursing or advanced practice nursing or professional association or society while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct that would constitute grounds for action as defined by this Section.

(18) Failing, within 60 days, to provide information in response to a written request made by the Department.

(19) Failure to establish and maintain records of patient care and treatment as required by law.

(20) (16) Fraud, deceit or misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal of a license under this Act.

(21) (17) Allowing another person or organization to use the licensees' license to deceive the public.

(22) (18) Willfully making or filing false records or reports in the licensee's practice, including but not limited to false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(23) (19) Attempting to subvert or cheat on a nurse licensing examination administered under this Act.

(24) (20) Immoral conduct in the commission of an act, including, but not limited to, such as sexual abuse, sexual misconduct, or sexual exploitation, related to the licensee's practice.

(25) (21) Willfully or negligently violating the confidentiality between nurse and patient except as required by law.

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(26) Practicing under a false or assumed name, except as provided by law.

(27) The use of any false, fraudulent, or deceptive statement in any document connected with the licensee's practice.

(28) Directly or indirectly giving to or receiving from a person, firm, corporation, partnership, or association a fee, commission, rebate, or other form of compensation for professional services not actually or personally rendered.

(29) Failure of a licensee to report to the Department any adverse final action taken against such licensee by another licensing jurisdiction (any other jurisdiction of the United States or any foreign state or country), by any peer review body, by any health care institution, by any professional or nursing society or association, by any governmental agency, by any law enforcement agency, or by any court or a nursing liability claim related to acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this Section.

(30) Failure of a licensee to report to the Department surrender by the licensee of a license or authorization to practice nursing in another state or jurisdiction, or current surrender by the licensee of membership on any nursing staff or in any nursing or professional association or society while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct that would constitute grounds for action as defined by this Section.


(32) Physical illness, including but not limited to deterioration through the aging process or loss of motor skill, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(33) Exceeding the terms of a collaborative agreement or the prescriptive authority delegated to a licensee by his or her employer.

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collaborating physician or podiatrist in guidelines established under a written collaborative agreement.

(32) Making a false or misleading statement regarding a licensee's skill or the efficacy or value of the medicine, treatment, or remedy prescribed by him or her in the course of treatment.

(33) Prescribing, selling, administering, distributing, giving, or self-administering a drug classified as a controlled substance (designated product) or narcotic for other than medically accepted therapeutic purposes.

(34) Promotion of the sale of drugs, devices, appliances, or goods provided for a patient in a manner to exploit the patient for financial gain.

(35) Violating State or federal laws, rules, or regulations relating to controlled substances.

(36) Willfully or negligently violating the confidentiality between an advanced practice nurse, collaborating physician, dentist, or podiatrist and a patient, except as required by law.

(37) A violation of any provision of this Act or any rules promulgated under this Act.

(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, as amended, operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient; and upon the recommendation of the Board to the [Secretary] Director that the licensee be allowed to resume his or her practice.

(d) The Department may refuse to issue or may suspend or otherwise discipline the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of the tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.
(e) In enforcing this Act Section, the Department or Board, upon a showing of a possible violation, may compel an individual licensed to practice under this Act; or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. Failure of an individual to submit to a mental or physical examination, when directed, shall result in an automatic grounds for suspension without hearing of his or her license until the individual submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

All substance-related violations shall mandate an automatic substance abuse assessment. Failure to submit to an assessment by a licensed physician who is certified as an addictionist or an advanced practice nurse with specialty certification in addictions may be grounds for an automatic suspension, as defined by rule.

If the Department or Board finds an individual unable to practice or unfit for duty because of the reasons set forth in this Section, the Department or Board may require that individual to submit to a substance abuse evaluation care, counseling, or treatment by individuals or programs physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of evaluation care, counseling, or treatment, the Department may file, or the Board may recommend to the Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, reinstated, renewed, disciplined or

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supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Secretary Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with nursing acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 90-742, eff. 8-13-98; revised 12-15-05.)

(225 ILCS 65/70-10 new) (was 225 ILCS 65/10-50)
Sec. 70-10

(a) A professional assistance program for nurses shall be established by January 1, 1999.

(b) The Director shall appoint a task force to advise in the creation of the assistance program. The task force shall include members of the Department and professional nurses, and shall report its findings and recommendations to the Committee on Nursing.

(c) Any registered professional nurse who is an administrator or officer in any hospital, nursing home, other health care agency or facility, or nurse agency and has knowledge of any action or condition which reasonably indicates to her or him that a registered professional nurse or licensed practical nurse is impaired due to the use of alcohol or mood altering drugs to the extent that such impairment

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practicing nursing in such hospital, nursing home, other health care agency or facility, or nurse agency is habitually intoxicated or addicted to the use of habit-forming drugs to the extent that such intoxication or addiction adversely affects such nurse's professional performance, or unlawfully possesses, uses, distributes or converts mood altering habit-forming drugs belonging to the place of employment hospital, nursing home or other health care agency or facility for such nurse's own use, shall promptly file a written report the individual thereof to the Department or designee of the Department; provided however, an administrator or officer need not file the report if the nurse participates in a course of remedial professional counseling or medical treatment for substance abuse, as long as such nurse actively pursues such treatment under monitoring by the administrator or officer or by the hospital, nursing home, health care agency or facility, or nurse agency and the nurse continues to be employed by such hospital, nursing home, health care agency or facility, or nurse agency. The Department shall review all reports received by it in a timely manner. Its initial review shall be completed no later than 60 days after receipt of the report. Within this 60 day period, the Department shall, in writing, make a determination as to whether there are sufficient facts to warrant further investigation or action. Any nurse participating in mandatory reporting to the Department under this Section or in good faith assisting another person in making such a report shall have immunity from any liability, either criminal or civil, that might result by reason of such action.

Should the Department find insufficient facts to warrant further investigation, or action, the report shall be accepted for filing and the matter shall be deemed closed and so reported.

Should the Department find sufficient facts to warrant further investigation, such investigation shall be completed within 60 days of the date of the determination of sufficient facts to warrant further investigation or action. Final action shall be determined no later than 30 days after the completion of the investigation. If there is a finding which verifies habitual intoxication or drug addiction which adversely affects professional performance or the unlawful possession, use, distribution or conversion of habit-forming drugs by the reported nurse, the Department may refuse to

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issue or renew or may suspend or revoke that nurse's license as a registered professional nurse or a licensed practical nurse.

Any of the aforementioned actions or a determination that there are insufficient facts to warrant further investigation or action shall be considered a final action. The nurse administrator or officer who filed the original report or complaint, and the nurse who is the subject of the report, shall be notified in writing by the Department within 15 days of any final action taken by the Department.

(b) Each year on March 1, commencing with the effective date of this Act, the Department shall submit a report to the General Assembly. The report shall include the number of reports made under this Section to the Department during the previous year, the number of reports reviewed and found insufficient to warrant further investigation, the number of reports not completed and the reasons for incompletion. This report shall be made available also to nurses requesting the report.

(c) Any person making a report under this Section or in good faith assisting another person in making such a report shall have immunity from any liability, either criminal or civil, that might result by reason of such action. For the purpose of any legal proceeding, criminal or civil, there shall be a rebuttable presumption that any person making a report under this Section or assisting another person in making such report was acting in good faith. All such reports and any information disclosed to or collected by the Department pursuant to this Section shall remain confidential records of the Department and shall not be disclosed nor be subject to any law or regulation of this State relating to freedom of information or public disclosure of records.

(Source: P.A. 90-742, eff. 8-13-98.)

(225 ILCS 65/70-15 new)

Sec. 70-15. Disciplinary and non-disciplinary options for the impaired nurse. The Department shall establish by rule a program of care, counseling, and treatment for the impaired nurse. This program shall allow an impaired nurse to self-refer to the program. Individual licensee health care records shall be privileged and confidential, unavailable for use in any proceeding, and not subject to disclosure. Nothing in this

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Section nor the rules adopted under this Section shall impair or prohibit the Department from taking disciplinary action based upon the grounds set forth in Section 70-5 of this Act.

(225 ILCS 65/70-20 new) (was 225 ILCS 65/20-13)
(Section scheduled to be repealed on January 1, 2008)
Sec. 70-20 20-13. Suspension of license or registration for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.
(Source: P.A. 94-577, eff. 1-1-06.)

(225 ILCS 65/70-25 new) (was 225 ILCS 65/20-25)
(Section scheduled to be repealed on January 1, 2008)
Sec. 70-25 20-25. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Secretary Director may waive the fines due under this

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Section in individual cases where the Secretary Director finds that the fines would be unreasonable or unnecessarily burdensome.
(Source: P.A. 92-146, eff. 1-1-02.)

(225 ILCS 65/70-30 new) (was 225 ILCS 65/20-30)
(Section scheduled to be repealed on January 1, 2008)

Sec. 70-30. Roster. The Department shall maintain a roster of the names and addresses of all licensees and of all persons whose licenses have been suspended or revoked. This roster shall be available upon written request and payment of the required fees.
(Source: P.A. 90-742, eff. 8-13-98.)

(225 ILCS 65/70-35 new) (was 225 ILCS 65/20-31)
(Section scheduled to be repealed on January 1, 2008)

Sec. 70-35. Licensure requirements; internet site. The Department shall make available to the public the requirements for licensure in English and Spanish on the internet through the Department's World Wide Web site. This information shall include the requirements for licensure of individuals currently residing in another state or territory of the United States or a foreign country, territory, or province. The Department shall establish an e-mail link to the Department for information on the requirements for licensure, with replies available in English and Spanish.
(Source: P.A. 93-519, eff. 1-1-04.)

(225 ILCS 65/70-40 new) (was 225 ILCS 65/20-32)
(Section scheduled to be repealed on January 1, 2008)

Sec. 70-40. Educational resources; internet link. The Department shall work with the Board of Nursing, the APN Board, the Board of Higher Education, the Illinois Student Assistance Commission, Statewide organizations, and community-based organizations to develop a list of Department-approved nursing programs and other educational resources related to the Test of English as a Foreign Language and the Commission on Graduates of Foreign Nursing Schools Examination. The Department shall provide a link to a list of these resources, in English and Spanish, on the Department's World Wide Web site.
(Source: P.A. 93-519, eff. 1-1-04.)

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Sec. 70-45. Fees.

(a) The Department shall provide by rule for a schedule of fees to be paid for licenses by all applicants.

(b-5) Except as provided in subsection (c) of this Section (b), the fees for the administration and enforcement of this Act, including but not limited to original licensure, renewal, and restoration, shall be set by rule. The fees shall not be refundable.

(c) In addition, applicants for any examination as a Registered Professional Nurse or a Licensed Practical Nurse shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

Sec. 70-50. Fund.

(a) There is hereby created within the State Treasury the Nursing Dedicated and Professional Fund. The monies in the Fund may be used by and at the direction of the Department for the administration and enforcement of this Act, including but not limited to:

1. Distribution and publication of this Act and the Nursing and Advanced Practice Nursing Act and the rules at the time of renewal to all persons licensed by the Department under this Act.

2. Employment of secretarial, nursing, administrative, enforcement, and other staff for the administration of this Act.

3. Conducting a survey, as prescribed by rule of the Department, once every 4 years during the license renewal period.

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(d) Conducting of training seminars for licensees under this Act relating to the obligations, responsibilities, enforcement and other provisions of the Act and its rules.

(b) Disposition of fees:

(1) $5 of every licensure fee shall be placed in a fund for assistance to nurses enrolled in a diversionary program as approved by the Department.

(2) All of the fees, and fines, and penalties collected pursuant to this Act shall be deposited in the Nursing Dedicated and Professional Fund.

(3) For the fiscal year beginning July 1, 1988, the moneys deposited in the Nursing Dedicated and Professional Fund shall be appropriated to the Department for expenses of the Department and the Board in the administration of this Act. All earnings received from investment of moneys in the Nursing Dedicated and Professional Fund shall be deposited in the Nursing Dedicated and Professional Fund and shall be used for the same purposes as fees deposited in the Fund.

(4) For the fiscal year beginning July 1, 2004 and for each fiscal year thereafter, $1,200,000 of the moneys deposited in the Nursing Dedicated and Professional Fund each year shall be set aside and appropriated to the Illinois Department of Public Health for nursing scholarships awarded pursuant to the Nursing Education Scholarship Law. Representatives of the Department and the Nursing Education Scholarship Program Advisory Council shall review this requirement and the scholarship awards every 2 years.

(5) Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

(f) Moneys set aside for nursing scholarships awarded pursuant to the Nursing Education Scholarship Law as provided in item (iv) of
subsection (e) of this Section may not be transferred under Section 8h of the State Finance Act.
(Source: P.A. 92-46, eff. 7-1-01; 93-806, eff. 7-24-04; 93-1054, eff. 11-18-04; revised 12-1-04.)

(225 ILCS 65/70-55 new) (was 225 ILCS 65/20-50)
(Section scheduled to be repealed on January 1, 2008)

Sec. 70-55 20-50. Statute of limitations Limitation on action. All proceedings to suspend, revoke, or take any other disciplinary action as the Department may deem proper, with regard to a license on any of the foregoing grounds under Section 70-5 of this Act may not be commenced later than 5 years next after the commission of any act which is a ground for discipline or a final conviction order for any of the acts described herein. In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to the final judgment of any civil action in favor of the plaintiff, such claim, cause of action or civil action being rounded on the allegation that a person licensed under this Act was negligent in providing care, the Department shall have an additional period of 2 years one year from the date of such settlement or final judgment in which to investigate and commence formal disciplinary proceedings under Section 25 of this Act, except as otherwise provided by law. The time during which the holder of the license was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Board.
(Source: P.A. 90-61, eff. 12-30-97; 90-742, eff. 8-13-98.)

(225 ILCS 65/70-60 new) (was 225 ILCS 65/20-55)
(Section scheduled to be repealed on January 1, 2008)

Sec. 70-60 20-55. Summary suspension; Suspension for imminent danger. The Secretary Director of the Department may, upon receipt of a written communication from the Secretary of Human Services, the Director of Healthcare and Family Services (formerly Director of Public Aid), or the Director of Public Health that continuation of practice of a person licensed under this Act constitutes an immediate danger to the public, immediately suspend the license of such person without a hearing. In instances in which the Secretary Director immediately suspends a

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license under this Section, a hearing upon such person's license must be convened by the Department within 30 days after such suspension and completed without appreciable delay, such hearing held to determine whether to recommend to the Secretary Director that the person's license be revoked, suspended, placed on probationary status or reinstated, or such person be subject to other disciplinary action. In such hearing, the written communication and any other evidence submitted therewith may be introduced as evidence against such person; provided, however, the person, or his or her counsel, shall have the opportunity to discredit or impeach and submit evidence rebutting such evidence.

(225 ILCS 65/70-65 new) (was 225 ILCS 65/20-65)
(Section scheduled to be repealed on January 1, 2008)
Sec. 70-65. Liability of State. In the event that the Department's order of revocation, suspension, placing the licensee on probationary status, or other order of formal disciplinary action is without any reasonable basis, then the State of Illinois shall be liable to the injured party for those special damages suffered as a direct result of such order.

(225 ILCS 65/70-70 new) (was 225 ILCS 65/20-70)
(Section scheduled to be repealed on January 1, 2008)
Sec. 70-70. Right to legal counsel. No action of a disciplinary nature that is predicated on charges alleging unethical or unprofessional conduct of a person who is licensed under this Act a registered professional nurse or a licensed practical nurse and that can be reasonably expected to affect adversely that person's maintenance of her or his present, or her or his securing of future, employment as such a nurse may be taken by the Department, by any association, or by any person unless the person against whom such charges are made is afforded the right to be represented by legal counsel of her or his choosing and to present any witness, whether an attorney or otherwise to testify on matters relevant to such charges.

(225 ILCS 65/70-70 new) (was 225 ILCS 65/20-70)
(Section scheduled to be repealed on January 1, 2008)
Sec. 70-70. Right to legal counsel. No action of a disciplinary nature that is predicated on charges alleging unethical or unprofessional conduct of a person who is licensed under this Act a registered professional nurse or a licensed practical nurse and that can be reasonably expected to affect adversely that person's maintenance of her or his present, or her or his securing of future, employment as such a nurse may be taken by the Department, by any association, or by any person unless the person against whom such charges are made is afforded the right to be represented by legal counsel of her or his choosing and to present any witness, whether an attorney or otherwise to testify on matters relevant to such charges.

(Source: P.A. 90-742, eff. 8-13-98.)

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Sec. 70-75. Injunctive remedies.  

(a) If any person violates the provision of this Act, the Secretary Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in which the action is brought, petition for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation, and if it is established that such person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person shall practice as a nurse or hold herself or himself out as a nurse without being licensed under the provisions of this Act, then any licensed nurse, any interested party, or any person injured thereby may, in addition to the Secretary Director, petition for relief as provided in subsection (a) of this Section.

(b-5) Whoever knowingly practices or offers to practice nursing in this State without a license for that purpose shall be guilty of a Class A misdemeanor and for each subsequent conviction, shall be guilty of a Class 4 felony. All criminal fines, monies, or other property collected or received by the Department under this Section or any other State or federal statute, including, but not limited to, property forfeited to the Department under Section 505 of the Illinois Controlled Substances Act or Section 85 of the Methamphetamine Control and Community Protection Act, shall be deposited into the Professional Regulation Evidence Fund.

(c) Whenever in the opinion of the Department any person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer.
to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued forthwith.

(Source: P.A. 94-556, eff. 9-11-05.)

(225 ILCS 65/70-80 new) (was 225 ILCS 65/20-80)
(Section scheduled to be repealed on January 1, 2008)

Sec. 70-80 20-80. Investigation; notice; hearing. Prior to bringing an action before the Board, the Department may investigate the actions of any applicant or of any person or persons holding or claiming to hold a license. The Department shall, before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license, at least 30 days prior to the date set for the hearing, notify the accused in writing of any charges made and the time and place for a hearing of the charges before the Board, direct her or him to file a written answer thereto to the Board under oath within 20 days after the service of such notice and inform the licensee that if she or he fails to file such answer default will be taken against the licensee and such license may be suspended, revoked, placed on probationary status, or have other disciplinary action, including limiting the scope, nature or extent of her or his practice, as the Department may deem proper taken with regard thereto. Such written notice may be served by personal delivery or certified or registered mail to the respondent at the address of her or his last notification to the Department. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or to the defense to the charges. The Department may continue a hearing from time to time. In case the accused person, after receiving notice, fails to file an answer, her or his license may in the discretion of the Secretary Director, having received first the recommendation of the Board, be suspended, revoked, placed on probationary status, or the Secretary Director may take whatever disciplinary action as he or she may deem proper, including limiting the scope, nature, or extent of said person's practice, without a hearing, if the

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act or acts charged constitute sufficient grounds for such action under this Act.
(Source: P.A. 90-61, eff. 12-30-97; 90-742, eff. 8-13-98.)

(225 ILCS 65/70-85 new) (was 225 ILCS 65/20-85)
(Section scheduled to be repealed on January 1, 2008)
Sec. 70-85 20-85. Stenographer; transcript. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein any disciplinary action is taken regarding a license. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and the orders of the Department shall be the record of the proceedings. The Department shall furnish a transcript of the record to any person interested in the hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115).
(Source: P.A. 90-61, eff. 12-30-97; 90-742, eff. 8-13-98; 91-239, eff. 1-1-00.)

(225 ILCS 65/70-90 new) (was 225 ILCS 65/20-90)
(Section scheduled to be repealed on January 1, 2008)
Sec. 70-90 20-90. Compelled testimony and production of documents. Any circuit court may, upon application of the Department or designee or of the applicant or licensee against whom proceedings upon Section 70-80 20-80 of this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.
(Source: P.A. 90-742, eff. 8-13-98.)

(225 ILCS 65/70-95 new) (was 225 ILCS 65/20-95)
(Section scheduled to be repealed on January 1, 2008)
Sec. 70-95 20-95. Subpoena power; oaths. The Department shall have power to subpoena and bring before it any person in this State and to take testimony, either orally or by deposition or both, with the same fees

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and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.

The Secretary Director and any member of the Board designated by the Secretary Director shall each have power to administer oaths to witnesses at any hearing which the Department is authorized to conduct under this Act, and any other oaths required or authorized to be administered by the Department under this Act.

(Source: P.A. 90-61, eff. 12-30-97; 90-742, eff. 8-13-98.)

(225 ILCS 65/70-100 new) (was 225 ILCS 65/20-100)

(Section scheduled to be repealed on January 1, 2008)

Sec. 70-100 20-100. Board report. At the conclusion of the hearing the Board shall present to the Secretary Director a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The report shall specify the nature of the violation or failure to comply, and the Board shall make its recommendations to the Secretary Director.

The report of findings of fact, conclusions of law, and recommendation of the Board shall be the basis for the Department's order of refusal or for the granting of a license or permit unless the Secretary Director shall determine that the report is contrary to the manifest weight of the evidence, in which case the Secretary Director may issue an order in contravention of the report. The findings are not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 90-61, eff. 12-30-97; 90-742, eff. 8-13-98.)

(225 ILCS 65/70-105 new) (was 225 ILCS 65/20-105)

(Section scheduled to be repealed on January 1, 2008)

Sec. 70-105 20-105. Hearing officer. The Secretary Director shall have the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any formal action before the Board of Nursing to revoke, suspend, place on probation, reprimand, fine, or take any other disciplinary action against with regard

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to a license. The hearing officer shall have full authority to conduct the formal hearing. The Board shall have the right to have at least one member present at any hearing conducted by such hearing officer. **The Board members shall have equal or greater licensing qualifications than those of the licensee being prosecuted.** There may be present at least one RN member of the Board at any such hearing or disciplinary conference. An LPN member or LPN educator may be present for hearings and disciplinary conferences of an LPN. The hearing officer shall report her or his findings and recommendations to the Board within 30 days of the receipt of the record. The Board shall have **up to** 90 days from receipt of the report to review the report of the hearing officer and present their findings of fact, conclusions of law and recommendations to the **Secretary Director**. If the Board fails to present its report within the 90-day period, the **Secretary Director** may issue an order based on the report of the hearing officer. However, if the Board does present its report within the specified 90 days, the **Secretary's Director's** order shall be based upon the report of the Board.

(Source: P.A. 90-61, eff. 12-30-97; 90-742, eff. 8-13-98.)

(225 ILCS 65/70-110 new) (was 225 ILCS 65/20-110)

(Section scheduled to be repealed on January 1, 2008)

Sec. 70-110 20-110. Motion for rehearing. In any case involving refusal to issue, renew, or the discipline of a license, a copy of the Board's report shall be served upon the respondent by the Department, either personally or as provided in this Act, for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which motion shall specify the particular grounds for a rehearing. If no motion for rehearing is filed, then upon the expiration of the time then upon such denial the **Secretary Director** may enter an order in accordance with recommendations of the Board except as provided in Sections 70-100 20-100 and 70-105 20-105 of this Act. If the respondent shall order from the reporting service, and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a
motion may be filed shall commence upon the delivery of the transcript to the respondent.
(Source: P.A. 90-61, eff. 12-30-97; 90-742, eff. 8-13-98.)

(225 ILCS 65/70-115 new) (was 225 ILCS 65/20-115)
(Section scheduled to be repealed on January 1, 2008)

Sec. 70-115 20-115. Order for rehearing. Whenever the Secretary Director is satisfied that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license, the Secretary Director may order a hearing by the same or another hearing officer or the Board.
(Source: P.A. 90-61, eff. 12-30-97; 90-742, eff. 8-13-98.)

(225 ILCS 65/70-120 new) (was 225 ILCS 65/20-120)
(Section scheduled to be repealed on January 1, 2008)

Sec. 70-120 20-120. Order of Secretary Director. An order regarding any disciplinary action or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary Director, shall be prima facie evidence that:

(a) the signature is the genuine signature of the Secretary Director;

(b) the Secretary Director is duly appointed and qualified;

and

(c) the Board and the Board members are qualified to act.
(Source: P.A. 90-61, eff. 12-30-97; 90-742, eff. 8-13-98; 91-357, eff. 7-29-99.)

(225 ILCS 65/70-125 new) (was 225 ILCS 65/20-125)
(Section scheduled to be repealed on January 1, 2008)

Sec. 70-125 20-125. Restoration after suspension or revocation. At any time after the suspension or revocation of any license, the Department may restore it to the accused person unless, after an investigation and a hearing, the Department determines that restoration is not in the public interest.
(Source: P.A. 90-742, eff. 8-13-98.)

(225 ILCS 65/70-130 new) (was 225 ILCS 65/20-130)
(Section scheduled to be repealed on January 1, 2008)

New matter indicated by italics - deletions by strikeout
Sec. 70-130 20-130. Surrender of license. Upon revocation or suspension of any license, the licensee shall forthwith surrender the license to the Department and if the licensee fails to do so, the Department shall have the right to seize the license.

(Source: P.A. 90-61, eff. 12-30-97; 90-742, eff. 8-13-98.)

(225 ILCS 65/70-135 new) (was 225 ILCS 65/20-135)
(Section scheduled to be repealed on January 1, 2008)

Sec. 70-135 20-135. Temporary suspension. The Secretary Director may temporarily suspend the license of a licensee nurse without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 70-80 20-80 of this Act, if the Secretary Director finds that evidence in his or her possession indicates that continuation in practice would constitute an imminent danger to the public. In the event that the Secretary Director suspends, temporarily, this license without a hearing, a hearing by the Department must be held within 30 days after the suspension has occurred, and be concluded without appreciable delay.

Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides; but if the party is not a resident of this State, the venue shall be in Sangamon County.

(Source: P.A. 90-61, eff. 12-30-97; 90-742, eff. 8-13-98.)

(225 ILCS 65/70-140 new) (was 225 ILCS 65/20-140)
(Section scheduled to be repealed on January 1, 2008)

Sec. 70-140 20-140. Administrative Review Law. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the revisions of the Administrative Review Law, and all amendments and modifications thereof, and the rule adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(Source: P.A. 90-742, eff. 8-13-98.)

(225 ILCS 65/70-145 new) (was 225 ILCS 65/20-145)
(Section scheduled to be repealed on January 1, 2008)

Sec. 70-145 20-145. Certification of record. The Department shall not be required to certify any record to the Court or file any answer in

New matter indicated by italics - deletions by strikeout
court or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court, with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record. Failure on the part of the plaintiff to file such receipt in Court shall be grounds for dismissal of the action.
(Source: P.A. 90-742, eff. 8-13-98.)

(225 ILCS 65/70-150 new) (was 225 ILCS 65/20-150)
Sec. 70-150. Criminal penalties. Any person who is found to have violated any provision of this Act is guilty of a Class A misdemeanor. On conviction of a second or subsequent offense, the violator shall be guilty of a Class 4 felony.
(Source: P.A. 90-742, eff. 8-13-98.)

(225 ILCS 65/70-155 new) (was 225 ILCS 65/20-155)
Sec. 70-155. Pending actions. All disciplinary actions taken or pending pursuant to the Illinois Nursing Act, approved June 14, 1951, as amended, shall, for the actions taken, remain in effect, and for the actions pending, shall be continued, on the effective date of this Act without having separate actions filed by the Department.
(Source: P.A. 90-61, eff. 12-30-97; 90-742, eff. 8-13-98.)

(225 ILCS 65/70-160 new) (was 225 ILCS 65/20-160)
Sec. 70-160. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation or renewal of the license is specifically excluded. For the purposes of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.
(Source: P.A. 90-742, eff. 8-13-98.)

New matter indicated by italics - deletions by strikeout
Sec. 70-165. Home rule preemption. It is declared to be the public policy of this State, pursuant to paragraph (h) of Section 6 of Article VII of the Illinois Constitution of 1970, that any power or function set forth in this Act to be exercised by the State is an exclusive State power or function. Such power or function shall not be exercised concurrently, either directly or indirectly, by any unit of local government, including home rule units, except as otherwise provided in this Act.

(Section scheduled to be repealed on January 1, 2008)

ARTICLE 75. ILLINOIS CENTER FOR NURSING

Sec. 75-5. Definitions. In this Article:
"Advisory Board" means the Center for Nursing Advisory Board.
"Center" means the Illinois Center for Nursing.

(Section scheduled to be repealed on January 1, 2008)

Sec. 75-10. Illinois Center for Nursing. There is created the Illinois Center for Nursing to address issues of supply and demand in the nursing profession, including issues of recruitment, retention, and utilization of nurse manpower resources. The General Assembly finds that the Center will enhance the delivery of quality health care services by providing an ongoing strategy for the allocation of the State's resources directed towards nursing. Each of the following objectives shall serve as the primary goals for the Center:

(1) To develop a strategic plan for nursing manpower in Illinois by selecting priorities that must be addressed.
(2) To convene various groups of representatives of nurses, other health care providers, businesses and industries, consumers, legislators, and educators to:

   (A) review and comment on data analysis prepared for the Center;
   (B) recommend systemic changes, including strategies for implementation of recommended changes; and
   (C) evaluate and report the results of the Advisory Board's efforts to the General Assembly and others.

(3) To enhance and promote recognition, reward, and renewal activities for nurses in Illinois by:

   (A) proposing and creating reward, recognition, and renewal activities for nursing; and
   (B) promoting media and positive image-building efforts for nursing.

(Source: P.A. 94-1020, eff. 7-11-06.)

(225 ILCS 65/75-15) (was 225 ILCS 65/17-15)
(Section scheduled to be repealed on January 1, 2008)
Sec. 75-15 +7-15. Center for Nursing Advisory Board.

(a) There is created the Center for Nursing Advisory Board, which shall consist of 11 members appointed by the Governor, with 6 members of the Advisory Board being nurses representative of various nursing specialty areas. The other 5 members may include representatives of associations, health care providers, nursing educators, and consumers. The Advisory Board shall be chaired by the Nursing Act Coordinator, who shall be a voting member of the Advisory Board.

(b) The membership of the Advisory Board shall reasonably reflect representation from the geographic areas in this State.

(c) Members of the Advisory Board appointed by the Governor shall serve for terms of 4 years, with no member serving more than 10 successive years, except that, initially, 4 members shall be appointed to the Advisory Board for terms that expire on June 30, 2009, 4 members shall be appointed to the Advisory Board for terms that expire on June 30, 2008,

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and 3 members shall be appointed to the *Advisory* Board for terms that expire on June 30, 2007. A member shall serve until his or her successor is appointed and has qualified. Vacancies shall be filled in the same manner as original appointments, and any member so appointed shall serve during the remainder of the term for which the vacancy occurred.

(d) A quorum of the *Advisory* Board shall consist of a majority of *Advisory* Board members currently serving. A majority vote of the quorum is required for *Advisory* Board decisions. A vacancy in the membership of the *Advisory* Board shall not impair the right of a quorum to exercise all of the rights and perform all of the duties of the *Advisory* Board.

(e) The Governor may remove any appointed member of the *Advisory* Board for misconduct, incapacity, or neglect of duty and shall be the sole judge of the sufficiency of the cause for removal.

(f) Members of the *Advisory* Board are immune from suit in any action based upon any activities performed in good faith as members of the *Advisory* Board.

(e) Members of the *Advisory* Board shall not receive compensation, but shall be reimbursed for actual traveling, incidentals, and expenses necessarily incurred in carrying out their duties as members of the *Advisory* Board, as approved by the Department.

(Source: P.A. 94-1020, eff. 7-11-06.)
(4) recommend the adoption and, from time to time, the revision of those rules that may be adopted and necessary to carry out the provisions of this Act;

(5) implement the major functions of the Center, as established in the goals set forth in Section 75-10 of this Article; and

(6) seek and accept non-State funds for carrying out the policy of the Center.

(b) The Center shall work in consultation with other State agencies as necessary.

(Source: P.A. 94-1020, eff. 7-11-06.)

Section 130. The Nursing Home Administrators Licensing and Disciplinary Act is amended by changing Section 4 as follows:

(225 ILCS 70/4) (from Ch. 111, par. 3654)

(Section scheduled to be repealed on January 1, 2008)

Sec. 4. Definitions. For purposes of this Act, the following definitions shall have the following meanings, except where the context requires otherwise:

(1) "Act" means the Nursing Home Administrators Licensing and Disciplinary Act.

(2) "Department" means the Department of Professional Regulation.

(3) "Director" means the Director of Professional Regulation.

(4) "Board" means the Nursing Home Administrators Licensing and Disciplinary Board appointed by the Governor.

(5) "Nursing home administrator" means the individual licensed under this Act and directly responsible for planning, organizing, directing and supervising the operation of a nursing home, or who in fact performs such functions, whether or not such functions are delegated to one or more other persons.

(6) "Nursing home" or "facility" means any entity that is required to be licensed by the Department of Public Health under the Nursing Home Care Act, as amended, other than a sheltered

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care home as defined thereunder, and includes private homes, institutions, buildings, residences, or other places, whether operated for profit or not, irrespective of the names attributed to them, county homes for the infirm and chronically ill operated pursuant to the County Nursing Home Act, as amended, and any similar institutions operated by a political subdivision of the State of Illinois that provide, though their ownership or management, maintenance, personal care, and nursing for 3 or more persons, not related to the owner by blood or marriage, or any similar facilities in which maintenance is provided to 3 or more persons who by reason of illness of physical infirmity require personal care and nursing.

(7) "Maintenance" means food, shelter and laundry.

(8) "Personal care" means assistance with meals, dressing, movement, bathing, or other personal needs, or general supervision of the physical and mental well-being of an individual who because of age, physical, or mental disability, emotion or behavior disorder, or mental retardation is incapable of managing his or her person, whether or not a guardian has been appointed for such individual. For the purposes of this Act, this definition does not include the professional services of a nurse.

(9) "Nursing" means professional nursing or practical nursing, as those terms are defined in the Nurse Practice Act and the Nursing and Advanced Practice Nursing Act, for sick or infirm persons who are under the care and supervision of licensed physicians or dentists.

(10) "Disciplinary action" means revocation, suspension, probation, supervision, reprimand, required education, fines or any other action taken by the Department against a person holding a license.

(11) "Impaired" means the inability to practice with reasonable skill and safety due to physical or mental disabilities as evidenced by a written determination or written consent based on clinical evidence including deterioration through the aging process.

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or loss of motor skill, or abuse of drugs or alcohol, of sufficient
degree to diminish a person's ability to administer a nursing home.
(Source: P.A. 90-61, eff. 12-30-97; 90-742, eff. 8-13-98.)

Section 135. The Pharmacy Practice Act of 1987 is amended by
changing Section 4 as follows:

(225 ILCS 85/4) (from Ch. 111, par. 4124)
(Section scheduled to be repealed on January 1, 2008)
Sec. 4. Exemptions. Nothing contained in any Section of this Act
shall apply to, or in any manner interfere with:
(a) the lawful practice of any physician licensed to practice
medicine in all of its branches, dentist, podiatrist, veterinarian, or
therapeutically or diagnostically certified optometrist within the limits of
his or her license, or prevent him or her from supplying to his or her bona
fide patients such drugs, medicines, or poisons as may seem to him
appropriate;
(b) the sale of compressed gases;
(c) the sale of patent or proprietary medicines and household
remedies when sold in original and unbroken packages only, if such patent
or proprietary medicines and household remedies be properly and
adequately labeled as to content and usage and generally considered and
accepted as harmless and nonpoisonous when used according to the
directions on the label, and also do not contain opium or coca leaves, or
any compound, salt or derivative thereof, or any drug which, according to
the latest editions of the following authoritative pharmaceutical treatises
and standards, namely, The United States Pharmacopoeia/National
Formulary (USP/NF), the United States Dispensatory, and the Accepted
Dental Remedies of the Council of Dental Therapeutics of the American
Dental Association or any or either of them, in use on the effective date of
this Act, or according to the existing provisions of the Federal Food, Drug,
and Cosmetic Act and Regulations of the Department of Health and
Human Services, Food and Drug Administration, promulgated thereunder
now in effect, is designated, described or considered as a narcotic,
hypnotic, habit forming, dangerous, or poisonous drug;

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(d) the sale of poultry and livestock remedies in original and unbroken packages only, labeled for poultry and livestock medication;

(e) the sale of poisonous substances or mixture of poisonous substances, in unbroken packages, for nonmedicinal use in the arts or industries or for insecticide purposes; provided, they are properly and adequately labeled as to content and such nonmedicinal usage, in conformity with the provisions of all applicable federal, state and local laws and regulations promulgated thereunder now in effect relating thereto and governing the same, and those which are required under such applicable laws and regulations to be labeled with the word "Poison", are also labeled with the word "Poison" printed thereon in prominent type and the name of a readily obtainable antidote with directions for its administration;

(f) the delegation of limited prescriptive authority by a physician licensed to practice medicine in all its branches to a physician assistant under Section 7.5 of the Physician Assistant Practice Act of 1987. This delegated authority under Section 7.5 of the Physician Assistant Practice Act of 1987 may but is not required to include prescription of Schedule III, IV, or V controlled substances, as defined in Article II of the Illinois Controlled Substances Act, in accordance with written guidelines under Section 7.5 of the Physician Assistant Practice Act of 1987; and

(g) The delegation of limited prescriptive authority by a physician licensed to practice medicine in all its branches to an advanced practice nurse in accordance with a written collaborative agreement under Section 65-35 of the Nurse Practice Act Sections 15-15 and 15-20 of the Nursing and Advanced Practice Nursing Act. This delegated authority, which is delegated under Section 65-40 of the Nurse Practice Act, may but is not required to include the prescription of Schedule III, IV, or V controlled substances as defined in Article II of the Illinois Controlled Substances Act.

(Source: P.A. 90-116, eff. 7-14-97; 90-253, eff. 7-29-97; 90-655, eff. 7-30-98; 90-742, eff. 8-13-98.)

Section 140. The Illinois Physical Therapy Act is amended by changing Section 1 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 1. Definitions. As used in this Act:

(1) "Physical therapy" means all of the following:
   
   (A) Examining, evaluating, and testing individuals who may have mechanical, physiological, or developmental impairments, functional limitations, disabilities, or other health and movement-related conditions, classifying these disorders, determining a rehabilitation prognosis and plan of therapeutic intervention, and assessing the ongoing effects of the interventions.

   (B) Alleviating impairments, functional limitations, or disabilities by designing, implementing, and modifying therapeutic interventions that may include, but are not limited to, the evaluation or treatment of a person through the use of the effective properties of physical measures and heat, cold, light, water, radiant energy, electricity, sound, and air and use of therapeutic massage, therapeutic exercise, mobilization, and rehabilitative procedures, with or without assistive devices, for the purposes of preventing, correcting, or alleviating a physical or mental impairment, functional limitation, or disability.

   (C) Reducing the risk of injury, impairment, functional limitation, or disability, including the promotion and maintenance of fitness, health, and wellness.

   (D) Engaging in administration, consultation, education, and research. Physical therapy includes, but is not limited to: (a) performance of specialized tests and measurements, (b) administration of specialized treatment procedures, (c) interpretation of referrals from physicians, dentists, advanced practice nurses, physician assistants, and podiatrists, (d) establishment, and modification of physical therapy treatment programs, (e) administration of topical medication used in generally accepted physical therapy procedures when such medication is prescribed by the patient's physician, licensed to
practice medicine in all its branches, the patient's physician licensed to practice podiatric medicine, the patient's advanced practice nurse, the patient's physician assistant, or the patient's dentist, and (f) supervision or teaching of physical therapy. Physical therapy does not include radiology, electrosurgery, chiropractic technique or determination of a differential diagnosis; provided, however, the limitation on determining a differential diagnosis shall not in any manner limit a physical therapist licensed under this Act from performing an evaluation pursuant to such license. Nothing in this Section shall limit a physical therapist from employing appropriate physical therapy techniques that he or she is educated and licensed to perform. A physical therapist shall refer to a licensed physician, advanced practice nurse, physician assistant, dentist, or podiatrist any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the physical therapist.

(2) "Physical therapist" means a person who practices physical therapy and who has met all requirements as provided in this Act.

(3) "Department" means the Department of Professional Regulation.

(4) "Director" means the Director of Professional Regulation.

(5) "Board" means the Physical Therapy Licensing and Disciplinary Board approved by the Director.

(6) "Referral" means a written or oral authorization for physical therapy services for a patient by a physician, dentist, advanced practice nurse, physician assistant, or podiatrist who maintains medical supervision of the patient and makes a diagnosis or verifies that the patient's condition is such that it may be treated by a physical therapist.

(7) "Documented current and relevant diagnosis" for the purpose of this Act means a diagnosis, substantiated by signature or oral verification of a physician, dentist, advanced practice nurse, physician assistant, or podiatrist, that a patient's condition is such that it may be treated by physical therapy as defined in this Act, which diagnosis shall remain in

New matter indicated by italics - deletions by strikeout
effect until changed by the physician, dentist, advanced practice nurse, physician assistant, or podiatrist.

(8) "State" includes:
   (a) the states of the United States of America;
   (b) the District of Columbia; and
   (c) the Commonwealth of Puerto Rico.

(9) "Physical therapist assistant" means a person licensed to assist a physical therapist and who has met all requirements as provided in this Act and who works under the supervision of a licensed physical therapist to assist in implementing the physical therapy treatment program as established by the licensed physical therapist. The patient care activities provided by the physical therapist assistant shall not include the interpretation of referrals, evaluation procedures, or the planning or major modification of patient programs.

(10) "Physical therapy aide" means a person who has received on the job training, specific to the facility in which he is employed, but who has not completed an approved physical therapist assistant program.

(11) "Advanced practice nurse" means a person licensed under the Nurse Practice Act who has a collaborative agreement with a collaborating physician that authorizes referrals to physical therapists.

(12) "Physician assistant" means a person licensed under the Physician Assistant Practice Act of 1987 who has been delegated authority to make referrals to physical therapists.

(Source: P.A. 93-1010, eff. 8-24-04; 94-651, eff. 1-1-06.)

Section 143. The Podiatric Medical Practice Act of 1987 is amended by adding Section 20.5 as follows:

Sec. 20.5. Delegation of authority to advanced practice nurses.
   (a) A podiatrist in active clinical practice may collaborate with an advanced practice nurse in accordance with the requirements of the Nurse Practice Act. Collaboration shall be for the purpose of providing podiatric consultation and no employment relationship shall be required. A written collaborative agreement shall conform to the requirements of Section 65-
35 of the Nurse Practice Act. The written collaborative agreement shall be for services the collaborating podiatrist generally provides to his or her patients in the normal course of clinical podiatric practice, except as set forth in item (3) of this subsection (a). A written collaborative agreement and podiatric collaboration and consultation shall be adequate with respect to advanced practice nurses if all of the following apply:

(1) The agreement is written to promote the exercise of professional judgment by the advanced practice nurse commensurate with his or her education and experience. The agreement need not describe the exact steps that an advanced practice nurse must take with respect to each specific condition, disease, or symptom, but must specify which procedures require a podiatrist's presence as the procedures are being performed.

(2) Practice guidelines and orders are developed and approved jointly by the advanced practice nurse and collaborating podiatrist, as needed, based on the practice of the practitioners. Such guidelines and orders and the patient services provided thereunder are periodically reviewed by the collaborating podiatrist.

(3) The advance practice nurse provides services that the collaborating podiatrist generally provides to his or her patients in the normal course of clinical practice. With respect to the provision of anesthesia services by a certified registered nurse anesthetist, the collaborating podiatrist must have training and experience in the delivery of anesthesia consistent with Department rules.

(4) The collaborating podiatrist and the advanced practice nurse meet in person at least once a month to provide collaboration and consultation.

(5) Methods of communication are available with the collaborating podiatrist in person or through telecommunications for consultation, collaboration, and referral as needed to address patient care needs.

New matter indicated by italics - deletions by strikeout
(6) With respect to the provision of anesthesia services by a certified registered nurse anesthetist, an anesthesiologist, physician, or podiatrist shall participate through discussion of and agreement with the anesthesia plan and shall remain physically present and be available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions. The anesthesiologist or operating podiatrist must agree with the anesthesia plan prior to the delivery of services.

(7) The agreement contains provisions detailing notice for termination or change of status involving a written collaborative agreement, except when such notice is given for just cause.

(b) The collaborating podiatrist shall have access to the records of all patients attended to by an advanced practice nurse.

(c) Nothing in this Section shall be construed to limit the delegation of tasks or duties by a podiatrist to a licensed practical nurse, a registered professional nurse, or other persons.

(d) A podiatrist shall not be liable for the acts or omissions of an advanced practice nurse solely on the basis of having signed guidelines or a collaborative agreement, an order, a standing order, a standing delegation order, or other order or guideline authorizing an advanced practice nurse to perform acts, unless the podiatrist has reason to believe the advanced practice nurse lacked the competency to perform the act or acts or commits willful or wanton misconduct.

Section 145. The Respiratory Care Practice Act is amended by changing Section 10 as follows:

(225 ILCS 106/10)

(Section scheduled to be repealed on January 1, 2016)

Sec. 10. Definitions. In this Act:

"Advanced practice nurse" means an advanced practice nurse licensed under the 
Nurse Practice Act or the Nursing and Advanced Practice Nursing Act.

"Board" means the Respiratory Care Board appointed by the Director.
"Basic respiratory care activities" means and includes all of the following activities:

1. Cleaning, disinfecting, and sterilizing equipment used in the practice of respiratory care as delegated by a licensed health care professional or other authorized licensed personnel.

2. Assembling equipment used in the practice of respiratory care as delegated by a licensed health care professional or other authorized licensed personnel.

3. Collecting and reviewing patient data through non-invasive means, provided that the collection and review does not include the individual's interpretation of the clinical significance of the data. Collecting and reviewing patient data includes the performance of pulse oximetry and non-invasive monitoring procedures in order to obtain vital signs and notification to licensed health care professionals and other authorized licensed personnel in a timely manner.

4. Maintaining a nasal cannula or face mask for oxygen therapy in the proper position on the patient's face.

5. Assembling a nasal cannula or face mask for oxygen therapy at patient bedside in preparation for use.

6. Maintaining a patient's natural airway by physically manipulating the jaw and neck, suctioning the oral cavity, or suctioning the mouth or nose with a bulb syringe.

7. Performing assisted ventilation during emergency resuscitation using a manual resuscitator.

8. Using a manual resuscitator at the direction of a licensed health care professional or other authorized licensed personnel who is present and performing routine airway suctioning. These activities do not include care of a patient's artificial airway or the adjustment of mechanical ventilator settings while a patient is connected to the ventilator.

"Basic respiratory care activities" does not mean activities that involve any of the following:

New matter indicated by italics - deletions by strikeout
(1) Specialized knowledge that results from a course of education or training in respiratory care.
(2) An unreasonable risk of a negative outcome for the patient.
(3) The assessment or making of a decision concerning patient care.
(4) The administration of aerosol medication or oxygen.
(5) The insertion and maintenance of an artificial airway.
(6) Mechanical ventilatory support.
(7) Patient assessment.
(8) Patient education.

"Department" means the Department of Professional Regulation.
"Director" means the Director of Professional Regulation.
"Licensed" means that which is required to hold oneself out as a respiratory care practitioner as defined in this Act.
"Licensed health care professional" means a physician licensed to practice medicine in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to transmit orders to a respiratory care practitioner, or a physician assistant who has been delegated the authority to transmit orders to a respiratory care practitioner by his or her supervising physician.

"Order" means a written, oral, or telecommunicated authorization for respiratory care services for a patient by (i) a licensed health care professional who maintains medical supervision of the patient and makes a diagnosis or verifies that the patient's condition is such that it may be treated by a respiratory care practitioner or (ii) a certified registered nurse anesthetist in a licensed hospital or ambulatory surgical treatment center.

"Other authorized licensed personnel" means a licensed respiratory care practitioner, a licensed registered nurse, or a licensed practical nurse whose scope of practice authorizes the professional to supervise an individual who is not licensed, certified, or registered as a health professional.
"Proximate supervision" means a situation in which an individual is responsible for directing the actions of another individual in the facility and is physically close enough to be readily available, if needed, by the supervised individual.

"Respiratory care" and "cardiorespiratory care" mean preventative services, evaluation and assessment services, therapeutic services, and rehabilitative services under the order of a licensed health care professional or a certified registered nurse anesthetist in a licensed hospital for an individual with a disorder, disease, or abnormality of the cardiopulmonary system. These terms include, but are not limited to, measuring, observing, assessing, and monitoring signs and symptoms, reactions, general behavior, and general physical response of individuals to respiratory care services, including the determination of whether those signs, symptoms, reactions, behaviors, or general physical responses exhibit abnormal characteristics; the administration of pharmacological and therapeutic agents related to respiratory care services; the collection of blood specimens and other bodily fluids and tissues for, and the performance of, cardiopulmonary diagnostic testing procedures, including, but not limited to, blood gas analysis; development, implementation, and modification of respiratory care treatment plans based on assessed abnormalities of the cardiopulmonary system, respiratory care guidelines, referrals, and orders of a licensed health care professional; application, operation, and management of mechanical ventilatory support and other means of life support; and the initiation of emergency procedures under the rules promulgated by the Department. A respiratory care practitioner shall refer to a physician licensed to practice medicine in all its branches any patient whose condition, at the time of evaluation or treatment, is determined to be beyond the scope of practice of the respiratory care practitioner.

"Respiratory care education program" means a course of academic study leading to eligibility for registry or certification in respiratory care. The training is to be approved by an accrediting agency recognized by the Board and shall include an evaluation of competence through a
standardized testing mechanism that is determined by the Board to be both valid and reliable.

"Respiratory care practitioner" means a person who is licensed by the Department of Professional Regulation and meets all of the following criteria:

1. The person is engaged in the practice of cardiorespiratory care and has the knowledge and skill necessary to administer respiratory care.
2. The person is capable of serving as a resource to the licensed health care professional in relation to the technical aspects of cardiorespiratory care and the safe and effective methods for administering cardiorespiratory care modalities.
3. The person is able to function in situations of unsupervised patient contact requiring great individual judgment.

(Source: P.A. 94-523, eff. 1-1-06.)

Section 150. The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 is amended by changing Section 1-11 as follows:

Sec. 1-11. Exceptions to Act.
(a) Nothing in this Act shall be construed to apply to the educational activities conducted in connection with any monthly, annual or other special educational program of any bona fide association of licensed cosmetologists, estheticians, nail technicians, or barbers, or licensed cosmetology, esthetics, nail technology, or barber schools from which the general public is excluded.
(b) Nothing in this Act shall be construed to apply to the activities and services of registered nurses or licensed practical nurses, as defined in the Nurse Practice Act, Nursing and Advanced Practice Nursing Act, or to personal care or health care services provided by individuals in the performance of their duties as employed or authorized by facilities or programs licensed or certified by State agencies. As used in this subsection (b), "personal care" means assistance with meals, dressing, movement, bathing, or other personal needs or maintenance or general supervision and

New matter indicated by italics - deletions by strikeout
oversight of the physical and mental well-being of an individual who is incapable of maintaining a private, independent residence or who is incapable of managing his or her person whether or not a guardian has been appointed for that individual. The definition of "personal care" as used in this subsection (b) shall not otherwise be construed to negate the requirements of this Act or its rules.

(c) Nothing in this Act shall be deemed to require licensure of individuals employed by the motion picture, film, television, stage play or related industry for the purpose of providing cosmetology or esthetics services to actors of that industry while engaged in the practice of cosmetology or esthetics as a part of that person's employment.

(Source: P.A. 90-580, eff. 5-21-98; 90-742, eff. 8-13-98; 91-357, eff. 7-29-99.)

Section 155. The Nurse Agency Licensing Act is amended by changing Section 3 as follows:

(225 ILCS 510/3) (from Ch. 111, par. 953)

Sec. 3. Definitions. As used in this Act:

(a) "Certified nurse aide" means an individual certified as defined in Section 3-206 of the Nursing Home Care Act, as now or hereafter amended.

(b) "Department" means the Department of Labor.

(c) "Director" means the Director of Labor.

(d) "Health care facility" is defined as in Section 3 of the Illinois Health Facilities Planning Act, as now or hereafter amended.

(e) "Licensee" means any nursing agency which is properly licensed under this Act.

(f) "Nurse" means a registered nurse or a licensed practical nurse as defined in the Nurse Practice Act.

(g) "Nurse agency" means any individual, firm, corporation, partnership or other legal entity that employs, assigns or refers nurses or certified nurse aides to a health care facility for a fee. The term "nurse agency" includes nurses registries. The term "nurse agency" does not include services provided by home health agencies licensed and operated

New matter indicated by italics - deletions by strikeout
under the Home Health, Home Services, and Home Nursing Agency Licensing Act or a licensed or certified individual who provides his or her own services as a regular employee of a health care facility, nor does it apply to a health care facility's organizing nonsalaried employees to provide services only in that facility.
(Source: P.A. 94-379, eff. 1-1-06.)

Section 160. The Illinois Public Aid Code is amended by changing Section 8A-7.1 as follows:

(305 ILCS 5/8A-7.1) (from Ch. 23, par. 8A-7.1)

Sec. 8A-7.1. The Director, upon making a determination based upon information in the possession of the Illinois Department, that continuation in practice of a licensed health care professional would constitute an immediate danger to the public, shall submit a written communication to the Director of Professional Regulation indicating such determination and additionally providing a complete summary of the information upon which such determination is based, and recommending that the Director of Professional Regulation immediately suspend such person's license. All relevant evidence, or copies thereof, in the Illinois Department's possession may also be submitted in conjunction with the written communication. A copy of such written communication, which is exempt from the copying and inspection provisions of the Freedom of Information Act, shall at the time of submittal to the Director of Professional Regulation be simultaneously mailed to the last known business address of such licensed health care professional by certified or registered postage, United States Mail, return receipt requested. Any evidence, or copies thereof, which is submitted in conjunction with the written communication is also exempt from the copying and inspection provisions of the Freedom of Information Act.

The Director, upon making a determination based upon information in the possession of the Illinois Department, that a licensed health care professional is willfully committing fraud upon the Illinois Department's medical assistance program, shall submit a written communication to the Director of Professional Regulation indicating such determination and additionally providing a complete summary of the
information upon which such determination is based. All relevant evidence, or copies thereof, in the Illinois Department's possession may also be submitted in conjunction with the written communication.

Upon receipt of such written communication, the Director of Professional Regulation shall promptly investigate the allegations contained in such written communication. A copy of such written communication, which is exempt from the copying and inspection provisions of the Freedom of Information Act, shall at the time of submission to the Director of Professional Regulation, be simultaneously mailed to the last known address of such licensed health care professional by certified or registered postage, United States Mail, return receipt requested. Any evidence, or copies thereof, which is submitted in conjunction with the written communication is also exempt from the copying and inspection provisions of the Freedom of Information Act.

For the purposes of this Section, "licensed health care professional" means any person licensed under the Illinois Dental Practice Act, the Nursing and Advanced Practice Nursing Act, the Medical Practice Act of 1987, the Pharmacy Practice Act of 1987, the Podiatric Medical Practice Act of 1987, or the Illinois Optometric Practice Act of 1987.

(Source: P.A. 92-651, eff. 7-11-02.)

Section 165. The Elder Abuse and Neglect Act is amended by changing Section 2 as follows:

(320 ILCS 20/2) (from Ch. 23, par. 6602)

Sec. 2. Definitions. As used in this Act, unless the context requires otherwise:

(a) "Abuse" means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse, neglect, or self-neglect for the sole reason that he or she is being furnished with or relies upon treatment by spiritual means through prayer alone, in accordance with the tenets and practices of a recognized church or religious denomination.

New matter indicated by italics - deletions by strikeout
Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse because of health care services provided or not provided by licensed health care professionals.

(a-5) "Abuser" means a person who abuses, neglects, or financially exploits an eligible adult.

(a-7) "Caregiver" means a person who either as a result of a family relationship, voluntarily, or in exchange for compensation has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily living.

(b) "Department" means the Department on Aging of the State of Illinois.

(c) "Director" means the Director of the Department.

(d) "Domestic living situation" means a residence where the eligible adult lives alone or with his or her family or a caregiver, or others, or a board and care home or other community-based unlicensed facility, but is not:

1. A licensed facility as defined in Section 1-113 of the Nursing Home Care Act;
2. A "life care facility" as defined in the Life Care Facilities Act;
3. A home, institution, or other place operated by the federal government or agency thereof or by the State of Illinois;
4. A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor, which is required to be licensed under the Hospital Licensing Act;
5. A "community living facility" as defined in the Community Living Facilities Licensing Act;
6. A "community residential alternative" as defined in the Community Residential Alternatives Licensing Act;
7. A "community-integrated living arrangement" as defined in the Community-Integrated Living Arrangements Licensure and Certification Act;

New matter indicated by italics - deletions by strikeout
(8) An assisted living or shared housing establishment as defined in the Assisted Living and Shared Housing Act; or
(9) A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.

(e) "Eligible adult" means a person 60 years of age or older who resides in a domestic living situation and is, or is alleged to be, abused, neglected, or financially exploited by another individual or who neglects himself or herself.

(f) "Emergency" means a situation in which an eligible adult is living in conditions presenting a risk of death or physical, mental or sexual injury and the provider agency has reason to believe the eligible adult is unable to consent to services which would alleviate that risk.

(f-5) "Mandated reporter" means any of the following persons while engaged in carrying out their professional duties:

(1) a professional or professional's delegate while engaged in: (i) social services, (ii) law enforcement, (iii) education, (iv) the care of an eligible adult or eligible adults, or (v) any of the occupations required to be licensed under the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, the Illinois Dental Practice Act, the Dietetic and Nutrition Services Practice Act, the Marriage and Family Therapy Licensing Act, the Medical Practice Act of 1987, the Naprapathic Practice Act, the Nurse Practice Act, the Nursing and Advanced Practice Nursing Act, the Nursing Home Administrators Licensing and Disciplinary Act, the Illinois Occupational Therapy Practice Act, the Illinois Optometric Practice Act of 1987, the Pharmacy Practice Act of 1987, the Illinois Physical Therapy Act, the Physician Assistant Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Respiratory Care Practice Act, the Professional Counselor and Clinical Professional Counselor Licensing Act, the Illinois Speech-Language Pathology and Audiology Practice Act, the Veterinary Medicine and Surgery Practice Act of 2004, and the Illinois Public Accounting Act;

New matter indicated by italics - deletions by strikeout
(2) an employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;

(3) an administrator, employee, or person providing services in or through an unlicensed community based facility;

(4) any religious practitioner who provides treatment by prayer or spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination, except as to information received in any confession or sacred communication enjoined by the discipline of the religious denomination to be held confidential;

(5) field personnel of the Department of Healthcare and Family Services, Department of Public Health, and Department of Human Services, and any county or municipal health department;

(6) personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies, and the Office of State Long Term Care Ombudsman;

(7) any employee of the State of Illinois not otherwise specified herein who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and all other persons having direct contact with eligible adults;

(8) a person who performs the duties of a coroner or medical examiner; or

(9) a person who performs the duties of a paramedic or an emergency medical technician.

(g) "Neglect" means another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or health care. This subsection does not create any new affirmative duty to provide support to eligible adults. Nothing in this Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals.

New matter indicated by italics - deletions by strikeout
(h) "Provider agency" means any public or nonprofit agency in a planning and service area appointed by the regional administrative agency with prior approval by the Department on Aging to receive and assess reports of alleged or suspected abuse, neglect, or financial exploitation.

(i) "Regional administrative agency" means any public or nonprofit agency in a planning and service area so designated by the Department, provided that the designated Area Agency on Aging shall be designated the regional administrative agency if it so requests. The Department shall assume the functions of the regional administrative agency for any planning and service area where another agency is not so designated.

(i-5) "Self-neglect" means a condition that is the result of an eligible adult's inability, due to physical or mental impairments, or both, or a diminished capacity, to perform essential self-care tasks that substantially threaten his or her own health, including: providing essential food, clothing, shelter, and health care; and obtaining goods and services necessary to maintain physical health, mental health, emotional well-being, and general safety.

(j) "Substantiated case" means a reported case of alleged or suspected abuse, neglect, financial exploitation, or self-neglect in which a provider agency, after assessment, determines that there is reason to believe abuse, neglect, or financial exploitation has occurred.

(Source: P.A. 93-281 eff. 12-31-03; 93-300, eff. 1-1-04; 94-1064, eff. 1-1-07.)

Section 170. The Prenatal and Newborn Care Act is amended by changing Section 2 as follows:

(410 ILCS 225/2) (from Ch. 111 1/2, par. 7022)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

"Advanced practice nurse" or "APN" means an advanced practice nurse licensed under the Nurse Practice Act who has a written collaborative agreement with a collaborating physician that authorizes the provision of prenatal and newborn care.

"Department" means the Illinois Department of Human Services.

New matter indicated by italics - deletions by strikeout
"Early and Periodic Screening, Diagnosis and Treatment (EPSDT)" means the provision of preventative health care under 42 C.F.R. 441.50 et seq., including medical and dental services, needed to assess growth and development and detect and treat health problems.

"Hospital" means a hospital as defined under the Hospital Licensing Act.

"Local health authority" means the full-time official health department or board of health, as recognized by the Illinois Department of Public Health, having jurisdiction over a particular area.

"Nurse" means a nurse licensed under the \textit{Nurse Practice Act} Nursing and Advanced Practice Nursing Act.

"Physician" means a physician licensed to practice medicine in all of its branches.

"Physician assistant" means a physician assistant licensed under the Physician Assistant Practice Act of 1987 who has been delegated authority to provide prenatal and newborn care.

"Postnatal visit" means a visit occurring after birth, with reference to the newborn.

"Prenatal visit" means a visit occurring before birth.

"Program" means the Prenatal and Newborn Care Program established pursuant to this Act.

(Source: P.A. 93-962, eff. 8-20-04.)

Section 175. The Illinois Sexually Transmissible Disease Control Act is amended by changing Section 4 as follows:

(410 ILCS 325/4) (from Ch. 111 1/2, par. 7404)

Sec. 4. Reporting required.

(a) A physician licensed under the provisions of the Medical Practice Act of 1987, an advanced practice nurse licensed under the provisions of the \textit{Nurse Practice Act} Nursing and Advanced Practice Nursing Act who has a written collaborative agreement with a collaborating physician that authorizes the provision of services for a sexually transmissible disease, or a physician assistant licensed under the provisions of the Physician Assistant Practice Act of 1987 who has been delegated authority to provide services for a sexually transmissible disease

New matter indicated by italics - deletions by strikeout
who makes a diagnosis of or treats a person with a sexually transmissible disease and each laboratory that performs a test for a sexually transmissible disease which concludes with a positive result shall report such facts as may be required by the Department by rule, within such time period as the Department may require by rule, but in no case to exceed 2 weeks.

(b) The Department shall adopt rules specifying the information required in reporting a sexually transmissible disease, the method of reporting and specifying a minimum time period for reporting. In adopting such rules, the Department shall consider the need for information, protections for the privacy and confidentiality of the patient, and the practical abilities of persons and laboratories to report in a reasonable fashion.

(c) Any person who knowingly or maliciously disseminates any false information or report concerning the existence of any sexually transmissible disease under this Section is guilty of a Class A misdemeanor.

(d) Any person who violates the provisions of this Section or the rules adopted hereunder may be fined by the Department up to $500 for each violation. The Department shall report each violation of this Section to the regulatory agency responsible for licensing a health care professional or a laboratory to which these provisions apply.

(Source: P.A. 93-962, eff. 8-20-04.)

Section 180. The Home Health and Hospice Drug Dispensation and Administration Act is amended by changing Section 10 as follows:

"Authorized nursing employee" means a registered nurse or advanced practice nurse, as defined in the Nurse Practice Act Nursing and Advanced Practice Nursing Act, who is employed by a home health agency or hospice licensed in this State.

"Health care professional" means a physician licensed to practice medicine in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes

New matter indicated by italics - deletions by strikeout
services under this Act, or a physician assistant who has been delegated the authority to perform services under this Act by his or her supervising physician.

"Home health agency" has the meaning ascribed to it in Section 2.04 of the Home Health, Home Services, and Home Nursing Agency Licensing Act.

"Hospice" means a full hospice, as defined in Section 3 of the Hospice Program Licensing Act.

"Physician" means a physician licensed under the Medical Practice Act of 1987 to practice medicine in all its branches.

(Source: P.A. 94-638, eff. 8-22-05; revised 10-19-06.)

Section 190. The Illinois Abortion Law of 1975 is amended by changing Section 11 as follows:

(720 ILCS 510/11) (from Ch. 38, par. 81-31)

Sec. 11. (1) Any person who intentionally violates any provision of this Law commits a Class A misdemeanor unless a specific penalty is otherwise provided. Any person who intentionally falsifies any writing required by this Law commits a Class A misdemeanor.

Intentional, knowing, reckless, or negligent violations of this Law shall constitute unprofessional conduct which causes public harm under Section 22 of the Medical Practice Act of 1987, as amended; Sections 70-5 of the Nurse Practice Act, Sections 10-45 and 15-50 of the Nursing and Advanced Practice Nursing Act, and Section 21 of the Physician Assistant Practice Act of 1987, as amended.

Intentional, knowing, reckless or negligent violations of this Law will constitute grounds for refusal, denial, revocation, suspension, or withdrawal of license, certificate, or permit under Section 30 of the Pharmacy Practice Act of 1987, as amended; Section 7 of the Ambulatory Surgical Treatment Center Act, effective July 19, 1973, as amended; and Section 7 of the Hospital Licensing Act.

(2) Any hospital or licensed facility which, or any physician who intentionally, knowingly, or recklessly fails to submit a complete report to the Department in accordance with the provisions of Section 10 of this Law and any person who intentionally, knowingly, recklessly or
negligently fails to maintain the confidentiality of any reports required under this Law or reports required by Sections 10.1 or 12 of this Law commits a Class B misdemeanor.

(3) Any person who sells any drug, medicine, instrument or other substance which he knows to be an abortifacient and which is in fact an abortifacient, unless upon prescription of a physician, is guilty of a Class B misdemeanor. Any person who prescribes or administers any instrument, medicine, drug or other substance or device, which he knows to be an abortifacient, and which is in fact an abortifacient, and intentionally, knowingly or recklessly fails to inform the person for whom it is prescribed or upon whom it is administered that it is an abortedacient commits a Class C misdemeanor.

(4) Any person who intentionally, knowingly or recklessly performs upon a woman what he represents to that woman to be an abortion when he knows or should know that she is not pregnant commits a Class 2 felony and shall be answerable in civil damages equal to 3 times the amount of proved damages.

(Source: P.A. 90-742, eff. 8-13-98.)

Section 195. The Illinois Controlled Substances Act is amended by changing Sections 102, 103, and 303.05 as follows:

(720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

Sec. 102. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Addict" means any person who habitually uses any drug, chemical, substance or dangerous drug other than alcohol so as to endanger the public morals, health, safety or welfare or who is so far addicted to the use of a dangerous drug or controlled substance other than alcohol as to have lost the power of self control with reference to his addiction.

(b) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient, research subject, or animal (as defined by the Humane Euthanasia in Animal Shelters Act) by:

New matter indicated by italics - deletions by strikeout
(1) a practitioner (or, in his presence, by his authorized agent),
(2) the patient or research subject at the lawful direction of the practitioner, or
(3) a euthanasia technician as defined by the Humane Euthanasia in Animal Shelters Act.
(c) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.
(c-1) "Anabolic Steroids" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

(i) boldenone,
(ii) chlorotestosterone,
(iii) chostebol,
(iv) dehydrochlormethyltestosterone,
(v) dihydrotestosterone,
(vi) drostanolone,
(vii) ethylestrenol,
(viii) fluoxymesterone,
(ix) formebulone,
(x) mesterolone,
(xi) methandienone,
(xii) methandranone,
(xiii) methandriol,
(xiv) methandrostenolone,
(xv) methenolone,
(xvi) methyltestosterone,
(xvii) mibolerone,
(xviii) nandrolone,
(xix) norethandrolone,
(xx) oxandrolone,
(xxi) oxymesterone,
(xxii) oxymetholone,
(xxiii) stanolone,
(xxiv) stanozolol,
(xxv) testolactone,
(xxvi) testosterone,
(xxvii) trenbolone, and
(xxviii) any salt, ester, or isomer of a drug or
substance described or listed in this paragraph, if that salt,
ester, or isomer promotes muscle growth.

Any person who is otherwise lawfully in possession of an anabolic
steroid, or who otherwise lawfully manufactures, distributes, dispenses,
delivers, or possesses with intent to deliver an anabolic steroid, which
anabolic steroid is expressly intended for and lawfully allowed to be
administered through implants to livestock or other nonhuman species,
and which is approved by the Secretary of Health and Human Services for
such administration, and which the person intends to administer or have
administered through such implants, shall not be considered to be in
unauthorized possession or to unlawfully manufacture, distribute,
dispense, deliver, or possess with intent to deliver such anabolic steroid for
purposes of this Act.

(d) "Administration" means the Drug Enforcement Administration,
United States Department of Justice, or its successor agency.

(e) "Control" means to add a drug or other substance, or immediate
precursor, to a Schedule under Article II of this Act whether by transfer
from another Schedule or otherwise.

(f) "Controlled Substance" means a drug, substance, or immediate
precursor in the Schedules of Article II of this Act.

(g) "Counterfeit substance" means a controlled substance, which,
or the container or labeling of which, without authorization bears the
trademark, trade name, or other identifying mark, imprint, number or
device, or any likeness thereof, of a manufacturer, distributor, or dispenser
other than the person who in fact manufactured, distributed, or dispensed
the substance.

New matter indicated by italics - deletions by strikeout
(h) "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession of a controlled substance, with or without consideration, whether or not there is an agency relationship.

(i) "Department" means the Illinois Department of Human Services (as successor to the Department of Alcoholism and Substance Abuse) or its successor agency.

(j) "Department of State Police" means the Department of State Police of the State of Illinois or its successor agency.

(k) "Department of Corrections" means the Department of Corrections of the State of Illinois or its successor agency.

(l) "Department of Professional Regulation" means the Department of Professional Regulation of the State of Illinois or its successor agency.

(m) "Depressant" or "stimulant substance" means:
   (1) a drug which contains any quantity of (i) barbituric acid or any of the salts of barbituric acid which has been designated as habit forming under section 502 (d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352 (d)); or
   (2) a drug which contains any quantity of (i) amphetamine or methamphetamine and any of their optical isomers; (ii) any salt of aamphetamine or methamphetamine or any salt of an optical isomer of amphetamine; or (iii) any substance which the Department, after investigation, has found to be, and by rule designated as, habit forming because of its depressant or stimulant effect on the central nervous system; or
   (3) lysergic acid diethylamide; or
   (4) any drug which contains any quantity of a substance which the Department, after investigation, has found to have, and by rule designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

(n) (Blank).

(o) "Director" means the Director of the Department of State Police or the Department of Professional Regulation or his designated agents.
(p) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a prescriber, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(q) "Dispenser" means a practitioner who dispenses.

(r) "Distribute" means to deliver, other than by administering or dispensing, a controlled substance.

(s) "Distributor" means a person who distributes.

(t) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) substances intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure of any function of the body of man or animals and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(t-5) "Euthanasia agency" means an entity certified by the Department of Professional Regulation for the purpose of animal euthanasia that holds an animal control facility license or animal shelter license under the Animal Welfare Act. A euthanasia agency is authorized to purchase, store, possess, and utilize Schedule II nonnarcotic and Schedule III nonnarcotic drugs for the sole purpose of animal euthanasia.

(t-10) "Euthanasia drugs" means Schedule II or Schedule III substances (nonnarcotic controlled substances) that are used by a euthanasia agency for the purpose of animal euthanasia.

(u) "Good faith" means the prescribing or dispensing of a controlled substance by a practitioner in the regular course of professional treatment to or for any person who is under his treatment for a pathology or condition other than that individual's physical or psychological dependence upon or addiction to a controlled substance, except as provided herein: and application of the term to a pharmacist shall mean the dispensing of a controlled substance pursuant to the prescriber's order...

New matter indicated by italics - deletions by strikeout
which in the professional judgment of the pharmacist is lawful. The pharmacist shall be guided by accepted professional standards including, but not limited to the following, in making the judgment:

(1) lack of consistency of doctor-patient relationship,
(2) frequency of prescriptions for same drug by one prescriber for large numbers of patients,
(3) quantities beyond those normally prescribed,
(4) unusual dosages,
(5) unusual geographic distances between patient, pharmacist and prescriber,
(6) consistent prescribing of habit-forming drugs.

(u-1) "Home infusion services" means services provided by a pharmacy in compounding solutions for direct administration to a patient in a private residence, long-term care facility, or hospice setting by means of parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion.

(v) "Immediate precursor" means a substance:

(1) which the Department has found to be and by rule designated as being a principal compound used, or produced primarily for use, in the manufacture of a controlled substance;
(2) which is an immediate chemical intermediary used or likely to be used in the manufacture of such controlled substance; and
(3) the control of which is necessary to prevent, curtail or limit the manufacture of such controlled substance.

(w) "Instructional activities" means the acts of teaching, educating or instructing by practitioners using controlled substances within educational facilities approved by the State Board of Education or its successor agency.

(x) "Local authorities" means a duly organized State, County or Municipal peace unit or police force.

(y) "Look-alike substance" means a substance, other than a controlled substance which (1) by overall dosage unit appearance, including shape, color, size, markings or lack thereof, taste, consistency, or
any other identifying physical characteristic of the substance, would lead a reasonable person to believe that the substance is a controlled substance, or (2) is expressly or impliedly represented to be a controlled substance or is distributed under circumstances which would lead a reasonable person to believe that the substance is a controlled substance. For the purpose of determining whether the representations made or the circumstances of the distribution would lead a reasonable person to believe the substance to be a controlled substance under this clause (2) of subsection (y), the court or other authority may consider the following factors in addition to any other factor that may be relevant:

(a) statements made by the owner or person in control of the substance concerning its nature, use or effect;
(b) statements made to the buyer or recipient that the substance may be resold for profit;
(c) whether the substance is packaged in a manner normally used for the illegal distribution of controlled substances;
(d) whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration, and whether the amount of the consideration was substantially greater than the reasonable retail market value of the substance.

Clause (1) of this subsection (y) shall not apply to a noncontrolled substance in its finished dosage form that was initially introduced into commerce prior to the initial introduction into commerce of a controlled substance in its finished dosage form which it may substantially resemble.

Nothing in this subsection (y) prohibits the dispensing or distributing of noncontrolled substances by persons authorized to dispense and distribute controlled substances under this Act, provided that such action would be deemed to be carried out in good faith under subsection (u) if the substances involved were controlled substances.

Nothing in this subsection (y) or in this Act prohibits the manufacture, preparation, propagation, compounding, processing, packaging, advertising or distribution of a drug or drugs by any person

New matter indicated by italics - deletions by strikeout

(y-1) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States, other than Illinois, that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance other than methamphetamine, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling of its container, except that this term does not include:

(1) by an ultimate user, the preparation or compounding of a controlled substance for his own use; or

(2) by a practitioner, or his authorized agent under his supervision, the preparation, compounding, packaging, or labeling of a controlled substance:

(a) as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or

(b) as an incident to lawful research, teaching or chemical analysis and not for sale.

(z-1) (Blank).

(aa) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1), but not including the isoquinoline alkaloids of opium;
(3) opium poppy and poppy straw;
(4) coca leaves and any salts, compound, isomer, salt of an isomer, derivative, or preparation of coca leaves including cocaine or ecgonine, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine (for the purpose of this paragraph, the term "isomer" includes optical, positional and geometric isomers).

(bb) "Nurse" means a registered nurse licensed under the Nurse Practice Act of 1975 and the Nursing and Advanced Practice Nursing Act.

(cc) (Blank).

(dd) "Opiate" means any substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having addiction forming or addiction sustaining liability.

(ee) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

(ff) "Parole and Pardon Board" means the Parole and Pardon Board of the State of Illinois or its successor agency.

(gg) "Person" means any individual, corporation, mail-order pharmacy, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

(hh) "Pharmacist" means any person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987.

(ii) "Pharmacy" means any store, ship or other place in which pharmacy is authorized to be practiced under the Pharmacy Practice Act of 1987.

(jj) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(kk) "Practitioner" means a physician licensed to practice medicine in all its branches, dentist, podiatrist, veterinarian, scientific investigator, pharmacist, physician assistant, advanced practice nurse, licensed practical
nurse, registered nurse, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise lawfully permitted by the United States or this State to distribute, dispense, conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

(ii) "Pre-printed prescription" means a written prescription upon which the designated drug has been indicated prior to the time of issuance.

(mm) "Prescriber" means a physician licensed to practice medicine in all its branches, dentist, podiatrist or veterinarian who issues a prescription, a physician assistant who issues a prescription for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and the written guidelines required under Section 7.5 of the Physician Assistant Practice Act of 1987, or an advanced practice nurse with prescriptive authority delegated under Section 65-40 of the Nurse Practice Act and in accordance with Section 303.05 and a written collaborative agreement under Section 65-35 of the Nurse Practice Act and Sections 15-15 and 15-20 of the Nursing and Advanced Practice Nursing Act.

(nn) "Prescription" means a lawful written, facsimile, or verbal order of a physician licensed to practice medicine in all its branches, dentist, podiatrist or veterinarian for any controlled substance, of a physician assistant for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and the written guidelines required under Section 7.5 of the Physician Assistant Practice Act of 1987, or of an advanced practice nurse with prescriptive authority delegated under Section 65-40 of the Nurse Practice Act who issues a prescription for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and a written collaborative agreement under Section 65-35 of the Nurse Practice Act and Sections 15-15 and 15-20 of the Nursing and Advanced Practice Nursing Act.

(oo) "Production" or "produce" means manufacture, planting, cultivating, growing, or harvesting of a controlled substance other than methamphetamine.

(pp) "Registrant" means every person who is required to register under Section 302 of this Act.

New matter indicated by italics - deletions by strikeout
(qq) "Registry number" means the number assigned to each person authorized to handle controlled substances under the laws of the United States and of this State.

(rr) "State" includes the State of Illinois and any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(ss) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

(Source: P.A. 93-596, eff. 8-26-03; 93-626, eff. 12-23-03; 94-556, eff. 9-11-05.)

(720 ILCS 570/103) (from Ch. 56 1/2, par. 1103)
Sec. 103. Scope of Act. Nothing in this Act limits the lawful authority granted by the Medical Practice Act of 1987, the Nurse Practice Act, Nursing and Advanced Practice Nursing Act, or the Pharmacy Practice Act of 1987.

(Source: P.A. 90-742, eff. 8-13-98.)

(720 ILCS 570/303.05)
Sec. 303.05. Mid-level practitioner registration.
(a) The Department of Professional Regulation shall register licensed physician assistants and licensed advanced practice nurses to prescribe and dispense Schedule III, IV, or V controlled substances under Section 303 and euthanasia agencies to purchase, store, or administer euthanasia drugs under the following circumstances:

(1) with respect to physician assistants or advanced practice nurses,

(A) the physician assistant or advanced practice nurse has been delegated prescriptive authority by a physician licensed to practice medicine in all its branches in accordance with Section 7.5 of the Physician Assistant Practice Act of 1987 or Section 65-40 of the Nurse Practice Act or Section 15-20 of the Nursing and Advanced Practice Nursing Act; and
(B) the physician assistant or advanced practice nurse has completed the appropriate application forms and has paid the required fees as set by rule; or
(2) with respect to euthanasia agencies, the euthanasia agency has obtained a license from the Department of Professional Regulation and obtained a registration number from the Department.

(b) The mid-level practitioner shall only be licensed to prescribe those schedules of controlled substances for which a licensed physician has delegated prescriptive authority, except that a euthanasia agency does not have any prescriptive authority.

(c) Upon completion of all registration requirements, physician assistants, advanced practice nurses, and euthanasia agencies shall be issued a mid-level practitioner controlled substances license for Illinois.

(Source: P.A. 93-626, eff. 12-23-03.)

Section 200. The Methamphetamine Control and Community Protection Act is amended by changing Section 110 as follows:

(720 ILCS 646/110)
Sec. 110. Scope of Act. Nothing in this Act limits any authority or activity authorized by the Illinois Controlled Substances Act, the Medical Practice Act of 1987, the Nurse Practice Act, the Pharmacy Practice Act of 1987, the Illinois Dental Practice Act, the Podiatric Medical Practice Act of 1987, or the Veterinary Medicine and Surgery Practice Act of 2004. Nothing in this Act limits the authority or activity of any law enforcement officer acting within the scope of his or her employment.

(Source: P.A. 94-556, eff. 9-11-05.)

Section 205. The Methamphetamine Precursor Control Act is amended by changing Section 50 as follows:

(720 ILCS 648/50)
Sec. 50. Scope of Act.
(a) Nothing in this Act limits the scope, terms, or effect of the Methamphetamine Control and Community Protection Act.
(b) Nothing in this Act limits the lawful authority granted by the Medical Practice Act of 1987, the Nurse Practice Act Nursing and Advanced Practice Nursing Act, or the Pharmacy Practice Act of 1987.

(c) Nothing in this Act limits the authority or activity of any law enforcement officer acting within the scope of his or her employment.

(Source: P.A. 94-694, eff. 1-15-06.)

Section 210. The Good Samaritan Act is amended by changing Sections 34 and 40 as follows:

(745 ILCS 49/34)

Sec. 34. Advanced practice nurse; exemption from civil liability for emergency care. A person licensed as an advanced practice nurse under the Nurse Practice Act Nursing and Advanced Practice Nursing Act who in good faith provides emergency care without fee to a person shall not be liable for civil damages as a result of his or her acts or omissions, except for willful or wanton misconduct on the part of the person in providing the care.

(Source: P.A. 90-742, eff. 8-13-98.)

(745 ILCS 49/40)

Sec. 40. Nurses; exemption from civil liability for services performed without compensation.

(a) No person licensed as a professional nurse or as a practical nurse under the Nurse Practice Act Nursing and Advanced Practice Nursing Act who, without compensation, renders nursing services shall be liable, and no cause of action may be brought, for damages resulting from an act or omission in rendering such services unless the act or omission involved willful or wanton misconduct.

(b) (Blank).

(c) As used in this Section "entity" means a proprietorship, partnership, association or corporation, whether or not operated for profit.

(d) Nothing in this Section is intended to bar any cause of action against an entity or change the liability of an entity which arises out of an act or omission of any person exempt from liability for negligence under this Section.

(Source: P.A. 89-607, eff. 1-1-97; 90-742, eff. 8-13-98.)

New matter indicated by italics - deletions by strikeout
Section 220. The Unemployment Insurance Act is amended by changing Section 230 as follows:

(820 ILCS 405/230) (from Ch. 48, par. 340)

Sec. 230. The term "employment" shall not include service performed after 1971:

(A) In the employ of a hospital, if such service is performed by a patient of the hospital.

(B) As a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school approved pursuant to the Nurse Practice Act Nursing and Advanced Practice Nursing Act.

(C) As an intern in the employ of a hospital by an individual who has completed a 4 years' course in a medical school chartered or approved pursuant to State law.

(Source: P.A. 90-742, eff. 8-13-98.)

(110 ILCS 915/Act rep.)

Section 225. The Baccalaureate Assistance Law for Registered Nurses is repealed.

(225 ILCS 65/5-17 rep.)
(225 ILCS 65/15-5 rep.)
(225 ILCS 65/15-35 rep.)
(225 ILCS 65/15-50 rep.)
(225 ILCS 65/20-2 rep.)
(225 ILCS 65/20-5 rep.)
(225 ILCS 65/20-10 rep.)
(225 ILCS 65/20-15 rep.)


Section 999. Effective date. This Act takes effect upon becoming law, except that the provisions changing Section 8.1 of the Illinois Dental Practice Act take effect January 1, 2008.


New matter indicated by italics - deletions by strikeout
Effective October 5, 2007 and January 1, 2008.

PUBLIC ACT 95-0640
(Senate Bill No. 1397)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended, if and only if Senate Bill 697 of the 95th General Assembly becomes law in the form in which it passed both houses on June 6, 2007, by changing Sections 11-9.3 and 11-9.4 as follows:

(720 ILCS 5/11-9.3)
Sec. 11-9.3. Presence within school zone by child sex offenders prohibited.

(a) It is unlawful for a child sex offender to knowingly be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when persons under the age of 18 are present in the building, on the grounds or in the conveyance, unless the offender is a parent or guardian of a student attending the school and the parent or guardian is: (i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion and notifies the principal of the school of his or her presence at the school or unless the offender has permission to be present from the superintendent or the school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Notification

New matter indicated by italics - deletions by strikeout
includes the nature of the sex offender's visit and the hours in which the sex offender will be present in the school. The sex offender is responsible for notifying the principal's office when he or she arrives on school property and when he or she departs from school property. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official. A child sex offender who violates this provision is guilty of a Class 4 felony.

Nothing in this Section shall be construed to infringe upon the constitutional right of a child sex offender to be present in a school building that is used as a polling place for the purpose of voting.

(1) [Blank; or]
(2) [Blank;]

(b) It is unlawful for a child sex offender to knowingly loiter within 500 feet of a school building or real property comprising any school while persons under the age of 18 are present in the building or on the grounds, unless the offender is a parent or guardian of a student attending the school and the parent or guardian is: (i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion and notifies the principal of the school of his or her presence at the school or has permission to be present from the superintendent or the school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Notification includes the nature of the sex offender's visit and the hours in which the sex offender will be present in the school. The sex offender is responsible for notifying the principal's office when he or she arrives on school property and when he or she departs from school property. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under
the direct supervision of a school official. A child sex offender who violates this provision is guilty of a Class 4 felony.

(1) (Blank; or)
(2) (Blank.)

(b-5) It is unlawful for a child sex offender to knowingly reside within 500 feet of a school building or the real property comprising any school that persons under the age of 18 attend. Nothing in this subsection (b-5) prohibits a child sex offender from residing within 500 feet of a school building or the real property comprising any school that persons under 18 attend if the property is owned by the child sex offender and was purchased before the effective date of this amendatory Act of the 91st General Assembly.

c) Definitions. In this Section:
(1) "Child sex offender" means any person who:
   (i) has been charged under Illinois law, or any substantially similar federal law or law of another state, with a sex offense set forth in paragraph (2) of this subsection (c) or the attempt to commit an included sex offense, and:
   
   (A) is convicted of such offense or an attempt to commit such offense; or
   (B) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or
   (C) is found not guilty by reason of insanity pursuant to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or
   (D) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

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(E) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

(F) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or

(ii) is certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal law or the law of another state, when any conduct giving rise to such certification is committed or attempted against a person less than 18 years of age; or

(iii) is subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Section.

(2) Except as otherwise provided in paragraph (2.5), "sex offense" means:

(i) A violation of any of the following Sections of the Criminal Code of 1961: 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-9 (public indecency when committed in a school, on the real property

New matter indicated by italics - deletions by strikeout
comprising a school, or on a conveyance, owned, leased, or contracted by a school to transport students to or from school or a school related activity), 11-9.1 (sexual exploitation of a child), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 11-20.3 (aggravated child pornography), 11-21 (harmful material), 12-14.1 (predatory criminal sexual assault of a child), 12-33 (ritualized abuse of a child), 11-20 (obscenity) (when that offense was committed in any school, on real property comprising any school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-15 (criminal sexual abuse), 12-16 (aggravated criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:

10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint).
An attempt to commit any of these offenses.

(iv) A violation of any former law of this State substantially equivalent to any offense listed in clause (2)(i) of subsection (c) of this Section.

New matter indicated by italics - deletions by strikeout
(2.5) For the purposes of subsection (b-5) only, a sex offense means:

(i) A violation of any of the following Sections of the Criminal Code of 1961:

   10-5(b)(10) (child luring), 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 11-20.3 (aggravated child pornography), 12-14.1 (predatory criminal sexual assault of a child), or 12-33 (ritualized abuse of a child). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-16 (aggravated criminal sexual abuse), and subsection (a) of Section 12-15 (criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:

   10-1 (kidnapping),
   10-2 (aggravated kidnapping),
   10-3 (unlawful restraint),
   10-3.1 (aggravated unlawful restraint).

   An attempt to commit any of these offenses.
(iv) A violation of any former law of this State substantially equivalent to any offense listed in paragraph (2.5) of this subsection.

(3) A conviction for an offense of federal law or the law of another state that is substantially equivalent to any offense listed in paragraph (2) of subsection (c) of this Section shall constitute a conviction for the purpose of this Article. A finding or adjudication as a sexually dangerous person under any federal law or law of another state that is substantially equivalent to the Sexually Dangerous Persons Act shall constitute an adjudication for the purposes of this Section.

(4) "School" means a public or private pre-school, elementary, or secondary school.

(5) "Loiter" means:

(i) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around school property.

(ii) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around school property, for the purpose of committing or attempting to commit a sex offense.

(iii) Entering or remaining in a building in or around school property, other than the offender's residence.

(6) "School official" means the principal, a teacher, or any other certified employee of the school, the superintendent of schools or a member of the school board.

(d) Sentence. A person who violates this Section is guilty of a Class 4 felony.

(Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06; 94-170, eff. 7-11-05; revised 9-15-06.)

(720 ILCS 5/11-9.4)

Sec. 11-9.4. Approaching, contacting, residing, or communicating with a child within certain places by child sex offenders prohibited.

(a) It is unlawful for a child sex offender to knowingly be present in any public park building or on real property comprising any public park

New matter indicated by italics - deletions by strikeout
when persons under the age of 18 are present in the building or on the grounds and to approach, contact, or communicate with a child under 18 years of age, unless the offender is a parent or guardian of a person under 18 years of age present in the building or on the grounds.

(b) It is unlawful for a child sex offender to knowingly loiter on a public way within 500 feet of a public park building or real property comprising any public park while persons under the age of 18 are present in the building or on the grounds and to approach, contact, or communicate with a child under 18 years of age, unless the offender is a parent or guardian of a person under 18 years of age present in the building or on the grounds.

(b-5) It is unlawful for a child sex offender to knowingly reside within 500 feet of a playground, child care institution, day care center, part day child care facility, or a facility providing programs or services exclusively directed toward persons under 18 years of age. Nothing in this subsection (b-5) prohibits a child sex offender from residing within 500 feet of a playground or a facility providing programs or services exclusively directed toward persons under 18 years of age if the property is owned by the child sex offender and was purchased before the effective date of this amendatory Act of the 91st General Assembly. Nothing in this subsection (b-5) prohibits a child sex offender from residing within 500 feet of a playground or a facility providing programs or services exclusively directed toward persons under 18 years of age if the property is owned by the child sex offender and was purchased before the effective date of this amendatory Act of the 94th General Assembly.

(b-6) It is unlawful for a child sex offender to knowingly reside within 500 feet of the victim of the sex offense. Nothing in this subsection (b-6) prohibits a child sex offender from residing within 500 feet of the victim if the property in which the child sex offender resides is owned by the child sex offender and was purchased before the effective date of this amendatory Act of the 92nd General Assembly.

This subsection (b-6) does not apply if the victim of the sex offense is 21 years of age or older.

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(c) It is unlawful for a child sex offender to knowingly operate, manage, be employed by, volunteer at, be associated with, or knowingly be present at any: (i) facility providing programs or services exclusively directed towards persons under the age of 18; (ii) day care center; (iii) part day child care facility; (iv) child care institution, or (v) school providing before and after school programs for children under 18 years of age. This does not prohibit a child sex offender from owning the real property upon which the programs or services are offered or upon which the day care center, part day child care facility, child care institution, or school providing before and after school programs for children under 18 years of age is located, provided the child sex offender refrains from being present on the premises for the hours during which: (1) the programs or services are being offered or (2) the day care center, part day child care facility, child care institution, or school providing before and after school programs for children under 18 years of age is operated.

(d) Definitions. In this Section:

(1) "Child sex offender" means any person who:

(i) has been charged under Illinois law, or any substantially similar federal law or law of another state, with a sex offense set forth in paragraph (2) of this subsection (d) or the attempt to commit an included sex offense, and:

   (A) is convicted of such offense or an attempt to commit such offense; or
   (B) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or
   (C) is found not guilty by reason of insanity pursuant to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or
   (D) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to subsection (a) of Section 104-25 of the Code of
Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

(E) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

(F) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or

(ii) is certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal law or the law of another state, when any conduct giving rise to such certification is committed or attempted against a person less than 18 years of age; or

(iii) is subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Section.

(2) Except as otherwise provided in paragraph (2.5), "sex offense" means:

(i) A violation of any of the following Sections of the Criminal Code of 1961: 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)), 10-5(b)(10) (child abduction under Section 10-5(b)(10)), 10-5(b)(10) (child abduction under Section 10-5(b)(10)), 10-5(b)(10) (child abduction under Section 10-5(b)(10)),
luring), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-9 (public indecency when committed in a school, on the real property comprising a school, on a conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or in a public park), 11-9.1 (sexual exploitation of a child), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 11-20.3 (aggravated child pornography), 11-21 (harmful material), 12-14.1 (predatory criminal sexual assault of a child), 12-33 (ritualized abuse of a child), 11-20 (obscenity) (when that offense was committed in any school, on real property comprising any school, on any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or in a public park). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-15 (criminal sexual abuse), 12-16 (aggravated criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:

10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint).
An attempt to commit any of these offenses.

New matter indicated by italics - deletions by strikeout
(iv) A violation of any former law of this State substantially equivalent to any offense listed in clause (2)(i) of this subsection (d).

(2.5) For the purposes of subsection (b-5) only, a sex offense means:

(i) A violation of any of the following Sections of the Criminal Code of 1961:
   10-5(b)(10) (child luring), 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 11-20.3 (aggravated child pornography), 12-14.1 (predatory criminal sexual assault of a child), or 12-33 (ritualized abuse of a child). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-16 (aggravated criminal sexual abuse), and subsection (a) of Section 12-15 (criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:
   10-1 (kidnapping),
   10-2 (aggravated kidnapping),
   10-3 (unlawful restraint),
   10-3.1 (aggravated unlawful restraint).

New matter indicated by italics - deletions by strikeout
An attempt to commit any of these offenses.

(iv) A violation of any former law of this State substantially equivalent to any offense listed in this paragraph (2.5) of this subsection.

(3) A conviction for an offense of federal law or the law of another state that is substantially equivalent to any offense listed in paragraph (2) of this subsection (d) shall constitute a conviction for the purpose of this Section. A finding or adjudication as a sexually dangerous person under any federal law or law of another state that is substantially equivalent to the Sexually Dangerous Persons Act shall constitute an adjudication for the purposes of this Section.

(4) "Public park" includes a park, forest preserve, or conservation area under the jurisdiction of the State or a unit of local government.

(5) "Facility providing programs or services directed towards persons under the age of 18" means any facility providing programs or services exclusively directed towards persons under the age of 18.

(6) "Loiter" means:

(i) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around public park property.

(ii) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around public park property, for the purpose of committing or attempting to commit a sex offense.

(7) "Playground" means a piece of land owned or controlled by a unit of local government that is designated by the unit of local government for use solely or primarily for children's recreation.

(8) "Child care institution" has the meaning ascribed to it in Section 2.06 of the Child Care Act of 1969.

(9) "Day care center" has the meaning ascribed to it in Section 2.09 of the Child Care Act of 1969.

New matter indicated by italics - deletions by strikeout
(10) "Part day child care facility" has the meaning ascribed to it in Section 2.10 of the Child Care Act of 1969.

(e) Sentence. A person who violates this Section is guilty of a Class 4 felony.

(Source: P.A. 94-925, eff. 6-26-06.)

Section 10. The Criminal Code of 1961 is amended by changing Sections 11-19.2, 12-13, and 12-14.1 as follows:

(720 ILCS 5/11-19.2) (from Ch. 38, par. 11-19.2)
Sec. 11-19.2. Exploitation of a child.

(A) A person commits exploitation of a child when he or she confines a child under the age of 16 or a severely or profoundly mentally retarded person against his or her will by the infliction or threat of imminent infliction of great bodily harm, permanent disability or disfigurement or by administering to the child or severely or profoundly mentally retarded person without his or her consent or by threat or deception and for other than medical purposes, any alcoholic intoxicant or a drug as defined in the Illinois Controlled Substances Act or the Cannabis Control Act or methamphetamine as defined in the Methamphetamine Control and Community Protection Act and:

(1) compels the child or severely or profoundly mentally retarded person to become a prostitute; or

(2) arranges a situation in which the child or severely or profoundly mentally retarded person may practice prostitution; or

(3) receives any money, property, token, object, or article or anything of value from the child or severely or profoundly mentally retarded person knowing it was obtained in whole or in part from the practice of prostitution.

(B) For purposes of this Section, administering drugs, as defined in subsection (A), or an alcoholic intoxicant to a child under the age of 13 or a severely or profoundly mentally retarded person shall be deemed to be without consent if such administering is done without the consent of the parents or legal guardian.
(C) Exploitation of a child is a Class X felony, for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 60 years.

(D) Any person convicted under this Section is subject to the forfeiture provisions of Section 11-20.1A of this Act.

(Source: P.A. 94-556, eff. 9-11-05.)

(720 ILCS 5/12-13) (from Ch. 38, par. 12-13)

Sec. 12-13. Criminal Sexual Assault.

(a) The accused commits criminal sexual assault if he or she:
   (1) commits an act of sexual penetration by the use of force or threat of force; or
   (2) commits an act of sexual penetration and the accused knew that the victim was unable to understand the nature of the act or was unable to give knowing consent; or
   (3) commits an act of sexual penetration with a victim who was under 18 years of age when the act was committed and the accused was a family member; or
   (4) commits an act of sexual penetration with a victim who was at least 13 years of age but under 18 years of age when the act was committed and the accused was 17 years of age or over and held a position of trust, authority or supervision in relation to the victim.

(b) Sentence.
   (1) Criminal sexual assault is a Class 1 felony.
   (2) A person who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted of the offense of criminal sexual assault or the offense of exploitation of a child, or who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault or to the offense of exploitation of a child, commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less

New matter indicated by italics - deletions by strikeout
than 30 years and not more than 60 years. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (2) to apply.

(3) A person who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted of the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of aggravated criminal sexual assault or the offense of criminal predatory sexual assault shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (3) to apply.

(4) A second or subsequent conviction for a violation of paragraph (a)(3) or (a)(4) or under any similar statute of this State or any other state for any offense involving criminal sexual assault that is substantially equivalent to or more serious than the sexual assault prohibited under paragraph (a)(3) or (a)(4) is a Class X felony.

(5) When a person has any such prior conviction, the information or indictment charging that person shall state such prior conviction so as to give notice of the State's intention to treat the charge as a Class X felony. The fact of such prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.

(Source: P.A. 90-396, eff. 1-1-98.)

(720 ILCS 5/12-14.1)
Sec. 12-14.1. Predatory criminal sexual assault of a child.
(a) The accused commits predatory criminal sexual assault of a child if:

New matter indicated by italics - deletions by strikeout
(1) the accused was 17 years of age or over and commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed; or

(1.1) the accused was 17 years of age or over and, while armed with a firearm, commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed; or

(1.2) the accused was 17 years of age or over and commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed and, during the commission of the offense, the accused personally discharged a firearm; or

(2) the accused was 17 years of age or over and commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed and the accused caused great bodily harm to the victim that:

(A) resulted in permanent disability; or

(B) was life threatening; or

(3) the accused was 17 years of age or over and commits an act of sexual penetration with a victim who was under 13 years of age when the act was committed and the accused delivered (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without his or her consent, or by threat or deception, and for other than medical purposes, any controlled substance.

(b) Sentence.

(1) A person convicted of a violation of subsection (a)(1) commits a Class X felony, for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 60 years. A person convicted of a violation of subsection (a)(1.1) commits a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A person convicted of a violation of subsection (a)(1.2) commits a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A person convicted of a
violation of subsection (a)(2) commits a Class X felony for which
the person shall be sentenced to a term of imprisonment of not less
than 50 years or up to a term of natural life imprisonment.

(1.1) A person convicted of a violation of subsection (a)(3)
commits a Class X felony for which the person shall be sentenced
to a term of imprisonment of not less than 50 years and not more
than 60 years.

(1.2) A person convicted of predatory criminal sexual
assault of a child committed against 2 or more persons regardless
of whether the offenses occurred as the result of the same act or of
several related or unrelated acts shall be sentenced to a term of
natural life imprisonment.

(2) A person who is convicted of a second or subsequent
offense of predatory criminal sexual assault of a child, or who is
convicted of the offense of predatory criminal sexual assault of a
child after having previously been convicted of the offense of
criminal sexual assault or the offense of aggravated criminal sexual
assault, or who is convicted of the offense of predatory criminal
sexual assault of a child after having previously been convicted
under the laws of this State or any other state of an offense that is
substantially equivalent to the offense of predatory criminal sexual
assault of a child, the offense of aggravated criminal sexual assault
or the offense of criminal sexual assault, shall be sentenced to a
term of natural life imprisonment. The commission of the second
or subsequent offense is required to have been after the initial
conviction for this paragraph (2) to apply.

(Source: P.A. 91-238, eff. 1-1-00; 91-404, eff. 1-1-00; 92-16, eff. 6-28-
01.)

Section 15. The Methamphetamine Precursor Control Act is
amended by changing Sections 10, 25, 40, 45, and 55 and by adding
Sections 36, 37, 38, 39, and 39.5 as follows:

(720 ILCS 648/10)
Sec. 10. Definitions. In this Act:

New matter indicated by italics - deletions by strikeout
"Administer" or "administration" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Agent" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Authorized representative" means an employee or agent of a qualified outside entity who has been authorized in writing by his or her agency or office to receive confidential information from the database associated with the Williamson County Pilot Program.

"Central Repository" means the entity chosen by the Williamson County Pilot Program Authority to handle electronic transaction records as described in Sections 36, 37, 38, 39, and 39.5 of this Act.

"Convenience package" means any package that contains 360 milligrams or less of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers in liquid or liquid-filled capsule form.

"Covered pharmacy" means any pharmacy that distributes any amount of targeted methamphetamine precursor and that is physically located in any of the following Illinois counties: Franklin, Jackson, Johnson, Saline, Union, or Williamson.

"Deliver" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Dispense" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Distribute" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Electronic transaction record" means, with respect to the distribution of a targeted methamphetamine precursor by a pharmacy to a recipient under Section 25 of this Act, an electronic record that includes: the name and address of the recipient; date and time of the transaction; brand and product name and total quantity distributed of ephedrine or pseudoephedrine, their salts, or optical isomers, or salts of optical isomers; identification type and identification number of the identification presented by the recipient; and the name and address of the pharmacy.

"Identification information" means identification type and identification number.

New matter indicated by italics - deletions by strikeout
"Identification number" means the number that appears on the identification furnished by the recipient of a targeted methamphetamine precursor.

"Identification type" means the type of identification furnished by the recipient of a targeted methamphetamine precursor such as, by way of example only, an Illinois driver's license or United States passport.

"List I chemical" has the meaning provided in 21 U.S.C. Section 802.

"Methamphetamine precursor" has the meaning provided in Section 10 of the Methamphetamine Control and Community Protection Act.

"Methamphetamine Precursor Violation Alert" means a notice sent by the Pilot Program Authority to pharmacies, retail distributors, or law enforcement authorities as described in subsection (h) of Section 39.5 of this Act.

"Non-covered pharmacy" means any pharmacy that is not a covered pharmacy.

"Package" means an item packaged and marked for retail sale that is not designed to be further broken down or subdivided for the purpose of retail sale.

"Pharmacist" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Pharmacy" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Practitioner" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Prescriber" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Prescription" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Qualified outside entity" means a law enforcement agency or prosecutor's office with authority to identify, investigate, or prosecute violations of this Act or any other State or federal law or rule involving a methamphetamine precursor, methamphetamine, or any other controlled substance.

New matter indicated by italics - deletions by strikeout
substance, or a public entity that operates a methamphetamine precursor tracking program similar in purpose to the Williamson County Pilot Program.

"Readily retrievable" has the meaning provided in 21 C.F.R. part 1300.

"Recipient" means a person purchasing, receiving, or otherwise acquiring a targeted methamphetamine precursor from a pharmacy in Illinois, as described in Section 25 of this Act.

"Reporting start date" means the date on which covered pharmacies begin transmitting electronic transaction records and exempt pharmacies begin sending handwritten logs, as described in subsection (b) of Section 39 of this Act.

"Retail distributor" means a grocery store, general merchandise store, drug store, other merchandise store, or other entity or person whose activities as a distributor relating to drug products containing targeted methamphetamine precursor are limited exclusively or almost exclusively to sales for personal use by an ultimate user, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

"Sales employee" means any employee or agent, other than a pharmacist or pharmacy technician who works exclusively or almost exclusively behind a pharmacy counter, who at any time (a) operates a cash register at which convenience targeted packages may be sold, (b) stocks shelves containing convenience targeted packages, or (c) trains or supervises any other employee or agent who engages in any of the preceding activities.

"Single retail transaction" means a sale by a retail distributor to a specific customer at a specific time.

"Targeted methamphetamine precursor" means any compound, mixture, or preparation that contains any detectable quantity of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

"Targeted package" means a package, including a convenience package, containing any amount of targeted methamphetamine precursor.

New matter indicated by italics - deletions by strikeout
"Ultimate user" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Williamson County Pilot Program" or "Pilot Program" means the program described in Sections 36, 37, 38, 39, and 39.5 of this Act.

"Williamson County Pilot Program Authority" or "Pilot Program Authority" means the Williamson County Sheriff's Office or its employees or agents.

"Voluntary participant" means any pharmacy that, although not required by law to do so, participates in the Williamson County Pilot Program.

(Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06.)

(720 ILCS 648/25)

Sec. 25. Pharmacies.

(a) No targeted methamphetamine precursor may be knowingly distributed through a pharmacy, including a pharmacy located within, owned by, operated by, or associated with a retail distributor unless all terms of this Section are satisfied.

(b) Any targeted methamphetamine precursor other than a convenience package or a liquid, including but not limited to any targeted methamphetamine precursor in liquid-filled capsules, shall: be packaged in blister packs, with each blister containing not more than 2 dosage units, or when the use of blister packs is technically infeasible, in unit dose packets. Each targeted package shall contain no more than 3,000 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

(c) The targeted methamphetamine precursor shall be stored behind the pharmacy counter and distributed by a pharmacist or pharmacy technician licensed under the Pharmacy Practice Act of 1987.

(d) Any retail distributor operating a pharmacy, and any pharmacist or pharmacy technician involved in the transaction or transactions, shall ensure that any person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor complies with subsection (a) of Section 20 of this Act.
(e) Any retail distributor operating a pharmacy, and any pharmacist or pharmacy technician involved in the transaction or transactions, shall verify that:

   (1) The person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor is 18 years of age or older and resembles the photograph of the person on the government-issued identification presented by the person; and

   (2) The name entered into the log referred to in subsection (a) of Section 20 of this Act corresponds to the name on the government-issued identification presented by the person.

(f) The logs referred to in subsection (a) of Section 20 of this Act shall be kept confidential, maintained for not less than 2 years, and made available for inspection and copying by any law enforcement officer upon request of that officer. These logs may be kept in an electronic format if they include all the information specified in subsection (a) of Section 20 of this Act in a manner that is readily retrievable and reproducible in hard-copy format. Pharmacies covered by the Williamson County Pilot Program described in Sections 36, 37, 38, 39, and 39.5 of this Act are required to transmit electronic transaction records or handwritten logs to the Pilot Program Authority in the manner described in those Sections.

(g) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute any targeted methamphetamine precursor to any person under 18 years of age.

(h) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute to a single person more than 2 targeted packages in a single retail transaction.

(i) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute to a single person in any 30-day period products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

(j) A pharmacist or pharmacy technician may distribute a targeted methamphetamine precursor to a person who is without a form of
identification specified in paragraph (1) of subsection (a) of Section 20 of this Act only if all other provisions of this Act are followed and either:

(1) the person presents a driver's license issued without a photograph by the State of Illinois pursuant to the Illinois Administrative Code, Title 92, Section 1030.90(b)(1) or 1030.90(b)(2); or

(2) the person is known to the pharmacist or pharmacy technician, the person presents some form of identification, and the pharmacist or pharmacy technician reasonably believes that the targeted methamphetamine precursor will be used for a legitimate medical purpose and not to manufacture methamphetamine.

(k) When a pharmacist or pharmacy technician distributes a targeted methamphetamine precursor to a person according to the procedures set forth in this Act, and the pharmacist or pharmacy technician does not have access to a working cash register at the pharmacy counter, the pharmacist or pharmacy technician may instruct the person to pay for the targeted methamphetamine precursor at a cash register located elsewhere in the retail establishment, whether that register is operated by a pharmacist, pharmacy technician, or other employee or agent of the retail establishment.

(Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06.)

(720 ILCS 648/36 new)

Sec. 36. Williamson County Pilot Program; general provisions.

(a) Purposes. The purposes of this Section are: to establish a pilot program based in Williamson County to track purchases of targeted methamphetamine precursors at multiple locations; to identify persons obtaining or distributing targeted methamphetamine precursors for the likely purpose of manufacturing methamphetamine; to starve methamphetamine manufacturers of the methamphetamine precursors they need to make methamphetamine; to locate and shut down methamphetamine laboratories; and ultimately to reduce the harm that methamphetamine manufacturing and manufacturers are inflicting on individuals, families, communities, first responders, the economy, and the environment in Illinois and beyond. In authorizing this pilot program, the

New matter indicated by italics - deletions by strikeout
General Assembly recognizes that, although this Act has significantly reduced the number of methamphetamine laboratories in Illinois, some persons continue to violate the Act, evade detection, and support the manufacture of methamphetamine by obtaining targeted methamphetamine precursor at multiple locations. The General Assembly further recognizes that putting an end to this practice and others like it will require an effort to track purchases of targeted methamphetamine precursor across multiple locations, and that a pilot program based in Williamson County will advance this important goal.

(b) Structure.

(1) There is established a pilot program based in Williamson County, known as the Williamson County Pilot Program or Pilot Program, to track purchases of targeted methamphetamine precursor across multiple locations for the purposes stated in subsection (a) of this Section.

(2) The Pilot Program shall be operated by the Williamson County Sheriff’s Office, also known as the Williamson County Pilot Program Authority or the Pilot Program Authority, in accordance with the provisions of Sections 36, 37, 38, 39, and 39.5 of this Act.

(3) The Pilot Program Authority shall designate a Central Repository for the collection of required information, and the Central Repository shall operate according to the provisions of Sections 36, 37, 38, 39, and 39.5 of this Act.

(4) Every covered pharmacy shall participate in the Pilot Program, and any non-covered pharmacy may participate on a voluntary basis and be known as a voluntary participant.

(c) Transmission of electronic transaction records. Except as provided in Section 39:

(1) Each time a covered pharmacy distributes a targeted methamphetamine precursor to a recipient under Section 25 of this Act, the covered pharmacy shall transmit an electronic transaction record to the Central Repository.

(2) Each covered pharmacy shall elect to transmit electronic transaction records either through the secure website
described in Section 37 of this Act or through weekly electronic transfers as described in Section 38 of this Act.

(d) Operation and Timeline for implementation.

(1) Except as stated in this subsection, this amendatory Act of the 95th General Assembly shall be operational upon becoming law.

(2) Covered pharmacies are not required to transmit any electronic transaction records and exempt pharmacies are not required to send any handwritten logs to the Central Repository until the reporting start date set by the Pilot Program Authority.

(3) The Pilot Program Authority shall announce the "reporting start date" within 90 days of the date this legislation is signed into law.

(4) The reporting start date shall be no sooner than 90 days after the date on which the Pilot Program Authority announces the reporting start date.

(5) Starting on the reporting start date, and continuing for a period of one year thereafter, covered pharmacies shall transmit electronic transaction records as described in Sections 37 and 38 of this Act, and exempt pharmacies shall send handwritten logs as described in Section 39 of this Act.

(6) Nothing in this Act shall preclude covered pharmacies and exempt pharmacies from voluntarily participating in the Pilot Program before the start date or continuing to participate in the Pilot Program after one year after the reporting start date.

(e) Funding. Funding for the Pilot Program shall be provided by the Williamson County Pilot Program Authority, drawing upon federal grant money and other available sources. If funding is delayed, curtailed, or otherwise unavailable, the Pilot Program Authority may delay implementation of the Pilot Program, reduce the number of counties covered by the Pilot Program, or end the Pilot Program early. If any such change becomes necessary, the Pilot Program Authority shall inform every covered pharmacy in writing.

New matter indicated by italics - deletions by strikeout
(f) Training. The Pilot Program Authority shall provide, free of charge, training and assistance to any pharmacy playing any role in the Pilot Program.

(g) Relationship between the Williamson County Pilot Program and other laws and rules. Nothing in Sections 36, 37, 38, 39, and 39.5 of this Act shall supersede, nullify, or diminish the force of any requirement stated in any other Section of this Act or in any other State or federal law or rule.

(720 ILCS 648/37 new)

Sec. 37. Williamson County Pilot Program; secure website.

(a) Transmission of electronic transaction records through a secure website; in general.

(1) The Pilot Program Authority shall establish a secure website for the transmission of electronic transaction records and electronic signatures and make it available free of charge to any covered pharmacy that elects to use it.

(2) The secure website shall enable any covered pharmacy to transmit to the Central Repository an electronic transaction record and an electronic signature each time the pharmacy distributes a targeted methamphetamine precursor to a recipient under Section 25 of this Act.

(3) If the secure website becomes unavailable to a covered pharmacy, the covered pharmacy may, during the period in which the secure website is not available, continue to distribute targeted methamphetamine precursor without using the secure website if, during this period, the covered pharmacy maintains and transmits handwritten logs as described in subsection (b) of Section 39 of this Act.

(b) Assistance to covered pharmacies using the secure website.

(1) The purpose of this subsection is to ensure that participation in the Pilot Program does not impose substantial costs on covered pharmacies that elect to transmit electronic transaction records to the Central Repository by means of the secure website.

New matter indicated by italics - deletions by strikeout
(2) If a covered pharmacy that elects to transmit electronic transaction records by means of the secure website does not have computer hardware or software or related equipment sufficient to make use of the secure website, then the covered pharmacy may obtain and install such hardware or software or related equipment at its own cost, or it may request assistance from the Pilot Program Authority, or some combination of the 2.

(3) If a covered pharmacy requests such assistance, then the Pilot Program Authority shall, free of charge, provide and install any computer hardware or software or related equipment needed.

(4) Nothing in this subsection shall preclude the Pilot Program Authority from providing additional or other assistance to any pharmacy or retail distributor.

(c) Any covered pharmacy that elects to transmit electronic transaction records by means of the secure website described in this Section may use the secure website as its exclusive means of complying with subsections (d) and (f) of Section 25 of this Act, provided that, along with each electronic transaction record, the pharmacy also transmits an electronically-captured signature of the recipient of the targeted methamphetamine precursor. To facilitate this option, the Pilot Program shall do the following:

(1) The Pilot Program Authority shall provide to any covered pharmacy that requests it an electronic signature pad or other means of electronic signature capture.

(2) The Pilot Program Authority shall provide the covered pharmacy with an official letter indicating that:

(A) The covered pharmacy in question is participating in the Williamson County Pilot Program for a specified period of time.

(B) During the specified period of time, the Pilot Program Authority has assumed responsibility for maintaining the logs described in subsection (f) of Section 25 of this Act.

New matter indicated by italics - deletions by strikeout
(C) Any law enforcement officer seeking to inspect or copy the covered pharmacy’s logs should direct the request to the Pilot Program Authority through means described in the letter.

(720 ILCS 648/38 new)
Sec. 38. Williamson County Pilot Program; weekly electronic transfer.

(a) Weekly electronic transfer; in general.
(1) Any covered pharmacy may elect not to use the secure website but instead to transmit electronic transaction records by means of weekly electronic transfers as described in this Section.
(2) Any covered pharmacy electing to transmit electronic transaction records by means of weekly electronic transfers shall transmit the records by means of a computer diskette, a magnetic tape, or an electronic device compatible with the receiving device of the Central Repository.

(b) Weekly electronic transfer; timing.
(1) Any covered pharmacy electing to transmit electronic transaction records by means of weekly electronic transfers shall select a standard weeklong reporting period such as, by way of example only, the 7-day period that begins immediately after midnight Monday morning and lasts until immediately before midnight the next Sunday night.
(2) Electronic transaction records for transactions occurring during the standard weeklong reporting period selected by the pharmacy shall be transmitted to the Central Repository no later than 24 hours after each standard weeklong reporting period ends.
(3) Electronic transaction records may be delivered to the Central Repository in person, by messenger, through the United States Postal Service, over the Internet, or by other reasonably reliable and prompt means.
(4) Although electronic transaction records shall be transmitted to the Central Repository no later than one day after
the end of a weeklong reporting period, it is not required that the electronic transaction records be received by that deadline.

(c) Weekly electronic transfer; form of data. Each electronic transaction record transmitted shall contain the following information in the form described:

(1) The recipient's (A) first name, (B) last name, (C) street address, and (D) zip code, in the 4 separate data fields listed (A) through (D).

(2) The (A) date and (B) time of the transaction, in the 2 separate data fields listed (A) and (B).

(3) One of the following:

(A) The (1) brand and product name and (2) total quantity in milligrams distributed of ephedrine or pseudoephedrine, their salts, or optical isomers, or salts of optical isomers, in the 2 separate data fields listed (1) and (2);

(B) The National Drug Code (NDC) number corresponding to the product distributed, from which may be determined the brand and product name and total quantity distributed of ephedrine or pseudoephedrine, their salts, or optical isomers, or salts of optical isomers; or

(C) A company-specific code, akin to the National Drug Code, from which may be determined the brand and product name and total quantity distributed of ephedrine or pseudoephedrine, their salts, or optical isomers, or salts of optical isomers, along with information sufficient to translate any company-specific codes into the brand and product name and total quantity distributed of ephedrine or pseudoephedrine, their salts, or optical isomers, or salts of optical isomers.

(4) One of the following:

(A) The identification type presented by the recipient; or
(B) A code for the identification type presented by the recipient, along with information sufficient to translate any such code into the actual identification type presented by the recipient.
(5) The identification number presented by the recipient.
(6) One of the following:
   (A) The (1) name, (2) street address, and (3) zip code of the covered pharmacy, in 3 separate data fields (1) through (3);
   (B) The Drug Enforcement Administration (DEA) number of the individual covered pharmacy, from which may be determined the name, street address, and zip code of the covered pharmacy; or
   (C) A company-specific code, akin to the Drug Enforcement Administration number, from which may be determined the name, street address, and zip code of the covered pharmacy, along with information sufficient to translate any company-specific codes into the name, street address, and zip code of the covered pharmacy.

(720 ILCS 648/39 new)
Sec. 39. Williamson County Pilot Program; exempt pharmacies.
(a) When a covered pharmacy is exempt. A covered pharmacy is exempt from the requirement that it transmit electronic transaction records to the Central Repository through the secure website described in Section 37 or weekly electronic transfers described in Section 38 of this Act if all of the following conditions are satisfied:
   (1) The covered pharmacy:
      (A) Submits to the Pilot Program Authority a written request for such an exemption;
      (B) Has complied with Section 25 of this Act by maintaining handwritten rather than electronic logs during the 60-day period preceding the date the written request is transmitted;
(C) Has not sold more than 20 targeted packages in any 7-day period during the 60-day period preceding the date the written request is transmitted; and

(D) Provides, along with the written request, copies of handwritten logs covering the 60-day period preceding the written request; and

(2) The Pilot Program Authority:

(A) Reviews the written request;

(B) Verifies that the covered pharmacy has complied with Section 25 of this Act by maintaining handwritten rather than electronic logs during the 60-day period preceding the date the written request is transmitted;

(C) Verifies that the covered pharmacy has not sold more than 20 targeted packages in any 7-day period during the 60-day period preceding the date the written request is transmitted; and

(D) Sends the covered pharmacy a letter stating that the covered pharmacy is exempt from the requirement that it transmit electronic transaction records to the Central Repository.

(b) Obligations of an exempt pharmacy.

(1) A pharmacy that is exempt from the requirement that it transmit electronic transaction records to the Central Repository shall instead transmit copies, and retain the originals, of handwritten logs.

(2) An exempt covered pharmacy shall transmit copies of handwritten logs to the Central Repository in person, by facsimile, through the United States Postal Service, or by other reasonably reliable and prompt means.

(3) An exempt covered pharmacy shall transmit copies of handwritten logs on a weekly basis as described in subsection (b) of Section 38 of this Act.

(720 ILCS 648/39.5 new)
Sec. 39.5. Williamson County Pilot Program; confidentiality of records.

(a) The Pilot Program Authority shall delete each electronic transaction record and handwritten log entry 24 months after the date of the transaction it describes.

(b) The Pilot Program Authority and Central Repository shall carry out a program to protect the confidentiality of electronic transaction records and handwritten log entries transmitted pursuant to Sections 36, 37, 38, and 39 of this Act. The Pilot Program Authority and Central Repository shall ensure that this information remains completely confidential except as specifically provided in subsections (c) through (i) of this Section. Except as provided in subsections (c) through (i) of this Section, this information is strictly prohibited from disclosure.

(c) Any employee or agent of the Central Repository may have access to electronic transaction records and handwritten log entries solely for the purpose of receiving, processing, storing or analyzing this information.

(d) Any employee or agent of the Pilot Program Authority may have access to electronic transaction records or handwritten log entries solely for the purpose of identifying, investigating, or prosecuting violations of this Act or any other State or federal law or rule involving a methamphetamine precursor, methamphetamine, or any other controlled substance.

(e) The Pilot Program Authority may release electronic transaction records or handwritten log entries to the authorized representative of a qualified outside entity only if all of the following conditions are satisfied:

1. The Pilot Program Authority verifies that the entity receiving electronic transaction records or handwritten log entries is a qualified outside entity as defined in this Act.
2. The Pilot Program Authority verifies that the person receiving electronic transaction records or handwritten log entries is an authorized representative, as defined in this Act, of the qualified outside entity.

New matter indicated by italics - deletions by strikeout
(3) The qualified outside entity agrees in writing, or has previously agreed in writing, that it will use electronic transaction records and handwritten log entries solely for the purpose of identifying, investigating, or prosecuting violations of this Act or any other State or federal law or rule involving a methamphetamine precursor, methamphetamine, or any other controlled substance.

(4) The qualified outside entity does not have a history known to the Pilot Program Authority of violating this agreement or similar agreements or of breaching the confidentiality of sensitive information.

(f) The Pilot Program Authority may release to a particular covered pharmacy or voluntary participant any electronic transaction records or handwritten log entries previously submitted by that particular covered pharmacy or voluntary participant.

(g) The Pilot Program Authority may release to a particular recipient any electronic transaction records clearly relating to that recipient, upon sufficient proof of identity.

(h) The Pilot Program Authority may distribute Methamphetamine Precursor Violation Alerts only if all of the following conditions are satisfied:

(1) The Pilot Program Authority has reason to believe that one or more recipients have violated or are violating this Act or any other State or federal law or rule involving a methamphetamine precursor, methamphetamine, or any other controlled substance.

(2) Based on this information, the Pilot Program Authority distributes a Methamphetamine Precursor Violation Alert that may contain any of the following confidential information:

   (A) With respect to any recipient whom it is believed has violated, has attempted to violate, or is violating this Act or any other State or federal law or rule involving a methamphetamine precursor, methamphetamine, or any other controlled substance:

   New matter indicated by italics - deletions by strikeout
(i) Any name he or she has used to purchase or attempt to purchase methamphetamine precursor;

(ii) Any address he or she has listed when purchasing or attempting to purchase any targeted methamphetamine precursor; and

(iii) Any identification information he or she has used to purchase or attempt to purchase methamphetamine precursor.

(B) With respect to any transaction in which the recipient is believed to have purchased methamphetamine precursor:

(i) The date and time of the transaction or attempt;

(ii) The city or town and state in which the transaction or attempt occurred; and

(iii) The total quantity received of ephedrine or pseudoephedrine, their salts, or optical isomers, or salts of optical isomers.

(3) Methamphetamine Precursor Violation Alerts shall not include, with respect of any transaction in which the recipient is believed to have purchased or attempted to purchase methamphetamine precursor:

(A) The name or street address of the pharmacy where the transaction or attempt took place, other than the city or town and state where the pharmacy is located; or

(B) The brand and product name of the item received.

(4) Methamphetamine Precursor Violation Alerts may be distributed to pharmacies, retail distributors, and law enforcement agencies. When such alerts are distributed to law enforcement agencies, it shall not be necessary to follow the procedures described in subsection (d) of this Section.
(5) When distributing Methamphetamine Precursor Violation Alerts, the Pilot Program Authority shall instruct those receiving the alerts that they are intended only for pharmacies, retail distributors, and law enforcement authorities, and that such alerts should otherwise be kept confidential.

(i) The Pilot Program Authority may release general statistical information to any person or entity provided that the statistics do not include any information that identifies any individual recipient or pharmacy by name, address, identification number, Drug Enforcement Administration number, or other means.

(720 ILCS 648/40)

Sec. 40. Penalties.

(a) Violations of subsection (b) of Section 20 of this Act.

(1) Any person who knowingly purchases, receives, or otherwise acquires, within any 30-day period, products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers in violation of subsection (b) of Section 20 of this Act is subject to the following penalties:

(A) More than 7,500 milligrams but less than 15,000 milligrams, Class B misdemeanor;
(B) 15,000 or more but less than 22,500 milligrams, Class A misdemeanor;
(C) 22,500 or more but less than 30,000 milligrams, Class 4 felony;
(D) 30,000 or more but less than 37,500 milligrams, Class 3 felony;
(E) 37,500 or more but less than 45,000 milligrams, Class 2 felony;
(F) 45,000 or more milligrams, Class 1 felony.

(2) Any person who knowingly purchases, receives, or otherwise acquires, within any 30-day period, products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical

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isomers in violation of subsection (b) of Section 20 of this Act, and who has previously been convicted of any methamphetamine-related offense under any State or federal law, is subject to the following penalties:

(A) More than 7,500 milligrams but less than 15,000 milligrams, Class A misdemeanor;
(B) 15,000 or more but less than 22,500 milligrams, Class 4 felony;
(C) 22,500 or more but less than 30,000 milligrams, Class 3 felony;
(D) 30,000 or more but less than 37,500 milligrams, Class 2 felony;
(E) 37,500 or more milligrams, Class 1 felony.

(3) Any person who knowingly purchases, receives, or otherwise acquires, within any 30-day period, products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers in violation of subsection (b) of Section 20 of this Act, and who has previously been convicted 2 or more times of any methamphetamine-related offense under State or federal law, is subject to the following penalties:

(A) More than 7,500 milligrams but less than 15,000 milligrams, Class 4 felony;
(B) 15,000 or more but less than 22,500 milligrams, Class 3 felony;
(C) 22,500 or more but less than 30,000 milligrams, Class 2 felony;
(D) 30,000 or more milligrams, Class 1 felony.

(b) Violations of Section 15, 20, 25, 30, or 35 of this Act, other than violations of subsection (b) of Section 20 of this Act.

(1) Any pharmacy or retail distributor that violates Section 15, 20, 25, 30, or 35 of this Act, other than subsection (b) of Section 20 of this Act, this Act is guilty of a petty offense and subject to a fine of $500 for a first offense; and $1,000 for a second

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offense occurring at the same retail location as and within 3 years of the prior offense. A pharmacy or retail distributor that violates this Act is guilty of a business offense and subject to a fine of $5,000 for a third or subsequent offense occurring at the same retail location as and within 3 years of the prior offenses.

(2) (b) An employee or agent of a pharmacy or retail distributor who violates Section 15, 20, 25, 30, or 35 of this Act, other than subsection (b) of Section 20 of this Act, this Act is guilty of a Class A misdemeanor for a first offense, a Class 4 felony for a second offense, and a Class 1 felony for a third or subsequent offense.

(3) (c) Any other person who violates Section 15, 20, 25, 30, or 35 of this Act, other than subsection (b) of Section 20 of this Act, this Act is guilty of a Class B misdemeanor for a first offense, a Class A misdemeanor for a second offense, and a Class 4 felony for a third or subsequent offense.

Any pharmacy or retail distributor that violates Section 36, 37, 38, 39, or 39.5 of this Act is guilty of a petty offense and subject to a fine of $100 for a first offense, $250 for a second offense, or $500 for a third or subsequent offense.

(d) Any person that violates Section 39.5 of this Act is guilty of a Class B misdemeanor for a first offense, a Class A misdemeanor for a second offense, and a Class 4 felony for a third offense.

(720 ILCS 648/45)
Sec. 45. Immunity from civil liability. In the event that any agent or employee of a pharmacy or retail distributor reports to any law enforcement officer or agency any suspicious activity concerning a targeted methamphetamine precursor or other methamphetamine ingredient or ingredients, or participates in the Williamson County Pilot Program as provided in Sections 36, 37, 38, 39, and 39.5 of this Act, the agent or employee and the pharmacy or retail distributor itself are immune from civil liability based on allegations of defamation, libel, slander, false
arrest, or malicious prosecution, or similar allegations, except in cases of willful or wanton misconduct.
(Source: P.A. 94-694, eff. 1-15-06.)

(720 ILCS 648/55)

Sec. 55. Preemption and home rule powers.
(a) Except as provided in subsection (b) of this Section and in Sections 36, 37, 38, 39, and 39.5 of this Act, a county or municipality, including a home rule unit, may regulate the sale of targeted methamphetamine precursor and targeted packages in a manner that is not more or less restrictive than the regulation by the State under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of the powers and functions exercised by the State.
(b) Any regulation of the sale of targeted methamphetamine precursor and targeted packages by a home rule unit that took effect on or before May 1, 2004, is exempt from the provisions of subsection (a) of this Section.
(Source: P.A. 94-694, eff. 1-15-06.)

Section 20. The Unified Code of Corrections is amended by changing Sections 3-3-7, 3-6-3, and 5-8A-6 and by adding Section 3-19-15 as follows:

(730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)
Sec. 3-3-7. Conditions of Parole or Mandatory Supervised Release.
(a) The conditions of parole or mandatory supervised release shall be such as the Prisoner Review Board deems necessary to assist the subject in leading a law-abiding life. The conditions of every parole and mandatory supervised release are that the subject:
   (1) not violate any criminal statute of any jurisdiction during the parole or release term;
   (2) refrain from possessing a firearm or other dangerous weapon;
   (3) report to an agent of the Department of Corrections;

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(4) permit the agent to visit him or her at his or her home, employment, or elsewhere to the extent necessary for the agent to discharge his or her duties;

(5) attend or reside in a facility established for the instruction or residence of persons on parole or mandatory supervised release;

(6) secure permission before visiting or writing a committed person in an Illinois Department of Corrections facility;

(7) report all arrests to an agent of the Department of Corrections as soon as permitted by the arresting authority but in no event later than 24 hours after release from custody;

(7.5) if convicted of a sex offense as defined in the Sex Offender Management Board Act, the individual shall undergo and successfully complete sex offender treatment conducted in conformance with the standards developed by the Sex Offender Management Board Act by a treatment provider approved by the Board;

(7.6) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense; the provisions of this paragraph do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders, or is in any facility operated or licensed by the Department of Children and Family Services or by the Department of Human Services, or is in any licensed medical facility;

(7.7) if convicted for an offense that would qualify the accused as a sexual predator under the Sex Offender Registration Act on or after the effective date of this amendatory Act of the 94th General Assembly, wear an approved electronic monitoring device as defined in Section 5-8A-2 for the duration of the person's parole,

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mandatory supervised release term, or extended mandatory supervised release term, provided funding is appropriated by the General Assembly;

(7.8) if convicted for an offense that would qualify the accused as a sex offender or sexual predator under the Sex Offender Registration Act on or after the effective date of this amendatory Act of the 95th General Assembly, not possess prescription drugs for erectile dysfunction;

(8) obtain permission of an agent of the Department of Corrections before leaving the State of Illinois;

(9) obtain permission of an agent of the Department of Corrections before changing his or her residence or employment;

(10) consent to a search of his or her person, property, or residence under his or her control;

(11) refrain from the use or possession of narcotics or other controlled substances in any form, or both, or any paraphernalia related to those substances and submit to a urinalysis test as instructed by a parole agent of the Department of Corrections;

(12) not frequent places where controlled substances are illegally sold, used, distributed, or administered;

(13) not knowingly associate with other persons on parole or mandatory supervised release without prior written permission of his or her parole agent and not associate with persons who are members of an organized gang as that term is defined in the Illinois Streetgang Terrorism Omnibus Prevention Act;

(14) provide true and accurate information, as it relates to his or her adjustment in the community while on parole or mandatory supervised release or to his or her conduct while incarcerated, in response to inquiries by his or her parole agent or of the Department of Corrections;

(15) follow any specific instructions provided by the parole agent that are consistent with furthering conditions set and approved by the Prisoner Review Board or by law, exclusive of placement on electronic detention, to achieve the goals and

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objectives of his or her parole or mandatory supervised release or to protect the public. These instructions by the parole agent may be modified at any time, as the agent deems appropriate; and

(16) if convicted of a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter.

(b) The Board may in addition to other conditions require that the subject:

(1) work or pursue a course of study or vocational training;  
(2) undergo medical or psychiatric treatment, or treatment for drug addiction or alcoholism;  
(3) attend or reside in a facility established for the instruction or residence of persons on probation or parole;  
(4) support his dependents;  
(5) (blank);  
(6) (blank);  
(7) comply with the terms and conditions of an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986, enacted by the 84th General Assembly, or an order of protection issued by the court of another state, tribe, or United States territory; and  
(8) in addition, if a minor:

(i) reside with his parents or in a foster home;  
(ii) attend school;  
(iii) attend a non-residential program for youth; or  
(iv) contribute to his own support at home or in a foster home.

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(b-1) In addition to the conditions set forth in subsections (a) and (b), persons required to register as sex offenders pursuant to the Sex Offender Registration Act, upon release from the custody of the Illinois Department of Corrections, may be required by the Board to comply with the following specific conditions of release:

(1) reside only at a Department approved location;

(2) comply with all requirements of the Sex Offender Registration Act;

(3) notify third parties of the risks that may be occasioned by his or her criminal record;

(4) obtain the approval of an agent of the Department of Corrections prior to accepting employment or pursuing a course of study or vocational training and notify the Department prior to any change in employment, study, or training;

(5) not be employed or participate in any volunteer activity that involves contact with children, except under circumstances approved in advance and in writing by an agent of the Department of Corrections;

(6) be electronically monitored for a minimum of 12 months from the date of release as determined by the Board;

(7) refrain from entering into a designated geographic area except upon terms approved in advance by an agent of the Department of Corrections. The terms may include consideration of the purpose of the entry, the time of day, and others accompanying the person;

(8) refrain from having any contact, including written or oral communications, directly or indirectly, personally or by telephone, letter, or through a third party with certain specified persons including, but not limited to, the victim or the victim's family without the prior written approval of an agent of the Department of Corrections;

(9) refrain from all contact, directly or indirectly, personally, by telephone, letter, or through a third party, with minor
children without prior identification and approval of an agent of the Department of Corrections;

(10) neither possess or have under his or her control any material that is sexually oriented, sexually stimulating, or that shows male or female sex organs or any pictures depicting children under 18 years of age nude or any written or audio material describing sexual intercourse or that depicts or alludes to sexual activity, including but not limited to visual, auditory, telephonic, or electronic media, or any matter obtained through access to any computer or material linked to computer access use;

(11) not patronize any business providing sexually stimulating or sexually oriented entertainment nor utilize "900" or adult telephone numbers;

(12) not reside near, visit, or be in or about parks, schools, day care centers, swimming pools, beaches, theaters, or any other places where minor children congregate without advance approval of an agent of the Department of Corrections and immediately report any incidental contact with minor children to the Department;

(13) not possess or have under his or her control certain specified items of contraband related to the incidence of sexually offending as determined by an agent of the Department of Corrections;

(14) may be required to provide a written daily log of activities if directed by an agent of the Department of Corrections;

(15) comply with all other special conditions that the Department may impose that restrict the person from high-risk situations and limit access to potential victims;

(16) take an annual polygraph exam;

(17) maintain a log of his or her travel; or

(18) obtain prior approval of his or her parole officer before driving alone in a motor vehicle.

(c) The conditions under which the parole or mandatory supervised release is to be served shall be communicated to the person in writing prior

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to his release, and he shall sign the same before release. A signed copy of
these conditions, including a copy of an order of protection where one had
been issued by the criminal court, shall be retained by the person and
another copy forwarded to the officer in charge of his supervision.

(d) After a hearing under Section 3-3-9, the Prisoner Review Board
may modify or enlarge the conditions of parole or mandatory supervised
release.

(e) The Department shall inform all offenders committed to the
Department of the optional services available to them upon release and
shall assist inmates in availing themselves of such optional services upon
their release on a voluntary basis.

(Source: P.A. 93-616, eff. 1-1-04; 93-865, eff. 1-1-05; 94-159, eff. 7-11-
05; 94-161, eff. 7-11-05; 94-988, eff. 1-1-07.)

(730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

Sec. 3-6-3. Rules and Regulations for Early Release.

(a) (1) The Department of Corrections shall prescribe rules
and regulations for the early release on account of good conduct of
persons committed to the Department which shall be subject to
review by the Prisoner Review Board.

(2) The rules and regulations on early release shall provide,
with respect to offenses listed in clause (i), (ii), or (iii) of this
paragraph (2) committed on or after June 19, 1998 or with respect
to the offense listed in clause (iv) of this paragraph (2) committed
on or after June 23, 2005 (the effective date of Public Act 94-71) or
with respect to the offense of being an armed habitual criminal
committed on or after August 2, 2005 (the effective date of Public
Act 94-398), the following:

(i) that a prisoner who is serving a term of
imprisonment for first degree murder or for the offense of
terrorism shall receive no good conduct credit and shall
serve the entire sentence imposed by the court;

(ii) that a prisoner serving a sentence for attempt to
commit first degree murder, solicitation of murder,
solicitation of murder for hire, intentional homicide of an

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unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm, heinous battery, being an armed habitual criminal, aggravated battery of a senior citizen, or aggravated battery of a child shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment;

(iii) that a prisoner serving a sentence for home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has made and entered a finding, pursuant to subsection (c-1) of Section 5-4-1 of this Code, that the conduct leading to conviction for the enumerated offense resulted in great bodily harm to a victim, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment; and

(iv) that a prisoner serving a sentence for aggravated discharge of a firearm, whether or not the conduct leading to conviction for the offense resulted in great bodily harm to the victim, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.1) For all offenses, other than those enumerated in subdivision (a)(2)(i), (ii), or (iii) committed on or after June 19, 1998 or subdivision (a)(2)(iv) committed on or after June 23, 2005 (the effective date of Public Act 94-71), and other than the offense of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle

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Code, the rules and regulations shall provide that a prisoner who is serving a term of imprisonment shall receive one day of good conduct credit for each day of his or her sentence of imprisonment or recommitment under Section 3-3-9. Each day of good conduct credit shall reduce by one day the prisoner's period of imprisonment or recommitment under Section 3-3-9.

(2.2) A prisoner serving a term of natural life imprisonment or a prisoner who has been sentenced to death shall receive no good conduct credit.

(2.3) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.4) The rules and regulations on early release shall provide with respect to the offenses of aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm or aggravated discharge of a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm, committed on or after July 15, 1999 (the effective date of Public Act 91-121), that a prisoner serving a sentence for any of these offenses shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.5) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for aggravated arson committed on or after July 27, 2001 (the effective date of Public Act 92-176) shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

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conduct credit for each month of his or her sentence of imprisonment.

(3) The rules and regulations shall also provide that the Director may award up to 180 days additional good conduct credit for meritorious service in specific instances as the Director deems proper; except that no more than 90 days of good conduct credit for meritorious service shall be awarded to any prisoner who is serving a sentence for conviction of first degree murder, reckless homicide while under the influence of alcohol or any other drug, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, aggravated kidnapping, kidnapping, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, deviate sexual assault, aggravated criminal sexual abuse, aggravated indecent liberties with a child, indecent liberties with a child, child pornography, heinous battery, aggravated battery of a spouse, aggravated battery of a spouse with a firearm, stalking, aggravated stalking, aggravated battery of a child, endangering the life or health of a child, cruelty to a child, or narcotic racketeering. Notwithstanding the foregoing, good conduct credit for meritorious service shall not be awarded on a sentence of imprisonment imposed for conviction of: (i) one of the offenses enumerated in subdivision (a)(2)(i), (ii), or (iii) when the offense is committed on or after June 19, 1998 or subdivision (a)(2)(iv) when the offense is committed on or after June 23, 2005 (the effective date of Public Act 94-71), (ii) reckless homicide as defined in subdivision (e) of Section 9-3 of the Criminal Code of 1961 when the offense is committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code.

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Code, (iii) one of the offenses enumerated in subdivision (a)(2.4) when the offense is committed on or after July 15, 1999 (the effective date of Public Act 91-121), or (iv) aggravated arson when the offense is committed on or after July 27, 2001 (the effective date of Public Act 92-176).

(4) The rules and regulations shall also provide that the good conduct credit accumulated and retained under paragraph (2.1) of subsection (a) of this Section by any inmate during specific periods of time in which such inmate is engaged full-time in substance abuse programs, correctional industry assignments, or educational programs provided by the Department under this paragraph (4) and satisfactorily completes the assigned program as determined by the standards of the Department, shall be multiplied by a factor of 1.25 for program participation before August 11, 1993 and 1.50 for program participation on or after that date. However, no inmate shall be eligible for the additional good conduct credit under this paragraph (4) or (4.1) of this subsection (a) while assigned to a boot camp or electronic detention, or if convicted of an offense enumerated in subdivision (a)(2)(i), (ii), or (iii) of this Section that is committed on or after June 19, 1998 or subdivision (a)(2)(iv) of this Section that is committed on or after June 23, 2005 (the effective date of Public Act 94-71), or if convicted of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense is committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, or if convicted of an offense enumerated in paragraph (a)(2.4) of this Section that is committed on or after July 15, 1999 (the effective date of Public Act 91-121), or first degree murder, a Class X felony, criminal sexual assault, felony criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery with a firearm, or any predecessor or successor
offenses with the same or substantially the same elements, or any inchoate offenses relating to the foregoing offenses. No inmate shall be eligible for the additional good conduct credit under this paragraph (4) who (i) has previously received increased good conduct credit under this paragraph (4) and has subsequently been convicted of a felony, or (ii) has previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility.

Educational, vocational, substance abuse and correctional industry programs under which good conduct credit may be increased under this paragraph (4) and paragraph (4.1) of this subsection (a) shall be evaluated by the Department on the basis of documented standards. The Department shall report the results of these evaluations to the Governor and the General Assembly by September 30th of each year. The reports shall include data relating to the recidivism rate among program participants.

Availability of these programs shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. Eligible inmates who are denied immediate admission shall be placed on a waiting list under criteria established by the Department. The inability of any inmate to become engaged in any such programs by reason of insufficient program resources or for any other reason established under the rules and regulations of the Department shall not be deemed a cause of action under which the Department or any employee or agent of the Department shall be liable for damages to the inmate.

(4.1) The rules and regulations shall also provide that an additional 60 days of good conduct credit shall be awarded to any prisoner who passes the high school level Test of General Educational Development (GED) while the prisoner is incarcerated. The good conduct credit awarded under this paragraph (4.1) shall be in addition to, and shall not affect, the award of good conduct under any other paragraph of this Section, but shall also be pursuant to the guidelines and restrictions set forth
in paragraph (4) of subsection (a) of this Section. The good conduct credit provided for in this paragraph shall be available only to those prisoners who have not previously earned a high school diploma or a GED. If, after an award of the GED good conduct credit has been made and the Department determines that the prisoner was not eligible, then the award shall be revoked.

(4.5) The rules and regulations on early release shall also provide that when the court's sentencing order recommends a prisoner for substance abuse treatment and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354), the prisoner shall receive no good conduct credit awarded under clause (3) of this subsection (a) unless he or she participates in and completes a substance abuse treatment program. The Director may waive the requirement to participate in or complete a substance abuse treatment program and award the good conduct credit in specific instances if the prisoner is not a good candidate for a substance abuse treatment program for medical, programming, or operational reasons. Availability of substance abuse treatment shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. If treatment is not available and the requirement to participate and complete the treatment has not been waived by the Director, the prisoner shall be placed on a waiting list under criteria established by the Department. The Director may allow a prisoner placed on a waiting list to participate in and complete a substance abuse education class or attend substance abuse self-help meetings in lieu of a substance abuse treatment program. A prisoner on a waiting list who is not placed in a substance abuse program prior to release may be eligible for a waiver and receive good conduct credit under clause (3) of this subsection (a) at the discretion of the Director.

(4.6) The rules and regulations on early release shall also provide that a prisoner who has been convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act shall

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receive no good conduct credit unless he or she either has successfully completed or is participating in sex offender treatment as defined by the Sex Offender Management Board. However, prisoners who are waiting to receive such treatment, but who are unable to do so due solely to the lack of resources on the part of the Department, may, at the Director's sole discretion, be awarded good conduct credit at such rate as the Director shall determine.

(5) Whenever the Department is to release any inmate earlier than it otherwise would because of a grant of good conduct credit for meritorious service given at any time during the term, the Department shall give reasonable advance notice of the impending release to the State's Attorney of the county where the prosecution of the inmate took place.

(b) Whenever a person is or has been committed under several convictions, with separate sentences, the sentences shall be construed under Section 5-8-4 in granting and forfeiting of good time.

(c) The Department shall prescribe rules and regulations for revoking good conduct credit, or suspending or reducing the rate of accumulation of good conduct credit for specific rule violations, during imprisonment. These rules and regulations shall provide that no inmate may be penalized more than one year of good conduct credit for any one infraction.

When the Department seeks to revoke, suspend or reduce the rate of accumulation of any good conduct credits for an alleged infraction of its rules, it shall bring charges therefor against the prisoner sought to be so deprived of good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(4) of Section 3-3-2 of this Code, if the amount of credit at issue exceeds 30 days or when during any 12 month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In those cases, the Department of Corrections may revoke up to 30 days of good conduct credit. The Board may subsequently approve the revocation of additional good conduct credit, if the Department seeks to revoke good conduct credit in excess of 30 days.
However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of good conduct credit within any calendar year for any prisoner or to increase any penalty beyond the length requested by the Department.

The Director of the Department of Corrections, in appropriate cases, may restore up to 30 days good conduct credits which have been revoked, suspended or reduced. Any restoration of good conduct credits in excess of 30 days shall be subject to review by the Prisoner Review Board. However, the Board may not restore good conduct credit in excess of the amount requested by the Director.

Nothing contained in this Section shall prohibit the Prisoner Review Board from ordering, pursuant to Section 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the sentence imposed by the court that was not served due to the accumulation of good conduct credit.

(d) If a lawsuit is filed by a prisoner in an Illinois or federal court against the State, the Department of Corrections, or the Prisoner Review Board, or against any of their officers or employees, and the court makes a specific finding that a pleading, motion, or other paper filed by the prisoner is frivolous, the Department of Corrections shall conduct a hearing to revoke up to 180 days of good conduct credit by bringing charges against the prisoner sought to be deprived of the good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(8) of Section 3-3-2 of this Code. If the prisoner has not accumulated 180 days of good conduct credit at the time of the finding, then the Prisoner Review Board may revoke all good conduct credit accumulated by the prisoner.

For purposes of this subsection (d):

(1) "Frivolous" means that a pleading, motion, or other filing which purports to be a legal document filed by a prisoner in his or her lawsuit meets any or all of the following criteria:

(A) it lacks an arguable basis either in law or in fact;
(B) it is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

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(C) the claims, defenses, and other legal contentions therein are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
(D) the allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; or
(E) the denials of factual contentions are not warranted on the evidence, or if specifically so identified, are not reasonably based on a lack of information or belief.

(2) "Lawsuit" means a petition for post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963, a motion pursuant to Section 116-3 of the Code of Criminal Procedure of 1963, a habeas corpus action under Article X of the Code of Civil Procedure or under federal law (28 U.S.C. 2254), a petition for claim under the Court of Claims Act or an action under the federal Civil Rights Act (42 U.S.C. 1983).

(e) Nothing in Public Act 90-592 or 90-593 affects the validity of Public Act 89-404.

(730 ILCS 5/3-19-15 new)
Sec. 3-19-15. Task Force on Transitional Housing for Sex Offenders.

(a) There is created the Task Force on Transitional Housing Facilities for Sex Offenders. The Task Force shall be composed of the following members:

(1) Two members from the Department of Corrections appointed by the Director of Corrections;

(2) Two members from the Prisoner Review Board appointed by that Board;

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(3) Two members of the Senate appointed by the President of the Senate;
(4) Two members of the Senate appointed by the Minority Leader of the Senate;
(5) Two members of the House of Representatives appointed by the Speaker of the House of Representatives;
(6) Two members of the House of Representatives appointed by the Minority Leader of the House of Representatives; and
(7) Two members of the Governor's Office appointed by the Governor.

(b) The Task Force shall study the implementation, cost, placement, and effectiveness of transitional housing facilities for sex offenders released from facilities of the Department of Corrections.

(c) The members of the Task Force shall receive no compensation for their services as members of the Task Force but may be reimbursed for their actual expenses incurred in serving on the Task Force from appropriations made to them for such purpose.

(730 ILCS 5/5-8A-6)

Sec. 5-8A-6. Electronic monitoring of certain sex offenders. For a sexual predator subject to electronic home monitoring under paragraph (7.7) of subsection (a) of Section 3-3-7, the Department of Corrections must use a system that actively monitors and identifies the offender's current location and timely reports or records the offender's presence and that alerts the Department of the offender's presence within a prohibited area described in Sections 11-9.3 and 11-9.4 of the Criminal Code of 1961, in a court order, or as a condition of the offender's parole, mandatory supervised release, or extended mandatory supervised release and the offender's departure from specified geographic limitations. To the extent that he or she is able to do so, which the Department of Corrections by rule shall determine, the offender must pay for the cost of the electronic home monitoring, provided funding is appropriated by the General Assembly for this purpose.

(Source: P.A. 94-988, eff. 1-1-07.)

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Section 25. The Sex Offender Registration Act is amended by changing Sections 3, 4, 5, 5-5, 6, 6-5, and 7 as follows:

(730 ILCS 150/3) (from Ch. 38, par. 223)
Sec. 3. Duty to register.

(a) A sex offender, as defined in Section 2 of this Act, or sexual predator shall, within the time period prescribed in subsections (b) and (c), register in person and provide accurate information as required by the Department of State Police. Such information shall include a current photograph, current address, current place of employment, the employer's telephone number, school attended, extensions of the time period for registering as provided in this Article and, if an extension was granted, the reason why the extension was granted and the date the sex offender was notified of the extension. The information shall also include the county of conviction, license plate numbers for every vehicle registered in the name of the sex offender, the age of the sex offender at the time of the commission of the offense, the age of the victim at the time of the commission of the offense, and any distinguishing marks located on the body of the sex offender. A person who has been adjudicated a juvenile delinquent for an act which, if committed by an adult, would be a sex offense shall register as an adult sex offender within 10 days after attaining 17 years of age. The sex offender or sexual predator shall register:

(1) with the chief of police in the municipality in which he or she resides or is temporarily domiciled for a period of time of 5 or more days, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(2) with the sheriff in the county in which he or she resides or is temporarily domiciled for a period of time of 5 or more days in an unincorporated area or, if incorporated, no police chief exists. If the sex offender or sexual predator is employed at or attends an institution of higher education, he or she shall register:

(i) with the chief of police in the municipality in which he or she is employed at or attends an institution of higher education, unless the municipality is the City of Chicago, in which case he or

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she shall register at the Chicago Police Department Headquarters; or

(ii) with the sheriff in the county in which he or she is employed or attends an institution of higher education located in an unincorporated area, or if incorporated, no police chief exists.

For purposes of this Article, the place of residence or temporary domicile is defined as any and all places where the sex offender resides for an aggregate period of time of 5 or more days during any calendar year. Any person required to register under this Article who lacks a fixed address or temporary domicile must notify, in person, the agency of jurisdiction of his or her last known address within 3 days after ceasing to have a fixed residence.

Any person who lacks a fixed residence must report weekly, in person, with the sheriff's office of the county in which he or she is located in an unincorporated area, or with the chief of police in the municipality in which he or she is located. The agency of jurisdiction will document each weekly registration to include all the locations where the person has stayed during the past 7 days.

The sex offender or sexual predator shall provide accurate information as required by the Department of State Police. That information shall include the sex offender's or sexual predator's current place of employment.

(a-5) An out-of-state student or out-of-state employee shall, within 3 days after beginning school or employment in this State, register in person and provide accurate information as required by the Department of State Police. Such information will include current place of employment, school attended, and address in state of residence. The out-of-state student or out-of-state employee shall register:

(1) with the chief of police in the municipality in which he or she attends school or is employed for a period of time of 5 or more days or for an aggregate period of time of more than 30 days during any calendar year, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

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(2) with the sheriff in the county in which he or she attends school or is employed for a period of time of 5 or more days or for an aggregate period of time of more than 30 days during any calendar year in an unincorporated area or, if incorporated, no police chief exists.

The out-of-state student or out-of-state employee shall provide accurate information as required by the Department of State Police. That information shall include the out-of-state student's current place of school attendance or the out-of-state employee's current place of employment.

(b) Any sex offender, as defined in Section 2 of this Act, or sexual predator, regardless of any initial, prior, or other registration, shall, within 3 days of beginning school, or establishing a residence, place of employment, or temporary domicile in any county, register in person as set forth in subsection (a) or (a-5).

(c) The registration for any person required to register under this Article shall be as follows:

(1) Any person registered under the Habitual Child Sex Offender Registration Act or the Child Sex Offender Registration Act prior to January 1, 1996, shall be deemed initially registered as of January 1, 1996; however, this shall not be construed to extend the duration of registration set forth in Section 7.

(2) Except as provided in subsection (c)(4), any person convicted or adjudicated prior to January 1, 1996, whose liability for registration under Section 7 has not expired, shall register in person prior to January 31, 1996.

(2.5) Except as provided in subsection (c)(4), any person who has not been notified of his or her responsibility to register shall be notified by a criminal justice entity of his or her responsibility to register. Upon notification the person must then register within 3 days of notification of his or her requirement to register. If notification is not made within the offender's 10 year registration requirement, and the Department of State Police determines no evidence exists or indicates the offender

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attempted to avoid registration, the offender will no longer be required to register under this Act.

(3) Except as provided in subsection (c)(4), any person convicted on or after January 1, 1996, shall register in person within 3 days 5 days after the entry of the sentencing order based upon his or her conviction.

(4) Any person unable to comply with the registration requirements of this Article because he or she is confined, institutionalized, or imprisoned in Illinois on or after January 1, 1996, shall register in person within 3 days 5 days of discharge, parole or release.

(5) The person shall provide positive identification and documentation that substantiates proof of residence at the registering address.

(6) The person shall pay a $20 initial registration fee and a $10 annual renewal fee. The fees shall be used by the registering agency for official purposes. The agency shall establish procedures to document receipt and use of the funds. The law enforcement agency having jurisdiction may waive the registration fee if it determines that the person is indigent and unable to pay the registration fee. Ten dollars for the initial registration fee and $5 of the annual renewal fee shall be used by the registering agency for official purposes. Ten dollars of the initial registration fee and $5 of the annual fee shall be deposited into the Sex Offender Management Board Fund under Section 19 of the Sex Offender Management Board Act. Money deposited into the Sex Offender Management Board Fund shall be administered by the Sex Offender Management Board and shall be used to fund practices endorsed or required by the Sex Offender Management Board Act including but not limited to sex offenders evaluation, treatment, or monitoring programs that are or may be developed, as well as for administrative costs, including staff, incurred by the Board.

(d) Within 3 days 5 days after obtaining or changing employment and, if employed on January 1, 2000, within 5 days after that date, a person
required to register under this Section must report, in person to the law enforcement agency having jurisdiction, the business name and address where he or she is employed. If the person has multiple businesses or work locations, every business and work location must be reported to the law enforcement agency having jurisdiction.

(Source: P.A. 93-616, eff. 1-1-04; 93-979, eff. 8-20-04; 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-994, eff. 1-1-07.)

(730 ILCS 150/4) (from Ch. 38, par. 224)

Sec. 4. Discharge of sex offender, as defined in Section 2 of this Act, or sexual predator from Department of Corrections facility or other penal institution; duties of official in charge. Any sex offender, as defined in Section 2 of this Act, or sexual predator, as defined by this Article, who is discharged, paroled or released from a Department of Corrections facility, a facility where such person was placed by the Department of Corrections or another penal institution, and whose liability for registration has not terminated under Section 7 shall, prior to discharge, parole or release from the facility or institution, be informed of his or her duty to register in person within 3 days of release by the facility or institution in which he or she was confined. The facility or institution shall also inform any person who must register that if he or she establishes a residence outside of the State of Illinois, is employed outside of the State of Illinois, or attends school outside of the State of Illinois, he or she must register in the new state within 3 days after establishing the residence, beginning employment, or beginning school.

The facility shall require the person to read and sign such form as may be required by the Department of State Police stating that the duty to register and the procedure for registration has been explained to him or her and that he or she understands the duty to register and the procedure for registration. The facility shall further advise the person in writing that the failure to register or other violation of this Article shall result in revocation of parole, mandatory supervised release or conditional release. The facility shall obtain information about where the person expects to reside, work, and attend school upon his or her discharge, parole or release and shall report the information to the Department of State Police. The facility shall

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give one copy of the form to the person and shall send one copy to each of
the law enforcement agencies having jurisdiction where the person expects
to reside, work, and attend school upon his or her discharge, parole or
release and retain one copy for the files. Electronic data files which
includes all notification form information and photographs of sex
offenders being released from an Illinois Department of Corrections
facility will be shared on a regular basis as determined between the
Department of State Police and the Department of Corrections.
(Source: P.A. 94-168, eff. 1-1-06.)

(730 ILCS 150/5) (from Ch. 38, par. 225)
Sec. 5. Release of sex offender, as defined in Section 2 of this Act,
or sexual predator; duties of the Court. Any sex offender, as defined in
Section 2 of this Act, or sexual predator, as defined by this Article, who is
released on probation or discharged upon payment of a fine because of the
commission of one of the offenses defined in subsection (B) of Section 2
of this Article, shall, prior to such release be informed of his or her duty to
register under this Article by the Court in which he or she was convicted.
The Court shall also inform any person who must register that if he or she
establishes a residence outside of the State of Illinois, is employed outside
of the State of Illinois, or attends school outside of the State of Illinois, he
or she must register in the new state within 5 days after establishing
the residence, beginning employment, or beginning school. The Court
shall require the person to read and sign such form as may be required by
the Department of State Police stating that the duty to register and the
procedure for registration has been explained to him or her and that he or
she understands the duty to register and the procedure for registration. The
Court shall further advise the person in writing that the failure to register
or other violation of this Article shall result in probation revocation. The
Court shall obtain information about where the person expects to reside,
work, and attend school upon his or her release, and shall report the
information to the Department of State Police. The Court shall give one
copy of the form to the person and retain the original in the court records.
The Department of State Police shall notify the law enforcement agencies

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having jurisdiction where the person expects to reside, work and attend school upon his or her release.

(Source: P.A. 94-168, eff. 1-1-06.)

(730 ILCS 150/5-5)

Sec. 5-5. Discharge of sex offender or sexual predator from a hospital or other treatment facility; duties of the official in charge. Any sex offender, as defined in Section 2 of this Act, or sexual predator, as defined in this Article, who is discharged or released from a hospital or other treatment facility where he or she was confined shall be informed by the hospital or treatment facility in which he or she was confined, prior to discharge or release from the hospital or treatment facility, of his or her duty to register under this Article.

The facility shall require the person to read and sign such form as may be required by the Department of State Police stating that the duty to register and the procedure for registration has been explained to him or her and that he or she understands the duty to register and the procedure for registration. The facility shall give one copy of the form to the person, retain one copy for their records, and forward the original to the Department of State Police. The facility shall obtain information about where the person expects to reside, work, and attend school upon his or her discharge, parole, or release and shall report the information to the Department of State Police within 3 days. The facility or institution shall also inform any person who must register that if he or she establishes a residence outside of the State of Illinois, is employed outside of the State of Illinois, or attends school outside of the State of Illinois, he or she must register in the new state within 3 days after establishing the residence, beginning school, or beginning employment. The Department of State Police shall notify the law enforcement agencies having jurisdiction where the person expects to reside, work, and attend school upon his or her release.

(Source: P.A. 94-168, eff. 1-1-06.)

(730 ILCS 150/6) (from Ch. 38, par. 226)

Sec. 6. Duty to report; change of address, school, or employment; duty to inform. A person who has been adjudicated to be sexually

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dangerous or is a sexually violent person and is later released, or found to be no longer sexually dangerous or no longer a sexually violent person and discharged, or convicted of a violation of this Act after July 1, 2005, shall report in person to the law enforcement agency with whom he or she last registered no later than 90 days after the date of his or her last registration and every 90 days thereafter and at such other times at the request of the law enforcement agency not to exceed 4 times a year. Any person who lacks a fixed residence must report weekly, in person, to the appropriate law enforcement agency where the sex offender is located. Any other person who is required to register under this Article shall report in person to the appropriate law enforcement agency with whom he or she last registered within one year from the date of last registration and every year thereafter and at such other times at the request of the law enforcement agency not to exceed 4 times a year. If any person required to register under this Article lacks a fixed residence or temporary domicile, he or she must notify, in person, the agency of jurisdiction of his or her last known address within 3 days of ceasing to have a fixed residence and if the offender leaves the last jurisdiction of residence, he or she, must within 3 days of leaving register in person with the new agency of jurisdiction. If any other person required to register under this Article changes his or her residence address, place of employment, or school, he or she shall report in person to the law enforcement agency with whom he or she last registered of his or her new address, change in employment, or school and register, in person, with the appropriate law enforcement agency within the time period specified in Section 3. The law enforcement agency shall, within 3 days of the reporting in person by the person required to register under this Article, notify the Department of State Police of the new place of residence, change in employment, or school.

If any person required to register under this Article intends to establish a residence or employment outside of the State of Illinois, at least 10 days before establishing that residence or employment, he or she shall report in person to the law enforcement agency with which he or she last registered of his or her out-of-state intended residence or employment. The law enforcement agency with which such person last registered shall,
within 3 days after the reporting in person of the person required to register under this Article of an address or employment change, notify the Department of State Police. The Department of State Police shall forward such information to the out-of-state law enforcement agency having jurisdiction in the form and manner prescribed by the Department of State Police.

(Source: P.A. 93-977, eff. 8-20-04; 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; revised 8-19-05.)

(730 ILCS 150/6-5)

Sec. 6-5. Out-of-State employee or student; duty to report change. Every out-of-state student or out-of-state employee must notify the agency having jurisdiction of any change of employment or change of educational status, in writing, within 3 days of the change. The law enforcement agency shall, within 3 days after receiving the notice, enter the appropriate changes into LEADS.

(Source: P.A. 94-168, eff. 1-1-06.)

(730 ILCS 150/7) (from Ch. 38, par. 227)

Sec. 7. Duration of registration. A person who has been adjudicated to be sexually dangerous and is later released or found to be no longer sexually dangerous and discharged, shall register for the period of his or her natural life. A sexually violent person or sexual predator shall register for the period of his or her natural life after conviction or adjudication if not confined to a penal institution, hospital, or other institution or facility, and if confined, for the period of his or her natural life after parole, discharge, or release from any such facility. Any other person who is required to register under this Article shall be required to register for a period of 10 years after conviction or adjudication if not confined to a penal institution, hospital, or any other institution or facility, and if confined, for a period of 10 years after parole, discharge or release from any such facility. A sex offender who is allowed to leave a county, State, or federal facility for the purposes of work release, education, or overnight visitations shall be required to register within 3 days of beginning such a program. Liability for registration terminates at the expiration of 10 years from the date of conviction or adjudication if not

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confined to a penal institution, hospital or any other institution or facility
and if confined, at the expiration of 10 years from the date of parole,
discharge or release from any such facility, providing such person does
not, during that period, again become liable to register under the
provisions of this Article. Reconfinement due to a violation of parole or
other circumstances that relates to the original conviction or adjudication
shall extend the period of registration to 10 years after final parole,
discharge, or release. The Director of State Police, consistent with
administrative rules, shall extend for 10 years the registration period of any
sex offender, as defined in Section 2 of this Act, who fails to comply with
the provisions of this Article. The registration period for any sex offender
who fails to comply with any provision of the Act shall extend the period
of registration by 10 years beginning from the first date of registration
after the violation. If the registration period is extended, the Department of
State Police shall send a registered letter to the law enforcement agency
where the sex offender resides within 3 days after the extension of the
registration period. The sex offender shall report to that law enforcement
agency and sign for that letter. One copy of that letter shall be kept on file
with the law enforcement agency of the jurisdiction where the sex offender
resides and one copy shall be returned to the Department of State Police.
(Source: P.A. 93-979, eff. 8-20-04; 94-166, eff. 1-1-06; 94-168, eff. 1-1-
06; revised 8-19-05.)

Section 30. The Sex Offender Community Notification Law is
amended by changing Section 120 as follows:
(730 ILCS 152/120)
Sec. 120. Community notification of sex offenders.
(a) The sheriff of the county, except Cook County, shall disclose to
the following the name, address, date of birth, place of employment,
school attended, and offense or adjudication of all sex offenders required
to register under Section 3 of the Sex Offender Registration Act:

(1) The boards of institutions of higher education or other
appropriate administrative offices of each non-public institution of
higher education located in the county where the sex offender is

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required to register, resides, is employed, or is attending an institution of higher education; and

(2) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located in the county where the sex offender is required to register or is employed; and

(3) Child care facilities located in the county where the sex offender is required to register or is employed;

(4) Public libraries located in the county where the sex offender is required to register or is employed;

(5) Public housing agencies located in the county where the sex offender is required to register or is employed;

(6) The Illinois Department of Children and Family Services;

(7) Social service agencies providing services to minors located in the county where the sex offender is required to register or is employed; and

(8) Volunteer organizations providing services to minors located in the county where the sex offender is required to register or is employed.

(a-2) The sheriff of Cook County shall disclose to the following the name, address, date of birth, place of employment, school attended, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

(1) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located within the region of Cook County, as those public school districts and nonpublic schools are identified in LEADS, other than the City of Chicago, where the sex offender is required to register or is employed; and

(2) Child care facilities located within the region of Cook County, as those child care facilities are identified in LEADS, other than the City of Chicago, where the sex offender is required to register or is employed; and

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(3) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the county, other than the City of Chicago, where the sex offender is required to register, resides, is employed, or attending an institution of higher education; 

(4) Public libraries located in the county, other than the City of Chicago, where the sex offender is required to register, resides, is employed, or attending an institution of higher education;

(5) Public housing agencies located in the county, other than the City of Chicago, where the sex offender is required to register, resides, is employed, or attending an institution of higher education;

(6) The Illinois Department of Children and Family Services;

(7) Social service agencies providing services to minors located in the county, other than the City of Chicago, where the sex offender is required to register, resides, is employed, or attending an institution of higher education; and

(8) Volunteer organizations providing services to minors located in the county, other than the City of Chicago, where the sex offender is required to register, resides, is employed, or attending an institution of higher education.

(a-3) The Chicago Police Department shall disclose to the following the name, address, date of birth, place of employment, school attended, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

(1) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located in the police district where the sex offender is required to register or is employed if the offender is required to register or is employed in the City of Chicago; and

(2) Child care facilities located in the police district where the sex offender is required to register or is employed if the

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offender is required to register or is employed in the City of Chicago; and

(3) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the police district where the sex offender is required to register, resides, is employed, or attending an institution of higher education in the City of Chicago;

(4) Public libraries located in the police district where the sex offender is required to register, resides, is employed, or attending an institution of higher education in the City of Chicago;

(5) Public housing agencies located in the police district where the sex offender is required to register, resides, is employed, or attending an institution of higher education in the City of Chicago;

(6) The Illinois Department of Children and Family Services;

(7) Social service agencies providing services to minors located in the police district where the sex offender is required to register, resides, is employed, or attending an institution of higher education in the City of Chicago; and

(8) Volunteer organizations providing services to minors located in the police district where the sex offender is required to register, resides, is employed, or attending an institution of higher education in the City of Chicago.

(a-4) The Department of State Police shall provide a list of sex offenders required to register to the Illinois Department of Children and Family Services.

(b) The Department of State Police and any law enforcement agency may disclose, in the Department's or agency's discretion, the following information to any person likely to encounter a sex offender, or sexual predator:

(1) The offender's name, address, and date of birth.
(2) The offense for which the offender was convicted.
(3) Adjudication as a sexually dangerous person.

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(4) The offender's photograph or other such information that will help identify the sex offender.

(5) Offender employment information, to protect public safety.

(c) The name, address, date of birth, offense or adjudication, the county of conviction, license plate numbers for every vehicle registered in the name of the sex offender, the age of the sex offender at the time of the commission of the offense, the age of the victim at the time of the commission of the offense, and any distinguishing marks located on the body of the sex offender for sex offenders required to register under Section 3 of the Sex Offender Registration Act shall be open to inspection by the public as provided in this Section. Every municipal police department shall make available at its headquarters the information on all sex offenders who are required to register in the municipality under the Sex Offender Registration Act. The sheriff shall also make available at his or her headquarters the information on all sex offenders who are required to register under that Act and who live in unincorporated areas of the county. Sex offender information must be made available for public inspection to any person, no later than 72 hours or 3 business days from the date of the request. The request must be made in person, in writing, or by telephone. Availability must include giving the inquirer access to a facility where the information may be copied. A department or sheriff may charge a fee, but the fee may not exceed the actual costs of copying the information. An inquirer must be allowed to copy this information in his or her own handwriting. A department or sheriff must allow access to the information during normal public working hours. The sheriff or a municipal police department may publish the photographs of sex offenders where any victim was 13 years of age or younger and who are required to register in the municipality or county under the Sex Offender Registration Act in a newspaper or magazine of general circulation in the municipality or county or may disseminate the photographs of those sex offenders on the Internet or on television. The law enforcement agency may make available the information on all sex offenders residing within any county.

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(d) The Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, place the information specified in subsection (b) on the Internet or in other media.

(e) (Blank).

(f) The administrator of a transitional housing facility for sex offenders shall comply with the notification procedures established in paragraph (4) of subsection (b) of Section 3-17-5 of the Unified Code of Corrections.

(g) A principal or teacher of a public or private elementary or secondary school shall notify the parents of children attending the school during school registration or during parent-teacher conferences that information about sex offenders is available to the public as provided in this Act.

(Source: P.A. 94-161, eff. 7-11-05; 94-168, eff. 1-1-06; 94-994, eff. 1-1-07.)

Effective June 1, 2008.

PUBLIC ACT 95-0641
(House Bill No. 0004)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Airport Authorities Act is amended by changing
Sections 1, 3.1, 14.1, 14.2, and 14.3 and by adding Sections 22.1, 22.2,
22.3, 22.4, 22.6, and 22.7 as follows:

(70 ILCS 5/1) (from Ch. 15 1/2, par. 68.1)
Sec. 1. Definitions. When used in this Act:
"Aeronautics" means the act or practice of the art and science of
transportation by aircraft and instruction therein, and establishment,
construction, extension, operation, improvement, repair or maintenance of

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airports and airport facilities and air navigation facilities, and the operation, construction, repair or maintenance of aircraft.

"Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of, or flight in, the air.

"Airport" means any locality, either land or water, which is used or designed for the landing and taking off of aircraft, or for the location of runways, landing fields, airdromes, hangars, buildings, structures, airport roadways and other facilities.

"Airport hazard" means any structure, or object of natural growth, located on or in the vicinity of an airport, or any use of land near an airport, which is hazardous to the use of such airport for the landing and take-off of aircraft.

"Approach" means any path, course or zone defined by an ordinance of an Authority, or by other lawful regulation, on the ground or in the air, or both, for the use of aircraft in landing and taking off from an airport located within an Authority.

"Facilities" means and includes real estate and any and all forms of tangible and intangible personal property and services used or useful as an aid, or constituting an advantage or convenience to, the safe landing, taking off and navigation of aircraft, or the safe and efficient operation or maintenance of a public airport. In addition, for all airport authorities, "facilities" means and includes real estate, tangible and intangible personal property, and services used or useful for commercial and recreational purposes.

"Board of Commissioners" and "Board" mean the board of commissioners of an established authority or an authority proposed to be established.

"Commercial aircraft" means any aircraft other than public aircraft engaged in the business of transporting persons or property.

"Airport Authority" means a municipal corporation created and established under Section 2 of this Act, and includes Metropolitan Airport Authorities. "Authority" and "Airport Authority" are synonymous, unless the context requires otherwise.

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"Metropolitan Airport Authority" and "Metropolitan Authority" mean an airport authority established in the manner provided in Section 2.7 of this Act.

"Municipality" means any city, village or incorporated town of the State of Illinois.

"Public Agency" means any political subdivision, public corporation, quasi-municipal corporation or municipal corporation of the State of Illinois, excepting public corporations or agencies owning, operating or maintaining a college or university with funds of the State of Illinois.

"Private aircraft" means any aircraft other than public and commercial aircraft.

"Public aircraft" means an aircraft used exclusively in the governmental service of the United States, or of any state or of any public agency, including military and naval aircraft.

"Public airport" means an airport owned by an airport authority or other public agency which is used or is intended for use by public, commercial and private aircraft and by persons owning, managing, operating or desiring to use, inspect or repair any such aircraft or to use any such airport for aeronautical purposes.

"Public interest" means the protection, furtherance and advancement of the general welfare and of public health and safety and public necessity and convenience in respect to aeronautics.

"Rail Authority" means a Rail Authority established as provided in Section 22.1 of this Act.

"Rail facility" has the meaning set forth in Section 22.2 of this Act.

"Related facility" has the meaning set forth in Section 22.2 of this Act.

(Source: P.A. 87-854.)

(70 ILCS 5/3.1) (from Ch. 15 1/2, par. 68.3a)

Sec. 3.1. Boards of commissioners - Appointment. The Boards of Commissioners of Authorities shall be appointed as follows:

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(1) In case there are one or more municipalities having a population of 5,000 or more within the Authority, the commissioners shall be appointed as follows:

(a) Where there is only one such municipality, 3 commissioners shall be appointed from such municipality, and 2 commissioners shall be appointed at large.

(a-5) Within 30 days after the effective date of this amendatory Act of the 95th General Assembly, one additional commissioner shall be appointed to the board of the Springfield Airport Authority from each municipality having a population of 5,000 or more within the Authority, and one additional commissioner shall be appointed at large. The additional commissioners shall serve for a term of 4 or 5 years, as determined by lot. Their successors shall serve for terms of 5 years.

(b) Where there are 2 or more such municipalities, one commissioner shall be appointed from each municipality with a population between 5,000 and 45,000, 2 commissioners shall be appointed from each municipality with a population of more than 45,000, such municipality and 3 commissioners shall be appointed at large; except that when the physical facilities of the airport of the Authority are located wholly within a single county with a population between 600,000 and 3,000,000 there shall be one commissioner appointed from each municipality within the corporate limits of the Authority having 5,000 or more population and 5 commissioners appointed at large. If the Authority is located wholly within the corporate limits of such municipalities, 2 commissioners shall be appointed from the one of such municipalities having the largest population, and one commissioner shall be appointed from each of the other such municipalities, and 2 commissioners shall be appointed at large.

(c) Commissioners representing the area within an Authority located outside of any municipality having 5,000 or more population and commissioners appointed at large when the authority is wholly contained within a single county shall be

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appointed by the presiding officer of the county board with the
advice and consent of the county board, and when the physical
facilities of the airport of the Authority are located wholly within a
single county with a population between 600,000 and 3,000,000
the commissioners appointed at large shall be appointed by the
chairman of the county board of such county, and any
commissioner representing the area within any such municipality
shall be appointed by its mayor or the presiding officer of its
governing body. If however the district is located in more than one
county other than a county with a population between 600,000 and
3,000,000, the members of the General Assembly whose legislative
districts encompass any portion of the Authority shall appoint the
commissioners representing the area within an Authority located
outside of any municipality having 5,000 or more population and
commissioners at large but any commissioner representing the area
within any such municipality shall be appointed by its mayor or the
presiding officer of its governing body.

(d) A commissioner representing the area within any such
municipality shall reside within its corporate limits. A
commissioner appointed at large may reside either within or
without any such municipality but must reside within the territory
of the authority. Should any commissioner cease to reside within
that part of the territory he represents, or should the territory in
which he resides cease to be a part of the authority, then his office
shall be deemed vacated, and shall be filled by appointment for the
remainder of the term as hereinafter provided.

(2) In case there are no municipalities having a population of 5,000
or more within such authority located wholly within a single county, such
order shall so find, and in such case the Board shall consist of 5
commissioners who shall be appointed at large by the presiding officer of
the county board with the advice and consent of the county board. If
however the district is located in more than one county, the members of
the General Assembly whose legislative districts encompass any portion of
the Authority shall appoint the commissioners at large.

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(3) Should a municipality which is wholly within an authority attain, or should such a municipality be established, having a population of 5,000 or more after the entry of said order by the circuit court, the presiding officer of such municipality may petition the circuit court for an order finding and determining the population of such municipality and, if it is found and determined upon the hearing of said petition that the population of such municipality is 5,000 or more, the board of commissioners of such authority as previously established shall be increased by one commissioner who shall reside within the corporate limits of such municipality and shall be appointed by its presiding officer. The initial commissioner so appointed shall serve for a term of 1, 2, 3, 4 or 5 years, as may be determined by lot, and his successors shall be similarly appointed and shall serve for terms of 5 years. All provisions of this section applicable to commissioners representing municipal areas shall apply to any such commissioner. Each such commissioner shall reside within the authority and shall continue to reside therein.

(4) Notwithstanding any other provision of this Section, the Board of Commissioners of a Metropolitan Airport Authority shall consist of 9 commissioners.

Seven commissioners shall be residents of the county with a population between 600,000 and 3,000,000 within which the Metropolitan Airport Authority was established. These commissioners shall be appointed by the county board chairman of the county with a population between 600,000 and 3,000,000 within which the Metropolitan Airport Authority was established, with the advice and consent of the county board of that county.

Two commissioners shall be residents of the territory of the Authority located outside the county with a population between 600,000 and 3,000,000. These commissioners shall be appointed jointly by the mayors of the municipalities having a population over 5,000 that are located outside the county with a population between 600,000 and 3,000,000, with the advice and consent of the governing bodies of those municipalities.

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The transition from the pre-existing composition of the Metropolitan Airport Authority Board of Commissioners to the composition specified in this amendatory Act of 1991 shall be accomplished as follows:

(A) The appointee who was required to be a resident of the area outside of the county with a population between 600,000 and 3,000,000 may serve until his or her term expires. The replacement shall be one of the 2 appointees who shall be residents of the territory of the Authority located outside the county with a population between 600,000 and 3,000,000.

(B) The other 8 commissioners may serve until their terms expire. Upon the occurrence of the second vacancy among these 8 commissioners after the effective date of this amendatory Act of 1991, the replacement shall be the second of the 2 appointees who shall be residents of the territory of the Authority located outside of the county with a population between 600,000 and 3,000,000. Upon the expiration of the terms of the other 7 commissioners, the replacements shall be residents of the county with a population between 600,000 and 3,000,000.

(C) All commissioners appointed after the effective date of this amendatory Act of 1991, and their successors, shall be appointed in the manner set forth in this amendatory Act of 1991.

(Source: P.A. 94-466, eff. 1-1-06.)
(70 ILCS 5/14.1) (from Ch. 15 1/2, par. 68.14a)
Sec. 14.1. Bond limitation. An Authority may secure the necessary funds to finance part or all of the cost of (i) acquiring, establishing, constructing, developing, expanding, extending or further improving a public airport, public airports, or airport facilities within or without its corporate limits or within or upon any body of water adjacent thereto; and (ii) studying, designing, acquiring, constructing, developing, expanding, extending, or improving any rail facility or related facility as provided in this Act for a Rail Authority established by the Board of Commissioners of the Authority, upon a determination by the Board of Commissioners, that, in its judgment, the rail or other service to be provided by those rail

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facilities or related facilities will benefit the airport operated by the Airport Authority, through the issuance of bonds as hereinafter provided in Sections 14.1 to 14.5 inclusive, to the principal amount of which at any one time outstanding, together with other outstanding indebtedness of the Authority, shall not exceed 2.3% of the aggregate valuation of all taxable property within the Authority, as equalized or assessed by the Department of Revenue or, until January 1, 1983, if greater, the sum that is produced by multiplying the Authority's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979. No such airport project shall be financed by the issuance of bonds under this Section unless such proposed airport project has been approved by the Department of Transportation as to location and size and found by the Department to be in the public interest; provided that the approval of the Department of Transportation as provided in Sections 14.1 through 14.5 is not required in the case of airport projects consisting solely of commercial or recreational facilities or rail facilities or related facilities.

(70 ILCS 5/14.2) (from Ch. 15 1/2, par. 68.14b)

Sec. 14.2. General plans and cost estimate to be approved. Before the adoption of any ordinance providing for the issuance of such bonds, the board of commissioners of the authority shall cause a description and general plan for the project to be prepared and submitted to the Department of Transportation, together with an estimate of the cost of the project. The project and the plans and estimate of cost may be changed with the approval of the Department. Prior to undertaking the project, the final plans, specifications and estimate of cost must be approved by the Department. The requirements of this Section do not apply to airport projects consisting solely of commercial or recreational facilities or rail facilities or related facilities.

(70 ILCS 5/14.3) (from Ch. 15 1/2, par. 68.14c)

Sec. 14.3. Bond ordinance. Upon the approval of the general plan and cost estimate for any such project by the Department of Transportation, if required, the Board of Commissioners of the authority

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shall provide by ordinance for the acquisition or undertaking of such project, and for the issuance of bonds of the authority payable from taxes to pay the cost of such project to the authority or for costs with respect to rail facilities or related facilities as provided in Section 14.1. The ordinance shall prescribe all details of the bonds and shall state the time or times when bonds, and the interest thereon, shall become payable and the bonds shall be payable within not more than 20 years from the date thereof. Any authority may agree or contract to sell, issue or deliver bonds payable from taxes at such price and upon such terms as determined by the Board of Commissioners of the Authority and as will not cause the net effective interest rate to be paid by the Authority on the issue of which such bonds are a part to exceed the greater of (i) the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract, or (ii) the greater of 9% per annum or 125% of the rate for the most recent date shown in the 20 G.O. Bonds Index of average municipal bond yields as published in the most recent edition of The Bond Buyer, published in New York, New York, (or any successor publication or index, or if such publication or index is no longer published, then any index of long term municipal tax-exempt bond yields then selected by the Board of Commissioners of the Authority), at the time the contract is made for such sale of the bonds. Subject to such limitation, the interest rate or rates on such bonds may be established by reference to an index or formula which may be implemented or administered by persons appointed or retained therefor by the Authority. A contract is made with respect to the sale of bonds when an Authority is contractually obligated to issue or deliver such bonds to a purchaser who is contractually obligated to purchase them, and, with respect to bonds bearing interest at a variable rate or subject to payment upon periodic demand or put or otherwise subject to remarketing by or for an Authority, a contract is made on each date of change in the variable rate or such demand, put or remarketing.

The ordinance shall provide for the levy and collection of a direct annual tax upon all the taxable property within the corporate limits of such Authority, sufficient to meet the principal and interest of the bonds as same mature, which tax shall be in addition to and in excess of any other

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tax authorized to be levied by the Authority. The bonds may be issued in part under the authority of, and may be additionally secured as provided in, the Local Government Debt Reform Act. Proceeds of bonds issued with respect to rail facilities or related facilities shall be provided to, or expended by the Authority for the benefit of, the Rail Authority.

A certified copy of the ordinance providing for the issuance of bonds authorized by this Section shall be filed with the county clerk of each county in which the authority or any portion thereof is situated and shall constitute the basis for the extension and collection of the tax necessary to pay the principal of and interest and premium, if any, upon the bonds issued under the ordinance as the same mature.

The provisions of this amendatory Act of 1985 shall be cumulative and in addition to any powers or authority granted in any other laws of the State, and shall not be deemed to have repealed any provisions of existing laws. This amendatory Act of 1985 shall be construed as a grant of power to public corporations and shall not act as a limitation upon any sale of bonds authorized pursuant to any other law. This amendatory Act of 1985 shall not be construed as a limit upon any home rule unit of government.

(Source: P.A. 86-1017; 87-854.)

(70 ILCS 5/22.1 new)

Sec. 22.1. Establishment of a Rail Authority.

(a) The Board of Commissioners of an airport authority in Winnebago County may, by resolution, establish a Rail Authority as provided in Sections 22.1 through 22.7 of this Act. A certified copy of that resolution shall be filed with the Secretary of State of Illinois. The Board of Commissioners of the airport authority shall not have the power to abolish such a Rail Authority.

(b) A Rail Authority established pursuant to this Section shall be a body politic and corporate and a public corporation.

(c) A Rail Authority shall be governed by a Board of Directors. Except as provided in paragraph (d) of this Section, the Board of Directors shall consist of the members of the Board of Commissioners of the airport authority that establishes the Rail Authority. The Board of Directors of the Rail Authority shall establish by-laws and procedures for

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their actions and may elect such officers of the Rail Authority and its Board of Directors as they shall determine, who shall serve terms as set by the by-laws of the Rail Authority, not to exceed 5 years.

(d) The composition of the Board of Directors of the Rail Authority may be increased from time to time to include members appointed by the Chairman or President of the County Board of any county that has members on the Board of Directors, all as shall be agreed by the Board of Directors of the Rail Authority, the chairman of the county board of the county in which the establishing airport authority is located, and the county board of the county for which members shall be added; upon such agreement providing for financial contribution to the Rail Authority by the county for which members are added.

(e) All non-procedural actions of the Board of Directors of the Rail Authority shall require the concurrence of the majority of members of the Board of Directors. Members of the Board of Directors shall serve for terms as provided in the by-laws of the Rail Authority not to exceed 5 years, and until their successors are appointed and qualified.

(f) There shall be no prohibitions on members of the Board of Directors of the Rail Authority holding any other governmental office or position.

(70 ILCS 5/22.2 new)

Sec. 22.2. Provision of rail and related transportation services. The Rail Authority shall also have the power to provide non-rail transportation services within the Counties, which may consist of shuttle bus service to or from an airport, needed storage facilities, and facilities to load, unload, or transfer freight from one mode of transportation to another such mode related to rail or highway transportation and any needed access roads for that service, as the Board of Directors shall determine are appropriate to advance economic development in the Counties. All property or facilities necessary or useful for such related transportation or economic development services are referred to in this Act as "related facilities". The Authority, in providing rail related facilities, may not operate or perform as a rail carrier.

(70 ILCS 5/22.3 new)

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Sec. 22.3. Further powers of the Rail Authority.

(a) Except as otherwise limited by this Act, the Rail Authority shall have all powers to meet its responsibilities and to carry out its purposes, including, but not limited to, the following powers:

(i) To sue and be sued.

(ii) To invest any funds or any moneys not required for immediate use or disbursement, as provided in the Public Funds Investment Act.

(iii) To make, amend, and repeal by-laws, rules and regulations, and resolutions not inconsistent with Sections 22.1 through 22.7 of this Act.

(iv) To set and collect fares or other charges for the use of rail or other facilities of the Rail Authority.

(v) To conduct or contract for studies as to the feasibility and costs of providing any particular service as authorized by this Act.

(vi) To publicize services of the Authority and to enter into cooperative agreements with non-rail transportation service providers, including airport operations.

(vii) To hold, sell, sell by installment contract, lease as lessor, transfer, or dispose of such real or personal property of the Rail Authority, including rail facilities or related facilities, as the Board of Directors deems appropriate in the exercise of its powers and to mortgage, pledge, or otherwise grant security interests in any such property.

(viii) To enter at reasonable times upon such lands, waters, or premises as, in the judgment of the Board of Directors of the Rail Authority, may be necessary, convenient, or desirable for the purpose of making surveys, soundings, borings, and examinations to accomplish any purpose authorized by Sections 22.1 through 22.7 of this Act after having given reasonable notice of such proposed entry to the owners and occupants of such lands, waters, or premises, the Rail Authority being liable only for actual damage caused by such activity.

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(ix) To enter into contracts of group insurance for the benefit of its employees and to provide for retirement or pensions or other employee benefit arrangements for such employees, and to assume obligations for pensions or other employee benefit arrangements for employees of transportation agencies, all or part of the facilities of which are acquired by the Rail Authority.

(x) To provide for the insurance of any property, directors, officers, employees, or operations of the Rail Authority against any risk or hazard, and to self-insure or participate in joint self-insurance pools or entities to insure against such risk or hazard.

(xi) To pass all resolutions and make all rules and regulations proper or necessary to regulate the use, operation, and maintenance of the property and facilities of the Rail Authority and, by resolution, to prescribe fines or penalties for violations of those rules and regulations. No fine or penalty shall exceed $1,000 per offense. Any resolution providing for any fine or penalty shall be published in a newspaper of general circulation in the metropolitan region. No such resolution shall take effect until 10 days after its publication.

(xii) To enter into arbitration arrangements, which may be final and binding.

(xiii) To make and execute all contracts and other instruments necessary or convenient to the exercise of its powers.

(b) In each case in which this Act gives the Rail Authority the power to construct or acquire rail facilities or related facilities or any other real or personal property, the Rail Authority shall have the power to acquire such property by contract, purchase, gift, grant, exchange for other property or rights in property, lease (or sublease), or installment or conditional purchase contracts, which leases or contracts may provide for consideration to be paid in installments during a period not exceeding 40 years, and to dispose of such property or rights by lease or sale as the Board of Directors shall determine. Property may be acquired subject to such conditions, restrictions, liens, or security or other interests of other parties as the Board of Directors may deem appropriate, and in each case

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the Rail Authority may acquire a joint, leasehold, easement, license, or other partial interest in such property. Any such acquisition may provide for the assumption of, or agreement to pay, perform, or discharge outstanding or continuing duties, obligations, or liabilities of the seller, lessor, donor, or other transferor of or of the trustee with regard to such property. In connection with the acquisition of Rail Facilities or Related Facilities, including, but not limited to, vehicles, buses, or rapid transit equipment, the Rail Authority may also execute agreements concerning such equipment leases, equipment trust certificates, conditional purchase agreements, and such other security agreements and may make such agreements and covenants as required, in the form customarily used in such cases appropriate to effect such acquisition. The Rail Authority may not acquire property by eminent domain.

(70 ILCS 5/22.4 new)

Sec. 22.4. Bonds and notes.

(a) The Rail Authority shall have the power to borrow money and to issue its negotiable bonds or notes as provided in this Section. Unless otherwise indicated in this Section, the term "notes" also includes bond anticipation notes, which are notes that by their terms provide for their payment from the proceeds of bonds subsequently to be issued. Bonds or notes of the Rail Authority may be issued for any or all of the following purposes: to pay costs to the Rail Authority of constructing or acquiring any rail facilities or related facilities, to pay interest on bonds or notes during any period of construction or acquisition of rail facilities or related facilities, to establish a debt service reserve fund, to pay costs of issuance of the bonds or notes, and to refund its bonds or notes.

(b) The issuance of any bonds or notes shall be authorized by a resolution of the Board of Directors of the Rail Authority. The resolution providing for the issuance of any such bonds or notes shall fix their date or dates of maturity, the dates on which interest is payable, any sinking fund account or reserve fund account provisions, and all other details of the bonds or notes and may provide for such covenants or agreements necessary or desirable with regard to the issue, sale, and security of the bonds or notes. The rate or rates of interest on the bonds or notes may be

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fixed or variable and the Rail Authority shall determine or provide for the
determination of the rate or rates of interest of its bonds or notes issued
under this Act in a resolution adopted prior to their issuance, none of
which rates of interest shall exceed that permitted in the Bond
Authorization Act. Bonds and notes issued under this Section may be
issued as serial or term obligations, shall be of such denomination or
denominations and form, shall be executed in such manner, shall be
payable at such place or places and bear such date as the Rail Authority
shall fix by the resolution authorizing such bonds or notes and shall
mature at such time or times, within a period not to exceed 40 years from
their date of issue, and may be redeemable prior to maturity, with or
without premium, at the option of the Rail Authority, upon such terms and
conditions as the Rail Authority shall fix by the resolution authorizing the
issuance of the bonds or notes. In case any officer whose signature
appears on any bonds or notes authorized pursuant to this Section shall
cease to be an officer before delivery of such bonds or notes, the signature
shall nevertheless be valid and sufficient for all purposes, the same as if
the officer had remained in office until the delivery.

(c) Bonds or notes of the Rail Authority issued pursuant to this
Section shall have a claim for payment as to principal and interest from
such sources as provided by the resolution authorizing such bonds or
notes. Such bonds or notes shall be secured as provided in the authorizing
resolution of the Board of Directors of the Rail Authority, which may,
notwithstanding any other provision of this Act, include in addition to any
other security, a specific pledge or assignment of and lien on or security
interest in any or all receipts of the Rail Authority and on any or all other
revenues or money of the Rail Authority from whatever source, which may
by law be utilized for debt service purposes, as well as any funds or
accounts established or provided for the payment of such debt service, by
the resolution of the Rail Authority authorizing the issuance of the bonds
or notes. Any such pledge, assignment, lien, or security interest for the
benefit of holders of bonds or notes of the Rail Authority shall be valid
and binding from the time the bonds or notes are issued without any
physical delivery or further act and shall be valid and binding as against

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and prior to the claims of all other parties having claims of any kind against the Rail Authority or any other person irrespective of whether such other parties have notice of such pledge, assignment, lien, or security interest. The resolution of the Board of Directors of the Rail Authority authorizing the issuance of any bonds or notes may provide additional security for such bonds or notes by providing for appointment of a corporate trustee (which may be any trust company or bank having the powers of a trust company within Illinois) with respect to the bonds or notes. The resolution shall prescribe the rights, duties, and powers of the trustee to be exercised for the benefit of the Rail Authority and the protection of the owners of such bonds or notes. The resolution may provide for the trustee to hold in trust, invest, and use amounts in funds and accounts created as provided by the resolution with respect to the bonds or notes.

(70 ILCS 5/22.6 new)
Sec. 22.6. Exemption from taxation. The Rail Authority and the Rail Corporation shall be exempt from all State and unit of local government taxes and registration and license fees. All property of the Rail Authority or of the Rail Corporation shall be public property devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of the State, any subdivision of the State, or any unit of local government.

(70 ILCS 5/22.7 new)
Sec. 22.7. Federal, State, and other funds. The Rail Authority shall have the power to apply for, receive, and expend grants, loans, or other funds from the State of Illinois or any of its departments or agencies, from any unit of local government, or from the federal government or any of its departments or agencies, for use in connection with any of the powers or purposes of the Rail Authority as set forth in this Act, and to enter into agreements with the lending or granting agency in connection with any such loan or grant.

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly June 1, 2007.
Governor Returns Bill with Recommendation For Change
Effective October 11, 2007.

PUBLIC ACT 95-0642
(House Bill No. 0291)

AN ACT concerning courts.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Children and Family Services Act is amended by
changing Section 5 as follows:
(20 ILCS 505/5) (from Ch. 23, par. 5005)
Sec. 5. Direct child welfare services; Department of Children and
Family Services. To provide direct child welfare services when not
available through other public or private child care or program facilities.
(a) For purposes of this Section:
(1) "Children" means persons found within the State who
are under the age of 18 years. The term also includes persons under
age 19 who:

(A) were committed to the Department pursuant to
the Juvenile Court Act or the Juvenile Court Act of 1987,
as amended, prior to the age of 18 and who continue under
the jurisdiction of the court; or

(B) were accepted for care, service and training by
the Department prior to the age of 18 and whose best
interest in the discretion of the Department would be served
by continuing that care, service and training because of
severe emotional disturbances, physical disability, social
adjustment or any combination thereof, or because of the
need to complete an educational or vocational training
program.

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(2) "Homeless youth" means persons found within the State who are under the age of 19, are not in a safe and stable living situation and cannot be reunited with their families.

(3) "Child welfare services" means public social services which are directed toward the accomplishment of the following purposes:

(A) protecting and promoting the health, safety and welfare of children, including homeless, dependent or neglected children;

(B) remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation or delinquency of children;

(C) preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing the breakup of the family where the prevention of child removal is desirable and possible when the child can be cared for at home without endangering the child's health and safety;

(D) restoring to their families children who have been removed, by the provision of services to the child and the families when the child can be cared for at home without endangering the child's health and safety;

(E) placing children in suitable adoptive homes, in cases where restoration to the biological family is not safe, possible or appropriate;

(F) assuring safe and adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. At the time of placement, the Department shall consider concurrent planning, as described in subsection (l-1) of this Section so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails
or is delayed, the placement made is the best available placement to provide permanency for the child;
   (G) (blank);
   (H) (blank); and
   (I) placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, in a licensed shelter facility, or secure child care facility. The Department is not required to place or maintain children:
   (i) who are in a foster home, or
   (ii) who are persons with a developmental disability, as defined in the Mental Health and Developmental Disabilities Code, or
   (iii) who are female children who are pregnant, pregnant and parenting or parenting, or
   (iv) who are siblings, in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age.

(b) Nothing in this Section shall be construed to authorize the expenditure of public funds for the purpose of performing abortions.

(c) The Department shall establish and maintain tax-supported child welfare services and extend and seek to improve voluntary services throughout the State, to the end that services and care shall be available on an equal basis throughout the State to children requiring such services.

(d) The Director may authorize advance disbursements for any new program initiative to any agency contracting with the Department. As a prerequisite for an advance disbursement, the contractor must post a surety bond in the amount of the advance disbursement and have a purchase of service contract approved by the Department. The Department may pay up to 2 months operational expenses in advance. The amount of the advance

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disbursement shall be prorated over the life of the contract or the
remaining months of the fiscal year, whichever is less, and the installment
amount shall then be deducted from future bills. Advance disbursement
authorizations for new initiatives shall not be made to any agency after that
agency has operated during 2 consecutive fiscal years. The requirements of
this Section concerning advance disbursements shall not apply with
respect to the following: payments to local public agencies for child day
care services as authorized by Section 5a of this Act; and youth service
programs receiving grant funds under Section 17a-4.

(e) (Blank).

(f) (Blank).

(g) The Department shall establish rules and regulations
concerning its operation of programs designed to meet the goals of child
safety and protection, family preservation, family reunification, and
adoption, including but not limited to:

(1) adoption;
(2) foster care;
(3) family counseling;
(4) protective services;
(5) (blank);
(6) homemaker service;
(7) return of runaway children;
(8) (blank);
(9) placement under Section 5-7 of the Juvenile Court Act
or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile Court Act of
1987 in accordance with the federal Adoption Assistance and Child
Welfare Act of 1980; and
(10) interstate services.

Rules and regulations established by the Department shall include
provisions for training Department staff and the staff of Department
grantees, through contracts with other agencies or resources, in alcohol
and drug abuse screening techniques approved by the Department of
Human Services, as a successor to the Department of Alcoholism and
Substance Abuse, for the purpose of identifying children and adults who

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should be referred to an alcohol and drug abuse treatment program for professional evaluation.

(h) If the Department finds that there is no appropriate program or facility within or available to the Department for a ward and that no licensed private facility has an adequate and appropriate program or none agrees to accept the ward, the Department shall create an appropriate individualized, program-oriented plan for such ward. The plan may be developed within the Department or through purchase of services by the Department to the extent that it is within its statutory authority to do.

(i) Service programs shall be available throughout the State and shall include but not be limited to the following services:
   (1) case management;
   (2) homemakers;
   (3) counseling;
   (4) parent education;
   (5) day care; and
   (6) emergency assistance and advocacy.

In addition, the following services may be made available to assess and meet the needs of children and families:
   (1) comprehensive family-based services;
   (2) assessments;
   (3) respite care; and
   (4) in-home health services.

The Department shall provide transportation for any of the services it makes available to children or families or for which it refers children or families.

(j) The Department may provide categories of financial assistance and education assistance grants, and shall establish rules and regulations concerning the assistance and grants, to persons who adopt physically or mentally handicapped, older and other hard-to-place children who (i) immediately prior to their adoption were legal wards of the Department or (ii) were determined eligible for financial assistance with respect to a prior adoption and who become available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents

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have been terminated or because the child's adoptive parents have died. The Department may, subject to federal financial participation in the cost, continue to provide financial assistance and education assistance grants for a child who was determined eligible for financial assistance under this subsection (j) in the interim period beginning when the child's adoptive parents died and ending with the finalization of the new adoption of the child by another adoptive parent or parents. The Department may also provide categories of financial assistance and education assistance grants, and shall establish rules and regulations for the assistance and grants, to persons appointed guardian of the person under Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile Court Act of 1987 for children who were wards of the Department for 12 months immediately prior to the appointment of the guardian.

The amount of assistance may vary, depending upon the needs of the child and the adoptive parents, as set forth in the annual assistance agreement. Special purpose grants are allowed where the child requires special service but such costs may not exceed the amounts which similar services would cost the Department if it were to provide or secure them as guardian of the child.

Any financial assistance provided under this subsection is inalienable by assignment, sale, execution, attachment, garnishment, or any other remedy for recovery or collection of a judgment or debt.

(j-5) The Department shall not deny or delay the placement of a child for adoption if an approved family is available either outside of the Department region handling the case, or outside of the State of Illinois.

(k) The Department shall accept for care and training any child who has been adjudicated neglected or abused, or dependent committed to it pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987.

(l) Before July 1, 2000, the Department may provide, and beginning July 1, 2000, the Department shall offer family preservation services, as defined in Section 8.2 of the Abused and Neglected Child Reporting Act, to help families, including adoptive and extended families. Family preservation services shall be offered (i) to prevent the placement of children in substitute care when the children can be cared for at home or

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in the custody of the person responsible for the children's welfare, (ii) to reunite children with their families, or (iii) to maintain an adoptive placement. Family preservation services shall only be offered when doing so will not endanger the children's health or safety. With respect to children who are in substitute care pursuant to the Juvenile Court Act of 1987, family preservation services shall not be offered if a goal other than those of subdivisions (A), (B), or (B-1) of subsection (2) of Section 2-28 of that Act has been set. Nothing in this paragraph shall be construed to create a private right of action or claim on the part of any individual or child welfare agency.

The Department shall notify the child and his family of the Department's responsibility to offer and provide family preservation services as identified in the service plan. The child and his family shall be eligible for services as soon as the report is determined to be "indicated". The Department may offer services to any child or family with respect to whom a report of suspected child abuse or neglect has been filed, prior to concluding its investigation under Section 7.12 of the Abused and Neglected Child Reporting Act. However, the child's or family's willingness to accept services shall not be considered in the investigation. The Department may also provide services to any child or family who is the subject of any report of suspected child abuse or neglect or may refer such child or family to services available from other agencies in the community, even if the report is determined to be unfounded, if the conditions in the child's or family's home are reasonably likely to subject the child or family to future reports of suspected child abuse or neglect. Acceptance of such services shall be voluntary.

The Department may, at its discretion except for those children also adjudicated neglected or dependent, accept for care and training any child who has been adjudicated addicted, as a truant minor in need of supervision or as a minor requiring authoritative intervention, under the Juvenile Court Act or the Juvenile Court Act of 1987, but no such child shall be committed to the Department by any court without the approval of the Department. A minor charged with a criminal offense under the Criminal Code of 1961 or adjudicated delinquent shall not be placed in the

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custody of or committed to the Department by any court, except a minor less than 15 years of age committed to the Department under Section 5-710 of the Juvenile Court Act of 1987 or a minor for whom an independent basis of abuse, neglect, or dependency exists, which must be defined by departmental rule. An independent basis exists when the allegations or adjudication of abuse, neglect, or dependency do not arise from the same facts, incident, or circumstances which give rise to a charge or adjudication of delinquency.

(l-1) The legislature recognizes that the best interests of the child require that the child be placed in the most permanent living arrangement as soon as is practically possible. To achieve this goal, the legislature directs the Department of Children and Family Services to conduct concurrent planning so that permanency may occur at the earliest opportunity. Permanent living arrangements may include prevention of placement of a child outside the home of the family when the child can be cared for at home without endangering the child's health or safety; reunification with the family, when safe and appropriate, if temporary placement is necessary; or movement of the child toward the most permanent living arrangement and permanent legal status.

When determining reasonable efforts to be made with respect to a child, as described in this subsection, and in making such reasonable efforts, the child's health and safety shall be the paramount concern.

When a child is placed in foster care, the Department shall ensure and document that reasonable efforts were made to prevent or eliminate the need to remove the child from the child's home. The Department must make reasonable efforts to reunify the family when temporary placement of the child occurs unless otherwise required, pursuant to the Juvenile Court Act of 1987. At any time after the dispositional hearing where the Department believes that further reunification services would be ineffective, it may request a finding from the court that reasonable efforts are no longer appropriate. The Department is not required to provide further reunification services after such a finding.

A decision to place a child in substitute care shall be made with considerations of the child's health, safety, and best interests. At the time
of placement, consideration should also be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child.

The Department shall adopt rules addressing concurrent planning for reunification and permanency. The Department shall consider the following factors when determining appropriateness of concurrent planning:

1. the likelihood of prompt reunification;
2. the past history of the family;
3. the barriers to reunification being addressed by the family;
4. the level of cooperation of the family;
5. the foster parents' willingness to work with the family to reunite;
6. the willingness and ability of the foster family to provide an adoptive home or long-term placement;
7. the age of the child;
8. placement of siblings.

(m) The Department may assume temporary custody of any child if:

1. it has received a written consent to such temporary custody signed by the parents of the child or by the parent having custody of the child if the parents are not living together or by the guardian or custodian of the child if the child is not in the custody of either parent, or
2. the child is found in the State and neither a parent, guardian nor custodian of the child can be located.

If the child is found in his or her residence without a parent, guardian, custodian or responsible caretaker, the Department may, instead of removing the child and assuming temporary custody, place an authorized representative of the Department in that residence until such time as a parent, guardian or custodian enters the home and expresses a willingness and apparent ability to ensure the child's health and safety and resume permanent charge of the child, or until a relative enters the home and is

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willing and able to ensure the child's health and safety and assume charge of the child until a parent, guardian or custodian enters the home and expresses such willingness and ability to ensure the child's safety and resume permanent charge. After a caretaker has remained in the home for a period not to exceed 12 hours, the Department must follow those procedures outlined in Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile Court Act of 1987.

The Department shall have the authority, responsibilities and duties that a legal custodian of the child would have pursuant to subsection (9) of Section 1-3 of the Juvenile Court Act of 1987. Whenever a child is taken into temporary custody pursuant to an investigation under the Abused and Neglected Child Reporting Act, or pursuant to a referral and acceptance under the Juvenile Court Act of 1987 of a minor in limited custody, the Department, during the period of temporary custody and before the child is brought before a judicial officer as required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile Court Act of 1987, shall have the authority, responsibilities and duties that a legal custodian of the child would have under subsection (9) of Section 1-3 of the Juvenile Court Act of 1987.

The Department shall ensure that any child taken into custody is scheduled for an appointment for a medical examination.

A parent, guardian or custodian of a child in the temporary custody of the Department who would have custody of the child if he were not in the temporary custody of the Department may deliver to the Department a signed request that the Department surrender the temporary custody of the child. The Department may retain temporary custody of the child for 10 days after the receipt of the request, during which period the Department may cause to be filed a petition pursuant to the Juvenile Court Act of 1987. If a petition is so filed, the Department shall retain temporary custody of the child until the court orders otherwise. If a petition is not filed within the 10 day period, the child shall be surrendered to the custody of the requesting parent, guardian or custodian not later than the expiration of the 10 day period, at which time the authority and duties of the Department with respect to the temporary custody of the child shall terminate.

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(m-1) The Department may place children under 18 years of age in a secure child care facility licensed by the Department that cares for children who are in need of secure living arrangements for their health, safety, and well-being after a determination is made by the facility director and the Director or the Director's designate prior to admission to the facility subject to Section 2-27.1 of the Juvenile Court Act of 1987. This subsection (m-1) does not apply to a child who is subject to placement in a correctional facility operated pursuant to Section 3-15-2 of the Unified Code of Corrections, unless the child is a ward who was placed under the care of the Department before being subject to placement in a correctional facility and a court of competent jurisdiction has ordered placement of the child in a secure care facility.

(n) The Department may place children under 18 years of age in licensed child care facilities when in the opinion of the Department, appropriate services aimed at family preservation have been unsuccessful and cannot ensure the child's health and safety or are unavailable and such placement would be for their best interest. Payment for board, clothing, care, training and supervision of any child placed in a licensed child care facility may be made by the Department, by the parents or guardians of the estates of those children, or by both the Department and the parents or guardians, except that no payments shall be made by the Department for any child placed in a licensed child care facility for board, clothing, care, training and supervision of such a child that exceed the average per capita cost of maintaining and of caring for a child in institutions for dependent or neglected children operated by the Department. However, such restriction on payments does not apply in cases where children require specialized care and treatment for problems of severe emotional disturbance, physical disability, social adjustment, or any combination thereof and suitable facilities for the placement of such children are not available at payment rates within the limitations set forth in this Section. All reimbursements for services delivered shall be absolutely inalienable by assignment, sale, attachment, garnishment or otherwise.

(o) The Department shall establish an administrative review and appeal process for children and families who request or receive child...
welfare services from the Department. Children who are wards of the Department and are placed by private child welfare agencies, and foster families with whom those children are placed, shall be afforded the same procedural and appeal rights as children and families in the case of placement by the Department, including the right to an initial review of a private agency decision by that agency. The Department shall insure that any private child welfare agency, which accepts wards of the Department for placement, affords those rights to children and foster families. The Department shall accept for administrative review and an appeal hearing a complaint made by (i) a child or foster family concerning a decision following an initial review by a private child welfare agency or (ii) a prospective adoptive parent who alleges a violation of subsection (j-5) of this Section. An appeal of a decision concerning a change in the placement of a child shall be conducted in an expedited manner.

(p) There is hereby created the Department of Children and Family Services Emergency Assistance Fund from which the Department may provide special financial assistance to families which are in economic crisis when such assistance is not available through other public or private sources and the assistance is deemed necessary to prevent dissolution of the family unit or to reunite families which have been separated due to child abuse and neglect. The Department shall establish administrative rules specifying the criteria for determining eligibility for and the amount and nature of assistance to be provided. The Department may also enter into written agreements with private and public social service agencies to provide emergency financial services to families referred by the Department. Special financial assistance payments shall be available to a family no more than once during each fiscal year and the total payments to a family may not exceed $500 during a fiscal year.

(q) The Department may receive and use, in their entirety, for the benefit of children any gift, donation or bequest of money or other property which is received on behalf of such children, or any financial benefits to which such children are or may become entitled while under the jurisdiction or care of the Department.

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The Department shall set up and administer no-cost, interest-bearing accounts in appropriate financial institutions for children for whom the Department is legally responsible and who have been determined eligible for Veterans' Benefits, Social Security benefits, assistance allotments from the armed forces, court ordered payments, parental voluntary payments, Supplemental Security Income, Railroad Retirement payments, Black Lung benefits, or other miscellaneous payments. Interest earned by each account shall be credited to the account, unless disbursed in accordance with this subsection.

In disbursing funds from children's accounts, the Department shall:

1. Establish standards in accordance with State and federal laws for disbursing money from children's accounts. In all circumstances, the Department's "Guardianship Administrator" or his or her designee must approve disbursements from children's accounts. The Department shall be responsible for keeping complete records of all disbursements for each account for any purpose.

2. Calculate on a monthly basis the amounts paid from State funds for the child's board and care, medical care not covered under Medicaid, and social services; and utilize funds from the child's account, as covered by regulation, to reimburse those costs. Monthly, disbursements from all children's accounts, up to 1/12 of $13,000,000, shall be deposited by the Department into the General Revenue Fund and the balance over 1/12 of $13,000,000 into the DCFS Children's Services Fund.

3. Maintain any balance remaining after reimbursing for the child's costs of care, as specified in item (2). The balance shall accumulate in accordance with relevant State and federal laws and shall be disbursed to the child or his or her guardian, or to the issuing agency.

The Department shall promulgate regulations encouraging all adoption agencies to voluntarily forward to the Department or its agent names and addresses of all persons who have applied for and have been approved for adoption of a hard-to-place or handicapped child and the

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names of such children who have not been placed for adoption. A list of such names and addresses shall be maintained by the Department or its agent, and coded lists which maintain the confidentiality of the person seeking to adopt the child and of the child shall be made available, without charge, to every adoption agency in the State to assist the agencies in placing such children for adoption. The Department may delegate to an agent its duty to maintain and make available such lists. The Department shall ensure that such agent maintains the confidentiality of the person seeking to adopt the child and of the child.

(s) The Department of Children and Family Services may establish and implement a program to reimburse Department and private child welfare agency foster parents licensed by the Department of Children and Family Services for damages sustained by the foster parents as a result of the malicious or negligent acts of foster children, as well as providing third party coverage for such foster parents with regard to actions of foster children to other individuals. Such coverage will be secondary to the foster parent liability insurance policy, if applicable. The program shall be funded through appropriations from the General Revenue Fund, specifically designated for such purposes.

(t) The Department shall perform home studies and investigations and shall exercise supervision over visitation as ordered by a court pursuant to the Illinois Marriage and Dissolution of Marriage Act or the Adoption Act only if:

1. an order entered by an Illinois court specifically directs the Department to perform such services; and
2. the court has ordered one or both of the parties to the proceeding to reimburse the Department for its reasonable costs for providing such services in accordance with Department rules, or has determined that neither party is financially able to pay.

The Department shall provide written notification to the court of the specific arrangements for supervised visitation and projected monthly costs within 60 days of the court order. The Department shall send to the court information related to the costs incurred except in cases where the

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court has determined the parties are financially unable to pay. The court may order additional periodic reports as appropriate.

(u) In addition to other information that must be provided, whenever the Department places a child with a prospective adoptive parent or parents or in a licensed foster home, group home, child care institution, or in a relative home, the Department shall provide to the prospective adoptive parent or parents or other caretaker:

(1) available detailed information concerning the child's educational and health history, copies of immunization records (including insurance and medical card information), a history of the child's previous placements, if any, and reasons for placement changes excluding any information that identifies or reveals the location of any previous caretaker;

(2) a copy of the child's portion of the client service plan, including any visitation arrangement, and all amendments or revisions to it as related to the child; and

(3) information containing details of the child's individualized educational plan when the child is receiving special education services.

The caretaker shall be informed of any known social or behavioral information (including, but not limited to, criminal background, fire setting, perpetuation of sexual abuse, destructive behavior, and substance abuse) necessary to care for and safeguard the children to be placed or currently in the home. The Department may prepare a written summary of the information required by this paragraph, which may be provided to the foster or prospective adoptive parent in advance of a placement. The foster or prospective adoptive parent may review the supporting documents in the child's file in the presence of casework staff. In the case of an emergency placement, casework staff shall at least provide known information verbally, if necessary, and must subsequently provide the information in writing as required by this subsection.

The information described in this subsection shall be provided in writing. In the case of emergency placements when time does not allow prior review, preparation, and collection of written information, the
Department shall provide such information as it becomes available. Within 10 business days after placement, the Department shall obtain from the prospective adoptive parent or parents or other caretaker a signed verification of receipt of the information provided. Within 10 business days after placement, the Department shall provide to the child's guardian ad litem a copy of the information provided to the prospective adoptive parent or parents or other caretaker. The information provided to the prospective adoptive parent or parents or other caretaker shall be reviewed and approved regarding accuracy at the supervisory level.

(u-5) Effective July 1, 1995, only foster care placements licensed as foster family homes pursuant to the Child Care Act of 1969 shall be eligible to receive foster care payments from the Department. Relative caregivers who, as of July 1, 1995, were approved pursuant to approved relative placement rules previously promulgated by the Department at 89 Ill. Adm. Code 335 and had submitted an application for licensure as a foster family home may continue to receive foster care payments only until the Department determines that they may be licensed as a foster family home or that their application for licensure is denied or until September 30, 1995, whichever occurs first.

(v) The Department shall access criminal history record information as defined in the Illinois Uniform Conviction Information Act and information maintained in the adjudicatory and dispositional record system as defined in Section 2605-355 of the Department of State Police Law (20 ILCS 2605/2605-355) if the Department determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and Family Services Act. The Department shall provide for interactive computerized communication and processing equipment that permits direct on-line communication with the Department of State Police's central criminal history data repository. The Department shall comply with all certification requirements and provide certified operators who have been trained by personnel from the Department of State Police. In addition, one Office of the Inspector General investigator shall have training in the use of the criminal history information access system and

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have access to the terminal. The Department of Children and Family Services and its employees shall abide by rules and regulations established by the Department of State Police relating to the access and dissemination of this information.

(w) Within 120 days of August 20, 1995 (the effective date of Public Act 89-392), the Department shall prepare and submit to the Governor and the General Assembly, a written plan for the development of in-state licensed secure child care facilities that care for children who are in need of secure living arrangements for their health, safety, and well-being. For purposes of this subsection, secure care facility shall mean a facility that is designed and operated to ensure that all entrances and exits from the facility, a building or a distinct part of the building, are under the exclusive control of the staff of the facility, whether or not the child has the freedom of movement within the perimeter of the facility, building, or distinct part of the building. The plan shall include descriptions of the types of facilities that are needed in Illinois; the cost of developing these secure care facilities; the estimated number of placements; the potential cost savings resulting from the movement of children currently out-of-state who are projected to be returned to Illinois; the necessary geographic distribution of these facilities in Illinois; and a proposed timetable for development of such facilities.

(Source: P.A. 94-215, eff. 1-1-06; 94-1010, eff. 10-1-06.)

Section 10. The Juvenile Court Act of 1987 is amended by changing Sections 2-10, 2-27, and 5-710 as follows:

(705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

Sec. 2-10. Temporary custody hearing. At the appearance of the minor before the court at the temporary custody hearing, all witnesses present shall be examined before the court in relation to any matter connected with the allegations made in the petition.

(1) If the court finds that there is not probable cause to believe that the minor is abused, neglected or dependent it shall release the minor and dismiss the petition.

(2) If the court finds that there is probable cause to believe that the minor is abused, neglected or dependent, the court shall state in writing the

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factual basis supporting its finding and the minor, his or her parent, guardian, custodian and other persons able to give relevant testimony shall be examined before the court. The Department of Children and Family Services shall give testimony concerning indicated reports of abuse and neglect, of which they are aware of through the central registry, involving the minor's parent, guardian or custodian. After such testimony, the court may, consistent with the health, safety and best interests of the minor, enter an order that the minor shall be released upon the request of parent, guardian or custodian if the parent, guardian or custodian appears to take custody. Custodian shall include any agency of the State which has been given custody or wardship of the child. If it is consistent with the health, safety and best interests of the minor, the court may also prescribe shelter care and order that the minor be kept in a suitable place designated by the court or in a shelter care facility designated by the Department of Children and Family Services or a licensed child welfare agency; however, a minor charged with a criminal offense under the Criminal Code of 1961 or adjudicated delinquent shall not be placed in the custody of or committed to the Department of Children and Family Services by any court, except a minor less than 15 years of age and committed to the Department of Children and Family Services under Section 5-710 of this Act or a minor for whom an independent basis of abuse, neglect, or dependency exists. An independent basis exists when the allegations or adjudication of abuse, neglect, or dependency do not arise from the same facts, incident, or circumstances which give rise to a charge or adjudication of delinquency which must be defined by departmental rule.

In placing the minor, the Department or other agency shall, to the extent compatible with the court's order, comply with Section 7 of the Children and Family Services Act. In determining the health, safety and best interests of the minor to prescribe shelter care, the court must find that it is a matter of immediate and urgent necessity for the safety and protection of the minor or of the person or property of another that the minor be placed in a shelter care facility or that he or she is likely to flee the jurisdiction of the court, and must further find that reasonable efforts have been made or that, consistent with the health, safety and best interests

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of the minor, no efforts reasonably can be made to prevent or eliminate the necessity of removal of the minor from his or her home. The court shall require documentation from the Department of Children and Family Services as to the reasonable efforts that were made to prevent or eliminate the necessity of removal of the minor from his or her home or the reasons why no efforts reasonably could be made to prevent or eliminate the necessity of removal. When a minor is placed in the home of a relative, the Department of Children and Family Services shall complete a preliminary background review of the members of the minor's custodian's household in accordance with Section 4.3 of the Child Care Act of 1969 within 90 days of that placement. If the minor is ordered placed in a shelter care facility of the Department of Children and Family Services or a licensed child welfare agency, the court shall, upon request of the appropriate Department or other agency, appoint the Department of Children and Family Services Guardianship Administrator or other appropriate agency executive temporary custodian of the minor and the court may enter such other orders related to the temporary custody as it deems fit and proper, including the provision of services to the minor or his family to ameliorate the causes contributing to the finding of probable cause or to the finding of the existence of immediate and urgent necessity.

Where the Department of Children and Family Services Guardianship Administrator is appointed as the executive temporary custodian, the Department of Children and Family Services shall file with the court and serve on the parties a parent-child visiting plan, within 10 days, excluding weekends and holidays, after the appointment. The parent-child visiting plan shall set out the time and place of visits, the frequency of visits, the length of visits, who shall be present at the visits, and where appropriate, the minor's opportunities to have telephone and mail communication with the parents. For good cause, the court may waive the requirement to file the parent-child visiting plan or extend the time for filing the parent-child visiting plan. Any party may, by motion, request the court to review the parent-child visiting plan to determine whether it is reasonably calculated to expeditiously facilitate the achievement of the permanency goal and is consistent with the minor's best interest. The

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frequency, duration, and locations of visitation shall be measured by the
needs of the child and family, and not by the convenience of Department
personnel. Child development principles shall be considered by the court
in its analysis of how frequent visitation should be, how long it should last,
where it should take place, and who should be present. If upon motion of
the party to review the plan and after receiving evidence, the court
determines that the parent-child visiting plan is not reasonably calculated
to expeditiously facilitate the achievement of the permanency goal or that
the restrictions placed on parent-child contact are contrary to the child's
best interests, the court shall put in writing the factual basis supporting the
determination and enter specific findings based on the evidence. The court
shall enter an order for the Department to implement changes to the
parent-child visiting plan, consistent with the court's findings. At any stage
of proceeding, any party may by motion request the court to enter any
orders necessary to implement the parent-child visiting plan. Nothing
under this subsection (2) shall restrict the court from granting discretionary
authority to the Department to increase opportunities for additional parent-
child contacts, without further court orders. Nothing in this subsection (2)
shall restrict the Department from immediately restricting or terminating
parent-child contact, without either amending the parent-child visiting plan
or obtaining a court order, where the Department or its assigns reasonably
believe that continuation of parent-child contact, as set out in the parent-
child visiting plan, would be contrary to the child's health, safety, and
welfare. The Department shall file with the court and serve on the parties
any amendments to the visitation plan within 10 days, excluding weekends
and holidays, of the change of the visitation. Any party may, by motion,
request the court to review the parent-child visiting plan to determine
whether the parent-child visiting plan is reasonably calculated to
expeditiously facilitate the achievement of the permanency goal, and is
consistent with the minor's health, safety, and best interest.

Acceptance of services shall not be considered an admission of any
allegation in a petition made pursuant to this Act, nor may a referral of
services be considered as evidence in any proceeding pursuant to this Act,
except where the issue is whether the Department has made reasonable

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efforts to reunite the family. In making its findings that it is consistent with the health, safety and best interests of the minor to prescribe shelter care, the court shall state in writing (i) the factual basis supporting its findings concerning the immediate and urgent necessity for the protection of the minor or of the person or property of another and (ii) the factual basis supporting its findings that reasonable efforts were made to prevent or eliminate the removal of the minor from his or her home or that no efforts reasonably could be made to prevent or eliminate the removal of the minor from his or her home. The parents, guardian, custodian, temporary custodian and minor shall each be furnished a copy of such written findings. The temporary custodian shall maintain a copy of the court order and written findings in the case record for the child. The order together with the court's findings of fact in support thereof shall be entered of record in the court.

Once the court finds that it is a matter of immediate and urgent necessity for the protection of the minor that the minor be placed in a shelter care facility, the minor shall not be returned to the parent, custodian or guardian until the court finds that such placement is no longer necessary for the protection of the minor.

If the child is placed in the temporary custody of the Department of Children and Family Services for his or her protection, the court shall admonish the parents, guardian, custodian or responsible relative that the parents must cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions which require the child to be in care, or risk termination of their parental rights.

(3) If prior to the shelter care hearing for a minor described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party is unable to serve notice on the party respondent, the shelter care hearing may proceed ex-parte. A shelter care order from an ex-parte hearing shall be endorsed with the date and hour of issuance and shall be filed with the clerk's office and entered of record. The order shall expire after 10 days from the time it is issued unless before its expiration it is renewed, at a hearing upon appearance of the party respondent, or upon an affidavit of the moving party as to all

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diligent efforts to notify the party respondent by notice as herein prescribed. The notice prescribed shall be in writing and shall be personally delivered to the minor or the minor's attorney and to the last known address of the other person or persons entitled to notice. The notice shall also state the nature of the allegations, the nature of the order sought by the State, including whether temporary custody is sought, and the consequences of failure to appear and shall contain a notice that the parties will not be entitled to further written notices or publication notices of proceedings in this case, including the filing of an amended petition or a motion to terminate parental rights, except as required by Supreme Court Rule 11; and shall explain the right of the parties and the procedures to vacate or modify a shelter care order as provided in this Section. The notice for a shelter care hearing shall be substantially as follows:

NOTICE TO PARENTS AND CHILDREN
OF SHELTER CARE HEARING

On ................ at ........, before the Honorable ................,
(address:) ................., the State of Illinois will present evidence (1)
that (name of child or children) ....................... are abused,
neglected or dependent for the following reasons:

.............................................. and (2) that there is
"immediate and urgent necessity" to remove the child or children
from the responsible relative.

YOUR FAILURE TO APPEAR AT THE HEARING MAY
RESULT IN PLACEMENT of the child or children in foster care
until a trial can be held. A trial may not be held for up to 90 days.
You will not be entitled to further notices of proceedings in this
case, including the filing of an amended petition or a motion to
terminate parental rights.

At the shelter care hearing, parents have the following
rights:

1. To ask the court to appoint a lawyer if they
cannot afford one.
2. To ask the court to continue the hearing to allow
them time to prepare.

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3. To present evidence concerning:
   a. Whether or not the child or children were abused, neglected or dependent.
   b. Whether or not there is "immediate and urgent necessity" to remove the child from home (including: their ability to care for the child, conditions in the home, alternative means of protecting the child other than removal).
   c. The best interests of the child.

4. To cross examine the State's witnesses.

The Notice for rehearings shall be substantially as follows:

NOTICE OF PARENT'S AND CHILDREN'S RIGHTS TO REHEARING ON TEMPORARY CUSTODY

If you were not present at and did not have adequate notice of the Shelter Care Hearing at which temporary custody of ................ was awarded to ................, you have the right to request a full rehearing on whether the State should have temporary custody of ................ To request this rehearing, you must file with the Clerk of the Juvenile Court (address): ........................., in person or by mailing a statement (affidavit) setting forth the following:

1. That you were not present at the shelter care hearing.
2. That you did not get adequate notice (explaining how the notice was inadequate).
3. Your signature.
4. Signature must be notarized.

The rehearing should be scheduled within 48 hours of your filing this affidavit.

At the rehearing, your rights are the same as at the initial shelter care hearing. The enclosed notice explains those rights.

At the Shelter Care Hearing, children have the following rights:

1. To have a guardian ad litem appointed.
2. To be declared competent as a witness and to present testimony concerning:
   a. Whether they are abused, neglected or dependent.
   b. Whether there is "immediate and urgent necessity" to be removed from home.
   c. Their best interests.
3. To cross examine witnesses for other parties.
4. To obtain an explanation of any proceedings and orders of the court.

(4) If the parent, guardian, legal custodian, responsible relative, minor age 8 or over, or counsel of the minor did not have actual notice of or was not present at the shelter care hearing, he or she may file an affidavit setting forth these facts, and the clerk shall set the matter for rehearing not later than 48 hours, excluding Sundays and legal holidays, after the filing of the affidavit. At the rehearing, the court shall proceed in the same manner as upon the original hearing.

(5) Only when there is reasonable cause to believe that the minor taken into custody is a person described in subsection (3) of Section 5-105 may the minor be kept or detained in a detention home or county or municipal jail. This Section shall in no way be construed to limit subsection (6).

(6) No minor under 16 years of age may be confined in a jail or place ordinarily used for the confinement of prisoners in a police station. Minors under 17 years of age must be kept separate from confined adults and may not at any time be kept in the same cell, room, or yard with adults confined pursuant to the criminal law.

(7) If the minor is not brought before a judicial officer within the time period as specified in Section 2-9, the minor must immediately be released from custody.

(8) If neither the parent, guardian or custodian appears within 24 hours to take custody of a minor released upon request pursuant to subsection (2) of this Section, then the clerk of the court shall set the matter for rehearing not later than 7 days after the original order and shall
issue a summons directed to the parent, guardian or custodian to appear. At the same time the probation department shall prepare a report on the minor. If a parent, guardian or custodian does not appear at such rehearing, the judge may enter an order prescribing that the minor be kept in a suitable place designated by the Department of Children and Family Services or a licensed child welfare agency.

(9) Notwithstanding any other provision of this Section any interested party, including the State, the temporary custodian, an agency providing services to the minor or family under a service plan pursuant to Section 8.2 of the Abused and Neglected Child Reporting Act, foster parent, or any of their representatives, on notice to all parties entitled to notice, may file a motion that it is in the best interests of the minor to modify or vacate a temporary custody order on any of the following grounds:

(a) It is no longer a matter of immediate and urgent necessity that the minor remain in shelter care; or

(b) There is a material change in the circumstances of the natural family from which the minor was removed and the child can be cared for at home without endangering the child's health or safety; or

(c) A person not a party to the alleged abuse, neglect or dependency, including a parent, relative or legal guardian, is capable of assuming temporary custody of the minor; or

(d) Services provided by the Department of Children and Family Services or a child welfare agency or other service provider have been successful in eliminating the need for temporary custody and the child can be cared for at home without endangering the child's health or safety.

In ruling on the motion, the court shall determine whether it is consistent with the health, safety and best interests of the minor to modify or vacate a temporary custody order.

The clerk shall set the matter for hearing not later than 14 days after such motion is filed. In the event that the court modifies or vacates a temporary custody order but does not vacate its finding of probable cause,
the court may order that appropriate services be continued or initiated in behalf of the minor and his or her family.

(10) When the court finds or has found that there is probable cause to believe a minor is an abused minor as described in subsection (2) of Section 2-3 and that there is an immediate and urgent necessity for the abused minor to be placed in shelter care, immediate and urgent necessity shall be presumed for any other minor residing in the same household as the abused minor provided:

(a) Such other minor is the subject of an abuse or neglect petition pending before the court; and

(b) A party to the petition is seeking shelter care for such other minor.

Once the presumption of immediate and urgent necessity has been raised, the burden of demonstrating the lack of immediate and urgent necessity shall be on any party that is opposing shelter care for the other minor.

(Source: P.A. 94-604, eff. 1-1-06.)

(705 ILCS 405/2-27) (from Ch. 37, par. 802-27)
Sec. 2-27. Placement; legal custody or guardianship.

(1) If the court determines and puts in writing the factual basis supporting the determination of whether the parents, guardian, or legal custodian of a minor adjudged a ward of the court are unfit or are unable, for some reason other than financial circumstances alone, to care for, protect, train or discipline the minor or are unwilling to do so, and that the health, safety, and best interest of the minor will be jeopardized if the minor remains in the custody of his or her parents, guardian or custodian, the court may at this hearing and at any later point:

(a) place the minor in the custody of a suitable relative or other person as legal custodian or guardian;

(a-5) with the approval of the Department of Children and Family Services, place the minor in the subsidized guardianship of a suitable relative or other person as legal guardian; "subsidized guardianship" means a private guardianship arrangement for children for whom the permanency goals of return home and

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adoption have been ruled out and who meet the qualifications for subsidized guardianship as defined by the Department of Children and Family Services in administrative rules;

(b) place the minor under the guardianship of a probation officer;

(c) commit the minor to an agency for care or placement, except an institution under the authority of the Department of Corrections or of the Department of Children and Family Services;

(d) commit the minor to the Department of Children and Family Services for care and service; however, a minor charged with a criminal offense under the Criminal Code of 1961 or adjudicated delinquent shall not be placed in the custody of or committed to the Department of Children and Family Services by any court, except a minor less than 15 years of age and committed to the Department of Children and Family Services under Section 5-710 of this Act or a minor for whom an independent basis of abuse, neglect, or dependency exists. An independent basis exists when the allegations or adjudication of abuse, neglect, or dependency do not arise from the same facts, incident, or circumstances which give rise to a charge or adjudication of delinquency. The Department shall be given due notice of the pendency of the action and the Guardianship Administrator of the Department of Children and Family Services shall be appointed guardian of the person of the minor. Whenever the Department seeks to discharge a minor from its care and service, the Guardianship Administrator shall petition the court for an order terminating guardianship. The Guardianship Administrator may designate one or more other officers of the Department, appointed as Department officers by administrative order of the Department Director, authorized to affix the signature of the Guardianship Administrator to documents affecting the guardian-ward relationship of children for whom he or she has been appointed guardian at such times as he or she is unable to perform the duties of his or her office. The signature authorization

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shall include but not be limited to matters of consent of marriage, enlistment in the armed forces, legal proceedings, adoption, major medical and surgical treatment and application for driver's license. Signature authorizations made pursuant to the provisions of this paragraph shall be filed with the Secretary of State and the Secretary of State shall provide upon payment of the customary fee, certified copies of the authorization to any court or individual who requests a copy.

(1.5) In making a determination under this Section, the court shall also consider whether, based on health, safety, and the best interests of the minor,

(a) appropriate services aimed at family preservation and family reunification have been unsuccessful in rectifying the conditions that have led to a finding of unfitness or inability to care for, protect, train, or discipline the minor, or

(b) no family preservation or family reunification services would be appropriate,

and if the petition or amended petition contained an allegation that the parent is an unfit person as defined in subdivision (D) of Section 1 of the Adoption Act, and the order of adjudication recites that parental unfitness was established by clear and convincing evidence, the court shall, when appropriate and in the best interest of the minor, enter an order terminating parental rights and appointing a guardian with power to consent to adoption in accordance with Section 2-29.

When making a placement, the court, wherever possible, shall require the Department of Children and Family Services to select a person holding the same religious belief as that of the minor or a private agency controlled by persons of like religious faith of the minor and shall require the Department to otherwise comply with Section 7 of the Children and Family Services Act in placing the child. In addition, whenever alternative plans for placement are available, the court shall ascertain and consider, to the extent appropriate in the particular case, the views and preferences of the minor.
(2) When a minor is placed with a suitable relative or other person pursuant to item (a) of subsection (1), the court shall appoint him or her the legal custodian or guardian of the person of the minor. When a minor is committed to any agency, the court shall appoint the proper officer or representative thereof as legal custodian or guardian of the person of the minor. Legal custodians and guardians of the person of the minor have the respective rights and duties set forth in subsection (9) of Section 1-3 except as otherwise provided by order of court; but no guardian of the person may consent to adoption of the minor unless that authority is conferred upon him or her in accordance with Section 2-29. An agency whose representative is appointed guardian of the person or legal custodian of the minor may place the minor in any child care facility, but the facility must be licensed under the Child Care Act of 1969 or have been approved by the Department of Children and Family Services as meeting the standards established for such licensing. No agency may place a minor adjudicated under Sections 2-3 or 2-4 in a child care facility unless the placement is in compliance with the rules and regulations for placement under this Section promulgated by the Department of Children and Family Services under Section 5 of the Children and Family Services Act. Like authority and restrictions shall be conferred by the court upon any probation officer who has been appointed guardian of the person of a minor.

(3) No placement by any probation officer or agency whose representative is appointed guardian of the person or legal custodian of a minor may be made in any out of State child care facility unless it complies with the Interstate Compact on the Placement of Children. Placement with a parent, however, is not subject to that Interstate Compact.

(4) The clerk of the court shall issue to the legal custodian or guardian of the person a certified copy of the order of court, as proof of his authority. No other process is necessary as authority for the keeping of the minor.

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(5) Custody or guardianship granted under this Section continues until the court otherwise directs, but not after the minor reaches the age of 19 years except as set forth in Section 2-31.

(6) (Blank).

(Source: P.A. 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-512, eff. 8-22-97; 90-590, eff. 1-1-99; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99.)

(705 ILCS 405/5-710)
Sec. 5-710. Kinds of sentencing orders.
(1) The following kinds of sentencing orders may be made in respect of wards of the court:

(a) Except as provided in Sections 5-805, 5-810, 5-815, a minor who is found guilty under Section 5-620 may be:
   (i) put on probation or conditional discharge and released to his or her parents, guardian or legal custodian, provided, however, that any such minor who is not committed to the Department of Juvenile Justice under this subsection and who is found to be a delinquent for an offense which is first degree murder, a Class X felony, or a forcible felony shall be placed on probation;
   (ii) placed in accordance with Section 5-740, with or without also being put on probation or conditional discharge;
   (iii) required to undergo a substance abuse assessment conducted by a licensed provider and participate in the indicated clinical level of care;
   (iv) placed in the guardianship of the Department of Children and Family Services, but only if the delinquent minor is under 13 years of age or, pursuant to Article II of this Act, a minor for whom an independent basis of abuse, neglect, or dependency exists. An independent basis exists when the allegations or adjudication of abuse, neglect, or dependency do not arise from the same facts,

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incident, or circumstances which give rise to a charge or adjudication of delinquency;

(v) placed in detention for a period not to exceed 30 days, either as the exclusive order of disposition or, where appropriate, in conjunction with any other order of disposition issued under this paragraph, provided that any such detention shall be in a juvenile detention home and the minor so detained shall be 10 years of age or older. However, the 30-day limitation may be extended by further order of the court for a minor under age 15 committed to the Department of Children and Family Services if the court finds that the minor is a danger to himself or others. The minor shall be given credit on the sentencing order of detention for time spent in detention under Sections 5-501, 5-601, 5-710, or 5-720 of this Article as a result of the offense for which the sentencing order was imposed. The court may grant credit on a sentencing order of detention entered under a violation of probation or violation of conditional discharge under Section 5-720 of this Article for time spent in detention before the filing of the petition alleging the violation. A minor shall not be deprived of credit for time spent in detention before the filing of a violation of probation or conditional discharge alleging the same or related act or acts;

(vi) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Minors Act;

(vii) subject to having his or her driver's license or driving privileges suspended for such time as determined by the court but only until he or she attains 18 years of age;

(viii) put on probation or conditional discharge and placed in detention under Section 3-6039 of the Counties Code for a period not to exceed the period of incarceration permitted by law for adults found guilty of the same offense

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or offenses for which the minor was adjudicated delinquent, and in any event no longer than upon attainment of age 21; this subdivision (viii) notwithstanding any contrary provision of the law; or

(ix) ordered to undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body.

(b) A minor found to be guilty may be committed to the Department of Juvenile Justice under Section 5-750 if the minor is 13 years of age or older, provided that the commitment to the Department of Juvenile Justice shall be made only if a term of incarceration is permitted by law for adults found guilty of the offense for which the minor was adjudicated delinquent. The time during which a minor is in custody before being released upon the request of a parent, guardian or legal custodian shall be considered as time spent in detention.

(c) When a minor is found to be guilty for an offense which is a violation of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act and made a ward of the court, the court may enter a disposition order requiring the minor to undergo assessment, counseling or treatment in a substance abuse program approved by the Department of Human Services.

(2) Any sentencing order other than commitment to the Department of Juvenile Justice may provide for protective supervision under Section 5-725 and may include an order of protection under Section 5-730.

(3) Unless the sentencing order expressly so provides, it does not operate to close proceedings on the pending petition, but is subject to modification until final closing and discharge of the proceedings under Section 5-750.

(4) In addition to any other sentence, the court may order any minor found to be delinquent to make restitution, in monetary or non-monetary form, under the terms and conditions of Section 5-5-6 of the Unified Code of Corrections, except that the "presentencing hearing"
referred to in that Section shall be the sentencing hearing for purposes of this Section. The parent, guardian or legal custodian of the minor may be ordered by the court to pay some or all of the restitution on the minor's behalf, pursuant to the Parental Responsibility Law. The State's Attorney is authorized to act on behalf of any victim in seeking restitution in proceedings under this Section, up to the maximum amount allowed in Section 5 of the Parental Responsibility Law.

(5) Any sentencing order where the minor is committed or placed in accordance with Section 5-740 shall provide for the parents or guardian of the estate of the minor to pay to the legal custodian or guardian of the person of the minor such sums as are determined by the custodian or guardian of the person of the minor as necessary for the minor's needs. The payments may not exceed the maximum amounts provided for by Section 9.1 of the Children and Family Services Act.

(6) Whenever the sentencing order requires the minor to attend school or participate in a program of training, the truant officer or designated school official shall regularly report to the court if the minor is a chronic or habitual truant under Section 26-2a of the School Code.

(7) In no event shall a guilty minor be committed to the Department of Juvenile Justice for a period of time in excess of that period for which an adult could be committed for the same act.

(8) A minor found to be guilty for reasons that include a violation of Section 21-1.3 of the Criminal Code of 1961 shall be ordered to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair of the damage that was caused by the violation or similar damage to property located in the municipality or county in which the violation occurred. The order may be in addition to any other order authorized by this Section.

(8.5) A minor found to be guilty for reasons that include a violation of Section 3.02 or Section 3.03 of the Humane Care for Animals Act or paragraph (d) of subsection (1) of Section 21-1 of the Criminal Code of 1961 shall be ordered to undergo medical or psychiatric treatment rendered
by a psychiatrist or psychological treatment rendered by a clinical psychologist. The order may be in addition to any other order authorized by this Section.

(9) In addition to any other sentencing order, the court shall order any minor found to be guilty for an act which would constitute, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, or criminal sexual abuse if committed by an adult to undergo medical testing to determine whether the defendant has any sexually transmissible disease including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agency of acquired immunodeficiency syndrome (AIDS). Any medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the minor's person. Except as otherwise provided by law, the results of the test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the sentencing order was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom the results of the testing may be revealed. The court shall notify the minor of the results of the test for infection with the human immunodeficiency virus (HIV). The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or the legal guardian, of the results of the test for infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at the Department of Public Health facilities to all parties to whom the results of the testing are revealed. The court shall order that the cost of any test shall be paid by the county and may be taxed as costs against the minor.

(10) When a court finds a minor to be guilty the court shall, before entering a sentencing order under this Section, make a finding whether the offense committed either: (a) was related to or in furtherance of the

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criminal activities of an organized gang or was motivated by the minor's membership in or allegiance to an organized gang, or (b) involved a violation of subsection (a) of Section 12-7.1 of the Criminal Code of 1961, a violation of any Section of Article 24 of the Criminal Code of 1961, or a violation of any statute that involved the wrongful use of a firearm. If the court determines the question in the affirmative, and the court does not commit the minor to the Department of Juvenile Justice, the court shall order the minor to perform community service for not less than 30 hours nor more than 120 hours, provided that community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. The community service shall include, but need not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located in the municipality or county in which the violation occurred. When possible and reasonable, the community service shall be performed in the minor's neighborhood. This order shall be in addition to any other order authorized by this Section except for an order to place the minor in the custody of the Department of Juvenile Justice. For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(Source: P.A. 94-556, eff. 9-11-05; 94-696, eff. 6-1-06.)


Governor Returns Bill with Recommendations For Change

Effective June 1, 2008.

PUBLIC ACT 95-0643
(House Bill No. 0405)

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The Forest Preserve Zoological Parks Act is amended by changing Section 2 as follows:

(70 ILCS 835/2) (from Ch. 96 1/2, par. 6802)

Sec. 2. Zoological park; tax.

(a) For the purpose of constructing and maintaining and caring for any such zoological park and the buildings and grounds thereof and of securing and displaying zoological collections thereon the corporate authorities of any forest preserve district containing a population of 150,000 or more but less than 3,000,000 are authorized to levy annually a tax of not to exceed .0058% of value as equalized or assessed by the Department of Revenue, upon all the taxable property in the district; provided however, in

(b) In a forest preserve district located in a county with a population in excess of 140,000 but less than 200,000 and contiguous to the Mississippi River, however, the annual tax may be at a rate not to exceed 0.06%.

(c) This tax shall be levied and collected in the same manner as the general taxes of the forest preserve district and shall be in addition to the maximum of all other taxes and tax rates which the district is now or may hereafter be authorized to levy upon the aggregate valuation of all taxable property within the district and shall be exclusive of and in addition to the maximum amount and rate of taxes the district is now or may hereafter be authorized to levy for general purposes under Section 13 of the Downstate Forest Preserve District Act "An Act to provide for the creation and management of forest preserve districts and repealing certain Acts therein named", approved June 27, 1913, as amended, or under any other law which may limit the amount of tax which the district may levy for general purposes. The proceeds of the tax herein authorized shall be kept as a separate fund.

(d) A tax in excess of 0.01% may not be levied under subsection (b) until the question of levying the tax has been submitted to the electors of the forest preserve district at a regular election and approved by a majority of the electors voting on the question. The District must certify

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the question to the proper election authority, which must submit the question at an election in accordance with the Election Code. The election authority must submit the question in substantially the following form:

Shall the corporate authority of the forest preserve district be authorized to levy a tax at the rate of 0.06% for the purpose of constructing and maintaining and caring for any such zoological park and the buildings and grounds thereof and of securing and displaying zoological collections thereon?

The election authority must record the votes as "Yes" or "No". If a majority of the electors voting on the question vote in the affirmative, the county may thereafter levy the tax.

(Source: P.A. 92-548, eff. 6-24-02.)

Section 10. The Park District Aquarium and Museum Act is amended by changing Section 2 as follows:

(70 ILCS 1290/2) (from Ch. 105, par. 327)

Sec. 2. Maintenance tax - Limitations - Levy and collection. Each board of park commissioners, having control of a public park or parks within which there shall be maintained any aquarium or any museum or museums of art, industry, science or natural or other history under the provisions of this Act, is hereby authorized, subject to the provisions of Section 4 of this Act, to levy annually a tax not to exceed .03 per cent in park districts of less than 500,000 population and in districts of over 500,000 population not to exceed .15 percent of the full, fair cash value, as equalized or assessed by the Department of Revenue of taxable property embraced in said district, according to the valuation of the same as made for the purpose of State and county taxation by the general assessment last preceding the time when such tax hereby authorized shall be levied: Such tax to be for the purpose of establishing, acquiring, completing, erecting, enlarging, ornamenting, building, rebuilding, rehabilitating, improving, operating, maintaining and caring for such aquarium and museum or museums and the buildings and grounds thereof; and the proceeds of such additional tax shall be kept as a separate fund. Said tax shall be in addition to all other taxes which such board of park commissioners is now or

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hereafter may be authorized to levy on the aggregate valuation of all taxable property within the park district. Said tax shall be levied and collected in like manner as the general taxes for such parks and shall not be included within any limitation of rate for general park purposes as now or hereafter provided by law but shall be excluded therefrom and be in addition thereto and in excess thereof. Provided, further, that the foregoing limitations upon tax rates, insofar as they are applicable to park districts of less than 500,000 population, may be further increased or decreased according to the referendum provisions of the General Revenue Law of Illinois.

Whenever the board of park commissioners of a park district of less than 500,000 population adopts a resolution that it shall levy and collect a tax for the purposes specified in this Section in excess of .03 percent but not to exceed .07 percent of the value of taxable property in the district, the board shall cause the resolution to be published at least once in a newspaper of general circulation within the district. If there is no such newspaper, the resolution shall be posted in at least 3 public places within the district. The publication or posting of the resolution shall include a notice of (1) the specific number of electors required to sign a petition requesting that the question of the adoption of the resolution be submitted to the electors of the district; (2) the time within which the petition must be filed; and (3) the date of the prospective referendum.

The secretary of the park district shall provide a petition form to any individual requesting one.

Any taxpayer in such district may, within 30 days after the first publication or posting of the resolution, file with the secretary of the park district a petition signed by not less than 10 percent or 1,500, whichever is lesser, of the electors of the district requesting that the following question be submitted to the electors of the district:

"Shall the .... Park District be authorized to levy an annual tax in excess of .... but not to exceed .... as authorized in Section 2 of "An Act concerning aquariums and museums in public parks" for the purpose of establishing, acquiring, completing, erecting, enlarging, ornamenting, building, rebuilding, rehabilitating, improving, operating, maintaining and

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caring for such aquariums and museum or museums and the buildings and grounds thereof?" The secretary of the park district shall certify the proposition to the proper election authorities for submission to the electorate at a regular scheduled election in accordance with the general election law. If a majority of the electors voting on the proposition vote in favor thereof, such increased tax shall thereafter be authorized; if a majority of the vote is against such proposition, the previous maximum rate shall remain in effect until changed by law.

Whenever the board of park commissioners of a park district of a population less than 500,000 adopts a resolution that it shall levy and collect a tax for the purposes specified in this Section in excess of 0.07% but not to exceed 0.15% of the value of taxable property in the district, the board shall cause the resolution to be published, at least once, in a newspaper of general circulation within the district. If there is no such newspaper, the resolution shall be posted in at least 3 public places within the district. A tax in excess of 0.07% may not be levied under this subsection until the question of levying the tax has been submitted to the electors of the park district at a regular election and approved by a majority of the electors voting on the question. The District must certify the question to the proper election authority, which must submit the question at an election in accordance with the Election Code. The election authority must submit the question in substantially the following form:

"Shall the .... Park District be authorized to levy an annual tax in excess of .... but not to exceed .... as authorized in Section 2 of "An Act concerning aquariums and museums in public parks" for the purpose of establishing, acquiring, completing, erecting, enlarging, ornamenting, building, rebuilding, rehabilitating, improving, operating, maintaining and caring for such aquariums and museum or museums and the buildings and grounds thereof?".

If a majority of the electors voting on the proposition vote in favor thereof, such increased tax shall thereafter be authorized. If a majority of the electors vote against the proposition, the previous maximum rate shall remain in effect until changed by law.

(Source: P.A. 86-329.)
AN ACT concerning revenue.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Economic Development Area Tax Increment Allocation Act is amended by changing Section 6 as follows:

(20 ILCS 620/6) (from Ch. 67 1/2, par. 1006)

Sec. 6. Filing with county clerk; certification of initial equalized assessed value.

(a) The municipality shall file a certified copy of any ordinance authorizing tax increment allocation financing for an economic development project area with the county clerk, and the county clerk shall immediately thereafter determine (1) the most recently ascertained equalized assessed value of each lot, block, tract or parcel of real property within the economic development project area from which shall be deducted the homestead exemptions provided by Sections 15-170, 15-175, and 15-176 of the Property Tax Code, which value shall be the "initial equalized assessed value" of each such piece of property, and (2) the total equalized assessed value of all taxable real property within the economic development project area by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract, or parcel of real property within such economic development project area, from which shall be deducted the homestead exemptions provided under Article 15 by Sections 15-170, 15-175, and 15-176 of the Property Tax Code, and shall certify such amount as the "total initial equalized assessed value" of the taxable real property within the economic development project area.

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(b) After the county clerk has certified the "total initial equalized assessed value" of the taxable real property in the economic development project area, then in respect to every taxing district containing an economic development project area, the county clerk or any other official required by law to ascertain the amount of the equalized assessed value of all taxable property within that taxing district for the purpose of computing the rate per cent of tax to be extended upon taxable property within that taxing district, shall in every year that tax increment allocation financing is in effect ascertain the amount of value of taxable property in an economic development project area by including in that amount the lower of the current equalized assessed value or the certified "total initial equalized assessed value" of all taxable real property in such area. The rate per cent of tax determined shall be extended to the current equalized assessed value of all property in the economic development project area in the same manner as the rate per cent of tax is extended to all other taxable property in the taxing district. The method of allocating taxes established under this Section shall terminate when the municipality adopts an ordinance dissolving the special tax allocation fund for the economic development project area, terminating the economic development project area, and terminating the use of tax increment allocation financing for the economic development project area. This Act shall not be construed as relieving property owners within an economic development project area from paying a uniform rate of taxes upon the current equalized assessed value of their taxable property as provided in the Property Tax Code.

(Source: P.A. 93-715, eff. 7-12-04.)


(35 ILCS 200/Art. 10 Div. 18 heading new)

**ARTICLE 10 Div. 18. WIND ENERGY PROPERTY ASSESSMENT**

(35 ILCS 200/10-600 new)

*Sec. 10-600. Definitions. For the purposes of this Division 18:*

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"Wind energy device" means any device, with a nameplate capacity of at least 0.5 megawatts, that is used in the process of converting kinetic energy from the wind to generate electric power for commercial sale.

"2007 real property cost basis" excludes personal property but represents both the land and real property improvements of a wind energy device and means $360,000 per megawatt of nameplate capacity.

"Trending factor" means a number equal to the consumer price index (U.S. city average all items) published by the Bureau of Labor Statistics for the December immediately preceding the assessment date, divided by the consumer price index (U.S. city average all items) published by the Bureau of Labor Statistics for December 2006.

"Trended real property cost basis" means the 2007 real property cost basis multiplied by the trending factor.

"Allowance for physical depreciation" means (i) the actual age in years of the wind energy device on the assessment date divided by 25 years multiplied by (ii) the trended real property cost basis. The physical depreciation, however, may not reduce the value of the wind energy device to less than 30% of the trended real property cost basis.

(35 ILCS 200/10-605 new)

Sec. 10-605. Valuation of wind energy devices. Beginning in assessment year 2007, the fair cash value of wind energy devices shall be determined by subtracting the allowance for physical depreciation from the trended real property cost basis. Functional obsolescence and external obsolescence may further reduce the fair cash value of the wind energy device, to the extent they are proved by the taxpayer by clear and convincing evidence.

(35 ILCS 200/10-610 new)

Sec. 10-610. Applicability.

(a) The provisions of this Division apply for assessment years 2007 through 2011.

(b) The provisions of this Division do not apply to wind energy devices that are owned by any person or entity that is otherwise exempt from taxation under the Property Tax Code.

(35 ILCS 200/10-615 new)

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Sec. 10-615. Wind energy assessable property is not subject to
equalization. Wind energy assessable property is not subject to
equalization factors applied by the Department or any board of review,
assessor, or chief county assessment officer.
(35 ILCS 200/10-620 new)

Sec. 10-620. Platting requirements; parcel identification numbers.
The owner of a wind energy device shall, at his or her own expense, use an
Illinois registered land surveyor to prepare a plat showing the metes and
bounds description, including access routes, of the area immediately
surrounding the wind energy device over which that owner has exclusive
control; provided that such platting does not constitute a subdivision of
land subject to the provisions of the Plat Act (765 ILCS 205/). Within 60
days after completion of construction of the wind energy device, the owner
of the wind energy device shall record the plat and deliver a copy of it to
the chief county assessment officer and to the owner of the land
surrounding the newly platted area. Upon receiving a copy of the plat, the
chief county assessment officer shall issue a separate parcel identification
number or numbers for the property containing the wind energy device or
devices.
(35 ILCS 200/14-15)

Sec. 14-15. Certificate of error; counties of 3,000,000 or more.
(a) In counties with 3,000,000 or more inhabitants, if, after the
assessment is certified pursuant to Section 16-150, but subject to the
limitations of subsection (c) of this Section, the county assessor discovers
an error or mistake in the assessment, the assessor shall execute a
certificate setting forth the nature and cause of the error. The certificate
when endorsed by the county assessor, or when endorsed by the county
assessor and board of appeals (until the first Monday in December 1998
and the board of review beginning the first Monday in December 1998 and
thereafter) where the certificate is executed for any assessment which was
the subject of a complaint filed in the board of appeals (until the first
Monday in December 1998 and the board of review beginning the first
Monday in December 1998 and thereafter) for the tax year for which the
certificate is issued, may, either be certified according to the procedure

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authorized by this Section or be presented and received in evidence in any court of competent jurisdiction. Certification is authorized, at the discretion of the county assessor, for: (1) certificates of error allowing homestead exemptions under Article 15 pursuant to Sections 15-170, 15-172, 15-175, and 15-176; (2) certificates of error on residential property of 6 units or less; (3) certificates of error allowing exemption of the property pursuant to Section 14-25; and (4) other certificates of error reducing assessed value by less than $100,000. Any certificate of error not certified shall be presented to the court. The county assessor shall develop reasonable procedures for the filing and processing of certificates of error. Prior to the certification or presentation to the court, the county assessor or his or her designee shall execute and include in the certificate of error a statement attesting that all procedural requirements pertaining to the issuance of the certificate of error have been met and that in fact an error exists. When so introduced in evidence such certificate shall become a part of the court records, and shall not be removed from the files except upon the order of the court.

Certificates of error that will be presented to the court shall be filed as an objection in the application for judgment and order of sale for the year in relation to which the certificate is made or as an amendment to the objection under subsection (b). Certificates of error that are to be certified according to the procedure authorized by this Section need not be presented to the court as an objection or an amendment under subsection (b). The State's Attorney of the county in which the property is situated shall mail a copy of any final judgment entered by the court regarding any certificate of error to the taxpayer of record for the year in question.

Any unpaid taxes after the entry of the final judgment by the court or certification on certificates issued under this Section may be included in a special tax sale, provided that an advertisement is published and a notice is mailed to the person in whose name the taxes were last assessed, in a form and manner substantially similar to the advertisement and notice required under Sections 21-110 and 21-135. The advertisement and sale shall be subject to all provisions of law regulating the annual

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advertisement and sale of delinquent property, to the extent that those provisions may be made applicable.

A certificate of error certified under this Section shall be given effect by the county treasurer, who shall mark the tax books and, upon receipt of one of the following certificates from the county assessor or the county assessor and the board of review where the board of review is required to endorse the certificate of error, shall issue refunds to the taxpayer accordingly:

"CERTIFICATION
I, .................., county assessor, hereby certify that the Certificates of Error set out on the attached list have been duly issued to correct an error or mistake in the assessment."

"CERTIFICATION
I, .................., county assessor, and we, ........................................................, members of the board of review, hereby certify that the Certificates of Error set out on the attached list have been duly issued to correct an error or mistake in the assessment and that any certificates of error required to be endorsed by the board of review have been so endorsed."

The county treasurer has the power to mark the tax books to reflect the issuance of certificates of error certified according to the procedure authorized in this Section for certificates of error issued under Section 14-25 or certificates of error issued to and including 3 years after the date on which the annual judgment and order of sale for that tax year was first entered. The county treasurer has the power to issue refunds to the taxpayer as set forth above until all refunds authorized by this Section have been completed.

To the extent that the certificate of error obviates the liability for nonpayment of taxes, certification of a certificate of error according to the procedure authorized in this Section shall operate to vacate any judgment or forfeiture as to that year's taxes, and the warrant books and judgment books shall be marked to reflect that the judgment or forfeiture has been vacated.
(b) Nothing in subsection (a) of this Section shall be construed to prohibit the execution, endorsement, issuance, and adjudication of a certificate of error if (i) the annual judgment and order of sale for the tax year in question is reopened for further proceedings upon consent of the county collector and county assessor, represented by the State's Attorney, and (ii) a new final judgment is subsequently entered pursuant to the certificate. This subsection (b) shall be construed as declarative of existing law and not as a new enactment.

(c) No certificate of error, other than a certificate to establish an exemption under Section 14-25, shall be executed for any tax year more than 3 years after the date on which the annual judgment and order of sale for that tax year was first entered, except that during calendar years 1999 and 2000 a certificate of error may be executed for any tax year, provided that the error or mistake in the assessment was discovered no more than 3 years after the date on which the annual judgment and order of sale for that tax year was first entered.

(d) The time limitation of subsection (c) shall not apply to a certificate of error correcting an assessment to $1, under Section 10-35, on a parcel that a subdivision or planned development has acquired by adverse possession, if during the tax year for which the certificate is executed the subdivision or planned development used the parcel as common area, as defined in Section 10-35, and if application for the certificate of error is made prior to December 1, 1997.

(e) The changes made by this amendatory Act of the 91st General Assembly apply to certificates of error issued before, on, and after the effective date of this amendatory Act of the 91st General Assembly.

(35 ILCS 200/15-10)

Sec. 15-10. Exempt property; procedures for certification. All property granted an exemption by the Department pursuant to the requirements of Section 15-5 and described in the Sections following Section 15-30 and preceding Section 16-5, to the extent therein limited, is exempt from taxation. In order to maintain that exempt status, the titleholder or the owner of the beneficial interest of any property that is

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exempt must file with the chief county assessment officer, on or before January 31 of each year (May 31 in the case of property exempted by Section 15-170), an affidavit stating whether there has been any change in the ownership or use of the property or the status of the owner-resident, or that a disabled veteran who qualifies under Section 15-165 owned and used the property as of January 1 of that year. The nature of any change shall be stated in the affidavit. Failure to file an affidavit shall, in the discretion of the assessment officer, constitute cause to terminate the exemption of that property, notwithstanding any other provision of this Code. Owners of 5 or more such exempt parcels within a county may file a single annual affidavit in lieu of an affidavit for each parcel. The assessment officer, upon request, shall furnish an affidavit form to the owners, in which the owner may state whether there has been any change in the ownership or use of the property or status of the owner or resident as of January 1 of that year. The owner of 5 or more exempt parcels shall list all the properties giving the same information for each parcel as required of owners who file individual affidavits.

However, titleholders or owners of the beneficial interest in any property exempted under any of the following provisions are not required to submit an annual filing under this Section:

(1) Section 15-45 (burial grounds) in counties of less than 3,000,000 inhabitants and owned by a not-for-profit organization.
(2) Section 15-40.
(3) Section 15-50 (United States property).

If there is a change in use or ownership, however, notice must be filed pursuant to Section 15-20.

An application for homestead exemptions shall be filed as provided in Section 15-170 (senior citizens homestead exemption), Section 15-172 (senior citizens assessment freeze homestead exemption), and Sections 15-175 (general homestead exemption), and 15-176 (general alternative homestead exemption), and 15-177 (long-time occupant homestead exemption), respectively.

(Source: P.A. 92-333, eff. 8-10-01; 92-729, eff. 7-25-02; 93-715, eff. 7-12-04.)
Sec. 15-165. Disabled veterans. Property up to an assessed value of $70,000, owned and used exclusively by a disabled veteran, or the spouse or unmarried surviving spouse of the veteran, as a home, is exempt. As used in this Section, a disabled veteran means a person who has served in the Armed Forces of the United States and whose disability is of such a nature that the Federal Government has authorized payment for purchase or construction of Specially Adapted Housing as set forth in the United States Code, Title 38, Chapter 21, Section 2101.

The exemption applies to housing where Federal funds have been used to purchase or construct special adaptations to suit the veteran's disability.

The exemption also applies to housing that is specially adapted to suit the veteran's disability, and purchased entirely or in part by the proceeds of a sale, casualty loss reimbursement, or other transfer of a home for which the Federal Government had previously authorized payment for purchase or construction as Specially Adapted Housing.

However, the entire proceeds of the sale, casualty loss reimbursement, or other transfer of that housing shall be applied to the acquisition of subsequent specially adapted housing to the extent that the proceeds equal the purchase price of the subsequently acquired housing.

For purposes of this Section, "unmarried surviving spouse" means the surviving spouse of the veteran at any time after the death of the veteran during which such surviving spouse is not married.

This exemption must be reestablished on an annual basis by certification from the Illinois Department of Veterans' Affairs to the Department, which shall forward a copy of the certification to local assessing officials.

A taxpayer who claims an exemption under Section 15-168 or 15-169 may not claim an exemption under this Section.

(Source: P.A. 94-310, eff. 7-25-05.)
(a) Beginning with taxable year 2007, a homestead exemption, limited to a reduction set forth under subsection (b), from the property’s value, as equalized or assessed by the Department, is granted for property that is owned and occupied as the principal residence of a veteran returning from an armed conflict involving the armed forces of the United States who is liable for paying real estate taxes on the property and is an owner of record of the property or has a legal or equitable interest therein as evidenced by a written instrument, except for a leasehold interest, other than a leasehold interest of land on which a single family residence is located, which is occupied as the principal residence of a veteran returning from an armed conflict involving the armed forces of the United States who has an ownership interest therein, legal, equitable or as a lessee, and on which he or she is liable for the payment of property taxes. For purposes of the exemption under this Section, "veteran" means an Illinois resident who has served as a member of the United States Armed Forces, a member of the Illinois National Guard, or a member of the United States Reserve Forces.

(b) In all counties, the reduction is $5,000 and only for the taxable year in which the veteran returns from active duty in an armed conflict involving the armed forces of the United States. For land improved with an apartment building owned and operated as a cooperative, the maximum reduction from the value of the property, as equalized by the Department, must be multiplied by the number of apartments or units occupied by a veteran returning from an armed conflict involving the armed forces of the United States who is liable, by contract with the owner or owners of record, for paying property taxes on the property and is an owner of record of a legal or equitable interest in the cooperative apartment building, other than a leasehold interest. In a cooperative where a homestead exemption has been granted, the cooperative association or the management firm of the cooperative or facility shall credit the savings resulting from that exemption only to the apportioned tax liability of the owner or resident who qualified for the exemption. Any person who willfully refuses to so credit the savings is guilty of a Class B misdemeanor.

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(c) Application must be made during the application period in effect for the county of his or her residence. The assessor or chief county assessment officer may determine the eligibility of residential property to receive the homestead exemption provided by this Section by application, visual inspection, questionnaire, or other reasonable methods. The determination must be made in accordance with guidelines established by the Department.

(d) The exemption under this Section is in addition to any other homestead exemption provided in this Article 15. Notwithstanding Sections 6 and 8 of the State Mandates Act, no reimbursement by the State is required for the implementation of any mandate created by this Section.

(35 ILCS 200/15-168 new)
Sec. 15-168. Disabled persons' homestead exemption.
(a) Beginning with taxable year 2007, an annual homestead exemption is granted to disabled persons in the amount of $2,000, except as provided in subsection (c), to be deducted from the property's value as equalized or assessed by the Department of Revenue. The disabled person shall receive the homestead exemption upon meeting the following requirements:

(1) The property must be occupied as the primary residence by the disabled person.

(2) The disabled person must be liable for paying the real estate taxes on the property.

(3) The disabled person must be an owner of record of the property or have a legal or equitable interest in the property as evidenced by a written instrument. In the case of a leasehold interest in property, the lease must be for a single family residence.

A person who is disabled during the taxable year is eligible to apply for this homestead exemption during that taxable year. Application must be made during the application period in effect for the county of residence. If a homestead exemption has been granted under this Section and the person awarded the exemption subsequently becomes a resident of a facility licensed under the Nursing Home Care Act, then the exemption shall continue (i) so long as the residence continues to be occupied by the

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qualifying person's spouse or (ii) if the residence remains unoccupied but is still owned by the person qualified for the homestead exemption.

(b) For the purposes of this Section, "disabled person" means a person unable to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months. Disabled persons filing claims under this Act shall submit proof of disability in such form and manner as the Department shall by rule and regulation prescribe. Proof that a claimant is eligible to receive disability benefits under the Federal Social Security Act shall constitute proof of disability for purposes of this Act. Issuance of an Illinois Disabled Person Identification Card stating that the claimant is under a Class 2 disability, as defined in Section 4A of The Illinois Identification Card Act, shall constitute proof that the person named thereon is a disabled person for purposes of this Act. A disabled person not covered under the Federal Social Security Act and not presenting a Disabled Person Identification Card stating that the claimant is under a Class 2 disability shall be examined by a physician designated by the Department, and his status as a disabled person determined using the same standards as used by the Social Security Administration. The costs of any required examination shall be borne by the claimant.

(c) For land improved with (i) an apartment building owned and operated as a cooperative or (ii) a life care facility as defined under Section 2 of the Life Care Facilities Act that is considered to be a cooperative, the maximum reduction from the value of the property, as equalized or assessed by the Department, shall be multiplied by the number of apartments or units occupied by a disabled person. The disabled person shall receive the homestead exemption upon meeting the following requirements:

(1) The property must be occupied as the primary residence by the disabled person.

(2) The disabled person must be liable by contract with the owner or owners of record for paying the apportioned property taxes on the property of the cooperative or life care facility. In the

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case of a life care facility, the disabled person must be liable for paying the apportioned property taxes under a life care contract as defined in Section 2 of the Life Care Facilities Act.

(3) The disabled person must be an owner of record of a legal or equitable interest in the cooperative apartment building. A leasehold interest does not meet this requirement.

If a homestead exemption is granted under this subsection, the cooperative association or management firm shall credit the savings resulting from the exemption to the apportioned tax liability of the qualifying disabled person. The chief county assessment officer may request reasonable proof that the association or firm has properly credited the exemption. A person who willfully refuses to credit an exemption to the qualified disabled person is guilty of a Class B misdemeanor.

(d) The chief county assessment officer shall determine the eligibility of property to receive the homestead exemption according to guidelines established by the Department. After a person has received an exemption under this Section, an annual verification of eligibility for the exemption shall be mailed to the taxpayer.

In counties with fewer than 3,000,000 inhabitants, the chief county assessment officer shall provide to each person granted a homestead exemption under this Section a form to designate any other person to receive a duplicate of any notice of delinquency in the payment of taxes assessed and levied under this Code on the person's qualifying property. The duplicate notice shall be in addition to the notice required to be provided to the person receiving the exemption and shall be given in the manner required by this Code. The person filing the request for the duplicate notice shall pay an administrative fee of $5 to the chief county assessment officer. The assessment officer shall then file the executed designation with the county collector, who shall issue the duplicate notices as indicated by the designation. A designation may be rescinded by the disabled person in the manner required by the chief county assessment officer.

(e) A taxpayer who claims an exemption under Section 15-165 or 15-169 may not claim an exemption under this Section.
Sec. 15-169. Disabled veterans standard homestead exemption.
(a) Beginning with taxable year 2007, an annual homestead exemption, limited to the amounts set forth in subsection (b), is granted for property that is used as a qualified residence by a disabled veteran.
(b) The amount of the exemption under this Section is as follows:
(1) for veterans with a service-connected disability of at least 75%, as certified by the United States Department of Veterans Affairs, the annual exemption is $5,000; and
(2) for veterans with a service-connected disability of at least 50%, but less than 75%, as certified by the United States Department of Veterans Affairs, the annual exemption is $2,500.
(c) The tax exemption under this Section carries over to the benefit of the veteran's surviving spouse as long as the spouse holds the legal or beneficial title to the homestead, permanently resides thereon, and does not remarry. If the surviving spouse sells the property, an exemption not to exceed the amount granted from the most recent ad valorem tax roll may be transferred to his or her new residence as long as it is used as his or her primary residence and he or she does not remarry.
(d) The exemption under this Section applies for taxable year 2007 and thereafter. A taxpayer who claims an exemption under Section 15-165 or 15-168 may not claim an exemption under this Section.
(e) Application must be made during the application period in effect for the county of his or her residence. The assessor or chief county assessment officer may determine the eligibility of residential property to receive the homestead exemption provided by this Section by application, visual inspection, questionnaire, or other reasonable methods. The determination must be made in accordance with guidelines established by the Department.
(f) For the purposes of this Section:
"Qualified residence" means real property, but less any portion of that property that is used for commercial purposes, with an equalized assessed value of less than $250,000 that is the disabled veteran's primary
residence. Property rented for more than 6 months is presumed to be used for commercial purposes.

"Veteran" means an Illinois resident who has served as a member of the United States Armed Forces on active duty or State active duty, a member of the Illinois National Guard, or a member of the United States Reserve Forces and who has received an honorable discharge.

(35 ILCS 200/15-170)

Sec. 15-170. Senior Citizens Homestead Exemption. An annual homestead exemption limited, except as described here with relation to cooperatives or life care facilities, to a maximum reduction set forth below from the property's value, as equalized or assessed by the Department, is granted for property that is occupied as a residence by a person 65 years of age or older who is liable for paying real estate taxes on the property and is an owner of record of the property or has a legal or equitable interest therein as evidenced by a written instrument, except for a leasehold interest, other than a leasehold interest of land on which a single family residence is located, which is occupied as a residence by a person 65 years or older who has an ownership interest therein, legal, equitable or as a lessee, and on which he or she is liable for the payment of property taxes. Before taxable year 2004, the maximum reduction shall be $2,500 in counties with 3,000,000 or more inhabitants and $2,000 in all other counties. For taxable years 2004 through 2005, the maximum reduction shall be $3,000 in all counties. For taxable years 2006 and thereafter, the maximum reduction shall be $3,500 and, for taxable years 2008 and thereafter, the maximum reduction is $4,000 in all counties.

For land improved with an apartment building owned and operated as a cooperative, the maximum reduction from the value of the property, as equalized by the Department, shall be multiplied by the number of apartments or units occupied by a person 65 years of age or older who is liable, by contract with the owner or owners of record, for paying property taxes on the property and is an owner of record of a legal or equitable interest in the cooperative apartment building, other than a leasehold interest. For land improved with a life care facility, the maximum reduction from the value of the property, as equalized by the Department,
shall be multiplied by the number of apartments or units occupied by persons 65 years of age or older, irrespective of any legal, equitable, or leasehold interest in the facility, who are liable, under a contract with the owner or owners of record of the facility, for paying property taxes on the property. In a cooperative or a life care facility where a homestead exemption has been granted, the cooperative association or the management firm of the cooperative or facility shall credit the savings resulting from that exemption only to the apportioned tax liability of the owner or resident who qualified for the exemption. Any person who willfully refuses to so credit the savings shall be guilty of a Class B misdemeanor. Under this Section and Sections 15-175, and 15-176, and 15-177 "life care facility" means a facility as defined in Section 2 of the Life Care Facilities Act, with which the applicant for the homestead exemption has a life care contract as defined in that Act.

When a homestead exemption has been granted under this Section and the person qualifying subsequently becomes a resident of a facility licensed under the Nursing Home Care Act, the exemption shall continue so long as the residence continues to be occupied by the qualifying person's spouse if the spouse is 65 years of age or older, or if the residence remains unoccupied but is still owned by the person qualified for the homestead exemption.

A person who will be 65 years of age during the current assessment year shall be eligible to apply for the homestead exemption during that assessment year. Application shall be made during the application period in effect for the county of his residence.

Beginning with assessment year 2003, for taxes payable in 2004, property that is first occupied as a residence after January 1 of any assessment year by a person who is eligible for the senior citizens homestead exemption under this Section must be granted a pro-rata exemption for the assessment year. The amount of the pro-rata exemption is the exemption allowed in the county under this Section divided by 365 and multiplied by the number of days during the assessment year the property is occupied as a residence by a person eligible for the exemption.
under this Section. The chief county assessment officer must adopt reasonable procedures to establish eligibility for this pro-rata exemption.

The assessor or chief county assessment officer may determine the eligibility of a life care facility to receive the benefits provided by this Section, by affidavit, application, visual inspection, questionnaire or other reasonable methods in order to insure that the tax savings resulting from the exemption are credited by the management firm to the apportioned tax liability of each qualifying resident. The assessor may request reasonable proof that the management firm has so credited the exemption.

The chief county assessment officer of each county with less than 3,000,000 inhabitants shall provide to each person allowed a homestead exemption under this Section a form to designate any other person to receive a duplicate of any notice of delinquency in the payment of taxes assessed and levied under this Code on the property of the person receiving the exemption. The duplicate notice shall be in addition to the notice required to be provided to the person receiving the exemption, and shall be given in the manner required by this Code. The person filing the request for the duplicate notice shall pay a fee of $5 to cover administrative costs to the supervisor of assessments, who shall then file the executed designation with the county collector. Notwithstanding any other provision of this Code to the contrary, the filing of such an executed designation requires the county collector to provide duplicate notices as indicated by the designation. A designation may be rescinded by the person who executed such designation at any time, in the manner and form required by the chief county assessment officer.

The assessor or chief county assessment officer may determine the eligibility of residential property to receive the homestead exemption provided by this Section by application, visual inspection, questionnaire or other reasonable methods. The determination shall be made in accordance with guidelines established by the Department.

In counties with less than 3,000,000 inhabitants, the county board may by resolution provide that if a person has been granted a homestead exemption under this Section, the person qualifying need not reapply for the exemption.
In counties with less than 3,000,000 inhabitants, if the assessor or chief county assessment officer requires annual application for verification of eligibility for an exemption once granted under this Section, the application shall be mailed to the taxpayer.

The assessor or chief county assessment officer shall notify each person who qualifies for an exemption under this Section that the person may also qualify for deferral of real estate taxes under the Senior Citizens Real Estate Tax Deferral Act. The notice shall set forth the qualifications needed for deferral of real estate taxes, the address and telephone number of county collector, and a statement that applications for deferral of real estate taxes may be obtained from the county collector.

Notwithstanding Sections 6 and 8 of the State Mandates Act, no reimbursement by the State is required for the implementation of any mandate created by this Section.

(Source: P.A. 93-511, eff. 8-11-03; 93-715, eff. 7-12-04; 94-794, eff. 5-22-06.)

(35 ILCS 200/15-172)

Sec. 15-172. Senior Citizens Assessment Freeze Homestead Exemption.

(a) This Section may be cited as the Senior Citizens Assessment Freeze Homestead Exemption.

(b) As used in this Section:

"Applicant" means an individual who has filed an application under this Section.

"Base amount" means the base year equalized assessed value of the residence plus the first year's equalized assessed value of any added improvements which increased the assessed value of the residence after the base year.

"Base year" means the taxable year prior to the taxable year for which the applicant first qualifies and applies for the exemption provided that in the prior taxable year the property was improved with a permanent structure that was occupied as a residence by the applicant who was liable for paying real property taxes on the property and who was either (i) an owner of record of the property or had legal or equitable interest in the
property as evidenced by a written instrument or (ii) had a legal or equitable interest as a lessee in the parcel of property that was single family residence. If in any subsequent taxable year for which the applicant applies and qualifies for the exemption the equalized assessed value of the residence is less than the equalized assessed value in the existing base year (provided that such equalized assessed value is not based on an assessed value that results from a temporary irregularity in the property that reduces the assessed value for one or more taxable years), then that subsequent taxable year shall become the base year until a new base year is established under the terms of this paragraph. For taxable year 1999 only, the Chief County Assessment Officer shall review (i) all taxable years for which the applicant applied and qualified for the exemption and (ii) the existing base year. The assessment officer shall select as the new base year the year with the lowest equalized assessed value. An equalized assessed value that is based on an assessed value that results from a temporary irregularity in the property that reduces the assessed value for one or more taxable years shall not be considered the lowest equalized assessed value. The selected year shall be the base year for taxable year 1999 and thereafter until a new base year is established under the terms of this paragraph.

"Chief County Assessment Officer" means the County Assessor or Supervisor of Assessments of the county in which the property is located.

"Equalized assessed value" means the assessed value as equalized by the Illinois Department of Revenue.

"Household" means the applicant, the spouse of the applicant, and all persons using the residence of the applicant as their principal place of residence.

"Household income" means the combined income of the members of a household for the calendar year preceding the taxable year.

"Income" has the same meaning as provided in Section 3.07 of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, except that, beginning in assessment year 2001, "income" does not include veteran's benefits.
"Internal Revenue Code of 1986" means the United States Internal Revenue Code of 1986 or any successor law or laws relating to federal income taxes in effect for the year preceding the taxable year.

"Life care facility that qualifies as a cooperative" means a facility as defined in Section 2 of the Life Care Facilities Act.

"Maximum income limitation" means:

1. $35,000 prior to taxable year 1999;
2. $40,000 in taxable years 1999 through 2003;
3. $45,000 in taxable years 2004 through 2005;
4. $50,000 in taxable years 2006 and 2007; and
5. $55,000 in taxable year 2008 and thereafter.

"Residence" means the principal dwelling place and appurtenant structures used for residential purposes in this State occupied on January 1 of the taxable year by a household and so much of the surrounding land, constituting the parcel upon which the dwelling place is situated, as is used for residential purposes. If the Chief County Assessment Officer has established a specific legal description for a portion of property constituting the residence, then that portion of property shall be deemed the residence for the purposes of this Section.

"Taxable year" means the calendar year during which ad valorem property taxes payable in the next succeeding year are levied.

(c) Beginning in taxable year 1994, a senior citizens assessment freeze homestead exemption is granted for real property that is improved with a permanent structure that is occupied as a residence by an applicant who (i) is 65 years of age or older during the taxable year, (ii) has a household income that does not exceed the maximum income limitation of $35,000 or less prior to taxable year 1999, $40,000 or less in taxable years 1999 through 2003, $45,000 or less in taxable year 2004 and 2005, and $50,000 or less in taxable year 2006 and thereafter, (iii) is liable for paying real property taxes on the property, and (iv) is an owner of record of the property or has a legal or equitable interest in the property as evidenced by a written instrument. This homestead exemption shall also apply to a leasehold interest in a parcel of property improved with a permanent structure that is a single family residence that is occupied as a residence by
a person who (i) is 65 years of age or older during the taxable year, (ii) has a household income that does not exceed the maximum income limitation of $35,000 or less prior to taxable year 1999, $40,000 or less in taxable years 1999 through 2003, $45,000 or less in taxable year 2004 and 2005, and $50,000 or less in taxable year 2006 and thereafter, (iii) has a legal or equitable ownership interest in the property as lessee, and (iv) is liable for the payment of real property taxes on that property.

In counties of 3,000,000 or more inhabitants, the amount of the exemption for all taxable years is the equalized assessed value of the residence in the taxable year for which application is made minus the base amount. In all other counties, the amount of the exemption is as follows: (i) through taxable year 2005 and for taxable year 2007 and thereafter, the amount of this exemption shall be the equalized assessed value of the residence in the taxable year for which application is made minus the base amount; and (ii) for taxable year 2006 and thereafter, the amount of the exemption is as follows:

(1) For an applicant who has a household income of $45,000 or less, the amount of the exemption is the equalized assessed value of the residence in the taxable year for which application is made minus the base amount.

(2) For an applicant who has a household income exceeding $45,000 but not exceeding $46,250, the amount of the exemption is (i) the equalized assessed value of the residence in the taxable year for which application is made minus the base amount (ii) multiplied by 0.8.

(3) For an applicant who has a household income exceeding $46,250 but not exceeding $47,500, the amount of the exemption is (i) the equalized assessed value of the residence in the taxable year for which application is made minus the base amount (ii) multiplied by 0.6.

(4) For an applicant who has a household income exceeding $47,500 but not exceeding $48,750, the amount of the exemption is (i) the equalized assessed value of the residence in the taxable year for which application is made minus the base amount (ii) multiplied by 0.8.
year for which application is made minus the base amount (ii) multiplied by 0.4.

(5) For an applicant who has a household income exceeding $48,750 but not exceeding $50,000, the amount of the exemption is (i) the equalized assessed value of the residence in the taxable year for which application is made minus the base amount (ii) multiplied by 0.2.

When the applicant is a surviving spouse of an applicant for a prior year for the same residence for which an exemption under this Section has been granted, the base year and base amount for that residence are the same as for the applicant for the prior year.

Each year at the time the assessment books are certified to the County Clerk, the Board of Review or Board of Appeals shall give to the County Clerk a list of the assessed values of improvements on each parcel qualifying for this exemption that were added after the base year for this parcel and that increased the assessed value of the property.

In the case of land improved with an apartment building owned and operated as a cooperative or a building that is a life care facility that qualifies as a cooperative, the maximum reduction from the equalized assessed value of the property is limited to the sum of the reductions calculated for each unit occupied as a residence by a person or persons (i) 65 years of age or older, (ii) with a household income that does not exceed the maximum income limitation of $35,000 or less prior to taxable year 1999, $40,000 or less in taxable years 1999 through 2003, $45,000 or less in taxable year 2004 and 2005, and $50,000 or less in taxable year 2006 and thereafter, (iii) who is liable, by contract with the owner or owners of record, for paying real property taxes on the property, and (iv) who is an owner of record of a legal or equitable interest in the cooperative apartment building, other than a leasehold interest. In the instance of a cooperative where a homestead exemption has been granted under this Section, the cooperative association or its management firm shall credit the savings resulting from that exemption only to the apportioned tax liability of the owner who qualified for the exemption. Any person who

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willfully refuses to credit that savings to an owner who qualifies for the exemption is guilty of a Class B misdemeanor.

When a homestead exemption has been granted under this Section and an applicant then becomes a resident of a facility licensed under the Nursing Home Care Act, the exemption shall be granted in subsequent years so long as the residence (i) continues to be occupied by the qualified applicant's spouse or (ii) if remaining unoccupied, is still owned by the qualified applicant for the homestead exemption.

Beginning January 1, 1997, when an individual dies who would have qualified for an exemption under this Section, and the surviving spouse does not independently qualify for this exemption because of age, the exemption under this Section shall be granted to the surviving spouse for the taxable year preceding and the taxable year of the death, provided that, except for age, the surviving spouse meets all other qualifications for the granting of this exemption for those years.

When married persons maintain separate residences, the exemption provided for in this Section may be claimed by only one of such persons and for only one residence.

For taxable year 1994 only, in counties having less than 3,000,000 inhabitants, to receive the exemption, a person shall submit an application by February 15, 1995 to the Chief County Assessment Officer of the county in which the property is located. In counties having 3,000,000 or more inhabitants, for taxable year 1994 and all subsequent taxable years, to receive the exemption, a person may submit an application to the Chief County Assessment Officer of the county in which the property is located during such period as may be specified by the Chief County Assessment Officer. The Chief County Assessment Officer in counties of 3,000,000 or more inhabitants shall annually give notice of the application period by mail or by publication. In counties having less than 3,000,000 inhabitants, beginning with taxable year 1995 and thereafter, to receive the exemption, a person shall submit an application by July 1 of each taxable year to the Chief County Assessment Officer of the county in which the property is located. A county may, by ordinance, establish a date for submission of applications that is different than July 1. The applicant shall submit with

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the application an affidavit of the applicant's total household income, age, marital status (and if married the name and address of the applicant's spouse, if known), and principal dwelling place of members of the household on January 1 of the taxable year. The Department shall establish, by rule, a method for verifying the accuracy of affidavits filed by applicants under this Section, and the Chief County Assessment Officer may conduct audits of any taxpayer claiming an exemption under this Section to verify that the taxpayer is eligible to receive the exemption. Each application shall contain or be verified by a written declaration that it is made under the penalties of perjury. A taxpayer's signing a fraudulent application under this Act is perjury, as defined in Section 32-2 of the Criminal Code of 1961. The applications shall be clearly marked as applications for the Senior Citizens Assessment Freeze Homestead Exemption and must contain a notice that any taxpayer who receives the exemption is subject to an audit by the Chief County Assessment Officer.

Notwithstanding any other provision to the contrary, in counties having fewer than 3,000,000 inhabitants, if an applicant fails to file the application required by this Section in a timely manner and this failure to file is due to a mental or physical condition sufficiently severe so as to render the applicant incapable of filing the application in a timely manner, the Chief County Assessment Officer may extend the filing deadline for a period of 30 days after the applicant regains the capability to file the application, but in no case may the filing deadline be extended beyond 3 months of the original filing deadline. In order to receive the extension provided in this paragraph, the applicant shall provide the Chief County Assessment Officer with a signed statement from the applicant's physician stating the nature and extent of the condition, that, in the physician's opinion, the condition was so severe that it rendered the applicant incapable of filing the application in a timely manner, and the date on which the applicant regained the capability to file the application.

Beginning January 1, 1998, notwithstanding any other provision to the contrary, in counties having fewer than 3,000,000 inhabitants, if an applicant fails to file the application required by this Section in a timely manner and this failure to file is due to a mental or physical condition

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sufficiently severe so as to render the applicant incapable of filing the application in a timely manner, the Chief County Assessment Officer may extend the filing deadline for a period of 3 months. In order to receive the extension provided in this paragraph, the applicant shall provide the Chief County Assessment Officer with a signed statement from the applicant's physician stating the nature and extent of the condition, and that, in the physician's opinion, the condition was so severe that it rendered the applicant incapable of filing the application in a timely manner.

In counties having less than 3,000,000 inhabitants, if an applicant was denied an exemption in taxable year 1994 and the denial occurred due to an error on the part of an assessment official, or his or her agent or employee, then beginning in taxable year 1997 the applicant's base year, for purposes of determining the amount of the exemption, shall be 1993 rather than 1994. In addition, in taxable year 1997, the applicant's exemption shall also include an amount equal to (i) the amount of any exemption denied to the applicant in taxable year 1995 as a result of using 1994, rather than 1993, as the base year, (ii) the amount of any exemption denied to the applicant in taxable year 1996 as a result of using 1994, rather than 1993, as the base year, and (iii) the amount of the exemption erroneously denied for taxable year 1994.

For purposes of this Section, a person who will be 65 years of age during the current taxable year shall be eligible to apply for the homestead exemption during that taxable year. Application shall be made during the application period in effect for the county of his or her residence.

The Chief County Assessment Officer may determine the eligibility of a life care facility that qualifies as a cooperative to receive the benefits provided by this Section by use of an affidavit, application, visual inspection, questionnaire, or other reasonable method in order to insure that the tax savings resulting from the exemption are credited by the management firm to the apportioned tax liability of each qualifying resident. The Chief County Assessment Officer may request reasonable proof that the management firm has so credited that exemption.

Except as provided in this Section, all information received by the chief county assessment officer or the Department from applications filed

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under this Section, or from any investigation conducted under the provisions of this Section, shall be confidential, except for official purposes or pursuant to official procedures for collection of any State or local tax or enforcement of any civil or criminal penalty or sanction imposed by this Act or by any statute or ordinance imposing a State or local tax. Any person who divulges any such information in any manner, except in accordance with a proper judicial order, is guilty of a Class A misdemeanor.

Nothing contained in this Section shall prevent the Director or chief county assessment officer from publishing or making available reasonable statistics concerning the operation of the exemption contained in this Section in which the contents of claims are grouped into aggregates in such a way that information contained in any individual claim shall not be disclosed.

(d) Each Chief County Assessment Officer shall annually publish a notice of availability of the exemption provided under this Section. The notice shall be published at least 60 days but no more than 75 days prior to the date on which the application must be submitted to the Chief County Assessment Officer of the county in which the property is located. The notice shall appear in a newspaper of general circulation in the county.

Notwithstanding Sections 6 and 8 of the State Mandates Act, no reimbursement by the State is required for the implementation of any mandate created by this Section.

(Source: P.A. 93-715, eff. 7-12-04; 94-794, eff. 5-22-06.)

(35 ILCS 200/15-175)

Sec. 15-175. General homestead exemption. Except as provided in Sections 15-176 and 15-177, homestead property is entitled to an annual homestead exemption limited, except as described here with relation to cooperatives, to a reduction in the equalized assessed value of homestead property equal to the increase in equalized assessed value for the current assessment year above the equalized assessed value of the property for 1977, up to the maximum reduction set forth below. If however, the 1977 equalized assessed value upon which taxes were paid is subsequently determined by local assessing officials, the Property Tax

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Appeal Board, or a court to have been excessive, the equalized assessed value which should have been placed on the property for 1977 shall be used to determine the amount of the exemption.

Except as provided in Section 15-176, the maximum reduction before taxable year 2004 shall be $4,500 in counties with 3,000,000 or more inhabitants and $3,500 in all other counties. Except as provided in Sections 15-176 and 15-177, for taxable years 2004 through 2007 and thereafter, the maximum reduction shall be $5,000, for taxable year 2008, the maximum reduction is $5,500, and, for taxable years 2009 and thereafter, the maximum reduction is $6,000 in all counties. If a county has elected to subject itself to the provisions of Section 15-176 as provided in subsection (k) of that Section, then, for the first taxable year only after the provisions of Section 15-176 no longer apply, for owners who, for the taxable year, have not been granted a senior citizens assessment freeze homestead exemption under Section 15-172 or a long-time occupant homestead exemption under Section 15-177, there shall be an additional exemption of $5,000 for owners with a household income of $30,000 or less. If a county has elected to subject itself to the provisions of Section 15-176 as provided in subsection (k) of that Section, then, for the first taxable year only after the provisions of Section 15-176 no longer apply, for owners (i) who have not been granted a senior citizens assessment freeze homestead exemption under Section 15-172 for the taxable year and (ii) whose qualified property has an assessed valuation that has increased by more than 20% over the previous assessed valuation of the property, there shall be an additional exemption of $5,000 for owners with a household income of $30,000 or less. For purposes of this paragraph, "household income" has the meaning set forth in this Section 15-175.

In counties with fewer than 3,000,000 inhabitants, if, based on the most recent assessment, the equalized assessed value of the homestead property for the current assessment year is greater than the equalized assessed value of the property for 1977, the owner of the property shall automatically receive the exemption granted under this Section in an

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amount equal to the increase over the 1977 assessment up to the maximum reduction set forth in this Section.

If in any assessment year beginning with the 2000 assessment year, homestead property has a pro-rata valuation under Section 9-180 resulting in an increase in the assessed valuation, a reduction in equalized assessed valuation equal to the increase in equalized assessed value of the property for the year of the pro-rata valuation above the equalized assessed value of the property for 1977 shall be applied to the property on a proportionate basis for the period the property qualified as homestead property during the assessment year. The maximum proportionate homestead exemption shall not exceed the maximum homestead exemption allowed in the county under this Section divided by 365 and multiplied by the number of days the property qualified as homestead property.

"Homestead property" under this Section includes residential property that is occupied by its owner or owners as his or their principal dwelling place, or that is a leasehold interest on which a single family residence is situated, which is occupied as a residence by a person who has an ownership interest therein, legal or equitable or as a lessee, and on which the person is liable for the payment of property taxes. For land improved with an apartment building owned and operated as a cooperative or a building which is a life care facility as defined in Section 15-170 and considered to be a cooperative under Section 15-170, the maximum reduction from the equalized assessed value shall be limited to the increase in the value above the equalized assessed value of the property for 1977, up to the maximum reduction set forth above, multiplied by the number of apartments or units occupied by a person or persons who is liable, by contract with the owner or owners of record, for paying property taxes on the property and is an owner of record of a legal or equitable interest in the cooperative apartment building, other than a leasehold interest. For purposes of this Section, the term "life care facility" has the meaning stated in Section 15-170.

"Household", as used in this Section, means the owner, the spouse of the owner, and all persons using the residence of the owner as their principal place of residence.

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"Household income", as used in this Section, means the combined income of the members of a household for the calendar year preceding the taxable year.

"Income", as used in this Section, has the same meaning as provided in Section 3.07 of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, except that "income" does not include veteran's benefits.

In a cooperative where a homestead exemption has been granted, the cooperative association or its management firm shall credit the savings resulting from that exemption only to the apportioned tax liability of the owner who qualified for the exemption. Any person who willfully refuses to so credit the savings shall be guilty of a Class B misdemeanor.

Where married persons maintain and reside in separate residences qualifying as homestead property, each residence shall receive 50% of the total reduction in equalized assessed valuation provided by this Section.

In all counties, the assessor or chief county assessment officer may determine the eligibility of residential property to receive the homestead exemption and the amount of the exemption by application, visual inspection, questionnaire or other reasonable methods. The determination shall be made in accordance with guidelines established by the Department, provided that the taxpayer applying for an additional general exemption under this Section shall submit to the chief county assessment officer an application with an affidavit of the applicant's total household income, age, marital status (and, if married, the name and address of the applicant's spouse, if known), and principal dwelling place of members of the household on January 1 of the taxable year. The Department shall issue guidelines establishing a method for verifying the accuracy of the affidavits filed by applicants under this paragraph. The applications shall be clearly marked as applications for the Additional General Homestead Exemption.

In counties with fewer than 3,000,000 inhabitants, in the event of a sale of homestead property the homestead exemption shall remain in effect for the remainder of the assessment year of the sale. The assessor or chief

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county assessment officer may require the new owner of the property to apply for the homestead exemption for the following assessment year.

Notwithstanding Sections 6 and 8 of the State Mandates Act, no reimbursement by the State is required for the implementation of any mandate created by this Section.

(Source: P.A. 93-715, eff. 7-12-04.)

(35 ILCS 200/15-176)
Sec. 15-176. Alternative general homestead exemption.
(a) For the assessment years as determined under subsection (j), in any county that has elected, by an ordinance in accordance with subsection (k), to be subject to the provisions of this Section in lieu of the provisions of Section 15-175, homestead property is entitled to an annual homestead exemption equal to a reduction in the property's equalized assessed value calculated as provided in this Section.

(b) As used in this Section:

(1) "Assessor" means the supervisor of assessments or the chief county assessment officer of each county.

(2) "Adjusted homestead value" means the lesser of the following values:

(A) The property's base homestead value increased by 7% for each tax year after the base year through and including the current tax year, or, if the property is sold or ownership is otherwise transferred, the property's base homestead value increased by 7% for each tax year after the year of the sale or transfer through and including the current tax year. The increase by 7% each year is an increase by 7% over the prior year.

(B) The property's equalized assessed value for the current tax year minus: (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003; or (ii) $5,000 in all counties in tax years 2004 and 2005; and (iii) the lesser of the amount of the general homestead exemption under Section 15-175 or an amount equal to the increase in the equalized assessed value for the current tax year above
the equalized assessed value for 1977 in tax year 2006 and thereafter.

(3) "Base homestead value".

(A) Except as provided in subdivision (b)(3)(A-5) or (b)(3)(B), "base homestead value" means the equalized assessed value of the property for the base year prior to exemptions, minus (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003, or (ii) $5,000 in all counties in tax years 2004 and 2005, or (iii) the lesser of the amount of the general homestead exemption under Section 15-175 or an amount equal to the increase in the equalized assessed value for the current tax year above the equalized assessed value for 1977 in tax year 2006 and thereafter, provided that it was assessed for that year as residential property qualified for any of the homestead exemptions under Sections 15-170 through 15-175 of this Code, then in force, and further provided that the property's assessment was not based on a reduced assessed value resulting from a temporary irregularity in the property for that year. Except as provided in subdivision (b)(3)(B), if the property did not have a residential equalized assessed value for the base year, then "base homestead value" means the base homestead value established by the assessor under subsection (c).

(A-5) On or before September 1, 2007, in Cook County, the base homestead value, as set forth under subdivision (b)(3)(A) and except as provided under subdivision (b)(3)(B), must be recalculated as the equalized assessed value of the property for the base year, prior to exemptions, minus:

(1) if the general assessment year for the property was 2003, the lesser of (i) $4,500 or (ii) the amount equal to the increase in equalized

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assessed value for the 2002 tax year above the equalized assessed value for 1977;

(2) if the general assessment year for the property was 2004, the lesser of (i) $4,500 or (ii) the amount equal to the increase in equalized assessed value for the 2003 tax year above the equalized assessed value for 1977;

(3) if the general assessment year for the property was 2005, the lesser of (i) $5,000 or (ii) the amount equal to the increase in equalized assessed value for the 2004 tax year above the equalized assessed value for 1977.

(B) If the property is sold or ownership is otherwise transferred, other than sales or transfers between spouses or between a parent and a child, "base homestead value" means the equalized assessed value of the property at the time of the sale or transfer prior to exemptions, minus: (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003; or (ii) $5,000 in all counties in tax years 2004 and 2005; and (iii) the lesser of the amount of the general homestead exemption under Section 15-175 or an amount equal to the increase in the equalized assessed value for the current tax year above the equalized assessed value for 1977 in tax year 2006 and thereafter, provided that it was assessed as residential property qualified for any of the homestead exemptions under Sections 15-170 through 15-175 of this Code, then in force, and further provided that the property's assessment was not based on a reduced assessed value resulting from a temporary irregularity in the property.

(3.5) "Base year" means (i) tax year 2002 in Cook County or (ii) tax year 2005 or 2006 in all other counties in accordance with the designation made by the county as provided in subsection (k).

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(4) "Current tax year" means the tax year for which the exemption under this Section is being applied.

(5) "Equalized assessed value" means the property's assessed value as equalized by the Department.

(6) "Homestead" or "homestead property" means:
   
   (A) Residential property that as of January 1 of the tax year is occupied by its owner or owners as his, her, or their principal dwelling place, or that is a leasehold interest on which a single family residence is situated, that is occupied as a residence by a person who has a legal or equitable interest therein evidenced by a written instrument, as an owner or as a lessee, and on which the person is liable for the payment of property taxes. Residential units in an apartment building owned and operated as a cooperative, or as a life care facility, which are occupied by persons who hold a legal or equitable interest in the cooperative apartment building or life care facility as owners or lessees, and who are liable by contract for the payment of property taxes, shall be included within this definition of homestead property.

   (B) A homestead includes the dwelling place, appurtenant structures, and so much of the surrounding land constituting the parcel on which the dwelling place is situated as is used for residential purposes. If the assessor has established a specific legal description for a portion of property constituting the homestead, then the homestead shall be limited to the property within that description.

(7) "Life care facility" means a facility as defined in Section 2 of the Life Care Facilities Act.

(c) If the property did not have a residential equalized assessed value for the base year as provided in subdivision (b)(3)(A) of this Section, then the assessor shall first determine an initial value for the property by comparison with assessed values for the base year of other properties having physical and economic characteristics similar to those of the
subject property, so that the initial value is uniform in relation to assessed values of those other properties for the base year. The product of the initial value multiplied by the equalized factor for the base year for homestead properties in that county, less: (i) $4,500 in Cook County or $3,500 in all other counties in tax years 2003; or (ii) $5,000 in all counties in tax year 2004 and 2005; and (iii) the lesser of the amount of the general homestead exemption under Section 15-175 or an amount equal to the increase in the equalized assessed value for the current tax year above the equalized assessed value for 1977 in tax year 2006 and thereafter, is the base homestead value.

For any tax year for which the assessor determines or adjusts an initial value and hence a base homestead value under this subsection (c), the initial value shall be subject to review by the same procedures applicable to assessed values established under this Code for that tax year.

(d) The base homestead value shall remain constant, except that the assessor may revise it under the following circumstances:

(1) If the equalized assessed value of a homestead property for the current tax year is less than the previous base homestead value for that property, then the current equalized assessed value (provided it is not based on a reduced assessed value resulting from a temporary irregularity in the property) shall become the base homestead value in subsequent tax years.

(2) For any year in which new buildings, structures, or other improvements are constructed on the homestead property that would increase its assessed value, the assessor shall adjust the base homestead value as provided in subsection (c) of this Section with due regard to the value added by the new improvements.

(3) If the property is sold or ownership is otherwise transferred, the base homestead value of the property shall be adjusted as provided in subdivision (b)(3)(B). This item (3) does not apply to sales or transfers between spouses or between a parent and a child.

(4) the recalculation required in Cook County under subdivision (b)(3)(A-5).

New matter indicated by italics - deletions by strikeout
(e) The amount of the exemption under this Section is the equalized assessed value of the homestead property for the current tax year, minus the adjusted homestead value, with the following exceptions:

(1) In Cook County, the exemption under this Section shall not exceed $20,000 for any taxable year through tax year:

   (i) 2005, if the general assessment year for the property is 2003;
   (ii) 2006, if the general assessment year for the property is 2004; or
   (iii) 2007, if the general assessment year for the property is 2005.

(1.1) Thereafter, in Cook County, and in all other counties, the exemption is as follows:

   (i) if the general assessment year for the property is 2006, then the exemption may not exceed: $33,000 for taxable year 2006; $26,000 for taxable year 2007; and $20,000 for taxable year 2008;
   (ii) if the general assessment year for the property is 2007, then the exemption may not exceed: $33,000 for taxable year 2007; $26,000 for taxable year 2008; and $20,000 for taxable year 2009; and
   (iii) if the general assessment year for the property is 2008, then the exemption may not exceed: $33,000 for taxable year 2008; $26,000 for taxable year 2009; and $20,000 for taxable year 2010.

(1.5) In Cook County, for the 2006 taxable year only, the maximum amount of the exemption set forth under subsection (e)(1.1)(i) of this Section may be increased: (i) by $7,000 if the equalized assessed value of the property in that taxable year exceeds the equalized assessed value of that property in 2002 by 100% or more; or (ii) by $2,000 if the equalized assessed value of the property in that taxable year exceeds the equalized assessed value of that property in 2002 by more than 80% but less than 100%.

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(2) In the case of homestead property that also qualifies for the exemption under Section 15-172, the property is entitled to the exemption under this Section, limited to the amount of (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003, or (ii) $5,000 in all counties in tax years 2004 and 2005, or (iii) the lesser of the amount of the general homestead exemption under Section 15-175 or an amount equal to the increase in the equalized assessed value for the current tax year above the equalized assessed value for 1977 in tax year 2006 and thereafter.

(f) In the case of an apartment building owned and operated as a cooperative, or as a life care facility, that contains residential units that qualify as homestead property under this Section, the maximum cumulative exemption amount attributed to the entire building or facility shall not exceed the sum of the exemptions calculated for each qualified residential unit. The cooperative association, management firm, or other person or entity that manages or controls the cooperative apartment building or life care facility shall credit the exemption attributable to each residential unit only to the apportioned tax liability of the owner or other person responsible for payment of taxes as to that unit. Any person who willfully refuses to so credit the exemption is guilty of a Class B misdemeanor.

(g) When married persons maintain separate residences, the exemption provided under this Section shall be claimed by only one such person and for only one residence.

(h) In the event of a sale or other transfer in ownership of the homestead property, the exemption under this Section shall remain in effect for the remainder of the tax year and be calculated using the same base homestead value in which the sale or transfer occurs, but (other than for sales or transfers between spouses or between a parent and a child) shall be calculated for any subsequent tax year using the new base homestead value as provided in subdivision (b)(3)(B). The assessor may require the new owner of the property to apply for the exemption in the following year.
(i) The assessor may determine whether property qualifies as a homestead under this Section by application, visual inspection, questionnaire, or other reasonable methods. Each year, at the time the assessment books are certified to the county clerk by the board of review, the assessor shall furnish to the county clerk a list of the properties qualified for the homestead exemption under this Section. The list shall note the base homestead value of each property to be used in the calculation of the exemption for the current tax year.

(j) In counties with 3,000,000 or more inhabitants, the provisions of this Section apply as follows:


(k) To be subject to the provisions of this Section in lieu of Section 15-175, a county must adopt an ordinance to subject itself to the provisions of this Section within 6 months after the effective date of this amendatory Act of the 95th General Assembly. In a county other than Cook County, the ordinance must designate either tax year 2005, 2002 or tax year 2006, 2003 as the base year.
(l) Notwithstanding Sections 6 and 8 of the State Mandates Act, no reimbursement by the State is required for the implementation of any mandate created by this Section.
(Source: P.A. 93-715, eff. 7-12-04.)

(35 ILCS 200/15-177 new)

Sec. 15-177. The long-time occupant homestead exemption.

(a) If the county has elected, under Section 15-176, to be subject to the provisions of the alternative general homestead exemption, then, for taxable years 2007 and thereafter, regardless of whether the exemption under Section 15-176 applies, qualified homestead property is entitled to an annual homestead exemption equal to a reduction in the property's equalized assessed value calculated as provided in this Section.

(b) As used in this Section:
"Adjusted homestead value" means the lesser of the following values:

(1) The property's base homestead value increased by: (i) 10% for each taxable year after the base year through and including the current tax year for qualified taxpayers with a household income of more than $75,000 but not exceeding $100,000; or (ii) 7% for each taxable year after the base year through and including the current tax year for qualified taxpayers with a household income of $75,000 or less. The increase each year is an increase over the prior year; or

(2) The property's equalized assessed value for the current tax year minus the general homestead deduction.

"Base homestead value" means:

(1) if the property did not have an adjusted homestead value under Section 15-176 for the base year, then an amount equal to the equalized assessed value of the property for the base year prior to exemptions, minus the general homestead deduction, provided that the property's assessment was not based on a reduced assessed value resulting from a temporary irregularity in the property for that year; or

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(2) if the property had an adjusted homestead value under Section 15-176 for the base year, then an amount equal to the adjusted homestead value of the property under Section 15-176 for the base year.

"Base year" means the taxable year prior to the taxable year in which the taxpayer first qualifies for the exemption under this Section.

"Current taxable year" means the taxable year for which the exemption under this Section is being applied.

"Equalized assessed value" means the property's assessed value as equalized by the Department.

"Homestead" or "homestead property" means residential property that as of January 1 of the tax year is occupied by a qualified taxpayer as his or her principal dwelling place, or that is a leasehold interest on which a single family residence is situated, that is occupied as a residence by a qualified taxpayer who has a legal or equitable interest therein evidenced by a written instrument, as an owner or as a lessee, and on which the person is liable for the payment of property taxes. Residential units in an apartment building owned and operated as a cooperative, or as a life care facility, which are occupied by persons who hold a legal or equitable interest in the cooperative apartment building or life care facility as owners or lessees, and who are liable by contract for the payment of property taxes, are included within this definition of homestead property. A homestead includes the dwelling place, appurtenant structures, and so much of the surrounding land constituting the parcel on which the dwelling place is situated as is used for residential purposes. If the assessor has established a specific legal description for a portion of property constituting the homestead, then the homestead is limited to the property within that description.

"Household income" has the meaning set forth under Section 15-172 of this Code.

"General homestead deduction" means the amount of the general homestead exemption under Section 15-175.

"Life care facility" means a facility defined in Section 2 of the Life Care Facilities Act.

New matter indicated by italics - deletions by strikeout
"Qualified homestead property" means homestead property owned by a qualified taxpayer.

"Qualified taxpayer" means any individual:

(1) who, for at least 10 years as of January 1 of the taxable year, has occupied the same homestead property as a principal residence and domicile or who, for at least 5 continuous years as of January 1 of the taxable year, has occupied the same homestead property as a principal residence and domicile if that person received assistance in the acquisition of the property as part of a government or nonprofit housing program; and

(2) who has a household income of $100,000 or less.

(c) The base homestead value must remain constant, except that the assessor may revise it under any of the following circumstances:

(1) If the equalized assessed value of a homestead property for the current tax year is less than the previous base homestead value for that property, then the current equalized assessed value (provided it is not based on a reduced assessed value resulting from a temporary irregularity in the property) becomes the base homestead value in subsequent tax years.

(2) For any year in which new buildings, structures, or other improvements are constructed on the homestead property that would increase its assessed value, the assessor shall adjust the base homestead value with due regard to the value added by the new improvements.

(d) The amount of the exemption under this Section is the greater of: (i) the equalized assessed value of the homestead property for the current tax year minus the adjusted homestead value; or (ii) the general homestead deduction.

(e) In the case of an apartment building owned and operated as a cooperative, or as a life care facility, that contains residential units that qualify as homestead property of a qualified taxpayer under this Section, the maximum cumulative exemption amount attributed to the entire building or facility shall not exceed the sum of the exemptions calculated for each unit that is a qualified homestead property. The cooperative
association, management firm, or other person or entity that manages or controls the cooperative apartment building or life care facility shall credit the exemption attributable to each residential unit only to the apportioned tax liability of the qualified taxpayer as to that unit. Any person who willfully refuses to so credit the exemption is guilty of a Class B misdemeanor.

(f) When married persons maintain separate residences, the exemption provided under this Section may be claimed by only one such person and for only one residence. No person who receives an exemption under Section 15-172 of this Code may receive an exemption under this Section. No person who receives an exemption under this Section may receive an exemption under Section 15-175 or 15-176 of this Code.

(g) In the event of a sale or other transfer in ownership of the homestead property between spouses or between a parent and a child, the exemption under this Section remains in effect if the new owner has a household income of $100,000 or less.

(h) In the event of a sale or other transfer in ownership of the homestead property other than subsection (g) of this Section, the exemption under this Section shall remain in effect for the remainder of the tax year and be calculated using the same base homestead value in which the sale or transfer occurs.

(i) To receive the exemption, a person must submit an application to the county assessor during the period specified by the county assessor. The county assessor shall annually give notice of the application period by mail or by publication.

The taxpayer must submit, with the application, an affidavit of the taxpayer's total household income, marital status (and if married the name and address of the applicant's spouse, if known), and principal dwelling place of members of the household on January 1 of the taxable year. The Department shall establish, by rule, a method for verifying the accuracy of affidavits filed by applicants under this Section, and the Chief County Assessment Officer may conduct audits of any taxpayer claiming an exemption under this Section to verify that the taxpayer is eligible to receive the exemption. Each application shall contain or be verified by a

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written declaration that it is made under the penalties of perjury. A taxpayer's signing a fraudulent application under this Act is perjury, as defined in Section 32-2 of the Criminal Code of 1961. The applications shall be clearly marked as applications for the Long-time Occupant Homestead Exemption and must contain a notice that any taxpayer who receives the exemption is subject to an audit by the Chief County Assessment Officer.

(j) Notwithstanding Sections 6 and 8 of the State Mandates Act, no reimbursement by the State is required for the implementation of any mandate created by this Section.

(35 ILCS 200/18-178 new)
Sec. 18-178. Abatement for the residence of a surviving spouse of a fallen police officer or rescue worker.

(a) The governing body of any county or municipality may, by ordinance, order the county clerk to abate any percentage of the taxes levied by the county or municipality on each parcel of qualified property within the boundaries of the county or municipality that is owned by the surviving spouse of a fallen police officer or rescue worker.

(b) The governing body may provide, by ordinance, for the percentage amount and duration of an abatement under this Section and for any other provision necessary to carry out the provisions of this Section. Upon passing an ordinance under this Section, the county or municipality must deliver a certified copy of the ordinance to the county clerk.

(c) As used in this Section:
"Fallen police officer or rescue worker" means an individual who dies:

(1) as a result of or in the course of employment as a police officer; or
(2) while in the active service of a fire, rescue, or emergency medical service.
"Fallen police officer or rescue worker", however, does not include any individual whose death was the result of that individual's own willful misconduct or abuse of alcohol or drugs.

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"Qualified property" means a parcel of real property that is occupied by not more than 2 families, that is used as the principal residence by a surviving spouse, and that:

(1) was owned by the fallen police officer or rescue worker or surviving spouse at the time of the police officer's or rescue worker's death;

(2) was acquired by the surviving spouse within 2 years after the police officer's or rescue worker's death if the surviving spouse was domiciled in the State at the time of that death; or

(3) was acquired more than 2 years after the police officer's or rescue worker's death if surviving spouse qualified for an abatement for a former qualified property located in that municipality.

"Surviving spouse" means a spouse, who has not remarried, of a fallen police officer or rescue worker.

(35 ILCS 200/20-15)

Sec. 20-15. Information on bill or separate statement. There shall be printed on each bill, or on a separate slip which shall be mailed with the bill:

(a) a statement itemizing the rate at which taxes have been extended for each of the taxing districts in the county in whose district the property is located, and in those counties utilizing electronic data processing equipment the dollar amount of tax due from the person assessed allocable to each of those taxing districts, including a separate statement of the dollar amount of tax due which is allocable to a tax levied under the Illinois Local Library Act or to any other tax levied by a municipality or township for public library purposes,

(b) a separate statement for each of the taxing districts of the dollar amount of tax due which is allocable to a tax levied under the Illinois Pension Code or to any other tax levied by a municipality or township for public pension or retirement purposes,

(c) the total tax rate,
(d) the total amount of tax due, and
(e) the amount by which the total tax and the tax allocable to each taxing district differs from the taxpayer's last prior tax bill.

The county treasurer shall ensure that only those taxing districts in which a parcel of property is located shall be listed on the bill for that property.

In all counties the statement shall also provide:

(1) the property index number or other suitable description,
(2) the assessment of the property,
(3) the equalization factors imposed by the county and by the Department, and
(4) the equalized assessment resulting from the application of the equalization factors to the basic assessment.

In all counties which do not classify property for purposes of taxation, for property on which a single family residence is situated the statement shall also include a statement to reflect the fair cash value determined for the property. In all counties which classify property for purposes of taxation in accordance with Section 4 of Article IX of the Illinois Constitution, for parcels of residential property in the lowest assessment classification the statement shall also include a statement to reflect the fair cash value determined for the property.

In all counties, the statement must include information that certain taxpayers may be eligible for tax exemptions, abatements, and other assistance programs and that, for more information, taxpayers should consult with the office of their township or county assessor and with the Illinois Department of Revenue.

In all counties, the statement shall include information that certain taxpayers may be eligible for the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act and that applications are available from the Illinois Department on Aging of Revenue.

In counties which use the estimated or accelerated billing methods, these statements shall only be provided with the final installment of taxes due. The provisions of this Section create a mandatory statutory duty. They
are not merely directory or discretionary. The failure or neglect of the collector to mail the bill, or the failure of the taxpayer to receive the bill, shall not affect the validity of any tax, or the liability for the payment of any tax.

(Source: P.A. 91-699, eff. 1-1-01.)

(35 ILCS 200/20-178)

Sec. 20-178. Certificate of error; refund; interest. When the county collector makes any refunds due on certificates of error issued under Sections 14-15 through 14-25 that have been either certified or adjudicated, the county collector shall pay the taxpayer interest on the amount of the refund at the rate of 0.5% per month.

No interest shall be due under this Section for any time prior to 60 days after the effective date of this amendatory Act of the 91st General Assembly. For certificates of error issued prior to the effective date of this amendatory Act of the 91st General Assembly, the county collector shall pay the taxpayer interest from 60 days after the effective date of this amendatory Act of the 91st General Assembly until the date the refund is paid. For certificates of error issued on or after the effective date of this amendatory Act of the 91st General Assembly, interest shall be paid from 60 days after the certificate of error is issued by the chief county assessment officer to the date the refund is made. To cover the cost of interest, the county collector shall proportionately reduce the distribution of taxes collected for each taxing district in which the property is situated.

This Section shall not apply to any certificate of error granting a homestead exemption under Section 15-170, 15-172, 15-175, or 15-177.

(Source: P.A. 93-715, eff. 7-12-04.)

(35 ILCS 200/21-27)

Sec. 21-27. Waiver of interest penalty.

(a) On the recommendation of the county treasurer, the county board may adopt a resolution under which an interest penalty for the delinquent payment of taxes for any year that otherwise would be imposed under Section 21-15, 21-20, or 21-25 shall be waived in the case of any person who meets all of the following criteria:

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(1) The person is determined eligible for a grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act with respect to the taxes for that year.

(2) The person requests, in writing, on a form approved by the county treasurer, a waiver of the interest penalty, and the request is filed with the county treasurer on or before the first day of the month that an installment of taxes is due.

(3) The person pays the installment of taxes due, in full, on or before the third day of the month that the installment is due.

(4) The county treasurer approves the request for a waiver.

(b) With respect to property that qualifies as a brownfield site under Section 58.2 of the Environmental Protection Act, the county board, upon the recommendation of the county treasurer, may, within 60 days after the effective date of this amendatory Act of the 95th General Assembly, adopt a resolution to waive an interest penalty for the delinquent payment of taxes for any year prior to the 2008 taxable year that otherwise would be imposed under Section 21-15, 21-20, or 21-25 if all of the following criteria are met:

(1) the property has delinquent taxes and an outstanding interest penalty and the amount of that interest penalty is so large as to, possibly, result in all of the taxes becoming uncollectible;

(2) the property is part of a redevelopment plan of a unit of local government and that unit of local government does not oppose the waiver of the interest penalty;

(3) the redevelopment of the property will benefit the public interest by remediating the brownfield contamination;

(4) the taxpayer delivers to the county treasurer (i) a written request for a waiver of the interest penalty, on a form approved by the county treasurer, and (ii) a copy of the redevelopment plan for the property;

(5) the taxpayer pays, in full, the amount of up to the amount of the first 2 installments of taxes due, to be held in escrow pending the approval of the waiver, and enters into an agreement

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with the county treasurer setting forth a schedule for the payment of any remaining taxes due; and

(6) the county treasurer approves the request for a waiver.

(Source: Incorporates P.A. 88-221; 88-670, eff. 12-2-94)

(35 ILCS 200/24-35 new)

Sec. 24-35. Property Tax Reform and Relief Task Force.

(a) There is created the Property Tax Reform and Relief Task Force consisting of 9 members appointed as follows: 3 members appointed by the President of the Senate, one of whom shall be designated as the chair of the Task Force upon appointment; 2 members appointed by the Minority Leader of the Senate; 2 members appointed by the Speaker of the House of Representatives; and 2 members appointed by the Minority Leader of the House of Representatives.

(b) The Task Force shall conduct a study of the property tax system in Illinois and investigate methods of reducing the reliance on property taxes and alternative methods of funding.

(c) The members of the Task Force shall serve without compensation but shall be reimbursed for their reasonable and necessary expenses from funds appropriated for that purpose.

(d) The Task Force shall submit its findings to the General Assembly no later than January 1, 2010, at which time the Task Force is dissolved.

(e) The Department of Revenue shall provide administrative support to the Task Force.

Section 15. The County Economic Development Project Area Property Tax Allocation Act is amended by changing Section 6 as follows:

(55 ILCS 85/6) (from Ch. 34, par. 7006)

Sec. 6. Filing with county clerk; certification of initial equalized assessed value.

(a) The county shall file a certified copy of any ordinance authorizing property tax allocation financing for an economic development project area with the county clerk, and the county clerk shall immediately thereafter determine (1) the most recently ascertained equalized assessed value of each lot, block, tract or parcel of real property within the

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economic development project area from which shall be deducted the homestead exemptions provided by Sections 15-170, 15-175, and 15-176 of the Property Tax Code, which value shall be the "initial equalized assessed value" of each such piece of property, and (2) the total equalized assessed value of all taxable real property within the economic development project area by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract, or parcel of real property within such economic development project area, from which shall be deducted the homestead exemptions provided by Sections 15-170, 15-175, and 15-176 of the Property Tax Code. Upon receiving written notice from the Department of its approval and certification of such economic development project area, the county clerk shall immediately certify such amount as the "total initial equalized assessed value" of the taxable property within the economic development project area.

(b) After the county clerk has certified the "total initial equalized assessed value" of the taxable real property in the economic development project area, then in respect to every taxing district containing an economic development project area, the county clerk or any other official required by law to ascertain the amount of the equalized assessed value of all taxable property within that taxing district for the purpose of computing the rate percent of tax to be extended upon taxable property within the taxing district, shall in every year that property tax allocation financing is in effect ascertain the amount of value of taxable property in an economic development project area by including in that amount the lower of the current equalized assessed value or the certified "total initial equalized assessed value" of all taxable real property in such area. The rate percent of tax determined shall be extended to the current equalized assessed value of all property in the economic development project area in the same manner as the rate percent of tax is extended to all other taxable property in the taxing district. The method of allocating taxes established under this Section shall terminate when the county adopts an ordinance dissolving the special tax allocation fund for the economic development project area. This Act shall not be construed as relieving property owners within an

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Section 17. The County Economic Development Project Area Tax Increment Allocation Act of 1991 is amended by changing Section 45 as follows:

(55 ILCS 90/45) (from Ch. 34, par. 8045)

Sec. 45. Filing with county clerk; certification of initial equalized assessed value.

(a) A county that has by ordinance approved an economic development plan, established an economic development project area, and adopted tax increment allocation financing for that area shall file certified copies of the ordinance or ordinances with the county clerk. Upon receiving the ordinance or ordinances, the county clerk shall immediately determine (i) the most recently ascertained equalized assessed value of each lot, block, tract, or parcel of real property within the economic development project area from which shall be deducted the homestead exemptions provided by Sections 15-170, 15-175, and 15-176 of the Property Tax Code (that value being the "initial equalized assessed value" of each such piece of property) and (ii) the total equalized assessed value of all taxable real property within the economic development project area by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract, or parcel of real property within the economic development project area, from which shall be deducted the homestead exemptions provided by Sections 15-170, 15-175, and 15-176 of the Property Tax Code, and shall certify that amount as the "total initial equalized assessed value" of the taxable real property within the economic development project area.

(b) After the county clerk has certified the "total initial equalized assessed value" of the taxable real property in the economic development project area, then in respect to every taxing district containing an economic development project area, the county clerk or any other official required by law to ascertain the amount of the equalized assessed value of
all taxable property within the taxing district for the purpose of computing the rate per cent of tax to be extended upon taxable property within the taxing district shall, in every year that tax increment allocation financing is in effect, ascertain the amount of value of taxable property in an economic development project area by including in that amount the lower of the current equalized assessed value or the certified "total initial equalized assessed value" of all taxable real property in the area. The rate per cent of tax determined shall be extended to the current equalized assessed value of all property in the economic development project area in the same manner as the rate per cent of tax is extended to all other taxable property in the taxing district. The method of extending taxes established under this Section shall terminate when the county adopts an ordinance dissolving the special tax allocation fund for the economic development project area. This Act shall not be construed as relieving property owners within an economic development project area from paying a uniform rate of taxes upon the current equalized assessed value of their taxable property as provided in the Property Tax Code.

(Source: P.A. 93-715, eff. 7-12-04.)

Section 20. The Illinois Municipal Code is amended by changing Sections 11-74.4-8, 11-74.4-9, and 11-74.6-40 as follows:

(65 ILCS 5/11-74.4-8) (from Ch. 24, par. 11-74.4-8)

Sec. 11-74.4-8. Tax increment allocation financing. A municipality may not adopt tax increment financing in a redevelopment project area after the effective date of this amendatory Act of 1997 that will encompass an area that is currently included in an enterprise zone created under the Illinois Enterprise Zone Act unless that municipality, pursuant to Section 5.4 of the Illinois Enterprise Zone Act, amends the enterprise zone designating ordinance to limit the eligibility for tax abatements as provided in Section 5.4.1 of the Illinois Enterprise Zone Act. A municipality, at the time a redevelopment project area is designated, may adopt tax increment allocation financing by passing an ordinance providing that the ad valorem taxes, if any, arising from the levies upon taxable real property in such redevelopment project area by taxing districts and tax rates determined in the manner provided in paragraph (c) of

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Section 11-74.4-9 each year after the effective date of the ordinance until redevelopment project costs and all municipal obligations financing redevelopment project costs incurred under this Division have been paid shall be divided as follows:

(a) That portion of taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the redevelopment project area shall be allocated to and when collected shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.

(b) Except from a tax levied by a township to retire bonds issued to satisfy court-ordered damages, that portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the project area shall be allocated to and when collected shall be paid to the municipal treasurer who shall deposit said taxes into a special fund called the special tax allocation fund of the municipality for the purpose of paying redevelopment project costs and obligations incurred in the payment thereof. In any county with a population of 3,000,000 or more that has adopted a procedure for collecting taxes that provides for one or more of the installments of the taxes to be billed and collected on an estimated basis, the municipal treasurer shall be paid for deposit in the special tax allocation fund of the municipality, from the taxes collected from estimated bills issued for property in the redevelopment project area, the difference between the amount actually collected from each taxable lot, block, tract, or parcel of real property within the redevelopment project area and an amount determined by multiplying the rate at which taxes were last extended against the taxable lot, block, track, or parcel of real property in the manner provided in subsection (c) of Section 11-74.4-9 by the initial equalized assessed value of the property divided by the number of

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installments in which real estate taxes are billed and collected within the county; provided that the payments on or before December 31, 1999 to a municipal treasurer shall be made only if each of the following conditions are met:

(1) The total equalized assessed value of the redevelopment project area as last determined was not less than 175% of the total initial equalized assessed value.

(2) Not more than 50% of the total equalized assessed value of the redevelopment project area as last determined is attributable to a piece of property assigned a single real estate index number.

(3) The municipal clerk has certified to the county clerk that the municipality has issued its obligations to which there has been pledged the incremental property taxes of the redevelopment project area or taxes levied and collected on any or all property in the municipality or the full faith and credit of the municipality to pay or secure payment for all or a portion of the redevelopment project costs. The certification shall be filed annually no later than September 1 for the estimated taxes to be distributed in the following year; however, for the year 1992 the certification shall be made at any time on or before March 31, 1992.

(4) The municipality has not requested that the total initial equalized assessed value of real property be adjusted as provided in subsection (b) of Section 11-74.4-9.

The conditions of paragraphs (1) through (4) do not apply after December 31, 1999 to payments to a municipal treasurer made by a county with 3,000,000 or more inhabitants that has adopted an estimated billing procedure for collecting taxes. If a county that has adopted the estimated billing procedure makes an erroneous overpayment of tax revenue to the municipal treasurer, then the county may seek a refund of that overpayment. The county shall send the municipal treasurer a notice of liability for the overpayment on or before the mailing date of the next real estate tax bill within the county. The refund shall be limited to the amount of the overpayment.

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It is the intent of this Division that after the effective date of this amendatory Act of 1988 a municipality's own ad valorem tax arising from levies on taxable real property be included in the determination of incremental revenue in the manner provided in paragraph (c) of Section 11-74.4-9. If the municipality does not extend such a tax, it shall annually deposit in the municipality's Special Tax Increment Fund an amount equal to 10% of the total contributions to the fund from all other taxing districts in that year. The annual 10% deposit required by this paragraph shall be limited to the actual amount of municipally produced incremental tax revenues available to the municipality from taxpayers located in the redevelopment project area in that year if: (a) the plan for the area restricts the use of the property primarily to industrial purposes, (b) the municipality establishing the redevelopment project area is a home-rule community with a 1990 population of between 25,000 and 50,000, (c) the municipality is wholly located within a county with a 1990 population of over 750,000 and (d) the redevelopment project area was established by the municipality prior to June 1, 1990. This payment shall be in lieu of a contribution of ad valorem taxes on real property. If no such payment is made, any redevelopment project area of the municipality shall be dissolved.

If a municipality has adopted tax increment allocation financing by ordinance and the County Clerk thereafter certifies the "total initial equalized assessed value as adjusted" of the taxable real property within such redevelopment project area in the manner provided in paragraph (b) of Section 11-74.4-9, each year after the date of the certification of the total initial equalized assessed value as adjusted until redevelopment project costs and all municipal obligations financing redevelopment project costs have been paid the ad valorem taxes, if any, arising from the levies upon the taxable real property in such redevelopment project area by taxing districts and tax rates determined in the manner provided in paragraph (c) of Section 11-74.4-9 shall be divided as follows:

(1) That portion of the taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or "current equalized

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assessed value as adjusted" or the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property existing at the time tax increment financing was adopted, minus the total current homestead exemptions under Article 15 provided by Sections 15-170, 15-175, and 15-176 of the Property Tax Code in the redevelopment project area shall be allocated to and when collected shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.

(2) That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the redevelopment project area, over and above the initial equalized assessed value of each property existing at the time tax increment financing was adopted, minus the total current homestead exemptions pertaining to each piece of property provided by Article 15 Sections 15-170, 15-175, and 15-176 of the Property Tax Code in the redevelopment project area, shall be allocated to and when collected shall be paid to the municipal Treasurer, who shall deposit said taxes into a special fund called the special tax allocation fund of the municipality for the purpose of paying redevelopment project costs and obligations incurred in the payment thereof.

The municipality may pledge in the ordinance the funds in and to be deposited in the special tax allocation fund for the payment of such costs and obligations. No part of the current equalized assessed valuation of each property in the redevelopment project area attributable to any increase above the total initial equalized assessed value, or the total initial equalized assessed value as adjusted, of such properties shall be used in calculating the general State school aid formula, provided for in Section 18-8 of the School Code, until such time as all redevelopment project costs have been paid as provided for in this Section.

Whenever a municipality issues bonds for the purpose of financing redevelopment project costs, such municipality may provide by ordinance
for the appointment of a trustee, which may be any trust company within
the State, and for the establishment of such funds or accounts to be
maintained by such trustee as the municipality shall deem necessary to
provide for the security and payment of the bonds. If such municipality
provides for the appointment of a trustee, such trustee shall be considered
the assignee of any payments assigned by the municipality pursuant to
such ordinance and this Section. Any amounts paid to such trustee as
assignee shall be deposited in the funds or accounts established pursuant to
such trust agreement, and shall be held by such trustee in trust for the
benefit of the holders of the bonds, and such holders shall have a lien on
and a security interest in such funds or accounts so long as the bonds
remain outstanding and unpaid. Upon retirement of the bonds, the trustee
shall pay over any excess amounts held to the municipality for deposit in
the special tax allocation fund.

When such redevelopment projects costs, including without
limitation all municipal obligations financing redevelopment project costs
incurred under this Division, have been paid, all surplus funds then
remaining in the special tax allocation fund shall be distributed by being
paid by the municipal treasurer to the Department of Revenue, the
municipality and the county collector; first to the Department of Revenue
and the municipality in direct proportion to the tax incremental revenue
received from the State and the municipality, but not to exceed the total
incremental revenue received from the State or the municipality less any
annual surplus distribution of incremental revenue previously made; with
any remaining funds to be paid to the County Collector who shall
immediately thereafter pay said funds to the taxing districts in the
redevelopment project area in the same manner and proportion as the most
recent distribution by the county collector to the affected districts of real
property taxes from real property in the redevelopment project area.

Upon the payment of all redevelopment project costs, the
retirement of obligations, the distribution of any excess monies pursuant to
this Section, and final closing of the books and records of the
redevelopment project area, the municipality shall adopt an ordinance
dissolving the special tax allocation fund for the redevelopment project

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area and terminating the designation of the redevelopment project area as a
redevelopment project area. Title to real or personal property and public
improvements acquired by or for the municipality as a result of the
redevelopment project and plan shall vest in the municipality when
acquired and shall continue to be held by the municipality after the
redevelopment project area has been terminated. Municipalities shall
notify affected taxing districts prior to November 1 if the redevelopment
project area is to be terminated by December 31 of that same year. If a
municipality extends estimated dates of completion of a redevelopment
project and retirement of obligations to finance a redevelopment project,
as allowed by this amendatory Act of 1993, that extension shall not extend
the property tax increment allocation financing authorized by this Section.
Thereafter the rates of the taxing districts shall be extended and taxes
levied, collected and distributed in the manner applicable in the absence of
the adoption of tax increment allocation financing.

Nothing in this Section shall be construed as relieving property in
such redevelopment project areas from being assessed as provided in the
Property Tax Code or as relieving owners of such property from paying a
uniform rate of taxes, as required by Section 4 of Article 9 of the Illinois
Constitution.
(Source: P.A. 92-16, eff. 6-28-01; 93-298, eff. 7-23-03; 93-715, eff. 7-12-
04.)

(65 ILCS 5/11-74.4-9) (from Ch. 24, par. 11-74.4-9)

Sec. 11-74.4-9. Equalized assessed value of property.

(a) If a municipality by ordinance provides for tax increment
allocation financing pursuant to Section 11-74.4-8, the county clerk
immediately thereafter shall determine (1) the most recently ascertained
equalized assessed value of each lot, block, tract or parcel of real property
within such redevelopment project area from which shall be deducted the
homestead exemptions under Article 15 provided by Sections 15-170, 15-
175, and 15-176 of the Property Tax Code, which value shall be the
"initial equalized assessed value" of each such piece of property, and (2)
the total equalized assessed value of all taxable real property within such
redevelopment project area by adding together the most recently

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ascertained equalized assessed value of each taxable lot, block, tract, or parcel of real property within such project area, from which shall be deducted the homestead exemptions provided by Sections 15-170, 15-175, and 15-176 of the Property Tax Code, and shall certify such amount as the "total initial equalized assessed value" of the taxable real property within such project area.

(b) In reference to any municipality which has adopted tax increment financing after January 1, 1978, and in respect to which the county clerk has certified the "total initial equalized assessed value" of the property in the redevelopment area, the municipality may thereafter request the clerk in writing to adjust the initial equalized value of all taxable real property within the redevelopment project area by deducting therefrom the exemptions under Article 15 provided for by Sections 15-170, 15-175, and 15-176 of the Property Tax Code applicable to each lot, block, tract or parcel of real property within such redevelopment project area. The county clerk shall immediately after the written request to adjust the total initial equalized value is received determine the total homestead exemptions in the redevelopment project area provided by Sections 15-170, 15-175, and 15-176 of the Property Tax Code by adding together the homestead exemptions provided by said Sections on each lot, block, tract or parcel of real property within such redevelopment project area and then shall deduct the total of said exemptions from the total initial equalized assessed value. The county clerk shall then promptly certify such amount as the "total initial equalized assessed value as adjusted" of the taxable real property within such redevelopment project area.

(c) After the county clerk has certified the "total initial equalized assessed value" of the taxable real property in such area, then in respect to every taxing district containing a redevelopment project area, the county clerk or any other official required by law to ascertain the amount of the equalized assessed value of all taxable property within such district for the purpose of computing the rate per cent of tax to be extended upon taxable property within such district, shall in every year that tax increment allocation financing is in effect ascertain the amount of value of taxable property in a redevelopment project area by including in such amount the

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lower of the current equalized assessed value or the certified "total initial equalized assessed value" of all taxable real property in such area, except that after he has certified the "total initial equalized assessed value as adjusted" he shall in the year of said certification if tax rates have not been extended and in every year thereafter that tax increment allocation financing is in effect ascertain the amount of value of taxable property in a redevelopment project area by including in such amount the lower of the current equalized assessed value or the certified "total initial equalized assessed value as adjusted" of all taxable real property in such area. The rate per cent of tax determined shall be extended to the current equalized assessed value of all property in the redevelopment project area in the same manner as the rate per cent of tax is extended to all other taxable property in the taxing district. The method of extending taxes established under this Section shall terminate when the municipality adopts an ordinance dissolving the special tax allocation fund for the redevelopment project area. This Division shall not be construed as relieving property owners within a redevelopment project area from paying a uniform rate of taxes upon the current equalized assessed value of their taxable property as provided in the Property Tax Code.

(Source: P.A. 93-715, eff. 7-12-04.)

(65 ILCS 5/11-74.6-40)
Sec. 11-74.6-40. Equalized assessed value determination; property tax extension.
(a) If a municipality by ordinance provides for tax increment allocation financing under Section 11-74.6-35, the county clerk immediately thereafter:

(1) shall determine the initial equalized assessed value of each parcel of real property in the redevelopment project area, which is the most recently established equalized assessed value of each lot, block, tract or parcel of taxable real property within the redevelopment project area, minus the homestead exemptions provided by Sections 15-170, 15-175, and 15-176 of the Property Tax Code; and

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(2) shall certify to the municipality the total initial equalized assessed value of all taxable real property within the redevelopment project area.

(b) Any municipality that has established a vacant industrial buildings conservation area may, by ordinance passed after the adoption of tax increment allocation financing, provide that the county clerk immediately thereafter shall again determine:

(1) the updated initial equalized assessed value of each lot, block, tract or parcel of real property, which is the most recently ascertained equalized assessed value of each lot, block, tract or parcel of real property within the vacant industrial buildings conservation area; and

(2) the total updated initial equalized assessed value of all taxable real property within the redevelopment project area, which is the total of the updated initial equalized assessed value of all taxable real property within the vacant industrial buildings conservation area.

The county clerk shall certify to the municipality the total updated initial equalized assessed value of all taxable real property within the industrial buildings conservation area.

(c) After the county clerk has certified the total initial equalized assessed value or the total updated initial equalized assessed value of the taxable real property in the area, for each taxing district in which a redevelopment project area is situated, the county clerk or any other official required by law to determine the amount of the equalized assessed value of all taxable property within the district for the purpose of computing the percentage rate of tax to be extended upon taxable property within the district, shall in every year that tax increment allocation financing is in effect determine the total equalized assessed value of taxable property in a redevelopment project area by including in that amount the lower of the current equalized assessed value or the certified total initial equalized assessed value or, if the total of updated equalized assessed value has been certified, the total updated initial equalized assessed value of all taxable real property in the redevelopment project.

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area. After he has certified the total initial equalized assessed value he shall in the year of that certification, if tax rates have not been extended, and in every subsequent year that tax increment allocation financing is in effect, determine the amount of equalized assessed value of taxable property in a redevelopment project area by including in that amount the lower of the current total equalized assessed value or the certified total initial equalized assessed value or, if the total of updated initial equalized assessed values have been certified, the total updated initial equalized assessed value of all taxable real property in the redevelopment project area.

(d) The percentage rate of tax determined shall be extended on the current equalized assessed value of all property in the redevelopment project area in the same manner as the rate per cent of tax is extended to all other taxable property in the taxing district. The method of extending taxes established under this Section shall terminate when the municipality adopts an ordinance dissolving the special tax allocation fund for the redevelopment project area. This Law shall not be construed as relieving property owners within a redevelopment project area from paying a uniform rate of taxes upon the current equalized assessed value of their taxable property as provided in the Property Tax Code.

(Source: P.A. 93-715, eff. 7-12-04.)

Section 25. The Economic Development Project Area Tax Increment Allocation Act of 1995 is amended by changing Section 45 as follows:

(65 ILCS 110/45)

Sec. 45. Filing with county clerk; certification of initial equalized assessed value.

(a) A municipality that has by ordinance approved an economic development plan, established an economic development project area, and adopted tax increment allocation financing for that area shall file certified copies of the ordinance or ordinances with the county clerk. Upon receiving the ordinance or ordinances, the county clerk shall immediately determine (i) the most recently ascertained equalized assessed value of each lot, block, tract, or parcel of real property within the economic

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development project area from which shall be deducted the homestead exemptions under Article 15 provided by Sections 15-170, 15-175, and 15-176 of the Property Tax Code (that value being the "initial equalized assessed value" of each such piece of property) and (ii) the total equalized assessed value of all taxable real property within the economic development project area by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract, or parcel of real property within the economic development project area, from which shall be deducted the homestead exemptions provided by Sections 15-170, 15-175, and 15-176 of the Property Tax Code, and shall certify that amount as the "total initial equalized assessed value" of the taxable real property within the economic development project area.

(b) After the county clerk has certified the "total initial equalized assessed value" of the taxable real property in the economic development project area, then in respect to every taxing district containing an economic development project area, the county clerk or any other official required by law to ascertain the amount of the equalized assessed value of all taxable property within the taxing district for the purpose of computing the rate per cent of tax to be extended upon taxable property within the taxing district shall, in every year that tax increment allocation financing is in effect, ascertain the amount of value of taxable property in an economic development project area by including in that amount the lower of the current equalized assessed value or the certified "total initial equalized assessed value" of all taxable real property in the area. The rate per cent of tax determined shall be extended to the current equalized assessed value of all property in the economic development project area in the same manner as the rate per cent of tax is extended to all other taxable property in the taxing district. The method of extending taxes established under this Section shall terminate when the municipality adopts an ordinance dissolving the special tax allocation fund for the economic development project area. This Act shall not be construed as relieving owners or lessees of property within an economic development project area from paying a uniform rate of taxes upon the current equalized assessed value of their taxable property as provided in the Property Tax Code.

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Section 30. The School Code is amended by changing Section 18-8.05 as follows:

(105 ILCS 5/18-8.05)

Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years.

(A) General Provisions.

(1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.

(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.

(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:

(a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized
school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.

(b) School district claims filed under this Section are subject to Sections 18-9 and 18-12, except as otherwise provided in this Section.

(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.

(d) (Blank).

(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is authorized to make expenditures by law.

School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:

(a) "Average Daily Attendance": A count of pupil attendance in school, averaged as provided for in subsection (C) and utilized in deriving per pupil financial support levels.

(b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection (D).

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(c) "Corporate Personal Property Replacement Taxes": Funds paid to local school districts pursuant to "An Act in relation to the abolition of ad valorem personal property tax and the replacement of revenues lost thereby, and amending and repealing certain Acts and parts of Acts in connection therewith", certified August 14, 1979, as amended (Public Act 81-1st S.S.-1).

(d) "Foundation Level": A prescribed level of per pupil financial support as provided for in subsection (B).

(e) "Operating Tax Rate": All school district property taxes extended for all purposes, except Bond and Interest, Summer School, Rent, Capital Improvement, and Vocational Education Building purposes.

(B) Foundation Level.

(1) The Foundation Level is a figure established by the State representing the minimum level of per pupil financial support that should be available to provide for the basic education of each pupil in Average Daily Attendance. As set forth in this Section, each school district is assumed to exert a sufficient local taxing effort such that, in combination with the aggregate of general State financial aid provided the district, an aggregate of State and local resources are available to meet the basic education needs of pupils in the district.

(2) For the 1998-1999 school year, the Foundation Level of support is $4,225. For the 1999-2000 school year, the Foundation Level of support is $4,325. For the 2000-2001 school year, the Foundation Level of support is $4,425. For the 2001-2002 school year and 2002-2003 school year, the Foundation Level of support is $4,560. For the 2003-2004 school year, the Foundation Level of support is $4,810. For the 2004-2005 school year, the Foundation Level of support is $4,964. For the 2005-2006 school year, the Foundation Level of support is $5,164.

(3) For the 2006-2007 school year and each school year thereafter, the Foundation Level of support is $5,334 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

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(1) For purposes of calculating general State aid pursuant to subsection (E), an Average Daily Attendance figure shall be utilized. The Average Daily Attendance figure for formula calculation purposes shall be the monthly average of the actual number of pupils in attendance of each school district, as further averaged for the best 3 months of pupil attendance for each school district. In compiling the figures for the number of pupils in attendance, school districts and the State Board of Education shall, for purposes of general State aid funding, conform attendance figures to the requirements of subsection (F).

(2) The Average Daily Attendance figures utilized in subsection (E) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated or the average of the attendance data for the 3 preceding school years, whichever is greater. The Average Daily Attendance figures utilized in subsection (H) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated.

(D) Available Local Resources.

(1) For purposes of calculating general State aid pursuant to subsection (E), a representation of Available Local Resources per pupil, as that term is defined and determined in this subsection, shall be utilized. Available Local Resources per pupil shall include a calculated dollar amount representing local school district revenues from local property taxes and from Corporate Personal Property Replacement Taxes, expressed on the basis of pupils in Average Daily Attendance. Calculation of Available Local Resources shall exclude any tax amnesty funds received as a result of Public Act 93-26.

(2) In determining a school district's revenue from local property taxes, the State Board of Education shall utilize the equalized assessed valuation of all taxable property of each school district as of September 30 of the previous year. The equalized assessed valuation utilized shall be obtained and determined as provided in subsection (G).

(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product

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of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

For partial elementary unit districts created pursuant to Article 11E of this Code, local property tax revenues per pupil shall be calculated as the product of the equalized assessed valuation for property within the elementary and high school classification of the partial elementary unit district multiplied by 2.06% and divided by the Average Daily Attendance figure for grades kindergarten through 8, plus the product of the equalized assessed valuation for property within the high school only classification of the partial elementary unit district multiplied by 0.94% and divided by the Average Daily Attendance figure for grades 9 through 12.

(4) The Corporate Personal Property Replacement Taxes paid to each school district during the calendar year 2 years before the calendar year in which a school year begins, divided by the Average Daily Attendance figure for that district, shall be added to the local property tax revenues per pupil as derived by the application of the immediately preceding paragraph (3). The sum of these per pupil figures for each school district shall constitute Available Local Resources as that term is utilized in subsection (E) in the calculation of general State aid.

(E) Computation of General State Aid.

(1) For each school year, the amount of general State aid allotted to a school district shall be computed by the State Board of Education as provided in this subsection.

(2) For any school district for which Available Local Resources per pupil is less than the product of 0.93 times the Foundation Level, general State aid for that district shall be calculated as an amount equal to the

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Foundation Level minus Available Local Resources, multiplied by the Average Daily Attendance of the school district.

(3) For any school district for which Available Local Resources per pupil is equal to or greater than the product of 0.93 times the Foundation Level and less than the product of 1.75 times the Foundation Level, the general State aid per pupil shall be a decimal proportion of the Foundation Level derived using a linear algorithm. Under this linear algorithm, the calculated general State aid per pupil shall decline in direct linear fashion from 0.07 times the Foundation Level for a school district with Available Local Resources equal to the product of 0.93 times the Foundation Level, to 0.05 times the Foundation Level for a school district with Available Local Resources equal to the product of 1.75 times the Foundation Level. The allocation of general State aid for school districts subject to this paragraph 3 shall be the calculated general State aid per pupil figure multiplied by the Average Daily Attendance of the school district.

(4) For any school district for which Available Local Resources per pupil equals or exceeds the product of 1.75 times the Foundation Level, the general State aid for the school district shall be calculated as the product of $218 multiplied by the Average Daily Attendance of the school district.

(5) The amount of general State aid allocated to a school district for the 1999-2000 school year meeting the requirements set forth in paragraph (4) of subsection (G) shall be increased by an amount equal to the general State aid that would have been received by the district for the 1998-1999 school year by utilizing the Extension Limitation Equalized Assessed Valuation as calculated in paragraph (4) of subsection (G) less the general State aid allotted for the 1998-1999 school year. This amount shall be deemed a one time increase, and shall not affect any future general State aid allocations.

(F) Compilation of Average Daily Attendance.

(1) Each school district shall, by July 1 of each year, submit to the State Board of Education, on forms prescribed by the State Board of Education, attendance figures for the school year that began in the preceding calendar year. The attendance information so transmitted shall

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identify the average daily attendance figures for each month of the school year. Beginning with the general State aid claim form for the 2002-2003 school year, districts shall calculate Average Daily Attendance as provided in subdivisions (a), (b), and (c) of this paragraph (1).

(a) In districts that do not hold year-round classes, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(b) In districts in which all buildings hold year-round classes, days of attendance in July and August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(c) In districts in which some buildings, but not all, hold year-round classes, for the non-year-round buildings, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May. The average daily attendance for the year-round buildings shall be computed as provided in subdivision (b) of this paragraph (1). To calculate the Average Daily Attendance for the district, the average daily attendance for the year-round buildings shall be multiplied by the days in session for the non-year-round buildings for each month and added to the monthly attendance of the non-year-round buildings.

Except as otherwise provided in this Section, days of attendance by pupils shall be counted only for sessions of not less than 5 clock hours of school work per day under direct supervision of: (i) teachers, or (ii) non-teaching personnel or volunteer personnel when engaging in non-teaching duties and supervising in those instances specified in subsection (a) of Section 10-22.34 and paragraph 10 of Section 34-18, with pupils of legal school age and in kindergarten and grades 1 through 12.

Days of attendance by tuition pupils shall be accredited only to the districts that pay the tuition to a recognized school.

(2) Days of attendance by pupils of less than 5 clock hours of school shall be subject to the following provisions in the compilation of Average Daily Attendance.

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(a) Pupils regularly enrolled in a public school for only a part of the school day may be counted on the basis of 1/6 day for every class hour of instruction of 40 minutes or more attended pursuant to such enrollment, unless a pupil is enrolled in a block-schedule format of 80 minutes or more of instruction, in which case the pupil may be counted on the basis of the proportion of minutes of school work completed each day to the minimum number of minutes that school work is required to be held that day.

(b) Days of attendance may be less than 5 clock hours on the opening and closing of the school term, and upon the first day of pupil attendance, if preceded by a day or days utilized as an institute or teachers' workshop.

(c) A session of 4 or more clock hours may be counted as a day of attendance upon certification by the regional superintendent, and approved by the State Superintendent of Education to the extent that the district has been forced to use daily multiple sessions.

(d) A session of 3 or more clock hours may be counted as a day of attendance (1) when the remainder of the school day or at least 2 hours in the evening of that day is utilized for an in-service training program for teachers, up to a maximum of 5 days per school year of which a maximum of 4 days of such 5 days may be used for parent-teacher conferences, provided a district conducts an in-service training program for teachers which has been approved by the State Superintendent of Education; or, in lieu of 4 such days, 2 full days may be used, in which event each such day may be counted as a day of attendance; and (2) when days in addition to those provided in item (1) are scheduled by a school pursuant to its school improvement plan adopted under Article 34 or its revised or amended school improvement plan adopted under Article 2, provided that (i) such sessions of 3 or more clock hours are scheduled to occur at regular intervals, (ii) the remainder of the school days in which such sessions occur are utilized for in-service training programs or other staff development activities for teachers,
and (iii) a sufficient number of minutes of school work under the
direct supervision of teachers are added to the school days between
such regularly scheduled sessions to accumulate not less than the
number of minutes by which such sessions of 3 or more clock
hours fall short of 5 clock hours. Any full days used for the
purposes of this paragraph shall not be considered for computing
average daily attendance. Days scheduled for in-service training
programs, staff development activities, or parent-teacher
conferences may be scheduled separately for different grade levels
and different attendance centers of the district.

(e) A session of not less than one clock hour of teaching
hospitalized or homebound pupils on-site or by telephone to the
classroom may be counted as 1/2 day of attendance, however these
pupils must receive 4 or more clock hours of instruction to be
counted for a full day of attendance.

(f) A session of at least 4 clock hours may be counted as a
day of attendance for first grade pupils, and pupils in full day
kindergartens, and a session of 2 or more hours may be counted as
1/2 day of attendance by pupils in kindergartens which provide
only 1/2 day of attendance.

(g) For children with disabilities who are below the age of 6
years and who cannot attend 2 or more clock hours because of their
disability or immaturity, a session of not less than one clock hour
may be counted as 1/2 day of attendance; however for such
children whose educational needs so require a session of 4 or more
clock hours may be counted as a full day of attendance.

(h) A recognized kindergarten which provides for only 1/2
day of attendance by each pupil shall not have more than 1/2 day of
attendance counted in any one day. However, kindergartens may
count 2 1/2 days of attendance in any 5 consecutive school days. When a pupil attends such a kindergarten for 2 half days on any
one school day, the pupil shall have the following day as a day
absent from school, unless the school district obtains permission in
writing from the State Superintendent of Education. Attendance at

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kindergartens which provide for a full day of attendance by each pupil shall be counted the same as attendance by first grade pupils. Only the first year of attendance in one kindergarten shall be counted, except in case of children who entered the kindergarten in their fifth year whose educational development requires a second year of kindergarten as determined under the rules and regulations of the State Board of Education.

(i) On the days when the Prairie State Achievement Examination is administered under subsection (c) of Section 2-3.64 of this Code, the day of attendance for a pupil whose school day must be shortened to accommodate required testing procedures may be less than 5 clock hours and shall be counted towards the 176 days of actual pupil attendance required under Section 10-19 of this Code, provided that a sufficient number of minutes of school work in excess of 5 clock hours are first completed on other school days to compensate for the loss of school work on the examination days.

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D), the State Board of Education shall secure from the Department of Revenue the value as equalized or assessed by the Department of Revenue of all taxable property of every school district, together with (i) the applicable tax rate used in extending taxes for the funds of the district as of September 30 of the previous year and (ii) the limiting rate for all school districts subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law.

The Department of Revenue shall add to the equalized assessed value of all taxable property of each school district situated entirely or partially within a county that is or was subject to the alternative general homestead exemption provisions of Section 15-176 or 15-177 Section 15-176 of the Property Tax Code (a) an amount equal to the total amount by which the homestead exemption allowed under Section 15-176 or 15-177 Section 15-176 of the Property Tax Code for real property situated in that school district exceeds the total amount that would have been allowed in
that school district if the maximum reduction under Section 15-176 was (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter and (b) an amount equal to the aggregate amount for the taxable year of all additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of $30,000 or less. The county clerk of any county that is or was subject to the alternative general homestead exemption provisions of Section 15-176 or 15-177 of the Property Tax Code shall annually calculate and certify to the Department of Revenue for each school district all homestead exemption amounts under Section 15-176 or 15-177 of the Property Tax Code and all amounts of additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of $30,000 or less. It is the intent of this paragraph that if the general homestead exemption for a parcel of property is determined under Section 15-176 or 15-177 of the Property Tax Code rather than Section 15-175, then the calculation of Available Local Resources shall not be affected by the difference, if any, between the amount of the general homestead exemption allowed for that parcel of property under Section 15-176 or 15-177 of the Property Tax Code and the amount that would have been allowed had the general homestead exemption for that parcel of property been determined under Section 15-175 of the Property Tax Code. It is further the intent of this paragraph that if additional exemptions are allowed under Section 15-175 of the Property Tax Code for owners with a household income of less than $30,000, then the calculation of Available Local Resources shall not be affected by the difference, if any, because of those additional exemptions.

This equalized assessed valuation, as adjusted further by the requirements of this subsection, shall be utilized in the calculation of Available Local Resources.

(2) The equalized assessed valuation in paragraph (1) shall be adjusted, as applicable, in the following manner:

(a) For the purposes of calculating State aid under this Section, with respect to any part of a school district within a
redevelopment project area in respect to which a municipality has adopted tax increment allocation financing pursuant to the Tax Increment Allocation Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11 of the Illinois Municipal Code or the Industrial Jobs Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the Illinois Municipal Code, no part of the current equalized assessed valuation of real property located in any such project area which is attributable to an increase above the total initial equalized assessed valuation of such property shall be used as part of the equalized assessed valuation of the district, until such time as all redevelopment project costs have been paid, as provided in Section 11-74.4-8 of the Tax Increment Allocation Redevelopment Act or in Section 11-74.6-35 of the Industrial Jobs Recovery Law. For the purpose of the equalized assessed valuation of the district, the total initial equalized assessed valuation or the current equalized assessed valuation, whichever is lower, shall be used until such time as all redevelopment project costs have been paid.

(b) The real property equalized assessed valuation for a school district shall be adjusted by subtracting from the real property value as equalized or assessed by the Department of Revenue for the district an amount computed by dividing the amount of any abatement of taxes under Section 18-170 of the Property Tax Code by 3.00% for a district maintaining grades kindergarten through 12, by 2.30% for a district maintaining grades kindergarten through 8, or by 1.05% for a district maintaining grades 9 through 12 and adjusted by an amount computed by dividing the amount of any abatement of taxes under subsection (a) of Section 18-165 of the Property Tax Code by the same percentage rates for district type as specified in this subparagraph (b).

(3) For the 1999-2000 school year and each school year thereafter, if a school district meets all of the criteria of this subsection (G)(3), the school district’s Available Local Resources shall be calculated under
subsection (D) using the district's Extension Limitation Equalized Assessed Valuation as calculated under this subsection (G)(3).

For purposes of this subsection (G)(3) the following terms shall have the following meanings:

"Budget Year": The school year for which general State aid is calculated and awarded under subsection (E).

"Base Tax Year": The property tax levy year used to calculate the Budget Year allocation of general State aid.

"Preceding Tax Year": The property tax levy year immediately preceding the Base Tax Year.

"Base Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Base Tax Year multiplied by the limiting rate as calculated by the County Clerk and defined in the Property Tax Extension Limitation Law.

"Preceding Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Preceding Tax Year multiplied by the Operating Tax Rate as defined in subsection (A).

"Extension Limitation Ratio": A numerical ratio, certified by the County Clerk, in which the numerator is the Base Tax Year's Tax Extension and the denominator is the Preceding Tax Year's Tax Extension.

"Operating Tax Rate": The operating tax rate as defined in subsection (A).

If a school district is subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation of that district. For the 1999-2000 school year, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the district's 1996 Equalized Assessed Valuation and the district's Extension Limitation Ratio. For the 2000-2001 school year and each school year thereafter, the Extension Limitation Equalized Assessed

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Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the Equalized Assessed Valuation last used in the calculation of general State aid and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of a school district as calculated under this subsection (G)(3) is less than the district's equalized assessed valuation as calculated pursuant to subsections (G)(1) and (G)(2), then for purposes of calculating the district's general State aid for the Budget Year pursuant to subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources under subsection (D).

Partial elementary unit districts created in accordance with Article 11E of this Code shall not be eligible for the adjustment in this subsection (G)(3) until the fifth year following the effective date of the reorganization.

(4) For the purposes of calculating general State aid for the 1999-2000 school year only, if a school district experienced a triennial reassessment on the equalized assessed valuation used in calculating its general State financial aid apportionment for the 1998-1999 school year, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation that would have been used to calculate the district's 1998-1999 general State aid. This amount shall equal the product of the equalized assessed valuation used to calculate general State aid for the 1997-1998 school year and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of the school district as calculated under this paragraph (4) is less than the district's equalized assessed valuation utilized in calculating the district's 1998-1999 general State aid allocation, then for purposes of calculating the district's general State aid pursuant to paragraph (5) of subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources.

(5) For school districts having a majority of their equalized assessed valuation in any county except Cook, DuPage, Kane, Lake, McHenry, or Will, if the amount of general State aid allocated to the school district for the 1999-2000 school year under the provisions of
subsection (E), (H), and (J) of this Section is less than the amount of general State aid allocated to the district for the 1998-1999 school year under these subsections, then the general State aid of the district for the 1999-2000 school year only shall be increased by the difference between these amounts. The total payments made under this paragraph (5) shall not exceed $14,000,000. Claims shall be prorated if they exceed $14,000,000.

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant, paid in conjunction with a district's payments of general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section. If the appropriation in any fiscal year for general State aid and supplemental general State aid is insufficient to pay the amounts required under the general State aid and supplemental general State aid calculations, then the State Board of Education shall ensure that each school district receives the full amount due for general State aid and the remainder of the appropriation shall be used for supplemental general State aid, which the State Board of Education shall calculate and pay to eligible districts on a prorated basis.

(1.5) This paragraph (1.5) applies only to those school years preceding the 2003-2004 school year. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, (i) the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, or (ii) a high school district within 2 counties and

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serving 5 elementary school districts, whose boundaries are coterminous with the high school district, has a percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count and there is a percentage increase in the total low-income eligible pupil count of a majority of the elementary school districts in excess of 50% from the 2 most recent federal censuses, then the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H). The changes made to this paragraph (1) by Public Act 92-28 shall apply to supplemental general State aid grants for school years preceding the 2003-2004 school year that are paid in fiscal year 1999 or thereafter and to any State aid payments made in fiscal year 1994 through fiscal year 1998 pursuant to subsection 1(n) of Section 18-8 of this Code (which was repealed on July 1, 1998), and any high school district that is affected by Public Act 92-28 is entitled to a recomputation of its supplemental general State aid grant or State aid paid in any of those fiscal years. This recomputation shall not be affected by any other funding.

(1.10) This paragraph (1.10) applies to the 2003-2004 school year and each school year thereafter. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall, for each fiscal year, be the low-income eligible pupil count as of July 1 of the immediately preceding fiscal year (as determined by the Department of Human Services based on the number of pupils who are eligible for at least one of the following low income programs: Medicaid, KidCare, TANF, or Food Stamps, excluding pupils who are eligible for services provided by the Department of Children and Family Services, averaged over the 2 immediately preceding fiscal years for fiscal year 2004 and over the 3 immediately preceding fiscal years for each fiscal year thereafter) divided by the Average Daily Attendance of the school district.

(2) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 1998-1999, 1999-2000, and 2000-2001 school years only:

(a) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant

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for any school year shall be $800 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for the 1998-1999 school year shall be $1,100 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for the 1998-99 school year shall be $1,500 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of 60% or more, the grant for the 1998-99 school year shall be $1,900 multiplied by the low income eligible pupil count.

(e) For the 1999-2000 school year, the per pupil amount specified in subparagraphs (b), (c), and (d) immediately above shall be increased to $1,243, $1,600, and $2,000, respectively.

(f) For the 2000-2001 school year, the per pupil amounts specified in subparagraphs (b), (c), and (d) immediately above shall be $1,273, $1,640, and $2,050, respectively.

(2.5) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2002-2003 school year:

(a) For any school district with a Low Income Concentration Level of less than 10%, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 10% and less than 20%, the grant for each school year shall be $675 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for each school year shall be $1,330 multiplied by the low income eligible pupil count.

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(d) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for each school year shall be $1,362 multiplied by the low income eligible pupil count.

(e) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for each school year shall be $1,680 multiplied by the low income eligible pupil count.

(f) For any school district with a Low Income Concentration Level of 60% or more, the grant for each school year shall be $2,080 multiplied by the low income eligible pupil count.

(2.10) Except as otherwise provided, supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2003-2004 school year and each school year thereafter:

(a) For any school district with a Low Income Concentration Level of 15% or less, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level greater than 15%, the grant for each school year shall be $294.25 added to the product of $2,700 and the square of the Low Income Concentration Level, all multiplied by the low income eligible pupil count.

For the 2003-2004 school year, 2004-2005 school year, 2005-2006 school year, and 2006-2007 school year only, the grant shall be no less than the grant for the 2002-2003 school year. For the 2007-2008 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.66. For the 2008-2009 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.33. Notwithstanding the provisions of this paragraph to the contrary, if for any school year supplemental general State aid grants are prorated as provided in paragraph (1) of this subsection (H), then the grants under this paragraph shall be prorated.

For the 2003-2004 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the...
product of 0.25 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2004-2005 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.50 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2005-2006 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.75 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year.

(3) School districts with an Average Daily Attendance of more than 1,000 and less than 50,000 that qualify for supplemental general State aid pursuant to this subsection shall submit a plan to the State Board of Education prior to October 30 of each year for the use of the funds resulting from this grant of supplemental general State aid for the improvement of instruction in which priority is given to meeting the education needs of disadvantaged children. Such plan shall be submitted in accordance with rules and regulations promulgated by the State Board of Education.

(4) School districts with an Average Daily Attendance of 50,000 or more that qualify for supplemental general State aid pursuant to this subsection shall be required to distribute from funds available pursuant to this Section, no less than $261,000,000 in accordance with the following requirements:

(a) The required amounts shall be distributed to the attendance centers within the district in proportion to the number of pupils enrolled at each attendance center who are eligible to receive free or reduced-price lunches or breakfasts under the federal Child Nutrition Act of 1966 and under the National School Lunch Act during the immediately preceding school year.

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(b) The distribution of these portions of supplemental and general State aid among attendance centers according to these requirements shall not be compensated for or contravened by adjustments of the total of other funds appropriated to any attendance centers, and the Board of Education shall utilize funding from one or several sources in order to fully implement this provision annually prior to the opening of school.

(c) Each attendance center shall be provided by the school district a distribution of noncategorical funds and other categorical funds to which an attendance center is entitled under law in order that the general State aid and supplemental general State aid provided by application of this subsection supplements rather than supplants the noncategorical funds and other categorical funds provided by the school district to the attendance centers.

(d) Any funds made available under this subsection that by reason of the provisions of this subsection are not required to be allocated and provided to attendance centers may be used and appropriated by the board of the district for any lawful school purpose.

(e) Funds received by an attendance center pursuant to this subsection shall be used by the attendance center at the discretion of the principal and local school council for programs to improve educational opportunities at qualifying schools through the following programs and services: early childhood education, reduced class size or improved adult to student classroom ratio, enrichment programs, remedial assistance, attendance improvement, and other educationally beneficial expenditures which supplement the regular and basic programs as determined by the State Board of Education. Funds provided shall not be expended for any political or lobbying purposes as defined by board rule.

(f) Each district subject to the provisions of this subdivision (H)(4) shall submit an acceptable plan to meet the educational needs of disadvantaged children, in compliance with the

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requirements of this paragraph, to the State Board of Education prior to July 15 of each year. This plan shall be consistent with the decisions of local school councils concerning the school expenditure plans developed in accordance with part 4 of Section 34-2.3. The State Board shall approve or reject the plan within 60 days after its submission. If the plan is rejected, the district shall give written notice of intent to modify the plan within 15 days of the notification of rejection and then submit a modified plan within 30 days after the date of the written notice of intent to modify. Districts may amend approved plans pursuant to rules promulgated by the State Board of Education.

Upon notification by the State Board of Education that the district has not submitted a plan prior to July 15 or a modified plan within the time period specified herein, the State aid funds affected by that plan or modified plan shall be withheld by the State Board of Education until a plan or modified plan is submitted.

If the district fails to distribute State aid to attendance centers in accordance with an approved plan, the plan for the following year shall allocate funds, in addition to the funds otherwise required by this subsection, to those attendance centers which were underfunded during the previous year in amounts equal to such underfunding.

For purposes of determining compliance with this subsection in relation to the requirements of attendance center funding, each district subject to the provisions of this subsection shall submit as a separate document by December 1 of each year a report of expenditure data for the prior year in addition to any modification of its current plan. If it is determined that there has been a failure to comply with the expenditure provisions of this subsection regarding contravention or supplanting, the State Superintendent of Education shall, within 60 days of receipt of the report, notify the district and any affected local school council. The district shall within 45 days of receipt of that notification inform the State Superintendent of Education of the remedial or corrective

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action to be taken, whether by amendment of the current plan, if feasible, or by adjustment in the plan for the following year. Failure to provide the expenditure report or the notification of remedial or corrective action in a timely manner shall result in a withholding of the affected funds.

The State Board of Education shall promulgate rules and regulations to implement the provisions of this subsection. No funds shall be released under this subdivision (H)(4) to any district that has not submitted a plan that has been approved by the State Board of Education.

(I) (Blank).

(J) Supplementary Grants in Aid.

1) Notwithstanding any other provisions of this Section, the amount of the aggregate general State aid in combination with supplemental general State aid under this Section for which each school district is eligible shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-98 school year, pursuant to the provisions of that Section as it was then in effect. If a school district qualifies to receive a supplementary payment made under this subsection (J), the amount of the aggregate general State aid in combination with supplemental general State aid under this Section which that district is eligible to receive for each school year shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-1998 school year, pursuant to the provisions of that Section as it was then in effect.

2) If, as provided in paragraph (1) of this subsection (J), a school district is to receive aggregate general State aid in combination with supplemental general State aid under this Section for the 1998-99 school year and any subsequent school year that in any such school year is less than the amount of the aggregate general State aid entitlement that the district received for the 1997-98 school year, the school district shall also
receive, from a separate appropriation made for purposes of this subsection (J), a supplementary payment that is equal to the amount of the difference in the aggregate State aid figures as described in paragraph (1).

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

In calculating the amount to be paid to the governing board of a public university that operates a laboratory school under this Section or to any alternative school that is operated by a regional superintendent of schools, the State Board of Education shall require by rule such reporting requirements as it deems necessary.

As used in this Section, "laboratory school" means a public school which is created and operated by a public university and approved by the State Board of Education. The governing board of a public university which receives funds from the State Board under this subsection (K) may not increase the number of students enrolled in its laboratory school from a single district, if that district is already sending 50 or more students, except under a mutual agreement between the school board of a student's district of residence and the university which operates the laboratory school. A laboratory school may not have more than 1,000 students, excluding students with disabilities in a special education program.

As used in this Section, "alternative school" means a public school which is created and operated by a Regional Superintendent of Schools and approved by the State Board of Education. Such alternative schools may offer courses of instruction for which credit is given in regular school programs, courses to prepare students for the high school equivalency testing program or vocational and occupational training. A regional superintendent of schools may contract with a school district or a public community college district to operate an alternative school. An alternative school serving more than one educational service region may be established by the regional superintendents of schools of the affected educational service regions. An alternative school serving more than one educational service region may be operated under such terms as the regional superintendents of schools of those educational service regions may agree.

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Each laboratory and alternative school shall file, on forms provided by the State Superintendent of Education, an annual State aid claim which states the Average Daily Attendance of the school's students by month. The best 3 months' Average Daily Attendance shall be computed for each school. The general State aid entitlement shall be computed by multiplying the applicable Average Daily Attendance by the Foundation Level as determined under this Section.

(L) Payments, Additional Grants in Aid and Other Requirements.

(1) For a school district operating under the financial supervision of an Authority created under Article 34A, the general State aid otherwise payable to that district under this Section, but not the supplemental general State aid, shall be reduced by an amount equal to the budget for the operations of the Authority as certified by the Authority to the State Board of Education, and an amount equal to such reduction shall be paid to the Authority created for such district for its operating expenses in the manner provided in Section 18-11. The remainder of general State school aid for any such district shall be paid in accordance with Article 34A when that Article provides for a disposition other than that provided by this Article.

(2) (Blank).

(3) Summer school. Summer school payments shall be made as provided in Section 18-4.3.

(M) Education Funding Advisory Board.

The Education Funding Advisory Board, hereinafter in this subsection (M) referred to as the "Board", is hereby created. The Board shall consist of 5 members who are appointed by the Governor, by and with the advice and consent of the Senate. The members appointed shall include representatives of education, business, and the general public. One of the members so appointed shall be designated by the Governor at the time the appointment is made as the chairperson of the Board. The initial members of the Board may be appointed any time after the effective date of this amendatory Act of 1997. The regular term of each member of the Board shall be for 4 years from the third Monday of January of the year in which the term of the member's appointment is to commence, except that of the 5 initial members appointed to serve on the Board, the member who

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is appointed as the chairperson shall serve for a term that commences on
the date of his or her appointment and expires on the third Monday of
January, 2002, and the remaining 4 members, by lots drawn at the first
meeting of the Board that is held after all 5 members are appointed, shall
determine 2 of their number to serve for terms that commence on the date
of their respective appointments and expire on the third Monday of
January, 2001, and 2 of their number to serve for terms that commence on
the date of their respective appointments and expire on the third Monday
of January, 2000. All members appointed to serve on the Board shall serve
until their respective successors are appointed and confirmed. Vacancies
shall be filled in the same manner as original appointments. If a vacancy in
membership occurs at a time when the Senate is not in session, the
Governor shall make a temporary appointment until the next meeting of
the Senate, when he or she shall appoint, by and with the advice and
consent of the Senate, a person to fill that membership for the unexpired
term. If the Senate is not in session when the initial appointments are
made, those appointments shall be made as in the case of vacancies.

The Education Funding Advisory Board shall be deemed
established, and the initial members appointed by the Governor to serve as
members of the Board shall take office, on the date that the Governor
makes his or her appointment of the fifth initial member of the Board,
whether those initial members are then serving pursuant to appointment
and confirmation or pursuant to temporary appointments that are made by
the Governor as in the case of vacancies.

The State Board of Education shall provide such staff assistance to
the Education Funding Advisory Board as is reasonably required for the
proper performance by the Board of its responsibilities.

For school years after the 2000-2001 school year, the Education
Funding Advisory Board, in consultation with the State Board of
Education, shall make recommendations as provided in this subsection
(M) to the General Assembly for the foundation level under subdivision
(B)(3) of this Section and for the supplemental general State aid grant
level under subsection (H) of this Section for districts with high
concentrations of children from poverty. The recommended foundation

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level shall be determined based on a methodology which incorporates the basic education expenditures of low-spending schools exhibiting high academic performance. The Education Funding Advisory Board shall make such recommendations to the General Assembly on January 1 of odd numbered years, beginning January 1, 2001.

(N) (Blank).

(O) References.

(1) References in other laws to the various subdivisions of Section 18-8 as that Section existed before its repeal and replacement by this Section 18-8.05 shall be deemed to refer to the corresponding provisions of this Section 18-8.05, to the extent that those references remain applicable.

(2) References in other laws to State Chapter 1 funds shall be deemed to refer to the supplemental general State aid provided under subsection (H) of this Section.

(P) Public Act 93-838 and Public Act 93-808 make inconsistent changes to this Section. Under Section 6 of the Statute on Statutes there is an irreconcilable conflict between Public Act 93-808 and Public Act 93-838. Public Act 93-838, being the last acted upon, is controlling. The text of Public Act 93-838 is the law regardless of the text of Public Act 93-808.

(Source: P.A. 93-21, eff. 7-1-03; 93-715, eff. 7-12-04; 93-808, eff. 7-26-04; 93-838, eff. 7-30-04; 93-875, eff. 8-6-04; 94-69, eff. 7-1-05; 94-438, eff. 8-4-05; 94-835, eff. 6-6-06; 94-1019, eff. 7-10-06; 94-1105, eff. 6-1-07; revised 2-18-07.)

Section 33. The Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act is amended by changing Section 4 as follows:

(320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

Sec. 4. Amount of Grant.

(a) In general. Any individual 65 years or older or any individual who will become 65 years old during the calendar year in which a claim is filed, and any surviving spouse of such a claimant, who at the time of death received or was entitled to receive a grant pursuant to this Section, which surviving spouse will become 65 years of age within the 24 months

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immediately following the death of such claimant and which surviving 
spouse but for his or her age is otherwise qualified to receive a grant 
pursuant to this Section, and any disabled person whose annual household 
income is less than the income eligibility limitation, as defined in 
subsection (a-5) $14,000 for grant years before the 1998 grant year, less 
than $16,000 for the 1998 and 1999 grant years, and less than (i) $21,218 
for a household containing one person, (ii) $28,480 for a household 
containing 2 persons, or (iii) $35,740 for a household containing 3 or more 
persons for the 2000 grant year and thereafter and whose household is 
liable for payment of property taxes accrued or has paid rent constituting 
property taxes accrued and is domiciled in this State at the time he or she 
files his or her claim is entitled to claim a grant under this Act. With 
respect to claims filed by individuals who will become 65 years old during 
the calendar year in which a claim is filed, the amount of any grant to 
which that household is entitled shall be an amount equal to 1/12 of the 
amount to which the claimant would otherwise be entitled as provided in 
this Section, multiplied by the number of months in which the claimant 
was 65 in the calendar year in which the claim is filed.

(a-5) Income eligibility limitation. For purposes of this Section, 
"income eligibility limitation" means an amount:

(i) for grant years before the 1998 grant year, less than 
$14,000;

(ii) for the 1998 and 1999 grant year, less than $16,000;

(iii) for grant years 2000 through 2007:

(A) less than $21,218 for a household containing 
one person;

(B) less than $28,480 for a household containing 2 
persons; or

(C) less than $35,740 for a household containing 3 
or more persons; or

(iv) for grant years 2008 and thereafter:

(A) less than $22,218 for a household containing 
one person;

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(B) less than $29,480 for a household containing 2 persons; or
(C) less than $36,740 for a household containing 3 or more persons.

(b) Limitation. Except as otherwise provided in subsections (a) and (f) of this Section, the maximum amount of grant which a claimant is entitled to claim is the amount by which the property taxes accrued which were paid or payable during the last preceding tax year or rent constituting property taxes accrued upon the claimant's residence for the last preceding taxable year exceeds 3 1/2% of the claimant's household income for that year but in no event is the grant to exceed (i) $700 less 4.5% of household income for that year for those with a household income of $14,000 or less or (ii) $70 if household income for that year is more than $14,000.

(c) Public aid recipients. If household income in one or more months during a year includes cash assistance in excess of $55 per month from the Department of Healthcare and Family Services or the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) which was determined under regulations of that Department on a measure of need that included an allowance for actual rent or property taxes paid by the recipient of that assistance, the amount of grant to which that household is entitled, except as otherwise provided in subsection (a), shall be the product of (1) the maximum amount computed as specified in subsection (b) of this Section and (2) the ratio of the number of months in which household income did not include such cash assistance over $55 to the number twelve. If household income did not include such cash assistance over $55 for any months during the year, the amount of the grant to which the household is entitled shall be the maximum amount computed as specified in subsection (b) of this Section. For purposes of this paragraph (c), "cash assistance" does not include any amount received under the federal Supplemental Security Income (SSI) program.

(d) Joint ownership. If title to the residence is held jointly by the claimant with a person who is not a member of his or her household, the amount of property taxes accrued used in computing the amount of grant

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to which he or she is entitled shall be the same percentage of property taxes accrued as is the percentage of ownership held by the claimant in the residence.

(e) More than one residence. If a claimant has occupied more than one residence in the taxable year, he or she may claim only one residence for any part of a month. In the case of property taxes accrued, he or she shall prorate 1/12 of the total property taxes accrued on his or her residence to each month that he or she owned and occupied that residence; and, in the case of rent constituting property taxes accrued, shall prorate each month's rent payments to the residence actually occupied during that month.

(f) There is hereby established a program of pharmaceutical assistance to the aged and disabled which shall be administered by the Department in accordance with this Act, to consist of payments to authorized pharmacies, on behalf of beneficiaries of the program, for the reasonable costs of covered prescription drugs. Each beneficiary who pays $5 for an identification card shall pay no additional prescription costs. Each beneficiary who pays $25 for an identification card shall pay $3 per prescription. In addition, after a beneficiary receives $2,000 in benefits during a State fiscal year, that beneficiary shall also be charged 20% of the cost of each prescription for which payments are made by the program during the remainder of the fiscal year. To become a beneficiary under this program a person must: (1) be (i) 65 years of age or older, or (ii) the surviving spouse of such a claimant, who at the time of death received or was entitled to receive benefits pursuant to this subsection, which surviving spouse will become 65 years of age within the 24 months immediately following the death of such claimant and which surviving spouse but for his or her age is otherwise qualified to receive benefits pursuant to this subsection, or (iii) disabled, and (2) be domiciled in this State at the time he or she files his or her claim, and (3) have a maximum household income of less than the income eligibility limitation, as defined in subsection (a-5) $14,000 for grant years before the 1998 grant year, less than $16,000 for the 1998 and 1999 grant years, and less than (i) $21,218 for a household containing one person, (ii) $28,480 for a household

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containing 2 persons, or (iii) $35,740 for a household containing 3 more persons for the 2000 grant year and thereafter. In addition, each eligible person must (1) obtain an identification card from the Department, (2) at the time the card is obtained, sign a statement assigning to the State of Illinois benefits which may be otherwise claimed under any private insurance plans, and (3) present the identification card to the dispensing pharmacist.

The Department may adopt rules specifying participation requirements for the pharmaceutical assistance program, including copayment amounts, identification card fees, expenditure limits, and the benefit threshold after which a 20% charge is imposed on the cost of each prescription, to be in effect on and after July 1, 2004. Notwithstanding any other provision of this paragraph, however, the Department may not increase the identification card fee above the amount in effect on May 1, 2003 without the express consent of the General Assembly. To the extent practicable, those requirements shall be commensurate with the requirements provided in rules adopted by the Department of Healthcare and Family Services to implement the pharmacy assistance program under Section 5-5.12a of the Illinois Public Aid Code.

Whenever a generic equivalent for a covered prescription drug is available, the Department shall reimburse only for the reasonable costs of the generic equivalent, less the co-pay established in this Section, unless (i) the covered prescription drug contains one or more ingredients defined as a narrow therapeutic index drug at 21 CFR 320.33, (ii) the prescriber indicates on the face of the prescription "brand medically necessary", and (iii) the prescriber specifies that a substitution is not permitted. When issuing an oral prescription for covered prescription medication described in item (i) of this paragraph, the prescriber shall stipulate "brand medically necessary" and that a substitution is not permitted. If the covered prescription drug and its authorizing prescription do not meet the criteria listed above, the beneficiary may purchase the non-generic equivalent of the covered prescription drug by paying the difference between the generic cost and the non-generic cost plus the beneficiary co-pay.

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Any person otherwise eligible for pharmaceutical assistance under this Act whose covered drugs are covered by any public program for assistance in purchasing any covered prescription drugs shall be ineligible for assistance under this Act to the extent such costs are covered by such other plan.

The fee to be charged by the Department for the identification card shall be equal to $5 per coverage year for persons below the official poverty line as defined by the United States Department of Health and Human Services and $25 per coverage year for all other persons.

In the event that 2 or more persons are eligible for any benefit under this Act, and are members of the same household, (1) each such person shall be entitled to participate in the pharmaceutical assistance program, provided that he or she meets all other requirements imposed by this subsection and (2) each participating household member contributes the fee required for that person by the preceding paragraph for the purpose of obtaining an identification card.

The provisions of this subsection (f), other than this paragraph, are inoperative after December 31, 2005. Beneficiaries who received benefits under the program established by this subsection (f) are not entitled, at the termination of the program, to any refund of the identification card fee paid under this subsection.

(g) Effective January 1, 2006, there is hereby established a program of pharmaceutical assistance to the aged and disabled, entitled the Illinois Seniors and Disabled Drug Coverage Program, which shall be administered by the Department of Healthcare and Family Services and the Department on Aging in accordance with this subsection, to consist of coverage of specified prescription drugs on behalf of beneficiaries of the program as set forth in this subsection. The program under this subsection replaces and supersedes the program established under subsection (f), which shall end at midnight on December 31, 2005.

To become a beneficiary under the program established under this subsection, a person must:

(1) be (i) 65 years of age or older or (ii) disabled; and
(2) be domiciled in this State; and

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(3) enroll with a qualified Medicare Part D Prescription Drug Plan if eligible and apply for all available subsidies under Medicare Part D; and

(4) have a maximum household income of (i) less than $21,218 for a household containing one person, (ii) less than $28,480 for a household containing 2 persons, or (iii) less than $35,740 for a household containing 3 or more persons. If any income eligibility limit set forth in items (i) through (iii) is less than 200% of the Federal Poverty Level for any year, the income eligibility limit for that year for households of that size shall be income equal to or less than 200% of the Federal Poverty Level.

All individuals enrolled as of December 31, 2005, in the pharmaceutical assistance program operated pursuant to subsection (f) of this Section and all individuals enrolled as of December 31, 2005, in the SeniorCare Medicaid waiver program operated pursuant to Section 5-5.12a of the Illinois Public Aid Code shall be automatically enrolled in the program established by this subsection for the first year of operation without the need for further application, except that they must apply for Medicare Part D and the Low Income Subsidy under Medicare Part D. A person enrolled in the pharmaceutical assistance program operated pursuant to subsection (f) of this Section as of December 31, 2005, shall not lose eligibility in future years due only to the fact that they have not reached the age of 65.

To the extent permitted by federal law, the Department may act as an authorized representative of a beneficiary in order to enroll the beneficiary in a Medicare Part D Prescription Drug Plan if the beneficiary has failed to choose a plan and, where possible, to enroll beneficiaries in the low-income subsidy program under Medicare Part D or assist them in enrolling in that program.

Beneficiaries under the program established under this subsection shall be divided into the following 5 eligibility groups:

(A) Eligibility Group 1 shall consist of beneficiaries who are not eligible for Medicare Part D coverage and who are:

(i) disabled and under age 65; or

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(ii) age 65 or older, with incomes over 200% of the Federal Poverty Level; or

(iii) age 65 or older, with incomes at or below 200% of the Federal Poverty Level and not eligible for federally funded means-tested benefits due to immigration status.

(B) Eligibility Group 2 shall consist of beneficiaries otherwise described in Eligibility Group 1 but who are eligible for Medicare Part D coverage.

(C) Eligibility Group 3 shall consist of beneficiaries age 65 or older, with incomes at or below 200% of the Federal Poverty Level, who are not barred from receiving federally funded means-tested benefits due to immigration status and are eligible for Medicare Part D coverage.

(D) Eligibility Group 4 shall consist of beneficiaries age 65 or older, with incomes at or below 200% of the Federal Poverty Level, who are not barred from receiving federally funded means-tested benefits due to immigration status and are not eligible for Medicare Part D coverage.

If the State applies and receives federal approval for a waiver under Title XIX of the Social Security Act, persons in Eligibility Group 4 shall continue to receive benefits through the approved waiver, and Eligibility Group 4 may be expanded to include disabled persons under age 65 with incomes under 200% of the Federal Poverty Level who are not eligible for Medicare and who are not barred from receiving federally funded means-tested benefits due to immigration status.

(E) On and after January 1, 2007, Eligibility Group 5 shall consist of beneficiaries who are otherwise described in Eligibility Group 1 but are eligible for Medicare Part D and have a diagnosis of HIV or AIDS.

The program established under this subsection shall cover the cost of covered prescription drugs in excess of the beneficiary cost-sharing amounts set forth in this paragraph that are not covered by Medicare. In 2006, beneficiaries shall pay a co-payment of $2 for each prescription of a

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generic drug and $5 for each prescription of a brand-name drug. In future years, beneficiaries shall pay co-payments equal to the co-payments required under Medicare Part D for "other low-income subsidy eligible individuals" pursuant to 42 CFR 423.782(b). For individuals in Eligibility Groups 1, 2, 3, and 4, once the program established under this subsection and Medicare combined have paid $1,750 in a year for covered prescription drugs, the beneficiary shall pay 20% of the cost of each prescription in addition to the co-payments set forth in this paragraph. For individuals in Eligibility Group 5, once the program established under this subsection and Medicare combined have paid $1,750 in a year for covered prescription drugs, the beneficiary shall pay 20% of the cost of each prescription in addition to the co-payments set forth in this paragraph unless the drug is included in the formulary of the Illinois AIDS Drug Assistance Program operated by the Illinois Department of Public Health. If the drug is included in the formulary of the Illinois AIDS Drug Assistance Program, individuals in Eligibility Group 5 shall continue to pay the co-payments set forth in this paragraph after the program established under this subsection and Medicare combined have paid $1,750 in a year for covered prescription drugs.

For beneficiaries eligible for Medicare Part D coverage, the program established under this subsection shall pay 100% of the premiums charged by a qualified Medicare Part D Prescription Drug Plan for Medicare Part D basic prescription drug coverage, not including any late enrollment penalties. Qualified Medicare Part D Prescription Drug Plans may be limited by the Department of Healthcare and Family Services to those plans that sign a coordination agreement with the Department.

Notwithstanding Section 3.15, for purposes of the program established under this subsection, the term "covered prescription drug" has the following meanings:

For Eligibility Group 1, "covered prescription drug" means:
(1) any cardiovascular agent or drug; (2) any insulin or other prescription drug used in the treatment of diabetes, including syringe and needles used to administer the insulin; (3) any prescription drug used in the treatment of arthritis; (4) any

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prescription drug used in the treatment of cancer; (5) any prescription drug used in the treatment of Alzheimer's disease; (6) any prescription drug used in the treatment of Parkinson's disease; (7) any prescription drug used in the treatment of glaucoma; (8) any prescription drug used in the treatment of lung disease and smoking-related illnesses; (9) any prescription drug used in the treatment of osteoporosis; and (10) any prescription drug used in the treatment of multiple sclerosis. The Department may add additional therapeutic classes by rule. The Department may adopt a preferred drug list within any of the classes of drugs described in items (1) through (10) of this paragraph. The specific drugs or therapeutic classes of covered prescription drugs shall be indicated by rule.

For Eligibility Group 2, "covered prescription drug" means those drugs covered for Eligibility Group 1 that are also covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled.

For Eligibility Group 3, "covered prescription drug" means those drugs covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled.

For Eligibility Group 4, "covered prescription drug" means those drugs covered by the Medical Assistance Program under Article V of the Illinois Public Aid Code.

For Eligibility Group 5, "covered prescription drug" means: (1) those drugs covered for Eligibility Group 1 that are also covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled; and (2) those drugs included in the formulary of the Illinois AIDS Drug Assistance Program operated by the Illinois Department of Public Health that are also covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled.

An individual in Eligibility Group 3 or 4 may opt to receive a $25 monthly payment in lieu of the direct coverage described in this subsection.

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Any person otherwise eligible for pharmaceutical assistance under this subsection whose covered drugs are covered by any public program is ineligible for assistance under this subsection to the extent that the cost of those drugs is covered by the other program.

The Department of Healthcare and Family Services shall establish by rule the methods by which it will provide for the coverage called for in this subsection. Those methods may include direct reimbursement to pharmacies or the payment of a capitated amount to Medicare Part D Prescription Drug Plans.

For a pharmacy to be reimbursed under the program established under this subsection, it must comply with rules adopted by the Department of Healthcare and Family Services regarding coordination of benefits with Medicare Part D Prescription Drug Plans. A pharmacy may not charge a Medicare-enrolled beneficiary of the program established under this subsection more for a covered prescription drug than the appropriate Medicare cost-sharing less any payment from or on behalf of the Department of Healthcare and Family Services.

The Department of Healthcare and Family Services or the Department on Aging, as appropriate, may adopt rules regarding applications, counting of income, proof of Medicare status, mandatory generic policies, and pharmacy reimbursement rates and any other rules necessary for the cost-efficient operation of the program established under this subsection.

(Source: P.A. 93-130, eff. 7-10-03; 94-86, eff. 1-1-06; 94-909, eff. 6-23-06.)

Section 35. The Criminal Code of 1961 is amended by changing Section 17A-1 as follows:

(720 ILCS 5/17A-1) (from Ch. 38, par. 17A-1)

Sec. 17A-1. Persons under deportation order; ineligible for benefits. An individual against whom a United States Immigration Judge has issued an order of deportation which has been affirmed by the Board of Immigration Review, as well as an individual who appeals such an order pending appeal, under paragraph 19 of Section 241(a) of the Immigration and Nationality Act relating to persecution of others on

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account of race, religion, national origin or political opinion under the direction of or in association with the Nazi government of Germany or its allies, shall be ineligible for the following benefits authorized by State law:

(a) The homestead exemptions and homestead improvement exemption under Article 15 Sections 15-170, 15-175, 15-176, and 15-180 of the Property Tax Code.
(b) Grants under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act.
(c) The double income tax exemption conferred upon persons 65 years of age or older by Section 204 of the Illinois Income Tax Act.
(d) Grants provided by the Department on Aging.
(e) Reductions in vehicle registration fees under Section 3-806.3 of the Illinois Vehicle Code.
(f) Free fishing and reduced fishing license fees under Sections 20-5 and 20-40 of the Fish and Aquatic Life Code.
(g) Tuition free courses for senior citizens under the Senior Citizen Courses Act.
(h) Any benefits under the Illinois Public Aid Code. (Source: P.A. 93-715, eff. 7-12-04.)

Section 40. The Plat Act is amended by changing Section 1 as follows:

(765 ILCS 205/1) (from Ch. 109, par. 1)
Sec. 1. (a) Except as otherwise provided in subparagraph (b) of this Section whenever the owner of land subdivides it into 2 or more parts, any of which is less than 5 acres, he must have it surveyed and a subdivision plat thereof made by an Illinois Registered Land Surveyor, which plat must particularly describe and set forth all public streets, alleys, ways for public service facilities, ways for utility services and community antenna television systems, parks, playgrounds, school grounds or other public grounds, and all the tracts, parcels, lots or blocks, and numbering all such lots, blocks or parcels by progressive numbers, giving their precise dimensions. There shall be submitted simultaneously with the subdivision plat, a study or studies which shall show topographically and by profile the

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elevation of the land prior to the commencement of any change in elevations as a part of any phase of subdividing, and additionally, if it is contemplated that such elevations, or the flow of surface water from such land, will be changed as a result of any portion of such subdivision development, then such study or studies shall also show such proposed changes in the elevations and the flow of surface water from such land. The topographical and profile studies required hereunder may be prepared as a subsidiary study or studies separate from, but of the same scale and size as the subdivision plat, and shall be prepared in such a manner as will permit the topographical study or studies to be used as overlays to the subdivision plat. The plat must show all angular and linear data along the exterior boundaries of the tract of land divided or subdivided, the names of all public streets and the width, course and extent of all public streets, alleys and ways for public service facilities. References must also be made upon the plat to known and permanent monuments from which future survey may be made and the surveyor must, at the time of making his survey, set in such manner that they will not be moved by frost, good and sufficient monuments marking the external boundaries of the tract to be divided or subdivided and must designate upon the plat the points where they may be found. These monuments must be placed at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line and at all angle points along a meander line, the points to be not less than 20 feet back from the normal water elevation of a lake or from the bank of a stream, except that when such corners or points fall within a street, or proposed future street, the monuments must be placed in the right of way line of the street. All internal boundaries, corners and points must be monumented in the field by like monuments as defined above. These monuments 2 of which must be of stone or reinforced concrete and must be set at the opposite extremities of the property platted, placed at all block corners, at each end of all curves, at the points where a curve changes its radius, and at all angle points in any line. All lots must be monumented in the field with 2 or more monuments. The monuments must be furnished by the person for whom the survey is made and must be such that they will not be moved by frost. If
any city, village or town has adopted an official plan, or part thereof, in the manner prescribed by law, the plat of land situated within the area affected thereby must conform to the official plan, or part thereof.

(b) Except as provided in subsection (c) of this Section, the provisions of this Act do not apply and no subdivision plat is required in any of the following instances:

1. The division or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access;

2. The division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access;

3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;

4. The conveyance of parcels of land or interests therein for use as a right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;

5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;

6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;

7. Conveyances made to correct descriptions in prior conveyances.

8. The sale or exchange of parcels or tracts of land following the division into no more than 2 parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access.

9. The sale of a single lot of less than 5 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.

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10. The preparation of a plat for wind energy devices under Section 10-620 of the Property Tax Code.

Nothing contained within the provisions of this Act shall prevent or preclude individual counties from establishing standards, ordinances, or specifications which reduce the acreage minimum to less than 5 acres, but not less than 2 acres, or supplementing the requirements contained herein when a survey is made by an Illinois Registered Land Surveyor and a plat thereof is recorded, under powers granted to them.

(c) However, if a plat is made by an Illinois Registered Surveyor of any parcel or tract of land otherwise exempt from the plat provisions of this Act pursuant to subsection (b) of this Section, such plat shall be recorded. It shall not be the responsibility of a recorder of deeds to determine whether the plat has been made or recorded under this subsection (c) prior to accepting a deed for recording.

(Source: P.A. 84-373.)

Section 90. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.

Effective October 12, 2007.

PUBLIC ACT 95-0645
(House Bill No. 0732)

AN ACT concerning health.

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Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Health Access Network Act.

Section 5. Purpose. The purpose of this Act is to provide aid to existing primary health care safety nets for specialty care that will allow the development of a comprehensive system of health care services.

Section 10. Definition. In this Act, "Department" means the Department of Public Health.

Section 15. Pilot program. The Department shall establish a Health Access Network pilot program in Kane County. The program shall provide funding for and coordination of health care services that include comprehensive case management and ancillary services to support treatment goals. In particular, the program shall provide specialty health care services, pharmaceutical drug assistance, and diagnostic testing for individuals who are not eligible for medical assistance under the Illinois Public Aid Code and who do not have other health insurance coverage. The program shall emphasize providing services in relation to the top health care issues as identified by Kane County's "IPLAN" community health assessment and planning process and the Top Ten Diseases as determined by the Centers for Disease Control and Prevention.

Section 20. Lead agency; grant.

(a) The Department shall designate an entity to serve as the lead agency in administering the pilot program. Any entity located in Kane County that has established consortia of health entities may apply for designation as the lead agency and for a grant under this Section. The Department shall determine the form and manner of application. The application must state the name and address of the proposed lead agency.

(b) Any entity, or a group of individuals or entities or a combination of both, located in a county with a population of less than 100,000 that is contiguous to Kane County may join with an entity described in subsection (a) in applying for a grant under this Section to establish the pilot program to serve a multi-county area that includes Kane County.
County. The lead agency for such a multi-county program must be located in Kane County, however.

(c) The Department shall award a grant to the lead agency designated under subsection (a) for the purpose of administering the pilot program. The lead agency shall use the grant moneys to administer and coordinate pilot program activities within the county or counties of the program's operation and shall develop community partnerships necessary to implement the pilot program.

Section 25. Report. The Department, in cooperation with the lead agency designated under Section 20, shall submit a report on the operation of the pilot program to the General Assembly after the pilot program has been in operation for 18 months. The report shall include the Department's recommendations concerning the continued operation of the Health Access Network program and its expansion to other areas of the State.

Section 30. Implementation subject to appropriations. Implementation of this Act is subject to appropriations made to the Department for that purpose.

Section 99. Effective date. This Act takes effect upon becoming law.


Effective October 11, 2007.

PUBLIC ACT 95-0646
(House Bill No. 0962)

AN ACT concerning vacancies in public office.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Election Code is amended by changing Section 25-2 as follows:

(10 ILCS 5/25-2) (from Ch. 46, par. 25-2)

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Sec. 25-2. Events on which an elective office becomes vacant. Every elective office shall become vacant on the happening of any of the following events before the expiration of the term of such office:

(1) The death of the incumbent.
(2) His or her resignation.
(3) His or her becoming a person under legal disability.
(4) His or her ceasing to be an inhabitant of the State; or if the office is local, his or her ceasing to be an inhabitant of the district, county, town, or precinct for which he or she was elected; provided, that the provisions of this paragraph shall not apply to township officers whose township boundaries are changed in accordance with Section 10-20 of the Township Code, to a township officer after disconnection as set forth in Section 15-17 of the Township Code, nor to township or multi-township assessors elected under Sections 2-5 through 2-15 of the Property Tax Code.
(5) His or her conviction of an infamous crime, or of any offense involving a violation of official oath.
(6) His or her removal from office.
(7) His or her refusal or neglect to take his or her oath of office, or to give or renew his or her official bond, or to deposit or file such oath or bond within the time prescribed by law.
(8) The decision of a competent tribunal declaring his or her election void.

No elective office, except as herein otherwise provided, shall become vacant until the successor of the incumbent of such office has been appointed or elected, as the case may be, and qualified.

An unconditional resignation, effective at a future date, may not be withdrawn after it is received by the officer authorized to fill the vacancy. Such resignation shall create a vacancy in office for the purpose of determining the time period which would require an election. The resigning office holder may continue to hold such office until the date or event specified in such resignation, but no later than the date at which his or her successor is elected and qualified.

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An admission of guilt of a criminal offense that would, upon conviction, disqualify the holder of an elective office from holding that office, in the form of a written agreement with State or federal prosecutors to plead guilty to a felony, bribery, perjury, or other infamous crime under State or federal law, shall constitute a resignation from that office, effective at the time the plea agreement is made.

For purposes of this Section, a conviction for an offense that disqualifies the holder of an elective office from holding that office shall occur on the date of the return of a guilty verdict or, in the case of a trial by the court, the entry of a finding of guilt.

This Section does not apply to any elected or appointed officers or officials of any municipality having a population under 500,000.

(Source: P.A. 94-529, eff. 8-10-05.)

Section 10. The Illinois Municipal Code is amended by changing Sections 3.1-10-5, 3.1-10-50, 3.1-20-25, 3.1-25-75, 5-2-11, and 5-2-15 and by adding Section 3.1-10-51 as follows:

(65 ILCS 5/3.1-10-5) (from Ch. 24, par. 3.1-10-5)
Sec. 3.1-10-5. Qualifications; elective office.  
(a) A person is not eligible for an elective municipal office unless that person is a qualified elector of the municipality and has resided in the municipality at least one year next preceding the election or appointment, except as provided in subsection (c) of Section 3.1-20-25, subsection (b) of Section 3.1-25-75, Section 5-2-2, or Section 5-2-11.

(b) A person is not eligible for an elective municipal office if that person is in arrears in the payment of a tax or other indebtedness due to the municipality or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony.

(c) A person is not eligible for the office of alderman of a ward unless that person has resided in the ward that the person seeks to represent, and a person is not eligible for the office of trustee of a district unless that person has resided in the municipality, at least one year next preceding the election or appointment, except as provided in subsection (c) of Section 3.1-20-25, subsection (b) of Section 3.1-25-75, Section 5-2-2, or Section 5-2-11.

New matter indicated by italics - deletions by strikeout
Sec. 3.1-10-50. Events upon which an elective office becomes vacant in municipality with population under 500,000 Vacancies.

(a) Vacancy by resignation. A resignation is not effective unless it is in writing, signed by the person holding the elective office, and notarized.

(1) Unconditional resignation. An unconditional resignation by a person holding the elective office may specify a future date, not later than 60 days after the date the resignation is received by the officer authorized to fill the vacancy, at which time it becomes operative, but the resignation may not be withdrawn after it is received by the officer authorized to fill the vacancy. The effective date of a resignation that does not specify a future date at which it becomes operative is the date the resignation is received by the officer authorized to fill the vacancy. The effective date of a resignation that has a specified future effective date is that specified future date or the date the resignation is received by the officer authorized to fill the vacancy, whichever date occurs later.

(2) Conditional resignation. A resignation that does not become effective unless a specified event occurs can be withdrawn at any time prior to the occurrence of the specified event, but if not withdrawn, the effective date of the resignation is the date of the occurrence of the specified event or the date the resignation is received by the officer authorized to fill the vacancy, whichever date occurs later.

(3) Vacancy upon the effective date. For the purpose of determining the time period that would require an election to fill the vacancy by resignation or the commencement of the 60-day time period referred to in subsection (e), the resignation of an elected officer is deemed to have created a vacancy as of the effective date of the resignation.

(4) Duty of the clerk. If a resignation is delivered to the clerk of the municipality, the clerk shall forward a certified copy of

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the written resignation to the official who is authorized to fill the vacancy within 7 business days after receipt of the resignation.

(b) Vacancy by death or disability. A vacancy occurs in an office by reason of the death of the incumbent. The date of the death may be established by the date shown on the death certificate. A vacancy occurs in an office by permanent physical or mental disability rendering the person incapable of performing the duties of the office. The corporate authorities have the authority to make the determination whether an officer is incapable of performing the duties of the office because of a permanent physical or mental disability. A finding of mental disability shall not be made prior to the appointment by a court of a guardian ad litem for the officer or until a duly licensed doctor certifies, in writing, that the officer is mentally impaired to the extent that the officer is unable to effectively perform the duties of the office. If the corporate authorities find that an officer is incapable of performing the duties of the office due to permanent physical or mental disability, that person is removed from the office and the vacancy of the office occurs on the date of the determination.

(c) Vacancy by other causes.

(1) Abandonment and other causes. A vacancy occurs in an office by reason of abandonment of office; removal from office; or failure to qualify; or more than temporary removal of residence from the municipality; or in the case of an alderman of a ward or councilman or trustee of a district, more than temporary removal of residence from the ward or district, as the case may be. The corporate authorities have the authority to determine whether a vacancy under this subsection has occurred. If the corporate authorities determine that a vacancy exists, the office is deemed vacant as of the date of that determination for all purposes including the calculation under subsections (e), (f), and (g).

(2) Guilty of a criminal offense. An admission of guilt of a criminal offense that upon conviction would disqualify the municipal officer from holding the office, in the form of a written agreement with State or federal prosecutors to plead guilty to a felony, bribery, perjury, or other infamous crime under State or

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federal law, constitutes a resignation from that office, effective on the date the plea agreement is made. For purposes of this Section, a conviction for an offense that disqualifies a municipal officer from holding that office occurs on the date of the return of a guilty verdict or, in the case of a trial by the court, on the entry of a finding of guilt.

(3) Election declared void. A vacancy occurs on the date of the decision of a competent tribunal declaring the election of the officer void.

(d) Election of an acting mayor or acting president. The election of an acting mayor or acting president pursuant to subsection (f) or (g) does not create a vacancy in the original office of the person on the city council or as a trustee, as the case may be, unless the person resigns from the original office following election as acting mayor or acting president. If the person resigns from the original office following election as acting mayor or acting president, then the original office must be filled pursuant to the terms of this Section and the acting mayor or acting president shall exercise the powers of the mayor or president and shall vote and have veto power in the manner provided by law for a mayor or president. If the person does not resign from the original office following election as acting mayor or acting president, then the acting mayor or acting president shall exercise the powers of the mayor or president but shall be entitled to vote only in the manner provided for as the holder of the original office and shall not have the power to veto. If the person does not resign from the original office following election as acting mayor or acting president, and if that person's original term of office has not expired when a mayor or president is elected and has qualified for office, the acting mayor or acting-president shall return to the original office for the remainder of the term thereof.

(e) Appointment to fill alderman or trustee vacancy. An appointment by the mayor or president or acting mayor or acting president, as the case may be, of a qualified person as described in Section 3.1-10-5 of this Code to fill a vacancy in the office of alderman or trustee must be made within 60 days after the vacancy occurs. Once the
appointment of the qualified person has been forwarded to the corporate authorities, the corporate authorities shall act upon the appointment within 30 days. If the appointment fails to receive the advice and consent of the corporate authorities within 30 days, the mayor or president or acting mayor or acting president shall appoint and forward to the corporate authorities a second qualified person as described in Section 3.1-10-5. Once the appointment of the second qualified person has been forwarded to the corporate authorities, the corporate authorities shall act upon the appointment within 30 days. If the appointment of the second qualified person also fails to receive the advice and consent of the corporate authorities, then the mayor or president or acting mayor or acting president, without the advice and consent of the corporate authorities, may make a temporary appointment from those persons who were appointed but whose appointments failed to receive the advice and consent of the corporate authorities. The person receiving the temporary appointment shall serve until an appointment has received the advice and consent and the appointee has qualified or until a person has been elected and has qualified, whichever first occurs.

(f) Election to fill vacancies in municipal offices with 4-year terms. If a vacancy occurs in an elective municipal office with a 4-year term and there remains an unexpired portion of the term of at least 28 months, and the vacancy occurs at least 130 days before the general municipal election next scheduled under the general election law, then the vacancy shall be filled for the remainder of the term at that general municipal election. Whenever an election is held for this purpose, the municipal clerk shall certify the office to be filled and the candidates for the office to the proper election authorities as provided in the general election law. If a vacancy occurs with less than 28 months remaining in the unexpired portion of the term or less than 130 days before the general municipal election, then:

(1) Mayor or president. If the vacancy is in the office of mayor or president, the vacancy must be filled by the corporate authorities electing one of their members as acting mayor or acting president. Except as set forth in subsection (d), the acting mayor or acting president shall perform the duties and possess all
the rights and powers of the mayor or president until a mayor or
president is elected at the next general municipal election and has
qualified. However, in villages with a population of less than
5,000, if each of the trustees either declines the election as acting
president or is not elected by a majority vote of the trustees
presently holding office, then the trustees may elect, as acting
president, any other village resident who is qualified to hold
municipal office, and the acting president shall exercise the powers
of the president and shall vote and have veto power in the manner
provided by law for a president.

(2) Alderman or trustee. If the vacancy is in the office of
alderman or trustee, the vacancy must be filled by the mayor or
president or acting mayor or acting president, as the case may be,
in accordance with subsection (e).

(3) Other elective office. If the vacancy is in any elective
municipal office other than mayor or president or alderman or
trustee, the mayor or president or acting mayor or acting
president, as the case may be, must appoint a qualified person to
hold the office until the office is filled by election, subject to the
advice and consent of the city council or the board of trustees, as
the case may be.

(g) Vacancies in municipal offices with 2-year terms. In the case of
an elective municipal office with a 2-year term, if the vacancy occurs at
least 130 days before the general municipal election next scheduled under
the general election law, the vacancy shall be filled for the remainder of
the term at that general municipal election. If the vacancy occurs less than
130 days before the general municipal election, then:

(1) Mayor or president. If the vacancy is in the office of
mayor or president, the vacancy must be filled by the corporate
authorities electing one of their members as acting mayor or
acting president. Except as set forth in subsection (d), the acting
mayor or acting president shall perform the duties and possess all
the rights and powers of the mayor or president until a mayor or
president is elected at the next general municipal election and has

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qualified. However, in villages with a population of less than 5,000, if each of the trustees either declines the election as acting president or is not elected by a majority vote of the trustees presently holding office, then the trustees may elect, as acting president, any other village resident who is qualified to hold municipal office, and the acting president shall exercise the powers of the president and shall vote and have veto power in the manner provided by law for a president.

(2) Alderman or trustee. If the vacancy is in the office of alderman or trustee, the vacancy must be filled by the mayor or president or acting mayor or acting president, as the case may be, in accordance with subsection (e).

(3) Other elective office. If the vacancy is in any elective municipal office other than mayor or president or alderman or trustee, the mayor or president or acting mayor or acting president, as the case may be, must appoint a qualified person to hold the office until the office is filled by election, subject to the advice and consent of the city council or the board of trustees, as the case may be.

(h) In cases of vacancies arising by reason of an election being declared void pursuant to paragraph (3) of subsection (c), persons holding elective office prior thereto shall hold office until their successors are elected and qualified or appointed and confirmed by advice and consent, as the case may be.

(i) This Section applies only to municipalities with populations under 500,000.

(a) A municipal officer may resign from office. A vacancy occurs in an office by reason of resignation, failure to elect or qualify (in which case the incumbent shall remain in office until the vacancy is filled), death, permanent physical or mental disability rendering the person incapable of performing the duties of his or her office, conviction of a disqualifying crime, abandonment of office, removal from office, or removal of residence from the municipality or, in the case of aldermen of a ward or trustees of a district, removal of residence from the ward or district, as the
case may be. An admission of guilt of a criminal offense that would, upon
conviction, disqualify the municipal officer from holding that office, in the
form of a written agreement with State or federal prosecutors to plead
guilty to a felony, bribery, perjury, or other infamous crime under State or
federal law, shall constitute a resignation from that office, effective at the
time the plea agreement is made. For purposes of this Section, a conviction
for an offense that disqualifies the municipal officer from holding that
office shall occur on the date of the return of a guilty verdict or, in the case
of a trial by the court, the entry of a finding of guilt.

(b) If a vacancy occurs in an elective municipal office with a 4-year
term and there remains an unexpired portion of the term of at least 28
months, and the vacancy occurs at least 130 days before the general
municipal election next scheduled under the general election law, the
vacancy shall be filled for the remainder of the term at that general
municipal election. Whenever an election is held for this purpose, the
municipal clerk shall certify the office to be filled and the candidates for
the office to the proper election authorities as provided in the general
election law. If the vacancy is in the office of mayor, the city council shall
elect one of their members acting mayor; if the vacancy is in the office of
president, the vacancy shall be filled by the appointment by the trustees of
an acting president from the members of the board of trustees. In villages
with a population of less than 5,000, if each of the members of the board
of trustees either declines the appointment as acting president or is not
approved for the appointment by a majority vote of the trustees presently
holding office, then the board of trustees may appoint as acting president
any other village resident who is qualified to hold municipal office. The
acting mayor or acting president shall perform the duties and possess all
the rights and powers of the mayor or president until a successor to fill the
vacancy has been elected and has qualified. If the vacancy is in any other
elective municipal office, then until the office is filled by election, the
mayor or president shall appoint a qualified person to the office subject to
the advice and consent of the city council or trustees.

(c) In a 2-year term, or if the vacancy occurs later than the time
provided in subsection (b) in a 4-year term, a vacancy in the office of
mayor shall be filled by the corporate authorities electing one of their members acting mayor; if the vacancy is in the office of president, the vacancy shall be filled by the appointment by the trustees of an acting president from the members of the board of trustees. In villages with a population of less than 5,000, if each of the members of the board of trustees either declines the appointment as acting president or is not approved for the appointment by a majority vote of the trustees presently holding office, then the board of trustees may appoint as acting president any other village resident who is qualified to hold municipal office. The acting mayor or acting president shall perform the duties and possess all the rights and powers of the mayor or president until a mayor or president is elected at the next general municipal election and has qualified. A vacancy in any elective office other than mayor or president shall be filled by appointment by the mayor or president, with the advice and consent of the corporate authorities.

(d) This subsection applies on and after January 1, 2006. The election of an acting mayor or acting president in a municipality with a population under 500,000 does not create a vacancy in the original office of the person on the city council or as a trustee, as the case may be, unless the person resigns from the original office following election as acting mayor or acting president. If the person resigns from the original office following election as acting mayor or acting president, then the original office must be filled pursuant to the terms of this Section and the acting mayor or acting president shall exercise the powers of the mayor or president and shall vote and have veto power in the manner provided by law for a mayor or president. If the person does not resign from the original office following election as acting mayor or acting president, then the acting mayor or acting president shall exercise the powers of the mayor or president but shall be entitled to vote only in the manner provided for as the holder of the original office and shall not have the power to veto. If the person does not resign from the original office following election as acting mayor or acting president, and if that person's original term of office has not expired when a mayor or president is elected and has qualified for

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office, the acting mayor or acting president shall return to the original
office for the remainder of the term thereof:

(e) Municipal officers appointed or elected under this Section shall
hold office until their successors are elected and have qualified:

(f) An appointment to fill a vacancy in the office of alderman shall
be made within 60 days after the vacancy occurs. The requirement that an
appointment be made within 60 days is an exclusive power and function of
the State and is a denial and limitation under Article VII, Section 6,
subsection (h) of the Illinois Constitution of the power of a home rule
municipality to require that an appointment be made within a different
period after the vacancy occurs:
(Source: P.A. 94-645, eff. 8-22-05.)

(65 ILCS 5/3.1-10-51 new)

Sec. 3.1-10-51. Vacancies in municipalities with a population of
500,000 or more.

(a) A municipal officer may resign from office. A vacancy occurs in
an office by reason of resignation, failure to elect or qualify (in which case
the incumbent shall remain in office until the vacancy is filled), death,
permanent physical or mental disability rendering the person incapable of
performing the duties of his or her office, conviction of a disqualifying
crime, abandonment of office, removal from office, or removal of
residence from the municipality or, in the case of an alderman of a ward,
removal of residence from the ward. An admission of guilt of a criminal
offense that would, upon conviction, disqualify the municipal officer from
holding that office, in the form of a written agreement with State or
federal prosecutors to plead guilty to a felony, bribery, perjury, or other
infamous crime under State or federal law, shall constitute a resignation
from that office, effective at the time the plea agreement is made. For
purposes of this Section, a conviction for an offense that disqualifies the
municipal officer from holding that office occurs on the date of the return
of a guilty verdict or, in the case of a trial by the court, the entry of a
finding of guilt.

(b) If a vacancy occurs in an elective municipal office with a 4-
year term and there remains an unexpired portion of the term of at least

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28 months, and the vacancy occurs at least 130 days before the general municipal election next scheduled under the general election law, then the vacancy shall be filled for the remainder of the term at that general municipal election. Whenever an election is held for this purpose, the municipal clerk shall certify the office to be filled and the candidates for the office to the proper election authorities as provided in the general election law. If the vacancy is in the office of mayor, the city council shall elect one of their members acting mayor. The acting mayor shall perform the duties and possess all the rights and powers of the mayor until a successor to fill the vacancy has been elected and has qualified. If the vacancy is in any other elective municipal office, then until the office is filled by election, the mayor shall appoint a qualified person to the office subject to the advice and consent of the city council.

(c) If a vacancy occurs later than the time provided in subsection (b) in a 4-year term, a vacancy in the office of mayor shall be filled by the corporate authorities electing one of their members acting mayor. The acting mayor shall perform the duties and possess all the rights and powers of the mayor until a mayor is elected at the next general municipal election and has qualified. A vacancy occurring later than the time provided in subsection (b) in a 4-year term in any elective office other than mayor shall be filled by appointment by the mayor, with the advice and consent of the corporate authorities.

(d) A municipal officer appointed or elected under this Section shall hold office until the officer’s successor is elected and has qualified.

(e) An appointment to fill a vacancy in the office of alderman shall be made within 60 days after the vacancy occurs. The requirement that an appointment be made within 60 days is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to require that an appointment be made within a different period after the vacancy occurs.

(f) This Section applies only to municipalities with a population of 500,000 or more.

(65 ILCS 5/3.1-20-25) (from Ch. 24, par. 3.1-20-25)

New matter indicated by italics - deletions by strikeout
Sec. 3.1-20-25. Redistricting a city.

(a) In the formation of wards, the number of inhabitants of the city immediately preceding the division of the city into wards shall be as nearly equal in population, and the wards shall be of as compact and contiguous territory, as practicable. Wards shall be created in a manner so that, as far as practicable, no precinct shall be divided between 2 or more wards.

(b) Whenever an official census shows that a city contains more or fewer wards than it is entitled to, the city council of the city, by ordinance, shall redistrict the city into as many wards as the city is entitled. This redistricting shall be completed not less than 30 days before the first day set by the general election law for the filing of candidate petitions for the next succeeding election for city officers. At this election there shall be elected the number of aldermen to which the city is entitled, except as provided in subsection (c).

(c) If it appears from any official census that a city has the requisite number of inhabitants to authorize it to increase the number of aldermen, the city council shall immediately proceed to redistrict the city and shall hold the next city election in accordance with the new redistricting. At this election the aldermen whose terms of office are not expiring shall be considered aldermen for the new wards respectively in which their residences are situated. At this election, in a municipality that is not a newly incorporated municipality, a candidate for alderman may be elected from any ward that contains a part of the ward in which he or she resided at least one year next preceding the election that follows the redistricting, and, if elected, that person may be reelected from the new ward he or she represents if he or she resides in that ward for at least one year next preceding reelection. If there are 2 or more aldermen with terms of office not expiring and residing in the same ward under the new redistricting, the alderman who holds over for that ward shall be determined by lot in the presence of the city council, in the manner directed by the council, and all other aldermen shall fill their unexpired terms as aldermen-at-large. The aldermen-at-large, if any, shall have the same powers and duties as all other aldermen, but upon the expiration of their terms the offices of aldermen-at-large shall be abolished.
(d) If the redistricting results in one or more wards in which no aldermen reside whose terms of office have not expired, 2 aldermen shall be elected in accordance with Section 3.1-20-35, unless the city elected only one alderman per ward pursuant to a referendum under subsection (a) of Section 3.1-20-20.

(e) A redistricting ordinance that has decreased the number of wards of a city because of a decrease in population of the city shall not be effective if, not less than 60 days before the time fixed for the next succeeding general municipal election, an official census is officially published that shows that the city has regained a population that entitles it to the number of wards that it had just before the passage of the last redistricting ordinance.

(Source: P.A. 93-847, eff. 7-30-04.)

Sec. 3.1-25-75. Districts; election of trustees.

(a) After a village with a population of 5,000 or more adopts the provisions of this Section in the manner prescribed in Section 3.1-25-80, the board of trustees by ordinance shall divide and, whenever necessary thereafter, shall redistrict the village into 6 compact and contiguous districts of approximately equal population as required by law. This redistricting shall be completed not less than 30 days before the first day for the filing of nominating petitions for the next succeeding election of village officers held in accordance with the general election law.

(b) Each of the districts shall be represented by one trustee who shall have been an actual resident of the district for at least 6 months immediately before his or her election in the first election after a redistricting, unless the trustee is a resident of a newly incorporated municipality. Only the electors of a district shall elect the trustee from that district.

(c) The provisions of this Code relating to terms of office of aldermen in cities shall also apply to the terms of office of trustees under this Section.

(Source: P.A. 87-1119.)

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Sec. 5-2-11. In any village which adopts this Article 5, the board of trustees by ordinance shall divide and, whenever necessary thereafter, shall redistrict the village into 6 compact and contiguous districts of approximately equal population.

Each of the districts shall be represented by one trustee who shall have been an actual resident of the district for at least 6 months prior to his election, unless the trustee is a resident of a newly incorporated municipality. Only the electors of a district shall elect the trustee from that district.

The provisions of Section 5-2-8 relating to terms of office of aldermen in cities shall also apply to the terms of office of trustees under this section.

(Source: Laws 1961, p. 576.)

(65 ILCS 5/5-2-15) (from Ch. 24, par. 5-2-15)

Sec. 5-2-15. Trustees; tenure; vacancies.

(a) In each village operating under Section 5-2-12, the electors of the village shall elect 6 trustees. The term of office of the trustees shall be 4 years and until their successors are elected and have qualified. Trustees elected at the first election for village officers after a village is incorporated, however, shall by lot designate one-half of their number whose terms shall be 2 years and until their successors are elected and have qualified. In all villages having a population of less than 50,000 in which only 3 trustees were elected for a 4 year term in the year 1941, 3 trustees shall be elected for a 4 year term at the regular village election in the year 1943, and thereafter 3 trustees shall be elected in each odd numbered year for a term of 4 years.

(b) (Blank). Whenever a vacancy in the office of a trustee in any village, whether incorporated under a general or a special Act, occurs during his or her term, the vacancy shall be filled for the remainder of the term as provided in Section 3.1-10-50. During the period from the time that the vacancy occurs until a trustee is elected under this Section and has qualified, the vacancy may be filled by the appointment of a trustee by the president with the advice and consent of the remaining trustees. An appointment to fill a vacancy shall be made within 60 days after the

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vacancy occurs. The requirement that an appointment be made within 60 days is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to require that an appointment be made within a different period after the vacancy occurs.  
(Source: P.A. 87-1052; 87-1119; 88-45.)

Section 99. Effective date. This Act takes effect January 1, 2008.
Sent to the Governor June 14, 2007.
Vetoed by the Governor August 13, 2007.
General Assembly Overrides Total Veto October 11, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0647
(House Bill No. 0978)

AN ACT concerning finance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Procurement Code is amended by changing Section 40-15 as follows:

(30 ILCS 500/40-15)
(a) Request for information. Except as provided in subsections (b) and (c), all State contracts for leases of real property or capital improvements shall be awarded by a request for information process in accordance with Section 40-20.
(b) Other methods. A request for information process need not be used in procuring any of the following leases:
(1) Property of less than 10,000 square feet.
(2) Rent of less than $100,000 per year.
(3) Duration of less than one year that cannot be renewed.
(4) Specialized space available at only one location.

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(5) Renewal or extension of a lease in effect before July 1, 2002; provided that: (i) the chief procurement officer determines in writing that the renewal or extension is in the best interest of the State; (ii) the chief procurement officer submits his or her written determination and the renewal or extension to the Board; (iii) the Board does not object in writing to the renewal or extension within 30 days after its submission; and (iv) the chief procurement officer publishes the renewal or extension in the appropriate volume of the Procurement Bulletin.

(c) Leases with governmental units. Leases with other governmental units may be negotiated without using the request for information process when deemed by the chief procurement officer to be in the best interest of the State.

(Source: P.A. 93-133, eff. 1-1-04; 93-839, eff. 7-30-04.)

Section 99. Effective date. This Act takes effect July 1, 2007.
Sent to the Governor June 20, 2007.
Vetoed by the Governor August 17, 2007.
General Assembly Overrides Total Veto October 11, 2007.
Effective October 11, 2007.

PUBLIC ACT 95-0648
(House Bill No. 1242)

AN ACT concerning revenue.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Income Tax Act is amended by changing Section 210.5 as follows:

(35 ILCS 5/210.5)

Sec. 210.5. Tax credit for employee child care.

(a) Each corporate taxpayer is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201 in an amount equal to (i) for taxable years ending on or after December 31, 2000 and on or

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before December 31, 2004 and for taxable years ending on or after December 31, 2007, 30% of the start-up costs expended by the corporate taxpayer to provide a child care facility for the children of its employees and (ii) for taxable years ending on or after December 31, 2000, 5% of the annual amount paid by the corporate taxpayer in providing the child care facility for the children of its employees. The provisions of Section 250 do not apply to the credits allowed under this Section. If the 5% credit authorized under item (ii) of this subsection is claimed, the 5% credit authorized under Section 210 cannot also be claimed.

To receive the tax credit under this Section a corporate taxpayer may either independently provide and operate a child care facility for the children of its employees or it may join in a partnership with one or more other corporations to jointly provide and operate a child care facility for the children of employees of the corporations in the partnership.

(b) The tax credit may not reduce the taxpayer's liability to less than zero. If the amount of the tax credit exceeds the tax liability for the year, the excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit must be applied to the earliest year for which there is a tax liability. If there are credits from more than one tax year that are available to offset a liability, then the earlier credit must be applied first.

(c) As used in this Section, "start-up costs" means planning, site-preparation, construction, renovation, or acquisition of a child care facility. As used in this Section, "child care facility" is limited to a child care facility located in Illinois.

(d) A corporate taxpayer claiming the credit provided by this Section shall maintain and record such information as the Department may require by rule regarding the child care facility for which the credit is claimed.

(Source: P.A. 91-930, eff. 12-15-00.)

Section 99. Effective date. This Act takes effect upon becoming law.

PUBLIC ACT 95-0649  
(House Bill No. 1539)

AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Lottery Law is amended by changing Section 21.6 as follows:

(20 ILCS 1605/21.6)
(a) The Department shall offer a special instant scratch-off game for the benefit of Illinois veterans. The game shall commence on January 1, 2006 or as soon thereafter, at the discretion of the Director, as is reasonably practical. The operation of the game shall be governed by this Act and any rules adopted by the Department. If any provision of this Section is inconsistent with any other provision of this Act, then this Section governs.

(b) The Illinois Veterans Assistance Fund is created as a special fund in the State treasury. The net revenue from the Illinois veterans scratch-off game shall be deposited into the Fund for appropriation by the General Assembly solely to the Department of Veterans Affairs for making grants, funding additional services, or conducting additional research projects relating to each of the following:

(i) veterans' post traumatic stress disorder;
(ii) veterans' homelessness;
(iii) the health insurance costs of veterans;
(iv) veterans' disability benefits, including but not limited to, disability benefits provided by veterans service organizations and veterans assistance commissions or centers; and

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(v) the long-term care of veterans; provided that, beginning with moneys appropriated for fiscal year 2008, no more than 20% of such moneys shall be used for health insurance costs.

In order to expend moneys from this special fund, beginning with moneys appropriated for fiscal year 2008, the Director of Veterans' Affairs shall appoint a 3-member funding authorization committee. The Director shall designate one of the members as chairperson. The committee shall meet on a quarterly basis, at a minimum, and shall authorize expenditure of moneys from the special fund by a two-thirds vote. Decisions of the committee shall not take effect unless and until approved by the Director of Veterans' Affairs. Each member of the committee shall serve until a replacement is named by the Director of Veterans' Affairs. One member of the committee shall be a member of the Veterans' Advisory Council.

Moneys collected from the special instant scratch-off game shall be used only as a supplemental financial resource and shall not supplant existing moneys that the Department of Veterans Affairs may currently expend for the purposes set forth in items (i) through (v).

Moneys received for the purposes of this Section, including, without limitation, net revenue from the special instant scratch-off game and from gifts, grants, and awards from any public or private entity, must be deposited into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.

For purposes of this subsection, "net revenue" means the total amount for which tickets have been sold less the sum of the amount paid out in the prizes and the actual administrative expenses of the Department solely related to the scratch-off game under this Section.

(c) During the time that tickets are sold for the Illinois veterans scratch-off game, the Department shall not unreasonably diminish the efforts devoted to marketing any other instant scratch-off lottery game.

(d) The Department may adopt any rules necessary to implement and administer the provisions of this Section.

(Source: P.A. 94-585, eff. 8-15-05; revised 9-6-05.)

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Section 99. Effective date. This Act takes effect July 1, 2007.
Governor Returns Bill with Recommendation For Change
Effective October 11, 2007.

PUBLIC ACT 95-0650
(House Bill No. 1628)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Covering ALL KIDS Health Insurance Act is
amended by changing Section 50 and by adding Sections 47, 52, and 53 as
follows:

(215 ILCS 170/47 new)
Sec. 47. Program Information. The Department shall report to the
General Assembly no later than September 1 of each year beginning in
2007, all of the following information:
(a) The number of professionals serving in the primary care case
management program, by licensed profession and by county, and, for
counties with a population of 100,000 or greater, by geo zip code.
(b) The number of non-primary care providers accepting referrals,
by specialty designation, by licensed profession and by county, and, for
counties with a population of 100,000 or greater, by geo zip code.
(c) The number of individuals enrolled in the Covering ALL KIDS
Health Insurance Program by income or premium level and by county,
and, for counties with a population of 100,000 or greater, by geo zip code.

(215 ILCS 170/50)
(Section scheduled to be repealed on July 1, 2011)
Sec. 50. Consultation with stakeholders. The Department shall
present details regarding implementation of the Program to the Medicaid
Advisory Committee, and the Committee shall serve as the forum for

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healthcare providers, advocates, consumers, and other interested parties to advise the Department with respect to the Program. The Department shall consult with stakeholders on the rules for healthcare professional participation in the Program pursuant to Sections 52 and 53 of this Act.
(Source: P.A. 94-693, eff. 7-1-06.)

Sec. 52. Adequate access to specialty care.

(a) The Department shall ensure adequate access to specialty physician care for Program participants by allowing referrals to be accomplished without undue delay.

(b) The Department shall allow a primary care provider to make appropriate referrals to specialist physicians or other healthcare providers for an enrollee who has a condition that requires care from a specialist physician or other healthcare provider. The Department may specify the necessary criteria and conditions that must be met in order for an enrollee to obtain a standing referral. A referral shall be effective for the period necessary to provide the referred services or one year, whichever is less. A primary care provider may renew and re-renew a referral.

(c) The enrollee's primary care provider shall remain responsible for coordinating the care of an enrollee who has received a standing referral to a specialist physician or other healthcare provider. If a secondary referral is necessary, the specialist physician or other healthcare provider shall advise the primary care physician. The primary care physician or specialist physician shall be responsible for making the secondary referral. In addition, the Department shall require the specialist physician or other healthcare provider to provide regular updates to the enrollee's primary care provider.

Sec. 53. Program standards.

(a) Any disease management program implemented by the Department must be or must have been developed in consultation with physician organizations, such as State, national, and specialty medical societies, and any available standards or guidelines of these organizations.
organizations. These programs must be based on evidence-based, scientifically sound principles that are accepted by the medical community. An enrollee must be excused from participation in a disease management program if the enrollee’s physician licensed to practice medicine in all its branches, in his or her professional judgment, determines that participation is not beneficial to the enrollee.

(b) Any performance measures, such as primary care provider monitoring, implemented by the Department must be or must have been developed on consultation with physician organizations, such as State, national, and specialty medical societies, and any available standards or guidelines of these organizations. These measures must be based on evidence-based, scientifically sound principles that are accepted by the medical community.

(c) The Department shall adopt variance procedures for the application of any disease management program or any performance measures to an individual enrollee.

Effective June 1, 2008.

PUBLIC ACT 95-0651
(House Bill No. 1729)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Assisted Living and Shared Housing Act is amended by changing Section 160 as follows:
(210 ILCS 9/160)
Sec. 160. Assisted Living and Shared Housing Regulatory Fund. There is created in the State treasury a special fund to be known as the Assisted Living and Shared Housing Regulatory Fund. All moneys

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received by the Department under this Act and the Board and Care Home Registration Act shall be deposited into the Fund. Subject to appropriation, moneys in the Fund shall be used for the administration of this Act and the Board and Care Home Registration Act. Interest earned on moneys in the Fund shall be deposited into the Fund.

(Source: P.A. 94-21, eff. 1-1-06.)

Section 10. The Hospital Licensing Act is amended by changing Section 6.09 as follows:

(210 ILCS 85/6.09) (from Ch. 111 1/2, par. 147.09)

Sec. 6.09. (a) In order to facilitate the orderly transition of aged and disabled patients from hospitals to post-hospital care, whenever a patient who qualifies for the federal Medicare program is hospitalized, the patient shall be notified of discharge at least 24 hours prior to discharge from the hospital. With regard to pending discharges to a skilled nursing facility or if home health services are ordered, the hospital must inform its designated case coordination unit, as defined in 89 Ill. Adm. Code 240.260, of the pending discharge and must provide the patient with the case coordination unit's telephone number and other contact information.

(b) Every hospital shall develop procedures for a physician with medical staff privileges at the hospital or any appropriate medical staff member to provide the discharge notice prescribed in subsection (a) of this Section. The procedures must include prohibitions against discharging or referring a patient to any of the following if unlicensed, uncertified, or unregistered: (i) a board and care facility, as defined in the Board and Care Home Registration Act; (ii) an assisted living and shared housing establishment, as defined in the Assisted Living and Shared Housing Act; (iii) a facility licensed under the Nursing Home Care Act; (iv) a supportive living facility, as defined in Section 5-5.01a of the Illinois Public Aid Code; or (v) a free-standing hospice facility licensed under the Hospice Program Licensing Act if licensure, certification, or registration is required. The Department of Public Health shall annually provide hospitals with a list of licensed, certified, or registered board and care facilities, assisted living and shared housing establishments, nursing homes, supportive living facilities, and hospice facilities. Reliance upon

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this list by a hospital shall satisfy compliance with this requirement. The procedure may also include a waiver for any case in which a discharge notice is not feasible due to a short length of stay in the hospital by the patient, or for any case in which the patient voluntarily desires to leave the hospital before the expiration of the 24 hour period.

(c) At least 24 hours prior to discharge from the hospital, the patient shall receive written information on the patient’s right to appeal the discharge pursuant to the federal Medicare program, including the steps to follow to appeal the discharge and the appropriate telephone number to call in case the patient intends to appeal the discharge.

(Source: P.A. 94-335, eff. 7-26-05.)

Section 15. The Board and Care Home Registration Act is amended by changing Sections 1, 2a, 3, and 7 as follows:

(225 ILCS 7/1)
Sec. 1. Short title. This Act may be cited as the Board and Care Home Registration Act.
(Source: P.A. 89-387, eff. 8-20-95.)

(225 ILCS 7/2a)
Sec. 2a. Staff. The staff of the facility may provide room, housekeeping, meals, protective oversight and other types of assistance to the residents, as permitted under the Assisted Living and Shared Housing Act.
(Source: P.A. 89-387, eff. 8-20-95.)

(225 ILCS 7/3)
Sec. 3. Licensure Registration.
(a) Every board and care home located in this State shall be licensed by registering with the Department. Registration shall be in the form prescribed by the Department as a shared housing or assisted living establishment under the Assisted Living and Shared Housing Act. and shall include the following:

(1) The name, address, and telephone number of the facility.

(2) The name, address, and telephone number of the owner of the facility:

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(3) The number of residents of the facility.
(4) A registration fee, as determined, by the Department.

(b) (Blank). Every registration issued under this Act shall be valid for 2 years. Upon renewal, the facility must re-apply and meet the registration requirements under this Section.

(c) (Blank). The Department shall promulgate rules to protect the rights and safety of the residents and to enforce the provisions of this Act.

(d) No public official, agent, or employee may place any person in, or recommend that any person be placed in, or directly or indirectly cause any person to be placed in any board and care home that is not licensed as an assisted living or shared housing establishment registered.

(e) No public official, agent, or employee may place the name of an unlicensed unregistered establishment that is required to be licensed registered under this Act on a list of programs.

(f) Failure of a board and care home to comply with the provisions of this Section is punishable by a fine of up to $1,000.

(g) Failure of a board and care home to comply with the provisions of this Section within 90 days after the initial finding of noncompliance is punishable by a fine of $1,000 on each day the provisions of this Section are not complied with.

(Source: P.A. 94-21, eff. 1-1-06.)

(225 ILCS 7/7)

Sec. 7. Assisted Living and Shared Housing Regulatory Fund. All licensure registration fees and fines collected pursuant to the provisions of this Act shall be deposited into the Assisted Living and Shared Housing Regulatory Fund. Subject to appropriation, moneys deposited into the Fund shall be used for the administration of this Act and the Assisted Living and Shared Housing Act.

(Source: P.A. 94-21, eff. 1-1-06.)

Section 99. Effective date. This Act takes effect upon becoming law.


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AN ACT concerning public employee benefits.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Section 14-104 and by adding Section 14-152.2 as follows:

Sec. 14-104. Service for which contributions permitted. Contributions provided for in this Section shall cover the period of service granted. Except as otherwise provided in this Section, the contributions shall be based upon the employee's compensation and contribution rate in effect on the date he last became a member of the System; provided that for all employment prior to January 1, 1969 the contribution rate shall be that in effect for a noncovered employee on the date he last became a member of the System. Except as otherwise provided in this Section, contributions permitted under this Section shall include regular interest from the date an employee last became a member of the System to the date of payment.

These contributions must be paid in full before retirement either in a lump sum or in installment payments in accordance with such rules as may be adopted by the board.

(a) Any member may make contributions as required in this Section for any period of service, subsequent to the date of establishment, but prior to the date of membership.

(b) Any employee who had been previously excluded from membership because of age at entry and subsequently became eligible may elect to make contributions as required in this Section for the period of service during which he was ineligible.

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(c) An employee of the Department of Insurance who, after January 1, 1944 but prior to becoming eligible for membership, received salary from funds of insurance companies in the process of rehabilitation, liquidation, conservation or dissolution, may elect to make contributions as required in this Section for such service.

(d) Any employee who rendered service in a State office to which he was elected, or rendered service in the elective office of Clerk of the Appellate Court prior to the date he became a member, may make contributions for such service as required in this Section. Any member who served by appointment of the Governor under the Civil Administrative Code of Illinois and did not participate in this System may make contributions as required in this Section for such service.

(e) Any person employed by the United States government or any instrumentality or agency thereof from January 1, 1942 through November 15, 1946 as the result of a transfer from State service by executive order of the President of the United States shall be entitled to prior service credit covering the period from January 1, 1942 through December 31, 1943 as provided for in this Article and to membership service credit for the period from January 1, 1944 through November 15, 1946 by making the contributions required in this Section. A person so employed on January 1, 1944 but whose employment began after January 1, 1942 may qualify for prior service and membership service credit under the same conditions.

(f) An employee of the Department of Labor of the State of Illinois who performed services for and under the supervision of that Department prior to January 1, 1944 but who was compensated for those services directly by federal funds and not by a warrant of the Auditor of Public Accounts paid by the State Treasurer may establish credit for such employment by making the contributions required in this Section. An employee of the Department of Agriculture of the State of Illinois, who performed services for and under the supervision of that Department prior to June 1, 1963, but was compensated for those services directly by federal funds and not paid by a warrant of the Auditor of Public Accounts paid by the State Treasurer, and who did not contribute to any other public
employee retirement system for such service, may establish credit for such employment by making the contributions required in this Section.

(g) Any employee who executed a waiver of membership within 60 days prior to January 1, 1944 may, at any time while in the service of a department, file with the board a rescission of such waiver. Upon making the contributions required by this Section, the member shall be granted the creditable service that would have been received if the waiver had not been executed.

(h) Until May 1, 1990, an employee who was employed on a full-time basis by a regional planning commission for at least 5 continuous years may establish creditable service for such employment by making the contributions required under this Section, provided that any credits earned by the employee in the commission's retirement plan have been terminated.

(i) Any person who rendered full time contractual services to the General Assembly as a member of a legislative staff may establish service credit for up to 8 years of such services by making the contributions required under this Section, provided that application therefor is made not later than July 1, 1991.

(j) By paying the contributions otherwise required under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest, but with all of the interest calculated from the date the employee last became a member of the System or November 19, 1991, whichever is later, to the date of payment, an employee may establish service credit for a period of up to 2 years spent in active military service for which he does not qualify for credit under Section 14-105, provided that (1) he was not dishonorably discharged from such military service, and (2) the amount of service credit established by a member under this subsection (j), when added to the amount of military service credit granted to the member under subsection (b) of Section 14-105, shall not exceed 5 years. The change in the manner of calculating interest under this subsection (j) made by this amendatory Act of the 92nd General Assembly applies to credit purchased by an
employee on or after its effective date and does not entitle any person to a refund of contributions or interest already paid.

(k) An employee who was employed on a full-time basis by the Illinois State’s Attorneys Association Statewide Appellate Assistance Service LEAA-ILEC grant project prior to the time that project became the State's Attorneys Appellate Service Commission, now the Office of the State's Attorneys Appellate Prosecutor, an agency of State government, may establish creditable service for not more than 60 months service for such employment by making contributions required under this Section.

(l) By paying the contributions otherwise required under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest, a member may establish service credit for periods of less than one year spent on authorized leave of absence from service, provided that (1) the period of leave began on or after January 1, 1982 and (2) any credit established by the member for the period of leave in any other public employee retirement system has been terminated. A member may establish service credit under this subsection for more than one period of authorized leave, and in that case the total period of service credit established by the member under this subsection may exceed one year. In determining the contributions required for establishing service credit under this subsection, the interest shall be calculated from the beginning of the leave of absence to the date of payment.

(m) Any person who rendered contractual services to a member of the General Assembly as a worker in the member's district office may establish creditable service for up to 3 years of those contractual services by making the contributions required under this Section. The System shall determine a full-time salary equivalent for the purpose of calculating the required contribution. To establish credit under this subsection, the applicant must apply to the System by March 1, 1998.

(n) Any person who rendered contractual services to a member of the General Assembly as a worker providing constituent services to persons in the member's district may establish creditable service for up to 8 years of those contractual services by making the contributions required
under this Section. The System shall determine a full-time salary equivalent for the purpose of calculating the required contribution. To establish credit under this subsection, the applicant must apply to the System by March 1, 1998.

(o) A member who participated in the Illinois Legislative Staff Internship Program may establish creditable service for up to one year of that participation by making the contribution required under this Section. The System shall determine a full-time salary equivalent for the purpose of calculating the required contribution. Credit may not be established under this subsection for any period for which service credit is established under any other provision of this Code.

(p) By paying the contributions otherwise required under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest, a member may establish service credit for a period of up to 8 years during which he or she was employed by the Visually Handicapped Managers of Illinois in a vending program operated under a contractual agreement with the Department of Rehabilitation Services or its successor agency.

This subsection (p) applies without regard to whether the person was in service on or after the effective date of this amendatory Act of the 94th General Assembly. In the case of a person who is receiving a retirement annuity on that effective date, the increase, if any, shall begin to accrue on the first annuity payment date following receipt by the System of the contributions required under this subsection (p).

(q) By paying the required contributions under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest, an employee who was laid off but returned to State employment under circumstances in which the employee is considered to have been in continuous service for purposes of determining seniority may establish creditable service for the period of the layoff, provided that (1) the applicant applies for the creditable service under this subsection (q) within 6 months after the effective date of this amendatory Act of the 94th General Assembly, (2) the applicant does not receive credit for that period under any other provision of this Code, (3) at the time of
the layoff, the applicant is not in an initial probationary status consistent with the rules of the Department of Central Management Services, and (4) the total amount of creditable service established by the applicant under this subsection (q) does not exceed 3 years. For service established under this subsection (q), the required employee contribution shall be based on the rate of compensation earned by the employee on the date of returning to employment after the layoff and the contribution rate then in effect, and the required interest shall be calculated from the date of returning to employment after the layoff to the date of payment.

(r) A member who participated in the University of Illinois Government Public Service Internship Program (GPSI) may establish creditable service for up to 2 years of that participation by making the contribution required under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest. The System shall determine a full-time salary equivalent for the purpose of calculating the required contribution. Credit may not be established under this subsection for any period for which service credit is established under any other provision of this Code.

(Source: P.A. 94-612, eff. 8-18-05; 94-1111, eff. 2-27-07.)

(40 ILCS 5/14-152.2 new)

Sec. 14-152.2. New benefit increases. The General Assembly finds and declares that the amendment to Section 14-104 made by this amendatory Act of the 95th General Assembly that allows members to establish creditable service for certain participation in the University of Illinois Government Public Service Internship Program (GPSI) constitutes a new benefit increase within the meaning of Section 14-152.1. Funding for this new benefit increase will be provided by additional employee contributions under subsection (r) of Section 14-104.

Section 99. Effective date. This Act takes effect upon becoming law.

Sent to the Governor July, 12, 2007.
Vetoed by the Governor September 10, 2007.
General Assembly Overrides Total Veto October 11, 2007.

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Effective October 11, 2007.

PUBLIC ACT 95-0652

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)
Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis

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determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and

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ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.
(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which

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information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

   (A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

   (B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

   (C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

   (D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

   (E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as

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having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused rail yards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that

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discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:
(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate

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natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

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(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair
overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village, incorporated town, or a township that is located in the unincorporated portion of a county with 3 million or more inhabitants, if the county adopted an ordinance that approved the township's redevelopment plan.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service
Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the

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period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those

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municipalities 100% of their Net State Sales Tax Increment before any
distribution to any other municipality and regardless of whether or not
those other municipalities will receive 100% of their Net State Sales Tax
Increment. For Fiscal Year 1999, and every year thereafter until the year
2007, for any municipality that has not entered into a contract or has not
issued bonds prior to June 1, 1988 to finance redevelopment project costs
within a State Sales Tax Boundary, the Net State Sales Tax Increment
shall be calculated as follows: By multiplying the Net State Sales Tax
Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal
Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal
Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal
Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal
Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be
made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a
redevelopment project in a redevelopment project area within the State
Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in
connection with a redevelopment project in a redevelopment project area
before June 1, 1988, shall continue to receive their proportional share of
the Illinois Tax Increment Fund distribution until the date on which the
redevelopment project is completed or terminated. If, however, a
municipality that issued bonds in connection with a redevelopment project
in a redevelopment project area within the State Sales Tax Boundary prior
to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality
that entered into contracts in connection with a redevelopment project in a
redevelopment project area before June 1, 1988 completes the contracts
prior to June 30, 2007, then so long as the redevelopment project is not
completed or is not terminated, the Net State Sales Tax Increment shall be
calculated, beginning on the date on which the bonds are retired or the
contracts are completed, as follows: By multiplying the Net State Sales
Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State
Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State
Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State
Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008

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(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amended Ordinance of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State

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Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational
activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;

(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;

(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;

(D) the sources of funds to pay costs;

(E) the nature and term of the obligations to be issued;

(F) the most recent equalized assessed valuation of the redevelopment project area;

(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;

(H) a commitment to fair employment practices and an affirmative action plan;

(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and

(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time
and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates: shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981; shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area if the ordinance was adopted on May 20, 1985 by the Village of Wheeling; and shall not be later than December 31 of the year in
which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or
(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or
(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or
(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or
(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or
(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or
(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or
(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or
(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or

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(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or
(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or
(L) if the ordinance was adopted in September 1988 by Sauk Village, or
(M) if the ordinance was adopted in October 1993 by Sauk Village, or
(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
(O) if the ordinance was adopted in March 1991 by the City of Centreville, or
(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or
(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or
(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or
(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or
(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or
(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or
(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or
(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or
(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or
(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or
(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or
(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or
(CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or
(DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or
(EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or
(FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or
(GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or
(HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or
(II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or
(JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or
(KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or
(LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or
(MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or
(NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or
(OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or
(PP) if the ordinance was adopted on December 23, 1991 by the City of Sullivan, or

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(QQ) if the ordinance was adopted on December 31, 1986 by the City of Oglesby, or
(RR) if the ordinance was adopted on July 28, 1987 by the City of Marion, or
(SS) if the ordinance was adopted on April 23, 1990 by the City of Marion, or
(TT) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect, or
(UU) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull, or
(VV) if the ordinance was adopted on April 20, 1993 by the Village of Princeville, or
(WW) if the ordinance was adopted on July 1, 1986 by the City of Granite City, or
(XX) if the ordinance was adopted on February 2, 1989 by the Village of Lombard, or
(YY) if the ordinance was adopted on December 29, 1986 by the Village of Gardner, or
(ZZ) if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw, or
(AA) if the ordinance was adopted in 1999 by the City of Villa Grove.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property located within the boundaries of the State Sales Tax Boundary.
property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus

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municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.
Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.
(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.
(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the
municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes

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anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of
1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.
(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

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(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(7.7) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or

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after January 1, 2005 (the effective date of Public Act 93-961), a public library district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act shall be paid to the library district by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units. This paragraph (7.7) applies only if (i) the library district is located in a county that is subject to the Property Tax Extension Limitation Law or (ii) the library district is not located in a county that is subject to the Property Tax Extension Limitation Law but the district is prohibited by any other law from increasing its tax levy rate without a prior voter referendum.

The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by (ii) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a

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library district under this paragraph (7.7) shall be no more than 2% of the amount produced by the assisted housing units and deposited into the Special Tax Allocation Fund.

A library district is not eligible for any payment under this paragraph (7.7) unless the library district has experienced an increase in the number of patrons from the municipality that created the tax-increment-financing district since the designation of the redevelopment project area.

Any library district seeking payment under this paragraph (7.7) shall, after July 1 and before September 30 of each year, provide the municipality with convincing evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the library district. If the library district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. Library districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.7). By acceptance of such reimbursement, the library district shall forfeit any right to directly or indirectly set aside, modify, or contest in any manner whatsoever the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when

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incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

   (A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;
   (B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;
   (C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;
   (D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and
   (E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of
rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of
paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

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(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen,
other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until

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September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording
during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff. 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 7-19-05; 94-268, eff. 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff. 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810, eff. 5-26-06; 94-903, eff. 6-22-06; revised 8-3-06.)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance.
authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following:

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(a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

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If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

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A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area if the ordinance was adopted on May 20, 1985 by the Village of Wheeling, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were

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authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or (DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or (EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or (FF) if the ordinance was adopted on December 15, 1986 by

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the Village of Heyworth, or (GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or (HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or (II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or (JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or (KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or (LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or (MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or (NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or (OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or (PP) if the ordinance was adopted on December 31, 1991 by the City of Sullivan, or (QQ) if the ordinance was adopted on December 31, 1986 by the City of Oglesby, or (RR) if the ordinance was adopted on July 28, 1987 by the City of Marion, or (SS) if the ordinance was adopted on April 23, 1990 by the City of Marion, or (TT) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect, or (UU) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull, or (VV) if the ordinance was adopted on April 20, 1993 by the Village of Princeville, or (WW) (VV) if the ordinance was adopted on July 1, 1986 by the City of Granite City, or (XX) (RR) if the ordinance was adopted on February 2, 1989 by the Village of Lombard, or (YY) (VV) if the ordinance was adopted on December 29, 1986 by the Village of Gardner, or (ZZ) (VV) if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw or, (AAA) if the ordinance was adopted in 1999 by the City of Villa Grove and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to
pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff. 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810, eff. 5-26-06; 94-903, eff. 6-22-06; revised 8-3-06.)

Sent to the Governor June 15, 2007.
Vetoed by the Governor August 14, 2007.
General Assembly Overrides Total Veto October 11, 2007.
Effective January 1, 2008.

PUBLIC ACT 95-0654
(House Bill No. 3578)

AN ACT concerning public employee benefits.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Section 9-121.6 as follows:

(40 ILCS 5/9-121.6) (from Ch. 108 1/2, par. 9-121.6)
Sec. 9-121.6. Alternative annuity for county officers. (a) Any county officer elected by vote of the people may elect to establish

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alternative credits for an alternative annuity by electing in writing to make additional optional contributions in accordance with this Section and procedures established by the board. Such elected county officer may discontinue making the additional optional contributions by notifying the Fund in writing in accordance with this Section and procedures established by the board.

Additional optional contributions for the alternative annuity shall be as follows:

(1) For service after the option is elected, an additional contribution of 3% of salary shall be contributed to the Fund on the same basis and under the same conditions as contributions required under Sections 9-170 and 9-176.

(2) For service before the option is elected, an additional contribution of 3% of the salary for the applicable period of service, plus interest at the effective rate from the date of service to the date of payment. All payments for past service must be paid in full before credit is given. No additional optional contributions may be made for any period of service for which credit has been previously forfeited by acceptance of a refund, unless the refund is repaid in full with interest at the effective rate from the date of refund to the date of repayment.

(b) In lieu of the retirement annuity otherwise payable under this Article, any county officer elected by vote of the people who (1) has elected to participate in the Fund and make additional optional contributions in accordance with this Section, and (2) has attained age 60 with at least 10 years of service credit, or has attained age 65 with at least 8 years of service credit, may elect to have his retirement annuity computed as follows: 3% of the participant's salary at the time of termination of service for each of the first 8 years of service credit, plus 4% of such salary for each of the next 4 years of service credit, plus 5% of such salary for each year of service credit in excess of 12 years, subject to a maximum of 80% of such salary. To the extent such elected county officer has made additional optional contributions with respect to only a portion of his years of service credit, his retirement annuity will first be determined in accordance with this Section to the extent such additional

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optional contributions were made, and then in accordance with the remaining Sections of this Article to the extent of years of service credit with respect to which additional optional contributions were not made.

(c) In lieu of the disability benefits otherwise payable under this Article, any county officer elected by vote of the people who (1) has elected to participate in the Fund, and (2) has become permanently disabled and as a consequence is unable to perform the duties of his office, and (3) was making optional contributions in accordance with this Section at the time the disability was incurred, may elect to receive a disability annuity calculated in accordance with the formula in subsection (b). For the purposes of this subsection, such elected county officer shall be considered permanently disabled only if: (i) disability occurs while in service as an elected county officer and is of such a nature as to prevent him from reasonably performing the duties of his office at the time; and (ii) the board has received a written certification by at least 2 licensed physicians appointed by it stating that such officer is disabled and that the disability is likely to be permanent.

(d) Refunds of additional optional contributions shall be made on the same basis and under the same conditions as provided under Section 9-164, 9-166 and 9-167. Interest shall be credited at the effective rate on the same basis and under the same conditions as for other contributions. Optional contributions shall be accounted for in a separate Elected County Officer Optional Contribution Reserve. Optional contributions under this Section shall be included in the amount of employee contributions used to compute the tax levy under Section 9-169.

(e) The effective date of this plan of optional alternative benefits and contributions shall be January 1, 1988, or the date upon which approval is received from the U.S. Internal Revenue Service, whichever is later. The plan of optional alternative benefits and contributions shall not be available to any former county officer or employee receiving an annuity from the Fund on the effective date of the plan, unless he re-enters service as an elected county officer and renders at least 3 years of additional service after the date of re-entry.

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(f) The plan of optional alternative benefits and contributions authorized under this Section applies only to county officers elected by vote of the people on or before the effective date of this amendatory Act of the 95th General Assembly.
(Source: P.A. 85-964.)

Section 90. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)
Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

Effective January 1, 2008.

PUBLIC ACT 95-0655
(House Bill No. 3627)

AN ACT concerning finance.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the Charitable Trust Stabilization Act.
Section 5. The Charitable Trust Stabilization Fund.
(a) The Charitable Trust Stabilization Fund is created as a special fund in the State treasury. From appropriations from the Fund, the Charitable Trust Stabilization Committee shall make grants to public and private entities in the State for the purposes set forth under subsection (b). Moneys received for the purposes of this Section, including, without limitation, fees collected under subsection (m) of Section 115.10 of the General Not For Profit Corporation Act of 1986 and appropriations, gifts,

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grants, and awards from any public or private entity, must be deposited into the Fund. Any interest earnings that are attributable to moneys in the Fund must be deposited into the Fund.

(b) Moneys in the Fund may be used only for the following purposes:

(1) short-term, low-interest loans to participating organizations that experience temporary cash-flow shortages;
(2) business loans to participating organizations for the purpose of expanding their capacity or operations;
(3) grants for the start-up purposes of participating organizations; and
(4) the administration of the Fund and this Act.

(c) Moneys in the Fund must be allocated as follows:

(1) 20% of the amount deposited into the Fund in the fiscal year must be set aside for the operating budget of the Fund and Committee for the next fiscal year, but the operating budget of the Fund and Committee may not exceed $4,000,000 in any fiscal year;
(2) 50% must be available for the purposes set forth under subsection (b); and
(3) 30% must be invested for the purpose of earning interest or other investment income.

(d) As soon as practical after the effective date of this Act, the State Treasurer must transfer the amount of $1,000,000 from the General Revenue Fund to the Charitable Trust Stabilization Fund. On the June 30 that occurs in the third year after the transfer to the Charitable Trust Stabilization Fund, the Treasurer must transfer the amount of $1,000,000 from the Charitable Trust Stabilization Fund to the General Revenue Fund. If, on that date, less than $1,000,000 is available for transfer, then the Treasurer must transfer the remaining balance of the Charitable Trust Stabilization Fund to the General Revenue Fund, and on each June 30 thereafter must transfer any balance in the Charitable Trust Stabilization Fund to the General Revenue Fund until the aggregate amount of $1,000,000 has been transferred.

Section 10. The Charitable Trust Stabilization Committee.
(a) The Charitable Trust Stabilization Committee is created. The Committee consists of the following members:

(1) the Attorney General or his or her designee, who shall serve as co-chair of the Committee;

(2) the State Treasurer or his or her designee, who shall serve as co-chair of the Committee;

(3) the Lieutenant Governor or his or her designee;

(4) the Director of Commerce and Economic Opportunity or his or her designee;

(5) the chief executive officer of the Division of Financial Institutions in the Department of Financial and Professional Regulations or his or her designee; and

(6) six private citizens, who shall serve a term of 6 years, appointed by the State Treasurer with advice and consent of the Senate.

(b) The Committee shall adopt rules, including procedures and criteria for grant awards; it must meet at least once each calendar quarter; and it may establish committees and officers as it deems necessary. For purposes of Committee meetings, a quorum is a majority of the members. Meetings of the Committee are subject to the Open Meetings Act. The Committee must afford an opportunity for public comment at each of its meetings.

(c) Committee members shall serve without compensation, but may be reimbursed for their reasonable travel expenses from funds available for that purpose. The Department of Commerce and Economic Opportunity shall, subject to appropriation, provide staff and administrative support services to the Committee.

(d) The Committee shall administer the Charitable Trust Stabilization Fund. The Committee may employ the services of a director. The director must have extensive experience in building and funding not-for-profit ventures. The director must:

(1) develop and implement an annual work plan based on the goals set forth by the Committee;

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(2) attend the Committee meetings and provide reports of the progress on the annual work plan;

(3) develop and maintain a database of all organizations that have elected to participate under this Act; and

(4) publicize the Charitable Trust Stabilization Fund to eligible organizations.

Section 15. Grant eligibility. To be eligible to receive a grant under this Act, an organization must be a community-based organization or other not-for-profit entity that:

(1) is a not-for-profit corporation that is exempt from federal income taxation under Section 501(c)(3) of the federal Internal Revenue Code of 1986;

(2) is organized under the General Not for Profit Corporation Act of 1986 for the purpose of providing charitable services to the community; and

(3) complies with the provisions of the Charitable Trust Act.

Section 20. Permissive application. The grant program under this Act is permissive and is subject to appropriation by the General Assembly.

Section 90. The State Finance Act is amended by adding Section 5.675 as follows:

(30 ILCS 105/5.675 new)
Sec. 5.675. The Charitable Trust Stabilization Fund.

Section 95. The General Not For Profit Corporation Act of 1986 is amended by changing Section 115.10 as follows:

(805 ILCS 105/115.10) (from Ch. 32, par. 115.10)
Sec. 115.10. Fees for filing documents. The Secretary of State shall charge and collect for:

(a) Filing articles of incorporation, $50.

(b) Filing articles of amendment, $25, unless the amendment is a restatement of the articles of incorporation, in which case the fee shall be $100.

(c) Filing articles of merger or consolidation, $25.

(d) Filing articles of dissolution, $5.

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(e) Filing application to reserve a corporate name, $25.

(f) Filing a notice of transfer or cancellation of a reserved corporate name, $25.

(g) Filing statement of change of address of registered office or change of registered agent, or both, $5.

(h) Filing an application of a foreign corporation for authority to conduct affairs in this State, $50.

(i) Filing an application of a foreign corporation for amended authority to conduct affairs in this State, $25.

(j) Filing a copy of amendment to the articles of incorporation of a foreign corporation holding authority to conduct affairs in this State, $25, unless the amendment is a restatement of the articles of incorporation, in which case the fee shall be $100.

(k) Filing a copy of articles of merger of a foreign corporation holding authority to conduct affairs in this State, $25.

(l) Filing an application for withdrawal and final report or a copy of articles of dissolution of a foreign corporation, $5.

(m) Filing an annual report of a domestic or foreign corporation, $10, of which $5 must be deposited into the Charitable Trust Stabilization Fund.

(n) Filing an application for reinstatement of a domestic or a foreign corporation, $25.

(o) Filing an application for use of an assumed corporate name, $150 for each year or part thereof ending in 0 or 5, $120 for each year or part thereof ending in 1 or 6, $90 for each year or part thereof ending in 2 or 7, $60 for each year or part thereof ending in 3 or 8, $30 for each year or part thereof ending in 4 or 9, and a renewal fee for each assumed corporate name, $150.

(p) Filing an application for change or cancellation of an assumed corporate name, $5.

(q) Filing an application to register the corporate name of a foreign corporation, $50; and an annual renewal fee for the registered name, $50.

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(r) Filing an application for cancellation of a registered name of a foreign corporation, $5.
(s) Filing a statement of correction, $25.
(t) Filing an election to accept this Act, $25.
(u) Filing any other statement or report, $5.
(Source: P.A. 93-59, eff. 7-1-03; 94-605, eff. 1-1-06.)

Governor Returns Bill with Recommendation For Change
Effective June 1, 2008.

PUBLIC ACT 95-0656
(House Bill No. 3729)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Private Sewage Disposal Licensing Act is amended by changing Sections 3 and 8 as follows:
(225 ILCS 225/3) (from Ch. 111 1/2, par. 116.303)
Sec. 3. As used in this Act, unless the context otherwise requires:
(1) "Domestic Sewage" means waste water derived principally from dwellings, business or office buildings, institutions, food service establishments, and similar facilities.
(2) "Director" means Director of the Illinois Department of Public Health.
(3) "Department" means the Illinois Department of Public Health.
(4) "Human Wastes" means undigested food and by-products of metabolism which are passed out of the human body.
(5) "Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois or any Department thereof, or any other entity.

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(6) "Population Equivalent" means an average waste loading equivalent to that produced by one person which is defined as 100 gallons per day.

(7) "Private Sewage Disposal System" means any sewage handling or treatment facility receiving domestic sewage from less than 15 people or population equivalent and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.

(8) "Private Sewage Disposal System Installation Contractor" means any person constructing, installing, repairing, modifying, or maintaining private sewage disposal systems.

(9) "Property Owner" means the person in whose name legal title to the real estate is recorded.

(10) "Waste" means either human waste or domestic sewage or both.

(11) "Private Sewage Disposal System Pumping Contractor" means any person who cleans or pumps waste from a private sewage disposal system or hauls or disposes of wastes removed therefrom.

(12) "Alternative private sewage disposal system" means any system designed to address a unique circumstance where the prescriptive requirements of the private sewage disposal code does not apply, where the final treatment and discharge is free flowing through native soil, and where (i) the projected wastewater is likely to be atypical of residential or domestic wastewater in that flow may exceed 1500 gallons per day; (ii) the 5-day biochemical oxygen demand of the wastewater may exceed 300 milligrams per liter; (iii) any portion of the system is to be shared by 2 or more owners; or (iv) any portion of the treated wastewater is proposed for recycling or reuse.

(Source: P.A. 84-670.)

(225 ILCS 225/8) (from Ch. 111 1/2, par. 116.308)

Sec. 8. In addition to promulgating and publishing the private sewage disposal code, the Department has the following powers and duties:

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(1) Make such inspections as are necessary to determine satisfactory compliance with this Act and the private sewage disposal code.

(2) Cause investigations to be made when a violation of any provisions of this Act or the private sewage disposal code is reported to the Department.

(3) Subject to constitutional limitations, by its representatives after identification, enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the administration and enforcement of this Act and the private sewage disposal code.

(4) Institute or cause to be instituted legal proceedings in the circuit court by the State's Attorney of the county where such non-compliance occurred or by the Attorney General of the State of Illinois in cases of non-compliance with the provisions of this Act and the private sewage disposal code.

(5) Authorize the trial or experimental use of new innovative systems for private sewage disposal, upon such conditions as the Department may set.

(6) Adopt minimum performance standards for private sewage disposal system contractors.

(7) Issue an annual license to every applicant who complies with the requirements of this Act and the private sewage disposal code and who pays the required annual license fee.

(8) Collect an annual license fee in an amount determined by the Department from each contractor and any examination and reinstatement fees.

(9) Prescribe rules of procedure for hearings following denial, suspension or revocation of licenses as provided in this Act.

(10) Authorize the use of alternative private sewage disposal systems that are designed by a professional engineer licensed under the Professional Engineering Practice Act of 1989 or an environmental health practitioner licensed under the Environmental Health Practitioner Licensing Act and accepted by the Department on a case-by-case basis
where the proposed design reasonably addresses issues particular to the proposed system, including without limitation flow volume projections, wastewater composition and pretreatment, treatment and flow in the subsurface environment, and system ownership and maintenance responsibility.
(Source: P.A. 85-1261.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly June 20, 2007.
Sent to the Governor July 19, 2007.
Vetoed by the Governor September 17, 2007.
General Assembly Overrides Total Veto October 11, 2007.
Effective October 11, 2007.

AN ACT concerning government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Green Governments Illinois Act.

Section 5. Findings and purpose. Daily government operations have an impact on environmental quality and use of natural resources, including the energy and water consumed, the solid waste generated, the buildings constructed, and the goods and services purchased. The purpose of this Act is to demonstrate the State's commitment to reducing negative environmental impacts, reducing greenhouse gases, and preserving resources for current and future generations. This Act will also strengthen the capacity of units of local government and educational institutions to transition to a more environmentally sustainable future.

Section 10. Green Governments Coordinating Council; established. The Green Governments Coordinating Council is established. The purpose of the Council is to integrate more fully into the ongoing management

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systems, long-range planning, and daily operations of State agencies a
number of cost-effective environmental sustainability measures that
enhance health and safety, reduce the consumption of energy and fuels,
conserve water, minimize emissions and reduce solid and hazardous
wastes. The Council will also serve as a resource for units of local
government and educational institutions, which includes all public and
private school districts, regional offices of education, universities, and
colleges.

Section 15. Composition of the Council. The Council shall be
comprised of representatives from various State agencies with specific
fiscal, procurement, educational, and environmental policy expertise. The
Lieutenant Governor is the chair of the Council. The director of each of
the following State agencies, or his or her designee, is a member of the
Council: the Department of Commerce and Economic Opportunity, the
Environmental Protection Agency, the Department of Natural Resources,
the Department of Natural Resources Waste Management and Research
Center, the Department of Central Management Services, the Governor's
Office of Management and Budget, the Department of Agriculture, the
Department of Transportation, the Department of Corrections, the
Department of Human Services, the Department of Public Health, the
State Board of Education, the Board of Higher Education, and the Capital
Development Board. The Office of the Lieutenant Governor shall provide
administrative support to the Council. A minimum of one staff position in
the Office of the Lieutenant Governor shall be dedicated to the Green
Governments Illinois program.

Section 20. Responsibilities of the Council. The Council is
responsible for the development and dissemination of programs, plans, and
policies to reduce the environmental footprint of State government and for
improving the implementation of greening the government initiatives in
other institutions, thereby reducing costs to taxpayers and improving
efficiency in operations. The Council shall convene on a quarterly basis
and shall be responsible for the following:

(a) Establishing long-term environmental sustainability
goals that the State will strive to achieve within a period of 3, 5,
and 10 years to improve the energy and environmental performance of State buildings, consistent with efficiency and economic objectives. These goals shall, at a minimum, include the following: broad-based performance goals for energy efficiency; use of renewable fuels; water conservation; green purchasing; paper consumption; and solid waste generation. These goals can be met through increased efficiency, operational changes, and improved maintenance and use of cost-effective alternative technologies, raw materials, and fuels.

The Council shall:

1. communicate the environmental sustainability goals to all State agencies;
2. establish an electronic system to track and report on environmental progress;
3. monitor improvement activities; and
4. propose new goals as appropriate.

(b) Coordinating an awards program that recognizes units of State and local government and educational institutions for developing, adopting, and implementing innovative or exemplary environmental sustainability plans in conformance with this Act.

(c) Creating specific guidance materials for State agencies, educational institutions, and units of local government on how to integrate environmental sustainability into existing management systems, planning, and operational practices, while still providing necessary services and ensuring efficient and effective operations. These guidance materials must include a list of environmental and energy best practices, case studies, policy language, model plans, and other resource information. These materials must be made available on a website devoted to the Green Governments Illinois program.

(d) Developing and implementing, to the extent fiscally feasible, training programs designed to instill the importance and value of environmental sustainability.
(e) Providing new ways for State government to build markets for environmentally preferable products and services without compromising price, competition, and availability. The Council shall initially focus on integrated pest management, bio-based products, recycled content paper, energy efficiency, renewable energy, alternative fuel vehicles, and green cleaning supplies. Within existing resources, the Department of Central Management Services shall designate a single point of contact for State agencies, suppliers, and other interested parties to contact regarding environmentally preferable purchasing issues.

(f) Working collaboratively with State agencies, units of local government, educational institutions, and the legislative branches of government to promote benchmarking, commissioning, and retro-commissioning to make government and institutional buildings more resource-efficient, energy efficient, and healthful public places.

(g) Reviewing budgetary policy and making recommendations to the Governor on incentives for State agencies to undertake environmental improvements that result in long-term cost-savings, productivity enhancements, or other outcomes deemed appropriate to the State's sustainability goals.

(h) Reporting annually to the Governor and the General Assembly on the results of environmental sustainability actions taken by State agencies, educational institutions and units of local government during the prior calendar year. The report must include the environmental and economic benefits of the environmental sustainability actions, where feasible, the consumption of those actions, and provide recommendations for future environmental improvement activities during the following year. The report shall be filed by September 1, 2008, and September 1 of each subsequent year.

(i) The chairman of the Council shall determine whether or not the I-Cycle program is operating effectively and make recommendations concerning management of the I-Cycle program.

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The chairman has the authority to dissolve the I-Cycle program if the program is found to be ineffective.

Section 25. Authority of the Council. To fulfill its functions, the Council has the authority to:

(1) Solicit and receive grants.

(2) Solicit, use, and publish advice and information from non-governmental entities and experts to assist in the Council's duties.

Section 30. Voluntary participation. Participation in the provisions of this Act by units of local government and educational institutions is voluntary.

Section 35. Environmental Plans and Reporting.

(a) Each State agency shall submit an adopted environmental sustainability plan to the chairman of the Council for review and approval on or before November 1, 2007.

On or before August 1, 2007, the Council shall prepare a downloadable plan template designed to provide a simple framework for the development of an environmental sustainability plan as required by this Act. The Council shall adopt procedures for reviewing and approving the plans, and make staff available during preparation of the plans to assist State agencies with their plan-writing efforts. The Council shall complete its plan review process on or before January 1, 2008. The sustainability plans shall be reviewed and updated periodically, but at least once every 3 years. To the extent feasible and cost-effective, units of local government, educational institutions, and State agencies are encouraged to adopt and implement similar sustainability plans. Environmental sustainability plans may be submitted to the chairman of the Council, by request, for review and approval.

(b) On or before August 1, 2007, each State agency, using existing resources, shall form an internal environmental sustainability committee. The environmental sustainability committee shall (i) assess the environmental and resource use impacts of its major operational activities making environmental improvements, conserving resources, and reducing health risks; (ii) develop an environmental sustainability plan as required

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under this Act; and (iii) establish an ongoing process through which their sustainability efforts can be reviewed and improved upon. The committee shall focus on the most significant environmental and resource use impacts, examine the feasibility and cost-effectiveness of addressing these impacts, and prioritize their actions accordingly.

Where feasible, the committee shall quantify the specific impacts of major operational activities such as gallons of water used, pounds of solid waste generated, gallons of gasoline consumed, and dollars spent per year on electricity. The committee shall consist of representatives from different departments and program areas, including purchasing, maintenance, and facility management. A senior member of management shall be designated to coordinate environmental sustainability efforts of each committee. The coordinator shall provide information to agency facilities and staff, coordinate planning and reporting activities, and act as liaison to the Council. Where appropriate, State agencies may appoint facility coordinators in addition to the agency coordinator. Coordinators shall be given full management support and provided with the necessary resources to meet the goals of this Act.

(c) On or before April 1, 2008 and on or before April 1 of each subsequent year, each State agency shall submit to the chairman of the Council a report summarizing the progress made in implementing its environmental sustainability plan, including sustainability measures adopted and goals achieved. The information in this report shall encompass the previous calendar year.

On or before January 1, 2008, the Council shall develop and adopt a reporting form to be used to comply with the provisions of this Section. Participating units of local government, State agencies, and educational institutions must submit an annual progress report on or before June 1, 2008 and on or before June 1 of each subsequent year.

(d) State agencies shall be invited to participate in the Council's efforts to foster environmental sustainability practices throughout State government.

(e) The Council shall provide technical assistance to State agencies, units of local government, and educational institutions for the
purpose of implementing the environmental sustainability planning requirement.

(f) The Council may establish criteria for exempting select State agencies from the environmental sustainability planning based on staff size, probable environmental impacts, and scope of operations.

Section 40. Inter-agency cooperation. The Council shall be entitled to and shall receive the cooperation of every administrator and employee of every State agency in fulfilling the Council's purpose and functions.

Section 45. Green Governments Illinois website.

(a) The Green Governments Illinois staff member of the Lieutenant Governor's Office shall be responsible for establishing and maintaining an Internet website devoted to the Green Governments Illinois program.

(b) The content and capabilities of the website shall, at a minimum, include:

1. the ability to receive submitted plans and reports;
2. a downloadable template for preparing reports;
3. viewable and downloadable plans and reports submitted by the participating units of State and local government and educational institutions;
4. a listing of sources of information on developing environmental programs and Internet links, if available, to those sources;
5. a listing of sources of funding for environmental programs and Internet links, if available, to those sources;
6. information on forming intergovernmental agreements for the purpose of developing collaborative environmental plans between units of local government; and
7. guidance materials to assist State agencies, units of local government, and educational institutions in identifying environmental impacts and evaluating practical actions to prevent pollution and conserve resources.

Section 99. Effective date. This Act takes effect upon becoming law.


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PUBLIC ACT 95-0658
(Senate Bill No. 0121)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Sex Offender Registration Act is amended by changing Sections 2 and 3 and by adding Section 3-5 as follows:

(730 ILCS 150/2) (from Ch. 38, par. 222)
Sec. 2. Definitions.
(A) As used in this Article, "sex offender" means any person who is:

(1) charged pursuant to Illinois law, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, with a sex offense set forth in subsection (B) of this Section or the attempt to commit an included sex offense, and:

(a) is convicted of such offense or an attempt to commit such offense; or
(b) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or
(c) is found not guilty by reason of insanity pursuant to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or
(d) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the

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alleged commission or attempted commission of such offense; or

(e) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

(f) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or

(2) certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(3) subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act; or

(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(5) adjudicated a juvenile delinquent as the result of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, or found guilty under Article V of the Juvenile Court Act of 1987 of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a
violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Article as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Article.

For purposes of this Section, "convicted" shall have the same meaning as "adjudicated". For the purposes of this Article, a person who is defined as a sex offender as a result of being adjudicated a juvenile delinquent under paragraph (5) of this subsection (A) upon attaining 17 years of age shall be considered as having committed the sex offense on or after the sex offender's 17th birthday. Registration of juveniles upon attaining 17 years of age shall not extend the original registration of 10 years from the date of conviction.

(B) As used in this Article, "sex offense" means:

(1) A violation of any of the following Sections of the Criminal Code of 1961:

11-20.1 (child pornography),
11-6 (indecent solicitation of a child),
11-9.1 (sexual exploitation of a child),
11-9.2 (custodial sexual misconduct),
11-9.5 (sexual misconduct with a person with a disability),
11-15.1 (soliciting for a juvenile prostitute),
11-18.1 (patronizing a juvenile prostitute),
11-17.1 (keeping a place of juvenile prostitution),
11-19.1 (juvenile pimping),
11-19.2 (exploitation of a child),
12-13 (criminal sexual assault),
12-14 (aggravated criminal sexual assault),
12-14.1 (predatory criminal sexual assault of a child),
12-15 (criminal sexual abuse),
12-16 (aggravated criminal sexual abuse),

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12-33 (ritualized abuse of a child).
An attempt to commit any of these offenses.

(1.5) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age, the defendant is not a parent of the victim, the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act, and the offense was committed on or after January 1, 1996:

10-1 (kidnapping),
10-2 (aggravated kidnapping),
10-3 (unlawful restraint),
10-3.1 (aggravated unlawful restraint).

(1.6) First degree murder under Section 9-1 of the Criminal Code of 1961, when the victim was a person under 18 years of age and the defendant was at least 17 years of age at the time of the commission of the offense, provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act.

(1.7) (Blank).

(1.8) A violation or attempted violation of Section 11-11 (sexual relations within families) of the Criminal Code of 1961, and the offense was committed on or after June 1, 1997.

(1.9) Child abduction under paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 committed by luring or attempting to lure a child under the age of 16 into a motor vehicle, building, house trailer, or dwelling place without the consent of the parent or lawful custodian of the child for other than a lawful purpose and the offense was committed on or after January 1, 1998, provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act.

(1.10) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after July 1, 1999:

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10-4 (forcible detention, if the victim is under 18 years of age), provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act,

11-6.5 (indecent solicitation of an adult),

11-15 (soliciting for a prostitute, if the victim is under 18 years of age),

11-16 (pandering, if the victim is under 18 years of age),

11-18 (patronizing a prostitute, if the victim is under 18 years of age),

11-19 (pimping, if the victim is under 18 years of age).

(1.11) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 when the offense was committed on or after August 22, 2002:

11-9 (public indecency for a third or subsequent conviction).

(1.12) A violation or attempted violation of Section 5.1 of the Wrongs to Children Act (permitting sexual abuse) when the offense was committed on or after August 22, 2002.

(2) A violation of any former law of this State substantially equivalent to any offense listed in subsection (B) of this Section.

(C) A conviction for an offense of federal law, Uniform Code of Military Justice, or the law of another state or a foreign country that is substantially equivalent to any offense listed in subsections (B), (C), and (E) of this Section shall constitute a conviction for the purpose of this Article. A finding or adjudication as a sexually dangerous person or a sexually violent person under any federal law, Uniform Code of Military Justice, or the law of another state or foreign country that is substantially equivalent to the Sexually Dangerous Persons Act or the Sexually Violent Persons Commitment Act shall constitute an adjudication for the purposes of this Article.

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(C-5) A person at least 17 years of age at the time of the commission of the offense who is convicted of first degree murder under Section 9-1 of the Criminal Code of 1961, against a person under 18 years of age, shall be required to register for natural life. A conviction for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (C-5) of this Section shall constitute a conviction for the purpose of this Article. This subsection (C-5) applies to a person who committed the offense before June 1, 1996 only if the person is incarcerated in an Illinois Department of Corrections facility on August 20, 2004 (the effective date of Public Act 93-977).

(D) As used in this Article, "law enforcement agency having jurisdiction" means the Chief of Police in each of the municipalities in which the sex offender expects to reside, work, or attend school (1) upon his or her discharge, parole or release or (2) during the service of his or her sentence of probation or conditional discharge, or the Sheriff of the county, in the event no Police Chief exists or if the offender intends to reside, work, or attend school in an unincorporated area. "Law enforcement agency having jurisdiction" includes the location where out-of-state students attend school and where out-of-state employees are employed or are otherwise required to register.

(D-1) As used in this Article, "supervising officer" means the assigned Illinois Department of Corrections parole agent or county probation officer.

(E) As used in this Article, "sexual predator" means any person who, after July 1, 1999, is:

(1) Convicted for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (E) of this Section shall constitute a conviction for the purpose of this Article. Convicted of a violation or attempted violation of any of the following Sections of the Criminal Code of 1961, if the conviction occurred after July 1, 1999:

11-17.1 (keeping a place of juvenile prostitution),

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11-19.1 (juvenile pimping),
11-19.2 (exploitation of a child),
11-20.1 (child pornography),
12-13 (criminal sexual assault),
12-14 (aggravated criminal sexual assault),
12-14.1 (predatory criminal sexual assault of a child),
12-16 (aggravated criminal sexual abuse),
12-33 (ritualized abuse of a child); or

(2) (blank); or

(3) certified as a sexually dangerous person pursuant to the Sexually Dangerous Persons Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(5) convicted of a second or subsequent offense which requires registration pursuant to this Act. The conviction for the second or subsequent offense must have occurred after July 1, 1999. For purposes of this paragraph (5), "convicted" shall include a conviction under any substantially similar Illinois, federal, Uniform Code of Military Justice, sister state, or foreign country law.

(F) As used in this Article, "out-of-state student" means any sex offender, as defined in this Section, or sexual predator who is enrolled in Illinois, on a full-time or part-time basis, in any public or private educational institution, including, but not limited to, any secondary school, trade or professional institution, or institution of higher learning.

(G) As used in this Article, "out-of-state employee" means any sex offender, as defined in this Section, or sexual predator who works in Illinois, regardless of whether the individual receives payment for services performed, for a period of time of 10 or more days or for an aggregate
period of time of 30 or more days during any calendar year. Persons who operate motor vehicles in the State accrue one day of employment time for any portion of a day spent in Illinois.

(H) As used in this Article, "school" means any public or private educational institution, including, but not limited to, any elementary or secondary school, trade or professional institution, or institution of higher education.

(I) As used in this Article, "fixed residence" means any and all places that a sex offender resides for an aggregate period of time of 5 or more days in a calendar year.

(Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04; 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-945, eff. 6-27-06; 94-1053, eff. 7-24-06; revised 8-3-06.)

(730 ILCS 150/3) (from Ch. 38, par. 223)
Sec. 3. Duty to register.

(a) A sex offender, as defined in Section 2 of this Act, or sexual predator shall, within the time period prescribed in subsections (b) and (c), register in person and provide accurate information as required by the Department of State Police. Such information shall include a current photograph, current address, current place of employment, the employer's telephone number, school attended, extensions of the time period for registering as provided in this Article and, if an extension was granted, the reason why the extension was granted and the date the sex offender was notified of the extension. The information shall also include the county of conviction, license plate numbers for every vehicle registered in the name of the sex offender, the age of the sex offender at the time of the commission of the offense, the age of the victim at the time of the commission of the offense, and any distinguishing marks located on the body of the sex offender. A person who has been adjudicated a juvenile delinquent for an act which, if committed by an adult, would be a sex offense shall register as an adult sex offender within 10 days after attaining 17 years of age. The sex offender or sexual predator shall register:

(1) with the chief of police in the municipality in which he or she resides or is temporarily domiciled for a period of time of 5
or more days, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(2) with the sheriff in the county in which he or she resides or is temporarily domiciled for a period of time of 5 or more days in an unincorporated area or, if incorporated, no police chief exists.

If the sex offender or sexual predator is employed at or attends an institution of higher education, he or she shall register:

(i) with the chief of police in the municipality in which he or she is employed at or attends an institution of higher education, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(ii) with the sheriff in the county in which he or she is employed or attends an institution of higher education located in an unincorporated area, or if incorporated, no police chief exists.

For purposes of this Article, the place of residence or temporary domicile is defined as any and all places where the sex offender resides for an aggregate period of time of 5 or more days during any calendar year. Any person required to register under this Article who lacks a fixed address or temporary domicile must notify, in person, the agency of jurisdiction of his or her last known address within 5 days after ceasing to have a fixed residence.

Any person who lacks a fixed residence must report weekly, in person, with the sheriff's office of the county in which he or she is located in an unincorporated area, or with the chief of police in the municipality in which he or she is located. The agency of jurisdiction will document each weekly registration to include all the locations where the person has stayed during the past 7 days.

The sex offender or sexual predator shall provide accurate information as required by the Department of State Police. That information shall include the sex offender's or sexual predator's current place of employment.

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(a-5) An out-of-state student or out-of-state employee shall, within 5 days after beginning school or employment in this State, register in person and provide accurate information as required by the Department of State Police. Such information will include current place of employment, school attended, and address in state of residence. The out-of-state student or out-of-state employee shall register:

(1) with the chief of police in the municipality in which he or she attends school or is employed for a period of time of 5 or more days or for an aggregate period of time of more than 30 days during any calendar year, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(2) with the sheriff in the county in which he or she attends school or is employed for a period of time of 5 or more days or for an aggregate period of time of more than 30 days during any calendar year in an unincorporated area or, if incorporated, no police chief exists.

The out-of-state student or out-of-state employee shall provide accurate information as required by the Department of State Police. That information shall include the out-of-state student's current place of school attendance or the out-of-state employee's current place of employment.

(b) Any sex offender, as defined in Section 2 of this Act, or sexual predator, regardless of any initial, prior, or other registration, shall, within 5 days of beginning school, or establishing a residence, place of employment, or temporary domicile in any county, register in person as set forth in subsection (a) or (a-5).

(c) The registration for any person required to register under this Article shall be as follows:

(1) Any person registered under the Habitual Child Sex Offender Registration Act or the Child Sex Offender Registration Act prior to January 1, 1996, shall be deemed initially registered as of January 1, 1996; however, this shall not be construed to extend the duration of registration set forth in Section 7.
(2) Except as provided in subsection (c)(4), any person convicted or adjudicated prior to January 1, 1996, whose liability for registration under Section 7 has not expired, shall register in person prior to January 31, 1996.

(2.5) Except as provided in subsection (c)(4), any person who has not been notified of his or her responsibility to register shall be notified by a criminal justice entity of his or her responsibility to register. Upon notification the person must then register within 5 days of notification of his or her requirement to register. If notification is not made within the offender's 10 year registration requirement, and the Department of State Police determines no evidence exists or indicates the offender attempted to avoid registration, the offender will no longer be required to register under this Act.

(3) Except as provided in subsection (c)(4), any person convicted on or after January 1, 1996, shall register in person within 5 days after the entry of the sentencing order based upon his or her conviction.

(4) Any person unable to comply with the registration requirements of this Article because he or she is confined, institutionalized, or imprisoned in Illinois on or after January 1, 1996, shall register in person within 5 days of discharge, parole or release.

(5) The person shall provide positive identification and documentation that substantiates proof of residence at the registering address.

(6) The person shall pay a $20 initial registration fee and a $10 annual renewal fee. The fees shall be used by the registering agency for official purposes. The agency shall establish procedures to document receipt and use of the funds. The law enforcement agency having jurisdiction may waive the registration fee if it determines that the person is indigent and unable to pay the registration fee. Ten dollars for the initial registration fee and $5 of the annual renewal fee shall be used by the registering agency for

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official purposes. Ten dollars of the initial registration fee and $5 of the annual fee shall be deposited into the Sex Offender Management Board Fund under Section 19 of the Sex Offender Management Board Act. Money deposited into the Sex Offender Management Board Fund shall be administered by the Sex Offender Management Board and shall be used to fund practices endorsed or required by the Sex Offender Management Board Act including but not limited to sex offenders evaluation, treatment, or monitoring programs that are or may be developed, as well as for administrative costs, including staff, incurred by the Board.

(d) Within 5 days after obtaining or changing employment and, if employed on January 1, 2000, within 5 days after that date, a person required to register under this Section must report, in person to the law enforcement agency having jurisdiction, the business name and address where he or she is employed. If the person has multiple businesses or work locations, every business and work location must be reported to the law enforcement agency having jurisdiction.

Source: P.A. 93-616, eff. 1-1-04; 93-979, eff. 8-20-04; 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-994, eff. 1-1-07.)

Sec. 3-5. Application of Act to adjudicated juvenile delinquents.

(a) In all cases involving an adjudicated juvenile delinquent who meets the definition of sex offender as set forth in paragraph (5) of subsection (A) of Section 2 of this Act, the court shall order the minor to register as a sex offender.

(b) Once an adjudicated juvenile delinquent is ordered to register as a sex offender, the adjudicated juvenile delinquent shall be subject to the registration requirements set forth in Sections 3, 6, 6-5, 8, 8-5, and 10 for the term of his or her registration.

(c) For a minor adjudicated delinquent for an offense which, if charged as an adult, would be a felony, no less than 5 years after registration ordered pursuant to subsection (a) of this Section, the minor may petition for the termination of the term of registration. For a minor adjudicated delinquent for an offense which, if charged as an adult, would...
be a misdemeanor, no less than 2 years after registration ordered pursuant to subsection (a) of this Section, the minor may petition for termination of the term of registration.

(d) The court may upon a hearing on the petition for termination of registration, terminate registration if the court finds that the registrant poses no risk to the community by a preponderance of the evidence based upon the factors set forth in subsection (e).

(e) To determine whether a registrant poses a risk to the community as required by subsection (d), the court shall consider the following factors:

1. a risk assessment performed by an evaluator approved by the Sex Offender Management Board;
2. the sex offender history of the adjudicated juvenile delinquent;
3. evidence of the adjudicated juvenile delinquent’s rehabilitation;
4. the age of the adjudicated juvenile delinquent at the time of the offense;
5. information related to the adjudicated juvenile delinquent’s mental, physical, educational, and social history;
6. victim impact statements; and
7. any other factors deemed relevant by the court.

(f) At the hearing set forth in subsections (c) and (d), a registrant shall be represented by counsel and may present a risk assessment conducted by an evaluator who is a licensed psychiatrist, psychologist, or other mental health professional, and who has demonstrated clinical experience in juvenile sex offender treatment.

(g) After a registrant completes the term of his or her registration, his or her name, address, and all other identifying information shall be removed from all State and local registries.

(h) This Section applies retroactively to cases in which adjudicated juvenile delinquents who registered or were required to register before the effective date of this amendatory Act of the 95th General Assembly. On or after the effective date of this amendatory Act of the 95th General
Assembly, a person adjudicated delinquent before the effective date of this amendatory Act of the 95th General Assembly may request a hearing regarding status of registration by filing a Petition Requesting Registration Status with the clerk of the court. Upon receipt of the Petition Requesting Registration Status, the clerk of the court shall provide notice to the parties and set the Petition for hearing pursuant to subsections (c) through (e) of this Section.

(i) This Section does not apply to minors prosecuted under the criminal laws as adults.

Section 99. Effective date. This Act takes effect upon becoming law.

Sent to the Governor June 27, 2007.
Vetoed by the Governor August 24, 2007.
General Assembly Overrides Total Veto October 11, 2007.
Effective October 11, 2007.

PUBLIC ACT 95-0659
(Senate Bill No. 0186)

AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

Section 5. The Public Library District Act of 1991 is amended by
changing Sections 30-95 and 30-100 as follows:

(75 ILCS 16/30-95)
Sec. 30-95. Working cash fund.
(a) A board may, by ordinance, create and maintain a working cash
fund, for the sole purpose of enabling the district to have in its funds, at all
times, sufficient money to meet demands for ordinary and necessary and
committed expenditures for library purposes.
(b) The working cash fund shall be known as the public library
district working cash fund and may contain any amount deemed necessary
by the board to satisfy the purpose of the fund. The balance in the fund

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shall not, however, at any time be allowed to exceed 0.2% of the full, fair cash value of all taxable property within the district, as equalized or assessed by the Department of Revenue for the year 1998 for the year the fund was established or, if established after January 1, 1979, then for the year 1978. The money for the fund shall accrue from the public library district working cash fund tax the board is authorized to levy under Section 35-35. The board may appropriate moneys to the working cash fund up to the maximum amount allowable in the fund, and the working cash fund may receive those appropriations and any other contributions.

(c) Once the fund has been created, the proceeds shall be deposited into a special and separate fund and may be carried over from year to year without in any manner reducing or abating a future annual library tax levy. The fund shall be identified in the budget each year, but shall not be deemed a current asset available for library purposes.

(d) The proceeds of the fund may be transferred from the working cash fund to the general library fund and disbursed from the general library fund in anticipation of the collection of taxes lawfully levied for general library purposes or in anticipation of taxes imposed before or after the effective date of this Act by the General Assembly of the State of Illinois to replace revenue lost by units of local government and school districts as a result of the abolition of ad valorem personal property taxes pursuant to Article IX, Section 5, subsection (c), of the Illinois Constitution. These taxes, when collected and after payment of tax warrants, shall be drawn upon to reimburse the working cash fund.

(e) Temporarily idle moneys in the working cash fund may be invested as directed by the governing board of the library district, and the interest earned on the investments may, at the option of the board, be either transferred permanently to the general corporate fund or may remain in the working cash fund. If the interest remains in the working cash fund, it may serve to increase the balance of the working cash fund available for loans, but in no event may the balance of that fund be allowed to exceed the statutory maximum for the fund established in this Section.

(Source: P.A. 87-1277.)

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Sec. 30-100. Abolition of working cash fund. The board may, by resolution, abolish a working cash fund established under Section 30-95 and direct the transfer of any balance in the fund, including any interest that has accrued, to the general library fund at the close of the fiscal year. If the board abolishes a working cash fund under this Section, it may be reestablished in the same manner as the fund was originally created under Section 35-35 of this Act; however, it shall not establish another working cash fund, unless establishment of the fund is approved by a majority of the voters of the district voting on the question at a referendum.

(Source: P.A. 87-1277.)

Section 99. Effective date. This Act takes effect upon becoming law.

Sent to the Governor June 20, 2007.
Vetoed by the Governor August 17, 2007.
General Assembly Overrides Total Veto October 11, 2007.
Effective October 11, 2007.

PUBLIC ACT 95-0660
(Senate Bill No. 0215)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Utilities Act is amended by adding Section 8-408 as follows:

(220 ILCS 5/8-408 new)

Sec. 8-408. Energy efficiency plans for small multi-jurisdictional utilities.

(a) Any electric or gas public utility with fewer than 200,000 customers in Illinois on January 1, 2007 that offers energy efficiency programs to its customers in a state adjacent to Illinois may seek the approval of the Commission to offer the same or comparable energy

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efficiency programs to its customers in Illinois. For each program to be offered, the utility shall submit to the Commission:

(1) a description of the program;
(2) a proposed implementation schedule and method;
(3) the number of eligible participants;
(4) the expected rate of participation per year;
(5) the estimated annual peak demand and energy savings;
(6) the budget or level of spending; and
(7) the rate impacts and average bill impacts, by customer class, resulting from the program.

The Commission shall approve each program demonstrated to be cost-effective. Programs for low-income customers shall be approved by the Commission even if they have not been demonstrated to be cost-effective if they are demonstrated to be reasonable. An order of the State agency that regulates the rates of the utility in the adjacent state that finds a program to be cost-effective or reasonable shall be sufficient to demonstrate that the program is cost-effective or reasonable for the utility's customers in Illinois. Approved programs may be delivered by the utility or by a contractor or agent of the utility.

(b) Notwithstanding the provisions of Section 9-201, a public utility providing approved energy efficiency programs in the State shall be permitted to recover the reasonable costs of those programs through an automatic adjustment clause tariff filed with and approved by the Commission. Each year the Commission shall initiate a review to reconcile any amounts collected with the actual costs and to determine the adjustment to the annual tariff factor to match annual expenditures. The determination shall be made within 90 days after the date of initiation of the review.

(c) The utility may request a waiver of one or more components of an approved energy efficiency program at any time in order to improve the program's effectiveness. The Commission may grant the waiver if good cause is shown by the utility. Notwithstanding the cessation of the programs, a utility shall file a final reconciliation of the amounts collected.
as compared to the actual costs and shall continue the resulting factor until any over-recovery or under-recovery approaches zero.

(d) A public utility that offers approved energy efficiency programs in the State may do so through at least December 31, 2012. The Commission shall monitor the performance of the energy efficiency programs and, on or before October 31, 2012, the Commission shall make a determination regarding whether the programs should be continued beyond calendar year 2012. The Commission shall also file a written report with the General Assembly explaining the basis for that determination and detailing the results of the energy efficiency programs, including energy savings, participation numbers, and costs.

Section 99. Effective date. This Act takes effect January 1, 2008.
Governor Returns Bill with Recommendation For Change
Effective January 1, 2008.

PUBLIC ACT 95-0661
(Senate Bill No. 0229)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 2. The Illinois Banking Act is amended by changing Section 48.1 as follows:
(205 ILCS 5/48.1) (from Ch. 17, par. 360)
Sec. 48.1. Customer financial records; confidentiality.
(a) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of:
(1) a document granting signature authority over a deposit or account;

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(2) a statement, ledger card or other record on any deposit or account, which shows each transaction in or with respect to that account;

(3) a check, draft or money order drawn on a bank or issued and payable by a bank; or

(4) any other item containing information pertaining to any relationship established in the ordinary course of a bank's business between a bank and its customer, including financial statements or other financial information provided by the customer.

(b) This Section does not prohibit:

(1) The preparation, examination, handling or maintenance of any financial records by any officer, employee or agent of a bank having custody of the records, or the examination of the records by a certified public accountant engaged by the bank to perform an independent audit.

(2) The examination of any financial records by, or the furnishing of financial records to, any officer, employee or agent of (i) the Commissioner of Banks and Real Estate, (ii) after May 31, 1997, a state regulatory authority authorized to examine a branch of a State bank located in another state, (iii) the Comptroller of the Currency, (iv) the Federal Reserve Board, or (v) the Federal Deposit Insurance Corporation for use solely in the exercise of his duties as an officer, employee, or agent.

(3) The publication of data furnished from financial records relating to customers where the data cannot be identified to any particular customer or account.

(4) The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1986.

(5) Furnishing information concerning the dishonor of any negotiable instrument permitted to be disclosed under the Uniform Commercial Code.

(6) The exchange in the regular course of business of (i) credit information between a bank and other banks or financial institutions or commercial enterprises, directly or through a
consumer reporting agency or (ii) financial records or information derived from financial records between a bank and other banks or financial institutions or commercial enterprises for the purpose of conducting due diligence pursuant to a purchase or sale involving the bank or assets or liabilities of the bank.

(7) The furnishing of information to the appropriate law enforcement authorities where the bank reasonably believes it has been the victim of a crime.

(8) The furnishing of information under the Uniform Disposition of Unclaimed Property Act.


(10) The furnishing of information under the federal Currency and Foreign Transactions Reporting Act Title 31, United States Code, Section 1051 et seq.

(11) The furnishing of information under any other statute that by its terms or by regulations promulgated thereunder requires the disclosure of financial records other than by subpoena, summons, warrant, or court order.

(12) The furnishing of information about the existence of an account of a person to a judgment creditor of that person who has made a written request for that information.

(13) The exchange in the regular course of business of information between commonly owned banks in connection with a transaction authorized under paragraph (23) of Section 5 and conducted at an affiliate facility.

(14) The furnishing of information in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Any bank governed by this Act shall enter into an agreement for data exchanges with a State agency provided the State agency pays to the bank a reasonable fee not to exceed its actual cost incurred. A bank providing information in accordance with this item shall not be liable to any account holder
or other person for any disclosure of information to a State agency, for encumbering or surrendering any assets held by the bank in response to a lien or order to withhold and deliver issued by a State agency, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. A bank shall have no obligation to hold, encumber, or surrender assets until it has been served with a subpoena, summons, warrant, court or administrative order, lien, or levy.

(15) The exchange in the regular course of business of information between a bank and any commonly owned affiliate of the bank, subject to the provisions of the Financial Institutions Insurance Sales Law.

(16) The furnishing of information to law enforcement authorities, the Illinois Department on Aging and its regional administrative and provider agencies, the Department of Human Services Office of Inspector General, or public guardians: (i) upon subpoena by the investigatory entity or the guardian, or (ii) if there is suspicion by the bank that a customer who is an elderly or disabled person has been or may become the victim of financial exploitation. For the purposes of this item (16), the term: (i) "elderly person" means a person who is 60 or more years of age, (ii) "disabled person" means a person who has or reasonably appears to the bank to have a physical or mental disability that impairs his or her ability to seek or obtain protection from or prevent financial exploitation, and (iii) "financial exploitation" means tortious or illegal use of the assets or resources of an elderly or disabled person, and includes, without limitation, misappropriation of the elderly or disabled person's assets or resources by undue influence, breach of fiduciary relationship, intimidation, fraud, deception, extortion, or the use of assets or resources in any manner contrary to law. A bank or person furnishing information pursuant to this item (16) shall be entitled to the same rights and protections as a person furnishing

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(17) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the customer, or in connection with:
   (A) servicing or processing a financial product or service requested or authorized by the customer;
   (B) maintaining or servicing a customer's account with the bank; or
   (C) a proposed or actual securitization or secondary market sale (including sales of servicing rights) related to a transaction of a customer.

Nothing in this item (17), however, authorizes the sale of the financial records or information of a customer without the consent of the customer.

(18) The disclosure of financial records or information as necessary to protect against actual or potential fraud, unauthorized transactions, claims, or other liability.

(19) (a) The disclosure of financial records or information related to a private label credit program between a financial institution and a private label party in connection with that private label credit program. Such information is limited to outstanding balance, available credit, payment and performance and account history, product references, purchase information, and information related to the identity of the customer.

   (b) (1) For purposes of this paragraph (19) of subsection (b) of Section 48.1, a "private label credit program" means a credit program involving a financial institution and a private label party that is used by a customer of the financial institution and the private label party primarily for payment for goods or services sold, manufactured, or distributed by a private label party.

   (2) For purposes of this paragraph (19) of subsection (b) of Section 48.1, a "private label party" means, with respect to a private

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label credit program, any of the following: a retailer, a merchant, a manufacturer, a trade group, or any such person's affiliate, subsidiary, member, agent, or service provider.

(c) Except as otherwise provided by this Act, a bank may not disclose to any person, except to the customer or his duly authorized agent, any financial records or financial information obtained from financial records relating to that customer of that bank unless:

(1) the customer has authorized disclosure to the person;

(2) the financial records are disclosed in response to a lawful subpoena, summons, warrant, citation to discover assets, or court order which meets the requirements of subsection (d) of this Section; or

(3) the bank is attempting to collect an obligation owed to the bank and the bank complies with the provisions of Section 2I of the Consumer Fraud and Deceptive Business Practices Act.

(d) A bank shall disclose financial records under paragraph (2) of subsection (c) of this Section under a lawful subpoena, summons, warrant, citation to discover assets, or court order only after the bank mails a copy of the subpoena, summons, warrant, citation to discover assets, or court order to the person establishing the relationship with the bank, if living, and, otherwise his personal representative, if known, at his last known address by first class mail, postage prepaid, unless the bank is specifically prohibited from notifying the person by order of court or by applicable State or federal law. A bank shall not mail a copy of a subpoena to any person pursuant to this subsection if the subpoena was issued by a grand jury under the Statewide Grand Jury Act.

(e) Any officer or employee of a bank who knowingly and willfully furnishes financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(f) Any person who knowingly and willfully induces or attempts to induce any officer or employee of a bank to disclose financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

New matter indicated by italics - deletions by strikeout
(g) A bank shall be reimbursed for costs that are reasonably necessary and that have been directly incurred in searching for, reproducing, or transporting books, papers, records, or other data of a customer required or requested to be produced pursuant to a lawful subpoena, summons, warrant, citation to discover assets, or court order. The Commissioner shall determine the rates and conditions under which payment may be made.

(Source: P.A. 94-495, eff. 8-8-05; 94-851, eff. 6-13-06.)

Section 2.5. The Illinois Savings and Loan Act of 1985 is amended by changing Section 3-8 as follows:

(205 ILCS 105/3-8) (from Ch. 17, par. 3303-8)

Sec. 3-8. Access to books and records; communication with members.

(a) Every member or holder of capital shall have the right to inspect the books and records of the association that pertain to his account. Otherwise, the right of inspection and examination of the books and records shall be limited as provided in this Act, and no other person shall have access to the books and records or shall be entitled to a list of the members.

(b) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of (i) a document granting signature authority over a deposit or account; (ii) a statement, ledger card, or other record on any deposit or account that shows each transaction in or with respect to that account; (iii) a check, draft, or money order drawn on an association or issued and payable by an association; or (iv) any other item containing information pertaining to any relationship established in the ordinary course of an association's business between an association and its customer, including financial statements or other financial information provided by the member or holder of capital.

(c) This Section does not prohibit:

(1) The preparation, examination, handling, or maintenance of any financial records by any officer, employee, or agent of an association having custody of those records or the examination of...
those records by a certified public accountant engaged by the association to perform an independent audit.

(2) The examination of any financial records by, or the furnishing of financial records by an association to, any officer, employee, or agent of the Commissioner of Banks and Real Estate or federal depository institution regulator for use solely in the exercise of his duties as an officer, employee, or agent.

(3) The publication of data furnished from financial records relating to members or holders of capital where the data cannot be identified to any particular member, holder of capital, or account.

(4) The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1986.

(5) Furnishing information concerning the dishonor of any negotiable instrument permitted to be disclosed under the Uniform Commercial Code.

(6) The exchange in the regular course of business of (i) credit information between an association and other associations or financial institutions or commercial enterprises, directly or through a consumer reporting agency or (ii) financial records or information derived from financial records between an association and other associations or financial institutions or commercial enterprises for the purpose of conducting due diligence pursuant to a purchase or sale involving the association or assets or liabilities of the association.

(7) The furnishing of information to the appropriate law enforcement authorities where the association reasonably believes it has been the victim of a crime.

(8) The furnishing of information pursuant to the Uniform Disposition of Unclaimed Property Act.

(10) The furnishing of information pursuant to the federal "Currency and Foreign Transactions Reporting Act", (Title 31, United States Code, Section 1051 et seq.).

(11) The furnishing of information pursuant to any other statute that by its terms or by regulations promulgated thereunder requires the disclosure of financial records other than by subpoena, summons, warrant, or court order.

(12) The exchange of information between an association and an affiliate of the association; as used in this item, "affiliate" includes any company, partnership, or organization that controls, is controlled by, or is under common control with an association.

(13) The furnishing of information in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Any association governed by this Act shall enter into an agreement for data exchanges with a State agency provided the State agency pays to the association a reasonable fee not to exceed its actual cost incurred. An association providing information in accordance with this item shall not be liable to any account holder or other person for any disclosure of information to a State agency, for encumbering or surrendering any assets held by the association in response to a lien or order to withhold and deliver issued by a State agency, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. An association shall have no obligation to hold, encumber, or surrender assets until it has been served with a subpoena, summons, warrant, court or administrative order, lien, or levy.

(14) The furnishing of information to law enforcement authorities, the Illinois Department on Aging and its regional administrative and provider agencies, the Department of Human Services Office of Inspector General, or public guardians: (i) upon subpoena by the investigatory entity or the guardian, or (ii) if there is suspicion by the association that a customer who is an elderly or
disabled person has been or may become the victim of financial exploitation. For the purposes of this item (14), the term: (i) "elderly person" means a person who is 60 or more years of age, (ii) "disabled person" means a person who has or reasonably appears to the association to have a physical or mental disability that impairs his or her ability to seek or obtain protection from or prevent financial exploitation, and (iii) "financial exploitation" means tortious or illegal use of the assets or resources of an elderly or disabled person, and includes, without limitation, misappropriation of the elderly or disabled person's assets or resources by undue influence, breach of fiduciary relationship, intimidation, fraud, deception, extortion, or the use of assets or resources in any manner contrary to law. An association or person furnishing information pursuant to this item (14) shall be entitled to the same rights and protections as a person furnishing information under the Elder Abuse and Neglect Act, the Illinois Domestic Violence Act of 1986, and the Abuse of Adults with Disabilities Intervention Act.

(15) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the member or holder of capital, or in connection with:

(A) servicing or processing a financial product or service requested or authorized by the member or holder of capital;
(B) maintaining or servicing an account of a member or holder of capital with the association; or
(C) a proposed or actual securitization or secondary market sale (including sales of servicing rights) related to a transaction of a member or holder of capital.

Nothing in this item (15), however, authorizes the sale of the financial records or information of a member or holder of capital without the consent of the member or holder of capital.

New matter indicated by italics - deletions by strikeout
(16) The disclosure of financial records or information as necessary to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability.

(17)(a) The disclosure of financial records or information related to a private label credit program between a financial institution and a private label party in connection with that private label credit program. Such information is limited to outstanding balance, available credit, payment and performance and account history, product references, purchase information, and information related to the identity of the customer.

(b)(1) For purposes of this paragraph (17) of subsection (c) of Section 3-8, a "private label credit program" means a credit program involving a financial institution and a private label party that is used by a customer of the financial institution and the private label party primarily for payment for goods or services sold, manufactured, or distributed by a private label party.

(2) For purposes of this paragraph (17) of subsection (c) of Section 3-8, a "private label party" means, with respect to a private label credit program, any of the following: a retailer, a merchant, a manufacturer, a trade group, or any such person's affiliate, subsidiary, member, agent, or service provider.

(d) An association may not disclose to any person, except to the member or holder of capital or his duly authorized agent, any financial records relating to that member or holder of capital of that association unless:

(1) The member or holder of capital has authorized disclosure to the person; or

(2) The financial records are disclosed in response to a lawful subpoena, summons, warrant, citation to discover assets, or court order that meets the requirements of subsection (e) of this Section.

(e) An association shall disclose financial records under subsection (d) of this Section pursuant to a lawful subpoena, summons, warrant, citation to discover assets, or court order only after the association mails a
copy of the subpoena, summons, warrant, citation to discover assets, or court order to the person establishing the relationship with the association, if living, and, otherwise, his personal representative, if known, at his last known address by first class mail, postage prepaid, unless the association is specifically prohibited from notifying that person by order of court.

(f)(1) Any officer or employee of an association who knowingly and willfully furnishes financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(2) Any person who knowingly and willfully induces or attempts to induce any officer or employee of an association to disclose financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(g) However, if any member desires to communicate with the other members of the association with reference to any question pending or to be presented at a meeting of the members, the association shall give him upon request a statement of the approximate number of members entitled to vote at the meeting and an estimate of the cost of preparing and mailing the communication. The requesting member then shall submit the communication to the Commissioner who, if he finds it to be appropriate and truthful, shall direct that it be prepared and mailed to the members upon the requesting member's payment or adequate provision for payment of the expenses of preparation and mailing.

(h) An association shall be reimbursed for costs that are necessary and that have been directly incurred in searching for, reproducing, or transporting books, papers, records, or other data of a customer required to be reproduced pursuant to a lawful subpoena, warrant, citation to discover assets, or court order.

(Source: P.A. 93-271, eff. 7-22-03; 94-495, eff. 8-8-05; 94-851, eff. 6-13-06.)

Section 3. The Savings Bank Act is amended by changing Section 4013 as follows:

(205 ILCS 205/4013) (from Ch. 17, par. 7304-13)

New matter indicated by italics - deletions by strikeout
Sec. 4013. Access to books and records; communication with members and shareholders.

(a) Every member or shareholder shall have the right to inspect books and records of the savings bank that pertain to his accounts. Otherwise, the right of inspection and examination of the books and records shall be limited as provided in this Act, and no other person shall have access to the books and records nor shall be entitled to a list of the members or shareholders.

(b) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of (1) a document granting signature authority over a deposit or account; (2) a statement, ledger card, or other record on any deposit or account that shows each transaction in or with respect to that account; (3) a check, draft, or money order drawn on a savings bank or issued and payable by a savings bank; or (4) any other item containing information pertaining to any relationship established in the ordinary course of a savings bank's business between a savings bank and its customer, including financial statements or other financial information provided by the member or shareholder.

(c) This Section does not prohibit:

1. The preparation examination, handling, or maintenance of any financial records by any officer, employee, or agent of a savings bank having custody of records or examination of records by a certified public accountant engaged by the savings bank to perform an independent audit.

2. The examination of any financial records by, or the furnishing of financial records by a savings bank to, any officer, employee, or agent of the Commissioner of Banks and Real Estate or the federal depository institution regulator for use solely in the exercise of his duties as an officer, employee, or agent.

3. The publication of data furnished from financial records relating to members or holders of capital where the data cannot be identified to any particular member, shareholder, or account.

4. The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1986.

New matter indicated by italics - deletions by strikeout
(5) Furnishing information concerning the dishonor of any
negotiable instrument permitted to be disclosed under the Uniform
Commercial Code.

(6) The exchange in the regular course of business of (i)
credit information between a savings bank and other savings banks
or financial institutions or commercial enterprises, directly or
through a consumer reporting agency or (ii) financial records or
information derived from financial records between a savings bank
and other savings banks or financial institutions or commercial
enterprises for the purpose of conducting due diligence pursuant to
a purchase or sale involving the savings bank or assets or liabilities
of the savings bank.

(7) The furnishing of information to the appropriate law
enforcement authorities where the savings bank reasonably
believes it has been the victim of a crime.

(8) The furnishing of information pursuant to the Uniform
Disposition of Unclaimed Property Act.

(9) The furnishing of information pursuant to the Illinois
Income Tax Act and the Illinois Estate and Generation-Skipping
Transfer Tax Act.

(10) The furnishing of information pursuant to the federal
"Currency and Foreign Transactions Reporting Act", (Title 31,
United States Code, Section 1051 et seq.).

(11) The furnishing of information pursuant to any other
statute which by its terms or by regulations promulgated thereunder
requires the disclosure of financial records other than by subpoena,
summons, warrant, or court order.

(12) The furnishing of information in accordance with the
federal Personal Responsibility and Work Opportunity
Reconciliation Act of 1996. Any savings bank governed by this
Act shall enter into an agreement for data exchanges with a State
agency provided the State agency pays to the savings bank a
reasonable fee not to exceed its actual cost incurred. A savings
bank providing information in accordance with this item shall not

New matter indicated by italics - deletions by strikeout
be liable to any account holder or other person for any disclosure of information to a State agency, for encumbering or surrendering any assets held by the savings bank in response to a lien or order to withhold and deliver issued by a State agency, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. A savings bank shall have no obligation to hold, encumber, or surrender assets until it has been served with a subpoena, summons, warrant, court or administrative order, lien, or levy.

(13) The furnishing of information to law enforcement authorities, the Illinois Department on Aging and its regional administrative and provider agencies, the Department of Human Services Office of Inspector General, or public guardians: (i) upon subpoena by the investigatory entity or the guardian, or (ii) if there is suspicion by the savings bank that a customer who is an elderly or disabled person has been or may become the victim of financial exploitation. For the purposes of this item (13), the term: (i) "elderly person" means a person who is 60 or more years of age, (ii) "disabled person" means a person who has or reasonably appears to the savings bank to have a physical or mental disability that impairs his or her ability to seek or obtain protection from or prevent financial exploitation, and (iii) "financial exploitation" means tortious or illegal use of the assets or resources of an elderly or disabled person, and includes, without limitation, misappropriation of the elderly or disabled person's assets or resources by undue influence, breach of fiduciary relationship, intimidation, fraud, deception, extortion, or the use of assets or resources in any manner contrary to law. A savings bank or person furnishing information pursuant to this item (13) shall be entitled to the same rights and protections as a person furnishing information under the Elder Abuse and Neglect Act, the Illinois Domestic Violence Act of 1986, and the Abuse of Adults with Disabilities Intervention Act.

New matter indicated by italics - deletions by strikeout
(14) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the member or holder of capital, or in connection with:

(A) servicing or processing a financial product or service requested or authorized by the member or holder of capital;

(B) maintaining or servicing an account of a member or holder of capital with the savings bank; or

(C) a proposed or actual securitization or secondary market sale (including sales of servicing rights) related to a transaction of a member or holder of capital.

Nothing in this item (14), however, authorizes the sale of the financial records or information of a member or holder of capital without the consent of the member or holder of capital.

(15) The exchange in the regular course of business of information between a savings bank and any commonly owned affiliate of the savings bank, subject to the provisions of the Financial Institutions Insurance Sales Law.

(16) The disclosure of financial records or information as necessary to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability.

(17)(a) The disclosure of financial records or information related to a private label credit program between a financial institution and a private label party in connection with that private label credit program. Such information is limited to outstanding balance, available credit, payment and performance and account history, product references, purchase information, and information related to the identity of the customer.

(b)(l) For purposes of this paragraph (17) of subsection (c) of Section 4013, a "private label credit program" means a credit program involving a financial institution and a private label party that is used by a customer of the financial institution and the
private label party primarily for payment for goods or services sold, manufactured, or distributed by a private label party.

(2) For purposes of this paragraph (17) of subsection (c) of Section 4013, a "private label party" means, with respect to a private label credit program, any of the following: a retailer, a merchant, a manufacturer, a trade group, or any such person's affiliate, subsidiary, member, agent, or service provider.

(d) A savings bank may not disclose to any person, except to the member or holder of capital or his duly authorized agent, any financial records relating to that member or shareholder of the savings bank unless:

(1) the member or shareholder has authorized disclosure to the person; or

(2) the financial records are disclosed in response to a lawful subpoena, summons, warrant, citation to discover assets, or court order that meets the requirements of subsection (e) of this Section.

(e) A savings bank shall disclose financial records under subsection (d) of this Section pursuant to a lawful subpoena, summons, warrant, citation to discover assets, or court order only after the savings bank mails a copy of the subpoena, summons, warrant, citation to discover assets, or court order to the person establishing the relationship with the savings bank, if living, and otherwise, his personal representative, if known, at his last known address by first class mail, postage prepaid, unless the savings bank is specifically prohibited from notifying the person by order of court.

(f) Any officer or employee of a savings bank who knowingly and willfully furnishes financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.

(g) Any person who knowingly and willfully induces or attempts to induce any officer or employee of a savings bank to disclose financial records in violation of this Section is guilty of a business offense and, upon conviction, shall be fined not more than $1,000.
(h) If any member or shareholder desires to communicate with the other members or shareholders of the savings bank with reference to any question pending or to be presented at an annual or special meeting, the savings bank shall give that person, upon request, a statement of the approximate number of members or shareholders entitled to vote at the meeting and an estimate of the cost of preparing and mailing the communication. The requesting member shall submit the communication to the Commissioner who, upon finding it to be appropriate and truthful, shall direct that it be prepared and mailed to the members upon the requesting member's or shareholder's payment or adequate provision for payment of the expenses of preparation and mailing.

(i) A savings bank shall be reimbursed for costs that are necessary and that have been directly incurred in searching for, reproducing, or transporting books, papers, records, or other data of a customer required to be reproduced pursuant to a lawful subpoena, warrant, citation to discover assets, or court order.

(j) Notwithstanding the provisions of this Section, a savings bank may sell or otherwise make use of lists of customers' names and addresses. All other information regarding a customer's account are subject to the disclosure provisions of this Section. At the request of any customer, that customer's name and address shall be deleted from any list that is to be sold or used in any other manner beyond identification of the customer's accounts.

(Source: P.A. 93-271, eff. 7-22-03; 94-495, eff. 8-8-05; 94-851, eff. 6-13-06.)

Section 3.5. The Illinois Credit Union Act is amended by changing Section 10 as follows:

(205 ILCS 305/10) (from Ch. 17, par. 4411)
Sec. 10. Credit union records; member financial records.
(1) A credit union shall establish and maintain books, records, accounting systems and procedures which accurately reflect its operations and which enable the Department to readily ascertain the true financial condition of the credit union and whether it is complying with this Act.

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(2) A photostatic or photographic reproduction of any credit union records shall be admissible as evidence of transactions with the credit union.

(3)(a) For the purpose of this Section, the term "financial records" means any original, any copy, or any summary of (1) a document granting signature authority over an account, (2) a statement, ledger card or other record on any account which shows each transaction in or with respect to that account, (3) a check, draft or money order drawn on a financial institution or other entity or issued and payable by or through a financial institution or other entity, or (4) any other item containing information pertaining to any relationship established in the ordinary course of business between a credit union and its member, including financial statements or other financial information provided by the member.

(b) This Section does not prohibit:

(1) The preparation, examination, handling or maintenance of any financial records by any officer, employee or agent of a credit union having custody of such records, or the examination of such records by a certified public accountant engaged by the credit union to perform an independent audit.

(2) The examination of any financial records by or the furnishing of financial records by a credit union to any officer, employee or agent of the Department, the National Credit Union Administration, Federal Reserve board or any insurer of share accounts for use solely in the exercise of his duties as an officer, employee or agent.

(3) The publication of data furnished from financial records relating to members where the data cannot be identified to any particular customer of account.

(4) The making of reports or returns required under Chapter 61 of the Internal Revenue Code of 1954.

(5) Furnishing information concerning the dishonor of any negotiable instrument permitted to be disclosed under the Uniform Commercial Code.

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(6) The exchange in the regular course of business of (i) credit information between a credit union and other credit unions or financial institutions or commercial enterprises, directly or through a consumer reporting agency or (ii) financial records or information derived from financial records between a credit union and other credit unions or financial institutions or commercial enterprises for the purpose of conducting due diligence pursuant to a merger or a purchase or sale of assets or liabilities of the credit union.

(7) The furnishing of information to the appropriate law enforcement authorities where the credit union reasonably believes it has been the victim of a crime.

(8) The furnishing of information pursuant to the Uniform Disposition of Unclaimed Property Act.


(10) The furnishing of information pursuant to the federal "Currency and Foreign Transactions Reporting Act", Title 31, United States Code, Section 1051 et sequentia.

(11) The furnishing of information pursuant to any other statute which by its terms or by regulations promulgated thereunder requires the disclosure of financial records other than by subpoena, summons, warrant or court order.

(12) The furnishing of information in accordance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Any credit union governed by this Act shall enter into an agreement for data exchanges with a State agency provided the State agency pays to the credit union a reasonable fee not to exceed its actual cost incurred. A credit union providing information in accordance with this item shall not be liable to any account holder or other person for any disclosure of information to a State agency, for encumbering or surrendering any assets held by the credit union in response to a lien or order to

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withhold and deliver issued by a State agency, or for any other action taken pursuant to this item, including individual or mechanical errors, provided the action does not constitute gross negligence or willful misconduct. A credit union shall have no obligation to hold, encumber, or surrender assets until it has been served with a subpoena, summons, warrant, court or administrative order, lien, or levy.

(13) The furnishing of information to law enforcement authorities, the Illinois Department on Aging and its regional administrative and provider agencies, the Department of Human Services Office of Inspector General, or public guardians: (i) upon subpoena by the investigatory entity or the guardian, or (ii) if there is suspicion by the credit union that a member who is an elderly or disabled person has been or may become the victim of financial exploitation. For the purposes of this item (13), the term: (i) "elderly person" means a person who is 60 or more years of age, (ii) "disabled person" means a person who has or reasonably appears to the credit union to have a physical or mental disability that impairs his or her ability to seek or obtain protection from or prevent financial exploitation, and (iii) "financial exploitation" means tortious or illegal use of the assets or resources of an elderly or disabled person, and includes, without limitation, misappropriation of the elderly or disabled person's assets or resources by undue influence, breach of fiduciary relationship, intimidation, fraud, deception, extortion, or the use of assets or resources in any manner contrary to law. A credit union or person furnishing information pursuant to this item (13) shall be entitled to the same rights and protections as a person furnishing information under the Elder Abuse and Neglect Act, the Illinois Domestic Violence Act of 1986, and the Abuse of Adults with Disabilities Intervention Act.

(14) The disclosure of financial records or information as necessary to effect, administer, or enforce a transaction requested or authorized by the member, or in connection with:

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(A) servicing or processing a financial product or service requested or authorized by the member;
(B) maintaining or servicing a member's account with the credit union; or
(C) a proposed or actual securitization or secondary market sale (including sales of servicing rights) related to a transaction of a member.

Nothing in this item (14), however, authorizes the sale of the financial records or information of a member without the consent of the member.

(15) The disclosure of financial records or information as necessary to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability.

(16)(a) The disclosure of financial records or information related to a private label credit program between a financial institution and a private label party in connection with that private label credit program. Such information is limited to outstanding balance, available credit, payment and performance and account history, product references, purchase information, and information related to the identity of the customer.

(b)(l) For purposes of this paragraph (16) of subsection (b) of Section 10, a "private label credit program" means a credit program involving a financial institution and a private label party that is used by a customer of the financial institution and the private label party primarily for payment for goods or services sold, manufactured, or distributed by a private label party.

(2) For purposes of this paragraph (16) of subsection (b) of Section 10, a "private label party" means, with respect to a private label credit program, any of the following: a retailer, a merchant, a manufacturer, a trade group, or any such person's affiliate, subsidiary, member, agent, or service provider.

(c) Except as otherwise provided by this Act, a credit union may not disclose to any person, except to the member or his duly authorized
agent, any financial records relating to that member of the credit union unless:

(1) the member has authorized disclosure to the person;

(2) the financial records are disclosed in response to a lawful subpoena, summons, warrant, *citation to discover assets*, or court order that meets the requirements of subparagraph (d) of this Section; or

(3) the credit union is attempting to collect an obligation owed to the credit union and the credit union complies with the provisions of Section 2I of the Consumer Fraud and Deceptive Business Practices Act.

(d) A credit union shall disclose financial records under subparagraph (c)(2) of this Section pursuant to a lawful subpoena, summons, warrant, *citation to discover assets*, or court order only after the credit union mails a copy of the subpoena, summons, warrant, *citation to discover assets*, or court order to the person establishing the relationship with the credit union, if living, and otherwise his personal representative, if known, at his last known address by first class mail, postage prepaid unless the credit union is specifically prohibited from notifying the person by order of court or by applicable State or federal law. In the case of a grand jury subpoena, a credit union shall not mail a copy of a subpoena to any person pursuant to this subsection if the subpoena was issued by a grand jury under the Statewide Grand Jury Act or notifying the person would constitute a violation of the federal Right to Financial Privacy Act of 1978.

(e)(1) Any officer or employee of a credit union who knowingly and wilfully furnishes financial records in violation of this Section is guilty of a business offense and upon conviction thereof shall be fined not more than $1,000.

(2) Any person who knowingly and wilfully induces or attempts to induce any officer or employee of a credit union to disclose financial records in violation of this Section is guilty of a business offense and upon conviction thereof shall be fined not more than $1,000.
(f) A credit union shall be reimbursed for costs which are reasonably necessary and which have been directly incurred in searching for, reproducing or transporting books, papers, records or other data of a member required or requested to be produced pursuant to a lawful subpoena, summons, warrant, citation to discover assets, or court order. The Director may determine, by rule, the rates and conditions under which payment shall be made. Delivery of requested documents may be delayed until final reimbursement of all costs is received.

(Source: P.A. 94-495, eff. 8-8-05; 94-851, eff. 6-13-06.)

Section 5. The Code of Civil Procedure is amended by changing Sections 2-1402, 12-501, 12-803, 12-808, 12-808.5, 12-814, 19-117, and 19-123 and by adding Sections 5-126.5 and 19-129 as follows:

(735 ILCS 5/2-1402) (from Ch. 110, par. 2-1402)
Sec. 2-1402. Supplementary proceedings.
(a) A judgment creditor, or his or her successor in interest when that interest is made to appear of record, is entitled to prosecute supplementary proceedings for the purposes of examining the judgment debtor or any other person to discover assets or income of the debtor not exempt from the enforcement of the judgment, a deduction order or garnishment, and of compelling the application of non-exempt assets or income discovered toward the payment of the amount due under the judgment. A supplementary proceeding shall be commenced by the service of a citation issued by the clerk. The procedure for conducting supplementary proceedings shall be prescribed by rules. It is not a prerequisite to the commencement of a supplementary proceeding that a certified copy of the judgment has been returned wholly or partly unsatisfied. All citations issued by the clerk shall have the following language, or language substantially similar thereto, stated prominently on the front, in capital letters: "YOUR FAILURE TO APPEAR IN COURT AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND BROUGHT BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL." The court shall not grant a

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continuance of the supplementary proceeding except upon good cause shown.

(b) Any citation served upon a judgment debtor or any other person shall include a certification by the attorney for the judgment creditor or the judgment creditor setting forth the amount of the judgment, the date of the judgment, or its revival date, the balance due thereon, the name of the court, and the number of the case, and a copy of the citation notice required by this subsection. Whenever a citation is served upon a person or party other than the judgment debtor, the officer or person serving the citation shall send to the judgment debtor, within three business days of the service upon the cited party, a copy of the citation and the citation notice, which may be sent by regular first-class mail to the judgment debtor's last known address. In no event shall a citation hearing be held sooner than five business days after the mailing of the citation and citation notice to the judgment debtor, except by agreement of the parties. The citation notice need not be mailed to a corporation, partnership, or association. The citation notice shall be in substantially the following form:

"CITATION NOTICE
(Name and address of Court)
Name of Case: (Name of Judgment Creditor),
  Judgment Creditor v.
    (Name of Judgment Debtor),
  Judgment Debtor.
Address of Judgment Debtor: (Insert last known address)
Name and address of Attorney for Judgment Creditor or of Judgment Creditor (If no attorney is listed): (Insert name and address)
Amount of Judgment: $ (Insert amount)
Name of Person Receiving Citation: (Insert name)
Court Date and Time: (Insert return date and time specified in citation)
NOTICE: The court has issued a citation against the person named above. The citation directs that person to appear in court to be examined for the purpose of allowing the judgment creditor to discover income and assets belonging to the judgment debtor or in which the judgment debtor has an interest. The citation was issued on the basis of a judgment against the judgment debtor in favor of the judgment creditor in the amount stated above. On or after the court date stated above, the court may compel the application of any discovered income or assets toward payment on the judgment.

The amount of income or assets that may be applied toward the judgment is limited by federal and Illinois law. The JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED ABOVE:

(1) Under Illinois or federal law, the exemptions of personal property owned by the debtor include the debtor's equity interest, not to exceed $4,000 in value, in any personal property as chosen by the debtor; Social Security and SSI benefits; public assistance benefits; unemployment compensation benefits; worker's compensation benefits; veteran's benefits; circuit breaker property tax relief benefits; the debtor's equity interest, not to exceed $2,400 in value, in any one motor vehicle, and the debtor's equity interest, not to exceed $1,500 in value, in any implements, professional books, or tools of the trade of the debtor.

(2) Under Illinois law, every person is entitled to an estate in homestead, when it is owned and occupied as a residence, to the extent in value of $15,000, which homestead is exempt from judgment.

(3) Under Illinois law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 15% of gross weekly wages or (ii) the amount by which disposable earnings for a week exceed the total of 45 times the federal minimum hourly wage or, under a wage deduction summons

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served on or after January 1, 2006, the Illinois minimum hourly wage, whichever is greater.

(4) Under federal law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 25% of disposable earnings for a week or (ii) the amount by which disposable earnings for a week exceed 30 times the federal minimum hourly wage.

(5) Pension and retirement benefits and refunds may be claimed as exempt under Illinois law.

The judgment debtor may have other possible exemptions under the law.

THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. The judgment debtor also has the right to seek a declaration at an earlier date, by notifying the clerk in writing at (insert address of clerk). When so notified, the Clerk of the Court will obtain a prompt hearing date from the court and will provide the necessary forms that must be prepared by the judgment debtor or the attorney for the judgment debtor and sent to the judgment creditor and the judgment creditor's attorney regarding the time and location of the hearing. This notice may be sent by regular first class mail."

(c) When assets or income of the judgment debtor not exempt from the satisfaction of a judgment, a deduction order or garnishment are discovered, the court may, by appropriate order or judgment:

(1) Compel the judgment debtor to deliver up, to be applied in satisfaction of the judgment, in whole or in part, money, choses in action, property or effects in his or her possession or control, so discovered, capable of delivery and to which his or her title or right of possession is not substantially disputed.

(2) Compel the judgment debtor to pay to the judgment creditor or apply on the judgment, in installments, a portion of his or her income, however or whenever earned or acquired, as the court may deem proper, having due regard for the reasonable requirements of the judgment debtor and his or her family, if

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dependent upon him or her, as well as any payments required to be made by prior order of court or under wage assignments outstanding; provided that the judgment debtor shall not be compelled to pay income which would be considered exempt as wages under the Wage Deduction Statute. The court may modify an order for installment payments, from time to time, upon application of either party upon notice to the other.

(3) Compel any person cited, other than the judgment debtor, to deliver up any assets so discovered, to be applied in satisfaction of the judgment, in whole or in part, when those assets are held under such circumstances that in an action by the judgment debtor he or she could recover them in specie or obtain a judgment for the proceeds or value thereof as for conversion or embezzlement. A judgment creditor may recover a corporate judgment debtor's property on behalf of the judgment debtor for use of the judgment creditor by filing an appropriate petition within the citation proceedings.

(4) Enter any order upon or judgment against the person cited that could be entered in any garnishment proceeding.

(5) Compel any person cited to execute an assignment of any chose in action or a conveyance of title to real or personal property or resign memberships in exchanges, clubs, or other entities; in the same manner and to the same extent as a court could do in any proceeding by a judgment creditor to enforce payment of a judgment or in aid of the enforcement of a judgment.

(6) Authorize the judgment creditor to maintain an action against any person or corporation that, it appears upon proof satisfactory to the court, is indebted to the judgment debtor, for the recovery of the debt, forbid the transfer or other disposition of the debt until an action can be commenced and prosecuted to judgment, direct that the papers or proof in the possession or control of the debtor and necessary in the prosecution of the action be delivered to the creditor or impounded in court, and provide for

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the disposition of any moneys in excess of the sum required to pay the judgment creditor's judgment and costs allowed by the court.

(d) No order or judgment shall be entered under subsection (c) in favor of the judgment creditor unless there appears of record a certification of mailing showing that a copy of the citation and a copy of the citation notice was mailed to the judgment debtor as required by subsection (b).

(e) All property ordered to be delivered up shall, except as otherwise provided in this Section, be delivered to the sheriff to be collected by the sheriff or sold at public sale and the proceeds thereof applied towards the payment of costs and the satisfaction of the judgment. If the judgment debtor's property is of such a nature that it is not readily delivered up to the sheriff for public sale or if another method of sale is more appropriate to liquidate the property or enhance its value at sale, the court may order the sale of such property by the debtor, third party respondent, or by a selling agent other than the sheriff upon such terms as are just and equitable. The proceeds of sale, after deducting reasonable and necessary expenses, are to be turned over to the creditor and applied to the balance due on the judgment.

(f) (1) The citation may prohibit the party to whom it is directed from making or allowing any transfer or other disposition of, or interfering with, any property not exempt from the enforcement of a judgment therefrom, a deduction order or garnishment, belonging to the judgment debtor or to which he or she may be entitled or which may thereafter be acquired by or become due to him or her, and from paying over or otherwise disposing of any moneys not so exempt which are due or to become due to the judgment debtor, until the further order of the court or the termination of the proceeding, whichever occurs first. The third party may not be obliged to withhold the payment of any moneys beyond double the amount of the balance due sought to be enforced by the judgment creditor. The court may punish any party who violates the restraining provision of a citation as and for a contempt, or if the party is a third party may enter judgment against him or her in the amount of the unpaid portion of the judgment and costs allowable

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under this Section, or in the amount of the value of the property transferred, whichever is lesser.

(2) The court may enjoin any person, whether or not a party to the supplementary proceeding, from making or allowing any transfer or other disposition of, or interference with, the property of the judgment debtor not exempt from the enforcement of a judgment, a deduction order or garnishment, or the property or debt not so exempt concerning which any person is required to attend and be examined until further direction in the premises. The injunction order shall remain in effect until vacated by the court or until the proceeding is terminated, whichever first occurs.

(g) If it appears that any property, chose in action, credit or effect discovered, or any interest therein, is claimed by any person, the court shall, as in garnishment proceedings, permit or require the claimant to appear and maintain his or her right. The rights of the person cited and the rights of any adverse claimant shall be asserted and determined pursuant to the law relating to garnishment proceedings.

(h) Costs in proceedings authorized by this Section shall be allowed, assessed and paid in accordance with rules, provided that if the court determines, in its discretion, that costs incurred by the judgment creditor were improperly incurred, those costs shall be paid by the judgment creditor.

(i) This Section is in addition to and does not affect enforcement of judgments or proceedings supplementary thereto, by any other methods now or hereafter provided by law.

(j) This Section does not grant the power to any court to order installment or other payments from, or compel the sale, delivery, surrender, assignment or conveyance of any property exempt by statute from the enforcement of a judgment thereon, a deduction order, garnishment, attachment, sequestration, process or other levy or seizure.

(k) (Blank).

(k-5) If the court determines that any property held by a third party respondent is wages pursuant to Section 12-801, the court shall proceed as if a wage deduction proceeding had been filed and proceed to enter

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such necessary and proper orders as would have been entered in a wage
deduction proceeding including but not limited to the granting of the
statutory exemptions allowed by Section 12-803 and all other remedies
allowed plaintiff and defendant pursuant to Part 8 of Article 12 of this Act.

(l) At any citation hearing at which the judgment debtor appears
and seeks a declaration that certain of his or her income or assets are
exempt, the court shall proceed to determine whether the property which
the judgment debtor declares to be exempt is exempt from judgment. At
any time before the return date specified on the citation, the judgment
debtor may request, in writing, a hearing to declare exempt certain income
and assets by notifying the clerk of the court before that time, using forms
as may be provided by the clerk of the court. The clerk of the court will
obtain a prompt hearing date from the court and will provide the necessary
forms that must be prepared by the judgment debtor or the attorney for the
judgment debtor and sent to the judgment creditor, or the judgment
creditor's attorney, regarding the time and location of the hearing. This
notice may be sent by regular first class mail. At the hearing, the court
shall immediately, unless for good cause shown that the hearing is to be
continued, shall proceed to determine whether the property which the
judgment debtor declares to be exempt is exempt from judgment. The
restraining provisions of subsection (f) shall not apply to any property
determined by the court to be exempt.

(m) The judgment or balance due on the judgment becomes a lien
when a citation is served in accordance with subsection (a) of this Section.
The lien binds nonexempt personal property, including money, choses in
action, and effects of the judgment debtor as follows:

(1) When the citation is directed against the judgment
debtor, upon all personal property belonging to the judgment
debtor in the possession or control of the judgment debtor or which
may thereafter be acquired or come due to the judgment debtor to
the time of the disposition of the citation.

(2) When the citation is directed against a third party, upon
all personal property belonging to the judgment debtor in the
possession or control of the third party or which thereafter may be

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acquired or come due the judgment debtor and comes into the possession or control of the third party to the time of the disposition of the citation.

The lien established under this Section does not affect the rights of citation respondents in property prior to the service of the citation upon them and does not affect the rights of bona fide purchasers or lenders without notice of the citation. The lien is effective for the period specified by Supreme Court Rule.

This subsection (m), as added by Public Act 88-48, is a declaration of existing law.

(n) If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect the provisions or applications of the Act that can be given effect without the invalid provision or application.

(Source: P.A. 94-293, eff. 1-1-06; 94-306, eff. 1-1-06; revised 8-19-05.)

(735 ILCS 5/5-126.5 new)

Sec. 5-126.5. Expenses. The plaintiff shall be allowed to recover as costs those expenses required by law or a law enforcement or court officer for the purposes of enforcing a judgment including levy bonds, replevin bonds, certification of court orders, recording certified orders or memoranda of judgment, and expenses for those assisting a sheriff or other court officer in enforcing court orders including, but not limited to, orders for possession, replevin orders, and personal property levies.

(Source: P.A. 83-707.)
Sec. 12-803. Wages Maximum wages subject to collection. The maximum wages, salary, commissions and bonuses subject to collection under a deduction order, for any work week shall be not exceed the lesser of (1) 15% of such gross amount paid for that week or (2) the amount by which disposable earnings for a week exceed 45 times the Federal Minimum Hourly Wage prescribed by Section 206(a)(1) of Title 29 of the United States Code, as amended, or, under a wage deduction summons served on or after January 1, 2006, the minimum hourly wage prescribed by Section 4 of the Minimum Wage Law, whichever is greater, in effect at the time the amounts are payable. This provision (and no other) applies irrespective of the place where the compensation was earned or payable and the State where the employee resides. No amounts required by law to be withheld may be taken from the amount collected by the creditor. The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

(Source: P.A. 94-306, eff. 1-1-06.)

Sec. 12-808. Duty of employer.

(a) An employer served as herein provided shall pay the employee the amount of his or her exempt wages.

(b) To the extent of the amount due upon the judgment and costs, the employer shall hold, subject to order of court, any non-exempt wages due or which subsequently come due. The judgment or balance due thereon is a lien on wages due at the time of the service of summons, and such lien shall continue as to subsequent earnings until the total amount due upon the judgment and costs is paid, except that such lien on subsequent earnings shall terminate sooner if the employment relationship is terminated or if the underlying judgment is vacated or modified.

(b-5) If the employer is a federal agency employer and the creditor is represented by an attorney, then the employer, upon service of summons and to the extent of the amount due upon the judgment and costs, shall commence to pay over to the attorney for the judgment creditor any non-
exempt wages due or that subsequently come due. The attorney for the
judgment creditor shall thereafter hold the deducted wages subject to
further order of the court and shall make answer to the court regarding
amounts received from the federal agency employer. The federal agency
employer's periodic payments shall be considered a sufficient answer to
the interrogatories.

(c) Except as provided in subsection (b-5), the employer shall file,
on or before the return date or within the further time that the court for
cause may allow, a written answer under oath to the interrogatories, setting
forth the amount due as wages to the judgment debtor for the payroll
periods ending immediately prior to the service of the summons and a
summary of the computation used to determine the amount of non-exempt
wages. Except as provided in subsection (b-5), the employer shall mail by
first class mail or hand deliver a copy of the answer to the judgment debtor
at the address specified in the affidavit filed under Section 12-805 of this
Act, or at any other address or location of the judgment debtor known to
the employer.

A lien obtained hereunder shall have priority over any subsequent
lien obtained hereunder, except that liens for the support of a spouse or
dependent children shall have priority over all other liens obtained
hereunder. Subsequent summonses shall be effective in the order in which
they are served.

(d) The Illinois Supreme Court may by rule allow an employer to
file answers to interrogatories by facsimile transmission.

(e) Pursuant to answer under oath to the interrogatories by the
employer, an order shall be entered compelling the employer to deduct
from wages of the judgment debtor subject to collection under a deduction
order an amount which is not to exceed the lesser of (i) 15% of the gross
amount of the wages or (ii) the amount by which disposable earnings for a
week exceed 45 times the Federal Minimum Hourly Wage prescribed by
Section 206(a)(1) of Title 29 of the United States Code, as amended, in
effect at the time the amounts are payable, for each pay period in which
statutory exemptions under Section 12-804 and child support
garnishments, if any, leave funds to be remitted or, under a wage

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deduction summons served on or after January 1, 2006, the minimum hourly wage prescribed by Section 4 of the Minimum Wage Law, whichever is greater. The order shall further provide that deducted wages shall be remitted to the creditor or creditor's attorney on a monthly basis.

(f) If after the entry of a deduction order, the employer ceases to remit funds to the plaintiff pursuant to the order without a lawful excuse (which would terminate the employer's obligation under the deduction order such as the debtor having filed a bankruptcy, the debtor having left employment or the employer having received service of a support order against the judgment debtor having priority over the wage deduction proceedings), the court shall, upon plaintiff's motion, enter a conditional judgment against the employer for the balance due on the judgment. The plaintiff may then issue a Summons After Conditional Judgment. After service of the Summons After Conditional Judgment, the employer may show cause why the conditional judgment, or some portion thereof should not be made a final judgment. If the employer shall fail to respond or show cause why the conditional judgment or some portion thereof should not be made final, the court shall confirm the conditional judgment and make it final as to the employer plus additional court costs.

(Source: P.A. 94-306, eff. 1-1-06.)

(735 ILCS 5/12-808.5)

Sec. 12-808.5. Certification of judgment balance. Whenever a wage deduction order has not been fully satisfied by the end of the first full calendar quarter following the date of service of the wage deduction summons:

(1) The judgment creditor or his attorney shall prepare a certification that states the amount of the judgment remaining unsatisfied as of the last calendar day of each full calendar quarter for which the wage deduction order continues in effect.

(2) The certification shall be mailed or delivered to the employer by the judgment creditor or his or her attorney within 15 days after the end of each calendar quarter for which the wage deduction order continues in effect. The employer shall hand
deliver or mail by first class mail a copy of the certification to the judgment debtor at the judgment debtor's last known address.

(3) In the event that the plaintiff fails to provide the certification required by this Section, the employer must continue to withhold funds from the defendant's wages but may hold the funds without remitting to the plaintiff until such time as it receives a certification required by this Section. A certification of judgment balance need not be filed with the court.

(4) Any party to the wage deduction proceeding may, upon motion with notice to all other parties, ask the court to review the balance due claimed by the judgment creditor.

(Source: P.A. 90-677, eff. 1-1-99.)

(735 ILCS 5/12-814) (from Ch. 110, par. 12-814)
Sec. 12-814. Costs and fees.
(a) The costs of obtaining a deduction order shall be charged to the judgment debtor, unless the court determines, in its discretion, that costs incurred by the judgment creditor were improperly incurred, in which case those costs shall be paid by the judgment creditor.

(b) No fee shall be paid by an employer for filing his or her appearance, answer or satisfaction of judgment against him or her.

(c) A fee consisting of the greater of $12 or 2% of the amount required to be deducted by any deduction order or series of deduction orders arising out of the same judgment debt shall be allowed and paid to the employer, and the amount so paid shall be charged to the judgment debtor.

(d) No other fee shall be paid to an employer at the time of service of the summons or at any other time thereafter unless he or she is subpoenaed to appear as a witness, in which case he or she is entitled to witness fees as in other civil cases.

(Source: P.A. 87-569.)

(735 ILCS 5/19-117) (from Ch. 110, par. 19-117)
Sec. 19-117. Service upon defendant. It shall be the duty of the officer having an order for replevin, to serve the same upon the defendant, whether the property is found or delivered to him or her, or not, unless,
when none of the property is found, the officer is otherwise directed by the plaintiff or his or her attorney or agent.

If the defendant fails to deliver up to the sheriff the chattel which is the subject of the order for replevin and the plaintiff has a reasonable belief as to where the chattel is sequestered, the court may authorize the sheriff to use reasonable force to enter into the property to recover same upon such terms and conditions as the court may direct.

(Source: P.A. 82-280.)

(735 ILCS 5/19-123) (from Ch. 110, par. 19-123)

Sec. 19-123. Judgment against plaintiff. If the plaintiff in an action of replevin obtains an order for replevin and fails to prosecute the action with effect, or allows a voluntary or involuntary dismissal, or if the right of property is adjudged against the plaintiff, judgment shall be entered for a return of the property if such property has been delivered to the plaintiff, and damages for the use thereof from the time it was taken until a return thereof is made, unless the plaintiff shall, in the meantime, have become entitled to the possession of the property, in which event judgment may be entered against the plaintiff for costs and such damage as the defendant has sustained; or if the property was held for the payment of any money, the judgment may be in the alternative that the plaintiff pay the amount for which the same was rightfully held, with proper damages, within a given time, or make return of the property in case such property was delivered to the plaintiff.

(Source: P.A. 82-280.)

(735 ILCS 5/19-129 new)

Sec. 19-129. Mobile homes. If the chattel which is the subject of the replevin action is a mobile home and is occupied by the defendant or other persons, the court may issue a forcible order directing the sheriff to remove the personal property of the defendant or occupants from the mobile home provided that the defendants and unknown occupants are given notice of plaintiff's intent to seek a forcible order and that upon entry of said order for possession, the execution is stayed for a reasonable time as determined by the court so as to allow the defendants and unknown occupants to remove their property from the mobile home.

New matter indicated by italics - deletions by strikeout
Governor Returns Bill with Recommendation For Change
Effective January 1, 2008.

PUBLIC ACT 95-0662
(Senate Bill No. 0247)

AN ACT concerning municipalities.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Illinois Municipal Code is amended by changing
Sections 11-74.4-3 and 11-74.4-7 as follows:
(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)
Sec. 11-74.4-3. Definitions. The following terms, wherever used or
referred to in this Division 74.4 shall have the following respective
meanings, unless in any case a different meaning clearly appears from the
context.
(a) For any redevelopment project area that has been designated
pursuant to this Section by an ordinance adopted prior to November 1,
1999 (the effective date of Public Act 91-478), "blighted area" shall have
the meaning set forth in this Section prior to that date.
On and after November 1, 1999, "blighted area" means any
improved or vacant area within the boundaries of a redevelopment project
area located within the territorial limits of the municipality where:
(1) If improved, industrial, commercial, and residential
buildings or improvements are detrimental to the public safety,
health, or welfare because of a combination of 5 or more of the
following factors, each of which is (i) present, with that presence
documented, to a meaningful extent so that a municipality may
reasonably find that the factor is clearly present within the intent of
the Act and (ii) reasonably distributed throughout the improved
part of the redevelopment project area:

New matter indicated by italics - deletions by strikeout
(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

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(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around

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buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of

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the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

   (A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

   (B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

   (C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

   (D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

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(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused rail yards, rail tracks, or railroad rights-of-way.

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(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or
more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

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(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.
(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

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(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village, incorporated town, or a township that is located in the unincorporated portion of a county with 3 million or more inhabitants, if the county adopted an ordinance that approved the township's redevelopment plan.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation
Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts, the Municipal Sales Tax Increment.
Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

    (i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs
within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the
contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and
10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no

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redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;

(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;

(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;

(D) the sources of funds to pay costs;

(E) the nature and term of the obligations to be issued;

(F) the most recent equalized assessed valuation of the redevelopment project area;

(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;

(H) a commitment to fair employment practices and an affirmative action plan;

(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and

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(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates: shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981; shall not be later than December 31 of the year in which the
payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad
valorem taxes levied in the thirty-third calendar year after the year
in which the ordinance approving the redevelopment project area if
the ordinance was adopted on May 20, 1985 by the Village of
Wheeling; and shall not be later than December 31 of the year in
which the payment to the municipal treasurer as provided in
subsection (b) of Section 11-74.4-8 of this Act is to be made with
respect to ad valorem taxes levied in the thirty-fifth calendar year
after the year in which the ordinance approving the redevelopment
project area is adopted:

(A) if the ordinance was adopted before January 15,
1981, or

(B) if the ordinance was adopted in December 1983,
April 1984, July 1985, or December 1989, or

(C) if the ordinance was adopted in December 1987
and the redevelopment project is located within one mile of
Midway Airport, or

(D) if the ordinance was adopted before January 1,
1987 by a municipality in Mason County, or

(E) if the municipality is subject to the Local
Government Financial Planning and Supervision Act or the
Financially Distressed City Law, or

(F) if the ordinance was adopted in December 1984
by the Village of Rosemont, or

(G) if the ordinance was adopted on December 31,
1986 by a municipality located in Clinton County for which
at least $250,000 of tax increment bonds were authorized
on June 17, 1997, or if the ordinance was adopted on
December 31, 1986 by a municipality with a population in
1990 of less than 3,600 that is located in a county with a
population in 1990 of less than 34,000 and for which at
least $250,000 of tax increment bonds were authorized on
June 17, 1997, or

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(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or
(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or
(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or
(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or
(L) if the ordinance was adopted in September 1988 by Sauk Village, or
(M) if the ordinance was adopted in October 1993 by Sauk Village, or
(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
(O) if the ordinance was adopted in March 1991 by the City of Centreville, or
(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or
(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or
(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or
(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or
(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or
(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or
(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or
(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or

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(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or
(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or
(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or
(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or
(CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or
(DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or
(EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or
(FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or
(GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or
(HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or
(II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or
(JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or
(KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or
(LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or
(MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or
(NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or

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(OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or
(PP) if the ordinance was adopted on December 23, 1991 by the City of Sullivan, or
(QQ) if the ordinance was adopted on December 31, 1986 by the City of Oglesby, or
(RR) if the ordinance was adopted on July 28, 1987 by the City of Marion, or
(SS) if the ordinance was adopted on April 23, 1990 by the City of Marion, or
(TT) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect, or
(UU) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull, or
(VV) if the ordinance was adopted on April 20, 1993 by the Village of Princeville, or
(WW) if the ordinance was adopted on July 1, 1986 by the City of Granite City, or
(XX) if the ordinance was adopted on February 2, 1989 by the Village of Lombard, or
(YY) if the ordinance was adopted on December 29, 1986 by the Village of Gardner, or
(ZZ) if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw, or
(AAA) if the ordinance was adopted on November 17, 1986 by the Village of Franklin Park, or
(BBB) if the ordinance was adopted on November 20, 1989 by the Village of South Holland, or
(CCC) if the ordinance was adopted on January 13, 1987 by the Village of Mt. Zion.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax

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Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend

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the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or

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uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this

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paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

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(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

1. Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with

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those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan

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that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax

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Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

   (i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

   (ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

   (iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge
of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

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(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside,
modify, or contest in any manner the establishment of the redevelopment project area or projects;

(7.7) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after January 1, 2005 (the effective date of Public Act 93-961), a public library district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act shall be paid to the library district by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units. This paragraph (7.7) applies only if (i) the library district is located in a county that is subject to the Property Tax Extension Limitation Law or (ii) the library district is not located in a county that is subject to the Property Tax Extension Limitation Law but the district is prohibited by any other law from increasing its tax levy rate without a prior voter referendum.

The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by (ii) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most

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recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a library district under this paragraph (7.7) shall be no more than 2% of the amount produced by the assisted housing units and deposited into the Special Tax Allocation Fund.

A library district is not eligible for any payment under this paragraph (7.7) unless the library district has experienced an increase in the number of patrons from the municipality that created the tax-increment-financing district since the designation of the redevelopment project area.

Any library district seeking payment under this paragraph (7.7) shall, after July 1 and before September 30 of each year, provide the municipality with convincing evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the library district. If the library district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. Library districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.7). By acceptance of such reimbursement, the library district shall forfeit any right to directly or indirectly set aside, modify, or contest in any manner whatsoever the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly

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to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project

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plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph

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(11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional
median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of
Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the

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Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the

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designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff. 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 7-19-05; 94-268, eff. 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff. 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810, eff. 5-26-06; 94-903, eff. 6-22-06; 94-1091, eff. 1-26-07; 94-1092, eff. 1-26-07; revised 1-30-07.)

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Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most
recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the

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specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the

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municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on May 20, 1985 by the Village of Wheeling, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted before January 1, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act

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or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was

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adopted on November 11, 1986 by the City of Pekin, or (DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or (EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or (FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or (GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or (HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or (II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or (JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or (KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or (LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or (MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or (NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or (OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or (PP) if the ordinance was adopted on December 23, 1991 by the City of Sullivan, or (QQ) if the ordinance was adopted on December 31, 1986 by the City of Oglesby, or (RR) if the ordinance was adopted on July 28, 1987 by the City of Marion, or (SS) if the ordinance was adopted on April 23, 1990 by the City of Marion, or (TT) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect, or (UU) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull, or (VV) if the ordinance was adopted on April 20, 1993 by the Village of Princeville, or (WW) (VV) if the ordinance was adopted on July 1, 1986 by the City of Granite City, or (XX) (RR) if the ordinance was adopted on February 2, 1989 by the Village of Lombard, or (YY) (VV) if the ordinance was adopted on December 29, 1986 by the Village of Gardner, or (ZZ) (VV) if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw, or (AAA) (VV) if the ordinance was adopted on November 17, 1986 by the Village of Franklin Park; or (BBB) (VV) if the ordinance was adopted on November 20, 1989 by the Village of South Holland, or (CCC) if the ordinance was adopted on January 13, 1987 by the Village of Mt. Zion and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the

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area within the State Sales Tax Boundary and which were extended by
municipal ordinance under subsection (n) of Section 11-74.4-3, the last
maturity of the refunding obligations shall not be expressed to mature later
than the date on which the redevelopment project area is terminated or
December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule
powers or other legislative authority the proceeds of which are pledged to
pay for redevelopment project costs, the municipality may, if it has
followed the procedures in conformance with this division, retire said
obligations from funds in the special tax allocation fund in amounts and in
such manner as if such obligations had been issued pursuant to the
provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act
shall not be regarded as indebtedness of the municipality issuing such
obligations or any other taxing district for the purpose of any limitation
imposed by law.

(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-
04; 93-924, eff. 8-12-04; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-
985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff.
8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 7-19-
05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06; 94-704,
eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff. 5-19-06; 94-782, eff. 5-19-
06; 94-783, eff. 5-19-06; 94-810, eff. 5-26-06; 94-903, eff. 6-22-06; 94-
1091, eff. 1-26-07; 94-1092, eff. 1-26-07; revised 1-30-07.)

Section 99. Effective date. This Act takes effect upon becoming
law.

Sent to the Governor June 20, 2007.
Vetoed by the Governor August 17, 2007.
General Assembly Overrides Total Veto October 11, 2007
Effective October 11, 2007.

New matter indicated by italics - deletions by strikeout
AN ACT concerning gaming.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Riverboat Gambling Act is amended by changing Section 12 as follows:

(230 ILCS 10/12) (from Ch. 120, par. 2412)
Sec. 12. Admission tax; fees.
(a) A tax is hereby imposed upon admissions to riverboats operated by licensed owners authorized pursuant to this Act. Until July 1, 2002, the rate is $2 per person admitted. From July 1, 2002 until July 1, 2003, the rate is $3 per person admitted. From July 1, 2003 until the effective date of this amendatory Act of the 94th General Assembly, for a licensee that admitted 1,000,000 persons or fewer in the previous calendar year, the rate is $3 per person admitted; for a licensee that admitted more than 1,000,000 but no more than 2,300,000 persons in the previous calendar year, the rate is $4 per person admitted; and for a licensee that admitted more than 2,300,000 persons in the previous calendar year, the rate is $5 per person admitted. Beginning on the effective date of this amendatory Act of the 94th General Assembly, for a licensee that admitted 1,000,000 persons or fewer in calendar year 2004, the rate is $2 per person admitted, and for all other licensees the rate is $3 per person admitted. This admission tax is imposed upon the licensed owner conducting gambling.

(1) The admission tax shall be paid for each admission, except that a person who exits a riverboat gambling facility and reenters that riverboat gambling facility within the same gaming day shall be subject only to the initial admission tax.

(2) (Blank).

(3) The riverboat licensee may issue tax-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the riverboat.

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(4) The number and issuance of tax-free passes is subject to the rules of the Board, and a list of all persons to whom the tax-free passes are issued shall be filed with the Board.

(a-5) A fee is hereby imposed upon admissions operated by licensed managers on behalf of the State pursuant to Section 7.3 at the rates provided in this subsection (a-5). For a licensee that admitted 1,000,000 persons or fewer in the previous calendar year, the rate is $3 per person admitted; for a licensee that admitted more than 1,000,000 but no more than 2,300,000 persons in the previous calendar year, the rate is $4 per person admitted; and for a licensee that admitted more than 2,300,000 persons in the previous calendar year, the rate is $5 per person admitted.

(1) The admission fee shall be paid for each admission.

(2) (Blank).

(3) The licensed manager may issue fee-free passes to actual and necessary officials and employees of the manager or other persons actually working on the riverboat.

(4) The number and issuance of fee-free passes is subject to the rules of the Board, and a list of all persons to whom the fee-free passes are issued shall be filed with the Board.

(b) From the tax imposed under subsection (a) and the fee imposed under subsection (a-5), a municipality shall receive from the State $1 for each person embarking on a riverboat docked within the municipality, and a county shall receive $1 for each person embarking on a riverboat docked within the county but outside the boundaries of any municipality. The municipality's or county's share shall be collected by the Board on behalf of the State and remitted quarterly by the State, subject to appropriation, to the treasurer of the unit of local government for deposit in the general fund.

(c) The licensed owner shall pay the entire admission tax to the Board and the licensed manager shall pay the entire admission fee to the Board. Such payments shall be made daily. Accompanying each payment shall be a return on forms provided by the Board which shall include other information regarding admissions as the Board may require. Failure to
submit either the payment or the return within the specified time may result in suspension or revocation of the owners or managers license.

(d) The Board shall administer and collect the admission tax imposed by this Section, to the extent practicable, in a manner consistent with the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act.
(Source: P.A. 93-27, eff. 6-20-03; 93-28, eff. 6-20-03; 94-673, eff. 8-23-05.)

Section 99. Effective date. This Act takes effect upon becoming law.
Sent to the Governor June 29, 2007.
Vetoed by the Governor August 28, 2007.
General Assembly Overrides Total Veto October 11, 2007.
Effective October 11, 2007.

PUBLIC ACT 95-0664
(Senate Bill No. 0285)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Mosquito Abatement District Act is amended by changing Section 10 as follows:
(70 ILCS 1005/10) (from Ch. 111 1/2, par. 83)
Sec. 10. Any territory lying adjacent and contiguous to a mosquito abatement district, and not part of another mosquito abatement district, may be annexed to such district in the following manner:
(a) Upon petition in writing, describing the territory proposed to be annexed and signed by a majority of the legal voters in such territory and by the owners of more than half of the taxable property in such territory as shown by the last ascertained equalized value of the taxable property in such territory, being filed with the trustees of such mosquito abatement

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district, such trustees may annex such territory by a resolution which shall be published at least once in a newspaper having a general circulation in the territory and shall include a notice of (1) the specific number of voters required to sign a petition requesting that the question of the adoption of the resolution be submitted to the electors of the territory; (2) the time in which the petition must be filed; and (3) the date of the prospective referendum. The county clerk of the county in which the territory is situated shall provide a petition form to any individual requesting one. The resolution shall be effective 30 days from the date of publication and is subject to a referendum, if such referendum is requested, prior to the effective date of the resolution, by the voters in the district equal to 10% or more of the registered voters in the district. Such trustees may also order the question of the annexation of such territory to be submitted to the legal voters of such district at a regular election therein by certifying the question to the proper election officials. Notice of such election shall be given and the election conducted in the manner provided by the general election law. The proposition shall be stated, "Shall the territory (describing it) be annexed to The.... Mosquito Abatement District?" If the majority of all the votes cast on the question is in favor of such annexation, the board of trustees shall so certify to the county clerk, and within ten days of such election the trustees by an order duly entered upon their records shall annex such territory to the district and shall file a map of the annexed territory in the office of the county clerk of the county where the annexed territory is situated. Thereupon such territory shall be deemed annexed to and shall be a part of such mosquito abatement district.

(b) Whenever a mosquito abatement district contains over 90% of territory of a specific city or village, the mosquito abatement district may annex additional adjacent and contiguous territory within that city or village, but not incorporated within a mosquito abatement district, by the passage of an ordinance to that effect.

The ordinance authorizing the annexation shall be published within 10 days after the ordinance has been adopted, in one or more newspapers having a general circulation within the territory. The publication of the ordinance shall be accompanied by a notice of (1) the
specific number of voters required to sign a petition requesting the question of annexation; (2) the time within which the petition must be filed; and (3) the date of the prospective referendum. The county clerk of the county in which the territory is situated shall provide a petition form to any individual requesting one.

The ordinance shall take effect 30 days after the date of publication unless a referendum is requested prior to the effective date of the ordinance by 10% or more of the registered voters in the territory. The question of the annexation of the territory may be submitted to the legal voters of the territory at a regular election by certifying the question to the proper election officials. Notice of the election shall be given and the election conducted in the manner provided by the general election law. The proposition shall be stated, "Shall the territory (describing it) be annexed to The.... Mosquito Abatement District?" If the majority of all the votes cast on the question is in favor of the annexation, the territory shall be deemed annexed to and shall be a part of the mosquito abatement district.

No territory may be annexed under this subsection (i) more than one year after it has first been included in that city or village unless the territory so annexed is 50 acres or less or (ii) if the annexation would expand the mosquito abatement district's boundaries outside of a county unless the district already contains territory in that county.

(Source: P.A. 87-767.)

Section 99. Effective date. This Act takes effect upon becoming law.

Sent to the Governor June 22, 2007.
Vetoed by the Governor August 21, 2007.
General Assembly Overrides Total Veto October 11, 2007.
Effective October 11, 2007.
AN ACT concerning roads.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Highway Code is amended by adding Section 4-220 as follows:

(605 ILCS 5/4-220 new)

Sec. 4-220. Bicycle and pedestrian ways.
(a) Bicycle and pedestrian ways shall be given full consideration in the planning and development of transportation facilities, including the incorporation of such ways into State plans and programs.
(b) In or within one mile of an urban area, bicycle and pedestrian ways shall be established in conjunction with the construction, reconstruction, or other change of any State transportation facility except:
(1) in pavement resurfacing projects that do not widen the existing traveled way or do not provide stabilized shoulders; or
(2) where approved by the Secretary of Transportation based upon documented safety issues, excessive cost or absence of need.
(c) Bicycle and pedestrian ways may be included in pavement resurfacing projects when local support is evident or bicycling and walking accommodations can be added within the overall scope of the original roadwork.
(d) The Department shall establish design and construction standards for bicycle and pedestrian ways. Beginning July 1, 2007, this Section shall apply to planning and training purposes only. Beginning July 1, 2008, this Section shall apply to construction projects.

Section 99. Effective date. This Act takes effect July 1, 2007.

New matter indicated by italics - deletions by strikeout
AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 15-301 as follows:

(625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)
Sec. 15-301. Permits for excess size and weight.

(a) The Department with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction may, in their discretion, upon application and good cause being shown therefor, issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this Act or otherwise not in conformity with this Act upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which the party is responsible. Applications and permits other than those in written or printed form may only be accepted from and issued to the company or individual making the movement. Except for an application to move directly across a highway, it shall be the duty of the applicant to establish in the application that the load to be moved by such vehicle or combination is composed of a single nondivisible object that cannot reasonably be dismantled or disassembled. For the purpose of over length movements, more than one object may be carried side by side as long as the height, width, and weight laws are not exceeded and the cause for the over length is not due to multiple objects. For the purpose of over height movements, more than one object may be carried as long as the cause for the over height is not due to multiple objects and the length, width, and weight laws are not exceeded. For the purpose of an over width movement, more than one object may be carried as long as the cause for the over width is not due to

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multiple objects and length, height, and weight laws are not exceeded. No state or local agency shall authorize the issuance of excess size or weight permits for vehicles and loads that are divisible and that can be carried, when divided, within the existing size or weight maximums specified in this Chapter. Any excess size or weight permit issued in violation of the provisions of this Section shall be void at issue and any movement made thereunder shall not be authorized under the terms of the void permit. In any prosecution for a violation of this Chapter when the authorization of an excess size or weight permit is at issue, it is the burden of the defendant to establish that the permit was valid because the load to be moved could not reasonably be dismantled or disassembled, or was otherwise nondivisible.

(b) The application for any such permit shall: (1) state whether such permit is requested for a single trip or for limited continuous operation; (2) state if the applicant is an authorized carrier under the Illinois Motor Carrier of Property Law, if so, his certificate, registration or permit number issued by the Illinois Commerce Commission; (3) specifically describe and identify the vehicle or vehicles and load to be operated or moved except that for vehicles or vehicle combinations registered by the Department as provided in Section 15-319 of this Chapter, only the Illinois Department of Transportation's (IDT) registration number or classification need be given; (4) state the routing requested including the points of origin and destination, and may identify and include a request for routing to the nearest certified scale in accordance with the Department's rules and regulations, provided the applicant has approval to travel on local roads; and (5) state if the vehicles or loads are being transported for hire. No permits for the movement of a vehicle or load for hire shall be issued to any applicant who is required under the Illinois Motor Carrier of Property Law to have a certificate, registration or permit and does not have such certificate, registration or permit.

(c) The Department or local authority when not inconsistent with traffic safety is authorized to issue or withhold such permit at its discretion; or, if such permit is issued at its discretion to prescribe the

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route or routes to be traveled, to limit the number of trips, to establish
seasonal or other time limitations within which the vehicles described may
be operated on the highways indicated, or otherwise to limit or prescribe
conditions of operations of such vehicle or vehicles, when necessary to
assure against undue damage to the road foundations, surfaces or
structures, and may require such undertaking or other security as may be
deemed necessary to compensate for any injury to any roadway or road
structure. The Department shall maintain a daily record of each permit
issued along with the fee and the stipulated dimensions, weights,
conditions and restrictions authorized and this record shall be presumed
correct in any case of questions or dispute. The Department shall install an
automatic device for recording applications received and permits issued by
telephone. In making application by telephone, the Department and
applicant waive all objections to the recording of the conversation.

(d) The Department shall, upon application in writing from any
local authority, issue an annual permit authorizing the local authority to
move oversize highway construction, transportation, utility and
maintenance equipment over roads under the jurisdiction of the
Department. The permit shall be applicable only to equipment and
vehicles owned by or registered in the name of the local authority, and no
fee shall be charged for the issuance of such permits.

(e) As an exception to paragraph (a) of this Section, the
Department and local authorities, with respect to highways under their
respective jurisdictions, in their discretion and upon application in writing
may issue a special permit for limited continuous operation, authorizing
the applicant to move loads of agricultural commodities on a 2 axle single
vehicle registered by the Secretary of State with axle loads not to exceed
35%, on a 3 or 4 axle vehicle registered by the Secretary of State with axle
loads not to exceed 20%, and on a 5 axle vehicle registered by the
Secretary of State not to exceed 10% above those provided in Section 15-
111. The total gross weight of the vehicle, however, may not exceed the
maximum gross weight of the registration class of the vehicle allowed
under Section 3-815 or 3-818 of this Code.

As used in this Section, "agricultural commodities" means:

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(1) cultivated plants or agricultural produce grown including, but is not limited to, corn, soybeans, wheat, oats, grain sorghum, canola, and rice;

(2) livestock, including but not limited to hogs, equine, sheep, and poultry;

(3) ensilage; and

(4) fruits and vegetables.

Permits may be issued for a period not to exceed 40 days and moves may be made of a distance not to exceed 50 miles from a field, an on-farm grain storage facility, a warehouse as defined in the Illinois Grain Code, or a livestock management facility as defined in the Livestock Management Facilities Act over any highway except the National System of Interstate and Defense Highways. The operator of the vehicle, however, must abide by posted bridge and posted highway weight limits. All implements of husbandry operating under this Section between sunset and sunrise shall be equipped as prescribed in Section 12-205.1.

(e-1) Upon a declaration by the Governor that an emergency harvest situation exists, a special permit issued by the Department under this Section shall not be required from September 1 through December 31 during harvest season emergencies, provided that the weight does not exceed 20% above the limits provided in Section 15-111. All other restrictions that apply to permits issued under this Section shall apply during the declared time period. With respect to highways under the jurisdiction of local authorities, the local authorities may, at their discretion, waive special permit requirements during harvest season emergencies. This permit exemption shall apply to all vehicles eligible to obtain permits under this Section, including commercial vehicles in use during the declared time period.

(f) The form and content of the permit shall be determined by the Department with respect to highways under its jurisdiction and by local authorities with respect to highways under their jurisdiction. Every permit shall be in written form and carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit and no New matter indicated by italics - deletions by strikeout
person shall violate any of the terms or conditions of such special permit. Violation of the terms and conditions of the permit shall not be deemed a revocation of the permit; however, any vehicle and load found to be off the route prescribed in the permit shall be held to be operating without a permit. Any off route vehicle and load shall be required to obtain a new permit or permits, as necessary, to authorize the movement back onto the original permit routing. No rule or regulation, nor anything herein shall be construed to authorize any police officer, court, or authorized agent of any authority granting the permit to remove the permit from the possession of the permittee unless the permittee is charged with a fraudulent permit violation as provided in paragraph (i). However, upon arrest for an offense of violation of permit, operating without a permit when the vehicle is off route, or any size or weight offense under this Chapter when the permittee plans to raise the issuance of the permit as a defense, the permittee, or his agent, must produce the permit at any court hearing concerning the alleged offense.

If the permit designates and includes a routing to a certified scale, the permittee, while enroute to the designated scale, shall be deemed in compliance with the weight provisions of the permit provided the axle or gross weights do not exceed any of the permitted limits by more than the following amounts:

<table>
<thead>
<tr>
<th>Type</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single axle</td>
<td>2000 pounds</td>
</tr>
<tr>
<td>Tandem axle</td>
<td>3000 pounds</td>
</tr>
<tr>
<td>Gross</td>
<td>5000 pounds</td>
</tr>
</tbody>
</table>

(g) The Department is authorized to adopt, amend, and to make available to interested persons a policy concerning reasonable rules, limitations and conditions or provisions of operation upon highways under its jurisdiction in addition to those contained in this Section for the movement by special permit of vehicles, combinations, or loads which cannot reasonably be dismantled or disassembled, including manufactured and modular home sections and portions thereof. All rules, limitations and conditions or provisions adopted in the policy shall have due regard for the safety of the traveling public and the protection of the highway system and shall have been promulgated in conformity with the provisions of the

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Illinois Administrative Procedure Act. The requirements of the policy for flagmen and escort vehicles shall be the same for all moves of comparable size and weight. When escort vehicles are required, they shall meet the following requirements:

(1) All operators shall be 18 years of age or over and properly licensed to operate the vehicle.

(2) Vehicles escorting oversized loads more than 12-feet wide must be equipped with a rotating or flashing amber light mounted on top as specified under Section 12-215.

The Department shall establish reasonable rules and regulations regarding liability insurance or self insurance for vehicles with oversized loads promulgated under The Illinois Administrative Procedure Act. Police vehicles may be required for escort under circumstances as required by rules and regulations of the Department.

(h) Violation of any rule, limitation or condition or provision of any permit issued in accordance with the provisions of this Section shall not render the entire permit null and void but the violator shall be deemed guilty of violation of permit and guilty of exceeding any size, weight or load limitations in excess of those authorized by the permit. The prescribed route or routes on the permit are not mere rules, limitations, conditions, or provisions of the permit, but are also the sole extent of the authorization granted by the permit. If a vehicle and load are found to be off the route or routes prescribed by any permit authorizing movement, the vehicle and load are operating without a permit. Any off route movement shall be subject to the size and weight maximums, under the applicable provisions of this Chapter, as determined by the type or class highway upon which the vehicle and load are being operated.

(i) Whenever any vehicle is operated or movement made under a fraudulent permit the permit shall be void, and the person, firm, or corporation to whom such permit was granted, the driver of such vehicle in addition to the person who issued such permit and any accessory, shall be guilty of fraud and either one or all persons may be prosecuted for such violation. Any person, firm, or corporation committing such violation shall be guilty of a Class 4 felony and the Department shall not issue permits to

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the person, firm or corporation convicted of such violation for a period of one year after the date of conviction. Penalties for violations of this Section shall be in addition to any penalties imposed for violation of other Sections of this Act.

(j) Whenever any vehicle is operated or movement made in violation of a permit issued in accordance with this Section, the person to whom such permit was granted, or the driver of such vehicle, is guilty of such violation and either, but not both, persons may be prosecuted for such violation as stated in this subsection (j). Any person, firm or corporation convicted of such violation shall be guilty of a petty offense and shall be fined for the first offense, not less than $50 nor more than $200 and, for the second offense by the same person, firm or corporation within a period of one year, not less than $200 nor more than $300 and, for the third offense by the same person, firm or corporation within a period of one year after the date of the first offense, not less than $300 nor more than $500 and the Department shall not issue permits to the person, firm or corporation convicted of a third offense during a period of one year after the date of conviction for such third offense.

(k) Whenever any vehicle is operated on local roads under permits for excess width or length issued by local authorities, such vehicle may be moved upon a State highway for a distance not to exceed one-half mile without a permit for the purpose of crossing the State highway.

(l) Notwithstanding any other provision of this Section, the Department, with respect to highways under its jurisdiction, and local authorities, with respect to highways under their jurisdiction, may at their discretion authorize the movement of a vehicle in violation of any size or weight requirement, or both, that would not ordinarily be eligible for a permit, when there is a showing of extreme necessity that the vehicle and load should be moved without unnecessary delay.

For the purpose of this subsection, showing of extreme necessity shall be limited to the following: shipments of livestock, hazardous materials, liquid concrete being hauled in a mobile cement mixer, or hot asphalt.

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(m) Penalties for violations of this Section shall be in addition to any penalties imposed for violating any other Section of this Code.

(n) The Department with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction, in their discretion and upon application in writing, may issue a special permit for continuous limited operation, authorizing the applicant to operate a tow-truck that exceeds the weight limits provided for in subsection (d) of Section 15-111, provided:

1. no rear single axle of the tow-truck exceeds 26,000 pounds;
2. no rear tandem axle of the tow-truck exceeds 50,000 pounds;
2.1 no triple rear axle on a manufactured recovery unit exceeds 60,000 pounds;
3. neither the disabled vehicle nor the disabled combination of vehicles exceed the weight restrictions imposed by this Chapter 15, or the weight limits imposed under a permit issued by the Department prior to hookup;
4. the tow-truck prior to hookup does not exceed the weight restrictions imposed by this Chapter 15;
5. during the tow operation the tow-truck does not violate any weight restriction sign;
6. the tow-truck is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions;
7. the tow-truck is specifically designed and licensed as a tow-truck;
8. the tow-truck has a gross vehicle weight rating of sufficient capacity to safely handle the load;
9. the tow-truck is equipped with air brakes;
10. the tow-truck is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles;
(11) the tow commences at the initial point of wreck or disablement and terminates at a point where the repairs are actually to occur;

(12) the permit issued to the tow-truck is carried in the tow-truck and exhibited on demand by a police officer; and

(13) the movement shall be valid only on state routes approved by the Department.

(o) The Department, with respect to highways under its jurisdiction, and local authorities, with respect to highways under their jurisdiction, in their discretion and upon application in writing, may issue a special permit for continuous limited operation, authorizing the applicant to transport raw milk that exceeds the weight limits provided for in subsections (b) and (f) of Section 15-111 of this Code, provided:

(1) no single axle exceeds 20,000 pounds;
(2) no gross weight exceeds 80,000 pounds;
(3) permits issued by the State are good only for federal and State highways and are not applicable to interstate highways; and
(4) all road and bridge postings must be obeyed.

(Source: P.A. 93-718, eff. 1-1-05; 93-971, eff. 8-20-04; 93-1023, eff. 8-25-04; revised 10-14-04.)

Section 99. Effective date. This Act takes effect upon becoming law.

Sent to the Governor June 21, 2007.
Vetoed by the Governor August 20, 2007.
General Assembly Overrides Total Veto October 11, 2007.
Effective October 11, 2007

PUBLIC ACT 95-0667
(Senate Bill No. 0544)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

New matter indicated by italics - deletions by strikeout
Section 5. The Language Assistance Services Act is amended by changing Section 15 as follows:

(210 ILCS 87/15)

Sec. 15. Language assistance services.
(a) To insure access to health care information and services for limited-English-speaking or non-English-speaking residents and deaf residents, a health facility must do one or more of the following:
(1) Review existing policies regarding interpreters for patients with limited English proficiency and for patients who are deaf, including the availability of staff to act as interpreters.
(2) Adopt and review annually a policy for providing language assistance services to patients with language or communication barriers. The policy shall include procedures for providing, to the extent possible as determined by the facility, the use of an interpreter whenever a language or communication barrier exists, except where the patient, after being informed of the availability of the interpreter service, chooses to use a family member or friend who volunteers to interpret. The procedures shall be designed to maximize efficient use of interpreters and minimize delays in providing interpreters to patients. The procedures shall insure, to the extent possible as determined by the facility, that interpreters are available, either on the premises or accessible by telephone, 24 hours a day. The facility shall annually transmit to the Department of Public Health a copy of the updated policy and shall include a description of the facility's efforts to insure adequate and speedy communication between patients with language or communication barriers and staff.
(3) Develop, and post in conspicuous locations, notices that advise patients and their families of the availability of interpreters, the procedure for obtaining an interpreter, and the telephone numbers to call for filing complaints concerning interpreter service problems, including, but not limited to, a TTY number for persons who are deaf or hard of hearing T.D.D. number for the hearing impaired. The notices shall be posted, at a
minimum, in the emergency room, the admitting area, the facility entrance, and the outpatient area. Notices shall inform patients that interpreter services are available on request, shall list the languages most commonly encountered at the facility for which interpreter services are available, and shall instruct patients to direct complaints regarding interpreter services to the Department of Public Health, including the telephone numbers to call for that purpose.

(4) Identify and record a patient’s primary language and dialect on one or more of the following: a patient medical chart, hospital bracelet, bedside notice, or nursing card.

(5) Prepare and maintain, as needed, a list of interpreters who have been identified as proficient in sign language and in the languages of the population of the geographical area served by the facility who have the ability to translate the names of body parts, injuries, and symptoms.

(3) (6) Notify the facility's employees of the language services available at the facility and train them on how to make those language services available to patients. The facility's commitment to provide interpreters to all patients who request them.

(b) In addition, a health facility may do one or more of the following:

(1) Identify and record a patient's primary language and dialect on one or more of the following: a patient medical chart, hospital bracelet, bedside notice, or nursing card.

(2) Prepare and maintain, as needed, a list of interpreters who have been identified as proficient in sign language according to the Interpreters for the Deaf Act and a list of the languages of the population of the geographical area served by the facility.

(3) (7) Review all standardized written forms, waivers, documents, and informational materials available to patients on admission to determine which to translate into languages other than English.

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(4) (e) Consider providing its nonbilingual staff with standardized picture and phrase sheets for use in routine communications with patients who have language or communication barriers.

(5) (f) Develop community liaison groups to enable the facility and the limited-English-speaking, non-English-speaking, and deaf communities to insure the adequacy of the interpreter services.

(Source: P.A. 93-564, eff. 1-1-04.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0668
(Senate Bill No. 0593)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Human Rights Act is amended by changing Sections 1-102, 1-103, 3-102.1, 3-104.1, 5-101, and 5-102 and by adding Section 5-102.1 as follows:

(775 ILCS 5/1-102) (from Ch. 68, par. 1-102)
Sec. 1-102. Declaration of Policy. It is the public policy of this State:

(A) Freedom from Unlawful Discrimination. To secure for all individuals within Illinois the freedom from discrimination against any individual because of his or her race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability handicap, military status, sexual orientation, or unfavorable discharge from military

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service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.

(B) Freedom from Sexual Harassment-Employment and Higher Education. To prevent sexual harassment in employment and sexual harassment in higher education.

(C) Freedom from Discrimination Based on Citizenship Status-Employment. To prevent discrimination based on citizenship status in employment.

(D) Freedom from Discrimination Based on Familial Status-Real Estate Transactions. To prevent discrimination based on familial status in real estate transactions.

(E) Public Health, Welfare and Safety. To promote the public health, welfare and safety by protecting the interest of all people in Illinois in maintaining personal dignity, in realizing their full productive capacities, and in furthering their interests, rights and privileges as citizens of this State.

(F) Implementation of Constitutional Guarantees. To secure and guarantee the rights established by Sections 17, 18 and 19 of Article I of the Illinois Constitution of 1970.

(G) Equal Opportunity, Affirmative Action. To establish Equal Opportunity and Affirmative Action as the policies of this State in all of its decisions, programs and activities, and to assure that all State departments, boards, commissions and instrumentalities rigorously take affirmative action to provide equality of opportunity and eliminate the effects of past discrimination in the internal affairs of State government and in their relations with the public.

(H) Unfounded Charges. To protect citizens of this State against unfounded charges of unlawful discrimination, sexual harassment in employment and sexual harassment in higher education, and discrimination based on citizenship status in employment.

(Source: P.A. 93-1078, eff. 1-1-06.)

(775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

Sec. 1-103. General Definitions. When used in this Act, unless the context requires otherwise, the term:

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(A) Age. "Age" means the chronological age of a person who is at least 40 years old, except with regard to any practice described in Section 2-102, insofar as that practice concerns training or apprenticeship programs. In the case of training or apprenticeship programs, for the purposes of Section 2-102, "age" means the chronological age of a person who is 18 but not yet 40 years old.

(B) Aggrieved Party. "Aggrieved party" means a person who is alleged or proved to have been injured by a civil rights violation or believes he or she will be injured by a civil rights violation under Article 3 that is about to occur.

(C) Charge. "Charge" means an allegation filed with the Department by an aggrieved party or initiated by the Department under its authority.

(D) Civil Rights Violation. "Civil rights violation" includes and shall be limited to only those specific acts set forth in Sections 2-102, 2-103, 3-102, 3-103, 3-104, 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this Act.


(F) Complaint. "Complaint" means the formal pleading filed by the Department with the Commission following an investigation and finding of substantial evidence of a civil rights violation.

(G) Complainant. "Complainant" means a person including the Department who files a charge of civil rights violation with the Department or the Commission.

(H) Department. "Department" means the Department of Human Rights created by this Act.

(I) Disability Handicap. "Disability" "Handicap" means a determinable physical or mental characteristic of a person, including, but not limited to, a determinable physical characteristic which necessitates the person's use of a guide, hearing or support dog, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth or functional disorder and which characteristic:

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(1) For purposes of Article 2 is unrelated to the person's ability to perform the duties of a particular job or position and, pursuant to Section 2-104 of this Act, a person's illegal use of drugs or alcohol is not a disability; 

(2) For purposes of Article 3, is unrelated to the person's ability to acquire, rent or maintain a housing accommodation; 

(3) For purposes of Article 4, is unrelated to a person's ability to repay; 

(4) For purposes of Article 5, is unrelated to a person's ability to utilize and benefit from a place of public accommodation. 

(J) Marital Status. "Marital status" means the legal status of being married, single, separated, divorced or widowed. 

(J-1) Military Status. "Military status" means a person's status on active duty in or status as a veteran of the armed forces of the United States, status as a current member or veteran of any reserve component of the armed forces of the United States, including the United States Army Reserve, United States Marine Corps Reserve, United States Navy Reserve, United States Air Force Reserve, and United States Coast Guard Reserve, or status as a current member or veteran of the Illinois Army National Guard or Illinois Air National Guard. 

(K) National Origin. "National origin" means the place in which a person or one of his or her ancestors was born. 

(L) Person. "Person" includes one or more individuals, partnerships, associations or organizations, labor organizations, labor unions, joint apprenticeship committees, or union labor associations, corporations, the State of Illinois and its instrumentalities, political subdivisions, units of local government, legal representatives, trustees in bankruptcy or receivers. 

(M) Public Contract. "Public contract" includes every contract to which the State, any of its political subdivisions or any municipal corporation is a party. 

(N) Religion. "Religion" includes all aspects of religious observance and practice, as well as belief, except that with respect to
employers, for the purposes of Article 2, "religion" has the meaning ascribed to it in paragraph (F) of Section 2-101.

(O) Sex. "Sex" means the status of being male or female.

(O-1) Sexual orientation. "Sexual orientation" means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person's designated sex at birth. "Sexual orientation" does not include a physical or sexual attraction to a minor by an adult.

(P) Unfavorable Military Discharge. "Unfavorable military discharge" includes discharges from the Armed Forces of the United States, their Reserve components or any National Guard or Naval Militia which are classified as RE-3 or the equivalent thereof, but does not include those characterized as RE-4 or "Dishonorable".

(Q) Unlawful Discrimination. "Unlawful discrimination" means discrimination against a person because of his or her race, color, religion, national origin, ancestry, age, sex, marital status, disability handicap, military status, sexual orientation, or unfavorable discharge from military service as those terms are defined in this Section.

(Source: P.A. 93-941, eff. 8-16-04; 93-1078, eff. 1-1-06; 94-803, eff. 5-26-06.)

(775 ILCS 5/3-102.1) (from Ch. 68, par. 3-102.1)

Sec. 3-102.1. Disability Handicap. (A) It is a civil rights violation to refuse to sell or rent or to otherwise make unavailable or deny a dwelling to any buyer or renter because of a disability handicap of that buyer or renter, a disability handicap of a person residing or intending to reside in that dwelling after it is sold, rented or made available or a disability handicap of any person associated with the buyer or renter.

(B) It is a civil rights violation to alter the terms, conditions or privileges of sale or rental of a dwelling or the provision of services or facilities in connection with such dwelling because of a disability of a person with a disability handicap or a disability handicap of any person residing or intending to reside in that dwelling after it is sold, rented or made available, or a disability handicap of any person associated with that person.

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(C) It is a civil rights violation:

(1) to refuse to permit, at the expense of the handicapped person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before modifications, reasonable wear and tear excepted. The landlord may not increase for handicapped persons with a disability any customarily required security deposit. However, where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of such a restoration agreement a provision requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant. A landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modifications as well as reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained;

(2) to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(3) in connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, to fail to design and construct those dwellings in such a manner that:

(a) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons with a disability;

(b) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons with a disability in wheelchairs; and

(c) all premises within such dwellings contain the following features of adaptive design:

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(i) an accessible route into and through the dwelling;
(ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
(iii) reinforcements in bathroom walls to allow later installation of grab bars; and
(iv) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(D) Compliance with the appropriate standards of the Illinois Accessibility Code for adaptable dwelling units (71 Illinois Administrative Code Section 400.350 (e) 1-6) suffices to satisfy the requirements of subsection (C)(3)(c).

(E) If a unit of local government has incorporated into its law the requirements set forth in subsection (C)(3), compliance with its law shall be deemed to satisfy the requirements of that subsection.

(F) A unit of local government may review and approve newly constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements of subsection (C)(3) are met.

(G) The Department shall encourage, but may not require, units of local government to include in their existing procedures for the review and approval of newly constructed covered multifamily dwellings, determinations as to whether the design and construction of such dwellings are consistent with subsection (C)(3), and shall provide technical assistance to units of local government and other persons to implement the requirements of subsection (C)(3).

(H) Nothing in this Act shall be construed to require the Department to review or approve the plans, designs or construction of all covered multifamily dwellings to determine whether the design and construction of such dwellings are consistent with the requirements of subsection (C)(3).

(I) Nothing in subsections (E), (F), (G) or (H) shall be construed to affect the authority and responsibility of the Department to receive and process complaints or otherwise engage in enforcement activities under State and local law.

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(J) Determinations by a unit of local government under subsections (E) and (F) shall not be conclusive in enforcement proceedings under this Act if those determinations are not in accord with the terms of this Act.

(K) Nothing in this Section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of others or would result in substantial physical damage to the property of others.

(Source: P.A. 86-910.)

(775 ILCS 5/3-104.1) (from Ch. 68, par. 3-104.1)

Sec. 3-104.1. Refusal to sell or rent because a person has a guide, hearing or support dog. It is a civil rights violation for the owner or agent of any housing accommodation to:

(A) refuse to sell or rent after the making of a bonafide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny property to any blind, hearing impaired or physically disabled handicapped person because he has a guide, hearing or support dog; or

(B) discriminate against any blind, hearing impaired or physically disabled handicapped person in the terms, conditions, or privileges of sale or rental property, or in the provision of services or facilities in connection therewith, because he has a guide, hearing or support dog; or

(C) require, because a blind, hearing impaired or physically disabled handicapped person has a guide, hearing or support dog, an extra charge in a lease, rental agreement, or contract of purchase or sale, other than for actual damage done to the premises by the dog.

(Source: P.A. 83-93.)

(775 ILCS 5/5-101) (from Ch. 68, par. 5-101)

Sec. 5-101. Definitions) The following definitions are applicable strictly in the context of this Article:

(A) Place of Public Accommodation. (†) "Place of public accommodation" includes, but is not limited to means: a business; accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

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(1) an inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than 5 units for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;

(2) a restaurant, bar, or other establishment serving food or drink;

(3) a motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;

(4) an auditorium, convention center, lecture hall, or other place of public gathering;

(5) a bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;

(6) a laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;

(7) public conveyances on air, water, or land;

(8) a terminal, depot, or other station used for specified public transportation;

(9) a museum, library, gallery, or other place of public display or collection;

(10) a park, zoo, amusement park, or other place of recreation;

(11) a non-sectarian nursery, day care center, elementary, secondary, undergraduate, or postgraduate school, or other place of education in regard to the failure to enroll an individual or the denial of access to its facilities, goods, or services, except that the Department shall not have jurisdiction over charges involving curriculum content, course content, or course offerings, conduct of the class by the teacher or instructor, or any activity within the classroom or connected with a class activity such as physical education;

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(12) a senior citizen center, homeless shelter, food bank, non-sectarian adoption agency, or other social service center establishment; and

(13) a gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.

(2) By way of example, but not of limitation, "place of public accommodation" includes facilities of the following types: inns, restaurants, eating houses, hotels, soda fountains, soft drink parlors, taverns, roadhouses, barber shops, department stores, clothing stores, hat stores, shoe stores, bathrooms, restrooms, theatres, skating rinks, public golf courses, public golf driving ranges, concerts, cafes, bicycle rinks, elevators, ice cream parlors or rooms, railroads, omnibuses, busses, stages, airplanes, street cars, boats, funeral hearses, crematories, cemeteries, and public conveyances on land, water, or air, public swimming pools and other places of public accommodation and amusement.

(B) Operator. "Operator" means any owner, lessee, proprietor, manager, superintendent, agent, or occupant of a place of public accommodation or an employee of any such person or persons.

(C) Public Official. "Public official" means any officer or employee of the state or any agency thereof, including state political subdivisions, municipal corporations, park districts, forest preserve districts, educational institutions and schools.

(775 ILCS 5/5-102) (from Ch. 68, par. 5-102)
Sec. 5-102. Civil Rights Violations: Public Accommodations. It is a civil rights violation for any person on the basis of unlawful discrimination to:

(A) Enjoyment of Facilities, Goods, and Services. Deny or refuse to another the full and equal enjoyment of the facilities, goods, and services of any public place of accommodation;

(B) Written Communications. Directly or indirectly, as the operator of a place of public accommodation, publish, circulate, display or mail any written communication, except a private communication sent in response to a specific inquiry, which the operator knows is to the effect that any of

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the facilities of the place of public accommodation will be denied to any person or that any person is unwelcome, objectionable or unacceptable because of unlawful discrimination;

   (C) Public Officials. Deny or refuse to another, as a public official, the full and equal enjoyment of the accommodations, advantage, facilities or privileges of the official's office or services or of any property under the official's care because of unlawful discrimination.
(775 ILCS 5/5-102.1 new)

Sec. 5-102.1. No Civil Rights Violation: Public Accommodations. It is not a civil rights violation for a medical, dental, or other health care professional or a private professional service provider such as a lawyer, accountant, or insurance agent to refer or refuse to treat or provide services to an individual in a protected class for any non-discriminatory reason if, in the normal course of his or her operations or business, the professional would for the same reason refer or refuse to treat or provide services to an individual who is not in the protected class of the individual who seeks or requires the same or similar treatment or services.

   Section 99. Effective date. This Act takes effect upon becoming law.

Effective October 10, 2007.

PUBLIC ACT 95-0669
(Senate Bill No. 0599)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Metropolitan Water Reclamation District Act is amended by changing Section 7h as follows:

   New matter indicated by italics - deletions by strikeout
(70 ILCS 2605/7h)
Sec. 7h. Stormwater management.
(a) Stormwater management in Cook County shall be under the general supervision of the Metropolitan Water Reclamation District of Greater Chicago. The District has the authority to plan, manage, implement, and finance activities relating to stormwater management in Cook County. The authority of the District with respect to stormwater management extends throughout Cook County and is not limited to the area otherwise within the territory and jurisdiction of the District under this Act.

For the purposes of this Section, the term "stormwater management" includes, without limitation, the management of floods and floodwaters.

(b) The District may utilize the resources of cooperating local watershed councils (including the stormwater management planning councils created under Section 5-1062.1 of the Counties Code), councils of local governments, the Northeastern Illinois Planning Commission, and similar organizations and agencies. The District may provide those organizations and agencies with funding, on a contractual basis, for providing information to the District, providing information to the public, or performing other activities related to stormwater management.

The District, in addition to other powers vested in it, may negotiate and enter into agreements with any county for the management of stormwater runoff in accordance with subsection (c) of Section 5-1062 of the Counties Code.

The District may enter into intergovernmental agreements with Cook County or other units of local government that are located in whole or in part outside the District for the purpose of implementing the stormwater management plan and providing stormwater management services in areas not included within the territory of the District.

(c) The District shall prepare and adopt by ordinance a countywide stormwater management plan for Cook County. The countywide plan may incorporate one or more separate watershed plans.

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Prior to adopting the countywide stormwater management plan, the District shall hold at least one public hearing thereon and shall afford interested persons an opportunity to be heard.

(d) The District may prescribe by ordinance reasonable rules and regulations for floodplain and stormwater management and for governing the location, width, course, and release rate of all stormwater runoff channels, streams, and basins in Cook County, in accordance with the adopted stormwater management plan. These rules and regulations shall, at a minimum, meet the standards for floodplain management established by the Office of Water Resources of the Department of Natural Resources and the requirements of the Federal Emergency Management Agency for participation in the National Flood Insurance Program.

(e) The District may impose fees on areas outside the District but within Cook County for performance of stormwater management services, including but not limited to, maintenance of streams and the development, design, planning, construction, operation and maintenance of stormwater facilities. The total amount of the fees collected from areas outside of the District but within Cook County shall not exceed the District's annual tax rate for stormwater management within the District multiplied by the aggregate equalized assessed valuation of areas outside of the District but within Cook County. The District may require the unit of local government in which the stormwater services are performed to collect the fee and remit the collected fee to the District. The District is authorized to pay a reasonable administrative fee to the unit of local government for the collection of these fees to mitigate the effects of increased stormwater runoff resulting from new development. The fees shall not exceed the cost of satisfying the onsite stormwater retention or detention requirements of the adopted stormwater management plan. The fees shall be used to finance activities undertaken by the District or units of local government within the District to mitigate the effects of urban stormwater runoff by providing regional stormwater retention or detention facilities, as identified in the plan. All such fees collected by the District shall be held in a separate fund and used for implementation of this Section.
(f) Amounts realized from the tax levy for stormwater management purposes authorized in Section 12 may be used by the District for implementing this Section and for the development, design, planning, construction, operation, and maintenance of regional stormwater facilities provided for in the stormwater management plan.

The proceeds of any tax imposed under Section 12 for stormwater management purposes and any revenues generated as a result of the ownership or operation of facilities or land acquired with the proceeds of taxes imposed under Section 12 for stormwater management purposes shall be held in a separate fund and used either for implementing this Section or to abate those taxes.

(g) The District may plan, implement, finance, and operate regional stormwater management projects in accordance with the adopted countywide stormwater management plan.

The District shall provide for public review and comment on proposed stormwater management projects. The District shall conform to State and federal requirements concerning public information, environmental assessments, and environmental impacts for projects receiving State or federal funds.

The District may issue bonds under Section 9.6a of this Act for the purpose of funding stormwater management projects.

The District shall not use Cook County Forest Preserve District land for stormwater or flood control projects without the consent of the Forest Preserve District.

(h) Upon the creation and implementation of a county stormwater management plan, the District may petition the circuit court to dissolve any or all drainage districts created pursuant to the Illinois Drainage Code or predecessor Acts that are located entirely within the District.

However, any active drainage district implementing a plan that is consistent with and at least as stringent as the county stormwater management plan may petition the District for exception from dissolution. Upon filing of the petition, the District shall set a date for hearing not less than 2 weeks, nor more than 4 weeks, from the filing thereof, and the District shall give at least one week's notice of the hearing in one or more

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newspapers of general circulation within the drainage district, and in addition shall cause a copy of the notice to be personally served upon each of the trustees of the drainage district. At the hearing, the District shall hear the drainage district's petition and allow the drainage district trustees and any interested parties an opportunity to present oral and written evidence. The District shall render its decision upon the petition for exception from dissolution based upon the best interests of the residents of the drainage district. In the event that the exception is not allowed, the drainage district may file a petition with the circuit court within 30 days of the decision. In that case, the notice and hearing requirements for the court shall be the same as provided in this subsection for the petition to the District. The court shall render its decision of whether to dissolve the district based upon the best interests of the residents of the drainage district.

The dissolution of a drainage district shall not affect the obligation of any bonds issued or contracts entered into by the drainage district nor invalidate the levy, extension, or collection of any taxes or special assessments upon the property in the former drainage district. All property and obligations of the former drainage district shall be assumed and managed by the District, and the debts of the former drainage district shall be discharged as soon as practicable.

If a drainage district lies only partly within the District, the District may petition the circuit court to disconnect from the drainage district that portion of the drainage district that lies within the District. The property of the drainage district within the disconnected area shall be assumed and managed by the District. The District shall also assume a portion of the drainage district's debt at the time of disconnection, based on the portion of the value of the taxable property of the drainage district which is located within the area being disconnected.

A drainage district that continues to exist within Cook County shall conform its operations to the countywide stormwater management plan.

(i) The District may assume responsibility for maintaining any stream within Cook County.

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(j) The District may, after 10 days written notice to the owner or occupant, enter upon any lands or waters within the county for the purpose of inspecting stormwater facilities or causing the removal of any obstruction to an affected watercourse. The District shall be responsible for any damages occasioned thereby.

(k) The District shall report to the public annually on its activities and expenditures under this Section and the adopted countywide stormwater management plan.

(l) The powers granted to the District under this Section are in addition to the other powers granted under this Act. This Section does not limit the powers of the District under any other provision of this Act or any other law.

(m) This Section does not affect the power or duty of any unit of local government to take actions relating to flooding or stormwater, so long as those actions conform with this Section and the plans, rules, and ordinances adopted by the District under this Section.

A home rule unit located in whole or in part in Cook County (other than a municipality with a population over 1,000,000) may not regulate stormwater management or planning in Cook County in a manner inconsistent with this Section or the plans, rules, and ordinances adopted by the District under this Section; provided, within a municipality with a population over 1,000,000, the stormwater management planning program of Cook County shall be conducted by that municipality or, to the extent provided in an intergovernmental agreement between the municipality and the District, by the District pursuant to this Section; provided further that the power granted to such municipality shall not be inconsistent with existing powers of the District. Pursuant to paragraph (i) of Section 6 of Article VII of the Illinois Constitution, this Section specifically denies and limits the exercise of any power that is inconsistent with this Section by a home rule unit that is a county with a population of 1,500,000 or more or is located, in whole or in part, within such a county, other than a municipality with a population over 1,000,000.

(Source: P.A. 93-1049, eff. 11-17-04.)
Section 99. Effective date. This Act takes effect upon becoming law.

Sent to the Governor June 29, 2007.
Vetoed by the Governor August 28, 2007.
General Assembly Overrides Total Veto October 10, 2007.
Effective October 10, 2007.

PUBLIC ACT 95-0670
(Senate Bill No. 0627)

AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Recreational Trails of Illinois Act is amended by changing Section 15 as follows:

(20 ILCS 862/15)
Sec. 15. Off-Highway Vehicle Trails Fund.
(a) The Off-Highway Vehicle Trails Fund is created as a special fund in the State treasury. Money from federal, State, and private sources may be deposited into the Fund. Fines assessed by the Department of Natural Resources for citations issued to off-highway vehicle operators shall be deposited into the Fund. All interest accrued on the Fund shall be deposited into the Fund.
(b) All money in the Fund shall be used, subject to appropriation, by the Department for the following purposes:

(1) Grants for construction of off-highway vehicle recreational trails on county, municipal, other units of local government, or private lands where a recreational need for the construction is shown.
(2) Grants for maintenance and construction of off-highway vehicle recreational trails on federal lands, where permitted by law.
(3) Grants for development of off-highway vehicle trail-side facilities in accordance with criteria approved by the National Recreational Trails Advisory Committee.

(4) Grants for acquisition of property from willing sellers for off-highway vehicle recreational trails when the objective of a trail cannot be accomplished by other means.

(5) Grants for development of urban off-highway vehicle trail linkages near homes and workplaces.

(6) Grants for maintenance of existing off-highway vehicle recreational trails, including the grooming and maintenance of trails across snow.

(7) Grants for restoration of areas damaged by usage of off-highway vehicle recreational trails and back country terrain.

(8) Grants for provision of features that facilitate the access and use of off-highway vehicle trails by persons with disabilities.

(9) Grants for acquisition of easements for off-highway vehicle trails or for trail corridors.

(10) Grants for a rider education and safety program.

(11) Administration, enforcement, planning, and implementation of this Act and Sections 11-1426 and 11-1427 of the Illinois Vehicle Code.

Of the money used from the Fund for the purposes set forth in this subsection, at least 92% shall be allocated for motorized recreation and not more than 8% shall be used by the Department for administration, enforcement, planning, and implementation of this Act or diverted from the Fund, notwithstanding any other law to the contrary adopted after the effective date of this amendatory Act of the 95th General Assembly. The Department shall establish, by rule, measures to verify that recipients of money from the Fund comply with the specified conditions for the use of the money.

(c) The Department may not use the money from the Fund for the following purposes:

(1) Condemnation of any kind of interest in property.

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(2) Construction of any recreational trail on National Forest System land for motorized uses unless those lands have been allocated for uses other than wilderness by an approved forest land and resource management plan or have been released to uses other than wilderness by an Act of Congress, and the construction is otherwise consistent with the management direction in the approved land and resource management plan.

(3) Construction of motorized recreational trails on Department owned or managed land.

d) The Department shall establish a program to administer grants from the Fund to units of local government, not-for-profit organizations, and other groups to operate, maintain, and acquire land for off-highway vehicle parks that are open and accessible to the public.

(Source: P.A. 93-1050, eff. 11-16-04.)

Section 99. Effective date. This Act takes effect upon becoming law.

Sent to the Governor June 27, 2007.
Vetoed by the Governor August 24, 2007.
General Assembly Overrides Total Veto October 11, 2007.
Effective October 11, 2007.

PUBLIC ACT 95-0671
(Senate Bill No. 0641)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 27-8.1 as follows:

(105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)
Sec. 27-8.1. Health examinations and immunizations.
(1) In compliance with rules and regulations which the Department of Public Health shall promulgate, and except as hereinafter provided, all

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children in Illinois shall have a health examination as follows: within one year prior to entering kindergarten or the first grade of any public, private, or parochial elementary school; upon entering the fifth and ninth grades of any public, private, or parochial school; prior to entrance into any public, private, or parochial nursery school; and, irrespective of grade, immediately prior to or upon entrance into any public, private, or parochial school or nursery school, each child shall present proof of having been examined in accordance with this Section and the rules and regulations promulgated hereunder.

A tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis. Additional health examinations of pupils, including eye vision examinations, may be required when deemed necessary by school authorities. Parents are encouraged to have their children undergo eye vision examinations at the same points in time required for health examinations.

(1.5) In compliance with rules adopted by the Department of Public Health and except as otherwise provided in this Section, all children in kindergarten and the second and sixth grades of any public, private, or parochial school shall have a dental examination. Each of these children shall present proof of having been examined by a dentist in accordance with this Section and rules adopted under this Section before May 15th of the school year. If a child in the second or sixth grade fails to present proof by May 15th, the school may hold the child's report card until one of the following occurs: (i) the child presents proof of a completed dental examination or (ii) the child presents proof that a dental examination will take place within 60 days after May 15th. The Department of Public Health shall establish, by rule, a waiver for children who show an undue burden or a lack of access to a dentist. Each public, private, and parochial school must give notice of this dental examination requirement to the parents and guardians of students at least 60 days before May 15th of each school year.

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(1.10) Except as otherwise provided in this Section, all children enrolling in kindergarten in a public, private, or parochial school on or after the effective date of this amendatory Act of the 95th General Assembly and any student enrolling for the first time in a public, private, or parochial school on or after the effective date of this amendatory Act of the 95th General Assembly shall have an eye examination. Each of these children shall present proof of having been examined by a physician licensed to practice medicine in all of its branches or a licensed optometrist within the previous year, in accordance with this Section and rules adopted under this Section, before October 15th of the school year. If the child fails to present proof by October 15th, the school may hold the child's report card until one of the following occurs: (i) the child presents proof of a completed eye examination or (ii) the child presents proof that an eye examination will take place within 60 days after October 15th. The Department of Public Health shall establish, by rule, a waiver for children who show an undue burden or a lack of access to a physician licensed to practice medicine in all of its branches who provides eye examinations or to a licensed optometrist. Each public, private, and parochial school must give notice of this eye examination requirement to the parents and guardians of students in compliance with rules of the Department of Public Health. Nothing in this Section shall be construed to allow a school to exclude a child from attending because of a parent's or guardian's failure to obtain an eye examination for the child.

(2) The Department of Public Health shall promulgate rules and regulations specifying the examinations and procedures that constitute a health examination, which shall include the collection of data relating to obesity; (including at a minimum, date of birth, gender, height, weight, blood pressure, and date of exam), and a dental examination and may recommend by rule that certain additional examinations be performed. The rules and regulations of the Department of Public Health shall specify that a tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis. The Department of Public Health shall specify

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that a diabetes screening as defined by rule shall be included as a required part of each health examination. Diabetes testing is not required.

Physicians licensed to practice medicine in all of its branches, advanced practice nurses who have a written collaborative agreement with a collaborating physician which authorizes them to perform health examinations, or physician assistants who have been delegated the performance of health examinations by their supervising physician shall be responsible for the performance of the health examinations, other than dental examinations, eye examinations, and vision and hearing screening, and shall sign all report forms required by subsection (4) of this Section that pertain to those portions of the health examination for which the physician, advanced practice nurse, or physician assistant is responsible. If a registered nurse performs any part of a health examination, then a physician licensed to practice medicine in all of its branches must review and sign all required report forms. Licensed dentists shall perform all dental examinations and shall sign all report forms required by subsection (4) of this Section that pertain to the dental examinations. Physicians licensed to practice medicine in all its branches; or licensed optometrists; shall perform all eye examinations required by this Section and shall sign all report forms required by subsection (4) of this Section that pertain to the eye examination. For purposes of this Section, an eye examination shall at a minimum include history, visual acuity, subjective refraction to best visual acuity near and far, internal and external examination, and a glaucoma evaluation, as well as any other tests or observations that in the professional judgment of the doctor are necessary vision exam. Vision and hearing screening tests, which shall not be considered examinations as that term is used in this Section, shall be conducted in accordance with rules and regulations of the Department of Public Health, and by individuals whom the Department of Public Health has certified. In these rules and regulations, the Department of Public Health shall require that individuals conducting vision screening tests give a child's parent or guardian written notification, before the vision screening is conducted, that states, "Vision screening is not a substitute for a complete eye and vision evaluation by an eye doctor. Your child is not
required to undergo this vision screening if an optometrist or ophthalmologist has completed and signed a report form indicating that an examination has been administered within the previous 12 months."

(3) Every child shall, at or about the same time as he or she receives a health examination required by subsection (1) of this Section, present to the local school proof of having received such immunizations against preventable communicable diseases as the Department of Public Health shall require by rules and regulations promulgated pursuant to this Section and the Communicable Disease Prevention Act.

(4) The individuals conducting the health examination, or dental examination, or eye examination shall record the fact of having conducted the examination, and such additional information as required, including for a health examination data relating to obesity; (including at a minimum, date of birth, gender, height, weight, blood pressure, and date of exam), on uniform forms which the Department of Public Health and the State Board of Education shall prescribe for statewide use. The examiner shall summarize on the report form any condition that he or she suspects indicates a need for special services, including for a health examination factors relating to obesity. The individuals confirming the administration of required immunizations shall record as indicated on the form that the immunizations were administered.

(5) If a child does not submit proof of having had either the health examination or the immunization as required, then the child shall be examined or receive the immunization, as the case may be, and present proof by October 15 of the current school year, or by an earlier date of the current school year established by a school district. To establish a date before October 15 of the current school year for the health examination or immunization as required, a school district must give notice of the requirements of this Section 60 days prior to the earlier established date. If for medical reasons one or more of the required immunizations must be given after October 15 of the current school year, or after an earlier established date of the current school year, then the child shall present, by October 15, or by the earlier established date, a schedule for the administration of the immunizations and a statement of the medical
reasons causing the delay, both the schedule and the statement being issued by the physician, advanced practice nurse, physician assistant, registered nurse, or local health department that will be responsible for administration of the remaining required immunizations. If a child does not comply by October 15, or by the earlier established date of the current school year, with the requirements of this subsection, then the local school authority shall exclude that child from school until such time as the child presents proof of having had the health examination as required and presents proof of having received those required immunizations which are medically possible to receive immediately. During a child's exclusion from school for noncompliance with this subsection, the child's parents or legal guardian shall be considered in violation of Section 26-1 and subject to any penalty imposed by Section 26-10. This subsection (5) does not apply to dental examinations and eye examinations.

(6) Every school shall report to the State Board of Education by November 15, in the manner which that agency shall require, the number of children who have received the necessary immunizations and the health examination (other than a dental examination or eye examination) as required, indicating, of those who have not received the immunizations and examination as required, the number of children who are exempt from health examination and immunization requirements on religious or medical grounds as provided in subsection (8). Every school shall report to the State Board of Education by June 30, in the manner that the State Board requires, the number of children who have received the required dental examination, indicating, of those who have not received the required dental examination, the number of children who are exempt from the dental examination on religious grounds as provided in subsection (8) of this Section and the number of children who have received a waiver under subsection (1.5) of this Section. Every school shall report to the State Board of Education by June 30, in the manner that the State Board requires, the number of children who have received the required eye examination, indicating, of those who have not received the required eye examination, the number of children who are exempt from the eye examination as provided in subsection (8) of this Section, the number of

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children who have received a waiver under subsection (1.10) of this Section, and the total number of children in noncompliance with the eye examination requirement. This reported information shall be provided to the Department of Public Health by the State Board of Education.

(7) Upon determining that the number of pupils who are required to be in compliance with subsection (5) of this Section is below 90% of the number of pupils enrolled in the school district, 10% of each State aid payment made pursuant to Section 18-8.05 to the school district for such year shall be withheld by the regional superintendent until the number of students in compliance with subsection (5) is the applicable specified percentage or higher.

(8) Parents or legal guardians who object to health, dental, or eye examinations or any part thereof, or to immunizations, on religious grounds shall not be required to submit their children or wards to the examinations or immunizations to which they so object if such parents or legal guardians present to the appropriate local school authority a signed statement of objection, detailing the grounds for the objection. If the physical condition of the child is such that any one or more of the immunizing agents should not be administered, the examining physician, advanced practice nurse, or physician assistant responsible for the performance of the health examination shall endorse that fact upon the health examination form. Exempting a child from the health, dental, or eye examination does not exempt the child from participation in the program of physical education training provided in Sections 27-5 through 27-7 of this Code.

(9) For the purposes of this Section, "nursery schools" means those nursery schools operated by elementary school systems or secondary level school units or institutions of higher learning.

(30 ILCS 805/8.31 new)
Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

Section 99. Effective date. This Act takes effect January 1, 2008.
Effective January 1, 2008.

PUBLIC ACT 95-0672
(Senate Bill No. 0735)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by adding Sections 11-65-10, 11-65-15, 11-65-20, and 11-65-25 as follows:

(65 ILCS 5/11-65-10 new)
Sec. 11-65-10. Public-facilities corporations authorized.
(a) Each municipality referenced in Section 11-65-2 is authorized to incorporate a public-facilities corporation to exercise, as business agent of the municipality, the powers of the municipality set forth in Section 11-65-2, Section 11-65-6, and Section 11-65-7, and also the power of the municipality to acquire by dedication, gift, lease, contract, or purchase all property and rights, necessary or proper, within the corporate limits of the municipality, for municipal convention hall purposes.

(b) In this Division 65, unless the context otherwise requires, a "public-facilities corporation" means an Illinois not-for-profit corporation whose purpose is charitable and civic, organized solely for the purpose of (i) acquiring a site or sites appropriate for a municipal convention hall; (ii) constructing, building, and equipping thereon a municipal convention hall;

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hall; and (iii) collecting the revenues therefrom, entirely without profit to the public-facilities corporation, its officers, or directors. A public-facilities corporation shall assist the municipality it serves in the municipality's essential governmental purposes.

(c) The municipality shall retain control of the public-facilities corporation by means of the municipality's expressed legal right, set forth in the articles of incorporation of the public-facilities corporation, to appoint, remove, and replace the members of the board of directors of the public-facilities corporation. The directors and officers of the public-facilities corporation shall serve without compensation but may be reimbursed for their reasonable expenses that are incurred on behalf of the public-facilities corporation. Upon retirement or redemption of any bonds or other debt instruments issued by the public-facilities corporation in connection with the development of the municipal convention hall, the legal title to the municipal convention hall shall be transferred to the municipality without any further consideration by or on behalf of the municipality.

(65 ILCS 5/11-65-15 new)

Sec. 11-65-15. Exemption from use and occupation taxes. No tax is imposed under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, or the Retailers' Occupation Tax Act upon the use or sale of tangible personal property sold to a public-facilities corporation for purposes of constructing or furnishing a municipal convention hall.

(65 ILCS 5/11-65-20 new)

Sec. 11-65-20. Exemptions from property taxation. All real property and the municipal convention hall owned by the public-facilities corporation is exempt from property taxation.

(65 ILCS 5/11-65-25 new)

Sec. 11-65-25. Tax exemptions for existing public-facilities corporations. If, before the effective date of this amendatory Act of the 95th General Assembly, a municipality has incorporated a public-facilities corporation and the public-facilities corporation complies with the requirements set forth in Section 11-65-10, then, for all purposes:

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(1) No tax is imposed under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, or the Retailers' Occupation Tax Act upon the use or sale of tangible personal property sold to a public-facilities corporation for purposes of constructing or furnishing a municipal convention hall; and

(2) all real property and the municipal convention hall owned by the public-facilities corporation is exempt from property taxation.

Section 99. Effective date. This Act takes effect upon becoming law.

Sent to the Governor June 29, 2007.
Vetoed by the Governor August 28, 2007.
General Assembly Overrides Total Veto October 11, 2007.

Effective October 11, 2007.

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Lottery Law is amended by changing Sections 2 and 20 and by adding Section 21.7 as follows:

(20 ILCS 1605/2) (from Ch. 120, par. 1152)

Sec. 2. This Act is enacted to implement and establish within the State a lottery to be operated by the State, the entire net proceeds of which are to be used for the support of the State's Common School Fund, except as provided in Sections 21.2, 21.5, 21.6, and 21.7.

(20 ILCS 1605/20) (from Ch. 120, par. 1170)

Sec. 20. State Lottery Fund.
(a) There is created in the State Treasury a special fund to be known as the "State Lottery Fund". Such fund shall consist of all revenues

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received from (1) the sale of lottery tickets or shares, (net of commissions, fees representing those expenses that are directly proportionate to the sale of tickets or shares at the agent location, and prizes of less than $600 which have been validly paid at the agent level), (2) application fees, and (3) all other sources including moneys credited or transferred thereto from any other fund or source pursuant to law. Interest earnings of the State Lottery Fund shall be credited to the Common School Fund.

(b) The receipt and distribution of moneys under Section 21.5 of this Act shall be in accordance with Section 21.5.

(c) (b) The receipt and distribution of moneys under Section 21.6 of this Act shall be in accordance with Section 21.6.

(d) The receipt and distribution of moneys under Section 21.7 of this Act shall be in accordance with Section 21.7.

(Source: P.A. 94-120, eff. 7-6-05; 94-585, eff. 8-15-05; revised 8-19-05.)

Sec. 21.7. Scratch-out Multiple Sclerosis scratch-off game.

(a) The Department shall offer a special instant scratch-off game for the benefit of research pertaining to multiple sclerosis. The game shall commence on July 1, 2008 or as soon thereafter, in the discretion of the Director, as is reasonably practical. The operation of the game shall be governed by this Act and any rules adopted by the Department. If any provision of this Section is inconsistent with any other provision of this Act, then this Section governs.

(b) The Multiple Sclerosis Research Fund is created as a special fund in the State treasury. The net revenue from the scratch-out multiple sclerosis scratch-off game created under this Section shall be deposited into the Fund for appropriation by the General Assembly to the Department of Public Health for the purpose of making grants to organizations in Illinois that conduct research pertaining to the repair of damage caused by an acquired demyelinating disease of the central nervous system.

Moneys received for the purposes of this Section, including, without limitation, net revenue from the special instant scratch-off game and from gifts, grants, and awards from any public or private entity, must
be deposited into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.

For purposes of this Section, the term "research" includes, without limitation, expenditures to develop and advance the understanding, techniques, and modalities effective for maintaining function, mobility, and strength through preventive physical therapy or other treatments and to develop and advance the repair of myelin, neuron, and axon damage caused by an acquired demyelinating disease of the central nervous system and the restoration of function, including but not limited to, nervous system repair or neuroregeneration.

The grant funds may not be used for institutional, organizational, or community-based overhead costs, indirect costs, or levies.

For purposes of this subsection, "net revenue" means the total amount for which tickets have been sold less the sum of the amount paid out in the prizes and the actual administrative expenses of the Department solely related to the scratch-off game under this Section.

(c) During the time that tickets are sold for the scratch-out multiple sclerosis scratch-off game, the Department shall not unreasonably diminish the efforts devoted to marketing any other instant scratch-off lottery game.

(d) The Department may adopt any rules necessary to implement and administer the provisions of this Section.

Section 10. The State Finance Act is amended by adding Section 5.675 as follows:

(30 ILCS 105/5.675 new)
Sec. 5.675. The Multiple Sclerosis Research Fund.

Effective October 11, 2007.
AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Lottery Law is amended by changing Sections 2 and 20 and by adding Section 21.7 as follows:

Sec. 2. This Act is enacted to implement and establish within the State a lottery to be operated by the State, the entire net proceeds of which are to be used for the support of the State's Common School Fund, except as provided in Sections 21.2, 21.5, 21.6, and 21.7.
(Source: P.A. 94-120, eff. 7-6-05; 94-585, eff. 8-15-05; revised 8-23-05.)

Sec. 20. State Lottery Fund.

(a) There is created in the State Treasury a special fund to be known as the "State Lottery Fund". Such fund shall consist of all revenues received from (1) the sale of lottery tickets or shares, (net of commissions, fees representing those expenses that are directly proportionate to the sale of tickets or shares at the agent location, and prizes of less than $600 which have been validly paid at the agent level), (2) application fees, and (3) all other sources including moneys credited or transferred thereto from any other fund or source pursuant to law. Interest earnings of the State Lottery Fund shall be credited to the Common School Fund.

(b) The receipt and distribution of moneys under Section 21.5 of this Act shall be in accordance with Section 21.5.

(c) The receipt and distribution of moneys under Section 21.6 of this Act shall be in accordance with Section 21.6.

(d) The receipt and distribution of moneys under Section 21.7 of this Act shall be in accordance with Section 21.7.
(Source: P.A. 94-120, eff. 7-6-05; 94-585, eff. 8-15-05; revised 8-19-05.)

Sec. 21.7. Quality of Life scratch-off game.

New matter indicated by italics - deletions by strikeout.
(a) The Department shall offer a special instant scratch-off game with the title of "Quality of Life". The game shall commence on July 1, 2007 or as soon thereafter, in the discretion of the Director, as is reasonably practical, and shall be discontinued on December 31, 2012. The operation of the game is governed by this Act and by any rules adopted by the Department. The Department must consult with the Quality of Life Board, which is established under Section 2310-348 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois, regarding the design and promotion of the game. If any provision of this Section is inconsistent with any other provision of this Act, then this Section governs.

(b) The Quality of Life Endowment Fund is created as a special fund in the State treasury. The net revenue from the Quality of Life special instant scratch-off game must be deposited into the Fund for appropriation by the General Assembly solely to the Department of Public Health for the purpose of HIV/AIDS-prevention education and for making grants to public or private entities in Illinois for the purpose of funding organizations that serve the highest at-risk categories for contracting HIV or developing AIDS. Grants shall be targeted to serve at-risk populations in proportion to the distribution of recent reported Illinois HIV/AIDS cases among risk groups as reported by the Illinois Department of Public Health. The recipient organizations must be engaged in HIV/AIDS-prevention education and HIV/AIDS healthcare treatment. The Department must, before grants are awarded, provide copies of all grant applications to the Quality of Life Board, receive and review the Board's recommendations and comments, and consult with the Board regarding the grants. Organizational size will determine an organization's competitive slot in the "Request for Proposal" process. Organizations with an annual budget of $300,000 or less will compete with like size organizations for 50% of the Quality of Life annual fund. Organizations with an annual budget of $300,001 to $700,000 will compete with like organizations for 25% of the Quality of Life annual fund, and organizations with an annual budget of $700,001 and upward will compete with like organizations for 25% of the Quality of Life annual fund.
fund. The lottery may designate a percentage of proceeds for marketing purpose. The grant funds may not be used for institutional, organizational, or community-based overhead costs, indirect costs, or levies.

Grants awarded from the Fund are intended to augment the current and future State funding for the prevention and treatment of HIV/AIDS and are not intended to replace that funding.

Moneys received for the purposes of this Section, including, without limitation, net revenue from the special instant scratch-off game and gifts, grants, and awards from any public or private entity, must be deposited into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.

For purposes of this subsection, "net revenue" means the total amount for which tickets have been sold less the sum of the amount paid out in prizes and the actual administrative expenses of the Department solely related to the Quality of Life game.

(c) During the time that tickets are sold for the Quality of Life game, the Department shall not unreasonably diminish the efforts devoted to marketing any other instant scratch-off lottery game.

(d) The Department may adopt any rules necessary to implement and administer the provisions of this Section in consultation with the Quality of Life Board.

Section 10. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-348 as follows:

(20 ILCS 2310/2310-348 new)

Sec. 2310-348. The Quality of Life Board.

(a) The Quality of Life Board is created as an advisory board within the Department. The Board shall consist of 11 members as follows: 2 members appointed by the President of the Senate; one member appointed by the Minority Leader of the Senate; 2 members appointed by the Speaker of the House of Representatives; one member appointed by the Minority Leader of the House of Representatives; 2 members appointed by the Governor, one of whom shall be designated as chair of the Board at the time of appointment; and 3 members appointed by the Director who

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represent organizations that advocate for the healthcare needs of the first and second highest HIV/AIDS risk groups, one each from the northern Illinois region, the central Illinois region, and the southern Illinois region.

The Board members shall serve one 2-year term. If a vacancy occurs in the Board membership, the vacancy shall be filled in the same manner as the initial appointment.

(b) Board members shall serve without compensation but may be reimbursed for their reasonable travel expenses from funds appropriated for that purpose. The Department shall provide staff and administrative support services to the Board.

(c) The Board must:
   (i) consult with the Department of Revenue in designing and promoting the Quality of Life special instant scratch-off lottery game; and
   (ii) review grant applications, make recommendations and comments, and consult with the Department of Public Health in making grants, from amounts appropriated from the Quality of Life Endowment Fund, to public or private entities in Illinois for the purpose of HIV/AIDS-prevention education and for making grants to public or private entities in Illinois for the purpose of funding organizations that serve the highest at-risk categories for contracting HIV or developing AIDS in accordance with Section 21.7 of the Illinois Lottery Law.

(d) The Board is discontinued on June 30, 2013.

Section 15. The State Finance Act is amended by adding Section 5.675 as follows:

(30 ILCS 105/5.675 new)
Sec. 5.675. The Quality of Life Endowment Fund.

New matter indicated by italics - deletions by strikeout
AN ACT concerning local government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Local Government Debt Reform Act is amended by changing Section 15 as follows:

(30 ILCS 350/15) (from Ch. 17, par. 6915)

Sec. 15. Double-barrelled bonds. Whenever revenue bonds have been authorized to be issued pursuant to applicable law or whenever there exists for a governmental unit a revenue source, the procedures set forth in this Section may be used by a governing body. General obligation bonds may be issued in lieu of such revenue bonds as authorized, and general obligation bonds may be issued payable from any revenue source. Such general obligation bonds may be referred to as "alternate bonds". Alternate bonds may be issued without any referendum or backdoor referendum except as provided in this Section, upon the terms provided in Section 10 of this Act without reference to other provisions of law, but only upon the conditions provided in this Section. Alternate bonds shall not be regarded as or included in any computation of indebtedness for the purpose of any statutory provision or limitation except as expressly provided in this Section.

Such conditions are:

(a) Alternate bonds shall be issued for a lawful corporate purpose. If issued in lieu of revenue bonds, alternate bonds shall be issued for the purposes for which such revenue bonds shall have been authorized. If issued payable from a revenue source in the manner hereinafter provided, which revenue source is limited in its purposes or applications, then the alternate bonds shall be issued only for such limited purposes or applications. Alternate bonds may be issued payable from either enterprise revenues or revenue sources, or both.

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(b) Alternate bonds shall be subject to backdoor referendum. The provisions of Section 5 of this Act shall apply to such backdoor referendum, together with the provisions hereof. The authorizing ordinance shall be published in a newspaper of general circulation in the governmental unit. Along with or as part of the authorizing ordinance, there shall be published a notice of (1) the specific number of voters required to sign a petition requesting that the issuance of the alternate bonds be submitted to referendum, (2) the time when such petition must be filed, (3) the date of the prospective referendum, and (4), with respect to authorizing ordinances adopted on or after January 1, 1991, a statement that identifies any revenue source that will be used to pay debt service on the alternate bonds. The clerk or secretary of the governmental unit shall make a petition form available to anyone requesting one. If no petition is filed with the clerk or secretary within 30 days of publication of the authorizing ordinance and notice, the alternate bonds shall be authorized to be issued. But if within this 30 days period, a petition is filed with such clerk or secretary signed by electors numbering the greater of (i) 7.5% of the registered voters in the governmental unit or (ii) 200 of those registered voters or 15% of those registered voters, whichever is less, asking that the issuance of such alternate bonds be submitted to referendum, the clerk or secretary shall certify such question for submission at an election held in accordance with the general election law. The question on the ballot shall include a statement of any revenue source that will be used to pay debt service on the alternate bonds. The alternate bonds shall be authorized to be issued if a majority of the votes cast on the question at such election are in favor thereof provided that notice of the bond referendum, if held before July 1, 1999, has been given in accordance with the provisions of Section 12-5 of the Election Code in effect at the time of the bond referendum, at least 10 and not more than 45 days before the date of the election, notwithstanding the time for publication otherwise imposed by Section 12-5. Notices required in connection with the submission of public questions on or after July 1, 1999 shall be as set forth in Section 12-5 of the Election Code. Backdoor

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referendum proceedings for bonds and alternate bonds to be issued in lieu of such bonds may be conducted at the same time.

(c) To the extent payable from enterprise revenues, such revenues shall have been determined by the governing body to be sufficient to provide for or pay in each year to final maturity of such alternate bonds all of the following: (1) costs of operation and maintenance of the utility or enterprise, but not including depreciation, (2) debt service on all outstanding revenue bonds payable from such enterprise revenues, (3) all amounts required to meet any fund or account requirements with respect to such outstanding revenue bonds, (4) other contractual or tort liability obligations, if any, payable from such enterprise revenues, and (5) in each year, an amount not less than 1.25 times debt service of all (i) alternate bonds payable from such enterprise revenues previously issued and outstanding and (ii) alternate bonds proposed to be issued. To the extent payable from one or more revenue sources, such sources shall have been determined by the governing body to provide in each year, an amount not less than 1.25 times debt service of all alternate bonds payable from such revenue sources previously issued and outstanding and alternate bonds proposed to be issued. The 1.25 figure in the preceding sentence shall be reduced to 1.10 if the revenue source is a governmental revenue source. The conditions enumerated in this subsection (c) need not be met for that amount of debt service provided for by the setting aside of proceeds of bonds or other moneys at the time of the delivery of such bonds. 

Notwithstanding any other provision of this Section, a backdoor referendum is not required if the proceeds backing the debt are realized from revenues obtained from the County School Facility Occupation Tax Law under Section 5-1006.7 of the Counties Code.

(c-1) In the case of alternate bonds issued as variable rate bonds (including refunding bonds), debt service shall be projected based on the rate for the most recent date shown in the 20 G.O. Bond Index of average municipal bond yields as published in the most recent edition of The Bond Buyer published in New York, New York (or any successor publication or index, or if such publication or index is no longer published, then any index of long-term municipal tax-exempt bond yields selected by the

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governmental unit), as of the date of determination referred to in subsection (c) of this Section. Any interest or fees that may be payable to the provider of a letter of credit, line of credit, surety bond, bond insurance, or other credit enhancement relating to such alternate bonds and any fees that may be payable to any remarketing agent need not be taken into account for purposes of such projection. If the governmental unit enters into an agreement in connection with such alternate bonds at the time of issuance thereof pursuant to which the governmental unit agrees for a specified period of time to pay an amount calculated at an agreed-upon rate or index based on a notional amount and the other party agrees to pay the governmental unit an amount calculated at an agreed-upon rate or index based on such notional amount, interest shall be projected for such specified period of time on the basis of the agreed-upon rate payable by the governmental unit.

(d) The determination of the sufficiency of enterprise revenues or a revenue source, as applicable, shall be supported by reference to the most recent audit of the governmental unit, which shall be for a fiscal year ending not earlier than 18 months previous to the time of issuance of the alternate bonds. If such audit does not adequately show such enterprise revenues or revenue source, as applicable, or if such enterprise revenues or revenue source, as applicable, are shown to be insufficient, then the determination of sufficiency shall be supported by the report of an independent accountant or feasibility analyst, the latter having a national reputation for expertise in such matters, demonstrating the sufficiency of such revenues and explaining, if appropriate, by what means the revenues will be greater than as shown in the audit. Whenever such sufficiency is demonstrated by reference to a schedule of higher rates or charges for enterprise revenues or a higher tax imposition for a revenue source, such higher rates, charges or taxes shall have been properly imposed by an ordinance adopted prior to the time of delivery of alternate bonds. The reference to and acceptance of an audit or report, as the case may be, and the determination of the governing body as to sufficiency of enterprise revenues or a revenue source shall be conclusive evidence that the
conditions of this Section have been met and that the alternate bonds are valid.

(e) The enterprise revenues or revenue source, as applicable, shall be in fact pledged to the payment of the alternate bonds; and the governing body shall covenant, to the extent it is empowered to do so, to provide for, collect and apply such enterprise revenues or revenue source, as applicable, to the payment of the alternate bonds and the provision of not less than an additional .25 (or .10 for governmental revenue sources) times debt service. The pledge and establishment of rates or charges for enterprise revenues, or the imposition of taxes in a given rate or amount, as provided in this Section for alternate bonds, shall constitute a continuing obligation of the governmental unit with respect to such establishment or imposition and a continuing appropriation of the amounts received. All covenants relating to alternate bonds and the conditions and obligations imposed by this Section are enforceable by any bondholder of alternate bonds affected, any taxpayer of the governmental unit, and the People of the State of Illinois acting through the Attorney General or any designee, and in the event that any such action results in an order finding that the governmental unit has not properly set rates or charges or imposed taxes to the extent it is empowered to do so or collected and applied enterprise revenues or any revenue source, as applicable, as required by this Act, the plaintiff in any such action shall be awarded reasonable attorney's fees. The intent is that such enterprise revenues or revenue source, as applicable, shall be sufficient and shall be applied to the payment of debt service on such alternate bonds so that taxes need not be levied, or if levied need not be extended, for such payment. Nothing in this Section shall inhibit or restrict the authority of a governing body to determine the lien priority of any bonds, including alternate bonds, which may be issued with respect to any enterprise revenues or revenue source.

In the event that alternate bonds shall have been issued and taxes, other than a designated revenue source, shall have been extended pursuant to the general obligation, full faith and credit promise supporting such alternate bonds, then the amount of such alternate bonds then outstanding shall be included in the computation of indebtedness of the governmental

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unit for purposes of all statutory provisions or limitations until such time as an audit of the governmental unit shall show that the alternate bonds have been paid from the enterprise revenues or revenue source, as applicable, pledged thereto for a complete fiscal year.

Alternate bonds may be issued to refund or advance refund alternate bonds without meeting any of the conditions set forth in this Section, except that the term of the refunding bonds shall not be longer than the term of the refunded bonds and that the debt service payable in any year on the refunding bonds shall not exceed the debt service payable in such year on the refunded bonds.

Once issued, alternate bonds shall be and forever remain until paid or defeased the general obligation of the governmental unit, for the payment of which its full faith and credit are pledged, and shall be payable from the levy of taxes as is provided in this Act for general obligation bonds.

The changes made by this amendatory Act of 1990 do not affect the validity of bonds authorized before September 1, 1990.

(Source: P.A. 91-57, eff. 6-30-99; 91-493, eff. 8-13-99; 91-868, eff. 6-22-00; 92-879, eff. 1-13-03.)

Section 10. The Counties Code is amended by adding Section 5-1006.7 as follows:

(55 ILCS 5/5-1006.7 new)

Sec. 5-1006.7. School facility occupation taxes.

(a) The county board of any county may impose a tax upon all persons engaged in the business of selling tangible personal property, other than personal property titled or registered with an agency of this State's government, at retail in the county on the gross receipts from the sales made in the course of business to provide revenue to be used exclusively for school facility purposes if a proposition for the tax has been submitted to the electors of that county and approved by a majority of those voting on the question as provided in subsection (c). The tax under this Section may be imposed only in one-quarter percent increments and may not exceed 1%.

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This additional tax may not be imposed on the sale of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics. The Department of Revenue has full power to administer and enforce this subsection, to collect all taxes and penalties due under this subsection, to dispose of taxes and penalties so collected in the manner provided in this subsection, and to determine all rights to credit memoranda arising on account of the erroneous payment of a tax or penalty under this subsection. The Department shall deposit all taxes and penalties collected under this subsection into a special fund created for that purpose.

In the administration of and compliance with this subsection, the Department and persons who are subject to this subsection (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) are subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and (iii) shall employ the same modes of procedure as are set forth in Sections 1 through 1o, 2 through 2-70 (in respect to all provisions contained in those Sections other than the State rate of tax), 2a through 2h, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers’ Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act as if those provisions were set forth in this subsection.

The certificate of registration that is issued by the Department to a retailer under the Retailers’ Occupation Tax Act permits the retailer to engage in a business that is taxable without registering separately with the Department under an ordinance or resolution under this subsection.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their seller’s tax liability by separately stating that tax as an additional charge, which may be stated in combination, in a single amount, with State tax that sellers are required to

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collect under the Use Tax Act, pursuant to any bracketed schedules set forth by the Department.

(b) If a tax has been imposed under subsection (a), then a service occupation tax must also be imposed at the same rate upon all persons engaged, in the county, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the county as an incident to a sale of service.

This tax may not be imposed on sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics.

The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department and deposited into a special fund created for that purpose. The Department has full power to administer and enforce this subsection, to collect all taxes and penalties due under this subsection, to dispose of taxes and penalties so collected in the manner provided in this subsection, and to determine all rights to credit memoranda arising on account of the erroneous payment of a tax or penalty under this subsection.

In the administration of and compliance with this subsection, the Department and persons who are subject to this subsection shall (i) have the same rights, remedies, privileges, immunities, powers and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties and definition of terms, and (iii) employ the same modes of procedure as are set forth in Sections 2 (except that that reference to State in the definition of supplier maintaining a place of business in this State means the county), 2a through 2d, 3 through 3-50 (in respect to all provisions contained in those Sections other than the State rate of tax), 4 (except that the reference to the State shall be to the county), 5, 7, 8 (except that the jurisdiction to which the tax is a debt to the extent indicated in that Section 8 is the county), 9 (except as to the disposition of taxes and penalties collected), 10, 11, 12 (except the reference therein to Section 2b of the Retailers'
Occupation Tax Act), 13 (except that any reference to the State means the county), Section 15, 16, 17, 18, 19, and 20 of the Service Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their serviceman's tax liability by separately stating the tax as an additional charge, which may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, pursuant to any bracketed schedules set forth by the Department.

(c) The tax under this Section may not be imposed until, by ordinance or resolution of the county board, the question of imposing the tax has been submitted to the electors of the county at a regular election and approved by a majority of the electors voting on the question. Upon a resolution by the county board or a resolution by school district boards that represent at least 51% of the student enrollment within the county, the county board must certify the question to the proper election authority in accordance with the Election Code.

The election authority must submit the question in substantially the following form:

Shall (name of county) be authorized to impose a retailers' occupation tax and a service occupation tax (commonly referred to as a "sales tax") at a rate of (insert rate) to be used exclusively for school facility purposes?

The election authority must record the votes as "Yes" or "No".

If a majority of the electors voting on the question vote in the affirmative, then the county may, thereafter, impose the tax.

For the purposes of this subsection (c), "enrollment" means the head count of the students residing in the county on the last school day of September of each year, which must be reported on the Illinois State Board of Education Public School Fall Enrollment/Housing Report.

(d) The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected under this Section to be deposited into the School Facility Occupation Tax Fund,
which shall be an unappropriated trust fund held outside the State treasury.

On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to the regional superintendents of schools in counties from which retailers or servicemen have paid taxes or penalties to the Department during the second preceding calendar month. The amount to be paid to each regional superintendent of schools and disbursed to him or her in accordance with 3-14.31 of the School Code, is equal to the amount (not including credit memoranda) collected from the county under this Section during the second preceding calendar month by the Department, (i) less 2% of that amount, which shall be deposited into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department in administering and enforcing the provisions of this Section, on behalf of the county, (ii) plus an amount that the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body; (iii) less an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of the county; and (iv) less any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the county. When certifying the amount of a monthly disbursement to a regional superintendent of schools under this Section, the Department shall increase or decrease the amounts by an amount necessary to offset any miscalculation of previous disbursements within the previous 6 months from the time a miscalculation is discovered.

Within 10 days after receipt by the Comptroller from the Department of the disbursement certification to the regional superintendents of the schools provided for in this Section, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with directions contained in the certification.

If the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, then the Department shall notify the Comptroller, who shall cause the order to

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be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the Treasurer out of the School Facility Occupation Tax Fund.

(e) For the purposes of determining the local governmental unit whose tax is applicable, a retail sale by a producer of coal or another mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This subsection does not apply to coal or another mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the United States Constitution as a sale in interstate or foreign commerce.

(f) Nothing in this Section may be construed to authorize a county board to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by this State.

(g) If a county board imposes a tax under this Section, then the board may, by ordinance, discontinue or reduce the rate of the tax. If, however, a school board issues bonds that are backed by the proceeds of the tax under this Section, then the county board may not reduce the tax rate or discontinue the tax if that rate reduction or discontinuance would inhibit the school board's ability to pay the principal and interest on those bonds as they become due. If the county board reduces the tax rate or discontinues the tax, then a referendum must be held in accordance with subsection (c) of this Section in order to increase the rate of the tax or to reimpose the discontinued tax.

The results of any election that authorizes a proposition to impose a tax under this Section or to change the rate of the tax along with an ordinance imposing the tax, or any ordinance that lowers the rate or discontinues the tax, must be certified by the county clerk and filed with the Illinois Department of Revenue either (i) on or before the first day of April, whereupon the Department shall proceed to administer and enforce the tax or change in the rate as of the first day of July next following the filing; or (ii) on or before the first day of October, whereupon the
Department shall proceed to administer and enforce the tax or change in the rate as of the first day of January next following the filing.

(h) For purposes of this Section, "school facility purposes" means the acquisition, development, construction, reconstruction, rehabilitation, improvement, financing, architectural planning, and installation of capital facilities consisting of buildings, structures, and durable equipment and for the acquisition and improvement of real property and interest in real property required, or expected to be required, in connection with the capital facilities. "School-facility purposes" also includes fire prevention, safety, energy conservation, disabled accessibility, school security, and specified repair purposes set forth under Section 17-2.11 of the School Code.

(i) This Section does not apply to Cook County.

(j) This Section may be cited as the County School Facility Occupation Tax Law.

Section 15. The School Code is amended by changing Sections 10-22.36 and 17-2.11 and by adding Sections 3-14.31 and 10-20.40 as follows:

(105 ILCS 5/3-14.31 new)
Sec. 3-14.31. School facility occupation tax proceeds.
(a) Within 30 days after receiving any proceeds of a school facility occupation tax under Section 5-1006.7 of the Counties Code, each regional superintendent must disburse those proceeds to each school district that is located in the county in which the tax was collected.
(b) The proceeds must be disbursed on an enrollment basis and allocated based upon the number of each school district's resident pupils that reside within the county collecting the tax divided by the total number of students for all school districts within the county.

(105 ILCS 5/10-20.40 new)
Sec. 10-20.40. School facility occupation tax fund. All proceeds received by a school district from a distribution under 3-14.31 must be maintained in a special fund known as the school facility occupation tax fund. The district may use moneys in that fund only for school facility
purposes, as that term is defined under Section 5-1006.7 of the Counties Code.

(105 ILCS 5/10-22.36) (from Ch. 122, par. 10-22.36)

Sec. 10-22.36. Buildings for school purposes. To build or purchase a building for school classroom or instructional purposes upon the approval of a majority of the voters upon the proposition at a referendum held for such purpose or in accordance with Section 17-2.11. The board may initiate such referendum by resolution. The board shall certify the resolution and proposition to the proper election authority for submission in accordance with the general election law.

The questions of building one or more new buildings for school purposes or office facilities, and issuing bonds for the purpose of borrowing money to purchase one or more buildings or sites for such buildings or office sites, to build one or more new buildings for school purposes or office facilities or to make additions and improvements to existing school buildings, may be combined into one or more propositions on the ballot.

Before erecting, or purchasing or remodeling such a building the board shall submit the plans and specifications respecting heating, ventilating, lighting, seating, water supply, toilets and safety against fire to the regional superintendent of schools having supervision and control over the district, for approval in accordance with Section 2-3.12.

Notwithstanding any of the foregoing, no referendum shall be required if the purchase, construction, or building of any such building is completed (1) while the building is being leased by the school district or (2) with the expenditure of (A) funds derived from the sale or disposition of other buildings, land, or structures of the school district or (B) funds received (i) as a grant under the School Construction Law, or (ii) as gifts or donations, provided that no funds to complete such building, other than lease payments, are derived from the district's bonded indebtedness or the tax levy of the district, or (iii) from the County School Facility Occupation Tax Law under Section 5-1006.7 of the Counties Code.

(105 ILCS 5/17-2.11) (from Ch. 122, par. 17-2.11)

New matter indicated by italics - deletions by strikeout
Sec. 17-2.11. School board power to levy a tax or to borrow money and issue bonds for fire prevention, safety, energy conservation, disabled accessibility, school security, and specified repair purposes. Whenever, as a result of any lawful order of any agency, other than a school board, having authority to enforce any school building code applicable to any facility that houses students, or any law or regulation for the protection and safety of the environment, pursuant to the Environmental Protection Act, any school district having a population of less than 500,000 inhabitants is required to alter or reconstruct any school building or permanent, fixed equipment; or whenever any such district determines that it is necessary for energy conservation purposes that any school building or permanent, fixed equipment should be altered or reconstructed and that such alterations or reconstruction will be made with funds not necessary for the completion of approved and recommended projects contained in any safety survey report or amendments thereto authorized by Section 2-3.12 of this Act; or whenever any such district determines that it is necessary for disabled accessibility purposes and to comply with the school building code that any school building or equipment should be altered or reconstructed and that such alterations or reconstruction will be made with funds not necessary for the completion of approved and recommended projects contained in any safety survey report or amendments thereto authorized under Section 2-3.12 of this Act; or whenever any such district determines that it is necessary for school security purposes and the related protection and safety of pupils and school personnel that any school building or property should be altered or reconstructed or that security systems and equipment (including but not limited to intercom, early detection and warning, access control and television monitoring systems) should be purchased and installed, and that such alterations, reconstruction or purchase and installation of equipment will be made with funds not necessary for the completion of approved and recommended projects contained in any safety survey report or amendment thereto authorized by Section 2-3.12 of this Act and will deter and prevent unauthorized entry or activities upon school property by unknown or dangerous persons, assure early detection and advance warning of any such actual or attempted

New matter indicated by italics - deletions by strikeout
unauthorized entry or activities and help assure the continued safety of pupils and school staff if any such unauthorized entry or activity is attempted or occurs; or if a school district does not need funds for other fire prevention and safety projects, including the completion of approved and recommended projects contained in any safety survey report or amendments thereto authorized by Section 2-3.12 of this Act, and it is determined after a public hearing (which is preceded by at least one published notice (i) occurring at least 7 days prior to the hearing in a newspaper of general circulation within the school district and (ii) setting forth the time, date, place, and general subject matter of the hearing) that there is a substantial, immediate, and otherwise unavoidable threat to the health, safety, or welfare of pupils due to disrepair of school sidewalks, playgrounds, parking lots, or school bus turnarounds and repairs must be made: then in any such event, such district may, by proper resolution, levy a tax for the purpose of making such alteration or reconstruction, based on a survey report by an architect or engineer licensed in the State of Illinois, upon all the taxable property of the district at the value as assessed by the Department of Revenue at a rate not to exceed .05% per year for a period sufficient to finance such alterations, repairs, or reconstruction, upon the following conditions:

(a) When there are not sufficient funds available in either the operations and maintenance fund of the district, the school facility occupation tax fund of the district, or the fire prevention and safety fund of the district as determined by the district on the basis of regulations adopted by the State Board of Education to make such alterations, repairs, or reconstruction, or to purchase and install such permanent fixed equipment so ordered or determined as necessary. Appropriate school district records shall be made available to the State Superintendent of Education upon request to confirm such insufficiency.

(b) When a certified estimate of an architect or engineer licensed in the State of Illinois stating the estimated amount necessary to make the alterations or repairs, or to purchase and install such equipment so ordered has been secured by the district,
and the estimate has been approved by the regional superintendent of schools, having jurisdiction of the district, and the State Superintendent of Education. Approval shall not be granted for any work that has already started without the prior express authorization of the State Superintendent of Education. If such estimate is not approved or denied approval by the regional superintendent of schools within 3 months after the date on which it is submitted to him or her, the school board of the district may submit such estimate directly to the State Superintendent of Education for approval or denial.

For purposes of this Section a school district may replace a school building or build additions to replace portions of a building when it is determined that the effectuation of the recommendations for the existing building will cost more than the replacement costs. Such determination shall be based on a comparison of estimated costs made by an architect or engineer licensed in the State of Illinois. The new building or addition shall be equivalent in area (square feet) and comparable in purpose and grades served and may be on the same site or another site. Such replacement may only be done upon order of the regional superintendent of schools and the approval of the State Superintendent of Education.

The filing of a certified copy of the resolution levying the tax when accompanied by the certificates of the regional superintendent of schools and State Superintendent of Education shall be the authority of the county clerk to extend such tax.

The county clerk of the county in which any school district levying a tax under the authority of this Section is located, in reducing raised levies, shall not consider any such tax as a part of the general levy for school purposes and shall not include the same in the limitation of any other tax rate which may be extended.

Such tax shall be levied and collected in like manner as all other taxes of school districts, subject to the provisions contained in this Section.

The tax rate limit specified in this Section may be increased to .10% upon the approval of a proposition to effect such increase by a
majority of the electors voting on that proposition at a regular scheduled election. Such proposition may be initiated by resolution of the school board and shall be certified by the secretary to the proper election authorities for submission in accordance with the general election law.

When taxes are levied by any school district for fire prevention, safety, energy conservation, and school security purposes as specified in this Section, and the purposes for which the taxes have been levied are accomplished and paid in full, and there remain funds on hand in the Fire Prevention and Safety Fund from the proceeds of the taxes levied, including interest earnings thereon, the school board by resolution shall use such excess and other board restricted funds excluding bond proceeds and earnings from such proceeds (1) for other authorized fire prevention, safety, energy conservation, and school security purposes or (2) for transfer to the Operations and Maintenance Fund for the purpose of abating an equal amount of operations and maintenance purposes taxes. If any transfer is made to the Operation and Maintenance Fund, the secretary of the school board shall within 30 days notify the county clerk of the amount of that transfer and direct the clerk to abate the taxes to be extended for the purposes of operations and maintenance authorized under Section 17-2 of this Act by an amount equal to such transfer.

If the proceeds from the tax levy authorized by this Section are insufficient to complete the work approved under this Section, the school board is authorized to sell bonds without referendum under the provisions of this Section in an amount that, when added to the proceeds of the tax levy authorized by this Section, will allow completion of the approved work.

Such bonds shall bear interest at a rate not to exceed the maximum rate authorized by law at the time of the making of the contract, shall mature within 20 years from date, and shall be signed by the president of the school board and the treasurer of the school district.

In order to authorize and issue such bonds, the school board shall adopt a resolution fixing the amount of bonds, the date thereof, the maturities thereof, rates of interest thereof, place of payment and denomination, which shall be in denominations of not less than $100 and
not more than $5,000, and provide for the levy and collection of a direct
annual tax upon all the taxable property in the school district sufficient to
pay the principal and interest on such bonds to maturity. Upon the filing in
the office of the county clerk of the county in which the school district is
located of a certified copy of the resolution, it is the duty of the county
clerk to extend the tax therefor in addition to and in excess of all other
taxes heretofore or hereafter authorized to be levied by such school
district.

After the time such bonds are issued as provided for by this
Section, if additional alterations or reconstructions are required to be made
because of surveys conducted by an architect or engineer licensed in the
State of Illinois, the district may levy a tax at a rate not to exceed .05% per
year upon all the taxable property of the district or issue additional bonds,
whichever action shall be the most feasible.

This Section is cumulative and constitutes complete authority for
the issuance of bonds as provided in this Section notwithstanding any
other statute or law to the contrary.

With respect to instruments for the payment of money issued under
this Section either before, on, or after the effective date of Public Act 86-
004 (June 6, 1989), it is, and always has been, the intention of the General
Assembly (i) that the Omnibus Bond Acts are, and always have been,
supplementary grants of power to issue instruments in accordance with the
Omnibus Bond Acts, regardless of any provision of this Act that may
appear to be or to have been more restrictive than those Acts, (ii) that the
provisions of this Section are not a limitation on the supplementary
authority granted by the Omnibus Bond Acts, and (iii) that instruments
issued under this Section within the supplementary authority granted by
the Omnibus Bond Acts are not invalid because of any provision of this
Act that may appear to be or to have been more restrictive than those Acts.

When the purposes for which the bonds are issued have been
accomplished and paid for in full and there remain funds on hand from the
proceeds of the bond sale and interest earnings therefrom, the board shall,
by resolution, use such excess funds in accordance with the provisions of
Section 10-22.14 of this Act.

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Whenever any tax is levied or bonds issued for fire prevention, safety, energy conservation, and school security purposes, such proceeds shall be deposited and accounted for separately within the Fire Prevention and Safety Fund.

(Source: P.A. 88-251; 88-508; 88-628, eff. 9-9-94; 88-670, eff. 12-2-94; 89-235, eff. 8-4-95; 89-397, eff. 8-20-95.)

Section 99. Effective date. This Act takes effect upon becoming law.

Sent to the governor June 28, 2007.
Vetoed by the Governor August 27, 2007.
General Assembly Overrides Total Veto October 11, 2007.
Effective October 11, 2007.

PUBLIC ACT 95-0676
(Senate Bill No. 1011)

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Section 28-2 as follows:

(720 ILCS 5/28-2) (from Ch. 38, par. 28-2)
Sec. 28-2. Definitions.
(a) A "gambling device" is any clock, tape machine, slot machine or other machines or device for the reception of money or other thing of value on chance or skill or upon the action of which money or other thing of value is staked, hazarded, bet, won or lost; or any mechanism, furniture, fixture, equipment or other device designed primarily for use in a gambling place. A "gambling device" does not include:

(1) A coin-in-the-slot operated mechanical device played for amusement which rewards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operation thereof depend in part upon

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the skill of the player and which returns to the player thereof no
money, property or right to receive money or property.

(2) Vending machines by which full and adequate return is
made for the money invested and in which there is no element of
chance or hazard.

(3) A crane game. For the purposes of this paragraph (3), a
"crane game" is an amusement device involving skill, if it rewards
the player exclusively with merchandise contained within the
amusement device proper and limited to toys, novelties and prizes
other than currency, each having a wholesale value which is not
more than $25 7 times the cost charged to play the amusement
device once or $5, whichever is less.

(4) A redemption machine. For the purposes of this
paragraph (4), a "redemption machine" is a single-player or multi-
player amusement device involving a game, the object of which is
throwing, rolling, bowling, shooting, placing, or propelling a ball
or other object into, upon, or against a hole or other target,
provided that all of the following conditions are met:

(A) The outcome of the game is predominantly
determined by the skill of the player.

(B) The award of the prize is based solely upon the
player's achieving the object of the game or otherwise upon
the player's score.

(C) Only merchandise prizes are awarded.

(D) The average wholesale value of prizes awarded
in lieu of tickets or tokens for single play of the device does
not exceed $25 the lesser of $5 or 7 times the cost charged
for a single play of the device.

(E) The redemption value of tickets, tokens, and
other representations of value, which may be accumulated
by players to redeem prizes of greater value, does not
exceed the amount charged for a single play of the device.

(a-5) "Internet" means an interactive computer service or system or
an information service, system, or access software provider that provides

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or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to, a World Wide Web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service.

(a-6) "Access" and "computer" have the meanings ascribed to them in Section 16D-2 of this Code.

(b) A "lottery" is any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme or procedure is called a lottery, raffle, gift, sale or some other name.

(c) A "policy game" is any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token or other device that any particular number, character, ticket or certificate shall in the event of any contingency in the nature of a lottery entitle the purchaser or holder to receive money, property or evidence of debt.

(Source: P.A. 91-257, eff. 1-1-00.)

Passed in the General Assembly June 1, 2007.
Sent to the Governor June 29, 2007.
Vetoed by the Governor August 28, 2007.
General Assembly Overrides Total Veto October 11, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0677
(Senate Bill No. 1201)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 3. The State Finance Act is amended by adding Sections 5.675 and 6z-69 as follows:
(30 ILCS 105/5.675 new)

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Sec. 5.675. Comprehensive Regional Planning Fund.
(30 ILCS 105/6z-69 new)
Sec. 6z-69. Comprehensive Regional Planning Fund.
(a) As soon as possible after July 1, 2007, and on each July 1 thereafter, the State Treasurer shall transfer $5,000,000 from the General Revenue Fund to the Comprehensive Regional Planning Fund.
(b) Subject to appropriation, the Illinois Department of Transportation shall make lump sum distributions from the Comprehensive Regional Planning Fund as soon as possible after each July 1 to the recipients and in the amounts specified in subsection (c). The recipients must use the moneys for comprehensive regional planning purposes.

(c) Each year's distribution under subsection (b) shall be as follows: (i) 70% to the Chicago Metropolitan Agency for Planning (CMAP); (ii) 25% to the State's other Metropolitan Planning Organizations (exclusive of CMAP), each Organization receiving a percentage equal to the percent its area population represents to the total population of the areas of all the State's Metropolitan Planning Organizations (exclusive of CMAP); and (iii) 5% to the State's Rural Planning Agencies, each Agency receiving a percentage equal to the percent its area population represents to the total population of the areas of all the State's Rural Planning Agencies.

Section 5. The Illinois Pension Code is amended by changing Sections 7-132 and 14-103.05 and by adding Sections 7-139.12 and 14-104.13 as follows:

(40 ILCS 5/7-132) (from Ch. 108 1/2, par. 7-132)
Sec. 7-132. Municipalities, instrumentalities and participating instrumentalities included and effective dates.
(A) Municipalities and their instrumentalities.

(a) The following described municipalities, but not including any with more than 1,000,000 inhabitants, and the instrumentalities thereof, shall be included within and be subject to this Article beginning upon the effective dates specified by the Board:

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(1) Except as to the municipalities and instrumentalities thereof specifically excluded under this Article, every county shall be subject to this Article, and all cities, villages and incorporated towns having a population in excess of 5,000 inhabitants as determined by the last preceding decennial or subsequent federal census, shall be subject to this Article following publication of the census by the Bureau of the Census. Within 90 days after publication of the census, the Board shall notify any municipality that has become subject to this Article as a result of that census, and shall provide information to the corporate authorities of the municipality explaining the duties and consequences of participation. The notification shall also include a proposed date upon which participation by the municipality will commence.

However, for any city, village or incorporated town that attains a population over 5,000 inhabitants after having provided social security coverage for its employees under the Social Security Enabling Act, participation under this Article shall not be mandatory but may be elected in accordance with subparagraph (3) or (4) of this paragraph (a), whichever is applicable.

(2) School districts, other than those specifically excluded under this Article, shall be subject to this Article, without election, with respect to all employees thereof.

(3) Towns and all other bodies politic and corporate which are formed by vote of, or are subject to control by, the electors in towns and are located in towns which are not participating municipalities on the effective date of this Act, may become subject to this Article by election pursuant to Section 7-132.1.

(4) Any other municipality (together with its instrumentalities), other than those specifically excluded from participation and those described in paragraph (3) above, may elect to be included either by referendum under Section 7-134 or by the adoption of a resolution or ordinance by its governing body. A copy of such resolution or ordinance duly authenticated and certified by the clerk of the municipality or other appropriate

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official of its governing body shall constitute the required notice to the board of such action.

(b) A municipality that is about to begin participation shall submit to the Board an application to participate, in a form acceptable to the Board, not later than 90 days prior to the proposed effective date of participation. The Board shall act upon the application within 90 days, and if it finds that the application is in conformity with its requirements and the requirements of this Article, participation by the applicant shall commence on a date acceptable to the municipality and specified by the Board, but in no event more than one year from the date of application.

(c) A participating municipality which succeeds to the functions of a participating municipality which is dissolved or terminates its existence shall assume and be transferred the net accumulation balance in the municipality reserve and the municipality account receivable balance of the terminated municipality.

(d) In the case of a Veterans Assistance Commission whose employees were being treated by the Fund on January 1, 1990 as employees of the county served by the Commission, the Fund may continue to treat the employees of the Veterans Assistance Commission as county employees for the purposes of this Article, unless the Commission becomes a participating instrumentality in accordance with subsection (B) of this Section.

(B) Participating instrumentalities.

(a) The participating instrumentalities designated in paragraph (b) of this subsection shall be included within and be subject to this Article if:

(1) an application to participate, in a form acceptable to the Board and adopted by a two-thirds vote of the governing body, is presented to the Board not later than 90 days prior to the proposed effective date; and

(2) the Board finds that the application is in conformity with its requirements, that the applicant has reasonable expectation to continue as a political entity for a period of at least 10 years and has the prospective financial capacity to meet its current and future obligations to the Fund, and that the actuarial soundness of the
The Board shall notify the applicant of its findings within 90 days after receiving the application, and if the Board approves the application, participation by the applicant shall commence on the effective date specified by the Board.

(b) The following participating instrumentalities, so long as they meet the requirements of Section 7-108 and the area served by them or within their jurisdiction is not located entirely within a municipality having more than one million inhabitants, may be included hereunder:

i. Township School District Trustees.

ii. Multiple County and Consolidated Health Departments created under Division 5-25 of the Counties Code or its predecessor law.

iii. Public Building Commissions created under the Public Building Commission Act, and located in counties of less than 1,000,000 inhabitants.

iv. A multitype, consolidated or cooperative library system created under the Illinois Library System Act. Any library system created under the Illinois Library System Act that has one or more predecessors that participated in the Fund may participate in the Fund upon application. The Board shall establish procedures for implementing the transfer of rights and obligations from the predecessor system to the successor system.

v. Regional Planning Commissions created under Division 5-14 of the Counties Code or its predecessor law.

vi. Local Public Housing Authorities created under the Housing Authorities Act, located in counties of less than 1,000,000 inhabitants.


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x. Illinois Association of Park Districts.
xi. Illinois Supervisors, County Commissioners and Superintendents of Highways Association.
xii. Tri-City Regional Port District.
xiii. An association, or not-for-profit corporation, membership in which is authorized under Section 85-15 of the Township Code.
xiv. Drainage Districts operating under the Illinois Drainage Code.
xv. Local mass transit districts created under the Local Mass Transit District Act.
xvi. Soil and water conservation districts created under the Soil and Water Conservation Districts Law.
xvii. Commissions created to provide water supply or sewer services or both under Division 135 or Division 136 of Article 11 of the Illinois Municipal Code.
xviii. Public water districts created under the Public Water District Act.
xix. Veterans Assistance Commissions established under Section 9 of the Military Veterans Assistance Act that serve counties with a population of less than 1,000,000.
xx. The governing body of an entity, other than a vocational education cooperative, created under an intergovernmental cooperative agreement established between participating municipalities under the Intergovernmental Cooperation Act, which by the terms of the agreement is the employer of the persons performing services under the agreement under the usual common law rules determining the employer-employee relationship. The governing body of such an intergovernmental cooperative entity established prior to July 1, 1988 may make participation retroactive to the effective date of the agreement and, if so, the effective date of participation shall be the date the required application is filed with the fund. If any such entity is unable to pay the required employer contributions to the fund, then the participating

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municipalities shall make payment of the required contributions and the payments shall be allocated as provided in the agreement or, if not so provided, equally among them.

xxi. The Illinois Municipal Electric Agency.
xxii. The Waukegan Port District.
xxiii. The Fox Waterway Agency created under the Fox Waterway Agency Act.
xxiv. The Illinois Municipal Gas Agency.
xxv. The Kaskaskia Regional Port District.
xxvi. The Southwestern Illinois Development Authority.
xxvii. The Cairo Public Utility Company.
xxviii. Except with respect to employees who elect to participate in the State Employees' Retirement System of Illinois under Section 14-104.13 of this Code, the Chicago Metropolitan Agency for Planning created under the Regional Planning Act, provided that, with respect to the benefits payable pursuant to Sections 7-146, 7-150, and 7-164 and the requirement that eligibility for such benefits is conditional upon satisfying a minimum period of service or a minimum contribution, any employee of the Chicago Metropolitan Agency for Planning that was immediately prior to such employment an employee of the Chicago Area Transportation Study or the Northeastern Illinois Planning Commission, such employee's service at the Chicago Area Transportation Study or the Northeastern Illinois Planning Commission and contributions to the State Employees' Retirement System of Illinois established under Article 14 and the Illinois Municipal Retirement Fund shall count towards the satisfaction of such requirements.

(c) The governing boards of special education joint agreements created under Section 10-22.31 of the School Code without designation of an administrative district shall be included within and be subject to this Article as participating instrumentalities when the joint agreement becomes effective. However, the governing board of any such special education joint agreement in effect before September 5, 1975 shall not be
subject to this Article unless the joint agreement is modified by the school districts to provide that the governing board is subject to this Article, except as otherwise provided by this Section.

The governing board of the Special Education District of Lake County shall become subject to this Article as a participating instrumentality on July 1, 1997. Notwithstanding subdivision (a)1 of Section 7-139, on the effective date of participation, employees of the governing board of the Special Education District of Lake County shall receive creditable service for their prior service with that employer, up to a maximum of 5 years, without any employee contribution. Employees may establish creditable service for the remainder of their prior service with that employer, if any, by applying in writing and paying an employee contribution in an amount determined by the Fund, based on the employee contribution rates in effect at the time of application for the creditable service and the employee's salary rate on the effective date of participation for that employer, plus interest at the effective rate from the date of the prior service to the date of payment. Application for this creditable service must be made before July 1, 1998; the payment may be made at any time while the employee is still in service. The employer may elect to make the required contribution on behalf of the employee.

The governing board of a special education joint agreement created under Section 10-22.31 of the School Code for which an administrative district has been designated, if there are employees of the cooperative educational entity who are not employees of the administrative district, may elect to participate in the Fund and be included within this Article as a participating instrumentality, subject to such application procedures and rules as the Board may prescribe.

The Boards of Control of cooperative or joint educational programs or projects created and administered under Section 3-15.14 of the School Code, whether or not the Boards act as their own administrative district, shall be included within and be subject to this Article as participating instrumentalities when the agreement establishing the cooperative or joint educational program or project becomes effective.

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The governing board of a special education joint agreement entered into after June 30, 1984 and prior to September 17, 1985 which provides for representation on the governing board by less than all the participating districts shall be included within and subject to this Article as a participating instrumentality. Such participation shall be effective as of the date the joint agreement becomes effective.

The governing boards of educational service centers established under Section 2-3.62 of the School Code shall be included within and subject to this Article as participating instrumentalities. The governing boards of vocational education cooperative agreements created under the Intergovernmental Cooperation Act and approved by the State Board of Education shall be included within and be subject to this Article as participating instrumentalities. If any such governing boards or boards of control are unable to pay the required employer contributions to the fund, then the school districts served by such boards shall make payment of required contributions as provided in Section 7-172. The payments shall be allocated among the several school districts in proportion to the number of students in average daily attendance for the last full school year for each district in relation to the total number of students in average attendance for such period for all districts served. If such educational service centers, vocational education cooperatives or cooperative or joint educational programs or projects created and administered under Section 3-15.14 of the School Code are dissolved, the assets and obligations shall be distributed among the districts in the same proportions unless otherwise provided.

(d) The governing boards of special recreation joint agreements created under Section 8-10b of the Park District Code, operating without designation of an administrative district or an administrative municipality appointed to administer the program operating under the authority of such joint agreement shall be included within and be subject to this Article as participating instrumentalities when the joint agreement becomes effective. However, the governing board of any such special recreation joint agreement in effect before January 1, 1980 shall not be subject to this Article unless the joint agreement is modified, by the districts and

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municipalities which are parties to the agreement, to provide that the
governing board is subject to this Article.

If the Board returns any employer and employee contributions to
any employer which erroneously submitted such contributions on behalf of
a special recreation joint agreement, the Board shall include interest
computed from the end of each year to the date of payment, not
compounded, at the rate of 7% per annum.

(e) Each multi-township assessment district, the board of trustees
of which has adopted this Article by ordinance prior to April 1, 1982, shall
be a participating instrumentality included within and subject to this
Article effective December 1, 1981. The contributions required under
Section 7-172 shall be included in the budget prepared under and allocated
in accordance with Section 2-30 of the Property Tax Code.

(f) The Illinois Medical District Commission created under the
Illinois Medical District Act may be included within and subject to this
Article as a participating instrumentality, notwithstanding that the location
of the District is entirely within the City of Chicago. To become a
participating instrumentality, the Commission must apply to the Board in
the manner set forth in paragraph (a) of this subsection (B). If the Board
approves the application, under the criteria and procedures set forth in
paragraph (a) and any other applicable rules, criteria, and procedures of the
Board, participation by the Commission shall commence on the effective
date specified by the Board.
(C) Prospective participants.

Beginning January 1, 1992, each prospective participating
municipality or participating instrumentality shall pay to the Fund the cost,
as determined by the Board, of a study prepared by the Fund or its actuary,
detailing the prospective costs of participation in the Fund to be expected
by the municipality or instrumentality.
(Source: P.A. 93-777, eff. 7-21-04; 94-1046, eff. 7-24-06.)
(40 ILCS 5/7-139.12 new)

Sec. 7-139.12. Transfer of creditable service to Article 14. A
person employed by the Chicago Metropolitan Agency for Planning
(formerly the Regional Planning Board) on the effective date of this

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Section who was a member of the State Employees' Retirement System of Illinois as an employee of the Chicago Area Transportation Study may apply for transfer of his or her creditable service as an employee of the Chicago Metropolitan Agency for Planning upon payment of (1) the amounts accumulated to the credit of the applicant for such service on the books of the Fund on the date of transfer and (2) the corresponding municipality credits, including interest, on the books of the Fund on the date of transfer. Participation in this Fund with respect to the transferred credits shall terminate on the date of transfer.

(40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)

Sec. 14-103.05. Employee.

(a) Any person employed by a Department who receives salary for personal services rendered to the Department on a warrant issued pursuant to a payroll voucher certified by a Department and drawn by the State Comptroller upon the State Treasurer, including an elected official described in subparagraph (d) of Section 14-104, shall become an employee for purpose of membership in the Retirement System on the first day of such employment.

A person entering service on or after January 1, 1972 and prior to January 1, 1984 shall become a member as a condition of employment and shall begin making contributions as of the first day of employment.

A person entering service on or after January 1, 1984 shall, upon completion of 6 months of continuous service which is not interrupted by a break of more than 2 months, become a member as a condition of employment. Contributions shall begin the first of the month after completion of the qualifying period.

A person employed by the Chicago Metropolitan Agency for Planning on the effective date of this amendatory Act of the 95th General Assembly who was a member of this System as an employee of the Chicago Area Transportation Study and makes an election under Section 14-104.13 to participate in this System for his or her employment with the Chicago Metropolitan Agency for Planning.

The qualifying period of 6 months of service is not applicable to:

(1) a person who has been granted credit for service in a position covered

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by the State Universities Retirement System, the Teachers' Retirement System of the State of Illinois, the General Assembly Retirement System, or the Judges Retirement System of Illinois unless that service has been forfeited under the laws of those systems; (2) a person entering service on or after July 1, 1991 in a noncovered position; or (3) a person to whom Section 14-108.2a or 14-108.2b applies.

(b) The term "employee" does not include the following:

(1) members of the State Legislature, and persons electing to become members of the General Assembly Retirement System pursuant to Section 2-105;

(2) incumbents of offices normally filled by vote of the people;

(3) except as otherwise provided in this Section, any person appointed by the Governor with the advice and consent of the Senate unless that person elects to participate in this system;

(3.1) any person serving as a commissioner of an ethics commission created under the State Officials and Employees Ethics Act unless that person elects to participate in this system with respect to that service as a commissioner;

(3.2) any person serving as a part-time employee in any of the following positions: Legislative Inspector General, Special Legislative Inspector General, employee of the Office of the Legislative Inspector General, Executive Director of the Legislative Ethics Commission, or staff of the Legislative Ethics Commission, regardless of whether he or she is in active service on or after July 8, 2004 (the effective date of Public Act 93-685), unless that person elects to participate in this System with respect to that service; in this item (3.2), a "part-time employee" is a person who is not required to work at least 35 hours per week;

(3.3) any person who has made an election under Section 1-123 and who is serving either as legal counsel in the Office of the Governor or as Chief Deputy Attorney General;

(4) except as provided in Section 14-108.2 or 14-108.2c, any person who is covered or eligible to be covered by the
Teachers' Retirement System of the State of Illinois, the State Universities Retirement System, or the Judges Retirement System of Illinois;

(5) an employee of a municipality or any other political subdivision of the State;

(6) any person who becomes an employee after June 30, 1979 as a public service employment program participant under the Federal Comprehensive Employment and Training Act and whose wages or fringe benefits are paid in whole or in part by funds provided under such Act;

(7) enrollees of the Illinois Young Adult Conservation Corps program, administered by the Department of Natural Resources, authorized grantee pursuant to Title VIII of the "Comprehensive Employment and Training Act of 1973", 29 USC 993, as now or hereafter amended;

(8) enrollees and temporary staff of programs administered by the Department of Natural Resources under the Youth Conservation Corps Act of 1970;

(9) any person who is a member of any professional licensing or disciplinary board created under an Act administered by the Department of Professional Regulation or a successor agency or created or re-created after the effective date of this amendatory Act of 1997, and who receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher; such persons have never been included in the membership of this System, and this amendatory Act of 1987 (P.A. 84-1472) is not intended to effect any change in the status of such persons;

(10) any person who is a member of the Illinois Health Care Cost Containment Council, and receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher; such persons have never been included in the membership

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of this System, and this amendatory Act of 1987 is not intended to
effect any change in the status of such persons;

(11) any person who is a member of the Oil and Gas Board
created by Section 1.2 of the Illinois Oil and Gas Act, and receives
per diem compensation rather than a salary, notwithstanding that
such per diem compensation is paid by warrant issued pursuant to a
payroll voucher; or

(12) a person employed by the State Board of Higher
Education in a position with the Illinois Century Network as of
June 30, 2004, who remains continuously employed after that date
by the Department of Central Management Services in a position
with the Illinois Century Network and participates in the Article 15
system with respect to that employment.

(c) An individual who represents or is employed as an officer or
employee of a statewide labor organization that represents members of this
System may participate in the System and shall be deemed an employee,
provided that (1) the individual has previously earned creditable service
under this Article, (2) the individual files with the System an irrevocable
election to become a participant within 6 months after the effective date of
this amendatory Act of the 94th General Assembly, and (3) the individual
does not receive credit for that employment under any other provisions of
this Code. An employee under this subsection (c) is responsible for paying
to the System both (i) employee contributions based on the actual
compensation received for service with the labor organization and (ii)
employer contributions based on the percentage of payroll certified by the
board; all or any part of these contributions may be paid on the employee's
behalf or picked up for tax purposes (if authorized under federal law) by
the labor organization.

A person who is an employee as defined in this subsection (c) may
establish service credit for similar employment prior to becoming an
employee under this subsection by paying to the System for that
employment the contributions specified in this subsection, plus interest at
the effective rate from the date of service to the date of payment. However,
credit shall not be granted under this subsection (c) for any such prior

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employment for which the applicant received credit under any other provision of this Code or during which the applicant was on a leave of absence.

(Source: P.A. 93-685, eff. 7-8-04; 93-839, eff. 7-30-04; 93-1069, eff. 1-15-05; 94-1111, eff. 2-27-07.)

(40 ILCS 5/14-104.13 new)

Sec. 14-104.13. Chicago Metropolitan Agency for Planning; employee election.

(a) Within one year after the effective date of this Section, a person employed by the Chicago Metropolitan Agency for Planning (formerly the Regional Planning Board) on the effective date of this Section who was a member of this System as an employee of the Chicago Area Transportation Study may elect to participate in this System for his or her employment with the Chicago Metropolitan Agency for Planning.

(b) An employee who elects to participate in the System pursuant to subsection (a) may elect to transfer any creditable service earned by the employee under the Illinois Municipal Retirement Fund for his or her employment with the Chicago Metropolitan Agency for Planning (formerly the Regional Planning Board) upon payment to this System of the amount by which (1) the employer and employee contributions that would have been required if the employee had participated in this System during the period for which the credit under Section 7-139.12 is being transferred, plus interest thereon from the date of such participation to the date of payment, exceeds (2) the amounts actually transferred under Section 7-139.12 to this System.

Section 10. The Regional Planning Act is amended by changing Sections 5, 10, 15, 20, 25, 45, 55, 60, and 65 and by adding Sections 44, 47, 48, 51, 55, 61, 62, 63, and 65 as follows:

(70 ILCS 1707/5)

Sec. 5. Purpose. The General Assembly declares and determines that a streamlined, consolidated regional planning agency is necessary in order to plan for the most effective public and private investments in the northeastern Illinois region and to better integrate plans for land use and transportation. The purpose of this Act is to define and describe the powers
and responsibilities of the Chicago Metropolitan Agency for Planning, a unit of government whose purpose it is to effectively address the development and transportation challenges in the northeastern Illinois region. It is the intent of the General Assembly to consolidate, through an orderly transition, the functions of the Northeastern Illinois Planning Commission (NIPC) and the Chicago Area Transportation Study (CATS) in order to address the development and transportation challenges in the northeastern Illinois region.

(Source: P.A. 94-510, eff. 8-9-05.)

(70 ILCS 1707/10)

Sec. 10. Definitions.

"Board" means the Regional Planning Board of the Chicago Metropolitan Agency for Planning.

"CMAP" means the Chicago Metropolitan Agency for Planning.

"CATS" means the Chicago Area Transportation Study.

"CATS Policy Committee" means the policy board of the Chicago Area Transportation Study.

"Chief elected county official" means the Board Chairman in DuPage, Kane, Kendall, Lake, and McHenry Counties and the County Executive in Will County.

"Fiscal year" means the fiscal year of the State.

"IDOT" means the Illinois Department of Transportation.

"MPO" means the metropolitan planning organization designated under 23 U.S.C. 134.

"Members" means the members of the Regional Planning Board.

"NIPC" means the Northeastern Illinois Planning Commission.

"Person" means an individual, partnership, firm, public or private corporation, State agency, transportation agency, or unit of local government.

"Policy Committee" means the decision-making body of the MPO.

"Region" or "northeastern Illinois region" means Cook, DuPage, Kane, Kendall, Lake, McHenry, and Will Counties.

"State agency" means "agency" as defined in Section 1-20 of the Illinois Administrative Procedure Act.

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"Transition period" means the period of time the Regional Planning Board takes to fully implement the funding and implementation strategy described under subsection (a) of Section 15.

"Transportation agency" means the Regional Transportation Authority and its Service Boards; the Illinois Toll Highway Authority; the Illinois Department of Transportation; and the transportation functions of units of local government.

"Unit of local government" means a unit of local government, as defined in Section 1 of Article VII of the Illinois Constitution, that is located within the jurisdiction and area of operation of the Board.

"USDOT" means the United States Department of Transportation.

(Source: P.A. 94-510, eff. 8-9-05.)

(70 ILCS 1707/15)

Sec. 15. Chicago Metropolitan Agency for Planning; structure Regional Planning Board; powers.

(a) The Chicago Metropolitan Agency for Planning Regional Planning Board is established as a political subdivision, body politic, and municipal corporation. The Board shall be responsible for developing and adopting a funding and implementation strategy for an integrated land use and transportation planning process for the northeastern Illinois region. The strategy shall include a process for the orderly transition of the CATS Policy Committee to be a standing transportation planning body of the Board and NIPC to be a standing comprehensive planning body of the Board. The CATS Policy Committee and NIPC shall continue to exist and perform their duties throughout the transition period. The strategy must also include recommendations for legislation for transition, which must contain a complete description of recommended comprehensive planning functions of the Board and an associated funding strategy and recommendations related to consolidating the functions of the Board, the CATS Policy Committee, and NIPC. The Board shall submit its strategy to the General Assembly no later than September 1, 2006.

(b) (Blank.) The Regional Planning Board shall, in addition to those powers enumerated elsewhere in this Act:

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(1) Provide a policy framework under which all regional plans are developed.
(2) Coordinate regional transportation and land use planning.
(3) Identify and promote regional priorities.
(4) Serve as a single point of contact and direct all public involvement activities.
(5) Create a Citizens' Advisory Committee.

(c) The Board shall consist of 15 voting members as follows:
(1) One member from DuPage County appointed cooperatively by the mayors of DuPage County and the chief elected county official of DuPage County.
(2) One member representing both Kane and Kendall Counties appointed cooperatively by the mayors of Kane County and Kendall County and the chief elected county officials of Kane County and Kendall County.
(3) One member from Lake County appointed cooperatively by the mayors of Lake County and the chief elected county official of Lake County.
(4) One member from McHenry County appointed cooperatively by the mayors of McHenry County and the chief elected county official of McHenry County.
(5) One member from Will County appointed cooperatively by the mayors of Will County and the chief elected county official of Will County.
(6) Five members from the City of Chicago appointed by the Mayor of the City of Chicago.
(7) One member from that portion of Cook County outside of the City of Chicago appointed by the President of the Cook County Board of Commissioners.
(8) Four members from that portion of Cook County outside of the City of Chicago appointed, with the consent of the President of the Cook County Board of Commissioners, as follows:

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(i) One by the mayors representing those communities in Cook County that are outside of the City of Chicago and north of Devon Avenue.

(ii) One by the mayors representing those communities in Cook County that are outside of the City of Chicago, south of Devon Avenue, and north of Interstate 55, and in addition the Village of Summit.

(iii) One by the mayors representing those communities in Cook County that are outside of the City of Chicago, south of Interstate 55, and west of Interstate 57, excluding the communities of Summit, Dixmoor, Posen, Robbins, Midlothian, Oak Forest, and Tinley Park.

(iv) One by the mayors representing those communities in Cook County that are outside of the City of Chicago and east of Interstate 57, and, in addition, the communities of Dixmoor, Posen, Robbins, Midlothian, Oak Forest, and Tinley Park.

The terms of the members initially appointed to the Board shall begin within 60 days after this Act takes effect.

(d) The CMAP Board may CATS Policy Committee and NIPC shall each appoint one of their members to serve as a non-voting member of the Regional Planning Board.

(e) (1) The CMAP Board shall create a Wastewater Committee with the responsibility of recommending directly to the Illinois Environmental Protection Agency (IEPA) the appropriateness of proposed requests for modifications and amendments to the established boundaries of wastewater facility planning areas, requests for the creation of new wastewater facility planning areas, requests for the elimination of existing wastewater facility planning areas, requests for new or expanded sewage treatment facilities, or any other amendments to the State of Illinois Water Quality Management Plan required under the federal Clean Water Act. The Chairmanship of the Wastewater Committee shall rotate every 24 months between the individuals described in subsections (e)(2)(iv) and (e)(2)(v) with the individual identified in subsection (e)(2)(v) serving as
chairman for the initial 24-month period commencing on the effective date of this amendatory Act of the 95th General Assembly.

(2) The Wastewater Committee shall consist of 5 members of the CMAP Board designated as follows:
   (i) One member of the Wastewater Committee shall be one of the CMAP Board members designated in subsection (c)(1) through (c)(5).
   (ii) One member of the Wastewater Committee shall be one of the CMAP Board members designated in subsection (c)(6).
   (iii) One member of the Wastewater Committee shall be one of the CMAP Board members designated in subsection (c)(7) or (c)(8).
   (iv) One member of the Wastewater Committee shall be a person appointed by the President of the Metropolitan Water Reclamation District of Greater Chicago (and who does not need to serve on the CMAP Board).
   (v) One member of the Wastewater Committee shall be a person appointed by the President of the largest statewide association of wastewater agencies (and who does not need to serve on the CMAP Board).

(3) Terms of the members of the Wastewater Committee shall be consistent with those identified in Section 25, except that the term of the member of the Wastewater Committee appointed by the President of the Metropolitan Water Reclamation District of Greater Chicago shall expire on July 1, 2009, and the term of the member of the Wastewater Committee appointed by the President of the largest statewide association of wastewater agencies shall expire on July 1, 2009.

(f) With the exception of matters considered and recommended by the Wastewater Committee directly to the IEPA, which shall require only a concurrence of a simple majority of the Wastewater Committee members in office, concurrence Concurrence of four-fifths of the Board members in
office is necessary for the Board to take any action, including remanding regional plans with comments to the CATS Policy Committee and NIPC. (Source: P.A. 94-510, eff. 8-9-05.)

(70 ILCS 1707/20)

Sec. 20. Duties. In addition to those duties enumerated elsewhere in this Act, the Regional Planning Board shall:

(a) (1) Hire an executive director to act as the chief administrative officer and to direct and coordinate all staff work.

(b) Provide a policy framework under which all regional plans are developed.

(c) Coordinate regional transportation and land use planning.

(d) Identify and promote regional priorities. To coordinate staff work of CATS and NIPC. The executive director shall hire a deputy for comprehensive planning and a deputy for transportation planning with the approval of NIPC and the CATS Policy Committee, respectively.

(2) Merge the staffs of CATS and NIPC into a single staff over a transition period that protects current employees' benefits:

(3) Secure agreements with funding agencies to provide support for Board operations:

(4) Develop methods to handle operational and administrative matters relating to the transition, including labor and employment matters, pension benefits, equipment and technology, leases and contracts, office space, and excess property.

(5) Notwithstanding any other provision of law to the contrary, within 180 days after this Act becomes law, locate the staffs of CATS and NIPC within the same office.

(Source: P.A. 94-510, eff. 8-9-05.)

(70 ILCS 1707/25)

Sec. 25. Operations.

(a) Each appointing authority shall give notice of its Board appointments to each other appointing authority, to the Board, and to the Secretary of State. Within 30 days after his or her appointment and before

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entering upon the duties of the office, each Board member shall take and subscribe to the constitutional oath of office and file it with the Secretary of State. Board members shall hold office for a term of 4 years or until successors are appointed and qualified. The terms of the initial Board members shall expire as follows:

1. The terms of the member from DuPage County and the member representing both Kane and Kendall Counties shall expire on July 1, 2007.
2. The terms of those members from Lake, McHenry, and Will Counties shall expire on July 1, 2009.
3. As designated at the time of appointment, the terms of 2 members from the City of Chicago shall expire on July 1, 2007 and the terms of 3 members from the City of Chicago shall expire on July 1, 2009.
4. The term of the member appointed by the President of the Cook County Board of Commissioners shall expire on July 1, 2007.
5. The terms of those members appointed, with the consent of the President of the Cook County Board of Commissioners, by the mayors representing those communities in Cook County that are outside of the City of Chicago and north of Devon Avenue shall expire on July 1, 2007.
6. The terms of those members appointed, with the consent of the President of the Cook County Board of Commissioners, by the mayors representing those communities in Cook County that are outside of the City of Chicago, south of Interstate 55, and west of Interstate 57, excluding the communities of Summit, Dixmoor, Posen, Robbins, Midlothian, Oak Forest, and Tinley Park, shall expire on July 1, 2007.
7. The terms of those members appointed, with the consent of the President of the Cook County Board of Commissioners, by the mayor representing those communities in Cook County that are outside of the City of Chicago, south of

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Devon Avenue, and north of Interstate 55, and, in addition, the Village of Summit, shall expire on July 1, 2009.

(8) The terms of those members appointed, with the consent of the President of the Cook County Board of Commissioners, by the mayors representing those communities in Cook County that are outside of the City of Chicago and east of Interstate 57, and, in addition, the communities of Dixmoor, Posen, Robbins, Midlothian, Oak Forest, and Tinley Park, shall expire on July 1, 2009.

(b) If a vacancy occurs, the appropriate appointing authority shall fill the vacancy by an appointment for the unexpired term. Board members shall receive no compensation, but shall be reimbursed for expenses incurred in the performance of their duties.

(c) The Board shall be so appointed as to represent the City of Chicago, that part of Cook County outside the City of Chicago, and that part of the metropolitan region outside of Cook County on a one man one vote basis. Within 6 months after the release of each certified federal decennial census, the Board shall review its composition and, if a change is necessary in order to comply with the representation requirements of this subsection (c), shall recommend the necessary revision for approval by the General Assembly.

(d) Regular meetings of the Board shall be held at least once in each calendar quarter. The time and place of Board meetings shall be fixed by resolution of the Board. Special meetings of the Board may be called by the chairman or a majority of the Board members. A written notice of the time and place of any special meeting shall be provided to all Board members at least 3 days prior to the date fixed for the meeting, except that if the time and place of a special meeting is fixed at a regular meeting at which all Board members are present, no such written notice is required. A majority of the Board members in office constitutes a quorum for the purpose of convening a meeting of the Board.

(e) The meetings of the Board shall be held in compliance with the Open Meetings Act. The Board shall maintain records in accordance with the provisions of the State Records Act.

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(f) At its initial meeting and its first regular meeting after July 1 of each year thereafter, the Board shall appoint from its membership a chairman and may appoint vice chairmen and shall provide the term and duties of those officers pursuant to its bylaws. The vice chairman shall act as chairman during the absence or disability of the chairman and in case of resignation or death of the chairman. Before entering upon duties of office, the chairman shall execute a bond with corporate sureties to be approved by the Board and shall file it with the principal office of the Board. The bond shall be payable to the Board in whatever penal sum may be directed and shall be conditioned upon the faithful performance of the duties of office and the payment of all money received by the chairman according to law and the orders of the Board. The Board may appoint, from time to time, an executive committee and standing and ad hoc committees to assist in carrying out its responsibilities.

(Source: P.A. 94-510, eff. 8-9-05.)

(70 ILCS 1707/44 new)

Sec. 44. Regional Data and Information Program. CMAP shall be the authoritative source for regional data collection, exchange, dissemination, analysis, evaluation, forecasting and modeling. With the involvement of state, regional, and local governments and agencies, CMAP shall create and maintain a timely, ongoing, and coordinated data and information sharing program that will provide the best available data on the region. This program shall include a publicly accessible mechanism for data access and distribution. CMAP's official forecasts shall be the foundation for all planning in the region.

(70 ILCS 1707/45)

Sec. 45. Regional comprehensive plan. At intervals not to exceed every 5 years, or as needed to be consistent with federal law, the Board shall develop a regional comprehensive plan that integrates land use and transportation. The regional comprehensive plan and any modifications to it shall be developed cooperatively by the Board, the CATS Policy Committee, and NIPC with the involvement of citizens, units of local government, business and labor organizations, environmental

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organizations, transportation and planning agencies, State agencies, private and civic organizations, public and private providers of transportation, and land preservation agencies. Any elements of the regional comprehensive plan or modifications that relate to transportation shall be developed cooperatively with the Policy Committee. Units of local government shall continue to maintain control over land use and zoning decisions.

Scope of Regional Comprehensive Plan. The Regional Comprehensive Plan shall present the goals, policies, guidelines, and recommendations to guide the physical development of the Region. It shall include, but shall not be limited to:

(a) Official forecasts for overall growth and change and an evaluation of alternative scenarios for the future of the Region including alternatives for public and private investments in housing, economic development, preservation of natural resources, transportation, water supply, flood control, sewers, and other physical infrastructure. It shall present a preferred plan that makes optimum use of public and private resources to achieve the goals of the Plan.

(b) Land use and transportation policies that reflect the relationship of transportation to land use, economic development, the environment, air quality, and energy consumption; foster the efficient movement of people and goods; coordinate modes of transportation; coordinate planning among federal agencies, state agencies, transportation agencies, and local governments; and address the safety and equity of transportation services across the Region.

(c) A plan for a coordinated and integrated transportation system for the region consisting of a multimodal network of facilities and services to be developed over a 20-year period to support efficient movement of people and goods. The transportation system plan shall include statements of minimum levels of service that describe the performance for each mode in order to meet the goals and policies of the Plan.

(d) A listing of proposed public investment priorities in transportation and other public facilities and utilities of regional significance. The list shall include a project description, an identification of the responsible agency, the timeframe that the facility or utility is

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proposed for construction or installation, an estimate of costs, and sources of public and private revenue for covering such costs.

(e) The criteria and procedures proposed for evaluating and ranking projects in the Plan and for the allocation of transportation funds.

(f) Measures to best coordinate programs of local governments, transportation agencies, and State agencies to promote the goals and policies of the Regional Comprehensive Plan.

(g) Proposals for model ordinances and agreements that may be enacted by local governments.

(h) Recommendations for legislation as may be necessary to fully implement the Regional Comprehensive Plan.

(i) Developing components for regional functional issues including:

1. A regional housing component that documents the needs for housing in the region and the extent to which private-sector and public-sector programs are meeting those needs; provides the framework for and facilitates planning for the housing needs of the region, including the need for affordable housing, especially as it relates to the location of such housing proximate to job sites, and develops sound strategies, programs and other actions to address the need for housing choice throughout the region.

2. A regional freight component, the purpose of which is to create an efficient system of moving goods that supports economic growth of the region and sound regional and community development by identifying investments in freight facilities of regional, State, and national significance that will be needed to eliminate existing and forecasted bottlenecks and inefficiencies in the functioning of the region’s freight network; recommending improvements in the operation and management of the freight network; and recommending policies to effect the efficient multi-modal movement of goods to, through, and from the region.

3. A component for protecting and enhancing the environment and the region’s natural resources the purpose of
which is to improve the region's environmental health, quality of life, and community well-being by defining and protecting environmentally critical areas; encouraging development that does not harm environmentally critical areas; promoting sustainable land use and transportation practices and policies by local governments.

(4) Optionally, other regional components for services and facilities, including, but not limited to: water, sewer, transportation, solid waste, historic preservation, and flood control. Such plans shall provide additional goals, policies, guidelines, and supporting analyses that add detail, and are consistent with, the adopted Regional Comprehensive Plan.

(Source: P.A. 94-510, eff. 8-9-05.)

(70 ILCS 1707/47 new)

Sec. 47. Developments of Regional Importance. The Board shall consider the regional and intergovernmental impacts of proposed major developments, infrastructure investments and major policies and actions by public and private entities on natural resources, neighboring communities, and residents. The Board shall:

(a) Define the Scope of Developments of Regional Importance (DRI) and create an efficient process for reviewing them.

(b) Require any DRI project sponsor, which can be either a public or private entity, to submit information about the proposed DRI to CMAP and neighboring communities, counties, and regional planning and transportation agencies for review.

(c) Review and comment on a proposed DRI regarding consistency with regional plans and intergovernmental and regional impacts.

The Board shall complete a review under this Section within a timeframe established when creating the DRI process. A delay in the review process either requested or agreed to by the applicant shall toll the running of the review period. If the Board fails to complete the review within the required period, the review fee paid by the applicant under this Section shall be refunded in full to the applicant. If, however, the applicant withdraws the application at any time after the Board

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commences its review, no part of the review fee shall be refunded to the applicant.

(70 ILCS 1707/48 new)

Sec. 48. Incentives for Creating More Sustainable Communities. CMAP shall establish an incentive program to enable local governments and developers to: create more affordable workforce housing options near jobs and transit; create jobs near existing affordable workforce housing; create transit-oriented development; integrate transportation and land use planning; provide a range of viable transportation choices in addition to the car; encourage compact and mixed-use development; and support neighborhood revitalization. CMAP shall work with federal, State, regional, and local agencies to identify funding opportunities for these incentives from existing and proposed programs.

(70 ILCS 1707/51 new)

Sec. 51. Certification; cooperation between local and regional plans; plan review.

Certification of regional plan and forecasts. Upon the adoption of a Regional Plan or segment of a Regional Plan, the Board shall certify a copy thereof to the State, each transportation agency and each local government affected by such plan. CMAP’s official forecasts and plans shall be the foundation for all planning in the region.

Agencies to provide information and cooperate. Each local government, transportation agency, and State agency shall cooperate with and assist the Board in carrying out its functions and shall provide to the Board all information requested by the Board. Counties and municipalities shall submit copies of any official plans to CMAP, including but not limited to comprehensive, transportation, housing, and capital improvement plans.

Review of county and municipal plans. The Board may review and comment on proposed county and municipal plans and plan amendments within its jurisdiction for consistency with the regional comprehensive plan and maintain a copy of such plans.

(70 ILCS 1707/55)

Sec. 55. Transportation financial plan.

New matter indicated by italics - deletions by strikeout
(a) Concurrent with preparation of the regional transportation and comprehensive plans, the Board shall prepare and adopt, in cooperation with the CATS Policy Committee, a transportation financial plan for the region in accordance with federal and State laws, rules, and regulations.

(b) The transportation financial plan shall address the following matters related to the transportation agencies: (i) adequacy of funding to meet identified needs; and (ii) allocation of funds to regional priorities.

(c) The transportation financial plan may propose recommendations for additional funding by the federal government, the State, or units of local government that may be necessary to fully implement regional plans.

(Source: P.A. 94-510, eff. 8-9-05.)

(70 ILCS 1707/60)

Sec. 60. Transportation decision-making Metropolitan planning organization.

(a) The it is the intent of this Act that the CATS Policy Committee is, as the Transportation Planning Committee for the Board, remain the federally designated Metropolitan Planning Organization for the Chicago region under the requirements of federal regulations promulgated by USDOT. The CATS Policy Committee shall prepare and approve all plans, reports, and programs required of an MPO, including the federally mandated Regional Transportation Plan, Transportation Improvement Program and Unified Work Program.

(b) It is the intent of this Act that the transportation planning and investment decision-making process be fully integrated into the regional planning process.

(c) The Board, in cooperation with local governments and transportation providers, shall develop and adopt a process for making the transportation decisions that require final MPO approval pursuant to federal law. That process shall comply with all applicable federal requirements. The adopted process shall ensure that all MPO plans, reports, and programs shall be approved by the CMAP Board prior to final approval by the MPO.

New matter indicated by italics - deletions by strikeout
(d) The Board shall continue directly involving local elected officials in federal program allocation decisions for the Surface Transportation Program and Congestion Mitigation and Air Quality funds and in addressing other regional transportation issues.

(b) The processes previously established by the CATS Policy Committee shall be continued as the means by which local elected officials program federal Surface Transportation Program and Congestion, Mitigation, and Air Quality funds and address other regional transportation issues.

(Source: P.A. 94-510, eff. 8-9-05.)

(70 ILCS 1707/61 new)

Sec. 61. Agency Designated Planning Grant Recipient and Other Designations. The Board is eligible to apply for and receive federal grants for regional planning in the northeastern Illinois region. The Board shall review applications requesting significant federal grants to transportation agencies and local governments based on criteria including conformity with the Regional Comprehensive Plan and relevant functional components.

(70 ILCS 1707/62 new)

Sec. 62. Board Funding. In order to carry out any of the powers or purposes of CMAP, the Board shall be involved in the allocation of traditional sources of funds such as those from the federal Metropolitan Planning Program and CMAQ as well as non-traditional federal funds consistent with the Board’s broader mission. These funds may be supplemented by fees for services and by grants from nongovernmental agencies. The Board may also pursue and accept funding from State, regional, and local sources in order to meet its planning objectives.

Additional funding shall be provided to CMAP to support those functions and programs authorized by this Act.

(70 ILCS 1707/63 new)

Sec. 63. Succession; Transfers Related to NIPC. CMAP shall succeed to all rights and interests of NIPC. Such transfer and succession shall not limit or restrict any power or authority of CMAP exercised pursuant to this Act and shall not limit any rights or obligations of CMAP.
with respect to any contracts, agreements, bonds or other indebtedness, right or interest relating to any cause of action then in existence of NIPC that shall continue and shall be assumed by CMAP. Funds appropriated or otherwise made available to NIPC shall become available to CMAP for the balance of the current State fiscal year for interim use as determined by CMAP. NIPC shall transfer all of the records, documents, property, and assets of NIPC to CMAP.

(70 ILCS 1707/65)

Sec. 65. Annual report. The Board shall prepare, publish, and distribute a concise annual report on the region's progress toward achieving its priorities and on the degree to which consistency exists between local and regional plans. Any other reports and plans that relate to the purpose of this Act may also be included.
(Source: P.A. 94-510, eff. 8-9-05.)

(70 ILCS 1705/Act rep.)

Section 15. The Northeastern Illinois Planning Act is repealed.

Section 90. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly May 31, 2007
Governor Returns Bill with Recommendation For Change
Effective October 11, 2007.
AN ACT concerning business.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Motor Vehicle Franchise Act is amended by changing Section 2 as follows:

(815 ILCS 710/2) (from Ch. 121 1/2, par. 752)

Sec. 2. Definitions. As used in this Act, the following words shall, unless the context otherwise requires, have the following meanings:

(a) "Motor vehicle", any motor driven vehicle required to be registered under "The Illinois Vehicle Code".

(b) "Manufacturer", any person engaged in the business of manufacturing or assembling new and unused motor vehicles.

(c) "Factory branch", a branch office maintained by a manufacturer which manufactures or assembles motor vehicles for sale to distributors or motor vehicle dealers or which is maintained for directing and supervising the representatives of the manufacturer.

(d) "Distributor branch", a branch office maintained by a distributor or wholesaler who or which sells or distributes new or used motor vehicles to motor vehicle dealers.

(e) "Factory representative", a representative employed by a manufacturer or employed by a factory branch for the purpose of making or promoting the sale of motor vehicles or for contracting with, supervising, servicing or instructing motor vehicle dealers or prospective motor vehicle dealers.

(f) "Distributor representative", a representative employed by a distributor branch, distributor or wholesaler.

(g) "Distributor" or "wholesaler", any person who sells or distributes new or used motor vehicles to motor vehicle dealers or who maintains distributor representatives within the State.

New matter indicated by italics - deletions by strikeout
(h) "Motor vehicle dealer", any person who, in the ordinary course of business, is engaged in the business of selling new or used motor vehicles to consumers or other end users.

(i) "Franchise", an oral or written arrangement for a definite or indefinite period in which a manufacturer, distributor or wholesaler grants to a motor vehicle dealer a license to use a trade name, service mark, or related characteristic, and in which there is a community of interest in the marketing of motor vehicles or services related thereto at wholesale, retail, leasing or otherwise.

(j) "Franchiser", a manufacturer, distributor or wholesaler who grants a franchise to a motor vehicle dealer.

(k) "Franchisee", a motor vehicle dealer to whom a franchise is offered or granted.

(l) "Sale", shall include the issuance, transfer, agreement for transfer, exchange, pledge, hypothecation, mortgage in any form, whether by transfer in trust or otherwise, of any motor vehicle or interest therein or of any franchise related thereto; and any option, subscription or other contract or solicitation, looking to a sale, or offer or attempt to sell in any form, whether oral or written. A gift or delivery of any motor vehicle or franchise with respect thereto with or as a bonus on account of the sale of anything shall be deemed a sale of such motor vehicle or franchise.

(m) "Fraud", shall include, in addition to its normal legal connotation, the following: a misrepresentation in any manner, whether intentionally false or due to reckless disregard for truth or falsity, of a material fact; a promise or representation not made honestly and in good faith; and an intentional failure to disclose a material fact.

(n) "Person", a natural person, corporation, partnership, trust or other entity, and in case of an entity, it shall include any other entity in which it has a majority interest or which it effectively controls as well as the individual officers, directors and other persons in active control of the activities of each such entity.

(o) "New motor vehicle", a motor vehicle which has not been previously sold to any person except a distributor or wholesaler or motor vehicle dealer for resale.

New matter indicated by italics - deletions by strikeout
(p) "Market Area", the franchisee's area of primary responsibility as defined in its franchise.

(q) "Relevant Market Area", the area within a radius of 10 miles from the principal location of a franchise or dealership if said principal location is in a county having a population of more than 300,000 persons; if the principal location of a franchise or dealership is in a county having a population of less than 300,000 persons, then "relevant market area" shall mean the area within a radius of 15 miles from the principal location of said franchise or dealership; or the area of responsibility as defined in the franchise agreement, whichever is greater.

(r) "Late model vehicle" means a vehicle of the current model year and one, 2, or 3 preceding model years for which the motor vehicle dealer holds an existing franchise from the manufacturer for that same line make.

(s) "Factory repurchase vehicle" means a motor vehicle of the current model year or a late model vehicle reacquired by the manufacturer under an existing agreement or otherwise from a fleet, lease or daily rental company or under any State or federal law or program relating to allegedly defective new motor vehicles, and offered for sale and resold by the manufacturer directly or at a factory authorized or sponsored auction.

(t) "Board" means the Motor Vehicle Review Board created under this Act.

(u) "Secretary of State" means the Secretary of State of Illinois.

(v) "Good cause" means facts establishing commercial reasonableness in lawful or privileged competition and business practices as defined at common law.

(Source: P.A. 89-145, eff. 7-14-95.)

Section 99. Effective date. This Act takes effect upon becoming law.

Sent to the governor June 28, 2007.
Vetoed by the governor August 27, 2007.
General Assembly Overrides Total Veto October 11, 2007.
Effective October 11, 2007.
AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Utilities Act is amended by adding Section 16-115C as follows:

(220 ILCS 5/16-115C new)

Sec. 16-115C. Licensure of agents, brokers, and consultants engaged in the procurement or sale of retail electricity supply for third parties.

(a) The purpose of this Section is to adopt licensing and code of conduct rules in a competitive retail electricity market to protect Illinois consumers from unfair or deceptive acts or practices and to provide persons acting as agents, brokers, and consultants engaged in the procurement or sale of retail electricity supply for third parties with notice of the illegality of those acts or practices.

(b) For purposes of this Section, "agents, brokers, and consultants engaged in the procurement or sale of retail electricity supply for third parties" means any person or entity that attempts to procure on behalf of or sell retail electric service to an electric customer in the State. "Agents, brokers, and consultants engaged in the procurement or sale of retail electricity supply for third parties" does not include any entity licensed as an alternative retail electric supplier pursuant to 83 Ill. Adm. Code 451 offering retail electric service on its own behalf, any person acting exclusively on behalf of a single alternative retail electric supplier on condition that exclusivity is disclosed to any third party contracted in such agent capacity, any person or entity representing a municipal power agency, as defined in Section 11-119.1-3 of the Illinois Municipal Code, or any person or entity that is attempting to procure on behalf of or sell retail electric service to a third party that has aggregate billing demand of all of its affiliated electric service accounts in Illinois of greater than 1,500 kW.
(c) No person or entity shall act as an agent, broker, or consultant engaged in the procurement or sale of retail electricity supply for third parties unless that person or entity is licensed by the Commission under this Section or is offering services on their own behalf under 83 Ill. Adm. Code 451.

(d) The Commission shall create requirements for licensure as an agent, broker, or consultant engaged in the procurement or sale of retail electricity supply for third parties, which shall include all of the following criteria:

1. Technical competence.
2. Managerial competence.
3. Financial responsibility, including the posting of an appropriate performance bond.
4. Annual reporting requirements.

(e) Any person or entity required to be licensed under this Section must:

1. Disclose in plain language in writing to all persons it solicits the total anticipated remuneration to be paid to it by any third party over the period of the proposed underlying customer contract;
2. Not hold itself out as independent or unaffiliated with any supplier, or both, or use words reasonably calculated to give that impression, unless the person offering service under this Section has no contractual relationship with any retail electricity supplier or its affiliates regarding retail electric service in Illinois;
3. Not utilize false, misleading, materially inaccurate, defamatory, or otherwise deceptive language or materials in the soliciting or providing of its services;
4. Maintain copies of all marketing materials disseminated to third parties for a period of not less than 3 years;
5. Not present electricity pricing information in a manner that favors one supplier over another, unless a valid pricing comparison is made utilizing all relevant costs and terms; and
(6) comply with the requirements of Sections 2EE, 2FF, 2GG, and 2HH of the Consumer Fraud and Deceptive Business Practices Act.

(f) Any person or entity licensed under this Section shall file with the Commission all of the following information no later than March of each year:

(1) A verified report detailing any and all contractual relationships that it has with certified electricity suppliers in the State regarding retail electric service in Illinois.

(2) A verified report detailing the distribution of its customers with the various certified electricity suppliers in Illinois during the prior calendar year. A report under this Section shall not be required to contain customer-identifying information.

(3) A copy of its verified financial statement.

(4) A verified statement of any changes to the original licensure qualifications and notice of continuing compliance with all requirements.

(g) The Commission shall have jurisdiction over disciplinary proceedings and complaints for violations of this Section. The findings of a violation of this Section by the Commission shall result in a progressive disciplinary scale. For a first violation, the Commission shall suspend the license of the person so disciplined for a period of no less than one month. For a second violation within a 5-year period, the Commission shall suspend the license for the person so disciplined for a period of not less than 6 months. For a third or subsequent violation within a 5-year period, the Commission shall suspend the license of the disciplined person for a period of not less than 2 years.

(h) This Section shall not apply to a retail customer that operates or manages either directly or indirectly any facilities, equipment, or property used or contemplated to be used to distribute electric power or energy if that retail customer is a political subdivision or public institution of higher education of this State, or any corporation, company, limited liability company, association, joint-stock company or association, firm, partnership, or individual, or their lessees, trusts, or receivers appointed

New matter indicated by italics - deletions by strikeout
by any court whatsoever that are owned or controlled by the political subdivision, public institution of higher education, or operated by any of its lessees or operating agents.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0680
(Senate Bill No. 1463)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Silent Reflection and Student Prayer Act is amended by changing Section 1 as follows:

(105 ILCS 20/1) (from Ch. 122, par. 771)
Sec. 1. In each public school classroom the teacher in charge may observe a brief period of silence with the participation of all the pupils therein assembled at the opening of every school day. This period shall not be conducted as a religious exercise but shall be an opportunity for silent prayer or for silent reflection on the anticipated activities of the day.
(Source: P.A. 76-21.)

Section 99. Effective date. This Act takes effect upon becoming law.

Sent to the Governor June 29, 2007.
Vetoed by the Governor August 28, 2007.

New matter indicated by italics - deletions by strikeout
AN ACT concerning public employee benefits.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Pension Code is amended by changing Section 4-112 as follows:

(40 ILCS 5/4-112) (from Ch. 108 1/2, par. 4-112)

Sec. 4-112. Determination of disability; restoration to active service; disability cannot constitute cause for discharge. A disability pension shall not be paid until disability has been established by the board by examinations of the firefighter at pension fund expense by 3 physicians selected by the board and such other evidence as the board deems necessary. The 3 physicians selected by the board need not agree as to the existence of any disability or the nature and extent of a disability. Medical examination of a firefighter receiving a disability pension shall be made at least once each year prior to attainment of age 50 in order to verify continuance of disability. No examination shall be required after age 50. No physical or mental disability that constitutes, in whole or in part, the basis of an application for benefits under this Article may be used, in whole or in part, by any municipality or fire protection district employing firefighters, emergency medical technicians, or paramedics as cause for discharge.

Upon satisfactory proof to the board that a firefighter on the disability pension has recovered from disability, the board shall terminate the disability pension. The firefighter shall report to the marshal or chief of the fire department, who shall thereupon order immediate reinstatement into active service, and the municipality shall immediately return the firefighter to its payroll, in the same rank or grade held at the date he or she was placed on disability pension. If the firefighter must file a civil action against the municipality to enforce his or her mandated return to payroll under this paragraph, then the firefighter is entitled to recovery of reasonable court costs and attorney's fees.

New matter indicated by italics - deletions by strikeout
The firefighter shall be entitled to 10 days notice before any hearing or meeting of the board at which the question of his or her disability is to be considered, and shall have the right to be present at any such hearing or meeting, and to be represented by counsel; however, the board shall not have any obligation to provide such fireman with counsel. (Source: P.A. 83-1528.)

Section 90. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.


Effective October 11, 2007.

PUBLIC ACT 95-0682
(Senate Bill No. 1664)

AN ACT concerning health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Community Services Act is amended by changing Sections 3 and 4 as follows:

(405 ILCS 30/3) (from Ch. 91 1/2, par. 903)

Sec. 3. Responsibilities for Community Services. Pursuant to this Act, the Department of Human Services shall facilitate the establishment of a comprehensive and coordinated array of community services based upon a federal, State and local partnership. In order to assist in
implementation of this Act, the Department shall prescribe and publish rules and regulations. The Department may request the assistance of other State agencies, local government entities, direct services providers, trade associations, and others in the development of these regulations or other policies related to community services.

The Department shall assume the following roles and responsibilities for community services:

(a) Service Priorities. Within the service categories described in Section 2 of this Act, establish and publish priorities for community services to be rendered, and priority populations to receive these services.

(b) Planning. By January 1, 1994 and by January 1 of each third year thereafter, prepare and publish a Plan which describes goals and objectives for community services state-wide and for regions and subregions needs assessment, steps and time-tables for implementation of the goals also shall be included; programmatic goals and objectives for community services shall cover the service categories defined in Section 2 of this Act; the Department shall insure local participation in the planning process.

(c) Public Information and Education. Develop programs aimed at improving the relationship between communities and their disabled residents with disabilities; prepare and disseminate public information and educational materials on the prevention of developmental disabilities, mental illness, and alcohol or drug dependence, and on available treatment and habilitation services for persons with these disabilities.

(d) Quality Assurance. Promulgate minimum program standards, rules and regulations to insure that Department funded services maintain acceptable quality and assure enforcement of these standards through regular monitoring of services and through program evaluation; this applies except where this responsibility is explicitly given by law to another State agency.

(d-5) Accreditation requirements for providers of mental health and substance abuse treatment services. Except when the federal or State statutes authorizing a program, or the federal regulations implementing a program, are to the contrary, accreditation shall be accepted by the
Department in lieu of the Department's facility or program certification or licensure onsite review requirements and shall be accepted as a substitute for the Department's administrative and program monitoring requirements, except as required by subsection (d-10), in the case of:

(1) Any organization from which the Department purchases mental health or substance abuse services and that is accredited under any of the following: the Comprehensive Accreditation Manual for Behavioral Health Care (Joint Commission on Accreditation of Healthcare Organizations (JCAHO)); the Comprehensive Accreditation Manual for Hospitals (JCAHO); the Standards Manual for the Council on Accreditation for Children and Family Services (Council on Accreditation for Children and Family Services (COA)); or the Standards Manual for Organizations Serving People with Disabilities (the Rehabilitation Accreditation Commission (CARF)).

(2) Any mental health facility or program licensed or certified by the Department, or any substance abuse service licensed by the Department, that is accredited under any of the following: the Comprehensive Accreditation Manual for Behavioral Health Care (JCAHO); the Comprehensive Accreditation Manual for Hospitals (JCAHO); the Standards Manual for the Council on Accreditation for Children and Family Services (COA); or the Standards Manual for Organizations Serving People with Disabilities (CARF).

(3) Any network of providers from which the Department purchases mental health or substance abuse services and that is accredited under any of the following: the Comprehensive Accreditation Manual for Behavioral Health Care (JCAHO); the Comprehensive Accreditation Manual for Hospitals (JCAHO); the Standards Manual for the Council on Accreditation for Children and Family Services (COA); the Standards Manual for Organizations Serving People with Disabilities (CARF); or the National Committee for Quality Assurance. A provider

New matter indicated by italics - deletions by strikeout
organization that is part of an accredited network shall be afforded the same rights under this subsection.

(d-10) For mental health and substance abuse services, the Department may develop standards or promulgate rules that establish additional standards for monitoring and licensing accredited programs, services, and facilities that the Department has determined are not covered by the accreditation standards and processes. These additional standards for monitoring and licensing accredited programs, services, and facilities and the associated monitoring must not duplicate the standards and processes already covered by the accrediting bodies.

(d-15) The Department shall be given proof of compliance with fire and health safety standards, which must be submitted as required by rule.

(d-20) The Department, by accepting the survey or inspection of an accrediting organization, does not forfeit its rights to perform inspections at any time, including contract monitoring to ensure that services are provided in accordance with the contract. The Department reserves the right to monitor a provider of mental health and substance abuse treatment services when the survey or inspection of an accrediting organization has established any deficiency in the accreditation standards and processes.

(d-25) On and after the effective date of this amendatory Act of the 92nd General Assembly, the accreditation requirements of this Section apply to contracted organizations that are already accredited.

(e) Program Evaluation. Develop a system for conducting evaluation of the effectiveness of community services, according to preestablished performance standards; evaluate the extent to which performance according to established standards aids in achieving the goals of this Act; evaluation data also shall be used for quality assurance purposes as well as for planning activities.

(f) Research. Conduct research in order to increase understanding of mental illness, developmental disabilities and alcohol and drug dependence.

(g) Technical Assistance. Provide technical assistance to provider agencies receiving funds or serving clients in order to assist these agencies

New matter indicated by italics - deletions by strikeout
in providing appropriate, quality services; also provide assistance and
guidance to other State agencies and local governmental bodies serving the
disabled in order to strengthen their efforts to provide appropriate
community services; and assist provider agencies in accessing other
available funding, including federal, State, local, third-party and private
resources.

(h) Placement Process. Promote the appropriate placement of
clients in community services through the development and
implementation of client assessment and diagnostic instruments to assist in
identifying the individual's service needs; client assessment instruments
also can be utilized for purposes of program evaluation; whenever
possible, assure that placements in State-operated facilities are referrals
from community agencies.

(i) Interagency Coordination. Assume leadership in promoting
cooperation among State health and human service agencies to insure that
a comprehensive, coordinated community services system is in place; to
insure persons with a disability **disabled persons** access to needed
services; and to insure continuity of care and allow clients to move among
service settings as their needs change; also work with other agencies to
establish effective prevention programs.

(j) Financial Assistance. Provide financial assistance to local
provider agencies through purchase-of-care contracts and grants, pursuant
to Section 4 of this Act.
(Source: P.A. 92-755, eff. 8-2-02.)

(405 ILCS 30/4) (from Ch. 91 1/2, par. 904)

Sec. 4. Financing for Community Services. The Department of
Human Services is authorized to provide financial reimbursement
assistance to eligible private service providers, corporations, local
government entities or voluntary associations for the provision of services
to persons with mental illness, persons with a developmental disability and
alcohol and drug dependent persons living in the community for the
purpose of achieving the goals of this Act.

The Department shall utilize the following funding mechanisms for
community services:

New matter indicated by italics - deletions by strikeout
(1) Purchase of Care Contracts: services purchased on a predetermined fee per unit of service basis from private providers or governmental entities. Fee per service rates are set by an established formula which covers some portion of personnel, supplies, and other allowable costs, and which makes some allowance for geographic variations in costs as well as for additional program components.

(2) Grants: sums of money which the Department grants to private providers or governmental entities pursuant to the grant recipient's agreement to provide certain services, as defined by departmental grant guidelines, to an approximate number of service recipients. Grant levels are set through consideration of personnel, supply and other allowable costs, as well as other funds available to the program.

(3) Other Funding Arrangements: funding mechanisms may be established on a pilot basis in order to examine the feasibility of alternative financing arrangements for the provision of community services.

The Department shall strive to establish and maintain an equitable system of payment which allows encourages providers to improve persons with disabilities' and their clients' capabilities for independence and reduces their reliance on community or State-operated services. The Governor shall create a commission by July 1, 2007, or as soon thereafter as possible, to review funding methodologies, identify gaps in funding, identify revenue, and prioritize use of that revenue for community developmental disability services, mental health services, alcohol and substance abuse services, rehabilitation services, and early intervention services. The first meeting of the commission shall be held within the first month after the creation and appointment of the commission, and a final report summarizing the commission's recommendations must be issued within 12 months after the first meeting, and no later than September 1, 2008, to the Governor and the General Assembly. The commission shall have the following 13 voting members:

New matter indicated by italics - deletions by strikeout
(A) one member of the House of Representatives, appointed by the Speaker of the House of Representatives;
(B) one member of the House of Representatives, appointed by the House Minority Leader;
(C) one member of the Senate, appointed by the President of the Senate;
(D) one member of the Senate, appointed by the Senate Minority Leader;
(E) one person with a developmental disability, or a family member or guardian of such a person, appointed by the Governor;
(F) one person with a mental illness, or a family member or guardian of such a person, appointed by the Governor;
(G) two persons from unions that represent employees of community providers that serve people with developmental disabilities, mental illness, and alcohol and substance abuse disorders, appointed by the Governor; and
(H) five persons from statewide associations that represent community providers that provide residential, day training, and other developmental disability services, mental health services, alcohol and substance abuse services, rehabilitation services, or early intervention services, or any combination of those, appointed by the Governor.

The commission shall also have the following ex-officio, nonvoting members:

(I) the Director of the Governor's Office of Management and Budget or his or her designee;
(J) the Chief Financial Officer of the Department of Human Services or his or her designee; and
(K) the Administrator of the Department of Healthcare and Family Services Division of Finance or his or her designee.

The funding methodologies must reflect economic factors inherent in providing services and supports, recognize individual disability needs, and consider geographic differences, transportation costs, required staffing ratios, and mandates not currently funded.

New matter indicated by italics - deletions by strikeout
In accepting Department funds, providers shall recognize their responsibility to be accountable to the Department and the State for the delivery of services which are consistent with the philosophies and goals of this Act and the rules and regulations promulgated under it. (Source: P.A. 88-380; 89-507, eff. 7-1-97.)

Section 99. Effective date. This Act takes effect upon becoming law.

Effective October 11, 2007.

PUBLIC ACT 95-0683
(House Bill No. 1519)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:
(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)
Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.
(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.
On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

New matter indicated by italics - deletions by strikeout
(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

   (A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

   (B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

   (C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

   (D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

New matter indicated by italics - deletions by strikeout
(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting
excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the...
area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

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(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so
that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused rail yards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has

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been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes

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applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on

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parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.
(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be
the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village, incorporated town, or a township that is located in the unincorporated portion of a county with 3 million or more inhabitants, if the county adopted an ordinance that approved the township's redevelopment plan.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4%
of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment
annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the

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redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for...
any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

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(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;
(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;
(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;
(D) the sources of funds to pay costs;
(E) the nature and term of the obligations to be issued;
(F) the most recent equalized assessed valuation of the redevelopment project area;
(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;

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(H) a commitment to fair employment practices and an affirmative action plan;

(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and

(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.
(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates: shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981; shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area was adopted on May 20, 1985 by the Village of Wheeling; and shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or
(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or
(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or
(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or
(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or

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(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or
(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or
(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or
(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or
(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or
(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or
(L) if the ordinance was adopted in September 1988 by Sauk Village, or
(M) if the ordinance was adopted in October 1993 by Sauk Village, or
(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or
(O) if the ordinance was adopted in March 1991 by the City of Centreville, or
(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or
(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or
(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or

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(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or
(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or
(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or
(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or
(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or
(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or
(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or
(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or
(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or
(CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or
-DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or
(EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or
(FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or
(GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or
(HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or

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(II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or
(JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or
(KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or
(LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or
(MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or
(NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or
(OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or
(PP) if the ordinance was adopted on December 23, 1991 by the City of Sullivan, or
QQ) if the ordinance was adopted on December 31, 1986 by the City of Oglesby, or
(RR) if the ordinance was adopted on July 28, 1987 by the City of Marion, or
(SS) if the ordinance was adopted on April 23, 1990 by the City of Marion, or
(TT) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect, or
(UU) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull, or
(VV) if the ordinance was adopted on April 20, 1993 by the Village of Princeville, or:
(WW) if the ordinance was adopted on July 1, 1986 by the City of Granite City, or:
(XX) if the ordinance was adopted on February 2, 1989 by the Village of Lombard, or
(YY) if the ordinance was adopted on December 29, 1986 by the Village of Gardner, or

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(ZZ) if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw, or:

(AAA) if the ordinance was adopted on November 17, 1986 by the Village of Franklin Park, or:

(BBB) if the ordinance was adopted on November 20, 1989 by the Village of South Holland, or:

(CCC) if the ordinance was adopted on December 30, 1986 by the Village of Manteno; or

(DDD) if the ordinance was adopted on April 3, 1989 by the City of Chicago Heights; or

(EEE) if the ordinance was adopted on January 6, 1999 by the Village of Rosemont, or

(FFF) if the ordinance was adopted on December 19, 2000 by the Village of Stone Park.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

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Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental

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revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed.

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and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail
to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no
charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

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(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for

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which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the
most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the

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boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and

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by the value of any physical improvements made to
the schools by the municipality or developer; and
(iii) the amount reimbursed may not affect
amounts otherwise obligated by the terms of any
bonds, notes, or other funding instruments, or the
terms of any redevelopment agreement.

Any school district seeking payment under this paragraph
(7.5) shall, after July 1 and before September 30 of each
year, provide the municipality with reasonable evidence to
support its claim for reimbursement before the municipality
shall be required to approve or make the payment to the
school district. If the school district fails to provide the
information during this period in any year, it shall forfeit
any claim to reimbursement for that year. School districts
may adopt a resolution waiving the right to all or a portion
of the reimbursement otherwise required by this paragraph
(7.5). By acceptance of this reimbursement the school
district waives the right to directly or indirectly set aside,
modify, or contest in any manner the establishment of the
redevelopment project area or projects;

(7.7) For redevelopment project areas designat ed (or
redevelopment project areas amended to add or increase the
number of tax-increment-financing assisted housing units) on or
after January 1, 2005 (the effective date of Public Act 93-961), a
public library district's increased costs attributable to assisted
housing units located within the redevelopment project area for
which the developer or redeveloper receives financial assistance
through an agreement with the municipality or because the
municipality incurs the cost of necessary infrastructure
improvements within the boundaries of the assisted housing sites
necessary for the completion of that housing as authorized by this
Act shall be paid to the library district by the municipality from the
Special Tax Allocation Fund when the tax increment revenue is
received as a result of the assisted housing units. This paragraph

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(7.7) applies only if (i) the library district is located in a county that is subject to the Property Tax Extension Limitation Law or (ii) the library district is not located in a county that is subject to the Property Tax Extension Limitation Law but the district is prohibited by any other law from increasing its tax levy rate without a prior voter referendum.

The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by (ii) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a library district under this paragraph (7.7) shall be no more than 2% of the amount produced by the assisted housing units and deposited into the Special Tax Allocation Fund.

A library district is not eligible for any payment under this paragraph (7.7) unless the library district has experienced an increase in the number of patrons from the municipality that created the tax-increment-financing district since the designation of the redevelopment project area.

Any library district seeking payment under this paragraph (7.7) shall, after July 1 and before September 30 of each year, provide the municipality with convincing evidence to support its
claim for reimbursement before the municipality shall be required to approve or make the payment to the library district. If the library district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. Library districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.7). By acceptance of such reimbursement, the library district shall forfeit any right to directly or indirectly set aside, modify, or contest in any manner whatsoever the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by
school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-
income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low

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and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is

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directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the

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base year which shall be the calendar year immediately prior to the year in
which the municipality adopted tax increment allocation financing, less
3.0% of such amounts generated under the Retailers' Occupation Tax Act,
Use Tax Act and Service Use Tax Act and the Service Occupation Tax
Act, which sum shall be appropriated to the Department of Revenue to
cover its costs of administering and enforcing this Section. For purposes of
computing the aggregate amount of such taxes for base years occurring
prior to 1985, the Department of Revenue shall compute the Initial Sales
Tax Amount for such taxes and deduct therefrom an amount equal to 4% of
the aggregate amount of taxes per year for each year the base year is
prior to 1985, but not to exceed a total deduction of 12%. The amount so
determined shall be known as the "Adjusted Initial Sales Tax Amount".
For purposes of determining the State Sales Tax Increment the Department
of Revenue shall for each period subtract from the tax amounts received
from retailers and servicemen on transactions located in the State Sales
Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial
Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers'
Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the
Service Occupation Tax Act. For the State Fiscal Year 1989 this
calculation shall be made by utilizing the calendar year 1987 to determine
the tax amounts received. For the State Fiscal Year 1990, this calculation
shall be made by utilizing the period from January 1, 1988, until
September 30, 1988, to determine the tax amounts received from retailers
and servicemen, which shall have deducted therefrom nine-twelfths of the
certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or
the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal
Year 1991, this calculation shall be made by utilizing the period from
October 1, 1988, until June 30, 1989, to determine the tax amounts
received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts,
Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax
Amounts as appropriate. For every State Fiscal Year thereafter, the
applicable period shall be the 12 months beginning July 1 and ending on
June 30, to determine the tax amounts received which shall have deducted

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therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly

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approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff. 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 7-19-05; 94-268, eff. 7-19-05; 94-297, eff. 7-19-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff. 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810, eff. 5-26-06; 94-903, eff. 6-22-06; 94-1091, eff. 1-26-07; 94-1092, eff. 1-26-07; revised 1-30-07.)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such

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excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of
payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or

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more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on

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or after January 15, 1981, not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area if the ordinance was adopted on May 20, 1985 by the Village of Wheeling, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O)
if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or (DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or (EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or (FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or (GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or (HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or (II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or (JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or (KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or (LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or (MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or (NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or (OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or (PP) if the ordinance was adopted on December 23, 1991 by the City of Sullivan, or (QQ) if the ordinance was adopted on December 31, 1986 by

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the City of Oglesby, or (RR) if the ordinance was adopted on July 28, 1987 by the City of Marion, or (SS) if the ordinance was adopted on April 23, 1990 by the City of Marion, or (TT) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect, or (UU) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull, or (VV) if the ordinance was adopted on April 20, 1993 by the Village of Princeville, or (WW) (VV) if the ordinance was adopted on July 1, 1986 by the City of Granite City, or (XX) (RR) if the ordinance was adopted on February 2, 1989 by the Village of Lombard, or (YY) (VV) if the ordinance was adopted on December 29, 1986 by the Village of Gardner, or (ZZ) (VV) if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw, or (AAA) (VV) if the ordinance was adopted on November 17, 1986 by the Village of Franklin Park, or (BBB) (VV) if the ordinance was adopted on November 20, 1989 by the Village of South Holland, or (CCC) if the ordinance was adopted on December 30, 1986 by the Village of Manteno, or (DDD) if the ordinance was adopted on April 3, 1989 by the City of Chicago Heights, or (EEE) if the ordinance was adopted on January 6, 1999 by the Village of Rosemont, or (FFF) if the ordinance was adopted on December 19, 2000 by the Village of Stone Park and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

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All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff. 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810, eff. 5-26-06; 94-903, eff. 6-22-06; 94-1091, eff. 1-26-07; 94-1092, eff. 1-26-07; revised 1-30-07.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0684
(Senate Bill No. 0766)

AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. Short title. This Act may be cited as the High Speed Internet Services and Information Technology Act.
Section 5. Findings. With respect to high speed Internet services and information technology, the General Assembly finds the following:
(1) The deployment and adoption of high speed Internet services and information technology has resulted in enhanced economic development and public safety for the State's communities, improved health care and educational opportunities, and a better quality of life for the State's residents.

New matter indicated by italics - deletions by strikeout
(2) Continued progress in the deployment and adoption of high speed Internet services and information technology is vital to ensuring that this State remains competitive and continues to create business and job growth.

(3) The State must encourage and support the partnership of the public and private sectors in the continued growth of high speed Internet and information technology for the State's residents and businesses.

(4) Local governmental entities play a role in assessing the needs of their communities with respect to high speed Internet services and information technology.

Section 10. Nonprofit organization defined. In this Act:
"Nonprofit organization" means an organization that (i) is a nonprofit organization as described in Section 501(c)(3) of the federal Internal Revenue Code of 1986 and exempt from tax under Section 501(a) of that Code; (ii) has no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual; (iii) is organized under, subject to, and has all the powers and duties of a not-for-profit corporation under the General Not For Profit Corporation Act of 1986; (iv) has statewide representation; and (v) has a board of directors that is not composed of a majority of individuals who are also employed by, or otherwise associated with, any federal, State, or local government or agency.

"Department" means the Department of Commerce and Economic Opportunity.

Section 15. Enlistment of a nonprofit organization.
(a) Notwithstanding any other statute, the Department of Commerce and Economic Opportunity shall enlist a nonprofit organization to implement a comprehensive, statewide high speed Internet deployment strategy and demand creation initiative with the purpose of:

(1) ensuring that all State residents and businesses have access to affordable and reliable high speed Internet service;
(2) achieving improved technology literacy, increased computer ownership, and home high speed Internet use among State residents and businesses;

(3) establishing and empowering local technology planning teams in each county to plan for improved technology use across multiple community sectors; and

(4) establishing and sustaining an environment ripe for high speed Internet access and technology investment statewide.

(b) The nonprofit organization shall have an established competency and proven record of working with public and private sectors to accomplish wide-scale deployment and adoption of broadband and information technology in Illinois.

(c) The Department shall adopt rules regarding the enlistment of a nonprofit organization.

Section 20. Duties of the enlisted nonprofit organization.

(a) The high speed Internet deployment strategy and demand creation initiative to be performed by the nonprofit organization shall include, but not be limited to, the following actions:

(1) Create a geographic statewide inventory of high speed Internet service and other relevant broadband and information technology services. The inventory shall:

   (A) identify geographic gaps in high speed Internet service through a method of GIS mapping of service availability and GIS analysis at the census block level; and

   (B) provide a baseline assessment of statewide high speed Internet deployment in terms of percentage of Illinois households with high speed Internet availability.

(2) Track and identify, through customer interviews and surveys and other publicly available sources, statewide residential and business adoption of high speed Internet, computers, and related information technology and any barriers to adoption.

(3) Build and facilitate in each county or designated region a local technology planning team with members representing a cross section of the community, including, but not limited to,
representatives of business, K-12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture. Each team shall benchmark technology use across relevant community sectors, set goals for improved technology use within each sector, and develop a plan for achieving its goals, with specific recommendations for online application development and demand creation.

(4) Collaborate with high speed Internet providers and technology companies to encourage deployment and use, especially in underserved areas, by aggregating local demand, mapping analysis, and creating market intelligence to improve the business case for providers to deploy.

(5) Collaborate with the Department in developing a program to increase computer ownership and broadband access for disenfranchised populations across the State. The program may include grants to local community technology centers that provide technology training, promote computer ownership, and increase broadband access.

(b) The nonprofit organization may apply for federal grants consistent with the objectives of this Act.

(c) The Department of Commerce and Economic Opportunity shall use the funds in the High Speed Internet Services and Information Technology Fund to (1) provide grants to the nonprofit organization enlisted under this Act and (2) for any costs incurred by the Department to administer this Act.

(d) The nonprofit organization shall have the power to obtain or to raise funds other than the grants received from the Department under this Act.

(e) The nonprofit organization and its Board of Directors shall exist separately and independently from the Department and any other governmental entity, but shall cooperate with other public or private entities it deems appropriate in carrying out its duties.

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(f) Notwithstanding anything in this Act or any other Act to the contrary, any information that is designated confidential or proprietary by an entity providing the information to the nonprofit organization or any other entity to accomplish the objectives of this Act shall be deemed confidential, proprietary, and a trade secret and treated by the nonprofit organization or anyone else possessing the information as such and shall not be disclosed.

(g) The nonprofit organization shall provide a report to the Commission on Government Forecasting and Accountability on an annual basis for the first 3 complete State fiscal years following its enlistment.

Section 25. Scope of authority. Nothing in this Act shall be construed as giving the Department of Commerce and Economic Opportunity, the nonprofit organization, or other entities any additional authority, regulatory or otherwise, over providers of telecommunications, broadband, and information technology.

Section 30. High Speed Internet Services and Information Technology Fund.

(a) There is created in the State treasury a special fund to be known as the High Speed Internet Services and Information Technology Fund, to be used, subject to appropriation, by the Department of Commerce and Economic Development for purposes of providing grants to the nonprofit organization enlisted under this Act.

(b) On the effective date of this Act, $4,000,000 in the Digital Divide Elimination Infrastructure Fund shall be transferred to the High Speed Internet Services and Information Technology Fund. Nothing contained in this subsection (b) shall affect the validity of grants issued with moneys from the Digital Divide Elimination Infrastructure Fund before June 30, 2007.

Section 35. Local broadband projects. Any municipality or county may undertake local broadband projects and the provision of services in connection therewith; may lease infrastructure that it owns or controls; may aggregate customers or demand for broadband services; may apply for and receive funds or technical assistance to undertake such projects to address the level of broadband access available to its businesses and

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residents. To the extent that it seeks to serve as a retail provider of telecommunications services, the municipality or county shall be required to obtain appropriate certification from the Illinois Commerce Commission as a telecommunications carrier.

Section 90. The State Finance Act is amended by adding Section 5.675 as follows:

(30 ILCS 105/5.675 new)

Sec. 5.675. The High Speed Internet Services and Information Technology Fund.

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0685
(Senate Bill No. 1035)

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Public Aid Code is amended by changing Section 10-17.6 and by adding Sections 10-9.5 and 10-17.13 as follows:

(305 ILCS 5/10-9.5 new)

Sec. 10-9.5. Access to records. In any hearing, case, appeal, or other matter arising out of the provisions concerning the determination and enforcement of the support responsibility of relatives, an obligor or obligee, or their legal representatives, shall be entitled to review any case records in the possession of the Illinois Department of Healthcare and Family Services, the State Disbursement Unit, or a circuit clerk with regard to that obligor or obligee that are able to prove any matter relevant to the hearing, case, appeal, or other matter if access to the record or portion of the record is authorized by 42 U.S.C. 654.

(305 ILCS 5/10-17.6) (from Ch. 23, par. 10-17.6)

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Sec. 10-17.6. Certification of Past Due Support Information to Licensing Agencies. The Illinois Department may provide by rule for certification to any State licensing agency of (i) the failure of responsible relatives to comply with subpoenas or warrants relating to paternity or child support proceedings and (ii) past due support owed by responsible relatives under a support order entered by a court or administrative body of this or any other State on behalf of resident or non-resident persons receiving child support enforcement services under Title IV, Part D of the Social Security Act. The rule shall provide for notice to and an opportunity to be heard by each responsible relative affected and any final administrative decision rendered by the Department shall be reviewed only under and in accordance with the Administrative Review Law. (Source: P.A. 87-412.)

(305 ILCS 5/10-17.13 new)

Sec. 10-17.13. Vehicle immobilization and impoundment. The Illinois Department may provide by rule for certification to municipalities of past due support owed by responsible relatives under a support order entered by a court or administrative body of this or any other State on behalf of resident or non-resident persons. The purpose of certification shall be to effect collection of past due support by immobilization and impoundment of vehicles registered to responsible relatives pursuant to ordinances established by such municipalities under Section 11-1430 of the Illinois Vehicle Code.

The rule shall provide for notice to and an opportunity to be heard by each responsible relative affected, and any final administrative decision rendered by the Department shall be reviewed only under and in accordance with the Administrative Review Law. A responsible relative may avoid certification to a municipality for vehicle immobilization or arrange for discontinuance of vehicle immobilization and impoundment already engaged by payment of past due support or by entering into a plan for payment of past and current child support obligations in a manner satisfactory to the Illinois Department.
Section 10. The Illinois Vehicle Code is amended by changing Sections 6-103, 7-100, 7-701, 7-702, 7-704, 7-705, 7-706, 7-707, and 7-708 and by adding Sections 7-704.1 and 11-1430 as follows:

(625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

Sec. 6-103. What persons shall not be licensed as drivers or granted permits. The Secretary of State shall not issue, renew, or allow the retention of any driver's license nor issue any permit under this Code:

1. To any person, as a driver, who is under the age of 18 years except as provided in Section 6-107, and except that an instruction permit may be issued under Section 6-107.1 to a child who is not less than 15 years of age if the child is enrolled in an approved driver education course as defined in Section 1-103 of this Code and requires an instruction permit to participate therein, except that an instruction permit may be issued under the provisions of Section 6-107.1 to a child who is 17 years and 9 months of age without the child having enrolled in an approved driver education course and except that an instruction permit may be issued to a child who is at least 15 years and 6 months of age, is enrolled in school, meets the educational requirements of the Driver Education Act, and has passed examinations the Secretary of State in his or her discretion may prescribe;

2. To any person who is under the age of 18 as an operator of a motorcycle other than a motor driven cycle unless the person has, in addition to meeting the provisions of Section 6-107 of this Code, successfully completed a motorcycle training course approved by the Illinois Department of Transportation and successfully completes the required Secretary of State's motorcycle driver's examination;

3. To any person, as a driver, whose driver's license or permit has been suspended, during the suspension, nor to any person whose driver's license or permit has been revoked, except as provided in Sections 6-205, 6-206, and 6-208;

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4. To any person, as a driver, who is a user of alcohol or any other drug to a degree that renders the person incapable of safely driving a motor vehicle;

5. To any person, as a driver, who has previously been adjudged to be afflicted with or suffering from any mental or physical disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

6. To any person, as a driver, who is required by the Secretary of State to submit an alcohol and drug evaluation or take an examination provided for in this Code unless the person has successfully passed the examination and submitted any required evaluation;

7. To any person who is required under the provisions of the laws of this State to deposit security or proof of financial responsibility and who has not deposited the security or proof;

8. To any person when the Secretary of State has good cause to believe that the person by reason of physical or mental disability would not be able to safely operate a motor vehicle upon the highways, unless the person shall furnish to the Secretary of State a verified written statement, acceptable to the Secretary of State, from a competent medical specialist to the effect that the operation of a motor vehicle by the person would not be inimical to the public safety;

9. To any person, as a driver, who is 69 years of age or older, unless the person has successfully complied with the provisions of Section 6-109;

10. To any person convicted, within 12 months of application for a license, of any of the sexual offenses enumerated in paragraph 2 of subsection (b) of Section 6-205;

11. To any person who is under the age of 21 years with a classification prohibited in paragraph (b) of Section 6-104 and to any person who is under the age of 18 years with a classification prohibited in paragraph (c) of Section 6-104;

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12. To any person who has been either convicted of or adjudicated under the Juvenile Court Act of 1987 based upon a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act while that person was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. The Secretary of State shall not issue a new license or permit for a period of one year;

13. To any person who is under the age of 18 years and who has committed the offense of operating a motor vehicle without a valid license or permit in violation of Section 6-101;

14. To any person who is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days' obligation or more and who has been found in contempt of court for failure to pay the support, subject to the requirements and procedures of Article VII of Chapter 7 of the Illinois Vehicle Code;

14.5. To any person certified by the Illinois Department of Healthcare and Family Services as being 90 days or more delinquent in payment of support under an order of support entered by a court or administrative body of this or any other State, subject to the requirements and procedures of Article VII of Chapter 7 of this Code regarding those certifications;

15. To any person released from a term of imprisonment for violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide or
for violating subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code relating to aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, if the violation was the proximate cause of a death, within 24 months of release from a term of imprisonment;

16. To any person who, with intent to influence any act related to the issuance of any driver's license or permit, by an employee of the Secretary of State's Office, or the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer all or part of a driver's license examination, promises or tenders to that person any property or personal advantage which that person is not authorized by law to accept. Any persons promising or tendering such property or personal advantage shall be disqualified from holding any class of driver's license or permit for 120 consecutive days. The Secretary of State shall establish by rule the procedures for implementing this period of disqualification and the procedures by which persons so disqualified may obtain administrative review of the decision to disqualify; or

17. To any person for whom the Secretary of State cannot verify the accuracy of any information or documentation submitted in application for a driver's license.

The Secretary of State shall retain all conviction information, if the information is required to be held confidential under the Juvenile Court Act of 1987.

(Source: P.A. 93-174, eff. 1-1-04; 93-712, eff. 1-1-05; 93-783, eff. 1-1-05; 93-788, eff. 1-1-05; 93-895, eff. 1-1-05; 94-556, eff. 9-11-05.)

(625 ILCS 5/7-100) (from Ch. 95 1/2, par. 7-100)

Sec. 7-100. Definition of words and phrases. Notwithstanding the definitions set forth in Chapter 1, for the purposes of this Chapter, the following words shall have the following meanings ascribed to them:

New matter indicated by italics - deletions by strikeout
Administrative order of support. An order for the support of dependent children issued by an administrative body of this or any other State.

Administrator. The Department of Transportation.

Arrearage. The total amount of unpaid support obligations.

Authenticated document. A document from a court which contains a court stamp, showing it is filed with the court, or notarized, or is certified by the custodian of the original.

Compliance with a court order of support. The support obligor is no more than an amount equal to 90 days obligation in arrears in making payments in full for current support, or in making periodic payments on a support arrearage as determined by a court.

Court order of support. A judgment order for the support of dependent children issued by a court of this State, including a judgment of dissolution of marriage. With regard to a certification by the Department of Healthcare and Family Services under subsection (c) of Section 7-702, the term "court order of support" shall include an order of support entered by a court of this or any other State.

Driver's license. A license or permit to operate a motor vehicle in the State, including the privilege of a person to drive a motor vehicle whether or not the person holds a valid license or permit.

Family financial responsibility driving permit. A permit granting limited driving privileges for employment or medical purposes following a suspension of driving privileges under the Family Financial Responsibility Law. This permit is valid only after the entry of a court order granting the permit and issuance of the permit by the Secretary of State's Office. An individual's driving privileges must be valid except for the family financial responsibility suspension in order for this permit to be issued. In order to be valid, the permit must be in the immediate possession of the driver to whom it is issued.

Judgment. A final judgment of any court of competent jurisdiction of any State, against a person as defendant for damages on account of bodily injury to or death of any person or damages to property resulting from the operation of any motor vehicle.

New matter indicated by italics - deletions by strikeout
Obligor. The individual who owes a duty to make payments under a court order of support.

Obligee. The individual or other legal entity to whom a duty of support is owed through a court order of support or the individual's legal representatives.

(Source: P.A. 89-92, eff. 7-1-96; 90-89, eff. 1-1-98.)

(625 ILCS 5/7-701)

Sec. 7-701. Findings and purpose. The General Assembly finds that the timely receipt of adequate financial support has the effect of reducing poverty and State expenditures for welfare dependency among children, and that the timely payment of adequate child support demonstrates financial responsibility. Further, the General Assembly finds that the State has a compelling interest in ensuring that drivers within the State demonstrate financial responsibility, including family financial responsibility, in order to safely own and operate a motor vehicle. To this end, the Secretary of State is authorized to establish systems to suspend driver's licenses for failure to comply with court and administrative orders of support.

(Source: P.A. 91-613, eff. 7-1-00.)

(625 ILCS 5/7-702)

Sec. 7-702. Suspension of driver's license for failure to comply with order to pay child support.

(a) The Secretary of State shall suspend the driver's license issued to an obligor upon receiving an authenticated report provided for in subsection (a) of Section 7-703, that the person is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days obligation or more, and has been found in contempt by the court for failure to pay the support.

(b) The Secretary of State shall suspend the driver's license issued to an obligor upon receiving an authenticated document provided for in subsection (b) of Section 7-703, that the person has been adjudicated in arrears in court ordered child support payments in an amount equal to 90 days obligation or more, but has not been held in contempt of court, and that the court has ordered that the person's driving privileges be suspended.

New matter indicated by italics - deletions by strikeout
The obligor's driver's license shall be suspended until such time as the Secretary of State receives authenticated documentation that the obligor is in compliance with the court order of support. When the obligor complies with the court ordered child support payments, the circuit court shall report the obligor's compliance with the court order of support to the Secretary of State, on a form prescribed by the Secretary of State, and shall order that the obligor's driver's license be reinstated.

(c) The Secretary of State shall suspend a driver's license upon certification by the Illinois Department of Healthcare and Family Services, in a manner and form prescribed by the Illinois Secretary of State, that the person licensed is 90 days or more delinquent in payment of support under an order of support issued by a court or administrative body of this or any other State. The Secretary of State may reinstate the person's driver's license if notified by the Department of Healthcare and Family Services that the person has paid the support delinquency in full or has arranged for payment of the delinquency and current support obligation in a manner satisfactory to the Department of Healthcare and Family Services.

(Source: P.A. 91-613, eff. 7-1-00.)

(625 ILCS 5/7-704)

Sec. 7-704. Suspension to continue until compliance with court order of support.

(a) The suspension of a driver's license shall remain in effect unless and until the Secretary of State receives authenticated documentation that the obligor is in compliance with a court order of support or that the order has been stayed by a subsequent order of the court. Full driving privileges shall not be issued by the Secretary of State until notification of compliance has been received from the court. The circuit clerks shall report the obligor's compliance with a court order of support to the Secretary of State, on a form prescribed by the Secretary.

(b) Whenever, after one suspension of an individual's driver's license for failure to pay child support, another order of non-payment is entered against the obligor and the person fails to come into compliance with the court order of support, then the Secretary shall again suspend the
driver's license of the individual and that suspension shall not be removed unless the obligor is in full compliance with the court order of support and has made full payment on all arrearages.

(c) Section 7-704.1, and not this Section, governs the duration of a driver's license suspension if the suspension occurs as the result of a certification by the Illinois Department of Healthcare and Family Services under subsection (c) of Section 7-702.

(Source: P.A. 89-92, eff. 7-1-96.)

(625 ILCS 5/7-704.1 new)

Sec. 7-704.1. Duration of driver's license suspension upon certification of Department of Healthcare and Family Services.

(a) When a suspension of a driver's license occurs as the result of a certification by the Illinois Department of Healthcare and Family Services under subsection (c) of Section 7-702, the suspension shall remain in effect until the Secretary of State receives notification from the Department that the person whose license was suspended has paid the support delinquency in full or has arranged for payment of the delinquency and current support obligation in a manner satisfactory to the Department.

(b) Whenever, after one suspension of an individual's driver's license based on certification of the Department of Healthcare and Family Services, another certification is received from the Department of Healthcare and Family Services, the Secretary shall again suspend the driver's license of that individual and that suspension shall not be removed unless the obligor is in full compliance with the order of support and has made full payment on all arrearages.

(625 ILCS 5/7-705)

Sec. 7-705. Notice. The Secretary of State, prior to suspending a driver's license under this Chapter, shall serve written notice upon an obligor that the individual's driver's license will be suspended in 60 days from the date on the notice unless (i) the obligor satisfies the court order of support and the circuit clerk notifies the Secretary of State of this compliance or (ii) if the Illinois Department of Healthcare and Family Services has made a certification to the Secretary of State under

New matter indicated by italics - deletions by strikeout
subsection (c) of Section 7-702, the Department notifies the Secretary of State that the person licensed has paid the support delinquency in full or has arranged for payment of the delinquency and current support obligation in a manner satisfactory to the Department.
(Source: P.A. 89-92, eff. 7-1-96.)

(625 ILCS 5/7-706)

Sec. 7-706. Administrative hearing. A driver may contest this driver's license sanction by requesting an administrative hearing in accordance with Section 2-118 of this Code. If a written request for this hearing is received prior to the effective date of the suspension, the suspension shall be stayed. If a stay of the suspension is granted, it shall remain in effect until a hearing decision is entered. At the conclusion of this hearing, the Secretary of State may rescind or impose the driver's license suspension. If the suspension is upheld, it shall become effective 10 days from the date the hearing decision is entered. If the decision is to rescind the suspension, no suspension of driving privileges shall be entered. The scope of this hearing shall be limited to the following issues:

(a) Whether the driver is the person who owes a duty to make payments under the court or administrative order of support.

(b) Whether (i) the authenticated document of a court order of support indicates that the obligor is 90 days or more delinquent or has been adjudicated in arrears in an amount equal to 90 days obligation or more and has been found in contempt of court for failure to pay child support or (ii) the certification of the Illinois Department of Healthcare and Family Services under subsection (c) of Section 7-702 indicates that the person is 90 days or more delinquent in payment of support under an order of support issued by a court or administrative body of this or any other State.

(c) Whether (i) a superseding authenticated document of any court order of support has been entered or (ii) the Illinois Department of Healthcare and Family Services, in a superseding notification, has informed the Secretary of State that the person certified under subsection (c) of Section 7-702 has paid the support delinquency in full or has

New matter indicated by italics - deletions by strikeout
arranged for payment of the delinquency and current support obligation in a manner satisfactory to the Department.
(Source: P.A. 89-92, eff. 7-1-96.)

(625 ILCS 5/7-707)

Sec. 7-707. Payment of reinstatement fee. When a person an obligor receives notice from the Secretary of State that the suspension of driving privileges has been terminated based upon (i) receipt of notification from the circuit clerk of the person's obligor's compliance as obligor with a court order of support or (ii) receipt of notification from the Illinois Department of Healthcare and Family Services that the person whose driving privileges were terminated has paid the delinquency in full or has arranged for payment of the delinquency and the current support obligation in a manner satisfactory to the Department (in a case in which the person's driving privileges were suspended upon a certification by the Department under subsection (c) of Section 7-702), the obligor shall pay a $70 reinstatement fee to the Secretary of State as set forth in Section 6-118 of this Code. $30 of the $70 fee shall be deposited into the Family Responsibility Fund. In accordance with subsection (e) of Section 6-115 of this Code, the Secretary of State may decline to process a renewal of a driver's license of a person who has not paid this fee.
(Source: P.A. 92-16, eff. 6-28-01; 93-32, eff. 1-1-04.)

(625 ILCS 5/7-708)

Sec. 7-708. Rules. The Secretary of State, using the authority to license motor vehicle operators, may adopt such rules as may be necessary to establish standards, policies, and procedures for the suspension of driver's licenses for non-compliance with a court or administrative order of support.
(Source: P.A. 89-92, eff. 7-1-96.)

(625 ILCS 5/11-1430 new)

Sec. 11-1430. Vehicle immobilization and impoundment upon certification of the Department of Healthcare and Family Services. Any municipality may provide by ordinance for a program of vehicle immobilization and impoundment in cases in which the Department of Healthcare and Family Services has certified to the municipality under

New matter indicated by italics - deletions by strikeout
Section 10-17.13 of the Illinois Public Aid Code that the registered owner of a vehicle owes past due support. The program shall provide for immobilization of any eligible vehicle upon the public way by presence of a restraint in a manner to prevent operation of the vehicle and for subsequent towing and impoundment of such vehicle solely upon the certification of past due support by the Department of Healthcare and Family Services. Further process, hearings, or redetermination of the past due support by the municipality shall not be required under the ordinance. The ordinance shall provide that the municipality may terminate immobilization and impoundment of the vehicle if the registered owner has arranged for payment of past and current support obligations in a manner satisfactory to the Department of Healthcare and Family Services.

Section 15. The Income Withholding for Support Act is amended by changing Section 15 as follows:

(750 ILCS 28/15)
Sec. 15. Definitions.
(a) "Order for support" means any order of the court which provides for periodic payment of funds for the support of a child or maintenance of a spouse, whether temporary or final, and includes any such order which provides for:

1) modification or resumption of, or payment of arrearage, including interest, accrued under, a previously existing order;
2) reimbursement of support;
3) payment or reimbursement of the expenses of pregnancy and delivery (for orders for support entered under the Illinois Parentage Act of 1984 or its predecessor the Paternity Act); or
4) enrollment in a health insurance plan that is available to the obligor through an employer or labor union or trade union.

(b) "Arrearage" means the total amount of unpaid support obligations, including interest, as determined by the court and incorporated into an order for support.

(b-5) "Business day" means a day on which State offices are open for regular business.

New matter indicated by italics - deletions by strikeout
(c) "Delinquency" means any payment, including a payment of interest, under an order for support which becomes due and remains unpaid after entry of the order for support.

(d) "Income" means any form of periodic payment to an individual, regardless of source, including, but not limited to: wages, salary, commission, compensation as an independent contractor, workers' compensation, disability, annuity, pension, and retirement benefits, lottery prize awards, insurance proceeds, vacation pay, bonuses, profit-sharing payments, severance pay, interest, and any other payments, made by any person, private entity, federal or state government, any unit of local government, school district or any entity created by Public Act; however, "income" excludes:

(1) any amounts required by law to be withheld, other than creditor claims, including, but not limited to, federal, State and local taxes, Social Security and other retirement and disability contributions;
(2) union dues;
(3) any amounts exempted by the federal Consumer Credit Protection Act;
(4) public assistance payments; and
(5) unemployment insurance benefits except as provided by law.

Any other State or local laws which limit or exempt income or the amount or percentage of income that can be withheld shall not apply.

(e) "Obligor" means the individual who owes a duty to make payments under an order for support.

(f) "Obligee" means the individual to whom a duty of support is owed or the individual's legal representative.

(g) "Payor" means any payor of income to an obligor.

(h) "Public office" means any elected official or any State or local agency which is or may become responsible by law for enforcement of, or which is or may become authorized to enforce, an order for support, including, but not limited to: the Attorney General, the Illinois Department of Healthcare and Family Services Public Aid, the Illinois Department of

New matter indicated by italics - deletions by strikeout
Human Services, the Illinois Department of Children and Family Services, and the various State's Attorneys, Clerks of the Circuit Court and supervisors of general assistance.

(i) "Premium" means the dollar amount for which the obligor is liable to his employer or labor union or trade union and which must be paid to enroll or maintain a child in a health insurance plan that is available to the obligor through an employer or labor union or trade union.

(j) "State Disbursement Unit" means the unit established to collect and disburse support payments in accordance with the provisions of Section 10-26 of the Illinois Public Aid Code.

(k) "Title IV-D Agency" means the agency of this State charged by law with the duty to administer the child support enforcement program established under Title IV, Part D of the Social Security Act and Article X of the Illinois Public Aid Code.

(l) "Title IV-D case" means a case in which an obligee or obligor is receiving child support enforcement services under Title IV, Part D of the Social Security Act and Article X of the Illinois Public Aid Code.

(m) "National Medical Support Notice" means the notice required for enforcement of orders for support providing for health insurance coverage of a child under Title IV, Part D of the Social Security Act, the Employee Retirement Income Security Act of 1974, and federal regulations promulgated under those Acts.

(n) "Employer" means a payor or labor union or trade union with an employee group health insurance plan and, for purposes of the National Medical Support Notice, also includes but is not limited to:

1. any State or local governmental agency with a group health plan; and
2. any payor with a group health plan or "church plan" covered under the Employee Retirement Income Security Act of 1974.

(Source: P.A. 94-90, eff. 1-1-06; revised 12-15-05.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly August 9, 2007.

New matter indicated by italics - deletions by strikeout
AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing Section 3-707 as follows:

(625 ILCS 5/3-707) (from Ch. 95 1/2, par. 3-707)
Sec. 3-707. Operation of uninsured motor vehicle - penalty.
(a) No person shall operate a motor vehicle unless the motor vehicle is covered by a liability insurance policy in accordance with Section 7-601 of this Code.
(b) Any person who fails to comply with a request by a law enforcement officer for display of evidence of insurance, as required under Section 7-602 of this Code, shall be deemed to be operating an uninsured motor vehicle.
(c) Except as provided in subsection (c-5), any operator of a motor vehicle subject to registration under this Code who is convicted of violating this Section is guilty of a business offense and shall be required to pay a fine in excess of $500, but not more than $1,000. However, no person charged with violating this Section shall be convicted if such person produces in court satisfactory evidence that at the time of the arrest the motor vehicle was covered by a liability insurance policy in accordance with Section 7-601 of this Code. The chief judge of each circuit may designate an officer of the court to review the documentation demonstrating that at the time of the arrest the motor vehicle was covered by a liability insurance policy in accordance with Section 7-601 of this Code.
(c-1) A person convicted of violating this Section shall also have his or her driver's license, permit, or privileges suspended for 3 months. After the expiration of the 3 months, the person's driver's license, permit,
or privileges shall not be reinstated until he or she has paid a reinstatement fee of $100. If a person violates this Section while his or her driver's license, permit, or privileges are suspended under this subsection (c-1), his or her driver's license, permit, or privileges shall be suspended for an additional 6 months and until he or she pays the reinstatement fee.

(c-5) A person who (i) has not previously been convicted of or received a disposition of court supervision for violating this Section and (ii) produces at his or her court appearance satisfactory evidence that the motor vehicle is covered, as of the date of the court appearance, by a liability insurance policy in accordance with Section 7-601 of this Code shall, for a violation of this Section, pay a fine of $100 and receive a disposition of court supervision. The person must, on the date that the period of court supervision is scheduled to terminate, produce satisfactory evidence that the vehicle was covered by the required liability insurance policy during the entire period of court supervision.

An officer of the court designated under subsection (c) may also review liability insurance documentation under this subsection (c-5) to determine if the motor vehicle is, as of the date of the court appearance, covered by a liability insurance policy in accordance with Section 7-601 of this Code. The officer of the court shall also determine, on the date the period of court supervision is scheduled to terminate, whether the vehicle was covered by the required policy during the entire period of court supervision.

(d) A person convicted a third or subsequent time of violating this Section or a similar provision of a local ordinance must give proof to the Secretary of State of the person's financial responsibility as defined in Section 7-315. The person must maintain the proof in a manner satisfactory to the Secretary for a minimum period of one year after the date the proof is first filed. The Secretary must suspend the driver's license of any person determined by the Secretary not to have provided adequate proof of financial responsibility as required by this subsection.

(Source: P.A. 94-1035, eff. 7-1-07.)


New matter indicated by italics - deletions by strikeout
AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:
Section 5. The Regulatory Sunset Act is amended by changing
Section 4.18 and by adding Section 4.28 as follows:
(5 ILCS 80/4.18)
(a) The following Acts are repealed on January 1, 2008:
The Acupuncture Practice Act.
The Home Medical Equipment and Services Provider License Act.
The Nursing and Advanced Practice Nursing Act.
The Illinois Speech-Language Pathology and Audiology Practice Act.
The Marriage and Family Therapy Licensing Act.
The Nursing Home Administrators Licensing and Disciplinary Act.
The Structural Pest Control Act.
(b) The following Acts are repealed on December 31, 2008:
The Environmental Health Practitioner Licensing Act.
(Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06; 94-1085, eff. 1-19-07; revised 1-22-07.)
(5 ILCS 80/4.28 new)

New matter indicated by italics - deletions by strikeout
Sec. 4.28. Act repealed on January 1, 2018. The following Act is repealed on January 1, 2018:

Section 10. The Clinical Social Work and Social Work Practice Act is amended by changing Sections 3, 5, 6, 9, 10.5, 11, 12.5, 14, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, and 32 and by adding Section 7.3 as follows:

(225 ILCS 20/3) (from Ch. 111, par. 6353)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3. Definitions: The following words and phrases shall have the meanings ascribed to them in this Section unless the context clearly indicates otherwise:

1. "Department" means the Department of Financial and Professional Regulation.

2. "Secretary Director" means the Secretary Director of Financial and the Department of Professional Regulation.

3. "Board" means the Social Work Examining and Disciplinary Board.

4. "Licensed Clinical Social Worker" means a person who holds a license authorizing the independent practice of clinical social work in Illinois under the auspices of an employer or in private practice or under the auspices of public human service agencies or private, nonprofit agencies providing publicly sponsored human services.

5. "Clinical social work practice" means the providing of mental health services for the evaluation, treatment, and prevention of mental and emotional disorders in individuals, families and groups based on knowledge and theory of professionally accepted theoretical structures, including, but not limited to, psychosocial development, behavior, psychopathology, unconscious motivation, interpersonal relationships, and environmental stress.

6. "Treatment procedures" means among other things, individual, marital, family and group psychotherapy.

7. "Independent practice of clinical social work" means the application of clinical social work knowledge and skills by a licensed
clinical social worker who regulates and is responsible for her or his own practice or treatment procedures.

8. "License" means that which is required to practice clinical social work or social work under this Act, the qualifications for which include specific education, acceptable experience and examination requirements.

9. "Licensed social worker" means a person who holds a license authorizing the practice of social work, which includes social services to individuals, groups or communities in any one or more of the fields of social casework, social group work, community organization for social welfare, social work research, social welfare administration or social work education. Social casework and social group work may also include clinical social work, as long as it is not conducted in an independent practice, as defined in this Section.

10. "Address of record" means the address recorded by the Department in the applicant's or licensee's application file or license file, as maintained by the Department's licensure maintenance unit.

(Source: P.A. 85-1440.)

(225 ILCS 20/5) (from Ch. 111, par. 6355)

Sec. 5. Powers and duties of the Department.

1. The Department shall exercise the powers and duties as set forth in this Act.

2. The Secretary Director shall promulgate rules consistent with the provisions of this Act for the administration and enforcement thereof, and shall prescribe forms which shall be issued in connection therewith.

3. In addition, the Department shall:

(a) Establish rules for determining approved undergraduate and graduate social work degree programs and prepare and maintain a list of colleges and universities offering such approved programs whose graduates, if they otherwise meet the requirements of this Act, are eligible to apply for a license.

(b) Promulgate rules, as may be necessary, for the administration of this Act and to carry out the purposes thereof and to adopt the methods of examination of candidates and to provide for the issuance of licenses
authorizing the independent practice of clinical social work or the practice of social work.

(c) Authorize examinations to ascertain the qualifications and fitness of candidates for a license to engage in the independent practice of clinical social work and in the practice of social work, and to determine the qualifications of applicants from other jurisdictions to practice in Illinois.

(d) Maintain rosters of the names and addresses of all licensees, and all persons whose licenses have been suspended, revoked or denied renewal for cause within the previous calendar year. These rosters shall be available upon written request and payment of the required fee.

(Source: P.A. 85-1131.)

(225 ILCS 20/6) (from Ch. 111, par. 6356)
(Sec. 6. Social Work Examining and Disciplinary Board.

(1) The Secretary shall appoint a Social Work Examining and Disciplinary Board consisting of 9 persons who shall serve in an advisory capacity to the Secretary. The Board shall be composed of 6 licensed clinical social workers, one of whom shall be employed in a public human service agency, one of whom shall be a certified school social worker, one of whom shall be employed in the private not-for-profit sector and one of whom shall serve as the chairperson, two licensed social workers, and one member of the public who is not regulated under this Act or a similar Act and who clearly represents consumer interests.

(2) Members shall serve for a term of 4 years and until their successors are appointed and qualified. No member shall be reappointed if such reappointment would cause that person's service on the Board to be longer than 8 successive years. Appointments to fill vacancies for the unexpired portion of a vacated term shall be made in the same manner as original appointments.

(3) The membership of the Board should represent racial and cultural diversity and reasonably reflect representation from different geographic areas of Illinois.

New matter indicated by italics - deletions by strikeout
(4) The Secretary Director may terminate the appointment of any member for cause.

(5) The Secretary Director shall consider the recommendation of the Board on all matters and questions relating to this Act.

(6) The Board is charged with the duties and responsibilities of recommending to the Secretary Director the adoption of all policies, procedures and rules which may be required or deemed advisable in order to perform the duties and functions conferred on the Board, the Secretary Director and the Department to carry out the provisions of this Act.

(7) The Board may make recommendations on all matters relating to continuing education including the number of hours necessary for license renewal, waivers for those unable to meet such requirements and acceptable course content. Such recommendations shall not impose an undue burden on the Department or an unreasonable restriction on those seeking license renewal.

(8) The Board shall annually elect one of its members as chairperson and one as vice chairperson.

(9) Members of the Board shall be reimbursed for all authorized legitimate and necessary expenses incurred in attending the meetings of the Board.

(10) A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to perform all of the duties of the Board.

(11) Members of the Board shall have no liability in an action based upon a disciplinary proceeding or other activity performed in good faith as a member of the Board.

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/7.3 new)

Sec. 7.3. Change of address. An applicant or licensee must inform the Department of any change of address, and such changes must be made either through the Department’s website or by contacting the Department’s licensure maintenance unit.

(225 ILCS 20/9) (from Ch. 111, par. 6359)

(Section scheduled to be repealed on January 1, 2008)

New matter indicated by italics - deletions by strikeout
Sec. 9. Qualification for clinical social worker license. A person shall be qualified to be licensed as a clinical social worker and the Department shall issue a license authorizing the independent practice of clinical social work to an applicant who:

1. has applied in writing on the prescribed form;
2. is of good moral character. In determining good moral character, the Department may take into consideration whether the applicant was engaged in conduct or actions that would constitute grounds for discipline under this Act;
3. (A) demonstrates to the satisfaction of the Department that subsequent to securing a master's degree in social work from an approved program the applicant has successfully completed at least 3,000 hours of satisfactory, supervised clinical professional experience; or
   (B) demonstrates to the satisfaction of the Department that such applicant has received a doctor's degree in social work from an approved program and has completed at least 2,000 hours of satisfactory, supervised clinical professional experience subsequent to the degree;
4. has passed the examination for the practice of clinical social work as authorized by the Department; and
5. has paid the required fees.

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/10.5)
(Section scheduled to be repealed on January 1, 2008)

Sec. 10.5. Unlicensed practice; violation; civil penalty.
(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a clinical social worker or social worker without being licensed or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the

New matter indicated by italics - deletions by strikeout
provisions set forth in this Act regarding the provision of a hearing for the
discipline of a licensee.

(b) The Department may investigate any actual, alleged, or
suspected unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective
date of the order imposing the civil penalty. The order shall constitute a
judgment and may be filed and execution had thereon in the same manner
as any judgment from any court of record.
(Source: P.A. 90-150, eff. 12-30-97.)
(225 ILCS 20/11) (from Ch. 111, par. 6361)
(Section scheduled to be repealed on January 1, 2008)
Sec. 11. Licenses; renewal; restoration; person in military service;
inactive status.

(a) The expiration date and renewal period for each license A
license shall be issued for a 2-year period, however the expiration date for
licenses issued under this Act shall be set by rule. The licensee may renew
a license during the 60-day period preceding its expiration date by paying the required fee and by demonstrating compliance with any
continuing education requirements. The Department shall adopt rules
establishing minimum requirements of continuing education and means
for verification of the completion of the continuing education requirements. The Department may, by rule, specify circumstances under
which the continuing education requirements may be waived. Proof of
having met the minimum requirements of continuing education, as
determined by rule, shall be required for all license renewals. Pursuant to
rule, the continuing education requirements may, upon petition to the
Board, be waived in whole or in part for licensed social workers or
licensed clinical social workers who can demonstrate their service in the
Coast Guard or Armed Forces during the period in question, an extreme
hardship, or that the license was obtained by examination or endorsement
within the preceding renewal period. The Department shall establish, by
rule, a means for the verification of completion of the continuing
education required by this Section. This verification may be accomplished
by audits of records maintained by licensees, by requiring the filing of

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continuing education records with the Department or an organization selected by the Department to maintain these records, or by other means established by the Department.

(b) Any person who has permitted a license to expire or who has a license on inactive status may have it restored by submitting an application to the Department and filing proof of fitness, as defined by rule, to have the license restored, including, if appropriate, evidence which is satisfactory to the Department; certifying the active practice of clinical social work or social work in another jurisdiction and by paying the required fee.

(b-5) If the person has not maintained an active practice in another jurisdiction which is satisfactory to the Department, the Department shall determine, by an evaluation program recommended by the Board and established by rule, the person's fitness to resume active status and the Department may require the person to pass an examination. The Department, with the recommendation of the Board, may also require the person to complete a specific period of evaluated clinical social work or social work experience and may require successful completion of an examination.

(b-7) Notwithstanding any other provision of this Act, any person whose license expired while on active duty with the armed forces of the United States, while called into service or training with the State Militia or in training or education under the supervision of the United States government prior to induction into the military service may have his or her license restored without paying any renewal fees if, within 2 years after the honorable termination of that service, training or education, except under conditions other than honorable, the Department is furnished with satisfactory evidence that the person has been so engaged and that the service, training or education has been so terminated.

(c) A license to practice shall not be denied any applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or physical impairment. Any person who notifies the Department, in writing on forms prescribed by the Department, may place his license on inactive status and shall be excused

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from the payment of renewal fees until the person notifies the Department in writing of his intention to resume active practice:

Any person requesting that his license be changed from inactive to active status shall be required to pay the current renewal fee and shall also demonstrate compliance with the continuing education requirements:

(d) (Blank). Any licensed clinical social worker or licensed social worker whose license is on inactive status shall not engage in the independent practice of clinical social work or in the practice of social work in the State of Illinois. If an individual engages in the independent practice of clinical social work or in the practice of social work while on inactive status, that individual is considered to be practicing without a license and is subject to the disciplinary provisions of this Act.

(e) (Blank).

(f) (Blank).

(g) The Department shall indicate on each license the academic degree of the licensee.

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/12.5)

(Section scheduled to be repealed on January 1, 2008)

Sec. 12.5. Endorsement. The Department may issue a license as a clinical social worker or as a social worker, without the required examination, to an applicant licensed under the laws of another jurisdiction if the requirements for licensure in that jurisdiction are, on the date of licensure, substantially equivalent to the requirements of this Act or to any person who, at the time of his or her licensure, possessed individual qualifications that were substantially equivalent to the requirements then in force in this State. An applicant under this Section shall pay the required fees.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 90-150, eff. 12-30-97.)

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(225 ILCS 20/14) (from Ch. 111, par. 6364)
(Section scheduled to be repealed on January 1, 2008)

Sec. 14. Checks or order to Department dishonored because of insufficient funds. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Secretary Director may waive the fines due under this Section in individual cases where the Secretary Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-146, eff. 1-1-02.)

(225 ILCS 20/19) (from Ch. 111, par. 6369)
(Section scheduled to be repealed on January 1, 2008)

Sec. 19. Grounds for disciplinary action.
(1) The Department may refuse to issue, refuse to renew, suspend, or revoke any license, or may place on probation, censure, reprimand, or take other disciplinary or non-disciplinary action deemed appropriate by the Department, including the imposition of fines not to exceed $10,000 for each violation, with regard to any license issued under the provisions of this Act for any one or a combination of the following reasons:

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(a) material misstatements of fact in furnishing information to the Department or to any other State agency or in furnishing information to any insurance company with respect to a claim on behalf of a licensee or a patient;

(b) violations or negligent or intentional disregard of this Act, or any of the rules promulgated hereunder;

(c) conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony under the laws of the United States or any state or territory thereof or that is a felony or misdemeanor, of which an essential element is dishonesty, or of any crime that which is directly related to the practice of the clinical social work or social work professions;

(d) making any misrepresentation for the purpose of obtaining licenses, or violating any provision of this Act or any of the rules promulgated hereunder;

(e) professional incompetence;

(f) malpractice;

(g) aiding or assisting another person in violating any provision or this Act or any rules;

(h) failing to provide information within 30 days in response to a written request made by the Department;

(i) engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public as defined by the rules of the Department, or violating the rules of professional conduct adopted by the Board and published by the Department;

(j) habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in a clinical social worker's or social worker's inability to practice with reasonable judgment, skill, or safety;

(k) discipline by another jurisdiction, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section;

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(1) directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for any professional service not actually rendered;

(m) a finding by the Board that the licensee, after having the license placed on probationary status, has violated the terms of probation;

(n) abandonment, without cause, of a client;

(o) wilfully filing false reports relating to a licensee's practice, including but not limited to false records filed with Federal or State agencies or departments;

(p) wilfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act;

(q) being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be or failed to take reasonable steps to prevent a child from being an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act;

(r) physical illness, or mental illness, or any other impairment or disability, including, but not limited to, deterioration through the aging process, or loss of motor abilities and skills that which results in the inability to practice the profession with reasonable judgment, skill or safety;

(s) solicitation of professional services by using false or misleading advertising; or

(t) violation of the Health Care Worker Self-Referral Act.

(2) (Blank).

(3) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, will result in an automatic suspension of his license. Such suspension will end upon a finding by a
court that the licensee is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient, and upon the recommendation of the Board to the Secretary Director that the licensee be allowed to resume professional practice.

(4) The Department may refuse to issue or renew or may suspend the license of a person who (i) fails to file a return, pay the tax, penalty, or interest shown in a filed return, or pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Department of Revenue, until the requirements of the tax Act are satisfied or (ii) has failed to pay any court-ordered child support as determined by a court order or by referral from the Department of Healthcare and Family Services.

(5) In enforcing this Section, the Board upon a showing of a possible violation may compel a person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Board. The Board or the Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board finds a person unable to practice because of the reasons set forth in this Section, the Board may require that person to submit to care, counseling, or treatment by physicians approved or designated by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling

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or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.

In instances in which the Secretary Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Board within 30±15 days after the suspension and completed without appreciable delay. The Board shall have the authority to review the subject person's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

A person licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/20) (from Ch. 111, par. 6370)

Sec. 20. Violations - Injunction - Cease and desist order.
1. If any person violates the provisions of this Act, the Secretary Director may, in the name of the People of the State of Illinois, through the Attorney General, petition for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order without notice or bond, and may preliminarily and permanently enjoin such violation. If it is established that such person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to all other remedies and penalties provided by this Act.
2. If any person shall hold herself or himself out as a licensed clinical social worker or licensed social worker and is not licensed under this Act, then any licensed clinical social worker, licensed social worker, interested party or any person injured thereby may petition for relief as provided in subsection (1) of this Section.

3. Whenever, in the opinion of the Department, a person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against such person. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.

(Source: P.A. 85-1131.)

(225 ILCS 20/21) (from Ch. 111, par. 6371)

(Section scheduled to be repealed on January 1, 2008)

Sec. 21. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person holding or claiming to hold a license. The Department shall, before refusing to issue or renew a license, at least 30 days prior to the date set for the hearing, notify, in writing, the applicant for, or holder of, a license of the nature of the charges and that a hearing will be held on the date designated. The Department shall direct the applicant or licensee to file a written answer to the Board under oath within 20 days after the service of the notice and inform the applicant or licensee that failure to file an answer will result in default being taken against the applicant or licensee and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Secretary Director may deem proper. Written notice may be served by personal delivery or certified or registered mail to the applicant or licensee at the applicant's last address of record. In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status.
status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any statements, testimony, evidence and argument as may be pertinent to the charges or to their defense. The Board may continue a hearing from time to time.

(Source: P.A. 87-1031.)

(225 ILCS 20/23) (from Ch. 111, par. 6373)
(Section scheduled to be repealed on January 1, 2008)
Sec. 23. Subpoenas - Depositions - Oaths. The Department shall have the power to subpoena and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State.

The Secretary Director, the designated hearing officer and every member of the Board shall have power to administer oaths to witnesses at any hearing which the Department is authorized to conduct, and any other oaths authorized in any Act administered by the Department.

(Source: P.A. 85-967.)

(225 ILCS 20/24) (from Ch. 111, par. 6374)
(Section scheduled to be repealed on January 1, 2008)
Sec. 24. Compelling Testimony. Any court, upon application of the Department, designated hearing officer or the applicant or licensee against whom proceedings under Section 19 of this Act are pending, may enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

(Source: P.A. 85-967.)

(225 ILCS 20/25) (from Ch. 111, par. 6375)
(Section scheduled to be repealed on January 1, 2008)

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Sec. 25. Findings and recommendations. At the conclusion of the hearing the Board shall present to the Secretary a written report of its findings of fact, conclusions of law and recommendations. The report shall contain a finding whether or not the licensee violated this act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary.

The report of findings of fact, conclusions of law and recommendation of the Board shall be the basis for the Department's order or refusal or for the granting of the license. If the Secretary disagrees with the recommendations of the Board, the Secretary may issue an order in contravention thereof. The Secretary shall provide a written report to the Board on any disagreement and shall specify the reasons for said action in the final order. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

(225 ILCS 20/26) (from Ch. 111, par. 6376)

Sec. 26. Board - Rehearing. In any case involving the refusal to issue or to renew a license or to discipline a licensee, a copy of the Board's report shall be served upon the applicant or licensee by the Department, either personally or by registered or certified mail or as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the applicant or licensee may present to the Department a motion in writing for a rehearing which shall specify the particular grounds therefor. If no motion for a rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the Secretary may enter an order in accordance with recommendations of the Board, except as provided in Section 25 of this Act. If the applicant or licensee requests and pays for a transcript of the record within the time for filing a motion for rehearing,
the 20-day period within which such a motion may be filed shall commence upon the delivery of the transcript to the applicant or licensee. (Source: P.A. 86-615.)

(225 ILCS 20/27) (from Ch. 111, par. 6377)
(Section scheduled to be repealed on January 1, 2008)

Sec. 27. Rehearing Director; rehearing. Whenever the Secretary Director believes justice has not been done in the revocation, suspension, or discipline of a license or refusal to issue or renew a license, he or she may order a rehearing. (Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/28) (from Ch. 111, par. 6378)
(Section scheduled to be repealed on January 1, 2008)

Sec. 28. Appointment of a hearing officer. The Secretary Director shall have the authority to appoint any attorney licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license or permit or to discipline a licensee. The Secretary Director shall promptly notify the Board of any such appointment. The hearing officer shall have full authority to conduct the hearing. At least one member of the Board shall attend each hearing. The hearing officer shall report his findings of fact, conclusions of law and recommendations to the Board and to the Secretary Director. Upon receipt of the report, the Board shall have at least 60 days after receipt of the report to review it and to present its findings of fact, conclusions of law and recommendation to the Secretary Director. If the Board does not present its report within the 60 days period, the respondent may request in writing a direct appeal to the Secretary, in which case the Secretary shall, within 7 calendar days after the request, issue an order directing the Board to issue its findings of fact, conclusions of law, and recommendations to the Secretary within 30 calendar days after such order. If the Board fails to issue its findings of fact, conclusions of law, and recommendations within that time frame to the Secretary after the entry of such order, the Secretary shall, within 30 calendar days thereafter, issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back.

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to the hearing officer for additional proceedings in accordance with the order. If (i) a direct appeal is requested, (ii) the Board fails to issue its findings of fact, conclusions of law, and recommendations within the 30-day mandate from the Secretary or the Secretary fails to order the Board to do so, and (iii) the Secretary fails to issue an order within 30 calendar days thereafter, then the hearing officer's report is deemed accepted and a final decision of the Secretary. Notwithstanding any other provision of this Section, if the Secretary, upon review, determines that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license or other disciplinary action taken as the result of the entry of the hearing officer's report, the Secretary may order a rehearing by the same or other examiners. The Director may issue an order based on the report of the hearing officer. If the Secretary Director disagrees with the recommendation of the Board or of the hearing officer, the Secretary Director may issue an order in contravention of the Board's report. The Secretary Director shall promptly provide a written explanation to the Board on any such disagreement, and shall specify the reasons for such action in the final order.

(Section scheduled to be repealed on January 1, 2008)

Sec. 29. Order or certified copy thereof - prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary Director, shall be prima facie proof that:

(1) Such signature is the genuine signature of the Secretary Director;
(2) Such Secretary Director is duly appointed and qualified; and
(3) The Board and the members thereof are qualified to act.

(Section scheduled to be repealed on January 1, 2008)

Sec. 32. Temporary suspension of a license. The Secretary Director may temporarily suspend the license of a licensed clinical social worker or
licensed social worker without a hearing simultaneously with the institution of proceedings for a hearing provided for in Section 21 of this Act if the Secretary Director finds conclusive evidence indicating that a licensee's continuation in practice would constitute an imminent danger to the public. In the event the Secretary Director temporarily suspends such license without a hearing, a hearing by the Board shall be held within 30 days after such suspension has occurred.
(Source: P.A. 85-1131.)

Section 15. If and only if House Bill 820 of the 95th General Assembly (as amended by Senate Amendment No. 1) becomes law, the Carnival and Amusement Rides Safety Act is amended by changing Sections 2-2 and 2-20 as follows:

(430 ILCS 85/2-2) (from Ch. 111 1/2, par. 4052)
Sec. 2-2. Definitions. As used in this Act, unless the context otherwise requires:

1. "Director" means the Director of Labor or his or her designee.
2. "Department" means Department of Labor.
3. "Amusement Attraction" means an enclosed building or structure, including electrical equipment which is an integral part of the building or structure, through which people walk without the aid of any moving device, that provides amusement, thrills or excitement at a fair or carnival, except any such enclosed building or structure which is subject to the jurisdiction of a local building code.
4. "Amusement ride" means:
   (a) any mechanized device or combination of devices, including electrical equipment which is an integral part of the device or devices, which carries passengers along, around, or over a fixed or restricted course for the primary purpose of giving its passengers amusement, pleasure, thrills, or excitement;
   (b) any ski lift, rope tow, or other device used to transport snow skiers;
   (c) (blank);
   (d) any dry slide over 20 feet in height, alpine slide, or toboggan slide;

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(e) any tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device which is not licensed by the Secretary of State, which may, but does not necessarily follow a fixed or restricted course, and is used primarily for the purpose of giving its passengers amusement, pleasure, thrills or excitement, and for which an individual fee is charged or a donation accepted with the exception of hayrack rides; or

(f) any bungee cord or similar elastic device.

5. "Carnival" means an enterprise which offers amusement or entertainment to the public by means of one or more amusement attractions or amusement rides.

6. "Fair" means an enterprise principally devoted to the exhibition of products of agriculture or industry in connection with which amusement rides or amusement attractions are operated.

7. "Operator" means a person, or the agent of a person, who owns or controls or has the duty to control the operation of an amusement ride or an amusement attraction at a carnival or fair. "Operator" includes an agency of the State or any of its political subdivisions.

8. "Carnival worker" means a person who is employed by a carnival or fair to manage, physically operate, or assist in the operation of an amusement ride or amusement attraction when it is open to the public and who is not a volunteer.

(Source: P.A. 94-801, eff. 5-25-06; 95HB0820sam001.)

(430 ILCS 85/2-20)

Sec. 2-20. Employment of carnival workers.

(a) Beginning on January 1, 2008, no person, firm, corporation, or other entity that owns or operates a carnival or fair shall employ a carnival worker who (i) has been convicted of any offense set forth in Article 11 of the Criminal Code of 1961, (ii) is a registered sex offender, as defined in the Sex Offender Registration Act, or (iii) has ever been convicted of any offense set forth in Article 9 of the Criminal Code of 1961.

Any person, firm, corporation, or other entity that owns or operates a carnival and knowingly violates the provisions of this subsection (a)
shall be assessed a civil penalty in an amount not less than $1,000 and not more than $5,000 for a first offense, and not less than $5,000 and not more than $10,000 for a second or subsequent offense.

(b) A person, firm, corporation, or other entity that owns or operates a carnival or fair must conduct a criminal history records check for each carnival worker at the time they are hired, consistent with the Illinois Uniform Conviction Information Act and perform a check of the Sex Offender Registry maintained by the Department of State Police for each carnival worker in its employ.

In the case of carnival workers who are hired on a temporary basis to work at a specific event, the carnival or fair owner may work with local enforcement agencies in order expedite the criminal history records check required under this subsection (b).

Individuals who are under the age of 17 are exempt from the criminal history records check requirements set forth in this subsection (b).

(c) Any person, firm, corporation, or other entity that owns or operates a carnival or fair must have a substance abuse policy in place for its workers, which shall include random drug testing of carnival workers.

(d) Any person, firm, corporation, or other entity that owns or operates a carnival or fair that violates the provisions of subsection (a) of this Section or fails to conduct a criminal history records check or a sex offender registry check for carnival workers in its employ, as required by subsection (b) of this Section, shall be assessed a civil penalty in an amount not to exceed $1,000 for a first offense, not to exceed $5,000 for a second offense, and not to exceed $15,000 for a third or subsequent offense. The collection of these penalties shall be enforced in a civil action brought by the Attorney General on behalf of the Department.

(e) A carnival or fair owner is not responsible for:

(1) any personal information submitted by a carnival worker for criminal history records check purposes; or
(2) any information provided by a third party for a criminal history records check or a sex offender registry check.
A carnival or fair owner shall not be liable to any employee in carrying out the requirements of this Section.  
(Source: 95HB0820sam001.)

Section 99. Effective date. This Act takes effect upon becoming law.


PUBLIC ACT 95-0688  
(Senate Bill No. 1023)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 2. The Illinois Criminal Justice Information Act is amended by adding Section 7.6 as follows:
(20 ILCS 3930/7.6 new)
Sec. 7.6. Capital Crimes Database.
(a) Subject to appropriation, a Capital Crimes Database shall be created within the Illinois Criminal Justice Information Authority (ICJIA).
(b) The ICJIA shall collect and retain in the Capital Crimes Database all information on the prosecution, pendency, and disposition of capital and capital eligible cases in Illinois. The Capital Crimes Database shall serve as a repository for all of the foregoing collected information.
(c) The ICJIA shall develop administrative rules to provide for the coordination and collection of information in the Capital Crimes Database.
(d) Agencies required to provide information on capital cases to the ICJIA, as the ICJIA may request, for the Capital Crimes Database shall include, but not be limited to:
(1) Office of the Attorney General.
(2) Illinois Department of Corrections.
(3) Illinois State Police.

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(4) All county State's Attorneys.
(5) All county public defenders.
(6) Office of the State's Attorneys Appellate Prosecutor.
(7) Office of the State Appellate Defender.

(e) Agencies requested to provide information on capital cases to the ICJIA for the Capital Crimes Database shall include, but not be limited to:

(2) All county circuit court clerks.

(f) The ICJIA shall develop procedures and protocols for the submission of information relating to capital and capital eligible cases to the Database in conjunction with the agencies submitting information.

Section 3. The Illinois Police Training Act is amended by changing Section 10.3 as follows:

(50 ILCS 705/10.3)
Sec. 10.3. Training of police officers to conduct electronic interrogations.

(a) From appropriations made to it for that purpose, the Board shall initiate, administer, and conduct training programs for permanent police officers, part-time police officers, and recruits on the methods and technical aspects of conducting electronic recordings of interrogations.

(b) Subject to appropriation, the Board shall develop technical guidelines for the mandated recording of custodial interrogations in all homicide investigations by law enforcement agencies. These guidelines shall be developed in conjunction with law enforcement agencies and technology accreditation groups to provide guidance for law enforcement agencies in implementing the mandated recording of custodial interrogations in all homicide investigations.

(Source: P.A. 93-206, eff. 7-18-03; 93-517, eff. 8-6-03.)

Section 4. The Criminal Code of 1961 is amended by changing Sections 33A-2 and 33A-3 as follows:

(720 ILCS 5/33A-2) (from Ch. 38, par. 33A-2)
Sec. 33A-2. Armed violence-Elements of the offense.
(a) A person commits armed violence when, while armed with a dangerous weapon, he commits any felony defined by Illinois Law, except first degree murder, attempted first degree murder, intentional homicide of an unborn child, second degree murder, involuntary manslaughter, reckless homicide, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnaping, aggravated battery of a child, home invasion, or any offense that makes the possession or use of a dangerous weapon either an element of the base offense, an aggravated or enhanced version of the offense, or a mandatory sentencing factor that increases the sentencing range armed robbery, or aggravated vehicular hijacking.

(b) A person commits armed violence when he or she personally discharges a firearm that is a Category I or Category II weapon while committing any felony defined by Illinois law, except first degree murder, attempted first degree murder, intentional homicide of an unborn child, second degree murder, involuntary manslaughter, reckless homicide, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnaping, aggravated battery of a child, home invasion, or any offense that makes the possession or use of a dangerous weapon either an element of the base offense, an aggravated or enhanced version of the offense, or a mandatory sentencing factor that increases the sentencing range armed robbery, or aggravated vehicular hijacking.

(c) A person commits armed violence when he or she personally discharges a firearm that is a Category I or Category II weapon that proximately causes great bodily harm, permanent disability, or permanent disfigurement or death to another person while committing any felony defined by Illinois law, except first degree murder, attempted first degree murder, intentional homicide of an unborn child, second degree murder, involuntary manslaughter, reckless homicide, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnaping, aggravated battery of a child, home invasion, or any offense that makes the possession or use of a dangerous weapon either an element of the base offense, an aggravated or enhanced version of the offense, or a
mandatory sentencing factor that increases the sentencing range armed robbery, or aggravated vehicular hijacking.

(d) This Section does not apply to violations of the Fish and Aquatic Life Code or the Wildlife Code.
(Source: P.A. 91-404, eff. 1-1-00.)

(720 ILCS 5/33A-3) (from Ch. 38, par. 33A-3)
Sec. 33A-3. Sentence.

(a) Violation of Section 33A-2(a) with a Category I weapon is a Class X felony for which the defendant shall be sentenced to a minimum term of imprisonment of 15 years.

(a-5) Violation of Section 33A-2(a) with a Category II weapon is a Class X felony for which the defendant shall be sentenced to a minimum term of imprisonment of 10 years.

(b) Violation of Section 33A-2(a) with a Category III weapon is a Class 2 felony or the felony classification provided for the same act while unarmed, whichever permits the greater penalty. A second or subsequent violation of Section 33A-2(a) with a Category III weapon is a Class I felony or the felony classification provided for the same act while unarmed, whichever permits the greater penalty.

(b-5) Violation of Section 33A-2(b) with a firearm that is a Category I or Category II weapon is a Class X felony for which the defendant shall be sentenced to a minimum term of imprisonment of 20 years.

(b-10) Violation of Section 33A-2(c) with a firearm that is a Category I or Category II weapon is a Class X felony for which the defendant shall be sentenced to a term of imprisonment of not less than 25 years nor more than 40 years.

(c) Unless sentencing under Section 33B-1 is applicable, any person who violates subsection (a) or (b) of Section 33A-2 with a firearm, when that person has been convicted in any state or federal court of 3 or more of the following offenses: treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, arson, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or
disfigurement, a violation of the Methamphetamine Control and Community Protection Act, or a violation of Section 401(a) of the Illinois Controlled Substances Act, when the third offense was committed after conviction on the second, the second offense was committed after conviction on the first, and the violation of Section 33A-2 was committed after conviction on the third, shall be sentenced to a term of imprisonment of not less than 25 years nor more than 50 years.

(c-5) Except as otherwise provided in paragraph (b-10) or (c) of this Section, a person who violates Section 33A-2(a) with a firearm that is a Category I weapon or Section 33A-2(b) in any school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or on the real property comprising any school or public park, and where the offense was related to the activities of an organized gang, shall be sentenced to a term of imprisonment of not less than the term set forth in subsection (a) or (b-5) of this Section, whichever is applicable, and not more than 30 years. For the purposes of this subsection (c-5), "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(d) For armed violence based upon a predicate offense listed in this subsection (d) the court shall enter the sentence for armed violence to run consecutively to the sentence imposed for the predicate offense. The offenses covered by this provision are:

(i) solicitation of murder,
(ii) solicitation of murder for hire,
(iii) heinous battery,
(iv) aggravated battery of a senior citizen,
(v) (blank) criminal sexual assault,
(vi) a violation of subsection (g) of Section 5 of the Cannabis Control Act,
(vii) cannabis trafficking,
(viii) a violation of subsection (a) of Section 401 of the Illinois Controlled Substances Act,
(ix) controlled substance trafficking involving a Class X felony amount of controlled substance under Section 401 of the Illinois Controlled Substances Act,

(x) calculated criminal drug conspiracy,

(xi) streetgang criminal drug conspiracy, or

(xii) a violation of the Methamphetamine Control and Community Protection Act.

(Source: P.A. 94-556, eff. 9-11-05.)

Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 116-3 as follows:

(725 ILCS 5/116-3)

Sec. 116-3. Motion for fingerprint, Integrated Ballistic Identification System, or forensic testing not available at trial regarding actual innocence.

(a) A defendant may make a motion before the trial court that entered the judgment of conviction in his or her case for the performance of fingerprint, Integrated Ballistic Identification System, or forensic DNA testing, including comparison analysis of genetic marker groupings of the evidence collected by criminal justice agencies pursuant to the alleged offense, to those of the defendant, to those of other forensic evidence, and to those maintained under subsection (f) of Section 5-4-3 of the Unified Code of Corrections, on evidence that was secured in relation to the trial which resulted in his or her conviction, and:

(1) but which was not subject to the testing which is now requested because the technology for the testing was not available at the time of trial; or . Reasonable notice of the motion shall be served upon the State.

(2) although previously subjected to testing, can be subjected to additional testing utilizing a method that was not scientifically available at the time of trial that provides a reasonable likelihood of more probative results. Reasonable notice of the motion shall be served upon the State.

(b) The defendant must present a prima facie case that:

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(1) identity was the issue in the trial which resulted in his or her conviction; and
(2) the evidence to be tested has been subject to a chain of custody sufficient to establish that it has not been substituted, tampered with, replaced, or altered in any material aspect.

c) The trial court shall allow the testing under reasonable conditions designed to protect the State's interests in the integrity of the evidence and the testing process upon a determination that:
(1) the result of the testing has the scientific potential to produce new, noncumulative evidence materially relevant to the defendant's assertion of actual innocence even though the results may not completely exonerate the defendant;
(2) the testing requested employs a scientific method generally accepted within the relevant scientific community.

d) If evidence previously tested pursuant to this Section reveals an unknown fingerprint from the crime scene that does not match the defendant or the victim, the order of the Court shall direct the prosecuting authority to request the Illinois State Police Bureau of Forensic Science to submit the unknown fingerprint evidence into the FBI's Integrated Automated Fingerprint Identification System (AIFIS) for identification.

(Source: P.A. 93-605, eff. 11-19-03.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in General Assembly July 26, 2007.

PUBLIC ACT 95-0689
(Senate Bill No. 0509)

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

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Section 5. The Regulatory Sunset Act is amended by changing Section 4.18 and by adding Section 4.28 as follows:

(5 ILCS 80/4.18)

(a) The following Acts are repealed on January 1, 2008:
The Acupuncture Practice Act.
The Home Medical Equipment and Services Provider License Act.
The Nursing and Advanced Practice Nursing Act.
The Illinois Speech-Language Pathology and Audiology Practice Act.
The Marriage and Family Therapy Licensing Act.
The Nursing Home Administrators Licensing and Disciplinary Act.
The Structural Pest Control Act.
(b) The following Acts are repealed on December 31, 2008:
The Environmental Health Practitioner Licensing Act.

(Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06; 94-1085, eff. 1-19-07; revised 1-22-07.)

(5 ILCS 80/4.28 new)

Sec. 4.28. Act repealed on January 1, 2018. The following Act is repealed on January 1, 2018:
The Pharmacy Practice Act.

Section 10. The Illinois Act on the Aging is amended by changing Section 4.01 as follows:
(20 ILCS 105/4.01) (from Ch. 23, par. 6104.01)
Sec. 4.01. Additional powers and duties of the Department. In addition to powers and duties otherwise provided by law, the Department shall have the following powers and duties:

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(1) To evaluate all programs, services, and facilities for the aged and for minority senior citizens within the State and determine the extent to which present public or private programs, services and facilities meet the needs of the aged.

(2) To coordinate and evaluate all programs, services, and facilities for the Aging and for minority senior citizens presently furnished by State agencies and make appropriate recommendations regarding such services, programs and facilities to the Governor and/or the General Assembly.

(3) To function as the sole State agency to develop a comprehensive plan to meet the needs of the State's senior citizens and the State's minority senior citizens.

(4) To receive and disburse State and federal funds made available directly to the Department including those funds made available under the Older Americans Act and the Senior Community Service Employment Program for providing services for senior citizens and minority senior citizens or for purposes related thereto, and shall develop and administer any State Plan for the Aging required by federal law.

(5) To solicit, accept, hold, and administer in behalf of the State any grants or legacies of money, securities, or property to the State of Illinois for services to senior citizens and minority senior citizens or purposes related thereto.

(6) To provide consultation and assistance to communities, area agencies on aging, and groups developing local services for senior citizens and minority senior citizens.

(7) To promote community education regarding the problems of senior citizens and minority senior citizens through institutes, publications, radio, television and the local press.

(8) To cooperate with agencies of the federal government in studies and conferences designed to examine the needs of senior citizens and minority senior citizens and to prepare programs and facilities to meet those needs.

(9) To establish and maintain information and referral sources throughout the State when not provided by other agencies.
(10) To provide the staff support as may reasonably be required by the Council and the Coordinating Committee of State Agencies Serving Older Persons.

(11) To make and enforce rules and regulations necessary and proper to the performance of its duties.

(12) To establish and fund programs or projects or experimental facilities that are specially designed as alternatives to institutional care.

(13) To develop a training program to train the counselors presently employed by the Department's aging network to provide Medicare beneficiaries with counseling and advocacy in Medicare, private health insurance, and related health care coverage plans. The Department shall report to the General Assembly on the implementation of the training program on or before December 1, 1986.

(14) To make a grant to an institution of higher learning to study the feasibility of establishing and implementing an affirmative action employment plan for the recruitment, hiring, training and retraining of persons 60 or more years old for jobs for which their employment would not be precluded by law.

(15) To present one award annually in each of the categories of community service, education, the performance and graphic arts, and the labor force to outstanding Illinois senior citizens and minority senior citizens in recognition of their individual contributions to either community service, education, the performance and graphic arts, or the labor force. The awards shall be presented to four senior citizens and minority senior citizens selected from a list of 44 nominees compiled annually by the Department. Nominations shall be solicited from senior citizens' service providers, area agencies on aging, senior citizens' centers, and senior citizens' organizations. The Department shall consult with the Coordinating Committee of State Agencies Serving Older Persons to determine which of the nominees shall be the recipient in each category of community service. The Department shall establish a central location within the State to be designated as the Senior Illinoisans Hall of Fame for the public display of all the annual awards, or replicas thereof.
(16) To establish multipurpose senior centers through area agencies on aging and to fund those new and existing multipurpose senior centers through area agencies on aging, the establishment and funding to begin in such areas of the State as the Department shall designate by rule and as specifically appropriated funds become available.

(17) To develop the content and format of the acknowledgment regarding non-recourse reverse mortgage loans under Section 6.1 of the Illinois Banking Act; to provide independent consumer information on reverse mortgages and alternatives; and to refer consumers to independent counseling services with expertise in reverse mortgages.

(18) To develop a pamphlet in English and Spanish which may be used by physicians licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987, pharmacists licensed pursuant to the Pharmacy Practice Act of 1987, and Illinois residents 65 years of age or older for the purpose of assisting physicians, pharmacists, and patients in monitoring prescriptions provided by various physicians and to aid persons 65 years of age or older in complying with directions for proper use of pharmaceutical prescriptions. The pamphlet may provide space for recording information including but not limited to the following:

(a) name and telephone number of the patient;
(b) name and telephone number of the prescribing physician;
(c) date of prescription;
(d) name of drug prescribed;
(e) directions for patient compliance; and
(f) name and telephone number of dispensing pharmacy.

In developing the pamphlet, the Department shall consult with the Illinois State Medical Society, the Center for Minority Health Services, the Illinois Pharmacists Association and senior citizens organizations. The Department shall distribute the pamphlets to physicians, pharmacists and persons 65 years of age or older or various senior citizen organizations throughout the State.
(19) To conduct a study by April 1, 1994 of the feasibility of implementing the Senior Companion Program throughout the State for the fiscal year beginning July 1, 1994.

(20) With respect to contracts in effect on July 1, 1994, the Department shall increase the grant amounts so that the reimbursement rates paid through the community care program for chore housekeeping services and homemakers are at the same rate, which shall be the higher of the 2 rates currently paid. With respect to all contracts entered into, renewed, or extended on or after July 1, 1994, the reimbursement rates paid through the community care program for chore housekeeping services and homemakers shall be the same.

(21) From funds appropriated to the Department from the Meals on Wheels Fund, a special fund in the State treasury that is hereby created, and in accordance with State and federal guidelines and the intrastate funding formula, to make grants to area agencies on aging, designated by the Department, for the sole purpose of delivering meals to homebound persons 60 years of age and older.

(22) To distribute, through its area agencies on aging, information alerting seniors on safety issues regarding emergency weather conditions, including extreme heat and cold, flooding, tornados, electrical storms, and other severe storm weather. The information shall include all necessary instructions for safety and all emergency telephone numbers of organizations that will provide additional information and assistance.

(23) To develop guidelines for the organization and implementation of Volunteer Services Credit Programs to be administered by Area Agencies on Aging or community based senior service organizations. The Department shall hold public hearings on the proposed guidelines for public comment, suggestion, and determination of public interest. The guidelines shall be based on the findings of other states and of community organizations in Illinois that are currently operating volunteer services credit programs or demonstration volunteer services credit programs. The Department shall offer guidelines for all aspects of the programs including, but not limited to, the following:

(a) types of services to be offered by volunteers;

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(b) types of services to be received upon the redemption of service credits;
(c) issues of liability for the volunteers and the administering organizations;
(d) methods of tracking service credits earned and service credits redeemed;
(e) issues of time limits for redemption of service credits;
(f) methods of recruitment of volunteers;
(g) utilization of community volunteers, community service groups, and other resources for delivering services to be received by service credit program clients;
(h) accountability and assurance that services will be available to individuals who have earned service credits; and
(i) volunteer screening and qualifications.

The Department shall submit a written copy of the guidelines to the General Assembly by July 1, 1998.

(Source: P.A. 92-651, eff. 7-11-02.)

Section 15. The Mental Health and Developmental Disabilities Administrative Act is amended by changing Section 56 as follows:

(20 ILCS 1705/56) (from Ch. 91 1/2, par. 100-56)

Sec. 56. The Secretary, upon making a determination based upon information in the possession of the Department, that continuation in practice of a licensed health care professional would constitute an immediate danger to the public, shall submit a written communication to the Director of Professional Regulation indicating such determination and additionally providing a complete summary of the information upon which such determination is based, and recommending that the Director of Professional Regulation immediately suspend such person's license. All relevant evidence, or copies thereof, in the Department's possession may also be submitted in conjunction with the written communication. A copy of such written communication, which is exempt from the copying and inspection provisions of the Freedom of Information Act, shall at the time of submittal to the Director of Professional Regulation be simultaneously mailed to the last known business address of such licensed health care

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professional by certified or registered postage, United States Mail, return receipt requested. Any evidence, or copies thereof, which is submitted in conjunction with the written communication is also exempt from the copying and inspection provisions of the Freedom of Information Act.

For the purposes of this Section, "licensed health care professional" means any person licensed under the Illinois Dental Practice Act, the Nursing and Advanced Practice Nursing Act, the Medical Practice Act of 1987, the Pharmacy Practice Act of 1987, the Podiatric Medical Practice Act of 1987, and the Illinois Optometric Practice Act of 1987.

(Source: P.A. 89-507, eff. 7-1-97; 90-742, eff. 8-13-98.)

Section 20. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Section 2105-400 as follows:

(20 ILCS 2105/2105-400)
Sec. 2105-400. Emergency Powers.

(a) Upon proclamation of a disaster by the Governor, as provided for in the Illinois Emergency Management Agency Act, the Secretary of Financial and Professional Regulation shall have the following powers, which shall be exercised only in coordination with the Illinois Emergency Management Agency and the Department of Public Health:

(1) The power to suspend the requirements for permanent or temporary licensure of persons who are licensed in another state and are working under the direction of the Illinois Emergency Management Agency and the Department of Public Health pursuant to a declared disaster.

(2) The power to modify the scope of practice restrictions under any licensing act administered by the Department for any person working under the direction of the Illinois Emergency Management Agency and the Illinois Department of Public Health pursuant to the declared disaster.

(3) The power to expand the exemption in Section 4(a) of the Pharmacy Practice Act of 1987 to those licensed professionals whose scope of practice has been modified, under paragraph (2) of subsection (a) of this Section, to include any element of the

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practice of pharmacy as defined in the Pharmacy Practice Act of 1987 for any person working under the direction of the Illinois Emergency Management Agency and the Illinois Department of Public Health pursuant to the declared disaster.

(b) Persons exempt from licensure under paragraph (1) of subsection (a) of this Section and persons operating under modified scope of practice provisions under paragraph (2) of subsection (a) of this Section shall be exempt from licensure or be subject to modified scope of practice only until the declared disaster has ended as provided by law. For purposes of this Section, persons working under the direction of an emergency services and disaster agency accredited by the Illinois Emergency Management Agency and a local public health department, pursuant to a declared disaster, shall be deemed to be working under the direction of the Illinois Emergency Management Agency and the Department of Public Health.

(c) The Director shall exercise these powers by way of proclamation.

(Source: P.A. 93-829, eff. 7-28-04; 94-733, eff. 4-27-06.)

Section 25. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-140 as follows:

(20 ILCS 2310/2310-140) (was 20 ILCS 2310/55.37a)

Sec. 2310-140. Recommending suspension of licensed health care professional. The Director, upon making a determination based upon information in the possession of the Department that continuation in practice of a licensed health care professional would constitute an immediate danger to the public, shall submit a written communication to the Director of Professional Regulation indicating that determination and additionally (i) providing a complete summary of the information upon which the determination is based and (ii) recommending that the Director of Professional Regulation immediately suspend the person's license. All relevant evidence, or copies thereof, in the Department's possession may also be submitted in conjunction with the written communication. A copy of the written communication, which is exempt from the copying and

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inspection provisions of the Freedom of Information Act, shall at the time of submittal to the Director of Professional Regulation be simultaneously mailed to the last known business address of the licensed health care professional by certified or registered postage, United States Mail, return receipt requested. Any evidence, or copies thereof, that is submitted in conjunction with the written communication is also exempt from the copying and inspection provisions of the Freedom of Information Act.

For the purposes of this Section, "licensed health care professional" means any person licensed under the Illinois Dental Practice Act, the Nursing and Advanced Practice Nursing Act, the Medical Practice Act of 1987, the Pharmacy Practice Act of 1987, the Podiatric Medical Practice Act of 1987, or the Illinois Optometric Practice Act of 1987.

(Source: P.A. 90-742, eff. 8-13-98; 91-239, eff. 1-1-00.)

Section 30. The Illinois Municipal Code is amended by changing Section 11-22-1 as follows:

(65 ILCS 5/11-22-1) (from Ch. 24, par. 11-22-1)

Sec. 11-22-1. The corporate authorities of each municipality may erect, establish, and maintain hospitals, nursing homes and medical dispensaries, all on a nonprofit basis, and may locate and regulate hospitals, medical dispensaries, sanitariums, and undertaking establishments; provided that the corporate authorities of any municipality shall not regulate any pharmacy or drugstore registered under the Pharmacy Practice Act of 1987. Any hospital maintained under this Section is authorized to provide any service and enter into any contract or other arrangement not prohibited by a hospital licensed under the Hospital Licensing Act, incorporated under the General Not-For-Profit Corporation Act, and exempt from taxation under paragraph (3) of subsection (c) of Section 501 of the Internal Revenue Code.

For purposes of erecting, establishing and maintaining a nursing home on a nonprofit basis pursuant to this Section, the corporate authorities of each municipality shall have the power to borrow money; execute a promissory note or notes, execute a mortgage or trust deed to secure payment of such notes or deeds, or execute such other security instrument or document as needed, and pledge real and personal nursing
home property as security for any such promissory note, mortgage or trust deed; and issue revenue or general obligation bonds.  
(Source: P.A. 86-739.)

Section 35. The School Employee Benefit Act is amended by changing Section 25 as follows:

(105 ILCS 55/25)

Sec. 25. Pharmacy providers.
(a) The Department or its contractor may enter into a contract with a pharmacy registered or licensed under Section 16a of the Pharmacy Practice Act of 1987.

(b) Before entering into an agreement with other pharmacy providers, pursuant to Sections 15 and 20 of this Act, the Department or its contractor must by rule or contract establish terms or conditions that must be met by pharmacy providers desiring to contract with the Department or its contractor. If a pharmacy licensed under Section 15 of the Pharmacy Practice Act of 1987 rejects the terms and conditions established, the Department or its contractor may offer other terms and conditions necessary to comply with the network adequacy requirements.

(c) Notwithstanding the provisions of subsection (a) of this Section, the Department or its contractor may not refuse to contract with a pharmacy licensed under Section 15 of the Pharmacy Practice Act of 1987 that meets the terms and conditions established by the Department or its contractor under subsection (a) or (b) of this Section.  
(Source: P.A. 93-1036, eff. 9-14-04.)

Section 40. The Illinois Insurance Code is amended by changing Section 512-7 as follows:

(215 ILCS 5/512-7) (from Ch. 73, par. 1065.59-7)

Sec. 512-7. Contractual provisions.
(a) Any agreement or contract entered into in this State between the administrator of a program and a pharmacy shall include a statement of the method and amount of reimbursement to the pharmacy for services rendered to persons enrolled in the program, the frequency of payment by the program administrator to the pharmacy for those services, and a
method for the adjudication of complaints and the settlement of disputes between the contracting parties.

(b)(1) A program shall provide an annual period of at least 30 days during which any pharmacy licensed under the Pharmacy Practice Act of 1987 may elect to participate in the program under the program terms for at least one year.

(2) If compliance with the requirements of this subsection (b) would impair any provision of a contract between a program and any other person, and if the contract provision was in existence before January 1, 1990, then immediately after the expiration of those contract provisions the program shall comply with the requirements of this subsection (b).

(3) This subsection (b) does not apply if:

   (A) the program administrator is a licensed health maintenance organization that owns or controls a pharmacy and that enters into an agreement or contract with that pharmacy in accordance with subsection (a); or
   (B) the program administrator is a licensed health maintenance organization that is owned or controlled by another entity that also owns or controls a pharmacy, and the administrator enters into an agreement or contract with that pharmacy in accordance with subsection (a).

(4) This subsection (b) shall be inoperative after October 31, 1992.

(c) The program administrator shall cause to be issued an identification card to each person enrolled in the program. The identification card shall include:

   (1) the name of the individual enrolled in the program; and
   (2) an expiration date if required under the contractual arrangement or agreement between a provider of pharmaceutical services and prescription drug products and the third party prescription program administrator.

(Source: P.A. 86-473; 87-254.)
Section 45. The Health Maintenance Organization Act is amended by changing Section 2-3.1 as follows:

(215 ILCS 125/2-3.1) (from Ch. 111 1/2, par. 1405.1)

Sec. 2-3.1. (a) No health maintenance organization shall cause to be dispensed any drug other than that prescribed by a physician. Nothing herein shall prohibit drug product selection under Section 3.14 of the "Illinois Food, Drug and Cosmetic Act", approved June 29, 1967, as amended, and in accordance with the requirements of Section 25 of the "Pharmacy Practice Act of 1987", approved September 24, 1987, as amended.

(b) No health maintenance organization shall include in any contract with any physician providing for health care services any provision requiring such physician to prescribe any particular drug product to any enrollee unless the enrollee is a hospital in-patient where such drug product may be permitted pursuant to written guidelines or procedures previously established by a pharmaceutical or therapeutics committee of a hospital, approved by the medical staff of such hospital and specifically approved, in writing, by the prescribing physician for his or her patients in such hospital, and unless it is compounded, dispensed or sold by a pharmacy located in a hospital, as defined in Section 3 of the Hospital Licensing Act or a hospital organized under "An Act in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs", approved July 3, 1931, as amended.

(Source: P.A. 85-1246.)

Section 50. The Illinois Dental Practice Act is amended by changing Section 51 as follows:

(225 ILCS 25/51) (from Ch. 111, par. 2351)

(Section scheduled to be repealed on January 1, 2016)

Sec. 51. Dispensing Drugs or Medicine. Any dentist who dispenses any drug or medicine shall dispense such drug or medicine in good faith and shall affix to the box, bottle, vessel or package containing the same a label indicating:

(a) the date on which such drug or medicine is dispensed;

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(b) the name of the patient;
(c) the last name of the person dispensing such drug or medicine;
(d) the directions for use thereof; and
(e) the proprietary name or names or the established name or names of the drug or medicine, the dosage and quantity, except as otherwise authorized by regulation of the Department.

This Section shall not apply to drugs and medicines in a package which bears a label of the manufacturer containing information describing its contents which is in compliance with requirements of the Federal Food, Drug, and Cosmetic Act and the Illinois Food, Drug, and Cosmetic Act and which is dispensed without consideration by a dentist. "Drug" and "medicine" have the meanings ascribed to them in the Pharmacy Practice Act of 1987, as now or hereafter amended; "good faith" has the meaning ascribed to it in subsection (v) of Section 102 of the "Illinois Controlled Substances Act", as amended.

(Source: P.A. 85-1209.)

Section 55. The Health Care Worker Self-Referral Act is amended by changing Section 15 as follows:

(225 ILCS 47/15)
Sec. 15. Definitions. In this Act:
(a) "Board" means the Health Facilities Planning Board.
(b) "Entity" means any individual, partnership, firm, corporation, or other business that provides health services but does not include an individual who is a health care worker who provides professional services to an individual.
(c) "Group practice" means a group of 2 or more health care workers legally organized as a partnership, professional corporation, not-for-profit corporation, faculty practice plan or a similar association in which:

(1) each health care worker who is a member or employee or an independent contractor of the group provides substantially the full range of services that the health care worker routinely provides, including consultation, diagnosis, or treatment, through

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the use of office space, facilities, equipment, or personnel of the

(2) the services of the health care workers are provided
through the group, and payments received for health services are
treated as receipts of the group; and

(3) the overhead expenses and the income from the practice
are distributed by methods previously determined by the group.

(d) "Health care worker" means any individual licensed under the
laws of this State to provide health services, including but not limited to:
dentists licensed under the Illinois Dental Practice Act; dental hygienists
licensed under the Illinois Dental Practice Act; nurses and advanced
practice nurses licensed under the Nursing and Advanced Practice Nursing
Act; occupational therapists licensed under the Illinois Occupational
Therapy Practice Act; optometrists licensed under the Illinois Optometric
Practice Act of 1987; pharmacists licensed under the Pharmacy Practice
Act of 1987; physical therapists licensed under the Illinois Physical
Therapy Act; physicians licensed under the Medical Practice Act of 1987;
physician assistants licensed under the Physician Assistant Practice Act of
1987; podiatrists licensed under the Podiatric Medical Practice Act of
1987; clinical psychologists licensed under the Clinical Psychologist
Licensing Act; clinical social workers licensed under the Clinical Social
Work and Social Work Practice Act; speech-language pathologists and
audiologists licensed under the Illinois Speech-Language Pathology and
Audiology Practice Act; or hearing instrument dispensers licensed under
the Hearing Instrument Consumer Protection Act, or any of their successor
Acts.

(e) "Health services" means health care procedures and services
provided by or through a health care worker.

(f) "Immediate family member" means a health care worker's
spouse, child, child's spouse, or a parent.

(g) "Investment interest" means an equity or debt security issued by
an entity, including, without limitation, shares of stock in a corporation,
units or other interests in a partnership, bonds, debentures, notes, or other
equity interests or debt instruments except that investment interest for

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purposes of Section 20 does not include interest in a hospital licensed under the laws of the State of Illinois.

(h) "Investor" means an individual or entity directly or indirectly owning a legal or beneficial ownership or investment interest, (such as through an immediate family member, trust, or another entity related to the investor).

(i) "Office practice" includes the facility or facilities at which a health care worker, on an ongoing basis, provides or supervises the provision of professional health services to individuals.

(j) "Referral" means any referral of a patient for health services, including, without limitation:

1. The forwarding of a patient by one health care worker to another health care worker or to an entity outside the health care worker's office practice or group practice that provides health services.

2. The request or establishment by a health care worker of a plan of care outside the health care worker's office practice or group practice that includes the provision of any health services.

(Source: P.A. 89-72, eff. 12-31-95; 90-742, eff. 8-13-98.)

Section 60. The Medical Practice Act of 1987 is amended by changing Section 33 as follows:

(225 ILCS 60/33) (from Ch. 111, par. 4400-33)

Sec. 33. Any person licensed under this Act to practice medicine in all of its branches shall be authorized to purchase legend drugs requiring an order of a person authorized to prescribe drugs, and to dispense such legend drugs in the regular course of practicing medicine. The dispensing of such legend drugs shall be the personal act of the person licensed under this Act and may not be delegated to any other person not licensed under this Act or the Pharmacy Practice Act of 1987 unless such delegated dispensing functions are under the direct supervision of the physician authorized to dispense legend drugs. Except when dispensing manufacturers' samples or other legend drugs in a maximum 72 hour supply, persons licensed under this Act shall maintain a book or file of

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prescriptions as required in the Pharmacy Practice Act of 1987. Any person licensed under this Act who dispenses any drug or medicine shall dispense such drug or medicine in good faith and shall affix to the box, bottle, vessel or package containing the same a label indicating (a) the date on which such drug or medicine is dispensed; (b) the name of the patient; (c) the last name of the person dispensing such drug or medicine; (d) the directions for use thereof; and (e) the proprietary name or names or, if there are none, the established name or names of the drug or medicine, the dosage and quantity, except as otherwise authorized by regulation of the Department of Professional Regulation. The foregoing labeling requirements shall not apply to drugs or medicines in a package which bears a label of the manufacturer containing information describing its contents which is in compliance with requirements of the Federal Food, Drug, and Cosmetic Act and the Illinois Food, Drug, and Cosmetic Act. "Drug" and "medicine" have the meaning ascribed to them in the Pharmacy Practice Act of 1987, as now or hereafter amended; "good faith" has the meaning ascribed to it in subsection (v) of Section 102 of the "Illinois Controlled Substances Act", approved August 16, 1971, as amended.

Prior to dispensing a prescription to a patient, the physician shall offer a written prescription to the patient which the patient may elect to have filled by the physician or any licensed pharmacy.

A violation of any provision of this Section shall constitute a violation of this Act and shall be grounds for disciplinary action provided for in this Act.

(Source: P.A. 85-1209.)

Section 65. The Illinois Optometric Practice Act of 1987 is amended by changing Section 3 as follows:

(225 ILCS 80/3) (from Ch. 111, par. 3903)

(Section scheduled to be repealed on January 1, 2017)

Sec. 3. Practice of optometry defined; referrals; manufacture of lenses and prisms.

(a) The practice of optometry is defined as the employment of any and all means for the examination, diagnosis, and treatment of the human
visual system, the human eye, and its appendages without the use of surgery, including but not limited to: the appropriate use of ocular pharmaceutical agents; refraction and other determinants of visual function; prescribing corrective lenses or prisms; prescribing, dispensing, or management of contact lenses; vision therapy; visual rehabilitation; or any other procedures taught in schools and colleges of optometry approved by the Department, and not specifically restricted in this Act, subject to demonstrated competency and training as required by the Board, and pursuant to rule or regulation approved by the Board and adopted by the Department.

A person shall be deemed to be practicing optometry within the meaning of this Act who:

(1) In any way presents himself or herself to be qualified to practice optometry.
(2) Performs refractions or employs any other determinants of visual function.
(3) Employs any means for the adaptation of lenses or prisms.
(4) Prescribes corrective lenses, prisms, vision therapy, visual rehabilitation, or ocular pharmaceutical agents.
(5) Prescribes or manages contact lenses for refractive, cosmetic, or therapeutic purposes.
(6) Evaluates the need for, or prescribes, low vision aids to partially sighted persons.
(7) Diagnoses or treats any ocular abnormality, disease, or visual or muscular anomaly of the human eye or visual system.
(8) Practices, or offers or attempts to practice, optometry as defined in this Act either on his or her own behalf or as an employee of a person, firm, or corporation, whether under the supervision of his or her employer or not.

Nothing in this Section shall be interpreted (i) to prevent a person from functioning as an assistant under the direct supervision of a person licensed by the State of Illinois to practice optometry or medicine in all of its branches or (ii) to prohibit visual screening programs that are
conducted without a fee (other than voluntary donations), by charitable organizations acting in the public welfare under the supervision of a committee composed of persons licensed by the State of Illinois to practice optometry or persons licensed by the State of Illinois to practice medicine in all of its branches.

(b) When, in the course of providing optometric services to any person, an optometrist licensed under this Act finds an indication of a disease or condition of the eye which in his or her professional judgment requires professional service outside the scope of practice as defined in this Act, he or she shall refer such person to a physician licensed to practice medicine in all of its branches, or other appropriate health care practitioner. Nothing in this Act shall preclude an optometrist from rendering appropriate nonsurgical emergency care.

(c) Nothing contained in this Section shall prohibit a person from manufacturing ophthalmic lenses and prisms or the fabrication of contact lenses according to the specifications prescribed by an optometrist or a physician licensed to practice medicine in all of its branches, but shall specifically prohibit the sale or delivery of ophthalmic lenses, prisms, and contact lenses without a prescription signed by an optometrist or a physician licensed to practice medicine in all of its branches.

(d) Nothing in this Act shall restrict the filling of a prescription by a pharmacist licensed under the Pharmacy Practice Act of 1987.

(Source: P.A. 94-787, eff. 5-19-06.)

Section 70. The Pharmacy Practice Act of 1987 is amended by changing Sections 2, 3, 5, 6, 7, 7.5, 8, 9, 10, 11, 12, 13, 15, 16, 16a, 17, 17.1, 18, 19, 20, 22, 22a, 25, 26, 27, 30, 35.1, 35.2, 35.5, 35.7, 35.10, 35.12, 35.16, and 35.19 and by adding Sections 2.5, 9.5, 14.1, 16b, 22b, 25.5, 25.10, 25.15, and 25.20 as follows:

(225 ILCS 85/2) (from Ch. 111, par. 4122)
(Section scheduled to be repealed on January 1, 2008)
Sec. 2. This Act shall be known as the "Pharmacy Practice Act of 1987".
(Source: P.A. 85-796.)
(225 ILCS 85/2.5 new)
Sec. 2.5. References to Department or Director of Professional Regulation. References in this Act (i) to the Department of Professional Regulation are deemed, in appropriate contexts, to be references to the Department of Financial and Professional Regulation and (ii) to the Director of Professional Regulation are deemed, in appropriate contexts, to be references to the Secretary of Financial and Professional Regulation.

(225 ILCS 85/3) (from Ch. 111, par. 4123)
(Section scheduled to be repealed on January 1, 2008)

Sec. 3. Definitions. For the purpose of this Act, except where otherwise limited therein:

(a) "Pharmacy" or "drugstore" means and includes every store, shop, pharmacy department, or other place where pharmacist pharmaceutical care is provided by a pharmacist (1) where drugs, medicines, or poisons are dispensed, sold or offered for sale at retail, or displayed for sale at retail; or (2) where prescriptions of physicians, dentists, advanced practice nurses, physician assistants, veterinarians, podiatrists, or therapeutically certified optometrists, within the limits of their licenses, are compounded, filled, or dispensed; or (3) which has upon it or displayed within it, or affixed to or used in connection with it, a sign bearing the word or words "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care", "Apothecary", "Drugstore", "Medicine Store", "Prescriptions", "Drugs", "Dispensary", "Medicines", or any word or words of similar or like import, either in the English language or any other language; or (4) where the characteristic prescription sign (Rx) or similar design is exhibited; or (5) any store, or shop, or other place with respect to which any of the above words, objects, signs or designs are used in any advertisement.

(b) "Drugs" means and includes (l) articles recognized in the official United States Pharmacopoeia/National Formulary (USP/NF), or any supplement thereto and being intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, as approved by the United States Food and Drug Administration, but does not include devices or their components, parts, or

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accessories; and (2) all other articles intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, as approved by the United States Food and Drug Administration, but does not include devices or their components, parts, or accessories; and (3) articles (other than food) having for their main use and intended to affect the structure or any function of the body of man or other animals; and (4) articles having for their main use and intended for use as a component or any articles specified in clause (1), (2) or (3); but does not include devices or their components, parts or accessories.

(c) "Medicines" means and includes all drugs intended for human or veterinary use approved by the United States Food and Drug Administration.

(d) "Practice of pharmacy" means (1) the interpretation and the provision of assistance in the monitoring, evaluation, and implementation of prescription drug orders; (2) the dispensing of prescription drug orders; (3) participation in drug and device selection; (4) drug administration limited to the administration of oral, topical, injectable, and inhalation as follows: in the context of patient education on the proper use or delivery of medications; vaccination of patients 14 years of age and older pursuant to a valid prescription or standing order, by a physician licensed to practice medicine in all its branches, upon completion of appropriate training, including how to address contraindications and adverse reactions set forth by rule, with notification to the patient's physician and appropriate record retention, or pursuant to hospital pharmacy and therapeutics committee policies and procedures; (5) drug regimen review; (6) drug or drug-related research; (7) the provision of patient counseling; (8) the practice of telepharmacy; (9) the provision of those acts or services necessary to provide pharmacist care; (10) medication therapy management; and (11) the responsibility for compounding and labeling of drugs and devices (except labeling by a manufacturer, repackager, or distributor of non-prescription drugs and commercially packaged legend drugs and devices), proper and safe storage of drugs and devices, and maintenance of required records. A pharmacist who performs any of the acts defined as the practice of pharmacy.
pharmacy in this State must be actively licensed as a pharmacist under this Act. means the provision of pharmaceutical care to patients as determined by the pharmacist's professional judgment in the following areas, which may include but are not limited to (1) patient counseling, (2) interpretation and assisting in the monitoring of appropriate drug use and prospective drug utilization review, (2) providing information on the therapeutic values, reactions, drug interactions, side effects, uses, selection of medications and medical devices, and outcome of drug therapy, (4) participation in drug selection, drug monitoring, drug utilization review, evaluation, administration, interpretation, application of pharmacokinetic and laboratory data to design safe and effective drug regimens, (5) drug research (clinical and scientific), and (6) compounding and dispensing of drugs and medical devices.

(e) "Prescription" means and includes any written, oral, facsimile, or electronically transmitted order for drugs or medical devices, issued by a physician licensed to practice medicine in all its branches, dentist, veterinarian, or podiatrist, or therapeutically certified optometrist, within the limits of their licenses, by a physician assistant in accordance with subsection (f) of Section 4, or by an advanced practice nurse in accordance with subsection (g) of Section 4, containing the following: (1) name of the patient; (2) date when prescription was issued; (3) name and strength of drug or description of the medical device prescribed; and (4) quantity, (5) directions for use, (6) prescriber's name, address and signature, and (7) DEA number where required, for controlled substances. DEA numbers shall not be required on inpatient drug orders.

(f) "Person" means and includes a natural person, copartnership, association, corporation, government entity, or any other legal entity.

(g) "Department" means the Department of Financial and Professional Regulation.

(h) "Board of Pharmacy" or "Board" means the State Board of Pharmacy of the Department of Financial and Professional Regulation.

(i) "Secretary" or "Director" means the Secretary Director of Financial and Professional Regulation.

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(j) "Drug product selection" means the interchange for a prescribed pharmaceutical product in accordance with Section 25 of this Act and Section 3.14 of the Illinois Food, Drug and Cosmetic Act.

(k) "Inpatient drug order" means an order issued by an authorized prescriber for a resident or patient of a facility licensed under the Nursing Home Care Act or the Hospital Licensing Act, or "An Act in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs", approved July 3, 1931, as amended, or a facility which is operated by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or the Department of Corrections.

(k-5) "Pharmacist" means an individual health care professional and provider currently licensed by this State to engage in the practice of pharmacy.

(l) "Pharmacist in charge" means the licensed pharmacist whose name appears on a pharmacy license and who is responsible for all aspects of the operation related to the practice of pharmacy.

(m) "Dispense" or "dispensing" means the interpretation, evaluation, and implementation of a prescription drug order, including the preparation and delivery of a drug or device to a patient or patient's agent in a suitable container appropriately labeled for subsequent administration to or use by a patient in accordance with applicable State and federal laws and regulations. Delivery of drugs and medical devices, in accordance with applicable State and federal laws and regulations, to the patient or the patient's representative authorized to receive these products, including the preparation, compounding, packaging, and labeling necessary for delivery, computer entry, and verification of medication orders and prescriptions, and any recommending or advising concerning the contents and therapeutic values and uses thereof. "Dispense" or "dispensing" does not mean the physical delivery to a patient or a patient's representative in a home or institution by a designee of a pharmacist or by common carrier. "Dispense" or "dispensing" also does not mean the physical delivery of a drug or medical device to a patient or patient's

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representative by a pharmacist's designee within a pharmacy or drugstore while the pharmacist is on duty and the pharmacy is open.

(n) "Nonresident pharmacy" "Mail-order pharmacy" means a pharmacy that is located in a state, commonwealth, or territory of the United States, other than Illinois, that delivers, dispenses, or distributes, through the United States Postal Service, commercially acceptable parcel delivery service, or other common carrier, to Illinois residents, any substance which requires a prescription.

(o) "Compounding" means the preparation and mixing of components, excluding flavorings, (1) as the result of a prescriber's prescription drug order or initiative based on the prescriber-patient-pharmacist relationship in the course of professional practice or (2) for the purpose of, or incident to, research, teaching, or chemical analysis and not for sale or dispensing. "Compounding" includes the preparation of drugs or devices in anticipation of receiving prescription drug orders based on routine, regularly observed dispensing patterns. Commercially available products may be compounded for dispensing to individual patients only if all of the following conditions are met: (i) the commercial product is not reasonably available from normal distribution channels in a timely manner to meet the patient's needs and (ii) the prescribing practitioner has requested that the drug be compounded.

(p) (Blank). "Confidential information" means information, maintained by the pharmacist in the patient's records, released only (i) to the patient or, as the patient directs, to other practitioners and other pharmacists or (ii) to any other person authorized by law to receive the information.

(q) (Blank). "Prospective drug review" or "drug utilization evaluation" means a screening for potential drug therapy problems due to
therapeutic duplication, drug-disease contraindications, drug-drug interactions (including serious interactions with nonprescription or over-the-counter drugs), drug-food interactions, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse or misuse.

(r) "Patient counseling" means the communication between a pharmacist or a pharmacy intern under the supervision of a pharmacist and a patient or the patient's representative about the patient's medication or device for the purpose of optimizing proper use of prescription medications or devices. "Patient counseling" may include without limitation (1) obtaining a medication history; (2) acquiring a patient's allergies and health conditions; (3) facilitation of the patient's understanding of the intended use of the medication; (4) proper directions for use; (5) significant potential adverse events; (6) potential food-drug interactions; and (7) the need to be compliant with the medication therapy. A pharmacy technician may only participate in the following aspects of patient counseling under the supervision of a pharmacist: (1) obtaining medication history; (2) providing the offer for counseling by a pharmacist or intern; and (3) acquiring a patient's allergies and health conditions. or a student pharmacist under the direct supervision of a pharmacist and a patient or the patient's representative about the patient's medication or device for the purpose of optimizing proper use of prescription medications or devices. The offer to counsel by the pharmacist or the pharmacist's designee, and subsequent patient counseling by the pharmacist or student pharmacist, shall be made in a face-to-face communication with the patient or patient's representative unless, in the professional judgment of the pharmacist, a face-to-face communication is deemed inappropriate or unnecessary. In that instance, the offer to counsel or patient counseling may be made in a written communication, by telephone, or in a manner determined by the pharmacist to be appropriate.

(s) "Patient profiles" or "patient drug therapy record" means the obtaining, recording, and maintenance of patient prescription information,
including prescriptions for controlled substances, and personal information.

(t) (Blank). "Pharmaceutical care" includes, but is not limited to, the act of monitoring drug use and other patient care services intended to achieve outcomes that improve the patient's quality of life but shall not include the sale of over-the-counter drugs by a seller of goods and services who does not dispense prescription drugs:

(u) "Medical device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component part or accessory, required under federal law to bear the label "Caution: Federal law requires dispensing by or on the order of a physician". A seller of goods and services who, only for the purpose of retail sales, compounds, sells, rents, or leases medical devices shall not, by reasons thereof, be required to be a licensed pharmacy.

(v) "Unique identifier" means an electronic signature, handwritten signature or initials, thumb print, or other acceptable individual biometric or electronic identification process as approved by the Department.

(w) "Current usual and customary retail price" means the actual price that a pharmacy charges to a non-third-party payor a retail purchaser.

(x) "Automated pharmacy system" means a mechanical system located within the confines of the pharmacy or remote location that performs operations or activities, other than compounding or administration, relative to storage, packaging, dispensing, or distribution of medication, and which collects, controls, and maintains all transaction information.

(y) "Drug regimen review" means and includes the evaluation of prescription drug orders and patient records for (1) known allergies; (2) drug or potential therapy contraindications; (3) reasonable dose, duration of use, and route of administration, taking into consideration factors such as age, gender, and contraindications; (4) reasonable directions for use; (5) potential or actual adverse drug reactions; (6) drug-drug interactions; (7) drug-food interactions; (8) drug-disease contraindications; (9) therapeutic duplication; (10) patient laboratory values when authorized

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and available; (11) proper utilization (including over or under utilization) and optimum therapeutic outcomes; and (12) abuse and misuse.

(z) "Electronic transmission prescription" means any prescription order for which a facsimile or electronic image of the order is electronically transmitted from a licensed prescriber to a pharmacy. "Electronic transmission prescription" includes both data and image prescriptions.

(aa) "Medication therapy management services" means a distinct service or group of services offered by licensed pharmacists, physicians licensed to practice medicine in all its branches, advanced practice nurses authorized in a written agreement with a physician licensed to practice medicine in all its branches, or physician assistants authorized in guidelines by a supervising physician that optimize therapeutic outcomes for individual patients through improved medication use. In a retail or other non-hospital pharmacy, medication therapy management services shall consist of the evaluation of prescription drug orders and patient medication records to resolve conflicts with the following:

(1) known allergies;
(2) drug or potential therapy contraindications;
(3) reasonable dose, duration of use, and route of administration, taking into consideration factors such as age, gender, and contraindications;
(4) reasonable directions for use;
(5) potential or actual adverse drug reactions;
(6) drug-drug interactions;
(7) drug-food interactions;
(8) drug-disease contraindications;
(9) identification of therapeutic duplication;
(10) patient laboratory values when authorized and available;
(11) proper utilization (including over or under utilization) and optimum therapeutic outcomes; and
(12) drug abuse and misuse.

"Medication therapy management services" includes the following:

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(1) documenting the services delivered and communicating the information provided to patients’ prescribers within an appropriate time frame, not to exceed 48 hours;

(2) providing patient counseling designed to enhance a patient’s understanding and the appropriate use of his or her medications; and

(3) providing information, support services, and resources designed to enhance a patient’s adherence with his or her prescribed therapeutic regimens.

"Medication therapy management services" may also include patient care functions authorized by a physician licensed to practice medicine in all its branches for his or her identified patient or groups of patients under specified conditions or limitations in a standing order from the physician. "Medication therapy management services" in a licensed hospital may also include the following:

(1) reviewing assessments of the patient’s health status; and

(2) following protocols of a hospital pharmacy and therapeutics committee with respect to the fulfillment of medication orders.

(bb) "Pharmacist care" means the provision by a pharmacist of medication therapy management services, with or without the dispensing of drugs or devices, intended to achieve outcomes that improve patient health, quality of life, and comfort and enhance patient safety.

(cc) "Protected health information" means individually identifiable health information that, except as otherwise provided, is:

(1) transmitted by electronic media;

(2) maintained in any medium set forth in the definition of "electronic media" in the federal Health Insurance Portability and Accountability Act; or

(3) transmitted or maintained in any other form or medium. "Protected health information" does not include individually identifiable health information found in:

(1) education records covered by the federal Family Educational Right and Privacy Act; or

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(2) employment records held by a licensee in its role as an employer.

(dd) "Standing order" means a specific order for a patient or group of patients issued by a physician licensed to practice medicine in all its branches in Illinois.

(ee) "Address of record" means the address recorded by the Department in the applicant's or licensee's application file or license file, as maintained by the Department's licensure maintenance unit.

(ff) "Home pharmacy" means the location of a pharmacy's primary operations.

(Source: P.A. 93-571, eff. 8-20-03; 93-1075, eff. 1-18-05; 94-459, eff. 1-1-06.)

Sec. 5. Application of Act.

(a) It shall be unlawful for any person to engage in the practice of pharmacy in this State and it shall be unlawful for any employer to allow any person in his or her employ to engage in the practice of pharmacy in this State, unless such person who shall engage in the practice of pharmacy in this State shall be first authorized to do so under the provisions of this Act.

(b) Nothing contained in this Act shall be construed to invalidate any existing valid and unexpired certificate of registration, nor any existing rights or privileges thereunder, of any registered pharmacist, registered assistant pharmacist, local registered pharmacist, or registered pharmacy apprentice, in force on January 1, 1956 and issued under any prior Act of this State also in force on January 1, 1956. Every person holding such a certificate of registration shall have the authority to practice under this Act, but shall be subject to the same limitations and restrictions as were applicable to him or her in the Act under which his or her certificate of registration was issued. Each such certificate may be renewed as provided in Section 12.

(c) It shall be unlawful for any person to take, use or exhibit any word, object, sign or design described in subsection (a) of Section 3 in

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connection with any drug store, shop or other place or in any other manner
to advertise or hold himself out as operating or conducting a drug store
unless such drug store, shop, pharmacy department or other place shall be
operated and conducted in compliance with the provisions of this Act.

(d) Nothing in this Act shall be construed to authorize a
pharmacist to prescribe or perform medical diagnosis of human ailments
or conditions.

(Source: P.A. 90-253, eff. 7-29-97.)

(225 ILCS 85/6) (from Ch. 111, par. 4126)

(Section scheduled to be repealed on January 1, 2008)

Sec. 6. Each individual seeking licensure as a registered pharmacist
shall make application to the Department and shall provide evidence of the
following:

1. that he or she is a United States citizen or legally admitted alien;
2. that he or she has not engaged in conduct or behavior
determined to be grounds for discipline under this Act;
3. that he or she is a graduate of a first professional degree program
in pharmacy of a university recognized and approved by the Department;
4. that he or she has successfully completed a program of practice
experience under the direct supervision of a registered pharmacist in a
pharmacy in this State, or in any other State; and
5. that he or she has passed an examination recommended by the
Board of Pharmacy and authorized by the Department.

The program of practice experience referred to in paragraph (4) of
this Section shall be fulfilled by the successful completion of a practice
course offered by a school or college of pharmacy or department of
pharmacy recognized and approved by the Department, which shall be a
minimum of one academic quarter in length.

Any person applying for a license as a registered pharmacist in this
State who has graduated from a first professional degree program in
pharmacy of at least 5 academic years from a school or college of
pharmacy, which at the time of such graduation was not recognized and
approved as reputable and in good standing by the Department, shall be
required, in order to qualify for admittance to take the Department's
examination for licensure as a registered pharmacist, to pass a preliminary diagnostic examination recommended by the Board and authorized by the Department, covering proficiency in the English language and such academic areas as the Board may deem essential to a satisfactory pharmacy curriculum and by rule prescribe. Any applicant who submits to and fails to pass the preliminary diagnostic examination may be required to satisfy the Board that he has taken additional remedial work previously approved by the Board to correct deficiencies in his pharmaceutical education indicated by the results of the last preliminary diagnostic examination prior to taking the preliminary diagnostic examination again.

Any applicant who has graduated from a first professional degree program in pharmacy of at least 5 academic years from a school or college of pharmacy, which at the time of such graduation was not recognized and approved as reputable and in good standing by the Department, shall complete a clinical program previously approved by the Board on the basis of its equivalence to programs that are components of first professional degree programs in pharmacy approved by the Department.

Any person required by Section 6 to submit to a preliminary diagnostic examination in advance of admittance to an examination for registration as a registered pharmacist under this Act shall be permitted to take such preliminary diagnostic examination, provided that he is not less than 21 years of age and furnishes the Department with satisfactory evidence that he has: successfully completed a program of preprofessional education (postsecondary school) consisting of course work equivalent to that generally required for admission to U.S. colleges of pharmacy recognized and approved as reputable and in good standing by the Department, and has received a degree in pharmacy as required in this Section.

The Department shall issue a license as a registered pharmacist to any applicant who has qualified as aforesaid and who has filed the required applications and paid the required fees in connection therewith; and such registrant shall have the authority to practice the profession of pharmacy in this State.
(Source: P.A. 85-796.)

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Sec. 7. Application; examination. Applications for original licenses shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable. Any such application shall require such information as in the judgment of the Department will enable the Board and Department to pass on the qualifications of the applicant for a license.

The Department shall authorize examinations of applicants as pharmacists not less than 3 times per year at such times and places as it may determine. The examination of applicants shall be of a character to give a fair test of the qualifications of the applicant to practice pharmacy.

Applicants for examination as pharmacists shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee. The examination shall be developed and provided by the National Association of Boards of Pharmacy.

If an applicant neglects, fails or refuses to take an examination or fails to pass an examination for a license under this Act within 3 years after filing his application, the application is denied. However, such applicant may thereafter make a new application accompanied by the required fee and show evidence of meeting the requirements in force at the time of the new application.

The Department shall notify applicants taking the examination of their results within 7 weeks of the examination date. Further, the Department shall have the authority to immediately authorize such applicants who successfully pass the examination to engage in the practice of pharmacy.

An applicant shall have one year from the date of notification of successful completion of the examination to apply to the Department for a

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license. If an applicant fails to make such application within one year the applicant shall be required to again take and pass the examination.

An applicant who has graduated with a professional degree from a school of pharmacy located outside of the United States must do the following:

(1) obtain a Foreign Pharmacy Graduate Examination Committee (FPGEC) Certificate;
(2) complete 1,200 hours of clinical training and experience, as defined by rule, in the United States or its territories; and
(3) successfully complete the licensing requirements set forth in Section 6 of this Act, as well as those adopted by the Department by rule.

The Department may employ consultants for the purpose of preparing and conducting examinations.

(Source: P.A. 90-253, eff. 7-29-97.)

(225 ILCS 85/7.5)

(Section scheduled to be repealed on January 1, 2008)

Sec. 7.5. Social Security Number or unique identifying number on license application. In addition to any other information required to be contained in the application, every application for an original, renewal, or restored license under this Act shall include the applicant's Social Security Number or other unique identifying number deemed appropriate by the Department.

(Source: P.A. 90-144, eff. 7-23-97.)

(225 ILCS 85/8) (from Ch. 111, par. 4128)

(Section scheduled to be repealed on January 1, 2008)

Sec. 8. Licensure by endorsement; emergency licensure. The Department may, in its discretion, license as a pharmacist, without examination, on payment of the required fee, an applicant who is so licensed under the laws of another U.S. jurisdiction or another country, if the requirements for licensure in the other jurisdiction in which the applicant was licensed, were, at the date of his or her licensure deemed by

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the Board to be substantially equivalent to the requirements then in force in this State.

A person holding an active, unencumbered license in good standing in another jurisdiction who applies for a license pursuant to Section 7 of this Act due to a natural disaster or catastrophic event in another jurisdiction may be temporarily authorized by the Secretary to practice pharmacy pending the issuance of the license. This temporary authorization shall expire upon issuance of the license or upon notification that the Department has denied licensure.

Upon a declared Executive Order due to an emergency caused by a natural or manmade disaster or any other exceptional situation that causes an extraordinary demand for pharmacist services, the Department may issue a pharmacist who holds a license to practice pharmacy in another state an emergency license to practice in this State.

(Source: P.A. 85-796.)

(225 ILCS 85/9) (from Ch. 111, par. 4129)

(Section scheduled to be repealed on January 1, 2008)

Sec. 9. Registration as pharmacy technician. Any person shall be entitled to registration as a registered pharmacy technician who is of the age of 16 or over, has not engaged in conduct or behavior determined to be grounds for discipline under this Act, is of temperate habits, has graduated from an accredited high school or comparable school or educational institution or received a GED, and has filed a written application for registration on a form to be prescribed and furnished by the Department for that purpose. The Department shall issue a certificate of registration as a registered pharmacy technician to any applicant who has qualified as aforesaid, and such registration shall be the sole authority required to assist licensed pharmacists in the practice of pharmacy, under the personal supervision of a licensed pharmacist. A registered pharmacy technician may, under the supervision of a pharmacist, assist in the practice of pharmacy and perform such functions as assisting in the dispensing process, offering counseling, receiving new verbal prescription orders, and having prescriber contact concerning prescription drug order

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clarification. A registered pharmacy technician may not engage in patient counseling, drug regimen review, or clinical conflict resolution.

Beginning on January 1, 2010, within 2 years after being employed as a registered technician, a pharmacy technician must become certified by successfully passing the Pharmacy Technician Certification Board (PTCB) examination or another Board-approved pharmacy technician examination in order to continue to perform pharmacy technician's duties. This requirement does not apply to pharmacy technicians hired prior to January 1, 2008.

Any person registered as a pharmacy technician who is also enrolled in a first professional degree program in pharmacy in a school or college of pharmacy or a department of pharmacy of a university approved by the Department shall be considered a "pharmacy intern" or "student pharmacist" and entitled to use the title "pharmacy intern". A pharmacy intern must meet all of the requirements for registration as a pharmacy technician set forth in this Section and pay the required pharmacy technician registration fees.

The Department, upon the recommendation of the Board, may take any action set forth in Section 30 of this Act with regard to certificates pursuant to this Section.

Any person who is enrolled in a non-traditional Pharm.D. program at an ACPE accredited college of pharmacy and is a licensed pharmacist under the laws of another United States jurisdiction shall be permitted to engage in the program of practice experience required in the academic program by virtue of such license. Such person shall be exempt from the requirement of registration as a registered pharmacy technician while engaged in the program of practice experience required in the academic program.

An applicant for registration as a pharmacy technician may assist a registered pharmacist in the practice of pharmacy for a period of up to 60 days prior to the issuance of a certificate of registration if the applicant has submitted the required fee and an application for registration to the Department. The applicant shall keep a copy of the submitted application on the premises where the applicant is assisting in the practice of
pharmacy. The Department shall forward confirmation of receipt of the application with start and expiration dates of practice pending registration.

(Source: P.A. 92-16, eff. 6-28-01.)

(225 ILCS 85/9.5 new)

Sec. 9.5. Certified pharmacy technician.

(a) An individual registered as a pharmacy technician under this Act may receive certification as a certified pharmacy technician, if he or she meets all of the following requirements:

(1) He or she has submitted a written application in the form and manner prescribed by the Board.

(2) He or she has attained the age of 18.

(3) He or she is of good moral character, as determined by the Department.

(4) He or she has (i) graduated from pharmacy technician training meeting the requirements set forth in subsection (a) of Section 17.1 of this Act or (ii) obtained documentation from the pharmacist-in-charge of the pharmacy where the applicant is employed verifying that he or she has successfully completed a training program and has successfully completed an objective assessment mechanism prepared in accordance with rules established by the Board.

(5) He or she has successfully passed an examination accredited by the National Organization of Certifying Agencies, as approved and required by the Board.

(6) He or she has paid the required certification fees.

(b) No pharmacist whose license has been denied, revoked, suspended, or restricted for disciplinary purposes may be eligible to be registered as a certified pharmacy technician.

(c) The Board may, by rule, establish any additional requirements for certification under this Section.

(225 ILCS 85/10) (from Ch. 111, par. 4130)

(Section scheduled to be repealed on January 1, 2008)
Sec. 10. State Board of Pharmacy. There is created in the Department the State Board of Pharmacy. It shall consist of 9 members, 7 of whom shall be licensed pharmacists. Each of those 7 members must be a licensed pharmacist in good standing in this State, a graduate of an accredited college of pharmacy or hold a Bachelor of Science degree in Pharmacy and have at least 5 years’ practical experience in the practice of pharmacy subsequent to the date of his licensure as a licensed pharmacist in the State of Illinois. There shall be 2 public members, who shall be voting members, who shall not be licensed pharmacists in this State or any other state.

Each member shall be appointed by the Governor. Members

The terms of all members serving as of March 31, 1999 shall expire on that date. The Governor shall appoint 3 persons to serve one-year terms, 3 persons to serve 3-year terms, and 3 persons to serve 5-year terms to begin April 1, 1999. Otherwise, members shall be appointed to 5 year terms. The Governor shall fill any vacancy for the remainder of the unexpired term. Partial terms over 3 years in length shall be considered full terms. A member may be reappointed for a successive term, but no member shall serve more than 2 full terms in his or her lifetime. No member shall be eligible to serve more than 12 consecutive years.

In making the appointment of members on the Board, the Governor shall give due consideration to recommendations by the members of the profession of pharmacy and by pharmacy pharmaceutical organizations therein. The Governor shall notify the pharmacy pharmaceutical organizations promptly of any vacancy of members on the Board and in appointing members shall give consideration to individuals engaged in all types and settings of pharmacy practice.

The Governor may remove any member of the Board for misconduct, incapacity or neglect of duty and he shall be the sole judge of the sufficiency of the cause for removal.

Every person appointed a member of the Board shall take and subscribe the constitutional oath of office and file it with the Secretary of State: Each member of the Board shall be reimbursed for such actual and

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legitimate expenses as he may incur in going to and from the place of meeting and remaining thereat during sessions of the Board. In addition, each member of the Board may shall receive a per diem payment in an amount determined from time to time by the Director for attendance at meetings of the Board and conducting other official business of the Board.

The Board shall hold quarterly meetings and an annual meeting in January of each year and such other meetings at such times and places and upon such notice as the Department Board may determine and as its business may require. A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Board. Five members of the Board shall constitute a quorum for the transaction of business. The Director shall appoint a pharmacy coordinator, who shall be someone other than a member of the Board. The pharmacy coordinator shall be a registered pharmacist in good standing in this State, shall be a graduate of an accredited college of pharmacy, or hold at a minimum a Bachelor of Science degree in Pharmacy and shall have at least 5 years' experience in the practice of pharmacy immediately prior to his appointment. The pharmacy coordinator shall be the executive administrator and the chief enforcement officer of the Pharmacy Practice Act of 1987.

The Board shall exercise the rights, powers and duties which have been vested in the Board under this Act, and any other duties conferred upon the Board by law.

The Director shall, in conformity with the Personnel Code, employ not less than 7 pharmacy investigators and 2 pharmacy supervisors. Each pharmacy investigator and each supervisor shall be a registered pharmacist in good standing in this State, and shall be a graduate of an accredited college of pharmacy and have at least 5 years of experience in the practice of pharmacy. The Department shall also employ at least one attorney who is a pharmacist to prosecute violations of this Act and its rules. The Department may, in conformity with the Personnel Code, employ such clerical and other employees as are necessary to carry out the duties of the Board.

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The duly authorized pharmacy investigators of the Department shall have the right to enter and inspect during business hours any pharmacy or any other place in the State of Illinois holding itself out to be a pharmacy where medicines or drugs or drug products or proprietary medicines are sold, offered for sale, exposed for sale, or kept for sale. The pharmacy investigators shall be the only Department investigators authorized to inspect, investigate, and monitor probation compliance of pharmacists, pharmacies, and pharmacy technicians.

(Source: P.A. 91-827, eff. 6-13-00; 92-651, eff. 7-11-02; 92-880, eff. 1-1-04.)

(225 ILCS 85/11) (from Ch. 111, par. 4131)

(Section scheduled to be repealed on January 1, 2008)

Sec. 11. Duties of the Department. The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of Licensing Acts and shall exercise such other powers and duties necessary for effectuating the purpose of this Act. However, the following powers and duties shall be exercised only upon review action and report in writing of a majority of the Board of Pharmacy to take such action:

(a) Formulate such rules, not inconsistent with law and subject to the Illinois Administrative Procedure Act, as may be necessary to carry out the purposes and enforce the provisions of this Act. The Director may grant variances from any such rules as provided for in this Section;

(b) The suspension, revocation, placing on probationary status, reprimand, and refusing to issue or restore any license or certificate of registration issued under the provisions of this Act for the reasons set forth in Section 30 of this Act.

(c) The issuance, renewal, restoration or reissuance of any license or certificate which has been previously refused to be issued or renewed, or has been revoked, suspended or placed on probationary status.

The granting of variances from rules promulgated pursuant to this Section in individual cases where there is a finding that:

(1) the provision from which the variance is granted is not statutorily mandated;

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(2) no party will be injured by the granting of the variance; and

(3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

The Director shall notify the State Board of Pharmacy of the granting of such variance and the reasons therefor, at the next meeting of the Board.

(d) The Secretary shall appoint a chief pharmacy coordinator and at least 2 deputy pharmacy coordinators, all of whom shall be registered pharmacists in good standing in this State, shall be graduates of an accredited college of pharmacy or hold, at a minimum, a bachelor of science degree in pharmacy, and shall have at least 5 years of experience in the practice of pharmacy immediately prior to his or her appointment. The chief pharmacy coordinator shall be the executive administrator and the chief enforcement officer of this Act. The deputy pharmacy coordinators shall report to the chief pharmacy coordinator. The Secretary shall assign at least one deputy pharmacy coordinator to a region composed of Cook County and such other counties as the Secretary may deem appropriate, and such deputy pharmacy coordinator shall have his or her primary office in Chicago. The Secretary shall assign at least one deputy pharmacy coordinator to a region composed of the balance of counties in the State, and such deputy pharmacy coordinator shall have his or her primary office in Springfield.

(e) The Secretary shall, in conformity with the Personnel Code, employ not less than 4 pharmacy investigators who shall report to the pharmacy coordinator or a deputy pharmacy coordinator. Each pharmacy investigator shall be a graduate of a 4-year college or university and shall (i) have at least 2 years of investigative experience; (ii) have 2 years of responsible pharmacy experience; or (iii) be a licensed pharmacist. The Department shall also employ at least one attorney to prosecute violations of this Act and its rules. The Department may, in conformity with the Personnel Code, employ such clerical and other employees as are necessary to carry out the duties of the Board and Department.
The duly authorized pharmacy investigators of the Department shall have the right to enter and inspect, during business hours, any pharmacy or any other place in this State holding itself out to be a pharmacy where medicines, drugs or drug products, or proprietary medicines are sold, offered for sale, exposed for sale, or kept for sale. (Source: P.A. 90-253, eff. 7-29-97.)

(225 ILCS 85/12) (from Ch. 111, par. 4132)
(Section scheduled to be repealed on January 1, 2008)

Sec. 12. Expiration of license; renewal. The expiration date and renewal period for each license and certificate of registration issued under this Act shall be set by rule.

As a condition for the renewal of a certificate of registration as a registered pharmacist, the registrant shall provide evidence to the Department of completion of a total of 30 hours of pharmacy continuing education during the 24 months 2 calendar years preceding the expiration date of the certificate. Such continuing education shall be approved by the Accreditation Council on Pharmacy Education.

The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by registrants, by requiring the filing of continuing education certificates with the Department or a qualified organization selected by the Department to maintain such records or by other means established by the Department.

Rules developed under this Section may provide for a reasonable biennial fee, not to exceed $20, to fund the cost of such recordkeeping. The Department shall, by rule, further provide an orderly process for the reinstatement of licenses which have not been renewed due to the failure to meet the continuing education requirements of this Section. The requirements of continuing education may be waived, in whole or in part, in cases of extreme hardship as defined by rule of the Department. Such waivers shall be granted for not more than one of any 3 consecutive renewal periods.

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Any pharmacist who has permitted his license to expire or who has had his license on inactive status may have his license restored by making application to the Department and filing proof acceptable to the Department of his fitness to have his license restored, and by paying the required restoration fee. The Department shall determine, by an evaluation program established by rule his fitness for restoration of his license and shall establish procedures and requirements for such restoration. However, any pharmacist who demonstrates that he has continuously maintained active practice in another jurisdiction pursuant to a license in good standing, and who has substantially complied with the continuing education requirements of this Section shall not be subject to further evaluation for purposes of this Section.

Any licensee who shall engage in the practice for which his or her license was issued while the license is expired or on inactive status shall be considered to be practicing without a license which, shall be grounds for discipline under Section 30 of this Act.

Any pharmacy operating on an expired license is engaged in the unlawful practice of pharmacy and is subject to discipline under Section 30 of this Act. A pharmacy whose license has been expired for one year or more may not have its license restored but must apply for a new license and meet all requirements for licensure. Any pharmacy whose license has been expired for less than one year may apply for restoration of its license and shall have its license restored.

However, any pharmacist whose license expired while he was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license or certificate restored without paying any lapsed renewal fees, if within 2 years after honorable termination of such service, training or education he furnishes the Department with satisfactory evidence to the effect that he has been so engaged and that his service, training or education has been so terminated.

(Source: P.A. 90-253, eff. 7-29-97.)

(225 ILCS 85/13) (from Ch. 111, par. 4133)
Sec. 13. Inactive status. Any pharmacist or pharmacy technician who notifies the Department, in writing on forms prescribed by the Department, may elect to place his or her license on an inactive status and shall be excused from payment of renewal fees and completion of continuing education requirements until he or she notifies the Department in writing of his or her intent to restore his license.

Any pharmacist or pharmacist technician requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore his or her license or certificate, as provided by rule of the Department.

Any pharmacist or pharmacist technician whose license is in inactive status shall not practice in the State of Illinois.

Neither a pharmacy license nor a pharmacy technician license may not be placed on inactive status.

Continued practice on a license which has lapsed or been placed on inactive status shall be considered to be practicing without a license.

Sec. 14.1. Structural and equipment requirements. The Department shall establish structural and equipment requirements for a pharmacy by rule.

Sec. 15. Pharmacy requirements. It shall be unlawful for the owner of any pharmacy, as defined in this Act, to operate or conduct the same, or to allow the same to be operated or conducted, unless:

(a) It has a licensed pharmacist, authorized to practice pharmacy in this State under the provisions of this Act, on duty whenever the practice of pharmacy is conducted;

(b) Security provisions for all drugs and devices, as determined by rule of the Department, are provided during the absence from the licensed pharmacy of all licensed pharmacists. Maintenance of security provisions is the responsibility of the licensed registered pharmacist in charge; and
(c) The pharmacy is licensed under this Act to conduct the practice of pharmacy in any and all forms from the physical address of the pharmacy's primary inventory where U.S. mail is delivered. If a facility, company, or organization operates multiple pharmacies from multiple physical addresses, a separate pharmacy license is required for each different physical address to do business.

(d) The Department may allow a pharmacy that is not located at the same location as its home pharmacy and at which pharmacy services are provided during an emergency situation, as defined by rule, to be operated as an emergency remote pharmacy. An emergency remote pharmacy operating under this subsection (d) shall operate under the license of the home pharmacy.

The Department shall, by rule, provide requirements for each division of pharmacy license and shall, as well provide guidelines for the designation of a registered pharmacist in charge for each division.

Division I. Retail Licenses for pharmacies which are open to, or offer pharmacy services to, the general public.

Division II. Licenses for pharmacies whose primary pharmacy service is provided to patients or residents of facilities licensed under the Nursing Home Care Act or the Hospital Licensing Act, or "An Act in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs", approved July 3, 1931, as amended, and which are not located in the facilities they serve.

Division III. Licenses for pharmacies which are located in a facility licensed under the Nursing Home Care Act or the Hospital Licensing Act, or "An Act in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs", approved July 3, 1931, as amended, or a facility which is operated by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or the Department of Corrections, and which provide pharmacy services to residents or patients of the facility, as well as employees, prescribers and students of the facility.
Division IV. Licenses for pharmacies which provide or offer for sale radioactive materials.

Division V. Licenses for pharmacies which hold licenses in Division II or Division III which also provide pharmacy services to the general public, or pharmacies which are located in or whose primary pharmacy service is to ambulatory care facilities or schools of veterinary medicine or other such institution or facility.

Division VI. Licenses for pharmacies that provide pharmacy services to patients of institutions serviced by pharmacies with a Division II or Division III license, without using their own supply of drugs. Division VI pharmacies may provide pharmacy services only in cooperation with an institution's pharmacy or pharmacy provider. Nothing in this paragraph shall constitute a change to the practice of pharmacy as defined in Section 3 of this Act. Nothing in this amendatory Act of the 94th General Assembly shall in any way alter the definition or operation of any other division of pharmacy as provided in this Act.

The Director may waive the requirement for a pharmacist to be on duty at all times for State facilities not treating human ailments.

It shall be unlawful for any person, who is not a licensed pharmacy or health care facility, to purport to be such or to use in name, title, or sign designating, or in connection with that place of business, any of the words: "pharmacy", "pharmacist", "pharmacy department", "apothecary", "druggist", "drug", "drugs", "medicines", "medicine store", "drug sundries", "prescriptions filled", or any list of words indicating that drugs are compounded or sold to the lay public, or prescriptions are dispensed therein. Each day during which, or a part which, such representation is made or appears or such a sign is allowed to remain upon or in such a place of business shall constitute a separate offense under this Act.

The holder of any license or certificate of registration shall conspicuously display it in the pharmacy in which he is engaged in the practice of pharmacy. The registered pharmacist in charge shall conspicuously display his name in such pharmacy. The pharmacy license shall also be conspicuously displayed.

(Source: P.A. 94-84, eff. 6-28-05.)

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Sec. 16. The Department shall require and provide for the licensure of every pharmacy doing business in this State. Such licensure shall expire 30 days after the pharmacist in charge dies or leaves the place where the pharmacy is licensed or after such pharmacist's license has been suspended or revoked.

In the event the designated pharmacist in charge dies or otherwise ceases to function in that capacity, or when the license of the pharmacist in charge has been suspended or revoked, the owner of the pharmacy shall be required to notify the Department, on forms provided by the Department, of the identity of the new pharmacist in charge.

It is the duty of every pharmacist in charge who ceases to function in that capacity to report to the Department within 30 days of the date on which he ceased such functions for such pharmacy. It is the duty of every owner of a pharmacy licensed under this Act to report to the Department within 30 days of the date on which the pharmacist in charge died or ceased to function in that capacity. Failure to provide such notification to the Department shall be grounds for disciplinary action.

No license shall be issued to any pharmacy unless such pharmacy has a pharmacist in charge and each such pharmacy license shall indicate on the face thereof the pharmacist in charge.

Sec. 16a. (a) The Department shall establish rules and regulations, consistent with the provisions of this Act, governing nonresident mail-order pharmacies, including pharmacies providing services via the Internet, which sell, or offer for sale, drugs, medicines, or other pharmaceutical services in this State.

(b) The Board shall require and provide for an annual nonresident special pharmacy registration for all pharmacies located outside of this State that dispense medications for Illinois residents and mail, ship, or deliver prescription medications into this State. Nonresident special
pharmacy registration shall be granted by the Board upon the disclosure and certification by a pharmacy:

(1) that it is licensed in the state in which the dispensing facility is located and from which the drugs are dispensed;

(2) of the location, names, and titles of all principal corporate officers and all pharmacists who are dispensing drugs to residents of this State;

(3) that it complies with all lawful directions and requests for information from the board of pharmacy of each state in which it is licensed or registered, except that it shall respond directly to all communications from the Board concerning emergency circumstances arising from the dispensing of drugs to residents of this State;

(4) that it maintains its records of drugs dispensed to residents of this State so that the records are readily retrievable from the records of other drugs dispensed;

(5) that it cooperates with the Board in providing information to the board of pharmacy of the state in which it is licensed concerning matters related to the dispensing of drugs to residents of this State; and

(6) that during its regular hours of operation, but not less than 6 days per week, for a minimum of 40 hours per week, a toll-free telephone service is provided to facilitate communication between patients in this State and a pharmacist at the pharmacy who has access to the patients' records. The toll-free number must be disclosed on the label affixed to each container of drugs dispensed to residents of this State.

(Source: P.A. 91-438, eff. 1-1-00.)

(225 ILCS 85/16b new)

Sec. 16b. Prescription pick up and drop off. Nothing contained in this Act shall prohibit a pharmacist or pharmacy, by means of its employee or by use of a common carrier or the U.S. mail, at the request of the patient, from picking up prescription orders from the prescriber or delivering prescription drugs to the patient or the patient's agent at the

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residence or place of employment of the person for whom the prescription was issued or at the hospital or medical care facility in which the patient is confined. Conversely, the patient or patient's agent may drop off prescriptions at a designated area.

(225 ILCS 85/17) (from Ch. 111, par. 4137)
(Section scheduled to be repealed on January 1, 2008)

Sec. 17. Disposition of legend drugs on cessation of pharmacy operations.

(a) The pharmacist in charge of a pharmacy which has its pharmacy license revoked or otherwise ceases operation shall notify the Department and forward to the Department a copy of the closing inventory of controlled substances and a statement indicating the intended manner of disposition of all legend drugs and prescription files within 30 days of such revocation or cessation of operation.

(b) The Department shall approve the intended manner of disposition of all legend drugs prior to disposition of such drugs by the pharmacist in charge.

(1) The Department shall notify the pharmacist in charge of approval of the manner of disposition of all legend drugs, or disapproval accompanied by reasons for such disapproval, within 30 days of receipt of the statement from the pharmacist in charge. In the event that the manner of disposition is not approved, the pharmacist in charge shall notify the Department of an alternative manner of disposition within 30 days of the receipt of disapproval.

(2) If disposition of all legend drugs does not occur within 30 days after approval is received from the Department, or if no alternative method of disposition is submitted to the Department within 30 days of the Department's disapproval, the Director shall notify the pharmacist in charge by mail at the address of the closing pharmacy, of the Department's intent to confiscate all legend drugs. The Notice of Intent to Confiscate shall be the final administrative decision of the Department, as that term is defined

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in the Administrative Review Law, and the confiscation of all prescription drugs shall be effected.

(b-5) In the event that the pharmacist in charge has died or is otherwise physically incompetent to perform the duties of this Section, the owner of a pharmacy that has its license revoked or otherwise ceases operation shall be required to fulfill the duties otherwise imposed upon the pharmacist in charge.

(c) The pharmacist in charge of a pharmacy which acquires prescription files from a pharmacy which ceases operation shall be responsible for the preservation of such acquired prescriptions for the remainder of the term that such prescriptions are required to be preserved by this Act.

(d) Failure to comply with this Section shall be grounds for denying an application or renewal application for a pharmacy license or for disciplinary action against a registration.

(e) Compliance with the provisions of the Illinois Controlled Substances Act concerning the disposition of controlled substances shall be deemed compliance with this Section with respect to legend drugs which are controlled substances.

(Source: P.A. 90-253, eff. 7-29-97.)

(225 ILCS 85/17.1)

(Section scheduled to be repealed on January 1, 2008)

Sec. 17.1. Pharmacy technician training.

(a) Beginning January 1, 2004, it shall be the joint responsibility of a pharmacy and its pharmacist in charge to have trained all of its pharmacy technicians or obtain proof of prior training in all of the following topics as they relate to the practice site:

(1) The duties and responsibilities of the technicians and pharmacists.

(2) Tasks and technical skills, policies, and procedures.

(3) Compounding, packaging, labeling, and storage.

(4) Pharmaceutical and medical terminology.

(5) Record keeping requirements.

(6) The ability to perform and apply arithmetic calculations.

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(b) Within 6 months after initial employment or changing the duties and responsibilities of a pharmacy technician, it shall be the joint responsibility of the pharmacy and the pharmacist in charge to train the pharmacy technician or obtain proof of prior training in the areas listed in subsection (a) of this Section as they relate to the practice site or to document that the pharmacy technician is making appropriate progress.

(c) All divisions of pharmacies shall maintain an up-to-date training program describing the duties and responsibilities of a pharmacy technician.

(d) All divisions of pharmacies shall create and maintain retrievable records of training or proof of training as required in this Section.

(Source: P.A. 92-880, eff. 1-1-04.)

(225 ILCS 85/18) (from Ch. 111, par. 4138)

Sec. 18. Record retention. (a) Except as provided in subsection (b), there shall be kept in every drugstore or pharmacy a suitable book, file, or electronic record keeping system in which shall be preserved for a period of not less than 5 years the original, or an exact, unalterable image, of every written prescription and the original transcript or copy of every verbal prescription filled, compounded, or dispensed, in such pharmacy; and such book or file of prescriptions shall at all reasonable times be open to inspection to the pharmacy coordinator and the duly authorized agents or employees of the Department.

Every prescription filled or refilled shall contain the unique identifier of the persons authorized to practice pharmacy under the provision of this Act who fills or refills the prescription.

Records kept pursuant to this Section may be maintained in an alternative data retention system, such as a direct digital imaging system, provided that:

(1) the records maintained in the alternative data retention system contain all of the information required in a manual record;

(2) the data processing system is capable of producing a hard copy of the electronic record on the request of the Board, its
representative, or other authorized local, State, or federal law enforcement or regulatory agency; and

(3) the digital images are recorded and stored only by means of a technology that does not allow subsequent revision or replacement of the images; and:

(4) the prescriptions may be retained in written form or recorded in a data processing system, provided that such order can be produced in printed form upon lawful request.

As used in this Section, "digital imaging system" means a system, including people, machines, methods of organization, and procedures, that provides input, storage, processing, communications, output, and control functions for digitized representations of original prescription records.

Inpatient drug orders may be maintained within an institution in a manner approved by the Department.

(b) The record retention requirements for a Division VI pharmacy shall be set by rule.

(Source: P.A. 94-84, eff. 6-28-05.)

(225 ILCS 85/19) (from Ch. 111, par. 4139)

(Section scheduled to be repealed on January 1, 2008)

Sec. 19. Nothing contained in this Act shall be construed to prohibit a pharmacist licensed in this State from filling or refilling a valid prescription for prescription drugs which is on file in a pharmacy licensed in any state and has been transferred from one pharmacy to another by any means, including by way of electronic data processing equipment upon the following conditions and exceptions:

(1) Prior to dispensing pursuant to any such prescription, the dispensing pharmacist shall:

(a) Advise the patient that the prescription on file at such other pharmacy must be canceled before he or she will be able to fill or refill it.

(b) Determine that the prescription is valid and on file at such other pharmacy and that such prescription may be filled or refilled, as requested, in accordance with the prescriber's intent expressed on such prescription.

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(c) Notify the pharmacy where the prescription is on file that the prescription must be canceled.
(d) Record in writing the prescription order, the name of the pharmacy at which the prescription was on file, the prescription number, the name of the drug and the original amount dispensed, the date of original dispensing, and the number of remaining authorized refills.
(e) Obtain the consent of the prescriber to the refilling of the prescription when the prescription, in the professional judgment of the dispensing pharmacist, so requires.

(2) Upon receipt of a request for prescription information set forth in subparagraph (d) of paragraph (1) of this Section, if the requested pharmacist is satisfied in his professional judgment that such request is valid and legal, the requested pharmacist shall:
(a) Provide such information accurately and completely.
(b) Record electronically or, if in writing, on the face of the prescription, the name of the requesting pharmacy and pharmacist and the date of request.
(c) Cancel the prescription on file by writing the word "void" on its face or the electronic equivalent, if not in written format. No further prescription information shall be given or medication dispensed pursuant to such original prescription.

(3) In the event that, after the information set forth in subparagraph (d) of paragraph (1) of this Section has been provided, a prescription is not dispensed by the requesting pharmacist, then such pharmacist shall provide notice of this fact to the pharmacy from which such information was obtained; such notice shall then cancel the prescription in the same manner as set forth in subparagraph (c) of paragraph (2) of this Section.

(4) When filling or refilling a valid prescription on file in another state, the dispensing pharmacist shall be required to follow all the requirements of Illinois law which apply to the dispensing of prescription drugs. If anything in Illinois law prevents the filling or refilling of the original prescription it shall be unlawful to dispense pursuant to this Section.
(5) Prescriptions for drugs in Schedules III, IV, and V of the Illinois Controlled Substances Act may be transferred only once and may not be further transferred. However, pharmacies electronically sharing a real-time, online database may transfer up to the maximum refills permitted by the law and the prescriber's authorization.

(Source: P.A. 92-880, eff. 1-1-04.)

(225 ILCS 85/20) (from Ch. 111, par. 4140)

(Section scheduled to be repealed on January 1, 2008)

Sec. 20. Two or more pharmacies may establish and use a common electronic file to maintain required dispensing information.

Pharmacies using such a common electronic file are not required to physically transfer prescriptions or information for dispensing purposes between or among pharmacies participating in the same common prescription file; provided, however any such common file must contain complete and adequate records of such prescription and refill dispensed as stated in Section 18.

The Department and Board may formulate such rules and regulations, not inconsistent with law, as may be necessary to carry out the purposes of and to enforce the provisions of this Section within the following exception: The Department and Board shall not impose greater requirements on either common electronic files or a hard copy record system.

Drugs shall in no event be dispensed more frequently or in larger amounts than the prescriber ordered without direct prescriber authorization by way of a new prescription order.

The dispensing by a pharmacist licensed in this State or another state of a prescription contained in a common database shall not constitute a transfer, provided that (i) all pharmacies involved in the transactions pursuant to which the prescription is dispensed and all pharmacists engaging in dispensing functions are properly licensed, permitted, or registered in this State or another jurisdiction, (ii) a policy and procedures manual that governs all participating pharmacies and pharmacists is available to the Department upon request and includes the procedure for maintaining appropriate records for regulatory oversight.

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for tracking a prescription during each stage of the filling and dispensing process, and (iii) the pharmacists involved in filling and dispensing the prescription and counseling the patient are identified. A pharmacist shall be accountable only for the specific tasks performed.

Nothing in this Section shall prohibit a pharmacist who is exercising his or her professional judgment from dispensing additional quantities of medication up to the total number of dosage units authorized by the prescriber on the original prescription and any refills.

(Source: P.A. 85-796.)

(225 ILCS 85/22) (from Ch. 111, par. 4142)

(Section scheduled to be repealed on January 1, 2008)

Sec. 22. Except only in the case of a drug, medicine or poison which is lawfully sold or dispensed, at retail, in the original and unbroken package of the manufacturer, packer, or distributor thereof, and which package bears the original label thereon showing the name and address of the manufacturer, packer, or distributor thereof, and the name of the drug, medicine, or poison therein contained, and the directions for its use, no person shall sell or dispense, at retail, any drug, medicine, or poison, without affixing to the box, bottle, vessel, or package containing the same, a label bearing the name of the article distinctly shown, and the directions for its use, with the name and address of the pharmacy wherein the same is sold or dispensed. However, in the case of a drug, medicine, or poison which is sold or dispensed pursuant to a prescription of a physician licensed to practice medicine in all of its branches, licensed dentist, licensed veterinarian, licensed podiatrist, or therapeutically or diagnostically certified optometrist authorized by law to prescribe drugs or medicines or poisons, the label affixed to the box, bottle, vessel, or package containing the same shall show: (a) the name and address of the pharmacy wherein the same is sold or dispensed; (b) the name or initials of the person, authorized to practice pharmacy under the provisions of this Act, selling or dispensing the same, (c) the date on which such prescription was filled; (d) the name of the patient; (e) the serial number of such prescription as filed in the prescription files; (f) the last name of the practitioner who prescribed such prescriptions; (g) the directions for use

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thereof as contained in such prescription; and (h) the proprietary name or names or the established name or names of the drugs, the dosage and quantity, except as otherwise authorized by regulation of the Department. The Department shall establish rules governing labeling in Division II and Division III pharmacies.

(Source: P.A. 92-880, eff. 1-1-04.)

(225 ILCS 85/22a)

(Section scheduled to be repealed on January 1, 2008)

Sec. 22a. Automated dispensing and storage systems. The Department shall establish rules governing the use of automated dispensing and storage systems by Division I through V pharmacies.

(Source: P.A. 90-253, eff. 7-29-97.)

(225 ILCS 85/22b new)

Sec. 22b. Automated pharmacy systems; remote dispensing.

(a) Automated pharmacy systems must have adequate security and procedures to comply with federal and State laws and regulations and maintain patient confidentiality, as defined by rule.

(b) Access to and dispensing from an automated pharmacy system shall be limited to pharmacists or personnel who are designated in writing by the pharmacist-in-charge and have completed documented training concerning their duties associated with the automated pharmacy system.

(c) All drugs stored in relation to an automated pharmacy system must be stored in compliance with this Act and the rules adopted under this Act, including the requirements for temperature, proper storage containers, handling of outdated drugs, prescription dispensing, and delivery.

(d) An automated pharmacy system operated from a remote site shall be under the continuous supervision of a home pharmacy pharmacist. To qualify as continuous supervision, the pharmacist is not required to be physically present at the site of the automated pharmacy system if the system is supervised electronically by a pharmacist, as defined by rule.

(e) Drugs may only be dispensed at a remote site through an automated pharmacy system after receipt of an original prescription drug

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order by a pharmacist at the home pharmacy. A pharmacist at the home pharmacy must control all operations of the automated pharmacy system and approve the release of the initial dose of a prescription drug order. Refills from an approved prescription drug order may be removed from the automated medication system after this initial approval. Any change made in the prescription drug order shall require a new approval by a pharmacist to release the drug.

(f) If an automated pharmacy system uses removable cartridges or containers to store a drug, the stocking or restocking of the cartridges or containers may occur at a licensed wholesale drug distributor and be sent to the home pharmacy to be loaded after pharmacist verification by personnel designated by the pharmacist, provided that the individual cartridge or container is transported to the home pharmacy in a secure, tamper evident container. An automated pharmacy system must use a bar code verification or weight verification or electronic verification or similar process to ensure that the cartridge or container is accurately loaded into the automated pharmacy system. The pharmacist verifying the filling and labeling shall be responsible for ensuring that the cartridge or container is stocked or restocked correctly by personnel designated to load the cartridges or containers. An automated pharmacy system must use a bar code verification, electronic, or similar process, as defined by rule, to ensure that the proper medication is dispensed from the automated system. A record of each transaction with the automated pharmacy system must be maintained for 5 years. A prescription dispensed from an automated pharmacy system shall be deemed to have been approved by the pharmacist. No automated pharmacy system shall be operated prior to inspection and approval by the Department.

(225 ILCS 85/25) (from Ch. 111, par. 4145)
(Section scheduled to be repealed on January 1, 2008)

Sec. 25. No person shall compound, or sell or offer for sale, or cause to be compounded, sold or offered for sale any medicine or preparation under or by a name recognized in the United States Pharmacopoeia National Formulary, for internal or external use, which differs from the standard of strength, quality or purity as determined by the

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test laid down in the United States Pharmacopoeia National Formulary official at the time of such compounding, sale or offering for sale. Nor shall any person compound, sell or offer for sale, or cause to be compounded, sold, or offered for sale, any drug, medicine, poison, chemical or pharmaceutical preparation, the strength or purity of which shall fall below the professed standard of strength or purity under which it is sold. Except as set forth in Section 26 of this Act, if the physician or other authorized prescriber, when transmitting an oral or written prescription, does not prohibit drug product selection, a different brand name or nonbrand name drug product of the same generic name may be dispensed by the pharmacist, provided that the selected drug has a unit price less than the drug product specified in the prescription. A generic drug determined to be therapeutically equivalent by the United States Food and Drug Administration (FDA) shall be available for substitution in Illinois in accordance with this Act and the Illinois Food, Drug and Cosmetic Act, provided that each manufacturer submits to the Director of the Department of Public Health a notification containing product technical bioequivalence information as a prerequisite to product substitution when they have completed all required testing to support FDA product approval and, in any event, the information shall be submitted no later than 60 days prior to product substitution in the State. On the prescription forms of prescribers, shall be placed a signature line and the words "may substitute" and "may not substitute". The prescriber, in his or her own handwriting, shall place a mark beside either the "may substitute" or "may not substitute" alternatives to direct the pharmacist in the dispensing of the prescription. A prescriber placing a mark beside the "may substitute" alternative or failing in his or her own handwriting to place a mark beside either alternative authorizes drug product selection in accordance with this Act. Preprinted or rubber stamped marks, or other deviations from the above prescription format shall not be permitted. The prescriber shall sign the form in his or her own handwriting to authorize the issuance of the prescription. When a person presents a prescription to be dispensed, the pharmacist to whom it is presented may inform the person if the pharmacy has available a different brand name or nonbrand

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name of the same generic drug prescribed and the price of the different brand name or nonbrand name of the drug product. If the person presenting the prescription is the one to whom the drug is to be administered, the pharmacist may dispense the prescription with the brand prescribed or a different brand name or nonbrand name product of the same generic name, if the drug is of lesser unit cost and the patient is informed and agrees to the selection and the pharmacist shall enter such information into the pharmacy record. If the person presenting the prescription is someone other than the one to whom the drug is to be administered the pharmacist shall not dispense the prescription with a brand other than the one specified in the prescription unless the pharmacist has the written or oral authorization to select brands from the person to whom the drug is to be administered or a parent, legal guardian or spouse of that person:

In every case in which a selection is made as permitted by the Illinois Food, Drug and Cosmetic Act, the pharmacist shall indicate on the pharmacy record of the filled prescription the name or other identification of the manufacturer of the drug which has been dispensed.

The selection of any drug product by a pharmacist shall not constitute evidence of negligence if the selected nonlegend drug product was of the same dosage form and each of its active ingredients did not vary by more than 1 percent from the active ingredients of the prescribed, brand name, nonlegend drug product. Failure of a prescribing physician to specify that drug product selection is prohibited does not constitute evidence of negligence unless that practitioner has reasonable cause to believe that the health condition of the patient for whom the physician is prescribing warrants the use of the brand name drug product and not another.

The Department is authorized to employ an analyst or chemist of recognized or approved standing whose duty it shall be to examine into any claimed adulteration, illegal substitution, improper selection, alteration, or other violation hereof, and report the result of his investigation, and if such report justify such action the Department shall cause the offender to be prosecuted.

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Sec. 25.5. Centralized prescription filling.

(a) In this Section, "centralized prescription filling" means the filling of a prescription by one pharmacy upon request by another pharmacy to fill or refill the prescription. "Centralized prescription filling" includes the performance by one pharmacy for another pharmacy of other pharmacy duties such as drug utilization review, therapeutic drug utilization review, claims adjudication, and the obtaining of refill authorizations.

(b) A pharmacy licensed under this Act may perform centralized prescription filling for another pharmacy, provided that both pharmacies have the same owner or have a written contract specifying (i) the services to be provided by each pharmacy, (ii) the responsibilities of each pharmacy, and (iii) the manner in which the pharmacies shall comply with federal and State laws, rules, and regulations.

Sec. 25.10. Remote prescription processing.

(a) In this Section, "remote prescription processing" means and includes the outsourcing of certain prescription functions to another pharmacy or licensed non-resident pharmacy, including the dispensing of drugs. "Remote prescription processing" includes any of the following activities related to the dispensing process:

1. Receiving, interpreting, evaluating, or clarifying prescriptions.
2. Entering prescription and patient data into a data processing system.
3. Transferring prescription information.
4. Performing a drug regimen review.
5. Obtaining refill or substitution authorizations or otherwise communicating with the prescriber concerning a patient's prescription.
(7) Discussing therapeutic interventions with prescribers.
(8) Providing drug information or counseling concerning a patient's prescription to the patient or patient's agent, as defined in this Act.

(b) A pharmacy may engage in remote prescription processing under the following conditions:

(1) The pharmacies shall either have the same owner or have a written contract describing the scope of services to be provided and the responsibilities and accountabilities of each pharmacy in compliance with all federal and State laws and regulations related to the practice of pharmacy.

(2) The pharmacies shall share a common electronic file or have technology that allows sufficient information necessary to process a non-dispensing function.

(3) The records may be maintained separately by each pharmacy or in common electronic file shared by both pharmacies, provided that the system can produce a record at either location showing each processing task, the identity of the person performing each task, and the location where each task was performed.

(c) Nothing in this Section shall prohibit an individual employee licensed as a pharmacist from accessing the employer pharmacy's database from a pharmacist's home or other remote location or home verification for the purpose of performing certain prescription processing functions, provided that the pharmacy establishes controls to protect the privacy and security of confidential records.

(225 ILCS 85/25.15 new)

Sec. 25.15. Telepharmacy.

(a) In this Section, "telepharmacy" means the provision of pharmacist care by a pharmacist that is accomplished through the use of telecommunications or other technologies to patients or their agents who are at a distance and are located within the United States, and which follows all federal and State laws, rules, and regulations with regard to privacy and security.

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(b) Any pharmacy engaged in the practice of telepharmacy must meet all of the following conditions:

(1) All events involving the contents of an automated pharmacy system must be stored in a secure location and may be recorded electronically.

(2) An automated pharmacy or prescription dispensing machine system may be used in conjunction with the pharmacy's practice of telepharmacy after inspection and approval by the Department.

(3) The pharmacist in charge shall:
   (A) be responsible for the practice of telepharmacy performed at a remote pharmacy, including the supervision of any prescription dispensing machine or automated medication system;
   (B) ensure that the home pharmacy has sufficient pharmacists on duty for the safe operation and supervision of all remote pharmacies;
   (C) ensure, through the use of a video and auditory communication system, that a certified pharmacy technician at the remote pharmacy has accurately and correctly prepared any prescription for dispensing according to the prescription;
   (D) be responsible for the supervision and training of certified pharmacy technicians at remote pharmacies who shall be subject to all rules and regulations; and
   (E) ensure that patient counseling at the remote pharmacy is performed by a pharmacist or pharmacist intern.

(225 ILCS 85/25.20 new)

Sec. 25.20. Electronic visual image prescriptions. If a pharmacy's computer system can capture an unalterable electronic visual image of the prescription drug order, the electronic image shall constitute the original prescription and a hard copy of the prescription drug order is not required. The computer system must be capable of maintaining, printing,
and providing, upon a request by the Department, the Department's compliance officers, and other authorized agents, all of the prescription information required by State law and regulations of the Department within 72 hours of the request.

(225 ILCS 85/26)
(Section scheduled to be repealed on January 1, 2008)

(a) The General Assembly finds that this Section is necessary for the immediate preservation of the public peace, health, and safety.
(b) In this Section:
"Anti-epileptic drug means (i) any drug prescribed for the treatment of epilepsy or (ii) a drug used to treat or prevent seizures.
"Epilepsy" means a neurological condition characterized by recurrent seizures.
"Seizure" means a brief disturbance in the electrical activity of the brain.
(c) When the prescribing physician has indicated on the original prescription "dispense as written" or "may not substitute", a pharmacist may not interchange an anti-epileptic drug or formulation of an anti-epileptic drug for the treatment of epilepsy without notification and the documented consent of the prescribing physician and the patient or the patient's parent, legal guardian, or spouse. *This Section does not apply to medication orders issued for anti-epileptic drugs for any in-patient care in a licensed hospital.*
(Source: P.A. 94-936, eff. 6-26-06.)

(225 ILCS 85/27) (from Ch. 111, par. 4147)
(Section scheduled to be repealed on January 1, 2008)

Sec. 27. Fees.
(a) The Department shall, by rule, provide for a schedule of fees to be paid for licenses and certificates. These fees shall be for the administration and enforcement of this Act, including without limitation original licensure and renewal and restoration of licensure. All fees are nonrefundable.
(b) Applicants The following fees are not refundable. (A) Certificate of pharmacy technician. (1) The fee for application for a certificate of registration as a pharmacy technician is $40. (2) The fee for the renewal of a certificate of registration as a pharmacy technician shall be calculated at the rate of $25 per year. (B) License as a pharmacist. (1) The fee for application for a license is $75. (2) In addition, applicants for any examination as a registered pharmacist shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

(3) The fee for a license as a registered pharmacist registered or licensed under the laws of another state or territory of the United States is $200.

(4) The fee upon the renewal of a license shall be calculated at the rate of $75 per year.

(5) The fee for the restoration of a certificate other than from inactive status is $10 plus all lapsed renewal fees.

(c) (6) Applicants for the preliminary diagnostic examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

(7) The fee to have the scoring of an examination authorized by the Department reviewed and verified is $20 plus any fee charged by the applicable testing service.

(C) License as a pharmacy.

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(1) The fee for application for a license for a pharmacy under this Act is $100.

(2) The fee for the renewal of a license for a pharmacy under this Act shall be calculated at the rate of $100 per year.

(3) The fee for the change of a pharmacist-in-charge is $25.

(D) General Fees:

(1) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is $20. No fee is required for name and address changes on Department records when no duplicate certification is issued.

(2) The fee for a certification of a registrant's record for any purpose is $20.

(3) The fee to have the scoring of an examination administered by the Department reviewed and verified is $20.

(4) The fee for a wall certificate showing licensure or registration shall be the actual cost of producing the certificate.

(5) The fee for a roster of persons registered as pharmacists or registered pharmacies in this State shall be the actual cost of producing the roster.

(6) The fee for pharmacy licensing, disciplinary or investigative records obtained pursuant to a subpoena is $1 per page.

(d) All fees, fines, or penalties (E) Except as provided in subsection (f), all moneys received by the Department under this Act shall be deposited in the Illinois State Pharmacy Disciplinary Fund hereby created in the State Treasury and shall be used by the Department in the exercise of its powers and performance of its duties under this Act, including, but not limited to, the provision for evidence in pharmacy investigations, only for the following purposes: (a) by the State Board of Pharmacy in the exercise of its powers and performance of its duties, as such use is made by the Department upon the recommendations of the State Board of Pharmacy, (b) for costs directly related to license renewal of persons

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licensed under this Act, and (c) for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation:

Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

The moneys deposited in the Illinois State Pharmacy Disciplinary Fund shall be invested to earn interest which shall accrue to the Fund. The Department shall present to the Board for its review and comment all appropriation requests from the Illinois State Pharmacy Disciplinary Fund. The Department shall give due consideration to any comments of the Board in making appropriation requests.

(e) (f) From the money received for license renewal fees, $5 from each pharmacist fee, and $2.50 from each pharmacy technician fee, shall be set aside within the Illinois State Pharmacy Disciplinary Fund for the purpose of supporting a substance abuse program for pharmacists and pharmacy technicians.

(f) A pharmacy, manufacturer of controlled substances, or wholesale distributor of controlled substances that is licensed under this Act and owned and operated by the State is exempt from licensure, registration, renewal, and other fees required under this Act.

Pharmacists and pharmacy technicians working in facilities owned and operated by the State are not exempt from the payment of fees required by this Act and any rules adopted under this Act.

Nothing in this subsection (f) shall be construed to prohibit the Department from imposing any fine or other penalty allowed under this Act. The State Board of Pharmacy shall, pursuant to all provisions of the Illinois Procurement Code, determine how and to whom the money set aside under this subsection is disbursed.

(G) (Blank):

(Source: P.A. 91-239, eff. 1-1-00; 92-880, eff. 1-1-04.)

(225 ILCS 85/30) (from Ch. 111, par. 4150)

(Section scheduled to be repealed on January 1, 2008)
Sec. 30. (a) In accordance with Section 11 of this Act, the Department may refuse to issue, restore, or renew, or may revoke, suspend, place on probation, or reprimand or take other disciplinary action as the Department may deem proper with regard to any license or certificate of registration or may impose a fine upon a licensee or registrant not to exceed $10,000 per violation for any one or combination of the following causes:

1. Material misstatement in furnishing information to the Department.
2. Violations of this Act, or the rules promulgated hereunder.
3. Making any misrepresentation for the purpose of obtaining licenses.
4. A pattern of conduct which demonstrates incompetence or unfitness to practice.
5. Aiding or assisting another person in violating any provision of this Act or rules.
6. Failing, within 60 days, to respond to a written request made by the Department for information.
7. Engaging in dishonorable or unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.
8. Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein.
9. Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for any professional services not actually or personally rendered.
10. A finding by the Department that the licensee, after having his license placed on probationary status has violated the terms of probation.
11. Selling or engaging in the sale of drug samples provided at no cost by drug manufacturers.

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12. Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill which results in the inability to practice the profession with reasonable judgment, skill or safety.

13. A finding that licensure or registration has been applied for or obtained by fraudulent means.

14. The applicant; or licensee has been convicted in state or federal court of or entered a plea of guilty, no contest, or the equivalent in a state or federal court to any crime which is a felony or any misdemeanor related to the practice of pharmacy, of which an essential element is dishonesty.

15. Habitual or excessive use or addiction to alcohol, narcotics, stimulants or any other chemical agent or drug which results in the inability to practice with reasonable judgment, skill or safety.

16. Willfully making or filing false records or reports in the practice of pharmacy, including, but not limited to false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Public Aid Code.

17. Gross and willful overcharging for professional services including filing false statements for collection of fees for which services are not rendered, including, but not limited to, filing false statements for collection of monies for services not rendered from the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Public Aid Code.

18. Repetitiously dispensing prescription drugs without receiving a written or oral prescription.

19. Upon a finding of a substantial discrepancy in a Department audit of a prescription drug, including controlled substances, as that term is defined in this Act or in the Illinois Controlled Substances Act.

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20. Physical or mental illness or any other impairment or disability, including without limitation deterioration through the aging process or loss of motor skills that results in the inability to practice with reasonable judgment, skill or safety, or mental incompetence, incompetency as declared by a court of competent jurisdiction.


22. Failing to sell or dispense any drug, medicine, or poison in good faith. "Good faith", for the purposes of this Section, has the meaning ascribed to it in subsection (u) of Section 102 of the Illinois Controlled Substances Act.

23. Interfering with the professional judgment of a pharmacist by any registrant under this Act, or his or her agents or employees.

24. Failing to report within 60 days to the Department any adverse final action taken against a pharmacist, pharmacist technician, or certified pharmacist technician by another licensing jurisdiction in any other state or any territory of the United States or any foreign jurisdiction, any governmental agency, any law enforcement agency, or any court for acts or conduct similar to acts or conduct that would constitute grounds for discipline as defined in this Section.

25. Failing to comply with a subpoena issued in accordance with Section 35.5 of this Act.

(b) The Department may refuse to issue or may suspend the license or registration of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(c) The Department shall revoke the license or certificate of registration issued under the provisions of this Act or any prior Act of this State of any person who has been convicted a second time of committing any felony under the Illinois Controlled Substances Act, or who has been
convicted a second time of committing a Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A person whose license or certificate of registration issued under the provisions of this Act or any prior Act of this State is revoked under this subsection (c) shall be prohibited from engaging in the practice of pharmacy in this State.

(d) The Department may adopt rules for the imposition of fines in disciplinary cases, not to exceed $10,000 for each violation of this Act. Fines may be imposed in conjunction with other forms of disciplinary action, but shall not be the exclusive disposition of any disciplinary action arising out of conduct resulting in death or injury to a patient. Any funds collected from such fines shall be deposited in the Illinois State Pharmacy Disciplinary Fund. In any order issued in resolution of a disciplinary proceeding, the Board may request any licensee found guilty of a charge involving a significant violation of subsection (a) of Section 5, or paragraph 19 of Section 30 as it pertains to controlled substances, to pay to the Department a fine not to exceed $2,000.

(e) The entry of an order or judgment by any circuit court establishing that any person holding a license or certificate under this Act is a person in need of mental treatment operates as a suspension of that license. A licensee may resume his or her practice only upon the entry of an order of the Department based upon a finding by the Board that he or she has been determined to be recovered from mental illness by the court and upon the Board’s recommendation that the licensee be permitted to resume his or her practice. In any order issued in resolution of a disciplinary proceeding, in addition to any other disciplinary action, the Board may request any licensee found guilty of noncompliance with the continuing education requirements of Section 12 to pay the Department a fine not to exceed $1000.

(f) The Department shall issue quarterly to the Board a status of all complaints related to the profession received by the Department.

(g) In enforcing this Section, the Board or the Department, upon a showing of a possible violation, may compel any licensee or applicant for licensure under this Act to submit to a mental or physical examination or both, as required by and at the expense of the Department. The examining
physician shall be those specifically designated by the Department. The Board or the Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communication between the licensee or applicant and the examining physician. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any individual to submit to a mental or physical examination when directed shall be grounds for suspension of his or her license until such time as the individual submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause. If the Board finds a pharmacist or pharmacy technician unable to practice because of the reasons set forth in this Section, the Board shall require such pharmacist or pharmacy technician to submit to care, counseling, or treatment by physicians approved or designated by the Board as a condition for continued, reinstated, or renewed licensure to practice. Any pharmacist or pharmacy technician whose license was granted, continued, reinstated, renewed, disciplined, or supervised, subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions or to complete a required program of care, counseling, or treatment, as determined by the chief pharmacy coordinator or a deputy pharmacy coordinator, shall be referred to the Secretary for a determination as to whether the licensee shall have his or her license suspended immediately, pending a hearing by the Board. In instances in which the Secretary immediately suspends a license under this subsection (g), a hearing upon such person’s license must be convened by the Board within 15 days after such suspension and completed without appreciable delay. The Board shall have the authority to review the subject pharmacist’s or pharmacy technician’s record of treatment and counseling regarding the impairment.

(Source: P.A. 92-880, eff. 1-1-04; revised 12-15-05.)

(225 ILCS 85/35.1) (from Ch. 111, par. 4155.1)

(Section scheduled to be repealed on January 1, 2008)
Sec. 35.1. (a) If any person violates the provision of this Act, the Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in which the action is brought, petition, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation, and if it is established that such person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person shall practice as a pharmacist or hold himself out as a pharmacist or operate a pharmacy or drugstore, including a nonresident mail-order pharmacy under Section 16a, without being licensed under the provisions of this Act, then any licensed pharmacist, any interested party or any person injured thereby may, in addition to the Director, petition for relief as provided in subsection (a) of this Section.

Whoever knowingly practices or offers to practice in this State without being appropriately licensed or registered under this Act shall be guilty of a Class A misdemeanor and for each subsequent conviction, shall be guilty of a Class 4 felony.

(c) Whenever in the opinion of the Department any person not licensed in good standing under this Act violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued forthwith.

(Source: P.A. 92-678, eff. 7-16-02.)

(225 ILCS 85/35.2) (from Ch. 111, par. 4155.2)
(Section scheduled to be repealed on January 1, 2008)
Sec. 35.2. The Department's pharmacy investigators may investigate the actions of any applicant or of any person or persons holding or claiming to hold a license or registration. The Department shall, before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license or certificate, at least 30 days prior to the date set for the hearing, notify the accused in writing of any charges made and the time and place for a hearing of the charges before the Board, direct him or her to file his or her written answer thereto to the Board under oath within 20 days after the service on him or her of such notice and inform him or her that if he or she fails to file such answer default will be taken against him or her and his or her license or certificate may be suspended, revoked, placed on probationary status, or have other disciplinary action, including limiting the scope, nature or extent of his or her practice, provided for herein. Such written notice may be served by personal delivery or certified or registered mail to the respondent at his or her the address of record notification to the Department. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or to the defense thereto. Such hearing may be continued from time to time. In case the accused person, after receiving notice, fails to file an answer, his or her license or certificate may in the discretion of the Director, having received first the recommendation of the Board, be suspended, revoked, placed on probationary status, or the Director may take whatever disciplinary action as he or she may deem proper as provided herein, including limiting the scope, nature, or extent of said person's practice, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

(Source: P.A. 88-428.)

(225 ILCS 85/35.5) (from Ch. 111, par. 4155.5)

(Section scheduled to be repealed on January 1, 2008)

Sec. 35.5. The Department shall have power to subpoena and bring before it any person in this State and to take testimony, either orally or by

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deposition or both, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State. The Department may subpoena and compel the production of documents, papers, files, books, and records in connection with any hearing or investigation.

The Director, and any member of the Board, shall each have power to administer oaths to witnesses at any hearing which the Department is authorized to conduct under this Act, and any other oaths required or authorized to be administered by the Department hereunder.

(Source: P.A. 85-796.)

(225 ILCS 85/35.7) (from Ch. 111, par. 4155.7)

(Section scheduled to be repealed on January 1, 2008)

Sec. 35.7. Notwithstanding the provisions of Section 35.6 of this Act, the Director shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action before the Board for refusal to issue, renew, or discipline of a license or certificate. The Director shall notify the Board of any such appointment. The hearing officer shall have full authority to conduct the hearing. There shall be present at least one member of the Board at any such hearing. The hearing officer shall report his findings of fact, conclusions of law and recommendations to the Board and the Director. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present their findings of fact, conclusions of law, and recommendations to the Director. If the Board fails to present its report within the 60 day period, the respondent may request in writing a direct appeal to the Secretary, in which case the Secretary shall, within 7 calendar days after the request, issue an order directing the Board to issue its findings of fact, conclusions of law, and recommendations to the Secretary within 30 calendar days after such order. If the Board fails to issue its findings of fact, conclusions of law, and recommendations within that time frame to the Secretary after the entry of such order, the Secretary shall, within 30 calendar days thereafter, issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back.

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to the hearing officer for additional proceedings in accordance with the order. If (i) a direct appeal is requested, (ii) the Board fails to issue its findings of fact, conclusions of law, and recommendations within the 30-day mandate from the Secretary or the Secretary fails to order the Board to do so, and (iii) the Secretary fails to issue an order within 30 calendar days thereafter, then the hearing officer's report is deemed accepted and a final decision of the Secretary. Notwithstanding any other provision of this Section, if the Secretary, upon review, determines that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license or other disciplinary action taken as the result of the entry of the hearing officer's report, the Secretary may order a rehearing by the same or other examiners. If the Secretary disagrees with the recommendation of the Board or the hearing officer, the Secretary may issue an order in contravention of the recommendation. The Director may issue an order based on the report of the hearing officer. However, if the Board does present its report within the specified 60 days, the Director's order shall be based upon the report of the Board.

(225 ILCS 85/35.10) (from Ch. 111, par. 4155.10)
Sec. 35.10. None of the disciplinary functions, powers and duties enumerated in this Act shall be exercised by the Department except upon the review action and report in writing of the Board. In all instances, under this Act, in which the Board has rendered a recommendation to the Director with respect to a particular license or certificate, the Director shall, in the event that he or she disagrees with or takes action contrary to the recommendation of the Board, file with the Board and the Secretary of State his or her specific written reasons of disagreement with the Board. Such reasons shall be filed within 30 days of the occurrence of the Director's contrary position having been taken.

The action and report in writing of a majority of the Board designated is sufficient authority upon which the Director may act.

(225 ILCS 85/35.12) (from Ch. 111, par. 4155.12)

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Sec. 35.12. Notwithstanding the provisions herein concerning the conduct of hearings and recommendations for disciplinary actions, the Director shall have the authority to negotiate agreements with licensees and registrants resulting in disciplinary consent orders provided a Board member is present and the discipline is recommended by the Board member. Such consent orders may provide for any of the forms of discipline otherwise provided herein. Such consent orders shall provide that they were not entered into as a result of any coercion by the Department. The Director shall forward copies of all final consent orders to the Board within 30 days of their entry.

(Source: P.A. 88-428.)

(225 ILCS 85/35.16) (from Ch. 111, par. 4155.16)
(Section scheduled to be repealed on January 1, 2008)

Sec. 35.16. The Director may temporarily suspend the license of a pharmacist, pharmacy technician or registration as a distributor, without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 35.2 of this Act, if the Director finds that evidence in his possession indicates that a continuation in practice would constitute an imminent danger to the public. In the event that the Director suspends, temporarily, this license or certificate without a hearing, a hearing by the Department must be held within 15 days after such suspension has occurred, and be concluded without appreciable delay.

(Source: P.A. 85-796.)

(225 ILCS 85/35.19) (from Ch. 111, par. 4155.19)
(Section scheduled to be repealed on January 1, 2008)

Sec. 35.19. Any person who is found to have violated any provision of this Act is guilty of a Class A misdemeanor. On conviction of a second or subsequent offense, the violator shall be guilty of a Class 4 felony. All criminal fines, monies, or other property collected or received by the Department under this Section or any other State or federal statute, including, but not limited to, property forfeited to the Department under Section 505 of The Illinois Controlled Substances Act, shall be deposited

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into the Illinois State Pharmacy Disciplinary Professional Regulation Evidence Fund.
(Source: P.A. 86-685.)

Section 75. The Veterinary Medicine and Surgery Practice Act of 2004 is amended by changing Section 17 as follows:

(225 ILCS 115/17) (from Ch. 111, par. 7017)

(Section scheduled to be repealed on January 1, 2014)

Sec. 17. Any person licensed under this Act who dispenses any drug or medicine shall dispense such drug or medicine in good faith and shall affix to the container containing the same a label indicating: (a) the date on which such drug or medicine is dispensed, (b) the name of the owner, (c) the last name of the person dispensing such drug or medicine, (d) directions for use thereof, including dosage and quantity, and (e) the proprietary or generic name of the drug or medicine, except as otherwise authorized by rules of the Department. This Section shall not apply to drugs and medicines that are in a container which bears a label of the manufacturer with information describing its contents that are in compliance with requirements of the Federal Food, Drug, and Cosmetic Act or the Illinois Food, Drug and Cosmetic Act, approved June 29, 1967, as amended, and which are dispensed without consideration by a practitioner licensed under this Act. "Drug" and "medicine" have the meanings ascribed to them in the Pharmacy Practice Act of 1987, as amended, and "good faith" has the meaning ascribed to it in subsection (v) of Section 102 of the "Illinois Controlled Substances Act", approved August 16, 1971, as amended.
(Source: P.A. 85-1209.)

Section 80. The Wholesale Drug Distribution Licensing Act is amended by changing Sections 15, 20, 25, and 35 and by adding Sections 3, 24, 55, 56, 57, 58, and 59 as follows:

(225 ILCS 120/3 new)

(Section scheduled to be repealed on January 1, 2013)

Sec. 3. References to Department or Director of Professional Regulation. References in this Act (i) to the Department of Professional Regulation are deemed, in appropriate contexts, to be references to the
Department of Financial and Professional Regulation and (ii) to the Director of Professional Regulation are deemed, in appropriate contexts, to be references to the Secretary of Financial and Professional Regulation.

(225 ILCS 120/15) (from Ch. 111, par. 8301-15)
(Section scheduled to be repealed on January 1, 2013)

Sec. 15. Definitions. As used in this Act:
"Authentication" means the affirmative verification, before any wholesale distribution of a prescription drug occurs, that each transaction listed on the pedigree has occurred.
"Authorized distributor of record" means a wholesale distributor with whom a manufacturer has established an ongoing relationship to distribute the manufacturer's prescription drug. An ongoing relationship is deemed to exist between a wholesale distributor and a manufacturer when the wholesale distributor, including any affiliated group of the wholesale distributor, as defined in Section 1504 of the Internal Revenue Code, complies with the following:

(1) The wholesale distributor has a written agreement currently in effect with the manufacturer evidencing the ongoing relationship; and
(2) The wholesale distributor is listed on the manufacturer's current list of authorized distributors of record, which is updated by the manufacturer on no less than a monthly basis.

"Blood" means whole blood collected from a single donor and processed either for transfusion or further manufacturing.
"Blood component" means that part of blood separated by physical or mechanical means.
"Board" means the State Board of Pharmacy of the Department of Professional Regulation.
"Chain pharmacy warehouse" means a physical location for prescription drugs that acts as a central warehouse and performs intracompany sales or transfers of the drugs to a group of chain or mail order pharmacies that have the same common ownership and control.

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Notwithstanding any other provision of this Act, a chain pharmacy warehouse shall be considered part of the normal distribution channel.

"Co-licensed partner or product" means an instance where one or more parties have the right to engage in the manufacturing or marketing of a prescription drug, consistent with the FDA's implementation of the Prescription Drug Marketing Act.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of Professional Regulation.

"Drop shipment" means the sale of a prescription drug to a wholesale distributor by the manufacturer of the prescription drug or that manufacturer's co-licensed product partner, that manufacturer's third party logistics provider, or that manufacturer's exclusive distributor or by an authorized distributor of record that purchased the product directly from the manufacturer or one of these entities whereby the wholesale distributor or chain pharmacy warehouse takes title but not physical possession of such prescription drug and the wholesale distributor invoices the pharmacy, chain pharmacy warehouse, or other person authorized by law to dispense or administer such drug to a patient and the pharmacy, chain pharmacy warehouse, or other authorized person receives delivery of the prescription drug directly from the manufacturer, that manufacturer's third party logistics provider, or that manufacturer's exclusive distributor or from an authorized distributor of record that purchased the product directly from the manufacturer or one of these entities.

"Drug sample" means a unit of a prescription drug that is not intended to be sold and is intended to promote the sale of the drug.

"Facility" means a facility of a wholesale distributor where prescription drugs are stored, handled, repackaged, or offered for sale.

"FDA" means the United States Food and Drug Administration.

"Manufacturer" means a person licensed or approved by the FDA to engage in the manufacture of drugs or devices, consistent with the definition of "manufacturer" set forth in the FDA's regulations and guidances implementing the Prescription Drug Marketing Act.

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"Manufacturer's exclusive distributor" means anyone who contracts with a manufacturer to provide or coordinate warehousing, distribution, or other services on behalf of a manufacturer and who takes title to that manufacturer's prescription drug, but who does not have general responsibility to direct the sale or disposition of the manufacturer's prescription drug. A manufacturer's exclusive distributor must be licensed as a wholesale distributor under this Act and, in order to be considered part of the normal distribution channel, must also be an authorized distributor of record.

"Normal distribution channel" means a chain of custody for a prescription drug that goes, directly or by drop shipment, from (i) a manufacturer of the prescription drug, (ii) that manufacturer to that manufacturer's co-licensed partner, (iii) that manufacturer to that manufacturer's third party logistics provider, or (iv) that manufacturer to that manufacturer's exclusive distributor to:

(1) a pharmacy or to other designated persons authorized by law to dispense or administer the drug to a patient;

(2) a wholesale distributor to a pharmacy or other designated persons authorized by law to dispense or administer the drug to a patient;

(3) a wholesale distributor to a chain pharmacy warehouse to that chain pharmacy warehouse's intracompany pharmacy to a patient or other designated persons authorized by law to dispense or administer the drug to a patient;

(4) a chain pharmacy warehouse to the chain pharmacy warehouse's intracompany pharmacy or other designated persons authorized by law to dispense or administer the drug to the patient;

(5) an authorized distributor of record to one other authorized distributor of record to an office-based health care practitioner authorized by law to dispense or administer the drug to the patient; or

(6) an authorized distributor to a pharmacy or other persons licensed to dispense or administer the drug.
"Pedigree" means a document or electronic file containing information that records each wholesale distribution of any given prescription drug from the point of origin to the final wholesale distribution point of any given prescription drug.

"Manufacturer" means anyone who is engaged in the manufacturing, preparing, propagating, compounding, processing, packaging, repackaging, or labeling of a prescription drug.

"Person" means and includes a natural person, partnership, association or corporation.

"Pharmacy distributor" means any pharmacy licensed in this State or hospital pharmacy that is engaged in the delivery or distribution of prescription drugs either to any other pharmacy licensed in this State or to any other person or entity including, but not limited to, a wholesale drug distributor engaged in the delivery or distribution of prescription drugs who is involved in the actual, constructive, or attempted transfer of a drug in this State to other than the ultimate consumer except as otherwise provided for by law.

"Prescription drug" means any human drug including any biological product (except for blood and blood components intended for transfusion or biological products that are also medical devices), required by federal law or regulation to be dispensed only by a prescription, including finished dosage forms and bulk drug substances subject to subsection (b) of Section 503 of the Federal Food, Drug and Cosmetic Act.

"Repackage" means repackaging or otherwise changing the container, wrapper, or labeling to further the distribution of a prescription drug, excluding that completed by the pharmacist responsible for dispensing the product to a patient.

"Secretary" means the Secretary of Financial and Professional Regulation.

"Third party logistics provider" means anyone who contracts with a prescription drug manufacturer to provide or coordinate warehousing, distribution, or other services on behalf of a manufacturer, but does not take title to the prescription drug or have general responsibility to direct

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the prescription drug's sale or disposition. A third party logistics provider must be licensed as a wholesale distributor under this Act and, in order to be considered part of the normal distribution channel, must also be an authorized distributor of record.

"Wholesale distribution" or "wholesale distributions" means the distribution of prescription drugs to persons other than a consumer or patient, but does not include any of the following:

1. Intracompany sales of prescription drugs, meaning any transaction or transfer between any division, subsidiary, parent, or affiliated or related company under the common ownership and control of a corporate entity or (ii) any transaction or transfer between co-licensees of a co-licensed product.

2. The sale, purchase, distribution, trade, or transfer of a prescription drug or offer to sell, purchase, distribute, trade, or transfer a prescription drug for emergency medical reasons.

3. The distribution of prescription drug samples by manufacturers' representatives.

4. Drug returns, when conducted by a hospital, health care entity, or charitable institution in accordance with federal regulation.

5. The sale of minimal quantities of prescription drugs by retail pharmacies to licensed practitioners for office use.

6. The sale, purchase, or trade of a drug, an offer to sell, purchase, or trade a drug, or the dispensing of a drug pursuant to a prescription.

7. The sale, transfer, merger, or consolidation of all or part of the business of a pharmacy or pharmacies from or with another pharmacy or pharmacies, whether accomplished as a purchase and sale of stock or business assets.

8. The sale, purchase, distribution, trade, or transfer of a prescription drug from one authorized distributor of record to one additional authorized distributor of record when the manufacturer has stated in writing to the receiving authorized distributor of

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record that the manufacturer is unable to supply the prescription
drug and the supplying authorized distributor of record states in
writing that the prescription drug being supplied had until that
time been exclusively in the normal distribution channel.

(9) The delivery of or the offer to deliver a prescription
drug by a common carrier solely in the common carrier's usual
course of business of transporting prescription drugs when the
common carrier does not store, warehouse, or take legal
ownership of the prescription drug.

(10) The sale or transfer from a retail pharmacy, mail
order pharmacy, or chain pharmacy warehouse of expired,
damaged, returned, or recalled prescription drugs to the original
manufacturer, the originating wholesale distributor, or a third
party returns processor. (b) The purchase or other acquisition by a
hospital or other health care entity that is a member of a group
purchasing organization of a drug for its own use from the group
purchasing organization or from other hospitals or health care
entities that are members of a group organization.

(e) The sale, purchase, or trade of a drug or an offer to sell,
purchase, or trade a drug by a charitable organization described in
subsection (c)(3) of Section 501 of the U.S. Internal Revenue Code
of 1954 to a nonprofit affiliate of the organization to the extent
otherwise permitted by law.

(d) The sale, purchase, or trade of a drug or an offer to sell,
purchase, or trade a drug among hospitals or other health care
entities that are under common control. For purposes of this Act,
"common control" means the power to direct or cause the direction
of the management and policies of a person or an organization,
whether by ownership of stock, voting rights, contract, or
otherwise.

(e) The sale, purchase, or trade of a drug or an offer to sell,
purchase, or trade a drug for emergency medical reasons. For
purposes of this Act, "emergency medical reasons" include

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transfers of prescription drugs by a retail pharmacy to another retail pharmacy to alleviate a temporary shortage:

(f) The sale, purchase, or trade of a drug, an offer to sell, purchase, or trade a drug, or the dispensing of a drug pursuant to a prescription:

(g) The distribution of drug samples by manufacturers' representatives or distributors' representatives.

(h) The sale, purchase, or trade of blood and blood components intended for transfusion.

"Wholesale drug distributor" means anyone any person or entity engaged in the wholesale distribution of prescription drugs, including without limitation, but not limited to; manufacturers; repackers; own label distributors; jobbers; private label distributors; brokers; warehouses, including manufacturers' and distributors' warehouses; manufacturer's exclusive distributors; and authorized distributors of record; drug wholesalers or distributors; independent wholesale drug traders; specialty wholesale distributors; third party logistics providers; and retail pharmacies that conduct wholesale distribution; and chain pharmacy warehouses that conduct wholesale distribution. In order to be considered part of the normal distribution channel, a wholesale distributor must also be an authorized distributor of record; chain drug warehouses, and wholesale drug warehouses; independent wholesale drug traders; and retail pharmacies that conduct wholesale distributions, including, but not limited to, any pharmacy distributor as defined in this Section. A wholesale drug distributor shall not include any for hire carrier or person or entity hired solely to transport prescription drugs.

(Source: P.A. 87-594.)

(225 ILCS 120/24 new)

(Section scheduled to be repealed on January 1, 2013)

Sec. 24. Bond required. The Department shall require every wholesale distributor applying for licensure under this Act to submit a bond not to exceed $100,000 or another equivalent means of security acceptable to the Department, such as an irrevocable letter of credit or a deposit in a trust account or financial institution, payable to a fund.
established by the Department. Chain pharmacy warehouses and warehouses that are operated by agencies of this State that are not engaged in wholesale distribution are exempt from the bond requirement of this Section. The purpose of the bond is to secure payment of any fines or penalties imposed by the Department and any fees and costs incurred by the Department regarding that license, which are authorized under State law and which the licensee fails to pay 30 days after the fines, penalties, or costs become final. The Department may make a claim against the bond or security until one year after the licensee's license ceases to be valid. A single bond may suffice to cover all facilities operated by an applicant or its affiliates licensed in this State.

The Department shall establish a fund, separate from its other accounts, in which to deposit the wholesale distributor bonds required under this Section.

(225 ILCS 120/25) (from Ch. 111, par. 8301-25)
(Section scheduled to be repealed on January 1, 2013)
Sec. 25. Wholesale drug distributor licensing requirements.
All wholesale distributors and pharmacy distributors, wherever located, who engage in wholesale distribution into, out of, or within the State shall be subject to the following requirements:

(a) Every resident wholesale distributor who engages in the wholesale distribution of prescription drugs must be licensed by the Department, and every non-resident wholesale distributor must be licensed in this State if it ships prescription drugs into this State, in accordance with this Act, before engaging in wholesale distributions of wholesale prescription drugs. No person or distribution outlet shall act as a wholesale drug distributor without first obtaining a license to do so from the Department and paying any reasonable fee required by the Department.

(b) The Department shall require without limitation all of the following information from each applicant for licensure under this Act:

(1) The name, full business address, and telephone number of the licensee.

(2) All trade or business names used by the licensee.

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(3) Addresses, telephone numbers, and the names of contact persons for all facilities used by the licensee for the storage, handling, and distribution of prescription drugs.

(4) The type of ownership or operation, such as a partnership, corporation, or sole proprietorship.

(5) The name of the owner or operator of the wholesale distributor, including:
   (A) if a person, the name of the person;
   (B) if a partnership, the name of each partner and the name of the partnership;
   (C) if a corporation, the name and title of each corporate officer and director, the corporate names, and the name of the state of incorporation; and
   (D) if a sole proprietorship, the full name of the sole proprietor and the name of the business entity.

(6) A list of all licenses and permits issued to the applicant by any other state that authorizes the applicant to purchase or possess prescription drugs.

(7) The name of the designated representative for the wholesale distributor, together with the personal information statement and fingerprints, as required under subsection (c) of this Section.

(8) Minimum liability insurance and other insurance as defined by rule.

(9) Any additional information required by the Department. may grant a temporary license when a wholesale drug distributor first applies for a license to operate within this State. A temporary license shall only be granted after the applicant meets the inspection requirements for regular licensure and shall remain valid until the Department finds that the applicant meets or fails to meet the requirements for regular licensure. Nevertheless, no temporary license shall be valid for more than 90 days from the date of issuance. Any temporary license issued under this subsection shall

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be renewable for a similar period of time not to exceed 90 days under policies and procedures prescribed by the Department.

(c) Each wholesale distributor must designate an individual representative who shall serve as the contact person for the Department. This representative must provide the Department with all of the following information:

(1) Information concerning whether the person has been enjoined, either temporarily or permanently, by a court of competent jurisdiction from violating any federal or State law regulating the possession, control, or distribution of prescription drugs or criminal violations, together with details concerning any such event.

(2) A description of any involvement by the person with any business, including any investments, other than the ownership of stock in a publicly traded company or mutual fund which manufactured, administered, prescribed, distributed, or stored pharmaceutical products and any lawsuits in which such businesses were named as a party.

(3) A description of any misdemeanor or felony criminal offense of which the person, as an adult, was found guilty, regardless of whether adjudication of guilt was withheld or whether the person pled guilty or nolo contendere. If the person indicates that a criminal conviction is under appeal and submits a copy of the notice of appeal of that criminal offense, the applicant must, within 15 days after the disposition of the appeal, submit to the Department a copy of the final written order of disposition.

(4) The designated representative of an applicant for licensure as a wholesale drug distributor shall have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Department of State Police. These fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases.

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now and hereafter filed. The Department of State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department may require applicants to pay a separate fingerprinting fee, either to the Department or to a vendor. The Department, in its discretion, may allow an applicant who does not have reasonable access to a designated vendor to provide his or her fingerprints in an alternative manner. The Department may adopt any rules necessary to implement this Section.

The designated representative of a licensee shall receive and complete continuing training in applicable federal and State laws governing the wholesale distribution of prescription drugs. No license shall be issued or renewed for a wholesale drug distributor to operate unless the wholesale drug distributor shall operate in a manner prescribed by law and according to the rules and regulations promulgated by the Department.

(d) The Department may not issue a wholesale distributor license to an applicant, unless the Department first:

1. ensures that a physical inspection of the facility satisfactory to the Department has occurred at the address provided by the applicant, as required under item (1) of subsection (b) of this Section; and

2. determines that the designated representative meets each of the following qualifications:

   A. He or she is at least 21 years of age.

   B. He or she has been employed full-time for at least 3 years in a pharmacy or with a wholesale distributor in a capacity related to the dispensing and distribution of, and recordkeeping relating to, prescription drugs.

   C. He or she is employed by the applicant full time in a managerial level position.
(D) He or she is actively involved in and aware of the actual daily operation of the wholesale distributor.

(E) He or she is physically present at the facility of the applicant during regular business hours, except when the absence of the designated representative is authorized, including without limitation sick leave and vacation leave.

(F) He or she is serving in the capacity of a designated representative for only one applicant at a time, except where more than one licensed wholesale distributor is co-located in the same facility and such wholesale distributors are members of an affiliated group, as defined in Section 1504 of the Internal Revenue Code.

(e) If a wholesale distributor distributes prescription drugs from more than one facility, the wholesale distributor shall obtain a license for each facility. As a condition for receiving and renewing any wholesale drug distributor license issued under this Act, each applicant shall satisfy the Department that it has and will continuously maintain:

1. acceptable storage and handling conditions plus facilities standards;

2. minimum liability and other insurance as may be required under any applicable federal or State law;

3. a security system that includes after hours, central alarm or comparable entry detection capability; restricted premises access; adequate outside perimeter lighting; comprehensive employment applicant screening; and safeguards against employee theft;

4. an electronic, manual, or any other reasonable system of records, describing all wholesale distributor activities governed by
this Act for the 2 year period following disposition of each product and reasonably accessible during regular business hours as defined by the Department's rules in any inspection authorized by the Department;

(5) officers, directors, managers, and other persons in charge of wholesale drug distribution, storage, and handling who must at all times demonstrate and maintain their capability of conducting business according to sound financial practices as well as State and federal law;

(6) complete, updated information, to be provided the Department as a condition for obtaining and renewing a license, about each wholesale distributor to be licensed under this Act, including all pertinent licensee ownership and other key personnel and facilities information deemed necessary for enforcement of this Act. Any changes in this information shall be submitted at the time of license renewal or within 45 days from the date of the change;

(7) written policies and procedures that assure reasonable wholesale distributor preparation for, protection against and handling of any facility security or operation problems, including, but not limited to, those caused by natural disaster or government emergency; inventory inaccuracies or product shipping and receiving; outdated product or other unauthorized product control; appropriate disposition of returned goods; and product recalls;

(8) sufficient inspection procedures for all incoming and outgoing product shipments; and

(9) operations in compliance with all federal legal requirements applicable to wholesale drug distribution.

(f) The information provided under this Section may not be disclosed to any person or entity other than the Department or another government entity in need of such information for licensing or monitoring purposes. Department shall consider, at a minimum, the following factors in reviewing the qualifications of persons who engage in wholesale distribution of prescription drugs in this State:

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(1) any conviction of the applicant under any federal, State, or local laws relating to drug samples, wholesale or retail drug distribution, or distribution of controlled substances;

(2) any felony convictions of the applicant under federal, State, or local laws;

(3) the applicant's past experience in the manufacture or distribution of prescription drugs, including controlled substances;

(4) the furnishing by the applicant of false or fraudulent material in any application made in connection with drug manufacturing or distribution;

(5) suspension or revocation by federal, State, or local government of any license currently or previously held by the applicant for the manufacture or distribution of any drug, including controlled substances;

(6) compliance with licensing requirements under previously granted licenses, if any;

(7) compliance with requirements to maintain and make available to the Department or to federal, State, or local law enforcement officials those records required by this Act; and

(8) any other factors or qualifications the Department considers relevant to and consistent with the public health and safety, including whether the granting of the license would not be in the public interest:

(9) All requirements set forth in this subsection shall conform to wholesale drug distributor licensing guidelines formally adopted by the U.S. Food and Drug Administration (FDA). In case of conflict between any wholesale drug distributor licensing requirement imposed by the Department and any FDA wholesale drug distributor licensing guideline, the FDA guideline shall control.

(g) An agent or employee of any licensed wholesale drug distributor need not seek licensure under this Section and may lawfully possess pharmaceutical drugs when the agent or employee is acting in the usual course of business or employment:

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(h) The issuance of a license under this Act shall not change or affect tax liability imposed by the State on any wholesale drug distributor.

(i) A license issued under this Act shall not be sold, transferred, or assigned in any manner.

(Source: P.A. 94-942, eff. 1-1-07.)

(225 ILCS 120/35) (from Ch. 111, par. 8301-35)

Sec. 35. Fees; Illinois State Pharmacy Disciplinary Fund.

(a) The Department shall provide by rule for a schedule of fees for the administration and enforcement of this Act, including but not limited to original licensure, renewal, and restoration. The fees shall be nonrefundable.

(b) All fees collected under this Act shall be deposited into the Illinois State Pharmacy Disciplinary Fund and shall be appropriated to the Department for the ordinary and contingent expenses of the Department in the administration of this Act. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

The moneys deposited into the Illinois State Pharmacy Disciplinary Fund shall be invested to earn interest which shall accrue to the Fund.

The Department shall present to the Board for its review and comment all appropriation requests from the Illinois State Pharmacy Disciplinary Fund. The Department shall give due consideration to any comments of the Board in making appropriation requests.

(c) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary payment, the Department may take such action as it deems necessary to ensure payment.

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remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(d) The Department shall maintain a roster of the names and addresses of all registrants and of all persons whose licenses have been suspended or revoked. This roster shall be available upon written request and payment of the required fee.

(e) A manufacturer of controlled substances or wholesale distributor of controlled substances that is licensed under this Act and owned and operated by the State is exempt from licensure, registration, renewal, and other fees required under this Act. Nothing in this subsection (e) shall be construed to prohibit the Department from imposing any fine or other penalty allowed under this Act.

(Source: P.A. 91-239, eff. 1-1-00; 92-146, eff. 1-1-02; 92-586, eff. 6-26-02.)

(225 ILCS 120/55) (from Ch. 111, par. 8301-55)
(Section scheduled to be repealed on January 1, 2013)
Sec. 55. Discipline; grounds.
(a) The Department may refuse to issue, restore, or renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Department may deem proper for any of the following reasons:

(1) Violation of this Act or its rules.
(2) Aiding or assisting another person in violating any provision of this Act or its rules.
(3) Failing, within 60 days, to respond to a written requirement made by the Department for information.

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(4) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public. This includes violations of "good faith" as defined by the Illinois Controlled Substances Act and applies to all prescription drugs.

(5) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(6) Selling or engaging in the sale of drug samples provided at no cost by drug manufacturers.

(7) Conviction of or entry of a plea of guilty or nolo contendere by the applicant or licensee, or any officer, director, manager or shareholder who owns more than 5% of stock, to any crime under the laws of the United States or any state or territory of the United States that is a felony or a misdemeanor, of which an essential element is dishonesty, or any crime that is directly related to the practice of this profession in State or federal court of any crime that is a felony.

(8) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to function with reasonable judgment, skill, or safety.

(b) The Department may refuse to issue, restore, or renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Department may deem property including fines not to exceed $10,000 per offense $1000 for any of the following reasons:

(1) Material misstatement in furnishing information to the Department.

(2) Making any misrepresentation for the purpose of obtaining a license.

(3) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

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(4) A finding that licensure or registration has been applied for or obtained by fraudulent means.
(5) Willfully making or filing false records or reports.
(6) A finding of a substantial discrepancy in a Department audit of a prescription drug, including a controlled substance as that term is defined in this Act or in the Illinois Controlled Substances Act.
(c) The Department may refuse to issue or may suspend the license or registration of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until the time the requirements of the tax Act are satisfied.
(d) The Department shall revoke the license or certificate of registration issued under this Act or any prior Act of this State of any person who has been convicted a second time of committing any felony under the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act or who has been convicted a second time of committing a Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A person whose license or certificate of registration issued under this Act or any prior Act of this State is revoked under this subsection (c) shall be prohibited from engaging in the practice of pharmacy in this State.
(Source: P.A. 94-556, eff. 9-11-05.)
(225 ILCS 120/56 new)
(Section scheduled to be repealed on January 1, 2013)
Sec. 56. Restrictions on transactions.
(a) A licensee shall receive prescription drug returns or exchanges from a pharmacy or other persons authorized to administer or dispense drugs or a chain pharmacy warehouse pursuant to the terms and conditions of the agreement between the wholesale distributor and the pharmacy or chain pharmacy warehouse. Returns of expired, damaged, recalled, or otherwise non-saleable pharmaceutical products shall be distributed by the receiving wholesale distributor only to either the

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original manufacturer or a third party returns processor. Returns or exchanges of prescription drugs, saleable or otherwise, including any redistribution by a receiving wholesaler, shall not be subject to the pedigree requirements of Section 57 of this Act, so long as they are exempt from the pedigree requirement of the FDA’s currently applicable Prescription Drug Marketing Act guidance. Both licensees under this Act and pharmacies or other persons authorized to administer or dispense drugs shall be accountable for administering their returns process and ensuring that the aspects of this operation are secure and do not permit the entry of adulterated and counterfeit product.

(b) A manufacturer or wholesale distributor licensed under this Act may furnish prescription drugs only to a person licensed by the appropriate state licensing authorities. Before furnishing prescription drugs to a person not known to the manufacturer or wholesale distributor, the manufacturer or wholesale distributor must affirmatively verify that the person is legally authorized to receive the prescription drugs by contacting the appropriate state licensing authorities.

(c) Prescription drugs furnished by a manufacturer or wholesale distributor licensed under this Act may be delivered only to the premises listed on the license, provided that the manufacturer or wholesale distributor may furnish prescription drugs to an authorized person or agent of that person at the premises of the manufacturer or wholesale distributor if:

1. the identity and authorization of the recipient is properly established; and
2. this method of receipt is employed only to meet the immediate needs of a particular patient of the authorized person.

(d) Prescription drugs may be furnished to a hospital pharmacy receiving area, provided that a pharmacist or authorized receiving personnel signs, at the time of delivery, a receipt showing the type and quantity of the prescription drug received. Any discrepancy between the receipt and the type and quantity of the prescription drug actually received shall be reported to the delivering manufacturer or wholesale distributor.

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distributor by the next business day after the delivery to the pharmacy receiving area.

(e) A manufacturer or wholesale distributor licensed under this Act may not accept payment for, or allow the use of, a person or entity's credit to establish an account for the purchase of prescription drugs from any person other than the owner of record, the chief executive officer, or the chief financial officer listed on the license of a person or entity legally authorized to receive the prescription drugs. Any account established for the purchase of prescription drugs must bear the name of the licensee. This subsection (e) shall not be construed to prohibit a pharmacy or chain pharmacy warehouse from receiving prescription drugs if payment for the prescription drugs is processed through the pharmacy's or chain pharmacy warehouse's contractual drug manufacturer or wholesale distributor.

(225 ILCS 120/57 new)
(Section scheduled to be repealed on January 1, 2013)

Sec. 57. Pedigree.
(a) Each person who is engaged in the wholesale distribution of prescription drugs, including repackers, but excluding the original manufacturer of the finished form of the prescription drug, that leave or have ever left the normal distribution channel shall, before each wholesale distribution of the drug, provide a pedigree to the person who receives the drug. A retail pharmacy, mail order pharmacy, or chain pharmacy warehouse must comply with the requirements of this Section only if the pharmacy or chain pharmacy warehouse engages in the wholesale distribution of prescription drugs. On or before July 1, 2009, the Department shall determine a targeted implementation date for electronic track and trace pedigree technology. This targeted implementation date shall not be sooner than July 1, 2010. Beginning on the date established by the Department, pedigrees may be implemented through an approved and readily available system that electronically tracks and traces the wholesale distribution of each prescription drug starting with the sale by the manufacturer through acquisition and sale by any wholesale distributor and until final sale to a pharmacy or other authorized person
administering or dispensing the prescription drug. This electronic tracking system shall be deemed to be readily available only upon there being available a standardized system originating with the manufacturers and capable of being used on a wide scale across the entire pharmaceutical chain, including manufacturers, wholesale distributors, and pharmacies. Consideration must also be given to the large-scale implementation of this technology across the supply chain and the technology must be proven to have no negative impact on the safety and efficacy of the pharmaceutical product.

(b) Each person who is engaged in the wholesale distribution of a prescription drug who is provided a pedigree for a prescription drug and attempts to further distribute that prescription drug, including repackagers, but excluding the original manufacturer of the finished form of the prescription drug, must affirmatively verify before any distribution of a prescription drug occurs that each transaction listed on the pedigree has occurred.

(c) The pedigree must include all necessary identifying information concerning each sale in the chain of distribution of the product from the manufacturer or the manufacturer's third party logistics provider, co-licensed product partner, or exclusive distributor through acquisition and sale by any wholesale distributor or repackager, until final sale to a pharmacy or other person dispensing or administering the drug. This necessary chain of distribution information shall include, without limitation all of the following:

1. The name, address, telephone number and, if available, the e-mail address of each owner of the prescription drug and each wholesale distributor of the prescription drug.
2. The name and address of each location from which the product was shipped, if different from the owner's.
3. Transaction dates.
4. Certification that each recipient has authenticated the pedigree.

(d) The pedigree must also include without limitation all of the following information concerning the prescription drug:

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(1) The name and national drug code number of the prescription drug.
(2) The dosage form and strength of the prescription drug.
(3) The size of the container.
(4) The number of containers.
(5) The lot number of the prescription drug.
(6) The name of the manufacturer of the finished dosage form.

(e) Each pedigree or electronic file shall be maintained by the purchaser and the wholesale distributor for at least 3 years from the date of sale or transfer and made available for inspection or use within 5 business days upon a request of the Department.

(225 ILCS 120/58 new)
(Section scheduled to be repealed on January 1, 2013)

Sec. 58. Prohibited acts. It is unlawful for a person to perform or cause the performance of or aid and abet any of the following acts:

(1) Failure to obtain a license in accordance with this Act or operating without a valid license when a license is required by this Act.

(2) If the requirements of subsection (a) of Section 56 of this Act are applicable and are not met, the purchasing or otherwise receiving of a prescription drug from a pharmacy.

(3) If licensure is required pursuant to subsection (b) of Section 56 of this Act, the sale, distribution, or transfer of a prescription drug to a person that is not authorized under the law of the jurisdiction in which the person receives the prescription drug to receive the prescription drug.

(4) Failure to deliver prescription drugs to specified premises, as required by subsection (c) of Section 56 of this Act.

(5) Accepting payment or credit for the sale of prescription drugs in violation of subsection (e) of Section 56 of this Act.

(6) Failure to maintain or provide pedigrees as required by this Act.
(7) Failure to obtain, pass, or authenticate a pedigree as required by this Act.

(8) Providing the Department or any federal official with false or fraudulent records or making false or fraudulent statements regarding any matter within the provisions of this Act.

(9) Obtaining or attempting to obtain a prescription drug by fraud, deceit, or misrepresentation or engaging in misrepresentation or fraud in the distribution of a prescription drug.

(10) The manufacture, repacking, sale, transfer, delivery, holding, or offering for sale of any prescription drug that is adulterated, misbranded, counterfeit, suspected of being counterfeit, or that has otherwise been rendered unfit for distribution, except for the wholesale distribution by manufacturers of a prescription drug that has been delivered into commerce pursuant to an application approved under federal law by the FDA.

(11) The adulteration, misbranding, or counterfeiting of any prescription drug, except for the wholesale distribution by manufacturers of a prescription drug that has been delivered into commerce pursuant to an application approved under federal law by the FDA.

(12) The receipt of any prescription drug that is adulterated, misbranded, stolen, obtained by fraud or deceit, counterfeit, or suspected of being counterfeit and the delivery or proffered delivery of such drug for pay or otherwise.

(13) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of a prescription drug or the commission of any other act with respect to a prescription drug that results in the prescription drug being misbranded. The acts prohibited in this Section do not include the obtaining or the attempt to obtain a prescription drug for the sole purpose of testing the prescription drug for authenticity performed

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by a prescription drug manufacturer or the agent of a prescription drug manufacturer.

(225 ILCS 120/59 new)

(Section scheduled to be repealed on January 1, 2013)

Sec. 59. Enforcement; order to cease distribution of a drug.

(a) The Department shall issue an order requiring the appropriate person, including the distributors or retailers of a drug, to immediately cease distribution of the drug within this State, if the Department finds that there is a reasonable probability that:

(1) a wholesale distributor has (i) violated a provision in this Act or (ii) falsified a pedigree or sold, distributed, transferred, manufactured, repackaged, handled, or held a counterfeit prescription drug intended for human use;

(2) the prescription drug at issue, as a result of a violation in paragraph (1) of this subsection (a), could cause serious, adverse health consequences or death; and

(3) other procedures would result in unreasonable delay.

(b) An order issued under this Section shall provide the person subject to the order with an opportunity for an informal hearing, to be held not later than 10 days after the date of the issuance of the order, on the actions required by the order. If, after providing an opportunity for a hearing, the Department determines that inadequate grounds exist to support the actions required by the order, the Department shall vacate the order.

Section 85. The Illinois Public Aid Code is amended by changing Section 8A-7.1 as follows:

(305 ILCS 5/8A-7.1) (from Ch. 23, par. 8A-7.1)

Sec. 8A-7.1. The Director, upon making a determination based upon information in the possession of the Illinois Department, that continuation in practice of a licensed health care professional would constitute an immediate danger to the public, shall submit a written communication to the Director of Professional Regulation indicating such determination and additionally providing a complete summary of the information upon which such determination is based, and recommending

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that the Director of Professional Regulation immediately suspend such person's license. All relevant evidence, or copies thereof, in the Illinois Department's possession may also be submitted in conjunction with the written communication. A copy of such written communication, which is exempt from the copying and inspection provisions of the Freedom of Information Act, shall at the time of submittal to the Director of Professional Regulation be simultaneously mailed to the last known business address of such licensed health care professional by certified or registered postage, United States Mail, return receipt requested. Any evidence, or copies thereof, which is submitted in conjunction with the written communication is also exempt from the copying and inspection provisions of the Freedom of Information Act.

The Director, upon making a determination based upon information in the possession of the Illinois Department, that a licensed health care professional is willfully committing fraud upon the Illinois Department's medical assistance program, shall submit a written communication to the Director of Professional Regulation indicating such determination and additionally providing a complete summary of the information upon which such determination is based. All relevant evidence, or copies thereof, in the Illinois Department's possession may also be submitted in conjunction with the written communication.

Upon receipt of such written communication, the Director of Professional Regulation shall promptly investigate the allegations contained in such written communication. A copy of such written communication, which is exempt from the copying and inspection provisions of the Freedom of Information Act, shall at the time of submission to the Director of Professional Regulation, be simultaneously mailed to the last known address of such licensed health care professional by certified or registered postage, United States Mail, return receipt requested. Any evidence, or copies thereof, which is submitted in conjunction with the written communication is also exempt from the copying and inspection provisions of the Freedom of Information Act.

For the purposes of this Section, "licensed health care professional" means any person licensed under the Illinois Dental Practice Act, the

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(Source: P.A. 92-651, eff. 7-11-02.)

Section 90. The Elder Abuse and Neglect Act is amended by changing Section 2 as follows:

Sec. 2. Definitions. As used in this Act, unless the context requires otherwise:

(a) "Abuse" means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse, neglect, or self-neglect for the sole reason that he or she is being furnished with or relies upon treatment by spiritual means through prayer alone, in accordance with the tenets and practices of a recognized church or religious denomination.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse because of health care services provided or not provided by licensed health care professionals.

(a-5) "Abuser" means a person who abuses, neglects, or financially exploits an eligible adult.

(a-7) "Caregiver" means a person who either as a result of a family relationship, voluntarily, or in exchange for compensation has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily living.

(b) "Department" means the Department on Aging of the State of Illinois.

(c) "Director" means the Director of the Department.

(d) "Domestic living situation" means a residence where the eligible adult lives alone or with his or her family or a caregiver, or others, or a board and care home or other community-based unlicensed facility, but is not:

(1) A licensed facility as defined in Section 1-113 of the Nursing Home Care Act;

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(2) A "life care facility" as defined in the Life Care Facilities Act;
(3) A home, institution, or other place operated by the federal government or agency thereof or by the State of Illinois;
(4) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor, which is required to be licensed under the Hospital Licensing Act;
(5) A "community living facility" as defined in the Community Living Facilities Licensing Act;
(6) A "community residential alternative" as defined in the Community Residential Alternatives Licensing Act;
(7) A "community-integrated living arrangement" as defined in the Community-Integrated Living Arrangements Licensure and Certification Act;
(8) An assisted living or shared housing establishment as defined in the Assisted Living and Shared Housing Act; or
(9) A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.

(e) "Eligible adult" means a person 60 years of age or older who resides in a domestic living situation and is, or is alleged to be, abused, neglected, or financially exploited by another individual or who neglects himself or herself.

(f) "Emergency" means a situation in which an eligible adult is living in conditions presenting a risk of death or physical, mental or sexual injury and the provider agency has reason to believe the eligible adult is unable to consent to services which would alleviate that risk.

(f-5) "Mandated reporter" means any of the following persons while engaged in carrying out their professional duties:

(1) a professional or professional's delegate while engaged in: (i) social services, (ii) law enforcement, (iii) education, (iv) the care of an eligible adult or eligible adults, or (v) any of the occupations required to be licensed under the Clinical Psychologist

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Licensing Act, the Clinical Social Work and Social Work Practice Act, the Illinois Dental Practice Act, the Dietetic and Nutrition Services Practice Act, the Marriage and Family Therapy Licensing Act, the Medical Practice Act of 1987, the Naprapathic Practice Act, the Nursing and Advanced Practice Nursing Act, the Nursing Home Administrators Licensing and Disciplinary Act, the Illinois Occupational Therapy Practice Act, the Illinois Optometric Practice Act of 1987, the Pharmacy Practice Act of 1987, the Illinois Physical Therapy Act, the Physician Assistant Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Respiratory Care Practice Act, the Professional Counselor and Clinical Professional Counselor Licensing Act, the Illinois Speech-Language Pathology and Audiology Practice Act, the Veterinary Medicine and Surgery Practice Act of 2004, and the Illinois Public Accounting Act;

(2) an employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;

(3) an administrator, employee, or person providing services in or through an unlicensed community based facility;

(4) any religious practitioner who provides treatment by prayer or spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination, except as to information received in any confession or sacred communication enjoined by the discipline of the religious denomination to be held confidential;

(5) field personnel of the Department of Healthcare and Family Services, Department of Public Health, and Department of Human Services, and any county or municipal health department;

(6) personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies, and the Office of State Long Term Care Ombudsman;

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(7) any employee of the State of Illinois not otherwise specified herein who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and all other persons having direct contact with eligible adults;

(8) a person who performs the duties of a coroner or medical examiner; or

(9) a person who performs the duties of a paramedic or an emergency medical technician.

(g) "Neglect" means another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or health care. This subsection does not create any new affirmative duty to provide support to eligible adults. Nothing in this Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals.

(h) "Provider agency" means any public or nonprofit agency in a planning and service area appointed by the regional administrative agency with prior approval by the Department on Aging to receive and assess reports of alleged or suspected abuse, neglect, or financial exploitation.

(i) "Regional administrative agency" means any public or nonprofit agency in a planning and service area so designated by the Department, provided that the designated Area Agency on Aging shall be designated the regional administrative agency if it so requests. The Department shall assume the functions of the regional administrative agency for any planning and service area where another agency is not so designated.

(i-5) "Self-neglect" means a condition that is the result of an eligible adult's inability, due to physical or mental impairments, or both, or a diminished capacity, to perform essential self-care tasks that substantially threaten his or her own health, including: providing essential food, clothing, shelter, and health care; and obtaining goods and services necessary to maintain physical health, mental health, emotional well-being, and general safety.

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(j) "Substantiated case" means a reported case of alleged or suspected abuse, neglect, financial exploitation, or self-neglect in which a provider agency, after assessment, determines that there is reason to believe abuse, neglect, or financial exploitation has occurred.
(Source: P.A. 93-281 eff. 12-31-03; 93-300, eff. 1-1-04; 94-1064, eff. 1-1-07.)

Section 95. The Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act is amended by changing Section 3.17 as follows:

(320 ILCS 25/3.17) (from Ch. 67 1/2, par. 403.17)
Sec. 3.17. "Authorized pharmacy" means any pharmacy registered in this State under the Pharmacy Practice Act of 1987.
(Source: P.A. 85-1209.)

Section 100. The Illinois Prescription Drug Discount Program Act is amended by changing Section 15 as follows:

(320 ILCS 55/15)
Sec. 15. Definitions. As used in this Act:
"Authorized pharmacy" means any pharmacy registered in this State under the Pharmacy Practice Act of 1987 or approved by the Department of Financial and Professional Regulation and approved by the Department or its program administrator.
"AWP" or "average wholesale price" means the amount determined from the latest publication of the Red Book, a universally subscribed pharmacist reference guide annually published by the Hearst Corporation. "AWP" or "average wholesale price" may also be derived electronically from the drug pricing database synonymous with the latest publication of the Red Book and furnished in the National Drug Data File (NDDF) by First Data Bank (FDB), a service of the Hearst Corporation.
"Covered medication" means any medication included in the Illinois Prescription Drug Discount Program.
"Department" means the Department of Healthcare and Family Services.
"Director" means the Director of Healthcare and Family Services.

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"Drug manufacturer" means any entity (1) that is located within or outside Illinois that is engaged in (i) the production, preparation, propagation, compounding, conversion, or processing of prescription drug products covered under the program, either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis or (ii) the packaging, repackaging, leveling, labeling, or distribution of prescription drug products covered under the program and (2) that elects to provide prescription drugs either directly or under contract with any entity providing prescription drug services on behalf of the State of Illinois. "Drug manufacturer", however, does not include a wholesale distributor of drugs or a retail pharmacy licensed under Illinois law.

"Federal Poverty Limit" or "FPL" means the Federal Poverty Income Guidelines published annually in the Federal Register.

"Prescription drug" means any prescribed drug that may be legally dispensed by an authorized pharmacy.

"Program" means the Illinois Prescription Drug Discount Program created under this Act.

"Program administrator" means the entity that is chosen by the Department to administer the program. The program administrator may, in this case, be the Director or a Pharmacy Benefits Manager (PBM) chosen to subcontract with the Director.

"Rules" includes rules adopted and forms prescribed by the Department.

(Source: P.A. 93-18, eff. 7-1-03; 94-86, eff. 1-1-06.)

Section 105. The Illinois Food, Drug and Cosmetic Act is amended by changing Sections 2.22, 3.14 and 3.21 as follows:

(410 ILCS 620/2.22) (from Ch. 56 1/2, par. 502.22)

Sec. 2.22. "Drug product selection", as used in Section 3.14 of this Act, means the act of selecting the source of supply of a drug product in a specified dosage form in accordance with Section 3.14 of this Act and Section 25 of the Pharmacy Practice Act of 1987.

(Source: P.A. 85-1209.)

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(410 ILCS 620/3.14) (from Ch. 56 1/2, par. 503.14)

Sec. 3.14. Dispensing or causing to be dispensed a different drug in place of the drug or brand of drug ordered or prescribed without the express permission of the person ordering or prescribing. Except as set forth in Section 26 of the Pharmacy Practice Act, this Section does not prohibit the interchange of different brands of the same generically equivalent drug product, when the drug products are not required to bear the legend "Caution: Federal law prohibits dispensing without prescription", provided that the same dosage form is dispensed and there is no greater than 1% variance in the stated amount of each active ingredient of the drug products. A generic drug determined to be therapeutically equivalent by the United States Food and Drug Administration (FDA) shall be available for substitution in Illinois in accordance with this Act and the Pharmacy Practice Act of 1987, provided that each manufacturer submits to the Director of the Department of Public Health a notification containing product technical bioequivalence information as a prerequisite to product substitution when they have completed all required testing to support FDA product approval and, in any event, the information shall be submitted no later than 60 days prior to product substitution in the State.

(Source: P.A. 93-841, eff. 7-30-04; 94-936, eff. 6-26-06.)

(410 ILCS 620/3.21) (from Ch. 56 1/2, par. 503.21)

Sec. 3.21. Except as authorized by this Act, the Controlled Substances Act, the Pharmacy Practice Act of 1987, the Dental Practice Act, the Medical Practice Act of 1987, the Veterinary Medicine and Surgery Practice Act of 2004, or the Podiatric Medical Practice Act of 1987, to sell or dispense a prescription drug without a prescription.

(Source: P.A. 93-281, eff. 12-31-03.)

Section 110. The Uniform Hazardous Substances Act of Illinois is amended by changing Section 13 as follows:

(430 ILCS 35/13) (from Ch. 111 1/2, par. 263)

Sec. 13. This Act shall not apply to:

(1) Any carrier, while lawfully engaged in transporting a hazardous substance within this State, if such carrier shall, upon request, permit the

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Director or his designated agent to copy all records showing the 
transactions in and movements of the articles;

(2) Public Officials of this State and of the federal government 
engaged in the performance of their official duties;

(3) The manufacturer or shipper of a hazardous substance for 
experimental use only:

(a) By or under the supervision of an agency of this State or of the 
federal government authorized by law to conduct research in the field of 
hazardous substances; or

(b) By others if the hazardous substance is not sold and if the 
container thereof is plainly and conspicuously marked "For experimental 
use only -- Not to be sold", together with the manufacturer's name and 
address; provided, however, that if a written permit has been obtained 
from the Director, hazardous substances may be sold for experimental 
purposes subject to such restrictions and conditions as may be set forth in 
the permit;

(4) Any food, drug or cosmetic subject to the Federal Food, Drug 
and Cosmetic Act or to the Illinois Food, Drug and Cosmetic Act, or to 
preparations, drugs and chemicals which are dispensed by pharmacists 
authorized by and pursuant to the Pharmacy Practice Act of 1987; 
provided that this Act shall apply to any pressurized container containing a 
food, drug, cosmetic, chemical or other preparation.

(5) Any economic poison subject to the Federal Insecticide, 
Fungicide and Rodenticide Act, or to the "Illinois Pesticide Act", approved 
August 14, 1979, as amended, but shall apply to any article which is not 
itself an economic poison within the meaning of the Federal Insecticide, 
Fungicide and Rodenticide Act or the Illinois Pesticide Act, approved 
August 14, 1979, as amended, but which is a hazardous substance within 
the meaning of Section 2-4 of this Act, by reason of bearing or containing 
such an economic poison.

(6) Fuel used primarily for cooking, heating or refrigeration when 
stored in containers and used in the heating, cooking or refrigeration 
system of a household.
(7) Any article of wearing apparel, bedding, fabric, doll or toy which is subject to the provisions of the Illinois Flammable Fabrics and Toys Act, by reason of its flammable nature, but this Act shall apply to such article if it bears or contains a substance or mixture of substances which is toxic, corrosive, an irritant, strong sensitizer, or which generates pressure through decomposition, heat or other means and which may cause substantial personal injury or illness during or as a proximate result of any customary or reasonably anticipated handling or use including reasonably foreseeable ingestion by children.

(8) Any source material, special nuclear material, or by-product material as defined in the Atomic Energy Act of 1954, as amended, and regulations issued pursuant thereto by the Atomic Energy Commission.

(9) The labeling of any equipment or facilities for the use, storage, transportation, or manufacture of any hazardous material which is required to be placarded by "An Act to require labeling of equipment and facilities for the use, transportation, storage and manufacture of hazardous materials and to provide for a uniform response system to hazardous materials emergencies", approved August 26, 1976, as amended.

The Director may exempt from the requirements established by or pursuant to this Act any hazardous substance or container of a hazardous substance with respect to which he finds adequate requirements satisfying the purposes of this Act have been established by or pursuant to and in compliance with any other federal or state law.

(Source: P.A. 85-1209.)

Section 115. The Illinois Abortion Law of 1975 is amended by changing Section 11 as follows:

(720 ILCS 510/11) (from Ch. 38, par. 81-31)

Sec. 11. (1) Any person who intentionally violates any provision of this Law commits a Class A misdemeanor unless a specific penalty is otherwise provided. Any person who intentionally falsifies any writing required by this Law commits a Class A misdemeanor.

Intentional, knowing, reckless, or negligent violations of this Law shall constitute unprofessional conduct which causes public harm under Section 22 of the Medical Practice Act of 1987, as amended; Sections 10-

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45 and 15-50 of the Nursing and Advanced Practice Nursing Act, and Section 21 of the Physician Assistant Practice Act of 1987, as amended.

Intentional, knowing, reckless or negligent violations of this Law will constitute grounds for refusal, denial, revocation, suspension, or withdrawal of license, certificate, or permit under Section 30 of the Pharmacy Practice Act of 1987, as amended; Section 7 of the Ambulatory Surgical Treatment Center Act, effective July 19, 1973, as amended; and Section 7 of the Hospital Licensing Act.

(2) Any hospital or licensed facility which, or any physician who intentionally, knowingly, or recklessly fails to submit a complete report to the Department in accordance with the provisions of Section 10 of this Law and any person who intentionally, knowingly, recklessly or negligently fails to maintain the confidentiality of any reports required under this Law or reports required by Sections 10.1 or 12 of this Law commits a Class B misdemeanor.

(3) Any person who sells any drug, medicine, instrument or other substance which he knows to be an abortifacient and which is in fact an abortifacient, unless upon prescription of a physician, is guilty of a Class B misdemeanor. Any person who prescribes or administers any instrument, medicine, drug or other substance or device, which he knows to be an abortifacient, and which is in fact an abortifacient, and intentionally, knowingly or recklessly fails to inform the person for whom it is prescribed or upon whom it is administered that it is an abortifacient commits a Class C misdemeanor.

(4) Any person who intentionally, knowingly or recklessly performs upon a woman what he represents to that woman to be an abortion when he knows or should know that she is not pregnant commits a Class 2 felony and shall be answerable in civil damages equal to 3 times the amount of proved damages.

(Source: P.A. 90-742, eff. 8-13-98.)

Section 120. The Illinois Controlled Substances Act is amended by changing Sections 102, 103, 301, and 309 as follows:

(720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)
Sec. 102. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Addict" means any person who habitually uses any drug, chemical, substance or dangerous drug other than alcohol so as to endanger the public morals, health, safety or welfare or who is so far addicted to the use of a dangerous drug or controlled substance other than alcohol as to have lost the power of self control with reference to his addiction.

(b) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient, research subject, or animal (as defined by the Humane Euthanasia in Animal Shelters Act) by:

(1) a practitioner (or, in his presence, by his authorized agent),

(2) the patient or research subject at the lawful direction of the practitioner, or

(3) a euthanasia technician as defined by the Humane Euthanasia in Animal Shelters Act.

(c) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(c-1) "Anabolic Steroids" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

(i) boldenone,
(ii) chlorotestosterone,
(iii) chostebol,
(iv) dehydrochlormethyltestosterone,
(v) dihydrotestosterone,
(vi) drostanolone,
(vii) ethylestrenol,
(viii) fluoxymesterone,
(ix) formebulone,
(x) mesterolone,
(xi) methandienone,
(xii) methandranone,
(xiii) methandriol,
(xiv) methandrostenolone,
(xv) methenolone,
(xvi) methyltestosterone,
(xvii) mibolerone,
(xviii) nandrolone,
(xix) norethandrolone,
(xx) oxandrolone,
(xxi) oxymesterone,
(xxii) oxymetholone,
(xxiii) stanolone,
(xxiv) stanozolol,
(xxv) testolactone,
(xxvi) testosterone,
(xxvii) trenbolone, and
(xxviii) any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth.

Any person who is otherwise lawfully in possession of an anabolic steroid, or who otherwise lawfully manufactures, distributes, dispenses, delivers, or possesses with intent to deliver an anabolic steroid, which anabolic steroid is expressly intended for and lawfully allowed to be administered through implants to livestock or other nonhuman species, and which is approved by the Secretary of Health and Human Services for such administration, and which the person intends to administer or have administered through such implants, shall not be considered to be in unauthorized possession or to unlawfully manufacture, distribute, dispense, deliver, or possess with intent to deliver such anabolic steroid for purposes of this Act.
(d) "Administration" means the Drug Enforcement Administration, United States Department of Justice, or its successor agency.

(e) "Control" means to add a drug or other substance, or immediate precursor, to a Schedule under Article II of this Act whether by transfer from another Schedule or otherwise.

(f) "Controlled Substance" means a drug, substance, or immediate precursor in the Schedules of Article II of this Act.

(g) "Counterfeit substance" means a controlled substance, which, or the container or labeling of which, without authorization bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(h) "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession of a controlled substance, with or without consideration, whether or not there is an agency relationship.

(i) "Department" means the Illinois Department of Human Services (as successor to the Department of Alcoholism and Substance Abuse) or its successor agency.

(j) "Department of State Police" means the Department of State Police of the State of Illinois or its successor agency.

(k) "Department of Corrections" means the Department of Corrections of the State of Illinois or its successor agency.

(l) "Department of Professional Regulation" means the Department of Professional Regulation of the State of Illinois or its successor agency.

(m) "Depressant" or "stimulant substance" means:

1. a drug which contains any quantity of (i) barbituric acid or any of the salts of barbituric acid which has been designated as habit forming under section 502 (d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352 (d)); or
2. a drug which contains any quantity of (i) amphetamine or methamphetamine and any of their optical isomers; (ii) any salt of amphetamine or methamphetamine or any salt of an optical isomer of amphetamine; or (iii) any substance which the
Department, after investigation, has found to be, and by rule designated as, habit forming because of its depressant or stimulant effect on the central nervous system; or
(3) lysergic acid diethylamide; or
(4) any drug which contains any quantity of a substance which the Department, after investigation, has found to have, and by rule designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.
(n) (Blank).
(o) "Director" means the Director of the Department of State Police or the Department of Professional Regulation or his designated agents.
(p) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a prescriber, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.
(q) "Dispenser" means a practitioner who dispenses.
(r) "Distribute" means to deliver, other than by administering or dispensing, a controlled substance.
(s) "Distributor" means a person who distributes.
(t) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) substances intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure of any function of the body of man or animals and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.
(t-5) "Euthanasia agency" means an entity certified by the Department of Professional Regulation for the purpose of animal euthanasia that holds an animal control facility license or animal shelter license under the Animal Welfare Act. A euthanasia agency is authorized
to purchase, store, possess, and utilize Schedule II nonnarcotic and Schedule III nonnarcotic drugs for the sole purpose of animal euthanasia.

(t-10) "Euthanasia drugs" means Schedule II or Schedule III substances (nonnarcotic controlled substances) that are used by a euthanasia agency for the purpose of animal euthanasia.

(u) "Good faith" means the prescribing or dispensing of a controlled substance by a practitioner in the regular course of professional treatment to or for any person who is under his treatment for a pathology or condition other than that individual's physical or psychological dependence upon or addiction to a controlled substance, except as provided herein: and application of the term to a pharmacist shall mean the dispensing of a controlled substance pursuant to the prescriber's order which in the professional judgment of the pharmacist is lawful. The pharmacist shall be guided by accepted professional standards including, but not limited to the following, in making the judgment:

   (1) lack of consistency of doctor-patient relationship,
   (2) frequency of prescriptions for same drug by one prescriber for large numbers of patients,
   (3) quantities beyond those normally prescribed,
   (4) unusual dosages,
   (5) unusual geographic distances between patient, pharmacist and prescriber,
   (6) consistent prescribing of habit-forming drugs.

(u-1) "Home infusion services" means services provided by a pharmacy in compounding solutions for direct administration to a patient in a private residence, long-term care facility, or hospice setting by means of parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion.

(v) "Immediate precursor" means a substance:

   (1) which the Department has found to be and by rule designated as being a principal compound used, or produced primarily for use, in the manufacture of a controlled substance;
(2) which is an immediate chemical intermediary used or likely to be used in the manufacture of such controlled substance; and

(3) the control of which is necessary to prevent, curtail or limit the manufacture of such controlled substance.

(w) "Instructional activities" means the acts of teaching, educating or instructing by practitioners using controlled substances within educational facilities approved by the State Board of Education or its successor agency.

(x) "Local authorities" means a duly organized State, County or Municipal peace unit or police force.

(y) "Look-alike substance" means a substance, other than a controlled substance which (1) by overall dosage unit appearance, including shape, color, size, markings or lack thereof, taste, consistency, or any other identifying physical characteristic of the substance, would lead a reasonable person to believe that the substance is a controlled substance, or (2) is expressly or impliedly represented to be a controlled substance or is distributed under circumstances which would lead a reasonable person to believe that the substance is a controlled substance. For the purpose of determining whether the representations made or the circumstances of the distribution would lead a reasonable person to believe the substance to be a controlled substance under this clause (2) of subsection (y), the court or other authority may consider the following factors in addition to any other factor that may be relevant:

(a) statements made by the owner or person in control of the substance concerning its nature, use or effect;

(b) statements made to the buyer or recipient that the substance may be resold for profit;

(c) whether the substance is packaged in a manner normally used for the illegal distribution of controlled substances;

(d) whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration, and whether the amount of the consideration was
substantially greater than the reasonable retail market value of the substance.

Clause (1) of this subsection (y) shall not apply to a noncontrolled substance in its finished dosage form that was initially introduced into commerce prior to the initial introduction into commerce of a controlled substance in its finished dosage form which it may substantially resemble.

Nothing in this subsection (y) prohibits the dispensing or distributing of noncontrolled substances by persons authorized to dispense and distribute controlled substances under this Act, provided that such action would be deemed to be carried out in good faith under subsection (u) if the substances involved were controlled substances.

Nothing in this subsection (y) or in this Act prohibits the manufacture, preparation, propagation, compounding, processing, packaging, advertising or distribution of a drug or drugs by any person registered pursuant to Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

(y-1) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States, other than Illinois, that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance other than methamphetamine, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling of its container, except that this term does not include:

(1) by an ultimate user, the preparation or compounding of a controlled substance for his own use; or

(2) by a practitioner, or his authorized agent under his supervision, the preparation, compounding, packaging, or labeling of a controlled substance:

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(a) as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or
(b) as an incident to lawful research, teaching or chemical analysis and not for sale.

(z-1) (Blank).

(aa) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;
(2) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1), but not including the isoquinoline alkaloids of opium;
(3) opium poppy and poppy straw;
(4) coca leaves and any salts, compound, isomer, salt of an isomer, derivative, or preparation of coca leaves including cocaine or ecgonine, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine (for the purpose of this paragraph, the term "isomer" includes optical, positional and geometric isomers).

(bb) "Nurse" means a registered nurse licensed under the Nursing and Advanced Practice Nursing Act.

(cc) (Blank).

(dd) "Opiate" means any substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having addiction forming or addiction sustaining liability.

(ee) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.
(ff) "Parole and Pardon Board" means the Parole and Pardon Board of the State of Illinois or its successor agency.

(gg) "Person" means any individual, corporation, mail-order pharmacy, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

(hh) "Pharmacist" means any person who holds a license or certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987.

(ii) "Pharmacy" means any store, ship or other place in which pharmacy is authorized to be practiced under the Pharmacy Practice Act of 1987.

(jj) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(kk) "Practitioner" means a physician licensed to practice medicine in all its branches, dentist, podiatrist, veterinarian, scientific investigator, pharmacist, physician assistant, advanced practice nurse, licensed practical nurse, registered nurse, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise lawfully permitted by the United States or this State to distribute, dispense, conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

(II) "Pre-printed prescription" means a written prescription upon which the designated drug has been indicated prior to the time of issuance.

(mm) "Prescriber" means a physician licensed to practice medicine in all its branches, dentist, podiatrist or veterinarian who issues a prescription, a physician assistant who issues a prescription for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and the written guidelines required under Section 7.5 of the Physician Assistant Practice Act of 1987, or an advanced practice nurse with prescriptive authority in accordance with Section 303.05 and a written collaborative agreement under Sections 15-15 and 15-20 of the Nursing and Advanced Practice Nursing Act.
(nn) "Prescription" means a lawful written, facsimile, or verbal order of a physician licensed to practice medicine in all its branches, dentist, podiatrist or veterinarian for any controlled substance, of a physician assistant for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and the written guidelines required under Section 7.5 of the Physician Assistant Practice Act of 1987, or of an advanced practice nurse who issues a prescription for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and a written collaborative agreement under Sections 15-15 and 15-20 of the Nursing and Advanced Practice Nursing Act.

(oo) "Production" or "produce" means manufacture, planting, cultivating, growing, or harvesting of a controlled substance other than methamphetamine.

(pp) "Registrant" means every person who is required to register under Section 302 of this Act.

(qq) "Registry number" means the number assigned to each person authorized to handle controlled substances under the laws of the United States and of this State.

(rr) "State" includes the State of Illinois and any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(ss) " Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

(Source: P.A. 93-596, eff. 8-26-03; 93-626, eff. 12-23-03; 94-556, eff. 9-11-05.)

(720 ILCS 570/103) (from Ch. 56 1/2, par. 1103)

Sec. 103. Scope of Act. Nothing in this Act limits the lawful authority granted by the Medical Practice Act of 1987, the Nursing and Advanced Practice Nursing Act, or the Pharmacy Practice Act of 1987.

(Source: P.A. 90-742, eff. 8-13-98.)

(720 ILCS 570/301) (from Ch. 56 1/2, par. 1301)
Sec. 301. The Department of Professional Regulation shall promulgate rules and charge reasonable fees and fines relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances within this State. All moneys received by the Department of Professional Regulation under this Act shall be deposited into the respective professional dedicated funds in like manner as the primary professional licenses.

A pharmacy, manufacturer of controlled substances, or wholesale distributor of controlled substances that is regulated under this Act and owned and operated by the State is exempt from fees required under this Act. Pharmacists and pharmacy technicians working in facilities owned and operated by the State are not exempt from the payment of fees required by this Act and any rules adopted under this Act. Nothing in this Section shall be construed to prohibit the Department from imposing any fine or other penalty allowed under this Act.

(Source: P.A. 89-204, eff. 1-1-96.)

(720 ILCS 570/309) (from Ch. 56 1/2, par. 1309)

Sec. 309. On or after April 1, 2000, no person shall issue a prescription for a Schedule II controlled substance, which is a narcotic drug listed in Section 206 of this Act; or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers; phentmetrazine and its salts; gluthethimide; and pentazocine, other than on a written prescription; provided that in the case of an emergency, epidemic or a sudden or unforeseen accident or calamity, the prescriber may issue a lawful oral prescription where failure to issue such a prescription might result in loss of life or intense suffering, but such oral prescription shall include a statement by the prescriber concerning the accident or calamity, or circumstances constituting the emergency, the cause for which an oral prescription was used. Within 7 days after issuing an emergency prescription, the prescriber shall cause a written prescription for the emergency quantity prescribed to be delivered to the dispensing pharmacist. The prescription shall have written on its face "Authorization for Emergency Dispensing", and the date of the emergency prescription. The written prescription may be delivered to the pharmacist in person, or

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by mail, but if delivered by mail it must be postmarked within the 7-day period. Upon receipt, the dispensing pharmacist shall attach this prescription to the emergency oral prescription earlier received and reduced to writing. The dispensing pharmacist shall notify the Department of Human Services if the prescriber fails to deliver the authorization for emergency dispensing on the prescription to him. Failure of the dispensing pharmacist to do so shall void the authority conferred by this paragraph to dispense without a written prescription of a prescriber. All prescriptions issued for Schedule II controlled substances shall include both a written and numerical notation of quantity on the face of the prescription. No prescription for a Schedule II controlled substance may be refilled. The Department shall provide, at no cost, audit reviews and necessary information to the Department of Professional Regulation in conjunction with ongoing investigations being conducted in whole or part by the Department of Professional Regulation.

(Source: P.A. 91-576, eff. 4-1-00; 91-714, eff. 6-2-00.)

Section 130. The Methamphetamine Control and Community Protection Act is amended by changing Section 110 as follows:

(720 ILCS 646/110)

Sec. 110. Scope of Act. Nothing in this Act limits any authority or activity authorized by the Illinois Controlled Substances Act, the Medical Practice Act of 1987, the Nursing and Advanced Practice Nursing Act, the Pharmacy Practice Act of 1987, the Illinois Dental Practice Act, the Podiatric Medical Practice Act of 1987, or the Veterinary Medicine and Surgery Practice Act of 2004. Nothing in this Act limits the authority or activity of any law enforcement officer acting within the scope of his or her employment.

(Source: P.A. 94-556, eff. 9-11-05.)

Section 135. The Methamphetamine Precursor Control Act is amended by changing Sections 25 and 50 as follows:

(720 ILCS 648/25)

Sec. 25. Pharmacies.

(a) No targeted methamphetamine precursor may be knowingly distributed through a pharmacy, including a pharmacy located within,
owned by, operated by, or associated with a retail distributor unless all terms of this Section are satisfied.

(b) Any targeted methamphetamine precursor other than a convenience package or a liquid, including but not limited to any targeted methamphetamine precursor in liquid-filled capsules, shall: be packaged in blister packs, with each blister containing not more than 2 dosage units, or when the use of blister packs is technically infeasible, in unit dose packets. Each targeted package shall contain no more than 3,000 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

(c) The targeted methamphetamine precursor shall be stored behind the pharmacy counter and distributed by a pharmacist or pharmacy technician licensed under the Pharmacy Practice Act of 1987.

(d) Any retail distributor operating a pharmacy, and any pharmacist or pharmacy technician involved in the transaction or transactions, shall ensure that any person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor complies with subsection (a) of Section 20 of this Act.

(e) Any retail distributor operating a pharmacy, and any pharmacist or pharmacy technician involved in the transaction or transactions, shall verify that:

1. The person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor is 18 years of age or older and resembles the photograph of the person on the government-issued identification presented by the person; and
2. The name entered into the log referred to in subsection (a) of Section 20 of this Act corresponds to the name on the government-issued identification presented by the person.

(f) The logs referred to in subsection (a) of Section 20 of this Act shall be kept confidential, maintained for not less than 2 years, and made available for inspection and copying by any law enforcement officer upon request of that officer. These logs may be kept in an electronic format if they include all the information specified in subsection (a) of Section 20 of
this Act in a manner that is readily retrievable and reproducible in hard-copy format.

(g) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute any targeted methamphetamine precursor to any person under 18 years of age.

(h) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute to a single person more than 2 targeted packages in a single retail transaction.

(i) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute to a single person in any 30-day period products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

(j) A pharmacist or pharmacy technician may distribute a targeted methamphetamine precursor to a person who is without a form of identification specified in paragraph (1) of subsection (a) of Section 20 of this Act only if all other provisions of this Act are followed and either:

   (1) the person presents a driver's license issued without a photograph by the State of Illinois pursuant to the Illinois Administrative Code, Title 92, Section 1030.90(b)(1) or 1030.90(b)(2); or

   (2) the person is known to the pharmacist or pharmacy technician, the person presents some form of identification, and the pharmacist or pharmacy technician reasonably believes that the targeted methamphetamine precursor will be used for a legitimate medical purpose and not to manufacture methamphetamine.

(k) When a pharmacist or pharmacy technician distributes a targeted methamphetamine precursor to a person according to the procedures set forth in this Act, and the pharmacist or pharmacy technician does not have access to a working cash register at the pharmacy counter, the pharmacist or pharmacy technician may instruct the person to pay for the targeted methamphetamine precursor at a cash register located elsewhere in the retail establishment, whether that register is operated by a

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pharmacist, pharmacy technician, or other employee or agent of the retail establishment.
(Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06.)
(720 ILCS 648/50)
Sec. 50. Scope of Act.
(a) Nothing in this Act limits the scope, terms, or effect of the Methamphetamine Control and Community Protection Act.
(b) Nothing in this Act limits the lawful authority granted by the Medical Practice Act of 1987, the Nursing and Advanced Practice Nursing Act, or the Pharmacy Practice Act of 1987.
(c) Nothing in this Act limits the authority or activity of any law enforcement officer acting within the scope of his or her employment.
(Source: P.A. 94-694, eff. 1-15-06.)

Section 140. The Parental Right of Recovery Act is amended by changing Section 2 as follows:
(740 ILCS 120/2) (from Ch. 70, par. 602)
Sec. 2. For the purpose of this Act, unless the context clearly requires otherwise:
(1) "Illegal drug" means (i) any substance as defined and included in the Schedules of Article II of the Illinois Controlled Substances Act, (ii) any cannabis as defined in Section 3 of the Cannabis Control Act, or (iii) any drug as defined in paragraph (b) of Section 3 of the Pharmacy Practice Act of 1987 which is obtained without a prescription or otherwise in violation of the law.
(2) "Minor" means a person who has not attained age 18.
(3) "Legal guardian" means a person appointed guardian, or given custody, of a minor by a circuit court of this State, but does not include a person appointed guardian, or given custody, of a minor under the Juvenile Court Act or the Juvenile Court Act of 1987.
(4) "Parent" means any natural or adoptive parent of a minor.
(5) "Person" means any natural person, corporation, association, partnership or other organization.
(6) "Prescription" means any order for drugs, written or verbal, by a physician, dentist, veterinarian or other person authorized to prescribe

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drugs within the limits of his license, containing the following: (1) Name of the patient; (2) date when prescription was given; (3) name and strength of drug prescribed; (4) quantity, directions for use, prescriber's name, address and signature, and the United States Drug Enforcement Agency number where required, for controlled substances.

(7) "Sale or transfer" means the actual or constructive transfer of possession of an illegal drug, with or without consideration, whether directly or through an agent.

(Source: P.A. 85-1209.)

(225 ILCS 85/14 rep.)

(225 ILCS 85/35.11 rep.)

Section 145. The Pharmacy Practice Act of 1987 is amended by repealing Sections 14 and 35.11.

(225 ILCS 120/45 rep.)

Section 150. The Wholesale Drug Distribution Licensing Act is amended by repealing Section 45.

Section 999. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly August 1, 2007.

PUBLIC ACT 95-0690
(Senate Bill No. 0274)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Methamphetamine Control and Community Protection Act is amended by changing Section 25 as follows:

(720 ILCS 646/25)
Sec. 25. Anhydrous ammonia.

New matter indicated by italics - deletions by strikeout
(a) Possession, procurement, transportation, storage, or delivery of anhydrous ammonia with the intent that it be used to manufacture methamphetamine.

(1) It is unlawful to knowingly engage in the possession, procurement, transportation, storage, or delivery of anhydrous ammonia or to attempt to engage in any of these activities or to assist another in engaging in any of these activities with the intent that the anhydrous ammonia be used to manufacture methamphetamine.

(2) A person who violates paragraph (1) of this subsection (a) is guilty of a Class 1 felony.

(b) Aggravated possession, procurement, transportation, storage, or delivery of anhydrous ammonia with the intent that it be used to manufacture methamphetamine.

(1) It is unlawful to knowingly engage in the aggravated possession, procurement, transportation, storage, or delivery of anhydrous ammonia with the intent that it be used to manufacture methamphetamine. A person commits this offense when the person engages in the possession, procurement, transportation, storage, or delivery of anhydrous ammonia or attempts to engage in any of these activities or assists another in engaging in any of these activities with the intent that the anhydrous ammonia be used to manufacture methamphetamine and:

(A) the person knowingly does so in a multi-unit dwelling;

(B) the person knowingly does so in a structure or vehicle where a child under the age of 18, or a person with a disability, or a person who is 60 years of age or older who is incapable of adequately providing for his or her own health and personal care resides, is present, or is endangered by the anhydrous ammonia;

(C) the person's possession, procurement, transportation, storage, or delivery of anhydrous ammonia
(D) the person's possession, procurement, transportation, storage, or delivery of anhydrous ammonia is a contributing cause of a fire or explosion that damages property belonging to another person.

(2) A person who violates paragraph (1) of this subsection (b) is guilty of a Class X felony, subject to a term of imprisonment of not less than 6 years and not more than 30 years, and subject to a fine not to exceed $100,000.

(c) Possession, procurement, transportation, storage, or delivery of anhydrous ammonia in an unauthorized container.

(1) It is unlawful to knowingly possess, procure, transport, store, or deliver anhydrous ammonia in an unauthorized container.

(1.5) It is unlawful to attempt to possess, procure, transport, store, or deliver anhydrous ammonia in an unauthorized container.

(2) A person who violates paragraph (1) of this subsection (c) is guilty of a Class 3 felony. A person who violates paragraph (1.5) of this subsection (c) is guilty of a Class 4 felony.

(3) Affirmative defense. It is an affirmative defense that the person charged possessed, procured, transported, stored, or delivered anhydrous ammonia in a manner that substantially complied with the rules governing anhydrous ammonia equipment found in 8 Illinois Administrative Code Section 215, in 92 Illinois Administrative Code Sections 171 through 180, or in any provision of the Code of Federal Regulations incorporated by reference into these Sections of the Illinois Administrative Code.

(d) Tampering with anhydrous ammonia equipment.

(1) It is unlawful to knowingly tamper with anhydrous ammonia equipment. A person tampers with anhydrous ammonia equipment when, without authorization from the lawful owner, the person:
(A) removes or attempts to remove anhydrous ammonia from the anhydrous ammonia equipment used by the lawful owner;

(B) damages or attempts to damage the anhydrous ammonia equipment used by the lawful owner; or

(C) vents or attempts to vent anhydrous ammonia into the environment.

(2) A person who violates paragraph (1) of this subsection (d) is guilty of a Class 3 felony.

(Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

Section 99. Effective date. This Act takes effect January 1, 2008.
Effective January 1, 2008.

PUBLIC ACT 95-0691
(Senate Bill No. 1167)

AN ACT concerning property.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Home Equity Assurance Act is amended by changing Section 11 as follows:

(65 ILCS 95/11) (from Ch. 24, par. 1611)
Sec. 11. Guarantee Fund.
(a) Each governing commission and program created by referendum under the provisions of this Act shall maintain a guarantee fund for the purposes of paying the costs of administering the program and extending protection to members pursuant to the limitations and procedures set forth in this Act.

(b) The guarantee fund shall be raised by means of an annual tax levied on all residential property within the territory of the program having at least one, but not more than 6 dwelling units and classified by county ordinance as residential. The rate of this tax may be changed from year to year by the governing commission.
year by majority vote of the governing commission but in no case shall it exceed a rate of .12% of the equalized assessed valuation of all property in the territory of the program having at least one, but not more than 6 dwelling units and classified by county ordinance as residential, or the maximum tax rate approved by the voters of the territory at the referendum which created the program or, in the case of a merged program, the maximum tax rate approved by the voters at the referendum authorizing the merger, whichever rate is lower. The commissioners shall cause the amount to be raised by taxation in each year to be certified to the county clerk in the manner provided by law, and any tax so levied and certified shall be collected and enforced in the same manner and by the same officers as those taxes for the purposes of the county and city within which the territory of the commission is located. Any such tax, when collected, shall be paid over to the proper officer of the commission who is authorized to receive and receipt for such tax. The governing commission may issue tax anticipation warrants against the taxes to be assessed for the calendar year in which the program is created and for the first full calendar year after the creation of the program.

(c) The moneys deposited in the guarantee fund shall, as nearly as practicable, be fully and continuously invested or reinvested by the governing commission in investment obligations which shall be in such amounts, and shall mature at such times, that the maturity or date of redemption at the option of the holder of such investment obligations shall coincide, as nearly as practicable, with the times at which monies will be required for the purposes of the program. For the purposes of this Section investment obligation shall mean direct general municipal, state, or federal obligations which at the time are legal investments under the laws of this State and the payment of principal of and interest on which are unconditionally guaranteed by the governing body issuing them.

(d) Except as permitted by this subsection and subsection (d-5), the guarantee fund shall be used solely and exclusively for the purpose of providing guarantees to members of the particular Guaranteed Home Equity Program and for reasonable salaries, expenses, bills, and fees

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incurred in administering the program, and shall be used for no other purpose.

A governing commission, with no less than $4,000,000 in its guarantee fund, may, if authorized by referendum duly adopted by a majority of the voters, establish a Low Interest Home Improvement Loan Program in accordance with and subject to procedures established by a financial institution, as defined in the Illinois Banking Act. Whenever the question of creating a Low Interest Home Improvement Loan Program is initiated by resolution or ordinance of the corporate authorities of the municipality or by a petition signed by not less than 10% of the total number of registered voters of each precinct in the territory, the registered voters of which are eligible to sign the petition, it shall be the duty of the election authority having jurisdiction over the municipality to submit the question of creating the program to the electors of each precinct within the territory at the regular election specified in the resolution, ordinance, or petition initiating the question. A petition initiating a question described in this subsection shall be filed with the election authority having jurisdiction over the municipality. The petition shall be filed and objections to the petition shall be made in the manner provided in the Election Code. A resolution, ordinance, or petition initiating a question described in this subsection shall specify the election at which the question is to be submitted. The referendum on the question shall be held in accordance with the Election Code. The question shall be in substantially the following form:

"Shall the (name of the home equity program) implement a Low Interest Home Improvement Loan Program with money from the guarantee fund of the established guaranteed home equity program?"

The votes must be recorded as "Yes" or "No".

Whenever a majority of the voters on the public question approve the creation of the program as certified by the proper election authorities, the commission shall establish the program and administer the program with funds collected under the Guaranteed Home Equity Program, subject to the following conditions:

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(1) At any given time, the cumulative total of all loans and loan guarantees (if applicable) issued under this program may not reduce the balance of the guarantee fund to less than $3,000,000.

(2) Only eligible applicants may apply for a loan.

(3) The loan must be used for the repair, maintenance, remodeling, alteration, or improvement of a guaranteed residence. This condition is not intended to exclude the repair, maintenance, remodeling, alteration, or improvement of a guaranteed residence's landscape. This condition is intended to exclude the demolition of a current residence. This condition is also intended to exclude the construction of a new residence.

(4) An eligible applicant may not borrow more than the amount of equity value in his or her residence.

(5) A commission must ensure that loans issued are secured with collateral that is at least equal to the amount of the loan or loan guarantee.

(6) A commission shall charge an interest rate which it determines to be below the market rate of interest generally available to the applicant.

(7) A commission may, by resolution, establish other administrative rules and procedures as are necessary to implement this program including, but not limited to, loan dollar amounts and terms. A commission may also impose on loan applicants a one-time application fee for the purpose of defraying the costs of administering the program.

(d-5) A governing commission, with no less than $4,000,000 in its guarantee fund, may, if authorized by referendum duly adopted by a majority of the voters, establish a Foreclosure Prevention Loan Fund to provide low interest emergency loans to eligible applicants that may be forced into foreclosure proceedings.

Whenever the question of creating a Foreclosure Prevention Loan Fund is initiated by resolution or ordinance of the corporate authorities of the municipality or by a petition signed by not less than 10% of the total number of registered voters of each precinct in the territory, the registered voters...
voters of which are eligible to sign the petition, it shall be the duty of the
election authority having jurisdiction over the municipality to submit the
question of creating the program to the electors of each precinct within
the territory at the regular election specified in the resolution, ordinance,
or petition initiating the question. A petition initiating a question
described in this subsection shall be filed with the election authority
having jurisdiction over the municipality. The petition shall be filed and
objections to the petition shall be made in the manner provided in the
Election Code. A resolution, ordinance, or petition initiating a question
described in this subsection shall specify the election at which the question
is to be submitted. The referendum on the question shall be held in
accordance with the Election Code. The question shall be in substantially
the following form:

"Shall the (name of the home equity program) implement a
Foreclosure Prevention Loan Fund with money from the guarantee fund of
the established guaranteed home equity program?"

The votes must be recorded as "Yes" or "No".

Whenever a majority of the voters on the public question approve
the creation of a Foreclosure Prevention Loan Fund as certified by the
proper election authorities, the commission shall establish the program
and administer the program with funds collected under the Guaranteed
Home Equity Program, subject to the following conditions:

(1) At any given time, the cumulative total of all loans and
loan guarantees (if applicable) issued under this program may not
exceed $3,000,000.

(2) Only eligible applicants may apply for a loan. The
Commission may establish, by resolution, additional criteria for
eligibility.

(3) The loan must be used to assist with preventing
foreclosure proceedings.

(4) An eligible applicant may not borrow more than the
amount of equity value in his or her residence.

(5) A commission must ensure that loans issued are secured
as a second lien on the property.

New matter indicated by italics - deletions by strikeout
(6) A commission shall charge an interest rate which it determines to be below the market rate of interest generally available to the applicant.

(7) A commission may, by resolution, establish other administrative rules and procedures as are necessary to implement this program including, but not limited to, eligibility requirements for eligible applicants, loan dollar amounts, and loan terms.

(8) A commission may also impose on loan applicants a one-time application fee for the purpose of defraying the costs of administering the program.

(e) The guarantee fund shall be maintained, invested, and expended exclusively by the governing commission of the program for whose purposes it was created. Under no circumstance shall the guarantee fund be used by any person or persons, governmental body, or public or private agency or concern other than the governing commission of the program for whose purposes it was created. Under no circumstances shall the guarantee fund be commingled with other funds or investments.

(e-1) No commissioner or family member of a commissioner, or employee or family member of an employee, may receive any financial benefit, either directly or indirectly, from the guarantee fund. Nothing in this subsection (e-1) shall be construed to prohibit payment of expenses to a commissioner in accordance with Section 4 or payment of salaries or expenses to an employee in accordance with this Section.

As used in this subsection (e-1), "family member" means a spouse, child, stepchild, parent, brother, or sister of a commissioner or a child, stepchild, parent, brother, or sister of a commissioner's spouse.

(f) An independent audit of the guarantee fund and the management of the program shall be conducted annually and made available to the public through any office of the governing commission or a public facility such as a local public library located within the territory of the program.

(Source: P.A. 91-492, eff. 1-1-00.)

New matter indicated by italics - deletions by strikeout
Section 10. The Residential Mortgage License Act of 1987 is amended by changing Section 4-10 and by adding Sections 4-15, 4-16, 5-6, 5-7, 5-8, 5-9, 5-10, 5-11, 5-12, 5-14, 5-15, 5-16, and 5-17 as follows:

(205 ILCS 635/4-10) (from Ch. 17, par. 2324-10)
Sec. 4-10. Rules and Regulations of the Commissioner.
(a) In addition to such powers as may be prescribed by this Act, the Commissioner is hereby authorized and empowered to promulgate regulations consistent with the purposes of this Act, including but not limited to:

(1) Such rules and regulations in connection with the activities of licensees as may be necessary and appropriate for the protection of consumers in this State;
(2) Such rules and regulations as may be necessary and appropriate to define improper or fraudulent business practices in connection with the activities of licensees in making mortgage loans;
(3) Such rules and regulations as may define the terms used in this Act and as may be necessary and appropriate to interpret and implement the provisions of this Act; and
(4) Such rules and regulations as may be necessary for the enforcement of this Act.
(b) The Commissioner is hereby authorized and empowered to make such specific rulings, demands and findings as he or she may deem necessary for the proper conduct of the mortgage lending industry.
(c) A person or entity may make a written application to the Department for a written interpretation of this Act. The Department may then, in its sole discretion, choose to issue a written interpretation. To be valid, a written interpretation must be signed by the Secretary, or his or her designated Director of Financial and Professional Regulation, and the Department's General Counsel. A written interpretation expires 2 years after the date that it was issued.
(d) No provision in this Act that imposes liability or establishes violations shall apply to any act taken by a person or entity in conformity with a written interpretation of this Act that is in effect at the time the act

New matter indicated by italics - deletions by strikeout
is taken, notwithstanding whether the written interpretation is later amended, rescinded, or determined by judicial or other authority to be invalid for any reason.
(Source: P.A. 85-735.)

(205 ILCS 635/4-15 new)
Sec. 4-15. Enforcement and reporting provisions. The Attorney General may enforce any violation of Section 5-6, 5-7, 5-8, 5-9, 5-10, 5-11, 5-12, 5-14, or 5-15 of this Act as an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act.

(205 ILCS 635/4-16 new)
Sec. 4-16. Private right of action. A borrower injured by a violation of the standards, duties, prohibitions, or requirements of Sections 5-6, 5-7, 5-8, 5-9, 5-10, 5-11, 5-12, 5-14, 5-15, and 5-16 of this Act shall have a private right of action.

(a) A licensee is not liable for a violation of this Act if:

(1) within 30 days of the loan closing and prior to receiving any notice from the borrower of the violation, the licensee has made appropriate restitution to the borrower and appropriate adjustments are made to the loan; or

(2) the violation was not intentional and resulted from a bona fide error in fact, notwithstanding the maintenance of procedures reasonably adopted to avoid such errors, and within 60 days of the discovery of the violation and prior to receiving any notice from the borrower of the violation, the borrower is notified of the violation, appropriate restitution is made to the borrower, and appropriate adjustments are made to the loan.

(b) The remedies and rights provided for in this Act are not exclusive, but cumulative, and all other applicable claims are specifically preserved.

(205 ILCS 635/5-6 new)
Sec. 5-6. Verification of borrower's ability to repay.
(a) No licensee may make, provide, or arrange for a residential mortgage loan without verifying the borrower's reasonable ability to pay
the principal and interest on the loan, real estate taxes, homeowner's insurance, assessments, and mortgage insurance premiums, if applicable.

For residential mortgage loans in which the interest rate may vary, the reasonable ability to pay the principal and interest on the loan shall be determined based on a fully indexed rate, which rate shall be calculated by using the index rate prevailing at the time of origination of the loan plus the margin that will apply when calculating the adjustable rate under the terms of the loan, assuming a fully amortizing repayment schedule based on the term of the loan.

For loans that allow for negative amortization, the principal amount of the loan shall be calculated by including the maximum amount the principal balance may increase due to negative amortization under the terms of the loan.

(b) For all residential mortgage loans made by a licensee, the borrower's income and financial resources must be verified by tax returns, payroll receipts, bank records, or other reasonably reliable methods, based upon the circumstances of the proposed loan. Nothing in this Section shall be construed to limit a licensee's ability to rely on criteria other than the borrower's income and financial resources to establish the borrower's reasonable ability to repay a residential mortgage loan; however, such other criteria must be verified through reasonably reliable methods and documentation. A statement by the borrower to the licensee of the borrower's income and resources is not sufficient to establish the existence of the income or resources when verifying the reasonable ability to pay. Stated income should be accepted only if there are mitigating factors that clearly minimize the need for direct verification of ability to repay.

(205 ILCS 635/5-7 new)

Sec. 5-7. Broker agency relationship.

(a) A mortgage broker shall be considered to have created an agency relationship with the borrower in all cases and shall comply with the following duties:

(1) A mortgage broker shall act in the borrower's best interest and in good faith toward the borrower. A mortgage broker...
shall not accept, give, or charge any undisclosed compensation or realize any undisclosed remuneration, either through direct or indirect means, that inures to the benefit of the mortgage broker on an expenditure made for the borrower;

(2) mortgage brokers shall carry out all lawful instructions given by borrowers;

(3) mortgage brokers shall disclose to borrowers all material facts of which the mortgage broker has knowledge which might reasonably affect the borrower's rights, interests, or ability to receive the borrower's intended benefit from the residential mortgage loan, but not facts which are reasonably susceptible to the knowledge of the borrower;

(4) mortgage brokers shall use reasonable care in performing duties; and

(5) mortgage brokers shall account to a borrower for all the borrower's money and property received as agent.

(b) Nothing in this Section prohibits a mortgage broker from contracting for or collecting a fee for services rendered and which had been disclosed to the borrower in advance of the provision of those services.

(c) Nothing in this Section requires a mortgage broker to obtain a loan containing terms or conditions not available to the mortgage broker in the mortgage broker's usual course of business, or to obtain a loan for the borrower from a mortgage lender with whom the mortgage broker does not have a business relationship.

(205 ILCS 635/5-8 new)

Sec. 5-8. Prepayment penalties.

(a) No licensee may make, provide, or arrange a mortgage loan with a prepayment penalty unless the licensee offers the borrower a loan without a prepayment penalty, the offer is in writing, and the borrower initials the offer to indicate that the borrower has declined the offer. In addition, the licensee must disclose the discount in rate received in consideration for a mortgage loan with the prepayment penalty.

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(b) If a borrower declines an offer required under subsection (a) of this Section, the licensee may include a prepayment penalty that extends no longer than three years or the first change date or rate adjustment of a variable rate mortgage, whichever comes earlier, provided that, if a prepayment is made during the fixed rate period, the licensee shall receive an amount that is no more than:

(1) 3% of the total loan amount if the prepayment is made within the first 12-month period following the date the loan was made;

(2) 2% of the total loan amount if the prepayment is made within the second 12-month period following the date the loan was made; or

(3) 1% of the total loan amount if the prepayment is made within the third 12-month period following the date the loan was made, if the fixed rate period extends 3 years.

(c) Notwithstanding any provision in this Section, prepayment penalties are prohibited in connection with the sale or destruction of a dwelling secured by a residential mortgage loan.

(d) This Section applies to loans made, refinanced, renewed, extended, or modified on or after the effective date of this amendatory Act of the 95th General Assembly.

Sec. 5-9. Notice of change in loan terms.
(a) No licensee may fail to do either of the following:

(1) Provide timely notice to the borrower of any material change in the terms of the residential mortgage loan prior to the closing of the loan. For purposes of this Section, a "material change means" any of the following:

(A) A change in the type of loan being offered, such as a fixed or variable rate loan or a loan with a balloon payment.

(B) A change in the term of the loan, as reflected in the number of monthly payments due before a final payment is scheduled to be made.

New matter indicated by italics - deletions by strikeout
(C) An increase in the interest rate of more than 0.15%, or an equivalent increase in the amount of discount points charged.

(D) An increase in the regular monthly payment of principal and interest of more than 5%.

(E) A change regarding the requirement or amount of escrow of taxes or insurance.

(F) A change regarding the requirement or payment, or both, of private mortgage insurance.

(2) Timely inform the borrower if any fees payable by the borrower to the licensee increase by more than 10% or $100, whichever is greater.

(b) The disclosures required by this Section shall be deemed timely if the licensee provides the borrower with the revised information not later than 3 days after learning of the change or 24 hours before the residential mortgage loan is closed, whichever is earlier. If the licensee discloses a material change more than the 3 days after learning of the change but still 24 hours before the residential mortgage loan is closed, it will not be liable for penalties or forfeitures if the licensee cures in time for the borrower to avoid any damage.

(c) If an increase in the total amount of the fee to be paid by the borrower to the broker is not disclosed in accordance with this Section, the broker shall refund to the borrower the amount by which the fee was increased. If the fee is financed into the residential mortgage loan, the broker shall also refund to the borrower the interest charged to finance the fee.

(d) Licensees limited to soliciting residential mortgage loan applications as approved by the Director under Title 38, Section 1050.2115(c)(1) of the Illinois Administrative Code are not required to provide the disclosures under this Section as long as the solicitor does not discuss the terms and conditions with the potential borrower.

(205 ILCS 635/5-10 new)

Sec. 5-10. Comparable monthly payment quotes. When comparing different loans, the licensee must not state or imply that monthly loan
payments, if they include amounts escrowed for payment of property taxes and homeowner’s insurance, are comparable with monthly loan payments that do not include these amounts.

(205 ILCS 635/5-11 new)

Sec. 5-11. Requirement to provide borrower with a copy of all appraisals. Licensees must provide to the borrower a complete copy of any appraisal, including any appraisal generated using the Automated Valuation Model, obtained by the lender for use in underwriting the residential mortgage loan within 3 business days of receipt by the licensee, but in no event less than 24 hours prior to the day of closing. The appraisal may be sent via first class mail, commercial carrier, by facsimile or by e-mail, if the borrower has supplied an e-mail address.

(205 ILCS 635/5-12 new)

Sec. 5-12. Disclosure of refinancing options. If the subject of a future loan is discussed by a licensee making, providing, or arranging a mortgage loan, the licensee shall disclose the circumstances under which a new loan could be considered. Such disclosure shall clearly state that it is not a contract and that the licensee is not representing or promising that a new loan could or would be made at any time in the future.

(205 ILCS 635/5-14 new)

Sec. 5-14. Prohibition on equity stripping and loan flipping. No licensee may engage in equity stripping or loan flipping, as those terms are defined in the Illinois Fairness in Lending Act.

(205 ILCS 635/5-15 new)

Sec. 5-15. Prohibition on financing certain insurance premiums. No licensee may make, provide, or arrange for a residential mortgage loan that finances, directly or indirectly, any credit life, credit disability, or credit unemployment insurance; however, insurance premiums calculated and paid on a monthly basis shall not be considered to be financed by the lender.

(205 ILCS 635/5-16 new)

Sec. 5-16. Prohibition on encouraging default. A licensee may not recommend or encourage default or the failure to make timely payments on an existing residential mortgage loan or other debt prior to and in

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connection with the closing or planned closing of a residential mortgage loan that refinances all or any portion of the existing loan or debt.

(205 ILCS 635/5-17 new)

Sec. 5-17. Severability. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application.

Section 15. The Residential Real Property Disclosure Act is amended by changing Sections 70, 72, and 74 and adding Sections 73 and 78 as follows:

(765 ILCS 77/70)

Sec. 70. Predatory lending database pilot program.

(a) As used in this Article:

"Adjustable rate mortgage" or "ARM" means a closed-end mortgage transaction that allows adjustments of the loan interest rate during the first 3 years of the loan term.

"Borrower" means a person seeking a mortgage loan.

"Broker" means a "broker" or "loan broker", as defined in subsection (p) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Closing agent" means an individual assigned by a title insurance company or a broker or originator to ensure that the execution of documents related to the closing of a real estate sale or the refinancing of a real estate loan and the disbursement of closing funds are in conformity with the instructions of the entity financing the transaction.

"Counseling" means in-person counseling provided by a counselor employed by a HUD-certified counseling agency to all borrowers, or documented telephone counseling where a hardship would be imposed on one or more borrowers. A hardship shall exist in instances in which the borrower is confined to his or her home due to medical conditions, as verified in writing by a physician, or the borrower resides 50 miles or more from the nearest participating HUD-certified housing counseling agency. In instances of telephone counseling, the borrower must supply all

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necessary documents to the counselor at least 72 hours prior to the scheduled telephone counseling session.

"Counselor" means a counselor employed by a HUD-certified housing counseling agency.

"Credit score" means a credit risk score as defined by the Fair Isaac Corporation, or its successor, and reported under such names as "BEACON", "EMPIRICA", and "FAIR ISAAC RISK SCORE" by one or more of the following credit reporting agencies or their successors: Equifax, Inc., Experian Information Solutions, Inc., and TransUnion LLC.

If the borrower’s credit report contains credit scores from 2 reporting agencies, then the broker or loan originator shall report the lower score.

If the borrower’s credit report contains credit scores from 3 reporting agencies, then the broker or loan originator shall report the middle score.

"Department" means the Department of Financial and Professional Regulation.

"Exempt person" means that term as it is defined in subsections (d)(1) and (d)(1.5) of Section 1-4 of the Residential Mortgage License Act of 1987.

"First-time homebuyer" means a borrower who has not held an ownership interest in residential property.

"HUD-certified counseling" or "counseling" means counseling given to a borrower by a counselor employed by a HUD-certified housing counseling agency.

"Interest only" means a closed-end loan that permits one or more payments of interest without any reduction of the principal balance of the loan, other than the first payment on the loan.

"Lender" means that term as it is defined in subsection (g) of Section 1-4 of the Residential Mortgage License Act.

"Licensee" means that term as it is defined in subsection (e) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Mortgage loan" means that term as it is defined in subsection (f) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Negative amortization" means an amortization method under which the outstanding balance may increase at any time over the course of

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the loan because the regular periodic payment does not cover the full amount of interest due.

"Originator" means a "loan originator" as defined in subsection (hh) of Section 1-4 of the Residential Mortgage License Act of 1987, except an exempt person.

"Pilot program area" means all areas within Cook County designated as such by the Department due to the high rate of foreclosure on residential home mortgages that is primarily the result of predatory lending practices. The Department shall designate the pilot program area within 30 days after the effective date of this amendatory Act of the 94th General Assembly:

"Points and fees" has the meaning ascribed to that term in Section 10 of the High Risk Home Loan Act.

"Prepayment penalty" means a charge imposed by a lender under a mortgage note or rider when the loan is paid before the expiration of the term of the loan.

"Refinancing" means a loan secured by the borrower's or borrowers' primary residence where the proceeds are not used as purchase money for the residence.

"Title insurance company" means any domestic company organized under the laws of this State for the purpose of conducting the business of guaranteeing or insuring titles to real estate and any title insurance company organized under the laws of another State, the District of Columbia, or a foreign government and authorized to transact the business of guaranteeing or insuring titles to real estate in this State.

(a-5) A predatory lending database program shall be established within Cook County. The program shall be administered in accordance with this Article. The inception date of the program shall be July 1, 2008. Inception date. The Secretary of Financial and Professional Regulation shall declare in writing the date of inception of the pilot program. The inception date shall be no later than September 1, 2006, and shall be at least 30 days after the date the Secretary issues a declaration establishing that date. The Secretary's declaration shall be posted on the Department's website, and the Department shall communicate the declaration to affected

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licensees of the Department: Until the inception date, none of the duties, obligations, contingencies, or consequences of or from the pilot program shall be imposed. The pilot program shall apply to all mortgage applications that are governed by this Article and that are made or taken on or after the inception of the pilot program.

(b) A predatory lending database pilot program is established within the pilot program area, effective upon the inception date established by the Secretary of the Department. The pilot program shall be in effect and operational for a total of 4 years and shall be administered in accordance with Article 3 of this Act. The database created under this program shall be maintained and administered by the Department. The database shall be designed to allow brokers, originators, credit counselors, title insurance companies, and closing agents to submit information to the database online. The database shall not be designed to allow those entities to retrieve information from the database, except as otherwise provided in this Article. Information submitted by the broker or originator to the Department may be used to populate the online form submitted by a credit counselor, title insurance company, or closing agent.

(c) Within 10 days after taking a mortgage application, the broker or originator for any mortgage on residential property within the pilot program area must submit to the predatory lending database all of the information required under Section 72 and any other information required by the Department by rule. Within 7 days after receipt of the information, the Department shall compare that information to the housing credit counseling standards in Section 73 developed by the Department by rule and issue to the borrower and the broker or originator a determination of whether credit counseling is recommended for the borrower. The borrower may not waive credit counseling. If at any time after submitting the information required under Section 72 the broker or originator (i) changes the terms of the loan or (ii) issues a new commitment to the borrower, then, within 5 days thereafter, the broker or originator shall re-submit all of the information required under Section 72 and, within 4 days after receipt of the information re-submitted by the broker or originator, the Department shall compare that information to the housing credit

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counseling standards in Section 73 developed by the Department by rule and shall issue to the borrower and the broker or originator a new determination of whether re-counseling credit counseling is recommended for the borrower based on the information re-submitted by the broker or originator. The Department shall require re-counseling if the loan terms have been modified to meet another counseling standard in Section 73, or if the broker has increased the interest rate by more than 200 basis points.

(d) If the Department recommends credit counseling for the borrower under subsection (c), then the Department shall notify the borrower of all participating HUD-certified counseling agencies located within the State and direct the borrower to interview with a counselor associated with one of those agencies. Within 10 days after receipt of the notice of HUD-certified counseling agencies, the borrower shall select one of those agencies and shall engage in an interview with a counselor associated with that agency. Within 7 days after interviewing the borrower, the credit counselor must submit to the predatory lending database all of the information required under Section 74 and any other information required by the Department by rule. Reasonable and customary costs not to exceed $300 Any costs associated with credit counseling provided under the pilot program shall be paid by the broker or originator. The Department shall annually calculate to the nearest dollar an adjusted rate for inflation. A counselor shall not recommend or suggest that a borrower contact any specific mortgage origination company, financial institution, or entity that deals in mortgage finance to obtain a loan, another quote, or for any other reason related to the specific mortgage transaction; however, a counselor may suggest that the borrower seek an opinion or a quote from another mortgage origination company, financial institution, or entity that deals in mortgage finance. A credit counselor or housing counseling agency that who in good faith provides counseling services shall not be liable to a broker or originator or borrower for civil damages, except for willful or wanton misconduct on the part of the counselor in providing the counseling services.
(e) The broker or originator and the borrower may not take any legally binding action concerning the loan transaction until the later of the following:

1. the Department issues a determination not to recommend *HUD-certified credit* counseling for the borrower in accordance with subsection (c); or

2. the Department issues a determination that *HUD-certified credit* counseling is recommended for the borrower and the credit counselor submits all required information to the database in accordance with subsection (d).

(f) Within 10 days after closing, the title insurance company or closing agent must submit to the predatory lending database all of the information required under Section 76 and any other information required by the Department by rule.

(g) The title insurance company or closing agent shall attach to the mortgage a certificate of compliance with the requirements of this Article, as generated by the database. If the title insurance company or closing agent fails to attach the certificate of compliance, then the mortgage is not recordable. In addition, if any lis pendens for a residential mortgage foreclosure is recorded on the property within the pilot program area, a certificate of service must be simultaneously recorded that affirms that a copy of the lis pendens was filed with the Department. If the certificate of service is not recorded, then the lis pendens pertaining to the residential mortgage foreclosure in question is not recordable and is of no force and effect.

(h) All information provided to the predatory lending database under the program is confidential and is not subject to disclosure under the Freedom of Information Act, except as otherwise provided in this Article. Information or documents obtained by employees of the Department in the course of maintaining and administering the predatory lending database are deemed confidential. Employees are prohibited from making disclosure of such confidential information or documents. Any request for production of information from the predatory lending database, whether by subpoena, notice, or any other source, shall be referred to the

New matter indicated by italics - deletions by strikeout
Department of Financial and Professional Regulation. Any borrower may authorize in writing the release of database information. The Department may use the information in the database without the consent of the borrower: (i) for the purposes of administering and enforcing the pilot program; (ii) to provide relevant information to a credit counselor providing credit counseling to a borrower under the pilot program; or (iii) to the appropriate law enforcement agency or the applicable administrative agency if the database information demonstrates criminal, fraudulent, or otherwise illegal activity.

(i) Nothing in this Article is intended to prevent a borrower from making his or her own decision as to whether to proceed with a transaction.

(j) Any person who violates any provision of this Article commits an unlawful practice within the meaning of the Consumer Fraud and Deceptive Business Practices Act.

(k) During the existence of the program, the Department shall submit semi-annual reports to the Governor and to the General Assembly by May 1 and November 1 of each year detailing its findings regarding the program. The report shall include at least the following information for each reporting period:

1. the number of loans registered with the program;
2. the number of borrowers receiving counseling;
3. the number of loans closed;
4. the number of loans requiring counseling for each of the standards set forth in Section 73;
5. the number of loans requiring counseling where the mortgage originator changed the loan terms subsequent to counseling.

Not later than one year after the Department designates the pilot program area and annually thereafter during the existence of the pilot program, the Department shall report to the Governor and to the General Assembly concerning its administration and the effectiveness of the pilot program.

(Source: P.A. 94-280, eff. 1-1-06; 94-1029, eff. 7-14-06.)

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(765 ILCS 77/72)

Sec. 72. Originator; required information. As part of the predatory lending database pilot program, the broker or originator must submit all of the following information for inclusion in the predatory lending database for each loan for which the originator takes an application:

(1) The borrower's name, address, social security number or taxpayer identification number, date of birth, and income and expense information contained in the mortgage application.

(2) The address, permanent index number, and a description of the collateral and information about the loan or loans being applied for and the loan terms, including the amount of the loan, the rate and whether the rate is fixed or adjustable, amortization or loan period terms, and any other material terms.

(3) The borrower's credit score at the time of application.

(4) Information about the originator and the company the originator works for, including the originator's license number and address, fees being charged, whether the fees are being charged as points up front, the yield spread premium payable outside closing, and other charges made or remuneration required by the broker or originator or its affiliates or the broker's or originator's employer or its affiliates for the mortgage loans.

(5) Information about affiliated or third party service providers, including the names and addresses of appraisers, title insurance companies, closing agents, attorneys, and realtors who are involved with the transaction and the broker or originator and any moneys received from the broker or originator in connection with the transaction.

(6) All information indicated on the Good Faith Estimate and Truth in Lending statement disclosures given to the borrower by the broker or originator.

(7) Annual real estate taxes for the property, together with any assessments payable in connection with the property to be secured by the collateral and the proposed monthly principal and 

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interest charge of all loans to be taken by the borrower and secured by the property of the borrower.

(8) Information concerning how the broker or originator obtained the client and the name of its referral source, if any.

(9) Information concerning the notices provided by the broker or originator to the borrower as required by law and the date those notices were given.

(10) Information concerning whether a sale and leaseback is contemplated and the names of the lessor and lessee, seller, and purchaser.

(11) Any and all financing by the borrower for the subject property within 12 months prior to the date of application.

(12) Loan information, including interest rate, term, purchase price, down payment, and closing costs.

(13) Whether the buyer is a first-time homebuyer or refinancing a primary residence.

(14) Whether the loan permits interest only payments.

(15) Whether the loan may result in negative amortization.

(16) Whether the total points and fees payable by the borrowers at or before closing will exceed 5%.

(17) Whether the loan includes a prepayment penalty, and, if so, the terms of the penalty.

(18) Whether the loan is an ARM.

(Source: P.A. 94-280, eff. 1-1-06.)

(765 ILCS 77/73 new)

Sec. 73. Standards for counseling. A borrower or borrowers subject to this Article shall be recommended for counseling if, after reviewing the information in the predatory lending database submitted under Section 72, the Department finds the borrower or borrowers are all first-time homebuyers or refinancing a primary residence and the loan is a mortgage that includes one or more of the following:

(1) the loan permits interest only payments;

(2) the loan may result in negative amortization;

New matter indicated by italics - deletions by strikeout
(3) the total points and fees payable by the borrower at or before closing will exceed 5%;
(4) the loan includes a prepayment penalty; or
(5) the loan is an ARM.

Sec. 74. Credit counselor: required information. As part of the predatory lending database pilot program, a credit counselor must submit all of the following information for inclusion in the predatory lending database:

(1) The information called for in items (1), (6), (9), (11), (12), (13), (14), (15), (16), (17), and (18) of Section 72.
(2) Any information from the borrower that confirms or contradicts the information called for under item (1) of this Section.
(3) The name and address of the credit counselor and address of the HUD-certified housing counseling agency that employs the counselor.
(4) Information pertaining to the borrower's monthly expenses that assists the credit counselor in determining whether the borrower can afford the loans or loans for which the borrower is applying.
(5) A list of the disclosures furnished to the borrower, as seen and reviewed by the credit counselor, and a comparison of that list to all disclosures required by law.
(6) Whether the borrower provided tax returns to the broker or originator or to the credit counselor, and, if so, who prepared the tax returns.
(7) The date the loan commitment expires and whether a written commitment has been given, together with the proposed date of closing.
(7) (8) A statement of the recommendations of the credit counselor that indicates the counselor's response to each of the following statements:

New matter indicated by italics - deletions by strikeout
(A) The loan should not be approved due to indicia of fraud.
(B) The loan should be approved; no material problems noted.
(C) The borrower cannot afford the loan.
(D) The borrower does not understand the transaction.
(E) The borrower does not understand the costs associated with the transaction.
(F) The borrower's monthly income and expenses have been reviewed and disclosed.
(G) The rate of the loan is above market rate.
(H) The borrower should seek a competitive bid from another broker or originator.
(I) There are discrepancies between the borrower's verbal understanding and the originator's completed form.
(J) The borrower is precipitously close to not being able to afford the loan.
(K) The borrower understands the true cost of debt consolidation and the need for credit card discipline.
(L) The information that the borrower provided the originator has been amended by the originator.

(Source: P.A. 94-280, eff. 1-1-06.)

(765 ILCS 77/78 new)

Sec. 78. Exemption. Borrowers applying for reverse mortgage financing of residential real estate including under programs regulated by the Federal Housing Authority (FHA) that require HUD-certified counseling are exempt from the program and may submit a HUD counseling certificate to comply with the program.

Section 20. The Mortgage Rescue Fraud Act is amended by changing Section 5 as follows:

(765 ILCS 940/5)

Sec. 5. Definitions. As used in this Act:

New matter indicated by italics - deletions by strikeout
"Distressed property" means residential real property consisting of one to 6 family dwelling units that is in foreclosure or at risk of loss due to nonpayment of taxes, or whose owner is more than 90 days delinquent on any loan that is secured by the property.

"Distressed property consultant" means any person who, directly or indirectly, for compensation from the owner, makes any solicitation, representation, or offer to perform or who, for compensation from the owner, performs any service that the person represents will in any manner do any of the following:

1. stop or postpone the foreclosure sale or the loss of the home due to nonpayment of taxes;
2. obtain any forbearance from any beneficiary or mortgagee, or relief with respect to a tax sale of the property;
3. assist the owner to exercise any right of reinstatement or right of redemption;
4. obtain any extension of the period within which the owner may reinstate the owner's rights with respect to the property;
5. obtain any waiver of an acceleration clause contained in any promissory note or contract secured by a mortgage on a distressed property or contained in the mortgage;
6. assist the owner in foreclosure, loan default, or post-tax sale redemption period to obtain a loan or advance of funds;
7. avoid or ameliorate the impairment of the owner's credit resulting from the recording of a notice of default or the conduct of a foreclosure sale or tax sale; or
8. save the owner's residence from foreclosure or loss of home due to nonpayment of taxes.

A "distressed property consultant" does not include any of the following:

1. a person or the person's authorized agent acting under the express authority or written approval of the Department of Housing and Urban Development;
2. a person who holds or is owed an obligation secured by a lien on any distressed property, or a person acting under the

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express authorization or written approval of such person, when the person performs services in connection with the obligation or lien, if the obligation or lien did not arise as the result of or as part of a proposed distressed property conveyance;

(3) banks, savings banks, savings and loan associations, credit unions, and insurance companies organized, chartered, or holding a certificate of authority to do business under the laws of this State or any other state or under the laws of the United States;

(4) licensed attorneys engaged in the practice of law;

(5) a Department of Housing and Urban Development approved mortgagee and any subsidiary or affiliate of these persons or entities, and any agent or employee of these persons or entities, while engaged in the business of these persons or entities;

(6) a 501(c)(3) nonprofit agency or organization, doing business for no less than 5 years, that offers counseling or advice to an owner of a distressed property, if they do not contract for services with for-profit lenders or distressed property purchasers, or any person who structures or plans such a transaction;

(7) licensees of the Residential Mortgage License Act of 1987;

(8) licensees of the Consumer Installment Loan Act who are authorized to make loans secured by real property; or

(9) licensees of the Real Estate License Act of 2000 when providing licensed activities.

"Distressed property purchaser" means any person who acquires any interest in fee in a distressed property or a beneficial interest in a trust holding title to a distressed property while allowing the owner to possess, occupy, or retain any present or future interest in fee in the property, or any person who participates in a joint venture or joint enterprise involving a distressed property conveyance. "Distressed property purchaser" does not mean any person who acquires distressed property at a short sale or any person acting in participation with any person who acquires distressed property at a short sale, if that person does not promise to convey an
interest in fee back to the owner or does not give the owner an option to purchase the property at a later date.

"Distressed property conveyance" means a transaction in which an owner of a distressed property transfers an interest in fee in the distressed property or in which the holder of all or some part of the beneficial interest in a trust holding title to a distressed property transfers that interest; the acquirer of the property allows the owner of the distressed property to occupy the property; and the acquirer of the property or a person acting in participation with the acquirer of the property conveys or promises to convey an interest in fee back to the owner or gives the owner an option to purchase the property at a later date.

"Person" means any individual, partnership, corporation, limited liability company, association, or other group or entity, however organized.

"Service" means, without limitation, any of the following:

1. debt, budget, or financial counseling of any type;

2. receiving money for the purpose of distributing it to creditors in payment or partial payment of any obligation secured by a lien on a distressed property;

3. contacting creditors on behalf of an owner of a residence that is distressed property;

4. arranging or attempting to arrange for an extension of the period within which the owner of a distressed property may cure the owner's default and reinstate his or her obligation;

5. arranging or attempting to arrange for any delay or postponement of the time of sale of the distressed property;

6. advising the filing of any document or assisting in any manner in the preparation of any document for filing with any court; or

7. giving any advice, explanation, or instruction to an owner of a distressed property that in any manner relates to the cure of a default or forfeiture or to the postponement or avoidance of sale of the distressed property.

(Source: P.A. 94-822, eff. 1-1-07.)

New matter indicated by italics - deletions by strikeout
Section 25. The Interest Act is amended by changing Section 4.1a as follows:

(815 ILCS 205/4.1a) (from Ch. 17, par. 6406)
Sec. 4.1a. Charges for and cost of the following items paid or incurred by any lender in connection with any loan shall not be deemed to be charges for or in connection with any loan of money referred to in Section 6 of this Act, or charges by the lender as a consideration for the loan referred to in this Section:

(a) hazard, mortgage or life insurance premiums, survey, credit report, title insurance, abstract and attorneys' fees, recording charges, escrow and appraisal fees, and similar charges.

(b) in the case of construction loans, in addition to the matters referred to in clause (a) above, the actual cost incurred by the lender for services for making physical inspections, processing payouts, examining and reviewing contractors' and subcontractors' sworn statements and waivers of lien and the like.

(c) in the case of any loan made pursuant to the provisions of the Emergency Home Purchase Assistance Act of 1974 (Section 313 of the National Housing Act, Chapter B of Title 12 of the United States Code), in addition to the matters referred to in paragraphs (a) and (b) of this Section all charges required or allowed by the Government National Mortgage Association, whether designated as processing fees, commitment fees, loss reserve and marketing fees, discounts, origination fees or otherwise designated.

(d) in the case of a single payment loan, made for a period of 6 months or less, a regulated financial institution or licensed lender may contract for and receive a maximum charge of $15 in lieu of interest. Such charge may be collected when the loan is made, but only one such charge may be contracted for, received, or collected for any such loan, including any extension or renewal thereof.

(e) if the agreement governing the loan so provides, a charge not to exceed the rate permitted under Section 3-806 of the

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Uniform Commercial Code-Commercial Paper for any check, draft or order for the payment of money submitted in accordance with said agreement which is unpaid or not honored by a bank or other depository institution.

(f) if the agreement governing the loan so provides, for each loan installment in default for a period of not less than 10 days, a charge in an amount not in excess of 5% of such loan installment. Only one delinquency charge may be collected on any such loan installment regardless of the period during which it remains in default. Payments timely received by the lender under a written extension or deferral agreement shall not be subject to any delinquency charge.

Notwithstanding items (k) and (l) of subsection (1) of Section 4 of this Act, the lender, in the case of any nonexempt residential mortgage loan, as defined in Section 1-4 of the Residential Mortgage License Act of 1987, shall have the right to include a prepayment penalty that extends no longer than the fixed rate period of a variable rate mortgage provided that, if a prepayment is made during the fixed rate period and not in connection with the sale or destruction of the dwelling securing the loan, the lender shall receive an amount that is no more than:

(1) 3% of the total loan amount if the prepayment is made within the first 12-month period following the date the loan was made;

(2) 2% of the total loan amount if the prepayment is made within the second 12-month period following the date the loan was made; or

(3) 1% of the total loan amount if the prepayment is made within the third 12-month period following the date the loan was made, if the fixed rate period extends 3 years.

This Section applies to loans made, refinanced, renewed, extended, or modified on or after the effective date of this amendatory Act of the 95th General Assembly.

Where there is a charge in addition to the stated rate of interest payable directly or indirectly by the borrower and imposed directly or

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indirectly by the lender as a consideration for the loan, or for or in connection with the loan of money, whether paid or payable by the borrower, the seller, or any other person on behalf of the borrower to the lender or to a third party, or for or in connection with the loan of money, other than as hereinabove in this Section provided, whether denominated "points," "service charge," "discount," "commission," or otherwise, and without regard to declining balances of principal which would result from any required or optional amortization of the principal of the loan, the rate of interest shall be calculated in the following manner:

The percentage of the principal amount of the loan represented by all of such charges shall first be computed, which in the case of a loan with an interest rate in excess of 8% per annum secured by residential real estate, other than loans described in paragraphs (e) and (f) of Section 4, shall not exceed 3% of such principal amount. Said percentage shall then be divided by the number of years and fractions thereof of the period of the loan according to its stated maturity. The percentage thus obtained shall then be added to the percentage of the stated annual rate of interest.

The borrower in the case of nonexempt loan shall have the right to prepay the loan in whole or in part at any time, but, except as may otherwise be provided by Section 4, the lender may require payment of not more than 6 months' advance interest on that part of the aggregate amount of all prepayments on a loan in one year, which exceeds 20% of the original principal amount of the loan.

(Source: P.A. 87-496.)

Section 970. Severability. If any provision of this amendatory Act of the 95th General Assembly or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this amendatory Act that can be given effect without the invalid provision or application.

Approved November 2, 2007.
Effective June 1, 2008.

New matter indicated by italics - deletions by strikeout
AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. "An Act to authorize the Department of Transportation to convey certain parcels of land herein described", approved August 16, 1982, Public Act 82-927, is amended by changing the Preamble and Sections 2-1 and 2-2 as follows:

(Public Act 82-927, Preamble)

PREAMBLE TO ARTICLE I

WHEREAS, in connection with the construction of FA Route 55, the People of the State of Illinois acting by and through the Department of Transportation acquired the lands described in Section 1-1 of this Act and the rights or easements of access, crossing, light, air and view, to, from or over a portion of the lands described in Section 1-1 of this Act, from Erwin H. Runkwitz, Jr. and Georganna Runkwitz; and

WHEREAS, the Department has abandoned plans to improve FA Route 55 as a Freeway highway facility and no longer has any need or use now or in the future for either the lands or the rights or easements of access, crossing, light, air and view, to, from or over the lands described in Section 1-1 of this Act; and

WHEREAS, First Bank and Trust Company of O'Fallon Illinois, as Trustee under the Louis Klotz Family Trust #426, and Hilda Klotz individually are the owners, each to an undivided one-half interest of the land adjacent to the lands described in Section 1-1 of this Act and have offered to pay the current appraised value of $18,300 for the lands described in Section 1-1 of this Act; therefore

PREAMBLE TO ARTICLE II

WHEREAS, in connection with the construction of a Rest Area, the People of the State of Illinois, acting by and through the Department of Transportation, acquired the lands described in Section 2-1 of this Act and the rights or easements of access, crossing, light, air and view, to, from or over the lands described in Section 2-1 of this Act, from Erwin H. Runkwitz, Jr. and Georganna Runkwitz; and

WHEREAS, the Department has abandoned plans to improve FA Route 55 as a Freeway highway facility and no longer has any need or use now or in the future for either the lands or the rights or easements of access, crossing, light, air and view, to, from or over the lands described in Section 2-1 of this Act; and

WHEREAS, the Department has abandoned plans to improve FA Route 55 as a Freeway highway facility and no longer has any need or use now or in the future for either the lands or the rights or easements of access, crossing, light, air and view, to, from or over the lands described in Section 2-1 of this Act; and

WHEREAS, the Department has abandoned plans to improve FA Route 55 as a Freeway highway facility and no longer has any need or use now or in the future for either the lands or the rights or easements of access, crossing, light, air and view, to, from or over the lands described in Section 2-1 of this Act; and

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over the lands described in Section 2-1 of this Act, from Ina C. Jordan, et al; and

WHEREAS, the Department has closed the Rest Area as a highway facility and no longer has any need or use now or in the future for the lands described in Section 2-1 of this Act; and

WHEREAS, The Village of Oswego, Illinois, is desirous of acquiring the lands described in Section 2-1 of this Act to be used by the Village for public purposes and has agreed to pay the State the nominal consideration of $1; therefore

(Source: P. A. 82-927.)

(Public Act 82-927, Sec. 2-1)

Sec. 2-1. Upon payment of the sum of $1 to the State of Illinois and subject to the conditions set forth in Section 2-2 and Article III of this Act, the Secretary of the Department of Transportation is authorized to convey by Quitclaim Deed all right, title and interest in the following described land in Kendall County, Illinois, to the Village of Oswego, Illinois.

Parcel 3W00036
A part of the Southeast Quarter of Section 9, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows:
Commencing at the Northwest corner of said Section 9; thence South 89 degrees 29' East 1,316.0 feet; thence South 2,648.0 feet; thence South 89 degrees 34' East, 237.0 feet; thence South 0 degrees 06' East, 446.5 feet; thence South 89 degrees 28' East, 1,620.0 feet; thence South 0 degrees 42' West, 1,140.3 feet to the centerline of Waubansee Creek for a Point of Beginning; thence continuing along the last described course, 898.70 feet to a concrete right of way marker; thence continuing along the last described course, 43.50 feet to a point in the centerline of U.S. Route 34; thence northeasterly along the said centerline on a curve to the left having a radius of 3,243.29 feet, 468.5 feet, more or less, to a point in the centerline of Waubansee Creek; thence northwesterly along the centerline of Waubansee Creek to the Point of Beginning, all in Oswego Township, Kendall County, Illinois,

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except that part lying within the existing right of way of U.S. Route 34. Containing therein 3.845 acres, more or less.
(Source: P. A. 82-927.)
(Public Act 82-927, Sec. 2-2)
Sec. 2-2. The Village of Oswego may sell the land described in Section 2-1 of this Act and shall use the proceeds of any such sale for public purposes. It is understood and agreed that in the event that the Village of Oswego ceases to occupy and use, in whole or in part, the land described in Section 2-1 of this Act, for a public use, the Village shall upon demand execute and deliver an instrument returning and vesting title thereof to the State of Illinois, Department of Transportation.
(Source: P. A. 82-927.)
Section 99. Effective date. This Act takes effect upon becoming law.
Approved November 5, 2007.

PUBLIC ACT 95-0693
(Senate Bill No. 0689)

AN ACT concerning local government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 3. The State Finance Act is amended by renumbering and changing Section 5.595, as added by Public Act 92-870, and by changing Section 6z-60 as follows:
(30 ILCS 105/5.593)
Sec. 5.593 5.595. The Mid-Illinois Illinois Medical District at Springfield Income Fund.
(Source: P.A. 92-870, eff. 1-3-03; revised 4-14-03.)
(30 ILCS 105/6z-60)
Sec. 6z-60. Mid-Illinois Illinois Medical District at Springfield Income Fund. All payments received from the Mid-Illinois Illinois Medical

New matter indicated by italics - deletions by strikeout
Section 5. The Illinois Municipal Code is amended by changing Section 8-1-3.1 as follows:

(65 ILCS 5/8-1-3.1) (from Ch. 24, par. 8-1-3.1)

Sec. 8-1-3.1. The corporate authorities may borrow money for corporate purposes from one fund for the use of another fund providing such borrowing shall be repaid within the current fiscal year.

The corporate authorities may also borrow money from any bank or other financial institution provided such money shall be repaid within 10 years one year from the time the money is borrowed. The mayor or president of the municipality, as the case may be, shall execute a promissory note or similar debt instrument, but not a bond, to evidence the indebtedness incurred by the borrowing. The obligation to make the payments due under the promissory note or other debt instrument shall be a lawful direct general obligation of the municipality payable from the general funds of the municipality and such other sources of payment as are otherwise lawfully available. The promissory note or other debt instrument shall be authorized by an ordinance passed by the corporate authorities and shall be valid whether or not an appropriation with respect to that ordinance is included in any annual or supplemental appropriation adopted by the corporate authorities. The indebtedness incurred under this Section, when aggregated with the existing indebtedness of the municipality, may not exceed the debt limitation provided in Section 8-5-1 of this Code. "Financial institution" means any bank subject to the "Illinois Banking Act", any savings and loan association subject to the "Illinois Savings and Loan Act of 1985", and any federally chartered commercial bank or savings and loan association organized and operated in this State pursuant to the laws of the United States.

(Source: P.A. 84-1263.)

New matter indicated by italics - deletions by strikeout
Section 10. The Illinois Medical District at Springfield Act is amended by changing Sections 1, 5, and 10 and by adding Section 7 as follows:

(70 ILCS 925/1)
Sec. 1. Short title. This Act may be cited as the Mid-Illinois Illinois Medical District at Springfield Act.
(Source: P.A. 92-870, eff. 1-3-03.)

(70 ILCS 925/5)
Sec. 5. Creation of District. There is created in the City of Springfield a medical center district, the Mid-Illinois Illinois Medical District at Springfield, whose boundaries are 11th Street on the east, North Grand Avenue on the north, Walnut Street on the west, and Madison Street on the south, all in the City of Springfield, Illinois. The District is created to attract and retain academic centers of excellence, viable health care facilities, medical research facilities, emerging high technology enterprises, and other facilities and uses as permitted by this Act.
(Source: P.A. 92-870, eff. 1-3-03.)

(70 ILCS 925/7 new)
Sec. 7. District Training Program Area. The training program area of the Mid-Illinois Medical District may be limited to the following counties in Illinois: Cass, Christian, Logan, Macoupin, Mason, Menard, Montgomery, Morgan, Sangamon, and Scott.

(70 ILCS 925/10)
Sec. 10. Mid-Illinois Illinois Medical District at Springfield Commission.

(a) There is created a body politic and corporate under the corporate name of the Mid-Illinois Illinois Medical District at Springfield Commission whose general purpose, in addition to and not in limitation of those purposes and powers set forth in this Act, is to:

(1) maintain the proper surroundings for a medical center and a related technology center in order to attract, stabilize, and retain within the District hospitals, clinics, research facilities, educational facilities, or other facilities permitted under this Act; and

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(2) provide for the orderly creation, maintenance, development, and expansion of (i) health care facilities and other ancillary or related facilities that the Commission may from time to time determine are established and operated (A) for any aspect of the carrying out of the Commission's purposes as set forth in this Act, (B) for the study, diagnosis, and treatment of human ailments and injuries, whether physical or mental, or (C) to promote medical, surgical, and scientific research and knowledge as permitted under this Act; and (ii) medical research and high technology parks, together with the necessary lands, buildings, facilities, equipment, and personal property for those parks; and:

(3) convene dialogue among leaders in the public and the private sectors on topics and issues associated with training in the delivery of health care services in the District's program area.

(b) The Commission has perpetual succession and the power to contract and be contracted with, to sue and be sued except in actions sounding in tort, to plead and be impleaded, to have and use a common seal, and to alter the same at pleasure. All actions sounding in tort against the Commission shall be prosecuted in the Court of Claims. The principal office of the Commission shall be in the City of Springfield.

(c) The Commission shall consist of the following members: 4 members appointed by the Governor, with the advice and consent of the Senate; 4 members appointed by the Mayor of Springfield, with the advice and consent of the Springfield city council; and one member appointed by the Chairperson of the County Board of Sangamon County. The initial members of the Commission appointed by the Governor shall be appointed for terms ending, respectively on the second, third, fourth, and fifth anniversaries of their appointments. The initial members appointed by the Mayor of Springfield shall be appointed 2 each for terms ending, respectively, on the second and third anniversaries of their appointments. The initial member appointed by the Chairperson of the County Board of Sangamon County shall be appointed for a term ending on the fourth anniversary of the appointment. Thereafter, all the members shall be
appointed to hold office for a term of 5 years and until their successors are appointed as provided in this Act.

Within 60 days after the effective date of this amendatory Act of the 95th General Assembly, the Governor shall appoint 2 additional members to the Commission. One member shall serve for a term of 4 years and one member shall serve for a term of 5 years. Their successors shall be appointed for 5-year terms. Those additional members and their successors shall be limited to residents of the following counties in Illinois: Cass, Christian, Logan, Macoupin, Mason, Menard, Montgomery, Morgan, or Scott.

(d) Any vacancy in the membership of the Commission occurring by reason of the death, resignation, disqualification, removal, or inability or refusal to act of any of the members of the Commission shall be filled by the authority that had appointed the particular member, and for the unexpired term of office of that particular member. A vacancy caused by the expiration of the period for which the member was appointed shall be filled by a new appointment for a term of 5 years from the date of the expiration of the prior 5-year term notwithstanding when the appointment is actually made. The Commission shall obtain, under the provisions of the Personnel Code, such personnel as to the Commission shall deem advisable to carry out the purposes of this Act and the work of the Commission.

(e) The Commission shall hold regular meetings annually for the election of a President, Vice-President, Secretary, and Treasurer, for the adoption of a budget, and for such other business as may properly come before it. The Commission shall elect as the President a member of the Commission appointed by the Mayor of Springfield and as the Vice-President a member of the Commission appointed by the Governor. The Commission shall establish the duties and responsibilities of its officers by rule. The President or any 4 3 members of the Commission may call special meetings of the Commission. Each Commissioner shall take an oath of office for the faithful performance of his or her duties. The Commission may not transact business at a meeting of the Commission unless there is present at the meeting a quorum consisting of at least 6 5

New matter indicated by italics - deletions by strikeout
Commissioners. Meetings may be held by telephone conference or other communications equipment by means of which all persons participating in the meeting can communicate with each other.

(f) The Commission shall submit to the General Assembly, not later than March 1 of each odd-numbered year, a detailed report covering its operations for the 2 preceding calendar years and a statement of its program for the next 2 years.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader, and the Clerk of the House of Representatives and the President, the Minority Leader, and the Secretary of the Senate and with the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act, and by filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(g) The Auditor General shall conduct audits of the Commission in the same manner as the Auditor General conducts audits of State agencies under the Illinois State Auditing Act.

(h) Neither the Commission nor the District have any power to tax.

(i) The Commission is a public body and subject to the Open Meetings Act and the Freedom of Information Act.

(Source: P.A. 92-870, eff. 1-3-03.)

Section 15. The Eminent Domain Act is amended by changing Section 15-5-15 as follows:

(735 ILCS 30/15-5-15)

Sec. 15-5-15. Eminent domain powers in ILCS Chapters 70 through 75. The following provisions of law may include express grants of the power to acquire property by condemnation or eminent domain:

(70 ILCS 5/8.02 and 5/9); Airport Authorities Act; airport authorities; for public airport facilities.

(70 ILCS 5/8.05 and 5/9); Airport Authorities Act; airport authorities; for removal of airport hazards.

(70 ILCS 5/8.06 and 5/9); Airport Authorities Act; airport authorities; for reduction of the height of objects or

New matter indicated by italics - deletions by strikeout
structures.
(70 ILCS 10/4); Interstate Airport Authorities Act; interstate airport authorities; for general purposes.
(70 ILCS 15/3); Kankakee River Valley Area Airport Authority Act; Kankakee River Valley Area Airport Authority; for acquisition of land for airports.
(70 ILCS 200/2-20); Civic Center Code; civic center authorities; for grounds, centers, buildings, and parking.
(70 ILCS 200/5-35); Civic Center Code; Aledo Civic Center Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/10-15); Civic Center Code; Aurora Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/15-40); Civic Center Code; Benton Civic Center Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/20-15); Civic Center Code; Bloomington Civic Center Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/35-35); Civic Center Code; Brownstown Park District Civic Center Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/40-35); Civic Center Code; Carbondale Civic Center Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/55-60); Civic Center Code; Chicago South Civic Center Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/60-30); Civic Center Code; Collinsville Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/70-35); Civic Center Code; Crystal Lake Civic Center Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/75-20); Civic Center Code; Decatur Metropolitan Exposition, Auditorium and Office Building Authority; for
grounds, centers, buildings, and parking.

(70 ILCS 200/80-15); Civic Center Code; DuPage County Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/85-35); Civic Center Code; Elgin Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/95-25); Civic Center Code; Herrin Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/110-35); Civic Center Code; Illinois Valley Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/115-35); Civic Center Code; Jasper County Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/120-25); Civic Center Code; Jefferson County Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/125-15); Civic Center Code; Jo Daviess County Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/130-30); Civic Center Code; Katherine Dunham Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/145-35); Civic Center Code; Marengo Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/150-35); Civic Center Code; Mason County Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/155-15); Civic Center Code; Matteson Metropolitan Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/160-35); Civic Center Code; Maywood Civic Center Authority; for grounds, centers, buildings, and parking.

New matter indicated by italics - deletions by strikeout
Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/165-35); Civic Center Code; Melrose Park
Metropolitan Exposition Auditorium and Office Building
Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/170-20); Civic Center Code; certain Metropolitan
Exposition, Auditorium and Office Building Authorities;
for general purposes.
(70 ILCS 200/180-35); Civic Center Code; Normal Civic Center
Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/185-15); Civic Center Code; Oak Park Civic Center
Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/195-35); Civic Center Code; Ottawa Civic Center
Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/200-15); Civic Center Code; Pekin Civic Center
Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/205-15); Civic Center Code; Peoria Civic Center
Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/210-35); Civic Center Code; Pontiac Civic Center
Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/215-15); Civic Center Code; Illinois Quad City
Civic Center Authority; for grounds, centers, buildings,
and parking.
(70 ILCS 200/220-30); Civic Center Code; Quincy Metropolitan
Exposition, Auditorium and Office Building Authority; for
grounds, centers, buildings, and parking.
(70 ILCS 200/225-35); Civic Center Code; Randolph County Civic
Center Authority; for grounds, centers, buildings, and
parking.
(70 ILCS 200/230-35); Civic Center Code; River Forest
Metropolitan Exposition, Auditorium and Office Building
Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/235-40); Civic Center Code; Riverside Civic Center
Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/245-35); Civic Center Code; Salem Civic Center

New matter indicated by italics - deletions by strikeout
Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/255-20); Civic Center Code; Springfield
Metropolitan Exposition and Auditorium Authority; for
grounds, centers, and parking.
(70 ILCS 200/260-35); Civic Center Code; Sterling Metropolitan
Exposition, Auditorium and Office Building Authority; for
grounds, centers, buildings, and parking.
(70 ILCS 200/265-20); Civic Center Code; Vemilion County
Metropolitan Exposition, Auditorium and Office Building
Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/270-35); Civic Center Code; Waukegan Civic Center
Authority; for grounds, centers, buildings, and parking.
(70 ILCS 200/275-35); Civic Center Code; West Frankfort Civic
Center Authority; for grounds, centers, buildings, and
parking.
(70 ILCS 200/280-20); Civic Center Code; Will County
Metropolitan Exposition and Auditorium Authority; for
grounds, centers, and parking.
(70 ILCS 210/5); Metropolitan Pier and Exposition Authority
Act; Metropolitan Pier and Exposition Authority; for
general purposes, including quick-take power.
(70 ILCS 405/22.04); Soil and Water Conservation Districts Act;
soil and water conservation districts; for general
purposes.
(70 ILCS 410/10 and 410/12); Conservation District Act;
conservation districts; for open space, wildland, scenic
roadway, pathway, outdoor recreation, or other
conservation benefits.
(70 ILCS 507/15); Fort Sheridan Redevelopment Commission Act;
Fort Sheridan Redevelopment Commission; for general
purposes or to carry out comprehensive or redevelopment
plans.
(70 ILCS 520/8); Southwestern Illinois Development Authority
Act; Southwestern Illinois Development Authority; for

New matter indicated by italics - deletions by strikeout
general purposes, including quick-take power.
(70 ILCS 605/4-17 and 605/5-7); Illinois Drainage Code;
drainage districts; for general purposes.
(70 ILCS 615/5 and 615/6); Chicago Drainage District Act;
corporate authorities; for construction and maintenance of
works.
(70 ILCS 705/10); Fire Protection District Act; fire protection
districts; for general purposes.
(70 ILCS 805/6); Downstate Forest Preserve District Act;
certain forest preserve districts; for general purposes.
(70 ILCS 805/18.8); Downstate Forest Preserve District Act;
certain forest preserve districts; for recreational and
cultural facilities.
(70 ILCS 810/8); Cook County Forest Preserve District Act;
Forest Preserve District of Cook County; for general
purposes.
(70 ILCS 810/38); Cook County Forest Preserve District Act;
Forest Preserve District of Cook County; for recreational
facilities.
(70 ILCS 910/15 and 910/16); Hospital District Law; hospital
districts; for hospitals or hospital facilities.
(70 ILCS 915/3); Illinois Medical District Act; Illinois
Medical District Commission; for general purposes.
(70 ILCS 915/4.5); Illinois Medical District Act; Illinois
Medical District Commission; quick-take power for the
Illinois State Police Forensic Science Laboratory
(obsolete).
(70 ILCS 920/5); Tuberculosis Sanitarium District Act;
tuberculosis sanitarium districts; for tuberculosis
sanitariums.
(70 ILCS 925/20); Mid-Illinois Medical District at
Springfield Act; Mid-Illinois Medical District at
Springfield; for general purposes.
(70 ILCS 1005/7); Mosquito Abatement District Act; mosquito

New matter indicated by italics - deletions by strikeout
abatement districts; for general purposes.
(70 ILCS 1105/8); Museum District Act; museum districts; for
general purposes.
(70 ILCS 1205/7-1); Park District Code; park districts; for
streets and other purposes.
(70 ILCS 1205/8-1); Park District Code; park districts; for
parks.
(70 ILCS 1205/9-2 and 1205/9-4); Park District Code; park
districts; for airports and landing fields.
(70 ILCS 1205/11-2 and 1205/11-3); Park District Code; park
districts; for State land abutting public water and certain
access rights.
(70 ILCS 1205/11.1-3); Park District Code; park districts; for
harbors.
(70 ILCS 1225/2); Park Commissioners Land Condemnation Act;
park districts; for street widening.
(70 ILCS 1230/1 and 1230/1-a); Park Commissioners Water Control
Act; park districts; for parks, boulevards, driveways,
parkways, viaducts, bridges, or tunnels.
(70 ILCS 1250/2); Park Commissioners Street Control (1889) Act;
park districts; for boulevards or driveways.
(70 ILCS 1290/1); Park District Aquarium and Museum Act;
municipalities or park districts; for aquariums or
museums.
(70 ILCS 1305/2); Park District Airport Zoning Act; park
districts; for restriction of the height of structures.
(70 ILCS 1310/5); Park District Elevated Highway Act; park
districts; for elevated highways.
(70 ILCS 1505/15); Chicago Park District Act; Chicago Park
District; for parks and other purposes.
(70 ILCS 1505/25.1); Chicago Park District Act; Chicago Park
District; for parking lots or garages.
(70 ILCS 1505/26.3); Chicago Park District Act; Chicago Park
District; for harbors.

New matter indicated by italics - deletions by strikeout
(70 ILCS 1570/5); Lincoln Park Commissioners Land Condemnation Act; Lincoln Park Commissioners; for land and interests in land, including riparian rights.

(70 ILCS 1805/8); Havana Regional Port District Act; Havana Regional Port District; for general purposes.

(70 ILCS 1810/7); Illinois International Port District Act; Illinois International Port District; for general purposes.

(70 ILCS 1815/13); Illinois Valley Regional Port District Act; Illinois Valley Regional Port District; for general purposes.

(70 ILCS 1820/4); Jackson-Union Counties Regional Port District Act; Jackson-Union Counties Regional Port District; for removal of airport hazards or reduction of the height of objects or structures.

(70 ILCS 1820/5); Jackson-Union Counties Regional Port District Act; Jackson-Union Counties Regional Port District; for general purposes.

(70 ILCS 1825/4.9); Joliet Regional Port District Act; Joliet Regional Port District; for removal of airport hazards.

(70 ILCS 1825/4.10); Joliet Regional Port District Act; Joliet Regional Port District; for reduction of the height of objects or structures.

(70 ILCS 1825/4.18); Joliet Regional Port District Act; Joliet Regional Port District; for removal of hazards from ports and terminals.

(70 ILCS 1825/5); Joliet Regional Port District Act; Joliet Regional Port District; for general purposes.

(70 ILCS 1830/7.1); Kaskaskia Regional Port District Act; Kaskaskia Regional Port District; for removal of hazards from ports and terminals.

(70 ILCS 1830/14); Kaskaskia Regional Port District Act; Kaskaskia Regional Port District; for general purposes.

(70 ILCS 1835/5.10); Mt. Carmel Regional Port District Act; Mt.

New matter indicated by italics - deletions by strikeout
Carmel Regional Port District; for removal of airport hazards.
(70 ILCS 1835/5.11); Mt. Carmel Regional Port District Act; Mt. Carmel Regional Port District; for reduction of the height of objects or structures.
(70 ILCS 1835/6); Mt. Carmel Regional Port District Act; Mt. Carmel Regional Port District; for general purposes.
(70 ILCS 1845/4.9); Seneca Regional Port District Act; Seneca Regional Port District; for removal of airport hazards.
(70 ILCS 1845/4.10); Seneca Regional Port District Act; Seneca Regional Port District; for reduction of the height of objects or structures.
(70 ILCS 1845/5); Seneca Regional Port District Act; Seneca Regional Port District; for general purposes.
(70 ILCS 1850/4); Shawneetown Regional Port District Act; Shawneetown Regional Port District; for removal of airport hazards or reduction of the height of objects or structures.
(70 ILCS 1850/5); Shawneetown Regional Port District Act; Shawneetown Regional Port District; for general purposes.
(70 ILCS 1855/4); Southwest Regional Port District Act; Southwest Regional Port District; for removal of airport hazards or reduction of the height of objects or structures.
(70 ILCS 1855/5); Southwest Regional Port District Act; Southwest Regional Port District; for general purposes.
(70 ILCS 1860/4); Tri-City Regional Port District Act; Tri-City Regional Port District; for removal of airport hazards.
(70 ILCS 1860/5); Tri-City Regional Port District Act; Tri-City Regional Port District; for the development of facilities.
(70 ILCS 1865/4.9); Waukegan Port District Act; Waukegan Port District; for removal of airport hazards.
(70 ILCS 1865/4.10); Waukegan Port District Act; Waukegan Port District; for restricting the height of objects or

New matter indicated by italics - deletions by strikeout
structures.
(70 ILCS 1865/5); Waukegan Port District Act; Waukegan Port District; for the development of facilities.
(70 ILCS 1870/8); White County Port District Act; White County Port District; for the development of facilities.
(70 ILCS 1905/16); Railroad Terminal Authority Act; Railroad Terminal Authority (Chicago); for general purposes.
(70 ILCS 1915/25); Grand Avenue Railroad Relocation Authority Act; Grand Avenue Railroad Relocation Authority; for general purposes, including quick-take power (now obsolete).
(70 ILCS 2105/9b); River Conservancy Districts Act; river conservancy districts; for general purposes.
(70 ILCS 2105/10a); River Conservancy Districts Act; river conservancy districts; for corporate purposes.
(70 ILCS 2205/15); Sanitary District Act of 1907; sanitary districts; for corporate purposes.
(70 ILCS 2205/18); Sanitary District Act of 1907; sanitary districts; for improvements and works.
(70 ILCS 2205/19); Sanitary District Act of 1907; sanitary districts; for access to property.
(70 ILCS 2305/8); North Shore Sanitary District Act; North Shore Sanitary District; for corporate purposes.
(70 ILCS 2305/15); North Shore Sanitary District Act; North Shore Sanitary District; for improvements.
(70 ILCS 2405/7.9); Sanitary District Act of 1917; Sanitary District of Decatur; for carrying out agreements to sell, convey, or disburse treated wastewater to a private entity.
(70 ILCS 2405/8); Sanitary District Act of 1917; sanitary districts; for corporate purposes.
(70 ILCS 2405/15); Sanitary District Act of 1917; sanitary districts; for improvements.
(70 ILCS 2405/16.9 and 2405/16.10); Sanitary District Act of 1917; sanitary districts; for waterworks.

New matter indicated by italics - deletions by strikeout
(70 ILCS 2405/17.2); Sanitary District Act of 1917; sanitary districts; for public sewer and water utility treatment works.

(70 ILCS 2405/18); Sanitary District Act of 1917; sanitary districts; for dams or other structures to regulate water flow.

(70 ILCS 2605/8); Metropolitan Water Reclamation District Act; Metropolitan Water Reclamation District; for corporate purposes.

(70 ILCS 2605/16); Metropolitan Water Reclamation District Act; Metropolitan Water Reclamation District; quick-take power for improvements.

(70 ILCS 2605/17); Metropolitan Water Reclamation District Act; Metropolitan Water Reclamation District; for bridges.

(70 ILCS 2605/35); Metropolitan Water Reclamation District Act; Metropolitan Water Reclamation District; for widening and deepening a navigable stream.

(70 ILCS 2805/10); Sanitary District Act of 1936; sanitary districts; for corporate purposes.

(70 ILCS 2805/24); Sanitary District Act of 1936; sanitary districts; for improvements.

(70 ILCS 2805/26i and 2805/26j); Sanitary District Act of 1936; sanitary districts; for drainage systems.

(70 ILCS 2805/27); Sanitary District Act of 1936; sanitary districts; for dams or other structures to regulate water flow.

(70 ILCS 2805/32k); Sanitary District Act of 1936; sanitary districts; for water supply.

(70 ILCS 2805/32l); Sanitary District Act of 1936; sanitary districts; for waterworks.

(70 ILCS 2905/2-7); Metro-East Sanitary District Act of 1974; Metro-East Sanitary District; for corporate purposes.

(70 ILCS 2905/2-8); Metro-East Sanitary District Act of 1974; Metro-East Sanitary District; for access to property.

New matter indicated by italics - deletions by strikeout
(70 ILCS 3010/10); Sanitary District Revenue Bond Act; sanitary districts; for sewerage systems.

(70 ILCS 3205/12); Illinois Sports Facilities Authority Act; Illinois Sports Facilities Authority; quick-take power for its corporate purposes (obsolete).

(70 ILCS 3405/16); Surface Water Protection District Act; surface water protection districts; for corporate purposes.

(70 ILCS 3605/7); Metropolitan Transit Authority Act; Chicago Transit Authority; for transportation systems.

(70 ILCS 3605/8); Metropolitan Transit Authority Act; Chicago Transit Authority; for general purposes.

(70 ILCS 3605/10); Metropolitan Transit Authority Act; Chicago Transit Authority; for general purposes, including railroad property.

(70 ILCS 3610/3 and 3610/5); Local Mass Transit District Act; local mass transit districts; for general purposes.

(70 ILCS 3615/2.13); Regional Transportation Authority Act; Regional Transportation Authority; for general purposes.

(70 ILCS 3705/8 and 3705/12); Public Water District Act; public water districts; for waterworks.

(70 ILCS 3705/23a); Public Water District Act; public water districts; for sewerage properties.

(70 ILCS 3705/23e); Public Water District Act; public water districts; for combined waterworks and sewerage systems.

(70 ILCS 3715/6); Water Authorities Act; water authorities; for facilities to ensure adequate water supply.

(70 ILCS 3715/27); Water Authorities Act; water authorities; for access to property.

(75 ILCS 5/4-7); Illinois Local Library Act; boards of library trustees; for library buildings.

(75 ILCS 16/30-55.80); Public Library District Act of 1991; public library districts; for general purposes.

(75 ILCS 65/1 and 65/3); Libraries in Parks Act; corporate

New matter indicated by italics - deletions by strikeout
PUBLIC ACT 95-0693

authorities of city or park district, or board of park commissioners; for free public library buildings.
(Source: P.A. 94-1055, eff. 1-1-07; 94-1109, eff. 2-23-07.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved November 5, 2007.

PUBLIC ACT 95-0694
(Senate Bill No. 0858)

AN ACT concerning education.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Community College Act is amended by adding Section 2.24 as follows:

Sec. 2.24. College and Career Readiness Pilot Program.
(a) The General Assembly finds that there is a direct and significant link between students being academically prepared for college and success in postsecondary education. Many students enter college unprepared for the academic rigors of college and require noncredit remedial courses to attain skills and knowledge needed for regular, credit coursework. Remediation lengthens time to degree, imposes additional costs on students and colleges, and uses student financial aid for courses that will not count toward a degree. All high school juniors take the Prairie State Achievement Examination, which contains the ACT college assessment exam. ACT test elements and scores can be correlated to specific course placements in community colleges. Customized ACT test results can be used in collaboration with high schools to assist high school students identify areas for improvement and help them close skill gaps during their senior year. Greater college and career readiness will

New matter indicated by italics - deletions by strikeout
reduce the need for remediation, lower educational costs, shorten time to
degree, and increase the overall success rate of Illinois college students.

(b) Subject to appropriation, the State Board shall create a 3-year pilot project, to be known as the College and Career Readiness Pilot Program. The goals of the program are as follows:

1. To diagnose college readiness by developing a system to align ACT scores to specific community college courses in developmental and freshman curriculums.
2. To reduce remediation by decreasing the need for remedial coursework in mathematics, reading, and writing at the college level through (i) increasing the number of students enrolled in a college-prep core curriculum, (ii) assisting students in improving college readiness skills, and (iii) increasing successful student transitions into postsecondary education.
3. To align high school and college curriculums.
4. To provide resources and academic support to students to enrich the senior year of high school through remedial or advanced coursework and other interventions.
5. To develop an appropriate evaluation process to measure the effectiveness of readiness intervention strategies.

(c) The first year of the program created under this Section shall begin with the high school class of 2008.

1. The State Board shall select 4 community colleges to participate in the program based on all of the following:
   A. The percentage of students in developmental coursework.
   B. Demographics of student enrollment, including socioeconomic status, race and ethnicity, and enrollments of first-generation college students.
   C. Geographic diversity.
   D. The willingness of the community college to submit developmental and introductory courses to ACT for analysis of college placement.

New matter indicated by italics - deletions by strikeout
(E) The ability of the community college to partner with local high schools to develop college and career readiness strategies and college readiness teams.

(2) The State Board shall work with ACT to analyze up to 10 courses at each participating community college for purposes of determining student placement and college readiness.

(3) Each participating community college shall establish an agreement with a high school or schools to do all of the following:
   (A) Create a data-sharing agreement.
   (B) Create a Readiness Prescription for each student, showing all of the following:
       (i) The readiness status for college-level work.
       (ii) Course recommendations for remediation or for advanced coursework in Advanced Placement classes or dual credit and dual enrollment programs.
       (iii) Additional academic support services, including tutoring, mentoring, and college application assistance.
   (C) Create college and career readiness teams comprised of faculty and counselors or advisers from the community college and high school, the college and career readiness coordinator from the community college, and other members as determined by the high school and community college. The teams may include local business or civic leaders. The teams shall develop intervention strategies as follows:
       (i) Use the Readiness Prescription to develop a contract with each student for remedial or advanced coursework to be taken during the senior year.
       (ii) Monitor student progress.
       (iii) Provide readiness support services.

New matter indicated by italics - deletions by strikeout
(D) Retest students in the spring of 2008 to assess progress and college readiness.

(4) The State Board shall work with participating community colleges and high schools to develop an appropriate evaluation process to measure effectiveness of intervention strategies, including all of the following:

(A) Baseline data for each participating school.
(B) Baseline data for the Illinois system.
(C) Comparison of ACT scores from March 2007 to March 2008.
(D) Student enrollment in college in the fall of 2008.
(E) Placement of college and career readiness students in developmental and regular courses in the fall of 2008.

(F) Retention of college and career readiness students in the spring semester of 2009.

(5) The State Board shall work with participating community colleges and high schools to establish operational processes and a budget for college and career readiness pilot programs, including all of the following:

(A) Employment of a college and career readiness coordinator at each community college site.
(B) Establishment of a budget.
(C) Creation of college and career readiness teams, resources, and partnership agreements.

(d) The second year of the program created under this Section shall begin with the high school class of 2009. In the second year, the State Board shall have all of the following duties:

(1) Analyze courses at 3 new community college sites.
(2) Undertake intervention strategies through college and career readiness teams with students in the class of 2009.
(3) Monitor and assist college and career readiness graduates from the class of 2008 in college.
(e) The third year of the program created under this Section shall begin with the high school class of 2010. In the third year, the State Board shall have all of the following duties:

(1) Analyze courses at 5 new community college sites.

(2) Add college and career readiness teams at 3 new sites (from year 2 of the program).

(3) Undertake intervention strategies through college and career readiness teams with students of the class of 2010 at 7 sites.

(4) Monitor and assist students from the classes of 2008 and 2009 in college.

Section 99. Effective date. This Act takes effect upon becoming law.

Approved November 5, 2007.

PUBLIC ACT 95-0695
(Senate Bill No. 1566)

AN ACT concerning public health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Genetic and Metabolic Diseases Advisory Committee Act.

Section 5. Genetic and Metabolic Diseases Advisory Committee.

(a) The Director of Public Health shall create the Genetic and Metabolic Diseases Advisory Committee to advise the Department of Public Health regarding issues relevant to newborn screenings of metabolic diseases.

(b) The purposes of Metabolic Diseases Advisory Committee are all of the following:

(1) Advise the Department regarding issues relevant to its Genetics Program.

New matter indicated by italics - deletions by strikeout
(2) Advise the Department regarding optimal laboratory methodologies for screening of the targeted conditions.

(3) Recommend to the Department consultants who are qualified to diagnose a condition detected by screening, provide management of care, and genetic counseling for the family.

(4) Monitor the incidence of each condition for which newborn screening is done, evaluate the effects of treatment and genetic counseling, and provide advice on disorders to be included in newborn screening panel.

(5) Advise the Department on educational programs for professionals and the general public.

(6) Advise the Department on new developments and areas of interest in relation to the Genetics Program.

(7) Any other matter deemed appropriate by the Committee and the Director.

(c) The Committee shall consist of 20 members appointed by the Director of Public Health. Membership shall include physicians, geneticists, nurses, nutritionists, and other allied health professionals, as well as patients and parents. Ex-officio members may be appointed, but shall not have voting privileges.

Section 10. The State Finance Act is amended by changing Section 8h as follows:

(30 ILCS 105/8h)

Sec. 8h. Transfers to General Revenue Fund.

(a) Except as otherwise provided in this Section and Section 8n of this Act, and (c), (d), or (e), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year

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2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, the Teacher Health Insurance Security Fund, the Reviewing Court Alternative Dispute Resolution Fund, the Voters' Guide Fund, the Foreign Language Interpreter Fund, the Lawyers' Assistance Program Fund, the Supreme Court Federal Projects Fund, the Supreme Court Special State Projects Fund, the Supplemental Low-Income Energy Assistance Fund, the Good Samaritan Energy Trust Fund, the Low-Level Radioactive Waste Facility Development and Operation Fund, the Horse Racing Equity Trust Fund, the Metabolic Screening and Treatment Fund, or the Hospital Basic Services Preservation Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. No transfers may be made under this Section from the Pet Population Control Fund. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

In determining the available balance in a fund, the Governor may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

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The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(a-5) Transfers directed to be made under this Section on or before February 28, 2006 that are still pending on May 19, 2006 (the effective date of Public Act 94-774) shall be redirected as provided in Section 8n of this Act.

(b) This Section does not apply to: (i) the Ticket For The Cure Fund; (ii) any fund established under the Community Senior Services and Resources Act; or (iii) on or after January 1, 2006 (the effective date of Public Act 94-511), the Child Labor and Day and Temporary Labor Enforcement Fund.

(c) This Section does not apply to the Demutualization Trust Fund established under the Uniform Disposition of Unclaimed Property Act.

(d) This Section does not apply to moneys set aside in the Illinois State Podiatric Disciplinary Fund for podiatric scholarships and residency programs under the Podiatric Scholarship and Residency Act.

(e) Subsection (a) does not apply to, and no transfer may be made under this Section from, the Pension Stabilization Fund.

(410 ILCS 240/0.01) (from Ch. 111 1/2, par. 4902.9)

Sec. 0.01. Short title. This Act may be cited as the Newborn Metabolic Screening Phenylketonuria Testing Act.

Sec. 0.02. Authorization of program. The Governor is authorized to perform newborn metabolic screening for phenylketonuria.

(410 ILCS 240/2) (from Ch. 111 1/2, par. 4904)
Sec. 2. The Department of Public Health shall administer the provisions of this Act and shall:

(a) Institute and carry on an intensive educational program among physicians, hospitals, public health nurses and the public concerning the diseases phenylketonuria, hypothyroidism, galactosemia and other metabolic diseases. This educational program shall include information about the nature of the diseases and examinations for the detection of the diseases in early infancy in order that measures may be taken to prevent the mental retardation resulting from the diseases.

(a-5) Beginning July 1, 2002, provide all newborns with expanded screening tests for the presence of genetic, endocrine, or other metabolic disorders, including phenylketonuria, galactosemia, hypothyroidism, congenital adrenal hyperplasia, biotinidase deficiency, and sickling disorders, as well as other amino acid disorders, organic acid disorders, fatty acid oxidation disorders, and other abnormalities detectable through the use of a tandem mass spectrometer. If by July 1, 2002, the Department is unable to provide expanded screening using the State Laboratory, it shall temporarily provide such screening through an accredited laboratory selected by the Department until the Department has the capacity to provide screening through the State Laboratory. If expanded screening is provided on a temporary basis through an accredited laboratory, the Department shall substitute the fee charged by the accredited laboratory, plus a 5% surcharge for documentation and handling, for the fee authorized in subsection (e) of this Section.

(a-6) In accordance with the timetable specified in this subsection, provide all newborns with expanded screening tests for the presence of certain Lysosomal Storage Disorders known as Krabbe, Pompe, Gaucher, Fabry, and Niemann-Pick. The testing shall begin within 6 months following the occurrence of all of the following:

(i) the registration with the federal Food and Drug Administration of the necessary reagents;
(ii) the availability of the necessary reagents from the Centers for Disease Control and Prevention;

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(iii) the availability of quality assurance testing methodology for these processes; and

(iv) the acquisition and installment by the Department of the equipment necessary to implement the expanded screening tests.

It is the goal of this amendatory Act of the 95th General Assembly that the expanded screening for the specified Lysosomal Storage Disorders begins within 3 years after the effective date of this Act. The Department is authorized to implement an additional fee for the screening prior to beginning the testing in order to accumulate the resources for start-up and other costs associated with implementation of the screening and thereafter to support the costs associated with screening and follow-up programs for the specified Lysosomal Storage Disorders.

(b) Maintain a registry of cases including information of importance for the purpose of follow-up services to prevent mental retardation.

(c) Supply the necessary metabolic treatment formulas product where practicable for diagnosed cases of amino acid metabolism disorders, including phenylketonuria, organic acid disorders, and fatty acid oxidation disorders for as long as medically indicated, when the product is not available through other State agencies.

(d) Arrange for or provide public health nursing, nutrition and social services and clinical consultation as indicated.

(e) Require that all specimens collected pursuant to this Act or the rules and regulations promulgated hereunder be submitted for testing to the nearest Department of Public Health laboratory designated to perform such tests. The Department may develop a reasonable fee structure and may levy fees according to such structure to cover the cost of providing this testing service. Fees collected from the provision of this testing service shall be placed in a special fund in the State Treasury, hereafter known as the Metabolic Screening and Treatment Fund. Other State and federal funds for expenses related to metabolic screening, follow-up and treatment programs may also be placed in such Fund. Moneys shall be appropriated from such Fund to the Department of Public Health solely for

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the purposes of providing metabolic screening, follow-up and treatment programs. Nothing in this Act shall be construed to prohibit any licensed medical facility from collecting additional specimens for testing for metabolic or neonatal diseases or any other diseases or conditions, as it deems fit. Any person violating the provisions of this subsection (e) is guilty of a petty offense.

(Source: P.A. 92-701, eff. 7-19-02.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved November 5, 2007.

PUBLIC ACT 95-0696
(House Bill No. 1972)

AN ACT concerning criminal law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Unified Code of Corrections is amended by changing Sections 5-6-3 and 5-6-3.1 as follows:
(730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)
Sec. 5-6-3. Conditions of Probation and of Conditional Discharge.
(a) The conditions of probation and of conditional discharge shall be that the person:

(1) not violate any criminal statute of any jurisdiction;
(2) report to or appear in person before such person or agency as directed by the court;
(3) refrain from possessing a firearm or other dangerous weapon;
(4) not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's

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probation officer. Transfer of a person's probation or conditional discharge supervision to another state is subject to acceptance by the other state pursuant to the Interstate Compact for Adult Offender Supervision;

(5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;

(6) perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act;

(7) if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a public institution of education to obtain the educational or vocational training required by this clause (7). The court shall revoke the probation or conditional discharge of a

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person who wilfully fails to comply with this clause (7). The person on probation or conditional discharge shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall resentence the offender whose probation or conditional discharge has been revoked as provided in Section 5-6-4. This clause (7) does not apply to a person who has a high school diploma or has successfully passed the GED test. This clause (7) does not apply to a person who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program;

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court;

(8.5) if convicted of a felony sex offense as defined in the Sex Offender Management Board Act, the person shall undergo and successfully complete sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act;

(8.6) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex
offense; the provisions of this paragraph do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders; and

(9) if convicted of a felony, physically surrender at a time and place designated by the court, his or her Firearm Owner's Identification Card and any and all firearms in his or her possession; and

(10) if convicted of a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter.

(b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:

(1) serve a term of periodic imprisonment under Article 7 for a period not to exceed that specified in paragraph (d) of Section 5-7-1;

(2) pay a fine and costs;

(3) work or pursue a course of study or vocational training;

(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;

(5) attend or reside in a facility established for the instruction or residence of defendants on probation;

(6) support his dependents;

(7) and in addition, if a minor:

(i) reside with his parents or in a foster home;

(ii) attend school;

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(iii) attend a non-residential program for youth;
(iv) contribute to his own support at home or in a foster home;
(v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is convicted of a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;
(8) make restitution as provided in Section 5-5-6 of this Code;
(9) perform some reasonable public or community service;
(10) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the offender:
   (i) remain within the interior premises of the place designated for his confinement during the hours designated by the court;
   (ii) admit any person or agent designated by the court into the offender's place of confinement at any time for purposes of verifying the offender's compliance with the conditions of his confinement; and
   (iii) if further deemed necessary by the court or the Probation or Court Services Department, be placed on an approved electronic monitoring device, subject to Article 8A of Chapter V;
(iv) for persons convicted of any alcohol, cannabis or controlled substance violation who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the offender to pay the fee,
the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code; and

(v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;

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(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, (i) to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act, or (ii) for offenses under the jurisdiction of the Department of Natural Resources, to the fund established by the Department of Natural Resources for the purchase of evidence for investigation purposes and to conduct investigations as outlined in Section 805-105 of the Department of Natural Resources (Conservation) Law;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer, if the defendant has been placed on probation or advance approval by the court, if the defendant was placed on conditional discharge;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug.

(c) The court may as a condition of probation or of conditional discharge require that a person under 18 years of age found guilty of any

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alcohol, cannabis or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If such person is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(d) An offender sentenced to probation or to conditional discharge shall be given a certificate setting forth the conditions thereof.

(e) Except where the offender has committed a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code, the court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6 month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2. This 6 month limit does not apply to a person sentenced to probation as a result of a conviction of a fourth or subsequent violation of subsection (e-4) of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

(f) The court may combine a sentence of periodic imprisonment under Article 7 or a sentence to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.

(g) An offender sentenced to probation or to conditional discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all

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costs incidental to approved electronic monitoring, involved in a
successful probation program for the county. The concurrence of the Chief
Judge shall be in the form of an administrative order. The fees shall be
collected by the clerk of the circuit court. The clerk of the circuit court
shall pay all moneys collected from these fees to the county treasurer who
shall use the moneys collected to defray the costs of drug testing, alcohol
testing, and electronic monitoring. The county treasurer shall deposit the
fees collected in the county working cash fund under Section 6-27001 or
Section 6-29002 of the Counties Code, as the case may be.

(h) Jurisdiction over an offender may be transferred from the
sentencing court to the court of another circuit with the concurrence of
both courts. Further transfers or retransfers of jurisdiction are also
authorized in the same manner. The court to which jurisdiction has been
transferred shall have the same powers as the sentencing court.

(i) The court shall impose upon an offender sentenced to probation
after January 1, 1989 or to conditional discharge after January 1, 1992 or
to community service under the supervision of a probation or court
services department after January 1, 2004, as a condition of such probation
or conditional discharge or supervised community service, a fee of $50 for
each month of probation or conditional discharge supervision or
supervised community service ordered by the court, unless after
determining the inability of the person sentenced to probation or
conditional discharge or supervised community service to pay the fee, the
court assesses a lesser fee. The court may not impose the fee on a minor
who is made a ward of the State under the Juvenile Court Act of 1987
while the minor is in placement. The fee shall be imposed only upon an
offender who is actively supervised by the probation and court services
department. The fee shall be collected by the clerk of the circuit court. The
clerk of the circuit court shall pay all monies collected from this fee to the
county treasurer for deposit in the probation and court services fund under
Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee under this
subsection (i) in excess of $25 per month unless: (1) the circuit court has
adopted, by administrative order issued by the chief judge, a standard

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probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, up to $5 of that fee collected per month may be used to provide services to crime victims and their families.

This amendatory Act of the 93rd General Assembly deletes the $10 increase in the fee under this subsection that was imposed by Public Act 93-616. This deletion is intended to control over any other Act of the 93rd General Assembly that retains or incorporates that fee increase.

(i-5) In addition to the fees imposed under subsection (i) of this Section, in the case of an offender convicted of a felony sex offense (as defined in the Sex Offender Management Board Act) or an offense that the court or probation department has determined to be sexually motivated (as defined in the Sex Offender Management Board Act), the court or the probation department shall assess additional fees to pay for all costs of treatment, assessment, evaluation for risk and treatment, and monitoring the offender, based on that offender's ability to pay those costs either as they occur or under a payment plan.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) Any offender who is sentenced to probation or conditional discharge for a felony sex offense as defined in the Sex Offender Management Board Act or any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and

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shall be available for all evaluations and treatment programs required by the court or the probation department.
(Source: P.A. 93-475, eff. 8-8-03; 93-616, eff. 1-1-04; 93-970, eff. 8-20-04; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; 94-556, eff. 9-11-05; revised 8-19-05.)

(730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)
Sec. 5-6-3.1. Incidents and Conditions of Supervision.
(a) When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of such supervision, and shall defer further proceedings in the case until the conclusion of the period.

(b) The period of supervision shall be reasonable under all of the circumstances of the case, but may not be longer than 2 years, unless the defendant has failed to pay the assessment required by Section 10.3 of the Cannabis Control Act, Section 411.2 of the Illinois Controlled Substances Act, or Section 80 of the Methamphetamine Control and Community Protection Act, in which case the court may extend supervision beyond 2 years. Additionally, the court shall order the defendant to perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, when the offense (1) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang; or (2) is a violation of any Section of Article 24 of the Criminal Code of 1961 where a disposition of supervision is not prohibited by Section 5-6-1 of this Code. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by violation of Section 21-1.3 of the Criminal Code of 1961 and similar damages to property located within the municipality or county in which the violation occurred. Where possible and reasonable, the community service should be performed in the offender's neighborhood.

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For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the court require that the person:

(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of supervision;
(2) pay a fine and costs;
(3) work or pursue a course of study or vocational training;
(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;
(5) attend or reside in a facility established for the instruction or residence of defendants on probation;
(6) support his dependents;
(7) refrain from possessing a firearm or other dangerous weapon;
(8) and in addition, if a minor:
   (i) reside with his parents or in a foster home;
   (ii) attend school;
   (iii) attend a non-residential program for youth;
   (iv) contribute to his own support at home or in a foster home; or
   (v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is placed on supervision for a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;
(9) make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss or make restitution under Section 5-5-6 to a domestic violence shelter. The court shall determine the amount and conditions of payment;

(10) perform some reasonable public or community service;

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory. If the court has ordered the defendant to make a report and appear in person under paragraph (1) of this subsection, a copy of the order of protection shall be transmitted to the person or agency so designated by the court;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, (i) to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act, or (ii) for offenses under the jurisdiction of the Department of Natural Resources, to the fund established by the Department of Natural Resources for the purchase of evidence for investigation purposes and to conduct investigations as outlined in Section 805-105 of the Department of Natural Resources (Conservation) Law;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer;

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(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of person, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(17) refrain from operating any motor vehicle not equipped with an ignition interlock device as defined in Section 1-129.1 of the Illinois Vehicle Code. Under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment; and

(18) if placed on supervision for a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume or on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter.

(d) The court shall defer entering any judgment on the charges until the conclusion of the supervision.

(e) At the conclusion of the period of supervision, if the court determines that the defendant has successfully complied with all of the conditions of supervision, the court shall discharge the defendant and enter a judgment dismissing the charges.

(f) Discharge and dismissal upon a successful conclusion of a disposition of supervision shall be deemed without adjudication of guilt

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and shall not be termed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime. Two years after the discharge and dismissal under this Section, unless the disposition of supervision was for a violation of Sections 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which case it shall be 5 years after discharge and dismissal, a person may have his record of arrest sealed or expunged as may be provided by law. However, any defendant placed on supervision before January 1, 1980, may move for sealing or expungement of his arrest record, as provided by law, at any time after discharge and dismissal under this Section. A person placed on supervision for a sexual offense committed against a minor as defined in subsection (g) of Section 5 of the Criminal Identification Act or for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance shall not have his or her record of arrest sealed or expunged.

(g) A defendant placed on supervision and who during the period of supervision undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay the costs incidental to such mandatory drug or alcohol testing, or both, and costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, of all defendants placed on supervision. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working
cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) A disposition of supervision is a final order for the purposes of appeal.

(i) The court shall impose upon a defendant placed on supervision after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of supervision or supervised community service, a fee of $50 for each month of supervision or supervised community service ordered by the court, unless after determining the inability of the person placed on supervision or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon a defendant who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund pursuant to Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee in excess of $25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, not to exceed $5 of that fee collected per month may be used to provide services to crime victims and their families.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be
collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) A defendant at least 17 years of age who is placed on supervision for a misdemeanor in a county of 3,000,000 or more inhabitants and who has not been previously convicted of a misdemeanor or felony may as a condition of his or her supervision be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The defendant placed on supervision must attend a public institution of education to obtain the educational or vocational training required by this subsection (k). The defendant placed on supervision shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall revoke the supervision of a person who willfully fails to comply with this subsection (k). The court shall resentence the defendant upon revocation of supervision as provided in Section 5-6-4. This subsection (k) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (k) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(l) The court shall require a defendant placed on supervision for possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act or a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and after a finding by the court that the person is addicted, to undergo treatment at a substance abuse program approved by the court.

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(m) The Secretary of State shall require anyone placed on court supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance to give proof of his or her financial responsibility as defined in Section 7-315 of the Illinois Vehicle Code. The proof shall be maintained by the individual in a manner satisfactory to the Secretary of State for a minimum period of one year after the date the proof is first filed. The proof shall be limited to a single action per arrest and may not be affected by any post-sentence disposition. The Secretary of State shall suspend the driver's license of any person determined by the Secretary to be in violation of this subsection.

(n) Any offender placed on supervision for any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(o) An offender placed on supervision for a sex offense as defined in the Sex Offender Management Board Act shall refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense. The provisions of this subsection (o) do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders.

(Source: P.A. 93-475, eff. 8-8-03; 93-970, eff. 8-20-04; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; 94-556, eff. 9-11-05; revised 8-19-05.)
Passed in the General Assembly August 9, 2007.
Approved November 6, 2007.
Effective June 1, 2008.
AN ACT concerning finance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Finance Authority Act is amended by changing Sections 801-10, 830-50, and 845-5 and by adding Section 825-12 as follows:

(20 ILCS 3501/801-10)
Sec. 801-10. Definitions. The following terms, whenever used or referred to in this Act, shall have the following meanings, except in such instances where the context may clearly indicate otherwise:

(a) The term "Authority" means the Illinois Finance Authority created by this Act.

(b) The term "project" means an industrial project, conservation project, housing project, public purpose project, higher education project, health facility project, cultural institution project, agricultural facility or agribusiness, and "project" may include any combination of one or more of the foregoing undertaken jointly by any person with one or more other persons.

(c) The term "public purpose project" means any project or facility including without limitation land, buildings, structures, machinery, equipment and all other real and personal property, which is authorized or required by law to be acquired, constructed, improved, rehabilitated, reconstructed, replaced or maintained by any unit of government or any other lawful public purpose which is authorized or required by law to be undertaken by any unit of government.

(d) The term "industrial project" means the acquisition, construction, refurbishment, creation, development or redevelopment of any facility, equipment, machinery, real property or personal property for use by any instrumentality of the State or its political subdivisions, for use by any person or institution, public or private, for profit or not for profit, or for use in any trade or business including, but not limited to, any

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industrial, manufacturing or commercial enterprise and which is (1) a capital project including but not limited to: (i) land and any rights therein, one or more buildings, structures or other improvements, machinery and equipment, whether now existing or hereafter acquired, and whether or not located on the same site or sites; (ii) all appurtenances and facilities incidental to the foregoing, including, but not limited to utilities, access roads, railroad sidings, track, docking and similar facilities, parking facilities, dockage, wharfage, railroad roadbed, track, trestle, depot, terminal, switching and signaling or related equipment, site preparation and landscaping; and (iii) all non-capital costs and expenses relating thereto or (2) any addition to, renovation, rehabilitation or improvement of a capital project or (3) any activity or undertaking which the Authority determines will aid, assist or encourage economic growth, development or redevelopment within the State or any area thereof, will promote the expansion, retention or diversification of employment opportunities within the State or any area thereof or will aid in stabilizing or developing any industry or economic sector of the State economy. The term "industrial project" also means the production of motion pictures.

(e) The term "bond" or "bonds" shall include bonds, notes (including bond, grant or revenue anticipation notes), certificates and/or other evidences of indebtedness representing an obligation to pay money, including refunding bonds.

(f) The terms "lease agreement" and "loan agreement" shall mean: (i) an agreement whereby a project acquired by the Authority by purchase, gift or lease is leased to any person, corporation or unit of local government which will use or cause the project to be used as a project as heretofore defined upon terms providing for lease rental payments at least sufficient to pay when due all principal of, interest and premium, if any, on any bonds of the Authority issued with respect to such project, providing for the maintenance, insuring and operation of the project on terms satisfactory to the Authority, providing for disposition of the project upon termination of the lease term, including purchase options or abandonment of the premises, and such other terms as may be deemed desirable by the Authority, or (ii) any agreement pursuant to which the Authority agrees to

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loan the proceeds of its bonds issued with respect to a project or other funds of the Authority to any person which will use or cause the project to be used as a project as heretofore defined upon terms providing for loan repayment installments at least sufficient to pay when due all principal of, interest and premium, if any, on any bonds of the Authority, if any, issued with respect to the project, and providing for maintenance, insurance and other matters as may be deemed desirable by the Authority.

(g) The term "financial aid" means the expenditure of Authority funds or funds provided by the Authority through the issuance of its bonds, notes or other evidences of indebtedness or from other sources for the development, construction, acquisition or improvement of a project.

(h) The term "person" means an individual, corporation, unit of government, business trust, estate, trust, partnership or association, 2 or more persons having a joint or common interest, or any other legal entity.

(i) The term "unit of government" means the federal government, the State or unit of local government, a school district, or any agency or instrumentality, office, officer, department, division, bureau, commission, college or university thereof.

(j) The term "health facility" means: (a) any public or private institution, place, building, or agency required to be licensed under the Hospital Licensing Act; (b) any public or private institution, place, building, or agency required to be licensed under the Nursing Home Care Act; (c) any public or licensed private hospital as defined in the Mental Health and Developmental Disabilities Code; (d) any such facility exempted from such licensure when the Director of Public Health attests that such exempted facility meets the statutory definition of a facility subject to licensure; (e) any other public or private health service institution, place, building, or agency which the Director of Public Health attests is subject to certification by the Secretary, U.S. Department of Health and Human Services under the Social Security Act, as now or hereafter amended, or which the Director of Public Health attests is subject to standard-setting by a recognized public or voluntary accrediting or standard-setting agency; (f) any public or private institution, place, building or agency engaged in providing one or more supporting services
to a health facility; (g) any public or private institution, place, building or agency engaged in providing training in the healing arts, including but not limited to schools of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy or nursing, schools for the training of x-ray, laboratory or other health care technicians and schools for the training of para-professionals in the health care field; (h) any public or private congregate, life or extended care or elderly housing facility or any public or private home for the aged or infirm, including, without limitation, any Facility as defined in the Life Care Facilities Act; (i) any public or private mental, emotional or physical rehabilitation facility or any public or private educational, counseling, or rehabilitation facility or home, for those persons with a developmental disability, those who are physically ill or disabled, the emotionally disturbed, those persons with a mental illness or persons with learning or similar disabilities or problems; (j) any public or private alcohol, drug or substance abuse diagnosis, counseling treatment or rehabilitation facility, (k) any public or private institution, place, building or agency licensed by the Department of Children and Family Services or which is not so licensed but which the Director of Children and Family Services attests provides child care, child welfare or other services of the type provided by facilities subject to such licensure; (l) any public or private adoption agency or facility; and (m) any public or private blood bank or blood center. "Health facility" also means a public or private structure or structures suitable primarily for use as a laboratory, laundry, nurses or interns residence or other housing or hotel facility used in whole or in part for staff, employees or students and their families, patients or relatives of patients admitted for treatment or care in a health facility, or persons conducting business with a health facility, physician's facility, surgicenter, administration building, research facility, maintenance, storage or utility facility and all structures or facilities related to any of the foregoing or required or useful for the operation of a health facility, including parking or other facilities or other supporting service structures required or useful for the orderly conduct of such health facility.

(k) The term "participating health institution" means a private corporation or association or public entity of this State, authorized by the
laws of this State to provide or operate a health facility as defined in this Act and which, pursuant to the provisions of this Act, undertakes the financing, construction or acquisition of a project or undertakes the refunding or refinancing of obligations, loans, indebtedness or advances as provided in this Act.

(l) The term "health facility project", means a specific health facility work or improvement to be financed or refinanced (including without limitation through reimbursement of prior expenditures), acquired, constructed, enlarged, remodeled, renovated, improved, furnished, or equipped, with funds provided in whole or in part hereunder, any accounts receivable, working capital, liability or insurance cost or operating expense financing or refinancing program of a health facility with or involving funds provided in whole or in part hereunder, or any combination thereof.

(m) The term "bond resolution" means the resolution or resolutions authorizing the issuance of, or providing terms and conditions related to, bonds issued under this Act and includes, where appropriate, any trust agreement, trust indenture, indenture of mortgage or deed of trust providing terms and conditions for such bonds.

(n) The term "property" means any real, personal or mixed property, whether tangible or intangible, or any interest therein, including, without limitation, any real estate, leasehold interests, appurtenances, buildings, easements, equipment, furnishings, furniture, improvements, machinery, rights of way, structures, accounts, contract rights or any interest therein.

(o) The term "revenues" means, with respect to any project, the rents, fees, charges, interest, principal repayments, collections and other income or profit derived therefrom.

(p) The term "higher education project" means, in the case of a private institution of higher education, an educational facility to be acquired, constructed, enlarged, remodeled, renovated, improved, furnished, or equipped, or any combination thereof.

(q) The term "cultural institution project" means, in the case of a cultural institution, a cultural facility to be acquired, constructed, enlarged,
remodeled, renovated, improved, furnished, or equipped, or any combination thereof.

(r) The term "educational facility" means any property located within the State constructed or acquired before or after the effective date of this Act, which is or will be, in whole or in part, suitable for the instruction, feeding, recreation or housing of students, the conducting of research or other work of a private institution of higher education, the use by a private institution of higher education in connection with any educational, research or related or incidental activities then being or to be conducted by it, or any combination of the foregoing, including, without limitation, any such property suitable for use as or in connection with any one or more of the following: an academic facility, administrative facility, agricultural facility, assembly hall, athletic facility, auditorium, boating facility, campus, communication facility, computer facility, continuing education facility, classroom, dining hall, dormitory, exhibition hall, fire fighting facility, fire prevention facility, food service and preparation facility, gymnasium, greenhouse, health care facility, hospital, housing, instructional facility, laboratory, library, maintenance facility, medical facility, museum, offices, parking area, physical education facility, recreational facility, research facility, stadium, storage facility, student union, study facility, theatre or utility.

(s) The term "cultural facility" means any property located within the State constructed or acquired before or after the effective date of this Act, which is or will be, in whole or in part, suitable for the particular purposes or needs of a cultural institution, including, without limitation, any such property suitable for use as or in connection with any one or more of the following: an administrative facility, aquarium, assembly hall, auditorium, botanical garden, exhibition hall, gallery, greenhouse, library, museum, scientific laboratory, theater or zoological facility, and shall also include, without limitation, books, works of art or music, animal, plant or aquatic life or other items for display, exhibition or performance. The term "cultural facility" includes buildings on the National Register of Historic Places which are owned or operated by nonprofit entities.

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(t) "Private institution of higher education" means a not-for-profit educational institution which is not owned by the State or any political subdivision, agency, instrumentality, district or municipality thereof, which is authorized by law to provide a program of education beyond the high school level and which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) Provides an educational program for which it awards a bachelor's degree, or provides an educational program, admission into which is conditioned upon the prior attainment of a bachelor's degree or its equivalent, for which it awards a postgraduate degree, or provides not less than a 2-year program which is acceptable for full credit toward such a degree, or offers a 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(3) Is accredited by a nationally recognized accrediting agency or association or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than 3 institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited, and holds an unrevoked certificate of approval under the Private College Act from the Board of Higher Education, or is qualified as a "degree granting institution" under the Academic Degree Act; and

(4) Does not discriminate in the admission of students on the basis of race or color. "Private institution of higher education" also includes any "academic institution".

(u) The term "academic institution" means any not-for-profit institution which is not owned by the State or any political subdivision, agency, instrumentality, district or municipality thereof, which institution
engages in, or facilitates academic, scientific, educational or professional research or learning in a field or fields of study taught at a private institution of higher education. Academic institutions include, without limitation, libraries, archives, academic, scientific, educational or professional societies, institutions, associations or foundations having such purposes.

(v) The term "cultural institution" means any not-for-profit institution which is not owned by the State or any political subdivision, agency, instrumentality, district or municipality thereof, which institution engages in the cultural, intellectual, scientific, educational or artistic enrichment of the people of the State. Cultural institutions include, without limitation, aquaria, botanical societies, historical societies, libraries, museums, performing arts associations or societies, scientific societies and zoological societies.

(w) The term "affiliate" means, with respect to financing of an agricultural facility or an agribusiness, any lender, any person, firm or corporation controlled by, or under common control with, such lender, and any person, firm or corporation controlling such lender.

(x) The term "agricultural facility" means land, any building or other improvement thereon or thereto, and any personal properties deemed necessary or suitable for use, whether or not now in existence, in farming, ranching, the production of agricultural commodities (including, without limitation, the products of aquaculture, hydroponics and silviculture) or the treating, processing or storing of such agricultural commodities when such activities are customarily engaged in by farmers as a part of farming.

(y) The term "lender" with respect to financing of an agricultural facility or an agribusiness, means any federal or State chartered bank, Federal Land Bank, Production Credit Association, Bank for Cooperatives, federal or State chartered savings and loan association or building and loan association, Small Business Investment Company or any other institution qualified within this State to originate and service loans, including, but without limitation to, insurance companies, credit unions and mortgage loan companies. "Lender" also means a wholly owned subsidiary of a manufacturer, seller or distributor of goods or services that makes loans to

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businesses or individuals, commonly known as a "captive finance company".

(z) The term "agribusiness" means any sole proprietorship, limited partnership, co-partnership, joint venture, corporation or cooperative which operates or will operate a facility located within the State of Illinois that is related to the processing of agricultural commodities (including, without limitation, the products of aquaculture, hydroponics and silviculture) or the manufacturing, production or construction of agricultural buildings, structures, equipment, implements, and supplies, or any other facilities or processes used in agricultural production. Agribusiness includes but is not limited to the following:

1. grain handling and processing, including grain storage, drying, treatment, conditioning, mailing and packaging;
2. seed and feed grain development and processing;
3. fruit and vegetable processing, including preparation, canning and packaging;
4. processing of livestock and livestock products, dairy products, poultry and poultry products, fish or apiarian products, including slaughter, shearing, collecting, preparation, canning and packaging;
5. fertilizer and agricultural chemical manufacturing, processing, application and supplying;
6. farm machinery, equipment and implement manufacturing and supplying;
7. manufacturing and supplying of agricultural commodity processing machinery and equipment, including machinery and equipment used in slaughter, treatment, handling, collecting, preparation, canning or packaging of agricultural commodities;
8. farm building and farm structure manufacturing, construction and supplying;
9. construction, manufacturing, implementation, supplying or servicing of irrigation, drainage and soil and water conservation devices or equipment;

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(10) fuel processing and development facilities that produce fuel from agricultural commodities or byproducts;
(11) facilities and equipment for processing and packaging agricultural commodities specifically for export;
(12) facilities and equipment for forestry product processing and supplying, including sawmilling operations, wood chip operations, timber harvesting operations, and manufacturing of prefabricated buildings, paper, furniture or other goods from forestry products;
(13) facilities and equipment for research and development of products, processes and equipment for the production, processing, preparation or packaging of agricultural commodities and byproducts.

(aa) The term "asset" with respect to financing of any agricultural facility or any agribusiness, means, but is not limited to the following: cash crops or feed on hand; livestock held for sale; breeding stock; marketable bonds and securities; securities not readily marketable; accounts receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life estates and personal residence; value of beneficial interests in trusts; government payments or grants; and any other assets.

(bb) The term "liability" with respect to financing of any agricultural facility or any agribusiness shall include, but not be limited to the following: accounts payable; notes or other indebtedness owed to any source; taxes; rent; amounts owed on real estate contracts or real estate mortgages; judgments; accrued interest payable; and any other liability.

(cc) The term "Predecessor Authorities" means those authorities as described in Section 845-75.

(dd) The term "housing project" means a specific work or improvement undertaken to provide residential dwelling accommodations, including the acquisition, construction or rehabilitation of lands, buildings and community facilities and in connection therewith to provide nonhousing facilities which are part of the housing project, including land,
buildings, improvements, equipment and all ancillary facilities for use for offices, stores, retirement homes, hotels, financial institutions, service, health care, education, recreation or research establishments, or any other commercial purpose which are or are to be related to a housing development.

(ee) The term "conservation project" means any project including the acquisition, construction, rehabilitation, maintenance, operation, or upgrade that is intended to create or expand open space or to reduce energy usage through efficiency measures. For the purpose of this definition, "open space" has the definition set forth under Section 10 of the Illinois Open Land Trust Act.  
(Source: P.A. 93-205, eff. 1-1-04; 93-1101, eff. 3-31-05.)

(20 ILCS 3501/825-12 new)
Sec. 825-12. Conservation projects.
(a) The Authority may develop a program to provide low-interest loans and other financing to individuals, business entities, private organizations, and units of local government for conservation projects in the State of Illinois.
(b) Projects under this Section may include, without limitation, the acquisition of land for open-space projects, preservation or recreation measures for open spaces, and energy conservation or efficiency projects that are intended to reduce energy usage and costs.
(c) The Authority, in cooperation with the Department of Natural Resources and the Department of Commerce and Economic Opportunity, may adopt any rules necessary for the administration of this Section. The Authority must include any information concerning the program under this Section on its Internet website.

(20 ILCS 3501/830-50)
Sec. 830-50. Specialized Livestock Guarantee Program.
(a) The Authority is authorized to issue State Guarantees to lenders for loans to finance or refinance debts for specialized livestock operations that are or will be located in Illinois. For purposes of this Section, a "specialized livestock operation" includes, but is not limited to, dairy, beef, and swine enterprises. For purposes of this Section, a specialized...
livestock operation also includes livestock operations using anaerobic digestors to generate electricity.

(b) Lenders shall apply for the State Guarantees on forms provided by the Authority and certify that the application and any other documents submitted are true and correct. The lender or borrower, or both in combination, shall pay an administrative fee as determined by the Authority. The applicant shall be responsible for paying any fee or charge involved in recording mortgages, releases, financing statements, insurance for secondary market issues, and any other similar fee or charge that the Authority may require. The application shall, at a minimum, contain the farmer's name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets, and any other information pertinent to the application, and the collateral to be used to secure the State Guarantee. In addition, the borrower must certify to the Authority that, at the time the State Guarantee is provided, the borrower will not be delinquent in the repayment of any debt. The lender must agree to charge a fixed or adjustable interest rate that the Authority determines to be below the market rate of interest generally available to the borrower. If both the lender and applicant agree, the interest rate on the State guaranteed loan can be converted to a fixed interest rate at any time during the term of the loan.

(c) State Guarantees provided under this Section (i) shall not exceed $1,000,000 per applicant, (ii) shall be no longer than 15 years in duration, and (iii) shall be subject to an annual review and renewal by the lender and the Authority. An applicant may use this program more than once, provided that the aggregate principal amount of State Guarantees under this Section to that applicant does not exceed $1,000,000. A State Guarantee shall not be revoked by the Authority without a 90-day notice, in writing, to all parties.

(d) The Authority shall provide or renew a State Guarantee to a lender if: (i) The lender pays a fee equal to 25 basis points on the loan to the Authority on an annual basis. (ii) The application provides collateral acceptable to the Authority that is at least equal to the State Guarantee. (iii) The lender assumes all responsibility and costs for pursuing legal
action on collecting any loan that is delinquent or in default. (iv) The lender is at risk for the first 15% of the outstanding principal of the note for which the State Guarantee is provided.

(e) The Illinois Farmer and Agribusiness Loan Guarantee Fund may be used to secure State Guarantees issued under this Section as provided in Section 830-35.

(f) Notwithstanding the provisions of this Section 830-50 with respect to the specialized livestock operations and lenders who may obtain State Guarantees, the Authority may promulgate rules establishing the eligibility of specialized livestock operations and lenders to participate in the State Guarantee program and the terms, standards, and procedures that will apply, when the Authority finds that emergency conditions in Illinois agriculture have created the need for State Guarantees pursuant to terms, standards, and procedures other than those specified in this Section.

(Source: P.A. 93-205, eff. 1-1-04.)

(20 ILCS 3501/845-5)

Sec. 845-5. The Authority may not have outstanding at any one time bonds for any of its corporate purposes in an aggregate principal amount exceeding $26,650,000,000, excluding bonds issued to refund the bonds of the Authority or bonds of the Predecessor Authorities.

(Source: P.A. 93-205, eff. 1-1-04; 93-1101, eff. 3-31-05; 94-1068, eff. 8-1-06.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly August 9, 2007.
Approved November 6, 2007.
Effective November 6, 2007.

PUBLIC ACT 95-0698
(Senate Bill No. 0837)

AN ACT concerning local government.

New matter indicated by italics - deletions by strikeout
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Emergency Telephone System Act is amended by changing Sections 15.3 and 15.4 as follows:

(50 ILCS 750/15.3) (from Ch. 134, par. 45.3)
Sec. 15.3. Surcharge.
(a) The corporate authorities of any municipality or any county may, subject to the limitations of subsections (c), (d), and (h), and in addition to any tax levied pursuant to the Simplified Municipal Telecommunications Tax Act, impose a monthly surcharge on billed subscribers of network connection provided by telecommunication carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of the municipality or county imposing the surcharge at a rate per network connection determined in accordance with subsection (c). Provided, however, that where multiple voice grade communications channels are connected between the subscriber's premises and a public switched network through private branch exchange (PBX) or centrex type service, a municipality imposing a surcharge at a rate per network connection, as determined in accordance with this Act, shall impose 5 such surcharges per network connection, as determined in accordance with subsections (a) and (d) of Section 2.12 of this Act. For mobile telecommunications services, if a surcharge is imposed it shall be imposed based upon the municipality or county that encompasses the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. A municipality may enter into an intergovernmental agreement with any county in which it is partially located, when the county has adopted an ordinance to impose a surcharge as provided in subsection (c), to include that portion of the municipality lying outside the county in that county's surcharge referendum. If the county's surcharge referendum is approved, the portion of the municipality identified in the intergovernmental agreement shall automatically be disconnected from the county in which it lies and connected to the county which approved the referendum for purposes of a surcharge on telecommunications carriers.

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(b) For purposes of computing the surcharge imposed by subsection (a), the network connections to which the surcharge shall apply shall be those in-service network connections, other than those network connections assigned to the municipality or county, where the service address for each such network connection or connections is located within the corporate limits of the municipality or county levying the surcharge. Except for mobile telecommunication services, the "service address" shall mean the location of the primary use of the network connection or connections. For mobile telecommunication services, "service address" means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. With respect to network connections provided for use with pay telephone services for which there is no billed subscriber, the telecommunications carrier providing the network connection shall be deemed to be its own billed subscriber for purposes of applying the surcharge.

(c) Upon the passage of an ordinance to impose a surcharge under this Section the clerk of the municipality or county shall certify the question of whether the surcharge may be imposed to the proper election authority who shall submit the public question to the electors of the municipality or county in accordance with the general election law; provided that such question shall not be submitted at a consolidated primary election. The public question shall be in substantially the following form:

---------------------------------------------------------------------

Shall the county (or city, village or incorporated town) of ..... impose YES
a surcharge of up to ...¢ per month per network connection, which surcharge will
be added to the monthly bill you receive for telephone or telecommunications charges, for the purpose of installing (or improving) a 9-1-1 Emergency Telephone System? NO

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If a majority of the votes cast upon the public question are in favor thereof, the surcharge shall be imposed.

However, if a Joint Emergency Telephone System Board is to be created pursuant to an intergovernmental agreement under Section 15.4, the ordinance to impose the surcharge shall be subject to the approval of a majority of the total number of votes cast upon the public question by the electors of all of the municipalities or counties, or combination thereof, that are parties to the intergovernmental agreement.

The referendum requirement of this subsection (c) shall not apply to any municipality with a population over 500,000 or to any county in which a proposition as to whether a sophisticated 9-1-1 Emergency Telephone System should be installed in the county, at a cost not to exceed a specified monthly amount per network connection, has previously been approved by a majority of the electors of the county voting on the proposition at an election conducted before the effective date of this amendatory Act of 1987.

(d) A county may not impose a surcharge, unless requested by a municipality, in any incorporated area which has previously approved a surcharge as provided in subsection (c) or in any incorporated area where the corporate authorities of the municipality have previously entered into a binding contract or letter of intent with a telecommunications carrier to provide sophisticated 9-1-1 service through municipal funds.

(e) A municipality or county may at any time by ordinance change the rate of the surcharge imposed under this Section if the new rate does not exceed the rate specified in the referendum held pursuant to subsection (c).

(f) The surcharge authorized by this Section shall be collected from the subscriber by the telecommunications carrier providing the subscriber the network connection as a separately stated item on the subscriber's bill.

(g) The amount of surcharge collected by the telecommunications carrier shall be paid to the particular municipality or county or Joint Emergency Telephone System Board not later than 30 days after the surcharge is collected, net of any network or other 9-1-1 or sophisticated 9-1-1 system charges then due the particular telecommunications carrier,

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as shown on an itemized bill. The telecommunications carrier collecting
the surcharge shall also be entitled to deduct 3% of the gross amount of
surcharge collected to reimburse the telecommunications carrier for the
expense of accounting and collecting the surcharge.

(h) Except as expressly provided in subsection (a) of this Section, a
municipality with a population over 500,000 may not impose a monthly
surcharge in excess of $2.50 $1.25 per network connection.

(i) Any municipality or county or joint emergency telephone
system board that has imposed a surcharge pursuant to this Section prior to
the effective date of this amendatory Act of 1990 shall hereafter impose
the surcharge in accordance with subsection (b) of this Section.

(j) The corporate authorities of any municipality or county may
issue, in accordance with Illinois law, bonds, notes or other obligations
secured in whole or in part by the proceeds of the surcharge described in
this Section. Notwithstanding any change in law subsequent to the
issuance of any bonds, notes or other obligations secured by the surcharge,
every municipality or county issuing such bonds, notes or other obligations
shall be authorized to impose the surcharge as though the laws relating to
the imposition of the surcharge in effect at the time of issuance of the
bonds, notes or other obligations were in full force and effect until the
bonds, notes or other obligations are paid in full. The State of Illinois
pledges and agrees that it will not limit or alter the rights and powers
vested in municipalities and counties by this Section to impose the
surcharge so as to impair the terms of or affect the security for bonds,
notes or other obligations secured in whole or in part with the proceeds of
the surcharge described in this Section.

(k) Any surcharge collected by or imposed on a
telecommunications carrier pursuant to this Section shall be held to be a
special fund in trust for the municipality, county or Joint Emergency
Telephone Board imposing the surcharge. Except for the 3% deduction
provided in subsection (g) above, the special fund shall not be subject to
the claims of creditors of the telecommunications carrier.
(Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-557, eff. 1-1-03;
revised 10-2-02.)

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Sec. 15.4. Emergency Telephone System Board; powers.

(a) The corporate authorities of any county or municipality that imposes a surcharge under Section 15.3 shall establish an Emergency Telephone System Board. The corporate authorities shall provide for the manner of appointment and the number of members of the Board, provided that the board shall consist of not fewer than 5 members, one of whom must be a public member who is a resident of the local exchange service territory included in the 9-1-1 coverage area, one of whom (in counties with a population less than 100,000) must be a member of the county board, and at least 3 of whom shall be representative of the 9-1-1 public safety agencies, including but not limited to police departments, fire departments, emergency medical services providers, and emergency services and disaster agencies, and appointed on the basis of their ability or experience. Elected officials are also eligible to serve on the board. Members of the board shall serve without compensation but shall be reimbursed for their actual and necessary expenses. Any 2 or more municipalities, counties, or combination thereof, that impose a surcharge under Section 15.3 may, instead of establishing individual boards, establish by intergovernmental agreement a Joint Emergency Telephone System Board pursuant to this Section. The manner of appointment of such a joint board shall be prescribed in the agreement.

(b) The powers and duties of the board shall be defined by ordinance of the municipality or county, or by intergovernmental agreement in the case of a joint board. The powers and duties shall include, but need not be limited to the following:

1. Planning a 9-1-1 system.
2. Coordinating and supervising the implementation, upgrading, or maintenance of the system, including the establishment of equipment specifications and coding systems.
3. Receiving moneys from the surcharge imposed under Section 15.3, and from any other source, for deposit into the Emergency Telephone System Fund.
4. Authorizing all disbursements from the fund.
(5) Hiring any staff necessary for the implementation or upgrade of the system.

(c) All moneys received by a board pursuant to a surcharge imposed under Section 15.3 shall be deposited into a separate interest-bearing Emergency Telephone System Fund account. The treasurer of the municipality or county that has established the board or, in the case of a joint board, any municipal or county treasurer designated in the intergovernmental agreement, shall be custodian of the fund. All interest accruing on the fund shall remain in the fund. No expenditures may be made from such fund except upon the direction of the board by resolution passed by a majority of all members of the board. Expenditures may be made only to pay for the costs associated with the following:

(1) The design of the Emergency Telephone System.
(2) The coding of an initial Master Street Address Guide data base, and update and maintenance thereof.
(3) The repayment of any moneys advanced for the implementation of the system.
(4) The charges for Automatic Number Identification and Automatic Location Identification equipment, a computer aided dispatch system that records, maintains, and integrates information, mobile data transmitters equipped with automatic vehicle locators, and maintenance, replacement and update thereof to increase operational efficiency and improve the provision of emergency services.
(5) The non-recurring charges related to installation of the Emergency Telephone System and the ongoing network charges.
(6) The acquisition and installation, or the reimbursement of costs therefor to other governmental bodies that have incurred those costs, of road or street signs that are essential to the implementation of the emergency telephone system and that are not duplicative of signs that are the responsibility of the jurisdiction charged with maintaining road and street signs.
(7) Other products and services necessary for the implementation, upgrade, and maintenance of the system and any

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other purpose related to the operation of the system, including costs attributable directly to the construction, leasing, or maintenance of any buildings or facilities or costs of personnel attributable directly to the operation of the system. Costs attributable directly to the operation of an emergency telephone system do not include the costs of public safety agency personnel who are and equipment that is dispatched in response to an emergency call.

(8) In the case of a municipality that imposes a surcharge under subsection (h) of Section 15.3, moneys may also be used for any anti-terrorism or emergency preparedness measures, including, but not limited to, preparedness planning, providing local matching funds for federal or State grants, personnel training, and specialized equipment, including surveillance cameras as needed to deal with natural and terrorist-inspired emergency situations or events.

Moneys in the fund may also be transferred to a participating fire protection district to reimburse volunteer firefighters who man remote telephone switching facilities when dedicated 9-1-1 lines are down.

(d) The board shall complete the data base before implementation of the 9-1-1 system. The error ratio of the data base shall not at any time exceed 1% of the total data base.

(Source: P.A. 92-202, eff. 1-1-02.)

Section 10. The Wireless Emergency Telephone Safety Act is amended by changing Sections 15, 17, 25, 35, 45, and 70 as follows:

(50 ILCS 751/15)

(Section scheduled to be repealed on April 1, 2008)

Sec. 15. Wireless emergency 9-1-1 service. The digits "9-1-1" shall be the designated emergency telephone number within the wireless system.

(a) Standards. The Illinois Commerce Commission may set non-discriminatory, uniform technical and operational standards consistent with the rules of the Federal Communications Commission for directing calls to authorized public safety answering points. These standards shall not in any way prescribe the technology or manner a wireless carrier shall

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use to deliver wireless 9-1-1 or wireless E9-1-1 calls and these standards shall not exceed the requirements set by the Federal Communications Commission. However, standards for directing calls to the authorized public safety answering point shall be included. The authority given to the Illinois Commerce Commission in this Section is limited to setting standards as set forth herein and does not constitute authority to regulate wireless carriers.

(b) Wireless public safety answering points. For the purpose of providing wireless 9-1-1 emergency services, an emergency telephone system board or, in the absence of an emergency telephone system board, a qualified governmental entity may declare its intention for one or more of its public safety answering points to serve as a primary wireless 9-1-1 public safety answering point for its jurisdiction by notifying the Chief Clerk of the Illinois Commerce Commission and the Director of State Police in writing within 6 months after the effective date of this Act or within 6 months after receiving its authority to operate a 9-1-1 system under the Emergency Telephone System Act, whichever is later. In addition, 2 or more emergency telephone system boards or qualified units of local government may, by virtue of an intergovernmental agreement, provide wireless 9-1-1 service. The Department of State Police shall be the primary wireless 9-1-1 public safety answering point for any jurisdiction not providing notice to the Commission and the Department of State Police. Nothing in this Act shall require the provision of wireless enhanced 9-1-1 services.

The Illinois Commerce Commission, upon a joint request from the Department of State Police and a qualified governmental entity or an emergency telephone system board, may grant authority to the emergency telephone system board or a qualified governmental entity to provide wireless 9-1-1 service in areas for which the Department of State Police has accepted wireless 9-1-1 responsibility. The Illinois Commerce Commission shall maintain a current list of all 9-1-1 systems and qualified governmental entities providing wireless 9-1-1 service under this Act.

Any emergency telephone system board or qualified governmental entity providing wireless 9-1-1 service prior to the effective date of this

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Act may continue to operate upon notification as previously described in this Section. An emergency telephone system board or a qualified governmental entity shall submit, with its notification, the date upon which it commenced operating.

(c) Wireless Enhanced 9-1-1 Board. The Wireless Enhanced 9-1-1 Board is created. The Board consists of 7 members appointed by the Governor with the advice and consent of the Senate. It is recommended that the Governor appoint members from the following: the Illinois Chapter of the National Emergency Numbers Association, the Illinois State Police, law enforcement agencies, the wireless telecommunications industry, an emergency telephone system board in Cook County (outside the City of Chicago), an emergency telephone system board in the Metro-east area, and an emergency telephone system board in the collar counties (Lake, McHenry, DuPage, Kane, and Will counties). Members of the Board may not receive any compensation but may, however, be reimbursed for any necessary expenditure in connection with their duties.

Except as provided in Section 45, the Wireless Enhanced 9-1-1 Board shall set the amount of the monthly wireless surcharge required to be imposed under Section 17 on all wireless subscribers in this State. Prior to the Wireless Enhanced 9-1-1 Board setting any surcharge, the Board shall publish the proposed surcharge in the Illinois Register, hold hearings on the surcharge and the requirements for an efficient wireless emergency number system, and elicit public comment. The Board shall determine the minimum cost necessary for implementation of this system and the amount of revenue produced based upon the number of wireless telephones in use. The Board shall set the surcharge at the minimum amount necessary to achieve the goals of the Act and shall, by July 1, 2000, file this information with the Governor, the Clerk of the House, and the Secretary of the Senate. The surcharge may not be more than $0.75 per month per CMRS connection.

The Wireless Enhanced 9-1-1 Board shall report to the General Assembly by July 1, 2000 on implementing wireless non-emergency services for the purpose of public safety using the digits 3-1-1. The Board shall consider the delivery of 3-1-1 services in a 6 county area, including

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rural Cook County (outside of the City of Chicago), and DuPage, Lake, McHenry, Will, and Kane Counties, as well as counties outside of this area
by an emergency telephone system board, a qualified governmental entity,
or private industry. The Board, upon completion of all its duties required
under this Act, is dissolved.
(Source: P.A. 91-660, eff. 12-22-99.)
(50 ILCS 751/17)
(Section scheduled to be repealed on April 1, 2008)
Sec. 17. Wireless carrier surcharge.
(a) Except as provided in Section 45, each wireless carrier shall
impose a monthly wireless carrier surcharge per CMRS connection that
either has a telephone number within an area code assigned to Illinois by
the North American Numbering Plan Administrator or has a billing
address in this State. In the case of prepaid wireless telephone service, this
surcharge shall be remitted based upon the address associated with the
point of purchase, the customer billing address, or the location associated
with the MTN for each active prepaid wireless telephone that has a
sufficient positive balance as of the last day of each month, if that
information is available. No wireless carrier shall impose the surcharge
authorized by this Section upon any subscriber who is subject to the
surcharge imposed by a unit of local government pursuant to Section 45.
Prior to the effective date of this amendatory Act of the 95th General
Assembly, the surcharge amount shall be the amount set by the Wireless
Enhanced 9-1-1 Board. Beginning on the effective date of this amendatory
Act of the 95th General Assembly, the monthly surcharge imposed under
this Section shall be $0.73 per CMRS connection. The wireless carrier that
provides wireless service to the subscriber shall collect the surcharge set
by the Wireless Enhanced 9-1-1 Board from the subscriber. For mobile
telecommunications services provided on and after August 1, 2002, any
surcharge imposed under this Act shall be imposed based upon the
municipality or county that encompasses the customer's place of primary
use as defined in the Mobile Telecommunications Sourcing Conformity
Act. The surcharge shall be stated as a separate item on the subscriber's
monthly bill. The wireless carrier shall begin collecting the surcharge on

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bills issued within 90 days after the Wireless Enhanced 9-1-1 Board sets the monthly wireless surcharge. State and local taxes shall not apply to the wireless carrier surcharge.

(b) Except as provided in Section 45, a wireless carrier shall, within 45 days of collection, remit, either by check or by electronic funds transfer, to the State Treasurer the amount of the wireless carrier surcharge collected from each subscriber. Of the amounts remitted under this subsection prior to the effective date of this amendatory Act of the 95th General Assembly, and for surcharges imposed before the effective date of this amendatory Act of the 95th General Assembly but remitted after its effective date, the State Treasurer shall deposit one-third into the Wireless Carrier Reimbursement Fund and two-thirds into the Wireless Service Emergency Fund. For surcharges collected and remitted on or after the effective date of this amendatory Act of the 95th General Assembly, $0.1475 per surcharge collected shall be deposited into the Wireless Carrier Reimbursement Fund, and $0.5825 per surcharge collected shall be deposited into the Wireless Service Emergency Fund. Of the amounts deposited into the Wireless Service Emergency Fund under this subsection, $0.01 per surcharge collected may be distributed to the carriers to cover their administrative costs. Of the amounts deposited into the Wireless Service Emergency Fund under this subsection, $0.01 per surcharge collected may be disbursed to the Illinois Commerce Commission to cover its administrative costs.

(c) The first such remittance by wireless carriers shall include the number of customers by zip code, and the 9-digit zip code if currently being used or later implemented by the carrier, that shall be the means by which the Illinois Commerce Commission shall determine distributions from the Wireless Service Emergency Fund. This information shall be updated no less often than every year. Wireless carriers are not required to remit surcharge moneys that are billed to subscribers but not yet collected.

(d) Notwithstanding any provision of law to the contrary, nothing shall impair the right of wireless carriers to recover compliance costs for all emergency communications services that are not reimbursed out of the Wireless Carrier Reimbursement Fund directly from their customers via

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line-item charges on the customer's bill. Those compliance costs include all costs incurred by wireless carriers in complying with local, State, and federal regulatory or legislative mandates that require the transmission and receipt of emergency communications to and from the general public, including, but not limited to, E-911.

(e) The Auditor General shall conduct, on an annual basis, an audit of the Wireless Service Emergency Fund and the Wireless Carrier Reimbursement Fund for compliance with the requirements of this Act. The audit shall include, but not be limited to, the following determinations:

1. Whether the Commission is maintaining detailed records of all receipts and disbursements from the Wireless Carrier Emergency Fund and the Wireless Carrier Reimbursement Fund.
2. Whether the Commission’s administrative costs charged to the funds are adequately documented and are reasonable.
3. Whether the Commission’s procedures for making grants and providing reimbursements in accordance with the Act are adequate.
4. The status of the implementation of wireless 9-1-1 and E9-1-1 services in Illinois.

The Commission, the Department of State Police, and any other entity or person that may have information relevant to the audit shall cooperate fully and promptly with the Office of the Auditor General in conducting the audit. The Auditor General shall commence the audit as soon as possible and distribute the report upon completion in accordance with Section 3-14 of the Illinois State Auditing Act.

(Source: P.A. 92-526, eff. 7-1-02; 93-507, eff. 1-1-04; 93-839, eff. 7-30-04.)

(50 ILCS 751/25)

(Section scheduled to be repealed on April 1, 2008)

Sec. 25. Wireless Service Emergency Fund; distribution of moneys. Within 60 days after the effective date of this Act, wireless carriers shall submit to the Illinois Commerce Commission the number of

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wireless subscribers by zip code and the 9-digit zip code of the wireless subscribers, if currently being used or later implemented by the carrier.

The Illinois Commerce Commission shall, subject to appropriation, make monthly proportional grants to the appropriate emergency telephone system board or qualified governmental entity based upon the United States Postal Zip Code of the wireless subscriber's billing address. No matching funds shall be required from grant recipients.

If the Illinois Commerce Commission is notified of an area of overlapping jurisdiction, grants for that area shall be made based upon reference to an official Master Street Address Guide to the emergency telephone system board or qualified governmental entity whose public service answering points provide wireless 9-1-1 service in that area. The emergency telephone system board or qualified governmental entity shall provide the Illinois Commerce Commission with a valid copy of the appropriate Master Street Address Guide. The Illinois Commerce Commission does not have a duty to verify jurisdictional responsibility.

In the event of a subscriber billing address being matched to an incorrect jurisdiction by the Illinois Commerce Commission, the recipient, upon notification from the Illinois Commerce Commission, shall redirect the funds to the correct jurisdiction. The Illinois Commerce Commission shall not be held liable for any damages relating to an act or omission under this Act, unless the act or omission constitutes gross negligence, recklessness, or intentional misconduct.

In the event of a dispute between emergency telephone system boards or qualified governmental entities concerning a subscriber billing address, the Illinois Commerce Commission shall resolve the dispute.

The Illinois Commerce Commission shall maintain detailed records of all receipts and disbursements and shall provide an annual accounting of all receipts and disbursements to the Auditor General.

The Illinois Commerce Commission shall adopt rules to govern the grant process.

The Illinois Commerce Commission may also use moneys in the Wireless Service Emergency Fund for the purpose of conducting a study to determine the future technological and financial needs of the wireless 9-1-1-
A study shall include input from the telecommunications industry, the Illinois National Emergency Number Association, and the public safety community.

(Source: P.A. 93-839, eff. 7-30-04.)

(50 ILCS 751/35)

(Section scheduled to be repealed on April 1, 2008)

Sec. 35. Wireless Carrier Reimbursement Fund; reimbursement. To recover costs from the Wireless Carrier Reimbursement Fund, the wireless carrier shall submit sworn invoices to the Illinois Commerce Commission. In no event may any invoice for payment be approved for (i) costs that are not related to compliance with the requirements established by the wireless enhanced 9-1-1 mandates of the Federal Communications Commission, (ii) costs with respect to any wireless enhanced 9-1-1 service that is not operable at the time the invoice is submitted, or (iii) costs of any wireless carrier exceeding 100% of the wireless emergency services charges remitted to the Wireless Carrier Reimbursement Fund by the wireless carrier under Section 17(b) unless the wireless carrier received prior approval for the expenditures from the Illinois Commerce Commission.

If in any month the total amount of invoices submitted to the Illinois Commerce Commission and approved for payment exceeds the amount available in the Wireless Carrier Reimbursement Fund, wireless carriers that have invoices approved for payment shall receive a pro-rata share of the amount available in the Wireless Carrier Reimbursement Fund based on the relative amount of their approved invoices available that month, and the balance of the payments shall be carried into the following months until all of the approved payments are made.

A wireless carrier may not receive payment from the Wireless Carrier Reimbursement Fund for its costs of providing wireless enhanced 9-1-1 services in an area when a unit of local government or emergency telephone system board provides wireless 9-1-1 services in that area and was imposing and collecting a wireless carrier surcharge prior to July 1, 1998.

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The Illinois Commerce Commission shall maintain detailed records of all receipts and disbursements and shall provide an annual accounting of all receipts and disbursements to the Auditor General.

The Illinois Commerce Commission shall adopt rules to govern the reimbursement process.

Upon the effective date of this amendatory Act of the 95th General Assembly, or as soon thereafter as practical, the State Comptroller shall order transferred and the State Treasurer shall transfer the sum of $8,000,000 from the Wireless Carrier Reimbursement Fund to the Wireless Service Emergency Fund. That amount shall be used by the Illinois Commerce Commission to make grants in the manner described in Section 25 of this Act.

(Source: P.A. 93-507, eff. 1-1-04; 93-839, eff. 7-30-04.)

(50 ILCS 751/45)

(Section scheduled to be repealed on April 1, 2008)

Sec. 45. Continuation of current practices. Notwithstanding any other provision of this Act, a unit of local government or emergency telephone system board providing wireless 9-1-1 service and imposing and collecting a wireless carrier surcharge prior to July 1, 1998 may continue its practices of imposing and collecting its wireless carrier surcharge, but in no event shall that monthly surcharge exceed $2.50 per commercial mobile radio service (CMRS) connection or in-service telephone number billed on a monthly basis. For mobile telecommunications services provided on and after August 1, 2002, any surcharge imposed shall be imposed based upon the municipality or county that encompasses the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act.

In addition to any other lawful purpose, a municipality with a population over 500,000 may use the moneys collected under this Section for any anti-terrorism or emergency preparedness measures, including, but not limited to, preparedness planning, providing local matching funds for federal or State grants, personnel training, and specialized equipment, including surveillance cameras as needed to deal with natural and terrorist-inspired emergency situations or events.

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AN ACT concerning elections.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:


(10 ILCS 5/1A-8) (from Ch. 46, par. 1A-8)

Sec. 1A-8. The State Board of Elections shall exercise the following powers and perform the following duties in addition to any powers or duties otherwise provided for by law:

(1) Assume all duties and responsibilities of the State Electoral Board and the Secretary of State as heretofore provided in this Act;

(2) Disseminate information to and consult with election authorities concerning the conduct of elections and registration in accordance with the laws of this State and the laws of the United States;

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(3) Furnish to each election authority prior to each primary and general election and any other election it deems necessary, a manual of uniform instructions consistent with the provisions of this Act which shall be used by election authorities in the preparation of the official manual of instruction to be used by the judges of election in any such election. In preparing such manual, the State Board shall consult with representatives of the election authorities throughout the State. The State Board may provide separate portions of the uniform instructions applicable to different election jurisdictions which administer elections under different options provided by law. The State Board may by regulation require particular portions of the uniform instructions to be included in any official manual of instructions published by election authorities. Any manual of instructions published by any election authority shall be identical with the manual of uniform instructions issued by the Board, but may be adapted by the election authority to accommodate special or unusual local election problems, provided that all manuals published by election authorities must be consistent with the provisions of this Act in all respects and must receive the approval of the State Board of Elections prior to publication; provided further that if the State Board does not approve or disapprove of a proposed manual within 60 days of its submission, the manual shall be deemed approved.

(4) Prescribe and require the use of such uniform forms, notices, and other supplies not inconsistent with the provisions of this Act as it shall deem advisable which shall be used by election authorities in the conduct of elections and registrations;

(5) Prepare and certify the form of ballot for any proposed amendment to the Constitution of the State of Illinois, or any referendum to be submitted to the electors throughout the State or, when required to do so by law, to the voters of any area or unit of local government of the State;

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(6) Require such statistical reports regarding the conduct of elections and registration from election authorities as may be deemed necessary;

(7) Review and inspect procedures and records relating to conduct of elections and registration as may be deemed necessary, and to report violations of election laws to the appropriate State's Attorney or the Attorney General;

(8) Recommend to the General Assembly legislation to improve the administration of elections and registration;

(9) Adopt, amend or rescind rules and regulations in the performance of its duties provided that all such rules and regulations must be consistent with the provisions of this Article 1A or issued pursuant to authority otherwise provided by law;

(10) Determine the validity and sufficiency of petitions filed under Article XIV, Section 3, of the Constitution of the State of Illinois of 1970;

(11) Maintain in its principal office a research library that includes, but is not limited to, abstracts of votes by precinct for general primary elections and general elections, current precinct maps and current precinct poll lists from all election jurisdictions within the State. The research library shall be open to the public during regular business hours. Such abstracts, maps and lists shall be preserved as permanent records and shall be available for examination and copying at a reasonable cost;

(12) Supervise the administration of the registration and election laws throughout the State;

(13) Obtain from the Department of Central Management Services, under Section 405-250 of the Department of Central Management Services Law (20 ILCS 405/405-250), such use of electronic data processing equipment as may be required to perform the duties of the State Board of Elections and to provide election-related information to candidates, public and party officials, interested civic organizations and the general public in a timely and efficient manner; and

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(14) To take such action as may be necessary or required to give effect to directions of the national committee or State central committee of an established political party under Sections 7-8, 7-11 and 7-14.1 or such other provisions as may be applicable pertaining to the selection of delegates and alternate delegates to an established political party's national nominating conventions or, notwithstanding any candidate certification schedule contained within the Election Code, the certification of the Presidential and Vice Presidential candidate selected by the established political party's national nominating convention.

The Board may by regulation delegate any of its duties or functions under this Article, except that final determinations and orders under this Article shall be issued only by the Board.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of "An Act to revise the law in relation to the General Assembly", approved February 25, 1874, as amended, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(Source: P.A. 95-6, eff. 6-20-07.)

(10 ILCS 5/4-105)

Sec. 4-105. First time voting. A person must vote for the first time in person and not by a mailed absentee ballot if the person registered to vote by mail, unless the person first provides the appropriate election authority with sufficient proof of identity and the election authority verifies the person's proof of identity. Sufficient proof of identity shall be demonstrated by submission of the person's driver's license number or State identification card number or, if the person does not have either of those, verification by the last 4 digits of the person's social security number, a copy of a current and valid photo identification, or a copy of a current utility bill, bank statement, paycheck, government check, or other

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government document that shows the person's name and address. Persons who apply to register to vote by mail but provide inadequate proof of identity to the election authority shall be notified by the election authority that the registration has not been fully completed and that the person remains ineligible to vote by mail or in person until such proof is presented. If a person registered to vote by mail, the person must vote for the first time in person and not by an absentee ballot, except that the person may vote by absentee ballot in person if the person first provides the appropriate election authority with sufficient proof of identity by the person's driver's license number or State identification card number or, if the person does not have either of those, by the last 4 digits of the person's social security number, a copy of a current and valid photo identification, or a copy of any of the following current documents that show the person's name and address: utility bill, bank statement, paycheck, government check, or other government document.

(Source: P.A. 94-645, eff. 8-22-05.)

(10 ILCS 5/5-105)

Sec. 5-105. First time voting. A person must vote for the first time in person and not by a mailed absentee ballot if the person registered to vote by mail, unless the person first provides the appropriate election authority with sufficient proof of identity and the election authority verifies the person's proof of identity. Sufficient proof of identity shall be demonstrated by submission of the person's driver's license number or State identification card number or, if the person does not have either of those, verification by the last 4 digits of the person's social security number, a copy of a current and valid photo identification, or a copy of a current utility bill, bank statement, paycheck, government check, or other government document that shows the person's name and address. Persons who apply to register to vote by mail but provide inadequate proof of identity to the election authority shall be notified by the election authority that the registration has not been fully completed and that the person remains ineligible to vote by mail or in person until such proof is presented. If a person registered to vote by mail, the person must vote for the first time in person and not by an absentee ballot, except that the

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person may vote by absentee ballot in person if the person first provides the appropriate election authority with sufficient proof of identity by the person's driver's license number or State identification card number or, if the person does not have either of those, by the last 4 digits of the person's social security number, a copy of a current and valid photo identification, or a copy of any of the following current documents that show the person's name and address: utility bill, bank statement, paycheck, government check, or other government document.

(Source: P.A. 94-645, eff. 8-22-05.)

(10 ILCS 5/6-105)

Sec. 6-105. First time voting. A person must vote for the first time in person and not by a mailed absentee ballot if the person registered to vote by mail, unless the person first provides the appropriate election authority with sufficient proof of identity and the election authority verifies the person's proof of identity. Sufficient proof of identity shall be demonstrated by submission of the person's driver's license number or State identification card number or, if the person does not have either of those, verification by the last 4 digits of the person's social security number, a copy of a current and valid photo identification, or a copy of a current utility bill, bank statement, paycheck, government check, or other government document that shows the person's name and address. Persons who apply to register to vote by mail but provide inadequate proof of identity to the election authority shall be notified by the election authority that the registration has not been fully completed and that the person remains ineligible to vote by mail or in person until such proof is presented. If a person registered to vote by mail, the person must vote for the first time in person and not by an absentee ballot, except that the person may vote by absentee ballot in person if the person first provides the appropriate election authority with sufficient proof of identity by the person's driver's license number or State identification card number or, if the person does not have either of those, by the last 4 digits of the person's social security number, a copy of a current and valid photo identification, or a copy of any of the following current documents that show the person's name and address.
Sec. 7-8. The State central committee shall be composed of one or two members from each congressional district in the State and shall be elected as follows:

State Central Committee

(a) Within 30 days after the effective date of this amendatory Act of 1983 the State central committee of each political party shall certify to the State Board of Elections which of the following alternatives it wishes to apply to the State central committee of that party.

Alternative A. At the primary in 1970 and at the general primary election held every 4 years thereafter, each primary elector may vote for one candidate of his party for member of the State central committee for the congressional district in which he resides. The candidate receiving the highest number of votes shall be declared elected State central committeeman from the district. A political party may, in lieu of the foregoing, by a majority vote of delegates at any State convention of such party, determine to thereafter elect the State central committeemen in the manner following:

At the county convention held by such political party State central committeemen shall be elected in the same manner as provided in this Article for the election of officers of the county central committee, and such election shall follow the election of officers of the county central committee. Each elected ward, township or precinct committeeman shall cast as his vote one vote for each ballot voted in his ward, township, part of a township or precinct in the last preceding primary election of his political party. In the case of a county lying partially within one congressional district and partially within another congressional district, each ward, township or precinct committeeman shall vote only with respect to the congressional district in which his ward, township, part of a township or precinct is located. In the case of a congressional district which encompasses more than one county, each ward, township or

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precinct committeeman residing within the congressional district shall cast as his vote one vote for each ballot voted in his ward, township, part of a township or precinct in the last preceding primary election of his political party for one candidate of his party for member of the State central committee for the congressional district in which he resides and the Chairman of the county central committee shall report the results of the election to the State Board of Elections. The State Board of Elections shall certify the candidate receiving the highest number of votes elected State central committeeman for that congressional district.

The State central committee shall adopt rules to provide for and govern the procedures to be followed in the election of members of the State central committee.

After the effective date of this amendatory Act of the 91st General Assembly, whenever a vacancy occurs in the office of Chairman of a State central committee, or at the end of the term of office of Chairman, the State central committee of each political party that has selected Alternative A shall elect a Chairman who shall not be required to be a member of the State Central Committee. The Chairman shall be a registered voter in this State and of the same political party as the State central committee.

Alternative B. Each congressional committee shall, within 30 days after the adoption of this alternative, appoint a person of the sex opposite that of the incumbent member for that congressional district to serve as an additional member of the State central committee until his or her successor is elected at the general primary election in 1986. Each congressional committee shall make this appointment by voting on the basis set forth in paragraph (e) of this Section. In each congressional district at the general primary election held in 1986 and every 4 years thereafter, the male candidate receiving the highest number of votes of the party's male candidates for State central committeeman, and the female candidate receiving the highest number of votes of the party's female candidates for State central committeewoman, shall be declared elected State central committeeman and State central committeewoman from the district. At the general primary election held in 1986 and every 4 years thereafter, if all a party's candidates for State central committeemen or State central committeewomen receive more votes than the party's candidates for State central committeeman and State central committeewoman, the party's candidates for State central committeemen and State central committeewomen shall be declared elected State central committeemen and State central committeewomen from the district.

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committeewomen from a congressional district are of the same sex, the
candidate receiving the highest number of votes shall be declared elected a
State central committeeman or State central committeewoman from the
district, and, because of a failure to elect one male and one female to the
committee, a vacancy shall be declared to exist in the office of the second
member of the State central committee from the district. This vacancy
shall be filled by appointment by the congressional committee of the
political party, and the person appointed to fill the vacancy shall be a
resident of the congressional district and of the sex opposite that of the
committeeman or committeewoman elected at the general primary
election. Each congressional committee shall make this appointment by
voting on the basis set forth in paragraph (e) of this Section.

The Chairman of a State central committee composed as provided
in this Alternative B must be selected from the committee's members.

Except as provided for in Alternative A with respect to the
selection of the Chairman of the State central committee, under both of the
foregoing alternatives, the State central committee of each political party
shall be composed of members elected or appointed from the several
congressional districts of the State, and of no other person or persons
whomsoever. The members of the State central committee shall, within 41
days after each quadrennial election of the full committee, meet in the city
of Springfield and organize by electing a chairman, and may at such time
elect such officers from among their own number (or otherwise), as they
may deem necessary or expedient. The outgoing chairman of the State
central committee of the party shall, 10 days before the meeting, notify
each member of the State central committee elected at the primary of the
time and place of such meeting. In the organization and proceedings of the
State central committee, each State central committeeman and State
central committeewoman shall have one vote for each ballot voted in his
or her congressional district by the primary electors of his or her party at
the primary election immediately preceding the meeting of the State
central committee. Whenever a vacancy occurs in the State central
committee of any political party, the vacancy shall be filled by
appointment of the chairmen of the county central committees of the

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political party of the counties located within the congressional district in which the vacancy occurs and, if applicable, the ward and township committeemen of the political party in counties of 2,000,000 or more inhabitants located within the congressional district. If the congressional district in which the vacancy occurs lies wholly within a county of 2,000,000 or more inhabitants, the ward and township committeemen of the political party in that congressional district shall vote to fill the vacancy. In voting to fill the vacancy, each chairman of a county central committee and each ward and township committeeman in counties of 2,000,000 or more inhabitants shall have one vote for each ballot voted in each precinct of the congressional district in which the vacancy exists of his or her county, township, or ward cast by the primary electors of his or her party at the primary election immediately preceding the meeting to fill the vacancy in the State central committee. The person appointed to fill the vacancy shall be a resident of the congressional district in which the vacancy occurs, shall be a qualified voter, and, in a committee composed as provided in Alternative B, shall be of the same sex as his or her predecessor. A political party may, by a majority vote of the delegates of any State convention of such party, determine to return to the election of State central committeeman and State central committeewoman by the vote of primary electors. Any action taken by a political party at a State convention in accordance with this Section shall be reported to the State Board of Elections by the chairman and secretary of such convention within 10 days after such action.

Ward, Township and Precinct Committeemen

(b) At the primary in 1972 and at the general primary election every 4 years thereafter, each primary elector in cities having a population of 200,000 or over may vote for one candidate of his party in his ward for ward committeeman. Each candidate for ward committeeman must be a resident of and in the ward where he seeks to be elected ward committeeman. The one having the highest number of votes shall be such ward committeeman of such party for such ward. At the primary election in 1970 and at the general primary election every 4 years thereafter, each primary elector in counties containing a population of 2,000,000 or more,
outside of cities containing a population of 200,000 or more, may vote for one candidate of his party for township committeeman. Each candidate for township committeeman must be a resident of and in the township or part of a township (which lies outside of a city having a population of 200,000 or more, in counties containing a population of 2,000,000 or more), and in which township or part of a township he seeks to be elected township committeeman. The one having the highest number of votes shall be such township committeeman of such party for such township or part of a township. At the primary in 1970 and at the general primary election every 2 years thereafter, each primary elector, except in counties having a population of 2,000,000 or over, may vote for one candidate of his party in his precinct for precinct committeeman. Each candidate for precinct committeeman must be a bona fide resident of the precinct where he seeks to be elected precinct committeeman. The one having the highest number of votes shall be such precinct committeeman of such party for such precinct. The official returns of the primary shall show the name of the committeeman of each political party.

Terms of Committeemen. All precinct committeemen elected under the provisions of this Article shall continue as such committeemen until the date of the primary to be held in the second year after their election. Except as otherwise provided in this Section for certain State central committeemen who have 2 year terms, all State central committeemen, township committeemen and ward committeemen shall continue as such committeemen until the date of primary to be held in the fourth year after their election. However, a vacancy exists in the office of precinct committeeman when a precinct committeeman ceases to reside in the precinct in which he was elected and such precinct committeeman shall thereafter neither have nor exercise any rights, powers or duties as committeeman in that precinct, even if a successor has not been elected or appointed.

(c) The Multi-Township Central Committee shall consist of the precinct committeemen of such party, in the multi-township assessing district formed pursuant to Section 2-10 of the Property Tax Code and shall be organized for the purposes set forth in Section 45-25 of the

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Township Code. In the organization and proceedings of the Multi-Township Central Committee each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected.

County Central Committee

(d) The county central committee of each political party in each county shall consist of the various township committeemen, precinct committeemen and ward committeemen, if any, of such party in the county. In the organization and proceedings of the county central committee, each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected; each township committeeman shall have one vote for each ballot voted in his township or part of a township as the case may be by the primary electors of his party at the primary election for the nomination of candidates for election to the General Assembly immediately preceding the meeting of the county central committee; and in the organization and proceedings of the county central committee, each ward committeeman shall have one vote for each ballot voted in his ward by the primary electors of his party at the primary election for the nomination of candidates for election to the General Assembly immediately preceding the meeting of the county central committee.

Cook County Board of Review Election District Committee

(d-1) Each board of review election district committee of each political party in Cook County shall consist of the various township committeemen and ward committeemen, if any, of that party in the portions of the county composing the board of review election district. In the organization and proceedings of each of the 3 election district committees, each township committeeman shall have one vote for each ballot voted in his or her township or part of a township, as the case may be, by the primary electors of his or her party at the primary election immediately preceding the meeting of the board of review election district committee; and in the organization and proceedings of each of the 3 election district committees, each ward committeeman shall have one vote for each ballot voted in his or her ward or part of that ward, as the case

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may be, by the primary electors of his or her party at the primary election immediately preceding the meeting of the board of review election district committee.

Congressional Committee

(e) The congressional committee of each party in each congressional district shall be composed of the chairmen of the county central committees of the counties composing the congressional district, except that in congressional districts wholly within the territorial limits of one county, or partly within 2 or more counties, but not coterminous with the county lines of all of such counties, the precinct committeemen, township committeemen and ward committeemen, if any, of the party representing the precincts within the limits of the congressional district, shall compose the congressional committee. A State central committeeman in each district shall be a member and the chairman or, when a district has 2 State central committeemen, a co-chairman of the congressional committee, but shall not have the right to vote except in case of a tie.

In the organization and proceedings of congressional committees composed of precinct committeemen or township committeemen or ward committeemen, or any combination thereof, each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected, each township committeeman shall have one vote for each ballot voted in his township or part of a township as the case may be by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee, and each ward committeeman shall have one vote for each ballot voted in each precinct of his ward located in such congressional district by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee; and in the organization and proceedings of congressional committees composed of the chairmen of the county central committees of the counties within such district, each chairman of such county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee.

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Judicial District Committee

(f) The judicial district committee of each political party in each judicial district shall be composed of the chairman of the county central committees of the counties composing the judicial district.

In the organization and proceedings of judicial district committees composed of the chairmen of the county central committees of the counties within such district, each chairman of such county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the judicial district committee.

Circuit Court Committee

(g) The circuit court committee of each political party in each judicial circuit outside Cook County shall be composed of the chairmen of the county central committees of the counties composing the judicial circuit.

In the organization and proceedings of circuit court committees, each chairman of a county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the circuit court committee.

Judicial Subcircuit Committee

(g-1) The judicial subcircuit committee of each political party in each judicial subcircuit in a judicial circuit divided into subcircuits shall be composed of (i) the ward and township committeeemen of the townships and wards composing the judicial subcircuit in Cook County and (ii) the precinct committeeemen of the precincts composing the judicial subcircuit in any county other than Cook County.

In the organization and proceedings of each judicial subcircuit committee, each township committeeeman shall have one vote for each ballot voted in his township or part of a township, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee; each precinct committeeeman shall have one vote for each ballot voted in his precinct or part of a precinct, as the case may be, in the

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judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee; and each ward committeeman shall have one vote for each ballot voted in his ward or part of a ward, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee.

Municipal Central Committee

(h) The municipal central committee of each political party shall be composed of the precinct, township or ward committeemen, as the case may be, of such party representing the precincts or wards, embraced in such city, incorporated town or village. The voting strength of each precinct, township or ward committeeman on the municipal central committee shall be the same as his voting strength on the county central committee.

For political parties, other than a statewide political party, established only within a municipality or township, the municipal or township managing committee shall be composed of the party officers of the local established party. The party officers of a local established party shall be as follows: the chairman and secretary of the caucus for those municipalities and townships authorized by statute to nominate candidates by caucus shall serve as party officers for the purpose of filling vacancies in nomination under Section 7-61; for municipalities and townships authorized by statute or ordinance to nominate candidates by petition and primary election, the party officers shall be the party's candidates who are nominated at the primary. If no party primary was held because of the provisions of Section 7-5, vacancies in nomination shall be filled by the party's remaining candidates who shall serve as the party's officers.

Powers

(i) Each committee and its officers shall have the powers usually exercised by such committees and by the officers thereof, not inconsistent with the provisions of this Article. The several committees herein provided for shall not have power to delegate any of their powers, or functions to any other person, officer or committee, but this shall not be construed to

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prevent a committee from appointing from its own membership proper and necessary subcommittees.

(j) The State central committee of a political party which elects its members by Alternative B under paragraph (a) of this Section shall adopt a plan to give effect to the delegate selection rules of the national political party and file a copy of such plan with the State Board of Elections when approved by a national political party.

(k) For the purpose of the designation of a proxy by a Congressional Committee to vote in place of an absent State central committeeman or committeewoman at meetings of the State central committee of a political party which elects its members by Alternative B under paragraph (a) of this Section, the proxy shall be appointed by the vote of the ward and township committeemen, if any, of the wards and townships which lie entirely or partially within the Congressional District from which the absent State central committeeman or committeewoman was elected and the vote of the chairmen of the county central committees of those counties which lie entirely or partially within that Congressional District and in which there are no ward or township committeemen. When voting for such proxy the county chairman, ward committeeman or township committeeman, as the case may be, shall have one vote for each ballot voted in his county, ward or township, or portion thereof within the Congressional District, by the primary electors of his party at the primary at which he was elected. However, the absent State central committeeman or committeewoman may designate a proxy when permitted by the rules of a political party which elects its members by Alternative B under paragraph (a) of this Section.

Notwithstanding any law to the contrary, a person is ineligible to hold the position of committeeperson in any committee established pursuant to this Section if he or she is statutorily ineligible to vote in a general election because of conviction of a felony. When a committeeperson is convicted of a felony, the position occupied by that committeeperson shall automatically become vacant.

(Source: P.A. 94-645, eff. 8-22-05; 95-6, eff. 6-20-07.)

(10 ILCS 5/7-10) (from Ch. 46, par. 7-10)

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Sec. 7-10. Form of petition for nomination. The name of no candidate for nomination, or State central committeeman, or township committeeman, or precinct committeeman, or ward committeeman or candidate for delegate or alternate delegate to national nominating conventions, shall be printed upon the primary ballot unless a petition for nomination has been filed in his behalf as provided in this Article in substantially the following form:

We, the undersigned, members of and affiliated with the .... party and qualified primary electors of the .... party, in the .... of ...., in the county of .... and State of Illinois, do hereby petition that the following named person or persons shall be a candidate or candidates of the .... party for the nomination for (or in case of committeemen for election to) the office or offices hereinafter specified, to be voted for at the primary election to be held on (insert date).

<table>
<thead>
<tr>
<th>Name</th>
<th>Office</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Jones</td>
<td>Governor</td>
<td>Belvidere, Ill.</td>
</tr>
<tr>
<td>Thomas Smith</td>
<td>Attorney General</td>
<td>Oakland, Ill.</td>
</tr>
</tbody>
</table>

Name.................. Address.......................

I, ...., do hereby certify that I reside at No. .... street, in the .... of ...., county of ...., and State of ......, that I am 18 years of age or older, that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence, and are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the .... party, and that their respective residences are correctly stated, as above set forth.

.........................

Subscribed and sworn to before me on (insert date).

.........................

Each sheet of the petition other than the statement of candidacy and candidate's statement shall be of uniform size and shall contain above the space for signatures an appropriate heading giving the information as to

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name of candidate or candidates, in whose behalf such petition is signed; the office, the political party represented and place of residence; and the heading of each sheet shall be the same.

Such petition shall be signed by qualified primary electors residing in the political division for which the nomination is sought in their own proper persons only and opposite the signature of each signer, his residence address shall be written or printed. The residence address required to be written or printed opposite each qualified primary elector's name shall include the street address or rural route number of the signer, as the case may be, as well as the signer's county, and city, village or town, and state. However the county or city, village or town, and state of residence of the electors may be printed on the petition forms where all of the electors signing the petition reside in the same county or city, village or town, and state. Standard abbreviations may be used in writing the residence address, including street number, if any. At the bottom of each sheet of such petition shall be added a circulator statement signed by a person 18 years of age or older who is a citizen of the United States, stating the street address or rural route number, as the case may be, as well as the county, city, village or town, and state; and certifying that the signatures on that sheet of the petition were signed in his or her presence and certifying that the signatures are genuine; and either (1) indicating the dates on which that sheet was circulated, or (2) indicating the first and last dates on which the sheet was circulated, or (3) certifying that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition and certifying that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the political party for which a nomination is sought. Such statement shall be sworn to before some officer authorized to administer oaths in this State.

No petition sheet shall be circulated more than 90 days preceding the last day provided in Section 7-12 for the filing of such petition.

The person circulating the petition, or the candidate on whose behalf the petition is circulated, may strike any signature from the petition, provided that:

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(1) the person striking the signature shall initial the petition at the place where the signature is struck; and

(2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the petition.

Such sheets before being filed shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll. All petition sheets which are filed with the proper local election officials, election authorities or the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator thereof, and not photocopies or duplicates of such sheets. Each petition must include as a part thereof, a statement of candidacy for each of the candidates filing, or in whose behalf the petition is filed. This statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is a qualified primary voter of the party to which the petition relates and is qualified for the office specified (in the case of a candidate for State's Attorney it shall state that the candidate is at the time of filing such statement a licensed attorney-at-law of this State), shall state that he has filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act, shall request that the candidate's name be placed upon the official ballot, and shall be subscribed and sworn to by such candidate before some officer authorized to take acknowledgment of deeds in the State and shall be in substantially the following form:

Statement of Candidacy

Name Address Office District Party
John Jones 102 Main St. Governor Statewide Republican
Belvidere,
Illinois

State of Illinois)

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County of .......

I, ...., being first duly sworn, say that I reside at .... Street in the city (or village) of ...., in the county of ...., State of Illinois; that I am a qualified voter therein and am a qualified primary voter of the .... party; that I am a candidate for nomination (for election in the case of committeeman and delegates and alternate delegates) to the office of .... to be voted upon at the primary election to be held on (insert date); that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office I seek the nomination for) to hold such office and that I have filed (or I will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official primary ballot for nomination for (or election to in the case of committeemen and delegates and alternate delegates) such office.

Signed ......................

Subscribed and sworn to (or affirmed) before me by ...., who is to me personally known, on (insert date).

Signed ......................

(Official Character)

The petitions, when filed, shall not be withdrawn or added to, and no signatures shall be revoked except by revocation filed in writing with the State Board of Elections, election authority or local election official with whom the petition is required to be filed, and before the filing of such petition. Whoever forges the name of a signer upon any petition required by this Article is deemed guilty of a forgery and on conviction thereof shall be punished accordingly.

A candidate for the offices listed in this Section must obtain the number of signatures specified in this Section on his or her petition for nomination.

(a) Statewide office or delegate to a national nominating convention. If a candidate seeks to run for statewide office or as a delegate or alternate delegate to a national nominating convention elected from the

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State at-large, then the candidate's petition for nomination must contain at least 5,000 but not more than 10,000 signatures.

(b) Congressional office or congressional delegate to a national nominating convention. If a candidate seeks to run for United States Congress or as a congressional delegate or alternate congressional delegate to a national nominating convention elected from a congressional district, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in his or her congressional district. In the first primary election following a redistricting of congressional districts, a candidate's petition for nomination must contain at least 600 signatures of qualified primary electors of the candidate's political party in his or her congressional district.

(c) County office. If a candidate seeks to run for any countywide office, including but not limited to county board chairperson or county board member, elected on an at-large basis, in a county other than Cook County, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party who cast votes at the last preceding general election in his or her county (or 1.5% if the county is DuPage County). If a candidate seeks to run for county board member elected from a county board district, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in the county board district (or 1.5% if the county is DuPage County). In the first primary election following a redistricting of county board districts or the initial establishment of county board districts, a candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party in the entire county who cast votes at the last preceding general election divided by the total number of county board districts comprising the county board (or 1.5% if the county is DuPage County); provided that in no event shall the number of signatures be less than 25.

(d) County office; Cook County only.

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(1) If a candidate seeks to run for countywide office in Cook County, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party who cast votes at the last preceding general election in Cook County.

(2) If a candidate seeks to run for Cook County Board Commissioner, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in his or her county board district. In the first primary election following a redistricting of Cook County Board of Commissioners districts, a candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party in the entire county who cast votes at the last preceding general election divided by the total number of county board districts comprising the county board; provided that in no event shall the number of signatures be less than 25.

(3) If a candidate seeks to run for Cook County Board of Review Commissioner, which is elected from a district pursuant to subsection (c) of Section 5-5 of the Property Tax Code, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the total number of registered voters in his or her board of review district in the last general election at which a commissioner was regularly scheduled to be elected from that board of review district. In no event shall the number of signatures required be greater than the requisite number for a candidate who seeks countywide office in Cook County under subsection (d)(1) of this Section. In the first primary election following a redistricting of Cook County Board of Review districts, a candidate's petition for nomination must contain at least 4,000 signatures or at least the number of signatures required for a countywide candidate in Cook County, whichever is less, of the qualified electors of his or her party in the district.
(c) Municipal or township office. If a candidate seeks to run for municipal or township office, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in the municipality or township. If a candidate seeks to run for alderman of a municipality, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party of the ward. In the first primary election following redistricting of aldermanic wards or trustee districts of a municipality or the initial establishment of wards or districts, a candidate's petition for nomination must contain the number of signatures equal to at least 0.5% of the total number of votes cast for the candidate of that political party who received the highest number of votes in the entire municipality at the last regular election at which an officer was regularly scheduled to be elected from the entire municipality, divided by the number of wards or districts. In no event shall the number of signatures be less than 25.

(f) State central committeeperson. If a candidate seeks to run for State central committeeperson, then the candidate's petition for nomination must contain at least 100 signatures of the primary electors of his or her party of his or her congressional district.

(g) Sanitary district trustee. If a candidate seeks to run for trustee of a sanitary district in which trustees are not elected from wards, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the primary electors of his or her party from the sanitary district. If a candidate seeks to run for trustee of a sanitary district in which trustees are elected from wards, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the primary electors of his or her party in the ward of that sanitary district. In the first primary election following redistricting of sanitary districts elected from wards, a candidate's petition for nomination must contain at least the signatures of 150 qualified primary electors of his or her ward of that sanitary district.

(h) Judicial office. If a candidate seeks to run for judicial office in a district, then the candidate's petition for nomination must contain the
number of signatures equal to 0.4% of the number of votes cast in that district for the candidate for his or her political party for the office of Governor at the last general election at which a Governor was elected, but in no event less than 500 signatures. If a candidate seeks to run for judicial office in a circuit or subcircuit, then the candidate's petition for nomination must contain the number of signatures equal to 0.25% of the number of votes cast for the judicial candidate of his or her political party who received the highest number of votes at the last general election at which a judicial officer from the same circuit or subcircuit was regularly scheduled to be elected, but in no event less than 500 signatures.

(i) Precinct, ward, and township committeeperson. If a candidate seeks to run for precinct committeeperson, then the candidate's petition for nomination must contain at least 10 signatures of the primary electors of his or her party for the precinct. If a candidate seeks to run for ward committeeperson, then the candidate's petition for nomination must contain no less than the number of signatures equal to 10% of the primary electors of his or her party of the ward, but no more than 16% of those same electors; provided that the maximum number of signatures may be 50 more than the minimum number, whichever is greater. If a candidate seeks to run for township committeeperson, then the candidate's petition for nomination must contain no less than the number of signatures equal to 5% of the primary electors of his or her party of the township, but no more than 8% of those same electors; provided that the maximum number of signatures may be 50 more than the minimum number, whichever is greater.

(j) State's attorney or regional superintendent of schools for multiple counties. If a candidate seeks to run for State's attorney or regional Superintendent of Schools who serves more than one county, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the primary electors of his or her party in the territory comprising the counties.

(k) Any other office. If a candidate seeks any other office, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the registered voters of the political
subdivision, district, or division for which the nomination is made or 25
signatures, whichever is greater.

For purposes of this Section the number of primary electors shall
be determined by taking the total vote cast, in the applicable district, for
the candidate for that political party who received the highest number of
votes, statewide, at the last general election in the State at which electors
for President of the United States were elected. For political subdivisions,
the number of primary electors shall be determined by taking the total vote
cast for the candidate for that political party who received the highest
number of votes in the political subdivision at the last regular election at
which an officer was regularly scheduled to be elected from that
subdivision. For wards or districts of political subdivisions, the number of
primary electors shall be determined by taking the total vote cast for the
candidate for that political party who received the highest number of votes
in the ward or district at the last regular election at which an officer was
regularly scheduled to be elected from that ward or district.

A "qualified primary elector" of a party may not sign petitions for
or be a candidate in the primary of more than one party.

The changes made to this Section of this amendatory Act of the
93rd General Assembly are declarative of existing law, except for item (3)
of subsection (d).

Petitions of candidates for nomination for offices herein specified,
to be filed with the same officer, may contain the names of 2 or more
candidates of the same political party for the same or different offices.
(Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

(10 ILCS 5/7-13.1) (from Ch. 46, par. 7-13.1)

Sec. 7-13.1. Certification of Candidates-Consolidated primary. Not
less than 61 days before the date of the consolidated primary, each local
election official of each political subdivision required to nominate
candidates for the respective offices by primary shall certify to each
election authority whose duty it is to prepare the official ballot for the
consolidated primary in such political subdivision the names of all
candidates in whose behalf nomination papers have been filed in the office
of such local election official and direct the election authority to place

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upon the official ballot for the consolidated primary election the names of such candidates in the same manner and in the same order as shown upon the certification. However, subject to appeal, the names of candidates whose nomination papers have been held invalid by the appropriate electoral board provided in Section 10-9 of this Code shall not be so certified. The certification shall be modified as necessary to comply with the requirements of any other statute or any ordinance adopted pursuant to Article VII of the Constitution prescribing specific provisions for nonpartisan elections, including without limitation Articles 3, 4 and 5 of "The Municipal Code".

The names of candidates shall be listed on the certification for the respective offices in the order in which the candidates have filed their nomination papers, or as determined by lot, or as otherwise specified by statute.

In every instance where applicable, the following shall also be indicated in the certification:

1. Where there is to be more than one candidate elected to an office from a political subdivision or district;
2. Where a voter has the right to vote for more than one candidate for an office;
3. The terms of the office to be on the ballot, when a vacancy is to be filled for less than a full term, or when offices of a particular subdivision to be on the ballot at the same election are to be filled for different terms; and
4. The territory in which a candidate is required by law to reside, when such residency requirement is not identical to the territory of the political subdivision from which the candidate is to be elected or nominated;

5. Where a candidate's nominating papers or petitions have been objected to and the objection has been sustained by the electoral board established in Section 10-10, the words "OBJECTION SUSTAINED" shall be placed under the title of the office being sought by the candidate and the name of the aggrieved candidate shall not appear; and

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(6) Where a candidate's nominating papers or petitions have been objected to and the decision of the electoral board established in Section 10-10 is either unknown or known to be in judicial review, the words "OBJECTION PENDING" shall be placed under the title of the office being sought by the candidate and next to the name of the candidate.

The local election official shall issue an amended certification whenever it is discovered that the original certification is in error.

(Source: P.A. 84-757.)

(10 ILCS 5/7-41) (from Ch. 46, par. 7-41)

Sec. 7-41. (a) All officers upon whom is imposed by law the duty of designating and providing polling places for general elections, shall provide in each such polling place so designated and provided, a sufficient number of booths for such primary election, which booths shall be provided with shelves, such supplies and pencils as will enable the voter to prepare his ballot for voting and in which voters may prepare their ballots screened from all observation as to the manner in which they do so. Such booths shall be within plain view of the election officers and both they and the ballot boxes shall be within plain view of those within the proximity of the voting booths. No person other than election officers and the challengers allowed by law and those admitted for the purpose of voting, as hereinafter provided, shall be permitted within the proximity of the voting booths, except by authority of the primary officers to keep order and enforce the law.

(b) The number of such voting booths shall not be less than one to every seventy-five voters or fraction thereof, who voted at the last preceding election in the precinct or election district.

(c) No person shall do any electioneering or soliciting of votes on primary day within any polling place or within one hundred feet of any polling place, or, at the option of a church or private school, on any of the property of that church or private school that is a polling place. Election officers shall place 2 or more cones, small United States national flags, or some other marker a distance of 100 horizontal feet from each entrance to the room used by voters to engage in voting, which shall be known as the polling room. If the polling room is located within a building that is a

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private business, a public or private school, or a church or other organization founded for the purpose of religious worship and the distance of 100 horizontal feet ends within the interior of the building, then the markers shall be placed outside of the building at each entrance used by voters to enter that building on the grounds adjacent to the thoroughfare or walkway. If the polling room is located within a public or private building with 2 or more floors and the polling room is located on the ground floor, then the markers shall be placed 100 horizontal feet from each entrance to the polling room used by voters to engage in voting. If the polling room is located in a public or private building with 2 or more floors and the polling room is located on a floor above or below the ground floor, then the markers shall be placed a distance of 100 feet from the nearest elevator or staircase used by voters on the ground floor to access the floor where the polling room is located. The area within where the markers are placed shall be known as a campaign free zone, and electioneering is prohibited pursuant to this subsection. Notwithstanding any other provision of this Section, a church or private school may choose to apply the campaign free zone to its entire property, and, if so, the markers shall be placed near the boundaries on the grounds adjacent to the thoroughfares or walkways leading to the entrances used by the voters. At or near the door of each polling place, the election judges shall place signage indicating the proper entrance to the polling place. In addition, the election judges shall ensure that a sign identifying the location of the polling place is placed on a nearby public roadway. The State Board of Elections shall establish guidelines for the placement of polling place signage.

The area on polling place property beyond the campaign free zone, whether publicly or privately owned, is a public forum for the time that the polls are open on an election day. At the request of election officers any publicly owned building must be made available for use as a polling place. A person shall have the right to congregate and engage in electioneering on any polling place property while the polls are open beyond the campaign free zone, including but not limited to, the placement of temporary signs. This subsection shall be construed liberally in favor of persons engaging in electioneering on all polling place property beyond

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the campaign free zone for the time that the polls are open on an election day.

(d) The regulation of electioneering on polling place property on an election day, including but not limited to the placement of temporary signs, is an exclusive power and function of the State. A home rule unit may not regulate electioneering and any ordinance or local law contrary to subsection (c) is declared void. This is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 93-574, eff. 8-21-03; 93-847, eff. 7-30-04.)

(10 ILCS 5/7-43) (from Ch. 46, par. 7-43)

Sec. 7-43. Every person having resided in this State 6 months and in the precinct 30 days next preceding any primary therein who shall be a citizen of the United States of the age of 18 or more years, shall be entitled to vote at such primary.

The following regulations shall be applicable to primaries:

No person shall be entitled to vote at a primary:

(a) Unless he declares his party affiliations as required by this Article.

(b) (Blank.) Who shall have signed the petition for nomination of a candidate of any party with which he does not affiliate, when such candidate is to be voted for at the primary.

(c) (Blank.) Who shall have signed the nominating papers of an independent candidate for any office for which office candidates for nomination are to be voted for at such primary.

(c.5) If that person has participated in the town political party caucus, under Section 45-50 of the Township Code, of another political party by signing an affidavit of voters attending the caucus within 45 days before the first day of the calendar month in which the primary is held.

(d) (Blank.) If he has voted at a primary held under this Article 7 of another political party within a period of 23 calendar months next preceding the calendar month in which such primary is held: Provided, participation by a primary elector in a primary of a political party which, under the provisions of Section 7-2 of this Article, is a political party

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within a city, village or incorporated town or town only and entitled hereunder to make nominations of candidates for city, village or incorporated town or town offices only, and for no other office or offices, shall not disqualify such primary elector from participating in other primaries of his party: And, provided, that no qualified voter shall be precluded from participating in the primary of any purely city, village or incorporated town or town political party under the provisions of Section 7-2 of this Article by reason of such voter having voted at the primary of another political party within a period of 23 calendar months next preceding the calendar month in which he seeks to participate is held.

(e) In cities, villages and incorporated towns having a board of election commissioners only voters registered as provided by Article 6 of this Act shall be entitled to vote at such primary.

(f) No person shall be entitled to vote at a primary unless he is registered under the provisions of Articles 4, 5 or 6 of this Act, when his registration is required by any of said Articles to entitle him to vote at the election with reference to which the primary is held.

(10 ILCS 5/7-59) (from Ch. 46, par. 7-59)

Sec. 7-59. (a) The person receiving the highest number of votes at a primary as a candidate of a party for the nomination for an office shall be the candidate of that party for such office, and his name as such candidate shall be placed on the official ballot at the election then next ensuing; provided, that where there are two or more persons to be nominated for the same office or board, the requisite number of persons receiving the highest number of votes shall be nominated and their names shall be placed on the official ballot at the following election.

Except as otherwise provided by Section 7-8 of this Act, the person receiving the highest number of votes of his party for State central committeeman of his congressional district shall be declared elected State central committeeman from said congressional district.

Unless a national political party specifies that delegates and alternate delegates to a National nominating convention be allocated by proportional selection representation according to the results of a

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Presidential preference primary, the requisite number of persons receiving the highest number of votes of their party for delegates and alternate delegates to National nominating conventions from the State at large, and the requisite number of persons receiving the highest number of votes of their party for delegates and alternate delegates to National nominating conventions in their respective congressional districts shall be declared elected delegates and alternate delegates to the National nominating conventions of their party.

A political party which elects the members to its State Central Committee by Alternative B under paragraph (a) of Section 7-8 shall select its congressional district delegates and alternate delegates to its national nominating convention by proportional selection representation according to the results of a Presidential preference primary in each congressional district in the manner provided by the rules of the national political party and the State Central Committee, when the rules and policies of the national political party so require.

A political party which elects the members to its State Central Committee by Alternative B under paragraph (a) of Section 7-8 shall select its at large delegates and alternate delegates to its national nominating convention by proportional selection representation according to the results of a Presidential preference primary in the whole State in the manner provided by the rules of the national political party and the State Central Committee, when the rules and policies of the national political party so require.

The person receiving the highest number of votes of his party for precinct committeeman of his precinct shall be declared elected precinct committeeman from said precinct.

The person receiving the highest number of votes of his party for township committeeman of his township or part of a township as the case may be, shall be declared elected township committeeman from said township or part of a township as the case may be. In cities where ward committeemen are elected, the person receiving the highest number of votes of his party for ward committeeman of his ward shall be declared elected ward committeeman from said ward.

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When two or more persons receive an equal and the highest number of votes for the nomination for the same office or for committeeman of the same political party, or where more than one person of the same political party is to be nominated as a candidate for office or committeeman, if it appears that more than the number of persons to be nominated for an office or elected committeeman have the highest and an equal number of votes for the nomination for the same office or for election as committeeman, the election authority by which the returns of the primary are canvassed shall decide by lot which of said persons shall be nominated or elected, as the case may be. In such case the election authority shall issue notice in writing to such persons of such tie vote stating therein the place, the day (which shall not be more than 5 days thereafter) and the hour when such nomination or election shall be so determined.

(b) Write-in votes shall be counted only for persons who have filed notarized declarations of intent to be write-in candidates with the proper election authority or authorities not later than 61 days prior to 5:00 p.m. on the Tuesday immediately preceding the primary. However, whenever an objection to a candidate's nominating papers or petitions for any office is sustained under Section 10-10 after the 61st day before the election, then write-in votes shall be counted for that candidate if he or she has filed a notarized declaration of intent to be a write-in candidate for that office with the proper election authority or authorities not later than 7 days prior to the election.

Forms for the declaration of intent to be a write-in candidate shall be supplied by the election authorities. Such declaration shall specify the office for which the person seeks nomination or election as a write-in candidate.

The election authority or authorities shall deliver a list of all persons who have filed such declarations to the election judges in the appropriate precincts prior to the primary.

(c) (1) Notwithstanding any other provisions of this Section, where the number of candidates whose names have been printed on a party's ballot for nomination for or election to an office at a primary is less than...
the number of persons the party is entitled to nominate for or elect to the office at the primary, a person whose name was not printed on the party's primary ballot as a candidate for nomination for or election to the office, is not nominated for or elected to that office as a result of a write-in vote at the primary unless the number of votes he received equals or exceeds the number of signatures required on a petition for nomination for that office; or unless the number of votes he receives exceeds the number of votes received by at least one of the candidates whose names were printed on the primary ballot for nomination for or election to the same office.

(2) Paragraph (1) of this subsection does not apply where the number of candidates whose names have been printed on the party's ballot for nomination for or election to the office at the primary equals or exceeds the number of persons the party is entitled to nominate for or elect to the office at the primary.

(Source: P.A. 94-647, eff. 1-1-06.)

(10 ILCS 5/9-9.5)

Sec. 9-9.5. Disclosures in political communications.

(a) Any political committee, organized under the Election Code, that makes an expenditure for a pamphlet, circular, handbill, Internet or telephone communication, radio, television, or print advertisement, or other communication directed at voters and mentioning the name of a candidate in the next upcoming election shall ensure that the name of the political committee paying for any part of the communication, including, but not limited to, its preparation and distribution, is identified clearly within the communication as the payor. This subsection does not apply to items that are too small to contain the required disclosure. Nothing in this subsection shall require disclosure on any telephone communication using random sampling or other scientific survey methods to gauge public opinion for or against any candidate or question of public policy.

Whenever any vendor or other person provides any of the services listed in this subsection, other than any telephone communication using random sampling or other scientific survey methods to gauge public opinion for or against any candidate or question of public policy, the vendor or person shall keep and maintain records showing the name and

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address of the person who purchased or requested the services and the amount paid for the services. The records required by this subsection shall be kept for a period of one year after the date upon which payment was received for the services.

(b) Any political committee, organized under this Code, that makes an expenditure for a pamphlet, circular, handbill, Internet or telephone communication, radio, television, or print advertisement, or other communication directed at voters and (i) mentioning the name of a candidate in the next upcoming election, without that candidate's permission, or and (ii) advocating for or against a public policy position shall ensure that the name of the political committee paying for any part of the communication, including, but not limited to, its preparation and distribution, is identified clearly within the communication. Nothing in this subsection shall require disclosure on any telephone communication using random sampling or other scientific survey methods to gauge public opinion for or against any candidate or question of public policy.

(c) A political committee organized under this Code shall not make an expenditure for any unsolicited telephone call to the line of a residential telephone customer in this State using any method to block or otherwise circumvent that customer's use of a caller identification service.

(Source: P.A. 93-615, eff. 11-19-03; 93-847, eff. 7-30-04; 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

(10 ILCS 5/10-3) (from Ch. 46, par. 10-3)

Sec. 10-3. Nomination of independent candidates (not candidates of any political party), for any office to be filled by the voters of the State at large may also be made by nomination papers signed in the aggregate for each candidate by 1% of the number of voters who voted in the next preceding Statewide general election or 25,000 qualified voters of the State, whichever is less. Nominations of independent candidates for public office within any district or political subdivision less than the State, may be made by nomination papers signed in the aggregate for each candidate by qualified voters of such district, or political subdivision, equaling not less than 5%, nor more than 8% (or 50 more than the minimum, whichever is greater) of the number of persons, who voted at the next preceding

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regular election in such district or political subdivision in which such district or political subdivision voted as a unit for the election of officers to serve its respective territorial area, except that independent candidates for the General Assembly shall require not less than 10%, nor more than 16% of the number of persons who voted at the next preceding general election in such district or political subdivision in which such district or political subdivision voted as a unit for the election of officers to serve its respective territorial area. However, whenever the minimum signature requirement for an independent candidate petition for a district or political subdivision office shall exceed the minimum number of signatures for an independent candidate petition for an office to be filled by the voters of the State at large at the next preceding State-wide general election, such State-wide petition signature requirement shall be the minimum for an independent candidate petition for such district or political subdivision office. For the first election following a redistricting of congressional districts, nomination papers for an independent candidate for congressman shall be signed by at least 5,000 qualified voters of the congressional district. For the first election following a redistricting of legislative districts, nomination papers for an independent candidate for State Senator in the General Assembly shall be signed by at least 3,000 qualified voters of the legislative district. For the first election following a redistricting of representative districts, nomination papers for an independent candidate for State Representative in the General Assembly shall be signed by at least 1,500 qualified voters of the representative district. For the first election following redistricting of county board districts, or of municipal wards or districts, or for the first election following the initial establishment of such districts or wards in a county or municipality, nomination papers for an independent candidate for county board member, or for alderman or trustee of such municipality, shall be signed by qualified voters of the district or ward equal to not less than 5% nor more than 8% (or 50 more than the minimum, whichever is greater) of the total number of votes cast at the preceding general or general municipal election, as the case may be, for the county or municipal office voted on throughout such county or municipality for which the greatest total number

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of votes were cast for all candidates, divided by the number of districts or wards, but in any event not less than 25 qualified voters of the district or ward. Each voter signing a nomination paper shall add to his signature his place of residence, and each voter may subscribe to one nomination for such office to be filled, and no more: Provided that the name of any candidate whose name may appear in any other place upon the ballot shall not be so added by petition for the same office.

The person circulating the petition, or the candidate on whose behalf the petition is circulated, may strike any signature from the petition, provided that:

(1) the person striking the signature shall initial the petition at the place where the signature is struck; and

(2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the petition.

(3) the persons striking signatures from the petition shall each sign an additional certificate specifying the number of certification pages listing stricken signatures which are attached to the petition and the page numbers indicated on such certifications. The certificate shall be filed as a part of the petition, shall be numbered, and shall be attached immediately following the last page of voters' signatures and before the certifications of stricken signatures.

(4) all of the foregoing requirements shall be necessary to effect a valid striking of any signature. The provisions of this Section authorizing the striking of signatures shall not impose any criminal liability on any person so authorized for signatures which may be fraudulent.

In the case of the offices of Governor and Lieutenant Governor a joint petition including one candidate for each of those offices must be filed.

Every petition for nomination of an independent candidate for any office for which candidates of established political parties are nominated at

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the general primary shall be filed within the time designated in Section 7-
12 of this Act in regard to nomination at the general primary of any other
candidate for such office.

A candidate for whom a nomination paper has been filed as a
partisan candidate at a primary election, and who is defeated for his or her
nomination at the primary election, is ineligible to be placed on the ballot
as an independent candidate for election in that general or consolidated
election.

A candidate seeking election to an office for which candidates of
political parties are nominated by caucus who is a participant in the caucus
and who is defeated for his or her nomination at such caucus, is ineligible
to be listed on the ballot at that general or consolidated election as an
independent candidate.

(Source: P.A. 86-867; 86-875; 86-1028; 86-1348.)

(10 ILCS 5/10-6) (from Ch. 46, par. 10-6)

Sect. 10-6. Time and manner of filing. Certificates Except as
provided in Section 10-3, certificates of nomination and nomination
papers for the nomination of candidates for offices to be filled by electors
of the entire State, or any district not entirely within a county, or for
congressional, state legislative or judicial offices, shall be presented to the
principal office of the State Board of Elections not more than 141 nor less
than 134 days previous to the day of election for which the candidates are
nominated. The State Board of Elections shall endorse the certificates of
nomination or nomination papers, as the case may be, and the date and
hour of presentment to it. Except as otherwise provided in this section, all
other certificates for the nomination of candidates shall be filed with the
county clerk of the respective counties not more than 141 but at least 134
days previous to the day of such election. Certificates of nomination and
nomination papers for the nomination of candidates for the offices of
political subdivisions to be filled at regular elections other than the general
election shall be filed with the local election official of such subdivision:

(1) (Blank);

(2) not more than 78 nor less than 71 days prior to the
consolidated election; or

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(3) not more than 78 nor less than 71 days prior to the general primary in the case of municipal offices to be filled at the general primary election; or

(4) not more than 78 nor less than 71 days before the consolidated primary in the case of municipal offices to be elected on a nonpartisan basis pursuant to law (including without limitation, those municipal offices subject to Articles 4 and 5 of the Municipal Code); or

(5) not more than 78 nor less than 71 days before the municipal primary in even numbered years for such nonpartisan municipal offices where annual elections are provided; or

(6) in the case of petitions for the office of multi-township assessor, such petitions shall be filed with the election authority not more than 78 nor less than 71 days before the consolidated election.

However, where a political subdivision's boundaries are coextensive with or are entirely within the jurisdiction of a municipal board of election commissioners, the certificates of nomination and nomination papers for candidates for such political subdivision offices shall be filed in the office of such Board.

(Source: P.A. 90-358, eff. 1-1-98; 91-317, eff. 7-29-99.)

(10 ILCS 5/10-15) (from Ch. 46, par. 10-15)

Sec. 10-15. Not less than 61 days before the date of the consolidated and nonpartisan elections, each local election official with whom certificates of nomination or nominating petitions have been filed shall certify to each election authority having jurisdiction over any of the territory of his political subdivision the names of all candidates entitled to be printed on the ballot for offices of that political subdivision to be voted upon at such election and direct the election authority to place upon the official ballot for such election the names of such candidates in the same manner and in the same order as shown upon the certification.

The local election officials shall certify such candidates for each office in the order in which such candidates' certificates of nomination or nominating petitions were filed in his office. However, subject to appeal,
the names of candidates whose petitions have been held invalid by the appropriate electoral board provided in Section 10-9 of this Act shall not be so certified. The certification shall be modified as necessary to comply with the requirements of any other statute or any ordinance adopted pursuant to Article VII of the Constitution prescribing specific provisions for nonpartisan elections, including without limitation Articles 4 and 5 of "The Municipal Code" or Article 9 of The School Code.

In every instance where applicable, the following shall also be indicated in the certification:

(1) The political party affiliation, if any, of the candidates for the respective offices;

(2) Where there is to be more than one candidate elected to an office from a political subdivision or district;

(3) Where a voter has the right to vote for more than one candidate for an office;

(4) The terms of the office to be on the ballot, when a vacancy is to be filled for less than a full term, or when offices of a particular subdivision to be on the ballot at the same election are to be filled for different terms; and

(5) The territory in which a candidate is required by law to reside, when such residency requirement is not identical to the territory of the political subdivision from which the candidate is to be elected or nominated.

(6) Where a candidate's nominating papers or petitions have been objected to and the objection has been sustained by the electoral board established in Section 10-10, the words "OBJECTION SUSTAINED" shall be placed under the title of the office being sought by the candidate and the name of the aggrieved candidate shall not appear; and

(7) Where a candidate's nominating papers or petitions have been objected to and the decision of the electoral board established in Section 10-10 is either unknown or known to be in judicial review, the words "OBJECTION PENDING" shall be placed under the title of the office being sought by the candidate and next to the name of the candidate.

New matter indicated by italics - deletions by strikeout
For the consolidated election, and for the general primary in the case of certain municipalities having annual elections, the candidates of new political parties shall be placed on the ballot for such elections after the established political party candidates and in the order of new political party petition filings.

The local election official shall issue an amended certification whenever it is discovered that the original certification is in error.

(Source: P.A. 86-874.)

(10 ILCS 5/12A-10)

Sec. 12A-10. Candidate statements and photographs in the Internet Guide.

(a) Any candidate whose name appears in the Internet Guide may submit a written statement and a photograph to appear in the Internet Guide, provided that:

(1) No personal statement may exceed a brief biography (name, age, education, and current employment) and an additional 400 words.

(2) Personal statements may include contact information for the candidate, including the address and phone number of the campaign headquarters, and the candidate's website.

(3) Personal statements may not mention a candidate's opponents by name.

(4) No personal statement may include language that may not be legally sent through the mail.

(5) The photograph shall be a conventional photograph with a plain background and show only the face, or the head, neck, and shoulders, of the candidate.

(6) The photograph shall not (i) show the candidate's hands, anything in the candidate's hands, or the candidate wearing a judicial robe, a hat, or a military, police, or fraternal uniform or (ii) include the uniform or insignia of any organization.

(b) The Board must note in the text of the Internet Guide that personal statements were submitted by the candidate or his or her designee and were not edited by the Board.

New matter indicated by italics - deletions by strikeout
(c) Where a candidate declines to submit a statement, the Board may note that the candidate declined to submit a statement.

(d) (Blank.) The candidate must pay $600 for inclusion of his or her personal statement and photograph, and the Board shall not include photographs or statements from candidates who do not pay the fee. The Board may adopt rules for refunding that fee at the candidate’s request, provided that the Board may not include a statement or photograph from a candidate who has requested a refund of a fee. Fees collected pursuant to this subsection shall be deposited into the Voters’ Guide Fund, a special fund created in the State treasury. Moneys in the Voters' Guide Fund shall be appropriated solely to the State Board of Elections for use in the implementation and administration of this Article 12A.

(e) Anyone other than the candidate submitting a statement or photograph from a candidate must attest that he or she is doing so on behalf and at the direction of the candidate. The Board may assess a civil fine of no more than $1,000 against a person or entity who falsely submits a statement or photograph not authorized by the candidate.

(f) Nothing in this Article makes the author of any statement exempt from any civil or criminal action because of any defamatory statements offered for posting or contained in the Internet Guide. The persons writing, signing, or offering a statement for inclusion in the Internet Guide are deemed to be its authors and publishers, and the Board shall not be liable in any case or action relating to the content of any material submitted by any candidate.

(g) The Board may set reasonable deadlines for the submission of personal statements and photographs, provided that a deadline may not be less than 5 business days after the last day for filing new party petitions.

(h) The Board may set formats for the submission of statements and photographs. The Board may require that statements and photographs are submitted in an electronic format.

(i) Fines — Fees and fines collected pursuant to subsection subsections (d) and (e), respectively, of this Section shall be deposited into the Voters' Guide Fund, a special fund created in the State treasury. Moneys in the Voters' Guide Fund shall be appropriated solely to the State

New matter indicated by italics - deletions by strikeout
Board of Elections for use in the implementation and administration of this Article 12A.
(Source: P.A. 94-645, eff. 8-22-05.)

(10 ILCS 5/12A-35)
Sec. 12A-35. Board's review of candidate photograph and statement; procedure for revision.

(a) If a candidate files a photograph and statement under item (8) of Section 12A-5 in a voters' guide, the Board shall review the photograph and statement to ensure that they comply with the requirements of Section 12A-10. Review by the Board under this Section shall be limited to determining whether the photograph and statement comply with the requirements of Section 12A-10 and may not include any determination relating to the accuracy or truthfulness of the substance or contents of the materials filed.

(b) The Board shall review each photograph and statement not later than 3 business days following the deadline for filing a photograph and statement. If the Board determines that the photograph or statement of a candidate must be revised in order to comply with the requirements of Section 12A-10, the Board shall attempt to contact the candidate not later than the 5th day after the deadline for filing a photograph and statement. A candidate contacted by the Board under this Section may file a revised photograph or statement no later than the 5th business day following notification the deadline for filing a photograph and statement.

(c) If the Board is required to attempt to contact a candidate under subsection (b) of this Section, the Board shall attempt to contact the candidate by telephone or by using an electronic transmission facsimile machine, if such contact information is provided by the candidate.

(d) If the Board is unable to contact a candidate, if the candidate does not file a revised photograph or statement, or if the revised filing under subsection (b) again fails to meet the standards of review set by the Board:

(1) If a photograph does not comply with Section 12A-10, the Board may modify the photograph. The candidate shall pay the expense of any modification before publication of the photograph.

New matter indicated by italics - deletions by strikeout
in the voters' guide. If the photograph cannot be modified to comply with Section 12A-10, the photograph shall not be printed in the guide.

(2) If a statement does not comply with Section 12A-10, the statement shall not be published in the voters' guide.

(e) If the photograph or statement of a candidate filed under item (8) of Section 12A-5 does not comply with a requirement of Section 12A-10 and the Board does not attempt to contact the candidate by the deadline specified in subsection (b) of this Section, then, for purposes of this Section only, the photograph or statement shall be published as filed.

(f) A candidate revising a photograph or statement under this Section shall make only those revisions necessary to comply with Section 12A-10.

(g) The Board may by rule define the term "contact" as used in this Section.

(Source: P.A. 94-645, eff. 8-22-05.)

(10 ILCS 5/13-4) (from Ch. 46, par. 13-4)

Sec. 13-4. Qualifications.

(a) All persons elected or chosen judge of election must: (1) be citizens of the United States and entitled to vote at the next election, except as provided in subsection (b) or (c); (2) be of good repute and character; (3) be able to speak, read and write the English language; (4) be skilled in the four fundamental rules of arithmetic; (5) be of good understanding and capable; (6) not be candidates for any office at the election and not be elected committeemen; and (7) reside in the precinct in which they are selected to act, except that in each precinct, not more than one judge of each party may be appointed from outside such precinct. Any judge selected to serve in any precinct in which he is not entitled to vote must reside within and be entitled to vote elsewhere within the county which encompasses the precinct in which such judge is appointed, except as provided in subsection (b) or (c). Such judge must meet the other qualifications of this Section.

(b) An election authority may establish a program to permit a person who is not entitled to vote to be appointed as an election judge if,
as of the date of the election at which the person serves as a judge, he or she:

(1) is a U.S. citizen;
(2) is a junior or senior in good standing enrolled in a public or private secondary school;
(3) has a cumulative grade point average equivalent to at least 3.0 on a 4.0 scale;
(4) has the written approval of the principal of the secondary school he or she attends at the time of appointment;
(5) has the written approval of his or her parent or legal guardian;
(6) has satisfactorily completed the training course for judges of election described in Sections 13-2.1 and 13-2.2; and
(7) meets all other qualifications for appointment and service as an election judge.

No more than one election judge qualifying under this subsection may serve per political party per precinct. Prior to appointment, a judge qualifying under this subsection must certify in writing to the election authority the political party the judge chooses to affiliate with.

Students appointed as election judges under this subsection shall not be counted as absent from school on the day they serve as judges.

(c) An election authority may establish a program to permit a person who is not entitled to vote in that precinct or county to be appointed as an election judge if, as of the date of the election at which the person serves as a judge, he or she:

(1) is a U.S. citizen;
(2) is currently enrolled in a community college, as defined in the Public Community College Act, or a public or private Illinois university or college;
(3) has a cumulative grade point average equivalent to at least 3.0 on a 4.0 scale;
(4) has satisfactorily completed the training course for judges of election described in Sections 13-2.1 and 13-2.2; and
(5) meets all other qualifications for appointment and service as an election judge.

No more than one election judge qualifying under this subsection may serve per political party per precinct. Prior to appointment, a judge qualifying under this subsection must certify in writing to the election authority the political party the judge chooses to affiliate with.

Students appointed as election judges under this subsection shall not be counted as absent from school on the day they serve as judges.

(Source: P.A. 91-352, eff. 1-1-00.)

(10 ILCS 5/13-10) (from Ch. 46, par. 13-10)

Sec. 13-10. The compensation of the judges of all primaries and all elections, except judges supervising absentee ballots as provided in Section 19-12.2 of this Act, in counties of less than 600,000 inhabitants shall be fixed by the respective county boards or boards of election commissioners in all counties and municipalities, but in no case shall such compensation be less than $35 per day. The compensation of judges of all primaries and all elections not under the jurisdiction of the county clerk, except judges supervising absentee balloting as provided in Section 19-12.2 of this Act, in counties having a population of 2,000,000 or more shall be not less than $60 per day. The compensation of judges of all primaries and all elections under the jurisdiction of the county clerk, except judges supervising absentee balloting as provided in Section 19-12.2 of this Act, in counties having a population of 2,000,000 or more shall be not less than $60 per day. The compensation of judges of all primaries and all elections, except judges supervising absentee ballots as provided in Section 19-12.2 of this Act, in counties having a population of at least 600,000 but less than 2,000,000 inhabitants shall be not less than $45 per day as fixed by the county board of election commissioners of each such county. In addition to their per day compensation and notwithstanding the limitations thereon stated herein, the judges of election, in all counties with a population of less than 600,000, shall be paid $3 each for each 100 voters or portion thereof, in excess of 200 voters voting for candidates in the election district or precinct wherein the judge is serving, whether a primary or an election is being held. However, no
such extra compensation shall be paid to the judges of election in any precinct in which no paper ballots are counted by such judges of election. The 2 judges of election in counties having a population of less than 600,000 who deliver the returns to the county clerk shall each be allowed and paid a sum to be determined by the election authority for such services and an additional sum per mile to be determined by the election authority for every mile necessarily travelled in going to and returning from the office or place to which they deliver the returns. The compensation for mileage shall be consistent with current rates paid for mileage to employees of the county.

However, all judges who have been certified by the County Clerk or Board of Election Commissioners as having satisfactorily completed, within the 2 years preceding the day of election, the training course for judges of election, as provided in Sections 13-2.1, 13-2.2 and 14-4.1 of this Act, shall receive additional compensation of not less than $10 per day in counties of less than 600,000 inhabitants, the additional compensation of not less than $10 per day in counties having a population of at least 600,000 but less than 2,000,000 inhabitants as fixed by the county board of election commissioners of each such county, and additional compensation of not less than $20 per day in counties having a population of 2,000,000 or more for primaries and elections not under the jurisdiction of the county clerk, and additional compensation of not less than $20 per day in counties having a population of 2,000,000 or more for primaries and elections under the jurisdiction of the county clerk.

In precincts in which there are tally judges, the compensation of the tally judges shall be 2/3 of that of the judges of election and each holdover judge shall be paid the compensation of a judge of election plus that of a tally judge.

Beginning on the effective date of this amendatory Act of 1998, the portion of an election judge's daily compensation reimbursed by the State Board of Elections is increased by $15. The increase provided by this amendatory Act of 1998 must be used to increase each judge's compensation and may not be used by the county to reduce its portion of a judge's compensation.

New matter indicated by italics - deletions by strikeout
Beginning on the effective date of this amendatory Act of the 95th General Assembly, the portion of an election judge's daily compensation reimbursement by the State Board of Elections is increased by an additional $20. The increase provided by this amendatory Act of the 95th General Assembly must be used to increase each judge's compensation and may not be used by the election authority or election jurisdiction to reduce its portion of a judge's compensation.

(10 ILCS 5/14-1) (from Ch. 46, par. 14-1)

Sec. 14-1. (a) The board of election commissioners established or existing under Article 6 shall, at the time and in the manner provided in Section 14-3.1, select and choose 5 persons, men or women, as judges of election for each precinct in such city, village or incorporated town.

Where neither voting machines nor electronic, mechanical or electric voting systems are used, the board of election commissioners may, for any precinct with respect to which the board considers such action necessary or desirable in view of the number of voters, and shall for general elections for any precinct containing more than 600 registered voters, appoint in addition to the 5 judges of election a team of 5 tally judges. In such precincts the judges of election shall preside over the election during the hours the polls are open, and the tally judges, with the assistance of the holdover judges designated pursuant to Section 14-5.2, shall count the vote after the closing of the polls. The tally judges shall possess the same qualifications and shall be appointed in the same manner and with the same division between political parties as is provided for judges of election. The foregoing provisions relating to the appointment of tally judges are inapplicable in counties with a population of 1,000,000 or more.

(b) To qualify as judges the persons must:

(1) be citizens of the United States;
(2) be of good repute and character;
(3) be able to speak, read and write the English language;
(4) be skilled in the 4 fundamental rules of arithmetic;
(5) be of good understanding and capable;

New matter indicated by italics - deletions by strikeout
(6) not be candidates for any office at the election and not be elected committeemen;

(7) reside and be entitled to vote in the precinct in which they are selected to serve, except that in each precinct not more than one judge of each party may be appointed from outside such precinct. Any judge so appointed to serve in any precinct in which he is not entitled to vote must be entitled to vote elsewhere within the county which encompasses the precinct in which such judge is appointed and such judge must otherwise meet the qualifications of this Section, except as provided in subsection (c) or (c-5).

(c) An election authority may establish a program to permit a person who is not entitled to vote to be appointed as an election judge if, as of the date of the election at which the person serves as a judge, he or she:

(1) is a U.S. citizen;

(2) is a junior or senior in good standing enrolled in a public or private secondary school;

(3) has a cumulative grade point average equivalent to at least 3.0 on a 4.0 scale;

(4) has the written approval of the principal of the secondary school he or she attends at the time of appointment;

(5) has the written approval of his or her parent or legal guardian;

(6) has satisfactorily completed the training course for judges of election described in Sections 13-2.1, 13-2.2, and 14-4.1; and

(7) meets all other qualifications for appointment and service as an election judge.

No more than one election judge qualifying under this subsection may serve per political party per precinct. Prior to appointment, a judge qualifying under this subsection must certify in writing to the election authority the political party the judge chooses to affiliate with.

Students appointed as election judges under this subsection shall not be counted as absent from school on the day they serve as judges.

New matter indicated by italics - deletions by strikeout
(c-5) An election authority may establish a program to permit a person who is not entitled to vote in that precinct or county to be appointed as an election judge if, as of the date of the election at which the person serves as a judge, he or she:

(1) is a U.S. citizen;
(2) is currently enrolled in a community college, as defined in the Public Community College Act, or a public or private Illinois university or college;
(3) has a cumulative grade point average equivalent to at least 3.0 on a 4.0 scale;
(4) has satisfactorily completed the training course for judges of election described in Sections 13-2.1, 13-2.2, and 14-4.1; and
(5) meets all other qualifications for appointment and service as an election judge.

No more than one election judge qualifying under this subsection may serve per political party per precinct. Prior to appointment, a judge qualifying under this subsection must certify in writing to the election authority the political party the judge chooses to affiliate with.

Students appointed as election judges under this subsection shall not be counted as absent from school on the day they serve as judges.

(d) The board of election commissioners may select 2 additional judges of election, one from each of the major political parties, for each 200 voters in excess of 600 in any precinct having more than 600 voters as authorized by Section 11--3. These additional judges must meet the qualifications prescribed in this Section.

(Source: P.A. 91-352, eff. 1-1-00.)

(10 ILCS 5/16-3) (from Ch. 46, par. 16-3)
(Text of Section before amendment by P.A. 94-1090)

Sec. 16-3. (a) The names of all candidates to be voted for in each election district or precinct shall be printed on one ballot, except as is provided in Sections 16-6.1 and 21-1.01 of this Act and except as otherwise provided in this Act with respect to the odd year regular elections and the emergency referenda; all nominations of any political
party being placed under the party appellation or title of such party as designated in the certificates of nomination or petitions. The names of all independent candidates shall be printed upon the ballot in a column or columns under the heading "independent" arranged under the names or titles of the respective offices for which such independent candidates shall have been nominated and so far as practicable, the name or names of any independent candidate or candidates for any office shall be printed upon the ballot opposite the name or names of any candidate or candidates for the same office contained in any party column or columns upon said ballot. The ballot shall contain no other names, except that in cases of electors for President and Vice-President of the United States, the names of the candidates for President and Vice-President may be added to the party designation and words calculated to aid the voter in his choice of candidates may be added, such as "Vote for one," "Vote for three." When an electronic voting system is used which utilizes a ballot label booklet, the candidates and questions shall appear on the pages of such booklet in the order provided by this Code; and, in any case where candidates for an office appear on a page which does not contain the name of any candidate for another office, and where less than 50% of the page is utilized, the name of no candidate shall be printed on the lowest 25% of such page. On the back or outside of the ballot, so as to appear when folded, shall be printed the words "Official Ballot", followed by the designation of the polling place for which the ballot is prepared, the date of the election and a facsimile of the signature of the election authority who has caused the ballots to be printed. The ballots shall be of plain white paper, through which the printing or writing cannot be read. However, ballots for use at the nonpartisan and consolidated elections may be printed on different color paper, except blue paper, whenever necessary or desirable to facilitate distinguishing between ballots for different political subdivisions. In the case of nonpartisan elections for officers of a political subdivision, unless the statute or an ordinance adopted pursuant to Article VII of the Constitution providing the form of government therefor requires otherwise, the column listing such nonpartisan candidates shall be printed with no appellation or circle at its head. The party appellation or title, or

New matter indicated by italics - deletions by strikeout
the word "independent" at the head of any column provided for independent candidates, shall be printed in letters not less than one-fourth of an inch in height and a circle one-half inch in diameter shall be printed at the beginning of the line in which such appellation or title is printed, provided, however, that no such circle shall be printed at the head of any column or columns provided for such independent candidates. The names of candidates shall be printed in letters not less than one-eighth nor more than one-fourth of an inch in height, and at the beginning of each line in which a name of a candidate is printed a square shall be printed, the sides of which shall be not less than one-fourth of an inch in length. However, the names of the candidates for Governor and Lieutenant Governor on the same ticket shall be printed within a bracket and a single square shall be printed in front of the bracket. The list of candidates of the several parties and any such list of independent candidates shall be placed in separate columns on the ballot in such order as the election authorities charged with the printing of the ballots shall decide; provided, that the names of the candidates of the several political parties, certified by the State Board of Elections to the several county clerks shall be printed by the county clerk of the proper county on the official ballot in the order certified by the State Board of Elections. Any county clerk refusing, neglecting or failing to print on the official ballot the names of candidates of the several political parties in the order certified by the State Board of Elections, and any county clerk who prints or causes to be printed upon the official ballot the name of a candidate, for an office to be filled by the Electors of the entire State, whose name has not been duly certified to him upon a certificate signed by the State Board of Elections shall be guilty of a Class C misdemeanor.

(b) When an electronic voting system is used which utilizes a ballot card, on the inside flap of each ballot card envelope there shall be printed a form for write-in voting which shall be substantially as follows:

WRITE-IN VOTES

(See card of instructions for specific information. Duplicate form below by hand for additional write-in votes.)

New matter indicated by italics - deletions by strikeout
Title of Office

( ) ____________________________

Name of Candidate

Write-in lines equal to the number of candidates for which a voter may vote shall be printed for an office only if one or more persons filed declarations of intent to be write-in candidates or qualify to file declarations to be write-in candidates under Sections 17-16.1 and 18-9.1 when the certification of ballot contains the words "OBJECTION PENDING".

(c) When an electronic voting system is used which uses a ballot sheet, the instructions to voters on the ballot sheet shall refer the voter to the card of instructions for specific information on write-in voting. Below each office appearing on such ballot sheet there shall be a provision for the casting of a write-in vote. Write-in lines equal to the number of candidates for which a voter may vote shall be printed for an office only if one or more persons filed declarations of intent to be write-in candidates or qualify to file declarations to be write-in candidates under Sections 17-16.1 and 18-9.1 when the certification of ballot contains the words "OBJECTION PENDING".

(d) When such electronic system is used, there shall be printed on the back of each ballot card, each ballot card envelope, and the first page of the ballot label when a ballot label is used, the words "Official Ballot," followed by the number of the precinct or other precinct identification, which may be stamped, in lieu thereof and, as applicable, the number and name of the township, ward or other election district for which the ballot card, ballot card envelope, and ballot label are prepared, the date of the election and a facsimile of the signature of the election authority who has caused the ballots to be printed. The back of the ballot card shall also include a method of identifying the ballot configuration such as a listing of the political subdivisions and districts for which votes may be cast on that ballot, or a number code identifying the ballot configuration or color coded ballots, except that where there is only one ballot configuration in a precinct, the precinct identification, and any applicable ward identification, shall be sufficient. Ballot card envelopes used in punch card systems shall
be of paper through which no writing or punches may be discerned and shall be of sufficient length to enclose all voting positions. However, the election authority may provide ballot card envelopes on which no precinct number or township, ward or other election district designation, or election date are preprinted, if space and a preprinted form are provided below the space provided for the names of write-in candidates where such information may be entered by the judges of election. Whenever an election authority utilizes ballot card envelopes on which the election date and precinct is not preprinted, a judge of election shall mark such information for the particular precinct and election on the envelope in ink before tallying and counting any write-in vote written thereon. If some method of insuring ballot secrecy other than an envelope is used, such information must be provided on the ballot itself.

(e) In the designation of the name of a candidate on the ballot, the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. No other designation such as a political slogan, title, or degree or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname, except that the title "Mrs." may be used in the case of a married woman. For purposes of this Section, a "political slogan" is defined as any word or words expressing or connoting a position, opinion, or belief that the candidate may espouse, including but not limited to, any word or words conveying any meaning other than that of the personal identity of the candidate. A candidate may not use a political slogan as part of his or her name on the ballot, notwithstanding that the political slogan may be part of the candidate's name.

(f) The State Board of Elections, a local election official, or an election authority shall remove any candidate's name designation from a ballot that is inconsistent with subsection (e) of this Section. In addition, the State Board of Elections, a local election official, or an election authority shall not certify to any election authority any candidate name designation that is inconsistent with subsection (e) of this Section.

New matter indicated by italics - deletions by strikeout
(g) If the State Board of Elections, a local election official, or an election authority removes a candidate's name designation from a ballot under subsection (f) of this Section, then the aggrieved candidate may seek appropriate relief in circuit court.

Where voting machines or electronic voting systems are used, the provisions of this Section may be modified as required or authorized by Article 24 or Article 24A, whichever is applicable.

Nothing in this Section shall prohibit election authorities from using or reusing ballot card envelopes which were printed before the effective date of this amendatory Act of 1985.

(Source: P.A. 92-178, eff. 1-1-02; 93-574, eff. 8-21-03.)

(Text of Section after amendment by P.A. 94-1090)

Sec. 16-3. (a) The names of all candidates to be voted for in each election district or precinct shall be printed on one ballot, except as is provided in Sections 16-6.1 and 21-1.01 of this Act and except as otherwise provided in this Act with respect to the odd year regular elections and the emergency referenda; all nominations of any political party being placed under the party appellation or title of such party as designated in the certificates of nomination or petitions. The names of all independent candidates shall be printed upon the ballot in a column or columns under the heading "independent" arranged under the names or titles of the respective offices for which such independent candidates shall have been nominated and so far as practicable, the name or names of any independent candidate or candidates for any office shall be printed upon the ballot opposite the name or names of any candidate or candidates for the same office contained in any party column or columns upon said ballot. The ballot shall contain no other names, except that in cases of electors for President and Vice-President of the United States, the names of the candidates for President and Vice-President may be added to the party designation and words calculated to aid the voter in his choice of candidates may be added, such as "Vote for one," "Vote for three." When an electronic voting system is used which utilizes a ballot label booklet, the candidates and questions shall appear on the pages of such booklet in the order provided by this Code; and, in any case where candidates for an
office appear on a page which does not contain the name of any candidate for another office, and where less than 50% of the page is utilized, the name of no candidate shall be printed on the lowest 25% of such page. On the back or outside of the ballot, so as to appear when folded, shall be printed the words "Official Ballot", followed by the designation of the polling place for which the ballot is prepared, the date of the election and a facsimile of the signature of the election authority who has caused the ballots to be printed. The ballots shall be of plain white paper, through which the printing or writing cannot be read. However, ballots for use at the nonpartisan and consolidated elections may be printed on different color paper, except blue paper, whenever necessary or desirable to facilitate distinguishing between ballots for different political subdivisions. In the case of nonpartisan elections for officers of a political subdivision, unless the statute or an ordinance adopted pursuant to Article VII of the Constitution providing the form of government therefor requires otherwise, the column listing such nonpartisan candidates shall be printed with no appellation or circle at its head. The party appellation or title, or the word "independent" at the head of any column provided for independent candidates, shall be printed in letters not less than one-fourth of an inch in height and a circle one-half inch in diameter shall be printed at the beginning of the line in which such appellation or title is printed, provided, however, that no such circle shall be printed at the head of any column or columns provided for such independent candidates. The names of candidates shall be printed in letters not less than one-eighth nor more than one-fourth of an inch in height, and at the beginning of each line in which a name of a candidate is printed a square shall be printed, the sides of which shall be not less than one-fourth of an inch in length. However, the names of the candidates for Governor and Lieutenant Governor on the same ticket shall be printed within a bracket and a single square shall be printed in front of the bracket. The list of candidates of the several parties and any such list of independent candidates shall be placed in separate columns on the ballot in such order as the election authorities charged with the printing of the ballots shall decide; provided, that the names of the candidates of the several political parties, certified by the State Board of
Elections to the several county clerks shall be printed by the county clerk of the proper county on the official ballot in the order certified by the State Board of Elections. Any county clerk refusing, neglecting or failing to print on the official ballot the names of candidates of the several political parties in the order certified by the State Board of Elections, and any county clerk who prints or causes to be printed upon the official ballot the name of a candidate, for an office to be filled by the Electors of the entire State, whose name has not been duly certified to him upon a certificate signed by the State Board of Elections shall be guilty of a Class C misdemeanor.

(b) When an electronic voting system is used which utilizes a ballot card, on the inside flap of each ballot card envelope there shall be printed a form for write-in voting which shall be substantially as follows:

WRITE-IN VOTES

(See card of instructions for specific information. Duplicate form below by hand for additional write-in votes.)

____________________________
Title of Office

( )

____________________________
Name of Candidate

Write-in lines equal to the number of candidates for which a voter may vote shall be printed for an office only if one or more persons filed declarations of intent to be write-in candidates or qualify to file declarations to be write-in candidates under Sections 17-16.1 and 18-9.1 when the certification of ballot contains the words "OBJECTION PENDING".

(c) When an electronic voting system is used which uses a ballot sheet, the instructions to voters on the ballot sheet shall refer the voter to the card of instructions for specific information on write-in voting. Below each office appearing on such ballot sheet there shall be a provision for the casting of a write-in vote. Write-in lines equal to the number of candidates for which a voter may vote shall be printed for an office only if one or
more persons filed declarations of intent to be write-in candidates or qualify to file declarations to be write-in candidates under Sections 17-16.1 and 18-9.1 when the certification of ballot contains the words "OBJECTION PENDING".

(d) When such electronic system is used, there shall be printed on the back of each ballot card, each ballot card envelope, and the first page of the ballot label when a ballot label is used, the words "Official Ballot," followed by the number of the precinct or other precinct identification, which may be stamped, in lieu thereof and, as applicable, the number and name of the township, ward or other election district for which the ballot card, ballot card envelope, and ballot label are prepared, the date of the election and a facsimile of the signature of the election authority who has caused the ballots to be printed. The back of the ballot card shall also include a method of identifying the ballot configuration such as a listing of the political subdivisions and districts for which votes may be cast on that ballot, or a number code identifying the ballot configuration or color coded ballots, except that where there is only one ballot configuration in a precinct, the precinct identification, and any applicable ward identification, shall be sufficient. Ballot card envelopes used in punch card systems shall be of paper through which no writing or punches may be discerned and shall be of sufficient length to enclose all voting positions. However, the election authority may provide ballot card envelopes on which no precinct number or township, ward or other election district designation, or election date are preprinted, if space and a preprinted form are provided below the space provided for the names of write-in candidates where such information may be entered by the judges of election. Whenever an election authority utilizes ballot card envelopes on which the election date and precinct is not preprinted, a judge of election shall mark such information for the particular precinct and election on the envelope in ink before tallying and counting any write-in vote written thereon. If some method of insuring ballot secrecy other than an envelope is used, such information must be provided on the ballot itself.

(e) In the designation of the name of a candidate on the ballot, the candidate's given name or names, initial or initials, a nickname by which
the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. If a candidate has changed his or her name, whether by a statutory or common law procedure in Illinois or any other jurisdiction, within 3 years before the last day for filing the petition for nomination, nomination papers, or certificate of nomination for that office, whichever is applicable, then (i) the candidate's name on the ballot must be followed by "formerly known as (list all prior names during the 3-year period) until name changed on (list date of each such name change)" and (ii) the petition, papers, or certificate must be accompanied by the candidate's affidavit stating the candidate's previous names during the period specified in (i) and the date or dates each of those names was changed; failure to meet these requirements shall be grounds for denying certification of the candidate's name for the ballot or removing the candidate's name from the ballot, as appropriate, but these requirements do not apply to name changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage to assume a spouse's surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname. No other designation such as a political slogan, title, or degree or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname. For purposes of this Section, a "political slogan" is defined as any word or words expressing or connoting a position, opinion, or belief that the candidate may espouse, including but not limited to, any word or words conveying any meaning other than that of the personal identity of the candidate. A candidate may not use a political slogan as part of his or her name on the ballot, notwithstanding that the political slogan may be part of the candidate's name.

(f) The State Board of Elections, a local election official, or an election authority shall remove any candidate's name designation from a ballot that is inconsistent with subsection (e) of this Section. In addition, the State Board of Elections, a local election official, or an election authority shall not certify to any election authority any candidate name designation that is inconsistent with subsection (e) of this Section.

New matter indicated by italics - deletions by strikeout
(g) If the State Board of Elections, a local election official, or an election authority removes a candidate's name designation from a ballot under subsection (f) of this Section, then the aggrieved candidate may seek appropriate relief in circuit court.

Where voting machines or electronic voting systems are used, the provisions of this Section may be modified as required or authorized by Article 24 or Article 24A, whichever is applicable.

Nothing in this Section shall prohibit election authorities from using or reusing ballot card envelopes which were printed before the effective date of this amendatory Act of 1985.

(Source: P.A. 93-574, eff. 8-21-03; 94-1090, eff. 6-1-07.)

Sec. 16-10. The judges of election shall cause not less than one of such cards to be posted in each voting booth provided for the preparation of ballots, and not less than four of such cards to be posted in and about the polling places upon the day of election. In every county of not more than 500,000 inhabitants, each election authority shall cause to be published, prior to the day of any election, in at least two newspapers, if there be so many published in such county, a list of all the nominations made as in this Act provided and to be voted for at such election, as near as may be, in the form in which they shall appear upon the general ballot; provided that this requirement shall not apply with respect to any consolidated primary for which the local election official is required to make the publication under Section 7-21.

(Source: P.A. 80-1469.)

Sec. 17-11. On receipt of his ballot the voter shall forthwith, and without leaving the inclosed space, retire alone, or accompanied by children as provided in Section 17-8, to one of the voting booths so provided and shall prepare his ballot by making in the appropriate margin or place a cross (X) opposite the name of the candidate of his choice for each office to be filled, or by writing in the name of the candidate of his choice in a blank space on said ticket, making a cross (X) opposite thereto; and in case of a question submitted to the vote of the people, by making in
the appropriate margin or place a cross (X) against the answer he desires to give. A cross (X) in the square in front of the bracket enclosing the names of a team of candidates for Governor and Lieutenant Governor counts as one vote for each of such candidates. Before leaving the voting booth the voter shall fold his ballot in such manner as to conceal the marks thereon. He shall then vote forthwith in the manner herein provided, except that the number corresponding to the number of the voter on the poll books shall not be indorsed on the back of his ballot. He shall mark and deliver his ballot without undue delay, and shall quit said inclosed space as soon as he has voted; except that immediately after voting, the voter shall be instructed whether the voting equipment, if used, accepted or rejected the ballot or identified the ballot as under-voted for a statewide constitutional office. A voter whose ballot is identified as under-voted may return to the voting booth and complete the voting of that ballot. A voter whose ballot is not accepted by the voting equipment may, upon surrendering the ballot, request and vote another ballot. The voter's surrendered ballot shall be initialed by the election judge and handled as provided in the appropriate Article governing that voting equipment.

No voter shall be allowed to occupy a voting booth already occupied by another, nor remain within said inclosed space more than ten minutes, nor to occupy a voting booth more than five minutes in case all of said voting booths are in use and other voters waiting to occupy the same. No voter not an election officer, shall, after having voted, be allowed to re-enter said inclosed space during said election. No person shall take or remove any ballot from the polling place before the close of the poll. No voter shall vote or offer to vote any ballot except such as he has received from the judges of election in charge of the ballots. Any voter who shall, by accident or mistake, spoil his ballot, may, on returning said spoiled ballot, receive another in place thereof only after the word "spoiled" has been written in ink diagonally across the entire face of the ballot returned by the voter.

Where voting machines or electronic voting systems are used, the provisions of this section may be modified as required or authorized by Article 24, or Article 24A, 24B, or 24C, whichever is applicable, except
that the requirements of this Section that (i) the voter must be notified of the voting equipment's acceptance or rejection of the voter's ballot or identification of an under-vote for a statewide constitutional office and (ii) the voter shall have the opportunity to correct an under-vote or surrender the ballot that was not accepted and vote another ballot shall not be modified.

(Source: P.A. 94-288, eff. 1-1-06.)

(10 ILCS 5/17-16.1) (from Ch. 46, par. 17-16.1)

Sec. 17-16.1. Write-in votes shall be counted only for persons who have filed notarized declarations of intent to be write-in candidates with the proper election authority or authorities not later than 61 days prior to 5:00 p.m. on the Tuesday immediately preceding the election. However, whenever an objection to a candidate's nominating papers or petitions for any office is sustained under Section 10-10 after the 61st day before the election, then write-in votes shall be counted for that candidate if he or she has filed a notarized declaration of intent to be a write-in candidate for that office with the proper election authority or authorities not later than 7 days prior to the election.

Forms for the declaration of intent to be a write-in candidate shall be supplied by the election authorities. Such declaration shall specify the office for which the person seeks election as a write-in candidate.

The election authority or authorities shall deliver a list of all persons who have filed such declarations to the election judges in the appropriate precincts prior to the election.

A candidate for whom a nomination paper has been filed as a partisan candidate at a primary election, and who is defeated for his or her nomination at the primary election is ineligible to file a declaration of intent to be a write-in candidate for election in that general or consolidated election.

A candidate seeking election to an office for which candidates of political parties are nominated by caucus who is a participant in the caucus and who is defeated for his or her nomination at such caucus is ineligible to file a declaration of intent to be a write-in candidate for election in that general or consolidated election.

New matter indicated by italics - deletions by strikeout
A candidate seeking election to an office for which candidates are nominated at a primary election on a nonpartisan basis and who is defeated for his or her nomination at the primary election is ineligible to file a declaration of intent to be a write-in candidate for election in that general or consolidated election.

Nothing in this Section shall be construed to apply to votes cast under the provisions of subsection (b) of Section 16-5.01.

(Source: P.A. 89-653, eff. 8-14-96.)

(10 ILCS 5/17-23) (from Ch. 46, par. 17-23)

Sec. 17-23. Pollwatchers in a general election shall be authorized in the following manner:

(1) Each established political party shall be entitled to appoint two pollwatchers per precinct. Such pollwatchers must be affiliated with the political party for which they are pollwatching. For all elections, the pollwatchers must be registered to vote in Illinois.

(2) Each candidate shall be entitled to appoint two pollwatchers per precinct. For all elections, the pollwatchers must be registered to vote in Illinois.

(3) Each organization of citizens within the county or political subdivision, which has among its purposes or interests the investigation or prosecution of election frauds, and which shall have registered its name and address and the name and addresses of its principal officers with the proper election authority at least 40 days before the election, shall be entitled to appoint one pollwatcher per precinct. For all elections, the pollwatcher must be registered to vote in Illinois.

(4) In any general election held to elect candidates for the offices of a municipality of less than 3,000,000 population that is situated in 2 or more counties, a pollwatcher who is a resident of Illinois shall be eligible to serve as a pollwatcher in any poll located within such municipality, provided that such pollwatcher otherwise complies with the respective requirements of subsections (1) through (3) of this Section and is a registered voter in Illinois.

(5) Each organized group of proponents or opponents of a ballot proposition, which shall have registered the name and address of its
organization or committee and the name and address of its chairman with
the proper election authority at least 40 days before the election, shall be
entitled to appoint one pollwatcher per precinct. The pollwatcher must be
registered to vote in Illinois.

All pollwatchers shall be required to have proper credentials. Such
credentials shall be printed in sufficient quantities, shall be issued by and
under the facsimile signature(s) of the election authority and shall be
available for distribution at least 2 weeks prior to the election. Such
credentials shall be authorized by the real or facsimile signature of the
State or local party official or the candidate or the presiding officer of the
civic organization or the chairman of the proponent or opponent group, as
the case may be. The election authority may not require any such party
official or the candidate or the presiding officer of the civic organization
or the chairman of the proponent or opponent group to submit the names
or other information concerning pollwatchers before making credentials
available to such persons or organizations.

Pollwatcher credentials shall be in substantially the following
form:

POLLWATCHER CREDENTIALS
TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, the
undersigned hereby appoints .......... (name of pollwatcher) who resides at
.......... (address) in the county of ..........., ........ (township or
municipality) of ........... (name), State of Illinois and who is duly registered
to vote from this address, to act as a pollwatcher in the .......... precinct of
the ........... ward (if applicable) of the ........... (township or municipality) of
.......... at the ........... election to be held on (insert date).

...................................(Signature of Appointing Authority)

..................................TITLE (party official, candidate,
civic organization president,
proponent or opponent group chairman)

Under penalties provided by law pursuant to Section 29-10 of the
Election Code, the undersigned pollwatcher certifies that he or she resides
at ................. (address) in the county of ..........., ........ (township or
municipality) of .......... (name), State of Illinois, and is duly registered to vote in Illinois.

.......................... .......................
(Precinct and/or Ward in (Signature of Pollwatcher)
Which Pollwatcher Resides)

Pollwatchers must present their credentials to the Judges of Election upon entering the polling place. Pollwatcher credentials properly executed and signed shall be proof of the qualifications of the pollwatcher authorized thereby. Such credentials are retained by the Judges and returned to the Election Authority at the end of the day of election with the other election materials. Once a pollwatcher has surrendered a valid credential, he may leave and reenter the polling place provided that such continuing action does not disrupt the conduct of the election. Pollwatchers may be substituted during the course of the day, but established political parties, candidates and qualified civic organizations can have only as many pollwatchers at any given time as are authorized in this Article. A substitute must present his signed credential to the judges of election upon entering the polling place. Election authorities must provide a sufficient number of credentials to allow for substitution of pollwatchers. After the polls have closed pollwatchers shall be allowed to remain until the canvass of votes is completed; but may leave and reenter only in cases of necessity, provided that such action is not so continuous as to disrupt the canvass of votes.

Candidates seeking office in a district or municipality encompassing 2 or more counties shall be admitted to any and all polling places throughout such district or municipality without regard to the counties in which such candidates are registered to vote. Actions of such candidates shall be governed in each polling place by the same privileges and limitations that apply to pollwatchers as provided in this Section. Any such candidate who engages in an activity in a polling place which could reasonably be construed by a majority of the judges of election as campaign activity shall be removed forthwith from such polling place.

Candidates seeking office in a district or municipality encompassing 2 or more counties who desire to be admitted to polling

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places on election day in such district or municipality shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature of the election authority of the election jurisdiction where the polling place in which the candidate seeks admittance is located, and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be signed by the candidate.

Candidate credentials shall be in substantially the following form:

CANDIDATE CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, I .... (name of candidate) hereby certify that I am a candidate for .... (name of office) and seek admittance to .... precinct of the .... ward (if applicable) of the .... (township or municipality) of .... at the .... election to be held on (insert date).

................................................
(Signature of Candidate) ..........................

OFFICE FOR WHICH CANDIDATE SEEKS NOMINATION OR ELECTION

Pollwatchers shall be permitted to observe all proceedings and view all reasonably requested records relating to the conduct of the election, provided the secrecy of the ballot is not impinged, and to station themselves in a position in the voting room as will enable them to observe the judges making the signature comparison between the voter application and the voter registration record card; provided, however, that such pollwatchers shall not be permitted to station themselves in such close proximity to the judges of election so as to interfere with the orderly conduct of the election and shall not, in any event, be permitted to handle election materials. Pollwatchers may challenge for cause the voting qualifications of a person offering to vote and may call to the attention of the judges of election any incorrect procedure or apparent violations of this Code.

New matter indicated by italics - deletions by strikeout
If a majority of the judges of election determine that the polling place has become too overcrowded with pollwatchers so as to interfere with the orderly conduct of the election, the judges shall, by lot, limit such pollwatchers to a reasonable number, except that each established or new political party shall be permitted to have at least one pollwatcher present.

Representatives of an election authority, with regard to an election under its jurisdiction, the State Board of Elections, and law enforcement agencies, including but not limited to a United States Attorney, a State's attorney, the Attorney General, and a State, county, or local police department, in the performance of their official election duties, shall be permitted at all times to enter and remain in the polling place. Upon entering the polling place, such representatives shall display their official credentials or other identification to the judges of election.

Uniformed police officers assigned to polling place duty shall follow all lawful instructions of the judges of election.

The provisions of this Section shall also apply to supervised casting of absentee ballots as provided in Section 19-12.2 of this Act.

(Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

(10 ILCS 5/17-29) (from Ch. 46, par. 17-29)

Sec. 17-29. (a) No judge of election, pollwatcher, or other person shall, at any primary or election, do any electioneering or soliciting of votes or engage in any political discussion within any polling place, within 100 feet of any polling place, or, at the option of a church or private school, on any of the property of that church or private school that is a polling place; no person shall interrupt, hinder or oppose any voter while approaching within those areas for the purpose of voting. Judges of election shall enforce the provisions of this Section.

(b) Election officers shall place 2 or more cones, small United States national flags, or some other marker a distance of 100 horizontal feet from each entrance to the room used by voters to engage in voting, which shall be known as the polling room. If the polling room is located within a building that is a private business, a public or private school, or a church or other organization founded for the purpose of religious worship and the distance of 100 horizontal feet ends within the interior of the

New matter indicated by italics - deletions by strikeout
building, then the markers shall be placed outside of the building at each entrance used by voters to enter that building on the grounds adjacent to the thoroughfare or walkway. If the polling room is located within a public or private building with 2 or more floors and the polling room is located on the ground floor, then the markers shall be placed 100 horizontal feet from each entrance to the polling room used by voters to engage in voting. If the polling room is located in a public or private building with 2 or more floors and the polling room is located on a floor above or below the ground floor, then the markers shall be placed a distance of 100 feet from the nearest elevator or staircase used by voters on the ground floor to access the floor where the polling room is located. The area within where the markers are placed shall be known as a campaign free zone, and electioneering is prohibited pursuant to this subsection. Notwithstanding any other provision of this Section, a church or private school may choose to apply the campaign free zone to its entire property, and, if so, the markers shall be placed near the boundaries on the grounds adjacent to the thoroughfares or walkways leading to the entrances used by the voters.

The area on polling place property beyond the campaign free zone, whether publicly or privately owned, is a public forum for the time that the polls are open on an election day. At the request of election officers any publicly owned building must be made available for use as a polling place. A person shall have the right to congregate and engage in electioneering on any polling place property while the polls are open beyond the campaign free zone, including but not limited to, the placement of temporary signs. This subsection shall be construed liberally in favor of persons engaging in electioneering on all polling place property beyond the campaign free zone for the time that the polls are open on an election day. At or near the door of each polling place, the election judges shall place signage indicating the proper entrance to the polling place. In addition, the election judges shall ensure that a sign identifying the location of the polling place is placed on a nearby public roadway. The State Board of Elections shall establish guidelines for the placement of polling place signage.

New matter indicated by italics - deletions by strikeout
(c) The regulation of electioneering on polling place property on an election day, including but not limited to the placement of temporary signs, is an exclusive power and function of the State. A home rule unit may not regulate electioneering and any ordinance or local law contrary to subsection (c) is declared void. This is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 93-574, eff. 8-21-03; 93-847, eff. 7-30-04.)

(10 ILCS 5/17-43)

Sec. 17-43. Voting. Precinct tabulation optical scan technology voting equipment.

(a) If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code, and the provisions of the Article are in conflict with the provisions of this Article 17, the provisions of Article 24B shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment authorized by the State Board of Elections as long as the procedure is not in conflict with either Article 24B or the administrative rules of the State Board of Elections.

(b) Notwithstanding subsection (a), when voting equipment governed by any Article of this Code is used, the requirements of Section 7-11 that (i) the voter must be notified of the voting equipment's acceptance or rejection of the ballot or identification of an under-vote for a statewide constitutional office and (ii) the voter shall have the opportunity to correct an under-vote for a statewide constitutional office or surrender the ballot that was not accepted and vote another ballot shall not be modified.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

Sec. 18-5. Any person desiring to vote and whose name is found upon the register of voters by the person having charge thereof, shall then

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be questioned by one of the judges as to his nativity, his term of residence at present address, precinct, State and United States, his age, whether naturalized and if so the date of naturalization papers and court from which secured, and he shall be asked to state his residence when last previously registered and the date of the election for which he then registered. The judges of elections shall check each application for ballot against the list of voters registered in that precinct to whom grace period, absentee, and early ballots have been issued for that election, which shall be provided by the election authority and which list shall be available for inspection by pollwatchers. A voter applying to vote in the precinct on election day whose name appears on the list as having been issued a grace period, absentee, or early ballot shall not be permitted to vote in the precinct, except that a voter to whom an absentee ballot was issued may vote in the precinct if the voter submits to the election judges that absentee ballot for cancellation. If the voter is unable to submit the absentee ballot, it shall be sufficient for the voter to submit to the election judges (i) a portion of the absentee ballot if the absentee ballot was torn or mutilated or (ii) an affidavit executed before the election judges specifying that (A) the voter never received an absentee ballot or (B) the voter completed and returned an absentee ballot and was informed that the election authority did not receive that absentee ballot. If such person so registered shall be challenged as disqualified, the party challenging shall assign his reasons therefor, and thereupon one of the judges shall administer to him an oath to answer questions, and if he shall take the oath he shall then be questioned by the judge or judges touching such cause of challenge, and touching any other cause of disqualification. And he may also be questioned by the person challenging him in regard to his qualifications and identity. But if a majority of the judges are of the opinion that he is the person so registered and a qualified voter, his vote shall then be received accordingly. But if his vote be rejected by such judges, such person may afterward produce and deliver an affidavit to such judges, subscribed and sworn to by him before one of the judges, in which it shall be stated how long he has resided in such precinct, and state; that he is a citizen of the United States, and is a duly qualified voter in such precinct, and that he is

New matter indicated by italics - deletions by strikeout
the identical person so registered. In addition to such an affidavit, the person so challenged shall provide to the judges of election proof of residence by producing 2 forms of identification showing the person's current residence address, provided that such identification to the person at his current residence address and postmarked not earlier than 30 days prior to the date of the election, or the person shall procure a witness personally known to the judges of election, and resident in the precinct (or district), or who shall be proved by some legal voter of such precinct or district, known to the judges to be such, who shall take the oath following, viz:

I do solemnly swear (or affirm) that I am a resident of this election precinct (or district), and entitled to vote at this election, and that I have been a resident of this State for 30 days last past, and am well acquainted with the person whose vote is now offered; that he is an actual and bona fide resident of this election precinct (or district), and has resided herein 30 days, and as I verily believe, in this State, 30 days next preceding this election.

The oath in each case may be administered by one of the judges of election, or by any officer, resident in the precinct or district, authorized by law to administer oaths. Also supported by an affidavit by a registered voter residing in such precinct, stating his own residence, and that he knows such person; and that he does reside at the place mentioned and has resided in such precinct and state for the length of time as stated by such person, which shall be subscribed and sworn to in the same way. Whereupon the vote of such person shall be received, and entered as other votes. But such judges, having charge of such registers, shall state in their respective books the facts in such case, and the affidavits, so delivered to the judges, shall be preserved and returned to the office of the commissioners of election. Blank affidavits of the character aforesaid shall be sent out to the judges of all the precincts, and the judges of election shall furnish the same on demand and administer the oaths without criticism. Such oaths, if administered by any other officer than such judge of election, shall not be received. Whenever a proposal for a constitutional amendment or for the calling of a constitutional convention is to be voted upon at the election, the separate blue ballot or ballots pertaining thereto

New matter indicated by italics - deletions by strikeout
shall be placed on top of the other ballots to be voted at the election in such manner that the legend appearing on the back thereof, as prescribed in Section 16-6 of this Act, shall be plainly visible to the voter, and in this fashion the ballots shall be handed to the voter by the judge.

Immediately after voting, the voter shall be instructed whether the voting equipment, if used, accepted or rejected the ballot or identified the ballot as under-voted. A voter whose ballot is identified as under-voted for a statewide constitutional office may return to the voting booth and complete the voting of that ballot. A voter whose ballot is not accepted by the voting equipment may, upon surrendering the ballot, request and vote another ballot. The voter's surrendered ballot shall be initialed by the election judge and handled as provided in the appropriate Article governing that voting equipment.

The voter shall, upon quitting the voting booth, deliver to one of the judges of election all of the ballots, properly folded, which he received. The judge of election to whom the voter delivers his ballots shall not accept the same unless all of the ballots given to the voter are returned by him. If a voter delivers less than all of the ballots given to him, the judge to whom the same are offered shall advise him in a voice clearly audible to the other judges of election that the voter must return the remainder of the ballots. The statement of the judge to the voter shall clearly express the fact that the voter is not required to vote such remaining ballots but that whether or not he votes them he must fold and deliver them to the judge. In making such statement the judge of election shall not indicate by word, gesture or intonation of voice that the unreturned ballots shall be voted in any particular manner. No new voter shall be permitted to enter the voting booth of a voter who has failed to deliver the total number of ballots received by him until such voter has returned to the voting booth pursuant to the judge's request and again quit the booth with all of the ballots required to be returned by him. Upon receipt of all such ballots the judges of election shall enter the name of the voter, and his number, as above provided in this Section, and the judge to whom the ballots are delivered shall immediately put the ballots into the ballot box. If any voter who has failed to deliver all the ballots received by him refuses to return to the

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voting booth after being advised by the judge of election as herein
provided, the judge shall inform the other judges of such refusal, and
thereupon the ballot or ballots returned to the judge shall be deposited in
the ballot box, the voter shall be permitted to depart from the polling
place, and a new voter shall be permitted to enter the voting booth.

The judge of election who receives the ballot or ballots from the
voter shall announce the residence and name of such voter in a loud voice.
The judge shall put the ballot or ballots received from the voter into the
ballot box in the presence of the voter and the judges of election, and in
plain view of the public. The judges having charge of such registers shall
then, in a column prepared thereon, in the same line of, the name of the
voter, mark "Voted" or the letter "V".

No judge of election shall accept from any voter less than the full
number of ballots received by such voter without first advising the voter in
the manner above provided of the necessity of returning all of the ballots,
nor shall any such judge advise such voter in a manner contrary to that
which is herein permitted, or in any other manner violate the provisions of
this Section; provided, that the acceptance by a judge of election of less
than the full number of ballots delivered to a voter who refuses to return to
the voting booth after being properly advised by such judge shall not be a
violation of this Section.

(10 ILCS 5/18-9.1) (from Ch. 46, par. 18-9.1)

Sec. 18-9.1. Write-in votes shall be counted only for persons who
have filed notarized declarations of intent to be write-in candidates with
the proper election authority or authorities not later than 61 days prior to
5:00 p.m. on the Tuesday immediately preceding the election. However,
whenever an objection to a candidate's nominating papers or petitions is
sustained under Section 10-10 after the 61st day before the election, then
write-in votes shall be counted for that candidate if he or she has filed a
notarized declaration of intent to be a write-in candidate for that office
with the proper election authority or authorities not later than 7 days
prior to the election.

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Forms for the declaration of intent to be a write-in candidate shall be supplied by the election authorities. Such declaration shall specify the office for which the person seeks election as a write-in candidate.

The election authority or authorities shall deliver a list of all persons who have filed such declarations to the election judges in the appropriate precincts prior to the election.

A candidate for whom a nomination paper has been filed as a partisan candidate at a primary election, and who is defeated for his or her nomination at the primary election, is ineligible to file a declaration of intent to be a write-in candidate for election in that general or consolidated election.

A candidate seeking election to an office for which candidates of political parties are nominated by caucus who is a participant in the caucus and who is defeated for his or her nomination at such caucus is ineligible to file a declaration of intent to be a write-in candidate for election in that general or consolidated election.

A candidate seeking election to an office for which candidates are nominated at a primary election on a nonpartisan basis and who is defeated for his or her nomination at the primary election is ineligible to file a declaration of intent to be a write-in candidate for election in that general or consolidated election.

Nothing in this Section shall be construed to apply to votes cast under the provisions of subsection (b) of Section 16-5.01.

(Source: P.A. 89-653, eff. 8-14-96.)

(10 ILCS 5/18-40)

Sec. 18-40. Voting Precinct tabulation optical scan technology voting equipment.

(a) If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code, and the provisions of the Article are in conflict with the provisions of this Article 18, the provisions of Article 24B shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B, the election authority is authorized to develop and implement procedures to

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fully utilize Precinct Tabulation Optical Scan Technology voting equipment authorized by the State Board of Elections as long as the procedure is not in conflict with either Article 24B or the administrative rules of the State Board of Elections.

(b) Notwithstanding subsection (a), when voting equipment governed by any Article of this Code is used, the requirements of Section 18-5 that (i) the voter must be notified of the voting equipment's acceptance or rejection of the ballot or identification of an under-vote for a statewide constitutional office and (ii) the voter shall have the opportunity to correct an under-vote for a statewide constitutional office or surrender the ballot that was not accepted and vote another ballot shall not be modified.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/19-8) (from Ch. 46, par. 19-8)
Sec. 19-8. Time and place of counting ballots.

(a) (Blank.)

(b) Each absent voter's ballot returned to an election authority, by any means authorized by this Article, and received by that election authority before the closing of the polls on election day shall be endorsed by the receiving election authority with the day and hour of receipt and shall be counted in the central ballot counting location of the election authority on the day of the election after 7:00 p.m., except as provided in subsections (g) and (g-5).

(c) Each absent voter's ballot that is mailed to an election authority and postmarked by the midnight preceding the opening of the polls on election day, but that is received by the election authority after the polls close on election day and before the close of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt and shall be counted at the central ballot counting location of the election authority during the period for counting provisional ballots.

Each absent voter's ballot that is mailed to an election authority absent a postmark, but that is received by the election authority after the polls close on election day and before the close of the period for counting

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provisional ballots cast at that election, shall be endorsed by the receiving
authority with the day and hour of receipt, opened to inspect the date
inserted on the certification, and, if the certification date is a date
preceding the election day and the ballot is otherwise found to be valid
under the requirements of this Section, counted at the central ballot
counting location of the election authority during the period for counting
provisional ballots. Absent a date on the certification, the ballot shall not
be counted.

(d) Special write-in absentee voter's blank ballots returned to an
election authority, by any means authorized by this Article, and received
by the election authority at any time before the closing of the polls on
election day shall be endorsed by the receiving election authority with the
day and hour of receipt and shall be counted at the central ballot counting
location of the election authority during the same period provided for
counting absent voters' ballots under subsections (b), (g), and (g-5).
Special write-in absentee voter's blank ballots that are mailed to an
election authority and postmarked by the midnight preceding the opening
of the polls on election day, but that are received by the election authority
after the polls close on election day and before the closing of the period for
counting provisional ballots cast at that election, shall be endorsed by the
receiving authority with the day and hour of receipt and shall be counted at
the central ballot counting location of the election authority during the
same periods provided for counting absent voters' ballots under subsection
(c).

(e) Except as otherwise provided in this Section, absent voters'
ballots and special write-in absentee voter's blank ballots received by the
election authority after the closing of the polls on an election day shall be
endorsed by the election authority receiving them with the day and hour of
receipt and shall be safely kept unopened by the election authority for the
period of time required for the preservation of ballots used at the election,
and shall then, without being opened, be destroyed in like manner as the
used ballots of that election.

(f) Counting required under this Section to begin on election day
after the closing of the polls shall commence no later than 8:00 p.m. and
shall be conducted by a panel or panels of election judges appointed in the manner provided by law. The counting shall continue until all absent voters' ballots and special write-in absentee voter's blank ballots required to be counted on election day have been counted.

(g) The procedures set forth in Articles 17 and 18 of this Code shall apply to all ballots counted under this Section. In addition, within 2 days after an absentee ballot, other than an in-person absentee ballot, is received, but in all cases before the close of the period for counting provisional ballots, the election judge or official shall compare the voter's signature on the certification envelope of that absentee ballot with the signature of the voter on file in the office of the election authority. If the election judge or official determines that the signatures match, and that the absentee voter is otherwise qualified to cast an absentee ballot, the election authority shall cast and count the ballot on election day or the day the ballot is determined to be valid, whichever is later, adding the results to the precinct in which the voter is registered. If the election judge or official determines that the signatures do not match, or that the absentee voter is not qualified to cast an absentee ballot, then without opening the certification envelope, the judge or official shall mark across the face of the certification envelope the word "Rejected" and shall not cast or count the ballot.

In addition to the voter's signatures not matching, an absentee ballot may be rejected by the election judge or official:

(1) if the ballot envelope is open or has been opened and resealed;
(2) if the voter has already cast an early or grace period ballot;
(3) if the voter voted in person on election day or the voter is not a duly registered voter in the precinct; or
(4) on any other basis set forth in this Code.

If the election judge or official determines that any of these reasons apply, the judge or official shall mark across the face of the certification envelope the word "Rejected" and shall not cast or count the ballot.

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If an absentee ballot, other than an in-person absentee ballot, is rejected by the election judge or official for any reason, the election authority shall, within 2 days after the rejection but in all cases before the close of the period for counting provisional ballots, notify the absentee voter that his or her ballot was rejected. The notice shall inform the voter of the reason or reasons the ballot was rejected and shall state that the voter may appear before the election authority, on or before the 14th day after the election, to show cause as to why the ballot should not be rejected. The voter may present evidence to the election authority supporting his or her contention that the ballot should be counted. The election authority shall appoint a panel of 3 election judges to review the contested ballot, application, and certification envelope, as well as any evidence submitted by the absentee voter. No more than 2 election judges on the reviewing panel shall be of the same political party. The reviewing panel of election judges shall make a final determination as to the validity of the contested absentee ballot. The judges' determination shall not be reviewable either administratively or judicially.

An absentee ballot subject to this subsection that is determined to be valid shall be counted before the close of the period for counting provisional ballots.

All absentee ballots determined to be valid shall be added to the vote totals for the precincts for which they were cast in the order in which the ballots were opened.

Each political party, candidate, and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned.

Sec. 19A-10. Permanent polling places for early voting.

(a) An election authority may establish permanent polling places for early voting by personal appearance at locations throughout the election authority's jurisdiction, including but not limited to a municipal clerk's office, a township clerk's office, a road district clerk's office, or a county or local public agency office. Except as otherwise provided in

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subsection (b), any person entitled to vote early by personal appearance may do so at any polling place established for early voting.

(b) If it is impractical for the election authority to provide at each polling place for early voting a ballot in every form required in the election authority's jurisdiction, the election authority may:

(1) provide appropriate forms of ballots to the office of the municipal clerk in a municipality not having a board of election commissioners; the township clerk; or in counties not under township organization, the road district clerk; and

(2) limit voting at that polling place to registered voters in that municipality, ward or group of wards, township, or road district.

If the early voting polling place does not have the correct ballot form for a person seeking to vote early, the election judge or election official conducting early voting at that polling place shall inform the person of that fact, give the person the appropriate telephone number of the election authority in order to locate an early voting polling place with the correct ballot form for use in that person's assigned precinct, and instruct the person to go to the proper early voting polling place to vote early.

(c) During each general primary and general election, each election authority in a county with a population over 250,000 shall establish at least one polling place for early voting by personal appearance at a location within each of the 3 largest municipalities within its jurisdiction. If any of the 3 largest municipalities is over 80,000, the election authority shall establish at least 2 polling places within the municipality. All population figures shall be determined by the federal census.

During each general primary and general election, each board of election commissioners established under Article 6 of this Code in any city, village, or incorporated town with a population over 100,000 shall establish at least 2 polling places for early voting by personal appearance. All population figures shall be determined by the federal census.
(Source: P.A. 94-645, eff. 8-22-05.)

New matter indicated by italics - deletions by strikeout
Sec. 19A-35. Procedure for voting.

(a) Not more than 23 days before the start of the election, the county clerk shall make available to the election official conducting early voting by personal appearance a sufficient number of early ballots, envelopes, and printed voting instruction slips for the use of early voters. The election official shall receipt for all ballots received and shall return unused or spoiled ballots at the close of the early voting period to the county clerk and must strictly account for all ballots received. The ballots delivered to the election official must include early ballots for each precinct in the election authority's jurisdiction and must include separate ballots for each political subdivision conducting an election of officers or a referendum at that election.

(b) In conducting early voting under this Article, the election judge or official is required to verify the signature of the early voter by comparison with the signature on the official registration card, and the judge or official must verify (i) the identity of the applicant, (ii) that the applicant is a registered voter, (iii) the precinct in which the applicant is registered, and (iv) the proper ballots of the political subdivision in which the applicant resides and is entitled to vote before providing an early ballot to the applicant. The applicant's identity must be verified by the applicant's presentation of an Illinois driver's license, a non-driver identification card issued by the Illinois Secretary of State, or another government-issued identification document containing the applicant's photograph. The election judge or official must verify the applicant's registration from the most recent poll list provided by the election authority, and if the applicant is not listed on that poll list, by telephoning the office of the election authority.

(b-5) A person requesting an early voting ballot to whom an absentee ballot was issued may vote early if the person submits that absentee ballot to the judges of election or official conducting early voting for cancellation. If the voter is unable to submit the absentee ballot, it shall be sufficient for the voter to submit to the judges or official (i) a portion of the absentee ballot if the absentee ballot was torn or mutilated or (ii) an
affidavit executed before the judges or official specifying that (A) the voter never received an absentee ballot or (B) the voter completed and returned an absentee ballot and was informed that the election authority did not receive that absentee ballot.

(b-10) Within one day after a voter casts an early voting ballot, the election authority shall transmit the voter's name, street address, and precinct, ward, township, and district numbers, as the case may be, to the State Board of Elections, which shall maintain those names and that information in an electronic format on its website, arranged by county and accessible to State and local political committees.

(b-15) This subsection applies to early voting polling places using optical scan technology voting equipment subject to Article 24B. Immediately after voting an early ballot, the voter shall be instructed whether the voting equipment accepted or rejected the ballot or identified that ballot as under-voted for a statewide constitutional office. A voter whose ballot is identified as under-voted may return to the voting booth and complete the voting of that ballot. A voter whose early voting ballot is not accepted by the voting equipment may, upon surrendering the ballot, request and vote another early voting ballot. The voter's surrendered ballot that was not accepted shall be initialed by the election judge or official conducting the early voting and handled as provided in the appropriate Article governing the voting equipment used 24B.

(c) The sealed early ballots in their carrier envelope shall be delivered by the election authority to the central ballot counting location before the close of the polls on the day of the election.

(Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

(10 ILCS 5/20-8) (from Ch. 46, par. 20-8)
Sec. 20-8. Time and place of counting ballots.
(a) (Blank.)
(b) Each absent voter's ballot returned to an election authority, by any means authorized by this Article, and received by that election authority before the closing of the polls on election day shall be endorsed by the receiving election authority with the day and hour of receipt and shall be counted in the central ballot counting location of the election
authority on the day of the election after 7:00 p.m., except as provided in subsections (g) and (g-5).

(c) Each absent voter's ballot that is mailed to an election authority and postmarked by the midnight preceding the opening of the polls on election day, but that is received by the election authority after the polls close on election day and before the close of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt and shall be counted at the central ballot counting location of the election authority during the period for counting provisional ballots.

Each absent voter's ballot that is mailed to an election authority absent a postmark, but that is received by the election authority after the polls close on election day and before the close of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt, opened to inspect the date inserted on the certification, and, if the certification date is a date preceding the election day and the ballot is otherwise found to be valid under the requirements of this Section, counted at the central ballot counting location of the election authority during the period for counting provisional ballots. Absent a date on the certification, the ballot shall not be counted.

(d) Special write-in absentee voter's blank ballots returned to an election authority, by any means authorized by this Article, and received by the election authority at any time before the closing of the polls on election day shall be endorsed by the receiving election authority with the day and hour of receipt and shall be counted at the central ballot counting location of the election authority during the same period provided for counting absent voters' ballots under subsections (b), (g), and (g-5). Special write-in absentee voter's blank ballot that are mailed to an election authority and postmarked by midnight preceding the opening of the polls on election day, but that are received by the election authority after the polls close on election day and before the closing of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt and shall be counted at

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the central ballot counting location of the election authority during the same periods provided for counting absent voters' ballots under subsection (c).

(e) Except as otherwise provided in this Section, absent voters' ballots and special write-in absentee voter's blank ballots received by the election authority after the closing of the polls on the day of election shall be endorsed by the person receiving the ballots with the day and hour of receipt and shall be safely kept unopened by the election authority for the period of time required for the preservation of ballots used at the election, and shall then, without being opened, be destroyed in like manner as the used ballots of that election.

(f) Counting required under this Section to begin on election day after the closing of the polls shall commence no later than 8:00 p.m. and shall be conducted by a panel or panels of election judges appointed in the manner provided by law. The counting shall continue until all absent voters' ballots and special write-in absentee voter's blank ballots required to be counted on election day have been counted.

(g) The procedures set forth in Articles 17 and 18 of this Code shall apply to all ballots counted under this Section. In addition, within 2 days after a ballot subject to this Article is received, but in all cases before the close of the period for counting provisional ballots, the election judge or official shall compare the voter's signature on the certification envelope of that ballot with the signature of the voter on file in the office of the election authority. If the election judge or official determines that the 2 signatures match, and that the voter is otherwise qualified to cast a ballot under this Article, the election authority shall cast and count the ballot on election day or the day the ballot is determined to be valid, whichever is later, adding the results to the precinct in which the voter is registered. If the election judge or official determines that the signatures do not match, or that the voter is not qualified to cast a ballot under this Article, then without opening the certification envelope, the judge or official shall mark across the face of the certification envelope the word "Rejected" and shall not cast or count the ballot.

New matter indicated by italics - deletions by strikeout
In addition to the voter's signatures not matching, a ballot subject to this Article may be rejected by the election judge or official:

(1) if the ballot envelope is open or has been opened and resealed;
(2) if the voter has already cast an early or grace period ballot;
(3) if the voter voted in person on election day or the voter is not a duly registered voter in the precinct; or
(4) on any other basis set forth in this Code.

If the election judge or official determines that any of these reasons apply, the judge or official shall mark across the face of the certification envelope the word "Rejected" and shall not cast or count the ballot.

(g-5) If a ballot subject to this Article is rejected by the election judge or official for any reason, the election authority shall, within 2 days after the rejection but in all cases before the close of the period for counting provisional ballots, notify the voter that his or her ballot was rejected. The notice shall inform the voter of the reason or reasons the ballot was rejected and shall state that the voter may appear before the election authority, on or before the 14th day after the election, to show cause as to why the ballot should not be rejected. The voter may present evidence to the election authority supporting his or her contention that the ballot should be counted. The election authority shall appoint a panel of 3 election judges to review the contested ballot, application, and certification envelope, as well as any evidence submitted by the absentee voter. No more than 2 election judges on the reviewing panel shall be of the same political party. The reviewing panel of election judges shall make a final determination as to the validity of the contested ballot. The judges' determination shall not be reviewable either administratively or judicially.

A ballot subject to this subsection that is determined to be valid shall be counted before the close of the period for counting provisional ballots.

(g-10) All ballots determined to be valid shall be added to the vote totals for the precincts for which they were cast in the order in which the ballots were opened.

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(h) Each political party, candidate, and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned. 

(Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06.)

(10 ILCS 5/22-6) (from Ch. 46, par. 22-6)

Sec. 22-6. Within 22 days after each election, each Election Authority shall provide unit-by-unit vote totals to the State Board of Elections in an electronic format to be prescribed by the State Board of Elections. The State Board of Elections shall promulgate rules necessary for the implementation of this Section. Such abstracts shall be transmitted to the State Board of Elections by mail, or, in case it shall be necessary, by special messenger.

(Source: P.A. 78-918.)

(10 ILCS 5/24-1) (from Ch. 46, par. 24-1)

Sec. 24-1. The election authority in all jurisdictions when voting machines are used shall, except as otherwise provided in this Code, provide a voting machine or voting machines for any or all of the election precincts or election districts, as the case may be, for which the election authority is by law charged with the duty of conducting an election or elections. A voting machine or machines sufficient in number to provide a machine for each 400 voters or fraction thereof shall be supplied for use at all elections. However, no such voting machine shall be used, purchased, or adopted, and no person or entity may have a written contract, including a contract contingent upon certification of the voting machines, to sell, lease, or loan voting machines to an election authority, until the board of voting machine commissioners hereinafter provided for, or a majority thereof, shall have made and filed a report certifying that they have examined such machine; that it affords each elector an opportunity to vote in absolute secrecy; that it enables each elector to vote a ticket selected in part from the nominees of one party, and in part from the nominees of any or all other parties, and in part of persons not in nomination by any party or upon any independent ticket; that it enables each elector to vote a written or printed ballot of his own selection, for any
person for any office for whom he may desire to vote; that it enables each
elector to vote for all candidates for whom he is entitled to vote, and
prevents him from voting for any candidate for any office more than once,
unless he is lawfully entitled to cast more than one vote for one candidate,
and in that event permits him to cast only as many votes for that candidate
as he is by law entitled, and no more; that it prevents the elector from
voting for more than one person for the same office, unless he is lawfully
entitled to vote for more than one person therefor, and in that event
permits him to vote for as many persons for that office as he is by law
entitled, and no more; that it identifies when an elector has not voted for
all statewide constitutional offices; and that such machine will register
correctly by means of exact counters every vote cast for the regular tickets
thereon; and has the capacity to contain the tickets of at least 5 political
parties with the names of all the candidates thereon, together with all
propositions in the form provided by law, where such form is prescribed,
and where no such provision is made for the form thereof, then in brief
form, not to exceed 75 words; that all votes cast on the machine on a
regular ballot or ballots shall be registered; that voters may, by means of
irregular ballots or otherwise vote for any person for any office, although
such person may not have been nominated by any party and his name may
not appear on such machine; that when a vote is cast for any person for
any such office, when his name does not appear on the machine, the
elector cannot vote for any other name on the machine for the same office;
that each elector can, understandingly and within the period of 4 minutes
cast his vote for all candidates of his choice; that the machine is so
constructed that the candidates for presidential electors of any party can be
voted for only by voting for the ballot label containing a bracket within
which are the names of the candidates for President and Vice-President of
the party or group; that the machine is provided with a lock or locks by the
use of which any movement of the voting or registering mechanism is
absolutely prevented so that it cannot be tampered with or manipulated for
any purpose; that the machine is susceptible of being closed during the
progress of the voting so that no person can see or know the number of
votes registered for any candidate; that each elector is permitted to vote for

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or against any question, proposition or amendment upon which he is entitled to vote, and is prevented from voting for or against any question, proposition or amendment upon which he is not entitled to vote; that the machine is capable of adjustment by the election authority, so as to permit the elector, at a party primary election, to vote only for the candidates seeking nomination by the political party in which primary he is entitled to vote: Provided, also that no such machine or machines shall be purchased, unless the party or parties making the sale shall guarantee in writing to keep the machine or machines in good working order for 5 years without additional cost and shall give a sufficient bond conditioned to that effect.

(Source: P.A. 94-1000, eff. 7-3-06.)

(10 ILCS 5/24A-6) (from Ch. 46, par. 24A-6)

Sec. 24A-6. The ballot information, whether placed on the ballot or on the marking device, shall, as far as practicable, be in the order of arrangement provided for paper ballots, except that such information may be in vertical or horizontal rows, or in a number of separate pages. Ballots for all questions or propositions to be voted on must be provided in the same manner and must be arranged on or in the marking device or on the ballot sheet in the places provided for such purposes.

When an electronic voting system utilizes a ballot label booklet and ballot card, ballots for candidates, ballots calling for a constitutional convention, constitutional amendment ballots, judicial retention ballots, public measures, and all propositions to be voted upon may be placed on the electronic voting device by providing in the ballot booklet separate ballot label pages or series of pages distinguished by differing colors as provided below. When an electronic voting system utilizes a ballot sheet, ballots calling for a constitutional convention, constitutional amendment ballots and judicial retention ballots shall be placed on the ballot sheet by providing a separate portion of the ballot sheet for each such kind of ballot which shall be printed in ink of a color distinct from the color of ink used in printing any other portion of the ballot sheet. Ballots for candidates, public measures and all other propositions to be voted upon shall be placed on the ballot sheet by providing a separate portion of the ballot sheet for each such kind of ballot. Whenever a person has submitted a

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declaration of intent to be a write-in candidate as required in Sections 17-16.1 and 18-9.1. Below the name of the last candidate listed for an office shall be printed a line on which the name of a candidate may be written by the voter shall be printed below the name of the last candidate nominated for such office, and immediately to the left of such line an area shall be provided for marking a vote for such write-in candidate. The number of write-in lines for an office shall equal the number of persons who have filed declarations of intent to be write-in candidates plus an additional line or lines for write-in candidates who qualify to file declarations to be write-in candidates under Sections 17-16.1 and 18-9.1 when the certification of ballot contains the words "OBJECTION PENDING" next to the name of the candidate, up to the number of candidates for which a voter may vote. More than one amendment to the constitution may be placed on the same ballot page or series of pages or on the same portion of the ballot sheet, as the case may be. Ballot label pages for constitutional conventions or constitutional amendments shall be on paper of blue color and shall precede all other ballot label pages in the ballot label booklet. More than one public measure or proposition may be placed on the same ballot label page or series of pages or on the same portion of the ballot sheet, as the case may be. More than one proposition for retention of judges in office may be placed on the same ballot label page or series of pages or on the same portion of the ballot sheet, as the case may be. Ballot label pages for candidates shall be on paper of white color, except that in primary elections the ballot label page or pages for the candidates of each respective political party shall be of the color designated by the election official in charge of the election for that political party's candidates; provided that the ballot label pages or pages for candidates for use at the nonpartisan and consolidated elections may be on paper of different colors, except blue, whenever necessary or desirable to facilitate distinguishing between the pages for different political subdivisions. On each page of the candidate booklet, where the election is made to list ballot information vertically, the party affiliation of each candidate or the word "independent" shall appear immediately to the left of the candidate's name, and the name of candidates for the same office shall be listed vertically under the title of

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that office. In the case of nonpartisan elections for officers of political subdivisions, unless the statute or an ordinance adopted pursuant to Article VII of the Constitution requires otherwise, the listing of such nonpartisan candidates shall not include any party or "independent" designation. Ballot label pages for judicial retention ballots shall be on paper of green color, and ballot label pages for all public measures and other propositions shall be on paper of some other distinct and different color. In primary elections, a separate ballot label booklet, marking device and voting booth shall be used for each political party holding a primary, with the ballot label booklet arranged to include ballot label pages of the candidates of the party and public measures and other propositions to be voted upon on the day of the primary election. One ballot card may be used for recording the voter's vote or choice on all such ballots, proposals, public measures or propositions, and such ballot card shall be arranged so as to record the voter's vote or choice in a separate column or columns for each such kind of ballot, proposal, public measure or proposition.

If the ballot label booklet includes both candidates for office and public measures or propositions to be voted on, the election official in charge of the election shall divide the pages by protruding tabs identifying the division of the pages, and printing on such tabs "Candidates" and "Propositions".

The ballot card and all of its columns and the ballot card envelope shall be of the color prescribed for candidate's ballots at the general or primary election, whichever is being held. At an election where no candidates are being nominated or elected, the ballot card, its columns, and the ballot card envelope shall be of a color designated by the election official in charge of the election.

The ballot cards, ballot card envelopes and ballot sheets may, at the discretion of the election authority, be printed on white paper and then striped with the appropriate colors.

When ballot sheets are used, the various portions thereof shall be arranged to conform to the foregoing format.

Absentee ballots may consist of ballot cards, envelopes, paper ballots or ballot sheets voted in person in the office of the election official.
in charge of the election or voted by mail. Where a ballot card is used for voting by mail it must be accompanied by a punching tool or other appropriate marking device, voter instructions and a specimen ballot showing the proper positions to vote on the ballot card or ballot sheet for each party, candidate, proposal, public measure or proposition, and in the case of a ballot card must be mounted on a suitable material to receive the punched out chip.

Any voter who spoils his ballot or makes an error may return the ballot to the judges of election and secure another. However, the protruding identifying tab for proposals for a constitutional convention or constitutional amendments shall have printed thereon "Constitutional Ballot", and the ballot label page or pages for such proposals shall precede the ballot label pages for candidates in the ballot label booklet.

(Source: P.A. 89-700, eff. 1-17-97.)

(10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1)

Sec. 24A-10.1. In an election jurisdiction where in-precinct counting equipment is utilized, the following procedures for counting and tallying the ballots shall apply:

Immediately after the closing of the polls, the precinct judges of election shall open the ballot box and count the number of ballots therein to determine if such number agrees with the number of voters voting as shown by the applications for ballot or, if the same do not agree, the judges of election shall make such ballots agree with the applications for ballot in the manner provided by Section 17-18 of this Act. The judges of election shall then examine all ballot cards and ballot card envelopes which are in the ballot box to determine whether the ballot cards and ballot card envelopes contain the initials of a precinct judge of election. If any ballot card or ballot card envelope is not initialed, it shall be marked on the back "Defective", initialed as to such label by all judges immediately under the word "Defective" and not counted. The judges of election shall place an initialed blank official ballot card in the place of the defective ballot card, so that the count of the ballot cards to be counted on the automatic tabulating equipment will be the same, and each "Defective Ballot" card and "Replacement" card shall contain the same serial number.
which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in that precinct. The original "Defective" card shall be placed in the "Defective Ballot Envelope" provided for that purpose.

When an electronic voting system is used which utilizes a ballot card, before separating the remaining ballot cards from their respective covering envelopes, the judges of election shall examine the ballot card envelopes for write-in votes. When the voter has cast a write-in vote, the judges of election shall compare the write-in vote with the votes on the ballot card to determine whether such write-in results in an overvote for any office. In case of an overvote for any office, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot card except for the office which is overvoted, by using the ballot label booklet of the precinct and one of the marking devices of the precinct so as to transfer all votes of the voter, except for the office overvoted, to a duplicate card. The original ballot card and envelope upon which there is an overvote shall be clearly labeled "Overvoted Ballot", and each such "Overvoted Ballot" as well as its "Replacement" shall contain the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in that precinct. The "Overvoted Ballot" card and ballot envelope shall be placed in an envelope provided for that purpose labeled "Duplicate Ballot" envelope, and the judges of election shall initial the "Replacement" ballot cards and shall place them with the other ballot cards to be counted on the automatic tabulating equipment. Envelopes containing write-in votes marked in the place designated therefor and containing the initials of a precinct judge of election and not resulting in an overvote and otherwise complying with the election laws as to marking shall be counted and tallied and their votes recorded on a tally sheet provided by the election authority.

The ballot cards and ballot card envelopes shall be separated in preparation for counting by the automatic tabulating equipment provided for that purpose by the election authority.

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Before the ballots are entered into the automatic tabulating equipment, a precinct identification card provided by the election authority shall be entered into the device to ensure that the totals are all zeroes in the count column on the printing unit. A precinct judge of election shall then count the ballots by entering each ballot card into the automatic tabulating equipment, and if any ballot or ballot card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot card by using the ballot label booklet of the precinct and one of the marking devices of the precinct. The original ballot or ballot card and envelope shall be clearly labeled "Damaged Ballot" and the ballot or ballot card so produced shall be clearly labeled "Duplicate Damaged Ballot", and each shall contain the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in the precinct. The judges of election shall initial the "Duplicate Damaged Ballot" ballot or ballot cards and shall enter the duplicate damaged cards into the automatic tabulating equipment. The "Damaged Ballot" cards shall be placed in the "Duplicated Ballots" envelope; after all ballot cards have been successfully read, the judges of election shall check to make certain that the last number printed by the printing unit is the same as the number of voters making application for ballot in that precinct. The number shall be listed on the "Statement of Ballots" form provided by the election authority.

The totals for all candidates and propositions shall be tabulated. One copy of an "In-Precinct Totals Report" shall be generated by the automatic tabulating equipment for return to the election authority. One copy of an "In-Precinct Totals Report" shall be generated and posted in a conspicuous place inside the polling place, provided that any authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots is present.

The totals for all candidates and propositions shall be tabulated; 4 sets shall be attached to the 4 sets of "Certificate of Results" provided by

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the election authority; one set shall be posted in a conspicuous place inside
the polling place, and every effort shall be made by the judges of election
shall to provide, if requested, a set for each authorized pollwatcher or
other official authorized to be present in the polling place to observe the
counting of ballots; but in no case shall the number of sets to be made
available to pollwatchers be fewer than 4, chosen by lot by the judges of
election. In addition, sufficient time shall be provided by the judges of
election to the pollwatchers to allow them to copy information from the
copy set which has been posted.

The judges of election shall count all unused ballot cards and enter
the number on the "Statement of Ballots". All "Spoiled", "Defective" and
"Duplicated" ballot cards shall be counted and the number entered on the
"Statement of Ballots".

The precinct judges of election shall select a bi-partisan team of 2
judges, who shall immediately return the ballots in a sealed container,
along with all other election materials as instructed by the election
authority; provided, however, that such container must first be sealed by
the election judges with filament tape provided for such purpose which
shall be wrapped around the container lengthwise and crosswise, at least
twice each way, in such manner that the ballots cannot be removed from
such container without breaking the seal and filament tape and disturbing
any signatures affixed by the election judges to the container. The election
authority shall keep the office of the election authority, or any receiving
stations designated by such authority, open for at least 12 consecutive
hours after the polls close or until the ballots from all precincts with in-
precinct counting equipment within the jurisdiction of the election
authority have been returned to the election authority. Ballots returned to
the office of the election authority which are not signed and sealed as
required by law shall not be accepted by the election authority until the
judges returning the same make and sign the necessary corrections. Upon
acceptance of the ballots by the election authority, the judges returning the
same shall take a receipt signed by the election authority and stamped with
the time and date of such return. The election judges whose duty it is to

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be found when needed, on proper request, produce the receipt which they are to take as above provided.
(Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

(10 ILCS 5/24A-15) (from Ch. 46, par. 24A-15)

Sec. 24A-15. The precinct return printed by the automatic tabulating equipment shall include the number of ballots cast and votes cast for each candidate and proposition and shall constitute the official return of each precinct. In addition to the precinct return, the election authority shall provide the number of applications for ballots in each precinct, the write-in votes, the total number of ballots counted in each precinct for each political subdivision and district and the number of registered voters in each precinct. However, the election authority shall check the totals shown by the precinct return and, if there is an obvious discrepancy with respect to the total number of votes cast in any precinct, shall have the ballots for such precinct retabulated to correct the return. The procedures for retabulation shall apply prior to and after the proclamation is completed; however, after the proclamation of results, the election authority must obtain a court order to unseal voted ballots except for election contests and discovery recounts. In those election jurisdictions that utilize in-precinct counting equipment, the certificate of results, which has been prepared by the judges of election in the polling place after the ballots have been tabulated, shall be the document used for the canvass of votes for such precinct. Whenever a discrepancy exists during the canvass of votes between the unofficial results and the certificate of results, or whenever a discrepancy exists during the canvass of votes between the certificate of results and the set of totals which has been affixed to such certificate of results, the ballots for such precinct shall be retabulated to correct the return. As an additional part of this check prior to the proclamation, in those jurisdictions where in-precinct counting equipment is utilized, the election authority shall retabulate the total number of votes cast in 5% of the precincts within the election jurisdiction. The precincts to be retabulated shall be selected after election day on a random basis by the State Board of Elections, so that every precinct in the election jurisdiction has an equal mathematical chance of being selected. The State Board of

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Elections shall design a standard and scientific random method of selecting the precincts which are to be retabulated. The State central committee chairman of each established political party shall be given prior written notice of the time and place of such random selection procedure and may be represented at such procedure. Such retabulation shall consist of counting the ballot cards which were originally counted and shall not involve any determination as to which ballot cards were, in fact, properly counted. The ballots from the precincts selected for such retabulation shall remain at all times under the custody and control of the election authority and shall be transported and retabulated by the designated staff of the election authority.

As part of such retabulation, the election authority shall test the computer program in the selected precincts. Such test shall be conducted by processing a preaudited group of ballots so punched so as to record a predetermined number of valid votes for each candidate and on each public question, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made prior to the official canvass and proclamation of election results.

The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the county chairman of each established political party and qualified civic organizations shall be given prior written notice of the time and place of such retabulation and may be represented at such retabulation.

The results of this retabulation shall be treated in the same manner and have the same effect as the results of the discovery procedures set forth in Section 22-9.1 of this Act. Upon completion of the retabulation, the election authority shall print a comparison of the results of the retabulation with the original precinct return printed by the automatic tabulating equipment. Such comparison shall be done for each precinct and for each office voted upon within that precinct, and the comparisons shall be open to the public.

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Sec. 24A-16. The State Board of Elections shall approve all voting systems provided by this Article.

No voting system shall be approved unless it fulfills the following requirements:

1. It enables a voter to vote in absolute secrecy;
2. It enables a voter to vote a ticket selected in part from the nominees of one party, and in part from the nominees of any or all parties, and in part from independent candidates and in part of candidates whose names are written in by the voter;
3. It enables a voter to vote a written or printed ticket of his own selection for any person for any office for whom he may desire to vote;
4. It will reject all votes for an office or upon a proposition when the voter has cast more votes for such office or upon such proposition than he is entitled to cast;
5. It will identify when a voter has not voted for all statewide constitutional offices;
6. It will accommodate all propositions to be submitted to the voters in the form provided by law or, where no such form is provided, then in brief form, not to exceed 75 words.

The State Board of Elections shall not approve any voting equipment or system that includes an external Infrared Data Association (IrDA) communications port.

The State Board of Elections is authorized to withdraw its approval of a voting system if the system fails to fulfill the above requirements.

The vendor, person, or other private entity shall be solely responsible for the production and cost of: all application fees; all ballots; additional temporary workers; and other equipment or facilities needed and used in the testing of the vendor's, person's, or other private entity's respective equipment and software.
Any voting system vendor, person, or other private entity seeking the State Board of Elections’ approval of a voting system shall, as part of the approval application, submit to the State Board a non-refundable fee. The State Board of Elections by rule shall establish an appropriate fee structure, taking into account the type of voting system approval that is requested (such as approval of a new system, a modification of an existing system, the size of the modification, etc.). No voting system or modification of a voting system shall be approved unless the fee is paid.

No vendor, person, or other entity may sell, lease, or loan, or have a written contract, including a contract contingent upon State Board approval of the voting system or voting system component, to sell, lease, or loan, a voting system or voting system component to any election jurisdiction unless the voting system or voting system component is first approved by the State Board of Elections pursuant to this Section.

(Source: P.A. 94-1000, eff. 7-3-06.)

(10 ILCS 5/24B-6)

Sec. 24B-6. Ballot Information; Arrangement; Electronic Precinct Tabulation Optical Scan Technology Voting System; Absentee Ballots; Spoiled Ballots. The ballot information, shall, as far as practicable, be in the order of arrangement provided for paper ballots, except that the information may be in vertical or horizontal rows, or on a number of separate pages or displays on the marking device. Ballots for all questions or propositions to be voted on should be provided in a similar manner and must be arranged on the ballot sheet or marking device in the places provided for such purposes. Ballots shall be of white paper unless provided otherwise by administrative rule of the State Board of Elections or otherwise specified.

All propositions, including but not limited to propositions calling for a constitutional convention, constitutional amendment, judicial retention, and public measures to be voted upon shall be placed on separate portions of the ballot sheet or marking device by utilizing borders or grey screens. Candidates shall be listed on a separate portion of the ballot sheet or marking device by utilizing borders or grey screens. Whenever a person has submitted a declaration of intent to be a write-in

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candidate as required in Sections 17-16.1 and 18-9.1. Below the name of the last candidate listed for an office shall be printed or displayed a line or lines on which the voter may select a write-in candidate shall be printed below the name of the last candidate nominated for such office. Such line or lines shall be proximate to an area provided for marking votes for the write-in candidate or candidates. The number of write-in lines for an office shall equal the number of persons who have filed declarations of intent to be write-in candidates plus an additional line or lines for write-in candidates who qualify to file declarations to be write-in candidates under Sections 17-16.1 and 18-9.1 when the certification of ballot contains the words "OBJECTION PENDING" next to the name of that candidate, up to the number of candidates for which a voter may vote. More than one amendment to the constitution may be placed on the same portion of the ballot sheet or marking device. Constitutional convention or constitutional amendment propositions shall be printed or displayed on a separate portion of the ballot sheet or marking device and designated by borders or grey screens, unless otherwise provided by administrative rule of the State Board of Elections. More than one public measure or proposition may be placed on the same portion of the ballot sheet or marking device. More than one proposition for retention of judges in office may be placed on the same portion of the ballot sheet or marking device. Names of candidates shall be printed in black. The party affiliation of each candidate or the word "independent" shall appear near or under the candidate's name, and the names of candidates for the same office shall be listed vertically under the title of that office, on separate pages of the marking device, or as otherwise approved by the State Board of Elections. In the case of nonpartisan elections for officers of political subdivisions, unless the statute or an ordinance adopted pursuant to Article VII of the Constitution requires otherwise, the listing of nonpartisan candidates shall not include any party or "independent" designation. Judicial retention questions and ballot questions for all public measures and other propositions shall be designated by borders or grey screens on the ballot or marking device. In primary elections, a separate ballot, or displays on the marking device, shall be used for each political party holding a primary, with the ballot or
marking device arranged to include names of the candidates of the party and public measures and other propositions to be voted upon on the day of the primary election.

If the ballot includes both candidates for office and public measures or propositions to be voted on, the election official in charge of the election shall divide the ballot or displays on the marking device in sections for "Candidates" and "Propositions", or separate ballots may be used.

Absentee ballots may consist of envelopes, paper ballots or ballot sheets voted in person in the office of the election official in charge of the election or voted by mail. Where a Precinct Tabulation Optical Scan Technology ballot is used for voting by mail it must be accompanied by voter instructions.

Any voter who spoils his or her ballot, makes an error, or has a ballot returned by the automatic tabulating equipment may return the ballot to the judges of election and get another ballot.

(Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/24B-10.1)

Sec. 24B-10.1. In-Precinct Counting Equipment; Procedures for Counting and Tallying Ballots. In an election jurisdiction where Precinct Tabulation Optical Scan Technology counting equipment is used, the following procedures for counting and tallying the ballots shall apply:

Before the opening of the polls, and before the ballots are entered into the automatic tabulating equipment, the judges of election shall be sure that the totals are all zeros in the counting column. Ballots may then be counted by entering or scanning each ballot into the automatic tabulating equipment. Throughout the election day and before the closing of the polls, no person may check any vote totals for any candidate or proposition on the automatic tabulating equipment. Such automatic tabulating equipment shall be programmed so that no person may reset the equipment for refeeding of ballots unless provided a code from an authorized representative of the election authority. At the option of the election authority, the ballots may be fed into the Precinct Tabulation

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Optical Scan Technology equipment by the voters under the direct supervision of the judges of elections.

Immediately after the closing of the polls, the precinct judges of election shall open the ballot box and count the number of ballots to determine if the number agrees with the number of voters voting as shown on the Precinct Tabulation Optical Scan Technology equipment and by the applications for ballot or, if the same do not agree, the judges of election shall make the ballots agree with the applications for ballot in the manner provided by Section 17-18 of this Code. The judges of election shall then examine all ballots which are in the ballot box to determine whether the ballots contain the initials of a precinct judge of election. If any ballot is not initialed, it shall be marked on the back "Defective", initialed as to such label by all judges immediately under the word "Defective" and not counted. The judges of election shall place an initialed blank official ballot in the place of the defective ballot, so that the count of the ballots to be counted on the automatic tabulating equipment will be the same, and each "Defective Ballot" and "Replacement" ballot shall contain the same serial number which shall be placed thereon by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in that precinct. The original "Defective" ballot shall be placed in the "Defective Ballot Envelope" provided for that purpose.

If the judges of election have removed a ballot pursuant to Section 17-18, have labeled "Defective" a ballot which is not initialed, or have otherwise determined under this Code to not count a ballot originally deposited into a ballot box, the judges of election shall be sure that the totals on the automatic tabulating equipment are reset to all zeros in the counting column. Thereafter the judges of election shall enter or otherwise scan each ballot to be counted in the automatic tabulating equipment. Resetting the automatic tabulating equipment to all zeros and re-entering of ballots to be counted may occur at the precinct polling place, the office of the election authority, or any receiving station designated by the election authority. The election authority shall designate the place for resetting and re-entering or re-scanning.

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When a Precinct Tabulation Optical Scan Technology electronic voting system is used which uses a paper ballot, the judges of election shall examine the ballot for write-in votes. When the voter has cast a write-in vote, the judges of election shall compare the write-in vote with the votes on the ballot to determine whether the write-in results in an overvote for any office, unless the Precinct Tabulation Optical Scan Technology equipment has already done so. In case of an overvote for any office, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot except for the office which is overvoted, by using the ballot of the precinct and one of the marking devices, or equivalent ballot, of the precinct so as to transfer all votes of the voter, except for the office overvoted, to a duplicate ballot. The original ballot upon which there is an overvote shall be clearly labeled "Overvoted Ballot", and each such "Overvoted Ballot" as well as its "Replacement" shall contain the same serial number which shall be placed thereon by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in that precinct. The "Overvoted Ballot" shall be placed in an envelope provided for that purpose labeled "Duplicate Ballot" envelope, and the judges of election shall initial the "Replacement" ballots and shall place them with the other ballots to be counted on the automatic tabulating equipment.

If any ballot is damaged or defective, or if any ballot contains a Voting Defect, so that it cannot properly be counted by the automatic tabulating equipment, the voter or the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot by using the ballot of the precinct and one of the marking devices of the precinct, or equivalent. If a damaged ballot, the original ballot shall be clearly labeled "Damaged Ballot" and the ballot so produced shall be clearly labeled "Damaged Ballot" and the ballot so produced shall be clearly labeled "Duplicate Damaged Ballot", and each shall contain the same serial number which shall be placed by the judges of election, beginning with number 1 and continuing consecutively for the ballots of

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that kind in the precinct. The judges of election shall initial the "Duplicate Damaged Ballot" ballot and shall enter or otherwise scan the duplicate damaged ballot into the automatic tabulating equipment. The "Damaged Ballots" shall be placed in the "Duplicated Ballots" envelope; after all ballots have been successfully read, the judges of election shall check to make certain that the Precinct Tabulation Optical Scan Technology equipment readout agrees with the number of voters making application for ballot in that precinct. The number shall be listed on the "Statement of Ballots" form provided by the election authority.

The totals for all candidates and propositions shall be tabulated. One copy of an "In-Precinct Totals Report" shall be generated by the automatic tabulating equipment for return to the election authority. One copy of an "In-Precinct Totals Report" shall be generated and posted in a conspicuous place inside the polling place, provided that any authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots is present. The totals for all candidates and propositions shall be tabulated; and 4 copies of a "Certificate of Results" shall be generated by the automatic tabulating equipment; one copy shall be posted in a conspicuous place inside the polling place; and every effort shall be made by the judges of election shall to provide, if requested, a copy for each authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots; but in no case shall the number of copies to be made available to pollwatchers be fewer than 4, chosen by lot by the judges of election. In addition, sufficient time shall be provided by the judges of election to the pollwatchers to allow them to copy information from the copy which has been posted.

The judges of election shall count all unused ballots and enter the number on the "Statement of Ballots". All "Spoiled", "Defective" and "Duplicated" ballots shall be counted and the number entered on the "Statement of Ballots".

The precinct judges of election shall select a bi-partisan team of 2 judges, who shall immediately return the ballots in a sealed container, along with all other election materials as instructed by the election

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authority; provided, however, that such container must first be sealed by
the election judges with filament tape or other approved sealing devices
provided for the purpose which shall be wrapped around the container
lengthwise and crosswise, at least twice each way, in a manner that the
ballots cannot be removed from the container without breaking the seal
and filament tape and disturbing any signatures affixed by the election
judges to the container, or which other approved sealing devices are
affixed in a manner approved by the election authority. The election
authority shall keep the office of the election authority or any receiving
stations designated by the authority, open for at least 12 consecutive hours
after the polls close or until the ballots from all precincts with in-precinct
counting equipment within the jurisdiction of the election authority have
been returned to the election authority. Ballots returned to the office of the
election authority which are not signed and sealed as required by law shall
not be accepted by the election authority until the judges returning the
ballots make and sign the necessary corrections. Upon acceptance of the
ballots by the election authority, the judges returning the ballots shall take
a receipt signed by the election authority and stamped with the time and
date of the return. The election judges whose duty it is to return any ballots
as provided shall, in the event the ballots cannot be found when needed, on
proper request, produce the receipt which they are to take as above
provided. The precinct judges of election shall also deliver the Precinct
Tabulation Optical Scan Technology equipment to the election authority.
(Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05; 94-1000, eff. 7-3-
06.)

(10 ILCS 5/24B-15)
Sec. 24B-15. Official Return of Precinct; Check of Totals;
Retabulation. The precinct return printed by the automatic Precinct
Tabulation Optical Scan Technology tabulating equipment shall include
the number of ballots cast and votes cast for each candidate and
proposition and shall constitute the official return of each precinct. In
addition to the precinct return, the election authority shall provide the
number of applications for ballots in each precinct, the write-in votes, the
total number of ballots counted in each precinct for each political

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subdivision and district and the number of registered voters in each precinct. However, the election authority shall check the totals shown by the precinct return and, if there is an obvious discrepancy regarding the total number of votes cast in any precinct, shall have the ballots for that precinct retabulated to correct the return. The procedures for retabulation shall apply prior to and after the proclamation is completed; however, after the proclamation of results, the election authority must obtain a court order to unseal voted ballots except for election contests and discovery recounts. In those election jurisdictions that use in-precinct counting equipment, the certificate of results, which has been prepared by the judges of election in the polling place after the ballots have been tabulated, shall be the document used for the canvass of votes for such precinct. Whenever a discrepancy exists during the canvass of votes between the unofficial results and the certificate of results, or whenever a discrepancy exists during the canvass of votes between the certificate of results and the set of totals which has been affixed to the certificate of results, the ballots for that precinct shall be retabulated to correct the return. As an additional part of this check prior to the proclamation, in those jurisdictions where in-precinct counting equipment is used, the election authority shall retabulate the total number of votes cast in 5% of the precincts within the election jurisdiction. The precincts to be retabulated shall be selected after election day on a random basis by the State Board of Elections, so that every precinct in the election jurisdiction has an equal mathematical chance of being selected. The State Board of Elections shall design a standard and scientific random method of selecting the precincts which are to be retabulated. The State central committee chairman of each established political party shall be given prior written notice of the time and place of the random selection procedure and may be represented at the procedure. The retabulation shall consist of counting the ballots which were originally counted and shall not involve any determination of which ballots were, in fact, properly counted. The ballots from the precincts selected for the retabulation shall remain at all times under the custody and control of the election authority and shall be transported and retabulated by the designated staff of the election authority.
As part of the retabulation, the election authority shall test the computer program in the selected precincts. The test shall be conducted by processing a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each public question, and shall include for each office one or more ballots which have votes in excess of the number allowed by law to test the ability of the equipment and the marking device to reject such votes. If any error is detected, the cause shall be determined and corrected, and an errorless count shall be made prior to the official canvass and proclamation of election results.

The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the county chairman of each established political party and qualified civic organizations shall be given prior written notice of the time and place of the retabulation and may be represented at the retabulation.

The results of this retabulation shall be treated in the same manner and have the same effect as the results of the discovery procedures set forth in Section 22-9.1 of this Code. Upon completion of the retabulation, the election authority shall print a comparison of the results of the retabulation with the original precinct return printed by the automatic tabulating equipment. The comparison shall be done for each precinct and for each office voted upon within that precinct, and the comparisons shall be open to the public. Upon completion of the retabulation, the returns shall be open to the public.

(Source: P.A. 93-574, eff. 8-21-03; 94-1000, eff. 7-3-06.)

Sec. 24B-16. Approval of Precinct Tabulation Optical Scan Technology Voting Systems; Requisites. The State Board of Elections shall approve all Precinct Tabulation Optical Scan Technology voting systems provided by this Article.

No Precinct Tabulation Optical Scan Technology voting system shall be approved unless it fulfills the following requirements:

(a) It enables a voter to vote in absolute secrecy;
(b) (Blank);

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(c) It enables a voter to vote a ticket selected in part from the nominees of one party, and in part from the nominees of any or all parties, and in part from independent candidates, and in part of candidates whose names are written in by the voter;

(d) It enables a voter to vote a written or printed ticket of his or her own selection for any person for any office for whom he or she may desire to vote;

(e) It will reject all votes for an office or upon a proposition when the voter has cast more votes for the office or upon the proposition than he or she is entitled to cast; and

(e-5) It will identify when a voter has not voted for all statewide constitutional offices; and

(f) It will accommodate all propositions to be submitted to the voters in the form provided by law or, where no form is provided, then in brief form, not to exceed 75 words.

The State Board of Elections shall not approve any voting equipment or system that includes an external Infrared Data Association (IrDA) communications port.

The State Board of Elections is authorized to withdraw its approval of a Precinct Tabulation Optical Scan Technology voting system if the system fails to fulfill the above requirements.

The vendor, person, or other private entity shall be solely responsible for the production and cost of: all application fees; all ballots; additional temporary workers; and other equipment or facilities needed and used in the testing of the vendor's, person's, or other private entity's respective equipment and software.

Any voting system vendor, person, or other private entity seeking the State Board of Elections' approval of a voting system shall, as part of the approval application, submit to the State Board a non-refundable fee. The State Board of Elections by rule shall establish an appropriate fee structure, taking into account the type of voting system approval that is requested (such as approval of a new system, a modification of an existing system, the size of the modification, etc.). No voting system or modification of a voting system shall be approved unless the fee is paid.

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No vendor, person, or other entity may sell, lease, or loan, or have a written contract, including a contract contingent upon State Board approval of the voting system or voting system component, to sell, lease, or loan, a voting system or Precinct Tabulation Optical Scan Technology voting system component to any election jurisdiction unless the voting system or voting system component is first approved by the State Board of Elections pursuant to this Section.

(Source: P.A. 94-1000, eff. 7-3-06.)

(10 ILCS 5/24B-20)

Sec. 24B-20. Voting Defect Identification Capabilities. An election authority is required to use the Voting Defect Identification capabilities of the automatic tabulating equipment when used in-precinct, including both the capability of identifying an under-vote and the capability of identifying an over-vote.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/24C-11)

Sec. 24C-11. Functional requirements.

A Direct Recording Electronic Voting System shall, in addition to satisfying the other requirements of this Article, fulfill the following functional requirements:

(a) Provide a voter in a primary election with the means of casting a ballot containing votes for any and all candidates of the party or parties of his or her choice, and for any and all non-partisan candidates and public questions and preclude the voter from voting for any candidate of any other political party except when legally permitted. In a general election, the system shall provide the voter with means of selecting the appropriate number of candidates for any office, and of voting on any public question on the ballot to which he or she is entitled to vote.

(b) If a voter is not entitled to vote for particular candidates or public questions appearing on the ballot, the system shall prevent the selection of the prohibited votes.

(c) Once the proper ballot has been selected, the system devices shall provide a means of enabling the recording of votes and the casting of said ballot.

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(d) System voting devices shall provide voting choices that are clear to the voter and labels indicating the names of every candidate and the text of every public question on the voter's ballot. Each label shall identify the selection button or switch, or the active area of the ballot associated with it. The system shall be able to incorporate minimal, easy-to-follow on-screen instruction for the voter on how to cast a ballot.

(e) Voting devices shall (i) enable the voter to vote for any and all candidates and public questions appearing on the ballot for which the voter is lawfully entitled to vote, in any legal number and combination; (ii) detect and reject all votes for an office or upon a public question when the voter has cast more votes for the office or upon the public question than the voter is entitled to cast; (iii) notify the voter if the voter's choices as recorded on the ballot for an office or public question are fewer than or exceed the number that the voter is entitled to vote for on that office or public question and the effect of casting more or fewer votes than legally permitted; (iv) notify the voter if the voter has failed to completely cast a vote for an office or public question appearing on the ballot; and (v) permit the voter, in a private and independent manner, to verify the votes selected by the voter, to change the ballot or to correct any error on the ballot before the ballot is completely cast and counted. A means shall be provided to indicate each selection after it has been made or canceled.

(f) System voting devices shall provide a means for the voter to signify that the selection of candidates and public questions has been completed. Upon activation, the system shall record an image of the completed ballot, increment the proper ballot position registers, and shall signify to the voter that the ballot has been cast. The system shall then prevent any further attempt to vote until it has been reset or re-enabled by a judge of election.

(g) Each system voting device shall be equipped with a public counter that can be set to zero prior to the opening of the polling place, and that records the number of ballots cast at a particular election. The counter shall be incremented only by the casting of a ballot. The counter shall be designed to prevent disabling or resetting by other than authorized persons.
after the polls close. The counter shall be visible to all judges of election so long as the device is installed at the polling place.

(h) Each system voting device shall be equipped with a protective counter that records all of the testing and election ballots cast since the unit was built. This counter shall be designed so that its reading cannot be changed by any cause other than the casting of a ballot. The protective counter shall be incapable of ever being reset and it shall be visible at all times when the device is configured for testing, maintenance, or election use.

(i) All system devices shall provide a means of preventing further voting once the polling place has closed and after all eligible voters have voted. Such means of control shall incorporate a visible indication of system status. Each device shall prevent any unauthorized use, prevent tampering with ballot labels and preclude its re-opening once the poll closing has been completed for that election.

(j) The system shall produce a printed summary report of the votes cast upon each voting device. Until the proper sequence of events associated with closing the polling place has been completed, the system shall not allow the printing of a report or the extraction of data. The printed report shall also contain all system audit information to be required by the election authority. Data shall not be altered or otherwise destroyed by report generation and the system shall ensure the integrity and security of data for a period of at least 6 months after the polls close.

(k) If more than one voting device is used in a polling place, the system shall provide a means to manually or electronically consolidate the data from all such units into a single report even if different voting systems are used to record absentee ballots. The system shall also be capable of merging the vote tabulation results produced by other vote tabulation systems, if necessary.

(l) System functions shall be implemented such that unauthorized access to them is prevented and the execution of authorized functions in an improper sequence is precluded. System functions shall be executable only in the intended manner and order, and only under the intended conditions.

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If the preconditions to a system function have not been met, the function shall be precluded from executing by the system's control logic.

(m) All system voting devices shall incorporate at least 3 memories in the machine itself and in its programmable memory devices.

(n) The system shall include capabilities of recording and reporting the date and time of normal and abnormal events and of maintaining a permanent record of audit information that cannot be turned off. Provisions shall be made to detect and record significant events (e.g., casting a ballot, error conditions that cannot be disposed of by the system itself, time-dependent or programmed events that occur without the intervention of the voter or a judge of election).

(o) The system and each system voting device must be capable of creating, printing and maintaining a permanent paper record and an electronic image of each ballot that is cast such that records of individual ballots are maintained by a subsystem independent and distinct from the main vote detection, interpretation, processing and reporting path. The electronic images of each ballot must protect the integrity of the data and the anonymity of each voter, for example, by means of storage location scrambling. The ballot image records may be either machine-readable or manually transcribed, or both, at the discretion of the election authority.

(p) The system shall include built-in test, measurement and diagnostic software and hardware for detecting and reporting the system's status and degree of operability.

(q) The system shall contain provisions for maintaining the integrity of memory voting and audit data during an election and for a period of at least 6 months thereafter and shall provide the means for creating an audit trail.

(r) The system shall be fully accessible so as to permit blind or visually impaired voters as well as physically disabled voters to exercise their right to vote in private and without assistance.

(s) The system shall provide alternative language accessibility if required pursuant to Section 203 of the Voting Rights Act of 1965.

(t) Each voting device shall enable a voter to vote for a person whose name does not appear on the ballot.

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(u) The system shall record and count accurately each vote properly cast for or against any candidate and for or against any public question, including the names of all candidates whose names are written in by the voters.

(v) The system shall allow for accepting provisional ballots and for separating such provisional ballots from precinct totals until authorized by the election authority.

(w) The system shall provide an effective audit trail as defined in Section 24C-2 in this Code.

(x) The system shall be suitably designed for the purpose used, be durably constructed, and be designed for safety, accuracy and efficiency.

(y) The system shall comply with all provisions of federal, State and local election laws and regulations and any future modifications to those laws and regulations.

(Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/24C-12)

Sec. 24C-12. Procedures for Counting and Tallying of Ballots. In an election jurisdiction where a Direct Recording Electronic Voting System is used, the following procedures for counting and tallying the ballots shall apply:

Before the opening of the polls, the judges of elections shall assemble the voting equipment and devices and turn the equipment on. The judges shall, if necessary, take steps to activate the voting devices and counting equipment by inserting into the equipment and voting devices appropriate data cards containing passwords and data codes that will select the proper ballot formats selected for that polling place and that will prevent inadvertent or unauthorized activation of the poll-opening function. Before voting begins and before ballots are entered into the voting devices, the judges of election shall cause to be printed a record of the following: the election's identification data, the device's unit identification, the ballot's format identification, the contents of each active candidate register by office and of each active public question register showing that they contain all zero votes, all ballot fields that can be used to invoke special voting options, and other information needed to ensure
the readiness of the equipment and to accommodate administrative reporting requirements. The judges must also check to be sure that the totals are all zeros in the counting columns and in the public counter affixed to the voting devices.

After the judges have determined that a person is qualified to vote, a voting device with the proper ballot to which the voter is entitled shall be enabled to be used by the voter. The ballot may then be cast by the voter by marking by appropriate means the designated area of the ballot for the casting of a vote for any candidate or for or against any public question. The voter shall be able to vote for any and all candidates and public measures appearing on the ballot in any legal number and combination and the voter shall be able to delete, change or correct his or her selections before the ballot is cast. The voter shall be able to select candidates whose names do not appear upon the ballot for any office by entering electronically as many names of candidates as the voter is entitled to select for each office.

Upon completing his or her selection of candidates or public questions, the voter shall signify that voting has been completed by activating the appropriate button, switch or active area of the ballot screen associated with end of voting. Upon activation, the voting system shall record an image of the completed ballot, increment the proper ballot position registers, and shall signify to the voter that the ballot has been cast. Upon activation, the voting system shall also print a permanent paper record of each ballot cast as defined in Section 24C-2 of this Code. This permanent paper record shall (i) be printed in a clear, readily readable format that can be easily reviewed by the voter for completeness and accuracy and (ii) either be self-contained within the voting device or be deposited by the voter into a secure ballot box. No permanent paper record shall be removed from the polling place except by election officials as authorized by this Article. All permanent paper records shall be preserved and secured by election officials in the same manner as paper ballots and shall be available as an official record for any recount, redundant count, or verification or retabulation of the vote count conducted with respect to any election in which the voting system is used. The voter shall exit the voting

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station and the voting system shall prevent any further attempt to vote until it has been properly re-activated. If a voting device has been enabled for voting but the voter leaves the polling place without casting a ballot, 2 judges of election, one from each of the 2 major political parties, shall spoil the ballot.

Throughout the election day and before the closing of the polls, no person may check any vote totals for any candidate or public question on the voting or counting equipment. Such equipment shall be programmed so that no person may reset the equipment for reentry of ballots unless provided the proper code from an authorized representative of the election authority.

The precinct judges of election shall check the public register to determine whether the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the applications for ballot. If the same do not agree, the judges of election shall immediately contact the offices of the election authority in charge of the election for further instructions. If the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the application for ballot, the number shall be listed on the "Statement of Ballots" form provided by the election authority.

The totals for all candidates and propositions shall be tabulated. One copy of an "In-Precinct Totals Report" shall be generated by the automatic tabulating equipment for return to the election authority. One copy of an "In-Precinct Totals Report" shall be generated and posted in a conspicuous place inside the polling place, provided that any authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots is present. The judges of election shall provide, if requested, a set for each authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots. Except as otherwise provided in this Section, the totals for all candidates and propositions shall be tabulated; and 4 copies of a "Certificate of Results" shall be printed by the automatic tabulating equipment; one copy shall be posted in a conspicuous place inside the polling place; and every effort shall be made by the judges of election to
provide a copy for each authorized pollwatcher or other official authorized
to be present in the polling place to observe the counting of ballots; but in
no case shall the number of copies to be made available to pollwatchers be
fewer than 4, chosen by lot by the judges of election. In addition, sufficient
time shall be provided by the judges of election to the pollwatchers to
allow them to copy information from the copy which has been posted.

Until December 31, 2007, in elections at which fractional
cumulative votes are cast for candidates, the tabulation of those fractional
cumulative votes may be made by the election authority at its central office
location, and 4 copies of a "Certificate of Results" shall be printed by the
automatic tabulation equipment and shall be posted in 4 conspicuous
places at the central office location where those fractional cumulative
votes have been tabulated.

If instructed by the election authority, the judges of election shall
cause the tabulated returns to be transmitted electronically to the offices of
the election authority via modem or other electronic medium.

The precinct judges of election shall select a bi-partisan team of 2
judges, who shall immediately return the ballots in a sealed container,
along with all other election materials and equipment as instructed by the
election authority; provided, however, that such container must first be
sealed by the election judges with filament tape or other approved sealing
devices provided for the purpose in a manner that the ballots cannot be
removed from the container without breaking the seal or filament tape and
disturbing any signatures affixed by the election judges to the container.
The election authority shall keep the office of the election authority, or any
receiving stations designated by the authority, open for at least 12
consecutive hours after the polls close or until the ballots and election
material and equipment from all precincts within the jurisdiction of the
election authority have been returned to the election authority. Ballots and
election materials and equipment returned to the office of the election
authority which are not signed and sealed as required by law shall not be
accepted by the election authority until the judges returning the ballots
make and sign the necessary corrections. Upon acceptance of the ballots
and election materials and equipment by the election authority, the judges

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returning the ballots shall take a receipt signed by the election authority and stamped with the time and date of the return. The election judges whose duty it is to return any ballots and election materials and equipment as provided shall, in the event the ballots, materials or equipment cannot be found when needed, on proper request, produce the receipt which they are to take as above provided.

(Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05; 94-1073, eff. 12-26-06.)

(10 ILCS 5/24C-15)

Sec. 24C-15. Official Return of Precinct; Check of Totals; Audit. The precinct return printed by the Direct Recording Electronic Voting System tabulating equipment shall include the number of ballots cast and votes cast for each candidate and public question and shall constitute the official return of each precinct. In addition to the precinct return, the election authority shall provide the number of applications for ballots in each precinct, the total number of ballots and absentee ballots counted in each precinct for each political subdivision and district and the number of registered voters in each precinct. However, the election authority shall check the totals shown by the precinct return and, if there is an obvious discrepancy regarding the total number of votes cast in any precinct, shall have the ballots for that precinct audited to correct the return. The procedures for this audit shall apply prior to and after the proclamation is completed; however, after the proclamation of results, the election authority must obtain a court order to unseal voted ballots or voting devices except for election contests and discovery recounts. The certificate of results, which has been prepared and signed by the judges of election in the polling place after the ballots have been tabulated, shall be the document used for the canvass of votes for such precinct. Whenever a discrepancy exists during the canvass of votes between the unofficial results and the certificate of results, or whenever a discrepancy exists during the canvass of votes between the certificate of results and the set of totals reflected on the certificate of results, the ballots for that precinct shall be audited to correct the return.

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Prior to the proclamation, the election authority shall test the voting devices and equipment in 5% of the precincts within the election jurisdiction. The precincts to be tested shall be selected after election day on a random basis by the State Board of Elections, so that every precinct in the election jurisdiction has an equal mathematical chance of being selected. The State Board of Elections shall design a standard and scientific random method of selecting the precincts that are to be tested. The State central committee chairman of each established political party shall be given prior written notice of the time and place of the random selection procedure and may be represented at the procedure.

The test shall be conducted by counting the votes marked on the permanent paper record of each ballot cast in the tested precinct printed by the voting system at the time that each ballot was cast and comparing the results of this count with the results shown by the certificate of results prepared by the Direct Recording Electronic Voting System in the test precinct. The election authority shall test count these votes either by hand or by using an automatic tabulating device other than a Direct Recording Electronic voting device that has been approved by the State Board of Elections for that purpose and tested before use to ensure accuracy. The election authority shall print the results of each test count. If any error is detected, the cause shall be determined and corrected, and an errorless count shall be made prior to the official canvass and proclamation of election results. If an errorless count cannot be conducted and there continues to be difference in vote results between the certificate of results produced by the Direct Recording Electronic Voting System and the count of the permanent paper records or if an error was detected and corrected, the election authority shall immediately prepare and forward to the appropriate canvassing board a written report explaining the results of the test and any errors encountered and the report shall be made available for public inspection.

The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the county chairman of each established political party and qualified civic organizations shall be given

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prior written notice of the time and place of the test and may be represented at the test.

The results of this post-election test shall be treated in the same manner and have the same effect as the results of the discovery procedures set forth in Section 22-9.1 of this Code.

(Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

(10 ILCS 5/24C-16)

Sec. 24C-16. Approval of Direct Recording Electronic Voting Systems; Requisites. The State Board of Elections shall approve all Direct Recording Electronic Voting Systems that fulfill the functional requirements provided by Section 24C-11 of this Code, the mandatory requirements of the federal voting system standards pertaining to Direct Recording Electronic Voting Systems promulgated by the Federal Election Commission or the Election Assistance Commission, the testing requirements of an approved independent testing authority and the rules of the State Board of Elections.

The State Board of Elections shall not approve any Direct Recording Electronic Voting System that includes an external Infrared Data Association (IrDA) communications port.

The State Board of Elections is authorized to withdraw its approval of a Direct Recording Electronic Voting System if the System, once approved, fails to fulfill the above requirements.

The vendor, person, or other private entity shall be solely responsible for the production and cost of: all application fees; all ballots; additional temporary workers; and other equipment or facilities needed and used in the testing of the vendor's, person's, or other private entity's respective equipment and software.

Any voting system vendor, person, or other private entity seeking the State Board of Elections' approval of a voting system shall, as part of the approval application, submit to the State Board a non-refundable fee. The State Board of Elections by rule shall establish an appropriate fee structure, taking into account the type of voting system approval that is requested (such as approval of a new system, a modification of an existing

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system, the size of the modification, etc.). No voting system or modification of a voting system shall be approved unless the fee is paid.

No vendor, person, or other entity may sell, lease, or loan, or have a written contract, including a contract contingent upon State Board approval of the voting system or voting system component, to sell, lease, or loan, a Direct Recording Electronic Voting System or system component to any election jurisdiction unless the system or system component is first approved by the State Board of Elections pursuant to this Section.

(Source: P.A. 93-574, eff. 8-21-03; 94-1000, eff. 7-3-06.)

(10 ILCS 5/28-6) (from Ch. 46, par. 28-6)

Sec. 28-6. Petitions; filing.

(a) On a written petition signed by a number of voters equal to (i) through the general election in 2008, at least 8% of the total votes cast for candidates for Governor in the preceding gubernatorial election by the registered voters of the municipality, township, county or school district and (ii) beginning with elections in 2009 and thereafter, at least 11% of the total ballots cast by the registered voters of the municipality, township, county, or school district in the last regular election conducted in the municipality, township, county, or school district, it shall be the duty of the proper election officers to submit any question of public policy so petitioned for, to the electors of such political subdivision at any regular election named in the petition at which an election is scheduled to be held throughout such political subdivision under Article 2A. Such petitions shall be filed with the local election official of the political subdivision or election authority, as the case may be. Where such a question is to be submitted to the voters of a municipality which has adopted Article 6, or a township or school district located entirely within the jurisdiction of a municipal board of election commissioners, such petitions shall be filed with the board of election commissioners having jurisdiction over the political subdivision.

(b) In a municipality with more than 1,000,000 inhabitants, when a question of public policy exclusively concerning a contiguous territory included entirely within but not coextensive with the municipality is
initiated by resolution or ordinance of the corporate authorities of the municipality, or by a petition which may be signed by registered voters who reside in any part of any precinct all or part of which includes all or part of the territory and who equal in number (i) through the general election in 2008 at least 8% of the total votes cast for candidates for Governor in the preceding gubernatorial election by the total number of 
registered voters of the precinct or precincts in the territory where the question is to be submitted to the voters and (ii) beginning with elections in 2009 and thereafter, at least 11% of the total ballots cast at the last regular election conducted in the precinct or precincts in the territory where the question is to be submitted to the voters the registered voters of which are eligible to sign the petition, it shall be the duty of the election authority having jurisdiction over such municipality to submit such question to the electors throughout each precinct all or part of which includes all or part of the territory at the regular election specified in the resolution, ordinance or petition initiating the public question. A petition initiating a public question described in this subsection shall be filed with the election authority having jurisdiction over the municipality. A resolution, ordinance or petition initiating a public question described in this subsection shall specify the election at which the question is to be submitted.

(c) Local questions of public policy authorized by this Section and statewide questions of public policy authorized by Section 28-9 shall be advisory public questions, and no legal effects shall result from the adoption or rejection of such propositions.

(d) This Section does not apply to a petition filed pursuant to Article IX of the Liquor Control Act of 1934.

(10 ILCS 5/28-8) (from Ch. 46, par. 28-8)

Sec. 28-8. If a referendum to be held in accordance with Section 28-7 of this Act involved involves the question of whether a unit of local government shall become a home rule unit or shall cease to be a home rule unit and if that referendum passed, then the clerk of that unit of local government shall, within 45 at least 20 days prior to the referendum, file

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with the Secretary of State a certified statement indicating when the referendum will be held. Within 30 days after the referendum, such clerk shall file with the Secretary of State a certified statement showing the results of the referendum and the resulting status of the unit of local government as a home rule unit or a non-home rule unit. The Secretary of State shall maintain such certified statements in his office as a public record.  
(Source: P.A. 80-1469.)

Section 10. The Attorney General Act is amended by changing Section 4 as follows:

(15 ILCS 205/4) (from Ch. 14, par. 4)
Sec. 4. The duties of the Attorney General shall be--
First - To appear for and represent the people of the State before the supreme court in all cases in which the State or the people of the State are interested.
Second - To institute and prosecute all actions and proceedings in favor of or for the use of the State, which may be necessary in the execution of the duties of any State officer.
Third - To defend all actions and proceedings against any State officer, in his official capacity, in any of the courts of this State or the United States.
Fourth - To consult with and advise the several State's Attorneys in matters relating to the duties of their office; and when, in his judgment, the interest of the people of the State requires it, he shall attend the trial of any party accused of crime, and assist in the prosecution. When the Attorney General has requested in writing that a State's Attorney initiate court proceedings to enforce any provisions of the Election Code or to initiate a criminal prosecution with respect to a violation of the Election Code, and when the State's Attorney has declined in writing to initiate those proceedings or prosecutions or when the State's Attorney has neither initiated the proceedings or prosecutions nor responded in writing to the Attorney General within 60 days of the receipt of the request, the Attorney General may, concurrently with or independently of the State's Attorney,

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initiate such proceedings or prosecutions. The Attorney General may investigate and prosecute any violation of the Election Code at the request of the State Board of Elections or a State's Attorney.

Fifth - To investigate alleged violations of the statutes which the Attorney General has a duty to enforce and to conduct other investigations in connection with assisting in the prosecution of a criminal offense at the request of a State's Attorney.

Sixth - To consult with and advise the governor and other State officers, and give, when requested, written opinions upon all legal or constitutional questions relating to the duties of such officers respectively.

Seventh - To prepare, when necessary, proper drafts for contracts and other writings relating to subjects in which the State is interested.

Eighth - To give written opinions, when requested by either branch of the general assembly, or any committee thereof, upon constitutional or legal questions.

Ninth - To enforce the proper application of funds appropriated to the public institutions of the State, prosecute breaches of trust in the administration of such funds, and, when necessary, prosecute corporations for failure or refusal to make the reports required by law.

Tenth - To keep, a register of all cases prosecuted or defended by him, in behalf of the State or its officers, and of all proceedings had in relation thereto, and to deliver the same to his successor in office.

Eleventh - To keep on file in his office a copy of the official opinions issued by the Attorney General and deliver same to his successor.

Twelfth - To pay into the State treasury all moneys received by him for the use of the State.

Thirteenth - To attend to and perform any other duty which may, from time to time, be required of him by law.

Fourteenth - To attend, present evidence to and prosecute indictments returned by each Statewide Grand Jury.

(Source: P.A. 94-291, eff. 7-21-05.)

Section 15. The Illinois Municipal Code is amended by changing Sections 3.1-20-45, 3.1-25-40, 5-2-18.5, and 5-2-19 as follows:

(65 ILCS 5/3.1-20-45)

New matter indicated by italics - deletions by strikeout
Sec. 3.1-20-45. Nonpartisan primary elections; uncontested office. A city incorporated under this Code that elects municipal officers at nonpartisan primary and general elections shall conduct the elections as provided in the Election Code, except that no office for which nomination is uncontested shall be included on the primary ballot and no primary shall be held for that office. For the purposes of this Section, an office is uncontested when not more than \( \frac{4}{2} \) persons to be nominated for each office have timely filed valid nominating papers seeking nomination for the election to that office.

Notwithstanding the preceding paragraph, when a person (i) who has not timely filed valid nomination papers and (ii) who intends to become a write-in candidate for nomination for any office for which nomination is uncontested files a written statement or notice of that intent with the proper election official with whom the nomination papers for that office are filed, if the write-in candidate becomes the fifth candidate filed, a primary ballot must be prepared and a primary must be held for the office. The statement or notice must be filed on or before the 61st day before the consolidated primary election. The statement must contain (i) the name and address of the person intending to become a write-in candidate, (ii) a statement that the person intends to become a write-in candidate, and (iii) the office the person is seeking as a write-in candidate. An election authority has no duty to conduct a primary election or prepare a primary ballot unless a statement meeting the requirements of this paragraph is filed in a timely manner.

(Source: P.A. 91-57, eff. 6-30-99.)

(65 ILCS 5/3.1-25-40) (from Ch. 24, par. 3.1-25-40)

Sec. 3.1-25-40. Ballots.

(a) If the office of president is to be filled, only the names of the \( \frac{4}{2} \) candidates receiving the highest number of votes for president shall be placed on the ballot for president at the next succeeding general municipal election. The names of candidates in a number equal to \( \frac{4}{2} \) times the number of trustee positions to be filled receiving the highest number of votes for trustee, or the names of all candidates if less than \( \frac{4}{2} \) times the
number of trustee positions to be filled, shall be placed on the ballot for that office at the municipal election.

(b) An elector, however, at either a primary election or a general municipal election held under Sections 3.1-25-20 through 3.1-25-55, may write in the names of the candidates of that elector's choice in accordance with the general election law. If, however, the name of only one candidate for a particular office appeared on the primary ballot, the name of the person having the largest number of write-in votes shall not be placed upon the ballot at the general municipal election unless the number of votes received in the primary election by that person was at least 10% of the number of votes received by the candidate for the same office whose name appeared on the primary ballot.

(c) If a nominee at a general primary election dies or withdraws before the general municipal election, there shall be placed on the ballot the name of the candidate receiving the next highest number of votes, and so on in case of the death or withdrawal of more than one nominee.

(d) If in the application of this Section there occurs the condition provided for in Section 3.1-25-45, there shall be placed on the ballot the name of the candidate who was not chosen by lot under that Section where one of 2 tied candidates had been placed on the ballot before the death or withdrawal occurred. If, however, in the application of this Section, the candidate with the next highest number of votes cannot be determined because of a tie among 2 or more candidates, the successor nominee whose name shall be placed on the ballot shall be determined by lot as provided in Section 3.1-25-45.

(Source: P.A. 87-1119.)

(65 ILCS 5/5-2-18.5) (from Ch. 24, par. 5-2-18.5)
Sec. 5-2-18.5.

To determine the number of nominees who shall be placed on the ballot under each sub-title at the general city election, the number of officers who will be chosen under each sub-title shall be multiplied by 4. Only those candidates at the primary election shall be nominees under each sub-title at the general city election who have received the 4 highest number of votes, where but one officer is to be elected, the 8 highest

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where but two officers are to be elected, and in this manner as far as necessary.
(Source: P.A. 76-1426.)

(65 ILCS 5/5-2-19) (from Ch. 24, par. 5-2-19)
Sec. 5-2-19. In any city which was operating under the aldermanic form of government as provided in Article 3 at the time of adoption of this Article 5 which did not also elect to continue to choose aldermen from wards, the city clerk and city treasurer shall be nominated and elected in the same manner as provided in this Article 5 for the nomination and election of the mayor and councilmen. To achieve this result: wherever the term "mayor or commissioners" appears in Sections 4-3-7 through 4-3-18, it shall be construed to include the words "or clerk or treasurer". The names of candidates for nomination shall be placed on the primary election ballot prescribed in Section 5-2-13 and such ballot shall be modified to include the heading "For Clerk--Vote for one" immediately following the names of candidates for councilmen and to include the heading "For Treasurer--Vote for one" immediately following the names of candidates for clerk. The names of the 4 2 candidates receiving the highest number of votes for each of the respective offices shall be placed on the general municipal election ballot prescribed in Section 5-2-13 which ballot shall be modified to include such offices and names in the same manner as is provided in this section for the primary ballot. If any candidate nominated for the office of clerk or treasurer dies or withdraws before the general municipal election the name of the person receiving the fifth highest number of votes for nomination to that office shall be placed on the ballot for that election.

However, in any city not exceeding 100,000 inhabitants which adopts this Article 5 and elects a mayor and aldermen or councilmen as provided in Section 5-2-12, or Sections 5-2-18 through 5-2-18.8, the council may, in lieu of electing a clerk and treasurer as provided in the above paragraph, provide by ordinance that the clerk or treasurer or both for such city be appointed by the mayor with the approval of the city council. If such officers are appointed their terms of office, duties,
compensation and amount of bond required shall be the same as if they were elected.
(Source: P.A. 85-461.)

(65 ILCS 5/4-3-5 rep.)
(65 ILCS 5/4-3-10 rep.)
(65 ILCS 5/4-3-10.1 rep.)
(65 ILCS 5/4-3-13 rep.)
(65 ILCS 5/4-3-14 rep.)

Section 20. The Illinois Municipal Code is amended by repealing Sections 4-3-5, 4-3-10, 4-3-10.1, 4-3-13, and 4-3-14.

Section 25. The School Code is amended by changing Section 24-2 as follows:

(105 ILCS 5/24-2) (from Ch. 122, par. 24-2)

Sec. 24-2. Holidays. Teachers shall not be required to teach on Saturdays; nor shall teachers or other school employees, other than noncertificated school employees whose presence is necessary because of an emergency or for the continued operation and maintenance of school facilities or property, be required to work on legal school holidays, which are January 1, New Year's Day; the third Monday in January, the Birthday of Dr. Martin Luther King, Jr.; February 12, the Birthday of President Abraham Lincoln; the first Monday in March (to be known as Casimir Pulaski's birthday); Good Friday; the day designated as Memorial Day by federal law; July 4, Independence Day; the first Monday in September, Labor Day; the second Monday in October, Columbus Day; November 11, Veteran's Day; the Thursday in November commonly called Thanksgiving Day; and December 25, Christmas Day. School boards may grant special holidays whenever in their judgment such action is advisable, except that no school board or board of education may designate or observe as a special holiday on which teachers or other school employees are not required to work the days on which general elections for members of the Illinois House of Representatives are held. No deduction shall be made from the time or compensation of a school employee on account of any legal or special holiday.

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Commemorative holidays, which recognize specified patriotic, civic, cultural or historical persons, activities, or events, are regular school days. Commemorative holidays are: January 28 (to be known as Christa McAuliffe Day and observed as a commemoration of space exploration), February 15 (the birthday of Susan B. Anthony), March 29 (Viet Nam War Veterans Day), September 11 (September 11th Day of Remembrance), the school day immediately preceding Veteran's Day (Korean War Veterans Day), October 1 (Recycling Day), December 7 (Pearl Harbor Veterans Day) and any day so appointed by the President or Governor. School boards may establish commemorative holidays whenever in their judgment such action is advisable. School boards shall include instruction relative to commemorated persons, activities, or events on the commemorative holiday or at any other time during the school year and at any point in the curriculum when such instruction may be deemed appropriate. The State Board of Education shall prepare and make available to school boards instructional materials relative to commemorated persons, activities, or events which may be used by school boards in conjunction with any instruction provided pursuant to this paragraph.

City of Chicago School District 299 shall observe March 4 of each year as a commemorative holiday. This holiday shall be known as Mayors' Day which shall be a day to commemorate and be reminded of the past Chief Executive Officers of the City of Chicago, and in particular the late Mayor Richard J. Daley and the late Mayor Harold Washington. If March 4 falls on a Saturday or Sunday, Mayors' Day shall be observed on the following Monday.

(Source: P.A. 92-704, eff. 7-19-02.)

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect upon becoming law.

Approved November 9, 2007.
Effective November 9, 2007.

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AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Public Utilities Act is amended by adding Section 20-130 and by changing Sections 8-406, 8-503, and 16-118 as follows:

(220 ILCS 5/8-406) (from Ch. 111 2/3, par. 8-406)

Sec. 8-406. Certificate of public convenience and necessity.
(a) No public utility not owning any city or village franchise nor engaged in performing any public service or in furnishing any product or commodity within this State as of July 1, 1921 and not possessing a certificate of public convenience and necessity from the Illinois Commerce Commission, the State Public Utilities Commission or the Public Utilities Commission, at the time this amendatory Act of 1985 goes into effect, shall transact any business in this State until it shall have obtained a certificate from the Commission that public convenience and necessity require the transaction of such business.

(b) No public utility shall begin the construction of any new plant, equipment, property or facility which is not in substitution of any existing plant, equipment, property or facility or any extension or alteration thereof or in addition thereto, unless and until it shall have obtained from the Commission a certificate that public convenience and necessity require such construction. Whenever after a hearing the Commission determines that any new construction or the transaction of any business by a public utility will promote the public convenience and is necessary thereto, it shall have the power to issue certificates of public convenience and necessity. The Commission shall determine that proposed construction will promote the public convenience and necessity only if the utility demonstrates: (1) that the proposed construction is necessary to provide adequate, reliable, and efficient service to its customers and is the least-cost means of satisfying the service needs of its customers or that the proposed construction will promote the development of an effectively

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competitive electricity market that operates efficiently, is equitable to all customers, and is the least cost means of satisfying those objectives; (2) that the utility is capable of efficiently managing and supervising the construction process and has taken sufficient action to ensure adequate and efficient construction and supervision thereof; and (3) that the utility is capable of financing the proposed construction without significant adverse financial consequences for the utility or its customers.

(c) After the effective date of this amendatory Act of 1987, no construction shall commence on any new nuclear power plant to be located within this State, and no certificate of public convenience and necessity or other authorization shall be issued therefor by the Commission, until the Director of the Illinois Environmental Protection Agency finds that the United States Government, through its authorized agency, has identified and approved a demonstrable technology or means for the disposal of high level nuclear waste, or until such construction has been specifically approved by a statute enacted by the General Assembly.

As used in this Section, "high level nuclear waste" means those aqueous wastes resulting from the operation of the first cycle of the solvent extraction system or equivalent and the concentrated wastes of the subsequent extraction cycles or equivalent in a facility for reprocessing irradiated reactor fuel and shall include spent fuel assemblies prior to fuel reprocessing.

(d) In making its determination, the Commission shall attach primary weight to the cost or cost savings to the customers of the utility. The Commission may consider any or all factors which will or may affect such cost or cost savings.

(e) The Commission may issue a temporary certificate which shall remain in force not to exceed one year in cases of emergency, to assure maintenance of adequate service or to serve particular customers, without notice or hearing, pending the determination of an application for a certificate, and may by regulation exempt from the requirements of this Section temporary acts or operations for which the issuance of a certificate will not be required in the public interest.
A public utility shall not be required to obtain but may apply for and obtain a certificate of public convenience and necessity pursuant to this Section with respect to any matter as to which it has received the authorization or order of the Commission under the Electric Supplier Act, and any such authorization or order granted a public utility by the Commission under that Act shall as between public utilities be deemed to be, and shall have except as provided in that Act the same force and effect as, a certificate of public convenience and necessity issued pursuant to this Section.

No electric cooperative shall be made or shall become a party to or shall be entitled to be heard or to otherwise appear or participate in any proceeding initiated under this Section for authorization of power plant construction and as to matters as to which a remedy is available under The Electric Supplier Act.

(f) Such certificates may be altered or modified by the Commission, upon its own motion or upon application by the person or corporation affected. Unless exercised within a period of 2 years from the grant thereof authority conferred by a certificate of convenience and necessity issued by the Commission shall be null and void.

No certificate of public convenience and necessity shall be construed as granting a monopoly or an exclusive privilege, immunity or franchise.

(Source: P.A. 90-561, eff. 12-16-97.)
(220 ILCS 5/8-503) (from Ch. 111 2/3, par. 8-503)

Sec. 8-503. Whenever the Commission, after a hearing, shall find that additions, extensions, repairs or improvements to, or changes in, the existing plant, equipment, apparatus, facilities or other physical property of any public utility or of any 2 or more public utilities are necessary and ought reasonably to be made or that a new structure or structures is or are necessary and should be erected, to promote the security or convenience of its employees or the public or promote the development of an effectively competitive electricity market, or in any other way to secure adequate service or facilities, the Commission shall make and serve an order authorizing or directing that such additions, extensions, repairs,

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improvements or changes be made, or such structure or structures be erected at the location, in the manner and within the time specified in said order; provided, however, that the Commission shall have no authority to order the construction, addition or extension of any electric generating plant unless the public utility requests a certificate for the construction of the plant pursuant to Section 8-406 and in conjunction with such request also requests the entry of an order under this Section. If any additions, extensions, repairs, improvements or changes, or any new structure or structures, which the Commission has authorized or ordered to be erected, require joint action by 2 or more public utilities, the Commission shall notify the said public utilities that such additions, extensions, repairs, improvements or changes or new structure or structures have been authorized or ordered and that the same shall be made at the joint cost whereupon the said public utilities shall have such reasonable time as the Commission may grant within which to agree upon the apportionment or division of cost of such additions, extensions, repairs, improvements or changes or new structure or structures, which each shall bear. If at the expiration of such time such public utilities shall fail to file with the Commission a statement that an agreement has been made for a division or apportionment of the cost or expense of such additions, extensions, repairs, improvements or changes, or new structure or structures, the Commission shall have authority, after further hearing, to make an order fixing the proportion of such cost or expense to be borne by each public utility and the manner in which the same shall be paid or secured.

Nothing in this Act shall prevent the Commission, upon its own motion or upon petition, from ordering, after a hearing, the extension, construction, connection or interconnection of plant, equipment, pipe, line, facilities or other physical property of a public utility in whatever configuration the Commission finds necessary to ensure that natural gas is made available to consumers at no increased cost to the customers of the utility supplying the gas.

Whenever the Commission finds, after a hearing, that the public convenience or necessity requires it, the Commission may order public utilities subject to its jurisdiction to work jointly (1) for the purpose of

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purchasing and distributing natural gas or gas substitutes, provided it shall not increase the cost of gas to the customers of the participating utilities, or (2) for any other reasonable purpose.

(Source: P.A. 90-561, eff. 12-16-97.)

Sec. 16-118. Services provided by electric utilities to alternative retail electric suppliers.

(a) It is in the best interest of Illinois energy consumers to promote fair and open competition in the provision of electric power and energy and to prevent anticompetitive practices in the provision of electric power and energy. Therefore, to the extent an electric utility provides electric power and energy or delivery services to alternative retail electric suppliers and such services are not subject to the jurisdiction of the Federal Energy Regulatory Commission, and are not competitive services, they shall be provided through tariffs that are filed with the Commission, pursuant to Article IX of this Act. Each electric utility shall permit alternative retail electric suppliers to interconnect facilities to those owned by the utility provided they meet established standards for such interconnection, and may provide standby or other services to alternative retail electric suppliers. The alternative retail electric supplier shall sign a contract setting forth the prices, terms and conditions for interconnection with the electric utility and the prices, terms and conditions for services provided by the electric utility to the alternative retail electric supplier in connection with the delivery by the electric utility of electric power and energy supplied by the alternative retail electric supplier.

(b) An electric utility shall file a tariff pursuant to Article IX of the Act that would allow alternative retail electric suppliers or electric utilities other than the electric utility in whose service area retail customers are located to issue single bills to the retail customers for both the services provided by such alternative retail electric supplier or other electric utility and the delivery services provided by the electric utility to such customers. The tariff filed pursuant to this subsection shall (i) require partial payments made by retail customers to be credited first to the electric utility's tariffed services, (ii) impose commercially reasonable terms with
respect to credit and collection, including requests for deposits, (iii) retain the electric utility's right to disconnect the retail customers, if it does not receive payment for its tariffed services, in the same manner that it would be permitted to if it had billed for the services itself, and (iv) require the alternative retail electric supplier or other electric utility that elects the billing option provided by this tariff to include on each bill to retail customers an identification of the electric utility providing the delivery services and a listing of the charges applicable to such services. The tariff filed pursuant to this subsection may also include other just and reasonable terms and conditions. In addition, an electric utility, an alternative retail electric supplier or electric utility other than the electric utility in whose service area the customer is located, and a customer served by such alternative retail electric supplier or other electric utility, may enter into an agreement pursuant to which the alternative retail electric supplier or other electric utility pays the charges specified in Section 16-108, or other customer-related charges, including taxes and fees, in lieu of such charges being recovered by the electric utility directly from the customer.

(c) An electric utility with more than 100,000 customers shall file a tariff pursuant to Article IX of this Act that provides alternative retail electric suppliers, and electric utilities other than the electric utility in whose service area the retail customers are located, with the option to have the electric utility purchase their receivables for power and energy service provided to residential retail customers and non-residential retail customers with a non-coincident peak demand of less than 400 kilowatts. Receivables for power and energy service of alternative retail electric suppliers or electric utilities other than the electric utility in whose service area the retail customers are located shall be purchased by the electric utility at a just and reasonable discount rate to be reviewed and approved by the Commission after notice and hearing. The discount rate shall be based on the electric utility's historical bad debt and any reasonable start-up costs and administrative costs associated with the electric utility's purchase of receivables. The discounted rate for purchase of receivables shall be included in the tariff filed pursuant to this subsection (c). The discount rate filed pursuant to this subsection (c) shall be subject to

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periodic Commission review. The electric utility retains the right to impose the same terms on retail customers with respect to credit and collection, including requests for deposits, and retain the electric utility's right to disconnect the retail customers, if it does not receive payment for its tariffed services or purchased receivables, in the same manner that it would be permitted to if the retail customers purchased power and energy from the electric utility. The tariff filed pursuant to this subsection (c) shall permit the electric utility to recover from retail customers any uncollected receivables that may arise as a result of the purchase of receivables under this subsection (c), may also include other just and reasonable terms and conditions, and shall provide for the prudently incurred costs associated with the provision of this service pursuant to this subsection (c). Nothing in this subsection (c) permits the double recovery of bad debt expenses from customers.

(d) An electric utility with more than 100,000 customers shall file a tariff pursuant to Article IX of this Act that would provide alternative retail electric suppliers or electric utilities other than the electric utility in whose service area retail customers are located with the option to have the electric utility produce and provide single bills to the retail customers for both the electric power and energy service provided by the alternative retail electric supplier or other electric utility and the delivery services provided by the electric utility to the customers. The tariffs filed pursuant to this subsection shall require the electric utility to collect and remit customer payments for electric power and energy service provided by alternative retail electric suppliers or electric utilities other than the electric utility in whose service area retail customers are located. The tariff filed pursuant to this subsection shall require the electric utility to include on each bill to retail customers an identification of the alternative retail electric supplier or other electric utility that elects the billing option. The tariff filed pursuant to this subsection (d) may also include other just and reasonable terms and conditions and shall provide for the recovery of prudently incurred costs associated with the provision of service pursuant to this subsection (d). The costs associated with the provision of service pursuant to this Section shall be subject to periodic Commission review.
(e) An electric utility with more than 100,000 customers in this State shall file a tariff pursuant to Article IX of this Act that provides alternative retail electric suppliers, and electric utilities other than the electric utility in whose service area the retail customers are located, with the option to have the electric utility purchase 2 billing cycles worth of uncollectible receivables for power and energy service provided to residential retail customers and to non-residential retail customers with a non-coincident peak demand of less than 400 kilowatts upon returning that customer to that electric utility for delivery and energy service after that alternative retail electric supplier, or an electric utility other than the electric utility in whose service area the retail customer is located, has made reasonable collection efforts on that account. Uncollectible receivables for power and energy service of alternative retail electric suppliers, or electric utilities other than the electric utility in whose service area the retail customers are located, shall be purchased by the electric utility at a just and reasonable discount rate to be reviewed and approved by the Commission, after notice and hearing. The discount rate shall be based on the electric utility's historical bad debt for receivables that are outstanding for a similar length of time and any reasonable start-up costs and administrative costs associated with the electric utility's purchase of receivables. The discounted rate for purchase of uncollectible receivables shall be included in the tariff filed pursuant to this subsection (e). The electric utility retains the right to impose the same terms on these retail customers with respect to credit and collection, including requests for deposits, and retains the right to disconnect these retail customers, if it does not receive payment for its tariffed services or purchased receivables, in the same manner that it would be permitted to if the retail customers had purchased power and energy from the electric utility. The tariff filed pursuant to this subsection (e) shall permit the electric utility to recover from retail customers any uncollectable receivables that may arise as a result of the purchase of uncollectible receivables under this subsection (e), may also include other just and reasonable terms and conditions, and shall provide for the prudently incurred costs associated with the provision of this service pursuant to this subsection (e). Nothing in this
subsection (e) permits the double recovery of utility bad debt expenses from customers. The electric utility may file a joint tariff for this subsection (e) and subsection (c) of this Section.

(Source: P.A. 90-561, eff. 12-16-97.)

(220 ILCS 5/20-130 new)

Sec. 20-130. Retail choice and referral programs.

(a) The Commission shall have the authority to establish retail choice and referral programs to be administered by an electric utility or the State in which residential and small commercial customers receive incentives, including, but not limited to, discounted rate introductory offers for switching to participating electric suppliers.

(b) Reasonable costs associated with the implementation and operation of customer choice and referral programs may be recovered in an electric utility's distribution rates, except that any costs associated with any introductory discount for switching to a supplier shall be assumed by that supplier. Reasonable costs associated with the implementation and operation of a customer choice program may also be recovered from retail electric suppliers participating in a customer choice and referral program. In no event, however, shall the Commission mandate a cost recovery mechanism without first providing all interested parties notice and an opportunity to be heard in a hearing before the Commission.

(c) The Office of Retail Market Development shall serve as the clearinghouse for the development of retail choice and referral programs and shall work with electric utilities and interested parties on a continuous basis to implement and improve upon the programs. Nothing in this Section, however, shall prevent an electric utility on its own accord from implementing retail choice and referral programs.

(d) Only customers that qualify for utility service shall be eligible for retail choice and referral programs.

(e) The Office of Retail Market Development shall immediately upon the effective date of this amendatory Act of the 95th General Assembly explore for possible implementation on as expedited a basis as possible the following retail choice and referral programs:

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(1) An introductory fixed discount program in which suppliers participating in the program offer customers a fixed percentage discount off of the electric utility's supply rate for a set number of billing periods. Customers would be able to enroll in the program by using an online enrollment form, completing an enrollment card found in their monthly electric utility bill, or by calling a toll-free number. Customers would be free to withdraw from the program at any time and select another alternative retail electric supplier or return to the electric utility.

(2) A new customer program in which electric utilities would offer consumers initiating new electric service a choice of offers from participating electric suppliers to provide the consumer's electric supply service. Customers expressing a preference for a specific electric supplier would be enrolled with that supplier. Customers not expressing a preference for a specific electric supplier would be offered the opportunity to enroll with an electric supplier selected randomly on a rotating basis.

(3) A customer service call center referral program in which customers calling an electric utility's call center would be offered enrollment with an alternative retail electric supplier and informed that they have the option to receive immediate savings or introductory offers by participating in the referral program. Customers choosing to participate would be transferred to a customer service representative for the program and would either select the electric supplier from which they would like to take service or be placed with a participating electric supplier chosen at random on a rotating basis.

Nothing in this Section shall prevent the Office of Retail Market Development or the Commission from considering retail choice and referral programs in addition to the programs outlined in this Section.

Section 10. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2EE as follows:

(815 ILCS 505/2EE)

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Sec. 2EE. Electric service provider selection. An electric service provider shall not submit or execute a change in a subscriber's selection of a provider of electric service unless and until (i) the provider first discloses all material terms and conditions of the offer to the subscriber; (ii) the provider has obtained the subscriber's express agreement to accept the offer after the disclosure of all material terms and conditions of the offer; and (iii) the provider has confirmed the request for a change in accordance with one of the following procedures except as follows:

(a) The new electric service provider has obtained the subscriber's written or electronically signed authorization in a form that meets the following requirements:

(1) An electric service provider shall obtain any necessary written or electronically signed authorization from a subscriber for a change in electric service by using a letter of agency as specified in this Section. Any letter of agency that does not conform with this Section is invalid.

(2) The letter of agency shall be a separate document (an easily separable document containing only the authorization language described in subparagraph (a)(5) of this Section) whose sole purpose is to authorize an electric service provider change. The letter of agency must be signed and dated by the subscriber requesting the electric service provider change.

(3) The letter of agency shall not be combined with inducements of any kind on the same document.

(4) Notwithstanding subparagraphs (a)(1) and (a)(2) of this Section, the letter of agency may be combined with checks that contain only the required letter of agency language prescribed in subparagraph (a)(5) of this Section and the necessary information to make the check a negotiable instrument. The letter of agency check shall not contain any promotional language or material. The letter of agency check shall contain in easily readable, bold-face type on the face of the check, a notice that the consumer is authorizing an electric service provider change.

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by signing the check. The letter of agency language also shall be placed near the signature line on the back of the check.

(5) At a minimum, the letter of agency must be printed with a print of sufficient size to be clearly legible, and must contain clear and unambiguous language that confirms:

(i) The subscriber's billing name and address;
(ii) The decision to change the electric service provider from the current provider to the prospective provider;
(iii) The terms, conditions, and nature of the service to be provided to the subscriber must be clearly and conspicuously disclosed, in writing, and an electric service provider must directly establish the rates for the service contracted for by the subscriber; and
(iv) That the subscriber understand that any electric service provider selection the subscriber chooses may involve a charge to the subscriber for changing the subscriber's electric service provider.

(6) Letters of agency shall not suggest or require that a subscriber take some action in order to retain the subscriber's current electric service provider.

(7) If any portion of a letter of agency is translated into another language, then all portions of the letter of agency must be translated into that language.

(b) An appropriately qualified independent third party has obtained, in accordance with the procedures set forth in this subsection (b), the subscriber's oral authorization to change electric suppliers that confirms and includes appropriate verification data. The independent third party (i) must not be owned, managed, controlled, or directed by the supplier or the supplier's marketing agent; (ii) must not have any financial incentive to confirm supplier change requests for the supplier or the supplier's marketing agent; and (iii) must operate in a location physically separate from the supplier or the supplier's marketing agent.

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Automated third-party verification systems and 3-way conference calls may be used for verification purposes so long as the other requirements of this subsection (b) are satisfied.

A supplier or supplier's sales representative initiating a 3-way conference call or a call through an automated verification system must drop off the call once the 3-way connection has been established.

All third-party verification methods shall elicit, at a minimum, the following information: (i) the identity of the subscriber; (ii) confirmation that the person on the call is authorized to make the supplier change; (iii) confirmation that the person on the call wants to make the supplier change; (iv) the names of the suppliers affected by the change; (v) the service address of the supply to be switched; and (vi) the price of the service to be supplied and the material terms and conditions of the service being offered, including whether any early termination fees apply. Third-party verifiers may not market the supplier's services by providing additional information, including information regarding procedures to block or otherwise freeze an account against further changes.

All third-party verifications shall be conducted in the same language that was used in the underlying sales transaction and shall be recorded in their entirety. Submitting suppliers shall maintain and preserve audio records of verification of subscriber authorization for a minimum period of 2 years after obtaining the verification. Automated systems must provide consumers with an option to speak with a live person at any time during the call.

(c) When a subscriber initiates the call to the prospective electric supplier, in order to enroll the subscriber as a customer, the prospective electric supplier must, with the consent of the customer, make a date-stamped, time-stamped audio recording that elicits, at a minimum, the following information:

(1) the identity of the subscriber;
(2) confirmation that the person on the call is authorized to make the supplier change;
(3) confirmation that the person on the call wants to make the supplier change;

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(4) the names of the suppliers affected by the change;
(5) the service address of the supply to be switched; and
(6) the price of the service to be supplied and the material
terms and conditions of the service being offered, including
whether any early termination fees apply.
Submitting suppliers shall maintain and preserve the audio records
containing the information set forth above for a minimum period of 2
years.

(d) Complaints may be filed with the Illinois Commerce
Commission under this Section by a subscriber whose electric service has
been provided by an electric service supplier in a manner not in
compliance with this Section. If, after notice and hearing, the Commission
finds that an electric service provider has violated this Section, the
Commission may in its discretion do any one or more of the following:

(1) Require the violating electric service provider to refund
to the subscriber charges collected in excess of those that would
have been charged by the subscriber's authorized electric service
provider.

(2) Require the violating electric service provider to pay to
the subscriber's authorized electric supplier the amount the
authorized electric supplier would have collected for the electric
service. The Commission is authorized to reduce this payment by
any amount already paid by the violating electric supplier to the
subscriber's authorized provider for electric service.

(3) Require the violating electric subscriber to pay a fine of
up to $1,000 into the Public Utility Fund for each repeated and
intentional violation of this Section.

(4) Issue a cease and desist order.

(5) For a pattern of violation of this Section or for
intentionally violating a cease and desist order, revoke the
violating provider's certificate of service authority.

(e) For purposes of this Section, "electric service provider" shall
have the meaning given that phrase in Section 6.5 of the Attorney General
Act.

New matter indicated by italics - deletions by strikeout
AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Private Sewage Disposal Licensing Act is amended by changing Section 5b as follows:

(225 ILCS 225/5b)

Sec. 5b. Licensure required for the maintenance of pumping, hauling, and disposal of wastes from portable toilets and potable handwashing units; cleanliness standards.

(a) The Department shall by rule, establish and issue a separate license, independent of any other license issued under this Act, for the pumping, hauling, and disposal of wastes removed from the sewage disposal systems of portable toilets and portable, potable handwashing units and the cleaning, sanitizing, and maintenance of portable toilets and portable, potable handwashing units to qualified businesses persons responsible for the pumping, hauling, and disposal of wastes removed from the sewage disposal systems of portable toilets and portable, potable handwashing units and the cleaning, sanitizing, and maintenance of portable toilets and portable, potable handwashing units. These rules shall concern, but not be limited to, all of the following areas:

(1) License duration and expiration, renewal, reinstatement, and inactive status.
(2) All fees relating to initial licensure and renewal.
(3) Licensure application form and process.

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(4) Violations and penalties.
(5) Exemptions and waivers.
(6) Ventilation, safety, and security requirements of portable toilet units and the sewage disposal systems of portable toilet units.

(a-5) The Department shall by rule, establish and issue a certificate of registration as a portable sanitation technician for any employee of a business licensed under this Section who engages in the servicing of portable toilets and portable, potable handwashing units and the cleaning, sanitizing, and maintenance of portable toilets and portable, potable handwashing units. Beginning 6 months after the date of the adoption of Department rules implementing the provisions of this amendatory Act of the 95th General Assembly, no person may engage in the servicing of portable toilets in a manner that does not comply with the requirements of this Act and the rules established by the Department under this Act concerning the issuance of a certificate of registration as a portable sanitation technician. Prior to a registrant's initial renewal of his or her certificate of registration, the registrant must complete a certification program approved by the Department.

(b) Beginning 6 months after the date of the adoption of Department rules implementing the provisions of this amendatory Act of the 95th General Assembly, no person or business may engage in the pumping, hauling, and disposal of wastes removed from the sewage disposal systems of portable toilets and portable, potable handwashing units and the cleaning, sanitizing, and maintenance of portable toilets and portable, potable handwashing units without being licensed or certified under this Section. Beginning 6 months after the date of the adoption of Department rules concerning the establishment and issuance of a license for the pumping, hauling, and disposal of wastes removed from the sewage disposal systems of portable toilets, no person may engage in the pumping, hauling, or disposal of wastes removed from the sewage disposal systems of portable toilets in a manner that does not comply with the requirements of this Act and the rules established by the Department under this Act.

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concerning the pumping, hauling, and disposal of wastes removed from the sewage disposal systems of portable toilets.

(c) The Department shall require the successful completion of an examination, prescribed by the Department, prior to licensure. The Department may accept the Portable Sanitation Association International's Health and Safety Certification Program as an acceptable educational and testing program.

(d) The Department shall consider and make any necessary amendments to the private sewage disposal code in relation to a license issued for the pumping, hauling, and disposal of wastes removed from the sewage disposal systems of portable toilets and portable, potable handwashing units and the cleaning, sanitizing, and maintenance of portable toilets and portable, potable handwashing units.

(e) The Department shall establish and enforce standards of cleanliness for companies that sell, lease, rent, or otherwise maintain portable toilet units and portable, potable handwashing units for commercial purposes, which shall include, but not be limited to, the following requirements:

   (1) Each unit shall be thoroughly cleaned at each pumping, including all parts of the unit, which are the urinal, tank, walls, floors, door, and roof.

   (2) Soap or anti-bacterial hand cleaner and paper products shall be refilled in each unit at each pumping, if required.

   (3) After a unit is cleaned, it shall be inspected to ensure compliance with Department rules concerning the ventilation, safety, and security of the unit.

   (4) A company shall designate at least one representative who shall be responsible for ensuring that each unit maintained by the company meets the standards of cleanliness set forth in this subsection (d) and any additional standards established by the Department. Companies that have designated a person to clean units may not designate the same person the responsibility of ensuring unit compliance with the standards of cleanliness.

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(5) Those persons engaging in cleaning units shall wear protective equipment and be trained in proper procedures for sanitation and self-protection.

(Source: P.A. 94-138, eff. 7-7-05.)

Section 99. Effective date. This Act takes effect upon becoming law.

Certified By The Governor November 29, 2007.

PUBLIC ACT 95-0702
(House Bill No. 1759)

AN ACT concerning public health.

WHEREAS, The majority of children who are infected with human immunodeficiency virus (HIV) acquire the virus from their mothers during pregnancy; and

WHEREAS, More than one million Americans are infected with HIV, and 40,000 new cases of HIV occur each year; and

WHEREAS, More than one-quarter of persons with HIV do not know they are infected and contribute to up to 70% of new cases of HIV each year; and

WHEREAS, Pregnant women, particularly women of color, are at high risk for acquiring HIV, but often do not know they carry the risk of transmitting the virus to their newborns; and

WHEREAS, More than 99% of mother-to-newborn transmissions of HIV can be prevented if a pregnant woman is tested for HIV and treated with medications before the birth of her child; and

WHEREAS, National recommendations for preventing mother-to-newborn HIV infection from authorities, including the Institute of Medicine, the Centers for Disease Control and Prevention, the American

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College of Obstetricians and Gynecologists, the American Academy of Pediatrics, the Presidential Advisory Council on HIV/AIDS, and the National Congress of Black Women, indicate that the most effective way to prevent mother-to-newborn HIV transmission is through routine prenatal testing of all pregnant women with the right to refuse; and

WHEREAS, Nearly 300 babies have been born with HIV in Illinois since 1994 since it was demonstrated that prenatal HIV testing and treatment can prevent mother-to-newborn HIV infection; and

WHEREAS, The earlier in a pregnancy a woman is identified as having HIV, the greater the opportunity to provide her with more effective care for herself and prevent transmission of HIV to her newborn; and

WHEREAS, The public health will be served by expanding the availability of informed, voluntary, and confidential HIV testing and making HIV testing a routine part of general medical care, as recommended by the United States Centers for Disease Control and Prevention; therefore

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Perinatal HIV Prevention Act is amended by changing Sections 10 and 15 as follows:

(410 ILCS 335/10)

Sec. 10. HIV counseling and offer of HIV testing required.

(a) Every health care professional who provides health care services to a pregnant woman shall, unless she has already been tested during the current pregnancy, provide the woman with HIV counseling, as described in subpart (d) of this Section, and shall test her for HIV unless she refuses. A refusal may be verbal or in writing. A health care professional shall provide the counseling and recommend the testing as early in the woman's pregnancy as possible. For women at continued risk of exposure to HIV infection in the judgment of the health care professional, a repeat test should be recommended late in pregnancy or at the time of labor and delivery. The health care professional shall inform...
the pregnant woman that, should she refuse HIV testing during pregnancy, her newborn infant will be tested for HIV. The counseling and testing or refusal of testing recommendation of testing shall be documented in the woman's medical record.

(b) Every health care professional or facility that cares for a pregnant woman during labor or delivery shall, unless she has already been tested during the current pregnancy, provide the woman with HIV counseling, as described in subpart (d) of this Section, and recommend HIV testing unless she refuses. A refusal may be verbal or in writing. HIV testing shall be provided with the woman's consent. No counseling or offer of testing is required if already provided during the woman's pregnancy. The counseling and testing or refusal of testing and offer of testing shall be documented in the woman's medical record. The health care facility shall adopt a policy that provides that as soon as possible within medical standards after the infant's birth, the mother's HIV test result, if available, shall be noted in the newborn infant's medical record. It shall also be noted in the newborn infant's medical record if the mother's HIV test result is not available because she has not been tested or has declined testing. Any testing or test results shall be documented in accordance with the AIDS Confidentiality Act.

(c) Every health care professional or facility caring for a newborn infant shall, upon delivery or as soon as possible within medical standards after the infant's birth, provide counseling as described in subsection (d) of this Section to the parent or guardian of the infant and perform rapid HIV testing on the infant, when the HIV status of the infant's mother is unknown.

(d) The counseling required under this Section must be provided in accordance with the AIDS Confidentiality Act and must include the following:

1. For the health of the pregnant woman, the voluntary nature of the testing, and the benefits of HIV testing, including the prevention of transmission, and the requirement that HIV testing be performed unless she refuses and the methods by which she can refuse.

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(2) The benefit of HIV testing for herself and the newborn infant, including interventions to prevent HIV transmission.

(3) The side effects of interventions to prevent HIV transmission.

(4) The statutory confidentiality provisions that relate to HIV and acquired immune deficiency syndrome ("AIDS") testing.

(5) The requirement for mandatory testing of the newborn if the mother's HIV status is unknown at the time of delivery.

(6) An explanation of the test, including its purpose, limitations, and the meaning of its results.

(7) An explanation of the procedures to be followed.

(8) The availability of additional or confirmatory testing, if appropriate. Counseling may be provided in writing, verbally, or by video, electronic, or other means. The woman must be offered an opportunity to ask questions about testing and to decline testing for herself.

(e) All counseling and testing must be performed in accordance with the standards set forth in the AIDS Confidentiality Act, including the written informed consent provisions of Sections 4, 7, and 8 of that Act, with the exception of the requirement of consent for testing of newborn infants.

Consent for testing of a newborn infant shall be presumed when a health care professional or health care facility seeks to perform a test on a newborn infant whose mother's HIV status is not known, provided that the counseling required under subsection (d) of this Section and the AIDS Confidentiality Act has taken place.

(f) The Illinois Department of Public Health shall adopt necessary rules to implement this Act by July 1, 2008.

(Source: P.A. 93-566, eff. 8-20-03; 94-910, eff. 6-23-06.)

(410 ILCS 335/15)

Sec. 15. Reporting.

(a) A health care facility shall adopt a policy that provides that a report of a preliminarily HIV-positive woman and a report of a preliminarily HIV-exposed newborn infant identified by a rapid HIV test

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conducted during labor and delivery or after delivery shall be made to the Department's Perinatal HIV Hotline within 24 hours after birth. Section 15 of the AIDS Confidentiality Act applies to reporting under this Act, except that the immunities set forth in that Section do not apply in cases of willful or wanton misconduct.

(b) The Department shall adopt rules specifying the information required in reporting the preliminarily HIV-positive woman and preliminarily HIV-exposed newborn infant and the method of reporting. In adopting the rules, the Department shall consider the need for information, protections for the privacy and confidentiality of the infant and parents, the need to provide access to care and follow-up services to the infant, and procedures for destruction of records maintained by the Department if, through subsequent HIV testing, the woman or newborn infant is found to be HIV-negative.

(c) The confidentiality provisions of the AIDS Confidentiality Act shall apply to the reports of cases of perinatal HIV made pursuant to this Section.

(d) Health care facilities shall monthly report aggregate statistics to the Department that include the number of infected women who presented with known HIV status, the number of pregnant women rapidly tested for HIV in labor and delivery, the number of newborn infants rapidly tested for HIV-exposure, the number of preliminarily HIV-positive pregnant women and preliminarily HIV-exposed newborn infants identified, the number of families referred to case management, and other information the Department determines is necessary to measure progress under the provisions of this Act. Health care facilities must report the confirmatory test result when it becomes available for each preliminarily positive rapid HIV test performed on the woman and newborn.

(e) The Department or its authorized representative shall provide case management services to the preliminarily positive pregnant woman or the parent or guardian of the preliminarily positive newborn infant to ensure access to treatment and care and other services as appropriate if the parent or guardian has consented to the services.

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(f) Every health care facility caring for a newborn infant whose mother had been diagnosed HIV positive prior to labor and delivery shall report a case of perinatal HIV exposure in accordance with the HIV/AIDS Registry Act, the Illinois Sexually Transmissible Disease Control Act, and rules to be developed by the Department. If after 18 months from the date that the report was submitted, a newborn infant is determined to not have HIV or AIDS, the Department shall remove the newborn infant's name from all reports, records, and files collected or created under this subsection (f).

(Source: P.A. 94-910, eff. 6-23-06.)

Governor Returns Bill With Recommendation For Change
Certified By The Governor November 29, 2007.
Effective June 1, 2008.

PUBLIC ACT 95-0703
(House Bill No. 1284)

AN ACT concerning regulation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Regulatory Sunset Act is amended by changing Section 4.18 and by adding Section 4.28 as follows:
(5 ILCS 80/4.18)
(a) The following Acts are repealed on January 1, 2008:
The Acupuncture Practice Act.
The Home Medical Equipment and Services Provider License Act.
The Nursing and Advanced Practice Nursing Act.

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The Illinois Speech-Language Pathology and Audiology Practice Act.

The Marriage and Family Therapy Licensing Act.

The Nursing Home Administrators Licensing and Disciplinary Act.


The Structural Pest Control Act.

(b) The following Acts are repealed on December 31, 2008:


The Environmental Health Practitioner Licensing Act.

(Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06; 94-1085, eff. 1-19-07; revised 1-22-07.)

(5 ILCS 80/4.28 new)

Sec. 4.28. Acts repealed on January 1, 2018. The following Acts are repealed on January 1, 2018:

The Home Medical Equipment and Services Provider License Act.

The Marriage and Family Therapy Licensing Act.

The Nursing Home Administrators Licensing and Disciplinary Act.


Section 10. The Home Medical Equipment and Services Provider License Act is amended by changing Sections 10, 20, 25, 65, 75, 80, 85, 90, 95, 110, 115, 120, 125, 130, 135, and 145 as follows:

(225 ILCS 51/10)

(Section scheduled to be repealed on January 1, 2008)

Sec. 10. Definitions. As used in this Act:

(1) "Department" means the Department of Financial and Professional Regulation.

(2) "Secretary" "Director" means the Secretary Director of Financial and Professional Regulation.

(3) "Board" means the Home Medical Equipment and Services Board.

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(4) "Home medical equipment and services provider" or "provider" means a legal entity, as defined by State law, engaged in the business of providing home medical equipment and services, whether directly or through a contractual arrangement, to an unrelated sick or disabled individual where that individual resides.

(5) "Home medical equipment and services" means the delivery, installation, maintenance, replacement, or instruction in the use of medical equipment used by a sick or disabled individual to allow the individual to be maintained in his or her residence.

(6) "Home medical equipment" means technologically sophisticated medical devices, apparatuses, machines, or other similar articles bearing a label that states "Caution: federal law requires dispensing by or on the order of a physician.", which are usable in a home care setting, including but not limited to:
   (A) oxygen and oxygen delivery systems;
   (B) ventilators;
   (C) respiratory disease management devices, excluding compressor driven nebulizers;
   (D) wheelchair seating systems;
   (E) apnea monitors;
   (F) transcutaneous electrical nerve stimulator (TENS) units;
   (G) low air-loss cutaneous pressure management devices;
   (H) sequential compression devices;
   (I) neonatal home phototherapy devices;
   (J) enteral feeding pumps; and
   (K) other similar equipment as defined by the Board.
"Home medical equipment" also includes hospital beds and electronic and computer-driven wheelchairs, excluding scooters.

(7) "Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department's

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licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address, and such changes must be made either through the Department's website or by contacting the Department's licensure maintenance unit.

(Source: P.A. 90-532, eff. 11-14-97.)

(225 ILCS 51/20)
(Section scheduled to be repealed on January 1, 2008)

Sec. 20. Powers and duties of the Department.

(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensure Acts and shall exercise other powers and duties necessary for effectuating the purposes of this Act.

(b) The Department may adopt rules to administer and enforce this Act, including but not limited to fees for original licensure and renewal and restoration of licenses, and may prescribe forms to be issued to implement this Act. At a minimum, the rules adopted by the Department shall include standards and criteria for licensure and for professional conduct and discipline. The Department shall consult with the Board in adopting rules. Notice of proposed rulemaking shall be transmitted to the Board, and the Department shall review the Board's response and any recommendations made in the response. The Department shall notify the Board in writing with proper explanation of deviations from the Board's recommendations and response.

(c) The Department may at any time seek the advice and expert knowledge of the Board on any matter relating to the administration of this Act.

(d) (Blank). The Department shall issue a quarterly report to the Board of the status of all complaints related to the profession and filed with the Department.

(Source: P.A. 90-532, eff. 11-14-97.)

(225 ILCS 51/25)
(Section scheduled to be repealed on January 1, 2008)
Sec. 25. Home Medical Equipment and Services Board. The Secretary Director shall appoint a Home Medical Equipment and Services Board, in consultation with a state association representing the home medical equipment and services industry, to serve in an advisory capacity to the Secretary Director. The Board shall consist of 7 members. Four members shall be home medical equipment and services provider representatives, 2 of whom represent businesses grossing less than $500,000 per year in revenues, 2 of whom represent businesses grossing $500,000 or more per year in revenues, and at least one of whom shall also be a pharmacy-based provider. The 3 remaining members shall include one home care clinical specialist, one respiratory care practitioner, and one public member consumer of home medical equipment and services.

Members shall serve 4 year terms and until their successors are appointed and qualified, except that of the initial appointments, the consumer member shall be appointed to serve for one year, 2 members shall be appointed to serve for 2 years, 3 members shall be appointed to serve for 3 years, and one member who is a home medical equipment and services provider representative shall be appointed to serve for 4 years, and until their successors are appointed and qualified. No member shall be reappointed to the Board for a term that would cause continuous service on the Board to exceed 8 years. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term.

The home medical equipment and services provider representatives appointed to the Board shall have engaged in the provision of home medical equipment and services or related home care services for at least 3 years prior to their appointment, shall be currently engaged in providing home medical equipment and services in the State of Illinois, and must have no record of convictions related to fraud or abuse under either State or federal law.

The membership of the Board should reasonably reflect representation from the geographic areas in this State.

The Board shall annually elect one of its members as chairperson and vice chairperson.

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Members of the Board shall receive as compensation a reasonable sum as determined by the Secretary Director for each day actually engaged in the duties of the office, and shall be reimbursed for authorized expenses incurred in performing the duties of the office.

The Secretary Director may terminate the appointment of any member for cause which in the opinion of the Secretary Director reasonably justifies the termination.

Through consultation with members of a state association for the home medical equipment and services industry, the Board may recommend to the Department rules that specify the medical equipment to be included under this Act, that set standards for the licensure, professional conduct, and discipline of entities that provide home medical equipment and services, and that govern the safety and quality of home medical equipment and services. The Director shall consider the recommendations of the Board.

Members of the Board shall be immune from suit in an action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

A majority of Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the rights of a quorum to exercise the rights and perform all of the duties of the Board.

(Source: P.A. 90-532, eff. 11-14-97.)

(225 ILCS 51/65)

(Section scheduled to be repealed on January 1, 2008)

Sec. 65. Fees; returned checks. An entity who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the entity that fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30

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days from the date of the notification, the entity has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application without a hearing. If the entity seeks a license after termination or denial, the entity shall apply to the Department for restoration or issuance of the license and pay all fees and fines owed to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing that application. The Secretary Director may waive the fines due under this Section in individual cases where the Secretary Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-146, eff. 1-1-02.)

(225 ILCS 51/75)

(Section scheduled to be repealed on January 1, 2008)

Sec. 75. Refused issuance, suspension, or revocation of license. The Department may refuse to issue, renew, or restore a license, or may revoke, suspend, place on probation, reprimand, impose a fine not to exceed $10,000 $1,000 for each violation, or take other disciplinary or non-disciplinary action as the Department may deem proper with regard to a licensee for any one or combination of the following reasons:

(1) Making a material misstatement in furnishing information to the Department.

(2) Violation Negligent or intentional disregard of this Act or its rules.

(3) Conviction of or entry of a plea of guilty or nolo contendere to any a crime that is a felony under the laws of the United States or any state or territory thereof that is a felony or a misdemeanor, an essential element of which is dishonesty; or conviction of a crime that is directly related to the practice of the profession provision of home medical equipment and services.

(4) Making a misrepresentation to obtain licensure or to violate a provision of this Act.

(5) Gross negligence in practice under this Act.

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(6) Engaging in a pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act.

(7) Aiding, assisting, or willingly permitting another person in violating any provision of this Act or its rules.

(8) Failing, within 30 days, to provide information in response to a written request made by the Department.

(9) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(10) Discipline by another state, District of Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to one set forth in this Act.

(11) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any services not actually or personally rendered.

(12) A finding that the licensee, after having its license placed on probationary status, has violated the terms of probation.

(13) Willfully making or filing false records or reports in the course of providing home medical equipment and services, including but not limited to false records or reports filed with State agencies or departments.

(14) Solicitation of business services, other than according to permitted advertising.

(15) The use of any words, abbreviations, figures, or letters with the intention of indicating practice as a home medical equipment and services provider without a license issued under this Act.

(16) Failure to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by

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the Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(17) Failure to comply with federal or State laws and regulations concerning home medical equipment and services providers.

(18) Solicitation of professional services using false or misleading advertising.

(19) Failure to display a license in accordance with Section 45.

(20) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety.

(21) Physical illness, mental illness, or disability, including without limitation deterioration through the aging process and loss of motor skill, that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(Source: P.A. 90-532, eff. 11-14-97.)

(225 ILCS 51/80)

(Section scheduled to be repealed on January 1, 2008)

Sec. 80. Cease and desist order.

(a) If any entity violates a provision of this Act, the Secretary Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation, and if it is established that the entity has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If an entity holds itself out as a provider of home medical equipment and services without a license issued under this Act, an interested party or any person injured thereby, in addition to the Secretary
Director, may petition for relief as provided in subsection (a) of this Section.

(c) Whenever in the opinion of the Department an entity violates a provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against the entity. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(Source: P.A. 90-532, eff. 11-14-97.)

(225 ILCS 51/85)

(Section scheduled to be repealed on January 1, 2008)

Sec. 85. Unlicensed practice; civil penalty.

(a) An entity who practices, offers to practice, attempts to practice, or holds itself out to practice as a home medical equipment and services provider without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $10,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee. The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and executed in the same manner as any judgment from any court of record.

(b) The Department may investigate any unlicensed activity.

(Source: P.A. 90-532, eff. 11-14-97.)

(225 ILCS 51/90)

(Section scheduled to be repealed on January 1, 2008)

Sec. 90. Inspections Mandatory inspections. The Department may inspect a licensee for compliance with the requirements of this Act and within 3 years after the date of initial licensure and at least once every 3 years thereafter, unless the licensee can demonstrate proof of renewal of

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accreditation with a recognized national accrediting body. The Department shall conduct random inspections upon renewal of a license, for cause or as necessary to assure the integrity and effectiveness of the licensing process. Upon failure to pass inspection, a provider's license shall be suspended or denied as applicable, pending review by the Board. The Department may authorize qualified individuals to conduct inspections. The Department shall set by rule, and pay to an inspector, a fee for each inspection. An entity that fails to pass an inspection is subject to penalties under Section 80. Upon notice of failure to pass an inspection, a provider shall have 30 days to appeal the inspection results. On appeal, a provider shall have the right to an inspection review or to a new inspection in accordance with procedures adopted by the Department. A home medical equipment and services provider licensed within 2 years after the effective date of this Act is exempt from the inspection requirements of this Section during that 2-year period.

(Source: P.A. 90-532, eff. 11-14-97.)

(225 ILCS 51/95)

(Section scheduled to be repealed on January 1, 2008)

Sec. 95. Investigations; notice and hearing.

(a) The Department may investigate the actions of an applicant or of an entity holding or claiming to hold a license.

(b) The Department shall, before refusing to issue or renew a license or disciplining a licensee, at least 30 days prior to the date set for the hearing, notify in writing the applicant or licensee of the nature of the charges and that a hearing will be held on the date designated. The Department shall direct the applicant or licensee to file a written answer to the Board under oath within 20 days after the service of the notice and inform the applicant or licensee that failure to file an answer will result in default being taken against the applicant or licensee and that the license may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature, or extent of business, as the Secretary Director may deem proper. Written notice may be served by personal delivery or certified or registered mail to the applicant or licensee respondent at his or her the address of record the

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entity's last notification to the Department. If the entity fails to file an answer after receiving notice, the entity's license may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action it deems proper, including limiting the scope, nature, or extent of the entity's business, or imposing a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall proceed to hear the charges, and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence, and argument as may be pertinent to the charges or to their defense. The Board may continue a hearing from time to time.

(Source: P.A. 90-532, eff. 11-14-97.)

(225 ILCS 51/110)

(Section scheduled to be repealed on January 1, 2008)

Sec. 110. Findings and recommendations. At the conclusion of the hearing the Board shall present to the Secretary Director a written report of its findings and recommendations. The report shall contain a finding of whether or not the accused entity violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary Director.

The report of findings and recommendations of the Board may shall be the basis for the Department's order of refusal or for the granting of licensure unless the Secretary Director shall determine that the Board's report is contrary to the manifest weight of the evidence, in which case the Secretary Director may issue an order in contravention of the Board's report. The finding is not admissible in evidence against the entity in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 90-532, eff. 11-14-97.)

(225 ILCS 51/115)

(Section scheduled to be repealed on January 1, 2008)

New matter indicated by italics - deletions by strikeout
Sec. 115. Rehearing on motion. In a case involving the refusal to issue or renew a license or the discipline of a licensee, a copy of the Board's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for the rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing the motion, or if a motion for rehearing is denied, then upon such denial the Secretary Director may enter an order in accordance with recommendations of the Board except as provided in Section 120 of this Act. If the respondent shall order from the reporting service and pay for a transcript of the record with the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

(Source: P.A. 90-532, eff. 11-14-97.)

(225 ILCS 51/120)

(Section scheduled to be repealed on January 1, 2008)

Sec. 120. Rehearing on order of Secretary Director. Whenever the Secretary Director is satisfied that substantial justice has not been done in the revocation or suspension of a license or refusal to issue or renew a license, the Secretary Director may order a rehearing by the same or another Board.

(Source: P.A. 90-532, eff. 11-14-97.)

(225 ILCS 51/125)

(Section scheduled to be repealed on January 1, 2008)

Sec. 125. Hearing officer. The Secretary Director has the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in an action for refusal to issue or renew a license, or for the discipline of a licensee. The Secretary Director shall notify the Board of an appointment. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings and recommendations to the Board and the Secretary Director. The Board shall have 60 days from receipt of the report to review the
report of the hearing officer and present its findings of fact, conclusions of law and recommendation to the Secretary. If the Board fails to present its report within the 60 day period, the respondent may request in writing a direct appeal to the Secretary, in which case the Secretary shall, within 7 calendar days after the request, issue an order directing the Board to issue its findings of fact, conclusions of law, and recommendations to the Secretary within 30 calendar days after such order. If the Board fails to issue its findings of fact, conclusions of law, and recommendations within that time frame to the Secretary after the entry of such order, the Secretary shall, within 30 calendar days thereafter, issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order. If (i) a direct appeal is requested, (ii) the Board fails to issue its findings of fact, conclusions of law, and recommendations within the 30-day mandate from the Secretary or the Secretary fails to order the Board to do so, and (iii) the Secretary fails to issue an order within 30 calendar days thereafter, then the hearing officer's report is deemed accepted and a final decision of the Secretary. Notwithstanding any other provision of this Section, if the Secretary, upon review, determines that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license or other disciplinary action taken as the result of the entry of the hearing officer's report, the Secretary may order a rehearing by the same or other examiners. If the Director shall issue an order based on the report of the hearing officer. If the Secretary determines that the Board's report is contrary to the manifest weight of the evidence, he or she may issue an order in contravention of the Board's report.

(Source: P.A. 90-532, eff. 11-14-97.)

(225 ILCS 51/130)

(Section scheduled to be repealed on January 1, 2008)

Sec. 130. Order or certified copy. An order or a certified copy. An order or a certified copy of an order, over the seal of the Department and purporting to be signed by the Secretary, shall be prima facie proof that:

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(1) the signature is the genuine signature of the Secretary Director;
(2) the Secretary Director is duly appointed and qualified; and
(3) the Board and its members are qualified to act.
This proof may be rebutted.
(Source: P.A. 90-532, eff. 11-14-97.)
(225 ILCS 51/135)
(Section scheduled to be repealed on January 1, 2008)
Sec. 135. Restoration of license. At any time after the suspension or revocation of a license, the Department may restore the license to the accused entity upon the written recommendation of the Board unless, after an investigation and a hearing, the Board determines that restoration is not in the public interest. Restoration under this Section requires the filing of all applications and payment of all fees required by the Department.
(Source: P.A. 90-532, eff. 11-14-97.)
(225 ILCS 51/145)
(Section scheduled to be repealed on January 1, 2008)
Sec. 145. Temporary suspension of a license. The Secretary Director may temporarily suspend the license of a home medical equipment and services provider without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 95 of this Act, if the Secretary Director finds that evidence in his or her possession indicates that the home medical equipment and services provider's continuation in business would constitute an imminent danger to the public. If the Secretary Director temporarily suspends the license of a home medical equipment and services provider without a hearing, a hearing by the Board must be held within 30 days of the suspension.
(Source: P.A. 90-532, eff. 11-14-97.)
Section 15. The Marriage and Family Therapy Licensing Act is amended by changing Sections 10, 25, 30, 60, 85, 90, 95, 105, 110, 115, 120, 125, 130, and 145 and by adding Section 91 as follows:
(225 ILCS 55/10) (from Ch. 111, par. 8351-10)
(Section scheduled to be repealed on January 1, 2008)

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Sec. 10. Definitions. As used in this Act:

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address, and such changes must be made either through the Department's website or by contacting the Department's licensure maintenance unit.

"Advertise" means, but is not limited to, issuing or causing to be distributed any card, sign or device to any person; or causing, permitting or allowing any sign or marking on or in any building, structure, newspaper, magazine or directory, or on radio or television; or advertising by any other means designed to secure public attention.

"Approved program" means an approved comprehensive program of study in marriage and family therapy in a regionally accredited educational institution approved by the Department for the training of marriage and family therapists.

"Associate licensed marriage and family therapist" means a person to whom an associate marriage and family therapist license has been issued under this Act.

"Board" means the Illinois Marriage and Family Therapy Licensing and Disciplinary Board.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Department of Professional Regulation.

"License" means that which is required to practice marriage and family therapy under this Act, the qualifications for which include specific education, acceptable experience and examination requirements.

"Licensed marriage and family therapist" means a person to whom a marriage and family therapist license has been issued under this Act.

"Marriage and family therapy" means the evaluation and treatment of mental and emotional problems within the context of human relationships. Marriage and family therapy involves the use of psychotherapeutic methods to ameliorate interpersonal and intrapersonal

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conflict and to modify perceptions, beliefs and behavior in areas of human life that include, but are not limited to, premarriage, marriage, sexuality, family, divorce adjustment, and parenting.

"Person" means any individual, firm, corporation, partnership, organization, or body politic.

"Practice of marriage and family therapy" means the rendering of marriage and family therapy services to individuals, couples, and families as defined in this Section, either singly or in groups, whether the services are offered directly to the general public or through organizations, either public or private, for a fee, monetary or otherwise.

"Secretary" means the Secretary of Financial and Professional Regulation.

"Title or description" means to hold oneself out as a licensed marriage and family therapist or an associate licensed marriage and family therapist to the public by means of stating on signs, mailboxes, address plates, stationery, announcements, calling cards or other instruments of professional identification.

(Source: P.A. 91-362, eff. 1-1-00.)

(225 ILCS 55/25) (from Ch. 111, par. 8351-25)

Sec. 25. Marriage and Family Therapy Licensing and Disciplinary Board.

(a) There is established within the Department the Marriage and Family Therapy Licensing and Disciplinary Board to be appointed by the Secretary Director. The Board shall be composed of 7 persons who shall serve in an advisory capacity to the Secretary Director. The Board shall elect a chairperson and a vice chairperson.

(b) In appointing members of the Board, the Secretary Director shall give due consideration to recommendations by members of the profession of marriage and family therapy and by the statewide organizations solely representing the interests of marriage and family therapists.

(c) Five members of the Board shall be marriage and family therapists who have been in active practice for at least 5 years immediately

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preceding their appointment, or engaged in the education and training of masters, doctoral, or post-doctoral students of marriage and family therapy, or engaged in marriage and family therapy research. Each marriage or family therapy teacher or researcher shall have spent the majority of the time devoted to the study or research of marriage and family therapy during the 2 years immediately preceding his or her appointment to the Board. The appointees shall be licensed under this Act.

(d) Two members shall be representatives of the general public who have no direct affiliation or work experience with the practice of marriage and family therapy and who clearly represent consumer interests.

(e) Board members shall be appointed for terms of 4 years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the Board member whom he or she shall succeed. Upon the expiration of this term of office, a Board member shall continue to serve until a successor is appointed and qualified. No member shall be reappointed to the Board for a term that would cause continuous service on the Board to be longer than 8 years.

(f) The membership of the Board shall reasonably reflect representation from the various geographic areas of the State.

(g) Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

(h) The Secretary Director may remove any member of the Board for any cause that, in the opinion of the Secretary Director, reasonably justifies termination.

(i) The Secretary Director may consider the recommendations of the Board on questions of standards of professional conduct, discipline, and qualification of candidates or licensees under this Act.

(j) The members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses.

(k) A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

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Sec. 30. Application.

(a) Applications for original licensure shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the appropriate documentation and the required fee, which fee is nonrefundable. Any application shall require such information as, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for licensing.

(b) Applicants have 3 years from the date of application to complete the application process. If the application has not been completed within 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(c) A license shall not be denied to an applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or physical disability that does not affect a person's ability to practice with reasonable judgment, skill, or safety impairment.

Sec. 60. Payments; penalty for insufficient funds. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act prohibiting unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days after notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the
Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Secretary Director may waive the fines due under this Section in individual cases where the Secretary Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-146, eff. 1-1-02.)

(225 ILCS 55/85) (from Ch. 111, par. 8351-85)
(Section scheduled to be repealed on January 1, 2008)
Sec. 85. Refusal, revocation, or suspension.
(a) The Department may refuse to issue or renew, or may revoke a license, or may suspend, place on probation, fine, or take any disciplinary or non-disciplinary action as the Department may deem proper, including fines not to exceed $10,000 for each violation, with regard to any licensee for any one or combination of the following causes:

(1) Material misstatement in furnishing information to the Department.

(2) Violations of this Act or its rules.

(3) Conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony under the laws of the United States or any state or territory thereof or that is (i) a felony, (ii) a misdemeanor, of which an essential element is dishonesty; or (iii) a crime that is directly related to the practice of the profession.

(4) Making any misrepresentation for the purpose of obtaining a license or violating any provision of this Act or its rules.

(5) Professional incompetence or gross negligence.

(6) Gross negligence Malpractice.

(7) Aiding or assisting another person in violating any provision of this Act or its rules.

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(8) Failing, within 30 days, to provide information in response to a written request made by the Department.

(9) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud or harm the public as defined by the rules of the Department, or violating the rules of professional conduct adopted by the Board and published by the Department.

(10) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety.

(11) Discipline by another state, territory, or country if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered.

(13) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

(14) Abandonment of a patient without cause.

(15) Willfully making or filing false records or reports relating to a licensee's practice, including but not limited to false records filed with State agencies or departments.

(16) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(17) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

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(18) Physical illness or mental illness or impairment disability, including, but not limited to, deterioration through the aging process; or loss of motor skill abilities and skills that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(19) Solicitation of professional services by using false or misleading advertising.

(20) A finding that licensure has been applied for or obtained by fraudulent means.

(21) Practicing or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.

(22) Gross overcharging for professional services including filing statements for collection of fees or moneys for which services are not rendered.

(b) The Department shall deny any application for a license, without hearing, or renewal, without hearing, under this Act to any person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department may issue a license or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. The suspension will terminate only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient, and upon the recommendation of the Board to the Secretary Director that the licensee be allowed to resume his or her practice as a licensed marriage and family therapist or an associate marriage and family therapist.

(d) The Department may refuse to issue or may suspend the license of any person who fails to file a return, pay the tax, penalty, or interest

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shown in a filed return or pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until the time the requirements of the tax Act are satisfied.

(e) In enforcing this Section, the Department or Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department or Board finds an individual unable to practice because of the reasons set forth in this Section, the Department or Board may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file, or the Board may recommend to the Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary Director for a
determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Secretary Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 30 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 90-61, eff. 12-30-97; 91-362, eff. 1-1-00.)

(Section scheduled to be repealed on January 1, 2008)

Sec. 90. Violations; injunctions; cease and desist order.

(a) If any person violates a provision of this Act, the Secretary Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person practices as a marriage and family therapist or an associate marriage and family therapist or holds himself or herself out as such without having a valid license under this Act, then any licensee, any interested party or any person injured thereby may, in addition to the Secretary Director, petition for relief as provided in subsection (a) of this Section.
Whenever in the opinion of the Department any person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him or her. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(Source: P.A. 90-61, eff. 12-30-97; 91-362, eff. 1-1-00.)

Sec. 91. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a licensed marriage and family therapist without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department may investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Sec. 95. Investigation; notice and hearing. The Department may investigate the actions or qualifications of any person or persons holding or claiming to hold a license. Before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license, at least 30 days before the date set for the hearing, the Department shall (i) notify the

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accused in writing of any charges made and the time and place for a hearing on the charges before the Board, (ii) direct him or her to file a written answer to the charges with the Board under oath within 20 days after the service on him or her of such notice, and (iii) inform him or her that if he or she fails to file an answer, default will be taken against him or her and his or her license may be suspended, revoked, placed on probationary status, or other disciplinary action taken with regard to the license, including limiting the scope, nature, or extent of his or her practice, as the Department may deem proper. In case the person, after receiving notice, fails to file an answer, his or her license may, in the discretion of the Department, be suspended, revoked, placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. Written notice and any notice in the subsequent proceedings may be served by personal delivery to the accused person, or by registered or certified mail to the applicant or licensee at his or her last address of record with address last specified by the accused in his last notification to the Department. In case the person fails to file an answer after receiving notice, his or her license may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. The written answer shall be served by personal delivery, certified delivery, or certified or registered mail to the Department. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence, and argument as may be pertinent to the charges or to the defense thereto. The Department may continue such hearing from time to time. At the discretion of the Secretary Director after having first received the recommendation of the Board, the accused person's license may be

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suspended or revoked, if the evidence constitutes sufficient grounds for such action under this Act.
(Source: P.A. 90-61, eff. 12-30-97; 90-655, eff. 7-30-98.)

(225 ILCS 55/105) (from Ch. 111, par. 8351-105)
(Section scheduled to be repealed on January 1, 2008)

Sec. 105. Subpoenas; oaths; attendance of witnesses. The Department has the power to subpoena and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State.

The Secretary Director, the designated hearing officer, and every member of the Board has power to administer oaths to witnesses at any hearing that the Department is authorized to conduct and any other oaths authorized in any Act administered by the Department. Any circuit court may, upon application of the Department or its designee, or of the applicant or licensee against whom proceedings under this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.
(Source: P.A. 87-783; 87-1237.)

(225 ILCS 55/110) (from Ch. 111, par. 8351-110)
(Section scheduled to be repealed on January 1, 2008)

Sec. 110. Recommendations for disciplinary action. At the conclusion of the hearing, the Board shall present to the Secretary Director a written report of its findings and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary Director.

The report of findings and recommendations of the Board shall be the basis for the Department's order for refusal or for the granting of a license, or for any disciplinary action, unless the Secretary Director shall determine that the Board's report is contrary to the manifest weight of the

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evidence, in which case the Secretary Director may issue an order in contravention of the Board's report. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.
(Source: P.A. 87-783.)

(225 ILCS 55/115) (from Ch. 111, par. 8351-115)
(Section scheduled to be repealed on January 1, 2008)

Sec. 115. Rehearing. In any hearing involving disciplinary action against a licensee, a copy of the Board's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after service, the respondent may present to the Department a motion in writing for a rehearing that shall specify the particular grounds for rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing a motion, or if a motion for rehearing is denied, then upon denial, the Secretary Director may enter an order in accordance with recommendations of the Board, except as provided in this Act. If the respondent orders from the reporting service, and pays for, a transcript of the record within the time for filing a motion for rehearing, the 20 calendar day period within which a motion may be filed shall commence upon the delivery of the transcript to the respondent.
(Source: P.A. 87-783; 87-1237; 88-45.)

(225 ILCS 55/120) (from Ch. 111, par. 8351-120)
(Section scheduled to be repealed on January 1, 2008)

Sec. 120. Hearing by other hearing officer examiner. Whenever the Secretary Director is not satisfied that substantial justice has been done in the revocation, suspension or refusal to issue or renew a license, the Secretary Director may order a rehearing by the same or other hearing officer examiners.
(Source: P.A. 87-783.)

(225 ILCS 55/125) (from Ch. 111, par. 8351-125)
(Section scheduled to be repealed on January 1, 2008)

New matter indicated by italics - deletions by strikeout
Sec. 125. Appointment of a hearing officer. The Secretary has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license, or to discipline a licensee. The hearing officer has full authority to conduct the hearing. The hearing officer shall report his findings and recommendations to the Board and the Secretary. The Board has 60 calendar days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law and recommendations to the Secretary. If the Board fails to present its report within the 60 calendar day period, the respondent may request in writing a direct appeal to the Secretary, in which case the Secretary shall, within 7 calendar days after the request, issue an order directing the Board to issue its findings of fact, conclusions of law, and recommendations to the Secretary within 30 calendar days after such order. If the Board fails to issue its findings of fact, conclusions of law, and recommendations within that time frame to the Secretary after the entry of such order, the Secretary shall, within 30 calendar days thereafter, issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order. If (i) a direct appeal is requested, (ii) the Board fails to issue its findings of fact, conclusions of law, and recommendations within the 30-day mandate from the Secretary or the Secretary fails to order the Board to do so, and (iii) the Secretary fails to issue an order within 30 calendar days thereafter, then the hearing officer's report is deemed accepted and a final decision of the Secretary. Notwithstanding any other provision of this Section, if the Secretary, upon review, determines that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license or other disciplinary action taken as the result of the entry of the hearing officer's report, the Secretary may order a rehearing by the same or other examiners. If the Director disagrees with the recommendation of the Board or the hearing officer, the Secretary may issue an order in contravention of the recommendation.

New matter indicated by italics - deletions by strikeout
Sec. 130. Order; certified copy. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary, shall be prima facie proof:

(a) that the signature is the genuine signature of the Secretary;

(b) that the Secretary is duly appointed and qualified; and

(c) that the Board and its members are qualified to act.

Sec. 145. Summary suspension. The Secretary may summarily suspend the license of a marriage and family therapist or an associate marriage and family therapist without a hearing, simultaneously with the institution of proceedings for a hearing provided for in this Act, if the Secretary finds that evidence in his or her possession indicates that a marriage and family therapist's or associate marriage and family therapist's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary summarily suspends the license of a marriage and family therapist or an associate marriage and family therapist without a hearing, a hearing by the Board must be held within 30 calendar days after the suspension has occurred.

New matter indicated by italics - deletions by strikeout
(1) "Act" means the Nursing Home Administrators Licensing and Disciplinary Act.
(2) "Department" means the Department of Financial and Professional Regulation.
(3) "Secretary" "Director" means the Secretary Director of Financial and Professional Regulation.
(4) "Board" means the Nursing Home Administrators Licensing and Disciplinary Board appointed by the Governor.
(5) "Nursing home administrator" means the individual licensed under this Act and directly responsible for planning, organizing, directing and supervising the operation of a nursing home, or who in fact performs such functions, whether or not such functions are delegated to one or more other persons.
(6) "Nursing home" or "facility" means any entity that is required to be licensed by the Department of Public Health under the Nursing Home Care Act, as amended, other than a sheltered care home as defined thereunder, and includes private homes, institutions, buildings, residences, or other places, whether operated for profit or not, irrespective of the names attributed to them, county homes for the infirm and chronically ill operated pursuant to the County Nursing Home Act, as amended, and any similar institutions operated by a political subdivision of the State of Illinois that provide, though their ownership or management, maintenance, personal care, and nursing for 3 or more persons, not related to the owner by blood or marriage, or any similar facilities in which maintenance is provided to 3 or more persons who by reason of illness of physical infirmity require personal care and nursing.
(7) "Maintenance" means food, shelter and laundry.
(8) "Personal care" means assistance with meals, dressing, movement, bathing, or other personal needs, or general supervision of the physical and mental well-being of an individual who because of age, physical, or mental disability, emotion or behavior disorder, or mental retardation is incapable of managing his or her person,

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whether or not a guardian has been appointed for such individual. For the purposes of this Act, this definition does not include the professional services of a nurse.

(9) "Nursing" means professional nursing or practical nursing, as those terms are defined in the Nursing and Advanced Practice Nursing Act, for sick or infirm persons who are under the care and supervision of licensed physicians or dentists.

(10) "Disciplinary action" means revocation, suspension, probation, supervision, reprimand, required education, fines or any other action taken by the Department against a person holding a license.

(11) "Impaired" means the inability to practice with reasonable skill and safety due to physical or mental disabilities as evidenced by a written determination or written consent based on clinical evidence including deterioration through the aging process or loss of motor skill, or abuse of drugs or alcohol, of sufficient degree to diminish a person's ability to administer a nursing home.

(12) "Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address, and such changes must be made either through the Department's website or by contacting the Department's licensure maintenance unit.

(Source: P.A. 90-61, eff. 12-30-97; 90-742, eff. 8-13-98.)
(225 ILCS 70/5) (from Ch. 111, par. 3655)
(Section scheduled to be repealed on January 1, 2008)
Sec. 5. Board.

(a) There is hereby created the Nursing Home Administrators Licensing and Disciplinary Board. The Board shall consist of 7 or 9 members appointed by the Governor. All shall be residents of the State of Illinois. Two or Three members shall be representatives of the general public. Five or Six members shall be nursing home administrators who for at least 5 years

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prior to their appointments were licensed under this Act. The public
members shall have no responsibility for management or formation of
policy of, nor any financial interest in, nursing homes as defined in this
Act, nor any other connection with the profession. In appointing licensed
nursing home administrators, the Governor shall take into consideration
the recommendations of the nursing home professional associations.

(b) Members shall be appointed for a term of 4 years by the
Governor. The Governor shall fill any vacancy for the remainder of the
unexpired term. Any member of the Board may be removed by the
Governor for cause. Each member shall serve on the Board until his or her
successor is appointed and qualified. No member of the Board shall serve
more than 2 consecutive 4 year terms.

In making appointments the Governor shall attempt to insure that
the various geographic regions of the State of Illinois are properly
represented.

d) The Board shall annually elect one of its members as
chairperson and one as vice chairperson. No officer shall be elected more
than twice in succession to the same office. Each officer shall serve until
his or her successor has been elected and qualified.

d) A majority of the Board members currently appointed shall
constitute a quorum. A vacancy in the membership of the Board shall not
impair the right of a quorum to exercise all the rights and perform all the
duties of the Board.

e) Each member and member-officer of the Board may shall
receive a per diem stipend as the Secretary Director shall determine. Each
member shall be paid their necessary expenses while engaged in the
performance of his or her duties.

(f) (Blank).

(g) (Blank).

(h) Members of the Board shall be immune from suit in any action
based upon any disciplinary proceedings or other acts performed in good
faith as members of the Board.

(i) (Blank).

New matter indicated by italics - deletions by strikeout
(j) The Secretary Director shall give due consideration to all recommendations of the Board. If the Secretary Director disagrees with or takes action contrary to the recommendation of the Board, he or she shall provide the Board with a written and specific explanation of his or her action.

(Source: P.A. 89-507, eff. 7-1-97; 90-61, eff. 12-30-97.)

(225 ILCS 70/5.1)

(Section scheduled to be repealed on January 1, 2008)

Sec. 5.1. Powers and duties; rules. The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for administration of licensing acts and shall exercise such other powers and duties necessary for effectuating the purposes of this Act. The Department shall adopt rules to implement, interpret, or make specific the provisions and purposes of this Act and may prescribe forms that shall be issued in connection with rulemaking. The Department shall transmit the proposed rulemaking to the Board.

The Department may solicit the advice of the Board on any matter relating to the administration and enforcement of this Act.

The Director shall employ, in conformity with the Personnel Code, professional, technical, investigative, and clerical help on a full-time or part-time basis as necessary for the proper performance of its duties.

Upon the written request of the Department, the Department of Public Health, the Department of Human Services or the Department of State Police may cooperate and assist in any investigation undertaken by the Board.

(Source: P.A. 90-61, eff. 12-30-97.)

(225 ILCS 70/6) (from Ch. 111, par. 3656)

(Section scheduled to be repealed on January 1, 2008)

Sec. 6. Application procedure. Applications for original licenses shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable. The application shall require information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for a license.

New matter indicated by italics - deletions by strikeout
Applicants have 3 years after the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication. (Source: P.A. 90-61, eff. 12-30-97.)

(225 ILCS 70/10.5)

(Section scheduled to be repealed on January 1, 2008)
Sec. 10.5. Unlicensed practice; violation; civil penalty.
(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a nursing home administrator without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $10,000 $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record. (Source: P.A. 89-474, eff. 6-18-96.)

(225 ILCS 70/11) (from Ch. 111, par. 3661)

(Section scheduled to be repealed on January 1, 2008)
Sec. 11. Expiration; renewal; continuing education. The expiration date and renewal period for each license issued under this Act shall be set by rule.

Each licensee shall provide proof of having obtained 36 hours of continuing education in the 2 year period preceding the renewal date of the license as a condition of license renewal. The continuing education requirement may be waived in part or in whole for such good cause as may be determined by rule.

New matter indicated by italics - deletions by strikeout
Any continuing education course for nursing home administrators approved by the National Continuing Education Review Service of the National Association of Boards of Examiners of Nursing Home Administrators will be accepted toward satisfaction of these requirements.

Any continuing education course for nursing home administrators sponsored by the Life Services Network of Illinois, Illinois Council on Long Term Care, County Nursing Home Association of Illinois, Illinois Health Care Association, Illinois Chapter of American College of Health Care Administrators, and the Illinois Nursing Home Administrators Association will be accepted toward satisfaction of these requirements.

Any school, college or university, State agency, or other entity may apply to the Department for approval as a continuing education sponsor. Criteria for qualification as a continuing education sponsor shall be established by rule.

It shall be the responsibility of each continuing education sponsor to maintain records, as prescribed by rule, to verify attendance.

The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by registrants; by requiring the filing of continuing education certificates with the Department; or by other means established by the Department.

Any nursing home administrator who has permitted his or her license to expire or who has had his or her license on inactive status may have his or her license restored by making application to the Department and filing proof acceptable to the Department, as defined by rule, of his or her fitness to have his or her license restored and by paying the required fee. Proof of fitness may include evidence certifying to active lawful practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee.

However, any nursing home administrator whose license expired while he or she was (1) in federal service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military services, may have his or

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her license renewed or restored without paying any lapsed renewal fees if within 2 years after honorable termination of such service, training or education, he or she furnishes the Department with satisfactory evidence to the effect that he or she has been so engaged and that his or her service, training or education has been so terminated.

(Source: P.A. 90-61, eff. 12-30-97.)

(225 ILCS 70/13) (from Ch. 111, par. 3663)

(Section scheduled to be repealed on January 1, 2008)

Sec. 13. Endorsement. The Department may, in its discretion, license as a nursing home administrator, without examination, on payment of the required fee, an applicant who is so licensed under the laws of another U.S. jurisdiction, if the requirements for licensure in the other jurisdiction in which the applicant was licensed were, at the date of his or her licensure, substantially equivalent to the requirements then in force in this State; or if the applicant's qualifications were, at the date of his or her licensure in the other jurisdiction, substantially equivalent to the requirements then in force in this State.

Notwithstanding the provisions of this Section, all applicants seeking licensure under this Section shall be required to take and pass an examination testing the applicant's knowledge of Illinois law relating to the practice of nursing home administration.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 90-61, eff. 12-30-97.)

(225 ILCS 70/15) (from Ch. 111, par. 3665)

(Section scheduled to be repealed on January 1, 2008)

Sec. 15. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other

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discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Secretary Director may waive the fines due under this Section in individual cases where the Secretary Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-146, eff. 1-1-02.)

(225 ILCS 70/17) (from Ch. 111, par. 3667)

Sec. 17. Grounds for disciplinary action.

(a) The Department may impose fines not to exceed $10,000 or $1,000, or may refuse to issue or to renew, or may revoke, suspend, place on probation, censure, reprimand or take other disciplinary or non-disciplinary action with regard to the license of any person, for any one or combination of the following causes:

(1) Intentional material misstatement in furnishing information to the Department.

(2) Conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony under the laws of the United States or any state or territory thereof that is a felony or a misdemeanor of which an essential element is dishonesty; or of any crime that is directly related to the practice of the profession of nursing home administration.

(3) Making any misrepresentation for the purpose of obtaining a license, or violating any provision of this Act.

New matter indicated by italics - deletions by strikeout
(4) Immoral conduct in the commission of any act, such as sexual abuse or sexual misconduct, related to the licensee's practice.

(5) Failing to respond within 30 days, to a written request made by the Department for information.

(6) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(7) Habitual use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug which results in the inability to practice with reasonable judgment, skill or safety.

(8) Discipline by another U.S. jurisdiction if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein.

(9) A finding by the Department that the licensee, after having his or her license placed on probationary status has violated the terms of probation.

(10) Willfully making or filing false records or reports in his or her practice, including but not limited to false records filed with State agencies or departments.

(11) Physical illness, mental illness, or other impairment or disability, including, but not limited to, deterioration through the aging process, or loss of motor skill that results in the inability to practice the profession with reasonable judgment, skill or safety.

(12) Disregard or violation of this Act or of any rule issued pursuant to this Act.

(13) Aiding or abetting another in the violation of this Act or any rule or regulation issued pursuant to this Act.

(14) Allowing one's license to be used by an unlicensed person.

(15) (Blank). Conviction of any crime an essential element of which is misstatement, fraud or dishonesty, or conviction in this State or another state of any crime that is a felony under the laws of this State or conviction of a felony in a federal court.

New matter indicated by italics - deletions by strikeout
(16) Professional incompetence in the practice of nursing home administration.


(18) Violation of the Nursing Home Care Act or of any rule issued under the Nursing Home Care Act.

All proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license on any of the foregoing grounds, must be commenced within 5 ½ years next after receipt by the Department of (i) a complaint alleging the commission of or notice of the conviction order for any of the acts described herein or (ii) a referral for investigation under Section 3-108 of the Nursing Home Care Act.

The entry of an order or judgment by any circuit court establishing that any person holding a license under this Act is a person in need of mental treatment operates as a suspension of that license. That person may resume their practice only upon the entry of a Department order based upon a finding by the Board that they have been determined to be recovered from mental illness by the court and upon the Board's recommendation that they be permitted to resume their practice.

The Department, upon the recommendation of the Board, shall adopt rules which set forth standards to be used in determining what constitutes:

(i) (a) when a person will be deemed sufficiently rehabilitated to warrant the public trust;

(ii) (b) dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public;

(iii) (c) immoral conduct in the commission of any act related to the licensee's practice; and

(iv) (d) professional incompetence in the practice of nursing home administration.

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However, no such rule shall be admissible into evidence in any
civil action except for review of a licensing or other disciplinary action
under this Act.

In enforcing this Section, the Department or Board, upon a
showing of a possible violation, may compel any individual licensed to
practice under this Act, or who has applied for licensure pursuant to this
Act, to submit to a mental or physical examination, or both, as required by
and at the expense of the Department. The examining physician or
physicians shall be those specifically designated by the Department or
Board. The Department or Board may order the examining physician to
present testimony concerning this mental or physical examination of the
licensee or applicant. No information shall be excluded by reason of any
common law or statutory privilege relating to communications between the
licensee or applicant and the examining physician. The individual to be
examined may have, at his or her own expense, another physician of his or
her choice present during all aspects of the examination. Failure of any
individual to submit to mental or physical examination, when directed,
shall be grounds for suspension of his or her license until such time as the
individual submits to the examination if the Department finds, after notice
and hearing, that the refusal to submit to the examination was without
reasonable cause.

If the Department or Board finds an individual unable to practice
because of the reasons set forth in this Section, the Department or Board
shall require such individual to submit to care, counseling, or treatment by
physicians approved or designated by the Department or Board, as a
condition, term, or restriction for continued, reinstated, or renewed
licensure to practice; or in lieu of care, counseling, or treatment, the
Department may file, or the Board may recommend to the Department to
file, a complaint to immediately suspend, revoke, or otherwise discipline
the license of the individual. Any individual whose license was granted
pursuant to this Act or continued, reinstated, renewed, disciplined or
supervised, subject to such terms, conditions or restrictions who shall fail
to comply with such terms, conditions or restrictions shall be referred to
the Secretary Director for a determination as to whether the licensee shall

New matter indicated by italics - deletions by strikeout
have his or her license suspended immediately, pending a hearing by the Department. In instances in which the Secretary Director immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Board within 30±15 days after such suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject administrator's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act, affected under this Section, shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(b) Any individual or organization acting in good faith, and not in a wilful and wanton manner, in complying with this Act by providing any report or other information to the Department, or assisting in the investigation or preparation of such information, or by participating in proceedings of the Department, or by serving as a member of the Board, shall not, as a result of such actions, be subject to criminal prosecution or civil damages.

(c) Members of the Board, and persons retained under contract to assist and advise in an investigation, shall be indemnified by the State for any actions occurring within the scope of services on or for the Board, done in good faith and not wilful and wanton in nature. The Attorney General shall defend all such actions unless he or she determines either that there would be a conflict of interest in such representation or that the actions complained of were not in good faith or were wilful and wanton.

Should the Attorney General decline representation, a person entitled to indemnification under this Section shall have the right to employ counsel of his or her choice, whose fees shall be provided by the State, after approval by the Attorney General, unless there is a determination by a court that the member's actions were not in good faith or were wilful and wanton.
A person entitled to indemnification under this Section must notify the Attorney General within 7 days of receipt of notice of the initiation of any action involving services of the Board. Failure to so notify the Attorney General shall constitute an absolute waiver of the right to a defense and indemnification.

The Attorney General shall determine within 7 days after receiving such notice, whether he or she will undertake to represent a person entitled to indemnification under this Section.

(d) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, as amended, operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient; and upon the recommendation of the Board to the Secretary Director that the licensee be allowed to resume his or her practice.

(e) The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(f) The Department of Public Health shall transmit to the Department a list of those facilities which receive an "A" violation as defined in Section 1-129 of the Nursing Home Care Act.

(Source: P.A. 89-197, eff. 7-21-95; 90-61, eff. 12-30-97.)
(225 ILCS 70/18) (from Ch. 111, par. 3668)
(Sec. 18. Cease and desist order.
(a) If any person who is not a licensed nursing home administrator violates a provision of this Act, the Secretary Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois or the State's Attorney of any county in which the action is brought, petition for an order enjoining such violation or for an order
enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation. If it is established that such person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person shall practice as a nursing home administrator or hold himself or herself out as a nursing home administrator without being licensed under the provisions of this Act, then any licensed nursing home administrator, any interested party, or any person injured thereby may, in addition to the Secretary Director, petition for relief as provided in subsection (a) of this Section.

Whoever knowingly practices or offers to practice nursing home administration in this State without being licensed for that purpose shall be guilty of a Class A misdemeanor and for each subsequent conviction shall be guilty of a Class 4 felony.

(c) Whenever in the opinion of the Department any person not licensed in good standing violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him or her. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 working days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(225 ILCS 70/19) (from Ch. 111, par. 3669)
(Section scheduled to be repealed on January 1, 2008)
Sec. 19. Investigation; hearing notification. Upon the motion of either the Department or the Board or upon the verified complaint in writing of any person setting forth facts that, if proven, would constitute grounds for suspension or revocation under Section 17 of this Act, the Department shall investigate the actions of any person, so accused, who

New matter indicated by italics - deletions by strikeout
holds or represents that he or she holds a license. Such a person is hereinafter called the accused.

The Department shall, before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license at least 30 days prior to the date set for the hearing, notify the accused in writing of any charges made and the time and place for a hearing of the charges before the Board, direct them to file their written answer to such notice to the Board under oath within 30 days after the service on them of such notice and inform them that if they fail to file such answer default will be taken against them and their license may be suspended, revoked, placed on probationary status, or have other disciplinary action, including limiting the scope, nature or extent of their practice, as the Department may deem proper taken with regard thereto.

Written notice and any notice in such proceedings thereafter may be served by personal delivery of the same, personally, to the accused, or by mailing the same by registered or certified mail to the applicant or licensee at his or her last address of record with address specified in their last notice to the Department.

(Section scheduled to be repealed on January 1, 2008)

Sec. 20. Board hearing; recommendation. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties both the accused person and the complainant shall be accorded ample opportunity to present in person, or by counsel, such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Board may continue such hearing from time to time. If the Board is not sitting at the time and place fixed in the notice or at the time and place to which the hearing has been continued, the Department shall continue such hearing for a period not to exceed 30 days.

In case the accused person, after receiving notice, fails to file an answer, the Board may recommend that his or her license be suspended, revoked or placed on probationary status, or the Board may recommend
whatever disciplinary action as it may deem proper, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

The Board has the authority to recommend to the Secretary Director that probation be granted or that other disciplinary action be taken as it deems proper. If disciplinary action, other than suspension or revocation, is taken the Board may recommend that the Secretary Director impose reasonable limitations and requirements upon the accused to insure compliance with the terms of the probation or other disciplinary action, including but not limited to regular reporting by the accused to the Department of their actions, placing themselves under the care of a qualified physician for treatment, or limiting their practice in such manner as the Secretary Director may require.

(Source: P.A. 90-61, eff. 12-30-97.)

(225 ILCS 70/20.1)

Section scheduled to be repealed on January 1, 2008

Sec. 20.1. Summary suspension. The Secretary Director may summarily suspend the license of a nursing home administrator without a hearing, simultaneously with the institution of proceedings for a hearing provided under this Act Section if the Secretary Director finds that evidence in his or her possession indicates that an administrator's continuation in practice would constitute an immediate danger to the public. If the Secretary Director summarily suspends the license of an administrator without a hearing, a hearing shall be held within 30 days after the suspension has occurred.

(Source: P.A. 90-61, eff. 12-30-97.)

(225 ILCS 70/21) (from Ch. 111, par. 3671)

Section scheduled to be repealed on January 1, 2008

Sec. 21. Appointment of hearing officer. The Secretary Director shall have the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, renew, or discipline a license. The hearing officer shall have full authority to conduct the hearing. There shall be present at least one member of the Board at any such hearing. The hearing officer shall
report his or her findings of fact, conclusions of law, and recommendations to the Board. The Board shall have 60 days after receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Secretary. If the Board fails to present its report to the Secretary within the 60 day period, the respondent may request in writing a direct appeal to the Secretary, in which case the Secretary shall, within 7 calendar days after the request, issue an order directing the Board to issue its findings of fact, conclusions of law, and recommendations to the Secretary within 30 calendar days after such order. If the Board fails to issue its findings of fact, conclusions of law, and recommendations within that time frame to the Secretary after the entry of such order, the Secretary shall, within 30 calendar days thereafter, issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order. If (i) a direct appeal is requested, (ii) the Board fails to issue its findings of fact, conclusions of law, and recommendations within the 30-day mandate from the Secretary or the Secretary fails to order the Board to do so, and (iii) the Secretary fails to issue an order within 30 calendar days thereafter, then the hearing officer's report is deemed accepted and a final decision of the Secretary. Notwithstanding any other provision of this Section, if the Secretary, upon review, determines that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license or other disciplinary action taken as the result of the entry of the hearing officer's report, the Secretary may order a rehearing by the same or other examiners the Director may issue an order based on the report of the hearing officer. However, if the Board does present its report within the specified 60 days, the Director's order shall be based upon the report of the Board. If the Secretary disagrees with the recommendation of the Board or the hearing officer, the Secretary may issue an order in contravention of the Board's report. The Secretary shall promptly provide a written explanation to the Board on any such disagreement.

(Source: P.A. 90-61, eff. 12-30-97.)

New matter indicated by italics - deletions by strikeout
Sec. 22. Subpoena power. The Board or Department has power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as is prescribed by law for judicial proceedings in civil cases.

The Department, upon a determination that probable cause exists that a violation of one or more of the grounds for discipline listed in Section 17 has occurred or is occurring, may subpoena the records of an individual licensed under this Act provided that prior to the submission of such records to the Board, all information indicating the identity of any resident shall be removed and deleted. The use of such records shall be restricted to members of the Board and appropriate staff of the Department for the purpose of determining the existence of one or more grounds for discipline of the nursing home administrator as provided for by Section 17 of this Act. Any such review of individual residents' records shall be conducted by the Board in strict confidentiality, provided that such resident records shall be admissible in a disciplinary hearing, before the Department, when necessary to substantiate the grounds for discipline alleged against the administrator licensed under this Act, and provided further that nothing herein shall be deemed to supersede the provisions of Part 21 of Article VIII of the Code of Civil Procedure, as now or hereafter amended, to the extent applicable.

The Secretary Director, the designated hearing officer, and any member of the Board have the power to administer oaths at any hearing that the Department is authorized to conduct and any other oaths authorized in an Act administered by the Department.

Sec. 24. Motion for rehearing. The Board shall present to the Secretary Director a written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either
personally or by certified mail. Within 20 days after such service, the accused person may present to the Department a motion, in writing, for a rehearing, which shall specify the particular grounds for rehearing. If the accused person orders and pays for a transcript of the record as provided in Section 23, the time elapsing thereafter and before such transcript is ready for delivery to them shall not be counted as part of such 30 days.

(Source: P.A. 90-61, eff. 12-30-97.)

(225 ILCS 70/24.1)

(Section scheduled to be repealed on January 1, 2008)

Sec. 24.1. Surrender of license; record; list of disciplined licensees disciplines. Upon the suspension, revocation, placement on probationary status, or the taking of any other disciplinary action deemed proper by the Board with regard to a license, the accused shall surrender his or her license to the Department, if ordered to do so by the Department, and upon his or her failure or refusal to do so, the Department may seize the license.

Each order of revocation, suspension, or other disciplinary action shall contain a brief, concise statement of the ground or grounds upon which the Department's action is based, as well as the specific terms and conditions of such action. This document shall be retained as a permanent record by the Board and the Secretary Director.

The Department shall at least annually publish a list of the names of all persons disciplined under this Act in the preceding 12 months. Such lists shall be mailed by the Department to any person in the State upon request.

In those instances where an order of revocation, suspension, or other disciplinary action has been rendered by virtue of a nursing home administrator's physical illness, including but not limited to deterioration through the aging process, or loss of motor skill that results in an inability to practice with reasonable judgment, skill, or safety, the Department shall only permit this document, and the record of the hearing incident thereto, to be observed, inspected, viewed, or copied pursuant to court order.

(Source: P.A. 90-61, eff. 12-30-97.)

(225 ILCS 70/26) (from Ch. 111, par. 3676)

(Section scheduled to be repealed on January 1, 2008)
Sec. 26. An order of revocation, suspension, placing the license on probationary status, or other formal disciplinary action as the Department may deem proper, or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary Director, is prima facie proof that:

(a) Such signature is the genuine signature of the Secretary Director;
(b) The Secretary Director is duly appointed and qualified; and
(c) The Board and the members thereof are qualified.

Such proof may be rebutted.

(Source: P.A. 85-932.)

(225 ILCS 70/28) (from Ch. 111, par. 3678)

(Section scheduled to be repealed on January 1, 2008)

Sec. 28. Rehearing on order of Secretary Director. Whenever the Secretary Director believes justice has not been done in the refusal to issue or renew a license or revocation, suspension, or discipline of a license, he or she may order a rehearing.

(Source: P.A. 90-61, eff. 12-30-97.)

Section 25. The Physician Assistant Practice Act of 1987 is amended by changing Sections 3, 4, 7, 10.5, 11, 12, 14.1, 15, 21, 22, 22.1, 22.2, 22.5, 22.6, 22.7, 22.8, 22.9, 22.10, and 22.13 as follows:

(225 ILCS 95/3) (from Ch. 111, par. 4603)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation or renewal of the license is specifically excluded. For the purposes of this Act the notice required under Section 10-25 of the Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party. The Secretary Director may promulgate rules for the

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administration and enforcement of this Act and may prescribe forms to be issued in connection with this Act.
(Source: P.A. 88-45.)

(225 ILCS 95/4) (from Ch. 111, par. 4604)
(Section scheduled to be repealed on January 1, 2008)

Sec. 4. In this Act:
1. "Department" means the Department of Financial and Professional Regulation.
2. "Secretary Director" means the Secretary Director of Financial and Professional Regulation.
3. "Physician assistant" means any person not a physician who has been certified as a physician assistant by the National Commission on the Certification of Physician Assistants or equivalent successor agency and performs procedures under the supervision of a physician as defined in this Act. A physician assistant may perform such procedures within the specialty of the supervising physician, except that such physician shall exercise such direction, supervision and control over such physician assistants as will assure that patients shall receive quality medical care. Physician assistants shall be capable of performing a variety of tasks within the specialty of medical care under the supervision of a physician. Supervision of the physician assistant shall not be construed to necessarily require the personal presence of the supervising physician at all times at the place where services are rendered, as long as there is communication available for consultation by radio, telephone or telecommunications within established guidelines as determined by the physician/physician assistant team. The supervising physician may delegate tasks and duties to the physician assistant. Delegated tasks or duties shall be consistent with physician assistant education, training, and experience. The delegated tasks or duties shall be specific to the practice setting and shall be implemented and reviewed under guidelines established by the physician or physician/physician assistant team. A physician assistant, acting as an agent of the physician, shall be permitted to transmit the supervising physician's orders as determined by the institution's by-laws, policies, procedures, or job description within which the physician/physician

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assistant team practices. Physician assistants shall practice only within the established guidelines.


6. "Physician" means, for purposes of this Act, a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987.

7. "Supervising Physician" means, for the purposes of this Act, the primary supervising physician of a physician assistant, who, within his specialty and expertise may delegate a variety of tasks and procedures to the physician assistant. Such tasks and procedures shall be delegated within established guidelines. The supervising physician maintains the final responsibility for the care of the patient and the performance of the physician assistant.

8. "Alternate supervising physician" means, for the purpose of this Act, any physician designated by the supervising physician to provide supervision in the event that he or she is unable to provide that supervision for a period not to exceed 30 days unless the Department is notified in writing. The Department may further define "alternate supervising physician" by rule.

The alternate supervising physicians shall maintain all the same responsibilities as the supervising physician. Nothing in this Act shall be construed as relieving any physician of the professional or legal responsibility for the care and treatment of persons attended by him or by physician assistants under his supervision. Nothing in this Act shall be construed as to limit the reasonable number of alternate supervising physicians, provided they are designated by the supervising physician.

9. "Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address, and such changes must be made either through the

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Sec. 7. Supervision requirements. No more than 2 physician assistants shall be supervised by the supervising physician, although a physician assistant shall be able to hold more than one professional position. Each supervising physician shall file a notice of supervision of such physician assistant according to the rules of the Department. However, the alternate supervising physician may supervise more than 2 physician assistants when the supervising physician is unable to provide such supervision consistent with the definition of alternate physician in Section 4. It is the responsibility of the supervising physician to maintain documentation each time he or she has designated an alternative supervising physician. This documentation shall include the date alternate supervisory control began, the date alternate supervisory control ended, and any other changes. A supervising physician shall provide a copy of this documentation to the Department, upon request.

Physician assistants shall be supervised only by physicians as defined in this Act who are engaged in clinical practice, or in clinical practice in public health or other community health facilities.

Nothing in this Act shall be construed to limit the delegation of tasks or duties by a physician to a nurse or other appropriately trained personnel.

Nothing in this Act shall be construed to prohibit the employment of physician assistants by a hospital, nursing home or other health care facility where such physician assistants function under the supervision of a supervising physician.

Physician assistants may be employed by the Department of Corrections or the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) for service in facilities maintained by such Departments and affiliated training facilities in programs conducted under the authority of the Director of...
Corrections or the Secretary of Human Services. Each physician assistant employed by the Department of Corrections or the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) shall be under the supervision of a physician engaged in clinical practice and direct patient care. Duties of each physician assistant employed by such Departments are limited to those within the scope of practice of the supervising physician who is fully responsible for all physician assistant activities.

A physician assistant may be employed by a practice group or other entity employing multiple physicians at one or more locations. In that case, one of the physicians practicing at a location shall be designated the supervising physician. The other physicians with that practice group or other entity who practice in the same general type of practice or specialty as the supervising physician may supervise the physician assistant with respect to their patients without being deemed alternate supervising physicians for the purpose of this Act.

(Source: P.A. 93-149, eff. 7-10-03.)

(225 ILCS 95/10.5)

(Sec. 10.5. Unlicensed practice; violation; civil penalty.)

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a physician's assistant without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $10,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

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Sec. 11. Committee. There is established a physician assistant advisory committee to the Medical Licensing Board. The physician assistant advisory committee shall review and make recommendations to the Board regarding all matters relating to physician assistants. The physician assistant advisory committee shall be composed of 7 members. Three of the 7 members shall be physicians, 2 of whom shall be members of the Board and appointed to the advisory committee by the chairman. One physician, not a member of the Board, shall be a supervisor of a certified physician assistant and shall be approved by the Governor from a list of Illinois physicians supervising certified physician assistants. Three members shall be physician assistants, certified under the law and appointed by the Governor from a list of 10 names recommended by the Board of Directors of the Illinois Academy of Physician Assistants. One member, not employed or having any material interest in any health care field, shall be appointed by the Governor and represent the public. The chairman of the physician assistant advisory committee shall be a member elected by a majority vote of the physician assistant advisory committee unless already a member of the Board. The physician assistant advisory committee is required to meet and report to the Board as physician assistant issues arise. The terms of office of each of the original 7 members shall be at staggered intervals. One physician and one physician assistant shall serve for a 2 year term. One physician and one physician assistant shall serve a 3 year term. One physician, one physician assistant and the public member shall serve a 4 year term. Upon the expiration of the term of any member, his successor shall be appointed for a term of 4 years in the same manner as the initial appointment. No member shall serve more than 2 consecutive terms.

The members of the physician assistant advisory committee shall be reimbursed for all authorized legitimate and necessary expenses incurred in attending the meetings of the committee.
A majority of the physician assistant advisory committee members currently appointed shall constitute a quorum. A vacancy in the membership of the committee shall not impair the right of a quorum to perform all of the duties of the committee.

Members of the physician assistant advisory committee shall have no liability for any action based upon a disciplinary proceeding or other activity performed in good faith as a member of the committee.

(Source: P.A. 90-61, eff. 12-30-97; 91-827, eff. 6-13-00.)

(225 ILCS 95/12) (from Ch. 111, par. 4612)

(Section scheduled to be repealed on January 1, 2008)

Sec. 12. A person shall be qualified for licensure as a physician assistant and the Department may issue a physician assistant license to a person if that person who:

1. Has applied in writing in form and substance satisfactory to the Department and has not violated any of the provisions of Section 21 of this Act or the rules promulgated hereunder. The Department may take into consideration any felony conviction of the applicant but such conviction shall not operate as an absolute bar to licensure; and

2. Has successfully completed the examination provided by the National Commission on the Certification of Physician's Assistant or its successor agency;

3. Holds a certificate issued by the National Commission on the Certification of Physician Assistants or an equivalent successor agency; and

4. Complies with all applicable rules of the Department.

(Source: P.A. 85-981.)

(225 ILCS 95/14.1)

(Section scheduled to be repealed on January 1, 2008)

Sec. 14.1. Fees.

(a) Fees collected for the administration of this Act shall be set by the Department by rule. The Department shall provide by rule for a schedule of fees to be paid for licenses by all applicants. All fees are not refundable.

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(b) (Blank). Except as provided in subsection (c) below, the fees for the administration and enforcement of this Act, including but not limited to original licensure, renewal, and restoration, shall be set by rule.

(c) All moneys collected under this Act by the Department shall be deposited in the Illinois State Medical Disciplinary Fund in the State Treasury and used (1) in the exercise of its powers and performance of its duties under this Act, as such use is made by the Department; (2) for costs directly related to license renewal of persons licensed under this Act; and (3) for the costs incurred by the physician assistant advisory committee in the exercise of its powers and performance of its duties under this Act, as such use is made by the Department; and (4) for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation.

All earnings received from investment of moneys in the Illinois State Medical Disciplinary Fund shall be deposited into the Illinois State Medical Disciplinary Fund and shall be used for the same purposes as fees deposited in the Fund.

(Source: P.A. 90-61, eff. 12-30-97.)

(225 ILCS 95/15) (from Ch. 111, par. 4615)

(Section scheduled to be repealed on January 1, 2008)

Sec. 15. Endorsement. Upon payment of the required fee, the Department may, in its discretion, license as a physician assistant, an applicant who is may be approved as a physician assistant who has been licensed or approved in another jurisdiction, if the requirements for licensure in that jurisdiction were, at the time of licensure, substantially equivalent to the requirements in force in this State on that date or equivalent to the requirements of this Act the same requirements, and to whom the applicant applies and pays a fee determined by the Department.

(Source: P.A. 85-981.)

(225 ILCS 95/21) (from Ch. 111, par. 4621)

(Section scheduled to be repealed on January 1, 2008)

Sec. 21. Grounds for disciplinary action.

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(a) The Department may refuse to issue or to renew, or may revoke, suspend, place on probation, censure or reprimand, or take other disciplinary or non-disciplinary action with regard to any license issued under this Act as the Department may deem proper, including the issuance of fines not to exceed $10,000 for each violation, for any one or combination of the following causes:

1. Material misstatement in furnishing information to the Department.
2. Violations of this Act, or the rules adopted under this Act.
3. Conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony under the laws of the United States or any state or territory thereof, or any U.S. jurisdiction that is a felony or that is a misdemeanor, of which an essential element of which is dishonesty, or of any crime that is directly related to the practice of the profession.
4. Making any misrepresentation for the purpose of obtaining licenses.
5. Professional incompetence.
6. Aiding or assisting another person in violating any provision of this Act or its rules.
7. Failing, within 60 days, to provide information in response to a written request made by the Department.
8. Engaging in dishonorable, unethical, or unprofessional conduct, as defined by rule, of a character likely to deceive, defraud, or harm the public.
9. Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in a physician assistant's inability to practice with reasonable judgment, skill, or safety.
10. Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Section.

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(11) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate or other form of compensation for any professional services not actually or personally rendered.

(12) A finding by the Disciplinary Board that the licensee, after having his or her license placed on probationary status has violated the terms of probation.

(13) Abandonment of a patient.

(14) Willfully making or filing false records or reports in his or her practice, including but not limited to false records filed with state agencies or departments.

(15) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(16) Physical illness, or mental illness or impairment including but not limited to deterioration through the aging process, or loss of motor skill, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, or safety, including, but not limited to, deterioration through the aging process or loss of motor skill.

(17) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(18) (Blank). Conviction in this State or another state of any crime that is a felony under the laws of this State, or conviction of a felony in a federal court.

(19) Gross negligence malpractice resulting in permanent injury or death of a patient.

(20) Employment of fraud, deception or any unlawful means in applying for or securing a license as a physician assistant.

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(21) Exceeding the authority delegated to him or her by his or her supervising physician in guidelines established by the physician/physician assistant team.

(22) Immoral conduct in the commission of any act, such as sexual abuse, sexual misconduct or sexual exploitation related to the licensee's practice.

(23) Violation of the Health Care Worker Self-Referral Act.

(24) Practicing under a false or assumed name, except as provided by law.

(25) Making a false or misleading statement regarding his or her skill or the efficacy or value of the medicine, treatment, or remedy prescribed by him or her in the course of treatment.

(26) Allowing another person to use his or her license to practice.

(27) Prescribing, selling, administering, distributing, giving, or self-administering a drug classified as a controlled substance (designated product) or narcotic for other than medically-accepted therapeutic purposes.

(28) Promotion of the sale of drugs, devices, appliances, or goods provided for a patient in a manner to exploit the patient for financial gain.

(29) A pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act.

(30) Violating State or federal laws or regulations relating to controlled substances or other legend drugs.

(31) Exceeding the limited prescriptive authority delegated by the supervising physician or violating the written guidelines delegating that authority.

(32) Practicing without providing to the Department a notice of supervision or delegation of prescriptive authority.

(b) The Department may, without a hearing, refuse to issue or renew or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any

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final assessment of the tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient, and upon the recommendation of the Disciplinary Board to the Secretary that the licensee be allowed to resume his or her practice.

(d) In enforcing this Section, the Department upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department finds an individual unable to practice because of the reasons set forth in this Section, the Department may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file a complaint
to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Secretary Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 30 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(225 ILCS 95/22) (from Ch. 111, par. 4622)

Sec. 22. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall

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automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Secretary Director may waive the fines due under this Section in individual cases where the Secretary Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-146, eff. 1-1-02.)

(225 ILCS 95/22.1) (from Ch. 111, par. 4622.1)
(Sec. 22.1. Injunction.

(a) If any person violates the provision of this Act, the Secretary Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in which the action is brought, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation, and if it is established that such person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person shall practice as a physician assistant or hold himself or herself out as a physician assistant without being licensed under the provisions of this Act, then any licensed physician assistant, any interested party or any person injured thereby may, in addition to the Secretary Director, petition for relief as provided in subsection (a) of this Section.

(c) Whenever in the opinion of the Department any person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him. The

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rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued forthwith.

(Source: P.A. 90-61, eff. 12-30-97.)

(225 ILCS 95/22.2) (from Ch. 111, par. 4622.2)

(Section scheduled to be repealed on January 1, 2008)

Sec. 22.2. Investigation; notice; hearing. The Department may investigate the actions of any applicant or of any person or persons holding or claiming to hold a license. The Department shall, before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license, at least 30 days prior to the date set for the hearing, notify the applicant or licensee in writing of any charges made and the time and place for a hearing of the charges before the Disciplinary Board, direct him or her to file his or her written answer thereto to the Disciplinary Board under oath within 20 days after the service on him or her of such notice and inform him or her that if he or she fails to file such answer default will be taken against him or her and his or her license may be suspended, revoked, placed on probationary status, or have other disciplinary action, including limiting the scope, nature or extent of his or her practice, as the Department may deem proper taken with regard thereto. Written notice may be served by personal delivery or certified or registered mail at the last address of his or her last notification to the applicant or licensee at his or her last address of record with the Department. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence, and argument as may be pertinent to the charges or to the defense thereto. The Department may continue such hearing from time to time. In case the applicant or licensee, after receiving notice, fails to file an answer, his or her license may in the discretion of the Secretary Director, having received first the recommendation of the Disciplinary Board, be suspended,
revoked, placed on probationary status, or the Secretary Director may take whatever disciplinary action as he or she may deem proper, including limiting the scope, nature, or extent of such person's practice, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

(Source: P.A. 90-61, eff. 12-30-97.)

(225 ILCS 95/22.5) (from Ch. 111, par. 4622.5)
(Section scheduled to be repealed on January 1, 2008)
Sec. 22.5. Subpoena power; oaths. The Department shall have power to subpoena and bring before it any person and to take testimony either orally or by deposition or both, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.

The Secretary Director, the designated hearing officer, and any member of the Disciplinary Board designated by the Secretary Director shall each have power to administer oaths to witnesses at any hearing which the Department is authorized to conduct under this Act and any other oaths required or authorized to be administered by the Department under this Act.

(Source: P.A. 90-61, eff. 12-30-97.)

(225 ILCS 95/22.6) (from Ch. 111, par. 4622.6)
(Section scheduled to be repealed on January 1, 2008)
Sec. 22.6. At the conclusion of the hearing the Disciplinary Board shall present to the Secretary Director a written report of its findings of fact, conclusions of law and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Disciplinary Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary Director.

The report of findings of fact, conclusions of law and recommendation of the Disciplinary Board shall be the basis for the Department's order or refusal or for the granting of a license or permit. If the Secretary Director disagrees in any regard with the report of the Disciplinary Board, the Secretary Director may issue an order in

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contravention thereof. The Secretary Director shall provide a written report to the Disciplinary Board on any deviation, and shall specify with particularity the reasons for such action in the final order. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 85-981.)

(225 ILCS 95/22.7) (from Ch. 111, par. 4622.7)

(Sec. 22.7. Hearing officer. Notwithstanding the provisions of Section 22.2 of this Act, the Secretary Director shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew, or for discipline of, a license. The Secretary Director shall notify the Disciplinary Board of any such appointment. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Disciplinary Board and the Secretary Director. The Disciplinary Board shall have 60 days from receipt of the report to review the report of the hearing officer and present their findings of fact, conclusions of law, and recommendations to the Secretary Director. If the Disciplinary Board fails to present its report within the 60 day period, the respondent may request in writing a direct appeal to the Secretary, in which case the Secretary shall, within 7 calendar days after the request, issue an order directing the Disciplinary Board to issue its findings of fact, conclusions of law, and recommendations to the Secretary within 30 calendar days after such order. If the Disciplinary Board fails to issue its findings of fact, conclusions of law, and recommendations within that time frame to the Secretary after the entry of such order, the Secretary shall, within 30 calendar days thereafter, issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order. If (i) a direct appeal is requested, (ii) the Disciplinary Board fails to issue its findings of fact,
conclusions of law, and recommendations within the 30-day mandate from the Secretary or the Secretary fails to order the Disciplinary Board to do so, and (iii) the Secretary fails to issue an order within 30 calendar days thereafter, then the hearing officer's report is deemed accepted and a final decision of the Secretary. Notwithstanding any other provision of this Section, if the Secretary, upon review, determines that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license or other disciplinary action taken as the result of the entry of the hearing officer's report, the Secretary may order a rehearing by the same or other examiners. The Director shall issue an order based on the report of the hearing officer. If the Secretary disagrees in any regard with the report of the Disciplinary Board or hearing officer, he or she may issue an order in contravention thereof. The Secretary shall provide a written explanation to the Disciplinary Board on any such deviation, and shall specify with particularity the reasons for such action in the final order.

(Source: P.A. 90-61, eff. 12-30-97.)

(225 ILCS 95/22.8) (from Ch. 111, par. 4622.8)

Sec. 22.8. In any case involving the refusal to issue, renew or discipline of a license, a copy of the Disciplinary Board's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial the Secretary may enter an order in accordance with recommendations of the Disciplinary Board except as provided in Section 22.6 or 22.7 of this Act. If the respondent shall order from the reporting service, and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

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Sec. 22.9. Whenever the Secretary Director is satisfied that substantial justice has not been done in the revocation, suspension or refusal to issue or renew a license, the Secretary Director may order a rehearing by the same or another hearing officer or Disciplinary Board.

Sec. 22.10. Order or certified copy; prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary Director, shall be prima facie proof that:

(a) the signature is the genuine signature of the Secretary Director;

(b) the Secretary Director is duly appointed and qualified; and

(c) the Disciplinary Board and the members thereof are qualified to act.

Sec. 22.13. The Secretary Director may temporarily suspend the license of a physician assistant without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 22.2 of this Act, if the Secretary Director finds that evidence in his possession indicates that continuation in practice would constitute an imminent danger to the public. In the event that the Secretary Director suspends, temporarily, this license without a hearing, a hearing by the Department must be held within 30 days after such suspension has occurred, and concluded without appreciable delay.
Section 30. The Home Medical Equipment and Services Provider License Act is amended by repealing Sections 40 and 175.
(225 ILCS 70/27 rep.)
(225 ILCS 70/30 rep.)

Section 35. The Nursing Home Administrators Licensing and Disciplinary Act is amended by repealing Sections 27 and 30.
(225 ILCS 95/14 rep.)

Section 40. The Physician Assistant Practice Act of 1987 is amended by repealing Section 14.

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly November 2, 2007.
Approved December 31, 2007.

PUBLIC ACT 95-0704
(Senate Bill No. 0753)

AN ACT concerning government.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Supreme Court Historic Preservation Act is amended by changing Section 10 as follows:
(705 ILCS 17/10)
Sec. 10. Supreme Court Historic Preservation Commission; creation; commissioners; appointments; terms; compensation.
(a) The Supreme Court Historic Preservation Commission is created within the Judicial Branch of State government.
(b) The Commission consists of 9 commissioners as follows:
(1) the Administrative Director of the Illinois Courts shall serve as a commissioner ex officio;
(2) Two commissioners appointed by the Court, one of whom shall be designated as the chairperson of the Commission upon appointment;

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(3) Two commissioners appointed by the Governor;
(4) Two commissioners appointed by the President of the Senate, one of whom may not belong to the same political party as the President; and
(5) Two commissioners appointed by the Speaker of the House of Representatives, one of whom may not belong to the same political party as the Speaker.

(c) The terms of the initial appointed commissioners shall commence upon qualification. Each appointing authority shall designate one appointee to serve for a 2-year term running through June 30, 2009, and each appointing authority shall designate one appointee to serve for a 4-year term running through June 30, 2011. The commissioner designated as the chairperson by the Court must be appointed for a 4-year term. The initial appointments must be made by January 1, 2008 within 60 days after the effective date of this Act.

(d) After the initial terms, commissioners shall serve for 4-year terms commencing on July 1 of the year of appointment and running through June 30 of the 4th following year. Commissioners may be reappointed to one or more subsequent terms.

(e) Vacancies occurring other than at the end of a term shall be filled by the appointing authority only for the balance of the term of the commissioner whose office is vacant.

(f) Terms shall run regardless of whether the position is filled.

(g) The members of the Commission shall receive no compensation for their service, except for their actual expenses while in the discharge of their official duties.

(Source: P.A. 95-410, eff. 8-24-07.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved December 31, 2007.

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AN ACT concerning education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by changing Section 14-7.02b as follows:

(105 ILCS 5/14-7.02b)

Sec. 14-7.02b. Funding for children requiring special education services. Payments to school districts for children requiring special education services documented in their individualized education program regardless of the program from which these services are received, excluding children claimed under Sections 14-7.02 and 14-7.03 of this Code, shall be made in accordance with this Section. Funds received under this Section may be used only for the provision of special educational facilities and services as defined in Section 14-1.08 of this Code.

The appropriation for fiscal year 2005 and thereafter shall be based upon the IDEA child count of all students in the State, excluding students claimed under Sections 14-7.02 and 14-7.03 of this Code, on December 1 of the fiscal year 2 years preceding, multiplied by 17.5% of the general State aid foundation level of support established for that fiscal year under Section 18-8.05 of this Code.

Beginning with fiscal year 2005 and through fiscal year 2007, individual school districts shall not receive payments under this Section totaling less than they received under the funding authorized under Section 14-7.02a of this Code during fiscal year 2004, pursuant to the provisions of Section 14-7.02a as they were in effect before the effective date of this amendatory Act of the 93rd General Assembly. This base level funding shall be computed first.

Beginning with fiscal year 2008 and each fiscal year thereafter, individual school districts must not receive payments under this Section totaling less than they received in fiscal year 2007. This funding shall be computed last and shall be a separate calculation from any other
calculation set forth in this Section. This amount is exempt from the requirements of Section 1D-1 of this Code.

An amount equal to 85% of the funds remaining in the appropriation, after subtracting any base level funding for that fiscal year, shall be allocated to school districts based upon the district's average daily attendance reported for purposes of Section 18-8.05 of this Code for the preceding school year. Fifteen percent of the funds remaining in the appropriation, after subtracting any base level funding for that fiscal year, shall be allocated to school districts based upon the district's low income eligible pupil count used in the calculation of general State aid under Section 18-8.05 of this Code for the same fiscal year. One hundred percent of the funds computed and allocated to districts under this Section shall be distributed and paid to school districts.

For individual students with disabilities whose program costs exceed 4 times the district's per capita tuition rate as calculated under Section 10-20.12a of this Code, the costs in excess of 4 times the district's per capita tuition rate shall be paid by the State Board of Education from unexpended IDEA discretionary funds originally designated for room and board reimbursement pursuant to Section 14-8.01 of this Code. The amount of tuition for these children shall be determined by the actual cost of maintaining classes for these children, using the per capita cost formula set forth in Section 14-7.01 of this Code, with the program and cost being pre-approved by the State Superintendent of Education. Reimbursement for individual students with disabilities whose program costs exceed 4 times the district's per capita tuition rate shall be claimed beginning with costs encumbered for the 2004-2005 school year and thereafter.

The State Board of Education shall prepare vouchers equal to one-fourth the amount allocated to districts, for transmittal to the State Comptroller on the 30th day of September, December, and March, respectively, and the final voucher, no later than June 20. The Comptroller shall make payments pursuant to this Section to school districts as soon as possible after receipt of vouchers. If the money appropriated from the General Assembly for such purposes for any year is insufficient, it shall be apportioned on the basis of the payments due to school districts.

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Nothing in this Section shall be construed to decrease or increase the percentage of all special education funds that are allocated annually under Article 1D of this Code or to alter the requirement that a school district provide special education services.

Nothing in this amendatory Act of the 93rd General Assembly shall eliminate any reimbursement obligation owed as of the effective date of this amendatory Act of the 93rd General Assembly to a school district with in excess of 500,000 inhabitants.

(Source: P.A. 93-1022, eff. 8-24-04.)

Section 99. Effective date. This Act takes effect upon becoming law.

Approved January 8, 2008.
Effective January 8, 2008.

PUBLIC ACT 95-0706
(Senate Bill No. 0478)

AN ACT concerning civil law.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Eminent Domain Act is amended by changing the heading of Part 5 of Article 25 and by adding Section 25-5-5 as follows:

(735 ILCS 30/Art. 25, Pt. 5 heading)
Part 5. New Quick-take Powers

(Reserved)

(Source: P.A. 94-1055, eff. 1-1-07.)

(735 ILCS 30/25-5-5 new)

Sec. 25-5-5. Quick-take; Village of Skokie. Quick-take proceedings under Article 20 may be used for a period of 12 months after the effective date of this amendatory Act of the 95th General Assembly by the Village of Skokie for the acquisition of property to be used for pedestrian egress and ingress, drop-off and pick-up areas, taxi waiting areas, and a bus connection stop to support a rail transit station, and for improvements to

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Skokie Boulevard and Searle Parkway to accommodate traffic signals, improved turning radii, and lane widening, as follows:

8116 Skokie Boulevard

Index Number (PIN) 10-21-501-011-0000

ALL THAT PART OF BLOCK 4 IN THE SUBDIVISION OF LOT 2 OF THE SUBDIVISION OF THE SOUTH 105 ACRES OF THE SOUTHEAST ¼ OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EASTERLY OF A LINE DRAWN 135.0 FEET EASTERLY OF PARALLEL TO THE RIGHT OF WAY OF THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY, MEASURED AT RIGHT ANGLES THERETO (EXCEPT THAT PART TAKEN FOR STREETS) IN COOK COUNTY, ILLINOIS.

8156-8200 Skokie Boulevard

Index Number (PIN) 10-21-402-077-0000

THAT PART OF LOT 1 LYING EASTERLY OF THE LINE DRAWN PARALLEL IN DISTANCE 135 FEET AT RIGHT ANGLES IN AN EASTERLY DIRECTION FROM THE EAST LINE OF THE RIGHT-OF-WAY OF THE CHICAGO AND NORTHWESTERN RAILROAD COMPANY AND SOUTHERLY OF A LINE PARALLEL TO AND 353 FEET SOUTHERLY OF THE NORTH LINE OF BLOCK 1 IN BLAMEUSER’S SUBDIVISION OF THE SOUTH 105 ACRES OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Section 99. Effective date. This Act takes effect upon becoming law.

Approved January 8, 2008.
Effective January 8, 2008.
AN ACT concerning State government.
Be it enacted by the People of the State of Illinois, represented in
the General Assembly:

ARTICLE 1. SHORT TITLE; PURPOSE
Section 1-1. Short title. This Act may be cited as the FY2008
Budget Implementation Act.
Section 1-5. Purpose. It is the purpose of this Act to make changes
in State programs that are necessary to implement the FY2008 budget.

ARTICLE 3. STATE SERVICES ASSURANCE ACT FOR 2008
Section 3-1. Short title. This Article may be cited as the State
Services Assurance Act for FY2008, and references in this Article to "this
Act" mean this Article.
Section 3-5. Definitions. For the purposes of this Act:
"Frontline staff" means State employees in the RC 6, RC 9, RC 10,
RC 14, RC 28, RC 42, RC 62, RC 63, and CU 500 bargaining units in
titles represented by AFSCME as of June 1, 2007.
"On-board frontline staff" means frontline staff in paid status.
Section 3-10. Legislative intent and policy. The General Assembly
finds that State government delivers a myriad of services that are necessary
for the health, welfare, safety, and quality of life of all Illinois residents.
Because State services are used by many Illinois citizens who cannot speak
the English language fluently, there is a need for bilingual State
employees. The number of workers in State government who speak a
language other than English is inadequate, leaving those workers who do
speak another language overworked and incapable of meeting the rising
demand for their services.

In response to this crisis, it is the intent of the General Assembly in
FY 2008 to ensure the hiring and retention of additional bilingual frontline
staff in State agencies where public services are most used. These
additions take into account our State's current revenue crisis, and are a first
step. Raising bilingual staffing to meet higher national standards to fully
ensure the effective delivery of essential services is the long-term goal of the General Assembly.

Section 3-15. Staffing standards. On or before July 1, 2008 each named agency shall increase and maintain the number of bilingual on-board frontline staff over the levels that it maintained on June 30, 2007 as follows:

1. The Department of Corrections shall have at least 40 additional bilingual on-board frontline staff.
2. Mental health and developmental centers operated by the Department of Human Services shall have at least 20 additional bilingual on-board frontline staff.
3. Family and Community Resource Centers operated by the Department of Human Services shall have at least 100 additional bilingual on-board frontline staff.
4. The Department of Children and Family Services shall have at least 40 additional bilingual on-board frontline staff.
5. The Department of Veterans Affairs shall have at least 5 additional bilingual on-board frontline staff.
6. The Environmental Protection Agency shall have at least 5 additional bilingual on-board frontline staff.
7. The Department of Employment Security shall have at least 10 additional bilingual on-board frontline staff.
8. The Department of Natural Resources shall have at least 5 additional bilingual on-board frontline staff.
9. The Department of Public Health shall have at least 5 additional bilingual on-board frontline staff.
10. The Department of State Police shall have at least 5 additional bilingual on-board frontline staff.
11. The Department of Juvenile Justice shall have at least 25 additional bilingual on-board frontline staff.

Section 3-20. Accountability. On or before April 1, 2008 and each year thereafter, each executive branch agency, board, and commission shall prepare and submit a report to the General Assembly on the staffing level of bilingual employees. The report shall provide data from the
previous month, including but not limited to each employees name, job title, job description, and languages spoken.

ARTICLE 5. AMENDATORY PROVISIONS

Section 5-1. The State Employees Group Insurance Act of 1971 is amended by changing Section 10 as follows:

(5 ILCS 375/10) (from Ch. 127, par. 530)

Sec. 10. Payments by State; premiums.

(a) The State shall pay the cost of basic non-contributory group life insurance and, subject to member paid contributions set by the Department or required by this Section, the basic program of group health benefits on each eligible member, except a member, not otherwise covered by this Act, who has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code, and part of each eligible member's and retired member's premiums for health insurance coverage for enrolled dependents as provided by Section 9. The State shall pay the cost of the basic program of group health benefits only after benefits are reduced by the amount of benefits covered by Medicare for all members and dependents who are eligible for benefits under Social Security or the Railroad Retirement system or who had sufficient Medicare-covered government employment, except that such reduction in benefits shall apply only to those members and dependents who (1) first become eligible for such Medicare coverage on or after July 1, 1992; or (2) are Medicare-eligible members or dependents of a local government unit which began participation in the program on or after July 1, 1992; or (3) remain eligible for, but no longer receive Medicare coverage which they had been receiving on or after July 1, 1992. The Department may determine the aggregate level of the State's contribution on the basis of actual cost of medical services adjusted for age, sex or geographic or other demographic characteristics which affect the costs of such programs.

The cost of participation in the basic program of group health benefits for the dependent or survivor of a living or deceased retired employee who was formerly employed by the University of Illinois in the Cooperative Extension Service and would be an annuitant but for the fact

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that he or she was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code shall not be greater than the cost of participation that would otherwise apply to that dependent or survivor if he or she were the dependent or survivor of an annuitant under the State Universities Retirement System.

(a-1) Beginning January 1, 1998, for each person who becomes a new SERS annuitant and participates in the basic program of group health benefits, the State shall contribute toward the cost of the annuitant's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of creditable service upon which the annuitant's retirement annuity is based, up to a maximum of 100% for an annuitant with 20 or more years of creditable service. The remainder of the cost of a new SERS annuitant's coverage under the basic program of group health benefits shall be the responsibility of the annuitant. In the case of a new SERS annuitant who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code in lieu of an annuity, for the purposes of this subsection the annuitant shall be deemed to be receiving a retirement annuity based on the number of years of creditable service that the annuitant had established at the time of his or her termination of service under SERS.

(a-2) Beginning January 1, 1998, for each person who becomes a new SERS survivor and participates in the basic program of group health benefits, the State shall contribute toward the cost of the survivor's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of the deceased employee's or deceased annuitant's creditable service in the State Employees' Retirement System of Illinois on the date of death, up to a maximum of 100% for a survivor of an employee or annuitant with 20 or more years of creditable service. The remainder of the cost of the new SERS survivor's coverage under the basic program of group health benefits shall be the responsibility of the survivor. In the case of a new SERS survivor who was the dependent of an annuitant who elected to receive an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code
in lieu of an annuity, for the purposes of this subsection the deceased
annuitant's creditable service shall be determined as of the date of
termination of service rather than the date of death.

(a-3) Beginning January 1, 1998, for each person who becomes a
new SARS annuitant and participates in the basic program of group health
benefits, the State shall contribute toward the cost of the annuitant's
coverage under the basic program of group health benefits an amount
equal to 5% of that cost for each full year of creditable service upon which
the annuitant's retirement annuity is based, up to a maximum of 100% for
an annuitant with 20 or more years of creditable service. The remainder of
the cost of a new SARS annuitant's coverage under the basic program of
group health benefits shall be the responsibility of the annuitant.

(a-4) (Blank).

(a-5) Beginning January 1, 1998, for each person who becomes a
new SARS survivor and participates in the basic program of group health
benefits, the State shall contribute toward the cost of the survivor's
coverage under the basic program of group health benefits an amount
equal to 5% of that cost for each full year of the deceased employee's or
deceased annuitant's creditable service in the State Universities Retirement
System on the date of death, up to a maximum of 100% for a survivor of
an employee or annuitant with 20 or more years of creditable service. The
remainder of the cost of the new SARS survivor's coverage under the basic
program of group health benefits shall be the responsibility of the survivor.

(a-6) Beginning July 1, 1998, for each person who becomes a new
TRS State annuitant and participates in the basic program of group health
benefits, the State shall contribute toward the cost of the annuitant's
coverage under the basic program of group health benefits an amount
equal to 5% of that cost for each full year of creditable service as a teacher
as defined in paragraph (2), (3), or (5) of Section 16-106 of the Illinois
Pension Code upon which the annuitant's retirement annuity is based, up
to a maximum of 100%; except that the State contribution shall be 12.5%
per year (rather than 5%) for each full year of creditable service as a
regional superintendent or assistant regional superintendent of schools.
The remainder of the cost of a new TRS State annuitant's coverage under

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the basic program of group health benefits shall be the responsibility of the
annuitant.

(a-7) Beginning July 1, 1998, for each person who becomes a new
TRS State survivor and participates in the basic program of group health
benefits, the State shall contribute toward the cost of the survivor's
coverage under the basic program of group health benefits an amount
equal to 5% of that cost for each full year of the deceased employee's or
deceased annuitant's creditable service as a teacher as defined in paragraph
(2), (3), or (5) of Section 16-106 of the Illinois Pension Code on the date
of death, up to a maximum of 100%; except that the State contribution
shall be 12.5% per year (rather than 5%) for each full year of the deceased
employee's or deceased annuitant's creditable service as a regional
superintendent or assistant regional superintendent of schools. The
remainder of the cost of the new TRS State survivor's coverage under the
basic program of group health benefits shall be the responsibility of the
survivor.

(a-8) A new SERS annuitant, new SERS survivor, new SURS
annuitant, new SURS survivor, new TRS State annuitant, or new TRS
State survivor may waive or terminate coverage in the program of group
health benefits. Any such annuitant or survivor who has waived or
terminated coverage may enroll or re-enroll in the program of group health
benefits only during the annual benefit choice period, as determined by the
Director; except that in the event of termination of coverage due to
nonpayment of premiums, the annuitant or survivor may not re-enroll in
the program.

(a-9) No later than May 1 of each calendar year, the Director of
Central Management Services shall certify in writing to the Executive
Secretary of the State Employees' Retirement System of Illinois the
amounts of the Medicare supplement health care premiums and the
amounts of the health care premiums for all other retirees who are not
Medicare eligible.

A separate calculation of the premiums based upon the actual cost
of each health care plan shall be so certified.
The Director of Central Management Services shall provide to the Executive Secretary of the State Employees' Retirement System of Illinois such information, statistics, and other data as he or she may require to review the premium amounts certified by the Director of Central Management Services.

The Department of Healthcare and Family Services, or any successor agency designated to procure healthcare contracts pursuant to this Act, is authorized to establish funds, separate accounts provided by any bank or banks as defined by the Illinois Banking Act, or separate accounts provided by any savings and loan association or associations as defined by the Illinois Savings and Loan Act of 1985 to be held by the Director, outside the State treasury, for the purpose of receiving the transfer of moneys from the Local Government Health Insurance Reserve Fund. The Department may promulgate rules further defining the methodology for the transfers. Any interest earned by moneys in the funds or accounts shall inure to the Local Government Health Insurance Reserve Fund. The transferred moneys, and interest accrued thereon, shall be used exclusively for transfers to administrative service organizations or their financial institutions for payments of claims to claimants and providers under the self-insurance health plan. The transferred moneys, and interest accrued thereon, shall not be used for any other purpose including, but not limited to, reimbursement of administration fees due the administrative service organization pursuant to its contract or contracts with the Department.

(b) State employees who become eligible for this program on or after January 1, 1980 in positions normally requiring actual performance of duty not less than 1/2 of a normal work period but not equal to that of a normal work period, shall be given the option of participating in the available program. If the employee elects coverage, the State shall contribute on behalf of such employee to the cost of the employee's benefit and any applicable dependent supplement, that sum which bears the same percentage as that percentage of time the employee regularly works when compared to normal work period.

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(c) The basic non-contributory coverage from the basic program of group health benefits shall be continued for each employee not in pay status or on active service by reason of (1) leave of absence due to illness or injury, (2) authorized educational leave of absence or sabbatical leave, or (3) military leave with pay and benefits. This coverage shall continue until expiration of authorized leave and return to active service, but not to exceed 24 months for leaves under item (1) or (2). This 24-month limitation and the requirement of returning to active service shall not apply to persons receiving ordinary or accidental disability benefits or retirement benefits through the appropriate State retirement system or benefits under the Workers' Compensation or Occupational Disease Act.

(d) The basic group life insurance coverage shall continue, with full State contribution, where such person is (1) absent from active service by reason of disability arising from any cause other than self-inflicted, (2) on authorized educational leave of absence or sabbatical leave, or (3) on military leave with pay and benefits.

(e) Where the person is in non-pay status for a period in excess of 30 days or on leave of absence, other than by reason of disability, educational or sabbatical leave, or military leave with pay and benefits, such person may continue coverage only by making personal payment equal to the amount normally contributed by the State on such person's behalf. Such payments and coverage may be continued: (1) until such time as the person returns to a status eligible for coverage at State expense, but not to exceed 24 months, (2) until such person's employment or annuitant status with the State is terminated, or (3) for a maximum period of 4 years for members on military leave with pay and benefits and military leave without pay and benefits (exclusive of any additional service imposed pursuant to law).

(f) The Department shall establish by rule the extent to which other employee benefits will continue for persons in non-pay status or who are not in active service.

(g) The State shall not pay the cost of the basic non-contributory group life insurance, program of health benefits and other employee benefits for members who are survivors as defined by paragraphs (1) and

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(2) of subsection (q) of Section 3 of this Act. The costs of benefits for these survivors shall be paid by the survivors or by the University of Illinois Cooperative Extension Service, or any combination thereof. However, the State shall pay the amount of the reduction in the cost of participation, if any, resulting from the amendment to subsection (a) made by this amendatory Act of the 91st General Assembly.

(h) Those persons occupying positions with any department as a result of emergency appointments pursuant to Section 8b.8 of the Personnel Code who are not considered employees under this Act shall be given the option of participating in the programs of group life insurance, health benefits and other employee benefits. Such persons electing coverage may participate only by making payment equal to the amount normally contributed by the State for similarly situated employees. Such amounts shall be determined by the Director. Such payments and coverage may be continued until such time as the person becomes an employee pursuant to this Act or such person's appointment is terminated.

(i) Any unit of local government within the State of Illinois may apply to the Director to have its employees, annuitants, and their dependents provided group health coverage under this Act on a non-insured basis. To participate, a unit of local government must agree to enroll all of its employees, who may select coverage under either the State group health benefits plan or a health maintenance organization that has contracted with the State to be available as a health care provider for employees as defined in this Act. A unit of local government must remit the entire cost of providing coverage under the State group health benefits plan or, for coverage under a health maintenance organization, an amount determined by the Director based on an analysis of the sex, age, geographic location, or other relevant demographic variables for its employees, except that the unit of local government shall not be required to enroll those of its employees who are covered spouses or dependents under this plan or another group policy or plan providing health benefits as long as (1) an appropriate official from the unit of local government attests that each employee not enrolled is a covered spouse or dependent under this plan or another group policy or plan, and (2) at least 85% of the

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employees are enrolled and the unit of local government remits the entire
cost of providing coverage to those employees, except that a participating
school district must have enrolled at least 85% of its full-time employees
who have not waived coverage under the district's group health plan by
participating in a component of the district's cafeteria plan. A participating
school district is not required to enroll a full-time employee who has
waived coverage under the district's health plan, provided that an
appropriate official from the participating school district attests that the
full-time employee has waived coverage by participating in a component
of the district's cafeteria plan. For the purposes of this subsection,
"participating school district" includes a unit of local government whose
primary purpose is education as defined by the Department's rules.

Employees of a participating unit of local government who are not
enrolled due to coverage under another group health policy or plan may
enroll in the event of a qualifying change in status, special enrollment,
special circumstance as defined by the Director, or during the annual
Benefit Choice Period. A participating unit of local government may also
elect to cover its annuitants. Dependent coverage shall be offered on an
optional basis, with the costs paid by the unit of local government, its
employees, or some combination of the two as determined by the unit of
local government. The unit of local government shall be responsible for
timely collection and transmission of dependent premiums.

The Director shall annually determine monthly rates of payment,
subject to the following constraints:

(1) In the first year of coverage, the rates shall be equal to
the amount normally charged to State employees for elected
optional coverages or for enrolled dependents coverages or other
contributory coverages, or contributed by the State for basic
insurance coverages on behalf of its employees, adjusted for
differences between State employees and employees of the local
government in age, sex, geographic location or other relevant
demographic variables, plus an amount sufficient to pay for the
additional administrative costs of providing coverage to employees
of the unit of local government and their dependents.

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(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the unit of local government.

In the case of coverage of local government employees under a health maintenance organization, the Director shall annually determine for each participating unit of local government the maximum monthly amount the unit may contribute toward that coverage, based on an analysis of (i) the age, sex, geographic location, and other relevant demographic variables of the unit's employees and (ii) the cost to cover those employees under the State group health benefits plan. The Director may similarly determine the maximum monthly amount each unit of local government may contribute toward coverage of its employees' dependents under a health maintenance organization.

Monthly payments by the unit of local government or its employees for group health benefits plan or health maintenance organization coverage shall be deposited in the Local Government Health Insurance Reserve Fund.

The Local Government Health Insurance Reserve Fund is hereby created as a nonappropriated trust fund to be held outside the State Treasury, with the State Treasurer as custodian. The Local Government Health Insurance Reserve Fund shall be a continuing fund not subject to fiscal year limitations. All revenues arising from the administration of the health benefits program established under this Section shall be deposited into the Local Government Health Insurance Reserve Fund. Any interest earned on moneys in the Local Government Health Insurance Reserve Fund shall be deposited into the Fund. All expenditures from this Fund shall be used for payments for health care benefits for local government and rehabilitation facility employees, annuitants, and dependents, and to reimburse the Department or its administrative service organization for all expenses incurred in the administration of benefits. No other State funds may be used for these purposes.

A local government employer's participation or desire to participate in a program created under this subsection shall not limit that employer's
duty to bargain with the representative of any collective bargaining unit of its employees.

(j) Any rehabilitation facility within the State of Illinois may apply to the Director to have its employees, annuitants, and their eligible dependents provided group health coverage under this Act on a non-insured basis. To participate, a rehabilitation facility must agree to enroll all of its employees and remit the entire cost of providing such coverage for its employees, except that the rehabilitation facility shall not be required to enroll those of its employees who are covered spouses or dependents under this plan or another group policy or plan providing health benefits as long as (1) an appropriate official from the rehabilitation facility attests that each employee not enrolled is a covered spouse or dependent under this plan or another group policy or plan, and (2) at least 85% of the employees are enrolled and the rehabilitation facility remits the entire cost of providing coverage to those employees. Employees of a participating rehabilitation facility who are not enrolled due to coverage under another group health policy or plan may enroll in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period. A participating rehabilitation facility may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with the costs paid by the rehabilitation facility, its employees, or some combination of the 2 as determined by the rehabilitation facility. The rehabilitation facility shall be responsible for timely collection and transmission of dependent premiums.

The Director shall annually determine quarterly rates of payment, subject to the following constraints:

(1) In the first year of coverage, the rates shall be equal to the amount normally charged to State employees for elected optional coverages or for enrolled dependents coverages or other contributory coverages on behalf of its employees, adjusted for differences between State employees and employees of the rehabilitation facility in age, sex, geographic location or other relevant demographic variables, plus an amount sufficient to pay
for the additional administrative costs of providing coverage to employees of the rehabilitation facility and their dependents.

(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the rehabilitation facility.

Monthly payments by the rehabilitation facility or its employees for group health benefits shall be deposited in the Local Government Health Insurance Reserve Fund.

(k) Any domestic violence shelter or service within the State of Illinois may apply to the Director to have its employees, annuitants, and their dependents provided group health coverage under this Act on a non-insured basis. To participate, a domestic violence shelter or service must agree to enroll all of its employees and pay the entire cost of providing such coverage for its employees. A participating domestic violence shelter may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with employees, or some combination of the 2 as determined by the domestic violence shelter or service. The domestic violence shelter or service shall be responsible for timely collection and transmission of dependent premiums.

The Director shall annually determine rates of payment, subject to the following constraints:

(1) In the first year of coverage, the rates shall be equal to the amount normally charged to State employees for elected optional coverages or for enrolled dependents coverages or other contributory coverages on behalf of its employees, adjusted for differences between State employees and employees of the domestic violence shelter or service in age, sex, geographic location or other relevant demographic variables, plus an amount sufficient to pay for the additional administrative costs of providing coverage to employees of the domestic violence shelter or service and their dependents.

(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the domestic violence shelter or service.

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Monthly payments by the domestic violence shelter or service or its employees for group health insurance shall be deposited in the Local Government Health Insurance Reserve Fund.

(l) A public community college or entity organized pursuant to the Public Community College Act may apply to the Director initially to have only annuitants not covered prior to July 1, 1992 by the district's health plan provided health coverage under this Act on a non-insured basis. The community college must execute a 2-year contract to participate in the Local Government Health Plan. Any annuitant may enroll in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period.

The Director shall annually determine monthly rates of payment subject to the following constraints: for those community colleges with annuitants only enrolled, first year rates shall be equal to the average cost to cover claims for a State member adjusted for demographics, Medicare participation, and other factors; and in the second year, a further adjustment of rates shall be made to reflect the actual first year's claims experience of the covered annuitants.

(l-5) The provisions of subsection (l) become inoperative on July 1, 1999.

(m) The Director shall adopt any rules deemed necessary for implementation of this amendatory Act of 1989 (Public Act 86-978).

(n) Any child advocacy center within the State of Illinois may apply to the Director to have its employees, annuitants, and their dependents provided group health coverage under this Act on a non-insured basis. To participate, a child advocacy center must agree to enroll all of its employees and pay the entire cost of providing coverage for its employees. A participating child advocacy center may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with the costs paid by the child advocacy center, its employees, or some combination of the 2 as determined by the child advocacy center. The child advocacy center shall be responsible for timely collection and transmission of dependent premiums.

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The Director shall annually determine rates of payment, subject to the following constraints:

(1) In the first year of coverage, the rates shall be equal to the amount normally charged to State employees for elected optional coverages or for enrolled dependents coverages or other contributory coverages on behalf of its employees, adjusted for differences between State employees and employees of the child advocacy center in age, sex, geographic location, or other relevant demographic variables, plus an amount sufficient to pay for the additional administrative costs of providing coverage to employees of the child advocacy center and their dependents.

(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the child advocacy center.

Monthly payments by the child advocacy center or its employees for group health insurance shall be deposited into the Local Government Health Insurance Reserve Fund.

(Source: P.A. 94-839, eff. 6-6-06; 94-860, eff. 6-16-06; 95-331, eff. 8-21-07; 95-632, eff. 9-25-07.)

Section 5-5. The Mental Health and Developmental Disabilities Administrative Act is amended by changing Sections 18.4, 18.5, and 57.5 as follows:

(20 ILCS 1705/18.4)

Sec. 18.4. Community Mental Health Medicaid Trust Fund; reimbursement.

(a) The Community Mental Health Medicaid Trust Fund is hereby created in the State Treasury.

(b) Amounts Except as otherwise provided in this Section, following repayment of interfund transfers under subsection (b-1), amounts paid to the State during each State fiscal year by the federal government under Title XIX or Title XXI of the Social Security Act for services delivered by community mental health providers, and any interest earned thereon, shall be deposited as follows:

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(1) The first $75,000,000 shall be deposited directly into the Community Mental Health Medicaid Trust Fund to be used for the purchase of community mental health services;

(2) The next $4,500,000 shall be deposited directly into the Community Mental Health Medicaid Trust Fund to be used by the Department of Human Services' Division of Mental Health for the oversight and administration of community mental health services and up to $1,000,000 of this amount may be used for support of community mental health service initiatives; and

(3) The next $3,500,000 shall be deposited directly into the General Revenue Fund;

(4) Any additional amounts shall be deposited 50% into the Community Mental Health Medicaid Trust Fund to be used for the purchase of community mental health services and 50% into the General Revenue Fund.

(b-1) For State fiscal year 2005, the first $73,000,000 in any funds paid to the State by the federal government under Title XIX or Title XXI of the Social Security Act for services delivered by community mental health services providers, and any interest earned thereon, shall be deposited directly into the Community Mental Health Medicaid Trust Fund before any deposits are made into the General Revenue Fund. The next $25,000,000, less any deposits made prior to the effective date of this amendatory Act of the 94th General Assembly, shall be deposited into the General Revenue Fund. Amounts received in excess of $98,000,000 shall be deposited 50% into the General Revenue Fund and 50% into the Community Mental Health Medicaid Trust Fund. At the direction of the Director of Healthcare and Family Services, on April 1, 2005, or as soon thereafter as practical, the Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed $14,000,000 into the Community Mental Health Medicaid Trust Fund from the Public Aid Recoveries Trust Fund.

(b-2) For State fiscal year 2006, and in subsequent fiscal years until any transfers under subsection (b-1) are repaid, the first $73,000,000 in any funds paid to the State by the federal government under Title XIX or

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Title XXI of the Social Security Act for services delivered by community mental health providers, and any interest earned thereon, shall be deposited directly into the Community Mental Health Medicaid Trust Fund. Then the next $14,000,000, or such amount as was transferred under subsection (b-1) at the direction of the Director of Healthcare and Family Services, shall be deposited into the Public Aid Recoveries Trust Fund. Any additional amounts received shall be deposited in accordance with subsection (b):

   (c) The Department shall reimburse community mental health providers for services provided to eligible individuals. Moneys in the Community Mental Health Medicaid Trust Fund may be used for that purpose.

   (d) As used in this Section:
   "Community mental health provider" means a community agency that is funded by the Department to provide a service.
   "Service" means a mental health service provided pursuant to the provisions of administrative rules adopted by the Department and funded by the Department of Human Services' Division of Mental Health.

(Source: P.A. 93-841, eff. 7-30-04; 94-58, eff. 6-17-05; 94-839, eff. 6-6-06.)

(20 ILCS 1705/18.5)
Sec. 18.5. Community Developmental Disability Services Medicaid Trust Fund; reimbursement.
   (a) The Community Developmental Disability Services Medicaid Trust Fund is hereby created in the State treasury.

   (b) Except as provided in subsection (b-5), any funds in excess of $16,700,000 in any fiscal year paid to the State by the federal government under Title XIX or Title XXI of the Social Security Act for services delivered by community developmental disability services providers for services relating to Developmental Training and Community Integrated Living Arrangements as a result of the conversion of such providers from a grant payment methodology to a fee-for-service payment methodology, or any other funds paid to the State for any subsequent revenue maximization initiatives performed by such providers, and any

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interest earned thereon, shall be deposited directly into the Community Developmental Disability Services Medicaid Trust Fund. One-third of this amount shall be used only to pay for Medicaid-reimbursed community developmental disability services provided to eligible individuals, and the remainder shall be transferred to the General Revenue Fund.

(b-5) Beginning in State fiscal year 2008, any funds paid to the State by the federal government under Title XIX or Title XXI of the Social Security Act for services delivered through the Children's Residential Waiver and the Children's In-Home Support Waiver shall be deposited directly into the Community Developmental Disability Services Medicaid Trust Fund and shall not be subject to the transfer provisions of subsection (b).

(c) For purposes of this Section:

"Medicaid-reimbursed developmental disability services" means services provided by a community developmental disability provider under an agreement with the Department that is eligible for reimbursement under the federal Title XIX program or Title XXI program.

"Provider" means a qualified entity as defined in the State's Home and Community-Based Services Waiver for Persons with Developmental Disabilities that is funded by the Department to provide a Medicaid-reimbursed service.

"Revenue maximization alternatives" do not include increases in funds paid to the State as a result of growth in spending through service expansion or rate increases.

(Source: P.A. 93-841, eff. 7-30-04.)

(20 ILCS 1705/57.5)

Sec. 57.5. Autism diagnosis education program.

(a) Subject to appropriations, the Department shall contract to establish an autism diagnosis education program for young children. The Department shall establish the program at 3 different sites in the State. The program shall have the following goals:

(1) Providing, to medical professionals and others statewide, a systems development initiative that promotes best practice standards for the diagnosis and treatment planning for
young children who have autism spectrum disorders, for the purpose of helping existing systems of care to build solid circles of expertise within their ranks.

(2) Educating medical practitioners, school personnel, day care providers, parents, and community service providers (including, but not limited to, early intervention and developmental disabilities providers) throughout the State on appropriate diagnosis and treatment of autism.

(3) Supporting systems of care for young children with autism spectrum disorders.

(4) Working together with universities and developmental disabilities providers to identify unmet needs and resources.

(5) Encouraging and supporting research on optional services for young children with autism spectrum disorders.

In addition to the aforementioned items, on January 1, 2008, The Autism Program shall expand training and direct services by deploying additional regional centers, outreach centers, and community planning and network development initiatives. The expanded Autism Program Service Network shall consist of a comprehensive program of outreach and center development utilizing model programs developed by The Autism Program. This expansion shall span Illinois and support consensus building, outreach, and service provision for children with autism spectrum disorders and their families.

(b) Before January 1, 2006, the Department shall report to the Governor and the General Assembly concerning the progress of the autism diagnosis education program established under this Section.

(Source: P.A. 93-395, eff. 7-29-03.)

Section 5-7. The Hospital Basic Services Preservation Act is amended by changing Sections 5 and 20 as follows:

(20 ILCS 4050/5)

Sec. 5. Definitions. As used in this Act:
"Basic services" means emergency room and obstetrical services provided within a hospital. "Basic services" is limited to the emergency and obstetric units and services provided by those units.

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"Eligible expenses" means expenses for expanding obstetrical or emergency units, updating equipment, repairing essential equipment, and purchasing new equipment that will increase the quality of basic services provided. "Eligible expenses" does not include expenses related to cosmetic upgrades, staff expansion or salary, or structural expansion of any unit or department of a hospital other than obstetrical or emergency units.

"Essential community hospital provider" means a facility meeting criteria established by rule by the State Treasurer.
(Source: P.A. 94-648, eff. 1-1-06.)
(20 ILCS 4050/20)

Sec. 20. Responsibility of hospitals. Each hospital that receives a loan collateralized under this Act shall take the necessary measures, as defined by the State Treasurer by rule, to account for all moneys and to ensure that they are spent on the basic services for which the loan was approved. Any hospital receiving a loan collateralized under this Act is not eligible for collateralization of another basic services loan under this Act within 10 years after the deposit of funds awarded under the first collateralized loan.
(Source: P.A. 94-648, eff. 1-1-06.)

Section 5-10. The State Finance Act is amended by changing Sections 6z-65.5, 6z-66, 6z-67, 8.3, 8.27, 8g, 13.2, and 14.1 and by adding Sections 5.675, 5.676, 5.677, 5.678, 6z-69, 6z-70, and 25.5 as follows:
(30 ILCS 105/5.675 new)

Sec. 5.675. The Human Services Priority Capital Program Fund.
(30 ILCS 105/5.676 new)

Sec. 5.676. The Predatory Lending Database Program Fund.
(30 ILCS 105/5.677 new)

Sec. 5.677. The Secretary of State Identification Security and Theft Prevention Fund.
(30 ILCS 105/5.678 new)

Sec. 5.678. The Franchise Tax and License Fee Amnesty Administration Fund.
(30 ILCS 105/6z-65.5)

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Sec. 6z-65.5. SBE Federal Department of Education Fund. The SBE Federal Department of Education Fund is created as a federal trust fund in the State treasury. This fund is established to receive funds from the federal Department of Education, including non-indirect cost administrative funds recovered from federal programs, for the specific purposes established by the terms and conditions of federal awards. Moneys in the SBE Federal Department of Education Fund shall be used, subject to appropriation by the General Assembly, for grants and contracts to local education agencies, colleges and universities, and other State agencies and for administrative expenses of the State Board of Education. However, non-appropriated spending is allowed for the refund of unexpended grant moneys to the federal government. The SBE Federal Department of Education Fund shall serve as the successor fund to the National Center for Education Statistics Fund, and any balance remaining in the National Center for Education Statistics Fund on the effective date of this amendatory Act of the 94th General Assembly must be transferred to the SBE Federal Department of Education Fund by the State Treasurer. Any future deposits that would otherwise be made into the National Center for Education Statistics Fund must instead be made into the SBE Federal Department of Education Fund.

On or after July 1, 2007, the State Board of Education shall notify the State Comptroller of the amount of indirect federal funds in the SBE Federal Department of Education Fund to be transferred to the State Board of Education Special Purpose Trust Fund. The State Comptroller shall direct and the State Treasurer shall transfer this amount to the State Board of Education Special Purpose Trust Fund as soon as practical thereafter.

(Source: P.A. 93-838, eff. 7-30-04; 94-69, eff. 7-1-05.)

(30 ILCS 105/6z-66)

Sec. 6z-66. SBE Federal Agency Services Fund. The SBE Federal Agency Services Fund is created as a federal trust fund in the State treasury. This fund is established to receive funds from all federal departments and agencies except the Departments of Education and Agriculture (including among others the Departments of Health and

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Human Services, Defense, and Labor and the Corporation for National and Community Service), including non-indirect cost administrative funds recovered from federal programs, for the specific purposes established by the terms and conditions of federal awards. Moneys in the SBE Federal Agency Services Fund shall be used, subject to appropriation by the General Assembly, for grants and contracts to local education agencies, colleges and universities, and other State agencies and for administrative expenses of the State Board of Education. However, non-appropriated spending is allowed for the refund of unexpended grant moneys to the federal government. The SBE Federal Agency Services Fund shall serve as the successor fund to the SBE Department of Health and Human Services Fund, the SBE Federal Department of Labor Federal Trust Fund, and the SBE Federal National Community Service Fund; and any balance remaining in the SBE Department of Health and Human Services Fund, the SBE Federal Department of Labor Federal Trust Fund, or the SBE Federal National Community Service Fund on the effective date of this amendatory Act of the 94th General Assembly must be transferred to the SBE Federal Agency Services Fund by the State Treasurer. Any future deposits that would otherwise be made into the SBE Department of Health and Human Services Fund, the SBE Federal Department of Labor Federal Trust Fund, or the SBE Federal National Community Service Fund must instead be made into the SBE Federal Agency Services Fund.

On or after July 1, 2007, the State Board of Education shall notify the State Comptroller of the amount of indirect federal funds in the SBE Federal Agency Services Fund to be transferred to the State Board of Education Special Purpose Trust Fund. The State Comptroller shall direct and the State Treasurer shall transfer this amount to the State Board of Education Special Purpose Trust Fund as soon as practical thereafter. (Source: P.A. 93-838, eff. 7-30-04; 94-69, eff. 7-1-05.)

(30 ILCS 105/6z-67)

Sec. 6z-67. SBE Federal Department of Agriculture Fund. The SBE Federal Department of Agriculture Fund is created as a federal trust fund in the State treasury. This fund is established to receive funds from the federal Department of Agriculture, including non-indirect cost
administrative funds recovered from federal programs, for the specific purposes established by the terms and conditions of federal awards. Moneys in the SBE Federal Department of Agriculture Fund shall be used, subject to appropriation by the General Assembly, for grants and contracts to local education agencies, colleges and universities, and other State agencies and for administrative expenses of the State Board of Education. However, non-appropriated spending is allowed for the refund of unexpended grant moneys to the federal government.

On or after July 1, 2007, the State Board of Education shall notify the State Comptroller of the amount of indirect federal funds in the SBE Federal Department of Agriculture Fund to be transferred to the State Board of Education Special Purpose Trust Fund. The State Comptroller shall direct and the State Treasurer shall transfer this amount to the State Board of Education Special Purpose Trust Fund as soon as practical thereafter.

(Source: P.A. 93-838, eff. 7-30-04; 94-69, eff. 7-1-05; 94-835, eff. 6-6-06.)

(30 ILCS 105/6z-69 new)

Sec. 6z-69. Human Services Priority Capital Program Fund. The Human Services Priority Capital Program Fund is created as a special fund in the State treasury. Subject to appropriation, the Department of Human Services shall use moneys in the Human Services Priority Capital Program Fund to make grants to the Illinois Facilities Fund, a not-for-profit corporation, to make long term below market rate loans to nonprofit human service providers working under contract to the State of Illinois to assist those providers in meeting their capital needs. The loans shall be for the purpose of such capital needs, including but not limited to special use facilities, requirements for serving the disabled, mentally ill, or substance abusers, and medical and technology equipment. Loan repayments shall be deposited into the Human Services Priority Capital Program Fund. Interest income may be used to cover expenses of the program. The Illinois Facilities Fund shall report to the Department of Human Services and the General Assembly by April 1, 2008 as to the use and earnings of the program.

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(30 ILCS 105/6z-70 new)

Sec. 6z-70. The Secretary of State Identification Security and Theft Prevention Fund.

(a) The Secretary of State Identification Security and Theft Prevention Fund is created as a special fund in the State treasury. The Fund shall consist of any fund transfers, grants, fees, or moneys from other sources received for the purpose of funding identification security and theft prevention measures.

(b) All moneys in the Secretary of State Identification Security and Theft Prevention Fund shall be used, subject to appropriation, for any costs related to implementing identification security and theft prevention measures.

(c) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2007, and until June 30, 2008, in addition to any other transfers that may be provided for by law, at the direction of and upon notification of the Secretary of State, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Secretary of State Identification Security and Theft Prevention Fund from the designated funds not exceeding the following totals:

- Lobbyist Registration Administration Fund........ $100,000
- Registered Limited Liability Partnership Fund.... $75,000
- Securities Investors Education Fund............. $500,000
- Securities Audit and Enforcement Fund......... $5,725,000
- Department of Business Services
  Special Operations Fund....................... $3,000,000
- Corporate Franchise Tax Refund Fund........... $3,000,000.

(30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

Sec. 8.3. Money in the Road Fund shall, if and when the State of Illinois incurs any bonded indebtedness for the construction of permanent highways, be set aside and used for the purpose of paying and discharging annually the principal and interest on that bonded indebtedness then due and payable, and for no other purpose. The surplus, if any, in the Road Fund after the payment of principal and interest on that bonded indebtedness then annually due shall be used as follows:

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first -- to pay the cost of administration of Chapters 2 through 10 of the Illinois Vehicle Code, except the cost of administration of Articles I and II of Chapter 3 of that Code; and 
secondly -- for expenses of the Department of Transportation for construction, reconstruction, improvement, repair, maintenance, operation, and administration of highways in accordance with the provisions of laws relating thereto, or for any purpose related or incident to and connected therewith, including the separation of grades of those highways with railroads and with highways and including the payment of awards made by the Illinois Workers' Compensation Commission under the terms of the Workers' Compensation Act or Workers' Occupational Diseases Act for injury or death of an employee of the Division of Highways in the Department of Transportation; or for the acquisition of land and the erection of buildings for highway purposes, including the acquisition of highway right-of-way or for investigations to determine the reasonably anticipated future highway needs; or for making of surveys, plans, specifications and estimates for and in the construction and maintenance of flight strips and of highways necessary to provide access to military and naval reservations, to defense industries and defense-industry sites, and to the sources of raw materials and for replacing existing highways and highway connections shut off from general public use at military and naval reservations and defense-industry sites, or for the purchase of right-of-way, except that the State shall be reimbursed in full for any expense incurred in building the flight strips; or for the operating and maintaining of highway garages; or for patrolling and policing the public highways and conserving the peace; or for the operating expenses of the Department relating to the administration of public transportation programs; or for any of those purposes or any other purpose that may be provided by law.

Appropriations for any of those purposes are payable from the Road Fund. Appropriations may also be made from the Road Fund for the

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administrative expenses of any State agency that are related to motor vehicles or arise from the use of motor vehicles.

Beginning with fiscal year 1980 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Department of Public Health;
2. Department of Transportation, only with respect to subsidies for one-half fare Student Transportation and Reduced Fare for Elderly;
3. Department of Central Management Services, except for expenditures incurred for group insurance premiums of appropriate personnel;

Beginning with fiscal year 1981 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Department of State Police, except for expenditures with respect to the Division of Operations;
2. Department of Transportation, only with respect to Intercity Rail Subsidies and Rail Freight Services.

Beginning with fiscal year 1982 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement: Department of Central Management Services, except for awards made by the Illinois Workers' Compensation Commission under the terms of the Workers' Compensation Act or Workers' Occupational Diseases Act for injury or death of an employee of the Division of Highways in the Department of Transportation.

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Beginning with fiscal year 1984 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Department of State Police, except not more than 40% of the funds appropriated for the Division of Operations;

2. State Officers.

Beginning with fiscal year 1984 and thereafter, no Road Fund monies shall be appropriated to any Department or agency of State government for administration, grants, or operations except as provided hereafter; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement. It shall not be lawful to circumvent the above appropriation limitations by governmental reorganization or other methods. Appropriations shall be made from the Road Fund only in accordance with the provisions of this Section.

Money in the Road Fund shall, if and when the State of Illinois incurs any bonded indebtedness for the construction of permanent highways, be set aside and used for the purpose of paying and discharging during each fiscal year the principal and interest on that bonded indebtedness as it becomes due and payable as provided in the Transportation Bond Act, and for no other purpose. The surplus, if any, in the Road Fund after the payment of principal and interest on that bonded indebtedness then annually due shall be used as follows:

first -- to pay the cost of administration of Chapters 2 through 10 of the Illinois Vehicle Code; and

secondly -- no Road Fund monies derived from fees, excises, or license taxes relating to registration, operation and use of vehicles on public highways or to fuels used for the propulsion of those vehicles, shall be appropriated or expended other than for costs of administering the laws imposing those fees, excises, and license taxes, statutory refunds and adjustments allowed thereunder, administrative costs of the Department of

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Transportation, including, but not limited to, the operating expenses of the Department relating to the administration of public transportation programs, payment of debts and liabilities incurred in construction and reconstruction of public highways and bridges, acquisition of rights-of-way for and the cost of construction, reconstruction, maintenance, repair, and operation of public highways and bridges under the direction and supervision of the State, political subdivision, or municipality collecting those monies, and the costs for patrolling and policing the public highways (by State, political subdivision, or municipality collecting that money) for enforcement of traffic laws. The separation of grades of such highways with railroads and costs associated with protection of at-grade highway and railroad crossing shall also be permissible.

Appropriations for any of such purposes are payable from the Road Fund or the Grade Crossing Protection Fund as provided in Section 8 of the Motor Fuel Tax Law.

Except as provided in this paragraph, beginning with fiscal year 1991 and thereafter, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of its total fiscal year 1990 Road Fund appropriations for those purposes unless otherwise provided in Section 5g of this Act. For fiscal years 2003, 2004, 2005, 2006, and 2007 only, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of $97,310,000. For fiscal year 2008 only, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of $106,100,000. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods unless otherwise provided in Section 5g of this Act.

In fiscal year 1994, no Road Fund monies shall be appropriated to the Secretary of State for the purposes of this Section in excess of the total fiscal year 1991 Road Fund appropriations to the Secretary of State for those purposes, plus $9,800,000. It shall not be lawful to circumvent this

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limitation on appropriations by governmental reorganization or other method.

Beginning with fiscal year 1995 and thereafter, no Road Fund monies shall be appropriated to the Secretary of State for the purposes of this Section in excess of the total fiscal year 1994 Road Fund appropriations to the Secretary of State for those purposes. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods.

Beginning with fiscal year 2000, total Road Fund appropriations to the Secretary of State for the purposes of this Section shall not exceed the amounts specified for the following fiscal years:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>$80,500,000</td>
</tr>
<tr>
<td>2001</td>
<td>$80,500,000</td>
</tr>
<tr>
<td>2002</td>
<td>$80,500,000</td>
</tr>
<tr>
<td>2003</td>
<td>$130,500,000</td>
</tr>
<tr>
<td>2004</td>
<td>$130,500,000</td>
</tr>
<tr>
<td>2005</td>
<td>$130,500,000</td>
</tr>
<tr>
<td>2006</td>
<td>$130,500,000</td>
</tr>
<tr>
<td>2007</td>
<td>$130,500,000</td>
</tr>
<tr>
<td>2008 and each year thereafter</td>
<td>$30,500,000</td>
</tr>
</tbody>
</table>

It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods.

No new program may be initiated in fiscal year 1991 and thereafter that is not consistent with the limitations imposed by this Section for fiscal year 1984 and thereafter, insofar as appropriation of Road Fund monies is concerned.

Nothing in this Section prohibits transfers from the Road Fund to the State Construction Account Fund under Section 5e of this Act; nor to the General Revenue Fund, as authorized by this amendatory Act of the 93rd General Assembly.

The additional amounts authorized for expenditure in this Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91 shall be repaid to the Road Fund from the General Revenue Fund in the next succeeding fiscal year.
fiscal year that the General Revenue Fund has a positive budgetary balance, as determined by generally accepted accounting principles applicable to government.

The additional amounts authorized for expenditure by the Secretary of State and the Department of State Police in this Section by this amendatory Act of the 94th General Assembly shall be repaid to the Road Fund from the General Revenue Fund in the next succeeding fiscal year that the General Revenue Fund has a positive budgetary balance, as determined by generally accepted accounting principles applicable to government.

(Source: P.A. 93-25, eff. 6-20-03; 93-721, eff. 1-1-05; 93-839, eff. 7-30-04; 94-91, eff. 7-1-05; 94-839, eff. 6-6-06.)

(30 ILCS 105/8.27) (from Ch. 127, par. 144.27)

Sec. 8.27. All receipts from federal financial participation in the Foster Care and Adoption Services program under Title IV-E of the federal Social Security Act, including receipts for related indirect costs, shall be deposited in the DCFS Children's Services Fund.

Eighty percent of the federal funds received by the Illinois Department of Human Services under the Title IV-A Emergency Assistance program as reimbursement for expenditures made from the Illinois Department of Children and Family Services appropriations for the costs of services in behalf of Department of Children and Family Services clients shall be deposited into the DCFS Children's Services Fund.

All receipts from federal financial participation in the Child Welfare Services program under Title IV-B of the federal Social Security Act, including receipts for related indirect costs, shall be deposited into the DCFS Children's Services Fund for those moneys received as reimbursement for services provided on or after July 1, 1994.

In addition, as soon as may be practicable after the first day of November, 1994, the Department of Children and Family Services shall request the Comptroller to order transferred and the Treasurer shall transfer the unexpended balance of the Child Welfare Services Fund to the DCFS Children's Services Fund. Upon completion of the transfer, the Child Welfare Services Fund will be considered dissolved and any

New matter indicated by italics - deletions by strikeout
outstanding obligations or liabilities of that fund will pass to the DCFS Children's Services Fund.

For services provided on or after July 1, 2007, all federal funds received pursuant to the John H. Chafee Foster Care Independence Program shall be deposited into the DCFS Children's Services Fund.

Monies in the Fund may be used by the Department, pursuant to appropriation by the General Assembly, for the ordinary and contingent expenses of the Department.

In fiscal year 1988 and in each fiscal year thereafter through fiscal year 2000, the Comptroller shall order transferred and the Treasurer shall transfer an amount of $16,100,000 from the DCFS Children's Services Fund to the General Revenue Fund in the following manner: As soon as may be practicable after the 15th day of September, December, March and June, the Comptroller shall order transferred and the Treasurer shall transfer, to the extent that funds are available, 1/4 of $16,100,000, plus any cumulative deficiencies in such transfers for prior transfer dates during such fiscal year. In no event shall any such transfer reduce the available balance in the DCFS Children's Services Fund below $350,000.

In accordance with subsection (q) of Section 5 of the Children and Family Services Act, disbursements from individual children's accounts shall be deposited into the DCFS Children's Services Fund.

Receipts from public and unsolicited private grants, fees for training, and royalties earned from the publication of materials owned by or licensed to the Department of Children and Family Services shall be deposited into the DCFS Children's Services Fund.

As soon as may be practical after September 1, 2005, upon the request of the Department of Children and Family Services, the Comptroller shall order transferred and the Treasurer shall transfer the unexpended balance of the Department of Children and Family Services Training Fund into the DCFS Children's Services Fund. Upon completion of the transfer, the Department of Children and Family Services Training Fund is dissolved and any outstanding obligations or liabilities of that Fund pass to the DCFS Children's Services Fund.
(Source: P.A. 94-91, eff. 7-1-05.)

New matter indicated by italics - deletions by strikeout
Sec. 8g. Fund transfers.

(a) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $10,000,000 from the General Revenue Fund to the Motor Vehicle License Plate Fund created by Senate Bill 1028 of the 91st General Assembly.

(b) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $25,000,000 from the General Revenue Fund to the Fund for Illinois' Future created by Senate Bill 1066 of the 91st General Assembly.

(c) In addition to any other transfers that may be provided for by law, on August 30 of each fiscal year's license period, the Illinois Liquor Control Commission shall direct and the State Comptroller and State Treasurer shall transfer from the General Revenue Fund to the Youth Alcoholism and Substance Abuse Prevention Fund an amount equal to the number of retail liquor licenses issued for that fiscal year multiplied by $50.

(d) The payments to programs required under subsection (d) of Section 28.1 of the Horse Racing Act of 1975 shall be made, pursuant to appropriation, from the special funds referred to in the statutes cited in that subsection, rather than directly from the General Revenue Fund.

Beginning January 1, 2000, on the first day of each month, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from the General Revenue Fund to each of the special funds from which payments are to be made under Section 28.1(d) of the Horse Racing Act of 1975 an amount equal to 1/12 of the annual amount required for those payments from that special fund, which annual amount shall not exceed the annual amount for those payments from that special fund for the calendar year 1998. The special funds to which transfers shall be made under this subsection (d) include, but are not

New matter indicated by italics - deletions by strikeout
necessarily limited to, the Agricultural Premium Fund; the Metropolitan Exposition Auditorium and Office Building Fund; the Fair and Exposition Fund; the Standardbred Breeders Fund; the Thoroughbred Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

(e) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $15,000,000 from the General Revenue Fund to the Fund for Illinois' Future.

(f) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $70,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(f-1) In fiscal year 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $160,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(g) In addition to any other transfers that may be provided for by law, on July 1, 2001, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(h) In each of fiscal years 2002 through 2004, but not thereafter, in addition to any other transfers that may be provided for by law, the State Comptroller shall direct and the State Treasurer shall transfer $5,000,000 from the General Revenue Fund to the Tourism Promotion Fund.

(i) On or after July 1, 2001 and until May 1, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

New matter indicated by italics - deletions by strikeout
$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2002.

(i-1) On or after July 1, 2002 and until May 1, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2003.

(j) On or after July 1, 2001 and no later than June 30, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

- From the General Revenue Fund: $8,450,000
- From the Public Utility Fund: $1,700,000
- From the Transportation Regulatory Fund: $2,650,000
- From the Title III Social Security and Employment Fund: $3,700,000
- From the Professions Indirect Cost Fund: $4,050,000
- From the Underground Storage Tank Fund: $550,000
- From the Agricultural Premium Fund: $750,000
- From the State Pensions Fund: $200,000
- From the Road Fund: $2,000,000
- From the Health Facilities Planning Fund: $1,000,000
- From the Savings and Residential Finance

New matter indicated by italics - deletions by strikeout
(k) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 92nd General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-1) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-2) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-3) On or after July 1, 2002 and no later than June 30, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appraisal Administration Fund</td>
<td>$150,000</td>
</tr>
<tr>
<td>General Revenue Fund</td>
<td>10,440,000</td>
</tr>
<tr>
<td>Savings and Residential Finance</td>
<td></td>
</tr>
<tr>
<td>Regulatory Fund</td>
<td>200,000</td>
</tr>
<tr>
<td>State Pensions Fund</td>
<td>100,000</td>
</tr>
<tr>
<td>Bank and Trust Company Fund</td>
<td>100,000</td>
</tr>
</tbody>
</table>

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Professions Indirect Cost Fund................. 3,400,000
Public Utility Fund........................... 2,081,200
Real Estate License Administration Fund....... 150,000
Title III Social Security and
   Employment Fund.......................... 1,000,000
Transportation Regulatory Fund............... 3,052,100
Underground Storage Tank Fund................. 50,000

(l) In addition to any other transfers that may be provided for by
law, on July 1, 2002, or as soon as may be practical thereafter, the State
Comptroller shall direct and the State Treasurer shall transfer the sum of
$3,000,000 from the General Revenue Fund to the Presidential Library and
Museum Operating Fund.

(m) In addition to any other transfers that may be provided for by
law, on July 1, 2002 and on the effective date of this amendatory Act of
the 93rd General Assembly, or as soon thereafter as may be practical, the
State Comptroller shall direct and the State Treasurer shall transfer the
sum of $1,200,000 from the General Revenue Fund to the Violence
Prevention Fund.

(n) In addition to any other transfers that may be provided for by
law, on July 1, 2003, or as soon thereafter as may be practical, the State
Comptroller shall direct and the State Treasurer shall transfer the sum of
$6,800,000 from the General Revenue Fund to the DHS Recoveries Trust
Fund.

(o) On or after July 1, 2003, and no later than June 30, 2004, in
addition to any other transfers that may be provided for by law, at the
direction of and upon notification from the Governor, the State
Comptroller shall direct and the State Treasurer shall transfer amounts not
to exceed the following sums into the Vehicle Inspection Fund:

   From the Underground Storage Tank Fund ...... $35,000,000.

(p) On or after July 1, 2003 and until May 1, 2004, in addition to
any other transfers that may be provided for by law, at the direction of and
upon notification from the Governor, the State Comptroller shall direct
and the State Treasurer shall transfer amounts not exceeding a total of
$80,000,000 from the General Revenue Fund to the Tobacco Settlement

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Recovery Fund. Any amounts so transferred shall be re-transferred from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2004.

(q) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $5,000,000 from the General Revenue Fund to the Illinois Military Family Relief Fund.

(r) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,922,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(s) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $4,800,000 from the Statewide Economic Development Fund to the General Revenue Fund.

(t) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $50,000,000 from the General Revenue Fund to the Budget Stabilization Fund.

(u) On or after July 1, 2004 and until May 1, 2005, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2005.

(v) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State

New matter indicated by italics - deletions by strikeout
Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(w) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $6,445,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(x) In addition to any other transfers that may be provided for by law, on January 15, 2005, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer to the General Revenue Fund the following sums:

- From the State Crime Laboratory Fund, $200,000;
- From the State Police Wireless Service Emergency Fund, $200,000;
- From the State Offender DNA Identification System Fund, $800,000; and
- From the State Police Whistleblower Reward and Protection Fund, $500,000.

(y) Notwithstanding any other provision of law to the contrary, in addition to any other transfers that may be provided for by law on June 30, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the designated funds into the General Revenue Fund and any future deposits that would otherwise be made into these funds must instead be made into the General Revenue Fund:

1. the Keep Illinois Beautiful Fund;
2. the Metropolitan Fair and Exposition Authority Reconstruction Fund;
3. the New Technology Recovery Fund;
4. the Illinois Rural Bond Bank Trust Fund;
5. the ISBE School Bus Driver Permit Fund;
6. the Solid Waste Management Revolving Loan Fund;
7. the State Postsecondary Review Program Fund;

New matter indicated by italics - deletions by strikeout
(8) the Tourism Attraction Development Matching Grant Fund;
(9) the Patent and Copyright Fund;
(10) the Credit Enhancement Development Fund;
(11) the Community Mental Health and Developmental Disabilities Services Provider Participation Fee Trust Fund;
(12) the Nursing Home Grant Assistance Fund;
(13) the By-product Material Safety Fund;
(14) the Illinois Student Assistance Commission Higher EdNet Fund;
(15) the DORS State Project Fund;
(16) the School Technology Revolving Fund;
(17) the Energy Assistance Contribution Fund;
(18) the Illinois Building Commission Revolving Fund;
(19) the Illinois Aquaculture Development Fund;
(20) the Homelessness Prevention Fund;
(21) the DCFS Refugee Assistance Fund;
(22) the Illinois Century Network Special Purposes Fund;
and
(23) the Build Illinois Purposes Fund.

(z) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(aa) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $9,000,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(bb) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of

New matter indicated by italics - deletions by strikeout
$6,803,600 from the General Revenue Fund to the Securities Audit and Enforcement Fund.

(cc) In addition to any other transfers that may be provided for by law, on or after July 1, 2005 and until May 1, 2006, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2006.

(dd) In addition to any other transfers that may be provided for by law, on April 1, 2005, or as soon thereafter as may be practical, at the direction of the Director of Public Aid (now Director of Healthcare and Family Services), the State Comptroller shall direct and the State Treasurer shall transfer from the Public Aid Recoveries Trust Fund amounts not to exceed $14,000,000 to the Community Mental Health Medicaid Trust Fund.

(ee) Notwithstanding any other provision of law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the Illinois Civic Center Bond Fund to the Illinois Civic Center Bond Retirement and Interest Fund.

(ff) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until June 30, 2007, at the direction of and upon notification from the Director of the Governor's Office of Management and Budget, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $1,900,000 from the General Revenue Fund to the Illinois Capital Revolving Loan Fund.

(gg) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until May 1, 2007, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total

New matter indicated by italics - deletions by strikeout
of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2007.

(hh) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until June 30, 2007, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts from the Illinois Affordable Housing Trust Fund to the designated funds not exceeding the following amounts:

- DCFS Children's Services Fund................................. $2,200,000
- Department of Corrections Reimbursement and Education Fund................................. $1,500,000
- Supplemental Low-Income Energy Assistance Fund................................. $75,000

(ii) In addition to any other transfers that may be provided for by law, on or before August 31, 2006, the Governor and the State Comptroller may agree to transfer the surplus cash balance from the General Revenue Fund to the Budget Stabilization Fund and the Pension Stabilization Fund in equal proportions. The determination of the amount of the surplus cash balance shall be made by the Governor, with the concurrence of the State Comptroller, after taking into account the June 30, 2006 balances in the general funds and the actual or estimated spending from the general funds during the lapse period. Notwithstanding the foregoing, the maximum amount that may be transferred under this subsection (ii) is $50,000,000.

(jj) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $8,250,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

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(kk) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,400,000 from the General Revenue Fund to the Violence Prevention Fund.

(ll) In addition to any other transfers that may be provided for by law, on the first day of each calendar quarter of the fiscal year beginning July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer from the General Revenue Fund amounts equal to one-fourth of $20,000,000 to the Renewable Energy Resources Trust Fund.

(mm) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,320,000 from the General Revenue Fund to the I-FLY Fund.

(nn) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $3,000,000 from the General Revenue Fund to the African-American HIV/AIDS Response Fund.

(oo) In addition to any other transfers that may be provided for by law, on and after July 1, 2006 and until June 30, 2007, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts identified as net receipts from the sale of all or part of the Illinois Student Assistance Commission loan portfolio from the Student Loan Operating Fund to the General Revenue Fund. The maximum amount that may be transferred pursuant to this Section is $38,800,000. In addition, no transfer may be made pursuant to this Section that would have the effect of reducing the available balance in the Student Loan Operating Fund to an amount less than the amount remaining unexpended and unreserved from the total appropriations from the Fund estimated to be expended for the fiscal year. The State Treasurer and Comptroller shall transfer the amounts designated

New matter indicated by italics - deletions by strikeout
under this Section as soon as may be practical after receiving the direction
to transfer from the Governor.

(pp) In addition to any other transfers that may be provided for
by law, on July 1, 2006, or as soon thereafter as practical, the State
Comptroller shall direct and the State Treasurer shall transfer the sum of
$2,000,000 from the General Revenue Fund to the Illinois Veterans
Assistance Fund.

(qq) In addition to any other transfers that may be provided for by
law, on and after July 1, 2007 and until May 1, 2008, at the direction of
and upon notification from the Governor, the State Comptroller shall
direct and the State Treasurer shall transfer amounts not exceeding a total
of $80,000,000 from the General Revenue Fund to the Tobacco Settlement
Recovery Fund. Any amounts so transferred shall be retransferred by the
State Comptroller and the State Treasurer from the Tobacco Settlement
Recovery Fund to the General Revenue Fund at the direction of and upon
notification from the Governor, but in any event on or before June 30,
2008.

(rr) In addition to any other transfers that may be provided for by
law, on and after July 1, 2007 and until June 30, 2008, at the direction of
and upon notification from the Governor, the State Comptroller shall
direct and the State Treasurer shall transfer amounts from the Illinois
Affordable Housing Trust Fund to the designated funds not exceeding the
following amounts:

- DCFS Children’s Services Fund....................... $2,200,000
- Department of Corrections Reimbursement
  and Education Fund................................. $1,500,000
- Supplemental Low-Income Energy
  Assistance Fund..................................... $75,000

(ss) In addition to any other transfers that may be provided for by
law, on July 1, 2007, or as soon thereafter as practical, the State
Comptroller shall direct and the State Treasurer shall transfer the sum of
$8,250,000 from the General Revenue Fund to the Presidential Library
and Museum Operating Fund.

New matter indicated by italics - deletions by strikeout
(tt) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,400,000 from the General Revenue Fund to the Violence Prevention Fund.

(uu) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,320,000 from the General Revenue Fund to the I-FLY Fund.

(vv) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $3,000,000 from the General Revenue Fund to the African-American HIV/AIDS Response Fund.

(ww) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $3,500,000 from the General Revenue Fund to the Predatory Lending Database Program Fund.

(xx) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $5,000,000 from the General Revenue Fund to the Digital Divide Elimination Fund.

(yy) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $4,000,000 from the General Revenue Fund to the Digital Divide Elimination Infrastructure Fund.

(Source: P.A. 93-32, eff. 6-20-03; 93-648, eff. 1-8-04; 93-839, eff. 7-30-04; 93-1067, eff. 1-15-05; 94-58, eff. 6-17-05; 94-91, eff. 7-1-05; 94-816, eff. 5-30-06; 94-839, eff. 6-6-06; revised 8-3-06.)

(30 ILCS 105/13.2) (from Ch. 127, par. 149.2)
Sec. 13.2. Transfers among line item appropriations.

New matter indicated by italics - deletions by strikeout
(a) Transfers among line item appropriations from the same treasury fund for the objects specified in this Section may be made in the manner provided in this Section when the balance remaining in one or more such line item appropriations is insufficient for the purpose for which the appropriation was made.

(a-1) No transfers may be made from one agency to another agency, nor may transfers be made from one institution of higher education to another institution of higher education.

(a-2) Except as otherwise provided in this Section, transfers may be made only among the objects of expenditure enumerated in this Section, except that no funds may be transferred from any appropriation for personal services, from any appropriation for State contributions to the State Employees' Retirement System, from any separate appropriation for employee retirement contributions paid by the employer, nor from any appropriation for State contribution for employee group insurance. During State fiscal year 2005, an agency may transfer amounts among its appropriations within the same treasury fund for personal services, employee retirement contributions paid by employer, and State Contributions to retirement systems; notwithstanding and in addition to the transfers authorized in subsection (c) of this Section, the fiscal year 2005 transfers authorized in this sentence may be made in an amount not to exceed 2% of the aggregate amount appropriated to an agency within the same treasury fund. During State fiscal year 2007, the Departments of Children and Family Services, Corrections, Human Services, and Juvenile Justice may transfer amounts among their respective appropriations within the same treasury fund for personal services, employee retirement contributions paid by employer, and State contributions to retirement systems. Notwithstanding, and in addition to, the transfers authorized in subsection (c) of this Section, these transfers may be made in an amount not to exceed 2% of the aggregate amount appropriated to an agency within the same treasury fund.

(a-3) Further, if an agency receives a separate appropriation for employee retirement contributions paid by the employer, any transfer by that agency into an appropriation for personal services must be

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accompanied by a corresponding transfer into the appropriation for employee retirement contributions paid by the employer, in an amount sufficient to meet the employer share of the employee contributions required to be remitted to the retirement system.

(b) In addition to the general transfer authority provided under subsection (c), the following agencies have the specific transfer authority granted in this subsection:

The Department of Healthcare and Family Services is authorized to make transfers representing savings attributable to not increasing grants due to the births of additional children from line items for payments of cash grants to line items for payments for employment and social services for the purposes outlined in subsection (f) of Section 4-2 of the Illinois Public Aid Code.

The Department of Children and Family Services is authorized to make transfers not exceeding 2% of the aggregate amount appropriated to it within the same treasury fund for the following line items among these same line items: Foster Home and Specialized Foster Care and Prevention, Institutions and Group Homes and Prevention, and Purchase of Adoption and Guardianship Services.

The Department on Aging is authorized to make transfers not exceeding 2% of the aggregate amount appropriated to it within the same treasury fund for the following Community Care Program line items among these same line items: Homemaker and Senior Companion Services, Alternative Senior Services, Case Coordination Units, and Adult Day Care Services.

The State Treasurer is authorized to make transfers among line item appropriations from the Capital Litigation Trust Fund, with respect to costs incurred in fiscal years 2002 and 2003 only, when the balance remaining in one or more such line item appropriations is insufficient for the purpose for which the appropriation was made, provided that no such transfer may be made unless the amount transferred is no longer required for the purpose for which that appropriation was made.

—the State Board of Education is authorized to make transfers from line item appropriations within the same treasury fund for General State
Aid and General State Aid - Hold Harmless, provided that no such transfer may be made unless the amount transferred is no longer required for the purpose for which that appropriation was made, to the line item appropriation for Transitional Assistance when the balance remaining in such line item appropriation is insufficient for the purpose for which the appropriation was made.

The State Board of Education is authorized to make transfers between the following line item appropriations within the same treasury fund: Disabled Student Services/Materials (Section 14-13.01 of the School Code), Disabled Student Transportation Reimbursement (Section 14-13.01 of the School Code), Disabled Student Tuition - Private Tuition (Section 14-7.02 of the School Code), Extraordinary Special Education (Section 14-7.02b of the School Code), Reimbursement for Free Lunch/Breakfast Program, Summer School Payments (Section 18-4.3 of the School Code), and Transportation - Regular/Vocational Reimbursement (Section 29-5 of the School Code). Such transfers shall be made only when the balance remaining in one or more such line item appropriations is insufficient for the purpose for which the appropriation was made and provided that no such transfer may be made unless the amount transferred is no longer required for the purpose for which that appropriation was made.

(c) The sum of such transfers for an agency in a fiscal year shall not exceed 2% of the aggregate amount appropriated to it within the same treasury fund for the following objects: Personal Services; Extra Help; Student and Inmate Compensation; State Contributions to Retirement Systems; State Contributions to Social Security; State Contribution for Employee Group Insurance; Contractual Services; Travel; Commodities; Printing; Equipment; Electronic Data Processing; Operation of Automotive Equipment; Telecommunications Services; Travel and Allowance for Committed, Paroled and Discharged Prisoners; Library Books; Federal Matching Grants for Student Loans; Refunds; Workers' Compensation, Occupational Disease, and Tort Claims; and, in appropriations to institutions of higher education, Awards and Grants. Notwithstanding the above, any amounts appropriated for payment of workers' compensation claims to an agency to which the authority to

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evaluate, administer and pay such claims has been delegated by the Department of Central Management Services may be transferred to any other expenditure object where such amounts exceed the amount necessary for the payment of such claims.

(c-1) Special provisions for State fiscal year 2003. Notwithstanding any other provision of this Section to the contrary, for State fiscal year 2003 only, transfers among line item appropriations to an agency from the same treasury fund may be made provided that the sum of such transfers for an agency in State fiscal year 2003 shall not exceed 3% of the aggregate amount appropriated to that State agency for State fiscal year 2003 for the following objects: personal services, except that no transfer may be approved which reduces the aggregate appropriations for personal services within an agency; extra help; student and inmate compensation; State contributions to retirement systems; State contributions to social security; State contributions for employee group insurance; contractual services; travel; commodities; printing; equipment; electronic data processing; operation of automotive equipment; telecommunications services; travel and allowance for committed, paroled, and discharged prisoners; library books; federal matching grants for student loans; refunds; workers' compensation, occupational disease, and tort claims; and, in appropriations to institutions of higher education, awards and grants.

(c-2) Special provisions for State fiscal year 2005. Notwithstanding subsections (a), (a-2), and (c), for State fiscal year 2005 only, transfers may be made among any line item appropriations from the same or any other treasury fund for any objects or purposes, without limitation, when the balance remaining in one or more such line item appropriations is insufficient for the purpose for which the appropriation was made, provided that the sum of those transfers by a State agency shall not exceed 4% of the aggregate amount appropriated to that State agency for fiscal year 2005.

(d) Transfers among appropriations made to agencies of the Legislative and Judicial departments and to the constitutionally elected officers in the Executive branch require the approval of the officer
authorized in Section 10 of this Act to approve and certify vouchers. Transfers among appropriations made to the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the Illinois Mathematics and Science Academy and the Board of Higher Education require the approval of the Board of Higher Education and the Governor. Transfers among appropriations to all other agencies require the approval of the Governor.

The officer responsible for approval shall certify that the transfer is necessary to carry out the programs and purposes for which the appropriations were made by the General Assembly and shall transmit to the State Comptroller a certified copy of the approval which shall set forth the specific amounts transferred so that the Comptroller may change his records accordingly. The Comptroller shall furnish the Governor with information copies of all transfers approved for agencies of the Legislative and Judicial departments and transfers approved by the constitutionally elected officials of the Executive branch other than the Governor, showing the amounts transferred and indicating the dates such changes were entered on the Comptroller's records.

(e) The State Board of Education, in consultation with the State Comptroller, may transfer line item appropriations for General State Aid from the Common School Fund to the Education Assistance Fund. (Source: P.A. 93-680, eff. 7-1-04; 93-839, eff. 7-30-04; 94-839, eff. 6-6-06.)

(30 ILCS 105/14.1) (from Ch. 127, par. 150.1)

Sec. 14.1. Appropriations for State contributions to the State Employees' Retirement System; payroll requirements.

(a) Appropriations for State contributions to the State Employees' Retirement System of Illinois shall be expended in the manner provided in this Section. Except as otherwise provided in subsection (a-1), at the time of each payment of salary to an employee under the personal services line item, payment shall be made to the State Employees' Retirement System, from the amount appropriated for State contributions to the State
Employees' Retirement System, of an amount calculated at the rate certified for the applicable fiscal year by the Board of Trustees of the State Employees' Retirement System under Section 14-135.08 of the Illinois Pension Code. If a line item appropriation to an employer for this purpose is exhausted or is unavailable due to any limitation on appropriations that may apply, (including, but not limited to, limitations on appropriations from the Road Fund under Section 8.3 of the State Finance Act), the amounts shall be paid under the continuing appropriation for this purpose contained in the State Pension Funds Continuing Appropriation Act.

(a-1) Beginning on the effective date of this amendatory Act of the 93rd General Assembly through the payment of the final payroll from fiscal year 2004 appropriations, appropriations for State contributions to the State Employees' Retirement System of Illinois shall be expended in the manner provided in this subsection (a-1). At the time of each payment of salary to an employee under the personal services line item from a fund other than the General Revenue Fund, payment shall be made for deposit into the General Revenue Fund from the amount appropriated for State contributions to the State Employees' Retirement System of an amount calculated at the rate certified for fiscal year 2004 by the Board of Trustees of the State Employees' Retirement System under Section 14-135.08 of the Illinois Pension Code. This payment shall be made to the extent that a line item appropriation to an employer for this purpose is available or unexhausted. No payment from appropriations for State contributions shall be made in conjunction with payment of salary to an employee under the personal services line item from the General Revenue Fund.

(b) Except during the period beginning on the effective date of this amendatory Act of the 93rd General Assembly and ending at the time of the payment of the final payroll from fiscal year 2004 appropriations, the State Comptroller shall not approve for payment any payroll voucher that (1) includes payments of salary to eligible employees in the State Employees' Retirement System of Illinois and (2) does not include the corresponding payment of State contributions to that retirement system at the full rate certified under Section 14-135.08 for that fiscal year for eligible employees, unless the balance in the fund on which the payroll

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voucher is drawn is insufficient to pay the total payroll voucher, or unavailable due to any limitation on appropriations that may apply, including, but not limited to, limitations on appropriations from the Road Fund under Section 8.3 of the State Finance Act. If the State Comptroller approves a payroll voucher under this Section for which the fund balance is insufficient to pay the full amount of the required State contribution to the State Employees' Retirement System, the Comptroller shall promptly so notify the Retirement System.

(c) Notwithstanding any other provisions of law, beginning July 1, 2007, required State and employee contributions to the State Employees' Retirement System of Illinois relating to affected legislative staff employees shall be paid out of moneys appropriated for that purpose to the Commission on Government Forecasting and Accountability, rather than out of the lump-sum appropriations otherwise made for the payroll and other costs of those employees.

These payments must be made pursuant to payroll vouchers submitted by the employing entity as part of the regular payroll voucher process.

For the purpose of this subsection, "affected legislative staff employees" means legislative staff employees paid out of lump-sum appropriations made to the General Assembly, an Officer of the General Assembly, or the Senate Operations Commission, but does not include district-office staff or employees of legislative support services agencies.

(Source: P.A. 93-665, eff. 3-5-04; 93-1067, eff. 1-15-05.)

(30 ILCS 105/25.5 new)

Sec. 25.5. FY2008 payment validation. All expenses lawfully incurred during July of 2007 under an appropriation or reappropriation included in Public Act 95-11 shall be paid by the State Comptroller and State Treasurer at the time and in the manner normally provided by law, notwithstanding that the appropriation under that Public Act may have expired prior to the actual date of payment due to the repeal of that Public Act. Any otherwise lawful action of the State Comptroller, the State Treasurer, or any public employee in the course of making payment in accordance with this Section is hereby validated.

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Section 5-13. The Budget Stabilization Act is amended by changing Section 10 as follows:

(30 ILCS 122/10)

Sec. 10. Budget limitations.

(a) Except as provided in subsection (b-5), in addition to Section 50-5 of the State Budget Law of the Civil Administrative Code of Illinois, the General Assembly's appropriations and transfers or diversions as required by law from general funds shall not exceed 99% of the estimated general funds revenues for the fiscal year when revenue estimates of the State's general funds revenues exceed the prior fiscal year's estimated general funds revenues by more than 4%.

(b) Except as provided in subsection (b-5), the General Assembly's appropriations and transfers or diversions as required by law from general funds shall not exceed 98% of the estimated general funds revenues for the fiscal year when revenue estimates of the State's general funds revenues exceed the prior fiscal year's estimated general funds revenues by more than 4% for 2 or more consecutive fiscal years.

(b-5) The limitations on appropriations and transfers or diversions set forth under subsections (a) and (b) do not apply for State fiscal year 2008.

(c) For the purpose of this Act, "estimated general funds revenues" include, for each budget year, all taxes, fees, and other revenues expected to be deposited into the State's general funds, including recurring transfers from other State funds into the general funds.

Year-over-year comparisons used to determine the percentage growth factor of estimated general funds revenues shall exclude the sum of the following: (i) expected revenues resulting from new taxes or fees or from tax or fee increases during the first year of the change, (ii) expected revenues resulting from one-time receipts or non-recurring transfers in, (iii) expected proceeds resulting from borrowing, and (iv) increases in federal grants that must be completely appropriated based on the terms of the grants.

(Source: P.A. 93-660, eff. 7-1-04; 94-839, eff. 6-6-06.)

New matter indicated by italics - deletions by strikeout
Section 5-15. The Illinois Income Tax Act is amended by changing Sections 203, 304, 704A, 709.5, 901, 1001, 1007, 1405.5, 1405.6 and 1501 as follows:

(35 ILCS 5/203) (from Ch. 120, par. 2-203)
Sec. 203. Base income defined.
(a) Individuals.
(1) In general. In the case of an individual, base income means an amount equal to the taxpayer's adjusted gross income for the taxable year as modified by paragraph (2).

(2) Modifications. The adjusted gross income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of adjusted gross income, except stock dividends of qualified public utilities described in Section 305(e) of the Internal Revenue Code;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of adjusted gross income for the taxable year;

(C) An amount equal to the amount received during the taxable year as a recovery or refund of real property taxes paid with respect to the taxpayer's principal residence under the Revenue Act of 1939 and for which a deduction was previously taken under subparagraph (L) of this paragraph (2) prior to July 1, 1991, the retrospective application date of Article 4 of Public Act 87-17. In the case of multi-unit or multi-use structures and farm dwellings, the taxes on the taxpayer's principal residence shall be that portion of the total taxes for the entire property which is attributable to such principal residence;

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code,
to the extent deducted from gross income in the computation of adjusted gross income;

(D-5) An amount, to the extent not included in adjusted gross income, equal to the amount of money withdrawn by the taxpayer in the taxable year from a medical care savings account and the interest earned on the account in the taxable year of a withdrawal pursuant to subsection (b) of Section 20 of the Medical Care Savings Account Act or subsection (b) of Section 20 of the Medical Care Savings Account Act of 2000;

(D-10) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the individual deducted in computing adjusted gross income and for which the individual claims a credit under subsection (l) of Section 201;

(D-15) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code;

(D-16) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (Z) with respect to that property.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (Z), then an amount equal to that subtraction modification.

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The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(D-17) An amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, (i) for taxable years ending on or after December 31, 2004, to a foreign person who would be a member of the same unitary business group but for the fact that foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary
Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for
any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(D-18) An amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, (i) for taxable years ending on or after December 31, 2004, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence does not apply to the extent that the same dividends caused a reduction to the addition modification required under
Section 203(a)(2)(D-17) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes (1) expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets.

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and

(b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of
Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(D-19) For taxable years ending on or after December 31, 2008, an amount equal to the amount of insurance premium expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the
taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the premiums intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence does not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(a)(2)(D-17) or Section 203(a)(2)(D-18) of this Act.

(D-20) For taxable years beginning on or after January 1, 2002 and ending on or before December 31, 2006, in the case of a distribution from a qualified tuition program under Section 529 of the Internal Revenue Code, other than (i) a distribution from a College Savings Pool created under Section 16.5 of the State Treasurer Act or (ii) a distribution from the Illinois Prepaid Tuition Trust Fund, an amount equal to the amount excluded from gross income under Section 529(c)(3)(B). For taxable years beginning on or after January 1, 2007, in the case of a distribution from a qualified tuition program under Section 529 of the Internal Revenue Code, other than (i) a distribution from a College Savings Pool created under Section 16.5 of the State Treasurer Act, (ii) a distribution from the Illinois Prepaid Tuition Trust Fund, or (iii) a distribution from a qualified tuition program under Section 529 of the Internal Revenue Code that (I) adopts and determines that its offering materials comply with the College Savings Plans Network's disclosure principles and (II) has made reasonable efforts to inform in-state residents of the existence of in-state qualified tuition programs by informing Illinois residents directly and, where applicable, to inform financial intermediaries distributing the program to inform in-state

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residents of the existence of in-state qualified tuition programs at least annually, an amount equal to the amount excluded from gross income under Section 529(c)(3)(B).

For the purposes of this subparagraph (D-20), a qualified tuition program has made reasonable efforts if it makes disclosures (which may use the term "in-state program" or "in-state plan" and need not specifically refer to Illinois or its qualified programs by name) (i) directly to prospective participants in its offering materials or makes a public disclosure, such as a website posting; and (ii) where applicable, to intermediaries selling the out-of-state program in the same manner that the out-of-state program distributes its offering materials;

(D-21) For taxable years beginning on or after January 1, 2007, in the case of transfer of moneys from a qualified tuition program under Section 529 of the Internal Revenue Code that is administered by the State to an out-of-state program, an amount equal to the amount of moneys previously deducted from base income under subsection (a)(2)(Y) of this Section.

and by deducting from the total so obtained the sum of the following amounts:

(E) For taxable years ending before December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being on active duty in the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 1971 or thereafter for annual training performed pursuant to Sections 502 and 503, Title 32, United States Code as a member of the
Illinois National Guard or, beginning with taxable years ending on or after December 31, 2007, the National Guard of any other state. For taxable years ending on or after December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being a member of any component of the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 2001 or thereafter by reason of being a member of the Illinois National Guard or, beginning with taxable years ending on or after December 31, 2007, the National Guard of any other state. The provisions of this amendatory Act of the 92nd General Assembly are exempt from the provisions of Section 250;

(F) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the Internal Revenue Code, or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(G) The valuation limitation amount;

(H) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(I) An amount equal to all amounts included in such total pursuant to the provisions of Section 111 of the
Internal Revenue Code as a recovery of items previously deducted from adjusted gross income in the computation of taxable income;

(J) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act or a River Edge Redevelopment Zone or zones created under the River Edge Redevelopment Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones or a River Edge Redevelopment Zone or zones. This subparagraph (J) is exempt from the provisions of Section 250;

(K) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (J) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (K);

(L) For taxable years ending after December 31, 1983, an amount equal to all social security benefits and railroad retirement benefits included in such total pursuant to Sections 72(r) and 86 of the Internal Revenue Code;

(M) With the exception of any amounts subtracted under subparagraph (N), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C,
and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(N) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State or, for taxable years ending on or after December 31, 2008, of the United States, any treaty of the United States, the Illinois Constitution, or the United States Constitution that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest income net of bond premium amortization, and, for taxable years ending on or after December 31, 2008, interest expense incurred on indebtedness to carry the bond or other obligation; expenses incurred in producing the income to be deducted, and all other related expenses. The amount of expenses to be taken into account under this provision may not exceed the amount of income that is exempted;

(O) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) An amount equal to any amounts included in such total, received by the taxpayer as an acceleration in the payment of life, endowment or annuity benefits in advance of the time they would otherwise be payable as an indemnity for a terminal illness;

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(R) An amount equal to the amount of any federal or State bonus paid to veterans of the Persian Gulf War;

(S) An amount, to the extent included in adjusted gross income, equal to the amount of a contribution made in the taxable year on behalf of the taxpayer to a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 to the extent the contribution is accepted by the account administrator as provided in that Act;

(T) An amount, to the extent included in adjusted gross income, equal to the amount of interest earned in the taxable year on a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 on behalf of the taxpayer, other than interest added pursuant to item (D-5) of this paragraph (2);

(U) For one taxable year beginning on or after January 1, 1994, an amount equal to the total amount of tax imposed and paid under subsections (a) and (b) of Section 201 of this Act on grant amounts received by the taxpayer under the Nursing Home Grant Assistance Act during the taxpayer's taxable years 1992 and 1993;

(V) Beginning with tax years ending on or after December 31, 1995 and ending with tax years ending on or before December 31, 2004, an amount equal to the amount paid by a taxpayer who is a self-employed taxpayer, a partner of a partnership, or a shareholder in a Subchapter S corporation for health insurance or long-term care insurance for that taxpayer or that taxpayer's spouse or dependents, to the extent that the amount paid for that health insurance or long-term care insurance may be deducted under Section 213 of the Internal Revenue Code of 1986, has not been deducted on the federal income tax return of the taxpayer, and does not exceed the taxable income attributable to that

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taxpayer's income, self-employment income, or Subchapter S corporation income; except that no deduction shall be allowed under this item (V) if the taxpayer is eligible to participate in any health insurance or long-term care insurance plan of an employer of the taxpayer or the taxpayer's spouse. The amount of the health insurance and long-term care insurance subtracted under this item (V) shall be determined by multiplying total health insurance and long-term care insurance premiums paid by the taxpayer times a number that represents the fractional percentage of eligible medical expenses under Section 213 of the Internal Revenue Code of 1986 not actually deducted on the taxpayer's federal income tax return;

(W) For taxable years beginning on or after January 1, 1998, all amounts included in the taxpayer's federal gross income in the taxable year from amounts converted from a regular IRA to a Roth IRA. This paragraph is exempt from the provisions of Section 250;

(X) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European
insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250;

(Y) For taxable years beginning on or after January 1, 2002 and ending on or before December 31, 2004, moneys contributed in the taxable year to a College Savings Pool account under Section 16.5 of the State Treasurer Act, except that amounts excluded from gross income under Section 529(c)(3)(C)(i) of the Internal Revenue Code shall not be considered moneys contributed under this subparagraph (Y). For taxable years beginning on or after January 1, 2005, a maximum of $10,000 contributed in the taxable year to (i) a College Savings Pool account under Section 16.5 of the State Treasurer Act or (ii) the Illinois Prepaid Tuition Trust Fund, except that amounts excluded from gross income under Section 529(c)(3)(C)(i) of the Internal Revenue Code shall not be considered moneys contributed under this subparagraph (Y). This subparagraph (Y) is exempt from the provisions of Section 250;

(Z) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code.
and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction;

(2) for taxable years ending on or before December 31, 2005, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

(3) for taxable years ending after December 31, 2005:

(i) for property on which a bonus depreciation deduction of 30% of the adjusted basis was taken, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

(ii) for property on which a bonus depreciation deduction of 50% of the adjusted basis was taken, "x" equals "y" multiplied by 1.0.

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This subparagraph (Z) is exempt from the provisions of Section 250;

(AA) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was
required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to that addition modification.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

This subparagraph (AA) is exempt from the provisions of Section 250;

(BB) Any amount included in adjusted gross income, other than salary, received by a driver in a ridesharing arrangement using a motor vehicle;

(CC) The amount of (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of that addition modification, and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of that addition modification. This subparagraph (CC) is exempt from the provisions of Section 250;

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(DD) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with (i) a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the addition modification required to be made for the same taxable year under Section 203(a)(2)(D-17) for interest paid, accrued, or incurred, directly or indirectly, to the same person. This subparagraph (DD) is exempt from the provisions of Section 250; and

(EE) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with (i) a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the addition modification required to be made for the same taxable year under Section 203(a)(2)(D-17) for interest paid, accrued, or incurred, directly or indirectly, to the same person.

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taxable year under Section 203(a)(2)(D-18) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person. *This subparagraph (EE) is exempt from the provisions of Section 250.* And

(FF) An amount equal to the income from insurance premiums taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the addition modification required to be made for the same taxable year under Section 203(a)(2)(D-18) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same person.

(b) Corporations.

(1) In general. In the case of a corporation, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest and all distributions received from regulated investment companies during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(C) In the case of a regulated investment company, an amount equal to the excess of (i) the net long-term

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capital gain for the taxable year, over (ii) the amount of the
capital gain dividends designated as such in accordance
with Section 852(b)(3)(C) of the Internal Revenue Code
and any amount designated under Section 852(b)(3)(D) of
the Internal Revenue Code, attributable to the taxable year
(this amending Act of 1995 (Public Act 89-89) is
declarative of existing law and is not a new enactment);

(D) The amount of any net operating loss deduction
taken in arriving at taxable income, other than a net
operating loss carried forward from a taxable year ending
prior to December 31, 1986;

(E) For taxable years in which a net operating loss
carryback or carryforward from a taxable year ending prior
to December 31, 1986 is an element of taxable income
under paragraph (1) of subsection (e) or subparagraph (E)
of paragraph (2) of subsection (e), the amount by which
addition modifications other than those provided by this
subparagraph (E) exceeded subtraction modifications in
such earlier taxable year, with the following limitations
applied in the order that they are listed:

(i) the addition modification relating to the
net operating loss carried back or forward to the
taxable year from any taxable year ending prior to
December 31, 1986 shall be reduced by the amount
of addition modification under this subparagraph
(E) which related to that net operating loss and
which was taken into account in calculating the base
income of an earlier taxable year, and

(ii) the addition modification relating to the
net operating loss carried back or forward to the
taxable year from any taxable year ending prior to
December 31, 1986 shall not exceed the amount of
such carryback or carryforward;
For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(E-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the corporation deducted in computing adjusted gross income and for which the corporation claims a credit under subsection (l) of Section 201;

(E-10) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(E-11) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (T) with respect to that property.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (T), then an amount equal to that subtraction modification.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

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(E-12) An amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, (i) for taxable years ending on or after December 31, 2004, to a foreign person who would be a member of the same unitary business group but for the fact the foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if
the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards

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by which the Department will utilize its authority under Section 404 of this Act;

(E-13) An amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, (i) for taxable years ending on or after December 31, 2004, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence shall not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(b)(2)(E-12) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes (1) expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or

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management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets.

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and

(b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

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(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(E-14) For taxable years ending on or after December 31, 2008, an amount equal to the amount of insurance premium expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in

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gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the premiums intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence does not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(b)(2)(E-12) or Section 203(b)(2)(E-13) 203(a)(2)(D-17) of this Act;

(E-15) For taxable years beginning after December 31, 2008, any deduction for dividends paid to a corporation by a captive real estate investment trust that is allowed to a real estate investment trust under Section 857(b)(2)(B) of the Internal Revenue Code for dividends paid; and by deducting from the total so obtained the sum of the following amounts:

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to any amount included in such total under Section 78 of the Internal Revenue Code;

(H) In the case of a regulated investment company, an amount equal to the amount of exempt interest dividends as defined in subsection (b) (5) of Section 852 of the Internal Revenue Code, paid to shareholders for the taxable year;

(I) With the exception of any amounts subtracted under subparagraph (J), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(a)(2) and amounts disallowed as interest expense by Section 291(a)(3) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(a)(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or
after August 13, 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(J) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State or, for taxable years ending on or after December 31, 2008, of the United States, any treaty of the United States, the Illinois Constitution, or the United States Constitution that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest income net of bond premium amortization, and, for taxable years ending on or after December 31, 2008, interest expense incurred on indebtedness to carry the bond or other obligation; expenses incurred in producing the income to be deducted, and all other related expenses. The amount of expenses to be taken into account under this provision may not exceed the amount of income that is exempted;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act or a River Edge Redevelopment Zone or zones created under the River Edge Redevelopment Zone Act and conducts substantially all of its operations in an Enterprise Zone or zones or a River Edge Redevelopment Zone or zones. This subparagraph (K) is exempt from the provisions of Section 250;

(L) An amount equal to those dividends included in such total that were paid by a corporation that conducts
business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph 2 of this subsection shall not be eligible for the deduction provided under this subparagraph (L);

(M) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the Enterprise Zone Investment Credit or the River Edge Redevelopment Zone Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(f) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(f) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in the Enterprise Zone or the River Edge Redevelopment Zone. The subtraction modification available to taxpayer in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence. This subparagraph (M) is exempt from the provisions of Section 250;

(M-1) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the High Impact Business Investment Credit.
To determine the portion of a loan or loans that is secured by property eligible for a Section 201(h) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(h) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois. No taxpayer that is eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall be eligible for the deduction provided under this subparagraph (M-1). The subtraction modification available to taxpayers in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(N) Two times any contribution made during the taxable year to a designated zone organization to the extent that the contribution (i) qualifies as a charitable contribution under subsection (c) of Section 170 of the Internal Revenue Code and (ii) must, by its terms, be used for a project approved by the Department of Commerce and Economic Opportunity under Section 11 of the Illinois Enterprise Zone Act or under Section 10-10 of the River Edge Redevelopment Zone Act. This subparagraph (N) is exempt from the provisions of Section 250;

(O) An amount equal to: (i) 85% for taxable years ending on or before December 31, 1992, or, a percentage equal to the percentage allowable under Section 243(a)(1) of the Internal Revenue Code of 1986 for taxable years ending after December 31, 1992, of the amount by which dividends included in taxable income and received from a corporation that is not created or organized under the laws

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of the United States or any state or political subdivision thereof, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends, and including, for taxable years ending on or after December 31, 2008, dividends received from a captive real estate investment trust; plus (ii) 100% of the amount by which dividends, included in taxable income and received, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code and including, for taxable years ending on or after December 31, 2008, dividends received from a captive real estate investment trust, from any such corporation specified in clause (i) that would but for the provisions of Section 1504 (b) (3) of the Internal Revenue Code be treated as a member of the affiliated group which includes the dividend recipient, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends. This subparagraph (O) is exempt from the provisions of Section 250 of this Act;

(P) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(Q) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

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(R) On and after July 20, 1999, in the case of an attorney-in-fact with respect to whom an interinsurer or a reciprocal insurer has made the election under Section 835 of the Internal Revenue Code, 26 U.S.C. 835, an amount equal to the excess, if any, of the amounts paid or incurred by that interinsurer or reciprocal insurer in the taxable year to the attorney-in-fact over the deduction allowed to that interinsurer or reciprocal insurer with respect to the attorney-in-fact under Section 835(b) of the Internal Revenue Code for the taxable year; the provisions of this subparagraph are exempt from the provisions of Section 250;

(S) For taxable years ending on or after December 31, 1997, in the case of a Subchapter S corporation, an amount equal to all amounts of income allocable to a shareholder subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act, including amounts allocable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code. This subparagraph (S) is exempt from the provisions of Section 250;

(T) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction was taken in any year under subsection (k) of Section 168 of
the Internal Revenue Code, but not including the bonus depreciation deduction;

(2) for taxable years ending on or before December 31, 2005, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

(3) for taxable years ending after December 31, 2005:

(i) for property on which a bonus depreciation deduction of 30% of the adjusted basis was taken, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

(ii) for property on which a bonus depreciation deduction of 50% of the adjusted basis was taken, "x" equals "y" multiplied by 1.0.

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This subparagraph (T) is exempt from the provisions of Section 250;

(U) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to that addition modification.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any

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taxable year to make an addition modification under subparagraph (E-10), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

This subparagraph (U) is exempt from the provisions of Section 250;

(V) The amount of: (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of such addition modification, and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of such addition modification, and (iii) any insurance premium income (net of deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-19), Section 203(b)(2)(E-14), Section 203(c)(2)(G-14), or Section 203(d)(2)(D-9), but not to exceed the amount of that addition modification. This subparagraph (V) is exempt from the provisions of Section 250;

(W) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with (i) a
foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the addition modification required to be made for the same taxable year under Section 203(b)(2)(E-12) for interest paid, accrued, or incurred, directly or indirectly, to the same person. This subparagraph (W) is exempt from the provisions of Section 250; and

(X) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with (i) a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the addition modification required to be made for the same taxable year under Section 203(b)(2)(E-13) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the
same foreign person. This subparagraph (X) is exempt from the provisions of Section 250.

(FF) An amount equal to the income from insurance premiums taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the addition modification required to be made for the same taxable year under Section 203(a)(2)(D-18) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same person:

(3) Special rule. For purposes of paragraph (2) (A), "gross income" in the case of a life insurance company, for tax years ending on and after December 31, 1994, shall mean the gross investment income for the taxable year.

(c) Trusts and estates.

(1) In general. In the case of a trust or estate, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. Subject to the provisions of paragraph (3), the taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) In the case of (i) an estate, $600; (ii) a trust which, under its governing instrument, is required to distribute all of its income currently, $300; and (iii) any other trust, $100, but in each such case, only to the extent
such amount was deducted in the computation of taxable income;

(C) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the
addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(F) For taxable years ending on or after January 1, 1989, an amount equal to the tax deducted pursuant to Section 164 of the Internal Revenue Code if the trust or estate is claiming the same tax for purposes of the Illinois foreign tax credit under Section 601 of this Act;

(G) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income;

(G-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the trust or estate deducted in computing adjusted gross income and for which the trust or estate claims a credit under subsection (l) of Section 201;

(G-10) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(G-11) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (R) with respect to that property.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was allowed in any

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taxable year to make a subtraction modification under subparagraph (R), then an amount equal to that subtraction modification.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property:

(G-12) An amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, (i) for taxable years ending on or after December 31, 2004, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person

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who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

   (a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and
   (b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).
Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(G-13) An amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, (i) for taxable years ending on or after December 31, 2004, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly...
paid, incurred, or accrued. The preceding sentence shall not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(c)(2)(G-12) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes: (1) expenses, losses, and costs for or related to the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets.

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and

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(b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(G-14) For taxable years ending on or after December 31, 2008, an amount equal to the amount of insurance premium expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304.
The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the premiums and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence does not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(c)(2)(G-12) or Section 203(c)(2)(G-13) of this Act.

and by deducting from the total so obtained the sum of the following amounts:

(H) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the Internal Revenue Code or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(I) The valuation limitation amount;

(J) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(K) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C), (D), (E), (F) and (G) which are exempt from taxation by
this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State or, for taxable years ending on or after December 31, 2008, of the United States, any treaty of the United States, the Illinois Constitution, or the United States Constitution that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest income net of bond premium amortization, and, for taxable years ending on or after December 31, 2008, interest expense incurred on indebtedness to carry the bond or other obligation, expenses incurred in producing the income to be deducted, and all other related expenses. The amount of expenses to be taken into account under this provision may not exceed the amount of income that is exempted;

(L) With the exception of any amounts subtracted under subparagraph (K), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2) and 265(a)(2) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(M) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act or a River Edge Redevelopment Zone or zones created under the River Edge Redevelopment Zone Act and conducts substantially
all of its operations in an Enterprise Zone or Zones or a River Edge Redevelopment Zone or zones. This subparagraph (M) is exempt from the provisions of Section 250;

(N) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(O) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (O);

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued

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to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250;

(R) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction;

(2) for taxable years ending on or before December 31, 2005, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and
(3) for taxable years ending after December 31, 2005:

   (i) for property on which a bonus depreciation deduction of 30% of the adjusted basis was taken, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and
   
   (ii) for property on which a bonus depreciation deduction of 50% of the adjusted basis was taken, "x" equals "y" multiplied by 1.0.

   The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This subparagraph (R) is exempt from the provisions of Section 250;

   (S) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to that addition modification.

   If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to that addition modification.

   The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

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This subparagraph (S) is exempt from the provisions of Section 250;

(T) The amount of (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of such addition modification and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of such addition modification.

This subparagraph (T) is exempt from the provisions of Section 250;

(U) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with (i) a foreign person who would be a member of the taxpayer's unitary business group but for the fact the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the amount of such addition modification required to be made for the same taxable year under Section 203(c)(2)(G-12) for interest paid, accrued, or incurred, directly or
indirectly, to the same person. *This subparagraph (U) is exempt from the provisions of Section 250; and*

(V) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with (i) a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the addition modification required to be made for the same taxable year under Section 203(c)(2)(G-13) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person. *This subparagraph (V) is exempt from the provisions of Section 250; and*

(FF) An amount equal to the income from insurance premiums taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the addition modification required to be made for the same taxable year under Section 203(a)(2)(D-18) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same person.

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(3) Limitation. The amount of any modification otherwise required under this subsection shall, under regulations prescribed by the Department, be adjusted by any amounts included therein which were properly paid, credited, or required to be distributed, or permanently set aside for charitable purposes pursuant to Internal Revenue Code Section 642(c) during the taxable year.

(d) Partnerships.

(1) In general. In the case of a partnership, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income for the taxable year;

(C) The amount of deductions allowed to the partnership pursuant to Section 707 (c) of the Internal Revenue Code in calculating its taxable income;

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income;

(D-5) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code;

(D-6) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was
required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (O) with respect to that property.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (O), then an amount equal to that subtraction modification.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(D-7) An amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, (i) for taxable years ending on or after December 31, 2004, to a foreign person who would be a member of the same unitary business group but for the fact the foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business

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group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and

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terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act; and

(D-8) An amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, (i) for taxable years ending on or after December 31, 2004, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall

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be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred or accrued. The preceding sentence shall not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(d)(2)(D-7) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes (1) expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets;

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

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(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and

(b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

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(D-9) For taxable years ending on or after December 31, 2008, an amount equal to the amount of insurance premium expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the premiums intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence does not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(d)(2)(D-7) or Section 203(d)(2)(D-8) of this Act.

and by deducting from the total so obtained the following amounts:

(E) The valuation limitation amount;
(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;
(G) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C) and (D) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the

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Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State or, for taxable years ending on or after December 31, 2008, of the United States, any treaty of the United States, the Illinois Constitution, or the United States Constitution that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest income net of bond premium amortization, and, for taxable years ending on or after December 31, 2008, interest expense incurred on indebtedness to carry the bond or other obligation; expenses incurred in producing the income to be deducted, and all other related expenses. The amount of expenses to be taken into account under this provision may not exceed the amount of income that is exempted;

(H) Any income of the partnership which constitutes personal service income as defined in Section 1348 (b) (1) of the Internal Revenue Code (as in effect December 31, 1981) or a reasonable allowance for compensation paid or accrued for services rendered by partners to the partnership, whichever is greater;

(I) An amount equal to all amounts of income distributable to an entity subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act including amounts distributable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code;

(J) With the exception of any amounts subtracted under subparagraph (G), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by

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Section 265(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, enacted by the 82nd General Assembly, or a River Edge Redevelopment Zone or zones created under the River Edge Redevelopment Zone Act and conducts substantially all of its operations in an Enterprise Zone or Zones or from a River Edge Redevelopment Zone or zones. This subparagraph (K) is exempt from the provisions of Section 250;

(L) An amount equal to any contribution made to a job training project established pursuant to the Real Property Tax Increment Allocation Redevelopment Act;

(M) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (M);

(N) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(O) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction is
taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction;

(2) for taxable years ending on or before December 31, 2005, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

(3) for taxable years ending after December 31, 2005:

(i) for property on which a bonus depreciation deduction of 30% of the adjusted basis was taken, "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429); and

(ii) for property on which a bonus depreciation deduction of 50% of the adjusted basis was taken, "x" equals "y" multiplied by 1.0.

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code. This subparagraph (O) is exempt from the provisions of Section 250;
(P) If the taxpayer sells, transfers, abandons, or otherwise disposes of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to that addition modification.

If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

This subparagraph (P) is exempt from the provisions of Section 250;

(Q) The amount of (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of such addition modification and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of such addition modification. This subparagraph (Q) is exempt from Section 250;

(R) An amount equal to the interest income taken into account for the taxable year (net of the deductions
allocable thereto) with respect to transactions with (i) a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the addition modification required to be made for the same taxable year under Section 203(d)(2)(D-7) for interest paid, accrued, or incurred, directly or indirectly, to the same person. This subparagraph (R) is exempt from Section 250; and

(S) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with (i) a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity and (ii) for taxable years ending on or after December 31, 2008, to a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the addition modification required to be made for the same taxable year under Section 203(d)(2)(D-8) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the

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same foreign person. This subparagraph (S) is exempt from Section 250.

and

(FF) An amount equal to the income from insurance premiums taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a person who would be a member of the same unitary business group but for the fact that the person is prohibited under Section 1501(a)(27) from being included in the unitary business group because he or she is ordinarily required to apportion business income under different subsections of Section 304, but not to exceed the addition modification required to be made for the same taxable year under Section 203(a)(2)(D-18) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same person.

(e) Gross income; adjusted gross income; taxable income.

(1) In general. Subject to the provisions of paragraph (2) and subsection (b) (3), for purposes of this Section and Section 803(e), a taxpayer's gross income, adjusted gross income, or taxable income for the taxable year shall mean the amount of gross income, adjusted gross income or taxable income properly reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code. Taxable income may be less than zero. However, for taxable years ending on or after December 31, 1986, net operating loss carryforwards from taxable years ending prior to December 31, 1986, may not exceed the sum of federal taxable income for the taxable year before net operating loss deduction, plus the excess of addition modifications over subtraction modifications for the taxable year. For taxable years ending prior to December 31, 1986, taxable income may never be an amount in excess of the net operating loss for the taxable year as defined in subsections (c) and (d) of Section 172 of the Internal Revenue Code, provided that when taxable income of a corporation (other than a Subchapter S corporation),

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trust, or estate is less than zero and addition modifications, other than those provided by subparagraph (E) of paragraph (2) of subsection (b) for corporations or subparagraph (E) of paragraph (2) of subsection (c) for trusts and estates, exceed subtraction modifications, an addition modification must be made under those subparagraphs for any other taxable year to which the taxable income less than zero (net operating loss) is applied under Section 172 of the Internal Revenue Code or under subparagraph (E) of paragraph (2) of this subsection (e) applied in conjunction with Section 172 of the Internal Revenue Code.

(2) Special rule. For purposes of paragraph (1) of this subsection, the taxable income properly reportable for federal income tax purposes shall mean:

(A) Certain life insurance companies. In the case of a life insurance company subject to the tax imposed by Section 801 of the Internal Revenue Code, life insurance company taxable income, plus the amount of distribution from pre-1984 policyholder surplus accounts as calculated under Section 815a of the Internal Revenue Code;

(B) Certain other insurance companies. In the case of mutual insurance companies subject to the tax imposed by Section 831 of the Internal Revenue Code, insurance company taxable income;

(C) Regulated investment companies. In the case of a regulated investment company subject to the tax imposed by Section 852 of the Internal Revenue Code, investment company taxable income;

(D) Real estate investment trusts. In the case of a real estate investment trust subject to the tax imposed by Section 857 of the Internal Revenue Code, real estate investment trust taxable income;

(E) Consolidated corporations. In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated income tax return for the
taxable year for federal income tax purposes, taxable income determined as if such corporation had filed a separate return for federal income tax purposes for the taxable year and each preceding taxable year for which it was a member of an affiliated group. For purposes of this subparagraph, the taxpayer's separate taxable income shall be determined as if the election provided by Section 243(b)(2) of the Internal Revenue Code had been in effect for all such years;

(F) Cooperatives. In the case of a cooperative corporation or association, the taxable income of such organization determined in accordance with the provisions of Section 1381 through 1388 of the Internal Revenue Code;

(G) Subchapter S corporations. In the case of: (i) a Subchapter S corporation for which there is in effect an election for the taxable year under Section 1362 of the Internal Revenue Code, the taxable income of such corporation determined in accordance with Section 1363(b) of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 1363(b)(1) of the Internal Revenue Code to be separately stated; and (ii) a Subchapter S corporation for which there is in effect a federal election to opt out of the provisions of the Subchapter SRevision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982, the taxable income of such corporation determined in accordance with the federal Subchapter S rules as in effect on July 1, 1982; and

(H) Partnerships. In the case of a partnership, taxable income determined in accordance with Section 703 of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 703(a)(1) to be separately stated but which would
be taken into account by an individual in calculating his taxable income.

(3) Recapture of business expenses on disposition of asset or business. Notwithstanding any other law to the contrary, if in prior years income from an asset or business has been classified as business income and in a later year is demonstrated to be non-business income, then all expenses, without limitation, deducted in such later year and in the 2 immediately preceding taxable years related to that asset or business that generated the non-business income shall be added back and recaptured as business income in the year of the disposition of the asset or business. Such amount shall be apportioned to Illinois using the greater of the apportionment fraction computed for the business under Section 304 of this Act for the taxable year or the average of the apportionment fractions computed for the business under Section 304 of this Act for the taxable year and for the 2 immediately preceding taxable years.

(f) Valuation limitation amount.

(1) In general. The valuation limitation amount referred to in subsections (a) (2) (G), (c) (2) (I) and (d)(2) (E) is an amount equal to:

(A) The sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of gain reportable under the provisions of Section 1245 or 1250 of the Internal Revenue Code) for all property in respect of which such gain was reported for the taxable year; plus

(B) The lesser of (i) the sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of capital gain) for all property in respect of which such gain was reported for federal income tax purposes for the taxable year, or (ii) the net capital gain for the taxable year, reduced in either case by any amount of such gain included in the amount determined under subsection (a) (2) (F) or (c) (2) (H).
(2) Pre-August 1, 1969 appreciation amount.

(A) If the fair market value of property referred to in paragraph (1) was readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is the lesser of (i) the excess of such fair market value over the taxpayer's basis (for determining gain) for such property on that date (determined under the Internal Revenue Code as in effect on that date), or (ii) the total gain realized and reportable for federal income tax purposes in respect of the sale, exchange or other disposition of such property.

(B) If the fair market value of property referred to in paragraph (1) was not readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is that amount which bears the same ratio to the total gain reported in respect of the property for federal income tax purposes for the taxable year, as the number of full calendar months in that part of the taxpayer's holding period for the property ending July 31, 1969 bears to the number of full calendar months in the taxpayer's entire holding period for the property.

(C) The Department shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.

(g) Double deductions. Unless specifically provided otherwise, nothing in this Section shall permit the same item to be deducted more than once.

(h) Legislative intention. Except as expressly provided by this Section there shall be no modifications or limitations on the amounts of income, gain, loss or deduction taken into account in determining gross income, adjusted gross income or taxable income for federal income tax purposes for the taxable year, or in the amount of such items entering into the computation of base income and net income under this Act for such

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taxable year, whether in respect of property values as of August 1, 1969 or otherwise.
(Source: P.A. 94-776, eff. 5-19-06; 94-789, eff. 5-19-06; 94-1021, eff. 7-12-06; 94-1074, eff. 12-26-06; 95-23, eff. 8-3-07; 95-233, eff. 8-16-07; 95-286, eff. 8-20-07; 95-331, eff. 8-21-07; revised 10-31-07.)

(35 ILCS 5/304) (from Ch. 120, par. 3-304)

Sec. 304. Business income of persons other than residents.

(a) In general. The business income of a person other than a resident shall be allocated to this State if such person's business income is derived solely from this State. If a person other than a resident derives business income from this State and one or more other states, then, for tax years ending on or before December 30, 1998, and except as otherwise provided by this Section, such person's business income shall be apportioned to this State by multiplying the income by a fraction, the numerator of which is the sum of the property factor (if any), the payroll factor (if any) and 200% of the sales factor (if any), and the denominator of which is 4 reduced by the number of factors other than the sales factor which have a denominator of zero and by an additional 2 if the sales factor has a denominator of zero. For tax years ending on or after December 31, 1998, and except as otherwise provided by this Section, persons other than residents who derive business income from this State and one or more other states shall compute their apportionment factor by weighting their property, payroll, and sales factors as provided in subsection (h) of this Section.

(1) Property factor.

(A) The property factor is a fraction, the numerator of which is the average value of the person's real and tangible personal property owned or rented and used in the trade or business in this State during the taxable year and the denominator of which is the average value of all the person's real and tangible personal property owned or rented and used in the trade or business during the taxable year.

(B) Property owned by the person is valued at its original cost. Property rented by the person is valued at 8 times the net
annual rental rate. Net annual rental rate is the annual rental rate paid by the person less any annual rental rate received by the person from sub-rentals.

(C) The average value of property shall be determined by averaging the values at the beginning and ending of the taxable year but the Director may require the averaging of monthly values during the taxable year if reasonably required to reflect properly the average value of the person's property.

(2) Payroll factor.

(A) The payroll factor is a fraction, the numerator of which is the total amount paid in this State during the taxable year by the person for compensation, and the denominator of which is the total compensation paid everywhere during the taxable year.

(B) Compensation is paid in this State if:

(i) The individual's service is performed entirely within this State;

(ii) The individual's service is performed both within and without this State, but the service performed without this State is incidental to the individual's service performed within this State; or

(iii) Some of the service is performed within this State and either the base of operations, or if there is no base of operations, the place from which the service is directed or controlled is within this State, or the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this State.

(iv) Compensation paid to nonresident professional athletes.

(a) General. The Illinois source income of a nonresident individual who is a member of a professional athletic team includes the portion of the individual's total compensation for services performed as a member of a professional athletic team during the taxable year which the
number of duty days spent within this State performing services for the team in any manner during the taxable year bears to the total number of duty days spent both within and without this State during the taxable year.

(b) Travel days. Travel days that do not involve either a game, practice, team meeting, or other similar team event are not considered duty days spent in this State. However, such travel days are considered in the total duty days spent both within and without this State.

(c) Definitions. For purposes of this subpart (iv):

(1) The term "professional athletic team" includes, but is not limited to, any professional baseball, basketball, football, soccer, or hockey team.

(2) The term "member of a professional athletic team" includes those employees who are active players, players on the disabled list, and any other persons required to travel and who travel with and perform services on behalf of a professional athletic team on a regular basis. This includes, but is not limited to, coaches, managers, and trainers.

(3) Except as provided in items (C) and (D) of this subpart (3), the term "duty days" means all days during the taxable year from the beginning of the professional athletic team's official pre-season training period through the last game in which the team competes or is scheduled to compete. Duty days shall be counted for the year in which they occur, including where a team's official pre-season training period through the last game in which the team competes or is scheduled to compete, occurs during more than one tax year.

(A) Duty days shall also include days on which a member of a professional athletic
team performs service for a team on a date that does not fall within the foregoing period (e.g., participation in instructional leagues, the "All Star Game", or promotional "caravans"). Performing a service for a professional athletic team includes conducting training and rehabilitation activities, when such activities are conducted at team facilities.

(B) Also included in duty days are game days, practice days, days spent at team meetings, promotional caravans, preseason training camps, and days served with the team through all post-season games in which the team competes or is scheduled to compete.

(C) Duty days for any person who joins a team during the period from the beginning of the professional athletic team's official pre-season training period through the last game in which the team competes, or is scheduled to compete, shall begin on the day that person joins the team. Conversely, duty days for any person who leaves a team during this period shall end on the day that person leaves the team. Where a person switches teams during a taxable year, a separate duty-day calculation shall be made for the period the person was with each team.

(D) Days for which a member of a professional athletic team is not compensated and is not performing services for the team in any manner, including days

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when such member of a professional athletic team has been suspended without pay and prohibited from performing any services for the team, shall not be treated as duty days.

(E) Days for which a member of a professional athletic team is on the disabled list and does not conduct rehabilitation activities at facilities of the team, and is not otherwise performing services for the team in Illinois, shall not be considered duty days spent in this State. All days on the disabled list, however, are considered to be included in total duty days spent both within and without this State.

(4) The term "total compensation for services performed as a member of a professional athletic team" means the total compensation received during the taxable year for services performed:

(A) from the beginning of the official pre-season training period through the last game in which the team competes or is scheduled to compete during that taxable year; and

(B) during the taxable year on a date which does not fall within the foregoing period (e.g., participation in instructional leagues, the "All Star Game", or promotional caravans).

This compensation shall include, but is not limited to, salaries, wages, bonuses as described in this subpart, and any other type of compensation paid during the taxable year to a member of a professional athletic team for services performed in
that year. This compensation does not include strike benefits, severance pay, termination pay, contract or option year buy-out payments, expansion or relocation payments, or any other payments not related to services performed for the team.

For purposes of this subparagraph, "bonuses" included in "total compensation for services performed as a member of a professional athletic team" subject to the allocation described in Section 302(c)(1) are: bonuses earned as a result of play (i.e., performance bonuses) during the season, including bonuses paid for championship, playoff or "bowl" games played by a team, or for selection to all-star league or other honorary positions; and bonuses paid for signing a contract, unless the payment of the signing bonus is not conditional upon the signee playing any games for the team or performing any subsequent services for the team or even making the team, the signing bonus is payable separately from the salary and any other compensation, and the signing bonus is nonrefundable.

(3) Sales factor.

(A) The sales factor is a fraction, the numerator of which is the total sales of the person in this State during the taxable year, and the denominator of which is the total sales of the person everywhere during the taxable year.

(B) Sales of tangible personal property are in this State if:

(i) The property is delivered or shipped to a purchaser, other than the United States government, within this State regardless of the f. o. b. point or other conditions of the sale; or

(ii) The property is shipped from an office, store, warehouse, factory or other place of storage in this State.
and either the purchaser is the United States government or
the person is not taxable in the state of the purchaser;
provided, however, that premises owned or leased by a
person who has independently contracted with the seller for
the printing of newspapers, periodicals or books shall not
be deemed to be an office, store, warehouse, factory or
other place of storage for purposes of this Section. Sales of
tangible personal property are not in this State if the seller
and purchaser would be members of the same unitary
business group but for the fact that either the seller or
purchaser is a person with 80% or more of total business
activity outside of the United States and the property is
purchased for resale.
(B-1) Patents, copyrights, trademarks, and similar items of
intangible personal property.

(i) Gross receipts from the licensing, sale, or other
disposition of a patent, copyright, trademark, or similar
item of intangible personal property are in this State to the
extent the item is utilized in this State during the year the
gross receipts are included in gross income.
(ii) Place of utilization.

(I) A patent is utilized in a state to the extent
that it is employed in production, fabrication,
manufacturing, or other processing in the state or to
the extent that a patented product is produced in the
state. If a patent is utilized in more than one state,
the extent to which it is utilized in any one state
shall be a fraction equal to the gross receipts of the
licensee or purchaser from sales or leases of items
produced, fabricated, manufactured, or processed
within that state using the patent and of patented
items produced within that state, divided by the total
of such gross receipts for all states in which the
patent is utilized.
(II) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If a copyright is utilized in more than one state, the extent to which it is utilized in any one state shall be a fraction equal to the gross receipts from sales or licenses of materials printed or published in that state divided by the total of such gross receipts for all states in which the copyright is utilized.

(III) Trademarks and other items of intangible personal property governed by this paragraph (B-1) are utilized in the state in which the commercial domicile of the licensee or purchaser is located.

(iii) If the state of utilization of an item of property governed by this paragraph (B-1) cannot be determined from the taxpayer's books and records or from the books and records of any person related to the taxpayer within the meaning of Section 267(b) of the Internal Revenue Code, 26 U.S.C. 267, the gross receipts attributable to that item shall be excluded from both the numerator and the denominator of the sales factor.

(B-2) Gross receipts from the license, sale, or other disposition of patents, copyrights, trademarks, and similar items of intangible personal property may be included in the numerator or denominator of the sales factor only if gross receipts from licenses, sales, or other disposition of such items comprise more than 50% of the taxpayer's total gross receipts included in gross income during the tax year and during each of the 2 immediately preceding tax years; provided that, when a taxpayer is a member of a unitary business group, such determination shall be made on the basis of the gross receipts of the entire unitary business group.

(B-5) For taxable years ending on or after December 31, 2008, except as provided in subsections (ii) through (vii), receipts

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from the sale of telecommunications service or mobile telecommunications service are in this State if the customer's service address is in this State.

(i) For purposes of this subparagraph (B-5), the following terms have the following meanings:

"Ancillary services" means services that are associated with or incidental to the provision of "telecommunications services", including but not limited to "detailed telecommunications billing", "directory assistance", "vertical service", and "voice mail services".

"Air-to-Ground Radiotelephone service" means a radio service, as that term is defined in 47 CFR 22.99, in which common carriers are authorized to offer and provide radio telecommunications service for hire to subscribers in aircraft.

"Call-by-call Basis" means any method of charging for telecommunications services where the price is measured by individual calls.

"Communications Channel" means a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points.

"Conference bridging service" means an "ancillary service" that links two or more participants of an audio or video conference call and may include the provision of a telephone number. "Conference bridging service" does not include the "telecommunications services" used to reach the conference bridge.

"Customer Channel Termination Point" means the location where the customer either inputs or receives the communications.

"Detailed telecommunications billing service" means an "ancillary service" of separately stating
information pertaining to individual calls on a customer's billing statement.

"Directory assistance" means an "ancillary service" of providing telephone number information, and/or address information.

"Home service provider" means the facilities based carrier or reseller with which the customer contracts for the provision of mobile telecommunications services.

"Mobile telecommunications service" means commercial mobile radio service, as defined in Section 20.3 of Title 47 of the Code of Federal Regulations as in effect on June 1, 1999.

"Place of primary use" means the street address representative of where the customer's use of the telecommunications service primarily occurs, which must be the residential street address or the primary business street address of the customer. In the case of mobile telecommunications services, "place of primary use" must be within the licensed service area of the home service provider.

"Post-paid telecommunication service" means the telecommunications service obtained by making a payment on a call-by-call basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a telephone number which is not associated with the origination or termination of the telecommunications service. A post-paid calling service includes telecommunications service, except a prepaid wireless calling service, that would be a prepaid calling service except it is not exclusively a telecommunication service.

"Prepaid telecommunication service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the

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origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

"Prepaid Mobile telecommunication service" means a telecommunications service that provides the right to utilize mobile wireless service as well as other non-telecommunication services, including but not limited to ancillary services, which must be paid for in advance that is sold in predetermined units or dollars of which the number declines with use in a known amount.

"Private communication service" means a telecommunication service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels.

"Service address" means:

(a) The location of the telecommunications equipment to which a customer's call is charged and from which the call originates or terminates, regardless of where the call is billed or paid;

(b) If the location in line (a) is not known, service address means the origination point of the signal of the telecommunications services first identified by either the seller's telecommunications system or in information received by the seller from its service provider where the system used to transport such signals is not that of the seller; and
(c) If the locations in line (a) and line (b) are not known, the service address means the location of the customer's place of primary use.

"Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. The term "telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmission, conveyance or routing without regard to whether such service is referred to as voice over Internet protocol services or is classified by the Federal Communications Commission as enhanced or value added. "Telecommunications service" does not include:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser when such purchaser's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including but not limited to directory advertising.

(e) Billing and collection services provided to third parties;

(f) Internet access service;

(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance and routing of such services by the programming service provider. Radio and television

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audio and video programming services shall include but not be limited to cable service as defined in 47 USC 522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 CFR 20.3;

(h) "Ancillary services"; or

(i) Digital products "delivered electronically", including but not limited to software, music, video, reading materials or ring tones.

"Vertical service" means an "ancillary service" that is offered in connection with one or more "telecommunications services", which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including "conference bridging services".

"Voice mail service" means an "ancillary service" that enables the customer to store, send or receive recorded messages. "Voice mail service" does not include any "vertical services" that the customer may be required to have in order to utilize the "voice mail service".

(ii) Receipts from the sale of telecommunications service sold on an individual call-by-call basis are in this State if either of the following applies:

(a) The call both originates and terminates in this State.

(b) The call either originates or terminates in this State and the service address is located in this State.

(iii) Receipts from the sale of postpaid telecommunications service at retail are in this State if the origination point of the telecommunication signal, as first identified by the service provider's telecommunication
system or as identified by information received by the seller from its service provider if the system used to transport telecommunication signals is not the seller's, is located in this State.

(iv) Receipts from the sale of prepaid telecommunications service or prepaid mobile telecommunications service at retail are in this State if the purchaser obtains the prepaid card or similar means of conveyance at a location in this State. Receipts from recharging a prepaid telecommunications service or mobile telecommunications service is in this State if the purchaser's billing information indicates a location in this State.

(v) Receipts from the sale of private communication services are in this State as follows:

(a) 100% of receipts from charges imposed at each channel termination point in this State.

(b) 100% of receipts from charges for the total channel mileage between each channel termination point in this State.

(c) 50% of the total receipts from charges for service segments when those segments are between 2 customer channel termination points, 1 of which is located in this State and the other is located outside of this State, which segments are separately charged.

(d) The receipts from charges for service segments with a channel termination point located in this State and in two or more other states, and which segments are not separately billed, are in this State based on a percentage determined by dividing the number of customer channel termination points in this State by the total number of customer channel termination points.

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(vi) Receipts from charges for ancillary services for telecommunications service sold to customers at retail are in this State if the customer's primary place of use of telecommunications services associated with those ancillary services is in this State. If the seller of those ancillary services cannot determine where the associated telecommunications are located, then the ancillary services shall be based on the location of the purchaser.

(vii) Receipts to access a carrier's network or from the sale of telecommunication services or ancillary services for resale are in this State as follows:

(a) 100% of the receipts from access fees attributable to intrastate telecommunications service that both originates and terminates in this State.

(b) 50% of the receipts from access fees attributable to interstate telecommunications service if the interstate call either originates or terminates in this State.

(c) 100% of the receipts from interstate end user access line charges, if the customer's service address is in this State. As used in this subdivision, "interstate end user access line charges" includes, but is not limited to, the surcharge approved by the federal communications commission and levied pursuant to 47 CFR 69.

(d) Gross receipts from sales of telecommunication services or from ancillary services for telecommunications services sold to other telecommunication service providers for resale shall be sourced to this State using the apportionment concepts used for non-resale receipts of telecommunications services if the information is readily available to make that

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determination. If the information is not readily available, then the taxpayer may use any other reasonable and consistent method.

(C) For taxable years ending before December 31, 2008, sales, other than sales governed by paragraphs (B), (B-1), and (B-2), are in this State if:

(i) The income-producing activity is performed in this State; or

(ii) The income-producing activity is performed both within and without this State and a greater proportion of the income-producing activity is performed within this State than without this State, based on performance costs.

(C-5) For taxable years ending on or after December 31, 2008, sales, other than sales governed by paragraphs (B), (B-1), and (B-2), and (B-5), are in this State if any of the following criteria are met:

(i) The purchaser is in this State or the sale is otherwise attributable to this State's marketplace. The following examples are illustrative:

(i) Sales from the sale or lease of real property are in this State if the property is located in this State.

(ii) Sales from the lease or rental of tangible personal property are in this State if the property is located in this State during the rental period. Sales from the lease or rental of tangible personal property that is characteristically moving property, including, but not limited to, motor vehicles, rolling stock, aircraft, vessels, or mobile equipment are in this State to the extent that the property is used in this State.

(iii) In the case of interest, net gains (but not less than zero) and other items of income from intangible personal property, the sale is in this State if:

(a) in the case of a taxpayer who is a dealer in the item of intangible personal property within the meaning of Section 475 of the Internal Revenue

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Code, the income or gain is received from a customer in this State. For purposes of this subparagraph, a customer is in this State if the customer is an individual, trust or estate who is a resident of this State and, for all other customers, if the customer's commercial domicile is in this State. Unless the dealer has actual knowledge of the residence or commercial domicile of a customer during a taxable year, the customer shall be deemed to be a customer in this State if the billing address of the customer, as shown in the records of the dealer, is in this State; or

(b) in all other cases, if the income-producing activity of the taxpayer is performed in this State or, if the income-producing activity of the taxpayer is performed both within and without this State, if a greater proportion of the income-producing activity of the taxpayer is performed within this State than in any other state, based on performance costs. Sales of intangible personal property are in this State if the purchaser realizes benefit from the property in this State. If the purchaser realizes benefit from the property both within and without this State, the gross receipts from the sale shall be divided among those states in which the taxpayer is taxable in proportion to the benefit in each state. If the proportionate benefit in this State cannot be determined, the sale shall be excluded from both the numerator and the denominator of the sales factor.

(iv) Sales of services are in this State if the services are received in this State. For the purposes of this section, gross receipts from the performance of services provided to a corporation, partnership, or trust may only be attributed

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to a state where that corporation, partnership, or trust has a fixed place of business. If the state where the services are received is not readily determinable or is a state where the corporation, partnership, or trust receiving the service does not have a fixed place of business, the services shall be deemed to be received at the location of the office of the customer from which the services were ordered in the regular course of the customer's trade or business. If the ordering office cannot be determined, the services shall be deemed to be received at the office of the customer to which the services are billed. If the taxpayer is not taxable in the state in which the services are received, the sale must be excluded from both the numerator and the denominator of the sales factor. If the benefit of the service is realized in this State. If the benefit of the service is realized both within and without this State, the gross receipts from the sale shall be divided among those states in which the taxpayer is taxable in proportion to the benefit of service realized in each state. If the proportionate benefit in this State cannot be determined, the sale shall be excluded from both the numerator and the denominator of the sales factor. The Department shall adopt rules prescribing where the benefit of specific types of service are received, including, but not limited to, telecommunications, broadcast, cable, advertising, publishing, and utility service, is realized.

(D) For taxable years ending on or after December 31, 1995, the following items of income shall not be included in the numerator or denominator of the sales factor: dividends; amounts included under Section 78 of the Internal Revenue Code; and Subpart F income as defined in Section 952 of the Internal Revenue Code. No inference shall be drawn from the enactment of this paragraph (D) in construing this Section for taxable years ending before December 31, 1995.
(E) Paragraphs (B-1) and (B-2) shall apply to tax years ending on or after December 31, 1999, provided that a taxpayer may elect to apply the provisions of these paragraphs to prior tax years. Such election shall be made in the form and manner prescribed by the Department, shall be irrevocable, and shall apply to all tax years; provided that, if a taxpayer's Illinois income tax liability for any tax year, as assessed under Section 903 prior to January 1, 1999, was computed in a manner contrary to the provisions of paragraphs (B-1) or (B-2), no refund shall be payable to the taxpayer for that tax year to the extent such refund is the result of applying the provisions of paragraph (B-1) or (B-2) retroactively. In the case of a unitary business group, such election shall apply to all members of such group for every tax year such group is in existence, but shall not apply to any taxpayer for any period during which that taxpayer is not a member of such group.

(b) Insurance companies.

(1) In general. Except as otherwise provided by paragraph (2), business income of an insurance company for a taxable year shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the direct premiums written for insurance upon property or risk in this State, and the denominator of which is the direct premiums written for insurance upon property or risk everywhere. For purposes of this subsection, the term "direct premiums written" means the total amount of direct premiums written, assessments and annuity considerations as reported for the taxable year on the annual statement filed by the company with the Illinois Director of Insurance in the form approved by the National Convention of Insurance Commissioners or such other form as may be prescribed in lieu thereof.

(2) Reinsurance. If the principal source of premiums written by an insurance company consists of premiums for reinsurance accepted by it, the business income of such company shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the sum of (i) direct premiums
written for insurance upon property or risk in this State, plus (ii) premiums written for reinsurance accepted in respect of property or risk in this State, and the denominator of which is the sum of (iii) direct premiums written for insurance upon property or risk everywhere, plus (iv) premiums written for reinsurance accepted in respect of property or risk everywhere. For taxable years ending before December 31, 2008, for purposes of this paragraph, premiums written for reinsurance accepted in respect of property or risk in this State, whether or not otherwise determinable, may, at the election of the company, be determined on the basis of the proportion which premiums written for reinsurance accepted from companies commercially domiciled in Illinois bears to premiums written for reinsurance accepted from all sources, or, alternatively, in the proportion which the sum of the direct premiums written for insurance upon property or risk in this State by each ceding company from which reinsurance is accepted bears to the sum of the total direct premiums written by each such ceding company for the taxable year.

(c) Financial organizations.

(1) In general. For taxable years ending before December 31, 2008, business income of a financial organization shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is its business income from sources within this State, and the denominator of which is its business income from all sources. For the purposes of this subsection, the business income of a financial organization from sources within this State is the sum of the amounts referred to in subparagraphs (A) through (E) following, but excluding the adjusted income of an international banking facility as determined in paragraph (2):

(A) Fees, commissions or other compensation for financial services rendered within this State;

(B) Gross profits from trading in stocks, bonds or other securities managed within this State;
(C) Dividends, and interest from Illinois customers, which are received within this State;

(D) Interest charged to customers at places of business maintained within this State for carrying debit balances of margin accounts, without deduction of any costs incurred in carrying such accounts; and

(E) Any other gross income resulting from the operation as a financial organization within this State. In computing the amounts referred to in paragraphs (A) through (E) of this subsection, any amount received by a member of an affiliated group (determined under Section 1504(a) of the Internal Revenue Code but without reference to whether any such corporation is an "includible corporation" under Section 1504(b) of the Internal Revenue Code) from another member of such group shall be included only to the extent such amount exceeds expenses of the recipient directly related thereto.

(2) International Banking Facility. For taxable years ending before December 31, 2008:

(A) Adjusted Income. The adjusted income of an international banking facility is its income reduced by the amount of the floor amount.

(B) Floor Amount. The floor amount shall be the amount, if any, determined by multiplying the income of the international banking facility by a fraction, not greater than one, which is determined as follows:

   (i) The numerator shall be:

   The average aggregate, determined on a quarterly basis, of the financial organization's loans to banks in foreign countries, to foreign domiciled borrowers (except where secured primarily by real estate) and to foreign governments and other foreign official institutions, as reported for its branches, agencies and offices within the state on its
"Consolidated Report of Condition", Schedule A, Lines 2.c., 5.b., and 7.a., which was filed with the Federal Deposit Insurance Corporation and other regulatory authorities, for the year 1980, minus

The average aggregate, determined on a quarterly basis, of such loans (other than loans of an international banking facility), as reported by the financial institution for its branches, agencies and offices within the state, on the corresponding Schedule and lines of the Consolidated Report of Condition for the current taxable year, provided, however, that in no case shall the amount determined in this clause (the subtrahend) exceed the amount determined in the preceding clause (the minuend); and

(ii) the denominator shall be the average aggregate, determined on a quarterly basis, of the international banking facility’s loans to banks in foreign countries, to foreign domiciled borrowers (except where secured primarily by real estate) and to foreign governments and other foreign official institutions, which were recorded in its financial accounts for the current taxable year.

(C) Change to Consolidated Report of Condition and in Qualification. In the event the Consolidated Report of Condition which is filed with the Federal Deposit Insurance Corporation and other regulatory authorities is altered so that the information required for determining the floor amount is not found on Schedule A, lines 2.c., 5.b. and 7.a., the financial institution shall notify the Department and the Department may, by regulations or otherwise, prescribe or authorize the use of an alternative source for such information. The financial institution shall also notify the Department should its international banking

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facility fail to qualify as such, in whole or in part, or should there be any amendment or change to the Consolidated Report of Condition, as originally filed, to the extent such amendment or change alters the information used in determining the floor amount.

(3) For taxable years ending on or after December 31, 2008, the business income of a financial organization shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is its gross receipts from sources in this State or otherwise attributable to this State's marketplace and the denominator of which is its gross receipts everywhere during the taxable year. "Gross receipts" for purposes of this subparagraph (3) means gross income, including net taxable gain on disposition of assets, including securities and money market instruments, when derived from transactions and activities in the regular course of the financial organization's trade or business. If a person derives business income from activities in addition to the provision of financial services, this subparagraph (3) shall apply only to its business income from financial services, and its other business income shall be apportioned to this State under the applicable provisions of this Section. The following examples are illustrative:

(i) Receipts from the lease or rental of real or tangible personal property are in this State if the property is located in this State during the rental period. Receipts from the lease or rental of tangible personal property that is characteristically moving property, including, but not limited to, motor vehicles, rolling stock, aircraft, vessels, or mobile equipment are from sources in this State to the extent that the property is used in this State.

(ii) Interest income, commissions, fees, gains on disposition, and other receipts from assets in the nature of loans that are secured primarily by real estate or tangible personal property are from sources in this State if the security is located in this State.

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(iii) Interest income, commissions, fees, gains on disposition, and other receipts from consumer loans that are not secured by real or tangible personal property are from sources in this State if the debtor is a resident of this State.

(iv) Interest income, commissions, fees, gains on disposition, and other receipts from commercial loans and installment obligations that are not secured by real or tangible personal property are from sources in this State if the proceeds of the loan are to be applied in this State. If it cannot be determined where the funds are to be applied, the income and receipts are from sources in this State if the office of the borrower from which the loan was negotiated in the regular course of business is located in this State. If the location of this office cannot be determined, the income and receipts shall be excluded from the numerator and denominator of the sales factor.

(v) Interest income, fees, gains on disposition, service charges, merchant discount income, and other receipts from credit card receivables are from sources in this State if the card charges are regularly billed to a customer in this State.

(vi) Receipts from the performance of services, including, but not limited to, fiduciary, advisory, and brokerage services, are in this State if the services are received in this State within the meaning of subparagraph (a)(3)(C-5)(iv) of this Section. The benefit of the service is realized in this State if the benefit of the service is realized both within and without this State, the gross receipts from the sale shall be divided among those states in which the taxpayer is taxable in proportion to the benefit of service realized in each state. If the proportionate benefit in this State cannot be determined, the sale shall be excluded from both the numerator and the denominator of the gross receipts factor.

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(vii) Receipts from the issuance of travelers checks and money orders are from sources in this State if the checks and money orders are issued from a location within this State.

(viii) Receipts from investment assets and activities and trading assets and activities are included in the receipts factor as follows:

(1) Interest, dividends, net gains (but not less than zero) and other income from investment assets and activities from trading assets and activities shall be included in the receipts factor. Investment assets and activities and trading assets and activities include but are not limited to: investment securities; trading account assets; federal funds; securities purchased and sold under agreements to resell or repurchase; options; futures contracts; forward contracts; notional principal contracts such as swaps; equities; and foreign currency transactions. With respect to the investment and trading assets and activities described in subparagraphs (A) and (B) of this paragraph, the receipts factor shall include the amounts described in such subparagraphs.

(A) The receipts factor shall include the amount by which interest from federal funds sold and securities purchased under resale agreements exceeds interest expense on federal funds purchased and securities sold under repurchase agreements.

(B) The receipts factor shall include the amount by which interest, dividends, gains and other income from trading assets and activities, including but not limited to assets and activities in the matched book, in

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the arbitrage book, and foreign currency transactions, exceed amounts paid in lieu of interest, amounts paid in lieu of dividends, and losses from such assets and activities.

(2) The numerator of the receipts factor includes interest, dividends, net gains (but not less than zero), and other income from investment assets and activities and from trading assets and activities described in paragraph (1) of this subsection that are attributable to this State.

(A) The amount of interest, dividends, net gains (but not less than zero), and other income from investment assets and activities in the investment account to be attributed to this State and included in the numerator is determined by multiplying all such income from such assets and activities by a fraction, the numerator of which is the gross income from such assets and activities which are properly assigned to a fixed place of business of the taxpayer within this State and the denominator of which is the gross income from all such assets and activities.

(B) The amount of interest from federal funds sold and purchased and from securities purchased under resale agreements and securities sold under repurchase agreements attributable to this State and included in the numerator is determined by multiplying the amount described in subparagraph (A) of paragraph (1) of this subsection from such funds and such securities by a fraction, the numerator
of which is the gross income from such funds and such securities which are properly assigned to a fixed place of business of the taxpayer within this State and the denominator of which is the gross income from all such funds and such securities.

(C) The amount of interest, dividends, gains, and other income from trading assets and activities, including but not limited to assets and activities in the matched book, in the arbitrage book and foreign currency transactions (but excluding amounts described in subparagraphs (A) or (B) of this paragraph), attributable to this State and included in the numerator is determined by multiplying the amount described in subparagraph (B) of paragraph (1) of this subsection by a fraction, the numerator of which is the gross income from such trading assets and activities which are properly assigned to a fixed place of business of the taxpayer within this State and the denominator of which is the gross income from all such assets and activities.

(D) Properly assigned, for purposes of this paragraph (2) of this subsection, means the investment or trading asset or activity is assigned to the fixed place of business with which it has a preponderance of substantive contacts. An investment or trading asset or activity assigned by the taxpayer to a fixed place of business without the State shall be presumed to have been properly assigned if:

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(i) the taxpayer has assigned, in the regular course of its business, such asset or activity on its records to a fixed place of business consistent with federal or state regulatory requirements;

(ii) such assignment on its records is based upon substantive contacts of the asset or activity to such fixed place of business; and

(iii) the taxpayer uses such records reflecting assignment of such assets or activities for the filing of all state and local tax returns for which an assignment of such assets or activities to a fixed place of business is required.

(E) The presumption of proper assignment of an investment or trading asset or activity provided in subparagraph (D) of paragraph (2) of this subsection may be rebutted upon a showing by the Department, supported by a preponderance of the evidence, that the preponderance of substantive contacts regarding such asset or activity did not occur at the fixed place of business to which it was assigned on the taxpayer's records. If the fixed place of business that has a preponderance of substantive contacts cannot be determined for an investment or trading asset or activity to which the presumption in subparagraph (D) of paragraph (2) of this subsection does not apply or with respect to which that
premise has been rebutted, that asset or activity is properly assigned to the state in which the taxpayer's commercial domicile is located. For purposes of this subparagraph (E), it shall be presumed, subject to rebuttal, that taxpayer's commercial domicile is in the state of the United States or the District of Columbia to which the greatest number of employees are regularly connected with the management of the investment or trading income or out of which they are working, irrespective of where the services of such employees are performed, as of the last day of the taxable year. In the case of a financial organization that accepts deposits, receipts from investments and from money-market instruments are apportioned to this State based on the ratio that the total deposits of the financial organization (including all members of the financial organization's unitary group) from this State, its residents, (including businesses with an office or other place of business in this State), and its political subdivisions, agencies, and instrumentalities bear to total deposits everywhere. For purposes of this subdivision, deposits must be attributed to this State under the preceding sentence, whether or not the deposits are accepted or maintained by the financial organization at locations within this State. In the case of a financial organization that does not accept deposits, receipts from investments in securities and from money-market

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instruments shall be excluded from the numerator and the denominator of the gross receipts factor.

(4) (Blank). As used in subparagraph (3), "deposit" includes but is not limited to:

(i) the unpaid balance of money or its equivalent received or held by a financial institution in the usual course of business and for which it has given or is obligated to give credit, either conditionally or unconditionally, to a commercial, checking, savings, time, or thrift account whether or not advance notice is required to withdraw the credited funds, or which is evidenced by its certificate of deposit, thrift certificate, investment certificate, or certificate of indebtedness, or other similar name, or a check or draft drawn against a deposit account and certified by the financial organization, or a letter of credit or a traveler's check on which the financial organization is primarily liable. However, without limiting the generality of the term "money or its equivalent", any such account or instrument must be regarded as evidencing the receipt of the equivalent of money when credited or issued in exchange for checks or drafts or for a promissory note upon which the person obtaining the credit or instrument is primarily or secondarily liable, or for a charge against a deposit account, or in settlement of checks, drafts, or other instruments forwarded to the bank for collection;

(ii) trust funds received or held by the financial organization, whether held in the trust department or held or deposited in any other department of the financial organization;

(iii) money received or held by a financial organization, or the credit given for money or its equivalent received or held by a financial organization, in the usual course of business for a special or specific purpose;

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regardless of the legal relationship so established. Under this paragraph, "deposit" includes, but is not limited to, escrow funds, funds held as security for an obligation due to the financial organization or others, including funds held as dealer's reserves, or for securities loaned by the financial organization, funds deposited by a debtor to meet maturing obligations, funds deposited as advance payment on subscriptions to United States government securities, funds held for distribution or purchase of securities, funds held to meet its acceptance or letters of credit, and withheld taxes. It does not include funds received by the financial organization for immediate application to the reduction of an indebtedness to the receiving financial organization, or under condition that the receipt of the funds immediately reduces or extinguishes the indebtedness;

(iv) outstanding drafts, including advice of another financial organization, cashier's checks, money orders, or other officer's checks issued in the usual course of business for any purpose, but not including those issued in payment for services, dividends, or purchases or other costs or expenses of the financial organization itself; and

(v) money or its equivalent held as a credit balance by a financial organization on behalf of its customer if the entity is engaged in soliciting and holding such balances in the regular course of its business.

(5) (Blank). As used in subparagraph (3), "money market instruments" includes but is not limited to:

(i) Interest-bearing deposits, federal funds sold and securities purchased under agreements to resell, commercial paper, banker's acceptances, and purchased certificates of deposit and similar instruments to the extent that the instruments are reflected as assets under generally accepted accounting principles.

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"Securities" means corporate stock, bonds, and other securities (including, for purposes of taxation of gains on securities and for purchases under agreements to resell, United States Treasury securities, obligations of United States government agencies and corporations, obligations of state and political subdivisions, the interest on which is exempt from Illinois income tax), participations in securities backed by mortgages held by United States or state government agencies, loan-backed securities, and similar investments to the extent the investments are reflected as assets under generally accepted accounting principles.

(ii) For purposes of subparagraph (3), "money market instruments" shall include investments in investment partnerships, trusts, pools, funds, investment companies, or any similar entity in proportion to the investment of the entity in money market instruments, and "securities" shall include investments in investment partnerships, trusts, pools, funds, investment companies, or any similar entity in proportion to the investment of the entity in securities.

(d) Transportation services. For taxable years ending before December 31, 2008, business income derived from furnishing transportation services shall be apportioned to this State in accordance with paragraphs (1) and (2):

(1) Such business income (other than that derived from transportation by pipeline) shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the revenue miles of the person in this State, and the denominator of which is the revenue miles of the person everywhere. For purposes of this paragraph, a revenue mile is the transportation of 1 passenger or 1 net ton of freight the distance of 1 mile for a consideration. Where a person is engaged in the transportation of both passengers and freight, the fraction above referred to shall be

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determined by means of an average of the passenger revenue mile fraction and the freight revenue mile fraction, weighted to reflect the person's

(A) relative railway operating income from total passenger and total freight service, as reported to the Interstate Commerce Commission, in the case of transportation by railroad, and

(B) relative gross receipts from passenger and freight transportation, in case of transportation other than by railroad.

(2) Such business income derived from transportation by pipeline shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the revenue miles of the person in this State, and the denominator of which is the revenue miles of the person everywhere. For the purposes of this paragraph, a revenue mile is the transportation by pipeline of 1 barrel of oil, 1,000 cubic feet of gas, or of any specified quantity of any other substance, the distance of 1 mile for a consideration.

(3) For taxable years ending on or after December 31, 2008, business income derived from providing transportation services other than airline services shall be apportioned to this State by using a fraction, (a) the numerator of which shall be (i) all receipts from any movement or shipment of people, goods, mail, oil, gas, or any other substance (other than by airline) that both originates and terminates in this State, plus (ii) that portion of the person's gross receipts from movements or shipments of people, goods, mail, oil, gas, or any other substance (other than by airline) that originates in one state or jurisdiction and terminates in another state or jurisdiction passing through, into, or out of this State, that is determined by the ratio that the miles traveled in this State bears to total miles everywhere from point of origin to point of destination and (b) the denominator of which shall be all revenue derived from the movement or shipment of people, goods, mail, oil, gas, or any other substance (other than by airline). Where a taxpayer is
engaged in the transportation of both passengers and freight, the
fraction above referred to shall first be determined separately for
passenger miles and freight miles. Then an average of the
passenger miles fraction and the freight miles fraction shall be
weighted to reflect the taxpayer’s:

(A) relative railway operating income from total
passenger and total freight service, as reported to the
Surface Transportation Board, in the case of transportation
by railroad; and

(B) relative gross receipts from passenger and
freight transportation, in case of transportation other than
by railroad. If a person derives business income from
activities in addition to the provision of transportation
services (other than by airline), this subsection shall apply
only to its business income from transportation services and
its other business income shall be apportioned to this State
according to the applicable provisions of this Section.

(4) For taxable years ending on or after December 31,
2008, business income derived from furnishing airline
transportation services shall be apportioned to this State by
multiplying such income by a fraction, the numerator of which is
the revenue miles of the person in this State, and the denominator
of which is the revenue miles of the person everywhere. For
purposes of this paragraph, a revenue mile is the transportation of
one passenger or one net ton of freight the distance of one mile for
a consideration. If a person is engaged in the transportation of
both passengers and freight, the fraction above referred to shall be
determined by means of an average of the passenger revenue mile
fraction and the freight revenue mile fraction, weighted to reflect
the person’s relative gross receipts from passenger and freight
airline transportation. For taxable years ending on or after
December 31, 2008, business income derived from providing
airline services shall be apportioned to this State by using a
fraction, (a) the numerator of which shall be arrivals of aircraft to

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and departures from this State weighted as to cost of aircraft by type and (b) the denominator of which shall be total arrivals and departures of aircraft weighted as to cost of aircraft by type. If a person derives business income from activities in addition to the provision of airline services, this subsection shall apply only to its business income from airline services and its other business income shall be apportioned to this State under the applicable provisions of this Section.

(e) Combined apportionment. Where 2 or more persons are engaged in a unitary business as described in subsection (a)(27) of Section 1501, a part of which is conducted in this State by one or more members of the group, the business income attributable to this State by any such member or members shall be apportioned by means of the combined apportionment method.

(f) Alternative allocation. If the allocation and apportionment provisions of subsections (a) through (e) and of subsection (h) do not fairly represent the extent of a person's business activity in this State, the person may petition for, or the Director may, without a petition, permit or require, in respect of all or any part of the person's business activity, if reasonable:

(1) Separate accounting;
(2) The exclusion of any one or more factors;
(3) The inclusion of one or more additional factors which will fairly represent the person's business activities in this State; or
(4) The employment of any other method to effectuate an equitable allocation and apportionment of the person's business income.

(g) Cross reference. For allocation of business income by residents, see Section 301(a).

(h) For tax years ending on or after December 31, 1998, the apportionment factor of persons who apportion their business income to this State under subsection (a) shall be equal to:

(1) for tax years ending on or after December 31, 1998 and before December 31, 1999, 16 2/3% of the property factor plus 16 2/3% of the payroll factor plus 66 2/3% of the sales factor;

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(2) for tax years ending on or after December 31, 1999 and before December 31, 2000, 8 1/3% of the property factor plus 8 1/3% of the payroll factor plus 83 1/3% of the sales factor;

(3) for tax years ending on or after December 31, 2000, the sales factor.

If, in any tax year ending on or after December 31, 1998 and before December 31, 2000, the denominator of the payroll, property, or sales factor is zero, the apportionment factor computed in paragraph (1) or (2) of this subsection for that year shall be divided by an amount equal to 100% minus the percentage weight given to each factor whose denominator is equal to zero.

(Source: P.A. 94-247, eff. 1-1-06; 95-233, eff. 8-16-07.)

(35 ILCS 5/704A)

Sec. 704A. Employer's return and payment of tax withheld.

(a) In general, every employer who deducts and withholds or is required to deduct and withhold tax under this Act on or after January 1, 2008 shall make those payments and returns as provided in this Section.

(b) Returns. Every employer shall, in the form and manner required by the Department, make returns with respect to taxes withheld or required to be withheld under this Article 7 for each quarter beginning on or after January 1, 2008, on or before the last day of the first month following the close of that quarter.

(c) Payments. With respect to amounts withheld or required to be withheld on or after January 1, 2008:

(1) Semi-weekly payments. For each calendar year, each employer who withheld or was required to withhold more than $12,000 during the one-year period ending on June 30 of the immediately preceding calendar year, payment must be made:

(A) on or before each Friday of the calendar year, for taxes withheld or required to be withheld on the immediately preceding Saturday, Sunday, Monday, or Tuesday;

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(B) on or before each Wednesday of the calendar year, for taxes withheld or required to be withheld on the immediately preceding Wednesday, Thursday, or Friday.

(2) Semi-weekly payments. Any employer who withholds or is required to withhold more than $12,000 in any quarter of a calendar year is required to make payments on the dates set forth under item (1) of this subsection (c) for each remaining quarter of that calendar year and for the subsequent calendar year.

(3) Monthly payments. Each employer, other than an employer described in items (1) or (2) of this subsection, shall pay to the Department, on or before the 15th day of each month the taxes withheld or required to be withheld during the immediately preceding month.

(4) Payments with returns. Each employer shall pay to the Department, on or before the due date for each return required to be filed under this Section, any tax withheld or required to be withheld during the period for which the return is due and not previously paid to the Department.

(d) Regulatory authority. The Department may, by rule:

(1) If the aggregate amounts required to be withheld under this Article 7 do not exceed $1,000 for the calendar year, permit employers, in lieu of the requirements of subsections (b) and (c), to file annual returns due on or before January 31 of the following year for taxes withheld or required to be withheld during that calendar year and to pay the taxes required to be shown on each such return no later than the due date for such return.

(2) Provide that any payment required to be made under subsection (c)(1) or (c)(2) is deemed to be timely to the extent paid by electronic funds transfer on or before the due date for deposit of federal income taxes withheld from, or federal employment taxes due with respect to, the wages from which the Illinois taxes were withheld.
(3) Designate one or more depositories to which payment of
taxes required to be withheld under this Article 7 must be paid by
some or all employers.

(4) Increase the threshold dollar amounts at which
employers are required to make semi-weekly payments under
subsection (c)(1) or (c)(2).

(e) Annual return and payment. Every employer who deducts and
withholds or is required to deduct and withhold tax from a person engaged
in domestic service employment, as that term is defined in Section 3510 of
the Internal Revenue Code, may comply with the requirements of this
Section with respect to such employees by filing an annual return and
paying the taxes required to be deducted and withheld on or before the
15th day of the fourth month following the close of the employer's taxable
year. The Department may allow the employer's return to be submitted
with the employer's individual income tax return or to be submitted with a
return due from the employer under Section 1400.2 of the Unemployment
Insurance Act.

(f) Magnetic media and electronic filing. Any W-2 Form that,
under the Internal Revenue Code and regulations promulgated thereunder,
is required to be submitted to the Internal Revenue Service on magnetic
media or electronically must also be submitted to the Department on
magnetic media or electronically for Illinois purposes, if required by the
Department.

(Source: P.A. 95-8, eff. 6-29-07.)

(35 ILCS 5/709.5)

Sec. 709.5. Withholding by partnerships, Subchapter S
corporations, and trusts.

(a) In general. For each taxable year ending on or after December
31, 2008, every partnership (other than a publicly traded partnership under
Section 7704 of the Internal Revenue Code or investment partnership),
Subchapter S corporation, and trust must withhold from each nonresident
partner, shareholder, or beneficiary (other than a partner, shareholder, or
beneficiary who is exempt from tax under Section 501(a) of the Internal
Revenue Code or under Section 205 of this Act or who is included on a

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composite return filed by the partnership or Subchapter S corporation for the taxable year under subsection (f) of Section 502 of this Act) an amount equal to the distributable share of the business income of the partnership, Subchapter S corporation, or trust apportionable to Illinois of that partner, shareholder, or beneficiary under Sections 702 and 704 and Subchapter S of the Internal Revenue Code, whether or not distributed, multiplied by the applicable rates of tax for that partner or shareholder under subsections (a) through (d) of Section 201 of this Act.

(b) Credit for taxes withheld. Any amount withheld under subsection (a) of this Section and paid to the Department shall be treated as a payment of the estimated tax liability or of the liability for withholding under this Section of the partner, shareholder, or beneficiary to whom the income is distributable for the taxable year in which that person incurred a liability under this Act with respect to that income. The Department shall adopt rules pursuant to which a partner, shareholder, or beneficiary may claim a credit against its obligation for withholding under this Section for amounts withheld under this Section with respect to income distributable to it by a partnership, Subchapter S corporation, or trust and allowing its partners, shareholders, or beneficiaries to claim a credit under this subsection (b) for those withheld amounts.

(c) Exemption from withholding.

(1) A partnership, Subchapter S corporation, or trust shall not be required to withhold tax under subsection (a) of this Section with respect to any nonresident partner, shareholder, or beneficiary (other than an individual) from whom the partnership, S corporation, or trust has received a certificate, completed in the form and manner prescribed by the Department, stating that such nonresident partner, shareholder, or beneficiary shall:

(A) file all returns that the partner, shareholder, or beneficiary is required to file under Section 502 of this Act and make timely payment of all taxes imposed under Section 201 of this Act or under this Section on the partner, shareholder, or beneficiary with respect to income of the partnership, S corporation, or trust; and

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(B) be subject to personal jurisdiction in this State for purposes of the collection of income taxes, together with related interest and penalties, imposed on the partner, shareholder, or beneficiary with respect to the income of the partnership, S corporation, or trust.

(2) The Department may revoke the exemption provided by this subsection (c) at any time that it determines that the nonresident partner, shareholder, or beneficiary is not abiding by the terms of the certificate. The Department shall notify the partnership, S corporation, or trust that it has revoked a certificate by notice left at the usual place of business of the partnership, S corporation, or trust or by mail to the last known address of the partnership, S corporation, or trust.

(3) A partnership, S corporation, or trust that receives a certificate under this subsection (c) properly completed by a nonresident partner, shareholder, or beneficiary shall not be required to withhold any amount from that partner, shareholder, or beneficiary, the payment of which would be due under Section 711(a-5) of this Act after the receipt of the certificate and no earlier than 60 days after the Department has notified the partnership, S corporation, or trust that the certificate has been revoked.

(4) Certificates received by a partnership, S corporation, or trust under this subsection (c) must be retained by the partnership, S corporation, or trust and a record of such certificates must be provided to the Department, in a format in which the record is available for review by the Department, upon request by the Department. The Department may, by rule, require the record of certificates to be maintained and provided to the Department electronically.

(Source: P.A. 95-233, eff. 8-16-07.)

(35 ILCS 5/901) (from Ch. 120, par. 9-901)
Sec. 901. Collection Authority.
(a) In general.

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The Department shall collect the taxes imposed by this Act. The Department shall collect certified past due child support amounts under Section 2505-650 of the Department of Revenue Law (20 ILCS 2505/2505-650). Except as provided in subsections (c) and (e) of this Section, money collected pursuant to subsections (a) and (b) of Section 201 of this Act shall be paid into the General Revenue Fund in the State treasury; money collected pursuant to subsections (c) and (d) of Section 201 of this Act shall be paid into the Personal Property Tax Replacement Fund, a special fund in the State Treasury; and money collected under Section 2505-650 of the Department of Revenue Law (20 ILCS 2505/2505-650) shall be paid into the Child Support Enforcement Trust Fund, a special fund outside the State Treasury, or to the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code, as directed by the Department of Healthcare and Family Services.

(b) Local Governmental Distributive Fund.

Beginning August 1, 1969, and continuing through June 30, 1994, the Treasurer shall transfer each month from the General Revenue Fund to a special fund in the State treasury, to be known as the "Local Government Distributive Fund", an amount equal to 1/12 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act during the preceding month. Beginning July 1, 1994, and continuing through June 30, 1995, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to 1/11 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act during the preceding month. Beginning July 1, 1995, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to the net of (i) 1/10 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of the Illinois Income Tax Act during the preceding month (ii) minus, beginning July 1, 2003 and ending June 30, 2004, $6,666,666, and beginning July 1, 2004, zero. Net revenue realized for a month shall be defined as the revenue from the tax imposed by subsections (a) and (b) of Section 201 of
this Act which is deposited in the General Revenue Fund, the Educational Assistance Fund and the Income Tax Surcharge Local Government Distributive Fund during the month minus the amount paid out of the General Revenue Fund in State warrants during that same month as refunds to taxpayers for overpayment of liability under the tax imposed by subsections (a) and (b) of Section 201 of this Act.

(c) Deposits Into Income Tax Refund Fund.

(1) Beginning on January 1, 1989 and thereafter, the Department shall deposit a percentage of the amounts collected pursuant to subsections (a) and (b)(1), (2), and (3), of Section 201 of this Act into a fund in the State treasury known as the Income Tax Refund Fund. The Department shall deposit 6% of such amounts during the period beginning January 1, 1989 and ending on June 30, 1989. Beginning with State fiscal year 1990 and for each fiscal year thereafter, the percentage deposited into the Income Tax Refund Fund during a fiscal year shall be the Annual Percentage. For fiscal years 1999 through 2001, the Annual Percentage shall be 7.1%. For fiscal year 2003, the Annual Percentage shall be 8%. For fiscal year 2004, the Annual Percentage shall be 11.7%. Upon the effective date of this amendatory Act of the 93rd General Assembly, the Annual Percentage shall be 10% for fiscal year 2005. For fiscal year 2006, the Annual Percentage shall be 9.75%. For fiscal year 2007, the Annual Percentage shall be 9.75%. For fiscal year 2008, the Annual Percentage shall be 7.75%. For all other fiscal years, the Annual Percentage shall be calculated as a fraction, the numerator of which shall be the amount of refunds approved for payment by the Department during the preceding fiscal year as a result of overpayment of tax liability under subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act plus the amount of such refunds remaining approved but unpaid at the end of the preceding fiscal year, minus the amounts transferred into the Income Tax Refund Fund from the Tobacco Settlement Recovery Fund, and the denominator of which shall be the amounts which will be collected.

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pursuant to subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act during the preceding fiscal year; except that in State fiscal year 2002, the Annual Percentage shall in no event exceed 7.6%. The Director of Revenue shall certify the Annual Percentage to the Comptroller on the last business day of the fiscal year immediately preceding the fiscal year for which it is to be effective.

(2) Beginning on January 1, 1989 and thereafter, the Department shall deposit a percentage of the amounts collected pursuant to subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act into a fund in the State treasury known as the Income Tax Refund Fund. The Department shall deposit 18% of such amounts during the period beginning January 1, 1989 and ending on June 30, 1989. Beginning with State fiscal year 1990 and for each fiscal year thereafter, the percentage deposited into the Income Tax Refund Fund during a fiscal year shall be the Annual Percentage. For fiscal years 1999, 2000, and 2001, the Annual Percentage shall be 19%. For fiscal year 2003, the Annual Percentage shall be 27%. For fiscal year 2004, the Annual Percentage shall be 32%. Upon the effective date of this amendatory Act of the 93rd General Assembly, the Annual Percentage shall be 24% for fiscal year 2005. For fiscal year 2006, the Annual Percentage shall be 20%. For fiscal year 2007, the Annual Percentage shall be 17.5%. For fiscal year 2008, the Annual Percentage shall be 15.5%. For all other fiscal years, the Annual Percentage shall be calculated as a fraction, the numerator of which shall be the amount of refunds approved for payment by the Department during the preceding fiscal year as a result of overpayment of tax liability under subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act plus the amount of such refunds remaining approved but unpaid at the end of the preceding fiscal year, and the denominator of which shall be the amounts which will be collected pursuant to subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act during the preceding fiscal year; except that in State fiscal year 2002, the

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Annual Percentage shall in no event exceed 23%. The Director of Revenue shall certify the Annual Percentage to the Comptroller on the last business day of the fiscal year immediately preceding the fiscal year for which it is to be effective.


(d) Expenditures from Income Tax Refund Fund.

(1) Beginning January 1, 1989, money in the Income Tax Refund Fund shall be expended exclusively for the purpose of paying refunds resulting from overpayment of tax liability under Section 201 of this Act, for paying rebates under Section 208.1 in the event that the amounts in the Homeowners' Tax Relief Fund are insufficient for that purpose, and for making transfers pursuant to this subsection (d).

(2) The Director shall order payment of refunds resulting from overpayment of tax liability under Section 201 of this Act from the Income Tax Refund Fund only to the extent that amounts collected pursuant to Section 201 of this Act and transfers pursuant to this subsection (d) and item (3) of subsection (c) have been deposited and retained in the Fund.

(3) As soon as possible after the end of each fiscal year, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Income Tax Refund Fund to the Personal Property Tax Replacement Fund an amount, certified by the Director to the Comptroller, equal to the excess of the amount collected pursuant to subsections (c) and (d) of Section 201 of this Act deposited into the Income Tax Refund Fund during the fiscal year over the amount of refunds resulting from overpayment of tax liability under subsections (c) and (d) of Section 201 of this Act paid from the Income Tax Refund Fund during the fiscal year.

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(4) As soon as possible after the end of each fiscal year, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Personal Property Tax Replacement Fund to the Income Tax Refund Fund an amount, certified by the Director to the Comptroller, equal to the excess of the amount of refunds resulting from overpayment of tax liability under subsections (c) and (d) of Section 201 of this Act paid from the Income Tax Refund Fund during the fiscal year over the amount collected pursuant to subsections (c) and (d) of Section 201 of this Act deposited into the Income Tax Refund Fund during the fiscal year.

(4.5) As soon as possible after the end of fiscal year 1999 and of each fiscal year thereafter, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Income Tax Refund Fund to the General Revenue Fund any surplus remaining in the Income Tax Refund Fund as of the end of such fiscal year; excluding for fiscal years 2000, 2001, and 2002 amounts attributable to transfers under item (3) of subsection (c) less refunds resulting from the earned income tax credit.

(5) This Act shall constitute an irrevocable and continuing appropriation from the Income Tax Refund Fund for the purpose of paying refunds upon the order of the Director in accordance with the provisions of this Section.

(e) Deposits into the Education Assistance Fund and the Income Tax Surcharge Local Government Distributive Fund.

On July 1, 1991, and thereafter, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 7.3% into the Education Assistance Fund in the State Treasury. Beginning July 1, 1991, and continuing through January 31, 1993, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 3.0% into the Income Tax Surcharge Local

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Government Distributive Fund in the State Treasury. Beginning February 1, 1993 and continuing through June 30, 1993, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 4.4% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury. Beginning July 1, 1993, and continuing through June 30, 1994, of the amounts collected under subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 1.475% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury.

(Source: P.A. 93-32, eff. 6-20-03; 93-839, eff. 7-30-04; 94-91, eff. 7-1-05; 94-839, eff. 6-6-06.)

(35 ILCS 5/1001) (from Ch. 120, par. 10-1001)
Sec. 1001. Failure to File Tax Returns.

(a) Failure to file tax return. In case of failure to file any tax return required under this Act on the date prescribed therefor, (determined with regard to any extensions of time for filing) there shall be added as a penalty the amount prescribed by Section 3-3 of the Uniform Penalty and Interest Act.

(b) Failure to disclose reportable transaction. Any taxpayer who fails to include on any return or statement any information with respect to a reportable transaction that is required under Section 501(b) of this Act to be included with such return or statement shall pay a penalty in the amount determined under this subsection who fails to comply with the requirements of Section 501(b) of this Act shall pay a penalty in the amount determined under this subsection. Such penalty shall be deemed assessed upon the date of filing of the return for the taxable year in which the taxpayer participates in the reportable transaction. A taxpayer shall not be considered to have complied with the requirements of Section 501(b) of this Act unless the disclosure statement filed with the Department includes all of the information required to be disclosed with respect to a reportable transaction pursuant to Section 6011 of the Internal Revenue Code, the regulations promulgated under that statute, Treasury Regulations Section

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1.6011-4 (26 CFR 1.6011-4) and regulations promulgated by the Department under Section 501(b) of this Act.

(1) Amount of penalty. Except as provided in paragraph (2), the amount of the penalty under this subsection shall be $15,000 for each failure to comply with the requirements of Section 501(b). 

(2) Increase in penalty for listed transactions. In the case of a failure to comply with the requirements of Section 501(b) with respect to a "listed transaction", the penalty under this subsection shall be $30,000 for each failure.

(3) Authority to rescind penalty. The Department may rescind all or any portion of any penalty imposed by this subsection with respect to any violation, if any of the following apply:

(A) the violation is with respect to a reportable transaction other than a listed transaction, and

(B) rescinding the penalty would promote compliance with the requirements of this Act and effective tax administration.

(A) It is determined that failure to comply did not jeopardize the best interests of the State and is not due to any willful neglect or any intent not to comply;

(B) The person on whom the penalty is imposed has a history of complying with the requirements of this Act;

(C) It is shown that the violation is due to an unintentional mistake of fact;

(D) Imposing the penalty would be against equity and good conscience;

(E) Rescinding the penalty would promote compliance with the requirements of this Act and effective tax administration; or

(F) The taxpayer can show that there was a reasonable cause for the failure to disclose and that the taxpayer acted in good faith.

A determination made under this subparagraph (3) may be reviewed in any administrative or judicial proceeding.

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(4) Coordination with other penalties. The penalty imposed by this subsection is in addition to any penalty imposed by this Act or the Uniform Penalty and Interest Act. The doubling of penalties and interest authorized by the Illinois Tax Delinquency Amnesty Act (P.A. 93-26) are not applicable to the reportable penalties under subsection (b).

(c) The total penalty imposed under subsection (b) of this Section with respect to any taxable year shall not exceed 10% of the increase in net income (or reduction in Illinois net loss under Section 207 of this Act) that would result had the taxpayer not participated in any reportable transaction affecting its net income for such taxable year.

(Source: P.A. 93-840, eff. 7-30-04.)

(35 ILCS 5/1007)

Sec. 1007. Failure to register tax shelter or maintain list.

(a) Penalty Imposed. Any person that fails to comply with the requirements of Section 1405.5 or Section 1405.6 shall incur a penalty as provided in subsection (b) of this Section. A person shall not be in compliance with the requirements of Section 1405.5 unless and until the required registration has been filed and that return contains all of the information required to be included by the Secretary under federal law. with such registration under Section 6111 of the Internal Revenue Code or such Section 1405.5. A person shall not be in compliance with the requirements of Section 1405.6 unless, at the time the required list is made available to the Department, such list contains all of the information required to be maintained under Section 6112 of the Internal Revenue Code or such Section 1405.6.

(b) Amount of Penalty. The following penalties apply:

(1) Except as provided in paragraph (2), the penalty imposed under subsection (a) with respect to any failure is $15,000. In the case of each failure to comply with the requirements of subsection (a), subsection (b), or subsection (e) of Section 1405.5, the penalty shall be $15,000.

(2) If the failure is with respect to a listed transaction under subsection (c) of Section 1405.5, the penalty shall be $100,000.

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(3) In the case of each failure to comply with the requirements of subsection (a) or subsection (b) of Section 1405.6, the penalty shall be $15,000.

(4) If the failure is with respect to a listed transaction under subsection (c) of Section 1405.6, the penalty shall be $100,000.

(c) Authority to rescind penalty. The Department may rescind all or any portion of any penalty imposed by this subsection with respect to any violation, if

(1) the violation is with respect to a reportable transaction other than a listed transaction, and

(2) rescinding the penalty would promote compliance with the requirements of this Act and effective tax administration. The Director of the Board of Appeals may rescind all or any portion of any penalty imposed by this Section with respect to any violation, if any of the following apply:

(1) It is determined that failure to comply did not jeopardize the best interests of the State and is not due to any willful neglect or any intent not to comply;

(2) The person on whom the penalty is imposed has a history of complying with the requirements of this Act;

(3) It is shown that the violation is due to an unintentional mistake of fact;

(4) Imposing the penalty would be against equity and good conscience;

(5) Rescinding the penalty would promote compliance with the requirements of this Act and effective tax administration; or

(6) The taxpayer can show that there was reasonable cause for the failure to disclose and that the taxpayer acted in good faith.

(d) Coordination with other penalties. The penalty imposed by this Section is in addition to any penalty imposed by this Act or the Uniform Penalty and Interest Act.

(Source: P.A. 93-840, eff. 7-30-04.)

(35 ILCS 5/1405.5)
Sec. 1405.5. Registration of tax shelters.

New matter indicated by italics - deletions by strikeout
(a) Federal tax shelter. Any material advisor tax shelter organizer required to make a return register a tax shelter under Section 6111 of the Internal Revenue Code with respect to a reportable transaction shall send a duplicate of the return federal registration information to the Department not later than the day on which the return registration is required to be filed under federal law. Any person required to register under Section 6111 of the Internal Revenue Code who receives a tax registration number from the Secretary of the Treasury shall, within 30 days after request by the Department, file a statement of that registration number.

(b) (Blank).

Additional requirements for listed transactions. In addition to the requirements of subsection (a), for any transactions entered into on or after February 28, 2000 that become listed transactions (as defined under Treasury Regulations Section 1.6011-4) at any time, those transactions shall be registered with the Department (in the form and manner prescribed by the Department) by the later of (i) 60 days after entering into the transaction, (ii) 60 days after the transaction becomes a listed transaction, or (iii) December 31, 2004.

(c) Transactions Tax—shelters subject to this Section. The provisions of this Section apply to any reportable transaction having a nexus with this State. For returns that must be filed under this Section on or after January 1, 2008, a reportable transaction has nexus with this State if, at the time the transaction is entered into, the transaction has one or more investors that is an Illinois taxpayer. For returns that must be filed under this Section prior to January 1, 2008, a tax shelter has a nexus with this State if it herein described that additionally satisfies any of the following conditions: (1) is organized in this State; (2) is doing business in this State; or (3) is deriving income from sources in this State.

(d) (Blank).

Tax shelter identification number. Any person required to file a return under this Act and required to include on the person’s federal tax return a tax shelter identification number pursuant to Section 6111 of the Internal Revenue Code shall furnish such number upon filing of the person’s Illinois return.

(Source: P.A. 93-840, eff. 7-30-04.)

(35 ILCS 5/1405.6)
Sec. 1405.6. Investor lists.

(a) Federal abusive tax shelter. Any person required to maintain a list under Section 6112 of the Internal Revenue Code and Treasury Regulations Section 301.6112-1 with respect to a potentially abusive tax shelter shall furnish a duplicate of such list to the Department not later than the earlier of the time such list is required to be furnished to the Internal Revenue Service for inspection under Section 6112 of the Internal Revenue Code or the date of written request by the Department under federal income tax law.

The list required under this Section shall include the same information required with respect to a potentially abusive tax shelter under Treasury Regulations Section 301.6112-1 and any other information as the Department may require.

(b) (Blank).

Additional requirements for listed transactions. For transactions entered into on or after February 28, 2000 that become listed transactions (as defined under Treasury Regulations Section 1.6011-4) at any time, the list shall be furnished to the Department by the later of (i) 60 days after entering into the transaction, (ii) 60 days after the transaction becomes a listed transaction, or (iii) December 31, 2004.

(c) Transactions subject to this Section. The provisions of this Section apply to any reportable transaction having a nexus with this State. For lists that must be filed with the Department on or after January 1, 2008, a reportable transaction has nexus with this State if, at the time the transaction is entered into, the transaction has one or more investors that is an Illinois taxpayer. For lists that must be filed with the Department prior to January 1, 2008, a reportable transaction has nexus with this State if, at the time the transaction is:

(d) Tax Shelters subject to this Section. The provisions of this Section apply to any tax shelter herein described that additionally satisfies any of the following conditions:

1. Organized in this State;
2. Doing Business in this State; or
3. Deriving income from sources in this State.

(Source: P.A. 93-840, eff. 7-30-04.)

(35 ILCS 5/1501) (from Ch. 120, par. 15-1501)
Sec. 1501. Definitions.

(a) In general. When used in this Act, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) Business income. The term "business income" means all income that may be treated as apportionable business income under the Constitution of the United States. Business income is net of the deductions allocable thereto. Such term does not include compensation or the deductions allocable thereto. For each taxable year beginning on or after January 1, 2003, a taxpayer may elect to treat all income other than compensation as business income. This election shall be made in accordance with rules adopted by the Department and, once made, shall be irrevocable.

(1.5) Captive real estate investment trust:

(A) The term "captive real estate investment trust" means a corporation, trust, or association:

(i) that is considered a real estate investment trust for the taxable year under Section 856 of the Internal Revenue Code;

(ii) the certificates of beneficial interest or shares of which are not regularly traded on an established securities market; and

(iii) of which more than 50% of the voting power or value of the beneficial interest or shares, at any time during the last half of the taxable year, is owned or controlled, directly, indirectly, or constructively, by a single person that is subject to the provisions of Subchapter C of Chapter 1 of the Internal Revenue Code.

(B) The term "captive real estate investment trust" does not include:

(i) a real estate investment trust corporation, trust, or association of which more than 50% of the voting power or value of the beneficial interest or shares is owned or controlled, directly, indirectly, or constructively, at any
time during which the corporation, trust, or association satisfies item (A)(iii) of this subsection (1.5), by:

(a) a real estate investment trust, other than a captive real estate investment trust described in item (A) of this subsection;

(b) a person who is exempt from taxation under Section 501 of the Internal Revenue Code, and who is not required to treat income received from the real estate investment trust as unrelated business taxable income under Section 512 of the Internal Revenue Code;

(c) a listed Australian property trust, if no more than 50% of the voting power or value of the beneficial interest or shares of that trust, at any time during the last half of the taxable year, is owned or controlled, directly or indirectly, by a single person; or

(d) an entity organized as a trust, provided a listed Australian property trust described in subparagraph (c) owns or controls, directly or indirectly, or constructively, 75% or more of the voting power or value of the beneficial interests or shares of such entity; or

(ii) during its first taxable year for which it elects to be treated as a real estate investment trust under Section 856(c)(1) of the Internal Revenue Code, a real estate investment trust the certificates of beneficial interest or shares of which are not regularly traded on an established securities market, but only if the certificates of beneficial interest or shares of the real estate investment trust are regularly traded on an established securities market prior to the earlier of the due date (including extensions) for filing its return under this Act for that first taxable year or the date it actually files that return.

New matter indicated by italics - deletions by strikeout
(c) a listed Australian property trust; or
(d) a real estate investment trust that, subject to rules of the Secretary of State, is intended to become regularly traded on an established securities market and that satisfies the requirements of Sections 856(A)(5) and 856(A)(6) of the Internal Revenue Code by reason of Section 856(H)(2) of the Internal Revenue Code.

(C) For the purposes of this subsection (1.5), the constructive ownership rules prescribed under Section 318(a) of the Internal Revenue Code, as modified by Section 856(d)(5) of the Internal Revenue Code, apply in determining the ownership of stock, assets, or net profits of any person.

(2) Commercial domicile. The term "commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

(3) Compensation. The term "compensation" means wages, salaries, commissions and any other form of remuneration paid to employees for personal services.

(4) Corporation. The term "corporation" includes associations, joint-stock companies, insurance companies and cooperatives. Any entity, including a limited liability company formed under the Illinois Limited Liability Company Act, shall be treated as a corporation if it is so classified for federal income tax purposes.

(5) Department. The term "Department" means the Department of Revenue of this State.

(6) Director. The term "Director" means the Director of Revenue of this State.

(7) Fiduciary. The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, or any person acting in any fiduciary capacity for any person.

(8) Financial organization.

New matter indicated by italics - deletions by strikeout
(A) The term "financial organization" means any bank, bank holding company, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, building and loan association, credit union, currency exchange, cooperative bank, small loan company, sales finance company, investment company, or any person which is owned by a bank or bank holding company. For the purpose of this Section a "person" will include only those persons which a bank holding company may acquire and hold an interest in, directly or indirectly, under the provisions of the Bank Holding Company Act of 1956 (12 U.S.C. 1841, et seq.), except where interests in any person must be disposed of within certain required time limits under the Bank Holding Company Act of 1956.

(B) For purposes of subparagraph (A) of this paragraph, the term "bank" includes (i) any entity that is regulated by the Comptroller of the Currency under the National Bank Act, or by the Federal Reserve Board, or by the Federal Deposit Insurance Corporation and (ii) any federally or State chartered bank operating as a credit card bank.

(C) For purposes of subparagraph (A) of this paragraph, the term "sales finance company" has the meaning provided in the following item (i) or (ii):

(i) A person primarily engaged in one or more of the following businesses: the business of purchasing customer receivables, the business of making loans upon the security of customer receivables, the business of making loans for the express purpose of funding purchases of tangible personal property or services by the borrower, or the business of finance leasing. For purposes of this item (i), "customer receivable" means:

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(a) a retail installment contract or retail charge agreement within the meaning of the Sales Finance Agency Act, the Retail Installment Sales Act, or the Motor Vehicle Retail Installment Sales Act;

(b) an installment, charge, credit, or similar contract or agreement arising from the sale of tangible personal property or services in a transaction involving a deferred payment price payable in one or more installments subsequent to the sale; or

(c) the outstanding balance of a contract or agreement described in provisions (a) or (b) of this item (i).

A customer receivable need not provide for payment of interest on deferred payments. A sales finance company may purchase a customer receivable from, or make a loan secured by a customer receivable to, the seller in the original transaction or to a person who purchased the customer receivable directly or indirectly from that seller.

(ii) A corporation meeting each of the following criteria:

(a) the corporation must be a member of an "affiliated group" within the meaning of Section 1504(a) of the Internal Revenue Code, determined without regard to Section 1504(b) of the Internal Revenue Code;

(b) more than 50% of the gross income of the corporation for the taxable year must be interest income derived from qualifying loans. A "qualifying loan" is a
loan made to a member of the corporation's affiliated group that originates customer receivables (within the meaning of item (i)) or to whom customer receivables originated by a member of the affiliated group have been transferred, to the extent the average outstanding balance of loans from that corporation to members of its affiliated group during the taxable year do not exceed the limitation amount for that corporation. The "limitation amount" for a corporation is the average outstanding balances during the taxable year of customer receivables (within the meaning of item (i)) originated by all members of the affiliated group. If the average outstanding balances of the loans made by a corporation to members of its affiliated group exceed the limitation amount, the interest income of that corporation from qualifying loans shall be equal to its interest income from loans to members of its affiliated groups times a fraction equal to the limitation amount divided by the average outstanding balances of the loans made by that corporation to members of its affiliated group;

(c) the total of all shareholder's equity (including, without limitation, paid-in capital on common and preferred stock and retained earnings) of the corporation plus the total of all of its loans, advances, and other obligations payable or owed to members of its affiliated group may not exceed 20% of
the total assets of the corporation at any time during the tax year; and

(d) more than 50% of all interest-bearing obligations of the affiliated group payable to persons outside the group determined in accordance with generally accepted accounting principles must be obligations of the corporation.

This amendatory Act of the 91st General Assembly is declaratory of existing law.

(D) Subparagraphs (B) and (C) of this paragraph are declaratory of existing law and apply retroactively, for all tax years beginning on or before December 31, 1996, to all original returns, to all amended returns filed no later than 30 days after the effective date of this amendatory Act of 1996, and to all notices issued on or before the effective date of this amendatory Act of 1996 under subsection (a) of Section 903, subsection (a) of Section 904, subsection (e) of Section 909, or Section 912. A taxpayer that is a "financial organization" that engages in any transaction with an affiliate shall be a "financial organization" for all purposes of this Act.

(E) For all tax years beginning on or before December 31, 1996, a taxpayer that falls within the definition of a "financial organization" under subparagraphs (B) or (C) of this paragraph, but who does not fall within the definition of a "financial organization" under the Proposed Regulations issued by the Department of Revenue on July 19, 1996, may irrevocably elect to apply the Proposed Regulations for all of those years as though the Proposed Regulations had been lawfully promulgated, adopted, and in effect for all of those years. For purposes of applying subparagraphs (B) or (C) of this paragraph to all of those years, the election allowed by this subparagraph

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applies only to the taxpayer making the election and to those members of the taxpayer's unitary business group who are ordinarily required to apportion business income under the same subsection of Section 304 of this Act as the taxpayer making the election. No election allowed by this subparagraph shall be made under a claim filed under subsection (d) of Section 909 more than 30 days after the effective date of this amendatory Act of 1996.

(F) Finance Leases. For purposes of this subsection, a finance lease shall be treated as a loan or other extension of credit, rather than as a lease, regardless of how the transaction is characterized for any other purpose, including the purposes of any regulatory agency to which the lessor is subject. A finance lease is any transaction in the form of a lease in which the lessee is treated as the owner of the leased asset entitled to any deduction for depreciation allowed under Section 167 of the Internal Revenue Code.

(9) Fiscal year. The term "fiscal year" means an accounting period of 12 months ending on the last day of any month other than December.

(9.5) Fixed place of business. The term "fixed place of business" has the same meaning as that term is given in Section 864 of the Internal Revenue Code and the related Treasury regulations.

(10) Includes and including. The terms "includes" and "including" when used in a definition contained in this Act shall not be deemed to exclude other things otherwise within the meaning of the term defined.

(11) Internal Revenue Code. The term "Internal Revenue Code" means the United States Internal Revenue Code of 1954 or any successor law or laws relating to federal income taxes in effect for the taxable year.

(11.5) Investment partnership.

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(A) The term "investment partnership" means any entity that is treated as a partnership for federal income tax purposes that meets the following requirements:

(i) no less than 90% of the partnership's cost of its total assets consists of qualifying investment securities, deposits at banks or other financial institutions, and office space and equipment reasonably necessary to carry on its activities as an investment partnership;

(ii) no less than 90% of its gross income consists of interest, dividends, and gains from the sale or exchange of qualifying investment securities; and

(iii) the partnership is not a dealer in qualifying investment securities.

(B) For purposes of this paragraph (11.5), the term "qualifying investment securities" includes all of the following:

(i) common stock, including preferred or debt securities convertible into common stock, and preferred stock;

(ii) bonds, debentures, and other debt securities;

(iii) foreign and domestic currency deposits secured by federal, state, or local governmental agencies;

(iv) mortgage or asset-backed securities secured by federal, state, or local governmental agencies;

(v) repurchase agreements and loan participations;

(vi) foreign currency exchange contracts and forward and futures contracts on foreign currencies;

New matter indicated by italics - deletions by strikeout
(vii) stock and bond index securities and futures contracts and other similar financial securities and futures contracts on those securities;

(viii) options for the purchase or sale of any of the securities, currencies, contracts, or financial instruments described in items (i) to (vii), inclusive;

(ix) regulated futures contracts;

(x) commodities (not described in Section 1221(a)(1) of the Internal Revenue Code) or futures, forwards, and options with respect to such commodities, provided, however, that any item of a physical commodity to which title is actually acquired in the partnership's capacity as a dealer in such commodity shall not be a qualifying investment security;

(xi) derivatives; and

(xii) a partnership interest in another partnership that is an investment partnership.

(12) Mathematical error. The term "mathematical error" includes the following types of errors, omissions, or defects in a return filed by a taxpayer which prevents acceptance of the return as filed for processing:

(A) arithmetic errors or incorrect computations on the return or supporting schedules;

(B) entries on the wrong lines;

(C) omission of required supporting forms or schedules or the omission of the information in whole or in part called for thereon; and

(D) an attempt to claim, exclude, deduct, or improperly report, in a manner directly contrary to the provisions of the Act and regulations thereunder any item of income, exemption, deduction, or credit.

(13) Nonbusiness income. The term "nonbusiness income" means all income other than business income or compensation.
(14) Nonresident. The term "nonresident" means a person who is not a resident.

(15) Paid, incurred and accrued. The terms "paid", "incurred" and "accrued" shall be construed according to the method of accounting upon the basis of which the person's base income is computed under this Act.

(16) Partnership and partner. The term "partnership" includes a syndicate, group, pool, joint venture or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this Act, a trust or estate or a corporation; and the term "partner" includes a member in such syndicate, group, pool, joint venture or organization.

The term "partnership" includes any entity, including a limited liability company formed under the Illinois Limited Liability Company Act, classified as a partnership for federal income tax purposes.

The term "partnership" does not include a syndicate, group, pool, joint venture, or other unincorporated organization established for the sole purpose of playing the Illinois State Lottery.

(17) Part-year resident. The term "part-year resident" means an individual who became a resident during the taxable year or ceased to be a resident during the taxable year. Under Section 1501(a)(20)(A)(i) residence commences with presence in this State for other than a temporary or transitory purpose and ceases with absence from this State for other than a temporary or transitory purpose. Under Section 1501(a)(20)(A)(ii) residence commences with the establishment of domicile in this State and ceases with the establishment of domicile in another State.

(18) Person. The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, firm, company, corporation, limited liability company, or fiduciary. For purposes of Section 1301 and 1302 of this Act, a "person"
means (i) an individual, (ii) a corporation, (iii) an officer, agent, or employee of a corporation, (iv) a member, agent or employee of a partnership, or (v) a member, manager, employee, officer, director, or agent of a limited liability company who in such capacity commits an offense specified in Section 1301 and 1302.

(18A) Records. The term "records" includes all data maintained by the taxpayer, whether on paper, microfilm, microfiche, or any type of machine-sensible data compilation.

(19) Regulations. The term "regulations" includes rules promulgated and forms prescribed by the Department.

(20) Resident. The term "resident" means:

(A) an individual (i) who is in this State for other than a temporary or transitory purpose during the taxable year; or (ii) who is domiciled in this State but is absent from the State for a temporary or transitory purpose during the taxable year;

(B) The estate of a decedent who at his or her death was domiciled in this State;

(C) A trust created by a will of a decedent who at his death was domiciled in this State; and

(D) An irrevocable trust, the grantor of which was domiciled in this State at the time such trust became irrevocable. For purpose of this subparagraph, a trust shall be considered irrevocable to the extent that the grantor is not treated as the owner thereof under Sections 671 through 678 of the Internal Revenue Code.

(21) Sales. The term "sales" means all gross receipts of the taxpayer not allocated under Sections 301, 302 and 303.

(22) State. The term "state" when applied to a jurisdiction other than this State means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any Territory or Possession of the United States, and any foreign country, or any political subdivision of any of the foregoing. For purposes of the foreign tax credit under Section 601, the term

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"state" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, or any political subdivision of any of the foregoing, effective for tax years ending on or after December 31, 1989.

(23) Taxable year. The term "taxable year" means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the base income is computed under this Act. "Taxable year" means, in the case of a return made for a fractional part of a year under the provisions of this Act, the period for which such return is made.

(24) Taxpayer. The term "taxpayer" means any person subject to the tax imposed by this Act.

(25) International banking facility. The term international banking facility shall have the same meaning as is set forth in the Illinois Banking Act or as is set forth in the laws of the United States or regulations of the Board of Governors of the Federal Reserve System.

(26) Income Tax Return Preparer.

(A) The term "income tax return preparer" means any person who prepares for compensation, or who employs one or more persons to prepare for compensation, any return of tax imposed by this Act or any claim for refund of tax imposed by this Act. The preparation of a substantial portion of a return or claim for refund shall be treated as the preparation of that return or claim for refund.

(B) A person is not an income tax return preparer if all he or she does is

(i) furnish typing, reproducing, or other mechanical assistance;

(ii) prepare returns or claims for refunds for the employer by whom he or she is regularly and continuously employed;

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(iii) prepare as a fiduciary returns or claims for refunds for any person; or

(iv) prepare claims for refunds for a taxpayer in response to any notice of deficiency issued to that taxpayer or in response to any waiver of restriction after the commencement of an audit of that taxpayer or of another taxpayer if a determination in the audit of the other taxpayer directly or indirectly affects the tax liability of the taxpayer whose claims he or she is preparing.

(27) Unitary business group. The term "unitary business group" means a group of persons related through common ownership whose business activities are integrated with, dependent upon and contribute to each other. The group will not include those members whose business activity outside the United States is 80% or more of any such member's total business activity; for purposes of this paragraph and clause (a)(3)(B)(ii) of Section 304, business activity within the United States shall be measured by means of the factors ordinarily applicable under subsections (a), (b), (c), (d), or (h) of Section 304 except that, in the case of members ordinarily required to apportion business income by means of the 3 factor formula of property, payroll and sales specified in subsection (a) of Section 304, including the formula as weighted in subsection (h) of Section 304, such members shall not use the sales factor in the computation and the results of the property and payroll factor computations of subsection (a) of Section 304 shall be divided by 2 (by one if either the property or payroll factor has a denominator of zero). The computation required by the preceding sentence shall, in each case, involve the division of the member's property, payroll, or revenue miles in the United States, insurance premiums on property or risk in the United States, or financial organization business income from sources within the United States, as the case may be, by the respective worldwide figures for such items. Common ownership in the case of corporations is the direct or
indirect control or ownership of more than 50% of the outstanding voting stock of the persons carrying on unitary business activity. Unitary business activity can ordinarily be illustrated where the activities of the members are: (1) in the same general line (such as manufacturing, wholesaling, retailing of tangible personal property, insurance, transportation or finance); or (2) are steps in a vertically structured enterprise or process (such as the steps involved in the production of natural resources, which might include exploration, mining, refining, and marketing); and, in either instance, the members are functionally integrated through the exercise of strong centralized management (where, for example, authority over such matters as purchasing, financing, tax compliance, product line, personnel, marketing and capital investment is not left to each member). In no event, however, will any unitary business group include members which are ordinarily required to apportion business income under different subsections of Section 304 except that for tax years ending on or after December 31, 1987 this prohibition shall not apply to a unitary business group composed of one or more taxpayers all of which apportion business income pursuant to subsection (b) of Section 304, or all of which apportion business income pursuant to subsection (d) of Section 304, and a holding company of such single-factor taxpayers (see definition of "financial organization" for rule regarding holding companies of financial organizations). If a unitary business group would, but for the preceding sentence, include members that are ordinarily required to apportion business income under different subsections of Section 304, then for each subsection of Section 304 for which there are two or more members, there shall be a separate unitary business group composed of such members. For purposes of the preceding two sentences, a member is "ordinarily required to apportion business income" under a particular subsection of Section 304 if it would be required to use the apportionment method prescribed by such subsection except for the fact that it derives business income solely from Illinois. As used in this

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paragraph, the phrase "United States" means only the 50 states and
the District of Columbia, but does not include any territory or
possession of the United States or any area over which the United
States has asserted jurisdiction or claimed exclusive rights with
respect to the exploration for or exploitation of natural resources.

If the unitary business group members' accounting periods
differ, the common parent's accounting period or, if there is no
common parent, the accounting period of the member that is
expected to have, on a recurring basis, the greatest Illinois income
tax liability must be used to determine whether to use the
apportionment method provided in subsection (a) or subsection (h)
of Section 304. The prohibition against membership in a unitary
business group for taxpayers ordinarily required to apportion
income under different subsections of Section 304 does not apply
to taxpayers required to apportion income under subsection (a) and
subsection (h) of Section 304. The provisions of this amendatory
Act of 1998 apply to tax years ending on or after December 31,
1998.

(28) Subchapter S corporation. The term "Subchapter S
corporation" means a corporation for which there is in effect an
election under Section 1362 of the Internal Revenue Code, or for
which there is a federal election to opt out of the provisions of the
Subchapter S Revision Act of 1982 and have applied instead the
prior federal Subchapter S rules as in effect on July 1, 1982.

(30) Foreign person. The term "foreign person" means any
person who is a nonresident alien individual and any nonindividual
entity, regardless of where created or organized, whose business
activity outside the United States is 80% or more of the entity's
total business activity.
(b) Other definitions.
   (1) Words denoting number, gender, and so forth, when
used in this Act, where not otherwise distinctly expressed or
manifestly incompatible with the intent thereof:

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(A) Words importing the singular include and apply to several persons, parties or things;

(B) Words importing the plural include the singular;

and

(C) Words importing the masculine gender include the feminine as well.

(2) "Company" or "association" as including successors and assigns. The word "company" or "association", when used in reference to a corporation, shall be deemed to embrace the words "successors and assigns of such company or association", and in like manner as if these last-named words, or words of similar import, were expressed.

(3) Other terms. Any term used in any Section of this Act with respect to the application of, or in connection with, the provisions of any other Section of this Act shall have the same meaning as in such other Section.

(Source: P.A. 95-233, eff. 8-16-07.)

Section 5-16. The Use Tax Act is amended by changing Section 3-50 as follows:

(35 ILCS 105/3-50) (from Ch. 120, par. 439.3-50)

Sec. 3-50. Manufacturing and assembly exemption. The manufacturing and assembling machinery and equipment exemption includes machinery and equipment that replaces machinery and equipment in an existing manufacturing facility as well as machinery and equipment that are for use in an expanded or new manufacturing facility. The machinery and equipment exemption also includes machinery and equipment used in the general maintenance or repair of exempt machinery and equipment or for in-house manufacture of exempt machinery and equipment. For the purposes of this exemption, terms have the following meanings:

(1) "Manufacturing process" means the production of an article of tangible personal property, whether the article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property.

New matter indicated by italics - deletions by strikeout
property, by a procedure commonly regarded as manufacturing, processing, fabricating, or refining that changes some existing material into a material with a different form, use, or name. In relation to a recognized integrated business composed of a series of operations that collectively constitute manufacturing, or individually constitute manufacturing operations, the manufacturing process commences with the first operation or stage of production in the series and does not end until the completion of the final product in the last operation or stage of production in the series. For purposes of this exemption, photoprocessing is a manufacturing process of tangible personal property for wholesale or retail sale.

(2) "Assembling process" means the production of an article of tangible personal property, whether the article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by the combination of existing materials in a manner commonly regarded as assembling that results in an article or material of a different form, use, or name.

(3) "Machinery" means major mechanical machines or major components of those machines contributing to a manufacturing or assembling process.

(4) "Equipment" includes an independent device or tool separate from machinery but essential to an integrated manufacturing or assembly process; including computers used primarily in a manufacturer's computer assisted design, computer assisted manufacturing (CAD/CAM) system; any subunit or assembly comprising a component of any machinery or auxiliary, adjunct, or attachment parts of machinery, such as tools, dies, jigs, fixtures, patterns, and molds; and any parts that require periodic replacement in the course of normal operation; but does not include hand tools. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a product.
being manufactured or assembled for wholesale or retail sale or lease.

(5) "Production related tangible personal property" means all tangible personal property that is used or consumed by the purchaser in a manufacturing facility in which a manufacturing process takes place and includes, without limitation, tangible personal property that is purchased for incorporation into real estate within a manufacturing facility and tangible personal property that is used or consumed in activities such as research and development, preproduction material handling, receiving, quality control, inventory control, storage, staging, and packaging for shipping and transportation purposes. "Production related tangible personal property" does not include (i) tangible personal property that is used, within or without a manufacturing facility, in sales, purchasing, accounting, fiscal management, marketing, personnel recruitment or selection, or landscaping or (ii) tangible personal property that is required to be titled or registered with a department, agency, or unit of federal, State, or local government.

The manufacturing and assembling machinery and equipment exemption includes production related tangible personal property that is purchased on or after July 1, 2007 and on or before June 30, 2008. The exemption for production related tangible personal property is subject to both of the following limitations:

(1) The maximum amount of the exemption for any one taxpayer may not exceed 5% of the purchase price of production related tangible personal property that is purchased on or after July 1, 2007 and on or before June 30, 2008. A credit under Section 3-85 of this Act may not be earned by the purchase of production related tangible personal property for which an exemption is received under this Section.

(2) The maximum aggregate amount of the exemptions for production related tangible personal property awarded under this Act and the Retailers' Occupation Tax Act to all taxpayers may not exceed $10,000,000. If the claims for the exemption exceed
$10,000,000, then the Department shall reduce the amount of the exemption to each taxpayer on a pro rata basis.

The Department may adopt rules to implement and administer the exemption for production related tangible personal property.

The manufacturing and assembling machinery and equipment exemption includes the sale of materials to a purchaser who produces exempted types of machinery, equipment, or tools and who rents or leases that machinery, equipment, or tools to a manufacturer of tangible personal property. This exemption also includes the sale of materials to a purchaser who manufactures those materials into an exempted type of machinery, equipment, or tools that the purchaser uses himself or herself in the manufacturing of tangible personal property. This exemption includes the sale of exempted types of machinery or equipment to a purchaser who is not the manufacturer, but who rents or leases the use of the property to a manufacturer. The purchaser of the machinery and equipment who has an active resale registration number shall furnish that number to the seller at the time of purchase. A user of the machinery, equipment, or tools without an active resale registration number shall prepare a certificate of exemption for each transaction stating facts establishing the exemption for that transaction, and that certificate shall be available to the Department for inspection or audit. The Department shall prescribe the form of the certificate. Informal rulings, opinions, or letters issued by the Department in response to an inquiry or request for an opinion from any person regarding the coverage and applicability of this exemption to specific devices shall be published, maintained as a public record, and made available for public inspection and copying. If the informal ruling, opinion, or letter contains trade secrets or other confidential information, where possible, the Department shall delete that information before publication. Whenever informal rulings, opinions, or letters contain a policy of general applicability, the Department shall formulate and adopt that policy as a rule in accordance with the Illinois Administrative Procedure Act.

(Source: P.A. 91-51, eff. 6-30-99; 92-484, eff. 8-23-01.)

Section 5-17. The Retailers' Occupation Tax Act is amended by changing Sections 2-5 and 2-45 as follows:

New matter indicated by italics - deletions by strikeout
Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:

(1) Farm chemicals.

(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 2-70.

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(3) Until July 1, 2003, distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) Until July 1, 2003 and beginning again September 1, 2004, graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(5) A motor vehicle of the first division, a motor vehicle of the second division that is a self contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act. This paragraph is exempt from the provisions of Section 2-70. (Blank).

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Until July 1, 2003, proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the

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presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Tangible personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications
Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(12-5) On and after July 1, 2003 and through June 30, 2004, motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. Beginning on July 1, 2004 and through June 30, 2005, the use in this State of motor vehicles of the second division: (i) with a gross vehicle weight rating in excess of 8,000 pounds; (ii) that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code; and (iii) that are primarily used for commercial purposes. Through June 30, 2005, this exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act. For purposes of this paragraph, "used for commercial purposes" means the transportation of persons or property in furtherance of any commercial or industrial enterprise whether for-hire or not.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

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(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

(17) Tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(19) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(21) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for
lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(22) Fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) Except as provided in item (25-5) of this Section, a motor vehicle sold in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a drive-away permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the drive-away permit or having the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will not be titled in this State.

(25-5) The exemption under item (25) does not apply if the state in which the motor vehicle will be titled does not allow a reciprocal exemption for a motor vehicle sold and delivered in that state to an Illinois resident but titled in Illinois. The tax collected under this Act on the sale of a motor vehicle in this State to a resident of another state that does not allow a reciprocal exemption shall be imposed at a rate equal to the state's rate of tax on taxable property in the state in which the purchaser is a resident, except that the tax shall not exceed the tax that would otherwise

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be imposed under this Act. At the time of the sale, the purchaser shall execute a statement, signed under penalty of perjury, of his or her intent to title the vehicle in the state in which the purchaser is a resident within 30 days after the sale and of the fact of the payment to the State of Illinois of tax in an amount equivalent to the state's rate of tax on taxable property in his or her state of residence and shall submit the statement to the appropriate tax collection agency in his or her state of residence. In addition, the retailer must retain a signed copy of the statement in his or her records. Nothing in this item shall be construed to require the removal of the vehicle from this state following the filing of an intent to title the vehicle in the purchaser's state of residence if the purchaser titles the vehicle in his or her state of residence within 30 days after the date of sale. The tax collected under this Act in accordance with this item (25-5) shall be proportionately distributed as if the tax were collected at the 6.25% general rate imposed under this Act.

(25-7) Beginning on July 1, 2007, no tax is imposed under this Act on the sale of an aircraft, as defined in Section 3 of the Illinois Aeronautics Act, if all of the following conditions are met:

1. the aircraft leaves this State within 15 days after the later of either the issuance of the final billing for the sale of the aircraft, or the authorized approval for return to service, completion of the maintenance record entry, and completion of the test flight and ground test for inspection, as required by 14 C.F.R. 91.407;

2. the aircraft is not based or registered in this State after the sale of the aircraft; and

3. the seller retains in his or her books and records and provides to the Department a signed and dated certification from the purchaser, on a form prescribed by the Department, certifying that the requirements of this item (25-7) are met. The certificate must also include the name and address of the purchaser, the address of the location where the aircraft is to be titled or registered, the address of the primary physical location of the

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aircraft, and other information that the Department may reasonably require.

For purposes of this item (25-7):

"Based in this State" means hangared, stored, or otherwise used, excluding post-sale customizations as defined in this Section, for 10 or more days in each 12-month period immediately following the date of the sale of the aircraft.

"Registered in this State" means an aircraft registered with the Department of Transportation, Aeronautics Division, or titled or registered with the Federal Aviation Administration to an address located in this State.

This paragraph (25-7) is exempt from the provisions of Section 2-70.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes. This item (27) is exempt from the provisions of Section 2-70, and the exemption provided for under this item (27) applies for all periods beginning May 30, 1995, but no claim for credit or refund is allowed on or after January 1, 2008 (the effective date of Public Act 95-88) this amendatory Act of the 95th General Assembly for such taxes paid during the period beginning May 30, 2000 and ending on January 1, 2008 (the effective date of Public Act 95-88) this amendatory Act of the 95th General Assembly.

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

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(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 2-70.

(33) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution

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organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 2-70.

(35) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 2-70.

(35-5) Beginning August 23, 2001 and through June 30, 2011, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and

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nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(36) Beginning August 2, 2001, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(37) Beginning August 2, 2001, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(38) Beginning on January 1, 2002 and through June 30, 2011, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (38). The permit issued under this paragraph (38) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a

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retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(39) Beginning January 1, 2008, tangible personal property used in the construction or maintenance of a community water supply, as defined under Section 3.145 of the Environmental Protection Act, that is operated by a not-for-profit corporation that holds a valid water supply permit issued under Title IV of the Environmental Protection Act. This paragraph is exempt from the provisions of Section 2-70.
(Source: P.A. 94-1002, eff. 7-3-06; 95-88, eff. 1-1-08; 95-233, eff. 8-16-07; 95-304, eff. 8-20-07; 95-538, eff. 1-1-08; revised 9-11-07.)

(35 ILCS 120/2-45) (from Ch. 120, par. 441-45)

Sec. 2-45. Manufacturing and assembly exemption. The manufacturing and assembly machinery and equipment exemption includes machinery and equipment that replaces machinery and equipment in an existing manufacturing facility as well as machinery and equipment that are for use in an expanded or new manufacturing facility.

The machinery and equipment exemption also includes machinery and equipment used in the general maintenance or repair of exempt machinery and equipment or for in-house manufacture of exempt machinery and equipment. For the purposes of this exemption, terms have the following meanings:

(1) "Manufacturing process" means the production of an article of tangible personal property, whether the article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by a procedure commonly regarded as manufacturing, processing, fabricating, or refining that changes some existing material or materials into a material with a different form, use, or name. In relation to a recognized integrated business composed of a series of operations that collectively constitute manufacturing, or individually constitute manufacturing operations, the manufacturing process commences with the first operation or stage
of production in the series and does not end until the completion of the final product in the last operation or stage of production in the series. For purposes of this exemption, photoprocessing is a manufacturing process of tangible personal property for wholesale or retail sale.

(2) "Assembling process" means the production of an article of tangible personal property, whether the article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by the combination of existing materials in a manner commonly regarded as assembling that results in a material of a different form, use, or name.

(3) "Machinery" means major mechanical machines or major components of those machines contributing to a manufacturing or assembling process.

(4) "Equipment" includes an independent device or tool separate from machinery but essential to an integrated manufacturing or assembly process; including computers used primarily in a manufacturer's computer assisted design, computer assisted manufacturing (CAD/CAM) system; any subunit or assembly comprising a component of any machinery or auxiliary, adjunct, or attachment parts of machinery, such as tools, dies, jigs, fixtures, patterns, and molds; and any parts that require periodic replacement in the course of normal operation; but does not include hand tools. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a product being manufactured or assembled for wholesale or retail sale or lease.

(5) "Production related tangible personal property" means all tangible personal property that is used or consumed by the purchaser in a manufacturing facility in which a manufacturing process takes place and includes, without limitation, tangible personal property that is purchased for incorporation into real
estate within a manufacturing facility and tangible personal property that is used or consumed in activities such as research and development, preproduction material handling, receiving, quality control, inventory control, storage, staging, and packaging for shipping and transportation purposes. "Production related tangible personal property" does not include (i) tangible personal property that is used, within or without a manufacturing facility, in sales, purchasing, accounting, fiscal management, marketing, personnel recruitment or selection, or landscaping or (ii) tangible personal property that is required to be titled or registered with a department, agency, or unit of federal, State, or local government. The manufacturing and assembling machinery and equipment exemption includes production related tangible personal property that is purchased on or after July 1, 2007 and on or before June 30, 2008. The exemption for production related tangible personal property is subject to both of the following limitations:

(1) The maximum amount of the exemption for any one taxpayer may not exceed 5% of the purchase price of production related tangible personal property that is purchased on or after July 1, 2007 and on or before June 30, 2008. A credit under Section 3-85 of this Act may not be earned by the purchase of production related tangible personal property for which an exemption is received under this Section.

(2) The maximum aggregate amount of the exemptions for production related tangible personal property awarded under this Act and the Retailers’ Occupation Tax Act to all taxpayers may not exceed $10,000,000. If the claims for the exemption exceed $10,000,000, then the Department shall reduce the amount of the exemption to each taxpayer on a pro rata basis.

The Department may adopt rules to implement and administer the exemption for production related tangible personal property.

The manufacturing and assembling machinery and equipment exemption includes the sale of materials to a purchaser who produces exempted types of machinery, equipment, or tools and who rents or leases

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that machinery, equipment, or tools to a manufacturer of tangible personal property. This exemption also includes the sale of materials to a purchaser who manufactures those materials into an exempted type of machinery, equipment, or tools that the purchaser uses himself or herself in the manufacturing of tangible personal property. The purchaser of the machinery and equipment who has an active resale registration number shall furnish that number to the seller at the time of purchase. A purchaser of the machinery, equipment, and tools without an active resale registration number shall furnish to the seller a certificate of exemption for each transaction stating facts establishing the exemption for that transaction, and that certificate shall be available to the Department for inspection or audit. Informal rulings, opinions, or letters issued by the Department in response to an inquiry or request for an opinion from any person regarding the coverage and applicability of this exemption to specific devices shall be published, maintained as a public record, and made available for public inspection and copying. If the informal ruling, opinion, or letter contains trade secrets or other confidential information, where possible, the Department shall delete that information before publication. Whenever informal rulings, opinions, or letters contain a policy of general applicability, the Department shall formulate and adopt that policy as a rule in accordance with the Illinois Administrative Procedure Act.

(Source: P.A. 91-51, eff. 6-30-99; 92-484, eff. 8-23-01.)


(105 ILCS 5/2-3.51.5)

Sec. 2-3.51.5. School Safety and Educational Improvement Block Grant Program. To improve the level of education and safety of students from kindergarten through grade 12 in school districts and State-recognized, non-public schools. The State Board of Education is authorized to fund a School Safety and Educational Improvement Block Grant Program.
For school districts, the program shall provide funding for school safety, textbooks and software, teacher training and curriculum development, school improvements, remediation programs under subsection (a) of Section 2-3.64, school report cards under Section 10-17a, and criminal history records checks under Sections 10-21.9 and 34-18.5. For State-recognized, non-public schools, the program shall provide funding for secular textbooks and software, criminal history records checks, and health and safety mandates to the extent that the funds are expended for purely secular purposes. A school district or laboratory school as defined in Section 18-8 or 18-8.05 is not required to file an application in order to receive the categorical funding to which it is entitled under this Section. Funds for the School Safety and Educational Improvement Block Grant Program shall be distributed to school districts and laboratory schools based on the prior year's best 3 months average daily attendance. Funds for the School Safety and Educational Improvement Block Grant Program shall be distributed to State-recognized, non-public schools based on the average daily attendance figure for the previous school year provided to the State Board of Education. The State Board of Education shall develop an application that requires State-recognized, non-public schools to submit average daily attendance figures. A State-recognized, non-public school must submit the application and average daily attendance figure prior to receiving funds under this Section. The State Board of Education shall promulgate rules and regulations necessary for the implementation of this program.

Distribution of moneys to school districts and State-recognized, non-public schools shall be made in 2 semi-annual installments, one payment on or before October 30, and one payment prior to April 30, of each fiscal year.

Grants under the School Safety and Educational Improvement Block Grant Program shall be awarded provided there is an appropriation for the program, and funding levels for each district shall be prorated according to the amount of the appropriation.

The provisions of this Section are in the public interest, are for the public benefit, and serve secular public purposes.
Sec. 2-3.127a. The State Board of Education Special Purpose Trust Fund. The State Board of Education Special Purpose Trust Fund is created as a special fund in the State treasury. The State Board of Education shall deposit all indirect costs recovered from federal programs into the State Board of Education Special Purpose Trust Fund. These funds may be used by the State Board of Education for its ordinary and contingent expenses. Additionally and unless specifically directed to be deposited into other funds, all moneys received by the State Board of Education from gifts, grants, or donations from any source, public or private, shall be deposited into the State Board of Education Special Purpose Trust Fund this Fund. These funds Moneys in this Fund shall be used, subject to appropriation by the General Assembly, by the State Board of Education for the purposes established by the gifts, grants, or donations.

Sec. 2-3.131. Transitional assistance payments.

(a) If the amount that the State Board of Education will pay to a school district from fiscal year 2004 appropriations, as estimated by the State Board of Education on April 1, 2004, is less than the amount that the State Board of Education paid to the school district from fiscal year 2003 appropriations, then, subject to appropriation, the State Board of Education shall make a fiscal year 2004 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2004 appropriations and the amount paid from fiscal year 2003 appropriations.

(b) If the amount that the State Board of Education will pay to a school district from fiscal year 2005 appropriations, as estimated by the State Board of Education on April 1, 2005, is less than the amount that the State Board of Education paid to the school district from fiscal year 2004 appropriations, then the State Board of Education shall make a fiscal year 2005 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2005 appropriations and the amount paid from fiscal year 2004 appropriations.
fiscal year 2005 appropriations and the amount paid from fiscal year 2004 appropriations.

(c) If the amount that the State Board of Education will pay to a school district from fiscal year 2006 appropriations, as estimated by the State Board of Education on April 1, 2006, is less than the amount that the State Board of Education paid to the school district from fiscal year 2005 appropriations, then the State Board of Education shall make a fiscal year 2006 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2006 appropriations and the amount paid from fiscal year 2005 appropriations.

(d) If the amount that the State Board of Education will pay to a school district from fiscal year 2007 appropriations, as estimated by the State Board of Education on April 1, 2007, is less than the amount that the State Board of Education paid to the school district from fiscal year 2006 appropriations, then the State Board of Education, subject to appropriation, shall make a fiscal year 2007 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2007 appropriations and the amount paid from fiscal year 2006 appropriations.

(e) Subject to appropriation, beginning on July 1, 2007, the State Board of Education shall adjust prior year information for the transitional assistance calculations under this Section in the event of the creation or reorganization of any school district pursuant to Article 11E of this Code, the dissolution of an entire district and the annexation of all of its territory to one or more other districts pursuant to Article 7 of this Code, or a boundary change whereby the enrollment of the annexing district increases by 90% or more as a result of annexing territory detached from another district pursuant to Article 7 of this Code.

(f) If the amount that the State Board of Education will pay to a school district from fiscal year 2008 appropriations, as estimated by the State Board of Education on April 1, 2008, is less than the amount that the State Board of Education paid to the school district from fiscal year 2007 appropriations, then the State Board of Education, subject to
appropriation, shall make a fiscal year 2008 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2008 appropriations and the amount paid from fiscal year 2007 appropriations. (Source: P.A. 93-21, eff. 7-1-03; 93-838, eff. 7-30-04; 94-69, eff. 7-1-05; 94-835, eff. 6-6-06.)

(105 ILCS 5/2-3.143 new)
Sec. 2-3.143. Lincoln's ChalleNGe Academy study. The State Board of Education shall conduct a study to consider the need for an expansion of enrollment at or the replication of services in other portions of this State for the Lincoln's ChalleNGe Academy as an alternative program for students who have dropped out of traditional school.

(105 ILCS 5/2-3.146 new)
Sec. 2-3.146. Severely overcrowded schools grant program. There is created a grant program, subject to appropriation, for severely overcrowded schools. The State Board of Education shall administer the program. Grant funds may be used for purposes of relieving overcrowding. In order for a school district to be eligible for a grant under this Section, (i) the main administrative office of the district must be located in a city of 85,000 or more in population, according to the 2000 U.S. Census, (ii) the school district must have a district-wide percentage of low-income students of 70% or more, as identified by the 2005-2006 School Report Cards published by the State Board of Education, and (iii) the school district must not be eligible for a fast growth grant under Section 18-8.10 of this Code. The State Board of Education shall distribute the funds on a proportional basis with no single district receiving more than 75% of the funds in any given year. The State Board of Education may adopt rules as needed for the implementation and distribution of grants under this Section.

(105 ILCS 5/7-14A) (from Ch. 122, par. 7-14A)
Sec. 7-14A. Annexation Compensation. There shall be no accounting made after a mere change in boundaries when no new district is created, except that those districts whose enrollment increases by 90% or more as a result of annexing territory detached from another district

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pursuant to this Article are eligible for supplementary State aid payments in accordance with Section 11E-135 of this Code. Eligible annexing districts shall apply to the State Board of Education for supplementary State aid payments by submitting enrollment figures for the year immediately preceding and the year immediately following the effective date of the boundary change for both the district gaining territory and the district losing territory. Copies of any intergovernmental agreements between the district gaining territory and the district losing territory detailing any transfer of fund balances and staff must also be submitted. In all instances of changes in boundaries, however, the district losing territory shall not count the average daily attendance of pupils living in the territory during the year preceding the effective date of the boundary change in its claim for reimbursement under Section 18-8 for the school year following the effective date of the change in boundaries and the district receiving the territory shall count the average daily attendance of pupils living in the territory during the year preceding the effective date of the boundary change in its claim for reimbursement under Section 18-8 for the school year following the effective date of the change in boundaries.

The changes to this Section made by this amendatory Act of the 95th General Assembly are intended to be retroactive and applicable to any annexation taking effect on or after July 1, 2004.

(651 ILCS 5/10-20.40 new)


(a) This Section applies to all school districts, including a school district organized under Article 34 of this Code.

(b) A school board must list on the district’s Internet website, if any, all contracts over $25,000 and any contract that the school board enters into with an exclusive bargaining representative.

(c) Each year, in conjunction with the submission of the Statement of Affairs to the State Board of Education prior to December, 1 provided for in Section 10-17, each school district shall submit to the State Board of Education an annual report on all contracts over $25,000 awarded by the
school district during the previous fiscal year. The report shall include at least the following:

(1) the total number of all contracts awarded by the school district;
(2) the total value of all contracts awarded;
(3) the number of contracts awarded to minority owned businesses, female owned businesses, and businesses owned by persons with disabilities, as defined in the Business Enterprise for Minorities, Females and Persons with Disabilities Act, and locally owned businesses; and
(4) the total value of contracts awarded to minority owned businesses, female owned businesses, and businesses owned by persons with disabilities, as defined in the Business Enterprise for Minorities, Females and Persons with Disabilities Act, and locally owned businesses.

The report shall be made available to the public, including publication on the school district's Internet website, if any.

Sec. 10-20.41. Pay for performance.

(a) Beginning with all newly-negotiated collective bargaining agreements entered into after the effective date of this amendatory Act of the 95th General Assembly, a school board and the exclusive bargaining representative, if any, may include a performance-based teacher compensation plan in the subject of its collective bargaining agreement. Nothing in this Section shall preclude the school board and the exclusive bargaining representative from agreeing to and implementing a new performance-based teacher compensation plan prior to the termination of the current collective bargaining agreement.

(b) The new teacher compensation plan bargained and agreed to by the school board and the exclusive bargaining representative under subsection (a) of this Section shall provide certificated personnel with base salaries and shall also provide that any increases in the compensation of individual teachers or groups of teachers beyond base

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salaries shall be pursuant, but not limited to, any of the following elements:

(1) Superior teacher evaluations based on multiple evaluations of their classroom teaching.

(2) Evaluation of a teacher’s student classroom-level achievement growth as measured using a value-added model. "Value-added" means the improvement gains in student achievement that are made each year based on pre-test and post-test outcomes.

(3) Evaluation of school-level achievement growth as measured using a value-added model. "Value-added" means the improvement gains in student achievement that are made each year based on pre-test and post-test outcomes.

(4) Demonstration of superior, outstanding performance by an individual teacher or groups of teachers through the meeting of unique and specific teaching practice objectives defined and agreed to in advance in any given school year.

(5) Preparation for meeting and contribution to the broader needs of the school organization (e.g., curriculum development, family liaison and community outreach, implementation of a professional development program for faculty, and participation in school management).

(c) A school board and exclusive bargaining representative that initiate their own performance-based teacher compensation program shall submit the new plan to the State Board of Education for review not later than 150 days before the plan is to become effective. If the plan does not conform to this Section, the State Board of Education shall return the plan to the school board and the exclusive bargaining representative for modification. The school board and the exclusive bargaining representative shall then have 30 days after the plan is returned to them to submit a modified plan.

(105 ILCS 5/11E-135)

Sec. 11E-135. Incentives. For districts reorganizing under this Article and for a district or districts that annex all of the territory of one or
more entire other school districts in accordance with Article 7 of this Code, the following payments shall be made from appropriations made for these purposes:

(a)(1) For a combined school district, as defined in Section 11E-20 of this Code, or for a unit district, as defined in Section 11E-25 of this Code, for its first year of existence, the general State aid and supplemental general State aid calculated under Section 18-8.05 of this Code shall be computed for the new district and for the previously existing districts for which property is totally included within the new district. If the computation on the basis of the previously existing districts is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the new district.

(2) For a school district that annexes all of the territory of one or more entire other school districts as defined in Article 7 of this Code, for the first year during which the change of boundaries attributable to the annexation becomes effective for all purposes, as determined under Section 7-9 of this Code, the general State aid and supplemental general State aid calculated under Section 18-8.05 of this Code shall be computed for the annexing district as constituted after the annexation and for the annexing and each annexed district as constituted prior to the annexation; and if the computation on the basis of the annexing and annexed districts as constituted prior to the annexation is greater, then a supplementary payment equal to the difference shall be made for the first 4 years of existence of the annexing school district as constituted upon the annexation.

(3) For 2 or more school districts that annex all of the territory of one or more entire other school districts, as defined in Article 7 of this Code, for the first year during which the change of boundaries attributable to the annexation becomes effective for all purposes, as determined under Section 7-9 of this Code, the general State aid and supplemental general State aid calculated under Section 18-8.05 of this Code shall be computed for each annexing district as constituted after the annexation and for each annexing and annexed district as constituted prior to the annexation; and if the aggregate of the general State aid and supplemental general State aid as

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so computed for the annexing districts as constituted after the annexation is less than the aggregate of the general State aid and supplemental general State aid as so computed for the annexing and annexed districts, as constituted prior to the annexation, then a supplementary payment equal to the difference shall be made and allocated between or among the annexing districts, as constituted upon the annexation, for the first 4 years of their existence. The total difference payment shall be allocated between or among the annexing districts in the same ratio as the pupil enrollment from that portion of the annexed district or districts that is annexed to each annexing district bears to the total pupil enrollment from the entire annexed district or districts, as such pupil enrollment is determined for the school year last ending prior to the date when the change of boundaries attributable to the annexation becomes effective for all purposes. The amount of the total difference payment and the amount thereof to be allocated to the annexing districts shall be computed by the State Board of Education on the basis of pupil enrollment and other data that shall be certified to the State Board of Education, on forms that it shall provide for that purpose, by the regional superintendent of schools for each educational service region in which the annexing and annexed districts are located.

(4) For a school district conversion, as defined in Section 11E-15 of this Code, or a multi-unit conversion, as defined in subsection (b) of Section 11E-30 of this Code, if in their first year of existence the newly created elementary districts and the newly created high school district, from a school district conversion, or the newly created elementary district or districts and newly created combined high school - unit district, from a multi-unit conversion, qualify for less general State aid under Section 18-8.05 of this Code than would have been payable under Section 18-8.05 for that same year to the previously existing districts, then a supplementary payment equal to that difference shall be made for the first 4 years of existence of the newly created districts. The aggregate amount of each supplementary payment shall be allocated among the newly created districts in the proportion that the deemed pupil enrollment in each district during its first year of existence bears to the actual aggregate pupil enrollment.
enrollment in all of the districts during their first year of existence. For purposes of each allocation:

(A) the deemed pupil enrollment of the newly created high school district from a school district conversion shall be an amount equal to its actual pupil enrollment for its first year of existence multiplied by 1.25;

(B) the deemed pupil enrollment of each newly created elementary district from a school district conversion shall be an amount equal to its actual pupil enrollment for its first year of existence reduced by an amount equal to the product obtained when the amount by which the newly created high school district's deemed pupil enrollment exceeds its actual pupil enrollment for its first year of existence is multiplied by a fraction, the numerator of which is the actual pupil enrollment of the newly created elementary district for its first year of existence and the denominator of which is the actual aggregate pupil enrollment of all of the newly created elementary districts for their first year of existence;

(C) the deemed high school pupil enrollment of the newly created combined high school - unit district from a multi-unit conversion shall be an amount equal to its actual grades 9 through 12 pupil enrollment for its first year of existence multiplied by 1.25; and

(D) the deemed elementary pupil enrollment of each newly created district from a multi-unit conversion shall be an amount equal to each district's actual grade K through 8 pupil enrollment for its first year of existence, reduced by an amount equal to the product obtained when the amount by which the newly created combined high school - unit district's deemed high school pupil enrollment exceeds its actual grade 9 through 12 pupil enrollment for its first year of existence is multiplied by a fraction, the numerator of which is the actual grade K through 8 pupil enrollment of each newly created district for its first year of existence and the denominator of which is the actual aggregate pupil enrollment in all of the districts during their first year of existence. For purposes of each allocation:

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grade K through 8 pupil enrollment of all such newly created districts for their first year of existence.

The aggregate amount of each supplementary payment under this subdivision (4) and the amount thereof to be allocated to the newly created districts shall be computed by the State Board of Education on the basis of pupil enrollment and other data, which shall be certified to the State Board of Education, on forms that it shall provide for that purpose, by the regional superintendent of schools for each educational service region in which the newly created districts are located.

(5) For a partial elementary unit district, as defined in subsection (a) or (c) of Section 11E-30 of this Code, if, in the first year of existence, the newly created partial elementary unit district qualifies for less general State aid and supplemental general State aid under Section 18-8.05 of this Code than would have been payable under that Section for that same year to the previously existing districts that formed the partial elementary unit district, then a supplementary payment equal to that difference shall be made to the partial elementary unit district for the first 4 years of existence of that newly created district.

(6) For an elementary opt-in, as described in subsection (d) of Section 11E-30 of this Code, the general State aid difference shall be computed in accordance with paragraph (5) of this subsection (a) as if the elementary opt-in was included in an optional elementary unit district at the optional elementary unit district's original effective date. If the calculation in this paragraph (6) is less than that calculated in paragraph (5) of this subsection (a) at the optional elementary unit district's original effective date, then no adjustments may be made. If the calculation in this paragraph (6) is more than that calculated in paragraph (5) of this subsection (a) at the optional elementary unit district's original effective date, then the excess must be paid as follows:

(A) If the effective date for the elementary opt-in is one year after the effective date for the optional elementary unit district, 100% of the calculated excess shall be paid to the optional elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

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(B) If the effective date for the elementary opt-in is 2 years after the effective date for the optional elementary unit district, 75% of the calculated excess shall be paid to the optional elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(C) If the effective date for the elementary opt-in is 3 years after the effective date for the optional elementary unit district, 50% of the calculated excess shall be paid to the optional elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(D) If the effective date for the elementary opt-in is 4 years after the effective date for the optional elementary unit district, 25% of the calculated excess shall be paid to the optional elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(E) If the effective date for the elementary opt-in is 5 years after the effective date for the optional elementary unit district, the optional elementary unit district is not eligible for any additional incentives due to the elementary opt-in.

(6.5) For a school district that annexes territory detached from another school district whereby the enrollment of the annexing district increases by 90% or more as a result of the annexation, for the first year during which the change of boundaries attributable to the annexation becomes effective for all purposes as determined under Section 7-9 of this Code, the general State aid and supplemental general State aid calculated under this Section shall be computed for the district gaining territory and the district losing territory as constituted after the annexation and for the same districts as constituted prior to the annexation; and if the aggregate of the general State aid and supplemental general State aid as so computed for the district gaining territory and the district losing territory as constituted after the annexation is less than the aggregate of the general State aid and supplemental general State aid as so computed for the district gaining territory and the district losing territory as constituted prior to the annexation, then a supplementary payment shall be made to
the annexing district for the first 4 years of existence after the annexation, equal to the difference multiplied by the ratio of student enrollment in the territory detached to the total student enrollment in the district losing territory for the year prior to the effective date of the annexation. The amount of the total difference and the proportion paid to the annexing district shall be computed by the State Board of Education on the basis of pupil enrollment and other data that must be submitted to the State Board of Education in accordance with Section 7-14A of this Code. The changes to this Section made by this amendatory Act of the 95th General Assembly are intended to be retroactive and applicable to any annexation taking effect on or after July 1, 2004. For annexations that are eligible for payments under this paragraph (6.5) and that are effective on or after July 1, 2004, but before the effective date of this amendatory Act of the 95th General Assembly, the first required yearly payment under this paragraph (6.5) shall be paid in the fiscal year of the effective date of this amendatory Act of the 95th General Assembly. Subsequent required yearly payments shall be paid in subsequent fiscal years until the payment obligation under this paragraph (6.5) is complete.

(7) Claims for financial assistance under this subsection (a) may not be recomputed except as expressly provided under Section 18-8.05 of this Code.

(8) Any supplementary payment made under this subsection (a) must be treated as separate from all other payments made pursuant to Section 18-8.05 of this Code.

(b)(1) After the formation of a combined school district, as defined in Section 11E-20 of this Code, or a unit district, as defined in Section 11E-25 of this Code, a computation shall be made to determine the difference between the salaries effective in each of the previously existing districts on June 30, prior to the creation of the new district. For the first 4 years after the formation of the new district, a supplementary State aid reimbursement shall be paid to the new district equal to the difference between the sum of the salaries earned by each of the certificated members of the new district, while employed in one of the previously existing districts during the year immediately preceding the formation of the new district.

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district, and the sum of the salaries those certificated members would have been paid during the year immediately prior to the formation of the new district if placed on the salary schedule of the previously existing district with the highest salary schedule.

(2) After the territory of one or more school districts is annexed by one or more other school districts as defined in Article 7 of this Code, a computation shall be made to determine the difference between the salaries effective in each annexed district and in the annexing district or districts as they were each constituted on June 30 preceding the date when the change of boundaries attributable to the annexation became effective for all purposes, as determined under Section 7-9 of this Code. For the first 4 years after the annexation, a supplementary State aid reimbursement shall be paid to each annexing district as constituted after the annexation equal to the difference between the sum of the salaries earned by each of the certificated members of the annexing district as constituted after the annexation, while employed in an annexed or annexing district during the year immediately preceding the annexation, and the sum of the salaries those certificated members would have been paid during the immediately preceding year if placed on the salary schedule of whichever of the annexing or annexed districts had the highest salary schedule during the immediately preceding year.

(3) For each new high school district formed under a school district conversion, as defined in Section 11E-15 of this Code, the State shall make a supplementary payment for 4 years equal to the difference between the sum of the salaries earned by each certified member of the new high school district, while employed in one of the previously existing districts, and the sum of the salaries those certified members would have been paid if placed on the salary schedule of the previously existing district with the highest salary schedule.

(4) For each newly created partial elementary unit district, the State shall make a supplementary payment for 4 years equal to the difference between the sum of the salaries earned by each certified member of the newly created partial elementary unit district, while employed in one of the previously existing districts that formed the partial elementary unit district,

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and the sum of the salaries those certified members would have been paid if placed on the salary schedule of the previously existing district with the highest salary schedule. The salary schedules used in the calculation shall be those in effect in the previously existing districts for the school year prior to the creation of the new partial elementary unit district.

(5) For an elementary district opt-in, as described in subsection (d) of Section 11E-30 of this Code, the salary difference incentive shall be computed in accordance with paragraph (4) of this subsection (b) as if the opted-in elementary district was included in the optional elementary unit district at the optional elementary unit district's original effective date. If the calculation in this paragraph (5) is less than that calculated in paragraph (4) of this subsection (b) at the optional elementary unit district's original effective date, then no adjustments may be made. If the calculation in this paragraph (5) is more than that calculated in paragraph (4) of this subsection (b) at the optional elementary unit district's original effective date, then the excess must be paid as follows:

(A) If the effective date for the elementary opt-in is one year after the effective date for the optional elementary unit district, 100% of the calculated excess shall be paid to the optional elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(B) If the effective date for the elementary opt-in is 2 years after the effective date for the optional elementary unit district, 75% of the calculated excess shall be paid to the optional elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(C) If the effective date for the elementary opt-in is 3 years after the effective date for the optional elementary unit district, 50% of the calculated excess shall be paid to the optional elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(D) If the effective date for the elementary opt-in is 4 years after the effective date for the partial elementary unit district, 25% of the calculated excess shall be paid to the optional elementary
unit district in each of the first 4 years after the effective date of the elementary opt-in.

(E) If the effective date for the elementary opt-in is 5 years after the effective date for the optional elementary unit district, the optional elementary unit district is not eligible for any additional incentives due to the elementary opt-in.

(5.5) (b-5) After the formation of a cooperative high school by 2 or more school districts under Section 10-22.22c of this Code, a computation shall be made to determine the difference between the salaries effective in each of the previously existing high schools on June 30 prior to the formation of the cooperative high school. For the first 4 years after the formation of the cooperative high school, a supplementary State aid reimbursement shall be paid to the cooperative high school equal to the difference between the sum of the salaries earned by each of the certificated members of the cooperative high school while employed in one of the previously existing high schools during the year immediately preceding the formation of the cooperative high school and the sum of the salaries those certificated members would have been paid during the year immediately prior to the formation of the cooperative high school if placed on the salary schedule of the previously existing high school with the highest salary schedule.

(5.10) After the annexation of territory detached from another school district whereby the enrollment of the annexing district increases by 90% or more as a result of the annexation, a computation shall be made to determine the difference between the salaries effective in the district gaining territory and the district losing territory as they each were constituted on June 30 preceding the date when the change of boundaries attributable to the annexation became effective for all purposes as determined under Section 7-9 of this Code. For the first 4 years after the annexation, a supplementary State aid reimbursement shall be paid to the annexing district equal to the difference between the sum of the salaries earned by each of the certificated members of the annexing district as constituted after the annexation while employed in the district gaining territory or the district losing territory during the year immediately before the annexation.
preceding the annexation and the sum of the salaries those certificated members would have been paid during such immediately preceding year if placed on the salary schedule of whichever of the district gaining territory or district losing territory had the highest salary schedule during the immediately preceding year. To be eligible for supplementary State aid reimbursement under this Section, the intergovernmental agreement to be submitted pursuant to Section 7-14A of this Code must show that staff members were transferred from the control of the district losing territory to the control of the district gaining territory in the annexation. The changes to this Section made by this amendatory Act of the 95th General Assembly are intended to be retroactive and applicable to any annexation taking effect on or after July 1, 2004. For annexations that are eligible for payments under this paragraph (5.10) and that are effective on or after July 1, 2004, but before the effective date of this amendatory Act of the 95th General Assembly, the first required yearly payment under this paragraph (5.10) shall be paid in the fiscal year of the effective date of this amendatory Act of the 95th General Assembly. Subsequent required yearly payments shall be paid in subsequent fiscal years until the payment obligation under this paragraph (5.10) is complete.

(6) The supplementary State aid reimbursement under this subsection (b) shall be treated as separate from all other payments made pursuant to Section 18-8.05 of this Code. In the case of the formation of a new district or cooperative high school, reimbursement shall begin during the first year of operation of the new district or cooperative high school, and in the case of an annexation of the territory of one or more school districts by one or more other school districts or the annexation of territory detached from a school district whereby the enrollment of the annexing district increases by 90% or more as a result of the annexation, reimbursement shall begin during the first year when the change in boundaries attributable to the annexation or division becomes effective for all purposes as determined pursuant to Section 7-9 of this Code, except that for an annexation of territory detached from a school district that is effective on or after July 1, 2004, but before the effective date of this amendatory Act of the 95th General Assembly, whereby the enrollment of
the annexing district increases by 90% or more as a result of the annexation, reimbursement shall begin during the fiscal year of the effective date of this amendatory Act of the 95th General Assembly. Each year that the new, annexing, or resulting district or cooperative high school, as the case may be, is entitled to receive reimbursement, the number of eligible certified members who are employed on October 1 in the district or cooperative high school shall be certified to the State Board of Education on prescribed forms by October 15 and payment shall be made on or before November 15 of that year.

(c)(1) For the first year after the formation of a combined school district, as defined in Section 11E-20 of this Code or a unit district, as defined in Section 11E-25 of this Code, a computation shall be made totaling each previously existing district's audited fund balances in the educational fund, working cash fund, operations and maintenance fund, and transportation fund for the year ending June 30 prior to the referendum for the creation of the new district. The new district shall be paid supplementary State aid equal to the sum of the differences between the deficit of the previously existing district with the smallest deficit and the deficits of each of the other previously existing districts.

(2) For the first year after the annexation of all of the territory of one or more entire school districts by another school district, as defined in Article 7 of this Code, computations shall be made, for the year ending June 30 prior to the date that the change of boundaries attributable to the annexation is allowed by the affirmative decision issued by the regional board of school trustees under Section 7-6 of this Code, notwithstanding any effort to seek administrative review of the decision, totaling the annexing district's and totaling each annexed district's audited fund balances in their respective educational, working cash, operations and maintenance, and transportation funds. The annexing district as constituted after the annexation shall be paid supplementary State aid equal to the sum of the differences between the deficit of whichever of the annexing or annexed districts as constituted prior to the annexation had the smallest deficit and the deficits of each of the other districts as constituted prior to the annexation.

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(3) For the first year after the annexation of all of the territory of one or more entire school districts by 2 or more other school districts, as defined by Article 7 of this Code, computations shall be made, for the year ending June 30 prior to the date that the change of boundaries attributable to the annexation is allowed by the affirmative decision of the regional board of school trustees under Section 7-6 of this Code, notwithstanding any action for administrative review of the decision, totaling each annexing and annexed district's audited fund balances in their respective educational, working cash, operations and maintenance, and transportation funds. The annexing districts as constituted after the annexation shall be paid supplementary State aid, allocated as provided in this paragraph (3), in an aggregate amount equal to the sum of the differences between the deficit of whichever of the annexing or annexed districts as constituted prior to the annexation had the smallest deficit and the deficits of each of the other districts as constituted prior to the annexation. The aggregate amount of the supplementary State aid payable under this paragraph (3) shall be allocated between or among the annexing districts as follows:

(A) the regional superintendent of schools for each educational service region in which an annexed district is located prior to the annexation shall certify to the State Board of Education, on forms that it shall provide for that purpose, the value of all taxable property in each annexed district, as last equalized or assessed by the Department of Revenue prior to the annexation, and the equalized assessed value of each part of the annexed district that was annexed to or included as a part of an annexing district;

(B) using equalized assessed values as certified by the regional superintendent of schools under clause (A) of this paragraph (3), the combined audited fund balance deficit of each annexed district as determined under this Section shall be apportioned between or among the annexing districts in the same ratio as the equalized assessed value of that part of the annexed district that was annexed to or included as a part of an annexing district.

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district bears to the total equalized assessed value of the annexed district; and

(C) the aggregate supplementary State aid payment under this paragraph (3) shall be allocated between or among, and shall be paid to, the annexing districts in the same ratio as the sum of the combined audited fund balance deficit of each annexing district as constituted prior to the annexation, plus all combined audited fund balance deficit amounts apportioned to that annexing district under clause (B) of this subsection, bears to the aggregate of the combined audited fund balance deficits of all of the annexing and annexed districts as constituted prior to the annexation.

(4) For the new elementary districts and new high school district formed through a school district conversion, as defined in subsection (b) of Section 11E-15 of this Code or the new elementary district or districts and new combined high school - unit district formed through a multi-unit conversion, as defined in subsection (b) of Section 11E-30 of this Code, a computation shall be made totaling each previously existing district's audited fund balances in the educational fund, working cash fund, operations and maintenance fund, and transportation fund for the year ending June 30 prior to the referendum establishing the new districts. In the first year of the new districts, the State shall make a one-time supplementary payment equal to the sum of the differences between the deficit of the previously existing district with the smallest deficit and the deficits of each of the other previously existing districts. A district with a combined balance among the 4 funds that is positive shall be considered to have a deficit of zero. The supplementary payment shall be allocated among the newly formed high school and elementary districts in the manner provided by the petition for the formation of the districts, in the form in which the petition is approved by the regional superintendent of schools or State Superintendent of Education under Section 11E-50 of this Code.

(5) For each newly created partial elementary unit district, as defined in subsection (a) or (c) of Section 11E-30 of this Code, a computation shall be made totaling the audited fund balances of each
previously existing district that formed the new partial elementary unit district in the educational fund, working cash fund, operations and maintenance fund, and transportation fund for the year ending June 30 prior to the referendum for the formation of the partial elementary unit district. In the first year of the new partial elementary unit district, the State shall make a one-time supplementary payment to the new district equal to the sum of the differences between the deficit of the previously existing district with the smallest deficit and the deficits of each of the other previously existing districts. A district with a combined balance among the 4 funds that is positive shall be considered to have a deficit of zero.

(6) For an elementary opt-in as defined in subsection (d) of Section 11E-30 of this Code, the deficit fund balance incentive shall be computed in accordance with paragraph (5) of this subsection (c) as if the opted-in elementary was included in the optional elementary unit district at the optional elementary unit district's original effective date. If the calculation in this paragraph (6) is less than that calculated in paragraph (5) of this subsection (c) at the optional elementary unit district's original effective date, then no adjustments may be made. If the calculation in this paragraph (6) is more than that calculated in paragraph (5) of this subsection (c) at the optional elementary unit district's original effective date, then the excess must be paid as follows:

(A) If the effective date for the elementary opt-in is one year after the effective date for the optional elementary unit district, 100% of the calculated excess shall be paid to the optional elementary unit district in the first year after the effective date of the elementary opt-in.

(B) If the effective date for the elementary opt-in is 2 years after the effective date for the optional elementary unit district, 75% of the calculated excess shall be paid to the optional elementary unit district in the first year after the effective date of the elementary opt-in.

(C) If the effective date for the elementary opt-in is 3 years after the effective date for the optional elementary unit district,
50% of the calculated excess shall be paid to the optional elementary unit district in the first year after the effective date of the elementary opt-in.

(D) If the effective date for the elementary opt-in is 4 years after the effective date for the optional elementary unit district, 25% of the calculated excess shall be paid to the optional elementary unit district in the first year after the effective date of the elementary opt-in.

(E) If the effective date for the elementary opt-in is 5 years after the effective date for the optional elementary unit district, the optional elementary unit district is not eligible for any additional incentives due to the elementary opt-in.

(6.5) For the first year after the annexation of territory detached from another school district whereby the enrollment of the annexing district increases by 90% or more as a result of the annexation, a computation shall be made totaling the audited fund balances of the district gaining territory and the audited fund balances of the district losing territory in the educational fund, working cash fund, operations and maintenance fund, and transportation fund for the year ending June 30 prior to the date that the change of boundaries attributable to the annexation is allowed by the affirmative decision of the regional board of school trustees under Section 7-6 of this Code, notwithstanding any action for administrative review of the decision. The annexing district as constituted after the annexation shall be paid supplementary State aid equal to the difference between the deficit of whichever district included in this calculation as constituted prior to the annexation had the smallest deficit and the deficit of each other district included in this calculation as constituted prior to the annexation, multiplied by the ratio of equalized assessed value of the territory detached to the total equalized assessed value of the district losing territory. The regional superintendent of schools for the educational service region in which a district losing territory is located prior to the annexation shall certify to the State Board of Education the value of all taxable property in the district losing territory and the value of all taxable property in the territory being

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detached, as last equalized or assessed by the Department of Revenue prior to the annexation. To be eligible for supplementary State aid reimbursement under this Section, the intergovernmental agreement to be submitted pursuant to Section 7-14A of this Code must show that fund balances were transferred from the district losing territory to the district gaining territory in the annexation. The changes to this Section made by this amendatory Act of the 95th General Assembly are intended to be retroactive and applicable to any annexation taking effect on or after July 1, 2004. For annexations that are eligible for payments under this paragraph (6.5) and that are effective on or after July 1, 2004, but before the effective date of this amendatory Act of the 95th General Assembly, the required payment under this paragraph (6.5) shall be paid in the fiscal year of the effective date of this amendatory Act of the 95th General Assembly.

(7) For purposes of any calculation required under paragraph (1), (2), (3), (4), (5), or (6), or (6.5) of this subsection (c), a district with a combined fund balance that is positive shall be considered to have a deficit of zero. For purposes of determining each district's audited fund balances in its educational fund, working cash fund, operations and maintenance fund, and transportation fund for the specified year ending June 30, as provided in paragraphs (1), (2), (3), (4), (5), (6), and (6.5) of this subsection (c), the balance of each fund shall be deemed decreased by an amount equal to the amount of the annual property tax theretofore levied in the fund by the district for collection and payment to the district during the calendar year in which the June 30 fell, but only to the extent that the tax so levied in the fund actually was received by the district on or before or comprised a part of the fund on such June 30. For purposes of determining each district's audited fund balances, a calculation shall be made for each fund to determine the average for the 3 years prior to the specified year ending June 30, as provided in paragraphs (1), (2), (3), (4), (5), and (6), and (6.5) of this subsection (c), of the district's expenditures in the categories "purchased services", "supplies and materials", and "capital outlay", as those categories are defined in rules of the State Board of Education. If this 3-year average is less than the district's expenditures

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in these categories for the specified year ending June 30, as provided in paragraphs (1), (2), (3), (4), (5), and (6) of this subsection (c), then the 3-year average shall be used in calculating the amounts payable under this Section in place of the amounts shown in these categories for the specified year ending June 30, as provided in paragraphs (1), (2), (3), (4), (5), and (6.5) of this subsection (c). Any deficit because of State aid not yet received may not be considered in determining the June 30 deficits. The same basis of accounting shall be used by all previously existing districts and by all annexing or annexed districts, as constituted prior to the annexation, in making any computation required under paragraphs (1), (2), (3), (4), (5), and (6.5) of this subsection (c).

(8) The supplementary State aid payments under this subsection (c) shall be treated as separate from all other payments made pursuant to Section 18-8.05 of this Code.

(d)(1) Following the formation of a combined school district, as defined in Section 11E-20 of this Code, a new elementary district or districts and a new high school district formed through a school district conversion, as defined in subsection (b) of Section 11E-15 of this Code, a new partial elementary unit district, as defined in Section 11E-30 of this Code, or a new elementary district or districts formed through a multi-unit conversion, as defined in subsection (b) of Section 11E-30 of this Code, or the annexation of all of the territory of one or more entire school districts by one or more other school districts, as defined in Article 7 of this Code, a supplementary State aid reimbursement shall be paid for the number of school years determined under the following table to each new or annexing district equal to the sum of $4,000 for each certified employee who is employed by the district on a full-time basis for the regular term of the school year:

| Reorganized District's Rank by type of district (unit, high school, elementary) | 3rd, 4th, |
| Reorganized District's Rank in Equalized Assessed Value Per Pupil by Quintile | |

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The State Board of Education shall make a one-time calculation of a reorganized district's quintile ranks. The average daily attendance used in this calculation shall be the best 3 months' average daily attendance for the district's first year. The equalized assessed value per pupil shall be the district's real property equalized assessed value used in calculating the district's first-year general State aid claim, under Section 18-8.05 of this Code, divided by the best 3 months' average daily attendance.

No annexing or resulting school districts shall be entitled to supplementary State aid under this subsection (d) unless the district acquires at least 30% of the average daily attendance of the district from which the territory is being detached or divided.

If a district results from multiple reorganizations that would otherwise qualify the district for multiple payments under this subsection (d) in any year, then the district shall receive a single payment only for that year based solely on the most recent reorganization.

(2) For an elementary opt-in, as defined in subsection (d) of Section 11E-30 of this Code, the full-time certified staff incentive shall be computed in accordance with paragraph (1) of this subsection (d), equal to the sum of $4,000 for each certified employee of the elementary district that opts-in who is employed by the optional elementary unit district on a full-time basis for the regular term of the school year. The calculation from this paragraph (2) must be paid as follows:

(A) If the effective date for the elementary opt-in is one year after the effective date for the optional elementary unit district, 100% of the amount calculated in this paragraph (2) shall be paid to the optional elementary unit district for the number of years calculated in paragraph (1) of this subsection (d) at the
optional elementary unit district's original effective date, starting in the second year after the effective date of the elementary opt-in.

(B) If the effective date for the elementary opt-in is 2 years after the effective date for the optional elementary unit district, 75% of the amount calculated in this paragraph (2) shall be paid to the optional elementary unit district for the number of years calculated in paragraph (1) of this subsection (d) at the optional elementary unit district's original effective date, starting in the second year after the effective date of the elementary opt-in.

(C) If the effective date for the elementary opt-in is 3 years after the effective date for the optional elementary unit district, 50% of the amount calculated in this paragraph (2) shall be paid to the optional elementary unit district for the number of years calculated in paragraph (1) of this subsection (d) at the optional elementary unit district's original effective date, starting in the second year after the effective date of the elementary opt-in.

(D) If the effective date for the elementary opt-in is 4 years after the effective date for the optional elementary unit district, 25% of the amount calculated in this paragraph (2) shall be paid to the optional elementary unit district for the number of years calculated in paragraph (1) of this subsection (d) at the optional elementary unit district's original effective date, starting in the second year after the effective date of the elementary opt-in.

(E) If the effective date for the elementary opt-in is 5 years after the effective date for the optional elementary unit district, the optional elementary unit district is not eligible for any additional incentives due to the elementary opt-in.

(2.5) (a-5) Following the formation of a cooperative high school by 2 or more school districts under Section 10-22.22c of this Code, a supplementary State aid reimbursement shall be paid for 3 school years to the cooperative high school equal to the sum of $4,000 for each certified employee who is employed by the cooperative high school on a full-time basis for the regular term of any such school year. If a cooperative high school results from multiple agreements that would otherwise qualify the

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cooperative high school for multiple payments under this Section in any year, the cooperative high school shall receive a single payment for that year based solely on the most recent agreement.

(2.10) Following the annexation of territory detached from another school district whereby the enrollment of the annexing district increases 90% or more as a result of the annexation, a supplementary State aid reimbursement shall be paid to the annexing district equal to the sum of $4,000 for each certified employee who is employed by the annexing district on a full-time basis and shall be calculated in accordance with subsection (a) of this Section. To be eligible for supplementary State aid reimbursement under this Section, the intergovernmental agreement to be submitted pursuant to Section 7-14A of this Code must show that certified staff members were transferred from the control of the district losing territory to the control of the district gaining territory in the annexation. The changes to this Section made by this amendatory Act of the 95th General Assembly are intended to be retroactive and applicable to any annexation taking effect on or after July 1, 2004. For annexations that are eligible for payments under this paragraph (2.10) and that are effective on or after July 1, 2004, but before the effective date of this amendatory Act of the 95th General Assembly, the first required yearly payment under this paragraph (2.10) shall be paid in the second fiscal year after the effective date of this amendatory Act of the 95th General Assembly. Any subsequent required yearly payments shall be paid in subsequent fiscal years until the payment obligation under this paragraph (2.10) is complete.

(3) The supplementary State aid reimbursement payable under this subsection (d) shall be separate from and in addition to all other payments made to the district pursuant to any other Section of this Article.

(4) During May of each school year for which a supplementary State aid reimbursement is to be paid to a new or annexing school district or cooperative high school pursuant to this subsection (d), the school board or governing board shall certify to the State Board of Education, on forms furnished to the school board or governing board by the State Board of Education for purposes of this subsection (d), the number of certified employees for which the district or cooperative high school is entitled to

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reimbursement under this Section, together with the names, certificate numbers, and positions held by the certified employees.

(5) Upon certification by the State Board of Education to the State Comptroller of the amount of the supplementary State aid reimbursement to which a school district or cooperative high school is entitled under this subsection (d), the State Comptroller shall draw his or her warrant upon the State Treasurer for the payment thereof to the school district or cooperative high school and shall promptly transmit the payment to the school district or cooperative high school through the appropriate school treasurer.

(Source: P.A. 94-1019, eff. 7-10-06; incorporates P.A. 94-902, eff. 7-1-06; revised 9-13-06.)

(105 ILCS 5/14-13.01) (from Ch. 122, par. 14-13.01)

Sec. 14-13.01. Reimbursement payable by State; Amounts. Reimbursement for furnishing special educational facilities in a recognized school to the type of children defined in Section 14-1.02 shall be paid to the school districts in accordance with Section 14-12.01 for each school year ending June 30 by the State Comptroller out of any money in the treasury appropriated for such purposes on the presentation of vouchers by the State Board of Education.

The reimbursement shall be limited to funds expended for construction and maintenance of special education facilities designed and utilized to house instructional programs, diagnostic services, other special education services for children with disabilities and reimbursement as provided in Section 14-13.01. There shall be no reimbursement for construction and maintenance of any administrative facility separated from special education facilities designed and utilized to house instructional programs, diagnostic services and other special education services for children with disabilities.

(a) For children who have not been identified as eligible for special education and for eligible children with physical disabilities, including all eligible children whose placement has been determined under Section 14-8.02 in hospital or home instruction, 1/2 of the teacher's salary but not more than $1,000 annually per child or $8,000 per teacher for the 1985-
1986 school year through the 2005-2006 school year and $1,000 per child or $9,000 per teacher for the 2006-2007 school year and for each school year and thereafter, whichever is less. Children to be included in any reimbursement under this paragraph must regularly receive a minimum of one hour of instruction each school day, or in lieu thereof of a minimum of 5 hours of instruction in each school week in order to qualify for full reimbursement under this Section. If the attending physician for such a child has certified that the child should not receive as many as 5 hours of instruction in a school week, however, reimbursement under this paragraph on account of that child shall be computed proportionate to the actual hours of instruction per week for that child divided by 5.

(b) For children described in Section 14-1.02, 4/5 of the cost of transportation for each such child, whom the State Superintendent of Education determined in advance requires special transportation service in order to take advantage of special educational facilities. Transportation costs shall be determined in the same fashion as provided in Section 29-5. For purposes of this subsection (b), the dates for processing claims specified in Section 29-5 shall apply.

(c) For each professional worker excluding those included in subparagraphs (a), (d), (e), and (f) of this Section, the annual sum of $8,000 for the 1985-1986 school year through the 2005-2006 school year and $9,000 for the 2006-2007 school year and for each school year and thereafter.

(d) For one full time qualified director of the special education program of each school district which maintains a fully approved program of special education the annual sum of $8,000 for the 1985-1986 school year through the 2005-2006 school year and $9,000 for the 2006-2007 school year and for each school year and thereafter. Districts participating in a joint agreement special education program shall not receive such reimbursement if reimbursement is made for a director of the joint agreement program.

(e) For each school psychologist as defined in Section 14-1.09 the annual sum of $8,000 for the 1985-1986 school year through the 2005-
2006 school year and $9,000 for the 2006-2007 school year and for each school year and thereafter.

(f) For each qualified teacher working in a fully approved program for children of preschool age who are deaf or hard-of-hearing the annual sum of $8,000 for the 1985-1986 school year through the 2005-2006 school year and $9,000 for the 2006-2007 school year and for each school year and thereafter.

(g) For readers, working with blind or partially seeing children 1/2 of their salary but not more than $400 annually per child. Readers may be employed to assist such children and shall not be required to be certified but prior to employment shall meet standards set up by the State Board of Education.

(h) For necessary non-certified employees working in any class or program for children defined in this Article, 1/2 of the salary paid or $2,800 annually per employee through the 2005-2006 school year and $3,500 per employee for the 2006-2007 school year and for each school year thereafter, whichever is less.

The State Board of Education shall set standards and prescribe rules for determining the allocation of reimbursement under this section on less than a full time basis and for less than a school year.

When any school district eligible for reimbursement under this Section operates a school or program approved by the State Superintendent of Education for a number of days in excess of the adopted school calendar but not to exceed 235 school days, such reimbursement shall be increased by 1/180 of the amount or rate paid hereunder for each day such school is operated in excess of 180 days per calendar year.

Notwithstanding any other provision of law, any school district receiving a payment under this Section or under Section 14-7.02, 14-7.02b, or 29-5 of this Code may classify all or a portion of the funds that it receives in a particular fiscal year or from general State aid pursuant to Section 18-8.05 of this Code as funds received in connection with any funding program for which it is entitled to receive funds from the State in that fiscal year (including, without limitation, any funding program referenced in this Section), regardless of the source or timing of the

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receipt. The district may not classify more funds as funds received in connection with the funding program than the district is entitled to receive in that fiscal year for that program. Any classification by a district must be made by a resolution of its board of education. The resolution must identify the amount of any payments or general State aid to be classified under this paragraph and must specify the funding program to which the funds are to be treated as received in connection therewith. This resolution is controlling as to the classification of funds referenced therein. A certified copy of the resolution must be sent to the State Superintendent of Education. The resolution shall still take effect even though a copy of the resolution has not been sent to the State Superintendent of Education in a timely manner. No classification under this paragraph by a district shall affect the total amount or timing of money the district is entitled to receive under this Code. No classification under this paragraph by a district shall in any way relieve the district from or affect any requirements that otherwise would apply with respect to that funding program, including any accounting of funds by source, reporting expenditures by original source and purpose, reporting requirements, or requirements of providing services.

(Source: P.A. 95-415, eff. 8-24-07.)

(105 ILCS 5/18-8.05)

Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years.

(A) General Provisions.

(1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or
exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.

(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.

(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:

(a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.

(b) School district claims filed under this Section are subject to Sections 18-9 and 18-12, except as otherwise provided in this Section.

(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be
determined by the State Board of Education in accordance with this
Section as near as may be applicable.
  (d) (Blank).

(4) Except as provided in subsections (H) and (L), the board of any
district receiving any of the grants provided for in this Section may apply
those funds to any fund so received for which that board is authorized to
make expenditures by law.

School districts are not required to exert a minimum Operating Tax
Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized,
shall have the meaning ascribed herein:

  (a) "Average Daily Attendance": A count of pupil
      attendance in school, averaged as provided for in subsection (C)
      and utilized in deriving per pupil financial support levels.

  (b) "Available Local Resources": A computation of local
      financial support, calculated on the basis of Average Daily
      Attendance and derived as provided pursuant to subsection (D).

  (c) "Corporate Personal Property Replacement Taxes":
      Funds paid to local school districts pursuant to "An Act in relation
      to the abolition of ad valorem personal property tax and the
      replacement of revenues lost thereby, and amending and repealing
      certain Acts and parts of Acts in connection therewith", certified
      August 14, 1979, as amended (Public Act 81-1st S.S.-1).

  (d) "Foundation Level": A prescribed level of per pupil
      financial support as provided for in subsection (B).

  (e) "Operating Tax Rate": All school district property taxes
      extended for all purposes, except Bond and Interest, Summer
      School, Rent, Capital Improvement, and Vocational Education
      Building purposes.

(B) Foundation Level.

(1) The Foundation Level is a figure established by the State
representing the minimum level of per pupil financial support that should
be available to provide for the basic education of each pupil in Average
Daily Attendance. As set forth in this Section, each school district is

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assumed to exert a sufficient local taxing effort such that, in combination with the aggregate of general State financial aid provided the district, an aggregate of State and local resources are available to meet the basic education needs of pupils in the district.

(2) For the 1998-1999 school year, the Foundation Level of support is $4,225. For the 1999-2000 school year, the Foundation Level of support is $4,325. For the 2000-2001 school year, the Foundation Level of support is $4,425. For the 2001-2002 school year and 2002-2003 school year, the Foundation Level of support is $4,560. For the 2003-2004 school year, the Foundation Level of support is $4,810. For the 2004-2005 school year, the Foundation Level of support is $4,964. For the 2005-2006 school year, the Foundation Level of support is $5,164. For the 2006-2007 school year, the Foundation Level of support is $5,334.

(3) For the 2007-2008 school year and each school year thereafter, the Foundation Level of support is $5,734 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

(1) For purposes of calculating general State aid pursuant to subsection (E), an Average Daily Attendance figure shall be utilized. The Average Daily Attendance figure for formula calculation purposes shall be the monthly average of the actual number of pupils in attendance of each school district, as further averaged for the best 3 months of pupil attendance for each school district. In compiling the figures for the number of pupils in attendance, school districts and the State Board of Education shall, for purposes of general State aid funding, conform attendance figures to the requirements of subsection (F).

(2) The Average Daily Attendance figures utilized in subsection (E) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated or the average of the attendance data for the 3 preceding school years, whichever is greater. The Average Daily Attendance figures utilized in subsection (H) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated.

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(D) Available Local Resources.

(1) For purposes of calculating general State aid pursuant to subsection (E), a representation of Available Local Resources per pupil, as that term is defined and determined in this subsection, shall be utilized. Available Local Resources per pupil shall include a calculated dollar amount representing local school district revenues from local property taxes and from Corporate Personal Property Replacement Taxes, expressed on the basis of pupils in Average Daily Attendance. Calculation of Available Local Resources shall exclude any tax amnesty funds received as a result of Public Act 93-26.

(2) In determining a school district's revenue from local property taxes, the State Board of Education shall utilize the equalized assessed valuation of all taxable property of each school district as of September 30 of the previous year. The equalized assessed valuation utilized shall be obtained and determined as provided in subsection (G).

(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

For partial elementary unit districts created pursuant to Article 11E of this Code, local property tax revenues per pupil shall be calculated as the product of the equalized assessed valuation for property within the elementary and high school classification of the partial elementary unit district multiplied by 2.06% and divided by the Average Daily Attendance figure for grades kindergarten through 8, plus the product of the equalized assessed valuation for property within the high school only classification.

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of the partial elementary unit district multiplied by 0.94% and divided by
the Average Daily Attendance figure for grades 9 through 12.

(4) The Corporate Personal Property Replacement Taxes paid to
each school district during the calendar year 2 years before the calendar
year in which a school year begins, divided by the Average Daily
Attendance figure for that district, shall be added to the local property tax
revenues per pupil as derived by the application of the immediately
preceding paragraph (3). The sum of these per pupil figures for each
school district shall constitute Available Local Resources as that term is
utilized in subsection (E) in the calculation of general State aid.

(E) Computation of General State Aid.

(1) For each school year, the amount of general State aid allotted to
a school district shall be computed by the State Board of Education as
provided in this subsection.

(2) For any school district for which Available Local Resources per
pupil is less than the product of 0.93 times the Foundation Level, general
State aid for that district shall be calculated as an amount equal to the
Foundation Level minus Available Local Resources, multiplied by the
Average Daily Attendance of the school district.

(3) For any school district for which Available Local Resources per
pupil is equal to or greater than the product of 0.93 times the Foundation
Level and less than the product of 1.75 times the Foundation Level, the
general State aid per pupil shall be a decimal proportion of the Foundation
Level derived using a linear algorithm. Under this linear algorithm, the
calculated general State aid per pupil shall decline in direct linear fashion
from 0.07 times the Foundation Level for a school district with Available
Local Resources equal to the product of 0.93 times the Foundation Level,
to 0.05 times the Foundation Level for a school district with Available
Local Resources equal to the product of 1.75 times the Foundation Level.
The allocation of general State aid for school districts subject to this
paragraph 3 shall be the calculated general State aid per pupil figure
multiplied by the Average Daily Attendance of the school district.

(4) For any school district for which Available Local Resources per
pupil equals or exceeds the product of 1.75 times the Foundation Level,

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the general State aid for the school district shall be calculated as the product of $218 multiplied by the Average Daily Attendance of the school district.

(5) The amount of general State aid allocated to a school district for the 1999-2000 school year meeting the requirements set forth in paragraph (4) of subsection (G) shall be increased by an amount equal to the general State aid that would have been received by the district for the 1998-1999 school year by utilizing the Extension Limitation Equalized Assessed Valuation as calculated in paragraph (4) of subsection (G) less the general State aid allotted for the 1998-1999 school year. This amount shall be deemed a one time increase, and shall not affect any future general State aid allocations.

(F) Compilation of Average Daily Attendance.

(1) Each school district shall, by July 1 of each year, submit to the State Board of Education, on forms prescribed by the State Board of Education, attendance figures for the school year that began in the preceding calendar year. The attendance information so transmitted shall identify the average daily attendance figures for each month of the school year. Beginning with the general State aid claim form for the 2002-2003 school year, districts shall calculate Average Daily Attendance as provided in subdivisions (a), (b), and (c) of this paragraph (1).

(a) In districts that do not hold year-round classes, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(b) In districts in which all buildings hold year-round classes, days of attendance in July and August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(c) In districts in which some buildings, but not all, hold year-round classes, for the non-year-round buildings, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May. The average daily attendance for the year-round buildings shall be computed as provided in subdivision (b) of this paragraph (1). To
calculate the Average Daily Attendance for the district, the average
daily attendance for the year-round buildings shall be multiplied by
the days in session for the non-year-round buildings for each month
and added to the monthly attendance of the non-year-round
buildings.

Except as otherwise provided in this Section, days of attendance by
pupils shall be counted only for sessions of not less than 5 clock hours of
school work per day under direct supervision of: (i) teachers, or (ii) non-
teaching personnel or volunteer personnel when engaging in non-teaching
duties and supervising in those instances specified in subsection (a) of
Section 10-22.34 and paragraph 10 of Section 34-18, with pupils of legal
school age and in kindergarten and grades 1 through 12.

Days of attendance by tuition pupils shall be accredited only to the
districts that pay the tuition to a recognized school.

(2) Days of attendance by pupils of less than 5 clock hours of
school shall be subject to the following provisions in the compilation of
Average Daily Attendance.

(a) Pupils regularly enrolled in a public school for only a
part of the school day may be counted on the basis of 1/6 day for
every class hour of instruction of 40 minutes or more attended
pursuant to such enrollment, unless a pupil is enrolled in a block-
schedule format of 80 minutes or more of instruction, in which
case the pupil may be counted on the basis of the proportion of
minutes of school work completed each day to the minimum
number of minutes that school work is required to be held that day.

(b) Days of attendance may be less than 5 clock hours on
the opening and closing of the school term, and upon the first day
of pupil attendance, if preceded by a day or days utilized as an
institute or teachers' workshop.

(c) A session of 4 or more clock hours may be counted as a
day of attendance upon certification by the regional superintendent,
and approved by the State Superintendent of Education to the
extent that the district has been forced to use daily multiple
sessions.

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(d) A session of 3 or more clock hours may be counted as a day of attendance (1) when the remainder of the school day or at least 2 hours in the evening of that day is utilized for an in-service training program for teachers, up to a maximum of 5 days per school year of which a maximum of 4 days of such 5 days may be used for parent-teacher conferences, provided a district conducts an in-service training program for teachers which has been approved by the State Superintendent of Education; or, in lieu of 4 such days, 2 full days may be used, in which event each such day may be counted as a day of attendance; and (2) when days in addition to those provided in item (1) are scheduled by a school pursuant to its school improvement plan adopted under Article 34 or its revised or amended school improvement plan adopted under Article 2, provided that (i) such sessions of 3 or more clock hours are scheduled to occur at regular intervals, (ii) the remainder of the school days in which such sessions occur are utilized for in-service training programs or other staff development activities for teachers, and (iii) a sufficient number of minutes of school work under the direct supervision of teachers are added to the school days between such regularly scheduled sessions to accumulate not less than the number of minutes by which such sessions of 3 or more clock hours fall short of 5 clock hours. Any full days used for the purposes of this paragraph shall not be considered for computing average daily attendance. Days scheduled for in-service training programs, staff development activities, or parent-teacher conferences may be scheduled separately for different grade levels and different attendance centers of the district.

(e) A session of not less than one clock hour of teaching hospitalized or homebound pupils on-site or by telephone to the classroom may be counted as 1/2 day of attendance, however these pupils must receive 4 or more clock hours of instruction to be counted for a full day of attendance.

(f) A session of at least 4 clock hours may be counted as a day of attendance for first grade pupils, and pupils in full day
kindergartens, and a session of 2 or more hours may be counted as 1/2 day of attendance by pupils in kindergartens which provide only 1/2 day of attendance.

(g) For children with disabilities who are below the age of 6 years and who cannot attend 2 or more clock hours because of their disability or immaturity, a session of not less than one clock hour may be counted as 1/2 day of attendance; however for such children whose educational needs so require a session of 4 or more clock hours may be counted as a full day of attendance.

(h) A recognized kindergarten which provides for only 1/2 day of attendance by each pupil shall not have more than 1/2 day of attendance counted in any one day. However, kindergartens may count 2 1/2 days of attendance in any 5 consecutive school days. When a pupil attends such a kindergarten for 2 half days on any one school day, the pupil shall have the following day as a day absent from school, unless the school district obtains permission in writing from the State Superintendent of Education. Attendance at kindergartens which provide for a full day of attendance by each pupil shall be counted the same as attendance by first grade pupils. Only the first year of attendance in one kindergarten shall be counted, except in case of children who entered the kindergarten in their fifth year whose educational development requires a second year of kindergarten as determined under the rules and regulations of the State Board of Education.

(i) On the days when the Prairie State Achievement Examination is administered under subsection (c) of Section 2-3.64 of this Code, the day of attendance for a pupil whose school day must be shortened to accommodate required testing procedures may be less than 5 clock hours and shall be counted towards the 176 days of actual pupil attendance required under Section 10-19 of this Code, provided that a sufficient number of minutes of school work in excess of 5 clock hours are first completed on other school days to compensate for the loss of school work on the examination days.
(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D), the State Board of Education shall secure from the Department of Revenue the value as equalized or assessed by the Department of Revenue of all taxable property of every school district, together with (i) the applicable tax rate used in extending taxes for the funds of the district as of September 30 of the previous year and (ii) the limiting rate for all school districts subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law.

The Department of Revenue shall add to the equalized assessed value of all taxable property of each school district situated entirely or partially within a county that is or was subject to the alternative general homestead exemption provisions of Section 15-176 of the Property Tax Code (a) an amount equal to the total amount by which the homestead exemption allowed under Section 15-176 of the Property Tax Code for real property situated in that school district exceeds the total amount that would have been allowed in that school district if the maximum reduction under Section 15-176 was (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter and (b) an amount equal to the aggregate amount for the taxable year of all additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of $30,000 or less. The county clerk of any county that is or was subject to the alternative general homestead exemption provisions of Section 15-176 of the Property Tax Code shall annually calculate and certify to the Department of Revenue for each school district all homestead exemption amounts under Section 15-176 of the Property Tax Code and all amounts of additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of $30,000 or less. It is the intent of this paragraph that if the general homestead exemption for a parcel of property is determined under Section 15-176 of the Property Tax Code rather than Section 15-175, then the calculation of Available Local Resources shall not be affected by the difference, if any, between the amount of the general homestead exemption allowed for that parcel of property under Section

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15-176 of the Property Tax Code and the amount that would have been allowed had the general homestead exemption for that parcel of property been determined under Section 15-175 of the Property Tax Code. It is further the intent of this paragraph that if additional exemptions are allowed under Section 15-175 of the Property Tax Code for owners with a household income of less than $30,000, then the calculation of Available Local Resources shall not be affected by the difference, if any, because of those additional exemptions.

This equalized assessed valuation, as adjusted further by the requirements of this subsection, shall be utilized in the calculation of Available Local Resources.

(2) The equalized assessed valuation in paragraph (1) shall be adjusted, as applicable, in the following manner:

(a) For the purposes of calculating State aid under this Section, with respect to any part of a school district within a redevelopment project area in respect to which a municipality has adopted tax increment allocation financing pursuant to the Tax Increment Allocation Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11 of the Illinois Municipal Code or the Industrial Jobs Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the Illinois Municipal Code, no part of the current equalized assessed valuation of real property located in any such project area which is attributable to an increase above the total initial equalized assessed valuation of such property shall be used as part of the equalized assessed valuation of the district, until such time as all redevelopment project costs have been paid, as provided in Section 11-74.4-8 of the Tax Increment Allocation Redevelopment Act or in Section 11-74.6-35 of the Industrial Jobs Recovery Law. For the purpose of the equalized assessed valuation of the district, the total initial equalized assessed valuation or the current equalized assessed valuation, whichever is lower, shall be used until such time as all redevelopment project costs have been paid.

(b) The real property equalized assessed valuation for a school district shall be adjusted by subtracting from the real

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property value as equalized or assessed by the Department of Revenue for the district an amount computed by dividing the amount of any abatement of taxes under Section 18-170 of the Property Tax Code by 3.00% for a district maintaining grades kindergarten through 12, by 2.30% for a district maintaining grades kindergarten through 8, or by 1.05% for a district maintaining grades 9 through 12 and adjusted by an amount computed by dividing the amount of any abatement of taxes under subsection (a) of Section 18-165 of the Property Tax Code by the same percentage rates for district type as specified in this subparagraph (b).

(3) For the 1999-2000 school year and each school year thereafter, if a school district meets all of the criteria of this subsection (G)(3), the school district's Available Local Resources shall be calculated under subsection (D) using the district's Extension Limitation Equalized Assessed Valuation as calculated under this subsection (G)(3).

For purposes of this subsection (G)(3) the following terms shall have the following meanings:

"Budget Year": The school year for which general State aid is calculated and awarded under subsection (E).

"Base Tax Year": The property tax levy year used to calculate the Budget Year allocation of general State aid.

"Preceding Tax Year": The property tax levy year immediately preceding the Base Tax Year.

"Base Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Base Tax Year multiplied by the limiting rate as calculated by the County Clerk and defined in the Property Tax Extension Limitation Law.

"Preceding Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Preceding Tax Year multiplied by the Operating Tax Rate as defined in subsection (A).
"Extension Limitation Ratio": A numerical ratio, certified by the County Clerk, in which the numerator is the Base Tax Year's Tax Extension and the denominator is the Preceding Tax Year's Tax Extension.

"Operating Tax Rate": The operating tax rate as defined in subsection (A).

If a school district is subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation of that district. For the 1999-2000 school year, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the district's 1996 Equalized Assessed Valuation and the district's Extension Limitation Ratio. For the 2000-2001 school year and each school year thereafter, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the Equalized Assessed Valuation last used in the calculation of general State aid and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of a school district as calculated under this subsection (G)(3) is less than the district's equalized assessed valuation as calculated pursuant to subsections (G)(1) and (G)(2), then for purposes of calculating the district's general State aid for the Budget Year pursuant to subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources under subsection (D).

Partial elementary unit districts created in accordance with Article 11E of this Code shall not be eligible for the adjustment in this subsection (G)(3) until the fifth year following the effective date of the reorganization.

(4) For the purposes of calculating general State aid for the 1999-2000 school year only, if a school district experienced a triennial reassessment on the equalized assessed valuation used in calculating its general State financial aid apportionment for the 1998-1999 school year, the State Board of Education shall calculate the Extension Limitation
Equalized Assessed Valuation that would have been used to calculate the
district's 1998-1999 general State aid. This amount shall equal the product
of the equalized assessed valuation used to calculate general State aid for
the 1997-1998 school year and the district's Extension Limitation Ratio. If
the Extension Limitation Equalized Assessed Valuation of the school
district as calculated under this paragraph (4) is less than the district's
equalized assessed valuation utilized in calculating the district's 1998-1999
general State aid allocation, then for purposes of calculating the district's
general State aid pursuant to paragraph (5) of subsection (E), that
Extension Limitation Equalized Assessed Valuation shall be utilized to
calculate the district's Available Local Resources.

(5) For school districts having a majority of their equalized
assessed valuation in any county except Cook, DuPage, Kane, Lake,
McHenry, or Will, if the amount of general State aid allocated to the
school district for the 1999-2000 school year under the provisions of
subsection (E), (H), and (J) of this Section is less than the amount of
general State aid allocated to the district for the 1998-1999 school year
under these subsections, then the general State aid of the district for the
1999-2000 school year only shall be increased by the difference between
these amounts. The total payments made under this paragraph (5) shall not
exceed $14,000,000. Claims shall be prorated if they exceed $14,000,000.

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted
pursuant to subsection (E), qualifying school districts shall receive a grant,
paid in conjunction with a district's payments of general State aid, for
supplemental general State aid based upon the concentration level of
children from low-income households within the school district.
Supplemental State aid grants provided for school districts under this
subsection shall be appropriated for distribution to school districts as part
of the same line item in which the general State financial aid of school
districts is appropriated under this Section. If the appropriation in any
fiscal year for general State aid and supplemental general State aid is
insufficient to pay the amounts required under the general State aid and
supplemental general State aid calculations, then the State Board of
Education shall ensure that each school district receives the full amount due for general State aid and the remainder of the appropriation shall be used for supplemental general State aid, which the State Board of Education shall calculate and pay to eligible districts on a prorated basis.

(1.5) This paragraph (1.5) applies only to those school years preceding the 2003-2004 school year. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, (i) the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, or (ii) a high school district within 2 counties and serving 5 elementary school districts, whose boundaries are coterminous with the high school district, has a percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count and there is a percentage increase in the total low-income eligible pupil count of a majority of the elementary school districts in excess of 50% from the 2 most recent federal censuses, then the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H). The changes made to this paragraph (1) by Public Act 92-28 shall apply to supplemental general State aid grants for school years preceding the 2003-2004 school year that are paid in fiscal year 1999 or thereafter and to any State aid payments made in fiscal year 1994 through fiscal year 1998 pursuant to subsection 1(n) of Section 18-8 of this Code (which was repealed on July 1, 1998), and any high school district that is affected by Public Act 92-28 is entitled to a recomputation of its supplemental general State aid grant or State aid paid in any of those fiscal years. This recomputation shall not be affected by any other funding.

(1.10) This paragraph (1.10) applies to the 2003-2004 school year and each school year thereafter. For purposes of this subsection (H), the
term "Low-Income Concentration Level" shall, for each fiscal year, be the low-income eligible pupil count as of July 1 of the immediately preceding fiscal year (as determined by the Department of Human Services based on the number of pupils who are eligible for at least one of the following low income programs: Medicaid, KidCare, TANF, or Food Stamps, excluding pupils who are eligible for services provided by the Department of Children and Family Services, averaged over the 2 immediately preceding fiscal years for fiscal year 2004 and over the 3 immediately preceding fiscal years for each fiscal year thereafter) divided by the Average Daily Attendance of the school district.

(2) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 1998-1999, 1999-2000, and 2000-2001 school years only:
   
   (a) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for any school year shall be $800 multiplied by the low income eligible pupil count.
   
   (b) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for the 1998-1999 school year shall be $1,100 multiplied by the low income eligible pupil count.
   
   (c) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for the 1998-99 school year shall be $1,500 multiplied by the low income eligible pupil count.
   
   (d) For any school district with a Low Income Concentration Level of 60% or more, the grant for the 1998-99 school year shall be $1,900 multiplied by the low income eligible pupil count.
   
   (e) For the 1999-2000 school year, the per pupil amount specified in subparagraphs (b), (c), and (d) immediately above shall be increased to $1,243, $1,600, and $2,000, respectively.
(f) For the 2000-2001 school year, the per pupil amounts specified in subparagraphs (b), (c), and (d) immediately above shall be $1,273, $1,640, and $2,050, respectively.

(2.5) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2002-2003 school year:

(a) For any school district with a Low Income Concentration Level of less than 10%, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 10% and less than 20%, the grant for each school year shall be $675 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for each school year shall be $1,330 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for each school year shall be $1,362 multiplied by the low income eligible pupil count.

(e) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for each school year shall be $1,680 multiplied by the low income eligible pupil count.

(f) For any school district with a Low Income Concentration Level of 60% or more, the grant for each school year shall be $2,080 multiplied by the low income eligible pupil count.

(2.10) Except as otherwise provided, supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2003-2004 school year and each school year thereafter:

(a) For any school district with a Low Income Concentration Level of 15% or less, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.

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(b) For any school district with a Low Income Concentration Level greater than 15%, the grant for each school year shall be $294.25 added to the product of $2,700 and the square of the Low Income Concentration Level, all multiplied by the low income eligible pupil count.

For the 2003-2004 school year and each school year through the 2007-2008 school year, 2004-2005 school year, 2005-2006 school year, and 2006-2007 school year only, the grant shall be no less than the grant for the 2002-2003 school year. For the 2008-2009 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.66. For the 2009-2010 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.33. Notwithstanding the provisions of this paragraph to the contrary, if for any school year supplemental general State aid grants are prorated as provided in paragraph (1) of this subsection (H), then the grants under this paragraph shall be prorated.

For the 2003-2004 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.25 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2004-2005 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.50 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2005-2006 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.75 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year.

(3) School districts with an Average Daily Attendance of more than 1,000 and less than 50,000 that qualify for supplemental general State aid pursuant to this subsection shall submit a plan to the State Board of
Education prior to October 30 of each year for the use of the funds resulting from this grant of supplemental general State aid for the improvement of instruction in which priority is given to meeting the education needs of disadvantaged children. Such plan shall be submitted in accordance with rules and regulations promulgated by the State Board of Education.

(4) School districts with an Average Daily Attendance of 50,000 or more that qualify for supplemental general State aid pursuant to this subsection shall be required to distribute from funds available pursuant to this Section, no less than $261,000,000 in accordance with the following requirements:

(a) The required amounts shall be distributed to the attendance centers within the district in proportion to the number of pupils enrolled at each attendance center who are eligible to receive free or reduced-price lunches or breakfasts under the federal Child Nutrition Act of 1966 and under the National School Lunch Act during the immediately preceding school year.

(b) The distribution of these portions of supplemental and general State aid among attendance centers according to these requirements shall not be compensated for or contravened by adjustments of the total of other funds appropriated to any attendance centers, and the Board of Education shall utilize funding from one or several sources in order to fully implement this provision annually prior to the opening of school.

(c) Each attendance center shall be provided by the school district a distribution of noncategorical funds and other categorical funds to which an attendance center is entitled under law in order that the general State aid and supplemental general State aid provided by application of this subsection supplements rather than supplants the noncategorical funds and other categorical funds provided by the school district to the attendance centers.

(d) Any funds made available under this subsection that by reason of the provisions of this subsection are not required to be allocated and provided to attendance centers may be used and

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appropriated by the board of the district for any lawful school purpose.

(e) Funds received by an attendance center pursuant to this subsection shall be used by the attendance center at the discretion of the principal and local school council for programs to improve educational opportunities at qualifying schools through the following programs and services: early childhood education, reduced class size or improved adult to student classroom ratio, enrichment programs, remedial assistance, attendance improvement, and other educationally beneficial expenditures which supplement the regular and basic programs as determined by the State Board of Education. Funds provided shall not be expended for any political or lobbying purposes as defined by board rule.

(f) Each district subject to the provisions of this subdivision (H)(4) shall submit an acceptable plan to meet the educational needs of disadvantaged children, in compliance with the requirements of this paragraph, to the State Board of Education prior to July 15 of each year. This plan shall be consistent with the decisions of local school councils concerning the school expenditure plans developed in accordance with part 4 of Section 34-2.3. The State Board shall approve or reject the plan within 60 days after its submission. If the plan is rejected, the district shall give written notice of intent to modify the plan within 15 days of the notification of rejection and then submit a modified plan within 30 days after the date of the written notice of intent to modify. Districts may amend approved plans pursuant to rules promulgated by the State Board of Education.

Upon notification by the State Board of Education that the district has not submitted a plan prior to July 15 or a modified plan within the time period specified herein, the State aid funds affected by that plan or modified plan shall be withheld by the State Board of Education until a plan or modified plan is submitted.

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If the district fails to distribute State aid to attendance centers in accordance with an approved plan, the plan for the following year shall allocate funds, in addition to the funds otherwise required by this subsection, to those attendance centers which were underfunded during the previous year in amounts equal to such underfunding.

For purposes of determining compliance with this subsection in relation to the requirements of attendance center funding, each district subject to the provisions of this subsection shall submit as a separate document by December 1 of each year a report of expenditure data for the prior year in addition to any modification of its current plan. If it is determined that there has been a failure to comply with the expenditure provisions of this subsection regarding contravention or supplanting, the State Superintendent of Education shall, within 60 days of receipt of the report, notify the district and any affected local school council. The district shall within 45 days of receipt of that notification inform the State Superintendent of Education of the remedial or corrective action to be taken, whether by amendment of the current plan, if feasible, or by adjustment in the plan for the following year. Failure to provide the expenditure report or the notification of remedial or corrective action in a timely manner shall result in a withholding of the affected funds.

The State Board of Education shall promulgate rules and regulations to implement the provisions of this subsection. No funds shall be released under this subdivision (H)(4) to any district that has not submitted a plan that has been approved by the State Board of Education.

(I) (Blank).

(J) Supplementary Grants in Aid.

(1) Notwithstanding any other provisions of this Section, the amount of the aggregate general State aid in combination with supplemental general State aid under this Section for which each school district is eligible shall be no less than the amount of the aggregate general

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State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-98 school year, pursuant to the provisions of that Section as it was then in effect. If a school district qualifies to receive a supplementary payment made under this subsection (J), the amount of the aggregate general State aid in combination with supplemental general State aid under this Section which that district is eligible to receive for each school year shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-1998 school year, pursuant to the provisions of that Section as it was then in effect.

(2) If, as provided in paragraph (1) of this subsection (J), a school district is to receive aggregate general State aid in combination with supplemental general State aid under this Section for the 1998-99 school year and any subsequent school year that in any such school year is less than the amount of the aggregate general State aid entitlement that the district received for the 1997-98 school year, the school district shall also receive, from a separate appropriation made for purposes of this subsection (J), a supplementary payment that is equal to the amount of the difference in the aggregate State aid figures as described in paragraph (1).

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

In calculating the amount to be paid to the governing board of a public university that operates a laboratory school under this Section or to any alternative school that is operated by a regional superintendent of schools, the State Board of Education shall require by rule such reporting requirements as it deems necessary.

As used in this Section, "laboratory school" means a public school which is created and operated by a public university and approved by the State Board of Education. The governing board of a public university which receives funds from the State Board under this subsection (K) may not increase the number of students enrolled in its laboratory school from a single district, if that district is already sending 50 or more students, except

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under a mutual agreement between the school board of a student's district of residence and the university which operates the laboratory school. A laboratory school may not have more than 1,000 students, excluding students with disabilities in a special education program.

As used in this Section, "alternative school" means a public school which is created and operated by a Regional Superintendent of Schools and approved by the State Board of Education. Such alternative schools may offer courses of instruction for which credit is given in regular school programs, courses to prepare students for the high school equivalency testing program or vocational and occupational training. A regional superintendent of schools may contract with a school district or a public community college district to operate an alternative school. An alternative school serving more than one educational service region may be established by the regional superintendents of schools of the affected educational service regions. An alternative school serving more than one educational service region may be operated under such terms as the regional superintendents of schools of those educational service regions may agree.

Each laboratory and alternative school shall file, on forms provided by the State Superintendent of Education, an annual State aid claim which states the Average Daily Attendance of the school's students by month. The best 3 months' Average Daily Attendance shall be computed for each school. The general State aid entitlement shall be computed by multiplying the applicable Average Daily Attendance by the Foundation Level as determined under this Section.

(L) Payments, Additional Grants in Aid and Other Requirements.

(1) For a school district operating under the financial supervision of an Authority created under Article 34A, the general State aid otherwise payable to that district under this Section, but not the supplemental general State aid, shall be reduced by an amount equal to the budget for the operations of the Authority as certified by the Authority to the State Board of Education, and an amount equal to such reduction shall be paid to the Authority created for such district for its operating expenses in the manner provided in Section 18-11. The remainder of general State school aid for
any such district shall be paid in accordance with Article 34A when that Article provides for a disposition other than that provided by this Article.

(2) (Blank).

(3) Summer school. Summer school payments shall be made as provided in Section 18-4.3.

(M) Education Funding Advisory Board.

The Education Funding Advisory Board, hereinafter in this subsection (M) referred to as the "Board", is hereby created. The Board shall consist of 5 members who are appointed by the Governor, by and with the advice and consent of the Senate. The members appointed shall include representatives of education, business, and the general public. One of the members so appointed shall be designated by the Governor at the time the appointment is made as the chairperson of the Board. The initial members of the Board may be appointed any time after the effective date of this amendatory Act of 1997. The regular term of each member of the Board shall be for 4 years from the third Monday of January of the year in which the term of the member's appointment is to commence, except that of the 5 initial members appointed to serve on the Board, the member who is appointed as the chairperson shall serve for a term that commences on the date of his or her appointment and expires on the third Monday of January, 2002, and the remaining 4 members, by lots drawn at the first meeting of the Board that is held after all 5 members are appointed, shall determine 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2001, and 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2000. All members appointed to serve on the Board shall serve until their respective successors are appointed and confirmed. Vacancies shall be filled in the same manner as original appointments. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when he or she shall appoint, by and with the advice and consent of the Senate, a person to fill that membership for the unexpired
term. If the Senate is not in session when the initial appointments are made, those appointments shall be made as in the case of vacancies.

The Education Funding Advisory Board shall be deemed established, and the initial members appointed by the Governor to serve as members of the Board shall take office, on the date that the Governor makes his or her appointment of the fifth initial member of the Board, whether those initial members are then serving pursuant to appointment and confirmation or pursuant to temporary appointments that are made by the Governor as in the case of vacancies.

The State Board of Education shall provide such staff assistance to the Education Funding Advisory Board as is reasonably required for the proper performance by the Board of its responsibilities.

For school years after the 2000-2001 school year, the Education Funding Advisory Board, in consultation with the State Board of Education, shall make recommendations as provided in this subsection (M) to the General Assembly for the foundation level under subdivision (B)(3) of this Section and for the supplemental general State aid grant level under subsection (H) of this Section for districts with high concentrations of children from poverty. The recommended foundation level shall be determined based on a methodology which incorporates the basic education expenditures of low-spending schools exhibiting high academic performance. The Education Funding Advisory Board shall make such recommendations to the General Assembly on January 1 of odd numbered years, beginning January 1, 2001.

(N) (Blank).

(O) References.

(1) References in other laws to the various subdivisions of Section 18-8 as that Section existed before its repeal and replacement by this Section 18-8.05 shall be deemed to refer to the corresponding provisions of this Section 18-8.05, to the extent that those references remain applicable.

(2) References in other laws to State Chapter 1 funds shall be deemed to refer to the supplemental general State aid provided under subsection (H) of this Section.

New matter indicated by italics - deletions by strikeout
(P) Public Act 93-838 and Public Act 93-808 make inconsistent changes to this Section. Under Section 6 of the Statute on Statutes there is an irreconcilable conflict between Public Act 93-808 and Public Act 93-838. Public Act 93-838, being the last acted upon, is controlling. The text of Public Act 93-838 is the law regardless of the text of Public Act 93-808. (Source: P.A. 93-21, eff. 7-1-03; 93-715, eff. 7-12-04; 93-808, eff. 7-26-04; 93-838, eff. 7-30-04; 93-875, eff. 8-6-04; 94-69, eff. 7-1-05; 94-438, eff. 8-4-05; 94-835, eff. 6-6-06; 94-1019, eff. 7-10-06; 94-1105, eff. 6-1-07; revised 2-18-07.)

(105 ILCS 5/21-29 new)

Sec. 21-29. Salary Incentive Program for Hard-to-Staff Schools.

(a) The Salary Incentive Program for Hard-to-Staff Schools is established to provide categorical funding for monetary incentives and bonuses for teachers and school administrators who are employed by school districts designated as hard-to-staff by the State Board of Education. The State Board of Education shall allocate and distribute to qualifying school districts an amount as annually appropriated by the General Assembly for the Salary Incentive Program for Hard-to-Staff Schools. The State Board of Education's annual budget must set out by separate line item the appropriation for the program.

(b) Unless otherwise provided by appropriation, each school district's annual allocation under the Salary Incentive Program for Hard-to-Staff Schools shall be the sum of the following incentives and bonuses:

(1) An annual payment of $3,000 to be paid to each certificated teacher employed as a school teacher by a school district. The school district shall distribute this payment to each eligible teacher as a single payment or in not more than 3 payments.

(2) An annual payment of $5,000 to each certificated principal that is employed as a school principal by a school district. The school district shall distribute this payment to each eligible principal as a single payment or in not more than 3 payments.

New matter indicated by italics - deletions by strikeout
(c) Each regional superintendent of schools shall provide information about the Salary Incentive Program for Hard-to-Staff Schools to each individual seeking to register or renew a certificate.

Section 5-23. The Hospital Licensing Act is amended by changing Section 8 as follows:

(210 ILCS 85/8) (from Ch. 111 1/2, par. 149)

Sec. 8. Facility plan review; fees.

(a) Before commencing construction of new facilities or specified types of alteration or additions to an existing hospital involving major construction, as defined by rule by the Department, with an estimated cost greater than $100,000, architectural plans and specifications therefor shall be submitted by the licensee to the Department for review and approval. A hospital may submit architectural drawings and specifications for other construction projects for Department review according to subsection (b) that shall not be subject to fees under subsection (d). The Department must give a hospital that is planning to submit a construction project for review the opportunity to discuss its plans and specifications with the Department before the hospital formally submits the plans and specifications for Department review. Review of drawings and specifications shall be conducted by an employee of the Department meeting the qualifications established by the Department of Central Management Services class specifications for such an individual's position or by a person contracting with the Department who meets those class specifications. Final approval of the plans and specifications for compliance with design and construction standards shall be obtained from the Department before the alteration, addition, or new construction is begun. Subject to this Section 8, and prior to January 1, 2012, the Department shall consider the re-licensing of an existing hospital structure according to the standards for an existing hospital, as set forth in the Department's rules. Re-licensing under this provision shall occur only if that facility operated as a licensed hospital on July 1, 2005, has had no intervening use as other than a hospital, and exists in a county with a population of less than 20,000 that does not have another licensed hospital on the effective date of this amendatory Act of the 95th General Assembly.

New matter indicated by italics - deletions by strikeout
(b) The Department shall inform an applicant in writing within 10 working days after receiving drawings and specifications and the required fee, if any, from the applicant whether the applicant's submission is complete or incomplete. Failure to provide the applicant with this notice within 10 working days shall result in the submission being deemed complete for purposes of initiating the 60-day review period under this Section. If the submission is incomplete, the Department shall inform the applicant of the deficiencies with the submission in writing. If the submission is complete and the required fee, if any, has been paid, the Department shall approve or disapprove drawings and specifications submitted to the Department no later than 60 days following receipt by the Department. The drawings and specifications shall be of sufficient detail, as provided by Department rule, to enable the Department to render a determination of compliance with design and construction standards under this Act. If the Department finds that the drawings are not of sufficient detail for it to render a determination of compliance, the plans shall be determined to be incomplete and shall not be considered for purposes of initiating the 60 day review period. If a submission of drawings and specifications is incomplete, the applicant may submit additional information. The 60-day review period shall not commence until the Department determines that a submission of drawings and specifications is complete or the submission is deemed complete. If the Department has not approved or disapproved the drawings and specifications within 60 days, the construction, major alteration, or addition shall be deemed approved. If the drawings and specifications are disapproved, the Department shall state in writing, with specificity, the reasons for the disapproval. The entity submitting the drawings and specifications may submit additional information in response to the written comments from the Department or request a reconsideration of the disapproval. A final decision of approval or disapproval shall be made within 45 days of the receipt of the additional information or reconsideration request. If denied, the Department shall state the specific reasons for the denial and the applicant may elect to seek dispute resolution pursuant to Section 25 of the Illinois Building Commission Act, which the Department must participate in.

New matter indicated by italics - deletions by strikeout
(c) The Department shall provide written approval for occupancy pursuant to subsection (g) and shall not issue a violation to a facility as a result of a licensure or complaint survey based upon the facility's physical structure if:

(1) the Department reviewed and approved or deemed approved the drawing and specifications for compliance with design and construction standards;
(2) the construction, major alteration, or addition was built as submitted;
(3) the law or rules have not been amended since the original approval; and
(4) the conditions at the facility indicate that there is a reasonable degree of safety provided for the patients.

(c-5) The Department shall not issue a violation to a facility if the inspected aspects of the facility were previously found to be in compliance with applicable standards, the relevant law or rules have not been amended, conditions at the facility reasonably protect the safety of its patients, and alterations or new hazards have not been identified.

(d) The Department shall charge the following fees in connection with its reviews conducted before June 30, 2004 under this Section:

(1) (Blank).
(2) (Blank).
(3) If the estimated dollar value of the major construction is greater than $500,000, the fee shall be established by the Department pursuant to rules that reflect the reasonable and direct cost of the Department in conducting the architectural reviews required under this Section. The estimated dollar value of the major construction subject to review under this Section shall be annually readjusted to reflect the increase in construction costs due to inflation.

The fees provided in this subsection (d) shall not apply to major construction projects involving facility changes that are required by Department rule amendments or to projects related to homeland security.
The fees provided in this subsection (d) shall also not apply to major construction projects if 51% or more of the estimated cost of the project is attributed to capital equipment. For major construction projects where 51% or more of the estimated cost of the project is attributed to capital equipment, the Department shall by rule establish a fee that is reasonably related to the cost of reviewing the project.

Disproportionate share hospitals and rural hospitals shall only pay one-half of the fees required in this subsection (d). For the purposes of this subsection (d), (i) "disproportionate share hospital" means a hospital described in items (1) through (5) of subsection (b) of Section 5-5.02 of the Illinois Public Aid Code and (ii) "rural hospital" means a hospital that is (A) located outside a metropolitan statistical area or (B) located 15 miles or less from a county that is outside a metropolitan statistical area and is licensed to perform medical/surgical or obstetrical services and has a combined total bed capacity of 75 or fewer beds in these 2 service categories as of July 14, 1993, as determined by the Department.

The Department shall not commence the facility plan review process under this Section until the applicable fee has been paid.

(e) All fees received by the Department under this Section shall be deposited into the Health Facility Plan Review Fund, a special fund created in the State treasury. All fees paid by hospitals under subsection (d) shall be used only to cover the direct and reasonable costs relating to the Department's review of hospital projects under this Section. Moneys shall be appropriated from that Fund to the Department only to pay the costs of conducting reviews under this Section. None of the moneys in the Health Facility Plan Review Fund shall be used to reduce the amount of General Revenue Fund moneys appropriated to the Department for facility plan reviews conducted pursuant to this Section.

(f) (Blank).

(g) The Department shall conduct an on-site inspection of the completed project no later than 15 business days after notification from the applicant that the project has been completed and all certifications required by the Department have been received and accepted by the Department. The Department may extend this deadline only if a federally mandated
survey time frame takes precedence. The Department shall provide written approval for occupancy to the applicant within 5 working days of the Department's final inspection, provided the applicant has demonstrated substantial compliance as defined by Department rule. Occupancy of new major construction is prohibited until Department approval is received, unless the Department has not acted within the time frames provided in this subsection (g), in which case the construction shall be deemed approved. Occupancy shall be authorized after any required health inspection by the Department has been conducted.

(h) The Department shall establish, by rule, a procedure to conduct interim on-site review of large or complex construction projects.

(i) The Department shall establish, by rule, an expedited process for emergency repairs or replacement of like equipment.

(j) Nothing in this Section shall be construed to apply to maintenance, upkeep, or renovation that does not affect the structural integrity of the building, does not add beds or services over the number for which the facility is licensed, and provides a reasonable degree of safety for the patients.

(Source: P.A. 92-563, eff. 6-24-02; 92-803, eff. 8-16-02; 93-41, eff. 6-27-03.)

Section 5-25. The Illinois Public Aid Code is amended by changing Sections 5-5.4, 5A-8, 5B-8, 5C-2, and 12-10.7 and by adding Section 12-10.8 as follows:

(305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

Sec. 5-5.4. Standards of Payment - Department of Healthcare and Family Services. The Department of Healthcare and Family Services shall develop standards of payment of skilled nursing and intermediate care services in facilities providing such services under this Article which:

(1) Provide for the determination of a facility's payment for skilled nursing and intermediate care services on a prospective basis. The amount of the payment rate for all nursing facilities certified by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities, Long Term Care for Under Age 22 facilities, Skilled Nursing facilities, or Intermediate Care facilities

New matter indicated by italics - deletions by strikeout
under the medical assistance program shall be prospectively established annually on the basis of historical, financial, and statistical data reflecting actual costs from prior years, which shall be applied to the current rate year and updated for inflation, except that the capital cost element for newly constructed facilities shall be based upon projected budgets. The annually established payment rate shall take effect on July 1 in 1984 and subsequent years. No rate increase and no update for inflation shall be provided on or after July 1, 1994 and before July 1, 2008, unless specifically provided for in this Section. The changes made by Public Act 93-841 extending the duration of the prohibition against a rate increase or update for inflation are effective retroactive to July 1, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1998 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1998 shall include an increase of 3% plus $1.10 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care Facilities for the Developmentally Disabled or Long Term Care for Under Age 22 facilities, the rates taking effect on January 1, 2006 shall include an increase of 3%.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% plus $3.00 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by $4.00 per resident-day, as defined by the Department.

New matter indicated by italics - deletions by strikeout
For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, a new payment methodology must be implemented for the nursing component of the rate effective July 1, 2003. The Department of Public Aid (now Healthcare and Family Services) shall develop the new payment methodology using the Minimum Data Set (MDS) as the instrument to collect information concerning nursing home resident condition necessary to compute the rate. The Department shall develop the new payment methodology to meet the unique needs of Illinois nursing home residents while remaining subject to the appropriations provided by the General Assembly. A transition period from the payment methodology in effect on June 30, 2003 to the payment methodology in effect on July 1, 2003 shall be provided for a period not exceeding 3 years and 184 days after implementation of the new payment methodology as follows:

(A) For a facility that would receive a lower nursing component rate per patient day under the new system than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be held at the level in effect on the date immediately preceding the date that the Department implements the new payment methodology until a higher nursing component rate of reimbursement is achieved by that facility.

(B) For a facility that would receive a higher nursing component rate per patient day under the payment methodology in
effect on July 1, 2003 than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be adjusted.

(C) Notwithstanding paragraphs (A) and (B), the nursing component rate per patient day for the facility shall be adjusted subject to appropriations provided by the General Assembly.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on March 1, 2001 shall include a statewide increase of 7.85%, as defined by the Department.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the numerator of the ratio used by the Department of Healthcare and Family Services to compute the rate payable under this Section using the Minimum Data Set (MDS) methodology shall incorporate the following annual amounts as the additional funds appropriated to the Department specifically to pay for rates based on the MDS nursing component methodology in excess of the funding in effect on December 31, 2006:

(i) For rates taking effect January 1, 2007, $60,000,000.
(ii) For rates taking effect January 1, 2008, $110,000,000.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the support component of the rates taking effect on January 1, 2008 shall be computed using the most recent cost reports on file with the Department of Healthcare and Family Services no later than April 1, 2005, updated for inflation to January 1, 2006.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on April 1, 2002 shall include a statewide increase of

New matter indicated by italics - deletions by strikeout
2.0%, as defined by the Department. This increase terminates on July 1, 2002; beginning July 1, 2002 these rates are reduced to the level of the rates in effect on March 31, 2002, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on July 1, 2001 shall be computed using the most recent cost reports on file with the Department of Public Aid no later than April 1, 2000, updated for inflation to January 1, 2001. For rates effective July 1, 2001 only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the Illinois Department shall determine by rule the rates taking effect on July 1, 2002, which shall be 5.9% less than the rates in effect on June 30, 2002.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, if the payment methodologies required under Section 5A-12 and the waiver granted under 42 CFR 433.68 are approved by the United States Centers for Medicare and Medicaid Services, the rates taking effect on July 1, 2004 shall be 3.0% greater than the rates in effect on June 30, 2004. These rates shall take effect only upon approval and implementation of the payment methodologies required under Section 5A-12.

Notwithstanding any other provisions of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on January 1, 2005 shall be 3% more than the rates in effect on December 31, 2004.

Notwithstanding any other provisions of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as intermediate care facilities that are federally defined as Institutions for Mental Disease, a socio-development component rate equal to 6.6% of the facility's nursing component rate as of January 1, 2006 shall be
established and paid effective July 1, 2006. The socio-development component of the rate shall be increased by a factor of 2.53 on the first day of the month that begins at least 45 days after the effective date of this amendatory Act of the 95th General Assembly. The Illinois Department may by rule adjust these socio-development component rates, but in no case may such rates be diminished.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or as long-term care facilities for residents under 22 years of age, the rates taking effect on July 1, 2003 shall include a statewide increase of 4%, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on the first day of the month that begins at least 45 days after the effective date of this amendatory Act of the 95th General Assembly shall include a statewide increase of 2.5%, as defined by the Department.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, effective January 1, 2005, facility rates shall be increased by the difference between (i) a facility's per diem property, liability, and malpractice insurance costs as reported in the cost report filed with the Department of Public Aid and used to establish rates effective July 1, 2001 and (ii) those same costs as reported in the facility's 2002 cost report. These costs shall be passed through to the facility without caps or limitations, except for adjustments required under normal auditing procedures.

Rates established effective each July 1 shall govern payment for services rendered throughout that fiscal year, except that rates established on July 1, 1996 shall be increased by 6.8% for services provided on or after January 1, 1997. Such rates will be based upon the rates calculated for the year beginning July 1, 1990, and for subsequent years thereafter until June 30, 2001 shall be based on the facility cost reports for the

New matter indicated by italics - deletions by strikeout
facility fiscal year ending at any point in time during the previous calendar year, updated to the midpoint of the rate year. The cost report shall be on file with the Department no later than April 1 of the current rate year. Should the cost report not be on file by April 1, the Department shall base the rate on the latest cost report filed by each skilled care facility and intermediate care facility, updated to the midpoint of the current rate year. In determining rates for services rendered on and after July 1, 1985, fixed time shall not be computed at less than zero. The Department shall not make any alterations of regulations which would reduce any component of the Medicaid rate to a level below what that component would have been utilizing in the rate effective on July 1, 1984.

(2) Shall take into account the actual costs incurred by facilities in providing services for recipients of skilled nursing and intermediate care services under the medical assistance program.

(3) Shall take into account the medical and psycho-social characteristics and needs of the patients.

(4) Shall take into account the actual costs incurred by facilities in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the U.S. Department of Health and Human Services pursuant to Title XIX of the Social Security Act.

The Department of Healthcare and Family Services shall develop precise standards for payments to reimburse nursing facilities for any utilization of appropriate rehabilitative personnel for the provision of rehabilitative services which is authorized by federal regulations, including reimbursement for services provided by qualified therapists or qualified assistants, and which is in accordance with accepted professional practices. Reimbursement also may be made for utilization of other supportive personnel under appropriate supervision.

(Source: P.A. 94-48, eff. 7-1-05; 94-85, eff. 6-28-05; 94-697, eff. 11-21-05; 94-838, eff. 6-6-06; 94-964, eff. 6-28-06; 95-12, eff. 7-2-07.)

(305 ILCS 5/5A-8) (from Ch. 23, par. 5A-8)

Sec. 5A-8. Hospital Provider Fund.

New matter indicated by italics - deletions by strikeout
(a) There is created in the State Treasury the Hospital Provider Fund. Interest earned by the Fund shall be credited to the Fund. The Fund shall not be used to replace any moneys appropriated to the Medicaid program by the General Assembly.

(b) The Fund is created for the purpose of receiving moneys in accordance with Section 5A-6 and disbursing moneys only for the following purposes, notwithstanding any other provision of law:

1. For making payments to hospitals as required under Articles V, VI, and XIV of this Code and under the Children's Health Insurance Program Act.

2. For the reimbursement of moneys collected by the Illinois Department from hospitals or hospital providers through error or mistake in performing the activities authorized under this Article and Article V of this Code.

3. For payment of administrative expenses incurred by the Illinois Department or its agent in performing the activities authorized by this Article.

4. For payments of any amounts which are reimbursable to the federal government for payments from this Fund which are required to be paid by State warrant.

5. For making transfers, as those transfers are authorized in the proceedings authorizing debt under the Short Term Borrowing Act, but transfers made under this paragraph (5) shall not exceed the principal amount of debt issued in anticipation of the receipt by the State of moneys to be deposited into the Fund.

6. For making transfers to any other fund in the State treasury, but transfers made under this paragraph (6) shall not exceed the amount transferred previously from that other fund into the Hospital Provider Fund.

7. For State fiscal years 2004 and 2005 for making transfers to the Health and Human Services Medicaid Trust Fund, including 20% of the moneys received from hospital providers under Section 5A-4 and transferred into the Hospital Provider Fund under Section 5A-6. For State fiscal year 2006 for making transfers

New matter indicated by italics - deletions by strikeout
to the Health and Human Services Medicaid Trust Fund of up to $130,000,000 per year of the moneys received from hospital providers under Section 5A-4 and transferred into the Hospital Provider Fund under Section 5A-6. Transfers under this paragraph shall be made within 7 days after the payments have been received pursuant to the schedule of payments provided in subsection (a) of Section 5A-4.

(7.5) For State fiscal years 2007 and 2008 for making transfers of the moneys received from hospital providers under Section 5A-4 and transferred into the Hospital Provider Fund under Section 5A-6 to the designated funds not exceeding the following amounts in any State fiscal year:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount (in dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health and Human Services</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Medicaid Trust Fund</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>Long-Term Care Provider Fund</td>
<td>$80,000,000</td>
</tr>
</tbody>
</table>

Transfers under this paragraph shall be made within 7 days after the payments have been received pursuant to the schedule of payments provided in subsection (a) of Section 5A-4.

(7.8) For State fiscal year 2008, for making transfers of the moneys received from hospital providers under Section 5A-4 and transferred into the Hospital Provider Fund under Section 5A-6 to the designated funds not exceeding the following amounts in that State fiscal year:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount (in dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health and Human Services</td>
<td>$40,000,000</td>
</tr>
<tr>
<td>Medicaid Trust Fund</td>
<td>$60,000,000</td>
</tr>
<tr>
<td>Long-Term Care Provider Fund</td>
<td>$160,000,000</td>
</tr>
</tbody>
</table>

Transfers under this paragraph shall be made within 7 days after the payments have been received pursuant to the schedule of payments provided in subsection (a) of Section 5A-4.

(8) For making refunds to hospital providers pursuant to Section 5A-10.

New matter indicated by italics - deletions by strikeout
Disbursements from the Fund, other than transfers authorized under paragraphs (5) and (6) of this subsection, shall be by warrants drawn by the State Comptroller upon receipt of vouchers duly executed and certified by the Illinois Department.

(c) The Fund shall consist of the following:

1. All moneys collected or received by the Illinois Department from the hospital provider assessment imposed by this Article.
2. All federal matching funds received by the Illinois Department as a result of expenditures made by the Illinois Department that are attributable to moneys deposited in the Fund.
3. Any interest or penalty levied in conjunction with the administration of this Article.
4. Moneys transferred from another fund in the State treasury.
5. All other moneys received for the Fund from any other source, including interest earned thereon.

(d) (Blank).

(Source: P.A. 93-659, eff. 2-3-04; 94-242, eff. 7-18-05; 94-839, eff. 6-6-06.)

(305 ILCS 5/5B-8) (from Ch. 23, par. 5B-8)
Sec. 5B-8. Long-Term Care Provider Fund.

(a) There is created in the State Treasury the Long-Term Care Provider Fund. Interest earned by the Fund shall be credited to the Fund. The Fund shall not be used to replace any moneys appropriated to the Medicaid program by the General Assembly.

(b) The Fund is created for the purpose of receiving and disbursing moneys in accordance with this Article. Disbursements from the Fund shall be made only as follows:

1. For payments to skilled or intermediate nursing facilities, including county nursing facilities but excluding State-operated facilities, under Title XIX of the Social Security Act and Article V of this Code.

New matter indicated by italics - deletions by strikeout
(2) For the reimbursement of moneys collected by the Illinois Department through error or mistake, and for making required payments under Section 5-4.38(a)(1) if there are no moneys available for such payments in the Medicaid Long Term Care Provider Participation Fee Trust Fund.

(3) For payment of administrative expenses incurred by the Illinois Department or its agent in performing the activities authorized by this Article.

(3.5) For reimbursement of expenses incurred by long-term care facilities, and payment of administrative expenses incurred by the Department of Public Health, in relation to the conduct and analysis of background checks for identified offenders under the Nursing Home Care Act.

(4) For payments of any amounts that are reimbursable to the federal government for payments from this Fund that are required to be paid by State warrant.

(5) For making transfers to the General Obligation Bond Retirement and Interest Fund, as those transfers are authorized in the proceedings authorizing debt under the Short Term Borrowing Act, but transfers made under this paragraph (5) shall not exceed the principal amount of debt issued in anticipation of the receipt by the State of moneys to be deposited into the Fund.

Disbursements from the Fund, other than transfers to the General Obligation Bond Retirement and Interest Fund, shall be by warrants drawn by the State Comptroller upon receipt of vouchers duly executed and certified by the Illinois Department.

(c) The Fund shall consist of the following:

(1) All moneys collected or received by the Illinois Department from the long-term care provider assessment imposed by this Article.

(2) All federal matching funds received by the Illinois Department as a result of expenditures made by the Illinois Department that are attributable to moneys deposited in the Fund.
(3) Any interest or penalty levied in conjunction with the administration of this Article.

(4) Any balance in the Medicaid Long Term Care Provider Participation Fee Fund in the State Treasury. The balance shall be transferred to the Fund upon certification by the Illinois Department to the State Comptroller that all of the disbursements required by Section 5-4.31(b) of this Code have been made.

(5) All other monies received for the Fund from any other source, including interest earned thereon.  

(Source: P.A. 89-626, eff. 8-9-96.)

(305 ILCS 5/5C-2) (from Ch. 23, par. 5C-2)
Sec. 5C-2. Assessment; no local authorization to tax.

(a) For the privilege of engaging in the occupation of developmentally disabled care provider, an assessment is imposed upon each developmentally disabled care provider in an amount equal to 6%, or the maximum allowed under federal regulation, whichever is less, of its adjusted gross developmentally disabled care revenue for the prior State fiscal year. Notwithstanding any provision of any other Act to the contrary, this assessment shall be construed as a tax, but may not be added to the charges of an individual's nursing home care that is paid for in whole, or in part, by a federal, State, or combined federal-state medical care program, except those individuals receiving Medicare Part B benefits solely.

(b) Nothing in this amendatory Act of 1995 shall be construed to authorize any home rule unit or other unit of local government to license for revenue or impose a tax or assessment upon a developmentally disabled care provider or the occupation of developmentally disabled care provider, or a tax or assessment measured by the income or earnings of a developmentally disabled care provider.

(Source: P.A. 88-88; 89-21, eff. 7-1-95.)

(305 ILCS 5/12-10.7)
Sec. 12-10.7. The Health and Human Services Medicaid Trust Fund.

(a) The Health and Human Services Medicaid Trust Fund shall consist of (i) moneys appropriated or transferred into the Fund, pursuant to
statute, (ii) federal financial participation moneys received pursuant to expenditures from the Fund, and (iii) the interest earned on moneys in the Fund.

(b) Subject to appropriation, the moneys in the Fund shall be used by a State agency for such purposes as that agency may, by the appropriation language, be directed.

(c) In addition to any other transfers that may be provided for by law, on July 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $3,500,000 from the Health and Human Services Medicaid Trust Fund to the Human Services Priority Capital Program Fund.
(Source: P.A. 93-841, eff. 7-30-04.)

(305 ILCS 5/12-10.8 new)

Sec. 12-10.8. Mental health contracts. Subject to appropriations available for these purposes, including, without limitation, the FY08 appropriations to the Department for federally defined Institutions for Mental Disease, the Department of Healthcare and Family Services shall enter into a contract for $1,000,000 with the provider of community mental health services that has more than 700 beds at over 30 service locations in multiple counties for purposes of supporting the implementation of time-limited resident review and rapid reintegration targeted to residents of federally defined Institutions for Mental Disease.

Section 5-30. The Illinois Affordable Housing Act is amended by changing Section 8 as follows:
(310 ILCS 65/8) (from Ch. 67 1/2, par. 1258)

Sec. 8. Uses of Trust Fund.

(a) Subject to annual appropriation to the Funding Agent and subject to the prior dedication, allocation, transfer and use of Trust Fund Moneys as provided in Sections 8(b), 8(c) and 9 of this Act, the Trust Fund may be used to make grants, mortgages, or other loans to acquire, construct, rehabilitate, develop, operate, insure, and retain affordable single-family and multi-family housing in this State for low-income and very low-income households. The majority of monies appropriated to the Trust Fund in any given year are to be used for affordable housing for very

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low-income households. For the fiscal years 2007 and 2008 year beginning July 1, 2006 only, the Department of Human Services is authorized to receive appropriations and spend moneys from the Illinois Affordable Housing Trust Fund for the purpose of developing and coordinating public and private resources targeted to meet the affordable housing needs of low-income, very low-income, and special needs households in the State of Illinois.

(b) For each fiscal year commencing with fiscal year 1994, the Program Administrator shall certify from time to time to the Funding Agent, the Comptroller and the State Treasurer amounts, up to an aggregate in any fiscal year of $10,000,000, of Trust Fund Moneys expected to be used or pledged by the Program Administrator during the fiscal year for the purposes and uses specified in Sections 8(c) and 9 of this Act. Subject to annual appropriation, upon receipt of such certification, the Funding Agent and the Comptroller shall dedicate and the State Treasurer shall transfer not less often than monthly to the Program Administrator or its designated payee, without requisition or further request therefor, all amounts accumulated in the Trust Fund within the State Treasury and not already transferred to the Loan Commitment Account prior to the Funding Agent's receipt of such certification, until the Program Administrator has received the aggregate amount certified by the Program Administrator, to be used solely for the purposes and uses authorized and provided in Sections 8(c) and 9 of this Act. Neither the Comptroller nor the Treasurer shall transfer, dedicate or allocate any of the Trust Fund Moneys transferred or certified for transfer by the Program Administrator as provided above to any other fund, nor shall the Governor authorize any such transfer, dedication or allocation, nor shall any of the Trust Fund Moneys so dedicated, allocated or transferred be used, temporarily or otherwise, for interfund borrowing, or be otherwise used or appropriated, except as expressly authorized and provided in Sections 8(c) and 9 of this Act for the purposes and subject to the priorities, limitations and conditions provided for therein until such obligations, uses and dedications as therein provided, have been satisfied.

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(c) Notwithstanding Section 5(b) of this Act, any Trust Fund Moneys transferred to the Program Administrator pursuant to Section 8(b) of this Act, or otherwise obtained, paid to or held by or for the Program Administrator, or pledged pursuant to resolution of the Program Administrator, for Affordable Housing Program Trust Fund Bonds or Notes under the Illinois Housing Development Act, and all proceeds, payments and receipts from investments or use of such moneys, including any residual or additional funds or moneys generated or obtained in connection with any of the foregoing, may be held, pledged, applied or dedicated by the Program Administrator as follows:

(1) as required by the terms of any pledge of or resolution of the Program Administrator authorized under Section 9 of this Act in connection with Affordable Housing Program Trust Fund Bonds or Notes issued pursuant to the Illinois Housing Development Act;

(2) to or for costs of issuance and administration and the payments of any principal, interest, premium or other amounts or expenses incurred or accrued in connection with Affordable Housing Program Trust Fund Bonds or Notes, including rate protection contracts and credit support arrangements pertaining thereto, and, provided such expenses, fees and charges are obligations, whether recourse or nonrecourse, and whether financed with or paid from the proceeds of Affordable Housing Program Trust Fund Bonds or Notes, of the developers, mortgagors or other users, the Program Administrator's expenses and servicing, administration and origination fees and charges in connection with any loans, mortgages, or developments funded or financed or expected to be funded or financed, in whole or in part, from the issuance of Affordable Housing Program Trust Fund Bonds or Notes;

(3) to or for costs of issuance and administration and the payments of principal, interest, premium, loan fees, and other amounts or other obligations of the Program Administrator, including rate protection contracts and credit support arrangements

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pertaining thereto, for loans, commercial paper or other notes or bonds issued by the Program Administrator pursuant to the Illinois Housing Development Act, provided that the proceeds of such loans, commercial paper or other notes or bonds are paid or expended in connection with, or refund or repay, loans, commercial paper or other notes or bonds issued or made in connection with bridge loans or loans for the construction, renovation, redevelopment, restructuring, reorganization of Affordable Housing and related expenses, including development costs, technical assistance, or other amounts to construct, preserve, improve, renovate, rehabilitate, refinance, or assist Affordable Housing, including financially troubled Affordable Housing, permanent or other financing for which has been funded or financed or is expected to be funded or financed in whole or in part by the Program Administrator through the issuance of or use of proceeds from Affordable Housing Program Trust Fund Bonds or Notes;

(4) to or for direct expenditures or reimbursement for development costs, technical assistance, or other amounts to construct, preserve, improve, renovate, rehabilitate, refinance, or assist Affordable Housing, including financially troubled Affordable Housing, permanent or other financing for which has been funded or financed or is expected to be funded or financed in whole or in part by the Program Administrator through the issuance of or use of proceeds from Affordable Housing Program Trust Fund Bonds or Notes; and

(5) for deposit into any residual, sinking, reserve or revolving fund or pool established by the Program Administrator, whether or not pledged to secure Affordable Housing Program Trust Fund Bonds or Notes, to support or be utilized for the issuance, redemption, or payment of the principal, interest, premium or other amounts payable on or with respect to any existing, additional or future Affordable Housing Program Trust

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Fund Bonds or Notes, or to or for any other expenditure authorized by this Section 8(c).

(d) All or a portion of the Trust Fund Moneys on deposit or to be deposited in the Trust Fund not already certified for transfer or transferred to the Program Administrator pursuant to Section 8(b) of this Act may be used to secure the repayment of Affordable Housing Program Trust Fund Bonds or Notes, or otherwise to supplement or support Affordable Housing funded or financed or intended to be funded or financed, in whole or in part, by Affordable Housing Program Trust Fund Bonds or Notes.

(e) Assisted housing may include housing for special needs populations such as the homeless, single-parent families, the elderly, or the physically and mentally disabled. The Trust Fund shall be used to implement a demonstration congregate housing project for any such special needs population.

(f) Grants from the Trust Fund may include, but are not limited to, rental assistance and security deposit subsidies for low and very low-income households.

(g) The Trust Fund may be used to pay actual and reasonable costs for Commission members to attend Commission meetings, and any litigation costs and expenses, including legal fees, incurred by the Program Administrator in any litigation related to this Act or its action as Program Administrator.

(h) The Trust Fund may be used to make grants for (1) the provision of technical assistance, (2) outreach, and (3) building an organization's capacity to develop affordable housing projects.

(i) Amounts on deposit in the Trust Fund may be used to reimburse the Program Administrator and the Funding Agent for costs incurred in the performance of their duties under this Act, excluding costs and fees of the Program Administrator associated with the Program Escrow to the extent withheld pursuant to paragraph (8) of subsection (b) of Section 5.

(Source: P.A. 94-839, eff. 6-6-06.)

Section 5-40. The Reviewing Court Alternative Dispute Resolution Act is amended by changing Section 10 as follows:

(710 ILCS 40/10)

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Sec. 10. Reviewing Court Alternative Dispute Resolution Fund. The Reviewing Court Alternative Dispute Resolution Fund is created as a special fund in the State Treasury. The Supreme Court may designate an amount to be included in the filing fees collected by the clerks of the Appellate Court for the funding of alternative dispute resolution programs in the reviewing courts. The portion of the filing fees designated for alternative dispute resolution programs in the reviewing courts shall be remitted within one month after receipt to the State Treasurer for deposit in the Reviewing Court Alternative Dispute Resolution Fund. All money in the Reviewing Court Alternative Dispute Resolution Fund shall be maintained in separate accounts for each Appellate Court district that has established approved alternative dispute resolution programs pursuant to Supreme Court rule and used, subject to appropriation, by the Supreme Court solely for the purpose of funding alternative dispute resolution programs in the reviewing courts. Notwithstanding any other provision of this Section, the Reviewing Court Alternative Dispute Resolution Fund may be used for any other purpose authorized by the Supreme Court.
(Source: P.A. 93-801, eff. 7-22-04.)

Section 5-45. The Pretrial Services Act is amended by changing Section 33 as follows:
(725 ILCS 185/33) (from Ch. 38, par. 333)
Sec. 33. The Supreme Court shall pay from funds appropriated to it for this purpose 100% of all approved costs for pretrial services, including pretrial services officers, necessary support personnel, travel costs reasonably related to the delivery of pretrial services, space costs, equipment, telecommunications, postage, commodities, printing and contractual services. Costs shall be reimbursed monthly, based on a plan and budget approved by the Supreme Court. No department may be reimbursed for costs which exceed or are not provided for in the approved plan and budget. The For State fiscal years 2004, 2005, and 2006, and 2007 only, the Mandatory Arbitration Fund may be used to reimburse approved costs for pretrial services.
(Source: P.A. 93-25, eff. 6-20-03; 93-839, eff. 7-30-04; 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; revised 8-3-06.)

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Section 5-50. The Probation and Probation Officers Act is amended by changing Sections 15 and 15.1 as follows:

(730 ILCS 110/15) (from Ch. 38, par. 204-7)

Sec. 15. (1) The Supreme Court of Illinois may establish a Division of Probation Services whose purpose shall be the development, establishment, promulgation, and enforcement of uniform standards for probation services in this State, and to otherwise carry out the intent of this Act. The Division may:

(a) establish qualifications for chief probation officers and other probation and court services personnel as to hiring, promotion, and training.

(b) make available, on a timely basis, lists of those applicants whose qualifications meet the regulations referred to herein, including on said lists all candidates found qualified.

(c) establish a means of verifying the conditions for reimbursement under this Act and develop criteria for approved costs for reimbursement.

(d) develop standards and approve employee compensation schedules for probation and court services departments.

(e) employ sufficient personnel in the Division to carry out the functions of the Division.

(f) establish a system of training and establish standards for personnel orientation and training.

(g) develop standards for a system of record keeping for cases and programs, gather statistics, establish a system of uniform forms, and develop research for planning of Probation Services.

(h) develop standards to assure adequate support personnel, office space, equipment and supplies, travel expenses, and other essential items necessary for Probation and Court Services Departments to carry out their duties.

(i) review and approve annual plans submitted by Probation and Court Services Departments.

(j) monitor and evaluate all programs operated by Probation and Court Services Departments, and may include in the program

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evaluation criteria such factors as the percentage of Probation sentences for felons convicted of Probationable offenses.

(k) seek the cooperation of local and State government and private agencies to improve the quality of probation and court services.

(l) where appropriate, establish programs and corresponding standards designed to generally improve the quality of probation and court services and reduce the rate of adult or juvenile offenders committed to the Department of Corrections.

(m) establish such other standards and regulations and do all acts necessary to carry out the intent and purposes of this Act.

The Division shall establish a model list of structured intermediate sanctions that may be imposed by a probation agency for violations of terms and conditions of a sentence of probation, conditional discharge, or supervision.

The State of Illinois shall provide for the costs of personnel, travel, equipment, telecommunications, postage, commodities, printing, space, contractual services and other related costs necessary to carry out the intent of this Act.

(2) (a) The chief judge of each circuit shall provide full-time probation services for all counties within the circuit, in a manner consistent with the annual probation plan, the standards, policies, and regulations established by the Supreme Court. A probation district of two or more counties within a circuit may be created for the purposes of providing full-time probation services. Every county or group of counties within a circuit shall maintain a probation department which shall be under the authority of the Chief Judge of the circuit or some other judge designated by the Chief Judge. The Chief Judge, through the Probation and Court Services Department shall submit annual plans to the Division for probation and related services.

(b) The Chief Judge of each circuit shall appoint the Chief Probation Officer and all other probation officers for his or her circuit from lists of qualified applicants supplied by the Supreme Court. Candidates for chief managing officer and other probation officer positions

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must apply with both the Chief Judge of the circuit and the Supreme Court.

(3) A Probation and Court Service Department shall apply to the Supreme Court for funds for basic services, and may apply for funds for new and expanded programs or Individualized Services and Programs. Costs shall be reimbursed monthly based on a plan and budget approved by the Supreme Court. No Department may be reimbursed for costs which exceed or are not provided for in the approved annual plan and budget. After the effective date of this amendatory Act of 1985, each county must provide basic services in accordance with the annual plan and standards created by the division. No department may receive funds for new or expanded programs or individualized services and programs unless they are in compliance with standards as enumerated in paragraph (h) of subsection (1) of this Section, the annual plan, and standards for basic services.

(4) The Division shall reimburse the county or counties for probation services as follows:

(a) 100% of the salary of all chief managing officers designated as such by the Chief Judge and the division.

(b) 100% of the salary for all probation officer and supervisor positions approved for reimbursement by the division after April 1, 1984, to meet workload standards and to implement intensive sanction and probation supervision programs and other basic services as defined in this Act.

(c) 100% of the salary for all secure detention personnel and non-secure group home personnel approved for reimbursement after December 1, 1990. For all such positions approved for reimbursement before December 1, 1990, the counties shall be reimbursed $1,250 per month beginning July 1, 1995, and an additional $250 per month beginning each July 1st thereafter until the positions receive 100% salary reimbursement. Allocation of such positions will be based on comparative need considering capacity, staff/resident ratio, physical plant and program.
(d) $1,000 per month for salaries for the remaining probation officer positions engaged in basic services and new or expanded services. All such positions shall be approved by the division in accordance with this Act and division standards.

(e) 100% of the travel expenses in accordance with Division standards for all Probation positions approved under paragraph (b) of subsection 4 of this Section.

(f) If the amount of funds reimbursed to the county under paragraphs (a) through (e) of subsection 4 of this Section on an annual basis is less than the amount the county had received during the 12 month period immediately prior to the effective date of this amendatory Act of 1985, then the Division shall reimburse the amount of the difference to the county. The effect of paragraph (b) of subsection 7 of this Section shall be considered in implementing this supplemental reimbursement provision.

(5) The Division shall provide funds beginning on April 1, 1987 for the counties to provide Individualized Services and Programs as provided in Section 16 of this Act.

(6) A Probation and Court Services Department in order to be eligible for the reimbursement must submit to the Supreme Court an application containing such information and in such a form and by such dates as the Supreme Court may require. Departments to be eligible for funding must satisfy the following conditions:

(a) The Department shall have on file with the Supreme Court an annual Probation plan for continuing, improved, and new Probation and Court Services Programs approved by the Supreme Court or its designee. This plan shall indicate the manner in which Probation and Court Services will be delivered and improved, consistent with the minimum standards and regulations for Probation and Court Services, as established by the Supreme Court. In counties with more than one Probation and Court Services Department eligible to receive funds, all Departments within that county must submit plans which are approved by the Supreme Court.

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(b) The annual probation plan shall seek to generally improve the quality of probation services and to reduce the commitment of adult offenders to the Department of Corrections and to reduce the commitment of juvenile offenders to the Department of Juvenile Justice and shall require, when appropriate, coordination with the Department of Corrections, the Department of Juvenile Justice, and the Department of Children and Family Services in the development and use of community resources, information systems, case review and permanency planning systems to avoid the duplication of services.

(c) The Department shall be in compliance with standards developed by the Supreme Court for basic, new and expanded services, training, personnel hiring and promotion.

(d) The Department shall in its annual plan indicate the manner in which it will support the rights of crime victims and in which manner it will implement Article I, Section 8.1 of the Illinois Constitution and in what manner it will coordinate crime victims' support services with other criminal justice agencies within its jurisdiction, including but not limited to, the State's Attorney, the Sheriff and any municipal police department.

(7) No statement shall be verified by the Supreme Court or its designee or vouchered by the Comptroller unless each of the following conditions have been met:

(a) The probation officer is a full-time employee appointed by the Chief Judge to provide probation services.

(b) The probation officer, in order to be eligible for State reimbursement, is receiving a salary of at least $17,000 per year.

(c) The probation officer is appointed or was reappointed in accordance with minimum qualifications or criteria established by the Supreme Court; however, all probation officers appointed prior to January 1, 1978, shall be exempted from the minimum requirements established by the Supreme Court. Payments shall be made to counties employing these exempted probation officers as long as they are employed in the position held on the effective date.
of this amendatory Act of 1985. Promotions shall be governed by minimum qualifications established by the Supreme Court.

(d) The Department has an established compensation schedule approved by the Supreme Court. The compensation schedule shall include salary ranges with necessary increments to compensate each employee. The increments shall, within the salary ranges, be based on such factors as bona fide occupational qualifications, performance, and length of service. Each position in the Department shall be placed on the compensation schedule according to job duties and responsibilities of such position. The policy and procedures of the compensation schedule shall be made available to each employee.

(8) In order to obtain full reimbursement of all approved costs, each Department must continue to employ at least the same number of probation officers and probation managers as were authorized for employment for the fiscal year which includes January 1, 1985. This number shall be designated as the base amount of the Department. No positions approved by the Division under paragraph (b) of subsection 4 will be included in the base amount. In the event that the Department employs fewer Probation officers and Probation managers than the base amount for a period of 90 days, funding received by the Department under subsection 4 of this Section may be reduced on a monthly basis by the amount of the current salaries of any positions below the base amount.

(9) Before the 15th day of each month, the treasurer of any county which has a Probation and Court Services Department, or the treasurer of the most populous county, in the case of a Probation or Court Services Department funded by more than one county, shall submit an itemized statement of all approved costs incurred in the delivery of Basic Probation and Court Services under this Act to the Supreme Court. The treasurer may also submit an itemized statement of all approved costs incurred in the delivery of new and expanded Probation and Court Services as well as Individualized Services and Programs. The Supreme Court or its designee shall verify compliance with this Section and shall examine and audit the monthly statement and, upon finding them to be correct, shall forward

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them to the Comptroller for payment to the county treasurer. In the case of payment to a treasurer of a county which is the most populous of counties sharing the salary and expenses of a Probation and Court Services Department, the treasurer shall divide the money between the counties in a manner that reflects each county's share of the cost incurred by the Department.

(10) The county treasurer must certify that funds received under this Section shall be used solely to maintain and improve Probation and Court Services. The county or circuit shall remain in compliance with all standards, policies and regulations established by the Supreme Court. If at any time the Supreme Court determines that a county or circuit is not in compliance, the Supreme Court shall immediately notify the Chief Judge, county board chairman and the Director of Court Services Chief Probation Officer. If after 90 days of written notice the noncompliance still exists, the Supreme Court shall be required to reduce the amount of monthly reimbursement by 10%. An additional 10% reduction of monthly reimbursement shall occur for each consecutive month of noncompliance. Except as provided in subsection 5 of Section 15, funding to counties shall commence on April 1, 1986. Funds received under this Act shall be used to provide for Probation Department expenses including those required under Section 13 of this Act. For State fiscal years 2004, 2005, 2006, and 2007 only, the Mandatory Arbitration Fund may be used to provide for Probation Department expenses, including those required under Section 13 of this Act.

(11) The respective counties shall be responsible for capital and space costs, fringe benefits, clerical costs, equipment, telecommunications, postage, commodities and printing.

(12) For purposes of this Act only, probation officers shall be considered peace officers. In the exercise of their official duties, probation officers, sheriffs, and police officers may, anywhere within the State, arrest any probationer who is in violation of any of the conditions of his or her probation, conditional discharge, or supervision, and it shall be the duty of the officer making the arrest to take the probationer before the Court having jurisdiction over the probationer for further order.

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Sec. 15.1. Probation and Court Services Fund.

(a) The county treasurer in each county shall establish a probation and court services fund consisting of fees collected pursuant to subsection (i) of Section 5-6-3 and subsection (i) of Section 5-6-3.1 of the Unified Code of Corrections, subsection (10) of Section 5-615 and subsection (5) of Section 5-715 of the Juvenile Court Act of 1987, and paragraph 14.3 of subsection (b) of Section 110-10 of the Code of Criminal Procedure of 1963. The county treasurer shall disburse monies from the fund only at the direction of the chief judge of the circuit court in such circuit where the county is located. The county treasurer of each county shall, on or before January 10 of each year, submit an annual report to the Supreme Court.

(b) Monies in the probation and court services fund shall be appropriated by the county board to be used within the county or jurisdiction where collected in accordance with policies and guidelines approved by the Supreme Court for the costs of operating the probation and court services department or departments; however, except as provided in subparagraph (g), monies in the probation and court services fund shall not be used for the payment of salaries of probation and court services personnel.

(c) Monies expended from the probation and court services fund shall be used to supplement, not supplant, county appropriations for probation and court services.

(d) Interest earned on monies deposited in a probation and court services fund may be used by the county for its ordinary and contingent expenditures.

(e) The county board may appropriate moneys from the probation and court services fund, upon the direction of the chief judge, to support programs that are part of the continuum of juvenile delinquency intervention programs which are or may be developed within the county. The grants from the probation and court services fund shall be for no more than one year and may be used for any expenses attributable to the

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program including administration and oversight of the program by the probation department.

(f) The county board may appropriate moneys from the probation and court services fund, upon the direction of the chief judge, to support practices endorsed or required under the Sex Offender Management Board Act, including but not limited to sex offender evaluation, treatment, and monitoring programs that are or may be developed within the county.

(g) For the State Fiscal Years 2005, 2006, and 2007 only, the Administrative Office of the Illinois Courts may permit a county or circuit to use its probation and court services fund for the payment of salaries of probation officers and other court services personnel whose salaries are reimbursed under this Act if the State's FY2005, FY2006, or FY2007 appropriation to the Supreme Court for reimbursement to counties for probation salaries and services is less than the amount appropriated to the Supreme Court for these purposes for State Fiscal Year 2004. The Administrative Office of the Illinois Courts shall take into account each county's or circuit's probation fee collections and expenditures when apportioning the total reimbursement for each county or circuit.

(h) The Administrative Office of the Illinois Courts may permit a county or circuit to use its probation and court services fund for the payment of salaries of probation officers and other court services personnel whose salaries are reimbursed under this Act in any State fiscal year that the appropriation for reimbursement to counties for probation salaries and services is less than the amount appropriated to the Supreme Court for these purposes for State Fiscal Year 2002. The Administrative Office of the Illinois Courts shall take into account each county's or circuit's probation fee collections and expenditures when appropriating the total reimbursement for each county or circuit. Any amount appropriated to the Supreme Court in any State fiscal year for the purpose of reimbursing Cook County for the salaries and operations of the Cook County Juvenile Temporary Detention Center shall not be counted in the total appropriation to the Supreme Court in that State fiscal year for reimbursement to counties for probation salaries and services, for the purposes of this paragraph (h).

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Section 5-55. The Code of Civil Procedure is amended by changing Section 2-1009A as follows:

(735 ILCS 5/2-1009A) (from Ch. 110, par. 2-1009A)
Sec. 2-1009A. Filing Fees. In each county authorized by the Supreme Court to utilize mandatory arbitration, the clerk of the circuit court shall charge and collect, in addition to any other fees, an arbitration fee of $8, except in counties with 3,000,000 or more inhabitants the fee shall be $10, at the time of filing the first pleading, paper or other appearance filed by each party in all civil cases, but no additional fee shall be required if more than one party is represented in a single pleading, paper or other appearance. Arbitration fees received by the clerk of the circuit court pursuant to this Section shall be remitted within one month after receipt to the State Treasurer for deposit into the Mandatory Arbitration Fund, a special fund in the State treasury for the purpose of funding mandatory arbitration programs and such other alternative dispute resolution programs as may be authorized by circuit court rule for operation in counties that have implemented mandatory arbitration, with a separate account being maintained for each county. Notwithstanding any other provision of this Section to the contrary, and for State fiscal years 2004, 2005, 2006, and 2007 only, the Mandatory Arbitration Fund may be used for any other purpose authorized by the Supreme Court.

(765 ILCS 77/80 new)
Sec. 80. Predatory Lending Database Program Fund. The Predatory Lending Database Program Fund is created as a special fund in the State treasury. Subject to appropriation, moneys in the Fund shall be appropriated to the Illinois Housing Development Authority for the purpose of making grants for HUD-certified counseling agencies participating in the Predatory Lending Database Program to assist with
implementation and development of the Predatory Lending Database Program.

Section 5-65. The Business Corporation Act of 1983 is amended by changing Sections 15.90 and 16.05 as follows:
(805 ILCS 5/15.90) (from Ch. 32, par. 15.90)
Sec. 15.90. Statute of limitations.
(a) Except as otherwise provided in this Section and notwithstanding anything to the contrary contained in any other Section of this Act, no domestic corporation or foreign corporation shall be obligated to pay any annual franchise tax, fee, or penalty or interest thereon imposed under this Act, nor shall any administrative or judicial sanction (including dissolution) be imposed or enforced nor access to the courts of this State be denied based upon nonpayment thereof more than 7 years after the date of filing the annual report with respect to the period during which the obligation for the tax, fee, penalty or interest arose, unless (1) within that 7 year period the Secretary of State sends a written notice to the corporation to the effect that (A) administrative or judicial action to dissolve the corporation or revoke its certificate of authority for nonpayment of a tax, fee, penalty or interest has been commenced; or (B) the corporation has submitted a report but has failed to pay a tax, fee, penalty or interest required to be paid therewith; or (C) a report with respect to an event or action giving rise to an obligation to pay a tax, fee, penalty or interest is required but has not been filed, or has been filed and is in error or incomplete; or (2) the annual report by the corporation was filed with fraudulent intent to evade taxes payable under this Act. A corporation nonetheless shall be required to pay all taxes that would have been payable during the most recent 7 year period due to a previously unreported increase in paid-in capital that occurred prior to that 7 year period and interest and penalties thereon for that period, except that, from February 1, 2008 through March 15, 2008, with respect to any corporation that participates in the Franchise Tax and License Fee Amnesty Act of 2007, the corporation shall be only required to pay all taxes that would have been payable during the most recent 4 year period due to a previously
unreported increase in paid-in capital that occurred prior to that 7 year period.

(b) If within 2 years following a change in control of a corporation the corporation voluntarily pays in good faith all known obligations of the corporation imposed by this Article 15 with respect to reports that were required to have been filed since the beginning of the 7 year period ending on the effective date of the change in control, no action shall be taken to enforce or collect obligations of that corporation imposed by this Article 15 with respect to reports that were required to have been filed prior to that 7 year period regardless of whether the limitation period set forth in subsection (a) is otherwise applicable. For purposes of this subsection (b), a change in control means a transaction, or a series of transactions consummated within a period of 180 consecutive days, as a result of which a person which owned less than 10% of the shares having the power to elect directors of the corporation acquires shares such that the person becomes the holder of 80% or more of the shares having such power. For purposes of this subsection (b) a person means any natural person, corporation, partnership, trust or other entity together with all other persons controlled by, controlling or under common control with such person.

(c) Except as otherwise provided in this Section and notwithstanding anything to the contrary contained in any other Section of this Act, no foreign corporation that has not previously obtained a certificate of authority under this Act shall, upon voluntary application for a certificate of authority filed with the Secretary of State prior to January 1, 2001, be obligated to pay any tax, fee, penalty, or interest imposed under this Act, nor shall any administrative or judicial sanction be imposed or enforced based upon nonpayment thereof with respect to a period during which the obligation arose that is prior to January 1, 1993 unless (1) prior to receipt of the application for a certificate of authority the Secretary of State had sent written notice to the corporation regarding its failure to obtain a certificate of authority, (2) the corporation had submitted an application for a certificate of authority previously but had failed to pay any tax, fee, penalty or interest to be paid therewith, or (3) the
application for a certificate of authority was submitted by the corporation with fraudulent intent to evade taxes payable under this Act. A corporation nonetheless shall be required to pay all taxes and fees due under this Act that would have been payable since January 1, 1993 as a result of commencing the transaction of its business in this State and interest thereon for that period.

(Source: P.A. 95-233, eff. 8-16-07.)

(805 ILCS 5/16.05) (from Ch. 32, par. 16.05)
Sec. 16.05. Penalties and interest imposed upon corporations.

(a) Each corporation, domestic or foreign, that fails or refuses to file any annual report or report of cumulative changes in paid-in capital and pay any franchise tax due pursuant to the report prior to the first day of its anniversary month or, in the case of a corporation which has established an extended filing month, the extended filing month of the corporation shall pay a penalty of 10% of the amount of any delinquent franchise tax due for the report. From February 1, 2008 through March 15, 2008, no penalty shall be imposed with respect to any amount of delinquent franchise tax paid pursuant to the Franchise Tax and License Fee Amnesty Act of 2007.

(b) Each corporation, domestic or foreign, that fails or refuses to file a report of issuance of shares or increase in paid-in capital within the time prescribed by this Act is subject to a penalty on any obligation occurring prior to January 1, 1991, and interest on those obligations on or after January 1, 1991, for each calendar month or part of month that it is delinquent in the amount of 2% of the amount of license fees and franchise taxes provided by this Act to be paid on account of the issuance of shares or increase in paid-in capital. From February 1, 2008 through March 15, 2008, no penalty shall be imposed, or interest charged, with respect to any amount of delinquent license fees and franchise taxes paid pursuant to the Franchise Tax and License Fee Amnesty Act of 2007.

(c) Each corporation, domestic or foreign, that fails or refuses to file a report of cumulative changes in paid-in capital or report following merger within the time prescribed by this Act is subject to interest on or after January 1, 1992, for each calendar month or part of month that it is
delinquent, in the amount of 2% \%\% of the amount of franchise taxes provided by this Act to be paid on account of the issuance of shares or increase in paid-in capital disclosed on the report of cumulative changes in paid-in capital or report following merger, or $1, whichever is greater. From February 1, 2008 through March 15, 2008, no interest shall be charged with respect to any amount of delinquent franchise tax paid pursuant to the Franchise Tax and License Fee Amnesty Act of 2007.

(d) If the annual franchise tax, or the supplemental annual franchise tax for any 12-month period commencing July 1, 1968, or July 1 of any subsequent year through June 30, 1983, assessed in accordance with this Act, is not paid by July 31, it is delinquent, and there is added a penalty prior to January 1, 1991, and interest on and after January 1, 1991, of 2% \%\% for each month or part of month that it is delinquent commencing with the month of August, or $1, whichever is greater. From February 1, 2008 through March 15, 2008, no penalty shall be imposed, or interest charged, with respect to any amount of delinquent franchise taxes paid pursuant to the Franchise Tax and License Fee Amnesty Act of 2007.

(e) If the supplemental annual franchise tax assessed in accordance with the provisions of this Act for the 12-month period commencing July 1, 1967, is not paid by September 30, 1967, it is delinquent, and there is added a penalty prior to January 1, 1991, and interest on and after January 1, 1991, of 2% \%\% for each month or part of month that it is delinquent commencing with the month of October, 1967. From February 1, 2008 through March 15, 2008, no penalty shall be imposed, or interest charged, with respect to any amount of delinquent franchise taxes paid pursuant to the Franchise Tax and License Fee Amnesty Act of 2007.

(f) If any annual franchise tax for any period beginning on or after July 1, 1983, is not paid by the time period herein prescribed, it is delinquent and there is added a penalty prior to January 1, 1991, and interest on and after January 1, 1991, of 2% \%\% for each month or part of a month that it is delinquent commencing with the anniversary month or in the case of a corporation that has established an extended filing month, the extended filing month, or $1, whichever is greater. From February 1, 2008 through March 15, 2008, no penalty shall be imposed, or interest

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charged, with respect to any amount of delinquent franchise taxes paid pursuant to the Franchise Tax and License Fee Amnesty Act of 2007.

(g) Any corporation, domestic or foreign, failing to pay the prescribed fee for assumed corporate name renewal when due and payable shall be given notice of nonpayment by the Secretary of State by regular mail; and if the fee together with a penalty fee of $5 is not paid within 90 days after the notice is mailed, the right to use the assumed name shall cease.

(h) Any corporation which (i) puts forth any sign or advertisement, assuming any name other than that by which it is incorporated or otherwise authorized by law to act or (ii) violates Section 3.25, shall be guilty of a Class C misdemeanor and shall be deemed guilty of an additional offense for each day it shall continue to so offend.

(i) Each corporation, domestic or foreign, that fails or refuses (1) to file in the office of the recorder within the time prescribed by this Act any document required by this Act to be so filed, or (2) to answer truthfully and fully within the time prescribed by this Act interrogatories propounded by the Secretary of State in accordance with this Act, or (3) to perform any other act required by this Act to be performed by the corporation, is guilty of a Class C misdemeanor.

(j) Each corporation that fails or refuses to file articles of revocation of dissolution within the time prescribed by this Act is subject to a penalty for each calendar month or part of the month that it is delinquent in the amount of $50.

(Source: P.A. 95-233, eff. 8-16-07.)

Section 5-70. The Franchise Tax and License Fee Amnesty Act of 2007 is amended by changing Section 5-10 and by adding Section 5-6 as follows:

(805 ILCS 8/5-6 new)

Sec. 5-6. The Franchise Tax and License Fee Amnesty Administration Fund. The Franchise Tax and License Fee Amnesty Administration Fund is created as a special fund in the State treasury. The Fund shall consist of any fund transfers, fees, or moneys from other sources received for the purpose of funding the administration of this Act.

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All moneys in the Franchise Tax and License Fee Amnesty Administration Fund shall be used, subject to appropriation, by the Secretary for any costs associated with the administration of this Act.

(805 ILCS 8/5-10)

Sec. 5-10. Amnesty program. The Secretary shall establish an amnesty program for all taxpayers owing any franchise tax or license fee imposed by Article XV of the Business Corporation Act of 1983. The amnesty program shall be for a period from February 1, 2008 through March 15, 2008. The amnesty program shall provide that, upon payment by a taxpayer of all franchise taxes and license fees due from that taxpayer to the State of Illinois for any taxable period, the Secretary shall abate and not seek to collect any interest or penalties that may be applicable, and the Secretary shall not seek civil or criminal prosecution for any taxpayer for the period of time for which amnesty has been granted to the taxpayer. Failure to pay all taxes due to the State for a taxable period shall not invalidate any amnesty granted under this Act with respect to the taxes paid pursuant to the amnesty program. Amnesty shall be granted only if all amnesty conditions are satisfied by the taxpayer. Amnesty shall not be granted to taxpayers who are a party to any criminal investigation or to any civil or criminal litigation that is pending in any circuit court or appellate court or the Supreme Court of this State for nonpayment, delinquency, or fraud in relation to any franchise tax or license fee imposed by Article XV of the Business Corporation Act of 1983. Voluntary payments made under this Act shall be made by cash, check, guaranteed remittance, or ACH debit. The Secretary shall adopt rules as necessary to implement the provisions of this Act. Except as otherwise provided in this Section, all money collected under this Act that would otherwise be deposited into the General Revenue Fund shall be deposited into the General Revenue Fund. Two percent of all money collected under this Act shall be deposited by the State Treasurer into the Franchise Tax and License Fee Amnesty Administration Department of Business Services Special Operations Fund and, subject to appropriation, shall be used by the Secretary to cover costs associated with the administration of this Act.
(Source: P.A. 95-233, eff. 8-16-07.)
ARTICLE 99. EFFECTIVE DATE.
Section 99-99. Effective date. This Act takes effect upon becoming law.
Passed in the General Assembly November 2, 2007.
Governor Returns Bill With Recommendation For Change
General Assembly Accepts Changes January 10, 2008.
Certified By The Governor January 11, 2008.
Effective January 11, 2008.

PUBLIC ACT 95-0708
(House Bill No. 0656)

AN ACT concerning transportation.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The Illinois State Auditing Act is amended by adding Section 3-2.3 as follows:
(30 ILCS 5/3-2.3 new)
Sec. 3-2.3. Report on Chicago Transit Authority.
(a) No less than 60 days prior to the issuance of bonds or notes by the Chicago Transit Authority (referred to as the "Authority" in this Section) pursuant to Section 12c of the Metropolitan Transit Authority Act, the following documentation shall be submitted to the Auditor General and the Regional Transportation Authority:
(1) Retirement Plan Documentation. The Authority shall submit a certification that:
(A) it is legally authorized to issue the bonds or notes;
(B) scheduled annual payments of principal and interest on the bonds and notes to be issued meet the requirements of Section 12c(b)(5) of the Metropolitan Transit Authority Act;

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(C) no bond or note shall mature later than December 31, 2040; 

(D) after payment of costs of issuance and necessary deposits to funds and accounts established with respect to debt service on the bonds or notes, the net bond and note proceeds (exclusive of any proceeds to be used to refund outstanding bonds or notes) will be deposited in the Retirement Plan for Chicago Transit Authority Employees and used only for the purposes required by Section 22-101 of the Illinois Pension Code; and

(E) it has entered into an intergovernmental agreement with the City of Chicago under which the City of Chicago will provide financial assistance to the Authority in an amount equal to the net receipts, after fees for costs of collection, from a tax on the privilege of transferring title to real estate in the City of Chicago in an amount up to $1.50 per $500 of value or fraction thereof under the provisions of Section 8-3-19 of the Illinois Municipal Code, which agreement shall be for a term expiring no earlier than the final maturity of bonds or notes that it proposes to issue under Section 12c of the Metropolitan Transit Authority Act.

(2) The Board of Trustees of the Retirement Plan for Chicago Transit Authority Employees shall submit a certification that the Retirement Plan for Chicago Transit Authority Employees is operating in accordance with all applicable legal and contractual requirements, including the following:

(A) the members of a new Board of Trustees have been appointed according to the requirements of Section 22-101(b) of the Illinois Pension Code; and

(B) contribution levels for employees and the Authority have been established according to the requirements of Section 22-101(d) of the Illinois Pension Code.
(3) Actuarial Report. The Board of Trustees of the Retirement Plan for Chicago Transit Authority Employees shall submit an actuarial report prepared by an enrolled actuary setting forth:

(A) the method of valuation and the underlying assumptions;

(B) a comparison of the debt service schedules of the bonds or notes proposed to be issued to the Retirement Plan's current unfunded actuarial accrued liability amortization schedule, as required by Section 22-101(e) of the Illinois Pension Code, using the projected interest cost of the bond or note issue as the discount rate to calculate the estimated net present value savings;

(C) the amount of the estimated net present value savings comparing the true interest cost of the bonds or notes with the actuarial investment return assumption of the Retirement Plan; and

(D) a certification that the net proceeds of the bonds or notes, together with anticipated earnings on contributions and deposits, will be sufficient to reasonably conclude on an actuarial basis that the total retirement assets of the Retirement Plan will not be less than 90% of its liabilities by the end of fiscal year 2059.

(4) The Authority shall submit a financial analysis prepared by an independent advisor. The financial analysis must include a determination that the issuance of bonds is in the best interest of the Retirement Plan for Chicago Transit Authority Employees and the Chicago Transit Authority. The independent advisor shall not act as underwriter or receive a legal, consulting, or other fee related to the issuance of any bond or notes issued by the Authority pursuant to Section 12c of the Metropolitan Transit Authority Act except compensation due for the preparation of the financial analysis.
(5) Retiree Health Care Trust Documentation. The Authority shall submit a certification that:

(A) it is legally authorized to issue the bonds or notes;

(B) scheduled annual payments of principal and interest on the bonds and notes to be issued meets the requirements of Section 12c(b)(5) of the Metropolitan Transit Authority Act;

(C) no bond or note shall mature later than December 31, 2040;

(D) after payment of costs of issuance and necessary deposits to funds and accounts established with respect to debt service on the bonds or notes, the net bond and note proceeds (exclusive of any proceeds to be used to refund outstanding bonds or notes) will be deposited in the Retiree Health Care Trust and used only for the purposes required by Section 22-101B of the Illinois Pension Code; and

(E) it has entered into an intergovernmental agreement with the City of Chicago under which the City of Chicago will provide financial assistance to the Authority in an amount equal to the net receipts, after fees for costs of collection, from a tax on the privilege of transferring title to real estate in the City of Chicago in an amount up to $1.50 per $500 of value or fraction thereof under the provisions of Section 8-3-19 of the Illinois Municipal Code, which agreement shall be for a term expiring no earlier than the final maturity of bonds or notes that it proposes to issue under Section 12c of the Metropolitan Transit Authority Act.

(6) The Board of Trustees of the Retiree Health Care Trust shall submit a certification that the Retiree Health Care Trust has been established in accordance with all applicable legal requirements, including the following:

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(A) the Retiree Health Care Trust has been established and a Trust document is in effect to govern the Retiree Health Care Trust;

(B) the members of the Board of Trustees of the Retiree Health Care Trust have been appointed according to the requirements of Section 22-101B(b)(1) of the Illinois Pension Code;

(C) a health care benefit program for eligible retirees and their dependents and survivors has been established by the Board of Trustees according to the requirements of Section 22-101B(b)(2) of the Illinois Pension Code;

(D) contribution levels have been established for retirees, dependents and survivors according to the requirements of Section 22-101B(b)(5) of the Illinois Pension Code; and

(E) contribution levels have been established for employees of the Authority according to the requirements of Section 22-101B(b)(6) of the Illinois Pension Code.

(7) Actuarial Report. The Board of Trustees of the Retiree Health Care Trust shall submit an actuarial report prepared by an enrolled actuary setting forth:

(A) the method of valuation and the underlying assumptions;

(B) a comparison of the projected interest cost of the bonds or notes proposed to be issued with the actuarial investment return assumption of the Retiree Health Care Trust; and

(C) a certification that the net proceeds of the bonds or notes, together with anticipated earnings on contributions and deposits, will be sufficient to adequately fund the actuarial present value of projected benefits expected to be paid under the Retiree Health Care Trust, or a certification of the increases in contribution levels and
decreases in benefit levels that would be required in order to cure any funding shortfall over a period of not more than 10 years.

(8) The Authority shall submit a financial analysis prepared by an independent advisor. The financial analysis must include a determination that the issuance of bonds is in the best interest of the Retiree Health Care Trust and the Chicago Transit Authority. The independent advisor shall not act as underwriter or receive a legal, consulting, or other fee related to the issuance of any bond or notes issued by the Authority pursuant to Section 12c of the Metropolitan Transit Authority Act except compensation due for the preparation of the financial analysis.

(b) The Auditor General shall examine the information submitted pursuant to Section 3-2.3(a)(1) through (4) and submit a report to the General Assembly, the Legislative Audit Commission, the Governor, the Regional Transportation Authority and the Authority indicating whether (i) the required certifications by the Authority and the Board of Trustees of the Retirement Plan have been made, and (ii) the actuarial reports have been provided, the reports include all required information, the assumptions underlying those reports are not unreasonable in the aggregate, and the reports appear to comply with all pertinent professional standards, including those issued by the Actuarial Standards Board. The Auditor General shall submit such report no later than 60 days after receiving the information required to be submitted by the Authority and the Board of Trustees of the Retirement Plan. Any bonds or notes issued by the Authority under item (1) of subsection (b) of Section 12c of the Metropolitan Transit Authority Act shall be issued within 120 days after receiving such report from the Auditor General. The Authority may not issue bonds or notes until it receives the report from the Auditor General indicating the above requirements have been met.

(c) The Auditor General shall examine the information submitted pursuant to Section 3-2.3(a)(5) through (8) and submit a report to the General Assembly, the Legislative Audit Commission, the Governor, the Regional Transportation Authority and the Authority indicating whether
(i) the required certifications by the Authority and the Board of Trustees of the Retiree Health Care Trust have been made, and (ii) the actuarial reports have been provided, the reports include all required information, the assumptions underlying those reports are not unreasonable in the aggregate, and the reports appear to comply with all pertinent professional standards, including those issued by the Actuarial Standards Board. The Auditor General shall submit such report no later than 60 days after receiving the information required to be submitted by the Authority and the Board of Trustees of the Retiree Health Care Trust. Any bonds or notes issued by the Authority under item (2) of subsection (b) of Section 12c of the Metropolitan Transit Authority Act shall be issued within 120 days after receiving such report from the Auditor General. The Authority may not issue bonds or notes until it receives a report from the Auditor General indicating the above requirements have been met.

(d) In fulfilling this duty, after receiving the information submitted pursuant to Section 3-2.3(a), the Auditor General may request additional information and support pertaining to the data and conclusions contained in the submitted documents and the Authority, the Board of Trustees of the Retirement Plan and the Board of Trustees of the Retiree Health Care Trust shall cooperate with the Auditor General and provide additional information as requested in a timely manner. The Auditor General may also request from the Regional Transportation Authority an analysis of the information submitted by the Authority relating to the sources of funds to be utilized for payment of the proposed bonds or notes of the Authority. The Auditor General's report shall not be in the nature of a post-audit or examination and shall not lead to the issuance of an opinion as that term is defined in generally accepted government auditing standards.

(e) Annual Retirement Plan Submission to Auditor General. The Board of Trustees of the Retirement Plan for Chicago Transit Authority Employees established by Section 22-101 of the Illinois Pension Code shall provide the following documents to the Auditor General annually no later than September 30:

(1) the most recent audit or examination of the Retirement Plan;

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(2) an annual statement containing the information specified in Section 1A-109 of the Illinois Pension Code; and

(3) a complete actuarial statement applicable to the prior plan year, which may be the annual report of an enrolled actuary retained by the Retirement Plan specified in Section 22-101(e) of the Illinois Pension Code.

The Auditor General shall annually examine the information provided pursuant to this subsection and shall submit a report of the analysis thereof to the General Assembly, including the report specified in Section 22-101(e) of the Illinois Pension Code.


(g) In fulfilling the duties under Sections 3-2.3(e) and (f) the Auditor General may request additional information and support pertaining to the data and conclusions contained in the submitted documents and the Authority, the Board of Trustees of the Retirement Plan and the Board of Trustees of the Retiree Health Care Trust shall cooperate with the Auditor General and provide additional information as requested in a timely manner. The Auditor General's review shall not be in the nature of a post-audit or examination and shall not lead to the issuance of an opinion as that term is defined in generally accepted government auditing standards. Upon request of the Auditor General, the Commission on Government Forecasting and Accountability and the Public Pension Division of the Illinois Department of Financial and Professional Regulation shall cooperate with and assist the Auditor General in the conduct of his review.

(h) The Auditor General shall submit a bill to the Authority for costs associated with the examinations and reports specified in subsections (b) and (c) of this Section 3-2.3, which the Authority shall reimburse in a timely manner. The costs associated with the examinations and reports which are reimbursed by the Authority shall constitute a cost of issuance of the bonds or notes under Section 12c(b)(1) and (2) of the

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Metropolitan Transit Authority Act. The amount received shall be deposited into the fund or funds from which such costs were paid by the Auditor General. The Auditor General shall submit a bill to the Retirement Plan for Chicago Transit Authority Employees for costs associated with the examinations and reports specified in subsection (e) of this Section, which the Retirement Plan for Chicago Transit Authority Employees shall reimburse in a timely manner. The amount received shall be deposited into the fund or funds from which such costs were paid by the Auditor General. The Auditor General shall submit a bill to the Retiree Health Care Trust for costs associated with the determination specified in subsection (f) of this Section, which the Retiree Health Care Trust shall reimburse in a timely manner. The amount received shall be deposited into the fund or funds from which such costs were paid by the Auditor General.

Section 6. The State Finance Act is amended by adding Section 5.708 and by changing Section 6z-17 as follows:

(30 ILCS 105/5.708 new)
Sec. 5.708. The Downstate Transit Improvement Fund.
(30 ILCS 105/6z-17) (from Ch. 127, par. 142z-17)
Sec. 6z-17. Of the money paid into the State and Local Sales Tax Reform Fund: (i) subject to appropriation to the Department of Revenue, Municipalities having 1,000,000 or more inhabitants shall receive 20% and may expend such amount to fund and establish a program for developing and coordinating public and private resources targeted to meet the affordable housing needs of low-income and very low-income households within such municipality, (ii) 10% shall be transferred into the Regional Transportation Authority Occupation and Use Tax Replacement Fund, a special fund in the State treasury which is hereby created, (iii) subject to appropriation to the Department of Transportation, The Madison County Metropolitan Mass Transit District shall receive .6%, (iv) the following amounts, plus any cumulative deficiency in such transfers for prior months, shall be transferred monthly into the Build Illinois Fund and credited to the Build Illinois Bond Account therein:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>$2,700,000</td>
</tr>
</tbody>
</table>

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1991  1,850,000
1992  2,750,000
1993  2,950,000

From Fiscal Year 1994 through Fiscal Year 2025 the transfer shall total $3,150,000 monthly, plus any cumulative deficiency in such transfers for prior months, and (v) the remainder of the money paid into the State and Local Sales Tax Reform Fund shall be transferred into the Local Government Distributive Fund and, except for municipalities with 1,000,000 or more inhabitants which shall receive no portion of such remainder, shall be distributed, subject to appropriation, in the manner provided by Section 2 of "An Act in relation to State revenue sharing with local government entities", approved July 31, 1969, as now or hereafter amended. Municipalities with more than 50,000 inhabitants according to the 1980 U.S. Census and located within the Metro East Mass Transit District receiving funds pursuant to provision (v) of this paragraph may expend such amounts to fund and establish a program for developing and coordinating public and private resources targeted to meet the affordable housing needs of low-income and very low-income households within such municipality.

(Source: P.A. 91-51, eff. 6-30-99.)

Section 7. The Downstate Public Transportation Act is amended by changing Sections 2-2.04, 2-3, 2-6, 2-7, and 2-15 and by adding Section 2-15.2 as follows:

(30 ILCS 740/2-2.04) (from Ch. 111 2/3, par. 662.04)

Sec. 2-2.04. "Eligible operating expenses" means all expenses required for public transportation, including employee wages and benefits, materials, fuels, supplies, rental of facilities, taxes other than income taxes, payment made for debt service (including principal and interest) on publicly owned equipment or facilities, and any other expenditure which is an operating expense according to standard accounting practices for the providing of public transportation. Eligible operating expenses shall not include allowances: (a) for depreciation whether funded or unfunded; (b) for amortization of any intangible costs; (c) for debt service on capital acquired with the assistance of capital grant funds provided by the State of

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Illinois; (d) for profits or return on investment; (e) for excessive payment to associated entities; (f) for Comprehensive Employment Training Act expenses; (g) for costs reimbursed under Sections 6 and 8 of the "Urban Mass Transportation Act of 1964", as amended; (h) for entertainment expenses; (i) for charter expenses; (j) for fines and penalties; (k) for charitable donations; (l) for interest expense on long term borrowing and debt retirement other than on publicly owned equipment or facilities; (m) for income taxes; or (n) for such other expenses as the Department may determine consistent with federal Department of Transportation regulations or requirements. In consultation with participants, the Department shall, by October 2008, promulgate or update rules, pursuant to the Illinois Administrative Procedure Act, concerning eligible expenses to ensure consistent application of the Act, and the Department shall provide written copies of those rules to all eligible recipients. The Department shall review this process in the same manner no less frequently than every 5 years.

With respect to participants other than any Metro-East Transit District participant and those receiving federal research development and demonstration funds pursuant to Section 6 of the "Urban Mass Transportation Act of 1964", as amended, during the fiscal year ending June 30, 1979, the maximum eligible operating expenses for any such participant in any fiscal year after Fiscal Year 1980 shall be the amount appropriated for such participant for the fiscal year ending June 30, 1980, plus in each year a 10% increase over the maximum established for the preceding fiscal year. For Fiscal Year 1980 the maximum eligible operating expenses for any such participant shall be the amount of projected operating expenses upon which the appropriation for such participant for Fiscal Year 1980 is based.

With respect to participants receiving federal research development and demonstration operating assistance funds for operating assistance pursuant to Section 6 of the "Urban Mass Transportation Act of 1964", as amended, during the fiscal year ending June 30, 1979, the maximum eligible operating expenses for any such participant in any fiscal year after Fiscal Year 1980 shall not exceed such participant's eligible operating expenses.
expenses for the fiscal year ending June 30, 1980, plus in each year a 10% increase over the maximum established for the preceding fiscal year. For Fiscal Year 1980, the maximum eligible operating expenses for any such participant shall be the eligible operating expenses incurred during such fiscal year, or projected operating expenses upon which the appropriation for such participant for the Fiscal Year 1980 is based; whichever is less.

With respect to all participants other than any Metro-East Transit District participant, the maximum eligible operating expenses for any such participant in any fiscal year after Fiscal Year 1985 (except Fiscal Year 2008 and Fiscal Year 2009) shall be the amount appropriated for such participant for the fiscal year ending June 30, 1985, plus in each year a 10% increase over the maximum established for the preceding year. For Fiscal Year 1985, the maximum eligible operating expenses for any such participant shall be the amount of projected operating expenses upon which the appropriation for such participant for Fiscal Year 1985 is based.

With respect to any mass transit district participant that has increased its district boundaries by annexing counties since 1998 and is maintaining a level of local financial support, including all income and revenues, equal to or greater than the level in the State fiscal year ending June 30, 2001, the maximum eligible operating expenses for any State fiscal year after 2002 (except State fiscal years 2006 through 2009) shall be the amount appropriated for that participant for the State fiscal year ending June 30, 2002, plus, in each State fiscal year, a 10% increase over the preceding State fiscal year. For State fiscal year 2002, the maximum eligible operating expenses for any such participant shall be the amount of projected operating expenses upon which the appropriation for that participant for State fiscal year 2002 is based. For that participant, eligible operating expenses for State fiscal year 2002 in excess of the eligible operating expenses for the State fiscal year ending June 30, 2001, plus 10%, must be attributed to the provision of services in the newly annexed counties.

With respect to a participant that receives an initial appropriation in State fiscal year 2002 or thereafter, the maximum eligible operating expenses for any State fiscal year after 2003 (except State fiscal years 2006 through 2009) shall be the amount appropriated for that participant for the State fiscal year ending June 30, 2002, plus, in each State fiscal year, a 10% increase over the maximum established for the preceding fiscal year.
2006 through 2009) shall be the amount appropriated for that participant for the State fiscal year in which it received its initial appropriation, plus, in each year, a 10% increase over the preceding year. For the initial State fiscal year in which a participant received an appropriation, the maximum eligible operating expenses for any such participant shall be the amount of projected operating expenses upon which the appropriation for that participant for that State fiscal year is based.

With respect to the District serving primarily the counties of Monroe and St. Clair, beginning July 1, 2005, the St. Clair County Transit District shall no longer be included for new appropriation funding purposes as part of the Metro-East Public Transportation Fund and instead shall be included for new appropriation funding purposes as part of the Downstate Public Transportation Fund; provided, however, that nothing herein shall alter the eligibility of that District for previously appropriated funds to which it would otherwise be entitled.

With respect to the District serving primarily Madison County, beginning July 1, 2008, the Madison County Transit District shall no longer be included for new appropriation funding purposes as part of the Metro-East Public Transportation Fund and instead shall be included for new appropriation funding purposes as part of the Downstate Public Transportation Fund; provided, however, that nothing herein shall alter the eligibility of that District for previously appropriated funds to which it would otherwise be entitled.

With respect to the District serving primarily the counties of Bond County; Bureau County; Coles County; Edgar County; Stephenson County and the City of Freeport; Henry County; Jo Daviess County; Kankakee and McLean Counties; Peoria County; Piatt County; Shelby County; Tazewell and Woodford Counties; Vermilion County; Williamson County; and Kendall County. (Source: P.A. 94-70, eff. 6-22-05.)

(30 ILCS 740/2-3) (from Ch. 111 2/3, par. 663)

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Sec. 2-3. (a) As soon as possible after the first day of each month, beginning July 1, 1984, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, from the General Revenue Fund to a special fund in the State Treasury which is hereby created, to be known as the "Downstate Public Transportation Fund", an amount equal to 2/32 (beginning July 1, 2005, 3/32) of the net revenue realized from the "Retailers' Occupation Tax Act", as now or hereafter amended, the "Service Occupation Tax Act", as now or hereafter amended, the "Use Tax Act", as now or hereafter amended, and the "Service Use Tax Act", as now or hereafter amended, from persons incurring municipal or county retailers' or service occupation tax liability for the benefit of any municipality or county located wholly within the boundaries of each participant other than any Metro-East Transit District participant certified pursuant to subsection (c) of this Section during the preceding month, except that the Department shall pay into the Downstate Public Transportation Fund 2/32 (beginning July 1, 2005, 3/32) of 80% of the net revenue realized under the State tax Acts named above within any municipality or county located wholly within the boundaries of each participant, other than any Metro-East participant, for tax periods beginning on or after January 1, 1990; provided, however, that beginning with fiscal year 1985, the transfers into the Downstate Public Transportation Fund during any fiscal year shall not exceed the annual appropriation from the Downstate Public Transportation Fund for that year. The Department of Transportation shall notify the Department of Revenue and the Comptroller at the beginning of each fiscal year of the amount of the annual appropriation from the Downstate Public Transportation Fund. Net revenue realized for a month shall be the revenue collected by the State pursuant to such Acts during the previous month from persons incurring municipal or county retailers' or service occupation tax liability for the benefit of any municipality or county located wholly within the boundaries of a participant, less the amount paid out during that same month as refunds or credit memoranda to taxpayers for overpayment of liability under such Acts for the benefit of any
municipality or county located wholly within the boundaries of a participant.

(b) As soon as possible after the first day of each month, beginning July 1, 1989, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, from the General Revenue Fund to a special fund in the State Treasury which is hereby created, to be known as the "Metro-East Public Transportation Fund", an amount equal to 2/32 of the net revenue realized, as above, from within the boundaries of Madison, Monroe, and St. Clair Counties, except that the Department shall pay into the Metro-East Public Transportation Fund 2/32 of 80% of the net revenue realized under the State tax Acts specified in subsection (a) of this Section within the boundaries of Madison, Monroe and St. Clair Counties for tax periods beginning on or after January 1, 1990. A local match equivalent to an amount which could be raised by a tax levy at the rate of .05% on the assessed value of property within the boundaries of Madison County is required annually to cause a total of 2/32 of the net revenue to be deposited in the Metro-East Public Transportation Fund. Failure to raise the required local match annually shall result in only 1/32 being deposited into the Metro-East Public Transportation Fund after July 1, 1989, or 1/32 of 80% of the net revenue realized for tax periods beginning on or after January 1, 1990.

(b-5) As soon as possible after the first day of each month, beginning July 1, 2005, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, from the General Revenue Fund to the Downstate Public Transportation Fund, an amount equal to 3/32 of 80% of the net revenue realized from within the boundaries of Monroe and St. Clair Counties under the State Tax Acts specified in subsection (a) of this Section and provided further that, beginning July 1, 2005, the provisions of subsection (b) shall no longer apply with respect to such tax receipts from Monroe and St. Clair Counties.

(b-6) As soon as possible after the first day of each month, beginning July 1, 2008, upon certification by the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer,
from the General Revenue Fund to the Downstate Public Transportation Fund, an amount equal to 3/32 of 80% of the net revenue realized from within the boundaries of Madison County under the State Tax Acts specified in subsection (a) of this Section and provided further that, beginning July 1, 2008, the provisions of subsection (b) shall no longer apply with respect to such tax receipts from Madison County.

(c) The Department shall certify to the Department of Revenue the eligible participants under this Article and the territorial boundaries of such participants for the purposes of the Department of Revenue in subsections (a) and (b) of this Section.

(d) For the purposes of this Article, beginning in fiscal year 2009 the General Assembly shall appropriate an amount from the Downstate Public Transportation Fund equal to the sum total funds projected to be paid to the participants pursuant to Section 2-7. If the General Assembly fails to make appropriations sufficient to cover the amounts projected to be paid pursuant to Section 2-7, this Act shall constitute an irrevocable and continuing appropriation from the Downstate Public Transportation Fund of all amounts necessary for those purposes.

(e) In addition to any other permitted use of moneys in the Fund, and notwithstanding any restriction on the use of the Fund, moneys in the Downstate Public Transportation Fund may be transferred to the General Revenue Fund as authorized by Public Act 87-14. The General Assembly finds that an excess of moneys existed in the Fund on July 30, 1991, and the Governor's order of July 30, 1991, and the Governor's order of July 30, 1991, requesting the Comptroller and Treasurer to transfer an amount from the Fund to the General Revenue Fund is hereby validated. (Source: P.A. 94-70, eff. 6-22-05.)

(30 ILCS 740/2-6) (from Ch. 111 2/3, par. 666)
Sec. 2-6. Allocation of funds.
(a) With respect to all participants other than any Metro-East Transit District participant, the Department shall allocate the funds to be made available to each participant under this Article for the following

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fiscal year and shall notify the chief official of each participant not later than the first day of the fiscal year of this amount. For Fiscal Year 1975, notification shall be made not later than January 1, 1975, of the amount of such allocation. In determining the allocation for each participant, the Department shall estimate the funds available to the participant from the Downstate Public Transportation Fund for the purposes of this Article during the succeeding fiscal year, and shall allocate to each participant the amount attributable to it which shall be the amount paid into the Downstate Public Transportation Fund under Section 2-3 from within its boundaries. Said allocations may be exceeded for participants receiving assistance equal to one-third of their eligible operating expenses, only if an allocation is less than one-third of such participant's eligible operating expenses, provided, however, that no other participant is denied its one-third of eligible operating expenses. Beginning in Fiscal Year 1997, said allocation may be exceeded for participants receiving assistance equal to the percentage of their eligible operating expenses provided for in paragraph (b) of Section 2-7, only if allocation is less than the percentage of such participant's eligible operating expenses provided for in paragraph (b) of Section 2-7, provided however, that no other participant is denied its percentage of eligible operating expenses.

(b) With regard to any Metro-East Transit District organized under the Local Mass Transit District Act and serving one or more of the Counties of Madison, Monroe and St. Clair during Fiscal Year 1989, the Department shall allocate the funds to be made available to each participant for the following and succeeding fiscal years and shall notify the chief official of each participant not later than the first day of the fiscal year of this amount. Beginning July 1, 2005, and ending June 30, 2008, the Department shall allocate the amount paid into the Metro-East Public Transportation Fund to the District serving primarily the County of Madison.

(Source: P.A. 94-70, eff. 6-22-05.)

(30 ILCS 740/2-7) (from Ch. 111 2/3, par. 667)
Sec. 2-7. Quarterly reports; annual audit.
(a) Any Metro-East Transit District participant shall, no later than 60 days following the end of each quarter of any fiscal year, file with the Department on forms provided by the Department for that purpose, a report of the actual operating deficit experienced during that quarter. The Department shall, upon receipt of the quarterly report, determine whether the operating deficits were incurred in conformity with the program of proposed expenditures approved by the Department pursuant to Section 2-11. Any Metro-East District may either monthly or quarterly for any fiscal year file a request for the participant's eligible share, as allocated in accordance with Section 2-6, of the amounts transferred into the Metro-East Public Transportation Fund.

(b) Each participant other than any Metro-East Transit District participant shall, 30 days before the end of each quarter, file with the Department on forms provided by the Department for such purposes a report of the projected eligible operating expenses to be incurred in the next quarter and 30 days before the third and fourth quarters of any fiscal year a statement of actual eligible operating expenses incurred in the preceding quarters. Except as otherwise provided in subsection (b-5), within 45 days of receipt by the Department of such quarterly report, the Comptroller shall order paid and the Treasurer shall pay from the Downstate Public Transportation Fund to each participant an amount equal to one-third of such participant's eligible operating expenses; provided, however, that in Fiscal Year 1997, the amount paid to each participant from the Downstate Public Transportation Fund shall be an amount equal to 47% of such participant's eligible operating expenses and shall be increased to 49% in Fiscal Year 1998, 51% in Fiscal Year 1999, 53% in Fiscal Year 2000, and 55% in Fiscal Years 2001 through 2007, and 65% in Fiscal Year 2008 and thereafter; however, in any year that a participant receives funding under subsection (i) of Section 2705-305 of the Department of Transportation Law (20 ILCS 2705/2705-305), that participant shall be eligible only for assistance equal to the following percentage of its eligible operating expenses: 42% in Fiscal Year 1997, 44% in Fiscal Year 1998, 46% in Fiscal Year 1999, 48% in Fiscal Year 2000, and 50% in Fiscal Year 2001 and thereafter. Any such payment for
the third and fourth quarters of any fiscal year shall be adjusted to reflect actual eligible operating expenses for preceding quarters of such fiscal year. However, no participant shall receive an amount less than that which was received in the immediate prior year, provided in the event of a shortfall in the fund those participants receiving less than their full allocation pursuant to Section 2-6 of this Article shall be the first participants to receive an amount not less than that received in the immediate prior year.

(b-5) (Blank.) With respect to the District serving primarily the counties of Monroe and St. Clair, beginning July 1, 2005 and each fiscal year thereafter, the District may, as an alternative to the provisions of subsection (b) of Section 2-7, file a request with the Department for a monthly payment of 1/12 of the amount appropriated to the District for that fiscal year; except that, for the final month of the fiscal year, the District's request shall be in an amount such that the total payments made to the District in that fiscal year do not exceed the lesser of (i) 55% of the District's eligible operating expenses for that fiscal year or (ii) the total amount appropriated to the District for that fiscal year.

(b-10) On July 1, 2008, each participant shall receive an appropriation in an amount equal to 65% of its fiscal year 2008 eligible operating expenses adjusted by the annual 10% increase required by Section 2-2.04 of this Act. In no case shall any participant receive an appropriation that is less than its fiscal year 2008 appropriation. Every fiscal year thereafter, each participant's appropriation shall increase by 10% over the appropriation established for the preceding fiscal year as required by Section 2-2.04 of this Act.

(b-15) Beginning on July 1, 2007, and for each fiscal year thereafter, each participant shall maintain a minimum local share contribution (from farebox and all other local revenues) equal to the actual amount provided in Fiscal Year 2006 or, for new recipients, an amount equivalent to the local share provided in the first year of participation.

(b-20) Any participant in the Downstate Public Transportation Fund may use State operating assistance pursuant to this Section to

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provide transportation services within any county that is contiguous to its territorial boundaries as defined by the Department and subject to Departmental approval. Any such contiguous-area service provided by a participant after July 1, 2007 must meet the requirements of subsection (a) of Section 2-5.1.

(c) No later than 180 days following the last day of the Fiscal Year each participant shall provide the Department with an audit prepared by a Certified Public Accountant covering that Fiscal Year. For those participants other than a Metro-East Transit District, any discrepancy between the grants paid and the percentage of the eligible operating expenses provided for by paragraph (b) of this Section shall be reconciled by appropriate payment or credit. In the case of any Metro-East Transit District, any amount of payments from the Metro-East Public Transportation Fund which exceed the eligible deficit of the participant shall be reconciled by appropriate payment or credit.

(Source: P.A. 94-70, eff. 6-22-05.)

(30 ILCS 740/2-15) (from Ch. 111 2/3, par. 675.1)

Sec. 2-15. Except as otherwise provided in this Section, all funds which remain in the Downstate Public Transportation Fund or the Metro-East Public Transportation Fund after the payment of the fourth quarterly payment to participants other than Metro-East Transit District participants and the last monthly payment to Metro-East Transit participants in each fiscal year shall be transferred (i) to the General Revenue Fund through fiscal year 2008 and (ii) to the Downstate Transit Improvement Fund for fiscal year 2009 and each fiscal year thereafter. Transfers shall be made no later than 90 days following the end of such fiscal year. Beginning fiscal year 2010, all moneys each year in the Downstate Transit Improvement Fund, held solely for the benefit of the participants in the Downstate Public Transportation Fund and shall be appropriated to the Department to make competitive capital grants to the participants of the respective funds. However, such amount as the Department determines to be necessary for (1) allocation to participants for the purposes of Section 2-7 for the first quarter of the succeeding fiscal year and (2) an amount equal to 2% of the total allocations to participants in the fiscal year just

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ended to be used for the purpose of audit adjustments shall be retained in such Funds to be used by the Department for such purposes.
(Source: P.A. 86-590.)

(30 ILCS 740/2-15.2 new)
Sec. 2-15.2. Notwithstanding any law to the contrary, no later than 60 days following the effective date of this amendatory Act of the 95th General Assembly, any fixed route public transportation services provided by, or under grant or purchase of service contracts of, every participant, as defined in Section 2-2.02 (1)(a), shall be provided without charge to all senior citizen residents of the participant aged 65 and older, under such conditions as shall be prescribed by the participant.

Section 8. The Illinois Pension Code is amended by changing Section 22-101 and by adding Section 22-101B as follows:

(40 ILCS 5/22-101) (from Ch. 108 1/2, par. 22-101)
(a) There shall be established and maintained by the Authority created by the "Metropolitan Transit Authority Act", approved April 12, 1945, as amended, (referred to in this Section as the "Authority") a financially sound pension and retirement system adequate to provide for all payments when due under such established system or as modified from time to time by ordinance of the Chicago Transit Board or collective bargaining agreement. For this purpose, the Board must make contributions to the established system as required under this Section and may make any additional contributions provided for by Board ordinance or collective bargaining agreement. The participating employees shall make such periodic payments to the established system as required under this Section and may make any additional contributions provided for may be determined by Board ordinance or collective bargaining agreement. The Board, in lieu of social security payments required to be paid by private corporations engaged in similar activity, shall make payments into such established system at least equal in amount to the amount so required to be paid by such private corporations:

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Provisions shall be made by the Board for all Board members, officers and employees of the Authority appointed pursuant to the "Metropolitan Transit Authority Act" to become, subject to reasonable rules and regulations, participants members or beneficiaries of the pension or retirement system with uniform rights, privileges, obligations and status as to the class in which such officers and employees belong. The terms, conditions and provisions of any pension or retirement system or of any amendment or modification thereof affecting employees who are members of any labor organization may be established, amended or modified by agreement with such labor organization, provided the terms, conditions and provisions must be consistent with this Act, the annual funding levels for the retirement system established by law must be met and the benefits paid to future participants in the system may not exceed the benefit ceilings set for future participants under this Act and the contribution levels required by the Authority and its employees may not be less than the contribution levels established under this Act but must be consistent with the requirements of this Section.

(b) The Board of Trustees shall consist of 11 members appointed as follows: (i) 5 trustees shall be appointed by the Chicago Transit Board; (ii) 3 trustees shall be appointed by an organization representing the highest number of Chicago Transit Authority participants; (iii) one trustee shall be appointed by an organization representing the second-highest number of Chicago Transit Authority participants; (iv) one trustee shall be appointed by the recognized coalition representatives of participants who are not represented by an organization with the highest or second-highest number of Chicago Transit Authority participants; and (v) one trustee shall be selected by the Regional Transportation Authority Board of Directors, and the trustee shall be a professional fiduciary who has experience in the area of collectively bargained pension plans. Trustees shall serve until a successor has been appointed and qualified, or until resignation, death, incapacity, or disqualification.

Any person appointed as a trustee of the board shall qualify by taking an oath of office that he or she will diligently and honestly administer the affairs of the system and will not knowingly violate or

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Each trustee shall cast individual votes, and a majority vote shall be final and binding upon all interested parties, provided that the Board of Trustees may require a supermajority vote with respect to the investment of the assets of the Retirement Plan, and may set forth that requirement in the Retirement Plan documents, by-laws, or rules of the Board of Trustees. Each trustee shall have the rights, privileges, authority, and obligations as are usual and customary for such fiduciaries.

The Board of Trustees may cause amounts on deposit in the Retirement Plan to be invested in those investments that are permitted investments for the investment of moneys held under any one or more of the pension or retirement systems of the State, any unit of local government or school district, or any agency or instrumentality thereof. The Board, by a vote of at least two-thirds of the trustees, may transfer investment management to the Illinois State Board of Investment, which is hereby authorized to manage these investments when so requested by the Board of Trustees.

(c) All individuals who were previously participants in the Retirement Plan for Chicago Transit Authority Employees shall remain participants, and shall receive the same benefits established by the Retirement Plan for Chicago Transit Authority Employees, except as provided in this amendatory Act or by subsequent legislative enactment or amendment to the Retirement Plan. For Authority employees hired on or after the effective date of this amendatory Act of the 95th General Assembly, the Retirement Plan for Chicago Transit Authority Employees shall be the exclusive retirement plan and such employees shall not be eligible for any supplemental plan, except for a deferred compensation plan funded only by employee contributions.

For all Authority employees who are first hired on or after the effective date of this amendatory Act of the 95th General Assembly and are participants in the Retirement Plan for Chicago Transit Authority

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Employees, the following terms, conditions and provisions with respect to retirement shall be applicable:

(1) Such participant shall be eligible for an unreduced retirement allowance for life upon the attainment of age 64 with 25 years of continuous service.

(2) Such participant shall be eligible for a reduced retirement allowance for life upon the attainment of age 55 with 10 years of continuous service.

(3) For the purpose of determining the retirement allowance to be paid to a retiring employee, the term "Continuous Service" as used in the Retirement Plan for Chicago Transit Authority Employees shall also be deemed to include all pension credit for service with any retirement system established under Article 8 or Article 11 of this Code, provided that the employee forfeits and relinquishes all pension credit under Article 8 or Article 11 of this Code, and the contribution required under this subsection is made by the employee. The Retirement Plan's actuary shall determine the contribution paid by the employee as an amount equal to the normal cost of the benefit accrued, had the service been rendered as an employee, plus interest per annum from the time such service was rendered until the date the payment is made.

(d) From the effective date of this amendatory Act through December 31, 2008, all participating employees shall contribute to the Retirement Plan in an amount not less than 6% of compensation, and the Authority shall contribute to the Retirement Plan in an amount not less than 12% of compensation.

(e)(1) Beginning January 1, 2009 the Authority shall make contributions to the Retirement Plan in an amount equal to twelve percent (12%) of compensation and participating employees shall make contributions to the Retirement Plan in an amount equal to six percent (6%) of compensation. These contributions may be paid by the Authority and participating employees on a payroll or other periodic basis, but shall in any case be paid to the Retirement Plan at least monthly.

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(2) For the period ending December 31, 2040, the amount paid by the Authority in any year with respect to debt service on bonds issued for the purposes of funding a contribution to the Retirement Plan under Section 12c of the Metropolitan Transit Authority Act, other than debt service paid with the proceeds of bonds or notes issued by the Authority for any year after calendar year 2008, shall be treated as a credit against the amount of required contribution to the Retirement Plan by the Authority under subsection (e)(1) for the following year up to an amount not to exceed 6% of compensation paid by the Authority in that following year.

(3) By September 15 of each year beginning in 2009 and ending on December 31, 2039, on the basis of a report prepared by an enrolled actuary retained by the Plan, the Board of Trustees of the Retirement Plan shall determine the estimated funded ratio of the total assets of the Retirement Plan to its total actuarially determined liabilities. A report containing that determination and the actuarial assumptions on which it is based shall be filed with the Authority, the representatives of its participating employees, the Auditor General of the State of Illinois, and the Regional Transportation Authority. If the funded ratio is projected to decline below 60% in any year before 2040, the Board of Trustees shall also determine the increased contribution required each year as a level percentage of payroll over the years remaining until 2040 using the projected unit credit actuarial cost method so the funded ratio does not decline below 60% and include that determination in its report. If the actual funded ratio declines below 60% in any year prior to 2040, the Board of Trustees shall also determine the increased contribution required each year as a level percentage of payroll during the years after the then current year using the projected unit credit actuarial cost method so the funded ratio is projected to reach at least 60% no later than 10 years after the then current year and include that determination in its report. Within 60 days after receiving the report, the Auditor General shall review the determination and the assumptions on which it is based, and if he finds that the determination and the assumptions on which it is based are unreasonable in the aggregate, he shall issue a new
determination of the funded ratio, the assumptions on which it is based and the increased contribution required each year as a level percentage of payroll over the years remaining until 2040 using the projected unit credit actuarial cost method so the funded ratio does not decline below 60%, or, in the event of an actual decline below 60%, so the funded ratio is projected to reach 60% by no later than 10 years after the then current year. If the Board of Trustees or the Auditor General determine that an increased contribution is required to meet the funded ratio required by the subsection, effective January 1 following the determination or 30 days after such determination, whichever is later, one-third of the increased contribution shall be paid by participating employees and two-thirds by the Authority, in addition to the contributions required by this subsection (1).

(4) For the period beginning 2040, the minimum contribution to the Retirement Plan for each fiscal year shall be an amount determined by the Board of Trustees of the Retirement Plan to be sufficient to bring the total assets of the Retirement Plan up to 90% of its total actuarial liabilities by the end of 2059. Participating employees shall be responsible for one-third of the required contribution and the Authority shall be responsible for two-thirds of the required contribution. In making these determinations, the Board of Trustees shall calculate the required contribution each year as a level percentage of payroll over the years remaining to and including fiscal year 2059 using the projected unit credit actuarial cost method. A report containing that determination and the actuarial assumptions on which it is based shall be filed by September 15 of each year with the Authority, the representatives of its participating employees, the Auditor General of the State of Illinois and the Regional Transportation Authority. If the funded ratio is projected to fail to reach 90% by December 31, 2059, the Board of Trustees shall also determine the increased contribution required each year as a level percentage of payroll over the years remaining until December 31, 2059 using the projected unit credit actuarial cost method so the funded ratio will meet 90% by December 31, 2059 and include that determination in its report. Within 60 days after receiving the report, the Auditor General shall review

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the determination and the assumptions on which it is based and if he finds that the determination and the assumptions on which it is based are unreasonable in the aggregate, he shall issue a new determination of the funded ratio, the assumptions on which it is based and the increased contribution required each year as a level percentage of payroll over the years remaining until December 31, 2059 using the projected unit credit actuarial cost method so the funded ratio reaches no less than 90% by December 31, 2059. If the Board of Trustees or the Auditor General determine that an increased contribution is required to meet the funded ratio required by this subsection, effective January 1 following the determination or 30 days after such determination, whichever is later, one-third of the increased contribution shall be paid by participating employees and two-thirds by the Authority, in addition to the contributions required by subsection (e)(1).

(5) Beginning in 2060, the minimum contribution for each year shall be the amount needed to maintain the total assets of the Retirement Plan at 90% of the total actuarial liabilities of the Plan, and the contribution shall be funded two-thirds by the Authority and one-third by the participating employees in accordance with this subsection.

(f) The Authority shall take the steps necessary to comply with Section 414(h)(2) of the Internal Revenue Code of 1986, as amended, to permit the pick-up of employee contributions under subsections (d) and (e) on a tax-deferred basis.

(g) The Board of Trustees shall certify to the Governor, the General Assembly, the Auditor General, the Board of the Regional Transportation Authority, and the Authority at least 90 days prior to the end of each fiscal year the amount of the required contributions to the retirement system for the next retirement system fiscal year under this Section. The certification shall include a copy of the actuarial recommendations upon which it is based. In addition, copies of the certification shall be sent to the Commission on Government Forecasting and Accountability and the Mayor of Chicago.

(h)(1) As to an employee who first becomes entitled to a retirement allowance commencing on or after November 30, 1989, the retirement

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allowance shall be the amount determined in accordance with the following formula:

(A) One percent (1%) of his "Average Annual Compensation in the highest four (4) completed Plan Years" for each full year of continuous service from the date of original employment to the effective date of the Plan; plus

(B) One and seventy-five hundredths percent (1.75%) of his "Average Annual Compensation in the highest four (4) completed Plan Years" for each year (including fractions thereof to completed calendar months) of continuous service as provided for in the Retirement Plan for Chicago Transit Authority Employees.

Provided, however that:

(2) As to an employee who first becomes entitled to a retirement allowance commencing on or after January 1, 1993, the retirement allowance shall be the amount determined in accordance with the following formula:

(A) One percent (1%) of his "Average Annual Compensation in the highest four (4) completed Plan Years" for each full year of continuous service from the date of original employment to the effective date of the Plan; plus

(B) One and eighty hundredths percent (1.80%) of his "Average Annual Compensation in the highest four (4) completed Plan Years" for each year (including fractions thereof to completed calendar months) of continuous service as provided for in the Retirement Plan for Chicago Transit Authority Employees.

Provided, however that:

(3) As to an employee who first becomes entitled to a retirement allowance commencing on or after January 1, 1994, the retirement allowance shall be the amount determined in accordance with the following formula:

(A) One percent (1%) of his "Average Annual Compensation in the highest four (4) completed Plan Years" for each full year of continuous service from the date of original employment to the effective date of the Plan; plus

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(B) One and eighty-five hundredths percent (1.85%) of his "Average Annual Compensation in the highest four (4) completed Plan Years" for each year (including fractions thereof to completed calendar months) of continuous service as provided for in the Retirement Plan for Chicago Transit Authority Employees.

Provided, however that:

(4) As to an employee who first becomes entitled to a retirement allowance commencing on or after January 1, 2000, the retirement allowance shall be the amount determined in accordance with the following formula:

(A) One percent (1%) of his "Average Annual Compensation in the highest four (4) completed Plan Years" for each full year of continuous service from the date of original employment to the effective date of the Plan; plus

(B) Two percent (2%) of his "Average Annual Compensation in the highest four (4) completed Plan Years" for each year (including fractions thereof to completed calendar months) of continuous service as provided for in the Retirement Plan for Chicago Transit Authority Employees.

Provided, however that:

(5) As to an employee who first becomes entitled to a retirement allowance commencing on or after January 1, 2001, the retirement allowance shall be the amount determined in accordance with the following formula:

(A) One percent (1%) of his "Average Annual Compensation in the highest four (4) completed Plan Years" for each full year of continuous service from the date of original employment to the effective date of the Plan; plus

(B) Two and fifteen hundredths percent (2.15%) of his "Average Annual Compensation in the highest four (4) completed Plan Years" for each year (including fractions thereof to completed calendar months) of continuous service as provided for in the Retirement Plan for Chicago Transit Authority Employees.

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The changes made by this amendatory Act of the 95th General Assembly, to the extent that they affect the rights or privileges of Authority employees that are currently the subject of collective bargaining, have been agreed to between the authorized representatives of these employees and of the Authority prior to enactment of this amendatory Act, as evidenced by a Memorandum of Understanding between these representatives that will be filed with the Secretary of State Index Department and designated as "95-GA-C05". The General Assembly finds and declares that those changes are consistent with 49 U.S.C. 5333(b) (also known as Section 13(c) of the Federal Transit Act) because of this agreement between authorized representatives of these employees and of the Authority, and that any future amendments to the provisions of this amendatory Act of the 95th General Assembly, to the extent those amendments would affect the rights and privileges of Authority employees that are currently the subject of collective bargaining, would be consistent with 49 U.S.C. 5333(b) if and only if those amendments were agreed to between these authorized representatives prior to enactment.

(i) Early retirement incentive plan; funded ratio.

(1) Beginning on the effective date of this Section, no early retirement incentive shall be offered to participants of the Plan unless the Funded Ratio of the Plan is at least 80% or more.

(2) For the purposes of this Section, the Funded Ratio shall be the Adjusted Assets divided by the Actuarial Accrued Liability developed in accordance with Statement #25 promulgated by the Government Accounting Standards Board and the actuarial assumptions described in the Plan. The Adjusted Assets shall be calculated based on the methodology described in the Plan.

(j) Nothing in this amendatory Act of the 95th General Assembly shall impair the rights or privileges of Authority employees under any other law.

(b) Beginning January 1, 2009, the Authority shall make contributions to the retirement system in an amount which, together with the contributions of participants, interest earned on investments, and other income, will meet the cost of maintaining and administering the retirement system.
plan in accordance with applicable actuarial recommendations and assumptions and the requirements of this Section. These contributions may be paid on a payroll or other periodic basis, but shall in any case be paid at least monthly.

For retirement system fiscal years 2009 through 2058, the minimum contribution to the retirement system to be made by the Authority for each fiscal year shall be an amount determined jointly by the Authority and the trustee of the retirement system to be sufficient to bring the total assets of the retirement system up to 90% of its total actuarial liabilities by the end of fiscal year 2058. In making these determinations, the required Authority contribution shall be calculated each year as a level percentage of payroll over the years remaining to and including fiscal year 2058 and shall be determined under the projected unit credit actuarial cost method. Beginning in retirement system fiscal year 2059, the minimum Authority contribution for each fiscal year shall be the amount needed to maintain the total assets of the retirement system at 90% of the total actuarial liabilities of the system.

For purposes of determining employer contributions and actuarial liabilities under this subsection, contributions and liabilities relating to health care benefits shall not be included. As used in this Section, "retirement system fiscal year" means the calendar year, or such other plan year as may be defined from time to time in the agreement known as the Retirement Plan for Chicago Transit Authority Employees, or its successor agreement.

(e) The Authority and the trustee shall jointly certify to the Governor, the General Assembly, and the Board of the Regional Transportation Authority on or before November 15 of 2008 and of each year thereafter the amount of the required Authority contributions to the retirement system for the next retirement system fiscal year under subsection (b). The certification shall include a copy of the actuarial recommendations upon which it is based. In addition, copies of the certification shall be sent to the Commission on Government Forecasting and Accountability, the Mayor of Chicago, the Chicago City Council, and the Cook County Board.

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(d) The Authority shall take all actions lawfully available to it to separate the funding of health care benefits for retirees and their dependents and survivors from the funding for its retirement system. The Authority shall endeavor to achieve this separation as soon as possible, and in any event no later than January 1, 2009.

e) This amendatory Act of the 94th General Assembly does not affect or impair the right of either the Authority or its employees to collectively bargain the amount or level of employee contributions to the retirement system.

(Source: P.A. 94-839, eff. 6-6-06.)

(40 ILCS 5/22-101B new)

Sec. 22-101B. Health Care Benefits.

(a) The Chicago Transit Authority (hereinafter referred to in this Section as the "Authority") shall take all actions lawfully available to it to separate the funding of health care benefits for retirees and their dependents and survivors from the funding for its retirement system. The Authority shall endeavor to achieve this separation as soon as possible, and in any event no later than July 1, 2009.

(b) Effective 90 days after the effective date of this amendatory Act of the 95th General Assembly, a Retiree Health Care Trust is established for the purpose of providing health care benefits to eligible retirees and their dependents and survivors in accordance with the terms and conditions set forth in this Section 22-101B. The Retiree Health Care Trust shall be solely responsible for providing health care benefits to eligible retirees and their dependents and survivors by no later than July 1, 2009, but no earlier than January 1, 2009.

1) The Board of Trustees shall consist of 7 members appointed as follows: (i) 3 trustees shall be appointed by the Chicago Transit Board; (ii) one trustee shall be appointed by an organization representing the highest number of Chicago Transit Authority participants; (iii) one trustee shall be appointed by an organization representing the second-highest number of Chicago Transit Authority participants; (iv) one trustee shall be appointed by the recognized coalition representatives of participants who are
not represented by an organization with the highest or second-

highest number of Chicago Transit Authority participants; and (v) one trustee shall be selected by the Regional Transportation Authority Board of Directors, and the trustee shall be a professional fiduciary who has experience in the area of collectively bargained retiree health plans. Trustees shall serve until a successor has been appointed and qualified, or until resignation, death, incapacity, or disqualification.

Any person appointed as a trustee of the board shall qualify by taking an oath of office that he or she will diligently and honestly administer the affairs of the system, and will not knowingly violate or willfully permit the violation of any of the provisions of law applicable to the Plan, including Sections 1-109, 1-109.1, 1-109.2, 1-110, 1-111, 1-114, and 1-115 of Article 1 of the Illinois Pension Code.

Each trustee shall cast individual votes, and a majority vote shall be final and binding upon all interested parties, provided that the Board of Trustees may require a supermajority vote with respect to the investment of the assets of the Retiree Health Care Trust, and may set forth that requirement in the trust agreement or by-laws of the Board of Trustees. Each trustee shall have the rights, privileges, authority and obligations as are usual and customary for such fiduciaries.

(2) The Board of Trustees shall establish and administer a health care benefit program for eligible retirees and their dependents and survivors. The health care benefit program for eligible retirees and their dependents and survivors shall not contain any plan which provides for more than 90% coverage for in-network services or 70% coverage for out-of-network services after any deductible has been paid.

(3) The Retiree Health Care Trust shall be administered by the Board of Trustees according to the following requirements:

(i) The Board of Trustees may cause amounts on deposit in the Retiree Health Care Trust to be invested in
those investments that are permitted investments for the investment of moneys held under any one or more of the pension or retirement systems of the State, any unit of local government or school district, or any agency or instrumentality thereof. The Board, by a vote of at least two-thirds of the trustees, may transfer investment management to the Illinois State Board of Investment, which is hereby authorized to manage these investments when so requested by the Board of Trustees.

(ii) The Board of Trustees shall establish and maintain an appropriate funding reserve level which shall not be less than the amount of incurred and unreported claims plus 12 months of expected claims and administrative expenses.

(iii) The Board of Trustees shall make an annual assessment of the funding levels of the Retiree Health Care Trust and shall submit a report to the Auditor General at least 90 days prior to the end of the fiscal year. The report shall provide the following:

(A) the actuarial present value of projected benefits expected to be paid to current and future retirees and their dependents and survivors;

(B) the actuarial present value of projected contributions and trust income plus assets;

(C) the reserve required by subsection (b)(3)(ii); and

(D) an assessment of whether the actuarial present value of projected benefits expected to be paid to current and future retirees and their dependents and survivors exceeds or is less than the actuarial present value of projected contributions and trust income plus assets in excess of the reserve required by subsection (b)(3)(ii).

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If the actuarial present value of projected benefits expected to be paid to current and future retirees and their dependents and survivors exceeds the actuarial present value of projected contributions and trust income plus assets in excess of the reserve required by subsection (b)(3)(ii), then the report shall provide a plan of increases in employee, retiree, dependent, or survivor contribution levels, decreases in benefit levels, or both, which is projected to cure the shortfall over a period of not more than 10 years. If the actuarial present value of projected benefits expected to be paid to current and future retirees and their dependents and survivors is less than the actuarial present value of projected contributions and trust income plus assets in excess of the reserve required by subsection (b)(3)(ii), then the report may provide a plan of decreases in employee, retiree, dependent, or survivor contribution levels, increases in benefit levels, or both, to the extent of the surplus.

(iv) The Auditor General shall review the report and plan provided in subsection (b)(3)(iii) and issue a determination within 90 days after receiving the report and plan, with a copy of such determination provided to the General Assembly and the Regional Transportation Authority, as follows:

(A) In the event of a projected shortfall, if the Auditor General determines that the assumptions stated in the report are not unreasonable in the aggregate and that the plan of increases in employee, retiree, dependent, or survivor contribution levels, decreases in benefit levels, or both, is reasonably projected to cure the shortfall over a period of not more than 10 years, then the Board of Trustees shall implement the plan. If the Auditor General determines that the
assumptions stated in the report are unreasonable in the aggregate, or that the plan of increases in employee, retiree, dependent, or survivor contribution levels, decreases in benefit levels, or both, is not reasonably projected to cure the shortfall over a period of not more than 10 years, then the Board of Trustees shall not implement the plan, the Auditor General shall explain the basis for such determination to the Board of Trustees, and the Auditor General may make recommendations as to an alternative report and plan.

(B) In the event of a projected surplus, if the Auditor General determines that the assumptions stated in the report are not unreasonable in the aggregate and that the plan of decreases in employee, retiree, dependent, or survivor contribution levels, increases in benefit levels, or both, is not unreasonable in the aggregate, then the Board of Trustees shall implement the plan. If the Auditor General determines that the assumptions stated in the report are unreasonable in the aggregate, or that the plan of decreases in employee, retiree, dependent, or survivor contribution levels, increases in benefit levels, or both, is unreasonable in the aggregate, then the Board of Trustees shall not implement the plan, the Auditor General shall explain the basis for such determination to the Board of Trustees, and the Auditor General may make recommendations as to an alternative report and plan.

(C) The Board of Trustees shall submit an alternative report and plan within 45 days after receiving a rejection determination by the Auditor General. A determination by the Auditor General on
any alternative report and plan submitted by the Board of Trustees shall be made within 90 days after receiving the alternative report and plan, and shall be accepted or rejected according to the requirements of this subsection (b)(3)(iv). The Board of Trustees shall continue to submit alternative reports and plans to the Auditor General, as necessary, until a favorable determination is made by the Auditor General.

(4) For any retiree who first retires effective on or after the effective date of this amendatory Act of the 95th General Assembly, to be eligible for retiree health care benefits upon retirement, the retiree must be at least 55 years of age, retire with 10 or more years of continuous service and satisfy the preconditions established by this amendatory Act in addition to any rules or regulations promulgated by the Board of Trustees. This paragraph (4) shall not apply to a disability allowance.

(5) Effective January 1, 2009, the aggregate amount of retiree, dependent and survivor contributions to the cost of their health care benefits shall not exceed more than 45% of the total cost of such benefits. The Board of Trustees shall have the discretion to provide different contribution levels for retirees, dependents and survivors based on their years of service, level of coverage or Medicare eligibility, provided that the total contribution from all retirees, dependents, and survivors shall be not more than 45% of the total cost of such benefits. The term "total cost of such benefits" for purposes of this subsection shall be the total amount expended by the retiree health benefit program in the prior plan year, as calculated and certified in writing by the Retiree Health Care Trust’s enrolled actuary to be appointed and paid for by the Board of Trustees.

(6) Effective 30 days after the establishment of the Retiree Health Care Trust, all employees of the Authority shall contribute
to the Retiree Health Care Trust in an amount not less than 3% of compensation.

(7) No earlier than January 1, 2009 and no later than July 1, 2009 as the Retiree Health Care Trust becomes solely responsible for providing health care benefits to eligible retirees and their dependents and survivors in accordance with subsection (b) of this Section 22-101B, the Authority shall not have any obligation to provide health care to current or future retirees and their dependents or survivors. Employees, retirees, dependents, and survivors who are required to make contributions to the Retiree Health Care Trust shall make contributions at the level set by the Board of Trustees pursuant to the requirements of this Section 22-101B.

Section 10. The Illinois Municipal Code is amended by changing Section 8-3-19 as follows:

(65 ILCS 5/8-3-19)

Sec. 8-3-19. Home rule real estate transfer taxes.

(a) After the effective date of this amendatory Act of the 93rd General Assembly and subject to this Section, a home rule municipality may impose or increase a tax or other fee on the privilege of transferring title to real estate, on the privilege of transferring a beneficial interest in real property, and on the privilege of transferring a controlling interest in a real estate entity, as the terms "beneficial interest", "controlling interest", and "real estate entity" are defined in Article 31 of the Property Tax Code. Such a tax or other fee shall hereafter be referred to as a real estate transfer tax.

(b) Before adopting a resolution to submit the question of imposing or increasing a real estate transfer tax to referendum, the corporate authorities shall give public notice of and hold a public hearing on the intent to submit the question to referendum. This hearing may be part of a regularly scheduled meeting of the corporate authorities. The notice shall be published not more than 30 nor less than 10 days prior to the hearing in a newspaper of general circulation within the municipality. The notice shall be published in the following form:

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Notice of Proposed (Increased) Real Estate Transfer Tax for (commonly known name of municipality).

A public hearing on a resolution to submit to referendum the question of a proposed (increased) real estate transfer tax for (legal name of the municipality) in an amount of (rate) to be paid by the buyer (seller) of the real estate transferred will be held on (date) at (time) at (location). The current rate of real estate transfer tax imposed by (name of municipality) is (rate).

Any person desiring to appear at the public hearing and present testimony to the taxing district may do so.

(c) A notice that includes any information not specified and required by this Section is an invalid notice. All hearings shall be open to the public. At the public hearing, the corporate authorities of the municipality shall explain the reasons for the proposed or increased real estate transfer tax and shall permit persons desiring to be heard an opportunity to present testimony within reasonable time limits determined by the corporate authorities. A copy of the proposed ordinance shall be made available to the general public for inspection before the public hearing.

(d) Except as provided in subsection (i), no home rule municipality shall impose a new real estate transfer tax after the effective date of this amendatory Act of 1996 without prior approval by referendum. Except as provided in subsection (i), no home rule municipality shall impose an increase of the rate of a current real estate transfer tax without prior approval by referendum. A home rule municipality may impose a new real estate transfer tax or may increase an existing real estate transfer tax with prior referendum approval. The referendum shall be conducted as provided in subsection (e). An existing ordinance or resolution imposing a real estate transfer tax may be amended without approval by referendum if the amendment does not increase the rate of the tax or add transactions on which the tax is imposed.

(e) The home rule municipality shall, by resolution, provide for submission of the proposition to the voters. The home rule municipality shall certify the resolution and the proposition to the proper election
officials in accordance with the general election law. If the proposition is to impose a new real estate transfer tax, it shall be in substantially the following form: "Shall (name of municipality) impose a real estate transfer tax at a rate of (rate) to be paid by the buyer (seller) of the real estate transferred, with the revenue of the proposed transfer tax to be used for (purpose)?". If the proposition is to increase an existing real estate transfer tax, it shall be in the following form: "Shall (name of municipality) impose a real estate transfer tax increase of (percent increase) to establish a new transfer tax rate of (rate) to be paid by the buyer (seller) of the real estate transferred? The current rate of the real estate transfer tax is (rate), and the revenue is used for (purpose). The revenue from the increase is to be used for (purpose)."

If a majority of the electors voting on the proposition vote in favor of it, the municipality may impose or increase the municipal real estate transfer tax or fee.

(f) Nothing in this amendatory Act of 1996 shall limit the purposes for which real estate transfer tax revenues may be collected or expended.

(g) A home rule municipality may not impose real estate transfer taxes other than as authorized by this Section. This Section is a denial and limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution.

(h) Notwithstanding subsection (g) of this Section, any real estate transfer taxes adopted by a municipality at any time prior to January 17, 1997 (the effective date of Public Act 89-701) and any amendments to any existing real estate transfer tax ordinance adopted after that date, in accordance with the law in effect at the time of the adoption of the amendments, are not preempted by this amendatory Act of the 93rd General Assembly.

(i) Within 6 months after the effective date of this amendatory Act of the 95th General Assembly, by ordinance adopted without a referendum, a home rule municipality with a population in excess of 1,000,000 may increase the rate of an existing real estate transfer tax by a rate of up to $1.50 for each $500 of value or fraction thereof, or in the alternative may impose a real estate transfer tax at a rate of up to $1.50

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for each $500 of value or fraction thereof, which may be on the buyer or seller of real estate, or jointly and severally on both, for the sole purpose of providing financial assistance to the Chicago Transit Authority. All amounts collected under such supplemental tax, after fees for costs of collection, shall be provided to the Chicago Transit Authority pursuant to an intergovernmental agreement as promptly as practicable upon their receipt. Such municipality shall file a copy of any ordinance imposing or increasing such tax with the Illinois Department of Revenue and shall file a report with the Department each month certifying the amount paid to the Chicago Transit Authority in the previous month from the proceeds of such tax.

(Source: P.A. 93-657, eff. 6-1-04.)

Section 15. The Metropolitan Transit Authority Act is amended by changing Sections 15, 28a, 34, and 46 and by adding Sections 12c, 50, and 51 as follows:

(70 ILCS 3605/12c new)

Sec. 12c. Retiree Benefits Bonds and Notes.

(a) In addition to all other bonds or notes that it is authorized to issue, the Authority is authorized to issue its bonds or notes for the purposes of providing funds for the Authority to make the deposits described in Section 12c(b)(1) and (2), for refunding any bonds authorized to be issued under this Section, as well as for the purposes of paying costs of issuance, obtaining bond insurance or other credit enhancement or liquidity facilities, paying costs of obtaining related swaps as authorized in the Bond Authorization Act ("Swaps"), providing a debt service reserve fund, paying Debt Service (as defined in paragraph (i) of this Section 12c), and paying all other costs related to any such bonds or notes.

(b)(1) After its receipt of a certified copy of a report of the Auditor General of the State of Illinois meeting the requirements of Section 3-2.3 of the Illinois State Auditing Act, the Authority may issue $1,348,550,000 aggregate original principal amount of bonds and notes. After payment of the costs of issuance and necessary deposits to funds and accounts established with respect to debt service, the net proceeds of such bonds or notes shall be deposited only in the Retirement Plan for Chicago Transit

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Authority Employees and used only for the purposes required by Section 22-101 of the Illinois Pension Code. Provided that no less than $1,110,500,000 has been deposited in the Retirement Plan, remaining proceeds of bonds issued under this subparagraph (b)(1) may be used to pay costs of issuance and make necessary deposits to funds and accounts with respect to debt service for bonds and notes issued under this subparagraph or subparagraph (b)(2).

(2) After its receipt of a certified copy of a report of the Auditor General of the State of Illinois meeting the requirements of Section 3-2.3 of the Illinois State Auditing Act, the Authority may issue $639,680,000 aggregate original principal amount of bonds and notes. After payment of the costs of issuance and necessary deposits to funds and accounts established with respect to debt service, the net proceeds of such bonds or notes shall be deposited only in the Retiree Health Care Trust and used only for the purposes required by Section 22-101B of the Illinois Pension Code. Provided that no less than $528,800,000 has been deposited in the Retiree Health Care Trust, remaining proceeds of bonds issued under this subparagraph (b)(2) may be used to pay costs of issuance and make necessary deposits to funds and accounts with respect to debt service for bonds and notes issued under this subparagraph or subparagraph (b)(1).

(3) In addition, refunding bonds are authorized to be issued for the purpose of refunding outstanding bonds or notes issued under this Section 12c.

(4) The bonds or notes issued under 12c(b)(1) shall be issued as soon as practicable after the Auditor General issues the report provided in Section 3-2.3(b) of the Illinois State Auditing Act. The bonds or notes issued under 12c(b)(2) shall be issued as soon as practicable after the Auditor General issues the report provided in Section 3-2.3(c) of the Illinois State Auditing Act.

(5) With respect to bonds and notes issued under subparagraph (b), scheduled aggregate annual payments of interest or deposits into funds and accounts established for the purpose of such payment shall commence within one year after the bonds and notes are issued. With respect to principal and interest, scheduled aggregate annual payments of

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principal and interest or deposits into funds and accounts established for the purpose of such payment shall be not less than 70% in 2009, 80% in 2010, and 90% in 2011, respectively, of scheduled payments or deposits of principal and interest in 2012 and shall be substantially equal beginning in 2012 and each year thereafter. For purposes of this subparagraph (b), "substantially equal" means that debt service in any full year after calendar year 2011 is not more than 115% of debt service in any other full year after calendar year 2011 during the term of the bonds or notes. For the purposes of this subsection (b), with respect to bonds and notes that bear interest at a variable rate, interest shall be assumed at a rate equal to the rate for United States Treasury Securities - State and Local Government Series for the same maturity, plus 75 basis points. If the Authority enters into a Swap with a counterparty requiring the Authority to pay a fixed interest rate on a notional amount, and the Authority has made a determination that such Swap was entered into for the purpose of providing substitute interest payments for variable interest rate bonds or notes of a particular maturity or maturities in a principal amount equal to the notional amount of the Swap, then during the term of the Swap for purposes of any calculation of interest payable on such bonds or notes, the interest rate on the bonds or notes of such maturity or maturities shall be determined as if such bonds or notes bore interest at the fixed interest rate payable by the Authority under such Swap.

(6) No bond or note issued under this Section 12c shall mature later than December 31, 2040.

(c) The Chicago Transit Board shall provide for the issuance of bonds or notes as authorized in this Section 12c by the adoption of an ordinance. The ordinance, together with the bonds or notes, shall constitute a contract among the Authority, the owners from time to time of the bonds or notes, any bond trustee with respect to the bonds or notes, any related credit enhancer and any provider of any related Swaps.

(d) The Authority is authorized to cause the proceeds of the bonds or notes, and any interest or investment earnings on the bonds or notes, and of any Swaps, to be invested until the proceeds and any interest or
investment earnings have been deposited with the Retirement Plan or the Retiree Health Care Trust.

(e) Bonds or notes issued pursuant to this Section 12c may be general obligations of the Authority, to which shall be pledged the full faith and credit of the Authority, or may be obligations payable solely from particular sources of funds all as may be provided in the authorizing ordinance. The authorizing ordinance for the bonds and notes, whether or not general obligations of the Authority, may provide for the Debt Service (as defined in paragraph (i) of this Section 12c) to have a claim for payment from particular sources of funds, including, without limitation, amounts to be paid to the Authority or a bond trustee. The authorizing ordinance may provide for the means by which the bonds or notes (and any related Swaps) may be secured, which may include, a pledge of any revenues or funds of the Authority from whatever source which may by law be utilized for paying Debt Service. In addition to any other security, upon the written approval of the Regional Transportation Authority by the affirmative vote of 12 of its then Directors, the ordinance may provide a specific pledge or assignment of and lien on or security interest in amounts to be paid to the Authority by the Regional Transportation Authority and direct payment thereof to the bond trustee for payment of Debt Service with respect to the bonds or notes, subject to the provisions of existing lease agreements of the Authority with any public building commission. The authorizing ordinance may also provide a specific pledge or assignment of and lien on or security interest in and direct payment to the trustee of all or a portion of the moneys otherwise payable to the Authority from the City of Chicago pursuant to an intergovernmental agreement with the Authority to provide financial assistance to the Authority. Any such pledge, assignment, lien or security interest for the benefit of owners of bonds or notes shall be valid and binding from the time the bonds or notes are issued, without any physical delivery or further act, and shall be valid and binding as against and prior to the claims of all other parties having claims of any kind against the Authority or any other person, irrespective of whether such other parties have notice of such pledge, assignment, lien or security interest, all as provided in the

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Local Government Debt Reform Act, as it may be amended from time to time. The bonds or notes of the Authority issued pursuant to this Section 12c shall have such priority of payment and as to their claim for payment from particular sources of funds, including their priority with respect to obligations of the Authority issued under other Sections of this Act, all as shall be provided in the ordinances authorizing the issuance of the bonds or notes. The ordinance authorizing the issuance of any bonds or notes under this Section may provide for the creation of, deposits in, and regulation and disposition of sinking fund or reserve accounts relating to those bonds or notes and related agreements. The ordinance authorizing the issuance of any such bonds or notes authorized under this Section 12c may contain provisions for the creation of a separate fund to provide for the payment of principal of and interest on those bonds or notes and related agreements. The ordinance may also provide limitations on the issuance of additional bonds or notes of the Authority.

(f) Bonds or notes issued under this Section 12c shall not constitute an indebtedness of the Regional Transportation Authority, the State of Illinois, or of any other political subdivision of or municipality within the State, except the Authority.

(g) The ordinance of the Chicago Transit Board authorizing the issuance of bonds or notes pursuant to this Section 12c may provide for the appointment of a corporate trustee (which may be any trust company or bank having the powers of a trust company within Illinois) with respect to bonds or notes issued pursuant to this Section 12c. The ordinance shall prescribe the rights, duties, and powers of the trustee to be exercised for the benefit of the Authority and the protection of the owners of bonds or notes issued pursuant to this Section 12c. The ordinance may provide for the trustee to hold in trust, invest and use amounts in funds and accounts created as provided by the ordinance with respect to the bonds or notes in accordance with this Section 12c. The Authority may apply, as it shall determine, any amounts received upon the sale of the bonds or notes to pay any Debt Service on the bonds or notes. The ordinance may provide for a trust indenture to set forth terms of, sources of payment for and security for the bonds and notes.

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(h) The State of Illinois pledges to and agrees with the owners of the bonds or notes issued pursuant to Section 12c that the State of Illinois will not limit the powers vested in the Authority by this Act to pledge and assign its revenues and funds as security for the payment of the bonds or notes, or vested in the Regional Transportation Authority by the Regional Transportation Authority Act or this Act, so as to materially impair the payment obligations of the Authority under the terms of any contract made by the Authority with those owners or to materially impair the rights and remedies of those owners until those bonds or notes, together with interest and any redemption premium, and all costs and expenses in connection with any action or proceedings by or on behalf of such owners are fully met and discharged. The Authority is authorized to include these pledges and agreements of the State of Illinois in any contract with owners of bonds or notes issued pursuant to this Section 12c.

(i) For purposes of this Section, "Debt Service" with respect to bonds or notes includes, without limitation, principal (at maturity or upon mandatory redemption), redemption premium, interest, periodic, upfront, and termination payments on Swaps, fees for bond insurance or other credit enhancement, liquidity facilities, the funding of bond or note reserves, bond trustee fees, and all other costs of providing for the security or payment of the bonds or notes.

(j) The Authority shall adopt a procurement program with respect to contracts relating to the following service providers in connection with the issuance of debt for the benefit of the Retirement Plan for Chicago Transit Authority Employees: underwriters, bond counsel, financial advisors, and accountants. The program shall include goals for the payment of not less than 30% of the total dollar value of the fees from these contracts to minority owned businesses and female owned businesses as defined in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. The Authority shall conduct outreach to minority owned businesses and female owned businesses. Outreach shall include, but is not limited to, advertisements in periodicals and newspapers, mailings, and other appropriate media. The Authority shall submit to the General Assembly a comprehensive report that shall include,
at a minimum, the details of the procurement plan, outreach efforts, and the results of the efforts to achieve goals for the payment of fees. The service providers selected by the Authority pursuant to such program shall not be subject to approval by the Regional Transportation Authority, and the Regional Transportation Authority's approval pursuant to subsection (e) of this Section 12c related to the issuance of debt shall not be based in any way on the service providers selected by the Authority pursuant to this Section.

(k) No person holding an elective office in this State, holding a seat in the General Assembly, serving as a director, trustee, officer, or employee of the Regional Transportation Authority or the Chicago Transit Authority, including the spouse or minor child of that person, may receive a legal, banking, consulting, or other fee related to the issuance of any bond issued by the Chicago Transit Authority pursuant to this Section.

(70 ILCS 3605/15) (from Ch. 111 2/3, par. 315)

Sec. 15. The Authority shall have power to apply for and accept grants and loans from the Federal Government or any agency or instrumentality thereof, from the State, or from any county, municipal corporation or other political subdivision of the State to be used for any of the purposes of the Authority, including, but not by way of limitation, grants and loans in aid of mass transportation and for studies in mass transportation, and may provide matching funds when necessary to qualify for such grants or loans. The Authority may enter into any agreement with the Federal Government, the State, and any county, municipal corporation or other political subdivision of the State in relation to such grants or loans; provided that such agreement does not conflict with any of the provisions of any trust agreement securing the payment of bonds or certificates of the Authority.

The Authority may also accept from the state, or from any county or other political subdivision, or from any municipal corporation, or school district, or school authorities, grants or other funds authorized by law to be paid to the Authority for any of the purposes of this Act.

(Source: Laws 1961, p. 3135.)

(70 ILCS 3605/28a) (from Ch. 111 2/3, par. 328a)

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Sec. 28a. (a) The Board may deal with and enter into written contracts with the employees of the Authority through accredited representatives of such employees or representatives of any labor organization authorized to act for such employees, concerning wages, salaries, hours, working conditions and pension or retirement provisions; provided, nothing herein shall be construed to permit hours of labor in excess of those provided by law or to permit working conditions prohibited by law. In case of dispute over wages, salaries, hours, working conditions, or pension or retirement provisions the Board may arbitrate any question or questions and may agree with such accredited representatives or labor organization that the decision of a majority of any arbitration board shall be final, provided each party shall agree in advance to pay half of the expense of such arbitration.

No contract or agreement shall be made with any labor organization, association, group or individual for the employment of members of such organization, association, group or individual for the construction, improvement, maintenance, operation or administration of any property, plant or facilities under the jurisdiction of the Authority, where such organization, association, group or individual denies on the ground of race, creed, color, sex, religion, physical or mental handicap unrelated to ability, or national origin membership and equal opportunities for employment to any citizen of Illinois.

(b)(1) The provisions of this paragraph (b) apply to collective bargaining agreements (including extensions and amendments of existing agreements) entered into on or after January 1, 1984.

(2) The Board shall deal with and enter into written contracts with their employees, through accredited representatives of such employees authorized to act for such employees concerning wages, salaries, hours, working conditions, and pension or retirement provisions about which a collective bargaining agreement has been entered prior to the effective date of this amendatory Act of 1983. Any such agreement of the Authority shall provide that the agreement may be reopened if the amended budget submitted pursuant to Section 2.18a of the Regional Transportation Authority Act is not approved by the Board of the Regional Transportation

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Authority. The agreement may not include a provision requiring the payment of wage increases based on changes in the Consumer Price Index. The Board shall not have the authority to enter into collective bargaining agreements with respect to inherent management rights, which include such areas of discretion or policy as the functions of the employer, standards of services, its overall budget, the organizational structure and selection of new employees and direction of personnel. Employers, however, shall be required to bargain collectively with regard to policy matters directly affecting wages, hours and terms and conditions of employment, as well as the impact thereon upon request by employee representatives. To preserve the rights of employers and exclusive representatives which have established collective bargaining relationships or negotiated collective bargaining agreements prior to the effective date of this amendatory Act of 1983, employers shall be required to bargain collectively with regard to any matter concerning wages, hours or conditions of employment about which they have bargained prior to the effective date of this amendatory Act of 1983.

(3) The collective bargaining agreement may not include a prohibition on the use of part-time operators on any service operated by or funded by the Board, except where prohibited by federal law.

(4) Within 30 days of the signing of any such collective bargaining agreement, the Board shall determine the costs of each provision of the agreement, prepare an amended budget incorporating the costs of the agreement, and present the amended budget to the Board of the Regional Transportation Authority for its approval under Section 4.11 of the Regional Transportation Act. The Board of the Regional Transportation Authority may approve the amended budget by an affirmative vote of two-thirds of its then Directors. If the budget is not approved by the Board of the Regional Transportation Authority, the agreement may be reopened and its terms may be renegotiated. Any amended budget which may be prepared following renegotiation shall be presented to the Board of the Regional Transportation Authority for its approval in like manner.

(Source: P.A. 83-886.)

(70 ILCS 3605/34) (from Ch. 111 2/3, par. 334)
Sec. 34. Budget and Program. The Authority, subject to the powers of the Regional Transportation Authority in Section 4.11 of the Regional Transportation Authority Act, shall control the finances of the Authority. It shall by ordinance appropriate money to perform the Authority's purposes and provide for payment of debts and expenses of the Authority. Each year the Authority shall prepare and publish a comprehensive annual budget and five-year capital program document, and a financial plan for the 2 years thereafter describing the state of the Authority and presenting for the forthcoming fiscal year and the two following years the Authority's plans for such operations and capital expenditures as it intends to undertake and the means by which it intends to finance them. The proposed budget, and financial plan, and five-year capital program shall be based on the Regional Transportation Authority's estimate of funds to be made available to the Authority by or through the Regional Transportation Authority and shall conform in all respects to the requirements established by the Regional Transportation Authority. The proposed program and budget, financial plan, and five-year capital program shall contain a statement of the funds estimated to be on hand at the beginning of the fiscal year, the funds estimated to be received from all sources for such year and the funds estimated to be on hand at the end of such year. After adoption of the Regional Transportation Authority's first Five-Year Program, as provided in Section 2.01 of the Regional Transportation Authority Act, the proposed program and budget shall specifically identify any respect in which the recommended program deviates from the Regional Transportation Authority's then existing Five-Year Program, giving the reasons for such deviation. The proposed program and budget, financial plan, and five-year capital program shall be available at no cost for public inspection at the Authority's main office and at the Regional Transportation Authority's main office at least 3 weeks prior to any public hearing. Before the proposed budget, and program and financial plan, and five-year capital program are submitted to the Regional Transportation Authority, the Authority shall hold at least one public hearing thereon in each of the counties in which the Authority provides service. All Board members of the Authority shall attend a majority of the public hearings.

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unless reasonable cause is given for their absence. After the public hearings, the Board of the Authority shall hold at least one meeting for consideration of the proposed program and budget with the Cook County Board. After conducting such hearings and holding such meetings and after making such changes in the proposed program and budget, financial plan, and five-year capital program as the Board deems appropriate, it shall adopt an annual budget ordinance at least by November 15th preceding the beginning of each fiscal year. The budget, program, and financial plan, and five-year capital program shall then be submitted to the Regional Transportation Authority as provided in Section 4.11 of the Regional Transportation Authority Act. In the event that the Board of the Regional Transportation Authority determines that the budget, program, and financial plan, and five-year capital program do not meet the standards of said Section 4.11, the Board of the Authority shall make such changes as are necessary to meet such requirements and adopt an amended budget ordinance. The amended budget ordinance shall be resubmitted to the Regional Transportation Authority pursuant to said Section 4.11. The ordinance shall appropriate such sums of money as are deemed necessary to defray all necessary expenses and obligations of the Authority, specifying purposes and the objects or programs for which appropriations are made and the amount appropriated for each object or program. Additional appropriations, transfers between items and other changes in such ordinance which do not alter the basis upon which the balanced budget determination was made by the Regional Transportation Authority may be made from time to time by the Board.

The budget shall:

(i) show a balance between (A) anticipated revenues from all sources including operating subsidies and (B) the costs of providing the services specified and of funding any operating deficits or encumbrances incurred in prior periods, including provision for payment when due of principal and interest on outstanding indebtedness;

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(ii) show cash balances including the proceeds of any anticipated cash flow borrowing sufficient to pay with reasonable promptness all costs and expenses as incurred;

(iii) provide for a level of fares or charges and operating or administrative costs for the public transportation provided by or subject to the jurisdiction of the Board sufficient to allow the Board to meet its required system generated revenue recovery ratio as determined in accordance with subsection (a) of Section 4.11 of the Regional Transportation Authority Act;

(iv) be based upon and employ assumptions and projections which are reasonable and prudent;

(v) have been prepared in accordance with sound financial practices as determined by the Board of the Regional Transportation Authority; and

(vi) meet such other financial, budgetary, or fiscal requirements that the Board of the Regional Transportation Authority may by rule or regulation establish; and:

(vii) be consistent with the goals and objectives adopted by the Regional Transportation Authority in the Strategic Plan.

The Board shall establish a fiscal operating year. At least thirty days prior to the beginning of the first full fiscal year after the creation of the Authority, and annually thereafter, the Board shall cause to be prepared a tentative budget which shall include all operation and maintenance expense for the ensuing fiscal year. The tentative budget shall be considered by the Board and, subject to any revision and amendments as may be determined, shall be adopted prior to the first day of the ensuing fiscal year as the budget for that year. No expenditures for operations and maintenance in excess of the budget shall be made during any fiscal year except by the affirmative vote of at least five members of the Board. It shall not be necessary to include in the annual budget any statement of necessary expenditures for pensions or retirement annuities, or for interest or principal payments on bonds or certificates, or for capital outlays, but it shall be the duty of the Board to make provision for payment of same from

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appropriate funds. The Board may not alter its fiscal year without the prior approval of the Board of the Regional Transportation Authority.
(Source: P.A. 87-1249.)

(70 ILCS 3605/46) (from Ch. 111 2/3, par. 346)

Sec. 46. Citizens Advisory Board. The Board shall establish a citizens advisory board composed of 11 residents of those portions of the metropolitan region in which the Authority provides service who have an interest in public transportation, one of whom shall be at least 65 years of age. The members of the advisory board shall be named for 2 year terms, shall select one of their members to serve as chairman and shall serve without compensation. The citizens advisory board shall meet with Board at least quarterly and advise the Board of the impact of its policies and programs on the communities it serves. *Appointments to the citizens advisory board should, to the greatest extent possible, reflect the ethnic, cultural, and geographic diversity of all persons residing within the metropolitan region in which the Authority provides service.*
(Source: P.A. 87-226.)

(70 ILCS 3605/50 new)

Sec. 50. Disadvantaged Business Enterprise Contracting and Equal Employment Opportunity Programs. The Authority shall, as soon as is practicable but in no event later than two years after the effective date of this amendatory Act of the 95th General Assembly, establish and maintain a disadvantaged business enterprise contracting program designed to ensure non-discrimination in the award and administration of contracts not covered under a federally mandated disadvantaged business enterprise program. The program shall establish narrowly tailored goals for the participation of disadvantaged business enterprises as the Authority determines appropriate. The goals shall be based on demonstrable evidence of the availability of ready, willing, and able disadvantaged business enterprises relative to all businesses ready, willing, and able to participate on the program's contracts. The program shall require the Authority to monitor the progress of the contractors' obligations with respect to the program's goals. Nothing in this program shall conflict with or interfere with the maintenance or operation of, or

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compliance with, any federally mandated disadvantaged business enterprise program.

The Authority shall establish and maintain a program designed to promote equal employment opportunity. Each year, no later than October 1, the Authority shall report to the General Assembly on the number of employees of the Authority and the number of employees who have designated themselves as members of a minority group and gender.

Each year no later than October 1, and starting no later than the October 1 after the establishment of the disadvantaged business enterprise contracting program, the Authority shall submit a report with respect to such program to the General Assembly. In addition, no later than October 1 of each year, the Authority shall submit a copy of its federally mandated semi-annual Uniform Report of Disadvantaged Business Enterprises Awards or Commitments and Payments to the General Assembly.

(70 ILCS 3605/51 new)
Sec. 51. Notwithstanding any law to the contrary, no later than 60 days following the effective date of this amendatory Act of the 95th General Assembly, any fixed route public transportation services provided by, or under grant or purchase of service contracts of, the Board shall be provided without charge to all senior citizens of the Metropolitan Region (as such term is defined in 70 ILCS 3615/1.03) aged 65 and older, under such conditions as shall be prescribed by the Board.

Section 16. The Local Mass Transit District Act is amended by adding Section 8.6 as follows:

(70 ILCS 3610/8.6 new)
Sec. 8.6. Notwithstanding any law to the contrary, no later than 60 days following the effective date of this amendatory Act of the 95th General Assembly, any fixed route public transportation services provided by, or under grant or purchase of service contracts of, every District shall be provided without charge to all senior citizens of the District aged 65 and older, under such conditions as shall be prescribed by the District.

Section 20. The Regional Transportation Authority Act is amended by changing Sections 1.02, 2.01, 2.04, 2.05, 2.09, 2.12, 2.14, 2.18a, 2.30, 3.01, 3.03, 3.05, 3A.10, 3A.11, 3A.14, 3B.02, 3B.03, 3B.05, 3B.07, 3B.09,
Sec. 1.02. Findings and Purpose. (a) The General Assembly finds;

(i) Public transportation is, as provided in Section 7 of Article XIII of the Illinois Constitution, an essential public purpose for which public funds may be expended and that Section authorizes the State to provide financial assistance to units of local government for distribution to providers of public transportation. There is an urgent need to reform and continue a unit of local government to assure the proper management of public transportation and to receive and distribute State or federal operating assistance and to raise and distribute revenues for local operating assistance. System generated revenues are not adequate for such service and a public need exists to provide for, aid and assist public transportation in the northeastern area of the State, consisting of Cook, DuPage, Kane, Lake, McHenry and Will Counties.

(ii) Comprehensive and coordinated regional public transportation is essential to the public health, safety and welfare. It is essential to economic well-being, maintenance of full employment, conservation of sources of energy and land for open space and reduction of traffic congestion and for providing and maintaining a healthful environment for the benefit of present and future generations in the metropolitan region. Public transportation improves the mobility of the public and improves access to jobs, commercial facilities, schools and cultural attractions. Public transportation decreases air pollution and other environmental hazards resulting from excessive use of automobiles and allows for more efficient land use and planning.

(iii) Because system generated receipts are not presently adequate, public transportation facilities and services in the northeastern area are in grave financial condition. With existing methods of financing, coordination and management, and relative convenience of automobiles, such public transportation facilities are not providing adequate public transportation to insure the public health, safety and welfare.
(iv) Additional commitments to the special public transportation needs of the disabled handicapped, the economically disadvantaged, and the elderly are necessary.

(v) To solve these problems, it is necessary to provide for the creation of a regional transportation authority with the powers necessary to insure adequate public transportation.

(b) The General Assembly further finds, in connection with this amendatory Act of 1983:

(i) Substantial, recurring deficits in the operations of public transportation services subject to the jurisdiction of the Regional Transportation Authority and periodic cash shortages have occurred either of which could bring about a loss of public transportation services throughout the metropolitan region at any time;

(ii) A substantial or total loss of public transportation services or any segment thereof would create an emergency threatening the safety and well-being of the people in the northeastern area of the State; and

(iii) To meet the urgent needs of the people of the metropolitan region that such an emergency be averted and to provide financially sound methods of managing the provision of public transportation services in the northeastern area of the State, it is necessary, while maintaining and continuing the existing Authority, to modify the powers and responsibilities of the Authority, to reallocate responsibility for operating decisions, to change the composition and appointment of the Board of Directors thereof, and to immediately establish a new Board of Directors.

(c) The General Assembly further finds in connection with this amendatory Act of the 95th General Assembly:

(i) The economic vitality of northeastern Illinois requires regionwide and systemwide efforts to increase ridership on the transit systems, constrain road congestion within the metropolitan region, and allocate resources for transportation so as to assist in the development of an adequate, efficient, and coordinated regional transportation system that is in a state of good repair.

(ii) To achieve the purposes of this amendatory Act of the 95th General Assembly, the powers and duties of the Authority must be

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enhanced to improve overall planning and coordination, to achieve an integrated and efficient regional transit system, to advance the mobility of transit users, and to increase financial transparency of the Authority and the Service Boards.

(d) It is the purpose of this Act to provide for, aid and assist public transportation in the northeastern area of the State without impairing the overall quality of existing public transportation by providing for the creation of a single authority responsive to the people and elected officials of the area and with the power and competence to develop, implement, and enforce plans that promote adequate, efficient, and coordinated public transportation, provide financial review of the providers of public transportation in the metropolitan region and facilitate public transportation provided by Service Boards which is attractive and economical to users, comprehensive, coordinated among its various elements, economical, safe, efficient and coordinated with area and State plans.

(Source: P.A. 83-885; 83-886.)

(70 ILCS 3615/2.01) (from Ch. 111 2/3, par. 702.01)

Sec. 2.01. General Allocation of Responsibility for Public Transportation. Provision of Public Transportation - Review and Program.

(a) In order to accomplish the purposes as set forth in this Act, the responsibility for planning, operating, and funding public transportation in the metropolitan region shall be allocated as described in this Act. The Authority shall:

(i) adopt plans that implement the public policy of the State to provide adequate, efficient, and coordinated public transportation throughout the metropolitan region;
(ii) set goals, objectives, and standards for the Authority, the Service Boards, and transportation agencies;
(iii) develop performance measures to inform the public about the extent to which the provision of public transportation in the metropolitan region meets those goals, objectives, and standards;

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(iv) allocate operating and capital funds made available to support public transportation in the metropolitan region;
(v) provide financial oversight of the Service Boards; and
(vi) coordinate the provision of public transportation and the investment in public transportation facilities to enhance the integration of public transportation throughout the metropolitan region, all as provided in this Act.

The Service Boards shall, on a continuing basis determine the level, nature and kind of public transportation which should be provided for the metropolitan region in order to meet the plans, goals, objectives, and standards adopted by the Authority. The Service Boards may provide public transportation by purchasing such service from transportation agencies through purchase of service agreements, by grants to such agencies or by operating such service, all pursuant to this Act and the "Metropolitan Transit Authority Act", as now or hereafter amended.

Certain of its actions to implement the responsibilities allocated to the Authority in this subsection (a) shall be taken in 3 public documents adopted by the affirmative vote of at least 12 of its then Directors: A Strategic Plan; a Five-Year Capital Program; and an Annual Budget and Two-Year Financial Plan. The Authority shall establish a policy to provide adequate public transportation throughout the metropolitan region.

(b) The Authority shall subject the operating and capital plans and expenditures of the Service Boards in the metropolitan region with regard to public transportation to continuing review so that the Authority may budget and expend its funds with maximum effectiveness and efficiency. The Authority shall conduct audits of each of the Service Boards no less than every 5 years. Such audits may include management, performance, financial, and infrastructure condition audits. The Authority may conduct management, performance, financial, and infrastructure condition audits of transportation agencies that receive funds from the Authority. The Authority may direct a Service Board to conduct any such audit of a transportation agency that receives funds from such Service Board, and the Service Board shall comply with such request to the extent it has the right to do so. These audits of the Service Boards or transportation
agencies may be project or service specific audits to evaluate their achievement of the goals and objectives of that project or service and their compliance with any applicable requirements. Certain—of—its recommendations in this regard shall be set forth in 2 public documents, the Five-Year Program provided for in this Section and an Annual Budget and Program provided for in Section 4.01.

(c) The Authority shall, in consultation with the Service Boards, each year prepare and, by ordinance, adopt, after public hearings held in each county in the metropolitan region, a Five-Year Program to inform the public and government officials of the Authority's objectives and program for operations and capital development during the forthcoming five-year period. The Five-Year Program shall set forth the standards of service which the public may expect; each Service Board's plans for coordinating routes and service of the various transportation agencies; the anticipated expense of providing public transportation at standards of service then existing and under alternative operating programs; the nature, location and expense of anticipated capital improvements exceeding $250,000, by specific item and by fiscal year; and such demographic and other data developed by planning and other related agencies, as the Authority shall consider pertinent to the Service Boards' decisions as to levels and nature of service, including without limitation the patterns of population density and growth, projected commercial and residential development, environmental factors and the availability of alternative modes of transportation. The Five-Year Program shall be adopted on the affirmative votes of 9 of the then Directors.

(Source: P.A. 83-886.)

(70 ILCS 3615/2.01a new)

Sec. 2.01a. Strategic Plan.

(a) By the affirmative vote of at least 12 of its then Directors, the Authority shall adopt a Strategic Plan, no less than every 5 years, after consultation with the Service Boards and after holding a minimum of 3 public hearings in Cook County and one public hearing in each of the other counties in the region. The Executive Director of the Authority shall review the Strategic Plan on an ongoing basis and make recommendations

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to the Board of the Authority with respect to any update or amendment of the Strategic Plan. The Strategic Plan shall describe the specific actions to be taken by the Authority and the Service Boards to provide adequate, efficient, and coordinated public transportation.

(b) The Strategic Plan shall identify goals and objectives with respect to:

   (i) increasing ridership and passenger miles on public transportation funded by the Authority;

   (ii) coordination of public transportation services and the investment in public transportation facilities to enhance the integration of public transportation throughout the metropolitan region;

   (iii) coordination of fare and transfer policies to promote transfers by riders among Service Boards, transportation agencies, and public transportation modes, which may include goals and objectives for development of a universal fare instrument that riders may use interchangeably on all public transportation funded by the Authority, and methods to be used to allocate revenues from transfers;

   (iv) improvements in public transportation facilities to bring those facilities into a state of good repair, enhancements that attract ridership and improve customer service, and expansions needed to serve areas with sufficient demand for public transportation;

   (v) access for transit-dependent populations, including access by low-income communities to places of employment, utilizing analyses provided by the Chicago Metropolitan Agency for Planning regarding employment and transportation availability, and giving consideration to the location of employment centers in each county and the availability of public transportation at off-peak hours and on weekends;

   (vi) the financial viability of the public transportation system, including both operating and capital programs;

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(vii) limiting road congestion within the metropolitan region and enhancing transit options to improve mobility; and
(viii) such other goals and objectives that advance the policy of the State to provide adequate, efficient, and coordinated public transportation in the metropolitan region.
(c) The Strategic Plan shall establish the process and criteria by which proposals for capital improvements by a Service Board or a transportation agency will be evaluated by the Authority for inclusion in the Five-Year Capital Program, which may include criteria for:
   (i) allocating funds among maintenance, enhancement, and expansion improvements;
   (ii) projects to be funded from the Innovation, Coordination, and Enhancement Fund;
   (iii) projects intended to improve or enhance ridership or customer service;
   (iv) design and location of station or transit improvements intended to promote transfers, increase ridership, and support transit-oriented land development;
   (v) assessing the impact of projects on the ability to operate and maintain the existing transit system; and
   (vi) other criteria that advance the goals and objectives of the Strategic Plan.
(d) The Strategic Plan shall establish performance standards and measurements regarding the adequacy, efficiency, and coordination of public transportation services in the region and the implementation of the goals and objectives in the Strategic Plan. At a minimum, such standards and measures shall include customer-related performance data measured by line, route, or sub-region, as determined by the Authority, on the following:
   (i) travel times and on-time performance;
   (ii) ridership data;
   (iii) equipment failure rates;
   (iv) employee and customer safety; and
   (v) customer satisfaction.
The Service Boards and transportation agencies that receive funding from the Authority or Service Boards shall prepare, publish, and submit to the Authority such reports with regard to these standards and measurements in the frequency and form required by the Authority; however, the frequency of such reporting shall be no less than annual. The Service Boards shall publish such reports on their respective websites. The Authority shall compile and publish such reports on its website. Such performance standards and measures shall not be used as the basis for disciplinary action against any employee of the Authority or Service Boards, except to the extent the employment and disciplinary practices of the Authority or Service Board provide for such action.

(e) The Strategic Plan shall identify innovations to improve the delivery of public transportation and the construction of public transportation facilities.

(f) The Strategic Plan shall describe the expected financial condition of public transportation in the metropolitan region prospectively over a 10-year period, which may include information about the cash position and all known obligations of the Authority and the Service Boards including operating expenditures, debt service, contributions for payment of pension and other post-employment benefits, the expected revenues from fares, tax receipts, grants from the federal, State, and local governments for operating and capital purposes and issuance of debt, the availability of working capital, and the resources needed to achieve the goals and objectives described in the Strategic Plan.

(g) In developing the Strategic Plan, the Authority shall rely on such demographic and other data, forecasts, and assumptions developed by the Chicago Metropolitan Agency for Planning with respect to the patterns of population density and growth, projected commercial and residential development, and environmental factors, within the metropolitan region and in areas outside the metropolitan region that may impact public transportation utilization in the metropolitan region. Before adopting or amending any Strategic Plan, the Authority shall consult with the Chicago Metropolitan Agency for Planning regarding the consistency

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of the Strategic Plan with the Regional Comprehensive Plan adopted pursuant to the Regional Planning Act.

(h) The Authority may adopt, by the affirmative vote of at least 12 of its then Directors, sub-regional or corridor plans for specific geographic areas of the metropolitan region in order to improve the adequacy, efficiency, and coordination of existing, or the delivery of new, public transportation. Such plans may also address areas outside the metropolitan region that may impact public transportation utilization in the metropolitan region. In preparing a sub-regional or corridor plan, the Authority may identify changes in operating practices or capital investment in the sub-region or corridor that could increase ridership, reduce costs, improve coordination, or enhance transit-oriented development. The Authority shall consult with any affected Service Boards in the preparation of any sub-regional or corridor plans.

(i) If the Authority determines, by the affirmative vote of at least 12 of its then Directors, that, with respect to any proposed new public transportation service or facility, (i) multiple Service Boards or transportation agencies are potential service providers and (ii) the public transportation facilities to be constructed or purchased to provide that service have an expected construction cost of more than $25,000,000, the Authority shall have sole responsibility for conducting any alternatives analysis and preliminary environmental assessment required by federal or State law. Nothing in this subparagraph (i) shall prohibit a Service Board from undertaking alternatives analysis and preliminary environmental assessment for any public transportation service or facility identified in items (i) and (ii) above that is included in the Five-Year Capital Program as of the effective date of this amendatory Act of the 95th General Assembly; however, any expenditure related to any such public transportation service or facility must be included in a Five-Year Capital Program under the requirements of Sections 2.01b and 4.02 of this Act.

Sec. 2.01b. The Five-Year Capital Program. By the affirmative vote of at least 12 of its then Directors, the Authority, after consultation with the Service Boards and after holding a minimum of 3 public hearings
in Cook County and one public hearing in each of the other counties in the metropolitan region, shall each year adopt a Five-Year Capital Program that shall include each capital improvement to be undertaken by or on behalf of a Service Board provided that the Authority finds that the improvement meets any criteria for capital improvements contained in the Strategic Plan, is not inconsistent with any sub-regional or corridor plan adopted by the Authority, and can be funded within amounts available with respect to the capital and operating costs of such improvement. In reviewing proposals for improvements to be included in a Five-Year Capital Program, the Authority may give priority to improvements that are intended to bring public transportation facilities into a state of good repair. The Five-Year Capital Program shall also identify capital improvements to be undertaken by a Service Board, a transportation agency, or a unit of local government and funded by the Authority from amounts in the Innovation, Coordination, and Enhancement Fund, provided that no improvement that is included in the Five-Year Capital Program as of the effective date of this amendatory Act of the 95th General Assembly may receive funding from the Innovation, Coordination, and Enhancement Fund. Before adopting a Five-Year Capital Program, the Authority shall consult with the Chicago Metropolitan Agency for Planning regarding the consistency of the Five-Year Capital Program with the Regional Comprehensive Plan adopted pursuant to the Regional Planning Act.

(70 ILCS 3615/2.01c new)

Sec. 2.01c. Innovation, Coordination, and Enhancement Fund.

(a) The Authority shall establish an Innovation, Coordination, and Enhancement Fund and each year deposit into the Fund the amounts directed by Section 4.03.3 of this Act. Amounts on deposit in such Fund and interest and other earnings on those amounts may be used by the Authority, upon the affirmative vote of 12 of its then Directors, and after a public participation process, for operating or capital grants or loans to Service Boards, transportation agencies, or units of local government that advance the goals and objectives identified by the Authority in its Strategic Plan, provided that no improvement that has been included in a

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Five-Year Capital Program as of the effective date of this amendatory Act of the 95th General Assembly may receive any funding from the Innovation, Coordination, and Enhancement Fund. Unless the Board has determined by a vote of 12 of its then Directors that an emergency exists requiring the use of some or all of the funds then in the Innovation, Coordination, and Enhancement Fund, such funds may only be used to enhance the coordination and integration of public transportation and develop and implement innovations to improve the quality and delivery of public transportation.

(b) Any grantee that receives funds from the Innovation, Coordination, and Enhancement Fund for the operation of eligible programs must (i) implement such programs within one year of receipt of such funds and (ii) within 2 years following commencement of any program utilizing such funds, determine whether it is desirable to continue the program, and upon such a determination, either incorporate such program into its annual operating budget and capital program or discontinue such program. No additional funds from the Innovation, Coordination, and Enhancement Fund may be distributed to a grantee for any individual program beyond 2 years unless the Authority by the affirmative vote of at least 12 of its then Directors waives this limitation. Any such waiver will be with regard to an individual program and with regard to a one year-period, and any further waivers for such individual program require a subsequent vote of the Board.

(70 ILCS 3615/2.01d new)

Sec. 2.01d. ADA Paratransit Fund. The Authority shall establish an ADA Paratransit Fund and, each year, deposit into that Fund the amounts directed by Section 4.03.3 of this Act and any funds received from the State pursuant to appropriations for the purpose of funding ADA paratransit services. The amounts on deposit in the Fund and interest and other earnings on those amounts shall be used by the Authority to make grants to the Suburban Bus Board for ADA paratransit services provided pursuant to plans approved by the Authority under Section 2.30 of this Act. Funds received by the Suburban Bus Board from the Authority's ADA Paratransit Fund shall be used only to provide ADA paratransit services

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to individuals who are determined to be eligible for such services by the Authority under the Americans with Disabilities Act of 1990 and its implementing regulations. Revenues from and costs of services provided by the Suburban Bus Board with grants made under this Section shall be included in the Annual Budget and Two-Year Financial Program of the Suburban Bus Board and shall be subject to all budgetary and financial requirements under this Act that apply to ADA paratransit services. Beginning in 2008, the Executive Director shall, no later than August 15 of each year, provide to the Board a written determination of the projected annual costs of ADA paratransit services that are required to be provided pursuant to the Americans with Disabilities Act of 1990 and its implementing regulations. The Authority shall conduct triennial financial, compliance, and performance audits of ADA paratransit services to assist in this determination.

(70 ILCS 3615/2.01e new)
Sec. 2.01e. Suburban Community Mobility Fund. The Authority shall establish a Suburban Community Mobility Fund and, each year, deposit into that Fund the amounts directed by Section 4.03.3 of this Act. The amounts on deposit in the Fund and interest and other earnings on those amounts shall be used by the Authority to make grants to the Suburban Bus Board for the purpose of operating transit services, other than traditional fixed-route services, that enhance suburban mobility, including, but not limited to, demand-responsive transit services, ride sharing, van pooling, service coordination, centralized dispatching and call taking, reverse commuting, service restructuring, and bus rapid transit. Revenues from and costs of services provided by the Suburban Bus Board with moneys from the Suburban Community Mobility Fund shall be included in the Annual Budget and Two-Year Financial Program of the Suburban Bus Board and shall be subject to all budgetary and financial requirements under this Act.

(70 ILCS 3615/2.04) (from Ch. 111 2/3, par. 702.04)
Sec. 2.04. Fares and Nature of Service.
(a) Whenever a Service Board provides any public transportation by operating public transportation facilities, the Service Board shall

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provide for the level and nature of fares or charges to be made for such services, and the nature and standards of public transportation to be so provided that meet the goals and objectives adopted by the Authority in the Strategic Plan. Provided, however that if the Board adopts a budget and financial plan for a Service Board in accordance with the provisions in Section 4.11(b)(5), the Board may consistent with the terms of any purchase of service contract provide for the level and nature of fares to be made for such services under the jurisdiction of that Service Board, and the nature and standards of public transportation to be so provided.

(b) Whenever a Service Board provides any public transportation pursuant to grants made after June 30, 1975, to transportation agencies for operating expenses (other than with regard to experimental programs) or pursuant to any purchase of service agreement, the purchase of service agreement or grant contract shall provide for the level and nature of fares or charges to be made for such services, and the nature and standards of public transportation to be so provided. A Service Board shall require all transportation agencies with which it contracts, or from which it purchases transportation services or to which it makes grants to provide half fare transportation for their student riders if any of such agencies provide for half fare transportation to their student riders.

(c) In so providing for the fares or charges and the nature and standards of public transportation, any purchase of service agreements or grant contracts shall provide, among other matters, for the terms or cost of transfers or interconnections between different modes of transportation and different public transportation agencies, schedules or routes of such service, changes which may be made in such service, the nature and condition of the facilities used in providing service, the manner of collection and disposition of fares or charges, the records and reports to be kept and made concerning such service, and for interchangeable tickets or other coordinated or uniform methods of collection of charges, and shall further require that the transportation agency comply with any determination made by the Board of the Authority under and subject to the provisions of Section 2.12b of this Act. In regard to any such service, the Authority and the Service Boards shall give attention to and may
undertake programs to promote use of public transportation and to provide coordinated ticket sales and passenger information. In the case of a grant to a transportation agency which remains subject to Illinois Commerce Commission supervision and regulation, the Service Boards shall exercise the powers set forth in this Section in a manner consistent with such supervision and regulation by the Illinois Commerce Commission.

(Source: P.A. 83-886.)

(70 ILCS 3615/2.05) (from Ch. 111 2/3, par. 702.05)
Sec. 2.05. Centralized Services; Acquisition and Construction.

(a) The Authority may at the request of two or more Service Boards, serve, or designate a Service Board to serve, as a centralized purchasing agent for the Service Boards so requesting.

(b) The Authority may at the request of two or more Service Boards perform other centralized services such as ridership information and transfers between services under the jurisdiction of the Service Boards where such centralized services financially benefit the region as a whole. Provided, however, that the Board may require transfers only upon an affirmative vote of 129 of its then Directors.

(c) A Service Board or the Authority may for the benefit of a Service Board, to meet its purposes, construct or acquire any public transportation facility for use by a Service Board or for use by any transportation agency and may acquire any such facilities from any transportation agency, including also without limitation any reserve funds, employees' pension or retirement funds, special funds, franchises, licenses, patents, permits and papers, documents and records of the agency. In connection with any such acquisition from a transportation agency the Authority may assume obligations of the transportation agency with regard to such facilities or property or public transportation operations of such agency.

In connection with any construction or acquisition, the Authority shall make relocation payments as may be required by federal law or by the requirements of any federal agency authorized to administer any federal program of aid.

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(d) The Authority shall, after consulting with the Service Boards, develop regionally coordinated and consolidated sales, marketing, advertising, and public information programs that promote the use and coordination of, and transfers among, public transportation services in the metropolitan region. The Authority shall develop and adopt, with the affirmative vote of at least 12 of its then Directors, rules and regulations for the Authority and the Service Boards regarding such programs to ensure that the Service Boards' independent programs conform with the Authority's regional programs.

(Source: P.A. 83-886.)

(70 ILCS 3615/2.09) (from Ch. 111 2/3, par. 702.09)

Sec. 2.09. Research and Development.

(a) The Authority and the Service Boards shall study public transportation problems and developments; encourage experimentation in developing new public transportation technology, financing methods, and management procedures; conduct, in cooperation with other public and private agencies, studies and demonstration and development projects to test and develop methods for improving public transportation, for reducing its costs to users or for increasing public use; and conduct, sponsor, and participate in other studies and experiments, which may include fare demonstration programs, useful to achieving the purposes of this Act. The cost for any such item authorized by this Section may be exempted by the Board in a budget ordinance from the "costs" included in determining that the Authority and its service boards meet the farebox recovery ratio or system generated revenues recovery ratio requirements of Sections 3A.10, 3B.10, 4.01(b), 4.09 and 4.11 of this Act and Section 34 of the Metropolitan Transit Authority Act during the Authority's fiscal year which begins January 1, 1986 and ends December 31, 1986, provided that the cost of any item authorized herein must be specifically approved within the budget adopted pursuant to Sections 4.01 and 4.11 of this Act for that fiscal year.

(b) To improve public transportation service in areas of the metropolitan region with limited access to commuter rail service, the Authority and the Suburban Bus Division shall evaluate the feasibility of

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implementing new bus rapid transit services using the expressway and tollway systems in the metropolitan region. The Illinois Department of Transportation and the Illinois Toll Highway Authority shall work cooperatively with the Authority and the Suburban Bus Division in that evaluation and in the implementation of bus rapid transit services. The Authority and the Suburban Bus Division, in cooperation with the Illinois Department of Transportation, shall develop a bus rapid transit demonstration project on Interstate 55 located in Will, DuPage, and Cook Counties. This demonstration project shall test and refine approaches to bus rapid transit operations in the expressway or tollway shoulder or regular travel lanes and shall investigate technology options that facilitate the shared use of the transit lane and provide revenue for financing construction and operation of public transportation facilities.

(c) The Suburban Bus Division and the Authority shall cooperate in the development, funding, and operation of programs to enhance access to job markets for residents in south suburban Cook County. Beginning in 2008, the Authority shall allocate to the Suburban Bus Division an amount not less than $3,750,000, and beginning in 2009 an amount not less than $7,500,000 annually for the costs of such programs.

(Source: P.A. 84-939.)

(70 ILCS 3615/2.12) (from Ch. 111 2/3, par. 702.12)

Sec. 2.12. Coordination with Planning Agencies. The Authority and the Service Boards shall cooperate with the various public agencies charged with responsibility for long-range or comprehensive planning for the metropolitan region. The Authority shall utilize the official forecasts and plans of the Chicago Metropolitan Agency for Planning in developing the Strategic Plan and the Five-Year Capital Program. The Authority and the Service Boards shall, prior to the adoption of any Strategic Plan, as provided in Section 2.01a of this Act, or the adoption of any Five-Year Capital Program, as provided in paragraph (b) of Section 2.01b 2.01 of this Act, submit its proposals to such agencies for review and comment. The Authority and the Service Boards may make use of existing studies, surveys, plans, data and other materials in the possession of any State

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agency or department, any planning agency or any unit of local
government.
(Source: P.A. 83-886.)

(70 ILCS 3615/2.12b new)

Sec. 2.12b. Coordination of Fares and Service. Upon the request of
a Service Board, the Executive Director of the Authority may, upon the
affirmative vote of 9 of the then Directors of the Authority, intervene in
any matter involving (i) a dispute between Service Boards or a Service
Board and a transportation agency providing service on behalf of a
Service Board with respect to the terms of transfer between, and the
allocation of revenues from fares and charges for, transportation services
provided by the parties or (ii) a dispute between 2 Service Boards with
respect to coordination of service, route duplication, or a change in
service. Any Service Board or transportation agency involved in such
dispute shall meet with the Executive Director, cooperate in good fa-
th to attempt to resolve the dispute, and provide any books, records, and other
information requested by the Executive Director. If the Executive Director
is unable to mediate a resolution of any dispute, he or she may provide a
written determination recommending a change in the fares or charges or
the allocation of revenues for such service or directing a change in the
nature or provider of service that is the subject of the dispute. The
Executive Director shall base such determination upon the goals and
objectives of the Strategic Plan established pursuant to Section 2.01a(b).
Such determination shall be presented to the Board of the Authority and, if
approved by the affirmative vote of at least 9 of the then Directors of the
Authority, shall be final and shall be implemented by any affected Service
Board and transportation agency within the time frame required by the
determination.

(70 ILCS 3615/2.14) (from Ch. 111 2/3, par. 702.14)

Sec. 2.14. Appointment of Officers and Employees. The Authority
may appoint, retain and employ officers, attorneys, agents, engineers and
employees. The officers shall include an Executive Director, who shall be
the chief executive officer of the Authority, appointed by the Chairman
with the concurrence of 11 9 of the other then Directors of the Board. The

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Executive Director shall organize the staff of the Authority, shall allocate their functions and duties, shall transfer such staff to the Suburban Bus Division and the Commuter Rail Division as is sufficient to meet their purposes, shall fix compensation and conditions of employment of the staff of the Authority, and consistent with the policies of and direction from the Board, take all actions necessary to achieve its purposes, fulfill its responsibilities and carry out its powers, and shall have such other powers and responsibilities as the Board shall determine. The Executive Director must be an individual of proven transportation and management skills and may not be a member of the Board. The Authority may employ its own professional management personnel to provide professional and technical expertise concerning its purposes and powers and to assist it in assessing the performance of the Service Boards in the metropolitan region.

No unlawful discrimination, as defined and prohibited in the Illinois Human Rights Act, shall be made in any term or aspect of employment nor shall there be discrimination based upon political reasons or factors. The Authority shall establish regulations to insure that its discharges shall not be arbitrary and that hiring and promotion are based on merit.

The Authority shall be subject to the "Illinois Human Rights Act", as now or hereafter amended, and the remedies and procedure established thereunder. The Authority shall file an affirmative action program for employment by it with the Department of Human Rights to ensure that applicants are employed and that employees are treated during employment, without regard to unlawful discrimination. Such affirmative action program shall include provisions relating to hiring, upgrading, demotion, transfer, recruitment, recruitment advertising, selection for training and rates of pay or other forms of compensation.

(Source: P.A. 83-886.)

(70 ILCS 3615/2.18a) (from Ch. 111 2/3, par. 702.18a)

Sec. 2.18a. (a) The provisions of this Section apply to collective bargaining agreements (including extensions and amendments to existing agreements) between Service Boards or transportation agencies subject to

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the jurisdiction of Service Boards and their employees, which are entered into after January 1, 1984.

(b) The Authority shall approve amended budgets prepared by Service Boards which incorporate the costs of collective bargaining agreements between Service Boards and their employees. The Authority shall approve such an amended budget provided that it determines by the affirmative vote of 12 of its then members that the amended budget meets the standards established in Section 4.11.

(Source: P.A. 83-886.)

(70 ILCS 3615/2.30)
Sec. 2.30. Paratransit services.

(a) For purposes of this Act, "ADA paratransit services" shall mean those comparable or specialized transportation services provided by, or under grant or purchase of service contracts of, the Service Boards to individuals with disabilities who are unable to use fixed route transportation systems and who are determined to be eligible, for some or all of their trips, for such services under the Americans with Disabilities Act of 1990 and its implementing regulations.

(b) Beginning July 1, 2005, the Authority is responsible for the funding, financial review and oversight of all ADA paratransit services that are provided by the Authority or by any of the Service Boards. The Suburban Bus Board shall operate or provide for the operation of all ADA paratransit services by no later than July 1, 2006, except that this date may be extended to the extent necessary to obtain approval from the Federal Transit Administration of the plan prepared pursuant to subsection (c).

(c) No later than January 1, 2006, the Authority, in collaboration with the Suburban Bus Board and the Chicago Transit Authority, shall develop a plan for the provision of ADA paratransit services and submit such plan to the Federal Transit Administration for approval. Approval of such plan by the Authority shall require the affirmative votes of 12 of the then Directors. The Suburban Bus Board, the Chicago Transit Authority and the Authority shall comply with the requirements of the Americans
with Disabilities Act of 1990 and its implementing regulations in developing and approving such plan including, without limitation, consulting with individuals with disabilities and groups representing them in the community, and providing adequate opportunity for public comment and public hearings. The plan shall include the contents required for a paratransit plan pursuant to the Americans with Disabilities Act of 1990 and its implementing regulations. The plan shall also include, without limitation, provisions to:

(1) maintain, at a minimum, the levels of ADA paratransit service that are required to be provided by the Service Boards pursuant to the Americans with Disabilities Act of 1990 and its implementing regulations;

(2) transfer the appropriate ADA paratransit services, management, personnel, service contracts and assets from the Chicago Transit Authority to the Authority or the Suburban Bus Board, as necessary, by no later than July 1, 2006, except that this date may be extended to the extent necessary to obtain approval from the Federal Transit Administration of the plan prepared pursuant to this subsection (c);

(3) provide for consistent policies throughout the metropolitan region for scheduling of ADA paratransit service trips to and from destinations, with consideration of scheduling of return trips on a "will-call" open-ended basis upon request of the rider, if practicable, and with consideration of an increased number of trips available by subscription service than are available as of the effective date of this amendatory Act;

(4) provide that service contracts and rates, entered into or set after the approval by the Federal Transit Administration of the plan prepared pursuant to subsection (c) of this Section, with private carriers and taxicabs for ADA paratransit service are procured by means of an open procurement process;

(5) provide for fares, fare collection and billing procedures for ADA paratransit services throughout the metropolitan region;

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(6) provide for performance standards for all ADA paratransit service transportation carriers, with consideration of door-to-door service;

(7) provide, in cooperation with the Illinois Department of Transportation, the Illinois Department of Public Aid and other appropriate public agencies and private entities, for the application and receipt of grants, including, without limitation, reimbursement from Medicaid or other programs for ADA paratransit services;

(8) provide for a system of dispatch of ADA paratransit services transportation carriers throughout the metropolitan region, with consideration of county-based dispatch systems already in place as of the effective date of this amendatory Act;

(9) provide for a process of determining eligibility for ADA paratransit services that complies with the Americans with Disabilities Act of 1990 and its implementing regulations;

(10) provide for consideration of innovative methods to provide and fund ADA paratransit services; and

(11) provide for the creation of one or more ADA advisory boards, or the reconstitution of the existing ADA advisory boards for the Service Boards, to represent the diversity of individuals with disabilities in the metropolitan region and to provide appropriate ongoing input from individuals with disabilities into the operation of ADA paratransit services.

(d) All revisions and annual updates to the ADA paratransit services plan developed pursuant to subsection (c) of this Section, or certifications of continued compliance in lieu of plan updates, that are required to be provided to the Federal Transit Administration shall be developed by the Authority, in collaboration with the Suburban Bus Board and the Chicago Transit Authority, and the Authority shall submit such revision, update or certification to the Federal Transit Administration for approval. Approval of such revisions, updates or certifications by the Authority shall require the affirmative votes of \( \frac{12}{9} \) of the then Directors.

(e) The Illinois Department of Transportation, the Illinois Department of Public Aid, the Authority, the Suburban Bus Board and the
Chicago Transit Authority shall enter into intergovernmental agreements as may be necessary to provide funding and accountability for, and implementation of, the requirements of this Section.

(f) By no later than April 1, 2007, the Authority shall develop and submit to the General Assembly and the Governor a funding plan for ADA paratransit services. Approval of such plan by the Authority shall require the affirmative votes of 12 of the then Directors. The funding plan shall, at a minimum, contain an analysis of the current costs of providing ADA paratransit services, projections of the long-term costs of providing ADA paratransit services, identification of and recommendations for possible cost efficiencies in providing ADA paratransit services, and identification of and recommendations for possible funding sources for providing ADA paratransit services. The Illinois Department of Transportation, the Illinois Department of Public Aid, the Suburban Bus Board, the Chicago Transit Authority and other State and local public agencies as appropriate shall cooperate with the Authority in the preparation of such funding plan.

(g) Any funds derived from the federal Medicaid program for reimbursement of the costs of providing ADA paratransit services within the metropolitan region shall be directed to the Authority and shall be used to pay for or reimburse the costs of providing such services.

(h) Nothing in this amendatory Act shall be construed to conflict with the requirements of the Americans with Disabilities Act of 1990 and its implementing regulations.

(Source: P.A. 94-370, eff. 7-29-05.)

(70 ILCS 3615/2.31 new)

Sec. 2.31. Disadvantaged Business Enterprise Contracting and Equal Employment Opportunity Programs. The Authority and each Service Board shall, as soon as is practicable but in no event later than two years after the effective date of this amendatory Act of the 95th General Assembly, establish and maintain a disadvantaged business enterprise contracting program designed to ensure non-discrimination in the award and administration of contracts not covered under a federally mandated disadvantaged business enterprise program. The program shall establish narrowly tailored goals for the participation of disadvantaged

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business enterprises as the Authority and each Service Board determines appropriate. The goals shall be based on demonstrable evidence of the availability of ready, willing, and able disadvantaged business enterprises relative to all businesses ready, willing, and able to participate on the program's contracts. The program shall require the Authority and each Service Board to monitor the progress of the contractors' obligations with respect to the program's goals. Nothing in this program shall conflict with or interfere with the maintenance or operation of, or compliance with, any federally mandated disadvantaged business enterprise program.

The Authority and each Service Board shall establish and maintain a program designed to promote equal employment opportunity. Each year, no later than October 1, the Authority and each Service Board shall report to the General Assembly on the number of their respective employees and the number of their respective employees who have designated themselves as members of a minority group and gender.

Each year no later than October 1, and starting no later than the October 1 after the establishment of their disadvantaged business enterprise contracting programs, the Authority and each Service Board shall submit a report with respect to such program to the General Assembly. In addition, each year no later than October 1, the Authority and each Service Board shall submit a copy of its federally mandated semi-annual Uniform Report of Disadvantaged Business Enterprises Awards or Commitments and Payments to the General Assembly.

Sec. 3.01. Board of Directors. The Upon expiration of the term of the members of the Transition Board as provided for in Section 3.09, the corporate authorities and governing body of the Authority shall be a Board consisting of 13 Directors until April 1, 2008, and 16 Directors thereafter, appointed as follows:

(a) Four Directors appointed by the Mayor of the City of Chicago, with the advice and consent of the City Council of the City of Chicago, and, only until April 1, 2008, a fifth director who shall be the Chairman of the Chicago Transit Authority. After April 1, 2008, the Mayor of the City of Chicago, with the advice and consent of the City Council of the City of
Chicago, shall appoint a fifth Director. The Directors appointed by the Mayor of the City of Chicago shall not be the Chairman or a Director of the Chicago Transit Authority. Each such Director shall reside in the City of Chicago except the Chairman of the Chicago Transit Authority who shall reside within the metropolitan area as defined in the Metropolitan Transit Authority Act.

(b) Four Directors appointed by the votes of a majority of the members of the Cook County Board elected from that part of Cook County outside of Chicago, or, in the event such Board of Commissioners becomes elected from single member districts, by those Commissioners elected from districts, a majority of the electors of which reside outside Chicago. After April 1, 2008, a fifth Director appointed by the President of the Cook County Board with the advice and consent of the members of the Cook County Board. In either case, such appointment shall be with the concurrence of four such Commissioners. Each such Director appointed under this subparagraph shall reside in that part of Cook County outside Chicago.

(c) Until April 1, 2008, 3 Directors appointed by the Chairmen of the County Boards of DuPage, Kane, Lake, McHenry, and Will Counties, as follows:

(i) Two Directors appointed by the Chairmen of the county boards of Kane, Lake, McHenry and Will Counties, with the concurrence of not less than a majority of the Chairmen from such counties, from nominees by the Chairmen. Each such Chairman may nominate not more than 2 persons for each position. Each such Director shall reside in a county in the metropolitan region other than Cook or DuPage Counties.

(ii) One Director shall be appointed by the Chairman of the Board of DuPage County Board with the advice and consent of the County Board of DuPage County Board. Such Director shall reside in DuPage County.

(d) After April 1, 2008, 5 Directors appointed by the Chairmen of the County Boards of DuPage, Kane, Lake and McHenry Counties and the County Executive of Will County, as follows:

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(i) One Director appointed by the Chairman of the Kane County Board with the advice and consent of the Kane County Board. Such Director shall reside in Kane County.

(ii) One Director appointed by the County Executive of Will County with the advice and consent of the Will County Board. Such Director shall reside in Will County.

(iii) One Director appointed by the Chairman of the DuPage County Board with the advice and consent of the DuPage County Board. Such Director shall reside in DuPage County.

(iv) One Director appointed by the Chairman of the Lake County Board with the advice and consent of the Lake County Board. Such Director shall reside in Lake County.

(v) One Director appointed by the Chairman of the McHenry County Board with the advice and consent of the McHenry County Board. Such Director shall reside in McHenry County.

(vi) To implement the changes in appointing authority under this subparagraph (d) the three Directors appointed under subparagraph (c) and residing in Lake County, DuPage County, and Kane County respectively shall each continue to serve as Director until the expiration of their respective term of office and until his or her successor is appointed and qualified or a vacancy occurs in the office. Thereupon, the appointment shall be made by the officials given appointing authority with respect to the Director whose term has expired or office has become vacant.

(e) The Chairman serving on the effective date of this amendatory Act of the 95th General Assembly shall continue to serve as Chairman until the expiration of his or her term of office and until his or her successor is appointed and qualified or a vacancy occurs in the office. Before January 1, 1987, for the term expiring July 1, 1989, the Chairman shall be appointed by the Governor. Thereafter the Chairman shall be appointed by the other 12 Directors with the concurrence of three-fourths of such Directors. Upon the expiration or vacancy of the term of the Chairman then serving upon the effective date of this amendatory Act of
the 95th General Assembly, the Chairman shall be appointed by the other Directors, by the affirmative vote of at least 11 of the then Directors with at least 2 affirmative votes from Directors who reside in the City of Chicago, at least 2 affirmative votes from Directors who reside in Cook County outside the City of Chicago, and at least 2 affirmative votes from Directors who reside in the Counties of DuPage, Lake, Will, Kane, or McHenry. The chairman shall not be appointed from among the other Directors. The chairman shall be a resident of the metropolitan region.

(f) Except as otherwise provided by this Act no Director shall, while serving as such, be an officer, a member of the Board of Directors or Trustees or an employee of any Service Board or transportation agency, or be an employee of the State of Illinois or any department or agency thereof, or of any unit of local government or receive any compensation from any elected or appointed office under the Constitution and laws of Illinois; except that a Director may be a member of a school board.

(g) Each appointment made under this Section and under Section 3.03 shall be certified by the appointing authority to the Board, which shall maintain the certifications as part of the official records of the Authority; provided that the initial appointments shall be certified to the Secretary of State, who shall transmit the certifications to the Board following its organization. All appointments made by the Governor shall be made with the advice and consent of the Senate.

(h) (Blank). The Board of Directors shall be so appointed as to represent the City of Chicago, that part of Cook County outside the City of Chicago, and that part of the metropolitan region outside Cook County on the one-man-one-vote basis. After each Federal decennial census the General Assembly shall review the composition of the Board and, if a change is needed to comply with this requirement, shall provide for the necessary revision by July 1 of the third year after such census. Provided, however, that the Chairman of the Chicago Transit Authority shall be a Director of the Authority and shall be considered as representing the City of Chicago for purposes of this paragraph.

Insofar as may be practicable, the changes in Board membership necessary to achieve this purpose shall take effect as appropriate members
terms expire, no member's term being reduced by reason of such revision of the composition of the Board.
(Source: P.A. 83-1417.)

(70 ILCS 3615/3.03) (from Ch. 111 2/3, par. 703.03)
Sec. 3.03. Terms, vacancies. Each Director, including the Chairman, shall be appointed for an initial term as provided for in Section 3.10 of this Act. Thereafter, each Director shall hold office for a term of 5 years, and until his successor has been appointed and has qualified. A vacancy shall occur upon resignation, death, conviction of a felony, or removal from office of a Director. Any Director may be removed from office upon concurrence of not less than 11 Directors, on a formal finding of incompetence, neglect of duty, or malfeasance in office. Within 30 days after the office of any member becomes vacant for any reason, the appointing authorities of such member shall make an appointment to fill the vacancy. A vacancy shall be filled for the unexpired term.

Whenever After October 1, 1984, whenever a vacancy for a Director, except as to the Chairman or those Directors appointed by the Governor or the Mayor of the City of Chicago, exists for longer than 4 months, the new Director shall be chosen by election by all legislative members in the General Assembly representing the affected area. In order to qualify as a voting legislative member in this matter, the affected area must be more than 50% of the geographic area of the legislative district.
(Source: P.A. 86-1475.)

(70 ILCS 3615/3.05) (from Ch. 111 2/3, par. 703.05)
Sec. 3.05. Meetings. The Board shall prescribe the times and places for meetings and the manner in which special meetings may be called. The Board shall comply in all respects with the "Open Meetings Act", approved July 11, 1957, as now or hereafter amended. All records, documents and papers of the Authority, other than those relating to matters concerning which closed sessions of the Board may be held, shall be available for public examination, subject to such reasonable regulations as the Board may adopt.
A majority of the Directors holding office shall constitute a quorum for the conduct of business. Except as otherwise provided in this

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Act, the affirmative votes of at least 9 Directors shall be necessary for approving any contract or agreement, adopting any rule or regulation, and any other action required by this Act to be taken by resolution or ordinance.

The Board shall meet with the Regional Citizens Advisory Board at least once every 4 months.

(Source: P.A. 83-886.)

(70 ILCS 3615/3A.10) (from Ch. 111 2/3, par. 703A.10)

Sec. 3A.10. Budget and Program. The Suburban Bus Board, subject to the powers of the Authority in Section 4.11, shall control the finances of the Division. It shall by ordinance appropriate money to perform the Division's purposes and provide for payment of debts and expenses of the Division. Each year the Suburban Bus Board shall prepare and publish a comprehensive annual budget and proposed five-year capital program document, and a financial plan for the 2 years thereafter describing the state of the Division and presenting for the forthcoming fiscal year and the 2 following years the Suburban Bus Board's plans for such operations and capital expenditures as it intends to undertake and the means by which it intends to finance them. The proposed budget, and financial plan, and five-year capital program shall be based on the Authority's estimate of funds to be made available to the Suburban Bus Board by or through the Authority and shall conform in all respects to the requirements established by the Authority. The proposed program and budget, financial plan, and five-year capital program shall contain a statement of the funds estimated to be on hand at the beginning of the fiscal year, the funds estimated to be received from all sources for such year and the funds estimated to be on hand at the end of such year. After adoption of the Authority's first Five-Year Program, as provided in Section 2.01 of this Act, the proposed program and budget shall specifically identify any respect in which the recommended program deviates from the Authority's then existing Five-Year Program, giving the reasons for such deviation. The fiscal year of the Division shall be the same as the fiscal year of the Authority. Before the proposed budget, and program and financial plan, and five-year capital program are submitted to the

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Authority, the Suburban Bus Board shall hold at least one public hearing thereon in each of the counties in the metropolitan region in which the Division provides service. The Suburban Bus Board shall hold at least one meeting for consideration of the proposed program and budget, financial plan, and five-year capital program with the county board of each of the several counties in the metropolitan region in which the Division provides service. After conducting such hearings and holding such meetings and after making such changes in the proposed program and budget, financial plan, and five-year capital program as the Suburban Bus Board deems appropriate, it shall adopt an annual budget ordinance at least by November 15 next preceding the beginning of each fiscal year. The budget, and program, and financial plan, and five-year capital program shall then be submitted to the Authority as provided in Section 4.11. In the event that the Board of the Authority determines that the budget and program, and financial plan do not meet the standards of Section 4.11, the Suburban Bus Board shall make such changes as are necessary to meet such requirements and adopt an amended budget ordinance. The amended budget ordinance shall be resubmitted to the Authority pursuant to Section 4.11. The ordinance shall appropriate such sums of money as are deemed necessary to defray all necessary expenses and obligations of the Division, specifying purposes and the objects or programs for which appropriations are made and the amount appropriated for each object or program. Additional appropriations, transfers between items and other changes in such ordinance which do not alter the basis upon which the balanced budget determination was made by the Board of the Authority may be made from time to time by the Suburban Bus Board.

The budget shall:

(i) show a balance between (A) anticipated revenues from all sources including operating subsidies and (B) the costs of providing the services specified and of funding any operating deficits or encumbrances incurred in prior periods, including provision for payment when due of principal and interest on outstanding indebtedness;

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(ii) show cash balances including the proceeds of any anticipated cash flow borrowing sufficient to pay with reasonable promptness all costs and expenses as incurred;

(iii) provide for a level of fares or charges and operating or administrative costs for the public transportation provided by or subject to the jurisdiction of the Suburban Bus Board sufficient to allow the Suburban Bus Board to meet its required system generated revenues recovery ratio and, beginning with the 2007 fiscal year, its system generated ADA paratransit services revenue recovery ratio;

(iv) be based upon and employ assumptions and projections which are reasonable and prudent;

(v) have been prepared in accordance with sound financial practices as determined by the Board of the Authority; and

(vi) meet such other uniform financial, budgetary, or fiscal requirements that the Board of the Authority may by rule or regulation establish; and:

(vii) be consistent with the goals and objectives adopted by the Regional Transportation Authority in the Strategic Plan.

(Source: P.A. 94-370, eff. 7-29-05.)

(70 ILCS 3615/3A.11) (from Ch. 111 2/3, par. 703A.11)

Sec. 3A.11. Citizens Advisory Board. The Suburban Bus Board shall establish a citizens advisory board composed of 10 residents of those portions of the metropolitan region in which the Suburban Bus Board provides service who have an interest in public transportation. The members of the advisory board shall be named for 2 year terms, shall select one of their members to serve as chairman and shall serve without compensation. The citizens advisory board shall meet with the Suburban Bus Board at least quarterly and advise the Suburban Bus Board of the impact of its policies and programs on the communities it serves. Appointments to the citizens advisory board should, to the greatest extent possible, reflect the ethnic, cultural, and geographic diversity of all persons residing within the Suburban Bus Board’s jurisdiction.

(Source: P.A. 83-886.)

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Sec. 3A.14. Labor. (a) The provisions of this Section apply to collective bargaining agreements (including extensions and amendments of existing agreements) entered into on or after January 1, 1984.

(b) The Suburban Bus Board shall deal with and enter into written contracts with their employees, through accredited representatives of such employees authorized to act for such employees concerning wages, salaries, hours, working conditions, and pension or retirement provisions about which a collective bargaining agreement has been entered prior to the effective date of this amendatory Act of 1983. Any such agreement of the Suburban Bus Board shall provide that the agreement may be reopened if the amended budget submitted pursuant to Section 2.18a of this Act is not approved by the Board of the Authority. The agreement may not include a provision requiring the payment of wage increases based on changes in the Consumer Price Index. The Suburban Bus Board shall not have the authority to enter collective bargaining agreements with respect to inherent management rights, which include such areas of discretion or policy as the functions of the employer, standards of services, its overall budget, the organizational structure and selection of new employees and direction of personnel. Employers, however, shall be required to bargain collectively with regard to policy matters directly affecting wages, hours and terms and conditions of employment, as well as the impact thereon, upon request by employee representatives. To preserve the rights of employers and exclusive representatives which have established collective bargaining relationships or negotiated collective bargaining agreements prior to the effective date of this amendatory Act of 1983, employers shall be required to bargain collectively with regard to any matter concerning wages, hours or conditions of employment about which they have bargained prior to the effective date of this amendatory Act of 1983.

(c) The collective bargaining agreement may not include a prohibition on the use of part-time operators on any service operated by the Suburban Bus Board except where prohibited by federal law.

(d) Within 30 days of the signing of any such collective bargaining agreement, the Suburban Bus Board shall determine the costs of each
provision of the agreement, prepare an amended budget incorporating the costs of the agreement, and present the amended budget to the Board of the Authority for its approval under Section 4.11. The Board may approve the amended budget by an affirmative vote of $\frac{12}{9}$ of its then Directors. If the budget is not approved by the Board of the Authority, the agreement may be reopened and its terms may be renegotiated. Any amended budget which may be prepared following renegotiation shall be presented to the Board of the Authority for its approval in like manner.

(Source: P.A. 83-886.)

(70 ILCS 3615/3A.15 new)

Sec. 3A.15. Notwithstanding any law to the contrary, no later than 60 days following the effective date of this amendatory Act of the 95th General Assembly, any fixed route public transportation services provided by, or under grant or purchase of service contracts of, the Suburban Bus Board shall be provided without charge to all senior citizens of the Metropolitan Region aged 65 and older, under such conditions as shall be prescribed by the Suburban Bus Board.

(70 ILCS 3615/3B.02) (from Ch. 111 2/3, par. 703B.02)

Sec. 3B.02. Commuter Rail Board.

(a) Until April 1, 2008, the governing body of the Commuter Rail Division shall be a board consisting of 7 directors appointed pursuant to Sections 3B.03 and 3B.04, as follows:

(1) One director shall be appointed by the Chairman of the Board of DuPage County with the advice and consent of the County Board of DuPage County and shall reside in DuPage County.

(2) Two directors appointed by the Chairmen of the County Boards of Kane, Lake, McHenry and Will Counties with the concurrence of not less than a majority of the chairmen from such counties, from nominees by the Chairmen. Each such chairman may nominate not more than two persons for each position. Each such director shall reside in a county in the metropolitan region other than Cook or DuPage County.

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(3) (c) Three directors appointed by the members of the Cook County Board elected from that part of Cook County outside of Chicago, or, in the event such Board of Commissioners becomes elected from single member districts, by those Commissioners elected from districts, a majority of the residents of which reside outside Chicago. In either case, such appointment shall be with the concurrence of four such Commissioners. Each such director shall reside in that part of Cook County outside Chicago.

(4) (d) One director appointed by the Mayor of the City of Chicago, with the advice and consent of the City Council of the City of Chicago. Such director shall reside in the City of Chicago.

(5) The chairman shall be appointed by the directors, from the members of the board, with the concurrence of 5 of such directors.

(b) After April 1, 2008 the governing body of the Commuter Rail Division shall be a board consisting of 11 directors appointed, pursuant to Sections 3B.03 and 3B.04, as follows:

(1) One Director shall be appointed by the Chairman of the DuPage County Board with the advice and consent of the DuPage County Board and shall reside in DuPage County. To implement the changes in appointing authority under this Section, upon the expiration of the term of or vacancy in office of the Director appointed under item (1) of subsection (a) of this Section who resides in DuPage County, a Director shall be appointed under this subparagraph.

(2) One Director shall be appointed by the Chairman of the McHenry County Board with the advice and consent of the McHenry County Board and shall reside in McHenry County. To implement the change in appointing authority under this Section, upon the expiration of the term of or vacancy in office of the Director appointed under item (2) of subsection (a) of this Section who resides in McHenry County, a Director shall be appointed under this subparagraph.

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(3) One Director shall be appointed by the Will County Executive with the advice and consent of the Will County Board and shall reside in Will County. To implement the change in appointing authority under this Section, upon the expiration of the term of or vacancy in office of the Director appointed under item (2) of subsection (a) of this Section who resides in Will County, a Director shall be appointed under this subparagraph.

(4) One Director shall be appointed by the Chairman of the Lake County Board with the advice and consent of the Lake County Board and shall reside in Lake County.

(5) One Director shall be appointed by the Chairman of the Kane County Board with the advice and consent of the Kane County Board and shall reside in Kane County.

(6) One Director shall be appointed by the Mayor of the City of Chicago with the advice and consent of the City Council of the City of Chicago and shall reside in the City of Chicago. To implement the changes in appointing authority under this Section, upon the expiration of the term of or vacancy in office of the Director appointed under item (4) of subsection (a) of this Section who resides in the City of Chicago, a Director shall be appointed under this subparagraph.

(7) Five Directors residing in Cook County outside of the City of Chicago, as follows:

(i) One Director who resides in Cook County outside of the City of Chicago, appointed by the President of the Cook County Board with the advice and consent of the members of the Cook County Board.

(ii) One Director who resides in the township of Barrington, Palatine, Wheeling, Hanover, Schaumburg, or Elk Grove. To implement the changes in appointing authority under this Section, upon the expiration of the term of or vacancy in office of the Director appointed under paragraph (3) of subsection (a) of this Section who resides in the geographic area described in this

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subparagraph, a Director shall be appointed under this subparagraph.

(iii) One Director who resides in the township of Northfield, New Trier, Maine, Niles, Evanston, Leyden, Norwood Park, River Forest, or Oak Park.

(iv) One Director who resides in the township of Proviso, Riverside, Berwyn, Cicero, Lyons, Stickney, Lemont, Palos, or Orland. To implement the changes in appointing authority under this Section, upon the expiration of the term of or vacancy in office of the Director appointed under paragraph (3) of subsection (a) of this Section who resides in the geographic area described in this subparagraph and whose term of office had not expired as of August 1, 2007, a Director shall be appointed under this subparagraph.

(v) One Director who resides in the township of Worth, Calumet, Bremen, Thornton, Rich, or Bloom. To implement the changes in appointing authority under this Section, upon the expiration of the term of or vacancy in office of the Director appointed under paragraph (3) of subsection (a) of this Section who resides in the geographic area described in this subparagraph and whose term of office had expired as of August 1, 2007, a Director shall be appointed under this subparagraph.

(vi) The Directors identified under the provisions of subparagraphs (ii) through (v) of this paragraph (7) shall be appointed by the members of the Cook County Board. Each individual Director shall be appointed by those members of the Cook County Board whose Board districts overlap in whole or in part with the geographic territory described in the relevant subparagraph. The vote of County Board members eligible to appoint directors under the provisions of subparagraphs (ii) through (v) of this paragraph (7) shall be weighted by the number of electors.
residing in those portions of their Board districts within the geographic territory described in the relevant subparagraph (ii) through (v) of this paragraph (7).

(8) The Chairman shall be appointed by the Directors, from the members of the Board, with the concurrence of 8 of such Directors. To implement the changes in appointing authority under this Section, upon the expiration of the term of or vacancy in office of the Chairman appointed under item (5) of subsection (a) of this Section, a Chairman shall be appointed under this subparagraph.

(c) No director, while serving as such, shall be an officer, a member of the board of directors or trustee or an employee of any transportation agency, or be an employee of the State of Illinois or any department or agency thereof, or of any unit of local government or receive any compensation from any elected or appointed office under the Constitution and laws of Illinois.

(d) Each appointment made under subsections (a) and (b) of this Section paragraphs (a) through (d) and under Section 3B.03 shall be certified by the appointing authority to the Commuter Rail Board which shall maintain the certifications as part of the official records of the Commuter Rail Board; provided that the initial appointments shall be certified to the Secretary of State, who shall transmit the certifications to the Commuter Rail Board following its organization.

Appointments to the Commuter Rail Board shall be apportioned so as to represent the City of Chicago, that part of Cook County outside of the City of Chicago, and DuPage County and that part of the metropolitan region other than Cook and DuPage Counties based on morning boardings of the services provided by the Commuter Rail Division as certified to the Board of the Authority by the Commuter Rail Board, provided however that the Mayor of the City of Chicago shall appoint no fewer than 1 member of the Commuter Rail Board. Within two years after each federal decennial census, the Board of the Authority shall review the composition of the Commuter Rail Board and, if change is needed to comply with this requirement, shall provide for the necessary reapportionment by July 1 of the second year after such census. Insofar as may be practicable, the

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changes in board membership necessary to achieve this purpose shall take effect as appropriate members terms expire, no member's term being reduced by reason of such revision of the composition of the Commuter Rail Board.

(Source: P.A. 83-886.)

(70 ILCS 3615/3B.03) (from Ch. 111 2/3, par. 703B.03)

Sec. 3B.03. Terms, Vacancies. Each initial term of the director appointed pursuant to subdivision (a) of Section 3B.02 and the initial term of one of the directors appointed pursuant to subdivision (b) of Section 3B.02 shall expire on June 30, 1985; the initial term of one of the directors appointed pursuant to subdivision (b) of Section 3B.02 and the initial term of one of the directors appointed pursuant to subdivision (c) of Section 3B.02 shall expire on June 30, 1986; the initial terms of two of the directors appointed pursuant to subdivision (c) of Section 3B.02 shall expire on June 30, 1987; the initial term of the director appointed pursuant to subdivision (d) of Section 3B.02 shall expire on June 30, 1988. Thereafter, each director shall be appointed for a term of 4 years, and until his successor has been appointed and qualified. A vacancy shall occur upon the resignation, death, conviction of a felony, or removal from office of a director. Any director may be removed from office upon the concurrence of not less than 8 of the directors of the Commuter Rail Board. The Executive Director shall appoint, retain and employ officers, attorneys, agents, engineers, employees and shall organize the

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staff, shall allocate their functions and duties, fix compensation and conditions of employment, and consistent with the policies of and direction from the Commuter Rail Board take all actions necessary to achieve its purposes, fulfill its responsibilities and carry out its powers, and shall have such other powers and responsibilities as the Commuter Rail Board shall determine. The Executive Director shall be an individual of proven transportation and management skills and may not be a member of the Commuter Rail Board. The Division may employ its own professional management personnel to provide professional and technical expertise concerning its purposes and powers and to assist it in assessing the performance of transportation agencies in the metropolitan region.

No unlawful discrimination, as defined and prohibited in the Illinois Human Rights Act, shall be made in any term or aspect of employment nor shall there be discrimination based upon political reasons or factors. The Commuter Rail Board shall establish regulations to insure that its discharges shall not be arbitrary and that hiring and promotion are based on merit.

The Division shall be subject to the "Illinois Human Rights Act", as now or hereafter amended, and the remedies and procedure established thereunder. The Commuter Rail Board shall file an affirmative action program for employment by it with the Department of Human Rights to ensure that applicants are employed and that employees are treated during employment, without regard to unlawful discrimination. Such affirmative action program shall include provisions relating to hiring, upgrading, demotion, transfer, recruitment, recruitment advertising, selection for training and rates of pay or other forms of compensation.

(Source: P.A. 83-885; 83-886.)

(70 ILCS 3615/3B.07) (from Ch. 111 2/3, par. 703B.07)

Sec. 3B.07. Meetings. The Commuter Rail Board shall prescribe the times and places for meetings and the manner in which special meetings may be called. The Commuter Rail Board shall comply in all respects with the "Open Meetings Act", as now or hereafter amended. All records, documents and papers of the Commuter Rail Division, other than those relating to matters concerning which closed sessions of the

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Commuter Rail Board may be held, shall be available for public examination, subject to such reasonable regulations as the board may adopt.

A majority of the members shall constitute a quorum for the conduct of business. The affirmative votes of at least 6 4 members shall be necessary for any action required by this Act to be taken by ordinance.

(Source: P.A. 83-886.)

(70 ILCS 3615/3B.09) (from Ch. 111 2/3, par. 703B.09)

Sec. 3B.09. General Powers. In addition to any powers elsewhere provided to the Commuter Rail Board, it shall have all of the powers specified in Section 2.20 of this Act except for the powers specified in Section 2.20(a)(v). The Board shall also have the power:

(a) to cooperate with the Regional Transportation Authority in the exercise by the Regional Transportation Authority of all the powers granted it by such Act;

(b) to receive funds from the Regional Transportation Authority pursuant to Sections 2.02, 4.01, 4.02, 4.09 and 4.10 of the "Regional Transportation Authority Act", all as provided in the "Regional Transportation Authority Act"; and

(c) to receive financial grants from the Regional Transportation Authority or a Service Board, as defined in the "Regional Transportation Authority Act", upon such terms and conditions as shall be set forth in a grant contract between either the Division and the Regional Transportation Authority or the Division and another Service Board, which contract or agreement may be for such number of years or duration as the parties may agree, all as provided in the "Regional Transportation Authority Act"; and

(d) to borrow money for the purpose of acquiring, constructing, reconstructing, extending, or improving any Public Transportation Facilities (as defined in Section 1.03 of the Regional Transportation Authority Act) operated by or to be operated by or on behalf of the Commuter Rail Division. For the purpose of evidencing the obligation of the Commuter Rail Board to repay any money borrowed as provided in this subsection, the Commuter Rail Board may issue revenue bonds from

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time to time pursuant to ordinance adopted by the Commuter Rail Board, subject to the approval of the Regional Transportation Authority of each such issuance by the affirmative vote of 12 of its then Directors; provided that the Commuter Rail Board may not issue bonds for the purpose of financing the acquisition, construction, or improvement of a corporate headquarters building. All such bonds shall be payable solely from the revenues or income or any other funds that the Commuter Rail Board may receive, provided that the Commuter Rail Board may not pledge as security for such bonds the moneys, if any, that the Commuter Rail Board receives from the Regional Transportation Authority pursuant to Section 4.03.3(f) of the Regional Transportation Authority Act. The bonds shall bear interest at a rate not to exceed the maximum rate authorized by the Bond Authorization Act and shall mature at such time or times not exceeding 25 years from their respective dates. Bonds issued pursuant to this paragraph must be issued with scheduled principal or mandatory redemption payments in equal amounts in each fiscal year over the term of the bonds, with the first principal or mandatory redemption payment scheduled within the fiscal year in which bonds are issued or within the next succeeding fiscal year. At least 25%, based on total principal amount, of all bonds authorized pursuant to this Section shall be sold pursuant to notice of sale and public bid. No more than 75%, based on total principal amount, of all bonds authorized pursuant to this Section shall be sold by negotiated sale. The maximum principal amount of the bonds that may be issued and outstanding at any time may not exceed $1,000,000,000. The bonds shall have all the qualities of negotiable instruments under the laws of this State. To secure the payment of any or all of such bonds and for the purpose of setting forth the covenants and undertakings of the Commuter Rail Board in connection with the issuance thereof and the issuance of any additional bonds payable from such revenue or income as well as the use and application of the revenue or income received by the Commuter Rail Board, the Commuter Rail Board may execute and deliver a trust agreement or agreements; provided that no lien upon any physical property of the Commuter Rail Board shall be created thereby. A remedy for any breach or default of the terms of any such trust agreement by the
Commuter Rail Board may be by mandamus proceedings in any court of competent jurisdiction to compel performance and compliance therewith, but the trust agreement may prescribe by whom or on whose behalf such action may be instituted. Under no circumstances shall any bonds issued by the Commuter Rail Board or any other obligation of the Commuter Rail Board in connection with the issuance of such bonds be or become an indebtedness or obligation of the State of Illinois, the Regional Transportation Authority, or any other political subdivision of or municipality within the State, nor shall any such bonds or obligations be or become an indebtedness of the Commuter Rail Board within the purview of any constitutional limitation or provision, and it shall be plainly stated on the face of each bond that it does not constitute such an indebtedness or obligation but is payable solely from the revenues or income as aforesaid.

(Source: P.A. 83-885; 83-886.)

(70 ILCS 3615/3B.10) (from Ch. 111 2/3, par. 703B.10)

Sec. 3B.10. Budget and Program. The Commuter Rail Board, subject to the powers of the Authority in Section 4.11, shall control the finances of the Division. It shall by ordinance appropriate money to perform the Division's purposes and provide for payment of debts and expenses of the Division. Each year the Commuter Rail Board shall prepare and publish a comprehensive annual budget and proposed five-year capital program document, and a financial plan for the two years thereafter describing the state of the Division and presenting for the forthcoming fiscal year and the two following years the Commuter Rail Board's plans for such operations and capital expenditures as the Commuter Rail Board intends to undertake and the means by which it intends to finance them. The proposed budget, financial plan, and five-year capital program shall be based on the Authority's estimate of funds to be made available to the Commuter Rail Board by or through the Authority and shall conform in all respects to the requirements established by the Authority. The proposed program and budget, financial plan, and five-year capital program shall contain a statement of the funds estimated to be on hand at the beginning of the fiscal year, the funds estimated to be

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received from all sources for such year and the funds estimated to be on hand at the end of such year. After adoption of the Authority's first Five-Year Program, as provided in Section 2.01 of this Act, the proposed program and budget shall specifically identify any respect in which the recommended program deviates from the Authority's then existing Five-Year Program, giving the reasons for such deviation. The fiscal year of the Division shall be the same as the fiscal year of the Authority. Before the proposed budget, and program and financial plan, and five-year capital program are submitted to the Authority, the Commuter Rail Board shall hold at least one public hearing thereon in each of the counties in the metropolitan region in which the Division provides service. The Commuter Rail Board shall hold at least one meeting for consideration of the proposed program and budget, financial plan, and five-year capital plan with the county board of each of the several counties in the metropolitan region in which the Division provides service. After conducting such hearings and holding such meetings and after making such changes in the proposed program and budget, financial plan, and five-year capital plan as the Commuter Rail Board deems appropriate, the board shall adopt its annual budget ordinance at least by November 15 next preceding the beginning of each fiscal year. The budget, and program, and financial plan, and five-year capital program shall then be submitted to the Authority as provided in Section 4.11. In the event that the Board of the Authority determines that the budget and program, and financial plan do not meet the standards of Section 4.11, the Commuter Rail Board shall make such changes as are necessary to meet such requirements and adopt an amended budget ordinance. The amended budget ordinance shall be resubmitted to the Authority pursuant to Section 4.11. The ordinance shall appropriate such sums of money as are deemed necessary to defray all necessary expenses and obligations of the Division, specifying purposes and the objects or programs for which appropriations are made and the amount appropriated for each object or program. Additional appropriations, transfers between items and other changes in such ordinance which do not alter the basis upon which the balanced budget

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determination was made by the Board of the Authority may be made from
time to time by the Commuter Rail Board.

The budget shall:
(i) show a balance between (A) anticipated revenues from all
sources including operating subsidies and (B) the costs of providing the
services specified and of funding any operating deficits or encumbrances
incurred in prior periods, including provision for payment when due of
principal and interest on outstanding indebtedness;
(ii) show cash balances including the proceeds of any anticipated
cash flow borrowing sufficient to pay with reasonable promptness all costs
and expenses as incurred;
(iii) provide for a level of fares or charges for the public
transportation provided by or subject to the jurisdiction of such Commuter
Rail Board sufficient to allow the Commuter Rail Board to meet its
required system generated revenue recovery ratio;
(iv) be based upon and employ assumptions and projections which
the Board of the Authority finds to be reasonable and prudent;
(v) have been prepared in accordance with sound financial
practices as determined by the Board of the Authority; and
(vi) meet such other uniform financial, budgetary, or fiscal
requirements that the Board of the Authority may by rule or regulation
establish; and
(vii) be consistent with the goals and objectives adopted by the
Regional Transportation Authority in the Strategic Plan.
(Source: P.A. 83-885; 83-886.)
(70 ILCS 3615/3B.11) (from Ch. 111 2/3, par. 703B.11)
Sec. 3B.11. Citizens Advisory Board. The Commuter Rail Board
shall establish a citizens advisory board composed of ten residents of those
portions of the metropolitan region in which the Commuter Rail Board
provides service who have an interest in public transportation. The
members of the advisory board shall be named for two year terms, shall
select one of their members to serve as chairman and shall serve without
compensation. The citizens advisory board shall meet with the Commuter
Rail Board at least quarterly and advise the Commuter Rail Board of the

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impact of its policies and programs on the communities it serves. 

Appointments to the citizens advisory board should, to the greatest extent possible, reflect the ethnic, cultural, and geographic diversity of all persons residing within the Commuter Rail Division's jurisdiction.

(Source: P.A. 83-886.)

(70 ILCS 3615/3B.12) (from Ch. 111 2/3, par. 703B.12)

Sec. 3B.12. Working Cash Borrowing. The Commuter Rail Board with the affirmative vote of 7 of its Directors may demand and direct the Board of the Authority to issue Working Cash Notes at such time and in such amounts and having such maturities as the Commuter Rail Board deems proper, provided however any such borrowing shall have been specifically identified in the budget of the Commuter Rail Board as approved by the Board of the Authority. Provided further, that the Commuter Rail Board may not demand and direct the Board of the Authority to have issued and have outstanding at any time in excess of $20,000,000 in Working Cash Notes.

(Source: P.A. 83-886.)

(70 ILCS 3615/3B.13) (from Ch. 111 2/3, par. 703B.13)

Sec. 3B.13. Labor.

(a) The provisions of this Section apply to collective bargaining agreements (including extensions and amendments of existing agreements) entered into on or after January 1, 1984. This Section does not apply to collective bargaining agreements that are subject to the provisions of the Railway Labor Act, as now or hereafter amended.

(b) The Commuter Rail Board shall deal with and enter into written contracts with their employees, through accredited representatives of such employees authorized to act for such employees concerning wages, salaries, hours, working conditions, and pension or retirement provisions about which a collective bargaining agreement has been entered prior to the effective date of this amendatory Act of 1983. Any such agreement of the Commuter Rail Board shall provide that the agreement may be reopened if the amended budget submitted pursuant to Section 2.18a of this Act is not approved by the Board of the Authority. The agreement may not include a provision requiring the payment of wage increases based on

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changes in the Consumer Price Index. The Commuter Rail Board shall not have the authority to enter collective bargaining agreements with respect to inherent management rights which include such areas of discretion or policy as the functions of the employer, standards of services, its overall budget, the organizational structure and selection of new employees and direction of personnel. Employers, however, shall be required to bargain collectively with regard to policy matters directly affecting wages, hours and terms and conditions of employment, as well as the impact thereon, upon request by employee representatives. To preserve the rights of the Commuter Rail Board and exclusive representatives which have established collective bargaining relationships or negotiated collective bargaining agreements prior to the effective date of this amendatory Act of 1983, the Commuter Rail Board shall be required to bargain collectively with regard to any matter concerning wages, hours or conditions of employment about which they have bargained prior to the effective date of this amendatory Act of 1983.

(c) The collective bargaining agreement may not include a prohibition on the use of part-time operators on any service operated by the Commuter Rail Board except where prohibited by federal law.

(d) Within 30 days of the signing of any such collective bargaining agreement, the Commuter Rail Board shall determine the costs of each provision of the agreement, prepare an amended budget incorporating the costs of the agreement, and present the amended budget to the Board of the Authority for its approval under Section 4.11. The Board may approve the amended budget by an affirmative vote of 12 of its then Directors. If the budget is not approved by the Board of the Authority, the agreement may be reopened and its terms may be renegotiated. Any amended budget which may be prepared following renegotiation shall be presented to the Board of the Authority for its approval in like manner.

(Source: P.A. 84-1308.)

(70 ILCS 3615/3B.14 new)

Sec. 3B.14. Notwithstanding any law to the contrary, no later than 60 days following the effective date of this amendatory Act of the 95th General Assembly, any fixed route public transportation services provided

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by, or under grant or purchase of service contracts of, the Commuter Rail Board shall be provided without charge to all senior citizens of the Metropolitan Region aged 65 and older, under such conditions as shall be prescribed by the Commuter Rail Board.

(70 ILCS 3615/4.01) (from Ch. 111 2/3, par. 704.01)
Sec. 4.01. Budget and Program.

(a) The Board shall control the finances of the Authority. It shall by ordinance adopted by the affirmative vote of at least 12 of its then Directors (i) appropriate money to perform the Authority's purposes and provide for payment of debts and expenses of the Authority, (ii) take action with respect to the budget and two-year financial plan of each Service Board, as provided in Section 4.11, and (iii) adopt an Annual Budget and Two-Year Financial Plan for the Authority that includes the annual budget and two-year financial plan of each Service Board that has been approved by the Authority. Each year the Authority shall prepare and publish a comprehensive annual budget and program document describing the state of the Authority and presenting for the forthcoming fiscal year the Authority's plans for such operations and capital expenditures as the Authority intends to undertake and the means by which it intends to finance them. The Annual Budget and Two-Year Financial Plan proposed program and budget shall contain a statement of the funds estimated to be on hand for the Authority and each Service Board at the beginning of the fiscal year, the funds estimated to be received from all sources for such year, the estimated expenses and obligations of the Authority and each Service Board for all purposes, including expenses for contributions to be made with respect to pension and other employee benefits, and the funds estimated to be on hand at the end of such year. After adoption of the Authority's first Five-Year Program, as provided in Section 2.01 of this Act, the proposed program and budget shall specifically identify any respect in which the recommended program deviates from the Authority's then-existing Five-Year Program, giving the reasons for such deviation. The fiscal year of the Authority and each Service Board shall begin on January 1st and end on the succeeding December 31st except that the fiscal year that began October 1, 1982, shall end December 31, 1983. By

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July 1st, 1981 and July 1st of each year thereafter, the Director of the Illinois Governor's Office of Management and Budget (formerly Bureau of the Budget) shall submit to the Authority an estimate of revenues for the next fiscal year of the Authority to be collected from the taxes imposed by the Authority and the amounts to be available in the Public Transportation Fund and the Regional Transportation Authority Occupation and Use Tax Replacement Fund and the amounts otherwise to be appropriated by the State to the Authority for its purposes. The Authority shall file a copy of its Annual Budget and Two-Year Financial Plan with the Governor for the fiscal year ending on December 31, 1983, the Board shall report its results from operations and financial condition to the General Assembly and the Governor by January 31. For the fiscal year beginning January 1, 1984, and thereafter, the budget and program shall be presented to the General Assembly and the Governor after its adoption not later than the preceding December 31st. Before the proposed Annual Budget and Two-Year Financial Plan is adopted, the Authority shall hold at least one public hearing thereon in the metropolitan region, and shall meet with the county board or its designee of each of the several counties in the metropolitan region. After conducting such hearings and holding such meetings and after making such changes in the proposed Annual Budget and Two-Year Financial Plan as the Board deems appropriate, the Board shall adopt its annual appropriation and Annual Budget and Two-Year Financial Plan ordinance. The ordinance may be adopted only upon the affirmative votes of 12 of its then Directors. The ordinance shall appropriate such sums of money as are deemed necessary to defray all necessary expenses and obligations of the Authority, specifying purposes and the objects or programs for which appropriations are made and the amount appropriated for each object or program. Additional appropriations, transfers between items and other changes in such ordinance may be made from time to time by the Board upon the affirmative votes of 12 of its then Directors.

(b) The Annual Budget and Two-Year Financial Plan budget shall show a balance between anticipated revenues from all sources and

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anticipated expenses including funding of operating deficits or the
discharge of encumbrances incurred in prior periods and payment of
principal and interest when due, and shall show cash balances sufficient to
pay with reasonable promptness all obligations and expenses as incurred.

The Annual Budget and Two-Year Financial Plan must show:

(i) that the level of fares and charges for mass
transportation provided by, or under grant or purchase of service
contracts of, the Service Boards is sufficient to cause the aggregate
of all projected fare revenues from such fares and charges received
in each fiscal year to equal at least 50% of the aggregate costs of
providing such public transportation in such fiscal year. "Fare
revenues" include the proceeds of all fares and charges for services
provided, contributions received in connection with public
transportation from units of local government other than the
Authority, except for contributions received by the Chicago Transit
Authority from a real estate transfer tax imposed under subsection
(i) of Section 8-3-19 of the Illinois Municipal Code, and from the
State pursuant to subsection (i) of Section 2705-305 of the
Department of Transportation Law (20 ILCS 2705/2705-305), and
all other operating revenues properly included consistent with
generally accepted accounting principles but do not include: the
proceeds of any borrowings, and, beginning with the 2007 fiscal
year, all revenues and receipts, including but not limited to fares
and grants received from the federal, State or any unit of local
government or other entity, derived from providing ADA
paratransit service pursuant to Section 2.30 of the Regional
Transportation Authority Act. "Costs" include all items properly
included as operating costs consistent with generally accepted
accounting principles, including administrative costs, but do not
include: depreciation; payment of principal and interest on bonds,
notes or other evidences of obligation for borrowed money issued
by the Authority; payments with respect to public transportation
facilities made pursuant to subsection (b) of Section 2.20 of this

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Act; any payments with respect to rate protection contracts, credit enhancements or liquidity agreements made under Section 4.14; any other cost to which it is reasonably expected that a cash expenditure will not be made; costs up to $5,000,000 annually for passenger security including grants, contracts, personnel, equipment and administrative expenses, except in the case of the Chicago Transit Authority, in which case the term does not include costs spent annually by that entity for protection against crime as required by Section 27a of the Metropolitan Transit Authority Act; the payment by the Chicago Transit Authority of Debt Service, as defined in Section 12c of the Metropolitan Transit Authority Act, on bonds or notes issued pursuant to that Section; the payment by the Commuter Rail Division of debt service on bonds issued pursuant to Section 3B.09; expenses incurred by the Suburban Bus Division for the cost of new public transportation services funded from grants pursuant to Section 2.01e of this amendatory Act of the 95th General Assembly for a period of 2 years from the date of initiation of each such service; costs as exempted by the Board for projects pursuant to Section 2.09 of this Act; or, beginning with the 2007 fiscal year, expenses related to providing ADA paratransit service pursuant to Section 2.30 of the Regional Transportation Authority Act; and in fiscal years 2008 through 2012 inclusive, costs in the amount of $200,000,000 in fiscal year 2008, reducing by $40,000,000 in each fiscal year thereafter until this exemption is eliminated; and

(ii) that the level of fares charged for ADA paratransit services is sufficient to cause the aggregate of all projected revenues from such fares charged and received in each fiscal year to equal at least 10% of the aggregate costs of providing such ADA paratransit services in fiscal years 2007 and 2008 and at least 12% of the aggregate costs of providing such ADA paratransit services in fiscal years 2009 and thereafter; for purposes of this Act, the percentages in this subsection (b)(ii) shall be referred to as the
"system generated ADA paratransit services revenue recovery ratio".

(c) The actual administrative expenses of the Authority for the fiscal year commencing January 1, 1985 may not exceed $5,000,000. The actual administrative expenses of the Authority for the fiscal year commencing January 1, 1986, and for each fiscal year thereafter shall not exceed the maximum administrative expenses for the previous fiscal year plus 5%. "Administrative expenses" are defined for purposes of this Section as all expenses except: (1) capital expenses and purchases of the Authority on behalf of the Service Boards; (2) payments to Service Boards; and (3) payments of principal and interest on bonds, notes or other evidence of obligation for borrowed money issued by the Authority; (4) costs for passenger security including grants, contracts, personnel, equipment and administrative expenses; (5) payments with respect to public transportation facilities made pursuant to subsection (b) of Section 2.20 of this Act; and (6) any payments with respect to rate protection contracts, credit enhancements or liquidity agreements made pursuant to Section 4.14.

(d) This subsection applies only until the Department begins administering and enforcing an increased tax under Section 4.03(m) as authorized by this amendatory Act of the 95th General Assembly. After withholding 15% of the proceeds of any tax imposed by the Authority and 15% of money received by the Authority from the Regional Transportation Authority Occupation and Use Tax Replacement Fund, the Board shall allocate the proceeds and money remaining to the Service Boards as follows: (1) an amount equal to 85% of the proceeds of those taxes collected within the City of Chicago and 85% of the money received by the Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the County and Mass Transit District Fund attributable to retail sales within the City of Chicago shall be allocated to the Chicago Transit Authority; (2) an amount equal to 85% of the proceeds of those taxes collected within Cook County outside the City of Chicago and 85% of the money received by the Authority on account of transfers to the Regional Transportation Authority

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Occupation and Use Tax Replacement Fund from the County and Mass Transit District Fund attributable to retail sales within Cook County outside of the city of Chicago shall be allocated 30% to the Chicago Transit Authority, 55% to the Commuter Rail Board and 15% to the Suburban Bus Board; and (3) an amount equal to 85% of the proceeds of the taxes collected within the Counties of DuPage, Kane, Lake, McHenry and Will shall be allocated 70% to the Commuter Rail Board and 30% to the Suburban Bus Board.

(e) This subsection applies only until the Department begins administering and enforcing an increased tax under Section 4.03(m) as authorized by this amendatory Act of the 95th General Assembly. Moneys received by the Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the State and Local Sales Tax Reform Fund shall be allocated among the Authority and the Service Boards as follows: 15% of such moneys shall be retained by the Authority and the remaining 85% shall be transferred to the Service Boards as soon as may be practicable after the Authority receives payment. Moneys which are distributable to the Service Boards pursuant to the preceding sentence shall be allocated among the Service Boards on the basis of each Service Board's distribution ratio. The term "distribution ratio" means, for purposes of this subsection (e) of this Section 4.01, the ratio of the total amount distributed to a Service Board pursuant to subsection (d) of Section 4.01 for the immediately preceding calendar year to the total amount distributed to all of the Service Boards pursuant to subsection (d) of Section 4.01 for the immediately preceding calendar year.

(f) To carry out its duties and responsibilities under this Act, further and accomplish the preparation of the annual budget and program as well as the Five-Year Program provided for in Section 2.01 of this Act and to make such interim management decisions as may be necessary, the Board shall employ staff which shall: (1) propose for adoption by the Board of the Authority rules for the Service Boards that establish (i) forms and schedules to be used and information required to be provided with respect to a five-year capital program, annual budgets, and two-year

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financial plans and regular reporting of actual results against adopted budgets and financial plans, (ii) financial practices to be followed in the budgeting and expenditure of public funds, (iii) assumptions and projections that must be followed in preparing and submitting its annual budget and two-year financial plan or a five-year capital program; (2) evaluate for the Board public transportation programs operated or proposed by the Service Boards and transportation agencies in terms of the goals and objectives set out in the Strategic Plan, costs and relative priorities; (3) keep the Board and the public informed of the extent to which the Service Boards and transportation agencies are meeting the goals and objectives adopted by the Authority in the Strategic Plan, public transportation programs and accomplishments of such transportation agencies; and (4) assess the efficiency or adequacy of public transportation services provided by a Service Board and make recommendations for change in that service. (3) coordinate the development and implementation of public transportation programs to the end that the moneys available to the Authority may be expended in the most economical manner possible with the least possible duplication.

(g) All under such regulations as the Board may prescribe, all Service Boards, transportation agencies, comprehensive planning agencies, including the Chicago Metropolitan Agency for Planning, or transportation planning agencies in the metropolitan region shall furnish to the Authority such information pertaining to public transportation or relevant for plans therefor as it may from time to time require. The Executive Director, or his or her designee, upon payment to any such agency or Service Board of the reasonable additional cost of its so providing such information except as may otherwise be provided by agreement with the Authority, and the Board or any duly authorized employee of the Board shall, for the purpose of securing any such information necessary or appropriate to carry out any of the powers and responsibilities of the Authority under this Act, have access to, and the right to examine, all books, documents, papers or records of a Service Board or any transportation such agency receiving funds from the Authority or Service Board, and such Service Board or transportation

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agency shall comply with any request by the Executive Director, or his or her designee, within 30 days or an extended time provided by the Executive Director pertaining to public transportation or relevant for plans therefor.

(h) No Service Board shall undertake any capital improvement which is not identified in the Five-Year Capital Program.

(Source: P.A. 94-370, eff. 7-29-05.)

(70 ILCS 3615/4.02) (from Ch. 111 2/3, par. 704.02)
Sec. 4.02. Federal, State and Other Funds.

(a) The Authority shall have the power to apply for, receive and expend grants, loans or other funds from the State of Illinois or any department or agency thereof, from any unit of local government, from the federal government or any department or agency thereof, for use in connection with any of the powers or purposes of the Authority as set forth in this Act. The Authority shall have power to make such studies as may be necessary and to enter into contracts or agreements with the State of Illinois or any department or agency thereof, with any unit of local government, or with the federal government or any department or agency thereof, concerning such grants, loans or other funds, or any conditions relating thereto, including obligations to repay such funds. The Authority may make such covenants concerning such grants, loans and funds as it deems proper and necessary in carrying out its responsibilities, purposes and powers as provided in this Act.

(b) The Authority shall be the primary public body in the metropolitan region with authority to apply for and receive any grants, loans or other funds relating to public transportation programs from the State of Illinois or any department or agency thereof, or from the federal government or any department or agency thereof. Any unit of local government, Service Board or transportation agency may apply for and receive any such federal or state capital grants, loans or other funds, provided, however that a Service Board may not apply for or receive any grant or loan which is not identified in the Five-Year Capital Program. Any Service Board, unit of local government or transportation agency shall notify the Authority prior to making any such application and shall file a

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copy thereof with the Authority. Nothing in this Section shall be construed to impose any limitation on the ability of the State of Illinois or any department or agency thereof, any unit of local government or Service Board or transportation agency to make any grants or to enter into any agreement or contract with the National Rail Passenger Corporation. Nor shall anything in this Section impose any limitation on the ability of any school district to apply for or receive any grant, loan or other funds for transportation of school children.

(c) The Authority shall provide to the Service Board any monies received relating to public transportation services under the jurisdiction of the Service Boards as provided in Section 4.03.3 of this Act. follows:

(1) As soon as may be practicable after the Authority receives payment, under Section 4.03(m) or Section 4.03.1(d), of the proceeds of those taxes levied by the Authority, the Authority shall transfer to each Service Board the amount to which it is entitled under Section 4.01(d):

(2) The Authority by ordinance adopted by 9 of its then Directors shall establish a formula apportioning any federal funds for operating assistance purposes the Authority receives to each Service Board. In establishing the formula, the Board shall consider, among other factors: ridership levels, the efficiency with which the service is provided, the degree of transit dependence of the area served and the cost of service. That portion of any federal funds for operating assistance received by the Authority shall be paid to each Service Board as soon as may be practicable upon their receipt provided the Authority has adopted a balanced budget as required by Section 4.01 and further provided that the Service Boards are in compliance with the requirements in Section 4.11.

(3) The Authority by ordinance adopted by 9 of its then Directors shall apportion to the Service Boards funds provided by the State of Illinois under Section 4.09 and shall make payment of said funds to each Service Board as soon as may be practicable upon their receipt provided the Authority has adopted a balanced
budget as required by Section 4.01 and further provided the Service Board is in compliance with the requirements in Section 4.11.

(4) Beginning January 1, 2009, before making any payments, transfers, or expenditures under this subsection to a Service Board, the Authority must first comply with Section 4.02a or 4.02b of this Act, whichever may be applicable.

(Source: P.A. 94-839, eff. 6-6-06; 95-331, eff. 8-21-07.)

(70 ILCS 3615/4.02a)

Sec. 4.02a. Chicago Transit Authority contributions to pension funds.

(a) The Authority shall continually review the Chicago Transit Authority's payment of the required contributions to its retirement system under Section 22-101 of the Illinois Pension Code.

(b) Beginning January 1, 2009, if at any time the Authority determines that the Chicago Transit Authority's payment of any portion of the required contributions to its retirement system under Section 22-101 of the Illinois Pension Code is more than one month overdue, it shall as soon as possible pay the amount of those overdue contributions to the Board of Trustees of the Retirement Plan on behalf of the Chicago Transit Authority out of moneys otherwise payable to the Chicago Transit Authority under subsection (c) of Section 4.03. The Authority shall thereafter have no liability to the Chicago Transit Authority for amounts paid to the Board of Trustees of the Retirement Plan under this Section.

(c) Whenever the Authority acts or determines that it is required to act under subsection (b), it shall so notify the Chicago Transit Authority, the Mayor of Chicago, the Governor, the Auditor General of the State of Illinois, and the General Assembly.

(Source: P.A. 94-839, eff. 6-6-06.)

(70 ILCS 3615/4.02b)

Sec. 4.02b. Other contributions to pension funds.

(a) The Authority shall continually review the payment of the required employer contributions to affected pension plans under Section 22-103 of the Illinois Pension Code.
(b) Beginning January 1, 2009, if at any time the Authority determines that the Commuter Rail Board's or Suburban Bus Board's payment of any portion of the required contributions to an affected pension plan under Section 22-103 of the Illinois Pension Code is more than one month overdue, it shall as soon as possible pay the amount of those overdue contributions to the trustee of the affected pension plan on behalf of that Service Board out of moneys otherwise payable to that Service Board under Section 4.03 subsection (c) of Section 4.02 of this Act. The Authority shall thereafter have no liability to the Service Board for amounts paid to the trustee of the affected pension plan under this Section.

(c) Whenever the Authority acts or determines that it is required to act under subsection (b), it shall so notify the affected Service Board, the Mayor of Chicago, the Governor, the Auditor General of the State of Illinois, and the General Assembly.

(d) Beginning January 1, 2009, if the Authority fails to pay to an affected pension fund within 30 days after it is due any employer contribution that it is required to make as a contributing employer under Section 22-103 of the Illinois Pension Code, it shall promptly so notify the Commission on Government Forecasting and Accountability, the Mayor of Chicago, the Governor, and the General Assembly, and it shall promptly pay the overdue amount out of the first money available to the Authority for its administrative expenses, as that term is defined in Section 4.01(c).

(Source: P.A. 94-839, eff. 6-6-06.)

(70 ILCS 3615/4.03) (from Ch. 1112/3, par. 704.03)

Sec. 4.03. Taxes.

(a) In order to carry out any of the powers or purposes of the Authority, the Board may by ordinance adopted with the concurrence of 12 of the then Directors, impose throughout the metropolitan region any or all of the taxes provided in this Section. Except as otherwise provided in this Act, taxes imposed under this Section and civil penalties imposed incident thereto shall be collected and enforced by the State Department of Revenue. The Department shall have the power to administer and enforce the taxes and to determine all rights for refunds for erroneous payments of the taxes. Nothing in this amendatory Act of the 95th General Assembly is
intended to invalidate any taxes currently imposed by the Authority. The increased vote requirements to impose a tax shall only apply to actions taken after the effective date of this amendatory Act of the 95th General Assembly.

(b) The Board may impose a public transportation tax upon all persons engaged in the metropolitan region in the business of selling at retail motor fuel for operation of motor vehicles upon public highways. The tax shall be at a rate not to exceed 5% of the gross receipts from the sales of motor fuel in the course of the business. As used in this Act, the term "motor fuel" shall have the same meaning as in the Motor Fuel Tax Law. The Board may provide for details of the tax. The provisions of any tax shall conform, as closely as may be practicable, to the provisions of the Municipal Retailers Occupation Tax Act, including without limitation, conformity to penalties with respect to the tax imposed and as to the powers of the State Department of Revenue to promulgate and enforce rules and regulations relating to the administration and enforcement of the provisions of the tax imposed, except that reference in the Act to any municipality shall refer to the Authority and the tax shall be imposed only with regard to receipts from sales of motor fuel in the metropolitan region, at rates as limited by this Section.

(c) In connection with the tax imposed under paragraph (b) of this Section the Board may impose a tax upon the privilege of using in the metropolitan region motor fuel for the operation of a motor vehicle upon public highways, the tax to be at a rate not in excess of the rate of tax imposed under paragraph (b) of this Section. The Board may provide for details of the tax.

(d) The Board may impose a motor vehicle parking tax upon the privilege of parking motor vehicles at off-street parking facilities in the metropolitan region at which a fee is charged, and may provide for reasonable classifications in and exemptions to the tax, for administration and enforcement thereof and for civil penalties and refunds thereunder and may provide criminal penalties thereunder, the maximum penalties not to exceed the maximum criminal penalties provided in the Retailers' Occupation Tax Act. The Authority may collect and enforce the tax itself
or by contract with any unit of local government. The State Department of Revenue shall have no responsibility for the collection and enforcement unless the Department agrees with the Authority to undertake the collection and enforcement. As used in this paragraph, the term "parking facility" means a parking area or structure having parking spaces for more than 2 vehicles at which motor vehicles are permitted to park in return for an hourly, daily, or other periodic fee, whether publicly or privately owned, but does not include parking spaces on a public street, the use of which is regulated by parking meters.

(e) The Board may impose a Regional Transportation Authority Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property at retail in the metropolitan region. In Cook County the tax rate shall be 1.25% of the gross receipts from sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics, and 1% of the gross receipts from other taxable sales made in the course of that business. In DuPage, Kane, Lake, McHenry, and Will Counties, the tax rate shall be 0.75% of the gross receipts from all taxable sales made in the course of that business. The tax imposed under this Section and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2
through 2-65 (in respect to all provisions therein other than the State rate of tax), 2c, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this Section may reimburse themselves for their seller's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination in a single amount with State taxes that sellers are required to collect under the Use Tax Act, under any bracket schedules the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

If a tax is imposed under this subsection (e), a tax shall also be imposed under subsections (f) and (g) of this Section.

For the purpose of determining whether a tax authorized under this Section is applicable, a retail sale by a producer of coal or other mineral mined in Illinois, is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the Federal Constitution as a sale in interstate or foreign commerce.

No tax shall be imposed or collected under this subsection on the sale of a motor vehicle in this State to a resident of another state if that motor vehicle will not be titled in this State.

Nothing in this Section shall be construed to authorize the Regional Transportation Authority to impose a tax upon the privilege of

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engaging in any business that under the Constitution of the United States may not be made the subject of taxation by this State.

(f) If a tax has been imposed under paragraph (e), a Regional Transportation Authority Service Occupation Tax shall also be imposed upon all persons engaged, in the metropolitan region in the business of making sales of service, who as an incident to making the sales of service, transfer tangible personal property within the metropolitan region, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. In Cook County, the tax rate shall be: (1) 1.25% of the serviceman's cost price of food prepared for immediate consumption and transferred incident to a sale of service subject to the service occupation tax by an entity licensed under the Hospital Licensing Act or the Nursing Home Care Act that is located in the metropolitan region; (2) 1.25% of the selling price of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics; and (3) 1% of the selling price from other taxable sales of tangible personal property transferred. In DuPage, Kane, Lake, McHenry and Will Counties the rate shall be 0.75% of the selling price of all tangible personal property transferred.

The tax imposed under this paragraph and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same

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modes of procedure, as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the Authority), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the Authority), 9 (except as to the disposition of taxes and penalties collected, and except that the returned merchandise credit for this tax may not be taken against any State tax), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the Authority), the first paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this paragraph may reimburse themselves for their serviceman's tax liability hereunder by separately stating the tax as an additional charge, that charge may be stated in combination in a single amount with State tax that servicemen are authorized to collect under the Service Use Tax Act, under any bracket schedules the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

Nothing in this paragraph shall be construed to authorize the Authority to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by the State.

(g) If a tax has been imposed under paragraph (e), a tax shall also be imposed upon the privilege of using in the metropolitan region, any item of tangible personal property that is purchased outside the metropolitan region at retail from a retailer, and that is titled or registered with an agency of this State's government. In Cook County the tax rate

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shall be 1% \( \frac{3}{4} \% \) of the selling price of the tangible personal property, as "selling price" is defined in the Use Tax Act. In DuPage, Kane, Lake, McHenry and Will counties the tax rate shall be 0.75% \( \frac{1}{4} \% \) of the selling price of the tangible personal property, as "selling price" is defined in the Use Tax Act. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the metropolitan region. The tax shall be collected by the Department of Revenue for the Regional Transportation Authority. The tax must be paid to the State, or an exemption determination must be obtained from the Department of Revenue, before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or the State officer with whom, the tangible personal property must be titled or registered if the Department and the State agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

The Department shall have full power to administer and enforce this paragraph; to collect all taxes, penalties and interest due hereunder; to dispose of taxes, penalties and interest collected in the manner hereinafter provided; and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty or interest hereunder. In the administration of and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms and employ the same modes of procedure, as are prescribed in Sections 2 (except the definition of "retailer maintaining a place of business in this State"), 3 through 3-80 (except provisions pertaining to the State rate of tax, and except provisions concerning collection or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15, 19 (except the portions pertaining to claims by retailers and except the last paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act, and are not inconsistent with this paragraph, as fully as if those provisions were set forth herein.

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Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

(h) The Authority may impose a replacement vehicle tax of $50 on any passenger car as defined in Section 1-157 of the Illinois Vehicle Code purchased within the metropolitan region by or on behalf of an insurance company to replace a passenger car of an insured person in settlement of a total loss claim. The tax imposed may not become effective before the first day of the month following the passage of the ordinance imposing the tax and receipt of a certified copy of the ordinance by the Department of Revenue. The Department of Revenue shall collect the tax for the Authority in accordance with Sections 3-2002 and 3-2003 of the Illinois Vehicle Code.

The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes collected hereunder. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to the Authority. The amount to be paid to the Authority shall be the amount collected hereunder during the second preceding calendar month by the Department, less any amount determined by the Department to be necessary for the payment of refunds. Within 10 days after receipt by the Comptroller of the disbursement certification to the Authority provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for that amount in accordance with the directions contained in the certification.

(i) The Board may not impose any other taxes except as it may from time to time be authorized by law to impose.

(j) A certificate of registration issued by the State Department of Revenue to a retailer under the Retailers' Occupation Tax Act or under the Service Occupation Tax Act shall permit the registrant to engage in a
business that is taxed under the tax imposed under paragraphs (b), (e), (f) or (g) of this Section and no additional registration shall be required under the tax. A certificate issued under the Use Tax Act or the Service Use Tax Act shall be applicable with regard to any tax imposed under paragraph (c) of this Section.

(k) The provisions of any tax imposed under paragraph (c) of this Section shall conform as closely as may be practicable to the provisions of the Use Tax Act, including without limitation conformity as to penalties with respect to the tax imposed and as to the powers of the State Department of Revenue to promulgate and enforce rules and regulations relating to the administration and enforcement of the provisions of the tax imposed. The taxes shall be imposed only on use within the metropolitan region and at rates as provided in the paragraph.

(l) The Board in imposing any tax as provided in paragraphs (b) and (c) of this Section, shall, after seeking the advice of the State Department of Revenue, provide means for retailers, users or purchasers of motor fuel for purposes other than those with regard to which the taxes may be imposed as provided in those paragraphs to receive refunds of taxes improperly paid, which provisions may be at variance with the refund provisions as applicable under the Municipal Retailers Occupation Tax Act. The State Department of Revenue may provide for certificates of registration for users or purchasers of motor fuel for purposes other than those with regard to which taxes may be imposed as provided in paragraphs (b) and (c) of this Section to facilitate the reporting and nontaxability of the exempt sales or uses.

(m) Any ordinance imposing or discontinuing any tax under this Section shall be adopted and a certified copy thereof filed with the Department on or before June 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the Regional Transportation Authority as of September 1 next following such adoption and filing. Beginning January 1, 1992, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and
enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, an ordinance or resolution imposing, increasing, decreasing, or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of the first month to occur not less than 60 days January next following such adoption and filing. Any ordinance or resolution of the Authority imposing a tax under this Section and in effect on August 1, 2007 shall remain in full force and effect and shall be administered by the Department of Revenue under the terms and conditions and rates of tax established by such ordinance or resolution until the Department begins administering and enforcing an increased tax under this Section as authorized by this amendatory Act of the 95th General Assembly. The tax rates authorized by this amendatory Act of the 95th General Assembly are effective only if imposed by ordinance of the Authority.

(n) The State Department of Revenue shall, upon collecting any taxes as provided in this Section, pay the taxes over to the State Treasurer as trustee for the Authority. The taxes shall be held in a trust fund outside the State Treasury. On or before the 25th day of each calendar month, the State Department of Revenue shall prepare and certify to the Comptroller of the State of Illinois and the amount to be paid to the Authority, which shall be the then balance in the fund, less any amount determined by the Department to be necessary for the payment of refunds. The State Department of Revenue shall also certify to the Authority (i) the amount of taxes collected in each County other than Cook County in the metropolitan region, (ii) less the amount necessary for the payment of refunds to taxpayers in the County. With regard to the County of Cook, the certification shall specify the amount of taxes collected within the City of Chicago, less the amount necessary for the payment of refunds to taxpayers in the City of Chicago and (iii) the amount collected in that portion of Cook County outside of Chicago, each amount less the amount necessary for the payment of refunds to taxpayers located in those areas described in items (i), (ii), and (iii) in that portion of Cook County outside
Within 10 days after receipt by the Comptroller of the certification of the amounts amount to be paid to the Authority, the Comptroller shall cause an order to be drawn for the payment of two-thirds of the amounts certified in item (i) of this subsection to the Authority and one-third of the amounts certified in item (i) of this subsection to the respective counties other than Cook County and the amount certified in items (ii) and (iii) of this subsection to the Authority for the amount in accordance with the direction in the certification.

In addition to the disbursement required by the preceding paragraph, an allocation shall be made in July 1991 and each year thereafter to the Regional Transportation Authority. The allocation shall be made in an amount equal to the average monthly distribution during the preceding calendar year (excluding the 2 months of lowest receipts) and the allocation shall include the amount of average monthly distribution from the Regional Transportation Authority Occupation and Use Tax Replacement Fund. The distribution made in July 1992 and each year thereafter under this paragraph and the preceding paragraph shall be reduced by the amount allocated and disbursed under this paragraph in the preceding calendar year. The Department of Revenue shall prepare and certify to the Comptroller for disbursement the allocations made in accordance with this paragraph.

(o) Failure to adopt a budget ordinance or otherwise to comply with Section 4.01 of this Act or to adopt a Five-year Capital Program or otherwise to comply with paragraph (b) of Section 2.01 of this Act shall not affect the validity of any tax imposed by the Authority otherwise in conformity with law.

(p) At no time shall a public transportation tax or motor vehicle parking tax authorized under paragraphs (b), (c) and (d) of this Section be in effect at the same time as any retailers' occupation, use or service occupation tax authorized under paragraphs (e), (f) and (g) of this Section is in effect.

Any taxes imposed under the authority provided in paragraphs (b), (c) and (d) shall remain in effect only until the time as any tax authorized by paragraphs (e), (f) or (g) of this Section are imposed and becomes

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effective. Once any tax authorized by paragraphs (e), (f) or (g) is imposed the Board may not reimpose taxes as authorized in paragraphs (b), (c) and (d) of the Section unless any tax authorized by paragraphs (e), (f) or (g) of this Section becomes ineffective by means other than an ordinance of the Board.

(q) Any existing rights, remedies and obligations (including enforcement by the Regional Transportation Authority) arising under any tax imposed under paragraphs (b), (c) or (d) of this Section shall not be affected by the imposition of a tax under paragraphs (e), (f) or (g) of this Section.

(Source: P.A. 92-221, eff. 8-2-01; 92-651, eff. 7-11-02; 93-1068, eff. 1-15-05.)

(70 ILCS 3615/4.03.3 new)

Sec. 4.03.3. Distribution of Revenues. This Section applies only after the Department begins administering and enforcing an increased tax under Section 4.03(m) as authorized by this amendatory Act of the 95th General Assembly. After providing for payment of its obligations with respect to bonds and notes issued under the provisions of Section 4.04 and obligations related to those bonds and notes, the Authority shall disburse the remaining proceeds from taxes it has received from the Department of Revenue under this Article IV and the remaining proceeds it has received from the State under Section 4.09(a) as follows:

(a) With respect to taxes imposed by the Authority under Section 4.03, after withholding 15% of 80% of the receipts from those taxes collected in Cook County at a rate of 1.25%, 15% of 75% of the receipts from those taxes collected in Cook County at the rate of 1%, 15% of one-half of the receipts from those taxes collected in DuPage, Kane, Lake, McHenry, and Will Counties, and 15% of money received by the Authority from the Regional Transportation Authority Occupation and Use Tax Replacement Fund or from the Regional Transportation Authority tax fund created in Section 4.03(n), the Board shall allocate the proceeds and money remaining to the Service Boards as follows:

(1) an amount equal to (i) 85% of 80% of the receipts from those taxes collected within the City of Chicago at a rate of 1.25%,
(ii) $85\%$ of $75\%$ of the receipts from those taxes collected in the City of Chicago at the rate of $1\%$, and (iii) $85\%$ of the money received by the Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund or to the Regional Transportation Authority tax fund created in Section 4.03(n) from the County and Mass Transit District Fund attributable to retail sales within the City of Chicago shall be allocated to the Chicago Transit Authority;

(2) an amount equal to (i) $85\%$ of $80\%$ of the receipts from those taxes collected within Cook County outside of the City of Chicago at a rate of $1.25\%$, (ii) $85\%$ of $75\%$ of the receipts from those taxes collected within Cook County outside the City of Chicago at a rate of $1\%$, and (iii) $85\%$ of the money received by the Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund or to the Regional Transportation Authority tax fund created in Section 4.03(n) from the County and Mass Transit District Fund attributable to retail sales within Cook County outside of the City of Chicago shall be allocated $30\%$ to the Chicago Transit Authority, $55\%$ to the Commuter Rail Board, and $15\%$ to the Suburban Bus Board; and

(3) an amount equal to $85\%$ of one-half of the receipts from the taxes collected within the Counties of DuPage, Kane, Lake, McHenry, and Will shall be allocated $70\%$ to the Commuter Rail Board and $30\%$ to the Suburban Bus Board.

(b) Moneys received by the Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the State and Local Sales Tax Reform Fund shall be allocated among the Authority and the Service Boards as follows: $15\%$ of such moneys shall be retained by the Authority and the remaining $85\%$ shall be transferred to the Service Boards as soon as may be practicable after the Authority receives payment. Moneys which are distributable to the Service Boards pursuant to the preceding sentence shall be allocated among the Service Boards on the basis of each Service Board's distribution ratio. The New matter indicated by italics - deletions by strikeout
term "distribution ratio" means, for purposes of this subsection (b), the ratio of the total amount distributed to a Service Board pursuant to subsection (a) of Section 4.03.3 for the immediately preceding calendar year to the total amount distributed to all of the Service Boards pursuant to subsection (a) of Section 4.03.3 for the immediately preceding calendar year.

(c)(i) 20% of the receipts from those taxes collected in Cook County under Section 4.03 at the rate of 1.25%, (ii) 25% of the receipts from those taxes collected in Cook County under Section 4.03 at the rate of 1%, (iii) 50% of the receipts from those taxes collected in DuPage, Kane, Lake, McHenry, and Will Counties under Section 4.03, and (iv) amounts received from the State under Section 4.09 (a)(2) and items (i), (ii), and (iii) of Section 4.09 (a)(3) shall be allocated as follows: in 2008, $100,000,000 shall be deposited in the ADA Paratransit Fund described in Section 2.01d, $20,000,000 shall be deposited in the Suburban Community Mobility Fund described in Section 2.01e, and $10,000,000 shall be deposited in the Innovation, Coordination and Enhancement Fund described in Section 2.01c, and the balance shall be allocated 48% to the Chicago Transit Authority, 39% to the Commuter Rail Board, and 13% to the Suburban Bus Board; and in 2009 and each year thereafter, the amounts deposited in the ADA Paratransit Fund, the Suburban Community Mobility Fund and the Innovation, Coordination and Enhancement Fund respectively shall equal the amount deposited in the previous year increased or decreased by the percentage growth or decline in revenues received by the Authority from taxes imposed under Section 4.03 in the previous year, and the balance shall be allocated 48% to the Chicago Transit Authority, 39% to the Commuter Rail Board and 13% to the Suburban Bus Board.

(d) Amounts received from the State under Section 4.09 (a)(3)(iv) shall be distributed 100% to the Chicago Transit Authority.

(e) With respect to those taxes collected in DuPage, Kane, Lake, McHenry, and Will Counties and paid directly to the counties under Section 4.03, the County Board of each county shall use those amounts to fund operating and capital costs of public safety and public transportation

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services or facilities or to fund operating, capital, right-of-way, construction, and maintenance costs of other transportation purposes, including road, bridge, public safety, and transit purposes intended to improve mobility or reduce congestion in the county. The receipt of funding by such counties pursuant to this paragraph shall not be used as the basis for reducing any funds that such counties would otherwise have received from the State of Illinois, any agency or instrumentality thereof, the Authority, or the Service Boards.

(f) The Authority by ordinance adopted by 12 of its then Directors shall apportion to the Service Boards funds provided by the State of Illinois under Section 4.09(a)(1) as it shall determine and shall make payment of the amounts to each Service Board as soon as may be practicable upon their receipt provided the Authority has adopted a balanced budget as required by Section 4.01 and further provided the Service Board is in compliance with the requirements in Section 4.11.

(g) Beginning January 1, 2009, before making any payments, transfers, or expenditures under this Section to a Service Board, the Authority must first comply with Section 4.02a or 4.02b of this Act, whichever may be applicable.

(70 ILCS 3615/4.04) (from Ch. 111 2/3, par. 704.04)
Sec. 4.04. Issuance and Pledge of Bonds and Notes.

(a) The Authority shall have the continuing power to borrow money and to issue its negotiable bonds or notes as provided in this Section. Unless otherwise indicated in this Section, the term "notes" also includes bond anticipation notes, which are notes which by their terms provide for their payment from the proceeds of bonds thereafter to be issued. Bonds or notes of the Authority may be issued for any or all of the following purposes: to pay costs to the Authority or a Service Board of constructing or acquiring any public transportation facilities (including funds and rights relating thereto, as provided in Section 2.05 of this Act); to repay advances to the Authority or a Service Board made for such purposes; to pay other expenses of the Authority or a Service Board incident to or incurred in connection with such construction or acquisition; to provide funds for any transportation agency to pay principal of or

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interest or redemption premium on any bonds or notes, whether as such amounts become due or by earlier redemption, issued prior to the date of this amendatory Act by such transportation agency to construct or acquire public transportation facilities or to provide funds to purchase such bonds or notes; and to provide funds for any transportation agency to construct or acquire any public transportation facilities, to repay advances made for such purposes, and to pay other expenses incident to or incurred in connection with such construction or acquisition; and to provide funds for payment of obligations, including the funding of reserves, under any self-insurance plan or joint self-insurance pool or entity.

In addition to any other borrowing as may be authorized by this Section, the Authority may issue its notes, from time to time, in anticipation of tax receipts of the Authority or of other revenues or receipts of the Authority, in order to provide money for the Authority or the Service Boards to cover any cash flow deficit which the Authority or a Service Board anticipates incurring. Any such notes are referred to in this Section as "Working Cash Notes". No Working Cash Notes shall be issued for a term of longer than $24\frac{1}{2}$ months. Proceeds of Working Cash Notes may be used to pay day to day operating expenses of the Authority or the Service Boards, consisting of wages, salaries and fringe benefits, professional and technical services (including legal, audit, engineering and other consulting services), office rental, furniture, fixtures and equipment, insurance premiums, claims for self-insured amounts under insurance policies, public utility obligations for telephone, light, heat and similar items, travel expenses, office supplies, postage, dues, subscriptions, public hearings and information expenses, fuel purchases, and payments of grants and payments under purchase of service agreements for operations of transportation agencies, prior to the receipt by the Authority or a Service Board from time to time of funds for paying such expenses. In addition to any Working Cash Notes that the Board of the Authority may determine to issue, the Suburban Bus Board, the Commuter Rail Board or the Board of the Chicago Transit Authority may demand and direct that the Authority issue its Working Cash Notes in such amounts and having such maturities as the Service Board may determine.
Notwithstanding any other provision of this Act, any amounts necessary to pay principal of and interest on any Working Cash Notes issued at the demand and direction of a Service Board or any Working Cash Notes the proceeds of which were used for the direct benefit of a Service Board or any other Bonds or Notes of the Authority the proceeds of which were used for the direct benefit of a Service Board shall constitute a reduction of the amount of any other funds provided by the Authority to that Service Board. The Authority shall, after deducting any costs of issuance, tender the net proceeds of any Working Cash Notes issued at the demand and direction of a Service Board to such Service Board as soon as may be practicable after the proceeds are received. The Authority may also issue notes or bonds to pay, refund or redeem any of its notes and bonds, including to pay redemption premiums or accrued interest on such bonds or notes being renewed, paid or refunded, and other costs in connection therewith. The Authority may also utilize the proceeds of any such bonds or notes to pay the legal, financial, administrative and other expenses of such authorization, issuance, sale or delivery of bonds or notes or to provide or increase a debt service reserve fund with respect to any or all of its bonds or notes. The Authority may also issue and deliver its bonds or notes in exchange for any public transportation facilities, (including funds and rights relating thereto, as provided in Section 2.05 of this Act) or in exchange for outstanding bonds or notes of the Authority, including any accrued interest or redemption premium thereon, without advertising or submitting such notes or bonds for public bidding.

(b) The ordinance providing for the issuance of any such bonds or notes shall fix the date or dates of maturity, the dates on which interest is payable, any sinking fund account or reserve fund account provisions and all other details of such bonds or notes and may provide for such covenants or agreements necessary or desirable with regard to the issue, sale and security of such bonds or notes. The rate or rates of interest on its bonds or notes may be fixed or variable and the Authority shall determine or provide for the determination of the rate or rates of interest of its bonds or notes issued under this Act in an ordinance adopted by the Authority prior to the issuance thereof, none of which rates of interest shall exceed

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that permitted in the Bond Authorization Act. Interest may be payable at such times as are provided for by the Board. Bonds and notes issued under this Section may be issued as serial or term obligations, shall be of such denomination or denominations and form, including interest coupons to be attached thereto, be executed in such manner, shall be payable at such place or places and bear such date as the Authority shall fix by the ordinance authorizing such bond or note and shall mature at such time or times, within a period not to exceed forty years from the date of issue, and may be redeemable prior to maturity with or without premium, at the option of the Authority, upon such terms and conditions as the Authority shall fix by the ordinance authorizing the issuance of such bonds or notes. No bond anticipation note or any renewal thereof shall mature at any time or times exceeding 5 years from the date of the first issuance of such note. The Authority may provide for the registration of bonds or notes in the name of the owner as to the principal alone or as to both principal and interest, upon such terms and conditions as the Authority may determine. The ordinance authorizing bonds or notes may provide for the exchange of such bonds or notes which are fully registered, as to both principal and interest, with bonds or notes which are registerable as to principal only. All bonds or notes issued under this Section by the Authority other than those issued in exchange for property or for bonds or notes of the Authority shall be sold at a price which may be at a premium or discount but such that the interest cost (excluding any redemption premium) to the Authority of the proceeds of an issue of such bonds or notes, computed to stated maturity according to standard tables of bond values, shall not exceed that permitted in the Bond Authorization Act. The Authority shall notify the Governor's Office of Management and Budget and the State Comptroller at least 30 days before any bond sale and shall file with the Governor's Office of Management and Budget and the State Comptroller a certified copy of any ordinance authorizing the issuance of bonds at or before the issuance of the bonds. After December 31, 1994, any such bonds or notes shall be sold to the highest and best bidder on sealed bids as the Authority shall deem. As such bonds or notes are to be sold the Authority shall advertise for proposals to purchase the bonds or notes

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which advertisement shall be published at least once in a daily newspaper of general circulation published in the metropolitan region at least 10 days before the time set for the submission of bids. The Authority shall have the right to reject any or all bids. Notwithstanding any other provisions of this Section, Working Cash Notes or bonds or notes to provide funds for self-insurance or a joint self-insurance pool or entity may be sold either upon competitive bidding or by negotiated sale (without any requirement of publication of intention to negotiate the sale of such Notes), as the Board shall determine by ordinance adopted with the affirmative votes of at least 9 Directors. In case any officer whose signature appears on any bonds, notes or coupons authorized pursuant to this Section shall cease to be such officer before delivery of such bonds or notes, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until such delivery. Neither the Directors of the Authority nor any person executing any bonds or notes thereof shall be liable personally on any such bonds or notes or coupons by reason of the issuance thereof.

(c) All bonds or notes of the Authority issued pursuant to this Section shall be general obligations of the Authority to which shall be pledged the full faith and credit of the Authority, as provided in this Section. Such bonds or notes shall be secured as provided in the authorizing ordinance, which may, notwithstanding any other provision of this Act, include in addition to any other security, a specific pledge or assignment of and lien on or security interest in any or all tax receipts of the Authority and on any or all other revenues or moneys of the Authority from whatever source, which may by law be utilized for debt service purposes and a specific pledge or assignment of and lien on or security interest in any funds or accounts established or provided for by the ordinance of the Authority authorizing the issuance of such bonds or notes. Any such pledge, assignment, lien or security interest for the benefit of holders of bonds or notes of the Authority shall be valid and binding from the time the bonds or notes are issued without any physical delivery or further act and shall be valid and binding as against and prior to the claims of all other parties having claims of any kind against the Authority or any

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other person irrespective of whether such other parties have notice of such pledge, assignment, lien or security interest. The obligations of the Authority incurred pursuant to this Section shall be superior to and have priority over any other obligations of the Authority.

The Authority may provide in the ordinance authorizing the issuance of any bonds or notes issued pursuant to this Section for the creation of, deposits in, and regulation and disposition of sinking fund or reserve accounts relating to such bonds or notes. The ordinance authorizing the issuance of any bonds or notes pursuant to this Section may contain provisions as part of the contract with the holders of the bonds or notes, for the creation of a separate fund to provide for the payment of principal and interest on such bonds or notes and for the deposit in such fund from any or all the tax receipts of the Authority and from any or all such other moneys or revenues of the Authority from whatever source which may by law be utilized for debt service purposes, all as provided in such ordinance, of amounts to meet the debt service requirements on such bonds or notes, including principal and interest, and any sinking fund or reserve fund account requirements as may be provided by such ordinance, and all expenses incident to or in connection with such fund and accounts or the payment of such bonds or notes. Such ordinance may also provide limitations on the issuance of additional bonds or notes of the Authority. No such bonds or notes of the Authority shall constitute a debt of the State of Illinois. Nothing in this Act shall be construed to enable the Authority to impose any ad valorem tax on property.

(d) The ordinance of the Authority authorizing the issuance of any bonds or notes may provide additional security for such bonds or notes by providing for appointment of a corporate trustee (which may be any trust company or bank having the powers of a trust company within the state) with respect to such bonds or notes. The ordinance shall prescribe the rights, duties and powers of the trustee to be exercised for the benefit of the Authority and the protection of the holders of such bonds or notes. The ordinance may provide for the trustee to hold in trust, invest and use amounts in funds and accounts created as provided by the ordinance with respect to the bonds or notes. The ordinance may provide for the
assignment and direct payment to the trustee of any or all amounts produced from the sources provided in Section 4.03 and Section 4.09 of this Act and provided in Section 6z-17 of "An Act in relation to State finance", approved June 10, 1919, as amended. Upon receipt of notice of any such assignment, the Department of Revenue and the Comptroller of the State of Illinois shall thereafter, notwithstanding the provisions of Section 4.03 and Section 4.09 of this Act and Section 6z-17 of "An Act in relation to State finance", approved June 10, 1919, as amended, provide for such assigned amounts to be paid directly to the trustee instead of the Authority, all in accordance with the terms of the ordinance making the assignment. The ordinance shall provide that amounts so paid to the trustee which are not required to be deposited, held or invested in funds and accounts created by the ordinance with respect to bonds or notes or used for paying bonds or notes to be paid by the trustee to the Authority.

(e) Any bonds or notes of the Authority issued pursuant to this Section shall constitute a contract between the Authority and the holders from time to time of such bonds or notes. In issuing any bond or note, the Authority may include in the ordinance authorizing such issue a covenant as part of the contract with the holders of the bonds or notes, that as long as such obligations are outstanding, it shall make such deposits, as provided in paragraph (c) of this Section. It may also so covenant that it shall impose and continue to impose taxes, as provided in Section 4.03 of this Act and in addition thereto as subsequently authorized by law, sufficient to make such deposits and pay the principal and interest and to meet other debt service requirements of such bonds or notes as they become due. A certified copy of the ordinance authorizing the issuance of any such obligations shall be filed at or prior to the issuance of such obligations with the Comptroller of the State of Illinois and the Illinois Department of Revenue.

(f) The State of Illinois pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the rights and powers vested in the Authority by this Act so as to impair the terms of any contract made by the Authority with such holders or in any way impair the rights and remedies

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of such holders until such bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met and discharged. In addition, the State pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the basis on which State funds are to be paid to the Authority as provided in this Act, or the use of such funds, so as to impair the terms of any such contract. The Authority is authorized to include these pledges and agreements of the State in any contract with the holders of bonds or notes issued pursuant to this Section.

(g) (1) Except as provided in subdivisions (g)(2) and (g)(3) of Section 4.04 of this Act, the Authority shall not at any time issue, sell or deliver any bonds or notes (other than Working Cash Notes) pursuant to this Section 4.04 which will cause it to have issued and outstanding at any time in excess of $800,000,000 of such bonds and notes (other than Working Cash Notes). The Authority shall not at any time issue, sell, or deliver any Working Cash Notes pursuant to this Section that will cause it to have issued and outstanding at any time in excess of $100,000,000. Notwithstanding the foregoing, before July 1, 2009, the Authority may issue, sell, and deliver an additional $300,000,000 in Working Cash Notes, provided that any such additional notes shall mature on or before June 30, 2011. The Authority shall not at any time issue, sell or deliver any Working Cash Notes pursuant to this Section which will cause it to have issued and outstanding at any time in excess of $100,000,000 of Working Cash Notes. Bonds or notes which are being paid or retired by such issuance, sale or delivery of bonds or notes, and bonds or notes for which sufficient funds have been deposited with the paying agency of such bonds or notes to provide for payment of principal and interest thereon or to provide for the redemption thereof, all pursuant to the ordinance authorizing the issuance of such bonds or notes, shall not be

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considered to be outstanding for the purposes of the first two sentences of this subsection.

(2) In addition to the authority provided by paragraphs (1) and (3), the Authority is authorized to issue, sell and deliver bonds or notes for Strategic Capital Improvement Projects approved pursuant to Section 4.13 as follows:

$100,000,000 is authorized to be issued on or after January 1, 1990;

an additional $100,000,000 is authorized to be issued on or after January 1, 1991;

an additional $100,000,000 is authorized to be issued on or after January 1, 1992;

an additional $100,000,000 is authorized to be issued on or after January 1, 1993;

an additional $100,000,000 is authorized to be issued on or after January 1, 1994; and

the aggregate total authorization of bonds and notes for Strategic Capital Improvement Projects as of January 1, 1994, shall be $500,000,000.

The Authority is also authorized to issue, sell, and deliver bonds or notes in such amounts as are necessary to provide for the refunding or advance refunding of bonds or notes issued for Strategic Capital Improvement Projects under this subdivision (g)(2), provided that no such refunding bond or note shall mature later than the final maturity date of the series of bonds or notes being refunded, and provided further that the debt service requirements for such refunding bonds or notes in the current or any future fiscal year shall not exceed the debt service requirements for that year on the refunded bonds or notes.

(3) In addition to the authority provided by paragraphs (1) and (2), the Authority is authorized to issue, sell, and deliver bonds or notes for Strategic Capital Improvement Projects approved pursuant to Section 4.13 as follows:

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$260,000,000 is authorized to be issued on or after January 1, 2000;
an additional $260,000,000 is authorized to be issued on or after January 1, 2001;
an additional $260,000,000 is authorized to be issued on or after January 1, 2002;
an additional $260,000,000 is authorized to be issued on or after January 1, 2003;
an additional $260,000,000 is authorized to be issued on or after January 1, 2004; and
the aggregate total authorization of bonds and notes for Strategic Capital Improvement Projects pursuant to this paragraph (3) as of January 1, 2004 shall be $1,300,000,000.

The Authority is also authorized to issue, sell, and deliver bonds or notes in such amounts as are necessary to provide for the refunding or advance refunding of bonds or notes issued for Strategic Capital Improvement projects under this subdivision (g)(3), provided that no such refunding bond or note shall mature later than the final maturity date of the series of bonds or notes being refunded, and provided further that the debt service requirements for such refunding bonds or notes in the current or any future fiscal year shall not exceed the debt service requirements for that year on the refunded bonds or notes.

(h) The Authority, subject to the terms of any agreements with noteholders or bond holders as may then exist, shall have power, out of any funds available therefor, to purchase notes or bonds of the Authority, which shall thereupon be cancelled.

(i) In addition to any other authority granted by law, the State Treasurer may, with the approval of the Governor, invest or reinvest, at a price not to exceed par, any State money in the State Treasury which is not needed for current expenditures due or about to become due in Working Cash Notes.

(Source: P.A. 94-793, eff. 5-19-06.)

(70 ILCS 3615/4.09) (from Ch. 111 2/3, par. 704.09)
Sec. 4.09. Public Transportation Fund and the Regional Transportation Authority Occupation and Use Tax Replacement Fund.

(a)(1) As soon as possible after the first day of each month, beginning November 1, 1983, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to a special fund in the State Treasury, to be known as the "Public Transportation Fund" $9,375,000 for each month remaining in State fiscal year 1984. As soon as possible after the first day of each month, beginning July 1, 1984, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to a special fund in the State Treasury to be known as the Public Transportation Fund an amount equal to 25% of the net revenue, before the deduction of the serviceman and retailer discounts pursuant to Section 9 of the Service Occupation Tax Act and Section 3 of the Retailers' Occupation Tax Act, realized from any tax imposed by the Authority pursuant to Sections 4.03 and 4.03.1 and 25% of the amounts deposited into the Regional Transportation Authority tax fund created by Section 4.03 of this Act, from the County and Mass Transit District Fund as provided in Section 6z-20 of the State Finance Act and 25% of the amounts deposited into the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the State and Local Sales Tax Reform Fund as provided in Section 6z-17 of the State Finance Act. On the first day of the month following the date that the Department receives revenues from increased taxes under Section 4.03(m) as authorized by this amendatory Act of the 95th General Assembly, in lieu of the transfers authorized in the preceding sentence, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Public Transportation Fund an amount equal to 25% of the net revenue, before the deduction of the serviceman and retailer discounts pursuant to Section 9 of the Service Occupation Tax Act and Section 3 of the Retailers' Occupation Tax Act, realized from (i) 80% of the proceeds of any tax imposed by the Authority at a rate of 1.25% in Cook County, (ii) 75% of the proceeds of any tax imposed by the Authority at the rate of 1% in Cook County.
County, and (iii) one-third of the proceeds of any tax imposed by the Authority at the rate of 0.75% in the Counties of DuPage, Kane, Lake, McHenry, and Will, all pursuant to Section 4.03, and 25% of the net revenue realized from any tax imposed by the Authority pursuant to Section 4.03.1, and 25% of the amounts deposited into the Regional Transportation Authority tax fund created by Section 4.03 of this Act from the County and Mass Transit District Fund as provided in Section 6z-20 of the State Finance Act, and 25% of the amounts deposited into the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the State and Local Sales Tax Reform Fund as provided in Section 6z-17 of the State Finance Act. As used in this Section, net revenue realized for a month shall be the revenue collected by the State pursuant to Sections 4.03 and 4.03.1 during the previous month from within the metropolitan region, less the amount paid out during that same month as refunds to taxpayers for overpayment of liability in the metropolitan region under Sections 4.03 and 4.03.1.

(2) On the first day of the month following the effective date of this amendatory Act of the 95th General Assembly and each month thereafter, upon certification by the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Public Transportation Fund an amount equal to 5% of the net revenue, before the deduction of the serviceman and retailer discounts pursuant to Section 9 of the Service Occupation Tax Act and Section 3 of the Retailers' Occupation Tax Act, realized from any tax imposed by the Authority pursuant to Sections 4.03 and 4.03.1 and certified by the Department of Revenue under Section 4.03(n) of this Act to be paid to the Authority and 5% of the revenue realized by the Chicago Transit Authority as financial assistance from the City of Chicago from the proceeds of any tax imposed by the City of Chicago under Section 8-3-19 of the Illinois Municipal Code.

(3) As soon as possible after the first day of January, 2009 and each month thereafter, upon certification of the Department of Revenue with respect to the taxes collected under Section 4.03, the Comptroller shall order transferred and the Treasurer shall transfer from the General
Revenue Fund to the Public Transportation Fund an amount equal to 25% of the net revenue, before the deduction of the serviceman and retailer discounts pursuant to Section 9 of the Service Occupation Tax Act and Section 3 of the Retailers’ Occupation Tax Act, realized from (i) 20% of the proceeds of any tax imposed by the Authority at a rate of 1.25% in Cook County, (ii) 25% of the proceeds of any tax imposed by the Authority at the rate of 1% in Cook County, and (iii) one-third of the proceeds of any tax imposed by the Authority at the rate of 0.75% in the Counties of DuPage, Kane, Lake, McHenry, and Will, all pursuant to Section 4.03, and the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Public Transportation Fund (iv) an amount equal to 25% of the revenue realized by the Chicago Transit Authority as financial assistance from the City of Chicago from the proceeds of any tax imposed by the City of Chicago under Section 8-3-19 of the Illinois Municipal Code.

(b)(1) All moneys deposited in the Public Transportation Fund and the Regional Transportation Authority Occupation and Use Tax Replacement Fund, whether deposited pursuant to this Section or otherwise, are allocated to the Authority. Pursuant to appropriation, the Comptroller, as soon as possible after each monthly transfer provided in this Section and after each deposit into the Public Transportation Fund, shall order the Treasurer to pay to the Authority out of the Public Transportation Fund the amount so transferred or deposited. Any Additional State Assistance and Additional Financial Assistance paid to the Authority under this Section shall be expended by the Authority for its purposes as provided in this Act. The balance of the amounts paid to the Authority from the Public Transportation Fund shall be expended by the Authority as provided in Section 4.03.3. Such amounts paid to the Authority may be expended by it for its purposes as provided in this Act.

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Authority Occupation and Use Tax Replacement Fund the amount so deposited. Such amounts paid to the Authority may be expended by it for its purposes as provided in this Act. The provisions directing the distributions from the Public Transportation Fund and the Regional Transportation Authority Occupation and Use Tax Replacement Fund provided for in this Section shall constitute an irrevocable and continuing appropriation of all amounts as provided herein. The State Treasurer and State Comptroller are hereby authorized and directed to make distributions as provided in this Section. (2) Provided, however, no moneys deposited under subsection (a) of this Section shall be paid from the Public Transportation Fund to the Authority or its assignee for any fiscal year beginning after the effective date of this amendatory Act of 1983 until the Authority has certified to the Governor, the Comptroller, and the Mayor of the City of Chicago that it has adopted for that fiscal year an Annual Budget and Two-Year Financial Plan meeting the requirements in Section 4.01(b).

(c) In recognition of the efforts of the Authority to enhance the mass transportation facilities under its control, the State shall provide financial assistance ("Additional State Assistance") in excess of the amounts transferred to the Authority from the General Revenue Fund under subsection (a) of this Section. Additional State Assistance shall be calculated as provided in subsection (d), but shall in no event exceed the following specified amounts with respect to the following State fiscal years:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1991</td>
<td>$5,000,000</td>
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<tr>
<td>1992</td>
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<td>1993</td>
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<td>1994</td>
<td>$20,000,000</td>
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<tr>
<td>1995</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>1996</td>
<td>$40,000,000</td>
</tr>
<tr>
<td>1997</td>
<td>$50,000,000</td>
</tr>
</tbody>
</table>
| 1998 | $55,000,000; and each year thereafter | $55,000,000.

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(c-5) The State shall provide financial assistance ("Additional Financial Assistance") in addition to the Additional State Assistance provided by subsection (c) and the amounts transferred to the Authority from the General Revenue Fund under subsection (a) of this Section. Additional Financial Assistance provided by this subsection shall be calculated as provided in subsection (d), but shall in no event exceed the following specified amounts with respect to the following State fiscal years:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>$0</td>
</tr>
<tr>
<td>2001</td>
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<td>2002</td>
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<td>2003</td>
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<tr>
<td>2004</td>
<td>$73,000,000</td>
</tr>
<tr>
<td>2005</td>
<td>$93,000,000; and</td>
</tr>
<tr>
<td>each year thereafter</td>
<td>$100,000,000</td>
</tr>
</tbody>
</table>

(d) Beginning with State fiscal year 1990 and continuing for each State fiscal year thereafter, the Authority shall annually certify to the State Comptroller and State Treasurer, separately with respect to each of subdivisions (g)(2) and (g)(3) of Section 4.04 of this Act, the following amounts:

1. The amount necessary and required, during the State fiscal year with respect to which the certification is made, to pay its obligations for debt service on all outstanding bonds or notes issued by the Authority under subdivisions (g)(2) and (g)(3) of Section 4.04 of this Act.

2. An estimate of the amount necessary and required to pay its obligations for debt service for any bonds or notes which the Authority anticipates it will issue under subdivisions (g)(2) and (g)(3) of Section 4.04 during that State fiscal year.

3. Its debt service savings during the preceding State fiscal year from refunding or advance refunding of bonds or notes issued under subdivisions (g)(2) and (g)(3) of Section 4.04.

4. The amount of interest, if any, earned by the Authority during the previous State fiscal year on the proceeds of bonds or

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notes issued pursuant to subdivisions (g)(2) and (g)(3) of Section 4.04, other than refunding or advance refunding bonds or notes.

The certification shall include a specific schedule of debt service payments, including the date and amount of each payment for all outstanding bonds or notes and an estimated schedule of anticipated debt service for all bonds and notes it intends to issue, if any, during that State fiscal year, including the estimated date and estimated amount of each payment.

Immediately upon the issuance of bonds for which an estimated schedule of debt service payments was prepared, the Authority shall file an amended certification with respect to item (2) above, to specify the actual schedule of debt service payments, including the date and amount of each payment, for the remainder of the State fiscal year.

On the first day of each month of the State fiscal year in which there are bonds outstanding with respect to which the certification is made, the State Comptroller shall order transferred and the State Treasurer shall transfer from the General Revenue Fund to the Public Transportation Fund the Additional State Assistance and Additional Financial Assistance in an amount equal to the aggregate of (i) one-twelfth of the sum of the amounts certified under items (1) and (3) above less the amount certified under item (4) above, plus (ii) the amount required to pay debt service on bonds and notes issued during the fiscal year, if any, divided by the number of months remaining in the fiscal year after the date of issuance, or some smaller portion as may be necessary under subsection (c) or (c-5) of this Section for the relevant State fiscal year, plus (iii) any cumulative deficiencies in transfers for prior months, until an amount equal to the sum of the amounts certified under items (1) and (3) above, plus the actual debt service certified under item (2) above, less the amount certified under item (4) above, has been transferred; except that these transfers are subject to the following limits:

(A) In no event shall the total transfers in any State fiscal year relating to outstanding bonds and notes issued by the Authority under subdivision (g)(2) of Section 4.04 exceed the lesser of the annual maximum amount specified in subsection (c)
or the sum of the amounts certified under items (1) and (3) above, plus the actual debt service certified under item (2) above, less the amount certified under item (4) above, with respect to those bonds and notes.

(B) In no event shall the total transfers in any State fiscal year relating to outstanding bonds and notes issued by the Authority under subdivision (g)(3) of Section 4.04 exceed the lesser of the annual maximum amount specified in subsection (c-5) or the sum of the amounts certified under items (1) and (3) above, plus the actual debt service certified under item (2) above, less the amount certified under item (4) above, with respect to those bonds and notes.

The term "outstanding" does not include bonds or notes for which refunding or advance refunding bonds or notes have been issued.

(e) Neither Additional State Assistance nor Additional Financial Assistance may be pledged, either directly or indirectly as general revenues of the Authority, as security for any bonds issued by the Authority. The Authority may not assign its right to receive Additional State Assistance or Additional Financial Assistance, or direct payment of Additional State Assistance or Additional Financial Assistance, to a trustee or any other entity for the payment of debt service on its bonds.

(f) The certification required under subsection (d) with respect to outstanding bonds and notes of the Authority shall be filed as early as practicable before the beginning of the State fiscal year to which it relates. The certification shall be revised as may be necessary to accurately state the debt service requirements of the Authority.

(g) Within 6 months of the end of the 3 month period ending December 31, 1983, and each fiscal year thereafter, the Authority shall determine:

(i) whether the aggregate of all system generated revenues for public transportation in the metropolitan region which is provided by, or under grant or purchase of service contracts with, the Service Boards equals 50% of the aggregate of all costs of providing such public transportation. "System generated revenues"
include all the proceeds of fares and charges for services provided, contributions received in connection with public transportation from units of local government other than the Authority, except for contributions received by the Chicago Transit Authority from a real estate transfer tax imposed under subsection (i) of Section 8-3-19 of the Illinois Municipal Code, and from the State pursuant to subsection (i) of Section 2705-305 of the Department of Transportation Law (20 ILCS 2705/2705-305), and all other revenues properly included consistent with generally accepted accounting principles but may not include: the proceeds from any borrowing, and, beginning with the 2007 fiscal year, all revenues and receipts, including but not limited to fares and grants received from the federal, State or any unit of local government or other entity, derived from providing ADA paratransit service pursuant to Section 2.30 of the Regional Transportation Authority Act. "Costs" include all items properly included as operating costs consistent with generally accepted accounting principles, including administrative costs, but do not include: depreciation; payment of principal and interest on bonds, notes or other evidences of obligations for borrowed money of the Authority; payments with respect to public transportation facilities made pursuant to subsection (b) of Section 2.20; any payments with respect to rate protection contracts, credit enhancements or liquidity agreements made under Section 4.14; any other cost as to which it is reasonably expected that a cash expenditure will not be made; costs up to $5,000,000 annually for passenger security including grants, contracts, personnel, equipment and administrative expenses, except in the case of the Chicago Transit Authority, in which case the term does not include costs spent annually by that entity for protection against crime as required by Section 27a of the Metropolitan Transit Authority Act; the costs of Debt Service paid by the Chicago Transit Authority, as defined in Section 12c of the Metropolitan Transit Authority Act, or bonds or notes issued pursuant to that Section; the payment by the Commuter Rail

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Division of debt service on bonds issued pursuant to Section 3B.09; expenses incurred by the Suburban Bus Division for the cost of new public transportation services funded from grants pursuant to Section 2.01e of this amendatory Act of the 95th General Assembly for a period of 2 years from the date of initiation of each such service; costs as exempted by the Board for projects pursuant to Section 2.09 of this Act; or, beginning with the 2007 fiscal year, expenses related to providing ADA paratransit service pursuant to Section 2.30 of the Regional Transportation Authority Act; or in fiscal years 2008 through 2012 inclusive, costs in the amount of $200,000,000 in fiscal year 2008, reducing by $40,000,000 in each fiscal year thereafter until this exemption is eliminated. If said system generated revenues are less than 50% of said costs, the Board shall remit an amount equal to the amount of the deficit to the State. The Treasurer shall deposit any such payment in the General Revenue Fund; and

(ii) whether, beginning with the 2007 fiscal year, the aggregate of all fares charged and received for ADA paratransit services equals the system generated ADA paratransit services revenue recovery ratio percentage of the aggregate of all costs of providing such ADA paratransit services.

(h) If the Authority makes any payment to the State under paragraph (g), the Authority shall reduce the amount provided to a Service Board from funds transferred under paragraph (a) in proportion to the amount by which that Service Board failed to meet its required system generated revenues recovery ratio. A Service Board which is affected by a reduction in funds under this paragraph shall submit to the Authority concurrently with its next due quarterly report a revised budget incorporating the reduction in funds. The revised budget must meet the criteria specified in clauses (i) through (vi) of Section 4.11(b)(2). The Board shall review and act on the revised budget as provided in Section 4.11(b)(3).

(Source: P.A. 94-370, eff. 7-29-05.)

(70 ILCS 3615/4.11) (from Ch. 111 2/3, par. 704.11)
Sec. 4.11. Budget Review Powers.
(a) The provisions of this Section shall only be applicable to financial periods beginning after December 31, 1983. The Transition Board shall adopt a timetable governing the certification of estimates and any submissions required under this Section for fiscal year 1984 which shall control over the provisions of this Act. Based upon estimates which shall be given to the Authority by the Director of the Governor's Office of Management and Budget (formerly Bureau of the Budget) of the receipts to be received by the Authority from the taxes imposed by the Authority and the authorized estimates of amounts to be available from State and other sources to the Service Boards, and the times at which such receipts and amounts will be available, the Board shall, not later than the next preceding September 15th prior to the beginning of the Authority's next fiscal year, advise each Service Board of the amounts estimated by the Board to be available for such Service Board during such fiscal year and the two following fiscal years and the times at which such amounts will be available. The Board shall, at the same time, also advise each Service Board of its required system generated revenues recovery ratio for the next fiscal year which shall be the percentage of the aggregate costs of providing public transportation by or under jurisdiction of that Service Board which must be recovered from system generated revenues. The Board shall, at the same time, beginning with the 2007 fiscal year, also advise each Service Board that provides ADA paratransit services of its required system generated ADA paratransit services revenue recovery ratio for the next fiscal year which shall be the percentage of the aggregate costs of providing ADA paratransit services by or under jurisdiction of that Service Board which must be recovered from fares charged for such services, except that such required system generated ADA paratransit services revenue recovery ratio shall not exceed the minimum percentage established pursuant to Section 4.01(b)(ii) of this Act. In determining a Service Board's system generated revenue recovery ratio, the Board shall consider the historical system generated revenues recovery ratio for the services subject to the jurisdiction of that Service Board. The Board shall not increase a Service Board's system generated revenues recovery ratio
for the next fiscal year over such ratio for the current fiscal year disproportionately or prejudicially to increases in such ratios for other Service Boards. The Board may, by ordinance, provide that (i) the cost of research and development projects in the fiscal year beginning January 1, 1986 and ending December 31, 1986 conducted pursuant to Section 2.09 of this Act, and (ii) up to $5,000,000 annually of the costs for passenger security, and (iii) expenditures of amounts granted to a Service Board from the Innovation, Coordination, and Enhancement Fund for operating purposes may be exempted from the farebox recovery ratio or the system generated revenues recovery ratio of the Chicago Transit Authority, the Suburban Bus Board, and the Commuter Rail Board, or any of them. During fiscal years 2008 through 2012, the Board may also allocate the exemption of $200,000,000 and the reducing amounts of costs provided by this amendatory Act of the 95th General Assembly from the farebox recovery ratio or system generated revenues recovery ratio of each Service Board. For the fiscal year beginning January 1, 1986 and ending December 31, 1986, and for the fiscal year beginning January 1, 1987 and ending December 31, 1987, the Board shall, by ordinance, provide that: (1) the amount of a grant, pursuant to Section 2705-310 of the Department of Transportation Law (20 ILCS 2705/2705-310), from the Department of Transportation for the cost of services for the mobility limited provided by the Chicago Transit Authority, and (2) the amount of a grant, pursuant to Section 2705-310 of the Department of Transportation Law (20 ILCS 2705/2705-310), from the Department of Transportation for the cost of services for the mobility limited by the Suburban Bus Board or the Commuter Rail Board, be exempt from the farebox recovery ratio or the system generated revenues recovery ratio.

(b)(1) Not later than the next preceding November 15 prior to the commencement of such fiscal year, each Service Board shall submit to the Authority its proposed budget for such fiscal year and its proposed financial plan for the two following fiscal years. Such budget and financial plan shall (i) be prepared in the format, follow the financial and budgetary practices, and be based on any assumptions and projections required by the Authority and (ii) not project or assume a receipt of revenues from the

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Authority in amounts greater than those set forth in the estimates provided by the Authority pursuant to subsection (a) of this Section.

(2) The Board shall review the proposed budget and two-year financial plan submitted by each Service Board, and shall adopt a consolidated budget and financial plan. The Board shall approve the budget and two-year financial plan of a Service Board if:

(i) the Board has approved the proposed budget and cash flow plan for such fiscal year of each Service Board, pursuant to the conditions set forth in clauses (ii) through (vii) of this paragraph;

(ii) such budget and plan show a balance between (A) anticipated revenues from all sources including operating subsidies and (B) the costs of providing the services specified and of funding any operating deficits or encumbrances incurred in prior periods, including provision for payment when due of principal and interest on outstanding indebtedness;

(iii) such budget and plan show cash balances including the proceeds of any anticipated cash flow borrowing sufficient to pay with reasonable promptness all costs and expenses as incurred;

(iv) such budget and plan provide for a level of fares or charges and operating or administrative costs for the public transportation provided by or subject to the jurisdiction of such Service Board sufficient to allow the Service Board to meet its required system generated revenue recovery ratio and, beginning with the 2007 fiscal year, system generated ADA paratransit services revenue recovery ratio;

(v) such budget and plan are based upon and employ assumptions and projections which are reasonable and prudent;

(vi) such budget and plan have been prepared in accordance with sound financial practices as determined by the Board; and

(vii) such budget and plan meet such other financial, budgetary, or fiscal requirements that the Board may by rule or regulation establish; and:

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(vii) such budget and plan are consistent with the goals and objectives adopted by the Authority in the Strategic Plan.

(3) (Blank) In determining whether the budget and financial plan provide a level of fares or charges sufficient to allow a Service Board to meet its required system generated revenue recovery ratio and, beginning with the 2007 fiscal year, system generated ADA paratransit services revenue recovery ratio under clause (iv) in subparagraph (2), the Board shall allow a Service Board to carry over cash from farebox revenues to subsequent fiscal years.

(4) Unless the Board by an affirmative vote of 12 of the then Directors determines that the budget and financial plan of a Service Board meets the criteria specified in clauses (i) through (vii) of subparagraph (2) of this paragraph (b), the Board shall withhold from any funds for the periods covered by such budget and financial plan except for the cash proceeds of taxes imposed by the Authority under Section 4.03 and Section 4.03.1 and received after February 1 and 25% of the amounts transferred to the Authority from the Public Transportation Fund under Section 4.09(a) (but not including Section 4.09(a)(3)(iv)) after February 1 that the Board has estimated to be available to that Service Board under Section 4.11(a). Such funding shall be released to the Service Board only upon approval of a budget and financial plan under this Section or adoption of a budget and financial plan on behalf of the Service Board by the Authority which are allocated to the Service Board under Section 4.01.

(5) If the Board has not found that the budget and financial plan of a Service Board meets the criteria specified in clauses (i) through (vii) of subparagraph (2) of this paragraph (b), the Board, by the affirmative vote of at least 12 of its then Directors, shall adopt a budget and financial plan meeting such criteria for that Service Board.

(c)(1) If the Board shall at any time have received a revised estimate, or revises any estimate the Board has made, pursuant to this Section of the receipts to be collected by the Authority which, in the judgment of the Board, requires a change in the estimates on which the

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budget of any Service Board is based, the Board shall advise the affected Service Board of such revised estimates, and such Service Board shall within 30 days after receipt of such advice submit a revised budget incorporating such revised estimates. If the revised estimates require, in the judgment of the Board, that the system generated revenues recovery ratio of one or more Service Boards be revised in order to allow the Authority to meet its required ratio, the Board shall advise any such Service Board of its revised ratio and such Service Board shall within 30 days after receipt of such advice submit a revised budget incorporating such revised estimates or ratio.

(2) Each Service Board shall, within such period after the end of each fiscal quarter as shall be specified by the Board, report to the Authority its financial condition and results of operations and the financial condition and results of operations of the public transportation services subject to its jurisdiction, as at the end of and for such quarter. If in the judgment of the Board such condition and results are not substantially in accordance with such Service Board's budget for such period, the Board shall so advise such Service Board and such Service Board shall within the period specified by the Board submit a revised budget incorporating such results.

(3) If the Board shall determine that a revised budget submitted by a Service Board pursuant to subparagraph (1) or (2) of this paragraph (c) does not meet the criteria specified in clauses (i) (ii) through (vii) of subparagraph (2) of paragraph (b) of this Section, the Board shall withhold from not release any monies to that Service Board 25% of except the cash proceeds of taxes imposed by the Authority under Section 4.03 or 4.03.1 and received by the Authority after February 1 and 25% of the amounts transferred to the Authority from the Public Transportation Fund under Section 4.09(a) (but not including Section 4.09(a)(3)(iv)) after February 1 that the Board has estimated to be available which are allocated to that the Service Board under Section 4.11(a). If the Service Board submits a revised financial plan and budget which plan and budget shows that the criteria will be met within a four quarter period, the Board shall continue to release any such withheld funds to the Service Board. The Board by the

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affirmative vote of at least 12 a\textsuperscript{9} vote of its then Directors may require a Service Board to submit a revised financial plan and budget which shows that the criteria will be met in a time period less than four quarters.

(d) All budgets and financial plans, financial statements, audits and other information presented to the Authority pursuant to this Section or which may be required by the Board to permit it to monitor compliance with the provisions of this Section shall be prepared and presented in such manner and frequency and in such detail as shall have been prescribed by the Board, shall be prepared on both an accrual and cash flow basis as specified by the Board, \textit{shall present such information as the Authority shall prescribe that fairly presents the condition of any pension plan or trust for health care benefits with respect to retirees established by the Service Board and describes the plans of the Service Board to meet the requirements of Sections 4.02a and 4.02b, and shall identify and describe the assumptions and projections employed in the preparation thereof to the extent required by the Board. If the Executive Director certifies that a Service Board has not presented its budget and two-year financial plan in conformity with the rules adopted by the Authority under the provisions of Section 4.01(f) and this subsection (d), and such certification is accepted by the affirmative vote of at least 12 of the then Directors of the Authority, the Authority shall not distribute to that Service Board any funds for operating purposes in excess of the amounts distributed for such purposes to the Service Board in the previous fiscal year. Except when the Board adopts a budget and a financial plan for a Service Board under paragraph (b)(5), a Service Board shall provide for such levels of transportation services and fares or charges therefor as it deems appropriate and necessary in the preparation of a budget and financial plan meeting the criteria set forth in clauses (i) (iii) through (vii) of subparagraph (2) of paragraph (b) of this Section. The Authority Board shall have access to and the right to examine and copy all books, documents, papers, records, or other source data of a Service Board relevant to any information submitted pursuant to this Section.}

(e) Whenever this Section requires the Board to make determinations with respect to estimates, budgets or financial plans, or
rules or regulations with respect thereto such determinations shall be made upon the affirmative vote of at least 12 of the then Directors and shall be incorporated in a written report of the Board and such report shall be submitted within 10 days after such determinations are made to the Governor, the Mayor of Chicago (if such determinations relate to the Chicago Transit Authority), and the Auditor General of Illinois.

(Source: P.A. 94-370, eff. 7-29-05.)

(70 ILCS 3615/4.13) (from Ch. 111 2/3, par. 704.13)

Sec. 4.13. Annual Capital Improvement Plan.

(a) With respect to each calendar year, the Authority shall prepare as part of its Five Year Program an Annual Capital Improvement Plan (the "Plan") which shall describe its intended development and implementation of the Strategic Capital Improvement Program. The Plan shall include the following information:

(i) a list of projects for which approval is sought from the Governor, with a description of each project stating at a minimum the project cost, its category, its location and the entity responsible for its implementation;

(ii) a certification by the Authority that the Authority and the Service Boards have applied for all grants, loans and other moneys made available by the federal government or the State of Illinois during the preceding federal and State fiscal years for financing its capital development activities;

(iii) a certification that, as of September 30 of the preceding calendar year or any later date, the balance of all federal capital grant funds and all other funds to be used as matching funds therefor which were committed to or possessed by the Authority or a Service Board but which had not been obligated was less than $350,000,000, or a greater amount as authorized in writing by the Governor (for purposes of this subsection (a), "obligated" means committed to be paid by the Authority or a Service Board under a contract with a nongovernmental entity in connection with the performance of a project or committed under a force account plan approved by the federal government);

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(iv) a certification that the Authority has adopted a balanced budget with respect to such calendar year under Section 4.01 of this Act;

(v) a schedule of all bonds or notes previously issued for Strategic Capital Improvement Projects and all debt service payments to be made with respect to all such bonds and the estimated additional debt service payments through June 30 of the following calendar year expected to result from bonds to be sold prior thereto;

(vi) a long-range summary of the Strategic Capital Improvement Program describing the projects to be funded through the Program with respect to project cost, category, location, and implementing entity, and presenting a financial plan including an estimated time schedule for obligating funds for the performance of approved projects, issuing bonds, expending bond proceeds and paying debt service throughout the duration of the Program; and

(vii) the source of funding for each project in the Plan. For any project for which full funding has not yet been secured and which is not subject to a federal full funding contract, the Authority must identify alternative, dedicated funding sources available to complete the project. The Governor may waive this requirement on a project by project basis.

(b) The Authority shall submit the Plan with respect to any calendar year to the Governor on or before January 15 of that year, or as soon as possible thereafter; provided, however, that the Plan shall be adopted on the affirmative votes of 12 of the then Directors. The Plan may be revised or amended at any time, but any revision in the projects approved shall require the Governor's approval.

(c) The Authority shall seek approval from the Governor only through the Plan or an amendment thereto. The Authority shall not request approval of the Plan from the Governor in any calendar year in which it is unable to make the certifications required under items (ii), (iii) and (iv) of subsection (a). In no event shall the Authority seek approval of the Plan from the Governor for projects in an aggregate amount exceeding the

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proceeds of bonds or notes for Strategic Capital Improvement Projects issued under Section 4.04 of this Act.

(d) The Governor may approve the Plan for which approval is requested. The Governor's approval is limited to the amount of the project cost stated in the Plan. The Governor shall not approve the Plan in a calendar year if the Authority is unable to make the certifications required under items (ii), (iii) and (iv) of subsection (a). In no event shall the Governor approve the Plan for projects in an aggregate amount exceeding the proceeds of bonds or notes for Strategic Capital Improvement Projects issued under Section 4.04 of this Act.

(e) With respect to capital improvements, only those capital improvements which are in a Plan approved by the Governor shall be financed with the proceeds of bonds or notes issued for Strategic Capital Improvement Projects.

(f) Before the Authority or a Service Board obligates any funds for a project for which the Authority or Service Board intends to use the proceeds of bonds or notes for Strategic Capital Improvement Projects, but which project is not included in an approved Plan, the Authority must notify the Governor of the intended obligation. No project costs incurred prior to approval of the Plan including that project may be paid from the proceeds of bonds or notes for Strategic Capital Improvement Projects issued under Section 4.04 of this Act.

(Source: P.A. 94-839, eff. 6-6-06.)

(70 ILCS 3615/4.14) (from Ch. 111 2/3, par. 704.14)

Sec. 4.14. Rate Protection Contract. "Rate Protection Contract" means interest rate price exchange agreements; currency exchange agreements; forward payment conversion agreements; contracts providing for payment or receipt of funds based on levels of, or changes in, interest rates, currency exchange rates, stock or other indices; contracts to exchange cash flows or a series of payments; contracts, including without limitation, interest rate caps; interest rate floor; interest rate locks; interest rate collars; rate of return guarantees or assurances, to manage payment, currency, rate, spread or similar exposure; the obligation, right, or option to issue, put, lend, sell, grant a security interest in, buy, borrow or
otherwise acquire, a bond, note or other security or interest therein as an investment, as collateral, as a hedge, or otherwise as a source or assurance of payment to or by the Authority or as a reduction of the Authority's or an obligor's risk exposure; repurchase agreements; securities lending agreements; and other agreements or arrangements similar to the foregoing.

Notwithstanding any provision in Section 2.20 (a) (ii) of this Act to the contrary, in connection with or incidental to the issuance by the Authority of its bonds or notes under the provisions of Section 4.04 or the exercise of its powers under subsection (b) of Section 2.20, the Authority, for its own benefit or for the benefit of the holders of its obligations or their trustee, may enter into rate protection contracts. The Authority may enter into rate protection contracts only pursuant to a determination by a vote of 12 9 of the then Directors that the terms of the contracts and any related agreements reduce the risk of loss to the Authority, or protect, preserve or enhance the value of its assets, or provide compensation to the Authority for losses resulting from changes in interest rates. The Authority's obligations under any rate protection contract or credit enhancement or liquidity agreement shall not be considered bonds or notes for purposes of this Act. For purposes of this Section a rate protection contract is a contract determined by the Authority as necessary or appropriate to permit it to manage payment, currency or interest rate risks or levels.

(Source: P.A. 87-764.)

(70 ILCS 3615/5.01) (from Ch. 111 2/3, par. 705.01)

Sec. 5.01. Hearings and Citizen Participation.

(a) The Authority shall provide for and encourage participation by the public in the development and review of public transportation policy, and in the process by which major decisions significantly affecting the provision of public transportation are made. The Authority shall coordinate such public participation processes with the Chicago Metropolitan Agency for Planning to the extent practicable.

(b) The Authority shall hold such public hearings as may be required by this Act or as the Authority may deem appropriate to the
performance of any of its functions. *The Authority shall coordinate such public hearings with the Chicago Metropolitan Agency for Planning to the extent practicable.*

(c) Unless such items are specifically provided for either in the Five-Year Capital Program or in the annual budget program which has been the subject of public hearings as provided in Sections 2.01 or 4.01 of this Act, the Board shall hold public hearings at which citizens may be heard prior to:

(i) the construction or acquisition of any public transportation facility, the aggregate cost of which exceeds $5 million; and

(ii) the extension of, or major addition to services provided by the Authority or by any transportation agency pursuant to a purchase of service agreement with the Authority.

(d) Unless such items are specifically provided for in the annual budget and program which has been the subject of public hearing, as provided in Section 4.01 of this Act, the Board shall hold public hearings at which citizens may be heard prior to the providing for or allowing, by means of any purchase of service agreement or any grant pursuant to Section 2.02 of this Act, any general increase or series of increases in fares or charges for public transportation, whether by the Authority or by any transportation agency, which increase or series of increases within any twelve months affects more than 25% of the consumers of service of the Authority or of the transportation agency; or so providing for or allowing any discontinuance of any public transportation route, or major portion thereof, which has been in service for more than a year.

(e) At least twenty days prior notice of any public hearing, as required in this Section, shall be given by public advertisement in a newspaper of general circulation in the metropolitan region.

(f) The Authority may designate one or more Directors or may appoint one or more hearing officers to preside over any hearing pursuant to this Act. The Authority shall have the power in connection with any such hearing to issue subpoenas to require the attendance of witnesses and the production of documents, and the Authority may apply to any circuit court in the State to require compliance with such subpoenas.

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(g) The Authority may require any Service Board to hold one or more public hearings with respect to any item described in paragraphs (c) and (d) of this Section 5.01, notwithstanding whether such item has been the subject of a public hearing under this Section 5.01 or Section 2.01 or 4.01 of this Act.

(Source: P.A. 78-3rd S.S.-5.)

(70 ILCS 3615/2.12a rep.)
(70 ILCS 3615/3.09 rep.)
(70 ILCS 3615/3.10 rep.)

Section 25. The Regional Transportation Authority Act is amended by repealing Sections 2.12a, 3.09, and 3.10.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect upon becoming law.


General Assembly Accepts Changes January 17, 2008.

Certified By The Governor January 18, 2008.

Effective January 18, 2008.

PUBLIC ACT 95-0709
(House Bill No. 1514)

AN ACT concerning municipalities.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective

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meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

   (A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

   (B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

   (C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not
limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to
serve the uses in the redevelopment project area, (ii)
deteriorated, antiquated, obsolete, or in disrepair, or (iii)
lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of
structures and community facilities. The over-intensive use
of property and the crowding of buildings and accessory
facilities onto a site. Examples of problem conditions
warranting the designation of an area as one exhibiting
excessive land coverage are: (i) the presence of buildings
either improperly situated on parcels or located on parcels
of inadequate size and shape in relation to present-day
standards of development for health and safety and (ii) the
presence of multiple buildings on a single parcel. For there
to be a finding of excessive land coverage, these parcels
must exhibit one or more of the following conditions:
insufficient provision for light and air within or around
buildings, increased threat of spread of fire due to the close
proximity of buildings, lack of adequate or proper access to
a public right-of-way, lack of reasonably required off-street
parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of
incompatible land-use relationships, buildings occupied by
inappropriate mixed-uses, or uses considered to be noxious,
offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed
redevelopment project area has incurred Illinois
Environmental Protection Agency or United States
Environmental Protection Agency remediation costs for, or
a study conducted by an independent consultant recognized
as having expertise in environmental remediation has
determined a need for, the clean-up of hazardous waste,
hazardous substances, or underground storage tanks
required by State or federal law, provided that the
remediation costs constitute a material impediment to the
development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

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(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which

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information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused rail yards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the
designates the redevelopment project area, and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-
street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project.
area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency violations and administrative or criminal infractions, or both.
Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance
designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village, incorporated town, or a township that is located in the unincorporated portion of a county with 3 million or more inhabitants, if the county adopted an ordinance that approved the township's redevelopment plan.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on

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transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year
thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006.
Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

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(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real
property that has been acquired by a municipality which according to the 
redevelopment project or plan is to be used for a private use which taxing 
districts would have received had a municipality not acquired the real 
property and adopted tax increment allocation financing and which would 
result from levies made after the time of the adoption of tax increment 
allocation financing to the time the current equalized value of real property 
in the redevelopment project area exceeds the total initial equalized value 
of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of 
the municipality for development or redevelopment intended by the 
payment of redevelopment project costs to reduce or eliminate those 
conditions the existence of which qualified the redevelopment project area 
as a "blighted area" or "conservation area" or combination thereof or 
"industrial park conservation area," and thereby to enhance the tax bases of 
the taxing districts which extend into the redevelopment project area. On 
and after November 1, 1999 (the effective date of Public Act 91-478), no 
redevelopment plan may be approved or amended that includes the 
development of vacant land (i) with a golf course and related clubhouse 
and other facilities or (ii) designated by federal, State, county, or municipal 
government as public land for outdoor recreational activities or for nature 
preserves and used for that purpose within 5 years prior to the adoption of 
the redevelopment plan. For the purpose of this subsection, "recreational 
activities" is limited to mean camping and hunting. Each redevelopment 
plan shall set forth in writing the program to be undertaken to accomplish 
the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project 
costs;

(B) evidence indicating that the redevelopment project area 
on the whole has not been subject to growth and development 
through investment by private enterprise;

(C) an assessment of any financial impact of the 
redevelopment project area on or any increased demand for 
services from any taxing district affected by the plan and any 
program to address such financial impact or increased demand;

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(D) the sources of funds to pay costs;
(E) the nature and term of the obligations to be issued;
(F) the most recent equalized assessed valuation of the redevelopment project area;
(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;
(H) a commitment to fair employment practices and an affirmative action plan;
(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and
(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the

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redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates: shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981; shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area if the ordinance was adopted on May 20, 1985 by the Village of Wheeling; and shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or

(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or

(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or

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(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or

(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or

(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or

(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or

(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or

(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or

(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or

(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or

(L) if the ordinance was adopted in September 1988 by Sauk Village, or

(M) if the ordinance was adopted in October 1993 by Sauk Village, or

(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or

(O) if the ordinance was adopted in March 1991 by the City of Centreville, or

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(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or
(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or
(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or
(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or
(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or
(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or
(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or
(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or
(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or
(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or
(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or
(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or
(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or
(CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or
-DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or
(EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or

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(FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or
(GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or
(HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or
(II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or
(JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or
(KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or
(LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or
(MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or
(NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or
(OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or
(PP) if the ordinance was adopted on December 23, 1991 by the City of Sullivan, or
(QQ) if the ordinance was adopted on December 31, 1986 by the City of Oglesby, or
(RR) if the ordinance was adopted on July 28, 1987 by the City of Marion, or
(SS) if the ordinance was adopted on April 23, 1990 by the City of Marion, or
(TT) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect, or
(UU) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull, or
(VV) if the ordinance was adopted on April 20, 1993 by the Village of Princeville,

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if the ordinance was adopted on July 1, 1986 by the City of Granite City, or 
(XX) if the ordinance was adopted on February 2, 1989 by the Village of Lombard, or 
(YY) if the ordinance was adopted on December 29, 1986 by the Village of Gardner, or 
ZZ if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw, or 
(AAA) if the ordinance was adopted on November 17, 1986 by the Village of Franklin Park, or 
(BBB) if the ordinance was adopted on November 20, 1989 by the Village of South Holland, or 
(CCC) if the ordinance was adopted on December 22, 1986 by the City of DeKalb.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

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Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental

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revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed,
and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail.
to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no

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charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

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(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for

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which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the

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most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the
boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and

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by the value of any physical improvements made to
the schools by the municipality or developer; and
(iii) the amount reimbursed may not affect
amounts otherwise obligated by the terms of any
bonds, notes, or other funding instruments, or the
terms of any redevelopment agreement.
Any school district seeking payment under this paragraph
(7.5) shall, after July 1 and before September 30 of each
year, provide the municipality with reasonable evidence to
support its claim for reimbursement before the municipality
shall be required to approve or make the payment to the
school district. If the school district fails to provide the
information during this period in any year, it shall forfeit
any claim to reimbursement for that year. School districts
may adopt a resolution waiving the right to all or a portion
of the reimbursement otherwise required by this paragraph
(7.5). By acceptance of this reimbursement the school
district waives the right to directly or indirectly set aside,
modify, or contest in any manner the establishment of the
redevelopment project area or projects;
(7.7) For redevelopment project areas de
signated (or
redevelopment project areas amended to add or increase the
number of tax-increment-financing assisted housing units) on or
after January 1, 2005 (the effective date of Public Act 93-961), a
public library district's increased costs attributable to assisted
housing units located within the redevelopment project area for
which the developer or redeveloper receives financial assistance
through an agreement with the municipality or because the
municipality incurs the cost of necessary infrastructure
improvements within the boundaries of the assisted housing sites
necessary for the completion of that housing as authorized by this
Act shall be paid to the library district by the municipality from the
Special Tax Allocation Fund when the tax increment revenue is
received as a result of the assisted housing units. This paragraph

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(7.7) applies only if (i) the library district is located in a county that is subject to the Property Tax Extension Limitation Law or (ii) the library district is not located in a county that is subject to the Property Tax Extension Limitation Law but the district is prohibited by any other law from increasing its tax levy rate without a prior voter referendum.

The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by (ii) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a library district under this paragraph (7.7) shall be no more than 2% of the amount produced by the assisted housing units and deposited into the Special Tax Allocation Fund.

A library district is not eligible for any payment under this paragraph (7.7) unless the library district has experienced an increase in the number of patrons from the municipality that created the tax-increment-financing district since the designation of the redevelopment project area.

Any library district seeking payment under this paragraph (7.7) shall, after July 1 and before September 30 of each year, provide the municipality with convincing evidence to support its
claim for reimbursement before the municipality shall be required to approve or make the payment to the library district. If the library district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. Library districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.7). By acceptance of such reimbursement, the library district shall forfeit any right to directly or indirectly set aside, modify, or contest in any manner whatsoever the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by
school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households.
income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low

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and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is
directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the
base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act, and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount".

For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted
therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly

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approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff. 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 7-19-05; 94-268, eff. 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff. 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810, eff. 5-26-06; 94-903, eff. 6-22-06; 94-1091, eff. 1-26-07; 94-1092, eff. 1-26-07; revised 1-30-07.)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such

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excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of
payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or
more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on

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or after January 15, 1981, not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area if the ordinance was adopted on May 20, 1985 by the Village of Wheeling, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O)
if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or (DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or (EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or (FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or (GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or (HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or (II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or (JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or (KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or (LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or (MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or (NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or (OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or (PP) if the ordinance was adopted on December 23, 1991 by the City of Sullivan, or (QQ) if the ordinance was adopted on December 31, 1986 by

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the City of Oglesby, or (RR) if the ordinance was adopted on July 28, 1987 by the City of Marion, or (SS) if the ordinance was adopted on April 23, 1990 by the City of Marion, or (TT) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect, or (UU) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull, or (VV) if the ordinance was adopted on April 20, 1993 by the Village of Princeville, or (WW) (VV) if the ordinance was adopted on July 1, 1986 by the City of Granite City, or (XX) (RR) if the ordinance was adopted on February 2, 1989 by the Village of Lombard, or (YY) (VV) if the ordinance was adopted on December 29, 1986 by the Village of Gardner, or (ZZ) (VV) if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw, or (AAA) (VV) if the ordinance was adopted on November 17, 1986 by the Village of Franklin Park,; or (BBB) (VV) if the ordinance was adopted on November 20, 1989 by the Village of South Holland, or (CCC) if the ordinance was adopted on December 22, 1986 by the City of DeKalb and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

New matter indicated by italics - deletions by strikeout
(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff. 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810, eff. 5-26-06; 94-903, eff. 6-22-06; 94-1091, eff. 1-26-07; 94-1092, eff. 1-26-07; revised 1-30-07.)

Section 99. Effective date. This Act takes effect upon becoming law.

Passed in the General Assembly November 2, 2007.

PUBLIC ACT 95-0710
(House Bill No. 2353)

AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 5. The State Finance Act is amended by adding Section 5.676 as follows:

(30 ILCS 105/5.676 new)

Sec. 5.676. The Illinois Affordable Housing Capital Fund.

Section 10. The Illinois Affordable Housing Act is amended by changing Sections 3 and 7 and by adding Sections 5.5 and 8.5 as follows:

(310 ILCS 65/3) (from Ch. 67 1/2, par. 1253)

Sec. 3. Definitions. As used in this Act:
(a) "Program" means the Illinois Affordable Housing Program.
(b) "Trust Fund" means the Illinois Affordable Housing Trust Fund.

(b-5) "Capital Fund" means the Illinois Affordable Housing Capital Fund.

New matter indicated by italics - deletions by strikeout
(c) "Low-income household" means a single person, family or unrelated persons living together whose adjusted income is more than 50%, but less than 80%, of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937.

(d) "Very low-income household" means a single person, family or unrelated persons living together whose adjusted income is not more than 50% of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937.

(e) "Affordable housing" means residential housing that, so long as the same is occupied by low-income households or very low-income households, requires payment of monthly housing costs, including utilities other than telephone, of no more than 30% of the maximum allowable income as stated for such households as defined in this Section.

(f) "Multi-family housing" means a building or buildings providing housing to 5 or more households.

(g) "Single-family housing" means a building containing one to 4 dwelling units, including a mobile home as defined in subsection (b) of Section 3 of the Mobile Home Landlord and Tenant Rights Act, as amended.

(h) "Community-based organization" means a not-for-profit entity whose governing body includes a majority of members who reside in the community served by the organization.

(i) "Advocacy organization" means a not-for-profit organization which conducts, in part or in whole, activities to influence public policy on behalf of low-income or very low-income households.

(j) "Program Administrator" means the Illinois Housing Development Authority.

(k) "Funding Agent" means the Illinois Department of Revenue.

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(l) "Commission" means the Affordable Housing Advisory Commission.

(m) "Congregate housing" means a building or structure in which 2 or more households, inclusive, share common living areas and may share child care, cleaning, cooking and other household responsibilities.

(n) "Eligible applicant" means a proprietorship, partnership, for-profit corporation, not-for-profit corporation or unit of local government which seeks to use fund assets as provided in this Article.

(o) "Moderate income household" means a single person, family or unrelated persons living together whose adjusted income is more than 80% but less than 120% of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937.

(p) "Affordable Housing Program Trust Fund Bonds or Notes" means the bonds or notes issued by the Program Administrator under the Illinois Housing Development Act to further the purposes of this Act.

(q) "Trust Fund Moneys" means all moneys, deposits, revenues, income, interest, dividends, receipts, taxes, proceeds and other amounts or funds deposited or to be deposited in the Trust Fund pursuant to Section 5(b) of this Act and any proceeds, investments or increase thereof.

(r) "Program Escrow" means accounts, except those accounts relating to any Affordable Housing Program Trust Fund Bonds or Notes, designated by the Program Administrator, into which Trust Fund Moneys are deposited.

(Source: P.A. 91-357, eff. 7-29-99.)

(310 ILCS 65/5.5 new)

Sec. 5.5. Illinois Affordable Housing Capital Fund.

(a) There is hereby created the Illinois Affordable Housing Capital Fund, hereinafter referred to as the "Capital Fund", to be held as a separate fund within the State treasury and to be administered by the Program Administrator. The purpose of the Capital Fund is to finance projects of the Illinois Affordable Housing Program as authorized by the

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Illinois Housing Development Authority's comprehensive plan and approved by the Program Administrator. The Funding Agent shall establish, within the Capital Fund, a general account to be used for expenditures associated with implementing the provisions of the Illinois Housing Development Authority's comprehensive plan, a Commitment Account, and a Development Credits Account. The Funding Agent shall authorize distribution of Capital Fund moneys to the Program Administrator or a payee designated by the Program Administrator for purposes authorized by this Act. After receipt of the Capital Fund moneys by the Program Administrator or designated payee, the Program Administrator shall ensure that all those moneys are expended for a public purpose and only as authorized by this Act.

(b) There shall be deposited in the Capital Fund such amounts as may become available under the provisions of this Act, including, but not limited to:

(1) any appropriations made to the Funding Agent on behalf of the Program Administrator pursuant to an issuance of General Obligation Bonds of the State of Illinois;

(2) all receipts, including dividends, principal, and interest repayments, attributable to any loans or agreements funded from the Capital Fund;

(3) all proceeds of assets of whatever nature received by the Program Administrator and attributable to default with respect to loans or agreements funded from the Capital Fund;

(4) all fees or charges collected by the Program Administrator or Funding Agent in connection with loans or agreements funded from the Capital Fund pursuant to this Act;

(5) any other funds as appropriated by the General Assembly; and

(6) any income, less any administrative costs and fees associated with the Program Escrow, received by the Program Administrator that is derived from moneys in the Capital Fund held in the Program Escrow prior to expenditure of such moneys.

(310 ILCS 65/7) (from Ch. 67 1/2, par. 1257)
Sec. 7. Powers of the Program Administrator. The Program Administrator, in addition to the powers set forth in the Illinois Housing Development Act and the powers identified in Sections 8 and 9 of this Act, has the power to:

(a) identify, select and make financing available to eligible applicants from monies in the Trust Fund or the Capital Fund or from monies secured by the Trust Fund or the Capital Fund for affordable housing for low and very low-income families;

(b) purchase first and second mortgages, to make secured, unsecured or deferred repayment loans, to make no interest or low interest loans or to issue grants, payments or subsidies for the predevelopment expenses, acquisition, construction, rehabilitation development, operation, insurance, or retention of projects in support of affordable single family and multi-family housing for low and very low-income households;

(c) expend monies for mortgage participation certificates representing an undivided interest in specified, first-lien conventional residential Illinois mortgages which are underwritten, insured, guaranteed or purchased by the Federal Home Loan Mortgage Corporation;

(d) fix, determine, charge and collect any fees, costs and expenses, including without limitation, any application fees, commitment or servicing fees, program fees, financing charges, or publication fees in connection with activities under this Act;

(e) establish applications, notification procedures, and other forms, and to prepare and issue rules deemed necessary and appropriate to implement this Act with consultation from the Commission; and to issue emergency rules, as necessary, for program implementation needed prior to publication of the first annual plan required by Section 12 of this Act;

(f) make and enter into and enforce all loans, loan commitments, contracts and agreements necessary, convenient or desirable to the performance of its duties and the execution of its powers under this Act;
(g) consent, subject to the provisions of any contract or agreement with another person, whenever it deems it is necessary or desirable in the fulfillment of the purposes of this Act, to the modification or restructuring of any loan commitment, loan, contract or agreement to which the Program Administrator is a party;

(h) acquire by purchase, gift, or foreclosure, but not by condemnation, any real or personal property, or any interest therein, to procure insurance against loss, to enter into any lease of property and to hold, sell, assign, lease, mortgage or otherwise dispose of any real or personal property, or any interest therein, or relinquish any right, title, claim, lien, interest, easement or demand however acquired, and to do any of the foregoing by public or private sale;

(i) subject to the provisions of any contract or agreement with another party to collect, enforce the collection of, and foreclose on any property or collateral securing its loan or loans, mortgage or mortgages, and acquire or take possession of such property or collateral and release or relinquish any right, title, claim, lien, interest, easement, or demand in property foreclosed by it or to sell the same at public or private sale, with or without bidding, and otherwise deal with such collateral as may be necessary to protect the interest of the Program Administrator;

(j) sell any eligible loan made by the Program Administrator or mortgage interest owned by it, at public or private sale, with or without bidding, either singly or in groups, or in shares of loans or shares of groups of loans, and to deposit and invest the funds derived from such sales in any manner authorized by this Act;

(k) provide, contract or arrange, or participate with or enter into agreements with any department, agency or authority of the United States or of this State, or any local unit of government, or any banking institution, insurance company, trust or fiduciary or any foundation or not-for-profit agency for the review, application,
servicing, processing or administration of any proposed loan, grant, application, servicing, processing or administration of any proposed loan, grant, agreement, or contract of the Department when such arrangement is in furtherance of this Act;

(l) receive and accept any gifts, grants, donations or contributions from any source, of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of this Act subject to including, but not limited to, gifts or grants from any Department or agency of the United States or the State or from any local unit of government, not-for-profit organization or private firm or individual for any purpose consistent with this Act; and

(m) exercise such other powers as are necessary or incidental to the administration of this Act or performance of duties under this Act.

(Source: P.A. 91-357, eff. 7-29-99.)

(310 ILCS 65/8.5 new)

Sec. 8.5. Uses of Illinois Affordable Housing Capital Fund; report.

(a) Subject to annual appropriation to the Funding Agent, the Illinois Affordable Housing Capital Fund may be used to make grants, mortgages, or other loans to acquire, construct, rehabilitate, develop, insure, and retain affordable single-family and multi-family housing in this State for low-income and very low-income households. The majority of moneys appropriated to the Illinois Affordable Housing Capital Fund in any given year are to be used for affordable housing for very low-income households.

(b) The Illinois Housing Development Authority shall submit an annual report to the General Assembly and the Governor regarding the Illinois Affordable Housing Capital Fund.

Passed in the General Assembly November 2, 2007.
Effective June 1, 2008.
AN ACT concerning fees.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The State Finance Act is amended by adding Sections 5.675 and 6z-69 as follows:

(30 ILCS 105/5.675 new)

Sec. 5.675. The Married Families Domestic Violence Fund.

(30 ILCS 105/6z-69 new)

Sec. 6z-69. Married Families Domestic Violence Fund. The Married Families Domestic Violence Fund is created as a special fund in the State treasury. Subject to appropriation and subject to approval by the Attorney General, the moneys in the Fund shall be paid as grants to public or private nonprofit agencies solely for the purposes of facilitating or providing free domestic violence legal advocacy, assistance, or services to married or formerly married victims of domestic violence related to order of protection proceedings, dissolution of marriage proceedings, declaration of invalidity of marriage proceedings, legal separation proceedings, child custody proceedings, visitation proceedings, or other proceedings for civil remedies for domestic violence. The Attorney General shall adopt rules concerning application for and disbursement of the moneys in the Fund.

Section 10. The Counties Code is amended by changing Sections 4-4001 and 4-12003 as follows:

(55 ILCS 5/4-4001) (from Ch. 34, par. 4-4001)

Sec. 4-4001. County Clerks; counties of first and second class. The fees of the county clerk in counties of the first and second class, except when increased by county ordinance pursuant to the provisions of this Section, shall be:

For each official copy of any process, file, record or other instrument of and pertaining to his office, 50¢ for each 100 words, and $1 additional for certifying and sealing the same.

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For filing any paper not herein otherwise provided for, $1, except that no fee shall be charged for filing a Statement of economic interest pursuant to the Illinois Governmental Ethics Act or reports made pursuant to Article 9 of The Election Code.

  For issuance of fireworks permits, $2.
  For issuance of liquor licenses, $5.
  For filing and recording of the appointment and oath of each public official, $3.
  For officially certifying and sealing each copy of any process, file, record or other instrument of and pertaining to his office, $1.
  For swearing any person to an affidavit, $1.
  For issuing each license in all matters except where the fee for the issuance thereof is otherwise fixed, $4.

  For issuing each marriage license, the certificate thereof, and for recording the same, including the recording of the parent's or guardian's consent where indicated, $20 $15. $5 from all marriage license fees shall be remitted by the clerk to the State Treasurer for deposit into the Married Families Domestic Violence Fund.

  For taking and certifying acknowledgments to any instrument, except where herein otherwise provided for, $1.
  For issuing each certificate of appointment or commission, the fee for which is not otherwise fixed by law, $1.
  For cancelling tax sale and issuing and sealing certificates of redemption, $3.
  For issuing order to county treasurer for redemption of forfeited tax, $2.
  For trying and sealing weights and measures by county standard, together with all actual expenses in connection therewith, $1.

  For services in case of estrays, $2.

The following fees shall be allowed for services attending the sale of land for taxes, and shall be charged as costs against the delinquent property and be collected with the taxes thereon:

  For services in attending the tax sale and issuing certificate of sale and sealing the same, for each tract or town lot sold, $4.

New matter indicated by italics - deletions by strikeout
For making list of delinquent lands and town lots sold, to be filed with the Comptroller, for each tract or town lot sold, 10¢.

The foregoing fees allowed by this Section are the maximum fees that may be collected from any officer, agency, department or other instrumentality of the State. The county board may, however, by ordinance, increase the fees allowed by this Section and collect such increased fees from all persons and entities other than officers, agencies, departments and other instrumentalities of the State if the increase is justified by an acceptable cost study showing that the fees allowed by this Section are not sufficient to cover the cost of providing the service.

A Statement of the costs of providing each service, program and activity shall be prepared by the county board. All supporting documents shall be public record and subject to public examination and audit. All direct and indirect costs, as defined in the United States Office of Management and Budget Circular A-87, may be included in the determination of the costs of each service, program and activity.

The county clerk in all cases may demand and receive the payment of all fees for services in advance so far as the same can be ascertained.

The county board of any county of the first or second class may by ordinance authorize the county clerk to impose an additional $2 charge for certified copies of vital records as defined in Section 1 of the Vital Records Act, for the sole purpose of defraying the cost of converting the county clerk's document storage system for vital records as defined in Section 1 of the Vital Records Act to computers or micrographics, and for maintaining such system.

The county board of any county of the first or second class may by ordinance authorize the county treasurer to establish a special fund for deposit of the additional charge. Moneys in the special fund shall be used solely to provide the equipment, material and necessary expenses incurred to help defray the cost of implementing and maintaining such document storage system.

(Source: P.A. 86-962.)

(55 ILCS 5/4-12003) (from Ch. 34, par. 4-12003)

New matter indicated by italics - deletions by strikeout
Sec. 4-12003. Fees of county clerk in third class counties. The fees of the county clerk in counties of the third class are:

For issuing each marriage license, sealing, filing and recording the same and the certificate thereto (one charge), $35 $30. *$5 from all marriage license fees shall be remitted by the clerk to the State Treasurer for deposit into the Married Families Domestic Violence Fund.*

For taking, certifying to and sealing the acknowledgment of a deed, power of attorney, or other writing, $1.

For filing and entering certificates in case of estrays, and furnishing notices for publication thereof (one charge), $1.50.

For recording all papers and documents required by law to be recorded in the office of the county clerk, $2 plus 30¢ for every 100 words in excess of 600 words.

For certificate and seal, not in a case in a court whereof he is clerk, $1.

For making and certifying a copy of any record or paper in his office, $2 for every page.

For filing papers in his office, 50¢ for each paper filed, except that no fee shall be charged for filing a Statement of economic interest pursuant to the Illinois Governmental Ethics Act or reports made pursuant to Article 9 of The Election Code.

For making transcript of taxable property for the assessors, 8¢ for each tract of land or town lot. For extending other than State and county taxes, 8¢ for each tax on each tract or lot, and 8¢ for each person's personal tax, to be paid by the authority for whose benefit the transcript is made and the taxes extended. The county clerk shall certify to the county collector the amount due from each authority for such services and the collector in his settlement with such authority shall reserve such amount from the amount payable by him to such authority.

For adding and bringing forward with current tax warrants amounts due for forfeited or withdrawn special assessments, 8¢ for each lot or tract of land described and transcribed.

For computing and extending each assessment or installment thereof and interest, 8¢ on each description; and for computing and

New matter indicated by italics - deletions by strikeout
extending each penalty, 8¢ on each description. These fees shall be paid by the city, village, or taxing body for whose benefit the transcript is made and the assessment and penalties are extended. The county clerk shall certify to the county collector the amount due from each city, village or taxing body, for such services, and the collector in his settlement with such taxing body shall reserve such amount from the amount payable by him to such city, village or other taxing body.

For cancelling certificates of sale, $4 for each tract or lot.

For making search and report of general taxes and special assessments for use in the preparation of estimate of cost of redemption from sales or forfeitures or withdrawals or for use in the preparation of estimate of cost of purchase of forfeited property, or for use in preparation of order on the county collector for searches requested by buyers at annual tax sale, for each lot or tract, $4 for the first year searched, and $2 for each additional year or fraction thereof.

For preparing from tax search report estimate of cost of redemption concerning property sold, forfeited or withdrawn for non-payment of general taxes and special assessments, if any, $1 for each lot or tract.

For certificate of deposit for redemption, $4.

For preparing from tax search report estimate of and order to county collector to receive amount necessary to redeem or purchase lands or lots forfeited for non-payment of general taxes, $3 for each lot or tract.

For preparing from tax search report estimate of and order to county collector to receive amount necessary to redeem or purchase lands or lots forfeited for non-payment of special assessments, $4 for each lot or tract.

For issuing certificate of sale of forfeited property, $10.

For noting on collector's warrants tax sales subject to redemption, 20¢ for each tract or lot of land, to be paid by either the person making the redemption from tax sale, the person surrendering the certificate of sale for cancellation, or the person taking out tax deed.

For noting on collector's warrant special assessments withdrawn from collection 20¢ for each tract or lot of land, to be charged against the lot assessed in the withdrawn special assessment when brought forward

New matter indicated by italics - deletions by strikeout
with current tax or when redeemed by the county clerk. The county clerk shall certify to the county collector the amount due from each city, village or taxing body for such fees, each year, and the county collector in his settlement with such taxing body shall reserve such amount from the amount payable by him to such taxing body.

For taking and approving official bond of a town assessor, filing and recording same, and issuing certificate of election or qualification to such official or to the Secretary of State, $10, to be paid by the officer-elect.

For certified copies of plats, 20¢ for each lot shown in copy, but no charge less than $4.

For tax search and issuing Statement regarding same on new plats to be recorded, $10.

For furnishing written description in conformity with permanent real estate index number, $2 for each written description.

The following fees shall be allowed for services in matters of taxes and assessments, and shall be charged as costs against the delinquent property, and collected with the taxes thereon:

For entering judgment, 8¢ for each tract or lot.

For services in attending the tax sale and issuing certificates of sale and sealing the same, $10 for each tract or lot.

For making list of delinquent lands and town lots sold, to be filed with the State Comptroller, 10¢ for each tract or lot sold.

The following fees shall be audited and allowed by the board of county commissioners and paid from the county treasury.

For computing State or county taxes, on each description of real estate and each person's, firm's or corporation's personal property tax, for each extension of each tax, 4¢, which shall include the transcribing of the collector's books.

For computing, extending and bringing forward, and adding to the current tax, the amount due for general taxes on lands and lots previously forfeited to the State, for each extension of each tax, 4¢ for the first year, and for computing and extending the tax and penalty for each additional year, 6¢.

New matter indicated by italics - deletions by strikeout
For making duplicate or triplicate sets of books, containing transcripts of taxable property, for the board of assessors and board of review, 3¢ for each description entered in each book.

For filing, indexing and recording or binding each birth, death or stillbirth certificate or report, 15¢, which fee shall be in full for all services in connection therewith, including the keeping of accounts with district registrars.

For posting new subdivisions or plats in official atlases, 25¢ for each lot.

For compiling new sheets for atlases, 20¢ for each lot.

For compiling new atlases, including necessary record searches, 25¢ for each lot.

For investigating and reporting on each new plat, referred to county clerk, $2.

For attending sessions of the board of county commissioners thereof, $5 per day, for each clerk in attendance.

For recording proceedings of the board of county commissioners, 15¢ per 100 words.

For filing papers which must be kept in office of comptroller of Cook County, 10¢ for each paper filed.

For filing and indexing contracts, bonds, communications, and other such papers which must be kept in office of comptroller of Cook County, 15¢ for each document.

For swearing any person to necessary affidavits relating to the correctness of claims against the county, 25¢.

For issuing warrants in payment of salaries, supplies and other accounts, and all necessary auditing and bookkeeping work in connection therewith, 10¢ each.

The fee requirements of this Section do not apply to units of local government or school districts.

(Source: P.A. 86-962; 87-669.)

Passed in the General Assembly November 2, 2007.


Effective June 1, 2008.

New matter indicated by italics - deletions by strikeout
AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Physical Fitness Facility Medical Emergency Preparedness Act is amended by changing Sections 5.25, 15, and 50 as follows:

(210 ILCS 74/5.25)
Sec. 5.25. Physical fitness facility.
(a) "Physical fitness facility" means the following:
   (1) Any of the following indoor or outdoor facilities that is
       (i) owned or operated by a park district, municipality, or other unit
           of local government, including a home rule unit, or by a public or
           private elementary or secondary school, college, university, or
           technical or trade school and (ii) supervised by one or more
           persons, other than maintenance or security personnel, employed
           by the unit of local government, school, college, or university for
           the purpose of directly supervising the physical fitness activities
           taking place at any of these indoor facilities: a swimming pool;
           stadium; athletic field; football stadium; soccer field; baseball
           diamond; track and field facility; tennis court; basketball court; or
           volleyball court; or similar facility as defined by Department rule;
           or such facilities located adjacent thereto.
   (2) Except as provided in subsection (b), any other indoor
       or outdoor establishment, whether public or private, that provides
       services or facilities focusing primarily on cardiovascular exertion
       or gaming as defined by Department rule.
   (b) "Physical fitness facility" does not include a facility serving less
       than a total of 100 individuals, as further defined by Department rule. In
       addition, the term does not include (i) a facility located in a hospital or in a
       hotel or motel, (ii) any outdoor facility owned or operated by a park
       district organized under the Park District Code, the Chicago Park District

New matter indicated by italics - deletions by strikeout
Act, or the Metro-East Park and Recreation District Act, or (iii) any facility owned or operated by a forest preserve district organized under the Downstate Forest Preserve District Act or the Cook County Forest Preserve District Act or a conservation district organized under the Conservation District Act, or any outdoor facility. The term also does not include any facility that does not employ any persons to provide instruction, training, or assistance for persons using the facility.

(Source: P.A. 93-910, eff. 1-1-05.)

(210 ILCS 74/15)

Sec. 15. Automated external defibrillator required.

(a) By the dates specified in Section 50, every physical fitness facility must have at least one AED on the facility premises. The Department shall adopt rules to ensure coordination with local emergency medical services systems regarding the placement and use of AEDs in physical fitness facilities. The Department may adopt rules requiring a facility to have more than one AED on the premises, based on factors that include the following:

1. The size of the area or the number of buildings or floors occupied by the facility.
2. The number of persons using the facility, excluding spectators.

(b) A physical fitness facility must ensure that there is a trained AED user on staff and present during all physical fitness activities. For purposes of this Act, "trained AED user" has the meaning ascribed to that term in Section 10 of the Automated External Defibrillator Act.

(b-5) The Department shall adopt rules that encourage any non-employee coach, non-employee instructor, or other similarly situated non-employee anticipated rescuer who uses a physical fitness facility in conjunction with the supervision of physical fitness activities to complete a course of instruction that would qualify such a person as a trained AED user, as defined in Section 10 of the Automated External Defibrillator Act.

(b-10) In the case of an outdoor physical fitness facility, the AED must be housed in a building, if any, that is within 300 feet of the outdoor facility where an event or activity is being conducted. If there is such a facility.
building within the required distance, the building must provide unimpeded and open access to the housed AED, and the building's entrances shall further provide marked directions to the housed AED. If there is no such building, the person responsible for supervising the activity at the outdoor physical fitness facility shall ensure that an AED is available at the outdoor facility during the time that the event or activity at the facility is being conducted.

(c) Every physical fitness facility must ensure that every AED on the facility's premises is properly tested and maintained in accordance with rules adopted by the Department.
(Source: P.A. 93-910, eff. 1-1-05.)

(210 ILCS 74/50)

Sec. 50. Compliance dates; private and public indoor physical fitness facilities.

(a) Privately owned indoor physical fitness facilities. Every privately owned or operated indoor physical fitness facility must be in compliance with this Act on or before July 1, 2006.

(a-5) Privately owned outdoor physical fitness facilities. Every privately owned or operated outdoor physical fitness facility must be in compliance with this Act on or before July 1, 2009.

(b) Publicly owned indoor physical fitness facilities. A public entity owning or operating 4 or fewer indoor physical fitness facilities must have at least one such facility in compliance with this Act on or before July 1, 2006; its second facility in compliance by July 1, 2007; its third facility in compliance by July 1, 2008; and its fourth facility in compliance by July 1, 2009.

A public entity owning or operating more than 4 indoor physical fitness facilities must have 25% of those facilities in compliance by July 1, 2006; 50% of those facilities in compliance by July 1, 2007; 75% of those facilities in compliance by July 1, 2008; and 100% of those facilities in compliance by July 1, 2009.

(b-5) Publicly owned outdoor physical fitness facilities. A public entity owning or operating 4 or fewer outdoor physical fitness facilities must have at least one such facility in compliance with this Act on or
before July 1, 2009; its second facility in compliance by July 1, 2010; its third facility in compliance by July 1, 2011; and its fourth facility in compliance by July 1, 2012.

A public entity owning or operating more than 4 outdoor physical fitness facilities must have 25% of those facilities in compliance by July 1, 2009; 50% of those facilities in compliance by July 1, 2010; 75% of those facilities in compliance by July 1, 2011; and 100% of those facilities in compliance by July 1, 2012.

(Source: P.A. 93-910, eff. 1-1-05.)

Passed in the General Assembly October 2, 2007.
Governor Returns Bill With Recommendation For Change
General Assembly Accepts Changes March 6, 2008.
Certified By The Governor April 7, 2008.
Effective January 1, 2009.

PUBLIC ACT 95-0713
(House Bill No. 4144)

AN ACT concerning appropriations.
Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The sum of $64,200,000, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the Department on Aging for funding the following:

(1) an additional $1.70 per hour to be paid to vendors of homemaker, chore, and housekeeping services for the purpose of increasing, by at least $1.00 per hour, the wages paid by those vendors to their employees who provide homemaker, chore, and housekeeping services, in order to adjust for the statewide minimum wage increase; and

(2) an additional $1.33 per hour to be paid to vendors of homemaker, chore, and housekeeping services for the purpose of providing health insurance coverage to their employees who provide
homemaker, chore, and housekeeping services and to those employees' dependents.

Section 99. Effective date. This Act takes effect on July 1, 2008.
General Assembly Accepts Changes March 6, 2008.
Certified By The Governor April 7, 2008.
Effective July 1, 2008.
A Memorial in Oak Ridge Cemetery Honoring Women in Military Service HJR 28
Alzheimer’s Disease Advisory Committee SJR 43
Chronic Obstructive Pulmonary Disease SJR 35
Council on Re-Enrolling Students Who Dropped Out of School HJR 40
Distracted Drivers Task Force HJR 22
Employee Free Choice Act SJR 22
First Annual Kappa Alpha Psi Day HJR 47
Funding for Open Space SJR 52
Gold Star Families Week HJR 30
Hire A Veteran Month HJR 31
Honoring the Deceased Mayor Donald E. Stephens SJR 63
Honoring the Deceased Orlando G. Jones Sr. SJR 71
Illinois Green Government Coordinating Council SJR 27
Illinois Justice Study Committee SJR 9
Implementation of the World Summit Outcome SJR 95
Jane Addams Memorial Tollway HJR 19
Joint Task Force on Dear and Hard of Hearing Education Options HJR 1
Joint Task Force on Deer Population Control HJR 65
Joint Task Force on Rural Health and Medically Underserved Areas SJR 53
Joint Task Force on the College Insurance Program SJR 2
Kindergarten Day SJR 21
Legislative Task Force on Employment of Persons with Past Criminal Convictions SJR 6
Legislative Task Force on Employment of Persons with Past Criminal Convictions HJR 8
Lung Cancer Awareness Month SJR 30
Officer Terry J. Emerick Memorial Highway SJR 47
Oprah Winfrey Week HJR 17
JOINT RESOLUTIONS

People of the Mountains SJR 1
Prairie State Achievement Examination SJR 59
Pramukh Swami Maharaj Road HJR 70
Procurement of Additional C-17 Globemasters SJR 40
Reconstitute the Joint Task Force on Deaf and Hard of Hearing Education Options SJR 26
Recycling and Reuse of Wireless Telephones SJR 46
Repeal the Real ID Act of 2005 HJR 27
Savings For Working Families Act HJR 51
Shawnee Hills Wine Trail HJR 48
Shawnee Hills Wine Trail SJR 37
State Children’s Health Insurance Program HJR 26
Task Force on Higher Education and the Economy HJR 69
Task Force to Implement Improvements in School Leadership Preparation HJR 66
Task Force to Study Special Education Funding Needs HJR 24
The Commission to Study the Transatlantic Slave Trade and Its Past and Present Effects on African-Americans SJR 3
The Department of Commerce and Economic Opportunity and The Lincoln-Douglas Debates Sesquicentennial Collation HJR 11
United States Department of State’s Visa Waiver Program for Poland SJR 17
Veterans Memorial Tollway SJR 28
Waiver of School Code Mandates SJR 72
Youth Connection Charter School HJR 64
A MEMORIAL IN OAK RIDGE CEMETERY HONORING
WOMEN IN MILITARY SERVICE
(House Joint Resolution No. 28)

WHEREAS, Illinois State women have proudly served in defense of our Nation since the Civil War, despite their lack of military standing before the 1900s; and
WHEREAS, They served in all major conflicts in ever-increasing numbers, volunteering to preserve our freedom; and
WHEREAS, They served in expanding positions of responsibility from laundresses and cooks to administrators, from medical and technical personnel to full combatants; and
WHEREAS, Illinois State women contributed to establishing and maintaining our independence, preserving the Union, abolishing slavery, and advancing the cause of freedom and democracy around the world; and
WHEREAS, In times of conflict, State of Illinois women served the military as society permitted or as the situation demanded; and
WHEREAS, Women came forward to replace men as battlefield emergencies demanded and some even disguised their gender in order to serve; others masked their identity, risking their lives as couriers and intelligence agents; and
WHEREAS, The value of their contributions has finally been recognized by their ever-increasing integration and opportunities in the Armed Forces; and
WHEREAS, Women now make up over 15% of the active duty force and about 23% of the reserve force, totaling over 203,000 women soldiers; and
WHEREAS, Today women make up 7% of the United States Veterans population; therefore, be it


Adopted by the House of Representatives on July 26, 2007.
Concurred in by the Senate on July 26, 2007.

ALZHEIMER’S DISEASE ADVISORY COMMITTEE
(Senate Joint Resolution No. 43)

WHEREAS, Alzheimer's disease is a slow, progressive disorder of the brain that results in loss of memory and other cognitive function and eventually results in death; and

WHEREAS, Because Alzheimer's is accompanied by memory loss, poor judgment, changes in personality and behavior, and a tendency to wander, individuals with this disease are at increased risk for accidental injury, getting lost, abuse, neglect, and exploitation; and

WHEREAS, With one in 10 people over age 65 and almost one in every 2 people over 85 having Alzheimer's disease or a related dementia, over the past 10 years, the number of Illinoisans with Alzheimer's and related dementias has risen dramatically to the point that today over 210,000 people are affected; and

WHEREAS, As the baby boom generation enters the age of greatest risk for Alzheimer's, by 2025 their number in Illinois is expected to increase to over 239,000; and

WHEREAS, Alzheimer's disease takes an enormous toll on loving family members, with an estimated one in 4 acting as caregivers for each individual with the disease; and

WHEREAS, Caregivers for individuals with Alzheimer's watch closely the deleterious effects of the disease and often suffer more stress, depression, and health problems than caregivers of people with other illnesses; and

WHEREAS, Alzheimer's disease is considered to be early onset if an individual is younger than 65 when symptoms first appear, and early onset Alzheimer's can strike someone as early as their 30s, 40s, and 50s, with new data showing there may be half a million Americans under age 65 who have dementia or cognitive impairment at a level of severity consistent with dementia; and

WHEREAS, The Alzheimer's Disease Assistance Act created the Alzheimer's Disease Advisory Committee composed of 21 members to review all State programs and services provided by State agencies that are
directed toward persons with Alzheimer's disease and related dementias and to recommend changes to improve the State's response to this serious health problem; and

WHEREAS, The 93rd General Assembly created the Legislative Task Force on Alzheimer's Disease pursuant to House Joint Resolution 14; that task force conducted hearings which included each of the State agencies having primary responsibility for implementing the "Alzheimer's Initiative" of the 84th General Assembly when this matter was given a high priority nearly 20 years ago; the agencies were instructed to provide an update on the progress made in implementing that initiative to determine whether the programs and services developed by State agencies reflect the original priority; the reports of the agencies did not demonstrate any particular progress, nor priority commensurate with the original interest and intent of the General Assembly; and

WHEREAS, The 93rd General Assembly Legislative Task Force on Alzheimer's Disease recommended that the function of the statutory Alzheimer's Disease Advisory Committee should be expanded to include oversight and evaluation of the services provided by the various State agencies and to solicit additional findings and recommendations for improving State programs and services; and

WHEREAS, The State of Illinois must not be complacent and must renew its commitment to develop a more aggressive State plan to ensure that the framework of programs and services to help Illinoisans with Alzheimer's and other related dementias are functioning and capable of meeting the challenge of this serious public health problem among Illinoisans; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the Department of Public Health immediately comply with the Alzheimer's Disease Assistance Act in activating the Alzheimer's Disease Advisory Committee and ensuring that it fulfills the requirement of reviewing all State programs and services provided by State agencies directed toward persons with Alzheimer's disease and related dementias and recommending changes to improve the State's response to this serious health problem; and be it further

RESOLVED, That the Department of Public Health, in conjunction
with the Alzheimer's Disease Advisory Committee, assess the current and future impact of Alzheimer's disease on the people of this State, examine the existing services and resources addressing the needs of persons with Alzheimer's, their families, and caregivers, and develop a strategy to implement an Alzheimer's Disease and Other Related Dementia State Plan in response to this public health crisis; and be it further

RESOLVED, That the Alzheimer's Disease Advisory Committee shall include in its Alzheimer's Disease and Other Related Dementia State Plan an examination of the following:

(1) trends in the State Alzheimer's population and needs, including the changing population with dementia, including but not limited to:
   (a) the State role in long-term care, family caregiver support and assistance to persons with early-stage and early on-set Alzheimer's;
   (b) State policy regarding persons with Alzheimer's and developmental disabilities;
(2) existing services, resources, and capacity, including but not limited to:
   (a) the type, cost, and availability of dementia services;
   (b) the capacity of public safety and law enforcement to respond to persons with Alzheimer's;
   (c) the availability of home and community-based resources for persons with Alzheimer's and respite care to assist families;
   (d) an inventory of long-term care special dementia care units;
   (e) the adequacy and appropriateness of geriatric-psychiatric units for persons with behavior disorders associated with Alzheimer's and related dementias;
   (f) assisted living residential options for persons with dementia;
   (g) State support of Alzheimer's research through Illinois universities and other resources;
(3) needed State policies and responses, including, but not limited to recommendations for the provision of clear and coordinated services and support to persons and families living with Alzheimer's and related disorders and ways to address any identified gaps in service; and be it further
RESOLVED, That the Department on Aging, in cooperation with the Department of Public Health and the Department of Healthcare and Family Services, shall provide support staff to the Alzheimer's Disease Advisory Committee and shall be responsible for preparing any necessary materials and reports in conjunction with the work of the Committee; and be it further

RESOLVED, That the Alzheimer's Disease Advisory Committee shall provide an Alzheimer's Disease and Other Related Dementia State Plan to the Governor and the General Assembly no later than January 1, 2009; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Governor, the Director of Aging, the Director of Public Health, and the Director of Healthcare and Family Services.

Adopted by the Senate, May 18, 2007.
Concurred in by the House of Representatives, July 17, 2007.

CHRONIC OBSTRUCTIVE PULMONARY DISEASE
(Senate Joint Resolution No. 35)

WHEREAS, Chronic obstructive pulmonary disease (COPD), also known as chronic bronchitis and emphysema, is the fourth leading cause of death in the United States and the only one of the top 5 causes of death whose prevalence and death rate are rising; and

WHEREAS, COPD is a chronic and progressive disease that impacts over 5,600,000 Illinoisans and 24 million Americans; and

WHEREAS, The annual cost to the nation for COPD in 2004 was estimated to be $37 billion dollars; and

WHEREAS, Early diagnosis and management of COPD can effectively reduce the overall financial burden of the illness within public programs such as Medicaid; and

WHEREAS, Proper management of COPD can lead to improved quality of life and self-sufficiency on the part of patients with COPD receiving treatment within public programs; and

WHEREAS, Disease management has been demonstrated to reduce overall costs of care and increase quality of life for patients with chronic diseases, especially when targeted to appropriate conditions and patients; therefore, be it
RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we hereby support and encourage the Illinois Department of Healthcare and Family Services in its efforts with regard to disease management and including COPD in the Department's chronic care improvement program in an effort to reduce the financial and clinical burden of COPD on the Medicaid program and the citizens of Illinois; and be it further
RESOLVED, That a suitable copy of this resolution be delivered to the Director of Healthcare and Family Services.
Adopted by the Senate, May 18, 2007.
Concurred in by the House of Representatives, June 28, 2007.

COUNCIL ON RE-ENROLLING STUDENTS WHO DROPPED OUT OF SCHOOL
(House Joint Resolution No. 40)

WHEREAS, According to a recent study by the Center for Labor Market Studies at Northeastern University in Boston, Massachusetts, in 2005 in Illinois there were 227,010 youth ages 16 to 24 years old and 59,457 youth ages 16 to 19 years old who left high school before earning a high school diploma; and
WHEREAS, This study outlines that in Illinois, of the 227,010 youth who left school without a high school diploma, 92,424 are White, 70,842 are Hispanic, 58,390 are Black, and 5,354 are listed as other; and
WHEREAS, The vast majority of Chicago area and downstate Illinois youth who left school without a high school diploma come from lower income areas; and
WHEREAS, The vast majority of these youth who left school without a high school diploma see themselves as students who want to return to school and earn a high school diploma, and many of these students return to educational programs that are severely under-funded and that are not able to provide the comprehensive educational program and various support services that these students need to successfully re-enroll and earn a high school diploma; and
WHEREAS, A comprehensive system is needed for all students, those
in school and those who want to return to school, but the school experience that will help out-of-school students succeed when they re-enroll must be different; people learn in different ways, one size does not fit all, and smaller schools offer a more personal, flexible, and accountable curriculum that successfully re-enrolls, teaches, and graduates these out-of-school students; and

WHEREAS, Illinois employers are experiencing a shortage of skilled workers, and these re-enrolled students could provide the needed addition to the workforce needs of the Illinois economy and Illinois businesses; and

WHEREAS, Eighty percent of prison inmates are students who left school without a high school diploma and, as such, can pose a problem, in terms of crime and public safety, to the general public in their communities and neighborhoods; and

WHEREAS, Out-of-school students without a high school diploma earn $828,000 less over their lifetimes than people who have a high school diploma and some college education and $410,000 less than high school graduates; and

WHEREAS, The annual cost to Illinois is over $2.4 billion for these students who left school without a high school diploma; and

WHEREAS, The benefit to Illinois taxpayers is $312,000 over the lifetime of a re-enrolled student who returns to school and earns a high school diploma in terms of that person paying more taxes on his or her increased earnings as well as the reduced social costs in terms of his or her utilizing welfare services, mental health services, and other dependency services and being less likely to enter prison or incur other costs related to crime; and

WHEREAS, There is significant research and program experience to draw on and use to develop successful programs to re-enroll, teach, and graduate students who left school before earning a high school diploma; and

WHEREAS, The Governor and the General Assembly created the Task Force on Re-Enrolling Students Who Dropped Out of School, which had a 2-year cycle to examine and develop an interim and final report to address this issue of students who had left school without a high school diploma; this Task Force will end on January 10, 2008; and

WHEREAS, The work of this Task Force should continue in terms of addressing the need to develop a comprehensive system for students who left school before earning a high school diploma and want to re-enroll to earn
a high school diploma; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS,
THE SENATE CONCURRING HEREIN, that that there is created the
Council on Re-enrolling Students Who Dropped Out of School in order to
carry on the work of the Task Force on Re-Enrolling Students Who Dropped
Out of School by continuing to examine and develop ways to address the
growing issue of students who left school before earning a high school
diploma; and be it further

RESOLVED, That the purpose of the Council is to examine policies,
programs, and other issues related to developing a variety of successful
approaches using best program practices to re-enroll, teach, and graduate
students who left school before earning a high school diploma and, in doing
so, improve community safety and the Illinois economy; and be it further

RESOLVED, That the Council shall be composed of the following
members: 8 legislators (2 of whom shall be appointed by the President of the
Senate, 2 of whom shall be appointed by the Speaker of the House, 2 of
whom shall be appointed by the House Minority Leader, and 2 of whom shall
be appointed by the Senate Minority Leader); one representative from the
Governor's Office appointed by the Governor; one representative of the State
Board of Education appointed by the State Superintendent of Education; one
representative of the Board of Higher Education appointed by its chairperson;
one representative of the Department of Human Services appointed by the
Secretary of Human Services; one representative of the Department of
Children and Family Services appointed by the Director of Children and
Family Services; one representative of the Department of Commerce and
Economic Opportunity appointed by the Director of Commerce and
Economic Opportunity; one representative of the Illinois Community College
Board appointed by the President of the Illinois Community College Board;
17 representatives from the public (8 of whom shall come from schools or
programs working with students who had left school before earning a high
school diploma) appointed by the Governor, with one of these public
representatives serving as chairperson of the Council; and be it further

RESOLVED, That the duties of the Council shall include continuing
a series of public hearings throughout the State to discuss the impact of
students who have left school without a high school diploma on various
regions of the State, continuing a review of data regarding students who have left school without a high school diploma that allows for a comparison of Illinois data both nationally and with other states in the region and across the country, continuing a review of various financing and funding mechanisms used by other states, counties, cities, foundations, and other financial funding sources, and producing and filing an annual report with recommendations to the Governor, the General Assembly, and the State Board of Education on ways and means to address the challenge of re-enrolling students who have left school without a high school diploma; and be it further

RESOLVED, That the State Board of Education shall be responsible for facilitating the Council; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Governor, the State Superintendent of Education, the Chairperson of the Board of Higher Education, the Secretary of Human Services, the Director of Children and Family Services, the Director of Commerce and Economic Opportunity, and the President of the Illinois Community College Board.

Concurred in by the Senate on May 30, 2007.

DISTRACTED DRIVERS TASK FORCE
(House Joint Resolution No. 22)

WHEREAS, The increased use of technological devices has created a distraction for drivers in the State of Illinois; and

WHEREAS, The number of traffic accidents resulting from drivers becoming distracted by such technological devices as cell phones, MP3 players, car stereos, navigation systems, and DVD players has increased in the State; and

WHEREAS, The safety of those using the roadways in Illinois is being compromised by those drivers who use these devices; therefore, be it RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREBIN, that there is hereby created the Distracted Drivers Task Force that shall study the problem of distracted driving in Illinois, with particular attention to the impact of recent communications technology on this problem; and be it further
RESOLVED, That the Task Force shall consist of 10 members, consisting of the Secretary of State or his or her designee, who shall serve as chair; the Secretary of Transportation or his or her designee; the Director of the State Police or his or her designee; the President of the Illinois State Bar Association or his or her designee; the President of the Illinois State's Attorneys Association or his or her designee; the President of the Illinois Association of Chiefs of Police or his or her designee; one member appointed by the Speaker of the House of Representatives, one member appointed by the Minority Leader of the House of Representatives, one member appointed by the President of the Senate, and one member appointed by the Minority Leader of the Senate; and be it further

RESOLVED, That the members of the Task Force shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties from funds appropriated to the Office of the Secretary of State for that purpose; and be it further

RESOLVED, That the Task Force shall meet no fewer than 3 times and shall present its report and recommendations to the General Assembly no later than July 1, 2008.

Concurred in by the Senate on July 26, 2007.

EMPLOYEE FREE CHOICE ACT
(Senate Joint Resolution No. 22)

WHEREAS, In the National Labor Relations Act of 1935 (29 U.S.C. Sec. 151, et seq.) the United States Congress declared it to be the policy of the United States to encourage the practice of collective bargaining by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection; and

WHEREAS, The freedom to form or join a union is a fundamental human right; and

WHEREAS, Unions benefit communities by strengthening tax bases, promoting equal treatment, and enhancing civic participation; and

WHEREAS, Fifty-seven million United States workers have indicated
that they would join a union if given the opportunity; and
WHEREAS, Even though the nation's workers ostensibly have the freedom to choose whether to organize, in reality they are routinely denied that right; and
WHEREAS, When the right of workers to form a union is violated, wages decline, race and gender pay gaps widen, workplace discrimination increases, and job safety standards lapse; and
WHEREAS, Each year, 20,000 of America's workers are illegally threatened, coerced, or terminated for attempting to form a union; and
WHEREAS, Most violations of workers' freedom to join a union occur behind closed doors, and each year millions of dollars are spent to frustrate workers' efforts to organize; and
WHEREAS, A worker's fundamental right to join a union is a public issue that requires public policy solutions, including legislative remedies; and
WHEREAS, Federal legislation, the Employee Free Choice Act, has been introduced in the United States Congress (H.R. 800) in order to restore workers' freedom to join unions; therefore, be it
RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we urge the Congress of the United States of America to enact the Employee Free Choice Act that would protect and preserve the freedom of America's workers to organize and join unions by authorizing the National Labor Relations Board to certify a union as the bargaining representative when a majority of employees voluntarily sign authorization cards (commonly known as "card check" recognition), providing for first contract mediation and arbitration, and establishing meaningful penalties for violations of a worker's right to join a union; and be it further
RESOLVED, That suitable copies of this resolution be delivered to the President pro tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the Illinois congressional delegation.
Adopted by the Senate, May 18, 2007.
Concurred in by the House of Representatives, July 12, 2007.
FIRST ANNUAL KAPPA ALPHA PSI DAY  
(House Joint Resolution No. 47)

WHEREAS, The North Central Province Chapters of Kappa Alpha Psi Fraternity, Inc. are sponsoring their first annual legislative visit to the Illinois State Capitol; and

WHEREAS, Kappa Alpha Psi Fraternity Inc., was founded in 1911 on the campus of Indiana University by African-American college men; and

WHEREAS, Kappa Alpha Psi Fraternity, Inc. is an international organization with over 200,000 undergraduate and alumni members; and

WHEREAS, Kappa Alpha Psi Fraternity, Inc. is an organization committed to promoting honorable achievement in every field of human endeavor; and

WHEREAS, Kappa Alpha Psi members who have distinguished themselves individually include Johnny Cochran, Jr., Reginald Lewis, Bill Russell, Gale Sayers, Ralph Abernathy, Tavis Smiley, Percy Sutton, William Johnson, John Singelton, Cedric the Entertainer, Thomas Bradley, John Conyers, Louis Stokes, Oscar Robertson, Arthur Ashe, General Daniel "Chappie" James, Wilt Chamberlin, Sanford Bishop, Walter Fauntroy, and Montell Jordan; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that, in recognition of the achievements of the members of Kappa Alpha Psi Fraternity Inc., and the values for which they strive, proclaim Wednesday, April 18, 2007, as the First Annual Kappa Alpha Psi Day in the State of Illinois; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Stevenson Nicholson, North Central Polemarch of Kappa Alpha Psi Fraternity, Inc.

Adopted by the House of Representatives on May 22, 2007.
Concurred in by the Senate on May 23, 2007.

FUNDING FOR OPEN SPACE  
(Senate Joint Resolution No. 52)

WHEREAS, Illinois ranks in the bottom third of states in the U.S. in
WHEREAS, Illinois ranks last by a wide margin among Midwestern states in acres protected per capita with only one percent of protected State-owned recreation land; and

WHEREAS, Land prices continue to rise and development pressures mount making the need for protecting open space more acute; and

WHEREAS, The quantity of water supplied by aquifers, inland streams, and Lake Michigan is limited and land conservation provides water recharge and stream buffering providing for the protection of drinking water resources; and

WHEREAS, Outdoor recreation contributes to a healthy lifestyle for the State's youth and adults alike, and young people need more access to safe, rewarding outdoor experiences to combat the growing epidemic of childhood obesity; and

WHEREAS, The Centers for Disease Control and Prevention has called for the creation of more parks and playgrounds to counteract sedentary lifestyles; and

WHEREAS, Parks and natural areas contribute to increased property values of neighboring properties; and

WHEREAS, Native Illinois wildlife populations have declined precipitously, and currently Illinois has 424 State and 24 federally listed threatened and endangered species; and

WHEREAS, Natural habitats have been shown to improve air quality; and

WHEREAS, Illinois has lost more than 90% of its original wetlands and 99% of its original open prairie and it is critical to take steps now to protect the remaining acreage; and

WHEREAS, The Illinois State Wildlife Action Plan has won national recognition but remains underfunded; and

WHEREAS, Illinois parks and natural areas generate 42,000 jobs and create recreational opportunities for all Illinois citizens; and

WHEREAS, Hunting, fishing, and wildlife associated recreation currently generates nearly $4,200,000,000 in economic activity in Illinois; and

WHEREAS, Voters have given overwhelming support to local referenda for land acquisition and public opinion polls show 92% of the
public registering support for the State preserving open space and wildlife habitat; and

WHEREAS, According to the most recent Statewide Comprehensive Outdoor Recreation Plan 2003-2008, more than $3,000,000,000 in State and local funding is necessary to protect an additional 85,000 acres across the State for renovation and restoration projects in existing parks and for new public recreation facilities; and

WHEREAS, Land acquisition is a capital intensive investment; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we recognize that current funding for open space is severely lacking; that capital budgets have traditionally provided resources for land acquisition, stewardship, and public recreational opportunities; that the value of parks and natural areas in protecting Illinois from flooding, improving water quality, generating economic activity, and improving public health is without question; and be it further

Resolved, That we urge the Governor to present a capital budget that includes $100,000,000 on an annual basis for the Illinois Special Places Acquisition, Conservation and Enhancement (iSPACE) Program, which includes the following:

(1) a new statewide land acquisition program to protect the State's most precious natural resources and provide recreational opportunities, including matching grants to local governments;

(2) implementation of the Partners for Conservation Program (formerly Conservation 2000) through land acquisition and management grants; and

(3) implementation of the Hunting Heritage Protection Act by increasing the amount of land acreage available for hunting opportunities in Illinois; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, the Director of Natural Resources, and the Governor.

WHEREAS, All of us as Americans are called to remember the extraordinary price paid for our nation's freedom by the selfless men and women who have sacrificed their lives to preserve and protect our nation; and

WHEREAS, We owe a special debt, not only to those brave Americans who have given their lives in service to our country, but also to those family members who loved those fallen warriors and who feel their loss every day; and

WHEREAS, From the time of World War I, the Gold Star has been the traditional symbol of both pride and mourning for the grieving families of those men and women in the Armed Forces who have made the ultimate sacrifice for this country; and

WHEREAS, Our Gold Star families have shown courage and compassion in the face of great personal sadness and continue to demonstrate their constant love of our country; and

WHEREAS, The United States Congress has designated the last Sunday in September as "Gold Star Mother's Day" and authorized and requested the President to issue a proclamation in observance of this day; and

WHEREAS, It is proper for the people of Illinois to set aside a week of each year to honor the pride, perseverance, dignity, and devotion of those who have loved and lost America's fallen heroes; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the last Sunday in September and the six days following in 2007 and each succeeding year shall be known as Gold Star Families Week, and that everyone in the State of Illinois shall be encouraged to display the flag of the United States and find other appropriate means to publicly express love, sorrow, and reverence for our Gold Star families.

Adopted by the House of Representatives on May 22, 2007.
Concurred in by the Senate on May 22, 2007.
HIRE A VETERAN MONTH
(House Joint Resolution No. 31)

WHEREAS, The men and women who serve in the military of the United States have responded swiftly and selflessly whenever called upon to defend our nation, placing the national interests above their own; and
WHEREAS, Through service in the Armed Forces, our veterans have demonstrated their drive, determination, and character; and
WHEREAS, The U.S. Department of Defense operates the world's largest system of specialized professional and technical training schools, offering America's veterans unmatched opportunities to develop valuable knowledge and skills; and
WHEREAS, Today's high-tech military is staffed by superbly trained men and women who combine state-of-the-art technical skills with tested leadership abilities; and
WHEREAS, Veterans of active duty military service constitute one of our nation's most important sources of mature, responsible, and highly motivated employees; and
WHEREAS, This nation owes a great debt to its military veterans, many of whom have served in the most remote and volatile parts of the world at great sacrifice to themselves and their families; and
WHEREAS, By hiring veterans, employers honor their debt to our nation's military men and women while availing themselves of proven talents and honed teamwork skills that offer immense benefits to individual employers and to the larger economy of the State of Illinois; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the month of November in 2007 and each subsequent year shall be known as Hire a Veteran month to recognize those brave, talented and patriotic men and women who have proudly worn their country's uniform and to encourage employers throughout the State of Illinois to recognize the special talents of those veterans and give special consideration and preference to those job applicants who have served in the Armed Forces of the United States.

Adopted by the House of Representatives on July 26, 2007.
Concurred in by the Senate on July 26, 2007.
HONORING THE DECEASED CARL NELS BECKER  
(House Joint Resolution No. 12)

WHEREAS, The members of the Illinois General Assembly learned with sadness of the death of Carl Nels Becker of Petersburg, who passed away on April 13, 2006; and

WHEREAS, He was born on June 8, 1949, in Sheboygan, Wisconsin, to Elmer Becker and Amy Nora Truesdale; he married Peggy Parks on July 31, 1971, in Black Creek, Wisconsin; he held a Bachelor's degree in biology from the University of Wisconsin at Stevens Point and a Master's degree in ornithology from Eastern Michigan University; and

WHEREAS, Mr. Becker worked as the Associate State Director for Conservation Programs for the Illinois Chapter of the Nature Conservancy; he held several positions within the Illinois Department of Natural Resources (IDNR); he was the first Executive Director of the Illinois Endangered Species Protection Board, the first Chief of the Division of Natural Heritage, and served as Assistant Office Director of Realty and Environmental Planning, before his retirement in December 2002; and

WHEREAS, He began working at IDNR in 1978 as a biologist and quickly became a leader; during his tenure at IDNR, he spearheaded the effort to create the Wildlife Preservation Fund, an income tax check-off program that provides money for wildlife habitats; he also worked to pass legislation allocating a portion of the Real Estate Transfer Tax to protect natural areas and habitats for endangered and threatened species; he played a critical role in conserving natural habitats from Cook County to the Cache River State Natural Area, laden with cypress trees, in the southernmost tip of Illinois; he also was instrumental in efforts to save the dwindling territory of the prairie chicken in southern Illinois and to encourage peregrine falcons to roost among the Chicago Loop's skyscrapers; and

WHEREAS, Mr. Becker was a national leader in conservation issues, serving as Illinois representative with the International Association of Fish and Wildlife Agencies to push for the Teaming with Wildlife Initiative; he was the past president of the Natural Areas Association and was a member of several conservation organizations; and

WHEREAS, In addition to his work to protect Illinois nature areas, he was a leader in his community, serving as President of the Lake Petersburg
Association and Chair of the Menard County Zoning Board of Appeals; a member of Petersburg United Methodist Church, he was active in his church, serving on the board of trustees; he also served as a Cub Scout leader and coached youth soccer, softball, and baseball; and

WHEREAS, The passing of Carl Nels Becker has been deeply felt by many, especially his wife, Peggy Becker; his sons, Jason Becker and Jared Becker; his daughter, Jenifer Becker; and his sister, Jane Kesting; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we mourn the passing of Carl Nels Becker, who will be remembered as a champion for the environment, and we extend our deepest sympathy to his family, friends, and all who knew and loved him; and be it further

RESOLVED, That a suitable copy of this resolution be presented to his family as an expression of our sincerest condolences.

Adopted by the House of Representatives on March 2, 2007.
Concurred in by the Senate on March 2, 2007.

HONORING THE DECEASED MAYOR DONALD E. STEPHENS
(Senate Joint Resolution No. 63)

WHEREAS, The Members of the Illinois General Assembly join together in honoring the memory of Donald E. Stephens, Mayor of the Village of Rosemont, who passed away on April 18, 2007; and

WHEREAS, Donald Stephens was the first and only chief executive of Rosemont; he was serving his 13th term as mayor, believed to be the longest serving incumbent mayor in the country; under his leadership, the Rosemont community became one of the most progressive and successful municipalities in the State of Illinois; and

WHEREAS, Donald Stephens was elected president of the homeowner's association in the 1950s and began to see the potential in living close to O'Hare Airport; he was able to incorporate the village in 1956; and

WHEREAS, He oversaw the building of one of the first Hyatt Regency hotels in his community; eventually 14 hotels would make Rosemont their home; he oversaw the creation of the O'Hare Exposition
Center in 1975 (changed in 2000 to the Donald E. Stephens Convention and Conference Center), now one of the top ten centers in the country, the Rosemont Horizon in 1980 (now the Allstate Arena), home to the DePaul Blue Demons, the Chicago Wolves, and the Chicago Rush sports teams, as well as a venue for major music concerts and festivals, and the Rosemont Theatre, a 4,000 seat venue that is home to the Chicagoland Pops Orchestra of Rosemont; and

WHEREAS, At the time of his passing, Mayor Stephens was creating Rosemont Walk, a $500 million entertainment district that will include a movie theatre megaplex, three new hotels, the biggest water park in the State, nationally famous restaurants, and many more businesses for the community; and

WHEREAS, The passing of Mayor Donald Stephens will be deeply felt by those who knew and loved him, especially his wife, Katherine; his brother, Arthur; his son, Donald E. Stephens II, his son, Mark Stephens; his daughter, Gail Stephens; his son, Bradley Stephens; his grandchildren, Donald E. Stephens III, Christopher R. Stephens, Bradley Stephens, Jr., Brittany Rosemont, Jacqueline, Michelle, Kaila, Tiana, Racquel, Mark Richard, Mark Donald, and Danny; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we mourn, along with his family, friends, and the Rosemont community, the passing of Mayor Donald E. Stephens; and be it further

RESOLVED, That suitable copies of this preamble and resolution be presented to the family of Mayor Donald E. Stephens as a symbol of our sympathy.

Adopted by the Senate, June 7, 2007.
Concurred in by the House of Representatives, October 10, 2007.

HONORING THE DECEASED ORLANDO G. JONES SR.
(Senate Joint Resolution No. 71)

WHEREAS, Orlando G. Jones, Sr., was born in Chicago on June 6, 1955; and
WHEREAS, Orlando G. Jones, Sr., earned his Bachelor of Arts degree from DePaul University, his Master of Public Administration degree from Roosevelt University, and multiple licenses in finance and insurance; and

WHEREAS, Orlando G. Jones, Sr., was united in marriage to his wife, Cerelda, with whom he raised two children; and

WHEREAS, Orlando G. Jones, Sr., held many positions in the public sector during his lifetime, including Associate Director of Clinical Services and Deputy Director at Cook County Hospital and Project Director and Chief Operating Officer at Provident Hospital of Cook County; and

WHEREAS, Orlando G. Jones, Sr., served as Chief of Staff to Cook County Board President John Stroger, where he was responsible for 24,000 employees and an annual budget of $2.7 billion; and

WHEREAS, Orlando G. Jones, Sr., extended his career to include several successful entrepreneurial ventures; he was President and Owner of Orlando Jones and Associates, President of Premier Alliance Management LLC, and Vice President of Special Projects at Rezmar Corporation; he was also able to assist many individuals in getting their businesses started; and

WHEREAS, Orlando G. Jones, Sr., was the Chairman of the Cook County Care Foundation and served on the Board of the Chicago Botanical Society, the Cook County Employees Appeal Board, the Cove School Board, the Governmental Assistance Program Board, the State of Illinois Property Tax Appeal Board, and the Health Facilities Planning Board; and

WHEREAS, Orlando G. Jones, Sr., was the loving husband of Cerelda, the doting father to his sons, Orlando Jr. and JePaul, and leaves behind an immeasurable number of best friends; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREFIN, that we mourn, along with his family and friends, the passing of Orlando G. Jones, Sr.; and be it further

RESOLVED, THAT suitable copies of this preamble and resolution be presented to the family of Orlando G. Jones, Sr., as an expression of our sympathy.

Adopted by the Senate, October 4, 2007.

Concurred in by the House of Representatives, October 12, 2007.
WHEREAS, The U.S. Conference of Mayors adopted the "2030 Challenge" resolution calling for the immediate energy reduction of all new and renovated buildings to one-half the national or country average for that building type, with increased reductions of 10% every five years so that by the year 2030 all buildings designed will be carbon neutral, meaning they will use no fossil fuel energy; and
WHEREAS, The American Institute of Architects (AIA), the national professional organization representing architects has also adopted the "2030 Challenge" resolution; and
WHEREAS, The Inter-Governmental Panel on Climate Change (IPCC), the international community's most respected assemblage of scientists, has found that climate disruption is a reality and that human activities are largely responsible for increasing concentrations of global warming pollution; and
WHEREAS, The North American and global building sector has been shown to be the major consumer of fossil fuel and producer of global warming causing greenhouse gases; and
WHEREAS, The federal government through programs fostered within many of its key agencies and numerous state governments as well as municipalities across the U.S. have adopted high performance green building principles; and
WHEREAS, A recent study completed by researchers from Capitol E and the Lawrence Berkeley National Laboratory, the most definitive cost-benefit analysis of green buildings ever conducted, concluded that the financial benefits of green design are between $50 and $70 per square foot, more than 10 times the additional cost associated with building green; and
WHEREAS, The large positive impact on employee productivity and health gains suggests that green building has a cost-effective impact beyond just the utility bill savings; and
WHEREAS, Studies have indicated that student attendance and performance is higher in high performance school buildings; and
WHEREAS, Recognizing that a building's initial construction costs represent only 20 to 30 percent of the building's entire costs over its 30 to 40
year life, emphasis should be placed on the "life cycle costs" of a public building rather than on solely its initial capital costs; and

WHEREAS, The construction industry in the U.S. represents a significant portion of our economy and a significant portion of the building industry is represented by small business and an increase in sustainable building practices will encourage and promote new and innovative small business development throughout the nation; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that all State of Illinois buildings meet the following targets; and be it further

RESOLVED, That new construction of buildings shall be designed to and achieve a minimum delivered fossil-fuel greenhouse gas (GHS) emitting energy consumption performance standard of one-half the U.S. average for that building type as defined by the Environmental Protection Agency (EPA) in the EPA's Target Finder; and be it further

RESOLVED, That renovation building projects shall be designed to and achieve a minimum delivered fossil-fuel GHG emitting energy consumption performance standard of one-half the U.S. average for that building type as defined by the EPA's Target Finder; and be it further

RESOLVED, That all other new construction, renovation, repairs, and replacements of buildings shall employ cost-effective, energy-efficient, green building practices to the maximum extent possible; and be it further

RESOLVED, That the State of Illinois will work to increase the fossil-fuel GHG emitting reduction standard for all new buildings to carbon neutral by 2030, in the following increments:

60% in 2010
70% in 2015
80% in 2020
90% in 2025
Carbon-neutral by 2030 (meaning new buildings will use no fossil fuel GHG emitting energy to operate); and be it further

RESOLVED, That the Illinois Green Government Coordinating Council will develop plans to fully implement these targets as part of the procurement and inspection process and by establishing policies to insure compliance and measure results; and be it further
RESOLVED, That the State of Illinois will work in conjunction with other appropriate organizations to join this effort to develop plans to fully implement similar targets; and be it further
RESOLVED, That a copy of this resolution be presented to each constitutional officer and the head of each State agency.
Adopted by the Senate, May 29, 2007.
Concurred in by the House of Representatives, June 28, 2007.

ILLINOIS JUSTICE STUDY COMMITTEE
(Senate Joint Resolution No. 9)

WHEREAS, Illinois now holds the distinction of being first in the nation in the number of people exonerated by DNA evidence in non-capital cases; and
WHEREAS, Illinois has made great strides in identifying and attempting to address the causes of wrongful felony convictions in capital cases, but has not extended systemic reforms to non-capital cases; and
WHEREAS, The incarceration of an innocent person not only works an injustice against that individual, but also harms society in that the real perpetrator of a crime remains free and able to commit additional criminal acts; and
WHEREAS, Wrongful felony convictions result in an erosion of public confidence in the judicial system; and
WHEREAS, The Appellate Courts review cases only for procedural error and do not provide a forum for presenting claims of actual innocence; and
WHEREAS, Defendants in non-capital cases do not have the right to counsel on post-conviction, that stage of proceedings in which new evidence supporting a claim of actual innocence can be presented, and therefore are unable to effectively present such a claim; and
WHEREAS, Defendants against whom the death penalty is not pursued, or for whom the death penalty has been taken off the table, do not have the resources available to adequately defend themselves; therefore, be it
RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF
REPRESENTATIVES CONCURRING HEREIN, that there is created the Illinois Justice Study Committee, hereinafter referred to as the Committee, consisting of 15 members, and appointed as follows:

(1) Three members appointed by the Governor, 2 of whom shall be experienced in criminal law;
(2) Two members appointed by the President of the Senate;
(3) Two members appointed by the Minority Leader of the Senate;
(4) Two members appointed by the Speaker of the House of Representatives;
(5) Two members appointed by the Minority Leader of the House of Representatives;
(6) One member appointed by the Cook County State's Attorney;
(7) One member appointed by the Office of the Cook County Public Defender;
(8) One member appointed by the Office of the State Appellate Defender; and
(9) One member appointed by the Office of the State's Attorneys Appellate Prosecutor; and be it further

RESOLVED, That the appointed members shall be from diverse backgrounds so as to reflect the diverse citizenry of Illinois; and be it further

RESOLVED, That the Committee shall review all non-capital wrongful felony conviction cases that have been resolved as of the effective date of this resolution and which resulted from DNA testing; a pardon granted on the basis of actual innocence; and dismissal of charges or acquittals upon a retrial based on relief granted by either the Illinois Appellate or Supreme Courts, or the federal District, Court of Appeals, or United States Supreme Court; and be it further

RESOLVED, That the Committee shall review any other relevant material, identify the most common causes of wrongful felony convictions in non-capital cases, identify current laws, rules and procedures implicated in each type of causation, and identify solutions through research, experts, public hearing, and any other source the Committee deems appropriate; and be it further

RESOLVED, That the Committee shall consider rules, procedures, educational, and legislative reforms that can aid in eliminating future wrongful felony convictions; and be it further
RESOLVED, That the Committee may consider whether the State of Illinois should put into place a procedure for addressing claims of factual innocence prior to appellate review of a conviction; and be it further
RESOLVED, That the Committee shall do a cost analysis of wrongful convictions; and be it further
RESOLVED, That the Committee shall elicit voluntary assistance from educational, legal, civic, and professional organizations and institutions as well as notable individuals; and be it further
RESOLVED, That the Committee shall submit its final report to the Governor and the General Assembly on or before December 31, 2008.
Adopted by the Senate, March 27, 2007.
Concurred in by the House of Representatives, with House Amendments No. 1 and 2, June 28, 2007.
Senate concurred in House Amendments No. 1 and 2, July 26, 2007.

IMPLEMENTATION OF THE WORLD SUMMIT OUTCOME
Senate Joint Resolution No. 95

WHEREAS, On September 16, 2005 at the World Summit Outcome of the United Nations General Assembly, the United States of America and the other Members of the United Nations embraced the principle of the responsibility to protect according to which, "(e)ach individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability" (U.N. Document A/RES/60/1, par. 138 (2005)); and
WHEREAS, The United States of America and other Members of the United Nations further agreed that, "(t)he international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are
prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. ... We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out” (U.N. Document A/RES/60/1, par. 139 (2005)); and

WHEREAS, On April 28, 2006, the United Nations Security Council reaffirmed the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity (U.N. Document S/RES/1674 (2006), par. 4); and

WHEREAS, The principle of the responsibility to protect now reflects the commitment of all the Members of the United Nations to determine means to protect populations from the deadly and devastating consequences of genocide, war crimes, ethnic cleansing and crimes against humanity (hereinafter "atrocity crimes"); and

WHEREAS, Efforts by the United Nations and individual nations to prevent and respond to atrocity crimes and thus protect populations have far too often failed or not even been attempted, with the result since 1945 that millions of innocent civilians have lost their lives or been wounded or displaced and their property and livelihoods destroyed; and

WHEREAS, In the 2005 World Summit Outcome Document, the United States of America has accepted its responsibility to protect its own population from atrocity crimes and should continue acting in accordance with this principle; and

WHEREAS, The continued commission of atrocity crimes and the likely future threat of them is morally intolerable and unacceptable; and

WHEREAS, At other times in the history of the State of Illinois and of the United States, such abominations as slavery and the denial of basic civil and voting rights to all citizens have been rendered illegal and to significant degrees eliminated through the concerted actions of concerned
citizens, civil society, the courts, and state and national lawmakers and leaders; and

WHEREAS, In the State of Illinois there reside many citizens who have fled from atrocity crimes, for whom the State of Illinois provides services and various forms of support, and many thousands of relatives of victims of the atrocity crimes that have occurred in other countries and who seek effective policies by the United States and other nations to help protect their surviving relatives; and

WHEREAS, The moral imperative of the responsibility to protect is inescapable and it reflects the highest American values of freedom, humanitarian care, and the preservation of the lives of innocent non-combatant men, women, and children; and

WHEREAS, The United States of America, as the most powerful and influential country in the world, has the moral duty and capacity to lead in domestic, in multinational initiatives and in the United Nations Security Council to prevent and respond rapidly to protect populations from the commission of atrocity crimes; and

WHEREAS, The citizens of the State of Illinois contribute men and women and financial resources to the U.S. Armed Forces and elect Members of Congress and, with other states, the President and Vice-President of the United States, and strongly believe that these public officials and their subordinates have profound responsibilities, to use every possible legal means, under both federal and international law, to protect populations from atrocity crimes; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the President and Congress should commit the leadership of the United States Government to effective implementation of the World Summit Outcome declaration on the responsibility to protect, and to do so in part through strengthening the preventive early warning capabilities of the federal government and the United Nations, and to develop strategies and policies as outlined in the 2005 World Summit Outcome Document (U.N. Document A/RES/60/1) and in the Security Council Resolution 1674 (2006) to ensure that the responsibility to protect populations has both credible meaning and effect, and that the United States is in the forefront of its domestic and global application; and be it
further

RESOLVED, That the President should initiate discussions with the permanent and non-permanent members of the United Nations Security Council, the members of the United Nations General Assembly and in separate forums with the governments of the North Atlantic Treaty Organization, the European Union, the African Union, the Organization of American States, and the Association of Southeast Asian Nations respectively, to develop coordinated strategies for regional efforts to implement the responsibility to protect, and that Congress should express its full support for these discussions by joint resolution; and be it further

RESOLVED, That copies of this resolution be sent to the President pro tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, each member of the Illinois congressional delegation, the President and Vice-President of the United States, the U.S. Secretary of State, the U.S. Secretary of Defense, and the U.S. Permanent Representative to the United Nations.

Adopted by the Senate, November 29, 2006.
Concurred in by the House of Representatives, January 9, 2007.

JANE ADDAMS MEMORIAL TOLLWAY
(House Joint Resolution No. 19)

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREBIN, that that part of Interstate Route 90 of the National System of Interstate and Defense Highways, which is in the State of Illinois between the intersection with Interstate Route 294 and the State line with Wisconsin, is hereby designated as the Jane Addams Memorial Tollway; and be it further

RESOLVED, That the Illinois State Toll Highway Authority is requested to erect at suitable locations, consistent with State regulations, appropriate plaques or signs giving notice of the designation.

Adopted by the House of Representatives on May 22, 2007.
Concurred in by the Senate on May 23, 2007.
WHEREAS, The provision of a free appropriate public education (FAPE) for a student with hearing loss can only occur with full communication access to education; and

WHEREAS, Full communication access depends upon a language-rich environment that fosters age-appropriate communication and language development, utilizes language-proficient educational staff, and provides for direct communication with staff and peers; and

WHEREAS, Children and youth who are deaf or hard of hearing face unique and significant barriers related to language and communication that profoundly affect most aspects of the educational process; and

WHEREAS, Attending to a student's communication needs and language development is a vital prerequisite for access to educational opportunities that lead to literacy and academic achievement; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREBIN, that there is created the Joint Task Force on Deaf and Hard of Hearing Education Options, consisting of fifteen members appointed as follows: the Speaker of the House of Representatives, Minority Leader of the House of Representatives, President of the Senate, and Minority Leader of the Senate shall each appoint one member; the Illinois Deaf and Hard of Hearing Commission, the Illinois State Board of Education, the Illinois Department of Human Services-Early Intervention, the Illinois Department of Human Services-Illinois School for the Deaf, and the Illinois Department of Public Health-Newborn Hearing Screening Program shall each appoint one member; and additionally, the Illinois Deaf and Hard of Hearing Commission shall appoint an additional 6 members from various agencies serving the deaf and hard of hearing population; and be it further

RESOLVED, That all members of the Task Force shall serve without compensation; and be it further

RESOLVED, That all members of the Communication Options Committee established by the Deaf and Hard of Hearing Commission with the collaboration of the State Board of Education shall continue in their
representation on the Joint Task Force on Deaf and Hard of Hearing Education Options; and be it further

RESOLVED, That the Task Force can appoint members as it sees fit to serve as representatives of the deaf and hard of hearing population of Illinois or parents of children with hearing loss representing each of the following communication options: Oral/aural, Cued Speech, Total Communication, American Sign Language, and tactile sign language; and be it further

RESOLVED, That the duty of the Task Force is to undertake a comprehensive and thorough review of education and services available to the deaf or hard of hearing children in Illinois with the intent of making recommendations that would recognize communication as fundamental to a deaf or hard of hearing child's most basic of needs; ensure communication-driven service delivery of the early intervention system and the public education system with programs and services addressing the unique communication needs of each child through communication assessment, development, and access; establish uniform methods and procedures within the early intervention system and the public education system that shall be non-biased and well-informed when sharing information with children and their families on the available communication options and community resource awareness; and be it further

RESOLVED, That the Task Force, working with the Illinois Deaf and Hard of Hearing Commission, the Illinois State Board of Education, the Early Intervention System, the Illinois School for the Deaf, and the Newborn Hearing Screening Program, shall assist those entities in developing interagency agreements and programs and procedures regarding universal, early identification of hearing loss and effective interface between medical and educational services; and be it further

RESOLVED, That the Illinois State Board of Education, the Illinois Department of Human Services, and the Illinois Deaf and Hard of Hearing Commission shall collectively administer and prepare all reports deemed necessary in conjunction with the Task Force actively; and be it further

RESOLVED, That the Task Force may request assistance from any entity necessary or useful for the performance of its duties; and be it further

RESOLVED, That the Task Force shall issue a report with its recommendations to the General Assembly on or before December 31, 2007.
JOINT RESOLUTIONS

Adopted by the House of Representative on May 18, 2007.
Concurred in by the Senate on May 18, 2007.

JOINT TASK FORCE ON DEER POPULATION CONTROL
(House Joint Resolution No. 65)

WHEREAS, Illinois is one of the premiere white tailed deer hunting states in the nation; and
WHEREAS, During the 2006-07 deer seasons, hunters took approximately 197,000 deer; and
WHEREAS, A total of 67 counties were open to the Late-Winter Antlerless-only Deer Season, which is restricted to those counties that the Department of Natural Resources considers overpopulated; and
WHEREAS, Deer overpopulation is rampant in some counties in Illinois, causing accidents on our highways, increasing crop damage for Illinois farmers, and making it easier for disease and starvation to afflict our deer populations; and
WHEREAS, It is estimated that 1.5 million car-deer crashes occur every year in the United States, causing more than 150 deaths and $1.1 billion in property damage; and
WHEREAS, Illinois had approximately 23,700 car-deer accidents in 2005; and
WHEREAS, In 2005, Illinois recorded 11 deaths from these accidents, nearly double the previous high of 6; and
WHEREAS, Eight of those killed were on motorcycles; and
WHEREAS, Car-deer accidents can occur almost anywhere, and urban areas are not immune; and
WHEREAS, Cook County topped Illinois with nearly 1,000 crashes in 2005, almost double the 572 recorded in Pike County, highly regarded by hunters for its share of the State's estimated 800,000 deer; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there is established a Joint Task Force on Deer Population Control to examine and make recommendations on ways to manage the Illinois deer population; issues that shall be addressed include, but are not limited to, maintaining and increasing
JOINT RESOLUTIONS

deer hunting opportunities in Illinois, reducing car-deer accidents and examining how these accidents affect insurance rates, reducing agricultural crop and other property damage, and maintaining and increasing the health of the Illinois deer herd; and be it further

RESOLVED, That the Joint Task Force shall be under the Department of Natural Resources, which will provide staff support; and be it further

RESOLVED, That the members of the Joint Task Force shall include: the chairmen and minority spokesmen of the House and Senate Agriculture and Conservation Committees or their designees; one member appointed by the President of the Senate; one member appointed by the Minority Leader of the Senate; one member appointed by the Speaker of the House; one member appointed by the Minority Leader of the House; the Director of Natural Resources or his or her designee; one member representing conservation police officers appointed by the Director of Natural Resources; the Director of State Police or his or her designee; one member appointed by an association representing firearm deer hunters; one member appointed by an association representing Illinois archery deer hunters; one member appointed by an association representing the insurance industry; and one member appointed by an association representing farmers; and be it further

RESOLVED, That the Director of Natural Resources shall serve as the Chair; the Joint Task Force shall meet with the call of the Chair; and the members shall serve without compensation; and be it further

RESOLVED, That the Joint Task Force shall report its findings and recommendations to the Secretary of the Senate and the Clerk of the House by January 1, 2009; and be it further

RESOLVED, That a copy of this resolution be presented to the Director of Natural Resources.

Adopted by the House of Representatives on July 26, 2007.
Concurred in by the Senate on July 26, 2007.
JOINT TASK FORCE ON RURAL HEALTH AND MEDICALLY UNDERSERVED AREAS
(Senate Joint Resolution No. 53)

WHEREAS, The percentage of Illinoisans without healthcare coverage has been rising for the last 15 years, growing from 9.7% in 1987 to 14.1% in 2002, and rural residents have been facing increasing barriers to health care including provider shortage, transportation, and lack of medical insurance; and

WHEREAS, More than 28% of the U.S. population, over 65 million people, live in rural areas, yet only 9% of physicians practice in rural areas and Illinois is no exception; and

WHEREAS, The shortage of rural health professionals in Illinois is on the rise and is expected to increase sharply in the next 10 years due to the retirement of an aging rural health professions workforce and the absence of adequate numbers of rural-specific students in health professions trainings programs to replace them, and this may increase the disparity in access to basic medical services unless corrective action is taken; and

WHEREAS, 80 Illinois counties are medical shortage areas, and if trends continue without intervention, 485 additional physicians will be required by 2010 and there will be a related demand for the allied health professionals necessary to provide comprehensive health services; and

WHEREAS, Health manpower shortages will be magnified as the aging rural population increases the demand for health care services; and

WHEREAS, Illinois is facing a 2010 nursing shortage of 4,265 nurses, of which nearly half will be required in rural communities to replace retirees and increased system demands for health care; and

WHEREAS, The average population-per-dentist ratio places rural residents at nearly a 2 to 1 disadvantage for accessing dental care and in 82 of 88 rural counties there is no pediatric dentist participating in the Medicaid program and one-fifth of actively practicing rural dentists graduated from Illinois dental schools that no longer exist; and

WHEREAS, The number of retail pharmacies in Illinois has increased, particularly in urban areas, but its has become increasingly difficult to recruit pharmacists for rural hospital work due to staffing shortages and maldistribution; and
WHEREAS, Illinois' rural residents face disparities in access to specialty medical services, tele-health, medical transportation, community health care access for basic services and mental health; and

WHEREAS, The late U.S. Senator Paul Simon was a special advocate for the citizens of Illinois and in that interest hosted a rural health care summit under the Paul Simon Public Policy Institute that generated a set of recommendations entitled "Charting a Health Care Agenda", which resulted in the creation by the 94th General Assembly of the 8-member Joint Task Force on Rural Health and Medically Underserved Areas that focused on the reduction of health care disparities in various shortage areas of Illinois; and

WHEREAS, The Joint Task Force on Rural Health and Medically Underserved Areas studied the health care disparities of the citizens of Illinois and proposed priority recommendations in its December 2006 report to the Governor and General Assembly to preserve capacity, improve access, and correct workforce shortages; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the recommendations of the Joint Task Force on Rural Health and Medically Underserved Areas be supported and implemented without delay; and be it further

RESOLVED, That each house in the General Assembly create a permanent standing committee charged with monitoring and advocating for the health needs of rural and medically underserved citizens of the State; and be it further

RESOLVED, That the General Assembly should consider allocating additional funds to implement the priority recommendations of the task force as a positive investment in the health care infrastructure of Illinois because they address long-standing critical deficits that need immediate attention; and be it further

RESOLVED, That immediate implementation of the Task Force priority recommendations would truly honor the legacy of the late Senator Paul Simon in terms of his advocacy and concerns regarding the reduction of health disparities across the State, and that it would be a fitting memorial for the 95th General Assembly to develop and implement in Senator Paul Simon's honor the Task Force recommendations with the appropriations necessary to accomplish the same.
JOINT RESOLUTIONS

Concurred in by the House of Representatives, June 28, 2007.

JOINT TASK FORCE ON THE COLLEGE INSURANCE PROGRAM
(Senate Joint Resolution No. 2)

WHEREAS, During the 94th General Assembly, Senate Joint Resolution 91 created the Joint Task Force on the College Insurance Program (hereinafter referred to as the Joint Task Force) to investigate the current state of the College Insurance Program established under Section 6.9 of the State Employees Group Insurance Act of 1971 and consider the inclusion of the retirees of the City Colleges of Chicago; and
WHEREAS, The Joint Task Force was to report its findings and recommendations to the General Assembly by October 31, 2006; and
WHEREAS, As of the required reporting date, the Joint Task Force's work is still ongoing and further investigation is needed prior to the preparation and submission of its report; therefore, be it
RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the Joint Task Force on the College Insurance Program, organized pursuant to Senate Joint Resolution 91 of the 94th General Assembly, is hereby reconstituted; and be it further
RESOLVED, That the Joint Task Force shall be comprised of those persons appointed pursuant to Senate Joint Resolution 91 of the 94th General Assembly until such time as those appointing authorities established in that resolution appoint different persons to the Joint Task Force; and be it further
RESOLVED, That the Joint Task Force shall have the authority, duties, and purposes set forth in Senate Joint Resolution 91 of the 94th General Assembly; and be it further
RESOLVED, That no later than December 31, 2008, the Joint Task Force shall report to the General Assembly its findings and recommendations; the Joint Task Force shall be dissolved after the filing of the report; and be it further
RESOLVED, That a suitable copy of this resolution be delivered to the Governor, the Director of the Governor's Office of Management and Budget, the Chancellor of the City Colleges of Chicago, and the Chairperson of the Illinois Community College Board.

Adopted by the Senate, March 21, 2007.
Concurred in by the House of Representatives, August 1, 2007.

KINDERGARTEN DAY
(Senate Joint Resolution No. 21)

WHEREAS, Enrollment in pre-primary education in the United States has increased significantly since 1991; according to the National Center for Education Statistics, from 1991-2001 pre-primary enrollment of children between the ages of three and five increased by twenty percent; and

WHEREAS, During the kindergarten years, children often make considerable gains in reading and math; in addition, they begin to develop advanced social skills from the constant interaction that they have with one another; and

WHEREAS, Those different skills and abilities that kindergartners acquire lay the foundation for success at future grade levels; history has shown that in many cases, these children go on to become more competent learners, and are less likely to be held back in school; and

WHEREAS, The Illinois General Assembly is committed to improving education in Illinois at all levels; the State of Illinois is aiming to not only enhance the educational experiences of current students, but also to continue increasing enrollment in pre-school and kindergarten programs in the State; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREBIN, that we proclaim the second Tuesday of September in each year to be Kindergarten Day in the State of Illinois, and we encourage all parents to enroll their children in kindergarten to enhance their abilities and provide their children with better chances to succeed later in life.

Adopted by the Senate, March 21, 2007.
Concurred in by the House of Representatives, June 20, 2007.
LEGISLATIVE TASK FORCE ON EMPLOYMENT OF PERSONS WITH PAST CRIMINAL CONVICTIONS
(Senate Joint Resolution No. 6)

WHEREAS, During the 94th General Assembly, the Legislative Task Force on Employment of Persons with Past Criminal Convictions (hereinafter referred to as the Task Force) was established pursuant to House Joint Resolution 107 for the purpose of conducting public hearings and examining the barriers faced by persons with past criminal convictions with respect to obtaining employment and for the purpose of evaluating those recommendations made by the Governor's Statewide Community Safety and Reentry Working Group; and

WHEREAS, As of the required reporting date, the Task Force's work is still ongoing and further investigation is needed prior to the preparation and submission of its report; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the Legislative Task Force on Employment of Persons with Past Criminal Convictions, organized pursuant to House Joint Resolution 107 of the 94th General Assembly, is hereby reconstituted; and be it further

RESOLVED, That the Task Force shall be comprised of those persons appointed pursuant to House Joint Resolution 107 of the 94th General Assembly until such time as those appointing authorities established in House Joint Resolution 107 appoint different persons to the Task Force; and be it further

RESOLVED, That the Task Force shall have the authority, duties, and purposes as set forth in House Joint Resolution 107 of the 94th General Assembly; and be it further

RESOLVED, That no later than December 31, 2008, the Task Force shall submit a report to the Governor and General Assembly of its findings and recommendations; and that the Task Force shall be dissolved after the filing of this report; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the ex-officio members of the Task Force and the Governor of the State of Illinois.
Adopted by the Senate, March 21, 2007.  
Concurred in by the House of Representatives, June 5, 2007.

LEGISLATIVE TASK FORCE ON EMPLOYMENT OF PERSONS WITH PAST CRIMINAL CONVICTIONS  
(House Joint Resolution No. 8)

WHEREAS, House Joint Resolution 107 which established a Legislative Task Force on Employment of Persons with Past Criminal Convictions was adopted unanimously by both houses of the Ninety-Fourth General Assembly; and  
WHEREAS, The Legislative Task Force on Employment of Persons with Past Criminal Convictions was directed to: examine the barriers faced by persons with past criminal convictions with respect to obtaining employment; conduct public hearings; evaluate those recommendations made by the Governor's Statewide Community Safety and Reentry Working Group; and report its findings and recommendations to the Governor and the General Assembly in a final report which was to be filed on or before January 1, 2007; and  
WHEREAS, The Legislative Task Force on Employment of Persons with Past Criminal Convictions did not have sufficient time to carry out its duties before the January 1, 2007 date set for its Report and Recommendations and before the final adjournment of the Ninety-Fourth General Assembly on January 9, 2007; and  
WHEREAS, The Ninety-Fifth General Assembly needs to reauthorize the Legislative Task Force on Employment of Persons with Past Criminal Convictions with the same membership and charge as the Task Force authorized by HJR 107 of the Ninety-Fourth General Assembly and set the date for the Report and Recommendations as on or before October 31, 2007; and  
WHEREAS, As stated in HJR 107, the barriers to employment and job promotion for persons with criminal convictions remain extremely complex issues, involving, among others, public employers at all levels of government, private employers, labor organizations, education and training institutions, public safety officials, public and private licensing and certification bodies, insurers, employment placement agencies, custodians of
and users of arrest and conviction records, drug treatment agencies, and
persons with criminal records; and
WHEREAS, As stated in HJR 107, a thorough examination of the
barriers to employment for people with criminal conviction records and a
thorough study of ways in which such barriers could be lowered or eliminated
without exposing employers, individuals, the general public, or property to
unreasonable risk is warranted; therefore, be it
RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS,
THE SENATE CONCURRING HEREIN, that there is hereby established a
Legislative Task Force on Employment of Persons with Past Criminal
Convictions; and be it further
RESOLVED, That the Task Force shall have the following members:
12 voting members, as follows: 3 members of the Senate appointed by the
President of the Senate, 3 members of the Senate appointed by the Senate
Minority Leader, 3 members of the House of Representatives appointed by
the Speaker of the House of Representatives, and 3 members of the House of
Representatives appointed by the House Minority Leader; and be it further
RESOLVED, That any member of the Ninety-Fifth General Assembly
who was previously appointed to the Legislative Task Force established by
HJR 107 of the Ninety-Fourth General Assembly shall remain as member of
the Task Force, unless the individual who holds the position responsible for
making the appointment determines otherwise; and be it further
RESOLVED, That all actions of the Task Force require the
affirmative vote of at least 7 voting members; and be it further
RESOLVED, That the following persons shall serve without
compensation as ex-officio, non-voting members of the Task Force:
(A) The Director of the Illinois Department of Corrections, or
his or her designee;
(B) The Director of the Illinois Department of Employment
Security, or his or her designee;
(C) The Secretary of the Illinois Department of Human
Services, or his or her designee;
(D) The Director of the Illinois Department of Children and
Family Services, or his or her designee;
(E) The Secretary of the Illinois Department of Financial and Professional Regulation, or his or her designee;
(F) The Director of the Department of Commerce and Economic Opportunity, or his or her designee; and
(G) The Chairman of the Illinois Human Rights Commission, or his or her designee; and be it further
RESOLVED, That the departments of State government and the Illinois Human Rights Commission represented on the Task Force shall work cooperatively to provide administrative support for the Task Force, and the Department of Employment Security shall be the primary agency in providing that support; and be it further
RESOLVED, That the voting members of the Task Force shall select a chairperson; and be it further
RESOLVED, That the Task Force shall conduct public hearings and examine the barriers faced by persons with past criminal convictions with respect to obtaining employment; and be it further
RESOLVED, That the Task Force shall evaluate those recommendations made by the Governor's Statewide Community Safety and Reentry Working Group; and be it further
RESOLVED, That the Task Force shall report its findings and recommendations to the Governor and the General Assembly in a final report which shall be filed on or before October 31, 2007; the requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act, and filing additional copies with the State Government Report Distribution Center for the General Assembly as required under paragraph (t) of Section 7 of the State Library Act; and be it further
RESOLVED, That the report shall include, but need not be limited to, the following:
(1) An assessment of those collateral consequences of a criminal conviction which impede employment of persons with past criminal convictions, and the experiences of other states in addressing this issue;
(2) An assessment of the preparation for gainful employment provided to those incarcerated in Illinois correctional facilities, and the experiences of other states in addressing this issue;

(3) An identification of the barriers which impede those with criminal records from obtaining stable employment; and

(4) Recommendations for legislative changes necessary to facilitate the employment of persons with past criminal convictions which, if implemented, would not expose the employer, an individual, the general public, or property to unreasonable risks; and be it further

RESOLVED, That within 60 days after the filing of the report, the appropriate standing committees of both the House and the Senate shall hold hearings to consider the recommendations made by the Task Force; and be it further

RESOLVED, That suitable copies of this Resolution be transmitted to the ex-officio members of the Task Force.


Concurred in by the Senate on May 30, 2007.

LUNG CANCER AWARENESS MONTH
(Senate Joint Resolution No. 30)

WHEREAS, Lung cancer is the leading cause of cancer deaths in both men and women in Illinois, the United States, and the world, this year killing more Americans than breast, prostate, and colon cancer combined; and

WHEREAS, There were an estimated 173,000 new cases of lung cancer and an estimated 428 deaths from lung cancer each day in the United States; and

WHEREAS, There will be an estimated 7,290 new cases of lung cancer in Illinois this year, and there will be an estimated 6,790 deaths from lung cancer this year; and

WHEREAS, Smoking is the number one cause of lung cancer, yet former smokers and persons who have never smoked comprise 60% of the majority of new cases of lung cancer each year; and

WHEREAS, Other causes of lung cancer are exposure to cancer-causing substances or carcinogens, such as asbestos, radon, uranium, arsenic, and certain petroleum products; and
WHEREAS, In the early stages of lung cancer, symptoms are usually not apparent, however, when symptoms occur, the cancer is often advanced; and

WHEREAS, Symptoms of lung cancer include chronic cough, hoarseness, coughing up blood, weight loss and loss of appetite, shortness of breath, fever without a known reason, wheezing, repeated bouts of bronchitis or pneumonia and chest pain; and

WHEREAS, There is currently no standard screening for lung cancer; and

WHEREAS, Funding for lung cancer medical research falls far short of that for other less fatal diseases; and

WHEREAS, To help build awareness and save lives, the Lung Cancer Alliance, a national patient advocacy group for lung cancer dedicated to helping build awareness of this disease, has proclaimed November as Lung Cancer Awareness Month; and

WHEREAS, It is only fitting and proper for the State of Illinois to join the nation in designating November as "Lung Cancer Awareness Month" so that through better education, more cases of lung cancer may be found in the early stage, when the chances of long-term survival are as high as 85 percent; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the month of November annually be designated "Lung Cancer Awareness Month" in the State of Illinois; and be it further

RESOLVED, That the Governor is requested to issue a proclamation calling upon the public officials and the citizens of Illinois to observe the month with appropriate activities and programs annually; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to Governor Rod Blagojevich.

Adopted by the Senate, March 21, 2007.
Concurred in by the House of Representatives, June 20, 2007.
OFFICER TERRY J. EMERICK MEMORIAL HIGHWAY
(Senate Joint Resolution No. 47)

WHEREAS, It is one of the privileges of the General Assembly to pay
due honor and respect to persons who devote their lives to the protection and
service of the general public; and

WHEREAS, Terry Jay Emerick of Vandalia was killed in a traffic
accident on May 25, 1994, while on duty as a police officer for the Illinois
Commerce Commission; and

WHEREAS, Officer Emerick was 29 years of age at the time of his
death and had served with the Illinois Commerce Commission Police for
more than 2 years; and

WHEREAS, Officer Emerick had served with the Hillsboro Police
from 1989 to 1991 and previously had served as a deputy and probation
officer in Fayette County; and

WHEREAS, Terry Emerick was born March 3, 1965, in Vandalia, the
son of Frank and Betty (Carman) Emerick; and

WHEREAS, Officer Emerick graduated from Vandalia High School
in 1983, attended Kaskaskia College for 2 years, and then completed a
bachelor's degree at Illinois State University in Normal; and

WHEREAS, Officer Emerick married the former Connie Noyes on
August 3, 1991; she lives in Hillsboro with their son, Noah Dean, now 13; and

WHEREAS, A portion of Illinois Route 185 between Hillsboro and
Vandalia lies in Montgomery County; and

WHEREAS, Montgomery County officials hope that a portion of the
highway can be designated in Officer Emerick's honor; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH
GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF
REPRESENTATIVES CONCURRING HEREIN, that a portion of Illinois
Route 185 in Montgomery County between Hillsboro and Vandalia be
designated the Officer Terry J. Emerick Memorial Highway; and be it further

RESOLVED, That the Illinois Department of Transportation is
requested to erect, at a location designated by officials of Montgomery
County, consistent with State regulations, a roadside memorial giving notice
of the name; and be it further
RESOLVED, That copies of this resolution be delivered to the Secretary of the Illinois Department of Transportation and the Montgomery County Board and that a suitable copy be presented to Connie Noyes Emerick.

Adopted by the Senate, May 18, 2007.
Concurred in by the House of Representatives, June 28, 2007.

**OPRAH WINFREY WEEK**
*(House Joint Resolution No. 17)*

WHEREAS, The Illinois General Assembly wishes to present this resolution as a tribute to and acknowledgment of Oprah Winfrey's contributions to the State of Illinois, the nation, and the world; we benefit immensely from her presence in Illinois; and

WHEREAS, Oprah Gail Winfrey was born on January 29, 1954 in Kosciusko, Mississippi; and

WHEREAS, She began her broadcasting career at WVOL radio in Nashville while still in high school; at the age of 19, she became the youngest person and the first African-American woman to anchor the news at Nashville's WTVF-TV; and

WHEREAS, In 1976, she moved to Baltimore, Maryland to join WJZ-TV news as a co-anchor of the Six O'Clock News, and in 1978, discovered her talent for hosting talk shows when she became co-host of WJZ-TV's talk show "People Are Talking", while continuing to serve as anchor and news reporter; in January 1984, she moved to Chicago to host WLS-TV's morning talk show "AM Chicago", which became the number one local talk show just one month after she began; in less than a year, the show expanded to one hour and, in September 1985, was renamed "The Oprah Winfrey Show"; in 1986, "The Oprah Winfrey Show" was syndicated and aired in 107 countries with 23 million viewers; and

WHEREAS, She has impacted the media of television, publishing, film, philanthropy, education, and health and fitness; and

WHEREAS, In the television medium, the film medium, and the print medium, she serves as chairperson of HARPO, Inc., HARPO Productions, Inc.; HARPO Studios Inc., HARPO Films, Inc., HARPO Print, LLC, and HARPO Video, Inc.; and
WHEREAS, She has received numerous awards, including the George Foster Peabody Individual Achievement Award (1996); the International Radio and Television Society's "Broadcaster of the Year" Award (1996); Newsweek's "Most Important Person" in books and media, TV Guide's "Television Performer of the Year" (1997); Time magazine's "100 Most Influential People of the 20th Century", the National Academy of Television Arts and Sciences' Lifetime Achievement Award (1998); the National Book Foundation's 50th Anniversary Gold Medal (1999); the Bob Hope Humanitarian Award, Broadcasting & Cable's Hall of Fame (2002); Association of American Publishers AAP Honors award (2003); National Association of Broadcasters Distinguished Service Award; and Time Magazine's "100 Most Influential People in the World" (2004); and

WHEREAS, After receiving 39 Daytime Emmy Awards, seven for Outstanding Host, nine for Outstanding Talk Show, 21 in the Creative Arts categories, and one for Oprah's work as supervising producer of the ABC After School Special "Shades of Single Protein", Oprah removed herself from future Emmy consideration in 1999, and the show followed suit in 2000; and

WHEREAS, Her never-ending philanthropy has been exemplified by such activities as ChristmasKindness South Africa 2002; Oprah Winfrey Leadership Academy for Girls-South Africa; and the Oprah Winfrey Scholars Program; among her many ventures that have improved the lives of countless individuals are Oprah's Angel Network; Oprah's Book Club; the Live Your Best Life Tour; her service as national spokesperson for "A Better Chance"; and her service as an advocate for the National Child Protection Act, which was signed on December 20, 1993 by President Clinton and declared the "Oprah Bill"; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the first week of February in 2008 and each subsequent year shall be known as Oprah Winfrey Week to recognize the innumerable achievements of Ms. Winfrey, as well as her mark on the world as an African-American woman; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Oprah Winfrey as an expression of our utmost respect and esteem.

Adopted by the House of Representatives on May 18, 2007.
Concurred in by the Senate on May 18, 2007.
PEOPLE OF THE MOUNTAINS
(Senate Joint Resolution No. 1)

WHEREAS, The People of the Mountains and their descendants can legitimately claim their Cherokee ancestry and heritage in all capacities, both public and private; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we support the People of the Mountains in their efforts to become a federally recognized Cherokee Tribe; and be it further

RESOLVED, That we support the efforts of the People of the Mountains to be allowed free access once each year to the Trail of Tears State Forest, including camp sites, to honor their ancestors who died there; and be it further

RESOLVED, That we support the efforts of the People of the Mountains to be allowed free access once each year during the third weekend in May to Pere Marquette State Park, including camp sites, in order to have the opportunity to view the sacred bald eagle in Illinois; and be it further

RESOLVED, That we support the efforts of the People of the Mountains to be permitted to possess sacred items, such as eagle feathers, hawk feathers, and turtle rattles, so long as they are acquired without harming the animals that are the sources of those items.

Adopted by the Senate, March 21, 2007.
Concurred in by the House of Representatives, June 29, 2007.

PRAIRIE STATE ACHIEVEMENT EXAMINATION
(Senate Joint Resolution No. 59)

WHEREAS, The State of Illinois has a responsibility to educate its citizens for success in the global economy; and

WHEREAS, Postsecondary education plays an increasingly important role in preparing Illinois residents for the demands of the modern workforce; and

WHEREAS, It is essential for Illinois' schools and colleges and universities to collaborate on measures to ensure that students are
well-prepared to succeed in postsecondary education and in the workplace; and

WHEREAS, Nationally, one in 3 first-year students in postsecondary education require remedial coursework; and

WHEREAS, The senior year of high school could be profitably used by students to become better prepared for college or to take advanced coursework for college credit; and

WHEREAS, All Illinois high school juniors take the Prairie State Achievement Examination, which assesses college readiness; and

WHEREAS, Data on student performance, both in kindergarten through grade 12 schools and in higher education, is crucial for improving curriculum, teaching, and learning; and

WHEREAS, The data available in the existing High School Feedback Report reported by public universities could be improved as a guide to high schools and policymakers in improving curriculum and pedagogy, but is currently inaccessible to State policymakers; and

WHEREAS, Implementing an effective feedback report can provide valuable tools for the assessment of student performance, the improvement of teaching and learning, and the alignment of graduation standards and curriculum with collegiate demands and expectations; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the Illinois Community College Board, the State Board of Education, and the Board of Higher Education are directed to develop a plan for using the Prairie State Achievement Examination to gauge students' college readiness, including the ability to place in college-level courses; and be it further

RESOLVED, That the State Board of Education, the Illinois Community College Board, and the Board of Higher Education shall develop a plan to use Prairie State Achievement Examination results to shape students' senior-year curricula, including any necessary remediation, in order to ensure college readiness upon high school graduation; and be it further

RESOLVED, That the State Board of Education, the Illinois Community College Board, and the Board of Higher Education, in conjunction with testing services, shall develop a new high school feedback report to better inform high school administrators and education policymakers
about students' performance during their first year at postsecondary institutions; and be it further

RESOLVED, That the new high school feedback report be available to the State Board of Education, the Illinois Community College Board, and the Board of Higher Education and that it be made public; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the State Board of Education, the Illinois Community College Board, and the Board of Higher Education.

Adopted by the Senate, June 15, 2007.
Concurred in by the House of Representatives, October 12, 2007.

PRAMUKH SWAMI MAHARAJ ROAD
(House Joint Resolution No. 70)

WHEREAS, Pramukh Swami Maharaj is the third and current spiritual leader of the BAPS Swaminarayan Organization and is believed to be the fifth spiritual successor to Bhagwan Swaminarayan; and

WHEREAS, Born Shantilal Patel, on December 7, 1921 in the village of Chansad in Gujarat, India, he was initiated into monkhood as Sadhu Narayanswarupdas; at the age of 28, he was appointed president (Pramukh) of BAPS by the then guru of the organization, Shastriji Maharaj, and from that day, affectionally called Pramukh Swami; after Shastriji Maharaj passed away, he was succeeded by Yogiji Maharaj, who in turn chose Pramukh Swami Maharaj to be his successor as the spiritual leader of BAPS; and

WHEREAS, Under Pramukh Swami Maharaj's leadership, the BAPS Swaminarayan Organization, and Hinduism in general, has enjoyed much success in promoting its message in India and abroad; this partly lies in the organization's approach, which is characteristic of other monotheistic religions, namely their centralization and huge organizational strength, and their emphasis on community development, the practice of dharma, and the understanding of spiritual knowledge based on the teachings of Bhagwan Swaminarayan, founder of the Swaminarayan movement within Hinduism in the late 18th century; many mainstream Hindus, primarily from the state of Gujarat in India, find themselves attracted to this and start identifying with BAPS; and
WHEREAS, Away from India, Pramukh Swami Maharaj has embarked on 15 world tours, covering 43 countries in 5 continents over the last 25 years; over 600 Temples and 9,000 spiritual centers have been established across Africa, America, Australia, Europe, the Far East and the Middle East; and

WHEREAS, Pramukh Swami Maharaj is credited as being the inspirer of the Swaminarayan Akshardham cultural complexes in New Delhi and Gujarat, and numerous traditionally built stone temples across the world, such as the BAPS Shri Swaminarayan Mandirs in London, Chicago, Houston, and Nairobi; and

WHEREAS, Pramukh Swami Maharaj has contributed to projects in social (famine relief, cattle camps, earthquake relief work), educational (literacy campaigns, youth hostels), ecological (tree planting, well recharging, recycling projects), medical (diagnostic camps, blood donation), moral (anti-addiction drives), cultural (child and youth development), and spiritual areas; and

WHEREAS, In July 2000, Pramukh Swami Maharaj was awarded a place in the Guinness World Records as one of the 20 most influential people in the world; also in July 2000, BAPS Shri Swaminarayan Mandir London, a temple inspired by Pramukh Swami Maharaj, was awarded a Guinness World Record for being the largest Hindu temple outside India; in November 2000, BAPS Shri Swaminarayan Mandir, London was awarded a Guinness World Record for the "Most Different Dishes on Display", where 1,247 different vegetarian dishes were displayed; the dishes were on display as part of the Annakut festival, celebrating the Hindu New Year; and

WHEREAS, The BAPS Shri Swaminarayan Mandir (Chicago), the largest traditional Hindu mandir constructed of stone and marble in the United States, is located on Illinois Route 59 in Bartlett; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the portion of Illinois Route 59 between Illinois Route 64 and Army Trail Road in Bartlett be designated the Pramukh Swami Maharaj Road; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State rules, appropriate plaques or signs giving notice of the name; and be it further
RESOLVED, That copies of this resolution be delivered to the Illinois Secretary of Transportation and to officials of the BAPS Shri Swaminarayan Mandir (Chicago), in Bartlett.

Adopted by the House of Representatives on June 7, 2007.
Concurred in by the Senate on July 26, 2007.

PROCUREMENT OF ADDITIONAL C-17 GLOBEMASTERS
(Senate Joint Resolution No. 40)

WHEREAS, The erosion of jobs in the United States due to outsourcing is at a critical all-time high; and

WHEREAS, The loss of high-technology Aerospace jobs is destroying this Nation's ability to design, fabricate, and assemble the products needed to defend itself; and

WHEREAS, The current administration in Washington, D.C., has elected to wage war in foreign lands; and

WHEREAS, The global war on terrorism has changed the needs of our military and stretched our resources thin; and

WHEREAS, The continued production of the C-17 Globemaster III, a transport aircraft capable of meeting the needs of our Nation's uniformed men and women, is being shut down; and

WHEREAS, The United States needs additional modern aircraft capable of meeting the needs of Future Combat Systems, current strategic and tactical missions, humanitarian missions, and other requirements placed on our military; and

WHEREAS, The current plan to upgrade older, less reliable C-5's will not fully meet our Nation's needs; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREFIN, that we stand in support of legislation at the federal level to procure additional C-17 Globemasters beyond the current 190 approved; and be it further

RESOLVED, That by supporting such legislation, the General Assembly of Illinois goes on record as saying the erosion of jobs in the United States must end; and be it further
RESOLVED, That the need to support our uniformed men and women protecting our freedoms and lands must be given due priority by our elected representatives in Washington, D.C.; and be it further
RESOLVED, That a suitable copy of this resolution be presented to each member of the Illinois congressional delegation.
Adopted by the Senate, May 18, 2007.
Concurred in by the House of Representatives, August 1, 2007.

RECONSTITUTE THE JOINT TASK FORCE ON DEAF AND HARD OF HEARING EDUCATION OPTIONS
(Senate Joint Resolution No. 26)

WHEREAS, During the 94th General Assembly, the Joint Task Force on Deaf and Hard of Hearing Education Options (hereinafter referred to as the Joint Task Force) was created by House Joint Resolution 43 and was established to undertake a comprehensive and thorough review of education and services available to the deaf or hard-of-hearing children in Illinois; and
WHEREAS, The Joint Task Force was to report its findings and recommendations to the General Assembly no later than January 1, 2007; and
WHEREAS, As of the required reporting date, the Joint Task Force's work is still ongoing and further investigation is needed prior to the preparation and submission of its report; therefore, be it
RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the Joint Task Force on Deaf and Hard of Hearing Education Options, organized pursuant to House Joint Resolution 43 of the 94th General Assembly, is hereby reconstituted; and be it further
RESOLVED, That the Joint Task Force shall be comprised of those persons appointed pursuant to House Joint Resolution 43 of the 94th General Assembly until such time as those appointing authorities established in House Joint Resolution 43 appoint different persons to the Joint Task Force; and be it further
RESOLVED, That the Joint Task Force shall have the authority, duties, and purposes as set forth in House Joint Resolution 43 of the 94th General Assembly; and be it further
RESOLVED, That no later than December 31, 2008, the Joint Task Force shall submit a report to the General Assembly of its findings and recommendations; and that the Joint Task Force shall be dissolved after the filing of this report; and be it further
RESOLVED, That a suitable copy of this resolution be delivered to the Governor of the State of Illinois.

Adopted by the Senate, March 21, 2007.
Concurred in by the House of Representatives, June 20, 2007.

RECyling AND REUSE OF WIRELESS TELEPHONES
(Senate Joint Resolution No. 46)

WHEREAS, Even though wireless telephones are small, the sheer number of the devices sold across the State of Illinois presents environmental challenges; and
WHEREAS, Wireless telephones consume energy and can be a disposal problem; and
WHEREAS, It is estimated that there will be more than 1,000,000,000 wireless telephones sold worldwide next year; and
WHEREAS, Continued advances in technology permit the industry to introduce new models with increased function and regulations allow consumers to retain their cell phone numbers when switching service providers; and
WHEREAS, There is no other consumer electronic device that is often replaced every 18 months; and
WHEREAS, Wireless take-back and refurbishment and recycling programs are national, voluntary, self-funding, and have existed for many years; and
WHEREAS, Wireless industry guidelines are agnostic with respect to handset types, brands, or where the handsets and accessories are turned back; and
WHEREAS, The markets for used wireless phones are different from most of the electronics industry with one market for refurbished phones and one market for recycled materials; and

WHEREAS, The industry expects that design changes required for the sale or import of wireless telephones in the European Union will also be applied to products marketed and sold in the United States; and

WHEREAS, More than 70% of a wireless phone can be recycled; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that it is important for manufacturers of wireless telephones to design products with environmentally friendly materials to the extent practicable; and be it further

RESOLVED, That manufacturers of wireless telephones design these products to use less energy; and be it further

RESOLVED, That manufacturers and retailers of wireless telephones accept, at no charge, up to 10 used wireless telephones from any person during the normal business hours of such business; and be it further

RESOLVED, That manufacturers and retailers of wireless telephones work to foster responsible stewardship practices among customers, suppliers, stakeholders, and employees; and be it further

RESOLVED, That manufacturers of wireless telephones and retailers of wireless telephones arrange for the collection and shipping and the refurbishment or recycling of wireless telephones by partners committed to environmentally sound practices for recycling and reuse; and be it further

RESOLVED, That manufacturers and retailers of wireless telephones inform customers of ways in which they can help ensure the environmentally sound disposition of used wireless devices; and be it further

RESOLVED, That manufacturers and retailers of wireless phones make information regarding the take-back of used wireless devices publicly available in avenues appropriate for the business type, including store signs, website posting, or other media; and be it further

RESOLVED, That manufacturers and retailers of wireless telephones regularly re-evaluate the reuse and recycling plans so that they will continue to provide an easy system for collection, reuse, and recycling of wireless telephones.
Concurred in by the House of Representatives, June 28, 2007.

REPEAL THE REAL ID ACT OF 2005
(House Joint Resolution No. 27)

WHEREAS, The State of Illinois recognizes the Constitution of the United States as our charter of liberty and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of privacy and from unreasonable searches; and

WHEREAS, Each of Illinois' duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the State of Illinois; and

WHEREAS, The State of Illinois denounces and condemns all acts of terrorism by any entity, wherever the acts occur; and

WHEREAS, Terrorist attacks against Americans, such as those that occurred on September 11, 2001, have necessitated the crafting of effective laws to protect citizens of the United States and others from terrorist attacks; and

WHEREAS, Any new security measures of federal, state, and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent citizens of Illinois and the United States; and

WHEREAS, The federal Real ID Act of 2005 creates a national identification card by requiring uniform information be placed on every state drivers' license, requiring this information to be machine-readable in a standard format and requiring this card for any federal purpose including air travel; and

WHEREAS, Real ID will be a costly unfunded mandate on the State with the National Governors' Association, the National Conference of State Legislators, and the American Association of Motor Vehicle Administrators estimating that Real ID will cost at least $11 billion nationally over the next 5 years; and

WHEREAS, Real ID requires the creation of a massive public sector database containing the drivers' license information on every American,
accessible to every state motor vehicle employee and state and federal law enforcement officer; and

WHEREAS, Real ID enables the creation of an additional massive private sector database of drivers' license information gained from scanning the machine-readable information contained on every driver's license; and

WHEREAS, These public and private databases are certain to contain numerous errors and false information, creating significant hardship for Americans attempting to verify their identity in order to fly, open a bank account, or perform any of the numerous functions required to live in the United States today; and

WHEREAS, The Federal Trade Commission estimates that 10 million Americans are victims of identity theft annually and these thieves are increasingly targeting motor vehicle departments, Real ID will enable the crime of identity theft by making the personal information of all Americans including name, date of birth, gender, driver's license or identification card number, digital photograph, address, and signature accessible from tens of thousands of locations; and

WHEREAS, Real ID requires the drivers' licenses to contain actual home addresses in all cases and makes no provision for securing personal information for individuals in potential danger such as undercover police officers and victims of stalking or criminal harassment; and

WHEREAS, Real ID contains no exemption for religion, limits religious liberty, and tramples the beliefs of groups such as the Amish and some Evangelical Christians; and

WHEREAS, Real ID contains onerous record verification and retention provisions that place unreasonable burdens on both state Driver Services offices and on third parties required to verify records; and

WHEREAS, Real ID will likely place enormous burdens on consumers seeking a new driver's license including longer lines, higher costs, increased document requests, and a waiting period; and

WHEREAS, Real ID will put under-resourced motor vehicle administration staff on the front lines of immigration enforcement by forcing them to determine citizenship status, increasing the potential for discrimination based on race and ethnicity, and placing an excessive burden on foreign-born license applicants and motor vehicle staff; and
WHEREAS, Real ID was passed without sufficient deliberation by Congress and never received a hearing by any Congressional committee or any vote solely on its own merits; and

WHEREAS, Real ID eliminated a process of negotiated rulemaking initiated under the Intelligence Reform and Terrorism Prevention Act of 2004, which had convened federal, state, and local policy makers, privacy advocates, and industry experts to solve the problem of misuse in identity documents; and

WHEREAS, More than 600 organizations opposed the passage of Real ID including the American Civil Liberties Union of Illinois; and

WHEREAS, Real ID would provide little security benefit and still leave identification systems open to insider fraud, counterfeit documentation, and database failures; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the Illinois General Assembly supports the government of the United States in its campaign against terrorism and affirms the commitment of the United States that the campaign not be waged at the expense of essential civil rights and liberties of citizens of this country that are protected in the United States Constitution and the Bill of Rights; and be it further

RESOLVED, That the members of the Illinois General Assembly oppose any portion of the Real ID Act that violates the rights and liberties guaranteed under the Illinois Constitution or the United States Constitution, including the Bill of Rights; and be it further

RESOLVED, That the Illinois General Assembly urges the Illinois Congressional delegation in the United States Congress to support measures to repeal the Real ID Act of 2005; and be it further

RESOLVED, That a copy of this resolution be delivered to President George W. Bush, Attorney General Alberto R. Gonzales, Governor Rod R. Blagojevich, Senator Richard Durbin, Senator Barack Obama, and each of the members of the Illinois Congressional delegation.

Adopted by the House of Representatives on May 22, 2007.
Concurred in by the Senate May 23, 2007.
SAVINGS FOR WORKING FAMILIES ACT
(House Joint Resolution No. 51)

WHEREAS, For the second year in a row, the national personal savings rate remains below zero; and

WHEREAS, A negative savings rate in the United States has not occurred since the Great Depression; and

WHEREAS, Nationally, one in five families have a negative net worth; about one-third of low-income households and more than one-tenth of moderate-income households report having no financial assets at all; and

WHEREAS, The United States Congress has reintroduced legislation in the 110th Congress creating the Savings for Working Families Act that would ensure that our nation's savings and ownership policies assist working-poor families by enabling them to save, build wealth, and enter the financial mainstream through the use of Individual Development Accounts; and

WHEREAS, Individual Development Accounts help low-income families build assets for buying a first home, receiving post-secondary education, or starting or expanding a small business; and

WHEREAS, The President of the United States included funding for 900,000 Individual Development Accounts in his 2007 budget request, and, meanwhile, the Congress, in a bi-partisan effort, gathered 68 co-sponsors (35 Democrats and 33 Republicans) on the bill; and

WHEREAS, The Savings for Working Families Act creates a tax credit for financial institutions that match the savings of the working poor through Individual Development Accounts; and

WHEREAS, Financial institutions offering Individual Development Accounts will be reimbursed through a federal tax credit for all matching funds, up to $500 per year for four years, and receive a tax credit of $50 per account per year for account management; and

WHEREAS, Those who save in an Individual Development Account must complete financial education from a nonprofit organization prior to the asset purchase; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the Illinois General Assembly
urges the members of the Illinois delegation to the United States Congress to give full consideration to the passage of the Savings for Working Families Act as represented in House Resolution 1514; and be it further
RESOLVED, That a suitable copy of this resolution be sent to each member of the Illinois congressional delegation.

Adopted by the House of Representatives on July 26, 2007.
Concurred in by the Senate on July 26, 2007.

SHAWNEE HILLS WINE TRAIL
(House Joint Resolution No. 48)

WHEREAS, The wine industry is vital to the health of both Illinois agriculture and tourism; and
WHEREAS, Several wineries in Jackson and Union Counties have banded together as the Shawnee Hills Wine Trail; and
WHEREAS, Portions of the Shawnee Hills Wine Trail traverse Illinois 127 between Aldridge Road and Orchard Hills Road south of Carbondale as well as various county highways in Alexander, Johnson, Williamson, Jackson, and Union Counties; therefore, be it
RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the aforementioned roads be officially named the Shawnee Hills Wine Trail; and be it further
RESOLVED, That the Illinois Department of Transportation, Alexander County, Johnson County, Williamson County, Jackson County, and Union County be directed to erect, at suitable locations consistent with State and federal regulations, appropriate signs along highways under their respective jurisdictions giving notice of the trail; and be it further
RESOLVED, That suitable copies of this resolution be presented to the Shawnee Wine Trail organization, the Director of Agriculture, the Director of Commerce and Economic Opportunity, the counties of Alexander, Johnson, Williamson, Jackson, and Union, and the Secretary of Transportation.

Adopted by the House of Representatives on July 26, 2007.
Concurred in by the Senate on July 26, 2007.
SHAWNEE HILLS WINE TRAIL  
(Senate Joint Resolution No. 37)

WHEREAS, The wine industry is vital to the health of both Illinois agriculture and tourism; and  
WHEREAS, Several wineries in Jackson and Union Counties have banded together as the Shawnee Hills Wine Trail; and  
WHEREAS, Portions of the Shawnee Hills Wine Trail traverse Illinois 127 between Aldridge Road and Orchard Hills Road south of Carbondale as well as various county highways in both Jackson and Union Counties; therefore, be it  
RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the aforementioned roads be officially named the Shawnee Hills Wine Trail; and be it further  
RESOLVED, That the Illinois Department of Transportation, Jackson County, and Union County be directed to erect, at suitable locations consistent with State and federal regulations, appropriate signs along highways under their respective jurisdictions giving notice of the trail; and be it further  
RESOLVED, That suitable copies of this resolution be presented to the Shawnee Wine Trail organization, the Director of Agriculture, the Director of Commerce and Economic Opportunity, the counties of Jackson and Union, and the Secretary of Transportation.

Adopted by the Senate, May 18, 2007.  
Concurred in by the House of Representatives, July 24, 2007.

STATE CHILDREN’S HEALTH INSURANCE PROGRAM  
(House Joint Resolution No. 26)

WHEREAS, The Legislature of the State of Illinois regards the health of our children to be of paramount importance to families in our State; and  
WHEREAS, The Legislature of the State of Illinois regards poor child health as a threat to the educational achievement and social and psychological well-being of the children of our State; and
WHEREAS, The Legislature of the State of Illinois considers protecting the health of our children to be essential to the well-being of our youngest citizens and the quality of life in our State; and

WHEREAS, The Legislature considers the All Kids Program, which is currently providing health coverage to approximately 160,000 children, to be an integral part of the arrangements for health benefits for the children of the State of Illinois; and

WHEREAS, The Legislature recognizes the value of the All Kids Program in preserving child wellness, preventing and treating childhood disease, improving health outcomes, and reducing overall health costs; and

WHEREAS, The Legislature of the State of Illinois considers the federal funding available for the All Kids Program to be indispensable to providing health benefits for children of modest means; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we urge the members of the Illinois delegation to the United States Congress to ensure that the Congress timely reauthorizes the State Children's Health Insurance Program (SCHIP) to ensure federal funding for the All Kids Program; and be it further

RESOLVED, That the Legislature proclaims that all components of State government should work together with educators, health care providers, social workers, and parents to ensure that all available public and private assistance for providing health benefits to uninsured children in this State be used to the maximum extent possible; and be it further

RESOLVED, That a suitable copy of this resolution be sent to each member of the Illinois Congressional delegation.

Adopted by the House of Representatives on May 22, 2007.
Concurred in by the Senate on May 23, 2007.

TASK FORCE ON THE HIGHER EDUCATION AND THE ECONOMY
(House Joint Resolution No. 69)

WHEREAS, Postsecondary education is essential in the modern economy; and
WHEREAS, The demographics of Illinois' population are changing dramatically and rapidly; and

WHEREAS, The demands of employers in every sector of the economy require ever-higher levels of educational attainment; and

WHEREAS, The National Conference of State Legislatures issued a Blue Ribbon Commission report, "Transforming Higher Education - National Imperative, State Responsibility", in October 2006, calling for the development of a state higher education agenda; and

WHEREAS, The Board of Higher Education has the statutory responsibility for higher education master planning; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the Board of Higher Education undertake a master plan for Illinois higher education through the creation of a Task Force on Higher Education and the Economy to study the challenges and opportunities facing higher education, the State's workforce needs, demographic trends, and higher education funding and student financial aid; and be it further

RESOLVED, that the Task Force shall be chaired by the Chairperson of the Board of Higher Education and be composed of 4 members of the General Assembly, one appointed by the Speaker of the House of Representatives, one appointed by the Minority Leader of the House of Representatives, one appointed by the President of the Senate, and one appointed by the Minority Leader of the Senate; and 20 members appointed by the Governor, from nominees recommended by the Board of Higher Education, as follows:

(1) a president or senior administrator of a public university;
(2) a trustee of a community college;
(3) a president or senior administrator of a community college;
(4) a representative of the independent, not-for-profit education sector;
(5) 3 business leaders from statewide business associations, an Illinois-based corporation, or the Illinois Workforce Investment Board;
(6) a leader of a civic or nonprofit organization or foundation;
(7) a leader of the healthcare industry;
(8) an expert in student financial aid;
(9) a school district superintendent;
(10) a labor leader representing a statewide labor organization;
(11) 2 faculty members or academic professionals from community colleges;
(12) 2 faculty members or academic professionals from public universities;
(13) one faculty member nominated by the Faculty Advisory Council to the Board of Higher Education;
(14) one student nominated by the Student Advisory Committee to the Board of Higher Education;
(15) one nationally recognized leader in higher education policy; and
(16) a representative of the proprietary education sector; and
be it further
RESOLVED, That the master plan shall do the following:
   (1) define the public needs for higher education, through collection and analysis of
data about the State's (i) social conditions, including age, race and ethnicity, family structure, family income, regional differences, educational attainment, population migration, and health characteristics; (ii) economic conditions, including industry mix, importing and exporting, economic strengths, effects of globalization, State gross domestic product, tax collections, new business starts, regional differences, personal income, and healthcare quality and availability; and (iii) educational conditions, including governance and coordination, finance, achievement gaps, student pipeline issues, healthcare and professional education, institutional focus, and regional differences;
   (2) review existing policies to determine how the Illinois higher education system operates and meets the public needs of this State in such areas as (i) preparation for the workplace and college, including kindergarten through grade 12 student development, teacher and school leader preparation, dual enrollment, curriculum alignment between
kindergarten through grade 12 schools and higher education, use of placement examinations, high school graduation standards, and college entrance requirements, the need for remedial coursework in colleges and universities, adult education and adult literacy, mechanisms for feedback on student and graduate performance, data systems, efficiency and productivity, marketing, and financial implications; (ii) postsecondary participation, including institutional and sector capacity, underrepresented groups, distance education, off-campus degree completion opportunities, dual enrollment, counseling, advising, and other student services, adult education, healthcare, graduate and professional training, certificate and workforce training, data systems, efficiency, and productivity, marketing, and financial implications; (iii) affordability, including adequacy of campus funding, tuition and fee policies, financial aid programs and policies (including need-based aid, merit-based aid, institutional aid, waiver programs, savings programs, loan programs, healthcare, and graduate professional training), the relationship between public funding, tuition and fees, and financial aid, data systems, and efficiency and productivity, (iv) degree completion, including counseling, advising, childcare, and other student services, underrepresented groups, off-campus degree completion, transfer agreements, the Illinois Articulation Initiative, the Course Applicability System, stop-out and dropout intervention, student goals less than a degree, and data systems, efficiency, and productivity, (v) research and economic development, focusing on critical workforce needs, workforce development, adult education and retraining, research and development, applied research activities, technology transfer, retention of graduates, health care provision and training, regional cultural resources, data systems, efficiency, and productivity, and financial implications; and (vi) learning, including student assessment, use of placement exams, achievement gaps, remediation, and student performance feedback systems; and

(3) provide recommendations for statewide goals for higher education, sector and
institutional roles and responsibilities, accountability measures, coordination strategies, and a schedule for implementation; and be it further

RESOLVED, That the Board of Higher Education may draw on the expertise and research of national educational consultants and State institutional policy centers; and be it further

RESOLVED, That the House and Senate higher education and higher education appropriation committees may hold hearings to explore such issues as college preparation, degree persistence and completion, affordability, the needs of nontraditional students, the effect of demographic trends on enrollments, student services, and degree completion, finance and student aid, deferred maintenance and capital needs, and other topics as determined by these committees; and be it further

RESOLVED, That the Board of Higher Education shall present a preliminary report to the Task Force on its findings and conclusions based on the collection and review of data, its audit of existing policies, and public hearings; and be it further

RESOLVED, That the Board of Higher Education shall provide quarterly progress reports to the Governor, legislative leaders, the House and Senate Higher Education Committees, the House Appropriations - Higher Education Committee, and the Senate Appropriations III Committee, with the first report to be completed within 3 months after the appointment of the Task Force; and be it further

RESOLVED, That the Task Force shall establish a public comment period and mechanisms, including public hearings and a web-based outlet for written testimony, to gather evidence and viewpoints of the public, institutional administrators, students and families, faculty, employers, local civic and educational leaders, and other interested parties and stakeholders regarding the preliminary report; and be it further

RESOLVED, That the Task Force shall create a master plan and public agenda for higher education that shall consider, but not be limited to, all of the following:

(1) demographics of the State's population;
(2) the State's economic and educational conditions;
(3) educational attainment levels and needs of the State's residents;
(4) integration of prekindergarten through grade 12 schools and postsecondary education in goals, outcomes, and data collection;
(5) student pipeline issues, including college readiness, articulation to college, and postsecondary retention, transfer, and graduation rates;
(6) adult learners;
(7) workforce readiness;
(8) college affordability and trends in higher education financing, financial aid, and student debt and alternatives to maximize efficient use of resources;
(9) capital needs and deferred maintenance at public colleges and universities;
(10) future academic and financial pressures for public higher education, including retention of faculty and staff;
(11) innovation in approaches to teaching and learning;
(12) the role of higher education in the global competitiveness of the State;
(13) the value of academic research;
(14) partnerships involving prekindergarten through grade 12 schools, higher education, and business; and
(15) productivity and accountability; and be it further
RESOLVED, That the Task Force shall report to the General Assembly and the Governor on or before August 15, 2008 with a master plan and public agenda for Illinois higher education that includes each of the following:

(1) goals for academic preparation, participation in postsecondary education, affordability, degree completion, research and economic development, and learning;
(2) responsibilities for educational sectors and financial implications;
(3) accountability measures;
(4) coordination; and
(5) timelines and responsibilities; and be it further
RESOLVED, That suitable copies of this resolution be delivered to the Governor, the Chairperson of the Board of Higher Education, the Chairperson of the Illinois Community College Board, the Chairperson of the
State Board of Education, the Chairperson of the Illinois Student Assistance Commission, and the President of each public college and university in this State.

Adopted by the House of Representatives on June 20, 2007.
Concurred in by the Senate on July 26, 2007.

**TASK FORCE TO IMPLEMENT IMPROVEMENTS IN SCHOOL LEADERSHIP PREPARATION**
*(House Joint Resolution No. 66)*

WHEREAS, Hundreds of Illinois schools in rural, suburban, and urban areas are designated for federal and State improvement status to improve low student achievement levels; and

WHEREAS, Illinois is committed to closing the gap in learning achievement levels between low-income and middle-income or upper-income children and youth; and

WHEREAS, Research indicates that successful low-income schools where student achievement rates exceed State averages are led by an outstanding school principal; and

WHEREAS, An essential route to improving student learning in any low-achieving school is through the intervention of a school principal with the motivation, commitment, current knowledge, skills, and disposition to attract, retain, and mobilize teachers to improve the quality of instruction and learning throughout the school; and

WHEREAS, It is a goal of the State of Illinois that all schools have leadership that improves teaching and learning and increases the academic achievement and development of all students; and

WHEREAS, In August 2006 the report, "School Leader Preparation: Blueprint for Change", commissioned by the Board of Higher Education, analyzed the mismatch between leadership credentialing and the needs of Illinois schools and recommended a total of 25 specific actions to be undertaken by the Board of Higher Education, the State Board of Education, the General Assembly, the Governor's office, college and university presidents, and school districts to improve school leadership in this State; therefore, be it
RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the State Board of Education, the Board of Higher Education, and the Office of the Governor shall jointly appoint a task force to recommend a sequence of strategic steps, based on, but not limited to, the measures detailed in "Blueprint for Change", to implement improvements in school leadership preparation in this State; and be it further 

RESOLVED, That the task force shall include representatives from a statewide organization representing principals, an association representing Chicago public school principals, a statewide organization representing education leadership faculty, a statewide organization representing private college and university education deans, a statewide organization representing public university education deans, statewide organizations representing teachers, a statewide organization representing superintendents, a statewide organization representing school board members, the State Board of Education, the Board of Higher Education, and other appropriate stakeholders; and be it further 

RESOLVED, That the Governor shall appoint a chairperson in consultation with the State Board of Education and the Board of Higher Education; and be it further 

RESOLVED, That the chairperson and the task force shall designate staff from the appropriate State agencies or educational organizations with expertise in school leadership preparation; and be it further 

RESOLVED, That this task force shall file a report of its findings with the General Assembly, the Office of the Governor, the State Board of Education, and the Board of Higher Education on or before February 1, 2008; and be it further 

RESOLVED, That suitable copies of this resolution be delivered to the State Board of Education, the Board of Higher Education, and the Governor.

Adopted by the House of Representatives on July 26, 2007. 
Concurred in by the Senate on July 26, 2007.
JOINT RESOLUTIONS  

TASK FORCE TO STUDY SPECIAL EDUCATION FUNDING NEEDS  

(House Joint Resolution No. 24)

WHEREAS, In the 2005-2006 school year, over 322,000 children with disabilities were served in special education programs across Illinois; and

WHEREAS, The number of children in special education programs has risen 5.4% in the last 5 years, and special education accounts for approximately 23% of all State education spending; and

WHEREAS, The federal government has established a goal of reimbursing 40% of the costs of special education incurred by school districts, but it currently provides only 18% of costs nationally and only 14% in Illinois; and

WHEREAS, Illinois has failed for decades to update reimbursement rates for special education costs, with the last reimbursement rate set in 1973 for special education orphanage tuition, in 1985 for special education personnel, in 1978 for special education private tuition, in 1976 for special education summer school, and in 1965 for special education transportation; and

WHEREAS, Illinois has continued to prorate special education mandated categoricals at less than 100%, with the FY07 budget prorating these mandated categoricals at 97%; and

WHEREAS, Even if Illinois fully funded mandated categoricals at 100%, this would still only represent partial funding, as the reimbursement rates are severely outdated; and

WHEREAS, Illinois school districts currently spend an estimated $1 billion from their own general education funds to meet the unreimbursed costs of special education services that are mandated by federal and State laws and administrative rules; and

WHEREAS, Special education continues to represent a growing financial burden on school districts as the need for services increases while State and federal funding fails to increase along with that need; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS,
THE SENATE CONCURRING HEREIN, that a task force shall be created to study current special education funding needs and to make recommendations as to how the State can increase special education funding and ease the financial burden on school districts; and be it further

RESOLVED, That the task force shall consist of the State Superintendent of Education (or his or her designee) plus 16 members appointed as follows: the House Majority Leader and the House Minority Leader shall each appoint one representative, the Senate President and the Senate Minority Leader shall each appoint one senator, and these 4 leaders shall each appoint 3 public members representing the interests of special education administrators and services, school districts, non-public special education facilities, and disability advocates; and be it further

RESOLVED, That the task force shall be facilitated by the State Board of Education; and be it further

RESOLVED, That the task force shall report its findings and recommendations to the Governor and the General Assembly by August 1, 2008; and be it further

RESOLVED, That a suitable copy of this resolution be transmitted to the State Superintendent of Education.

Adopted by the House of Representatives on July 26, 2007.
Concurred in by the Senate on June 15, 2007.

THE COMMISSION TO STUDY THE TRANSatlantic SLAVE TRADE AND ITS PAST AND PRESENT EFFECTS ON AFRICAN-AMERICANS
(Senate Joint Resolution No. 3)

WHEREAS, The Commission to Study the Transatlantic Slave Trade and its Past and Present Effects on African-Americans (hereinafter referred to as the Commission) was created by SJR 31 of the Ninety-fourth General Assembly; and

WHEREAS, The Commission was required to report no later than December 1, 2006, to the General Assembly, the Governor, and the general public on its activities, accomplishments, and recommendations, and that the Commission was to be dissolved after the filing of this report; and
WHEREAS, As of the required reporting date, the Commission's work was still ongoing and further investigation was needed prior to the preparation and submission of its report; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the Commission to Study the Transatlantic Slave Trade and its Past and Present Effects on African-Americans, organized pursuant to SJR 31 of the 94th General Assembly, is hereby reconstituted; and be it further

RESOLVED, That the Commission shall be comprised of those persons appointed pursuant to SJR 31 of the 94th General Assembly until such time as those appointing authorities established in SJR 31 appoint different persons to the Commission; and be it further

RESOLVED, That the Commission shall have the authority, duties, and purposes as set forth in SJR 31 of the Ninety-fourth General Assembly; and be it further

RESOLVED, That no later than December 31, 2008, the Commission shall report to the General Assembly, the Governor, and the general public on its activities, accomplishments, and recommendations; and that the Commission shall be dissolved after the filing of this report; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Governor of the State of Illinois.

Adopted by the Senate, March 21, 2007.
Concurred in by the House of Representatives, June 7, 2007.

THE DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY AND LINCOLN-DOUGLAS DEBATES SESQUICENTENNIAL COLLATION

(House Joint Resolution No. 11)

WHEREAS, The series of debates between Stephen A. Douglas and Abraham Lincoln in their 1858 bid for a United States Senate seat from Illinois is a significant example of the role of public discussion and debate of issues by candidates before the electorate; and

WHEREAS, 2008 will mark the 150th anniversary of what are now seen as the greatest political debates in the United States in the nineteenth
century, leading as they did to the eventual election of Abraham Lincoln to
the office of President of the United States; and

WHEREAS, The 7 Illinois communities that hosted the original
debates, Ottawa, Freeport, Jonesboro, Charleston, Galesburg, Quincy, and
Alton, meeting together as the Lincoln-Douglas Debates Sesquicentennial
Collation and with the assistance of the Looking for Lincoln Heritage
Coalition, have and are making coordinated and comprehensive plans for
fitting commemorative activities during the Sesquicentennial year, including:
(i) traveling museum exhibits, (ii) a program of Lincoln and Douglas
portrayers to present background on the debates with a modern political
context as a means of explication for today's citizens that is to be presented
in the 7 debates cities, plus Springfield, Chicago, and Bement, (iii) a
coordinated calendar of activities to be promulgated to the general public
through a single brochure and a single website, (iv) the issuance of
commemorative collector coins, and (v) the hosting of a commemorative
national high school debate tournament; and

WHEREAS, Several State agencies, the Abraham Lincoln
Presidential Library and Museum, the Governor's Rural Affairs Council, the
Illinois Bureau of Tourism, the Illinois Historic Preservation Agency, as well
as several non-governmental organizations, both national and State, the
Lincoln-Douglas Society, the Stephen A. Douglas Association, the Abraham
Lincoln Association, the National Forensic League, the Illinois High School
Association, and the Illinois Speech and Theater Association, have already
engaged in assisting the Lincoln-Douglas Debates Sesquicentennial Collation
in planning activities for the Sesquicentennial year; and

WHEREAS, A well-coordinated series of activities and programs
during 2008 will serve as preliminary attractions for tourism in and to Illinois
in anticipation of the 2009 programming being planned for the bicentennial
of Abraham Lincoln's birth; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS,
THE SENATE CONCURRING HEREIN, that the Illinois Department of
Commerce and Economic Opportunity shall be designated as the agency
within the State's executive branch to work with the Lincoln-Douglas Debates
Sesquicentennial Collation for the purposes of:
1. Further planning and implementation of Sesquicentennial activities, and
2. Recommending to the Illinois General Assembly such budget and funding requests as shall be deemed appropriate to ensure the smooth implementation of the previously developed, as well as any future, plans for commemorating the Sesquicentennial of the Lincoln-Douglas Debates in Illinois; and be it further
RESOLVED, That copies of this resolution be transmitted to all of the communities, agencies, and non-governmental organizations identified within it, as well as to all of the constitutional officers of the State of Illinois, and the Governor's Illinois Abraham Lincoln Bicentennial Commission.
Adopted by the House of Representatives on June 15, 2007.
Concurred in by the Senate on June 15, 2007.

UNITED STATES DEPARTMENT OF STATE’S VISA WAIVER PROGRAM FOR POLAND
(Senate Joint Resolution No. 17)

WHEREAS, The Republic of Poland is a free, democratic, and independent nation; and
WHEREAS, In 1999, the United States and the Republic of Poland became formal allies when Poland was granted membership in the North Atlantic Treaty Organization; and
WHEREAS, The Republic of Poland has proven to be an indispensable ally in the global campaign against terrorism; and
WHEREAS, The Republic of Poland has actively participated in Operation Iraqi Freedom and the Iraqi reconstruction, shedding blood along with American soldiers; and
WHEREAS, The President of the United States and other high ranking officials have described Poland as "one of our closest friends"; and
WHEREAS, On April 15, 1991, the Republic of Poland unilaterally repealed the visa obligation to United States citizens traveling to Poland; and
WHEREAS, The United States Department of State's Visa Waiver Program currently allows approximately 23 million citizens from 27 countries to travel to the United States for tourism or business for up to 90 days without having first to obtain visas for entry; and
WHEREAS, The countries that currently participate in the Visa Waiver Program include Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom; and
WHEREAS, It is appropriate that the Republic of Poland be made eligible for the United States Department of State's Visa Waiver Program; therefore, be it
RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREBIN, that we respectfully urge the President of the United States and the Congress of the United States to make the Republic of Poland eligible for the United States Department of State's Visa Waiver Program; and be it further
RESOLVED, That suitable copies of this resolution be transmitted to the President of the United States, the presiding officers of the United States Senate and the House of Representatives, all members of the Illinois Congressional delegation, and to Dr. Janusz Reiter, the Ambassador of the Republic of Poland to the United States.
Adopted by the Senate, May 18, 2007.
Concurred in by the House of Representatives, October 12, 2007.

VETERANS MEMORIAL TOLLWAY
(Senate Joint Resolution No. 28)

WHEREAS, Thousands of Illinois service members are currently engaged in the Global War on Terror; and
WHEREAS, Citizens on the home front have a responsibility to the men and women in uniform; and
WHEREAS, Hundreds of thousands of our brothers and sisters in the Land of Lincoln have served in the armed forces to ensure that "government of the people, by the people, for the people, shall not perish from the earth"; and
WHEREAS, There has been an outpouring of generosity by people across Illinois to support the men and women who ensure our freedom, which is greatly appreciated by the troops and their loved ones; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the part of Interstate Route 355 of the National System of Interstate and Defense Highways which is in the State of Illinois is designated as the Veterans Memorial Tollway; and

be it further

RESOLVED, That the Illinois State Toll Highway Authority is requested to erect at suitable locations, consistent with State regulations, appropriate plaques or signs giving notice of the designation.

Adopted by the Senate, March 21, 2007.
Concurred in by the House of Representatives, June 20, 2007.

WAIVER OF SCHOOL CODE MANDATES
(Senate Joint Resolution No. 72)

WHEREAS, The State Board of Education has filed its Report on Waiver of School Code Mandates, dated October 1, 2007, with the Senate, the House of Representatives, and the Secretary of State of Illinois as required by Section 2-3.25g of the School Code; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the request made by Hononegeah CHSD 207 - Winnebago with respect to the Prairie State Achievement Examination, identified in the report filed by the State Board of Education as request WM100-4440, is disapproved; and be it further

RESOLVED, That each of the school district waiver requests identified below by school district name and by the identifying number and subject area of the waiver request as summarized in the report filed by the State Board of Education is approved for only 2 years and disapproved for the remaining 3 years:

(1) Oregon CUSD 220 - Ogle, WM100-4310, physical education;
(2) Emmons SD 33 - Lake, WM100-4333, physical education;
(3) Mundelein ESD 75 - Lake, WM100-4359, physical education; and
(4) El Paso-Gridley CUSD 11 - Woodford, WM100-4464, physical education; and be it further

RESOLVED, That each of the school district waiver requests identified below by school district name and by the identifying number and subject area of the waiver request as summarized in the report filed by the State Board of Education is modified for approval of a $250 per student maximum fee for driver education:

(1) Batavia USD 101 - Kane, WM100-4361-1, driver education;
(2) McLean County UD 5 - McLean, WM100-4378-1, driver education;
(3) Kaneland CUSD 302 - Kane, WM100-4429-1, driver education;
(4) Sterling CUSD 5 - Whiteside, Lee, WM100-4436, driver education;
(5) Winnebago CUSD 323 - Winnebago, WM100-4441, driver education; and
(6) Alton CUSD 11 - Madison, WM100-4466, driver education; and

be it further

RESOLVED, That the request made by Hiawatha CUSD 426 - DeKalb with respect to driver education, identified in the report filed by the State Board of Education as request WM100-4379, is modified for approval of a $250 per student maximum driver education fee for only 2 years and disapproved for the remaining 3 years.

Adopted by the Senate, October 11, 2007.
Concurred in by the House of Representatives, November 2, 2007.

YOUTH CONNECTION CHARTER SCHOOL
(House Joint Resolution No. 64)

WHEREAS, Youth Connection Charter School (YCCS) in Chicago was established in 1997 to provide a second chance for students through alternative education for at-risk youth who previously dropped out of public high school; YCCS now includes 23 different campuses throughout the City of Chicago; and

WHEREAS, YCCS is the only charter school in this State that provides alternative education programs and services focused primarily on dropouts; and
WHEREAS, Eighty percent of teachers at the charter school who teach core academic subjects have been rated as "highly qualified" in accordance with the federal No Child Left Behind Act of 2001, and 81% of teachers at the charter school have been rated "appropriately certified" by City of Chicago School District 299 in accordance with the School Code; and

WHEREAS, Over 5,700 students at YCCS who had previously dropped out of traditional high schools have graduated from YCCS campuses; and

WHEREAS, The charter school's 9-year average student attendance rate is 79% and its 9-year average student retention rate is 69%; and

WHEREAS, Students have achieved an average grade point gain of 1.6 in reading and 1.6 in mathematics for each year enrolled at the charter school; and

WHEREAS, In 2005, YCCS ranked eighth in the number of students who received a passing or exceeding score in reading on the Prairie State Achievement Examination among Chicago public high schools that had 90% or more of their student population living at or below federal poverty guidelines, and YCCS placed in the upper third for school performance in reading by City of Chicago School District 299 in comparison to all of the other 76 high schools in the City of Chicago; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRENCE HEREBIN, that we respectfully request that the Chicago Board of Education renew the charter of Youth Connection Charter School; and be it further

RESOLVED, That suitable copies of this resolution be delivered to Youth Connection Charter School and the Chicago Board of Education.

Adopted by the House of Representatives on July 26, 2007.
Concurred in by the Senate on July 26, 2007.
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<th>Executive Order Protecting The Integrity Of State Procurement.</th>
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WHEREAS, the State of Illinois and governments within the State of Illinois are responsible for the prudent, efficient and ethical management of taxpayer dollars;

WHEREAS, the management of taxpayer dollars from time to time involves contracting with the private sector for the procurement of goods and services;

WHEREAS, the prudent expenditure of public dollars requires that the State and all Illinois governments’ procurement processes lead to the selection of qualified and responsible contractors who have the ability to perform the contract;

WHEREAS, the State’s procurement interests are served by doing business with contractors who conduct business with the highest standards of integrity and whose selection is based solely on ability to provide goods and services on terms most favorable to the State;

WHEREAS, lobbying on government procurements by family members of the Governor of the State of Illinois could undermine public confidence in the government procurement process;

WHEREAS, lobbying on government procurements by state government employees who have exercised authority over the procurement process also could undermine public confidence in the government procurement process; and

WHEREAS, State law directs that in the procurement of goods and services, the State act in a manner that maintains the integrity and public trust of State Government [30 ILCS 500/50-1];

THEREFORE, I hereby order the following:

1. Warrant and Certification Requirement

Seeking to protect these interests, the State requires that all contractors, vendors and bidders subject to this Executive Order warrant and certify that they and, to the best of their knowledge, their subcontractors have complied and will comply with the requirements set forth in this Order. All Chief Procurement Officers in the State shall issue whatever notices and directives they deem necessary to carry out this Order.
II. Definitions

The following definitions shall apply to this Order:

(a) “State Procurement” means an agreement by a Contractor or Vendor with an agency under the jurisdiction of the Governor and/or the Office of the Governor to provide goods and/or services.
(b) “Related Procurement” means an agreement to provide to a Related Government any goods and/or services.
(c) “Related Government” means a municipal, county, township, board, commission, authority, or other unit of government in the State of Illinois.
(d) “Contractor,” “Vendor,” or “Bidder” means a person, partnership, corporation or other entity which has or seeks to have a contract with the State.
(e) “Subcontractor” means a person, partnership, corporation or other entity which enters into a contract with a contractor for performance of some or all of the contracted work.
(f) “Procurement Lobbying Activities” means (i) any communication with any official or employee of State Government or any Related Government for the ultimate purpose of influencing executive, legislative or administrative action, undertaken by a lobbyist not solely a bona fide employee of the Contractor, Vendor or Bidder, where the action that the communication is intended to influence is a State Procurement or Related Procurement; or (ii) retaining an individual (who is not solely a bona fide employee of the procuring entity) or entity for the purposes of providing advice and/or counsel regarding government relations as regards State Procurement or Related Procurement. “Procurement lobbying activities” for purposes of this Order does not mean the bona fide practice of law related to procurement.
(g) “Procurement authority” means the authority to participate personally and substantially in decisions to award State contracts with a cumulative value of over $25,000. “Procurement authority” for purposes of this
order does not include counsel regarding the procurement process by an attorney acting in a legal capacity.

(h) “Lobbyist” means a person registered as a lobbyist under the Lobbyist Registration Act, 25 ILCS 170, a person who should be registered as a lobbyist under the Lobbyist Registration Act, or a person who undertakes procurement lobbying activities.

(i) “Family member” means father, mother, son, daughter, brother, sister, uncle, aunt, husband, wife, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

III. Scope
This Order applies to all State Procurement processes initiated after the effective date of the Order, regardless of (a) which statutes, administrative rules or policies govern their procurement, (b) what method of procurement is used to procure the goods or services, or (c) any other characteristic of the procurement, as long as the value of the contract exceeds $25,000. The prohibitions in Section IV herein shall begin on the effective date of this Order and shall not impose any consequences on procurement lobbying activities undertaken before the effective date.

IV. Restrictions on Procurement Lobbying
(a) No Contractor, Vendor or Bidder may cause, direct or permit any procurement lobbying activities on its behalf to be undertaken by a family member of the then-serving Governor of the State of Illinois.

(b) No Contractor, Vendor or Bidder may cause, direct or permit any procurement lobbying activities on its behalf to be undertaken by a former employee of the State of Illinois who had procurement authority at any time during the one-year period immediately preceding the procurement lobbying activities.

V. Enforcement and Remedies:
(a) Compliance with this Order is a material term of any State Procurement. If a Contractor, Vendor or Bidder on a State Procurement violates the terms of this Order the State shall be entitled to all remedies for a material breach of the
State Procurement contract including but not limited to: (1) termination of the State Procurement without any additional compensation due; and (2) actual damages from the Contractor, Bidder or Vendor, including but not limited to damages caused by termination of the contract.

(b) In addition, any Contractor, Bidder or Vendor on a State Procurement who violates the terms of this Order may be referred for suspension in accordance with the relevant provisions of the Illinois Administrative Code.

VI. Severability
If any provision of this Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

VII. Effective Date
This Executive Order shall become effective upon filing with the Secretary of State.

Issued by the Governor February 28, 2007
Filed by the Secretary of State February 28, 2007

2007-2
EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF CERTAIN FUNCTIONS OF THE DEPARTMENT OF REVENUE TO THE DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that "Reorganization" includes, in pertinent part: (1) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, and (2) the consolidation or coordination of the whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; and
WHEREAS, the Department of Revenue and the Department of Healthcare and Family Services are executive agencies directly responsible to the Governor that exercise the rights, powers, duties, and responsibilities derived from 20 ILCS 2505 et seq. and 20 ILCS 2205 et seq., respectively; and

WHEREAS, streamlining and consolidating certain functions of one agency into another agency offers the opportunity to eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, realize savings in administrative costs, promote more effective sharing of best practices and state of the art technology, and realize other cost savings, among other things; and

WHEREAS, the Department of Healthcare and Family Services, through its Division of Child Support Enforcement, is the primary agency entrusted with administering and collecting child support payments on behalf of affected custodial parents; and

WHEREAS, the Department of Revenue, through its child support collection program, has assisted the Department of Healthcare and Family Services in collecting delinquent child support payments; and

WHEREAS, the Department of Revenue’s child support collection program personnel are completely funded by the Department of Healthcare and Family Services’ Child Support Administrative Fund; and

WHEREAS, the Department of Revenue has twenty-nine (29) employees/positions assigned to collect seriously overdue child support on behalf of the Department of Healthcare and Family Services; and

WHEREAS, the Department of Healthcare and Family Services has acquired administrative enforcement powers and remedies, including the following powers: to administratively seize bank accounts; to file liens on real property; to cause denials of State-issued professional, occupational and recreational licenses; to cause denials of new and renewed passports; to publish the names of delinquent parents; and to impose other administrative collection actions; and

WHEREAS, consolidation into one agency of the resources available to collect past due child support will promote increased collections; and

WHEREAS, the aforementioned benefits of consolidation can be achieved by transferring the administration and collection of child support
payment functions (the “Functions”) and personnel from the Department of Revenue (the “Transferring Agency”) to the Department of Healthcare and Family Services (the “Receiving Agency”); and

WHEREAS, the Functions, as well as the staff performing those Functions, of the Transferring Agency’s child support collection program shall be transferred to the Receiving Agency in accordance with the objectives of the child support collection program.

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. TRANSFER
   Effective October 23, 2007, or as soon thereafter as practicable, the powers, duties, rights, and responsibilities of the Transferring Agency’s twenty-nine (29) current and vacant employees/positions shall be transferred from the Transferring Agency to the Receiving Agency pursuant to this Executive Order.

II. EFFECT OF TRANSFER
   The powers, duties, rights, and responsibilities vested in the child support collection program shall not be affected by this Executive Order, except that all management, staff support, and other resources necessary to the operation of the program shall be provided by the Receiving Agency.

   A. The status and rights of the employees in the Transferring Agency engaged in the performance of the Functions of the child support collection program shall not be affected by the transfer. The rights of the employees as derived from the State of Illinois and its agencies under the Personnel Code, the applicable collective bargaining agreements, or any pension, retirement, or annuity plan shall not be affected by this Executive Order. Personnel employed by the Transferring Agency affected by this Executive Order shall continue their service within the Receiving Agency.

   B. All books, records, papers, documents, contracts, and pending business pertaining to the powers, duties, rights, and responsibilities related to the
child support collection program and transferred by this Executive Order from the Transferring Agency to the Receiving Agency, including but not limited to material in electronic or magnetic format, shall be transferred to the Receiving Agency; provided, however, that the transfer of such information shall not violate any applicable confidentiality constraints.

C. All unexpended appropriation balances and other funds otherwise available to the Transferring Agency for use in connection with the child support collection program shall be transferred and made available to the Receiving Agency for use in connection with the child support collection program.

III. SAVINGS CLAUSE
A. The powers, duties, rights, and responsibilities related to the child support collection program and transferred from the Transferring Agency by this Executive Order shall be vested in and shall be exercised by the Receiving Agency. Each act done in exercise of such powers, duties, rights, and responsibilities shall have the same legal effect as if done by the Transferring Agency or their divisions, officers, or employees.

B. Every person or entity shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights, and responsibilities as had been exercised by the Transferring Agency or its divisions, officers, or employees.

C. Every officer of the Receiving Agency shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.

D. Whenever reports or notices are now required to be made or given or papers or documents furnished or served
by any person to or upon the Transferring Agency in connection with any of the functions of the child support collection program transferred by this Executive Order, the same shall be made, given, furnished, or served in the same manner to or upon the Receiving Agency.

E. This Executive Order shall not affect any act done, ratified, or canceled, or any right occurring or established, or any action or proceeding had or commenced in an administrative, civil, or criminal cause regarding the child support collection program before this Executive Order takes effect; such actions or proceedings may be prosecuted and continued by the Receiving Agency.

IV. SEVERABILITY
If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor October 23, 2007.
Filed by the Secretary of State October 23, 2007.
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WHEREAS, at the time of his death in 1968, Dr. Martin Luther King, Jr. was a leading advocate for racial equality, social justice, and universal peace; and

WHEREAS, in the 11-year period between 1955 and 1968, Dr. King traveled more than six million miles and spoke on more than 2,500 occasions, appearing and speaking wherever there was injustice and civil unrest; and

WHEREAS, during that time, Dr. King helped lead a successful bus boycott in Montgomery, Alabama to end segregation on city buses and improve treatment of passengers. King also led a massive civil rights protest in Birmingham, Alabama that drew worldwide attention to the appalling treatment of African Americans in the South; and

WHEREAS, Dr. King is best known, however, for his “I Have A Dream” speech during the peaceful March on Washington demonstration for civil rights, in which he eloquently described a day when “all of God’s children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual, ‘Free at last! Free at last! Thank God Almighty, we are free at last;’” and

WHEREAS, in January of 2006, Dr. King’s wife, Coretta Scott King, passed away. She was at Dr. King’s side during his finest hours, including when he received the Nobel Peace Prize in 1964, and during his historic march for voting rights in Selma, Alabama in 1965. Along with her husband, she left behind a legacy of courage and compassion, and her message of equal rights and peace for all continues to make our world a better place; and

WHEREAS, it has been close to 40 years since Dr. King’s death, but his words and teachings still resonate today. Consequently, the Illinois Department of Human Rights is promoting a photo exhibit entitled “The Chicago Freedom Movement” featuring photos by award winning photographer Bernard Kleina and provided by Hope Fair Housing Center, commemorating the 40th anniversary of Dr. King’s struggle for fair housing and civil rights in Chicago:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim January 15, 2007 as DR. MARTIN LUTHER KING, JR. DAY in Illinois in honor and remembrance of Dr. King, whose dream of racial equality, social justice, and universal peace we embrace and strive to realize.

Issued by the Governor January 08, 2007.
Filed by the Secretary of State January 11, 2007.

2007-2
SILVER STAR DAY

WHEREAS, the State of Illinois has always honored the sacrifice of the men and women in the Armed Forces; and
WHEREAS, The Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded by designing and manufacturing a Silver Star Banner and Flag; and
WHEREAS, to date, The Silver Star Families of America has freely given out hundreds of Silver Star Banners to the wounded and their families; and
WHEREAS, the members of The Silver Star Families of America have worked tirelessly to provide the wounded of this State and Country with Silver Star Banners, Flags, and care packages; and
WHEREAS, The Silver Star Families of America’s sole mission is to honor the blood sacrifice of our wounded with a Silver Star Banner that can be used in a window or a Silver Star Flag for passersby to recognize the sacrifice by that Armed Service member; and
WHEREAS, the State of Illinois joins The Silver Star Families of America in their commitment to make sure that the sacrifice of so many in our Armed Forces never be forgotten:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1, 2007 as SILVER STAR DAY in Illinois, and encourage all citizens to join in the mission of The Silver Star Families of America and honor all of our wounded Armed Service members.

Issued by the Governor January 11, 2007.
Filed by the Secretary of State January 11, 2007.
CROSSING GUARD APPRECIATION DAY

WHEREAS, approximately 20,000 children under the age of fourteen suffer from motor vehicle-related pedestrian injuries, and more than half of those injuries require hospitalization; and

WHEREAS, many of these injuries could be avoided if children had proper road-safety education and did not choose to cross streets or use intersections unsupervised; and

WHEREAS, crossing guards are a dependable means of helping children to avoid unnecessary accidents and injuries; and

WHEREAS, motorists should be aware of children walking to and from school and be especially cautious in and around school zones. They also should follow the directions of all crossing guards and recognize that by doing so, road safety can be improved; and

WHEREAS, crossing guards play an integral role in our communities, working hard to ensure the security of children as they walk to and from school and cross streets. In addition, they teach children to look both ways before crossing streets, as well as other essential safety rules:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby declare May 1, 2007 as CROSSING GUARD APPRECIATION DAY in Illinois, and encourage citizens to be appreciative of the service that these dedicated professionals provide to keep our citizens and their children safe.

Issued by the Governor January 11, 2007.
Filed by the Secretary of State January 11, 2007.

ELK GROVE ROTARY RIBFEST STATE CHAMPIONSHIP COMPETITION DAY

WHEREAS, on June 16th, 2007, the Elk Grove Rotary Club will hold their “Styx, Stones, and Bones Rotary Ribest” in Elk Grove Village, Illinois as a state championship day competition; and

WHEREAS, the “Elk Grove Rotary Ribfest,” as an Illinois State Championship, allows teams to qualify for national level barbeque
competitions; and

WHEREAS, this event, a Kansas City Barbeque Society (KCBS) sanctioned event, will bring together amazing entertainment and award winning BBQ competitors; and

WHEREAS, the State of Illinois is proud to recognize the many talented individuals who are putting their barbeque grilling skills to the test during this event:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 16, 2007 as the ELK GROVE ROTARY RIBFEST STATE CHAMPIONSHIP COMPETITION DAY in Illinois, and encourage all citizens to recognize and participate in this entertaining event that will undoubtedly showcase a variety of tasty barbeque recipes.

Issued by the Governor January 11, 2007.
Filed by the Secretary of State January 11, 2007.

2007-5
NATIONAL BLOOD DONOR MONTH

WHEREAS, approximately four million patients in the United States receive blood transfusions every year, and roughly 38,000 units of blood are required in hospitals and emergency treatment facilities on any given day; and

WHEREAS, unfortunately, blood donations often fall short of demand. While approximately eight million volunteers donate blood every year, just one trauma patient can use more than 100 units of blood, and donated blood has a shelf life of only 42 days; and

WHEREAS, even if volunteers donated blood regularly, donors can give only one unit of blood every eight weeks. Consequently, there is a continual need to recruit more donors; and

WHEREAS, January is commemorated as National Blood Donor Month to promote blood donations. Less than 5 percent of the eligible population actually donates blood, and community blood centers rely 100 percent on donations from volunteer donors in order to maintain a safe and viable blood supply:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2007 as NATIONAL BLOOD DONOR MONTH in Illinois, and encourage all eligible donors to open
their hearts this month by giving blood.

Issued by the Governor January 11, 2007.
Filed by the Secretary of State January 11, 2007.

2007-6
NATIONAL BLACK NURSES' DAY

WHEREAS, the depth and extensiveness of the registered nursing profession meets the diverse, and emerging health care needs of the American population in a wide range of settings; and

WHEREAS, professional nursing has been demonstrated to be an indispensable component in the safety and quality care of hospitalized patients; and

WHEREAS, currently, there is a nursing shortage in the State of Illinois, as well as across the United States, and therefore it is important that we work to encourage people to take up this noble line of work; and

WHEREAS, nurses have been critical to helping doctors in Illinois. Doctors are seeing three to four times the number of patients they would normally see because of the loss of their peers, and nurses provide the necessary support needed to keep their offices functioning and running smoothly; and

WHEREAS, in 1988, Congress declared the first Friday of February as a day to acknowledge all African-American nurses for their contributions to healthcare. This year, the City of Chicago’s four African-American nursing associations: Chicago Chapter National Black Nurses’ Association, Beta Mu Chapter of Lambda Pi Alpha Sorority, Alpha Eta Chapter of Chi Eta Phi Nursing Sorority, Inc., and Provident Hospital Nurses’ Alumni Association are teaming up to celebrate the day, which falls on February 2:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2, 2007 as NATIONAL BLACK NURSES’ DAY in Illinois to promote the nursing profession, and in recognition of African-American nurses, for their commitment and dedication to the medical profession and to the well-being of patients, especially during this trying time for them and doctors.

Issued by the Governor January 11, 2007.
Filed by the Secretary of State January 11, 2007.
AFRICAN AMERICAN HISTORY MONTH

WHEREAS, Dr. Carter G. Woodson, a noted intellectual of his time, founded the Association for the Study of Afro-American Life and History (ASALH) in 1915. Eleven years later, Dr. Woodson created Negro History Week to celebrate the many contributions of African Americans to American culture and customs; and

WHEREAS, Dr. Woodson designated the second week of February as Negro History Week to coincide with the birthdays of Abraham Lincoln and Frederick Douglass, in honor of their considerable impact on African American history. In 1976, ASALH extended the celebration for the entire month of February; and

WHEREAS, there have been several milestone events in African American history during February, including: passage of the 15th Amendment in 1870, which granted African Americans the right to vote; the inauguration of the first African American Senator, Hiram Revels, also in 1870; and the founding of the National Association for the Advancement of Colored People in 1909; and

WHEREAS, throughout African American History Month, organizations all across the country celebrate African American history with seminars, plays, concerts, art shows, films, dance performances, family workshops, and other expressions of creativity and pride. Here in Illinois, we are proud to join in these spirited commemorations:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2007 as AFRICAN AMERICAN HISTORY MONTH in Illinois, and encourage all citizens to learn about the wonderful contributions that African Americans have made to our state, and to the nation as a whole.

Issued by the Governor January 11, 2007.
Filed by the Secretary of State January 11, 2007.

ILLINOIS ARTS ALLIANCE DAY

WHEREAS, The Illinois Arts Alliance has been the statewide arts advocacy and service organization promoting the value of the arts to all
residents of Illinois since 1982; and
WHEREAS, The Illinois Arts Alliance has used research, capacity building and communication to advance widespread support of all the arts, enhance the health of the arts and cultural sector, and foster a climate in which the broadest spectrum of artistic expression can flourish; and
WHEREAS, The Illinois Arts Alliance has established the arts as one of Illinois’ leading industries, and has raised awareness that the arts enhance the quality of life, fuel creativity and innovation, sharpen the state’s competitive edge, promote cross-cultural understanding, and connect Illinois to the international community; and
WHEREAS, The Illinois Arts Alliance has transformed Illinois with significant and increased support for the arts and culture from the public and private sectors; and
WHEREAS, The Illinois Arts Alliance has begun to transform Illinois’ public education system by promoting the value of arts education as a required and core academic subject for every student in every Illinois school; and
WHEREAS, The Illinois Arts Alliance has provided innovative, accessible, diverse and quality products, programs and services to arts and cultural organizations and working artists in Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 16, 2007 as ILLINOIS ARTS ALLIANCE DAY in Illinois in recognition of their 25 years of service in our State.

Issued by the Governor January 12, 2007.
Filed by the Secretary of State January 12, 2007.

2007-9
FOUR CHAPLAINS SUNDAY

WHEREAS, on February 3, 1943, four United States Army lieutenants and chaplains sacrificed their lives in one of the most inspiring acts of heroism during the Second World War; and
WHEREAS, once a luxury coastal liner, the U.S.A.T. Dorchester set out with three escort ships on February 2 for an American base in Greenland. Less than 150 miles from its destination, the ship was attacked by a German submarine shortly after midnight; and
WHEREAS, aboard the U.S.A.T. Dorchester, panic and chaos set in. The blast killed scores of men, and many more were seriously wounded. Alerted that the Dorchester was taking on water and sinking rapidly, the captain gave the order to abandon ship; and

WHEREAS, those who were capable made their way towards the deck through the darkness. Once topside, men jumped from the ship for lifeboats. Some were overcrowded and capsized. Others drifted away before soldiers and sailors could get in them; and

WHEREAS, through the pandemonium, Reverend George L. Fox, Rabbi Alexander D. Goode, Reverend John P. Washington and Reverend Clark V. Poling spread out among the soldiers to calm the frightened, tend the wounded and guide the disoriented toward safety; and

WHEREAS, at one point, Rabbi Goode gave away his own gloves to a comrade who had the bad fortune of forgetting his. Shortly thereafter, the chaplains opened a storage locker filled with lifejackets and began distributing them; and

WHEREAS, it was then that John Ladd witnessed an astonishing sight. When they ran out of lifejackets, the chaplains removed theirs and gave them to four frightened young men. John said, “It was the finest thing I have seen or hope to see this side of heaven;” and

WHEREAS, as the ship went down, other survivors in nearby rafts saw the chaplains with arms linked and braced against the slanting deck. They were also heard offering prayers; and

WHEREAS, the Dorchester sunk less than 27 minutes after it was struck. Of the 902 men aboard, 672 died, including all four chaplains. When news reached American shores, the nation was stunned by the magnitude of the tragedy and heroic conduct of the chaplains; and

WHEREAS, all four chaplains were posthumously awarded the Distinguished Service Cross and Purple Heart, as well as a Special Medal of Heroism specially authorized for them by Congress. Every year, the Combined Veterans of Illinois sponsor a memorial service for them, which will be held this year at Our Lady of the Snows Church on Sunday, February 4, 2007:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 4, 2007 as FOUR CHAPLAINS SUNDAY in Illinois in honor and remembrance of the four brave and courageous chaplains who selflessly made the ultimate sacrifice to save
the lives of others.

Issued by the Governor January 16, 2007.
Filed by the Secretary of State January 19, 2007.

2007-10
NATIONAL LULAC MONTH

WHEREAS, 78 years ago, the founders of the League of United Latin American Citizens, better known as LULAC, joined together to establish an organization that would become the largest, oldest and most successful Hispanic civil rights and service organization in the United States; and

WHEREAS, since its inception on February 17, 1929 in Corpus Christi, Texas, LULAC has championed the cause for Hispanic Americans in education, housing, health, employment, economic development and civil rights: and

WHEREAS, LULAC has developed a comprehensive set of nationwide programs fostering educational attainment, job training, housing, health, scholarships, new technology, citizenship and voter registration; and.

WHEREAS, LULAC members throughout the nation have developed a tremendous track record of success in advancing the economic condition, educational attainment, political influence, health and civil rights of the Hispanic population of the United States; and

WHEREAS, LULAC has adopted a legislative platform that promotes humanitarian relief for immigrants, increased educational opportunities for our youth and equal treatment for all Hispanics in the United States and its territories including the Commonwealth of Puerto Rico; and

WHEREAS, this year, celebrating its 78th Anniversary, LULAC is being promoted during 2007 National LULAC Chicago Convention with the theme “Empowering Latinos: Building Prosperity Through Partnerships.”:

THEREFORE, I, Rod R. Blagojevich, Governor of Illinois, do hereby proclaim February 2007 as NATIONAL LULAC MONTH in Illinois, and encourage all citizens to recognize this organization’s seventy-eight years of outstanding service to this state.
WHEREAS, Chicago Public Library George Cleveland Hall Branch was named in honor of the late Dr. George Cleveland Hall, a former member of the Chicago Public Library Board of Directors, an activist, surgeon, and chief of staff for Provident Hospital, who played a vital role in connecting the African American community with resources needed to learn, live, thrive, and work; and

WHEREAS, on January 18, 1932, George Cleveland Hall Branch opened to the public for service under the direction of branch head, Vivian Gordon Harsh, the first appointed African American librarian, writer, and storyteller; and

WHEREAS, in 1984, George Cleveland Hall Branch was rededicated to the Bronzeville community after being modernized, refurbished, and while maintaining the integrity and beauty of the original architectural structure, including adding a new spacious Young Adult Reading Room; and

WHEREAS, in 2000, George Cleveland Hall Branch was named a National Literary Landmark by the Friends of Library, USA and the Illinois Center for the Book, because of its close association with distinguished African American authors and writers; and

WHEREAS, in celebration of 75 years of public service to the Bronzeville community and the City of Chicago, the Chicago Public Library, George Cleveland Hall Branch, and Vivian G. Harsh Research Collection of Afro-American History and Literature present a series of informative, entertaining, and educational programs and exhibits examining African American culture and history; and

WHEREAS, the Chicago Public Library encourages and supports all programs, services, and activities associated with the observance of the 75th “Diamond Jubilee” Anniversary:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 18, 2007 as CHICAGO PUBLIC
LIBRARY GEORGE CLEVELAND HALL BRANCH DAY in Illinois in honor of their 75th “Diamond Jubilee” Anniversary.
Issued by the Governor January 18, 2007.
Filed by the Secretary of State January 19, 1007.

2007-12
MARGARET BLACKSHERE DAY

WHEREAS, Margaret Blacksheere was the first woman ever to be elected president of the Illinois AFL-CIO, and she is currently serving her second term. In February 2007, she will step down from her post after a long and distinguished career; and

WHEREAS, Margaret has served at all levels of the labor movement, including president of her local union in Madison and as statewide vice president of the Illinois Federation of Teachers. From 1993 to 2000, she served as secretary-treasurer of the Illinois AFL-CIO; and

WHEREAS, Margaret is a former classroom teacher who earned her Bachelor’s Degree in elementary education, and later obtained her Master’s Degree in urban education from Southern Illinois University - Edwardsville; and

WHEREAS, Margaret has served on a variety of boards, councils, and coalitions, including the Alliance for Retired Americans Executive Board, the United Way of Illinois, the Workers Compensation Advisory Board, the American Red Cross in Illinois, the Chicago Council on Foreign Relations, the Unemployment Insurance Advisory Board, the Industrial Commission’s Self Insurer’s Advisory Board, the Illinois Women’s Institute for Leadership, the Transportation for Illinois Coalition, the Federal Reserve Bank of Chicago Advisory Council, and many others; and

WHEREAS, in 1998, Margaret was inducted into the Illinois Labor History Society Union Hall of Honor. Her other notable honors include the Labor Leader Award from the Labor Council for Latin American Advancement, the Israel Peace Medal from the State of Israel, and the Protector of Working People Award from the Illinois State Crime Commission. She was also the Guest of Honor for the 2003 Chicago’s St. Patrick’s Day Parade; and

WHEREAS, the State of Illinois is proud to join in honoring
Margaret Blacksheere for being instrumental in protecting and expanding the rights of workers through her dedication to the labor movement. Her great work will have a lasting impact here in the State of Illinois and her legacy will clearly resonate for many years to come:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 16, 2007 as MARGARET BLACKSHERE DAY in Illinois, and wish her an enjoyable and fulfilling retirement and great success in all her future endeavors.

Issued by the Governor January 19, 2007.
Filed by the Secretary of State January 19, 2007.

2007-13
CHICAGO BEARS NFC CHAMPIONS DAY

WHEREAS, on January 21, 2007, the Chicago Bears won the NFC Championship, earning a trip to the Super Bowl for the first time since the 1985-1986 season; and
WHEREAS, with a 13-3 regular season record, the 2006-2007 Chicago Bears were standouts in their Conference all year. Their successful play was characterized by swarming defense, explosive special teams, and the NFL’s number two ranked offense; and
WHEREAS, in Week 13 of the season, the Bears defeated the Minnesota Vikings to improve their record to 11-2, and more importantly, clinch the NFC North Championship. They went on to clinch the Conference’s top seed in Week 15 with a win against the Tampa Bay Buccaneers, and earn home field advantage all throughout the NFC playoffs; and
WHEREAS, after a first round bye, the Bears’ first playoff opponent was the Seattle Seahawks, a team they had defeated in blowout fashion in Week Four of the regular season. They were again victorious, winning in overtime on a 49-yard field goal and advancing to the NFC Championship Game; and
WHEREAS, the New Orleans Saints, as the only team standing between the Bears and the Super Bowl, presented a formidable challenge for Chicago. After a fairly close first half, the Bears pulled away in the third and fourth quarters, taking advantage of key Saints turnovers and securing their ticket to Super Bowl XLI with an impressive 39-14 victory;
and

WHEREAS, everybody in Chicago remembers what happened when the Bears last made it to the Super Bowl 21 years ago, and a repeat of that game would be just fine with us. The Chicago Bears truly are the “pride and joy of Illinois,” and we fondly congratulate them as we root for a big Super Bowl win against the AFC Champion Indianapolis Colts in Miami on February 4:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim Monday, January 22, 2007 as CHICAGO BEARS NFC CHAMPIONS DAY in Illinois, in honor of the Bears’ remarkable ride to the Super Bowl in this 2006-2007 season.

Issued by the Governor January 22, 2007.
Filed by the Secretary of State January 22, 2007.

2007-14
DISASTER AREA - STATE OF ILLINOIS

The severe winter storm that brought freezing rain to parts of Illinois beginning on November 30, 2006 and continuing into December, caused damage to the electric power distribution system in several southwest and central Illinois counties. The electric power co-operatives in the counties impacted by the ice formation sustained severe damage to power lines and poles.

In the interest of aiding the people in the State of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster emergency exists in the Illinois counties of Clinton, Fayette and Ford, pursuant to the provisions of the Illinois Emergency Management Agency act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will enable the Illinois Emergency Management Agency to assess damage to the public infrastructure in the declared counties and seek federal disaster assistance where warranted. This proclamation also serves to identify the declared counties as additional State disaster areas most severely impacted by the ice formation that occurred on November 30 and December 1, 2006.

Issued by the Governor January 26, 2007.
Filed by the Secretary of State January 26, 2007.
2007-15
ILLINOIS STATE UNIVERSITY'S SESQUICENTENNIAL DAY

WHEREAS, Illinois State University, originally Illinois State Normal University, was founded in 1857 by Jesse W. Fell as Illinois’ first public university, established as a teacher education institution; and

WHEREAS, as part of a shift to becoming a comprehensive university, in 1964, the institution’s name became Illinois State University; and

WHEREAS, Abraham Lincoln, one of Illinois’ favorite sons, during his days as an attorney drew up the bond guaranteeing that Bloomington citizens would fulfill financial pledges to finance the University; and

WHEREAS, Illinois State University has more than 20,000 students, from 47 states, and 86 countries, including 165,000 alumni living around the world; and

WHEREAS, Illinois State is ranked nationally as one of the 100 “best values” in public higher education according to Kiplinger Magazine; and

WHEREAS, Illinois State University is an active participant in the American Democracy Project, an initiative that prepares students to be engaged participants in a competitive global society; and

WHEREAS, the State of Illinois is proud to join in honoring Illinois State University, which will begin it’s sesquicentennial with a year-long celebration that begins with Founder’s Day on February 15, 2007:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 15, 2007 as ILLINOIS STATE UNIVERSITY’S SESQUICENTENNIAL DAY in Illinois in recognition of their 150th anniversary.

Issued by the Governor January 23, 2007.
Filed by the Secretary of State January 26, 2007.

2007-16
CAREER AND TECHNICAL EDUCATION MONTH

WHEREAS, a commitment to career and technical education helps
to ensure that Illinois has a strong, well-trained workforce that enhances productivity in business and industry, and solidifies the state’s leadership in the national and international marketplaces; and

WHEREAS, providing citizens with career and technical education can stimulate the growth and vitality of businesses and industries by preparing workers for the occupations forecasted to experience the largest and fastest growth in the next decade; and

WHEREAS, individual citizens benefit from a career and technical education because it enables them to find satisfying careers suited to their own skills and interests, provides technical skills that allow them to excel in their chosen careers and teaches leadership skills that serve them on the job, at home and in the community; and

WHEREAS, for over 60 years, the Illinois Association for Career and Technical Education (IACTE), the only association in Illinois dedicated to the support and service of career and technical educators, has been committed to the betterment of the profession, and to providing visibility and assistance for vocational and technical education; and

WHEREAS, each year, the IACTE celebrates Career and Technical Education Month to promote the advancement of the career and technical education profession in this state. The theme for this year’s month is “Career Tech: Today an Education, Tomorrow a Career”:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2007 as CAREER AND TECHNICAL EDUCATION MONTH in Illinois, and encourage all citizens to become familiar with the services and benefits offered by career and technical education programs in our state, and to support and participate in these programs to enhance individual work skills and productivity.

Issued by the Governor January 24, 2007.
File by the Secretary of State January 26, 2007.

2007-17

NATIONAL WOMEN'S HEART WEEK

WHEREAS, heart disease claims the lives of nearly 500,000 women in the United States every year, at a rate of about one death per minute, and is the leading cause of death among women. In Illinois alone,
15,796 women died in 2002 due to diseases of the heart; and
WHEREAS, the majority of women are not aware of their risk factors for a heart attack, nor are they even aware of the signs and symptoms of a heart attack. Risk factors for a heart attack include tobacco use, high blood cholesterol, high blood pressure, physical inactivity, diabetes and obesity; and
WHEREAS, signs and symptoms of a heart attack include uncomfortable pressure, squeezing, fullness or pain in the center of the chest that lasts more than a few minutes, or goes away and comes back; pain or discomfort in one or both arms, the back, neck, jaw or stomach; shortness of breath along with, or before, chest discomfort; and cold sweat, nausea or lightheadedness; and
WHEREAS, heart disease is a serious problem that unnecessarily affects far too many Americans. Consequently, it is critical that Americans are also more attentive of certain habits that will both greatly improve their health and significantly reduce the risks of heart disease, such as exercising regularly; and
WHEREAS, in addition to reducing the risks of heart disease, exercising regularly also helps us keep in shape, relieve stress and reduce the risks of diabetes. Consequently, the Women’s Heart Foundation is promoting the importance of exercise during their 14th Annual National Women’s Heart Week from February 1-7:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 1-7, 2007 as NATIONAL WOMEN’S HEART WEEK in Illinois in support of the wonderful campaign by the Women’s Heart Foundation, and to encourage all citizens, especially women, to exercise regularly.
Issued by the Governor January 24, 2007.
Filed by the Secretary of State January 26, 2007.

2007-18
RE/MAX NORTHERN ILLINOIS WEEK

WHEREAS, since 1977, RE/MAX Northern Illinois has been selling homes in the Chicago metropolitan area, and since 1989 they have been the leader in residential sales; and
WHEREAS, closing more than $15 billion in sales in 2006,
RE/MAX agents were responsible for approximately one of every five listed homes sold in the Chicago area; and

WHEREAS, RE/MAX Northern Illinois continues showing robust growth and now consists of more than 170 offices and 4,200 agents; and

WHEREAS, the www.illinoisproperty.com system created by RE/MAX Northern Illinois receives 750,000 unique Internet visits each month giving thousands of Illinois consumers access to more than 100,000 properties available for sale in Northern Illinois; and

WHEREAS, RE/MAX offices and agents in Northern Illinois consistently contribute time and resources to supporting their communities and vital not-for-profit institutions, including Children’s Memorial Hospital of Chicago and the Susan G. Komen Foundation Breast Cancer Survivor program; and

WHEREAS, on February 17, 2007, RE/MAX Northern Illinois will be celebrating their 30th anniversary:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 17 - 23, 2007 as RE/MAX NORTHERN ILLINOIS WEEK in Illinois.

Issued by the Governor January 24, 2007.
Filed by the Secretary of State January 26, 2007.

2007-19
MOTORCYCLE AWARENESS MONTH

WHEREAS, Illinois is a national leader in motorcycle education and safety; and

WHEREAS, sharing a roadway is where motorist awareness starts. The Motorcycle Safety Foundation (MSF) urges all motor vehicle drivers to expect to see more motorcyclists riding in traffic in spring and summer months and to respect that they rightfully enjoy the same access to the roads as other traffic; and

WHEREAS, the Illinois Department of Transportation has been conducting the Illinois Cycle Rider Safety Training program since 1976; and

WHEREAS, the program is supported by state motorcycle registration fees and has been responsible for training more than 230,000 cyclists; and
WHEREAS, better rider education, licensing, and public awareness lead to safer motorcycling:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as MOTORCYCLE AWARENESS MONTH in Illinois, and encourage all drivers to help keep our roadways safe through proper motorist awareness.

Issued by the Governor January 24, 2007.
Filed by the Secretary of State January 26, 2007.

2007-20
AMBUCS NATIONAL VISIBILITY MONTH

WHEREAS, AMBUCS is a national service organization composed of a diverse group of men and women who are dedicated to fostering mobility and independence for those with disabilities; and

WHEREAS, AMBUCS was founded in Birmingham, Alabama in 1922. Their founder and honorary first National President is William L. White; and

WHEREAS, AMBUCS headquarters are at the AMBUCS Resource Center in High Point, North Carolina. Prior to that location, the headquarters was in Danville, Illinois, which chartered in 1925; and

WHEREAS, today, there are more than 6,000 AMBUCS members throughout the country who administer wonderful programs such as AMBUCS Scholars. Since its inception, the AMBUCS Scholars program has provided over $6 million to educate physical and occupational therapists; and

WHEREAS, another AMBUCS program, AmBility, supports a variety of projects, including the distribution of therapeutic bicycles to children with disabilities, and ramp construction to make homes and businesses more accessible for the disabled; and

WHEREAS, in addition to those programs, there are 15 AMBUCS chapters in Illinois that also partner with Easter Seals, Special Olympics, and other terrific organizations to broaden their services; and

WHEREAS, during the month of February, the national organization will recognize all AMBUCS chapters and members for their commitment and dedication to helping those with disabilities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim February 2007 as AMBUCS NATIONAL VISIBILITY MONTH in Illinois in recognition of AMBUCS chapters and members for their noble and worthy service to the community.

Issued by the Governor January 26, 2007.
Filed by the Secretary of State January 26, 2007.

2007-21
WOMEN'S HEALTHY HEART MONTH

WHEREAS, heart disease is the leading cause of death for American women, claiming the lives of almost 500,000 women per year, at a rate of almost one per minute; and
WHEREAS, in Illinois alone, the year 2004 saw 37,520 deaths in women due to diseases of the heart; and
WHEREAS, the majority of women are not aware of their risk factors for a heart attack, nor are they aware of the signs and symptoms of a heart attack; and
WHEREAS, risk factors for a heart attack are: tobacco use, high blood cholesterol, high blood pressure, physical inactivity, diabetes and obesity; and
WHEREAS, symptoms of heart attack are: uncomfortable pressure, squeezing, fullness or pain in the center of the chest that lasts more than a few minutes, or goes away and comes back; pain or discomfort in one or both arms, the back, neck, jaw, stomach; shortness of breath along with, or before, chest discomfort; and cold sweat, nausea or lightheadedness; and
WHEREAS, it is critical that we, as a country and state, work to empower women and increase their awareness of the many things they can do to reduce their risk of heart disease; and
WHEREAS, this includes exercising regularly, eating healthy meals and snacks, loving their body and taking time for themselves; and
WHEREAS, February of each year is nationally recognized as American Heart Month, Go Red for Women, and this year in Illinois, we want to give special emphasis to women’s heart health by declaring that February 2007 be Women’s Healthy Heart Month; and
WHEREAS, in addition, on February 2, 2007, we are proud to be joining various heart health organizations across the country in
encouraging people to wear red in support of the continued efforts to raise awareness of heart disease among women in Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim the month of February 2007 as WOMEN’S HEALTHY HEART MONTH in Illinois, and urge all citizens, especially women, to familiarize themselves with the signs, symptoms and treatments for heart disease, as well as the steps they can take to ensure themselves good heart health.

Issued by the Governor January 26, 2007.  
Filed by the Secretary of State January 26, 2007.

2007-22  
AFRICAN AMERICAN VETERANS RECOGNITION DAY

WHEREAS, in the face of great adversity, African American men and women have displayed a history of patriotism by courageously serving in all branches of the United States Armed Forces; and

WHEREAS, African American men and women have served and distinguished themselves in times of peace as well as during every major conflict since the birth of our nation; and

WHEREAS, certain African American groups such as: Company E, 4th United States Colored Infantry; the Tuskegee Airmen; the Montford Point Marines; the 555th Airborne Battalion; the 761st Tank Battalion; and the “Golden Thirteen” have become historical icons in American military history; and

WHEREAS, African American men and women continue to bravely serve in all branches of the United States Armed Forces and carry on a great legacy of patriotism; and

WHEREAS, the State of Illinois is proud to participate in the “Salute to African-American Veterans” on February 10, 2007, to acknowledge the numerous accomplishments made by these brave men and women who have served their country through military service:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 10, 2007 as AFRICAN AMERICAN VETERANS RECOGNITION DAY in Illinois, and encourage all citizens to honor those veterans who have courageously served their country.
WOMEN'S HEALTHY HEART MONTH

WHEREAS, heart disease is the leading cause of death for American women, claiming the lives of almost 500,000 women per year, at a rate of almost one per minute; and

WHEREAS, in Illinois alone, the year 2004 saw 14,534 deaths in women due to diseases of the heart; and

WHEREAS, the majority of women are not aware of their risk factors for a heart attack, nor are they aware of the signs and symptoms of a heart attack; and

WHEREAS, risk factors for a heart attack are: tobacco use, high blood cholesterol, high blood pressure, physical inactivity, diabetes and obesity; and

WHEREAS, symptoms of heart attack are: uncomfortable pressure, squeezing, fullness or pain in the center of the chest that lasts more than a few minutes, or goes away and comes back; pain or discomfort in one or both arms, the back, neck, jaw, stomach; shortness of breath along with, or before, chest discomfort; and cold sweat, nausea or lightheadedness; and

WHEREAS, it is critical that we, as a country and state, work to empower women and increase their awareness of the many things they can do to reduce their risk of heart disease; and

WHEREAS, this includes exercising regularly, eating healthy meals and snacks, loving their body and taking time for themselves; and

WHEREAS, February of each year is nationally recognized as American Heart Month, Go Red for Women, and this year in Illinois, we want to give special emphasis to women’s heart health by declaring that February 2007 be Women’s Healthy Heart Month; and

WHEREAS, in addition, on February 2, 2007, we are proud to be joining various heart health organizations across the country in encouraging people to wear red in support of the continued efforts to raise awareness of heart disease among women in Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim the month of February 2007 as WOMEN’S HEALTHY HEART MONTH in Illinois, and urge all citizens, especially women, to familiarize themselves with the signs, symptoms and treatments for heart disease, as well as the steps they can take to ensure themselves good heart health.

Issued by the Governor January 26, 2007.
Filed by the Secretary of State February 02, 2007.

2007-23
PERIANESTHESIA NURSE AWARENESS WEEK

WHEREAS, perianesthesia nursing is a specialized nursing practice dealing in all phases of preanesthesia and postanesthesia care, ambulatory surgery and pain management; and
WHEREAS, the depth and breadth of the perianesthesia nursing profession meets the varied and emerging health care needs of the American population in a diversified range of environments; and
WHEREAS, the demand for perianesthesia nurses will only increase due to an aging American population and advances in medicine that are prolonging life. Consequently, the role of these nurses is essential and vital in the quality of health care and safety of patients in hospital and ambulatory surgery settings; and
WHEREAS, there are more than 49,000 perianesthesia nurses in the United States. The American Society of PeriAnesthesia Nurses represents them and is one of our nation’s premier specialty nursing organizations; and
WHEREAS, their mission is to advance the field of nursing by providing education, conducting research and developing professional standards of practice for their field; and
WHEREAS, the Illinois Society of PeriAnesthesia Nurses, founded in 1976 as a branch of the American Society, also represents perianesthesia nurses and promotes quality and cost-effective care for their patients; and
WHEREAS, the Illinois Society of PeriAnesthesia Nurses, in conjunction with the American Society of PeriAnesthesia Nurses, will recognize perianesthesia nurses during PeriAnesthesia Nurse Awareness Week, with the theme, “Perianesthesia Nurses…Our Journey to
Excellence:”

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 4-10, 2007 as PERIANESTHESIA NURSE AWARENESS WEEK in Illinois, and join the American and Illinois Society of PeriAnesthesia Nurses in recognition of perianesthesia nurses for their indispensable service to the medical profession, as well as quality care and treatment of patients.

Issued by the Governor January 29, 2007.
Filed by the Secretary of State February 02, 2007.

2007-24
RONALD REAGAN DAY

WHEREAS, Ronald Wilson Reagan was born on February 6, 1911 in Tampico, Illinois. He attended high school in Dixon, Illinois and went on to earn a degree in economics and sociology from Eureka College, where he also played on the football team and acted in theatre productions; and

WHEREAS, Reagan began his career as a radio sports announcer, calling games for the University of Iowa, and later for the Chicago Cubs. In 1937, a screen test won him a contract in Hollywood and over the next two decades, he would appear in 53 feature films; and

WHEREAS, Reagan’s success as an actor, coupled with his strong leadership abilities, earned him the opportunity to serve as President of the Screen Actors Guild. It was in that role that Reagan got his first taste of political life; and

WHEREAS, in 1966, Reagan was elected Governor of California by a one million vote margin and was re-elected to serve a second term in 1970; and

WHEREAS, with eight years of governorship under his belt, Ronald Reagan won the Republican Presidential nomination in 1980 and in November of that year, he went on to defeat incumbent President Jimmy Carter in the General Election to earn the Presidency; and

WHEREAS, on January 20, 1981, Reagan was sworn in as the 40th President of the United States and was re-elected to a second term in 1984. In his eight years in office, President Reagan worked to stimulate economic growth, curb inflation, increase employment, and strengthen
national defense. He also made foreign policy a top priority and sought to achieve “peace through strength,” improving relations with the Soviet Union by conducting several meetings with Soviet leader Mikhail Gorbachev, and eventually negotiating a treaty that would eliminate intermediate range nuclear missiles; and

WHEREAS, President Reagan’s great charisma and people skills allowed him to connect with the nation and earned him the title of “The Great Communicator;” and

WHEREAS, in November of 1994, Reagan publicly announced that he had Alzheimer’s disease. Almost ten years later, on June 5, 2004, he passed away at the age of 93; and

WHEREAS, President Reagan is remembered as a strong and confident leader. He left behind a legacy that will clearly resonate in this country and throughout the world for centuries to come:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 6, 2007 as RONALD REAGAN DAY in Illinois, in recognition of the birthday of this accomplished Illinois native.

Issued by the Governor January 29, 2007.
Filed by the Secretary of State February 02, 2007.

2007-25
METROPOLITAN FAMILY SERVICES DAY

WHEREAS, Metropolitan Family Services (MFS) provides low-income and working poor families with a wide range of programs and services, including support in the areas of child and youth development, counseling and mental health, child welfare, financial literacy, legal aid, and services for older adults and their families; and

WHEREAS, with 570 full-time professional staff dedicated to providing quality services to families throughout Chicago’s city and suburban communities, MFS is helping nearly 60,000 families and individuals; and

WHEREAS, MFS has seven community centers that provide a full range of services, and several of those centers have additional locations; and

WHEREAS, this year, MFS is celebrating their 150th anniversary
year since being founded on February 16, 1857:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 16, 2007 as METROPOLITAN FAMILY SERVICES DAY in Illinois in recognition of their 150th anniversary.

Issued by the Governor January 29, 2007.
Filed by the Secretary of State February 02, 2007.

2007-26
CONGENITAL HEART DEFECT AWARENESS WEEK

WHEREAS, congenital heart defects, the most common type of major birth defect and the leading cause of birth defect related deaths, develop during pregnancy when a baby’s heart fails to form properly, resulting in structural abnormalities; and

WHEREAS, every year, approximately 40,000 babies in the United States, including about 2,000 in Illinois, are born with congenital heart defects, resulting in thousands of families across America facing the challenge and hardship of raising children with this birth defect; and

WHEREAS, congenital heart defects are still a little known problem and, as a result, congenital heart defects may not be diagnosed until months or years after birth; and

WHEREAS, those born with congenital heart defects are usually not diagnosed and treated until later, which creates complications and concerns; and

WHEREAS, many deaths of young athletes due to cardiac arrest are attributed to treatable congenital heart defects that go undiagnosed; and

WHEREAS, the proper treatment for those with a congenital heart defect can mean living a healthy life well in to adulthood; and

WHEREAS, by raising awareness about congenital heart defects and the importance of early detection and treatment, we can save countless lives:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 7-14, 2007 as CONGENITAL HEART DEFECT AWARENESS WEEK in Illinois to promote early
detection and treatment of the problem.

Issued by the Governor January 31, 2007.
Filed by the Secretary of State February 02, 2007.

2007-27
INTERNATIONAL MOTHER LANGUAGE DAY

WHEREAS, there are close to 6,000 languages estimated to be spoken in today’s world. About half of those languages are under threat of disappearing forever; and
WHEREAS, in the 1956 Pakistan Constitution, Bengali and Urdu were declared as state languages of Pakistan. In the constitution of Bangladesh, adopted in 1972, it is stated, “The Language of the Republic would be Bengali.” In Bangladesh, efforts continue to establish Bangla in all walks of life; and
WHEREAS, International Mother Language Day, which is celebrated on February 21st every year, was launched at the 30th session of the General Conference of UNESCO in 1999; and
WHEREAS, the existence of different languages in a culture allows us to gain a different perspective of its history and illuminates the outstanding ability of any culture to create communication; and
WHEREAS, like previous years, International Mother Language Day aims at promoting linguistic diversity and multilingual education, and at raising awareness of linguistic cultural traditions based on understanding, tolerance and dialogue:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 21, 2007 as INTERNATIONAL MOTHER LANGUAGE DAY in Illinois, and encourage all citizens to recognize the value that languages have in understanding our shared cultural history.

Issued by the Governor January 31, 2007.
Filed by the Secretary of State February 02, 2007.

2007-28
CHICAGO BEARS WEEK

WHEREAS, the 2006 season for the Chicago Bears was one to
remember. Not suffering a defeat until Week Nine, the Bears finished the regular season with a NFC best 13-3 record, earning a first round playoff bye and home field advantage all throughout the NFC playoffs; and

WHEREAS, the Bears’ tough, hard-nosed play became evident during the season’s first game, as they beat the rival Green Bay Packers in stunning, shut-out fashion. After six more consecutive wins, not only Bears fans but football experts and enthusiasts all across the country began to hail them as one of the elite teams in the NFL; and

WHEREAS, the Chicago Bears’ remarkable season was characterized by stellar team play, boasting the NFL’s second ranked offense; a swarming defense; and a special teams squad that produced three Pro Bowl players; and

WHEREAS, the City of Chicago rallied their beloved Bears all the way to the NFC Championship game, where they defeated the New Orleans Saints by a 39-15 score and stamped their ticket to Super Bowl XLI; and

WHEREAS, with the win against the Saints, Bears Head Coach Lovie Smith became the first African American Head Coach to lead a team to the Super Bowl. Joining him mere hours later as the second man to earn the distinction was Indianapolis Colts Head Coach Tony Dungy. During this month of February, which is commemorated across the country as African American History Month, we pay tribute to Coach Smith and Coach Dungy for these historic achievements; and

WHEREAS, on February 4, 2007, despite a valiant Chicago effort, Tony Dungy’s Colts defeated Lovie Smith’s Bears in the Super Bowl by a score of 29-17. While the Bears will come home one win short of the title, they should feel nothing but pride in the effort they put forth all season, and in knowing that they will begin next season as the defending NFC Champions; and

WHEREAS, this State is honored to pay tribute to the Bears for their remarkable 2006 season, and we thank them for representing Illinois and Chicago with class, dignity, and a winning spirit:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 5 – 11, 2007 as CHICAGO BEARS WEEK in Illinois in recognition of their tremendous 2006 season.

Issued by the Governor February 05, 2007.

Filed by the Secretary of State February 05, 2007.
2007-29
SCHOOL SOCIAL WORK WEEK

WHEREAS, every day, millions of parents entrust the education of their children to thousands of classroom teachers at hundreds of schools all across the state. Unfortunately, teaching is not easy when there are many distractions; and

WHEREAS, in addition to contending with personal and family problems that have always accompanied children, classroom teachers now have to compete with technology such as cell phones, computers, and television; and

WHEREAS, indeed, it is more difficult to engage children in the classroom today than ever before. That is why the role of school social workers is more important today than ever before; and

WHEREAS, school social workers have the critically important job of helping classroom teachers provide the best education possible. They do so by offering a number of services to children such as academic assistance, conflict resolution, crisis intervention, group counseling, and coordination of school and community health resources; and

WHEREAS, school social workers also serve as a link between schools and parents when classroom teachers have not been able to reach them through normal channels. In all, there are more than 1,500 school social workers in Illinois; and

WHEREAS, for the past 20 years, the Governor of the State of Illinois has proclaimed a week in March to commend and honor school social workers in our state:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 4-10, 2007 as SCHOOL SOCIAL WORK WEEK in Illinois in recognition of school social workers for their essential and vital support of classroom teachers and their commitment and dedication to the well-being of children.

Issued by the Governor February 06, 2007.
Filed by the Secretary of State February 09, 2007.
2007-30
CHILDREN'S DENTAL HEALTH MONTH

WHEREAS, over 50 years ago, National Children’s Dental Month was initiated in an effort to inform families of the importance of good dental habits; and

WHEREAS, oral health is an important part of a person’s overall health. Bad dental cleaning habits can lead to problems in other parts of the body; and

WHEREAS, good health can be achieved in part through good dental habits learned early and reinforced throughout life; and

WHEREAS, even though oral health is considered an important part of a daily routine by most families, one in ten children ages five to eleven has never visited a dentist; and

WHEREAS, with daily brushing and flossing, a healthy diet, and regular dental visits, a child could have a healthy smile for a lifetime. Under Illinois law, dental exams are required for children in kindergarten, second, and sixth grades; and

WHEREAS, in a joint effort with the public, community dentists and children’s organizations play a valuable role in teaching children the importance of proper oral health:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2007 as CHILDREN’S DENTAL HEALTH MONTH in Illinois, and encourage all citizens to join in this worthy observance.

Issued by the Governor February 06, 2007.
Filed by the Secretary of State February 09, 2007.

2007-31
ILLINOIS ARTS WEEK

WHEREAS, the arts are the embodiment of all things beautiful and entertaining in the world; and

WHEREAS, the arts enhance every aspect of life in Illinois - improving our economy, enriching our civic life and exerting a profound influence on the education of our children; and

WHEREAS, arts education research shows that the arts help to
foster discipline, creativity, imagination, self-expression, and problem solving skills while also helping to develop a heightened appreciation of beauty and cross-cultural understanding; and

WHEREAS, the arts summon the talents and creativity of all citizens, while also serving as a catalyst for economic growth and tourism; and

WHEREAS, since 1978, the Illinois Arts Council has partnered with artists and organizations to show support and encouragement of the arts through a weeklong celebration, while also heightening awareness of the intrinsic role the arts play in our lives:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 7 – 13, 2007 as ILLINOIS ARTS WEEK and urge all citizens to demonstrate their appreciation for the arts and the rich cultural experience it provides for our state.

Issued by the Governor February 06, 2007.
Filed by the Secretary of State February 09, 2007.

2007-32
NIGHT OF 100 STARS

WHEREAS, the DuSable Museum of African American History, the oldest independent institution of its kind in the country, is dedicated to the collection, preservation, interpretation and dissemination of the history and culture of Americans of African descent; and

WHEREAS, in 1992, the DuSable Museum culminated the celebration of its 30th Anniversary by instituting the African American HistoryMakers Awards; and

WHEREAS, the HistoryMakers Awards salute African American Chicagoans for their outstanding contributions to society through their professions and civic responsibilities. Honorees are inducted into the DuSable Museum’s “Chicago African American HistoryMakers Gallery of Greats”; and

WHEREAS, this year’s HistoryMakers include: Marv Dyson, Award-winning radio executive and businessman; Dorothy R. Leavell, Publisher of the Chicago and Gary Crusader Newspapers; Stan Shaw, NAACP Image-Award winning actor; Lester and Nancy McKeever, Power Couple; Timothy and Sandra Rand, Power Couple; and
WHEREAS, the 2007 Chicago African American HistoryMakers will be honored on February 17, 2007, during the “Night of 100 Stars – Chicago African American HistoryMakers Awards” gala:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 17, 2007 as the NIGHT OF 100 STARS in Illinois, and encourage all citizens to join in honoring this year’s HistoryMakers.

Issued by the Governor February 07, 2007.
Filed by the Secretary of State February 09, 2007.

2007-33
FFA WEEK

WHEREAS, agriculture is Illinois’ largest and most productive industry, and is vital to the economic success and future prosperity of the State; and

WHEREAS, agricultural education prepares 26,000 students for careers in agriculture, with hands-on learning experiences in science, business, and technology; and

WHEREAS, FFA is the largest career and technical student organization in the Illinois, preparing students for premier leadership, personal growth and, career success; and

WHEREAS, the Illinois Association FFA has positively influenced the lives of rural and urban FFA members, parents, educators, and business and community leaders; and

WHEREAS, seventy-nine years of positive FFA influence have benefited over one millions Illinois students; and

WHEREAS, the 2006-2007 state theme, “Illinois Association FFA – the Key to Success,” is a fitting tribute to the FFA’s terrific efforts within Illinois and across the country; and

WHEREAS, a week in February has been designated as National FFA Week throughout the United States, Puerto Rico and the Virgin Islands, and Illinois proud to join in this spirited observance:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of February 17-24, 2007 as FFA WEEK in Illinois, and encourage citizens to recognize and encourage agricultural education programs and students in Illinois, and support the
ideals of the Illinois Association FFA.

Issued by the Governor February 07, 2007.
Filed by the Secretary of State February 09, 2007.

2007-34
COALITION FOR THE REMEMBRANCE OF ELIJAH MUHAMMAD DAY

WHEREAS, the Coalition for the Remembrance of Elijah Muhammad (C.R.O.E.) is celebrating their 20th Anniversary Founders’ Day on February 12, 2007; and
WHEREAS, C.R.O.E. was founded in 1987 by Halif Muhammad, Shahid Muslim and Munir Muhammad, all of whom still serve the organization; and
WHEREAS, C.R.O.E. TV Productions has expanded their public affairs television show into 3 new markets and the worldwide web; and
WHEREAS, the Coalition for the Remembrance of Elijah Muhammad continues to be an important voice in both the African-American community and among the general public:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 11, 2007 as COALITION FOR THE REMEMBRANCE OF ELIJAH MUHAMMAD DAY in Illinois, and encourage citizens to recognize the organization’s twenty years of service to Illinois citizens.

Issued by the Governor February 08, 2007.
Filed by the Secretary of State February 09, 2007.

2007-35
LUNAR NEW YEAR CELEBRATION DAY

WHEREAS, this year, February 18 is the first day of the Lunar New Year, the Year of the Boar, also known as Chinese New Year or Spring Festival. The Chinese calendar has been in continuous use for centuries, predating the international calendar that we use at the present day, which goes back only some 425 years; and
WHEREAS, the Chinese calendar measures time from short durations of minutes and hours to intervals of time measured in months,
years, and centuries that are entirely based on the astronomical observations of the movement of the sun, the moon, and the stars; and

WHEREAS, New Year’s Eve and New Year’s Day are celebrated as a family affair, a time of reunion and thanksgiving. Traditionally, the celebration was highlighted with a religious ceremony given in honor of Heaven and Earth, the gods of the household and the family ancestors; and

WHEREAS, the sacrifice to the ancestors, the most vital of all the rituals, united the living members with those who had passed away. Departed relatives are remembered with great respect because they were responsible for laying the foundations for the fortune and glory of the family; and

WHEREAS, today, the presence of the ancestors is acknowledged on New Year’s Eve with a dinner arranged for them at the family banquet table. The spirits of the ancestors, together with the living, celebrate the onset of the New Year as one great community. The communal feast, called “surrounding the stove” or weilu, symbolizes family unity and honors the past and present generations; and

WHEREAS, Lunar New Year celebrations will commence on February 18 with celebrations all throughout Chicagoland:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 18, 2007 as LUNAR NEW YEAR CELEBRATION DAY in Illinois in recognition of this important holiday for Asian-Americans, and encourage all citizens to join in this wonderful cultural tradition by celebrating the Lunar New Year with friends and family.

Issued by the Governor February 08, 2007.
Filed by the Secretary of State February 09, 2007.

2007-36
NATIONAL SALUTE TO HOSPITALIZED VETERANS WEEK

WHEREAS, in 1978, Veterans’ Affairs (VA) took over sponsorship of a program, the annual VA National Salute program, which was started in 1974 by No Greater Love, Inc., a humanitarian organization; and

WHEREAS, this program seeks to honor hospitalized veterans, increase community awareness of the VA’s role in providing
comprehensive medical care to the Nation’s veterans, and to encourage Americans to visit hospitalized veterans and work as VA volunteers; and

WHEREAS, through the generations, America's men and women in uniform have defeated tyrants, liberated continents, and set a standard of courage and idealism for the entire world; and

WHEREAS, to protect the Nation they love, our veterans stepped forward when America needed them most. In answering history's call with honor, decency, and resolve, our veterans have shown the power of liberty and earned the respect and admiration of a grateful Nation; and

WHEREAS, all of America's veterans have placed our Nation's security before their own lives, creating a debt that we can never fully repay. Our veterans represent the best of America, and they deserve the best America can give them; and

WHEREAS, as we recall the service of our Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen, we are reminded that the defense of freedom comes with great loss and sacrifice; and

WHEREAS, during the week of February 12th to 18th, local celebrities, youth groups, members of the general public, and veterans service organizations will visit patients at VA medical centers, nursing homes, state veterans homes, and other facilities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 12-18, 2007 as NATIONAL SALUTE TO HOSPITALIZED VETERANS WEEK in Illinois, and encourage all citizens to join in this worthy observance.

Issued by the Governor February 08, 2007.

Filed by the Secretary of State February 09, 2007.

2007-37
NUTRITION MONTH

WHEREAS, the problems of obesity and food insecurity are growing issues in Illinois and across the country; and

WHEREAS, it is crucial that we as a state do our part to promote good health and nutrition by encouraging all citizens to practice sound eating habits; and

WHEREAS, according to the Illinois Behavioral Risk Factor Surveillance System, nearly 36 percent of all Illinois citizens are
overweight. At the same time, over 9 percent of the state’s population does not have routine access to adequate amounts of food; and

WHEREAS, it is important that people eat neither too much nor too little of any food or nutrient in order to help maintain a healthy lifestyle. Overindulgence in food can result in excess weight and related health complications, while eating too little can lead to numerous nutrient deficiencies and low body mass; and

WHEREAS, the Illinois Department of Human Services, along with the Illinois Interagency Nutrition Council, and the Illinois Department of Public Health is joining forces with nutrition professionals in Illinois and throughout the United States to promote good nutrition during the month of March. The theme of this year’s awareness campaign is “Fruits and Veggies More Matters!”:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2007 as NUTRITION MONTH in Illinois, and encourage all citizens to support food programs and establish healthy eating habits in hopes of reducing the risk for obesity and preventing hunger.

Issued by the Governor February 16, 2007.

Filed by the Secretary of State February 21, 2007.

2007-38
ILLINOIS FBLA-PBL WEEK

WHEREAS, Future Business Leaders of America-Phi Beta Lambda is a nonprofit educational organization whose first chapter was established in Johnson City, Tennessee in 1942; and

WHEREAS, this organization has grown now to encompass over 250,000 members nationwide in middle schools, high schools, colleges, universities, career and technical schools, and private business schools; and

WHEREAS, FBLA-PBL is a professional business organization dedicated to bringing business and education together in a positive working relationship through innovative leadership and career development programs; and

WHEREAS, members perform community service activities and strive to build an understanding of the realities of the modern business
world; and

WHEREAS, FBLA-PBL teaches middle school, high school, and college students business and leadership principles, and assists in the transition from school to work; and

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 11-17, 2007 as ILLINOIS FBLA-PBL WEEK in Illinois, and encourage all citizens to join in this worthy observance.

Issued by the Governor February 16, 2007.
Filed by the Secretary of State February 21, 2007.

2007-39
BLACK HISTORY AWARDS DAY

WHEREAS, throughout the history of the United States, African Americans have made many significant sacrifices, achievements, and contributions to society; and

WHEREAS, in 1976, February was designated as African American History Month in order to honor and promote the history of African Americans. Illinois is proud to celebrate the heritage and achievements of African Americans during this month, as well as throughout the calendar year; and

WHEREAS, on February 28, 1999, Black History Awards Day was established in Memphis, Tennessee as a way to conclude African American History Month and honor the achievements of African Americans from each state, both past and present:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 28, 2007 as BLACK HISTORY AWARDS DAY in Illinois and encourage all citizens to learn about the important contributions that African Americans have made throughout the history of our society.

Issued by the Governor February 16, 2007.
Filed by the Secretary of State February 21, 2007.
2007-40
DEsert Storm Remembrance Day

WHEREAS, since the birth of this great nation, millions of brave American men and women have courageously answered the call to defend their country’s ideals of freedom and democracy; and
WHEREAS, fifteen years ago, over 600,000 members of the United States Armed Forces risked their lives in the Persian Gulf to liberate Kuwait during Operation Desert Storm, some making the ultimate sacrifice for their country; and
WHEREAS, the men and women who served in the United States Armed Forces during Operation Desert Storm have earned the gratitude and respect of their nation; and
WHEREAS, the observance of the 16th anniversary of Operation Desert Storm allows citizens throughout Illinois, and across the country, the opportunity to honor those who served during this conflict for their valor and selflessness:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 28, 2007 as DESERT STORM REMEMBRANCE DAY in Illinois, and urge all citizens to honor those who courageously served their country during Operation Desert Storm.

Issued by the Governor February 16, 2007.
Filed by the Secretary of State February 21, 2007.

2007-41
Sunset Foods Day

WHEREAS, in 1937, four Cortesi brothers established Sunset Foods in Highland Park as a small grocery store dedicated to providing excellent customer service; and
WHEREAS, the company has expanded to four locations adding stores in the communities of Northbrook, Lake Forest, and Libertyville while continuing to offer competitive prices, and small-town friendliness; and
WHEREAS, Sunset Foods received the National 2006 Neighborhood Partnership Award from Food Marketing Institute for their annual partnership, “Scouting for Food,” with the Northeast Illinois
Council of the Boy Scouts of America in support of the Greater Chicago Food Depository and the Northern Illinois Food Bank; and

WHEREAS, the Illinois Retail Merchants Association recognized Sunset Foods as a “Retailer of the Century” in 2000 based on community involvement, economic impact, leadership in business associations, and dedication to the retail trade; and

WHEREAS, Sunset Foods is dedicated to giving back to the communities it serves through participation in fundraising efforts for local non-profit organizations; and

WHEREAS, Sunset Foods is committed to the health of its customers by providing complimentary nutritional store tours, cooking and nutrition classes, a wide variety of organic and healthy food items, and a long standing partnership with area health care providers to help educate customers; and

WHEREAS, this year Sunset Foods is celebrating 70 years of being a neighborhood supermarket committed to providing the finest customer service and being small enough to get to know their customers, yet large enough to stock an outstanding selection of food, liquor, floral, and specialty foods:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 24, 2007 as SUNSET FOODS DAY in Illinois, and encourage all citizens to join in celebrating Sunset’s 70 years of service to area residents, businesses, and communities.

Issued by the Governor February 16, 2007.
Filed by the Secretary of State February 21, 2007.

2007-42
HENRY WADSWORTH LONGFELLOW DAY

WHEREAS, as America’s storyteller, Henry Wadsworth Longfellow helped to create America’s national identity through his portrayals of historic events and characters, as in “Paul Revere’s Ride,” “Hiawatha,” “Evangeline,” and “The Courtship of Miles Standish”; and

WHEREAS, as the poet of the people, Longfellow was the most widely read poet in the English-speaking world for more than 100 years, memorized by citizens from all walks of life. Generations of children learned to enjoy poetry through Longfellow’s carefully composed verse;
and

WHEREAS, as a citizen of the world, Longfellow, a professor of modern languages at Bowdoin and Harvard, introduced Americans to the literature of the world, producing the first American translation of, among other works, Dante’s “Divine Comedy.” Longfellow was the first American poet to command lasting respect in other countries and is the only American poet memorialized by a bust in Poet Corner in London’s Westminster Abbey; and

WHEREAS, as a multiculturalist, Longfellow championed multiculturalism before that term was invented, writing sympathetically about ethnic and religious minorities and combining stories and forms from many literary traditions; and

WHEREAS, as an author of lasting influence, hundreds of libraries, schools, and other public places in the United States are named for Longfellow; and

WHEREAS, February 27, 2007 marks the 200th birthday of Mr. Longfellow and the national focus of the public school based “Longfellow Across America” program—an organized reading of Longfellow’s poetry designed to increase the visibility and enjoyment of his work and to foster greater appreciation of his role in helping to shape America’s culture:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 27, 2007 as HENRY WADSWORTH LONGFELLOW DAY in Illinois, and encourage all citizens to read a poem by Longfellow and in turn, share the work with friends, family members, young people, and neighbors. By celebrating the work of America’s original poet of the people, citizens of the State of Illinois will have the pleasure of rediscovering a distinctly American author; one whose influence and impact is as relevant today as it was nearly two centuries ago.

Issued by the Governor February 16, 2007.
Filed by the Secretary of State February 21, 2007.

2007-43

ESTONIAN INDEPENDENCE DAY

WHEREAS, the Republic of Estonia gained independence in 1918 after withstanding centuries of Danish, Swedish, German and Russian
rule, approving the country’s first constitution in 1920; and

WHEREAS, joining the League of Nations in 1921, Estonia strived to maintain good relations with all nations, while dealing with numerous domestic issues, including an attempted coup d’état by the Russian Bolsheviks and the gradual introduction of authoritarian rule; and

WHEREAS, despite declaring themselves neutral at the outbreak of World War II, Estonia was forced to sign a mutual assistance pact with Moscow in 1939. At the end of the war, 282,000 Estonians had either died in combat, fled the country or been deported, reducing their population by a full quarter; and

WHEREAS, in 1940, Estonia was forcibly integrated into the Soviet Union, only to be occupied briefly by Germany during World War II, before the Soviets resumed control in 1944; and

WHEREAS, this forced occupation led to decades of repression, in which Estonians struggled to maintain their national identity, before finally coming to an end in 1991 with the collapse of the Soviet Union; and

WHEREAS, on September 2, 1991, the United States of America officially recognized Estonia’s independence, and, by the end of 1991, approximately one hundred nations had also done so. However, it was not until 1994 that the last of the Russian troops evacuated the country, leaving Estonia free to re-establish their diplomatic relations with the world; and

WHEREAS, Americans of Estonian descent are exemplary citizens, who continue to uphold their rich cultural traditions, take pride in their history, promote human rights and seek self-determination for their homeland:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 24, 2007 as ESTONIAN INDEPENDENCE DAY in Illinois in recognition of the country’s 89th Anniversary of Independence.

Issued by the Governor February 16, 2007.

Filed by the Secretary of State February 21, 2007.
2007-44

PEACE CORPS WEEK

WHEREAS, in 1961, President John F. Kennedy established the Peace Corps in hopes of promoting world peace and friendship through volunteer work in developing countries; and

WHEREAS, since its inception, more than 187,000 men and women from across the United States, including over seven thousand from Illinois, have served as Peace Corps volunteers in 139 different countries; and

WHEREAS, Peace Corps volunteers have made significant contributions around the world in agriculture, business development, information technology, education, health and HIV/AIDS, and the environment, and have improved the lives of individuals and communities around the world; and

WHEREAS, Peace Corps volunteers have strengthened the ties of friendship and understanding between the people of the United States and those of other countries; and

WHEREAS, Peace Corps volunteers, enriched by their experiences overseas, have brought to their communities throughout the United States a deeper understanding of other cultures and traditions; and

WHEREAS, it is indeed fitting to recognize Peace Corps as an enduring symbol of our nation’s commitment to encouraging progress, creating opportunity, and expanding development at the grass-roots level across the globe:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 26 through March 4, 2007 as PEACE CORPS WEEK in Illinois, and encourage all citizens to recognize and appreciate the significant and lasting impact that these volunteers have made across the world.

Issued by the Governor February 16, 2007.
Filed by the Secretary of State February 21, 2007.

2007-45

ILLINOIS ARTS EDUCATION WEEK

WHEREAS, the State of Illinois recognizes that arts education,
which includes dance, drama, music, and visual arts, is an essential part of basic education for all students, providing them with a balanced education that will aid in developing their full potential; and

WHEREAS, the arts enrich the lives of children in Illinois and throughout the country by helping them to develop creative ability, self-expression, self-reflection, cognitive skills, discipline, a heightened appreciation of beauty and cross-cultural understanding; and

WHEREAS, experience in the arts develops insights and abilities central to the experience of life; and

WHEREAS, the arts are collectively an important repository of our culture; and

WHEREAS, many national and state professional education associations hold celebrations in the month of March focused on students’ participation in the arts; and

WHEREAS, these celebrations give Illinois schools a unique opportunity to focus on the value of the arts for all students, to foster cross-cultural understanding, to recognize the state’s outstanding young artists, to focus on careers in the arts available to Illinois students, and to enhance public support for this important part of their curriculum; and

WHEREAS, the fine arts are a significant component of students’ educational development, teaching them the language and production of the arts, and helping them understand the role of the arts in civilizations, past and present:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 11-17, 2007 as ILLINOIS ARTS EDUCATION WEEK in Illinois, and encourage all citizens to celebrate the arts with meaningful student activities and programs that demonstrate learning and understanding in the visual and performing arts.

Issued by the Governor February 21, 2007.
Filed by the Secretary of State February 21, 2007.

2007-46

ILLINOIS DEVELOPMENT COUNCIL DAY

WHEREAS, the Illinois Development Council is a statewide organization of economic development professionals, and the Council members are affiliated as a not-for-profit corporation for the purpose of
furthering the development of the economic base of Illinois; and

WHEREAS, supporting a stable business environment in the State of Illinois that is conducive to attracting and retaining jobs, the Illinois Development Council places high value on innovation, research and technology; and

WHEREAS, the Illinois Development Council supports an environment that provides for the development of small businesses and creates opportunities for business growth in the State of Illinois; and

WHEREAS, the Illinois Development Council supports an investment in the infrastructure of the State in order to provide jobs and capital investment; and

WHEREAS, the Illinois Development Council supports the State of Illinois’ K-12 and higher education systems and their continuing efforts to produce a sound and stable workforce; and

WHEREAS, the Illinois Development Council supports investment in programs and services that help all businesses in the State of Illinois compete in the global marketplace:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 1, 2007 as ILLINOIS DEVELOPMENT COUNCIL DAY in Illinois, and commend its members for their efforts to support and enhance the economy of our great State.

Issued by the Governor February 21, 2007.
Filed by the Secretary of State February 21, 2007.

2007-47
NATIONAL TRIO DAY

WHEREAS, a large majority of United States citizens need developmental course work, tutoring and counseling to succeed in secondary school and in postsecondary freshman-level courses due to their various backgrounds and aspirations; and

WHEREAS, TRIO programs, which were established by the federal government in 1965, are educational opportunity programs designed to motivate and support students from disadvantaged backgrounds; and

WHEREAS, TRIO programs provide outreach services targeted to assist low-income, first-generation college students, and students with
disabilities to progress from middle school to post-baccalaureate programs and enhance their prospects of achieving academic excellence; and

WHEREAS, the TRIO program strives to increase college retention and graduation rates for eligible students, and to foster a supportive climate through activities such as tutoring, counseling, and study skill enhancement; and

WHEREAS, Illinois has 116 TRIO Projects which offer services to over 31,000 residents located throughout the state on college campuses and in community agencies:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 19, 2007 as NATIONAL TRIO DAY in Illinois, and encourage all citizens to recognize the positive impact these programs have on the educational system in Illinois, and across the country.

Issued by the Governor February 22, 2007.
Filed by the Secretary of State February 27, 2007.

2007-48

ILLINOIS ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY

WHEREAS, for many years, the Electric and Telephone Cooperatives of Illinois have sponsored a paid tour of Washington, D.C., for approximately 60 outstanding Illinois high school students; and

WHEREAS, the selection criteria for students to participate includes essay and youth leadership contests that are sponsored by member cooperatives; and

WHEREAS, students from Illinois, along with nearly 1,500 contest winners from other states, will have an opportunity to witness their federal government in action during the “Youth to Washington” tour taking place on June 8 – 15, 2007; and

WHEREAS, in an effort to provide a broader educational experience for students throughout the state, the Electric and Telephone Cooperatives of Illinois will also sponsor a trip to our state capitol March 28, 2007 for 250 contest finalists; and

WHEREAS, these hard-working young men and women are the future of our state and country, and deserve to be commended for their
achievements and their desire to learn more about their nation’s governing bodies:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 28, 2007 as ILLINOIS ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY in Illinois, and encourage all citizens to support youth programs that assist those interested in learning about the United States government.

Issued by the Governor February 22, 2007.
 Filed by the Secretary of State February 27, 2007.

2007-49
AMERICAN RED CROSS MONTH

WHEREAS, in 1881, the efforts of Clara Barton led to the establishment of the American Red Cross, and now for more than a century the American Red Cross has been at the forefront of helping Americans prevent, prepare and respond to large and small disasters; and

WHEREAS, since its inception, the American Red Cross has grown into an organization which is uniquely chartered by the United States Congress to act in times of need by providing assistance to persons afflicted by local, state, national or international disasters, as well as to assist American Military personnel and their families; and

WHEREAS, American Red Cross chapters in Illinois responded to over 2,300 local emergencies, assisted over 11,000 military families and trained over 396,000 people in lifesaving skills such as First Aid, CPR, and Automated External Defibrillators; and

WHEREAS, the American Red Cross is committed to assuring a safe and adequate blood supply for Illinois and the entire nation by performing blood drives where volunteers are asked to donate so that blood is readily available when needed by members of our communities; and

WHEREAS, through its work, the American Red Cross, an enduring American institution, restores hope at home and throughout the world every day. Furthermore, the vital services of this humanitarian organization would not be possible without generous contributions from the American people:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim March 2007 as AMERICAN RED CROSS MONTH in Illinois, and encourage all Illinois citizens to support the noble efforts of the American Red Cross by giving their time, money, or blood donations to this worthy organization so that it may continue to help our communities in time of need.

Issued by the Governor February 22, 2007.
Filed by the Secretary of State February 27, 2007.

2007-50

JENNIFER HUDSON DAY

WHEREAS, Jennifer Kate Hudson was born on Chicago’s South Side on September 12, 1981, and graduated from Dunbar Vocational Career Academy in 1999; and

WHEREAS, displaying her music and theatrical skills all throughout her adolescent years in dozens of talent shows and musical productions, Jennifer landed her first professional role in a local production of “Big River,” a stage adaptation of Mark Twain’s “The Adventures of Huckleberry Finn;” and

WHEREAS, in 2002, Jennifer began to catch the eyes and ears of the world, taking a job entertaining thousands of vacationers from all across the globe as a vocalist on the Disney Wonder Cruise Ship; and

WHEREAS, Jennifer received her first big break in 2004, being selected as a contestant on the third season of the popular FOX television program American Idol, where she became one of 12 finalists for the top prize; and

WHEREAS, although Jennifer was not victorious, she gained wide national and international attention as a singer and performer, and her next big break was quick on the horizon; and

WHEREAS, in 2005, Jennifer landed the role of Effie in the film adaptation of the Broadway musical “Dreamgirls,” from which she received universal critical acclaim and numerous award nominations; and

WHEREAS, among her many nominations, Jennifer received several awards, including honors from the Screen Actors Guild and the Golden Globes, the latter of which is often seen as a predictor for the Academy Awards; and

WHEREAS, on February 25, 2007, Jennifer beat out a formidable
slate of nominees to earn the Oscar for Best Actress in a Supporting Role. At the age of 25, she is the eighth youngest woman to win this award, and only the third African-American woman to receive the honor; and

WHEREAS, the State of Illinois is proud of its native daughter Jennifer Hudson, who went from Chicago kid, to American Idol contender, to Oscar winner. This award marks only the beginning of what promises to be a truly stellar career for this bright young star:

THEREFORE, I, Rod R. Blagojevich, do hereby proclaim February 26, 2007 as JENNIFER HUDSON DAY in Illinois, in recognition of Jennifer’s remarkable rise to Oscar Gold.

Issued by the Governor February 26, 2007.

Filed by the Secretary of State February 27, 2007.

2007-51

WOMEN VETERANS RECOGNITION MONTH

WHEREAS, throughout history, women have displayed their patriotism by courageously serving in the various branches of the United States Armed Forces; and

WHEREAS, although women did not officially receive permanent military status until President Harry Truman signed the Women’s Armed Services Integration Act in 1948, they have served and distinguished themselves in times of peace as well as during every major conflict since the birth of our great nation; and

WHEREAS, prior to 1948, women served in numerous support roles both on and off the battlefields in such capacities as nurses, saboteurs, cooks, mechanics, clerks, telephone operators, and drivers; and

WHEREAS, today, there are approximately 350,000 women, or almost 15 percent of the active duty, reserve and guard units, enlisted in the various branches of the United States Armed Forces; and

WHEREAS, the State of Illinois is proud to participate in the “Salute to Women Veterans,” which will be held on March 24th this year, and throughout the month of March, to acknowledge the numerous sacrifices and accomplishments made by the brave women who have served their country through military service:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2007 as WOMEN VETERANS
RECOGNITION MONTH in Illinois, and encourage all citizens to honor those women veterans who have courageously served their country.

Issued by the Governor February 26, 2007.
Filed by the Secretary of State February 27, 2007.

2007-52
SAVE ABANDONED BABIES DAY

WHEREAS, signed into law in August 2001, the Illinois Abandoned Newborn Protection Act allows parents to relinquish a newborn infant to personnel at a local hospital, police station, fire station, or emergency medical facility anonymously and free from prosecution; and

WHEREAS, relinquished babies then may become custody of the state and are placed in a responsible and nurturing safe haven; and

WHEREAS, the Illinois Abandoned Newborn Protection Act provides a safe alternative to abandonment for Illinois parents who feel they cannot cope with the responsibility of caring for a newborn baby; and

WHEREAS, it is the hope of the State of Illinois that as awareness of this Act increases, it will stop the abandonment of newborn infants, a practice that has led to healthy babies being found harmed, deceased or in unsafe places; and

WHEREAS, the Illinois Abandoned Newborn Protection Act is a critical statute in the State of Illinois, as it affords the chance of a better life for abandoned newborn babies:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 3, 2007 as SAVE ABANDONED BABIES DAY in Illinois, and encourage all citizens to recognize the importance of protecting abandoned infants and giving them the proper care they deserve.

Issued by the Governor February 26, 2007.
Filed by the Secretary of State February 27, 2007.

2007-53
FARMERS INSURANCE

WHEREAS, the “Freedom’s Song” documentary film, developed
and funded by Farmers Insurance Group, continues to provide students the opportunity to enhance their knowledge and appreciation of significant contributions made by African Americans in the development of this great nation; and

WHEREAS, through a specially designed curriculum created by a team of educators at the University of Colorado at Colorado Springs, the program also provides middle and high school students with engaging classroom activities/lesson plans using video and audio interviews from DVD; and

WHEREAS, the “Freedom’s Song” program is a multi-faceted approach to helping teachers effectively present materials and information about African-American history and African Americans to a broad group of students, across many socio-economic levels; and

WHEREAS, Farmers has partnered with the Association for the Study of African American Life and History, the founders of African-American history month, to produce a thought-provoking and meaningful educational program for educators across the country; and

WHEREAS, Myrlie Evers-Williams provides an engaging and heart-felt introduction to the “Freedom’s Song” documentary film; and

WHEREAS, the Web site presents important information about the program including rare archival photos, voices of students talking about what African-American history means and those associated with certain key moments in history, updated information on launch dates/cities, downloadable lesson plans for teachers, additional resources page for teachers:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby recognize and honor FARMERS INSURANCE for their caring, thoughtful and insightful advancement of the historical knowledge of the children of our community.

Issued by the Governor February 26, 2007.
Filed by the Secretary of State February 27, 2007.

2007-54
SRI SRI RAVI SHANKAR DAY

WHEREAS, in 1982, Sri Sri Ravi Shankar founded the Art of Living Foundation (AOLF), an international nonprofit educational,
charitable, and humanitarian organization which operates in consultative status with the Economic and Social Council of the United Nations; and

WHEREAS, Sri Sri Ravi Shankar’s life and work have been dedicated to reviving human values and bringing about world peace and by inspiring individual commitment to self-awareness, well-being and selfless service; and

WHEREAS, born in 1956 in India, Sri Sri studied with many renowned spiritual masters and became a scholar of Vedic Literature. By the age of seventeen, he had obtained an Advanced Degree in Modern Physics from St. Joseph’s College, Banaglore University; and

WHEREAS, the AOLF, and its sister organization, the International Association for Human Values, is represented in more than 140 countries; and

WHEREAS, the programs and service activities of the AOLF have benefited more than 25 million people across the globe from all walks of life, including survivors of 9/11, Kosovo, Afghanistan, the South East Asia tsunami, and Hurricane Katrina; and

WHEREAS, AOLF’s unique educational and self-development programs offer techniques to alleviate the effects of stress, improve health, expand awareness, foster a sense of belongingness, and restore human values; these techniques bring people from all backgrounds, religions, and cultural traditions together in celebration and service; and

WHEREAS, during the week of March 25-31, 2007, the AOLF will host a gala on March 28, 2007 at the Kennedy Center in Washington D.C. to highlight the critical role human values play in eradication of violence and stress; and

WHEREAS, on March 8, 2007, Chicago’s Hero’s of Humanity award ceremony will take place as part of an ongoing commitment to a violence-free and stress-free America, based upon the principles in the Foundation established by Sri Sri Ravi Shankar:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 8, 2007 as SRI SRI RAVI SHANKAR DAY in Illinois, and encourage all citizens to join in this worthy observance.

Issued by the Governor February 26, 2007.

Filed by the Secretary of State February 27, 2007.
WHEREAS, each year more than 36,000 people in the United States are diagnosed with Kidney cancer, and more than 100,000 kidney cancer survivors are currently living throughout the U.S.; and
WHEREAS, the exact cause of kidney cancer is still unknown; and
WHEREAS, kidney cancer occurs nearly twice as often in men as in women, and it mostly occurs in men over 40 years old; and
WHEREAS, the American Cancer Society predicted that in 2006 there were about 38,890 new cases of kidney cancer in the U.S., and 12,840 people died from the disease; and
WHEREAS, signs and symptoms of kidney cancer may include: blood in the urine; low back pain on one side (not from an injury); a mass or lump in the belly; tiredness; weight loss (if you are not trying to lose weight); fever that does not go away after a few weeks and that is not from a cold, the flu, or other infection; and swelling of ankles and legs. A doctor should be consulted if any of these problems are occurring; and
WHEREAS, other than surgery, the most commonly used treatments for kidney cancer are immunotherapy, radiation, and chemotherapy; and
WHEREAS, breakthroughs in research over the last year have given renewed hope to patients who previously had few treatment options:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2007 as KIDNEY CANCER AWARENESS MONTH in Illinois to raise awareness of kidney cancer, and encourage all citizens to be extra cognizant of the symptoms and causes of this disease, so that we can continue to strive toward more effective treatments.

Issued by the Governor February 26, 2007.
Filed by the Secretary of State February 27, 2007.

2007-56
COLORECTAL CANCER AWARENESS MONTH

WHEREAS, colorectal cancer, cancer of the colon or rectum, is the third leading cause of cancer-related deaths in the United States for
both men and women combined; and

WHEREAS, sadly, there are thousands of Americans who die from colorectal cancer every year. An estimated 56,000 men and women died from the disease just in 2005, and it is estimated that more than 145,000 Americans will be diagnosed with colorectal cancer this year. In Illinois, 7,350 Illinoisans will be diagnosed in 2007 with colorectal cancer and 2,750 men and women will die from the disease this year; and

WHEREAS, today, approximately 90 percent of colorectal cancers and deaths are thought to be preventable thanks to a procedure called a colonoscopy, which, unlike a sigmoidoscopy, allows doctors to look inside the entire large intestine; and

WHEREAS, most cases of colorectal cancer begin as non-cancerous polyps, which are grape-like growths on the lining of the colon and rectum. These polyps can become cancerous. Consequently, their removal can prevent colorectal cancer from ever developing; and

WHEREAS, because there are often no symptoms related to polyps, it is important to get screened regularly. Men and women at an average risk for the disease should start getting screened after the age of 50. Recent research has shown that African Americans are more frequently diagnosed at a younger age. Experts suggest they begin screening after the age of 45; and

WHEREAS, colorectal cancer screening tests can even save lives when they detect polyps that have become cancerous. When discovered early, the disease can be cured in most cases. Unfortunately, less than 50 percent of Americans over the age of 50 receive regular screenings for colorectal cancer; and

WHEREAS, a number of organizations, including the Illinois Department of Public Health, throughout the country will sponsor activities and events this March that educate the public about the importance of getting screened regularly, as well as other ways to reduce the risk of colorectal cancer, such as adopting a healthy lifestyle and diet:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2007 as COLORECTAL CANCER AWARENESS MONTH in Illinois to raise awareness about colorectal cancer, and to promote colonoscopies so that others can avoid the same fate as any of the victims of this terrible disease.

Issued by the Governor February 26, 2007.
2007-57
SCHOOL HEALTH CENTER AWARENESS MONTH

WHEREAS, the growth and development of school age children is of paramount importance in Illinois, and across the country; and
WHEREAS, Illinois values its children and recognizes the need to provide them with the primary and preventative health care services necessary for their overall well-being; and
WHEREAS, approximately one in seven teenagers has no health insurance, and private health insurance plans often place restrictions on services for teens; and
WHEREAS, in 1982, school health centers began to emerge in Illinois as a way to provide health services to children and adolescents who would not otherwise have access to those services; and
WHEREAS, today, there are over fifty school health centers in Illinois providing accessible, affordable and quality health care and health education to school aged children; and
WHEREAS, research has shown that school health centers contribute to fewer school absences, higher compliance with required immunizations and physical exams, decreased smoking of tobacco and marijuana, fewer hospitalizations and emergency room visits, lower school drop-out rates and a decline in teen pregnancy:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2007 as SCHOOL HEALTH CENTER AWARENESS MONTH in Illinois, and urge all citizens to recognize the role of local school-based and school-linked health centers in improving the lives of young people and their families.

Issued by the Governor February 26, 2007.
Filed by the Secretary of State February 27, 2007.

2007-58
ILLINOIS POISON PREVENTION MONTH

WHEREAS, all citizens should be made aware of the ever-present dangers posed by potentially poisonous household substances; and
WHEREAS, children too often have access to commonly used drugs and medicines and to such potentially toxic household products such as cleaners, polishes, paint solvents, and antifreeze; and
WHEREAS, over the past 45 years, the nation has been observing Poison Prevention Week to call attention to these hazards and how proper handling and disposal of these substances and proper use of safety packaging can help eliminate poisonings; and
WHEREAS, the Illinois Poison Center is a mainstay in the emergency medical care system of the state of Illinois and is recognized nationally for its contributions to poison treatment and prevention; and
WHEREAS, more than 50 percent of the more than 100,000 poisonings report last year to the Illinois Poison Center involved children less than six years of age and could have been prevented:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2007 as ILLINOIS POISON PREVENTION MONTH in Illinois, and encourage all citizens to learn more about the Illinois Poison Center’s prevention programs that alert citizens to the continuous problem of accidental poisonings and to encourage effective safeguards such as poison proofing as a deterrent to childhood poisonings.

Issued by the Governor February 26, 2007.
Filed by the Secretary of State February 27, 2007.

2007-59
LAND SURVEYORS' MONTH

WHEREAS, the profession of land surveying is one of the oldest technical services associated with our society. Each year, our complex civilization depends more and more on land surveyors’ skills and accuracy to determine property rights, method of design and construction; and
WHEREAS, the skills of George Washington, as a land surveyor, had a considerable influence on his job as Commander-in-Chief of our Revolutionary Forces, as the winning our nation’s independence depended heavily on his planning of military operations and choice of selected battle sites; and
WHEREAS, more than 80 years later, when the states were threatened by a cruel division, another great President and former land
surveyor, Abraham Lincoln, also used his land surveying skills to direct
the war that preserved our nation; and

WHEREAS, it is important that we recognize the two “Land
Surveyor Presidents,” George Washington and Abraham Lincoln, during
the Illinois Professional Land Surveyors Association 50th Annual
Conference, which will be held in conjunction with the Missouri Society
of Professional Surveyors and the American Congress on Surveying and
Mapping Conference and Teaching Exhibition, held in St. Louis, Missouri, March 9-12, 2007; and

WHEREAS, during the month of March, the Illinois Professional
Land Surveyors Association will be celebrating their 79th Anniversary of
representing the profession of land surveying in the State of Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim March 2007 as LAND SURVEYORS’
MONTH in Illinois to recognize land surveyors for their indispensable
work, and to congratulate the Illinois Professional Land Surveyors
Association for their years of service to the profession of land surveying.

Issued by the Governor February 26, 2007.
Filed by the Secretary of State February 27, 2007.

2007-60

CHICAGO LATINO FILM FESTIVAL DAYS

WHEREAS, 2007 marks the 23rd annual Chicago Latino Film
Festival celebrated by the International Latino Cultural Center of Chicago
(ILCC); and

WHEREAS, the ILCC is a Pan-Latino multi-arts organization
dedicated to developing, promoting, and increasing awareness of Latino
cultures among Latinos and others communities through a wide variety of
art forms and education; and

WHEREAS, the ILCC has screened more than 1000 films and
videos, including many award-winners that otherwise would have never
been shown in Chicago; sponsored workshops and discussions with over
600 visiting filmmakers; and hosted more than 100 foreign journalists; and

WHEREAS, each year, the ILCC produces the two-week Festival
in the spring, screening 100 of the best Latin American and Iberian feature
length, documentary, and short films from over 20 nations. Over 20 years, attendance for the film festival has grown from 500 people to more than 35,000; and

WHEREAS, this year, ILCC will celebrate the Chicago Latino Film Festival from April 13 to April 25:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 13 – 25, 2007 as CHICAGO LATINO FILM FESTIVAL DAYS in Illinois in celebration of the International Latino Cultural Center of Chicago’s 23rd Chicago Latino Film Festival, which has become an annual tradition anticipated by citizens from all around the state.

Issued by the Governor February 26, 2007.
Filed by the Secretary of State February 27, 2007.

2007-61
NORTHWEST SIDE IRISH ST. PATRICK'S DAY PARADE

WHEREAS, the Northwest Side Irish organization is holding their 4th annual Friends and Family St. Patrick’s Day Parade on March 4, 2007; and

WHEREAS, the Northwest Side Irish organization is a not-for-profit corporation that was founded in 2002 in memory of Judith Murray, an Irish mother with a “heart of gold” whose home was always filled with her own five children and most of the neighbors’ too. Mrs. Murray passed away in 2002; and

WHEREAS, over the last four years, the Northwest Side Irish organization has worked with many charities, including Maryville Academy, Misericordia Heart of Mercy, the Wounded Soldiers, Pediatric Oncology Treasure Chest Foundation, New Horizon, and this year Operation Support Our Troops; and

WHEREAS, this year, Northwest Side Irish is honoring Lt. Governor Pat Quinn as their 2007 “Humanitarian of the Year” for his endless efforts in assisting our American troops and American veterans and their families; and

WHEREAS, in celebration of Irish traditions, Northwest Side Irish will kick off the fourth annual “Friends and Family” Saint Patrick’s Day parade on March 4, 2007 in Chicago, Illinois:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, am hereby proud to recognize the March 4, 2007 NORTHWEST SIDE IRISH ST. PATRICKS DAY PARADE, and encourage all citizens to join the Northwest Side Irish and other organizations, in commemorating this vibrant cultural tradition.

Issued by the Governor March 01, 2007.
Filed by the Secretary of State March 02, 2007.

2007-62
CHICAGO BUSINESS OPPORTUNITY DAYS

WHEREAS, the 40th Annual Chicago Business Opportunity Fair, which is of special interest to Illinois-based businesses, will be held April 2-4, 2007; and
WHEREAS, the fair will provide minority suppliers and purchasing personnel from major buying organizations the opportunity to meet and exchange information about mutual buying and selling needs; and
WHEREAS, Paul La Schiazza, President, AT&T of Illinois, will serve as Chairperson of the fair’s Sponsors Committee; and
WHEREAS, the 40th Anniversary of the Chicago Business Opportunity Fair assists in advancing the year-round efforts of the Chicago Minority Business Development Council, Inc. and an organization devoted to stimulating minority purchasing in Chicago and the sponsor fair; and
WHEREAS, John W. Rogers, Jr., Chairman and CEO, Ariel Capital Management Inc, is the Honorary Chairman of the CBOF Minority Business Committee Input Committee of the Chicago Minority Business Development Council's 29th Annual Awards Dinner in honor of public and private sector representatives for their contributions to minority suppliers’ growth and development on April 2, 2007;
THEREFORE, I, Rob Blagojevich, Governor of the State of Illinois, proclaim April 2-4, 2007 as CHICAGO BUSINESS OPPORTUNITY DAYS in Illinois.
Issued by the Governor March 01, 2007.
Filed by the Secretary of State March 02, 2007.
**2007-63**

**WOMEN IN CONSTRUCTION WEEK**

WHEREAS, the National Association of Women in Construction (NAWIC) has distinguished itself as the voice of women in construction in Illinois for over 45 years; and

WHEREAS, since their inception, the NAWIC has formed seven different chapters throughout the state, whose work with community development and educational programs has greatly benefited Illinois; and

WHEREAS, based on their core values, which “Believes in Unlimited possibilities, Inspires future, Leadership, and is Dedicated to enhancing the Success of women in construction,” the NAWIC has unceasingly promoted the employment and advancement of women in the construction industry; and

WHEREAS, the construction community, represented by the NAWIC, has been a driving force in fostering community development through renovation and beautification projects, promotion of skilled trades careers, and a positive vision for the future of Illinois and the entire United States:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 4-10, 2007 as WOMEN IN CONSTRUCTION WEEK in Illinois and encourage all citizens to join me in congratulating the organization on its many accomplishments.

Issued by the Governor March 01, 2007.
Filed by the Secretary of State March 02, 2007.

**2007-64**

**GHANA INDEPENDENCE WEEK**

WHEREAS, the Republic of Ghana is a nation in West Africa. In 1957, Ghana became the first sub-Saharan country in colonial Africa to gain its independence; and

WHEREAS, Ghana gained independence from the United Kingdom on March 6; and

WHEREAS, Ghana has 9 regions and the Ghana National Council is made up of three representatives of each region as well as the chairman, president and vice president; and
WHEREAS, the Ghana National Council of Metropolitan Chicago is dedicated to sponsoring various events and activities that create unity within the Ghanaian community in Metropolitan Chicago, as well as help develop surrounding communities. Their hard work is part of a collaborative effort to foster relationships within the Chicago Metropolitan area and the global community; and

WHEREAS, this year, the Ghana National Council of Metropolitan Chicago and the Ghanaian community are coming together to celebrate Ghana’s 50th Independence from March 4-10, 2007:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 4-10, 2007 as GHANA INDEPENDENCE WEEK in Illinois in recognition of the country’s 50th Anniversary of Independence, and in tribute to all the Ghanaian Americans who call Illinois their home.

Issued by the Governor March 01, 2007.
Filed by the Secretary of State March 02, 2007.

2007-65
SEVERE WEATHER PREPAREDNESS WEEK

WHEREAS, while severe weather such as tornadoes, thunderstorms and flooding can occur at any time of the year in Illinois, it is particularly prevalent during the spring and summer months; and

WHEREAS, Illinois experienced a record-setting 124 tornadoes in 2006, which resulted in one death and 49 injuries, as well as damaging or destroying hundreds of homes and businesses; and

WHEREAS, the state also experienced several severe thunderstorms during 2006, which also damaged homes and businesses and left thousands of residents without power for up to a week; and

WHEREAS, flooding is the number one severe weather killer nationwide and more than a dozen people in Illinois have died as a result of flash floods since 1995; and

WHEREAS, many storm-related deaths and injuries can be prevented if people take the time to learn about and follow safety measures before, during and after a storm; and

WHEREAS, some of these measures include using a National Oceanic and Atmospheric Administration (NOAA) Weather Alert Radio,
which provides round-the-clock alerts of approaching storms for families, businesses, and gathering places; maintaining an emergency supply kit with a flashlight, batteries, radio, food, water and other necessities; having a predetermined safe location where people can go during severe storms or tornadoes; and never driving or walking on a flooded road; and

WHEREAS, a statewide tornado drill will be held Tuesday, March 6, 2007 at 10:00 AM to encourage schools and businesses to practice their severe storm emergency plans; and

WHEREAS, the Illinois Emergency Management Agency and the National Weather Service are joining together to increase public awareness of severe weather hazards in Illinois and encourage citizens to prepare for severe weather:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 4-10, 2007 as SEVERE WEATHER PREPAREDNESS WEEK in Illinois. During this week I urge all citizens of Illinois to learn more about the dangers of thunderstorms, tornadoes and flooding and to take steps to ensure they are prepared to stay safe when severe weather threatens.

Issued by the Governor March 01, 2007.
Filed by the Secretary of State March 02, 2007.

2007-66
CASIMIR PULASKI DAY

WHEREAS, Casimir Pulaski met Benjamin Franklin when he was recruiting volunteers to fight in America's War of Independence. Aware that England had recommended that Poland be partitioned by her hostile neighbors in 1772, Pulaski enthusiastically responded to Franklin's plea for assistance; and

WHEREAS, in his letter of introduction to Washington, Franklin wrote of Pulaski as "an officer famous throughout Europe for his bravery and conduct in defense of the liberties of his country against ... great invading powers"; and

WHEREAS, in September 1777, while awaiting his formal appointment by Congress, Pulaski was invited by Washington to serve on his staff during the Battle of Brandywine. Pulaski's performance during this baptism of blood in America earned him a commission as Brigadier
General of the entire American cavalry; and

WHEREAS, in 1779, Pulaski was ordered to join General Lincoln in the South to help recapture Savannah. After French General D'Estaing, leader in the attack on the southern capital, fell wounded, Pulaski is reported to have rushed forward to assume command and raise the soldiers’ spirits by his example and courage, only to be mortally wounded himself. Pulaski was named the "Father of the American Cavalry", and remains one of the well known figures of the American Revolutionary War; and

WHEREAS, although General Pulaski passed away in 1779, his legacy still lives on as we continue to honor his bravery and heroism. General Pulaski not only is a testament to the significance that Polish Americans have had in this country, but Americans of all backgrounds and ethnicities. His strong work ethic, deep religious faith, and great cultural pride truly serve as a model for all of us to follow. With Chicago boasting the largest Polish population of any city outside of Poland, it is fitting that we take the time to recognize the amazing contributions that Casimir Pulaski has made to our nation:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 5, 2007 as CASIMIR PULASKI DAY in Illinois, and encourage all citizens to join in commemorating the life and accomplishments of a true American Revolutionary hero, the Polish patriot Casimir Pulaski.

Issued by the Governor March 02, 2007.
Filed by the Secretary of State March 02, 2007.

2007-67
MULTIPLE SCLEROSIS AWARENESS WEEK

WHEREAS, Multiple Sclerosis (MS) is a chronic and disabling disease of the central nervous system in which the progression, severity and specific symptoms cannot be foreseen; and

WHEREAS, every hour of every day someone new is diagnosed with MS, a disease that can erode a person’s abilities and hopes, halt a career and unravel the fabric of families; and

WHEREAS, last year in Illinois many dollars were raised to find the cure for MS and develop effective treatments for the disease, as well
as provide a wide range of client programs to improve the lives of the individuals living with MS in our state; and

WHEREAS, this investment is paying off in significant advances in treating MS, such as new medications which may reduce or delay future disability for people with MS; and

WHEREAS, while research advances have brought us closer to finding the cure, much remains to be done, and services must continue to be provided to those who live with the disease; and

WHEREAS, there are public and private agencies available to serve the constantly changing needs of those with MS and their families living in Illinois by extending essential services to all who need them:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 5-11, 2007 as MULTIPLE SCLEROSIS AWARENESS WEEK in Illinois, and encourage all citizens to join in this worthy observance.

Issued by the Governor March 02, 2007.
Filed by the Secretary of State March 02, 2007.

2007-68
NATIONAL FOREIGN LANGUAGE WEEK

WHEREAS, all citizens live and participate in an increasingly interdependent global community; and

WHEREAS, boundaries between countries are being dissolved by new technology, making foreign language study increasingly important as people begin to experience and enjoy the growing social, cultural, and economic ties between nations; and

WHEREAS, in order to compete on a global scale, many employers are now seeking individuals proficient in foreign languages who are able to operate and adapt in the culturally diverse international marketplace; and

WHEREAS, recent studies show that the study of foreign languages contributes to improved academic performance and a greater understanding of people from different language and cultural backgrounds; and

WHEREAS, foreign language educators in Illinois urge the public to recognize the importance of foreign language study and its ability to
expand people’s cultural and literary horizons; and

WHEREAS, this year, the fiftieth anniversary of National Foreign Language Week is being celebrated from March 5 – 11, 2007:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 5 – 11, 2007 as NATIONAL FOREIGN LANGUAGE WEEK in Illinois, and encourage all citizens to recognize and appreciate the value that foreign language study brings to our society.

Issued by the Governor March 02, 2007.
Filed by the Secretary of State March 02, 2007.

2007-69
KEN BARTELS, ELMHURST JAYCEES DISTINGUISHED SERVICE AWARD

WHEREAS, the Elmhurst Jaycees, a local chapter of the U.S. Junior Chamber of Commerce, serves the local community through organizing events and service to others; and

WHEREAS, the Elmhurst Jaycees was established in 1920 and continues today to provide young people between the ages of 21 and 39 the tools they need to build bridges of success for themselves in the areas of business development, management skills, individual training, community service, and international connections; and

WHEREAS, in addition to providing opportunities to develop personal and leadership skills, the Elmhurst Jaycees have honored deserving community volunteers with the Distinguished Service Award for more than 50 years; and

WHEREAS, the honoree for this evening, Ken Bartels, has been a very active member of the Elmhurst community. In addition to his work as Vice President of College Advancement at Elmhurst College, Bartels has also been a leader for the Elmhurst Chamber of Commerce & Industry, Rotary Club of Elmhurst, Elmhurst Symphony Orchestra, as well as many other worthwhile organizations; and

WHEREAS, Mr. Bartels has worked hard in the Elmhurst community for more than 25 years, where he has also been the cable TV voice of Elmhurst’s Memorial Day Parade, Elmfest’s Opening Ceremonies and as part of the “Elmhurst Our Kind of Town” cable
television series; and

WHEREAS, this year, the Elmhurst Jaycees will present the 2007
Distinguished Service Award to Ken Bartels at River Forest Country Club
on April 18:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby recognize KEN BARTELS as he receives the
ELMHURST JAYCEES DISTINGUISHED SERVICE AWARD for his
contributions to the Elmhurst community, service to humanity, and to our
great State.

Issued by the Governor March 05, 2007.
Filed by the Secretary of State March 12, 2007.

2007-70
WORLD KIDNEY DAY

WHEREAS, the Renal Support Network (RSN) and Wellness &
Education Kidney Advocacy Network (weKAN), as well as other
organizations nationwide are recognizing Kidney Disease on this day; and

WHEREAS, of the estimated 20 million people, or 1 in 9 adults
with chronic kidney disease, another 20 million are at risk for developing
chronic kidney disease; and

WHEREAS, by calling attention to the importance of education
and patient self-empowerment with regard to chronic kidney disease
within our state, we hope to improve the quality and availability of such
information and services; and

WHEREAS, our future depends on the quality of care and
services; education, advocacy, and awareness of chronic kidney disease
represent a worthy commitment to current and future patients:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim March 8, 2007 as WORLD KIDNEY DAY in
Illinois, and urge all citizens to observe this day with appropriate
programs and activities. Furthermore, I encourage the citizens of Illinois
to seek counsel and input from any person or group, such as RSN and
weKAN, with knowledge and expertise in matters concerning Chronic
Kidney Disease.

Issued by the Governor March 05, 2007.
Filed by the Secretary of State March 12, 2007.
WHEREAS, on Sunday March 10, 2002 Kent Jacob missed his 5:00-6:00 p.m. curfew, and has been missing since that tragic day. Although Kent was physically 42-years-old at the time of his disappearance, he only had the mental capacity of a young child; and

WHEREAS, because Kent had the mental capacity of a child, and like any young child, Kent and others like him are very vulnerable to a predator. Special needs men, women and children often do not have the analytical skills to sense danger, nor the ability to free themselves from a dangerous or volatile situation. Armed with these facts and the desire to educate others, the Safety Matters initiative was born; and

WHEREAS, Safety Matters is a two-part program. The first part of the initiative is geared toward the parents or care-givers of special needs adults and children and it is made up of eight simple safety points that were designed to empower the individual, not cripple them with fear. The I am SAFE (Secure, Aware, Firm, and Educated) curriculum is designed to be taught on an on-going basis to adults and children with special needs; and

WHEREAS, as the search for Kent Jacobs continues, the Jacobs family is determined to prevent this from happening to others by joining forces with Let's Bring Them Home to launch a new initiative entitled Safety Matters:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 10, 2007 as SAFETY MATTERS DAY in Illinois, and encourage all citizens to join in this worthy observance, and do your part to support this important program.

Issued by the Governor March 06, 2007.
Filed by the Secretary of State March 12, 2007.

2007-72
CERTIFIED ATHLETIC TRAINERS MONTH

WHEREAS, the State of Illinois recognizes certified athletic trainers as an integral part of our health care system, providing quality care and injury prevention for the physically active; and
WHEREAS, Illinois certified athletic trainers are trained and responsible individuals whose duties include the prevention, evaluation, treatment and rehabilitation of injuries caused during physical activities or athletics; and

WHEREAS, the certified athletic trainer has become a vitally important part of health care in this country; and

WHEREAS, due to the proven success rates of certified athletic trainers in Illinois, more people are partaking in physical activities with the knowledge that if they do become injured, there are quality trainers who can assist with rehabilitation; and

WHEREAS, for their continued commitment to providing quality care and injury prevention to the physically active, the State of Illinois recognizes certified athletic trainers for the vital role that they play in health care in this country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2007 as CERTIFIED ATHLETIC TRAINERS MONTH in Illinois, and I encourage all citizens to join this worthy observance.

Issued by the Governor March 06, 2007.
File by the Secretary of State March 12, 2007.

2007-73
SISTER CITIES DAY

WHEREAS, in 1956, shortly after World War II and at the height of the Cold War, President Dwight D. Eisenhower proposed a “People-to-People” program, aimed at involving individuals and organized groups at all levels of society in citizen diplomacy, with the hope that these personal relationships would lessen the chance of future world conflicts; and

WHEREAS, by 1967, due to the program’s tremendous growth and popularity, the “People-to-People” program became a separate, nonprofit corporation known as Sister Cities International (SCI); and

WHEREAS, according to their mission statement, SCI exists to “Promote peace through mutual respect, understanding and cooperation – one individual, one community at a time;” and

WHEREAS, the work of SCI strengthens partnerships between the United States and international communities, which in turn increases
global cooperation at the municipal level, promotes cultural understanding and stimulates economic development; and

WHEREAS, SCI represents more than 250,000 volunteers in over 1,400 United States cities, who work in collaboration with 140 countries around the globe. The Illinois chapter of SCI represents 60 communities from the state and works in partnership with 98 cities around the world; and

WHEREAS, by working to promote peaceful relations between the United States and the global community, SCI is working towards a better and brighter future for American citizens, as well as people throughout the world:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 10, 2007 as SISTER CITIES DAY in Illinois, in recognition of their tireless efforts at promoting international peace and cooperation.

Issued by the Governor March 06, 2007.
Filed by the Secretary of State March 12, 2007.

2007-74
DAVID MONTROSS DAY

WHEREAS, the Midwest Eye-Banks makes the Gift of Sight possible by providing corneal tissue from donors to the people for whom a corneal transplant is a second chance for sight; and
WHEREAS, the Midwest Eye-Banks accomplishes its mission through public and professional education, donor coordination, and distribution of eye tissue for transplantation, research, and training; and
WHEREAS, this year, the Midwest Eye-Banks is holding its Eighth Annual Gift of Sight Gala on March 23; and
WHEREAS, the honoree for this year’s event is David Montross, who is being recognized for his community involvement and strong civic leadership in the City of Chicago; and
WHEREAS, Mr. Montross has displayed an outstanding commitment to serving Chicago citizens, and enhancing the general well being of this great city and state. In addition, as a double cornea transplant recipient, Mr. Montross is a strong advocate for ocular health, and a wonderful example of the successful work of ocular health professionals
across the country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 23, 2007 as DAVID MONTROSS DAY in Illinois, in honor of his significant contributions to this great city and state.

Issued by the Governor March 07, 2007.
Filed by the Secretary of State March 12, 2007.

2007-75
ARTS IN EDUCATION SPRING CELEBRATION MONTHS

WHEREAS, arts are the personification of beauty in the world, and help to preserve our cultural heritage; and
WHEREAS, the State of Illinois declares that arts education, which includes dance, drama, music and visual arts, plays an essential role in the education of all students, providing them with a balanced education that will aid in developing their full potential; and
WHEREAS, the Peoria County Regional Office of Education is committed to the establishment and continuation of school programs that provide students with the opportunity to achieve academic excellence; and furthermore, they are committed to supporting the development and promotion of fine and applied arts programs; and
WHEREAS, winner of several awards, the Arts in Education Spring Celebration, an annual event, is held at the Peoria County Courthouse Plaza and provides a venue for students in grades pre-Kindergarten through 12 to showcase their works and talents; and
WHEREAS, this year, the Arts in Education Spring Celebration will be held April 16th through May 25th; and
WHEREAS, the State of Illinois resolutely supports events such as the Arts in Education Spring Celebration, and commends the students and teachers who work to bring the beauty of art to this great state:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April and May 2007 as ARTS IN EDUCATION SPRING CELEBRATION MONTHS in Illinois, and encourage all citizens to recognize the benefits of arts programs in our schools.

Issued by the Governor March 07, 2007.
WHEREAS, the hard work and dedication of men and women across the United States have been instrumental in making our nation strong and prosperous; and
WHEREAS, a special day is set aside each year to recognize the outstanding service of dedicated federal employees; and
WHEREAS, this year, the 50th Annual Federal Employee of the Year Awards Luncheon will be held on May 17, 2007 at The Hyatt Regency Chicago. The theme for this year’s ceremony is “A Golden Record of Excellence”; and
WHEREAS, at this prestigious ceremony, federal employees who have dedicated themselves to giving superior service to the American public will be honored; and
WHEREAS, awards will be given to the outstanding employee in each of eleven categories that cover various types of jobs within the federal workforce; and
WHEREAS, in conjunction with the ceremony, college scholarships will be awarded to two graduate students attending the University of Illinois at Chicago’s College of Urban Planning and Public Affairs:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 17, 2007 as FEDERAL EMPLOYEE OF THE YEAR DAY in Illinois, and encourage all citizens to join in honoring these hard working individuals, and to recognize the exceptional services they provide for our society.

Issued by the Governor March 08, 2007.
Filed by the Secretary of State March 12, 2007.

2007-77
GREAT AMERICAN MEATOUT DAY

WHEREAS, a wholesome diet of vegetables, fresh fruits, and whole grains promotes health and reduces the risk of heart disease, stroke,
cancer, diabetes, and other chronic diseases that debilitate then kill 1.3 million Americans annually; and

WHEREAS, such a diet helps preserve topsoil, water, energy, and other food production resources that are essential to human survival; and

WHEREAS, as a result, a change in eating habits will help preserve our forests, grasslands, and other wildlife habitats and reduces pollution of our waterways by crop debris, manure, and pesticides; and

WHEREAS, a healthy diet can help prevent the suffering and death of more than ten billion sentient animals each year in the US; and

WHEREAS, each year, dedicated Illinois Meatout volunteers encourage their neighbors to explore such a diet:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 20, 2007 as GREAT AMERICAN MEATOUT DAY in Illinois, and encourage all citizens to explore a wholesome diet of vegetables, fresh fruits, and whole grains.

Issued by the Governor March 12, 2007.

Filed by the Secretary of State March 12, 2007.

2007-78

DISTRICT OF COLUMBIA FULL EMANCIPATION DAY

WHEREAS, Monday, April 16, 2007 marks the 135th anniversary of the day in 1862, on which President Abraham Lincoln signed the “Compensated Emancipation Act, For the release of certain persons held to service or labor in the District of Columbia”; and

WHEREAS, President Abraham Lincoln issued the historic Emancipation Proclamation on January 1, 1863, as the nation approached its third year of bloody civil war. The proclamation declared "that all persons held as slaves" within the rebellious states "are, and henceforward shall be free."

WHEREAS, the Compensated Emancipation Act was signed on April 16, 1862 and freed all enslaved people in Washington, DC nine months before President Lincoln issued his famous Emancipation Proclamation of 1863; and

WHEREAS, the District of Columbia Compensated Emancipation Act not only liberated 3,100 former slaves, but it also compensated them financially for the horrors that they had to endure during a time of great
“national shame”; and

WHEREAS, the State of Illinois joins in celebrating the anniversary of this historic event in our great county. While true racial equality is something that we continue to strive for today, the Compensated Emancipation Act represents the very beginning of the civil rights movement in the United States. By recognizing this anniversary, we reflect on how far we have come as a land of equal opportunity, and realize the work that still lies ahead:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 16, 2007 as DISTRICT OF COLUMBIA FULL EMANCIPATION DAY in Illinois, and encourage all citizens to join in celebrating this major turning point in our nation’s history.

Issued by the Governor March 12, 2007.
Filed by the Secretary of State March 12, 2007.

2007-79

ILLINOIS FAMILY CAREGIVER APPRECIATION DAY

WHEREAS, it has been estimated that over 50 million Americans are continuously impacted by the role and responsibilities of caregiving, as in the continuous support of daily activities of a chronically ill or aging family member, thereby causing emotional and physical stress upon the individual; and

WHEREAS, these “free” caregiving services by family members cost $306 billion annually; and

WHEREAS, it is estimated that in Illinois alone, 1.2 million residents are caregiving, spending almost 1,326 hours on providing assistance/care, costing $13,153 million annually; and

WHEREAS, approximately 26 percent of Illinois residents will turn to a relative or friend when in need of continuous assistance or care and more than 23 percent of Illinois residents are unaware of available resources to support family caregiving; and

WHEREAS, February 28, 2007, has been designated Illinois Family Caregiver Appreciation Day by the National Family Caregiving Association and the National Alliance for Family Caregiving with the help of Illinois State University’s Public Relations Student Society of America
(P.R.S.S.A.):

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 28, 2007 as ILLINOIS FAMILY CAREGIVER APPRECIATION DAY in Illinois, and encourage all citizens to join in becoming aware of the social issue, family caregiving.

Issued by the Governor March 13, 2007.
Filed by the Secretary of State March 20, 2007.

2007-80
ORDER SONS OF ITALY/ALZHEIMER'S ASSOCIATION
"PARTNERS IN PROGRESS" DAY

WHEREAS, the Order Sons of Italy in America (OSIA) was established in the Little Italy neighborhood of New York City on June 22, 1905, by Vincenzo Sellaro, M.D., and five other Italian immigrants who came to the United States during the great Italian migration (1880-1923); and

WHEREAS, their aim was to create a support system for all Italian immigrants that would assist them in becoming U.S. citizens, and providing their health/death benefits and educational opportunities; and

WHEREAS, over the years, the OSIA has achieved much success in their goals of serving the public. Not only have they established free schools and centers to teach immigrants English and to help them become citizens, but they have also instituted orphanages and homes for the elderly, and helped to raise money for those in need; and

WHEREAS, to date, OSIA members have given more than $83 million to educational programs, disaster relief, cultural advancement and medical research; and

WHEREAS, the National Council of the Order Sons of Italy in America has adopted Alzheimer’s disease as one of its primary charities, and plans to support this cause by implementing a fund raising campaign throughout the nation; and

WHEREAS, joining their cause will be the Alzheimer’s Association, a group that provides services to Alzheimer’s patients and their families; and

WHEREAS, together, they will be holding the Illinois portion of this benevolent fundraiser on May 19, 2007. Members of the Order, along
with other volunteers, will be collecting donations to help the 2.5 million Americans affected by this debilitating disease:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 19, 2007 as ORDER SONS OF ITALY/ALZHEIMER’S ASSOCIATION “PARTNERS IN PROGRESS” DAY in Illinois, and encourage all citizens to recognize and aid in the charitable work these organizations carry out for the benefit of others.

Issued by the Governor March 13, 2007.
Filed by the Secretary of State March 20, 2007.

2007-81
LOYALTY DAY

WHEREAS, this nation is kept strong and free by the loyal citizens who preserve our precious American heritage through their positive patriotic declarations and actions; and
WHEREAS, all loyal citizens should make it their duty to inspire complete patriotism among all of our peoples; and
WHEREAS, we urgently need a vigorous display of true red, white and blue Americanism, thus convincing friends and foe alike that our nation is firmly united for self-preservation; and
WHEREAS, every individual, school, church, organization, business establishment and household within the State of Illinois are invited to participate in pledging allegiance to our Flag, Country, and the men and women in uniform, through active participation in patriotic programs being sponsored by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary on May 1, 2007:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1, 2007 as LOYALTY DAY in Illinois, and encourage all citizens to join in this worthy observance.

Issued by the Governor March 14, 2007.
Filed by the Secretary of State March 20, 2007.

2007-82
LINDT CHOCOLATE DAY

WHEREAS, since 1845, Lindt & Sprungli has grown from its
humble beginnings as a small confectioner’s shop in Switzerland to one of the most innovative and creative companies in the premium chocolate industry worldwide; and

WHEREAS, now an international conglomerate, Lindt offers a large selection of premium chocolate products in more than 80 countries, operating from eight production sites in Europe and the United States with a network of distribution companies of four continents; and

WHEREAS, Lindt USA employs more than 880 employees nationwide. This past year, Lindt expanded its US headquarters to increase production and storage capacity. Currently, Lindt owns and operates more than 100 stores in the United States; and

WHEREAS, Lindt has a vast production offering including its well-known Lindor Collection, truffles that will “melt your heart,” Excellence Collection, made especially for the “chocolate gourmet,” and the Boxed Collection, Lindt’s most premium chocolate assortment; and

WHEREAS, still today, Lindt Chocolate is made according to the same top-secret recipe as the very first chocolate bar made in 1845; and

WHEREAS, on March 21, Lindt will be distributing Gold Bunny samples throughout Chicago for Easter and Lindt branded Gold Bunny Smart Cars will be driving around the city:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 21, 2007 as LINDT CHOCOLATE DAY in Illinois.

Issued by the Governor March 14, 2007.
Filed by the Secretary of State March 20, 2007.

2007-83
PARALYZED VETERANS OF AMERICA AWARENESS WEEK

WHEREAS, as citizens of the United States of America, we are deeply indebted to our veterans, who have courageously defended this country throughout its history, in times of war and peace; and

WHEREAS, thousands of Illinois citizens have served as members of the Armed Forces, and in doing so they have honored our nation with exemplary dedication; and

WHEREAS, courageous service to our nation does not come without a cost, as illustrated by the approximately 35,000 disabled
veterans in Illinois. It is important that the dedication and sacrifices made by Illinois’ veterans who are paralyzed is recognized and appreciated; and

WHEREAS, Illinois’ paralyzed veterans embody the highest ideals: service to country, sacrifice of self, and perseverance in overcoming adversity; and

WHEREAS, the stories of Illinois’ paralyzed veterans are ones of hardship and triumph, and the strong will and spirit which they exhibit provide life-affirming lessons for us all:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 8–14, 2007 as PARALYZED VETERANS OF AMERICA AWARENESS WEEK in Illinois, and urge all citizens to reflect upon the sacrifices endured by our many brave veterans who have, in numerous cases, endured permanent injury in service to their country.

Issued by the Governor March 16, 2007.
Filed by the Secretary of State March 20, 2007.

2007-84
STATE FARM DAY

WHEREAS, State Farm Insurance Companies was founded in 1922, by George J. Mecherle, a farmer from Merna, Illinois; and

WHEREAS, State Farm’s mission is to help people manage the risks of everyday life, recover from the unexpected, and realize their dreams; and

WHEREAS, State Farm has grown over the past 85 years from a small farm mutual auto insurer to the leading United States home insurer and one of the world’s largest financial institutions; and

WHEREAS, State Farm employs 68,000 associates, including more than 16,500 in Illinois; and

WHEREAS, about 17,000 State Farm agents are spread around the world, including 1,000 in Illinois who provide products and services to thousands of families and businesses; and

WHEREAS, State Farm is a model corporate citizen, demonstrating a proven commitment to helping to build safe, strong, and educated communities – not only in Illinois but throughout the nation; and

WHEREAS, State Farm’s Good Neighbor Citizenship shows
through the company’s support and encouragement of associate and agent volunteerism, numerous initiatives to promote safety ranging from child passenger safety to financial safety, and working collaborations that strengthen and support public education; and

WHEREAS, State Farm’s success is built on a foundation of shared values – quality service and relationships, mutual trust, integrity, and financial strength:


Issued by the Governor March 16, 2007.
Filed by the Secretary of State March 20, 2007.

2007-85
ALS AWARENESS MONTH

WHEREAS, amyotrophic lateral sclerosis (ALS), most commonly known as Lou Gehrig’s Disease, is a progressive fatal neurodegenerative disease that attacks the motor neurons, making even the simplest movements – walking, speaking, gesturing- nearly impossible; and

WHEREAS, named after former New York Yankees first baseman Lou Gehrig, an ALS sufferer who was forced to prematurely retire from the game of baseball in 1939, ALS is a debilitating disease, generally resulting in paralysis; and

WHEREAS, the initial symptoms of ALS may include muscle weakness, atrophy, cramping, twitching, stiffness, slowness of movement, or spasticity, and can result in loss of the muscles involved in mobility as well as speaking, swallowing, and breathing, though the intellect and ability to think and feel emotions continue to function; and

WHEREAS, approximately 15 new cases of ALS are diagnosed every day, with a person losing their battle with the disease every 90 minutes; and

WHEREAS, ALS, a disorder for which there is no known cure and has a life expectancy between three and five years, currently affects an estimated 35,000 Americans, most commonly in late middle age, but ranging from teenage years to over 80 years, with over 5,000 new ALS
cases diagnosed annually; and

WHEREAS, ALS Awareness Month increases the public’s understanding of the impact this devastating disease has not only on the person living with ALS but also on his or her family and friends as well, and recognizes the critical research underway to eradicate ALS:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as ALS AWARENESS MONTH in Illinois, and urge all citizens to support the efforts of those dedicated to ending this ravishing disease.

Issued by the Governor March 16, 2007.

Filed by the Secretary of State March 20, 2007.

2007-86

GREEK INDEPENDENCE DAY

WHEREAS, in 1821, the Greeks began a War of Independence by rising up against 400 years of occupation and oppression by the Ottoman Empire; and

WHEREAS, independence was finally granted by the Treaty of Constantinople in July 1832 when Greece (Hellas) was recognized as a free country. Greeks celebrate their Independence day annually on March 25; and

WHEREAS, the leaders of the American Revolution and the Framers of the Constitution often drew inspiration from Athenian lawgivers and philosophers. In fact, ancient Greek thought has long served as an example for representative government and free political discourse, and we continue to embrace those philosophies in our Nation today; and

WHEREAS, without a doubt, Greeks and Americans both share a love of freedom and individual rights. Bound by history, mutual respect, and common ideals, America and Greece have been firm allies in the great struggles for human liberty; and

WHEREAS, embodying the independence and creativity that have made our country strong, Greece’s proud history is a source of inspiration for our Nation and our world; and

WHEREAS, this year, Greeks and Americans are coming together to celebrate the 186th anniversary of the Declaration of Independence of 1821, and Illinois is proud to join with the Federation of Hellenic
American Organizations, all of its members, and the entire Greek American community of Illinois in celebration of this significant occasion:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 25, 2007 as GREEK INDEPENDENCE DAY in Illinois in recognition of the country’s 186th Anniversary of Independence, and in tribute to all the Greek Americans who call Illinois their home.

Issued by the Governor March 16, 2007.
Filed by the Secretary of State March 20, 2007.

2007-87
WORLD TB DAY

WHEREAS, 569 cases of active tuberculosis disease were reported in Illinois in 2006; and

WHEREAS, for the first time in Illinois reporting history the number of foreign-born persons with tuberculosis disease out number U.S.-born persons with the disease; and

WHEREAS, Illinois reports the fifth highest number of tuberculosis cases of any state in the nation; and

WHEREAS, there is a disproportionate burden of TB in minorities and persons born outside the United States; and

WHEREAS, each year thousands of household members, health care employees and others who share the air of infectious tuberculosis patients are at risk of becoming infected with the tuberculosis bacterium and progressing to active disease; and

WHEREAS, the Illinois Department of Public Health is working to promote prompt diagnosis and treatment of tuberculosis cases, implementation of strategies to prevent tuberculosis in children, improved working relationships between public health providers and private providers, hospitals, long term care facilities, correctional facilities, managed care organizations and others, and decreased tuberculosis transmission in health care facilities and community settings; and

WHEREAS, maintaining control of TB in Illinois requires strengthening current TB control and prevention systems, and progress toward the elimination of TB cannot occur without mobilizing support and engaging in global TB prevention and control; and
WHEREAS, the theme for this year’s World Tuberculosis Day, “TB Elimination: Now Is the Time” recognizes that tuberculosis prevention and control is possible, and that Illinois is committed to working toward the elimination of tuberculosis:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 23, 2007 as WORLD TB DAY in Illinois and urge all citizens to increase their awareness and understanding of tuberculosis infection and disease and to join the global effort to stop the spread of this disease.

Issued by the Governor March 16, 2007.
Filed by the Secretary of State March 20, 2007.

2007-88
5 TON CARBO-DIOX DIET WEEK

WHEREAS, the scientific consensus is that increasing emissions of greenhouse gases are causing global temperatures to rise at rates that could cause worldwide economic disruption, environmental damage and public health crises;

WHEREAS, global warming is largely due to the combustion of fossil fuels that release carbon dioxide and other greenhouse gases that trap heat in the atmosphere;

WHEREAS, the Intergovernmental Panel on Climate Change and the National Academy of Sciences have reported that atmospheric carbon dioxide is at the highest level in more than 500,000 years;

WHEREAS, average global temperatures were the hottest on record ten of the past sixteen years. Scientists have predicted that temperatures in Illinois could rise significantly by the end of this century, leading to hotter summers, shorter winters, and increased drought and flood events;

WHEREAS, the “5 Ton Carbo-Diox Diet” is a one-week program that outlines how easily Illinois citizens can reduce their carbon dioxide output in both their homes and businesses; and

WHEREAS, the 5 Ton Carbo-Diox Diet is an exciting environmental program which aims to increase awareness of and bring action to the growing issues of climate change that our Earth is experiencing; and
WHEREAS, the Rock Valley College SIFE Team has designed this program to focus on the environmental leadership responsibilities of both individuals and businesses; and

WHEREAS, the 5 Ton Carbo-Diox Diet recommends the following strategies to reduce greenhouse gases: Monday – Replace high use regular incandescent light bulbs with compact fluorescent light bulbs; Tuesday – Move your thermostat down 2\/2 in winter and up 2\/2 in summer, clean or replace filter on your furnace and air conditioner, and wrap your water heater in an insulation blanket; Wednesday – unplug electronics from the wall when you’re not using them, and turn off electronic devices that you’re not using; Thursday – Get your car tuned up and check your tires weekly to make sure they’re properly inflated; Friday – reduce the number of miles you drive by walking, biking, carpooling or taking mass transit wherever possible; Saturday – start your family recycling at home, and plant a tree. When finished with the diet, report your results to www.rvcsife.org.

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 19 - 24, 2007 as 5 TON CARBO-DIOX DIET WEEK in Illinois, and encourage all citizens to join in this worthy program by following this one-week plan to reduce global warming gases.

Issued by the Governor March 19, 2007.

Filed by the Secretary of State March 20, 2007.

2007-89

TOXIC INJURY/MULTIPLE CHEMICAL SENSITIVITY AWARENESS AND EDUCATION MONTH

WHEREAS, toxic injury, also known as multiple chemical sensitivity or MCS, is a chronic debilitating condition for which there is no known cure; and

WHEREAS, this condition is characterized by heightened sensitivity to very small amounts of air pollution, petrochemicals and other toxins found in the environments of our homes, schools, and work places; and

WHEREAS, symptoms of toxic injury vary, but may include: flu like symptoms, severe headaches, chronic fatigue, a metallic taste in the
mouth, or difficulty breathing and concentrating. Once sensitized, our bodies react more easily to a greater number of substances; and

WHEREAS, getting rid of all aerosol products, disposing of all scented products, eliminating permanent press sheets and clothing, and drinking, eating and storing food items in glass, ceramic, or stainless steel, are steps that can be taken to better protect toxic injury sufferers; and

WHEREAS, the “MCS” Beacon of Hope Foundation was established in July 2000 to raise awareness and educate the public on this growing health issue:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as TOXIC INJURY/MULTIPLE CHEMICAL SENSITIVITY AWARENESS AND EDUCATION MONTH in Illinois, and encourage all citizens to become conscientious of the toxic hazards that plague our environment.

Issued by the Governor March 20, 2007.
Filed by the Secretary of State March 20, 2007.

2007-90
MEDICAL ASSISTANTS WEEK

WHEREAS, today, doctors in Illinois are under mounting pressure. Due to increasing medical liability insurance rates, many doctors have been forced to leave our state; and

WHEREAS, in 2005, the legislature passed, and I approved, legislation that amends medical liability insurance rates and regulation, which will hopefully keep and attract more doctors here; and

WHEREAS, in the meantime, medical assistants are helping doctors in Illinois cover the vacuum of medical services left behind by the departure of their colleagues; and

WHEREAS, doctors are seeing three to four times the number of patients they would normally see because of the loss of their peers, and medical assistants provide the necessary support needed to keep their offices functioning and running smoothly; and

WHEREAS, patients are also receiving better care and treatment thanks to medical assistants, who improve their knowledge and skills through educational programs offered by professional organizations such as the Illinois Society of Medical Assistants:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois do hereby proclaim October 15-19, 2007 as MEDICAL ASSISTANTS WEEK in Illinois in recognition of medical assistants for their commitment and dedication to the medical profession and to the well-being of patients, especially during this trying time for them and doctors.

Issued by the Governor March 20, 2007.
Filed by the Secretary of State March 20, 2007.

2007-91
SEED MONTH

WHEREAS, the abundance of Illinois’ crops relies on fertile soil, diligent farmers, and high quality seeds; and
WHEREAS, to ensure that seeds are of the highest quality, there must be agricultural-minded seed producers, conscientious inspectors, skilled technicians, and concerned dealers; and
WHEREAS, agriculture and the seed industry significantly contribute to our state’s economy with value-added products marketed throughout the world; and
WHEREAS, the Bureau of Agricultural Products Inspection within the Illinois Department of Agriculture tests the purity and germination of seeds, validates the accuracy of product labels, and cooperates with the Illinois Crop Improvement Association, which is the state’s official seed-certifying agency, and an independent, nonprofit organization; and
WHEREAS, in cooperation with educational and regulatory agencies, the Illinois Seed (Trade) Association has sustained an informed membership, the latest research developments, the production of high-quality seed, and has developed an effective seed program advocating pertinent legislation:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2007 as SEED MONTH in Illinois in appreciation of the seed industry’s contribution to supplying food and fiber to the world through the production of Illinois crops.

Issued by the Governor March 20, 2007.
Filed by the Secretary of State March 20, 2007.
2007-92
ILLINOIS ARCHITECTURE WEEK

WHEREAS, through their work, American architects have expressed the richness of our nation’s heritage and the vitality of its spirit. They have combined advances in building technology with design innovation to enliven our cities and communities and improve our citizens’ quality of life; and

WHEREAS, the architecture profession in Illinois, with the support of the American Institute of Architects, has been especially vigilant in its stewardship of many of our great architectural and historic treasures and in its efforts on behalf of building healthy, safe, livable, and sustainable communities that enrich the lives of people in every walk of life; and

WHEREAS, this year marks the 150th Anniversary of the American Institute of Architects. With a spirit of appreciation, the people of Illinois honor and congratulate the Institute, its 80,000 members, and the nearly 300,000 Americans who work in architecture firms for their many contributions to our nation and to our great state:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 9-14, 2007 as ILLINOIS ARCHITECTURE WEEK in Illinois, and encourage the people of Illinois and all government agencies to observe the week with appropriate ceremonies and activities paying tribute to the Architects of America and the American Institute of Architects in this, its 150th year of existence.

Issued by the Governor March 20, 2007.
Filed by the Secretary of State March 20, 2007.

2007-93
DAYS OF REMEMBRANCE

WHEREAS, the Holocaust was the state sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945; and

WHEREAS, during this sad time in history, six million were murdered, while many others were forced into grievous oppression and death under Nazi tyranny for racial, ethnic or national reasons; and
WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and

WHEREAS, the people of the State of Illinois also should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny. In addition, we should actively rededicate ourselves to the principles of individual freedom in a just society; and

WHEREAS, the Days of Remembrance have been set aside for the people of the state of Illinois to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples; and

WHEREAS, pursuant to an Act of Congress (Public Law 96-388, October 7, 1980) the United States Holocaust Memorial Council designates the Days of Remembrance of victims of the Holocaust to be Sunday, April 15 through Sunday, April 22, 2006, including the International Day of Remembrance known as Yom Hashoah:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 15-22, 2007 as a DAYS OF REMEMBRANCE in Illinois, in memory of the victims of the Holocaust, and in honor of the survivors, as well as the rescuers and liberators, and urge all citizens to collectively and individually strive to overcome bigotry, hatred and indifference through learning, tolerance and remembrance.

Issued by the Governor March 22, 2007.
Filed by the Secretary of State March 22, 2007.

2007-94
NATIONAL ENVIRONMENTAL EDUCATION WEEK

WHEREAS, environmental education bolsters core environmental literacy in our k-12 students by featuring actual grade-appropriate “e-literacy” goals and content standards. It also encourages schools to partner with local museums, nature centers, zoos, science centers, aquariums, and local parks; and

WHEREAS, National Environmental Education Week, created as a full week of educational preparation for Earth day, involves many k-12 classrooms, university campuses, and informal settings such as nature
centers, zoos, aquariums, and museums; and

WHEREAS, collaborative efforts will increase the amount of environmental education taking place in America’s classrooms prior to Earth Day, while drawing educator attention to the larger opportunities and value of environmental education for both education and environmental stewardship; and

WHEREAS, also during this week, the professional environmental education community will have an opportunity to annually feature its accomplishments with the nation’s educational leaders; and

WHEREAS, National Environmental Education Week, coordinated by the National Environmental Education & Training Foundation in cooperation with hundreds of outstanding environmental education organizations, education associations, and agencies, will become an annually anticipated event for local participation in schools and various education centers in this state:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 15 - 22, 2007 as NATIONAL ENVIRONMENTAL EDUCATION WEEK in Illinois, and encourage all citizens to recognize the importance of our environment by participating in the week’s festivities in preparation for Earth Day 2007.

Issued by the Governor March 22, 2007.
Filed by the Secretary of State March 22, 2007.

2007-95
NATIONAL CANCER REGISTRARS WEEK

WHEREAS, chartered in May 1974, the National Cancer Registrars Association (NCRA) is a non-profit organization that represents more than 4,000 cancer registry professionals and Certified Tumor Registrars. The mission of NCRA is to promote education, credentialing, and advocacy for cancer registry professionals; and

WHEREAS, cancer registrars are healthcare professionals and data management experts that capture a complete summary of patient history, diagnosis, treatment, and status for every cancer patient in the United States, and other countries as well. This data is fundamental to the nation’s cancer prevention and treatment efforts; and

WHEREAS, cancer registrars advocate at state and local levels on
issues related to cancer surveillance and privacy of patient medical
records. This year’s theme is “Cancer Registrars…Advocates in Action,”
and was chosen to acknowledge the growing impact cancer registrars
make in the nation’s response to public health challenges; and

WHEREAS, researchers working on epidemiological studies and
public health officials developing cancer prevention programs use data
collected by cancer registrars. Local and state data is also submitted to the
National Cancer Database, a nationwide oncology outcomes database
maintained by the American College of Surgeons that provides the basis
for many patterns of care studies; and

WHEREAS, during the week of April 9-13, 2007, Cancer
Registrars will be honored by observing National Cancer Registrars Week.
This annual observance, organized by the National Cancer Registrars
Association, honors their members and Cancer Registry professionals
whose vision and core values are set in making a difference in the “war on
cancer”:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim April 9-13, 2007 as NATIONAL CANCER
REGISTRARS WEEK in Illinois, and encourage all citizens to recognize
these healthcare professionals for their tireless work in the fight against
cancer.

Issued by the Governor March 22, 2007.
Filed by the Secretary of State March 22, 2007.

2007-96
TELECOMMUNICATIONS WEEK

WHEREAS, public safety telecommunicators, specialists in
operating state-of-the-art radio and computer systems, are a cornerstone of
the public safety community; and

WHEREAS, using state-of-the-art radio and computer systems,
telecommunications professionals help to save countless lives by
responding to emergency 9-1-1 calls, dispatching emergency professionals
and equipment, and providing moral support to citizens in distress; and

WHEREAS, telecommunications professionals display poise under
pressure, use critical decision making skills, and offer aid and compassion
in times of crisis; and
WHEREAS, these dedicated men and women effectively and efficiently perform their duties to help ensure the safety and protection of life, property, and individual rights of all people in Illinois; and

WHEREAS, one of the most important duties of telecommunications professionals is operation of the Illinois Amber Alert System, which allows storm warnings, abduction cases, and any other emergency messages to be immediately distributed to broadcasters, and in turn, to all citizens of Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 8-14, 2007 as TELECOMMUNICATIONS WEEK in Illinois, in recognition of the vital contributions telecommunication professionals make to the safety and well-being of our citizens.

Issued by the Governor March 22, 2007.

Filed by the Secretary of State March 22, 2007.

2007-97
NATIONAL DAY OF PRAYER

WHEREAS, in times of peril both at home and abroad, many American citizens turn to prayer for help and guidance; and

WHEREAS, millions of men and women across the nation gratefully continue the tradition of prayer in churches, synagogues, temples, mosques, and other houses of worship across our country; and

WHEREAS, established in 1952 by an act of Congress, the National Day of Prayer is now observed nationally every year on the first Thursday in May; and

WHEREAS, the National Day of Prayer is a celebration of American citizens’ freedom of religion, set forth in the First Amendment. Americans treasure their religious freedom, which embraces the many diverse communities of faith that have infused our society and our cultural heritage over more than two centuries; and

WHEREAS, the theme for the National Day of Prayer 2007 is “America, United in Prayer,” inspired by the passage found in 2 Chronicles 7:14: “If my people, who are called by my name, will humble themselves and pray and seek my face and turn from their wicked ways, then will I hear from heaven and will forgive their sin and will heal their
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 3, 2007 as NATIONAL DAY OF PRAYER in Illinois.

Issued by the Governor March 22, 2007.
Filed by the Secretary of State March 22, 2007.

2007-98
CHILD ABUSE PREVENTION MONTH

WHEREAS, no child should have to endure mistreatment or abuse, especially at the hands of an adult. However, the unfortunate truth is that far too often children are abused and neglected by the very people that should protect and care for them; and

WHEREAS, studies show that child abuse and neglect can ruin children’s lives by making them more likely to drop out of school, suffer from drug and alcohol abuse, and ultimately become abusers themselves; and

WHEREAS, discovering solutions to child abuse and neglect requires the involvement and collaboration of citizens, organizations, and government entities throughout Illinois; and

WHEREAS, it is important that society learns to recognize the warning signs that a child might be abused or neglected. These include: nervousness around adults; aggression toward children or adults; frequent or unexplained bruises or injuries; low self-esteem; and poor hygiene; and

WHEREAS, in Illinois, effective child abuse prevention programs have contributed to a decline in reports of child abuse and neglect, from 139,720 reports in Fiscal Year 1995 to 110,237 reports in Fiscal Year 2006; and

WHEREAS, child abuse prevention programs in Illinois are effective because of partnerships created by the Illinois Department of Children and Family Services, Prevent Child Abuse-Illinois, Parents Share & Care of Illinois, and other government entities, social service agencies, schools, religious organizations, law enforcement agencies, businesses and individual citizens:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2007 as CHILD ABUSE
PREVENTION MONTH in Illinois, and encourage all citizens to support child abuse prevention programs and report suspected cases of abuse to the Illinois Child Abuse Hotline at 1 (800) 25-ABUSE.

Issued by the Governor March 22, 2007.
Filed by the Secretary of State March 22, 2007.

2007-99

JEWISH SPORTS HERITAGE MONTH

WHEREAS, throughout our nation’s history, sports have served as a forum for combating prejudice and racism by illustrating the ability of men and women from different backgrounds to come together and work toward a common goal; and
WHEREAS, the Jewish Sports Hall of Fame is dedicated to honoring the long list of Jewish sports legends who have helped dissolve social stereotypes and prejudice through their accomplishments in the athletic world; and
WHEREAS, the Jewish Sports Hall of Fame focuses public attention on the outstanding contributions of Jewish men and women in professional sports; and
WHEREAS, Illinois joins with the directors of the Jewish Sports Hall of Fame in expressing our great admiration for the contributions made by Jewish men and women in professional sports throughout the country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2007 as JEWISH SPORTS HERITAGE MONTH in Illinois, and encourage all citizens to recognize Jewish athletes, coaches, broadcasters, and executives who have distinguished themselves in the world of sports and earned the respect of a nation.

Issued by the Governor March 22, 2007.
Filed by the Secretary of State March 22, 2007.

2007-100

FAIR HOUSING MONTH

WHEREAS, April 11, 2007 marks the 39th anniversary of the passage of the U.S. Fair Housing Act, Title VIII of the Civil Rights Act of
1968, as amended, which enunciated a national policy of Fair Housing without regard to race, color, religion, national origin, sex, familial status, and handicap, and encourages fair housing opportunities for all citizens; and

WHEREAS, the Illinois Human Rights Act further safeguards the rights of all citizens of this state freedom from discrimination due to race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental handicap, military status, sexual orientation, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations; and

WHEREAS, the Illinois Association of REALTORS® and its more than 60,000 members are committed to highlighting the federal, state and local fair housing laws by continuing to address discrimination in our communities, to support programs that will educate the public about the right to equal housing opportunities, and to partner with government and other organizations to help assure every American of their right to fair housing; and

WHEREAS, the Illinois Association of REALTORS®, together with its nonprofit affordable housing foundation the Partnership for HomeOwnership, has developed a public Web site at www.TheHousingSite.org whereby Illinois citizens and professionals in the real estate industry can find gathered in one place the state and federal laws, regulations and resources related to fair housing; and

WHEREAS, Illinois REALTORS® are committed to support and advocacy of the practice of equal opportunity and cultural diversity in housing, to fulfill the requirements of fair housing laws, and help educate the public about their rights and responsibilities under the fair housing laws:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2007 as FAIR HOUSING MONTH in Illinois in commemoration of the signing of the U.S. Fair Housing Act and the Illinois Human Rights Act, and urge all citizens to embrace diversity and recognize the importance of equal opportunity in housing.

Issued by the Governor March 22, 2007.

Filed by the Secretary of State March 22, 2007.
2007-101
YOUTH ART MONTH

WHEREAS, the study of art leads to a fuller, more meaningful life; and
WHEREAS, the training and visual acuity gained through the art experience opens new worlds of seeing to all involved; and
WHEREAS, the problem solving and survival skills promoted through art education are basic elements leading to creative thinking; and
WHEREAS, the National Art Education Association, in conjunction with the Illinois Art Education Association, is striving to better the human condition by upgrading visual awareness and the cultural strength of Illinois and the United States as a whole; and
WHEREAS, the citizens of Illinois have indicated a desire to join the National Art Education Association and the Illinois Art Education Association in supporting the youth of our community in their artistic development:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2007 as YOUTH ART MONTH in Illinois.

Issued by the Governor March 22, 2007.
Filed by the Secretary of State March 22, 2007.

2007-102
MUSKIES, INC. YOUTH DAY

WHEREAS, Muskies, Inc. is an active, service-oriented non-profit organization with the single focus of improving the sport of muskie fishing for men, women and children; and
WHEREAS, Gil Hamm, a 62-year-old building contractor from St. Paul, Minnesota, founded Muskies, Inc. on December 9, 1966, and the first Board of Directors meeting was held February 28, 1967 at Gil Hamm’s office in St. Paul, Minnesota; and
WHEREAS, Muskies, Inc. is focused in three areas: Youth, Fisheries, and Research. Many chapters work together to stress protection of the environment while having fun, as well as emphasize CPR (Catch, Photo, Release) of all Muskies for enjoyment by others in the future; and
WHEREAS, every chapter of Muskies, Inc. has a Kid’s Day each year while many have multiple events, including derbies, clinics, outings, Big Brother/Big Sister events, and one in Wisconsin named “Cops and Bobbers”; and

WHEREAS, Muskies, Inc. is celebrating its 40th anniversary this year, with over 7,000 members in 50 chapters covering 15 states, and 8 chapters in Illinois alone:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 13, 2007 as MUSKIES, INC. YOUTH DAY in Illinois.

Issued by the Governor March 22, 2007.
Filed by the Secretary of State March 22, 2007.

2007-103
TRIANGLE FRATERNITY WEEK

WHEREAS, Triangle Fraternity was founded on April 15, 1907 at the University of Illinois; and

WHEREAS, since its founding one-hundred years ago, Triangle, the fraternity of engineers, architects and scientists, has had as its principle purpose the development of balanced men in their respective fields by providing an environment which fosters personal growth, professional success and brotherhood; and

WHEREAS, in their personal and professional lives these brothers have exemplified the ideals and precepts of the sixteen Triangle founders in adherence to the Triangle Code of Ethics; and

WHEREAS, the national organization has grown to 29 chapters and 2 colonies, and the national membership now comprises over 25,000 of whom 2,110 are residents of Illinois; and

WHEREAS, numerous Triangle Fraternity members have worked for the benefit and betterment of the countless lives of citizens of the great state of Illinois through their professional, academic, military and civic contributions and efforts:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of April 21, 2007 as TRIANGLE FRATERNITY WEEK in Illinois.

Issued by the Governor March 22, 2007.
WHEREAS, Mather LifeWays is a not-for-profit, long-term care facility that is having a “Centenarian Celebration” for all Mather LifeWays residents’ who have reached 100 (or more) years in 2007; and

WHEREAS, founded in 1941 by entrepreneur and humanitarian Alonzo Mather, Mather LifeWays is dedicated to providing a continuum of living and care; making neighborhoods better places for older adults to live, work, learn, contribute, and play; and identifying, implementing, and sharing best practices for wellness, workforce issues, memory care support, and empowering caregivers; and

WHEREAS, there are 14 residents at Mather LifeWays celebrating this special milestone in their lives; and

WHEREAS, as the 100th day of the year, April 10, 2007 is a fitting day to have this celebration:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 10, 2007 as CENTENARIAN DAY in Illinois.

Issued by the Governor March 22, 2007.
Filed by the Secretary of State March 22, 2007.

2007-105
NATIONAL PUBLIC WORKS WEEK

WHEREAS, public works infrastructure, facilities and services are of vital importance to the health, safety and well being of the people of Illinois; and

WHEREAS, such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, and administrators, representing state and local units of government, who are responsible for and must design, build, operate, and maintain the transportation, water supply, sewage and refuse disposal systems, public buildings, and other structures and facilities essential to serving our citizens; and
WHEREAS, it is in the public interest for the citizens and civic leaders of this country to gain knowledge of, and to maintain a progressive interest in public works needs and programs of their respective communities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 20-26, 2007 as NATIONAL PUBLIC WORKS WEEK in Illinois, and encourage all citizens to recognize the benefit of public works in our state.

Issued by the Governor March 22, 2007.

Filed by the Secretary of State March 22, 2007.

2007-106

FOOD ALLERGY AWARENESS WEEK

WHEREAS, there are eight types of foods that account for ninety percent of allergic reactions, such as: peanuts, tree nuts (walnuts, pecans, brazil nuts, etc.) fish, shellfish, eggs, milk, soy, and wheat. The leading cause of severe allergic reactions, however, is peanuts; and

WHEREAS, approximately 11 million Americans suffer from food allergies, and it is estimated that as many as 150 people die from food allergy reactions each year; and

WHEREAS, the Food Allergy and Anaphylaxis Network (FAAN) has a membership of more than 26,000 people worldwide. Established in 1991, the mission of FAAN is to raise public awareness, educate, and advance research on the issue of food allergies and anaphylaxis; and

WHEREAS, a food allergy occurs when the immune system mistakenly believes that a food is harmful, therefore, may cause a person to have a severe allergic reaction or an anaphylaxis; and

WHEREAS, food intolerance is different than a food allergy in that a food intolerance is a metabolic disorder, not involving the immune system. Lactose intolerance is a common example; and

WHEREAS, swelling of the tongue and throat, vomiting, difficulty breathing, or the presence of a rash, are some symptoms of food allergy and anaphylaxis, and typically appear within minutes to two hours after a person has eaten the food he or she is allergic to; and

WHEREAS, currently, there is no cure for food allergies and the only way to avoid a reaction is for an individual to avoid the food that is
causing the reaction:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 13 – 19, 2007 as FOOD ALLERGY AWARENESS WEEK in Illinois, and encourage citizens with known food allergies to make others aware of their history to reduce the chance of a severe reaction.

Issued by the Governor March 22, 2007.
Filed by the Secretary of State March 22, 2007.

2007-107

OCCUPATIONAL HEALTH NURSING WEEK

WHEREAS, every year, many Illinois citizens die from job-related injuries and many more suffer occupational injuries or illnesses; and
WHEREAS, every day, the workforce of Illinois goes to and returns home from work healthy and safe due, in part, to the efforts of occupational and environmental health nurses who work day in and day out identifying hazards and implementing health and safety advances in all industries and at all workplaces, aimed at eliminating workplace illnesses, injuries and fatalities; and
WHEREAS, the work of occupational and environmental health nurses in the area of health promotion, disease prevention, and wellness programs contribute greatly to the improvement of overall employee health, increased productivity, reduction in health care costs, and yield significant return on investment for the employer; and
WHEREAS, Illinois has long recognized that a healthful and safe workplace positively impacts employee morale, health and productivity; and
WHEREAS, the more than 550 occupational and environmental health nurses in Illinois are committed to protecting and promoting the health of the Illinois workforce; and
WHEREAS, the purpose of Occupational Health Nursing week is to increase the understanding of the benefits of investing in occupational health and wellness programs, to demonstrate the positive impact effective health and wellness programs in the workplace have on the economy and business, to raise awareness of the role and contribution of occupational and environmental health nurses, and to reduce workplace injuries and
illnesses by increasing awareness and implementation of health and wellness programs; and

WHEREAS, during the week of April 16 through April 20, members of the Illinois Association of Occupational Health Nurses will work to raise employers’, employees' and the public’s understanding of the importance of occupational safety, health and the environment in everyone's lives, and provide valuable information and resources aimed at decreasing further workplace illnesses, injuries and fatalities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 16-20, 2007 as OCCUPATIONAL HEALTH NURSING WEEK in Illinois, and encourage all citizens to join commending occupational and environmental health nurses for their ongoing commitment to protecting people, property, and the environment; and encourage all industries, organizations, community leaders, employers, and employees to support educational activities aimed at increasing awareness of the importance of promoting health and wellness in the workplace.

Issued by the Governor March 22, 2007.
Filed by the Secretary of State March 22, 2007.

2007-108

NATIONAL LIBRARY WORKERS DAY

WHEREAS, there are thousands of public, academic, school, governmental, and specialized libraries in the United States and they provide excellent and invaluable service to library users regardless of age, ethnicity, or socioeconomic background; and

WHEREAS, libraries provide millions of people with the knowledge and information they need to live, learn and work in the 21st Century; and

WHEREAS, librarians and library support staff bring the nation a world of knowledge in person and online, as well as personal service and expert assistance in finding what is needed when it is needed; and

WHEREAS, it is important to recognize the unique contributions of all library workers and the value of those contributions to individuals and to society as a whole; and

WHEREAS, a steady stream of recruits to library work is
necessary to maintain the vitality of library services in today’s information society; and

WHEREAS, librarians and other library workers must be brought to the table at public policy discussions on key issues, such as intellectual freedom, equity of access, and narrowing the digital divide; and

WHEREAS, the funding of libraries and salaries for library workers must be increased to attract more talented people to work in our nation’s libraries and to ensure that these vital services are delivered each day; and

WHEREAS, libraries, library workers, and library supporters across America are celebrating National Library Workers Day sponsored by the American Library Association-Allied Professional Association (ALA-APA):

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 17, 2007 as NATIONAL LIBRARY WORKERS DAY in Illinois, and encourage all citizens to take advantage of the variety of library resources available and to thank library workers for their exceptional contributions to American life.

Issued by the Governor March 22, 2007.

Filed by the Secretary of State March 22, 2007.

2007-109
PROBATION AND COURT SERVICES OFFICER DAY

WHEREAS, the safety of Illinois citizens and the rights of crime victims require a competent and thorough administration of the criminal justice system; and

WHEREAS, Illinois law requires that all counties must provide full-time probation and court services, and offer a wide range of sentencing options and a continuum of sanctions to protect and safeguard every Illinois community; and

WHEREAS, the continuum of sanctions provided by Illinois probation and courts services departments include: pre-trial investigations and supervision, intensive supervision, juvenile intake screening, home confinement, detention, electronic monitoring, community service, teen courts, drug monitoring, drug courts, community corrections, pre-sentencing investigations, and specialized services for crime victims like
dispute resolution and collection of restitution, among many other services; and
WHEREAS, probation and court service professionals work in collaboration with police, prosecutors, the circuit court, and community organizations to provide supervision, programs and services to both juvenile and adult offenders; and
WHEREAS, more than 100,000 juvenile and adult offenders are currently sentenced to a continuum of sanctions, receive active probation supervision, or are participating in court-ordered programs; and
WHEREAS, more than 3,000 dedicated probation, detention, and court services officers supervise the vast majority of Illinois’ juvenile and adult offenders; and
WHEREAS, these probation, detention, and court services officers work in a professional and diligent manner and continuously seek avenues to improve the administration of criminal justice in Illinois and work to improve their job performance with continuing education at the Spring Conference of the Illinois Probation and Court Services Association in Springfield:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 26, 2007 as PROBATION AND COURT SERVICES OFFICER DAY in Illinois.

Issued by the Governor March 22, 2007.
Filed by the Secretary of State March 22, 2007.

2007-110
INFANT IMMUNIZATION AWARENESS WEEK

WHEREAS, vaccines were named among the 20th Century’s most successful and cost-effective public health tools available for preventing disease and death; and
WHEREAS, immunizations are one of the most important ways parents can protect their children against serious diseases; and
WHEREAS, children need a series of vaccinations, starting at birth, to be fully protected against 12 potentially serious diseases; and
WHEREAS, national immunization levels are at or near record highs for most vaccines and most vaccine-preventable diseases have been reduced by 99 percent or more since the introduction of vaccines; and
WHEREAS, National Infant Immunization Week (NIIW) focuses local and national attention on the importance of timely and proper immunization for infants and toddlers 24 months and under; and

WHEREAS, in the twelve years since its inception, NIIW has served as a call to parents, caregivers, and healthcare providers to participate in activities and events to increase the awareness of immunizing children before their 2nd birthday; and

WHEREAS, the Illinois Department of Public Health has partnered with local health departments, the Illinois Chapter of American Academy of Pediatrics, local child health coalitions, the Chicago Area Immunization Campaign and the Illinois Health Education Consortium to promote and support immunization activities throughout the state; and

WHEREAS, the week of April 21 – 28, 2007 has been declared National Infant Immunization Week to help ensure that children receive all recommended vaccinations by the age of 2:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of April 21 – 28, 2007 as INFANT IMMUNIZATION AWARENESS WEEK in Illinois, and encourage all citizens to spread the immunization message throughout their communities, and urge public and private health care providers, parents, and children’s caregivers in Illinois to advance the health of children by ensuring early and on-time immunization against preventable childhood diseases.

Issued by the Governor March 22, 2007.
Filed by the Secretary of State March 22, 2007.

2007-111
PLAYGROUND SAFETY WEEK

WHEREAS, the safety and well being of children is a priority of this state; and

WHEREAS, more than 200,000 children are injured on playgrounds in the United States each year, equaling an average of one playground-related emergency room visit every two-and-one-half minutes; and

WHEREAS, the National Program for Playground Safety was created at the University of Northern Iowa to help inform the nation about
playground injuries, and possible ways to reduce them; and

WHEREAS, the National Program for Playground Safety has identified key areas that could help substantially reduce the number of playground injuries and keep our children SAFE – providing: proper Supervision, Age appropriate equipment, materials to soften Falls to the surface, and Equipment maintenance; and

WHEREAS, spring is often a time that children head to the playground; as a result, a large percentage of playground injuries occur in the months of April through June; and

WHEREAS, it is essential that we take the time to inspect, repair, and sustain the many playgrounds that provide our children with much needed exercise and enjoyment; and

WHEREAS, the State of Illinois is committed to the notion that no child should play on an unsafe playground:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 23 – 27, 2007 as PLAYGROUND SAFETY WEEK in Illinois, and encourage all citizens to help to keep our children safe on community playgrounds.

Issued by the Governor March 22, 2007.
Filed by the Secretary of State March 22, 2007.

2007-112
ILLINOIS ASSOCIATION MEDICAL STAFF SERVICES WEEK

WHEREAS, the State of Illinois recognizes the importance of medical staff service professionals who ensure quality care and provide organization to the health care industry; and

WHEREAS, medical staff service professionals work to establish efficient infrastructure in health care organizations; and

WHEREAS, the Illinois Association of Medical Staff Services provides professional and personal development, networking opportunities, career advancement and education for medical staff services professionals; and

WHEREAS, the 26th Annual Educational Conference of the Illinois Association of Medical Staff Services will be April 26-27, 2007:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 23-27, 2007 as ILLINOIS
ASSOCIATION MEDICAL STAFF SERVICES WEEK in Illinois in honor of those who serve each and every resident, who at some point in their life experience sickness or injury.

Issued by the Governor March 22, 2007.
Filed by the Secretary of State March 22, 2007.

2007-113
KNIGHTS OF COLUMBUS DAY

WHEREAS, the Knights of Columbus is an active volunteer organization that raises awareness for needy causes and generates much needed funds to support a variety of charitable activities; and

WHEREAS, on March 29, 1882, in New Haven Connecticut Father Michael J. McGivney founded the largest Catholic service organization with over 14,000 councils and with over 1.7 million members; and

WHEREAS, councils are located in the United States of America, Canada, Mexico, Central America, Philippines, and Poland, based on the four principles of charity, unity, fraternity and patriotism; and

WHEREAS, the State of Illinois recognizes the Knights of Columbus for their role in assisting our communities, and caring for others throughout the communities of this state and nation; and

WHEREAS, a special Mass will celebrate the 125th anniversary of the Knights of Columbus at St. Frances of Rome Church on March 29, 2007 at 7 p.m. with the Bishop Hughes and the Cardinal Councils from Cicero:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 29, 2007 as KNIGHTS OF COLUMBUS DAY in Illinois in recognition of their 125th anniversary.

Issued by the Governor March 23, 2007.
Filed by the Secretary of State March 28, 2007.

2007-114
PUBLIC HEALTH WEEK

WHEREAS, across the country, the modern built environment – our buildings, roads, sidewalks and neighborhood design – adversely
affects the health and safety of our children; and

WHEREAS, April 2 – 8, 2007 has been designated as National Public Health Week by the American Public Health Association and other distinguished state and national organizations; and

WHEREAS, this year’s theme for Public Health Week is Take the First Step! Preparedness and Public Health Threats: Addressing the Unique Needs of the Nation’s Vulnerable Populations; and

WHEREAS, all observances during National Public Health Week will be used to promote a healthy built environment and balanced solutions to create healthier communities and healthier kids; and

WHEREAS, the observation is a cooperative effort of state and local health departments, academic institutions, allied organizations, community groups, and professional and trade associations which have joined together to promote a common interest in public health; and

WHEREAS, communities are encouraged to assess the status of the built environment and children’s health, identify areas for improvement and implement model programs; and

WHEREAS, other public health initiatives in Illinois include the FamilyCare and All Kids programs, which provide health care coverage and insurance for working families and children. These programs are helping to make sure all children are able to receive medical care when they need it; and

WHEREAS, the Illinois Public Health Association is a voluntary professional society whose members strive to improve the health of Illinois residents through leadership in and advancement of the practice of public health:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2 – 8, 2007 as PUBLIC HEALTH WEEK in Illinois, and encourage all citizens to take part in the events planned for this observance.

Issued by the Governor March 23, 2007.
Filed by the Secretary of State March 28, 2007.

2007-115
ZENGELER CLEANERS

WHEREAS, in 1857, John Zengeler established “The New York
Steam Dye Works,” a clothing cleaning business, at 208 South Clark St. in Chicago; and

WHEREAS, in 1866, Zengeler moved his store to S. Prairie St., which was destroyed in the Great Chicago Fire in 1871, then rebuilt at 2323 S. Cottage Grove Ave. in Chicago. In 1896, John’s eldest son Arthur W. (“A.W.”) Zengeler joined his father in the business and opened a new location at A.W. Zengeler Cleaners in 1906. Then, in 1930, A.W.’s sons, Ralph, Art and Al, became active in the business, with Ralph becoming the third generation of leadership in 1948. In 1962, Ralph’s son Robert became the fourth generation to lead the family business; and

WHEREAS, three of Robert’s six children – Robert, Jr., Michael, and Thomas – became the fifth generation of the Zengeler family to join the business; and

WHEREAS, in 2001, Thomas Zengeler became President and fifth generation leader of the family owned company; and

WHEREAS, Zengeler Cleaners has grown to seven stores in Lake and Cook Counties, with an eighth store planned for later in 2007; and

WHEREAS, Zengeler Cleaners employs 145 hard working and talented men and women, 27 of whom have been with the company for 20 years or more; and

WHEREAS, the Deerfield-Bannockburn-Riverwoods Chamber of Commerce recognized Zengeler Cleaners as the 2005 “Business of the Year”; and

WHEREAS, Zengeler Cleaners has grown to become the primary contributor to the Glass Slipper Project, an organization assisting thousands of high school women; and

WHEREAS, Zengeler Cleaners is now the Midwest’s oldest and largest dry cleaner; and

WHEREAS, in 2007, Zengeler Cleaners celebrates its 150th Anniversary and a proud history in which it overcame the Great Chicago Fire, the Civil War, two World Wars and the Great Depression, emerging as one of the premier fabric care specialists in the United States:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby congratulate and commend ZENGELER CLEANERS on the occasion of their milestone 150th Anniversary.

Issued by the Governor March 23, 2007.

Filed by the Secretary of State March 28, 2007.
WHEREAS, traumatic brain injury is largely preventable, yet it is among the nation’s most significant public health concerns, currently affecting at least 5.3 million Americans; and

WHEREAS, 1,400,000 traumatic brain injuries occur each year in the United States, over 400,000 of which occur in children 14 years of age and younger, and 1.1 million of those injuries are serious enough to require treatment in hospital emergency rooms; and

WHEREAS, an estimated 80,000 to 90,000 Americans with traumatic brain injury experience permanent disability from their injury; and

WHEREAS, traumatic brain injury often results in significant impairment of an individual’s physical, cognitive and psychosocial functioning, impacting their ability to return to school and/or work; and

WHEREAS, a substantial portion of individuals with traumatic brain injury and their families do not have access to appropriate support and services, and remain unserved or underserved. The lack of public awareness is so vast that traumatic brain injury is known in the disability community as the “silent epidemic;” and

WHEREAS, in Illinois, there are more than a quarter of a million people living with disabilities resulting from brain injury; and

WHEREAS, the Brain Injury Association of Illinois is an organization dedicated to creating a better future through brain injury prevention, research, education and advocacy; and

WHEREAS, in partnership with the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and the Defense and Veterans Brain Injury Center, the Brain Injury Association of America and the Brain Association of Illinois strive to increase brain injury awareness, thus helping to decrease the number of brain injuries each year; and

WHEREAS, the Brain Injury Association of America has recognized March as Brain Injury Awareness Month, and here in Illinois, we are pleased to join in this important campaign:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 30, 2007 as BRAIN INJURY
AWARENESS DAY in Illinois, and encourage all citizens to join in the efforts to spread knowledge of this critical health issue.
Issued by the Governor March 23, 2007.
Filed by the Secretary of State March 28, 2007.

2007-117
SEXUAL ASSAULT AWARENESS MONTH

WHEREAS, sexual assault is one of the most horrendous crimes in our society today, with victims often suffering lifelong pain from physical injury and serious emotional trauma; and
WHEREAS, nationwide, one in three girls and one in six boys will become a victim of some form of sexual abuse before the age of 18; and
WHEREAS, in Illinois, 5,853 sexual assaults were reported to law enforcement in 2003. However, in reality the number of assaults is higher because it is estimated that less then half are reported; and
WHEREAS, it is important to recognize the dedication and contributions of the individuals who provide services to victims of sexual abuse and work to increase the public understanding of this problem; and
WHEREAS, education about the crimes of sexual assault, sexual abuse, sexual harassment and their impact is essential to end sexual violence and advance equality, safety, and respect among all individuals:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2007 as SEXUAL ASSAULT AWARENESS MONTH in Illinois, and encourage all citizens to join together to prevent sexual assault and ensure a life free from harm for the residents of our state.
Issued by the Governor March 23, 2007.
Filed by the Secretary of State March 28, 2007.

2007-118
SARCOIDOSIS AWARENESS MONTH

WHEREAS, sarcoidosis is a disease that causes inflammation of the body’s tissues. It can occur in any organ of the body and upsets cells until they eventually form granulomas, which are small lumps that stay within the organ; and
WHEREAS, sarcoidosis can affect people all across the globe. Although it was once viewed as a rare disease, over the last 35 years the affected population has increased. Sarcoidosis is now the most common fibrotic lung disorder and one of the most common chronic diseases in the world; and

WHEREAS, symptoms of sarcoidosis are far ranging. Since the disease can affect any organ in the body, the symptoms are different for each organ. The most common symptoms include: fatigue, loss of appetite, fever, night sweats, enlarged lymph nodes, a skin rash, and shortness of breath and/or chest pain; and

WHEREAS, sarcoidosis is not easily diagnosed and can often go undetected or misdiagnosed for a long period of time. Because of this, it is difficult to estimate the number of people living with the disease today; and

WHEREAS, many patients with sarcoidosis do not require treatment and are able to function normally, particularly those without disabling symptoms. Although corticosteroids remain the primary treatment for sarcoidosis, a critical aspect of treatment is to keep the affected organs working and relieve the symptoms. Many times, symptoms will disappear spontaneously or without treatment; and

WHEREAS, there are many dedicated organizations in this country working to raise awareness about this disease. The National Sarcoidosis Society, Incorporated, provides educational awareness and support to the patients and their families as well as developing an ongoing campaign to promote awareness and medical research into the debilitating disease:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2007 as SARCOIDOSIS AWARENESS MONTH in Illinois, and encourage all citizens to educate themselves on this unfortunate chronic illness, and do what they can to support those who are affected by it.

Issued by the Governor March 23, 2007.
Filed by the Secretary of State March 28, 2007.
2007-119
RIDE FOR KIDS DAY

WHEREAS, each July, participants in the Annual Chicagoland Ride for Kids meet in the Village of Northbrook to raise money and awareness for the Pediatric Brain Tumor Foundation; and

WHEREAS, Ride for Kids is the motorcycling community’s way of showing their support and compassion for individuals afflicted with brain tumors and their families; and

WHEREAS, last year, more than 2,700 motorcycles and more than 3,000 riders participated in the 18th Annual Chicagoland Ride for Kids; and

WHEREAS, over $366,000 were raised by last year’s event to help benefit the Pediatric Brain Tumor Foundation of the United States, a non-profit organization working diligently to find the cause and cure of childhood brain tumors; and

WHEREAS, during the 18 years that the Chicagoland area has participated in this event, over $2 million have been raised in total for the Pediatric Brain Tumor Foundation:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 15, 2007 as RIDE FOR KIDS DAY in Illinois, and encourage all citizens to support this worthy cause.

Issued by the Governor March 23, 2007.
Filed by the Secretary of State March 28, 2007.

2007-120
AMERICAN EX-PRISONERS OF WAR RECOGNITION DAY

WHEREAS, many loyal and brave Americans who served in the wars of this nation were captured by the enemy or listed as missing in action while performing their duties; and

WHEREAS, despite strict rules and regulations set forth by international codes, American Prisoners of War have often suffered unconscionable treatment and many have died as a result of cruel and inhumane acts by their enemy captors; and

WHEREAS, it is exceedingly fitting that we recognize the sacrifices of American Prisoners of War and those missing in action; and
WHEREAS, these heroic soldiers have demonstrated their love and convictions in the people and freedoms of this country by enduring these tragedies and in many unfortunate cases by giving the ultimate sacrifice:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 9, 2007 as AMERICAN EX-PRISONERS OF WAR RECOGNITION DAY in Illinois, and encourage all citizens to take a moment to honor and remember the men and women who suffered while fighting to make America a better place for all to live.

Issued by the Governor March 23, 2007.
Filed by the Secretary of State March 28, 2007.

2007-121
BATAAN DAY

WHEREAS, since the birth of this great nation, America has been blessed with a population of brave men and women who have courageously answered the call to defend their country’s ideals of freedom and democracy. Many of the brave Americans who have answered their country’s call to service were captured by hostile forces or listed as missing while performing their duties; and

WHEREAS, the harsh conditions of enemy captivity are an unfortunate reality that many of our brave soldiers and their allies have experienced first hand. During World War II, American and Filipino prisoners of war who fought in the Philippines experienced some of the cruelest treatment. They were forced by Japanese captors to participate in what has come to be known as the Bataan Death March and the survivors were put into forced labor camps; and

WHEREAS, American and Filipino former prisoners of war are national heroes whose service to our country will never be forgotten. These brave men and women fought for America and endured cruelties and deprivation as prisoners of war that no man or women should ever have to experience; and

WHEREAS, during World War II, the Korean War, Vietnam, the 1991 Gulf War, Operation Iraqi Freedom, and other conflicts, our service men and women have sacrificed much to secure freedom, defend the ideals of our nation, and free the oppressed. Each of these individuals
should be honored for their strength of character and for the difficulties they and their families endured. By answering the call of duty and risking their lives to protect others, these proud patriots continue to inspire us today as we work with our allies to extend peace, liberty, and opportunity to people around the world; and

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 9, 2007 as BATAAN DAY in Illinois, and encourage all citizens to take a moment to honor and remember the men and women who suffered the hardships of enemy captivity while courageously serving their country.

Issued by the Governor March 23, 2007.
Filed by the Secretary of State March 28, 2007.

2007-122
HACEMOS DAY

WHEREAS, during the summer of 1988, two Southwestern Bell Telephone first level managers in San Antonio, Texas had a vision of forming an internal organization to address concerns and issues regarding the strengthening of their corporation, their Hispanic body, and their respective communities; and

WHEREAS, the name HACEMOS, translated in English to “we do,” was selected for the new organization, symbolizing their commitment to undertaking projects that best serve the interests of their employees, their corporation and their community; and

WHEREAS, on January 1, 1989, HACEMOS was officially formed, and a Houston organization called the Hispanic Telephone Workers Association was the first chapter inducted. HACEMOS has since merged with similar organizations all across the country, and as of 2002, they have chartered 28 chapters with a membership nearing 1,700; and

WHEREAS, other than helping to develop their own employee body, HACEMOS’ efforts include providing scholarships and mentoring to deserving youth, and offering charitable support to the needy through various programs and events; and

WHEREAS, for the first time in the organization’s history, the city of Chicago has been selected for the HACEMOS Annual Scholarship Foundation National Conference in 2007. This year’s conference, entitled
“Redefining the Future,” will be held at the Holiday Inn-Mart Plaza from June 29 – July 1:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 30, 2007 as HACEMOS DAY in Illinois, and encourage all citizens to join in recognizing this organization’s work on behalf of Hispanic AT&T employees, and the community as a whole.

Issued by the Governor April 09, 2007.
Filed by the Secretary of State April 10, 2007.

2007-123
UNITED NEGRO COLLEGE FUND DAY

WHEREAS, in 1943, Dr. Frederick D. Patterson, President of what is now Tuskegee University, urged his fellow black college presidents to raise money collectively through an “appeal to the national conscience.” The next year, on April 25, 1944, Dr. Patterson, Dr. Mary McLeod Bethune and others incorporated the United Negro College Fund (UNCF) with 27 member colleges; and

WHEREAS, in its 63 years of existence, the UNCF has raised more than $2 billion to help a total of more than 350,000 students attend college, and has distributed more funds to help minorities attend school than any entity outside of the government; and

WHEREAS, the UNCF provides more than 400 scholarships and fellowships that support students at the undergraduate, graduate and doctoral level; provides operating support to 39 member institutions; and administers millions of dollars that help provide computers, technology integration training for faculty members and technological infrastructure support for historically black colleges and universities; and

WHEREAS, hundreds of thousands of individuals have become part of the UNCF family through volunteering and donating resources. One of UNCF’s signature events, The Lou Rawls Parade of Stars/An Evening of Stars, has raised over $200 million for UNCF students and has featured some of the world’s most extraordinary talent and celebrities; and

WHEREAS, graduates of UNCF institutions have made lasting contributions to our nation by building successful careers in the fields of business, politics, health care and the arts. Prominent names include Dr. Martin Luther King, Jr., actor/director Spike Lee, and former Virginia
Governor L. Douglas Wilder – the first African American to be elected Governor of a U.S. State; and

WHEREAS, on April 25, the UNCF will celebrate its 63rd anniversary of incorporation, and as Illinois shares in the UNCF’s commitment to ensuring that African Americans (and all minorities) have access to affordable opportunities in higher education, we are proud to recognize them on this occasion:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 25, 2007 as UNITED NEGRO COLLEGE FUND DAY in Illinois, and encourage all citizens to join in paying tribute to this fine organization and their 63 years of tireless work on behalf of African American students.

Issued by the Governor April 10, 2007.

Filed by the Secretary of State April 10, 2007.

2007-124

MINE SAFETY DAY

WHEREAS, over 50 percent of all electricity used in the United States comes from coal, and Illinois’ coal supply is among the most abundant on the planet. Currently, Illinois coal companies produce 33 million tons of coal annually; and

WHEREAS, since the beginning of this administration, Illinois has invested $64.7 million in coal development projects, including more than $45 million in grants to Illinois coal operators who upgrade their facilities to make their product more competitive, as well as more than $11 million for advanced research through the Illinois Clean Coal Institute. Additionally, in 2003 I signed a law adding $300 million in revenue bonds to the Coal Revival Program, which provides tax and financing incentives to large clean coal fueled projects; and

WHEREAS, with the coal industry being an integral part of our State’s economy and workforce, we must constantly remind ourselves of the dangers of mining, and the need to take every necessary precaution to ensure the safety of all mine workers. Unfortunately, tragic accidents do sometimes occur, such as the Virginia mine disaster that killed 12 miners in January 2006; and

WHEREAS, following this tragedy, I signed critical mine safety
legislation into law, providing Illinois miners and rescuers additional safety measures in the event of an emergency; and

WHEREAS, April 15 of this year marks the fourth consecutive year Illinois coal mines have gone without a fatality—a feat never before achieved in this state. This impressive milestone is a testament to the success of recent increases in safety measures, and greater awareness and caution among mine workers; and

WHEREAS, the State of Illinois salutes the Department of Natural Resources for all their hard work in contributing to the safety of miners over the past four years, and all the miners themselves for their attention to critical safety measures and precautions:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 15, 2007 as MINE SAFETY DAY in Illinois in recognition of four consecutive years of safe and fatality-free mining in this state.

Issued by the Governor April 10, 2007.
Filed by the Secretary of State April 10, 2007.

2007-125
THE 20TH ANNUAL RITA HAYWORTH GALA BENEFITTING THE ALZHEIMER'S ASSOCIATION DAY

WHEREAS, Alzheimer’s disease is a complex, progressive disease where the affected individual begins to lose control of the part of their brain that regulates thought, memory, and language. The disease usually begins to appear in individuals over the age of 60, and the risk of acquiring it increases with age; and

WHEREAS, approximately 4.5 million Americans suffer from Alzheimer’s Disease, including approximately 222,000 Illinoisans. Although it appears in older individuals, Alzheimer’s is a condition in itself, and is not a normal part of the aging process; and

WHEREAS, established in 1980, the Alzheimer’s Association is the leading national health organization dedicated to advancing Alzheimer’s research and aid; and

WHEREAS, since its inception, the Alzheimer’s Association has been the largest private sponsor of Alzheimer research, providing more than $185 million in funding for hundreds of research studies; and
WHEREAS, the Alzheimer’s Association is a proven authority on the issues that affect citizens with Alzheimer’s disease and their families, serving as a voice for them in the capitals of every state, hundreds of U.S. congressional offices, and even the White House; and

WHEREAS, the Rita Hayworth Galas, held annually in New York and Chicago, are crucial fund-raising events that the Alzheimer’s Association relies heavily on for financial support; and

WHEREAS, since 1985, the Rita Hayworth Galas have raised more than $40 million in funds, with one hundred percent going directly to the Alzheimer’s Association; and

WHEREAS, Princess Yasmin Aga Khan, the general chair of the Rita Hayworth Gala and the daughter of the late Rita Hayworth, has worked tirelessly over the years in supporting the advancement of critical Alzheimer’s research. Her efforts have touched the lives of countless people throughout the country; and

WHEREAS, the Chicago Rita Hayworth Gala celebrates and honors medical research into the causes, treatment, prevention, and eventual cure of Alzheimer’s disease:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 12, 2007 as THE 20th ANNUAL RITA HAYWORTH GALA BENEFITING THE ALZHEIMER’S ASSOCIATION DAY in Illinois and encourage all citizens to recognize the importance of continued research on this devastating disease.

Issued by the Governor April 02, 2007.
Filed by the Secretary of State April 17, 2007.

2007-126
NATIONAL STUDENT-ATHLETE DAY

WHEREAS, student-athletes display a consummate level of discipline, dedication and pride in balancing the valuable time that both their schoolwork and athletics training require; and

WHEREAS, perseverance, teamwork, and belief in racial, gender and ethnic equality are fostered and promoted by both the academic and athletic pursuits of student-athletes; and

WHEREAS, student-athletes who have achieved excellence in academics and athletics, while having made significant contributions to
their communities, should be viewed as role models for the youth of America; and

WHEREAS, former student-athletes have proven to be successful beyond the game, having become many of this country’s business, governmental, community and educational leaders; and

WHEREAS, thousands of America’s youth use their athletic ability to afford them the chance to obtain an education, and develop skills to help them later in life:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 6, 2007 as NATIONAL STUDENT-ATHLETE DAY in Illinois, and encourage all citizens to support any and all education and athletic programs, and recognize the hard work put forth by students that choose to undertake both endeavors.

Issued by the Governor April 03, 2007.
Filed by the Secretary of State April 17, 2007.

2007-127
DIVERSITY EMPLOYMENT DAY

WHEREAS, a diverse workplace, where all employees are ensured equal opportunities for success, is an economic necessity; and

WHEREAS, the communities of Illinois look to do business with and support those organizations that best reflect their diversity; and

WHEREAS, the Diversity Employment Day Career Fair for Chicago and Illinois will bring together Illinois’ major employers with thousands of qualified diversity professionals; and

WHEREAS, the Diversity Employment Day Career Fair will offer employment opportunities and career guidance for professionals in accounting, administration, healthcare, hardware and software engineering, finance, information technology, law enforcement, management, marketing, sales, network, data and telecommunications; and

WHEREAS, this annual event will feature a ribbon cutting ceremony that coincides with the presentation of the “Diversity Spirit Achievement Award” to three outstanding supporters of diversity in government, community, the corporate world:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim April 3, 2007 as DIVERSITY EMPLOYMENT DAY in Illinois, and congratulate all participants for recognizing the business and social value in employing a diverse workforce.

Issued by the Governor April 03, 2007.
Filed by the Secretary of State April 17, 2007.

2007-128
FOSTER PARENT APPRECIATION MONTH

WHEREAS, more than 16,200 children are under the care of the Department of Children and Family Services due to abuse, neglect or abandonment; and
WHEREAS, thousands of caring foster families have opened their hearts and homes to provide for the physical, health and educational needs of those children; and
WHEREAS, foster parents meet a very special need in our society by ensuring children receive attention, respect, love, compassion, and guidance; and
WHEREAS, foster parents are called upon to support both children and their parents during efforts to safely reunite families of origin, when possible, and contribute to alternative permanency options; and
WHEREAS, specialized training and support services are now being provided to foster parents serving older youth, who now constitute the majority of children in DCFS care, as well as youth with intensive special needs; and
WHEREAS, there remains a significant demand for additional caring adults in Illinois to consider opening their homes to children in need of foster care; and
WHEREAS, Illinois foster parents deserve our gratitude and respect for the work they do everyday to ensure that our children can move beyond the trauma that brought them into the child welfare system and prepare them for fulfilling, productive lives in the future:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as FOSTER PARENT APPRECIATION MONTH in Illinois.
Issued by the Governor April 03, 2007.
PROCLAMATIONS

Filed by the Secretary of State April 17, 2007.

2007-129
NATIONAL LANDSCAPE ARCHITECTURE MONTH

WHEREAS, landscape architecture is a diverse profession that blends elements from architecture, civil engineering and urban planning to form aesthetic relationships between people and the land; and
WHEREAS, landscape architects use design skills and aesthetic sense to enhance and add beauty to our surroundings; and
WHEREAS, the work of landscape architects increases the quality of life in our communities; and
WHEREAS, landscape architects plan the communities, public spaces and infrastructure that will support our housing, commercial and transportation needs; and
WHEREAS, the State of Illinois continues to benefit from the skills of landscape architects who create and preserve our parks, local schoolywards, and commercial streetscapes:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2007 as NATIONAL LANDSCAPE ARCHITECTURE MONTH in Illinois, and encourage all citizens to recognize the legacy of landscape architects and their important contributions to the State of Illinois.

Issued by the Governor April 05, 2007.
Filed by the Secretary of State April 17, 2007.

2007-130
CERTIFIED GOVERNMENT FINANCIAL MANAGER MONTH

WHEREAS, the Chicago and Quad Cities Chapters of the Association of Government Accountants (AGA) is a professional organization, belonging to the Association of Government Accountants, which has more than 15,000 members in 90 chapters throughout the United States and around the world; and
WHEREAS, there are approximately 210 active members representing state, federal, municipal and private sector accountants, auditors, and financial managers in Illinois; and
WHEREAS, AGA Chicago and Quad Cities Chapter members have responded to AGA’s mission of Advancing Government Accountability, as it continues its broad education efforts with emphasis on high standards of conduct, honor, and character in its Code of Ethics; and

WHEREAS, the AGA Chicago and Quad Cities chapter are making significant advances both in professional ability and in service to the citizens of Illinois by mastering increasingly technical and complex requirements; and

WHEREAS, the Certified Government Financial Manager (CGFM) program of AGA provides a means of demonstrating professionalism and competency by requiring CGFM candidates to have appropriate educational and employment history and to pass a 3-part examination requiring expertise in the Government Environment, Governmental Financial Management and Control, and Governmental Accounting, Financial Reporting and Budgeting, and requires each CGFM holder to maintain certification by completing comprehensive training sessions totaling 80 hours over a 2-year period:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2007 as CERTIFIED GOVERNMENT FINANCIAL MANAGER MONTH in Illinois, and encourage all citizens to recognize the hard work put forth by financial managers in our communities.

Issued by the Governor April 05, 2007.
Filed by the Secretary of State April 17, 2007.

2007-131
ALLENDALE SHELTER CLUB DAY

WHEREAS, on December 6, 1906, 16 women from the Children’s Hospital Society formed the Allendale Shelter Club. At that time, professionals in the legal system and in social services believed that one of Chicago’s great needs was care for homeless and destitute boys whose population was steadily climbing; and

WHEREAS, for over 100 years, the Allendale Association has been providing great services to children that come from troubled backgrounds. Not only have they been very successful in helping youths
that have suffered from mental illness, abuse, or neglect, but they have also worked hard to ensure a bright future for those many young people; and

WHEREAS, each Spring, the Allendale Association Board of Trustees joins together to raise money for the children of Allendale through an annual spring Gala & Auction; and

WHEREAS, all funds raised from this event will support the ongoing efforts of the educational, residential and clinical programs and services provided to disadvantaged children, youth and their families; and

WHEREAS, this year, the Allendale Shelter is celebrating their 25th Annual Gala, “Honoring the Shelter Club & their 100 Years of Dedicated Service to Allendale!” on Saturday, April 28, 2007 at the Sunset Ridge Country Club:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 28, 2007 as ALLENDALE SHELTER CLUB DAY in Illinois.

Issued by the Governor April 05, 2007.
Filed by the Secretary of State April 17, 2007.

2007-132
NATIONAL PARENT CARE DAY

WHEREAS, millions of Americans are ill prepared to address their own, or a loved one’s, challenges with aging. Not only is addressing the challenges a problem for many people, but simply having the necessary conversations with those they love is often too difficult; and

WHEREAS, in order to give children and caregivers a national day to honor their parents as well as parents everywhere, Dan Taylor, author of “The Parent Care Solution,” established National Parent Care Day on May 22, 2007; and

WHEREAS, “The Parent Care Solution” is a program that coaches people and financial advisors on how to address the issues and challenges facing aging American and their families; and

WHEREAS, this day will give children of all ages an opportunity to honor their parents and begin the process of open communication regarding parent care issues and challenges:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim May 22, 2007 as NATIONAL PARENT CARE DAY in Illinois, and encourage all citizens to have the necessary conversations with parents about their wishes and desires as they grow older.

Issued by the Governor April 05, 2007.
Filed by the Secretary of State April 17, 2007.

2007-133
LINCOLN TRAIL HIKE DAY

WHEREAS, in 1926 R. Allan Stephens, a former Scout Commissioner of Springfield, Illinois, originated the idea of a Lincoln Trail Hike; believing that Boy Scouts would acquire a greater appreciation of the obstacles Abraham Lincoln overcame in his rise to the presidency if they also walked the same 20-mile route followed by Lincoln from New Salem to Springfield; and

WHEREAS, Lincoln's outstanding example of perseverance caused Mr. Stephens to propose that Boy Scouts be encouraged to walk in Lincoln's steps from New Salem to Springfield and that an award be made to those who successfully completed the trail; and

WHEREAS, the 20-mile route is located as closely as possible to the roadways of Lincoln's New Salem days, keeping hikers on secondary roads, byways and trails. The trail is scenic and historically correct; and while walking the 20-mile route, the Scouts foster environmental stewardship by picking up litter along the scenic roadway; and

WHEREAS, beginning in 1995, in commemoration of the 25th Anniversary of the first Earth Day, the Illinois Environmental Protection Agency teamed with the Abraham Lincoln Council of the Boy Scouts of America to support litter collection along the Lincoln Trail, in order to further earth stewardship and promote environmental consciousness among the Scouts. Illinois Environmental Protection Agency employees support the goals of the Lincoln Trail Hike by volunteering their services to assist the Scouts during the Hike; and

WHEREAS, in 2007, approximately 1000 Scouts will walk the Lincoln Trail Hike and maintain the legacy with the 62nd Annual Lincoln Pilgrimage:

NOW THEREFORE, I, Rod R. Blagojevich, Governor of the State
of Illinois, do hereby proclaim April 28, 2007, as LINCOLN TRAIL HIKE DAY in Illinois, and encourage all citizens to recognize all the committed scouts paying tribute to one of Illinois’ greatest historical figures.

Issued by the Governor April 11, 2007.
Filed by the Secretary of State April 17, 2007.

2007-134
ILLINOIS RIVER SYSTEM MANAGEMENT MONTH

WHEREAS, the Illinois River System is a critical component of our state’s geography, history, economy and ecology; and
WHEREAS, many attributes are threatened as a result of the cumulative effects of human activities that have significantly altered the Illinois River system; and
WHEREAS, our state is embracing an integrated approach to large river management and is working in a coordinated and continuous manner for this river; and
WHEREAS, the implementation of the Illinois River Coordinating Council, the Conservation Reserve Enhancement Program., the Illinois Conservation 2000 Program, Illinois Rivers 2020, and the Open Lands Trust Fund are important milestones in efforts to protect the resources of the Illinois River, and
WHEREAS, the theme for the 2007 Conference on the Management of the Illinois River System is “The Illinois River: Continuing Our Commitment”, and
WHEREAS, the conference will be taking place October 2 – 4 at the Holiday Inn City Centre in Peoria, Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2007 as ILLINOIS RIVER SYSTEM MANAGEMENT MONTH in Illinois, and encourage citizens to recognize the economic, recreational, social and environmental benefits of conserving to properly utilize the resources of the Illinois River basin.

Issued by the Governor April 11, 2007.
Filed by the Secretary of State April 17, 2007.
2007-135

STUDENT COUNCIL WEEK

WHEREAS, Student Council is a terrific opportunity for our leaders of tomorrow; and
WHEREAS, Student Council is a hands-on experience that teaches students the fundamentals of leading. The first ingredient of leadership is establishing a vision that others share and are willing to invest their personal resources for; and
WHEREAS, once a vision is established, it is important to determine how to get there, and essential to that success is communication, teamwork, and perseverance. Finding common ground, building consensus, and inspiring cooperation to achieve a goal is what leadership is all about; and
WHEREAS, the good leaders are those who know that, and the best leaders are those whose results support their vision; and
WHEREAS, Student Council is a civics lesson in motion, and in the process, members also promote school spirit, raise money for charity, and volunteer their time to community service. Indeed, Student Council is a wonderful organization that benefits students, schools, and the entire community; and
WHEREAS, this year, the 73rd Annual Illinois Association of Student Councils State Convention at the Hilton Chicago Hotel will be held from May 10-12. The conference will attract students from all across the state. There, they will participate in seminars and workshops to exchange event ideas and to help them become better leaders:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 6 - 12, 2007 as STUDENT COUNCIL WEEK in Illinois in support of Student Council, and to encourage our future leaders attending the Illinois Association of Student Councils State Convention to share and apply what they learn there.

Issued by the Governor April 11, 2007.
Filed by the Secretary of State April 17, 2007.
2007-136
LIONS CANDY DAY

WHEREAS, the Lions Club was founded in 1917 by Melvin Jones. His goal was to create an organization of businesses who shared a common goal of bettering the community; and

WHEREAS, Lions Club International has grown to incorporate 1.4 million members who participate in 46,000 clubs in 193 countries across the globe; and

WHEREAS, the Lions Club of Illinois has raised an unprecedented amount of money for those who are visually and hearing impaired over the years through events such as Candy Day; and

WHEREAS, Candy Day allows the citizens of Illinois citizens to contribute to an organization that will in turn, give back to the public. The candy they receive is a token of appreciation from the Lions Club for their donation; and

WHEREAS, all proceeds made from Candy Day will go to the programs the Lions Club of Illinois promotes to continue to help the visually and hearing impaired:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 12, 2007 as LIONS CANDY DAY in Illinois, and applaud the Lions Club for so nobly serving the public for so many years.

Issued by the Governor April 11, 2007.
Filed by the Secretary of State April 17, 2007.

2007-137
LIONS AND LIONESS TOOTSIE POP DAY

WHEREAS, the Lions and Lioness Clubs of Illinois have dedicated their time to helping the blind, visually impaired, deaf, and hearing impaired; and

WHEREAS, the Lions and Lioness Clubs of Illinois are sponsoring Lions and Lioness Tootsie Pop Day for Sight and Sound throughout our State May 4, 2007; and

WHEREAS, Tootsie Pop Day is being held under the auspices of the Lions and Lioness of Illinois Foundation, a nonprofit organization that
raises money for worthwhile projects through Tootsie Pop sales; and

WHEREAS, the proceeds from Tootsie Pop Day will help to provide detection treatment and rehabilitation programs for the blind, visually impaired, deaf, and hearing impaired residents of Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 4, 2007 as LIONS AND LIONESS TOOTSIE POP DAY in Illinois, and encourage all citizens to support this noble endeavor aimed at creating a better and more independent life for the blind, visually impaired, deaf, and hearing impaired of our communities.

Issued by the Governor April 11, 2007.
Filed by the Secretary of State April 17, 2007.

2007-138
RADIOLOGIC TECHNOLOGY WEEK

WHEREAS, the health and well-being of our citizens is a major concern of Illinois health care professionals; and

WHEREAS, qualified practitioners who specialize in the use of medical radiation and imaging technology to aid in the diagnosis and treatment of disease, share a commitment to creating for the people of this state a safer and more compassionate environment; and

WHEREAS, professionals in the radiologic sciences continually maintain their highest standards of professionalism through education, lifelong learning, credentialing and personal commitment; and

WHEREAS, Radiologic Technology Week, in conjunction with the 72nd Annual Illinois State Society of Radiologic Technologists (ISSRT) Conference, will focus on the safe, medical radiation environment provided through the skilled and conscientious efforts of radiologic technologists:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 18 – 20, 2007 as RADIOLOGIC TECHNOLOGY WEEK in Illinois, and encourage all citizens to recognize the importance of radiologic technology to the health industry in this state, and across the country.

Issued by the Governor April 11, 2007.
Filed by the Secretary of State April 17, 2007.
2007-139
RED, WHITE AND BBQ COMPETITION DAYS

WHEREAS, on May 26th and 27th, 2007, the first annual “Red, White, and BBQ Competition” will be held in Westmont, Illinois; and
WHEREAS, the “Red, White, and BBQ Competition,” as an Illinois State Championship, allows teams to qualify for national level barbeque competitions; and
WHEREAS, this event, a Kansas City Barbecue Society (KCBS) sanctioned event, will bring together amazing entertainment and award winning BBQ competitors; and
WHEREAS, the State of Illinois is proud to recognize the many talented individuals who are putting their barbeque grilling skills to the test during this event:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 26-27, 2007 as the RED, WHITE, AND BBQ COMPETITION DAYS in Illinois, and encourage all citizens to recognize and participate in this entertaining event that will undoubtedly showcase a variety of tasty barbeque recipes.

Issued by the Governor April 12, 2007.
Filed by the Secretary of State April 17, 2007.

2007-140
FEDERATION OF WOMEN CONTRACTORS DAY

WHEREAS, there has been a continuous struggle in our society for women to receive the same rights as their male counterparts. Equally as pervasive is their struggle for equality in the workplace; and
WHEREAS, males continue to have a seat at the decision-making table, especially in fields historically dominated by men, such as the construction industry; and
WHEREAS, the Federation of Women Contractors (FWC), created in 1989, is “committed to the advancement of entrepreneurial women in the construction industry;” and
WHEREAS, through educational, social and professional efforts, FWC provides an arena for its more than 100 members to have a voice; and
WHEREAS, the breadth of their message reaches far beyond the FWC membership, joining in alliance with other associations in the industry and other professional women’s organizations to make a difference:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 17, 2007 as FEDERATION OF WOMEN CONTRACTORS DAY in Illinois, and join FWC in celebration of their 18th Anniversary and 15th Annual Awards Reception.

Issued by the Governor April 16, 2007.
Filed by the Secretary of State April 17, 2007.

2007-141
ARMENIAN MARTYRS DAY

WHEREAS, the Armenian community, as well as the global community, remembers the Armenian Genocide, which occurred 92 years ago; and 

WHEREAS, during this tragic historical period between the years of 1915 and 1923, Armenians were forced to witness the genocide of their loved ones, and the loss of their ancestral homelands; and 

WHEREAS, this extermination and forced relocation of over 1.5 million Armenians by the Ottoman Turks is recognized every year; and 

WHEREAS, Armenians continue to be a people full of hope, courage, faith, and pride in their heritage, working together to rebuild a firm foundation for Armenia; and 

WHEREAS, many of the fifteen-thousand Armenian-Americans in Illinois are descendents or survivors of the Armenian genocide, and have been forthright in their efforts to preserve their culture, heritage, and language, while contributing much to our state and our nation’s diverse society and economy; and 

WHEREAS, both recognition and education concerning past atrocities such as the Armenian Genocide is crucial in the prevention of future crimes against humanity:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 24, 2007 as ARMENIAN MARTYRS DAY in Illinois, in honor of the 92nd Anniversary of the Armenian Genocide.
FLAGS AT HALF-STAFF IN HONOR OF THE VICTIMS OF THE VIRGINIA TECH TRAGEDY

WHEREAS, on April 16, 2007, tragedy befell our nation when over 30 students and faculty were murdered, and over 20 were injured, on the campus of Virginia Tech in Blacksburg, Virginia; and

WHEREAS, this event marks the most deadly massacre the United States has ever seen, and all across the nation Americans mourn with the families of the victims and the entire Virginia Tech community; and

WHEREAS, the State of Illinois is saddened by this horrific disaster, and we join Governor Tim Kaine and Commonwealth of Virginia, along with President George W. Bush, in lowering the flag of the United States of America to express our grief and anguish at this senseless loss of lives:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order that the flag of the United States of America fly at half-staff, in accordance with the timeframe set forth by President George W. Bush, in honor of the victims of the Virginia Tech tragedy.

Issued by the Governor April 17, 2007.
Filed by the Secretary of State April 17, 2007.

2007-142 (REVISED)
FLAGS AT HALF-STAFF IN HONOR OF THE VICTIMS OF THE VIRGINIA TECH TRAGEDY

WHEREAS, on April 16, 2007, tragedy befell our nation when over 30 students and faculty were murdered, and over 20 were injured, on the campus of Virginia Tech in Blacksburg, Virginia; and

WHEREAS, this event marks the most deadly massacre the United States has ever seen, and all across the nation Americans mourn with the families of the victims and the entire Virginia Tech community; and

WHEREAS, the State of Illinois is saddened by this horrific disaster, and we join Governor Tim Kaine and Commonwealth of
Virginia, along with President George W. Bush, in lowering the flag of the United States of America to express our grief and anguish at this senseless loss of lives:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order, in accordance with the timeframe set forth by President Bush, that the flag of the United States of America fly at half-staff at all State facilities from this day until sunset on Sunday April 22, in honor of the victims of the Virginia Tech tragedy.

Issued by the Governor April 17, 2007.
Filed by the Secretary of State April 17, 2007.

2007-143
PARTICLE ACCELERATOR DAY

WHEREAS, particle accelerators are the scientific tools for discovery of the fundamental nature of the universe; and
WHEREAS, advances in the technology of particle accelerators produce significant benefits not only to basic science but to health care, medical research, manufacturing, materials science, and to the economy of the State of Illinois and the nation; and
WHEREAS, Northern Illinois, the home of Fermi National Accelerator Laboratory, Argonne National Laboratory, and of Illinois research universities, is a world leader in advanced accelerator research and development; and
WHEREAS, particle accelerators at Fermi National Accelerator Laboratory and Argonne National Laboratory provide unparalleled scientific research opportunities for thousands of scientists and students from throughout the State of Illinois, the nation, and the world; and
WHEREAS, Argonne National Laboratory and Fermi National Accelerator Laboratory have signed a Memorandum of Understanding combining their scientific and technical capabilities for accelerator research and development to accomplish unique scientific goals and to strengthen the world leadership of the State of Illinois in accelerator physics:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 21, 2007 as PARTICLE ACCELERATOR DAY in Illinois, and encourage all citizens to recognize
the contributions of particle accelerators to scientific discovery and to the
economic strength of Illinois and the nation.
Issued by the Governor April 17, 2007.
Filed by the Secretary of State April 17, 2007.

2007-144
A DAY OF MOURNING FOR THE VIRGINIA TECH VICTIMS

WHEREAS, the Commonwealth of Virginia and the United States
of America suffered a great tragedy on April 16, 2007 when 32 people
were murdered and dozens more were injured on the campus of Virginia
Tech in Blacksburg, Virginia; and
WHEREAS, the State of Illinois grieves with those who lost loved
ones on that day, and we pray that they and the entire Virginia Tech
community can someday find peace and solace in the wake of this
senseless act of violence; and
WHEREAS, in the words of Virginia Governor Timothy M.
Kaine, “April 16, 2007 will be remembered in the hearts and minds of
Virginians and all Americans for the rest of their lives.” Indeed this is a
tragedy that our nation will never forget, and we come together as a
people to mourn with the victims’ families; and
WHEREAS, Governor Kaine will declare a Day of Mourning in
Virginia on April 20, highlighted by a bell ringing ceremony at noon
(eastern time) in honor of the victims of the Virginia Tech tragedy; and
WHEREAS, Illinois is humbled yet saddened to join in this
solemn observance, and will hold a bell ringing ceremony in accordance
with Governor Kaine’s declaration:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim April 20, 2007 as A DAY OF MOURNING
FOR THE VIRGINIA TECH VICTIMS in Illinois, and encourage all
citizens to join in the ringing of bells at 11 am (central time) in memory of
those who lost their lives on that dreadful day.
Issued by the Governor April 19, 2007.
Filed by the Secretary of State April 19, 2007.
2007-145
NATIONAL VOLUNTEER WEEK

WHEREAS, the hard work and determination of American citizens continue to be among our nation’s greatest resources; and
WHEREAS, one person can effect a positive change with just a single volunteer action, no matter how big or small; and
WHEREAS, the basis for a safe and productive nation is the willingness of citizens to work together, without prejudice, to find solutions to the everyday struggles of our society; and
WHEREAS, the United States is blessed with men and women who selflessly dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and
WHEREAS, in Illinois, my Commission on Volunteerism and Community Service strives to improve our communities by supporting volunteer and community service efforts throughout the state; and
WHEREAS, the annual observance of National Volunteer Week allows all citizens the opportunity to recognize and thank the compassionate and caring nature of our citizens:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 15 – 21, 2007 as NATIONAL VOLUNTEER WEEK in Illinois, and urge all citizens to promote the spirit of volunteerism in our families and communities by expressing their gratitude to the noble volunteers across our state.

Issued by the Governor April 18, 2007.
Filed by the Secretary of State April 24, 2007.

2007-146
MIDDLE LEVEL LEADERSHIP WEEK

WHEREAS, the 48th State Convention for Middle Level Leadership Week will be held in Springfield at the Holiday Inn Crowne Plaza on April 20 and 21, 2007; and
WHEREAS, the Illinois Association of Junior High Student Councils is an organization of more than 100 public and private junior high, middle, and elementary schools throughout the state; and
WHEREAS, the State Convention offers an opportunity to
recognize and celebrate the schools’ accomplishments, and plan for future events; and

WHEREAS, this year’s State Convention theme is “Ride the Leadership Roller Coaster”; and

WHEREAS, the official State Service Project this year is Shriners Children’s Hospital:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 15 – 21, 2007 as MIDDLE LEVEL LEADERSHIP WEEK in Illinois, and encourage all citizens to pay tribute to this year’s convention participants for their achievements and contributions to their communities.

Issued by the Governor April 18, 2007.
Filed by the Secretary of State April 24, 2007.

2007-147
ILLINOIS EQUAL PAY DAY

WHEREAS, more than forty years after the passage of the Equal Pay Act and Title VII of the Civil Rights Act, women and minorities continue to suffer the consequences of inequitable pay differentials; and

WHEREAS, according to statistics released in 2005 by the U.S. Census Bureau, year-round, full-time working women in 2004 earned only 77% of the earnings of year-round, full-time working men, indicating little change or progress in pay equity; and

WHEREAS, over a working lifetime, this wage disparity costs the average American woman and her family an estimated $523,000 in lost wages, impacting Social Security benefits and pensions; and

WHEREAS, Tuesday, April 24th symbolizes the time in the new year in which the wages paid to American women catch up to the wages paid to men from the previous year; and

WHEREAS, in 2003, I signed into law the Illinois Equal Pay Act, which prohibits employers in this state with four or more employees from paying unequal wages to men and women for doing the same or substantially similar work. This new law allowed an additional 333,000 Illinois workers to enjoy protections from gender-based discrimination in pay; and

WHEREAS, since January 2004 (the effective date of the Equal
Pay Act), the Illinois Department of Labor has responded to approximately 3,500 calls on the Equal Pay Act hotline, has handled 245 cases leading to the recovery of nearly $17,000 in backwages, and has prompted 10 private settlements between employees and employers which have totaled over $12,000 in wages paid back to workers:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 24, 2007 as ILLINOIS EQUAL PAY DAY, and call on citizens to join the national struggle to create a fair and equal playing field for all workers.

Issued by the Governor April 19, 2007.
Filed by the Secretary of State April 24, 2007.

2007-148
MEDICAL LABORATORY PROFESSIONALS WEEK

WHEREAS, the health and well-being of all citizens depends upon the hard work of individuals with educated minds and skilled hands; and

WHEREAS, medical laboratory professionals, which include pathologists, medical technologists, cytotechnologists, histotechnologists, medical laboratory technicians, histologic technicians, phlebotomists, and other related professionals play a critical role in providing patients with the best possible health care; and

WHEREAS, the role of medical laboratory professionals is to perform and evaluate medical laboratory tests to detect, diagnose, monitor treatment, and help prevent diseases. In addition, they perform tests to identify and detect biohazardous substances; and

WHEREAS, the tireless efforts of these dedicated health care professionals have helped to save countless lives:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 22 – 28, 2007 as MEDICAL LABORATORY PROFESSIONALS WEEK in Illinois, and encourage all citizens to recognize the dedicated men and women who have made a vital contribution to the quality of health care in our state and across the United States.

Issued by the Governor April 19, 2007.
Filed by the Secretary of State April 24, 2007.
2007-149
ELKS NATIONAL YOUTH WEEK

WHEREAS, the Benevolent and Protective Order of Elks is one of the largest and most active fraternal organizations in the world, boasting more than 1.1 million members nationwide; and

WHEREAS, the Elks are dedicated to providing youth with a future full of hope and promise each year by providing college scholarships to graduating high school seniors. This continued dedication has made the Elks the largest private source of college scholarships in the nation; and

WHEREAS, in 1997, the Elks made seven promises to America’s youth, among which were: sponsoring drug-free prom or graduation parties in 2,000 communities by the year 2000, developing mentoring relationships with 20,000 youth and involving 275,000 youth in community service initiatives, and donating $34.9 million a year in support of scouting, athletic programs, and other youth organizations and programs; and

WHEREAS, by making this commitment to future generations, members of the organization are taking the meaning of their motto, “Elks Care, Elks Share,” to a whole new level:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 29 – May 5, 2007 as ELKS NATIONAL YOUTH WEEK in Illinois, and encourage all citizens to pay tribute to these youth for their achievements and contributions to their communities.

Issued by the Governor April 19, 2007.
Filed by the Secretary of State April 24, 2007.

2007-150
UNIVERSAL NEWBORN HEARING SCREENING DAY

WHEREAS, each day in the United States, it is estimated that sixty babies are born with moderate to severe hearing loss; and

WHEREAS, early detection is the single most important factor in successful treatment of hearing loss. In Illinois, there are approximately 180,000 newborn babies who have their hearing screened every year.
Recent studies suggest that intervention within the first six months of a hard of hearing infant’s life is crucial to them reaching their speech, language, and learning potential; and

WHEREAS, in Illinois, nearly five-hundred children are born with congenital hearing loss each year; and

WHEREAS, to better deal with congenital hearing loss, the Illinois Hearing Screening for Newborns Act, passed in July of 1999, requires all birthing hospitals in the state to implement universal newborn hearing screening and reporting. The Universal Newborn Hearing Screening program was established to implement and administer the provisions of the act; and

WHEREAS, the Universal Newborn Hearing Screening program is a joint effort of two state agencies: the Department of Human Services and the Department of Public Health. These agencies, along with the University of Illinois at Chicago's Division of Specialized Care for Children, the Bureau of Early Intervention, hospital personnel, healthcare professionals, and community-based organizations, strive to ensure that parents of babies who have a hearing loss receive follow-up diagnostic testing and information regarding communication options and other services for their children; and

WHEREAS, the State of Illinois realizes the importance of universal newborn hearing screening and its impact on not only the lives of our children but their families and communities as well:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 27, 2007 as UNIVERSAL NEWBORN HEARING SCREENING DAY in Illinois, and urge all citizens to become cognizant of the role that early detection plays in the successful treatment of hearing loss.

Issued by the Governor April 19, 2007.
Filed by the Secretary of State April 24, 2007.

2007-151
CITI ELK GROVE GRAND OPENING DAY

WHEREAS, to commemorate Earth Day and Illinois Arbor Day Week, on Thursday, April 26 Citi will celebrate its new facility in Elk Grove with a Ribbon Cutting, Open House and Tree Planting Ceremony to
demonstrate an ongoing commitment to sustainable issues globally; and

WHEREAS, as part of its ongoing commitment to environmental and social issues globally, Citi seeks to partner with vendors that have incorporated the principles of environmental responsibility and sustainable growth into their business practices; and

WHEREAS, in constructing this facility, Citi worked with partners along the supply chain that are equally committed to green principles like Milliken Contract, which is internationally respected for sustainable manufacturing. The modular carpet selected for the building is PVC free and installs without adhesives to improve IAQ; and

WHEREAS, during Earth Day week, Milliken Contract will present its first Chain of Green award to Citi during the ribbon cutting for the Elk Grove facility; and

WHEREAS, Citi is taking a multi-pronged approach to sustainability through its employees; clients, the local community and vendors; and

WHEREAS, the small steps taken by Citi have a giant impact when multiplied out by 14,000 facilities; 300,000 employees; and operations in 100 countries:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 26, 2007 as CITI ELK GROVE GRAND OPENING DAY in Illinois.

Issued by the Governor April 20, 2007.
Filed by the Secretary of State April 24, 2007.

2007-152
TEEN APPRECIATION WEEK

WHEREAS, teenagers in this state and across the country play a variety of important roles in families and communities; and

WHEREAS, throughout the teenage years, a person undergoes transitional stages in human development between childhood and adulthood; and

WHEREAS, during these transitions, teenagers need and deserve the community’s understanding, guidance, and support; and

WHEREAS, the creativity, energy, and passion of adolescents often help to refresh our culture and constructively challenge our ideas in
a way that benefits our society; and

WHEREAS, negative publicity about teenagers often overshadows community awareness of their overwhelming accomplishments and positive contributions to the life of our community and society:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 12 – 18, 2007 as TEEN APPRECIATION WEEK in Illinois, and encourage all citizens to join in recognizing the great impact teenagers have on our communities.

Issued by the Governor April 20, 2007.

Filed by the Secretary of State April 24, 2007.

2007-153
GLOBAL DAYS FOR DARFUR

WHEREAS, United Nations officials have described the ongoing crisis in Darfur as “the world’s worst humanitarian crisis;” and
WHEREAS, up to 400,000 people have died and over 2,500,000 have been displaced in Darfur since 2003; and
WHEREAS, the U.S. Congress declared on July 22, 2004 that the atrocities in Darfur were genocide. These sentiments were echoed by then Secretary of State Colin Powell and President George W. Bush in September of that same year; and
WHEREAS, on April 29, 2007 the international community will hold events in over 20 countries around the world calling for immediate action to end the genocide in Darfur; and
WHEREAS, people of conscience in over 100 cities nationwide will likewise join the call to action in support of protecting innocent civilians in Darfur, including citizens of Chicago and Illinois; and
WHEREAS, the efforts of the U.S., the UN, and the international community have not yet brought about an end to the genocide, and clearly more must be done to quell the violence and build a renewed and inclusive peace process:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 23 – 30, 2007 as GLOBAL DAYS FOR DARFUR, and urge all citizens to recognize the great atrocities taking place in the Sudan, and join in the international effort to bring an end to this global tragedy.
WHEREAS, the lack of access to quality healthcare and the increasing costs for healthcare are among the most pressing – and vexing – problems facing our nation today; and

WHEREAS, there are nearly 47 million uninsured people in this country, 1.4 million of which are right here in Illinois; and

WHEREAS, there are an additional 9.7 million people in this state that have insurance, but many of them are struggling every month to pay for private coverage. The rising costs of healthcare force them to cut back on necessities, and many cannot afford to save for college educations or even take a family vacation; and

WHEREAS, many throughout the nation are afraid to change jobs because they may lose their insurance, or be denied enrollment in a new program because of pre-existing conditions. In addition, more and more employers are providing less and less coverage because of astronomical costs. This continued erosion of access to quality healthcare creates economic problems throughout the country; and

WHEREAS, Illinois is proud to be a national leader in providing expanded access to healthcare coverage. Since I took office in 2003, more than 560,000 more men, women and children have gained access to health care. Illinois is also the first state in the nation to make sure every child can receive healthcare through the landmark "All Kids" program. While this is a great start, we realize that much more work needs to be done; and

WHEREAS, understanding how important healthcare is to working families, I proposed in my budget address this year a bold new plan called “Illinois Covered,” which will ensure that all Illinoisans have access to quality, affordable healthcare; and

WHEREAS, the Illinois Covered plan has three major components: Illinois Covered Rebate – which offers Middle class families with employer-provided insurance assistance in paying their premiums; Illinois Covered Choice – which provides access to new guaranteed, affordable insurance plans for small businesses and individuals by making
it possible for them to buy into guaranteed, affordable private plans; and Illinois Covered Assist – which is similar to FamilyCare and Medicaid for those under 100% of the federal poverty level; and

WHEREAS, I have proclaimed this week as “Covering the Uninsured Week” to raise awareness of the problems associated with health coverage and the solutions that the historic “Illinois Covered” plan can offer the hard working people of this state:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 23 – 29, 2007 as COVER THE UNINSURED WEEK in Illinois.

Issued by the Governor April 23, 2007.
Filed by the Secretary of State April 24, 2007.

2007-155

BRAIN TUMOR ACTION WEEK

WHEREAS, this year marks the 10th Annual Brain Tumor Action Week sponsored by the North American Brain Tumor Coalition; and

WHEREAS, every five minutes another American is diagnosed with a brain tumor, representing more than 190,000 people in the United States each year; and

WHEREAS, progress continues because of dedicated researchers, and because of charitable organizations, such as the ones in the North American Brain Tumor Coalition, that are committed to the eradication of brain tumors through raising awareness and advocating for increased research funding; and

WHEREAS, brain tumor patients now have hope and options available to them because of promising new treatments; and

WHEREAS, there is still much to be done to assure effective treatment for all brain tumor patients; and

WHEREAS, the State of Illinois is proud to join the North American Brain Tumor Coalition in an effort to raise awareness and to support all of the patients and families affected by this disease:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 26 – May 6, 2007 as BRAIN TUMOR ACTION WEEK in Illinois, and urge all citizens to join me in support for continued progress in the fight against brain tumors.
2007-156
STROKE AWARENESS MONTH

WHEREAS, every 45 seconds someone in the United States experiences a stroke; and

WHEREAS, stroke, or brain attack, is the third leading cause of death in America, killing 160,000 people annually; and

WHEREAS, stroke is a leading cause of adult disability. There are more than five million stroke survivors in the United States, with two-thirds living with moderate to severe disabilities; and

WHEREAS, the United States spends more than $52 billion in direct and indirect costs on stroke; and

WHEREAS, more than one-third of Americans cannot identify a single symptom of stroke which includes sudden trouble talking, walking, seeing, paralysis usually on one side of the body and sudden severe headache with no known cause and there is now a new, easy and F.A.S.T. stroke recognition system; and

WHEREAS, more than a half a million strokes can be prevented each year, yet many Americans don’t discuss their stroke risks with their primary health care providers; and

WHEREAS, public awareness of the risks and warning signs of a stroke is essential to prevention and early treatment; and

WHEREAS, emergency treatment of stroke can save lives, reduce disability and even possibly reverse all impacts from the stroke; and

WHEREAS, National Stroke Association celebrates National Stroke Awareness Month in May and urges people to take charge of their health by asking their doctors about stroke risks and adopting healthy lifestyle habits to lower their risk:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as STROKE AWARENESS MONTH in Illinois, and encourage all citizens to ask their doctors about stroke prevention and the warning signs of stroke.

Issued by the Governor April 25, 2007.
Filed by the Secretary of State April 26, 2007.
2007-157
SARAH BUSH LINCOLN HEALTH SYSTEM DAY

WHEREAS, Sarah Bush Lincoln Health Center opened its doors to the public on May 10, 1977; and
WHEREAS, the staff of Sarah Bush Lincoln Health Center have provided medical care and striven to improve the health status for all people in East Central Illinois for 30 years; and
WHEREAS, Sarah Bush Lincoln Health Center has proclaimed its mission “to provide exceptional care for all and create healthy communities”; and
WHEREAS, Sarah Bush Lincoln Health Center is celebrating its 30th anniversary by giving back to the community:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 10, 2007 as SARAH BUSH LINCOLN HEALTH SYSTEM DAY in Illinois, in recognition of its significant contribution to improving and maintaining the health of Illinois residents for 30 years.
Issued by the Governor April 25, 2007.
Filed by the Secretary of State April 26, 2007.

2007-158
TURKEY’S OPPRESSION OF THE ECUMENICAL PATRIARCHATE AND THE GREEK ORTHODOX CHURCH

WHEREAS, religious freedom is something that we as Americans often take for granted, but it is important to recognize that in other parts of the world, many people are not afforded those same rights; and
WHEREAS, in recent years, the Turkish Government has refused to uphold or safeguard religious freedom, and as a result, the Ecumenical Patriarch Bartholomew, head of the Greek Orthodox Church in Turkey, continues to suffer threats, abuses, confiscation of property, and the threat of dissolution; and
WHEREAS, the Ecumenical Patriarchate has no legal identity in Turkey and the Turkish State does not recognize the “Ecumenical” title and status of the Patriarch and Patriarchate. In addition, the Turkish government has prohibited private religious education, and confiscated
thousands of properties including churches, orphanages, monastery homes, apartment buildings, schools and other land belonging to the Ecumenical Patriarchate; and

WHEREAS, these measures have adversely affected the lives of all Orthodox Christians in Turkey, impinging on their inalienable right to practice any religion they may choose; and

WHEREAS, the European Union, a group of nations with a common goal of promoting peace and the well-being of its peoples, has been in accession negotiations with Turkey since 2003 because their treatment of the Ecumenical Patriarchate violates the Union’s goals of eliminating discrimination based on any ground, including religion; and

WHEREAS, the State of Illinois recognizes the contributions of Orthodox Christians to American culture and to cultures across the globe; and

WHEREAS, on behalf of our Greek Orthodox community in Illinois, I join in supporting measures to end Turkey’s oppression of the Ecumenical Patriarchate and the Greek Orthodox Church:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby call upon the Government of Turkey to eliminate all forms of discrimination, particularly those based on race or religion, and to recognize the property rights and human rights of Ecumenical Patriarch Bartholomew, the spiritual head of over 250 million Orthodox Christians throughout the world.

Issued by the Governor April 26, 2007. 
Filed by the Secretary of State April 26, 2007.

2007-158 (REVISED)
TURKEY’S OPPRESSION OF THE ECUMENICAL PATRIARCHATE AND THE GREEK ORTHODOX CHURCH

WHEREAS, religious freedom is something that we as Americans often take for granted, but it is important to recognize that in other parts of the world, many people are not afforded those same rights; and

WHEREAS, in recent years, the Turkish Government has refused to uphold or safeguard religious freedom, and as a result, the Ecumenical Patriarch Bartholomew, head of the Greek Orthodox Church in Turkey,
continues to suffer threats, abuses, confiscation of property, and the threat of dissolution; and

WHEREAS, the Turkish State does not recognize the “Ecumenical” title and status of the Patriarch and Patriarchate. In addition, the Turkish government has prohibited private religious education, and confiscated thousands of properties including churches, orphanages, monastery homes, apartment buildings, schools and other land belonging to the Ecumenical Patriarchate; and

WHEREAS, these measures have adversely affected the lives of all Orthodox Christians in Turkey, impinging on their inalienable right to practice any religion they may choose; and

WHEREAS, the European Union, a group of nations with a common goal of promoting peace and the well-being of its peoples, has been in accession negotiations with Turkey since 2003 because their treatment of the Ecumenical Patriarchate violates the Union’s goals of eliminating discrimination based on any ground, including religion; and

WHEREAS, the State of Illinois recognizes the contributions of Orthodox Christians to American culture and to cultures across the globe; and

WHEREAS, on behalf of our Greek Orthodox community in Illinois, I join in supporting measures to end Turkey’s oppression of the Ecumenical Patriarchate and the Greek Orthodox Church:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby call upon the Government of Turkey to eliminate all forms of discrimination, particularly those based on race or religion, and to recognize the property rights and human rights of Ecumenical Patriarch Bartholomew, the spiritual head of over 250 million Orthodox Christians throughout the world.

Issued by the Governor April 27, 2007.
Filed by the Secretary of State April 27, 2007.

2007-159
ASIAN PACIFIC AMERICAN HERITAGE MONTH

WHEREAS, each May is officially recognized as Asian Pacific American Heritage Month in the United States; and

WHEREAS, in June 1977, Congressmen Frank Horton of New
York and Norman Y. Mineta of California introduced a House resolution calling upon the president to proclaim the first 10 days of May as Asian/Pacific Heritage Week. The following month, Senators Daniel Inouye and Spark Matsunaga introduced a similar bill in the Senate. Both were passed; and

WHEREAS, on Oct. 5, 1978, President Jimmy Carter signed a joint resolution designating the annual celebration; and
WHEREAS, in May 1990, the holiday was further expanded when President George H.W. Bush designated May to be Asian Pacific American Heritage Month; and
WHEREAS, May was chosen to commemorate the immigration of the first Japanese immigrants to the United States in 1843; and
WHEREAS, many immigrants of Asian heritage came to the United States in the nineteenth century to work in the transportation industry; and
WHEREAS, in 1869, laboring under very difficult conditions, Asian immigrants helped construct the transcontinental railroad which vastly expanded economic growth and development across the country; and
WHEREAS, Asian Pacific American Heritage Month is celebrated annually with community festivals, government-sponsored events and educational activities for students; and
WHEREAS, Asian Pacific Americans have made valuable contributions to the history and growth of the United States and have achieved at a high level in a variety of disciplines, including: government, business, science, technology and the arts:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as ASIAN PACIFIC AMERICAN HERITAGE MONTH in Illinois.

Issued by the Governor April 26, 2007.
Filed by the Secretary of State June 26, 2007.

2007-160
ASTHMA AWARENESS DAY

WHEREAS, the Illinois Department of Public Health, the Illinois Asthma Partnership, and Asthma Coalitions throughout the state are
collaborating on World Asthma Day, May 1, 2007, and during the month of May as Asthma and Allergy Awareness Month to raise awareness and reduce the health impacts of asthma; and

WHEREAS, asthma is a chronic disease in which the airways of the lungs constrict, causing wheezing, breathlessness, chest tightness, and coughing and is associated with significant morbidity and mortality; and

WHEREAS, more than 600,000 Illinoians currently have asthma; and

WHEREAS, asthma is the leading cause of childhood hospitalizations, long-term illness, and school absenteeism, accounting for more than 14 million missed school days each year in the United States; and

WHEREAS, in 2004, 3,780 people died from asthma in the United States; 177 from Illinois; and

WHEREAS, in 2004, there were nearly 20,000 inpatient hospitalizations for asthma, accounting for more than $238 million in total charges; and

WHEREAS, exposure to allergens and irritants, such as dust mites, mold, cockroaches, pet dander, and secondhand smoke can bring on an asthma episode; and

WHEREAS, preventive health interventions and health education can effectively help control asthma and reduce its occurrence:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1, 2007 as ASTHMA AWARENESS DAY in Illinois, and encourage all citizens to educate themselves about the health risks of asthma.

Issued by the Governor April 26, 2007.
Filed by the Secretary of State June 26, 2007.

2007-161
VNA OF FOX VALLEY DAY

WHEREAS, the Visiting Nurse Association of Fox Valley (VNA), is a humanitarian, not-for-profit organization dedicated to providing compassionate, dependable and comprehensive primary care and community health services; and

WHEREAS, VNA of Fox Valley recognizes that each individual is
unique and is to be treated with dignity and extends quality care to
individuals regardless of their ability to pay for service in accordance with
established VNA charitable care policies; and
WHEREAS, VNA of Fox Valley was founded in 1918 and in
addition to serving the poor and uninsured from their community health
center, the majority of those served are through the home health and
hospice programs for the frail elderly and critically ill; and
WHEREAS, VNA is Growing to Serve our community by creating
a new community health center at 400 North Highland Avenue in Aurora
that will allow the organization to expand services and save more lives; and
WHEREAS, on June 2, 2007, VNA is presenting a Grand Opening
Celebration at 400 North Highland Avenue in Aurora to celebrate the
opening of their new health center and raise funds for this important
project:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim June 2, 2007 as VNA OF FOX VALLEY
DAY in Illinois, and encourage all citizens to recognize the many
contributions VNA has made in our state.
Issued by the Governor April 26, 2007.
Filed by the Secretary of State June 26, 2007.

2007-162
NATIONAL NURSING HOME WEEK

WHEREAS, Treasure our Elders is this year's theme for National
Nursing Home Week; and
WHEREAS, during this week, we recognize all of the people that
play significant roles in the successful quality care performed at nursing
facilities; and
WHEREAS, the elderly and developmentally challenged residents
of long-term care facilities have led exceptional and extraordinary lives
which have helped enhance the quality of life in this great State; and
WHEREAS, the long-term care facilities in Illinois are dedicated
to providing the finest in health care and rehabilitation for our
convalescent, aged, and developmentally challenged citizens; and
WHEREAS, this dedication has been forcefully demonstrated
through continual striving to upgrade standards of care and improve service; and

WHEREAS, National Nursing Home Week is an opportunity to bring into the limelight the celebration of this focus on quality with residents, staff, families, volunteers, and members of our communities; and

WHEREAS, the Illinois Health Care Association is contributing to activities in observance of National Nursing Home Week beginning May 13, 2007:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 13 – 19, 2007 as NATIONAL NURSING HOME WEEK in Illinois, and encourage all citizens to recognize all the individuals who have continually committed themselves to quality care and service in our state’s long-term care facilities.

Issued by the Governor April 26, 2007.
Filed by the Secretary of State June 26, 2007.

2007-163
HELEN KELLER DEAF-BLIND AWARENESS WEEK

WHEREAS, Helen Keller was one of the most accomplished, respected, and renowned deaf-blind Americans; and

WHEREAS, in today’s society, people who have dual-sensory loss, such as hearing or vision, should be able to have options to choose from when making important life-changing decisions; and

WHEREAS, it is in the interest of the State of Illinois to encourage the full participation of American citizens with multi-sensory disabilities in our economy by fostering the employment of, and promoting housing and recreational options for, people who are deaf-blind, thus maximizing their opportunities for a productive life in the community of their choice; and

WHEREAS, it is highly appropriate and necessary to publicize the abilities and potential of our fellow citizens who are deaf-blind, or severely vision and hearing impaired, and to recognize Helen Keller as a guiding example of courage, hope, determination, and achievement for other individuals who are deaf-blind:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim June 24 – 30, 2007 as HELEN KELLER DEAF-BLIND AWARENESS WEEK in Illinois, and encourage all citizens to recognize the abilities and talent that people with vision and hearing disabilities can bring to our communities across this great State.

Issued by the Governor April 26, 2007.
Filed by the Secretary of State June 26, 2007.

2007-164
CHILDHOOD DROWNING PREVENTION MONTH

WHEREAS, drowning is the leading cause of accidental death for children ages 1-4, as well as the second leading cause of death for children under the age of 14; and
WHEREAS, childhood drowning can occur in pools, bathtubs, hot tubs, decorative garden ponds and even buckets that contain as little as 2 inches of water; and
WHEREAS, the state’s annual “Get Water Wise…SUPERVISE!” campaign came about as a recommendation from the Illinois Child Death Review Team, after it determined that all childhood drowning deaths were preventable if proper adult supervision was provided; and
WHEREAS, the “Get Water Wise…SUPERVISE!” campaign is a collaborative effort of the Illinois Department of Children and Family Services (DCFS), Prevent Child Abuse Illinois (PCA Illinois), the American Red Cross, the American Academy of Pediatrics, the Illinois Department of Human Services (DHS), and the Illinois Department of Public Health (DPH) to remind the public to help prevent child drowning tragedies by providing adult supervision when children are in or near water; and
WHEREAS, it is important to recognize that constant adult supervision is needed when children are in or near water:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as CHILDHOOD DROWNING PREVENTION MONTH in Illinois.

Issued by the Governor May 01, 2007.
Filed by the Secretary of State June 26, 2007.
2007-165
NATIONAL RN RECOGNITION DAY AND NATIONAL NURSES WEEK

WHEREAS, the more than 2.9 million nurses in the United States comprise our nation’s largest health care profession; and
WHEREAS, there are over 148,000 registered nurses in the state of Illinois; and
WHEREAS, the depth and extensiveness of the registered nursing profession meets the diverse, and emerging health care needs of the American population in a wide range of settings; and
WHEREAS, professional nursing has been demonstrated to be an indispensable component in the safety and quality care of hospitalized patients; and
WHEREAS, currently, there is a nursing shortage in the State of Illinois, as well as across the United States, and therefore it is important that we work to encourage people to take up this noble line of work; and
WHEREAS, the future will bring a great demand for registered nursing services due to a large, aging American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services; and
WHEREAS, the cost-effective, safe and quality health care services provided by registered nurses will no doubt become an even more important component to the U.S. health care system in the years to come:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 6, 2007 as NATIONAL RN RECOGNITION DAY and May 6-12, 2007 as NATIONAL NURSES WEEK in Illinois, and encourage all citizens to recognize and honor nurses in their communities, for the hard work, and invaluable services they provide for citizens.

Issued by the Governor May 01, 2007.
Filed by the Secretary of State June 26, 2007.

2007-166
LINC TELACU SCHOLARS DAY

WHEREAS, the TELACU Scholarship Program was created in
1983 to help raise the promise, performance and potential of Latino Students dedicated to continuing their education; and

WHEREAS, in 1991, the TELACU Education Foundation was established to expand the TELACU Scholarship Program in an effort to provide a comprehensive program of counseling, mentoring and advancement opportunities; and

WHEREAS, in 2000, TELACU expanded its educational efforts on a national level with the creation of Latino Initiative for the New Century (LINC); and

WHEREAS, LINC TELACU Scholarships have impacted many lives, supporting more than 600 students each year through a unique collaboration of business and colleges and universities; and

WHEREAS, the LINC TELACU Education Foundation has an established record of success, with one hundred percent of all high school and college senior award recipients completing graduation; and

WHEREAS, this year’s LINC TELACU Scholarship Award Recipients are to be commended for their outstanding record of achievement, dedication to their community, and hard work in meeting higher academic goals; and

WHEREAS, on September 28, 2007, the LINC TELACU Education Foundation will honor its talented scholarship recipients and celebrate its accomplishments and lasting contributions to society:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim on September 28, 2007, as LINC TELACU SCHOLARS DAY in Illinois, and urge all citizens to recognize LINC TELACU for their great efforts in the academic advancement of Latino students.

Issued by the Governor May 01, 2007.
Filed by the Secretary of State June 26, 2007.

2007-167
HOME EDUCATION WEEK

WHEREAS, the growth and development of school age children is of paramount importance in Illinois, and across the country; and

WHEREAS, Illinois values its children and recognizes the importance of providing them with the best education possible so that they
may realize their fullest potential and experience success in their future endeavors; and

WHEREAS, Illinois presents children and families with the opportunity to explore alternatives to public and private schools by authorizing home education as a legitimate and viable educational option; and

WHEREAS, home education allows parents the opportunity to develop and implement a learning program based on their children’s individual needs; and

WHEREAS, studies show that students who are educated at home typically score at or above the national average on standardized tests. Studies also confirm that children who are educated at home exhibit self-confidence and good citizenship, and are fully prepared academically to meet the challenges of today’s society:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 29 – May 5, 2007 as HOME EDUCATION WEEK in Illinois, and encourage all citizens to recognize the important role that home education plays in educating our children.

Issued by the Governor May 01, 2007.
Filed by the Secretary of State June 26, 2007.

OLDER AMERICANS MONTH

WHEREAS, the State of Illinois is home to more than 1,900,000 citizens aged 60 years or older; and

WHEREAS, the older Americans of the State of Illinois are a vital part of our nation’s demographic makeup; and

WHEREAS, older citizens are members of our community entitled to dignified, independent lives free from fears, myths, and misconceptions about aging; and

WHEREAS, each community in the United States must strive to recognize the contributions of our older citizens, understand and address their evolving needs, and support their caregivers; and

WHEREAS, our society is dependent upon intergenerational cooperation and support, and benefits from our collective efforts to serve older Americans and the people who love and care for them; and
WHEREAS, this year marks the 42nd anniversary of the passage of the Older Americans Act by the United States Congress, which ensures government aid and programs for older persons:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as OLDER AMERICANS MONTH in Illinois, and encourage all citizens to recognize the significant impact older Americans have made on the State of Illinois.

Issued by the Governor May 01, 2007.
Filed by the Secretary of State June 26, 2007.

2007-169
CERTIFIED PROFESSIONAL MIDWIFE AWARENESS WEEK

WHEREAS, Certified Professional Midwives provide the “Midwives Model of Care,” which is based on the fact that pregnancy and birth are normal life processes; and

WHEREAS, Certified Professional Midwives are the only nationally credentialed birth attendants with required out-of-hospital experience; and

WHEREAS, as experts in women’s health, certified professional midwives help women attain normal, healthy pregnancies and natural birth experiences, which in turn helps to ensure that infants have a happy, healthy start to their lives; and

WHEREAS, 800-1,000 women in Illinois elect to have a homebirth, many of whom would like to hire a Certified Professional Midwife; and

WHEREAS, May 5, 2007 is celebrated around the world as the International Day of the Midwife:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1 – 7, 2007 as CERTIFIED PROFESSIONAL MIDWIFE AWARENESS WEEK in Illinois.

Issued by the Governor May 01, 2007.
Filed by the Secretary of State June 26, 2007.
WHEREAS, there are millions of children’s products on the market today, and it is extremely important to ensure the safety of those products before they are used by our children; and

WHEREAS, each year, an estimated 61,000 children under the age of five are treated in hospital emergency rooms for injuries from children’s products, and more than 60 children die annually in incidents associated with nursery products; and

WHEREAS, Kids In Danger is a non-profit organization founded in Chicago, Illinois in 1998 with a mission to protect children by improving children’s product safety; and

WHEREAS, health care providers are our front line against childhood injuries, and research into injury patterns can help prevent future injuries; and

WHEREAS, Dr. Robert Tanz’s and Dr. Elizabeth Powell’s research and advocacy at Children’s Memorial Hospital and Northwestern University's Feinberg School of Medicine has called attention to the problem of product and activity-related childhood injuries, especially among the youngest children; and

WHEREAS, Dr. Tanz and Dr. Powell have encouraged other health care professionals to focus on the importance of preventing injury as a key component of public health; and

WHEREAS, the State of Illinois recognizes the great work performed by KID each day and by their Best Friends, including Dr. Robert R. Tanz and Dr. Elizabeth C. Powell, and it is fitting that we take the time to recognize their dedicated efforts to keep children safe:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2, 2007 as KIDS IN DANGER’S BEST FRIENDS DAY in Illinois, and encourage all citizens to become cognizant of the safety of children’s products to ensure that our youth are not unnecessarily harmed.

Issued by the Governor May 02, 2007.

Filed by the Secretary of State June 26, 2007.
2007-171
NATIONAL CLEAN BEACHES WEEK

WHEREAS, beaches are used for many recreational activities; and
WHEREAS, 180 million Americans make nearly 2 billion annual trips to the ocean, gulf, and inland beaches and contribute significant resources to the local, state, and national economy; and
WHEREAS, 75% of all recreational activity occurs within a half mile corridor around the shorelines of our beaches, rivers, and lakes; and
WHEREAS, coastal tourism and healthy seafood contribute to strong economies, sustaining communities, and supporting jobs along the coastal U.S.; and
WHEREAS, many communities and departments in the State of Illinois have undertaken significant measures to keep beaches clean and healthy; and
WHEREAS, the Clean Beaches Council, as part of Great Outdoors Month, has designated June 29 – July 5, 2007 as National Clean Beaches Week:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 29 – July 5, 2007 as NATIONAL CLEAN BEACHES WEEK in Illinois, and encourage all citizens to visit, enjoy, and protect one of our greatest natural resources.

Issued by the Governor May 02, 2007.
Filed by the Secretary of State June 26, 2007.

2007-172
NATIONAL WATER SAFETY MONTH

WHEREAS, water safety education plays a vital role in preventing drownings and recreational water-related injuries; and
WHEREAS, by taking proactive steps learned through water-safety education, people can ensure healthy practices when enjoying water recreation. These healthy practices, for example, can prevent water-borne illnesses; and
WHEREAS, trained and certified aquatics professionals who develop water-safety rules allow for water recreation activities to be both fun and safe at the same time; and
WHEREAS, the safest aquatic recreational activities are in treated-water facilities; and
WHEREAS, effective water-safety programs are one of the best ways to prevent water-related injuries and drownings:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as NATIONAL WATER SAFETY MONTH in Illinois, and encourage all citizens to support and promote the importance of practicing safety in water recreation.
Issued by the Governor May 02, 2007.
Filed by the Secretary of State June 26, 2007.

2007-173
NATIONAL AQUATIC MONTH

WHEREAS, people of almost all ages and conditions can enjoy swimming; and
WHEREAS, the physical exercise of swimming provides lasting health benefits, including improved cardiovascular fitness, stronger muscles, and greater flexibility; and
WHEREAS, swimming is an especially beneficial means of exercise for pregnant women, the overweight, and those rehabilitating from physical injuries; and
WHEREAS, swimming and aquatic-related facilities provide a valuable source of recreation for the whole family and are ideal places for relieving stress; and
WHEREAS, the state of Illinois’ many lakes and rivers, along with countless local swimming facilities, provide the opportunity for all of our residents to receive the great benefits of swimming:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as NATIONAL AQUATIC MONTH in Illinois, and encourage all citizens to recognize the role that swimming plays in improving the physical and mental health of people in this state and throughout the country.
Issued by the Governor May 02, 2007.
Filed by the Secretary of State June 26, 2007.
2007-174

BETTER SPEECH AND HEARING MONTH

WHEREAS, the Illinois Speech-Language-Hearing Association (ISHA) is a non-profit organization representing licensed speech-language pathologists and audiologists; and
WHEREAS, speech-language pathologists identify communication or swallowing problems that pre-exist, and determine the best treatment solutions; and
WHEREAS, audiologists specialize in the prevention, identification, and evaluation of hearing disorders; and
WHEREAS, founded in 1960, ISHA has three goals: to make the public aware of services available to persons with speech, language and hearing disorders; to advocate for quality hearing services throughout the state; and to support the scientific study of human communication and its disorders; and
WHEREAS, forty-six million Americans are affected by communicative disorders, including 28 million individuals with hearing loss and 16 million individuals with speech, voice or language disorders; and
WHEREAS, forty-five percent of individuals reported to have a chronic speech-language disorder are under the age of 18:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as BETTER SPEECH AND HEARING MONTH in Illinois and encourage all citizens to be aware of the help that is available to those individuals with a language or hearing problem.

Issued by the Governor May 02, 2007.
Filed by the Secretary of State June 26, 2007.

2007-175

ALPHA-1 AWARENESS MONTH

WHEREAS, one of the most common serious hereditary disorders in the world, Alpha-1 Antitrypsin Deficiency, also referred to as Alpha-1, affects 100,000 children and adults in the United States; and
WHEREAS, Alpha-1 is characterized by low levels of Alpha 1-
antitrypsin, a protein found in the blood; and

WHEREAS, this deficiency is usually manifested in three forms: lung disease (which is the most common), liver disease, or a skin condition called panniculitis; and

WHEREAS, less than 10 percent of those predicted to have Alpha-1 have been diagnosed. It often takes an average of three doctors and seven years, from the time symptoms first appear, before proper diagnosis is made; and

WHEREAS, lung disease is the most frequent cause of disability and early death among affected persons, and also a major reason for lung transplants; and

WHEREAS, it is extremely important for someone who has been diagnosed with Alpha-1 to immediately stop smoking and drinking. Smoking and excessive alcohol consumption can speed up the progression of lung and liver damage:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as ALPHA-1 AWARENESS MONTH in Illinois and encourage all citizens to become educated on the seriousness of this disease, and the negative impact it has on our communities.

Issued by the Governor May 02, 2007.
Filed by the Secretary of State June 26, 2007.

2007-176
NATIONAL WOMEN'S HEALTH WEEK

WHEREAS, National Women’s Health Week celebrates the extraordinary progress in women’s health and recognizes that still more needs to be done to safeguard the health of women for generations to come; and

WHEREAS, it may be believed that all women’s health can be viewed one dimensionally, but this is far from true. For instance, heart disease is the number one killer among women in general, but cancer ranks first among Asian/Pacific Islander women; and

WHEREAS, when it comes to lung cancer, Caucasian women have the highest mortality rate, while African American women have the highest mortality rate from heart disease; and
WHEREAS, there are five health habits that can contribute to the betterment of women’s health, including maintaining regular check-ups, exercising, maintaining a healthy diet, not smoking, and following general safety rules; and

WHEREAS, keeping women healthy and safe and promoting awareness of women’s health issues depends on partnerships with social, health, and other services; and

WHEREAS, under my administration, the Illinois Healthy Women program has been created to provide health care to women who otherwise would go without. In addition, Illinois has dramatically increased the number of mammograms and cervical cancer screenings since I took office; and

WHEREAS, in 2005, Illinois became the first state to require pharmacists to dispense female contraceptives when I issued an emergency rule requiring pharmacists whose pharmacies sell contraceptives to dispense birth control to women with valid prescriptions; and

WHEREAS, women’s health remains a priority for families, communities, and government, and our commitment to keeping women healthy is stronger than ever:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 13 – 19, 2007 as NATIONAL WOMEN’S HEALTH WEEK in Illinois, and encourage all women, during this week, to renew their commitment to their health and well-being.

Issued by the Governor May 02, 2007.
Filed by the Secretary of State June 26, 2007.

2007-177

ILLINOIS RESCUE AND RESTORE OUTREACH DAY

WHEREAS, human trafficking is a modern-day form of slavery. Victims of human trafficking are subjected to force, fraud, or coercion, for the purpose of sexual exploitation or forced labor. Victims are young children, teenagers, men, and women; and

WHEREAS, approximately 600,000 to 800,000 victims annually are trafficked across international borders worldwide, and between 14,500
and 17,500 of those victims are trafficked into the U.S. According to the U.S. Department of State, these estimates include women, men, and children; victims are generally trafficked into the U.S. from Asia, Central and South America, and Eastern Europe; and

WHEREAS, prior to the enactment of the Trafficking Victims Protection Act of 2000 (TVPA) in October 2000, no comprehensive Federal law existed to protect victims of trafficking or to prosecute their traffickers. The TVPA is intended to prevent human trafficking overseas, to increase prosecution of human traffickers in the United States, and to protect victims and provide Federal and state assistance to certain victims so that they can rebuild their lives in the United States; and

WHEREAS, many victims trafficked into the United States do not speak and understand English and are therefore isolated and unable to communicate with service providers, law enforcement, and others who might be able to help them; and

WHEREAS, if you think you have come in contact with a victim of human trafficking, call the Trafficking Information and Referral Hotline at (888) 373-7888. This hotline will help you determine if you have encountered victims of human trafficking, will identify local resources available in your community to help victims, and will help you coordinate with local social service organizations to help protect and serve victims so they can begin the process of restoring their lives. More information on human trafficking can be found at www.acf.hhs.gov/trafficking:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 5, 2007 as ILLINOIS RESCUE AND RESTORE OUTREACH DAY, and encourage all citizens to learn more about human trafficking, as well as thank all those who have helped the victims of this true injustice.

Issued by the Governor May 03, 2007.
Filed by the Secretary of State June 26, 2007.

2007-178
NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK

WHEREAS, safety and health hazards in the workplace include:
contact with harmful chemicals, unsafe electrical outlets, fires, bacteria-related diseases, cuts, prolonged exposure to excessive heat or cold, and many more. They are extremely dangerous and often result in serious injuries, and in some cases, death; and

WHEREAS, millions of people go to work and return home safely everyday, due in part to the efforts of occupational safety, health and environmental practitioners who work hard to identify hazards, implement safe practices, and prevent fatalities and illnesses in all industries and workplaces; and

WHEREAS, it is imperative that employers, employees, and the general public are aware of the importance of preventing illness and injury in the workplace, and understand the many procedures that make prevention possible; and

WHEREAS, strictly following safety guidelines, minimizing possible workplace risk factors, and providing accessible, and thorough first aid kits for employees, are all ways citizens can cut down workplace injuries and hazards; and

WHEREAS, the more than 30,000 members of the non-profit organization, the American Society of Safety Engineers, work to protect people, property, and the environment each and everyday; and

WHEREAS, during the week of May 6 – 12, 2007, members of the American Society of Safety Engineers will work to raise public awareness on prevention and safety measures, and hope that their involvement will save lives:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 6 – 12, 2007 as NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK in Illinois, and encourage all citizens to become cognizant of safety procedures in the workplace.

Issued by the Governor May 07, 2007.
Filed by the Secretary of State June 26, 2007.

2007-179
BUILDING SAFETY WEEK

WHEREAS, building safety affects many aspects of American life. Because of building safety code enforcement, citizens enjoy the comfort
of buildings that are safe and structurally sound; and
WHEREAS, building safety and fire prevention officials work with citizens to address building safety and fire prevention concerns everyday; and
WHEREAS, the dedicated members of the International Code Council, including building safety and fire prevention officials, architects, engineers, and others in the construction industry, develop and enforce the codes that safeguard Americans in the buildings where people live, work, play and learn; and
WHEREAS, the International Codes, the most widely adopted building safety and fire prevention codes in the nation, are used by most U. S. cities, counties and states; and
WHEREAS, building safety codes provide safeguards to protect the public from natural disasters that can occur all across the country, such as snowstorms, hurricanes, tornadoes, wild land fires, and earthquakes. Building safety codes also work to minimize other potential building catastrophes; and
WHEREAS, Building Safety Week, sponsored by the International Code Council Foundation, is an opportunity to educate and increase public awareness of the hard work put forth by building safety and fire prevention officials, local and state building departments, and federal agencies; and
WHEREAS, this year’s theme, “Building Smarter…for Disasters and Everyday Life,” encourages all Americans to raise their awareness of building and fire safety, and to take appropriate steps to ensure that the places where they live, work, play, and learn are safe. Countless lives have been saved because of the building safety codes adopted and enforced by local and state agencies; and
WHEREAS, this year, while observing Building Safety Week, we ask all Illinoians to recognize the local building safety and fire prevention officials and the important role that they play in public safety:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 6 – 12, 2007 as BUILDING SAFETY WEEK in Illinois, and encourage all citizens to recognize the importance of improving building safety in this state.

Issued by the Governor May 07, 2007.
Filed by the Secretary of State June 26, 2007.
PUBLIC SERVICE RECOGNITION WEEK

WHEREAS, Americans are served every single day by public servants at the federal, state, county and city levels. These unsung heroes do the work that keeps our nation functioning; and

WHEREAS, many public servants, including military personnel, police officers, firefighters, border patrol officers, embassy employees, health care professionals and others, risk their lives each day in service to the people of the United States; and

WHEREAS, public servants include teachers, mail carriers, doctors and scientists, train conductors and astronauts, nurses and safety inspectors, laborers, computer technicians and social workers, and many other occupations. Day in and day out, they provide the diverse services demanded by the American people of their government with efficiency and integrity; and

WHEREAS, for more than 20 years, the Public Employees Roundtable at the Council for Excellence in Government (a national, nonpartisan/nonprofit organization) has sought to highlight the accomplishments of the dedicated people who work tirelessly on behalf of all Americans; and

WHEREAS, without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 7 – 13, 2007 as PUBLIC SERVICE RECOGNITION WEEK in Illinois, and encourage all citizens to recognize the accomplishments and contributions of government employees at all levels – federal, state, county and municipal – to our great State.

Issued by the Governor May 07, 2007.
Filed by the Secretary of State June 26, 2007.

ASSOCIATION WEEK

WHEREAS, the Association Forum of Chicagoland represents
CEOs and executives from associations located in Chicago, and its surrounding communities; and
WHEREAS, these associations include the American Bar Association, the American Medical Association, the American Hospital Association, the National Association of Realtors and many others; and
WHEREAS, the associations that the Association Forum serves generate more than eleven billion dollars annually for Chicago’s economy and employ 47,000 professionals in various capacities; and
WHEREAS, Chicagoland based associations hold more than 30,000 trade shows, conventions, seminars, and other meetings every year that support 19,000 jobs in the hospitality, transportation, retail, entertainment, and food service industries in the region; and
WHEREAS, Chicago is home to the second most association headquarters in America, and ranks first for healthcare-related organizations; and
WHEREAS, the Association Forum will celebrate Association Week from June 18 – 22, 2007; and
WHEREAS, the contributions of associations and their employees will be recognized this week through such events as the Association All-Star Day, and the Forum Honors Gala:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 18 – 22, 2007 as ASSOCIATION WEEK in Illinois, and encourage all citizens to recognize and celebrate the innumerable contributions that Illinois headquartered associations make to the health, education, and overall well-being of the people of this great State.
Issued by the Governor May 08, 2007.
Filed by the Secretary of State June 26, 2007.

2007-182
PROVIDER APPRECIATION DAY

WHEREAS, early childhood is the most critical developmental period for all children; and
WHEREAS, 2.8 million people earn a living by teaching and caring for young children or by working in jobs directly related to this field; and
WHEREAS, of the 21 million children under age six in America, 13 million are in child care at least part time. An additional 24 million school-age children are in some form of child care outside of school time; and

WHEREAS, seeing the need for a day to appreciate and recognize child care providers, a group of volunteers in New Jersey started Provider Appreciation Day in 1996; and

WHEREAS, by calling attention to the importance of high quality child care services for all children and families in our state, these provider groups hope to improve the quality and availability of such services:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 11, 2007 as PROVIDER APPRECIATION DAY in Illinois and urge all citizens to join me in recognizing Illinois’ child care providers for their commitment and dedication to our children.

Issued by the Governor May 08, 2007.
Filed by the Secretary of State June 26, 2007.

2007-183
YOUTH DEMOCRACY DAY

WHEREAS, Chicago Area Project was established in 1934 as a model for juvenile delinquency prevention and youth and community services; and

WHEREAS, the effectiveness of the Chicago Area Project model has been recognized by the State of Illinois and replicated in many communities throughout the state; and

WHEREAS, community services and after-school programs operated by community-based organizations provide opportunities and experiences for our youth that have a positive impact on their development; and

WHEREAS, Chicago Area Project and the Illinois Council of Area Projects are sponsoring Youth Democracy Day on May 10, 2007; and

WHEREAS, Youth Democracy Day celebrates the skills, talents, and potential of our youth and encourages their knowledge of, and involvement in, the democratic process:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim May 10, 2007 as YOUTH DEMOCRACY DAY in Illinois, and encourage the youth of our state to learn about and participate in the democratic process.

Issued by the Governor May 09, 2007.
Filed by the Secretary of State June 26, 2007.

2007-184
ILLINOIS LULAC YOUTH DAY

WHEREAS, on November 17, 2006, LULAC Council #5236, serving Elgin, Carpentersville and Dundee sponsored 25 young people to charter the LULAC Youth Council #1400, the only LULAC Youth Council in Illinois; and

WHEREAS, the LULAC Mission is to advance the economic condition, educational attainment, political influence, health and welfare of the Hispanic population of Elgin, Illinois and the United States through its grassroots service and advocacy efforts; and

WHEREAS, LULAC Youth Council #1400 will develop great leadership skills from their participation in the Youth Council and serve as role models for other youth at the local and state level that will move the LULAC mission forward; and

WHEREAS, the Illinois State LULAC Convention will be held in Elgin, Illinois on May 18 – 20, 2007; and

WHEREAS, the Illinois State LULAC convention theme is “LULAC Leaders, Past, Present and Future”; and

WHEREAS, the Youth Council #1400 will proudly showcase the future leadership of LULAC at the local and state level at the Illinois State Convention on Saturday, May 19, 2007:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 19, 2007 as ILLINOIS LULAC YOUTH DAY in Illinois, and encourage all citizens to join in celebrating the leadership of LULAC Youth Council #1400, Elgin.

Issued by the Governor May 09, 2007.
Filed by the Secretary of State June 26, 2007.
WHEREAS, safety is the highest priority for the highways and streets of our Cities and State; and
WHEREAS, the great State of Illinois is proud to be a national leader in motorcycle safety, education and awareness; and
WHEREAS, motorcycles are a common and economical means of transportation that reduces fuel consumption and road wear, and contributes in a significant way to the relief of traffic and parking congestion; and
WHEREAS, it is especially meaningful that the citizens of our Cities and State be aware of motorcycles on the roadways and recognize the importance of motorcycle safety; and
WHEREAS, the members of A.B.A.T.E. of Illinois, Inc., (A Brotherhood Aimed Toward Education), continually promote motorcycle safety, education and awareness in high school drivers’ education programs and to the general public in our Cities and State, presenting motorcycle awareness programs to over 100,000 participants in Illinois over the past three years; and
WHEREAS, all motorcyclists should join A.B.A.T.E. of Illinois, Inc. in actively promoting safe operation of motorcycles as well as promoting motorcycle safety, education, awareness and respect of the citizens of our Cities and State; and
WHEREAS, the motorcyclists of Illinois have contributed extensive volunteerism and money to national community charitable organizations for the enhancement and support of these organizations; and
WHEREAS, during the month May, all roadway users should unite in the safe sharing of roadways throughout the great State of Illinois:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as A.B.A.T.E. MOTORCYCLE AWARENESS MONTH in Illinois, and encourage all citizens to recognize the continued role Illinois serves as a leader in motorcycle safety, education and awareness.

Issued by the Governor May 09, 2007.
Filed by the Secretary of State June 26, 2007.
WHEREAS, our transportation system not only gives us freedom and mobility, allowing us to move from place to place, but it also boosts the nation’s economy, and strengthens our nation’s security; and

WHEREAS, advancing knowledge of the transportation industry and increasing public awareness on the significant nature transportation plays in the nation’s economy, are two goals the National Defense Transportation Association (NDTA) has set forth for National Transportation Week; and

WHEREAS, the first National Transportation Week was observed in 1953 with the help of the Women’s Transportation Club of Houston. This group originally set up a scholarship program benefiting transportation degree students at the University of Houston, but with no interested applicants; and

WHEREAS, seeing that the students and the public were virtually unaware and uninterested in the transportation industry, attempts were then made to sway past Presidents of the United States to proclaim National Transportation Week as a way of promoting the transportation industry, though their efforts were not officially honored until 1962; and

WHEREAS, in Illinois, not only has our Department of Transportation been expanding the road system and supporting public transportation, but has been successful in reducing highway fatalities, improving opportunities for small, women, and minority owned businesses and upgrading process management throughout the organization. IDOT was the first state Department of Transportation to receive ISO 9001:2000 certification, an international standard that provides a universal baseline for quality process management; and

WHEREAS, this year, the annual National Transportation Week Conference and Expo will culminate the week’s events:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 12 – 19, 2007 as NATIONAL TRANSPORTATION WEEK in Illinois, and commend the outstanding accomplishments of the men and women who keep our transportation systems going, whether they be the distributors that transport goods, or the laborers of our highways.
2007-187
LIVESTRONG DAY

WHEREAS, according to the American Cancer Society, cancer is the 2nd leading cause of death in Illinois; and
WHEREAS, Illinois has the 14th highest overall cancer incidence rate among the 50 states and the District of Columbia; and
WHEREAS, 3 out of 4 people in their lifetime will have a family member diagnosed with cancer, 1 in 3 women and 1 in 2 men will be diagnosed with cancer in their lifetime, and 1.4 million people will be diagnosed this year; and
WHEREAS, according to the American Cancer Society there were an estimated 60,220 new Cancer cases in Illinois in 2006; and
WHEREAS, more than 565,000 Americans are expected to die from cancer this year, African-American men and women have the highest mortality rates for all cancer sites combined, and cancer is the number one killer of those under age 85; and
WHEREAS, the State of Illinois has concern and compassion for all people affected by cancer; and
WHEREAS, by uniting people affected by cancer to raise awareness through education, prevention, screening and early detection efforts, we gain strength in the fight against cancer in Illinois; and
WHEREAS, we are committed to ensuring that all cancer patients are treated with compassion and respect, and are provided with the tools and resources necessary to battle the physical, emotional and practical challenges of a cancer diagnosis; and
WHEREAS, Illinois is home to world renowned cancer research universities, cancer treatment facilities and government research institutions; and
WHEREAS, LIVESTRONG Day exemplifies the spirit of people affected by cancer-survivors, caregivers, friends, family, physicians, nurses, social workers and researchers throughout Illinois:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 16, 2007 as LIVESTRONG DAY in
WHEREAS, over 125 years ago, the Salvation Army marched into the United States battling poverty, hunger, disease, abuse, loneliness, and other evils of society; and

WHEREAS, to this day, the Salvation Army continues its crusade to restore hope to countless men, women, and children who have nowhere else to turn; and

WHEREAS, the Salvation Army serves as a symbol of compassion, but more so as an active participant in the provision of services to thousands of Illinois men, women, and children across the country; and

WHEREAS, the Salvation Army provides its services to people in need without regard to race, color, creed, sex, or age; and

WHEREAS, the Salvation Army in Illinois provides much more than spiritual counseling and basic human necessities to the needy and hurting on a daily basis. Moreover, the countless hours given to the community have touched the lives of many in immeasurable ways; and

WHEREAS, the State of Illinois proudly recognizes the Salvation Army and everyone who is involved in their invaluable work that so greatly benefits our communities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 14 – 20, 2007 as SALVATION ARMY WEEK in Illinois, and encourage all citizens to celebrate and honor the dedicated men and women who work or volunteer for this noble organization.

Issued by the Governor May 14, 2007.
Filed by the Secretary of State June 26, 2007.
2007-189
INNOVATION AMERICA WEEK

WHEREAS, the National Governors Association’s chair’s initiative Innovation America is about an American response to a global challenge; and
WHEREAS, governors are leading the way in encouraging innovation in schools and workplaces through this initiative; and
WHEREAS, governors are focusing on the importance of providing a quality math and science education, helping colleges and universities better prepare the workers of tomorrow and promoting investment in businesses and technologies of the future; and
WHEREAS, innovation is about doing things better, faster and smarter for a higher quality of life; and
WHEREAS, Innovation America is about making all of America more efficient, more effective and better equipped for tomorrow – today:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 14 – 18, 2007 as INNOVATION AMERICA WEEK in Illinois.
Issued by the Governor May 14, 2007.
Filed by the Secretary of State June 26, 2007.

2007-190
DEVELOPMENTAL DISABILITY AND AUTISM FAMILY DAY

WHEREAS, a “developmental disability” is defined as a disorder caused by mental retardation, cerebral palsy, epilepsy, autism, or any other condition which results in impairment similar to that of mental retardation. A developmental disability originates before the age of 18 and is expected to continue indefinitely; and
WHEREAS, approximately 1.8 percent of the U.S. population is afflicted with a developmental disability or mental retardation. Due to the early onset and debilitating nature of these disorders, many more children are affected than adults; and
WHEREAS, autism is the third most common developmental disability in the United States. Today, one in 150 children are diagnosed with the disorder; and
WHEREAS, while there is no known cure for autism at this time, educators and therapists can help children and adults with autism overcome or adjust to many difficulties. Early and accurate diagnosis and special care and treatment are important for their successful development; and

WHEREAS, there are many organizations in Illinois that work to promote research, awareness and support for those living with developmental disabilities, and their mission is to aid these individuals’ specific needs throughout their entire lives; and

WHEREAS, on May 16, 2007, hundreds of persons with developmental disabilities and their families will travel to the Illinois State Capitol to voice their support for initiatives aimed at serving those with developmental disabilities, including autism, and giving them a much deserved voice in our communities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 16, 2007 as DEVELOPMENTAL DISABILITY AND AUTISM FAMILY DAY in Illinois.

Issued by the Governor May 15, 2007.
Filed by the Secretary of State June 26, 2007.

2007-191

ILLINOIS MEDICAL CODERS DAY

WHEREAS, medical coders succeed by identifying and addressing patterns of disease, illness, and injury in populations, as well as by identifying the trends and patterns in the procedures and services they provide by reviewing all tests, diagnoses, results, and medications and translating them to a numerical value; and

WHEREAS, the use of medical codes for disease and injury prevention has contributed to understanding correlations in illness and injury to treatment, including heart disease, stroke, viral infections, infectious diseases, and motor vehicle and workplace injuries; and

WHEREAS, medical coders help preserve the history of communities through the abstracting of information from birth and death records; and

WHEREAS, over the past decade, medical coders have achieved significant milestones in the sophistication of their profession through
extensive education and training; and

WHEREAS, the need for qualified medical coders continues to increase nationally in physician offices, and outpatient and hospital settings; and

WHEREAS, the integrity and high standards of medical coders have contributed to the U.S. Department of Health and Human Services’ campaign against fraud and abuse in medical reimbursement; and

WHEREAS, my administration is proud to recognize medical coders for all their hard work in this state, and throughout the country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 16, 2007 as ILLINOIS MEDICAL CODERS DAY in Illinois, and encourage all citizens to recognize and honor the medical coders for their hard work in our communities.

Issued by the Governor May 15, 2007.
Filed by the Secretary of State June 26, 2007.

2007-192

EMERALD ASH BORER AWARENESS WEEK

WHEREAS, more than 130 million ash trees exist in the great state of Illinois enhancing our state’s air quality, natural landscapes, recreational destinations, wildlife habitats, manufacturing, commerce, and property and land values; and

WHEREAS, increasing public awareness and understanding of the emerald ash borer (EAB), a destructive exotic beetle, benefits the state of Illinois by limiting the artificial spread of the beetle through the movement of firewood; and

WHEREAS, through the joint efforts of the states of Illinois, Indiana, Maryland, Michigan, Minnesota, Ohio, and Wisconsin, as well as private, local and federal partnerships, we strive to protect the billions of ash trees in the United States; and

WHEREAS, employing a cooperative spirit and encouraging environmental stewardship throughout the states ultimately reduces the risk to the nation’s ash resources; and

WHEREAS, spring marks the beginning of the travel and tourism season in Illinois; and

WHEREAS, Emerald Ash Borer Awareness Week is an
opportunity for the government to join forces with business, industry, environmental groups, community organizations, tourists and citizens to take action against the introduction and spread of EAB:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 20 – 26, 2007 as EMERALD ASH BORER AWARENESS WEEK in Illinois, and encourage all citizens to increase their understanding and awareness of EAB and its environmental, ecological, and economic impact on the state of Illinois and the nation.

Issued by the Governor May 15, 2007.
Filed by the Secretary of State June 26, 2007.

2007-193
MOTHER BICKERDYKE DAY

WHEREAS, the Civil War, which began over 145 years ago, was of great concern to the members of the Central Congregational Church; and

WHEREAS, Mary Ann Bickerdyke, a member of the Church, volunteered to take collected supplies to Cairo, Illinois. Her first concern was the “boys” who were suffering and dying needlessly; and

WHEREAS, earning her name of “Mother” Bickerdyke, she set out to make the soldiers lives easier by providing clean beds, fresh food and good care; and

WHEREAS, having no use for uncaring and ignorant officers, she earned the respect and friendship of Generals like Grant, Logan and Sherman; and

WHEREAS, her care for the soldiers continued after the war as she worked to secure the pensions for soldiers, but did not receive one herself until 1886; and

WHEREAS, Senator Leon Townsend and Representative Wilfred Arnold wrote an appropriations bill, approved by the Illinois Legislature on May 6, 1903 signed by Governor Richard Yates; and

WHEREAS, The Mother Bickerdyke Memorial Association, formed by the Women’s Relief Corp, spent $5,000 to erect a permanent and enduring monument to “Mother” Bickerdyke on the lawn of the Knox County Courthouse; and

WHEREAS, the statue, crafted by Alice Ruggles Kitson was
dedicated on May 22, 1906:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 12, 2007 as MOTHER BICKERDYKE DAY in Illinois, and encourage all citizens to show appreciation for the strength, commitment and compassion of Mary Ann Bickerdyke and her contributions to the well-being of soldiers of the Civil War.

Issued by the Governor May 16, 2007.
Filed by the Secretary of State June 26, 2007.

2007-194
HEALTH CARE WORKERS DAY

WHEREAS, the health and well-being of our citizens is a major concern of Illinois health care professionals; and
WHEREAS, the Chicago area is recognized as a preeminent medical resource and its commitment to the community is evident in its health care organizations; and
WHEREAS, a health care team, as a vital component in the provision of modern health care, consists of nurses, allied health professionals, support staff, financial services personnel, administrative staff, physicians and volunteers, and each of those individuals serve a vital role in the success of the team as a whole; and
WHEREAS, health care employees make much-needed contributions in every health care facility and help increase the greater Chicagoland area’s reputation for health care excellence; and
WHEREAS, the more than 140 hospitals and health care organizations that are members of the Metropolitan Chicago Healthcare Council honor health care workers for their many contributions to the health and well-being of the people in their communities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 20, 2007 as HEALTH CARE WORKERS DAY in Illinois, and urge all citizens to recognize all the devoted health care workers in this state.

Issued by the Governor May 17, 2007.
Filed by the Secretary of State June 26, 2007.
WHEREAS, emergency medical services (EMS) embody the true concept of teamwork by recognizing the interdependent relationship among trauma centers, EMS system hospitals, ambulance providers, emergency and trauma physicians, emergency nurses, emergency medical technicians (EMTs) – basic, coal miner, intermediate and paramedic – field nurses, emergency communication nurses, trauma nurse specialists, emergency dispatchers and first responders who are dedicated to saving lives; and

WHEREAS, in Illinois there are 62 EMS resource hospitals, 64 trauma centers, 12,130 first responders, 21,512 basic EMTs, 1,265 intermediate EMTs, and 11,780 paramedic EMTs, selflessly providing 24-hour service to the people of Illinois; and

WHEREAS, this year’s national theme, “EMS – Extraordinary People, Extraordinary Service,” underscores the immediate nature of the situations to which EMS personnel must respond; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, approximately two-thirds of all emergency medical services providers are volunteers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 20 – 26, 2007 as EMERGENCY MEDICAL SERVICES WEEK in Illinois, and encourage all citizens to recognize the dedication and lifesaving work that the men and women of emergency medical services teams provide to the communities of this state.

Issued by the Governor May 17, 2007.
Filed by the Secretary of State June 26, 2007.
2007-196
NATIONAL SAFE BOATING WEEK

WHEREAS, on average, 700 people die each year in boating-related accidents in the U.S.; nearly 70% of these are fatalities caused by drowning; and
WHEREAS, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and
WHEREAS, between 1993 - 2005, the State of Illinois registered 4,521,660 recreational boats. During these years 1,783 boating accidents were reported that resulted in 230 fatalities and 1,117 injuries; and
WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and
WHEREAS, modern life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today’s boating public:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 19 – 25, 2007 as NATIONAL SAFE BOATING WEEK in Illinois, and encourage all citizens to practice safe boating.

Issued by the Governor May 17, 2007.
Filed by the Secretary of State June 26, 2007.

2007-197
WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY

WHEREAS, the world of an indigent person is accompanied by many mental, emotional, psychological and physical stresses that can affect them for the rest of their lives. Depression runs rampant, living conditions are meager at best, and social isolation is common; and
WHEREAS, the plight of the needy, homeless, and less fortunate has become everyone’s problem, not just their own. For many years, this devastating existence has been overlooked; and
WHEREAS, the State of Illinois, along with private organizations, are making attempts to remedy these situations, creating programs that
deal with the immediate and long term problems associated with the indigent population. These social service programs have been created as a way to help them help themselves by providing multidimensional assistance; and

WHEREAS, the Departments of Health and Family Services and Human Services lead the way in providing valuable assistance to qualified persons in the State of Illinois. My administration continues to support the social service organizations that improve the quality of life of this special population:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 23, 2007 as WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY in Illinois, and encourage all citizens to be mindful of the silent struggles many members of our state have to endure, including poverty, disability, and abandonment.

Issued by the Governor May 18, 2007.
Filed by the Secretary of State June 26, 2007.

2007-198
ELECTRICAL SAFETY MONTH

WHEREAS, hundreds of people die, and thousands are injured each year in electrical accidents; and

WHEREAS, based on reports by the U.S. Consumer Product Safety Commission, an estimated 500 people are killed and more than 5,000 are injured annually due to residential electrical-related fires; and

WHEREAS, property damage, due to electrical-related fires amounts to nearly $1.6 billion each year; and

WHEREAS, following basic electrical safety precautions can help prevent injury or death to thousands of people each year; and

WHEREAS, citizens are encouraged to check their homes and workplaces for possible electrical hazards to help protect their lives and their property; and

WHEREAS, Underwriters Laboratories Incorporated (UL) is an independent, not-for-profit product safety testing and certification organization, testing products for public safety for more than a century; and

WHEREAS, the efforts of the Electrical Safety Foundation
International and the UL serve to educate the public about the importance of respecting electricity, and practicing electrical safety in the home, school and workplace; and

WHEREAS, UL is actively helping to move this effort forward in order to reduce the number of electrical injuries and deaths from electrical hazards:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2007 as ELECTRICAL SAFETY MONTH in Illinois, and encourage all citizens to recognize the importance of practicing electrical safety habits in the home, school and workplace to decrease electrical hazards.

Issued by the Governor May 18, 2007.
Filed by the Secretary of State June 26, 2007.

2007-199

ILLINOIS VALLEY CENTRAL HIGH SCHOOL "MARCHING GREY GHOSTS" BAND DAY

WHEREAS, the Illinois Valley Central High School Marching Band from Chillicothe, Illinois, commonly known as “The Marching Grey Ghosts” has been selected to represent the State of Illinois in the 2007 National Memorial Day Parade in Washington, D.C. on May 28, 2007; and

WHEREAS, the Marching Grey Ghosts, under the direction of Dan Dietrich and Matt Chapman, was selected based upon recommendations of state music officials, past achievements and superior performance ratings; and

WHEREAS, this honor recognizes the talents of this group and exemplifies the dedication of the students and their instructors to excellence in music education and performance; and

WHEREAS, it is fitting and proper to bring special recognition to this outstanding group of Illinoisans; and

WHEREAS, the National Memorial Day Parade in Washington, D.C. was established to honor all those who have served our country in uniform from the American Revolution to Operation Iraqi Freedom, and seeks to educate American’s about the sacrifices made by those who served to secure the liberties we enjoy today:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 28, 2007 as ILLINOIS VALLEY CENTRAL HIGH SCHOOL “MARCHING GREY GHOSTS” BAND DAY in Illinois.

Issued by the Governor May 18, 2007.
Filed by the Secretary of State June 26, 2007.

2007-200
NATIONAL MARITIME DAY

WHEREAS, first observed in 1933, National Maritime Day commemorates the first voyage of a steamship across the Atlantic Ocean; and

WHEREAS, the S. S. Savannah departed, for what eventually became a 29-day journey, on May 22, 1819, sailing from Savannah, Georgia to Liverpool, England; and

WHEREAS, this historic voyage marked the beginning of the steamship age in maritime history; and

WHEREAS, according to information provided by the U.S. Department of Transportation’s Maritime Administration, in March 2004, more than 80 percent of the military cargo shipped to the Middle East in support of the United States Armed Forces during the Iraqi conflict arrived via U.S. flag commercial or government vessels; and

WHEREAS, we pay tribute to the men and women of the United States Merchant Marines, serving the country with valor and strength, who have contributed significantly to the strength and economic growth of our nation; and

WHEREAS, we salute the countless number of seamen who have lost their lives in World Wars I and II and other conflicts that have taken place throughout the history of our country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 22, 2007 as NATIONAL MARITIME DAY in Illinois, and encourage all citizens to recognize the important roles the Merchant Marines play in ensuring the safety and economic prosperity of our great nation.

Issued by the Governor May 18, 2007.
Filed by the Secretary of State June 26, 2007.
EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY

WHEREAS, Emergency Medical Services for Children (EMSC) focuses on the specific attention that children need in medical and traumatic emergencies; and
WHEREAS, EMSC supports a specialized approach to pediatric care; and
WHEREAS, EMSC endorses the high-level emergency care given by emergency medical services providers with pediatric emergency skills, who are prepared to respond to sick or injured children and restore them to an optimum level of health; and
WHEREAS, EMSC espouses the tenets and practices of family-centered and culturally competent care for children and their families; and
WHEREAS, EMSC assists in training with advanced technical equipment and services in preparation to save the life of a child; and
WHEREAS, EMSC works with physicians, nurses, social workers, psychologists, emergency medical technicians, paramedics, firefighters, educators, administrators and others to identify and address issues surrounding pediatric care; and
WHEREAS, EMSC assists in the development of training programs and guidelines for emergency care providers, so that children with special health care needs get timely, appropriate care; and
WHEREAS, in Illinois, there are 12,130 first responders, 21,512 basic EMTs, 1,265 intermediate EMTs and 11,780 paramedic EMTs dedicated to promoting preventive measures, pre-hospital care, outpatient and specialized services, and inpatient and rehabilitative care; and
WHEREAS, the State of Illinois proudly recognizes these dedicated men and women of EMSC for aiding and saving the lives of Illinois children:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 23, 2007 as EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY in Illinois, and encourage all citizens to commend those that use their advanced training and talents to help children in times of crisis.

Issued by the Governor May 22, 2007.
Filed by the Secretary of State June 26, 2007.
2007-202
MEMORIAL DAY 2007

WHEREAS, throughout the history of this great country, millions of brave men and women have answered their call to duty and served in the United States Armed Forces in times of war and peace. Sadly, many of those soldiers have paid the ultimate sacrifice; and

WHEREAS, it is a great tragedy when a member of the Armed Forces is killed in the line of duty; and

WHEREAS, in May of each year, a commemoration of Memorial Day gives Americans the opportunity to remember the soldiers that have lost their lives in the name of freedom and democracy; and

WHEREAS, through every American conflict, Illinoisans have served in the Armed Forces with great honor and distinction. Those who have died will be forever remembered as true American Heroes, and Illinois is proud to recognize each and every one of those individuals on this Memorial Day 2007:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby recognize MEMORIAL DAY 2007 as a chance for all citizens to honor our fallen heroes, and to reflect on the great sacrifices they have made to protect our freedom and spread democracy across the globe.

Issued by the Governor May 22, 2007.
Filed by the Secretary of State June 26, 2007.

2007-203
ONCOLOGY MONTH

WHEREAS, following heart disease, cancer is the second leading cause of death in the United States; and

WHEREAS, Illinois has the 14th highest overall cancer incidence rate among the 50 states and the District of Columbia; and

WHEREAS, 3 out of 4 people in their lifetime will have a family member diagnosed with cancer, 1 in 3 women and 1 in 2 men will be diagnosed with cancer in their lifetime, and 1.4 million people will be diagnosed this year; and

WHEREAS, the American Society of Clinical Oncology (ASCO)
whereas, nearly 25,000 oncology practitioners belong to ASCO, representing all oncology disciplines (medical, radiation, and surgical oncology) and subspecialties. Members include physicians and health-care professionals participating in approved oncology training programs, oncology nurses, and other practitioner’s with a predominant interest in oncology; and

whereas, as the world’s leading professional organization representing physicians who treat people with cancer, ASCO is committed to advancing the education of oncologists and other oncology professionals, to advocating for policies that provide access to high-quality cancer care, and to supporting the clinical trials system and the need for increased clinical and translational research:

therefore, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2007 as ONCOLOGY MONTH in Illinois.

issued by the Governor May 23, 2007.
filed by the Secretary of State June 26, 2007.

2007-204
missing children's day

whereas, there are 2,163 pending missing children under the age of 18 in the State of Illinois, which represents only a small percentage of the children that are estimated to be missing nationwide as reported through a national study conducted by the United States Department of Justice; and

whereas, there are four different categories that classify missing children. The largest number of missing children are runaways, followed by those that have been abducted by family members, those that are lost, injured, or otherwise missing, and the smallest category, but the one in which the child is at the greatest risk of injury or death, are those that have been abducted by non-family members; and

whereas, locating and safely returning missing children to their homes is a statewide, national, and international objective; and
WHEREAS, on August 29, 1985 in Chicago, Illinois, Governors from the states of Illinois, Indiana, Iowa, Kentucky, Missouri and Wisconsin signed the “Interstate Agreement on Missing and Exploited Children,” and since then, the states of Ohio, Kansas, Michigan, Minnesota, North Dakota, South Dakota and Nebraska have also joined in the initiative. This agreement was the beginning of the development of an interstate network established to improve the process of identifying and recovering missing children in our communities; and

WHEREAS, in 2002, the Illinois State Police implemented the America’s Missing: Broadcast Emergency Response (AMBER) Alert Notification Plan. AMBER Alert was developed as a quick and efficient way to notify the public and any city, town, village, county, or state law enforcement agency in Illinois, of specific information regarding the abduction of a child whose life may be in danger. To date, AMBER Alert has been instrumental in recovering 19 missing children; and

WHEREAS, inappropriate use of the Internet can expose our children to significant dangers, 53 Illinois State Police officers, certified to conduct NetSmartz workshops, have taught over 6,000 students, teachers, and parents how to stay safer on the Internet; and

WHEREAS, teaching your children to run away from danger, never letting your children go places alone, knowing where and with whom your children are at all times, talking openly with your children about safety and having a list of family members who can be contacted in case of an emergency, are among the list of preventative tips that will help keep your children safe from kidnapping and abductions:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 25, 2007 as MISSING CHILDREN’S DAY in Illinois, and encourage all citizens to observe this day by turning on porch lights and vehicle headlights to “LIGHT THE WAY HOME” for our missing children throughout the country.

Issued by the Governor May 25, 2007.
Filed by the Secretary of State June 26, 2007.

2007-205
MAKE-A-WISH DAY

WHEREAS, the Make-A-Wish Foundation of Illinois is dedicated
to granting wishes to children between the ages of 2 ½ and 18 with life threatening medical conditions in order to enrich their lives with hope, strength and joy; and

WHEREAS, over 840 children in Illinois are diagnosed with a life-threatening medical condition each year, causing them to endure lengthy medical treatments and uncertainty about their future; and

WHEREAS, parents and medical professionals confirm that wishes are strong medicine for children battling life-threatening medical conditions, providing a joyous experience that takes wish kids and their families on a magical journey away from doctor visits and medical tests; and

WHEREAS, wishes granted by the Make-A-Wish Foundation uplift the spirits of families facing the uncertainties of a child with a life-threatening medical condition; and

WHEREAS, since 1985 more than 7,000 Illinois children have been granted wishes of all kinds by the Make-A-Wish Foundation of Illinois; and

WHEREAS, wishes are a life-changing, joyful journey for people involved on all levels including family members, volunteers and entire communities:


Issued by the Governor June 01, 2007.
Filed by the Secretary of State June 26, 2007.

2007-206
BE A HERO FOR BABIES DAY

WHEREAS, in 2006, Farmers Insurance agents and employees exceeded their goal of raising one million dollars in one day during “Be a Hero for Babies Day”; in an historic event for the March of Dimes and a milestone in Farmers Insurance’s long history of community involvement, $1.4 million was raised; and

WHEREAS, Farmers Insurance in the state of Illinois, along with the contributions and efforts of a generous public, contributed significantly during last year’s “Be a Hero for Babies Day”; and
WHEREAS, Farmers Insurance is the sole national insurance company sponsor for the March of Dimes in the United States; and
WHEREAS, in supporting the mission of healthy babies and healthy mothers, Farmers Insurance and the March of Dimes have worked together for nearly twenty years; and
WHEREAS, Farmers Insurance and the March of Dimes are declaring June 7, 2007, as a national “Be a Hero for Babies Day”, with the intent of raising $2 million through the network of Farmers Insurance agencies and district offices throughout the State of Illinois and the United States to get babies back where they belong, healthy and strong; and
WHEREAS, the extraordinary success of “Be a Hero for Babies Day” sends a powerful message that Farmers Insurance is about far more than insurance – that Farmers Insurance is also about leadership and education to the health of our families and youth:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 7, 2007 as BE A HERO FOR BABIES DAY in Illinois.

Issued by the Governor June 01, 2007.
Filed by the Secretary of State June 26, 2007.

2007-207
NATIONAL GARDEN WEEK

WHEREAS, the Garden Clubs of Illinois, in cooperation with the National Garden Clubs, Inc., is promoting National Garden Week in Illinois; and
WHEREAS, Garden Week involves setting aside a special week to strengthen communities by encouraging citizens of all ages to work toward common goals; and
WHEREAS, among Garden Week activities are: educational programs, environmental cleanup, community beautification, flower shows, garden walks, youth activities and workshops; and
WHEREAS, the Garden Clubs of Illinois is a non-profit organization with more than 9,650 members and 206 clubs throughout Illinois; and
WHEREAS, the members are concerned citizens willing to devote their time and talents to the conservation, preservation, and beautification
of our state’s natural treasurers and to expand and share our knowledge for
the betterment of the environment:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim June 3 – 9, 2007 as NATIONAL GARDEN
WEEK in Illinois, and encourage all citizens to recognize and celebrate
the importance of our state’s natural wonders.

Issued by the Governor June 04, 2007.
Filed by the Secretary of State June 26, 2007.

2007-208
YEAR OF THE PHARMACY PRECEPTOR

WHEREAS, this year, the Illinois Pharmacy Coalition will launch
its “Year of the Pharmacy Preceptor” initiative; and
WHEREAS, pharmacy preceptors critically impact the profession
by enabling students to acquire the necessary knowledge and skills to
effectively practice pharmacy; and
WHEREAS, an important role of preceptors is to teach pharmacy
students to educate the public on safe medication use, and prevention of
medication related problems; and
WHEREAS, the “Year of the Pharmacy Preceptor” initiative is a
statewide and regional educational outreach program, designed to
encourage and empower pharmacists by providing them with education
and encouragement to enhance student pharmacist education; and
WHEREAS, the Illinois Pharmacy Coalition will work with a
broad network of professional partners, institutions and organizations,
regulatory agencies, students and consumers, to emphasize the importance
of a commitment to student pharmacist education:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim July 1, 2007 through June 30, 2008 as YEAR
OF THE PHARMACY PRECEPTOR in Illinois.

Issued by the Governor June 04, 2007.
Filed by the Secretary of State June 26, 2007.
CHILDREN'S DAY

WHEREAS, children are the future of Illinois, it is important that we take action to ensure that they are provided a positive start to life; and
WHEREAS, in Illinois, we place the utmost value on the safety and welfare of our children, and we are in support of programs designed to advocate for their best interests; and
WHEREAS, it is important that all citizens work to promote an environment of hope and love for children; and
WHEREAS, my administration has put forth several initiatives aimed at improving the health, education and well-being of our children, and we pledge to continue our commitment to ensuring a bright future for all our young people; and
WHEREAS, June 10, 2007 has been proclaimed Children’s Day in Illinois. This is a day to celebrate children, and reaffirm our commitment to their needs:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 10, 2007 as CHILDREN’S DAY in Illinois.

Issued by the Governor June 05, 2007.
Filed by the Secretary of State June 26, 2007.

MEN'S HEALTH WEEK

WHEREAS, since 1994, Men’s Health Week has been observed during the week preceding Father’s Day; and
WHEREAS, the state of Illinois is committed to the prevention of illness, to the promotion of good health among all of its residents and to recognizing our responsibility to all our citizens; and
WHEREAS, despite advances in treatment and medical research, men continue to live an average of six years less than women; and
WHEREAS, significant numbers of male related health problems, such as prostate cancer, testicular cancer, infertility and colon cancer could be detected and treated if the awareness of these problems were increased; and
WHEREAS, Men’s Health Week strives to raise public awareness of the importance of engaging in a healthy lifestyle and of early detection and treatment of health problems affecting men and their families to assist in gaining a better understanding of these illnesses and confront them with preventive health actions; and

WHEREAS, alliances between public health and private sectors, business, and elected officials have been formed to further our efforts in promoting health and preventing disease, injury, and disability to encourage men to take an active role, with regular physician visits for basic treatment and examinations that could significantly reduce the rate of male mortality; and

WHEREAS, the men of the state of Illinois are encouraged to increase awareness of the importance of a healthy lifestyle, regular checkups and physical activity:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 11 – 17, 2007 as MEN’S HEALTH WEEK in Illinois, and encourage all citizens to join in this observance to promote and improve the health of men and to urge all men in the Land of Lincoln to visit their physician for a preventive health check-up and examination where they renew their commitment to a healthy lifestyle for themselves, and for their families.

Issued by the Governor June 07, 2007.

Filed by the Secretary of State June 26, 2007.

2007-211

AUTOMOTIVE SERVICE PROFESSIONALS WEEK

WHEREAS, the automotive service professional, an invaluable member of the automotive service industry in Illinois, is a highly trained and skilled individual; and

WHEREAS, there are over 15,300 ASE Certified Automotive Service Professionals working in over 5,500 automotive service and repair facilities in Illinois; and

WHEREAS, the goal of the automotive service and repair industry in Illinois is to provide motorists with the best possible vehicle repair and service; and

WHEREAS, this goal can only be accomplished by developing
and using the highly technical and diagnostic skills of automotive service professionals, who are responsible for maintaining, servicing, and repairing the vehicles that the motoring public depends on to travel safely and securely over our nation’s roads; and

WHEREAS, automotive service professionals provide prompt, complete, accurate, and quality service to the increasingly complex vehicles consumers depend upon daily, while diligently adhering to standards of professionalism and continuing technical education and training; and

WHEREAS, automotive service professionals’ ongoing efforts to fix it right the first time are worthy of recognition and appreciation for their dedication to the car owners and vehicles in Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 11 – 17, 2007 as AUTOMOTIVE SERVICE PROFESSIONALS WEEK in Illinois, and encourage all citizens to recognize the valuable and meaningful contributions that automotive service professionals make to keep our cars and trucks running.

Issued by the Governor June 07, 2007.
Filed by the Secretary of State June 26, 2007.

2007-212
CFA DAY

WHEREAS, four financial analyst societies – Boston, Chicago, New York, and Philadelphia – joined together on June 11, 1947, to form the National Federation of Financial Analyst Societies (NFFAS), with the intent to promote the exchange of ideas and to support the welfare of the societies and their members; and

WHEREAS, since the NFFAS was created 60 years ago, the members of its successor organizations – including the Financial Analysts Federation, the Institute of Chartered Financial Analysts, the Association of Investment Management and Research, and CFA Institute – have worked to improve the education, ethics, standards, and availability of information for capital market participants; and

WHEREAS, the 90,000 members of CFA Institute, including the more than 3,700 residents of Illinois and more than 3,400 members of the
CFA Society of Chicago, are investment professionals promoting ethical and professional standards within the investment industry, encouraging professional development through the CFA Program, and facilitating the open exchange of information and opinions; and

WHEREAS, it is imperative that investors, employers, regulators, and the general public be aware of the importance of these contributions to local and global capital markets; and

WHEREAS, on and during the week of June 11, 2007, CFA Institute, the CFA Society of Chicago, and the other 133 member societies of CFA Institute will recognize and celebrate the founding of the profession and raise awareness of the value of the CFA charter with local activities and events:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 11, 2007 as CFA DAY in Illinois, and encourage all citizens to commend the CFA Society of Chicago for its ongoing commitment to promoting ethical and professional standards within the investment industry.

Issued by the Governor June 07, 2007.
Filed by the Secretary of State June 26, 2007.

2007-213
TOASTMASTERS WEEK

WHEREAS, the ability to speak in a clear and effective manner is an important skill that can help to overcome barriers to effective performance in virtually every endeavor and line of work; and

WHEREAS, by assisting in the development of essential communication skills, Toastmasters International performs a valuable service for its members and those who carry the message of opportunity, initiative, and good fellowship; and

WHEREAS, boasting more than eight decades of outstanding achievement, Toastmasters International has grown to over 10,500 clubs and 211,000 members in 90 countries worldwide; and

WHEREAS, this remarkable expansion is a direct result of the enhanced knowledge and experience Toastmasters International provides its members and clients:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim June 10 – 16, 2007 as TOASTMASTERS WEEK in Illinois, and encourage all citizens to recognize the many accomplishments and opportunities in communication and public speaking that have been made possible by this organization.
Issued by the Governor June 07, 2007.
Filed by the Secretary of State June 26, 2007.

2007-214
NATIONAL FLAG DAY

WHEREAS, on August 3, 1949, an act of Congress was signed designating June 14th of each year as National Flag Day. This day is significant because it commemorates June 14, 1777 when the Continental Congress adopted the stars and stripes flag as the official flag of the republic; and
WHEREAS, the stars and stripes design is symbolic of qualities the world has come to expect of this great nation – the white stripes signifying purity and innocence, the red stripes signifying valor and bravery, and the blue background signifying perseverance and justice; and
WHEREAS, on December 8, 1982, the National Flag Day Foundation was chartered to conduct educational programs and to encourage all Americans to Pause for the Pledge of Allegiance on National Flag Day, June 14. The annual Pause for the Pledge of Allegiance asks Americans across the nation to pause and recite the Pledge as a way of commemorating Flag Day. The idea originated in 1980 and in 1985 Public Law 99-54 was passed recognizing the Pause for the Pledge as part of National Flag Day activities; and
WHEREAS, National Flag Day celebrates our nation’s symbol of unity, a democracy in a republic, and stands for our country’s devotion to freedom, to the rule of law, and to equal rights for all:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 14, 2007 as NATIONAL FLAG DAY in Illinois, and encourage all citizens to take time to reflect upon the liberty and freedom we enjoy and that our flag has come to represent.
Issued by the Governor June 11, 2007.
Filed by the Secretary of State June 26, 2007.
2007-215
MINORITY ENTERPRISE DEVELOPMENT WEEK

WHEREAS, the Minority Business Development Agency (MBDA) was established in 1969, as part of the U.S. Department of Commerce, to foster the growth of minority business enterprises of all sizes so that they may expand and contribute more wealth to minority communities; and

WHEREAS, the MBDA provides funding for minority business development centers; these centers offer consultation, advice, and other services to minority entrepreneurs in order to help their businesses become more profitable and successful; and

WHEREAS, Chicago, Illinois is proud to be home to one of the five regional offices of the MBDA that oversees the distribution of funds and assistance to development centers on a multi-state level; and

WHEREAS, the economic welfare and vitality of the state of Illinois is incumbent upon the prosperity of its minority communities; and

WHEREAS, this year marks the 25th Anniversary of Minority Enterprise Development Week, this event will highlight some of the unique challenges faced by minority businesses as well as promote innovative solutions to minority business development:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 19 – 25, 2007 as MINORITY ENTERPRISE DEVELOPMENT WEEK in Illinois.

Issued by the Governor June 12, 2007.
Filed by the Secretary of State June 26, 2007.

2007-216
NATIONAL HEALTHCARE RISK MANAGEMENT WEEK

WHEREAS, Chicagoland Healthcare Risk Management Society (CHRMS) collaborates closely with the Metropolitan Chicago Healthcare Council, a membership and service organization consisting of more than 140 hospitals and health care organizations from throughout the metropolitan Chicago region; and

WHEREAS, CHRMS promotes effective and innovative risk management strategies and patient safety through education, recognition,
advocacy, publications, networking and interactions with leading health care organizations; and

WHEREAS, CHRMS mission is to advance safe and trusted patient-centered health care delivery by promoting proactive and innovative healthcare risk management of organization-wide risk; and

WHEREAS, the State of Illinois has declared the week of June 18-22 as National Healthcare Risk Management Week, with the theme "Risk Management + Quality = Patient Safety: Collaborating for Safety" in celebration of the ways in which risk managers strive to promote safe and effective patient care practices, the preservation of financial resources and the maintenance of safe working environments:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 18 – 22, 2007 as NATIONAL HEALTHCARE RISK MANAGEMENT WEEK in Illinois, and encourage all citizens to join me in honoring the risk-management professionals who advocate for all of us.

Issued by the Governor June 14, 2007.
Filed by the Secretary of State June 26, 2007.

2007-217
AMERICAN EAGLE DAY

WHEREAS, the Bald Eagle was designated as the U.S.A.’s National Emblem on June 20, 1782 by our Country’s Founding Fathers at the Second Continental Congress; and

WHEREAS, the Bald Eagle is unique to North America and represents such American values and attributes as Freedom, Courage, Strength, Spirit, Justice, Quality and Excellence; and

WHEREAS, the Bald Eagle is the central image used in the Great Seal of the United States and in the logos of many branches of the U.S. Government, including the Presidency, Congress, Defense Department, Treasury Department, Justice Department, State Department, Department of Commerce and U.S. Postal Service; and

WHEREAS, the Bald Eagle’s image, meaning and symbolism have played a significant role in American art, music, literature, architecture, commerce, education, culture; and on United States stamps, currency and coinage; and
WHEREAS, the Bald Eagle was federally classified as an “endangered species” in the lower 48 states under the Endangered Species Act in 1973, and was upgraded to a less imperiled “threatened” status under that Act in 1995; and

WHEREAS, the Department of Interior and U.S. Fish & Wildlife Service plan to delist the Bald Eagle from Endangered Species Act protection in 2007, but will continue to be protected under the Bald & Golden Eagle Act of 1940 and the Migratory Bird Treaty Act of 1918; and

WHEREAS, the recovery of the U.S.A.’s Bald Eagle populations was largely accomplished due to the vigilant efforts of numerous caring agencies, corporations, organizations and citizens:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 20, 2007 as AMERICAN EAGLE DAY in Illinois, and encourage all citizens to join in commemorating the living and symbolic presence of our National Bird.

Issued by the Governor June 15, 2007.
Filed by the Secretary of State June 26, 2007.

2007-218
ACCENTURE CHICAGO TRIATHLON DAYS

WHEREAS, the Accenture Chicago Triathlon is a weekend competition open to elite professionals and amateur athletes of all skill levels, bringing together people from all across the globe to experience Chicago’s incredible lakefront; and

WHEREAS, the Accenture Chicago Triathlon will mark its 25th year in 2007. In that time, it has grown 10 times in size, and has now expanded to feature Chicago’s lakefront and Monroe Harbor, throughout the Museum Campus and Grant Park and the beautiful Chicago Skyline; and

WHEREAS, more than 10,000 people will participate in the McDonald’s Kids Triathlon, Fleet Feet SuperSprint Triathlon, and the Accenture Chicago Triathlon; and

WHEREAS, triathletes and sponsors will help advance the needs of the national Leukemia & Lymphoma society, the event’s official charity (last Year raising over $600,000) through Team in Training; and

WHEREAS, the State of Illinois joins Accenture, Fleet Feet
Sports, McDonald’s, Nissan, Ameriprise Financial, Gatorade, Active.com, Orbea, AthletiCo, Blue Seventy, Bear Naked Granola, Sundog Eyewear, Michelob Ultra, Speedo, Polar Electro, Village Cycle Center, Wigwam, AirAide, Naked Juice, Power Crunch, Windy City Sports, American Airlines, Triathlete Magazine, WLUP, Q101, Shimano, Saris/CycleOps and Hilton as co-sponsors of the weekend. The Accenture Chicago Triathlon benefits the Leukemia and Lymphoma Society. The Accenture Chicago Triathlon is part of the LifeTime Fitness Triathlon Series:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 24 – 26, 2007 as ACCENTURE CHICAGO TRIATHLON DAYS in Illinois.

Issued by the Governor June 15, 2007.
Filed by the Secretary of State June 26, 2007.

2007-219
ANTIPHOSPHOLIPID ANTIBODY SYNDROME (APS)
AWARENESS MONTH

WHEREAS, the APS Foundation of America, Inc. has declared June as National Antiphospholipid Antibody Syndrome (APS) Awareness Month and is educating the public and medical community about this clotting disorder by urging people to “Get in the Flow”; and

WHEREAS, APS is the major cause of young strokes, many miscarriages, both arterial and venous thrombosis, and heart attacks, and it is believed that 40-50% of patients with Lupus also have APS. Women are more likely than men to be affected by APS, with some estimates saying that 75% to 90% of those affected are women, and in obstetrics, it is estimated by some doctors that up to 25% of all women with 2 or more spontaneous miscarriages have APS; and

WHEREAS, the APS Foundation of America, Inc. is working to bring national attention to APS as a common factor in multiple miscarriages, thrombosis, young strokes and heart attacks, which is vital to bringing together a joint effort for research, funding, early detection, and eventually, prevention and cure for APS; and

WHEREAS, the mission of the APS Foundation of America, Inc. is to offer understanding and support to individuals, family, friends, and care givers of APS; to offer information and education on APS; to support
research of APS by keeping the latest information available and referring people to such agencies who do research; to raise funds that provide information and education through public donations, grants, fundraisers, sponsorships, and bequests and to bring national focus to APS in the United States:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2007 as ANTIPHOSPHOLIPID ANTIBODY SYNDROME (APS) AWARENESS MONTH in Illinois.

Issued by the Governor June 15, 2007.
Filed by the Secretary of State June 26, 2007.

2007-220
ENGINEERING LICENSURE MONTH

WHEREAS, there are engineering licensure boards in all 50 states, in each of the four U.S. territories and the District of Columbia; and

WHEREAS, the National Council of Examiners for Engineering and Surveying (NCEES) and its Member Boards are celebrating the 100th Anniversary of Engineering Licensure in the United States in the year of 2007; and

WHEREAS, NCEES provides leadership in professional licensure through excellence in uniform laws, licensing standards, and professional ethics for the protection of the public health, safety, and welfare; and

WHEREAS, the Illinois State Board of Structural Engineers and the Illinois State Board of Professional Engineers mission is to protect the health, safety, and welfare of the citizens of Illinois by altogether ensuring that the practice of engineering is appropriately regulated and undertaken by qualified professionals; and

WHEREAS, engineering licensing boards make up NCEES, which performs a critical function by coordinating efforts for its Member Boards as they work to maintain and strengthen the standards for engineering and surveying professionals; and

WHEREAS, Structural Engineer licensure began in the State of Illinois in July, 1917 and Professional Engineering licensure began in the State of Illinois in July, 1945; and

WHEREAS, today the state of Illinois has more than 2,300 licensed Structural Engineers and more than 18,400 licensed Professional Engineers.
WHEREAS, the links between Illinois and Quebec are numerous and stretch back centuries to the French-speaking missionaries and voyageurs who left Quebec City and Montreal to explore le pays des Illinois and eventually to settle here; and
WHEREAS, in 1969, Quebec established its delegation in the city of Chicago, due to the business and cultural preeminence of the city; and
WHEREAS, Quebec is active, along with Illinois, in both the Council of Great Lakes Governors and the Great Lakes Commission as an associate member; and
WHEREAS, today, trade between Illinois and Quebec exceeds $2 billion U.S. dollars; and
WHEREAS, the staff of the Quebec Delegation in Chicago has established commercial links between Illinois and Quebec companies, and has brought Quebec performing artists, intellectuals, and writers to the theatres and universities of this state; and
WHEREAS, the Quebec Delegation in Chicago seeks to broaden the economic, cultural, educational and tourism links between Quebec and the Midwest; and
WHEREAS, there will be a celebration on June 24, 2007 to celebrate Quebec’s National Holiday, La Saint-Jean, this is the feast day of St. John the Baptist:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 24, 2007 as QUEBEC NATIONAL DAY.
Illinois, do hereby proclaim June 24, 2007 as QUEBEC NATIONAL DAY in Illinois, and encourage all citizens to join in this vibrant and spirited commemoration.

Issued by the Governor June 15, 2007.
Filed by the Secretary of State June 26, 2007.

2007-222
ALANA WALLACE MS. WHEELCHAIR ILLINOIS DAY

WHEREAS, Ms. Wheelchair America is a pageant like none other, as contestants are judged on their advocacy deeds, personal achievements, public relations skills, and self-confidence; and

WHEREAS, on March 10, 2007, Chicago resident Alana Yvonne Wallace was crowned Ms. Wheelchair Illinois 2007, and has pledged to use her title to become a spokesperson for Americans with disabilities; and

WHEREAS, as part of her efforts, Ms. Wallace will travel throughout the State of Illinois to advocate for persons with disabilities, meet with government leaders to discuss disability related issues, and work to promote her main platform of fully accessible housing; and

WHEREAS, Ms. Wallace will be holding her first fundraiser on June 24, 2007 to generate monetary support for her platform and for fees related to her competing in the Ms. Wheelchair America Pageant in July; and

WHEREAS, Illinois is proud to congratulate Alana Wallace on her Ms. Wheelchair Illinois 2007 Title, offer our support of her fundraising efforts, and wish her the best of luck at the national competition:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 24, 2007 as ALANA WALLACE MS. WHEELCHAIR ILLINOIS DAY and wish Ms. Wallace well for a successful and productive term.

Issued by the Governor June 19, 2007.
Filed by the Secretary of State June 26, 2007.
2007-223
WORLD REFUGEE DAY

WHEREAS, the United States has long been a symbol of hope and a source of substantial aid for refugees around the world;
WHEREAS, the United States has resettled 2.4 million refugees between 1980 and 2006;
WHEREAS, nearly 130,000 refugees have reclaimed their lives in Illinois;
WHEREAS, the Illinois Department of Human Services and its predecessor, the Illinois Department of Public Aid, with the support of the Office of Refugee Resettlement, U.S. Department of Health and Human Services, has administered the Refugee Resettlement Program as a public-private partnership that coordinated comprehensive services through a consortium of community-based organizations throughout the state;
WHEREAS, millions of refugees who have experienced persecution and oppression based on religion, race, or political beliefs still long for a better future and a chance to restore lasting peace to their lives;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 20, 2007 as WORLD REFUGEE DAY in Illinois, and reaffirm this State’s commitment to assisting refugees and contributing to international relief efforts.

Issued by the Governor June 19, 2007.
Filed by the Secretary of State June 26, 2007.

2007-224
NATIONAL POLLINATOR WEEK

WHEREAS, pollinating animals, which are vital to our food supply and a key to sustainability in our world, are in decline according to the newly released National Academy of Sciences and National Research Council report, “Status of Pollinators in North America”; and
WHEREAS, one of the key recommendations of the Study was an immediate increase in public awareness of the vital role pollinators play in our lives; and
WHEREAS, Illinois is happy to join with the United States Senate and the United States Department of Agriculture in declaring June 24 –
30, 2007, as National Pollinator Week, to coincide with an international celebration of pollinating animals including bees, birds, butterflies, bats, beetles, and others; and

WHEREAS, pollinators are vital to the ecosystems of Illinois, supporting terrestrial wildlife, providing healthy watershed, and providing significant benefits to the agriculture of our state:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 24 – 30, 2007 as NATIONAL POLLINATOR WEEK in Illinois, and encourage all citizens to recognize the value and the fragility of the ecosystem services provided by pollinating animals.

Issued by the Governor June 20, 2007.
Filed by the Secretary of State June 26, 2007.

2007-225
AMERICANS WITH DISABILITIES ACT DAY

WHEREAS, the Americans with Disabilities Act (“ADA”) passed by Congress in 1990, established a “clear and comprehensive prohibition of discrimination on the basis of disability,” with disability defined as “a physical or mental impairment that substantially limits one or more of the major life activities” of an individual; and

WHEREAS, the passage of the ADA represents a major step toward protecting civil rights and improving the quality of life for persons with disabilities, persons who were often subject to discrimination and lacked federal protection; and

WHEREAS, the year 2007 marks the 17th anniversary of the ADA’s civil rights guarantee for individuals with disabilities; and

WHEREAS, Illinois has a long history of protecting the rights of disabled persons, going back 27 years to the passage of the Illinois Human Rights Act (December 6, 1979), which made discrimination against any person with a “physical or mental handicap” illegal; and

WHEREAS, an estimated 2 million citizens of Illinois, or 13 percent of the state’s population, according to the Census Survey conducted in 2005, were classified as having a disability; and

WHEREAS, the State of Illinois and its agencies are committed to continuing efforts to ensure that people with disabilities are able to fully
participate in employment, transportation, education, communication, and community opportunities; and

WHEREAS, Illinois is one of 13 states to receive the federal “Money Follows the Person” initiative which will give the elderly and persons with disabilities more control and freedom over Medicaid services they need to live independently in their communities; and

WHEREAS, during the month of July 2007, the Illinois Department of Human Services, in cooperation with numerous other state agencies, councils, and consumers, will celebrate the anniversary of the ADA with special events in Springfield and Chicago:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 19, 2007 as AMERICANS WITH DISABILITIES ACT DAY in Illinois, and encourage all citizens to recognize the historical significance of the ADA, and in turn, do their part to ensure that people with disabilities are included in the mainstream of community life.

Issued by the Governor June 21, 2007.
Filed by the Secretary of State June 26, 2007.

2007-226
ELDER ABUSE AWARENESS MONTH

WHEREAS, according to the Illinois Department on Aging, between four and five percent of persons in the United States, aged sixty and older are subject to some form of mistreatment or abuse, including physical, emotional, and sexual abuse, as well as financial exploitation and neglect of basic care needs; and

WHEREAS, Illinois has approximately two million citizens over the age of sixty, meaning that as many as 90,000 Illinois seniors could currently be suffering from some form of abuse; and

WHEREAS, it is the mission of the Illinois Department on Aging and its network of service providers to increase public awareness of this plight against our most vulnerable elderly; and to promote increased reporting of elder abuse; and

WHEREAS, it is essential that the citizens of Illinois recognize the signs of abuse, neglect and exploitation and report suspicions of abuse; and
WHEREAS, it is imperative that each community in Illinois refuses to tolerate this offense against our older citizens by creating greater awareness of the prevalence and severity of elder abuse in hopes of eradicating it from society:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 2007 as ELDER ABUSE AWARENESS MONTH in Illinois, and encourage all citizens to recognize this crisis and join in working toward its prevention.

Issued by the Governor June 21, 2007.
File by the Secretary of State June 26, 2007.

2007-227
YOUTH EMPOWERMENT DAY

WHEREAS, The South Suburban DMC Foundation, in partnership with the Chicago Area Project, was established in 2002 as a model for reducing juvenile confinement and its causes through a community organization and youth development model; and

WHEREAS, the effectiveness of the South Suburban DMC Foundation model has been recognized throughout Illinois and across the nation; and

WHEREAS, the 1st annual SSDMC Foundation Youth Awards is a culmination of a year-long intervention and in-school and after-school educational and inter-personal skill development program celebrating the skills, talents and potential of our at-risk young people, and encouraging their knowledge of, and stimulate their involvement in constructive endeavors; and

WHEREAS, Chicago Area Project and the SSDMC Foundation, Inc. will sponsor the Youth Awards on June 28, 2007:

THEREFORE, I, Rod R. Blagojevich, do hereby proclaim June 28, 2007 as YOUTH EMPOWERMENT DAY in Illinois in recognition of the Chicago Area Project and the SSDMC Foundation, and their commitment to development and well-being of our young people.

Issued by the Governor June 26, 2007.
File by the Secretary of State June 26, 2007.
WHEREAS, the State of Illinois supports five retirement plans covering State employees, university employees, teachers, judges, and members of the General Assembly; and

WHEREAS, many retired employees rely on these benefit plans to help pay for daily necessities, including housing and healthcare; and

WHEREAS, during his first term, Governor Blagojevich invested $13.3 billion in the State’s pension systems, which is more than any governor in Illinois’ history; and

WHEREAS, the State’s $13.3 billion investment increased funding from 48% up to 60.5% of liability from Fiscal Years 2003 through 2006; and

WHEREAS, despite recent efforts, due to thirty years of underfunding the pension systems, the State of Illinois is faced with a crushing $41 billion pension debt; and

WHEREAS, this gross underfunding will cause the debt to increase each year at a drastic rate, threatening to consume new revenues at the expense of other needs facing the State, including healthcare and education; and

WHEREAS, to adequately fund and secure pensions, reduce long-term interest costs, and more effectively manage pension obligations, the State must pay down its pension debt; and

WHEREAS, the Governor has proposed to lease the State Lottery to a private operator and to issue $16 billion in pension obligation bonds; and

WHEREAS, the $16 billion in pension obligation bonds would allow the State to refinance its existing pension debt, which grows at an interest rate of 8.5% annually, with a lower interest rate; and

WHEREAS, the $16 billion in pension obligation bonds would build upon the State’s $10 billion pension obligation bond issued in 2003, which allowed the State’s pension systems to increase their funding ratio over the last three years; and

WHEREAS, much work remains to address the pension underfunding in Illinois, and it is critical that the General Assembly convene to address this issue and take action to stabilize the State’s
pension systems;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly in a special session to commence on July 5, 2007, at 12:00 p.m., to consider any legislation, new or pending, which will address the pension crisis.

Issued by the Governor June 29, 2007.
Filed by the Secretary of State June 29, 2007.

2007-229
SPECIAL SESSION ON JULY 6, 2007

WHEREAS, Article XIII, Section 5 of the Illinois Constitution of 1970 requires the State to provide pension benefits to members of State-sponsored retirement systems; and

WHEREAS, The State of Illinois supports five retirement plans on behalf of State employees, university employees, teachers, judges, and members of the Illinois General Assembly; and

WHEREAS, It is the State’s responsibility to provide adequate funding to support State pension liabilities so that future generations are not held responsible for current expenses; and

WHEREAS, Deferrals of the State’s obligations to its annuitants contributed to an unfunded pension liability in State-sponsored systems of $19 billion in 1995, which grew to $43 billion in 2003, resulting in a funded ratio of 48% in 2003, the worst funded ratio of any of the fifty States and significantly under-funded in comparison to the national average of 91.1% among 101 public retirement systems, according to the 2003 Public Fund Survey conducted by the National Association of State Retirement Administrators; and

WHEREAS, Because of this crisis, unless changes are made, commitments to State employees will become a significant burden on future generations; and

WHEREAS, Annuitants of the State’s benefit systems rely on the security provided by pension benefits to meet their needs, including food, housing and healthcare; and fairness requires that Illinois keep its obligations and commitments to those who have earned it and will work for it in the future; and
WHEREAS, Over the next three years, in order to meet the statutory funding formula, the State will be required to increase annual contributions to the pension systems and debt service on outstanding pension obligation bonds, reducing available State resources to fund growth in other core services provided by the State, such as education and health care, to less than $200 million of natural revenue growth per year, representing less than one-percent growth per year in these critical areas; and

WHEREAS, Further deferrals of the State’s pension liabilities will force future generations to pay billions of dollars in additional interest on the unfunded liabilities of the State between fiscal years 2008 and 2045; and

WHEREAS, The State’s pension funding system is in a state of crisis, and the State will continue to unnecessarily pay billions in interest costs alone if the unfunded pension liability does not receive an immediate and significant infusion of funding; and

WHEREAS, A solution to this crisis must be adopted prior to adjournment of 2007 Spring Session of the 95th General Assembly, and this action is necessary to adequately secure existing pension obligations, reduce long-term interest costs on current obligations, more effectively manage State funding requirements, and ensure that future new revenues will not be consumed solely by escalating pension contributions;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly in a special session to commence on July 6, 2007, at 2:00 p.m., to consider and discuss House Joint Resolution 1 of the 1st Special Session of the 95th General Assembly and/or Senate Joint Resolution 1 of the 1st Special Session of the 95th General Assembly.

Issued by the Governor July 05, 2007.
Filed by the Secretary of State July 05, 2007.

2007-230
SPECIAL SESSION ON JULY 7, 2007

WHEREAS, Article XIII, Section 5 of the Illinois Constitution of 1970 requires the State to provide pension benefits to members of State-sponsored retirement systems; and
WHEREAS, the State of Illinois supports a retirement plan on behalf of State employees; and

WHEREAS, State employees, retirees and their families rely on the security provided by pension benefits to meet their needs, including food, housing and healthcare after retirement; and

WHEREAS, it is the State Employees’ Retirement System’s (SERS) mission to provide an orderly means whereby aged or disabled employees may be retired from active service, without prejudice or hardship, and to enable the employees to accumulate reserves for themselves and their dependents for old age, disability, death and termination of employment, thus effecting economy and efficiency in the administration of the State Government; and

WHEREAS, pensions managed and administered by SERS are under-funded, and the General Assembly has yet to pass a Fiscal Year 2008 budget or any measures addressing such under-funding;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly in a special session to commence on July 7, 2007, at 2:00 p.m., to consider any legislation, new or pending, which will address the funding of the State Employees’ Retirement System of Illinois.

Issued by the Governor July 06, 2007.

Filed by the Secretary of State July 06, 2007.

2007-231

SPECIAL SESSION ON JULY 8, 2007

WHEREAS, Article XIII, Section 5 of the Illinois Constitution of 1970 requires the State to provide pension benefits to members of State-sponsored retirement systems; and

WHEREAS, the State of Illinois sponsors a retirement plan on behalf of State teachers; and

WHEREAS, State teachers, retired teachers and their families rely on the security provided by pension benefits to meet their needs, including food, housing and healthcare after retirement; and

WHEREAS, it is the Teachers’ Retirement System’s (TRS) mission to provide its members with retirement, disability and survivor benefits; and
WHEREAS, pensions managed and administered by TRS are under-funded, and the General Assembly has yet to pass a Fiscal Year 2008 budget or any measures addressing such under-funding;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly in a special session to commence on July 8, 2007, at 2:00 p.m., to consider any legislation, new or pending, which will address the funding of the Teachers’ Retirement System of Illinois.

Issued by the Governor July 06, 2007.
File by the Secretary of State July 06, 2007.

2007-232
SPECIAL SESSION ON JULY 7, 2007

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and

WHEREAS, the General Assembly has not made appropriations for fiscal year 2008 for the expenditure of public funds for the Child Support Administrative Fund within the Department of Healthcare and Family Services; and

WHEREAS, the Department of Healthcare and Family Services is charged with the collection and disbursement of child support payments; and

WHEREAS, child support is the second largest income source for low-income families who qualify for the program;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly in a special session to commence on July 7, 2007, at 2:30 p.m., to consider any legislation, new or pending, which will address the budget of the Department of Healthcare and Family Services for the Child Support Administrative Fund for fiscal year 2008.

Issued by the Governor July 07, 2007.
File by the Secretary of State July 07, 2007.
2007-233
RESCIND SPECIAL SESSION ON JULY 8, 2007

WHEREAS, on July 6, 2007, pursuant to Article IV, Section 5(b) of the Illinois Constitution of 1970, I called and convened the 95th General Assembly in a special session to commence on July 8, 2007, at 2:00 p.m., to consider any legislation, new or pending, which would address the funding of the Teachers’ Retirement System; and

WHEREAS, circumstances have arisen creating the need to rescind my proclamation convening the General Assembly in special session on July 8, 2007, at 2:00 p.m.;

THEREFORE, I do hereby revoke, rescind and annul my proclamation requiring the members of the General Assembly to convene at 2:00 p.m. on July 8, 2007, in pursuance of said call.

Issued by the Governor July 07, 2007.
Filed by the Secretary of State July 07, 2007.

2007-234
SPECIAL SESSION ON JULY 8, 2007

WHEREAS, Article XIII, Section 5 of the Illinois Constitution of 1970 requires the State to provide pension benefits to members of State-sponsored retirement systems; and

WHEREAS, the State of Illinois supports retirement plans on behalf of State teachers and judges; and

WHEREAS, State teachers and judges, retired teachers and judges and their families rely on the security provided by pension benefits to meet their needs, including food, housing and healthcare after retirement; and

WHEREAS, it is the Teachers’ Retirement System’s (TRS) mission to provide its members with retirement, disability and survivor benefits; and

WHEREAS, it is the Judges’ Retirement System’s (JRS) mission establish an efficient method of permitting retirement, without hardship or prejudice, of judges who are aged or otherwise incapacitated, by enabling them to accumulate reserves for themselves and their dependents for old age, disability, death and termination of employment; and
WHEREAS, pensions managed and administered by TRS and JRS are under-funded, and the General Assembly has yet to pass a Fiscal Year 2008 budget or any measures addressing such under-funding;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly in a special session to commence on July 8, 2007, at 4:00 p.m., to consider any legislation, new or pending, which will address the funding of the Teachers’ Retirement System and the Judges’ Retirement System.

Issued by the Governor July 07, 2007.
Filed by the Secretary of State July 07, 2007.

2007-235
SPECIAL SESSION ON JULY 9, 2007

WHEREAS, Article XIII, Section 5 of the Illinois Constitution of 1970 requires the State to provide pension benefits to members of State-sponsored retirement systems; and

WHEREAS, the State of Illinois sponsors a retirement plan on behalf of State university employees; and

WHEREAS, State university employees, retirees and their families rely on the security provided by pension benefits to meet their needs, including food, housing and healthcare after retirement; and

WHEREAS, it is the State Universities Retirement System’s (SURS) mission to provide for annuitants, participants and their employers, in accordance with State law, the best and most cost-effective benefit administration services in the United States; to manage and invest the fund’s assets prudently; and to endeavor to achieve and maintain a financially sound retirement system; and

WHEREAS, pensions managed and administered by SURS are under-funded, and the General Assembly has not passed any measures that address such under-funding; and

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and

WHEREAS, the Department of Healthcare and Family Services’ Division of Medical Programs assists sexual assault victims; and
WHEREAS, the General Assembly has passed, and I have signed, a temporary, one-month budget providing spending authority to the Department of Healthcare and Family Services for grants to provide assistance to sexual assault victims and for sexual assault prevention activities; and

WHEREAS, the General Assembly failed to provide for the expenditure of public funds after July of Fiscal Year 2008 for grants administered by the Department of Healthcare and Family Services to provide assistance to sexual assault victims and for sexual assault prevention activities;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly in a special session to commence on July 9, 2007, at 1:00 p.m., to consider any legislation, new or pending, which will address the funding of the State Universities Retirement System as well as funding for the remainder of Fiscal Year 2008 for grants administered by the Department of Healthcare and Family Services to provide assistance to sexual assault victims and for sexual assault prevention activities.

Issued by the Governor July 08, 2007.

Filed by the Secretary of State July 08, 2007.

2007-236
SPECIAL SESSION ON JULY 10, 2007

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities and public agencies; and

WHEREAS, Illinois developed the Supportive Living Program as an alternative to nursing home care for low-income persons, older persons and persons with disabilities under Medicaid; and

WHEREAS, the General Assembly has passed, and I have signed, a temporary, one-month budget providing spending authority to the Department of Healthcare and Family Services for its Supportive Living Program; and

WHEREAS, the General Assembly failed to provide for the expenditure of public funds after July of Fiscal Year 2008 for the Department of Healthcare and Family Services’ Supportive Living
THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly in a special session to commence on July 10, 2007, at 1:00 p.m., to consider any legislation, new or pending, which will address the budget of the Department of Healthcare and Family Services for the Supportive Living Program for Fiscal Year 2008.

Issued by the Governor July 09, 2007.
Filed by the Secretary of State July 09, 2007.

2007-237
SPECIAL SESSION ON JULY 11, 2007

WHEREAS, in 2004 nearly 8 children and teenagers ages 19 and under were killed in the United States with guns every day; and
WHEREAS, the cost of one gun crime can be as high as $1.79 million, including medical treatment and the prosecution and imprisonment of the offender; and
WHEREAS, medical costs of gun violence put a burden on employers, health service providers and the State of Illinois because at least 80% of the economic costs of treating firearm injuries are paid for with taxpayer dollars; and
WHEREAS, on September 13, 1994, Congress passed the Federal Assault Weapons Ban, requiring domestic gun manufacturers to stop production of semi-automatic assault weapons and large capacity ammunition feeding devices (ammunition clips holding more than 10 rounds), except for military or police use; and
WHEREAS, during the ten-year federal ban, the prevalence of assault weapons traced to crimes declined 66%; and
WHEREAS, the Federal Assault Weapons Ban expired on September 13, 2004, leaving Illinois without any statewide measures to combat the proliferation of assault weapons and large capacity ammunition feeding devices; and
WHEREAS, in the absence of federal regulation, the State of Illinois must act to protect the health, safety, and welfare of its citizens from the violence caused by the presence and proliferation of assault weapons in Illinois; and
WHEREAS, large capacity ammunition feeding devices enable assault weapons and .50 caliber rifles to fire thirty rounds of ammunition in under five seconds, reload automatically and carry up to 100 rounds; and

WHEREAS, Senate Bill 1007 would largely prohibit the knowing delivery, sale, purchase or possession of large capacity ammunition feeding devices in Illinois; and

WHEREAS, passage of Senate Bill 1007 would advance the State’s interest in protecting the health, safety and welfare of Illinoisans by abating gun violence and the associated health care and societal costs caused by large capacity ammunition feeding devices;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly in a special session to commence on July 11, 2007, at 2:00 p.m., to consider and discuss Senate Bill 1007 as well as the impact of assault weapon violence on the State’s health care expenditures and general fiscal health.

Issued by the Governor July 10, 2007.
Filed by the Secretary of State July 10, 2007.

2007-238
DISASTER AREA - STATE OF ILLINOIS

WHEREAS, On July 7, 2007, at approximately 12:50 p.m., a cargo tanker loaded with gasoline crashed on I-74 westbound approximately one mile west of Downs, Illinois. The cargo tank was compromised, and the gasoline cargo spilled and ignited. A substantial amount of flaming gasoline drained into a flood plain area between and under both the east and westbound bridges, consuming the truck wreckage and engulfing both bridges. As a consequence, this State has sustained severe damage to its road systems, which include bridges, roadbeds and other facilities. The damage occurred on the Federal-Aid Highways System; and

WHEREAS, Damage throughout the I-74 corridor in McLean County has been of such an extent that immediate repairs are necessary. Such conditions constitute an emergency as is contemplated by the terms of Sections 125 and 120(e) of Title 23, U.S.C.;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois,
Illinois, do hereby proclaim an emergency to exist in McLean County as a result of a catastrophic failure caused by an external cause and consequent danger to life and damage to property including the Federal-Aid Highways. The immediate repair and reconstruction of the damaged highways is vital to the security, well-being, and health of the citizens of the State of Illinois. The Federal Highway Division Administrator is hereby requested to concur in the declaration of this emergency.

In testimony whereof, I have hereunto subscribed my name and caused the seal of the State of Illinois to be affixed at Springfield, the 11th day of July, 2007.

Issued by the Governor July 11, 2007.
Filed by the Secretary of State July 12, 2007.

2007-239
FORMER FIRST LADY "LADY BIRD" JOHNSON

WHEREAS, former First Lady “Lady Bird” Johnson passed away on Wednesday, July 11, 2007 at the age of 94; and
WHEREAS, born Claudia Alta Taylor on December 22, 1912, the nickname “Lady Bird” caught on early during her infancy after a caretaker declared that she looked like a ladybird; and
WHEREAS, after graduating from the University of Texas with a Bachelor of Arts in history in 1933, “Lady Bird” hoped to become a newspaper reporter. However, those plans changed after “Lady Bird” met and wed a young congressional aide named Lyndon Baines Johnson in 1934; and
WHEREAS, after John F. Kennedy’s premature death in 1963, Lyndon Johnson became president. From that point on, Mrs. Johnson worked tirelessly for the beautification of America; and
WHEREAS, one of the many organizations Mrs. Johnson supported, The Society for a More Beautiful National Capital, which she began, has been credited with inspiring similar programs throughout the country; and
WHEREAS, Mrs. Johnson was also a leading advocate of the Highway Beautification Act to beautify the nation’s highway system by limiting billboards and planting along roadside areas; and
WHEREAS, Mrs. Johnson continued to promote beautification
projects even after leaving the White House and her husband’s death in 1973. In 1982, she co-founded the National Wildflower Research Center to preserve and reintroduce native plants in landscape architecture; and

WHEREAS, above all else, Mrs. Johnson will be remembered for these deeds and all her other contributions to the conservation of the environment for future generations to enjoy:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby honor the life and legacy of FORMER FIRST LADY “LADY BIRD” JOHNSON by joining President George W. Bush in ordering the flag of the United States of America to fly at half-staff at all state facilities on the day of her interment, Sunday, July 15, 2007, until sunset on such day.

Issued by the Governor July 13, 2007.
Filed by the Secretary of State July 13, 2007.

2007-240
GHANAFEST DAY

WHEREAS, on July 28th, the Ghana National Council of Metropolitan Chicago is sponsoring Ghanafest, an annual event that began 19 years ago; and

WHEREAS, Ghanafest attracts thousands of visitors from all over the world. Last year, the festival attracted over twenty thousand participants; and

WHEREAS, Ghanafest is the single largest gathering of African immigrants in the United States; and

WHEREAS, from traditional African arts and crafts and tribal dress to extraordinary Ghanaian foods and musical performances, Ghanafest is a great opportunity to experience the rich and diverse culture of Ghana; and

WHEREAS, this year’s theme, “Ghana@50: Continuing the Heritage”, pays tribute to the 50th anniversary of Independence in Ghana, an historic event that Ghanaians everywhere are celebrating throughout the year; and

WHEREAS, one of the many indigenous Ghanaians in attendance at the festival this year is the Honorable Dr. Paa Kwesi Ndoum, a member of Ghana’s parliament and Minister of Public Sector Reform:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 28, 2007 as GHANAFEST DAY in Illinois in tribute to Dr. Ndoum and to all those attending Ghanafest to celebrate Ghana culture and heritage.

Issued by the Governor July 17, 2007.
Filed by the Secretary of State July 17, 2007.

2007-241
GRADUATE EDUCATION WEEK

WHEREAS, graduate schools play an important role in enhancing the nation’s economic competitiveness and innovation; and
WHEREAS, the National Science Foundation cites Illinois universities for attracting several billion dollars in federally sponsored grants and contracts over the past five years, most of which is done in conjunction with graduate education; and
WHEREAS, Illinois graduate schools play a vital role in developing the best and brightest domestic and globally recruited talent, evidenced by the fact that about 45 percent of the Illinois legislature have received an advanced degree from an Illinois university, and about 50 percent of certified elementary and secondary school teachers in Illinois have earned graduate degrees; and
WHEREAS, national laboratories in Illinois are dependent on graduate students and faculty from Illinois graduate schools; and
WHEREAS, graduate education is inextricably linked to the global economy, evidenced by Illinois’ #1 ranking in the Midwest as a destination for foreign investment, Illinois’ ability to attract about 5,000 foreign businesses that employ about 235,000 Illinois citizens, and Illinois graduate schools’ ability to attract about 16,000 international students; and
WHEREAS, graduate education accounts for broader societal benefits through more informed civic participation, healthier citizens who live longer lives, more productive workers, innovations in science and technology, and improved performance across a host of socioeconomic measures; and
WHEREAS, the Illinois Association of Graduate Schools, which represents private and public institutions statewide: provides a forum for
communication and develop a spirit of cooperation among graduate schools, graduate colleges, and graduate divisions of the colleges and universities of the State of Illinois; plans and implements various mechanisms, consortia, and resource sharing to the benefit and best interests of graduate education and the people of the State of Illinois; serves in an advisory capacity, if so requested, to any State of Illinois agency or commission on matters relating to graduate education; and aims to improve graduate education in the State of Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 22-26, 2007 as GRADUATE EDUCATION WEEK in Illinois and urge all citizens to recognize graduate deans and the Illinois Association of Graduate Schools for all that they do to promote graduate education and contribute to the public good.

Issued by the Governor July 18, 2007.
Filed by the Secretary of State July 18, 2007.

2007-242
CHICAGO DEFENDER CHARITIES BUD BILLIKEN DAY

WHEREAS, Chicago Defender Charities has a long tradition of helping Illinoisans in need through charitable aid, such as financial assistance and scholarships to students and gift baskets to public housing residents during the holiday season; and

WHEREAS, Chicago Defender Charities also sponsors the annual Bud Billiken Parade, which, for 77 years, has provided free, wholesome, and fun entertainment for hundreds of thousands of children and parents; and

WHEREAS, this year, the Bud Billiken Parade celebrates its 78th anniversary, and the theme, “Education: Our Youth Keys to the Future”, emphasizes the importance of educating our children; and

WHEREAS, organizations and events such as Chicago Defender Charities and the Bud Billiken Parade promote community service and unity, which is vital to the strength and success of Illinois communities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 11, 2007 as CHICAGO DEFENDER CHARITIES BUD BILLIKEN DAY in Illinois in recognition of Chicago
Defender Charities’ goodwill and to encourage all citizens of the State to support their noble efforts.

Issued by the Governor July 19, 2007.
Filed by the Secretary of State July 19, 2007.

2007-243
SPECIAL SESSION ON JULY 28, 2007

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and
WHEREAS, the General Assembly has passed, and I have signed, a temporary, one-month budget providing spending authority to State departments, authorities, and public agencies through July 31, 2007; and
WHEREAS, the temporary, one-month budget providing spending authority to State departments, authorities, and public agencies will expire on July 31, 2007; and
WHEREAS, in order to avoid a costly government shutdown potentially injurious to the health, safety, and welfare of Illinois, the General Assembly must pass, at a minimum, a second temporary, one-month budget to provide spending authority to State departments, authorities, and public agencies which will expire on August 31, 2007;
THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly in a special session to commence on July 28, 2007, at 9:00 a.m., to consider a second temporary, one-month budget to provide spending authority to State departments, authorities, and public agencies through August 31, 2007.

Filed by the Secretary of State July 27, 2007.

2007-244
LIONS CLUBS INTERNATIONAL WEEK

WHEREAS, the Lions Club was founded in 1917 by Melvin Jones. His goal was to create an organization of businesses who shared a common goal of bettering the community; and
WHEREAS, Lions Club International has grown to incorporate 1.4 million members who participate in 46,000 clubs in 193 countries across the globe; and
WHEREAS, the Lions Club of Illinois has raised an unprecedented amount of money for those who are visually and hearing impaired over the years through various charitable events and programs; and
WHEREAS, Chicago has been selected as the host city for the Lions Clubs International 90th International Convention, taking place July 2 - 5, 2007. Highlights of the many activities scheduled throughout convention week include three plenary sessions, the festive International Parade of Nations, the exciting international show, and the installation of the Club’s 2007-2008 International President; and
WHEREAS, as a special treat for all conference attendees, this year’s guest speaker is Lion Past District Governor, and 39th President of the United States of America, the Honorable Jimmy Carter; and
WHEREAS, Illinois is honored to host this year’s event, and is proud to welcome President Carter to this great state to address Lions Clubs members from across the globe:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 2 - 5, 2007 as LIONS CLUBS INTERNATIONAL WEEK in Illinois, and applaud the Lions Club for their continued service to our communities.

Issued by the Governor June 27, 2007.
Filed by the Secretary of State July 27, 2007.

2007-245
SUPPORT OUR TROOPS DAY

WHEREAS, the people of Illinois believe in providing a compassionate and supportive community for residents of the state in all branches of the Armed Forces, the Reserves and those called to perform homeland security duties, as well as the families and friends of those serving; and
WHEREAS, Illinois citizens exercise a patriotic duty by acknowledging the fathers, mothers, sons and daughters of the State, and from every corner of the United States and allied nations, who heroically defend our country; and
WHEREAS, on this day, which has been designated as a day to show our support for our troops, Illinoisans are encouraged to display the community’s unwavering commitment to honoring the members of the Armed Forces for their courageous and patriotic duty in defending our country, its freedoms, and its way of life:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 30, 2007 as SUPPORT OUR TROOPS DAY in Illinois, and urge all citizens to join in this important observance.

Issued by the Governor June 28, 2007.

Filed by the Secretary of State July 27, 2007.

2007-246
CAREERS IN CONSTRUCTION WEEK

WHEREAS, National Careers in Construction Week is an annual week designated to increase public awareness and appreciation of the construction professional and the entire construction workforce; and

WHEREAS, during this week, employers, trade associations, and schools are encouraged to conduct job fairs, panel discussions, and local community events to inform students of the vast employment opportunities in construction; and

WHEREAS, the construction industry is one of our nation’s largest industries, employing 7.2 million individuals in the US alone and the number of wage and salary jobs in the construction industry is expected to grow about 15 percent through the year 2012; and

WHEREAS, the construction industry must fill 240,000 jobs each year just to meet the growing workforce demand; and

WHEREAS, we are pleased to honor the construction craft professional and the critical role they play in the development of our state; and

WHEREAS, the National Center for Construction Education and Research was created by the construction industry to standardize training and enhance the industry image by promoting the hard work and dedication of our nation’s craft professionals; and

WHEREAS, the National Center for Construction Education and Research is supported by thirty-two national associations and their state chapters, representing more than 150,000 contractor employers; and
WHEREAS, through this unprecedented partnership, the construction industry is leading the way in providing young people career opportunities while increasing the quality of the future workforce:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 15 – 19, 2007 as CAREERS IN CONSTRUCTION WEEK in Illinois.

Issued by the Governor June 29, 2007.
Filed by the Secretary of State July 27, 2007.

2007-247
15TH ANNUAL AFRICAN/CARIBBEAN INTERNATIONAL FESTIVAL OF LIFE DAYS

WHEREAS, on July 4 – 8, 2007, the 15th Annual African/Caribbean International Festival of Life will be hosted by Martin’s International Culture, Inc., and several sponsors; and

WHEREAS, the year’s African/Caribbean International Festival of Life is dedicated to “Teens In Crisis”, and to Peace, Love, and Unity among all Nations with the belief that “Out of Many Nationalities We Are One People”; and

WHEREAS, the primary objective of the Festival is to bring together under one umbrella, people of various nationalities, cultures, and ethnic backgrounds; and

WHEREAS, the African/Caribbean International Festival of Life will feature a variety of music, including reggae, calypso, gospel, salsa, blues, rhythm & blues, highlife, soukous, hip hop, rap, spoken word, and more; and

WHEREAS, exhibitors from various parts of the country will journey to Illinois to offer a variety of international crafts, cultural clothing, other ethnic items, along with food from Africa, the Caribbean and other parts of the globe:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 4 – 8, 2007 as the 15TH ANNUAL AFRICAN/CARIBBEAN INTERNATIONAL FESTIVAL OF LIFE DAYS in Illinois, and encourage all citizens to participate in this family event.

Issued by the Governor June 29, 2007.
WHEREAS, the State of Illinois is fortunate to have more than 84,000 lakes, ponds and reservoirs within its boundaries; and
WHEREAS, lakes and ponds are important resources to the State of Illinois’ way of life and its environment, providing sources of recreation, scenic beauty and habitat for wildlife; and
WHEREAS, Illinois lakes are valuable economic resources for Illinois businesses, tourism and municipal governments; and
WHEREAS, thousands of citizen volunteers have demonstrated their interest in Illinois lakes by actively monitoring lake quality over the last 26 years through the Volunteer Lake Monitoring Program; and
WHEREAS, the State of Illinois recognizes the need to protect these lakes and ponds for future generations:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 2007 as LAKES APPRECIATION MONTH in Illinois.

Issued by the Governor July 02, 2007.
Filed by the Secretary of State July 27, 2007.

2007-249

ILLINOIS LAND TITLE ASSOCIATION DAY

WHEREAS, the Illinois Land Title Association is celebrating its 100th Anniversary of serving the public and land title insurance industry in Illinois; and
WHEREAS, the Illinois Land Title Association’s members share a rich heritage with Abraham Lincoln the 16th President of the United States when he worked as a land surveyor and later as a lawyer; and
WHEREAS, the members of the Illinois Land Title Association have been entrusted with the responsibility of protecting the public land records by maintaining plat books, title plants, and through systematic searches and examinations of recorded documents to insure the reality of attaining the “American Dream” of home ownership; and
WHEREAS, in Illinois over 825,000 title insurance policies were issued in 2006 insuring title of both private and public real estate:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 14, 2007 as ILLINOIS LAND TITLE ASSOCIATION DAY in Illinois, in honor of this Association’s historical presence and the professional service of its more than 300 member locations throughout Illinois.

Issued by the Governor July 05, 2007.
Filed by the Secretary of State July 27, 2007.

2007-250
CAPTIVE NATIONS WEEK

WHEREAS, Captive Nations Week has been recognized since July 17, 1959, originating from U.S. Public Law 86-90, a joint resolution of the 86th Congress; and

WHEREAS, every year, Captive Nations Week organizers focus international attention on the plight and struggle of captive nations to rid themselves of oppressive rulers by organizing and unifying these country’s voices of freedom; and

WHEREAS, although several former Captive Nations have been liberated from devastating and militaristic rule, the United States and the international community must remain cognizant of those countries still straining for freedom under precarious regimes; and

WHEREAS, this week should serve as a time of reflection and remembrance for all of the millions of people tragically lost to genocide and other forms of persecution under these cruel governments; and

WHEREAS, the 49th Annual Captive Nations Week will highlight the struggle for freedom around the world in occupied territories:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 15 – 21, 2007 as CAPTIVE NATIONS WEEK in Illinois, and encourage all citizens to join in observance of this important week.

Issued by the Governor July 05, 2007.
Filed by the Secretary of State July 27, 2007.
2007-251
SUMMER LEARNING DAY

WHEREAS, a wide array of public agencies, non-profit organizations, schools, universities, museums, libraries, and summer camps across the country will celebrate annual Summer Learning Day on July 12, 2007; and

WHEREAS, this will be a day to reflect on the importance of high-quality summer learning opportunities in the lives of young people and their families; and

WHEREAS, Summer Learning Day is designed to highlight the need for more young people to be engaged in learning activities over the summer and to support local summer programs that benefit children, families, and communities; and

WHEREAS, Summer Learning programs have been proven to have a meaningful impact on the education, health and safety of children; and

WHEREAS, Illinois is proud to join with the Center for Summer Learning at Johns Hopkins University and our national partners in promoting learning activities for our young people:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 12, 2007 as SUMMER LEARNING DAY in Illinois.

Issued by the Governor July 05, 2007.
Filed by the Secretary of State July 27, 2007.

2007-252
BREASTFEEDING PROMOTION MONTH

WHEREAS, human breastmilk is the best possible food for infants, providing them with optimal nutrition for their stage of growth and cognitive development, in a manner that is easily digestible for them; and

WHEREAS, human breastmilk provides health benefits from infancy and throughout the rest of their lives, protecting the infant against infections and allergies, helping defend against obesity and diabetes, and in the promotion of maternal infant bonding; and
WHEREAS, breastfeeding is an important part of preventive health care, providing nursing mothers with short and long-term benefits, including decreased risk of certain reproductive cancers, and reducing the risk for long term maternal obesity; and
WHEREAS, Illinois Breastfeeding Promotion Month reminds us that breastfeeding benefits infants, mothers and society through lower health care costs, a healthier workforce, stronger family bonds, and less waste; and
WHEREAS, August is the opportunity for government to join forces with families, healthcare professionals, and hospitals to help promote and maintain communities where breastfeeding is encouraged, protected and supported to advance the health of current and future Illinois residents; and
WHEREAS, the Illinois Department of Human Services will continue to establish links between maternity facilities and community breastfeeding support networks to ensure that all families will live, work and receive health care in a breastfeeding friendly culture:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2007 as BREASTFEEDING PROMOTION MONTH in Illinois.

Issued by the Governor July 05, 2007.
Filed by the Secretary of State July 27, 2007.

2007-253
NATIONAL BATON TWIRLING WEEK

WHEREAS, the art of baton twirling positively affects the lives of nearly one-half million young Americans; and
WHEREAS, baton twirling can build the confidence of these young girls and boys, and the dedication learned in training for and practicing the sport is beneficial to many situations in life; and
WHEREAS, baton twirling is one of the largest nationwide beneficial movements for today’s young girls; and
WHEREAS, baton twirlers provide inspiration and wholesome entertainment in our communities; and
WHEREAS, baton twirlers from all over the United States will gather at the University of Notre Dame July 15 – 21, 2007, to conduct a colorful pageant entitled “America’s Youth On Parade”:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 15 – 21, 2007 as NATIONAL BATON TWIRLING WEEK in Illinois, and encourage our citizens to appreciate and support the colorful and beneficial youth movement of baton twirling.

Issued by the Governor July 05, 2007.
Filed by the Secretary of State July 27, 2007.

2007-254
HELPING CITIZENS WITH DEVELOPMENTAL DISABILITIES DAYS

WHEREAS, a “developmental disability” is defined as a disorder caused by mental retardation, cerebral palsy, epilepsy, autism, or any other condition which results in impairment similar to that of mental retardation. A developmental disability originates before the age of 18 and is expected to continue indefinitely; and,

WHEREAS, approximately 1.5 percent of the U.S. population is afflicted with a developmental disability or mental retardation. Due to the early onset and debilitating nature of these disorders, many more children are affected than adults; and

WHEREAS, one of the main purposes of the Knights of Columbus, a fraternal order with 1.7 million members around the world, is to support various charitable causes that seek to make our families and communities stronger. It has donated $1 billion and volunteered 400 million hours of service in the past decade; and

WHEREAS, the Illinois State Council of the Knights of Columbus will hold their 38th Annual Fund Drive for the Mental Retardation / Learning Disabilities Program from September 21 – 23, 2007, distributing the funds they raise to more than 300 organizations throughout Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 21 – 23, 2007 as HELPING CITIZENS WITH DEVELOPMENTAL DISABILITIES DAYS in Illinois, and encourage all citizens to contribute what they can to assist the people that are afflicted with these terrible disorders.
CHAMBER OF COMMERCE WEEK

WHEREAS, chambers of commerce encourage the growth of existing industries, services, and commercial firms, encourage new businesses and individuals to invest locally, and act as liaisons with government and the larger business community; and

WHEREAS, Illinois is home to international chambers of commerce, the Great Lakes Regional Office of the U.S. Chamber of Commerce, the Illinois Chamber of Commerce, and more than 456 local chambers of commerce; and

WHEREAS, this year marks the 88th anniversary of the Illinois Chamber of Commerce, which represents businesses throughout the state; and

WHEREAS, this year also marks the 92nd anniversary of the Illinois Association of Chamber of Commerce Executives (IACCE), a career development organization for chamber of commerce professionals; and

WHEREAS, during the week of September 10 – 14, various local chambers of commerce in Illinois will be hosting open houses, business expos, business of the year awards, and other promotional events in order to promote their involvement in the local economy:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 10 – 14, 2007 as CHAMBER OF COMMERCE WEEK in Illinois, and encourage all citizens to recognize the important role that chambers of commerce play in the economic well being of their communities.

Issued by the Governor July 05, 2007.
Filed by the Secretary of State July 27, 2007.

NATIONAL GYMNASTICS DAY

WHEREAS, gymnastics is a great way to engage Illinois children...
in healthy activities while teaching them valuable personal and social skills such as teamwork, commitment, and sportsmanship; and

WHEREAS, USA Gymnastics, whose mission it is to encourage participation and the pursuit of excellence in sports, established National Gymnastics Day in 1999 to promote physical fitness and healthy lifestyles; and

WHEREAS, in support of National Gymnastics Day, gymnastics clubs across the United States partner with USA Gymnastics to heighten the visibility of the sport and encourage participation at the grassroots level; and

WHEREAS, National Gymnastics Day aims to serve the community and our nation’s youth by raising funds and awareness for the Children’s Miracle Network in order to provide comfort and assistance to children who are unable to provide for themselves:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 4, 2007 as NATIONAL GYMNASTICS DAY in Illinois to encourage citizens of the state to support the worthy and charitable efforts of USA Gymnastics.

Issued by the Governor July 09, 2007.
Filed by the Secretary of State July 27, 2007.

2007-257
LA LECHE LEAGUE INTERNATIONAL WEEK

WHEREAS, La Leche League International, a nonprofit organization dedicated to the promotion and support of breastfeeding and recognized as a world authority on breastfeeding, is celebrating its 50th Anniversary; and

WHEREAS, La Leche League International, founded and incorporated in the state of Illinois, has spread to all 50 states and has a presence in over 75 other countries worldwide; and

WHEREAS, the health and well being of mothers and babies in Illinois have been greatly improved because of the efforts of La Leche League International for the past 50 years; and

WHEREAS, six of the organization's seven Founders are life long residents of Illinois: Marian Tompson, Mary White, Viola Lennon, Edwina Froehlich, Mary Ann Cahill, and Betty Wagner Spandikow; and
WHEREAS, breastfeeding has been endorsed worldwide by health professional organizations, governmental health ministries and departments and international agencies as the optimal infant feeding method; and

WHEREAS, the LLLI Founders and La Leche League International are deserving of recognition for their dedication and achievements in educating and supporting parents and professionals in every aspect of breastfeeding; and

WHEREAS, the La Leche League International 50th Anniversary will be celebrated at a number of events in Chicago during the month of July, 2007:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 16 – 23, 2007 as LA LECHE LEAGUE INTERNATIONAL WEEK in Illinois, in recognition of the seven LLLI Founders – Mary White, Marian Tompson, Edwina Froehlich, Viola Lennon, Betty Wagner Spandikow, Mary Ann Cahill, and Mary Ann Kerwin, for 50 years of dedicated service to mothers and babies.

Issued by the Governor July 09, 2007.
Filed by the Secretary of State July 27, 2007.

2007-258
OFFICIAL STATE BBQ CHAMPIONSHIPS

WHEREAS, multiple cities from around the state of Illinois hold BBQ competitions throughout the year, and Illinois has fast become a favored destination of top BBQ teams, judges, and enthusiasts from around the country; and

WHEREAS, the Illinois Barbecue Society is committed to raising the awareness of BBQ in the state through education, tourism, and support of Backyard and Professional BBQ Competitions, Festivals, and Events; and

WHEREAS, these competitions, festivals and events attract BBQ teams, judges and spectators from all over the United States which contribute to our local economies; and

WHEREAS, these competitions, festivals and events give Illinois communities the opportunity to bring family oriented events that will showcase the community’s amenities; as well as afford entertainment for
Illinois citizens by providing them another reason to spend leisure time in the State of Illinois; and

WHEREAS, BBQ competitions must be considered Official State Championships in order for the winners to qualify for National competitions:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim all BBQ contests in the State of Illinois that are officially recognized by the Illinois BBQ Society, as Official State BBQ Championships in the State of Illinois.

Issued by the Governor July 09, 2007.
Filed by the Secretary of State July 27, 2007.

2007-259
SPECIAL SESSION ON JULY 30, 2007

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and

WHEREAS, the General Assembly has passed, and I have signed, a temporary, one-month budget providing spending authority to State departments, authorities, and public agencies through July 31, 2007; and

WHEREAS, the temporary, one-month budget providing spending authority to State departments, authorities, and public agencies will expire on July 31, 2007; and

WHEREAS, in order to avoid a costly government shutdown potentially injurious to the health, safety, and welfare of Illinois, the General Assembly must pass, at a minimum, a second temporary, one-month budget to provide spending authority to State departments, authorities, and public agencies which will expire on August 31, 2007; and

WHEREAS, the Department of Healthcare and Family Services’s (HFS) State Hemophilia Program provides financial assistance to persons with hemophilia by covering the cost of antihemophilic factors and annual comprehensive medical visits related to the disease; and

WHEREAS, the General Assembly failed to provide for the expenditure of public funds after July of Fiscal Year 2008 for the HFS’s State Hemophilia Program;
THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly in a special session to commence on July 30, 2007, at 2:00 p.m., to consider a second temporary, one-month budget to provide spending authority to State departments, authorities, and public agencies through August 31, 2007, and to consider any legislation, new or pending, which will address funding for the Department of Healthcare and Family Services’s State Hemophilia Program.

Issued by the Governor July 28, 2007.
Filed by the Secretary of State July 28, 2007.

2007-260
SPECIAL SESSION ON AUGUST 4, 2007

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and

WHEREAS, the General Assembly has passed, and I have signed, a temporary, one-month budget providing spending authority to State departments, authorities, and public agencies through July 31, 2007; and

WHEREAS, the temporary, one-month budget providing spending authority to State departments, authorities, and public agencies expired on July 31, 2007; and

WHEREAS, in order to avoid a costly government shutdown potentially injurious to the health, safety, and welfare of Illinois, the General Assembly must pass, at a minimum, a second temporary, one-month budget to provide spending authority to State departments, authorities, and public agencies which will expire on August 31, 2007; and

WHEREAS, the Department of Healthcare and Family Services’ (HFS) State Chronic Renal Disease Program assists Illinois residents who have been diagnosed as having chronic renal disease at the stage of irreversible renal impairment requiring a regular course of dialysis to maintain life; and

WHEREAS, the State Chronic Renal Disease Program assists patients with chronic renal diseases who require lifesaving care and treatment, but do not otherwise qualify for Medicaid or subsidized care;
WHEREAS, the General Assembly failed to provide for the expenditure of public funds after July of Fiscal Year 2008 for HFS’ State Chronic Renal Disease Program;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly in a special session to commence on August 4, 2007, at 9:00 a.m., to consider a second temporary, one-month budget to provide spending authority to State departments, authorities, and public agencies through August 31, 2007, and to consider any legislation, new or pending, which will address funding for the Department of Healthcare and Family Services’ State Chronic Renal Disease Program.

Issued by the Governor August 03, 2007.

Filed by the Secretary of State August 03, 2007.

2007-261
SPECIAL SESSION ON AUGUST 5, 2007

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and

WHEREAS, the General Assembly has passed, and I have signed, a temporary, one-month budget providing spending authority to State departments, authorities, and public agencies through July 31, 2007; and

WHEREAS, the temporary, one-month budget providing spending authority to State departments, authorities, and public agencies expired on July 31, 2007; and

WHEREAS, in order to avoid a costly government shutdown potentially injurious to the health, safety, and welfare of Illinois, the General Assembly must pass, at a minimum, a second temporary, one-month budget to provide spending authority to State departments, authorities, and public agencies which will expire on August 31, 2007; and

WHEREAS, the Department of Healthcare and Family Services (HFS) provides Home Health Agency services to Illinois residents; and

WHEREAS, Home Health Agency services include nursing services, speech, physical, and occupational therapy services, and home
health services aimed at rehabilitation and attainment of short-term goals as outlined in a patient’s plan of care; and

WHEREAS, the General Assembly failed to provide for the expenditure of public funds after July of Fiscal Year 2008 for HFS’ Home Health Agency services;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly in a special session to commence on August 5, 2007, at 5:00 p.m., to consider a second temporary, one-month budget to provide spending authority to State departments, authorities, and public agencies through August 31, 2007, and to consider any legislation, new or pending, which will address funding for the Department of Healthcare and Family Services’ Home Health Agency services.

Issued by the Governor August 03, 2007.

Filed by the Secretary of State August 03, 2007.

2007-262

DISASTER AREA - STATE OF ILLINOIS

Severe storms moved through Winnebago County and the City of Rockford, Illinois on Tuesday, August 7, 2007. These storms resulted in flash flooding forcing many residents from their homes, causing damage to homes, businesses, and infrastructures.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and specifically, declare Winnebago County including the City of Rockford as a disaster area, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will facilitate the Illinois Emergency Management Agency in providing financial assistance from the disaster relief fund for extraordinary costs incurred by local units of government in responding to and recovery from the damage and debris. This proclamation will facilitate coordination of state assets in responding to local government requests for assistance in the areas most severely impacted by the disaster.

Issued by the Governor August 07, 2007.
2007-263
DISASTER AREA - STATE OF ILLINOIS

Severe storms moved through Stephenson County, Illinois on Tuesday, August 7, 2007. These storms resulted in flash flooding forcing many residents from their homes, causing damage to homes, businesses, and infrastructures.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists within the State of Illinois, and specifically, declare Stephenson County as a disaster area, pursuant to the provisions of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will facilitate the Illinois Emergency Management Agency in providing financial assistance from the disaster relief fund for extraordinary costs incurred by local units of government in responding to and recovery from the damage and debris. This proclamation will facilitate coordination of state assets in responding to local government requests for assistance in the areas most severely impacted by the disaster.

Issued by the Governor August 08, 2007.
Filed by the Secretary of State August 08, 2007.

2007-264
SPECIAL SESSION ON AUGUST 11, 2007

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and
WHEREAS, the General Assembly has passed, and I have signed, a temporary, one-month budget providing spending authority to State departments, authorities, and public agencies through July 31, 2007; and
WHEREAS, the temporary, one-month budget providing spending authority to State departments, authorities, and public agencies expired on July 31, 2007; and
WHEREAS, in order to avoid a costly government shutdown
potentially injurious to the health, safety, and welfare of Illinois, the General Assembly must pass a temporary, one-month budget which will expire on August 31, 2007, to provide spending authority to State departments, authorities, and public agencies; and

WHEREAS, the Department of Public Health’s Community Health Centers provide health care in underserved areas and help reduce health disparities by providing basic health care services in accessible locations; and

WHEREAS, the General Assembly failed to provide for the expenditure of public funds after July of Fiscal Year 2008 for the Department of Public Health’s Community Health Centers;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly, in duly constituted quorums capable of conducting business, in a special session to commence on August 11, 2007, at 9:00 a.m., to consider a second temporary, one-month budget to provide spending authority to State departments, authorities, and public agencies through August 31, 2007, and to consider any legislation, new or pending, which will address funding for the Department of Public Health’s Community Health Centers.

Issued by the Governor August 10, 2007.
Filed by the Secretary of State August 10, 2007.

2007-265
SPECIAL SESSION ON AUGUST 12, 2007

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and

WHEREAS, the General Assembly has passed, and I have signed, a temporary, one-month budget providing spending authority to State departments, authorities, and public agencies through July 31, 2007; and

WHEREAS, the temporary, one-month budget providing spending authority to State departments, authorities, and public agencies expired on July 31, 2007; and

WHEREAS, in order to avoid a costly government shutdown potentially injurious to the health, safety, and welfare of Illinois, the
General Assembly must pass a temporary, one-month budget which will expire on August 31, 2007, to provide spending authority to State departments, authorities, and public agencies; and

WHEREAS, the Local Health Protection Grant Program within the Department of Public Health provides funding to 95 local health departments for core public health programs concerning food, water, sewage, and infectious diseases; and

WHEREAS, the General Assembly failed to provide for the expenditure of public funds after July of Fiscal Year 2008 for the Local Health Protection Grant Program within the Department of Public Health;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly, in duly constituted quorums capable of conducting business, in a special session to commence on August 12, 2007, at 5:00 p.m., to consider a second temporary, one-month budget to provide spending authority to State departments, authorities, and public agencies through August 31, 2007, and to consider any legislation, new or pending, which will address funding for the Local Health Protection Grant Program within the Department of Public Health.

Issued by the Governor August 10, 2007.
Filed by the Secretary of State August 10, 2007.

2007-266
SPECIAL SESSION ON AUGUST 12, 2007

WHEREAS, the Regional Transportation Authority (RTA) is the financial oversight and regional planning body for the three public transit operators in northeastern Illinois: the Chicago Transit Authority (CTA), Metra commuter rail and Pace suburban bus; and

WHEREAS, the RTA is an important public asset that generates an annual economic impact of more than $12 billion to the State of Illinois; and

WHEREAS, two million riders per day use the CTA, Metra commuter rail or Pace suburban bus; and

WHEREAS, downstate public transportation provides access to health care, the work place, and educational activities for individuals in Illinois’ many downstate communities; and
WHEREAS, strengthening Illinois’ transit system will enhance residents’ quality of life by reducing pollution as well as traffic congestion; and
WHEREAS, revenues to support transit are not keeping up with increased maintenance, repair and transit costs potentially necessitating additional state funding; and
WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies;
THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly, in duly constituted quorums capable of conducting business, in a special session to commence on August 12, 2007, at 5:15 p.m., to consider funding for the Regional Transportation Authority, the Chicago Transit Authority, and downstate public transportation
Issued by the Governor August 11, 2007.
Filed by the Secretary of State August 11, 2007.

2007-267
SPECIAL SESSION ON AUGUST 13, 2007

WHEREAS, the Chicago Transit Authority (CTA) began operation in 1947 and became the sole operator of Chicago transit in 1952 when it purchased the Chicago Motor Coach System; and
WHEREAS, the CTA is the region’s largest transit operator, providing 154 bus routes and 8 rapid transit routes; and
WHEREAS, the CTA operates the nation’s second largest transportation system, serving 1.6 million riders each weekday; and
WHEREAS, the CTA expects its ridership levels to increase by a compound annual growth rate of 1.5 % from 2005 through 2009; and
WHEREAS, the CTA spent $403 million on capital programs in 2005, and the CTA is expected to spend more than $1.0 billion on capital projects in 2006 and 2007; and
WHEREAS, the CTA has significant outstanding capital needs and reports that reaching a State of Good repair will require $5.8 billion; and
WHEREAS, the President of the CTA has publicly stated that unless the CTA receives additional funding by September 16, 2007, the
CTA will be required to layoff employees and increase fares;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly in a special session to commence on August 13, 2007, at 2:15 p.m., to consider funding for the CTA.

Issued by the Governor August 12, 2007.
Filed by the Secretary of State August 12, 2007.

2007-268
DISASTER AREA - STATE OF ILLINOIS

As a result of continual heavy rains beginning on August 20, 2007 in northeastern Illinois and southern Wisconsin, river levels on the Des Plaines and Fox rivers are expected to be near or surpass record levels in several cities along these rivers in Cook, Lake, McHenry and Kane Counties. The floodwaters have already displaced many people from their homes and forced businesses and schools to close.

In the interest of aiding citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Cook, Lake, McHenry and Kane counties State Disaster Areas pursuant the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State’s efforts if it is deemed necessary to protect the public health and safety and to assist in recovery.

Issued by the Governor August 08, 2007.
Filed by the Secretary of State August 24, 2007.

2007-268 (REVISED)
DISASTER AREA - STATE OF ILLINOIS

As a result of continual heavy rains beginning on August 20, 2007 in northeastern Illinois and southern Wisconsin, river levels on the Des
Plaines and Fox rivers are expected to be near or surpass record levels in several cities along these rivers in Cook, Lake, McHenry and Kane Counties. The floodwaters have already displaced many people from their homes and forced businesses and schools to close.

In the interest of aiding citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Cook, Lake, McHenry and Kane counties State Disaster Areas pursuant the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State’s efforts if it is deemed necessary to protect the public health and safety and to assist in recovery.

Issued by the Governor August 24, 2007.

Filed by the Secretary of State August 24, 2007.

2007-269

Disaster Area - State of Illinois

Severe storms produced tornadoes and torrential rain on August 23, 2007, in DuPage County. The Village of Villa Park and the City of Wood Dale experienced tornado touch downs damaging homes and businesses. The torrential rain caused flooding and flash flooding throughout the City of West Chicago. The affected local governments quickly responded and continue to provide emergency measures including the removal of debris from downed trees and damaged buildings.

In the interest of aiding citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare DuPage County a State Disaster Area pursuant the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to
support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State’s efforts if it is deemed necessary to protect the public health and safety and to assist in recovery.

Issued by the Governor August 24, 2007.
Filed by the Secretary of State August 27, 2007.

2007-270
DISASTER AREA - STATE OF ILLINOIS

As a result of continual heavy rains beginning on August 20, 2007 in northeastern Illinois and southern Wisconsin, and severe storms on August 23, 2007, river levels on the Kishwaukee River have produced near record flooding in DeKalb County, Illinois. The floodwaters have already displaced many people from their homes and forced businesses and schools to close.

In the interest of aiding citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare DeKalb County a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State’s efforts if it is deemed necessary to protect the public health and safety and to assist in recovery.

Issued by the Governor August 26, 2007.
Filed by the Secretary of State August 27, 2007.

2007-271
DISASTER AREA - STATE OF ILLINOIS

Severe storms produced torrential rain on August 23, 2007, throughout Northern Illinois. Flash flooding occurred immediately in localized areas and eventually resulted in flooding along the major rivers
in Northern Illinois. Grundy County and LaSalle County were impacted by both local flash flooding and the flooding from the Fox and Illinois Rivers. The flood damaged homes and businesses in many low lying areas in the county. Local roads and bridges were under water. Power outages caused the evacuation of health care facilities. The local government emergency workers quickly responded and continue to provide emergency measures including the removal of flood damaged property.

In the interest of aiding citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Grundy County and LaSalle County as State Disaster Areas pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State’s efforts if it is deemed necessary to protect the public health and safety and to assist in recovery.

Issued by the Governor August 27, 2007.
Filed by the Secretary of State August 28, 2007.

2007-272
DISASTER AREA - STATE OF ILLINOIS

Severe storms with heavy rain and high straight-line winds moved through Knox County and Warren County on August 23, 2007, damaging homes and businesses. The high winds toppled power lines, downed trees and spread debris from the Village of Kirkwood to the City of Galesburg. Local emergency responders immediately went into action and continue to provide necessary emergency measures. Debris from the damaged buildings and downed trees continues to be removed to protect public health and safety.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Knox County and Warren County as State Disaster Areas pursuant to the
provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State’s efforts if it is deemed necessary to protect public health and safety and to assist in recovery.

Issued by the Governor August 29, 2007.
Filed by the Secretary of State August 29, 2007.

2007-273
DISASTER AREA - STATE OF ILLINOIS

Severe storms with heavy rain and high winds moved through Will County on August 23, 2007. The subsequent flash flooding resulted in flooded basements in thousands of homes. The high winds caused power outages. Local emergency responders immediately went into action and continue to provide necessary emergency measures.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Will County as a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State’s efforts if it is deemed necessary to protect public health and safety and to assist in recovery.

Issued by the Governor August 30, 2007.
Filed by the Secretary of State August 30, 2007.
WHEREAS, the Department of Healthcare and Family Services has been given the responsibility of providing child support services to all Illinois families; and

WHEREAS, Illinois recognizes that children need strong family support; and

WHEREAS, Illinois works to focus attention on the needs of children to have both parents’ involvement in their children’s lives; and

WHEREAS, under my administration, Illinois Child Support Enforcement was named the Most Improved Program in the nation for 2006 by the National Child Support Enforcement Association; and

WHEREAS, Illinois’ focus on improving outcomes for families has resulted in record-breaking collections of more than $1.22 billion dollars; and

WHEREAS, the Department of Healthcare and Family Services is working closely with the Departments of Human Services, Public Health, Children & Family Services, Employment Security, Corrections, Revenue, other state and county agencies as well as community groups to increase the number of children for whom paternity is established and whose families receive child support services; and

WHEREAS, Illinois is playing a lead role in helping strengthen Illinois families through innovation and sound practices in child support services:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2007 as CHILD SUPPORT AWARENESS MONTH in Illinois to promote the importance of child support and to affirm the continued commitment of my administration to helping our children receive the love and care that is vital to their success and the future welfare of Illinois.


Filed by the Secretary of State October 31, 2007.
HENNEPIN CANAL HERITAGE DAY

WHEREAS, in the mid-1800s, local and regional interests in west central Illinois looked for some sort of commercial means to connect the Illinois River with the upper Mississippi River system; and

WHEREAS, in 1890 the United States Engineering Department undertook, as a result of this need for passage, a massive public works project to construct a canal waterway of some 96 linear miles to connect said river systems; and

WHEREAS, “Marion” was the first boat successfully piloted across this man-made canal shortcut, which was completed in 1907 and saved 419 miles in extra travel; and

WHEREAS, until 1951, this canal provided a commercial waterway that allowed the transport of commodities such as grain, coal, iron and salt to other markets; and

WHEREAS, some of the construction techniques in the building of this canal were later applied in the building of the Panama Canal; and

WHEREAS, the State of Illinois took control of the waterway in 1970 to operate it as a water based recreational facility; and

WHEREAS, today, the Department of Natural Resources provides opportunities for a variety of outdoor interests, including fishing, boating, canoeing, hiking, bicycling, equestrian usage, snowmobiling and outdoor education; and

WHEREAS, because of its historical significance, the waterway is included on the National Register of Historic Places; and

WHEREAS, the people along the corridor in the communities of Rock Falls, Tampico, Bureau, Tiskilwa, Princeton, Wyanet, Sheffield, Mineral, Annawan, Atkinson, Geneseo, Colona and Milan, which belong to organizations such as Friends of the Hennepin Canal, Better Fishing Association of Northern Illinois, Rock Falls Chapter of the Rock River Development Authority and Geneseo Izaack Walton League, continue to support the operation of the facility and volunteer time and effort to enhance the resource:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim September 8, 2007 as HENNEPIN CANAL HERITAGE DAY in Illinois to commemorate the 100th anniversary of the opening of this waterway connecting two of Illinois’ major rivers in the west central part of this great state.

Issued by the Governor July 31, 2007.
Filed by the Secretary of State October 31, 2007.

2007-276
MOTHERS OF MULTIPLES WEEK

WHEREAS, according to the United States Census Bureau, expecting mothers have a 1 in 32 chance of delivering twins; and
WHEREAS, there are two kinds of twins: fraternal twins develop from two separate eggs that are fertilized at the same time, while identical twins develop from one fertilized egg that splits into two separate eggs; and
WHEREAS, twins and their mothers share a special bond, but often, twins can bring about unforeseen challenges and lifestyle adjustments; and
WHEREAS, for that reason, the Illinois Organization of Mothers of Twins Clubs was formed in 1962 to provide assistance and support to mothers of twins; and
WHEREAS, every third week of October, the Illinois Organization of Mothers of Twins Clubs hosts a convention that brings mothers of twins throughout the state together to share new information and engage in networking opportunities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 14 – 20, 2007 as MOTHERS OF MULTIPLES WEEK in Illinois to recognize mothers of twins for the care and love they, like all mothers, provide to our children, and in support of the Illinois Organization of Mothers of Twins Clubs for all of their valuable work in this state.

Issued by the Governor August 02, 2007.
Filed by the Secretary of State October 31, 2007.
2007-277
WOMEN'S BUSINESS DEVELOPMENT DAYS

WHEREAS, the Women's Business Development Center (WBDC) is a nationally-recognized nonprofit women's business assistance organization, devoted to providing services and programs that support and accelerate women's business ownership and strengthen the impact of women on the economy; and

WHEREAS, the Women's Business Development Center will hold its 21st Anniversary Entrepreneurial Woman's Conference on September 26 & 27, 2007 at Chicago's Navy Pier; and

WHEREAS, this Conference marks the commencement of the third decade of the WBDC's commitment to the demands of women entrepreneurs for greater opportunities in business ownership and development; and

WHEREAS, the WBDC has, in response, put forth creative and innovative approaches to empowering women and their families, striving to influence the larger political and economic environment in a way that encourages and supports women's economic empowerment; and

WHEREAS, the WBDC was founded in 1986 by S. Carol Dougal and Hedy M. Ratner and since then, more than 55,000 women business owners have used its programs and services: one-on-one counseling; workshops; entrepreneurial training; the Women's Business Finance Program; the Women's Business Enterprise Certification Program; Procurement and Technical Assistance Program and Child Care Business Initiative and Program; and Women's Venture Program; and

WHEREAS, there are now over 10.6 million women-owned businesses in the U.S., employing over 19.1 million workers, and over 350,000 of those businesses are in Illinois. Minority-owned businesses are growing faster than all firms, and 1 in 5 women-owned firms in the U.S. is owned by a woman of color. Women-owned businesses nationally generate over $2.46 trillion in sales:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 26 & 27, 2007 as WOMEN'S BUSINESS DEVELOPMENT DAYS in Illinois, in recognition of the Women's Business Development Center's 21st Anniversary Entrepreneurial Woman's Conference, and in celebration of two decades
of the WBDC's outstanding advocacy and service to women business owners.

Issued by the Governor August 02, 2007.
Filed by the Secretary of State October 31, 2007.

2007-278
NATIONAL HEALTH CENTER WEEK

WHEREAS, Health Centers are nonprofit, community-owned and operated health providers serving uninsured and medically underserved people in the State of Illinois; and

WHEREAS, Health Centers expand access to quality healthcare for all people and contain healthcare costs by fostering prevention and integrating the delivery of primary care with aggressive outreach, patient education, translation, and other enabling services; and

WHEREAS, Health Centers have made great strides in the Illinois healthcare system specifically by maintaining high standards of accountability, demonstrating cost effectiveness and efficiency in the delivery of care, and empowering communities to address unmet health needs, reduce disabilities, and communicable diseases; and

WHEREAS, there is a continuing need to support implementation of Health Centers throughout the State of Illinois as part of Illinois’ enduring commitment to the provision of quality primary healthcare; and

WHEREAS, Health Centers promote 100 percent access and an end to health disparities to achieve healthcare for all people:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 5 – 11, 2007 as NATIONAL HEALTH CENTER WEEK in Illinois, and encourage all citizens to recognize the important contributions of Health Centers in safeguarding health and improving the quality of life for all people in our great state.

Issued by the Governor August 03, 2007.
Filed by the Secretary of State October 31, 2007.

2007-279
CHICAGO LATINO NETWORK DAY

WHEREAS, the State of Illinois is blessed with a diverse and
vibrant Latino/Hispanic population that makes important contributions to our economy and schools, as well as our legal and political systems; and

WHEREAS, nearly 2 million men and women of Latino/Hispanic origin live in Illinois and contribute an estimated $500 billion a year into the United States economy; and

WHEREAS, since 1968, Latino/Hispanic Heritage Month has been celebrated throughout the nation in honor of the diversity of our Latino/Hispanic communities, as well as in recognition of the enormous impact they have made on American history and culture; and

WHEREAS, the Chicago Latino Network, which unites over 30,000 Latinos, will celebrate the remarkable achievements of today’s leading men and women who personify the progress of Latinos in America during its 2007 Awards Gala on September 22; and

WHEREAS, proceeds from the September 22 Gala this year will benefit Scholarship Chicago, a non-profit organization dedicated to serving the city’s most deserving and economically disadvantaged students by providing financial support, helping eliminate barriers to collegiate success and empowering youth to succeed through an attentive and nurturing support system:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 22, 2007 as CHICAGO LATINO NETWORK DAY in Illinois, and congratulate all those recognized during the Awards Gala for their remarkable achievements.

Issued by the Governor August 03, 2007.
Filed by the Secretary of State October 31, 2007.

2007-280
REMEMBERING GUADALCANAL AND THE 1ST MARINE DIVISION DAY

WHEREAS, August 7, 2007 will mark the 65th Anniversary of the United States Marine Corps 1st Division landing on the Island of Guadalcanal, the first United States offensive action in World War II; and

WHEREAS, the Marine Corps 1st Division has a long history of distinguished service to this country that began with World War II; and

WHEREAS, today, more than 14,000 veterans of the 1st Division are members of the 1st Marine Division Association, which provides
service men and women a means of reestablishing and preserving relationships with other 1st Division veterans; and

WHEREAS, the 1st Marine Division Association also maintains a unique Scholarship Fund that assists the education of dependents of deceased or permanently disabled 1st Division veterans; and

WHEREAS, on August 7, 2007, the Association will pay tribute to those Marines who took part in the action on Guadalcanal Island, as well as to deceased members and their families:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 7, 2007 as REMEMBERING GUADALCANAL AND THE 1ST MARINE DIVISION DAY in Illinois in honor of all those who served in the United State Marine Corps 1st Division.

Issued by the Governor August 03, 2007.
Filed by the Secretary of State October 31, 2007.

2007-281
"WHAT WILL IT TAKE?" DAY

WHEREAS, the Centers for Disease Control and Prevention have called violence against women and girls a serious epidemic; and

WHEREAS, violence affects women regardless of age, income, race, ethnicity, religious belief, physical ability, sexual orientation or gender identity, and as many as 1 in 3 women will be victims of violence at some point during their lifetime; and

WHEREAS, violence occurs in many forms, including domestic violence, stalking, bullying, rape and sexual assault, child abuse, elder abuse and human trafficking; and

WHEREAS, together, we can combat the problem of violence by raising awareness and engaging the public about what can be done to prevent it; and

WHEREAS, this past year, the Chicago Foundation for Women has been doing just that by asking people all around the state “What will it take to make Illinois the safest state for all women and girls?”; and

WHEREAS, on September 11, 2007, the Chicago Foundation for Women will host their 22nd Annual Luncheon & Symposium:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim September 11, 2007 as “WHAT WILL IT TAKE?” DAY in Illinois, and encourage everyone to learn more about the problem of violence against women and girls and what they can do to prevent it.

Issued by the Governor August 10, 2007.
Filed by the Secretary of State October 31, 2007.

2007-282
YVONNE PORTER DAY

WHEREAS, Ms. Yvonne Porter is closing the book on a stellar 33 year career in Chicago Public Schools; and
WHEREAS, for the past 25 years, Ms. Porter taught at Carter Elementary School. Prior to that, Ms. Porter taught at Emmett Elementary; and
WHEREAS, during her long and distinguished teaching career, Ms. Porter received many awards for her leadership and service, including one from the Chicago Area Alliance of Black School Educators in 2004; and
WHEREAS, teaching has always been a difficult but rewarding profession. While Ms. Porter has made her own share of personal sacrifices, she has also touched the lives of countless children, many of whom are changing the world we live in for the better thanks to her; and
WHEREAS, on Saturday, August 11, 2007, Ms. Porter will be recognized for her many years of devotion and commitment to teaching. She is certainly a wonderful model of civic virtue and moral character:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 11, 2007 as YVONNE PORTER DAY in Illinois in recognition of Ms. Porter for her long and distinguished career in teaching.

Issued by the Governor August 10, 2007.
Filed by the Secretary of State October 31, 2007.

2007-283
URUGUAYAN INDEPENDENCE DAY

WHEREAS, it is my distinct pleasure to join the Honorable Boris
E. Svetogorsky, Consul General of Uruguay in Chicago, distinguished members of the Uruguayan American community, and their friends in celebrating Uruguay’s 182nd Anniversary of Independence; and

WHEREAS, Uruguay, officially known as the Oriental Republic of Uruguay or the Eastern Republic of (the) Uruguay (River), is a nation located in the southeastern part of South America; and

WHEREAS, home to 3.3 million people, Uruguay is the second smallest independent country in South America, larger only than Suriname and French Guiana; and

WHEREAS, after numerous revolts, Uruguay declared Independence from Brazil on August 25, 1825. Portugal had annexed control of Uruguay to Brazil only four years earlier, in 1821; and

WHEREAS, in 1830, Uruguay adopted their first constitution. One of the distinct features of the constitution they use today is a mechanism that allows citizens to challenge laws approved by their parliament and propose changes to the constitution; and

WHEREAS, during the last 15 years, the constitutional mechanism has been used several times: to confirm an amnesty to members of the military who violated human rights during a military regime from 1973 to 1985, to stop privatization of public utilities companies, to defend pensioners income, and to protect water resources; and

WHEREAS, here in Illinois, the Uruguayan American community is flourishing, and I am proud of the many significant contributions that they have made to the state:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 25, 2007 as URUGUAYAN INDEPENDENCE DAY in Illinois in recognition of Uruguay’s 182nd Anniversary of Independence, and in tribute to all the Uruguayan Americans who call Illinois their home.

Issued by the Governor August 14, 2007.

Filed by the Secretary of State October 31, 2007.

2007-284

UKRAINIAN INDEPENDENCE DAY

WHEREAS, on August 24, 1991, the Parliament of Ukraine formally declared its independence from the Soviet Union; and
WHEREAS, in the aftermath, the economy and quality of life in Ukraine suffered; and

WHEREAS, although they were independent, Ukrainians were not free. During his two five-year terms, President Leonid Kuchma created an authoritarian administrative machine; and

WHEREAS, in response, the Ukrainian people showed their unity and desire to live in a democratic society by organizing a non-violent uprising throughout Ukraine, known as the Orange Revolution, that resulted in the free and fair election of Viktor Yushchenko as Ukraine’s new president in December 2004; and

WHEREAS, today, Ukraine is gradually progressing toward its goal of joining the World Trade Organization, a valuable short-term goal for Ukraine’s pro-Western government that will help position Ukraine into the global market economy, as well as spur much needed foreign investment and the improvement of living standards for its 48 million citizens; and

WHEREAS, Ukraine has also proven its commitment to international peace and security by declaring its goal of NATO membership, acting as a reliable and long-term ally in the war against terrorism in Afghanistan and Iraq, and cooperating in international programs aimed at improved security throughout the world; and

WHEREAS, Americans have a vital interest in the success of democracy and freedom in Ukraine, and Ukrainians around the world, including those in the United States and the State of Illinois, anxiously await their progress:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 24, 2007 as UKRAINIAN INDEPENDENCE DAY in Illinois in recognition of Ukrainian Independence, and in support of their worthy efforts to establish a stable and prospering republic.

Issued by the Governor August 14, 2007.
Filed by the Secretary of State October 31, 2007.

2007-285
CULTURAL MONTH OF JALISCO

WHEREAS, the Jaliciences represent one of the largest groups of
Mexicans living in the United States; and

WHEREAS, of the 400,000 Jaliciences living in the Midwest, 200,000 Jaliciences have chosen the State of Illinois as their newly adopted home; and

WHEREAS, the Federación de Jaliciences en Illinois is a not-for-profit organization that promotes the wellbeing and advancement of the Jaliciences in the Midwest, as well as Mexico, through educational, cultural, civic and social projects; and

WHEREAS, the Federación de Jaliciences en Illinois has especially distinguished itself for welcoming, cultivating and encouraging leadership by youth and woman; and

WHEREAS, this year, the Honorable Emilio González Márquez, Governor of the Mexican State of Jalisco, will visit Chicago September 2-4, 2007 for an annual commemoration that brings together Jaliciences from all over the region to celebrate the rich culture of Jalisco:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2007 as CULTURAL MONTH OF JALISCO in Illinois to recognize the Jalisco culture and in support of the Federación de Jaliciences en Illinois.

Issued by the Governor August 16, 2007.
Filed by the Secretary of State October 31, 2007.

2007-286
GREEN TRANSPORTATION TECHNOLOGY DAY

WHEREAS, one of the most important steps our nation is taking toward achieving an environmentally sustainable energy future is the development of green automotive technologies; and

WHEREAS, the U.S. Department of Energy’s Argonne National Laboratory, which is based out of Argonne, Illinois, is helping lead the way in the development of green automotive technologies by working with automakers, including BMW, to pioneer environmentally friendly vehicles that will redefine the way Americans drive; and

WHEREAS, between August 20 and September 6, 2007, Argonne National Laboratory will host a fleet of brand-new BMW cars powered by hydrogen for a demonstration of their innovative technology; and

WHEREAS, because hydrogen can be made from domestic fossil
and renewable energy resources, hydrogen powered vehicles can greatly improve America’s energy security by reducing the need for oil, as well as help clean our air and reduce greenhouse gas emissions:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 28, 2007 as GREEN TRANSPORTATION TECHNOLOGY DAY in Illinois to promote the production and purchase of environmentally friendly vehicles as BMW demonstrates their latest innovation in green automotive technology at Argonne National Laboratory.

Issued by the Governor August 16, 2007.
Filed by the Secretary of State October 31, 2007.

2007-287
INDONESIAN INDEPENDENCE DAY

WHEREAS, it is my distinct pleasure to join the Indonesian American community in celebrating Indonesia’s 62nd Anniversary of Independence; and

WHEREAS, Indonesian Independence marks the anniversary of perhaps the most significant event in the history of the nation of Indonesia; and

WHEREAS, following three and a half centuries of colonialism Indonesia proclaimed Independence after World War II; and

WHEREAS, now, over half a century later, Indonesians all across the globe gather to commemorate the birth of their freedom; and

WHEREAS, here in Illinois, the Indonesian American community is flourishing, and I am proud of the many significant contributions that they have made to the state:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 17, 2007 as INDONESIAN INDEPENDENCE DAY in Illinois in recognition of Indonesia’s 62nd Anniversary of Independence, and in tribute to all the Indonesian Americans who call Illinois their home.

Issued by the Governor August 16, 2007.
Filed by the Secretary of State October 31, 2007.
2007-288
PAKISTAN INDEPENDENCE DAY

WHEREAS, it is my distinct pleasure to join the Pakistani American community in celebrating Pakistan’s 60th Anniversary of Independence; and
WHEREAS, Pakistani Independence marks the anniversary of perhaps the most significant event in the history of the nation of Pakistan; and
WHEREAS, Pakistan gained Independence from the British Indian Empire on August 14, 1947; and
WHEREAS, now, over half a century later, Pakistanis all across the globe gather to commemorate the birth of their freedom; and
WHEREAS, here in Illinois, the Pakistani American community is flourishing, and I am proud of the many significant contributions that they have made to the state:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 26, 2007 as PAKISTAN INDEPENDENCE DAY in Illinois in recognition of Pakistan’s 60th Anniversary of Independence, and in tribute to all the Pakistani Americans who call Illinois their home.

Issued by the Governor August 17, 2007.
Filed by the Secretary of State October 31, 2007.

2007-289
LYMPHOMA RESEARCH FOUNDATION DAY AND LYMPHOMATHON DAY

WHEREAS, lymphoma is a type of cancer that results when abnormal lymphocyte cells are created. These cells can grow in many parts of the body, including the lymph nodes, bone marrow, or spleen. There are more than 30 subtypes of cancer of the lymphatic system: 5 types of Hodgkin’s disease and over 25 types of non-Hodgkin’s lymphoma; and
WHEREAS, symptoms of lymphoma come in several forms, but are hard to detect because they are generally the same as those of the common cold. A very persistent cold or respiratory infection may be a
sign of lymphoma; and

WHEREAS, of the nearly 500,000 Americans that have lymphoma, 332,000 have Non-Hodgkin’s lymphoma. Over 71,000 new cases are diagnosed and 19,700 Americans die from the disease each year. Treatment for the disease includes – chemotherapy, radiation therapy, and biologic therapy. These treatments, or combinations of thereof, can put the cancer in remission for years; and

WHEREAS, approximately 143,000 people with lymphoma have Hodgkin’s disease. This form of lymphoma has a much higher survival rate – 85 percent over five years. Those treated often receive some form of chemotherapy or radiation therapy or a combination of the two; and

WHEREAS, the Lymphoma Research Foundation (LRF) was created to eradicate Lymphoma and serve those touched by the disease. The Foundation is the nation’s largest lymphoma-focused organization dedicated to funding lymphoma research. To date, LRF has funded nearly $35 million for cancer research; and

WHEREAS, Chicago formed the first LRF chapter, and hosted the first ever LYMPHOMAthon. This year the Chicago LRF chapter will be hosting its 5th Annual Chicago LYMPHOMAthon, a 5K walk and run to help raise money for the cause. This event will begin at Montrose Harbor on Lake Michigan:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 26, 2007 as LYMPHOMA RESEARCH FOUNDATION DAY and LYMPHOMATHON DAY in Illinois, and encourage all citizens to join in supporting the search for a cure to this life-threatening disease.

Issued by the Governor August 20, 2007.

Filed by the Secretary of State October 31, 2007.

2007-290

STEVENS JOHNSON SYNDROME AWARENESS MONTH

WHEREAS, Stevens Johnson Syndrome (SJS) and Toxic Epidermal Necrolysis Syndrome, another form of SJS, are severe adverse drug reactions to medications; and

WHEREAS, adverse drug reactions (ADR’s) account for approximately 150,000 deaths per year in the United States alone, making
drug reactions the fourth leading cause of death in the U.S.; and

WHEREAS, SJS is one of the most debilitating ADR’s. Besides death, it can cause severe skin and oral lesions, permanent blindness, lung damage and other life-long complications; and

WHEREAS, almost any medication, including over-the-counter drugs, can cause SJS, and although it afflicts people of all ages, a large number of its victims are children; and

WHEREAS, recognition of the early symptoms of SJS and prompt medical attention are the best ways to minimize the possible long-term effects SJS may cause. Symptoms include: rash or red splotches on skin, persistent fever, facial blisters and flu-like symptoms; and

WHEREAS, affected persons must stop taking the offending drug immediately and contact a physician:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2007 as STEVENS JOHNSON SYNDROME AWARENESS MONTH in Illinois, and encourage all citizens to educate themselves on the symptoms and treatment of this devastating disease.

Issued by the Governor August 21, 2007.
Filed by the Secretary of State October 31, 2007.

2007-291
DIAN M. POWELL DAY

WHEREAS, after nearly 40 years of service, Dian M. Powell is retiring from Metropolitan Family Services; and

WHEREAS, founded in 1857 as the Chicago Relief and Aid Society, the mission of Metropolitan Family Services is to provide and mobilize services needed to strengthen families and communities; and

WHEREAS, Ms. Powell joined Metropolitan Family Services in 1968 as a secretary and went on to serve in various capacities until her selection as executive director of the Calumet Center in 1993; and

WHEREAS, since that time, Ms. Powell has managed two facilities, an annual program budget of approximately $6.5 million, and a 104-member staff; and

WHEREAS, during her tenure as executive director, Ms. Powell also oversaw construction of a $2.5 million facility that was built to
provide better service to the more than 7,500 members of the community they help annually; and

WHEREAS, on August 23, 2007, Ms. Powell will be recognized for her long and distinguished career with Metropolitan Family Services:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 23, 2007 as DIAN M. POWELL DAY in Illinois in recognition of Ms. Powell, and to thank her for her kindness and compassion, which have benefited countless children, women and families.

Issued by the Governor August 21, 2007.
Filed by the Secretary of State October 31, 2007.

2007-292
OVARIAN CANCER AWARENESS MONTH

WHEREAS, approximately 1 in every 69 women will be diagnosed with ovarian cancer in their lifetime. More than 20,000 will be diagnosed this year alone, including 627 from Illinois; and

WHEREAS, an estimated 15,000 women, including more than 650 from Illinois, will die of ovarian cancer this year, making ovarian cancer the deadliest gynecological cancer; and

WHEREAS, the cause of ovarian cancer is unknown, and there may be no symptoms or only mild ones in the early stages of the disease. Later symptoms include loss of appetite, feeling of fullness after a light meal, abdominal discomfort, nausea, and other digestive problems, excessive weight loss or gain, and abnormal bleeding in the vaginal area; and

WHEREAS, the risk of developing ovarian cancer may be reduced by cutting the amount of fat in a diet, breast feeding, using birth control pills and other methods of minimizing the number of ovulations, and surgical procedures, such as a hysterectomy, ovary removal, and tubal ligation; and

WHEREAS, raising awareness of the precautions, symptoms, and scope of ovarian cancer can save lives by increasing the chances of early detection and treatment:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2007 as OVARIAN CANCER
AWARENESS MONTH in Illinois, and encourage citizens of the State to take preventative and proactive measures to ensure the health and safety of themselves and their families.

Issued by the Governor August 27, 2007.
Filed by the Secretary of State October 31, 2007.

2007-293
FETAL ALCOHOL SYNDROME DISORDERS AWARENESS DAY

WHEREAS, Fetal Alcohol Syndrome (FAS) is one of the most preventable causes of mental retardation and birth defects. Sadly, as many as 40,000 infants are still born every year in the United States with fetal alcohol effects; and

WHEREAS, Fetal Alcohol Syndrome Disorders are the leading cause of mental retardation in western civilization, including the United States, and are 100 percent preventable; and

WHEREAS, FAS is a lifelong, mentally and physically disabling condition caused by mothers who drink during pregnancy; and

WHEREAS, research has found that even minimal drinking during pregnancy can kill developing brain cells and result in brain damage, facial deformities, and growth abnormalities. Heart, kidney, and liver defects are also common; and

WHEREAS, those with FAS typically have difficulties communicating, learning, and memorizing. Consequently, they have trouble in school and are often deficient in interpersonal skills; and

WHEREAS, unfortunately, there is no cure for FAS. However, with early detection and diagnosis, children with FAS can receive services that increase their chance for a better life; and

WHEREAS, since 1999, September 9 has been observed as International FAS Day to encourage expecting mothers to abstain from alcohol during their nine months of pregnancy:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 9, 2007 as FETAL ALCOHOL SYNDROME DISORDERS AWARENESS DAY in Illinois to raise awareness about Fetal Alcohol Syndrome, and to urge all expecting mothers to take extra precautions while pregnant for the health and well-being of their children.
WHEREAS, the United Nations was founded in 1945, and the anniversary of its founding is observed each year on October 24; and
WHEREAS, one of the principal mandates of the United Nations – “To achieve international cooperation in solving problems of an economic, social, cultural, or humanitarian character” – remains as valid today as when those words were written into the Charter more than a half century ago; and
WHEREAS, in September of 2000, 189 countries, including the United States, agreed on the Millennium Development Goals; and
WHEREAS, each year, the United Nations Association of the USA (UNA-USA) dedicates United Nations Day commemorations to one of the UN Millennium Development Goals; and
WHEREAS, this year’s topic, “Combating HIV/AIDS, Malaria and other Diseases” is an issue that has deep implications on social economic, and security conditions in countries and regions all over the world; and
WHEREAS, despite encouraging progress in global efforts to prevent and treat HIV/AIDS in recent years, the number of people infected with the virus, and the number of deaths caused by it, continues to grow. Last year, a total of 2.9 million people died as a result of AIDS; and
WHEREAS, the United Nations is partnering with member governments and volunteer organizations to help address the global crisis of HIV/AIDS and other infectious diseases; and
WHEREAS, as part of this joint endeavor, UNA-USA’s HERO campaign provides comprehensive, school-based support to orphans and vulnerable children living in HIV/AIDS-affected communities in Africa; and
WHEREAS, the United States Government and American civil society groups are also playing a lead role in this global effort, and this United Nations Day will provide an excellent opportunity to highlight this important aspect of our nation’s international leadership:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 24, 2007 as UNITED NATIONS DAY in Illinois, and encourage all citizens to join in all activities related to this day.

Issued by the Governor August 29, 2007.
Filed by the Secretary of State October 31, 2007.

2007-295
CANAVAN DISEASE AWARENESS MONTH

WHEREAS, Canavan Research Illinois is an Illinois nonprofit corporation established in April 2000 to meet a critical need to support medical research to treat, cure, and improve the quality of lives of all children battling Canavan disease, a rare fatal genetic neurological disorder; and

WHEREAS, the majority of the victims of Canavan disease do not reach their 15th birthday. These innocent children face the loss of all motor functions, blindness, paralysis, feeding tubes, and eventual disintegration of the brain, at which point they fall into a vegetative state from which they cannot recover; and

WHEREAS, Canavan Research Illinois is an all volunteer charity dedicated to raise funds to support cutting-edge research, increase public awareness, and provide a network for Canavan families; and

WHEREAS, on October 13, 2007, Canavan Research Illinois will hold the 9th Annual Canavan Charity Ball. This year’s Ball is being held in honor of Max Randell’s 10th birthday, a momentous milestone for this young man living with Canavan disease:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2007 as CANAVAN DISEASE AWARENESS MONTH in Illinois, and encourage all citizens to observe this month with appropriate programs, ceremonies, and activities to raise awareness of Canavan disease and to improve the quality of life of those who are battling this disease.

Issued by the Governor August 29, 2007.
Filed by the Secretary of State October 31, 2007.
WHEREAS, more than 140 million Americans, including approximately 12.5 million Illinoisans, contribute millions of dollars to federal and state treasuries through payroll taxes each year; and

WHEREAS, payroll taxes help subsidize vital civic programs and projects, such as education, Medicare, parks, roads, and Social Security; and

WHEREAS, by paying and reporting worker wages and collecting and paying employment taxes, which account for 66 percent of United States Treasury revenue from workers, payroll professionals perform an essential role in supporting the country; and

WHEREAS, payroll professionals also play a key role in maintaining our state’s economic health, carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting, and depositing; and

WHEREAS, the American Payroll Association, and its Diamond Sponsor, Automatic Data Processing, conducts a nationwide public awareness campaign that explains the payroll withholding system, promotes the benefits of payroll, and pays tribute to American workers and payroll professionals; and

WHEREAS, these dedicated professionals meet regularly with federal and state officials to discuss both improving compliance with government procedures and how compliance can be achieved at less cost to both government and businesses:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 3 – 7, 2007 as NATIONAL PAYROLL WEEK in Illinois in recognition of all the hardworking Americans in this state, and in support of the worthy efforts of the American Payroll Association.

Issued by the Governor August 29, 2007.

Filed by the Secretary of State October 31, 2007.
2007-297
NATIONAL ELEVATOR ESCALATOR SAFETY AWARENESS WEEK

WHEREAS, the week of November 11 – 17, 2007 has been declared National Elevator Escalator Safety Awareness Week; and
WHEREAS, the purpose of this week is to increase public awareness of the safe and proper use of elevators, escalators, and moving walkways; and
WHEREAS, the goal of this week is to reduce avoidable accidents through education and awareness; and
WHEREAS, the elevator industry greatly contributes to the quality of life:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 11 – 17, 2007 as NATIONAL ELEVATOR ESCALATOR SAFETY AWARENESS WEEK in Illinois.

Issued by the Governor August 29, 2007.
Filed by the Secretary of State October 31, 2007.

2007-298
SPECIAL KIDS DAY

WHEREAS, established in 1990, Special Kids Day is a not-for-profit organization located in Elmhurst, Illinois. It is an all-volunteer and totally free holiday event for children who are developmentally delayed or physically challenged; and
WHEREAS, Special Kids Day builds on the United Nations resolution #47/3, which also sets aside December 3 as a day to promote integrating the disabled into society; and
WHEREAS, designed to be a family celebration, this event honors all special needs children and their families to have an opportunity to experience the joys and laughter of the holiday season in a friendly, obstacle free space; and
WHEREAS, during the event, children are able to visit with Santa Claus and have a photo taken, enjoy holiday treats and receive a free goodie bag; and
WHEREAS, this all-volunteer, free event is a result of a combined
community effort among local businesses, the Department of Education at Elmhurst College and many dedicated individuals; and

WHEREAS, every year, Special Kids Day is held on the first Wednesday of December. This year, the event will be on December 5th:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 5, 2007 as SPECIAL KIDS DAY in Illinois, and encourage all citizens to recognize this wonderful event and invest time into one of our most precious resources, our children.

Issued by the Governor August 29, 2007.

Filed by the Secretary of State October 31, 2007.

2007-299

PEACE DAYS

WHEREAS, Peace Day has been celebrated annually in Chicago, Illinois since September 7, 1978 through the observance of One Minute of Silence for World Peace; and

WHEREAS, in 1981, the United Nations proposed a resolution declaring one day every year as an International Day of Peace. This Day is observed as one of global cease-fire and non-violence from every country across the globe; and

WHEREAS, the day is used as a means of spreading the message of world peace and its vital importance to the future of the human race; and

WHEREAS, the goal of Peace Day is to contribute to the peace-making process through positive peace-building activities, and to allow all individuals to harness their abilities and actively participate in creating a more peaceful world; and

WHEREAS, the Peace School, an Illinois not-for-profit organization, has sponsored Peace Day since its inception and has been awarded the United Nations Peace Messenger designation for its significant contributions to peace; and

WHEREAS, in 2001, a resolution was passed by the United Nations declaring September 21 of every year as International Day of Peace as a way of rededicating the United Nations to its goals of strengthening the ideals of peace and alleviating the tensions and causes of conflict; and
WHEREAS, these events encourage all individuals to take a minute for peace every day as a positive step toward making every day Peace Day:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 7 - 21, 2007 as PEACE DAYS in Illinois, and encourage all citizens to share in One Minute of Silence for World Peace during this period as part of a sincere effort to build a more peaceful state, a more peaceful county, and a more peaceful world.

Issued by the Governor August 29, 2007.
Filed by the Secretary of State October 31, 2007.

2007-300
HOOKED ON PHONICS DAY

WHEREAS, for the past 20 years, Hooked on Phonics has been one of the nation’s best-known and most trusted names in teaching kids to read, delivering early learning reading programs to more than two million families and thousands of schools; and

WHEREAS, to celebrate their 20th Anniversary, Hooked on Phonics has launched HOP Across America, a 10-city mobile bus tour to get kids excited about reading and educate parents on the importance of reading skill development; and

WHEREAS, as part of the HOP Across America celebration, Hooked on Phonics is donating $1 million of award-winning interactive educational tools to literacy leaders, including libraries, schools, recreation centers and nonprofit organizations; and

WHEREAS, literacy leaders have made significant contributions in the field of childhood education and are each receiving 1,500 Hooked on Phonics learning kits that will help tens of thousands of children develop necessary reading skills; and

WHEREAS, on Thursday, August 30, 2007, the bus tour will roll into Chicago, where Hooked on Phonics will recognize a local literacy leader at Crispus Attucks Elementary School. They will also announce a $100,000 donation to Chicago schools, after-school programs and literacy organizations:

THEREFORE, I, Rod R. Blagojevich, do hereby proclaim August 30, 2007 as HOOKED ON PHONICS DAY in Illinois in recognition of
their 20th Anniversary and all their wonderful contributions that have helped millions of families and thousands of schools around the country.
Issued by the Governor August 29, 2007.
Filed by the Secretary of State October 31, 2007.

2007-301
CAMPUS FIRE SAFETY MONTH

WHEREAS, fire education and prevention is vital to ensuring the safety of Americans and Illinoisans; and
WHEREAS, college students living on their own for the first time are particularly susceptible to the danger posed by fires; and
WHEREAS, since January of 2000, at least 109 children, students, and parents throughout the country have died in student housing fires, and almost 80 percent of those deaths occurred in off-campus occupancies where the majority of students live unsupervised; and
WHEREAS, most fires can be avoided by practicing some simple commonsense behaviors and routines, such as: checking and turning off the oven and stove before going to sleep or leaving home, not overloading electrical circuits, safely stowing all dangerous and hazardous materials, keeping any electrical devices clear of water, checking and maintaining alarm and sprinkler systems, and noting the location of fire extinguishers to use in the event of an emergency; and
WHEREAS, education significantly helps minimize the risk of fire by raising awareness of those behaviors and routines, but many students do not receive effective fire safety education during their college career when they are generally most at risk:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2007 as CAMPUS FIRE SAFETY MONTH in Illinois to encourage educators to provide educational programs on the dangers and prevention of fire as students begin and return to college.
Issued by the Governor August 30, 2007.
Filed by the Secretary of State October 31, 2007.
WHEREAS, life insurance provides families and loved ones of deceased individuals with monetary compensation to help them emotionally and financially deal with their losses; and
WHEREAS, surveys consistently indicate that the vast majority of Americans believe that life insurance is an essential part of a sound financial plan; and
WHEREAS, the unfortunate reality today is that 44 percent of US households say they lack adequate life insurance protection; and
WHEREAS, when someone who provides for other family members dies prematurely, insufficient life insurance coverage often results in financial hardship for surviving family members, forcing them to take such measures as work additional jobs or longer hours, borrow money from family and friends, scale back educational plans for children, spend down money from savings and investment accounts, and move to less expensive housing; and
WHEREAS, determining how much and what kind of insurance to buy is one of the most important financial decisions consumers will ever make; individuals, families, and businesses can benefit greatly from the expert advice of a qualified life insurance professional; and
WHEREAS, the Life and Health Insurance Foundation for Education (LIFE), the National Association of Insurance and Financial Advisors (NAIFA), and a coalition representing hundreds of leading life insurance companies and organizations have designated September 2007 as “Life Insurance Awareness Month,” whose goal is to make consumers more aware of their life insurance needs, seek professional advice, and take the actions necessary to achieve the financial security of their loved ones:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2007 as LIFE INSURANCE AWARENESS MONTH in Illinois, and encourage citizens to learn about life insurance and its benefits.

Issued by the Governor August 30, 2007.
Filed by the Secretary of State October 31, 2007.
2007-303
PAIN AWARENESS MONTH

WHEREAS, today, 50 to 75 million Americans and Illinoisans live with chronic pain caused by a variety of diseases and disorders, and nearly 25 million suffer from acute pain every year; and

WHEREAS, medical technology can help relieve and reduce most pain, yet many who suffer from pain are improperly treated, undertreated, or not treated at all; and

WHEREAS, the Northern Illinois Pain Resource Nurse Consortium, American Pain Foundation, and American Alliance of Cancer Pain Initiatives have teamed up to prepare a “Power Over Pain” campaign for the month of September to raise awareness about pain, and to encourage those living with pain to become their own best advocates; and

WHEREAS, as part of the “Power Over Pain” campaign, community events throughout Northern Illinois will educate medical professionals and the public about the undertreatment of pain, inadequate access to pain care, and barriers to pain management:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2007 PAIN AWARENESS MONTH in Illinois in support of the “Power Over Pain” campaign and efforts to improve and promote the management and treatment of pain.

Issued by the Governor August 30, 2007.
Filed by the Secretary of State October 31, 2007.

2007-304
DYSLEXIA AWARENESS MONTH

WHEREAS, millions of Americans throughout the country, including the State of Illinois, have dyslexia, which is a language-based neurological disorder that affects their ability to read, write, and spell proficiently; and

WHEREAS, dyslexia occurs among all groups regardless of age, ethnicity, race, socio-economic background, and sex. Furthermore, the disorder is not related to one’s level of intelligence or desire to learn; and

WHEREAS, although the degree of dyslexia varies from person to person, both children and adults can overcome the disorder with proper
diagnosis and treatment. Today, many dedicated professionals work in homes and schools to help those with dyslexia; and

WHEREAS, the International Dyslexia Association is also dedicated to helping those with dyslexia. They and their state branches, including the Illinois Branch, promote literacy through research, education, and advocacy; and

WHEREAS, last year, state branches of the International Dyslexia Association offered more than 50 free and successful events about dyslexia to educators, parents, and the public during Dyslexia Awareness Month, which they plan to repeat again this October:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2007 as DYSLEXIA AWARENESS MONTH in support of the campaign by the International Dyslexia Association and their state branches to raise awareness about this disorder and to help those afflicted with it.

Issued by the Governor August 30, 2007.
Filed by the Secretary of State October 31, 2007.

2007-305
FRUIT AND VEGGIES - MORE MATTERS MONTH

WHEREAS, it is known that people who eat generous amounts of fruits and vegetables as part of a healthy diet are likely to have reduced risk of chronic diseases, including stroke, type 2 diabetes, some types of cancer and heart disease and high blood pressure; and

WHEREAS, eating a colorful variety of fruits and veggies (red, dark green, yellow, blue, purple, white and orange) will provide a wide range of valuable nutrients like fiber, vitamins and minerals. Fruits and veggies are great sources of many vitamins, minerals and other natural substances that may help protect you from chronic diseases; and

WHEREAS, the Illinois Department of Human Services and the Illinois Department of Public Health recognize that only 24 percent of Illinoisans eat five or more fruits and vegetables a day, and that only 47.1 percent of Illinoisans get the recommended 30 minutes of physical activity a day; and

WHEREAS, the Center for Disease Control and Prevention, in partnership with Produce for Better Health, has released the Fruits and
Veggies—More Matters initiative as a national call-to-action; and

WHEREAS, the Illinois Department of Human Services and the Illinois Department of Public Health pledge their commitment to increase the amount of fruits & veggies Illinoisans currently eat in order to meet the new dietary guidelines. The theme of this observance is "Explore the World of Fruits and Vegetables":

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2007 as FRUIT AND VEGGIES—MORE MATTERS MONTH in Illinois.

Issued by the Governor August 30, 2007.
Filed by the Secretary of State October 31, 2007.

2007-306
CHIROPRACTIC HEALTH CARE MONTH

WHEREAS, every year, more than 30 million Americans throughout the country, including 2 million in Illinois, visit chiropractors, who locate and help correct joint and spinal problems; and

WHEREAS, the U.S. Bureau of Labor Statistics reports that work-related illnesses and musculoskeletal injuries surpassed 4.2 million incidents in 2004, accounting for 32 percent of all injuries requiring employees to take days off from work at an estimated cost of more than $150 billion a year in worker’s compensation costs; and

WHEREAS, chiropractic physicians have long stressed that exercise, good posture, and balanced nutrition are essential to proper growth, development, and health maintenance; and

WHEREAS, Illinois chiropractic physicians are dedicated to protecting and promoting patient rights, the practice of chiropractic medicine, and fostering the growth of chiropractic through ongoing training and a commitment to safe and ethical practice; and

WHEREAS, this October, chiropractic organizations will sponsor events for chiropractors to meet and learn about the best techniques and practices in the profession today:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2007 as CHIROPRACTIC HEALTHCARE MONTH in Illinois to raise awareness about chiropractic care, and to promote chiropractors as an important part of the health and
well-being of citizens.
Issued by the Governor August 30, 2007.
Filed by the Secretary of State October 31, 2007.

2007-307
TEE IT UP FOR THE TROOPS DAY

WHEREAS, Tee it up for the Troops is a non-profit organization established at the request of a young soldier in Iraq who was looking for a way to help his fellow soldiers with their spouses and children back home; and
WHEREAS, in their quest to honor our armed forces and their families, Tee it up for the Troops began Tee It Up For The Troops Day as a national day of golf recognizing the courage and sacrifice of our servicemen and women; and
WHEREAS, Tee It Up For The Troops Day will be recognized at several golf courses across the country, raising funds that will benefit Fisher House, Wounded Warrior Project and other support organizations; and
WHEREAS, this year’s Tee It Up For The Troops Day will be held on September 7:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 7, 2007 as TEE IT UP FOR THE TROOPS DAY in Illinois, to recognize our troops for their selfless service and sacrifice, and to commend Tee it up for the Troops for supporting these heroes and their families.
Issued by the Governor September 05, 2007.
Filed by the Secretary of State October 31, 2007.

2007-308
RABIES AWARENESS DAY

WHEREAS, rabies is a viral disease of mammals most often transmitted through the bite of a rabid animal. The virus infects the central nervous system and can ultimately result in death; and
WHEREAS, worldwide human deaths as a result of rabies are largely ignored and uncounted, but a conservative estimate puts the annual
burden at 55,000. The majority of these victims are children that live in poverty; and

WHEREAS, while human rabies is 100 percent preventable, their prevention is ignored in many parts of the United States and the rest of the world; and

WHEREAS, in Illinois, experts believe that less than 50 percent of household pets are vaccinated against rabies; and

WHEREAS, September 8, 2007 is World Rabies Day. Events are planned throughout the world to raise awareness and funding for the control and prevention of rabies; and

WHEREAS, in Illinois, the Illinois State Veterinary Medical Association is disseminating information packets that veterinarians can share with their clients and local newspapers in order to better inform the public of the risks associated with rabies and the measures that can be employed to prevent it:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 8, 2007 as RABIES AWARENESS DAY in Illinois, and encourage the public to learn more about this deadly disease.

Issued by the Governor September 05, 2007.
Filed by the Secretary of State October 31, 2007.

2007-309
PATRICIA M. DONAHUE DAY

WHEREAS, on April 30, 2006, Ms. Patricia M. Donahue, a fourth grade instructor from New Lenox, Illinois, donated one of her kidneys to her student, Brandon Shafer; and

WHEREAS, two years earlier, Brandon had been diagnosed with polycystic kidney disease and was told that he would need a kidney transplant to survive; and

WHEREAS, Brandon’s mother immediately volunteered one of her own healthy organs but was told that she was not a viable donor; and

WHEREAS, when Brandon broke the news to his teacher, Ms. Donahue decided to get herself tested and learned that she was a perfect match; and

WHEREAS, thanks to Ms. Donahue, Brandon has a future that he
may never have had; and

WHEREAS, in recognition of her amazing gift, local community members will present Ms. Donahue with an award on September 16, 2007:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 16, 2007 as PATRICIA M. DONAHUE DAY in Illinois in honor of Ms. Donahue for her incredible compassion and selfless sacrifice.

Issued by the Governor September 05, 2007.

Filed by the Secretary of State October 31, 2007.

2007-310
NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

WHEREAS, substance addiction is a chronic illness linked to brain chemistry that can often be treated medically; and

WHEREAS, substance abuse, and its co-existing mental and physical disorders, are major public health problems that affect millions of Americans of every age, race and ethnic background, in all communities; and

WHEREAS, alcohol and drug use disorders have enormous medical, societal and economic costs, with a significant negative impact on families, often resulting in increased conflict, emotional and physical abuse, stress, and financial strife; and

WHEREAS, according to the latest national figures, as many as 22.2 million Americans met the criteria for substance dependence or abuse. In 2004, only 16.8 percent of Americans 12 and older who needed treatment for an alcohol or drug use disorder actually received treatment; and

WHEREAS, the primary reason that most of those afflicted did not receive treatment is that they incorrectly believed that treatment was not necessary; and

WHEREAS, those who do realize that they need treatment often face various barriers to recovery. These barriers include the cost of treatment, stigma associated with substance abuse problems, inadequate facilities, and simply a lack of information about treatment options; and

...
WHEREAS, since 1967, the Illinois Alcoholism and Drug Dependence Association (IADDA) has worked to educate the public about substance abuse and addiction, while also representing more than 100 treatment and prevention agencies across Illinois; and

WHEREAS, treatment is cost effective, with some measurements showing a benefit-to-cost ratio of up to 7:1, with substance use disorder treatment costing $1,583 per person on average and having a monetary benefit to society of nearly $11,487 for each person treated; and

WHEREAS, the theme of this year’s Recovery Month, “Join the Voices for Recovery: Saving Lives, Saving Dollars,” encourages us all to learn how to help those suffering from substance use disorders receive treatment so they can contribute to our community; and

WHEREAS, to help achieve this goal, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and The Illinois Department of Human Services, Division of Alcoholism and Substance Abuse, invite all residents of Illinois to participate in National Alcohol and Drug Addiction Recovery Month:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2007 as NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH in Illinois, and call on all citizens to celebrate the lives of those who have successfully recovered, while encouraging those struggling with substance abuse to seek treatment.

Issued by the Governor September 06, 2007.
Filed by the Secretary of State October 31, 2007.

2007-311
WE DON'T SERVE TEENS WEEK

WHEREAS, teen drinking is linked to risky behavior and injury; and

WHEREAS, most teens who drink obtain alcohol from social sources, including at parties, from older friends, and from other adults; and

WHEREAS, the Federal Trade Commission has developed an educational campaign, “We Don’t Serve Teens,” providing information
about teen drinking and how to reduce teens’ easy access to alcohol; and
WHEREAS, it is critical that government and private entities work together to reduce underage drinking by stopping easy teen access to alcohol:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 9-15, 2007 as WE DON’T SERVE TEENS WEEK in Illinois, and encourage government agencies, communities, and citizens to work toward reducing teen access to alcohol.

Issued by the Governor September 07, 2007.
Filed by the Secretary of State October 31, 2007.

2007-312
CONSTITUTION WEEK

WHEREAS, the Second Continental Congress declared independence of the United States from Great Britain in 1776, and asserted their inalienable rights, including life, liberty, and the pursuit of happiness; and
WHEREAS, in 1787, a convention of delegates from 12 of the original 13 states met in Philadelphia and framed the United States Constitution, which was ratified in 1788 and replaced the Articles of Confederation the following year as the supreme law of the land; and
WHEREAS, two years later, 10 amendments, commonly referred to as the Bill of Rights, were adopted to establish and protect certain individual rights, such as freedom of speech and exercise of religion; and
WHEREAS, since that time, more than 10,000 amendments to the Constitution have been proposed, yet only 27 have been adopted; and today, the Constitution is the oldest living government covenant in the world; and
WHEREAS, in accord with Public Law 915, the President of the United States issues a proclamation designating September 17-23 as Constitution Week every year; and
WHEREAS, this year, we celebrate the 220th birthday of the Constitution of the United States, under which Illinois became the 21st state in 1818:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 17-23, 2007 as CONSTITUTION
WEEK in Illinois in tribute to the enduring greatness of the United States Constitution.

Issued by the Governor September 10, 2007.
Filed by the Secretary of State October 31, 2007.

2007-313
ADVANCED PRACTICE NURSING WEEK

WHEREAS, there are nearly 6,000 licensed advanced practice nurses in Illinois providing care and treatment to Illinois residents; and
WHEREAS, advanced practice nurses are licensed professional registered nurses with advanced education and certification; and
WHEREAS, advanced practice nurses specialize in one of four areas: certified nurse midwife, certified nurse practitioner, clinical nurse specialist, and certified registered nurse anesthetists; and
WHEREAS, the Illinois Society for Advanced Practice Nursing (ISAPN) seeks to: increase public awareness and utilization of the profession; initiate, facilitate, support, and protect the role of the advanced practice nurse through legislation and regulation; promote and encourage best clinical practices; develop, participate, and sponsor continuing education for advanced practice nurses; and encourage and promote excellence in practice through research and publication; and
WHEREAS, the Illinois Society for Advanced Practice Nursing and its members are meeting the week of October 21–27, 2007 at the ISAPN Midwestern Advanced Practice Nursing Conference and Exposition this week in Oak Brook to learn skills and techniques for improving patient care:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 21–27, 2007 as ADVANCED PRACTICE NURSING WEEK in Illinois to recognize advanced practice nurses for the quality of care they provide clients and patients, and to commend ISAPN for their commitment and dedication to nurses.

Issued by the Governor September 10, 2007.
Filed by the Secretary of State October 31, 2007.
2007-314
NATIONAL ALPACA FARM DAY

WHEREAS, the Alpaca is a domesticated species of South American camelid developed from the wild alpacas; and
WHEREAS, although the Alpaca resembles a sheep in appearance, it is larger, has a long erect neck, and comes in many colors; and
WHEREAS, the Alpaca is known worldwide for its luxurious fiber, which is used to make warm, light weight clothing for cold weather; and
WHEREAS, Alpaca farming has a reasonably low environmental impact, and allows farmers to maintain green space and keep the family farm in existence; and
WHEREAS, due to its superior fiber and environmental efficiency, Alpaca breeding is flourishing around the Unites States, including in Illinois; and
WHEREAS, September 29, 2007 is National Alpaca Farm Day, and Illinois Alpaca Owners & Breeders Association members all around the state will celebrate the occasion during public events:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 29, 2007 as NATIONAL ALPACA FARM DAY in Illinois to join the Illinois Alpaca Owners & Breeders Association and its members in celebrating this festive occasion.
Issued by the Governor September 10, 2007.
Filed by the Secretary of State October 31, 2007.

2007-315
DAY OF REMEMBRANCE FOR SEPTEMBER 11

WHEREAS, on September 11, 2001, a great tragedy befell American soil when four commercial airliners were hijacked by terrorists and sent on a mission that would result in mass destruction and the loss of thousands of innocent lives; and
WHEREAS, at 8:46 a.m. (EST) on that fateful day, American Airlines Flight 11 crashed into the north tower of the World Trade Center in New York City, tearing a gaping hole into the building and setting it on fire. Less than 20 minutes later, United Airlines Flight 175 crashed into
the south tower, causing similar destruction. To the horror of onlookers and viewers across the world, both towers collapsed to the ground within two hours of initial impact; and

WHEREAS, at 9:43 a.m., American Airlines Flight 77 struck the Pentagon in Arlington, Virginia, sending up a large cloud of smoke and prompting the immediate evacuation of the building; and

WHEREAS, the fourth and final plane, United Airlines Flight 93, crashed into a field in Pennsylvania at 11:26 a.m. It was because of the heroics of passengers onboard this flight that the plane was diverted from striking its intended target. No passenger or crew member on any of the four flights survived; and

WHEREAS, in all, the death toll on September 11, 2001 reached in the thousands, and in the wake of these attacks our country was in a state of sadness and turmoil, searching for answers and finding comfort in one another. But the overwhelming acts of heroism and patriotism were inspiring, giving us the will to push forward and make our nation even stronger than before; and

WHEREAS, the United States will never fully recover from the events of September 11, which equaled perhaps the greatest tragedy our country has ever seen. But by commemorating this dark day in our history, we are reminded to always remain vigilant in our efforts to stop terrorism and to make this world a more safe and peaceful place; and

WHEREAS, this year, as we recognize the 6th Anniversary of the September 11 attacks and mourn the innocent lives that were lost on that day, we also take time to reflect on our freedom and thank the brave men and women who work hard everyday to defend that freedom for future generations of Americans:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 11, 2007 as a DAY OF REMEMBRANCE FOR SEPTEMBER 11 in Illinois, and order the flag of the United States of America to fly at half-staff at all State facilities from sunrise until sunset on this day in recognition of the 6th Anniversary. Additionally, I call upon all the people of this state to join in observing a moment of silence at 7:46 a.m. on this day as a solemn gesture of tribute to the victims of the September 11 terrorist attacks and their families.

Issued by the Governor September 10, 2007.

Filed by the Secretary of State October 31, 2007.
2007-316
POLIO AWARENESS MONTH

WHEREAS, polio is a potentially crippling disease caused by a virus that struck fear into an entire generation of Americans during the first half of the 20th Century; and
WHEREAS, in 1955, an effective polio vaccination became available, and by 1979 polio had been officially declared eradicated from the United States; and
WHEREAS, post-polio syndrome (PPS) is a complication that occurs in a large number of polio survivors, generally arising anywhere from 20 to 40 years after the original disease; and
WHEREAS, PPS affects nerve pathways and causes overwhelming fatigue, muscle weakness and pain, sleep disorders, and potential new paralysis; and
WHEREAS, in order to treat the effects of PPS, polio survivors need to plan rest periods everyday, and should avoid strenuous activity in order to conserve their energy. Polio survivors also need to take advantage of assistive devices such as braces, canes, crutches, and wheelchairs; and
WHEREAS, it is important that we, as a society, remain cognizant of the fact that although polio is no longer a threat to Americans, numerous citizens are still living with the often debilitating effects of PPS:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2007 as POLIO AWARENESS MONTH in Illinois, and encourage all citizens to do what they can to improve the lives of polio survivors in their communities.
Issued by the Governor September 10, 2007.
Filed by the Secretary of State October 31, 2007.

2007-317
ITALIAN HERITAGE MONTH AND CHRISTOPHER COLUMBUS DAY

WHEREAS, the first Italian to set foot in this hemisphere was an explorer named Christopher Columbus. Daring to find a western route to Asia, Columbus set sail in 1492 and stumbled upon the Caribbean that same year; and
WHEREAS, today, there are more than 15 million Italian-Americans living in just the United States. Of them, nearly 750,000 live in the State of Illinois; and

WHEREAS, Italian-Americans have made significant contributions to American life. From sciences to the arts, their influences can be clearly seen throughout the country; and

WHEREAS, in 1976, President Jimmy Carter issued a proclamation to recognize the many achievements and successes of Italian-Americans. Since then, every October has been designated the official month to celebrate Italian-American heritage; and

WHEREAS, the second Monday of every October is also designed as a national holiday in honor of Christopher Columbus. In commemoration, the Joint Civic Committee of Italian Americans hosts an annual Columbus Day Parade in Chicago:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2007 as ITALIAN HERITAGE MONTH and October 8, 2007 as CHRISTOPHER COLUMBUS DAY in Illinois in recognition of Italian-American heritage, and in honor of Christopher Columbus and his contributions to the birth of this nation.

Issued by the Governor September 11, 2007.
Filed by the Secretary of State October 31, 2007.

2007-318

NATIONAL SURGICAL TECHNOLOGIST WEEK

WHEREAS, surgical technologists in Illinois play a vital role in the care and health of surgical patients; and

WHEREAS, surgical technologists, also called scrubs and surgical or operating room technicians, are members of operating room teams, which most commonly include surgeons, anesthesiologists, and circulating nurses; and under the supervision of surgeons, registered nurses, or other surgical personnel, surgical technicians assist medical operations in a number of capacities; and

WHEREAS, today, all major hospitals in Illinois employ surgical technologists to work with surgeons in the operating room to provide quality patient care; and

WHEREAS, as the baby boomer generation, which accounts for a
large percentage of the general population, approaches retirement age, and technological advances, such as fiber optics and laser technology, permit new surgical procedures that surgical technologists often operate, employment of surgical technicians is expected to grow faster than the average for all occupations; and

WHEREAS, encouragingly, the Illinois community college system currently has 16 programs that graduate top quality students each year; and

WHEREAS, the Association of Surgical Technologists annually designates a week in September as National Surgical Technologist Week to celebrate and promote the profession:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 16 – 22, 2007 as NATIONAL SURGICAL TECHNOLOGIST WEEK in Illinois in honor of the outstanding service surgical technologists perform for surgical patients, and in support of the Association of Surgical Technologist’s efforts to raise public awareness about the profession.

Issued by the Governor September 11, 2007.
Filed by the Secretary of State October 31, 2007.

2007-319
LYNDSEY'S LAW

WHEREAS, in response to the tragic death of Lyndsey Whittingham in October 2006, House Bill 3412 was sponsored by Representative Kosel and Senator Wilhelmi and passed the Illinois General Assembly on June 14, 2007; and

WHEREAS, this legislation requires taxi drivers who hit pedestrians to undergo testing for drug and alcohol use; and

WHEREAS, taxi drivers must also visibly post identification in their cab, as well as a telephone number passengers can report reckless drivers; and

WHEREAS, this legislation will improve the safety of pedestrians and taxi passengers; and

WHEREAS, today, I am proud to sign this legislation into law in honor of Lyndsey Whittingham:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim House Bill 3412 of the 95th General Assembly to be known as Lyndsey’s Law.

Issued by the Governor September 11, 2007.
Filed by the Secretary of State October 31, 2007.

2007-320
PROSTATE CANCER AWARENESS MONTH

WHEREAS, prostate cancer is the most commonly diagnosed non-skin cancer in men in the United States. One in six males are at risk of developing prostate cancer during their lifetime, and this year, approximately 8,240 men in Illinois will learn that they have prostate cancer; and

WHEREAS, sadly, prostate cancer is the second leading cause of death among men with cancer in Illinois, and an estimated 1,310 men in Illinois will die from prostate cancer in 2007; and

WHEREAS, it is known that about one third of prostate cancer diagnoses occur among men under the age of 65; and

WHEREAS, additionally, African-American men in the United States are disproportionately affected by the disease. African-Americans have the highest incidence of prostate cancer in the world, and as a result, they are twice as likely to die of the disease than other men; and

WHEREAS, the good news is that awareness and early diagnosis and treatment of prostate cancer can reduce the risk of prostate cancer mortality:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2007 as PROSTATE CANCER AWARENESS MONTH in Illinois to raise awareness about prostate cancer, and to urge all men, especially those over the age of 50, to speak with their physicians about the risks and appropriate screening.

Issued by the Governor September 11, 2007.
Filed by the Secretary of State October 31, 2007.

2007-321
Y-ME ILLINOIS MONTH

WHEREAS, breast cancer is the second most common type of
cancer in women, and nearly 180,000 women in the United States will be diagnosed with breast cancer this year; and

WHEREAS, in 1978, Y-ME National Breast Cancer Organization was founded by two breast cancer patients, Mimi Kaplan and Ann Marcou, who sought to provide support for fellow breast cancer patients and their loved ones; and

WHEREAS, Y-Me’s mission is to ensure, through information, empowerment and peer support, that no one faces breast cancer alone; and

WHEREAS, Y-Me Illinois serves Illinois, Chicago and Northwest Indiana with: Support Groups and Open Door meetings; programs for teens; Wig and Prosthesis Salons for women with limited income; and the Y-ME IlliNOISY Advocacy Network working to ensure quality healthcare for all, protecting the rights of breast cancer patients, and increasing cancer research funding; educates underserved women to practice breast self-examination; and provides access to free or low-cost mammograms; and

WHEREAS, the Y-ME National Breast Cancer Hotline is the only 24/7 call center interpreted in 150 languages and operated by trained peer counselors who are breast cancer survivors. The Hotline takes more than 40,000 calls a year, giving emotional support and information about breast cancer, procedures and treatment options; and

WHEREAS, this year, Y-ME National Breast Cancer Organization approaches its 30th Anniversary: We’re here today for those who can’t wait for tomorrow’s cure:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2007 as Y-ME ILLINOIS MONTH in recognition of the meritorious service Y-ME National Breast Cancer Organization and Y-ME Illinois provides to those affected by breast cancer, and to encourage citizens of the State to support their worthy efforts.

Issued by the Governor September 11, 2007.
Filed by the Secretary of State October 31, 2007.

2007-322
SUDDEN INFANT DEATH SYNDROME AWARENESS MONTH

WHEREAS, Sudden Infant Death Syndrome (SIDS) is the leading
cause of death for infants between 30 days and one-year-old. Approximately 2,500 infants die from SIDS every year; and

WHEREAS, SIDS is the unexpected death of an infant under the age of one that remains unexplained after a complete examination is performed, including an autopsy, death scene examination, and review of clinical history; and

WHEREAS, most victims of SIDS are younger than 6 months. Furthermore, Native-American infants are at the greatest risk, while African-American infants are the second greatest at-risk group; and

WHEREAS, although there is no scientific explanation for SIDS, many scientists agree that it is triggered when infants sleep on their stomachs; and

WHEREAS, for that reason, the Back to Sleep campaign was launched in 1994 to encourage laying infants to be placed on their backs; and

WHEREAS, according to the National Institutes of Health, the death rate of SIDS has declined more than 40 percent since the inception of this campaign. However, SIDS is still the leading cause of death among young infants between 30 days and one-year-old:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2007 as SUDDEN INFANT DEATH SYNDROME AWARENESS MONTH in Illinois to raise awareness about Sudden Infant Death Syndrome, and to encourage risk-reducing precautions so that no parent will have to endure the tragedy of their child dying of SIDS.

Issued by the Governor September 11, 2007.

Filed by the Secretary of State October 31, 2007.

2007-323
CHICAGO INTERNATIONAL CHILDREN'S FILM FESTIVAL DAYS

WHEREAS, 2007 marks the 24th annual Chicago International Children’s Film Festival (CICFF); and

WHEREAS, CICFF is a project of Facets Multi-Media, a nonprofit organization dedicated to the exhibition and distribution of foreign, independent, and classic films; and
WHEREAS, Facets Muti-Media has received support for CICFF and other children’s programs from over 50 corporations and businesses, national and international organizations, and print and broadcast media; and

WHEREAS, although they only receive about 700 entries, CICFF operates a dynamic market for domestic and foreign buyers, distributors, and festival programmers, as well as representatives from over 20 international media organizations; and

WHEREAS, additionally, CICFF is the only children’s film festival to be named by the Academy of Motion Picture Arts and Sciences as an Academy Qualifying Festival; and

WHEREAS, this year, CICFF will be held from October 18 to October 28, and more than 24,000 Chicago children, adults, and educators are expected to attend the screenings, in addition to more than 150 celebrities and filmmakers from around the world:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 18 – 28, 2007 as CHICAGO INTERNATIONAL CHILDREN’S FILM FESTIVAL DAYS in Illinois in celebration of the Chicago International Children’s Film Festival, which has become an annual tradition anticipated by citizens from all around the state.

Issued by the Governor September 11, 2007.
Filed by the Secretary of State October 31, 2007.

2007-324

YOUTH SOCCER MONTH

WHEREAS, soccer is one of the fastest growing sports in the United States. More than 19 million children, including 83,000 Illinois youth, play soccer; and

WHEREAS, soccer is a great way to engage Illinois children in a healthy activity while teaching them valuable personal and social skills such as teamwork, commitment, and sportsmanship; and

WHEREAS, the United States Youth Soccer Organization, Soccer Federation, and President’s Council on Physical Fitness and Sport commemorates September as Youth Soccer Month to celebrate and raise awareness about the benefits of playing soccer; and
WHEREAS, Illinois Youth Soccer, a member of the United States Youth Soccer Organization, supports Youth Soccer Month and will sponsor celebrations and special events throughout the month at games and tournaments in Illinois; and

WHEREAS, this year marks the Fifth Annual Youth Soccer Month, and inner city, special needs, recreational, and elite soccer programs will all benefit from the exposure:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2007 as YOUTH SOCCER MONTH in Illinois, and encourage citizens of the State to support the worthy efforts of all the sponsoring organizations, as well as to join in promoting the sport of soccer in this state and across the country.

Issued by the Governor September 11, 2007.
Filed by the Secretary of State October 31, 2007.

2007-325
CHILDHOOD CANCER AWARENESS MONTH

WHEREAS, more than 13,000 children and adolescents are diagnosed with cancer every year in the United States and Illinois. That is the equivalent of two average size classrooms diagnosed each school day; and

WHEREAS, leukemias, tumors of the brain and nervous system, the lymphatic system, and kidneys, bones and muscles, are the most common childhood cancers; and

WHEREAS, collectively, the cancers of children, adolescents, and young adults to age 20 are the sixth most common cancers in the United States; and

WHEREAS, sadly, cancer claims the lives of more children than any other disease, including asthma, diabetes, cystic fibrosis, and AIDS combined; but

WHEREAS, less than 10 percent of children diagnosed with cancer were cured in the 1950s; fortunately, nearly 80 percent of childhood cancer patients become long-term survivors today if they are referred to established childhood cancer treatment and research centers; and

WHEREAS, the American Cancer Fund for Children and Kids
Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment. Through their Magical Caps for Kids program, these organizations distributes thousands of beautifully hand-made caps and decorated baseball caps to children who want to protect their heads following the trauma of chemotherapy, surgery, bone marrow transplants, or radiation treatment; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor nationwide Courageous Kid Recognition Award Ceremonies and hospital celebrations in honor of children’s determination and bravery to fight the battle against childhood cancer:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2007 as CHILDHOOD CANCER AWARENESS MONTH in Illinois to raise awareness about childhood cancer, and to encourage citizens of the State to support the worthy efforts of the American Cancer Fund for Children and Kids Cancer Connection.

Issued by the Governor September 11, 2007.
Filed by the Secretary of State October 31, 2007.

2007-326
GYNECOLOGIC CANCER AWARENESS MONTH

WHEREAS, approximately 9 women are diagnosed with gynecologic cancer in America every hour. More than 78,000 will be diagnosed this year alone; and

WHEREAS, gynecologic cancer accounts for 10 percent of all cancer deaths and is the fourth largest cancer killer of women in the United States; and

WHEREAS, in Illinois, 12 percent of all cancer victims are diagnosed with gynecologic cancer, which accounts for 10 percent of all cancer deaths in the state; and

WHEREAS, the Society of Gynecologic Oncologists, whose doctors first train as obstetricians and gynecologists and then receive three to four years of additional training as cancer specialists, is the only United States medical society dedicated to the prevention, detection, and cure of gynecologic cancers; and

WHEREAS, based out of Chicago, the Gynecologic Cancer Foundation, founded by the Society of Gynecologic Oncologists in 1991,
raises funds in support of programs that assist women at risk of developing gynecologic cancer, as well as those currently living with the disease; and

WHEREAS, during the month of September, the Gynecologic Cancer Foundation works with over 3,000 physicians, community partners, and the media to provide women with potentially life-saving information about gynecologic cancer; and

WHEREAS, my administration is committed to supporting and raising awareness in the critical fight against gynecologic cancer. Women in Illinois can receive assistance through such programs as the Illinois Breast and Cervical Cancer Program, which is administered by the Illinois Department of Public Health and provides free breast and cervical cancer screenings to women between the ages of 35 and 64 who have limited financial resources and/or are without health insurance:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2007 as GYNECOLOGIC CANCER AWARENESS MONTH in Illinois, and encourage citizens of the State to support the worthy efforts of the Society of Gynecologic Oncologists and Gynecologic Cancer Foundation.

Issued by the Governor September 11, 2007.
Filed by the Secretary of State October 31, 2007.

2007-327
FAITH IN ACTION DAY

WHEREAS, throughout the history of our nation, the spirit of volunteerism has been reflected in neighbors helping neighbors to overcome obstacles; and

WHEREAS, in 1993, Faith in Action was established with support from the Robert Wood Johnson Foundation, as a program to provide volunteer care for people with long-term health needs such as arthritis, diabetes, cancer, Alzheimer's, and HIV/AIDS; and

WHEREAS, Faith in Action programs are coalitions of local religious congregations, health care providers, community organizations and service providers who work together to provide those in need with non-medical assistance; and

WHEREAS, through Faith in Action, Americans of every faith
PROCLAMATIONS

including Catholics, Hindus, Jews, Muslims, and Protestants work together to help members of their community with long-term health needs to maintain their independence for as long as possible; and

WHEREAS, there are thirty-three active Faith in Action programs in Illinois where volunteers assist those in need by performing duties such as shopping for groceries, providing rides to medical appointments, cooking meals, doing light housework, running errands, and providing companionship:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 16, 2007 as FAITH IN ACTION DAY in Illinois, and encourage all citizens to promote the spirit of volunteerism in our families and communities by expressing their gratitude to the noble volunteers across our state.

Issued by the Governor September 11, 2007.
Filed by the Secretary of State October 31, 2007.

2007-328
FLAGS AT HALF STAFF IN HONOR AND REMEMBRANCE OF CPL. KEITH A. NURNBERG

WHEREAS, U.S. Army Cpl. Keith A. Nurnberg, 26, of McHenry, died September 5 of wounds suffered in combat in Iraq; and

WHEREAS, Cpl. Nurnberg was born in Waukegan, attended McHenry public schools, graduated from McHenry West High School, where he was on the track team, and attended McHenry County College in Crystal Lake; and

WHEREAS, his parents, Barbara and Alan Nurnberg of McHenry, said Keith had always wanted to serve his country in the military and enlisted in 2003; and

WHEREAS, Cpl. Nurnberg, who was in his second tour of duty, had been awarded the Army Good Conduct Medal, National Defense Service Medal, Iraqi Campaign Medal, Army Service Ribbon, Bronze Star, Purple Heart, Global War on Terrorism Service Medal, Overseas Service Ribbon, and Combat Action Badge; and

WHEREAS, Cpl. Nurnberg and his wife, Tonya, had been married for nine months. She is expecting their first child in November, a son to be named Keith; and
WHEREAS, in addition to his wife and parents, Cpl. Nurnberg is survived by his sisters Christy, Melissa, and Kimmy, three nephews, and two nieces; and

WHEREAS, funeral services for Cpl. Nurnberg will be held at 10:30 a.m. Saturday, September 15 at St. Joseph’s Church, 10519 Main Street in Richmond:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise until sunset on September 15, 2007 in honor and remembrance of Cpl. Nurnberg, whose selfless service and sacrifice is an inspiration.

Issued by the Governor September 12, 2007.
Filed by the Secretary of State October 31, 2007.

2007-329
ILLINOIS ASSOCIATION OF HEALTHCARE ATTORNEYS DAY

WHEREAS, access to high quality healthcare is one of the most important rights of the citizens of Illinois; and

WHEREAS, the efficient delivery of healthcare services relies upon the advice and service of knowledgeable and creative attorneys; and

WHEREAS, the field of health law is vast, complex, and constantly evolving; and

WHEREAS, in 1983, the Illinois Association of Healthcare Attorneys (IAHA) began offering the Annual Health Law Symposium to ensure that Illinois attorneys could learn about and discuss the latest developments in health law; and

WHEREAS, for the past 25 years, the IAHA’s Annual Health Law Symposium has reflected the highest ideals of the legal profession, with hundreds of attorneys volunteering countless hours to share their expertise and experience with colleagues in order to improve the skills and knowledge of all health law attorneys; and

WHEREAS, the IAHA’s Annual Health Law Symposium and other educational efforts have contributed to the efficient and effective delivery of healthcare to the citizens of Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 18, 2007 as ILLINOIS
ASSOCIATION OF HEALTHCARE ATTORNEYS DAY in Illinois in recognition of the 25th anniversary of the IAHA Annual Health Law Symposium.

Issued by the Governor September 13, 2007.
Filed by the Secretary of State October 31, 2007.

2007-330
BRIAN’S SONG DAY

WHEREAS, on September 15, the Gale Sayers Center will host a reunion for the made-for-TV movie Brian’s Song; and

WHEREAS, released in 1971, Brian’s Song details the real life relationship of Brian Piccolo (played by James Caan) and Gale Sayers (played by Billy Dee Williams); and

WHEREAS, while both played football for the Chicago Bears, Brian contracted terminal cancer and Gale helped him through the difficult struggle; and

WHEREAS, the movie was such a success on television that it was later shown in theaters; and

WHEREAS, among those attending the Gale Sayers Center reunion are cast members Shelley Fabares and Judy Pace-Flood, as well as Gale Sayers, who is most known for his astonishing feats on the field and is involved in many charitable causes; and

WHEREAS, the reunion event will include a screening of Brian’s Song, along with a brief post-screening discussion; and

WHEREAS, proceeds from the reunion will benefit the Gale Sayers Center, an after-school, accelerated learning program for children ages 8-12 that is set to open early next year in the Chicago area:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 15, 2007 as BRIAN’S SONG DAY in Illinois in tribute of Brian Piccolo and Gale Sayers, whose friendship helped breakdown the color barrier and inspired Americans all around the country.

Issued by the Governor September 13, 2007.
Filed by the Secretary of State October 31, 2007.
2007-331
PARTNERSHIP WALK DAY

WHEREAS, citizens in Illinois and across the country expect certain basic rights, such as quality education, adequate living conditions, and a safe, healthy environment. Many in other parts of the world can only dream of having such rights; and

WHEREAS, the Aga Khan Development Network is a group of private, international, non-denominational agencies dedicated to fostering long-term socio-economic development in impoverished regions of Asia and Africa; and

WHEREAS, Aga Khan Foundation U.S.A. (AKF USA), an agency of the Aga Khan Development Network, sponsors the Partnership Walk in major cities across the U.S. to promote awareness about alleviating global poverty and to raise financial support for development projects that promote self-reliance; and

WHEREAS, on the 26th Anniversary of AKF USA and the 12th Anniversary of Partnership Walk, this year’s theme “Innovative Solutions to Create Hope and Opportunity” highlights the Foundation’s long-term commitment to cultural diversity and the value of pluralistic society:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 14, 2007 as PARTNERSHIP WALK DAY in Illinois to recognize the goodwill of the Aga Khan Development Network and to encourage others to join Aga Khan Foundation U.S.A. in their mission of ensuring everyone the same basic rights that the citizens of this state enjoy and expect.

Issued by the Governor September 13, 2007.
Filed by the Secretary of State October 31, 2007.

2007-332
BREAST CANCER AWARENESS MONTH AND MAMMOGRAPHY DAY

WHEREAS, October 2007 marks the 23rd year of the National Breast Cancer Awareness Month campaign to educate women about breast cancer, especially concerning early detection through mammography; and
WHEREAS, in 2007, approximately 8,470 of the 178,480 women in the United States diagnosed with breast cancer will be Illinois residents; and

WHEREAS, breast cancer is the most common cancer in women and is second only to lung cancer as the leading cause of cancer death; and

WHEREAS, mammography screenings are a woman’s best chance for detecting breast cancer early and, when coupled with new treatment options, can significantly improve a woman’s chances of survival; and

WHEREAS, the Illinois Breast and Cervical Cancer Program (IBCCP), offers free mammograms, breast exams, pelvic exams and Pap tests to eligible women. This program has provided free breast screenings for more than 21,800 women in that last year alone; and

WHEREAS, since 1993, the United States has recognized the third Friday in October as National Mammography Day:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2007 as BREAST CANCER AWARENESS MONTH and October 19, 2007 as MAMMOGRAPHY DAY in Illinois, and encourage all citizens to join me in the continued fight against breast cancer.

Issued by the Governor September 18, 2007.
Filed by the Secretary of State October 31, 2007.

2007-333
KIDS DAY AMERICA/INTERNATIONAL

WHEREAS, a child’s welfare is the foremost concern of every parent in and around the world; and

WHEREAS, for that reason, Kids Day America/International was established by Chiropractors to educate families and communities throughout the world about social issues that concern children’s welfare, including health, safety, and the environment. Chiropractors achieve that by addressing drug and health issues, bicycle and fire safety, recycling, and many other important topics; and

WHEREAS, additionally, with the help and support of thousands of local dentists, county sheriff and police personnel, and photographers who all volunteer their time, every child that attends Kids Day has the opportunity to create and complete a Child Safety ID Card; and
WHEREAS, to date, more than 2,000 communities, and nearly 3 million children and their parents, have participated in this event; and
WHEREAS, this year, the 13th annual Kids Day event will be hosted on September 22, 2007:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 21, 2007 as KIDS DAY AMERICA/INTERNATIONAL in Illinois in support of the commendable campaign by Kids Day to protect our children so they can grow and succeed as all parents dream.
Issued by the Governor September 18, 2007.
Filed by the Secretary of State October 31, 2007.

2007-334
NATIONAL POW/MIA RECOGNITION DAY

WHEREAS, throughout American history, thousands of American soldiers have been captured and gone missing during war. To this day, hundreds are still imprisoned or unaccounted for; and
WHEREAS, despite that, many families still hold out hope that their loved ones will be found or recovered; and
WHEREAS, the National League of Families of American Prisoners and Missing in Southeast Asia has been representing the families of those veterans not yet returned since 1970; and
WHEREAS, because of their efforts, and the efforts of countless others, the United States government has taken active measures to find the answers to the many questions families of prisoners of war and missing in action have; and
WHEREAS, today, the United States government is cooperating with the governments of Cambodia, the People’s Republic of China, Laos, North Korea, Russia, Vietnam, and other countries to expedite the process of finding our soldiers; and
WHEREAS, in honor of those still imprisoned and missing and their families, the President of the United States, the United States Secretary of Defense, and the National League of Families of American Prisoners and Missing in Southeast Asia will observe September 21 as National POW/MIA Recognition Day:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim September 21, 2007 as NATIONAL POW/MIA RECOGNITION DAY in Illinois, and encourage all citizens of our state to remember those who have selflessly fought and served for our country.

Issued by the Governor September 18, 2007.
Filed by the Secretary of State October 31, 2007.

2007-335
MYOSITIS DAY

WHEREAS, Myositis is thought to be an autoimmune disease affecting approximately 30,000 to 50,000 people in the United States with symptoms ranging from skin rashes, to the inability to rise from a chair, to trouble standing or walking, to having difficulty swallowing or breathing; and

WHEREAS, The Myositis Association (TMA) was established in 1993 as the Myositis Association of America to disseminate information on this disease and utilize the knowledge of doctors and other health professionals on a Medical Advisory Board to help offer advice, counseling, and other support services throughout the year and at the Annual Myositis Conference; and

WHEREAS, Myositis affects each individual differently, making it difficult to develop standard treatment methods; and

WHEREAS, medical professionals and researchers need to conduct further research and clinical studies on Myositis in order to more completely care for and treat the devastating symptoms if this disease; and

WHEREAS, Myositis Day will help raise awareness of this rare disease while proving the public with information about symptoms and treatment options for this debilitating disorder; and

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 21, 2007 as MYOSITIS DAY in Illinois.

Issued by the Governor September 18, 2007.
Filed by the Secretary of State October 31, 2007.
FAMILY DAY - A DAY TO EAT DINNER WITH YOUR CHILDREN

WHEREAS, belonging to family is important for the health and well-being of all children; and
WHEREAS, children are more likely to develop behavioral and social problems without the care and love of their family; and
WHEREAS, one great way for families with children to prevent behavioral and social problems is by eating dinner together; and
WHEREAS, research by The National Center on Addiction and Substance Abuse (CASA) at Columbia University has consistently found that children are less likely to smoke, drink alcohol, and use illegal drugs the more their families eat together; and
WHEREAS, additionally, other research shows that children who eat dinner with their families are less prone to dangerous and violent activities and more likely to have positive peer relationships and to excel in school; and
WHEREAS, like previous years, TV Land, Nick at Nite, and CASA have teamed up to declare the fourth Monday in September Family Day – A Day To Eat Dinner With Your Children, in recognition of the importance of family and to encourage families with children to eat dinner together:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 24, 2007 as FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN in Illinois in support of the commendable campaign by TV Land, Nick at Nite, and CASA to promote family and the health and well-being of children.

Issued by the Governor September 19, 2007.
Filed by the Secretary of State October 31, 2007.

HEALTH AWARENESS DAY

WHEREAS, good health habits such as eating well, exercising and making regular visits to the doctor’s office play a vital role in living a long and happy life; and
WHEREAS, in order to achieve a healthy lifestyle one must educate themselves on good habits, and understand the different ways that they can help to improve one’s daily life; and

WHEREAS, the CIGNA Corporation is embarking on a Health Awareness Tour across America. Their goal is to raise the national awareness about healthcare conditions, challenges and solutions for citizens; and

WHEREAS, the Tour will consist of a series of seven coordinated bike rides in different areas of the country between September 10-21. CIGNA riders and volunteers will discuss health issues with people, as well as ways they can improve their habits to make the most positive and immediate impact possible; and

WHEREAS, Chicago is the destination for one of the seven Tour rides on September 20:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 20, 2007 as HEALTH AWARENESS DAY in Illinois, and encourage all citizens to join with CIGNA in recognizing the benefits of a healthy lifestyle.

Issued by the Governor September 19, 2007.
Filed by the Secretary of State October 31, 2007.

2007-338

AFFORDABLE HOUSING MONTH

WHEREAS, access to safe and affordable housing is one of the basic necessities of life; and

WHEREAS, over 1 million Illinois households have difficulties in trying to afford housing. Nearly 800,000 renters and homeowners are paying more than 35% of their income on housing. Over 200,000 households are overcrowded in an effort to try and afford housing. This illustrates a housing affordability problem that often results in homelessness; and

WHEREAS, all citizens require stable and affordable housing in order to achieve individual and family success, and it is essential that we have a full range of quality housing options available and accessible to meet the needs of all income groups and special needs populations in communities across the state; and
WHEREAS, recognizing that housing is not just about bricks and mortar, it is crucial that grassroots organizations, non-profit housing professionals, financial institutions, elected officials, state agencies and others join forces to guide and promote affordable housing as fundamental to community and economic health; and

WHEREAS, the talents and efforts of grassroots organizations, non-profit housing professionals, financial institutions, elected officials, state agencies and others must be combined to address the challenge of increasing the amount of affordable housing:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2007 as AFFORDABLE HOUSING MONTH in Illinois, and encourage all citizens to recognize and appreciate the need for reasonably priced housing and its impact on our communities.

Issued by the Governor September 19, 2007.
Filed by the Secretary of State October 31, 2007.

2007-339
OPERATION SNOWBALL MONTH

WHEREAS, Operation Snowball is a program that encourages kids to stay substance-free by providing them with interactive group sessions; and

WHEREAS, over 50,000 kids participate in Operation Snowball, which is partnered with the Illinois Alcoholism and Drug Dependence Association. Operation Snowball currently has 140 chapters and is continually expanding; and

WHEREAS, the program focuses on prevention messages that aim primarily at the high school age because many students of this age understand the idea behind prevention. Group learning sessions present facts about drug and alcohol use and help students to develop their own ideas about substances before they are faced with situations in their future lives; and

WHEREAS, Operation Snowball is continually expanding to include people of all ages into their program by creating Snowflakes for junior high students and Snowflurries for elementary students. These programs teach kids the importance of living a substance-free lifestyle at
an early age. There is also Segues for college students and Blizzards for families, helping to serve as role models for the younger children; and

WHEREAS, Operation Snowball gives young adults the opportunity to enhance their leadership skills as well as maintain their substance-free lifestyle by mentoring younger children and motivating them to live by the same standards:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2007 as OPERATION SNOWBALL MONTH and encourage all youth and young adults to maintain a healthy, substance-free lifestyle.

Issued by the Governor September 19, 2007.
Filed by the Secretary of State October 31, 2007.

2007-340
PUBLIC LANDS DAY

WHEREAS, state treasures such as Lake Michigan, the Cahokia Mountains, and the Great Mississippi River ought to be preserved and protected for all of us, our children, and future generations to share and enjoy; and

WHEREAS, for that reason, Americans throughout the country will team up to celebrate Public Lands Day on September 29; and

WHEREAS, this innovative event attracts volunteers of all ages to give their time restoring and enhancing America’s federal, state, and local public lands, including forests, lakes, parks, recreation areas, refuges, and wildlife habitats; and

WHEREAS, the National Environmental Education and Training Foundation works with local, state, and federal land management agencies to coordinate Public Lands Day; and

WHEREAS, this year, it is anticipated that more than 110,000 Americans will volunteer and more than $12 million in needed improvements will be completed at over 1,300 sites throughout the country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 29, 2007 as PUBLIC LANDS DAY in Illinois in support of the worthy efforts to preserve and protect the beauty and splendor of nature, which
we share with all living creatures and life-forms.
Issued by the Governor September 25, 2007.
Filed by the Secretary of State October 31, 2007.

2007-341
ONE CHURCH ONE SCHOOL COMMUNITY PARTNERSHIP DAYS

WHEREAS, all children are extremely impressionable, which is why our encouragement and support is critically important for their growth and development; and
WHEREAS, without our encouragement and support, children are unlikely to succeed in school and become productive and valuable members of the community. That is why we are all responsible for their care; and
WHEREAS, One Church One School is a community partnership program based in Chicago that believes we must work together for our children’s welfare. Since 1992, they have taken a comprehensive approach to child development; and
WHEREAS, members and participants of One Church One School have formed child-centered community partnerships that support issues such as education and non-violence in schools; and
WHEREAS, this year, One Church One School will host a two day conference in Oak Lawn from October 21-27 that is expected to draw between 300 and 500 students, parents, and community leaders. The 12th Annual Partnership Conference will include student seminars, plenary sessions, and dynamic workshops:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 21-27, 2007 as ONE CHURCH ONE SCHOOL COMMUNITY PARTNERSHIP DAYS in Illinois in support of their comprehensive approach to child development, and to promote the encouragement and support of all children.
Issued by the Governor September 25, 2007.
Filed by the Secretary of State October 31, 2007.
2007-342
WEEK OF THE CLASSROOM TEACHER

WHEREAS, the education of our children is critical to their future success. For that reason, teaching is one of the most important professions; and

WHEREAS, throughout Illinois, we entrust the care of our children to thousands of classroom teachers who work with parents and administrators to ensure that each child learns the skills they need to succeed; and

WHEREAS, that is not easy when there are many distractions. In addition to contending with personal and family problems that have always accompanied children, classroom teachers now have to compete with technology such as cell phones, computers, and television; and

WHEREAS, indeed, it is more difficult to engage children in the classroom today than ever. Consequently, teachers must work harder than ever to educate children; and

WHEREAS, in acknowledgment and recognition of their outstanding service, the Association for Childhood Education International annually designates a week in honor of classroom teachers; and

WHEREAS, this year, the Week of the Classroom Teacher will begin September 30:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 30 – October 6, 2007 as WEEK OF THE CLASSROOM TEACHER in Illinois, and join the Association for Childhood Education International in honoring and thanking classroom teachers for their commitment and dedication to teaching our children.

Issued by the Governor September 25, 2007.
Filed by the Secretary of State October 31, 2007.

2007-343
JIM ARMBRUSTER DAY

WHEREAS, on May 6, 2007, Jim Armbruster began an incredible 5 month, cross-country journey on foot from his home in Aurora, Illinois to San Francisco, California; and
WHEREAS, Jim’s trip is part of a fundraising and awareness campaign for Marklund, a not-for-profit treatment center that has cared for Jim’s developmentally disabled son, Nathan, for nearly 19 years; and
WHEREAS, founded in 1954 with the purpose of helping a young boy with Down’s Syndrome, Marklund has grown considerably and now offers a wide-array of programs to assist infants, children and adults with special needs; and
WHEREAS, Jim has been a longtime champion of Marklund, donating countless hours and resources to fundraising and awareness campaigns; and
WHEREAS, so far, Jim has raised more than $40,000 for Marklund during this journey, which will cover 2,200 miles of land and lead him through 7 different states when completed; and
WHEREAS, although Jim was not expected to arrive in San Francisco until the third week of October, he made good timing and is now expected to reach and conclude his extraordinary trip at the Golden Gate Bridge on October 6:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 6, 2007 as JIM ARM BRUSTER DAY in Illinois in recognition of Jim for his selfless and inspiring fundraising and awareness campaign for Marklund.

Issued by the Governor September 26, 2007.
Filed by the Secretary of State October 31, 2007.

2007-344
INTERNATIONAL WALK TO SCHOOL MONTH AND INTERNATIONAL WALK TO SCHOOL DAY

WHEREAS, we are regularly warned about growing levels of obesity, especially among children; and
WHEREAS, one way to tackle this problem is to encourage children to walk to school, and the issue is being highlighted during International Walk to School Month in October; and
WHEREAS, International Walk to School Month is a great opportunity for parents and caregivers to instill in their children the health benefits of walking to school; and
WHEREAS, in addition to reducing a child's chances of becoming
overweight, walking helps them arrive at school more alert, as well as improves their fitness for physical activities; and

WHEREAS, walking with children to school also affords parents and caregivers a great opportunity to reinforce important safety lessons, including the identification of safe routes and how to cross a street safely:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2007 as INTERNATIONAL WALK TO SCHOOL MONTH and October 3, 2007 as INTERNATIONAL WALK TO SCHOOL DAY in Illinois, and hope that parents and caregivers everywhere take the time to walk with their children to school and promote the importance of pedestrian safety and healthy habits.

Issued by the Governor September 27, 2007.
Filed by the Secretary of State October 31, 2007.

2007-345
ILLINOIS ARCHIVES MONTH

WHEREAS, Illinois has a long, proud history that is documented in records that go back before statehood; and

WHEREAS, these documents and records are housed in archives established by state and local governments, religious and medical institutions, colleges and universities, historical societies, libraries, museums, businesses, corporations, and families in order to preserve them so that future generations of Illinoisans may accurately study the past, learn from the experiences of their predecessors, trace their ancestors, and understand their relationship to both time and place; and

WHEREAS, these records have been administered and made accessible by dedicated, yet often unheralded volunteers, trained caretakers, and professional archivists; and

WHEREAS, the work of these archivists and the importance of these records programs seldom receive the recognition they deserve; and

WHEREAS, the Society of American Archivists supports an annual observance of Archives Month that serves as a unifying effort to promote archives and the work of archivists:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2007 as ILLINOIS ARCHIVES MONTH in Illinois in recognition of all the volunteers, caretakers, and
archivists who maintain our valuable archival institutions and historical resources.

 Issued by the Governor September 27, 2007.
 Filed by the Secretary of State October 31, 2007.

 2007-346
 PRINCIPALS' WEEK AND PRINCIPALS' DAY

 WHEREAS, principals play an important role in the education of our children in elementary, middle, and secondary schools all across the State of Illinois; and
 WHEREAS, principals are responsible for promoting education and working with parents and teachers to ensure that each child receives services that meet their needs to excel in the classroom; and
 WHEREAS, the Illinois Principals Association, which represents 4,300 principals statewide, believes that learning is a lifelong process and that the education of our children is the highest priority; and
 WHEREAS, for that reason, the Illinois Principals Association is dedicated to the improvement of elementary and secondary education in Illinois:

 THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of October 14-20, 2007 as PRINCIPALS WEEK and October 19, 2007 as PRINCIPALS DAY in Illinois to recognize principals and the Illinois Principals Association for all that they do to help our children learn and succeed.

 Issued by the Governor September 27, 2007.
 Filed by the Secretary of State October 31, 2007.

 2007-347
 NATIONAL CYBER SECURITY AWARENESS MONTH

 WHEREAS, today the Internet provides access to a wealth of information and services throughout the world; but
 WHEREAS, despite the many wonderful advantages and benefits of the Internet, it also poses many significant dangers and threats. The Internet is used by many predators to prey on our children and steal our identity; and
WHEREAS, that is why we must take great precautions when using the Internet. By using web browser privacy features and common sense practices, we can minimize the risks and help protect our children and ourselves; and

WHEREAS, National Cyber Security Awareness Month was launched for the purpose of encouraging and empowering Americans, businesses, government, and schools to improve their Internet security; and

WHEREAS, the Multi-State Information Sharing and Analysis Center (MS-ISAC), the National Cyber Security Alliance (NCSA), and the United States Department of Homeland Security will promote National Cyber Security Awareness Month once again this October:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2007 as NATIONAL CYBER SECURITY AWARENESS MONTH in Illinois in support of the campaign by MS-ISAC, NCSA, and Homeland Security to raise awareness about Internet security.

Issued by the Governor October 01, 2007.
Filed by the Secretary of State October 31, 2007.

2007-348
NATIONAL LONG-TERM CARE RESIDENT'S RIGHTS WEEK

WHEREAS, there are 1.7 million men and women living in 17,000 nursing homes throughout the United States, and another 1 million individuals living in 46,000 other care/assisted living facilities; and

WHEREAS, residents of long-term care facilities include those whose dedicated service during World War II and hard work in the post-war years made this nation great; and

WHEREAS, the federal Nursing Home Reform Act of 1987 guarantees residents their individual rights in order to promote and maintain their dignity and autonomy; and

WHEREAS, all residents should learn their rights so they may be empowered to live with dignity and self-determination; and

WHEREAS, we wish to honor and celebrate these citizens, to recognize their rich individuality, and to reaffirm their rights as community members and citizens, including the right to vote; and
WHEREAS, the Illinois Department on Aging Long-Term Care Ombudsman Program works to advocate, defend, and protect the rights of these citizens; and
WHEREAS, individuals and groups across the country will celebrate Residents’ Rights Week from October 7-13. The theme this year is “Advancing Excellence: A Residents’ Perspective on Quality,” which emphasizes the importance of affirming these rights through facility practices, public policy, and resident-centered decision-making that impacts quality of care and quality of life:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 7-13, 2007 as NATIONAL LONG-TERM CARE RESIDENT’S RIGHTS WEEK in Illinois, and reaffirm my commitment and dedication to ensuring the best care and treatment for residents of long-term care facilities.

Issued by the Governor October 03, 2007.
Filed by the Secretary of State October 31, 2007.

2007-349
NATIONAL CASE MANAGEMENT WEEK

WHEREAS, the Case Management Society of America (CMSA) is an international, non-profit, multi-disciplinary, and professional organization dedicated to the support and advancement of the case management profession. Since its inception, CMSA has been at the forefront of setting professional standards for the industry; and
WHEREAS, case management is a collaborative process of assessment, planning, facilitation, and advocacy for options and services to meet an individual’s health needs through communication and available resources to promote quality, cost-effective outcomes; and
WHEREAS, founded in 1990, CMSA has nearly 10,000 members and over 70 affiliated and pending chapters; and
WHEREAS, this year, from October 7-13, 2007, there will be a weeklong celebration that serves to recognize case managers, to educate the public about case management, and to increase recognition of the significant contribution of case managers to quality healthcare for the patient, healthcare provider, and payer:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim October 7-13, 2007 as NATIONAL CASE MANAGEMENT WEEK in Illinois.

Issued by the Governor October 03, 2007.
Filed by the Secretary of State October 31, 2007.

2007-350
OFF THE STREET CLUB DAY

WHEREAS, formed in 1898, Off the Street Club is Chicago’s oldest boys and girls club; and
WHEREAS, Off the Street Club serves more than 3,000 children between ages 4 and 18 in the Garfield Park area; and
WHEREAS, the club plays an important role by providing a safe refuge where kids can engage in a number of fun and entertaining activities, including roller-skating, playing pool, shooting hoops and baking cookies. Kids can also study and research school projects, play computer games, sing, dance and act, and work on projects in a woodshop; and
WHEREAS, each December Off the Street Club hosts their annual holiday luncheon, which serves as the organization’s largest fundraiser; and
WHEREAS, this year’s holiday luncheon, which is expected to raise half of Off the Street Club’s annual budget, is on December 5:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 5, 2007 as OFF THE STREET CLUB DAY in Illinois in recognition of Off the Street Club for their commitment and dedication to the safety and protection of our children by keeping them off the streets and out of trouble.

Issued by the Governor October 04, 2007.
Filed by the Secretary of State October 31, 2007.

2007-351
ILLINOIS HOME CARE AND HOSPICE MONTH

WHEREAS, home healthcare encompasses a wide variety of needed services, including skilled nursing, hospice care, physical therapy, speech therapy, occupational therapy, infusion services, private duty care,
and other services that involve durable medical equipment and general care; and

WHEREAS, there is an unprecedented growth in our nation’s aging population, and by 2030 the 65-plus population is expected to more than double to about 71.5 million; and

WHEREAS, the demand for home care continues to increase with the aging of our population, and most older adults have at least one chronic condition. Many even have multiple conditions that require in-home assistance; and

WHEREAS, approximately 140,000 Illinoisans receive home health services, receiving nearly three million visits annually; and

WHEREAS, the Illinois HomeCare Council, the nation’s first home care association, has been an integral part of the growth and evolution of home healthcare since its founding in 1960; and

WHEREAS, the Illinois HomeCare Council has worked in partnership with its 200-plus member organizations and other health, medical and advocacy groups to ensure increased patient protection and quality care through the new Illinois Home Health, Home Services and Home Nursing Agency Licensing Act, which was signed into law in 2006.

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2007 as ILLINOIS HOME CARE AND HOSPICE MONTH in Illinois to raise awareness about home healthcare, and recognize the Illinois HomeCare Council for their commitment an dedication to quality home care services.

Issued by the Governor October 04, 2007.
Filed by the Secretary of State October 31, 2007.

2007-352
NATIONAL MENTAL HEALTH WEEK

WHEREAS, good mental health is a vital component to the health and wellbeing of each and every child and adult in Illinois; and

WHEREAS, promoting good mental health in our lives and the lives of our families, friends and colleagues contributes to a healthier, more balanced and more productive life for every Illinoisan; and

WHEREAS, today, 700,000 Illinoisans suffer from a diagnosable mental illness. The good news is that they can be treated, and more than
165,000 Illinois residents receive help through the Illinois Department of Human Services Division of Mental Health; and

WHEREAS, my administration is committed ensuring that Illinois remains a national leader in providing access to resources for both the prevention of mental illness and the means for recovery to sound mental health:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 7-13, 2007 as NATIONAL MENTAL HEALTH WEEK in Illinois to raise awareness about mental health, and encourage those with mental illnesses to seek help.

Issued by the Governor October 04, 2007.
Filed by the Secretary of State October 31, 2007.

2007-353
EARTH SCIENCE WEEK

WHEREAS, the earth sciences, especially geology, are integral to finding, developing, and conserving the water, mineral, and energy resources needed for modern society; and

WHEREAS, the earth sciences provide the basis for preparing for and mitigating the effects of natural hazards such as floods, landslides, earthquakes, volcanic eruptions, sinkholes, and coastal erosion; and

WHEREAS, the earth sciences are crucial to our understanding of environmental and ecological issues ranging from air and water quality to waste disposal; and

WHEREAS, knowledge about geological factors regarding earth resources, hazards, and the environment are vital to land management and land use decisions at local, state, regional, national, international, and global levels; and

WHEREAS, study of the earth sciences contributes critically important information to our understanding of the natural world; and

WHEREAS, Earth Science Week is an opportunity to seek a greater understanding and appreciation of the value of earth science research and its application and relevance to our daily lives, as well as for science teachers at all levels throughout the State of Illinois to undertake lessons and activities with their students directed toward the study of earth science:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 14-20, 2007 as EARTH SCIENCE WEEK in Illinois.

Issued by the Governor October 04, 2007.

Filed by the Secretary of State October 31, 2007.

2007-354

ILLINOIS DOMESTIC VIOLENCE AWARENESS MONTH

WHEREAS, domestic violence is a prevalent social problem in Illinois that not only negatively affects the victim, but also affects the victim’s family, friends and community at large; and

WHEREAS, domestic violence knows no boundaries. It exists in all neighborhoods and cities, and it has no racial, economic, or social barriers; and

WHEREAS, in Illinois alone, there are approximately 115,000 to 125,000 domestic crimes each year; and

WHEREAS, the health-related costs of rape, physical assault, stalking, and homicide by intimate partners exceed $5.8 billion every year, and the annual cost of lost productivity in the workplace due to domestic violence is estimated at $727.8 million, with over 7.9 million paid workdays lost per year; and

WHEREAS, the Illinois Department of Human Services is dedicated to ensuring that Illinois residents live free from domestic violence, promoting prevention, and working in partnership with communities to advance equality, dignity, and respect for all; and

WHEREAS, the Illinois Department of Human Services also funds 64 multi-service domestic violence programs throughout the state, offering counseling and advocacy, legal assistance, children’s services, and shelter and support services at no cost to the victim; and

WHEREAS, this year the Illinois Department of Human Services has expanded the City of Chicago’s Domestic Violence Helpline, 1-877-TO END DV, to provide a toll-free, 24-hour, 7-days-a-week, multilingual, confidential service to all Illinois residents:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2007 as ILLINOIS DOMESTIC VIOLENCE AWARENESS MONTH in Illinois to raise awareness about
the problem of domestic violence, and urge all victims to seek help by either calling a local helpline or visiting a local help center.

Issued by the Governor October 04, 2007.
Filed by the Secretary of State October 31, 2007.

2007-355
NATIONAL MARTIAL ARTS DAY

WHEREAS, martial arts teach and instill important and valuable skills and lessons not only for self-defense, but also for self-confidence, self-control, and self-discipline; and

WHEREAS, these skills and lessons are the basis and foundation for good character and future success in all aspects of life such as social relationships and career choices; and

WHEREAS, in addition to personal development and enrichment, martial arts also provide a healthy emotional outlet for relieving stress and a safe social environment for children; and

WHEREAS, this year, the National Association of Professional Martial Artists and Project Action Foundation will celebrate October 13th as National Martial Arts Day to promote the positive benefits of martial arts; and

WHEREAS, martial arts schools throughout the United States, including the State of Illinois, will also sponsor charitable fundraisers, parties, performances, open houses, and other activities to mark the occasion:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 13, 2007 as NATIONAL MARTIAL ARTS DAY in Illinois to join the National Association of Professional Martial Artists and Project Action Foundation in recognizing martial arts.

Issued by the Governor October 09, 2007.
Filed by the Secretary of State October 31, 2007.

2007-356
WORLD DIABETES DAY

WHEREAS, diabetes has reached epidemic proportions in the United States. In Illinois alone, more than 778,000 adults (age 18 and
older) have diagnosed diabetes. An additional 260,000 adults may have undiagnosed diabetes, and approximately 3 million Illinois residents are at increased risk for developing type 2 diabetes due to increasing obesity and sedentary lifestyle; and

WHEREAS, type 2 diabetes can be prevented in those at high risk by changes in lifestyle with improved diet, increased physical activity, and/or modest weight loss; and

WHEREAS, diabetes is a chronic, debilitating and costly disease associated with severe complications that pose great risks and loss for our families. It is important to recognize that these complications may be delayed, prevented or decreased in severity through goal-oriented management of blood glucose, lipids and blood pressure, receiving diabetes self-management education, ensuring proper food intake and physical activity to help achieve target values, maintaining a healthy body weight, and receiving recommended eye and foot examinations; and

WHEREAS, blood pressure control reduces the risk of cardiovascular disease among persons with diabetes by 33% to 50% and the risk of microvascular complications (eye, kidney, and nerve diseases) by approximately 33%, detection and treatment diabetic eye disease can reduce the development of severe vision loss by an estimated 50% to 60%, detection and treatment early diabetic kidney disease can reduce the decline in kidney function by 30% to 70%, improved control of blood lipids can reduce cardiovascular complications by 20% to 50%, and comprehensive foot care programs can reduce amputation rates by 45% to 85%; and

WHEREAS, increasing community awareness of risk factors associated with the development of type 2 diabetes and symptoms of uncontrolled diabetes will increase the likelihood that individuals will seek and receive treatment and education before developing the disease or serious complications:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 14, 2007 as WORLD DIABETES DAY in Illinois.

Issued by the Governor October 10, 2007.

Filed by the Secretary of State October 31, 2007.
2007-357
INFECTION PREVENTION WEEK

WHEREAS, protecting the health of Americans includes providing every citizen with access to safe and effective healthcare; and
WHEREAS, Infection Prevention and Control Professionals are devoted to patient and healthcare worker safety and are committed to reducing the risk and occurrence of healthcare-associated infections; and
WHEREAS, the prevention of healthcare-associated infections is instrumental in achieving this goal; and
WHEREAS, every year more than 800 million Americans visit their physicians and more than 33 million are admitted to hospitals, with many undergoing medical procedures that have a risk of infectious complications; and
WHEREAS, healthcare-associated infections increase morbidity and mortality and add a significant financial burden to the cost of healthcare; and
WHEREAS, the Association for Professionals in Infection Control and Epidemiology (APIC), representing more than 11,000 Infection Prevention and Control Professionals, sponsors International Infection Prevention and Control Week with this year’s theme being, “International Infection Prevention Week: It’s In Your Hands”:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 14-20, 2007 as INFECTION PREVENTION WEEK in Illinois, and encourage all citizens to join in this worthy effort to prevent healthcare-associated infections.
Issued by the Governor October 10, 2007.
Filed by the Secretary of State October 31, 2007.

2007-358
LIGHTS ON AFTER SCHOOL DAY

WHEREAS, the education of our children is critically important to their future success. The skills they learn and develop today will prepare them for their careers tomorrow; and
WHEREAS, that is why it is critically important that children have access to all the resources they need to succeed. Head Start and
afterschool programs are just two terrific opportunities available for improving the academic achievement of students; and

WHEREAS, in addition to supporting their education, afterschool programs also keep our children off the streets and out of trouble. In Illinois, nearly 65 percent of parents with school-age children work outside their home; and more than 14 million students in the United States have no place to go after school; and

WHEREAS, thanks to afterschool programs, many parents do not have to worry about where their children are, who they are associating with, and what they are doing. Indeed, by providing students a safe and healthy environment for them to learn and helping working parents, afterschool programs strengthen our communities; and

WHEREAS, on October 18, communities all across Illinois will celebrate Lights on Afterschool, a nationwide event organized each year to recognize afterschool programs and promote their benefits:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 18, 2007 as LIGHTS ON AFTERSCHOOL DAY in support of afterschool programs, which are essential and vital to so many children, parents, and communities in our state.

Issued by the Governor October 10, 2007.
Filed by the Secretary of State October 31, 2007.

2007-359
ILLINOIS ASSOCIATION FOR HOME AND COMMUNITY EDUCATION WEEK

WHEREAS, since 1924 members of the Illinois Association for Home and Community Education (IAHCE) have been promoting social and economic wellbeing in Illinois homes and neighborhoods; and

WHEREAS, the IAHCE is an educational and community service organization representing over 12,000 men and women from 88 county associations; and

WHEREAS, IAHCE members volunteer their skills and energy to many different community service projects that include sending our troops care packages and making blankets for children; and

WHEREAS, altogether, IAHCE members in 28 counties
volunteered more than 123,000 hours of their time to service projects last year:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 14-20, 2007 as ILLINOIS ASSOCIATION FOR HOME AND COMMUNITY EDUCATION WEEK in Illinois in commendation of IAHCE members for their dedication and commitment to the welfare of local communities.

Issued by the Governor October 10, 2007.
Filed by the Secretary of State October 31, 2007.

2007-360
NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

WHEREAS, people with disabilities represent a largely untapped workforce of dedicated, qualified, valuable employees; and
WHEREAS, people with disabilities are leaders in major businesses and corporations throughout the state of Illinois; and
WHEREAS, Illinoisans with disabilities have an unemployment rate of nearly 70 percent, even though 7 out of 10 unemployed working-age citizens with disabilities indicate that they would prefer to work; and
WHEREAS, Illinois is home to over five hundred local and statewide Corporate Business Partners who have partnered with the Division of Rehabilitation Services to assist Illinois residents with disabilities in attaining stable employment that leads to economic self-sufficiency; and
WHEREAS, there are numerous tax credits and deductions for Illinois employers to hire and provide accommodations to qualified workers with disabilities; and
WHEREAS, the Illinois Department of Human Services' Division of Rehabilitation Services (DRS) helped more than 5,114 individuals find quality employment last year alone. They also helped increase the average earnings of successfully employed customers; found more customers jobs that included health insurance as a benefit; reduced the time it takes to achieve employment; and expanded vocational services to customers with the most significant disabilities; and
WHEREAS, Illinois' Health Benefits for Workers with Disabilities (HBWD) initiative helps people with disabilities return to work with full
WHEREAS, the Department has a goal of promoting full time employment and reduced reliance on government benefits such as social security disability payments; and

WHEREAS, National Disability Employment Awareness Month began in 1945 by President Harry S. Truman as "National Employ the Physically Handicapped Week." In 1988, Congress expanded the week to a month and renamed it National Disability Employment Awareness Month; and

WHEREAS, DRS will be holding numerous statewide events during the month to promote the employment of citizens with disabilities and to thank employers who have excelled in employing workers with disabilities; and

WHEREAS, Central Management Services and the Department of Human Services will be conducting a statewide training on October 31, 2007, for state human resource personnel and ADA coordinators:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2007 as NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH in Illinois, and reaffirm the commitment of my administration to helping those with disabilities.

Issued by the Governor October 16, 2007.

Filed by the Secretary of State October 31, 2007.

2007-361

CHILDHOOD LEAD POISONING PREVENTION WEEK

WHEREAS, approximately 310,000 children younger than the age of 6 are lead poisoned across the nation each year, and Illinois identified approximately 9,050 lead poisoned children in 2006; and

WHEREAS, Illinois passed the Lead Poisoning Prevention Act in 1973 to set mandatory screening and reporting requirements; and

WHEREAS, Illinois established the Lead Poisoning Prevention Program in the Illinois Department of Public Health to monitor the identification and treatment of lead poisoned children; and

WHEREAS, Illinois data indicates a decline in the number of lead poisoned children younger than the age of 6 from 23.1 percent in 1996 to 2.9 percent in 2006; and
WHEREAS, Illinois amended the Lead Poisoning Prevention Act in 2006, establishing new guidelines to further expand on lead poisoning prevention efforts in the state; and

WHEREAS, the major source of lead exposure among American children still remains lead-based paint banned in 1978 and lead-contaminated dust found in over 2 million deteriorating housing units in Illinois; and

WHEREAS, lead poisoning can affect nearly every system in the body, causing learning disabilities, shortened attention span, behavioral problems and, in extreme instances, seizure, coma and even death; and

WHEREAS, lead poisoning can affect any family regardless of race, socioeconomic status and education, and is preventable; and

WHEREAS, Illinois is pleased to join with healthcare professionals, agencies and their delegates in observance of National Lead Poisoning Prevention Week, in an effort to increase awareness and promote prevention of lead poisoning in children:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 21-27, 2007 as CHILDHOOD LEAD POISONING PREVENTION WEEK in Illinois and encourage all citizens to recognize the prevalence of lead poisoning in our society and to join in working toward eradicating this unfortunate and preventable condition.

Issued by the Governor October 16, 2007.
Filed by the Secretary of State October 31, 2007.

2007-362
ADOPTION AWARENESS MONTH

WHEREAS, adoption is a rewarding and enriching experience for individuals and couples who want to provide children with a stable, loving family environment; and

WHEREAS, Illinois is recognized as a national leader in finding permanent homes for waiting children, placing more than 50,000 foster children into adoptive and subsidized guardianship homes since 1997; and

WHEREAS, largely because of its success in adoption recruitment, Illinois has become the first state in the nation to support more children in permanent adoption guardianship placements than in substitute care; and

WHEREAS, the Illinois Department of Children and Family
Services, the Child Care Association of Illinois, the Adoption Information Center of Illinois, the Illinois Adoption Advisory Council, the Illinois Foster and Adoptive Parent Association, the Chicago Bar Association, and the many Illinois child welfare agencies and adoptive parent groups all encourage families to consider adopting a child in need of a home; and

WHEREAS, hundreds of children in Illinois are still awaiting adoption:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2007 as ADOPTION AWARENESS MONTH in Illinois, and encourage all families to consider adopting a child into their family.

Issued by the Governor October 17, 2007.
Filed by the Secretary of State October 31, 2007.

2007-363
NATIONAL GUARD DAY

WHEREAS, the National Guard has a long and proud tradition of support to our nation dating back 371 years to its beginnings as colonial militia during the founding of America; and

WHEREAS, the Army National Guard was formed on December 13, 1636, when the Massachusetts Bay Colony organized three militia regiments to defend against the growing threat of the Pequot Indians; and

WHEREAS, militiamen of the Illinois National Guard have proudly served in every major United States military conflict from its service on the frontier during the Revolutionary War period, to the Black Hawk and Civil wars to operations Noble Eagle, Enduring Freedom and Iraqi Freedom today; and

WHEREAS, in the largest and swiftest response to a domestic disaster in history, the Illinois National Guard deployed approximately 1,200 troops in support of the Gulf states following Hurricane Katrina in 2005. Today, more than 8,000 Illinois Army National Guard Soldiers and over 3,100 Illinois Air National Guard personnel have served in harm’s way in Iraq and Afghanistan; and

WHEREAS, the State of Illinois is very proud to recognize the historic and honorable longevity of the National Guard, which is continually providing trained and equipped units, protecting life and
property of the citizens of Illinois and ready to defend the United States and its interests all over the globe:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 13, 2007 as NATIONAL GUARD DAY in Illinois in recognition of its 371st birthday.

Issued by the Governor October 17, 2007.

Filed by the Secretary of State October 31, 2007.

2007-364
RESPIRATORY CARE WEEK

WHEREAS, respiratory diseases are a major health problem in the United States. Unfortunately, the causes of some respiratory diseases are unknown, and many have no known cure; and

WHEREAS, despite that, appropriate therapy can often slow the progress of respiratory disease, relieve symptoms, reduce the extent of permanent lung damage and respiratory disability, and avert or delay the onset of life-threatening complications; and

WHEREAS, today, there are educational programs for patients and their families, as well as a variety of treatments for respiratory disease such as the administration of life-supporting oxygen, drug therapy, and lung rehabilitation; and

WHEREAS, to inform the public about the respiratory care profession and promote lung health, the American Association for Respiratory Care and their affiliate organizations, including the Illinois Society for Respiratory Care, annually sponsors Respiratory Care Week the last week in October; and

WHEREAS, respiratory therapy centers throughout the country participate by hosting educational screenings, programs, and fundraisers for asthma camps for kids, patients in need of assistance, and other worthy causes; and

WHEREAS, legislation to grant Illinois Respiratory Care Practitioners full licensure status became effective January 1, 2006; and

WHEREAS, this year, the American Association and Illinois Society for Respiratory Care will observe Respiratory Care Week from October 21-27:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of
Illinois, do hereby proclaim October 21-27, 2007 as RESPIRATORY CARE WEEK in Illinois in support of the notable efforts by the American Association and Illinois Society for Respiratory Care to raise awareness about respiratory diseases that affect the lives of many citizens of our State.

Issued by the Governor October 17, 2007.
Filed by the Secretary of State October 31, 2007.

2007-365
CHARACTER COUNTS! WEEK

WHEREAS, young people will be the stewards of our communities, nation, and world in critical times, and the present and future well-being of our society requires an involved, caring citizenry with good character; and

WHEREAS, concerns about the character training of children have taken on a new sense of urgency as violence by and against youth threatens the physical and psychological well-being of the nation; and

WHEREAS, more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups; and

WHEREAS, the character of a nation is only as strong as the character of its individual citizens, and the public good benefits when young people learn that good character counts in personal relationships, in school, and in the workplace; and

WHEREAS, scholars and educators agree that people do not automatically develop good character and, therefore, conscientious efforts must be made by youth-influencing institutions and individuals to help young people develop the essential traits and characteristics that comprise good character; and

WHEREAS, character development is, first and foremost, an obligation of families, though efforts by faith communities, schools, and youth, civic, and human service organizations also play a very important role in supporting family efforts by fostering and promoting good character; and

WHEREAS, in July 1992, the Aspen Declaration was written by an eminent group of educators, youth leaders, and ethics scholars for the
purpose of articulating a coherent framework for character education appropriate to a diverse and pluralistic society; and

WHEREAS, the Aspen Declaration states that “effective character education is based on core ethical values which form the foundation of democratic society” – trustworthiness, respect, responsibility, fairness, caring, and citizenship – and these “Six Pillars of Character” transcend cultural, religious, and socioeconomic differences; and

WHEREAS, the Aspen Declaration states that “The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model the core ethical values and every social institution has the responsibility to promote the development of good character”:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 21-27, 2007 as CHARACTER COUNTS! WEEK in Illinois, and encourage all citizens to model these traits of good character in an ongoing commitment to promote character development and ethical behavior in the youth of our community.

Issued by the Governor October 17, 2007.
Filed by the Secretary of State October 31, 2007.

2007-366
ILLINOIS' SAFE SCHOOLS WEEK

WHEREAS, every day, millions of parents throughout the United States, including the State of Illinois, send their children off to schools for an education; and

WHEREAS, while parents should not have to worry about the safety and security of their children, events such as Columbine and other recent violent acts dramatically demonstrate that dangers and threats to them are real. Consequently, our first priority is to ensure that they are not exposed to violence; and

WHEREAS, there are other menaces to our children at schools, including bullying, drugs, and theft. Accordingly, it is also our responsibility to ensure that our children are safe and secure from these and other threats and dangers; and

WHEREAS, it is not the responsibility of our educational institutions alone to address these serious issues. The safety and security
of our children also depends on the active collaboration and cooperation of law enforcement and government; and

WHEREAS, only by working together can we avert violence, end bullying, minimize the proliferation of drugs, reduce theft, and resolve other problems. That is why I urge our educators, law enforcement authorities, and government leaders to collectively assess the dangers and threats to our children and then develop and implement plans and procedures to deal with them:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 21-27, 2007 as ILLINOIS’ SAFE SCHOOLS WEEK to promote efforts to protect our children so that no parent has to worry about their well-being while they are learning.

Issued by the Governor October 17, 2007.

Filed by the Secretary of State October 31, 2007.

2007-367
MAKE A DIFFERENCE DAY

WHEREAS, we have the power to save lives and considerably improve the quality of life of others, and there are many ways we can make a difference; and

WHEREAS, just by donating pop tops and recycling, we help amputees get economical and affordable artificial limbs, and reduce environmental waste so that our children have a safer and healthier habitat to play and grow in; and

WHEREAS, there are also many wonderful activities and events committed and dedicated to helping others, including Make A Difference Day. Last year on that day, more than 3 million Americans gave their time and support for thousands of projects in hundreds of towns throughout the country; and

WHEREAS, in Illinois alone, thousands of citizens, civic organizations, companies, religious groups, and schools contributed to projects such as the collection and delivery of supplies to needy students and food and clothing drives for homeless shelters; and

WHEREAS, created by USA WEEKEND Magazine, Make A Difference Day has grown into a substantial vehicle for volunteerism and community service. This year, the 17th Annual Make A Difference Day

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 20, 2007 as MAKE A DIFFERENCE DAY.
will be held on October 27:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 27, 2007 as MAKE A DIFFERENCE DAY in Illinois in support of this marvelous day for helping others, and to encourage citizens of our state to make a difference.

Issued by the Governor October 17, 2007.
Filed by the Secretary of State October 31, 2007.

2007-368

STUDENT PLEDGE AGAINST GUN VIOLENCE DAY

WHEREAS, gun violence is a serious epidemic that takes thousands of lives every year, rips families apart, and casts a dark shadow over every community; and

WHEREAS, since taking office in 2003, my administration has aggressively fought to keep guns off our streets and out of the hands of violent offenders. Our initiatives have included closing the gun show loophole that allowed gun buyers to avoid comprehensive background checks, imposing harsher prison sentences for those convicted of gun crimes, and creating an elite gun trafficking police unit to stop the illegal flow of guns into Illinois; and

WHEREAS, the State of Illinois will never rest in its efforts to protect our citizens from senseless gun violence; and

WHEREAS, in 1996, a bipartisan resolution passed in the United States Senate that called for A Day of National Concern About Young People and Gun Violence. Thanks to this initiative, more than 10 million students from all around the country have taken a pledge not to bring a gun to school, never to use a gun to settle disputes, and to use their influence with friends to keep them from using a gun to settle disputes; and

WHEREAS, this year, to commemorate the Day of National Concern’s Student Pledge, radio station WBBM-FM (B96) in Chicago is holding a special broadcast on Wednesday, October 24 that will include prominent community leaders, celebrities, and education professionals engaged in discussion and debate about this critical topic. Schools all throughout the nation will also hold their own events to commemorate this annual observance:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 24, 2007 as STUDENT PLEDGE AGAINST GUN VIOLENCE DAY in Illinois in support of the commendable efforts by all those involved in organizing Day of National Concern events.

Issued by the Governor October 17, 2007.
Filed by the Secretary of State October 31, 2007.

2007-369
ALZHEIMER'S DISEASE AWARENESS MONTH

WHEREAS, today, more than 5 million Americans are living with Alzheimer’s throughout the United States. In the State of Illinois, there are more than 210,000 adults currently afflicted by the disease; and

WHEREAS, a progressive, degenerative disease of the brain, Alzheimer’s is the most common form of dementia. It results in impaired memory, thinking and behavior, and usually begins gradually, causing a person to forget recent events and to have difficulty performing familiar tasks; and

WHEREAS, 1 in 8 adults age 65 and over, and nearly half of those over the age of 85 have Alzheimer’s, as well as a small percentage of Americans under 65; and

WHEREAS, those who have Alzheimer’s live an average of 20 years from the onset of symptoms, and only an average of 7 years after diagnosis; and

WHEREAS, unfortunately, there is no form of prevention or known cure for Alzheimer’s, and unless any are found, it is estimated that 11 to 16 million Americans will have the disease by the year 2050:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2007 as ALZHEIMER’S DISEASE AWARENESS MONTH in Illinois to raise awareness about Alzheimer’s, and in support of efforts to combat this debilitating disease that affects so many families in our state.

Issued by the Governor October 18, 2007.
Filed by the Secretary of State October 31, 2007.
WHEREAS, early Friday, October 12, 2007, Dr. Terra Thomas and her daughter Nia were killed while driving when their car crashed into a truck stopped at an Indiana toll plaza; and

WHEREAS, Dr. Thomas, a resident of the Streeterville neighborhood in Chicago, was president and CEO of Human Resources Development Institute. She had joined the agency in 1978 after completing her Ph.D. residency at Northwestern University; and

WHEREAS, Human Resources Development Institute is a Chicago-based non-profit agency that provides mental health services. Dr. Thomas helped them grow to become a $30 million-a-year operation with 15,000 clients in five states; and

WHEREAS, Dr. Thomas also maintained a private practice as a child psychologist and consulted with hospitals and charter schools nationwide, as well as taught at Northwestern for 11 years; and

WHEREAS, despite her busy career, Dr. Thomas still found time to serve on numerous boards, co-founded the AIDS Foundation of Chicago, design AIDS outreach and education programs, and consult the United State government and African governments of Zambia, Nigeria, Mozambique, and Liberia; and

WHEREAS, born on October 16, 1947 in Easton, Maryland, Dr. Thomas received a B.S. in experimental psychology from Morgan State University, a Master’s degree in guidance and counseling from New York University, and a Master’s degree and Ph.D. in clinical psychology from Adelphi University. When she started moving into management at Human Resources Development Institute, Dr. Thomas got an M.B.A. from Northwestern; and

WHEREAS, Dr. Thomas was with all three of her children—16-year-old triplets Brooks, Rheaves, and Nia—when her and Nia were killed. From an early age, Dr. Thomas exposed her children to everything, and particularly encouraged and supported their interests in music, theater and sports; and

WHEREAS, both Dr. Thomas and Nia were beloved by many in the community, and they will surely be missed. A memorial service for them is scheduled on Saturday, October 20 at the Apostolic Church of
God in Woodlawn, Chicago:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 20, 2007 as DR. TERRA AND NIA THOMAS DAY in Illinois in honor and remembrance of Dr. Thomas and Nia, whose family and friends I offer my heartfelt condolences.

Issued by the Governor October 18, 2007.
Filed by the Secretary of State October 31, 2007.

2007-371
TOWNSHIP OFFICIALS OF ILLINOIS DAY

WHEREAS, in Illinois, the first township governments were established in 1850 as the Prairie State continued its emergence as one of the most progressive states in the Union; and

WHEREAS, led by W. Rufus Kendall, a group of Highway Commissioners and Town Clerks formed the Illinois State Association of Highway Commissioners and Town Clerks in November 1907; and

WHEREAS, in 1937, the association changed its name to the Illinois Association of Township Officials, which was renamed again in 1945 to Township Officials of Illinois, as it is known today; and

WHEREAS, over the past 100 years, the Township Officials of Illinois has helped build unity, pride and professionalism among the more than 11,000 elected township officials they represent; and

WHEREAS, through the association’s continuing educational and training programs, the Township Officials of Illinois has also helped township officials improve the quality of services they offer their residents; and

WHEREAS, on November 13, Township Officials of Illinois will conclude its Centennial Celebration at the association’s Annual Educational Conference in Springfield:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 13, 2007 as TOWNSHIP OFFICIALS OF ILLINOIS DAY in Illinois in recognition of the association as they celebrate 100 years of representing township officials.

Issued by the Governor October 22, 2007.
Filed by the Secretary of State October 31, 2007.
WHEREAS, Fitwize 4 Kids is the leading provider of healthy lifestyle centers for children; and

WHEREAS, with a mission to empower the youth of today and tomorrow by teaching them the lifelong benefits of staying fit, eating right and living a healthy lifestyle, Fitwize offers fun and innovative programs that build self-esteem and stronger bodies for kids between the ages of 6 1/2 to 15; and

WHEREAS, the fitness equipment at Fitwize is specially designed for kids bodies. Each piece of equipment allows for multi-joint, closed kinetic chain movements; and

WHEREAS, when combined with Fitwize's low-weight, high repetition resistance program, this equipment allows growing kids to safely build lean muscle mass and reduce the risk of injury; and

WHEREAS, Fitwize is a Northern California based company with locations throughout the United States and Australia, including Schaumburg, Illinois; and

WHEREAS, serving as Chairman of the Illinois Council on Health and Physical Fitness is Otis Wilson, 1985 Chicago Bears Super Bowl Champion and one of the owners of the Fitwize in Schaumburg, which will celebrate their two year anniversary with a grand reopening on November 10; and

THEREFORE, I, Governor Rod R. Blagojevich, do hereby proclaim November 10, 2007 FITWIZE 4 KIDS DAY in Illinois in recognition of Fitwize and Otis Wilson for their dedication and commitment to the health and wellbeing of children in our state and all around the country.

Issued by the Governor October 22, 2007.
Filed by the Secretary of State October 31, 2007.

WHEREAS, through the generations, America's men and women in uniform have defeated tyrants, liberated continents, and set a standard
of courage and idealism for the entire world; and
WHEREAS, to protect the Nation they love, our veterans stepped forward when America needed them most. In answering history's call with honor, decency, and resolve, our veterans have shown the power of liberty and earned the respect and admiration of a grateful Nation; and
WHEREAS, all of America's veterans have placed our Nation's security before their own lives, creating a debt that we can never fully repay. Our veterans represent the best of America, and they deserve the best America can give them; and
WHEREAS, as we recall the service of our Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen, we are reminded that the defense of freedom comes with great loss and sacrifice; and
WHEREAS, this Veterans Day, we give thanks to those who have served freedom's cause; we salute the members of our Armed Forces who are confronting our adversaries abroad; and we honor the men and women who left America's shores but did not live to be thanked as veterans. They will always be remembered by our country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 11, 2007 as VETERANS DAY in Illinois, and encourage all Americans to recognize the valor and sacrifice of our veterans through ceremonies and prayers.

Issued by the Governor October 23, 2007.
Filed by the Secretary of State October 31, 2007.

2007-374
NATIVE AMERICAN MONTH

WHEREAS, long before the arrival of Europeans to North American shores, Native Americans settled and lived throughout the United States, including the State of Illinois; and
WHEREAS, Native Americans established loose bands of tribes and confederations with sophisticated agricultural and hunting economies and social and political systems, which were designed to secure domestic peace and comfort within their communities; and
WHEREAS, after the arrival of Europeans, many Native Americans aided European colonization, especially by instructing European migrants in vital farming techniques and methods unique to the
WHEARS, sadly, European civilizations displaced many Native American communities, and many Native Americans were forced to assimilate into the new culture. Despite that, Native Americans have faithfully and heroically served in all American wars to defend democracy and freedom; and

WHEREAS, some Native American communities are beginning to thrive again thanks to the creativity, innovation, and above all, indomitable spirit of Native Americans:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2007 as NATIVE AMERICAN MONTH in Illinois in honor and remembrance of those Native Americans who preceded us, without whom the success of European civilization would not have been possible, and in recognition of the contributions Native Americans have made to the United States, State of Illinois, and their own success.

Issued by the Governor October 25, 2007.
Filed by the Secretary of State October 31, 2007.

2007-375
CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH

WHEARS, Chronic Obstructive Pulmonary Disease (COPD) is the fourth leading cause of death in the United States. In 2001 alone, there were more than 12 million diagnosed cases of COPD in adults over the age of 25; and

WHEREAS, COPD encompasses a group of lung diseases that cause blockages to airflow and breathing-related problems, including chronic bronchitis, emphysema, and some extreme cases of asthma; and

WHEREAS, COPD has a variety of causes, but the primary source of the disease is cigarette smoking. Most COPD patients are smokers or former smokers, however, breathing other irritants on a regular basis such as air pollution or chemical fumes can also trigger the disease; and

WHEREAS, COPD causes the loss of elasticity and swelling of airways, as well as the erosion of air sac walls. Consequently, these problems obstruct airflow in and out of the lungs and the supply of oxygen
to the body; and

WHEREAS, unfortunately, there is no treatment for COPD. Damage done to the airways is irreversible, but avoiding cigarette smoke, air pollution, and chemical fumes is the best way a COPD patient can minimize their risk; and

WHEREAS, this year, a number of organizations committed and dedicated to addressing COPD will raise awareness about the disease in November:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2007 as CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH in Illinois to call attention to the devastating problem of COPD, and in support of efforts by organizations to combat this terrible disease that affects so many people in this country and our state.

Issued by the Governor October 25, 2007.
Filed by the Secretary of State October 31, 2007.

2007-376
PREMATURITY AWARENESS MONTH AND PREMATURITY AWARENESS DAY

WHEREAS, from birth to one-year-old, prematurity is the leading cause of death among babies in the United States; and those that do survive are susceptible to lifelong disabilities such as chronic lung disease, blindness, and cerebral palsy. Prematurity also costs families and communities billions of dollars every year in care and treatment; and

WHEREAS, sadly, the number of premature births has risen approximately 27 percent nationally over the last two decades. Today, nearly 500,000 babies are prematurely born in the United State every year; and

WHEREAS, of them, there are more than 23,000, or about one out of eight premature births in the State of Illinois. Clearly, prematurity is a significant and alarming problem; and

WHEREAS, in response, the March of Dimes is leading a national campaign to save babies from premature birth by funding research to find the causes and by aiding local programs that provide assistance to families with babies that are prematurely born; and
WHEREAS, this November, the March of Dimes will coordinate activities throughout the country with help from many local healthcare professionals and government agencies and departments to call attention to premature birth and to offer hope to families affected by it:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2007 as PREMATURITY AWARENESS MONTH and November 13, 2007 as PREMATURITY AWARENESS DAY in Illinois in support of the worthy efforts by the March of Dimes to prevent and raise awareness of this problem that plagues so many babies, families, and communities.

Issued by the Governor October 25, 2007.
Filed by the Secretary of State October 31, 2007.

2007-377
SLOVENIAN CULTURAL CENTER DAY

WHEREAS, thousands of people of Slovenian heritage have chosen Illinois as their home and have contributed much to the progress and development of the State; and

WHEREAS, the Slovenian Cultural Center in Lemont, Illinois is a non-profit organization with over 600 members; and

WHEREAS, the Slovenian Cultural Center is celebrating its 12th anniversary by setting aside time to enhance cultural awareness and to encourage Slovenian Americans of all ages to work together toward common goals; and

WHEREAS, the Slovenian Cultural Center includes all age groups, provides educational programs strengthening cultural and spiritual roots, sponsors workshops, organizes youth activities, and offers cultural events in the arts; and

WHEREAS, Slovenian-Americans living in Illinois, joined in spirit by Slovenian-Americans living nationwide, and by numerous persons with a mien toward Slovenian traditions and values, will celebrate the 12th anniversary of the founding of the Slovenian Cultural Center in Lemont, Illinois, on November 11, 2007:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 11, 2007 as SLOVENIAN CULTURAL CENTER DAY in Illinois, and encourage all citizens to join
WHEREAS, international education is critical for our future welfare. By studying, learning, and exchanging experiences, we develop a greater appreciation and respect for other people and their cultures, and breakdown barriers to understanding and cooperation, which are vital to peace and prosperity; and

WHEREAS, foreign student exchange programs are just one wonderful opportunity to learn about other people and cultures. Approximately 600,000 international students study in the United States every year; and

WHEREAS, International Education Week is from November 12-16, and the United States Departments of State and Education are teaming up to promote similar efforts during that week that enrich our comprehension of international education; and

WHEREAS, international education and exchange include thousands of programs, public, and private, campus-based and national, that promote the sharing of ideas and experiences across borders. These include study abroad programs, citizen and scholarly exchanges, foreign students on U.S. Campuses, area and foreign language studies, and global approaches to U.S. education; and

WHEREAS, we live in an increasingly interconnected world and improving global literacy among our citizens contributes significantly to our nation’s foreign policy, economic competitiveness, and national security; and

WHEREAS, this year’s theme, “International Education: Fostering Global Citizenship and Respect,” presents a golden opportunity to focus on what it takes to create new partnerships and seize new opportunities in the 21st century:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 12-16, 2007 as INTERNATIONAL EDUCATION WEEK in Illinois, and join the
campaign by the United States Departments of State and Education to encourage international education.

   Issued by the Governor October 25, 2007.
   Filed by the Secretary of State October 31, 2007.

2007-379
INTERNATIONAL HISPANIC/LATINO MENTAL HEALTH DAY

   WHEREAS, in 1992, the International Hispanic/Latino Mental Health Week Campaign was created in response to the lack of resources and information available for Spanish-speaking residents suffering from mental health problems and substance abuse. Latinos are identified as a high-risk group for depression, anxiety, and substance abuse; and
   WHEREAS, the campaign features workshops and lectures for community residents and professionals, free mental health screenings, and informational brochures and videos about behavioral health issues; and
   WHEREAS, the Latino Family Institute, in collaboration with the Illinois Department of Human Services, Chicago Public Schools/Office of Specialized Services, community providers, and community residents, donate time, space, and services to make the campaign a success; and
   WHEREAS, the campaign strives to increase awareness, knowledge, and skills on mental health and substance abuse treatment needs of Hispanic/Latinos, to increase access to bicultural and bilingual treatment since existing studies about language skills of mental health professionals found there are few Spanish-speaking and Latino providers, and to increase the competence in the treatment of Hispanic/Latinos through lectures and workshops:
   THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 8, 2007 as INTERNATIONAL HISPANIC/LATINO MENTAL HEALTH DAY in Illinois, and encourage all citizens to unite to improve the quality of life for people in Illinois suffering from mental health problems and substance abuse.

   Issued by the Governor October 25, 2007.
   Filed by the Secretary of State October 31, 2007.
WHEREAS, paralegals provide essential and vital legal support for many organizations, including law firms, corporate legal departments, and government offices; and

WHEREAS, to meet the increasing demands for legal services in the United States, the skilled work of paralegals will grow in importance and significance for the operation of American organizations and the application of American law. According to the United States Bureau of Labor Statistics, the paralegal profession will experience greater than average growth through the year 2012; and

WHEREAS, created in 1972, the Illinois Paralegal Association represents more than 1,500 paralegals in our state. The association is one of the oldest and largest statewide organizations that supports paralegals; and

WHEREAS, the purpose of the Illinois Paralegal Association is to promote the paralegal profession and communication among paralegals, the legal community, and civic and professional organizations, as well as encourage the continuing education of paralegals:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 8, 2007 as PARALEGAL DAY in Illinois as the Illinois Paralegal Association meets for an annual conference, and to commend paralegals in our state for their contributions to our communities.

Issued by the Governor October 25, 2007.
Filed by the Secretary of State October 31, 2007.

2007-381
NATIONAL FAMILY WEEK

WHEREAS, families are important for our health and well-being. They bring us joy and pleasure in moments of triumph, as well as comfort and solace during times of tragedy; and

WHEREAS, families are also the base and foundation of every community. Consequently, the success of our communities depends upon the strength of families; and
WHEREAS, for that reason, it is in the interest of everyone to promote and support families. By doing so, we can improve the communities we all live and work in; and
WHEREAS, Thanksgiving is a special time of year we spend with our families. Since 1968, that week has been commemorated as National Family Week; and
WHEREAS, this year, Thanksgiving falls on November 22, and National Family Week is from November 18-24:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 18-24, 2007 as NATIONAL FAMILY WEEK in Illinois to recognize the importance of families.
Issued by the Governor October 25, 2007.
Filed by the Secretary of State October 31, 2007.

2007-382
GEOGRAPHY AWARENESS WEEK AND GEOGRAPHIC INFORMATION SCIENCE DAY

WHEREAS, the study of geography is a significant component of a well-rounded education, allowing students to appreciate and understand the world around them; and
WHEREAS, technological innovations such as map making, socioeconomic analyses, and navigational aids, have increased the usage and applicability of geography in academics, business, and everyday life; and
WHEREAS, in an effort to promote geographic literacy in schools, communities, and organizations, the National Geographic Society established Geography Awareness Week in 1987 with the support of President Ronald Reagan; and
WHEREAS, during Geographic Awareness Week, geographic information systems vendors and users meet with schools, businesses, and the general public on Geographic Information Science Day, a grassroots event to showcase real-world applications of this important technology; and,
WHEREAS, this year, Geography Awareness Week is from November 11-17, and Geographic Information Science Day falls on November 14:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 11-17, 2007 as GEOGRAPHY AWARENESS WEEK and November 14, 2007 as GEOGRAPHIC INFORMATION SCIENCE DAY in Illinois to raise awareness about the benefits of studying geography.

Issued by the Governor October 25, 2007.
Filed by the Secretary of State October 31, 2007.

2007-383
SCHOOL PSYCHOLOGY AWARENESS WEEK

WHEREAS, throughout the country, school psychologists work diligently in our schools and school district offices to improve learning and behavior strategies among students, and to enhance classroom management and parenting skills; and
WHEREAS, sound psychological principles are integral to instruction and learning, social and emotional development, prevention and early intervention, and supporting culturally diverse student populations; and
WHEREAS, school psychologists demonstrate their ability to meet the varying needs of students through a wide-range of approaches such as consultation, assessment, intervention, prevention, and education; and
WHEREAS, children’s mental health is directly linked to their learning and development; and
WHEREAS, meeting children’s mental health needs is a wise investment because prevention/earlier intervention are more cost effective than remediation, incarceration, or lost productivity; and
WHEREAS, school psychologists are specially trained to deliver a continuum of mental health services and academic supports within the school setting; and
WHEREAS, school psychologists facilitate collaboration and help parents and educators identify and reduce risk factors, create effective and caring schools, access needed community resources, and implement research-driven prevention and intervention strategies; and
WHEREAS, the Illinois School Psychologists Association, an affiliate of the National Association of School Psychologists, is a not-for-profit professional association representing school psychologists in the
State of Illinois. This year, they will recognize school psychologists in our state for their valuable service during the week of November 12-16:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 12-16, 2007 as SCHOOL PSYCHOLOGY AWARENESS WEEK in Illinois, and commend school psychologists for their outstanding dedication to furthering the education and emotional well-being of our children.

Issued by the Governor October 25, 2007.

Filed by the Secretary of State October 31, 2007.

2007-384
CELEBRATE CHICAGO DAY

WHEREAS, since 1972, the Jefferson Awards for Public Service have been a non-partisan foundation dedicated to civic engagement and public service; and

WHEREAS, the ideal of public service and community service is vital to the success of our democracy; and

WHEREAS, it is vitally important that the tradition of neighbors helping neighbors gets passed on to the next generation of young Americans; and

WHEREAS, the Jefferson Awards for Public Service were created in 1972 by Jacqueline Kennedy Onassis, Senator Robert Taft, Jr., and Sam Beard to establish a Nobel Prize for people who have made outstanding contributions to public and community service; and

WHEREAS, the Jefferson Awards are presented on two levels: national and local. National award recipients represent a "Who's Who" of outstanding Americans. On the local level, Jefferson Awards recipients are ordinary people who do extraordinary things without expectation of recognition or reward; and

WHEREAS, as many cities across the nation are holding celebrations as part of the larger Celebrate America Day, the Jefferson Awards for Public Service will be holding an event, Celebrate Chicago Day, in Chicago, Illinois to encourage and honor local recipients for their achievements and contributions to the Chicago area and the entire State of Illinois; and
WHEREAS, the State of Illinois is proud to join the Jefferson Awards for Public Service as they recognize and honor these amazing individuals in Chicago, Illinois on November 28, 2007:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 28, 2007 as CELEBRATE CHICAGO DAY in Illinois.

Issued by the Governor October 25, 2007.
Filed by the Secretary of State October 31, 2007.

2007-385
CHICAGO MUSIC AWARDS DAY

WHEREAS, the Annual Chicago Music Awards has been the primary organization that expressly honors Illinois entertainers in various music genres such as: Pop, Rock, Gospel, R&B, Blues, Jazz, Reggae, Country Western, Latin, Opera, Dance Classical, Polka, Kids and other World Music; and

WHEREAS, on Sunday, January 28, 2006, Martin’s Inter-Culture, in association with several sponsors, will present the 26th Anniversary of the Chicago Music Awards at the Park West Theatre, located at 322 W. Armitage in Chicago; and

WHEREAS, the Music Awards was founded in 1981 by Ephraim M. Martin, a journalist, entrepreneur and television personality, to honor reggae and other world-beat music, arts and cultures, but has expanded so that all categories of music performed in Illinois can be better appreciated; and

WHEREAS, the Awards Ceremony encourages high standards of performance, conduct and professionalism, and exhibits the wealth of talent Illinois has to offer:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 28, 2007 as CHICAGO MUSIC AWARDS DAY in Illinois.

Issued by the Governor October 29, 2007.
Filed by the Secretary of State October 31, 2007.
FLAGS AT HALF-STAFF IN HONOR AND REMEMBRANCE OF ILLINOIS STATE TROOPER BRIAN MCMILLENN

WHEREAS, on Sunday, October 28, Illinois State Police Trooper Brian McMillen was killed in the line of duty while responding to a call for assistance; and

WHEREAS, Trooper McMillen, a 24-year-old Pana native, enlisted in the Illinois Air National Guard in 2000 and rose to the rank of technical sergeant in the 183rd Fighter Wing. He served three separate deployments, including stints in Saudi Arabia and Italy; and

WHEREAS, in 2005, Trooper McMillen received his Bachelor’s degree in criminal justice from the University of Illinois at Springfield, where he played basketball and was named to the Deans’ List; and

WHEREAS, the following year, Trooper McMillen married his wife Angela, also a member of the 183rd, before graduating from Illinois State Police training as president of his cadet class in 2007. He was assigned to District 9, which includes Sangamon County, and began working the overnight shift; and

WHEREAS, Trooper McMillen was on his way to help Sangamon County Sheriff Deputies deal with a bar fight in Illiopolis when he was killed in a three-vehicle crash involving two alleged drunken drivers at Dye and Calvary Cemetery roads, just south of Interstate 72; and

WHEREAS, a funeral for Trooper McMillen, who is also survived by his parents and ten siblings, will be held Wednesday, October 31 at Saint Patrick’s Catholic Church in Pana:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly Illinois flags at half-staff from sunrise until sunset on October 31, 2007 in honor and remembrance of Illinois State Police Trooper Brian McMillen, whose selfless service and courage is an inspiration.

Issued by the Governor October 30, 2007.

Filed by the Secretary of State October 31, 2007.
2007-387
CHALET DAY

WHEREAS, this year marks the 90th Anniversary of Chalet, a family-owned business that started as a simple yard care company called L.J. Thalmann Architectural Landscaping; and

WHEREAS, over the years, Chalet has grown considerably and expanded into other markets, including lighting, irrigation, fencing and hardscape design and installation services; and

WHEREAS, today, Chalet employees nearly 200 hundred employees and serves thousands of customers annually; and

WHEREAS, the store, which helped give birth to the American tradition of the backyard barbeque by selling the first Weber Grill, is also a destination attraction that has drawn notable celebrities like Charleston Heston and William Peterson; and

WHEREAS, in the age of big box stores, Chalet has managed to survive as a family-owned business that continues to provide their customers with the best possible service:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby declare November 17, 2007 as CHALET DAY in Illinois in recognition of their success as they celebrate 90 years in business.

Issued by the Governor November 01, 2007.
Filed by the Secretary of State November 09, 2007.

2007-388
ADOPT A SOLDIER DAY

WHEREAS, The Postal Shoppe in Rockford organized an Adopt A Soldier event at its Edgebrook location for November 5 to collect materials for shipment to U.S. military personnel who are serving in harm’s way in the Middle East. Monetary donations also make it possible for them to assist local families by providing discounted or free shipping to local troops serving abroad; and

WHEREAS, the idea for the Adopt A Soldier collection event was inspired by Larry and Patty Hinkle, who own and operate The Postal
Shoppe and have their own fond memories of mail sent to and received by Larry while he was serving in the Middle East with the Army; and

WHEREAS, both B103 and WTVO of Rockford agreed to cover the November 5 event with a live radio and television broadcast; and

WHEREAS, in addition to monetary donations, The Postal Shoppe collects materials such as recent magazines, batteries, CDs/DVDs, prepackaged food products, personal hygiene items, and other products that lend comfort and care to U.S. military personnel serving abroad; and

WHEREAS, a commemorative DVD of the event will be produced for shipment to our troops serving abroad, who deserve our utmost respect and admiration for their courage and selfless service:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby declare November 5, 2007 as ADOPT A SOLDIER DAY in Illinois in recognition of Larry and Patty Hinkle for the wonderful service they provide our men and women in uniform, and to encourage support for their terrific cause.

Issued by the Governor November 05, 2007.
Filed by the Secretary of State November 09, 2007.

2007-389
LATINO MENTAL HEALTH AWARENESS DAY

WHEREAS, in 1992, the Latino Mental Health Conference was created in response to the lack of resource and information available for Spanish-speaking residents suffering from mental health problems and substance abuse. Latinos are identified as a high-risk group for depression, anxiety and substance abuse; and

WHEREAS, the 2007 Latino Mental Health Conference will be held on November 8 and features a keynote speaker, one panel and ten workshops focused on issues impacting the Latino community. Special consideration has been taken to provide the theoretical and practical tools on topics and issues relevant to mental health professionals, social service workers and educators; and

WHEREAS, this year’s conference is a collaborative effort by the Latino Mental Health Conference Task Force, which includes the Illinois Department of Human Services, Pilsen-Little Village Community Mental Health Center, Latino Social Workers Organizations, LSW Behavioral
Health and Consulting, Mercy Home for Boys and Girls, Latino Family Institute, Illinois Migrant Council, Chicago Advisory Council on Latino Affairs and their sponsors; and

WHEREAS, the conference strives to increase awareness, knowledge and skills on mental health and substance abuse treatment needs of Latinos, to increase access to bicultural and bilingual treatment, and to increase the competence of professionals in the treatment of Latinos through lectures and workshops:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 8, 2007 as LATINO MENTAL HEALTH AWARENESS DAY in Illinois, and encourage all citizens to unite to improve the quality of life for those in Illinois suffering from mental health problems and substance abuse.

Issued by the Governor November 05, 2007.

Filed by the Secretary of State November 09, 2007.

2007-390
PRINCE HOME AT MANTENO DAY

WHEREAS, hundreds of thousands of U.S. veterans are homeless on any given night, which is a national disgrace; and

WHEREAS, the men and women who put their lives on the line to serve our country deserve better, and that is why we are doing something about it here in Illinois; and

WHEREAS, last year I announced plans for a new pilot program that would help provide housing and supportive services for 15 Illinois veterans who are homeless and disabled at the State Veterans’ Home in Manteno; and

WHEREAS, today that dream becomes a reality with the grand opening of the Prince Home at Manteno, and I wish to thank everyone who contributed to the realization of this terrific project; and

WHEREAS, I also wish to thank all our veterans in advance of Veterans Day for their selfless service and devotion to our country. The Prince Home at Manteno is for them and will serve as a national model for how to overcome challenges in providing permanent housing for homeless and disabled veterans, including veterans suffering from Post Traumatic Stress Disorder:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 7, 2007 as PRINCE HOME AT MANTENO DAY in Illinois in celebration of its grand opening.
Issued by the Governor November 05, 2007.
Filed by the Secretary of State November 09, 2007.

2007-391
HARVARD CLUB OF CHICAGO DAY

WHEREAS, in November of 2006, the Harvard Club of Chicago kicked off a year-long celebration of its 150th anniversary with a series of educational and entertaining events; and
WHEREAS, the Harvard Club of Chicago was founded in 1857 by alumni from Harvard University to encourage the social and economic development of the City of Chicago; and
WHEREAS, today, the Harvard Club of Chicago is the oldest, continuously operating Harvard Club in the world, as well as one of the largest urban clubs with a membership of over 1,300 Harvard alumni in the greater Chicago area; and
WHEREAS, the Harvard Club of Chicago and its members have devoted and continue to devote a considerable amount of time and resources to supporting programs, scholarships and educational lectures for the business community and educational institutions; and
WHEREAS, throughout its history, the Harvard Club of Chicago has continually grown and evolved to meet new challenges while enriching the lives of countless individuals; and
WHEREAS, the Harvard Club of Chicago’s 150th anniversary celebration will culminate with a dinner program on November 9 to recognize the contributions the club has made to business, education and culture throughout the state:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 9, 2007 as HARVARD CLUB OF CHICAGO DAY in Illinois in recognition of the club’s 150th anniversary, and I wish them continued success for many more years to come.
Issued by the Governor November 08, 2007.
Filed by the Secretary of State November 09, 2007.
WHEREAS, driving under the influence of mind-altering drugs is a grave problem that destroys individual lives, rips families apart, and strains local communities; and
WHEREAS, motor vehicle crashes killed 1,254 people in Illinois during 2006; and
WHEREAS, 47 percent of those deaths were in alcohol-related crashes; and
WHEREAS, driving under the influence of alcohol and drugs also causes staggering economic costs. Billions of dollars are spent for property damage and healthcare every year as a direct result of alcohol- and drug-related automobile accidents; and
WHEREAS, today, the terrible consequences of driving under the influence of mind-altering drugs are widely acknowledged, and the government and private sector are actively engaged in campaigns to address the problem; and
WHEREAS, the December holiday season is traditionally one of the deadliest times of the year for impaired driving. Consequently, communities and organizations all across our state and throughout the country are joined with the “You Drink & Drive. You Lose.” and other campaigns that foster public awareness of the dangers of impaired driving; and
WHEREAS, the State of Illinois is proud to partner with cities, towns and villages, and traffic safety organizations in an effort to make our roads and streets safer:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 2007 as DRUNK AND DRUGGED DRIVING PREVENTION MONTH in Illinois, and urge all citizens to drive responsibly so that no one else becomes a victim of drunk or drugged driving.

Issued by the Governor November 09, 2007.
Filed by the Secretary of State November 09, 2007.
WHEREAS, family caregivers selflessly provide physical, emotional and spiritual support to loved ones who are chronically ill, elderly and/or disabled; and

WHEREAS, according to the Illinois Departments on Aging and Human Services, more than one in four Illinoisans are caring for a person over age 60, 85 percent of all long-term care services are provided by unpaid caregivers, and the number of people age 70 and above who need assistance with daily activities is expected to grow substantially in the coming years; and

WHEREAS, it is estimated that it would cost the citizens of the United States a collective $45 to $94 billion per year if the services provided by family caregivers were replaced with those of professionals; and

WHEREAS, the Illinois Department on Aging, the Area Agencies on Aging, the Illinois Department of Human Services and many other human service agencies are committed to raising awareness of the needs of caregivers and continue to work to meet these needs; and

WHEREAS, over 1.1 million family caregivers in the State of Illinois are able to utilize programs through the Illinois Department on Aging’s Caregiver Support Program. Among many other services available, they are able to grow with individual counseling, support groups or caregiver training; and

WHEREAS, Illinois caregivers are diverse in their characteristics and circumstances, but share the common goal of enabling their family member or friend to remain active in the community whenever possible. For that, and many other reasons, family caregivers deserve our utmost respect and commendation:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2007 as FAMILY CAREGIVERS MONTH in Illinois, and encourage all citizens to join in reaffirming our appreciation for family caregivers and the tremendous efforts they put forth each day.

Issued by the Governor November 09, 2007.

Filed by the Secretary of State November 09, 2007.
WHEREAS, the Regional Transportation Authority (RTA) is the financial oversight and regional planning body for the three public transit operators in northeastern Illinois: the Chicago Transit Authority (CTA), Metra commuter rail, and Pace suburban bus; and

WHEREAS, the RTA is an important public asset that, according to the RTA, generates an annual economic impact of more than $12 billion to the State of Illinois; and

WHEREAS, approximately two million riders per day use the CTA, Metra commuter rail, or Pace suburban bus; and

WHEREAS, strengthening Illinois’ transit system will enhance residents’ quality of life by reducing pollution as well as traffic congestion; and

WHEREAS, according to the CTA, revenues to support transit are not keeping up with increased maintenance, repair and transit costs potentially necessitating additional state funding; and

WHEREAS, the CTA asserts that without additional funding by January 20, 2008, it is prepared to raise cash fares as high as $3.25 for rail passengers who pay cash, cut 81 bus routes, and layoff 2,400 employees; and

WHEREAS, Metra officials have warned riders to expect fares to increase up to 30 % if additional funding is not received by the State of Illinois; and

WHEREAS, according to the RTA, without additional funding, Metra will face a $40 million deficit in 2008; and

WHEREAS, the Legislature has been unable to reach a funding solution that is acceptable to its membership;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly, in duly constituted quorums capable of conducting business, in a special session to commence on November 28, 2007, at 1:00 p.m., to consider any and all funding options for the RTA, the CTA, Metra, and Pace.

Issued by the Governor November 19, 2007.

Filed by the Secretary of State November 19, 2007.
2007-395
FLAGS AT HALF - STAFF IN HONOR AND REMEMBRANCE OF
MASTER SGT. THOMAS CROWELL

WHEREAS, on Thursday, November 1, Air Force Master Sergeant Thomas Crowell, from O'Fallon, Illinois, was killed at age 36 near Balad Air Base in Iraq; and

WHEREAS, M. Sgt. Crowell joined the Air Force after graduating from Neosho High School in 1989 and had served in the military for nearly 18 years; and

WHEREAS, at the time of his death, M. Sgt. Crowell was assigned as a special agent with the Air Force Office of Special Investigations, which conducts criminal investigations and counterintelligence activities; and

WHEREAS, tragically, M. Sgt. Crowell was just six months shy of a planned retirement when he was killed by a roadside bomb along with two others: David A. Wieger, 28, of North Huntingdon, Pennsylvania and Nathan J. Schuldheiss, 27, of Newport, Rhode Island; and

WHEREAS, M. Sgt. Crowell is survived by his wife Carol and their two children and will be buried at Arlington National Cemetery on Tuesday, November 13. A memorial service will also be held at Scott Air Force Base on Friday, November 16:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on November 13, 2007 until sunset on November 16, 2007 in honor and remembrance of M. Sgt. Crowell, whose selfless service and sacrifice is an inspiration.

Issued by the Governor November 13, 2007.
Filed by the Secretary of State November 21, 2007.

2007-396
FLAGS AT HALF - STAFF IN HONOR AND REMEMBRANCE OF
SGT. JOSEPH M. VANEK

WHEREAS, on Monday, November 12, Army Sergeant Joseph M. Vanek from Elmhurst, Illinois was killed at age 22 during a gun battle in Baghdad; and
WHERERAS, Sgt. Vanek enlisted in the Army after graduating high school in 2003 and was assigned to the 82nd Airborne Division; and

WHERERAS, Sgt. Vanek was serving his third tour of duty in Iraq at the time of his death. He died from small-arms fire after his unit was attacked while on patrol; and

WHERERAS, Sgt. Vanek was well-respected by his unit and received several decorations, including the Bronze Star and Purple Heart; and

WHERERAS, a funeral will be held on Tuesday, November 20 for Sgt. Vanek, who is survived by his mother and father, Jan and Frank Vanek:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on November 18, 2007 until sunset on November 20, 2007 in honor and remembrance of Sgt. Vanek, whose selfless service and sacrifice is an inspiration.

Issued by the Governor November 15, 2007.
Filed by the Secretary of State November 21, 2007.

2007-397
FLAGS AT HALF - STAFF IN HONOR AND REMEMBRANCE OF SPC. ASHLEY SIETSEMA

WHERERAS, on Monday, November 12, Illinois National Guardsman Specialist Ashley Sietsema from DeKalb died at age 20 in Kuwait; and

WHERERAS, Spc. Sietsema, formerly of River Grove, was an Army healthcare specialist and ambulance driver assigned to the 708th Medical Company in North Riverside; and

WHERERAS, at the time of her death, Spc. Sietsema was conducting a routine medical transfer of a patient from Camp Buehring to Camp Arifjan in Kuwait; and

WHERERAS, Spc. Sietsema, who is the 16th casualty of the Illinois National Guard since the conflicts in Iraq and Afghanistan began, was well-respected by those she served with; and
WHEREAS, a funeral will be held on Sunday, November 18 for Spc. Sietsema, who is survived by her husband Max, and mother and stepfather, Olivia and Segura:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on November 17, 2007 until sunset on November 19, 2007 in honor and remembrance of Spc. Sietsema, whose selfless service and sacrifice is an inspiration.

Issued by the Governor November 16, 2007.
Filed by the Secretary of State November 21, 2007.

2007-398
STUDENT CONSERVATION ASSOCIATION DAY

WHEREAS, this year marks the 50th Anniversary of the Student Conservation Association (SCA), which was founded in 1957 by Elizabeth C. Titus Putnam to provide opportunities for young people to learn about environmental conservation by volunteering in parks and on public lands; and

WHEREAS, since its inception, nearly 50,000 young people have volunteered to conserve our lands, provided conservation services that have directly benefited more than 20 million Americans, and completed conservation work in all 50 states; and

WHEREAS, the efforts of the SCA help protect and preserve vital habitats, threatened wildlife, and other at-risk resources in parks, forests, and urban green spaces around the country for future generations to enjoy; and

WHEREAS, the Student Conservation Association is the largest student conservation service in the United States and has earned numerous awards and recognitions for its achievements in conservation and youth development; and

WHEREAS, the SCA inspires lifelong stewardship of the environment and communities, as well as builds new generations of conservation leaders by engaging young people in hands-on service. Many SCA alumni go on to dedicate their careers to environmental stewardship as teachers, resource managers, and park rangers:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 15, 2007 as STUDENT CONSERVATION ASSOCIATION DAY in Illinois, in recognition of the SCA as they celebrate 50 years of commitment to education and environmental conservation, and I wish them continued success for years to come.

Issued by the Governor November 19, 2007.
Filed by the Secretary of State November 21, 2007.

2007-399
PROVENA HEALTH DAY

WHEREAS, on December 1, Provena Health will celebrate its 10th Anniversary; and
WHEREAS, Provena is a Catholic health system that includes six hospitals, 16 long-term care and senior residential facilities, 28 clinics, five home health agencies and other health-related activities operating in Avilla, Indiana and locations throughout Illinois, including Aurora, Bourbonnais, Champaign-Urbana, Darien, Danville, Elgin, Freeport, Geneva, Gurnee, Joliet, Kankakee, Rockford, and St. Charles; and
WHEREAS, founded in 1997 based on the ideal of providing exceptional and compassionate healthcare services, Provena has made significant medical contributions to the community and touched countless lives; and
WHEREAS, today, Provena represents hope to all those they serve, and I commend them for their dedication and commitment to providing quality and accessible healthcare:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 1, 2007 as PROVENA HEALTH DAY in Illinois to commemorate Provena’s 10th Anniversary, and I wish them continued success.
Issued by the Governor November 21, 2007.
Filed by the Secretary of State November 21, 2007.
2007-400
DAY OF REMEMBRANCE

WHEREAS, violence is a serious epidemic that takes the lives of thousands every year, rips families apart, and casts a dark shadow over every community; and

WHEREAS, nearly a decade after the murder of her own 17-year-old daughter Ginneria in 1983, Betty Major-Rose began a hospital and community-based initiative in Chicago for violent crime survivors called the Family Trauma Advocacy Program (FTAP); and

WHEREAS, FTAP has been providing free and comprehensive support services to survivors since 1991. Their mission is to eliminate hopelessness and helplessness and to lead families toward a healthy recovery; and

WHEREAS, the holiday season can be an especially difficult time for those families who have suffered the death of a loved one due to violence, which is why FTAP has hosted a free Day of Remembrance holiday concert for them the past three years; and

WHEREAS, this year, FTAP is observing Friday, December 7 as a Day of Remembrance:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 7, 2007 as DAY OF REMEMBRANCE in Illinois in remembrance of survivors and families of violent crime victims so that they know their loved ones are not forgotten and they are not alone and do not need to suffer in silence or isolation.

Issued by the Governor November 21, 2007.
Filed by the Secretary of State November 21, 2007.

2007-401
CIRCLE FAMILY HEALTHCARE NETWORK DAY

WHEREAS, on December 7, Circle Family Healthcare Network (CFHCN) in Chicago will commemorate its 30th anniversary with a gala dinner to celebrate the history of their agency; and

WHEREAS, in addition to community development initiatives, Circle Family Healthcare Network has been providing an integrated array
of healthcare and educational services since 1977. Their mission is to enhance the quality of life for the communities they serve; and

WHEREAS, over the years, CFHCN has made significant medical contributions to the community and touched countless lives, including those who are medically underserved, mentally vulnerable, and homeless; and

WHEREAS, CFHCN’s 30th Anniversary Gala Dinner will recognize everyone who has supported their amazing work throughout the years, and proceeds from this event will help to establish a new pediatric dental program for low-income youth:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 7, 2007 as CIRCLE FAMILY HEALTHCARE NETWORK DAY in Illinois in recognition of CFHCN’s 30 years of commitment and dedication to providing quality and accessible healthcare, and I wish them continued success.

Issued by the Governor November 21, 2007.
Filed by the Secretary of State November 21, 2007.

2007-402
SPECIAL SESSION ON NOVEMBER 29, 2007

WHEREAS, the Regional Transportation Authority (RTA) is the financial oversight and regional planning body for the three public transit operators in northeastern Illinois: the Chicago Transit Authority (CTA), Metra commuter rail, and Pace suburban bus; and

WHEREAS, the RTA is an important public asset that, according to the RTA, generates an annual economic impact of more than $12 billion to the State of Illinois; and

WHEREAS, approximately two million riders per day use the CTA, Metra commuter rail, or Pace suburban bus; and

WHEREAS, strengthening Illinois’ transit system will enhance residents’ quality of life by reducing pollution as well as traffic congestion; and

WHEREAS, according to the CTA, revenues to support transit are not keeping up with increased maintenance, repair, and transit costs potentially necessitating additional state funding; and
WHEREAS, the CTA asserts that without additional funding by January 20, 2008, it is prepared to raise cash fares as high as $3.25 for rail passengers who pay cash, cut 81 bus routes, and layoff 2,400 employees; and

WHEREAS, Metra officials have warned riders to expect fares to increase up to 30% if additional funding is not received by the State of Illinois; and

WHEREAS, according to the RTA, without additional funding, Metra will face a $40 million deficit in 2008; and

WHEREAS, the Legislature has been unable to reach a funding solution that is acceptable to its membership; and

WHEREAS, a capital plan will focus resources in core areas including roads, schools, bridges, and economic development; and

WHEREAS, a proposed capital plan would leverage additional federal and local funds for infrastructure needs; and

WHEREAS, a proposed capital plan would support many jobs statewide;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly, in duly constituted quorums capable of conducting business, in a special session to commence on November 29, 2007, at 10:00 a.m., to consider a bill that provides for long-term funding for the RTA, the CTA, Metra, and Pace as well as to consider a capital plan and a funding source for a capital plan.

Issued by the Governor November 28, 2007.
Filed by the Secretary of State November 28, 2007.

2007-403
LUNG CANCER AWARENESS MONTH

WHEREAS, lung cancer is the leading cause of cancer death in the United States. This year alone, lung cancer will claim the lives of more than 163,000 Americans, including 6,790 from the State of Illinois; and

WHEREAS, lung cancer takes the lives of more Americans than breast, prostate, colon, liver, and kidney cancers combined. Clearly, lung cancer is a serious health issue; and
WHEREAS, despite that, there is currently no standard screening for lung cancer; and

WHEREAS, sadly, more than 50 percent of lung cancer patients are diagnosed in a late stage with only a 5 percent five-year survival rate. However, with early and regular checkups and exams, lung cancer can be diagnosed in an early stage when the chance of survival is as high as 85 percent; and

WHEREAS, this year, the Lung Cancer Alliance, a national patient advocacy group for lung cancer, and other organizations throughout the country will raise awareness about the disease this November:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2007 as LUNG CANCER AWARENESS MONTH in Illinois to call attention to the devastating problem of lung cancer, and in support of efforts by organizations such as the Lung Cancer Alliance to combat this terrible disease that affects so many families in our state.

Issued by the Governor November 01, 2007.

Filed by the Secretary of State November 30, 2007.

2007-404
PEARL HARBOR REMEMBRANCE DAY

WHEREAS, December 7, 1941 is one of the most memorable dates of the 20th century. On that day, Japanese bombers attacked unsuspecting American sailors and soldiers stationed at Pearl Harbor; and

WHEREAS, more than 2,000 Americans were killed, including 50 servicemen from Illinois, and another 1,000 were wounded during the bombardment, which outraged Americans like few other events in our nation’s history; and

WHEREAS, President Franklin Roosevelt and Congress promptly declared war against Japan and her allies, and our sailors and soldiers performed superbly on all fronts. Together, a Grand Coalition of French, English, Russian, and American servicemen conducted mass campaigns and operations in the Pacific, African, and European theaters; and

WHEREAS, on May 7, 1945 Germany surrendered, which was swiftly followed by Japan’s surrender on August 14 of that same year; and
WHEREAS, during the war, more American sailors and soldiers were mobilized than at any other time in our history. By war’s end, more than 8 million Americans were serving in just the Army; and
WHEREAS, thanks to the Grand Coalition, our servicemen, and all those at home who contributed to the war effort, the world was made safer for liberty and freedom, the right of all peoples everywhere, which the aggressions of Germany and Japan endangered; and
WHEREAS, this year marks the 62nd anniversary of the end of the Second World War. Although we can never repay all those who faithfully and honorably served during the war, we will always remember what they did and fought for:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 7, 2007 as PEARL HARBOR REMEMBRANCE DAY in Illinois in memory of all the heroes who died from the attack, and in tribute to all the men and women whose sacrifices made the world safer for liberty and freedom.

Issued by the Governor November 27, 2007.
Filed by the Secretary of State November 30, 2007.

2007-405
PERIANESTHESIA NURSE AWARENESS WEEK

WHEREAS, perianesthesia nursing is a specialized nursing practice dealing in all phases of preanesthesia and postanesthesia care, ambulatory surgery and pain management; and
WHEREAS, the depth and breadth of the perianesthesia nursing profession meets the varied and emerging health care needs of the American population in a diversified range of environments; and
WHEREAS, the demand for perianesthesia nurses will only increase due to an aging American population and advances in medicine that are prolonging life. Consequently, the role of these nurses is essential and vital in the quality of health care and safety of patients in hospital and ambulatory surgery settings; and
WHEREAS, there are more than 49,000 perianesthesia registered nurses in the United States. The American Society of PeriAnesthesia Nurses represents them and is one of our nation’s premier specialty nursing organizations; and
WHEREAS, their mission is to advance the field of nursing by providing education, conducting research and developing professional standards of practice for their field; and

WHEREAS, the Illinois Society of PeriAnesthesia Nurses, founded in 1976 as a branch of the American Society, also represents perianesthesia nurses and promotes quality and cost-effective care for their patients; and

WHEREAS, the Illinois Society of PeriAnesthesia Nurses, in conjunction with the American Society of PeriAnesthesia Nurses, will recognize perianesthesia nurses during PeriAnesthesia Nurse Awareness Week, with the theme, “Advocacy PeriAnesthesia Nurses: Be the Voice.”

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 4-10, 2008 as PERIANESTHESIA NURSE AWARENESS WEEK in Illinois, and urge all residents to join the American and Illinois Societies of PeriAnesthesia Nurses in recognizing perianesthesia nurses for their indispensable service to the medical profession, as well as quality care and treatment of patients.

Issued by the Governor November 27, 2007.
Filed by the Secretary of State November 30, 2007.

2007-406
AIDS AWARENESS DAY

WHEREAS, the prevention of HIV infection and AIDS necessitates a worldwide effort to increase communication, education and action to stop the transmission of HIV and the spread of AIDS; and

WHEREAS, the United Nations now estimates that 33.2 million people worldwide are living with HIV/AIDS; and

WHEREAS, in Illinois, the number of AIDS cases has reached nearly 35,000 with more than 54 percent of these lives lost to this devastating disease; and

WHEREAS, the World Health Organization has designated December 1 of each year as World AIDS Day, a day to expand and strengthen the worldwide effort to stop the spread of HIV and AIDS; and

WHEREAS, the World AIDS Day 2007 slogan, -- “Stop AIDS. Keep the Promise” with this year’s theme “Leadership” -- highlights the need for innovation, vision and perseverance in the face of the AIDS
challenge. The campaign calls on all sectors of society such as families, communities and civil society organizations, as well as governments, to take the initiative and provide leadership on AIDS; and

WHEREAS, this day in Illinois is commemorated by a number of events across the state, including the dimming of the lights atop the Illinois State Capitol dome and at the James R. Thompson Center in Chicago during the evening hours to coincide with the dimming of the lights at the White House in tribute to those infected and affected by HIV and AIDS;

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim December 1, 2007 as AIDS AWARENESS DAY in Illinois and encourage all residents to take part in activities and observances designed to increase awareness and understanding of AIDS, to take part in AIDS prevention activities and programs, and to join in the efforts to prevent transmission of HIV and further spread of AIDS.

Issued by the Governor November 28, 2007.
Filed by the Secretary of State November 30, 2007.

2007-407
EMPLOYEE LEARNING WEEK

WHEREAS, the State of Illinois recognizes that its employees are its most important resource; and

WHEREAS, in order to grow and stay competitive in today’s global economy, organizations must have a highly-skilled and knowledgeable workforce; and

WHEREAS, the American Society for Training and Development (ASTD) is the largest international organization dedicated to workplace learning and performance professionals. The Central Illinois Chapter of ASTD serves learning and performance professionals in Bloomington-Normal, Springfield, Decatur, Champaign-Urbana, Charleston, Effingham, Mattoon, and many other smaller communities in the region; and

WHEREAS, ASTD has designated December 3-7 as Employee Training Week – an opportunity for companies to demonstrate their commitment to workforce development by introducing new employee learning opportunities:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 3-7, 2007 as EMPLOYEE LEARNING WEEK in Illinois in recognition of the value of employee learning within organizations.

Issued by the Governor November 29, 2007.
Filed by the Secretary of State November 30, 2007.

2007-408
FLAGS AT HALF-STAFF IN HONOR AND REMEMBRANCE OF THE HONORABLE HENRY JOHN HYDE

WHEREAS, on Thursday, November 29, we lost a respected leader and dedicated public official. The Honorable Henry John Hyde, a 8 year member of the Illinois General Assembly and prominent United States Congressman, passed away at the age of 83; and

WHEREAS, The Honorable Henry Hyde was born in Chicago on April 18, 1924, where he was an all-city basketball center. After serving in the Navy from 1944 to 1946, seeing combat in the Philippines, he graduated from Georgetown University in 1947 and returned to Chicago to earn a law degree from Loyola University in 1949; and

WHEREAS, The Honorable Henry Hyde worked as a Chicago trial lawyer before winning a seat in the Illinois House in 1966, which marked the beginning of a remarkable career in public service that led to prominence as a United States Congressman; and

WHEREAS, The Honorable Henry Hyde is best known for his career in the United States House of Representatives, where he served from 1975 to 2007. Representative Hyde gained the respect of his colleagues, including his opponents, for his wit, charm and fairness; and

WHEREAS, in 2001, subject to term limits imposed on committee chairmen, The Honorable Henry Hyde stepped down as chairman of the Judiciary Committee he had led since 1995 to take over the International Relations Committee until he retired; and

WHEREAS, in a fitting tribute to The Honorable Henry Hyde, who is survived by his wife, Judy Wolverton, four children and four grandchildren, President Bush presented him with the Presidential Medal of Freedom earlier this month:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff until sunset on December 1, 2007 in honor and remembrance of The Honorable Henry John Hyde, whose dedication and commitment to public service was unwavering.

Issued by the Governor November 30, 2007.

Filed by the Secretary of State November 30, 2007.

2007-404 (REVISED)
PEARL HARBOR REMEMBRANCE DAY

WHEREAS, December 7, 1941 is one of the most memorable dates of the 20th century. On that day, Japanese bombers attacked unsuspecting American sailors and soldiers stationed at Pearl Harbor; and

WHEREAS, more than 2,000 Americans were killed, including 50 servicemen from Illinois, and another 1,000 were wounded during the bombardment, which outraged Americans like few other events in our nation’s history; and

WHEREAS, President Franklin Roosevelt and Congress promptly declared war against Japan and her allies, and our sailors and soldiers performed superbly on all fronts. Together, a Grand Coalition of French, English, Russian, and American servicemen conducted mass campaigns and operations in the Pacific, African, and European theaters; and

WHEREAS, on May 7, 1945 Germany surrendered, which was swiftly followed by Japan’s surrender on August 14 of that same year; and

WHEREAS, during the war, more American sailors and soldiers were mobilized than at any other time in our history. By war’s end, more than 8 million Americans were serving in just the Army; and

WHEREAS, thanks to the Grand Coalition, our servicemen, and all those at home who contributed to the war effort, the world was made safer for liberty and freedom, the right of all peoples everywhere, which the aggressions of Germany and Japan endangered; and

WHEREAS, this year marks the 62nd anniversary of the end of the Second World War. Although we can never repay all those who faithfully and honorably served during the war, we will always remember what they did and fought for:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 7, 2007 as PEARL HARBOR REMEMBRANCE DAY in Illinois and order all State facilities to fly their flags at half-staff on such day until sunset in memory of all the heroes who died from the attack at Pearl Harbor, and in tribute to all the men and women whose sacrifices made the world safer for liberty and freedom.

Issued by the Governor November 27, 2007.
Filed by the Secretary of State December 07, 2007.

2007-408 (REVISED)
FLAGS AT HALF-STAFF IN HONOR AND REMEMBRANCE OF THE HONORABLE HENRY JOHN HYDE

WHEREAS, on Thursday, November 29, we lost a respected leader and dedicated public official, The Honorable Henry John Hyde, an 8 year member of the Illinois General Assembly and prominent United States Congressman, passed away at the age of 83; and
WHEREAS, The Honorable Henry Hyde was born in Chicago on April 18, 1924, where he was an all-city basketball center. After serving in the Navy from 1944 to 1946, seeing combat in the Philippines, he graduated from Georgetown University in 1947 and returned to Chicago to earn a law degree from Loyola University in 1949; and
WHEREAS, The Honorable Henry Hyde worked as a Chicago trial lawyer before winning a seat in the Illinois House in 1966, which marked the beginning of a remarkable career in public service that led to prominence as a United States Congressman; and
WHEREAS, The Honorable Henry Hyde is best known for his career in the United States House of Representatives, where he served from 1975 to 2007. Representative Hyde gained the respect of his colleagues, including his opponents, for his wit, charm and fairness; and
WHEREAS, in 2001, subject to term limits imposed on committee chairmen, The Honorable Henry Hyde stepped down as chairman of the Judiciary Committee he had led since 1995 to take over the International Relations Committee until he retired; and
WHEREAS, in a fitting tribute to The Honorable Henry Hyde, who is survived by his wife, Judy, three children and four grandchildren,
President Bush presented him with the Presidential Medal of Freedom earlier this month:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff until sunset on December 1, 2007 in honor and remembrance of The Honorable Henry John Hyde, whose dedication and commitment to public service was unwavering.

Issued by the Governor November 30, 2007.
Filed by the Secretary of State December 07, 2007.

2007-409

UNIVERSITY OF ILLINOIS FIGHTING ILLINI DAY

WHEREAS, on Tuesday, January 1, 2008, the University of Illinois Fighting Illini will return to the Rose Bowl for the first time since 1984 to face the No. 6-ranked University of Southern California (USC) Trojans, keeping alive the traditional Pac-10/Big Ten match-up; and

WHEREAS, the upcoming Illinois-USC match-up is the first time the two teams will meet in the Rose Bowl. Altogether, they have played 12 times in Champaign and Los Angeles; and

WHEREAS, remarkably, Illinois head coach Ron Zook, this year's Big Ten Coach of the Year, lead the Fighting Illini to a 9-3 season after winning just four games combined during his first two seasons. The amazing turnaround included a four-game winning streak to end the regular season and a victory at No. 1 Ohio State; and

WHEREAS, the Rose Bowl, an annual American college football bowl game tradition usually played on January 1 at the stadium of the same name in Pasadena, California, is the oldest and, over the course of its history, most prestigious bowl game. It is part of the annual Tournament of Roses event, which also includes the Tournament of Roses Parade; and

WHEREAS, the upcoming bowl event will be the Illini’s first bowl berth in six seasons and their fifth Rose Bowl berth:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 3, 2007 as UNIVERSITY OF ILLINOIS FIGHTING ILLINI DAY in Illinois in honor of their selection to play in the coveted Rose Bowl game on January 1.

Issued by the Governor December 03, 2007.
WHEREAS, healthy vision and good eyesight are important elements in the overall quality of life for everyone; and
WHEREAS, the pace of technological improvements in vision aids continues to accelerate, necessitating expert guidance to assure correct and effective choices in eyewear for overcoming vision deficiencies and safeguarding sight; and
WHEREAS, Illinois’ opticians provide that expertise by assuring that the prescriptions written by eye doctors for corrective vision aids are filled accurately and effectively; and
WHEREAS, Illinois’ opticians also provide an important competitive balance that keeps eyewear within the reach of everyone, regardless of financial means; and
WHEREAS, during the month of January 2008, the Opticians Association of Illinois and their national organization, the Opticians Association of America, will promote the importance of good vision health and safety:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2008 as OPTICIANS MONTH in Illinois in recognition of opticians for their contributions to good vision health and safety.

Issued by the Governor December 04, 2007.
Filed by the Secretary of State December 07, 2007.

2007-411
FLAGS AT HALF-STAFF IN HONOR AND REMEMBRANCE OF CPL. ALLEN ROBERTS

WHEREAS, on Wednesday, November 28, United States Marine Corporal Allen Christian Roberts, 21, of Arcola, Illinois died in a vehicle accident near Al Asad, Iraq; and
WHEREAS, as a Marine, Cpl. Roberts won several awards for his military service, including the Iraq Campaign Medal, Sea Service
Deployment Ribbon, Global War on Terrorism Expedition Medal, Global War on Terrorism Service Medal, and the National Defense Medal; and
WHEREAS, Cpl. Roberts was a 2004 graduate of Arcola High School. There he was a member of the football and basketball teams, as well as the yearbook staff and drama club; and
WHEREAS, as a youth, Cpl. Roberts was a member of the Boy Scouts. He also loved cars and was an avid movie fan, knowing many of the characters and memorizing many of the lines from his favorite movies; and
WHEREAS, funeral services will be held on Friday, December 7 for Cpl. Roberts, who is survived by his mother Jaye (Strader) Roberts and father Ronald Allen Roberts:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on December 5, 2007 until sunset on December 7, 2007 in honor and remembrance of Cpl. Roberts, whose selfless service and sacrifice is an inspiration.
Issued by the Governor December 04, 2007.
Filed by the Secretary of State December 07, 2007.

2007-412
CRIME STOPPERS OF LAKE COUNTY MONTH

WHEREAS, Crime Stoppers of Lake County was formed in 1983 and is a community program comprised of concerned citizens who work closely with police authorities, the news media, and the public in the fight against crime in Lake County and surrounding communities; and
WHEREAS, Crime Stoppers does that by offering cash rewards to anyone who provides information that leads to the arrest of felony crime offenders or the capture of felony fugitives. Informants always remain anonymous, and cash rewards are funded primarily by private contributions; and
WHEREAS, thanks to Crime Stoppers, there have been more than 5,100 criminal arrests throughout Lake County, Northern Illinois, and Wisconsin since the program’s inception in 1983. Altogether, more than $21 million worth of contraband and stolen property has been seized; and
WHEREAS, the success of Crime Stoppers would not be possible without the support of everyone in the community. Consequently, Crime Stoppers also promotes the importance of reporting suspicious behavior and criminal activity; and

WHEREAS, to support their wonderful mission, Crime Stoppers of Lake County will raise money and sponsor events designed to raise awareness during the month of January:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2008 as CRIME STOPPERS OF LAKE COUNTY MONTH in Illinois in recognition of their terrific program, and encourage all citizens to help keep their communities safe and free of crime.

Issued by the Governor December 06, 2007.
Filed by the Secretary of State December 07, 2007.

2007-413
CROSSING GUARD APPRECIATION DAY

WHEREAS, approximately 20,000 children under the age of fourteen suffer from motor vehicle-related pedestrian injuries every year, and more than half of those injuries require hospitalization; and

WHEREAS, many of these injuries could be avoided if children had proper road-safety education and did not choose to cross streets or use intersections unsupervised; and

WHEREAS, crossing guards are a dependable means of helping children to avoid unnecessary accidents and injuries; and

WHEREAS, motorists should be aware of children walking to and from school and be especially cautious in and around school zones. They also should follow the directions of all crossing guards and recognize that by doing so, road safety can be improved; and

WHEREAS, crossing guards play an integral role in our communities, working hard to ensure the security of children as they walk to and from school and cross streets. In addition, they teach children to look both ways before crossing streets, as well as other essential safety rules:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby declare May 6, 2008 as CROSSING GUARD
APPRECIATION DAY in Illinois in recognition of the services that these dedicated professionals provide to keep our citizens and their children safe.

Issued by the Governor December 06, 2007.
Filed by the Secretary of State December 07, 2007.

2007-414
REYNALDO P. GLOVER DAY

WHEREAS, on Sunday, December 9, Reynaldo P. Glover, well-known as executive vice president and general counsel of TLC Beatrice International Holdings, died at the age of 64 after a courageous battle with pancreatic cancer; and
WHEREAS, Mr. Glover was born in Gary, Indiana in 1943, the second of six children. After completing undergraduate studies at Fisk University, he went on to enroll in Harvard Law School, earning an LL.B. in 1968; and
WHEREAS, after graduating from Harvard with an LL.B. in 1968, Mr. Glover worked for the Law Students Civil Rights Research Council in New York and served as their national executive director before returning to the Chicago area. There, he worked at a number of law firms as a general partner before joining TLC Beatrice in 1994; and
WHEREAS, Mr. Glover also served as chairman of the City Colleges of Chicago Board of Trustees between 1988 and 1991, and most recently as chairman of Fisk University’s Board of Trustees from 2003 until his death; and
WHEREAS, a memorial service will be held on Sunday, December 9 for Mr. Glover, who is survived by his wife, Pamela, and five children, Brian, Reynaldo Jr., Jharett Brantley, Ryan and Shea, as well as three brothers and a host of other relatives, friends and colleagues:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 9, 2007 as REYNALDO P. GLOVER DAY in Illinois in remembrance of Mr. Glover, whose integrity, wit and charm touched countless lives.
Issued by the Governor December 06, 2007.
Filed by the Secretary of State December 07, 2007.
2007-415
TEEN TEST DAY

WHEREAS, the global spread of HIV/AIDS necessitates a worldwide effort to increase awareness, communication, education and action to stop this epidemic; and

WHEREAS, the number of those diagnosed with HIV and AIDS in the United States continues to rise. Today, more than 1 million Americans are infected, including nearly 35,000 in Illinois alone; and

WHEREAS, rates of HIV and AIDS infection among the African and Hispanic American populations are especially troubling. Although African and Hispanic Americans represent less than one third of Illinois’ population, they comprise more than 60 percent of those diagnosed with HIV and AIDS; and

WHEREAS, unfortunately, silence among many schools and communities on this issue continues to impede progress. There is good news however. Many teens are growing increasingly concerned with the spread of HIV/AIDS and are taking proactive steps to address the problem; and

WHEREAS, on January 5, the Chicago Metropolitan Area Group for Igniting Civilization (MAGIC) will launch an annual health and informational fair in observance of National Teen Test Day, which is intended to raise awareness all around the country about HIV and AIDS, as well as other infectious diseases:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 5, 2008 as TEEN TEST DAY in Illinois in support of MAGIC’s new health and informational fair, and to promote the importance of testing for sexually transmitted diseases.

Issued by the Governor December 07, 2007.
Filed by the Secretary of State December 07, 2007.

2007-416
CAREER AND TECHNICAL EDUCATION MONTH

WHEREAS, a commitment to career and technical education helps to ensure that Illinois has a strong, well-trained workforce that enhances
productivity in business and industry, and solidifies the state’s leadership in the national and international marketplaces; and

WHEREAS, providing citizens with career and technical education can stimulate the growth and vitality of businesses and industries by preparing workers for the occupations forecasted to experience the largest and fastest growth in the next decade; and

WHEREAS, individual citizens benefit from a career and technical education because it enables them to find satisfying careers suited to their own skills and interests, provides technical skills that allow them to excel in their chosen careers and teaches leadership skills that serve them on the job, at home and in the community; and

WHEREAS, for over 60 years, the Illinois Association for Career and Technical Education (IACTE), the only association in Illinois dedicated to the support and service of career and technical educators, has been committed to the betterment of the profession, and to providing visibility and assistance for vocational and technical education; and

WHEREAS, each year, the IACTE celebrates Career and Technical Education Month to promote the advancement of the career and technical education profession in this state. The theme for this year’s month is “Discovering Skills for a Competitive Workforce”:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2008 as CAREER AND TECHNICAL EDUCATION MONTH in Illinois, and encourage all citizens to become familiar with the services and benefits offered by career and technical education programs in our state, and to support and participate in these programs to enhance individual work skills and productivity.

Issued by the Governor December 07, 2007.
Filed by the Secretary of State December 07, 2007.

2007-417
DISASTER AREA - STATE OF ILLINOIS

On Saturday, December 8, 2007, a storm system that is forecasted to continue for the next two days began moving through Central Illinois. This storm has resulted in freezing rain in some areas causing a heavy accumulation of ice on trees, power lines, roads and buildings. The cities
of Jacksonville and South Jacksonville have been severely impacted by this ice storm. Power outages are widespread due to downed power lines. Broken tree limbs falling on the streets have made many roadways, including emergency routes, dangerous for traffic.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists in the State of Illinois and specifically declare Morgan County as a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency act, 20ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal disaster assistance to supplement State and local government efforts if it is deemed necessary to protect public health and safety and to assist in disaster recovery.

Issued by the Governor December 10, 2007.
Filed by the Secretary of State December 10, 2007.

2007-418
HUMAN RIGHTS WEEK

WHEREAS, on December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights, and the international community commemorates the anniversary as Human Rights Day; and

WHEREAS, the Universal Declaration of Human Rights has been translated into more than 200 languages and remains one of the best known and most often cited human rights documents in the world. Over the years, the Universal Declaration has been used in the defense and advancement of people’s rights. Its principles have been enshrined in and continue to inspire national legislation and the constitutions of many newly independent states; and

WHEREAS, today, equality is one of the basic principles that we use to guide and improve understanding of and respect for one another. Although our nation’s history is wrought with shameful acts and deeds, it
is also filled with wonderful moments of hope and triumph such as the abolition of slavery, the 19th Amendment that guaranteed all women the right to vote, and the Civil Rights Acts of 1964 and 1965; and

WHEREAS, here in Illinois, we have progressively expanded human rights, and in 1979, we passed a comprehensive human rights act to prohibit discrimination in employment, housing, credit transactions, and public accommodations based on age, citizenship, ethnicity, gender, race, disability, and religion. In 2005, we took another important step forward by amending the Illinois Human Rights Act to include sexual orientation; and

WHEREAS, in commemoration of the Universal Declaration’s anniversary, the Illinois Department of Human Rights will offer training sessions and seminars during the week of December 9th that focus on various topics, including Sexual Orientation and the Human Rights Act, Diversity Awareness Training, Americans with Disabilities Act Training, Race, Discrimination and Housing in Chicago, and Sexual Harassment Prevention Training:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 9-15, 2007 as HUMAN RIGHTS WEEK in Illinois to honor the remarkable heritage of human rights in America, and in recognition of all those who have contributed to the pursuit of equality in Illinois.

Issued by the Governor December 07, 2007.
Filed by the Secretary of State December 14, 2007.

2007-419
NATIONAL BLOOD DONOR MONTH

WHEREAS, approximately four million patients in the United States receive blood transfusions every year, and roughly 38,000 units of blood are required in hospitals and emergency treatment facilities throughout the nation on any given day; and

WHEREAS, unfortunately, even though a single donation of blood has the potential to save three lives, donations often fall short of demand. While approximately eight million volunteers donate blood every year, just one trauma patient can use more than 100 units of blood, and donated blood has a shelf life of only 42 days; and
WHEREAS, even if volunteers donate blood regularly, donors can give only one unit of blood every eight weeks. Consequently, there is a continual need to recruit more donors; and
WHEREAS, January is observed by the Illinois Coalition of Community Blood Centers and the American Red Cross of Illinois as National Blood Donor Month to promote blood donation. Community blood centers rely 100 percent on donations from volunteer donors in order to maintain a safe and viable blood supply, but less than 5 percent of the eligible population actually donates blood:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2008 as NATIONAL BLOOD DONOR MONTH in Illinois, and encourage all eligible donors to step up to the challenge and donate blood.

Issued by the Governor December 11, 2007.
Filed by the Secretary of State December 14, 2007.

2007-420
FLAGS AT HALF - STAFF IN HONOR AND REMEMBRANCE OF UNITED STATES ARMY PRIVATE DEWAYNE L. WHITE

WHEREAS, on Tuesday, December 4, United States Army Private DeWayne L. White, 27, of Country Club Hills, Illinois died from a roadside bombing in Bayji, Iraq, about 130 miles north of Baghdad; and
WHEREAS, Private White joined the Army in November 2004 and was assigned to the 101st Airborne Division at Fort Campbell, Kentucky; and
WHEREAS, Private White was among nearly 11,000 soldiers in the 101st who have deployed to Iraq for a third yearlong tour that began in October; and
WHEREAS, including Private White’s death, the 101st has lost 172 soldiers since the Iraq war began in 2003; and
WHEREAS, a funeral will be held on Saturday, December 15 for Private White, who is survived by his wife, Synaca, and parents, Chester and Sandra Miller:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on December 13, 2007 until sunset on December 15, 2007
honor and remembrance of United States Army Private DeWayne L. White, whose selfless service and sacrifice is an inspiration.

Issued by the Governor December 11, 2007.

Filed by the Secretary of State December 14, 2007.

2007-421

CHICAGO BUSINESS OPPORTUNITY DAYS

WHEREAS, the 41st Annual Chicago Business Opportunity Fair (CBOF), which is of special interest to Illinois-based businesses, will be held April 14-16, 2008; and

WHEREAS, the fair will provide minority suppliers and purchasing personnel from major buying organizations the opportunity to meet and exchange information about mutual buying and selling needs; and

WHEREAS, Frederick H. Waddell, President and Chief Executive Officer, Northern Trust Corporation, will serve as Chairperson of the fair’s Planning Committee; and

WHEREAS, the 41st Anniversary of the Chicago Business Opportunity Fair assists in advancing the year-round efforts of the Chicago Minority Business Development Council, Inc. an organization devoted to stimulating minority business development and purchasing in Chicago and throughout the State of Illinois; and

WHEREAS, Mike Anguiano, Chief Executive Officer, CVM Solutions, based in Oak Brook, is the Chairman of the CBOF kick-off Minority Business Enterprise Input Committee (MBEIC) Awards Luncheon on April 14, 2008. This event will recognize the MBE’s corporate and government buyers and organizations that have shown exceptional commitment to business development:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 14-16, 2008 as CHICAGO BUSINESS OPPORTUNITY DAYS in Illinois in recognition of the 41st anniversary of the Chicago Business Opportunity Fair.

Issued by the Governor December 12, 2007.

Filed by the Secretary of State December 14, 2007.
WHEREAS, January is recognized as Cervical Cancer Awareness Month, an observance that promotes education about cervical cancer screenings, treatment, and causes; and

WHEREAS, in 2007, an estimated 590 Illinois women will be diagnosed with cervical cancer, and an estimated 210 Illinois women will die from the disease; and

WHEREAS, most deaths from cervical cancer could be avoided if women had regular checkups with the Pap test. Early detection significantly increases chances of survival. In fact, if detected early, cervical cancer is nearly 100 percent curable; and

WHEREAS, the women at highest risk are those who do not have access to regular screenings and treatment of pre-cancerous conditions. This is why we recently expanded the Illinois Breast and Cervical Cancer Program to include all uninsured women, making Illinois the first state in the nation to ensure that all women who need access to potentially life-saving cancer screenings and treatment can get it; and

WHEREAS, by working together and supporting events such as the Cervical Cancer Awareness Month, we can educate women about the importance of cervical cancer screening; and

WHEREAS, public and private organizations within the state of Illinois and local and state government agencies are encouraged to observe the month of January of 2008 as Cervical Cancer Awareness Month in Illinois, by emphasizing and supporting a public awareness program on the importance of women’s health issues, specifically, cervical health:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2008 as CERVICAL CANCER AWARENESS MONTH in Illinois, and encourage all citizens to join in the continued fight against this disease.

Issued by the Governor December 13, 2007.

Filed by the Secretary of State December 14, 2007.
2007-423
DR. BLONDEAN Y. DAVIS SUPERINTENDENT OF THE YEAR

WHEREAS, Dr. Blondean Davis has spent her life dedicated to the education and advancement of youth in the Chicago area; and
WHEREAS, Dr. Davis served as a teacher, counselor, assistant principal, principal, district superintendent, Deputy Chief Education Officer of Chicago Public Schools, and eventually assumed responsibility for the daily operation of over 600 Chicago schools; and
WHEREAS, since her appointment as Matteson School District 162 superintendent in 2002, Dr. Davis has realized her educational vision and guided the district with distinction and strong leadership; and
WHEREAS, as superintendent, Dr. Davis has markedly improved student achievement, improved standardized test scores by 45 percent, overseen significant capital improvements and expansions to match rising enrollment, and has implemented new technologies to tailor lessons to students’ individual needs; and
WHEREAS, due to her successes as superintendent, Dr. Blondean Davis was recently selected as the 2008 Illinois Superintendent of the Year by the Illinois Association of School Administrators:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim DR. BLONDEAN Y. DAVIS SUPERINTENDENT OF THE YEAR, and I wish her continued success in the years to come.

Issued by the Governor December 13, 2007.
Filed by the Secretary of State December 14, 2007.

2007-422 (REVISED)
CERVICAL CANCER AWARENESS MONTH

WHEREAS, every year in the United States there are approximately 10,000 women diagnosed with and 3,700 women who die from cervical cancer; and
WHEREAS, in 2008, it is estimated that in Illinois 590 women will be diagnosed with and 210 women will die from cervical cancer; and
WHEREAS, most deaths from the disease could be avoided if women had regular checkups with the Pap test. Early detection
significantly increases chances of survival. In fact, if detected early, cervical cancer is nearly 100 percent curable; and

WHEREAS, that is why I recently expanded the Illinois Breast and Cervical Cancer Program, which made Illinois the first state in the nation to ensure that all women can get access to potentially life-saving cancer screenings and treatment; and

WHEREAS, at the same time, I also launched a Take Charge, Get Screened Campaign to aggressively reach out to women and urge them to take time to get the preventative screenings that could save their lives; and

WHEREAS, throughout January, public and private organizations and state and local governments all around the country will promote education about cervical cancer screenings, treatment and causes:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2008 as CERVICAL CANCER AWARENESS MONTH in Illinois to raise awareness about cervical cancer and to encourage all women to get tested regularly.

Issued by the Governor December 13, 2007.

Filed by the Secretary of State December 26, 2007.

2007-424
ENGINEER'S WEEK

WHEREAS, according to the Illinois Department of Financial and Professional Regulation, there are approximately 20,700 registered professional engineers and 2,300 registered structural engineers in Illinois; and

WHEREAS, engineers have used their scientific and technical knowledge and skills to provide the people of this state and across the nation with a wealth of innovations in all fields, including agriculture, transportation, construction and education; and

WHEREAS, engineers are vital to allowing our society to function efficiently, particularly in the areas of public safety, health, welfare, transportation, water, power, communications, structural and environmental engineering; and

WHEREAS, engineers face the major technological challenges of our time — from rebuilding towns devastated by natural disasters to
designing an information superhighway that will speed our country into the twenty-first century; and

WHEREAS, engineers are encouraging our young math and science students to realize the practical power of their knowledge; and

WHEREAS, we must depend upon the professional men and women in the field of engineering to find technological solutions to the problems we currently face, and those we might face in the future:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 17-23, 2008 as ENGINEERS WEEK in Illinois, and encourage all citizens to recognize and appreciate the countless benefits that engineers make to the state and to the country as a whole.

Issued by the Governor December 20, 2007.
Filed by the Secretary of State December 26, 2007.

2007-425
RADON ACTION MONTH

WHEREAS, radon is a colorless, odorless, tasteless, radioactive gas that is released from the decay of uranium in soil and can seep into homes and buildings up to dangerous levels; and

WHEREAS, the Surgeon General of the United States issued a national health advisory warning Americans that indoor radon is the second-leading cause of lung cancer in the country. Breathing radon over prolonged periods can pose a significant health risk. According to the United States Environmental Protection Agency, more than 21,000 lung cancer deaths every year are related to radon; and

WHEREAS, in just the State of Illinois, as many as 1,160 men and women are at risk of developing radon-related lung cancer every year. The health risks, however, are completely preventable; and

WHEREAS, radon can be detected with a simple test and fixed through well-established venting techniques. Since 2002, more than 50,000 measurements have been taken in our state, and homes that exceed the Environmental Protection Agency’s Radon Action Level of 4.0 pCi/L have been corrected; and

WHEREAS, the Illinois Radon Awareness Act will go into effect January 1, 2008 and requires sellers to provide anyone buying a home,
condominium or other residential property in Illinois with information about indoor radon exposure and its link to lung cancer; and

WHEREAS, it is also important that homes are tested for radon every two years. Consequently, the Illinois Emergency Management Agency and the American Lung Association of Illinois are partnering to provide radon information and guidance to families in our state about testing their homes regularly to find out how much radon they might be breathing; and

WHEREAS, in addition to the Emergency Management Agency and the American Lung Association, many organizations throughout the country will raise awareness about the health risks posed by radon during the month of January:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2008 as RADON ACTION MONTH in Illinois, and urge all the citizens of our state to test their homes for radon and reduce their risk of developing lung cancer by taking actions to lower radon levels in their homes when necessary.

Issued by the Governor December 20, 2007.
Filed by the Secretary of State December 26, 2007.

2007-426

SALVATION ARMY DAY

WHEREAS, in the spirit of the holiday season, the Salvation Army is partnering with the State of Illinois to sponsor the annual Keep Our Kids Warm and Safe campaign to collect donations of winter hats, scarves, gloves and coats for children around the state; and

WHEREAS, since the launch of the first Keep Our Kids Warm and Safe campaign in 2003, state agencies have competed to collect the most winter clothing; and

WHEREAS, this year state agencies will also compete with companies and individuals to collect the most goods, and all donations will get distributed among Salvation Army centers throughout Illinois; and

WHEREAS, the Salvation Army has served the people of Illinois since 1885 and helps more than 1 million people statewide each year, providing 4 million meals, more than 900,000 nights of shelter and a wide range of other critical social services for the less fortunate annually; and
WHEREAS, like all nonprofits, the Salvation Army is dependent on the public’s goodwill and support for their programs. The annual Christmas kettle campaign is one of their biggest fundraisers of the year:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 28, 2007 as SALVATION ARMY DAY in Illinois in recognition of the Salvation Army for all their terrific philanthropic activities, and to encourage everyone to make contributions to them this holiday season so they can continue lending their support to those in need all year long.

Issued by the Governor December 21, 2007.
Filed by the Secretary of State December 26, 2007.

2007-427
SPECIAL SESSION ON JANUARY 2, 2008

WHEREAS, the Regional Transportation Authority (RTA) is the financial oversight and regional planning body for the three public transit operators in northeastern Illinois: the Chicago Transit Authority (CTA), Metra commuter rail, and Pace suburban bus; and

WHEREAS, the RTA is an important public asset that, according to the RTA, generates an annual economic impact of more than $12 billion to the State of Illinois; and

WHEREAS, approximately two million riders per day use the CTA, Metra commuter rail, or Pace suburban bus; and

WHEREAS, strengthening Illinois’ transit system will enhance residents’ quality of life by reducing pollution as well as traffic congestion; and

WHEREAS, according to the CTA, revenues to support transit are not keeping up with increased maintenance, repair and transit costs potentially necessitating additional state funding; and

WHEREAS, the CTA asserts that without additional funding by January 20, 2008, it is prepared to raise cash fares as high as $3.25 for rail passengers who pay cash, cut 81 bus routes, and layoff 2,400 employees; and

WHEREAS, Metra officials have warned riders to expect fares to increase up to 30 % if additional funding is not received by the State of Illinois; and
WHEREAS, according to the RTA, without additional funding, Metra will face a $40 million deficit in 2008;

WHEREAS, although the Senate passed a bill that provides for approximately $200 million in interim relief for mass transit; that Bill has yet to be considered by the House; and, the Legislature has been unable to reach a funding solution that is acceptable to its membership; and

WHEREAS, the House of Representatives cancelled a previously scheduled session to address the asserted mass transit shortfall;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly, in duly constituted quorums capable of conducting business, in a special session to commence on January 2, 2008, at 5:00 p.m., to consider any and all funding options for the RTA, CTA, Metra, and Pace including but not limited to HB 4161 and/or SB 307 as amended.

Issued by the Governor December 26, 2007.
Filed by the Secretary of State December 26, 2007.

2007-428
JIM THOME DAY

WHEREAS, on January 12, 2008, Jim Thome of the Chicago White Sox will sponsor an annual benefit named after his mother Joyce, which raises much-needed funds for Children’s Hospital of Illinois and is one of the area’s premier fundraising events. Mr. Thome also sponsors an annual golf invitational benefit for them in the summer; and

WHEREAS, the largest pediatric hospital in Illinois outside of Chicago, Children’s Hospital cares for critically ill and injured children in over 60 counties. Mr. Thome has been working with them for the past 13 years, during which time his charitable events have brought in more than $1.7 million for the hospital’s services and programs; and

WHEREAS, in September of 2007, Mr. Thome made baseball history by hitting his 500th career home run off Los Angeles pitcher Dustin Moseley. Mr. Thome is only the 23rd major leaguer to reach that remarkable milestone; and

WHEREAS, Mr. Thome is also considered one of the most complete power hitters of the decade due to his ability to create extra base
hits, maintain a solid batting average for a power hitter (his career batting average is .281), and ability to get on base; and

WHEREAS, Mr. Thome’s community involvement and contribution to baseball over the years have earned him the respect and admiration of his fellow players and fans alike, as well as the communities that have benefited from his goodwill and generosity:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 12, 2008 as JIM THOME DAY in Illinois in honor and recognition of Mr. Thome, a true leader on and off the baseball field.

Issued by the Governor December 27, 2007.
Filed by the Secretary of State January 11, 2008.

2007-421 (REVISED)
CHICAGO BUSINESS OPPORTUNITY DAYS

WHEREAS, the 41st Annual Chicago Business Opportunity Fair (CBOF), which is of special interest to Illinois-based businesses, will be held April 14-16, 2008; and

WHEREAS, the fair will provide minority suppliers and purchasing personnel from major buying organizations the opportunity to meet and exchange information about mutual buying and selling needs; and

WHEREAS, Frederick H. Waddell, President and Chief Executive Officer, Northern Trust Corporation, will serve as Chairperson of the fair’s Planning Committee. Haves McNeal, President and CEO of Creative Printing Services, Inc. and Tanya Griffin, Manager of International Truck and Engine Corporation are Co-Chairs; and

WHEREAS, the 41st Anniversary of the Chicago Business Opportunity Fair assists in advancing the year-round efforts of the Chicago Minority Business Development Council, Inc. an organization devoted to stimulating minority business development and purchasing in Chicago and throughout the State of Illinois; and

WHEREAS, Mike Anguiano, Chief Executive Officer, CVM Solutions, based in Oak Brook, is the Chairman of the CBOF kick-off Minority Business Enterprise Input Committee (MBEIC) Awards Luncheon on April 14, 2008. This event will recognize the MBE’s
corporate and government buyers and organizations that have shown exceptional commitment to business development:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 14-16, 2008 as CHICAGO BUSINESS OPPORTUNITY DAYS in Illinois in recognition of the 41st anniversary of the Chicago Business Opportunity Fair.

Issued by the Governor December 12, 2007.

Filed by the Secretary of State January 25, 2008.
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I, Jesse White, Secretary of State of the State of Illinois, do hereby certify that the foregoing Public Acts and Joint Resolutions of the Ninety-Fifth General Assembly of the State of Illinois and the Executive Orders and Proclamations of the Governor, are true and correct copies of the originals now on file in the office of the Secretary of State.

IN WITNESS WHEREOF, I hereto set my hand and affix the Great Seal of the State of Illinois, at the city of Springfield, this 18th day of April 2008.

(SEAL)

JESSE WHITE
Secretary of State